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SENATE—*Wednesday, February 5, 1997*

The Senate met at 11 a.m., and was called to order by the Honorable SUSAN M. COLLINS, a Senator from the State of Maine.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Spirit of the living God, we confess the banked fires of faith in the hearths of our hearts. White ash often covers the burned-down embers. The danger of burnout is always present when we become so busy that there is little time to be refueled by Your love and power, Your wisdom and strength. You never meant for us to make it on our own. Our responsibilities are too great to face without a constant replenishment of Your inspiration. Bellow the flickering embers of our hearts until they are white hot again with the fire of patriotism, vision and hope, conviction and courage. Holy Spirit, we need You. Thank You for setting us ablaze with Your fire. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 5, 1997.

To the Senate:

Under the provisions of rule 1, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SUSAN M. COLLINS, a Senator from the State of Maine, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Ms. COLLINS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. NICKLES. Madam President, I thank you.

SCHEDULE

Mr. NICKLES. Today, the Senate will begin a period of morning business until 3 p.m. this afternoon. At 3 p.m., the Senate will begin consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget. By unanimous consent, during today's session no amendments will be in order to Senate Joint Resolution 1. Senators, hopefully, will make their opening statements throughout the day, and I encourage all Members to make remarks today so that on Thursday we will be prepared to make progress on this important constitutional amendment.

For the remainder of the week, it is still possible the Senate will consider any of the available nominations that have been or will be reported from committee. As always, Senators will be notified of any rollcall votes as they are scheduled.

I might mention that it is anticipated no votes will occur today, but that has not been totally decided. So with that, I thank my colleagues and I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senator from Maine [Ms. COLLINS], is recognized to speak for up to 30 minutes.

Ms. COLLINS. Thank you, Mr. President.

REPRESENTING THE PEOPLE OF MAINE

Ms. COLLINS. Mr. President, it is with great pride that I rise to address my colleagues for the first time from the floor of the U.S. Senate, the world's greatest deliberative body. I am honored to be standing where once stood Senator Margaret Chase Smith, who was such an inspiration to me as a young girl growing up in Caribou, ME.

In all of history, only 26 women have served in the Senate, only 15 of us elected in our own right. I am especially proud that my home State is the first to send two Republican women to serve in the Senate at the same time. And I am very pleased to be sharing that honor with my colleague, Senator OLYMPIA SNOWE.

During my youth, the people of Maine were fortunate to have an inspiring example of a woman who stood tall for her principles and for her State. As a Senator from 1949 to 1972, Margaret Chase Smith taught us that women could reach the highest levels of government and that hard work, common sense, and integrity are rewarded.

Equally important, Senator Smith taught us how to govern. She recognized it is only through civil discourse and a spirit of cooperation that the people's business gets done. And she showed us all, through her deeds as well as her words, that there is a difference between the principle of compromise and the compromise of principle. Compromising one's principles is wrong. Compromising on how to achieve those principles is the essence of a healthy democracy.

Each of us is called to serve, and the different ways in which we are called form the fabric of this great Nation. Some are called to heal and become doctors and nurses. Others are called to impart wisdom to the next generation and become teachers. Others are called to work in the businesses, large and small, that provide the products and services that enrich our daily lives. Still others are called to be the entrepreneurs who create the jobs that keep this country at the forefront of the world's economy.

With a father, grandfather, great-grandfather, and great-great-grandfather who all served in the Maine Legislature, I heard the call to public service at an early age. And that call was not limited to the men in my family, as my mother served as head of the local school board, as mayor of Caribou, and as the chair of the board of trustees of Maine's State university system. With my family background, no greater honor could be bestowed upon me than to represent the people of Maine in the U.S. Senate.

In undertaking my duties as Senator, Mr. President, I come to Washington not as an enemy of government but as one committed to improving it. We

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

need a vigorous debate in this country about the role of government, a reassessment of what it can and cannot do. There are some problems that only the Federal Government has the resources and the authority to address, but many times the answers are found not in Washington but in our neighborhoods, our communities, our States, and ultimately in ourselves.

If there is one change in government on which we should all be able to agree, it is that we need to start to be more forthright with the American people about the difficult challenges facing us. A well-known Maine business sells hunting boots, and if you buy a pair of them you can be confident they will withstand the test of time. Take them apart and you will understand why. They contain no bells or whistles. If our Federal budget were as honestly constructed as a pair of Maine boots, future taxpayers could sleep as well as Maine woodsmen.

In assessing the role of government, we must never forget that the great advances we have made over the years can ultimately be traced to the energy and creativity of our citizens. Indeed, perhaps the most profound change in political thought around the globe during the past two decades has been the recognition that there is usually a correlation between less government and more progress.

Government must foster the energy and creativity of our private sector. As Winston Churchill once said, "Some see private enterprise as a predatory target to be shot, others as a cow to be milked, but few see it as a sturdy horse pulling the wagon." I do see private enterprise as that sturdy horse, and in that wagon which it is pulling are the jobs that are so critical to all of our constituents.

Wherever I travel in Maine, the primary concern of the people is jobs. In the past, they were worried about whether jobs would be there for their children and their grandchildren. Today, they are worried about their own jobs as well—some about getting jobs and many more about keeping the ones that they have. We live in the midst of an exciting and dynamic technological revolution, but it is accompanied by widespread anxiety about our futures. One need only visit with former millworkers in Millinocket or Biddeford, ME, to understand that fear.

To respond to the concerns of our citizens, Government policies must promote job creation and retention, and the starting point is small business. In my State, it is the 30,000 small businesses that provide most of the new employment opportunities, and it is small businesses that will account for two-thirds of the new jobs in the next decade.

Even though small businesses provide the spark that ignites many of the new ideas that benefit us all, Government policies often serve to inhibit rather than foster these enterprises. A glaring example is the onerous estate tax that deters families from passing on a successful business from one generation to the next. An owner of such a business in Maine once told me that he made the painful decision to sell his family business to a large out-of-State corporation rather than leave it to his children and force them to assume a large debt to pay the Federal estate tax. He was forced to abandon what he and his father before him had spent their lives building. Making matters worse, the new corporate owner consolidated its administrative operations out of State, costing Maine more than 50 good jobs. That is wrong. That is the kind of policy we must change.

If excessive taxes cause the downfall of some enterprises, others are done in by unreasonable regulations. This occurred in Lubec, ME, located in one of the most beautiful but also one of the poorest parts of my State. During my Senate campaign, I toured the empty shell of the McCurdy Fish Co., a family owned business that had operated in Lubec for more than 90 years, providing 20 good, much-needed jobs to this area. It was closed down by new Federal regulations with which it simply could not afford to comply. Adding insult to injury, just across the border the company's Canadian competitor continued processing fish in the same manner as had the Lubec company and exported its product into the United States, free from these expensive regulations.

Mr. President, another essential step to promoting an economic climate that creates jobs is balancing the Federal budget. It has been estimated that a balanced budget would reduce interest rates by more than 1 percent, a strong stimulus for growth and employment.

To ensure long-term prosperity, we must learn to live within our means. Not since 1969 has this Nation seen a balanced budget. More than 25 years of skyrocketing spending and an unwillingness to make sacrifices have ballooned our debt to more than $5.2 trillion. We must act now or leave a legacy of crushing debt to the next generation. At the rate we are going, we may cross that bridge to the 21st century, only to arrive in a land of unkept promises and unpaid bills.

To avoid this fate, one of my top priorities will be to pass a balanced budget amendment to the Constitution. History shows that it will take a constitutional requirement for Congress to embrace fiscal responsibility as a permanent obligation rather than as a passing fad.

Fiscal responsibility also means Medicare and Social Security must be placed on a sound financial footing. Only through effective action on these fronts will we be able to keep our promises to our seniors without bankrupting our children.

A third key to jobs is quality education. The fruits of the new age in which we live will be shared by most of our citizens only if the doors of opportunity are open wide. Contrary to what some would have you believe, we do not face a choice between the greed of a few and the well-being of the many. Rather, we need policies that will ensure that when an entrepreneur drops the stone of innovation into the technological pool, the benefits ripple throughout society. Government cannot and should not assure equality of outcomes. But without equality of opportunity, the American dream is unfairly denied.

The reality of today's workplace is that 85 percent of the new jobs will require some sort of post-secondary education, whether that be a community college, a technical or vocational education, or a bachelor's degree and beyond. We must do what we can to open the doors to a post-secondary education for anyone who wants it, and to ensure that cost is not the barrier that separates those who pursue higher education from those who do not. Increasingly, we are finding that the growing gap between the rich and the poor in this Nation is an education gap.

A final element in achieving broad-based participation in the new American-led industrial and technological revolution is fair trade. The primary victims of unfair trading practices are workers, particularly those with the fewest skills and the least education. Let me be clear: I am a strong advocate of free trade, but we cannot sustain majority support for that policy unless we take a strong stand against unfair practices.

While mine is a message of jobs and opportunity, I know that there are those who, through no fault of their own, are unable to get by without help from their government. Hubert Humphrey once said, "the moral test of a government is how * * * [it] * * * treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy and the handicapped." As we go about the difficult task of balancing the budget, of choosing among many worthwhile programs, we must take care not to leave behind those who truly need our help.

Those are the principles upon which my vision of the future of America is based. And I bring one other principle to this body, one which will guide me more than any other as I embark upon this exciting journey, and that is a steadfast commitment to the people of Maine. Whether it is fighting for Maine's fair share of Federal contracts, urging a business to expand and create jobs in our State, or helping a constituent navigate the bureaucratic maze in order to receive veterans' benefits, it will be service to the people of my State that will be my highest priority as Maine's newest Senator.

Just 1 year ago, I stood in Bangor, ME, with my family and my friends at my side, and announced my intention to seek a seat in the U.S. Senate. I told the people of Maine then that I would represent them with dignity and determination, with energy and enthusiasm. My approach will be simple and straightforward: I will listen to all points of view, I will engage in constructive dialog with my colleagues, I will compromise when compromise is warranted, but, after all is said and done, I will fight for those changes that will make the Federal Government better able to serve the people of Maine.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The acting majority leader.

Mr. NICKLES. Mr. President, I wish to compliment Senator COLLINS for an outstanding maiden speech, her first speech on the Senate floor. I think the speech speaks very well for itself and for Senator COLLINS. I think it also speaks very well for the State of Maine, in showing excellent taste, making an excellent decision in electing Senator COLLINS. I look forward to working with her and joining with her and with Senator SNOWE and following the tradition of Senator Margaret Chase Smith, who was one of the pioneers in the Senate.

I wish to compliment the Senator from Maine for an outstanding speech. Several of the things which she mentioned in her speech we have very high on our agenda. Senator COLLINS mentioned that she wanted to pass a constitutional amendment to balance the budget. We are going to be discussing that today, and hopefully we will be voting on that very soon, certainly by the end of this month.

Hopefully, we will pass it. I might mention, Senator COLLINS' election may well be the deciding vote in making that happen, because in the last Congress, we failed by one vote. So, again, every election is important.

I compliment the Senator from Maine for an outstanding speech and reassure her that I share many of her objectives. She mentioned reducing the inheritance tax to help small business. I couldn't agree more.

I compliment her on an outstanding speech and compliment the people of Maine for sending two outstanding Senators to serve and join us in the U.S. Senate.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, what is the regular order? Are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business, and the Senator is recognized for 5 minutes.

EDUCATION

Mr. GREGG. Mr. President, I rise today to speak a little bit about the issue of education, which was raised so aggressively by the President in his State of the Union Address last night. I congratulate him, once again, for focusing the country's attention on this critical concern. It is something that we, as a nation, have focused our energies on ever since we began, and many could argue that one of the really unique miracles of American society has been our educational system.

With each generation, we have asked ourselves, is our system working well, is it working right, is it producing individuals who are trained and capable of participating in the issues which their generation will face? In many instances, the answer has regrettably come back, no, maybe we aren't or we are not doing quite enough.

I, for example, remember that in 1980, we had the report of "A Nation at Risk," and that report identified as a country, because of our educational failings, we were falling behind, falling behind our sister nations in the industrial world in the area of educating our students and their capacity to compete, especially in areas such as science and math. So a major initiative was undertaken as a result of that.

Then when I was Governor of New Hampshire back in 1988, President Bush had just been elected, and he proclaimed that he would be the education President and gathered, for the first time, I believe—maybe it was the second time in history—all the Governors in one location for the purpose of taking on a one-item agenda. That was in Charlottesville, VA, and the issue was education.

At that time, Governor Clinton from Arkansas was, I believe, the chairman of the Governors conference and played a major role in identifying five major policies which would be the goals to get us to the year 2000 to improve our educational system.

One of those policies involved being a leader in the world by the year 2000, I believe it was—it might have been earlier—in the area of math and science education.

Now we have President Clinton coming forward and saying, again, and accurately so, that our educational system is not accomplishing what we need as a nation. It is not educating our children to the level that is necessary for us, as a nation, to compete. And so we revisit the issue.

The question is, how do we revisit the issue? Do we learn from our mistakes of the past, or do we simply go forward with another new set of initiatives which may or may not accomplish our goals or may not accomplish more than what was accomplished in the last efforts. This is what I want to discuss, because I think the President, for all his energy and his enthusiasm and his rightly directed purpose, which is to improve education, has, to some degree, missed the point.

There are a lot of issues of education, but there are parts of education which work well, and one of the core parts of education that works well is the ability to keep the control over education at the local level. The essence of quality education, the formula for quality education is not a formula which says dollars equal better education. It is a formula that has variables in it, including dollars, including teachers, including principals, including school boards. But that formula doesn't necessarily have as a major function in it—we are talking now about secondary and elementary education—the Federal Government deciding the purposes, the roles, the curriculums of education. Rather, the essence of that formula is that the local community, the teachers, the parents, the principals, the school boards collaborate to produce quality education.

So the Federal role in education is narrow, because there could be nothing more disruptive or, in my opinion, nothing that would undermine education more fundamentally than to move the decision process out of the hands of the parents, out of the hands of the teachers, out of the hands of the principals to Washington. We would end up with a bureaucratic structure which would not respond to the needs of better education.

No, the Federal role is narrow. It should be focused, focused on places where it can make an impact, and that is what we tried to do or attempted to do. Sometimes we tried to go beyond that. Basically, that is what we tried to do. The Federal role has been, for example, in postsecondary education. The Federal role is significant, important, and appropriate in assisting students in being able to move on past their high school years to higher education, and the President's initiatives in this area are something that we want to look at because they could be a valuable addition.

The Federal role in the secondary school level has been really limited and focused to a couple of specific areas where we felt the Federal Government could play a major part—chapter 1, Head Start, and special needs students.

But now the President comes forward and lays out a whole brandnew set of initiatives, new spending programs, $43 billion in new programmatic activity, not pursuing programs that are on the books, but setting off on brandnew programs, and you have to ask yourself:

First, how many of those programs are appropriate to the Federal Government and, second, and even more important, is that the best use of those dollars, because there is something that is missing here.

At the local school level, the Federal Government has said you must educate the special needs child under Public Law 94-142. This was an excellent decision, that we require that the special needs child would be able to be educated in the least restrictive, most mainstreamed environment, and it has worked well. But when we passed that law, the Federal Government also said that we were going to be a partner in that education; that we, the Federal Government, because we were insisting that the local government undertake this role in the elementary and secondary schools, that we, the Federal Government, would pay for 40 percent of the cost of special education in this country. Today, the Federal Government doesn't pay for 40 percent of the cost of special education, it pays for approximately 6 percent, and the impact on the local school systems of the Federal Government not stepping forward and doing what it said it would do to assist in educating special needs students has been dramatic.

We have seen a shift in resources at the local level which has been arbitrarily created because of the Federal Government's failure to live up to its responsibility.

In the local schools in my State, for example, the local property taxpayer bears the burden of education primarily, and this is true throughout New England to a large degree, and many other States, I am sure. What happens is that because the Federal Government is unwilling to pay the 40 percent it said it would pay for a special needs student, the local property taxpayer has to pick up that 40 percent, or the difference between what the Federal Government is paying and what it said it would pay, which is about 34 percent.

That has meant that resources which might have been used for the average student, maybe to have an extra art class or an extra language class or an extra math class, or might have been used for the athletic program or for the cultural programs in the school system or might have simply been left with the local property taxpayers so that they could meet their mortgage payments more easily or their car payments more easily, that money is going to educate the special-needs student.

What we have created is a conflict, an inappropriate, unfair conflict, especially to the special-needs student, because what has happened is that in many communities where you have children who need special assistance, that special assistance is extremely expensive, and the parents of the students who are not special-needs students look at the parents of the students who are special-needs students and say, "Why is your son or daughter getting $10,000, $20,000, $30,000 spent on their education annually when my son or daughter is only having $3,000 or $4,000 or $5,000 spent on him or her?" "It's just not fair," they are saying.

So you have this conflict. And it is not right. There is no reason why that special-needs student should be separated out and find that they are looked upon in a jaundiced way by the community, by the other parents, and parents conflicting with parents, the school board conflicting with parents.

The only reason it is occurring is because the Federal Government has failed to live up to its obligations on this special education. We said we would pay 40 percent of the cost of special education, and instead we are paying 6 percent. That has created this conflict at the local level, which has placed the special needs student in a really unfair and inappropriate position.

You have to ask yourself, why do we do this? Why does the Federal Government do this? Well, it is called an unfunded mandate.

The first act of the Republican Congress 2 years ago was to pass a bill, which I helped author but which was really energized and driven by the Senator from Idaho, Senator KEMPTHORNE, which said we will not pass unfunded mandates any longer. Unfortunately, this one is already on the books. It is the largest unfunded mandate in the education arena; maybe outside of a couple of environmental unfunded mandates, the largest unfunded mandate in the country. It has had this really perverse effect, both of the tax burden on the local communities and the States, but, more importantly, the relationship between the students in a school system. And it is not right.

What we have said is we are going to correct this. We said it in the unfunded mandate language that we passed. More recently we made a commitment, as a Republican Senate anyway, to try to redress this. As we closed out the last budget year, we passed the omnibus appropriations bill. In that appropriations bill, at my suggestion, but with Senator LOTT's leadership, we put in $780 million more into special education over what had originally been planned. It does not get us up to 40 percent. Maybe it got us up to 7 percent from 6 percent or 8 percent from 6 percent, but it was a downpayment. For example, in New Hampshire an extra $3.5 million coming to special needs kids toward the Federal obligation. So we showed we were serious, as a Republican Congress.

Then to confirm and dot the "i" and cross the "t" and put the exclamation point in, we have introduced Senate bill 1. Senate bill 1 says that we, as a Republican Senate, commit ourselves to getting to full funding of the special education accounts in a 7-year period on a ramped-up basis, which means that this year we need to add additional moneys in the special education accounts.

Why does this all relate to the President's speech? It relates to the President's speech for this one very obvious reason. The President has proposed $43 billion in new spending on education. We have not yet seen his budget to know where he is going to get this money. We do not know what accounts he is going to take the $43 billion from. We have heard him say he is going to do this in the context of reaching a balanced budget by the year 2002, which is our goal and our purpose.

Taking that at face value, that he is going to have legitimate accounting mechanisms and have made hard decisions for the purposes of generating these dollars, it means that a large amount of new dollars is being reallocated from some other accounts into the education accounts.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. I ask unanimous consent for an additional 3 minutes, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. That means the President is saying, let us spend another $43 billion in education, new dollars on new programs. Well, how can he say that when we are not paying what we have already got on the books? That is the point.

How can we go out and put on the books new programs for building construction, which clearly is not a Federal role to begin with, new programs for a variety of different initiatives in education which may be only marginally in the role of the Federal Government, brand new programs, when we are not paying the cost of special education, when we are pitting the special-education students and their parents against the average students and parents in a school system, when we have created this horrendous situation in the local communities where the local school dollars are being drained off to pay for a Federal obligation because the Federal Government is not willing to step up to the bar and make its payment?

It is wrong. What we have done is wrong. Yet now we have the President suggesting a whole new group of expenditures in education.

I suggest, before we step down this road of new education initiatives, before we start building schools for school districts—something that is clearly not a Federal role—that we pay for what is a Federal role, and that we relieve this problem, and that we take out from over the head of the special-needs students the cloud that the Federal Government has failed to pay its fair share.

So I am just putting the Senate on record that I am going to work with the Senate leadership and other Senators who I know feel this way—and there are a lot of us here who feel this way because S. 1 is a consensus bill amongst Republican Senators—to make sure that, before we begin any new education initiatives, we fund the one we have on the books, we fund the special-needs program, and we fund it appropriately.

So every amendment, every proposal that comes to this floor for a new education initiative will have with it, I assure you, an amendment which will say, special ed is our first obligation, the special-needs child is our first obligation. Let us look to that before we start a new program. Let us fulfill our obligations, before we start a new program, to the special-needs students and to the local taxpayer.

Mr. President, thank you for your courtesy and for the extra time. I yield back my time.

The PRESIDING OFFICER. Thank you.

Under the previous order, the Senator from Wyoming, [Mr. THOMAS] or his designee, is recognized to speak for up to 60 minutes.

Mr. THOMAS. Thank you, Mr. President. Let me assure you that I do not intend to talk for 60 minutes. However, we do intend to use some time as a special order today and will be doing this over a period of time to talk about issues that are important, I think, to the American people and that are important to this Congress, the issues that we now begin to deal with.

THE BUDGET

Mr. THOMAS. We are going to talk about the budget—not a new idea, but, I suspect, the most important issue that we have to talk about, because everything else, everything else that is discussed here, everything else that is decided here will be a function of doing something with the budget.

The Senator from New Hampshire, who just finished, talked about education and special education, which happens to be something that I am very interested in, but it is budgetary; it has to do with the budget.

The budget has to do with more than just arithmetic, more than just a balance sheet; it has to do with priorities, it has to do with fiscal responsibility for our kids, and our grandkids, it has to do with deciding what our direction will be in this country in terms of the Federal Government.

So, Mr. President, we want to talk about that this morning. I will be joined by several of my associates in the freshman and sophomore class who have come together to put a focus on events, and particularly a focus to try to talk about how what we do here with regard to the budget in this instance has to do with where we live, has to do with you and me in terms of our families, has to do with how we have the resources to send our kids to school and pay our bills. There is a direct relationship.

So let me yield 10 minutes to my friend, the new Senator from Arkansas, Senator HUTCHINSON.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. I thank the Senator. Mr. President, I rise today to voice my support for the balanced budget amendment to the U.S. Constitution, Senate Joint Resolution 1. I speak not only for myself, but I think I speak for thousands and thousands of Arkansas voters and their families who sent me to Washington with a primary goal of balancing the Federal budget and getting our books in order.

Arkansans, like most Americans, are hard-working, decent people with jobs and families facing constant pressure to make ends meet. Gathered around the kitchen table, these families, like so many others, pay their bills, attempt to budget for future expenses, and say no to the things they cannot afford. They act responsibly. Also, they act with the fear that a prolonged illness or unexpected job loss could push them over the edge, robbing them of financial security and destroying everything that they have worked for and saved. America's families have been forced to live within these limits. My question to the U.S. Senate is, can we ask any less of the Federal Government?

My colleagues, we carry a heavy burden. That burden is both the annual deficit that we caused and the debt that we have created. As of February 3 of this year, our national debt stood at over $5 trillion. Whenever I hear these numbers I have to ask myself, what does that number mean, what does it mean to me, or better yet, how can we visualize numbers of this magnitude? Author David Schwartz has written a book entitled "How Much Is a Million?" It is a book to help parents explain large numbers to their children. Maybe it will help us as well. One of his examples says, "If a billion kids were to stand on each other to make a human tower, they would stand up past the moon. * * * If you stood a trillion kids on top of each other, they would pass beyond Mars and Jupiter * * * and almost as far as Saturn's rings." In another case he says, "If you wanted to count from one to one trillion * * * it would take you about 200,000 years."

Let me take a moment to put this kind of massive debt into perspective for those slightly older: $5 trillion of debt translates into over $19,000 for every man, every woman, and every child in America. That is practically equal to having an additional midsized car payment without having a vehicle. The debt of an average family is more than $72,000. That could be the equivalent of owning a second residence without being able to stay there. For a family or person who owns a home, it amounts to an additional $37,000 on average tacked on to their mortgage, without raising the value of their home. For many young adults who are taking advantage of student loans to obtain a better education, the national debt can ring up $2,200 in additional costs on that loan. This significantly impacts the paycheck of the recent young college graduate who must make larger than anticipated loan payments at an entry-level salary. For those persons trying to afford a new car, the national debt means the price of that car will go up another $1,000.

At the conclusion of 1 hour of debate, the 60 minutes that Senator THOMAS has reserved, 1 hour of debate on this resolution, our country will owe roughly $29 million more than it did when we started the debate.

Last night, the President advocated that we change the Constitution to protect victims rights, but he rejected and condemned the notion that we should amend the Constitution to ensure that our Government lives within its means. As if we were rewriting the Constitution to ensure a balanced budget, saying that is not a requirement, we should not do that. We have the authority; all we have to have is the discipline. I will sign it; you pass it. And yet in the same speech advocating that we change the Constitution to protect victims rights.

There are those who have said that a balanced budget amendment would wreck the economy. Well, business probably more than any other part of our economy has felt the effects of our huge national debt. Government has siphoned billions of dollars in investment capital, which, in turn, restricts our economy from reaching a higher growth potential. Deficits make businesses compete with Government for money, causing interest rates to be higher than they should be. With interest rates higher than necessary and private capital formation being stifled, it is quite possible to foresee lower living standards in the future, even in this time of slow growth we have experienced.

National growth rates of 2 to 3 percent simply are inadequate for America. Balancing the budget can mean an additional $88.2 billion of capital investment in the first 7 years that we have a balanced budget. The less money being taken by Government, the more money that is available for economic development and job growth. Even more important, we have seen evidence that our debt and annual deficits have restrained the ability to make a better life for all of us.

The Federal Reserve Bank of New York reported that deficits have kept our standard of living down by 5 percent. However, if we decide to make the choice to balance the budget by the year 2001, the General Accounting Office has stated it would lead to a 35-percent increase in the standard of living. Just think what that would mean in spending power to middle-class Americans. A balanced budget amendment will propel Congress to do what legislative remedies, with such words as "firewalls," "spending ceilings," and "lock boxes," what all of those statutory techniques have failed to accomplish since 1968. This measure will give the impetus to set goals and make priorities without budget gimmicks which have characterized the process over the last 30 years. It will make the budget process look more like what happens with our families than the current situation.

For most of the history of our country, the budget was balanced. Permanent deficits were viewed as intolerable. Permanent deficits were viewed as something that was wrong. Chronic deficits were unacceptable not because of the constitutional prohibition, but because of a deeply embedded moral belief that permanent deficits were simply wrong, a principle held by politicians and the general public alike. With the creation of entitlement programs in the 1960's, the proclivity of politicians to expand these popular and expensive entitlement programs have gone virtually unchecked. The intolerable increase in spending has had the inevitable result of persistent deficits and an ever expanding national debt.

James Buchanan, a professor of economics at George Mason who testified in 1995 before the Senate Judiciary Committee, said, "The immorality of the intergenerational transfer that deficit financing represents cries out for correction." He is so right. He calls it the "immorality of the intergenerational transfer of deficit spending." What he calls the "immorality of intergeneration transfer" is nothing less than one generation stealing from another generation. The fundamental moral code of our Judeo-Christian tradition says "thou shall not steal." That sets the standard. Every time we as a Government spend one dollar that we do not have, we are stealing from our children.

From the establishment of the Republic, our Founders saw public debt not only as immoral but as the principal threat to the survival of our representative democracy. James Madison said, "I go on the principle that a public debt is a public curse and in a republican government, a greater curse than any other." George Washington, in his farewell address, called the accumulation of debt "ngenerously throwing upon posterity the burden of which we ourselves ought to bear."

Indeed, the War of Independence was fought over the principle of taxation without representation. The Founders also knew that deficit spending would impose exorbitant tax rates on coming generations to pay for the debt accumulated by our own conspicuous consumption.

My colleagues, this is the ultimate taxation without representation. When we immorally steal from our children, from our grandchildren, ensuring that they are going to face ever increasing levels of taxation without the right to have any say about it today, Mr. President, the time has come for us to stop stealing from our children and stop the chronic deficit spending by the adoption of a balanced budget amendment to the Constitution, sending it to the States for ratification. We must do it now.

I thank Senator THOMAS for yielding.

(Disturbance in the visitors' galleries.)

The PRESIDING OFFICER. The gallery is reminded not to display expression of approval or disapproval.

Mr. THOMAS. Mr. President, I thank the Senator from Arkansas.

It seems to me that is a very important aspect of this business of balancing the budget. It is not only a mechanical matter, it is not only a fiscal matter, it is a moral matter, and whether or not we have the responsibility to balance the budget and pass on to our kids something that is as good as we had.

Certainly the economics of it are very important, the economics in terms of the amount of interest we pay and all those things.

But it is a moral imperative that we be responsible for what we are doing. If we are going to buy it, we have to pay for it. That is a great concept. I thank the Senator from Arkansas.

Let me now yield 10 minutes to the Senator from Ohio, Senator DEWINE.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I thank my colleague and friend from Wyoming.

I rise today also to support the balanced budget amendment to the Constitution. There is no doubt about the need for a balanced budget. We all agree on the huge benefits that will accrue to America if we put our fiscal house in order.

To begin with, it would stave off a horrible catastrophe. Mr. President, if we do not establish a balanced budget and if we choose instead to continue on our present course, by the year 2012, the whole budget is going to be eaten up by entitlements and by interest on the national debt. There will be absolutely no money in the domestic discretionary budget for investment in the future of our children—no money, zero. No money for Pell grants, no money for student loans, no money for National Institutes of Health research, none of the things that really are an investment in our children, our grandchildren, and our great grandchildren. This alone is good enough reason to balance the budget—to avoid a social and fiscal disaster.

Mr. President, there will also be a huge positive benefit from a balanced budget. According to the latest estimates from the Congressional Budget Office, a permanently balanced budget could make our country 25 percent richer by the year 2030. That is outstanding news. That's why so many Americans are very happy to see the signals coming out of the budget process that we may be getting close to an agreement on a balanced budget. That would mean a better future for America. It's that simple. We all agree on this.

But the question we have to ask ourselves now is: Do we need to write this practice of budget balancing into the Constitution of the United States? Some might contend that our recent success at reducing the deficit proves that a constitutional amendment is unnecessary. Some may say and may tell us that if it's not broken, we don't need to fix it.

Mr. President, that may seem to make sense on the surface, but that argument flies in the face of history. It doesn't make sense when we consider the fact that it has taken the Congress 27 years to make the limited progress we are seeing today—27 years. It took 27 years, Mr. President. The last time the Federal budget was balanced was in 1969. My wife Fran and I were graduating from Miami University in Ohio in 1969.

So of all the arguments against the constitutional amendment, the argument that it's easy enough to balance the budget is certainly one of the weakest. No, Mr. President, our decision on the balanced budget amendment has to be based on a much more fundamental criteria. Indeed, on a matter of conscience.

The question all of us have to ask ourselves is simply this: How important is a balanced budget? Does it rise to the level of a constitutional principle? In other words, is it a fundamental component of what we want to be as a nation? This is a question we all have to answer for ourselves, reflecting on our own deepest values, as well as those of the people who sent us here to make the decisions.

My decision is based on the America I want my children and my grandchildren to inherit a nation bound by its fundamental law to pay its bills on time, to avoid pulverizing future generations with a towering national debt; in simple terms, Mr. President, an America that says no longer are we going to borrow from our children and grandchildren so we can live better today.

In my view, Mr. President, that is as close to a bedrock principle as we can find in political life. I believe it must be in the Constitution. I believe history tells us that it has to be in the Constitution. That is why I believe, for my family, for the people of the State of Ohio and future generations, as well as the present generation, we must pass the constitutional amendment and send it out to the States.

Thank you, Mr. President. I yield the floor.

Mr. THOMAS. Mr. President, I thank the Senator from Ohio. You hear these arguments, and almost no one would disagree with the notion that we need to pay the bills. Few would argue with the idea that it is irresponsible for us to leave it for someone else to pay later. Yet, it has been 1969 since we have had a balanced budget. There is a legitimate argument to be addressed that we must be flexible if there is a war or a disaster. There has to be some movement, as there is in your family. But the fact is that we haven't done it. We have not done it. So we need to make some difference. You can't expect to change things if you continue to follow the same course. That is precisely what has gone on here.

So we have an opportunity now, for the first time in some time, to do what I think most people believe ought to be done. You might ask why are the freshmen and sophomores particularly doing this this morning, and doing it as a focus on issues throughout the year? I think it is because we are the ones who have most recently gone through the elections, who have most recently been to Greybull, WY, and small towns in Ohio. We know that people want to balance the budget. We know that the folks where we come from say, "Look, we have to be fiscally responsible, and our State has a balanced budget amendment. We have to do that stuff, and it works." Furthermore, we want some control of the growth in Federal Government. We don't want it to grow exponentially. We want it to be under control. Everyone in this place says, "Yes, I am for a balanced budget, but I don't want to do anything that would cause us to have to do that. I don't want any discipline applied." I think that is the issue that we are coming upon, the issue we will deal with. Do you want a balanced budget? Yes. How do we get there? Just do it. Well, that doesn't work, and it hasn't worked for some time.

So that's what it's all about and where we are. We are talking about a process to cause us to do the things that almost unanimously we would choose to do. Mr. President, I am glad to be joined by the Senator from Kansas to talk a bit about the balanced budget.

I yield 10 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Wyoming for recognizing me for this opportunity. This is my first opportunity to speak, as well, on the U.S. Senate floor. It is a tremendous honor, privilege, and responsibility to do so. I am delighted to be speaking on the U.S. Senate floor for the first time about balancing the budget and about the balanced budget amendment to the Constitution, which I feel is basically very important and critical for future generations. Now is the time for us to act and to address not just the financial health of our country, but also the freedom of our children and grandchildren, by passing the balanced budget constitutional amendment.

The U.S. Constitution is not only the foundation of our country, but also the standard bearer of our worth as a principled nation. The Constitution has guaranteed and defended the freedom of the American people. The balanced budget amendment is necessary to protect and defend that freedom for future generations.

But we must act now to preserve, protect, and defend the Constitution by giving it the strength it will need to continue protecting and defending the American people. The balanced budget constitutional amendment will protect our families, our children—my children, Abby, Andy, and Liz—and our future from the excesses of a government which, for much of this century, has shown its contempt for the integrity of our people by equivocations and false assurances. Deficit spending must stop, and the budget must be balanced. Right now, as I speak and as we have heard several speakers just before me speak on the U.S. Senate floor, our Federal debt is at an astounding $5.3 trillion, which means that every American—every man, woman, and child—in this country owes today over $19,000 per person. They can't just pay that off and say, "I am done with my share of the Federal debt." It keeps growing and growing. This is wrong. It is immoral and must stop.

Opponents of the balanced budget amendment will try, and have tried, to frame this debate in terms of fear. The Keynesian apostles will tell that you the economy will collapse in tough times. But the debate over the balanced budget constitutional amendment should not and must not be a debate framed in fear and falsehoods. It is really a debate about hope and about the future, and ultimately about the American dream.

That is why I believe that good Government is not sustained by the politics of cynicism and fear. Quite to the contrary, it is sustained rather by the honest desire of each individual to work for that which he believes to be right and just. The balanced budget is both right and just.

It is right because it means an end to the days of reckless Government spending when politicians made pork barrel promises that added too little to the public good and too much to the public debt.

The balanced budget amendment is just because it helps our families and protects our children by curbing the practice of tax and spend. It is just because it means an end to the hidden tax that our Government levies every year when it fails to balance its budget and pay down its debt.

It is a moral imperative, as some of my colleagues have spoken to, that we balance the budget and that we give ourselves the tools we need to balance the budget. How will future generations judge us if we have not the moral wherewithal to abolish the shameful practice of enslaving our children to the reckless desires of our bloated Federal Government? The system of burdening our children with the full cost of our present consumption is a great crime. We must not hesitate to bring it to an end.

One of the most insidious aspects of the budget deficit is that it amounts to a hidden tax on our income and on our children's future income. This hidden tax is felt by everyone who has taken out a loan to pay for school, buy a car, or purchase a home. Higher interest rates are the taxes levied by a government that has not the courage to live responsibly, or even honestly. By balancing the budget, we will pay down the debt and we will free future generations from the shackles of Government debt. But we will do much more than free future generations.

A balanced budget will draw down interest rates, spurring new investment decisions, and increasing our gross domestic product. Lower unemployment and higher productivity is not the empty promise of a campaign season, it is the real promise of a constitutional amendment to balance the budget.

Yet, the ivory tower has railed against the balanced budget constitutional amendment because it would mean the end to unlimited Government deficit spending. The effects of a balanced budget promise a brighter future not only for our children and grandchildren but for ourselves as well. By eliminating the hidden tax on our American families, a family could easily save over $1,500 per year. A balanced budget will produce that savings. Estimates by the Joint Economic Committee indicate that yearly savings on an $80,000 home mortgage would be over $1,200, and a student fresh out of school paying back a college loan would save about $180 per year because of the resultant lower interest rates. American families and children are already taxed too much. They are taxed to the max. They, more than anyone else, deserve a break.

The balanced budget amendment is right in principle and in practice. In fact, it was Jefferson in 1816 who acknowledged, "Public debt is the greatest of the dangers to be feared."

As I said frequently during my campaign for the U.S. Senate, which was just completed and which placed me in this body with the gracious will of the people of Kansas, I believe that we are each placed on this Earth for a reason and for a short season. I believe that the task of our generation is to renew the American culture and to restore responsible Government and the promise of the American dream to the people.

We must act now. And in this matter of balancing the budget, we must act now and pass the balanced budget amendment to the Constitution.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Wyoming.

Mr. THOMAS. I thank my friend from Kansas and welcome him in his initial visit to the floor. I am sure he will be back many times, and I hope that is the case.

Mr. President, we have now an opportunity. I am optimistic about it. We all heard the President's State of the Union Message last night. He listed a great many things that he is interested in. Certainly most of them are positive kinds of things that, in one way or another, we want to work with as well.

So we listened to the President. We listened to the voters. We listened to the American people. And now we are ready to work on some solutions toward really all of America.

There is a plan soon for the congressional leadership to visit with the President, to sit down and talk about a number of things. Balancing the budget is one. Improving education, certainly, to move more and more education toward local communities and parental involvement; to provide some permanent tax relief so that we can increase investments, so that we can increase jobs, and so that we can increase the ability of families to prepare for themselves. Much of that is affected by what we do. What we do about interest rates that have a direct impact on the budget has much to do with what we do with this debt, a debt of $5.5 trillion, the interest upon which will become, if not this year, soon, the largest single line-item in the budget—$275 billion in interest, none of which is used for education, none of which is used to fight drugs, and none of which is used for investment—interest on the debt that we accumulate.

Mr. President, I am excited that the President of the United States said to us last year that the "era of big Government is over." He said that the Government is not the answer to everything, that we need to be responsible, that we need to be responsible to ourselves as individuals and citizens. Certainly, that is true. We need to be responsible as a Government, and we need to be responsible as people who have been sent here to deal with the budget—about physical matters.

So that is what we are dealing with, two things: One is balancing the budget and being responsible; and then having the ability, which we have not had for 28 or 29 years, of doing it, and how do we change things to cause that to happen? We believe that it is the balanced budget amendment to the Constitution, which provides, as it does in Wyoming, Mr. President—as you well know just coming from the legislature there—a requirement as a legislature and the Governor not to spend beyond its revenues. It works. Many other States have the same kind of thing.

So we have heard for some time from our voters and our constituents that they want smaller Government, a Government that is more efficient, and a budget that is balanced. We have heard from the President that he is ready for a smaller Government, that the era of big Government is over.

We will see his budget, I think, tomorrow, and that will be when the rubber really hits the road. It is not just talking about it, but doing it. We will be sharing that responsibility with the President to do that.

There will be all kinds of suggestions as to how a balanced budget ought to be changed. There will be some scare tactics saying it is going to ruin Social Security. If you want to protect Social Security, you need to balance the budget. I am one who believes that we ought to have a Social Security net for the elderly. I want to continue it. I do not want to see it run out. The same is true with Medicare. The best way to do that is to balance the budget. If we do not do that, we will not have money to do any of those kinds of things.

So we will hear a lot about it. We need a budget that is honest. We need one that is out there not one that is backloaded, where it looks good for a couple of years and all of a sudden for somebody else it is piled up at a very high rate. We need one that is honest and forthright. We do not need gimmicks. We do not need to move things from one place to another. We do not need to trigger it so that it takes over in a certain way. We do not need budgets that have tax relief in it for a little while and then they go away. We need some real honest budgeting so that everyone is confident in understanding that that is where we are.

I hope each of us remembers the impact it has on everyone at home. Interest rates could be lower. Debt for kids to go to school could be less. Borrowing on our homes, borrowing on our cars, these are all related. This is not an abstract thing that belongs in somebody's accounting book. This is not for accountants and CPA's only. They affect each of us where we live. Families pay $1,500 a year easily on mortgage payments. So these are the kinds of things that we are doing.

So I think all of my associates welcome the President's commitment to a balanced budget. We certainly look forward to his ideas and to how that budget will work as he releases it tomorrow. But most of all, I think we need to take the responsibility to make the changes that have to be made, and now is the time.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to proceed in morning business for as much time as I consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONSTITUTIONAL AMENDMENT TO BALANCE THE BUDGET

Mr. DORGAN. Mr. President, we have had ample discussion this morning about a wide range of public issues, discussion about the President's State of the Union Address, and a discussion about the agenda before the Congress. I wanted to comment on a bit of that, and then begin a discussion about the constitutional amendment to balance the budget, which the Senate will shortly take up.

First the general issues. I do not think there is a difference between folks who serve in this body on Government or the size of Government. I mean, I don't think there is a case where one side says, "We want bigger Government."

I don't want a bigger Government. I want a better country, and there are some circumstances under which the requirement for schools and roads and other things that we do together in Government are necessary. I want us to improve the things we do in Government. But there are things that are important for us to do together in Government.

Part of the agenda that we discuss, part of the reason for us being in a U.S. Senate, is to decide what to do together to make this a better country.

Provide for the common defense? Yes, we do that. We have a Defense Department. We created it, and we fund it. We ask men and women in uniform to go out and help preserve this country's liberty and put their lives on the line to do so. That is part of Government.

Roads, schools, research in health care at the National Institutes of Health, the Coast Guard, and so much more—we do those things together. We should do them well. We should make sure they contribute to a better country and achieve the goals and objectives that we have for those functions.

Some come to the floor and they say: Our objective is less Government, balance the budget, two or three other things, and that's all. My objective is this: I want better schools for our kids in this country, and we can do that and we should do that. And I want better paychecks for workers in this country.

That has always been the legacy of what we fight for, a country in which workers might expect that they will have more opportunity, more job security, more advancement, their children will have more income and better opportunity and better educations.

I believe we ought to have good health care in our country, and that does not come by accident. At the turn of the century you were expected to live to be age 48; 100 years later you are expected to live to nearly 78. Is that magic? No. Massive research in health care in this country has developed breathtaking new medicine, breathtaking new procedures so that those with cataracts now get surgery and see, those whose heart muscles get plugged now get open heart surgery and live, those with bad hips get their hips replaced and are out of the wheelchair and walk. Good health care.

We don't see people getting on airplanes, leaving America to find good health care elsewhere. Our health care system is the envy of the world. By accident? No. Wonderful men and women working in health care, and a substantial amount of research, especially Government sponsored research, have allowed these breathtaking breakthroughs to occur.

Safe streets? We want safe streets and safe neighbors. That deals with crime. That responds to police and security, the kinds of things that we also do in Government.

Restoration of values? Yes, that is of interest. Really, not so much Government, but we all ought to care about it and work together on it.

It starts in the home, the community, the neighborhood, the family. And a balanced budget? Absolutely. We ought not spend beyond our means.

So better schools, bigger paychecks for workers, good health care, safe streets, a sound defense, restoration of values, balancing the budget—all of these things are things that we think can make this a better country and we ought to work on together.

It is interesting to me that in the context of the balanced budget, we really also will have to talk about priorities. As we balance the budget—and we should—what are our priorities? What is important and what is not important? What do we invest in and what don't we invest in?

For instance, do we build the star wars program? Do we build a program that will cost well over $100 billion, a program that many say is not needed? Do we build that and then say we do not have enough money to expand the Head Start Program for early intervention for kids?

These questions are examples of the choices we must make. We must choose priorities that we want to develop. That is precisely what the Congress must be about: making choices, some of them very hard.

I want to make one point as I begin talking about the constitutional amendment to balance the budget. I am not someone who believes that we have made a lot of wrong choices in this country. I have heard people stand on this floor and talk about shame on the last 50 years in this country, shame on us, this country somehow has gone down the wrong road. What an awful place, we hear.

I tell you, this country remains the beacon of hope for the rest of the world. I traveled in six countries in November, and one of the refrains I heard everywhere I went was they would like to come to America. They like America. America is opportunity. America is freedom. America is still a beacon of hope.

We can dwell on the negative, and we have plenty of challenges and there are negatives, but look at the positives as well. This country is a remarkable country, with a remarkable economy and a market system that provides great jobs and great opportunity for a lot of people.

I agree with those who say there is no social program in this country—none—that is as important as a good job that pays well. There is no social program as important as a good job that pays well. And that's why our economy and the market system that we have had has performed so well and helped us create a country that grows and prospers.

As I said, we have lots of challenges, but part of why this has all happened is we have made a lot of right choices. We decided that we were going to have a substantial system of universal education for virtually anyone who wanted it. What happened?

What happened was we led the world in virtually every area of technology and achievement. Who stood people on the Moon? The United States of America. How did that happen? It happened because massive investments in education unleashed the potential, the technology, the understanding and the knowledge that allowed us first to fly and then to fly to the Moon. And that has been true in virtually every other area of our life. Yes, space, technology, walking on the Moon, but health care, and in virtually every other area as well.

We have made all kinds of decisions about what we do in all of these areas, and some of them have been great decisions. Let's have a Head Start Program. Let's invest in young kids. Let's build the best system of colleges in the world—in the world. No one else comes close to us. We have done all these things—including building up our national defense. There is no other military in any country that parallels ours or matches our strength.

So it is time for us to understand a bit about what we have built, that this is a remarkable achievement.

Where do we go from here? We can undercut all of those achievements and weaken this country substantially if we don't balance our budget. I agree with that. We ought to balance the Federal budget. I will say this, that I am one of those in 1993 who cast a very controversial vote, and the vote cut spending and increased some taxes. It carried by one single vote, and since that time, the unified budget deficit is down 60 percent.

I am pleased I did it. Was it an easy vote? No. The political vote would have been to say, "No, I don't want to do any heavy hitting." I did it because it was the right thing for this country. Controversial, yes, but right. We made some progress in reducing the Federal budget deficit, but it is not enough, and we must do more to balance the budget. The debate will be about changing the Constitution to balance the budget.

Let me say that I am someone who will support a constitutional amendment to balance the budget. Do I think it is a great choice? No, not necessarily, but do I think it probably is a reasonable choice, given the need for fiscal policy discipline in our country? Yes. But I insist that it be done the right way, not the wrong way.

I have been in the room where they wrote the Constitution of the United States, and for those who want to visit it, George Washington's chair still sits in front of the room. Fifty-five of them wrote a Constitution over 200 years ago. Some here think it is a rough draft. Every second day they want to make a change in the Constitution. I, frankly, don't see a lot of folks who can represent Madisons, Masons, or Franklins these days. So if we are going to change the Constitution, we need to think it through.

We are going to have a proposition on the floor of the Senate that says, let us amend the U.S. Constitution to require a balanced budget. And it says that for describing when a budget is in balance, all spending and all revenue will be considered to determine whether the budget is in balance.

The dilemma with that is this: In 1983 this country recognized it was going to have a difficult time with Social Security in the long term because America was growing older and there were going to be more people retiring relative to people working to support them in Social Security. So we decided that we would do something different for a change. We would begin saving in the Social Security system. In other words, each year taking in more in Social Security revenue than we need to expend, and that money would then be saved so that when the baby boomers retire after the turn of the century, we could more easily afford to pay them the benefits they will have earned.

I was involved in that decision. I was on the House Ways and Means Committee, and I cast a vote in support of that legislation. But the decision was not to increase payroll taxes and accrue a body of savings so that someday later somebody can misuse it to claim they balanced the budget with Social Security trust funds. That is not what we said. We said, let's increase savings so that savings will be available after the turn of the century.

When you describe a balanced budget proposal that says let's take Social Security trust funds and throw them over here to use the surplus to show we balanced the budget, I want to show you what happens. What happens is the very year in which the budget is balanced, according to the majority that is supporting this constitutional amendment, the very year in which they claim the budget of the United States is in balance, Federal debt will rise in that year by nearly $130 billion.

Question: If the Federal debt is increasing by $130 billion in a year, is the budget in balance? If the budget is in balance, why would one have to increase the Federal debt?

Answer: Because the budget isn't in balance. They pretend it is in balance, they say it is in balance, but they use the Social Security dedicated trust funds to make it look like it is in balance, but it is not. The Federal debt will continue to increase.

The Center on Budget and Policy Priorities has put out a report that I hope my colleagues will read. In it they describe exactly this dilemma. The constitutional amendment that is going to be debated, and I will address this matter again during that debate, is an amendment that offers no choice. It says we will take the Social Security trust funds and use them as an offset for other revenue and claim we balanced the budget, when we really have not.

We will give our Senate colleagues an opportunity to vote on another constitutional amendment to balance the budget. It is one that does it the right way. It says let us balance the budget. Let us require in the Constitution that we balance the budget. But let us do it exclusive of the Social Security trust funds because we promised that we would save those trust funds for the future when they are needed.

This publication by the Center on Budget and Policy Priorities describes chapter and verse of exactly what is happening in this area. I have heard people come to the floor and say, "Oh, what a bunch of prattle that is. What a bunch of nonsense, these folks worried about Social Security." Well, it is not prattle, and it is not nonsense.

We had a column by Mr. Krauthammer in the Washington Post last week. It is the third column he has written on this subject. In it he says essentially what he has said before. He says, there is no Social Security trust fund. There is no Social Security trust fund.

Let me suggest a tour to him in Parkersburg, WV, where, under armed guard, the bonds that are the securities of the Social Security trust fund exist. It would not be too long a drive for him to go on up there and take a look at those bonds.

He is wrong. There is a Social Security trust fund. The dilemma is that there will not be anything there of meaning unless we decide to make the right choice here.

Mr. Krauthammer also says that Social Security is a pay-as-you-go system. He must have missed 1983, because in 1983 it was decided that it will be more than a pay-as-you-go system. It was decided in 1983 that we would collect more money than is necessary in current years, specifically in order to accrue a surplus. Social Security is more than a pay-as-you-go system. So, when Mr. Krauthammer says it is pay-as-you-go, he clearly does not understand the law and clearly does not understand what the Congress did to save some money.

Let me read for him and for others something from the 1983 commission on Social Security because they described exactly the plan. This is a quote by commission member Robert Ball in testimony before the House Ways and Means Committee talking about separating the Social Security system from the operating budget.

> Only by such a separation can it be made unmistakably clear that Social Security decisions are being made for reasons internal to [Social Security] and not for the purpose of making a unified budget look better. Since Social Security funds can be used only for Social Security benefits and to pay for the cost of administration, I believe that separation is also better accounting practice.

The point is, the increase in taxes and the other things that were necessary to accrue this surplus in Social Security will all be obliterated by a decision to enshrine in the Constitution a practice of misusing the Social Security trust funds.

Mr. Krauthammer does not like this problem. He says, well, this debate is without substance. I can only say that his argument is without substance. He is flat, dead wrong on this issue, demonstrably wrong. And he ought to know it. The minimum amount of research would tell him that.

The same is true of colleagues here who have taken three lines of defense offered at different times by different people.

One will pop up like one of these little carnival games and will say, "Well, first of all, there is no Social Security trust fund," and make a long, windy argument about it, and then sit down.

Then someone else will pop up at another moment and say, "All right, there is a Social Security trust fund, but we are not misusing the money," and then vanish.

Then a day later someone else will pop up and say, "All right, there is a Social Security trust fund, and we are misusing the money, and we pledge to stop doing it by the year 2008."

Those are the three stages of denial I have heard on the floor of the Senate, all from supporters of a constitutional amendment that would enshrine in the Constitution the practice of taking Social Security trust funds, using them as an offset against other revenue, and claiming you have balanced the budget at the same time that the Federal debt will increase by $130 billion the year they claim the budget is in balance.

There is a way to solve this. A way to solve it is to vote for a constitutional amendment to balance the budget that does not use or misuse the Social Security trust funds. I will offer it, along with my colleagues, Senator REID, Senator HOLLINGS, Senator FORD, Senator FEINSTEIN, and others, and we will give people an opportunity to say, "Yes, I support a constitutional amendment to balance the budget, but when we do it, let us make sure we really balance the budget."

Let us make sure we keep the promise of accruing the surpluses in the Social Security trust fund and make sure that no one is able to misuse the Social Security trust fund in the future.

Mr. President, there will be much more to discuss on this subject. I wanted to make note of the piece that Mr. Krauthammer did because it is the third time that he has essentially written the same piece, misunderstanding the issue in this country.

Everybody has a right to be wrong. I do not quarrel with that.

I just say that someone got up this morning and went to work. That person will work hard all day, and then collect a paycheck and discover that part of that paycheck is taken away first. The part taken away is called Social Security taxes, and it is promised by the Government to the worker that the amount of money we took from your paycheck is going to be put in a fund, and it is a fund dedicated for one purpose, Social Security. That worker does not deserve to have someone in Congress now say, "Oh, but we changed our mind. That's the premise under which we took it from you, but we're using it for another purpose." That is precisely what is happening today. I think we ought to stop it. There is a way to stop it when we have these votes in the coming days or weeks.

We can amend the Constitution the right way, or we can, as is usually the wont around here, mess around some more, talk and talk some more, and claim and claim some more that we have really done something worthy and meritorious and have balanced the budget, and then have some constituent stand up in a town meeting some night, somewhere, and ask you, "Mr. Senator, if you balanced the budget, why did my son or daughter just inherit a Federal debt that went up $130 billion this year?" I want to be in the room with a microphone to record the response because there is not a response that is adequate.

What our constituents should expect from us is that we balance the budget the right way and that we amend the Constitution the right way. I hope at the end of this debate this Senate and this Congress will have determined to do that.

It is not just a few Democrats who believe this is a serious problem. Several dozen Republicans over in the House of Representatives, some of whom I have talked to, make exactly the same case in the House of Representatives. So it is not a one-sided issue. We have Republicans and Democrats who believe that there is a right way and a wrong way to do things. Some of us are going to insist that when we do something as significant as amending the U.S. Constitution that finally we do it the right way.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered. The Chair recognizes the Senator from Nevada.

(The remarks of Mr. REID pertaining to the introduction of S. 265 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. BINGAMAN. Mr. President, I want to spend a few minutes commenting on some of the points the President made last night in his State of the Union Address. I was particularly impressed and encouraged about his decision to make education the centerpiece of that speech and his decision to make education the first priority of his administration this next 4 years.

One aspect of what he talked about in education, I think, is extremely important, and that is standard setting. We have had debates in Congress for many years now about the issue of standards. In fact, I introduced legislation in 1990 to establish national standards in education, and, of course, we are continuing to pursue that through the National Education Goals Panel, which I serve on along with Senator JEFFORDS.

I am persuaded that part of what the American people would like to see in their educational system is higher standards and more accountability. They want to be sure that teachers are performing to a high standard, students are performing to a high standard, and the parents of children in our public schools want to know where their children stand relative to other students around the country, around their State, and in general.

The President in particular talked about how he was going to work through the Department of Education to adapt two widely used high-quality tests—the fourth grade NAEP reading test, the National Assessment of Educational Progress, which is already being used in more than 40 States, and the now-familiar eighth grade math test, the TIMSS test, which recently confirmed how poorly many of our students are doing relative to the achievement level of other nations.

The President proposed adapting those two tests into a new test that will be available free of charge to every student, every school district, and every State in the Nation that wishes to participate in it. This is going to be done in the next 2 years.

I think this will be a major step forward, because what it will do is to allow us to give very hard, objective information about which of our schools are succeeding and which of our schools are failing. We have the anomalous situation that, because of our inability to track performance, we have in many school districts and major cities in the country some schools that are doing superbly and other schools that are doing miserably. Parents, unfortunately, sometimes do not even know which of those two schools their children are in.

For this reason, we need to give parents clear indications of which schools are doing the best job in educating students. Currently, we have a hodgepodge of different tests, a hodgepodge of different standards around the country. Parents who are interested in finding out how their children are doing often are misled by inaccurate information. So I very much commend the President for this initiative to adapt these two well-recognized tests into something which each student can take, each parent can understand, each school can understand. I think that will be a major step forward.

Let me also talk about another aspect of the standards issue, which the President, I hope, will also move ahead on very aggressively, and that is the teaching of advanced placement courses. Many of us are familiar with advanced placement courses because of our own children going through high school. These are courses that are taught in the 11th and 12th grades, generally to students who are planning to go on to college and who want to get advanced credit so they can avoid taking the same course once they get there.

We have not done what we should at the national level to encourage States and school districts to expand instruction in advanced placement courses. I believe this year, for the first time, we will see a change in that. I hope to see the President, in the budget we receive tomorrow, requesting some funds to assist low-income students in the cost of taking those advanced placement courses and tests. That, I believe, would be another major step forward.

I had the chance to speak to the New Mexico Legislature on Monday of this week, and I talked to them about the challenge that my State faces in expanding access to advanced placement classes. These courses should be available to all students. They are highly demanding, but any willing student can succeed in them.

Many people know about the advanced placement program because of a movie that came out several years ago called "Stand and Deliver." This was a movie that Edward James Olmos starred in. It was the story of Jaime Escalante, a high school calculus teacher, I believe in Garfield High School in east Los Angeles. He had become very famous in that school and in that school district because of his success in teaching students, many of them students without a good academic grounding. He would teach those students this advanced placement course in calculus.

The reason he became famous and the reason that movie was made was not because he was teaching any old calculus course. He was teaching a course that was an advance placement course so that anybody in the country who paid attention would know that was a high-quality course. If his students in east Los Angeles passed that course, they were every bit as good as any student in Manhattan, or Ohio, or in New Mexico, or anywhere else. So they got the recognition that they deserved. He got the recognition that he deserved. They were very proud of their achievement.

I have believed for a very long time that one reason our school system falls short is that we expect too little of our students. We have low expectations for what our students can learn, what our children can learn. The truth is, if you expect very little, you will receive very little. We need to expect higher performance by our students, higher performance levels by our teachers, and through this advanced placement set of courses we do exactly that.

New Mexico lags behind the national average fairly significantly in the per capita rate of 11th and 12th graders who take advance placement courses. In my State I think the percentage is something like 24 percent. Nationally it is 40 percent. We need to do better than that. We can do better than that. We are setting about working with the business community and our State legislature to bring together the resources to expand the training of advanced placement teachers and to expand course work in advanced placement courses.

I think one other point needs to be made. It should be obvious to everybody. You are not going to bring about a major reform of education, a major improvement and upgrading of education, without a very major program to reeducate and develop the human capacity to do that. We need to have training courses for our teachers in the summer. These advanced placement courses are very good. But, unfortunately, too few teachers are able to take advantage of them, or do take advantage of them.

So we need to think seriously in this Congress about what we can do to support the retraining that is needed to get people to these higher standards that the President is talking about. This is an essential part of the agenda that we need to confront over the next couple of years.

I commend again the President for his leadership in putting this on the front burner for the country. I hope we, in Congress, are up to the task of following his lead. I think he has identified a very important priority for our country. It is the one that I hear the most about.

I get around New Mexico a lot, and people want to know why we can't do a better job of educating kids in this country. I hope that we can.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. BINGAMAN. Yes. I am glad to yield.

Mr. DORGAN. I was interested in the Senator's statement. He, I think, identifies one of the priorities of many of us in this Congress. If we do not make an investment in education of America's youth then the country does not have much of a future. I am enormously proud of what we have done in the investment in the Head Start Program, for example. This does not start in grade school or high school or college. It starts in the early intervention years with Head Start. The Head Start Program we know works. It produces enormous dividends. It gradually improves the opportunity of young people who come from difficult circumstances.

But one of the things that it seems to me we should invest in is safe schools. First of all, if the school is not safe and the students feel insecure, they cannot learn. And the other ingredient is a teacher who knows how to teach—a good teacher, a student willing to learn, and a parent who cares. If any one of those are missing, it does not work very well.

But let us talk about the safe school issue first. The Senator from New Mexico I know heard me describe on the floor a bill which I introduced late last year on this issue. If I might, with the indulgence of the Senator from New Mexico, I would like to describe again a circumstance that exists that I am trying to correct dealing with safe schools in New York City.

A young boy came into a school with a loaded pistol in his belt and a jacket covering his loaded pistol. He went through the school, walked down the hallway to his classroom, and a security guard identified or saw the bulge in the young 16-year-old's jacket and apprehended this young boy and took a loaded pistol from this young fellow. A loaded pistol with this young fellow walking down the school hallway; the security guard removes it. It goes to court and goes to a disciplinary proceeding. The result of it all was that the court said the exclusionary rule applied to the disciplinary proceeding and the security guard had no right to search that kid and take the gun away.

When I read that I thought, "Can this be right? Could anybody use that kind of strange thinking to conceive of that kind of decision?"

You go to the airport and get on a plane going to New Mexico or North Dakota. They will run you through a metal detector because they say, "You can't get on an airplane with a gun. We will not allow it." But it is OK to go through a school hallway to a classroom with a loaded pistol with a 16-year-old. I do not think so. That does not make any sense to me.

So I introduced legislation dealing with that issue. The exclusionary rule, my eye. A 16-year-old and a loaded pistol—I want a security guard to take that pistol away in a schoolroom because my kids and yours and all of the kids in this country deserve to be safe in school.

That is the first element: Safety in school.

The second is what the Senator from New Mexico is talking about: Directing investment into programs that we know work and we know yield significant returns. He talked about good teachers, and the President talked about attracting and keeping good teachers in our classrooms. Nothing could be more important than that because we send our kids to someone else most of the day. We place them in their hands. I have been in a school that the Senator from New Mexico has. He knows some of these teachers. I leave that school thinking, "Wow, this is an incredible person. What a job they do with these young kids." There are times when perhaps you find something that you think isn't quite right. The President addressed that last night.

But the key, it seems to me, is matching the three things: First, a teacher who really knows how to teach; a kid who is willing to learn; and a parent who cares about that kid's education and is with that kid at the end of the day before they go to bed at night, reviewing the homework. All of those elements come together to make an educational system work.

But the Senator from New Mexico is right. We need in this country at the State and local level and at the Federal level to decide that the education of our children is a priority for us because educating our children is an investment in our country's future.

I really appreciate the statement which the Senator from New Mexico made.

Mr. BINGAMAN. I appreciate, Mr. President, the statement of the Senator from North Dakota.

Let me just add one other element to this. I commend him for his proposal to deal with the problem of someone coming into school with a gun and no one being able to apprehend him. I am also persuaded that virtually everything we want to see happen better in our schools will be facilitated if we recognize that we need to have smaller classrooms.

Much of the crime, discipline, and absentee problems in our schools today are because the schools are too large and because the teachers do not know the students by their first names. The students don't feel accountable to their peers. We put 40 kids into a class and wonder why the teacher can't teach all of them. We put 2,000 or 3,000 kids in a high school and wonder why the principal can't keep track of everybody.

There have been some very good studies done that show that the optimum size for a high school, for example, is somewhere between 600 and 900 kids, and that when you go over 900 the quality of the students' performances start dropping, the discipline problems start rising, and the incidence of criminal problems start rising. We need to factor this issue into what we do as well.

Of course, we in Congress don't make the laws that govern the size of the schools, and we should not. But we need to encourage States and local school districts to take that into account when they decide to build a new high school. You don't necessarily need to tear down the old building. You can take an existing complex and break it into two or three high schools just as well as leaving it in one 3,000-person high school.

Mr. DORGAN. If the Senator will yield further, Mr. President, I was in a school recently called the Ojibwa School on an Indian reservation in North Dakota. When the Senator from New Mexico talks about construction, the President last evening talked about our trying to provide help to State and local governments with respect to school construction. I can tell you that in the Ojibwa School, and others that I have visited, there is a significant need for some construction, some maintenance, and some repair. I worry very much that these little kids on that Indian reservation going to this school are going to be in significant trouble some day because the repairs have not been made. That school is not a safe school. We have report after report and investigation after investigation. Now we have another one going on. But we very much need to invest in the infrastructure of these schools.

The Senator from New Mexico is right. We do not run the schools, and should not. Local school boards should run the local schools, and the States are involved largely in the State judgments about what the curriculum is, and so on. But we can marginally help in a range of other ways and do Head Start and college. We also can help in the kinds of things the President recommended in providing some resources for school construction in areas where you need to have some additional construction to repair and bring up to standard some of our schools.

Again, I say finally, the question around here is always a question of choices: What is your priority?

Two years ago, I was on this floor talking about the strange sense I had when I looked at a budget document offered and actually passed—it was subsequently vetoed—which said let us double the amount of money we spend for star wars and let us cut by half the amount of money we spend for Star Schools. Star Schools was not a very big program, but it was a really interesting program—directed investment to try to help certain people. I just thought that was a strange priority. But the priority I hope for all of us is to find some way to advance the opportunity to improve our schools in this country for the future of this country.

I appreciate the Senator from New Mexico yielding.

Mr. BINGAMAN. I appreciate the Senator from North Dakota and his comments.

Let me say one other thing and then I will yield the floor, Mr. President. I was on a radio interview program earlier this morning, and one of the reporters, who is a very knowledgable reporter, said to me, "The President said we ought to increase funding for education by 20 percent. That is a very major increase. Can we afford that kind of an increase given the budgetary constraints on us?"

My response was that you have to look at this in the context of the overall Federal budget. In the overall Federal budget, we spend somewhere near 1.5 percent on education, which represents less than 10 percent of overall spending by States and localities. So what the President is saying is that we ought to spend 1.8 percent, or thereabouts, on education. Most of the people I talk to in New Mexico do not think that is excessive. I think it is not unreasonable for the Federal Government to give education that high a priority.

So I hope very much we follow the President's lead. I hope very much we will make education the centerpiece of our efforts here in this 105th Congress.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ROTH and Mr. MOYNIHAN pertaining to the submission of Senate Resolution 50 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH and Mr. LIEBERMAN pertaining to the submission of Senate Concurrent Resolution 5 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 266 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I thank the Chair.

(The remarks of Mr. MCCAIN pertaining to the introduction of S. 268 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE LATE AMBASSADOR PAMELA HARRIMAN

Mr. HARKIN. Mr. President, it was with great sadness that my wife and I learned this morning of the death of a dear friend of over two and one-half decades, Pamela Harriman, our country's Ambassador to France.

As I said, for the better part of about 25 years, Pamela and Averell, first of all, were friends and two people who encouraged me early on in my political life when I first ran for office. Later, after her husband Averell passed away, Pamela continued to extend that hand of friendship to me, my wife, and our family.

I remember when I first came to Washington as a freshman Congressman in 1975, I was amazed at how Pamela Harriman and Averell at that time opened up their home to younger Members. I know a lot has been made about how the movers and shakers of the world were always at Pamela Harriman's house. But it was not just them; she always made sure her home and house was open to the new people who came to Washington. She was constantly promoting and encouraging young people, young Members of Congress, new people who were here, to showcase their ideas, to encourage them, to push harder and to climb up the ladder. So I remember her very fondly for the encouragement and support that she gave this Senator in my early years of seeking public office.

During the last decade, the 1980's, Pamela Harriman was always there in our party, the Democratic Party, trying to rebuild and to encourage people to seek public office. As I said, she was always encouraging the formulation of new ideas and approaches. I think our party owes her a great debt for all that she did to encourage these younger people and to keep us pulled together during the decade of the 1980's. During the Presidential election of 1992, she was very active in helping then Governor Clinton gain the White House.

For the last 3½ years, Pamela Harriman served this country honorably and well and I think with great distinction as our Ambassador to France. As I have had occasion to travel overseas, I have heard, on many occasions, from individuals in different parts of Europe about what a great representative of America Pamela Harriman was. She was indeed that.

Pamela Harriman was always proud of her British ancestry and heritage. She was even more proud of the fact that she was an American. She was always undeniably gracious to all who came within her reach. She was always open to new ideas, as I said, of the younger people coming into Government and politics. She always found time to give encouragement, help, and support.

So it is a sad day for our country, for all of her friends, and for all of those of us in the Democratic Party who looked to her for help and support for so many years. Ruth, my wife, and I extend our deepest sympathies to the Harriman family. I just want to say that Pamela Harriman indeed left a very indelible mark, not only in the city of Washington, not only on the Democratic Party, but indeed on the United States of America. She will be greatly missed.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, may I inquire what the current order of business is?

The PRESIDING OFFICER. The Senate is in morning business.

WELCOMING FORMER SENATOR ALAN J. DIXON

Mr. COATS. Mr. President, I note the presence of a colleague and friend on the floor, the former Senator from Illinois. We are pleased to have him come back and visit us. I just want to take this opportunity to tell him how much we appreciated his service and how much I enjoyed serving with him on the Senate Armed Services Committee. I hope he is doing well.

AMBASSADOR PAMELA HARRIMAN

Ms. MIKULSKI. Mr. President, I rise to honor the life and legacy of Ambassador Pamela Harriman. She was a gallant and courageous lady—and a very dear friend.

Pamela Harriman lived a full and exciting life. We all know of her grace and her charm. But she was so much more.

She was, for me, first of all a good friend. She and I worked together on issues and politics for many years. She was a tremendous supporter of women candidates, and I often turned to her for her insight and counsel. I will always treasure the memory of my last visit with Ambassador Harriman. She helped me to work with European space agencies—to foster better links with our space program. She was, as always, perceptive and enthusiastic about the prospect of greater cooperation between America and Europe.

She wanted to make a contribution to our political system. She brought together leaders from all sectors of society to discuss a wide range of important issues. She fostered the kind of civil political discourse that is so often lacking.

Ambassador Harriman had the kind of strong patriotism that comes from being born in another country—and from witnessing first hand what America did during the Second World War. She often talked about living through the Battle of Britain—and how America's military partnership helped the British people to keep their morale high. She loved her adopted country—and she served it with great honor.

She was one of our Nation's most effective ambassadors. During a period of prickly relations with France, she was able to reassure the French of the importance of our friendship and alliance.

The French liked and trusted her. She knew the language, the people, and the country. She respected their history and their culture. The French honored her with their highest cultural honor—the commander of the Order of Arts and Letters.

Mr. President, Ambassador Harriman's sudden death was a tragedy. But her life was a triumph. Her family is in my prayers. I will miss her deeply.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, February 4, the Federal debt stood at $5,300,797,430,319.62.

Five years ago, February 4, 1992, the Federal debt stood at $3,797,723,000,000.

Ten years ago, February 4, 1987, the Federal debt stood at $2,232,429,000,000.

Fifteen years ago, February 4, 1982, the Federal debt stood at $1,038,710,000,000.

Twenty-five years ago, February 4, 1972, the Federal debt stood at $423,427,000,000 which reflects a debt increase of more than $4 trillion—$4,877,370,430,319.62—during the past 25 years.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. BYRD. Madam President, I ask unanimous consent to proceed for not to exceed 6 minutes prior to the calling up of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.

Mr. BYRD. I thank the Chair. Madam President, I shall speak out of order.

THE TAX-EXEMPT ARENA DEBT ISSUANCE ACT

Mr. BYRD. Madam President, I strongly support S. 122, the Stop Tax-Exempt Arena Debt Issuance Act—let me say that again—the Stop Tax-Exempt Arena Debt Insurance Act—a measure that has been introduced by Senator MOYNIHAN. This bill would amend title I, section 141, of the Internal Revenue Code by closing a tax loophole that has been beneficial to a select few individuals: owners of professional sports teams. For the average taxpayer, however, it is nothing more than professional sports welfare.

Provisions of the 1986 Tax Reform Act were supposed to prevent professional sports teams from building sports facilities with tax-exempt bonds. Under the law, professional sports teams are categorized as a private entity, and, as such, the issuing of private activity bonds is taxed. However, due to clever maneuvering, professional sports teams have circumvented the intent of the law by encouraging State governments to issue governmental bonds, which are exempted from Federal taxes, for the purpose of constructing large sports facilities. While such a tactic is technically legal, professional sports teams owners have manipulated the law for their own personal gain.

Many large metropolitan areas have attempted to lure professional sports teams to relocate by offering generous incentive packages, including the construction of new stadia. Many of the proposed facilities cost in excess of $225 million. The Congressional Research Service has reported that the Federal share for a $225 million stadium could be as high as 34 percent. In plain monetary figures, that is $75 million over the lifetime of the stadium—$75 million that might better be spent and more usefully spent on benefits for the Nation, like books for our schools, safer roads and bridges for commuters, and more police to keep our streets safer. Madam President, the list is endless. Instead, the Federal Government receives no tax revenue, and money that could have been spent on these other, more deserving programs, is wasted, in my opinion.

I commend my colleague, Senator MOYNIHAN, for offering S. 122. I agree with his desire to close this tax loophole that is mainly beneficial to a few select and wealthy individuals. In this time of fiscal austerity, the Federal Government cannot afford to subsidize such programs. S. 122 seeks to preserve the intentions of the 1986 Tax Reform Act by ensuring that professional sports teams do not use—directly, or indirectly—Federal funds for the construction of their sports facilities. I have nothing in particular against sports or sports teams.

I just think America has its values standing on their heads when it puts sports ahead of the development of the minds, the intellects of young people. But that is a discussion for another day. Professional sports in the United

States is a lucrative and financially healthy private industry. It does not need this kind of public Federal subsidy while so many other pressing needs are feeling the slash of the budget-cutter's pencil.

S. 122 is equally important for another reason. By seeking to prevent professional sports teams and localities from circumventing the obvious intentions of the 1986 tax law, S. 122 illustrates how complex our Tax Code has become. For far too long, tax loopholes, such as those contained in Section 141 of the code, have reduced the fairness and efficiency of our Tax Code. They are as leeches draining the health and equity of the U.S. tax code. These tax expenditures—that portion of our budget that proceeds for the most part on automatic pilot—have not been subject to the same level of scrutiny as have other forms of Federal spending. This must change.

Madam President, in fiscal year 1995, total tax expenditures—or loopholes—reduced Federal revenues by approximately $500 billion, an amount equal to nearly one-third of the entire Federal budget. Clearly, tax expenditures need further scrutiny, and, where they are deemed to be outdated or unnecessary—or unnecessary—they need to be repealed. By identifying and correcting one of these wasteful tax loopholes, Senator MOYNIHAN has introduced S. 122. It represents a step in the right direction.

Madam President, I thank my colleague, Senator MOYNIHAN, for his leadership. And I thank Senator HATCH for allowing me the privilege of going forward at this time. Madam President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I thank the Chair.

(The remarks of Mr. CHAFEE pertaining to the introduction of S. 275 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will now proceed to the consideration of Senate Joint Resolution 1 for debate only. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The Senator from Utah.

PRIVILEGES OF THE FLOOR

Mr. HATCH. Madam President, I ask unanimous consent that Manus Cooney, Sharon Prost, Shawn Bentley, Paul Larkin, Larry Block, Steve Tepp, Troy Dow, and Paul Joklik be permitted privileges of the floor for the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, today we begin one of the most important debates that has ever taken place in the U.S. Senate or in the Congress of the United States. The subject matter goes to the very heart of our Founding Fathers' hope for our constitutional system—a system that would protect individual freedom through the maxim of limited Government.

In the latter half of this century, however, the intentions of the Framers of the Constitution have been betrayed by the Congress' inability to control its own spending habits. The size of this Federal leviathan has grown to such an extent that the very liberties of the American people are threatened.

I just stood at a press conference with our Democratic cosponsors of this amendment, and there was a huge table filled with unbalanced budgets since 1969.

History was made in the 104th Congress when 300 of our courageous colleagues in the House of Representatives, both Democrats and Republicans, approved a balanced budget amendment to the Constitution. Unfortunately, the same measure was defeated in this Chamber by one solitary single vote.

This year we begin a new Congress following an intensive fall campaign in which people in every State across this Nation made unmistakably clear their insistence that we put our fiscal house in order. The eyes of the people, now more than two-thirds of whom favor a balanced budget amendment, now turn to us to follow through on our promises.

I am pleased to be joined by 61 of my colleagues, including every Republican Senator in the U.S. Senate and 7 bold Democrats who have done exactly that in sponsoring Senate Joint Resolution 1, the balanced budget constitutional amendment. Madam President, as we begin the debate on Senate Joint Resolution 1 proposing an amendment to the U.S. Constitution to require balanced annual Federal budgets, I want to summarize why I feel this amendment should be added to the basic great law of this great Nation.

Let me say that as a lifelong student of the Constitution and having served on the Judiciary Committee in this body during my tenure here of 20 years, I do not lightly suggest amending our founding document. Yet, all other avenues having failed us, I believe it appropriate to take recourse to our basic charter to rein in an abused power of the purse—as has been done in similar situations in our history since the Magna Carta—in order that we might save future generations from the heavy burden of irresponsible Government borrowing.

Madam President, let me just summarize the reasons I believe the proposed balanced budget amendment should be presented to the States for ratification. We have to have a two-thirds vote in both of the bodies and submit this amendment to the States, and we have to get three-quarters of them to ratify the amendment before it can be entered into the Constitution. It is a tough process. It ought to be a tough process.

These are some of the reasons why I believe this amendment should be presented to the States for their ratification:

No. 1, integrity and accountability. It will bring immediate credibility to our current budget process and negotiations, and it will restore a measure of integrity and accountability to our Government.

No. 2, our children's future. Passing the balanced budget constitutional amendment is a vote for our children's economic freedom.

No. 3, family financial security. Passing the balanced budget amendment will improve the economic health and stability of all American families.

No. 4, economic strength. The stabilizing effect the balanced budget amendment will have on the economy is clear, and it will enable us to rein in the level of our country's foreign-held debt.

No. 5, retirement security. If we pass this balanced budget constitutional amendment it will literally save Social Security. It will stabilize the economy which will benefit all current and future retirees. Without it, all of these programs will be placed in jeopardy.

Now let me describe these reasons in more detail. On the issue of integrity and accountability, our national debt is rocketing out of control and the American people are paying a very heavy price for it. As you can see by this chart, the debt was relatively stable for many decades, up to about 1970, a little bit before 1970. In recent years the debt has increased at alarming rates under the watch of both political parties. The fact is, our deficits have been structural and they will not be eliminated in the long run without the discipline of a balanced budget constitutional amendment.

They really shot up in the 1980's, right on through the 1990's, and still that arrow is going almost straight up, even today, even with the efforts and actions that have been taken.

Since 1978, there have been no fewer than five major statutory schemes or regimes enacted which promised to deliver balanced budgets, and these include Gramm-Rudman-Hollings. But there has not been a single balanced budget since 1969, which was the only balanced budget since 1960.

While I support the steps we have taken to pass the balanced budget plan, I question whether, without the weight of a constitutional requirement to balance the budget, we will achieve balance by the year 2002. Without a balanced budget amendment, every year Congress has to act, and we have seen the lack of will to do what's right around here. For this reason, I feel passage of the balanced budget amendment is critical.

Let's just acknowledge what every American citizen knows. In recent decades, Washington has been biased to spending, without feeling any constraints by the amount of money it actually has on hand. Washington has lost the habit of prioritized spending options. Any ideas with political appeal get enacted regardless of cost. We borrow the money if we run short. That is what we have been doing for most of the last 60 years. Those listening could try this thinking on their own budgets at home. Buy any item that looks appealing next time you are at the mall. Just put it on the card. What happens to your budget? Something like this chart probably, but hopefully not quite so high.

Washington, however, is not as constrained as the average American. Washington spends in this way, and when the bill comes, it signs the debt over to the American people. In addition to paying their own bills, the American people have to pay Washington's bills in the form of higher taxes, of course, and accumulated debt. They also pay them in the form of higher interest rates on their homes, their cars, or student loans. They pay in the form of lower job growth, lower wages, and they even pay in the form of decreased services from the Government because more of the budget is being spent on interest rather than on education, health care, job training, child care, the environment, et cetera.

The point is that Americans are getting fed up with Washington because they feel the pinch put on them by Washington's spendthrift ways. They know they have to make hard choices about how they will spend their own money, but they feel that Washington does not feel constrained to make hard choices about spending priorities. It's not even Washington's own money that it's spending so freely; it is the American people's money. No wonder the American people are tired of it.

Besides being dismayed by Washington's free spending habits, the American people also believe that Washington is not accountable for its decisionmaking. The balanced budget amendment responds to both of these concerns. On this chart is the actual text of the balanced budget amendment before the Senate at this time. This balanced budget amendment will require Washington to make tough choices about spending priorities within the constraint of the amount of money it has, or it requires Members of Congress to go on record for its borrowing and taxing decisions. There will be no more voice votes when it comes to raising taxes. There will be no more voice votes when it comes to raising the deficit. You are going to have to stand up and vote. This amendment will see to that. It also requires Congress to achieve some measure of increased consensus about spending priorities if it is going to finance that spending by borrowing.

The concept is simple: Don't borrow, unless a significant number of Members are willing to go on record as saying this spending is such a priority that we must borrow to do it. That would go a long way toward letting Americans know that their Government is deliberating about its spending habits, making choices among competing options, and only spending beyond its means when it really needs to in order to achieve a goal so important that a supermajority of Members could agree. The balanced budget amendment will go a long way toward restoring the people's faith in the integrity of our budget process and in the accountability of Washington for its decisions.

A vote for the balanced budget amendment is a vote for integrity and accountability in Washington.

Now, our children's future. Our national debt now tops $5.3 trillion. That averages out to about $20,000 in debt for every man, woman, and child in America. That is what our fiscal insanity has brought us to. A child born in America today comes into this world $20,000 in debt—and that is going up. Do we have the right to spend our children's future for our own comfort today?

Over time, the disproportionate burdens placed or imposed on today's children and their children by a continuing pattern of deficits could include some combination of the following: Increased taxes, reduced public welfare benefits, reduced pensions and Social Security benefits, reduced benefits or expenditures on infrastructure and other public investments, diminished capital formation, diminished job creation, diminished productivity enhancement and less real wage growth in the private economy, higher interest rates, higher inflation, increased indebtedness to and economic dependence on foreign creditors, and increased risk of default on the Federal debt.

Madam President, I have said this in the past. This is "fiscal child abuse" and it must end. It is our children's future versus Washington's spending addiction. I hope the Senate of the United States will come down overwhelmingly on the side of our children's future by passing this amendment.

A vote for the balanced budget amendment is a vote for our children's economic security.

Now, what about family financial security? It is not just our children that we hurt with these outrageous deficits. We are suffocating our own families. The impact of higher interest rates, higher taxes, lower wage and job growth, and higher mortgages are felt at kitchen tables all across America. The Concord Coalition has estimated that the interest payments on our mountainous debt amount to $5,360 a year for a family of four. Just to pay the interest against our national debt, it's $5,360 a year.

Chairman KASICH of the House Budget Committee has pointed out that three of the causes of the "middle class squeeze"—high taxes, counterproductive Government spending policies, and anemic wage growth—are at least partly caused by continued borrowing by the Federal Government. He points out that the baby boom generation pays taxes that are at least 50 percent higher than those paid by their grandparents. Real per hour wages inched up just one-third of 1 percent annually over the past 4 years, which is one-seventh the rate of growth in the period between 1960 and 1974, and productivity over the past 4 years grew at only one-fifth the rate of that same period. Economist Lester Thurow noted that the one-earner middle-class family is extinct and explains that almost one-third of all men between the ages of 25 and 34 make less each year than is required to keep the average family of four above the poverty level. These combined pressures tear at the very fabric of our Nation and our families.

By contrast, implementing the balanced budget amendment will lower interest rates, making it easier for our families to pay their mortgages, their car loans, and their student loans. Economist at DRI-McGraw-Hill estimate that a balanced budget rule would result in a 2-percent drop in interest rates. Now, DRI-McGraw-Hill is one of the best econometric groups in the country. A balanced budget rule would mean annual savings of $1,230 on a middle-class family's home mortgage, $216 each year for an average student loan, and $180 each year on the average car loan.

The good effects of our overall economic health will help family budgets in many other possible forms, such as a higher paycheck, more job opportunity or security, lower taxes in the future, and a greater ability to save and invest for the future. The Joint Economic Committee has estimated that the average American family would have an additional $1,500 a year if we implemented a balanced budget rule. A balanced budget amendment will make it easier for American families to afford a house, a car, or to send a child to college. This offers a real way to relieve the pressure on American families who are struggling to stay together and get ahead. A vote for the balanced budget amendment is a vote for the economic health and stability of American families.

Now, economic stability. Economists from all over this country agree that the balanced budget amendment should pass. They agree that "we have lost the moral sense of fiscal responsibility that served to make formal constitutional restraints unnecessary." Hundreds of economists support the balanced budget amendment as being good for the national economy by increasing both investor and business confidence, both foreign and domestic.

Some economists are against us on the balanced budget amendment. As a general rule, they are academics who depend upon the Government in many ways for their moneys and in many respects love the spending practices of the Federal Government. Not all—some sincerely worry about the amendment. But there are also many, many who worry that if we do not pass the amendment we are really going to be in trouble, and economic stability will be threatened.

If the Government would stop borrowing so much money, interest rates would come down and money would be available for businesses to invest in creating jobs and paying higher wages. The Director of the Congressional Budget Office, June E. O'Neill, has testified recently that "balancing budget will induce favorable changes in the economy," and among those favorable changes she specifically pointed to "interest rates, economic growth, and the share of GDP represented by corporate profits." All of this can put real money in the pockets of real people, including small business owners and employees.

CBO Director O'Neill has also suggested that taking action now to balance the budget can assure greater budgetary stability in the future. Greater budget stability means greater tax stability. And that means that Americans, and their families, and the businesses they own, can plan for the future better, with less risk that shifting tax policy will wipe out their plans in unforeseen ways. At the very least, this will save Americans substantial amounts on tax attorneys. But long-term planning, with less risk from shifting tax policy, can pay dividends throughout the economy.

Decreasing our dependence on debt to finance Government activities will also increase our national economic sovereignty. Interest payments on our debt are increasingly leaving the country. This chart, based on Treasury Department statistics, shows that from 1992 to 1995, the portion of our debt held by foreign interests has increased 28 percent. That is money that leaves the United States, thus weakening our national economy, and perhaps slowly jeopardizing our national independence. It has been said, "It is tough to get tough with your banker." The less we borrow from foreigners, the less dependent we are on foreigners, and the more independent we will be as a nation.

By returning honesty to budgeting, the balanced budget amendment will improve our economy and our economic independence.

RETIREMENT SECURITY

The balanced budget amendment is important to current and future retirees.

This is a very important chart because this chart is based on the Social Security trustees' intermediate projections. As you can see here, while we run modest yearly surpluses until the year 2015—down here is the 2015, and the green shows the moderate surpluses above zero, we get to 2015. The long-term projections are mammoth annual deficits—the red line—mammoth annual deficits that start about the year 2015, if we are lucky. That is assuming a rosy economic picture over the next 19 years. The long-term projections are for mammoth annual deficits projected at current dollars at as much as $7 trillion for today's children when they retire.

The word "trust" in the Social Security trust fund refers to the trust retirees repose in the Government to meet its future obligations. We will be hard pressed to meet our obligations if we do not get our debt under control now and force ourselves to avoid the growth of debt in the future. The balanced budget amendment will force and empower us to meet these future obligations.

In addition, the economic benefits of the amendment will benefit current and future retirees who are increasingly relying on private financial investments for retirement security. There are 34 million households that have invested in the stock market in some form. As financial expert Jim Cramer notes, if you have a pension, it's likely that it's invested in stocks. If you have a 401K plan, it's probably invested in stocks. Worth magazine's Ken Kurson points out that in 1996, 34 percent of households headed by someone under 35 had some sort of mutual fund. Simply put, many Americans are relying less on Government and more on themselves and their own investments for their retirement security. The balanced budget amendment will strengthen the markets and the investments these Americans are relying on.

No matter the source of retirement security, the balanced budget amendment will benefit current and future older Americans.

Some have argued that we should take Social Security out of the purview of the balanced budget amendment. They argue that we should take the highest items in the Federal budget and the most important item in the Federal budget out of the budget because they think that might protect Social Security. Give me a break. That is not going to protect Social Security. It is going to jeopardize it, because what happens is that if we take it out now, even the President has admitted that you cannot balance the budget by the year 2002 if you do not keep Social Security in the total unified budget.

So it is a gradual way that we get there, and if we get there, then Social Security will be much more stable. When we get to these years when it starts to drop off, we have to take care of it, and, frankly, we have to do it within reasonable constraints and do it right.

The fact is that some argue that we should keep Social Security in the amendment until the year 2003 and then all of a sudden take it out when all of these deficits occur. The reason they want that is so they can keep spending. As far as everybody knows, if we take Social Security out of the purview of the balanced budget, we would be creating the biggest loophole in the history of this country and they could spend anything they want by simply labeling it Social Security.

Madam President, this scares me to death. It is true. These are the trustees' estimates here. That is assuming a fairly rosy economic picture. If we hit a recession or depression during this period of time, it is going to be worse. And the deficits might actually start before then. But that is the best analysis that we can get at this time.

Madam President, only the force of the Constitution can balance out the incentives for irresponsibility that dominate the Congress, and only the balanced budget amendment can save this country from being swallowed in debt.

A vote for the balanced budget amendment is a vote for a stronger and a freer future for all Americans.

When we began this debate, we had at least 68 Members of the Senate who committed and promised that they would vote for this amendment. We need 67. So we believe the votes should be here. We believe people are honorable and will honor their commitments when they ran for office and when they appeared before their families and friends and voting constituents within their respective States. They all knew at the time that this was the only amendment we could possibly pass. They all knew at the time that this is a bipartisan consensus amendment brought about by both Democrats and Republicans, and that we have worked for over 20 years on this amendment. They all knew at the time that this was the one time in history when we could really get this done. And I hope we do. I believe we will because I believe our fellow Senators will live up to the word that they gave to their constituents.

Madam President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I wonder if I could ask the distinguished senior Senator from Utah a question. Shall we vote now?

Mr. HATCH. We would be happy to do it, if the Senator wants to.

Mr. LEAHY. Shall we call the roll?

Mr. HATCH. Sure. That would be fine with me.

Mr. LEAHY. It would be fine with me.

Mr. HATCH. I do not think it would be fine with that side, but it would be fine with me.

Mr. LEAHY. I suspect that you probably have at least one leader on that side who might not be in favor.

Mr. HATCH. I will clear the way.

Mr. LEAHY. Why not talk with him while I give my opening statement to see if we want to do that.

Mr. HATCH. Let us let everybody say what they want to say about this on both sides, and at a reasonable time we would like to——

Mr. LEAHY. If the Senator would like to this afternoon——

Mr. HATCH. I will be happy to do it.

Mr. LEAHY. Why not talk with him.

Mr. HATCH. I will.

Mr. LEAHY. And see if it could be cleared here, too.

Madam President, last night in his State of the Union Address, the President of the United States spoke of the difference between taking action to balance the Federal budget and the political exercise of considering a constitutional amendment on balancing the budget. I mention this because the American people know there is a big difference between talking about a constitutional amendment to balance the budget, a big difference between talking about what you might or might not do, and actually doing it. Here is what President Clinton said.

> Balancing the budget requires only your vote and my signature. It does not require us to rewrite our Constitution. I believe it is both unnecessary and unwise to adopt a balanced budget amendment that would cripple our country in time of economic crisis and force unwanted results, such as judges halting Social Security checks or increasing taxes.

Listen to what the President said. Balancing the budget requires only the vote of the Congress and his signature.

This from a President who in the 22 years I have been here is the only President who has brought the deficit down 4 years in a row—the only President who has done that. In fact, if we were not paying the interest on the deficits run up during Presidents Reagan and Bush administrations, we would have a surplus today and not a deficit.

In fact, I believe he is probably the only President in my lifetime, Republican or Democrat, who has 4 years in a row brought the deficit down and certainly the only one since the last President, a Democrat, who had a surplus. That was President Johnson. Deficits have run since then, and only President Clinton has brought them down four times in a row and is about to submit a budget which will bring the deficits down for the fifth time in a row.

That is a record which certainly in modern times, certainly the postwar time, no President, Democrat, or Republican, has done and is a marked contrast to the two Republican Presidents who preceded him who tripled the national debt, who took all the debt from 200 years and tripled it in just 12 years.

So President Clinton is committed to signing a balanced budget that protects America's values, honors our promises to seniors and our veterans and fulfills our responsibilities to the disadvantaged and the young. If this Congress, the 105th, will join him for the good of the Nation and the future, we can, in fact, be the Congress that finally balances the budget.

Madam President, I would like to be part of that Congress, and I would like to see Democrats and Republicans work together to bring about that kind of a balanced budget. But that would mean each one of us, every man and woman in this body and every man and woman in the other body, will have to stand up and cast votes that are politically unpopular—not a vote that sounds very popular but does not cut a single program and does nothing to balance the budget.

My good friend from Utah has talked about the public opinion polls that say how popular a balanced budget is. I support a balanced budget. I voted for more deficit reduction than most of the Members of this body. But wanting it and voting it can be sometimes two different things. It is easy to stand up, as we all do, in town meetings back home and say we want a balanced budget. It is very difficult to come back and face special interest groups on the right and left and say we are going to cast votes to achieve balance.

This is not one of those tough votes. This proposed constitutional amendment is unnecessary, it is unwise, it is unsound, and it is dangerous.

First, it demeans our Constitution. It will destabilize the power among our three branches of Government. That balance of power between our three branches of Government gives this, the greatest and most powerful democracy in history, its greatest protection. It would head us down the road to minority rule and undermine our constitutional democracy. It would likely result in a shifting of burdens, responsibilities and costs to State governments. Whether my own State of Vermont, the State of Maine, the State of Utah, or any other of the 50 States, these State governments are ill-equipped to assume the vast burdens of the Federal Government.

Both because of what it would do and what it would not accomplish, adoption of this proposed 28th amendment to the U.S. Constitution would be wrong. Treasury Secretary Rubin testified that the proposed constitutional amendment would "subject the Nation to unacceptable economic risks in perpetuity. It would be a terrible, terrible mistake for this country."

Treasury Secretary Rubin commands the highest respect of both Republicans and Democrats and certainly within the financial community, and when he speaks of the unacceptable economic risks in perpetuity we ought to stop and listen to him. We should also listen to the 11 Nobel laureates in economics who joined 1,000 other economists who condemn the proposal as unsound and unnecessary. It is what the Los Angeles Times calls a false political star.

Now, there are responsible ways to reduce our budget deficit, but focusing our attention on this proposed amendment only delays us from making progress on what are some very tough choices. This is the same old sleight of hand that we have witnessed around here since 1982 when people began voting for a constitutional amendment on the budget rather than to vote to balance the budget. A lot of people stood up to say, "Yes, I voted to amend the Constitution to balance the budget."

Hurrah, hurrah, how brave they are, but they cannot quite step up here and vote on these tough issues that actually do balance the budget. There is no magic in the proposed constitutional amendment. The magic is hard work. Reducing the deficit will take hard work, and it will require hard choices.

Some may even use a "feel good" vote for this proposed amendment as the excuse to sit back and await the ratification process in the States, and then they would sit back and await the consideration of implementing legislation. Then they would sit back and await the consideration of budgets consistent with such implementing legislation. Then maybe, just maybe, they would start making the necessary cuts.

Madam President, it is like some of the people who stand on the floor of this body or the other body and say that we have to amend the Constitution and have term limits. There are those who stand up and say, "I have been arguing for term limits for 20 years," some who have been arguing term limits before some of the Members of this body were born, and they will keep on into the next century saying we have to have a constitutional amendment for term limits.

I heard one Member of the House, who has been here, I think, 14 terms, say, "If I do nothing before I leave here, we are going to get term limits—

if it takes me another 14 terms to get term limits."

What makes more sense, instead of looking for bumper sticker amendments and bumper sticker politics, is to cast votes that will cut the deficit now. Do not wait until the next century. I want to continue to lower the deficit now, not wait for two more election cycles to pass before balancing the budget sometime after the year 2002, which, incidentally, is the earliest date this amendment could be effective.

We showed in the last two Congresses we could make progress in undoing the mistakes of the deficits-building decade of the 1980's without having this proposed amendment in the Constitution. For the first time since Harry Truman was President, the deficit has declined 4 years in a row and with the help of President Clinton we have reduced the deficit 63 percent over the last 4 years. We have reduced the deficit, as a percentage of our economy, from 4.7 to 1.4 percent. These may seem like just numbers, but what we have done is we have reduced the deficit as a percentage of our economy to the lowest among the world's industrialized countries. Instead of constantly standing up supporting this because it might sound like good politics, let us be honest with the people we represent. We have done better than any industrialized country in the world.

As part of our efforts we passed legislation that saves tens of billions of dollars of taxpayer-financed Government programs. These are tough votes. For example, the distinguished senior Senator from Indiana, Senator LUGAR, and I sponsored legislation that reorganized the U.S. Department of Agriculture to become a more efficient and effective agency. The Leahy-Lugar bill passed Congress at the end of 1994. It will result in saving over $3 billion, but it has to close 1,200 USDA field offices including, should anybody ask, a large number of offices in my home State of Vermont.

What the distinguished Senator from Indiana and I did was not just to talk about it, we actually put together a piece of legislation which means in every single State in this country somebody is going to feel the pain. I know because I got letters from all over the country about it. But we passed it.

Maybe some of the same people who so eagerly support this constitutional amendment should ask themselves, are they responsible for the huge and unprecedented budget deficits of the Reagan and Bush years? Many are. I am one of only five remaining Senators in this body who voted against the 1981 Reagan budget package that increased defense spending by a huge amount while cutting taxes by a huge amount and which, of course, caused our debt to explode. The 12 years following Reaganomics have left us with over $2.6 trillion in additional debt.

Do we have a deficit today? Of course we do. If we did not have to pay the interest on the debt run up during President Reagan and President Bush's terms, we would have a surplus today. I commend, again, the President, who, while inheriting a huge national debt, a huge deficit, and a huge debt service when he came into office, has brought the deficit down. President Clinton has, four times in a row, brought the deficit down and is about to do it a fifth time in a row, something that none of us in our lifetime have seen.

But this proposed constitutional amendment remains now what it was then: political cover for the failed policies of the 1980's and their tragic legacy. Those mistakes continue to cost our country hundreds of millions of dollars every workday in interest on deficits run up during the last two Republican administrations. Think of that—hundreds of millions of dollars every single workday just on interest alone based on the deficits of those years. As I said before, were it not for the interest on this debt, we would have had a balanced budget in each of the last several years.

The proposed constitutional amendment contains no protection against the Federal Government seeking to balance its budget by shifting costs and burdens to the States. That is the ultimate budget gimmick—pass the buck to the States. The proposed constitutional amendment would be a prescription for disaster, especially for small States that are ill-equipped to handle the extra load. We know what happened in the 1980's; Federal contributions to State and local governments fell sharply, by about a third. During that same decade, my home State of Vermont had to make up the difference. We had to raise the State income tax rate from 23 to 28 percent. In addition, State and local property taxes and taxes of all kinds had to be increased.

I remember talking to so many people in my State of Vermont, hardworking men and women, people who bring home a weekly paycheck and pay the mortgages, set money aside for their children to go to college. They keep our economy going. I said, "Have you felt these huge tax cuts that we read you have gotten under Reaganomics?" Except for a couple of my friends who, frankly, Madam President, make a heck of a lot more money than I do, they had not. In fact, what they had seen, the average person had seen their taxes go up. They saw Social Security taxes go up, they saw their local taxes go up, they saw their State taxes go up to cover the differences.

That is not the way to cut the Federal deficit. It is the Federal deficit. You do not cut it by simply shifting the burdens to State and local government and telling them to raise the taxes on their people. Working people cannot afford tax increases any more just because they are imposed by State and local authorities and not by the Federal Government.

While we passed unfunded mandates legislation last Congress, even that legislation offers insufficient protection. My concerns extend beyond new legislation that the lawyers determine include legally binding obligations. I am concerned as well about those programs that respond to the basic needs of individuals.

Human needs are no less real because they are not set forth in a Federal statute. Hunger, cold, illness, the ills of the aged—these do not need statutory definition to cause suffering. With or without definition, they do cause suffering. If we try to balance the Federal budget by scaling back services, we are just as surely going to be shifting the costs and burdens of these unmet needs, as well as Federal mandates, on State and local governments.

I know the people of Vermont are not going to let their neighbors go hungry or go without medical care, and I expect people elsewhere will not either. As much as our churches and synagogues and our charities and our communities will contribute, a large part of the problem and a large share of the costs are still going to fall to State and local governments.

The distinguished majority leader in the other body, RICHARD ARMEY, said in 1995 that he did not want to spell out the effects of this constitutional amendment before it is passed because he is afraid that Congress would not vote to pass it if it knew what it would do. He later reinforced his remarks by warning supporters not to reveal where the necessary cuts would be made because knees would buckle.

If we are going to be asked to consider this constitutional amendment, let us find out what the impact is likely to be. Certainly, before any State is called upon to consider ratification of such a constitutional amendment, we ought to know what the impact is going to be. Every State ought to be able to look at the debate here and our actions here and know what the impact is going to be if they ratify. Each State should be advised of the likely effects on its economy and, in particular, on personal income levels and job losses in that State. Let us get some of the answers. Let us know where we are headed.

In fact, I believe this proposed constitutional amendment would invite the worst kind of cynical evasion and budget gimmickry. The experience of States that do have balanced budget requirements only bears this out. My State, which has one of the best credit ratings in the country, takes care of its budget without having in its State constitution a constitutional amendment to balance the budget. Because we know we have good times and bad times, we have provisions to set aside a rainy day fund. We know that there are things that we have to do in our small State economy at a time of recession to help.

But look what happens with States with a balanced budget requirement. Many that do achieve compliance do so only with what the former comptroller of New York State calls dubious practices and financial gimmicks. These gimmicks include shifting expenditures to off-budget accounts, postponing payments to school district suppliers, delaying refunds to taxpayers, deferring contributions to pension funds, and selling State assets. The proposed constitutional amendment does not prohibit the Federal Government from using the same and other dubious practices and gimmicks.

With Congress facing a constitutional mandate, the overwhelming temptation will be to exaggerate estimates of economic growth and tax receipts, underestimate spending, and engage in all kinds of accounting tricks as was done before the honest budgeting efforts of 1993. The result will be that those who do business with the Government may never be certain in what fiscal year the Government will choose to pay up or deliver, and those who rely on tax refunds can certainly expect extended delays from the IRS.

Passing a constitutional directive that will inevitably encourage evasion is only going to invite public cynicism and scorn, and not just toward the Congress. That, Madam President, does bother me, since we represent one of the three branches of Government. What bothers me far more is cynicism toward the Constitution itself.

None of us in this body owns the seat that we are in. We are all here for 6 years at a time. Some day we will leave, as we should, either by our own choice or because we are given an invitation to do so by the voters of our State. But while we are here, we have a responsibility to the institutions of this country, and certainly to our Constitution, an oath that we each take solemnly and without any reservation.

(Mr. CRAIG assumed the chair.)

Mr. LEAHY. Mr. President, we are, in some ways, an unprecedented country. No nation, no democracy has achieved the power that we have. In fact, in history, no country, democracy or otherwise, has had the great economy and the great power of the United States. But no other country has had a constitution like ours, a short constitution, a simple constitution, an understandable constitution. Since the Bill of Rights, it has only been amended 17 times. In one of those cases, it was amended for prohibition and then to repeal prohibition.

I mention this because I think there is a definite connection between the greatness of the United States, the fact that we maintain our democratic principles and, notwithstanding our enormous power, a respect for Government and a respect for our Constitution based on the knowledge of that Government and that Constitution and not because a dictator and army tell us we have to.

But that has meant that the men and women who have occupied these seats that we only temporarily occupy, the men and women who have occupied the seats in the other body that were only temporarily occupied, were wise enough—even though there were hundreds and hundreds of proposals over 200 years—were wise enough not to amend the Constitution willy-nilly, especially for those things that can be taken care of legislatively. As the President said last night, it only requires our vote and his signature for a balanced budget, not a constitutional amendment.

Our predecessors on both sides of the aisle and our predecessors on both sides of the aisle in the other body were wise enough to refrain, no matter how popular it sounded or no matter how much it helped them in their elections, from amending the Constitution willy-nilly, especially for those things they knew they could do legislatively.

It is one thing to amend the Constitution to limit the terms of Presidents or to set up successions when there is a vacancy in the Vice Presidency or the Presidency itself. Those are of constitutional import. But something we can do simply legislatively, why amend the Constitution? Let's not debase our national charter with a misguided political attempt to curry favor with the American people by this declaration against budget deficits. Let us not make the mistake of other countries and turn our Constitution into a series of hollow promises.

We are too great a nation for that. We are too great a democracy for that, and the loopholes in Senate Joint Resolution 1 already abound. One need only consult the language of the proposed amendment and majority report for the first sets of exceptions and creative interpretations that will allow Congress to reduce the deficit only so far as Members choose to cast responsible votes. The Judiciary Committee reports that the Congress will have flexibility in implementing the constitutional amendment. It will leave the critical details to implementing legislation.

This proposed constitutional amendment uses the seemingly straightforward term "fiscal year." But according to the committee report, this time period can mean whatever a majority in Congress wants it to mean. It has no immutable definition. It may mean one thing this year, and we may decide the next year it means something else. It can be shifted around the calendar as Congress deems appropriate. Watch out for the shifting of fiscal years in order to juggle accounts when elections are approaching.

This proposed amendment gives congressional leeway to rely on estimates to balance the budget, to make temporary self-correcting imbalances and to ignore very small or negligible deficits. But what is temporary? What is self-correcting? What is small? What is negligible?

With apologies to one of our distinguished predecessors, the Senator from Illinois, Senator Everett Dirksen, a billion here, a billion there; after a while, it does not add up. This is a lawyer's dream.

What is negligible? We think a billion is negligible, and somebody sues, or a whole lot of people sue. My guess is that unless it becomes a political bone of contention between political parties as we approach an election, we could go a long time without Congress declaring itself in violation of this proposed amendment.

What happens if the President of the United States says, "Well, here are my estimates. My estimates are we are going to receive x number of dollars and my estimates are we are going to spend x number of dollars," and it turns out he is wrong? What do we do? Sue him?

What happens if the Congress does the same thing? We estimate in our budget resolution we are going to receive x number of dollars and spend x number of dollars. What happens if we are wrong? Do all 535 Members go to jail or just those who voted for it?

This proposed constitutional amendment could be economically ruinous. During a recession, deficits rise because tax receipts go down. But various Government payments, like unemployment insurance, go up. By contrast, the amendment would demand the taxes be raised and spending be cut during a recession or depression. It is almost like when President Herbert Hoover, as we started into a slight recession, said the thing that would give the most confidence to the country would be to force through a balanced budget. He did, and we went through the worst depression in this century.

As Treasury Secretary Robert Rubin testified in the Judiciary Committee, "the balanced budget amendment would turn slowdowns into recessions and recessions into more severe recessions or even depressions."

Economic policy has to be flexible enough to change with a changing and increasingly global economy. But the requirements of this proposal would tie Congress' hands to address regional, national, and international problems. We should not hamstring the legislative power that is expressly authorized in article I, section 8, of the Constitution. Let us not undo that which our Founders wisely provided: flexibility.

This proposed constitutional amendment risks seriously undercutting the protection of our constitutional separation of powers. No one has yet convincingly explained how the proposed amendment would work and what role would the President play and what role would the courts play in its implementation and enforcement?

I can just see the new law school courses all over the country. How do you sue under the constitutional amendment?

When you put the budget in the Constitution, economic policy would inevitably throw the Nation's fiscal policy into the courts. That is the last place issues of taxing and spending should be decided. Basically what it does is it destroys this delicate balance between the three branches of government: the executive, the legislative, and the judicial.

I cannot understand why Members of Congress want to give up their powers to the judiciary, because the effect of the proposed amendment could be to toss important issues of spending priorities and funding levels to the President or to thousands of lawyers in hundreds of lawsuits in dozens of Federal and State courts.

If approved, the amendment would have let Congress off the hook by kicking massive responsibilities for how tax dollars are spent to unelected judges and the President. Judge Robert Bork warned of the danger more than a decade ago. Again, Mr. President, why—why—would we give up the constitutional powers we have had for 200 years and give them over to the courts who do not want them and have not asked for them?

So instead of creating future constitutional questions, let us do the job we were elected to do. Let us remember what the President said last night: You vote it, I sign it; we have a balanced budget. Simple as that. But it means we have to make the tough choices and cast the difficult votes and make progress toward a balanced budget.

I worry, Mr. President, that perhaps some, because it is a lot easier, just vote for a constitutional amendment which has huge popularity. It is a lot easier to do that than to vote against a whole lot of programs where your vote is not popular.

It is not popular to actually cast the votes to balance the budget. It is easy to cast the vote for the constitutional amendment. It is sort of like saying, "I will vote today to eliminate cancer." Who disagrees with that? Or the person says, "I'm against cancer. I don't want to give up smoking, but I'm against cancer." It is the difficult steps.

This proposed constitutional amendment undermines the fundamental principle of majority rule by imposing a three-fifths supermajority vote to adopt certain budgets and raise the debt limit.

Again, has anybody read a history book in this body? Has anybody found out how this country started? Go back to our Founders. Our Founders rejected such supermajority voter requirements on matters that are within Congress' purview. Alexander Hamilton described supermajority requirements as poison. I sometimes wonder if anybody around here even knows who Alexander Hamilton or Thomas Jefferson, George Washington or these people were.

Hamilton observed that:

> Supermajority requirements serve to destroy the energy of the Government and to substitute the pleasure, caprice or artifices of an insignificant, turbulent or corrupt junto to the regular deliberations and decisions of a respectable majority.

These supermajority requirements are a recipe for increased gridlock, not more efficient action. If there are some in here who have not read The Federalist Papers, just recall the lessons of the last 2 years when the Government was shut down by a determined minority intent on getting its way. The Nation was pushed to the brink of default when a group pledged that, no matter what, they would not vote on raising the debt limit, they were going to let the Government be shut down. Whether it was political or they went out the wrong door in an airplane or whatever, they shut down the Federal Government.

That cost taxpayers hundreds of millions of dollars. It certainly cost everybody in private enterprise in this area, just about any area in the country, hundreds of millions of dollars more. We looked ridiculous to the rest of the world. But all because a minority made that determination.

Such supermajority requirements reflect a basic distrust, not just of Congress, but of the electorate itself. I reject that notion. I have faith in the electorate. I am prepared to keep faith with and in the American people.

Mr. President, we have also said that "The devil is in the details." I believe Emerson first said that. The proposed constitutional amendment uses such general terms even its sponsors concede that implementing legislation will be necessary to clarify how it is going to work.

So we ask, what will the implementing legislation say? Well, we are not going to find out until we see the implementing legislation. Basically this says, "Trust us. Pass this. And we'll tell you afterward what it means." That is kind of like somebody saying, "I'll sell you this business. Would you sign this contract in blank? Give me all your money, but I will fill in the terms afterward."

I am a Vermonter. We just do not quite do it that way back home. We trust each other, but we kind of like to see the details. The questions raised by this proposed constitutional amendment still lack satisfactory answers. For example, what programs are going to be off budget? What role will the courts and what role will the President have in executing and enforcing the amendment? How much of our constitutional power do we give up? What is really compliance with the amendment? How much of a deficit may be financed and then carried over to the next year? There are a lot of questions like these that are critical to our understanding of this amendment. And they have not been answered.

Should Congress be asked to amend the Constitution by signing what amounts to a blank check? I disagree with that. No Congress should be asked to do that. Nor should each State be asked to ratify a pig in a poke.

In the interest of fair disclosure, Congress should first determine the substance of any implementing legislation as it did in connection with the 18th amendment, the other attempt to draft a substantive behavioral policy into the Constitution. Let us go look at the implementing legislation first.

In my view, this amendment does not meet the requirements of article V of the Constitution for proposals to the States because it is not constitutionally necessary. It is only with resolve and hard work that we make progress. Neither is evident in the proposed constitutional amendment.

I have heard some of the speeches about why it would be good politics, popular politics to vote for this. Politics—good, popular or otherwise—have no place when we are dealing with the Constitution of the United States. We inherited a great legacy from those who went before us because they resisted the temptation to play politics and to amend our Constitution willy-nilly.

As a result, we are the greatest and strongest democracy history has ever known. The bedrock of it is our Constitution, which sets up three branches of Government, with powers that make sure there are checks and balances. This amendment destroys so much of what this country has rested on for over 200 years.

So instead of a bumper sticker for the Constitution, what we need is the wisdom to ask what programs we must cut, and the courage to explain to the American people that there is no procedural gimmick that can cut the deficit or the debt. There is no nice, easy self-serving item. There is only hard work. But I think the American people would rather have the hard work than have us fool around with our Constitution.

Yesterday the Wall Street Journal printed an editorial titled "Constitutional boondoggle" in its editorial page. The editorial says:

> We do need to get the national debt declining . . .

I agree.

> We do need to restrain federal spending.

Again, Mr. President, I agree.

> We do need to resolve the Medicare crisis. . .

Mr. President, I agree.

> We do need to look beyond the year 2002.

Mr. President, I agree. But then they said:

> But these battles have to be fought one by one, and [they] can't be solved by amending the Constitution.

Once again, Mr. President, I agree.

The Wall Street Journal editorial concludes:

> The concept embodied in the proposed [constitutional] amendment measures nothing useful; it is at best a distraction, and at worst, causes confusion that makes the right things harder to do, not easier.

I ask unanimous consent the Wall Street Journal editorial be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, think back again to last night's State of the Union address. The President said all it takes is for us to cast the votes and for me to sign the bill to balance the budget. Many of us who cast those tough votes to cut programs, to bring the deficits down, have faced in the short term the wrath of our constituents but in the long term a realization that we have done the right thing for the country.

I am proud that I have voted for budgets that have now, 4 years in a row, brought down the deficits, something that has not happened certainly in the last 15 years or so. We have had a President who has had the courage to give us four budgets in a row that bring down the deficits. They have meant tough votes.

Some Members who voted to bring down the deficit have probably lost elections because of those tough votes. How much better they have been to themselves, to their children and their children's children because they resisted the temptation, as Senators and Representatives have for over 200 years, to amend our Constitution unnecessarily.

So let us not proceed to a view of short-run popularity but with a vision of our responsibilities to our constituents and the Nation in accordance with our cherished Constitution.

Mr. President, first and foremost I am going to cast votes on this floor to protect that Constitution, popular or otherwise. I take my oath of office seriously. I appreciate the privilege the people of Vermont have given me to represent them in this body. There is nothing I will ever do in my life that will make me as proud as being in this body representing the people of Vermont. As I have told the people of Vermont in each one of my elections, I will protect the Constitution first and foremost. As I told them in my last two elections, I will vote against this constitutional amendment because it does not protect our country, it demeans the Constitution, and it lets us off the hook from doing the things that we really should do.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, Feb. 4, 1997]

CONSTITUTIONAL BOONDOGGLE

With President Clinton about to deliver his State of the Union Address and new budget, this is an apt moment to say that the President is right and the Republicans are wrong on item one of the GOP Congressional agenda. The balanced budget amendment is a flake-out.

The notion of amending the Constitution to outlaw budget deficits is silly on any number of counts. Politically it's empty symbolism. Legally it clutters the Constitution with dubious prose. Today's lesson, though, concerns economics and accounting. You can't measure economic rectitude by any one number, let alone the "deficit," however defined, let alone the deficit projections the proposals will inevitably involve in practice. The attempt to enshrine such a number in the Constitution is bound to prove a snare and a delusion.

The proposal passed by the Senate Judiciary Committee says that outlays ("except for those for repayment of debt principal") shall not exceed receipts ("except those derived from borrowing"). While this concept sounds simple, in fact it reflects neither accounting principles nor economic reality.

If you can balance your family budget, the thinking goes, the government can balance the federal budget. But applying the budget amendment's principles to households would outlaw home mortgages, which have proved a boon to countless families and the general economy. What a family balances is its operating budget, a concept foreign to the federal accounts. In corporate accounting, similarly, the health of an enterprise is measured by careful distinctions such as accruals or depreciation. Even the balanced budget restraints of state and local governments exclude spending on capital improvements financed by bond issues approved by voters.

The reality is that borrowing money is not a sin; it depends on how much money, and in particular on the uses of the borrowed funds. Even the amendment itself recognizes this by allowing Congress to waive the amendment by majority vote when war is declared or when a joint resolution declares "a military conflict which causes an imminent and serious military threat to national security." Other emergencies would presumably be dealt through the provision that Congress could approve borrowing by a two-thirds vote.

Republicans back the amendment because it scores well with focus group participants, who don't understand the difficulties, and with Ross Perot, who doesn't care. They also hope that limiting the government's power to borrow will force it to limit spending. Democrats seem pretty much to agree, and want to voice support for the amendment to appease focus groups while also killing it to avoid a spending straitjacket. We're not so sure.

For one thing, we've observed how European politicians, even supposedly conservative ones, have been behaving toward the budget-deficit requirements they imposed on themselves in the Maastricht agreement. To get within the numerical criteria, the Italians are taking their railroads off and on budget; the French government, in return for an infusion of funds this year, assumed pension obligations running into the far future. Governmental accounting, you see, simply counts formal government debt; it ignores unfunded governmental promises.

This is a loophole enormous enough that Rep. Fernand St Germain could drive half of the S&L crisis through it in one night in 1980, when he doubled deposit-insurance limits. Another enormous loophole is the government's ability to offload, or "mandate," costs on corporations, individuals and state and local governments without running any receipts or outlays through the Washington books. And when the bill for Rep. St Germain's coup suddenly came due in 1989, would it really have been better to avoid borrowing and put the rest of the government through a temporary wringer?

These imperfections might not matter if the amendment did no harm, but it's easy enough to imagine scenarios in which it would keep us from doing the economically right thing. Take the proposals by the most conservative bloc in the recent Social Security Commission. They would allow current taxpayers to personally invest part of what they owe in payroll tax, giving them a better return. But meeting obligations to those retiring before their benefits were funded would require a big issue of government debt. The new debt would merely formally recognize current obligations, and the privatization would dramatically reduce future obligations. Though this transaction would plainly improve the federal fisc, the balanced budget amendment would outlaw it.

Or for that matter, take the Reagan defense build-up, which led to victory in the Cold War. The balanced budget amendment would have allowed a majority to vote for borrowing if fighting broke out, but not for expenditures to deter it. Is this what we want?

And take the Reagan tax cuts, which in combination with Paul Volcker's tight money, led the country out of 1970s malaise, conquering inflation without an extended recession. Clearly, deficit projections would have prevented the tax changes.

Yes, this policy mix gave us deficits, but the 1980s deficits are themselves a large part of the reason we have a new concern with budget discipline today. Indeed, it seems to us that history argues that discipline comes from *forcing* governments to borrow, and pay interest—instead of raising taxes or making unfunded promises or issuing unfunded mandates. Yet in the form passed by the Finance Committee, the amendment says you need a majority to raise taxes, a majority to declare a military emergency, but two-thirds to borrow.

What President Reagan understood is that if you limit taxes, spending will sooner or later have to follow. For permanent budget discipline, the best idea now on the table is Rep. Joe Barton's proposal, up for a vote in the House April 15, simply to require a two-thirds vote to raise taxes. If that should pass, nature will take its course.

We do need to get the national debt declining as a per cent of economic output. We do need to restrain federal spending. We do need to solve the Medicare crisis, as Senator Phil Gramm notes alongside. We do need to look beyond the year 2002. But these battles have to be fought one by one, and can't be solved by amending the Constitution. The concept embodied in the proposed amendment measures nothing useful; it is at best a distraction, and at worst spreads confusion that will make the right things harder to do, not easier.

Mr. HATCH. Mr. President, Senator THURMOND, who has worked on the balanced budget amendment for all this time that he has been in this body, the imminent President pro tempore of this body, who deserves so much credit for even getting it up for us to vote on it, has asked that one of our new Senators from Nebraska be given the opportunity to take his place at this point. He wanted to defer to the distinguished Senator from Nebraska who will be giving his maiden speech on the balanced budget amendment in the Senate. I am proud of him for doing so. It is an honor to all of us that Senator THURMOND would do this.

Mr. President, I ask unanimous consent the distinguished Senator from Nebraska proceed with his remarks, and then I ask unanimous consent that the distinguished Senator from Nevada be allowed to proceed.

Mr. LEAHY. Mr. President, certainly the Senator from Nebraska, who has been waiting some time, should go next, but perhaps somebody on this side of the issue might go after the Senator from Nebraska.

Mr. HATCH. Let me amend my unanimous consent.

Mr. LEAHY. The distinguished Senator from Utah and I have had enough bills on the floor. It might be good to go back and forth.

Mr. HATCH. Senator BRYAN would like to go after Senator HAGEL, if there is not another opponent who wishes to speak.

Mr. LEAHY. If we do not have another opponent, I am certainly willing to yield to the distinguished Senator.

Mr. HATCH. I wanted to make it clear. We will finish here about 5:30 today, I understand, and certainly we want to have both of these Senators give their speech.

Mr. LEAHY. I assumed the excitement level would be at such a high level we might want to go on all night, but if the distinguished Senator from Utah wants to stop, I will contain my excitement.

Mr. HATCH. We are only doing it to accommodate our friends on the other side who have a dinner. I would like to get the remarks in, and I particularly want to listen to these two Senators.

I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Chair recognizes the junior Senator from Nebraska.

Mr. HAGEL. Thank you, Mr. President. Let me also add my thanks to the distinguished senior Senator from South Carolina, Senator THURMOND, for giving me an opportunity to take his place this afternoon in this debate over the balanced budget amendment.

Mr. President, I rise today to add my strong support for Senate Joint Resolution 1, the balanced budget amendment. I believe Americans want a smaller, less intrusive Federal Government. They want more freedom from the burdens of Government. This is America, a country born from a desire to escape the yoke of oppressive government. Our Founding Fathers did not trust government. They trusted the people.

As we approach a new century, we have again reached a turning point in America's history. We have been given a charge, as a nation and as representatives of the people, to work together to prioritize the role of Government, to redefine the role of Government in our lives. How much Government do we want? How much do we want Government to do for us? What do we want Government to do for us? How much Government are we willing to pay for?

Reducing the role of the Federal Government will require tough choices. A balanced budget amendment will not make those tough choices and difficult decisions. It is the responsibility of those of us entrusted by the American people in leadership positions in this country to make those tough choices and those difficult decisions. However, a balanced budget amendment will force us to step up to these decisions and help make us better able and disciplined to make those choices necessary to ensure a strong future for this country.

The American people are tired of political posturing and partisan rhetoric. They want action. They want results. They want us to do what we said we would do. We are not here to defend the status quo. We are here to solve problems. We are here to ensure that the taxpayers get the most efficient and effective use of their tax dollars. After all, the money we spend is not our money. It is not the Senate's money. It is not the President's money. It is the American people's money. They earned it. They work for it. It is up to us to spend it wisely. And right now the American people do not believe that Washington spends their money wisely. The American people want us to get control of this country's fiscal policy. They want fiscal responsibility.

That is why a balanced budget amendment is so important. It will force discipline upon the Congress of the United States, a fiscal discipline that has been absent since 1969, the last time America balanced its budget; 36 of the last 37 budgets in this country have not been balanced. It will force us to be honest with the American people.

As our former colleague, Paul Simon, a strong proponent of the balanced budget amendment, wrote just last week in the New York Times: "Elected officials like to do popular things, and there is no popular way to balance the Federal budget." The balanced budget amendment will give us the constitutional discipline to do the right thing.

This debate is about accountability. This debate is about responsibility and leadership. It is about restoring the confidence and trust of the American people and their Government.

We have all been called upon to provide leadership. There is no bigger challenge facing the future of this country than paying down our enormous national debt.

During the debate on the balanced budget amendment there will be numbers and numbers and more numbers. But I ask you to focus on these numbers: America made gross interest payments of $344 billion in fiscal year 1996 on our national debt. That's $344 billion that was not used to improve our schools, strengthen our national defense, protect our environment, or build new transportation systems. And that's just the annual interest. The only thing that we are doing is paying interest on the national debt. We are not even beginning to touch the principal. Each day, we add an average of $700 million to our national debt that already totals $5.3 billion. By the time we reach anyone's plan for a balanced budget, the national debt will be $7 trillion.

The national debt that we are leaving for our children and their children and grandchildren is the real issue in this debate.

What we are doing in cheating the generations that follow us is immoral. We must put our Government in a position to begin paying down our national debt. We must begin to put our fiscal house in order, or our next generation—and I see young people in the galleries today—will face a disaster. They will have a limited future because they will have limited opportunities. This debate is about their future, the future of America, the future of our children and their children.

It strikes me as ironic, Mr. President, that opponents of the balanced budget amendment argue that it will cause cuts in education, Social Security, Medicare, and other programs. What they fail to tell the American people is that if we do nothing—if we fail to act—deficits and our debt will continue to rise until there is nothing left in the Federal budget for education, entitlement programs, national defense, or any other programs—including Social Security.

The real threat to Social Security is the national debt. If we don't act to balance the budget and stop adding to that debt, then we are truly placing the future of Social Security in jeopardy.

Furthermore, exempting Social Security from the balanced budget amendment would actually make Social Security more vulnerable. We are all well aware that Social Security will begin to run a deficit of trillions of dollars early in the next century. Taking Social Security off budget would put it out on a plank all by itself when that time comes. Including Social Security in our total unified budget calculations ensures that Congress will have to deal with this crisis before it hits. How can we take America's largest program off budget?

If Congress took Social Security off budget and ran trillions of dollars of deficits in it, Congress could still say that they balanced the budget. That is ludicrous. That is folly. But, more important, it's dishonest. Does anyone truly believe that Social Security will suffer if we balance our budget? Let's get real. Social Security has been, and will continue to be, the highest priority program in the Federal budget.

Let me say this as straightforward as I can. The best thing we can do to ensure a sound future for Social Security and America is balance a unified Federal budget.

Let's be honest with the American people and say it straight. We have to balance our budget. We cannot continue to pile on to the debt that we are leaving this next generation and then expect them to be competitive in the global economy of the 21st century. If it takes an amendment to the Constitution to balance the budget, we should have one. Our Framers gave us that option. When it was required to do the right thing for the people and the Nation, the Framers gave us amendments to the Constitution to help ensure that we balance our budget, and we need a balanced budget constitutional amendment. So let's get at it. Let's show the American people that we are going to do what we said we would do.

The future for our next generations is growth and more economic opportunities for all Americans. Only through growing our economy, cutting taxes, cutting regulation, and cutting Government spending will we be able to pay off our national debt.

We cannot delay these decisions any longer. Generation after generation will live with the consequences of our actions or our inactions. Will they live with the crushing debt of our indecision? Or will they look back and say that we did rise to the occasion and to the challenge? Will they say that we faced the deficit and the debt honestly and took action and ensured the survival of the American dream?

The magic of America has always been that each generation has done better than the last because it had more opportunities. I do not want to look my 6-year-old and 4-year-old in their eyes in 20 years and say to them that I was a Member of the U.S. Senate, but I didn't do enough to protect their future.

I will not allow that to be the legacy of this U.S. Senator, nor do I believe that this is the legacy my distinguished colleagues wish to leave to their children, grandchildren, and America.

Thank you, Mr. President.

Mr. THURMOND. Mr. President, today, we being consideration of a proposed constitutional amendment to require the Federal Government to achieve and maintain a balanced budget.

Undoubtedly, it is the desire of every Member who supports the balanced budget amendment to see the Federal budget deficit eliminated so that we may begin to cut away at the Federal debt which is currently over $5.28 trillion. Without a balanced budget amendment, there has been little pressure on the President to submit a balanced budget and on the Congress to make tough legislative choices on Federal spending. I would note that the Republican-controlled Congress is working hard to balance the Federal budget. However, we need a balanced budget amendment as part of the Constitution. As the Congress authorizes Federal spending, we must understand the reality that there are a finite number of tax dollars available for public spending and various proposals would compete on merit and need, not popularity.

The balanced budget amendment would instill legislative accountability as the Congress considers various proposals for increased Federal spending. Currently, there is no real check on runaway Federal spending, and there will never be a shortage of legislation creating new Federal programs or efforts to increase spending in existing programs. Without a balanced budget amendment, budget deficits over the long term will continue to rise and the Federal debt will continue to grow. There have been times when gestures were made to bring spending within our means but those efforts were shortlived. Statutes to reduce Federal spending have not been enough. They are too easily cast aside and the Federal Government rolls along on its path of fiscal irresponsibility.

I am convinced that without the mandate of a balanced budget amendment, Federal spending will continue to eclipse receipts and the American people will continue to shoulder inordinate tax burdens to sustain an indefensible Federal appetite for spending. In 1950, an average American family with two children sent $1 out of every $50 it earned to the Federal Government. Today, the average American family is spending $1 out of every $4 it earns to the Federal Government.

Mr. President, we can trace the debate on a balanced budget amendment back in our history for 200 years. A defining moment may well have been the appointment of Thomas Jefferson as Minister to France. Thomas Jefferson was abroad when the Constitution was written and he did not attend the constitutional convention. If Jefferson had been in attendance, it is quite possible that he would have been successful in having language placed in the Constitution to limit the spending authority of the Federal Government. Upon studying the Constitution, Thomas Jefferson wrote in a letter of a change he so fervently believed should become part of the Constitution. He wrote the following:

> I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its Constitution. I mean an additional article taking from the government the power of borrowing.

Further, Jefferson stated,

> To preserve our independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.

Another former President, Andrew Jackson, stated the following,

> Once the budget is balanced and the debts paid off, our population will be relieved from a considerable portion of its present burdens and will find . . . additional means for the display of individual enterprise.

President Harrison described unnecessary public debt as "criminal."

Mr. President, early American Presidents and public leaders understood the dangers of excessive public debt. For almost 150 years, balanced budgets or budget surpluses were the fiscal norm followed by the Federal Government. The unwritten rule followed by Presidents and legislators until recently in our Nation's history was to achieve balanced budgets except in wartime. Unfortunately, the role and the size of the Federal Government has grown out of control. In the past three decades, the Federal Government has run deficits in every year except one. Further, the Federal Government has run deficits in 56 of the last 64 years.

The Federal debt has grown as deficits have continued and the debt is now over $5.28 trillion. It took this Nation over 200 years to run the first trillion dollar debt yet we have recently been adding another trillion dollars to our debt about every 5 years.

I have been deeply concerned during my time in the Senate over the growth of the Federal Government. It has been too easy for the Congress to pass legislation creating new Federal programs and spending more tax dollars whenever there is a call for Federal intervention. Of course, the Federal Government has an appropriate role to protect the citizens of this Nation, but it is not realistic to believe that Washington should respond to every perceived problem with a new Federal approach. This Nation has drifted from its original foundations as a national government of limited authority. I believe the adoption of a balanced budget amendment will do much to return us to a more limited Federal Government and decentralized authority and the mandates of such an amendment will increase legislative accountability. A balanced budget amendment is the single most important addition we can propose to the Constitution to begin reducing the size of the Federal Government.

Mr. President, we have seen the national debt and deficits rise in large part because the Federal Government has grown. The first $100 billion budget in the history of the Nation occurred in 1962. This was almost 180 years after the Nation was founded. Yet, it took only 9 years, from 1962 to 1971, for the Federal budget to reach $200 billion. Then, the Federal budget continued to skyrocket; $300 billion in 1975, $500 billion in 1979, $800 billion in 1983, and the first $1 trillion budget in 1987. The budget for fiscal year 1996 was over $1.5 trillion. Federal spending has gripped Congress as a narcotic but it is time to break the habit and restore order to the fiscal policy of this Nation.

Two years ago, we were only one vote short of the votes needed to pass the balanced budget amendment. We now have another opportunity to send the balanced budget amendment to the American people for ratification. I hope we do not fail the American people on this historic opportunity and instead present to the States our proposed amendment to mandate balanced Federal budgets. It is time to act to secure the future for all Americans.

I thank the Chair and yield the floor.

Mr. HATCH. Mr. President, as you can see, this is a very important amendment. This is a very important debate. This particular debate is going to determine whether this country is going to go ahead with a fiscally responsible Government or whether it isn't. And, frankly, I think it is time that we do vote on this and that we do what is right for our country.

We are waiting for a couple of Senators who would like to come and speak to this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I compliment the distinguished Senator from Nebraska for his maiden speech on the floor of the Senate on the balanced budget amendment. He did a very good job. He made a lot of very important points. I hope everybody in this country will pay attention to him.

This is a fellow who has sacrificed for his country. He was a war hero. He has been much decorated. He decided he wanted to run for the U.S. Senate so he could make a difference, and he made a real difference here today. I personally commend him for it and thank him for it.

Mr. LEAHY. Mr. President, while I disagree with the position of the distinguished Senator from Nebraska, I, too, compliment him on his first speech. He obviously had given great thought to it and to his position. It was sort of in the dim recesses of my own memory of the first time I spoke on the floor. I know it is a special time. I applaud him for waiting to speak on this matter. Whichever side we are on, we all agree that it is a very serious matter.

I notice that the distinguished senior Senator from Massachusetts is on the floor and wishes to speak. Following the sort of informal arrangement the Senator from Utah and I have worked out, trying to go back and forth, I will yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I thank the Senator from Vermont. Mr. President, I support a balanced budget, but I oppose this constitutional amendment. It is unnecessary, unwise, and untimely. At the very moment when Congress is about to balance the Federal budget the right way, our Republican friends are attempting to do it the wrong way, by writing an inflexible requirement into the Constitution.

Tomorrow, President Clinton will give Congress an opportunity to approve a balanced budget that genuinely protects the priorities of American families on key issues, such as Social Security, Medicare, education, jobs, health care, and the environment, while achieving the goal of a balanced budget in the year 2002. That is what American families want and need, not a risky and unnecessary constitutional amendment that would jeopardize these priorities, hamstring the economy, and place a straitjacket in the Constitution.

Our Republican friends refuse to admit the extraordinary progress we have already made under President Clinton to balance the budget. Twelve years of Reagan-Bush budgets tripled the national debt and quadrupled the deficit. But in 4 years under President Clinton's leadership, we have reduced the deficit by nearly two-thirds, and the goal of a balanced budget is clearly within our grasp.

The proposed constitutional amendment has several fatal flaws. One of the most flagrant is the clear threat it poses to Social Security. Today, over 43 million senior citizens rely on Social Security as a lifeline, and millions more are counting on it for their future. Yet the balanced budget constitutional amendment does not protect Social Security—it endangers it.

For over a decade, beginning with the Reagan administration when Social Security first came under heavy hostile fire from some members of the Republican Party, large bipartisan majorities in both the Senate and the House of Representatives have consistently dealt with that threat by providing clear protection for that basic program. Major legislation in 1983, 1985, and 1990 all protected Social Security by placing it outside the regular budget process. Yet this proposed constitutional amendment would undo all those protections, and put Social Security on the chopping block with all other programs.

When we were considering the markup of the balanced budget amendment, I made this point. Those who took a different position said, "Well, Social Security will be protected in any event because of the existing statutes." But what they fail to understand is that we are talking about a constitutional amendment that will override those particular statutes. Those statutes will be ineffective because of the new constitutional mandate.

We will erode the protections afforded Social Security in the past. The protections recommended by the Social Security Commission in 1983, which were effectively adopted in the Gramm-Rudman-Hollings budget statute and restated, with bipartisan support, in 1990. These are important pieces of legislation that clearly said that Social Security is different.

Social Security is special. Social Security represents dollars paid in by workers with the clear understanding and effective guarantee that they will be paid back at retirement. Social Security is different, as all of us well understand, from other provisions of legislation—direct appropriations and the discretionary budget, which funds, for example, education programs, NIH, the military, and the entitlement programs, plus the interest on the debt. As much as I strongly support the commitments at NIH or the Pell Grant Program, citizens do not pay into those programs expecting to get something back in the future.

That is why, Mr. President, it has been the time-honored position of this body—with bipartisan support—to place a firewall around Social Security. But not under the balanced budget amendment. It is right in there along with other programs, eligible for the chopping block.

This proposal could easily force the Federal Government to stop making payments on Social Security checks. As House sponsors of the amendment have admitted, "The President would be bound, at the point at which the Government runs out of money, to stop issuing checks." That would be a disaster for senior citizens on fixed incomes who count on Social Security to pay their rent, buy their food, or pay their heating bills.

How can any senior citizen count on Republican pledges that say, "Trust us. We won't hurt Social Security"? Our answer is clear—stop dissembling about Social Security. Stop playing this phony shell game with Social Security. We all know how to protect Social Security—so I say, protect it.

The second fatal flaw surrounding this amendment is the pretense of broad public approval. Proponents claim the amendment has widespread support among families in communities across the country. The polls seem—but only seem—to confirm that. A balanced budget constitutional amendment does have superficial appeal. It sounds good in a sound bite, but it can't survive serious debate.

Families don't balance their budgets this way. If they did, they could never buy a home through a mortgage, or borrow money to send their children to college or to buy a car.

That is the family budget. We hear, "Well, the families have to account for their funding." They do, and we should. And we will under President Clinton's budget. But to say that the families of this country do not mortgage their homes and pay off the debt over a period of time or borrow to send their children to college or to buy a car is misstating and misrepresenting what is really happening on Main Street USA.

Our Republican friends should not be lulled into a false sense of public support for this phony amendment. When families across America realize its flaws, this amendment will flunk the kitchen table test.

The third fatal flaw in this amendment is its threat to the economy. Republicans tell us that this proposal is good for families. But over 1,000 economists, including 7 Nobel prize winners, have condemned the amendment as an unacceptable risk to the health of the economy.

As Secretary of the Treasury Bob Rubin told the Senate Judiciary Committee, the amendment would "subject the Nation to unacceptable economic risks in perpetuity * * *. A balanced budget amendment could turn slowdowns into recessions, and recessions into more severe recessions or even depressions."

Mr. President, we have seen an expanding and growing economy in recent years. It has worked very well for an important percentage of the American people. It has not worked as well for all working families in this country. We acknowledge that. That is an area which I think we have to give greater focus and attention. But we do not have the dramatic swings that we experienced at other times in our economic history. Times that had a disastrous effect on working families—in particular, working families at the lower level of the economic ladder. So why are we putting them at risk with the balanced budget amendment? The wealthiest individuals are not going to be hurt if their Social Security check is cut or the Pell Grant program is reduced. Working families will be at risk. And the working poor have the most to lose because, if this country is put into a depression, they are the ones who will forfeit their jobs and the opportunity to provide for their families.

This amendment could spell disaster for working families during times of recession. The amendment turns off the economy's automatic stabilizers. That could cause unemployment to rise dramatically.

It is estimated that the unemployment rate in the 1992 recession would have risen to 9 percent, instead of 7.7 percent, and an additional 1 million Americans would have been thrown into the unemployment lines. What sense does it make to pass a fell-good constitutional amendment that could have harsh and extreme consequences like that?

Proponents claim that Congress would act in time to avoid any economic emergency. Does anyone seriously believe that? Under the three-fifths rule in this amendment, a willful minority could hold the economy and the entire country hostage indefinitely.

The House sponsors of the amendment have acknowledged this problem. They admit the amendment would have the effect of "lowering the blackmail threshold * * * from 50 percent plus one in either body to 40 percent plus one." That is the height of irresponsible government.

I say, let's work together, on both sides of the aisle, to pass an honest balanced budget that protects the Nation's priorities, protects the economy, and protects the Constitution too. Amending the Constitution is a transparent partisan political gimmick, and I'm convinced the people will see through it as this debate continues.

Mr. President, I look forward later in this debate to have the chance to debate the issues on Social Security, the enforcement provision, how this measure would tend to force amendments, and we will work with the leadership, Senators LEAHY and HATCH, to offer those amendments in a timely way to permit Members to engage in this debate.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. BRYAN. Mr. President, I thank the Chair.

I note by way of a prefacing comment the amendment that we are debating is a significant one. Obviously, there is going to be prolonged and thoughtful debate on the merits of Senate Joint Resolution 1, as is appropriate.

I note that not all Democrats agree with the position I take in support of this amendment, and not all members of the same family agree. The very able and distinguished senior Senator from Massachusetts has made an eloquent statement here just moments ago in opposition. His articulate and able nephew joined us at a press conference earlier today with equal vigor arguing for its ratification. So this will have some ramifications, I am sure, in terms of the process here in Washington.

Mr. KENNEDY. Will the Senator yield?

Mr. BRYAN. I am happy to yield.

Mr. KENNEDY. I appreciate the comment. It is two out of three. We have two out of three members of the family who oppose it. But I appreciate the Senator's pointing out the one member of the family. We will have a chance to talk to him.

Mr. HATCH. Will the Senator yield?

Mr. BRYAN. I will be happy to yield to the Senator.

Mr. HATCH. I think we see some hope for the Kennedy family.

Mr. BRYAN. I do not want to transgress and separate that wall of separation between church and state, but I think there may be a period of redemption here for those who have not yet been enlightened by our view.

It is always a pleasure to engage the Senator from Massachusetts in conversation because I know that he advocates from a position of conviction, sincerely a colleague whom I respect even though in this particular case I find myself in disagreement with his position.

Mr. President, this debate will climax later this month when the Senate tries to muster the 67 votes necessary to make this the 28th amendment to the Constitution. The outcome of this vote will have historic consequences which will significantly affect this country for decades to come. If we are successful in getting this amendment added to our Constitution, it will be this Congress' legacy to the history books and to our children and our grandchildren.

The President spoke eloquently last evening in his State of the Union Address. I have known the President for at least 15 years, when he and I served as chief executive officers of our respective States, and I have never heard him speak more eloquently. I believe it is the most eloquent of the State of the Union Messages that I have heard as a Member of this body. He spoke at considerable length about our children and the 21st century. We are part of the 20th century. As he pointed out, those who are born this year will have little or no memory of the century that has been the governing influence in the lives of every Member of this institution and those who report our actions for this generation.

I believe with equal sincerity that the action we take on this amendment is, likewise, for our children and their legacy so that they may have the same economic opportunities we have. It is my sense, and I will speak to this more in just a moment, that we foreclose and mortgage their future if we do not arrest a trend that has been institutionalized with both Democratic and Republican administrations and with Democratic and Republican Congresses.

As I commented earlier this month at a press conference with my able colleague, the distinguished chairman of the Judiciary Committee, both the White House and the Congress have supported a balanced budget. Democrats and Republicans in the Congress support a balanced budget. It has become the Holy Grail, if you will, of American political strategy to reach a balanced budget. Suffice it to say, our track record has not been particularly impressive. In 59 of the last 67 years, we have failed to balance the budget, and as a consequence these numbers are staggering. I want to talk to that issue a little bit more in a moment.

I do not underestimate the seriousness of an undertaking to amend the Constitution. We have only done so 27 times in our history, and so we should approach this carefully and analytically. This will and should be a lengthy debate, with serious consideration given to legitimate points of view, but in the final analysis I believe it is imperative that Congress send to the States some form of a balanced budget amendment. Other approaches have been tried and failed, but for the future economic well-being of our country, our children, and our grandchildren, we must take this step.

The wording of the resolution is straightforward and the text is barely two pages long. Under Senate Joint Resolution 1, total Federal spending must not exceed total Federal revenues for each year unless a 60-percent supermajority of those elected in both the House and the Senate vote to allow the Congress to authorize a specific amount of deficit spending.

While the wording is straightforward, the significance in terms of its impact on our country cannot be overestimated. Balanced budget amendments are not alien to our Government. In fact, almost all States have balanced budget requirements either in their constitutions or in their statutes.

As Governor of Nevada, I was required to balance the State's budget. It was not always an easy task, particularly during the economic slowdown of the early 1980's which affected my own State of Nevada and many other States. The year that I was elected Governor, in 1982, the recession had reached its low point in my State, and in January 1983, as I assumed office, we were not sure in that first month whether we could handle the payroll for State government. It was close. It was nip and tuck.

It is always the lot of those who seek support for programs, many of which I support, many of which the Members of this Chamber are supportive of, it is always the nature of those groups to ask more than they know you can provide, and Governors have the responsibility reinforced with a balanced budget provision, notwithstanding those requests and the merit of many of them, to simply say I would love to do it, I would like to do it, but we simply cannot do it because we do not have the money to do it and we have to operate within the revenue stream that we have.

That is the way we conduct our personal affairs, in business and private life. We lack that institutional discipline, it seems to me, here at the Federal level. And I say that without respect to partisanship. That is true with Democratic and Republican administrations alike.

My experience born out of that time is that a balanced budget requirement instills fiscal discipline in a system that is otherwise predisposed to avoid making hard, unpopular choices, and for the most part States have performed admirably when it comes to fiscal responsibility. We cannot say the same for the Federal Government in recent history.

In our country's first 150 years, there was almost an unwritten rule that the Federal Government should balance its budget. The United States Government ran deficits during the War of 1812, the Civil War and the Spanish-American War, to name a few occasions. But in other periods the Federal Government ran surpluses to reduce its outstanding debts. On the whole, only emergencies justified running deficits. However, in the past 36 years, the Federal Government has balanced its budget only once, in fiscal year 1969, and has failed in 59 of the last 67 years.

That is not an impressive record. None of us ought to be proud of that record. Let me emphasize, because this is bipartisan, that occurred under Republican administrations, Democrat administrations, Republican Congresses, and Democrat Congresses. So institutionally we all share the failure in being able to achieve that balanced budget.

Since 1980, the accumulated Federal debt has skyrocketed from less than $1 trillion to over $5 trillion. That represents $20,000 for every American, man, woman, and child. This has taken place in an era when our country has not been at war and has enjoyed relatively healthy economic conditions. No one can claim national emergency necessitated running these deficits.

Many in Washington believe there is now a true commitment to fiscal discipline. On the Federal level, in the last few years there has been some cause for optimism. For the first time since before the American Civil War, for four consecutive years, the annual deficit has declined. The President can take credit for that as well as the Congress for actions that have been taken.

What we do not hear is that in the current budget year we are developing, the deficits will begin to rise again, and so they will in each successive year to the year 2002. That success has been achieved as a result of a number of things that we have done in the Congress and in an economy that has enjoyed a surprising long run in growth. The deficit has been cut in half from its projected level just 4 years ago and the deficit has fallen from 4.9 percent of the gross domestic product in 1992 to 1.4 percent in 1996.

I know, and I think every Member of this Chamber knows, it is going to be extremely difficult, but we must complete the task and balance the budget by 2002. I am pleased to note and to sense a strong bipartisan will to achieve this goal. When we debate the budget resolution and 13 appropriations bills later this year, our will to achieve a balanced budget by 2002 will be sorely tested. I am optimistic, and I am hopeful we will rise to that challenge.

If we can balance the budget by 2002, some may ask, why do we need a balanced budget constitutional amendment? The simple answer is that this amendment is in the form of an insurance policy that Congress will live up to its good intentions. The amendment will keep our feet to the fire. While I respect the good intention of Members of Congress, history has proven that in the past three-quarters of a century we have not been up to the challenge. As I indicated a moment ago, in 59 of the last 67 years, the Federal Government has spent more money than it took in.

Additionally, since 1978, Congress has enacted five statutes requiring a balanced Federal budget—clearly good intentions. But Federal statutes have not worked, which is why I believe an amendment to the Constitution is the next logical and necessary step we must take. If we have the desire to balance the budget, why have we had so much difficulty in achieving this goal? While people in theory support a balanced budget, I am sure my colleagues share the same experience that I have had. At every townhall meeting, if asked, "Do you favor the Federal Government balancing its budget?" The answer is overwhelmingly in the affirmative. But when it comes down to specific cuts, it is interesting that that same townhall meeting will say, "But I don't want you to cut here." And in an audience of a couple hundred people, there are probably a dozen programs that those of our constituents who come to these meetings suggest: Balance the budget but don't make any cuts in these respective programs. They, like past Congresses, shy away from the hard choices.

Unfortunately, the consequences of failing to make the hard choices are either very subtle or are not felt for years or decades. While cuts in food stamps or home heating assistance are felt immediately and energize a specific constituency, a point or two rise in interest rates caused by deficit spending is hidden. Some of the American people have to make the connection between large Federal budget deficits and higher interest rates. These higher interest rates have a dramatic impact on the American family's bottom line. In fact, DRI-McGraw-Hill estimates that interest rates will drop by

2 percent if we balance the budget. This will save an average family $2,169 per year in mortgage interest, $180 on an auto loan, and $216 on a typical student loan.

But the most insidious effects of deficit spending are the larger and larger burdens we pass on to the next generation. In just a decade, the deficit has gone from $8,000 for every man, woman, and child in this country to more than $20,000 this year. We are burdening future generations with the tab for our inability to bite the bullet, to make the hard choices.

Our inability to balance the budget has had a compounding effect. Each year we fail to do so, the job becomes harder the next year, as we have to pay more to service the national debt. In the past 20 years, the percentage of our budget that goes to servicing the debt has risen from 7 to 15 percent. We lose 15 percent of our budget just paying for the excesses of the past and just the interest, none of that retiring the principal which is now approximately $5.3 trillion.

Put another way, $1 in every $6 of our Federal budget goes to paying interest on our more than $5 trillion national debt. Before the first school lunch is paid for, before another road is paved, before much-needed repair is undertaken on our neglected National Park System, we spend in gross interest payments alone, $300 billion as the cost of servicing our national debt. It is the second largest Federal spending item, following Social Security, and is equal to almost one-half of our personal income taxes paid to the Federal Government. Yet we have nothing to show for it.

While there is little disagreement on the evils of budget deficits, there is a serious disagreement and debate over whether Senate Joint Resolution 1 addresses specific concerns people have. I want to address one that is very sensitive and certainly worthy of being discussed and carefully considered, and that is whether Social Security should be included in a balanced budget amendment.

I believe Social Security should be removed from the balanced budget amendment. I do not do this lightly, because removing the Social Security surpluses will make it more difficult in our task of balancing the budget. The surplus for 1996 was approximately $60 billion. But whether Social Security should be taken out of the balanced budget amendment depends on how you view the Social Security system. If you believe it to be a pay-as-you-go system where today's workers' payroll taxes should go to pay the benefits of today's retirees, then Social Security should remain a part of the overall budget, and that is an honest, philosophical point of view. If, however, you believe the funds being taken out of today's workers' payrolls should be set aside for their retirement, years from now, then Social Security should be taken out of budget.

In fact, Congress has spoken on this issue and, in 1990, enacted legislation to take Social Security out of the unified budget. But my support for taking Social Security out of the balanced budget amendment is based on my conviction that we must start putting aside money for future retirees or we will face, as a country, financial calamity. The math does not work out, for there will be far too few workers to support far too many retirees when the baby boom generation retires in the next century.

Finally, we currently have 3.2 workers for every retiree. In the year 2030, we will have only two workers for every retiree, and young people today are rightfully skeptical about what will be left to pay for their retirement. One way to restore their confidence would be to truly set aside their payroll contribution by taking it out of a balanced budget amendment. This would prohibit the Federal Government from using Social Security surpluses when it balances the budget, and Social Security would look more like a traditional retirement system.

Over the next several weeks the Senate will engage in serious debate over the issue of excluding Social Security from a balanced budget amendment. While I support such an amendment, I believe it is vital that we pass a balanced budget amendment, even if it does not exclude Social Security. The worst thing we can do for Social Security is to fail to pass any balanced budget amendment.

Without the fiscal discipline provided by the amendment, we will never be able to keep our budget in order.

If we have learned nothing else from our past budget problems, it should be that putting off the solution only makes matters more difficult to rectify. A little pain now helps us to avoid a lot of pain later. The fiscal discipline of the balanced budget amendment will make it much easier for us to responsibly assure the long-term solvency of the Social Security System. The worst option for the long-term viability of Social Security, in my opinion, would be to continue with the status quo and fail to enact a balanced budget amendment.

Let me just embellish upon that for a moment. I know that many of my colleagues will be joining me in supporting an amendment to take Social Security off budget, and I believe they are sincere in desiring to protect Social Security. But I must say, I find it difficult to follow the logic that if there is not sufficient votes to take Social Security off budget in this constitutional amendment, that somehow voting against a balanced budget in some way protects Social Security.

I have been a Member of this body since 1989. I have seen budgets submitted by a Republican and a Democratic President, and we will see a budget submitted to us tomorrow by this President. Each President has submitted as part of a budget proposal to us the Social Security surplus. So tomorrow, the $60 billion that represents this year's surplus will be included in the spending plan that is recommended to the Congress.

So the notion that somehow if we fail to adopt a balanced budget amendment we are protecting Social Security, I must say, is an argument the logic of which I do not understand. We are currently using that surplus in the Social Security budget to finance the operational expenses of the Federal Government. Republican Presidents have done it; Democratic Presidents have done it. And in my view, it is a misguided notion that we protect Social Security by rejecting a balanced budget amendment that does not contain the off-budget language.

Mr. President, this Congress has a historic opportunity to take action that will positively affect this country for generations to come. If we fail, I am afraid we will continue to push financial burdens on those who come after us. Let this Congress' legacy be that it took bold action and that it did so in a bipartisan way, and that by so doing, we protect the future economic well-being of all Americans. I urge my colleagues to enact Senate Joint Resolution 1.

As I said at the outset, I do not take amending our Constitution lightly, but I feel, in light of the circumstances of our recent history, it is the only responsible course of action. History has shown us that good intentions, Federal statutory enactments have failed to do the job. A balanced budget amendment will bring about the fiscal discipline our country so desperately needs, and I urge my colleagues, Democrats and Republicans alike, to join with us in enacting a constitutional amendment that will balance the Federal budget in the year 2002, and, by so doing, ensure that our children and our grandchildren will enjoy the economic opportunities that have been the privilege of our generation to enjoy.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I will only take a moment, because the distinguished Senator from Minnesota wishes to make a statement on the other side of the issue.

I thank my colleague from Nevada for an excellent set of remarks. He is a tremendous leader on this issue, the principal cosponsor of this amendment on the Democratic side of the aisle. I thank him for all the work he has done and the excellent remarks that he has made. It means an awful lot to all of us.

Mr. BRYAN. I thank my colleague from Utah for his generous remarks. I look forward to working with him and our other colleagues in seeing this measure is enacted into law.

Mr. HATCH. Mr. President, I would like to take a few seconds to point out this little stack. This is only 28. This stack is only 28 of the unbalanced budgets since 1969. We were afraid to put up the ones before 1969, which was the last year when we had a balanced budget in this country. So those who get up and say, "Well, we just simply ought to have the will to do it," look at this stack. We are going to have to take it down because we are afraid somebody will get hurt. We wanted the American people to see just what they have lived with for 28 solid years, and that doesn't even count the years before. It is pitiful for people to stand up and say, "Well, we don't need a balanced budget amendment." That is pitiful, too,

Mr. DOMENICI. I wonder if Senator HATCH will yield for 1 minute.

Mr. HATCH. I yield to the distinguished chairman of the Budget Committee.

Mr. DOMENICI. Mr. President, I say to my fellow Senators, I happened to be on "Meet the Press" on Sunday. I couldn't put all 29 unbalanced budgets there, but I put a couple. Frankly, I described this episode in American history as 29 years of engagement where we have been engaged with the American people and to the American people on a balanced budget, and, as I put it, the time has come to get married, to tie the knot. The engagement has been too long, 29 years.

My second point is, for those who are listening and frequently see some of us speak to these issues on the floor, before you believe the statements coming from those who oppose this constitutional amendment that by taking it off budget you make it more secure and more safe, just be patient. Some of us will convince you that by taking it off budget, you put the Social Security trust fund at risk and pensions for the future at risk, because they will be subject to exclusively the will of a Congress.

That is all you need to worry about is to put a trust fund out there that has money and let Congress have ahold of it and no balanced budget requirement. You can just imagine what we are going to be able to show seniors what is going to happen to that fund if you take it off budget.

I thank the Senator.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I won't make some of the arguments that have been made in opposition to this amendment. With all due respect to my colleagues, we can look back with a sense of history, and I think there is probably plenty of blame on both sides—I am glad to say I wasn't here during most of that history—about budgets that were not in balance. But the fact of the matter is, people in our country have made it really clear that they want to see us get our fiscal house in order. We can do that, we should do that, and we don't need this amendment.

I do, in a moment, want to talk about who is at risk and exactly what kind of priorities I believe this amendment is going to lock us into, which I don't think are the priorities and values of people in our country.

PRIVILEGE OF THE FLOOR

Before I do that, I ask unanimous consent that Jordan Cross, who is an intern, be granted privilege of the floor for the duration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, as we turn our thoughts to the new century—and I have a different context about this debate—we can celebrate a great deal. The past 100 years have seen massive improvements in the quality of our national life, American leadership in getting the world past murderous global conflict and successful transcendence of economic crisis.

Our population is more diverse than ever, and at midcentury, we dismantled the legal framework encasing our original sin of State-sanctioned racism. We are, in many varied ways, a model for much of the world.

But there is at least one way in which we are not a model, one area in which in recent times we have been moving in the wrong direction. That is in fulfilling our national vow of equal opportunity.

We said in 1776 that every American should have the right to life, liberty, and the pursuit of happiness. In 1997, that national commitment is in need of refurbishing and renewal. Mr. President, I will explain in a moment why I start out with this context.

More than 35 million Americans—1 out of every 7 of our fellow citizens—are officially poor. More than one out of every four children in our country today are poor. One out of every two children of color are poor in America today. And the poor are getting poorer.

In 1994, of the poor children under the age of 6, nearly half lived in families with incomes below half the poverty line. That figure has doubled over the last 20 years, as has the number of people who work full time, 40 hours a week, 52 weeks a year, and still are poor.

Mr. President, minorities are poorer than the rest of Americans. African Americans are close to 30 percent and Hispanics at a little over 30 percent. And 44.6 percent of children who lived in families that are female-headed families were poor in 1994. Almost half of all children who were poor live in female-headed households. Women are disproportionately among the ranks of the poor in America. There is a convergence between race and gender and poverty and children.

Mr. President, when I introduce my amendments in this debate that will ensue over the next couple of weeks, I am going to talk in very concrete terms about what it means to be poor in America.

Context, Time magazine, "Special Report: How A Child's Brain Develops, And What It Means for Child Care and Welfare Reform." This is startling. This is medical evidence that is irreducible and irrefutable, and the evidence says that the first 3 years are critical. We have to make sure that, first of all, women that are expecting children have an adequate diet. Otherwise, their children at birth may not have the opportunity and the chance that is the very essence of the American dream. And if children do not have an adequate diet during these early years, and decent health care, and children do not get a smart start and have nurturing care and stimulation by age 3, it may very well be that they will never be able to fully participate in the economic and political and social and cultural life of our Nation.

What does this have to do with this debate? Let me be clear about who is at risk. According to the Center on Budget and Policy Priorities—by the way, Bob Greenstein and the work of this organization is impeccable. All of us on both sides of the aisle have a tremendous amount of respect for their work.

According to the Center on Budget and Policy Priorities, more than 93 percent of the budget reductions in entitlement programs in the 104th Congress came from programs for low-income people. Congress reduced entitlement programs by $65.6 billion over the period from 1996 to 2002. Of that amount, $61 billion out of the $65 billion came out of low-income entitlement programs. Entitlement programs not targeted on low-income households were reduced only $4.6 billion—whether it was nutrition, whether it was health care, whether it was early childhood development.

I will tell you what was interesting. Those citizens in this country who do not have the political power, who do not hire the lobbyists, who are not the heavy hitters—let me make a connection to campaign finance reform, who were not the big givers—they are the ones who disproportionately were asked to pay the price.

We had deficit reduction—talking about how to balance the budget—based on the path of least political resistance. It was not the oil companies.

It was not the pharmaceutical companies. It was not the big insurance companies. But it was children, disproportionately low-income citizens and disproportionately poor children in America.

Mr. President, therefore, the first amendment that I am going to offer, which I think is a litmus test for all of us—I hope I will get support from the other side of the aisle—will read as follows: "This amendment would exempt outlays that would disproportionately affect nutrition, health care, and education programs."

Mr. President, this is an amendment that basically says that we want to make sure we would exempt outlays that would disproportionately affect the nutrition, health care, and educational programs and status of children.

Mr. President, it is a simple amendment. We have been hearing speeches in which all of us have talked about education and children. We love to have photo opportunities with children. This amendment just says, "OK, if you're going to lock us in to a balanced budget, I think we need to get a commitment, based upon the record of the 104th Congress, that you are not going to make disproportionate cuts in programs that deal with the educational, health care, and nutritional status of children." Everyone should vote yes for that.

Let us go on record. Let us be clear that we are not going to target for cuts, we are not going to target for pain poor children in America, that we will not make those disproportionate cuts in nutritional programs for those children, in health care programs for those children, in educational programs and early childhood programs for those children.

I think this amendment speaks to a very real concern that people have in this country. Exactly what is the agenda here?

Mr. President, the second amendment—let me repeat the first amendment one more time: "Federal outlays shall not be reduced in a manner that disproportionately affects outlays for education, nutrition, and health care programs for children."

That should be an amendment that I should get support on from both sides of the aisle. "Federal outlays shall not be reduced in a manner that disproportionately affects outlays for education, nutrition, and health care programs for children."

Mr. President, the second amendment that I am going to offer is that "Funding for the Women, Infants, and Children Program shall be exempted from the definition of outlays for balanced budget calculations, thus protecting such spending from cuts under a balanced budget amendment."

Mr. President, it is pretty simple. The Women, Infants, and Children Program provided assistance in 1996 for 7.3 million women, infants, and children. However, it was only 60 percent of the eligible population, and 11 million mothers and children were eligible. Only 7.2 million were covered, leaving 4 million women, infants, and children vulnerable and not benefiting from the Women, Infants, and Children Program.

We all know what the evidence suggests. And so my amendment just simply says, we will exempt that from the definition of outlays for balanced budget calculations, thus protecting this program. Are we going to protect it or not? I want to hear people tell me why we would not go on record saying we would protect it.

The third amendment that I am going to lay out on the floor: "Funding for Head Start shall be exempted from the definition of outlays for balanced budget calculations, thus protecting such spending from cuts under the balanced budget amendment."

Mr. President, in 1996, Head Start served 796,500 children. According to the Census Bureau, there were roughly 2 million American children living in poverty. That leaves 1,200,000 children who were still unserved.

This program, which gives children just what the title says it does, a head start, reached only 17 percent of eligible 3-year-olds and only 41 percent of eligible 4-year-olds. The medical evidence is in. These are the ages where we need to support these children. These children, just because they come from poor households, deserve every bit of support we can give them.

This amendment lays itself on the line. If you are going to support this amendment to balance the budget and lock us in, then I want a commitment from this Senate that we will not target these children and we will not have cuts in this vital program that gives children a head start, some of the most vulnerable poor children in America.

Finally, Mr. President, another amendment—and these are just four I am going to preview. "Funding for education shall be exempted from the definition of outlays for balanced budget calculations, thus protecting such spending from cuts under the balanced budget amendment."

I heard the President last night talking about education. I heard the President last night talking about early childhood development. Senators were on their feet applauding. So I am just saying since I saw what we did last Congress, I saw where we made the cuts, I want to hear Senators argue with me that, if there is another position here—almost all those cuts affected low-income citizens. Almost all those cuts affected poor children in America, the very citizens who do not get to the bargaining table, the very citizens who do not march on Washington, DC, the very citizens who do not have lobbyists.

So I say to my colleagues who support this, how about giving me some reassurance and, more importantly, how about giving people in our country reassurance that when we do this we will make sure, one more time, that Federal outlays shall not be reduced in a manner that disproportionately affects outlays for education, nutrition and health care programs for children; that we go on record that we are not going to cut benefits that deal with the Women, Infants, and Children Program; that we are going to make sure that a woman expecting a child has an adequate diet; that we are not going to make cuts in Head Start, we are going to make sure these children are given a head start; and we are not going to make cuts in educational programs. It is real simple. It is up-or-down votes.

I want to know exactly where my colleagues want to take our country with this constitutional amendment to balance the budget. I want to know what the priorities are. I want to know where the cuts are going to be. My understanding, and I will talk much more about this when I bring the amendments to the floor, is that the majority party, roughly speaking, has about $500 billion of tax cuts, most of it accelerated beyond the year 2002—my colleague is shaking his head. We can have a debate upon that, and I will be very reassured if that is not the case.

Mr. President, if we have hundreds of billions of dollars, even if it is not $500 billion, in tax cuts and then the tradeoff is going to be cuts, but where? What is going to be the offset? They do not want to go after the corporate welfare. They do not want to go after the Pentagon budget. They want to have hundreds of billions of dollars of tax cuts, most of it benefiting high-income, wealthy people. Where will the cuts be?

In the last Congress almost all cuts focused on low-income families, low-income children, educational programs. All those programs were in jeopardy last time.

This time I think we need a reassurance and we need a strong vote in favor of each of these amendments so that we can have a reassurance for many, many citizens in our country. The goodness of America says do not cut Head Start. The goodness of America says do not cut the Women, Infants, and Children Program. The goodness of America says do not cut health care programs that will affect the status of children. The goodness of America says do not make disproportionate cuts in any of those programs. They have worked. They are important. They are vital.

I hope I will get 100 votes for each of these amendments. If not, then my colleagues will be making their point. My colleagues will be saying we refuse to vote for an amendment that puts us on record that we will not reduce Federal outlays in a manner that disproportionately affects outlays for education, nutrition, and health programs for children. I cannot imagine why any Senator would vote against such an amendment. We should go on record and let the goodness of the Senate speak out on these amendments.

I look forward to coming to the floor with each of these amendments. I will have much supporting evidence. I want to talk about what happened in the last Congress. I want to go over exactly where we made the cuts, and I want to see if I can get my colleagues to make a commitment that we will not continue down this path. I really do believe that the vast majority of people in America think it would be wrong to make more cuts in programs like WIC and Head Start, more cuts in programs that affect the health care, nutrition and educational status of our children.

I yield the floor.

Mr. CRAIG. Mr. President, I think we are about to conclude the business of the Senate for today. Prior to that happening, I want to make some opening observations about this historic constitutional amendment, Senate Joint Resolution 1, that we have on the floor this evening and on which we have started debate.

Let me also say to my colleague from Minnesota, who has eloquently and passionately laid out a variety of critically important items for us to debate in the coming days, my colleague from Minnesota mentioned programs that I support. I have always voted for Head Start, and I have always voted for Women, Infants and Children. Those are very important programs for our country. I am also one who says those programs have to be funded within the context of a balanced budget.

I am standing here beside this 6-foot tall stack of budget documents, what I call the budgets of the era of liberalism. This is when America said that poor people ought to be cared for, and unprecedented in the world, this Nation poured out its riches to the poor. Mr. President, 28 years of budgets are represented here, and benefits resulted from some of what was in them.

We started the WIC program. We started Head Start in these budgets. They were funded last year and will continue to be funded. But what happened along the way? People did not seem to get better. People seemed to get poorer. While this Nation spoke about having a safety net, and it must speak to the need for a safety net for the truly needy, we began to learn lessons in the 1960's, 1970's and 1980's. We began to learn that handouts are not necessarily a hand up. In a society as wealthy as ours, while we truly need to be kind and caring—and the Senator from Minnesota is truly that, and I think that all Senators are—somehow, along the way, we began to realize that the cumulative effect of all these spending programs was to put the whole Nation at risk. These 28 budgets—28 budget packages submitted by six presidents, both Democrats and Republicans—also represent $5.3 trillion worth of debt. Enough money is paid out annually in interest to service the debt that these budgets created to fund all the programs that the Senator from Minnesota wants and many, many more.

That is what the debate is about today. This debate is not about Women, Infants, and Children. This debate is not about Head Start. This debate is about fiscal responsibility. This debate is about making tough policy choices.

I am amazed that the Senator from Minnesota would fear the constitutional amendment, as eloquent as he is on the issues that he is impassioned about, because he can appeal to me and he will get my vote—within the context of a balanced budget—for Head Start and for Women, Infants, and Children. Then he and I, working together, will have to work with our other colleagues to make sure that we choose a rational spending policy that prioritizes these programs because we decide to reduce elsewhere.

What I will not do and what this Congress will not do is send to the American people for ratification a constitutional amendment with a loophole in it large enough to drive all of the trucks that service the industries in Minnesota through. We dare not send to the American people a phony document that they might put in the Constitution, in which we exempt all of these programs from the responsible decisionmaking that the Senator from Minnesota and I want to make here on the floor.

Should we exempt Social Security? If we exempted Social Security and Women, Infants, and Children and Head Start and all of the other programs being suggested, that is probably better than a third of the budget. How can we turn to the American people and say now we have a balanced budget when we just took a third of it off-budget? No longer would we have the right to make the choice to set priorities. These would autopilot programs. But instead of protecting these programs, they would become the loophole through which to channel all sorts of new and increased spending. I do not think the Senator from Minnesota wants that. I think what the Senator from Minnesota is speaking to is setting priorities, making tough choices for the right reasons on the right issues for people who are less fortunate. If that is what he means, and I know he means that because I know him well, then he will have the Presiding Officer's support and he will have my support.

What we would like to ask him to do is to join us in pleading that we get away from this stack of 28 unbalanced budgets in a row, that we get away from adding to this $5.3 trillion worth of debt, with its $340 billion a year worth of interest to service the debt. Those huge interest payments actually strip this country of its resources to do what that Senator wants done. If we did not have to pay all that interest, if we had paid off the past Federal debts, then we would have a surplus today of more than $100 billion a year, available to spend on programs like those the Senator from Minnesota advances.

The American people now agree with us. Mr. President, 70 or 80 percent plus of the American people say a balanced budget is critical. President Clinton said last night he was sending us a balanced budget tomorrow. I bet he funds WIC, and I bet he funds Head Start, and I bet inside that budget is Social Security. This President, our President, last night said that was a balanced budget.

A few moments ago the Senator from Massachusetts was on the floor, and he said we should treat Social Security differently—that there will be an amendment to treat Social Security differently—from how we, the Republicans and some Democrats want to under the balanced budget. He said he wanted to keep it separate and apart. Then he spoke eloquently about the President's budget, and the President treats Social Security exactly the way Republicans want to treat it, leaving it inside the budget, making sure that our Government's fiscal house is in order so that a government whose budget is balanced is a government that can meet its obligation. That is really the issue here, and that is the crux of the debate that will go on over the course of the next several weeks.

The Senator from Minnesota has approached us this afternoon with four amendments. They are important amendments and they should be debated; they should be voted on. I hope that my colleagues, in considering any amendment, will consider that all of the budget be a part of the whole and the whole should be balanced. The Secretary of the Treasury does not suggest that we split anything out of the budget. He suggests that we deal with a whole budget, that we don't start prying things apart. The President will present that kind of a budget tomorrow. The reason that we want to make sure that happens is that it is time this country makes the tough choices. I think that when we make those tough choices, under the responsibility of a balanced budget requirement in our Constitution, social spending programs critical to the truly needy of our country will survive.

For a few moments, Mr. President, let me talk about what stands before us here. Twenty-eight years of endlessly unbalanced budgets are stacked here at my right hand, 28 years of deficit spending, 28 years since the last time this Government balanced its budget in 1969. Now, 14 of these 28 budgets were never intended to be balanced. They were intended to be in deficit, to create debt. But 14 of them—the other half—promised a balanced budget at some point. It was the same kind of promise we heard from President Clinton last night. These were sincere promises, all 14 of these budgets that promised eventual balance, spread over the last 28 years. And I do not question this President's sincerity in promising yet another budget that reaches balance in a few years. I believe that he believes he can produce a balanced budget.

What was the rhetoric last night? "You vote for it and I will sign it." The problem is choice making—choice making in an environment in which we don't have to make hard choices. And as a result of not having to make hard choices, wanting to serve the needs of the American people, wanting to address the truly needy, Congresses and Presidents instead have made easy choices, 28 long years of easy choices.

Oh, they were tough choices at the time, or at least they felt tough. But when you know you don't have to balance the budget—you do not really set priorities and make hard choices. And we went through an era when deficit spending was supposed to be good because it supposedly stimulated the economy and created jobs. Well, that may have been all right in some instances when we didn't have a $5.3 trillion debt, when service on the debt was $5 or $6 billion a year and was a minuscule part of a total budget. All of a sudden, over the last decade and a half, this debt has exploded on the American scene and on the American taxpayer's pocketbook. Today, Social Security and the interest on debt created by these 28 budgets now rival each other as to which is the largest single expenditure in the annual budgets of the Federal Government.

That is why, consistently over recent years, the American people have said to this Congress—Republican or Democrat—"Get your fiscal house in order and balance the Federal budget." Seventy-plus percent of the American people want a constitutional amendment. But recently polled, only 12 percent really believed that we would get to a balanced budget by the year 2002. Why? Here is the reason why: 28 consistent years of promises made and promises broken to the real people of this country, the taxpayer who now feels exploited and put upon largely because this Congress and Congresses like it promised but failed to deliver. Twenty-eight years of budgets submitted by Presidents that promised deficit reduction or balanced budgets that never came to be.

Twenty-eight years of borrowing, a total of 36 deficits in 37 years, $5.3 trillion worth of gross debt. That is $20,000 of debt for every man, woman, and child in America. So the majority of all the real people living in this country today have seen a budget actually balanced only once or never. And they now question the integrity of their Government and the reality of what this country really is about and, more important, what its politicians are about.

We will honor the promises made by Social Security because we want to and because we must. It is a contract with the elderly of our country. A government whose budget is balanced is a government that can honor that pledge. A government that is in bankruptcy sends no checks out to a defense contractor, to an elderly person, or to a single parent on welfare.

That's the reality of the debate. Somehow we think there are special needs that could get separated out. At a time when our Government finds its fiscal house increasingly in trouble, if it goes bankrupt, no checks go out. That is why, for over 3 years, those who believe in a balanced budget amendment have argued against those who wish to exempt out Social Security and other unique social programs. We understand that the threat to Social Security, the threat to Women, Infants and Children, the threat to Head Start, is not the balanced budget amendment, but the debt. Why are we having to cut back on spending on some programs today? Because we did not balance the budget for so many years before now. Because of deficits and because of a huge, heavy debt structure, and because the American people are saying, "Fix it, it's broken, correct it."

What does it mean? What does this stack of paper—thousands of pages of debt—say to the average American family? Well, it's something like this, in the sense of what it costs them. Since the time I started debating this issue in 1982 until today it represents $15,000 for every American family in income loss, minimally—$15,000. That means that the average American family's income today—if we had balanced the Federal budget in 1982 and kept it balanced until 1997—would be $15,000 more. Those are not my figures. Those are the figures based on a study by the Concord Coalition. We talk of the needy and of wanting to care for people. Put an extra $15,000 in every American family's budget and see what kind of help you have offered them. But, instead, the Government has taken those fruits of their hard work to service the debt structure represented by 28 years of profligate deficit spending.

What does it mean to a household with a 30-year mortgage if the economists are right and we pass this amendment and balance the budget? Interest rates drop 1½ to 2 points. And that $30,000 to the average American family, saved on a 30-year mortgage, is a year in one of the most expensive colleges in the country. Or if you are in Idaho, that is 2½ to 3 years of college education in our land grant university. That is a lot of money. Where does it go today? Out of the working person's pocketbook into the IRS coffers to pay to service the debt structure created right here by Congresses past—caring and well-meaning Congresses—that created this stack of paper representing $5.3 trillion worth of debt.

Well, if there is frustration in this debate for some of our Members, I don't reject their concerns and I don't take it lightly. I must say that it may be frustration that we have inflicted upon ourselves, because it is now necessary to propose a constitutional amendment that is very simple. It gives us plenty of latitude to get our fiscal house in order by 2002. It does so in a way that also creates the necessary flexibility in times of real need and in times of war. It says that there are margins in which deficit spending can occur, but now it will take tough choices to deficit spend, not the automatic and easy choices of past years, not "oh, well, we will make it up next year or a few years down the road."

We will see a variety of amendments to the balanced budget amendment that will come to the floor in the next several weeks. Senators that will talk impassionedly about certain priorities that are all critical and all important. And all these priorities can be served inside a balanced budget by tough decisions and tough choices on this Congress.

What am I talking about this evening? Correcting a problem that we created, correcting a problem that threatens—not me, not the Presiding Officer, and not the Senator from Vermont, but his children, my children, our grandchildren, and future generations of American citizens who will want to be as productive as we hope we have been.

How important is correcting that problem of adding to the debt? The Office of Management and Budget—President Clinton's Office of Management and Budget—said that if we continue down the path that this Congress and other Congresses have been on, future generations would pay 82 percent of their total income in taxes for all levels of government because of debt, debt service, and government needs—82 percent. That means there is no money left to buy a house, there is no money to put in a savings account for a rainy day, and there is no money left for a college education.

So what happens? You turn to your government, and the endless process is always underway of a government having to do something for more people because government has taken so much from those who worked so hard and find themselves getting nowhere.

That is why this has to be corrected, or there will be no future for the young people of our country. Because a future in which 82 percent of your gross pay goes to all levels of government is no future at all. Those are some of the kinds of things we are talking about.

A child born today—again, not my figures, but those of the National Taxpayers Union—a child born today will pay an additional $180,000 in taxes during his or her lifetime to service the Federal debt—debt that his or her grandmas and grandpas spent but didn't pay for. And that is a tragedy.

Our friend Paul Simon, the now retired Senator from Illinois, who is as liberal as I am conservative but who stood shoulder to shoulder with me for a decade fighting the battle of the balanced budget amendment to our Constitution, called it fiscal child abuse. And he is right. Because that legacy of crushing debt is no future for any child born in America today, having that obligation out in front of them, being required of them by their Government for from which something they get no value. That is why this issue has become the No. 1 issue in America.

Our President spoke of valuable priorities last night, important issues—education, some tax cuts, the kind of priorities that an American wants to be proud of and wants to be a part of. Republican or Democrat, there were many of us who heard a President last night speak of issues that we can all identify with. But in doing so, we say, with a simple caveat: They must be within the limit and the capacity of the ability of the Government to pay for them, and the permission of our citizens to pay for them, within a balanced budget. It is a simple requirement. The problem is that the choices are tough, but that is what my job is and that is what I have hired on to do, as has the Presiding Officer, and as has the Senator from Vermont.

In the coming days, as we debate, I hope we can see the very clear differences between those who oppose requiring fiscal responsibility, who do not want the citizens of this country through the Constitution to impose that kind of discipline on the floor of this Senate, and those of us who say that after 28 years of endless spending, endless debt, and endless deficits, it is time we offer the American people the choice of whether to require that kind of constitutional discipline.

The time is growing late. It is our intent to adjourn as soon as we can. But the debate will go on through tomorrow and next week, and we hope through the balance of February, as we deal with this issue and as Members of the Senate speak their will, as they should, because I know of no issue more important than this constitutional amendment.

Our vote will not make it so. Our Founding Fathers decided that was not our job. Our vote is simply to propose to the American people a constitutional amendment. And then 38 States, three-fourths of the States must vote to ratify, and the debate will go on in every State capital across this country—the debate about Government, the Federal Government, and its budgets and its priorities. And that will be one of the healthiest debates the American citizenry has ever been involved in. From that, Senators serving in this Congress and future Congresses will not only have the absolute constitutional requirement to balance the budget, but they will probably have a much clearer idea of what the American people expect of their Federal Government. That ratification process is an important process. If we send forth this amendment, we will have started in this country what I think not only assures that we get our fiscal house in order, but it assures future generations the same kind of opportunity that all of us have had in our lifetime.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will not be long because, if nobody else wants to go home, I know that staff who serve in this body probably would like to, including the young pages on both sides of the aisle. They are as important as any contributors to this body. They keep us going. I hope that for all of them their service here will be an experience that they will remember all of their lives as worthwhile. I know that former Senator Pryor, who just recently retired, had been a page and felt that way. I know two of my children were pages—here and in the other body—and feel that way.

Mr. President, my good friend from Idaho—he is my good friend—spoke eloquently of the stacks of budgets. You know that every year we do have a large document that represents the Federal budget, but I would point out to him that no constitutional amendment is needed to balance those budgets.

I have great affection for President Reagan. We had a very good personal relationship. I used to kid him that every year he would talk about a need for a constitutional amendment to balance the budget, and then he would send up a budget that increased our national debt, something he did more than any President in our Nation's history. By the time he got done, he had doubled or tripled the national debt that had taken over 200 years to build up.

He had wonderful speeches saying, "Let us balance the budget. But, by the way, guys, here is my budget, and guess what is in it? It is one more huge deficit."

We talk about charts showing how the deficits went up and they did throughout the 1980's. From President Reagan's election to President Clinton's election, they skyrocketed more than in all the Nation's history put together before those 12 years—more than all the debt that had been arisen from World War II, World War I, the Civil War, the War of 1812, from all of our wars combined, and from all of our depressions and from all of our recessions. In just 12 years, the amount of debt that had grown up was doubled and tripled.

We talk about the last 28 years. Well, President Clinton is the only President in those 28 years—and now for 4 years in a row—who has brought down the deficit. That is not withstanding the fact that he has to find in our budget several hundred million dollars every day, every single day, just to pay the interest on the debt that was built up during President Reagan's and President Bush's terms.

I have great affection for President Reagan and President Bush. I felt privileged to think of them as friends. But there is a big difference between the rhetoric and the reality when it came to balancing the budget with them. The debt that the Senator from Idaho so eloquently speaks of, in terms of our children and our children's children, the vast bulk of that debt built up just during those 12 years when some talked the talk but were not willing to walk the walk. And now we have to pay it off.

In 4 years, President Clinton has submitted budgets and fought hard for them. For 4 years, he has brought the deficit down. No President in my lifetime, Republican or Democrat, has done that. This year he is trying to reduce the deficit, again, and achieve a balanced budget agreement for the next several years.

We talk of amending this Constitution, this little, short Constitution, the greatest Constitution democracy ever had and the reason we are the most powerful democracy known to history. We talk about amending it as if we could, then we all go home and 10 years from now somehow the amendment would magically come into play and the Federal budget would be balanced. President Clinton told us last night that all it takes to balance the budget is our votes, courageous votes, and his signature. We can balance the budget and we can do it now without a constitutional amendment.

So, instead of amending our Constitution, why not proceed to use our votes. I hold up here the voting lists with the names of all Senators and places marked where they can vote "yea" or "nay." Every one of us can stand up and vote "yea" or "nay" for a balanced budget. That is all it takes. We do not have to go through and say 10 years from now maybe the States will ratify it and it will be in place and maybe some future Congress will act to make the tough decisions. We can vote right this minute, today, this month, this year and do what we should do—make the tough decisions ourselves.

There are only five Senators remaining in this body who had the courage to vote against Reaganomics, which tripled the national debt. I am proud to be one of those five. I have cast the tough votes. I have had special-interest groups from the right and the left, from my State and your State and every other State, come and give me heck for voting against their favorite programs. I have probably written as much legislation as anybody here that has cut huge hunks out of the Federal budget, cuts that affected my State as well as others. But that is the way you do it. You do not cast a vote that is just a nice, popular thing that fits the polls of the moment. You cast votes that run the test of time.

I urge us to be courageous and think of the future. My children are going to live most of their lives in the next century, and when I vote I think of what that next century will be. I do not want them burdened with debt.

I wish the debt had not gone up as it did during the 1980's. I think it was a great mistake. This body went along with it. I commend the political abilities of President Reagan. He got within one-quarter of 1 percent of every single budget he ever asked for. In fact, when we talk about the veto pen, the only appropriation, or spending bill that President Reagan ever vetoed was one that did not give him as much money as he wanted. He never vetoed a bill because it had too much money. The only spending bill he ever vetoed was one that did not give him all the money he wanted. As I recall, the years when the Democrats were in office, we actually came back with budgets that were smaller than asked for.

What was, was; what is, is. What is today is the ability, as President Clinton said last night, to vote for and enact a balanced budget.

Economists are not asking for a balanced budget amendment to the Constitution. Over 1,000 economists signed a letter, including 11 Nobel laureates, saying do not amend the Constitution; it creates far more problems than it solves. What they said was balance the budget, which we can do if we have the courage, but do not amend the Constitution to do it. Even as conservative a newspaper as the Wall Street Journal yesterday had an editorial saying do not vote for this constitutional amendment. Certainly nobody thinks of Alan Greenspan as a profligate, shoot-for-the-Moon kind of spender, and Alan Greenspan said do not pass this constitutional amendment. Secretary Rubin, one of the most trusted and respected Secretaries of the Treasury any administration has had, says do not pass this constitutional amendment. Instead of passing a bumper-sticker form of economics, do what is right. Have the courage to vote for budgets and spending bills that bring about a balanced budget.

I yield the floor.

Mr. CAMPBELL. Mr. President, for the past 10 years I have spoken out in favor of a Balanced Budget Constitutional Amendment, and have supported and voted for this measure each time I have had the opportunity to do so.

In fact, in preparing for this statement, I looked back on my career in Congress to see how many times I have supported this measure, and I noted with interest that in January 1987, my first month of being a member of the House of Representatives, I joined as an original cosponsor to the Balanced Budget Constitutional Amendment. One of the primary sponsors of the legislation on the House side was my colleague, Senator CRAIG, and on the Senate side, Senator HATCH was in the forefront introducing the measure in this body. It is with great pleasure that I join my friends in this effort once again, along with well over 50 of my Senate colleagues.

Opponents believe it would be easy to give up on the idea of passing the Balanced Budget Constitutional Amendment. For a number of years, despite the hard work of many individuals, this measure has failed to pass through Congress and move on to the states for ratification where it belongs. I believe passage of this amendment is in the best interest of the future of our country because it will force us to make the tough decisions now that need to be made to balance the budget and eventually eliminate the staggering debt that threatens the economic well-being of every American.

Now, there are those that believe there is no need for the Balanced Budget Constitutional Amendment—that the Federal Government can be fiscally responsible without being mandated by the Constitution to do so. Well, I have been a Member of Congress for 10 years now, and I have yet to see Congress or the administration bite the bullet, balance the budget, and tackle our enormous debt.

Just last week, the Congressional Budget Office released one of its annual reports making projections on the economic and budget outlook for fiscal years 1998–2007. According to CBO, last year's deficit was $107 billion, making it the fourth year in a row that the deficit has decreased. However, the news is not all good. CBO also projects that the deficit will increase for fiscal year 1997 to become $124 billion. And, if we do not commit ourselves to balancing the budget, and discretionary spending keeps pace with inflation, this country will be faced with a deficit estimated at $278 billion in 2007.

What does all this mean? It means that nothing ever changes. Year after year we are faced with huge deficits and an increasing national debt. Year after year we talk about doing the right thing, the responsible thing, and passing a balanced budget. And yet, once again, here we are debating the merits of the Balanced Budget Constitutional Amendment.

Back in my home State of Colorado, I have been conducting a series of town meetings, discussing a wide range of issues with my friends and constituents. When the discussion turns to balancing the budget, Coloradans realize that if we do not address this important issue with constitutional authority, the amount of the Federal budget devoted toward paying off the interest on the debt and the entitlement programs will increase to the point that there will be barely any money left for those programs which deserve and require Federal funding.

Currently, more than half of the $1.6 trillion in spending goes toward the entitlements and mandatory spending. According to CBO, "if current policies remain unchanged, mandatory spending will be twice as large as discretionary spending by 2002." In addition, another 15 percent of all outlays goes toward interest costs on the debt. This is money that does not go toward education, law enforcement, national security, or even our national parks and monuments. As far as I am concerned, it is wasted money. My constituents realize this, and on their behalf I continue to fight for the Balanced Budget Constitutional Amendment.

Now, I am not saying that this amendment will be the silver bullet which solves all of our problems. However, it will make us accountable to the Constitution and to the will of a majority of Americans and force us to get our fiscal house in order. If we achieve a balanced budget and reduce the deficit, we can expect even lower interest rates, an increased savings rate, and increased economic growth for every American. Essentially, Americans can expect an increase in their standard of living, and I think that is something every one of us wants and deserves.

Congress came within one vote last session of passing the Balanced Budget Constitutional Amendment. I am optimistic that this year we can pass this legislation and send the measure on to the States for their deliberation. It is time to allow the American people and the State legislatures the opportunity to debate the merits of the Balanced Budget Constitutional Amendment, and I hope that the Congress will see fit to entrust this measure to those who must ratify or reject it.

I yield the floor.

Mr. ROBERTS. Mr. President, I appreciate this opportunity to speak in behalf of the balanced budget amendment to the Constitution.

I especially thank two of my colleagues, Mr. DOMENICI, the distinguished chairman of the Budget Committee, and Mr. HATCH, the distinguished chairman of the Judiciary Committee for their longstanding leadership and efforts in behalf of this legislation and in effect, enabling us to protect the financial and economic future of our children and their children.

Mr. President, for those who have had the perseverance and tenacity to pursue this goal, it has at times been a lonely trail. Whatever success we might achieve and I hope that we will achieve has been in large part due to the efforts of these two Senators.

I have read some interesting commentary regarding this effort. Our opponents predict dark budget clouds for Social Security and any other program deemed essential to a particular economic interest group. But, contrary to that dire prediction, I see a bright future with the sum of the balanced budget parts. I see a nation with 6.1 million more jobs in 10 years. I see lower interest rates that will directly affect the daily lives and pocketbooks of every citizen in terms of the amount of hard-earned income they pay now for living essentials, health care, housing, education loans, food, and transportation. With a 2-percent drop in interest rates, how would you like 6 months of groceries free or corresponding savings in your health care premium costs, mortgage payment, student loan? Compare those savings with the marginal reductions in the amount of growth of Federal programs.

In his State of the Union Address, the President said: "Don't give me a balanced budget amendment; give me a balanced budget."

I must say I agree. But, with all due respect, Mr. President, many of my colleagues and I have done just that to no avail. During the last session of Congress, we sent two balanced budgets to 1600 Pennsylvania Avenue and despite exhaustive effort, we were not able to reach agreement or accommodation.

However, I must say that passing the balanced budget amendment and two budgets that were, in fact, in balance did provide the kind of fiscal backbone and tenacity not seen in the Congress for decades. In my own case, I was proud of our efforts within the House Agriculture Committee in enacting farm program and food stamp reform that also produced an estimated $33 billion in savings over the life of the budget agreement. So, I agree with you. It can be done. And, with our reform of farm program policy passing by overwhelming margins, we also proved there is bipartisan support for true reform and budget savings. We also achieved considerable budget savings in discretionary spending at the conclusion of the appropriations process; something unique to the last Congress.

However, the real problem is that while there is considerable talk about accepting responsibility and standing four square for a balanced budget, there are serious differences of opinion as to how to bring the budget into balance. Which programs will be cut? Do we have the political wherewithal to save Medicare and other entitlements? In this regard, the President and many of our friends across the aisle stated over and over again they are for a balanced budget but not that budget—that budget meaning any cuts in their favorite and priority programs.

And, I must say, despite the fact that a Republican Congress and the President were within $10 a month difference in regard to preventing Medicare bankruptcy, the fact we were not able to reach agreement and the fact that the Democrat Party made a conscious decision to make Medicare a top issue in last year's campaign, I am not overly confident any budget agreement can be worked out—unless we have to—unless there is some outside discipline that will force Congress to get the job done. The lure of political opportunism is just too great, the coming debate regarding Social Security being a classic example.

The real question is, does the Congress have the fortitude, the perseverance and the tenacity to balance the budget? Despite good men and women of both parties and the best of intentions, it is now the 28th year in which a majority in the Congress has failed in efforts for the Federal Government to live within its means. We all agree we must make progress toward a balanced budget and then during the course of political deliberations we most generally agree to disagree as to how to achieve this goal. It is clear that if there is anything to be learned during the time we have regretfully experienced ever increasing deficits, it is that we need a balanced budget amendment to the Constitution to get the job done.

With the fall of the Greek Republic as an example, there is a theory that a democracy cannot exist as a permanent form of government. The theory is it can only exist until the voters discover that they can vote themselves largesse from the public treasury. From that moment on, the majority always votes for the candidates promising the most benefits with the result that a democracy always collapses over a loose fiscal policy.

That is the theory. If true, it is a terrible prospect.

Mr. President, I choose not to accept that dire prediction but I must say given our most recent history and given the fact our best efforts fell short during the last session of Congress, I believe this debate, this legislation, and this time represents our vest best opportunity to set our Nation's fiscal house in order.

As President Clinton stated, "We don't need a constitutional amendment to balance the budget, we need action." Again, with due respect to the President, it is indeed time for action and for action, we need a constitutional amendment to get the job done.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Michigan.

Mr. ABRAHAM. Madam President, I rise today to give some opening remarks with respect to the resolution on the balanced budget that is now before us. I suspect during the course of the next several weeks in the debate that is ahead, I will probably be here several more times to discuss various aspects of this resolution as well as some of the amendments which are going to be offered. But today I thought I would just make some initial comments regarding what I consider to be the need, the necessity really, for this amendment, both why we need a balanced budget, why we need to have a balanced budget amendment, and why we need to do it now.

First of all, I think it should be clear to all Americans why we need a balanced budget, although it certainly has not been the case that the Congress or the President, over the last many, many years, has responded to the public's demands. The first reason is simple. We have gone literally a generation without balancing the budget.

Just a few minutes ago, all of these budgets were presented to us, reflecting the many years in which we have failed to balance the budget. This is as close to balancing the budget as we have come today, piling these documents on top of each other and making sure they do not fall over, but that is as close to balancing the budget as we have been in a quarter of a century. These years of deficits have to come to an end.

We need a balanced budget also because a failure to balance the budget has hurt the economy. To the extent that Government borrows, it means less capital is available for private citizens to borrow. That means that our economy cannot grow as fast as we would like it. It has especially meant that families in America have suffered. Families have suffered to the extent that the Federal Government's encroachment in capital markets means higher interest rates, higher interest rates on new home purchases, on new automobile loans, on student loans, on the variety of other things which average, hardworking American families must seek financing.

It has also hurt our families in the sense we are passing on to our children what is obviously a mountain of debt. Kids in America today, as one of the earlier speakers, the Senator from Idaho, indicated, inherit immediately upon their birth, an enormous responsibility for debts built up by past Congresses. A child born in America today—and I have a 5-month-old child so I suspect it applies to him—is immediately responsible for paying over his or her lifetime something in the vicinity of $180,000 in taxes simply to pay his or her share of this debt.

That is certainly not the kind of legacy that was passed on to my generation. It is not the legacy I intend to pass on to my children's generation. Therefore, it is essential that we balance the budget and we do so immediately so we do not continue to hurt our families, our businesses, and especially our children.

The next question is why we need a constitutional amendment to balance the budget. Indeed it is true, as many have said, that simply an action by Congress and the President would bring about a balanced budget. But, as we have seen just in the last 2 years, saying it and doing it are very different things. We reached an impasse in Washington in 1995. I don't think it's an impasse that was unique to the 104th Congress or President Clinton. I think it is the kind of impasse that is likely to be reached on almost any occasion in which the Congress of the United States is controlled by one political party and the executive branch is controlled by someone from the other party. The impasse was over spending priorities. But, even though everyone on all sides of the issue said they wanted a balanced budget, we did not get a balanced budget because of that impasse. The absence of a constitutional requirement that we balance the budget, that outlays not exceed revenues to the Federal Government, meant that the impasse continued in spite of the rhetoric on all sides, in spite of all of the balanced budget proposals that flowed from 1600 Pennsylvania Avenue and on Capitol Hill. Despite all of that, we never got to the balanced budget. It is my view that, without an amendment, without a constitutional requirement that the Congress and the President bring about a balanced budget, impasses such as the one that existed during the winter of 1995 will occur again.

Another reason I believe we need an amendment is because we do not know what the future will bring, and we need to have a permanent safeguard against the kinds of deficits that have plagued the Nation over the past quarter of a century. Yes, today, today in America, talking about balancing the budget, advocating a balanced budget, is politically popular and what the American people are demanding. But, as we have seen for a quarter of a century, something that is simply politically popular may not get done. We have no idea what future Congresses will think about this issue. If we provide this sort of loophole that a failure to pass this amendment provides, we will be right where we have been for the last 25 years.

Yes, it is possible we all might get together and in this Congress, even though the parties that control the Congress and the White House are different, we might finally reach a balanced budget for the year 2002. But what about the year 2003, or 2005, or 2010? What is the safeguard the American people deserve, to guarantee that in those years the same atmosphere that will bring about a balanced budget maybe in 1 year, will continue? I think the only safeguard will be an amendment to the Constitution.

The last issue is why now? I think the crisis we confront today is one of the strongest arguments that we could have for balancing the budget. But the crises that fiscally will afflict this country in another 15 or 20 years are an even stronger argument for this amendment at this time. As we know, projections with respect to a variety of Federal spending programs, particularly the Federal entitlement programs, suggest that as the baby boom generation members age and ultimately become consumers of entitlements rather than providers of revenue to the Federal Government, such programs as Medicare and retirement programs will begin to run even greater costs than they do at this time. What we need to do is get our fiscal house in order today so that when those greater demands on the Federal Government begin to occur, we have the resources necessary to ensure they are honored. A constitutional amendment that prohibits us from running the deficits that are reflected in this stack of budgets before me will assist us in getting our fiscal house in order.

In summary, the average family in my State of Michigan has interests rates that are unnecessarily high due to the deficits we have run and due to the borrowing of the Federal Government. Because of that, the average family in my State does not have as much to spend on its priorities as it deserves.

That family's parents should have more income to spend on their children and their priorities and send less dollars to Washington and less dollars on interest payments than they do at this time. We need a balanced budget to help that working family in Michigan.

America's long-term security also is at stake. America deserves to have fiscal integrity so that as we move forward into the 21st century, this debt does not bind us down, this debt does not undermine our economic security, this debt does not hold America back as we try to compete in the global economy, this ever-more competitive global economy, in the years ahead.

For all these reasons, I think action is required now. I think a balanced budget is a necessity, and I think the only way to achieve it is with an amendment to the Constitution that not only brings about a balanced budget in the year 2002, but assures we will continue balancing the budget into the next century and into the future of our Nation.

For those reasons, Madam President, I support the balanced budget amendment. I look forward to continuing this debate as we move forward into the next few weeks and hope that by the time we reach a final vote on this issue, two-thirds of our colleagues will join together to finally change the direction here in Washington, in America and, most importantly, end the unbroken series of Federal deficit represented by this stack of budgets standing next to me.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I thank the Chair.

TRIBUTE TO PATRICK ORMSBY

Mrs. MURRAY. Madam President, I rise today to pay a special tribute to a young man, a member of my staff, who was taken from us before his time by cancer last week: Pat Ormsby of Spokane, WA. Pat taught me and everyone he touched a most important lesson—how to live life to the fullest with courage, and how to die with dignity.

Pat came to my office just a few years ago, but he was no stranger to Northwest politics. For 10 years he served on the staff of former Speaker Tom Foley. A schoolteacher, Pat started in Mr. Foley's office as a constituent caseworker and eventually moved to the Nation's Capital to become his adviser for agriculture issues.

His reputation was one of someone who was hardworking, down to earth, never caught in the insider beltway thinking. He was always remembering to do what was right for the people he knew so well—the people of Spokane and eastern Washington.

Two years ago, Pat wanted to return home to Washington State to raise his family. As it happened, we crossed paths at an opportune time: he was job-hunting just when I was looking for an eastern Washington director. Pat fit the bill perfectly, and I could not have asked for a better hire.

For the past 2 years, Pat ran my Spokane office. He worked diligently for the people: he was always there to take cases and advise my D.C. staff on issues like agriculture and business that so intimately affected the lives of the people around him. He was known across the countryside, and everyone to a person, loved him.

Pat was the guy we counted on. Quiet. Unassuming. But always honest, forthright, and clear. His advice on the farm bill, taxes, even welfare reform was always on target, because Pat always knew we worked for the people—and we were there to serve them first.

He was rare in political circles. He brought a certain generosity and good humor to the job that is not seen too often in politics any more. He loved it, he worked tirelessly, he loved being in the thick of things, but he never let it go to his head. And though he was a committed Democrat, he took pains to avoid bringing any partisan edge to his work. He never forgot who he was—a dad and husband first, a public servant, and a devoted community member.

Last spring Pat shared with us that he and his wife Janet were expecting a second child in November, as his first son, Miles, was just turning 3. A happier man, you could not find.

But July of this year brought tough news. Pat was diagnosed with liver cancer. The news of his illness was tough on all of us who knew him. There was universal disbelief. Everyone I talked to wanted to help, to change the course of his illness, to do something.

Inevitably, these conversations would bring out a funny story about Pat, about his tireless work on some project like housing, or commodity programs, or taking extra time to help a constituent who was upset and feeling frustrated with a bureaucracy. And the more I heard from people, the more clear it became just how special a person Pat was.

Despite chemotherapy and exhaustive treatment, Pat determinedly came to the office each day, after taking time to go to church and put his faith in God. He continued to be the one to encourage all of us, and to let us know he was going to be all right no matter what happened.

Recently it became clear his battle was coming to an end. Pat in his quiet way prepared all of us. He maintained what I can only call a relentless optimism. He reminded us of his deep faith, and said his greatest joy was seeing his new son, Paul, come into the world at the end of September. He even had the audacity to apologize when it became clear he could no longer work, but quickly added that he didn't mind because he never liked the commute. Somehow, amazingly, he always emphasized the positives.

He took care of his family and prepared for their future. Again, with great humor, he reminded us it was actually a blessing that he had time to do everything necessary to chart a path for them. He took the time to tell each of us who knew him that it was OK, not an end, just a new beginning for him.

A week and a half ago in Spokane, friends, family, and coworkers gathered together to honor Pat. Mayor Jack Geraghty declared it Pat Ormsby Appreciation Day in Spokane. We gathered with Pat to share feelings and stories about him and his endless contributions. Pat again thanked us all and said his goodbyes.

Last Thursday, we lost Pat. Our staff came together and shared a quiet moment. It was hard to believe he was gone, and it still is. He had become such an important part of our lives, as an example of a true public servant and family man—who always put others before himself and gave something of his life to so many.

It is not fair that children so young should be denied their father, or Janet her husband. But the steps he took to prepare near the end, and the way he lived his life, will be there to show how much he loved them. And because of the example he set, those children will carry something of their father with them always.

We are grateful we knew him, and we are especially grateful to his family for sharing him. We are comforted now only in knowing that a bit of Pat lives on in each of us who knew him: his courage, his common sense, and his pride in community, State, and country. Pat, in his short life, did what each of us should—gave much more than he received. We will miss him.

BREAST CANCER SCREENING GUIDELINES RESOLUTION

Mrs. MURRAY. Madam President, last night the Senate voted on a resolution proposed by the Presiding Officer, Senator SNOWE of Maine, regarding the urgent need for breast cancer research funding. I was unable to be here to cast a vote for that bill because I was at home attending a funeral of my staff member, but I wish the RECORD to reflect that I would have voted "aye" on the resolution by Senator SNOWE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I would like to thank my friends, Senators SNOWE and MIKULSKI, for offering their resolution in support of regular mammograms for women over 40. While I certainly respect the National Cancer Institute and its work, I, too, am very concerned about their recent conclusion that standard mammography guidelines for women ages 40 to 49 are unnecessary.

At a time when there is still so much we do not know about breast cancer, I believe it is particularly important that we take the best science available and advise women based on its conclusions. More and more, we are learning that preventive care is the best way to catch breast cancer in time to save a woman's life. With that knowledge, we fought hard for Medicare coverage of mammography screening, and now President Clinton is proposing we expand that coverage.

We all know that mammographies save not only lives, but Federal dollars as well. The cost of annual mammographies is far less than the cost of mastectomies, radiation, or other treatments. M. President, I believe we are headed in the right direction with these policies, and stepping back from encouraging annual check ups is not sending a consistent message to women. Instead, we should be making the same commitment to women between the ages of 40 and 50 as we have to those who are older. Evidence shows that this is the age when the risk of breast cancer increases for many women—and continues to climb in later years.

According to the American Cancer Society, the incidence of breast cancer in the United States has leveled off in recent years. That is very good news. Even still, in my home State an estimated 3,500 women will learn that they have breast cancer this year. An estimated 850 will die from this disease in the same year. And, breast cancer is the No. 1 cancer killer among women ages 15 to 54. Like many here, I have seen the devastation breast cancer leaves in its path and the children it has left motherless. It is heartbreaking to think that with earlier detection they may not have lost their lives. I think we can all agree that—as with any other cancer—if we believe we can prevent women from suffering from this disease, we must do everything in our power to do so.

The American Cancer Society also tells us that in the last decade, the average breast lump size—the first indicator of cancer in most cases—has decreased substantially. In 1991, the average size of detected tumors was down to 2.1 centimeters—that is about the size of a nickel. What this tells us is that potentially malignant tumors are being found in earlier and earlier stages of development. Consequently, women have the opportunity to start treatment earlier, and have a higher chance of survival or avoiding drastic options like mastectomies. Mortality rates for Caucasian women have leveled off and even started dropping in recent years. Unfortunately, however, the statistics for women of color are not as good, but at least we know screening helps—now we have to make sure that these women have access to screening.

I do not believe that anyone in this Chamber would deem regular mammographies for a woman over 40 as frivolous. On the contrary, I believe the Members of this body, including myself, now understand better than ever the importance of regular screening for many forms of cancer. I am not a doctor, nor do I pretend to know more than the participants of the NCI's breast cancer screening consensus panel. However, I do know enough to understand the value of preventive screening for breast cancer. And, I also know that we have been fighting an uphill battle to get women—or men, for that matter—into their doctors' offices to have annual check ups. Therefore, I am very concerned about the consequence of continued confusion over recommendations for how often a woman should have a mammography and mixed signals from leading officials. I look forward to the results of the American Cancer Society's review of the data used by the consensus panel.

In the meantime, I support Senator SNOWE and MIKULSKI's efforts to send a strong, clear signal to women that until we have conclusive evidence to the contrary, we know there is a benefit to regular screening. Along with my colleagues, I encourage all women over 40 to follow the American Cancer Society's recommendation of mammographies every 1 to 2 years. Again, I thank my friends from Maine and Maryland for their work on this issue and their dedication to women's health.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE REFERRED

The Committee on Environment and Public Works was discharged from further consideration of the following measure which was referred to the Committee on Governmental Affairs:

S. 203. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local government of certain surplus property for use for law enforcement or public safety purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-996. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule relative to disclosure requirements, (RIN3235-AG42, AG77) received on February 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-997. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the exclusive economic zone off Florida, received on February 3, 1997; to the Committee on Commerce, Science, and Transportation.

EC-998. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of six rules including one rule relative to oil spills, (RIN2133-AB28, 2115-AE01, AF46, AE47, AA97) received on February 3, 1997; to the Committee on Commerce, Science, and Transportation.

EC-999. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of twenty-four rules including one rule relative to class E airspace, (RIN2120-AE64, AE65, AE66) received on February 3, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1000. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report entitled "District of Columbia's Procurement system, received on February 3, 1997; to the Committee on Governmental Affairs.

EC-1001. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-505 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC-1002. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1996; to the Committee on Governmental Affairs.

EC-1003. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1996; to the Committee on Governmental Affairs.

EC-1004. A communication from the Senior Vice President and Chief Financial Officer of the Potomac Electric Power Company, transmitting, pursuant to law, the report of the balance sheet for calendar year 1996; to the Committee on Governmental Affairs.

EC-1005. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to adoption fees, (RIN1004-AC61) received on February 3, 1997; to the Committee on Energy and Natural Resources.

EC-1006. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to lessee and contractor employees, (RIN1010-AB99) received on January 31, 1997; to the Committee on Energy and Natural Resources.

EC-1007. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to adoption fees, (RIN1010-AC19) received on January 31, 1997; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 279. An original bill to amend the Internal Revenue Code of 1986 to reinstate the Airport and Airway Trust Fund excise taxes, and for other purposes (Rept. No. 105-4).

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of committee was submitted on January 30, 1997:

By Mr. ROTH, from the Committee on Finance:

Charlene Barshefsky, of the District of Columbia, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following executive report of committee was submitted on February 5, 1997:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation:

Rodney E. Slater, of Arkansas, to be Secretary of Transportation.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MCCONNELL (for himself, Mr. SMITH of New Hampshire, Mr. COCHRAN, Mr. INHOFE, Mr. WARNER, Mr. D'AMATO, Mr. ALLARD, Mr. KYL, Mr. JEFFORDS, Mr. DEWINE, Mr. LUGAR, Mr. LEAHY, Mr. MOYNIHAN, Mr. CRAIG, Mr. REID, Mr. BUMPERS, Mr. WYDEN, Mr. KENNEDY, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KERRY, and Mr. INOUYE):

S. 263. A bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MCCAIN:

S. 264. A bill to amend title XI of the Social Security Act to provide an incentive for the reporting of inaccurate medicare claims for payment, and for other purposes; to the Committee on Finance.

By Mr. REID:

S. 265. A bill to provide off-budget treatment for the Highway Trust Fund; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have thirty days to report or be discharged.

By Mr. ROTH:

S. 266. A bill to establish the Government 2000 Commission to increase the efficiency and effectiveness of the Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MCCAIN:

S. 267. A bill to provide for the imposition of administrative fees for medicare overpayment collection, and to require automated prepayment screening of medicare claims, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. FRIST):

S. 268. A bill to regulate flights over national parks, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ABRAHAM:

S. 269. A bill to provide that the Secretary of the Senate and the Clerk of the House of Representatives shall include an estimate of Federal retirement benefits for each Member of Congress in their semiannual reports, and for other purposes; to the Committee on Rules and Administration.

By Ms. SNOWE (for herself, Ms. COLLINS, Mr. LEAHY, and Mr. JEFFORDS):

S. 270. A bill to grant the consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 271. A bill to require the Secretary of Commerce to ensure that at least an equivalent level of service will be supplied to the public and affected agencies before closing National Weather Service field stations; to the Committee on Commerce, Science, and Transportation.

S. 272. A bill to amend the Internal Revenue Code of 1986 to allow defense contractors a credit against income tax for 20 percent of the defense conversion employee retraining expenses paid or incurred by the contractors; to the Committee on Finance.

S. 273. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives relating to the closure, realignment, or downsizing of military installations; to the Committee on Finance.

S. 274. A bill to establish a Northern Border States-Canada Trade Council, and for other purposes; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. WARNER, Mr. MOYNIHAN, and Mr. BOND):

S. 275. A bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt financing of private sector highway infrastructure construction; to the Committee on Finance.

By Ms. SNOWE:

S. 276. A bill to amend title 23, United States Code, to conform to State law the vehicle weight limitations on certain portions of the Interstate System, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COCHRAN (for himself, Mr. COVERDELL, and Mr. HELMS):

S. 277. A bill to amend the Agricultural Adjustment Act to restore the effectiveness of certain provisions regulating Federal milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAMM (for himself, Mrs. HUTCHISON, Mr. SESSIONS, and Mr. COVERDELL):

S. 278. A bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections; to the Committee on Rules and Administration.

By Mr. ROTH:

S. 279. An original bill to amend the Internal Revenue Code of 1986 to reinstate the Airport and Airway Trust Fund excise taxes, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mrs. MURRAY (for herself, Mr. DODD, Mr. DASCHLE, Mr. KENNEDY, Mr. HARKIN, Ms. MOSELEY-BRAUN, Mr. INOUYE, Mr. LAUTENBERG, Mr. WELLSTONE, Mr. KERRY, and Mr. AKAKA):

S. 280. A bill to amend the Family and Medical Leave Act of 1993 to allow employees to take school involvement leave to participate in the school activities of their children or to participate in literacy training, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. Res. 50. A resolution to express the sense of the Senate regarding the correction of cost-of-living adjustments; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. LIEBERMAN, Mr. LUGAR, Ms. MIKULSKI, Mr. HAGEL, Mr. MCCAIN, Mr. COCHRAN, Mr. ENZI, and Ms. MOSELEY-BRAUN):

S. Con. Res. 5. A concurrent resolution expressing the sense of Congress that the extension of membership in the North Atlantic Treaty of 1949 to certain democracies of Central and Eastern Europe is essential to the consolidation of enduring peace and stablity in Europe; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 264. A bill to amend title XI of the Social Security Act to provide an incentive for the reporting of inaccurate Medicare claims for payment, and for other purposes; to the Committee on Finance.

THE MEDICARE WHISTLEBLOWER ACT

Mr. MCCAIN. Mr. President, I am proud to be introducing legislation today which will significantly reduce fraud and abuse by providers in the Medicare Program. The Medicare Whistleblower Act of 1997 will provide strong incentives for Medicare beneficiaries to identify provider fraud in the Medicare system.

As I travel around my home State of Arizona, seniors keep telling me about the fraudulent and negligent billings which are rampant throughout the Medicare Program. Over and over again, they tell me about their personal experiences with fraud and overbillings in the Medicare system. Many of the seniors say that their Medicare bills frequently include charges for medical services which they never received, double billings for a specific treatment, or charges which are disproportionate and severely marked up. Usually, most of these seniors have no idea what Medicare is being billed on their behalf and they have no way to obtain a detailed explanation from the Medicare providers.

These personal stories from senior citizens are confirmed by analyses and detailed studies. According to the General Accounting Office, fraud and abuse in our Nation's health care system costs taxpayers as much as $100 billion each year. Medicare fraud alone costs about $17 billion per year which is about 10 percent of the program's costs.

This is quite disconcerting, especially in light of the financial problems facing our Medicare system. Currently, the Medicare system is expected to run out of funds in the year 2001.

A fundamental problem with the Medicare system is that most beneficiaries are not concerned with the costs of the program because the Government is responsible for them. One of my constituents shared with me an experience he had when his provider double billed Medicare for his treatment and the provider told him not to be concerned about it because, "Medicare is paying the bill." This is an outrage and we cannot allow this flagrant abuse of taxpayers dollars to continue. Remember, when Medicare overpays, we all overpay, and costs to beneficiaries and the taxpayers spiral while the financial sustainability of the program is violated.

My bill, the Medicare Whistleblower Act addresses this fundamental problem in the Medicare Program. This legislation strengthens the procedures for detecting and identifying fraud and waste in the Medicare system. This bill provides beneficiaries with incentives for carefully scrutinizing their bills and actively pursuing corrections when they believe there has been an inappropriate or unjustified charge made to the Medicare Program. The beneficiaries would be financially rewarded if they detect negligent or fraudulent charges in their Medicare bill.

I recognize that provider fraud is not the sole source of waste and abuse in the Medicare system, and I wholeheartedly support other initiatives which address beneficiary fraud. However, studies indicate that provider fraud is most prevalent and the greatest concern for the system, making initiatives such as this one which specifically target provider fraud very important.

The Medicare Whistleblower Act will give beneficiaries the right to request and receive a written itemized copy of their medical bill from their Medicare health care provider. This itemized bill should be provided to the beneficiary within 30 days of the provider's receipt of their request. Once the beneficiary receives the itemized bill they would have 90 days to report any inappropriate billings to Medicare. The Medicare intermediaries and carriers would then have to review the bills and determine whether an inappropriate payment has been made and what amount should be reimbursed to the Medicare system.

If the Secretary of Health and Human Services confirms that the charges were either negligent or fraudulent, the beneficiary would receive an award equal to 1 percent of the overpayment reimbursed up to $10,000. The financial awards given to the beneficiaries would not increase costs to the Federal Government since they would be paid directly from the overpayment. In cases of fraud, the rewards would be paid directly by the fraudulent provider as a penalty, and would therefore not even reduce the amount of the overpayment reimbursed to the Federal Treasury.

Several important safeguards have been built into this legislation. First, the Secretary of Health and Human Services would be required to establish appropriate procedures to ensure that the incentive system is not abused by overzealous beneficiaries. Second, an incentive payment would be awarded only to the extent that the Health Care Financing Administration [HCFA] is able to recover the overpayment from the provider. Finally, there would be no incentive payment if HCFA can demonstrate that it had identified the overpayment prior to receiving the beneficiary's complaint.

Some may argue that seniors and other beneficiaries should not receive financial rewards for fighting fraud—that it should be their civic responsibility. While I may agree with this contention, I also recognize that these seniors would not be able to detect and report fraud or abuse without having access to the itemized bills that this legislation provides. Besides, I do not see anything wrong with providing beneficiaries with a financial incentive for fighting waste. After all, we currently pay Federal employees for suggestions which result in savings for the taxpayers, and we pay private citizens for identifying fraud by defense contractors.

It is imperative that we put an end to the rampant abuse and fraud in the Medicare system. This bill would contribute significantly to this effort.

Mr. President, I believe that a very effective approach for detecting and fighting fraud is to provide individuals with a personal financial interest in the process. By passing this legislation, Congress would be empowering over 36 million Medicare beneficiaries to protect their program from fraud, waste, and abuse. I ask unanimous consent that the following letters of support from the Seniors Coalition and the National Committee to Preserve Social Security and Medicare be included in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC, January 27, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the 5.5 million members and supporters of the national Committee to Preserve Social Security and Medicare, we offer our endorsement of the Medicare Whistleblower Act of 1997, legislation to strengthen procedures for identifying fraud and waste in the Medicare program.

A major effort to prevent fraud and abuse is essential and appropriate—particularly at a time when Congress is considering ways to ensure the solvency of the Medicare program for current and future beneficiaries. It is essential that we enlist the cooperation of the public, beneficiaries, providers and carriers to curb fraud and waste in the Medicare program and ensure that Medicare funds go toward patient care. As you know, major and increasingly complex patterns of fraud and abuse have infiltrated many health sectors.

Your legislation will strengthen the role of beneficiaries in detecting and reporting fraud and waste. Of particular importance are the provisions ensuring that beneficiaries be provided, upon request, copies of itemized bills submitted on their behalf. Beneficiaries must have accurate information about bills submitted on their behalf in order to meaningfully participate in this program. It is also important for the Secretary to establish procedures to prevent abuse or over-use of the reporting system.

Seniors thank you for your help in combating this growing problem.

Sincerely,

MARTHA A. MCSTEEN,
President.

THE SENIORS COALITION,
Fairfax, VA, January 30, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: The Seniors Coalition, representing 2.4 million senior citizens nationwide, is pleased to support the legislation you have recently introduced to reduce waste and fraud in the Medicare system. Our members report to us the same kinds of experiences as your constituents do to you, and we are certain that your legislation will help.

However, I must note that while these are desirable reforms, they do not correct the basic flaws in the Medicare program, and it is these flaws which make Medicare ultimately unsustainable.

By separating those who receive benefits from those who pay, Medicare encourages overuse, waste, fraud, abuse, and cheating. Passage of legislation such as yours, which creates some incentives to discover fraud and abuse, can never substitute for the self-policing systems of true free markets, where every patient has an incentive to find the least expensive, most cost-effective treatment, and to monitor for double-billing, mistakes, and fraud in a way no artificial system can ever re-create.

The Seniors Coalition is happy to support your efforts, but we urge you to undertake a thorough and long-overdue revamping of the entire program, before its internal contradictions bring it crashing down on the heads of seniors who deserve better treatment.

Please let us know what we can do to help you with your efforts.

Sincerely,

THAIR PHILLIPS,
Chief Executive Officer.

By Mr. REID:

S. 265. A bill to provide off-budget treatment for the highway trust fund; to the Committee on the Budget and the Committee on Government Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

THE HIGHWAY TRUST FUND PROTECTION ACT OF 1997

Mr. REID. Mr. President, I have just come from my office where I had a number of meetings. I met with a group of lawyers this morning. They were talking about issues that are going to come before the Congress that are important to them. But in the course of the conversation, I talked to them about the days when I was an attorney and practiced law.

One of the things that has been brought to my mind as a result of my meeting with those lawyers today is how important it is to protect your client's assets. If you had a case for a client, any money that came in that was that client's property, you had to put that money in a trust account. None of that money in that trust account could be used to make a house payment or make a car payment of yours. Those moneys could only be used for the benefit of your client. If a lawyer violated the trust that he or she had with his client, you could lose your license to practice law. You could, in fact, be prosecuted criminally and go to jail.

It seems around here that we handle people's trust accounts, the taxpayers' trust accounts in a very cavalier fashion. Today I want to talk about one of those trust funds. I want to talk about the highway trust fund. It is coincidental that I am here introducing legislation after having met in my office just a short time ago with Nevada's head of the department of transportation, a man by the name of Tom Stephens. He was back here with other Nevadans to tell me the problems that the State of Nevada has. I am a member of the Environment and Public Works Committee and we will have to address the problems of this entire country when we reauthorize the highway transportation bill this year. The people from Nevada were telling me about the problems we have in Nevada. They are significant. We are the most rapidly growing State in the Union. We have traffic jams where we never had them before, especially in the southern part of the State. He proceeded to tell me about five projects that will cost about $1 billion—extension of Highway 95, I–15 to the California border, in the Reno-Carson City area we have to get the freeway completed between Carson City and Reno, and a number of other very difficult projects that cost a lot of money. He was looking to me for guidance and direction as to how some of these very difficult projects could be directed—how moneys in the bill could be directed toward the State of Nevada.

There is no question, Mr. President, that this is going to be a busy legislative year. As I have indicated, one of the things we will work on is the Intermodal Surface Transportation Efficiency Act, what we call ISTEA, reauthorization of the highway bill. This legislation plays an integral role in the financing of our Nation's transportation infrastructure. It is a bill that will receive bipartisan support, I hope, for a number of reasons. Most recognize the need to invest in our transportation infrastructure. It is that way all over the country.

The Presiding Officer of this body today is from a very sparsely populated

State, but it is a big State and covers a lot of area. I have driven much of the State of Wyoming. The State of Wyoming has, like Nevada but in a more exaggerated sense, a very small population base. However, the people of Wyoming travel these long distances and they want to travel these distances on good roads. Not only do the people that live in Wyoming need those good roads, but the State of Wyoming is surrounded by States that people are trying to get to. Wyoming is a bridge State. Thousands and thousands of people come to Wyoming every year to go to Yellowstone National Park. Should the people of Wyoming alone be responsible for those roads? Well, the answer is no, we have a Federal policy that helps the State of Wyoming in the road construction. You have demand in the State of Wyoming that cannot be met by the State of Wyoming. Your transportation director, I am sure, will come and visit the Presiding Officer, just like my State of Nevada head of transportation came and visited me, to talk about particular specific problems that you have in the State of Wyoming which are compounded by the bad weather that you have there.

I am sure a lot of people do not know that this money we collect in the highway trust fund is not used for highway construction. What is it used for? It is used to mask the Federal deficit to the tune of about $20 billion. All of us agree that we need to invest in our highway transportation system. We all agree that there is a need to provide a safe, efficient, and modern transportation infrastructure, and most agree that too little is being spent on this important investment. The biggest reason, though, we are spending too little on this investment is we are not spending the money we have in trust to spend. Just like the example I gave earlier where I, as an attorney, would take my client's money, just as we as a Federal Government take our client's money, the taxpayer, every time a gallon of gas is purchased, we take approximately 19 cents. Most of that money is required by law to be spent on the infrastructure of this country and it is not. That is what is wrong. Finances that should go to the highway construction is being use for other purposes. The money collected is not being used, I repeat, for its intended purpose. It is a perversion of the whole notion of how a trust fund should operate.

There have been earlier attempts to end this misspending by taking the transportation trust fund moneys off budget. In the House it has been successful. I am going to initiate an effort here in the Senate too to do likewise. They have not only gotten it out of committee in the House, they passed it on the floor. I support these efforts that they have initiated in the House because I believe we need to protect the integrity of these trust funds. I believe we should attempt to get these funds off budget and we should do it now.

That is why I am introducing this bill, the Highway Trust Fund Protection Act of 1997. It is very straightforward. It is a short bill. By taking the highway trust fund off budget we will be fulfilling our commitment to the taxpayer. We will be spending the revenues on the specific activities identified as the purpose of these trust funds. Mr. President, the trust fund is financed by sales taxes on tires, trucks, buses, trailers, as well as truck usage taxes. But about 90 percent of the trust fund revenue comes from excise taxes on motor fuels. As I have indicated earlier, the majority of the motor fuel revenue dedicated to the trust fund is derived from 18.4 cents per gallon tax on gasoline. Of this, 14 cents is dedicated directly to the highway trust fund. Of the remaining 4.5 cents, 4.3 cents go to deficit reduction and one-tenth of 1 percent goes to the leaky underground storage fund.

Mr. President, there are many arguments for taking these trust funds off budget. I will talk about a few. First of all, it represents a contract with the people of this country. We pass legislation that tells someone when they buy a gallon of gasoline, part of that money is going to go into a trust fund to improve the roads—the roads in Wyoming, the roads in Nevada, and all over this country. If the highway trust funds are not going to be used for their stated purpose, we should eliminate the tax, or part of it.

According to the Federal Highway Administration there are significant infrastructure needs not being met. We do not need to go to the Highway Administration. We know by our own individual experiences in our individual States that it is important we spend more money on this construction. The trust fund inclusion in the unified budget subjects our outlays to the budget process. As a result, they are liable to legislative spending limitations. These limits are not based on analysis of national transportation spending need. Not once in the 5 years since ISTEA was enacted have Federal highway programs been funded at their authorized levels; this, despite the fact that the Department of Transportation has identified billions of dollars in need.

Remember, Mr. President, we have approximately $20 billion in excess funds not being spent and going into our infrastructure needs. The balances we run in the transit highway accounts makes no sense. This money should and could be invested in our Nation's highway system. It is estimated that to maintain—not improve, just maintain—our current highway system would cost over $200 billion. Taking the highway trust funds off budget will have limited effect on the deficit. The highway trust fund is user fee supported. The highway trust fund is deficit proof and has never contributed a single penny to the budget deficit. The highway trust fund supports long-term capital investments that produce economic benefits, which in turn generate increased revenue for the Federal Government.

This bill is about protecting the integrity of the highway trust fund. All taxpayers have an interest in this. We are told when we pay taxes at the pump that this money goes toward maintaining and improving our roads. I wish that were so. It is a myth. It is a myth of the highway trust fund. My legislation provides truth and budgeting and would simply do away with this myth.

It is unfair that we take a trust fund and use it for purposes other than for which the trust fund moneys were dedicated. I ask all of my colleagues to follow the example of the other body, the House of Representatives, and join me in supporting this legislation, which would take these moneys off budget and would allow us to spend the money that is so badly needed for highway construction in the United States.

By Mr. ROTH:

S. 266. A bill to establish the Government 2000 Commission to increase the efficiency and effectiveness of the Government, and for other purposes; to the Committee on Governmental Affairs.

THE GOVERNMENT 2000 COMMISSION ACT

Mr. ROTH. Mr. President, today I am introducing a bill which would establish a bipartisan Government 2000 Commission, charged with developing a comprehensive legislative proposal to reorganize, consolidate, and streamline Federal departments, agencies, and activities.

Mr. President, this Commission is very similar to the one that was included in S. 929 in the 104th Congress which was reported out of the Senate Governmental Affairs Committee under my chairmanship.

To make clear our objectives, this legislation includes specific goals for reducing costs and improving the performance.

These goals include: a 35-percent reduction in the costs of administration, a tenfold increase in the timeliness of service delivery, a compound annual improvement in productivity of 6 percent, and customer service levels comparable to the private sector.

The Commission's reorganization plan must include no more than 10 Cabinet Departments—a reduction from 14—and a substantial reduction in the number of agencies and subdepartmental bureaus, offices, divisions, and other program operating units to eliminate duplication and fragmentation. It is also required to achieve a reduction in the layers of organizational hierarchy and a substantial reduction in the total number of midlevel supervisory, administrative, and political positions.

The Commission is charged with considering the consolidation of program service delivery functions into operating units that are independent of individual executive departments, to maximize service coordination, and whether the heads of such program operating units should be nonpolitical, noncareer appointments hired for a fixed-term under an employment contract with specific, measurable program performance goals, to maximize accountability.

There will be nine Commission members: Two each appointed by the President, the Speaker of the House, and the Senate majority leader, and one each by the House and Senate minority leaders. The Chairman shall be appointed by agreement of the President, the Speaker, and the Senate majority leader. The Commission is authorized an appropriation of $5 million for fiscal year 1998.

The Commission shall report its recommendations in a single legislative package by June 1, 1998. The act provides for fast-track consideration of this legislation. In the Senate, there is no time limit on debate, and only germane amendments will be order. In the House, there will be 10 hours of general debate followed by 20 hours of debate on all amendments.

By Mr. McCAIN:

S. 267. A bill to provide for the imposition of administrative fees for medicare overpayment collection, and to require automated prepayment screening of Medicare claims, and for other purposes; to the Committee on Finance.

THE MEDICARE OVERPAYMENT REDUCTION ACT OF 1997

Mr. McCAIN. Mr. President, today I am introducing legislation which addresses a very serious problem in the Medicare system—Medicare overpayments. Medicare overpayments are costing the Medicare trust funds billions of dollars each year.

This bill imposes an administrative fee on providers who submit inaccurate Medicare claims and are overpaid by the Health Care Financing Administration [HCFA]. The purpose of the fee is to discourage overpayments and to offset the costs which HCFA incurs while recovering overpayments.

In addition, this bill requires HCFA to screen claims for accuracy, paying particular attention to procedures and services which have high rates of overbillings and inaccurate billings.

Under Medicare part A, hospitals and providers are prepaid annually by HCFA for expected Medicare expenditures. Currently, many hospitals grossly overestimate their Medicare funding needs and use the overpayment to subsidize services delivered at their facility which are not Medicare related. This is an abuse which must be stopped. This legislation will impose an administrative fee if a hospital overestimates its Medicare needs by more than 30 percent and does not repay the overpayment to HCFA within 30 days.

Unlike hospitals, doctors must submit claims for payment to Medicare part B after they provide services to beneficiaries. However, these claims sometimes are submitted for services that were never provided or that are incorrectly coded. The fee which this bill would impose will discourage physicians from submitting false or misleading claims and will help HCFA cover the costs incurred while recovering overpayments to providers.

Most importantly, prepayment screening will help eliminate overpayments in the first place. The technology for prescreening is available and already used extensively in the private sector. I believe that it is imperative that we start using prescreening to improve Medicare payment accuracy.

As my colleagues know, the Medicare system is in serious financial condition and will be bankrupt in 2001 if we do not make necessary reforms. We have an obligation to take every possible step to protect the Medicare trust funds and preserve them for current beneficiaries and future generations.

I recognize that overpayments are not the only financial problem with Medicare, but they are a significant problem within the system. GAO reported that over $4.1 billion was overpaid from the trust funds in 1995. Had this legislation been in place, I believe that we could have prevented a large portion of these overpayments if not prevented we could have at least imposed the administrative fee and recouped a significant amount.

This bill is not the cure for what ails our Medicare system, but it is a step in the right direction. Overpayments are costly and contribute to the Medicare solvency problem. This legislation will help stop them.

I ask unanimous consent a letter of support from the National Committee to Preserve Social Security and Medicare be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC; January 23, 1997.

Hon. JOHN McCAIN,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR McCAIN: The national Committee to Preserve Social Security and Medicare, on behalf of our 5.5 million members and supporters, endorses the "Medicare Overpayment Reduction Act." This important legislation will improve the Medicare program by encouraging greater care in claim submission and reducing the incentive to overbill the Medicare program.

The "Medicare Overpayment Reduction Act" addresses the significant problem of waste and abuse in the Medicare program by restoring to the Medicare program expenditures that were the result of overpayments to providers. The bill imposes a one percent administration fee on overpayments not returned within 30 days by Medicare providers. By encouraging a careful review of Medicare claims submissions by providers, this legislation is an important step toward preserving the Medicare program for current and future beneficiaries.

Thank you, Senator McCain, for your outstanding work on behalf of older Americans.

Sincerely,

MARTHA A. MCSTEEN,
President.

By Mr. McCAIN (for himself and Mr. FRIST):

S. 268. A bill to regulate flights over national parks, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL PARKS OVERFLIGHTS ACT OF 1997

Mr. McCAIN. Mr. President, I rise today to introduce legislation to promote safety and quiet in our national parks. I want to thank Senator FRIST for joining me as an original cosponsor of this bill.

Under this legislation, the Secretary of the Interior would develop recommendations which may include flight-free zones, curfews, and other flight restrictions for aircraft operating over certain national parks. The Federal Aviation Administrator would then develop a plan, based upon these recommendations, to promote quiet and safety in our parks. Under the bill, the entire process would be completed within months after enactment of this legislation.

To ensure that we take immediate action in those parks experiencing the greatest threats to their natural resources from aircraft noise, this bill requires the Secretary of the Interior to recommend a proposal for prioritizing the implementation of appropriate flight restrictions at certain parks. The bill also requires the Secretary and the Administrator to work together on recommendations that propose methods to encourage the use of quiet aircraft in our parks, unless such proposals are not needed to meet the goals of protecting quiet and promoting safety.

This bill promotes safety in our national parks by allowing the FAA Administrator, in consultation with the Secretary, to set minimum altitudes for overflights in certain parks and to prohibit flights below those minimum altitudes where necessary to meet safety goals. The bill makes safety the paramount concern for the Administrator in developing an overflight plan for a national park. Under the bill, the Administrator may revise the Secretary of the Interior's recommendations to ensure public health and safety goals are met.

Mr. President, this bill is intended to begin a dialog on how we can best promote safety and quiet in our national parks. I am sure that this legislation can be refined to better meet its essential goals and I am eager to start that process.

I also want to make clear that I fully appreciate that air tourism provides a legitimate way for visitors to see national parks and also provides an important opportunity for disabled persons to view certain parks. I want to ensure that this legislation provides a balanced and fair approach to solving safety and noise problems in our national parks.

I believe this bill takes a crucial first step toward restoring and preserving a vital resource within many national parks—natural quiet. The natural ambient sound conditions found in a park, or natural quiet, as it is commonly called, is precisely what many Americans seek to experience when they visit some of our most treasured national parks. Natural quiet is as crucial an element of the natural beauty and splendor of certain parks as those resources that we visually observe and appreciate.

I also believe that this bill provides important safety protections. As the air tour industry in many parks continues to grow, safety concerns also increase. By addressing safety now, before tragic accidents occur, we can assure the public that we have taken every precaution to protect visitors in our parks.

Ten years ago, legislation I authored to promote safety and provide for the substantial restoration of natural quiet in the Grand Canyon was signed into law. This year, the Federal Aviation Administration [FAA] issued a final rule which modifies and expands flight-free zones in the canyon. The final rule is scheduled to go into effect on May 1, 1997. But lawsuits threaten to further delay implementation of additional measures to meet the goals of the 1987 law.

Moreover, the final rule does not contain incentives for operators to convert to quiet aircraft, although the FAA recognizes that moving to quiet aircraft technology offers the most promising approach to providing for the substantial restoration of natural quiet in the Canyon. Rather, a notice of proposed rulemaking was issued outlining a proposal for mandating conversion to quiet aircraft. This proposed rulemaking must now undergo public comment and agency review of those comments before it becomes final. In the meantime, natural quiet still has not been restored at the Grand Canyon.

There are many lessons to be learned from our efforts to restore natural quiet in the Grand Canyon. The Grand Canyon experience teaches us that we cannot afford to wait until natural quiet has been lost before we take steps to protect and preserve that resource. Simply put, we have found that it is very difficult to undo what has already been done. Thus, wherever possible, we must strive to prevent the impairment of natural resources in our national parks. To that end, this bill sets up a process for achieving balanced and fair approach to resolving noise concerns in other national parks before any problems get out of hand in those parks, too.

In addition, as a result of the Grand Canyon experience, we have learned some very valuable lessons about what we can and must do to ensure safety in the air above our national parks. Providing for public health and safety in our national parks must always be a foremost concern in our minds when developing any park overflight plan.

Finally, I expect the administration, in exercising its authority under this bill, to meet with interested groups and affected communities, including local chambers of commerce. These groups should be involved in the process before implementing any flight restrictions in order to ensure that proposed actions are appropriate and necessary and that all important issues have been thoroughly considered and addressed.

Again, Mr. President, this bill is intended to begin an open dialog on how we can best achieve our safety and natural quiet goals. Many parks throughout America are now being threatened by the same kind of air pollution problems and noise pollution problems that we had over the Grand Canyon. I believe we can begin to work on ways in which we can protect and preserve one of the most precious natural resources within many of our national parks—natural quiet. At the same time, the bill seeks to ensure that public health and safety is not compromised as a result of increasing park overflights. I urge my colleagues to join me in this effort to reach an important balance and preserve our natural heritage while we provide for the safe and continued enjoyment of our parks.

By Mr. ABRAHAM:

S. 269. A bill to provide that the Secretary of the Senate and the Clerk of the House of Representatives shall include an estimate of Federal retirement benefits for each Member of Congress in their semiannual reports, and for other purposes; to the Committee on Rules and Administration.

THE CONGRESSIONAL PENSION DISCLOSURE ACT

• Mr. ABRAHAM. Mr. President, I rise today to introduce S. 269 which would require the Secretary of the Senate and the Clerk of the House of Representatives to disclose information relating to the pensions of Members of Congress. This legislation would require these officers to include in their semiannual reports to Congress detailed information relating to the Members pensions. The semiannual reports would then be available to the public for inspection.

The reports would include the individual pension contributions of Members; an estimate of annuities which they would receive based on the earliest possible date they would be eligible to receive annuity payments by reason of retirement; and any other information necessary to enable the public to accurately compute the Federal retirement benefits of each Member based on various assumptions of years of service and age of separation from service by reason of retirement.

The purpose of this legislation is to afford citizens their rightful opportunity to learn how public funds are being utilized. The taxpayers are not only entitled to know the various forms of compensation their elected officials are being paid, they are also entitled to make decisions about the reasonableness of such compensation.

My bill, S. 269, would make this information conveniently available to the public. I believe that this bill would eliminate the present shroud of secrecy which has surrounded the congressional pension system and give the public better access to information regarding their representatives in Congress.•

By Ms. SNOWE:

S. 271. A bill to require the Secretary of Commerce to ensure that at least an equivalent level of service will be supplied to the public and affected agencies before closing National Weather Service field stations; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL WEATHER SERVICE OFFICE CLOSURE CRITERIA ACT OF 1997

• Ms. SNOWE. Mr. President, today I am introducing legislation to create additional office closure certification criteria for National Weather Service offices located in geographical areas of concern designated by the National Research Council. The amendment is designed to guarantee that weather services will be fully maintained in these areas after the National Weather Service completes its modernization plan.

My bill adds a new paragraph to section 706(e) of the Weather Service Modernization Act of 1992. This section deals with "special circumstances" under which the Secretary may not close or relocate a NWS field office unless he meets certain specified certification criteria in addition to the standard certification criteria that apply to all field offices.

This legislation would create another special circumstance category for offices that serve parts of the country identified as "areas of geographic concern" in the National Research Council's June 1995, report on the modernization program. The NRC identified 32 such areas of concern across the country, including Caribou, ME, Williston, ND, Baton Rouge, LA, and Kalispell, MT, in which a National

Weather Service field office has been proposed for closure under the modernization plan and the people who live in the area have expressed serious concerns about the impacts of it.

My bill would prohibit the Secretary from closing or relocating these offices unless he first evaluates the effect of a closing or relocation on all weather information and services provided to local users; and, second, he includes in the standard certification required under section 706(b), a determination that at least an equivalent level of weather services will be provided in the future.

This amendment provides an additional but very important layer of scrutiny to NWS plans to close field offices in areas of the country—a number of which are sparsely populated and rural—specified in the NRC report. It provides an extra safeguard for these communities to ensure that they will continue to receive at least the same level of weather information and services that they currently receive. Without adequate safeguards, the rural communities described in the amendment will face greater threats to public safety, infrastructure, private property, agricultural production, and the economy generally when a local weather office closes.

As experience shows, the rural field offices, in particular, play a special role in gathering weather information from diverse and disparate locales across a large region, and in disseminating this information, along with standard NWS forecasts and flood warnings, to all citizens of the region. Field offices located outside these service areas may not be able to devote the same level of comprehensive, real-time attention to weather events affecting these areas. Given the importance of accurate and timely weather information to rural areas subject to severe weather conditions, we cannot let the quality of weather services for these areas diminish. My legislation will help to prevent that from happening.

Mr. President, this is good-government legislation. It helps to ensure that an essential Federal agency makes very well-informed and prudent decisions, and it enhances the protection of our citizens' lives and property.

I introduced this legislation as an amendment to the NOAA reauthorization bill in the Commerce Committee last year. The amendment was adopted unanimously, but unfortunately the full Senate did not have an opportunity to consider the bill before adjournment. I intend to resume my efforts on this issue at the earliest opportunity in the new Congress. I hope other Senators will join me in cosponsoring this bill and in working toward its enactment.•

By Ms. SNOWE:

S. 272. A bill to amend the Internal Revenue Code of 1986 to allow defense contractors a credit against income tax for 20 percent of the defense conversion employee retraining expenses paid or incurred by the contractors; to the Committee on Finance.

By Ms. SNOWE:

S. 273. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives relating to the closure, realignment, or downsizing of military installations; to the Committee on Finance.

DEFENSE CONVERSION TAX CREDIT LEGISLATION

• Ms. SNOWE. Mr. President, I am introducing two bills today to assist workers who have lost their jobs as a result of closure or cutbacks at defense installations or the loss of defense contracts by private industry. The first bill extends the existing targeted jobs tax credit to employers who hire individuals who have lost their jobs at a Federal military installation through a closing, realignment or reduction in force. The credit equals 40 percent of the first $6,000 in wages paid to each newly hired worker. The second bill I am introducing provides defense contractors with an income tax credit for 20 percent of costs incurred in retraining employees for nondefense-related jobs.

Since 1988, the Department of Defense has undertaken four base realignment and closure [BRAC] rounds—in 1988, 1991, 1993, and 1995. In total the BRAC process has authorized the closing of 261 military facilities, including 98 major defense installations where 300 or more civilian and/or military jobs were eliminated. Many base closings and realignments under the BRAC process are still in progress and their full impact has not yet been felt. In addition, reductions in force continue to be the order of the day at the Pentagon. In December, the Navy announced plans to reduce civilian employment by 11,000 positions at 240 facilities.

The economic impact of defense downsizing on the affected individuals and surrounding communities can be devastating. In my own State of Maine, the closure of Loring Air Force Base in 1994 resulted in the loss of nearly 20 percent of the jobs in Aroostook County, affecting 3,000 military personnel, 900 civilians and an additional 6,000 private sector jobs which were dependent on the air base. The annual loss of income to Maine's economy from the Loring closure totaled more than $370 million.

At the other end of the State, Kittery-Portsmouth Naval Shipyard has seen its workforce cut from 8,600 employees in 1989, when the Berlin wall fell, to 3,600 today with another reduction of 454 Navy civilian jobs planned for 1997. And Bath Iron Works, Maine's largest defense contractor, has seen its employment level drop from a high of 12,000 in 1990 to 7,500 today. Smaller defense contractors in Maine have experienced similar job losses.

Mr. President, defense downsizing and economic conversion can be an excruciatingly slow and painful process for those households and communities in Maine and across the country who are going through it. I feel strongly that our obligation to the military and civilian workers who, after all, helped win the cold war, does not end with adoption of the BRAC recommendations. Successful defense conversion is a long-term process requiring a multi-pronged strategy that must include coordinated Government assistance to affected communities, workers, and businesses.

The two tax credit proposals I am introducing today form an essential part of that strategy. They will encourage the private sector to hire workers whose jobs have been lost from Federal defense facilities and will encourage defense contractors to retrain workers for employment in nondefense areas. I urge my Senate colleagues to join me in supporting these important legislative initiatives.•

By Ms. SNOWE:

S. 274. A bill to establish a Northern Border States-Canada Trade Council, and for other purposes; to the Committee on Finance.

THE NORTHERN BORDER STATES COUNCIL ACT

• Ms. SNOWE. Mr. President, today I am introducing legislation that would establish a Northern Border States Council on United States-Canada Trade.

The purpose of this Council is to oversee cross-border trade with our Nation's largest trading partner—an action that I believe is long overdue. The Council will serve as an early warning system to alert State and Federal trade officials to problems in cross-border traffic and trade. The Council will enable the United States to more effectively administer trade policy with Canada by applying the wealth of insight, knowledge and expertise that resides in our northern border States on this critical policy issue.

Within the U.S. Government we already have the Department of Commerce and a U.S. Trade Representative. But the fact is that both are Federal entities, responsible for our larger, national U.S. trade interests. Too often, such entities fail to give full consideration to the interests of the 12 northern States that share a border with Canada, the longest demilitarized border between 2 nations anywhere in the world. The Northern Border States Council will provide State trade officials a mechanism to share information about cross-border traffic and trade. The Council will then advise the Congress, the President, the U.S. Trade Representative, the Secretary of Commerce, and other Federal and State trade officials on United States.-Canada trade policies, practices, and problems.

Canada is America's largest and most important trading partner. Canada is by far the top purchaser of U.S. export goods and services, as it is the largest source of U.S. imports. With an economy one-tenth the size of our own, Canada's economic health depends on maintaining close trade ties with the United States. While Canada accounts for about one-fifth of U.S. exports and imports, the United States is the source of two-thirds of Canada's imports and provides the market for fully three-quarters of all of Canada's exports.

The United States and Canada have the largest bilateral trade relationship in the world, a relationship that is remarkable not only for its strength and general health, but also for the intensity of the trade and border problems that do frequently develop. Over the last decade, Canada and the United States have signed two major trade agreements—the United States-Canada Free Trade Agreement in 1989, and the North American Free Trade Agreement in 1993. Notwithstanding these trade accords, numerous disagreements have caused trade negotiators to shuttle back and forth between Washington and Ottawa. Most of the more well-known trade disputes with Canada have involved agricultural commodities such as durum wheat, peanut butter, dairy products, and poultry products, and these disputes have impacted more than just the 12 northern border States.

Each and every day, however, an enormous quantity of trade and traffic crosses the United States-Canada border. There are literally thousands of businesses, large and small, that rely on this cross-border traffic and trade for their livelihood.

My own State of Maine has had a long-running dispute with Canada over that nation's unfair policies in support of its potato industry. Specifically, Canada protects its domestic potato growers from United States competition through a system of nontariff trade barriers, such as setting container size limitations and a prohibition on bulk imports from the United States. This bulk import prohibition effectively blocks United States potato imports into Canada. At the same time, Canada artificially enhances the competitiveness of its product through domestic subsidies for potato growers.

Another trade dispute with Canada, specifically with the province of New Brunswick, served as the inspiration for this legislation. In July 1993, Canadian federal customs officials began stopping Canadians returning from Maine and collecting from them the 11-percent New Brunswick Provincial Sales Tax [PST] on goods purchased in Maine. Canadian Customs Officers had already been collecting the Canadian federal sales tax all across the United States-Canada border. The collection of the New Brunswick PST was specifically targeted against goods purchased in Maine—not on goods purchased in any of the other provinces bordering New Brunswick.

After months of imploring the U.S. Trade Representative to do something about the imposition of the unfairly administered tax, Ambassador Kantor agreed that the New Brunswick PST was a violation of NAFTA, and that the United States would include the PST issue in the NAFTA dispute settlement process. But despite this explicit assurance, the issue was not, in fact, brought before NAFTA's dispute settlement process, prompting Congress last year to include an amendment I offered to immigration reform legislation calling for the U.S. Trade Representative to take this action without further delay.

Throughout the early months of the PST dispute, we in the State of Maine had enormous difficulty convincing our Federal trade officials that the PST was in fact an international trade dispute that warranted their attention and action. We had no way of knowing whether problems similar to the PST dispute existed elsewhere along the United States-Canada border, or whether it was a more localized problem. If a body like the Northern Border State Trade Council had existed when the collection of the PST began, it could have immediately started investigating the issue to determine its impact and make recommendations on how to deal with it.

In short, the Northern Border States Council will serve as the eyes and ears of our States that share a border with Canada, and are most vulnerable to fluctuations in cross-border trade and traffic. The Council will be a tool for Federal and State trade officials to use in monitoring their cross-border trade. It will help ensure that national trade policy regarding America's largest trading partner will be developed and implemented with an eye towards the unique opportunities and burdens present to the northern border States.

The Northern Border States Council will be an advisory body, not a regulatory one. Its fundamental purpose will be to determine the nature and cause of cross-border trade issues or disputes, and to recommend how to resolve them.

The duties and responsibilities of the Council will include, but not be limited to, providing advice and policy recommendations on such matters as taxation and the regulation of cross-border wholesale and retail trade in goods and services; taxation, regulation and subsidization of food, agricultural, energy, and forest-products commodities; and the potential for Federal and State/provincial laws and regulations, including customs and immigration regulations, to act as nontariff barriers to trade.

As an advisory body, the Council will review and comment on all Federal and/or State reports, studies, and practices concerning United States-Canada trade, with particular emphasis on all reports from the dispute settlement panels established under NAFTA. These Council reviews will be conducted upon the request of the United States Trade Representative, the Secretary of Commerce, a Member of Congress from any Council State, or the Governor of a Council State.

If the Council determines that the origin of a cross-border trade dispute resides with Canada, the Council would determine, to the best of its ability, if the source of the dispute is the Canadian Federal Government or a Canadian provincial government.

The goal of this legislation is not to create another Federal trade bureaucracy. The Council will be made up of individuals nominated by the Governors and approved by the Secretary of Commerce. Each northern border State will have two members on the Council. The Council members will be unpaid, and serve a 2-year term.

The Northern Border States Council on United States-Canada Trade will not solve all of our trade problems with Canada. But it will ensure that the voices and views of our northern border States are heard in Washington by our Federal trade officials. For too long their voices were ignored, and the northern border States have had to suffer severe economic consequences at times because of it. This legislation will bring our States into their rightful position as full partners in issues that affect cross-border trade and traffic with our country's largest trading partner.

I urge my colleagues to join me in supporting this important legislation. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Border States Council Act".

SEC. 2. ESTABLISHMENT OF COUNCIL.

(a) ESTABLISHMENT.—There is established a council to be known as the Northern Border States-Canada Trade Council (hereafter in this Act referred to as the "Council").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of 24 members consisting of 2 members from each of the following States:

(A) Maine.
(B) New Hampshire.
(C) Vermont.
(D) New York.

(E) Michigan.
(F) Minnesota.
(G) Wisconsin.
(H) North Dakota.
(I) Montana.
(J) Idaho.
(K) Washington.
(L) Alaska.

(2) APPOINTMENT BY STATE GOVERNORS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Commerce (hereafter in this Act referred to as the "Secretary") shall appoint 2 members from each of the States described in paragraph (1) to serve on the Council. The appointments shall be made from the list of nominees submitted by the Governor of each such State.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for terms that are coterminous with the term of the Governor of the State who nominated the member. Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Council have been appointed, the Council shall hold its first meeting.

(e) MEETINGS.—The Council shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Council shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Council shall select a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall each serve in their respective positions for a period of 2 years, unless such member's term is terminated before the end of the 2-year period.

SEC. 3. DUTIES OF THE COUNCIL.

(a) IN GENERAL.—The duties and responsibilities of the Council shall include—

(1) advising the President, the Congress, the United States Trade Representative, the Secretary, and other appropriate Federal and State officials, with respect to—

(A) the development and administration of United States-Canada trade policies, practices, and relations,

(B) taxation and regulation of cross-border wholesale and retail trade in goods and services between the United States and Canada,

(C) taxation, regulation, and subsidization of agricultural products, energy products, and forest products, and

(D) the potential for any United States or Canadian customs or immigration law or policy to result in a barrier to trade between the United States and Canada,

(2) monitoring the nature and cause of trade issues and disputes that involve one of the Council-member States and either the Canadian Government or one of the provincial governments of Canada; and

(3) if the Council determines that a Council-member State is involved in a trade issue or dispute with the Government of Canada or one of the provincial governments of Canada, making recommendations to the President, the Congress, the United States Trade Representative, and the Secretary concerning how to resolve the issue or dispute.

(b) RESPONSE TO REQUESTS BY CERTAIN PEOPLE.—

(1) IN GENERAL.—Upon the request of the United States Trade Representative, the Secretary, a Member of Congress who represents a Council-member State, or the Governor of a Council-member State, the Council shall review and comment on—

(A) reports of the Federal Government and reports of a Council-member State government concerning United States-Canada trade,

(B) reports of a binational panel or review established pursuant to chapter 19 of the North American Free Trade Agreement concerning the settlement of a dispute between the United States and Canada,

(C) reports of an arbitral panel established pursuant to chapter 20 of the North American Free Trade Agreement concerning the settlement of a dispute between the United States and Canada, and

(D) reports of a panel or Appellate Body established pursuant to the General Agreement on Tariffs and Trade concerning the settlement of a dispute between the United States and Canada.

(2) DETERMINATION OF SCOPE.—Among other issues, the Council shall determine whether a trade dispute between the United States and Canada is the result of action or inaction on the part of the Federal Government of Canada or a provincial government of Canada.

(c) COUNCIL-MEMBER STATE.—For purposes of this section, the term "Council-member State" means a State described in section 2(b)(1) which is represented on the Council established under section 2(a).

SEC. 4. REPORT TO CONGRESS.

Not later than 2 years after the date of the enactment of this Act and at the end of each 2-year period thereafter, the Council shall submit a report to the President and the Congress which contains a detailed statement of the findings, conclusions, and recommendations of the Council.

SEC. 5. POWERS OF THE COUNCIL.

(a) HEARINGS.—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out the provisions of this Act. Notice of Council hearings shall be published in the Federal Register in a timely manner.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Council may secure directly from any Federal department or agency such information as the Council considers necessary to carry out the provisions of this Act. Upon the request of the Chairperson of the Council, the head of such department or agency shall furnish such information to the Council.

(c) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

SEC. 6. COUNCIL PERSONNEL MATTERS.

(a) MEMBERS TO SERVE WITHOUT COMPENSATION.—Except as provided in subsection (b), members of the Council shall receive no compensation, allowances, or benefits by reason of service to the Council.

(b) TRAVEL EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Council may, without regard to the civil service laws, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Council to perform its duties. The employment of an executive director shall be subject to confirmation by the Council and the Secretary.

(2) COMPENSATION.—The Chairperson of the Council may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) OFFICE SPACE.—The Secretary shall provide office space for Council activities and for Council personnel.

SEC. 7. TERMINATION OF THE COUNCIL.

The Council shall terminate on the date that is 54 months after the date of the enactment of this Act and shall submit a final report to the President and the Congress under section 4 at least 90 days before such termination.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated from amounts made available by appropriations to the Department of Commerce an amount not to exceed $250,000 for fiscal year 1996 and for each fiscal year thereafter to the Council to carry out the provisions of this Act.

(b)AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.●

By Mr. CHAFEE (for himself, Mr. WARNER, Mr. MOYNIHAN, and Mr. BOND):

S. 275. A bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt financing of private sector highway infrastructure construction; to the Committee on Finance.

THE HIGHWAY INFRASTRUCTURE PRIVATIZATION ACT

Mr. CHAFEE. Mr. President, today, I am introducing legislation which will allow the private sector to take a more active role in building and operating our Nation's highway infrastructure. The Highway Infrastructure Privatization Act will allow the private sector to gain access to tax-exempt bond financing for a limited number of highway projects. I am pleased that my distinguished colleagues, Senators WARNER, MOYNIHAN, and BOND, have agreed to join me in this effort.

One needs only to venture a few blocks from here to see the terrible condition of many of the Nation's roads and bridges. Regrettably, the

United States faces a significant shortfall in funding for our highway and bridge infrastructure needs.

The investment need comes at a time when we in Congress are desperately looking for ways to reduce spending to balance the budget. State governments face similar budget pressures. It is incumbent upon us to look at new and innovative ways to make the most of limited resources to address significant needs.

In the United States, highway and bridge infrastructure is the responsibility of the Government. Governments build, own, and operate public highways, roads, and bridges. In many other countries, however, the private sector, and private capital, construct and operate important facilities. These countries have found that increasing the private sector's role in major highway transportation projects offers opportunities for construction cost savings and more efficient operation. They also open the door for new construction techniques and technologies.

To help meet the Nation's infrastructure needs, we must take advantage of private sector resources by opening up avenues for the private sector to take the lead in designing, constructing, financing, and operating highway facilities.

A substantial barrier to private sector participation in the provision of highway infrastructure is the cost of capital. Under current Federal tax law, highways built by Government can be financed using tax-exempt debt, but those built by the private sector, or those with substantial private sector participation, cannot. As a result, public/private partnerships in the provision of highway facilities are unlikely to materialize, despite the potential efficiencies in design, construction, and operation offered by such arrangements.

To increase the amount of private sector participation in the provision of highway infrastructure, the Tax Code's bias against private sector participation must be addressed.

The Highway Infrastructure Privatization Act creates a pilot program aimed at encouraging the private sector to help meet the transportation infrastructure needs for the 21st century. It makes tax-exempt financing available for a total of 15 highway privatization projects. The total face value of bonds that can be issued under this program is limited to $25 billion.

The 15 projects authorized under the program will be selected by the Secretary of Transportation, in consultation with the Secretary of the Treasury. To qualify under this program, projects selected must: serve the general public; be on publicly owned rights-of-way; revert to public ownership; and, come from a State's 20-year transportation plan. These criteria ensure that the projects selected meet a State or locality's broad transportation goals.

A revenue estimate for this legislation has not yet been completed, however we anticipate that the bill will not result in a revenue loss for the Federal Government. The projects that are candidates to participate in this pilot program are ones that are likely to be funded by tax-exempt bonds issued by State and local governments. Therefore, the bill should not result in an increase in the amount of tax-exempt bonds that will be issued. Furthermore, it is possible, depending on the efficiencies resulting from substantial private sector participation, that the bill actually would result in fewer bonds being issued and therefore would provide a revenue increase for the Federal Government.

The bonds issued under this pilot program will be subject to the rules and regulations governing private activity bonds. Moreover, the bonds issued under the program will not count against a State's tax-exempt volume cap.

This legislation has been endorsed by Project America, a coalition dedicated to improving our Nation's infrastructure, and the Public Securities Association.

I hope that this bill can be one in a series of new approaches to meeting our substantial transportation infrastructure needs and will be one of the approaches that will help us find more efficient methods to design and to build the Nation's transportation infrastructure.

I encourage my colleagues to join me as cosponsors of this important initiative.

By Mr. COCHRAN (for himself, Mr. COVERDELL, and Mr. HELMS):

S. 277. A bill to amend the Agricultural Adjustment Act to restore the effectiveness of certain provisions regulating Federal milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL MILK MARKETING ORDERS LEGISLATION

• Mr. COCHRAN. Mr. President, today I am introducing legislation to reauthorize seasonal base plans for Federal milk marketing orders.

This program encourages dairy farmers to stabilize their milk production seasonally. This results in more stable production in the fall and winter, when there is an economic disincentive for dairy farmers to produce milk, and thereby ensures stable milk prices to consumers.

Mr. President, this is a matter of fairness. Seasonal base plans were instituted under the Agricultural Act of 1933. Currently, seasonal base plans are included in five Federal milk marketing orders that affect producers in 25 States. Without extension of this authority expeditiously, dairy producers in those five orders who adjusted their production last fall will receive lower average prices while those who made no adjustments will receive higher average prices.

This is not a new issue to my colleagues. In fact, during consideration of the fiscal year 1997 Agriculture Appropriations Act, the Senate approved the extension of seasonal base plan authority until the year 2002. The 1996 farm bill requires the Secretary of Agriculture to submit a reform plan for Federal milk marketing orders by 1999 and this bill reauthorizes the base excess plans until 1999. This will ensure that the market environment the Secretary was directed to reform exists until he has a chance to submit his plan.

I hope my colleagues will support this legislation.•

By Mr. GRAMM (for himself, Mrs. HUTCHISON, Mr. SESSIONS, and Mr. COVERDELL):

S. 278. A bill to guarantee the right of all active military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections; to the Committee on Rules and Administration.

THE MILITARY VOTING RIGHTS ACT OF 1997

• Mr. GRAMM. Mr. President, this bill would guarantee that active duty military personnel and their dependents have the right to vote in Federal, State, and local elections.

On December 19, 1996, Texas Rural Legal Aid [TLRA] filed suit against Val Verde County, TX, alleging that 800 military absentee ballots were improperly counted in local races. The challenge argues that the Uniformed and Overseas Absentee Voting Act was not intended to allow voting in State and local elections.

The Military Voting Rights Act of 1997 amends the Uniformed and Overseas Absentee Voting Act to make explicit the right of active duty military personnel and their dependents to vote in all Federal, State, and local elections. This change is consistent with the way the law has historically been interpreted by State election officials.

In addition, the Military Voting Rights Act of 1997 amends the Soldiers' and Sailors' Civil Relief Act of 1940 to extend additional voting rights protections to our Nation's military forces. This section guarantees that extended absences incurred as a result of service to the Nation do not result in the loss of residency for voting purposes.

The assertion of TLRA that our soldiers can lose the right to vote in State and local elections by virtue of service-connected absences is absurd and must not be allowed to go unanswered. The Military Voting Rights Act of 1997 makes it clear that those who protect our freedom should not be denied the right to exercise freedoms they protect.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Voting Rights Act of 1997".

SEC. 2. GUARANTEE OF RESIDENCY.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 700 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State.

"(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.".

SEC. 3. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—" and

(2) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out "FOR FEDERAL OFFICE".

THE RETIRED
OFFICERS ASSOCIATION,
Alexandria, VA, February 5, 1997.

Hon. PHIL GRAMM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMM: On behalf of the nearly 400,000 members of the Retired Officers Association, of which 33,000 members plus their families reside in Texas, I want to express our strong support for the "Military Voting Rights Act of 1997." It's a travesty that a taxpayer-funded group like the Texas Rural Legal Aid (TRLA) would represent individuals in an action to deny military members the right to vote by absentee ballot in Val Verde County, Texas.

Although TRLA has now withdrawn from the suit and deferred to a private attorney, the case remains a threat to the voting rights of active duty personnel and their families. Should the view enunciated by TRLA prevail, military personnel who were absent because of exigencies of the service would be denied a fundamental right to vote. Many of these individuals, who are daily placed in "harms way" in areas like Bosnia, would rightfully question why they should be treated like second class citizens and be subjected to different registration procedures than individuals who register to vote by any other means under state law.

The current practice that enables an absentee voter to submit a Federal Post Card Application has long-standing roots and should not be altered to require supplementary information and to specifically discriminate against servicemembers. Therefore, we strongly support your effort to preclude unfair sanctions from being imposed on members of the uniformed services and will do our utmost to generate strong grassroots support for the enactment of the "Military Voting Rights Act of 1997."

Sincerely,

PAUL W. ARCARI,
Colonel, USAF (Ret),
Director, Government Relations.

THE AMERICAN LEGION,
NATIONAL HEADQUARTERS,
Indianapolis, IN, February 5, 1997.

Hon. PHIL GRAMM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMM: On behalf of The American Legion, I want to note our appreciation and express our support for The Military Voting Rights Act of 1997 which, I understand, will soon go to the floor of the United States Senate.

One of the most important responsibilities for the people of a free nation is exercising their franchise. One of the most precious rights we have as Americans is access to the ballot box. That right and that responsibility is as important to our nation's active duty military as it is to the rest of the population.

Anyone who has served the nation in its military knows that every right enjoyed and exercised by the average American is, of necessity, not inherent in military service. The human body is a remarkable thing. When one of the senses is diminished, others increase to compensate. The loss of sight may well lead to an acute sense of hearing. This concept could be applied to military service. Forfeiting the comforts of home and family, of occupational pursuits and the protection of our borders, the opportunity to vote becomes a more cherished right, a more heightened responsibility.

Those whose lives are on the line daily will someday return to their homes. They will return to a government that shapes their community and effects the lives of all those within. It follows then that those on active duty in a foreign country should be accorded every opportunity help structure that government locally, across the state, and at the federal level.

To you and other supporters of The Military Voting Rights Act of 1997 goes the gratitude of our Organization. I believe it accurate to say that the young men and women who protect our nation and its interests through military service have the full support of our nation's people and its government. And they should have every chance to exercise their franchise in support of it.

Sincerely,

JOSEPH E. CAOUCTTE, Jr.,
Chairman, National
Americanism Commission.

NATIONAL ASSOCIATION FOR
UNIFORMED SERVICES,
Springfield, VA, February 5, 1997.

Hon. PHIL GRAMM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMM: The National Association for Uniformed Services thanks you for your action to ensure active duty personnel and their family members have the right to vote in federal, state, and local elections.

We support strongly your "Military Voting Rights Act of 1997" which amends the "Uniformed and Overseas Absentee Voting Act". Your bill will make more explicit the right of active duty personnel and their family members to vote in federal, state, and local elections with absentee ballots as the "Soldier's and Sailors' Civil Relief Act of 1940" has historically been interpreted by state election officials.

Any assertion that military personnel, who are serving their country, can lose their right to vote in state and local elections because of their service-connected absences is outrageous! All the brave men and women of the armed forces serving throughout the world are grateful for your prompt, decisive action to preserve their Constitutional right to vote.

Sincerely,

J.C. PENNINGTON,
Major General, U.S. Army (Ret.),
President.

AIR FORCE ASSOCIATION
Arlington, VA, February 5, 1997.

Hon. PHIL GRAMM,
Senate Russell Building,
Washington, DC.

DEAR SENATOR GRAMM: The Air Force Association strongly endorses your sponsorship of "The Military Voting Rights Act of 1997." The right of active duty military personnel and their dependents to vote in all federal, state and local elections needs to again be reemphasized to state and local election officials. Recent problems in Texas have again reminded us that the right to vote must be fought for time and time again. Your legislation, once enacted, will help to correct this inequity.

We pledge our support to assist you by seeking additional cosponsors, to inform our members nationwide of your effort and to help in any appropriate way.

Sincerely,

DOYLE E. LARSON.●

By Mrs. MURRAY (for herself, Mr. DODD, Mr. DASCHLE, Mr. KENNEDY, Mr. HARKIN, Ms. MOSELEY-BRAUN, Mr. INOUYE, Mr. LAUTENBERG, Mr. WELLSTONE, Mr. KERRY, and Mr. AKAKA):

S. 280. A bill to amend the Family and Medical Leave Act of 1993 to allow employees to take school involvement leave to participate in the school activities of their children or to participate in literacy training, and for other purposes; to the Committee on Labor and Human Resources.

THE TIME FOR SCHOOLS ACT OF 1997

Mrs. MURRAY. Mr. President, 4 years ago today, thanks to the hard work of Senator DODD, we passed the Family and Medical Leave Act. It was one of the first things I did as a newly elected Senator. And I am proud of its success. In fact, it is probably the single most effective law passed by Congress this decade.

Now I want to expand the scope of FMLA to apply to participation in our schools. The Time for Schools Act of 1997 will allow parents 24 hours per year to participate in activities in their child's school.

As the mother of two children—one a teenager in high school—I know how difficult and how important it is to participate in their education. I have been lucky to have had the opportunity to be involved in their lives. But many parents do not have the time it takes to do those little things that will assure their child's success in school.

By expanding the uses of one of the most successful laws in years, I want to give parents something they don't have enough of—time.

When I tour schools in my home State of Washington, I often hear young people say, "Adults don't seem to care about me." We know that's not true, but we need to show them that adults do care. And one of the best places to start is to reaffirm the importance of their education by taking steps to help their families get more involved in schools.

These days we have many dual-income families and single parents struggling to work to make ends meet. All of these families know how important it is to be involved in their children's learning.

However, a recent study, Parents as School Partners research initiative, sponsored by the National Council of Jewish Women's Center for the Child, found that a basic lack of time was one of the main barriers to more parental involvement at schools.

Educational studies have shown that family involvement is more important to student success than family income or education. In fact, things parents control, such as limiting excess television watching and providing a variety of reading materials in the home, account for almost all the differences —nearly 90 percent—in average student achievement across States.

All sectors of our communities want more time for young people. Students, teachers, parents and businesses feel something must be done to improve family involvement. In fact, 89 percent of company executives identified the biggest obstacle to school reform as the lack of parental involvement.

And, a 1996 postelection poll commissioned by the national PTA and other organizations found that 86 percent of people favor legislation that would allow workers unpaid leave to attend parent-teacher conferences, or to take other actions to improve learning for their children.

A commitment to our children is a commitment to the future. I want to make sure all young people receive the attention they need to succeed.

My legislation will allow parents time to: First, attend a parent/teacher conference; second, interview a new school for their child; and third, participate in family literacy training.

Just last week, I talked to a woman from Bellevue who has an 11-year-old special needs daughter in school. Both she and her husband work during the day, but he cannot get away for school activities. She told me my legislation would allow her husband to attend school conferences and participate in their child's education for the first time.

I look at the Family and Medical Leave Act—which has helped one in six American employees take time to deal with serious family health problems, and which 90 percent of businesses had little or no cost implementing—and I see success. People in my State have been able to deal with urgent family needs, without having to give up their jobs.

My bill expands the uses of Family and Medical Leave to another urgent need families face—the need to help their children learn.

Now we need to grant employees the same peace of mind about preventing problems in school that can lead to bigger problems for their children later on. The time is right for the Time for Schools Act.

ADDITIONAL COSPONSORS

S. 70

At the request of Mrs. BOXER, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 70, a bill to apply the same quality and safety standards to domestically manufactured handguns that are currently applied to imported handguns.

S. 183

At the request of Mr. DODD, the names of the Senator from Minnesota [Mr. WELLSTONE], the Senator from Hawaii [Mr. AKAKA], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 183, a bill to amend the Family and Medical Leave Act of 1993 to apply the Act to a greater percentage of the United States workforce, and for other purposes.

S. 212

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 212, a bill to increase the maximum Federal Pell Grant award in order to allow more American students to afford higher education, and to express the Sense of the Senate.

SENATE CONCURRENT RESOLUTION 5—RELATIVE TO THE NORTH ATLANTIC TREATY OF 1949

Mr. ROTH (for himself, Mr. LIEBERMAN, Mr. LUGAR, Ms. MIKULSKI, Mr. HAGEL, Mr. MCCAIN, Mr. COCHRAN, Mr. ENZI, and Ms. MOSELEY-BRAUN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 5

Whereas the North Atlantic Treaty Organization (NATO) is a community of democracies that continues to play a critical role in addressing the security challenges of the post-Cold War era and in creating an environment of enduring peace and stability in Europe;

Whereas NATO remains the only security alliance with both real defense capabilities and transatlantic membership;

Whereas the North Atlantic Council held a ministerial meeting on December 10, 1996, at NATO Headquarters in Brussels, Belgium, and—

(1) decided to hold a summit meeting on July 8 and 9, 1997, during which it will extend invitations to accession negotiations to one or more countries that have participated in the process of intensified dialogue with NATO;

(2) established for the North Atlantic Alliance the goal of welcoming one or more new members by the time of the Alliance's fiftieth anniversary in 1999;

(3) announced that the Council seeks to reach agreement with the Russian Federation on arrangements that would widen and deepen the current relationship between the Russian Federation and NATO in order to enhance security and stability in the Euro-Atlantic area; and

(4) announced its commitment to further developing and reinforcing a distinctive and effective relationship with Ukraine;

Whereas Congress has repeatedly endorsed, with bipartisan majorities, the enlargement of NATO through the enactment of legislation that includes the NATO Participation Act of 1994, the NATO Participation Act Amendments of 1995, and the NATO Enlargement Facilitation Act of 1996;

Whereas the North Atlantic Assembly, a multinational body composed of delegations from the 16 signatory nations of the North Atlantic Treaty, has called for the Alliance to welcome new members through the adoption of resolutions, including Resolution 255 (1994) entitled "NATO Partnership for Peace and the Enlargement Process", Resolution 268 (1996) entitled "On a Wider Alliance for Enhanced Stability and Freedom", and Resolution 271 (1996) entitled "Toward the 1997 NATO Summit"

Whereas the enlargement of NATO, a defensive alliance, threatens no nation and reinforces peace and stability in Europe, the enlargement of NATO would provide benefits to all nations;

Whereas NATO has extended its membership to additional nations on three different occasions since its founding in 1949; and

Whereas the new members of the North Atlantic Alliance must assume all the rights and obligations under the North Atlantic Treaty, signed at Washington on April 4, 1949: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) regards the political independence and territorial integrity of the emerging democracies in Central and Eastern Europe as vital to European peace and security and, thus, to the interests of the United States;

(2) endorses the goal established by the North Atlantic Council to welcome one or more new members by the time of the fiftieth anniversary of the North Atlantic Alliance in 1999;

(3) calls upon the Alliance to extend invitations to accession negotiations to those nations who seek membership in NATO and who are ready to make a net contribution to the Alliance's security by 1999, including Poland, the Czech Republic, Hungary and Slovenia;

(4) endorses the commitment of the North Atlantic Council further to develop and reinforce a distinctive and effective relationship between the Alliance and Ukraine;

(5) endorses the pledge of the North Atlantic Council that the Alliance will remain open to the accession of further members in accordance with Article 10 of the Washington Treaty;

(6) endorses the Alliance's decision to seek a charter with Russia that reflects the common interest that Russia and the Alliance have in reinforcing enduring peace and stability in Europe;

(7) calls upon the President to fully use his offices to facilitate the objectives and commitments described in paragraphs (2) through (6); and

(8) reserves the right of advice and consent to the ratification of treaties and pledges seriously and responsibly to review the results of accession negotiations between the North Atlantic Council and prospective NATO members.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. ROTH. Mr. President, one of the greatest foreign policy opportunities and challenges before the 105th Congress is the consolidation of a wider, peaceful, and democratic Europe.

The inclusion of the new democracies of Central and Eastern Europe in the core institutions of the transatlantic community has been a cornerstone of American foreign policy for the last 50 years.

Its attainment remains both a strategic and moral imperative for the United States.

A key step toward this end is the inclusion of democracies from Central and Eastern Europe as full members in the North Atlantic Treaty Organization [NATO].

This is a step that has been endorsed by the U.S. Congress. It is a step that has been endorsed by the American people.

It's a step that must be taken.

I was glad to hear the President emphasize last night in his State of the Union Address that the first task of our foreign policy is to build an undivided, democratic Europe.

He is right to emphasize that a wider NATO and stable partnership between the alliance and Russia are cornerstones to this vision.

As we look to the 21st century, and the uncertainties that still threaten our vital interests and those of our allies—as we see the need to maintain an organization that is dedicated to safeguarding freedoms, promoting democracy, and supporting the rule of law—we realize that NATO is critical to our future.

It is not enough to win the cold war; we must now ensure the peace. This is NATO's commission * * * a commission the alliance must continue to carry out.

Now more than ever, NATO has the opportunity to fulfill the role for which it was originally intended.

Those who know the history of the alliance understand the historic significance of this moment. With the cold war behind us, NATO is now in the position to consolidate a wider democratic Europe—the very reason for which the alliance was born.

We must welcome this.

Enlarging and strengthening the alliance is a catalyst for increased security, productive communication, enhanced cooperation, and common objectives.

An alliance that is outward-looking and inclusive provides a framework for peace that possesses infinite capabilities.

For these reasons, the North Atlantic Council recently issued a historic communique that offers a long-awaited blueprint for building the alliance's relationship with the new democracies of Central and Eastern Europe.

The communique calls for the alliance to advance its original objectives by moving toward the integration of these nations. It articulates the North Atlantic Council's intention at its July summit meeting in Madrid, to extend invitations to accession negotiations to one or more countries which have participated in NATO's intensified dialog process.

The communique establishes for the alliance the goal of welcoming new members by the time of NATO's 50th anniversary in 1999.

It also announces the North Atlantic Council's objective to reach agreement with the Russian Federation on arrangements that will widen and deepen their current relationship in order to enhance security and stability in the Euro-Atlantic area.

Mr. President, NATO enlargement is not a new issue before the Congress, but it is among the most important foreign policy issues the 105th Congress will face.

The timeline established by the North Atlantic Council is both worthy and challenging.

NATO's 50th anniversary will be in April 1999. To ensure the accession of new members into the alliance by that date, 16 parliaments or legislatures will have to ratify accession treaties.

Considering the important role the United States will have to play in ensuring success in this process, it is incumbent upon the 105th Congress to lead the ratification process.

Toward this end, I call upon my colleagues to endorse the goals and timetable established by the North Atlantic Council through a resolution sponsored by Senators LIEBERMAN, LUGAR, MIKULSKI, HAGEL, MCCAIN, COCHRAN, and myself.

I encourage my colleagues to approach this resolution with an eye toward the July summit in Madrid.

The principal theme of this summit will be enlargement, and this resolution expresses the "sense of Congress that the extension of membership in NATO to the democracies of Central and Eastern Europe is essential to the consolidation of enduring peace and stability in Europe."

The resolution we introduce today also reviews congressional support for NATO enlargement—as well as the support of the North Atlantic Assembly which represents over 200 legislators from more than 40 political parties around the world.

Most importantly, this resolution declares that Congress regards the political independence and territorial integrity of emerging democracies in Central and Eastern Europe as vital to European peace and security and, thus, to the interests of the United States.

Our resolution calls upon the alliance, during the Madrid summit, to extend invitations to accession negotiations to Poland, the Czech Republic, Hungary, and Slovenia.

It endorses the pledge of the North Atlantic Council that the alliance will remain open to the accession of further members in accordance with article 10 of the Washington Treaty.

It also endorses the alliance's decision to seek a charter with Russia that reflects the common interest that Russia and the alliance have in reinforcing enduring peace and stability in Europe.

Finally, this resolution reserves the Senate's right of advise and consent over international treaties. It pledges that the Senate will seriously and responsibly review the outcomes of accession negotiations between the North Atlantic Council and prospective NATO members.

Passage of this resolution prior to the Madrid summit meeting in July would reiterate and reaffirm both at home and abroad the strong bipartisan support behind NATO enlargement in the United States.

This would strengthen the President's position within the alliance on the issue of enlargement as he prepares for the July summit in Madrid.

And, it would further reinforce the groundwork that has been laid for NATO enlargement, demonstrating that the 105th Congress is ready and willing to aggressively address this important issue.

I urge my colleagues to support this resolution, to send a strong and unmistakable message to our friends and allies, and to ensure that the NATO's half century of success carries well into the future.

I would also like to submit for the RECORD some important documents concerning the support for NATO enlargement I am finding in my home State of Delaware.

On 19 December 1996, the Wilmington Town Council passed a resolution introduced by Council Member Bartowski endorsing Poland's membership in NATO. I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the Republic of Poland is a free, democratic and independent nation with a long and proud history, whose sons and daughters have played significant roles in the history of Wilmington; and

Whereas, the North Atlantic Treaty Organization is dedicated to the preservation of the freedom and security of its member nations and there is now a plan for enlargement of NATO to proceed in 1997 and 1998; and

Whereas, the Republic of Poland has expressed its desire to share in both the benefits and obligations of NATO in pursuing the development, growth and promotion of democratic institutions and ensuring free market economic development and Poland may be invited to NATO membership, if criteria are met, as early as Spring, 1997; and

Whereas, Poland recognizes its responsibilities as a democratic nation and wishes to exercise such responsibilities in concert with members of NATO; and

Whereas, the Republic of Poland desires to become part of NATO's efforts to prevent the extremes of nationalism; and

Whereas, it has been observed that "whenever Europe and the United States go separate ways, they pay a terrible price" and the security of the United States is dependent upon the stability of Central Europe, of which Poland is a vital part.

Now, therefore, be it

Resolved by the Council of the City of Wilmington, Delaware, That:

1. This Council respectfully urges the President of the United States and the Congress of the United States to continue their support of the Republic of Poland's entry into the North Atlantic Treaty Organization and to support the establishment during 1997 and 1998 of a timetable for such entry, partly in order that NATO may be cohesive, effective, credible and display a sense of co-responsibility for the security and stability of the whole of Europe.

2. The City Clerk is hereby directed to forward duly authenticated copies of this resolution to the President of the United States; the Presiding Officer of both branches of the United States Congress; the members thereof from the State of Delaware, including Senator Joseph R. Biden, Jr. of the Senate Foreign Relations Committee; Robert Hunter, the U.S. Permanent Representative to NATO; Marek Lesniewski-Laas, the Honorary Consul of the Republic of Poland; and former Wilmington Mayor John E. Babiarz.

Mr. ROTH. Mr. President, this resolution, as well as the one that we are introducing in the Senate today, reflect the recognition, that by any measure, the North Atlantic Treaty Organization has been a resounding success.

It has kept the peace, reinforced geopolitical relationships, and provided the foundation upon which we were able to bring the cold war to a peaceful end.

Mr. President, I ask unanimous consent that the North Atlantic Council Communique be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MINISTERIAL MEETING OF THE NORTH ATLANTIC COUNCIL, DECEMBER 10, 1996—FINAL COMMUNIQUE

1. As we look ahead, the new NATO is taking shape, reflecting the fundamental changes in the security environment in Europe and the enduring vitality of the transatlantic partnership which underpins our endeavours. The broad vision of this new NATO and its role in the development of a new European security architecture was set out at the 1994 Brussels Summit and further defined at our last meeting in Berlin. The Alliance's adaptation and reform is well underway. We will take this process forward today.

The Alliance is resolved to preserve its political and military strength, ensuring its ability to carry out the full range of its missions—as IFOR and its planned successor SFOR in Bosnia and Herzegovina clearly show. We have issued a separate statement in this regard. The Alliance will continue to strengthen European security by maintaining its capability for collective defence, admitting new members, expanding and strengthening cooperative relationships with all Partners, including building a strong security partnership with Russia and a distinctive relationship with Ukraine, and realising the European Security and Defence Identity within the Alliance.

The evolution of the Alliance takes place in the context of our aim to help build a truly cooperative European security structure. We welcome as a contribution the important decisions taken at the recent OSCE Summit in Lisbon and the decision by the States Parties to the CFE Treaty to begin negotiations in early 1997 with a view towards adapting the Treaty to the changing security environment in Europe.

2. Against this background, we have decided to recommend to our Heads of State and Government to convene a Summit meeting in Madrid on 8/9 July 1997 to set the course for the Alliance as it moves towards the 21st century, consolidating Euro-Atlantic security. To achieve this aim, major decisions will have to be taken by the time of the Summit concerning NATO's internal adaptation, the opening of the Alliance and its ability to carry out all its new roles and missions. The agenda for our Summit will include:

Agreeing a new command structure, which enables all Allies to participate fully, and further advancing the implementation of the Combined Joint Task Force (CJTF) concept, in order to enhance the Alliance's ability to carry out the full range of its missions, while preserving the capability for collective defence, based on a strong transatlantic partnership;

Finalizing, to the satisfaction of all Allies, all the necessary arrangements for the European Security and Defense Identity (ESDI) within NATO, which will allow for the preparation and conduct of WEU-led operations with the participation of all European Allies if they were so to choose;

Inviting one or more of the countries which have expressed interest in joining the Alliance to begin accession negotiations;

Pledging that the Alliance will remain open to the accession of further members and will remain ready to pursue consultations with nations seeking NATO membership, as it has done in the past;

Strengthening cooperative relations with all our Partners including through an enhanced Partnership for Peace (PfP) and the initiative to establish an Atlantic Partnership Council;

Intensifying and consolidating relations with Russia beyond the Partnership for Peace by aiming at reaching an agreement at the earliest possible date on the development of a strong, stable and enduring security partnership;

Further developing an enhanced relationship with Ukraine;

Enhancing our Mediterranean dialogue;

Further developing our ability to carry out new roles and missions relating to conflict prevention and crisis management; and

Further enhancing our political and defense efforts against the proliferation of nuclear, biological and chemical weapons and their delivery means.

3. We warmly welcome the decision of the Government of Spain, endorsed by the Spanish Parliament on 14 November 1996, to take the necessary steps to participate in the Alliance's new structure. Spain's participation will further strengthen the cohesion and military effectiveness of the Alliance, as it takes on new roles and missions, reinforce the transatlantic link and help develop ESDI within the Alliance.

4. Stability and security in the whole Euro-Atlantic area are our primary goal. We want to help build cooperative European security structures which extend to countries throughout the whole of Europe without excluding anyone or creating dividing lines. Recent decisions at the OSCE Summit meeting in Lisbon on European security cooperation and the decision to adapt the CFE Treaty to the new European security environment establish a cooperative foundation for our common security. The Alliance, for its part, has developed a broad pattern of intensive cooperation with North Atlantic Cooperation Council (NACC) and PfP Partner countries and with other international organizations and is thereby contributing to security and stability in the Euro-Atlantic area. With the same aim, we are now working towards opening the Alliance to new members; developing ever-closer and deeper cooperative ties with all Partner countries who so wish; building a strong, stable and enduring security partnership with Russia; strengthening our relationship with Ukraine; and enhancing our Mediterranean dialogue.

5. We reaffirm that the nuclear forces of the Allies continue to play a unique and essential role in the Alliance's strategy of war prevention. New members, who will be full members of the Alliance in all respects, will be expected to support the concept of deterrence and the essential role nuclear weapons play in the Alliance's strategy. Enlarging the Alliance will not require a change in NATO's current nuclear posture and therefore, NATO countries have no intention, no plan, and no reason to deploy nuclear weapons on the territory of new members nor any need to change any aspect of NATO's nuclear posture or nuclear policy—and we do not foresee any future need to do so.

6. A number of countries have long-standing aspirations to become full members of our Alliance and have undertaken intensive and wide-ranging preparations and reforms with this aim in mind. We are now in a position to recommend to our Heads of State and Government to invite at next year's Summit meeting one or more countries which have participated in the intensified dialogue process, to start accession negotiations with the Alliance. Our goal is to welcome the new member(s) by the time of NATO's 50th anniversary in 1999. We pledge that the Alliance

will remain open to the accession of further members in accordance with Article 10 of the Washington Treaty. We will remain ready to pursue consultations with nations seeking NATO membership, as we have done in the past.

We are satisfied with the intensified, individual dialogue which the Alliance has been conducting throughout this year with interested Partners. This dialogue has improved their understanding of specific and practical details of how the Alliance works. It has provided the Alliance in turn with a better understanding of where these countries stand in their internal development as well as in the resolution of any external issues with neighbouring countries. We have tasked the Council in Permanent Session to prepare comprehensive recommendations for decisions to be taken by the Summit on which country or countries to invite to begin accession negotiations. The process should include:

An intensified dialogue with interested Partner countries including in a "16+1" format, as appropriate;

Analysis, on the basis of further political guidance to be elaborated by the Council in Permanent Session, of the relevant factors associated with the admission of potential new members;

Preparation of recommendations on the adaptation of Alliance structures necessary to integrate new members into the Alliance;

Preparation of a plan for conducting the accession talks with one or more new members.

7. We look forward to tomorrow's meeting of the NACC, which will mark its fifth anniversary. The NACC has provided us over the years with a valued opportunity to consult regularly with our Partners on political and security issues. Through NACC and Partnership for Peace, we have achieved the development of common approaches to European security and brought the NACC countries closer together in a spirit of cooperation and a common commitment to European security. We are committed to ensuring that the NACC goals of enhancing transparency and confidence in security matters among member states remain central to future cooperation. In order to derive maximum benefit from our NACC meetings, we want to move towards further deepening our political dialogue and giving it more focus.

8. We are pleased with the dynamic development of Partnership for Peace and the role it plays in building European security cooperation. The Partnership for Peace will continue as a permanent element of the Alliance's cooperative effort to contribute to the development of a more stable European security area and, with those Partners seeking to join NATO, will also facilitate their preparations to meet the responsibilities of membership in the Alliance. Substantial progress has been achieved in enhancing the scope and substance of our Partnership cooperation, in particular the growing range of exercises, the broadening and deepening of the PfP Planning and Review Process, the intensification of work on civil-military relations, and civil emergency planning and disaster relief. In the current IFOR operation, in which 13 Partner countries are cooperating with Alliance armed forces, the Partnership for Peace has proved its value with regard both to political commitment to joint crisis management and to military interoperability.

We want to develop on the basis of transparency ever-closer and deeper cooperative ties open to all Partner countries by making the Partnership more operational; strengthening its political consultation element, taking full account of the respective activities of the OSCE and the relevant European institutions such as the WEU and the EU; and involving Partners more in operations planning and Partnership decision-making. To this end, the Alliance has set up a Senior Level Group to develop by the time of the Summit meeting a clearly strengthened and thus more attractive Partnership for Peace. We have received an interim report on the ongoing work and agree that work should begin without delay to implement its recommendations. These include:

Enhancing the political dimension of the Partnership through increasing opportunities for political consultations;

Expanding the agreed fields of military missions within PfP to the full range of the Alliance's new missions, as appropriate, including Peace Support operations over and above previously agreed areas;

Broadening the NATO/PfP exercise programme in accordance with the expanded scope of the Partnership;

Enabling Partner countries to participate in the planning and execution of PfP activities (exercises and operations);

Involving Partners more substantively and actively in PfP-related parts of the regular peacetime work of NATO's Military Authorities;

Affording the appropriate opportunity to Partners who join future NATO-led PfP operations to contribute to the provision of political guidance for oversight over such operations, drawing on the experience gained in Operation Joint Endeavour;

Examining, together with Partners, the possible modalities for the elaboration of a political-military framework for PfP operations, building on the current work of the Political-Military Steering Committee;

Enhancing Partner participation in decision-making for PfP programmes issues;

Increasing regional cooperation within the Partnership provided it remains open to all Partners and remains an integral part of the overall PfP;

Expanding the Planning and Review Process; and

As soon as the Brussels Agreement on the Status of Missions and Representatives of Third States to NATO comes into force, offering Partners the opportunity to establish diplomatic missions with NATO.

We have asked the Council in Permanent Session to ensure implementation of these recommendations without delay and to continue the work on the enhancement of Partnership for Peace and also to review its common funding and resource implications, with a view to providing a further report by the SLG with recommendations for decisions at the time of the Spring Ministerial meeting.

9. With the rapid growth of our activities under both NACC and PfP, we have identified a need for greater coherence in our cooperation in a framework which will establish with Partners a more meaningful and productive cooperative and consultative process, building on the elements of NACC and PfP which we and our Partners deem most valuable. To this end, we have agreed to work with Partners on the initiative to establish an Atlantic Partnership Council (APC) as a single new cooperative mechanism, which would form a framework for enhanced efforts in both practical cooperation under PfP and an expanded political dimension of Partnership. We have accordingly tasked the Council in Permanent Session to draw up the modalities for such a council, in close coordination with Partners, by the time of our next meeting.

10. We affirm our support for the political and economic reform process in the Russian Federation. We welcome the landmark Presidential elections in Russia. * * *

A broad process of integration and cooperation is underway in Europe; Russia is a part of it through its membership in the OSCE and the Council of Europe and its relationship with NATO as well as the European Union and the WEU. The pattern of consultations anchored by our regular "16+1" discussions, provide a firm foundation on which to build. We welcome Russia's participation in Partnership for Peace and encourage it to take full advantage of the opportunities which the Partnership offers.

We value the close and effective cooperation between Russia and NATO in IFOR. This cooperation demonstrates that NATO and Russia can collaborate effectively in the construction of cooperative security structures in Europe. We appreciate and welcome Russia's readiness to contribute to a follow-on operation to consolidate peace in Bosnia and Herzegovina. We look forward to continuing the experience of working closely together, which we believe will have a lasting, positive impact on our relationship.

Today, we reiterate our commitment to a strong, stable, and enduring security partnership between NATO and Russia. This partnership demonstrates that European security has entered a fundamentally new, more promising era. It constitutes an important element of the developing European cooperative security architecture to which Russia has an essential contribution to make. It will further enhance stability and security in the Euro-Atlantic area. By the time of the Summit, we aim to reach agreement with the Russian Federation on arrangements that can deepen and widen the scope of our current relationship and provide a framework for its future development. We want to ensure that NATO and Russia have a strong, flexible means to consult and cooperate as part of our evolving relationship. Agreement might be expressed in a document or could take the form of a Charter, which could encompass:

The shared principles that will form the basis of our relationship;

A broad set of areas of practical cooperation in particular in the political, military, economic, environmental, scientific, peacekeeping, armaments, non-proliferation, arms control and civil emergency planning fields;

Mechanisms for regular and ad hoc consultations; and

Mechanisms for military liaison and cooperation.

We therefore task the Council in Permanent Session to develop further guidance on these matters on the basis of which the Secretary General could explore with Russia the possibility of such agreement.

11. We continue to support Ukraine as it develops as a democratic nation and a market economy. The maintenance of Ukraine's independence, territorial integrity and sovereignty is a crucial factor for stability and security in Europe.

Ukraine's development of a strong, enduring relationship with NATO is an important aspect of the emerging European security architecture. We greatly value the active participation of Ukraine in the Partnership for Peace and look forward to next year's exercise near Lviv. We also value Ukraine's cooperation with European institutions such as the EU and the WEU. Ukraine has made an important contribution to IFOR and

UNTAES, and we welcome its commitment to contribute to a follow-on operation to consolidate peace in Bosnia and Herzegovina.

We welcome the continued development of our broad cooperation beyond PfP. We note with satisfaction the recent meeting between the Alliance and Ukraine on issues related to the proliferation of weapons of mass destruction. We welcome the progress made towards establishing a NATO information office in Kyiv, and look forward to its opening in the near future. We welcome Ukraine's active interest in further enhancing its relations with the Alliance. We are committed to the development in coming months, through high level and other consultations, of a distinctive and effective NATO-Ukraine relationship, which could be formalised, possibly by the time of the Summit, building on the document on enhanced NATO-Ukraine relations agreed in September 1995, and taking into account recent Ukrainian proposals.

12. We support the Middle East peace process, and urge all participants to remain firmly committed to it.

We reaffirm our conviction that security in Europe is closely linked with security and stability in the Mediterranean, and that the Mediterranean dimension is consequently one of the various components of the European security architecture. In this regard, as part of the adaptation of the Alliance, we will work towards enhancing our relations with non-NATO Mediterranean countries through our dialogue.

The dialogue complements other international efforts, such as those undertaken by the Barcelona process, the OSCE and the WEU without creating any division of labour. We welcome the report of the Council in Permanent Session on the progress of and recommendations for future steps to develop the dialogue with Mediterranean countries through political dialogue and other activities agreed by the Alliance. Egypt, Israel, Jordan, Mauritania, Morocco and Tunisia have reiterated their interest in the development of our relations. We have decided to enhance our Mediterranean dialogue in a progressive way and have tasked the Council in Permanent Session to report at our next meeting on the implementation of the activities foreseen in the report as well as on the scope for further development.

13. We are carrying forward the process of the Alliance's internal adaptation, with the fundamental objectives of ensuring the Alliance's military effectiveness, maintaining the transatlantic link, and developing the ESDI within NATO. In keeping with the decisions taken by NATO Heads of State and Government at the 1994 Summit Meeting and by the Ministerial meetings in June this year in Berlin and Brussels and with a view to preparing for the Summit next year, our primary focus has been on three closely linked issues: the development of a new command structure for the Alliance; the implementation of the CJTF concept; and the development of the ESDI within NATO.

14. We welcome the progress made in the development of the future command structure, noting that two structural alternatives have been selected by the Military Committee for future assessment and subsequent political consideration and agree the proposed way ahead. We urge the Council in Permanent Session and the Military Committee to complete the work as quickly as possible. Once approved, this new command structure will help ensure the Alliance's military effectiveness so that it is able, in the changing security environment facing Europe, to perform its traditional mission of collective defense and through flexible and agreed procedures to undertake new roles in changing circumstances and to provide for increased participation by Partner countries. It will constitute a renovated, single multinational command structure, reflecting the strategic situation in Europe and enabling all Allies to participate fully.

15. We welcome the progress made towards realizing the CJTF concept, on the basis of the Overall Politico-Military Framework approved by us last June. We direct the Council in Permanent Session and the NATO Military Authorities to pursue vigorously their work on this concept, bearing in mind its importance for future Alliance operations, including the possible involvement of development of ESDI.

16. We are pleased with the progress made in developing the appropriate arrangements for ESDI within NATO, as decided at the Brussels Summit and at our meeting last June in Berlin. The newly created Policy Coordination Group has contributed significantly to this process.

17. We note in particular the steps taken towards implementing the concept of separable but not separate capabilities:

The decisions of the Council in Permanent Session on political guidance concerning the elaboration of European command arrangements within NATO able to prepare and conduct WEU-led operations;

The decisions of the Council in Permanent Session regarding the arrangements for identifying NATO capabilities and assets which might be made available to the WEU for a WEU-led operation;

The progress to date on arrangements for the release, monitoring and return or recall of Alliance assets and capabilities;

The decision of the Council in Permanent Session with respect to modalities of cooperation with the WEU;

The progress on work regarding planning and conducting exercising for WEU-led operations, following receipt of illustrative profiles for WEU missions.

18. We have directed the Council in Permanent Session to submit to the Spring 1997 Ministerial meetings a report on the adaptation of Alliance structures and procedures related to the future command structure, on the implementation of the CJTF concept, and on further progress with recommendations for decisions in the development of ESDI within the Alliance.

19. We welcome the close and intensifying cooperation between NATO and the WEU. At their meeting in Ostend on 19 November 1996, WEU Ministers agreed that it would be valuable for WEU to become actively involved in the Alliance's defense planning process and expressed their readiness to participate. Early agreement is now being sought in the WEU on the participation of all European Allies in WEU-led operations using NATO assets and capabilities, as well as in planning and preparing for such operations. This would be a key contribution to the development of ESDI within the Alliance. We have tasked the Council in Permanent Session to develop the NATO–WEU relationship further in order to ensure effective cooperation in preparing for possible WEU-led operations.

20. We are pleased with the successful outcome of the OSCE Summit in Lisbon and, in particular, the adoption of a declaration on security as a result of work on a Common and Comprehensive Security Model for the 21st Century. The Lisbon Summit has created a security framework in which all European states can participate on an equal footing. The Security Model adopted in Lisbon is a comprehensive expression of the endeavour to strengthen security and stability. It complements the mutually reinforcing efforts of NATO and other European and transatlantic institutions and organisations. We attach great importance to the role of the OSCE as a primary instrument in preventive diplomacy, conflict prevention, post-conflict rehabilitation and regional security cooperation, as well as to the enhancement of its operational capabilities to carry out these tasks. We believe the OSCE, as the only pan-European security organisation, has an essential role to play in European peace and stability. We are committed to supporting its comprehensive approach to security. The principles and commitments on which the OSCE is built provide the standards for the development of a comprehensive and cooperative European security structure.

We commend the OSCE for its essential contribution to the implementation of civil aspects of the Peace Agreement for Bosnia and Herzegovina, particularly in supervising the preparation and conduct of the elections, in promoting and monitoring human rights and in overseeing the implementation of agreed confidence—and security—building measures and sub-regional arms control agreements. The OSCE thereby demonstrates its central role in contributing to regional stability and security.

We are pleased with the support given by IFOR to the OSCE in carrying out its tasks. The cooperation between OSCE and IFOR is a good example of our concept of mutually reinforcing organisations. The practical assistance given by NATO to the OSCE in helping to establish measures to verify the confidence-building and arms control agreements of the Dayton Accords testifies to a growing cooperation between NATO and the OSCE. We reiterate our readiness to further develop the cooperation between the two organizations.

The democratic and economic development, independence, sovereignty and territorial integrity of all states are essential factors for stability and security in the Euro-Atlantic area. We commend the OSCE for its mediation efforts in a number of regional conflicts through its various missions, and recognize the valuable work of the High Commissioner on National Minorities. We support the efforts of the Minsk Group to achieve a political settlement of the conflict in and around Nagorno-Karabakh.

The OSCE acquiesce in the field of disarmament, arms control, and confidence- and security-building measures continues to contribute significantly to political and military stability. We consider the full implementation, the further development, and if necessary, the adaptation of these measures to be indispensable elements in our effort to further enhance the European security architecture. We welcome the recent adoption by the Forum for Security Cooperation of the Framework for Arms Control and its Future Agenda.

21. The CFE Treaty is a fundamental cornerstone of security and stability for all in the Euro-Atlantic area. We are committed to maintain and strengthen it. Consistent with our broader goal of enhancing political cooperation and military stability in a Europe without dividing lines, we welcome the decision of the 30 States Parties to the CFE Treaty on 1 December 1996 in Lisbon to launch negotiations to adapt the Treaty to the changing security environment in Europe. We look forward to beginning negotiations in the Joint Consultative Group in Vienna in January 1997 on the basis of the

scope and parameters (Terms of Reference) document agreed on Lisbon.

Our common goal is to enhance security for all States Parties, irrespective of whether they belong to an alliance, and preserve their right to choose and change their security arrangements. Within the broader political context of enhanced security for all, this process should strengthen the cooperative pattern of relationships between States Parties, based on mutual confidence, transparency, stability and predictability. Committed, like the other States Parties, to adapting the Treaty by developing mechanisms which will enhance the Treaty's viability and effectiveness, we will pursue steps to review the Treaty's group structure, to adapt the Treaty system of limitations and to enhance its verification and information provisions. To that end, the members of the Alliance will develop and table proposals for the negotiations in Vienna.

We reaffirm our support for the CFE Flank Agreement, reached at this year's Review Conference in Vienna. We urge all States Parties who have not yet done so to approve this Agreement before the end of the extended provisions application period efforts directed at resolving outstanding implementation issues.

The members of the Alliance reaffirm the commitment made at Lisbon to exercise restraint during the period of negotiations as foreseen in the document in relation to the current postures and capabilities of their conventional armed forces—in particular, with respect to their levels of forces and deployments—in the Treaty's area of application. As decided in Lisbon, this commitment is without prejudice to the outcome of the negotiations, or to voluntary decisions by the individual States Parties to reduce their force levels or deployments, or to their legitimate security interests. We believe that the CFE Treaty must continue to play a key role in ensuring military stability into the 21st century, and are committed to adapting it expeditiously in order to take account of new security challenges.

22. We emphasize the importance of the START Treaties for international stability and security. We note with satisfaction the progress made by the United States and the Russian Federation in the implementation of START I. We urge the Russian Federation to follow the United States in ratifying the START II Treaty.

We welcome the successful conclusion and signing by the great majority of UN members of the Comprehensive Test Ban Treaty, and we urge all other nations to sign this important international arms control agreement. We look forward to the early start of negotiations on a Fissile Material Cut-Off Treaty.

We are pleased that the Chemical Weapons Convention will soon enter into force and we look forward to its early implementation. We welcome the fact that States Parties to the Biological and Toxin Weapons Convention have at the Fourth Review Conference in Geneva in December 1996 again solemnly declared their recognition that effective verification could reinforce the Convention.

Recognizing the heightened concern of the international community of the suffering and casualties caused by anti-personnel mines, we support the vigorous pursuit of an effective, legally binding international agreement to ban the use, stockpiling, production and transfer of antipersonnel mines and, as an important step to this end, support the early ratification of the Treaty on Open Skies by those states which have not already ratified.

23. Proliferation of nuclear, biological and chemical weapons and their delivery means continue to be a matter of serious concern to us. Progress in expanding and intensifying NATO's political and defense efforts against proliferation, as directed by NATO Heads of State and Government in January 1994, is an integral part of NATO's adaptation to the new security environment. These efforts also contribute to NATO's ability to conduct new roles and missions. We remain committed to preventing proliferation in the first place, or, if it occurs, to reversing it through diplomatic means. The Alliance is improving its capabilities to address the risks posed by proliferation. We welcome further consultations and cooperation with Partner countries to address the common security risks posed by proliferation. We note with satisfaction the report of the Alliance's Joint Committee on Proliferation on the activities of the Senior Political-Military Group on Proliferation and the Senior Defence Group on Proliferation and direct them to continue their vital efforts.

We attach particular importance to a solid preparation of the first preparatory committee of the strengthened review process of the Nuclear Non-Proliferation Treaty (NPT), scheduled for April 1997. This process will significantly contribute to the further strengthening of the NPT, which is the cornerstone of the global non-proliferation system.

24. We reaffirm our commitment to the Alliance's common-funded programmes.

We note with appreciation the progress made in moving existing resources to the highest priority programmes, such as Partnership for Peace and the support of enhanced information activities in Moscow and Kyiv. We have directed the Council in Permanent Session to keep under review the allocation of resources in order to ensure their optimal use. We have also directed the Council in Permanent Session to identify the implications of adaptation for NATO's common-funded budgets and to make appropriate recommendations for dealing with these.

25. We continue to support all efforts to combat terrorism, which constitutes a serious threat to peace, security and stability.

26. The Spring 1997 meeting of the North Atlantic Council in Ministerial Session will be held in Sintra, Portugal, on 29 May.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Delaware, not, of course, simply for yielding, but for his continuing leadership on this vital question of whether or not NATO will be enlarged.

Mr. President, this is one of those moments in history when we are presented with an extraordinary opportunity to do something that will shape the course of the coming decades. So often so much happens in our professional lives, our personal lives, that it is hard to distinguish between the important and the very important. This, in my opinion, is a very important resolution, beginning as it does the consideration by the 105th session of Congress of the critical question of whether the North Atlantic Treaty Organization will extend memberships beyond its current role.

This resolution reaffirms the shared commitment expressed repeatedly by strong bipartisan majorities in the Congress to the continued viability of our transatlantic alliance and to its irreplaceable contribution to peace and stability in Europe, and therefore to the vital strategic and economic and moral interests of our own country.

Mr. President, we are at a moment which, while the details may differ, is not unlike the time after the Second World War when enlightened leaders of both parties in this country, learning the lessons of their departure from the field of international relations after the First World War, came together and supported the reconstruction of post-World War II Europe, building not just the strength of those countries, the economic might that followed, but building therein great democracies that have become once again our best friends and allies.

We are at such a moment after another war, the cold war, has ended. The question is whether we will see forward boldly and honorably to understand that whether or not we will accept the nations that lived under Soviet domination into the community now of free nations will have a substantial effect on our security and our economic strength and our moral vitality for decades to come.

For unless we close our eyes to history, we must recognize that we are vitally interested in what goes on in Europe. We are connected. Our pasts and our futures are linked economically, politically, culturally, and militarily. Those ties did not break away with the fall of the Berlin Wall. Indeed, they will become more complex and more compelling and more productive over time. Over time, NATO has proved itself the most enduring guarantee that we and our allies in Europe are brought together in peace and freedom, not in tyranny and war.

NATO remains today the world's single most effective partnership of like-minded countries, sharing the burdens of international security and preserving the conditions in which open societies and free markets flourish.

Enlarging NATO means enlarging the transatlantic sphere of peace and stability, of peace and prosperity. It means honoring our promise made repeatedly throughout the cold war that we would be there when that cherished moment arrived to support the new independent nations of Central and Eastern Europe in their struggle for democracy and a better life. It means helping to ensure that those countries will continue their democratic development and take their place peacefully in the expanding community of freedom. And it means expanding the family of nations that will share with us Americans the burden of protecting the stability and peace of the world and expanding the family of free peoples of the world.

Mr. President, this resolution expresses, in very strong and very clear language, our conviction across party lines that NATO enlargement is the best way to ensure a peaceful, stable, free future in Europe. It also makes clear that we must work with Russia, which is inherently and, of course, part of the European community and critical to the future stability of Europe. We must work with Russia to reach common ground on European security.

Proceeding steadfastly with our plans to enlarge NATO, I think, will make that task easier. For where we leave doubt, there will be further doubts created. Where we are uncertain, there are those who will take advantage of our uncertainty.

The fact is that NATO is today and has always been a defensive alliance. It poses no threat to its neighbors. Instead, it offers the confidence of secure borders and stable relationships. And by making it clear that the NATO enlargement process is ongoing and open to other countries as they qualify, it alleviates the threat of future conflict between competing blocs. NATO does not seek to target nations for exclusion. It seeks to engage nations on the high ground of democracy and free market economics and to become partners with them.

Mr. President, this week there is a remarkable statement of opinion in Newsweek magazine, the February 10, 1997, issue, written by Andre Kozyrev, former Foreign Minister of Russia. The title is "NATO Is Not Our Enemy." I will read briefly from the article.

> The Russian people [former foreign minister Kozyrev says] must be told the truth. And the truth is, NATO is not the enemy. Indeed, fighting the West's proposal to admit Central European countries to NATO is self-defeating [for Russia], because Russia has no means of stopping it. The vital Commonwealth of Independent States alliance would surely fall on hard times if it is burdened with opposition to NATO. What member-nation [of the CIS] would remain part of such a group, when the NATO seal of approval often brings investment, advancement and economic enhancement? As foreign minister, [Kozyrev writes] I found that every Eastern European leader who wanted NATO membership saw it primarily as an economic move, not a military one. Opposing that will weaken our [that is to say the Russian] economic position in Central Europe.
>
> The West must recognize this as a domestic-policy crisis, [which is to say a domestic policy crisis in Russia] resist capitulation to the old guard and deal with it in a balanced fashion. An entirely new generation of leaders in our country [Russia] is waiting for this policy shift. To accomplish it, NATO's member-nations must take very difficult and challenging steps. The practical way for Russia to transform NATO is to cooperate with the alliance—and vice versa.

End of quote from Mr. Kozyrev's remarkable and, I think, very powerful statement.

Mr. President, NATO enlargement is moving forward thanks to the leadership of President Clinton, the support of a strong bipartisan group here in Congress, the very effective advocacy of NATO Secretary Solana, and so many others around the world.

We in Congress can play a very important part in this remarkable historical achievement. This resolution which Senator ROTH has brought before the Senate today, and which I am proud to cosponsor with him, will provide the President with the support to work with our allies to create the mechanisms by which new members will be welcomed into the alliance and the broad-based bipartisan support with which to go forward to develop a strong NATO-Russia security relationship.

As its 50th anniversary approaches, the Atlantic alliance remains at the core of America's global strength and at the core of global peace and security. The reach of this alliance should now be extended to those whose histories and policies justify it, just as America's own strategic interests and moral imperatives require it.

I yield the floor.

Mr. HAGEL. Mr. President, I rise today in strong support of expanding the North Atlantic Treaty Organization to help ensure stability in Central and Eastern Europe. I am proud to be an original cosponsor of this resolution to encourage the NATO expansion process and to put the 105th Congress on record in support of bringing Poland, Hungary, the Czech Republic, and Slovenia into the alliance.

I believe restructuring Europe's post-cold-war security architecture and securing lasting peace and stability throughout the continent constitute one of the great foreign policy challenges of our time. From two world wars to the former Yugoslavia, history has shown that Europe's security problems eventually become America's. Time and again, we have found ourselves confronted with only two options: Choosing to lead and help shape events in Europe, or waiting for events to overtake us as they certainly will.

Americans are well-served when America chooses to lead.

For half a century, the NATO alliance has been the foundation of European security. It has been the most meaningful multinational security framework in history. NATO will continue to be that foundation for the next half century—but only if America helps lead the alliance to adapt to the new reality in Europe after the end of the cold war.

The new reality is that the nations of Central and Eastern Europe are free from oppression and many yearn to align themselves with the West.

The new reality is that instability in the lands one author called "Between East and West" has replaced invasion from the East as the most likely threat to our allies and to our own interests in Europe.

The new reality is that America, Russia, and Europe will all benefit if the nations of Central and Eastern Europe are anchored in the peaceful security that NATO can offer.

I am convinced that we must move swiftly to expand the NATO alliance and to rethink our commitment to European security. More than 7 years after the Berlin Wall fell, NATO has yet to take in new members.

Congress has consistently supported NATO expansion and has enacted legislation to prepare the nations of Central and Eastern Europe for membership in the alliance. The resolution we are introducing today is designed to push ahead once again. It encourages the President to move quickly. It endorses the idea of embracing new members by the alliance's 50-year anniversary in 1999. It makes plain our belief that our alliance must reach out to work with Russia as friends rather than antagonists. And it names Poland, the Czech Republic, Hungary, and Slovenia as nations whose membership would contribute to the alliance's security.

Those of us who support NATO expansion must be prepared to make the case that it serves America's long-term security interests. This is a debate that must reach far beyond the Halls of Congress. NATO expansion, when it does occur, will require the consent of the Senate. And that will require the support of the American people.

It is time for this debate to begin.

Ms. MIKULSKI. Mr. President, I am proud to join my colleagues in introducing this resolution in support of NATO enlargement.

I support NATO enlargement because it will make Europe more stable and secure. It means that the new democracies of Central and Eastern Europe will share the burden of European security. It will mean that future generations of Americans might not have to fight and die for Europe.

America has fought and won three wars in Europe:

World War I, when an assassination in Yugoslavia led to years of bloodshed

World War II, the bloodiest war in history—when thousands of young Americans left factories and farms to fight on the battlefields of Europe

And the cold war—when Soviet expansionism forced us to prepare to defend Western Europe—and when the captive nations of Eastern Europe were forced behind the Iron Curtain.

If NATO doesn't enlarge—the Iron Curtain returns—and the unnatural division of Europe into two parts will live on longer than the Soviet Empire did.

As a Polish American, I know that the Polish people did not choose to live behind the Iron Curtain. They were forced there by the Yalta Agreement, by Potsdam, and because they and the Baltic States and the other captive nations were sold out by the free world.

But my support for this resolution is based on the future—not the past. I support this resolution because NATO enlargement will mean a future in which the newly free and democratic countries will take their rightful place as members of Europe.

NATO played an important part in securing this freedom. It has been the most successful defensive alliance in history. It is an alliance that helped us win the cold war. It deterred war between the super powers, and it helped prevent confrontations between member states.

But if NATO is to survive, it must adapt to meet the needs of the post-cold-war-World—or it will become irrelevant.

NATO has evolved since we created it in 1949. We have enlarged NATO on three different occasions. Each new member strengthened NATO and increased security in Europe.

Today, we are facing very different threats to security and stability in Europe. We have hot spots caused by ethnic and regional tensions. We have civil wars—as in Bosnia. And we have international crime, drugs, and terrorism. NATO must change and expand to meet these new threats.

The countries of Central and Eastern Europe want to help us address these new threats. How many times has the Senate discussed burden sharing in Europe? How often have we complained that European countries were not willing to pay their fair share for their own defense?

Now we have countries that are asking to share the burden. They are asking to pledge their troops and equipment for the common defense. They are asking to share the burden of peacekeeping—in fact they are doing it right now in Bosnia where thousands of troops from Poland, Hungary, the Czech Republic, the Baltics, Ukraine, and others are helping to secure the peace.

These countries are not asking for a handout. They are not asking for our protection. They are asking to be full partners in the new Europe. By transforming their countries into free market democracies, they have earned this right.

Mr. President, NATO is moving toward enlargement. In July President Clinton will join the leaders of our NATO partners in naming the first countries to be asked to join NATO.

This resolution states that the U.S. Senate stands with our President as he leads our effort to prepare NATO for the 21st century. I urge my colleagues to join us in supporting this resolution.

SENATE RESOLUTION 50—RELATIVE TO COST-OF-LIVING ADJUSTMENTS

Mr. ROTH (for himself and Mr. MOYNIHAN) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 50

Whereas the final report of the Senate Finance Committee's Advisory Commission to Study the Consumer Price Index, chaired by Professor Michael Boskin, has concluded that the Consumer Price Index overstates the cost of living in the United States by 1.1 percentage points;

Whereas Dr. Alan Greenspan, Chairman of the Board of Governors of the Federal Reserve System, has testified before the Senate Finance Committee that "the best available evidence suggests that there is virtually no chance that the CPI as currently published understates" the cost of living and that there is "a very high probability that the upward bias ranges between ½ percentage point per year and 1½ percentage point per year"

Whereas the overstatement of the cost of living by the Consumer Price Index has been recognized by economists since at least 1961, when a report noting the existence of the overstatement was issued by a National Bureau of Economic Research Committee, chaired by Professor George J. Stigler;

Whereas Congress and the President, through the indexing of Federal tax brackets, Social Security benefits, and other Federal program benefits, have undertaken to protect taxpayers and beneficiaries of such programs from the erosion of purchasing power due to inflation;

Whereas Congress and the President intended the indexing of Federal tax brackets, Social Security benefits, and other Federal program benefits to accurately reflect changes in the cost of living; and

Whereas the overstatement of the cost of living increases the deficit and undermines the equitable administration of Federal benefits and tax policies: Now, therefore, be it

Resolved, That it is the sense of the Senate that all cost-of-living adjustments required by statute should accurately reflect the best available estimate of changes in the cost of living.

Mr. ROTH. Mr. President, today, my friend PAT MOYNIHAN and I are submitting a sense-of-the-Senate resolution regarding the accuracy of the Consumer Price Index. Last week the Finance Committee kicked off our first hearings of the 105th Congress with a very distinguished panel of experts in the field of economics and Dr. Alan Greenspan, Chairman of the Board of Governors of the Federal Reserve System.

Mr. President, probably the most significant issue that faces Congress this year is the accuracy of the Consumer Price Index, and I believe that Congress and the President need to seriously address the economic ramifications of an accurate CPI.

One of the roles in government is to protect American families from inflation. In doing so, it is important that we are able to precisely measure inflation.

I cannot emphasize too greatly—that is what these discussions are all about—the accurate measurement of inflation. If the index is too high, it overcompensates retirees and others and undertaxes many taxpayers. If it is too low, it undercompensates retirees and overtaxes the taxpayer. What we want in fairness to all is as accurate an index as possible.

Obviously, this is a very sensitive issue, affecting retirees and taxpayers directly as well as wage earners and others.

In the spring of 1995, the Senate Finance Committee appointed a blue ribbon commission, headed by Dr. Michael Boskin, to study the methodology used to compute our current measure of inflation, the CPI. The panel also included leading experts in the field of price indexes. They include:

Dr. Dale Jorgenson, Harvard University; Dr. Ellen Dulberger, IBM Personal Computer Company; Dr. Zvi Griliches, Harvard University; and Dr. Robert Gordon, Northwestern University.

In their interim report, released in September 1995, the Boskin Commission concluded that the upward bias using changes in the Consumer Price Index to estimate changes in the true cost of living is about 1 percentage point per year.

Dr. Boskin and the other four commission members have now completed their final report and have concluded that this critical government statistic is not as accurate as possible. Since this report suggests that the Consumer Price Index has an annual upward bias of about 1.1 percent, clearly this is a significant finding and should be taken seriously.

Dr. Boskin and his colleagues have also suggested to the Finance Committee that a new measure of the true cost of living may be needed.

Inaccurate government statistics—particularly one as important as the CPI—are unacceptable. Steps should be taken to change the procedures so that the measure of the CPI is as accurate as possible.

I want to stress that any action we take on this report must be broadly and deeply bipartisan.

We must also have the full cooperation of and leadership by the Clinton administration. I hope the President will not miss an opportunity to address this issue in his fiscal year 1998 budget he submits to the Congress this week. Clearly this reform will not be successful without the President's leadership.

Mr. MOYNIHAN. Mr. President, might I first take the opportunity to congratulate the chairman for this initiative. It is characteristic of his leadership of the Finance Committee, which is bipartisan whenever that is possible, which is factual, which seeks evidence and answers.

This sense-of-the-Senate resolution recognizes the mounting evidence that, contrary to the intent of the Congress and the President, Federal tax provisions, Social Security benefits, and other Federal program benefits are being overadjusted for inflation.

The resolution expresses the sense of the Senate that:

> * * * all cost-of-living adjustments required by statute should accurately reflect the best available estimate of changes in the cost of living.

In its final report issued on December 4, 1996, the Advisory Commission to Study the Consumer Price Index—the Boskin Commission concluded that:

> While the CPI is the best measure currently available it is not a true cost of living index. . . .

The Boskin Commission concluded that the CPI overstates the cost of living in the United States by 1.1 percentage points.

The Commission's findings are very much in line with the prevailing professional judgment of economists as to the size of the upward bias in the CPI. In October 1994, in a memorandum to the President entitled "Big Choices", then-OMB Director Alice Rivlin stated that the "CPI may be overstated by 0.4 percent to 1.5 percent." And in testimony at a joint hearing of the Senate and House Budget Committees in January 1995—and reinforced in testimony last week before the Senate Committee on Finance—Alan Greenspan, Chairman of the Board of Governors of the Federal Reserve System, estimated the range of plausible values at 0.5 to 1.5 percentage points.

The standard objection to correcting the Consumer Price Index has been, to cite one such statement, "The right way to adjust the CPI is to allow the experts at the BLS to continue doing their jobs and keep politics out of it."

We now have the definitive response from Alan Greenspan, Chairman of the Board of Governors of the Federal Reserve System. In testimony last week before the Finance Committee, he reported that the Federal Reserve Board had made its own study of this issue and had come to roughly the same conclusions as those of the Boskin Commission. He recommended a two-track procedure. First, let the BLS improve the CPI by as much as can be done and as quickly as it can be done. And second, establish an independent national commission to correct for the remaining upward bias. He then said:

> There has been considerable objection that such a second track procedure would be a political fix. To the contrary, assuming zero for the remaining bias is the political fix. On this issue, we should let evidence, not politics, drive policy.

To say again, to do nothing in the face of overwhelming evidence would be a political decision, wrong-headed and shortsighted, with large long-term implications.

And to do nothing until we have a more precise estimate of the bias—as if estimating changes in the cost of living is equivalent to measuring atomic weights—recalls the wise admonition of Lord John Maynard Keynes who said:

> It is better to be approximately right than precisely wrong.

There is some history here.

It happens that this Senator's association with the statistical system in the executive branch began over three decades ago. I was Assistant Secretary of Labor for Policy and Planning in the administration of President John F. Kennedy. This was a new position in which I was nominally responsible for, inter alia, the Bureau of Labor Statistics. I say nominally out of respect for the independence of that venerable institution, which as I noted earlier long predated the Department of Labor itself. The then-Commissioner of the BLS, Ewan Clague, could not have been more friendly and supportive. And so were the statisticians, who undertook to teach me to the extent I was teachable. They even shared professional confidences. And so it was that I came to have some familiarity with the field.

Upon our arrival in Washington with the new administration in 1961, we had waiting for us a report on price indexes from a committee led by George J. Stigler, who later won a Nobel Prize in economics. The committee noted that:

> If a poll were taken of professional economists and statisticians, in all probability they would designate (and by a wide majority) the failure of the price indexes to take full account of quality changes as the most important defect in these indexes. And by almost as large a majority, they would believe that this failure introduces a systematic upward bias in the price indexes—that quality changes have on average been quality improvements.

Through indexation of Federal tax brackets, Social Security, and other Federal programs, Congress and the President have undertaken to protect taxpayers and beneficiaries from the erosion of purchasing power due to inflation.

Based on over 35 years of mounting evidence, it is clear that the current formulas for indexation overstate the true cost of living. Over 12 years the upward bias increases outlays and reduces revenues, for programs tied to the CPI, by a cumulative $1.07 trillion.

The actuaries of the Social Security system estimate that a 1.1 percentage point correction would eliminate about two-thirds of the long-run deficit in the Social Security Program. The trust fund exhaustion date would be extended by more than 20 years, from 2029 to 2052.

Somewhat more than one-half of the 1.1 percentage bias can be eliminated rather quickly if the BLS would develop a cost-of-living index [COLI] and factor into their calculations research on quality improvements. Members of the Boskin Commission think it can be done within a year. Over time, some of the remainder of the bias could be reduced by further research on measuring quality improvements. Any residual can be dealt with by an independent national commission, as suggested by the Boskin Commission and by Federal Reserve Chairman Greenspan.

The computational procedures that would be used by BLS for a new cost of living index [COLI] are now used by the Bureau of Economic Analysis [BEA] in the calculations of GDP and its components—consumption, investment, and so on. BEA uses a Personal Consumption Expenditures [PCE] deflator to estimate changes in real consumption. For the 12 months ended November 1996, the CPI increased by 3.3 percent. Yet over roughly the same period, the PCE deflator increased by only 2.5 percent. BEA's use, in the PCE deflator, of more up-to-date consumption patterns and of adjustments for quality, lowers the reported inflation rate by 0.8 of a percentage point relative to the CPI. And this is consistent with what you would get if BLS developed a COLI with adjustments for quality improvements; that is, it is close to the 1.1 percentage point estimate of the bias.

I hope we will have broad support for this resolution on both sides of the aisle, and that we will do the Republic some good today. Mr. President, thank you for your courtesy. I yield the floor.

Mr. ROTH. Mr. President, let me thank the Senator from New York for his continuing leadership in this matter. I would like to underscore two things that he said.

One is that all we seek to do is to make the measurement of inflation as accurate as possible. That is just good government.

Second, we are anxious to have the support of our colleagues on both sides of the aisle and we will be sending a letter to our colleagues, signed by the two of us, urging them to join us in this good government venture.

Mr. MOYNIHAN. Good government venture.

Mr. ROTH. I thank very much the distinguished Senator for his able leadership.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, February 5, 1997, to receive testimony on the nomination of Federico F. Peña to be Secretary of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 5, 1997, to conduct a hearing on the following nominee: Janet Louise Yellen, of California, to be Chairman, Council of Economic Advisers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on February 5, 1997, at 10 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, February 5, 1997, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 104, the Nuclear Waste Policy Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, February 5, 1997, beginning at 9:30 a.m. in room SH-215, to conduct a markup to extend the airport and airway trust fund excise taxes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate to receive testimony from committee chairman and ranking members on their committee funding resolutions for 1997 and 1998 on Tuesday, February 4, Wednesday, February 5, and Thursday, February 6, all at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 5, 1997, at 10 a.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the courts of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Wednesday, February 5, 1997, at 2 p.m., in Senate Dirksen room 226, on "conserving judicial resources: considering the appropriate allocation of judgeships in the United States Court of Appeals for the Fourth Circuit."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Clear Air, Wetlands, Private Property and Nuclear Safety, be granted permission to conduct a hearing Wednesday, February 5, at 9:30 a.m., hearing room SD-406, on ozone and particulate matter standards proposed by the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

AIRPORT AND AIRWAY TRUST FUND

• Mr. GORTON. Mr. President, last Thursday, I joined my colleague from Arizona, the new Chairman of the Senate Commerce Committee—Senator McCAIN, the ranking member of the full committee, Senator HOLLINGS, and the ranking member of the Aviation Subcommittee, Senator FORD, in sponsoring the Airport and Airway Trust Fund Taxes Short Term Reinstatement Act. This legislation will extend the existing system of aviation excise taxes through September 29, 1997, and give the Internal Revenue Service authority to transfer previously collected aviation excise taxes into the airport and airway trust fund.

The airport and airway trust fund is funded by a 10-percent passenger ticket tax; a 6.25-percent cargo waybill tax; a $6 per person international departure tax; and certain general aviation fuel taxes. In 1997, this fund is expected to provide 62 percent of the Federal Aviation Administration's [FAA] fiscal year 1997 budget. More specifically, the trust fund is expected to provide $5.3 billion of the FAA's $8.6 billion total fiscal year 1997 budget. Of this $5.3 billion, $3.6 billion will provide 100 percent of the resources necessary to fund the FAA's capital programs, while $1.7 billion will provide 34 percent of the fiscal year 1997 budget for FAA operations. But this fund, so critical to the operation and improvements of our aviation system, is no longer being funded.

When the authority to collect the aviation excise taxes lapsed on December 31, 1996, officials from both the General Accounting Office [GAO] and the FAA predicted that the $4.35 billion in uncommitted balances in the fund at that time would be available to fund the FAA's capital programs through June 30, 1997. By July 1, 1997, however, they predicted that the trust fund would become insolvent. Accordingly, if Congress did not reinstate the taxes, it was predicted that the Office of Management and Budget [OMB] would have to reduce the FAA's capital accounts, which are totally funded out of the trust fund—including both the facilities and equipment [F&E] account and Airport Improvement Program, to account for the $1 billion shortfall between the trust fund's fiscal year 1997 expected contribution of $5.3 billion and the actual contribution of $4.35 billion.

According to the FAA, this reduction in the facilities and equipment account could force the FAA to issue stop work orders on all major F&E contracts, which include upgrades of the current air traffic control system throughout the country. The Airport Improvement Program would suffer an even greater impact. Under the original projections, if the aviation taxes were not reinstated, funding for the Airport Improvement Program would have to be reduced by as much as $300 million in fiscal year 1997. Existing funding agreements under the AIP would be maintained, but no new, discretionary funding would be provided for high-priority safety and security projects, capacity projects, and important noise mitigation programs.

Quite simply, this is unacceptable. If delays in the implementation of safety and security initiatives, as well as construction of capacity enhancement projects, are caused by lack of funds, then we in Congress will be responsible for weakening the safest aviation system in the world.

From a Washington State perspective, fiscal year 1997 funding for noise mitigation is particularly important. Seattle-Tacoma International Airport has been a national leader in noise mitigation programs and was the first to implement a local housing insulation program to reduce the impact on houses near the airport. The current program, which is partially funded through the AIP's discretionary noise mitigation grants, is scheduled to run through the year 2003.

Under these original projections, it was clear that reinstating the taxes as quickly as possible was the appropriate action for Congress to take to ensure that the U.S. aviation system continues to be the best system in the world.

Last Wednesday afternoon, however, this situation became more dire when the Treasury Department announced that because of an accounting error, the airport and airway trust fund could be insolvent as early as March or April.

Let me explain the events, as I understand them, which led to accounting Error made at by the Treasury Department. Each airline deposits the ticket taxes it collects to the IRS every 2 weeks. Under the look-back provisions of the IRS safe harbor rule, however, an airline can base the amount of that payment on the amount of excise taxes it collected in a 2-week period from the second preceding quarter before the current quarter. In other words, in making a 2-week tax payment in the third quarter of the year, an airline can deposit the amount it collected in a 2-week period during the first quarter of that year. If the taxes it deposits are less than what the airline actually took in during the third quarter, the airline can make up that underpayment when it files its quarterly return. The quarterly return date is approximately 2 months after the close of the quarter.

The 10 percent ticket tax was in place during the fourth quarter of 1996. The airlines' semimonthly tax payments for that quarter, however, were based on the second quarter of 1996, during which time no excise taxes were collected. The airlines, in essence, did not remit any excise taxes during the fourth quarter of 1996, even though they were collecting these taxes from passengers at that time. The airlines will have to make up for these tax underpayments by the time they file their fourth quarter returns, which are due on February 28, 1997. These taxes, however, will not be deposited into the aviation trust fund, since the general-fund-to-trust-fund transfer authority expired along with the aviation excise taxes on December 31, 1996.

It appears that the Treasury Department did not account for the complex accounting procedures, and assumed that the trust fund would be credited with $1.5 billion more than it can be unless Congress reinstates the authority for the IRS to transfer the fourth quarter excise taxes to the trust fund. The FAA now expects to run out of money for its capital programs, and possibly its operations, much sooner than originally anticipated.

Mr. President, with Wednesday's Treasury Department announcement that the trust fund could be insolvent by March, I believe it is clear that the Senate's first and overriding priority must be to immediately reinstate the excise tax and transfer authority. While our system continues to be the safest aviation system in the world, Congress owes it to the American people to consider this legislation as quickly as possible to ensure aviation safety, security, and capital investment are not jeopardized in any manner.•

TRIBUTE TO EZE BURTS

• Mrs. BOXER. Mr. President, I rise today to pay tribute to Mr. Ezunial "Eze" Burts, a talented public servant from California, who is retiring this month as the executive director of the Port of Los Angeles after 12 years of outstanding leadership.

Eze Burts has spent his entire career in public service. Early in his career, he worked for the Fresno County Economic Opportunities Commission where he administered the county's youth employment program. Later he became a top aide to Los Angeles Mayor Tom Bradley, where he handled a number of duties, including serving as the mayor's liaison to the police and fire departments. He also helped plan security for the highly successful 1984 Olympic Games in Los Angeles, before assuming the helm of the port later that same year.

During Mr. Burts' tenure, the Port of Los Angeles has become one of the Nation's top trade centers, generating billions of dollars in revenue and creating thousands of jobs. During this period of amazing growth, the port's operating revenue has doubled and the total cargo volume has increased by more than one-third. In fact, the Los Angeles Customs District is the largest in the Nation, and the port has become a major gateway for our Nation's Pacific rim trade. Mr. President, to put into perspective Mr. Burts' responsibility over the years, the Port of Los Angeles accounts for more than 1 million jobs nationwide, including 1 out of every 27 jobs in southern California.

Mr. Burts has also been at the forefront of the Alameda corridor project, an enterprise which is very important to my State, and indeed to the entire country. When the Alameda corridor is completed, goods will be quickly shipped from the Ports of Los Angeles and Long Beach to rail yards in downtown Los Angeles, and from there to points throughout the country. Eze Burts has been a key supporter of the Alameda corridor since its inception.

Mr. President, I am pleased to announce that Mr. Burts will continue to be a leader in the southern California community, as he prepares to become the new president of the Los Angeles Chamber of Commerce. I wish Mr. Burts and his family well as he takes on this new challenge.•

TRIBUTE TO DR. WILLIAM J. PERRY

• Mr. WARNER. Mr. President, I rise today to recognize and to pay respect to Dr. William Perry for his distinguished service as the 19th Secretary of Defense. From his confirmation by the U.S. Senate on March 5, 1993, until his retirement on January 24, 1997, Dr. Perry has successfully faced many challenges as he has advised the President and the Congress through the difficult and ever-changing post-cold war era. Clearly, he was the right man at the right time.

Bill Perry brought to the Office of the Secretary of Defense a deep intellect, sound judgment, and a patient but effective leadership style. It is no surprise to me, and I am sure to others that know Bill Perry, how quickly he endeared himself to our men and women in uniform. His genuine concern for our service members has been the hallmark of his tenure as Secretary of Defense. Indeed, his initiatives in the area of quality-of-life have truly made a difference, and will serve as a fitting legacy of his exemplary service.

I have known Bill Perry for many years. I have had the opportunity to work with him during his service in both the Government and the private sector. As he returns once again to the private sector, I look forward to continuing our relationship and I wish him and his family all the best.

Mr. President, I ask that the eloquent remarks that Dr. Perry gave during his farewell ceremony be printed in the RECORD.

The remarks follow:

FAREWELL ADDRESS BY WILLIAM J. PERRY, SECRETARY OF DEFENSE

I shall be telling this with a sigh.
Somewhere ages and ages hence.
Two roads diverged in a wood, and I—
I took the one less traveled by.
And that has made all the difference.

—*Robert Frost.*

Four years ago, America faced a choice; a choice between two roads that diverged. One road led to isolation and apathy, the other road, to engagement and action. This century has taught us that the road of isolation and apathy leads to instability and war.

President Clinton chose the road of engagement and action. He strove to bridge the Cold War chasms; to reduce its nuclear legacy; to reach out to former adversaries, to prevent the conditions for conflict, and to create the conditions for peace. And that, as Robert Frost has said, has made all the difference.

It has made all the difference in Europe, where, by establishing the Partnership for Peace we have replaced an Iron Curtain which divided the nations of Europe with a circle of security which brings them together.

It has made all the difference in our own hemisphere, where all nations, save one, have chosen democracy, and by establishing the Defense Ministerial of Americas we have forged new links of trust and cooperation.

It has made all the difference in the Asia Pacific, where by establishing a Framework Agreement we froze the North Korean nuclear program and prevented a nuclear arms race; and where, by strengthening the Security Agreement with Japan, we have ensured America's security presence—the oxygen that fuels the region's prosperity.

Choosing the right road has made all the difference around the world. By executing the Nunn-Lugar program, we have dismantled 4,000 nuclear weapons that once targeted America's cities. Today, the threat of nuclear holocaust no longer hangs like a dark cloud over the heads of our children.

Four years ago, the Department of Defense faced a choice. One road was well-traveled and easy to follow, but it would have allowed our forces to atrophy as we completed the post-Cold War draw down. The other road was less traveled by, twisting and bumpy with hard choices—hard choices to ensure that we had strong capable military forces ready to respond in a world of new dangers.

Twice before in this century when faced with that same choice, we chose the well-traveled road of neglect. And we paid the price—in Korea with Task Force Smith, and after Vietnam with a Hollow Army. This time we chose the road less-traveled by—the road of readiness. We established training as our highest priority. Training designed to make the scrimmage tougher than the game. We established the iron logic that quality of life for our forces meant quality people in our forces. We reformed our acquisition system to give our quality people the most effective technology. Technology that enables them to dominate the battlefield; to win quickly, decisively, and with minimum losses. And that has made all the difference.

It made all the difference wherever we sent our forces to prevent, deter, or defeat aggression. In Haiti, where we restored democracy. In the Arabian Gulf, where we contained a brutal dictator. In the Korean Peninsula, where we stood firm with an ally. In Bosnia, where we have stopped the killing and brought to a war-ravaged people the blessings of peace. The readiness road ensured the success of each of these missions. Readiness made all the difference.

Four years ago, I faced a personal choice between a well-traveled road to a quieter life, centered around family and friends; and a less-traveled road that led to turmoil, tension, and tough decisions. But it also led to an opportunity to serve our nation, to support the troops I cared for, and to achieve the dreams I cherished.

I thought long and hard upon that choice and took counsel from sage friends. I questioned my wisdom, my patience and my ability to endure. But the courage to meet the test came from the advice of a tough sergeant major: "Take care of the troops," he said, "and they will take care of you."

I have followed that advice, and that, for me, has made all the difference.

It made all the difference every time I advised the President on when and how to use military force. It made all the difference when I negotiated with ministerial colleagues, when I met with Presidents and Kings. It made all the difference when I decided on force levels, mission goals and rules of engagement every time we put our troops in harm's way. It made all the difference when I met with soldiers, sailors, airmen and marines, in distant lands, on domestic bases, on training fields, ships at sea, in cargo planes, or fighter jets. It made all the difference when I shared Thanksgiving meals with them in Haiti, in Macedonia, in Bosnia.

That advice—"Take care of the troops, and they will take care of you"—has made all the difference as I learned from my mistakes, as I took pride in my achievements.

Today I say farewell to the President who honored me by asking me to serve as Secretary. I say farewell to my colleagues in the administration who worked with me to achieve common goals. I say farewell to my friends in the media, and in the Congress, and to the wonderful friends I have made in the embassies.

And I say farewell to our military leaders who have served our country so brilliantly. They have prepared our forces for war, but they are dedicated to peace. Elie Wiesel has said, "Peace is not God's gift to mankind. It is our gift to each other." And for the last four years peace is the gift we have given the American people.

But the hardest farewell to say is to the troops who have served me and whom I have served. Words cannot adequately describe my pride in you. So my farewell to you is a simple benediction:

May the Lord bless you and keep you.
May the Lord cause His face to shine upon
you,
and give you peace.●

THE FOURTH ANNIVERSARY OF THE FAMILY AND MEDICAL LEAVE ACT

Mr. SARBANES. Mr. President, I rise today to join my colleagues in recognition of the 4-year anniversary of the Family and Medical Leave Act. Approved by the Senate on January 29, 1993, this important legislation was the first bill of the 103d Congress signed into law by newly elected President Clinton.

Prior to the enactment of the family medical leave law, families already confronting the hardships caused by a seriously ill relative had an additional burden to bear: a fear of losing their jobs should they choose to stay home to care for a loved one. For workers striving to meet the competing demands of home and office, there was no consistent standard of protection.

The Family Medical Leave Act provides that basic standard of job security to more than 67 million American workers; guaranteeing employees up to 12 weeks of unpaid leave to care for a newborn child or newly adopted child or to care for an immediate family member with a serious health condition. In addition, the law enables workers to take medical leave when they themselves are unable to work because of a serious health condition—without fear of being fired or losing their health insurance.

After 4 years of successfully helping American families strike a balance between work and family, it is difficult to believe that it was necessary to struggle for many years and overcome two vetoes by President Bush in order to enact this fundamental protection for working Americans. Since its enactment, this law has enabled approximately 12 million men and women to take time off from work to meet the care-giving needs of their families.

While opponents of the Family Medical Leave Act raised concerns about the law's effect on business, their fears have been proven ungrounded by the congressionally charged Bipartisan Commission on Leave. The Commission on Leave, made up of business and labor leaders, representatives of women and families, and members of Congress, provided an initial assessment of the family medical leave law in April 1996. The Commission found that while the law has had a significant impact on employers' leave policies and practices, increasing the reasons for which employees can take leave, this impact has come with minimal administrative activities and almost no costs. In fact, a number of employers have reported a positive impact on business performance because of Family Medical Leave Act policies.

Mr. President, as a strong supporter and original cosponsor of this significant measure, I am especially pleased with the success of the family medical leave law. Because of this law, millions of Americans, who otherwise may have been forced to choose between the demands of home and workplace, have been able to meet both their personal and professional obligations. As fundamental as the Fair Labor Standards Act, the Social Security Act and the Occupational Safety and Health Act, this law reaffirms the Democratic commitment to ensuring a measure of job protection to all hard-working Americans.

TRIBUTE TO W. PROCTOR JONES

● Mr. REID. Mr. President, I rise today to pay tribute to a Senate institution, Proctor Jones. His hard work and exceptional service have left a lasting mark on the Senate, and he will be sorely missed.

I have known and worked with Proctor Jones since I began my service in the Senate. After having served with one of the giants of the Senate—Senator Richard Russell—Proctor Jones has gone on to become a giant in his own right. His vast knowledge of appropriations has made him an invaluable asset to the committee. Since he began in 1960, his only time away from the Senate came in 1966, when he left Senator Russell's staff to serve in the Marine Corps. Apart from this brief hiatus, Proctor has been a part of the day-to-day operations of the Senate, and it will not be the same without him.

A native of Twin City, GA, Proctor came to work as Senator Russell's right-hand-man immediately after graduation from the University of Georgia. As he rose through the ranks on the Hill, Proctor found time to further his education at the George Washington University. In essence, he never stopped being a student, particularly of the Senate and its appropriations process.

In 1971, when he joined the Committee on Appropriations, Proctor quickly became a part of the staff leadership. Under every Democratic chairman since 1973, he has been the staff director for the Subcommittee on Energy and Water Development and, under Chairmen McClellan and Stennis, Proctor was deputy staff director of the full committee. Serving under some of the most distinguished chairmen of this venerable committee—Senators Russell, Ellender, McClellan, Magnuson, Stennis, BYRD, and Hatfield—Proctor distinguished himself as a genius of compromise and an expert on the budget.

While the Senate has changed and evolved during Proctor's long tenure, he never lost his fervor for his job. Tireless is an adjective often used to describe public servants, but Proctor epitomizes this description. His seemingly endless supply of energy and love for the Senate made him a constant presence even at the latest of the late-night sessions. This veteran of the Senate has been intimately involved with the annual appropriations bills, as well as handling innumerable continuing resolutions, supplemental appropriations, and rescissions bills, and other measures relating to the appropriations process. Those of us who devote time to the task of appropriation know how grueling it can be. Through it all, Proctor Jones devoted himself completely, using his vast expertise in the service of his country.

In addition to his Senate work, Proctor is an active member of his church and community. He is also the proud father of two daughters, Heather and Lisa. It is my pleasure to speak today in tribute to Proctor Jones, and I wish him every happiness in his retirement.●

SENATE QUARTERLY MAIL COSTS

● Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the fourth quarter of fiscal year 1996 to be printed in the RECORD. The fourth quarter of fiscal year 1996 covers the period of July 1, 1996, through September 30, 1996. The official mail allocations are available for frank mail costs, as stipulated in Public Law 104–53, the Legislative Branch Appropriations act for fiscal year 1996.

The material follows:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 09/30/96

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita	Fiscal year 1996 official mail allocation
Abraham	815	0.00009	$209.83	$0.00002	$160,875
Akaka	0	0.00000	0.00	0.00000	48.447
Ashcroft	0	0.00000	0.00	0.00000	109,629
Baucus	0	0.00000	0.00	0.00000	46,822
Bennett	0	0.00000	0.00	0.00000	56,493
Biden	0	0.00000	0.00	0.00000	44,754
Bingaman	0	0.00000	0.00	0.00000	56,404
Bond	0	0.00000	0.00	0.00000	109,629
Boxer	0	0.00000	0.00	0.00000	433,718
Bradley	0	0.00000	0.00	0.00000	139,706
Breaux	2,811	0.00066	1,989.59	0.00046	92,701
Brown	0	0.00000	0.00	0.00000	86,750
Bryan	73,120	0.05510	9,595.11	0.00723	56,208
Bumpers	0	0.00000	0.00	0.00000	69,809
Burns	0	0.00000	0.00	0.00000	46,822
Byrd	0	0.00000	0.00	0.00000	59,003
Campbell	0	0.00000	0.00	0.00000	86,750
Chafee	0	0.00000	0.00	0.00000	48,698
Coats	0	0.00000	0.00	0.00000	112,682
Cochran	0	0.00000	0.00	0.00000	69,473
Cohen	0	0.00000	0.00	0.00000	52,134
Conrad	0	0.00000	0.00	0.00000	43,403
Coverdell	0	0.00000	0.00	0.00000	131,465
Craig	23,560	0.02208	6,401.43	0.00600	49,706
D'Amato	282,800	0.01561	54,566.49	0.00301	262,927
Daschle	0	0.00000	0.00	0.00000	44,228
DeWine	20,700	0.00188	28,538.77	0.00259	186,314
Dodd	0	0.00000	0.00	0.00000	80,388
Domenici	0	0.00000	0.00	0.00000	56,404
Dorgan	0	0.00000	0.00	0.00000	43,403
Exon	0	0.00000	0.00	0.00000	57,167
Faircloth	0	0.00000	0.00	0.00000	134,344
Feingold	0	0.00000	0.00	0.00000	102,412
Feinstein	0	0.00000	0.00	0.00000	433,718
Ford	0	0.00000	0.00	0.00000	86,009
Frahm	0	0.00000	0.00	0.00000	70,459
Frist	0	0.00000	0.00	0.00000	106,658
Glenn	0	0.00000	0.00	0.00000	186,314
Gorton	147,150	0.02865	28,207.01	0.00549	109,059
Graham	0	0.00000	0.00	0.00000	259,426
Gramm	0	0.00000	0.00	0.00000	281,361
Grams	48,301	0.01078	12,793.51	0.00286	96,024
Grassley	282,700	0.10053	52,804.31	0.01878	73,403
Gregg	0	0.00000	0.00	0.00000	50,569
Harkin	0	0.00000	0.00	0.00000	73,403
Hatch	0	0.00000	0.00	0.00000	56,493
Hatfield	0	0.00000	0.00	0.00000	78,163
Heflin	0	0.00000	0.00	0.00000	89,144
Helms	0	0.00000	0.00	0.00000	134,344
Hollings	0	0.00000	0.00	0.00000	85,277
Hutchison	0	0.00000	0.00	0.00000	281,361
Inhofe	0	0.00000	0.00	0.00000	82,695
Inouye	0	0.00000	0.00	0.00000	48,447
Jeffords	22,250	0.03904	4,757.18	0.00835	42,858
Johnston	2,811	0.00066	1,984.85	0.00046	92,701
Kassebaum	0	0.00000	0.00	0.00000	70,459
Kempthorne	0	0.00000	0.00	0.00000	49,706
Kennedy	0	0.00000	0.00	0.00000	117,964
Kerrey	0	0.00000	0.00	0.00000	57,167
Kerry	0	0.00000	0.00	0.00000	117,964
Kohl	0	0.00000	0.00	0.00000	102,412
Kyl	0	0.00000	0.00	0.00000	93,047
Lautenberg	0	0.00000	0.00	0.00000	139,706
Leahy	5,911	0.01037	3,675.39	0.00645	42,858
Levin	0	0.00000	0.00	0.00000	160,875
Lieberman	0	0.00000	0.00	0.00000	80,388
Lott	0	0.00000	0.00	0.00000	69,473
Lugar	0	0.00000	0.00	0.00000	112,682
Mack	0	0.00000	0.00	0.00000	259,426
McCain	0	0.00000	0.00	0.00000	93,047
McConnell	284,000	0.07563	55,155.85	0.01469	86,009
Mikulski	0	0.00000	0.00	0.00000	101.272
Moseley-Braun	0	0.00000	0.00	0.00000	184,773
Moynihan	0	0.00000	0.00	0.00000	262,927
Murkowski	287,000	0.48893	55,636.53	0.09478	42,565
Murray	37,835	0.00737	9,404.97	0.00183	109,059
Nickles	0	0.00000	0.00	0.00000	82,695
Nunn	0	0.00000	0.00	0.00000	131,465
Pell	0	0.00000	0.00	0.00000	48,698
Pressler	0	0.00000	0.00	0.00000	44,228
Pryor	0	0.00000	0.00	0.00000	69,809
Reid	73,120	0.05510	9,593.56	0.00723	56,208
Robb	0	0.00000	0.00	0.00000	121,897
Rockefeller	131,000	0.07230	29,347.28	0.01620	59,003

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING 09/30/96—Continued

Senators	Total pieces	Pieces per capita	Total cost	Cost per capita	Fiscal year 1996 official mail allocation
Roth	0	0.00000	0.00	0.00000	44,754
Santorum	0	0.00000	0.00	0.00000	199,085
Sarbanes	0	0.00000	0.00	0.00000	101,272
Shelby	0	0.00000	0.00	0.00000	89,144
Simon	0	0.00000	0.00	0.00000	184,773
Simpson	0	0.00000	0.00	0.00000	41,633
Smith	0	0.00000	0.00	0.00000	50,569
Snowe	0	0.00000	0.00	0.00000	52,134
Specter	0	0.00000	0.00	0.00000	199,084
Stevens	0	0.00000	0.00	0.00000	42,565
Thomas	0	0.00000	0.00	0.00000	41,633
Thompson	0	0.00000	0.00	0.00000	106,658
Thurmond	0	0.00000	0.00	0.00000	85,277
Warner	0	0.00000	0.00	0.00000	121,897
Wellstone	0	0.00000	0.00	0.00000	96,024
Wyden	0	0.00000	0.00	0.00000	52,135•

AMY NICOLLE JOHNSON, AUGUST 20, 1978–DECEMBER 14, 1995

• Mr. WELLSTONE. Mr. President, I rise to pay tribute to the memory of a fine young person from Minnesota, Amy Nicolle Johnson.

Amy Johnson grew up at her family's home on Lake Sarah and attended the Rockford public schools from kindergarten through her senior year of high school. At age 17, Amy died in a car accident early one morning on her way to the school she loved.

An excellent student, talented athlete, and student leader, Amy was extensively involved in diverse activities throughout the year. A typical school year began for Amy with a class schedule that included band and choir in addition to the traditional academic subjects.

Her 6-year commitment to band was most demanding in the autumn with extra practices for the flag corps of the marching band and many evenings devoted to playing the trumpet with the pep band. She also played volley ball for 5 years, 3 of which were spent on the varsity team.

Gymnastics marked the beginning of the winter season for her. Competing on all four events for all of her 5 years and a varsity team member for 4, Amy's involvement in this sport exemplified the pride, perseverance, and commitment that she applied to every facet of her life.

She enjoyed singing with the choir and participated in choral duets and the stage—jazz—band for several years in district and State competitions. Her musical talent and enjoyment of the dramatic arts led Amy to participate in musicals and plays.

The spring brought Amy outdoors, where she played second base with the varsity softball team for 4 years. Even though the school year would come to an end each spring, the softball season continued into the summer. From the tee ball leagues in second grade to the State softball fast pitch tournament in 1995, Amy spent many hours of her summer vacation on the field.

The past two summers she began saving money for college working at Len Busch Roses and the Hennepin County Baker Park Reserve on Lake Independence.

Throughout all of the season's activities, Amy was a leader inside and outside of the classroom. She was an honors student and a member of the National Honor Society, as well as the secretary of her senior, junior, and freshman class. She was the cocaptain of the gymnastic and softball teams and was recognized in all three sports as an all-conference athlete. In her senior year she was chosen Homecoming Queen.

Most of Amy's friends and teachers will remember her shining smile that simply defined her presence. It is her family's hope that this remarkable young woman's spirit will be perpetuated through a scholarship that was established in her memory.

Amy valued respect, compassion, honesty, integrity, and responsibility. She made a sincere effort to live up to those values daily and she made a positive difference in the lives of all those she encountered.

Mr. President, it is an honor for me to pay tribute to the memory of this remarkable young woman, Amy Johnson, who touched the lives of so many during her brief life.•

TRIP REPORT—THE PEOPLE'S REPUBLIC OF CHINA, HONG KONG, TAIWAN, AND NEPAL

• Mrs. FEINSTEIN. Mr. President, from November 11 through November 26, 1996, I traveled to the People's Republic of China, Taiwan, Hong Kong, and Nepal for discussions with senior leaders in each of these places. I have today transmitted my report on this trip to the chairman and ranking minority member of the Committee on Foreign Relations. I hope my colleagues find it of interest.

I ask that the report be printed in the RECORD.

The report follows:

U.S. SENATE,
Washington, DC, February 5, 1997.

Hon. JESSE HELMS,
Chairman.
Hon. JOSEPH R. BIDEN, Jr.,
Ranking Minority Member, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR SENATOR HELMS and Senator BIDEN:

Attached please find a report on my travel to China, Hong Kong, Taiwan, and Nepal from November 11 through 26, 1996. During the China portion of the trip and parts of the Hong Kong and Taiwan portions, I joined Senators Daschle, Dorgan, Glenn, Kempthorne, and Leahy. Travel costs were at my personal expense.

In China, I discussed with the Chinese leadership the need to develop a long-term strategic framework for our relationship based on our many mutual interests, tensions in the triangular U.S.-China-Taiwan relationship, a variety of U.S.-China trade issues, nonproliferation and other security concerns, and human rights and legal development in China.

In Hong Kong, the itinerary included meetings with British, Chinese, and Hong Kong officials and members of the business community to assess the prospects for Hong Kong's reversion to Chinese rule in July 1997.

In meetings with the Taiwanese leadership in Taipei, I discussed Taiwan's role in the U.S.-China relationship and how to get dialogue across the Taiwan Strait back on track.

In Nepal, I examined the progress made by this fledgling democracy in consolidating its democratic institutions, and looked at ways the United States can be most effective in helping promote Nepal's economic development. I met with His Majesty King Birendra Bir Bikram Shah, Prime Minister Sher Bahadur Deuba, and Foreign Minister Prakash Chandra Lohani, as well as members of the various parties in the parliament.

I am grateful to Ambassador James Sasser and his staff in Beijing, Consul General Richard Boucher and his staff in Hong Kong, American Institute in Taiwan Director Darryl Johnson and his staff in Taipei, and Ambassador Sandy Vogelgesang and her staff in Kathmandu. Their cooperation and assistance helped make this trip as productive as it was. I would particularly like to thank Foreign Service Officers Darcy Zotter, Robert Forden, Michael Meserve, Gina Sullivan, Paul Daley, and Peter Bodde, and AIT staffer Andrew Wilson, for their assistance. I am also grateful to the staff of the Committee on Foreign Relations for their help.

I hope you find this report useful.

Sincerely,

DIANNE FEINSTEIN,
United States Senator.

SENATOR DIANNE FEINSTEIN: TRIP REPORT—THE PEOPLE'S REPUBLIC OF CHINA, HONG KONG, TAIWAN, AND NEPAL, NOVEMBER 11–26, 1996

Following my visit to China in August 1995, I was encouraged by Ambassador Liu Shuqing, President of the Chinese People's Institute for Foreign Affairs, to organize additional delegations of Senators to travel to China to meet with senior leaders and discuss a range of issues affecting the U.S.-China relationship. The first of these delegations, consisting of Senator Sam Nunn, Senator John Glenn, and myself traveled to China in January 1996.

From November 11–17, 1996, I joined Senator Tom Daschle's delegation traveling to Beijing, Hong Kong, and Taiwan. I subsequently returned to Hong Kong for additional meetings from November 17–20, and then traveled to Nepal from November 20–26. My husband, Mr. Richard C. Blum, and I traveled at personal expense. We were accompanied throughout by a member of my staff, Mr. Daniel Shapiro, whose expenses were underwritten by the Committee on Foreign Relations.

CHINA

The issues we discussed with the Chinese leadership included:

The prospects for a more stable and productive U.S-China relationship in the wake of Secretary of State Christopher's visit to China and the meeting between Presidents Clinton and Jiang in Manila;

The prospects for reduced tensions between Taiwan and China, and the role of Taiwan in the U.S.-China relationship;

The July 1997 reversion of Hong Kong to Chinese sovereignty, and the U.S. interests at stake in a stable transition for Hong Kong;

The lack of progress in resolving a number of outstanding trade disputes between the United States and China;

The human rights situation in China, with emphasis on Tibet and the status of leading dissidents who have been detained or imprisoned;

Regional security issues, including North Korea and South Asia, and the prospects for enhanced military-to-military dialogue and cooperation between the United States and China; and

The recent progress made on U.S. nonproliferation concerns, and the need for continued progress in this area.

On the evening of Thursday, November 14, I met with President Jiang Zemin privately at the Great Hall of the People. We were then joined by Senators Tom Daschle, Byron Dorgan, John Glenn, Dirk Kempthorne, and Patrick Leahy for a one hour meeting, followed by a two and a half hour dinner, also in the Great Hall of the People.

During the rest of our visit, we conducted meetings and working meals with:

Vice Chairman of the Central Military Committee and Minister of National Defense Chi Haotian;

Vice Minister of Foreign Affairs Li Zhaoxing; and

President of the Chinese People's Institute of Foreign Affairs Liu Shuqing.

Because I arrived before the Daschle delegation and remained in Beijing after their departure, I conducted separate meetings with:

Director of the Office of Hong Kong and Macao Affairs of the State Council Lu Ping;

Executive Director of the Association of Relations Across the Taiwan Straits Tang Shubei; and

Executive Vice Premier Zhu Rongji.

In addition to the above meetings, we received briefings from the staff of the United States Embassy in Beijing, including Ambassador James Sasser. We also conducted meetings with representatives of American companies doing business in China to learn about the current climate for U.S. firms in China and how it is affected by developments in the political and trade relationship between the United States and China.

Overview of the U.S.-China Relationship

Our discussions with Chinese leaders indicated a fair degree of optimism about prospects for an improved environment in the U.S.-China relationship in 1997, tempered by caution with respect to a number of issues of concern to China. The Chinese seem to view the reelection of President Clinton as an opportunity for the U.S.-China relationship to progress without being hampered by the vagaries of American politics to the degree it was in 1996. In November, they were optimistic about Secretary's Christopher's upcoming visit and the Jiang-Clinton meeting in Manila. They are also encouraged by the planned visit of Vice President Gore in early 1997 and the subsequent exchange of Presidential visits. The Chinese see these developments as important steps toward establishing the consistent high-level dialogue that the U.S.-China relationship needs to make progress on issues of common interest and areas of disagreement. In the words of President Jiang, "the sky is clearer now."

At the same time, there are several reasons to believe that progress in the relationship in 1997 will be incremental, rather than dramatic. First, the 15th Communist Party Congress, when Chinese leadership positions will be decided for the next five years is scheduled for September 1997. In the run-up to this Congress, many Chinese leaders will feel pressure to display their nationalist credentials, and this may take the form of challenging the United States, or at least demonstrating minimum flexibility, on any number of issues. Second, the transition of Hong Kong, which takes place on July 1, 1997, will be watched closely by the United States and the world. If it leads to confrontations between the Chinese authorities and Hong Kong democracy activists, or if U.S. interests are put at risk, it could be the source of considerable tension in U.S.-China relations. Finally, a significant number of bilateral issues can continue to plague efforts to normalize U.S.-China relations, including trade disputes, nonproliferation concerns, human rights, and, most importantly, Taiwan.

Taiwan

Taiwan remains the issue with the greatest potential to seriously disrupt and inflame efforts to stabilize the U.S.-China relationship. The Chinese blame Lee Teng-hui for the absence of cross-strait dialogue. They believe he is actively casting doubt on the one-China policy, and doing so because he believes he has U.S. and Japanese support. They insist that for an atmosphere conducive to dialogue to resume, Lee must take concrete actions: recognize the indivisibility of China's territory and sovereignty; and stop seeking to expand Taiwan's diplomatic presence, especially with countries who have relations with China and at the United Nations. They do not insist that Taiwan recognize the sovereignty of the PRC government.

China is eager to develop the so-called "three links" with Taiwan: direct air travel, shipping, and postal service. They believe Taiwan's reluctance to open them on China's terms (such as not flying a Taiwanese flag in Chinese ports) is a sign that Lee Teng-hui is trying to widen the divisions between the mainland and Taiwan. They also cite Lee's recent efforts to discourage and restrict Taiwanese investment in China. On the other hand, Hong Kong's reversion to Chinese rule may begin to initiate the three links, as Taiwan will continue to interact with Hong Kong much as it has in the past. There is some sense that if the Hong Kong transition goes smoothly, it could ease the way for eventual reunification between Taiwan and China on the "one country, two systems" model.

It is impossible to overstate the depth of Chinese feelings on Taiwan's role in the U.S.-China relationship. President Jiang told me clearly and directly, that the main thing he needs in order to pursue improved U.S.-China relations is for the Taiwan issue to remain quiet. If it is handled well, everything is possible. If it is not handled well, it could cause a shock to U.S.-China relations. Tang Shubei, Executive Director of the Association for Relations Across the Taiwan Straits, specifically mentioned two potential pitfalls: if Lee Teng-hui is granted a transit visa to the United States on his way to Panama in September, and uses the Panama Canal hand-over ceremony to meet with President Clinton; and if U.S. arms sales to Taiwan are not seen to be declining over time, and avoiding offensive weapons systems, such as landing craft. During my lengthy discussion with Tang Shubei, he gave a comprehensive and precise presentation of China's views on Taiwan, expressing a resolute firmness that I had not seen before.

Trade Issues

Perhaps in a manifestation of pre-Party Congress stiffening of views, the Chinese seemed particularly stubborn on a number of the trade issues affecting U.S.-China relations. I had a long discussion with Executive Vice Premier on the subject of TCK wheat. China refuses to import virtually any U.S. wheat at the moment, on the grounds that all U.S. wheat is potentially infected with TCK by the rail cars used to transport wheat around the United States. While the Chinese view on TCK is, according to U.S. specialists, not backed up by sound science, they maintain that China will not resume U.S. wheat imports unless Chinese inspectors are allowed to examine the wheat when it is loaded onto ships. This wheat dispute is responsible for a significant decline in U.S. agricultural exports to China.

China's position on its application to join the WTO has changed little in recent months. Beijing continues to believe that it should be admitted to the WTO as a developing country, and that it should try to make the necessary changes to its economy over time. There has been little or no response to the "road-map" provided by USTR to the Chinese in early 1996.

It seems clear to me that if there is not progress on these trade issues, and on the expanding U.S.-China trade imbalance, trade will become a major political problem in the relationship, and could lead us down the road toward a serious confrontation. While the Chinese seem to recognize this potential, they continue to insist that they can do nothing about the trade imbalance because it is caused primarily by foreign-owned ventures that export out of China, and by goods exported via Hong Kong. They say that neither category should be counted against Chinese export totals, resulting in a huge disparity between the trade figures cited by the two sides (the U.S. figure: $35 billion imbalance; China's figure: $8.6 billion).

Most importantly, the one area of flexibility I saw was in Zhu Rongji's willingness to set up a joint working group between U.S. and Chinese trade specialists, to come up with a common method of calculating the trade balance, especially after Hong Kong reverts to Chinese sovereignty. This working group could offer a course of action that would be positive and move both sides toward a resolution of this impasse.

Hong Kong

China seems to genuinely want to see a smooth transition take place in Hong Kong, and they repeatedly voice their commitment to allowing the "one country, two systems" approach to take hold. They stress their intention to let the government of Hong Kong be the final arbiter of Hong Kong affairs. This standard, freely volunteered by Beijing, seems to be the appropriate way to judge how the transition goes.

The decision to appoint a provisional Legco and the method of appointment of the first chief executive have led to some concern over China's true intentions. Again, the measure by which to judge these events is the degree to which China allows the Hong Kong government to make decisions on such issues as allowing a commemoration of the June 4 incidents in Tiananmen Square, press freedoms, and so on. In addition, it will be important to observe whether China keeps its commitment to move the selection of future Hong Kong governments in the direction of universal elections over the next ten years.

In my meeting with Lu Ping, Director of the Office of Hong Kong and Macao Affairs for the State Council, who is overseeing the transition, I asked specifically if China would allow peaceful dissent, such as commemorations of the June 4 incidents, after July 1, 1997. Mr. Lu, who was made aware of the questions I would be asking prior to the meeting, was unequivocal in his response: such protests would certainly be permitted as long as they are consistent with Hong Kong law. The test will be whether China tries to imposes changes on Hong Kong law that would limit freedoms.

U.S. interests in Hong Kong, such as continued ship visits and the operation of the U.S. Consulate General do appear to be on the Chinese radar screen and resolvable through negotiations. (Later Chinese Ambassador to the United State Li Daoyu reported to me that military ship visits for R&R will be permitted to continue.)

Military and Security Issues

Interestingly, the greatest degree of cooperation appeared to be in the areas of the relationship relating to military cooperation and security issues. For example, while the Chinese are critical of U.S. arms sales to Taiwan as a proliferation matter, they do seem receptive to further dialogue about nuclear proliferation. In recent months, China has committed not to provide equipment to unsafeguarded nuclear facilities, and it has decided against selling nuclear reactors to Iran. Currently, China is considering the sale of a uranium enrichment facility to Iran, but the prospect of implementing the 1985 U.S.-China peaceful nuclear energy agreement is a strong incentive for them to cancel the Iran sale.

On North Korea, the Chinese believe Kim Jong-Il is in charge and that the food shortages are not as severe as have been stated in the West. China believes the United States' efforts to denuclearize the Korean Peninsula are useful, and they sound like they are willing to be supportive of the advancement of this process. On South Asia, there appears to be a slowly growing recognition that China's own security interests are at stake in preserving stability between India and Pakistan, and reducing the likelihood of a nuclear confrontation.

The one area of major concern to China is the revised U.S. security agreement with Japan. Defense Minister Chi Haotian and Vice Foreign Minister Li Zhaoxing both raised this issue, citing the history of Japanese aggression against China as the source of China's nervousness. They seemed to accept our assurances that the U.S. presence in Japan and throughout Asia is intended to reduce tensions, ensure stability, and make unlikely the military adventurism that China seems to fear from Japan. Their basic trust was evident in the Defense Minister's expressed desire to broaden and deepen military exchanges and dialogue—including ship visits—between the United States and China. Nevertheless, they are suspicious of Japanese intentions. In my view, this could become an area for serious concern if not handled carefully.

HUMAN RIGHTS

Our discussions on human rights did not bear a great deal of fruit. China continues to see U.S. criticism of its human rights record, and particularly the six-year-old effort to pass a resolution condemning China at the U.N. Human Rights Convention, as interference in its internal affairs. We raised the case of Nawang Choepel, a Tibetan who was arrested for recording Tibetan music under a Fulbright scholarship. However, we got little response, and subsequent to our visit, he was sentenced to 18 years in prison for spying, with the goal of splitting Tibet from China. His case is one of a number of indicators that China has significantly racheted up the pressure in Tibet, and that human rights abuses there have increased.

And yet, progress toward implementation of the rule of law continues, slowly but surely, including the preparation of a number of new laws limiting police powers and restricting the use of administrative detention. More progress like this remains the best long-term hope for significant improvement of the human rights situation in China.

During my meeting with President Jiang, I proposed to him a joint working group on human rights, whose members would be appointed by the two Presidents. The group would conduct research and fact-finding in order to chart the evolution of human rights in both China and the United States in the last 20 to 30 years. The group would also make recommendations on areas still in need of improvement, presenting their findings in reports to both Presidents. President Jiang said he would consider this proposal, which I believe could help break the deadlock we currently have with the Chinese over human rights and provide a methodology for discussion.

TAIWAN

The issues we discussed with Taiwanese leaders included: the prospects for a resumption of the Cross-Straits Dialogue with China; the U.S.-China relationship and its implications for Taiwan, including Taiwan's security; Taiwan's efforts to expand its international role, or its "pragmatic diplomacy", Taiwan's democratic progress; and lobbying efforts in Washington on behalf of Taiwan.

I joined with Senators Daschle, Dorgan, Glenn, and Leahy for meetings with:

President Lee Teng-hui; Vice President/Premier Lien Chan; and Foreign Minister John Chang, who also hosted the delegation for dinner.

Separately from Senator Daschle's delegation, I had several additional meetings, including: a visit with Dr. Koo Chen-fu, Chairman of the Straits Exchange Foundation, in his home; a private meeting with Foreign Minister John Chang; a breakfast with Chang King-yuh, Chairman of the Mainland Affairs Council, and Dr. Koo Chen-fu; a meeting with Chiling Tong, Director of the California Office of Trade and Investment; and a luncheon hosted by the American Chamber of Commerce in Taipei.

THE CROSS-STRAITS DIALOGUE

Taiwanese leaders feel that, with respect to prospects for restarting the Cross-Straits Dialogue, the ball is in China's court. They accuse China's leaders of claiming to place no conditions on resumption of a dialogue, while in fact demanding an important concession in advance: Taiwan's agreement to China's interpretation of the One China policy. The PRC's demand that Taiwan acknowledge that the sovereignty and territory of China are indivisible is interpreted by the Taiwanese leaders as denying the existence of the Republic of China on Taiwan.

According to Foreign Minister John Chang, the Taiwanese leadership would rather acknowledge the existence of One China, but say that it is currently divided, and that it has two governments—the People's Republic of China government in Beijing, and the Republic of China government in Taipei. Foreign Minister Chang says that Beijing's version of the One China policy would require Taiwan to accept the communist system of government, which the people of Taiwan would never accept. He said that such a move would actually increase pro-independence sentiment in Taiwan, which his government says it opposes.

But it is sometimes difficult to distinguish Minister Chang's description of Taiwan's version of the One China policy from a Two Chinas policy, which he says his government rejects. He speaks of two co-equal Chinese governments, the PRC and the ROC, each with its own sovereignty and conducting its own international affairs. Reunification is mentioned as a lofty, but currently unrealistic goal, and one that can never happen without the collapse of the PRC government in Beijing. In our meeting with President Lee, he suggested that One China is not the current reality, but rather a future goal. It is certainly possible that such a policy causes confusion in Beijing about Taiwan's true intentions.

The Taiwanese leadership blames the PRC for its breaking off the Cross-Straits Dialogue following the promising talks between Koo Chen-fu of Taiwan's Straits Exchange Foundation and Wang Daohan of China's Association for Relations Across the Taiwan Straits in May 1995. In so doing, Taiwanese leaders draw no explicit connection between Lee Teng-hui's visit to Cornell University and the Chinese decision. Nevertheless, the Taiwanese leadership does seem to have internalized the need to proceed cautiously and avoid provocative actions to which the Chinese leadership will feel forced to respond. President Lee maintains that he is eager to meet with President Jiang Zemin, but expects that any movement will be impossible before the 15th Communist Party Congress takes place in the fall of 1997.

At the same time, there are signs that President Lee is encouraging a loosening of ties with the mainland. Taiwanese interests have $30 billion worth of foreign investment in China, and two-way trade across the strait stands at $20 billion annually. In recent months, President Lee has admonished the business community "not to put all its eggs in one basket" and to diversify its markets for exports and investment. There is even talk of more formal restrictions on large investment projects in China. It is not clear whether this trend is a sign of a weakening of Lee Teng-hui's commitment to reunification, or an indication that he feels that the deepening of economic ties across the strait will decrease Taiwan's bargaining power over political issues. Either way, it is a source of concern to the business community and reunification advocates on both sides of the strait.

A similar question could be posed about Lee's reticence to agree to the three direct links (air, shipping, and postal) that China is eager to establish. The shipping link is ostensibly stalled over which flag the ships will fly in which ports. But these questions will essentially become moot after the transition of Hong Kong to Chinese rule. At that point, Taiwanese ships sailing to Hong Kong will be conducting a direct link with China. There is some debate on this point within the Taiwanese leadership—Minister Chang denied that direct links would be established via Hong Kong, which Dr. Koo suggested that Hong Kong's transition could provide an opening to formalize such links. Whatever reluctance the Taiwanese leadership may have about establishing such links, there seems little doubt that they will need to do so eventually. Taiwan's business community strongly favors the links. But beyond that, considering China's increasingly important role in Asia's economy, the Taiwanese leadership's stated desire to develop Taiwan into an Asian-Pacific Regional Operations Center for business, finance, media, entertainment, and other sectors seems hopelessly unrealistic unless companies that base themselves in Taiwan can interact directly with China.

I was particularly impressed by my discussions with Dr. Koo Chen-fu. He appears to have a keen understanding of the constraints under which the Chinese leadership is operating, and is apparently thinking creatively about ways to break the impasse. In contrast to some of his colleagues, who seem content to restate Taiwan's position and explain why China is to blame for the talks not restarting, Dr. Koo takes a nuanced approach to the problem and is probing for solutions. Taiwan would benefit from his ability to influence their internal policy debates.

TAIWAN'S SECURITY

The Taiwanese leaders we met all expressed their extreme gratitude for the U.S. decision to deploy two aircraft carriers near the Taiwan Strait during the March 1996 Chinese missile tests and military exercises in the Strait. They also expressed appreciation for U.S. arms sales to Taiwan which, according to the Taiwan Relations Act, are supposed to ensure Taiwan's ability to defend itself. The United States, they said, has lived up to its commitments in the Taiwan Relations Act.

Premier Lien Chan and Foreign Minister John Chang, however, emphasized that China's purchase of Russian Su-27s and the presence of Russian military advisers in China underlined the need for Taiwan to begin to take delivery of the 150 F–16s from the United States in 1997. Taiwan has also purchased 70 Mirages from France. These two purchases, they feel, will combine to bolster Taiwan's air defense capabilities.

In addition, Taiwanese leaders clearly understand the impact of diplomatic events on their security. Therefore, Lee Teng-hui himself said plainly that he is very supportive of a healthy U.S.-China relationship, including regular dialogue at the highest levels. While Foreign Minister Chang said that he would not want the U.S.-China relationship to improve at the expense of Taiwan, .there is clear recognition among Taiwanese leaders that there security is enhanced, rather than threatened by improved relations between the United States and China.

TAIWAN'S INTERNATIONAL EFFORTS

Although fully aware of Beijing's objections, Taiwanese leaders plan to continue their efforts to forge international ties through what they call "pragmatic diplomacy." In an effort to expand Taiwan's "breathing space," Lee Teng-hui will continue to conduct what he considers to be private visits abroad, and Taiwan will seek to maintain its diplomatic ties with those countries who recognize it and to gain entry into the United Nations. Taiwan is also placing a high priority on its application to the World Trade Organization, which it wants considered on its own merits, with no connection to China's application. Both of these pursuits could present serious problems should the United States once again become entangled.

In light of South Africa's decision to sever its ties with Taiwan and establish diplomatic relations with Beijing, Taiwanese officials are increasingly concerned that they may be slipping in their competition with Beijing for international recognition. Besides believing that Taiwan, as the world's 14th largest trading nation, is entitled to the aspects of a sovereign nation (such as diplomatic relations), they believe that surrendering this position would only increase sentiment for independence in Taiwan. Lee's ruling Kuomintang Party estimates that the pro-independence Democratic People's Party would win the next elections if Taiwanese voters perceived their government to be abandoning its sovereignty.

Lee and his advisers say they understand Beijing's sensitivities on this issue, but they claim to be surprised by China's reaction to Lee's visit to the United States. He does not see Taiwan's international efforts as posing any threat to China's view of the One China policy. Nevertheless, for the past year and a half, Lee has somewhat moderated his own personal role in Taiwan's international efforts. Whether he continues to eschew an overt challenge to China's concerns will help determine whether or not there is a repeat of the cross-straits crisis of 1995–96.

DEMOCRACY

Taiwan's leaders are justifiably proud of the progress of Taiwanese democracy in the March 1996 elections. Lee pointedly rejects the concept of "Asian values" championed by Singapore's Lee Kwan Yew and others, which suggests that Asian societies are not conducive to democracy. Lee Teng-hui and his colleagues say they have learned from this experience to be responsive to the electorate, and hence, they feel justified in their international efforts. But they also recognize the need to maintain stability: Lee estimates that Taiwan needs 30 years of stability to consolidate its democratic institutions. This realization could inject a note of caution into their relationship with China.

LOBBYING EFFORTS

During our discussion with Premier Lien Chan, he made an unsolicited assertion that the Taiwanese government does not spend any money on lobbying efforts in Washington. He said that some individuals and groups—and when prodded, agreed that such groups could include the ruling KMT Party—might lobby in Washington for causes that coincide with the policies of the Taiwanese government, such as Taiwan's efforts to gain entry into the United Nations. He asserted in no uncertain terms that any firm or individual that claims to be lobbying on behalf of the government of Taiwan is misrepresenting itself. However, he did concede that in the final analysis, the positions adopted by lobbying organizations (and whether or not they coincide with Taiwanese policies) are more important than the actual source of funding of that lobbying activity.

HONG KONG

The issues we discussed with Hong Kong leaders included the appointment of a new Chief Executive; the induction of a Provisional Legislative Council; the prospects for the maintenance of Hong Kong's freedoms and civil liberties after the transition to Chinese rule; Hong Kong's economic outlook after the transition; and what role the United States should play as the transition moves forward.

On the evening of Friday, November 15, I joined Senator Daschle's delegation for a dinner hosted by U.S. Consul General Richard Boucher at his home. In attendance were a cross-section of members of the Hong Kong community, representing a variety of political and other views, including Democratic Party leader Martin Lee and Preparatory Committee Member Nellie Fong. During the rest of our stay, I conducted meetings and working meals with Chief Executive-Designate Tung Chee-hwa (C.H. Tung); Members of the American Chamber of Commerce in Hong Kong (with Senator Daschle's delegation); Governor Chris Patten (with Senator Daschle's delegation); Members of the Better Hong Kong Foundation, including Henry Cheng, Edgar Cheng, and Leonie Kie; U.S. Consul General Richard Boucher; William Overholt, Managing Director of Banker's Trust and a leading Hong Kong watcher and author; Nellie Fong, Member of the Preparatory Committee and Executive Director of the Better Hong Kong Foundation.

I also attended the opening dinner of the World Economic Forum 1996 Europe/Asia Economic Summit, at which Chief Secretary Anson Chan was the keynote speaker. On Tuesday, November 19, I participated in a panel discussion on Hong Kong's future at a session of the World Economic Summit, at which C.H. Tung was the main speaker and I responded to his remarks.

SELECTION OF THE CHIEF EXECUTIVE

We arrived in Hong Kong the day that C.H. Tung won a majority of votes from the Preparatory Committee in the first round of voting for Chief Executive, catapulting him to victory in the final round of voting three weeks later. The general assessment of Mr. Tung is positive: he is considered to be intelligent, fair-minded, and concerned about the best interests of Hong Kong. Gov. Chris Patten, is highly complimentary of Mr. Tung's abilities. But there is obvious concern in some quarters—voiced by Gov. Patten, Martin Lee, and others—about the degree of independence from Beijing he will be able to demonstrate in his governance.

In his public statements, Mr. Tung has been attentive to the concerns expressed by various members of the Hong Kong community. He explains that he intends to consult widely and deeply among Hong Kong's citizenry, and that he intends to be protective of

Hong Kong's interests when dealing with Beijing. At the same time, he makes clear that Hong Kong's relationship with China is about to become much closer, and that this change is not something to dread; indeed, it can bring significant mutual benefit.

My own view of Mr. Tung, whom I know reasonably well, is that he is unquestionably qualified for the post of Chief Executive, having shown impressive administrative skills as a shipping magnate, and having been a leading promoter of Hong Kong. I am hopeful that he will display the right instincts about how to maintain a significant degree of autonomy for Hong Kong while managing what will inevitably be a closer relationship with Beijing. His challenge will be to reassure the people of Hong Kong that he can and will stand up for Hong Kong's interests when challenged, and do so in such a way that the Beijing authorities will respect. His excellent reputation in both Hong Kong and Beijing is a crucial asset as he sets out to achieve this challenging balancing act.

The Provisional Legco

Beijing's decision to follow through on its decision to establish a provisional legislature (Legco) and abolish the existing Legco on July 1, 1997 is unfortunate. While the Provisional Legco grows out of China's (accurate) sense that the British changed the rules in Hong Kong after the signing of the 1984 Sino-British Joint Declaration, its ultimate impact will be difficult to judge until we know what comes after it.

Some hold out hope that China may reverse itself and decide not to disband the elected Legco after all, but as the Chinese say, "the rice is cooked" on that decision. Indeed, the Provisional Legco has already begun meeting. However, Beijing, and its supporters in Hong Kong, insist that the Provisional Legco will be replaced by a popularly elected Legco within one year of the handover.

If the Provisional Legco is replaced within a year by a genuinely elected body, and if it restrains itself during its tenure from dismantling many of the basic freedoms enjoyed in Hong Kong, the current battle over the Provisional Legco will in retrospect look excessive. But if the Provisional Legco enacts far-reaching changes in Hong Kong law, or if its tenure is arbitrarily extended, or if the elections for its successor are rigged to produce a pro-Beijing result, the Provisional Legco will have proved to be a harbinger of a serious deterioration of the autonomy of Hong Kong. Above all, neither the Provisional Legco nor its successors can be allowed to be forced to take orders from Beijing.

The appointment of the Provisional Legco poses a significant risk of confrontation during the days surrounding the transition. Martin Lee and other legislators from the Democratic Party and its allies have raised the possibility of refusing to vacate the Legco building on July 1. If they were removed by force, or a conflict erupted, it would cast a pall over the entire transition and set an ominous tone for what would follow. It is imperative that the Democratic Party and the authorities in Beijing engage in a dialogue now to find areas where they can agree to work together amid their broader disagreements, and to avoid a confrontation after July 1.

Overall Freedoms

The mood in Hong Kong is mixed. Few people that we talked to predicted a disaster after July 1, but among some observers, there was undeniable anxiety about certain aspects of the transition.

Among members of the Preparatory Committee, like Nellie Fong, there is considerable optimism. She argues that China will find it very much in its own interests to avoid imposing a harsh new order on Hong Kong. She predicts that after a few fairly minor adjustments, Hong Kong will emerge from the transition with its autonomy very much intact.

Others are less sure. Governor Patten described the anxiety of many at China's threatened revisions of the Hong Kong Bill of Rights; at China's unwillingness to apply international covenants on human rights to Hong Kong; and at the statements of Foreign Minister Qian Qichen that commemorations of the Tiananmen Square tragedy will not be allowed. At a time when virtually all leading dissidents in China are in prison, these indications have caused considerable nervousness in Hong Kong.

Economic Outlook

Notwithstanding the mixed views about Hong Kong's political future, there is significantly more unanimity about its economic future. With few exceptions, our interlocutors expect Hong Kong's flourishing economy to continue its solid performance after the transition.

As Governor Patten points out, Hong Kong continues to post solid economic growth figures of 6–8 percent year after year, while unemployment is at 2.5 percent and inflation is under 5 percent. There have been no tidal waves of emigration, and none are expected. Since 1992, the Hang Seng index has more than tripled in value.

Surveys conducted by the American Chamber of Commerce and others consistently show that business confidence remains well in excess of 90 percent. A negligible number of businesses have left Hong Kong, while new ones arrive every month. For many, the knowledge that Hong Kong will remain after the transition the gateway to the vast Chinese market that it has always been is all the encouragement they need. But there is also a fairly relaxed attitude about the approach to business that China will take. While there are concerns about attempts by the Chinese authorities to restrict the free flow of economic information or stifle the press, for the short term at least, Hong Kong's economic prospects appear very positive.

The U.S. Role

The United States has clear interests in the continuation of Hong Kong's prosperity and autonomy. We need to regularly make clear to the Chinese authorities that we would oppose any attempt to significantly roll back the freedoms enjoyed by the people of Hong Kong, whether through the repeal of the Bill of Rights, or a crackdown on free expression in the press. We should express these views forcefully but carefully. A combination of public statements and private communications with both Chinese and Hong Kong officials is most likely to be effective. At all times, we should highlight China's own commitments to allow Hong Kong to govern itself with a "high degree of autonomy" and use that as the standard by which to judge Chinese actions.

Besides our commitment to Hong Kong's autonomy, we must also be vigilant about protecting our economic and strategic interests in Hong Kong. But vigilant need not mean confrontational. Through dialogue and negotiations, we can remind China about our need to maintain a fully functioning Consulate General in Hong Kong; the importance of being able to base our regional law enforcement operations in Hong Kong; the significance of allowing continued ship visits; and the importance to U.S. businesses of Hong Kong continuing to allow business to be conducted on a level playing field, without corruption and with a free flow of information. If we are firm about these interests without causing a confrontation before it is necessary, we are likely to be successful in protecting them.

Nepal

The issues I discussed with Nepalese officials included: the stability of Nepal's government and its still fledgling democracy; prospects for Nepal's economic development and role of foreign aid in that development; Nepal's contribution to international problems such as peacekeeping, arms control, narcotics, terrorism, and refugees; regional issues, including Nepal's relationships with its key neighbors, India and China; and the need and prospects for the development of Nepal's hydropower industry.

I had the opportunity to meet with virtually all the leading figures in Nepal, including His Majesty King Birendra Bir Bikram Shah; Prime Minister Sher Bahadur Deuba; Foreign Minister Prakash Chandra Lohani; Members of the Nepali Congress Party, the ruling party in the parliament; Members of the United Marxist/Leninist, or Communist party, the largest party in the parliament; Members of the Federation of Nepali Chambers of Commerce and Industry; and Minister of Water Resources Pashupati Rana.

I met many additional leading Nepali citizens at dinners hosted by U.S. Ambassador Sandy Vogelgesang and our host, Mr. Prabhakar Rana, a leading industrialist. I also traveled extensively through the country, getting a sense of living conditions, and observing aid projects run by the U.S. government and others. In particular, I focused on projects financed by my husband's American Himalayan Foundation, including a Tibetan refugee center. At the conclusion of the trip, I had the opportunity to discuss with Ambassador Vogelgesang and the Prime Minister's wife, Ms. Arzu Deuba, plans for establishing a public-private partnership to fund a women-to-women nutrition program for Nepali pre-school children.

In addition, Dan Shapiro of my staff conducted separate meetings with the U.N. High Commission for Refugees representative in Nepal, Erkki Heinonen, and Anil Chitrakar of the International Union for the Conservation of Nature for a discussion of the environmental impact of new large hydropower dams. He also attended several sessions of a conference on export and investment opportunities for U.S. firms in the renewable energy sector in Nepal. The conference was sponsored in part by the U.S.-Nepal Chamber of Commerce.

Political Stability and Democracy

Nepal has only been a democracy since 1991, but already it has developed a lively political culture. Nepalis are engaged in the political process and conduct an active dialogue with their political leaders. In meetings with leaders of the two largest parties in the parliament, the Nepali Congress Party and the United Marxist-Leninist Party, it became clear that there is widespread support for maintaining the multiparty democracy that has been established.

There is a surprising degree of consensus across the political spectrum about what the nation's overall priorities and needs are. When asked to identify Nepal's priority economic sectors, both parties came back with an identical list—agriculture, hydro-power, and tourism. The Communists seem to be communist in name only—their economic agenda seems to differ little from that of the Congress party, calling for somewhat slower privatization of state-owned industries and placing greater emphasis on maintaining the social safety net. But the differences are of degree, rather than kind.

Unfortunately, near-consensus on national priorities has not translated into the kind of progress one would have hoped for, on account of particularly bitter political infighting. The Congress party suffers deep divisions based largely on personal rivalries, with former leader G.P. Koirala rumored to be planning a challenge to Prime Minister Sher Bahadur Deuba. Its struggles with its coalition partners has forced it to expand the government to include over 40 ministers just to remain in power.

The Communists, while more united internally, are waiting in the wings for a coalition crisis that they can exploit and possibly regain power. Former Prime Minister and party leader Manmohan Adhikary was quite open on this point. Last fall, the Communist party nearly brought the government down by threatening to oppose a key hydro-power treaty with India—even though it was negotiated when the Communist party was in power—before ultimately deciding to support it. While all sides often talk about consensus and cooperation, it is clear that their actions are often dictated by short-term political calculations.

If both groups were to put aside their political rivalries and emphasize the large degree of agreement in their positions, they would easily be able to work together on a common agenda for the benefit of Nepal. Unfortunately, that does not seem likely at the present time. Corruption continues to plague the government as well. Nevertheless, Nepalis are rightfully proud of the democracy they have established and, apparently, consolidated.

Aid and Development

Nepal is one of the poorest countries in the world. Especially as one travels outside of Kathmandu, the poverty is visually evident and jarring. In part, the political stalemate caused by inter- and intra-party rivalries has stalled economic liberalization efforts that would begin to alleviate some of the economic difficulties. But Nepal's lack of natural resources, poor infrastructure, and high birth rate will all make raising the standard of living in Nepal extremely difficult.

Nepal does have the benefit of a well-educated and sophisticated private sector, as exemplified by our discussion with members of the Federation of Nepali Chambers of Commerce and Industry (FNCCI). They have actively promoted economic reform, working closely with the government on the privatization of public industries and on efforts to attract foreign investment, particularly in high-value products in Nepal's agricultural sector. In addition, FNCCI has worked hard to advance reform of the administration of Nepal's tax system, which they described as arbitrary and corrupt.

FNCCI has also been deeply involved in Nepal's economic diplomacy. Because of their expertise, FNCCI members participated in negotiations with India on trade and transit agreements, and a new air transport agreement. FNCCI has also reached out to its counterparts in China and in other South Asian countries through the SAARC Business Council.

U.S. assistance is making a significant difference in the lives of many Nepalis, although cuts are beginning to reduce its impact. In Fiscal Year 1997, the USAID program budget is $26 million. While that number is not expected to drop precipitously in the near future, USAID staff is being reduced, with the current 10 direct hires being reduced to 5 in 1998. The three main areas of USAID's program are promotion of high value-added agricultural production; empowerment of women; and health, population, and family planning programs. Family planning programs are particularly important because the standard of living in families that have spaced their pregnancies is significantly higher than those who have not.

Nepal's International Role

Nepal has emerged as responsible international citizen, making important contributions to a number of transnational problems. Despite pressure from its neighbor, India, Nepal stood by its support of arms control agreements generally when it supported the Comprehensive Test Ban Treaty at the United Nations in September. Nepal has also been very cooperative with U.S. anti-narcotics efforts. As a transit point for heroin from the Golden Triangle and Afghanistan, Nepal has worked with a DEA attache in New Delhi to set up a drug enforcement unit in the local police force. Trained by U.S. and British specialists, this unit has improved Nepal's customs procedures and has increased the number of drug seizures at the Kathmandu airport.

Nepal has been an enthusiastic participant in international peacekeeping missions, sending its troops to Haiti and Africa, among other destinations. U.S. diplomats also report that Nepal has been extremely cooperative in counterterrorism efforts. They attribute much of Nepal's cooperative attitude on these international problems to the consolidation of Nepali democracy. Another manifestation is that Nepal enjoys the best human rights record in South Asia.

Nepal has also handled two difficult refugee situations very sensitively—those from Bhutan and those from Tibet. There are currently 91,000 Bhutanese refugees living in camps administered by UNHCR in eastern Nepal, at a cost of $4.5 million a year. They first arrived in the early 1990s. After many years of stalemate, the Nepali and Bhutanese governments are hesitantly beginning talks—possibly with European mediation—on possibly resettling some of these refugees back to their homes in Bhutan. But for a solution to this problem to be reached, India will have to commit to helping facilitate it because these refugees would have to transit through India, and some may even choose to settle there.

Approximately 2,000 Tibetan refugees pass through Nepal each year as a way station on the way to Dharmsala, India. Nepal has set up transit centers for these refugees to help them make the journey, even though it causes sensitivity in China. Nepal prefers to do this quietly, precisely to avoid upsetting the Chinese, and the government does not permit anti-Chinese activity on Nepali soil. A U.S. earmark of $200,000 a year goes to assist this Tibetan refugee community through the Tibetan Welfare Organization. UNHCR also monitors the well-being of these refugees, and tries to keep track of any abuses. The week we were there, a group of refugees had been beaten up by some Nepali youths. UNHCR and the U.S. Embassy were urging the Nepali government to ensure that action was taken against the perpetrators.

Relations with India and China

Foreign Minister Lohani was pleased about the state of Nepali-Indian relations, especially since Indian Prime Minister Deve Gowda came to power. He cited recent breakthroughs in the area of trade, transit and border issues, and the generally less paternalistic attitude adopted by the Deve Gowda government toward India's smaller neighbors.

But probably the most important achievement is the Mahakali Treaty on water resources. The treaty establishes Nepal's right to be treated as India's equal on water resource issues. It also established the framework of for private sales of electric power from Nepal to India at competitive prices. With Nepal's major market being India, this framework agreement was absolutely essential for any large-scale private investments in electric power generation.

Despite Nepal's continued assistance to Tibetan refugees, Foreign Minister Lohani was pleased to report that his recent visit to China had gone very well, and relations with China are as good as they have been in recent memory. He cited the strong positions the Chinese had expressed on Taiwan and Tibet. Nepal is faced with a constant balancing act, situated as it is between two large and powerful neighbors who can exert strong pressures on Nepal if and when they choose. But by adopting essentially a "good neighbor" policy, Nepal is able to keep tensions in these two relationships to a minimum.

Hydro-Power

There is widespread agreement in Nepal that hydro-power is the nation's number one natural resource. With great volumes of water (225 billion cubic meters annually nationwide) flowing down steep slopes in four major river basins (Mahakali, Karnali, Gandaki, and Koshi), if the full potential of Nepal's hydro-power can be harnessed, it could have a dramatic impact on the nation's economy. The numbers are staggering: hydro-power projects in Nepal today generate 250 megawatts, while demand is under 300 megawatts. As Nepal develops, its demand will rise; projections are that demand will reach 1,640 MW by 2015. But if the over 60 feasible sites for hydro-power projects are developed, Nepal could produce on the order of 44,000 MW, a vast surplus that can be exported to Nepal's energy-hungry neighbors, India and China. Northern India is the brightest (and closest) potential market. Already its energy demand exceeds supply by some 9,000 MW, and that deficit is projected to rise to 20,800 MW by 2010.

The prospect of taking advantage of these conditions was made brighter by the conclusion of the Mahakali treaty with India last October. This treaty will allow the private sales of electric power from Nepal to India. Essentially, both countries would benefit from this arrangement—Nepal could export its primary product to a vast market in northern India that is desperately in need of increased electric power. Foreign Minister Lohani sounded an optimistic note, indicating that there could be substantial progress in construction of the dams in the next year, in hopes that they could come on line fairly soon thereafter. Clearly, American companies should be able to play a leading role in developing this vast resource.

Not surprisingly, politics were responsible for delays on other hydro-power projects. Prime Minister Deuba indicated that he supported signing a letter of intent with Enron for two hydro-electric projects on the Arun and Karnali rivers, now that India had indicated it had no objection to this arrangement, provided that Indian companies were also included in the consortium. However, the final decision rests with the Minister of Water Resources, Pashupati Rana, to whom the Prime Minister felt indebted for supporting his government in a no-confidence vote last spring.

Various American environmental organizations have raised objections to some of the large hydro-power projects that have been proposed, both because of the change in the river's flow and because of the damage done by the construction of a road to facilitate construction of the dam. But Nepali environmentalists tend to take a different view. Their concern is that Nepal's vast forests are being destroyed as most Nepalis rely on wood as their main source of energy. For them, this is the real environmental disaster, and the successful development of hydro-power, which could supply most regions of the country with electricity, would help preserve the forests. For Nepali environmentalists, the focus is on seeing the hydropower projects done right, so as not to squander this vast resource, while mitigating the environmental impact of the dams as much as possible.●

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF RODNEY SLATER

Mr. DOMENICI. Madam President, as in executive session, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to executive session to consider the nomination of Rodney Slater to be Secretary of Transportation. Further, I ask unanimous consent that it be considered under the following limitations: that there be 30 minutes for debate on the nomination, equally divided between the chairman and ranking member of the Commerce Committee, and immediately following the expiration or yielding back of time the Senate proceed to vote on the confirmation of the nomination. I finally ask unanimous consent that following that vote, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL OF MEASURE—S. 203

Mr. DOMENICI. Madam President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. 203, and that the bill then be referred to the Government Affairs Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, FEBRUARY 6, 1997

Mr. DOMENICI. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11 a.m., Thursday, February 6. I further ask unanimous consent that immediately following the prayer, the routine requests through the morning hour be granted and the Senate then proceed to a period of morning business until the hour of 12 noon with Senators to speak for up to 5 minutes each, except for the following: Senator ROTH, 15 minutes; Senator STEVENS, 10 minutes; Senator DORGAN, 15 minutes; Senator HUTCHISON, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I further ask unanimous consent that at 12 noon on Thursday the Senate resume consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I further ask unanimous consent that the Senate stand in recess from 3 p.m. to 4 p.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. Madam President, for the information of all Senators, following morning business tomorrow the Senate will resume consideration of the balanced budget constitutional amendment. The leader wishes to remind Senators that amendments will be in order to Senate Joint Resolution 1 during Thursday's session. Therefore, rollcall votes are expected.

Also the majority leader understands that the nomination of Rodney Slater to be Secretary of Transportation was reported today, and another nomination is possible for tomorrow. Therefore, a vote or votes could occur with respect to nominations during Thursday's session of the Senate.

ORDER FOR ADJOURNMENT

Mr. DOMENICI. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order following the remarks of Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I understand the Senator is on his way. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas [Mrs. HUTCHISON] is recognized.

MILITARY VOTING RIGHTS ACT OF 1997

Mrs. HUTCHISON. Madam President, today I introduced legislation, along with Senator PHIL GRAMM, called the Military Voting Rights Act of 1997. The bill that was introduced today makes absolutely clear in the law what is already law, because there is nothing against it in the law, and that is that our military personnel have the right to vote at their home base in Federal, State, and local elections.

The law does not say anything against that, but because it does not, there has been a challenge in my home State of Texas to 800 military votes that were, of course, in State and local elections, which are allowed by Texas law.

It is very clear that a person who serves in our military should have the right to vote and the right to citizenship in the State and the localities that he or she chooses to have as their home base. Yet, that right is being challenged. Some 800 military absentee ballots, 150 of which were from overseas, were challenged saying that these people who are serving our country and who are putting their lives on the line to protect our right to vote nevertheless should not have the full voting rights. In fact, the plaintiff sent questionnaires that were in the form of depositions to all of these 800 people who voted, and one woman in Bosnia got a questionnaire to be filled out to determine if she has the right to vote in the State and local elections. We are trying to put a stop to that. We are trying to say very clearly in the Military Voting Rights Act of 1997 that no person will ever be able to be challenged for their full citizenship rights because they have chosen to serve our country, which job, by its very nature, requires moving around the country and outside of the country wherever they are required to go to fulfill the job.

I want to commend our State representative in Texas, Jerry Madden, who is just as incensed as all of us are, for taking the initiative. He is working on a bill now to make it easier for the military personnel in our State to vote because he, like I, appreciates the fact that these people who have been at a base in Texas have chosen to call Texas home, and he wants to make sure that they can vote in the very easiest way. Perhaps, in fact, we might learn from some of the things that he is doing. He wants to be able to let them have access to Internet voting. He wants to give them some extra leeway in time to vote so that their ballots will have time to get to the State of their residence from a place like Bosnia, or perhaps in Saudi Arabia, or anywhere else in the world where they might be deployed.

I think that it is very important that the sense of the Senate be known here.

In fact, 58 Members of the Senate signed a letter to the Attorney General, Janet Reno, asking her to intervene in this case to make sure that our military rights are being protected. All of us who signed that letter are very concerned about the ramifications of this bill. We are concerned that if these people are able to prevail in this case, to say that the military does not have the right to have full citizenship in a State to be able to vote in a State or local election, that perhaps other rights might be challenged. If a person can't have the full rights of the State in which he or she resides and calls home base, then what other laws might not apply? Marriage laws? Could you not get a divorce if you were in the military and you don't have the right to belong in a State? How far are you going to take this?

The fact is there is no question on the merits that the people who are choosing to serve our country and whose job, by its nature, requires that they move every 2 years, or even more frequently, that they should be able to join the home State of their choosing. Frankly, I am proud when the military personnel who serve on Texas bases love our State enough to want to call it home, and we want them to return because we know that the people who lay their lives on the line to make sure that the United States is free are the kind of citizens we want in our State. We want them to know they are welcome. We want them to know they are welcome anywhere else they choose to call home because we appreciate what they do for our country.

So I am pleased to be a cosponsor of this bill. I know that we will have a number of cosponsors, and I think we will pass this bill quite easily, because, as I said, 58 Members are incensed enough to ask the Attorney General to intervene. In fact, I hope the Attorney General will do her duty to represent the Federal employees that are needing help right now so that their rights will be protected—not only the 800 who are being challenged, but all of those that might be affected if this case is allowed to prevail.

We cannot sit back and let one of our military personnel be robbed of their right of citizenship, especially as they are the ones who are standing there to make sure that every American who is registered to vote has that right to do it free and clear.

I stood here on the first day of our session and talked about the wonderful people of Serbia who were standing in the streets for days on end so that their vote would be counted. And because those people peacefully demonstrated, they eventually prevailed. Those elections that were held, for which their vote had not been counted, have been declared effective, and the local elections are being declared victorious for those who stood in the streets for their right to make their vote counted. How could we as a country, who stood with those wonderful people silently protesting so that their vote would be counted, as the greatest nation on Earth, the democracy that is the beacon for the world, say that our military personnel are going to be second class citizens because, yes, they can vote in Federal elections but, no, they can't have the full rights in the State they choose to call home?

This is a major Federal issue. I hope that it is one that we can dispatch very promptly and say clearly in the law there is no question, and there isn't a question because there is no law against this anyway but we want to set it in the positive. Our military personnel will have the full right to vote in the State in which they choose to call home when they are based there, and forevermore. And I hope they will choose to call Texas home, and I hope they will return to Texas because those are just the kinds of citizens that we want.

So I appreciate very much that we have this bill, that we have so many sponsors for it, and that we have so many that are interested in this issue. We will not let this issue die. We will protect the rights of our military, and we will make sure that they know how much they are appreciated.

Thank you. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

THE LIFE OF PAMELA HARRIMAN

Mr. DASCHLE. Mr. President, it is with sadness that I note the passing of a unique public servant, our Ambassador to France, Pamela Harriman. Perhaps President Clinton said it best this morning: Pamela Harriman represented the best of America's immigrant tradition. She was someone who enjoyed the opportunities this country offered but gave back so much more in return.

Pamela Harriman's legacy will be remembered both in this Capitol Building and in capitals across the world. As a private citizen in the 1970's and 1980's, Pamela Harriman plunged into the rough-and-tumble of American politics.

The early 1980's were a difficult time for the people in my party. An incumbent Democratic President had lost the White House and Democrats had lost control of the Senate. But Pamela Harriman helped breathe life into an ailing Democratic Party when she formed "Democrats for the '80s," helping to bring my party's communications operations into the modern age when she gave crucial support for the Harriman Center at the Democratic National Committee Building.

She also was a host to numerous functions at her elegant Georgetown home, asking nothing but a passionate commitment to public service and Democratic values from those she assisted.

As most of our colleagues know, politics in Washington can be a contact sport. Pamela Harriman played the game well. She played with great dignity, elegance, and style. She did not become involved in politics for personal enrichment or to gain social position; she already had both. She chose to share the fruits of her hard work and good fortune with a generation of Americans who were eager to serve their country in Washington.

Hers will be a lasting legacy for all Americans who believe in the nobility of public service and think that politics today does not have to be mean, petty, or destructive.

Late in her life, Pamela Harriman brought her tremendous skills and ability to the world stage when President Clinton asked her to be Ambassador to France. Some critics suggested she did not have the experience to handle such a sensitive post. She proved them wrong. She began her assignment in Paris in 1993 with the respect of President Clinton and those who knew her well in the United States. She quickly earned the respect of the people of France and other European countries.

Her keen understanding of Washington ways and the experiences of her early life in Europe allowed her to skillfully navigate disputes over trade, CIA activities, Bosnia, the Middle East, and NATO. Her diplomatic acumen protected America's interests without alienating powerful and important allies all through the world.

The French Government's unique recognition of her contributions was all the more evident when they made her a commander of the Legion of Honor's Order of Arts and Letters, their country's highest cultural award. No doubt she will be missed in France and across Europe almost as much as she will be missed in America, her adopted home.

So this is a sad day for me and many others in this country and across the world whose lives were touched by a very special woman. I am confident that the examples she so graciously established will live on with us and future generations of public servants. For that we should be joyful.

Thank you, Ambassador Pamela Harriman.

I yield the floor.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11 a.m. Thursday, February 6, 1997.

Thereupon, the Senate, at 7:13 p.m., adjourned until Thursday, February 6, 1997, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 5, 1997:

STATE JUSTICE INSTITUTE

SOPHIA H. HALL, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2000. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

LYLE WEIR SWENSON, OF SOUTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF 4 YEARS VICE ROBERT DALE ECOFFEY, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARSHA MASON, OF NEW MEXICO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2002, VICE LOUISE M. MCCLURE, TERM EXPIRED.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

THEODORE FRANCIS VERHEGGEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING AUGUST 30, 2002, VICE ARLENE HOLEN, TERM EXPIRE.

IN THE COAST GUARD

THE FOLLOWING INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR COMMISSIONED OFFICER IN THE U.S. COAST GUARD IN THE GRADE OF LIEUTENANT:

BRENDA K. WOLTER

THE FOLLOWING CADETS OF THE U.S. COAST GUARD ACADEMY FOR PROMOTION TO THE GRADE OF ENSIGN:

KELLEY ELIZABETH ABOOD
FRANCES ANN TIRAD BACAYO
ZACHARY JUSTIN BAGDON
HILARY ANN BAINE
MATTHEW PATRICK BARKER
IAN ADAM BASTEK
MICHAEL WILLIAM BATCHELDER
JOSHUA DAVID BAUMAN
JENNIFER LYDIA BECHER
SEAN CORNELL BENNETT
TRACY OESTERHELD BERG
HEATHER LIN BLOOMQUIST
KENNETH JEFFREY BODA
SCOTT GERALD BORGERSON
DAVID LEONARD BRADLEY IV
JACQUELINE MARIE BRUNETTE
CRAIG DONALD BURCH
MECHELLE ELIZABETH BURDICK
JEFFREY CHRISTOPHER BUSTRIA
BELINDA I. CACHUELA
MICHAEL JOSEPH CAPELLI
WILLIE LEE CARMICHAEL
SCOTT STEPHEN CASAD
WILLIAM BARTLEY CASSELS
ROBERT CARLTON COMPHER
CHAD WILLIAM COOPER
DEREK LANE CROMWELL
CORNELIUS EDWARD CUMMINGS
JAMES DART
MICHAEL S. DEGON
STEVEN ANDREW DEVEAU
JOHN THOMAS DEWEY
JOHN RICHARD DITTMAR
TIFFANY PAMELA DRUMM
JEROME EDWARD DUBAY
DAMON CHRISTIAN EDWARDS
JEFFREY ELDRIDGE
RAHSHAAN ENGRUM
THEODORE JOSEPH ERDMAN
JOANN FEIGOFSKY
SARAH KATHLEEN FELGER
CHRISTINE FERN
KEVIN BERTRAM FERRIE
ELAINE LIZA MARIE FITZGERALD
TAINA HAYDEE FONSECA
NICOLAS TODD FORST
JOHN PETER FOX
MICHAEL EDWIN FRAWLEY
GLEN JAMES GALMAN
JOHN WITHNER GARR
MORGAN B. GEIGER
DAVID LEE GIBSON
MICHAEL J. GOLDSCHMIDT
DAVID VINCENT GOMEZ
MICHAEL DAVID GOOD
HANS CHRISTIAN GOVERTSEN
MATTHEW AARON GREEN
TIMOTHY AARON GRETEN
CHARLES MICHAEL GUERRERO
TIM A. GUNTER
ROBERT EDWARD HART
ERIN MARLENE HEALEY
WAYNE MICHAEL HELGE
JONATHAN NILS HELLBERG
SCOTT CHARLES HERMAN
SHANNON MARIE HEYE
WESLEY KARL HOUT
JOEL ALEXANDER HUGGINS
CHRISTOPHER JAMES HULSER
DAVID FREDERICK HUNTER
THEA IACOMINO
SAMUEL JOHNSON II
DANIEL CHRISTOPHER JONES
JAMES JARROD JONES
ERIC JAMES KAMPERT
KERRY GEORGIA KARWAN
SEAN R. KATZ
MICHAEL ANDREW KEANE
PETER JOSEPH KEEL
JARED ETHAN KING
BRADLEY JAMES KLIMEK
MICHAEL STEPHEN KRAUSE
DAMIAN JOSEPH KUCZMA
CHARLES FREDERICK KUEBLER
TALISHA LAWRENCE
CHRISTIAN ANTHONY LEE
BRIAN JOSEPH LEFEBVRE
DAVID WESLEY LEONE
JOHN B. LINDAHL
LEXIA MONIQUE LITTLEJOHN
ORLANDO CARLOS LOVELL
KEVIN PAUL LYNN
IAN MITCHELL MACGREGOR
KEVIN CHRISTOPHER MAHONEY
BRIAN WADE MAIER
EDZEL DELA CRUZ MANGAHAS
ERIC D. MARTENSON
JENNIFER JOY MARTIN
ERIC DAVID MASSON
JOHN FRANCIS MCCARTHY
CHRISTOPHER ALLEN MCMUNN
CAMILLA BETH MESSING
ANDREW DAVID MEVERDEN
TIMOTHY GEORGE MEYERS
FAY JUYOUN MILLER
PETER JAMES MITCHELL
PETER MICHAEL MOREHOUSE
COREY RICHARD MORRISON
ANNE MARIE MORRISSEY
JUSTIN THOMAS MOYER
KENNETH TYSON NAGIE, JR.
KENNETH ERIC NELSON
ALLISON GENEVIEVE NEMEC
PIERINA MARIE NOCETI
FRANCIS J. O'CONNELL
DAVID JOSEPH OBERMEIER
SEAN JAMES O'BRIEN
JASON WILLIAM OLGUIN
TIFFANY RENAE OLSON
REBECCA ELLEN ORE
TIMOTHY ALEXANDER PASEK
TANA MARIE PAYNE
SCOTT WILLIAM PEABODY
LUKE ANDREW PERCIAK
ARTURO SALDANA PEREZ
RICHARD GRAHAM PERKINS
JUSTIN DAVID PETERS
HARPER LEE PHILLIPS
SCOTT SATOSHI PHY
FRANK ALLEN PIERCE
CHRISTOPHER MICHAEL PISARES
KRYSIA VICTORIA POHL
STEVEN EDWARD RAMASSINI
JOSHUA TAYLOR RAMEY
JAIME STALIN RAMOS
TRAVIS JEREMY RASMUSSEN
GREGORY CHARLES RAU
RODRIGO GUNTHER ROJAS
DUSTIN MAIN ROMEY
MATTHEW A. RUDICK
DAVID JAMES SCHELL
CLINT BRIAN SCHLEGEL
DIANA LANE SHARP
DAVID MATTHEW SHERRY
ANNA WON-MIN SLAVEN
AMY LEIGH SLOAN
SHAD SAMMUAL SOLDANO
GABRIEL W. SOLOMON
JAMES WILLIAM SPITLER
JOHN MICHAEL STONE
RAYMOND L. SWETLAND
ROMUALDUS MATTHIAS TEN-BERGE, JR.
BRUCE A. THIBAULT
CRAIG STUART TOOMEY
CHRISTOPHER ANDREW TRIBOLET
CLINTON ALBERT TROCCHIO
MICHAEL ANTHONY TURDO
BRYAN JAMES ULLMER
CHRIS MARK UPHAM
JAMES ALLEN VALENTINE
EVA JAYOUNG VANCAMP
NATHAN JOHN VEIRS
GREG EDWARD VERSAW
CARLITO RODRIQUEZ VICENCIO
KEVIN DAVID WALLACE
STEPHEN MATTHEW WARD
TYSON SCOTT WEINERT
TAMARA NICHOLE WILCOX
NATHANIEL REMINGTON WILLIAMS
NICHOLAS LAURENCE WONG
ANDREW JAMES WRIGHT

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. STEVEN R. POLK, 6022.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be brigadier general

COL. THOMAS P. WITTMAN, 2806.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be brigadier general

COL. JACK A. DAVIS, 8721.
COL. FRANCIS E. QUINLAN, 3009.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

To be lieutenant colonel

JAMES J. WALTER, 4970.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL CORPS OR DENTAL CORPS (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624, 531 AND 3383:

To be colonel

ROBERT T. ANDERSON, 8807
ROBERT A. ARCIERO, 1010
JOHN V. BARSON, 8673
DAVID L. BATY, 1041
JOHN M. BAUMAN, 2266
GREGORY N. BENDER, 0381
WILLIAM S. BESSER, 6809
HERMAN M. BLANTON, 2181
LARRY D. BLOOM, 3649
MICHAEL P. BRAZAITIS, 3323
LAWRENCE P. BURGESS, 7093
RONALD C. BUTLER, 9455
*DEAN E. CALCAGNI, 4936
WILLIAM E. CALDWELL, 8582
ROBERT S. CARTER, JR., 2868
RUSSEL K. CATTERLIN, JR., 9087
BENJAMIN CHACKO, 0763
CHRISTOPHER P. CHENEY, 4069
DARRELL W. CHILDERS, 6462
JOHN H. CHILES, 7179
MARK S. CLOTH, 6853
RICHARD L. COHEN, 9284
CASS W. CONAWAY, 0043
RICHARD M. CONRAN, 6111
MARK A. CROWE, 1698
BRUCE W. CUSHMAN, 3162
JON C. DAILEY, 6962
HARRY Q. DAVIS III, 1338
LARY W. DEEDS, 7925
ROBERT F. DEFRAITES, 8055
GREGORY J. DENNIS, 6924
MONTE S. DIRKS, 1132
JOEY C. DOBBINS, 0204
CECIL R. DORSETT, JR., 6633
JAMES F. DUNN, JR., 5237
ALAN W. EDMUNDSON, 4333
WALTER E. EGERTON III, 0058
RICHARD L. EMERT, 1539
TED D. EPPERLY, 7160
KEITH H. FOSTER, 5256
MARTIN W. FRITZ, 5633
DONALD A. GAGLIANO, 5599
LAWRENCE K. GREEN, 1402
FRANCIS M. GRESS, 5968
*GLENN C. GRIFFITHS, 6517
ROLAND B. GUSTAFSON, 0332
RICHARD J. HAGNER, 3479
ALAN W. HALLIDAY, 3706
STEPHEN M. HANNON, 5927
THOMAS G. HARDAWAY II, 5416
DENNIS L. HAYDEN, 6955
HOWARD S. HEIMAN, 3089
CHARLES S. HORN, 3154
THOMAS G. HORNING, 9471
RODERICK F. HUME, JR., 1056
PIERCE B. IRBY III, 1705
DUANE J. JEFFERS, 8964
BHUSHAN S. JOSHI, 1435
KEVIN N. KEENAN, 9461
PATRICK W. KELLEY, 1860
KELLY R. KOFFORD, 7431
MAURICE KRASHIN, 4161
CARL M. KRUGER, 3076
THOMAS J. LEAS, 3479
HOMER J. LEMAR, JR., 4249
ALAN E. LENTZ, 7611
*LESTER F. LIBOW, 9394
PATRICIA LILLISHEARNE, 1172
EDWARD J. LISECKI, 7586
*MILAGROS LOPEZ, 5070
ALBERTO LUGO, 3427
DAVID L. MANESS, 6406
ALICE M. MASCETTE, 3182
*MARIA A. MAYORGA, 1233
HAROLD A. MCADOO, 5653
MARY A. MCAFEE, 5379
JOHN T. MCCANN, 3598
JUDITH MCCOLLUM, 8491
PETER R. MCNALLY, 8636
EDWARD E. MITCHELL, 9266
HASMUKH A. MITHANI, 3920
DONALD A. MOORE, 3120
MALCOLM B. MUNK, 7481
*JANET A. NEUTZE, 7666
*JAMES M. NOEL, JR., 7467
MICHAEL V. NOVIA, 1660
MARY A. OHARA, 3252
DEBORAH J. OMORI, 9294
DANIEL P. OTCHY, 6280
CRAIG E. PEARCE, 4348
*JERRY L. PLUSS, 0769
*MARK E. POTTER, 3171
*SWARNALATHA PRASANNA, 8480
JOHN C. QUERNA, 7028
DEBORAH B. RAYBUCK, 9463
KENNETH M. RICHARDS, 3403
PHILIP L. ROGERS, 7743
MARK ROGOW, 0056
STEVEN E. SCHELLER, 1111
JIMMIE C. SCHMIDT, 6864
DAVID L. SCHNECK, 7809
STEVEN R. SEVEDGE, 9261
GEORGE D. SHANKS, 8196
*JOSEPH I. SMITH, 4961
*MILTON T. SMITH, 3306
WILEY A. SMITH, 3328
SAMUEL W. SNELSON, 6136
FREDERICK SOBEL, 7201
VIMAL K. SODHI, 7092
ROYCE K. SOLANO, 4268
JAMES L. SPINELLI, 0972
LUKE M. STAPLETON, 4734
HENRY P. STIKES, 3766
*CURTIS D. STOLDT, 2302
JOHN P. STORZ, 7703
DANIEL M. THEBERGE, 9186
ANTHONY R. TRUXAL, 2344
AMY M. TSUCHIDA, 8235
WILLIAM P. TYHAN, 0158
DALE S. VINCENT, 6484
JUDY M. VINCENT, 1119
CHARLES R. WEBER, 9768
*VICTOR W. WEEDN, 7910
*INDIRA WESLEY, 5681
WARREN L. WHITLOCK, 4165
PAUL E. WHITTAKER, 7475
HERBERT L. WILLIAMS II, 9007
WILLIAM R. WILSON, 2821
*WILLIAM G. WORTHAM, 4131
ROBERT J. WYGONSKI, 4946

HOUSE OF REPRESENTATIVES—*Wednesday, February 5, 1997*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. LaHood].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC,
February 5, 1997.

I hereby designate the Honorable Ray LaHood to act as Speaker pro tempore on this day.

Newt Gingrich,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church of America, Washington, DC, offered the following prayer:

Almighty God, giver of life and provider for every living thing, we pray. Grant mercy to Your children wherever they may live. May food be always sufficient, may love be always present, may hope be never absent, and may care be constantly available to every one.

Almighty God, giver of life and provider for every living thing, we pray grant comfort to people who grieve. May none of us want for family, may all of us be a friend, may each of us have a home, and may every person be courageous in service.

Almighty God, giver of life and provider for every living thing, we pray look with favor on this people, our Nation. May we be selfless first and selfish last. May we offer credit early and seek fame late. May we be just and do right, shunning unfair advantage always. May we want peace now and conflict never.

Almighty God, hear our prayer, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. ROS-LEHTINEN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. ROS-LEHTINEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida [Mr. Hastings] come forward and lead the House in the Pledge of Allegiance.

Mr. HASTINGS of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Charlene McDevitt, one of its clerks, announced that the Senate agreed to the following resolution:

S. Res. 49

Whereas the Senate has learned with profound sorrow and deep regret of the passing of our colleague, the Honorable Frank Tejeda;

Whereas Representative Tejeda has spent 4 years in the House of Representatives;

Whereas Representative Tejeda served his country honorably in the United States Marine Corps from 1963 to 1967; and

Whereas Representative Tejeda was awarded the Purple Heart, the Silver Star, the Commandant's Trophy, the Marine Corps Association Award, and the Colonel Phil Yeckel Award for "the best combined record in leadership, academics, and physical fitness": Now, therefore, be it

Resolved, That—

(1) when the Senate adjourns today, it adjourn as a further mark of admiration and respect to the memory of our departed friend and colleague, who left his mark on Texas and our Nation; and

(2) the Senate extends to his family our thoughts and prayers during this difficult time.

Sec. 2. The Secretary of the Senate shall communicate this resolution to the House of Representatives, and shall transmit an enrolled copy to the family of Representative Frank Tejeda.

The message also announced that pursuant to Public Law 85-874, as amended, the Chair, on behalf of the President of the Senate, appointed the Senator from Mississippi [Mr. Lott] and the Senator from Alaska [Mr. Stevens] to the Board of Trustees of the John F. Kennedy Center for the Performing Arts.

The message also announced that pursuant to provisions of sections 42 and 43 of title 20, United States Code, the Chair, on behalf of the Vice President, appointed the following Senators as members of the Board of Regents of the Smithsonian Institution: The Senator from Mississippi [Mr. Cochran] and the Senator from Tennessee [Mr. Frist].

The message also announced that pursuant to Public Law 100-458, the Chair, on behalf of the majority leader, appoints William E. Cresswell, of Mississippi, to a term on the Board of Trustees of the John C. Stennis Center for Public Service Training and Development, effective October 11, 1996.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform and Oversight:

Congress of the United States,
House of Representatives,
Washington, DC, February 5, 1997.

Hon. Newt Gingrich,
Speaker of the House, Washington, DC.

Dear Mr. Speaker: Pursuant to my appointment to the Science, International Relations and Resources Committees I wish to tender my resignation for the Committee on Government Reform and Oversight.

Sincerely,

Kevin Brady,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

TRIBUTE TO CONGRESSMAN FRANK TEJEDA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to pay tribute to an extraordinary colleague whom we lost to cancer, Congressman Frank Tejeda. Congressman Tejeda's life is an inspiration to all Americans for his was a story of hard work, dedication and perseverance, and those qualities symbolize the American dream that all of our citizens can reach.

After dropping out from high school at the age of 17, Congressman Tejeda

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

joined the Marines, where he bravely served our Nation in Vietnam, earning a Purple Heart and a Bronze Star.

After his incredible military career he returned to his academic studies, where he demonstrated that dedication and perseverance he showed on the battlefield, earning degrees from the University of California, from Yale and from Harvard.

In Congress he was a tireless warrior for the less fortunate of our Nation, as well as for the constituents of his beloved city of San Antonio, and he was committed to maintaining excellence in the military that he so honorably served. This great institution was honored to have Congressman Tejeda among its Members.

His life should be a source of inspiration to all, but especially to the thousand of young Hispanics who look for role models in their daily lives. Frank will be truly missed by all of us in this institution.

EDUCATION INFRASTRUCTURE INITIATIVE

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I thank my colleague from Florida for her remembering our colleague, Frank Tejeda.

Mr. Speaker, as we all know, a high quality learning environment is essential to educating our Nation's children. Many may wonder why the President last night spent so much time on the issue usually discussed by State and local government.

Well, I believe his concern is warranted. Take Palm Beach and Broward Counties, parts of which I represent, for example. These school systems educate more students from prekindergarten through grade 12 than they can handle. Our schools are pushed to the limit, a limit that some consider to be critically overcrowded.

Mr. Speaker, the school doors are bursting at the seams in south Florida and around the Nation. Our schools need our help. Thus, America's leaders need to be partners in education. This partnership among Federal, State, and local governments should be based on a balance between leadership and local flexibility. The goal is to direct resources to the local level to help our communities build much needed schools to alleviate overcrowding.

It is crucial, Mr. Speaker, that we work together to find the necessary funds for our schools.

PREPARING AMERICA FOR THE 21ST CENTURY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last night President Clinton laid out an action plan to prepare America for the 21st century. We too need to dedicate ourselves to meeting the challenges that lie ahead, and among those challenges none is more crucial than that of providing all of our people with the opportunity to get the best education in the world. Our goal must be to ensure that a quality education is available and affordable to every American.

Making education available to all of our kids means setting rigorous national standards that stress the basics: reading, writing, and arithmetic. Making education affordable to all our people means passing a new college tuition tax deduction and creating new scholarships to help our families send their kids to college.

We all know that an educated work force is the key to our economic future. We have to invest in education, not only because it is the right thing to do, but because it is the one thing that we must do if we are to continue to be a world economic power in the next century. Public education has been the great equalizer in this country. Let us continue to make it so to achieve economic opportunity.

PROVIDING PORTABILITY FOR MEDIGAP ENROLLEES

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, in the last session of Congress we passed important legislation giving Americans access to portable insurance coverage regardless of their health status, but we did not extend these same protections to our senior and disabled constituents who are on Medicare. Yet no senior should be required to live in fear that unexpected medical bills will deprive them of financial independence.

That is why today I am introducing, along with 30 of my colleagues and with the gentleman from Michigan [Mr. DINGELL] of the Energy and Commerce Committee, a portability bill for the millions of senior citizens who supplement their Medicare coverage with private insurance.

I am pleased to say that a bill is being introduced in the Senate, sponsored by Senators ROCKEFELLER and CHAFEE, that is identical to this bill to speed the action of Congress to provide these critical protections to our seniors.

An estimated 10 million senior citizens, one-third of the total number of seniors on Medicare, rely on Medigap coverage to meet important health needs. Medigap insurance typically paid for prescription drugs and skilled nursing care. These are protections that our seniors deserve, and I ask your cosponsorship of my legislation.

SEXUAL HARASSMENT AND THE ARMY

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, after the Aberdeen revelations concerning sexual harassment, the Army brass came to the Women's Caucus and unequivocally pledged that they would never go back to discriminatory training of men and women. Yesterday, however, in the other body, the Army Chief of Staff, Dennis Reimer, suggested that they might be open to a reexamination of sex-integrated training.

Following recent revelations, one can understand their frustration, but, Mr. Speaker, it is totally unacceptable to move back to the dark ages when there were two armies, one for men and one for women. The Army itself has field tested single-sex training and found that it improves the performance and morale of women with no negative effect on unit cohesion.

Look, if I get mugged outside of the Capitol, do not tell me not to walk down that street anymore. Make it safe. To the Army brass I say: Don't throw in the towel. Above all, don't throw the towel at women. They can die together, they can train together.

ON THE STATE OF THE UNION

(Mr. MCINNIS asked and was given permission to address the House for 1 minute.)

Mr. MCINNIS. Mr. Speaker, last night after hearing the State of the Union I can tell you I am excited to see that the President is willing and ready to step forward for a nonpartisan commitment to education. Clearly in our country the No. 1 priority for the years ahead and for the generations that rest ahead of us is education. I think that the President was sincere in that.

I did sense some of what I would perceive as lack of sincerity in regards to campaign reform. I think if the President is serious about campaign reform the first thing he needs to do is take the Mr. Coffee machine out of the White House and the cash register out of the White House and observe the rules that we have for campaign fundraising in this country. I think we have to be very careful before we step into that.

But I do want to commend the President. I look forward to working with the White House and the administration in furthering the education needs of this country. That really is where we need to focus our resources.

STATE OF THE UNION

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. McCARTHY of New York. Mr. Speaker, it was an honor to sit in this Chamber last night and take part in the State of the Union Address by the President. I was extremely pleased that President Clinton focused so much of his speech on education.

As I watched the response of all my colleagues, both Democrats and Republicans, to the President's educational proposals, I realize that we have a lot of common ground to work in. Making education opportunities more available to working families is a goal that is both bipartisan and crucial to the future success of our country. We must improve our educational systems for the children, college students, and adults who need to go back to school to learn new skills.

We are about to begin the 105th congressional session and this session must be about taking care of the needs of working families, and the only way we can take care of working families is by working in a bipartisan manner.

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The American people expect no less and certainly deserve no less.

HOUSE PARTICIPATION IN LOCAL TRANSIT PROGRAMS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, during my service as a local official in Portland, OR, we worked hard with employers, including government employers, to provide transit passes for our employees as an alternative to single occupant vehicles. We found that transit pass programs improved morale, they decreased the demand for parking, helped clean air and decrease congestion, while saving our employees money.

Today I am introducing a resolution with broad bipartisan support that would give all House offices the option to participate in local transit programs, and employees here and at home, in every district, the opportunity to contribute to the liveability of their communities by using transit. I am embarrassed to say that the Senate has operated such a program since 1992, but be that as it may, it is time for the House to get on board.

No additional funds are needed in this resolution, since transit passes would be funded from existing House budgets. When we are asking employers across the country to step forward in the fight for clean air, we in the House must be prepared to do our part and to help our employees.

PASSING OF PAMELA HARRIMAN

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, as chairman of the House Committee on International Relations, it is my sad duty to inform the House of the passing of an outstanding and stellar member of our Nation's diplomatic corps.

Pamela Harriman was well known on the political scene in Washington for years, before President Clinton appointed her as our Ambassador to France, but her service in Paris made her a household word. All accounts agree that she was respected and loved by the people of France and that she had done much to bring our two nations closer together.

I had the pleasure of being with Mrs. Harriman on several occasions and found her to be an alert, well-informed spokesperson for America's global interests, and as you know, Harriman, NY, is part of my district, where the Harriman family has resided for many years.

As a widow of a former New York State Governor, Averill Harriman, we have a special place in our hearts for Pamela Harriman. Pamela Harriman will be sorely missed.

TOP PRIORITY FOR EDUCATION

(Mr. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAPPS. Mr. Speaker, as a freshman Member of Congress, I stand to commend and to thank the President for the inspiring speech that he made last night. I was particularly impressed by what he said about the vision and goals to educate our children, to prepare them for the 21st century.

As a university professor at the University of California, I know the value of a strong and well-rounded education. It is now more important than ever that our students learn how to read, to learn mathematics, know how to use a computer, to realize that all of them can get a college education, to support the junior colleges, and to create a society that values lifelong education.

The learning process has always been a top priority in my district. I am very pleased that education was the subject that got most attention in the President's State of the Union Address last night.

EDUCATION: A FEDERAL PRIORITY

(Ms. DEGETTE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DEGETTE. Mr. Speaker, I rise today to urge my colleagues to give every child and adult in this country the same opportunity that all of us took for granted in our youth: A decent education. How many times does Congress need to hear the statistics illustrating that quality education is the underpinning of opportunity before it makes education a Federal priority?

When my grandfather was a boy, his eighth grade education prepared him to be vice president of the Rio Grande Railroad. When my mother was a young woman, her college degree prepared her to teach. Today I know my two young girls will not have a chance to compete or even to live comfortably without significant higher education. Yet everyday in our country, another child is left behind, illiteracy rates soar, and higher education grows further out of the financial reach of thousands. It would be laughable if it was not unforgivable that the U.S. Government spends less than 1 percent of its money on education. I urge the House to take this issue up immediately and with vigor.

CRUSADE FOR EDUCATION

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGOVERN. Mr. Speaker, last night our President proposed a new crusade on education. I rise today in support of that crusade. Every Member of this Congress has heard from their constituents about how hard it is today to pay for a college education, and about how necessary it is for our children to be introduced today to the technology they will need for the jobs of tomorrow.

Last night, President Clinton gave hope to all families facing the daunting challenge of paying for their child's college education. The President called upon this House to make more funds available so that all of our children may enter the information age. This is critical if we are to continue to be the economic superpower in the 21st century. It is my hope that no Member of this House would stand in the way of our children's future.

Mr. Speaker, last night the President appealed for a new era of nonpartisan cooperation. I ask my colleagues on the other side of the aisle to join with Democrats in improving the quality of education for every single child in America.

FOCUS ON EDUCATION IN THE 21ST CENTURY

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, last night the President of the United States gave an excellent speech. He said the state of the Union is good, but it could be better. We have to defend America, but most importantly we have to build America. Our enemy, as he correctly pointed out, is inaction.

He set forth a clear priority in terms of education, that our goal ought to be to assure that everyone in America has a good education. He talked a lot about the new millennium. We are talking about an information age, a high-technology age. In that age, we need to assure that American citizens have the best education.

That means supporting the President's request for $5 billion in school construction funds so that we can build new schools and maintain the ones we have. It means supporting the President's request for tax credits and tax exemptions so that people can afford to send their children to college, to universities. We have the best in the world, we need to make sure our people can take advantage of it.

Critics say, well, this is small government and small ideas. I say that there is no greater goal for the new millennium than to say every American can have a good education.

TIME TO CRACK DOWN ON GANGS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I stand before the House for the first time today, and I must admit I feel much like I did the first time that I stood before a classroom full of students at Forest Park High School in Beaumont, TX: A little nervous and awed by the responsibility.

I recently received a letter from a grandmother in Port Arthur, TX. Her 18-year-old grandson is making good grades and wants to graduate from high school, but he is being harassed by a gang. In fact, this young man has been shot at recently. His grandmother tells me that the gang members continue to follow him and continue to threaten his life.

Last night the President was absolutely correct when he recognized that we cannot expect our kids to learn when they are not safe. To me, school yards become the domain of gangs when the bell rings at the end of the day. We have seen the epidemic of violent, juvenile crime spread from the poorest inner cities to middle class suburbs and small towns.

Mr. Speaker, I hope this Congress will join the President in his promise to crack down on gangs. Too many defenseless families are counting on us.

FRANK M. TEJEDA POST OFFICE BUILDING

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 499) to designate the facility of the U.S. Postal Service under construction at 7411 Barlite Boulevard in San Antonio, TX, as the "Frank M. Tejeda Post Office Building."

The Clerk read as follows:

H.R. 499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The facility of the United States Postal Service under construction at 7411 Barlite Boulevard in San Antonio, Texas, shall be known and designated as the "Frank M. Tejeda Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the "Frank M. Tejeda Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. McHUGH] and the gentleman from Pennsylvania [Mr. FATTAH] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. McHUGH].

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us was introduced by the gentleman from Texas [Mr. BONILLA] and supported by the Texas House Delegation.

H.R. 499 designates the facility of the U.S. Postal Service being constructed at 7411 Barlite Blvd., San Antonio, TX as the Frank M. Tejeda Post Office Building.

Mr. Speaker, this legislation honors our colleague Frank Tejeda, who died at the age of 51 at his home in San Antonio, TX on January 31 after succumbing to a 17-month battle with a malignant brain tumor.

Frank was born on October 2, 1945 in San Antonio, TX and grew up in that city's south side. He did not finish high school, having been told not to return after an incident with a school counselor. Frank then joined the U.S. Marine Corps in 1963 during the Vietnam conflict, and 2 weeks before his scheduled return home from Vietnam in 1966, he was ambushed and struck in his leg by shrapnel. Frank Tejeda was awarded the Purple Heart, the Bronze Star, the Commandant's Trophy, the Marine Corps Association Award, and many others for his valor and for his soldiering skills. Just recently, Mr. Speaker, he was posthumously awarded the Silver Star.

Mr. Speaker, I have a very extensive statement on the many achievements of this fine American and of this man whom we all knew and loved very deeply, and I would like to enter that more full statement into the RECORD in its entirety.

Frank Tejeda loved the Marine Corps; even as a Member of Congress, Frank continued to serve in the Marine Corps Reserve. When attending officer candidate school, Frank maintained a 99.6 academic average, the highest in the history of the Marine Corps. After leaving the Corps, Frank earned his undergraduate degree in government from St. Mary's University in San Antonio, a J.D. from the University of California, Berkeley in 1974, a master's degree in public administration from Harvard in 1980, and a master of law from Yale in 1989.

He served in the Texas House in Austin from 1977 until 1986 when he was elected to the Texas Senate where he remained until 1992. He was the leader of the south side political coalition in San Antonio. Frank Tejeda left his imprint on workers' compensation reform, business initiatives for minorities and women, housing for veterans, protection of crime victims, and he promoted measures to ensure voting rights for minorities. He became known for his investigation into the malfeasance of two members of the Texas Supreme Court, who were disciplined. The result of this investigation was the enmity of the State's trial lawyers.

Frank Tejeda was elected the first Representative to Congress from the 28th District of Texas in 1992. He was known as a quiet, dedicated, and independent-minded Representative, voting his conscience and the concerns of his constituency. He was a staunch defender of veterans, active duty personnel and military installations and he served on the Committees on Veterans Affairs and National Security.

Coincidently, Mr. Speaker, toward the end of the 104th Congress, on October 9, 1996, the President signed Public Law 104–255, the designation of the Amos F. Longoria Post Office Building in Elmendorf, TX, introduced by Frank Tejeda, honoring Elmendorf's native son who lost his life in service to his country during World War II. It is fitting that this House now remembers one of its own by designating a new post office building in San Antonio as the Frank M. Tejeda Post Office Building.

Mr. Speaker, I urge all our colleagues to support the measure before us.

Mr. Speaker, at this time I would like to yield to other Members who have gathered here in the House to pay honor to this great American, and I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise also in support of House Resolution 499. This is a moment in which the House has an opportunity to show its respect for a fallen comrad. This is a gentleman whose work here in the Congress and his life sets an example for us all. And it has been offered by two of his colleagues from Texas, both Congressman ORTIZ and Congressman BONILLA, and we want to on this side suggest that this is a truly bipartisan effort to recognize the accomplishments of a great American.

Mr. Speaker, I reserve the balance of my time.

Mr. McHUGH. Mr. Speaker, I thank the gentleman from Pennsylvania for his very appropriate remarks.

Mr. Speaker, I yield 5½ minutes to the gentleman from Texas [Mr. BONILLA], the primary sponsor of the bill.

Mr. BONILLA. Mr. Speaker, I thank the gentleman from New York for yielding me the time.

Mr. Speaker, I rise in strong support of H.R. 499 to designate this new postal facility under construction in the 28th congressional district as the Frank M. Tejeda Post Office Building. I am honored to sponsor this legislation, along with my dear friend and Frank's long time dear friend, the gentleman from Texas, Congressman SOLOMON ORTIZ.

Although it is a small gesture to recognize Frank's lifetime of commitment to our country and to his constituents, this post office will serve as a reminder of his legacy for generations to come. This post office will combine the present Terrell Wells, Harlandale and south San Antonio stations. The new facility will service the largest square mile area, the largest geographic area in San Antonio.

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The Frank Tejeda Post Office will deliver mail to more than 40,000 city customers. It will house 118 postal employees. Coincidentally, it is going to be built on Barlite Street, which is a street that I grew up about half a mile away from, and used to ride my bicycle up and down that street all the time. I bring that up because Frank and I are from the same part of town. He went to Harlandale High School, and I went to South San Antonio High School, which Barlite runs right alongside. We often talked about coming from that part of town and wondered how we had become so blessed as to serve in this great body at the same time. He and I were elected at the same time.

This post office will be only the second one in the city to be named in honor of an individual, the first one being the J. Frank Dobie station in honor of a pioneer Texan and historian born in the 1800's. This bill will provide a permanent landmark in memory of a great patriot and a great friend. Frank represented all that is good about America. He always led by example, and he had the utmost character and dignity, and inspired all who met him.

Frank was an outstanding representative for his district, and he made us all very proud. I cannot think of a better way to lead than by example. That is exactly what Frank did and will be remembered for. He was a dedicated public servant whose memory will continue to serve as an ideal example for many.

It is difficult to accept that someone with such character, intelligence, vigor, and promise has been taken from us. As I mentioned earlier, we were often together on the airplane flying back and forth between San Antonio, spending hours on the airplane talking about all of the things we wanted to do and all the things we wanted to accomplish while we were in the U.S. Congress. It is now hard to believe that Frank will not be here with us to see some of his ideas carried through.

I will always be grateful for my time in Congress. It gave me the opportunity to become friends with Frank. We will miss Frank, but we know that he is always with us, and his legacy will live on forever.

Mr. ORTIZ. Mr. Speaker, will the gentleman yield?

Mr. BONILLA. I yield to my friend, the gentleman from Texas, SOLOMON ORTIZ, a cosponsor of this legislation. Just to reflect on some of the great moments he and I spent with Frank on this House floor and oftentimes walking between here and our office buildings across the street, it is hard to believe he is not with us.

Mr. ORTIZ. That is right, Mr. Speaker. Frank was a good leader. As we well know, he was very reserved. The gentleman and I and Frank and some of our friends would sit behind there and joke and kid about south Texas, and talk about our friends. He was a great father, a very dedicated American, a gentleman who gave freely of his life, whether in public service or in the military, like he did.

I am so happy that we are naming a post office after Frank. This is a way that we can pay tribute to a great American who has contributed so much to our society, to our country.

I understand, at the same time, that they are sponsoring or raising funds for a contribution for Frank Tejeda's scholarship fund. Those Members who might be listening to us who would like to contribute, to also honor Frank in another way, feel free to call my office or call the gentleman's office.

In a resolution before the House yesterday that commemorated Frank, Member after Member from both sides praised Frank for the way he acted and the way he led our country.

Mr. Speaker, I would like to congratulate my good friend, the gentleman from Texas [Mr. BONILLA]. I would also like to thank the leadership on both sides for giving us time to bring this bill to the floor. I know the gentleman was close to Frank. We have lost a great friend, a great American, but I know, my friend, that you are in a better place.

Mr. Speaker, I rise in support of the bill renaming the Terrell Wells Station in San Antonio as the Frank M. Tejeda Post Office Building after our friend and colleague.

Many friends across the Nation as well as in Texas and the close-knit south Texas community have grieved mightily for our friend Frank since his death last Thursday night.

For this reason we want to commemorate him in a very public way, and the best way to do so is to name a post office in his honor.

In the resolution before the House yesterday that commemorated Frank, Member after Member rose to praise him for his outstanding service from the jungles of Vietnam to the corridors of power in Austin and Washington.

As these Members spoke, there was a recurring sentiment voiced.

Frank Tejeda was an uncomplicated man—he meant what he said and he said what he meant. He was a true leader who believed in the value and decency of the working class.

I believe that remembering Frank by naming a post office in his honor would be an outstanding tribute to a man who gave his life for his country, many times over.

Mr. BONILLA. Mr. Speaker, I thank my friend, the gentleman from Texas [Mr. ORTIZ]. I think Frank would appreciate right now that we are smiling because of the memories we had with him on this House floor. He was very serious and diligent in his work, but he was also a very funny guy.

I recall so many times here where perhaps a debate was being held on an issue that did not affect our area, perhaps a Federal facility was being debated in Montana or another area of the country, and the gentleman and I and Frank would sometimes sit by that door on the side of the House Chamber and just spend some amusing moments that we will all remember him for. I know he will appreciate that we are reflecting on that as well today.

Mr. ORTIZ. I know Frank is listening to us. As many are well aware, he was a strict dietitian. Frank had a very special diet. Not only did he take care of his soul, he took care of his body. Sometimes I was a little embarrassed to eat with Frank, because he would ask for stuff that the kitchen could prepare: No butter, no cokes, no sweets, no nothing. I looked at Frank, and I would say, how do you still stay healthy? This is the way I stay healthy, and I eat all the greasy stuff for Frank.

But again, I thank the leadership for giving us this time to praise Frank. The gentleman from Texas [Mr. BONILLA], he and his family were very close to him. In fact, his mother is here visiting with us today, and visiting Frank's office.

Mr. MCHUGH. Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Frank's legacy is one for which we should all be thankful. This is a person at a young age, not completing high school, who served his country with great courage, went on then to get an undergraduate degree, a law degree from Berkeley. Then one of the things that I shared with Frank was the experience of studying at the Kennedy School of Government at Harvard. So his legacy of educational excellence is a role model for all of the young people of San Antonio and throughout the Nation.

Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I thank my colleague for allowing me to speak today, and yielding me this time. It is an honor to be here and to honor the memory of one of America's finest men, Frank Tejeda, by naming a post office in his memory.

Frank was a man who displayed courage and honor and unwavering commitment to his constituents and to Texas and to our Nation. Frank and I served together since 1977 in the Texas Legislature. We served in the State house, and sat near each other on the house floor, in the State senate, until 1992, when we both decided we wanted to come to Congress.

We honor our colleague because he is one of the strongest individuals I ever knew, both personally and, obviously, physically. One of the best times I guess I remember of Frank is when he was promoted to major in the Marine Reserves. A couple of colleagues and I went with him to the Marine Memorial at Arlington National Cemetery, for he and another colleague of ours, the gentleman from Pennsylvania [Mr. McHALE], was promoted to colonel.

It was a great experience for Frank, because he was most proud of being a marine. To see that happen at the Marine Memorial at Arlington National Cemetery, we can stand up here and talk all day about memories of Mr. Tejeda, but a post office being named for him in San Antonio, TX. As chairman of the committee, you will remember last year we renamed a post office in his district, in honor of a veteran, for Mr. Tejeda in one of our bills. I think this is fitting.

Mr. McHUGH. Mr. Speaker, I am now honored to yield 3 minutes to the gentleman from Indiana [Mr. BURTON], the chairman of the full committee, for some comments on this bill.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I also want to thank my colleagues from Texas, HENRY BONILLA and SOLOMON ORTIZ, for sponsoring this legislation. Mr. Speaker, this is a sad thing to do right off the bat, in a new session of the Congress, to have to eulogize and remember a fellow like Frank Tejeda. He did a great service to this country. He was an outstanding Congressman.

One of the things that strikes me, Mr. Speaker, is that at times like this, even though this Congress is vilified from time to time, people can see that there is a closeness between both Democrats and Republicans. We have our differences on philosophical issues and so forth, but we all respect and honor one another, and at times like this, it shows the American people that we are one body and we are concerned about our fellow men and our fellow legislators.

The gentleman from Texas, Mr. Tejeda, did great things for this country in Vietnam. He served this country well. He accomplished great things. A high school dropout that went to Vietnam after getting his education, part of it, he got the Purple Heart and the Bronze Star serving his country. I do not think this has been mentioned yet, but at Officer Candidate School he had the highest academic average that any marine has ever had in the history of the Marine Corps. That is extraordinary. It shows that people who are ruled out early on in their life can achieve great things. He is an example for every young person in this country who has had academic problems to follow.

So even in his death we can remember him, and people across this country should remember him, for achievements that extend beyond the time when he was looked upon as a failure in life.

He became a very fine member of the service. He became a very fine member of the Congress. He never forgot his fellow servicemen, his fellow enlisted men that served in the conflict in Vietnam and in the other wars. He served his constituency well, and he is one that we will remember with honor and dignity.

I would just like to say to his family how sorry we are that he is lost to us and my colleagues, and to tell them that both Republicans and Democrats will miss him.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman for his very thoughtful and kind remarks. I think it is important to note that, as we all know, the progress of legislation can often be a tortuous one, but I think this body owes a particular word of thanks to the chairman and to his staff for assisting in helping to expedite this bill being before us here today. It was a kind of gesture that really does endorse the very kind words that the gentleman just spoke about the man we have gathered to honor this afternoon.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the minority I also thank the chairman for the expedited procedures with which this bill comes to us for consideration.

I also appreciate Frank's tremendous contribution with regards to expanding the GI bill so veterans could participate in earning teaching certificates through the alternative State certification process.

Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from the great State of California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank my friend and colleague, the gentleman from Pennsylvania, for yielding me time.

Let me also begin my remarks by thanking the leadership on both sides of the aisle so very much for making this possible and, with such grace, adding to the words others have said about Frank Tejeda. I do not know if angels blush, but I know right now there is one angel blushing, and that is Frank Tejeda, because he is the most modest of individuals. He would look at us right now and say, you need not do this, I do what I need to do.

So in naming a post office after Frank, I think we pay him tribute but it is a tribute that he himself would probably say, I just did my job. And unfortunately in this case, we are doing it because he has left us, and I wish we did not have to name a post office after Frank.

If we take a look at the bill for today, there are two paragraphs, and in typical Frank Tejeda style, that is the way he would like it. More than two paragraphs probably would be too long for Frank, because he would say, keep it simple, keep it brief. I think we could all learn a great deal from a man for whom simplicity was such a tribute and such a way of life. Too often we bog down in the politics of things here. Too often we lose sight of what we are really trying to do here.

As much as Frank never spoke up a lot, I think he always kept sight of what he was in charge to do as a Member of Congress. For me to be able to stand here and say to the blushing angel up in the sky today, "You deserve this, Frank," is an honor. I thank both my colleagues on both sides of the aisle, and the leadership, especially, for making this time available to Frank Tejeda.

Mr. McHUGH. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SESSIONS].

Mr. SESSIONS. Mr. Speaker, I also rise today to offer words of not only encouragement for what is going on with this H.R. 499, but also to offer my insight. As a person who attended the funeral of Congressman Frank Tejeda, I was able to see firsthand those people who live within the 28th Congressional District of Texas in San Antonio. They knew Frank Tejeda as a man who was not only honest and hardworking, but a man who represented the people.

I stand today in support of H.R. 499 because Frank Tejeda deserves this tribute that we will be giving to him. Like those men who have fallen before him who died as Texans, Sam Houston, Davy Crockett, and Colonel James B. Travis, Frank Tejeda also is a man who represented Texas with arms.

□ 1145

He represented our country, he was a proud marine and a man who knew that this country by its standards can stand strong. This U.S. Postal Service center that will be named after Frank Tejeda is important because it will be a memory to those who were in his community who recognized that positive leadership, good citizenship and honesty is a way of life that they can look at and want to model themselves after. I stand today in support of this bill and thank the gentleman for yielding the time to me.

Mr. McHUGH. Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentleman from Texas [Mr. DOGGETT], a colleague who started his service in the Congress in the same class that I did, who has distinguished himself as a supreme court judge in Texas and now is a member of the House Committee on the Judiciary.

Mr. DOGGETT. Mr. Speaker, I am pleased to join my colleagues from Texas and from across America in honoring Frank Tejeda. I served with Frank in the Texas Legislature and here in Congress, and I knew him to be a very tough advocate for the people of south Texas. He was a tireless worker for positive change both in the Texas Legislature and here on the floor of Congress.

Frank was a person that inspired others by his example. I think that surely his name is synonymous with courage and with commitment to his community. I believe, as I reflected over his legislative career, which was extensive, that the last piece of legislation that Frank worked with us on in the Texas delegation was quite ironically the naming of a post office in Elmendorf in his district. He named it on behalf of a veteran.

Frank believed in service to our country. He demonstrated that as a true American hero, fighting on the battlefield, sustaining wounds on behalf of this country and the freedom of this country in his service in Southeast Asia. And all of us who participated in the service Monday at San Leo's Catholic Church on the south side of San Antonio saw firsthand that Frank practiced what he preached when we had a chance to meet and visit with the members of his family, to see what strong family bonds and commitment his family had. I think it was an inspiring moment for all of us who had an opportunity to participate in that service honoring Frank.

The people that will be working in this postal facility there in the south side, the postal workers, the letter carriers, know that Frank was here in respect to their service to their community. Each day as they go to work there, they will remember Frank Tejeda as a person who stood up for Government workers, whether they were at Kelly Air Force Base or whether they were working in neighborhood postal facilities.

More importantly, the people who go there for service will remember Frank Tejeda as a true servant of his south side community, someone who grew up knowing all of the disadvantage of a community but who enjoyed the advantage of strong family ties and made it through the marines and then came back having had the alternative of many other careers with the distinguished degrees that he had earned at some of the Nation's top colleges but who went right back to the south side and worked on behalf of his community.

We saw lining the streets, a large church unable, filled to capacity, unable to accommodate all of the many hundreds of people who wanted to be there to honor Congressman Tejeda.

I would say that the Members of Congress and the people of America who had the good fortune to deal with Congressman Tejeda will remain inspired by the courage and the dignity that he demonstrated to the very end, that he inspires all of us.

Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. FATTAH. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, naming a post office after our friend and colleague Frank Tejeda is a wonderful thing. I support it.

I would like to suggest in addition, however, that we consider dedicating this Congress to the principles he embodied. And they are, as we have all heard, humility, kindness, intellect and compassion. These are critical things for all of us to consider, if we are to do something productive in the next 2 years.

When I heard that my classmate, my neighbor in the Cannon Building and my colleague on the Committee on National Security had died, my first question was, why. Why are the nicest among us taken first? I asked the same question in the last Congress when Bill Emerson, another one of the nicest people here died.

It is a shame to lose somebody who makes you understand why you are here, who makes you want to hug the person next to you, who makes you warm about the endeavor we are engaged in. It is an enormous shame and loss. I say to the Tejeda family, you produced the best. And I say to Texas, you are a State that produces some of the biggest heroes in our Nation's history. I know that Frank's star will be among those. Váya con Dios, amigo.

Mr. MCHUGH. Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield 2½ minutes to the gentleman from American Samoa, [Mr. FALEOMAVAEGA], another colleague who has joined us and has asked for a few minutes to also make some comments on behalf of our colleague.

Mr. FALEOMAVAEGA. Mr. Speaker, I think it is most appropriate that this body does all it can to make sure that the post office that is now for purposes of discussion being named in the memory and honor of this great colleague of ours, Congressman Frank Tejeda.

Mr. Speaker, I rise to honor the memory of a good friend, the very distinguished colleague, the late Congressman Frank Tejeda of Texas, who passed away Thursday after a long battle with cancer. He was a man whose life was entirely dedicated to serving his community and certainly to our Nation.

Mr. Speaker, I met Congressman Tejeda when he first came to the Congress after being elected in 1992. He was someone for whom I had tremendous respect and affection. He always extended the hand of friendship to me, and I always appreciated the fact that he made me feel welcome every time I saw him on the House floor.

Congressman Tejeda had a distinguished career in public service when he arrived in Washington. After having served for a decade in the Texas House and for 6 years in the Texas Senate, he was an accomplished academician, with graduate degrees from my own alma mater, the Boalt Hall School of Law at the University of California in Berkeley, the Yale Law School, and Harvard University's Kennedy School of Government.

Mr. Speaker, Congressman Tejeda was a warrior, as far as I am concerned, of the first order. He was as great a battler for the rights of individuals as he was a courageous marine on the field of battle, and he never gave up. When he believed in something, he fought for it. I know that everyone in this body who had ever had the privilege of working with this gentleman had tremendous respect for this gentleman. He was the kind of person that you looked forward to working with because you knew that, once he was committed to a course of action, he would not rest until he succeeded. Congressman Tejeda made a career of battling injustice, and he never faltered.

He was generous to everyone, generous with his time and generous with his talents. There are countless stories of how he took money from his own pocket to provide uniforms for the local baseball teams, how he co-signed notes to pay power bills and the lights could remain on the field, and how he took out loans to meet medical expenses for his friends, how he bought the furniture for the day care center at the local church. The list of his good deeds goes on and on, Mr. Speaker.

I realize my time is short. I certainly want to extend on behalf of our Samoan community our condolences to Mrs. Tejeda and the members of his family.

I thank the gentleman for yielding me the time.

I rise to honor the memory of a good friend and a very distinguished colleague, the late Congressman Frank Tejeda of Texas, who passed away Thursday after a long battle with cancer. He was a man whose life was entirely dedicated to serving his country and his community.

Mr. Speaker, I met Congressman Tejeda when he first came to the Congress after being elected in 1992. He was someone for whom I had tremendous respect and affection. He always extended the hand of friendship to me, and I always appreciated the fact that he made me feel welcome every time that I saw him on the House floor.

Congressman Tejeda already had a distinguished career in public service when he arrived in Washington, having served for a decade in the Texas House and for 6 years in the

Texas Senate. He was an accomplished academician, with graduate degrees from my own alma mater, the Boalt Hall School of Law at the University of California in Berkeley, Yale Law School and Harvard University's Kennedy School of Government.

Congressman Tejeda was a decorated veteran who joined the Marines and served in Vietnam from 1963 to 1967. He was awarded the Purple Heart, the Bronze Star, the Marine Commandant's Trophy, the Marine Corps Association Award and the Colonel Phil Yeckel Award for the best combined record in leadership, academics and physical fitness during the time when he was at officers candidate school, where he maintained an academic average of 99.6—the highest ever recorded in Marine Corps history. He was posthumously awarded the Silver Star by the U.S. Navy for risking his life under enemy fire to save a wounded fellow marine. Congressman Tejeda was a warrior of the highest order and a hero to our country.

In the Congress, Congressman Tejeda was a warrior as well. He was as great a battler for the rights of individuals as he was a courageous marine on the field of war, and he never gave up. When he believed in something, he fought for it. I know that everyone in this body who ever had the privilege of working with him had tremendous respect for the gentleman. He was the kind of person that you looked forward to working with because you knew that once he was committed to a course of action, he would not rest until he succeeded. Congressman Tejeda made a career of battling injustice, and he never faltered.

Because of his tenacity, because of his leadership, because of his generosity and because he never forgot where he came from, Congressman Tejeda was loved and respected by the people he served. One of his constituents said of him, "even though he spent many years in Washington, his heart was always in San Antonio * * * He was a community man."

Congressman Tejeda never lost touch with the family, friends and constituents who worked on behalf of his political success, and he continued to make a home in the neighborhood where he grew up. He was generous with everyone—generous with his time and generous with his talents. There are countless stories of how he took money from his own pocket to provide uniforms for the local baseball teams, how he cosigned notes to pay power bills so that the lights could remain on at the field, how he took out loans to meet medical expenses for friends, how he bought the furniture for the day care center at the local church. The list of his good deeds goes on and on.

His generosity of spirit was well known. He was a mentor to many young people. As he gained political stature, he made sure he helped younger aspiring leaders—he opened up windows of opportunity. As Undersecretary of the Army Joe Reeder said of him, "He was a great role model, a great advocate for Hispanics and a great advocate for veterans." Congressman HENRY BONILLA concurred, adding, "Frank Tejeda represented all that is good about America. He always led by example, and his character and dignity inspired all who met him." He was a genuine American hero.

Representative HENRY GONZALEZ, congressional Hispanic caucus chairman XAVIER BECERRA, Representative SOLOMON ORTIZ, Representative HENRY BONILLA, former Housing and Urban Development Secretary Henry Cisneros and many other distinguished leaders have all spoken of their great loss—both personal and communal—because of this untimely death. The Hispanic community has lost a great man, a great leader and a great warrior. As former HUD Secretary Henry Cisneros said, "You don't find many public officials who stand for anything. Frank Tejeda took stands."

Whether we remember the war hero, the anti-poverty activist, the brilliant attorney, the crusading State legislator, the dedicated U.S. Congressman, the role model for our youth, the compassionate and generous member of the community, the fighter for justice and equality, the good friend whose personal warmth was always evident, or any of the other remarkable aspects of this man, we all mourn his loss.

And so, Mr. Speaker, we mourn the loss to Texas, the loss to the Hispanic community, the loss, finally, to all of America. We will all miss the presence and the leadership of Congressman Frank Tejeda.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

I want to just finally state that, notwithstanding his great service to our country, both in the armed services and here in the Congress and the Texas Legislature, I think that our colleague would want us to know that in all likelihood as it is for all of the rest of us that his greatest personal achievement is his family and his children. I think that they have a legacy that he has left them that they can be proud of through his personal courage and commitment and dedication. He has been a shining example of what is possible from that beautiful city in Texas, San Antonio.

Mr. Speaker, I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

I certainly want to start by thanking the gentleman from Pennsylvania for his leadership on his side of the aisle in helping us to move this very important piece of legislation through the process. Obviously, Mr. Speaker, the words spoken in the last minutes on this floor say very eloquently the high regard and the deep love that this body holds toward our departed colleague.

Frank Tejeda was elected to this body as the first Representative from the 28th Congressional District in Texas in 1992. He was known simply as a quiet, dedicated, and independent-minded Representative who always voted his conscience first in the interest and concerns of his constituency. We have been told here today time and again he was a staunch defender of veterans, active duty and military personnel and installations and expressed that concern through his service on the Committee on National Security and the Committee on Veterans' Affairs.

It has been mentioned twice here, I believe, Mr. Speaker, by the gentleman from Texas [Mr. GREEN] and the gentleman from Texas [Mr. DOGGETT], that indeed our departed colleague took as one of his final actions on this floor to see that a postal installation in Texas in Elmendorf was named after Amos F. Longoria, who was, like Frank, a war veteran and a native son of Texas, a gentleman who lost his life in service to his country. I think perhaps we should take the lead from Frank's efforts in that regard and very appropriately go forward in adopting this worthy piece of legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. ARMEY], a leader in this House, the majority leader.

Mr. ARMEY. Mr. Speaker, I want to thank the gentlemen for taking this time to honor our friend and colleague, Frank Tejeda.

As I watched this very sad event of the passing of our colleague Frank, I began to realize that a real problem we have among ourselves as colleagues, I believe, is our failure to ever really stop and take the time out of our schedules to get to know each other. I must confess that that was a problem I had. Frank was with us as a Member and a colleague for a short period of time. I know I must have had opportunities to sit down and visit with him and to know more about him and his family. I think it is sad that all too often what we do is, when we find that we lose a colleague, we then learn from their friends and their family and associates that did get to know them better what a special person this is.

I would like to wonder if perhaps we might take this time as we take the day today to honor his memory to give respect and condolences to his family, to build within ourselves a new resolve as colleagues to begin to take the time to see each other more than just another member on the committee, perhaps somebody on the other side of the aisle who we start off with the presumption that they must be the enemy or they would not be on that side of the aisle, and on an airplane ride or in a lunch counter or at some time more frequently with a greater degree of real and genuine interest, take the time among ourselves to get to know each other and to appreciate not only those characteristics and attributes that we will later stand on the floor and celebrate but to even appreciate the differences that we have among ourselves that can be seen as complements rather than competitors.

□ 1200

In any event, let me express my disappointment in myself that I lost this opportunity when it was there before me.

I appreciate again the time my colleagues have taken and the time they have given to share with me for us to say our appreciation for Frank Tejeda, his life, and his service.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume to say that I thank the majority leader for his thoughtful and, I think, appropriate remarks.

As I understand, procedurally the gentleman from Pennsylvania had yielded back his time, but I note yet another Representative from Texas, the gentlewoman from Texas [Ms. JACKSON-LEE] has entered.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE] if she would like to make some comments.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I certainly do thank the gentlemen on the floor for their leadership and for their kindness.

Let me simply add, I see my friend and colleague, among others, the gentleman from Texas, SOLOMON ORTIZ, who eloquently yesterday examined the life of Frank Tejeda. He examined it from the perspective of true friendship. As I watched both of them, I saw them as brothers.

And I appreciate the remarks of the majority leader, saying to all of us that we should get to know each other as individuals, as people, as brothers and sisters. Clearly, the home-going service of Congressman Frank Tejeda on Monday, which many of us had the pleasure, the enrichment of participating in indicated that he was a man of the people.

Yesterday, in my tribute, I did not get a chance to describe for my colleagues the many friends that lined the highways waiving farewell to their dear brother. He was a patriot but certainly he was a father. He belonged to people.

This tribute of a post office, which grounds itself in the very needs of citizens—there used to be the old general store. I think the post office has come to be accepted as a place where the community meets and the community engages itself. So I think it is more than appropriate for a man who engaged himself with the community, with the people, never straying away from their beliefs, never straying away from feeling committed to representing them.

Frank Tejeda was never a king among men. He is that. He has royalty but he was someone, Mr. Speaker, who knew how to walk with all of the people.

I am very proud, as I indicated yesterday, to have known the Congressperson briefly. I am gratified for his life and his legacy and I wanted to come today to add tribute and to add my support for this honor being bestowed upon him today.

The SPEAKER pro tempore (Mr. MCINNIS). The question is on the motion offered by the gentleman from New York [Mr. MCINNIS] that the House suspend the rules and pass the bill, H.R. 499.

The question was taken.

Mr. MCHUGH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 33, as follows:

[Roll No. 9]

YEAS—400

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Richardson
Riggs
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—33

Barrett (NE)
Barrett (WI)
Blunt
Brown (OH)
Carson
Chenoweth
Clay
Clement
Cooksey
Crapo
Cummings
Doyle
Foglietta
Furse
Gejdenson
Hill
Hostettler
Hoyer
Largent
Lazio
Linder
McDade
Norwood
Obey
Pombo
Roemer
Skelton
Smith, Adam
Towns
Traficant
Turner
Watkins
Young (FL)

□ 1229

Mr. HILLIARD changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LAZIO of New York. Mr. Speaker, on rollcall No. 9, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. SKELTON. Mr. Speaker, on rollcall No. 9, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. CRAPO. Mr. Speaker, on rollcall No. 9, I was unavoidably detained. Had I been present, I would have voted "yes."

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 499, the bill just passed.

The SPEAKER pro tempore (Mr. McInnis). Is there objection to the request of the gentleman from New York?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal.

The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McHUGH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 376, noes 28, not voting 29, as follows:

[Roll No. 10]

AYES—376

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Richardson
Riggs
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Young (AK)

NOES—28

Abercrombie
Borski
DeFazio
English
Ensign
Filner
Gibbons
Gillmor
Gutknecht
Hastings (FL)
Hefley
Hilliard
Lewis (GA)
Miller (CA)
Oberstar
Pascrell
Pickett
Ramstad
Sabo
Stark
Taylor (MS)
Thompson
Visclosky
Waters
Watts (OK)
Weller
Wicker
Yates

NOT VOTING—29

Barrett (NE)
Barrett (WI)
Brown (OH)
Carson
Chenoweth
Clay
Clement
Coburn
Cooksey
Cummings
Doyle
Foglietta
Gejdenson
Hoyer
Istook
Jefferson
Largent
Linder
McDade
Norwood
Obey
Pombo
Roemer
Smith, Adam
Sununu
Taylor (NC)
Towns
Traficant
Young (FL)

□ 1251

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. TURNER. Mr. Speaker, on the way to the Chamber this morning I was delayed visiting with some constituents. Had I been present I would have voted "yea" on H.R. 499, in memory of our good friend, Frank Tejeda.

RESIGNATION AS MEMBER OF COMMITTEE ON RESOURCES

The SPEAKER pro tempore (Mr. McGinnis) laid before the House the following resignation as a member of the Committee on Resources:

Congress of the United States,
House of Representatives,
Washington, DC, February 5, 1997.

Hon. Newt Gingrich,
Office of the Speaker, H–232, The Capitol, Washington, DC.

Dear Mr. Speaker: I hereby resign from the House Committee on Resources, effective immediately.

Sincerely,

Sam Gejdenson,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform and Oversight:

Congress of the United States,
House of Representatives,
Washington, DC, February 4, 1997.

Hon. Newt Gingrich,
Speaker of the House,
H–232, the Capitol.

Dear Mr. Speaker: Effective immediately, I hereby resign from the House Committee on Government Reform and Oversight. Thank you.

Sincerely,

Collin C. Peterson,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, I offer a privileged resolution (H. Res. 36) and ask for its immediate consideration.

The SPEAKER pro tempore. Is this at the direction of the Democratic Caucus?

Mr. FAZIO of California. Yes, Mr. Speaker.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 36

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Agriculture: Jay Johnson of Wisconsin, Leonard Boswell of Iowa.

To the Committee on Government Reform and Oversight: Danny Davis of Illinois, John Tierney of Massachusetts, Jim Turner of Texas, Tom Allen of Maine.

To the Committee on House Oversight: Steny Hoyer of Maryland, Carolyn Kilpatrick of Michigan.

To the Committee on International Relations: Bob Clement of Tennessee.

To the Committee on National Security: Loretta Sanchez of California, James Maloney of Connecticut, Mike McIntyre of North Carolina.

To the Committee on Resources: Nick Lampson of Texas.

To the Committee on Small Business: John LaFalce of New York, Ike Skelton of Missouri, Norman Sisisky of Virginia, Floyd Flake of New York, Glenn Poshard of Illinois, Martin Meehan of Massachusetts, Nydia Velázquez of New York, Bill Luther of Minnesota, John Baldacci of Maine, Jesse Jackson Jr. of Illinois, Juanita Millender-McDonald of California, Alan Boyd of Florida, Carolyn McCarthy of New York, William Pascrell of New Jersey, Virgil Goode of Virginia.

To the Committee on Veterans' Affairs: Lane Evans of Illinois, Joseph Kennedy of Massachusetts, Bob Filner of California, Luis Gutierrez of Illinois, Scotty Baesler of Kentucky, Sanford Bishop of Georgia, James Clyburn of South Carolina, Corrine Brown of Florida, Mike Doyle of Pennsylvania, Frank Mascara of Pennsylvania, Collin Peterson of Minnesota, Julia Carson of Indiana, Sylvestre Reyes of Texas, Victor Snyder of Arkansas.

To the Committee on the Budget: Eva Clayton of North Carolina.

Mr. FAZIO of California (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. CANADY of Florida. Mr. Speaker, reserving the right to object, I would inquire concerning whether the Committee on Science is included in the resolution.

Mr. FAZIO of California. Mr. Speaker, I believe there is a member of the Committee on Science appointed as a result of the resolution, one member.

Mr. CANADY of Florida. Mr. Speaker, I withdraw my reservation of objection, and I move to table the resolution.

The SPEAKER pro tempore. The Chair will ask, is there objection to the request of the gentleman from California [Mr. FAZIO] to dispensing with the reading of the resolution?

Mr. FAZIO of California. The resolution must be read at this point. Is the objection to the unanimous consent request that it be considered as read, Mr. Speaker?

The SPEAKER pro tempore. The Chair is asking whether there is objection.

Mr. CANADY of Florida. Mr. Speaker, I do object to the dispensing of the reading.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue reading.

Mr. FAZIO of California. The gentleman objects, so the Clerk will then read; is that right, Mr. Speaker?

The SPEAKER pro tempore. The Clerk will then continue reading the resolution.

The Clerk continued reading the resolution.

□ 1300

Mr. FAZIO of California. Mr. Speaker, I move the previous question on the resolution.

Mr. CANADY of Florida. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore (Mr. MCINNIS). The gentleman will suspend.

The Chair would say to the gentleman from California [Mr. FAZIO] that the Chair assumes that the gentleman from Louisiana, [Mr. FIELDS], was not intended to be in the resolution, as the gentleman from Louisiana is no longer in the House. Is that correct?

Mr. FAZIO of California. Mr. Speaker, I ask unanimous consent that that obvious inaccuracy be corrected.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Does the gentleman from Florida [Mr. CANADY] seek recognition?

Mr. CANADY of Florida. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table.

PARLIAMENTARY INQUIRY

Mr. FAZIO of California. Parliamentary inquiry, Mr. Speaker.

I really do not know the answer. I would like the Parliamentarian to assist us. I am not sure there is any precedent for a resolution brought to the floor by the caucus or conference of either party being tabled. Is there any precedent for that?

The SPEAKER pro tempore. Under clause 4, rule XVI, the motion is in order as preferential to the motion for the previous question.

The question is on the motion to table offered by the gentleman from Florida [Mr. CANADY] as preferential to the motion for the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CANADY of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair while counting for a quorum will notify the Members that the page just placed at the desk with the specific Member's election to the Committee on Science was not included in the resolution now pending before the House.

Mr. FAZIO of California. Mr. Speaker, I cannot imagine that we could be correcting the resolution or even explaining the resolution when we have a vote or a quorum being called.

The SPEAKER pro tempore. Would the gentleman from Florida like to withdraw his objection?

Mr. CANADY of Florida. I do not withdraw my motion.

Mr. FAZIO of California. The quorum call is automatic.

The SPEAKER pro tempore. The Chair will count for a quorum.

PARLIAMENTARY INQUIRY

Mr. FAZIO of California. Parliamentary inquiry, Mr. Speaker. I do not know what is holding up the action here.

The SPEAKER pro tempore. The gentleman will suspend. The Chair is counting for a quorum.

Mr. CANADY of Florida. Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend. The Chair is counting for a quorum.

Does the gentleman from Florida [Mr. CANADY] desire to withdraw his point of order and motion?

Mr. CANADY of Florida. I do, Mr. Speaker.

The SPEAKER pro tempore. The motion is withdrawn.

Mr. FAZIO of California. Mr. Speaker, I insist on the enactment of the resolution, as is traditionally the case when offered by a conference or caucus of either party.

The SPEAKER pro tempore. The question is on the resolution offered by the gentleman from California [Mr. FAZIO].

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO THE LATE HONORABLE FRANK TEJEDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I rise today to join many of my colleagues who want to honor and celebrate the life of our friend and colleague, the gentleman from Texas, Frank Tejeda.

As has been recounted over the past 2 days, Frank's accomplishments were many. While enlisted in the U.S. Marine Corps, he distinguished himself as a leader and was selected to become a Marine Corps officer. Throughout his military career Frank was decorated and recognized by the Marine Corps, and he was a hero to many as he was given the Bronze Star, awarded the Bronze Star and Silver Star posthumously.

As a graduate of St. Mary's University, the University of California at Berkeley School of Law, Harvard's Kennedy School of Government, and Yale Law School, Frank was also distinguished as a student at America's finest schools.

Frank accomplished so much throughout his life; but what made him a great man was not just his accomplishments, but his desire to take his own successes and use them as a tool to serve others. Frank Tejeda dedicated his entire life to serving others in his family, in his community, and in his country. This desire carried him to the Texas House of Representatives and Texas Senate, and finally right here to the U.S. House of Representatives, while remaining a devoted husband and father.

Mr. Speaker, I had the opportunity to attend Frank's funeral Mass at St. Louis' Catholic Church in San Antonio, TX, where he also served as an altar boy. Many times Members of this body frequently talk about the nature of being a good representative and being connected to their district. I would have to say that Frank was probably the quintessential district public servant. He grew up in the area that he was representing, he was connected to it, he never left it. He exuded the spirit and vitality of south San Antonio.

Mr. Speaker, I was touched during the service to find out that the very church we were in was also the church in which Frank was an altar boy. Throughout his life Frank Tejeda led by example and led by serving others. Today we honor Frank with our words. I am happy to participate in the numerous accolades to Frank, and would like to extend my own personal condolences to his mother, Lily, and his three children.

A PROPOSAL TO KEEP SOCIAL SECURITY SOLVENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, in the week of February 27, we are expected to take up the issue of the balanced budget amendment. There has been a lot of talk about Social Security. How this amendment is going to affect Social Security and how changes in that amendment that might better portray what is really happening at the Federal Government.

I wanted to talk a few minutes about what the problem is in Social Security. That problem with Social Security is not having enough money coming in to pay the benefits of retirees as we operate on, if you will, a pay-as-you-go system, where existing workers pay the benefits of existing retirees. That is the way it started in 1935 when we passed the Social Security bill. That is the way it has always been, and that is the way it is today.

If we look at the problems of the birth rate going down while the number of retired people increase—and they are increasing because they are living longer—we see what happens to the deficits of Social Security. Some suggest, such as Dorcas Hardy, the previous Social Security commissioner, that we are going to be short of Social Security funds as early as 2005. It presents a serious problem to this Congress.

Every retiree should be concerned about what might happen to those benefits if we delay some solution. Every worker in America, especially those under 45 years old, had better be going to the candidates that run for Congress and say, look, take your heads out of the sand and do something to protect Social Security.

This chart in front of me shows the kind of deficits we are going to have; in other words, the amount of money by which benefit payments will exceed revenues that have to borrow or shift from the general fund.

As I go around to my town hall meetings and into high school and college government classes, one statistic that I give them is the price that Social Security is costing a minute today. That price is $600,000 a minute. But in 2030, it is going to be $5,700,000 a minute. So the number of retirees increases because they are living longer. When we started Social Security, the average age of death was 63. Now if you are lucky enough to hit 65, the estimate is that you are going to live to be 86 years old. This represents the decrease in the number of workers that pay in their taxes to support each retiree.

In 1945, there were about 42 people working, paying in taxes to support each retiree. By 1950, that was down to 17 people working. By today, there are only three people working. The estimate is by 2030 there are only going to be two people working.

I have developed a Social Security proposal that has been scored by the Social Security Administration that keeps Social Security solvent. It does this in several ways. No. 1, it keeps the Government from reaching into the surpluses in the Social Security fund and spending those for other Government purposes. It allows a very modest investment in private savings accounts. The reason we do that is because Treasury is now paying a return, a real interest rate return, of 2.3 percent. If we compare that to the 9-percent the private sector has been getting over the last 80 years, we see the Social Security system is losing out.

□ 1315

So every proposal that came out of the President's advisory council included some kind of private investment. What we also do is increase the retirement age by 1 year. That brings in additional revenues. The amount of those additional revenues can be eligible for private investments. We do not affect current retirees in this bill because they, after all, made their plans based on existing law; but gradually over the next 25 years, we make these changes.

Look, we have just got to, make an aggressive, conscientious effort to deal with these kinds of entitlement spending, whether it is Medicare, or whether it is Social Security, because the fact is, we are going broke. If we do not make changes now, those changes in the future are going to have to be much more drastic. It is going to interrupt our economy. It is going to interrupt the well-being of retirees. So let's act now.

THE BOMBING PREVENTION ACT

The SPEAKER pro tempore (Mr. MCINNIS). Under a previous order of the House, the gentlewoman from New York [Ms. SLAUGHTER] is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Speaker, I rise today to strongly condemn what has been a wave of bombing activity throughout this Nation and to urge Congress to act. This type of violence must come to an end and I am working to do just that.

On January 7, I reintroduced H.R. 85, the Bombing Prevention Act of 1997, which would help end this vicious attack on innocent persons. I urge my colleagues to sign on as cosponsors. I know you were as shocked as I was over the weekend when government offices, including the court, in San Diego were targeted with pipe bombs that were sent through the mail. Two hundred employees were evacuated, the package detonated by bomb squads in the FBI parking lot.

Atlanta has faced an even more horrific tragedy. I still remember my outrage 2 weeks ago after an attack on a family planning clinic outside of Atlanta. The first bomb shattered concrete and blew away pieces of the wall and the ceiling at the building that housed the clinic. The second bomb was even more ominous. The terrorist designed it to spill blood by packing it with metal fragments and 3-inch concrete nails that were set to explode over a wide area. It was set to go off an hour after the first bomb so that law enforcement officials would bear the brunt of that explosion.

The people of Atlanta have fallen victim twice to a devastating crime which was likely perpetrated by domestic terrorists, a crime designed to intimidate women from exercising their constitutional right to seek health care and a crime that further eroded any sense of innocence left in our citizens.

The Centennial Park bomb at the Olympics 6 months earlier was not enough for the homegrown killers. We know now that the bomb that exploded at the Olympics consisted of three lengths of pipe packed with smokeless powder, an explosive substance that is completely unregulated by Federal law. This in itself is a scandal, and of course the perpetrators of the act are still at large.

We are not even safe in our homes. In upstate New York a 10-year-old girl opened a Christmas package left in her family mailbox. Instead of a gift, she was greeted with an explosion that burned over 27 percent of her body.

The bomb turned out to be a "message" from a disgruntled employee of her family. I would like to send a return message to domestic terrorists and I need your support. Unfortunately it often takes tragedies such as these to spur this House to action. I was shocked to discover 2 years ago that under current law possession of explosives is not a Federal felony. For years we said that certain people, for example a felon, should not be allowed to carry guns, and yet they can drive around in their car or keep at home 100 pounds of gun powder that is not even a crime and that nobody accounts for.

Bombers commit murder by remote control. They do not have to be in the same room as their victims or even in the same city. They never have to see the death and destruction that they cause, and their ruthless method of murder often kills random bystanders. It is no wonder that Americans are uneasy on the streets and their homes, in airplanes.

We need to act now against these particularly cold-blooded killers. We must not wait for another attention-grabbing attack. In recent years we have seen mail bomb attacks on a judge and civil rights activists in the South and a string of bombings at abortion clinics. How much more evidence do we need of the pressing need for stronger laws?

And do not think it cannot happen in your district. Two days ago, this week, a potentially deadly pipe bomb was discovered a few blocks away from my Rochester office and was just outside the headquarters of Eastman Kodak. Fortunately, no one was hurt. But perhaps next time we will not be so lucky.

We have got to keep explosive materials out of the wrong hands. My bill would require Federal permits for all explosive purchases and would mandate a nationwide background check for these permits. It also increases penalties for those who violate Federal explosives laws. Obtaining this permit is not a burdensome process. To receive a permit you only need to provide your name and address to the vendor and indicate the purpose of the purchase. This information would be invaluable to law enforcement officials who are investigating terrorism.

Such a process would allow us to screen out people who should not have access to these destructive materials, such as felons, fugitives and others who show a tendency to take out whatever things they might have on their fellow Americans.

Moreover, my bill contains special provisions that requires every person who purchases more than 5 pounds of black or smokeless powder, and 5 pounds is enough for gun enthusiasts to have to make their own bullets that would make them hold a Federal permit. Criminal bombings have doubled since 1988. Think about that. This is almost becoming retribution of choice in the United States. They have doubled since 1988. One-third of those incidents involved black powder or smokeless powder.

Of course this is the part of the bill that will send our friends in the National Rifle Association through the roof. But under the current law, any purchase of less than 50 pounds of black powder is totally exempt from any kind of oversight. This is crazy. Fifty pounds of explosive powder can unleash substantial destruction. As every law enforcement official knows, bomb makers love that stuff. It is cheap, it is available, it is unregulated, and a little bit goes a long way. In fact it only takes a pound and a half to make a pipe bomb.

I would also like to point out these regulations will not harm legitimate sportsmen. As I pointed out a while ago, 5 pounds of black powder will reload 750 shotgun shells.

Each year, millions of pounds of explosives are purchased without any permit being required or no regulation, and we in Congress have a duty, I believe, and an obligation to protect the lives and property from bombings.

Last session, we passed my legislation to help protect innocent people from bombs made of plastic explosives such as the bomb used on PanAm flight 103 over Lockerbie, Scotland. It is time we got tougher on terrorists here at home. Passing H.R. 85 will give law enforcement officials another tool in tracking down these homegrown terrorists. It must be done. Nobody knows who is going to be next.

FAREWELL TO REPRESENTATIVE FRANK TEJEDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] is recognized for 5 minutes.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I am honored today to join with so many of our colleagues in honoring Frank Tejeda for all his years of dedication and service to this Congress, to our people, to our Nation. As we honor the memory of the great person that Frank Tejeda was, I cannot help but look back and think about moments that I had the opportunity to share with him.

Frank and I began service in the House 4 years ago. And as a matter of fact, Frank was one of the first Members that I met when I arrived in Washington. I will always remember the time when I was invited to participate in a hearing at the Committee on Veterans' Affairs where issues related to Hispanic veterans were being discussed and particularly Puerto Rico.

During my opening statement I proceeded to narrate the glorious and distinguished history of Puerto Rico's 65th Infantry Regiment. Specifically, I made reference to the time when the 65th Infantry Regiment was asked to cover the withdrawal of thousands of marines during the Korean war. Frank, who was a member of the committee and a marine himself, recognized the valorous service of Puerto Rican veterans in all the major wars and conflicts that this Nation has been involved in during this century but then took exception to my comment on the withdrawal of the marines and he said, with a smile on his face, "but you know, CARLOS, we, the Marines, never were withdraw from battle."

As you see, I believe that this statement characterizes Frank's life. He never withdrew from anything. He never gave up. His life was an incredible story of triumph over adversity. He lived a life of hard work, hard work in his district, hard work in the military, hard work here in Congress, hard work wherever he went.

But most of all Frank understood the value of freedom and honesty and he was well aware of the dramatic cost of keeping our cherished and hard-fought liberties.

Frank, I was privileged to have you as my colleague, but most of all I was privileged to have you as my friend. We will miss you but your memory will be with all of us forever and an example for us to follow.

HELPING THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor first and foremost to thank Members for the way they responded to the President's remarks concerning the District yesterday. The President spoke, in his State of the Union speech, warmly of his own intention to assist the District, and partly in his words, "to renew this great capital city so that Washington, DC, is a great place to live, and is once again the proud face America shows to the world."

I appreciate as well the concerned words of Speaker GINGRICH, who devoted part of his own opening speech, upon being sworn in, to the District. The Speaker has in fact been very helpful to the District during the 104th Congress.

The President has put on the table a strong plan. First, it takes back $5 billion in pension liability racked up by the Congress before home rule and offloaded on the District. Second, it recognizes that the District is not a State and like every city in the United States cannot today bear State, county, and municipal functions all by itself, even if it becomes the most efficient government on the face of the Earth.

Last night the President offered words on an empowerment zone approach that he intends to spread to cities across the United States, including the District. It is a traditional approach that is already in use across the country. I am very grateful that he wants to include the District in this approach. I welcome it. But I welcome it only in combination with income tax relief in light of a bill I have introduced yesterday.

As the sole response to the crisis of the capital city, the empowerment approach is unacceptable to me and to the District. Why? The President's own plan, the President's strong plan—for pension and State cost relief—would take this much, represented by the orange color, off the table from what District taxpayers now pay. What that means is that 90 percent of what District taxpayers pay they would continue to pay. Strong as his plan is, it really is marginal in what it does to take away what a dwindling tax base would pay.

We are now at 1933 population levels. We do not have a State like New York and like Florida. We are losing, in the 1990's three times as many people as we lost in the 1980's.

Consider what our alternatives are. Commuter tax, massive infusions from the Federal Government and, finally, use of our own money through a tax cut. Commuter tax, thank you, Mr. Congress, you have taken that off the table. We are barred from a commuter tax, even though virtually all the jobs go to commuters. They come in and use the services of an insolvent city and do not leave one thin dime here. You took that off the table. Massive infusions from the Federal Government, you have taken off the table for everybody, even the capital of the United States. I am down to the only option I have left: Let us use our own money to pay what it takes to revive our own city.

The District of Columbia Economic Recovery Act is a bipartisan tax cut bill. I put it in only because we have no State. If we had a State, I would not do it. I would go to the State.

☐ 1330

Big cities get almost all of their revenue from State and Federal sources. D.C.'s revenue must come from a tax base that is disappearing with no way to recycle money back from those who leave.

Think about it. Even if you come from a small town, think about the great cities in your State, New York City, L.A., Detroit, Atlanta, Seattle, Houston, Chicago, Newark, Nashville, Greenville, Charlotte, Richmond, and Baltimore. None of them support themselves. They are basically supported by their States.

If you did not have a State, what would you do? What do you expect the capital of the United States to do? An empowerment zone by itself does not address taxpayer drain. Even businesses in D.C. tell us that for every ten jobs we make in D.C., nine of them go to suburbanites. They say that is because we are losing our skilled work force, which is another way of saying losing our tax base. They say that an empowerment zone incentive will not help the District because business looks to the skilled work force, not to tax incentives when deciding whether or not to locate in a city.

This is not your average tax cut. It is not what we usually mean in this House. It is not about money saving; it is about life saving. We have to think outside the box. We have to understand that in essence, if not this, what?

You have a unique situation in the capital of the United States. You have a stateless city. It is insolvent. Its revenue is dwindling away with its tax base. The capital is trapped. Help us free ourselves.

SUPPORT MY BALANCED BUDGET SUBSTITUTE AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, very shortly in this House, probably within the next 3 or 4 weeks, the House leadership has scheduled a vote on the balanced budget amendment to the Constitution. I have some concerns about whether this is even necessary.

I note with interest that the deficit has dropped in the last 4 years from $300 billion a year to $107 billion this year and it is coming down like that; that 4 years ago it was 4.7 percent of our gross domestic product, a hefty portion. Today it is 1.4 percent, the lowest point it has been since 1974, the lowest of any industrial democracy. So I question whether it is needed.

If it is needed, if people still seem to think it is, I have to offer the suggestion that you do not balance the budget by putting something in the Constitution that says in 7 years you have to have a balanced budget. You balance the budget the old-fashioned way, vote by vote by vote, cut by cut by cut, each year through the appropriations process.

That is what has brought the deficit down, on a bipartisan basis, Democrats leading the charge sometimes, Republicans the other times. That is what has brought the deficit from being 4.7 percent of our economy down to here about 1.4 percent.

Now, having said that, if a constitutional amendment is necessary, I am greatly concerned because the argument I hear is that the Federal budget ought to balance its budget like every family, like every business and every State government has to. And that is a fair statement. There is a difference, though. If you forced every family, if you forced every business, and particularly if you forced every State government to include the language of this balanced budget amendment in their constitutions or in their bylaws or their operating procedure, this country would be belly up.

This balanced budget amendment does not do what every State, what every family and every business does, and that is to permit borrowing for capital expansion, for growth, for increasing in productivity. Because while 49 States have some form of capital budgeting in place, and incidentally operates under a balanced budget procedure, such as the State of West Virginia, which has a strict balanced budget requirement in its State constitution, while almost every State has a balanced budget requirement of some kind, there is a difference between the way that States operate and the way the Federal Government operates.

Every State borrows for the roads, the bridges, the water systems, the sewer systems, the infrastructure, the schools, the prisons, the things that are necessary for long-term growth. Every State has that kind of capital budget. Not so the Federal Government.

So that is why I would urge Members, if you feel you have to support a balanced budget amendment, I hope you will support my balanced budget substitute, my constitutional amendment to the Constitution, which would say that you balance the budget in the same amount of time, by the year 2002; that you have the same procedures, except that you can have capital budgeting; that is, you can have investment in physical infrastructure, the roads, the bridges, and so on, No. 1; and, No. 2, that Social Security is off budget.

I am fascinated that every Member in this House at some time or another has voted in favor of taking Social Security off budget. Well, if it was good enough last year, the year before, and the year before that, why is it not good enough this year, particularly if we are going to enact such a stiff proposal and put it into the Constitution?

So if you want the Federal budget to operate like every State, like every business and every family, then recognize the fact that every family knows that it has to borrow for long-term items.

My wife and I had to borrow for our house. It is called a mortgage. Over 20 years. We have to borrow for the car, 4 to 5 years of financing. We have to borrow for our children's tuition, because we understand that that is what is going to pay back greater dividends in the years to come.

So that is what my balanced budget amendment to the Constitution would do. It would recognize that borrowing and permit it to continue. You cannot go home and say that I supported a balanced budget amendment to the Constitution that is just like every State, every family, and every business has to do, because every State, every family and every business could not operate if they had to operate under the terms of the balanced budget amendments that this House will be voting on.

If you are interested in supporting my proposal, my substitute, I would urge you to cosponsor my balanced budget amendment, which was dropped in the hopper today, which has been introduced, which already has 19 cosponsors and which permits and which requires a balanced budget but also permits our Federal Government to do what every State government and city is permitted to do, and that is to borrow for physical infrastructure and to spread that out over the cost of the life of that asset.

Why should you consider the same dollar that goes for pencils for the Federal courthouse to be the same dollar that is spent for a highly of highway? We all know the mile of highway has a much greater life FTE. And yet that would be precluded. That would be ruled out. That would be greatly threatened by the balanced budget amendment this House will be voting on.

So if you want to balance the budget in the same way the family does, the State does, the business does, then you ought to be supporting my proposal, my amendment to the Constitution which was in the hopper today.

We will be talking a lot more on this, Mr. Speaker, I am very confident of that, but I would urge Members to look closely and to recognize that there is a very significant difference between the way the States operate, the way businesses operate, the way families operate, and the way this budget would have the Federal Government operate.

PRESIDENT CORRECTLY PLACES NATION'S EDUCATION SYSTEM AT THE TOP OF OUR PRIORITY LIST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, in his State of the Union address last night President Clinton announced an ambitious plan to strengthen our Nation's education system and in so doing rightly placed the issue of educating our children at the top of the Nation's most important priorities.

The President's plan spans across the entire spectrum of education. He had 10 points. For the youngest children, he called for an expansion of Head Start; for elementary schoolchildren, a program to ensure that they can read independently by the third grade; for our high school students innovative incentive programs to encourage them to obtain at least 2 years of college; and for parents and students alike, struggling to meet the runaway costs of college, a variety of tax breaks and adjustments to existing loan programs that will make everyday life a little bit easier.

Last year, Mr. Speaker, when the President sent his budget to Congress, the Republicans responded by offering the largest education cuts in history. To demonstrate the seriousness of their opposition to the President's education agenda, they then proceeded to shut down the Federal Government two times while calling for the abolition of the Department of Education.

Their attacks on the education system continued throughout the election cycle, with GOP leaders, most notably Bob Dole, picking fights with the teachers unions.

In announcing his education plan last night, the President rightly called for Republicans to leave their partisan agenda at the classroom door. It is my hope that the Republicans will accept the President's invitation and join congressional Democrats in our efforts to provide quality, affordable education to every American.

I know, Mr. Speaker, that we will be dealing with these education issues for a long time, and certainly dealing with them in the next few weeks and the next few months, but I think that the President's call that we should put our partisan differences at the classroom door was really crucial. Education is the most important issue facing this Nation and the President's 10-point plan really is a significant beginning to solving the problem of making sure that we provide an adequate education system for every American.

TRIBUTE TO THE LATE CONGRESSMAN FRANK TEJEDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. BECERRA] is recognized for 60 minutes as the designee of the minority leader.

Mr. BECERRA. Mr. Speaker, we have taken out this special order of an hour for the purpose of trying in the short time that we have to try to commemorate the life of a friend, of a colleague, of a great American hero, Frank Tejeda, who passed away but a few days ago in his home in Texas shortly after having been sworn in to the 105th Congress.

Without further remarks on my part at this stage, I do want to yield time to someone who was a great friend of Mr. Tejeda, and I want to acknowledge that Mr. Tejeda's family is here with us today, but I think it is most fitting that the individual who knew him best, who would sit right back there every day of a vote with Frank and laugh and do work and do the business of this country with him should best have the opportunity to go first in making remarks about our great friend.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas, Mr. SOLOMON ORTIZ.

Mr. ORTIZ. Mr. Speaker, first of all, I would like to thank the gentleman for asking for this special order today in memory of a great American and a great friend.

Mr. Speaker, I was one of those fortunate Members of Congress who was able to visit with Frank about 3 weeks before he died and, as we all know, Frank loved his children. And even before Frank was diagnosed with this cancer, he was telling me about the heavy schedule and how important it was for him to attend some of the soccer games that his boy, Frankie, played. He said this is one of the things I miss the most, being with my family.

When I visited with Frank this last time again, we talked about the family and about the marine that he was, how he loved the military. But at this moment we are very fortunate to have Frank's mother with us in the gallery, Mrs. Tejeda, Frank's sister, and members of his family, as they were recognized last night during the President's State of the Union Message.

For 4 years Frank and I sat together in that same corner listening to the

State of the Union Message and looking forward to seeing what was in that message that we could dissect and take back to our district and tell people how we would be able to change their lives, and impact on their lives something on the positive side.

Frank was a very religious individual. This last year I would ask Frank to go out with me to attend certain functions, and Frank would say, I am sorry, I cannot go with you because this is my prayer time. I have to go to my home and spend time talking to my God and reading my Bible.

Frank was also kind and forceful and generous and committed to those he served. After Frank fought for his country, he fought very hard for veterans, farmers, and Hispanics in Texas and in Washington. Frank was a wonderful person who died far too soon, too young. He taught us all how to be better people and he set an example for all of us to live by. Frank had a quiet strength. His decent life spoke volumes about Frank.

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He was very uncomplicated. When he wanted to tell you something, he was very blunt, but he spoke the truth. At this moment, I would like to include the rest of my statement for the RECORD, because I know that there are many, many friends who would like to take time in this special order today to honor a great hero, a great friend, Frank Tejeda.

I thank the gentleman from California [Mr. BECERRA], the chairman of the Hispanic caucus.

Because he was contented, he was unflappable. Frank was also kind, forceful, generous, and committed to those he served. After he fought for his country, he fought hard for veterans, farmers, and Hispanics in Texas and Washington.

Frank was a beautiful man who died far too soon—too young. He taught us all how to be better people, and he set an example for all of us to live by.

Frank had a quiet strength. His decent life spoke volumes.

He was uncomplicated—he meant what he said and he said what he meant. His word was literally his bond.

His story was very much the American story—about the ingenuity and creativity of one man's rise from obscurity to power.

Frank was an inspiration to me. Frank exemplified the very best in public service, honesty, and integrity. He was a true leader who believed in the value and decency of the working class.

He always said he was proud to be a marine grunt—he didn't want it any other way. That same ideal moved him to work hard all his life and to stick up for the working people he represented so well. Frank always approached problems with commonsense solutions and an engaging sense of humor.

This Chamber still feels empty without Frank—yet I know that Frank is watching us now and telling someone we are making too big a deal over him. For that was Frank—simple, low-keyed, and focused.

Frank showed enormous grace and courage over the past year while dealing with the pressures of cancer and chemotherapy. As always, the highly decorated and respected marine fought the valiant fight.

He was such a disciplinarian—with his professional life, with his personal ethics, and with his physical health. I greatly admired him—as did many Texans. Frank Tejeda was one of the best friends I ever had.

We need to remember Frank's children—Marissa; Sonya; and Frank III—and his mother Lillie during this difficult time. His mother was here with us last night, honored by President Clinton as an American hero in Frank's stead.

We should also remember his sister Mary Alice Lara—who accompanied their mother last night—and his brothers—Juan Tejeda,-Ernest Tejeda, and Richard Tejeda in our prayers.

Frank Tejeda was a giant among men, and among leaders.

Frankie—I love you brother. You leave us a beautiful memory. We will all miss you, but we will cherish your memory.

I thank the gentleman from California for sponsoring this special order.

Mr. BECERRA. I thank the gentleman for his remarks and I think he is right, he probably could speak longer on this than anyone, about Frank, I know he would love to, but at this point I yield to the dean of the Texas delegation, someone who has been a fighter for Texas for some time, I know Frank spoke of him with great regard, that is the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. I thank the gentleman from California [Mr. BECERRA] for yielding.

Mr. Speaker, it is very unnerving and soul shaking to consider that such a young and promising life was cut so short and, therefore, deprived us and this House of what unquestionably would be great contributions.

I have watched the course of this great man in Congress, as a fellow Congressman, as he developed and being very familiar and intimately acquainted particularly with that section of our city in which he grew up and to which I have an undying and unbreakable attachment, since I myself am a native son and actually born at a time when San Antonio was a lot smaller, and that part of the city in which Frank developed and grew was not there. So it is very difficult to find words with which to express completely and fully the dimensions of an individual such as the Congressman who from very humble and unpretentious origins and beginnings reached the pinnacle of political achievement by dint of character and sacrifice. He of course proved himself in the field as a full-fledged member of the Marine Corps. It was my privilege to be identified with that particular section of the city when it was not part of the city. I am a native of San Antonio, and what we call Bexar County and the city is of such a proportion today that it is difficult for me to evoke the size and the aspect of the city at the time. I want to thank my colleague for pausing and taking time in order to recognize a great man.

Mr. Speaker, I want once again to offer a few words of praise and tribute in honor of my late friend and colleague, Frank Tejeda.

As so many of my colleagues—and indeed the President of the United States—have remarked here in the House and elsewhere, Frank Tejeda was a brave and remarkable man. He started with little, but soon found direction, and when he did, proved his talent and mettle. He went a very long way in a very short time.

Frank died too soon, and I am sure that he knew how long the odds were against surviving the tumor that killed him. But he never complained, never faltered, never felt sorry for himself or asked anyone to pity him—he went right on doing the best he could, to serve his district and this House in an exemplary way. There was not a day, not an hour, that he did not give his best—and that was very good indeed. The people of his district, the Members of the House, were well served by Frank Tejeda.

Frank went from high school dropout to decorated marine, and from there to the best schools in the Nation. His accomplishments were remarkable, undeniable—and probably unexpected by those who saw him as a restless adolescent. Frank was a quiet man. Proud as he was, and he was very proud, he never let his accomplishments balloon into egotism. He just hung the medals up, and alongside them the diplomas, and went on about his quiet and extremely effective service to the people of his community and district.

Frank always had the time to help a friend or a neighbor. And if he did not have the money to help out, he'd get it somewhere, even if that meant taking on a bank loan. But typically, he never would tell anyone about the sacrifices that he was making.

High or low, rich or poor, powerful or weak—everyone who came in contact with Frank Tejeda was treated with unfailing courtesy and respect. He was that kind of man.

He was a man of integrity and decency. Frank Tejeda lived with honor, served with honor, and brought honor to all of us.

I will miss Frank. All of us will. I hope, as I said yesterday, that all of us will learn from knowing him, and that all of us will remember him by living as he did, with grit and grace, decency and honor, generosity and compassion, energy and determination.

Frank Tejeda lived well and served well. With profound regret and sorrow, I say farewell to Frank—but will never say farewell to his memory.

Mr. BECERRA. I thank the gentleman for his remarks.

Let me now turn to another colleague from Texas, Mr. REYES, a gentleman whom Frank respected a great deal. We are looking forward to working with him as a new Member.

Mr. REYES. Mr. Speaker, I rise this afternoon to join my colleagues in recognizing the many contributions that our esteemed colleague and my good friend Congressman Frank Tejeda, made to this great institution, our great Nation, and in particular the people of Texas and the 28th District.

Much has already been said about Frank and his influence on the lives of those he touched, but I rise this afternoon as one more testimony of what will be his legacy, a legacy that will ensure that the memory of Frank Tejeda will live forever in the hearts of all of us.

Frank was a man of extraordinary character and integrity. Frank understood what was required of public service. At a time when some Americans are wondering about and sometimes questioning those that seek and aspire to public service, we have been left with the legacy of a devoted father, a selfless public servant, and an honorable man to reassure us that America can and still provides us with those that seek no other measure than to serve with dignity and simply aspire to do what is right and just.

Frank Tejeda was an example of what is right and noble. But more than that, Frank will forever live in the hearts of his people, in the hearts of all people, for he was a man of the people. In death, as in life, he stirred within his people a dignified and moving tribute for all of us to see last Monday as whole neighborhoods of San Antonio turned out to show respect and farewell. It was a sight that will never and must never be forgotten. It is the ultimate tribute that a grateful community gives a warrior statesman. It was fitting and proper and, to use Frank's own words, it was the right thing to do. Straightforward, honest, respectful, dutiful, and courageous, Congressman Frank Tejeda fue un hombre entre hombres, a man among men, and he will be missed but he will never be forgotten.

God blessed us all with Frank and now it is up to us to keep his legacy alive and thriving within this great place, with great responsibilities to this great Nation.

I thank the gentleman for this opportunity.

Mr. BECERRA. I thank the gentleman for his remarks.

Mr. Speaker, another colleague who will serve this institution so well is another gentleman from Texas [Mr. JIM TURNER].

Mr. TURNER. I thank the gentleman from California [Mr. BECERRA] for yielding.

Mr. Speaker, it gives me great pleasure to stand and speak in the memory of our dear friend Frank Tejeda. Frank Tejeda served not only in this body, ably and with distinction but he also served as a member of the Texas House of Representatives and the Texas Senate where I had the pleasure of serving by his side. I can say without question, Frank Tejeda was a man who stood firmly for principle, a man who voted his conscience irrespective of the pressure that may come to bear. He was a man who believed very firmly that truth was more important than any other virtue, and he was a man who believed very firmly that when something needed to be done, he was going to be there and be counted.

Frank Tejeda grew up in south San Antonio. He did not graduate from high school but he went into the Marine Corps. It changed his life, and he from that point on achieved great heights academically.

He served the people of south side San Antonio and the other counties in his congressional and Senate and House districts with great distinction. As I sat next to him on the floor of the Texas Senate on one occasion, I noted Frank was rather quiet and yet as I began to hear the particular debate, I began to realize that Frank was ready to speak. And when Frank rose to speak, everyone listened, because you knew when Frank Tejeda spoke, it was worth listening to. We will miss Frank Tejeda. He was a great Texan, a great American, and a great friend to all of us.

Mr. BECERRA. I thank the gentleman for his words.

Let me now ask another colleague from the great State of Texas and a great friend of mine, Mr. GENE GREEN, for his remarks.

Mr. GREEN. Mr. Speaker, I thank the gentleman from California [Mr. BECERRA] for allowing me a few minutes to discuss my friendship with Frank Tejeda. Like my colleague from Texas, JIM TURNER, we served with Frank in the House and the Senate and now in Congress. I grew to admire him as a man who was committed to the highest ideals and actions. Almost 2 years ago, I remember when Frank became ill, I prayed to God that he would be healed, and the Lord let us have Frank until last Thursday night. He was a man of integrity and honor and commitment and service. He was a great man who gave of himself, selflessly to others, whether it be serving his community as an elected official or to the children of south San Antonio in organizing and helping in little league games, baseball, football, you name it. Again, my colleague from El Paso talked about earlier this week when we saw the thousands of people who gathered along the roadways to pay tribute to Frank Tejeda, who came from their neighborhood and did so much good.

I was so impressed with Frank when I first met him, he was so proud to be a marine. He was a role model for other marines. In fact, I did not know until much later that Frank had received the highest academic average in the Marine Corps history in officer candidate school. Frank even took it a step further when he won the Colonel Phil Yekel award which combined his skills academically with his natural leadership ability and his extraordinary physical fitness. His pride in the Marines and military translated into his work as a legislator, both here and in Austin, TX, whether it be serving veterans as a State legislator or State Senator in securing funds for an outpatient clinic in San Antonio or for a public health clinic in Duval County. He was a firm believer in military-civilian cooperation. He sponsored legislation to train physicians assistants at Fort Sam Houston. He helped expand the GI bill for educational benefits for service personnel and certified teaching. Frank touched so many people, Mr. Speaker. We will miss him, not just the people of San Antonio and the people of Texas but the people of the House. Frank Tejeda's commitment to this institution, his country and to its people should be an example we all should live by. Frank, we will miss you.

Mr. BECERRA. I thank the gentleman for his remarks.

Another colleague from Texas and I think it is clear the respect of the Members from Texas for Frank Tejeda as they come here to express themselves, I would like to invite another gentleman who just got elected and will serve us well in this Congress, Mr. RUBÉN HINOJOSA, to please add his remarks.

Mr. HINOJOSA. I thank the gentleman from California [Mr. BECERRA] for yielding.

Last night in President Clinton's State of the Union speech, he paid special tribute to the Honorable Frank Tejeda. He mentioned and recognized Frank's mother Lillie and his sister and relatives who attended. They are here this afternoon. And so it is with great pleasure, it is with great honor that I too come to join my fellow colleagues in expressing our feelings and support of the bill just passed today which is going to name a post office in San Antonio the Frank Tejeda Post Office.

There are many things about Frank Tejeda that stand out in my mind. One is that he was the son of Mexican immigrants. Two, that he was a first generation south Texan, and very proud of that. He was proud to be an Hispanic leader from Texas and to be here in Washington representing his constituents. From San Antonio all the way down to south Texas, in Zapata, in Roma, in Rio Grande City, a district that borders with mine and thus we create a very special friendship. I had a lot of respect for Frank, and I had looked forward so much to working with him.

Frank was proud to have ascended, to have become a national leader. For that, he will always serve as a role model for many Hispanics throughout the State of Texas and other parts of the country.

This afternoon, I attended a meeting with Secretary of the Navy John Dalton. He too paid tribute to Congressman Tejeda. He spoke of this great American hero, a gentleman who distinguished himself in so many ways. I know that those of us who are sitting here this afternoon are going to be joining a very large number of individuals who want to pay respects and honor Frank Tejeda.

Mr. BECERRA. Let me now recognize a colleague of mine from the State of California, a friend and someone whom I know knew Frank well and respected him, Mr. DUKE CUNNINGHAM.

Mr. CUNNINGHAM. I thank my friend for yielding. I know the Texas delegation got together, which is very responsible, to offer this for Frank Tejeda. I want you to know it is not just the State of Texas that grieves, that this Nation has lost a favorite son, that when this country asked Frank to serve, he went and he served in Vietnam and did very well there. I want to also tell you that even when he was diagnosed with cancer, Frank never gave up hope.

I know one time I had learned and I tried to break the ice a little bit with him, and I said, Frank, you know that being a Navy guy, that we own the Marine Corps and that if he did not believe it, to check the front side of his paycheck. It is signed Department of the Navy.

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Frank reminded me with the humor of the time and says, "DUKE, that's because the Marine Corps has protected the Navy throughout history, and you owe us that."

But he was a man of integrity and even though that with the issues sometimes we disagreed, Frank was well respected on this side of the aisle as well as that side of the aisle, and I would ask, Mr. Speaker, that when our children look for heroes or role models that someone that was as dedicated to family as Frank Tejeda, someone who was as dedicated to this Nation in serving as Frank Tejeda, has strong faith in God and his country, I cannot think of a stronger role model for my children or anyone else's.

Mr. BECERRA. I thank the gentleman who knows a little bit about what it means to be a member of the military for his kind words toward Frank.

Let me now ask another fine gentleman and distinguished Member of this House from the State of Texas to come forward, and that is the gentleman by the name of KEN BENTSEN.

Mr. BENTSEN. I thank the gentleman from California for yielding, and I join my colleagues in grieving the loss of our colleague from Texas, Frank Tejeda. I have to say I did not know Frank until I was elected to the 104th Congress, but I often drove through the lower part of his district in Starr County, where part of my family resides, and I saw Frank's signs down there, and he was one of the only people I have ever known who could run for office and never be opposed from either party or in either primary, and I have to say as I got to know him I came to understand why.

I have never met anybody who did not like Frank Tejeda, who was not proud of what Frank Tejeda had accomplished, and while the service the other day in San Antonio was quite sad, I was moved by what Bishop Yanta said in the homily when he said that we are sad that Frank is gone, but he has gone to a better place and we should celebrate what he did in his life here.

And you look at many résumés in this job and you hear many people testify and you meet many of us who were in this body who have very interesting backgrounds, very distinguished backgrounds, but I do not know if we have had anybody in quite some time who had the distinguished background of Frank.

I had the occasion to talk with one of our former Members, Sonny Montgomery, a very respected member of the military who served in this body, who told me the day after Frank's passing that he in fact—Frank in fact had been the most decorated Member serving in the Congress in these last few years.

And so I think it is a great loss for us, but I also have to say what a tribute and what a celebration as we left St. Leo's in the south side of San Antonio to see the people lined up on the street holding up the signs saying: "We will miss you, Frank". He is truly a dedicated—was truly a dedicated individual who cared about his constituents, who cared about his country, who cared about his family, and we are all better for having the chance to have known him and worked with him and we will miss him.

I thank the gentleman for yielding.

Mr. BECERRA. I thank the gentleman from Texas for his words, and it is absolutely true. Those of us who had the opportunity to be at the memorial service saw just this throng of people outside trying to send a wish to Frank, and that perhaps was one of the most moving things that I saw in my trip to Texas.

Let me now yield to a very distinguished Member from Texas as well and a good friend, Mr. CHET EDWARDS.

Mr. EDWARDS. I thank the gentleman.

Mr. Speaker, in this House our Members are often judged by what they have accomplished in life, and on that basis Frank Tejeda would be judged very well because he made a difference for his State, for his country and for his beloved constituents in south Texas.

But the thing for which I will always remember and respect Frank Tejeda is not his list of accomplishments, though many and impressive, but the character of the individual. He is what I would have to believe every father and every mother would hope their child would grow up to be, and as a father of a small 1-year-old son, I could think of no greater satisfaction in my life, far beyond anything I could do in this body that would bring me pleasure, than to think that my son would some day have the character and integrity, the decency and the honesty and the compassion of Frank Tejeda.

Several years ago I met a young 9-year-old Hispanic girl who was also fighting a fight against cancer. She was trying to get help, to get care in a hospital and was not sure that she would win that fight for her life. She sent me a card that I think is appropriate for Frank Tejeda at this moment, a card that I will never forget, and what it said was this:

"When we leave this world we leave behind all that we have, that we carry with us all that we have given."

I am confident, Mr. Speaker, that on his journey to heaven Frank Tejeda carried much with him for he gave so much here on Earth to his country, to his family and his beloved friends of south Texas.

Mr. BECERRA. I thank the gentleman for his remarks.

Let me now ask a distinguished friend and colleague of the House who has served so very well representing veterans for so long, the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. I appreciate the gentleman for yielding.

At the end of World War II, General Patton, while eulogizing our American war dead, reminded our grieving Nation that it is foolish and wrong to mourn the men who died. Rather, we should thank God that such men lived. And those words sustain us as we remember our colleague Frank Tejeda today. Rather than mourning his too early death, let us thank God for his life, let us thank God that we had the opportunity to work with him and let us thank God that we had the privilege to know him.

Frank was a favorite in this House of Representatives. He was a friendly, decent, kind, and quiet man. His participation in a hearing or meeting guaranteed civility and tolerance. When he spoke others listened. I firmly believe that his notable courtesy and obvious concern and regard for the views of others was the result of a lifetime of challenges that he faced as a young man growing up in San Antonio, as a highly decorated Marine veteran of Vietnam, as a student at three of our country's most highly respected institutions of higher education, University of California, Harvard, and Yale.

As a fellow member of the House Committee on Veterans' Affairs, I know that Frank's thoughtful and informed comments and constructive participation were well regarded. He was among the first to sound the alarm concerning gulf veterans' problems. He championed improvements in the GI bill. He fought to ensure that many veterans living in San Antonio were well cared for and taken care of at the Audie Murphy Hospital in San Antonio.

I was also privileged to serve with him on the Committee on National Security, where his faithful and effective participation demonstrated his commitment to the members of our Armed Forces and to a strong national defense.

We all considered Frank to be a good friend and colleague. Our admiration grew, however, into a real sense of awe as we watched him literally wage the battle of his life, a fight that he carried on with enormous courage and dignity. None of us will ever forget the Honorable Frank Tejeda or the special grace with which he lived his life.

Our deepest sympathy goes to his family, his loyal and devoted staff, and the residents of the 28th Congressional District of Texas, who Frank so ably represented here in Congress. Please let us know what we in this House can do in any way to help you during the difficult months ahead. Let us all thank God for the life of Frank Tejeda.

Mr. BECERRA. I thank the gentleman for his remarks.

Let me now ask the gentleman who has served this country in the military and is now serving his country just as ably here in Congress, a good friend, the gentleman from Pennsylvania, Mr. PAUL MCHALE.

Mr. MCHALE. I thank the gentleman.

Mr. Speaker, I recall with respect and affection my friend, colleague, and fellow marine, Frank Tejeda. Two years ago Frank stood at this very microphone and gave a special order commemorating the courage of those marines who fought for and died in pursuit of the capture of Iwo Jima. Unbeknownst to Frank that evening, watching on C-SPAN was a former Navy corpsman who called Frank the next day. He was unaware that Frank had survived war wounds received in Vietnam. That corpsman was in fact the doc who had provided aid to Frank on the battlefield and placed him aboard the helicopter when he was medivac'd. That chance appearance of Frank on C-SPAN and the awareness of that Navy corpsman set in process a series of events that resulted in Frank receiving posthumously the Silver Star.

Among other events that day on the battlefield in Vietnam, Frank had gone out into a rice paddy under fire, had attacked an enemy position, had killed the enemy gunner and had pulled back into a tree line, at which point he saw the body of a marine in the rice paddy. Again under fire he went out to that marine, recovered the body and brought the body back to safety. Frank in this Chamber later said to me, "Paul, that wasn't courage. I simply remembered what they taught me at Quantico."

That was courage, and like Frank's intelligence, his decency, his bravery was such an inherent part of his character he did not think it was special. But we who served with Frank know just how special he was.

In a line that is delivered by marines with a sense of humor, but one that I think appropriate today, the closing stanzas of the Marine Hymn talks about the streets of heaven being guarded by U.S. marines. Mr. Speaker, they now have a new commanding officer: Maj. Frank Tejeda, U.S. Marine Corps.

Semper fidelis Frank.

Mr. BECERRA. I thank the gentleman from Pennsylvania [Mr. MCHALE] for his remarks.

Let me now ask a colleague from California, a friend, someone who also knew Frank well, the gentleman from southern California [Mr. MATTHEW MARTINEZ], to come forward to make some remarks.

Mr. MARTINEZ. Thank you, Mr. BECERRA.

Mr. Speaker, I rise today in honor of my friend Frank Tejeda. I met him for the first time right back here in the back of the Chamber sitting with SOLOMON ORTIZ and I think it became almost a routine thing that when we came down to the House to vote we would spend a few minutes visiting with one another. Although I only knew him for a short time and many of us only knew him for the 4 years that he was here in Congress, if you knew him one day though, you really knew him because he was exactly as he seemed to be, a real nice guy, and beyond that he was a great American and a great patriot, and I do not say that just because he was a fellow marine but because he proved it. He proved it every day of his life the way he acted with himself, his family, his constituents, and especially the way he proved it when he was a marine.

The true test of a man's character I think is many times tested under stress and the greatest proving ground of all I believe is war or battle, and Frank was tested in that manner and he proved that he was a hero. But Frank was not just a Vietnam hero; he was a hero to his family as well and to all those who knew him.

Many of you have heard the things that my colleagues have said about him, his charitable acts, his acts of concern for his constituency as he dealt with the huge bureaucracy we call the U.S. Government, and many of us spoke of it in our eulogy to him. But there are three short statements that were written in the book that was issued to commemorate his memorial, and they were from his children, and I would like to include those for the RECORD, along with a ledger of his longstanding accomplishments, many of which you have already heard and many of which you will hear from other Members who love them as much as we do.

But one particular of the three that his children wrote was written by his daughter Marissa, and I would like to share that with you. It really came from her heart, and it is a true sentiment of how she felt about Frank and I think that many of the people that knew him felt about him too. It says:

LOVING THOUGHTS FROM HIS CHILDREN

You are a celebrity to me . . . I've watched you grow all these years with me, almost as if you were a big star on the screen . . . I've watched you give to others—this taught me the gift of giving.

I've watched you make your dreams come true—

This taught me to believe in dreams. I've watched you play my fan at my softball and soccer games—This taught me to find courage and self-worth.

I watched you play my teacher—This taught me the meaning of moral gratification and education.

I watched you play my DAD—when you loved me unconditionally and supported me with all your faith—This taught me the magic in love and the ability to bring life to others.

And I watched you as you played my friend—every day, when you talked to me, cried with me and laughed with me . . . You were a star to me, I was your biggest fan.—

Love,

MARISSA.

DAD, I love you more than words can say. You have always been my inspriration and my will to strive for the best. No matter how hard or how long the battle was, you still came out a winner and that is how I will always remember you. You are my hero, my shining star, MY EVERYTHING. I know God is taking care of you and you are still protecting us like always. You have been set free, but you will never leave my heart. Dad, I miss you already, but there is no comparison to where you are right now. I love you dearly and may the eternal light shine on you forever.

Love,

SONYA.

DAD, You have been the greatest inspiration and role model in my life. You have taught me morals and values that anyone can teach, but the way you taught me made me admire you and love you the way I do. I miss you and I love you more than words can say. You will always be with me no matter where I am. I love you, dad.

Love,

FRANK M. TEJEDA, *III*.

HIS LIFE

A native Texan, Frank M. Tejeda, was born in Southside San Antonio on October 2, 1945. He was the son of Lillie Tejeda and the late Frank M. Tejeda, Sr.

Frank attended St. Leo's Catholic School and Harlandale High School. He volunteered for the United States Marine Corps, where he earned the Bronze Star for valor, and received the Purple Heart for wounds sustained in combat. At the Marine Corps Officers Candidate School, his 99.08 percent overall average ranked the highest at the time. He received the Commandant's Trophy, the Marine Corps Association Award for the highest academic average in Marine Corps history at the time (99.6 percent), and the Colonel Phil Yeckel Award for the best combined record in leadership, academics, and physical fitness.

Frank graduated from St. Mary's University with a Bachelor of Arts in Government; at the University of California at Berkeley School of Law, he earned a Juris Doctorate; at Harvard University's Kennedy School of Government, he earned a Master in Public Administration; and at Yale University School of Law, he earned a Master of Laws.

Frank began his professional career as an attorney at law. He served as a State Representative in the Texas House of Representatives from 1977 to 1987. He was elected to the Texas Senate, serving from 1987 to 1993. In 1992, he was elected to the United States House of Representatives and served in Congress from 1993 to 1997.

Frank M. Tejeda was a devoted public servant who dedicated his entire life to making Southside San Antonio, the greater San Antonio-Bexar County metropolitan area, his South Texas congressional district, and the nation a better place for all to live. Education, youth athletics, civil rights, and veterans service organizations have honored Frank's service to the community. His extraordinary life will be a lasting inspiration to us all.

HIS LEGISLATIVE ACCOMPLISHMENTS

During the 103rd Congress, Congressman Frank M. Tejeda supported a strong national defense, community and economic development, expanded educational opportunities, crime control and enhanced veterans benefits. He advocated community participation. He was an outspoken supporter of local military bases and brought millions in additional federal funding for building construction and base maintenance. He strongly spoke in their favor during the 1993 and 1995 base closure deliberations.

To assist those who risked their lives for our nation, Frank introduced and helped pass legislation to expand veterans' educational benefits. He sought to expand health care access for veterans and others in Southern Bexar and surrounding counties. A believer in military-civilian cooperation, he sponsored and helped pass legislation to expand a program for training physician assistants at Fort Sam Houston and the University of Texas Health Science Center. He introduced a bill to expand the Fort Sam Houston National Cemetery to continue our tradition of honoring those who served their country. Congress incorporated it into legislation that was signed into law by President Clinton.

Congressman Frank M. Tejeda was concerned about the health and safety of the communities he represented in Congress. During his district work periods, he worked with local elected officials and community leaders to secure crucial federal funding for many worthwhile projects. A few of these projects included securing funding for the construction of a new VA Outpatient Clinic in Southeast San Antonio, securing additional funding for a public health clinic in Duval County, and the construction of numerous clean water and sanitary sewer systems. Alarmed by the contamination of soil at the San Antonio Alamodome site, he called upon the Environmental Protection Agency for assistance and he formed a special committee of community leaders and representatives to identify solutions. His concern for the small farmer and rancher was demonstrated through his efforts to provide assistance for agricultural producers. Frank promoted and worked for the preservation of the historical landmarks and natural resources in San Antonio, and he secured federal funding for the construction of the National Park Services Mission San José Visitor Center.

During the 104th Congress, Congressman Frank M. Tejeda focused his attention on the specific needs of veterans, farmers and ranchers, and communities without access to potable water. He achieved these goals through legislation signed into law, grants for drought relief, and funds to add or improve water infrastructure in underserved communities in the 28th Congressional District of Texas.

Frank successfully achieved congressional approval of legislation to permanently expand GI bill education benefits for veterans pursuing teaching certificates through state-approved alternative certification programs. VA education benefits were limited to certification programs affiliated with colleges and universities, and excluded certification programs administered by a regional service center or large school district. His legislation eliminated that barrier so veterans could consider the transition to the teaching profession upon their discharge from the military.

Veterans' access to health care is a high priority to Congressman Frank M. Tejeda, who worked closely with Department of Veterans Affairs Secretary Jesse Brown to open an outpatient medical care clinic in Southern Bexar County. The clinic, which broke ground on December 8, 1995, will provide access to service to the more than 67,000 veterans who live in Bexar, Atascosa, Frio, and Wilson Counties. This expansion of VA medical care in South Texas is made possible by savings generated from the consolidation of duplicative administrative and other functions at Audie L. Murphy Memorial Veterans Hospital and the Kerrville VA medical facility, one of 16 nationwide management integrations to enhance medical services to veterans and reduce administrative costs.

The prolonged drought in South Texas severely affected South Texas farmers and ranchers. Frank worked tenaciously to get the USDA to expedite primary emergency disaster area designations for most counties in his South Texas congressional district. In an unprecedented move USDA Secretary Dan Glickman acted on Frank's recommendation to separate Starr County's completed request for a disaster declaration, along with three other counties, from a group of 13 applications submitted by Texas Governor George Bush. Frank emphasized that "* * * the policy of holding up one county's disaster declaration until all applications are complete leads to unfair and unnecessary delay. Each county should be considered as soon as possible on the merits of its application without regard to the status of other countries submitted by a state governor at the same time." Secretary Glickman concurred and signed Starr County's designation to receive primary disaster for losses caused by drought and high winds.

Congressman Frank M. Tejeda also garnered $1.3 million out of $9 million in unused USDA disaster assistance funds to help South Texas cope with sustained drought. Four South Texas water projects in Frio, Jim Hogg, and Zapata Counties received a share of the unused funds to improve their respective water infrastructure projects.

HIS LEGACY

A position Frank valued more than any other elected office or seat he ever held was that of being father to his three children—two daughters, Marissa and Sonya, and a son, Frank II (whom he affectionately called Frankie). Although his duties in public office took him away from his children frequently, he made it a point to spend time with them when he was home. He enjoyed sharing the news of their accomplishments and endeavors with others. He was especially fond of watching his son play soccer.

He leaves, to cherish his memory, his three beloved children; their mother, Celia Tejeda; his mother, Lillie Tejeda; a sister, Mary Alice Lara; three brothers, Juan Tejeda, Ernest Tejeda, and Richard Tejeda, all of San Antonio. In addition, he has a host of aunts, uncles, nieces, nephews, cousins, and other relatives. Frank M. Tejeda will be missed greatly by his many friends, honored past and current legislative colleagues, his fellow Marines, his faithful constituents, and his loyal and dedicated staff.

The warmth of Frank's memory leaves me with a great deal of comfort, but his loss I think leaves us all with a painful void.

Frank, I don't say goodbye to you this day, but as a friend and a fellow marine veteran I simply say semper fi. May your spirit live on forever, and I know it will.

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I thank my friend for his remarks.

Let me now yield to someone who knew Frank well, who happens to be the chairman of the Subcommittee on Military Procurement of the Committee on National Security, someone who also has a long and distinguished career, not just in the House of Representatives, but in serving this country in the military, a friend of all of ours, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank my friend for those gracious words. But when I compare my brief career in the military in which I went to Vietnam, and basically the best thing that could be said about me was I showed up, when you compare that with Frank Tejeda, who showed such tremendous leadership, it pales by comparison.

I want to thank my friend for taking out this special order and all of my friends who spoke. I came from an appointment in my office. I did not get to listen to everybody, but I know what you said, because we all knew Frank. And I know many people have talked about his wonderful accomplishments. But it occurs to me, probably Frank Tejeda's value to all of us and his greatness was reflected probably not in what he did, because a lot of lesser Members of Congress have done some things legislatively, but Frank's greatness I think was in what he was.

I reflected back on my times in the service and my time, my service here on the Hill. And over your life, you have certain times when you have a group of people about you when you are working for a common cause when you have a sense of community, a sense of brotherhood, a sense of friendship that is very gratifying. And that is the sense that I always had when I worked with Frank Tejeda, because that is what he inspired.

I am reminded that I guess it was Alexis de Tocqueville who in analyzing what made the United States so unusual, is a historian of several hundreds of years ago, finally came to the conclusion that America was great. He said America is good because our people are good and because we have certain people who are just extraordinary.

Frank Tejeda was one of those good people. He was a person who was so devoid of prejudice or unfairness or ego, a problem which I think affects all of us at one time or another, that you could always count on him for a good decision. He was an honest broker that people could go to, that they could look to, and what a role model for us in these difficult times when we get a little bit partisan.

I have always enjoyed being partisan and the battles we have had on the House floor and in committee, and sometimes we get a little heated. And you know I am glad that my good friend, the gentleman from North Carolina [Mr. COBLE], is in the chair right now. He is one of those people that has a little bit of Frank Tejeda quality that sometimes when we are a little bit heated and when we step over the line a little bit, perhaps become a little bit personal. It would not be bad for us to always remember Frank, a guy who I think it was Silveriuz who said that still waters run deep. What a deep person, what a person who was often still, but so valuable to this body and to us as Members. I would hope that we could follow Frank's example and remember the great modern American portrait role model that Frank was.

One thing about Vietnam was that this era of Vietnam did not produce—and I think probably with the help of the American media—did not produce many role models, because the Vietnam war was an unpopular war for the American media and there are not a lot of leaders who were given a lot of publicity. Frank in his quiet way was perhaps one of the greatest role models to come from the Vietnam era. Frank was a man who could have carried a national office with great dignity and with great expertise and capability.

So I thank my friend for allowing me to take a little bit of this time, and I thank all of my friends who talked about Frank. Let us all work in his example and in the great light that he shed over this body, which I hope will continue to illuminate us in his memory.

Mr. BECERRA. I thank my colleague from California for his words.

Let me now turn to a good friend and a distinguished Member of this body, the Representative from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I too would like to join my good friend from California for his kind remarks made about our great friend and colleague, Congressman Frank Tejeda. I remember Frank once saying that he was just a grunt. As a Vietnam veteran, I would like to join my friend from California in saying we were just grunts compared to Frank's accomplishments and certainly for his value and bravery for which he was awarded the Silver Star, the Purple Heart, the Bronze Star and the Marine Commandant's Trophy, the Marine Corps Association Award, and the Colonel Phil Yeckel Award for the best combined record in leadership, academics, and physical fitness during the time which he was in Officer's Candidate School, where he maintained an academic average in the 99.6 percentile, the highest ever recorded in Marine Corps history.

Mr. Speaker, Congressman Tejeda was a warrior and a true hero of our Nation. Because of his tenacity, because of his leadership, and because of his generosity, and because he never forgot where he came from, Congressman Tejeda was loved and respected by the people he served.

One of his constituents said of him, and I quote:

> Even though he spent many years in Washington, his heart was always in San Antonio. He was a community man. Congressman Tejeda never lost touch with the family, friends and constituents who worked on behalf of his political success. He continued to make a home in the neighborhood where he grew up.

He was generous with everyone, generous with his time and generous with his talents. There are countless stories of how he took money from his own pocket to provide uniforms for local baseball teams, how he cosigned notes to pay power bills so that the lights could remain on at the field, how he took out loans to meet medical expenses for his friends, how he bought the furniture for the day care center at the local church.

Mr. Speaker, the list of his good deeds goes on and on. His generosity of spirit is well known. He was a mentor to many young people. He has gained political stature. He had made sure he helped young, aspiring leaders. He opened up windows of opportunity. As Under Secretary of the Army, Joe Reeder said of him, and I quote: He was a great role model, a great advocate for Hispanics, and a great advocate for veterans.

The gentleman from Texas [Mr. BONILLA] concurred by adding this remark, and I quote: Frank Tejeda represented all that is good about America. He always led by example, and his character, dignity inspired all who met him. He was a genuine American hero, Mr. Speaker.

Our good friend and a dean from the Texas delegation, the gentleman from Texas [Mr. GONZALEZ], members of the Congressional Hispanic Caucus and chairman, my good friend and colleague, the gentleman from California [Mr. BECERRA], the gentleman from Texas [Mr. ORTIZ], Henry Cisneros, and many other distinguished leaders have all spoken of a great loss, both personal and communal, because of this untimely death.

The Hispanic community has lost a great man, Mr. Speaker, a great leader and a great warrior. As former HUD Secretary Henry Cisneros said, and I quote: You do not find many public officials who stand for anything. Frank Tejeda took stands, end of quote.

Whether we remember the war hero, the antipoverty activist, the brilliant attorney, the crusading State legislator and the dedicated U.S. Congressman, Mr. Speaker, the role model for our youth, the compassionate and general member of the community, the fighter for justice and equality, the good friend whose personal warmth was always evident, and of any of the other remarkable aspects of this man, we all mourn his loss.

So, Mr. Speaker, we mourn the loss to Texas, the loss to the Hispanic community, the loss finally to all of America. We will all miss the presence and the leadership of my good friend and colleague, the late Congressman, Frank Tejeda.

Mr. BECERRA. I thank my friend for his kind remarks.

Members of the Tejeda family, mother Lillie; children Marissa, Sonya, Frank, III; Members of the US Congress; Governor; Colleagues of the Tex. Legisl. Distinguished guests, friends. It is a great honor to be able to speak about Frank M. Tejeda, Jr.

Frank Mariano Tejeda, Jr. was born to loving parents Frank and Lillie Tejeda Oct. 2, 1945, on his dad's birthday. He was born at 708 Pleasanton Road, on the south side of San Antonio.

A baby boomer, born to a WWII disabled combat veteran, and his wife. From his dad and his loving mom, Frank learned an intense love of service to his country, his community. Since childhood Frank's dream was military service, as his dad had done before him.

His parents were loving and very involved in his upbringing. Guiding him in his faith and his daily living. His mom Lillie was and till his death continued to be the heart and hearth of the family. His dad taught Frank about the love of country, about discipline, about loving the land and by example, Frank's dad and mom taught Frank determination, and self-sacrifice.

Frank's mother and dad were by Frank's side, teaching, guiding and reinforcing the values of love of family, respect of self and of others, dedication to God, family and country.

The Tejedas sacrificed and sent Frank, Jr. to St. Leo Catholic grade school (the very school across the street) to be followed by his sister Mary Alice, and brothers Juan, Ernest and Richard. A natural leader, he was respected and admired by his classmates and the teachers. Back in the "old days" the teachers were mostly nuns.

Frank was developing his strong spirit and character. He was bright and he did well in his studies; yet, he also managed to get into mischief. He was not allowed to attend the eighth grade picnic because he had lead a group of students who showered the hallways with the fire extinguishers during an evening PTA meeting.

Frank was raised by his father to love the outdoors, and the military. The home on Pleasanton Road had pens for the dogs that "Big Frank" raised for hunting. Frank, Jr. learned about caring for the animals that they raised. Responsibility and love of the outdoors were among the values he learned.

Frank was devoted to his Catholic faith. As an altar boy, many mornings he would be here bright eyed and ready to serve the 6:00 AM Mass. Here in this church, on this altar, we served Mass for Priests like Fr. Ruiz, Fr. Ebisch, Fr. Singelton (no doubt they will recognize him in heaven) his devotion to the faith continued to his death.

Frank was much influenced by his father and other members of his family who served in the military. Many of us remember the pride and great pleasure he took in his toy soldiers and particularly the pleasure he enjoyed with the Fort Apache set.

The Tejedas loved music. Frank grew up listening to his father Frank senior and his uncle Rogelio (his padrino) play guitars and sing the "corridos" (ballads) about Mexican heroes and the old songs about men defending their rights, defending their pride. "Las Polkas adding to the spirited evenings. We all shared many gatherings, ending with breakfast at one of the family homes.

The Tejedas were and to this day remain a closeknit family. They help each other, stand by each other and their extended families and friends. The importance of family, a value learned from good example.

All the Primos were athletic. Usually playing baseball or softball. Frank and his cousin Robert became legend in little league and pony league. His Primos Aurelio Jr., Roger and Henry were excellent athletes and were the stars of the show at the donkey-ball games.

Junior (Rodriguez) was among the family athletes. Frank played baseball for the St. Mary's baseball team, there too he was accepted as a leader.

Surrounded by aunts and uncles that were loving and supportive, Frank was rooted in the values of respect for self, respect for others and love of family and service to church and country.

After St. Leos, Frank attended Harlandale. He was often involved in fights with the elements of the school district that gave voice and action to bigotry. The intercom frequently called for A, B, C, and D, students and the "Tejeda boys." Frank was always ready to defend himself, even against a counselor who "called him an impudent trouble making Mexican."

Teachers and counselors urged Frank to study the trades since he "was intelligent and good with his hands"—the same Frank who earned a BA, a JD, and two masters degrees—St. Mary's, Berkley, Harvard, and Yale.

Frank was out of place in a school like Harlandale was then. He left high school in his senior year, just seventeen (17) years old. Frank's strong spirit had not been harnessed. He had dreams he had to fulfill. He decided to accept the challenge of "joining the Marines."

We all laughed when Frank candidly told of his enlistment. He thought that when he enlisted he would have weeks or months to relax, visit and proudly boast about joining the Marine Corps. He recounted that instead he was handed papers and a ticket to board a flight to California that very same afternoon. He laughed and reported that he felt lonely on that flight to Camp Pendleton, in Calif.

Again his bearing and leadership became evident, despite the rough going during boot camp. He related how on one occasion his platoon was marching and a crusty old T.I. yelled that everyone else was out of step except for Tejeda. For a brief moment Frank swelled up with pride until he realized, too late, it was he who was out of step. The language with which he was told of his error can not be quoted here.

After boot camp, Frank embarked on what could have been a career in the Marines. He was the youngest marine staff sergeant to serve in Vietnam. He distinguished himself and earned the Bronze Star with "V" for valor and also earned the Purple Heart for his wounds. Frank subsequently pulled to safety, a wounded fellow marine. He was under fire; yet, he courageously tried to save his fellow marine. Frank pulled him out of peril and protected the wounded marine until further support arrived. This fact was not reported until recently, when one of the witnesses to this event saw Frank on national media. The witnesses who verified the event all thought Frank had been killed. Frank, has posthumously been awarded the recognition he earned. The Silver Star for gallantry in the face of enemy fire.

During his service in Vietnam, Frank and I corresponded. He reported that he and his fellow troops were very saddened by the fact that the "folks back home" were demonstrating against the war and heaping insult on returning soldiers, soldiers who had "put their lives on the line." I encouraged him as much as I could and encouraged him to return home and go to college to develop that sharp mind even more.

After Vietnam Frank was offered officer training school. The Marines had recognized his worth and were anxious to have him as one of their leaders. Frank, instead, opted for a degree from St. Mary's U. Upon his attempt at admission I had to keep Frank from "mopping the floor" with the director of admissions who was more interested in technicalities than in Frank's merits.

In 1968 Frank and I worked for the S.A.N.Y.O. we became aware of rules that were unjust, e.g., if you spoke Spanish you were sent home for the day. Frank organized a protest and as a result the exec. director (a Priest) fired all eight (8) of us on Good Friday 1970. This was the beginning of Frank's activism.

We next worked for an organization known as the S.N.A.C. a 60's war on poverty program. Here Frank met many activists. Some he befriended, some he distanced himself from, but he respected them all and they in turn respected him.

At S.N.A.C. he met Edmundo M. Zaragoza. A Harlandale I.S.D. school teacher and thus began a close friendship that lasted until 8:25 p.m. on Thursday Jan. 30, 1997. Frank then guided Zaragoza to victory as the First Mexican American elected by the Mexican-American community in the Harlandale school district, thus began the "southside coalition." This name was given to a group of young men who shared strong, personal friendship, shared many, many hours working for the common good of the southside. And more than anything else, they shared values and dreams.

The continuous collaboration among friends was built on mutual respect. Each friend (or relative) brought a different perspective or added a new element to the melting pot that became what is referred to as the "southside coalition."

Frank used his considerable leadership skills in keeping the community united. A community that shared his views, worked with him and ultimately gave life to common hopes.

Frank recognized that he needed additional education, so he earned the doctor of jurisprudence from Boalt Hall, in California, the masters in public administration at Harvard, and the masters in law at Yale.

At Berkeley, Frank befriended Tony Jimenez, at that time a long-haired radical who became the roommate of the conservative marine. "Talk about the odd couple. Tony has been quoted on first seeing his roommate, as saying "Holy mackeral, I made a mistake." Frank's reaction was "just as stunned." They began a longterm friendship Tony, the Loyola grad, had requested an "out of state Chicano" roommate. He got one.

During law school Frank related taking his first sample test. He wrote his answer and tried to be humorous by adding at the end "besides that's life." Frank recalled that the professor was not amused noting that Mr. Tejeda was not welcome to add commentary. No question Frank learned from this "sample" he was the only Hispanic that earned an honors grade his first semester. Tony was the "eager beaver" student who raised his hand too often and answered questions, which caused the professor to take note of those in his immediate area. Frank informed Tony that if Tony raised his hand and brought the heat one more time, Frank would break Tony's hand. Tony did not bring the heat again.

During their studies at Berkeley, there was a madman who was hacking people to death. He was killing nonminorities only. Tony and Frank would on return to their apartment late at night sing Mexican songs, loudly if not well, to make sure that the "hacker" (who would pounce from alleys) did not make a mistake. Frank was courageous, but not foolish.

During law school Frank married Celia Gaitan, who lived across the street from the Longorias. He had been spending much time at the Longoria home obviously it was not just to see his friend. Of this marriage came his pride and joys: Marissa, Sonya, and Frank, III (Frankie). Frank and Celia gave their children love and guidance. The children are beautiful and were a special source of joy for Frank. The many hopes that Frank had for his children (his deep hope to see all his children finish high school and college) must be realized. Sundays were family day. Special days for quality time as a family.

Frank had sharply honed his mind and as a former marine kept a sharply honed body. He launched himself into pubic service with the help of trusted friends and relatives.

On the first meeting between Frank and Tony Dramburger (the well financed incumbent) Frank bluntly and confidently told Dramberger, he was going to beat Dramberger. His style was "no brag just fact." And he did.

Frank served the southside community honorably and with distinction. He fought eloquently against parimutuel betting. His vision of a better community, did not include gambling. He wanted better things for the people of the southside and worked for it. Frank made his mark in the legislature. He championed bills that served veterans (the Veterans Land Act, the Purple Heart licenses among many bills) victims rights bills and other crime bills that helped make our communities safer.

In the Senate he continued to hold steady his course. He fought for the issues that were important. He would stand along and always held his ground, regardless of power of money.

During parimutuel battles twice Frank was offered briefcases and suit cases full of cash if he would vote his conscience but not speak his conscience. We all know that Frank refused to waver or give in to the temptation of money.

While Representatives at time spoke "to hear themselves speak," Frank carefully listened to (a la E.F. Hutton) because he was respected and his fellows knew he was determined, courageous, honest and Christian.

In the Senate and in Congress Frank served as always, with honor and distinction. Honest and motivated by his true love of church, family and community.

Frank was generous with his time and with what material goods he had. He was generous to family, friends and community, placing community interest before person gain.

No festival, no Pop Warner team, no baseball team would suffer if Frank knew about their need. Families who couldn't bury their dead did not suffer if Frank knew about their need. School bands, fund raisers all of us knew about Frank. Flags for schools, PTA, Frank did it all. Many young people have college educations today because of Frank. Many more are assured of college educations in the future, because of Frank.

God gave Frank to his parents and family. They raised him, nurtured and helped develop his character and then shared him with us.

In turn Frank gave his family, friends and community love, caring and generosity. He gave leadership, hard work and hope. His generosity was uncommon in character.

Saint Matthew (Ch22 V34) speaks about the scholar of the law who tried to test Jesus and asked, "Master what are the greatest commandments?" Jesus replied, "Love God above all else. And the second is love thy neighbor as yourself for the love of God. Then in C25 St. Matthew speaks of the judgment of nations: "When the Son of Man comes in, His glory, and all the angels with Him, He will sit upon his glorious throne and all the nations will be assembled before Him."

Frank Tejeda, Jr. son, brother, father, U.S. Congressman did many acts of kindness that will be unreported, will be uncounted. He lived his faith. He loved and served his God. Where he found hunger, he provided food, where he found thirst, he gave to drink, he welcomed the stranger, he cared for all those the least of our brothers.

He earned the respect of all his peers for his devotions to "duty, honor, country." He personified the motto of his beloved Marine Corps. "Semper Fidelis." He demonstrated the finest qualities of the Christian.

He did for the least of God's brothers and he did so with love and caring.

He will never be replaced; but he will forever stand as an example to be followed. God blessed him now he has inherited the kingdom prepared for him.

May Frank rest in peace.

Mr. BECERRA. Mr. Speaker, at this stage, if I may, I would like to take the final moments of our time that we have to just engage in some final remarks. I know that my good friend, the gentleman from Texas [Mr. ORTIZ], could easily have used up the hour, I know I could have used the hour just to praise the man we know as Frank Tejeda. But in the short time that we have, I think it is only fitting and perfectly fitting that Mr. ORTIZ and I have an opportunity to just reflect now, just perhaps more personally about the man that we are so trying to honor today.

Mr. ORTIZ. Mr. Speaker, I was reminiscing with some other Members a few moments ago when Mr. BECERRA was relating to us here at this committee hearing involving veterans from Puerto Rico, he made a statement how Puerto Rico had lost a great number of men at this great battle and how they had to withdraw and retreat. And Frank asked Mr. BECERRA, would you yield to me? Mr. BECERRA was kind enough to yield to Mr. Tejeda, and he said, let me make a correction, Mr. BECERRA. Marines do not retreat, they do not withdraw, they regroup.

So even though Frank was a quiet man, a very reserved man, he had a great sense of humor.

Another time I remember that yesterday I was talking about his diet. Frank had a very special diet. No greasy food, no Cokes, no candy, no bread. So a friend of ours came to town, and he took us to a restaurant. And Frank asked him, do you have shrimp, and he said yes, I like to have boiled shrimp. He got an order of boiled shrimp and he got another one. Then he asked, what kind of steaks do you have? He did not eat red meat. He said tuna. He said, give me one tuna steak. And then he says, can I have another one? This is a fact.

The gentleman from New Mexico [Mr. RICHARDSON] and the gentleman from Arizona [Mr. PASTOR] were with us, and I began to feel sorry for the guy that was paying. He was another friend of ours. And then he said, do you have lobster? And he ordered lobster he ended up eating with a green salad. This was Frank Tejeda. He had not eaten all day. Many times we go to a restaurant, and he would order stuff that I could not eat. So I would eat all the grease, and Frank would eat all the good stuff.

But I will never forget the day when Frank came back, 1995 during the Hispanic Caucus dinner. Frank came back and I could see that Frank was a little depressed, you know. I could sense something was wrong. And I asked Frank, he would not tell me. Then after a while he said, I want to talk to you. He says, you know that I was diagnosed with a brain tumor, and they cannot perform surgery, and they gave me 3 months to live. And I said Frank, do not joke around like this with me. He says, I am not joking. Frank, we were sitting back at that corner when that day he got ill, it started with a headache, just a bland headache, and he says, I want an MRI. I said Frank, I have headaches every day. He said, I know my body. He did. He went back and he tried to—he had to convince three doctors to run an MRI on Frank.

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The day he was coming back, he was called and told that he had been diagnosed with cancer. The good Lord gave Frank 13 additional months. Thank God that I learned a lot from a great American, Frank Tejeda.

Mr. BECERRA. I think, Mr. Speaker, that the gentleman has just epitomized Frank Tejeda. This is a man who could have been in the worst of pain, who could have been told moments ago that he had no more than 3 months to live, who could have known that the marine he was about to go run out there during rapid-fire, go out to save, had actually already perished, but yet he still went out there; who never had to really worry about expressing himself, because there was so much about him to express, but yet he never took it upon himself to say to anyone, feel sorry for me, be honored by my presence, recognize what I have accomplished, never once.

This is a guy who would, as you said, he would walk in, and that is the way I think we all remember him, he would come in and take his seat right next to you, and there we would see him, the gentlemen from Texas [Mr. ORTIZ] and Mr. Tejeda.

As the gentleman from California [Mr. MARTINEZ] also mentioned, you would see someone come in and sit next to you, then someone else would come, another person would leave. You were there, you were the anchors, and folks would come. We knew that the House of Representatives had a House that was righted because there was always that anchor there by the name of Frank Tejeda.

I think we can all learn a great deal. I know I have learned because I know he was not the friend to me as he was to you, but just in his silence you learned so much. I believe the word service takes on such a grand meaning when you look at someone like Frank Tejeda because in his modest, unassuming way he served, and he served so well. He did not have to tell people that he served so well. He just did it.

Mr. ORTIZ. His death really did not hit me until the day I came back, which was on a Tuesday, because that phone call that Frank always made did not come through. When we came here to the House Chamber, Frank was not around. But we know that he is in a better place. Frank, really his last days, he drew himself closer to God. Even though his future, there was a lot of uncertainty in his future, he had faith. He knew he was going to go to a better place.

Again, I would like to thank all our friends in this Chamber for recognizing and contributing to this special order that we have today honoring a great American, Frank Tejeda, and of course his great mother and relatives that are with us today.

Mr. BECERRA. To the family, let me also add my appreciation to the fact that they have been here, they have been very strong. To all the relatives who have taken the time to say a few words about Frank, I thank them as well.

I will close by saying the following. As we were driving in the bus to go to the funeral and on our way back to catch a plane to go to Washington, DC, we drove through streets that reminded me a great deal of home. The neighborhoods that I saw in south San Antonio were very much like the neighborhoods in which I remember growing up.

To me it sent a very strong signal: This is a man who, modest in his ways, was doing a great deed and a great service for a community that oftentimes has never seen that type of champion. As much as he never boasted about going to the Harvards and Yales and Berkeleys of this world and getting educated, though he never boasted about the fact that he went out there and risked his life to save the life of another soldier, he was there. To me, seeing the context of his district sent home the message that this was really a man who knew his place, and I suspect he knows his place now that he is up there with the Lord.

On behalf of all those who had an opportunity to say some words and for those who were perhaps unable to have come but would have loved to have said some words, I say to Frank, we will miss you. There are many here who would like to speak for you in the future and we look forward to being able to do the words and deeds as well as you have done them for so many years.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to remember our friend, Congressman Frank Tejeda. Frank's commitment to his constituents, family and country was unparalleled. Often when we walked from our offices, in the Cannon House Office Building, to the Chamber, Frank expressed regret that there were not more hours in a day to accomplish his goals and serve his constituents. Sadly, the years afforded Frank were too short as well.

Yet, Frank made the most of the time he was given. His spectacular ascent from high school dropout to Member of Congress, alone, is eloquent testimony to his drive and dedication.

Frank's success derived from his renowned discipline. As a proud marine, this self-described "grunt" exemplified the American dream. His hard work and single-minded focus enabled him to overcome every obstacle, except the final hurdle of cancer. And, even then, Frank fought the good fight. Where most people would have retreated upon diagnosis, Frank fought to return to the work he loved—serving the people of Texas' 28th District.

Whether serving as a marine in Vietnam, obtaining his high school equivalency, completing graduate programs at Berkeley, Harvard, and Yale or representing his constituents, Frank tackled each challenge with a sure sense of responsibility.

Frank felt that he owed this country for providing him with opportunity. He repaid the perceived debt fully, by serving in war and in peace.

My condolences go out to Frank's family. We have lost a dear friend and colleague, but his children have lost a caring, devoted father. I hope that they find comfort in knowing how special he was.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute and remember my friend, colleague, and a great American, Congressman Frank Tejeda. His untimely death is a great loss for the constituents of District 28, all of Texas, and the citizens of the United States.

Congressman Tejeda and I worked together for many years in many capacities. He and I were colleagues in the Texas House and the Texas Senate. We were elected to this office in the same class in 1992.

He was a patriot, a Vietnam veteran who risked his life many times to defend his fellow marines. He was honored with many medals. He was a true American hero.

My colleague, Frank Tejeda, has been an example and role model for many people in many ways. He proved that you can achieve success with determination and hard work. He ended his life with the same quiet dignity he always showed.

Mr. Speaker, I overwhelmingly agree with my colleagues from Texas that we should honor Congressman Tejeda's memory and his family by naming a post office in San Antonio as the "Frank Tejeda Post Office." I urge support for the passing of this resolution and we name this building for a great Texan-American.

My heart and prayers are with his family.

Mr. SANDLIN. Mr. Speaker, Frank Tejeda was a quiet and reserved man who truly embodied the spirit of all Americans. The grandson of Mexican immigrants, Tejeda grew up on San Antonio's tough south side; a place he loved and a place that was always home. Frank Tejeda was an achiever, whether it was in his beloved south side neighborhood, a Vietnam jungle, ivy league universities, or the Halls of Congress. He was a leader, someone others looked up to and revered. Tejeda, who died Thursday after a long battle with brain cancer, was 51 years old.

At 17 years old Tejeda was expelled from school. Tejeda then joined the Marine Corps and soon found himself on the battlefields of Vietnam, something that would shape the rest of his life. During his Marine service, Tejeda earned a Bronze Star, the Commandant's Trophy, Marine Corps Association Award, the Colonel Phil Yeckel Award, and a Purple Heart. His proudest achievements were his military accolades.

The Marines were a way of life for Frank Tejeda and his service to his country did not end when he left Vietnam. Frank stayed in the Marine Corps and later went to officer candidate school where he earned the highest academic average in the history of the corps. Even in Congress, Tejeda was still a marine. He served as a major in the Marine Corps Reserve Capital Hill Unit. Sadly, his greatest military accolade might have come posthumously as he was awarded the Silver Star by Navy Secretary John Dalton at his funeral Monday.

The former high school dropout later returned to school and achieved academic prowess that some probably thought impossible. He earned his undergraduate degree at St. Mary's University. He then received his Juris Doctorate from Boalt Hall School of Law at the University of California-Berkeley. As great as these accomplishments were, his thirst for knowledge didn't let him stop there. Instead, his quest would take him to the two most hallowed universities in our Nation. First, he graduated with an L.L.B. from Yale and later he received his master's in public administration from Harvard's famed Kennedy School of Government.

Frank wanted to take his knowledge and help people less fortunate than he. He ran for the Texas Legislature and was first elected in 1976. He quickly made a name for himself in Austin where he was a strong advocate for minority issues and fought hard for his beloved south side. He served 10 years in the Texas House before winning election to the Texas Senate in 1986. In the senate, he helped draw the district he would eventually represent in Congress.

In 1992, Tejeda sought to be the first person to represent the newly drawn 28th Congressional District. The district encompasses south San Antonio and extends all the way to the Mexican border. His popularity on his native south side being what it is, no Democrat or Republican filed to run against Tejeda in either the primary or general elections. He received 87 percent of the vote against a Libertarian that November and was sworn into Congress in January 1993.

In Congress, Tejeda served on the National Security and Veterans' Affairs Committees. Tejeda fought hard for a strong military and issues important to veterans. He was a strong advocate for Texas and Texas jobs. He continually fought for Kelly Air Force Base even after it was announced the base would close. Never wanting to lose touch with the people he represented, Tejeda went home to San Antonio every weekend.

Tejeda was a strong family man and a man of faith. Frank left behind his mother, Lillie Tejeda, his sister Mary Alice Lara, his two daughters and his son Frank Tejeda III. Although Frank may no longer be with us, his presence is still being felt by not only San Antonians and Texans, but by all Americans. As our recently reelected President addressed our entire Nation he could not help but fondly reflect on the service this man of a humble background gave to our Nation. His presence was felt in the gallery as the Nation viewed his mother and sister, the way Frank would have wanted to see them, standing strong.

Frank Tejeda also touched me with his presence, although I didn't serve with him long. I am glad to say I knew this man who touched so many lives in a positive way. Frank Tejeda was a true Texas and American hero. I feel it is only proper that he was born and lies in the shadow of the Alamo.

Mr. GILMAN. Mr. Speaker, I rise to pay special tribute to Representative Frank Tejeda, who recently lost a long battle with brain cancer.

Frank touched many lives as evidenced by the 600 people who attended his funeral mass in San Antonio Monday and the 2,000 others outside the church. He was a man of great conviction and perseverance, a veteran who fought for his country in Vietnam, a leader in the Hispanic-American community of San Antonio and a credit to this governing body.

Throughout his life, Frank Tejeda embodied the qualities of a strong work ethic, rigorous discipline and great honor. During his 4-year tour of duty in Vietnam, Frank distinguished himself as a marine of the highest accord. Wounded in battle, he was awarded a Purple Heart and a Bronze Star, and continued while in Congress to serve the corps as a member of its reserves.

After his stint in Vietnam, Frank showed great strength of character in attaining his education. Despite dropping out of high school at the age of 17, he displayed the value of an education by earning degrees from such esteemed institutions as Saint Mary's University in San Antonio, the University of California-Berkeley, Yale University, and the Kennedy School of Government at Harvard.

As a public servant, Frank always placed the needs of his constituents first. As a member of the Texas State Legislature for 16 years, he was a strong advocate for veterans' rights and the victims of violent crimes. He also fought for minorities in south San Antonio, assisting minority- and woman-owned businesses, and promoting measures to ensure voting rights for minorities.

In his election to Congress in 1992, Frank earned the distinction of being the first freshman to be elected to Congress without opposition from a major party. It was a testament to his rare legislating skills and his unparalleled stature in the community of south San Antonio.

While serving the people of the 28th District of Texas in Congress, Frank earned a reputation as a man of great leadership and vision. He represented the needs of the Hispanic community in his district with distinction. As a member of the National Security and Veterans' Affairs Committees, he used his unique background as a marine and a soldier of the highest acclaim to fight for the needs of our veterans.

Mr. Speaker, Congressman Frank Tejeda exemplified unmatched character and honor during his life. He will be greatly missed by this governing body.

I join in offering my condolences to the Tejeda family, including his three children—Marissa, Sonya, and Frank III.

Mr. BILIRAKIS. Mr. Speaker, I rise today to say goodbye to a friend. Although many Members of this body have risen and recounted what kind of man, legislator, and public servant Frank Tejeda was, I believe it certainly cannot be said enough.

I had the privilege of serving with Frank on the House Committee on Veterans' Affairs for 6 years. As a member of the Veterans' Affairs Committee, he was an ardent supporter of our Nation's veterans and their families, and it is little wonder why.

He joined the Marines when he was 17 and served for 4 years. During that time, Frank was sent to Vietnam and was awarded the Purple Heart, a Bronze Star, the Commandant's Trophy, the Marine Corps Association Award, and the Colonel Phil Yeckel Award for "the best combined record in leadership, academics, and physical fitness." While in Congress, Frank continued to serve in the Marine Corps Reserve.

Frank was a true American patriot. His love and pride for his country was evident to all who knew him. when his country called, he answered and fought hard—putting his life on the line. He knew the price of freedom and did not shirk from it.

There is no question that he served the 28th District of Texas and the citizens of our country very well. I know he will be missed by all those who were fortunate to come into contact with him over the years.

We were all heartened at the way Frank remained strong during his battle with cancer. Whenever I saw him in a committee hearing or on the House floor, I realized just what kind of devotion and commitment he had for his service to his constituents and to his country.

Mr. Speaker, we will all miss Frank Tejeda. I know, however, that his work in this body will serve as a lasting tribute to a man who devoted his life to public service.

GENERAL LEAVE

Mr. BECERRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order in honor of the late but great Congressman Frank Tejeda.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE PRESIDENT'S EDUCATION INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, I rise this afternoon in strong support of the President's education initiative. Working together, the Congress and the White House can ensure that every 8-year-old can read, every 12-year-old work the Internet, and every 18-year-old attend college. These are lofty goals. However, if we can fulfill them, we will help ensure that the 21st century, like the current one, is America's century.

Last night the President spoke of setting world-class educational standards. I wholeheartedly support this goal. Setting high standards means challenging our teachers and students to be the very best they can be. It means challenging business to support education. It means challenging legislators at every level to ensure that our schools have the resources they need to provide every child in America with a world-class education.

Mr. Speaker, I want to work with my colleagues on the Committee on Appropriations, Democrat and Republican, to ensure that the Federal Government lives up to its commitment to education.

In the President's State of the Union, the President announced the America Reads initiative, which will harness the volunteer spirit of our citizens and the knowledge of our Nation's educators to ensure that every fourth-grader can read on his or her own.

I am proud that a college in my district, Pace University, is one of the 60 colleges that has already pledged to place work-study students in tutoring programs. This initiative epitomizes the types of activities we all should encourage and support: students working their way through college by helping to improve the lives of their neighbors' children.

My home State of New York is well on its way to setting rigorous academic standards for all children. New York's plan will challenge every school to graduate every student with a diploma that businesses and colleges will recognize as proof of a rigorous education. Those local schools that struggle at first will be given a helping hand and a chance to improve, but no one gets a free pass. I would encourage other States to look at New York's plan as they work on their own State's standards.

Mr. Speaker, some of the greatest support for higher standards comes from teachers and parents, but they cannot turn things around on their own. They do need the Government's help to ensure that every school is prepared for new challenges that await them. Sadly, however, too many of our public schools are in no condition to meet these challenges.

I would hope that my colleagues would check the physical conditions of schools in their own area. I did, and found too many examples of unsafe conditions and serious overcrowding. Last year I released a GAO report, along with my colleague in the Senate, CAROL MOSELEY-BRAUN, that confirmed what too many students and teachers already know: that some of our Nation's schools are literally falling down. The problem is especially severe in New York City, where two-thirds of the schools reported that their environment is inadequate for learning. Right now, not far from this Capitol Building, there are public schools that were temporarily closed because they are unsafe.

Mr. Speaker, the Nation's adults are letting our children down. That is wrong, and it must change. Last year I introduced the School Infrastructure Improvement Act, which would have provided interest subsidies to schools to make needed repairs. I also offered an amendment in the Committee on Appropriations to provide $150 million to make urgent repairs in the most dilapidated schools around the Nation. Local communities can sometimes find it just too tough to do it on their own and they need our help.

In response, the President has announced that his budget will include $5 billion to help finance $20 billion in school construction and repair over the next 4 years. This money can also be used to help link our schools to the Internet so that one day soon every 12-year-old will be able to walk into his classroom or school library and link up with the Library of Congress or a local university, or a national newspaper, or a student on the other side of the world. I am working closely with the President on this initiative and plan to introduce legislation to help make it happen.

The President's education vision also includes affordable college for every student. His plan includes a series of monumental student aid initiatives that will ensure that cost is no longer an obstacle to a college degree.

His $1,500 HOPE scholarships, available for 2 years of college, will put a community college degree within reach of every family. More than 4 million lower- and middle-income students would be helped by these scholarships. Families can opt instead for an annual $10,000 tax deduction to help send their sons and daughters to college. In addition, families could begin saving for their child's future college education while they are still young by opening a tax-free education saving account. These education IRA's will create investment capital for business now, and provide tax-free withdrawals for college tuition down the road, when high school graduation rolls around. And as a mother of three grown children, I know that that time arrives before you know it.

I strongly support these targeted tax cuts to make college more affordable. In addition, the Federal Government must maintain its commitment to grant-based aid for those families and students struggling just to get by each day. The President recognizes this. That's why he has proposed to increase Pell grants from $2,700 to $3,000—the largest increase in Pell grants in two decades. Over 3.6 million students now eligible would receive a much-needed $300 grant increase, and an additional 130,000 families could take advantage of the Pell program.

Practically everyone in this body went to college. That same opportunity should exist for all Americans. These proposals will help give them that opportunity.

Mr. Speaker, the President's education plan will make it clear once and for all that he is, indeed, the Education President. I hope that when the dust settles and the 105th Congress adjourns next year, this Congress will be known as the Education Congress. I will certainly do what I can to make that happen.

THE BALANCED BUDGET AMENDMENT AND SOCIAL SECURITY

The SPEAKER pro tempore (Mr. COBLE). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, we are here today really to talk about a very important issue. That is the issue of the balanced budget amendment and how Social Security relates to that issue.

TRIBUTE TO THE GREEN BAY PACKERS

Mr. Speaker, before I begin on that issue, I would like to take just a moment to pay special tribute to my idea of some real American heroes, the world champion Green Bay Packers. I would like to express our personal thanks to the players, Coach Holmgren, General Manager Ron Wolf, President Bob Harlan, and thousands of faithful friends all across this country and the Packers as a whole who have now reestablished themselves as world champions in the football world.

There is more to this than just the football world, and I think that is important. While winning the Super Bowl is exciting, far more credit should be given to the Green Bay players, who serve as role models for young people in our communities in Wisconsin. Parents can help their children understand the importance of living their values by pointing to role models who are also on this Green Bay Packers team, such as Reggie White. Reggie's success on the football field has not distorted his Judeo-Christian values. The fame he has earned as minister of defense has not led him to an immoral lifestyle. Instead, he has used his reputation and resources to help those in need. He has set his goals high and worked hard to reach them. He has kept his worldly fame in perspective, and has used it to share an eternal view.

I just want to add from a personal perspective, as a parent of three teenagers, it is truly a privilege to live in the great State of Wisconsin, where we have a world champion football team that also has players on it that as a parent we can point to those players and say, yes, they are the role models that we would like to see our children grow up like.

When I look at people like Reggie White, it is very easy for me to tell my 13-year-old son Matt that we would like to see you express some of those same values that Reggie White willingly shows after enduring some of the football games.

Mr. Speaker, as a lifelong fan, I am very proud of the accomplishments of the Green Bay Packers this season. I take even more pride in the character and integrity of the players and coaches who use their lives to set an example for our young people in the great State of Wisconsin and elsewhere all across America.

That having been said, I would like to turn our attention and our focus to a very important issue facing our Nation today. We are about to begin in the House of Representatives the debate on the balanced budget amendment to the Constitution of the United States. I have heard a lot of people say, you do not really need an amendment to the Constitution, why do you not just balance the budget. Maybe I should start there.

The people who say we do not need an amendment to the Constitution of the United States just plain ignore the history around this city of Washington, D.C. In the Gramm-Rudman-Hollings Act, Gramm-Rudman-Hollings Act, II, the budget deal of 1990, and the budget deal of 1992, Congresses and Presidents have repeatedly promised the American people that we would stop spending our children's money, and all of those promises, one right after the next, have fallen way to too much spending in Washington, DC. We currently stand $5.3 trillion in debt. That translates into $20,000 for every man, woman, and child in the United States of America.

For a family of five like mine, I have three teenagers at home and my wife, the Federal Government has literally borrowed $100,000 over basically the last 15 years. Families of five like mine are going to pay about $600 every month, every month, to do nothing but pay the interest on the Federal debt. This is a practice that we as a nation must stop if we wish to preserve the future of this great Nation for our children. If we wish to preserve the financial integrity of the future of this country, we must stop spending more money than we have and more money than the Federal Government brings in.

To that end, the balanced budget amendment is being brought forward here in the next 30 days. I rise today to speak in favor of the balanced budget amendment, and talk about a very important issue as it relates to the balanced budget amendment, and that is Social Security. I brought some charts with me here to make sure that this issue is as clear as possible here today.

The first chart I brought with me shows the actual dollars being collected out of the paychecks of all Americans and put into the Social Security trust fund. Today the Social Security account is literally going to collect $418 billion from the taxpayers in the United States of America. They are going to write out checks to our senior citizens for Social Security in the amount of about $353 billion. They are collecting $418, they are writing out checks for $353.

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That leaves a $65 billion surplus in what they are collecting in the Social Security system. The idea is we are supposed to establish a big kitty of money. This kitty of money is to be used when there is not enough money coming in.

When the babyboom generation gets to retirement, sometime between now and the year 2012, the money coming in will be less than the money going out. And the idea is that, if we set this $65 billion aside, that money will then be there in a savings account so when there is a shortfall in the money coming in, we can go to the savings, get the money and continue making the payments to our senior citizens. That is how the system is supposed to work.

It has been set up that way since 1983. Collect more money than we are paying back out to our seniors in benefits, put it aside into a savings. After a period of time the savings account gets large enough so when there is a shortfall in the Social Security system, either because of a downturn in the economy or we reach the year 2012, whichever occurs first, we can then go to the savings account, get the money and continue making payments to our senior citizens. Unfortunately, that is not quite what we are doing with our Social Security money today.

In fact what we are doing today is we are taking that $65 billion, we are putting it into a big Government checkbook; that is to say, we are putting it in the Government's general account. We all know the Government spends more than what they have in their general account each year, so what we are really doing is overdrawing the big Government checkbook. So we are taking that $65 billion, putting it into the big Government checkbook that is overdrawn.

Of course at the end of the year there is no money to really put in the Social Security trust fund. So what we do instead is simply write an IOU to the Social Security trust fund.

I have proposed legislation out here, that is the reason I am rising today. It is called the Social Security Preservation Act, the Social Security Preservation Act. Here is what the Social Security Preservation Act does. It very simply takes that $65 billion and puts it directly down here in the Social Security trust fund. To me this is common sense. I come from a business world, not the political world. In the business world if we tell people that we have a pension fund that we expect to make payments to you in the future and I need to set money aside for it, I cannot set aside IOU's. I have to set aside real dollars.

The Social Security Preservation Act would require that the Federal Government set aside real dollars as opposed to spending those dollars on other government programs and then putting nothing but IOU's into the Social Security trust fund. It is very important we do this because when there is a shortfall in our ability to pay our checks to our senior citizens, when that happens we are going to need a savings account to go to in order to keep making the payments to our senior citizens.

So the Social Security Preservation Act is very, very straightforward. It simply says that that money that is being collected for Social Security be left in the Social Security trust fund as opposed to being spent on other Government programs. Make no mistake about it. Today, today that surplus Social Security money is being spent on other Government programs.

I said when I started that we were rising to talk about the balanced budget amendment and how Social Security relates to it. So let me go next to how this picture fits in with balancing the Federal budget.

When the Federal Government reports the debt each year or, rather, the deficit, that is the amount the Government is spending more than it is taking in. It is literally reporting the debt after it uses the Social Security trust fund money. This is a slightly less than honest way of reporting to the American people what is really going on in our budget.

Let me make this perfectly clear: In the year 1996, we reported a deficit to the American people of $106 billion. We did not tell the American people that, in addition to that $106 billion, we spent $65 billion out of the Social Security trust fund. So when we report the deficit to the American people today, what we are doing is reporting the deficit after we take the money out of the Social Security trust fund. That is wrong. That practice needs to be stopped, and it is time that we the American people demand that Congress act responsibly and start reporting an honest deficit to the American people.

The deficit last year was not really just the blue area which was reported to the American people, the blue area in this chart. Rather, it was the blue area plus the red area because that money belonged set aside in the Social Security trust fund. Let me go to the next step and talk about the balanced budget amendment to the Constitution of the United States.

When we pass a balanced budget amendment to the Constitution of the United States, what we are really saying to the American people is that we are going to take that blue area and reduce it to zero. We are still going to be using the Social Security trust fund money when we say we are reaching a balanced budget. This is wrong. This practice should not continue.

Let us talk about why this is going on in our Nation today. The President talked about a budget last night in his State of the Union Address. When the President talks about balancing the budget in the year 2002, let me make this 100 percent clear, when the President says he is going to balance the budget in the year 2002, what he means is he is going to balance the budget by taking $104 billion out of the Social Security trust fund. If that is your idea of a balanced budget, it surely is not my idea of a balanced budget.

For the last 12 years, since 1983, year in and year out, this Congress has been reporting a deficit that uses the Social Security surplus money to mask or to reduce the true size or the appearance of the deficit. So let me again make it clear that, when the President proposes a balanced budget in the year 2002, what he is not telling the American people is that he fully intends to use $104 billion out of the Social Security trust fund to make the budget appear as if it is balanced.

This is the practice that must be stopped and our Social Security Preservation Act is the bill, is the piece of legislation that would stop it.

Let me go a step further. There are two ways that we can correct this issue. There are two ways that we can solve this problem. There are two ways that we can stop the Federal Government from taking the money that is supposed to be set aside for Social Security and spending it on other Government programs.

One way we can do it is to fix the constitutional amendment so that when we amend the Constitution, it says to balance the budget but you cannot use the Social Security money to do it. That is one way we could fix it.

A second way is not a balanced budget amendment to the Constitution but, rather, through the balanced budget amendment to the Constitution, but rather do it legislatively. Legislatively it is a very relatively simple matter to solve the problem. We simply say that the nonnegotiable Treasury bonds or the IOU's that are currently being put into the trust fund must be negotiable instruments or negotiable Treasury bonds. If we do that, what happens effectively is that we are now required to report the true deficit to the people of our Nation. And if we report the true deficit to the people in our Nation and then we balance the budget, we will at that time balance the budget without using the Social Security trust fund money.

I know there are a lot of viewers out there in America watching this today. I have to tell you something. This is not going to change because Mark Neumann stands up here and talks about it in Washington, DC. This is only going to change if the American people get actively involved in this process. What we need the viewers to do is to call their Members of Congress and ask them to become cosponsors of the Social Security Preservation Act. It is extremely important that you do this in the near future. If they do not hear from the American people, this will not come about.

We all need to understand, when this comes about, there is $104 billion of wasteful Washington spending that must be stopped. So we need to understand that this is not the most desirable Washington kind of bill that has ever been introduced. But if the American people honestly believe that we should not be using the Social Security trust fund money to balance the budget, remember when the President proposes this, he proposes that we use the $104 billion out of the Social Security trust fund. If you all think that is wrong, then you need to get in touch with your Members of Congress and let them know that you want them to be original cosponsors on the Social Security Preservation Act.

I see my friend from the State of Washington has joined me here today.

Mr. METCALF. Mr. Speaker, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from Washington.

The SPEAKER pro tempore. (Mr. COBLE). The gentleman from Wisconsin is reminded to restrict his remarks to the Chair and not address the viewing audience.

The Chair recognizes the gentleman from Washington [Mr. METCALF].

Mr. NEUMANN. Mr. Speaker, I apologize.

Mr. METCALF. Mr. Speaker, I wanted to comment on this specifically because I am one of the seniors we are talking about. I know, I know a lot about how they feel about this issue. The seniors that understand it are irate that their money is not being there collecting interest with negotiable instruments but it is being taken out to mask the size of the deficit. That is to fool the American people and tell them, let them think that the deficit is much smaller than it actually is. In the year 2002, when we arrive there, we are still going to be over $100 billion a year still in a deficit position unless we fix this and a couple of other things.

I think we need to be honest with the seniors. It is their money. They paid it in. They trusted the government to have that money there when they need it and the sign says it is about honesty. That is exactly what it is about.

We have to be honest with the American people. The problem is the Congress has over the years tried to obfuscate and confuse the issue of the deficit, and it is time that we stand up and say what it is and be honest about it and then we can work toward an equitable solution in the long run.

I say it is absolutely essential to be honest with the seniors and to get that money taken off budget so it is there for the seniors when they need it. It does not change the ultimate outcome any because when we get to the year 2002, we are still going to be two or three years beyond that before we can really get the budget balanced under the present plan.

Mr. NEUMANN. If I could just interrupt briefly here, the good news is that we can do this without any dramatic changes in the overall budget process. I had some people in our conference even say to me, where are you going to get that extra money from. The reality is, because the economy is doing better than was originally anticipated, if we put the exact same budget on the floor of the House of Representatives that passed through here last year, it already got enough votes to pass. If we put that same bill on the floor, we can at least start setting aside the principal in the Social Security trust fund without doing anything different than we did before. Why is that? That is because the economy is performing better than was anticipated last March. So the difference between the March and January, where we are at right now today because the economy is doing better, if we pass the same spending levels that we had last year, we will in fact be able to put the Social Security trust fund aside without doing any additional cuts. What we are really saying is that that additional revenue that is being generated because the economy is doing better, we just cannot go and spend that money on other wasteful Washington spending.

Mr. METCALF. Mr. Speaker, that is the point. This is something that we have an opportunity here, we have an opportunity that is given us. And in the past, when we have had these little extra amounts of money, they just got spent.

That is absolutely immoral when we are desperately struggling to balance the budget. Here is a chance that we have, and I say that we must keep faith with the seniors and we must do this. I very much appreciate Congressman NEUMANN's actions in helping to bring this before us.

Mr. NEUMANN. We are not alone on this. There are a lot of especially Members of last year's freshman class that are working very, very hard on this issue. I sure appreciate the support. And more importantly, this is an issue for the American people.

The other thing that I would mention is, you mentioned that the senior citizens are irate. When senior citizens find out about this issue, last year they sent in 60,000 letters in support of this bill. When I introduced it the first year in Congress, my first year here in 1995, when I first introduced it, I was basically a lone voice. When people started finding out that in fact this Social Security trust fund money was being spent to mask the true size of the deficit and in fact that in the President's budget proposal, in the President's budget proposal he intends to use this Social Security surplus money, the $104 billion right straight out of the Social Security fund, he intends to use that to make it look like the budget is balanced, when the senior citizens across America found out what was going on, we received 60,000 letters in 1996. And I have already received 25,000 letters of support of this bill from across America. I have them in my hands.

So the senior citizens are very much in support of this legislation. I urge my colleagues to join me in support of the Social Security Preservation Act.

I yield to the gentleman from Indiana, [Mr. SOUDER].

Mr. SOUDER. Mr. Speaker, I thought this was the Green Bay Packers special order.

Mr. NEUMANN. We did do the Green Bay Packer special order. I would be happy to do it again. We do have the world champion Green Bay Packers in Wisconsin, and we are very proud of them.

Mr. SOUDER. The Pack is back, and I appreciate your cheerleading for that. When we were over in Israel, you had this special Green Bay Packers flag you brought over there. You wanted to get a picture with the Prime Minister with it. You have been a Packer enthusiast for so long, it is great to see them back.

Mr. NEUMANN. As I said in my original remarks here today, it is more than just about football. It is about people achieving excellence and receiving the recognition that goes with achieving that excellence. And more importantly than that, it is about having a team with people on it that we can, as parents, point to and say, that is the role model I would like to have my kids see growing up. We have people like Reggie White, who are not afraid to show the Judeo-Christian value system that our young people can look to and say, that is how I want to turn out, too.

Mr. SOUDER. Many of the themes that we have in community involvement and individual involvement to see a small size city owned by many people and the commitment to that in this day and age of transient commitments and that type of thing is very refreshing. But I also wanted to support your efforts on the Social Security off budget bill that you have introduced and continue to work with.

If I could make a couple of points reiterating the points that you have made. That is, I have heard you make a number of these, even though I missed some of this presentation, so I assume there is some overlap but I want to say amen to what you have been doing and taking leadership, along with Congressman DAVID MCINTOSH of Indiana.

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And that is that a lot of this is a question of integrity. And a lot of the reason many of us came to Washington is we were unhappy with the way things were being done.

We still have many attorneys here, some of us are not attorneys, and quite proud of that fact. It is a good blend to have in it. You were in the housing business, I was in the retail business, and if we take something that is supposed to be a pension fund, we have to have it funded at more than 100 percent in a bank account or we go to jail.

Now, Congress has conveniently exempted themselves from that type of coverage or we would be in prison, because you have a specific amount coming out for FICA. It is called a trust fund. We have passed separate bills calling it a trust fund to act like it is there, but it is not. We spend it on other things. That is a question of integrity.

Now, many people stand up here, including our distinguished President last night, and challenged us about Social Security and this question. But one thing that happens in Washington, I am not saying him or anybody in particular, but talk is real cheap. You can go like this pretty easily. The question is, What are the actions? What are you actually doing?

You are standing down there in the well. You have introduced this bill in the last Congress. It is not something you just invented as a tactical maneuver for the balanced budget debate. You presented a budget to this Congress that I and 88 others voted for that had Social Security off budget, proving that it can be done. We did not just talk, we acted.

A number of us voted against our party's budget last year because we were concerned that the additional spending was being spent. Excuse me, when they had additional revenue coming in, instead of putting it on the deficit, they spent it. So we voted against that budget. We have been consistent in trying to hold against that.

We also got ourselves in a little trouble by coming down with a 1.9-percent amendment to actually reduce the spending. Many of the people who are now saying, oh, let us take this $65 billion this year and take it off budget. Where were they? Now, some of them were there from the other party as well as our party, but many of them who have been talking about this, where were they on these tough decisions?

We have been there. You have been a leader with this. We are trying to do this. This is not something new we invented. This is not even new to us. I used to work for U.S. Senator DAN COATS. He introduced in 1980 in this body a bill to take Social Security off budget. This has been our party's initiative. We need to be in the forefront of this. This is fundamental principle.

I commend your leadership. There is no money there. Some people say, oh well, this does not replace all the funds and there are different ways we can do this. There is a new movie, this Jerry McGuire movie says, "Show me the money. Where is it at?" There is no money there.

Whether you are just coming into the system, whether you are a baby boomer, or a young person who views UFO's as twice more likely than that there will be money there in Social Security, this is a giant scam that most American people are working out. Maybe we cannot get the whole thing this year, but we want at least to get some steps, and we are down here pleading with our leadership, with the other body, to say we have an opportunity.

The President challenged us last night, many of the other party's leadership is challenging it. Hey, let us go do it. When they have a good idea, let us not argue over partisanship, let us say, hey, great idea, let us take Social Security off budget. We have been talking about this for years. Amen. Let us get it done.

So I commend your leadership, and we can continue to talk here and work with this, but I will yield back here and see if you want me to join at another point.

Mr. NEUMANN. Mr. Speaker, I see another good friend, my colleague from Oklahoma, Mr. COBURN.

Mr. COBURN. Mr. Speaker, I am glad to be here with you gentlemen. I just wanted to add a quote that was made in, I believe 1935, a Senator James Wadsworth asked, when they were contemplating the Social Security System, he said, "In what kind of country are our grandchildren going to live? Shall it be a free country, or one in which the citizen is taught to be dependent upon the Government?"

We need to ask that question today, but we also need to ask another question. How can we continue to meet the current obligations of the Social Security system and the current obligations of the Federal Government as long as we continue to mask what the real problem is? We have to get back to being honest about our problems before we can ever hope to solve them.

The people in my district know we did not have a budget deficit of $104 billion last year. We had a budget deficit of $170 billion. We said that the entire time. First of all, one of the problems with the Congress is a crisis of confidence because we have not spoken the truth. The fact is we spent $170 billion more last year than we took in.

Part of that money was revenue that was raised and was supposed to be raised so at some point in the future we would be able to make the obligations under the Social Security system.

People in my district believe there should have been a trust fund established. Now, whether there was or not, we know there was not a trust fund established, but the expectation is that money should have been there and it should have been invested wisely. And the corollary, along with all the other moneys, had we invested them properly, we would not have this problem.

So the most important thing about your bill is the fact that we honestly deal with our problems. We owe it to the people of this country who are dependent on Social Security, we owe it to the children who are not yet born who will be paying into this system to not mask our Federal deficit any longer by confusing the issue and not accounting for the money that we borrow, sometimes steal, that should have been allocated for the Social Security system.

So I want to encourage you. I think we have to have this as part of the solution to the problems on Social Security, but also part of the problem in solving the problem with our budget deficit and spending more than what we actually have.

Mr. NEUMANN. Mr. Speaker, I thank the gentleman, and I certainly could not agree with his comments more. It is about honesty, it is about integrity and being straightforward with the American people, certainly telling the American people we have a $107 billion deficit, and then going and getting $65 billion more out of the Social Security trust fund.

That is inappropriate behavior and has been going on since 1983, I might add. And now it is incumbent upon the Republicans to stop this practice from continuing as we go forward. It is our job as Republicans not to look the other way from a practice that is clearly wrong and just let it go on. It is our job as Republicans to turn this thing around and let us start doing it right, let us start setting that money aside.

I might just add that if this had been done right over the last 12 or 14 years here, there would currently be $550 billion sitting aside in the Social Security trust fund today, and the amount would grow by $65 billion in this year alone. So it would be up over $600 billion in a savings account to protect the Social Security system for our senior citizens right now, today.

I would add one more step. I have not forgotten about that $600 billion. It is not in my bill currently, but we did have legislation on the floor last year, and it will be reintroduced, that we would be able to pay that $600 billion back to the Social Security trust fund to get this fund solvent the way it is supposed to be.

The way we would do that is pretty straightforward. After we reach a balanced budget, we would recommend that we cap spending increases at the Federal Government level at a rate 1 percent below the rate of revenue growth. So if revenue goes up by 5 percent—remember, revenue goes up because of inflation and real growth in the economy—so if revenue goes up by 5 percent, we would simply cap Government spending increases at 4 percent, probably still faster than the rate of inflation.

Since spending is going up, if you have a balanced budget, spending goes up slower than revenue growth, you have created a small surplus. And that surplus, of course, grows each year that you follow this program. That surplus is the money that we need to put the funds back into the trust fund that was supposed to have been put there over the last 15 years, and then reassure the solvency of the Social Security trust fund.

Mr. COBURN. One other thing that I think is important that I would want the American public to know, is we cannot let chairmen of committees not speak truthfully about this problem. It is important that they ask the question of their elected representative of the truth about whether or not the deficit is really $107 billion or is it more than that.

It is also important that they ask their representative when they go to vote on the budget whether or not we took that into consideration as we considered that budget, and not allow the politics as usual, the careerism, to wave this off and say this is a nonissue. This is at the heart of the issue: being honest about what our real problems are so we can attack and solve them, not just for us and not just for those seniors today, but for the children and the young people who are going to be seniors tomorrow.

Mr. SOUDER. Mr. Speaker, I wanted to ask the gentleman from Wisconsin, to draw out a point here, and that is that people who have followed this debate understand this, and I assume that it has been touched on and we have talked around it here, but the reason there is a surplus is because there are more people paying in now, but we are headed to a point down the road here where there is not going to be enough money and we will have a big shortfall.

Mr. NEUMANN. Right. Today, there are three people for every one person drawing out of the Social Security system. By the year 2010 it will be two people for every one person drawing out.

You can see how that very rapidly reaches a point where you cannot take enough money out of that one paycheck, or those two paychecks, to pay one person's Social Security. That is the problem. Long term, there is a shortfall and we have an inability to pay the amount out in Social Security that has been promised to our senior citizens.

This really brings into the discussion the people that are in their 40s and 50s. This honesty issue and this reporting it straightforward and setting the money aside, it is not only about the senior citizens of today, it is about people in their forties and fifties who are today putting about $12 out of every $100 they earn into this Social Security account with the expectation that when they get there, when they are 65, 66, 67, that they will then receive their Social Security checks. You see, if we do not accumulate this kitty the money will not be there to make good on their checks.

I can give my colleagues some dates on this. By the year 2012, in the year 2012 there is no longer enough money coming in to make the payments back out, and that assumes a solid economy. That is kind of a best case scenario. And we all know in Washington when they give you a best case scenario, we are probably looking at the year 2005, 2006.

This is not a long-term problem but rather it is a very short-term problem. And I would just add it could be shorter than that. If we had an economic downturn next year, and it was reasonably severe, we could hit a shortfall in the Social Security account as early as next year if the economy were to go into a recession.

That is why I am so concerned that this issue get addressed right now, today, in this year's budget.

Mr. SOUDER. There are other things compounding this as well, and correct me and add to this if you have additional information, and that is that people are living longer than originally projected in Social Security.

Furthermore, the longer you live, and Congressman COBURN, as a doctor, knows this, there are more things that go wrong that are very expensive. It is one thing to replace your heart once, multiple times, other organs, but we have incorporated other programs inside Social Security. And so those who just say we can handle this on a cash basis are a little naive.

Other people say, well, if you just bump the age of retirement a couple more years, that would fix it. But look at this assumption they have. That assumes there is no change in the age that people are dying. If you bump the retirement age by 2 years but through health advances they die 4 years later, we are actually facing a bigger shortfall than we currently have.

A lot of the things that are trying to be put out to explain away this problem are actually good arguments that it could be much worse than it actually is.

Mr. COBURN. Well, thank goodness for our health care system, because in fact we have increased longevity to a tremendous amount, and that has been a detriment on the Social Security trust fund in terms of how they calculated what was going to be needed.

But we should not get tied up in that issue. The issue is, is it ethical to say that our deficit is $107 billion when in fact it is $172 billion. That is why people lack confidence in this body, is because we do not have the courage to oftentimes make the tough decisions because we will not face up to the facts.

The American public needs to know that the deficit is much larger than what they have been taught and it is much larger because of moneys borrowed from payments into the Social Security system. It needs to stop. It needs to stop because we owe that honesty to the American public.

And I thank the gentleman from Wisconsin for allowing me to participate.

Mr. NEUMANN. I had an interesting experience along the honesty and integrity line. I was doing an interview, and the person on the other end of the phone said to me, "Is this really true?" It was like they were in disbelief that the President would actually take $104 billion out of the Social Security trust fund to try to make it look like his budget was balanced. They were almost in a state of disbelief.

I brought with me this morning, it is a Washington Times article on January 18, 1997. The headline reads "Clinton Budget to Use Trust Funds, Social Security Surplus Added In." I mean, there is absolutely no question that when the President says he is going to balance the budget in the year 2002, that what the President means is he is going to balance the budget by taking $140 billion out of the Social Security trust fund to make it look like it is balanced.

If anybody has any doubts on the accuracy of this, this is a very good article. His Treasury person was in talking and he says, "We will include it. I think Congress is correct to include it in deficit calculations." And he just goes on and on about the fact that we should be using the Social Security trust fund money.

I have also noticed something that is very different here in Washington versus our townhall meetings back in Wisconsin. When I go through this issue back in our townhall meetings back in Wisconsin, everybody agrees that the money should be set aside.

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But out here in Washington there are a whole bunch of people who believe that Social Security is a pay-as-you-go system, that we do not need to set that money aside, that after all we are collecting it this year, so why should we not spend it this year.

Then I ask them, what about 2004, 2005 when there is not enough money coming in? What are the choices going to be in 2004 or 2012 in the best case scenario? It is going to be to go into our families' paychecks and take more tax dollars out so we can continue making those Social Security checks. The second choice is to reduce our Social Security benefits to our seniors. I personally find both of those choices unacceptable. That is why we have got to solve this problem today.

Mr. SOUDER. I am not sure at what point, perhaps the gentleman would know this more, but as I have heard, there is a point out here where the FICA tax alone could be around 43 percent, depending on where the shortfall is. This is not just a small matter, it is a budget-busting matter that we have been able to disguise this and lulled into this because of the number of people working versus the people in the retirement system. But a day of reckoning is coming. The longer we wait, the tougher the reckoning.

Not only do individuals pay into this but a lot of people may not be aware that their employer is matching it. If you are self-employed, you know you have to pay both halves, and that one of the things I personally think we ought to be doing as a country and individual employers ought to be doing is showing what an individual's check would be if that match was not going in there.

So we are not only spending the amount you are putting in, we are spending the amount that the employer is putting in. This devastating tax would cripple our economic system.

Some people say, oh, there would be politically an uproar if we tried to change benefits and not do it. Quite frankly the baby boomers, I was born in 1950, we are going to be the biggest voting block when we are there and we do not intend to starve and the people who would have to pay our way are our kids and they are not going to intend to pay all of this if the Government defaults. The bottom line is we will probably bankrupt the country unless we do this because we will be a huge voting block, much bigger than the current senior citizens. It is a devastating outlook if we do not have the courage to face up to the integrity of the problem now.

Mr. NEUMANN. I think the gentleman is bringing up a good point here. This issue is not just an issue for seniors or even just an issue for people that are 40 and over hoping to get Social Security.

Let us talk for a minute about the impact of the Social Security Preservation Act on our people that are under the age of 40. Right now today with no money in the Social Security trust fund, these discussions that they are having about letting them privatize it or letting the people keep their own money in their own account, all of those discussions are not going to happen. The reason is because no one but no one can go to our seniors and say, "I'm sorry, you don't get Social Security anymore." That is not going to work.

Let me paint a different scenario. Suppose the Social Security Preservation Act had been in place since 1983 and in this kitty of money, this Social Security trust fund, there was now $550 billion, real money, and it is actually there. Then we could go to the senior citizens and say, "Look, there is a savings account. Your Social Security check is safe."

I am going to talk to these people under the age of 40. Some of them would like to put their own money into their own Social Security trust fund and take some of the responsibility on themselves for their own retirement. We are talking about families here that work every day of the week, these families who get up in the morning every morning and go to work, work hard for a paycheck and they are struggling to make it from week to week and paycheck to paycheck.

What we would be doing is going to those people and saying, look, they are already putting $12 and some cents aside out of every $100 you earn. Why do you not take some of that money and put it into an account to take care of yourself in your own retirement, so it would be money that is already coming out of their paychecks, that now could go into a savings account on their behalf to build for their own retirement for them to take care of themselves when they reach the age of 65.

We cannot do that today. The reason we cannot even begin that discussion today is because that money that is supposed to be here in the Social Security trust fund has been spent on other Government programs and there is nothing there except for a bunch of IOU's. If the Social Security Preservation Act is put into place and we can accumulate this kitty of money so we can honestly look our senior citizens in the face and say, "Yes, your Social Security is safe," then and only then can we begin some of these other conversations that are currently going on here in Washington, DC.

This is not just about seniors. Just think what it would mean for our working families if they could take some of that money that is already being set aside and they could put it aside in their own behalf to take care of themselves in retirement.

This is a bill that really crosses all age groups. It is in the people under 40, it is in the people from 40 to 60 who are hoping to get Social Security, and it most certainly is affecting our senior citizens of today where if we have an economic downturn there is not going to be enough money coming in and there is supposed to be a savings account there that is full of IOU's instead of cash. All generations here are impacted by this issue.

Mr. SOUDER. As the gentleman alluded to, it is a very pro-family policy to try to be honest about this, because most families in America have both parents working. Many of us, including me, have a child in college. You are trying to meet all the demands of your kids for this and you are working your head off and you do not know how in the world you are going to set aside much and we just kind of assume that when we get to retirement age, Social Security is going to be there even if we have some savings of our own, which many families do not have the luxury of doing, particularly the poorer the family the more dependent they are on this. The FICA tax comes out, no matter what income you are at, we take out the Social Security, and those people who are struggling and barely making it and drowning day to day and trying to figure out how to pay their car bill, insurance bill and health insurance and their housing costs and all this type of thing are watching it get drained into a system so it can be used as part of a general government program. How is that pro-family?

What is pro-family is to provide what it is supposed to be, is a security net for when you are older so you can try to use your current income, the rest of it, on living and trying to get above water. We are going to be in a state of shock, those about to come into the system. Based on the gentleman's numbers, it could be as early as those in the late 50's, certainly those of us who are boomers, in the mid 40's and down, we are going to be in a state of shock if somebody says, "Well, you're only going to have half of it there." Then pretty soon somebody says, "None of it there."

You are going to say, "You mean I've worked all my life, and we scraped by and watched these dollars be taken out, and I gave up certain things and now it isn't there?" What does the word trust fund mean?

Mr. NEUMANN. It is an improper practice. Both of us came out of the business world. If either of us had set up a pension fund and we said to our employees, "You're going to get this pension when you retire," and then we put IOU's in the pension fund instead of real money, first off they would arrest both of us in the private sector for doing it, but secondly our employees would revolt back against the policy we were establishing.

That is where we are at on this issue. The American people need to understand the issue and then respond to help all of us in Washington get the message just how important this issue is.

Mr. SOUDER. Last year we even had a debate here on the House floor because there was a proposal that in the private pension programs from business, to lower the percent of, I think it was 145 percent down to 125 percent. Some of us had grave reservations about that. Yet here with zero percent, here we had this huge ruckus on this floor about whether businesses could lower the percent beyond 100 that is in reserve. In our own program we have zero.

Mr. NEUMANN. Does the gentleman see the irony in that debate? I know they ran ads against both of us saying we had reduced the pension funds when in reality what was done is those pension funds were required to keep not enough money to pay the pensions but enough money to pay the pensions and a 25-percent cushion. That is what that debate was about last year. Instead, if they had used those same resources to actually solve the Social Security problem, can you imagine how much farther ahead we would be as a nation? To honestly solve a real problem that is facing this country, not a pension fund that is funded at a level necessary to pay the benefits plus a 25-percent cushion, but rather they turned their attention and focused on the Social Security issue where there are zero dollars in the trust fund, and zero dollars in that pension fund, not 100 percent of what they need plus a 25-percent cushion but in this case zero, would it not have been great if they had used those resources to help us solve this problem instead?

I think I should maybe walk back through this once more.

Mr. SOUDER. I think it would be very good for people who came in part way through.

Mr. NEUMANN. We are dealing with the balanced budget amendment and how Social Security relates to the balanced budget amendment and a couple of ways to correct the problem that exists.

I just start through that the Social Security system today is collecting $418 billion. It is paying out to our senior citizens in benefits $353 billion. That is right, it is collecting more than it is paying out by $65 billion. That $65 billion is supposed to create a savings account, a kitty of money, a growing kitty of money. The reason we are doing that of course is because as more people reach retirement age you have got fewer dollars coming in and more dollars going out. At the time when these two numbers cross, when there is not enough money coming in to make good on the Social Security checks, we are supposed to have this savings account sitting there that we then go to, get the money and make good on the Social Security promises that have been made to our senior citizens.

The idea is that that money is supposed to be set aside. Unfortunately what the Federal Government is doing today is taking that $65 billion, putting it into the general fund or their big Government checkbook. They overdraw that checkbook each year. That is the deficit. Since there is no money left at the end of the year, they put IOU's down here in the Social Security trust fund instead of putting real dollars down in the trust fund.

The bill that we have introduced called the Social Security Preservation Act, again this is not Einstein kind of stuff, I come from the business world where you have to learn how to make cash flow work. The bill that we are proposing, the Social Security Preservation Act, very simply says take that $65 billion and put it down here in the trust fund instead of spending it on other Government programs. It is a very straightforward bill. Instead of spending the money on other Government programs and putting IOU's in the trust fund, put real dollars down there in the trust fund so there is something there to guarantee and protect our senior citizens.

How does that relate to the balanced budget amendment? When the Federal Government reports to the American people how much more money it is spending than what it is taking in, that is, the deficit each year, what they are reporting is the amount that they overspend what they have in their checkbook but they are not telling the American people about the fact that after that, there is another $65 billion they have taken out of the Social Security trust fund. So in addition to the deficit that is reported to the American people, they are taking an additional $65 billion out of the trust fund that they are not reporting.

This is an issue about honesty and integrity and being straightforward with the American people. The fact of the matter is that when we report a $107 billion deficit, the reality is the deficit is $172 billion.

How does that relate to the balanced budget and the balanced budget amendment that is currently under discussion here? Let me start with the President's State of the Union Address last night. Let me just make it 100 percent clear that when the President talks about balancing the budget, he is talking about still using that money from the Social Security trust fund, $104 billion in 2002, to reach what he calls a balanced budget.

Let me just say that once more so it is 100 percent clear. When the President says he is balancing the budget in the year 2002, what he means is he is taking $104 billion out of the Social Security trust fund to make the budget look like it is balanced. That practice is wrong and it is going to lead to a Social Security system that is just basically insolvent as we go forward.

So what are we doing about this? The Social Security Preservation Act that myself and many others in this Congress are introducing would require that we balance the budget by actually eliminating all of the deficit, including the Social Security deficit.

A lot of people have said to me, "Well, MARK, you can't do that." So our Social Security Preservation Act would require that we actually reach a true zero, not just a zero that appears balanced while still using the Social Security money as the President has proposed.

A lot of people have said, "Well, how are you going to go about doing that? Doesn't that mean we have to cut $104 billion more money out of the budget?"

First let me go over the "cut" word. Even if we did this exactly as I have it laid out here, spending would still increase each and every year from now through 2002. Spending would still go up, so there is no, quote, cuts in overall Government spending even if this is put into place.

But there is more good news. A lot of people in Washington would tell me that we cannot do this because the budget we passed last year was so tough that we cannot go any farther on reducing spending. First, I do not believe that. I believe there is still a lot of wasteful spending. But second, because the economy is doing better than anticipated, we have additional revenues coming into the Federal Government that will allow us to pass this piece of legislation without doing any spending reductions beyond what was already proposed last year. That is to say, if we passed the budget that has already passed both the House and the Senate, we can at least set aside the surplus money that is coming in this year in the Social Security system and also in 2002. That is, if we pass the budget that we passed last year again, we will in fact be able to put the Social Security money aside in 2002 without doing anything different than what has already passed through the House of Representatives and the Senate last year.

This is an exciting time in history. We are about to do something that is clearly right and necessary for the future of this great Nation we live in, for our children's future. We have for generations, since 1969, we have as a government spent more money than we are taking in. We are on the verge of changing our most sacred document as a Nation, the Constitution of the United States. This is a very serious matter that is being addressed here when you go to change the Constitution of the United States of America. Does it need changing? I would only point to the fact that as a government we have not been able to restrain ourselves since 1969. We as a people, and when we say a government, it is really the American people, we have not been able to do what is right for the future of this Nation. This problem has been building. We have gotten away with it from 1969 until today.

We need the balanced budget amendment because the track record indicates we cannot do it without the balanced budget amendment. When it is in our Constitution, when it is in our most sacred document, that we must stop spending more money than we are taking in, that we must restore the financial stability for the future of this great Nation for our children's future, when that happens, we will get the job done by 2002. And we will not do it the way the President suggested, by taking $104 billion out of the Social Security trust fund to try and make it look like somehow we have balanced the budget.

□ 1530

We will not do it that way; we will do it the right way, we will do the honest way and the straightforward way for the good of the future of this great Nation we live in.

And I want to just go one step further. I think it is important that we talk about what has happened over the last 2 years and how significant balancing the budget is to the American people. Sometimes this gets lost in kind of Washington jargon that this is all about just the future; it is not about today. Well, I would like to point out that over the last 2 years we have reduced the deficit to the lowest number it has been in a generation. As a matter of fact, for the first time in 30 years we took $30 billion out of the appropriations process. That has not happened in the last 30 years, and that is not Washington mumbo jumbo. They actually reduced spending in the appropriations process by $30 billion.

Well, what happened when we reduced spending by $30 billion at the Federal Government level? Well, that meant the Federal Government borrowed $30 billion less out of the private sector. Still sounds Washington-like. Let me go the next step:

When the Government did not take that money out of the private sector there was more money in the private sector. When there is more money available, the interest rates stay down. When the rates stayed down that is good for the whole economy, in particular for our American citizens.

Anybody who is on a variable rate mortgage understands that when the Government did not borrow that $30 billion, it stayed available in the private sector and therefore interest rates went lower, that their mortgage payment is lower. But it is even further than that. When the interest rates stayed down, more people were able to afford to buy houses and cars and when people bought more houses and cars, other people had to go to work and build the houses and cars, and that really is what this is all about. It is really about providing opportunities for those people to leave the welfare rolls and go into the work force and have an opportunity to live the American dream.

That is what this is all about. It is about my children's future, and if I get excited talking about this issue, it is because when I see growing deficits and growing debts that has accumulated to $5.3 trillion I see the end of America as we know it today. I see economic problems that we are passing on to our children that cannot be resolved, and then when we start talking about balancing the budget and we see this working model where reducing spending has actually led to lower interest rates, producing more home sales and car sales, producing more job opportunities in the private sector, well, I know that is the future of America we are talking about. I know that my kids, when—they are all teenager now. If all three of them are teenagers, I know that is for my three teenagers to have a job opportunity.

That is what balancing the budget is about. It is about keeping the interest rates down so people can afford to buy houses and cars, and the people who build those houses and cars have job opportunities, so my children have a chance to live the American dream just as my wife and I have had during our generation.

That is what balancing the budget—that is what this issue is really all about.

Mr. SOUDER. In addition, and this is really good straight talk about the budget because these issues get so confusing, and from time to time we need to have some of this kind of stuff because part of the goal of politicians often is to confuse matters, to obscure what is underneath, and I think this has been very good straight talk because in addition to the interest rate, because to some degree we have had a somewhat stable interest rate even with this deficit which has confused matters. But there is another way to do it too, and that is to sell off your country because of your trade imbalances because we have partly disguised and kept interest rates down by bringing in foreign money through trade imbalances and then we start selling in the Midwest and Indiana and Wisconsin.

These are huge issues about companies being taken over, about farm land being taken over because we have not been in order and responsible in our own country and refuse to deal with our deficit. We have become foreign dependent, which is not where we want to be as a nation. So it not only entails our interest rate, it entails a lot of other issues that are relative to the budget and very disconcerting.

And you raised a very important point now twice that people need to understand that we have been through this with CBO and OMB and we spent a lot of time in meetings discussing this. But when they take a pessimistic or attempt to in the CBO scoring of the growth rate, knowing that somewhere along the line there is going to be a recession and that they do not project that because they average, I think, a 1.9. We update these things three times a year, I think it is, and in that process every time the growth rate comes in better we spend the money. We do not even keep the seed corn for a recession in this 2002 plan—really is not realistic because last year we spent more money when the growth rate was higher, so what do we do in a year when the growth rate is lower?

Now compound that over time and what you are in effect saying is we have had a good boom period, we have this huge thing hanging over our head in the Social Security trust fund, we have a national debt that is tremendous even without future obligations like Social Security, we are worried how we are going to pay Medicare, we are worried how we are going to pay the veterans, we are worried how we are going to pay railroad retirement, how we are going to meet our Government employees things.

So what do we do when we finally have a good growth period and we finally have some money? We spend it. If they would have been using the money that we gained in this past year, if not to retire the debt, which I believe they should have been doing, then it should have been in the Social Security or get the Social Security off. It is not as hard as people say, but it is harder if every time you want to run for office you want to promise a new program and you have a new idea to spend money out of Washington rather than paying the debts that are accumulating and the future obligations that are accumulating over your head. It is that for campaign season you need a new program, because unless you have a new program you are afraid you will not get reelected, and it is one of the tough things we are dealing with here in Washington because our promises are outrunning our funding.

Mr. NEUMANN. Mr. SOUDER, I just concluded a story that: It is a true story, where at a basketball game in Delavan, WI, where my teenage son was playing, and I looked over at my wife and she was holding a baby of one of our friends, one of the teachers of the parochial school where my son attends, and I looked over at her with that baby on her lap and I mean I am supposed to be thinking about the basketball game. But my mind wanders back out here to Washington, and I could not help but think what these issues mean to that baby that was sitting on Sue's lap, where we have already borrowed $20,000. We, our generation, has borrowed $20,000 that we are going to pass on to that baby.

That is not right and it is not fair. This issue is not just about numbers and budget. It is a moral issue. How can we as a Nation, how can we as a generation, possibly justify that we are taking that child's money, that poor old baby sitting on my wife's lap, how can we justify taking that baby's money and spending it on our programs today, and how can we justify saying we are balancing the budget by taking $104 billion out of the Social Security Trust Fund knowing full well that what that means is that when that baby reaches the work force, when it is time for that baby to have the opportunity to live the American dream, to have a chance at the American dream, that young child—what we are doing is we are saddling them with a situation where the Government is going to demand even more in taxes before they get to spend money on their children. It is just not an acceptable way to go.

I just conclude today by urging our colleagues to join us in supporting the Social Security Preservation Act. I would reach across the aisle, encourage our Democrat colleagues to join us on this bill. This is not a partisan issue. Preserving and protecting the Social Security system should be something that both Republicans and Democrats are very interested in, and I look forward to working with our colleagues on both sides of the aisle.

CREATING OPPORTUNITIES FOR OUR CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON-LEE. I thank the Speaker very much for his kindness and I rise today to speak about children. Sorry my colleagues have left the floor of the House, and I appreciate their comments about a very important issue, and that is creating opportunities for our children. And might I say that although I will be speaking today about technology and joined by many of my colleagues, I would appreciate a slight bit of deference to just acknowledge that there is a disagreement when it comes to the balanced budget amendment.

We all want to get to the same place, and that is to balance the budget. I must add that in protecting Social Security I would bring attention to the gentleman's comments that when you include Social Security in the balanced budget amendment you then prohibit and inhibit the flowing of Social Security checks to our seniors throughout this Nation if they then have to face the burden of the balanced budget on their backs.

So I know we will have a vigorous debate, we want to have a future for this Nation, and I think it is key that we recognize that we might have different perspectives, and clearly I think we should exempt Social Security from that so that we can have an upright and a fair discussion on this issue and, in fact, preserve a future for our children.

Having said that, I am gratified today for the reason that I have come, and that is to capture the spirit of the President's message, but the work of so many of my colleagues and myself acknowledging the importance of the access of the Internet to all of our children. So I rise today, Mr. Speaker, to introduce a sense of the Congress resolution regarding the outstanding achievements of NetDay, the NetDay organization.

I, along with many Members of the House, have become acquainted with the NetDay organization through the activity generated in our home congressional districts by grassroots NetDay projects. I was proud to have had the honor of joining fellow Houstonians in the kickoff of the ceremony for the Houston independent school district's NetDay '96. I was happy to serve as the honorary chair for that event and under the leadership of our superintendent and our assistant superintendent for technology, the superintendent being Ron Page, the assistant superintendent being Dara Ann Burrow, and many volunteers, we can claim it as a success.

Albeit a success in many of our districts, we realize that we are just beginning, and so as a member of the Telecommunications Conference Committee, the Reform Act of 1996 which the 104th Congress passed, I am proud that my colleagues join together to insist that there must be universal telecommunications access to every school and library and classroom in this Nation.

Fortunately, for HISD, because of our program, 79,975 students now have Internet access in the elementary, junior, and high school. I say that it is still not enough. This was accomplished with the assistance of 652 volunteers who contributed their time to the neighborhood schools. The efforts of sponsored volunteers, students, teachers, and HISD personnel saved the Houston independent school district $28,000. With our school district's decision to hold NetDay '96 connection projects for each Saturday in the month of October, they ensure that every targeted school within minority and majority communities received an equal opportunity to have their neighborhood school library receive the necessary wiring for Internet access. With the entire Houston community support, we can reach the goal of universal access for all of Houston's children by the year 2000.

But we must go further than that, and we come to this Congress to go beyond our respective constituencies and localized communities. We must work toward universal access to the Internet. We must be vigilant in our efforts to promote software and hardware innovations. When I talk to my teachers, they emphasize that the infrastructure is so very important that they need the software. We must not forget that. We must have our children accessing material that is valuable and valued. I have learned that there are a number of software and hardware technologies which if employed will also block the ability of our young users to access Web sites that may not be appropriate for them.

In addition, the use of network systems by school districts can also provide protection for the Internet's youngest and most valid users. We in Congress must work to provide these important protective features to users of the national information infrastructure as educators work to assist us in guiding our children successfully toward the 21st century job marketplace.

That is where the work will be. Silicon Valley will not be Silicon Valley. It will probably be Silicon Nation. And I believe that we should not cease from searching for additional innovative ways to protect our children as we also work to provide them with the much needed skills for today and tomorrow. It is a fact that by the close of this century 60 percent of the new jobs will require computer skills that are currently held now by only 20 percent of our population. The work we do today will pay off for our children.

From Alabama to Wyoming, the NetDay organization has many places they can call home. In the State of Alaska the Anchorage school district reports that 70 percent of Alaska's students wired several schools as part of NetDay. In the State of California, the launching site for the entire NetDay effort, over 75,000 volunteers wired over 3,500 schools last fall.

The call that I raise up today and the call that I hope is heard: Are you listening throughout the Nation and can we do any less? Well, in the State of Texas a hundred schools were wired. Most of them were in the city of Houston. We obviously need more activity in the entire State of Texas as well as all over America.

It is evident from our first NetDay year that States have gone at varying degrees of success in their NetDay efforts. We still have a lot of work to do before every school is connected to the Internet. As a parent and a Member of Congress, I will continue to work toward a safe and secure Internet environment in which we can provide educational opportunities for our children.

That means, and we must get a little direct here, I do not think any of us would claim any opposition to the first amendment. I hold myself out as someone who vigorously defends the freedom of speech, but I can assure you I will go a long way to working toward ensuring that we deny the proponents of pornography and obscenity the access to our children who are using the Internet.

I believe this important resolution that I offer today, hopefully as my colleagues have joined me in cosponsoring it, will go a long way in communicating the important role that NetDay plays in our Nation. This NetDay organization is promoting friendship and cooperation. It is certainly promoting the opportunity for all of us to work together.

□ 1545

It is important as well that we provide access to the superhighway. As we do that, it will be good that we as Members of the House of Representatives can show wholehearted support for the NetDay organization which has provided and should provide access for all children, rural, suburban and urban, regardless of whether they are poor or well off.

Yes, NetDay has proven it is possible to be inclusive when implementing public and private partnerships of this magnitude. I would like to thank my colleagues who signed on as original cosponsors of this resolution, and I thank you for your commitment to our Nation's children and I look forward to your great participation in what we do further.

Besides applauding and congratulating those who have participated in NetDay, emphasizing the grassroots aspects of providing elementary children and middle-school children with access to our computers, with applauding those who have given labor and materials and resources, and encouraging parents to be part of this, we also resolve in this resolution to do several things. That is, of course, to congratulate the organizers and sponsors and coordinators and volunteers of NetDay.

Also, NetDay should be used as a positive model for communities throughout the Nation. NetDay should continue to be used to assist students and parents and teachers across the Nation so that the Nation's children may be ready to obtain the benefits of computer networks and the Internet. We are resolving to strengthen their education and begin careers with more skills and opportunities, thus enabling them to compete more successfully in the global market. And then we resolve that businesses, unions, parents, teachers and school employees throughout the country should consider organizing NetDay activities to provide similar opportunities for the children in their communities.

The House of Representatives supports NetDay's commitment by way of providing the Nation's elementary and secondary schools with the technology, the technological infrastructure needed to help the Nation's children succeed.

Interestingly enough, we captured the spirit of the President's remarks, but I will applaud him for acknowledging last evening that we must bring the power of the information age into all our schools. He said, last year I challenged America to connect every classroom and library to the Internet by the year 2000 so that for the first time in history a child in the most isolated, rural town, the most comfortable suburb, the poorest inner city school, will have the same access to the same universe of knowledge. I ask you to support and complete this historic mission.

I am very gratified, Mr. Speaker, that there are those who have worked long years in this area and certainly come from communities where technology is a key element of their representation.

So I have been joined on the floor today by my colleague on the Committee on Science, the gentlewoman from Maryland [Mrs. MORELLA], who has served very ably in trying to network herself and provide the kind of synergism and energy in generating the technological infrastructure that we need not only for our children but for all Americans, but I am gratified that she knows that the emphasis of accessing the Internet on behalf of our children is a key responsibility that we have in the U.S. Congress.

I yield to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman from Texas for yielding, for arranging this special order, and for sponsoring this very important sense of Congress resolution to recognize the outstanding achievements of NetDay.

Mr. Speaker, every child in America deserves equal access to a quality education. Providing this access can be a real challenge in the midst of tight budgets, especially in small, rural and poor inner city schools. Every child and every school across the country must be afforded the opportunity to take advantage of everything the information highway has to offer.

Now, during the last Congress, I worked to include in the Telecommunications Act language that would provide schools, libraries, and rural health care facilities with affordable access to the Internet. The Federal, State, local joint board which was set up by the Federal Communications Commission has already recommended substantial discounts for public and nonprofit schools.

In conjunction with our work in Congress, thousands of volunteers also have joined together to wire our Nation's public schools to the Internet. NetDay is an exciting grassroots effort to ensure that all of our schools have access to the Internet.

Most schools just simply cannot afford advanced telecommunications services. Last year, less than 3 percent of classrooms in the United States had access to the Internet. By making access to schools affordable, and through the efforts of thousands of individuals and dozens of corporations, schools all over the United States are being afforded the opportunity to become wired to the Internet. In our great Nation so rich in information, we can no longer rely on the skills of the industrial age.

Telecommunications will excite young minds and provide all children access to the same rich learning resources, regardless of where they live. Telecommunications can help us provide a level playing field for all Americans to utilize the information superhighway. Through NetDay, volunteers are ensuring that the emerging telecommunications revolutions do not leave our critical public institutions, our private and nonprofit schools, behind.

I applaud the outstanding achievements of NetDay and the tireless work of our Nation's volunteers. Wiring our schools to the Internet is in the Nation's best interest and will bring equity to our educational system. Well educated and highly skilled individuals are the major resource of any modern society, and NetDay efforts in our Nation's communities will provide all Americans with skills that they need and the opportunities that they deserve to achieve their fullest potential through a quality education.

This Friday, February 7, is the first anniversary of the signing of the Telecommunications Act, and there will be a press conference to announce that NetDay will be held on April 19. I encourage everyone to join the NetDay volunteer effort and help ensure that our Nation's schools are wired. My State of Maryland will be so involved, and I will, and I hope that all Americans will in some way be connected with the access to the Internet.

Again, I want to thank the gentlewoman from Texas, not only for this special order and the resolution, but her commitment, through her terms in Congress, and I hope she will stay on the Committee on Science. We have not totally organized, so I am not sure, because she has always been very valuable on that.

Ms. JACKSON-LEE of Texas. I thank the gentlewoman, and may I inquire of the gentlewoman, just a very brief inquiry. It is, I think, worthwhile as we have this opportunity to present this special order, that though we acknowledge it in friendly terms that we are both at least now and with party affiliation on opposite sides of the aisle. But I think it is very important that this is acknowledged as a bipartisan effort to really prepare us.

We have all set bridges and visions for the 21st century, and I am sure we are all committed. But what does that actually mean? And as we fast approach or speed down the superhighway, I think it is important, and of course balanced budget amendments or balanced budget, that we recognize that when people are productive and working, that is half the battle of the economy. This access to the Internet, this learning process, and I guess I inquire of you, is so key to preparing us to be steady and strong in the 21st century.

Mrs. MORELLA. There is just no doubt about it. We also know that 6 out of every 10 new jobs that will be created as we enter the new millennium are going to involve technology and are going to involve the importance of knowing something about Internet. We also know that our children, from first grade on, know how to use a computer. Now, why should they all not have access to this information? It is a library in their school, it is a library in their own home, in the club house; it is critically important that they have these skills. So again, I applaud you, and of course it is bipartisan. Everybody should agree with it.

Ms. JACKSON-LEE of Texas. I thank you for your kind words but also for your leadership.

Mr. Speaker, it gives me great pleasure to introduce to you certainly an esteemed Member of the freshman class, the gentleman from Memphis, TN [Mr. FORD], who probably more than anyone, knows the value, having sped fast along the superhighway himself of technology, of the importance of sharing this very important tool to our whole Nation.

Mr. FORD. Mr. Speaker, I am pleased to have this opportunity to join the gentlewoman from Texas [Ms. JACKSON-LEE] in this effort to commend those who have participated in this NetDay 1996 and to congratulate those for helping to build that bridge to the 21st century.

As a Member of Congress especially dedicated to youth and one that serves on the House Committee on Education and the Workforce, NetDay 1996 cannot have a more committed advocate than me. Let me first, though, take this opportunity to thank our President for the extraordinary challenge that he issued to all of America, including Democrats and Republicans in this Chamber, last night.

I was particularly excited to hear his emphasis on education and his calling to all Americans, including all in this Chamber again, Mr. Speaker, a call to action, to respond to the needs of our young people to help prepare for better and brighter tomorrow.

NetDay 1996 is this Nation's challenge to participate in the success of our youth's lives. Every parent, teacher, clergy member, neighbor, business leader, business employee, computer systems administrator, every single member of society can participate and take on the community responsibility to positively affect children's lives.

In 1996, Mr. Speaker, 100,000 NetDay volunteers installed wiring infrastructure to connect 25,000 elementary and secondary schools to the information superhighway. Parity and access to the Internet is fundamental to realize the true benefit of the information superhighway.

That is why I call on my colleagues on both sides of the aisle, for we demonstrated the courage and the wisdom in this Chamber to reform welfare. I would hope that we could exhibit that same courage, wisdom, decency, and show the same temerity in empowering our teachers and classrooms to prepare our children for the future.

In that vein, let me applaud the success of the two Illinois students and their classmates and teachers, brought to our attention last evening during the State of the Union Message, for they are examples of excellence that should be admired and replicated throughout this Nation.

In that vein, let me also speak in support of establishing national standards, not to create another level of Federal bureaucracy or additional levels of bureaucracy, Mr. Speaker, but to make and understand that education is as important a national security issue as any issue that we confront here in this Congress. The syndrome of inferiority and shortcoming that has beset many of our Nation's schools, let us pledge here in this Chamber, let us pledge today to responding to the call of action that the President issued last night that we will transform that syndrome into an atmosphere and environment of success, to expectations of success for our young people.

As I close, Mr. Speaker, I thank the gentlewoman from Texas and thank the cosponsors of this NetDay legislation. For there is no more important issue to America's competitiveness as we move into this next century, Mr. Speaker, than ensuring that every young person is afforded the opportunity, affording the best opportunity to be exposed to the quality education that we here in America can afford.

In that vein, I challenge every citizen to become a part of this effort. No school should be without its own assembly of volunteers from every hill and every hamlet. We must afford our children an opportunity to be first in the world. Mr. Speaker, this is the call to action and this young Member from Tennessee is ready to respond.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the gentleman from Tennessee for a clarion call. Clearly, for this to be a movement in the U.S. Congress, leaders like HAROLD FORD are going to have to be right in the mix. And clearly for this to be both accepted and acceptable, we are going to have to reach across the barriers and the divides of our rural and urban centers of our southern cities and northern cities, of our communities that may be called barrios or may be called ghettos, or may be just called places for people to live.

So I accept the challenge certainly and hope that when we begin to talk about issues of balancing the budget, that there will be priorities, and that is why the balanced budget discussion cannot be done in a vacuum. This message this afternoon on the Internet is as much about that issue as it is about making sure our children have access to the Internet.

□ 1600

Mr. Speaker, it gives me great pleasure to yield 2 minutes to the honorable gentlewoman from Michigan DEBBIE STABENOW, whose State certainly has received a great economic boon from an original technology: the automobile.

I am very gratified that even with the importance of her obligations to her own immediate industry and technology dealing with the people mover, if you will, she is committed to science and technology as a member of the Committee on Science.

Ms. STABENOW. Mr. Speaker, I thank so much the gentlewoman from Texas for yielding to me on this important subject, and also for her excellent work on behalf of children, in promoting education on behalf of children.

Mr. Speaker, I rise today to recognize the outstanding achievements of NetDay, and to endorse the resolution presented by the distinguished Member from the State of Texas. Like my colleagues, I am committed to seeing that our schools and libraries are equipped with the tools that our children need for the 21st century. Today, that means access to computers and access to the Internet.

As I have frequently said at home in the great State of Michigan, there is more computer power today in the average gas station than the average classroom, and that must change if our children are to succeed in the world economy.

Unfortunately, too many schools and too many libraries do not have the basic infrastructure necessary to link themselves to the information superhighway. All too often the cost of wiring our public schools and libraries is prohibitive, given the limited fiscal resources available to the States and local governments.

For example, it has been estimated that it would cost more than $1,000 per classroom to install the basic wiring needed to access the Internet, in addition to the costs of purchasing computers and printers and software, which is also estimated to be in the nature of thousands of dollars per classroom.

Mr. Speaker, we simply cannot wait 20 years to provide the infrastructure and the basic level of technology that our children need to be successful. The founders of NetDay recognize this critical need, and I salute them. They also recognize that government alone cannot fulfill the objective, and in fact we must challenge our communities, the private sector, the universities, the labor unions, parents. All of us, working together, must come together in order to make sure our children have what they need in our schools.

NetDay is a model example of the public-private sector partnership that this administration spoke of and that I wholeheartedly endorse and am working on behalf of. Already I am in discussions in Michigan, in the Eighth District, with our private sector community, with our universities, parents, local schools, so we too can have our children benefit from those activities that have been created by NetDay. I am excited about this adventure, and I pledge to act as a catalyst in my communities in the Eighth District in Michigan on behalf of the children in the Eighth District and on behalf of the children in the Nation.

I encourage my colleagues and my constituents to join myself, to join the leadership here today in supporting NetDay 1997.

I appreciate very much the opportunity to address the House on this matter. I thank the gentlewoman again for allowing me to participate today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from Michigan, and I am gratified that she will be setting the wheels moving in Michigan in helping her students.

Something that I had mentioned, and I applaud the gentlewoman again, this is not going to be easy. Our businesses that are prosperous, that may not be geared toward computer business directly, are really going to have to be part of providing the resources and assisting us in making good on our pledge.

Let me acknowledge locally a relationship that I am sure the gentlewoman is working on where our local Bell Co. has provided lower rates for teachers to surf the Internet for up to 100 hours a month. One of the key points is that our teachers must likewise have the training to be able to train the youngsters, and I have seen as much joy in our teachers who have now become computer literate or excited or have access, and then in their ability to teach. We must not leave that partnership out between child or student and teacher. I hope our business leaders will join you, as you have asked them to, in helping you promote this effort.

Mr. Speaker, let me acknowledge as well another leader in this area. That is NetDay cofounder, Mr. Michael Kauffman. We appreciate the effort that he is engaged in, along with Mr. John Gage, cofounders of NetDay. They obviously had an idea that would set a spinning wheel, a light spreading out across the Nation, and we are gratified now to applaud them here in Congress, but also to send out their reach even further than they might have expected.

Mr. Speaker, the gentleman from Maryland Mr. ELIJAH CUMMINGS, coming from Baltimore in the State of Maryland and also the State legislature, is an avid promoter of issues dealing with youth and children in his legislative record; but coming from a State that has a strong technological history and also a strong historic relationship with the Federal Government, I am gratified with his commitment to educating the inner city child, who if we abandon and leave by the wayside, ravaging around the edges of technology, we are not doing the job of creating opportunity for all Americans. The gentleman from Maryland, ELIJAH CUMMINGS, has already made good on that promise to help the least of the children in our community.

I yield to the gentleman from Maryland, Mr. ELIJAH CUMMINGS.

Mr. CUMMINGS. I thank the gentlewoman from Texas and I commend her on her hard work and leadership on this as a member of the Committee on Science and the conference committee on the Telecommunications Reform Act of 1996.

Mr. Speaker, I rise today to speak about the outstanding achievements of the NetDay project. This past October during NetDay East, over 140 schools were wired in my home district of Baltimore City alone. A second phase to be wired is planned for the spring of this year.

We must bring the 21st century into every classroom in America. Technological literacy is essential to succeed in the new economy. We must provide all students access to a computer, good software, and trained teachers. I encourage local businesses, public organizations, educational institutions, parents, teachers, and community members to participate in this effort by volunteering to help link our schools to the information highway, place computer equipment in classrooms, and provide training.

With 40 million people currently using the Internet and 100 million users expected by 1998, the time has come to avail our schools of this very valuable resource. We need to come together as a Nation and focus on the development of our children and communities. I want to stress the importance of equipping our children with the tools to compete successfully in the 21st century.

As we near the beginning of the 21st century, a knowledge-based economy is emerging, what many people call the new economy. The fastest growing industries, both domestically and globally, include microelectronics, telecommunications, computers, and biotechnology. In the 1950's, three out of every four Americans had manufacturing jobs. Today, fewer than 1 in 6 do. Recent studies show that the rates of return for industries that invest in knowledge and skill are more than twice those of industries that concentrate on plant and equipment.

Perhaps the most important transformation brought by the new economy is the changing nature of work for Americans. We now live and work in a knowledge-based economy where we succeed because of what we know, what we create, how we manage information, and how we organize ourselves to deliver it.

By the end of the decade, 60 percent of our Nation's jobs will require skills that only 20 percent of the existing U.S. population has. Many of these will be technologically based. Our new concern is not unemployment, but unemployability. With the ability to make goods and process information, white students, but only 39 percent of African-American students, use computers in school. African-American students also have less access to computers at home; 36 percent of white students are in families that own computers, while only 15 percent of African-American students have access to home computers.

Make no mistake, technology alone is not the panacea for all of our educational system's ills, but technology is a valuable tool which, when combined with a good curriculum and good teachers, can improve our children's education. The continuing leadership and initiative must come from local communities, cities, school boards, and the private and nonprofit sectors, and it is critical that the African-American community get involved. African-Americans need to recognize the importance of using these technologies to improve education, as well as to equip students with the necessary skills to perform tomorrow's jobs.

African-Americans, historically concentrated in agriculture, personal service, and blue collar occupations, are now disproportionately displaced in the emerging Information Age. The good news is that a few African-American entrepreneurs are taking advantage of telecom and information technologies. But there is still very little computer software geared to minorities. There are still relatively few minority firms with a presence on the World Wide Web.

I cannot overstate the importance of exposing our young people, especially those living in traditionally underserved areas, to such technologies as the Internet, which open a whole new world for them which may inspire learning.

In order for the NetDay project to be fully successful, it is imperative that minority and rural communities are involved. Now is the time to commit to helping underserved minority schools. The longer we wait, the wider the gap between these kids and the kids who are technology-fluent expands. I want to thank the gentlewoman again for her leadership.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Maryland, and particularly Baltimore, really for his strong emphasis about being frank about many of our children living in inner city America, particularly our African-American children who would not be able to access this new technology beyond that access opportunity from adults and family members and leaders of their community.

This raises the question of the challenge that I started out with. This message is about children and technology, but it is also about balancing the budget and priorities. Interestingly enough, in fiscal year 1996 I offered an amendment to increase the funding of the National Telecommunication Information Administration to provide more dollars for access to the Internet to our rural and urban centers. We did not find enough commitment, if you will, to realize the importance of ensuring that effort at that time.

I will again be raising the issue of ensuring that there is sufficient funding, but I recognize and applaud, as I have come to do today, the private sector's involvement in making sure that we have access. It is important as we do that, that we include not only those so actively involved that I applaud from the majority community, but Asians and Hispanics and African-Americans.

So I have committed, as I did last year, to continue to put together presentations on how to capture the 21st century marketplace through the Internet, and emphasize the value of minority entrepreneurs and women being some of the providers of this technology. It is all about interlocking. It is all about building on partnerships. As I close my remarks at this time, it is about welfare reform.

How joyous have I seen welfare reform participants, or those who will have to be part of welfare reform, when they have gone through a computer class and have become computer literate and are ready to go out in entry-level positions as a data entry clerk; or, might I say, as the President called last evening for a national crusade for education standards, maybe, I say to the gentleman from New York [Mr. OWENS] we will be testing our children on computers. Therefore, if we are doing that, far be it from us to deny the opportunity to those children to be able to not only test educationally, but as well to ensure that they know how to access the tool upon which they will be tested.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. (Mr. COBLE). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I started with the President's remarks before I introduced the gentleman from New York [Mr. OWENS] because I wanted to ask him, paradoxically, was he involved in the articulation and certainly the creating of that call, the national crusade for educational standards.

The gentleman from New York, MAJOR OWENS, who is an original cosponsor of this resolution that I offered today, is a graduate of Morehouse College and Atlanta University, but he comes to us as a librarian. I imagine he has pored over many pages and recognizes what technology can do for learning.

More importantly, I have watched the gentleman from New York [Mr. OWENS] speak eloquently and without rest on the issue of educating children, on the issue of providing education, on the issue of providing education for providing opportunity.

□ 1615

This resolution that I will file today is only the beginning of action items for funding, for partnership, for prevention of pornography and obscenity, for access by children, all legislative agenda items that we will have to submit to. But the key element that Congressman OWENS brings to this discussion today is his unabiding and overwhelming commitment to education.

I am delighted, and I yield to the gentleman from New York [Mr. OWENS] on this matter and on the question of education.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman from Texas and congratulate her on the vision she has demonstrated by having this, by putting forward this resolution and having this special order to alert us to the fact that this resolution on NetDay needs our support. The gentlewoman from Texas is very much on target. This, of course, is a vital component of the education effort that must go forward, and I sat here, just as she did last night, and was quite moved by the President's speech, certainly the part about education, and was certainly moved by the fact that when he spoke about a bipartisan approach to education, there was thunderous applause here on the floor and everybody got up on both sides. We can look forward to a very productive 105th Congress in terms of education.

We must congratulate ourselves, those of us who insisted for the last 2 years that the Congress of the United States listen to the commonsense of the American people. They said over and over again that we want education to be a high priority. There were people who would not listen in the last Congress for a long time. They came here and they insisted that, first of all, we might consider eliminating the Department of Education, just wipe it out. Then they talked about massive cuts in Federal aid to education. I think in 1995, the appropriations bill, there were proposals to cut almost $4 billion from the Federal education budget. We did a turnaround and moved from that low point of proposing a cut of almost $4 billion to the appropriations bill of 1996, where the majority Republicans in this House proposed, and I congratulate them, a $4 billion increase. It was almost a $4 billion increase. I congratulate the majority. I congratulate Congressman GOODLING, who is head of the education committee and certainly played a major role in that. The children of America will benefit.

Let us lay aside partisan considerations. It helped the Republicans to win the election. We will talk about that at a later date. They were brilliant in their understanding, finally, that commonsense dictated that the Congress Members take a strong position on education.

I hope that that brilliance will endure and go on. The spirit of NetDay, as a part of whatever we do on education, the spirit of NetDay must be kept alive. The spirit of NetDay is partially a spirit of volunteerism. It is also a spirit of understanding the role of telecommunications and modern education technology in our educational system.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me appropriately, as the gentleman has done, applaud the President for being pronounced and enunciating very clearly the message of education as well, and I keep coming back to this theme because I can assure you that will you be on the floor of the House over these next 2 years, as you have been in the past, trying to prioritize and convince people that balancing the budget is important but that it is absolutely imperative that we invest in children and in education.

I say this because I do not want NetDay to be taken away from, though I applaud the private sector involvement that will encourage it, that we will have to make hard decisions. I hope we are not giving lip service, far be it from me to claim that of any of my colleagues, but that we realize that though we will not be reckless in spending money, there will have to be some shifting of funds and it is worthy of us to do so to create the work force, of which then we will not have to claim that they are on welfare, they are unemployable or underemployed. I hope people are listening to say, they have something here today. If they educate, they will prevent them from the trials and tribulations that many have passed through in years past.

Mr. OWENS. Mr. Speaker, the gentlewoman is very much on target. All of these things are inextricably interwoven. You cannot have education go forward unless you have a commitment from the Federal Government through the budget and the appropriations process. I just wanted to talk for a minute about what I mean when I say the spirit of NetDay must go forward. There are some States that have not had their NetDay yet.

In New York State, we had NetDay on September 21. I think it was a little premature. And I want to say to the people who were in charge of NetDay that it was basically a failure for New York City. I congratulate all the Governors across the country who have assumed responsibility and become very active and become the drum majors for the NetDay effort, but the Governor of New York announced that 3,000 schools were wired in New York State. I went looking for the schools in my district, which is a district that has 70 elementary and secondary schools and 10 high schools. I could not find but one school that had been wired on that day.

I said maybe it just passed over us and the rest of New York City, which has more than 1,000 schools. New York City has more than 1,000 schools, and I looked for schools that had been wired on NetDay in New York City and we found less than 25 that had really been wired. Wiring in NetDay terminology is the wiring of 5 classrooms plus the library of the school. That is the definition of wiring. It did not take place in even 25 schools in all of New York City.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is appropriate that I address this same issue in another part of the House, and at this time I will yield the balance of my time to the gentleman from New York [Mr. OWENS]. He will continue commenting.

The SPEAKER pro tempore (Mr. COBLE). The Chair cannot recognize with that request. The gentleman from New York can request a 5-minute special order on his own time.

Mr. OWENS. Mr. Speaker, is this some new rule for 1997 because in the past we have done this?

The SPEAKER pro tempore. That has been the practice for a long, long time.

Mr. OWENS. Mr. Speaker, it has been done regularly on the floor of the House.

The SPEAKER pro tempore. The Chair will rule that the gentleman from New York may be recognized for 5 minutes on his own time if he requests unanimous consent to do that.

Ms. JACKSON-LEE of Texas. Mr. Speaker, is it because——

The SPEAKER pro tempore. If the gentlewoman wants to yield to the gentleman for the balance of her time, she needs to remain on the floor. Otherwise, the gentleman from New York may request and the Chair will grant him a 5-minute special order.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I will at this time allow the gentleman to continue and will come to the floor again, if time causes me to ask for a change.

The SPEAKER pro tempore. The gentlewoman understands that she cannot leave the floor. She must stay on the floor.

Ms. JACKSON-LEE of Texas. I do understand that. Let me at least, as I am staying on the floor, thank all of those who participated on this very important occasion and as well to emphasize the clarion call that was made.

I would further support for the NetDay resolution from all of my colleagues.

Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. OWENS]. I will be studious as to my time element.

The SPEAKER pro tempore. The gentleman from New York [Mr. OWENS] has 13 minutes remaining.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman and I respectfully request from the leadership of both parties, please clarify this and not have a double standard on the floor because we certainly did this in the last Congress.

The SPEAKER pro tempore. If the gentleman will suspend a minute. The Chair will say to the gentleman from New York, this has been the rule for as long as the Chair has been here. That has been a good while so we can look into that at a later time.

Mr. OWENS. I would appreciate that, Mr. Speaker.

Mr. Speaker, the spirit of NetDay, I said, has to be kept alive because even after NetDay takes place as it did in New York City on September 21, you find that it was basically a failure in terms of the number of schools that were wired. Let us keep it going in order to get schools wired.

After the headlines and the public relations brouhaha is over, let us keep the spirit where volunteers assemble, volunteers take advantage of the fact that we have a national NetDay operation which purchases equipment very cheaply and makes it available, all that should go on. We are trying to make that happen in my district, the 11th Congressional District in Brooklyn.

We established, because of the failure of NetDay in our district, we established a project called Central Brooklyn NetWatch. Central Brooklyn NetWatch is a joint project sponsored by my office in conjunction with the Husain Institute of Technology. NetWatch is a volunteer project utilizing the free services of the Husain Institute of Technology to assist the schools of central Brooklyn in completing school wiring for telecommunications services. Launched on October 23, National Education Funding Support Day, NewWatch is an attempt to guarantee that the inner-city schools of central Brooklyn will not be left behind as we move the education processes and methodology into the 21st century.

Here are volunteers, and we started a project of just trying to wire 10 schools in 10 weeks. Let me show you what inner-city schools are up against across the country. We found it difficult to wire 10 schools in 10 weeks because the wiring problem meets the construction and repair problem. The asbestos problem in New York City stymies the process of trying to wire the schools. You cannot bore holes in the schools' walls and ceilings unless you have assurance that there is no asbestos there.

We had a crisis in New York City, 3 years ago, where schools were kept closed for 3 weeks before they opened because they were trying to deal with the asbestos problems. Many of us thought the asbestos problem was over. It is still very much there in many of our schools. That is one of the reasons why we wired so few schools on NetDay.

Now we need the President's construction money. The President's program on construction is a vital part of trying to go forward with telecommunications improvements. So it is all interwoven and you need to go forward on that. I would like to conclude, since I know the gentlewoman wants to go.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like the gentleman to get his additional 5 minutes. So I would ask the Speaker if the gentleman can get his additional 5 minutes on his own time and this way I can leave the floor. Then he can get an additional 5 minutes as opposed to having to try and conclude at this point.

The SPEAKER pro tempore. By unanimous consent, Ms. JACKSON-LEE, if the gentlewoman wants to leave the floor and then Mr. OWENS, the gentleman from New York, can request a 5-minute special order, in which case the Chair will grant that request. Is that what the gentlewoman wants to do?

Ms. JACKSON-LEE of Texas. Mr. Speaker, that is what I would like to do.

Mr. Speaker, I thank all those who have participated and will join me in support of NetDay and the access of children to the Internet.

Mr. Speaker, I rise to introduce a sense-of-the-Congress resolution regarding the outstanding achievements of the NetDay organization.

I, along with many Members of the House, have become acquainted with the NetDay organization through the activity generated in our home congressional districts by grassroots NetDay projects.

I was proud to have had the honor of joining fellow Houstonians in the kickoff ceremony for the Houston Independent School District's NetDay96.

I also served as honorary chair of the Planning Committee for the Houston Independent School District NetDay event.

Under the leadership of Dr. Rod Page, superintendent of the Houston Independent School District, Daryl Ann Borel, assistant superintendent for technology, and her staff, the H.I.S.D. NetDay project was a success.

As a member of the conference committee on the Telecommunications Reform Act of 1996, I was pleased to see the intent of the universal telecommunications access provisions of that law being fulfilled through the H.I.S.D.'s NetDay project.

Because of the Houston Independent School District's NetDay Project 72,975 students now have Internet access in the libraries of their elementary, junior, and high schools. That is still not enough. This was accomplished with the assistance of 652 volunteers who contributed their time to neighborhood schools. The efforts of sponsors, volunteers, students, teachers, and H.I.S.D. personnel saved the Houston Independent School District $28,860.

With H.I.S.D.'s decision to hold NetDay96 connection projects for each Saturday in the month of October, they ensured that every targeted school within minority and majority communities received an equal opportunity to have their neighborhood school library receive the necessary wiring for Internet access.

With the entire Houston community's support we can reach the goal of universal access for all of Houston's children by the year 2000.

As we work toward universal access to the Internet we must also be vigilant in our efforts to promote software and hardware innovation that will make access for our children as safe as possible. I have learned that there are a number of software and hardware technologies, which if employed, will block the ability of young users to access websites that may not be appropriate for them. In addition, the use of networked systems by school districts can also provide protection for the Internet's youngest users.

We in Congress must work to provide these important protective features to users of the national information infrastructure as educators work to assist us in guiding our children successfully toward the 21st century job marketplace.

I believe that we should not cease from searching for additional innovative ways to protect our children as we also work to provide them with the much needed skills for today and tomorrow.

It is a fact that by the close of this century 60 percent of the new jobs will require computer skills that are currently held by only 20 percent of our population. The work we do today will pay off for our children.

From Alabama to Wyoming the NetDay organization has many places it can call home. In the State of Alaska, the Anchorage School District reports that 70 percent of Alaska's students wired several schools as part of NetDay.

In the State of California, the launching site for the entire national NetDay effort, over 75,000 volunteers wired over 3,500 schools last fall.

While in the State of Texas 100 schools were wired, the majority of which were in the city of Houston, TX. We need more activity in the entire State of Texas, as well as all over America.

It is evident from our first NetDay year that States have garnered varying degrees of success in their NetDay efforts. We still have a lot of work to do before every school is connected to the Internet.

As a parent and a Member of Congress, I will continue to work toward a safe and secure Internet environment in which we can provide educational opportunities for our children. That means also working to deny the proponents of pornography and obscene material from having access to our children using the Internet.

I believe this important resolution will go a long way in communicating the important role the NetDay organization is playing in the promotion of universal access to the information superhighway for all of our Nation's children.

It is good that we, as Members of the House of Representatives, can show our whole hearted support for the NetDay organization, which has provided and should provide access for all children; rural, suburban, and urban, regardless of whether they are poor or well off. Yes, NetDay has proven it is possible to be inclusive when implementing private and public partnerships of this magnitude.

I would like to thank my colleagues who have signed on as original cosponsors of this resolution. I thank you for your commitment to our Nation's children, and I look forward with great anticipation, as many of you do, to the NetDay 1997 events.

At this time I would like to read the resolution into the RECORD.

Mrs. LOWEY. Mr. Speaker, NetDay is a tremendous opportunity to ensure that all of our children will be able to compete in the high-technology world of tomorrow. I would like to commend NetDay and its organizers for the tremendous efforts that they have made in the last year to wire all of our Nation's schools to the information superhighway. Through NetDay, 20 percent of U.S. schools were wired to the Internet in 1996 alone. Almost every community in the country, including my own, have been able to reap the benefits of this organization.

NetDay is the perfect partnership between businesses, government, educational institutions, and local communities that provides ongoing support for our schools. NetDay is made possible through the technical support of companies such as IBM, and Bell Atlantic who provide the technical skill to wire schools, financial sponsors who purchase the wiring packages for classrooms, and thousands of volunteers who give up their evenings and weekends for our children. This effort demonstrates the powerful impact that voluntarism can have on our community. Usually, connecting a classroom to the Internet costs approximately $1,000. NetDay has been able to bring this cost below $400.

The Internet is transforming the way we live, communicate, study, and conduct business. On the Internet, the educational opportunities that are open to our children are limited only by their own imagination. Students can browse a library in Europe as easily as they can browse one just down the hall. More importantly, resources which were once only available to affluent suburban schools can now be accessed by students in remote rural areas or poor inner city areas. In the future, our children's access to the information superhighway will not only be a determining factor in whether or not America can remain competitive, but whether we will truly be able to remain the indispensable Nation.

President Clinton has set a goal of wiring every school in the country to the Internet by the year 2000. Thanks to service organizations such as NetDay, and similar smaller programs throughout the country, we are well on our way to achieving that goal.

MORE ON NETDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, what I am trying to say is that the spirit of NetDay must be kept alive. The spirit of last night's thundering applause for the President when he spoke on education must be kept alive. We cannot do that unless we recognize there are some hard problems that must be overcome. The President's program on construction and repair is a vital part of being able to wire the schools. You cannot have the telecommunications, which will benefit schools greatly.

It will allow schools to expand beyond books and pencil and paper and the limitations and get into what our young people are already into. They look at television a great deal. They look at videos. Are they going to respond to teaching that is done using the techniques that they are aware of and exposed to in their environment outside the schools?

One important part of it is to pass the President's initiative on school construction. He has an initiative which calls for up to 50 percent interest subsidy for new school construction and renovation. He has another initiative which calls for $20 billion in school construction spurred by $5 billion in Federal jump-start funding over 4 years, which will be discussed at greater length in the future.

□ 1630

But that is absolutely necessary for the telecommunications movement to go forward that is encouraged by NetDay to take place.

There is another item that you must all be alerted to: the education rate for telecommunications services; affordable access for all schools and libraries. This Congress in 1996 passed a telecommunications bill which the President signed into law on February 8, 1996. The President signed this law which reformed the Nation's telecommunications laws that will increase competition and lower prices for all consumers, including libraries and schools.

In this law was a mandate from Congress which said that the FCC had to find ways to give discounts or special consideration to libraries and schools in providing telecommunication services. On November 7, 1996, the Federal-State Joint Board on Universal Service unanimously recommended that schools and libraries receive discounts for telecommunications services, Internet services, and internal connections.

The recommendations call for discounts that range from 20 to 90 percent, with an average discount of 60 percent. The FCC has until May 1997 to develop the rules for implementing the recommendations of the joint board.

What am I talking about? I am saying that in the poorest schools and rural areas and in inner-city communities the poorest schools may get up to a 90 percent discount, 90 percent on their telephone bill, on their bill for Internet on-line services, on the initial connecting bills. It may happen if the FCC follows through on the recommendations that have already been received.

I think everybody should write to the FCC or should write to the telecommunications company and thank them for cooperating and understanding that we cannot go forward with the education of all Americans unless we have this kind of provision which lowers the cost of telecommunications services for all schools.

It is very important that we support the recommendations from the Federal-State joint board because the FCC has until May to develop the rules and vote on these rules.

Please understand that the spirit of NetDay that the gentlewoman from Texas, Congresswoman SHEILA JACKSON-LEE, has put forth so appropriately, the spirit of NetDay should go forward in many ways, but one way we can carry the spirit of NetDay forward is by letting the FCC know that we want the recommendation for the 20 to 90 percent discount on telecommunication services to be passed as rapidly as possible.

The schools which you need to help most, the poorest schools in the United States, are the schools which have the most difficult problems in teaching. They will not be able to benefit from the technological revolution, they will not be able to benefit from the new telecommunications that will be available unless they have some way to solve the problem of the operations cost. The operations cost.

Most schools do not have telephones, you know. I mean, they have a limited number of telephones. In New York we have a school serving 2,000 youngsters that may have 5 or 6 telephones. A telephone should be in every classroom because we have been aware of telephone technology for a long time. There are thousands of ways telephones can be used to improve the operation of the schools and the operation of the structure, but even that is not there. Before you get to videotapes and television sets and the Internet and the computers, we need the telephone.

We can take a giant step forward by understanding that the universal fund that the FCC is now considering should be supported, and immediately; in the spirit of NetDay, we can go forward to try to convince the telecommunications companies to also support the FCC recommendation for a 20 to 90 percent discount on telecommunication services.

RULES OF PROCEDURE FOR THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. SHUSTER] is recognized for 5 minutes.

Mr. SHUSTER. Mr. Speaker, in accordance with clause 2(a) of rule XI of the rules of the House, I am submitting for printing in the RECORD a copy of the rules of the Committee on Transportation and Infrastructure for the 105th Congress, adopted on January 8, 1997.

RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

(Adopted January 8, 1997)

RULE I.—GENERAL PROVISIONS

(a) *Applicability of House Rules.*—(1) The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the Committee and its subcommittees.

(2) Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) *Authority to Conduct Investigations.*—The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of the Rules of the House and (subject to the adoption of expense resolutions as required by Rule XI, clause 5 of the Rules of the House) to incur expenses (including travel expenses) in connection therewith.

(c) *Authority to Print.*—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid from applicable accounts of the House described in clause 1(h)(1) of Rule X of the Rules of the House.

(d) *Activities Report.*—(1) The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year.

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of Rule X of the Rules of the House, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

(e) *Publication of Rules.*—The Committee's rules shall be published in the CONGRESSIONAL RECORD not later than 30 days after the Committee is elected in each odd-numbered year.

RULE II.—REGULAR, ADDITIONAL AND SPECIAL MEETINGS

(a) *Regular Meetings.*—Regular meetings of the Committee shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or the House is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month. The Chairman shall give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting and the matters to be considered at such meeting. If the Chairman believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration. This paragraph shall not apply to meetings of any subcommittee.

(b) *Additional Meetings.*—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) *Special Meetings.*—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) *Vice Chairman.*—The Chairman shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman shall preside. If the vice chairman is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

(e) *Prohibition on Sitting During Joint Session.*—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(f) *Addressing the Committee.*—(1) A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing—

(A) only when recognized by the Chairman for that purpose; and

(B) subject to subparagraphs (2) and (3), only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to address the Committee or subcommittee or question the witness.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this subparagraph.

(2) The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit an equal number of majority and minority party members each to question a witness for a specified period not longer than 30 minutes.

(3) The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit committee staff for majority and minority

party members to question a witness for equal specified periods.

(4) Nothing in subparagraph (2) or (3) affects the right of a Member (other than a member designated under subparagraph (2)) to question a witness for 5 minutes in accordance with subparagraph (2) or (3).

(g) *Meetings to Begin Promptly.*—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

RULE III.—OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) *Open Meetings.*—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(b) *Broadcasting.*—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 3 of Rule XI of the Rules of the House.

RULE IV.—RECORDS AND ROLL CALLS

(a) *Keeping of Records.*—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) a record of the votes on any question on which a roll call is demanded.

The result of each such roll call vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present.

(b) *Property of the House.*—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(c) *Availability of Archived Records.*—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House. The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

RULE V.—POWER TO SIT AND ACT; SUBPOENA POWER

(a) *Authority to Sit and Act.*—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (b)(1) of this rule)—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents,

as it deems necessary. The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(b) *Issuance of Subpoenas.*—(1) A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(c) *Expenses of Subpoenaed Witnesses.*—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, DC, the witness may contact the counsel of the Committee, or his or her representative, before leaving the hearing room.

RULE VI.—QUORUMS

(a) *Working Quorum.*—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5) of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (b) of Committee rule V, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VIII, and the actions described in paragraphs (b), (c) and (d) of this rule.

(b) *Quorum for Reporting.*—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) *Approval of Certain Matters.*—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase or acquisition of a public building or the lease of space as required by section 7 of the Public Buildings Act of 1959.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) *Quorum for Taking Testimony.*—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE VII.—HEARING PROCEDURES

(a) *Announcement.*—The Chairman, in the case of a hearing to be conducted by the Committee, and the appropriate subcommittee chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the Chairman or the appropriate subcommittee chairman, as the case may be, with the concurrence of the ranking minority member of the Committee or subcommittee as appropriate, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Resources as soon as possible after such public announcement is made.

(b) *Written Statement; Oral Testimony.*—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony and shall limit his or her oral presentation to a summary of the written statement.

(c) *Minority witnesses.*—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(b) *Summary of Subject Matter.*—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) *Questioning of Witnesses.*—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) *Investigative Hearings.*—(1) Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for investigative hearings) applies to investigative hearings of the Committee and its subcommittees.

(2) A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

RULE VIII.—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) *Filing of Reports.*—(1) The Chairman of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2) The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(b) *Quorum; Roll Call Votes.*—(1) No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) With respect to each roll call vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) *Required Matters.*—The report of the Committee on a measure or mater which has been approved by the Committee shall include the items required to be included by clauses 2(l)(3) and 2(l)(4) of Rule XI and clause 7 of Rule XIII of the Rules of the House.

(d) *Additional Views.*—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in accordance with clause 2(l)(5) of Rule XI of the Rules of the House.

(e)(1) *Approval of Committee Views.*—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release and distribution in accordance with paragraph (d) of this rule.

(2) A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

RULE IX.—OVERSIGHT

(a) *Purpose.*—The Committee shall carry out oversight responsibilities as provided in this rule in order to assist the House in—

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) *Oversight Plans.*—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) *Review of Laws and Programs.*—The Committee and the appropriate legislative subcommittee shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate legislative subcommittee shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) *Review of Tax Policies.*—The Committee and the appropriate legislative subcommittee shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

RULE X.—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) *Ensuring Annual Appropriations.*—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph, a Government agency includes the organization units of government listed in clause 7(d) of Rule XIII of the Rules of the House.

(b) *Review of Multi-year Appropriations.*—The Committee shall review from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) *Views and Estimates.*—The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) *Budget Allocations.*—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 or section 602 (in the case of fiscal years 1991 through 1995) of the Congressional Budget Act of 1974.

(e) *Reconciliation.*—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE XI.—COMMITTEE BUDGETS

(a) *Biennial Budget.*—The Chairman, in consultation with the chairman of each subcommittee, the majority members of the Committee and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) *Additional Expenses.*—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) *Travel Requests.*—The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Committee Rule XIII within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) *Monthly Reports.*—Once monthly, the Chairman shall submit to the Committee on House Oversight, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

RULE XII.—COMMITTEE STAFF

(a) *Appointment by Chairman.*—The Chairman shall appoint and determine the remuneration of, and may remove, the employees of the Committee not assigned to the minority. The staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) *Appointment by Ranking Minority Member.*—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the staff assigned to the minority within the budget approved for such purposes; except that no minority staff person shall be compensated at a rate which exceeds that paid his or her majority party staff counterpart. The staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the Committee who may delegate such authority as he or she determines appropriate.

(c) *Intention Regarding Staff.*—It is intended that the skills and experience of all members of the Committee staff shall be available to all members of the Committee.

RULE XIII.—TRAVEL OF MEMBERS AND STAFF

(a) *Approval.*—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel shall be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made;

(4) the names of members and staff seeking authorization.

(b) *Subcommittee Travel.*—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the chairman of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VII.

(c) *Travel Outside the United States.*—(1) In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel has been authorized pursuant to this rule, each staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) *Applicability of Laws, Rules, Policies.*—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Oversight pertaining to such travel, and by the travel policy of the Committee as set forth in the Committee Travel Manual.

RULE XIV.—ESTABLISHMENT OF SUBCOMMITTEES; SIZE AND PARTY RATIOS; CONFERENCE COMMITTEES

(a) *Establishment.*—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegates) and majority/minority ratios are:

(1) Subcommittee on Aviation (_______ Members: _______ majority, _______ minority)

(2) Subcommittee on Coast Guard and Maritime Transportation (_______ Members: _______ majority, _______ minority)

(3) Subcommittee on Public Buildings and Economic Development (_______ Members: _______ majority, _______ minority)

(4) Subcommittee on Railroads (_______ Members: _______ majority, _______ minority)

(5) Subcommittee on Surface Transportation (_______ Members: _______ majority, _______ minority)

(6) Subcommittee on Water Resources and Environment (_______ Members: _______ majority, _______ minority).

(b) *Ex Officio Members.*—The Chairman and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) *Ratios.*—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees.

(d) *Conferees.*—The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

RULE XV.—POWERS AND DUTIES OF SUBCOMMITTEES

(a) *Authority to Sit.*—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

(b) *Disclaimer.*—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(c) *Consideration by Committee.*—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that the matter is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

RULE XVI.—REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) *General Requirement.*—Except where the Chairman of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be by the full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Rule XIV referred to or initiated by the full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) *Recall from Subcommittee.*—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of a majority of the members of the Committee voting, a quorum being present, for the Committee's direct consideration or for reference to another subcommittee.

(c) *Multiple Referrals.*—In carrying out this rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

RULES OF PROCEDURE FOR THE COMMITTEE ON RESOURCES 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska [Mr. YOUNG] is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for publication in the CONGRESSIONAL RECORD the rules of procedure for the 105th Congress adopted by the Committee on Resources on February 5, 1997.

RULES FOR THE COMMITTEE ON RESOURCES

RULE 1. RULES OF THE HOUSE; VICE CHAIRMEN

(a) Applicability of House Rules.

(1) The Rules of the House of Representatives, so far as they are applicable, are the rules of the Committee and its Subcommittees.

(2) Each Subcommittee is part of the Committee and is subject to the authority, direction and rules of the Committee. References in these rules to "Committee" and "Chairman" shall apply to each Subcommittee and its Chairman wherever applicable.

(3) House Rule XI is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Vice Chairmen.—Unless inconsistent with other rules, the Chairman shall appoint a Vice Chairman of the Committee and Vice Chairmen of each of the Subcommittees. If the Chairman of the Committee or Subcommittee is not present at any meeting of the Committee or Subcommittee, as the case may be, the Vice Chairman shall preside. If the Vice Chairman is not present, the ranking Member of the Majority party on the Committee or Subcommittee who is present shall preside at that meeting.

RULE 2. MEETINGS IN GENERAL

(a) Scheduled Meetings.—The Committee shall meet at 11 a.m. on the first Wednesday of each month that the House is in session, unless that meeting is canceled by the Chairman. The Committee shall also meet at the call of the Chairman subject to advance notice to all Members of the Committee. Special meetings shall be called and convened by the Chairman as provided in clause 2(c)(2) of House Rule XI. Any Committee meeting or hearing that conflicts with a party caucus, conference, or similar party meeting shall be rescheduled at the discretion of the Chairman, in consultation with the Ranking Minority Member. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(b) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a Subcommittee shall be open to the public except as provided by clause 2(g) of House Rule XI.

(c) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 3 of House Rule XI.

(d) Oversight Plan.—No later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of House Rule X.

RULE 3. PROCEDURES IN GENERAL

(a) Agenda of Meetings; Information for Members.—An agenda of the business to be considered at meetings shall be delivered to the office of each Member of the Committee no later than 48 hours before the meeting. This requirement may be waived by a majority vote of the Committee at the time of the consideration of the measure or matter. To the extent practicable, a summary of the major provisions of any bill being considered by the Committee, including the need for the bill and its effect on current law, will be available for the Members of the Committee no later than 48 hours before the meeting.

(b) Meetings and Hearings to Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time stipulated in the public announcement of the meeting or hearing.

(c) Addressing the Committee.—A Committee Member may address the Committee or a Subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a Member may address the Committee or Subcommittee for any purpose or to question a witness shall be limited to five minutes, except as provided in Committee rule 4(g). A Member shall limit his remarks to the subject matter under consideration. The Chairman shall enforce the preceding provision.

(d) Quorums.

(1) A majority of the Members shall constitute a quorum for the reporting of any measure or recommendation, the authorizing of a subpoena or the closing of any meeting or hearing to the public under clause 2(g) of House Rule XI. Testimony and evidence may be received at any hearing at which there are at least two Members of the Committee present. For the purpose of transacting all other business of the Committee, one third of the Members shall constitute a quorum.

(2) When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be notified and the Members shall have not less than 10 minutes to prove their attendance. The Chairman shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and may direct the Clerk to note the names of all Members present within the 10-minute period.

(e) Participation of Members in Committee and Subcommittees.—All Members of the Committee may sit with any Subcommittee during any hearing, and by unanimous consent of the Members of the Subcommittee may participate in any meeting or hearing. However, a Member who is not a Member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum or raise points of order.

(f) Proxies.—No vote in the Committee or Subcommittee may be cast by proxy.

(g) Roll Call Votes.—Roll call votes shall be ordered on the demand of one-fifth of the Members present, or by any Member in the apparent absence of a quorum.

(h) Motion.—A motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege.

(i) Layover and Copy of Bill.—No measure or recommendation reported by a Subcommittee shall be considered by the Committee until two calendar days from the time of Subcommittee action. No bill shall be considered by the Committee unless a copy has been delivered to the office of each Member of the Committee requesting a copy. These requirements may be waived by a majority vote of the Committee at the time of consideration of the measure or recommendation.

(j) Access to Dais and Conference Room.—Access to the hearing rooms' daises and to the conference rooms adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting of the Committee.

(k) Cellular Telephones.—The use of cellular telephones is prohibited on the Committee dais during a meeting of the Committee.

RULE 4. HEARING PROCEDURES

(a) Announcement.—The Chairman shall publicly announce the date, place, and subject matter of any hearing at least one week before the hearing unless the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote. In these cases, the Chairman shall publicly announce the hearing at the earliest possible date. The Clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Systems as soon as possible after the public announcement is made.

(b) Written Statement; Oral Testimony.—Each witness who is to appear before the Committee or a Subcommittee shall file with the Clerk of the Committee or Subcommittee, at least two working days before the day of his or her appearance, a written statement of proposed testimony. Each witness shall limit his or her oral presentation to a five-minute summary of the written statement, unless the Chairman, in consultation with the Ranking Minority Member, extends this time period.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the Minority party Members on the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of those Minority Members before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Information for Members.—After announcement of a hearing, the Committee shall make available as soon as practicable to all Members of the Committee a tentative witness list and to the extent practicable a memorandum explaining the subject matter of the hearing (including relevant legislative reports and other necessary material). In addition, the Chairman shall make available to the Members of the Committee any official reports from departments and agencies on the subject matter as they are received.

(e) Subpoenas.—The Committee may authorize and issue a subpoena under clause 2(m) of House Rule XI if authorized by a majority of the Members voting. In addition, the Chairman of the Committee may authorize and issue subpoenas during any period of time in which the House of Representatives has adjourned for more than three days. Subpoenas shall be signed by the Chairman of the Committee, or any Member of the Committee authorized by the Committee, and may be served by any person designated by the Chairman or Member.

(f) Oaths.—The Chairman of the Committee or any Member designated by the

Chairman may administer oaths to any witness before the Committee.

(g) Opening Statements; Questioning of Witnesses.

(1) Opening statements by Members may not be presented orally, unless the Chairman or his designee makes a statement, in which case the Ranking Minority Member or his designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee is a constituent of a Member of the Committee, that Member shall be entitled to introduce the witness at the hearing.

(2) The questioning of witnesses in Committee and Subcommittee hearings shall be initiated by the Chairman, followed by the Ranking Minority Member and all other Members alternating between the Majority and Minority parties. In recognizing Members to question witnesses, the Chairman shall take into consideration the ratio of the Majority to Minority Members present and shall establish the order of recognition for questioning in a manner so as not to disadvantage the Members of the Majority or the Members of the Minority. A motion is in order to allow an equal number of designated Majority and Minority party Members to question a witness for a specified period. This period shall not exceed 30 minutes total for the Majority party Members and 30 minutes total for the Minority party Members.

(h) Investigative Hearings.—Clause 2 of House Rule XI shall govern investigative hearings of the Committee and its Subcommittees.

RULE 5. FILING OF COMMITTEE REPORTS

(a) Duty of Chairman.—Whenever the Committee authorizes the favorable reporting of a measure from the Committee, the Chairman or his designee shall report the same to the House of Representatives and shall take all steps necessary to secure its passage without any additional authority needing to be set forth in the motion to report each individual measure. In appropriate cases, the authority set forth in this rule shall extend to moving in accordance with the Rules of the House of Representatives that the House be resolved into the Committee of the Whole House on the State of the Union for the consideration of the measure; and to moving in accordance with the Rules of the House of Representatives for the disposition of a Senate measure that is substantially the same as the House measure as reported.

(b) Filing.—A report on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House of Representatives is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing with the Committee Clerk of this request, the Clerk shall transmit immediately to the Chairman notice of the filing of that request.

(c) Supplemental, Additional or Minority Views.—Any Member may, if notice is given at the time a bill or resolution is approved by the Committee, file supplemental, additional, or minority views. These views must be in writing and signed by each Member joining therein and be filed with the Committee Clerk not less than two additional calendar days (excluding Saturdays, Sundays and legal holidays except when the House is in session on those days) of the time the bill or resolution is approved by the Committee. This paragraph shall not preclude the filing of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(d) Review by Members.—Each Member of the Committee shall be given an opportunity to review each proposed Committee report before it is filed with the Clerk of the House of Representatives. Nothing in this paragraph extends the time allowed for filing supplemental, additional or minority views under paragraph (c).

(e) Disclaimer.—All Committee or Subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or Subcommittee, as appropriate, shall contain the following disclaimer on the cover of the report:

"This report has not been officially adopted by the [Committee on Resources] [Subcommittee] and may not therefore necessarily reflect the views of its Members.".

RULE 6. ESTABLISHMENT OF SUBCOMMITTEES; FULL COMMITTEE JURISDICTION; BILL REFERRALS

(a) Subcommittees.—There shall be five standing Subcommittees of the Committee, with the following jurisdiction and responsibilities:

Subcommittee on National Parks and Public Lands

(1) Measures and matters related to the National Park System and its units, including Federal reserve water rights.

(2) The National Wilderness Preservation System, except for wilderness created from forest reserves from the public domain, and wilderness in Alaska.

(3) Wild and Scenic Rivers System, National Trails System, national heritage areas and other national units established for protection, conservation, preservation or recreational development administered by the Secretary of the Interior, other than coastal barriers.

(4) Military parks and battlefields, national cemeteries administered by the Secretary of the Interior, parks in and within the vicinity of the District of Columbia and the erection of monuments to the memory of individuals.

(5) Federal outdoor recreation plans, programs and administration including the Land and Water Conservation Fund, except those in public forests.

(6) Plans and programs concerning non-Federal outdoor recreation and land use, including related plans and programs authorized by the Land and Water Conservation Fund Act of 1965 and the Outdoor Recreation Act of 1963, except those in public forests.

(7) Preservation of prehistoric ruins and objects of interest on the public domain and other historic preservation programs and activities, including national monuments, historic sites and programs for international cooperation in the field of historic preservation.

(8) Matters concerning the following agencies and programs: Urban Parks and Recreation Recovery Program, Historic American Buildings Survey, Historic American Engineering Record, and U.S. Holocaust Memorial.

(9) Except for public lands in Alaska, public lands generally, including measures or matters relating to entry, easements, withdrawals, grazing and Federal reserved water rights.

(10) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(11) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Forests and Forest Health

(1) Except in Alaska, forest reservations, including management thereof, created from the public domain.

(2) Except for forest lands in Alaska, public forest lands generally, including measures or matters related to entry, easements, withdrawals and grazing.

(3) Except in Alaska, Federal reserved water rights on forest reserves.

(4) Wild and Scenic Rivers System, National Trails System, national heritage areas and other national units established for protection, conservation, preservation or recreational development administered by the Secretary of Agriculture.

(5) Federal and non-Federal outdoor recreation plans, programs and administration in public forests.

(6) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Fisheries Conservation, Wildlife and Oceans

(1) Fisheries management and fisheries research generally, including the management of all commercial and recreational fisheries, the Magnuson-Stevens Fishery Conservation and Management Act, interjurisdictional fisheries, international fisheries agreements, aquaculture, seafood safety and fisheries promotion.

(2) Wildlife resources, including research, restoration, refuges and conservation.

(3) All matters pertaining to the protection of coastal and marine environments, including estuarine protection.

(4) Coastal barriers.

(5) Oceanography.

(6) Ocean engineering, including materials, technology and systems.

(7) Coastal zone management.

(8) Marine sanctuaries.

(9) U.N. Convention on the Law of the Sea.

(10) Sea Grant programs and marine extension services.

(11) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Water and Power

(1) Generation and marketing of electric power from Federal water projects by Federally chartered or Federal regional marketing authorities.

(2) All measures and matters concerning water resources planning conducted pursuant to the Water Resources Planning Act, water resource research and development programs and saline water research and development.

(3) Compacts relating to the use and apportionment of interstate waters, water rights and major interbasin water or power movement programs.

(4) All measures and matters pertaining to irrigation and reclamation projects and other water resources development programs, including policies and procedures.

(5) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Energy and Mineral Resources

(1) All measures and matters concerning the U.S. Geological Survey, except for the activities and programs of the Water Resources Division or its successor.

(2) All measures and matters affecting geothermal resources.

(3) Conservation of United States uranium supply.

(4) Mining interests generally, including all matters involving mining regulations and enforcement, including the reclamation of mined lands, the environmental effects of mining, and the management of mineral receipts, mineral land laws and claims, long-range mineral programs and deep seabed mining.

(5) Mining schools, experimental stations and long-range mineral programs.

(6) Mineral resources on public lands.

(7) Conservation and development of oil and gas resources of the Outer Continental Shelf.

(8) Petroleum conservation on the public lands and conservation of the radium supply in the United States.

(9) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(b) Full Committee.—The Full Committee shall have the following jurisdiction and responsibilities:

(1) Measures and matters concerning the transportation of natural gas from or within Alaska and disposition of oil transported by the trans-Alaska oil pipeline.

(2) Measures and matters relating to Alaska public lands, including forestry and forest management issues, and Federal reserved water rights.

(3) Environmental and habitat measures and matters of general applicability.

(4) Measures relating to the welfare of Native Americans, including management of Indian lands in general and special measures relating to claims which are paid out of Indian funds.

(5) All matters regarding the relations of the United States with the Indians and the Indian tribes, including special oversight functions under clause 3(e) of Rule X of the Rules of the House of Representatives.

(6) All matters regarding Native Alaskans and Native Hawaiians.

(7) All matters related to the Federal trust responsibility to Native Americans and the sovereignty of Native Americans.

(8) All matters regarding insular areas of the United States.

(9) All measures or matters regarding the Freely Associated States and Antarctica.

(10) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources within the jurisdiction of the Committee.

(11) All measures and matters retained by the Full Committee under Committee rule 6(e).

(12) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Committee under House Rule X.

(c) Ex-officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio, Members of each standing Subcommittee to which the Chairman or the Ranking Minority Member have not been assigned. Ex-officio Members shall have the right to fully participate in Subcommittee activities but may not vote and may not be counted in establishing a quorum.

(d) Powers and Duties of Subcommittees.—Each Subcommittee is authorized to meet, hold hearings, receive evidence and report to the Committee on all matters within its jurisdiction. Each Subcommittee shall review and study, on a continuing basis, the application, administration, execution and effectiveness of those statutes, or parts of statutes, the subject matter of which is within that Subcommittee's jurisdiction; and the organization, operation, and regulations of any Federal agency or entity having responsibilities in or for the administration of such statutes, to determine whether these statutes are being implemented and carried out in accordance with the intent of Congress. Each Subcommittee shall review and study any conditions or circumstances indicating the need of enacting new or supplemental legislation within the jurisdiction of the Subcommittee.

(e) Referral to Subcommittees; Recall.

(1) Except as provided in paragraph (2) and for those matters within the jurisdiction of the Full Committee, every legislative measure or other matter referred to the Committee shall be referred to the Subcommittee of jurisdiction within two weeks of the date of its referral to the Committee. If any measure or matter is within or affects the jurisdiction of one or more Subcommittees, the Chairman may refer that measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence subject to appropriate time limits, or divide the matter into two or more parts and refer each part to a Subcommittee.

(2) The Chairman, with the approval of a majority of the Majority Members of the Committee, may order a legislative measure or other matter retained for consideration by the Full Committee or refer it to a select or special Subcommittee. A legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee for direct consideration by the Full Committee, or for referral to another Subcommittee, provided Members of the Committee receive one week written notice of the recall and a majority of the Members of the Committee do not object. In addition, a legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee at any time by majority vote of the Committee for direct consideration by the Full Committee or for referral to another Subcommittee.

(f) Consultation.—Each Subcommittee Chairman shall consult with the Chairman of the Full Committee prior to setting dates for Subcommittee meetings with a view towards avoiding whenever possible conflicting Committee and Subcommittee meetings.

(g) Vacancy.—A vacancy in the membership of a Subcommittee shall not affect the power of the remaining Members to execute the functions of the Subcommittee.

RULE 7. TASK FORCES, SPECIAL OR SELECT SUBCOMMITTEES

(a) Appointment.—The Chairman of the Committee is authorized, after consultation with the Ranking Minority Member, to appoint Task Forces, or special or select Subcommittees, to carry out the duties and functions of the Committee.

(b) Ex-Officio Members.—The Chairman and Ranking Minority Member of the Committee shall serve as ex-officio Members of each Task Force, or special or select Subcommittee.

(c) Party Ratios.—The ratio of Majority Members to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee shall be as close as practicable to the ratio on the Full Committee.

(d) Temporary Resignation.—A Member can temporarily resign his or her position on a Subcommittee to serve on a Task Force, special or select Subcommittee without prejudice to the Member's seniority on the Subcommittee.

(e) Chairman and Ranking Minority Member.—The Chairman of any Task Force, or special or select Subcommittee shall be appointed by the Chairman of the Committee. The Ranking Minority Members shall select a Ranking Minority Member for each Task Force, or standing, special or select Subcommittee.

RULE 8. RECOMMENDATION OF CONFEREES

Whenever it becomes necessary to appoint conferees on a particular measure, the Chairman shall recommend to the Speaker as conferees those Majority Members, as well as those Minority Members recommended to the Chairman by the Ranking Minority Member, primarily responsible for the measure. The ratio of Majority Members to Minority Members recommended for conferences shall be no greater than the ratio on the Committee.

RULE 9. COMMITTEE RECORDS

(a) Segregation of Records.—All Committee records shall be kept separate and distinct from the office records of individual Committee Members serving as Chairmen or Ranking Minority Members. These records shall be the property of the House and all Members shall have access to them in accordance with clause 2(e)(2) of House Rule XI.

(b) Availability.—The Committee shall make available to the public for review at reasonable times in the Committee office the following records:

(1) transcripts of public meetings and hearings, except those that are unrevised or unedited and intended solely for the use of the Committee; and

(2) the result of each rollcall vote taken in the Committee, including a description of the amendment, motion, order or other proposition voted on, the name of each Committee Member voting for or against a proposition, and the name of each Member present but not voting.

(c) Archived Records.—Records of the Committee which are deposited with the National Archives shall be made available pursuant to the Rules of the House of Representatives. The Chairman of the Committee shall notify the Ranking Minority Member of any decision to withhold a record pursuant to the Rules of the House of Representatives, and shall present the matter to the Committee upon written request of any Committee Member.

(d) Records of Closed Meetings—Notwithstanding the other provisions of this rule, no records of Committee meetings or hearings which were closed to the public pursuant to the Rules of the House of Representatives shall be released to the public unless the Committee votes to release those records in accordance with the procedure used to close the Committee meeting.

(e) Classified Materials.—All classified materials shall be maintained in an appropriately secured location and shall be released only to authorized persons for review, who shall not remove the material from the Committee offices without the written permission of the Chairman.

RULE 10. COMMITTEE BUDGET AND EXPENSES

(a) Budget.—At the beginning of each Congress, after consultation with the Chairman of each Subcommittee, the Chairman shall propose and present to the Committee for its approval a budget covering the funding required for staff, travel, and miscellaneous expenses.

(b) Expense Resolution.—Upon approval by the Committee of each budget, the Chairman, acting pursuant to clause 5 of House Rule XI, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Oversight and by the House of Representatives.

(c) Amendments.—The Chairman shall report to the Committee any amendments to each expense resolution and any related changes in the budget.

(d) Additional Expenses.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out under this rule.

(e) Monthly Reports.—Copies of each monthly report, prepared by the Chairman for the Committee on House Oversight, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel, shall be available to each Member.

RULE 11. COMMITTEE STAFF

(a) Rules and Policies.—Committee staff members are subject to the provisions of clause 6 of House Rule XI, as well as any written personnel policies the Committee may from time to time adopt.

(b) Majority and Nonpartisan Staff.—The Chairman shall appoint, determine the remuneration of, and may remove, the legislative/investigative and administrative employees of the Committee not assigned to the Minority. The legislative/investigative and administrative staff of the Committee not assigned to the Minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of these staff members and delegate any authority he determines appropriate.

(c) Minority Staff.—The Ranking Minority Member of the Committee shall appoint, determine the remuneration of, and may remove, the legislative/investigative and administrative staff assigned to the Minority within the budget approved for those purposes. The legislative/investigative and administrative staff assigned to the Minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate any authority he determines appropriate.

(d) Availability.—The skills and services of all Committee staff shall be available to all Members of the Committee.

RULE 12. COMMITTEE TRAVEL

In addition to any written travel policies the Committee may from time to time adopt, all travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences and investigations, including all foreign travel, must be authorized by the Full Committee Chairman prior to any public notice of the travel and prior to the actual travel. In the case of Minority staff, all travel shall first be approved by the Ranking Minority Member. Funds authorized for the Committee under clause 5 of House Rule XI are for expenses incurred in the Committee's activities within the United States.

RULE 13. CHANGES TO COMMITTEE RULES

The rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that 48 hours written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted on. A change to the rules of the Committee shall be published in the Congressional Record no later than 30 days after its approval.

RULE 14. OTHER PROCEDURES

The Chairman may establish procedures and take actions as may be necessary to carry out the rules of the Committee or to facilitate the effective administration of the Committee, in accordance with the rules of the Committee and the Rules of the House of Representatives.

EDUCATION AT A CROSSROADS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 60 minutes.

Mr. HOEKSTRA. Mr. Speaker, I want to continue the dialog on education.

In my role in Congress I have the opportunity to serve as chairman of the Subcommittee on Oversight and Investigations of the Committee on Education and the Workforce. In that committee last year, we researched the Office of Management and Budget documents to get a better understanding of how the executive branch defined education at the Federal level. In researching their documents we found out that when you take a look at education from a Washington level, you find 760 programs spread over 39 different agencies spending about $120 billion per year.

Our work in the last Congress has led us to initiate a new project here in 1997. We call that project Education At A Crossroads: What Works and What is Wasted.

What we are really saying is before we begin any major new initiatives in the education area, let us take a look at this broad range of Federal programs and find out what really is working and what is not working. Let us go around the country and take a look at local school districts, at parents, at teachers, and at school boards that are educating kids and providing a good environment where kids can learn.

Last night the President really did not spend a lot of time talking about it, the specific problems, but he did highlight, obviously, the area of education. At many different levels we can say that education may be in somewhat of a crisis, or there are symptoms that say we may have a significant problem.

Statistics tell us that one-half of all adult Americans are functionally illiterate. This includes not being able to write a letter to explain a billing error or figure out a departure on a bus schedule. Sixty-four percent of 12th graders do not read at a proficient level. In many cases these students cannot read their own high school diplomas. In international comparisons, United States students scored worse in math than any other major industrialized country except for Jordan.

Now, if we take that down another level, last week we had a hearing out in California. In California, think about this, 25 percent of all the students entering higher education need remedial education. They have graduated from high school, they have been accepted into college, and now they need remedial education. What does that mean? It means that they cannot read or write at an eighth grade level.

In Michigan, our Governor may propose that he needs and the State needs to take over eight failing school districts because they have high dropout rates, low test scores, and low graduation rates.

Right here in Washington, DC, right outside of this building, we are spending $8,300 per student and we are getting some of the lowest test scores in the country.

What is the vision or what is the picture that many people have of education today when they are asked about it? The general public see three recurring images: They see metal detectors in high schools, they see kids outside of the school during school hours, and they see checkout clerks who cannot make change. You put this all together, it is clear something needs to be done in education.

We have known this for quite some time. The Federal Government's solution, as I outlined earlier, 760 bureaucracies or programs spread across 39 departments, agencies, and commissions, spending 120 billion in taxpayers' dollars on education in 1995.

What are these programs focused on? Of the programs, 3.6 percent are science related, 1.9 percent are reading related, and 1.1 percent are math related. Less than 10 percent of these programs are focused on either science, reading, or math. What else do they do? One of the programs pays for closed captioning of things like "Baywatch."

That is an educational program. Perhaps the problem we have in Washington is not that we are not spending enough dollars or that we have too many programs, we are spending it on the wrong things. That is why we are saying before we embark on major new programs and major new initiatives, let us take a look at what we are doing today.

I think we all believe that when it comes to education we can do better, we need to do better. Our children only begin to receive a high quality education—we have heard this from hearings, we have gone into a number of areas around the country—when what? When we focus on basic academics, where we have strong parental involvement, and where dollars end up in the classroom and do not get sucked up by a bureaucracy.

Let us talk about some of the goals and some of the programs that we are working on and some of the process that we are going to go through. In

Crossroads With Education, we are going around the country taking a look at classes and at schools that work where kids learn.

We have had the opportunity to go to east Harlem, some of the toughest neighborhoods in the country. We have gone to schools in public housing projects in Chicago. Last week we were in south central L.A. The exciting thing about each one of these areas and each one of these neighborhoods is we saw schools that were providing a wonderful environment for learning, and they were not doing it because of Federal programs. In most cases they were doing it in spite of Federal programs.

They were experimenting and they were doing innovative things where there was a barrier to them getting Federal dollars. The Federal Government, in many of its laws, is actually stopping innovation and creativity at the local level rather than facilitating it.

Again, what works? Basic academics, parental involvement. Each one of these schools really has had parental involvement. Parents feel like they have control of their school. And when parents have the opportunity to control their school and to be involved with their kids, it makes a difference. Each one of these had a strong inspirational leader who had a vision for their school and is driving to make that school serve the patients and the kids and not a bureaucracy.

We are focusing on dollars to the classroom. A study that was just completed said that when a dollar comes to Washington, only 85 cents of it makes it back into the classroom. And that is when you are only taking a look at the Federal bureaucracy. If you take a look at the applications that local school districts and States have to spend time and effort and energy on to get these Federal dollars, if you take a look at the time and expense that they have to monitor their programs and send reports back to Washington, I am sure that you could take a look at these dollars that go to Washington and say for every dollar that goes to Washington, probably less than 60 or 65 cents of it makes it back into the classroom.

This is not about moving more money and bigger programs into Washington, this is about taking the dollars that Washington has committed to spending on education and getting them back in the classroom.

One of the exciting things we are going to be doing is we are going to be going back to the Department of Education, these other 38 agencies, and saying how hard is it to apply for these grants? How complex is the process? How many people are applying for how many grants? What kind of paperwork is involved once people receive these grants? When they file reports back to Washington, when they send them back to the Education Department, does anybody read them? Is any action taken off of these reports?

The Federal dollars going into the District. We have done superintendent surveys and the one message we get back consistently is, yeah, the broad outlines and the things that you are trying to solve from Washington work, but when you send us the dollars, the parameters are so tight, yeah, we do what you tell us to do, but that does not really enable us to do what we need to do and what we want to do in our schools.

It leads to the comment of one of the principals that we talked to last week. When she was talking she said, when I worked in the public school district and I was a public school principal, before I became a public school principal in a charter school, I had to worry about not the 3 R's, I had to worry about the 3 B's. That is kind of like her reaction working either with her school district or working with the Federal Government.

The 3 B's. What are they? I had to worry about bussing. Are the buses running on time?

□ 1645

I had to worry about budgets to make sure that the dollars fell in the right categories and that I stayed within the budget. And then I had to worry about the buts. What are the buts? The buts are every time I had a good idea and every time my parents came into the school with a good idea about what they wanted to do in this school and I went to the centralized administration, I would get the comment back, "That is a good idea, but if we let you do it, everybody else will have to be able to do it."

"But the rules don't allow for that."

"But yet we can't do that."

"But we've never done that before."

When the parents took over that school and created a public school, but a charter public school with parental involvement, the buts went away and we now have a high quality, high performing school in one of the toughest areas in one of our major cities.

We want to minimize what is wasted in education. We want dollars back into the classroom. We want the dollars focused on what really works. And it is really important that we work in a collaborative fashion, that we work in a collaborative fashion with parents, with school boards, with local school boards to ensure that they are given the tools and the control to create the schools that best meet the needs of their kids.

What we are going to be doing, we are going to be continuing this process for the next 12 months. Obviously we have done a lot of work in 1996. We have already done a lot of work in 1997. But before we go out and spend another $50 billion as Band-Aids on a system that is currently broken, we need to evaluate the current system and put the money into things that work.

There are wonderful success stories out there, there are wonderful environments, there are wonderful schools, and they are all wonderful kids and they are learning. What we need to do is to make sure that we help them and do not continue to hurt them with programs from Washington that do not work.

Why are we experiencing some of the failure today? Too often we have put bureaucrats ahead of kids. When we get done with education reform in this Congress, we are going to put kids ahead of bureaucrats. Too often we have put social engineering ahead of the basics. It is time to focus on reading, writing, and math. It is time to focus on the basics.

We have put money into the bureaucracy, not into the classroom. We need to move the dollars out of the bureaucracy. We need to move the dollars to the local level so that they can get into the classroom.

Before we put 1 million new tutors on the streets, we need to ask the basic question, Why are kids not learning today? We have at least 14 literacy programs in the Federal Government. Kids are spending 6 to 7 hours a day in school. Why are they not learning today? Do we need to revamp these 14 literacy programs? Do we need to take a look at what is going on in the classroom?

Those are the kinds of questions that over the next 6 to 12 months, the Education and Oversight Subcommittee is going to be looking at. As we develop answers to those kinds of questions, we will be developing, hopefully in collaboration with the President, the proposals that will put kids in front of bureaucrats, it will move dollars into the classroom, and it will move us in education back to focusing on the basics, reading, writing, and math.

Like I said earlier, the wonderful thing about this project is I have seen success stories from one end of the country to the next. It is about common sense, it is about getting back to the basics and it is about doing the right things.

As we work on getting back to that commonsense approach, we can and we will improve education. It is an exciting process and an exciting challenge on which to work.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. OBEY (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. FOGLIETTA (at the request of Mr. GEPHARDT) for today on account of illness.

Mrs. CARSON (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. BARRETT of Wisconsin (at the request of Mr. GEPHARDT) for today on account of the birth of a baby girl.

Mrs. CHENOWETH (at the request of Mr. ARMEY) for today and the balance of the week on account of the death of her mother.

Mr. YOUNG of Florida (at the request of Mr. ARMEY) for today and for the balance of the week on account of a death in the family.

Mr. HOYER (at the request of Mr. GEPHARDT) for today on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. UNDERWOOD, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FARR of California, for 5 minutes, today.

(The following Members (at the request of Mr. RILEY) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes each day, today and on February 11.

Mr. PITTS, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. LOWEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous material:)

Mr. BENTSEN.

Mr. BECERRA.

Mr. BLUMENAUER.

Mr. ACKERMAN.

Mr. STARK.

Ms. HARMAN.

Ms. SANCHEZ.

Mr. TOWNS.

Ms. NORTON.

(The following Members (at the request of Mr. RILEY) and to include extraneous material:)

Ms. MOLINARI.

Mr. WELDON of Pennsylvania.

Mrs. JOHNSON of Connecticut.

Mrs. ROUKEMA.

Mr. GILMAN, in two instances.

Mr. FRELINGHUYSEN.

(The following Members (at the request of Mr. HOEKSTRA) and to include extraneous material:)

Mr. GALLEGLY.

Mrs. MYRICK.

Mr. STUMP.

Mr. MORAN of Virginia in two instances.

Ms. EDDIE BERNICE JOHNSON of Texas in two instances.

Mr. KUCINICH in two instances.

Mr. LEVIN.

Mr. FILNER in two instances.

Mr. BASS.

Mrs. MORELLA in two instances.

Mr. GALLEGLY.

Mr. FRANKS of New Jersey in two instances.

Mr. FARR of California.

Mrs. KELLY.

Mr. FRANK of Massachusetts.

Mrs. LOWEY.

Mr. PACKARD.

Mr. MCDERMOTT.

Mr. TRAFICANT.

Mr. RIGGS.

Mr. KENNEDY of Massachusetts in two instances.

Mr. BARCIA.

Mr. ENGEL.

Mrs. KENNELLY of Connecticut.

Ms. KAPTUR.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 4. Concurrent Resolution commending and thanking the Honorable Warren Christopher for his exemplary service as Secretary of State; to the Committee on International Relations.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Thursday, February 6, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1387. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Florida Grapefruit, Florida Oranges and Tangelos, and Florida Tangerines; Grade Standards [Docket No. FV-96-301] received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1388. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Shelled Almonds and Almonds in the Shell; Grade Standards [Docket No. FV-95-305] received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1389. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Grapes Grown in a Designated Area of Southeastern California; Assessment Rate [Docket No. FV96-925-1 IFR] received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1390. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Olives Grown in California; Assessment Rate [Docket No. FV-96-932-4 IFR] received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1391. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Fluid Milk Promotion Order; Amendments to the Order [DA-96-09] received January 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1392. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Cattle Exportations; Tuberculosis and Brucellosis Test Requirements [APHIS Docket No. 96-005-2] received January 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1393. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Official Brucellosis Tests [APHIS Docket No. 96-033-2] received January 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1394. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Change in Disease Status of Great Britain Because of Exotic Newcastle Disease [Docket No. 97-003-1] received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1395. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Financial Reporting and Debt-Equity Ratio Requirements for Futures Commission Merchants and Introducing Brokers [17 CFR Parts 1, 3, 145, and 147] received January 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1396. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Carboxin; Pesticide Tolerances for Emergency Exemptions [OPP-300450; FRL-5584-5] (RIN: 2070-AB78) received January 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1397. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Eligibility and Scope of Financing; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; General Provisions; Definitions; Disclosure to Shareholders; Nondiscrimination in Lending; Capital Adequacy and Customer Eligibility (RIN: 3052-AB10) received January 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1398. A letter from the Administrator, Farm Service Agency, transmitting the

Agency's final rule—Implementation of the Noninsured Crop Disaster Assistance Program Provisions of the Federal Agriculture Improvement and Reform Act of 1996 (RIN: 0560–AE85) received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1399. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Disaster Reserve Assistance Program (RIN: 0560–AF11) received January 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1400. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Update of the Parity Price Regulations (RIN: 0560–AF08) received February 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1401. A letter from the Administrator, Food and Consumer Service, transmitting the Service's final rule—Food Stamp Program: Revisions in Use and Disclosure Rules Involving the Sharing of Information Provided by Retail and Wholesale Food Concerns with Other Federal and State Agencies (RIN: 0584–AC00) received January 6, 1997, pursuant to 5 U.S.C., 801(a)(1)(A); to the Committee on Agriculture.

1402. A communication from the President of the United States, transmitting his request to make available appropriations totaling $39.2 million on budget authority for the Department of the Interior, and designate the amount made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended—Received in the U.S. House of Representatives January 30, 1997, pursuant to 31 U.S.C. 1107 (H. Doc. No. 105–34); to the Committee on Appropriations and ordered to be printed.

1403. A communication from the President of the United States, transmitting his request to make available appropriations totaling $212,000,000 in budget authority for the Department of Health and Human Services' Low Income Home Energy Assistance Program, and designate the amount made available as an emergency requirement pursuant to section 251(b)(2)(d)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended—Received in the U.S. House of Representatives January 31, 1997, pursuant to 31 U.S.C. 1107 (H. Doc. No. 105–35); to the Committee on Appropriations and ordered to be printed.

1404. A letter from the Acting Comptroller General of the United States, the General Accounting Office, transmitting a review of the President's first special impoundment message for fiscal year 1997—Received in the U.S. House of Representatives January 28, 1997, pursuant to 2 U.S.C. 685 (H. Doc. No. 105–37); to the Committee on Appropriations and ordered to be printed.

1405. A communication from the President of the United States, transmitting his findings that the July 1, 1997, limitation on obligations imposed by subsection (a) of section 518A of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 is having a negative impact on the proper functioning of the population planning program—Received in the U.S. House of Representatives January 31, 1997 (H. Doc. No. 105–36); to the Committee on Appropriations and ordered to be printed.

1406. A letter from the Chairman, Department of Defense Retirement Board of Actuaries, transmitting the Board's third report on the status of the Department of Defense military retirement fund, pursuant to 10 U.S.C. 1464(c); to the Committee on National Security.

1407. A letter from the Secretary of Energy, transmitting the Department's report entitled "Linking Legacies: Connecting the Cold War Nuclear Weapons Production Processes to their Environmental Consequences," pursuant to Public Law 103–160, section 3154 (107 Stat. 1952); to the Committee on National Security.

1408. A letter from the Assistant Comptroller General of the United States transmitting the Office's report on the United States-Japan Fighter Aircraft Program; to the Committee on National Security.

1409. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Preference for U.S. Firms on MILCON Overseas Construction [DFARS Case 96–D328] received January 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

1410. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contingent Fees-Foreign Military Sales [DFARS Case 96–D021] received January 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

1411. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Procurement Integrity [DFARS Case 96–D310] received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

1412. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Courts of Criminal Appeals Rules of Practice and Procedure (32 CFR Part 150) received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

1413. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Elimination of Certifications [DFARS Case 96–D306] received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

1414. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Metalworking Machinery-Trade Agreements [DFARS Case 96–D030] received January 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

1415. A letter from the Deputy Under Secretary (Industrial Affairs and Installations), Department of Defense, transmitting the strategic and critical materials report during the period October 1995 through September 1996, pursuant to 50 U.S.C. 98h–2(b); to the Committee on National Security.

1416. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Regulation C, Home Mortgage Disclosure [Docket No. R–0951] received January 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1417. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Turkey, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1418. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Korea, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1419. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Egypt, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1420. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Regulatory Citations to the Uniformed Financial Institutions Rating System (RIN: 1550–AA99) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1421. A letter from the Acting Executive Director, Thrift Depositor Protection Oversight Board, transmitting the Board's final rule—Book-Entry Procedure [12 CFR Part 1511] received December 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1422. A letter from the Assistant Secretary, Department of Education, transmitting Final Regulations—Disability and Rehabilitation Research Projects and Centers Program, pursuant to 20 U.S.C. 1232(f) GEPA section 437(f); to the Committee on Education and the Workforce.

1423. A letter from the Secretary of Education, transmitting Final Regulations—Direct Grant Programs, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

1424. A letter from the Assistant Secretary for Children and Families, Administration for Children and Families, transmitting the Administration's final rule—Head Start Fellows Program (RIN: 0970–AB56) received January 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1425. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final regulations for direct grant programs, pursuant to 5 U.S.C. 801(a)(1)(B). Referred to the Committee on Education and the Workforce. February 5, 1997.

1426. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the notice of final funding priority for certain programs administered by the Office of Special Education and Rehabilitative Services, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

1427. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Projects with Industry (RIN: 1820–AB33) received January 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1428. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's "Major" final rule—Service Contract Act; Labor Standards For Federal Service Contracts (Wage and Hour Division, Employment Standards Administration) (RIN: 1215–AA78) received December 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1429. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Service Contract Act; Labor Standards For Federal Service Contracts (RIN: 1215–AA78) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1430. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1431. A letter from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's final rule—Telecommunications and Information Infrastructure Assistance Program [docket No. 970103002–7002–01] (RIN: 0660–ZA02) received January 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1432. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks [AD–FRL–5682–3] received January 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1433. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio Stage II Vapor Recovery Program (FRL 5649–6) received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1434. A letter from the Director of the State and Site Identification Center, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–5668–3] received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1435. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Rules to Provide for Operation of Unlicensed NII Devices in the 5 GHz Frequency Range [ET Docket No. 96–102; Rm–8648; RM–8653] received January 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1436. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Sanford and Robbins, North Carolina) [MM Docket No. 95–134, RM–8679; RM–8720] received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1437. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Ely, Hermantown & Pine City, Minnesota, and Siren, Wisconsin) [MM Docket No. 96–105; RM–8793; RM–8852] received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1438. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Colonial Heights, Tennessee) [MM Docket No. 93–28; RM–8172; RM–8299] received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1439. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Willcox, Arizona and Lordsburg, New Mexico) [MM Docket No. 95–50; RM–8581; RM–8662] received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1440. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Nekoosa, Wisconsin) [MM Docket No. 96–76; RM–8770] received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1441. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Boulder and Lafayette, Colorado) [MM Docket No. 96–64; RM–8747] received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1442. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service [MM Docket No. 87–268] received January 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1443. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them [PR Docket No. 92–235] and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Radio Services—Amendment of the Commission's Rules Concerning Maritime Communications [PR Docket No. 92–257] received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1444. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended [CC Docket No. 96–149] received January 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1445. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Telecommunications Act of 1996: Accounting Safeguards Under the Telecommunications Act of 1996 [CC Docket No. 96–150] received January 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1446. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Access Charge Reform [CC Docket No. 96–262]; Price Cap Performance Review for Local Exchange Carriers [CC Docket No. 94–1]; Transport Rate Structure and Pricing [CC Docket No. 91–213]; and Usage of the Public Switched Network by Information Service and Internet Access Providers [CC Docket No. 96–263] received January 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1447. A letter from the Chair, Federal Energy Regulatory Commission, transmitting the Federal Energy Regulatory Commission's report on Government dam use charges under section 10(e)(2) of the Federal Power Act; to the Committee on Commerce.

1448. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Dental Services; Endodontic Dry Heat Sterilizer [Docket No. 95N–0033] received January 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1449. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Uniform Compliance Date (January 1, 1998) for Food Labeling Regulations [Docket No. 96N–0094] received January 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1450. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Uniform Compliance Date (January 1, 2000) for Food Labeling Regulations [Docket No. 96N–0094] received January 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1451. A letter from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Criteria for the Release of Individuals Administered Radioactive Material (RIN: 3150–AE41) received January 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1452. A letter from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State (RIN: 3150–AF49) received January 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1453. A letter from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Duplication Fees (RIN: 3150–AF60) received January 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1454. A letter from the Secretary of Health and Human Services, transmitting the Department's report entitled "A National Strategy to Prevent Teen Pregnancy," pursuant to section 905 of the Personal Responsibility and Work Opportunity Act of 1996 [PRWORA]; to the Committee on Commerce.

1455. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Notification Procedures for States Implementing "Alternative Mechanisms" in the Individual Health Insurance Market [BPD–882–N] received January 13, 1997, pursuant to section 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1456. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Redetermination of Medicaid Eligibility Due to Welfare Reform (Health Care Financing Administration) (RIN: 0938–AH76) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1457. A letter from the Secretary of Transportation, transmitting the Department's fiscal year 1996 annual report to Congress on progress in conducting environmental remedial action at federally owned or operated facilities, pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); to the Committee on Commerce.

1458. A letter from the Director, Defense Security Assistance Agency, transmitting a report of those foreign military sales customers with approved cash flow financing in excess of $100 million as of October 1, 1996, pursuant to 22 U.S.C. 2765(a)(5)(B); to the Committee on International Relations.

1459. A letter from the Director, Defense Security Assistance Agency, transmitting a report containing the status of each loan and each contract of guaranty for which there remains any outstanding unpaid obligation or potential liability, pursuant to 22 U.S.C. 2765(a)(11); to the Committee on International Relations.

1460. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on PLO compliance, pursuant to Public Law 101–246, section 804(b) (104 Stat. 78); to the Committee on International Relations.

1461. A letter from the Acting Secretary, Department of State, transmitting a list of all sales and licensed commercial exports under the act of major weapons or weapons-related defense equipment valued at $7,000,000 or more, or of any other weapons or weapons-related defense equipment valued at $25,000,000 or more, which the administration considers eligible for approval during the calendar year 1996 and which may, therefore, result in notification to the Congress this year, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

1462. A communication from the President of the United States, transmitting an unclassified report on the Loan Guarantees to Israel Program and on economic conditions in Israel, pursuant to Public Law 102–391, section 601 (106 Stat. 1701); to the Committee on International Relations.

1463. A communication from the President of the United States, transmitting a report on actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to organizations that disrupt the Middle East peace process—Received in the U.S. House of Representatives January 31, 1997, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(C) (H. Doc. No. 105–38); to the Committee on International Relations and ordered to be printed.

1464. A letter from the Secretary of Commerce, transmitting the Bureau of Export Administration's annual report for fiscal year 1996, and the 1997 report to the Congress on foreign policy export controls, pursuant to 50 U.S.C. app. 2413 and 50 U.S.C. app. 2405(f); to the Committee on International Relations.

1465. A letter from the Assistant Secretary (Force Management Policy), Department of Defense, transmitting a report on the audit of the American Red Cross for the year ending June 30, 1996, pursuant to 36 U.S.C. 6; to the Committee on International Relations.

1466. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1467. A letter from the Director, Bureau of Economic Analysis, transmitting the Bureau's final rule—International Services Surveys: BE–20 Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons [Docket No. 960918263–6345–02] (RIN: 0691–AA27) received January 15, 1997, pursuant to 5 U.S.C. 801(a)91)(A); to the Committee on International Relations.

1468. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Terrorism List Governments Sanctions Regulations; Authorization for Government Stipends and Scholarships for Students (Office of Foreign Assets Control) (31 CFR Part 596) received January 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1469. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Encryption Items Transferred from the U.S. Munitions List to the Commerce Control List [Docket No. 960918265–6366–03] (RIN: 0694–AB09) received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1470. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Entity List [Docket No. 961205341–6341–01] (RIN: 0694–AB24) received January 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1471. A letter from the Chief Counsel, Office of Foreign Assets Control, transmitting the Office's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels: Additional Designations and Removal of Four Individuals [31 CFR Chapter V] received January 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1472. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–441, "Real Property Tax Rates for Tax Year 1997 Amendment Act of 1996" received January 24, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1473. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–442, "District of Columbia Moratorium on the 1997 Real Property Assessments for Real Property Tax Year 1998 Amendment Act of 1996" received January 24, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1474. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–503, "Victims of Violent Crime Compensation Act of 1996" received January 24, 1997, pursuant to D.C. Code, section 1–223(c)(1); to the Committee on Government Reform and Oversight.

1475. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–504, "Mandatory Use of Seat Belts Amendment Act of 1996" received January 24, 1997, pursuant to D.C. Code, section 1–223(c)(1); to the Committee on Government Reform and Oversight.

1476. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–506, "Collateral Reform Temporary Amendment Act of 1996" received January 24, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1477. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–490, "Closing of Portions of 3rd Street, N.W., and L Street, N.W., Adjacent to Squares 525, 526, 556, and 558, S.O. 90–18, Act of 1996" received January 24, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1478. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–493, "Risk-Based Capital Act of 1996" received January 24, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1479. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–494, "Uniform Partnership Act of 1996" received January 24, 1997, pursuant to D.C. Code, section 1–233(d)(1); to the Committee on Government Reform and Oversight.

1480. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–496, "Naming of Public Spaces Amendment Act of 1996" received January 24, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1481. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–497, "Uniform Commercial Code Negotiable Instruments Amendment Act of 1996" received January 24, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1482. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–500, "Uniform Commercial Code Investment Securities Revision Act of 1996" received January 24, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1483. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–501, "Newborn Health Insurance Amendment Act of 1996" received January 24, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1484. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–502, "Real Estate Licensure Amendment Act of 1996" received January 24, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1485. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–520, "Second Criminal Code Technical Amendments Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1486. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–521, "Air Pollution Control Temporary Amendment Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1487. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–343, "Council Contract Approval Modifciation Temporary Amendment Act of 1995 Temporary Amendment Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1488. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–414, "Economic Recovery Conformity Temporary Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1489. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–507, "Mortgage Lender and Broker Act of 1996 Time Extension Temporary Amendment Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1490. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–517, "Closing of a Portion of Ingraham Street, N.E., and Public Alleys Adjacent to Squares 3700 and 3701, S.O. 96–27, Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1491. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–519, "Second Technical Amendments Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1492. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–523, "Correctional Treatment Facility Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1493. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–495, "Health Maintenance Organization Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1494. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–498, "Uniform Commercial Code—Letters of Credit Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1495. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–499, "Uniform Commercial Code—Bulk Sales Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1496. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–510, "Sex Offender Registration Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1497. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–514, "BNA Washington, Inc., Real Property Tax Deferral Amendment Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1498. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–511, "Boating While Intoxicated Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1499. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–513, "Closing of a Public Alley in Square 107, S.O. 95–56, Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1500. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–518, "Title 47, D.C. Code Enactment Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1501. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–515, "Joseph H. Cole Fitness Center Designation Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1502. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–516, "Closing of a Portion of M Street, S.W. Adjacent to Square 651, S.O. 95–239 Act of 1996" received January 31, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1503. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–505, "Hospital and Medical Services Corporation Regulatory Act of 1996" received February 3, 1997, pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1504. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11–458, "Initiative 51 Real Property Assessment and Tax Initiative of 1996" received January 16, 1997, pursuant to D.C. Code, section 1–233(c)(1) (See Executive Communication No. 1505); to the Committee on Government Reform and Oversight.

1505. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a letter in writing dated February 4, 1997, which reads as follows "* * * The Council is in receipt of the opinion of the Acting General Counsel to the House of Representatives that D.C. Act 11–458 must be submitted to the D.C. Financial Responsibility and Management Assistance Authority for approval prior to its submission to Congress. Therefore, I ask that you disregard the Previous transmittal." signed, Charlene Drew Jarvis, Chairman Pro Tempore of the Council (See Executive Communication No. 1504); to the Committee on Government Reform and Oversight.

1506. A letter from the Acting Comptroller General of the United States, transmitting a list of all reports issued or released in December 1996, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

1507. A letter from the Comptroller General of the United States, transmitting a copy of his report for fiscal year 1996 on each instance a Federal agency did not fully implement recommendations made by the GAO in connection with a bid protest decided during the fiscal year, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Reform and Oversight.

1508. A letter from the Administrator, Agency for International Development, transmitting the semiannual report of the Agency's inspector general for the period April 1, 1996, through September 30, 1996, and the semiannual report on audit management and resolution, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1509. A letter from the Executive Director, Committee for Purchase from People Who are Blind or Severely Disabled, transmitting the Committee's final rule—Addition to the Procurement List—received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1510. A letter from the Executive Director, Committee for Purchase from People Who are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [A7–006]—received January 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1511. A letter from the Secretary, Mississippi River Commission, Department of the Army, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

1512. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a report analyzing the experience of the Authority with the review of legislative acts submitted by the Council of the District of Columbia during the fiscal year which ended September 30, 1996, pursuant to Public Law 104–8, section 234; to the Committee on Government Reform and Oversight.

1513. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

1514. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

1515. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—General Services Administration Acquisition Regulation; Acquisition of Leasehold Interests in Real Property [APD 2800.12A, CHGE 74] (RIN: 3090–AF92) received January 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1516. A letter from the Chairman, National Endowment for the Humanities, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1517. A letter from Deputy Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of San Joaquin, California, Nonappropriated Fund Wage Area (RIN: 3206–AH59) received January 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1518. A letter from Director, Office of Personnel Management, transmitting the Office's final rule—Presidential Management

Interim Program (RIN: 3206–AH53) received January 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1519. A letter from the Administrator, Panama Canal Commission, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1520. A letter from the Secretary of the Treasury, transmitting the annual report for the Department of the Treasury's community development financial institutions fund for fiscal year 1996, pursuant to Public Law 103–325, section 117(a) (108 Stat. 2187); to the Committee on Government Reform and Oversight.

1521. A letter from the Secretary of Agriculture, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1522. A letter from the Secretary of Defense, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1523. A letter from the Secretary of Energy, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1524. A letter from the Secretary of Health and Human Services, transmitting the 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1525. A letter from the Secretary of Transportation, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1526. A letter from the Chairman, Thrift Depositor Protection Oversight Board, transmitting results of audits conducted by the Office of Inspector General, pursuant to 5 U.S.C. app. 8G(h)(2); to the Committee on Government Reform and Oversight.

1527. A letter from the Administrator, U.S. Small Business Administration, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1528. A letter from the Clerk, U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit (No. 95–5386—J. Roderick MacArthur Foundation and Lance E. Lindblom versus Federal Bureau of Investigation); to the Committee on Government Reform and Oversight.

1529. A letter from the Executive Vice President, U.S. Institute of Peace, transmitting the report on the activities of the inspector general for the years ended September 30, 1995 and 1994, as well as the report of the independent auditors, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5 (b); to the Committee on Government Reform and Oversight.

1530. A letter from the Secretary of Health and Human Services, transmitting the first annual report required of the Director, Indian Health Service, under the Indian Lands Open Dump Cleanup Act, pursuant to Public Law 103–399, section 4(b) (108 Stat. 4166); to the Committee on Resources.

1531. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1532. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the central Gulf of Mexico, sale 166, scheduled to be held in March 1997, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

1533. A letter from the Assistant Secretary for Water and Science, Department of the Interior, transmitting the Department's report entitled "High Plains States Groundwater Demonstration Program 1996 Interim Report to the Congress," pursuant to 43 U.S.C. 390g–2(c)(2); to the Committee on Resources.

1534. A letter from the Secretary of the Interior, transmitting the Department's report on the administration of the Marine Mammal Protection Act of 1972, pursuant to 16 U.S.C. 1373(f); to the Committee on Resources.

1535. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Approval of Bismuth-Tin Shot as Nontoxic for Hunting Waterfowl and Coots (RIN: 1018–AD94) received January 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1536. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Native American Graves Protection and Repatriation Act Regulations—Civil Penalties (RIN: 1024–AC48) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1537. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Hydrogen Sulfide Requirements for Operations in the Outer Continental Shelf (RIN: 1010–AB50) received January 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1538. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Training of Leasee and Contractor Employees Engaged in Oil, Gas, and Sulphur Operations in the Outer Continental Shelf (RIN: 1010–AB99) received January 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1539. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Minerals Management Service—Department of the Interior (RIN: 1010–AC19) received January 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1540. A letter from the Assistant Secretary for Land Minerals Management, Department of the Interior, transmitting the Department's final rule—Adoption Fee for Wild Free-Roaming Horses and Burros (Bureau of Land Management) [NV–960–1060–00–24 1A] (RIN: 1004–AC61) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1541. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Two Insects from the Santa Cruz Mountains of California (RIN: 1018–AC50) received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1542. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Two Plants and Threatened Status for Four Plants from Southern California (RIN: 1018–AB88) received January 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1543. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Northern Population of the Copperbelly Water Snake (RIN: 1018–AB75) received January 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1544. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Pseudobahia bahiifolia (Hartweg's golden sunburst) and Threatened Status for Pseudobahia peirsonii (San Joaquin adobe sunburst), Two Grassland Plants from the Central Valley of California (RIN: 1018–AB88) received January 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1545. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the San Diego Fairy Shrimp (RIN: 1018–AC83) received January 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1546. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Amendments to the Northeast Multispecies, Atlantic Sea Scallop, and American Lobster Fishery Management Plans [Docket No. 9609262275–6372–02; ID 091196A] (RIN: 0648–AI83) received January 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1547. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 5 [Docket No. 960910252–6329–02; I.D. 082296B] (RIN: 0648–AI77) received January 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1548. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 17 [Docket No. 961105310–6374–02; I.D. 102396A] (RIN: 0648–AJ31) received January 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1549. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Research and Development Projects in the Gulf of Mexico and Off the U.S. South Atlantic Coastal States; Marine Fisheries Initiative (MARFIN) [Docket

No. 970114007–7007–01; I.D. 010897C] (RIN: 0648–ZA26) received January 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1550. A letter from the Acting Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Point Reyes/Farallon Islands National Marine Sanctuary; Name Change [Docket No. 970103001–7001–01] (RIN: 0648–XX79) received January 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1551. A letter from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610; Pacific Cod for Processing by the Inshore Component in the Western and Central Regulatory Areas [Docket No. 961126333–6333–01; I.D. 012497A and Docket No. 960129018–6018–01; I.D. 122396A] received January 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1552. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Surf Clam and Ocean Quahog Fisheries; 1997 Fishing Quotas [Docket No. 961114317–7008–02; I.D. 102596B] (RIN: 0648–XX70) received January 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1553. A letter from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 940553–4223; I.D. 012197A] received February 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1554. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Texas Regulatory Program and Abandoned Mine Land Reclamation Plan [SPATS No. TX–025–FOR] received January 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1555. A letter from the Secretaries of Transportation and Commerce, transmitting the Department's report entitled "Regulating Vessel Traffic In The Monterey Bay National Marine Sanctuary," pursuant to 16 U.S.C. 1433 note; to the Committee on Resources.

1556. A letter from the Director, National Institutes of Health, Department of Health and Human Services, transmitting the Department's final rule—Removal of Obsolete Patent Regulations (RIN: 0925–AA15) received December 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1557. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Formula Grants [OJP (OJJDP) No. 1106] (RIN: 1121–AA43) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1558. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Motor Vehicle Theft Prevention Act Program Regulations [OJP No. 1081] (RIN: 1121–AA38) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1559. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Grants to Encourage Arrest Policies [OJP No. 1019] (RIN: 1121–AA35) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1560. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Exceptions to the Educational Requirements for Naturalization for Certain Applicants [INS No. 1702–96] (RIN: 1115–AE02) received January 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A) (See Executive Communication No. 1561); to the Committee on the Judiciary.

1561. A letter from the Commissioner, Immigration and Naturalization Service, transmitting notification that the INS will delay publication of the final rule titled "Exceptions to the Educational Requirements for Naturalization for Certain Applicants." in order to resolve outstanding legal issues—received February 3, 1997 (See Executive Communication No. 1560); to the Committee on the Judiciary.

1562. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Priority Dates for Employment-Based Petitions [INS No. 1647–95] (Rin: 1115–AE24) received January 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1563. A letter from the Office of the Comptroller of the Currency, transmitting the Comptroller's final rule—Rules of Practice and Procedure (CMP Inflation Adjustments) [Docket No. 97–03] (RIN: 1557–AB57) received January 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1564. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Savoonga, AK (Federal Aviation Administration) [Airspace Docket No. 96–AAL–23] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1565. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Ambler, AK (Federal Aviation Administration) [Airspace Docket No. 96–AAL–22] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1566. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace; Hollywood, FL (Federal Aviation Administration) [Airspace Docket No. 96–ASO–25] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1567. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E2 Airspace; Somerset, KY (Federal Aviation Administration) [Airspace Docket No. 96–ASO–23] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1568. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E2 Airspace; Sawyer Airport, Gwinn, MI (Federal Aviation Administration) [Airspace Docket No. 96–AGL–18] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1569. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. (formerly Piper Aircraft Corporation) Model PA–31T2 Airplanes (Federal Aviation Administration) [Docket No. 95–CE–21–AD; Amdt. 39–9885; AD 97–02–01] (RIN: 2120–AA64) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1570. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–70–AD; Amdt. 39–9887; AD 97–02–03] (RIN: 2120–AA64) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1571. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 and F28 Mark 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–79–AD; Amdt. 39–9890; AD 97–02–06] (RIN: 2120–AA64) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1572. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–201–AD; Amdt. 39–9891; AD 96–25–06 R1] (RIN: 2120–AA64) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1573. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A300–600, A310, and A320 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–227–AD; Amdt. 39–9888; AD 97–02–04] (RIN: 2120–AA64) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1574. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company 100, 200, 300, and 400 Series Airplanes (Federal Aviation Administration) [Docket No. 96–CE–46–AD; Amdt. 39–9884; AD 97–01–13] (RIN: 2120–AA64) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1575. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96–NM–243–AD; Amdt. 39–9889; AD 97–02–05] (RIN: 2120–AA64) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1576. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airtell International, Inc., Centaurus Model C3–100 Ground Proximity Warning System (GPWS), as Installed in Various Airplanes (Federal Aviation Administration) [Docket No. 96–NM–242–AD; Amdt. 39–9883; AD 97–01–12] (RIN: 2120–AA64) received January 24, 1997, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1577. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. SA26, SA226, and SA227 Series Airplanes (Federal Aviation Administration) [Docket No. 96–CE–64–AD; Amdt. 39–9886; AD 97–02–02] (RIN: 2120–AA64) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1578. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A321 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–166–AD; Amdt. 39–9880; AD 97–01–09] (RIN: 2120–AA64) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1579. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100 and –200 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–145–AD; Amdt. 39–9881; AD 97–01–10] (RIN: 2120–AA64) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1580. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Point Lay Long Range Site (LRRS), AK (Federal Aviation Administration) [Airspace Docket No. 96–AAL–25] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1581. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Klawock, AK (Federal Aviation Administration) [Airspace Docket No. 96–AAL–24] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1582. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Koyuk, AK (Federal Aviation Administration) [Airspace Docket No. 96–AAL–21] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1583. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Hemet, CA (Federal Aviation Administration) [Airspace Docket No. 96–AWP–8] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1584. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Galax, VA (Federal Aviation Administration) [Airspace Docket No. 96–AEA–13] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1585. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Sidney, NE (Federal Aviation Administration) [Airspace Docket No. 96–ACE–24] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1586. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Alliance, NE (Federal Aviation Administration) [Airspace Docket No. 96–ACE–22] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1587. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Sioux City, IA (Federal Aviation Administration) [Airspace Docket No. 96–ACE–11] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1588. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Miami, FL (Federal Aviation Administration) [Airspace Docket No. 96–ASO–28] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1589. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Claxton, GA (Federal Aviation Administration) [Airspace Docket No. 96–ASO–24] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1590. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Montauk, NY; Correction (Federal Aviation Administration) [Airspace Docket No. 96–AEA–09] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1591. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28765; Amdt. No. 1773] (RIN: 2120–AA66) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1592. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28767; Amdt. No. 1775] (RIN: 2120–AA65) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1593. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28766; Amdt. No. 1774] (RIN: 2120–AA65) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1594. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28778; Amdt. No. 1777] (RIN: 2120–AA65) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1595. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28779; Amdt. No. 1778] (RIN: 2120–AA65) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1596. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Liquefied Natural Gas Regulations—Miscellaneous Amendments (Research and Special Programs Administration (RSPA, DOT) (RIN: 2137–AC91) received January 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1597. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–235–AD] (RIN: 2120–AA64) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1598. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 and 737 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–106–AD] (RIN: 2120–AA64) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1599. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters (Federal Aviation Administration) [Docket No. 96–SW–14–AD] (RIN: 2120–AA64) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1600. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 and 767 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–125–AD] (RIN: 2120–AA64) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1601. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream BAe Model ATP Airplanes (Federal Aviation Administration) [Docket No. 95–NM–160–AD] (RIN: 2120–AA64) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1602. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–33–AD] (RIN: 2120–AA64) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1603. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman BN–2, BN–2A, & BN–2B Series Airplanes [Docket

No. 96–CE–33–AD] (Federal Aviation Administration) (RIN: 2120–AA64) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1604. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–156–AD] (RIN: 2120–AA64) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1605. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300–600 and Model A310 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–46–AD] (RIN: 2120–AA64) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1606. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9, DC–9–80, and C–9 (Military) Series Airplanes and Model MD–88 Airplanes (Federal Aviation Administration) [Docket No. 96–NM–99–AD] (RIN: 2120–AA64) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1607. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–223–AD] (RIN: 2120–AA64) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1608. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Contrucciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–76–AD] (RIN 2120–AA64) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1609. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9, DC–9–80, and C–9 (Military) Series Airplanes, Model MD–88 Airplanes, and Model MD–90 Airplanes (Federal Aviation Administration) [Docket No. 97–NM–01–AD] (RIN: 2120–AA64) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1610. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empressa Brasileira de Aeronautica, S.A. (EMBRAER) Model EMB–120 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–192–AD] (RIN: 2120–AA64) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1611. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Toledo, OH (Federal Aviation Administration) [Airspace Docket No. 96–AGL–15] (RIN: 2120–AA66) (1997–0022) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1612. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (63), AMDT. No. 1776 (Federal Aviation Administration) (RIN: 2120–AA65) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1613. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Sioux City, IA (Federal Aviation Administration) [Airspace Docket No. 96–ACE–25] (RIN: 2120–AA66) (1997–0023) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1614. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airpsace; Wentzville, MO (Federal Aviation Administration) [Airspace Docket No. 97–ACE–01] (RIN: 2120–AA66) (1997–0024) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1615. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Jefferson City, MO (Federal Aviation Administration) [Airspace Docket No. 96–ACE–18] (RIN: 2120–AA66) (1997–0025) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1616. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Omaha, NE (Federal Aviation Administration) [Airspace Docket No. 96–ACE–21] (RIN: 2120–AA66) (1997–0026) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1617. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Restricted Area R–2601 Fort Carson, CO (Federal Aviation Administration) [Airspace Docket No. 95–ANM–28] (RIN: 2120–AA66) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1618. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Change Controlling Agency for Restricted Areas R–2905A and R–2905B, Tyndall AFB, FL (Federal Aviation Administration) [Airspace Docket No. 96–ASO–31] (RIN: 2120–AA66) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1619. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Holyoke, Colorado (Federal Aviation Administration) [Airspace Docket No. 96–ANM–010] (RIN: 2120–AA66) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1620. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class E Airspace and Establishment of Class E Airspace; Coeur d'Alene, Idaho (Federal Aviation Administration) [Airspace Docket No. 96–ANM–23] (RIN: 2120–AA66) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1621. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—1997 Update [STB Ex Parte No. 542] received January 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1622. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Revision of Regulations for Interlocking Rail Officers [STB Ex Parte No. 543] received January 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1623. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Railroad Contracts [STB Ex Parte No. 541] received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1624. A letter from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Delegation of Subpoena Authority and Description of Means of Service (RIN: 2900–AH00) received December 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1625. A letter from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Adjudication Regulations; Miscellaneous (RIN: 2900–AI43) received January 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1626. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Loan Guaranty: Limitation on Discount Points Financed in Connection With Interest Rate Reduction Refinancing Loans (RIN: 2900–AH90) received January 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1627. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Regulations Governing Book-Entry Securities of the Student Loan Marketing Association (Sallie Mae) [31 CFR Part 354] received January 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1628. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco, and Firearms, transmitting the Bureau's final rule—Redwood Valley Viticultural Area (95R–053P) [TDATF–386; RE: Notice No. 838] (RIN: 1512–AA07) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1629. A letter from the Administrator, Health Care Financing Administration, transmitting the Administration's final rule—Medicare Program; Electronic Cost Reporting for Skilled Nursing Facilities and Home Health Agencies [BPD–788–F] (RIN: 0938–AH12) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1630. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters [Rev. Proc. 97–8] received January 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1631. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Computation of Foreign Taxes Deemed Paid Under Section 902

Pursuant to a Pooling Mechanism for Undistributed Earnings and Foreign Taxes [TD 8708] (RIN: 1545–AL98) received January 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1632. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters [Rev. Proc. 97–6] received January 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1633. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters [Rev. Proc. 97–1] received January 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1634. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters [Rev. Proc. 97–4] received January 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1635. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters [Rev. Proc. 97–5] received January 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1636. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition of Private Activity Bonds [TD 8712] (RIN: 1545–AU62) received January 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1637. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Intangibles Under Sections 1060 and 338 [TD 8711] (RIN: 1545–AU82) received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1638. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Gross Income [Rev. Rul. 97–5] received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1639. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rules for Certain Reserves [Rev. Rul. 97–2] received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1640. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rules and Regulations [Rev. Proc. 97–14] received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1641. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rules and Regulations [Rev. Proc. 97–13] received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1642. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-In, First-Out Inventories [Rev. Rul. 97–6] received January 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1643. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Closing Agreements [Rev. Proc. 97–15] received January 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1644. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 97–7] received January 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1645. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Revisions of the Section 338 Consistency Rules with Respect to Target Affiliates that are Controlled Foreign Corporations [TD 8710] (RIN: 1545–AO73) received January 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1646. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 42(d)(5) Federal Grants [TD 8713] (RIN: 1545–AU93) received January 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1647. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice of Intent to Issue Guidance Allowing Farmers to Expeditiously Change Their Method of Accounting for Deferred Payment Sales Contracts in Computing Alternative Minimum Tax [Notice 97–13] received January 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1648. A letter from the Chief, Regulations Unit, Internal Revenue Service transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 97–8] received January 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1649. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-In, First-Out Inventories [Rev. Rul. 97–8] received January 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1650. A letter from the National Director, Tax Forms and Publications Division, Internal Revenue Service, transmitting the Service's final rule—Charge Imposed for Each Request for a Copy of a Tax Return or Other Related Document [Rev. Proc. 97–11] received January 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1651. A letter from the Secretary of the Treasury, transmitting a report on the taxation of Social Security and Railroad Retirement benefits in calendar year 1992, pursuant to 42 U.S.C. 401 note; to the Committee on Ways and Means.

1652. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Federal Old-Age, Survivors and Disability Insurance; Determining Disability and Blindness; Extension of Expiration Date for Growth Impairment Listings [Regulations No. 4] (RIN: 0960–AE60) received January 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1653. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Reduction in Supplemental Security Income (SSI) Payable to Institutionalized Children Whose Medical Costs are Covered by Private Insurance (RIN: 0960–AE61) received January 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1654. A letter from the Director of the Office of Administration and Management, Department of Defense, transmitting the certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of the Pentagon will not exceed $1,118,000,000, pursuant to Public Law 104–208, section 8079; jointly, to the Committees on National Security and Appropriations.

1655. A letter from the Secretaries of Transportation and Defense, transmitting notification that $300 million appropriated to the Department of Defense for transfer to the Coast Guard will be used only for the performance of national security functions of the Coast Guard in support of the Department of Defense; jointly, to the Committees on National Security and Transportation and Infrastructure.

1656. A letter from the Administrator, Agency for International Development, transmitting the Agency's report covering allocations under the economic support fund and international organizations and programs accounts, pursuant to 22 U.S.C. 2413(a); jointly, to the Committees on International Relations and Appropriations.

1657. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that Nigeria has adopted a regulatory program governing the incidental taking of certain sea turtles, pursuant to Public Law 101–162, section 609(b)(2) (103 Stat. 1038); jointly, to the Committees on Resources and Appropriations.

1658. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting a plan that reduces the number of Army Corps of Engineers divisions to no less than six and no more than eight, with each division responsible for at least four district offices, pursuant to Public Law 104–206 (110 Stat. 2989); jointly, to the Committees on Transportation and Infrastructure and Appropriations.

1659. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Requirements for Physician Incentive Plans in Prepaid Health Care Organizations [OMC–010–F] (RIN: 0938–AF74) received January 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Ways and Means and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LoBIONDO (for himself, Mr. Condit, Mrs. Roukema, Mr. Saxton, Mr. Stark, Mr. Stupak, and Mr. Traficant):

H.R. 585. A bill to amend title XVIII of the Social Security Act to provide for prospective payment under the Medicare Program for inpatient services of rehabilitation hospitals and units based on discharges classified by functional-related groups; to the Committee on Ways and Means.

By Mr. GANSKE (for himself, Mr. Markey, Mr. Abercrombie, Mr. Ackerman, Mr. Baldacci, Mr. Ballenger, Mr. Barcia of Michigan, Mr. Barrett of Wisconsin, Mr. Bentsen, Mr. Boehlert, Mr. Borski, Mr. Boucher, Mr. Brown of Ohio, Mr. Burton of Indiana, Mr. Canady of Florida, Mr. Chabot, Mr. Chambliss, Mrs. Clayton, Mr. Clement, Mr. Coburn, Mr. Condit, Mr. Cooksey, Mr. Crapo, Mr. Cummings, Mr. Davis of Virginia, Mr. Davis of Illinois, Mr. DeFazio, Mr. Delahunt, Ms. DeLauro, Mr. Dellums, Mr. Dooley of California, Mr.

Ehlers, Ms. Eshoo, Mr. Evans, Mr. Faleomavaega, Mr. Fattah, Mr. Filner, Mr. Foglietta, Mr. Fox of Pennsylvania, Mr. Frank of Massachusetts, Mr. Frost, Ms. Furse, Mr. Gejdenson, Mr. Gillmor, Mr. Gilman, Mr. Gordon, Mr. Graham, Mr. Green, Mr. Greenwood, Mr. Hansen, Mr. Hastings of Florida, Mr. Hefley, Mr. Hinchey, Mr. Hostettler, Mr. Houghton, Ms. Eddie Bernice Johnson of Texas, Mrs. Kelly, Mr. Kennedy of Massachusetts, Mr. Kildee, Ms. Kilpatrick, Mr. Kind of Wisconsin, Mr. King of New York, Mr. Kleczka, Mr. Klink, Mr. LaFalce, Mr. Latham, Mr. Leach, Mr. Lewis of Georgia, Mr. LaTourette, Mr. LoBiondo, Ms. Lofgren, Mrs. Lowey, Mr. McDermott, Ms. McKinney, Mrs. Maloney of New York, Mr. Martinez, Mr. Meehan, Mrs. Meek of Florida, Mr. Menendez, Mr. Miller of California, Mrs. Mink of Hawaii, Mr. Moran of Virginia, Mrs. Myrick, Mr. Nadler, Mr. Nethercutt, Mr. Neal of Massachusetts, Mr. Ney, Mr. Norwood, Mr. Olver, Mr. Owens, Mr. Oxley, Mr. Pastor, Mr. Payne, Ms. Pelosi, Mr. Pickett, Mr. Porter, Mr. Poshard, Ms. Pryce of Ohio, Mr. Rahall, Mrs. Roukema, Mr. Rush, Mr. Sanders, Mr. Sawyer, Mr. Saxton, Mr. Scarborough, Mr. Serrano, Mr. Skaggs, Mr. Skeen, Ms. Slaughter, Mr. Smith of New Jersey, Mr. Solomon, Mr. Stark, Mr. Stokes, Mr. Tauzin, Mr. Thornberry, Mrs. Thurman, Mr. Traficant, Mr. Weldon of Florida, Mr. Walsh, Mr. Waxman, Mr. Weygand, Mr. Whitfield, Mr. Wise, and Ms. Woolsey):

H.R. 586. A bill to prohibit the restriction of certain types of medical communications between a health care provider and a patient; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BENTSEN:

H.R. 587. A bill to amend the Internal Revenue Code of 1986 to eliminate tax subsidies for ethanol fuel; to the Committee on Ways and Means.

By Mr. BEREUTER (for himself, Mr. Castle, Mr. Costello, Mrs. Kelly, Mr. Hastings of Florida, Mr. Hamilton, Mr. Pickett, Mr. McIntosh, Mr. Bunning of Kentucky, Mr. Evans, Mr. Dan Schaefer of Colorado, Mr. Hefley, Mr. Frost, Mr. Mollohan, Ms. Woolsey, Mr. Faleomavaega, Mr. Miller of California, Ms. Norton, Mr. Skaggs, Mr. Poshard, Mr. Fazio of California, Mr. Davis of Illinois, Mr. Stark, Mr. Barrett of Nebraska, Mr. Moran of Virginia, Mr. Lipinski, Mr. Vento, Mr. Ehlers, Mr. Weller, Mr. Boehlert, Mr. Fawell, Mr. Leach, Mrs. Tauscher, Ms. Pelosi, Mrs. Morella, Mr. Rahall, and Mr. Hinchey):

H.R. 588. A bill to amend the National Trails System Act to create a new category of long-distance trails to be known as national discovery trails, to authorize the American Discovery Trail as the first trail in that category, and for other purposes; to the Committee on Resources.

By Mr. BILBRAY (for himself, Ms. Harman, Mr. Horn, Mr. White, Mr. Calvert, Mr. Cunningham, Mr. Packard, Mr. Baker, Mr. Hayworth, Mr. Hunter, Mr. Lewis of California, Mr. King of New York, and Mr. Dreier):

H.R. 589. A bill to amend the Fair Housing Act, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUMENAUER (for himself, Mr. Conyers, Mr. Farr of California, and Mr. Traficant):

H.R. 590. A bill to amend the act of September 30, 1961, to limit the antitrust exemption applicable to broadcasting agreements made by leagues of professional sports, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN of California (for himself, Mr. DeFazio, Mr. Dellums, Mr. Engel, Mr. Evans, Mr. Faleomavaega, Mr. Filner, Mr. Frank of Massachusetts, Mr. Martinez, Mrs. Meek of Florida, Mrs. Mink of Hawaii, Ms. Norton, Mr. Pastor, Mr. Pomeroy, Mr. Sanders, Mr. Torres, and Mr. Waxman):

H.R. 591. A bill to require the Commissioner of Social Security and the Secretary of the Treasury to develop and implement measures to eliminate and prevent mismatching of earnings information maintained by the Social Security Administration and the Internal Revenue Service resulting in underpayment of Social Security benefits; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 592. A bill to establish a priority in the disposal of real property resulting from the closure or realignment of military installations toward States and other entities that agree to convert the property into correctional facilities for youthful offenders to be operated as military-style boot camps and to require the Secretary of Defense to develop a program to promote the expanded use of such correctional facilities; to the Committee on National Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL:

H.R. 593. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for a sequestration of all budgetary accounts for fiscal year 1998, except Social Security, Federal retirement, and interest on the debt, equal to 5 percent of the OMB baseline; to the Committee on the Budget.

By Mr. CANADY of Florida (for himself, Mr. Brown of California, Mr. Goss, Mr. Calvert, Ms. DeLauro, Mr. DeFazio, Mr. Kleczka, Mr. Shays, Mr. Pallone, Mr. Davis of Virginia, Mr. Yates, Mr. Herger, Ms. Woolsey, Mr. Hyde, Mrs. Meek of Florida, Mr. Murtha, Mr. Leach, Mr. McIntosh, Mr. Miller of California, and Ms. Furse):

H.R. 594. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture.

By Mr. CHAMBLISS:

H.R. 595. A bill to designate the Federal building and U.S. courthouse located at 475 Mulberry Street in Macon, GA, as the "William Augustus Bootle Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mrs. CHENOWETH (for herself, Mr. Crapo, Mr. Doolittle, and Mr. Smith of Oregon):

H.R. 596. A bill to prohibit further extension or establishment of any national monument without an express act of Congress; to the Committee on Resources.

H.R. 597. A bill to prohibit further extension or establishment of any national monument in Idaho without full public participation and an express act of Congress, and for other purposes; to the Committee on Resources.

By Mr. ENSIGN (for himself and Mr. Scarborough):

H.R. 598. A bill to provide for certain military retirees and dependents a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special medigap open enrollment period during which no underwriting is permitted; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Mr. Lipinski, Mr. Frank of Massachusetts, Mr. Sabo, Mr. Dellums, Mr. DeFazio, and Mr. Sanders):

H.R. 599. A bill to amend the Internal Revenue Code of 1986 to reduce tax benefits for foreign corporations, and for other purposes; to the Committee on Ways and Means.

By Mr. FARR of California (for himself, Mr. Gephardt, Mr. Bonior, Mr. Fazio of California, Mr. Ackerman, Mr. Baldacci, Mr. Blumenauer, Mr. Borski, Mr. Brown of California, Mr. Cardin, Mr. Coyne, Mr. Cramer, Mr. Delahunt, Ms. DeLauro, Mr. Engel, Ms. Eshoo, Mr. Faleomavaega, Mr. Fattah, Mr. Ford, Mr. Frank of Massachusetts, Ms. Furse, Mr. Gejdenson, Mr. Hall of Ohio, Mr. Hefner, Mr. Hinchey, Ms. Jackson-Lee, Ms. Eddie Bernice Johnson of Texas, Mr. Kennedy of Massachusetts, Mr. Kennedy of Rhode Island, Mr. Kleczka, Mr. LaFalce, Mrs. Lowey, Mrs. Maloney of New York, Mr. Manton, Mr. Mascara, Ms. McCarthy of Missouri, Ms. Millender-McDonald, Mr. Minge, Mrs. Mink of Hawaii, Mr. Moran of Virginia, Ms. Norton, Mr. Olver, Mr. Owens, Ms. Pelosi, Ms. Rivers, Mr. Sanders, Mr. Spratt, Mr. Torres, Mr. Vento, Ms. Woolsey, Mr. Underwood, Mr. Wise, Mr. Dingell, Mr. Dellums, Mr. Abercrombie, Mr. Hastings of Florida, Mr. Matsui, Mrs. Thurman, Mr. DeFazio, and Mrs. Meek of Florida):

H.R. 600. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of Federal election campaigns, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Ways and Means, Commerce, Government Reform and Oversight, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 601. A bill to amend the Immigration and Nationality Act to permit local educational agencies to waive the reimbursement of the agency otherwise required for an alien to be accorded nonimmigrant status to study at a public secondary school administered by the agency; to the Committee on the Judiciary.

H.R. 602. A bill to amend the Immigration and Nationality Act to require the Attorney General to provide for special consideration concerning the English language requirements with respect to the naturalization of individuals over 65 years of age; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself and Mr. Meehan):

H.R. 603. A bill to prohibit Federal subsidies for the Tennessee Valley Authority after fiscal year 1998; to the Committee on Transportation and Infrastructure.

By Mr. GALLEGLY (for himself, Mr. Coble, Mr. Berman, Mr. McCollum, Ms. Lofgren, Mr. Goodlatte, Mr. Clement, Mr. Gekas, Mr. Underwood, and Mr. Owens):

H.R. 604. A bill to amend title 17, United States Code, with respect to the duration of copyright, and for other purposes; to the Committee on the Judiciary.

By Mr. GILCHREST (for himself and Mr. Bartlett of Maryland):

H.R. 605. A bill to amend the Internal Revenue Code of 1986 to clarify that certain school bus contractors and drivers are not employees; to the Committee on Ways and Means.

By Mr. GOODLATTE (for himself and Mr. Boucher):

H.R. 606. A bill to amend the Appalachian Regional Development Act of 1965 to include Montgomery, Roanoke, and Rockbridge Counties, VA, as part of the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. HANSEN (for himself, Mr. Baker, Mr. Kennedy of Massachusetts, Mr. Calvert, Mr. Waxman, Ms. Rivers, Mr. Sawyer, Mr. Evans, Mr. Boucher, Ms. Furse, and Mr. Frost):

H.R. 607. A bill to amend the Truth in Lending Act to require notice of cancellation rights with respect to private mortgage insurance which is required by creditor as a condition for entering into a residential mortgage transaction, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HILLIARD:

H.R. 608. A bill to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama; to the Committee on Resources.

By Mr. HOLDEN (for himself, Mr. Boucher, Mr. Kanjorski, Mr. Mascara, Mr. Murtha, and Mr. Wise):

H.R. 609. A bill to make improvements in the Black Lung Benefits Act; to the Committee on Education and the Workforce.

By Ms. KAPTUR (for herself, Mr. Barrett of Wisconsin, and Ms. Slaughter):

H.R. 610. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions and expenditures by multicandidate political committees controlled by foreign-owned corporations, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Massachusetts (for himself, Mr. Meehan, Mrs. Lowey, Mr. Bonior, Mr. Oberstar, Mr. Stark, Ms. Rivers, Mr. Vento, Mr. Conyers, Mr. Barrett of Wisconsin, Mr. Moran of Virginia, Mrs. Mink of Hawaii, Mr. Markey, Mr. McDermott, Mrs. Maloney of New York, Mr. Klug, Mr. Serrano, Mr. Gejdenson, Ms. Velázquez, Mr. Olver, Ms. McKinney, Mr. Shays, Mr. Gutierrez, Mr. Kleczka, Mr. Hinchey, Mr. Borski, Mr. Evans, Mr. Minge, Mr. Barcia of Michigan, Mr. Baldacci, Mr. Sanders, Ms. Slaughter, Mr. Neal of Massachusetts, Mr. Towns, Mr. Engel, Mr. Brown of California, and Mr. Hall of Ohio):

H.R. 611. A bill to close the U.S. Army School of the Americas; to the Committee on National Security.

By Mrs. KENNELLY of Connecticut (for herself, Mr. Ehrlich, Mr. Neal of Massachusetts, Mr. Davis of Illinois, Mrs. Meek of Florida, Mr. Bereuter, Mr. Clement, Mr. Serrano, Mr. McDermott, Mr. Traficant, Mr. Frost, Mr. Oberstar, Mr. Abercrombie, Mr. Underwood, Mr. Davis of Virginia, Mr. Latham, Mr. Adam Smith of Washington, Ms. Lofgren, Mr. Hinchey, Mr. Payne, Mr. Rahall, Mr. Spratt, Mr. Gejdenson, Mr. Farr of California, Mr. Menendez, Ms. DeLauro, Mr. Sanders, Mr. Lantos, Mr. Hall of Ohio, Ms. Jackson-Lee, Mr. Kleczka, Mrs. Maloney of New York, Mr. Matsui, Mr. Coyne, Mrs. Clayton, Mr. Maloney of Connecticut, Mr. Young of Alaska, Mr. Towns, Mr. Frank of Massachusetts, Mr. Lipinski, Mr. Lewis of Georgia, Mr. Shays, Ms. McCarthy of Missouri, and Ms. Kaptur):

H.R. 612. A bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. Bishop, Mr. Chambliss, Mr. Deal of Georgia, Mr. Kingston, and Mr. Norwood):

H.R. 613. A bill to designate the Federal building located at 100 Alabama Street NW, in Atlanta, GA, as the "Sam Nunn Federal Center"; to the Committee on Transportation and Infrastructure.

By Mr. LUTHER (for himself, Mr. Gutknecht, Mr. Condit, Mr. Ramstad, Ms. Furse, Mr. Barrett of Wisconsin, Mr. Baker, Ms. Lofgren, Mr. Ensign, and Mr. McHale):

H.R. 614. A bill to reduce the number of executive branch political appointees; to the Committee on Government Reform and Oversight.

By Mr. McDERMOTT (for himself, Mr. Rangel, Mr. Matsui, Mr. Lewis of Georgia, Mr. Dellums, Mr. Torres, Ms. Norton, Mr. Rush, Mr. Hinchey, Mr. Fazio of California, Ms. Lofgren, Mrs. Clayton, and Mr. Canady of Florida):

H.R. 615. A bill to amend the Internal Revenue Code of 1986 to allow expanded penalty-free withdrawals from certain retirement plans during periods of unemployment; to the Committee on Ways and Means.

By Ms. MOLINARI (for herself, Mrs. Kelly, Mr. LoBiondo, Mr. Flake, Mr. Ackerman, Mr. King of New York, Mrs. Morella, Mr. Deal of Georgia, Mr. Saxton, Mr. Lazio of New York, Mr. Smith of New Jersey, Mr. Fox of Pennsylvania, Mr. Andrews, Mr. Pallone, Mr. Walsh, Mr. Frost, Mr. English of Pennsylvania, Mr. Wolf, Mr. McNulty, Mrs. Roukema, Mr. Forbes, Mr. Adam Smith of Washington, Mrs. McCarthy of New York, Ms. Slaughter, Mr. Pappas, Mr. Filner, Mr. Horn, Mr. Davis of Virginia, Mr. Martinez, Mr. Weller, Mr. Gutierrez, Ms. Dunn of Washington, Mr. Gilman, Mr. Sanders, Mr. Foley, Mr. Shaw, Ms. Granger, Mr. Gibbons, Ms. Christian-Green, Mr. Olver, Ms. Stabenow, Mr. LaFalce, and Mr. Bilbray):

H.R. 616. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. Lazio of New York, Ms. Slaughter, Ms. Eddie Bernice Johnson of Texas, Mr. Yates, Mr. Pallone, Mr. Engel, Mr. LaFalce, Mr. Martinez, Mr. Hinchey, Ms. Lofgren, Ms. Norton, Mr. Faleomavaega, and Ms. Christian-Green):

H.R. 617. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 618. A bill to prohibit the Secretary of Agriculture from using information from the National Cheese Exchange to fix minimum milk prices under Federal milk marketing orders; to the Committee on Agriculture.

By Mr. PORTER (for himself, Mr. Shays, Mr. Olver, Mr. Frank of Massachusetts, Ms. Molinari, Mrs. Maloney of New York, Mr. Lewis of Georgia, Mrs. Kelly, Ms. Woolsey, Mr. Gejdenson, Mr. Bentsen, Ms. Norton, Mr. Sanders, Mr. Lantos, Mr. Brown of California, Ms. McKinney, Mr. Hinchey, Mr. Faleomavaega, Mr. Manton, Mr. Farr of California, Ms. Rivers, Mr. Franks of New Jersey, Mr. McDermott, Mr. Skaggs, Mr. Stark, Mr. Yates, Mr. Bilbray, Mr. Gilman, Mr. Towns, Mr. Rogan, Mr. Goss, Mr. Smith of New Jersey, Ms. Pelosi, Mr. Oberstar, Mr. Romero-Barcelo, Mr. Leach, Mr. Boucher, Mr. Torres, Mrs. Morella, Mr. Cardin, Mr. Costello, Mr. Evans, Mr. Dellums, Mr. Boehlert, Mr. Horn, Mr. Campbell, Mr. Talent, Ms. Furse, and Mr. Payne):

H.R. 619. A bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes; to the Committee on Resources, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. Gutknecht, Mr. Luther, Mr. Minge, Mr. Oberstar, Mr. Peterson of Minnesota, Mr. Sabo, and Mr. Vento):

H.R. 620. A bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. McDermott, and Mr. Frank of Massachusetts):

H.R. 621. A bill to provide for parity in the treatment of mental illness; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP (for himself, Mr. Petri, Mr. Herger, Mr. Hilleary, Mr. Bunning of Kentucky, and Mr. Ewing):

H.R. 622. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 623. A bill to amend the Public Buildings Act of 1959 concerning the calculation of public building transactions; to the Committee on Transportation and Infrastructure.

By Mr. BLUNT (for himself and Mr. Talent):

H.J. Res. 42. Joint resolution proposing an amendment to the Constitution of the United States to limit the number of terms a Member of Congress may serve, and to authorize a State to provide longer or shorter term limits for a Member of Congress from that State; to the Committee on the Judiciary.

By Mr. CAMPBELL:

H.J. Res. 43. Joint resolution proposing an amendment to the Constitution of the United States to abolish the Electoral College and to provide for the direct election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. OBEY:

H.J. Res. 44. Joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget; to the Committee on the Judiciary.

By Mr. WISE (for himself, Mr. Abercrombie, Mr. Borski, Mr. Boucher, Mr. Clay, Ms. Eshoo, Mr. Hinchey, Ms. Jackson-Lee, Mr. Lipinski, Mrs. Maloney of New York, Mr. Mascara, Mrs. Mink of Hawaii, Mr. Nadler, Mr. Oberstar, Mr. Rahall, Mr. Sawyer, Mr. Schumer, Mr. Scott, Mr. Stark, and Mr. Wynn):

H.J. Res. 45. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself, Mr. LoBiondo, Mr. Filner, Mr. Bateman, Mr. Schumer, Mr. Porter, Mr. Berman, and Mr. Evans):

H. Con. Res. 14. Concurrent resolution to encourage the Secretary of State, foreign nations, and others to work together to help reunite family members separated during the Holocaust; to the Committee on International Relations.

By Mr. PALLONE (for himself, Mr. McCollum, Mr. Ackerman, Mr. Nethercutt, Mr. McDermott, Mr. Ney, Mr. Andrews, Mr. Meehan, Mr. Brown of Ohio, Mr. LoBiondo, and Mr. McHale):

H. Con. Res. 15. Concurrent resolution expressing the sense of the Congress relating to the abduction and detainment of Donald Hutchings of the State of Washington and four Western Europeans in Jammu and Kashmir, India; to the Committee on International Relations.

By Mr. FAZIO of California:

H. Res. 36. Resolution designating minority membership on certain standing committees of the House.

By Mr. BLUMENAUER (for himself, Mr. Ehlers, Mr. Dellums, Ms. Norton, Mr. Leach, Mr. Gejdenson, Mr. Markey, Ms. Furse, Mr. Knollenberg, Mr. Borski, Mr. Lewis of Georgia, Mr. Watt of North Carolina, Mr. DeFazio, Mrs. Kelly, Mr. Nadler, Mr. Engel, Mr. Olver, Mr. Foglietta, Mr. Frost, Mrs. Morella, Mr. Bonior, and Mr. LaFalce):

H. Res. 37. Resolution authorizing the House of Representatives to participate in State and local government transit programs pursuant to section 7905 of title 5, United States Code; to the Committee on House Oversight.

By Ms. JACKSON-LEE (for herself, Mr. Owens, Mr. Matsui, Mr. Schumer, Mrs. Morella, Mr. Cummings, Mrs. Clayton, Mrs. Lowey, Ms. Stabenow, and Mr. Ford):

H. Res. 38. Resolution to express the sense of the House of Representatives regarding the outstanding achievements of NetDay; to the Committee on Education and the Workforce.

By Mr. SKAGGS:

H. Res. 39. Resolution amending the Rules of the House of Representatives to afford witnesses greater freedom to provide information to House committees by eliminating current administrative requirements; to the Committee on Rules.

By Mr. TOWNS:

H. Res. 40. Resolution expressing the sense of the House concerning the need for accurate guidelines for breast cancer screening for women between the ages of 40 and 49; to the Committee on Commerce.

By Mr. WELDON of Pennsylvania (for himself, Mr. Andrews, and Mr. English of Pennsylvania):

H. Res. 41. Resolution amending the Rules of the House of Representatives to establish a Citizens' Commission on Congressional Ethics, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

13. By the SPEAKER: Memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 340: to memorialize the President, the Congress of the United States, the Department of Defense, the Department of Veterans Affairs, and appropriate Federal agencies to take certain steps in response to the gulf war syndrome; to the Committee on National Security.

14. Also, memorial of the Senate of the State of Ohio, relative to Senate Concurrent Resolution No. 21: to urge the U.S. Congress, Governors of other States, and other State legislatures to support H.R. 1842 and other legislative initiatives to mitigate the economic warfare among the States that has resulted from the adoption of targeted business incentive programs; to the Committee on Government Reform and Oversight.

15. Also, memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 252 concerning a crude oil transportation pipeline through the west suburban Chicago region; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. Watts of Oklahoma.

H.R. 14: Mr. Shays, Mr. Stump, Mrs. Myrick, Mr. McCrery, Mr. Miller of Florida, Mr. Skeen, Mr. Pitts, Mrs. Kelly, Mr. Cramer, Mr. Metcalf, Mr. Jones, Mr. Ney, Mr. Boucher, Mr. Hefley, Mr. Taylor of North Carolina, Mr. Chabot, Mr. Sensenbrenner, Mr. Talent, Mr. Rogan, Mrs. Emerson, Mr. Goodling, Mr. Rohrabacher, Ms. Granger, Mr. Gallegly, Mr. Campbell, Mr. Cooksey, and Mr. Hayworth.

H.R. 17: Mrs. Clayton.

H.R. 18: Mr. Knollenberg and Mr. Minge.

H.R. 26: Mr. Barcia of Michigan, Mr. LaTourette, Mr. Norwood, Mr. Deal of Georgia, and Mr. Bishop.

H.R. 54: Mr. Kanjorski, Mr. Dellums, Mr. Horn, Mr. Hall of Texas, Mr. Solomon, Mr. Filner, Mr. Doolittle, and Ms. Roybal--Allard.

H.R. 69: Mr. Costello, Mr. Minge, Mr. Smith of New Jersey, and Mr. Wynn.

H.R. 76: Mr. Abercrombie, Mr. Ackerman, Mr. Barcia of Michigan, Mr. Bilirakis, Mr. Boucher, Mr. Calvert, Mr. Campbell, Mr. Clement, Mr. Collins, Mr. Costello, Mr. Davis of Virginia, Mr. Dellums, Mr. Ensign, Mr. Farr of California, Mr. Filner, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gejdenson, Mr. Gonzalez, Mr. Hefley, Ms. Jackson-Lee, Mr. Lewis of Georgia, Mr. McDermott, Mr. McHugh, Ms. McKinney, Mrs. Meek of Florida, Mr. Metcalf, Ms. Norton, Mr. Norwood, Mr. Parker, Mr. Pastor, Mr. Rahall, Mr. Saxton, Mr. Torres, Mr. Wolf, Mr. Young of Alaska, and Mr. Scarborough.

H.R. 93: Mr. Hunter.

H.R. 98: Mr. Stark, Mr. Kennedy of Massachusetts, Mr. Bereuter, Mr. Underwood, Ms. Norton, Mr. Martinez, Mrs. Maloney of New York, and Mr. LaFalce.

H.R. 125: Mr. Lipinski and Mr. Porter.

H.R. 127: Ms. Slaughter, Mr. Tiahrt, Mrs. Emerson, Mr. Canady of Florida, and Mr. Stupak.

H.R. 131: Mr. Bartlett of Maryland.

H.R. 145: Mr. Fattah and Mr. Poshard.

H.R. 169: Mr. HAYWORTH, Mr. SENSENBRENNER, Mr. HOSTETTLER, Mr. BALLENGER, Mr. MCINTOSH, Mr. QUINN, Mr. KIM, Mr. FOX of Pennsylvania, Mr. ENSIGN, Mr. PAPPAS, Mr. FOLEY, Mr. GOODLATTE, Mr. GALLEGLY, Mr. CRAMER, Mr. NEY, Mr. DUNCAN, Mr. PITTS, Mr. DEUTSCH, and Mr. SAM JOHNSON.

H.R. 200: Mr. WELDON of Pennsylvania, Mr. SHAYS, Mr. BEREUTER, Mr. SENSENBRENNER, Mr. NORWOOD, and Mr. CANADY of Florida.

H.R. 225: Mrs. THURMAN.

H.R. 235: Mr. YATES, Mr. TRAFICANT, Ms. NORTON, Mr. KING of New York, Mr. GUTIERREZ, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. DOYLE, Mr. DEUTSCH, Mrs. CLAYTON, Mr. MCNULTY, and Mr. BERMAN.

H.R. 279: Mr. MASCARA, Mr. ENGEL, and Mr. LIPINSKI.

H.R. 280: Mr. WATT of North Carolina, Mr. WELDON of Pennsylvania, Mr. FATTAH, Mr. DELLUMS, Mr. NEAL of Massachusetts, Mr. UNDERWOOD, Ms. CHRISTIAN-GREEN, Mr. GEJDENSON, Mr. BALDACCI, Ms. NORTON, Mr. FROST, Mr. FOGLIETTA, Mr. ABERCROMBIE, Mr. DAVIS of Illinois, Mr. RANGEL, Ms. LOFGREN, and Mr. TORRES.

H.R. 284: Mr. NADLER, Mr. MORAN of Virginia, and Mr. DELLUMS.

H.R. 285: Mr. UNDERWOOD and Mr. PARKER.

H.R. 286: Mr. PARKER.

H.R. 287: Mr. UNDERWOOD and Mr. PARKER.

H.R. 289: Ms. PELOSI, Ms. NORTON, and Mr. FOGLIETTA.

H.R. 292: Mr. INGLIS of South Carolina and Mr. TIAHRT.

H.R. 311: Mr. SHADEGG.

H.R. 312: Mr. LARGENT, Mr. METCALF, Mrs. EMERSON, Mr. ROYCE, Mr. WATTS of Oklahoma, Mr. MCKEON, Mr. BURTON of Indiana, Mr. NORWOOD, Mr. SMITH of New Jersey, and Mr. TIAHRT.

H.R. 331: Mr. DIAZ-BALART.

H.R. 350: Mr. NEY, Mr. EVANS, Mr. WAMP, Mr. TAYLOR of North Carolina, Mr. BEREUTER, Ms. LOFGREN, Mr. DOYLE, Mr. DUNCAN, and Mr. MILLER of California.

H.R. 371: Mr. SOLOMON, Ms. LOFGREN, and Mr. SABO.

H.R. 383: Ms. PELOSI and Mr. SMITH of New Jersey.

H.R. 386: Mr. BORSKI and Mr. SCOTT.

H.R. 399: Mr. SMITH of New Jersey and Ms. FURSE.

H.R. 408: Mr. MCHUGH, Mr. GREEN, Mr. BACHUS, Mr. TORRES, Ms. JACKSON-LEE, and Mr. ROGAN.

H.R. 415: Mr. LIPINSKI.

H.R. 423: Mr. PITTS and Mr. FATTAH.

H.R. 424: Mr. HORN.

H.R. 446: Mr. GALLEGLY, Mr. LATOURETTE, and Mrs. MYRICK.

H.R. 450: Mrs. KELLY, Mr. EHRLICH, Mr. STARK, Mr. DUNCAN, Mr. BISHOP, Mr. MCDERMOTT, and Ms. DUNN of Washington.

H.R. 466: Mr. FRANK of Massachusetts, Mr. GREEN, Mr. FLAKE, Mr. METCALF, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. RUSH, Ms. RIVERS, Mr. MANTON, Ms. NORTON, Mr. FATTAH, Mr. KENNEDY of Massachusetts, Mr. HEFNER, Mr. MASCARA, Mr. TOWNS, Mr. BONIOR, Mr. CARDIN, Mr. DOYLE, and Mr. GILMAN.

H.R. 475: Mr. WHITFIELD and Mr. SCARBOROUGH.

H.R. 484: Mr. HASTINGS of Washington, Ms. GRANGER, Mr. BURR of North Carolina, Mr. BOEHNER, Mr. TALENT, and Mr. HAYWORTH.

H.R. 491: Mr. MCHUGH and Mr. SCARBOROUGH.

H.R. 499: Mr. ARMEY, Mr. DELAY, Mr. ARCHER, Mr. SAM JOHNSON, Ms. GRANGER, Mr. BARTON of Texas, Mr. BRADY, Mr. THORNBERRY, Mr. COMBEST, Mr. SESSIONS, Mr. SMITH of Texas, Mr. PAUL, Mr. GONZALEZ, Mr. TURNER, Mr. HALL of Texas, Mr. EDWARDS, Mr. STENHOLM, Mr. GREEN, Mr. BENTSEN, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE, Mr. HINOJOSA, Mr. REYES, Mr. LAMPSON, and Mr. SANDLIN.

H.R. 543: Mr. KING of New York, Mr. CANADY of Florida, and Mr. LIPINSKI.

H.J. Res. 1: Mr. CANADY of Florida, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. PARKER, and Mr. WICKER.

H.J. Res. 2: Mr. CANADY of Florida.

H.J. Res. 8: Mr. STARK, Mr. BENTSEN, and Mr. GREEN.

H.J. Res. 19: Mr. SHAYS.

H.J. Res. 27: Mrs. MYRICK and Mr. LEWIS of Kentucky.

H. Con. Res. 10: Mr. TOWNS, Mr. ROYCE, Mr. BURTON of Indiana, and Mr. LIPINSKI.

H. Res. 28: Mrs. MYRICK, Mr. GRAHAM, Mr. PITTS, and Mr. LIPINSKI.

EXTENSIONS OF REMARKS

THE WOMEN'S HEALTH AND CANCER RIGHTS ACT OF 1997

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Ms. MOLINARI. Mr. Speaker, I would like today to introduce the Women's Health and Cancer Rights Act of 1997. This unprecedented legislation is not only critical for breast cancer patients, but also for all cancer patients.

Last year in the U.S., 182,000 women were diagnosed with breast cancer and 85,000 breast cancer patients received a mastectomy as part of their treatment—7,500 of which were performed in New York State. A similar survey found that 43 percent of the respondents had been denied coverage of followup reconstructive symmetry procedures and nearly 20 percent had been denied insurance coverage for revisions of an initial breast reconstructive surgery. These numbers are far too high and this denial of coverage must end.

Currently, many insurance companies are the sole decision makers in how long a breast cancer patient should stay in the hospital, without taking into account her individual needs or circumstance. In addition, these companies are frequently reluctant to pay for the initial breast reconstruction, as well as followup procedures because they deem reconstruction cosmetic. Ironically, insurance companies do not deny reconstructive surgery for an ear that is lost due to cancer. Insurance companies are simply not being sensitive to the needs of breast cancer patients, and this bill seeks to ensure a breast cancer patient's access to an appropriate hospital stay as well as reconstructive surgery.

There are few procedures which are of such a sensitive nature as mastectomies. Under the Women's Health and Cancer Rights Act, the patient in consultation with her physician, determines when it is medically appropriate to be discharged following a mastectomy. Rather than leaving the decision to insurance companies or even to Congress, this crucial decision is made by those personally involved. So if a woman is prepared mentally and physically to be discharged soon after the procedure, she may do so with her doctor's permission. This is also true in the case when a woman is not quite ready after several days. Patients should never be denied the opportunity to be covered by insurance in this frightening situation.

The Women's Health and Cancer Rights Act also ensures access to all stages of reconstructive surgery. Surgeons across the country have confirmed that the problems with reimbursement have grown worse in recent years as insurance companies become more cost-conscious. Women have been denied coverage for reconstructive surgery even in States where coverage for breast reconstruction was mandatory.

Finally, the Women's Health and Cancer Rights Act ensures that individuals diagnosed with any type of cancer have access to a second opinion, including one that may be outside of their health plan network. It is vital that an individual facing a potentially life-threatening disease, such as cancer, have the opportunity to consult a second physician and not the anxiety of whether or not it will be covered by their insurance.

Unfortunately, almost all of us have had a family member or known someone who has been hit by breast cancer— and frankly all women live with that fear. This bill is attempting to provide some sense of security that hospitals and medical providers are able to do the right thing. We will be able to claim success if we can minimize the pain, confusion, and trauma following a breast cancer diagnosis—and the Women's Health and Cancer Rights Act aims to do just that.

THE CITY CLUB OF SAN DIEGO: TWO REMARKABLE DECADES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. FILNER. Mr. Speaker, I rise today in recognition of the 20th anniversary of the City Club of San Diego.

Over the past 20 years, the City Club has become an integral part of San Diego—providing a public forum for nearly 500 programs presented in the highest public interest. These accomplishments have earned it the distinction as one of America's great public forums.

The President and Vice President of the United States have appeared before the City Club. On six occasions, the Governor of California has spoken. The list of speakers presented represents a remarkable variety of individuals and opinions, from Jerry Falwell to Gloria Steinem, from Maureen Reagan to Tom Hayden, from Tom Wolfe to Anthony Lewis. Local, State, and national elected officials, journalists, ambassadors, judges, authors, bank officers, media broadcasters, professors, business and sports figures, and others have presented their ideas in the forum of the City Club. The speakers represent rich and varied professions, philosophies, and political views. Senator JOE BIDEN returns for his 7th appearance as the featured guest of the 20th anniversary celebration on February 8, 1997.

In addition to the forums, the City Club has offered other special events: a national conference on immigration; another on press, libel, and American freedom; and a third on the state of our language. One of the City Club's most ambitious undertakings was a four-part series on leadership in San Diego, focusing on government, justice, finance, and the media.

City Club events have been covered on C-SPAN, the local PBS radio station, and cable television systems. A debate between Republican candidates for the U.S. Senate was carried statewide on cable TV.

The City Club has held fundraisers for other nonprofit organizations, including Habitat for Humanity, the National Conference of Christians and Jews, the San Diego Public Library, the United Negro College Fund, and the National Jewish Hospital. These efforts are notable, for it is highly unusual for one nonprofit organization to undertake fundraising for other similar groups.

A lighter side of the City Club includes holiday parties, whale watching trips, theater evenings, a trip to the Nation's Capital, and Aspen ski trips—featuring programs with outstanding speakers as well as time on the slopes.

George Mitrovich, the president of the City Club and prime mover behind its success, has stated: "The ability of any democracy to survive, even in the United States, depends in no small degree upon the wisdom of its people—a wisdom that public forums help instill."

This is the mission of the City Club: to present an arena where the best ideas might prevail. On the joyous occasion of its 20th anniversary, I am honored to publicly recognize and honor the accomplishments of the City Club of San Diego.

"ENNIS COSBY KNEW WORTH OF A HELPING HAND"—A COLUMN BY ROBERT SCHEER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. KUCINICH. Mr. Speaker, research studies indicate that learning disabilities affect about 15 percent of the American population. One of the most common learning differences is dyslexia, which makes it difficult for persons to read and understand the written word. Our Nation recently suffered the tragic loss of Ennis Cosby, a young man with dyslexia who was committed to using his influence and education to start a school for children with dyslexia. Robert Scheer, renowned author and contributing editor for the Los Angeles Times, has written a sensitive essay about how dyslexia affects even the most successful persons in our society. I commend this column to my colleagues.

ENNIS COSBY KNEW WORTH OF A HELPING HAND

(By Robert Scheer)

Properly credentialed and steady at my post in the press section at the president's inauguration, within shouting distance of the man himself, a witness to history surrounded by the most successful of my peers, I am, as so often before on such occasions,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

filled with fear. This time it makes me think of Ennis William Cosby.

Fear, not of the violence that took his life but rather the more mundane persistent and personal terror shared by all dyslexics over having to perform in conventional ways when your brain does not track quite that way. In my case today, it's the pressure to file properly spelled, cogently organized, grammatically correct copy, on deadline. Small potatoes to some, a horror to others. I'm not complaining, mind you. I made my claim to be heard, and the fact that you are able to read this means that with the aid of great teachers, computerized spelling checks and my wife, sons Christopher and Peter and friend Cara, all of whom are on line to protect me from the more egregious errors of syntax, I will be heard. But the fear never fully disappears.

It is a fear that young Cosby would have well understood, having devoted his life to working with kids with learning disabilities. It is a terror of failure, known keenly by those who, despite their ability and best efforts, flunked seventh grade. What we have in common, along with millions of others including my marvelous son Josh—who thrilled me by admonishing a smug Santa Monica school district special ed administrator to call it a "learning difference," not "disability" or "handicap"—is a conundrum of difficulties loosely labeled dyslexia. What we have in common is the fact that we learn differently than most folks because letters or numbers get scrambled, or we have small motor problems or we become confused under time pressure or are flustered in our efforts to conceptualize in ways that lend themselves to standardized tests. What we also have in common is the potential to excel.

In my time, in the public schools of the Bronx, no one knew of such complexity in the learning process. I was simply pronounced dumb and slow because I couldn't learn cursive writing or spell worth a damn and so was tracked to oblivion until a friendly science teacher discovered that I was good at physics and some other subjects if given half a chance. Since then, a great deal of progress has been made in recognizing and treating dyslexia, but even one from so privileged a background as Cosby went undiagnosed until college years. As he poignantly wrote, "The happiest day of my life occurred when I found out I was dyslexic . . . the worst feeling to me is confusion."

I have been thinking of young Cosby almost constantly since the news of his being gunned down off the San Diego Freeway not far from my home. The smiling optimism of his file photo burns into my brain and anger fills me that this young man's optimism spilled out wasted on the indifferent concrete of that freeway offramp. It's the same freeway my son Josh takes to a school called Landmark, where he has opportunities that could save the lives of so many others now tracked to state prisons and other societal markers of educational failure.

It was Ennis Cosby's dream to create a school for kids with dyslexia. "He wanted to make sure that kids who might not have the opportunity to have the help that he had would get it," his professor recalled. "So he did all he could to help poor kids." As I write help, it comes out hepl, and the reason I remain a bleeding heart liberal is that I think we all benefit when the cry for "hepl" is understood.

These are the thoughts that went through my frayed mind listening to the inauguration speech of William Jefferson Clinton, a guy who also came up the hard way but who was blessed with the saving grace of testing well. Clinton knows he benefited from the level playing field, and he will not compromise government's obligation to keep it level. But where he has failed is in reaching out to those who need a helping hand, as Jesse Jackson might put it, to be pulled from the quicksand of failure to the high ground of opportunity.

Those of us with dyslexia, and that ranges from Albert Einstein to Cher, have known that a helping hand spells the difference between pain and performance. Bob Dole, who pushed through the Americans With Disabilities Act, which has helped dyslexics enormously, knows that. If I had any moment of regret at the inauguration, it came with the sense that Clinton does not know what it means to flunk the seventh grade.

Ennis Cosby did. But despite that, he got a master's, was going for a doctorate and planning to start a school for dyslexic kids, making him—to use his father's words—my hero, too.

INTRODUCTION OF LEGISLATION TO END SUBSIDIES FOR THE TENNESSEE VALLEY AUTHORITY

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise to introduce with my colleague, Representative MARTY MEEHAN, a bill entitled the Tennessee Valley Authority First Step Reform Act.

Two weeks ago, Tennessee Valley Authority Chairman Craven Crowell asked Congress to eliminate its $106 million annual appropriation, so that the TVA can concentrate on its electricity business in preparation for upcoming energy deregulation. As a Federal agency since 1933, the Tennessee Valley Authority has provided the Tennessee Valley with flood protection, agricultural and industrial development, and electric power. Thanks to TVA's efforts, the economy of the Tennessee Valley has been greatly enhanced. However, as the TVA makes the transition to becoming an independent power producer, I congratulate the TVA for their recent initiative to eliminate its $106 million appropriation. This legislation would codify that request by ending all appropriations for the TVA after fiscal year 1998.

Second, this bill would order the Office of Management and Budget to provide an independent audit of the rest of the Federal subsidies enjoyed by the TVA, as well as a plan to completely wean the TVA off taxpayer subsidies.

Today, I am distributing to every Member of Congress a report that describes the TVA's direct and indirect government subsidies. These include over $1.2 billion in Federal and State tax exemptions, reduced borrowing costs, and exemptions from many Federal regulations that all other utility companies must obey. These subsidies allow TVA to provide cheap power to a select region subsidized at the expense of the taxpayers in the rest of the United States. This practice should not be allowed to continue.

As we move toward deregulation of the electric utility industry, these subsidies will give TVA an unfair advantage over the utility companies that pay taxes and are required to abide by State and Federal regulations. It is time we leveled the playing field. This legislation is the first step in making these reforms.

I urge my colleagues to cosponsor this legislation.

FLORIDA'S HEALTHY KIDS PROGRAM: A MODEL FOR THE NATION?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. STARK. Mr. Speaker, it is America's shame that 10 million children—mostly the children of working parents—do not have health insurance. Health insurance equals access to health care. Lack of access to health care equals increased deaths and diminished lives.

We must find a way to insure these children.

Florida has developed a program run through the schools that provides a comprehensive set of benefits for children for about $50 per month. The Robert Wood Johnson Foundation is giving $3 million in grants to seven other States to see if they can replicate Florida's success.

Following is material from the RWJ Foundation's "Call for Proposals" which describes the Florida program. I think that the Federal Government might look to this State example as a way it could quickly and efficiently reach most of the 10 million uninsured. If we used President Clinton's $500 tax credit idea with a program of school-based health insurance, we could obtain low cost but comprehensive insurance for millions of children without new bureaucracies or hassles.

I urge everyone to think how we could combine the Florida idea with Federal tax legislation to make new money available to end the national disgrace of 10 million uninsured children.

PURPOSE

Healthy Kids is a program designed to help states develop a comprehensive, affordable health insurance product for uninsured children. The program, initiated in 1988, provides grant funds to replicate a successful model in Florida that helps families that do not qualify for government aid—but that cannot afford private health insurance—buy health insurance for their children. Florida Healthy Kids is a subsidized insurance product sold through schools. School districts are used as a grouping mechanism to lower the cost of insurance for children, similar to the role employers play in providing group coverage to their employees.

Up to $3 million has been made available for the Healthy Kids replication program. Under this three-year competitive program, approximately seven states will be awarded grants. These include planning grants for states to develop their programs and implementation grants for those ready to proceed.

BACKGROUND

One child out of every seven in America does not have health insurance, according to a 1996 study by the Employee Benefits Research Institute. The number of uninsured children is increasing and current trends in private health care coverage and welfare reform threaten to accelerate the rate of increase.

The majority of Americans get their health insurance coverage from group insurance plans provided through their employers. Historically, covering a worker generally meant covering his or her children as well, but rising health care costs have begun to change that. Recent years have seen a drop in employer-provided dependent coverage (from 61 percent of children in 1988 to 54 percent in 1993). Additionally, many lower-wage workers cannot afford the higher costs of family coverage.

Expansions in state Medicaid programs were able to cover many children who otherwise would have been uninsured. But rising health care costs and recent changes in federal welfare rules have many experts predicting that further expansions will not be possible. The result of these two trends is that children are 40 percent more likely to be uninsured than adults. For children with medical problems, lack of insurance doubles their chance of not getting care.

Very few insurance companies offer policies only for children, but a model program, Florida Healthy Kids, has demonstrated that a children's insurance product has a place in the market. The feasibility of a children's school enrollment-based health insurance program was first explored in a 1988 University of Florida study and in a subsequent pilot program, jointly funded by the State of Florida and The Robert Wood Johnson Foundation. The program designed a children's insurance product and used school districts to group children into purchasing pools to make the product affordable. The product was sold to families who did not qualify for government aid, but could not afford private health insurance for their children.

Moving the insurance contract from the employer to the school district also enhanced the portability of coverage, especially for families with a child with a pre-existing condition.

A recent evaluation of the program found a 70 percent decrease in emergency room visits per enrollee. In 1995, enrollees had more than 110,000 primary care visits, more than 9,500 children were immunized and 719 children received eyeglasses. Teachers also reported improved attendance in school.

The Florida Healthy Kids model has two goals: create a comprehensive insurance product for school children and facilitate the provision of preventive care for children. The Florida program has the following components:

Eligibility: All children enrolled in school grades K–12 are eligible to participate in the program. Pre-school age siblings may also join.

Benefits: The benefits package emphasizes prevention and is designed specifically for children's medical needs. It features inpatient and outpatient care, including dental, vision, and mental health. There are no preexisting condition limitations and no medical underwriting. Co-payments are required for some services, such as emergency rooms, eyeglasses, office visits, and prescriptions. In each school district, insurance companies bid to participate in the program. To participate, companies must demonstrate that they have an adequate and accessible network of providers.

Role of the schools: Schools serve as the central institution within communities, fostering relationships between the local project, community leaders, and area business groups. Schools also verify student enrollment, distribute marketing materials and applications, provide parent outreach, enhance health education opportunities, and provide interpreters and translators for program activities and materials.

Financing: Premiums are covered by a combination of state and local/community funds, as well as family contributions based on a sliding scale. In Florida, the state contributes 25 percent, local/community funds comprise 40 percent, and families contribute approximately 35 percent of the premium. The state's initial contribution is higher, allowing communities to implement the program with minimal start-up contributions (approximately five percent). The state portion declines over time as the local match and program enrollment increases.

Administration: In Florida, the Healthy Kids Corporation facilitates the efforts of all the parties in each site. This state-funded, 501(c)(3) corporate entity, manages the contractual arrangements for billing and administration of the product, and manages the bidding process with insurers at each site. A private third party administrator (TPA) helps with initial eligibility determinations, and handles the enrollment functions by processing applications and collecting monthly premiums paid by the families. In addition, the TPA verifies continuing eligibility by checking monthly to see that program participants are not receiving any services through the state Medicaid program.

IN RECOGNITION OF JIM RATHBONE

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. RIGGS. Mr. Speaker, I rise today to recognize Jim Rathbone.

For over 44 years Jim worked for the U.S. Department of Agriculture in California. For the last 25 years, he has been the Program Director of Rural Housing Service based in Woodland, CA. In this job he has been responsible for the 502 Mutual Self-Help Home Ownership Program for California.

Jim was born and raised in Sonoma County and has a close tie to the north coast. Many of my constituents who have built their houses through the self-help housing effort in California have benefited from his work and labor. Hundreds of lower income families have become homeowners in California thanks to his efforts in making this program work. For many, realizing their dream of home ownership has changed their lives forever.

Jim did not overlook the importance of his position or isolate himself from the daily issues of his work. He has always been available and accessible to those with whom he worked in the rural communities throughout California. He was always responsive to individual situations—willing to listen and constantly trying to make the program work for families who do the work.

His dedication and committed service is best exemplified by his work ethic. I am told that you could find Jim's car outside his office from sunup past sundown, often working well into the evening.

Those of us concerned about the availability of affordable housing and home ownership for working families owe an enormous debt of gratitude to this man. He has surely helped a large number of families to participate in the self-help program and become homeowners. Jim's life-long work clearly demonstrates the importance of public service to our society. It also is a statement of how one person's work can make such a positive impact on so many others.

Thank you, Jim, for a lifetime of devoted service to the north coast and rural Californians.

TRIBUTE TO RICHARD E. VATTER AND LORETTA SMITH VISION AWARD RECIPIENTS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. MORAN of Virginia. Mr. Speaker, I rise today to recognize the charitable efforts of Mr. Richard E. Vatter, American Legion children and youth chairman and Loretta Smith, American Legion Auxiliary children and youth chairwoman. Mr. Vatter and Ms. Smith have been awarded the highest honor in the VISION [Volunteers In Service: Investing in Our Nation] program. Mr. Vatter and Ms. Smith are members of the American Legion. This organization was founded in 1919 with the mission to serve veterans and their families, the community, and the nation. In working to fulfill this goal Legion members donate a variety of resources to blood drives, Boys State, youth and adult athletic teams, educational scholarships, needy children, and veteran facilities.

Mr. Vatter and Ms. Smith are members of the American Legion Post 176 which has a 42-year history of good works in the Springfield community. Mr. Vatter and Ms. Smith were recognized for their work with the Spinoza buddy bear project. This project provides children who have chronic, life endangering, organ, mental, and emotional illnesses with a teddy bear that speaks. Mr. Vatter and Ms. Smith worked with the community and were able to procure 30 bears. This exceeded the expectations of the project and brought diverse elements of the Springfield community together to work toward this noteworthy goal.

Congratulations, Mr. Vatter and Ms. Smith. It is my hope that your good works inspire others to focus time and energy on those less fortunate. Best of luck in the future to both of you and may American Legion Post 176 enjoy a long and active life in the Eighth District of Virginia.

INTRODUCTION OF THE AMERICAN POLITICAL REFORM ACT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. FARR of California. Mr. Speaker, today I introduce the American Political Reform Act and am joined in that introduction by nearly 50 of our colleagues from around the nation.

Last night the President challenged Congress to pass campaign finance legislation and we are here to tell you today that we are committed to doing so.

This bill meets the basic principles of true reform:

First, fairness. This bill does not favor one party over the other or one candidate over another.

Second, reduce the influence of special interests. This bill includes PAC limits, limits on large donors and eliminates soft money.

Third, level playing field. This bill makes campaigns competitive by enacting spending limits, giving all candidates a similar footing for financing their races.

Fourth, access to the system by nontraditional candidates. This bill makes it possible for minorities and women to run.

We meet these principles through reasonable and fair changes in the law.

First and foremost, we cap spending.

There will be no sanity in politics until we bring spending under control and a spending cap is the first weapon in the arsenal of campaign finance reform.

Second, we reform the role of PAC money in the system. We reduce the individual PAC contribution and cap aggregate contribution levels.

Third, we reform the role of wealthy donors, including the ability for candidates to use their own money in their campaigns.

Fourth, we reform the role of soft money, essentially eliminating it, but allowing for grassroots operations at the State level among candidates of the same party.

Finally, we try to put the brakes on the massive expenditures of money in the political realm that are now unregulated, undisclosed and outside the law—independent expenditures.

We do this by requiring new levels of disclosure and by expanding the definition of express advocacy.

The legislation we introduce today is reasonable, achievable, and supported by the White House and the Democratic leadership.

It is the only legislation in the last Congress to get bipartisan votes.

If it could last year, it can again this year. My colleagues and I look forward to moving this legislation forward and meeting the President's challenge of presenting him with campaign finance reform by July 4.

HONORING THE OFFICERS AND CREW OF THE COAST GUARD'S CLEVELAND-BASED TUG "NEAH BAY"

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. KUCINICH. Mr. Speaker, members of the U.S. Coast Guard perform extremely valuable services for the American people, keeping our shorelines secure and safe from environmental damage. My district is proud to be associated with the Ninth Coast Guard District, the guardians of the Great Lakes. I commend to your attention a recent incident that demonstrates the tremendous contribution made by the officers and crew of Coast Guard units in that region.

On January 23, 1997, as windy and bitter cold weather swept across Lake Erie, the Coast Guard's Cleveland-based icebreaking tug *Neah Bay* was escorting a tanker vessel and a tug/barge combination, the *Donald C. Hannah*, from Toledo to Cleveland, OH. A cable connecting the *Donald C. Hannah* to the barge broke while the ships were passing through a heavy ice field. While the *Donald C. Hannah* stopped to make repairs, the tug and her barge became trapped. The tug and barge were at the mercy of high winds and powerful ice, in danger of running aground at a nearby island within 1 hour. The situation presented an extreme environmental threat because the barge contained more than 1 million gallons of heavy aromatic residual fuel oil.

The officers and the crew of the *Neah Bay* took quick action, declaring a search and rescue [SAR] emergency and assuming the role of on-scene-commander. The *Neah Bay* contacted other organizations, including Coast Guard Group Detroit and Air Station Detroit, MI, which dispatched helicopters that provided key information to help the ships. Because of the potential for a major oilspill, the Marine Safety Office of Toledo, OH, was brought in to review contingency plans and prepare for an oil spill. Working in a cooperative effort with the joint United States/Canadian response planning team, action was taken to protect the area, a major spawning ground for aquatic life on Lake Erie.

The *Neah Bay* broke an escape route in the ice and was able to keep the barge off the rocks long enough for the *Donald C. Hannah* to repair the broken cable. After 5 tense hours, the ship was broken free of the ice by the *Neah Bay*. The *Donald C. Hannah* and the oil-carrying barge were safely escorted to their destination by the *Neah Bay* and a sister ship, the *Bristol Bay*, who had been diverted from other escort duties.

Mr. Speaker, this is a story of bravery, cooperation between Government agencies under extreme circumstances, and a job well done. My district is proud to be the home berth of the *Neah Bay*. I take this opportunity to honor the officers and crew of the USCGC *Neah Bay*: Commanding officer, LCDR Frederick J. Sommer; executive officer, LTJG Richard J. Wester; CWO2 Charles Philpot; BMC Jeffrey P. Mallory; EMC Daryl W. Covington; MK1 Timothy J. Clancey; QM1 Jon R. Frederick; FS2 Michael S. Beaver; BM3 Dean M. Grass; EM3 Timothy P. Ostrander; EM3 Ariel Vazquez; MK3 Jefferson D. Clark; SN Kristopher R. Demetros; SN Duke A. Walker; SA Anthony J. Clark; SA Jeremy L. Farmer; FN Jason E. Henderson; and FA Daniel S. Manor.

KIRK JOHNSON HONORED AS EMPLOYEE OF THE MONTH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to congratulate and recognize Mr. Kirk Johnson who was recently honored as Employee of the Month at Integrated Tax System.

Mr. Johnson, who trains employees on tax codes, was commended by ITS for his excellent teaching skills, professionalism, and extensive knowledge. His trainees have praised him by saying, "The trainer created a relaxed atmosphere conducive to the exchange of information" and "The instructor was very educational and professional."

In addition to teaching, Mr. Johnson is the creator of the ITS Bulletin, which has proved to be very popular among ITS users around the State, and a quick reference card for ITS that is still in heavy demand.

Congratulations, Kirk, for your outstanding accomplishments in your profession and the recognition of that by ITS through the Employee of the Month Award. I am very proud of you, son.

INTRODUCTION OF A RESOLUTION TO REUNITE FAMILIES SEPARATED BY THE HOLOCAUST

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. FRANKS of New Jersey. Mr. Speaker, last summer I had the honor of being involved in a remarkable reunion between two siblings who were both Holocaust survivors, but who had been separated for over 60 years. Solomon and Rivka Bromberg were separated during the Holocaust, and neither had heard from the other since.

However, thanks to the resourceful work of younger relatives and Israel's Jewish Agency, these two Holocaust survivors were finally reunited in Israel in August after so many years. Solomon Bromberg's oldest son Michael had worked with the Jewish Agency to contact Sharon Feingold, the granddaughter of Rivka Bromberg Feingold. They then orchestrated a phone call between Solomon and Rivka and a formal reunion in person.

I became involved with this emotional saga only when the family began its search, which is still ongoing, for a third sibling, Abraham Bromberg, believed to be in the United States. Nevertheless, I had been very moved by the emotional reunion of Solomon and Rivka.

Today there are thousands of Holocaust survivors in Russia, Eastern Europe, the United States, Israel, and other nations who were separated from their families during the Holocaust and who may not know the fates of their relatives.

For this reason I introduced a concurrent resolution in the last Congress to urge the Secretary of State, foreign nations, especially

Israel, Russia, Poland, and other Eastern European nations, and organizations such as the Red Cross and Israel's Jewish Agency, to coordinate efforts to help reunite family members separated as a result of the Holocaust. Today, I am introducing this resolution.

If my colleagues could have seen the emotional reunion of the Brombergs, they would agree with me that these thousands of families deserve help in finding their own long lost relatives. With some additional effort by the State Department and the cooperation of other agencies and foreign governments, there can be thousands more happy reunions. Therefore, I urge my colleagues to support this legislation.

NEW JERSEY'S 11TH DISTRICT—PRIME RECRUITING GROUND FOR ACADEMIES

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, every year, more high school seniors from the 11th Congressional District trade in varsity jackets for Navy peacoats, Air Force flight suits, and Army brass buckles than any other district in the country. But this is nothing new: Our area has repeatedly sent an above-average proportion of its sons and daughters to the Nation's military academies for decades.

This shouldn't come as a surprise. The educational excellence of our area is well known and has long been a magnet for families looking for the best environment in which to raise their children. Our graduates are skilled not only in mathematics, science, and social studies, but also have solid backgrounds in sports, debate teams, and other extracurricular activities. This diverse upbringing makes military academy recruiters sit up and take note—indeed, many recruiters know our towns and schools by name.

Since the 1830's, Members of Congress have enjoyed meeting, talking with, and nominating these superb young people to our military academies. But how did this process evolve?

In 1843, when West Point was the sole academy, Congress ratified the nominating process and became directly involved in the makeup of our military's leadership. This was not an act of an imperial Congress bent on controlling every aspect of the Government. Rather, the procedure still used today was, and is, one further check and balance in our democracy. It was originally designed to weaken and divide political coloration in the officer corps, provide geographical balance to our armed services, and to make the officer corps more resilient to unfettered nepotism that handicapped European armies.

In 1854, Representative Geritt Smith of New York added a new component to the academy nomination process—the academy review board. This was the first time a Member of Congress appointed prominent citizens from his district to screen applicants and assist with the serious duty of nominating candidates for academy admission. Today, I am honored to continue this wise tradition in my service to the 11th Congressional District.

The Academy Review Board is composed of nine local citizens who have shown exemplary service to New Jersey, to their communities, and to the continued excellence of education in our area—many are veterans. Though from diverse backgrounds and professions, they all share a common dedication to seeing that the best qualified and motivated graduates attend our academies. And, as is true for most volunteer panels, their service goes largely unnoticed.

I would like to take a moment to recognize these men and women and to thank them publicly for participating in this important panel. Being on this board requires hard work and an objective mind. Members have the responsibility of interviewing upward of 50 outstanding high school seniors every year in the academy review process.

The nomination process follows a general timetable. High school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy once they become interested in attending. Information includes academic achievement, college entry test scores, and other activities. At this time, they also inform their Representative of their desire to be nominated.

The academies then assess the applicants, rank them based on the data supplied, and return the files to my office with their notations. In mid-December, our Academy Review Board interviews all of the applicants over the course of 2 days. They assess a student's qualifications and analyze character, desire to serve, and other talents that may be hidden on paper.

Last year, the board interviewed 32 applicants. Nominations included 10 to the Naval Academy, 17 to the Military Academy, 4 to the Air Force Academy, and 1 to the Merchant Marine Academy—the Coast Guard Academy does not use the congressional nomination process. The Board then forwards their recommendations to the academies by January 31, where recruiters review files and notify applicants and my office of their final decisions on admission.

It is both reassuring and rewarding to know that many of our military officers hail from our hometowns or close by. When we consider the role of these officers in peace or war, we can rest easier knowing that the best and brightest are in command. Wherever they are sent, be that Bosnia, Somalia, Haiti, or Vietnam, many of these officers have academy training.

And while a few people may question the motivations and ambitions of some young people, the academy review process shows that the large majority of our graduates are just as highly motivated as the generation before them. They still seek guidance from loving parents, dedicated teachers and schools, and from trusted clergy and rabbis. Indeed, every time I visit a school, speak at a college, or meet a young academy nominee, I am constantly reminded that we as a nation are blessed with fine young men and women.

Their willingness and desire to serve their country, is perhaps the most persuasive evidence of all.

ACADEMY NOMINEES FOR 1996—11TH CONGRESSIONAL DISTRICT, NEW JERSEY

Name	Hometown	High School	Academy
Evren Asral	Rockaway	Morris Hills	Military.
Brian Bergen	W. Caldwell	James Caldwell	Military.
Benjamin Blake	Chatham	Chatham	Naval.
Garrett Brougham.	Randolph	Randolph	Military.
Ryan Carr	Succasunna	Roxbury	Naval.
Matthew DelPreore.	Succasunna	Roxbury	Military.
Charles Emering, Jr.	Butler	Butler	Air Force.
Katherine Falato	Basking Ridge	Ridge	Military.
Geoffrey Frick	Lincoln Park	DePaul	Naval.
Kyle Grzymko	Andover	Lenape Valley Regional.	Military.
Michael Henke	Parsippany	Parsippany	Military.
Morgan Hock	Morristown	Madison	Military.
Janet Howson	Madison	Morris Catholic	Military.
Roger Knight IV	Pompton Plains	Valley Forge Military.	Military.
Charles Larsen	Hopatcong	Hopatcong	Military.
Adam Lusardi	Rockaway	Morris Hills	Military.
Newman Merton	Budd Lake	St. John's Mil	Military.
Christopher Moen	Pompton Plains	DePaul	Air Force.
Edmund Mooney	Kinnelon	Kinnelon	Naval.
Patrick Nelson	Hackettstown	Bridgeton Acad	Naval.
Todd Osborne	Morris Plains	Morristown	Naval.
Mary Paczkowski	Long Valley	West Morris Central.	Naval.
Daniel Powell	Califon	West Morris Central.	Naval.
Nicholas Ralanello.	Whippany	Morris Catholic	Military.
Thomas Rogers	Rockaway	Morris Knolls	Air Force.
James Schiess	Flanders	Mt. Olive	Air Force.
Thomas Tanis	Oak Ridge	Jefferson	Military.
Andrew Telschow	Succasunna	Roxbury	Merchant Marine.
Scott Trageser	Sparta	Sparta	Naval.
Christopher Wilkens.	Stanhope	Hopatcong	Military.
Jacob Williams	Basking Ridge	Delbarton School	Naval.
James Zhou	Livingston	Livingston	Military.

TED NUGENT: TALENTED, COMMITTED, PRINCIPLED

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. BARCIA. Mr. Speaker, the power of talent, coupled with impeccable standards of decency, energized by commitment to principle, emblazoned by actions to put feelings into fact, is the best way I can summarize the career of a man who has brought millions to their feet with a piercing beat that just won't let you stand still. That man is Ted Nugent.

Over his career, many have known him for the 28 albums he has produced, with over 30 million of them sold worldwide. His concerts—and he has had nearly 1,000 since 1990—continue to set sales records. His professional success has enabled him to do what he cares most about—provide support for young people through his involvement in the Drug Abuse Resistance Education [DARE], program and the Ted Nugent Kamp for Kids, where boys and girls learn about proper respect for wildlife, conservation, and hunting, as well as respect for one another. He also has consistently promoted his alcohol and drug-free lifestyle as a model for all young people, and has recently donated his time and talents to a statewide safety campaign, urging drivers to "buckle up and live."

Ted has pursued his devotion for the right of people to hunt through his award winning Ted Nugent Spirit of the Wild PBS video series, his never-ending media interviews on the subject, and his writings in Adventure Outdoors magazine.

For all of his efforts, Ted Nugent has received recognition that he truly deserves. He has received numerous commendations from State police, sheriff departments, the FBI, and other police agencies. In fact, he has been a Michigan County sheriff deputy since 1988. He has been named Man of the Year by the Michigan Recreation and Parks Association. He is a member of the Hundgun Hunters Hall of Fame. He has been inducted into the Native-American Strongheart Society by the Lakota Sioux, Northern Cheyenne, and Arapaho Tribes. He has served as the keynote speaker at numerous events including the Governor's Symposium on North American Hunting Heritage in Wisconsin, and the Native-American Fish & Wildlife Society National Conference in Anchorage, AK. He has served on numerous organizations within Michigan, such as the Michigan Year of the Family Council, the Hunting and Fishing Heritage Task Force, and the Michigan State Parks Foundation, and has been named Archery Commissioner for the Great Lakes State.

Mr. Speaker, if anyone ever asks you what Ted Nugent wants, tell them he wants kids to grow up strong. He's wants hunting and conservation to be recognized for the reasonable and responsible activities that they are. He wants people to keep their constitutional rights. He wants to preserve a way of life that is the best in the world. I urge all of our colleagues to join me in thanking Ted Nugent for all that he does to make America a better place.

TRIBUTE TO DAVID A. LATHERS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. LEVIN. Mr. Speaker, I rise today to recognize David A. Lathers, a dedicated teacher, principal, and community activist on the occasion of his retirement after 45 years of service to the Utica community schools. Since the fall of 1973, and the opening of Henry Ford II High School in Sterling Heights, David Lathers has served as principal.

During his 24 year stewardship of Henry Ford II High School, David Lathers has been an advocate of strong professional standards and high student expectations. His efforts and encouragement have resulted in a number of academic success stories and innovative pilot programs at Ford II. The Far Eastern Institute, a Japanese language, history, and culture course was developed, piloted and resulted in a sister school program with Japan. The first commercial food program and commercial art programs in the district were developed at Ford II. In 1985, Henry Ford II High School was awarded the State Exemplary School Award, the first school in Macomb County to receive this award. And more recently, in 1996, the Ford II marching band was selected to perform in the Rose Bowl Parade.

His commitment to the community has been equally impressive. David Lathers was instrumental in organizing a Kiwanis Club in Sterling Heights, establishing KEY Clubs at Ford II and Eisenhower High Schools and serving as a board member and vice-president of the West Macomb Y.M.C.A.

In 1993, colleagues from the Michigan Association of Secondary School Principals recognized David's tremendous contributions by naming him the outstanding principal of the year.

And so, Mr. Speaker, while we reflect on the passing of an era for Henry Ford II High, we commend David Lathers for his lifetime commitment to the community, school district, and thousands of students upon whose lives he has made an impact. I extend my sincerest wishes for a healthful, rewarding, and productive retirement.

THE PTA: A CENTURY OF SERVICE TO OUR CHILDREN

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize one of the most time-honored and revered organizations in our Nation today. February 17, 1997 will mark the 100th birthday of the Parents and Teachers Association, known more widely as the PTA.

Formed on February 17, 1897, PTA was initially known as the National Congress of Mothers. Credit for the initial concept of this world-renowned organization has been ascribed to Alice McLellan Birney, a mother of three children whose husband practiced law in Washington, DC. Joining Ms. Birney in this historic undertaking was Phoebe Apperson Hearst, widow of the late U.S. Senator George Hearst. Ms. Hearst always reminded her audiences that "there could be no lasting improvement in human welfare other than through education."

Another name synonymous with the early formation of the PTA is that of Selena Sloan Butler. Ms. Butler founded the National Congress of Colored Parents and Teachers in Atlanta, GA, in 1926. The National Congress of Colored Parents and Teachers merged with the National Congress of Parents and Teachers in 1970 and formed what is now our present day PTA. The enormous contribution of Ms. Butler is equally notable this month as we also celebrate Black History Month across our Nation. Mr. Speaker, today we honor an organization that supports and speaks on behalf of our children.

PTA assists parents in developing the skills they need to raise and protect our children. It encourages parent and public involvement in the public schools of this Nation.

On February 17, 1997, PTA chapters across this land will celebrate Founders Day, which honors the legacy of PTA.

I therefore ask my colleagues on both sides of the aisle, to rise and salute the PTA, the leading child advocacy organization in our Nation.

COMMENDING THOSE WHO VOLUNTEERED FOR MASSNET DAY

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to commend the 4,000 volunteers, including labor union members and trademen, and over 100 businesses who donated their time and energy to wire the schools in my district and across Massachusetts to the internet.

On October 26, 1996 the first in a series of MassNet Days was held. I am proud to say that it was an enormous success involving over 400 schools in Massachusetts.

MassNetworks was initiated because, despite a wealth of high-tech companies, Massachusetts ranked 49th among the 50 states in networked classrooms and 45th in modem lines installed.

MassNetworks has a component of which I am especially proud. Teacher training and development has been recognized as being as important as the wiring or hardware. Educating teachers, improving their skills, and showing them how to utilize the internet as part of the curriculum is vital to the success of putting all of our schools on the information highway.

Imagine a history class in Watertown that is able to take a tour of the battlefields of the Civil War, or a science class in Boston seeing photographs of Jupiter. This can help make learning come alive.

The future of our country rests on the shoulders of our youth. If they are well educated and able to continue to learn throughout their lives, then the United States will continue to be the world leader.

Again, I want to thank all the people in Massachusetts who donated time, energy, and materials to make our schools a better place for our kids.

Mr. Speaker, I also want to thank the gentlelady from Texas for organizing this special order and for all her hard work on behalf of the children of our Nation.

HONORING DAVID A. FORD

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. ENGEL. Mr. Speaker, I speak today of David Ford, a man I am happy to call a friend and a confidant—a man I am proud to know. He has served his community faithfully and well and it is with no little sorrow that I note his retirement as leader of the Democratic Party of Mount Vernon.

When he came to Mount Vernon the Democratic Party was virtually nonexistent. He is leaving us with a vibrant and dominant party that has elected the first African-American mayor of a New York State city and the first African-American assemblyman from Westchester County. I went to Mount Vernon in 1992 when it was made part of my congressional district and I have never been sorry. It is rare to find someone who can be such a good friend and still give such wonderful advice.

David is married to the former Eula Gadson and they have four children and four grandchildren. For the past two decades he has served as commissioner of Mount Vernon's board of water supply, a position which does not begin to tell the breadth of his involvement in his city and community. Among his honors are being named YMCA Man of the Year and a life member of the Mount Vernon NAACP. His abilities have attracted people from throughout Westchester County and the State seeking his guidance and counsel.

David has made not only his city better but the time we live in. His wisdom and leadership have made us better than we would have been. Even with his retirement as leader of the Democratic Party, I look forward to sharing in that wisdom of many years to come.

IN RECOGNITION OF FRELINGHUYSEN TOWNSHIP ELEMENTARY SCHOOL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Frelinghuysen Township Elementary School in Warren County, NJ, for its innovative and creative techniques of teaching young people about our Nation's history and culture.

On January 25, students at Frelinghuysen Elementary staged an inaugural ball with the theme "Presidents Past and Present." This formal evening of music, dance, and food included fifth- and sixth-grade students dressed as each of our 42 Presidents and their wives. The students presented mini-museums and speeches depicting the lives of the Presidents they portrayed. Period-appropriate dance music ranged from the Minuet for Presidents Washington and Jefferson to the Macarena for President Clinton. Approximately 250 parents, teachers, veterans, students, and VIP's attended.

This event was more than just a one-time affair. It was the culmination of the school's thematic enrichment program—an 80-minute weekly class for the fifth and sixth grades that uses hands-on techniques to make history and culture exciting and students eager to learn.

"The goal of our political enrichment theme this year is to not only provide a strong education in government and politics but to inspire the students to develop an interest and appreciation in our country," school officials said in the invitation to the inaugural ball. "We are developing the educated voters of the future."

The class is run by fifth-grade teacher Sue Hocking and sixth-grade teacher Patricia Meyers under the supervision of Chief School Administrator Eugene Cioffi. About two dozen parents were actively involved in this year's event, organized by volunteer parent coordinator Rene Jensen, mother of a sixth-grader.

The class began 3 years ago with World War II as its theme, prompted by the 50th anniversary of the end of the war. Students worked with the World War II Commemorative Society of the Department of Defense to put on a Flag Day celebration with local veterans and elected officials. They planted a victory garden, learned dances and music of the era, and ended the class with a USO dance.

Last year, medieval history was the theme as students studied knights and castles. A medieval fair complete with jousting and a banquet marked the end of the class. Students played human chess with children as chess pieces on the school gym floor, redone with huge black and white square to make a chess board. Mr. Cioffi was dubbed "King Eugene III" and his freedom ransomed when kidnaped by an opposing kingdom.

In preparation for this year's inaugural ball, students staged a mock election between President Clinton and former Senator Bob Dole. (Dole won 79–73.) In other preparation and research, local Lincoln expert Joseph Garrera organized a display to help students understand the Civil War President.

For the remainder of this year, the class will study archeology. The school's victory garden has been seeded with objects and will be the site of an archaeological dig in the spring.

The thematic enrichment class is not the only innovative program at Frelinghuysen Elementary.

In the Families Read Every Day Program run by first-grade teacher Linda Banta, students take home a book each night to read with their parents, then receive scrip-like awards in class the next day that can be saved up to buy prizes from a classroom store.

At a Valentine's Day tea, fifth- and sixth-graders will be visited by senior citizens who will discuss their favorite Presidents in an interactive, intergenerational learning process.

The school has begun a Native American Cultural Center by building an authentic teepee in the schoolyard and teaching classes about native American culture inside. A second teepee and a bark lodge are planned for the future.

Frelinghuysen Elementary was one of several schools in Warren County that recently joined together to purchase "Star Lab," an inflatable, portable planetarium that allows students to learn about astronomy at their own school from their own teachers.

A buddy program pairs kindergartners with fifth-graders as mentors and lunch partners.

All of this is even more impressive when you consider that Frelinghuysen is one of the smallest school systems in our State. With 171 students in kindergarten through sixth grade, it is a single-school school district. Beyond sixth grade, students go to North Warren Regional Middle School and North Warren Regional High School. Chief School Administrator Cioffi wears the dual hats of principal and superintendent, guiding a staff of 13 full-time and three part-time students, plus a nurse and librarian.

These accomplishments clearly show that adults who care—teachers and parents alike—count far more than money in delivering a quality education. These teachers and parents are the heroes, mentors, and role models who hold up the historic value of public education in America. They are an excellent example of a community working together to develop and educate our citizens of tomorrow. Citizen involvement has made America the leader in democracy around the world and their work will keep us in the forefront.

DALLAS AREA STUDENTS RECEIVE AWARDS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to congratulate students from my district for their outstanding accomplishments.

Ten students were awarded 4-year scholarships which range from $4,000 to $25,000 by Texas A&M University as part of its incoming class. The scholarship winners are Richard D. Weaver, Jr., of Carter High School; Julie A. Contreras of Irving High School; Tatiana Alexander of Kimball High School; Edward N. Brown, Jr., and Crystal D. Caldwell of South Oak Cliff High School; Paul L. Andres, John P. Broadnax, and Elizabeth A. Flotte of Talented and Gifted Magnet High School; Kaushawn P. Hicks of Townview Magnet Center; and Martha R. Wilson of Booker T. Washington High School for the Performing and Visual Arts.

In addition, Leaksha Dunn, a senior at James Madison High School in Dallas, took top honors in the Dallas County Historical Commission's Heritage Education Essay Contest for her treatise on "James Thibodeaux, a Living Legend in South Dallas." Leaksha won $50 from the commission and $500 for the high school's history department.

The hard work and dedication of these students is admirable. Congratulations students, and good luck in all your pursuits.

PROVIDING PORTABILITY FOR MEDIGAP ENROLLEES

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, in the last session of Congress, we passed important legislation giving Americans access to portable insurance coverage regardless of their health status. We did it by enacting the Health Insurance Portability and Accountability Act.

This new law, however, did not extend these same protections to our senior and disabled constituents who are on Medicare. No senior should be forced to live in fear that unexpected medical bills will deprive them of financial independence.

That is why I am introducing, along with 30 of my colleagues, a portability bill for the millions of senior citizens who supplement their Medicare coverage with private insurance. An estimated 10 million senior citizens, one-third of the total number of seniors on Medicare, rely on medigap coverage to meet important health needs. Medigap insurance typically pays for prescription drugs, skilled nursing care, and out-of-pocket deductibles. Without medigap, seniors can face tough choices between paying their medical bills and meeting daily critical needs. And that is a choice they should not be asked to make.

My legislation provides four important protections for seniors and the disabled. First, it will protect seniors with Medigap insurance who move out of their plan's service area or whose plan goes out of business. This bill guarantees that those seniors will be able to purchase another plan with comparable coverage even if they have a history of severe illness. This means that seniors who relocate to other States can do so without the fear that they will not be able to secure comparable insurance coverage.

In addition, my bill provides Medicare beneficiaries who choose to enroll in a Medicare HMO the security that they will be able to return to their Medigap plan if they are not satisfied. They can utilize this option anytime within the first year of their enrollment.

Third, my bill will help provide security for seniors who lose their employer-provided retiree health benefits. In this era of high bankruptcies and more and more companies withdrawing or reducing health coverage for retirees, this legislation will guarantee that retirees will always have access to insurance coverage beyond Medicare, even if they have had serious health problems.

Finally, this bill will extend to disabled Medicare beneficiaries equal access to all medigap plans. This is an important assurance considering the high medical bills that people with disabilities face.

We took significant steps last Congress with the Health Insurance Portability and Accountability Act. Let us not forget those who did not benefit from those vital safeguards. Let us protect the millions of senior citizens who rely on Medigap policies.

INTRODUCTION OF LEGISLATION TO RELINK BLIND TO EARNINGS TEST

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to introduce legislation to restore fairness to the Social Security earnings test for blind individuals. Since 1977, the linking of the blind to senior citizens for the purposes of the earnings test has assisted in helping many blind individuals become self-sufficient, and more productive members of society. This is no longer the case. That important link was broken in 1996. While senior citizens will be afforded greater opportunity to increase their earnings without losing their Social Security benefits, the blind, however, will not have that same chance.

Blindness is often associated with adverse social and economic consequences. It is often difficult for blind individuals to find sustained employment or for that matter employment at all. The blind want to work and take pride in doing so. Our action in 1977 provided a great deal of hope and incentive for the blind population in this country. Now is not the time to roll back two decades of success. I urge my colleagues to support this important legislation to restore fairness to the Social Security earnings test.

TRIBUTE TO MAX LYON AND KARL MUEGGLER

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Ms. HARMAN. Mr. Speaker, I rise today to mourn the loss of Max Lyon and Karl Mueggler, two constituents of mine who were both tragically killed in an avalanche during a skiing trip to Utah earlier this month.

Max and Karl will be missed by many, especially by their students at the Chadwick School in Palos Verdes. Max served as the school's outdoor education program director since 1990 and was nationally known for his work in teaching youngsters about nature. Karl was an outdoor education instructor since 1991 and worked with Max to keep Chadwick students in touch with our environment.

Max and Karl touched the life of every Chadwick student. Whether it was on one of their kayak trips to Baja California or on one of their rock-climbing adventures in Joshua Tree, Max and Karl taught Chadwick youngsters how important it is to preserve and protect our environment. Max and Karl understood that unless today's children take an active role in environmental protection, future generations will never be able to enjoy our country's outdoor heritage.

In the words of Nathan Reynolds, Chadwick's headmaster, "Max and Karl taught so many of us to better love and appreciate the world. They affected us all. We are the better because they touched our lives."

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in extending heartfelt condolences to the Lyon and Mueggler families.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF HON. FRANK TEJEDA, REPRESENTATIVE FROM THE STATE OF TEXAS

SPEECH OF

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 4, 1997

Ms. SANCHEZ. Mr. Chairman, I rise today to extend my deepest condolences to the family and loved ones of my colleague, Representative FRANK TEJEDA who passed away on January 30, 1997. Although I did not have the privilege of meeting Representative TEJEDA, I would like to join my colleagues in honoring this American hero.

Congressman TEJEDA leaves a legacy of dedication, hard work, and devotion to his community. He will remain a role model for the youth and Hispanics for many years to come. And as a freshman Member of Congress, I will miss his leadership, and his advice on how to better serve my constituency and the Nation.

He was a dedicated citizen, serving in the Marine Corps and defending our Nation during the Vietnam war. He was a dedicated educator, receiving degrees from St. Mary's University, Berkeley, Harvard, and Yale.

Congressman TEJEDA was also a dedicated public servant, serving 10 years in the Texas State Legislature and 4 years in Congress. I am very proud of his achievements and contributions to our country. His passing is a great loss for our community.

AN AMERICAN DREAM COME TRUE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. FRANK of Massachusetts. Mr. Speaker. One of the most important organizations I have had the privilege to work with is the American Dream Challenge, a committee of the Citizens Scholarship Foundation of Fall River, MA headed by Dr. Irving Fradkin, which has spread across the Nation and which helps young people go to college. I have been privileged to introduce Dr. Fradkin's work to various officials of the Federal Government, and I have been pleased—although not surprised—when they have responded very favorably when they learned about it. Dr. Fradkin has spent considerable time recently working with elementary schools and the results have been as a I expected, extremely gratifying. I ask here that I be allowed to share with my colleagues examples of the response the American Dream Challenge has received from faculty and students in the elementary schools. I think it is useful for people to read the pledge of the American Dream Challenge which children are asked to take, and the responses to this program from two 4th grade teachers from Fall River, and from students in the Fall River schools.

THE PLEDGE OF THE AMERICAN DREAM CHALLENGE

I am very pleased to accept this award, honor, and scholarship.

In accepting this award, I pledge to continue to do the best that I can in school and make the most of this valuable tool offered to me—my education.

I promise to respect my teachers and classmates, giving an effort to learn about and appreciate their religious and ethnic backgrounds.

I further pledge, in accepting this award, that I will not be involved in any way with the use of illegal drugs.

I will not resort to the use of weapons of any kind to resolve differences with others.

I will volunteer to perform service for my community whenever possible.

I will continue to do everything within my power to be a caring and responsible citizen of my school, my community, and my country—proud to be an American.

WM. J. WILEY SCHOOL,
Fall River, MA, January 13, 1997.

DR. IRVING A. FRADKIN,
American Dream Challenge Awards Committee,
Fall River, MA.

DEAR DR. FRADKIN AND MEMBERS: As we enter the new year, I'm extremely anxious to begin the fourth year of your scholarship program. I am most delighted that your American Dream Challenge has met with so much success. It was an excellent idea to initiate this program at such an early age; I believe that it makes a tremendous impact on the future successes of so many fourth grade students of the Fall River. Let me share with you just how your scholarships have affected the lives of three of my students.

Sharon was my first recipient; one could not find a brighter student. However, she was often consumed by a timidity that limited her abilities. When she learned that she was chosen as the winner, she acquired such pride and confidence that it is still with her today.

In 1995, Natalie was chosen as a finalist and she could not wait to hear the results of your essay contest. She, too, was a bright student and a most imaginative writer. However, she lacked a feeling of belonging because she had only come to America from Ireland one year earlier. When she discovered that she had been chosen as the '95 recipient, she beamed with pride! She was now truly an American with a future that could not be brighter. Her entire family attended the ceremony.

Finally, let me tell you about Meghan. She, too, was a bright girl. However, unlike Shannon and Natalie, she was not a good student. She lacked consistency, focus, and confidence, but I could see a light in her that many could not see. She loved to read and was full of imagination. I stressed with her the importance of this essay, and how it might affect her entire life. She wrote her essay with an intensity that I had not previously seen. When I read her composition, I could tell that she would be my next recipient. She changed that day, and actually started to reach her potential. She was eventually declared the winner, and her attitude changed toward learning.

In summary, I'd have to say that your program does definitely make a difference, and I'm proud to be part of it. One can only dream of the changes this can create in a child. It just might help that child rise above the pressures of drug abuse, sexual promiscuity, or even teenage pregnancy. Thank you for your interest in the youth of Fall River. You are making a positive impact on their lives with a difference that should surely affect the future of Fall River.

Very truly yours,

SUSAN LANYON,
4th Grade Teacher.

THE AMERICAN DREAM CHALLENGE: A BLUEPRINT

The American Dream Challenge Program Committee is a dynamic, dedicated group of individuals who are working for a common good and unified goals. Their exceptional talents, dedication, and commitment are certainly felt within our educational system and our community.

What a Herculean task this is! The American Dream Challenge Group Volunteers countless hours so that positive attitudes, ethics, and enthusiasm can regenerate in this depressed area and can begin with our youngest elementary students.

The concept of encouraging our students to do their very best, take charge of their lives, and stay in school is emphasized so magnificently by the Committee. The American Dream Challenge Group awards scholarships to elementary school children who are urged to put forth their best effort and make a difference in their school, their neighborhood and eventually give to their community.

With the American Dream Challenge we can feel the necessity for our students to strive for decency, and get back to basics in their lives.

Today we need more programs like the American Dream Challenge with interested, concerned citizens volunteering with our youth and building better citizens and adults for tomorrow.

Thank you Dr. Fradkin and the American Dream Challenge Committee for including me and my students in a worthwhile endeavor.

Congratulations American Dream Challenge Committee and Dr. Irving Fradkin on a mammoth undertaking and a commendable start. The principal at C.V. Carroll School, Mr. Edward Campion, pledges his support for this program and encourages his staff to participate and pledge for future years.

BETSY COREY,
4th Grade Teacher.

WEAVING DREAMS—FOURTH-GRADERS TELL WHY TO STAY IN SCHOOL

Here's a sample of some of the essays written by Fall River fourth grade students who won American Dream Challenge scholarships in this year's program:

EDUCATION FOR ENVIRONMENT

My education can help me make a difference by helping other people. With different education, people can help in different ways: for an example, you can become a doctor, you can help people get well or become a policeman or woman to help your community be safe. These are just a few of the thousand things your education can help you do. You can help the earth by becoming a scientist and study the earth and the sea. By that you can help all the earth, which will help all the animals that will make the earth a better place to live. Or be president and make peace with other countries. The most important thing is to stay in schools. Some kids think it's cool to get out early, but it's not! There's always more to learn. Stay in school. It's cool!!—Michelle Prevost, Dominican Academy.

HELPING CHILDREN WILL MAKE A DIFFERENCE IN THEIR LIVES, OTHERS

In my life I want to help children who need somebody to talk to. I hope I can do this because I want to be known as someone who helps children. I want to prove to myself and others that I can make something of myself. I am very lucky to have a second chance in life, because I am adopted. I will use my education to help children who are not as fortunate as I am. I want to let them know there are people out there who care about them. I can do this with a good college education.

This is my dream. I want to become a children's psychologist or a counselor so I can make a difference in another child's life, and mine.—Anne Bryant, St. Jean Baptiste School.

MAKING FRIENDS WITH ONE ANOTHER

A good education will help me become a better person by making friends. In school we learn to care about one another. I can make friends easy but I have to see if they have a good attitude or bad one. I can just walk up and talk to a lonely friend, tell them a little idea about our country and they can tell a little about their country. I like to make friends. I made a lot of Cambodian friends and American ones too. Some of my friends make me mad and I just walk away, but they will come back and say sorry. Then we become friends again. I like to be friends and have the friendship last a long time. I can share with them, that's an easy thing to do. When I grow up I want to go to college. I hope I pass college so that I can be a nurse.—Rany Say, Laurel Lake School.

WINNING SPOT IN STATE HOUSE COULD HELP FIGHT AGAINST VIOLENCE

I think that if I have a good education, that maybe I could work in the state House and help to make up non-violent laws to help a lot of people in the United States. If I do make it to the state House as a representative, I would make strict laws about guns. I would allow them to be sold only to people with the proper license for them. I would not allow pocket knives to be sold to anyone under 20 years of age and they would have an identification card with them. With the help of a really good education and a good job, I would be able to help keep many citizens of the United States safe to walk the streets and safe in their homes because only responsible people would be carrying guns and knives. I would also make more laws such as having many more police officers on the street, and they would be checking for illegal weapons and making sure no one was carrying weapons without a proper reason or identification.

I would also make very strict laws about people who injure people with guns and knives. They would be put in jail for seven years and if they did it again, they would be in jail for double the time. If they killed someone, they would be in jail for the rest of their lives. So if I can get a good education and job in the state House, I could probably make many non-violent laws so that by the time I am 57 the United States will be so peaceful and safe and we might not need prisons or jails. Hopefully I can make a violent-free home for me and my family and friends.—Shauna Williams.

RESPONSE TO GEN. DENNIS J. REIMER'S SUGGESTION THAT SEX-SEGREGATED TRAINING RETURN TO THE MILITARY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as we enter the 21st century, it is unacceptable for men to use human nature and sexuality as an excuse for sexual crimes and gender discrimination.

We cannot regress two decades of advancement for women based on the inability of some who cannot control their sexuality. Harsh disciplinary procedures must be enacted in order to ensure that women have a fair and equal opportunity to serve this Nation.

The separation of the sexes is not a solution to the problem. Rather, General Reimer's suggestion is a slap in the face to men because it suggests that men operate solely on animal instinct.

Additionally, General Reimer's suggestion increases the problem because if men are rarely in an environment with women, they will never know how to interact with them. It is time for women to be treated as equal peers of men, and not as sexual objects.

HONORING JOHN C. DOULIN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. GILMAN. Mr. Speaker, I am pleased to report to our colleagues that a most remarkable American is going to be honored later this week.

The Catholic War Veterans Post No. 386 in Orange County, NY, is paying tribute to John C. Doulin, their oldest living World War I veteran and one of the few remaining World War I veterans in Orange County.

Jack, who is now 97 years young, enlisted in the U.S. Army on April 8, 1918, and was soon thereafter shipped to France with Company "D", 1st Pioneer Infantry. He participated in the Aisne-Marne campaign, and the Oise-Aisne, and Meuse-Argonne offensives.

After the armistice, Jack returned to his hometown of Newburgh, NY, and joined the New York National Guard. In 1921, this unit was transformed into the 132d Ammunition Train. In April 1924, it was again ordered to reorganize into a 75mm-artillery regiment. This new unit was designated the 156th Field Artillery. John Doulin remained in service with these units until July 22, 1931.

When America entered the Second World War, Jack returned to service with the 56th Regiment of the New York Guard, with whom he served until peace in 1945.

In later years, Jack Doulin remained—as he has always been—an outstanding community leader, involved in many causes. As an active member of the Republican Committee, he continued the struggle which he fought on the bloody battlefields of France so many years earlier: the fight for democracy, for good government, and for a free, just society.

Jack had a special interest in getting young people involved in politics. During the 1960's, many of our young people became disenchanted with our system. Jack waged a one-man crusade to counter this dangerous trend. With his tales of his experiences in what he always sardonically called "the war to end all wars," he painted a vivid portrait for our young people of just how much was sacrificed by so many so that we can all be free.

In the 1960's, John Doulin was appointed adult adviser to the Teenage Republicans in his hometown, and in this role displayed compassion, understanding and respect for our young people which unfortunately is often rare, and which was greatly appreciated by our young people who came to love him.

My press secretary, who received his start in politics listening to Jack Doulin's vivid discourses on what has made our Nation great and what responsibilities we all have to keep it great, has often told me that Jack was a major influence on many of his generation who remain activists to this day.

I urge my colleagues to join in congratulating John C. Doulin on the occasion of this long-overdue tribute, and in extending our best wishes to his daughter, Jeanne Doulin Leo, his son, John, Jr., and his grandchildren. It must be gratifying for them to realize that many of us admire the remarkable patriarch of their family.

INTRODUCTION OF WELDON RESOLUTION REAUTHORIZING A CITIZENS' COMMISSION ON CONGRESSIONAL ETHICS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to reintroduce a resolution to reform ethics oversight in the House of Representatives.

This measure would establish a 14-member Commission on Congressional Ethics composed of private citizens, while eliminating most responsibilities of the House Committee on Standards of Official Conduct. The resolution would grant the Commission power to investigate Member and staff ethics violations, sit and hold hearings, subpoena as authorized by the House, and report and recommend actions to enforce ethics to Committee on Standards of Official Conduct. Not only will this remove Members' conflict of interest in policing their colleagues, but it will give people a hands on role in shaping all the administrative operations of the House. The best way to reform the People's House is to get more of the people involved.

The American people want change and are demanding reform. It is time for us to act. This measure is not a complete solution to the public confidence crises, nor the last word of reform in this body. But it is a positive step in the right direction.

The recent investigation of the Speaker by the House Ethics Committee demonstrated the conflict of interest and the difficulties that will arise when Members must police each other. I believe this resolution will enable the process to work more effectively.

During the 104th Congress we made great progress in the area of institutional reform. This legislation will enable us to continue that reform and to strengthen America's trust in their elected representatives. I will press for adoption of this proposal in the House. I look forward to the support of all Members in this body.

CELEBRATING 50 YEARS OF THE UNIVERSITY OF ST. THOMAS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor the University of St. Thomas in Houston, TX, for 50 years of excellence. As an alumnus, I am proud of the many contributions the University of St. Thomas has made to education and to our community.

Fifty years ago, the University of St. Thomas became the first independent, coeducational Catholic Basilian college in the United States. Rev. Vincent J. Guinan presided over a freshman class of only 40 students and a faculty of 8. Since then, the university has grown over fortyfold, with an enrollment of 2,500 students and 200 faculty.

But the University of St. Thomas has not just grown in enrollment, it has grown in importance. It is recognized as one of the top regional universities in the country, offering a curriculum—from accounting and finance, to philosophy and theology—that attracts top students from around the country and around the world. The Cameron School of Business, opened in 1980, leads the way in teaching Houston's future business elite.

Over the past 50 years, the University of St. Thomas has flourished because of its commitment to not only education, but to the community. St. Thomas enriches Houston through a number of free lectures, exhibits, concerts, and seminars—all open to the public. Through these events, the University of St. Thomas has forged bonds to the community that can never be broken.

The University of St. Thomas has also led our community in architectural excellence. The main academic complex built in the 1960's is among the first works by world renowned architect Philip Johnson, who later designed much of the Houston skyline. It is only fitting that as St. Thomas achieves its half century mark that a new Johnson work, the Chapel of St. Basil, will close out the complex.

As a member of the class of 1982, I take great pride in commemorating 50 years of achievement at the University of St. Thomas. The people who have made St. Thomas what it is deserve our praise and our thanks.

The community's pride in the University of St. Thomas is reflected in the following editorial printed in the January 30 Houston Chronicle.

UST—FROM AN ACORN ON MONTROSE TO A SPLENDID UNIVERSITY

Since its humble founding 50 years ago, the University of St. Thomas has contributed much to the Houston community.

Nationally recognized as a top regional institution and one of the best buys in higher education, the University of St. Thomas has been the source of a fine education for thousands of students with its small classes and quality professors.

But it has been more than just a university of Houstonians. It also has given cultural and intellectual enrichment to the community through its numerous public lectures, concerts and exhibits.

Fifty years ago the Basilian Fathers, with the help and hard work of a group of dedicated laymen and laywomen, founded the university on Montrose Boulevard as an independent, coeducational Catholic institution of higher learning. The freshman class numbered 40. There were only eight faculty members. Today the University of St. Thomas has an enrollment of 2,500 students and 200 faculty. It offers 33 fields of study with a core curriculum in philosophy, theology, the humanities, social sciences, mathematics and science. The campus has grown to 22 acres, but the original building, the historic Link-Lee mansion, is still used.

A special dedicatory Mass on Friday marks the beginning of the university's 50th anniversary commemoration.

From a small acorn, a thriving university has grown, nourished through its commitment to instill a love for truth in its students.

Bricks and mortar do not make a university. People do. So as the University of St. Thomas begins commemorating its 50th anniversary, Houstonians should say well done to all the men and women who have made the university the splendid place and community asset that it is.

IN AN EFFORT TO SETTLE A PARTISAN SCORE, THE HOUSE SETS A DANGEROUS PRECEDENT

HON. SUE MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mrs. MYRICK. Mr. Speaker, I fear that the passage of the resolution reprimanding Speaker GINGRICH has opened a Pandora's Box that may ultimately threaten the very integrity of this noble institution. While I support the report of the Committee on Standards of Official Conduct and the reprimand, I feel that the monetary reimbursement is excessively severe and sets a dangerous precedent in the name of political expedience. It will mean that only the wealthy will be able to afford to serve in office.

There is a problem that should be of greater concern to all of my colleagues. The ethics process is in dire need of reform. We must all come together and create a swift, efficient, and fair new process. If we fail in this endeavor, the American people will slip even farther into the apathy that has gripped our political system for too long.

ENGLISH MUST BECOME OUR OFFICIAL LANGUAGE

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. STUMP. Mr. Speaker, the notion that our Government should address all citizens in English and encourage all citizens to learn the language seems simple common sense. This is the primary reason that when the issue has been voted on in statewide referendums, it has not lost. California, Florida, Colorado, and my own State of Arizona have all chosen to make English their official State language. The bill I am introducing today, the Declaration of Official Language Act, follows State governments and localities in designating English as the official language of our Federal Government. It has the strong support of citizen organizations such as English First and the Veterans of Foreign Wars as evidenced by their letters of endorsement I have included for the RECORD.

Not only do many American people generally agree on the matter, but so do our Nation's immigrants and language minorities. The Latino National Political Survey data released on December 15, 1992, shows Hispanics, even recent immigrants, speak English and want their children to learn English. Hispanics agreed by more than 90 percent that U.S. residents should learn English to take full advantage of the services afforded to them. As these immigrants know, English is the language of opportunity in America.

Unfortunately, our Federal Government encourages official bilingualism. The practice of producing Government documents in multiple languages assumes that being given translations of official Government documents easily helps those who do not speak English. This logic goes against what bilingual individuals know all too well. Providing a word-for-word translation of anything between two languages is often impossible.

One area that this is most evident is in bilingual voting. The Voting Rights Act requires localities with populations over a certain proportion of the population to provide all materials in the language(s) of the affected populations, even if the language does not have a written form. This opens the door to fraud and misrepresentation of issues by interpreters. Inaccurate bilingual voting materials are a costly burden on State and local governments, and is neither effective nor a low cost method of ensuring anyone's right to vote.

Nothing in my legislation prevents a State, locality, political party, or individual from providing multilingual voting assistance. Localities will be free to adopt the approach that serves their constituencies best. Given that bilingual ballots have been both inaccurate and expensive, other approaches might be more helpful.

Multilingual Government services such as these are simply too costly in a nation in which more than 320 languages are spoken. It only makes sense to designate one common language for all official Government business. That is why I am introducing this important legislation.

It is time the Government came to the same conclusion as the rest of the American people: English should be our official language. English has enabled this Nation to be something unique in history, a true Nation of immigrants. English is the language of future opportunity for all our Nation's citizens. Official English is really just common sense.

NAZI SS MEMBERS IN THE UNITED STATES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to bring a very serious and troubling affair to the attention of my colleagues. Several news reports, over the last couple of days, have uncovered an incredible story: The German Government is giving pensions to over 3,000 former members of the Nazi Waffen SS Corps, living in the United States. Not extraordinary in and of itself, because these men receive their pensions as a result of their military service during World War II, yet the question that begs answering is: How many of these individuals might be war criminals? The outrage in this matter, is that the German Government may never have bothered to check.

At this same time, there are many Holocaust survivors—Catholics, Jews, and others living in the United States and elsewhere in the world—who have received very little in the way of compensation, and even scores of surviving victims who do not receive anything from the German Government. After the horrors and suffering they were forced to endure during the war, how can we allow this additional measure of indignation?

Apparently, many of these former SS members were able to enter the United States, and eventually gain citizenship, by falsifying their identities and lying about their wartime activities. Many of them, however, have been living in the United States for years now, some boldly with the same names, the same identities, the same blood on their hands.

Mr. Speaker, there is no excuse for that, and it is simply unacceptable. Yesterday, I sent letters to German Chancellor Helmut Kohl, President Clinton, and Attorney General Janet Reno, asking that they obtain the names of these Nazi pensioners, and release them to the proper American Government agencies, in order to fully investigate the possibility of war criminals in our midst. There must be a full accounting. Yes, many of them are old, frail men, who have lived peacefully in their respective neighborhoods for decades. Did they show the same respect for the millions in Europe who also were old, frail, and living their lives peacefully? I think we all know the answer to that question.

Thanks to the hard work of the Justice Department's Office of Special Investigations, as well as some other prominent organizations, we are beginning to uncover a trail of Nazi war criminals among us. In fact, the OSI is finding and prosecuting Nazis at the rate of one per month. It is imperative therefore, that we have all the necessary information at our disposal, so that we can continue to bring these murderers to justice. They have eluded the authorities, and the moral outrage of their deeds, for over 50 years now, but we will no longer allow that to continue. I strongly urge my colleagues to join me in this endeavor, so that we may finally honor the memories of the Nazis' victims. Everyday, more and more Holocaust survivors leave this Earth, while their former tormentors continue to live on, having never been held accountable for the horrible deeds of the past. It's simply time to act now. Therefore, I call on the Government of Germany to work with us in addressing and resolving this issue once and for all—for the survivors, for the victims, and for the future. They need to do the right thing.

CURTIS W. MEADOWS, JR., RECEIVES JONSSON ETHICS AWARD

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to congratulate the first recipient of the J. Erik Jonsson Ethics Award, Mr. Curtis W. Meadows, Jr.

On October 22, 1996, Southern Methodist University's Cary M. Maguire Center for Ethics and Public Responsibility presented Mr. Meadows this award for his commitment to philanthropy and to serving the needs of the Dallas community. Mr. Meadows was president and director of Dallas' Meadows Foundation, one of the largest community foundations in the United States, for 18 years between 1978 and 1996. The Foundation, created by Mr. Meadows' uncle Algur H. Meadows nearly 50 years ago, has made over $300 million in charitable contributions to benefit health, education, arts and culture, civic and public affairs, and human services programs throughout Texas.

Mr. Meadows has served on the boards of the National Council of Foundations, the Conference of Southwest Foundations, the Dallas Bar Foundations and on the advisory boards of more than 40 nonprofit organizations including the Dallas Citizens Council, Habitat for Humanity, and the Suicide and Crisis Center. He has served on the building committees for the Dallas Museum of Art and the Museum of African-American Life and Culture, and has participated in the Mayors Task Force on Homelessness.

To be the first recipient of an award named for Mr. J. Erik Jonsson is a great honor indeed. Mr. Jonsson was a mayor of Dallas from 1964 to 1971, and under his leadership, a number of public buildings including the Dallas/Fort Worth International Airport, city hall, and the Dallas Public Library were constructed and improvements to the city's public schools were made. Both Mr. Jonsson and Mr. Meadows have demonstrated the public virtue that this Ethics Award represents. Congratulations, Mr. Meadows, and thank you for all that you have done for Texas.

HONORING SAM NUNN

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. LEWIS of Georgia. Mr. Speaker, today I am introducing legislation that would designate the Atlanta Federal Center as the Sam Nunn Federal Center, in honor of the former Senator from Georgia.

I believe we all recognize the tremendous accomplishments of Sam Nunn during his service in the U.S. Senate. Senator Nunn is one of the true statesmen of that body and is a source of pride to Georgia. Since my election to Congress in 1986, I have had many opportunities to work with Senator Nunn on several issues and often benefited from his experience and support during the time that we served together.

Since his election to the Senate in 1972, Senator Nunn has served the State of Georgia with honor and dedication. Senator Nunn worked to become the Senate's foremost expert on national security and international affairs. Senator Nunn served 8 years as the chairman of the Senate Armed Services Committee and retired as the ranking Democrat on both the Armed Service Committee and the Permanent Subcommittee on Investigations.

I have dedicated much time and effort in support of the Atlanta Federal Center. When Georgia Gov. Zell Miller approached me and asked my support for naming the Federal Center after Senator Nunn, I thought the dedication a fitting tribute to Senator Nunn. For these reasons, I will work to see that the Federal Center soon bears the name of our former Senator, Senator Sam Nunn.

GIVE FANS A CHANCE ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. BLUMENAUER. On Sunday, January 26, the Packers won the Superbowl. When they returned home to Green Bay, their fans stood in freezing temperatures for hours to catch a glimpse of their heroes.

The Packers aren't an ordinary football team. Their fans aren't ordinary fans. And their community isn't an ordinary community—because 1,915 residents of Green Bay and other "Packer Backers" own their football team. The Packers are a vital part of the glue that holds the Green Bay community together.

Together, these fans saved the team from bankruptcy. They have plowed profits from 175 consecutive sellouts directly back into the Packers. They cheered their team to 11 consecutive championships—and this year's Superbowl.

The Green Bay Packers are unique, because NFL rules prohibit any more public ownership of teams.

Other communities should be able to invest in their own livability—to define what the community wants of, and for, itself. Other communities should be able to own the local sports team.

That's why we should give fans a chance to own their teams by: Eliminating league rules against public ownership of teams; requiring teams to listen to their fans and the community before moving—a requirement which is found in existing league rules, but seems to receive little real attention; and tying the leagues' broadcast antitrust exemption to the requirements in this bill. This congressionally granted benefit allows teams to collaborate on the purchase of national broadcast time. The NFL earned $1.2 billion on broadcast rights last year.

This bill doesn't do anything new or radical: It will allow more ownership structures like the Packers, the Boston Celtics, and the Florida Panthers. It will ensure that the leagues follow their own rules when it comes to making decisions about team relocations, and it will ensure that the sports leagues do not squander the benefits they have gained under the sports broadcasting anti-trust exemption.

Community ownership strongly encourages fan loyalty, financial stability, and strong TV audiences at a time when fan loyalty is being tested by franchise moves. It is in the long-term, best interest of any professional league. More importantly, it is in the long-term interest of the communities who support them.

I urge my colleagues to give fans a chance by supporting this legislation.

SUMMARY: GIVE FANS A CHANCE ACT

Sec. 1: This Act is called the "Give Fans a Chance Act". Its purpose is to give communities the tools to invest in their own livability by allowing them to purchase their home sports team.

Sec. 2: Allow Public Ownership of Teams

Purpose: To allow more communities the opportunities Green Bay, WI, has to own their professional sports team. In addition, to help the leagues by stemming the tide of loyal fans who are no longer glued to their TV sets or stadium seats to watch their favorite teams. Football fan loyalty is being tested by franchise moves and a proliferation of sports on specialty cable channels. If those fans had a chance to own their own teams, they would invest more time and money into their future.

Description: No professional sports league (football, hockey, or basketball) may have a rule, policy, or agreement that forbids any public ownership of teams, either by the general public or by any governmental entity.

Penalty: If the League ignores this provision, it will lose its sports broadcast antitrust exemption. The antitrust exemption allows teams to collaborate to sell broadcast rights, thus increasing their value dramatically.

Expected Impact: The NFL is the only league that has specific rules forbidding public ownership of sports teams (NFL Ownership Policies para. 2). The NFL earned $1.2 billion as a result of the sport broadcast anti-trust exemption in the 1995–1996 season.

Sec 3: Relocation of Teams

Purpose: To require teams to consider the needs and interests of their communities in making relocation decisions.

Description: Requires a professional sports league, in considering whether to approve or disapprove the relocation of a member team, to take into consideration several criteria; Fan loyalty; the degree to which the team has engaged in good faith negotiations concerning terms and conditions under which the teams would continue to play its games in the home territory; the degree to which ownership of management of the team has contributed to a need to relocate; the extent to which the team benefits from public financing, either federal, state or local; the adequacy of the stadium in which the team played its home games in the previous season and the willingness of the community to make changes; the current financial standing of the team; whether there is another team in either the home community or the community to which the team will seek to locate; whether the community is opposed to the relocation; and whether there is a bona fide investor offering fair market value to purchase the team and keep it in the home community.

Expected Impact: All of the sports leagues will be expected to use these criteria in evaluating the movement of member teams. These criteria closely track current NFL policies under Section 4.3 of the Constitution and By-Laws (adopted in 1984). Case law since the adoption of these policies suggest that these criteria help bolster the NFL's ability to evaluate franchise moves without running afoul of antitrust law.

Sec. 4. Opportunities for Communities to Purchase Team

Purpose: To give communities a real opportunity to purchase their team.

Description: This section requires that a team proposing to relocate give the affected home territory 180 days notice of the proposed move. During the 180 days notice period, a local government, stadium, arena authority, person, or any combination may present a proposal to retain the team in the home territory. The local community may also develop a proposal to induce the team to stay without actually purchasing the team. As noted under section 3, both the team and the league are required to carefully consider any proposals, and, if an ownership bid is successful, the league may not oppose membership in the league based on the new ownership structure. The team owner must provide a written response to the offer, stating in detail any reasons why the offer was refused.

Penalty: If the team and/or the league refuse to abide by these provisions, they will lose the antitrust exemption under the Sports Broadcasting Act.

Expected Impact: All Sports Leagues will be required to give communities an opportunity to purchase a home team in the case of proposed relocations.

INTRODUCTION OF THE WOMEN'S HEALTH AND CANCER RIGHTS ACT OF 1997

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mrs. KELLY. Mr. Speaker, I rise today to introduce the Women's Health and Cancer Rights Act of 1997, comprehensive legislation that guarantees coverage for inpatient hospital care following a mastectomy, lumpectomy, or lymph node dissection—based on a doctor's judgment, requires coverage for breast reconstructive procedure, including symmetrical reconstruction, ensures a second opinion for any cancer diagnosis, and offers significant physical protections from inducement or retribution.

I want to first thank my colleagues in both the House and Senate that have worked so diligently on this legislation. Senators D'AMATO, SNOWE, and FEINSTEIN, as well as Representatives SUSAN MOLINARI and FRANK LOBIONDO, are all part of this effort to restore the ability of doctors to practice sound medicine and to restore compassion and dignity to the treatment of breast cancer patients.

So why introduce this bill? I'll tell you why. Tragically, some women who must undergo mastectomies, lumpectomies or lymph node dissections for the treatment of breast cancer are rushed through their recovery from these procedures on an outpatient basis at the insistence of their health plan or insurance company in order to cut cost. Other insurance companies cut cost by denying coverage for reconstructive surgery because they have deemed such procedures cosmetic. Ironically, they do not deny reconstructive surgery for an ear lost to cancer. We must understand that self-image is at stake at a time when optimism and inner strength can be the difference between life and death.

Furthermore, this bill requires coverage of second opinions when any cancer tests come back either negative or positive, giving all patients the benefit of a second opinion. This important provision will not only help ensure that false negatives are detected, but also give men and women greater peace of mind.

Now, to be clear, all insurance companies are not so insensitive as to not provide these benefits and, therefore, all will not be affected by this legislation. but we have a responsibility to protect the doctor-patient relationship, ensuring that the medical needs of patients are fully addressed.

Everyone has heard that one in nine women will be diagnosed with breast cancer at some point in their lifetime. Well, one of those women is my sister. So I know a little something about the horror that accompanies this disease and the personal anxiety of living with the disease.

My sister and her experiences have made me realize that we should have no greater priority than empowering those with breast cancer the right and ability to play an active role in the management of their treatment. It is our obligation as leaders to ensure them that their medical treatment is in the hands of physicians, not insurance companies. It is a profound injustice when health care forgets about the patient, yet with regard to mastectomy recovery and breast reconstruction following a mastectomy, that is just what has been done.

Let's put the reality of this disease in perspective. When a woman is told that she has breast cancer, the feeling that immediately follows the initial denial is lack of control. Our bill is a patient's bill aimed at providing patients, in consultation with their physicians, a greater degree of autonomy when deciding appropriate medical care and, therefore, taking back control of their lives.

More than 2½ million women in America today are living with breast cancer. These women are our sisters, mothers, daughters, wives, and friends. This dreadful disease now strikes over 180,000 women per year and that figure does not even include the additional 20 percent a year who have preinvasive cancers. Devastatingly to the families involved, it is estimated that more than 44,000 women will die of breast cancer this year.

But all the news is not grim. Overall breast cancer mortality declined 5 percent between 1989 and 1993 due to increased mammography screening and improved treatments such as mastectomies, lumpectomies, and lymph node dissections.

There is no doubt that we have the medical know-how to fight breast cancer. The question is do we have the commitment it takes.

As long as we send a woman home 12 hours after losing a part of herself with no compassion and no support, then the answer is no.

As long as breast reconstruction is deemed cosmetic, then the answer is no.

As long as false negatives are acceptable and we, therefore, abandon a patient unknowingly in need, then the answer is no.

As long as we fail to come to the defense of doctors who are persecuted for practicing sound medicine, then the answer is no.

Passage of the Women's Health and Cancer Rights Act would demonstrate what we are lacking—the commitment to fight breast cancer and stand up for those who are suffering.

In closing, I am pleased that President Clinton emphasized the importance of this legislation in his State of the Union Address last night. It is nice to have the administration behind this critical legislation.

TRIBUTE TO YVONNE MARIE TAYLOR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. TOWNS. Mr. Speaker, I rise today to acknowledge the untimely death of Yvonne Marie Taylor, who passed from this life much too quickly. She was the late wife of LeBaron Taylor.

Yvonne Taylor was born May 1, 1943 in Detroit, MI to her loving parents, Charles and Eldora Ridley. She was reared in a strong Christian environment and her faith guided her every action. A graduate of Northwestern High School in Detroit, she subsequently attended Central State University.

After returning to her native Detroit, she met and married LeBaron Taylor. During their 29-year marriage she was a faithful and loyal spouse. Yvonne was the consummate mother, unceasingly dedicated to her two children, Eric and Tiffani.

Talent and a commitment to hard work were the hallmark of Yvonne who worked as the administrative director of the Black Entertainment and Sports Lawyers Association. Her community and civic affiliations included membership in the South Jersey Chapter of Links, Inc., and For Women Only.

A member of Bethel AME Church in Moorestown, NJ, Yvonne Taylor maintained strength and faith even during her most trying days. May the memory of her bright spirit sustain her family and friends.

KEEPING FOREIGN MONEY OUT OF AMERICAN CAMPAIGNS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Ms. KAPTUR. Mr. Speaker, news stories about fundraising during the 1996 Presidential campaign focused increasing national attention on the overwhelming need for campaign finance reform, and particularly the role of foreign money in U.S. campaigns.

The problem indeed is money. During the 1996 election, candidates for all Federal offices spent approximately $1.6 billion. That's "B," as in billion. The pressure to raise huge sums of money is so intense that some candidates from both parties, apparently have started looking abroad for new sources of campaign contributions.

Since 1990, no matter which party controlled Congress, I have sponsored legislation that would ban foreign contributions to candidates for Federal office. Today, I'm reintroducing the Ethics in Foreign Lobbying Act of 1997.

My bill has three major points:

First, only U.S. citizens could contribute to Federal campaigns.

Federal law already purports to prohibit direct or indirect contributions by foreign nationals in U.S. elections. In fact, section 441e of the Federal Election Campaign Act [FECA] states:

> It shall be unlawful for a foreign national directly or through any other person to make any contributions of money or any other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

This provision was enacted in response to longstanding congressional concern over foreign influence in American elections. Though this language appears to be locktight, many loopholes permit foreign influence on U.S. elections, many foreign entities are not covered by the statute, and there is a lack of enforcement of the law. Congress must strengthen and make sure the law is fully enforced.

Second, foreign-controlled companies would be prohibited from contributing to Federal elections through the PAC's of their U.S. subsidiaries.

My bill would prohibit contributions from PAC's sponsored by corporations that are more than 50-percent foreign owned, as well as contributions from PAC's sponsored by trade associations that derive 50 percent or more of their operating funds from foreign corporations.

Foreign citizens are already prohibited from contributing to U.S. political campaigns. Yet, every year foreign interests spend millions of dollars to influence the American political process. This money often comes in the form of political action committee contributions from foreign-controlled corporations or their trade associations. Just as foreign individuals are prohibited from contributing to U.S. campaigns, so should be PAC's that are controlled by foreign corporations and trade associations, for, in fact, under U.S. law, corporations are considered persons.

Due to a loophole in the FECA, American subsidiaries of foreign-owned companies may operate PAC's—the only restriction being that the PAC cannot solicit funds from foreign nationals or permit them to be involved in the policymaking decisions of the PAC. Consequently, many of the world's largest foreign multinational corporations and financial institutions contribute to U.S. campaigns through their U.S.-based subsidiaries. Through the creation of these foreign-sponsored PAC's, foreign companies can thus assert their influence on the U.S. election process—and on U.S. policy.

Consequently, administration of the FECA law has created a confusing system whereby it is illegal for individual foreign nationals to make political contributions, yet legal for foreign-controlled or foreign-owned corporations, subsidiaries, and trade associations to contribute, expend funds, and influence U.S. elections. The Federal Election Commission [FEC] through its advisory opinions has twice voted to exempt PAC's representing U.S. subsidiaries of foreign-owned or controlled corporations, as long as the PAC's are funded and operated by Americans. The FEC has asked Congress to enact legislation clarifying this issue, but Congress, to date, has refused to do so.

Third, contributors would be required to disclose the percentage of foreign ownership.

The data collection and clearinghouse responsibilities section of my bill is one of its most important aspects, because of the current difficulty in identifying the activities of foreign nationals and corporations. The FEC has no coherent system for tracking the millions of dollars spent by foreign interests and their PAC's on lobbying the U.S. Government. The current, disjointed data collection system provides a veil of secrecy over how and where foreign interests spend their money.

My bill would make this mysterious and inadequate process both more transparent and more accountable—without requiring new reporting. My bill would merely add an extra line to the statement of organization that is currently required by the FEC. PAC's controlled by corporations would be required to state the percentage that the corporations are foreign-owned, and PAC's sponsored by trade associations would be required to state the percentage of their operating fund that is derived from foreign-owned corporations. In addition, it would require that all data collected by Federal agencies on foreign campaign contributions and foreign agents, as well as any testimony before the Congress regarding the interests of a foreign principal, be sent to the FEC.

Most important, my bill would make the disclosure of related expenditures available and visible at a central source by creating a clearinghouse for data that is currently collected, but is scattered among various Government agencies, including the FEC and the Department of Justice.

In establishing a clearinghouse, we would create a greatly needed central point for collecting information. Most of the information is already available, but it is housed in a myriad of Federal agencies and offices. Bringing the information together under one roof will provide the Government, the Congress, and the public with improved access to the data. The timing requirement for reporting conforms with the quarterly reports required in the 1946 Foreign Lobbying Act. The reporting requirements place the burden of reporting the percent of foreign ownership on the PAC's themselves, with penalties for noncompliance.

The United States is one of very few countries that allows foreign interests to contribute to its campaigns. Most of our major trading competitors—for example, China, Japan, South Korea, Thailand, Malaysia, and Mexico—all strictly forbid foreign campaign contributions. There is no reason why the United States should be any different.

In the interest of protecting our sovereignty and maintaining a political system that reflects the will of the American people, the United States since 1938 has attempted to restrain the ability of foreign governments, individuals, organizations, and corporate entities to influence our domestic political system. By amendment, first to the FARA and later to the Federal Election Campaign Act [FECA], the United States has sought to prevent campaign contributions and expenditures by foreign interests.

There is no reason to allow foreign money to influence our elections or permit foreign interests to buy access to our elected lawmakers and thereby put their imprint on public policy in this country.

Mr. Speaker, clearly the time for campaign finance reform has come. Our system needs to be fixed. We must eliminate foreign money from our political system once and for all and regain sovereignty in our election system, which is the cornerstone of our democracy.

This time Congress must act and must get it right.

NATIONAL MENTAL HEALTH IMPROVEMENT ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. STARK. Mr. Speaker, today I am introducing the National Mental Health Improvement Act of 1997. This bill will provide parity in insurance coverage of mental illness and improve mental health services available to Medicare beneficiaries. It represents an urgently needed change in coverage to end discrimination against those with mental illness and to reflect the contemporary methods of providing mental health care and preventing unnecessary hospitalizations.

My bill prohibits health plans from improving treatment limitations or financial requirements on coverage of mental illness, if similar limitations or requirements are not imposed on coverage of services for other health conditions. The bill also expands Medicare part A and part B mental health and substance abuse benefits to include a wider array of settings in which services may be delivered. It eliminates the current bias in the law toward delivering services in general hospitals by permitting services to be delivered in a variety of residential and community-based settings. Through use of residential and community-based services, costly inpatient hospitalizations can be avoided. Services can instead be delivered in settings which are most appropriate to an individual's needs.

In 1993, as a nation, we spent approximately $67 billion for the treatment of mental illness and another $21 billion for substance abuse disorders. Medicare expenditures in these areas for 1993 were estimated at $3.6 billion or 2.7 percent of Medicare's total spending. Over 80 percent of that cost was for inpatient hospitalization.

In addition to the direct medical costs associated with the treatment of mental illness, there are significant social costs resulting from these disorders. Treatable mental and addictive disorders exact enormous human, social, and economic costs—individual suffering, breakup of families, suicide, crime, violence, homelessness, impaired performance at work, and partial or total disability. It is estimated that mental and addictive disorders cost the economy well over $300 billion annually. This includes productivity losses of $150 billion, health care costs of $70 billion, and other costs, e.g. criminal justice, of $80 billion.

Two to three percent of the population experience severe mental illness disorders. Many more suffer from milder forms of mental illness. Roughly 1 out of 10 Americans suffer from alcoholism or alcohol abuse and 1 out of 30, from drug abuse. This population is very diverse. With appropriate treatment, the mental health problems of some people can be resolved. Others have chronic problems that can persist for decades. Indeed, there are those who battle mental illness their entire lives. Mental illness and substance abuse disorders come in many forms and include many different diagnoses as well as ranges in levels and duration of disability. Still, these disorders do not have full parity in coverage by insurance plans.

In the last congressional session, parity in the treatment of mental illness was a widely and hotly debated issue. The final version of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 included Title VII—Parity in the Application of Certain Limits to Mental Health Benefits. This represents a start in creating solutions to address a problem that has been ignored far too long. But it's not enough. The act essentially states that if a health insurance plan or coverage does not include an aggregate lifetime limit on substantially all medical and surgical benefits, the plan or coverage may not impose any aggregate annual or lifetime limit on mental health benefits. Additionally, in the act, "mental health benefits" refers to benefits with respect to mental health services, as defined under the terms of the plan or coverage, but does not include benefits with respect to treatment of substance abuse or chemical dependency.

Furthermore, the Act included exemptions in coverage requirements for small employers. If an employer has at least 2 but not more than 50 employees, they can be exempt from the new coverage requirement. Finally, if a group health plan experiences an increase in costs of at least 1 percent, they can be exempted in subsequent years. The inclusion of title VII into the VA—HUD bill is important because it represents a starting place. But now we must do more.

My bill today addresses two fundamental problems in both public, as well as private, health care coverage of mental illness today. First, despite the prevalence and cost of untreated mental illness, we still lack full parity for treatment. The availability of treatment, as well as the limits imposed, are now linked to coverage for all medical and surgical benefits. Whatever limitations exist for those benefits will also apply to mental health benefits.

Let's not forget the small employers either. If a company qualifies for the small employer exemption, the insurance companies will be able to set different, lower limits on the scope and duration of care for mental illness compared to other illness. This means that people suffering from depression may get less care and coverage than those suffering a heart attack. Yet, both illnesses are real.

Additionally, access problems to mental health benefits can result from these restrictions. In general, about 50 percent of all health plans limit mental illness coverage in some form. Approximately 88 percent limit hospitalization to 30 to 60 days. Outpatient benefits are limited by visit or dollar amounts in 85.5 percent of medium to large plans and 70 percent of small plans. About 80 percent of all plans limit inpatient care in some form and 99 percent of plans limit outpatient coverage.

Access to equitable mental health treatment is essential. It can be done at a reasonable price. The increased costs in insurance premiums in the private sector is in the range of 3.2 to 4.0 percent. It is estimated that about $2.50 per month is the cost of fully offsetting the premium increase by an increase in the deductible. Two dollars and fifty cents is a small price to pay for ending health care discrimination.

Second, the diagnoses and treatment of mental illness and substance abuse has changed dramatically since the Medicare benefit was designed. Treatment options are no longer limited to large public psychiatric hospitals. The great majority of people can be treated on an outpatient basis, recover quickly, and return to productive lives. Even those who once would have been banished to the back wards of large institutions can now live successfully in the community. But the Medicare benefit package of today does not reflect the many changes that have occurred in mental health care.

This bill would permit Medicare to pay for a number of intensive community-based services. In addition to outpatient psychotherapy and partial hospitalization that are already covered, beneficiaries would also have access to psychiatric rehabilitation, ambulatory detoxification, in-home services, day treatment for substance abuse, and day treatment for children under age 19. In these programs, people can remain in their own homes while receiving services. These programs provide the structure and assistance that people need to function on a daily basis and return to productive lives.

They do so at a cost that is much less than inpatient hospitalization. For example, the National Institute of Mental Health in 1993 estimated that the cost of inpatient treatment for schizophrenia can run as high as $700 per day, including medication. The average daily cost of partial hospitalization in a community mental health center is only about $90 per day. When community-based services are provided, inpatient hospitalizations will be less frequent and stays will be shorter. In many cases, hospitalizations will be prevented altogether.

This bill will also make case management available for those with severe mental illness or substance abuse disorders. People with severe disorders often need help managing many aspects of their lives. Case management assists people with severe disorders by making referrals to appropriate providers and monitoring the services received to make sure they are coordinated and meeting the beneficiaries' needs. Case managers can also help beneficiaries in areas such as obtaining a job, housing, or legal assistance. When services are coordinated through a case manager, the chances of successful treatment are improved.

For those who cannot be treated while living in their own homes, this bill will make several residential treatment alternatives available. These alternatives include residential detoxification centers, crisis residential programs, therapeutic family or group treatment homes, and residential centers for substance abuse. Clinicians will no longer be limited to sending their patients to inpatient hospitals. Treatment can be provided in the specialized setting best suited to addressing the person's specific problem.

Right now in psychiatric hospitals, benefits may be paid for 190 days in a person's lifetime. This limit was originally established primarily in order to contain Federal costs. In fact, CBO estimates that under modern treatment methods, only about 1.6 percent of Medicare enrollees hospitalized for mental disorders or substance abuse used more than 190 days of service over a 5-year period.

Under the provisions of this bill, beneficiaries who need inpatient hospitalization can be admitted to the type of hospital that can best provide treatment for his or her needs. Inpatient hospitalization would be covered for up to 60 days per year. The average length of hospital stay for mental illness in 1995 for all populations was 11.5 days. Adolescents averaged 12.2 days; 14.6 for children; 16.6 days for older adolescents; 8.6 days for the aged and disabled; 9.9 days for adults. A stay of 30 days or fewer is found in 93.5 percent of the cases. The 60-day limit, therefore, would adequately cover inpatient hospitalization for the vast majority of Medicare beneficiaries, while still providing some modest cost containment. Restructuring the benefit in this manner will level the playing field for psychiatric and general hospitals.

The bill I am introducing today is an important step toward providing comprehensive coverage for mental health. Further leveling the health care coverage playing field to include mental illness and timely treatment in appropriate settings will lessen health care costs in the long run. These provisions will also lessen the social costs of crime, welfare, and lost productivity to society. This bill will assure that the mental health needs of all Americans are no longer ignored. I urge my colleagues to join me in support of this bill.

A summary of the bill follows:

TITLE I PROVISIONS

The bill prohibits health plans from imposing treatment limitations or financial requirements on coverage of mental illness if similar limitations or requirements are not imposed on coverage of services for other conditions.

The bill amends the tax code to impose a tax equal to 25 percent of the health plan's premiums if health plans do not comply. The tax applies only to those plans who are willfully negligent.

TITLE II PROVISIONS

The bill permits benefits to be paid for 60 days per year for inpatient hospital services furnished primarily for the diagnosis or treatment of mental illness or substance abuse. The benefit is the same in both psychiatric and general hospitals.

The following "intensive residential services" are covered for up to 120 days per year: residential detoxification centers; crisis residential or mental illness treatment programs; therapeutic family or group treatment home; and residential centers for substance abuse.

Additional days to complete treatment in an intensive residential setting may be used from inpatient hospital days, as long as 15 days are retained for inpatient hospitalization. The cost of providing the additional days of service, however, could not exceed the actuarial value of days of inpatient services.

A facility must be legally authorized under State law to provide intensive residential services or be accredited by an accreditation organization approved by the Secretary in consultation with the State.

A facility must meet other requirements the Secretary may impose to assure quality of services.

Services must be furnished in accordance with standards established by the Secretary for management of the services. Inpatient hospitalization and intensive residential services would be subject to the same deductibles and copayment as inpatient hospital services for physical disorders.

PART B PROVISIONS

Outpatient psychotherapy for children and the initial 5 outpatient visits for treatment of mental illness or substance abuse of an individual over age 18 have a 20% copayment. Subsequent therapy for adults would remain subject to the 50% copayment.

The following intensive community-based services are available for 90 days per year with a 20% copayment (except as noted below): partial hospitalization; psychiatric rehabilitation; day treatment for substance abuse; day treatment under age 19; in home services; case management; and ambulatory detoxification.

Case management would be available with no copayment and for unlimited duration for "an adult with serious mental illness, a child with a serious emotional disturbance, or an adult or child with a serious substance abuse disorder (as determined in accordance with criteria established by the Secretary)."

Day treatment for children under age 19 would be available for up to 180 days per year.

Additional days of service to complete treatment can be used from intensive residential days. The cost of providing the additional days of service, however, could not exceed the actuarial value of days of intensive residential services.

A non-physician mental health or substance abuse professional is permitted to supervise the individualized plan of treatment to the extent permitted under State law. A physician remains responsible for the establishment and periodic review of the plan of treatment.

Any program furnishing these services (whether facility-based or freestanding) must be legally authorized under State law or accredited by an accreditation organization approved by the Secretary in consultation with the State. They must meet standards established by the Secretary for the management of such services.

SALUTE TO ORVENE S. CARPENTER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to salute Orvene S. Carpenter for many years of outstanding service to his community on the occasion of his retirement.

Orvene Carpenter began his public service over 50 years ago in the city of Port Hueneme when he was appointed postal clerk. He was later elected to the city council and served for 30 years, becoming the longest tenured councilmember in the history of the city of Port Hueneme. He was elected mayor in 1990.

I have had the great pleasure of working with Mr. Carpenter for many years. During that time he has been responsible for numerous accomplishments and outstanding progress in the city of Port Hueneme. He will be missed greatly in both the government and civic arenas in which he was so active.

His innumerable contributions will serve as a legacy to his years of dedication. I want to congratulate him and wish him the very best in his retirement.

INTRODUCTION OF LEGISLATION TO ALLOW PENALTY-FREE WITHDRAWALS FROM CERTAIN RETIREMENT PLANS DURING PERIODS OF UNEMPLOYMENT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. McDERMOTT. Mr. Speaker, today I am introducing legislation that would allow people to receive penalty-free withdrawals of funds from certain retirement plans during long periods of unemployment. I am pleased that Representatives CHARLES RANGEL, ROBERT MATSUI, JOHN LEWIS, RONALD DELLUMS, ESTEBAN TORRES, ELEANOR HOLMES NORTON, ROBERT RUSH, MAURICE HINCHEY, VIC FAZIO, ZOE LOFGREN, EVA CLAYTON, and CHARLES CANADY have joined me as original cosponsors of this legislation.

This legislation would allow penalty-free withdrawals from individual retirement accounts [IRA's] and qualified retirement plans—401(k) and 403(b))—if the taxpayer has received unemployment compensation for 12 weeks under State or Federal law. Under the legislation, the distribution of funds would have to be made within 1 year of the date of unemployment.

Under current law, when a taxpayer withdraws money from an IRA or a qualified retirement plan before age 59½, he or she is forced to pay an additional 10 percent tax on the amount withdrawn. This additional tax is intended to recapture at least a portion of the tax deferral benefits of these plans. This tax is in addition to regular income taxes the taxpayer must pay as the funds are included in the taxpayer's income. The early-withdrawal tax also serves as a deterrent against using the money in those accounts for nonretirement purposes.

The vetoed Balanced Budget Act of 1995 includes a provision which is the same as this legislation with respect to withdrawals from IRA's. This provision recognizes that when an individual or family is faced with long periods of unemployment, they may have no other choice but to draw upon these funds to meet their everyday living expenses. During this financially stressful time, an additional 10 percent tax for early withdrawal is unfair and only serves to make the family's financial situation worse. This legislation would accomplish the goals of that provision by allowing penalty-free withdrawals during long periods of unemployment from IRA's as well as qualified retirement plan—401(k) and 403(b)—accounts.

Many small businesses offer participation in 401(k) plans, thus, this amendment would help unemployed people who at the time of separation from employment chose to leave their 401(k) funds with their former employer. Then, because of unanticipated long periods of unemployment, need access to those funds. Accordingly, many small businesses would benefit from this amendment. In addition, employees who are laid off from their former employment may need access to those funds in order to start up their own small business. State and local government employees who are displaced through downsizing, also may need access to the funds in their 403(b) plans for similar purposes.

The benefit this legislation would offer the long-term unemployed is the right thing to do in this period of economic uncertainty. You can plan for many things in your life financially, but the impact of long, unanticipated periods of unemployment can create financial havoc on any individual or family, including those that thought they had adequate savings to get them through such a situation. Long periods of unemployment are similar to major illnesses that can result in catastrophic medical expenses. Under current law, taxpayers are allowed penalty-free early withdrawals from qualified retirement plans to meet catastrophic medical expenses, therefore, it makes sense to extend this benefit in cases of long periods of unemployment.

Passage of this legislation would allow unemployed taxpayers a chance to get back on their feet without having to pay an unnecessary financial penalty when they can least afford it.

LEGISLATION TO CHANGE BUDGET SCOREKEEPING RULES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to change the current budget scorekeeping rules as they relate to Federal real estate transactions. The bill is identical to legislation I introduced in the 103d and 104th Congresses. I originally introduced the bill in response to hearings I held during the 103d Congress, when I served as chairman of the Public Works and Transportation Subcommittee on Public Buildings and Grounds. The hearings focused on the way in which the Office of Management and Budget scores Federal real estate transactions. The hearings underscored previous findings by the General Accounting Office that the Federal Government is wasting hundreds of millions of dollars a year in unnecessary long-term leases. The waste is due primarily to the fact that current budget scorekeeping rules prevent the General Services Administration from pursuing a full range of financing options to meet the Federal Government's office space needs. These practices continue to this day.

My legislation has received strong bipartisan support in the past two Congresses. The bill changes Federal budget accounting rules to allow GSA to utilize a full range of financing mechanisms in meeting Federal office space needs. Under current Federal budget scorekeeping rules, which were established in the 1990 Budget Act, the entire cost of a Federal construction project or building purchase, must be scored in the first year of the project, rather than amortized over the actual construction period, or over the expected life of a purchased building. For leases, the rules require that only the annual rent costs be scored. The end result is that operating leases have become the most attractive vehicle for GSA, the Federal Government's real estate arm, to meet the housing needs of Federal agencies—even though in the long term it is the most costly.

Specifically, the bill amends the Public Buildings Act of 1959 to treat Federal real estate transactions in the same manner they wee treated prior to the implementation of the 1990 Budget Act. The bill would allow GSA to utilize alternative financing mechanisms, such as lease-purchases or time financing.

In 1975 GSA's leasing budget was $388 million. In 1996 GSA spent more than $2.5 billion on Federal leases. A December 1989 report issued by GAO analyzed 43 projects that GSA might have undertaken if capital financing were available to replace space that GSA would otherwise lease. GAO estimated that, over a 30-year period, constructing the 43 projects instead of leasing, would have saved taxpayers $12 billion.

Financing by lease purchase is inappropriately being compared by OMB to direct Federal construction, when the correct comparison should be with the cost of long-term leasing. My goal is to ensure that GSA has all the financing tools available to the private sector. Currently GSA does not have the ability to get the best possible deal for the taxpayer—because of the scoring rules. GAS should be able to, on a project by project basis, determine the most cost effective and efficient way to finance a particular Federal real estate transaction. My bill will give GSA this ability. In the long term, this legislation will save the taxpayer hundreds of millions of dollars. I urge my colleagues to support the bill.

THE BALANCED BUDGET AMENDMENT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. PACKARD. Mr. Speaker, the balanced budget amendment is the only foolproof way to guarantee the deficit continues on a permanently downward path to zero. But more than that, a balanced budget amendment is good for America's families. It means reduced interest rates and a lower cost of living for all Americans. A home, a car, and a college education will become more affordable than ever. In my district, a family with the median-priced home would save about $3,600 each year, based on a 30-year mortgage. Families could keep an extra $2,200 on a student loan and $900 on an average-priced car loan. These extra dollars can be spent on your future and that of your children.

The balanced budget amendment will also safeguard Social Security and Medicare while protecting future generations from crushing debt. The President has said that balancing the budget is his top priority. However, by stating that a balanced budget amendment could lead to reductions in Social Security benefits, he has been using scare tactics to avoid committing to a balanced budget.

Mr. Speaker, I know that Clinton's assertion is not true. In fact, our skyrocketing debt is the real threat to Social Security. The further we go into debt, the harder it will be for the Federal Government to meet its Social Security commitment to today's and tomorrow's seniors. The best way to protect Social Security for future generations is by passing a balanced budget amendment. I find it unfortunate that the President has chosen to oppose our bipartisan effort to improve the American people's quality of life by standing in our way once again. American families can balance their budgets, State and local governments balance their budgets, and so must the Federal Government.

RESPONSIBLE REPEAL OF THE ETHANOL TAX

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. BENTSEN. Mr. Speaker, I rise to introduce legislation to eliminate the ethanol subsidy. This legislation is good fiscal policy, good agriculture policy, good environmental policy, and good energy policy, and I urge my colleagues to join me as cosponsors.

The ethanol subsidy was established to help address the Nation's energy needs during the oil crisis of the 1970's. Unfortunately it is a program that has proven to be woefully inadequate. According to the Treasury Department, the ethanol subsidy cost the American taxpayers over $5.3 billion from 1983–94. The ethanol tax subsidy costs the Federal highway trust fund $850 million each year—and the revenue drain is increasing. Ethanol receives a 54 cents per gallon Federal tax subsidy on some 1.6 billion gallons of ethanol produced per year—with an additional 10 cents per gallon for small producers and from 10 to 80 cents per gallon more from various States. But we have seen few benefits for this huge expense. In fact, a close examination of the ethanol subsidy shows that it not only has failed to live up to its billing, it has several negative consequences:

Ethanol yields significantly less energy than gasoline. Per gallon, ethanol yields about 76,000 Btu, while gasoline yields between 109,000 to 119,000 Btu. This means that ethanol provides only about two-thirds to three-quarters as much energy and mileage as conventional gasoline.

Ethanol tax subsidies harm beef and dairy industries. Ethanol production competes with traditional feed grain customers for corn, driving the price of feedstocks up for the cattle industry and raising consumer prices for meat and dairy products.

While ethanol does help reduce carbon monoxide emissions, it can increase ground level ozone, especially in hot summer weather. This is because ethanol makes gasoline evaporate more easily.

Corn-based ethanol has had dubious results as an alternative fuel additive, and it is now time to let this program stand without taxpayer support.

Proponents of energy subsidies and mandates say that they are needed to improve the environment, enhance energy security, spur economic development, and replace dwindling supplies of oil. However, this subsidy has proven to be both expensive and ineffective.

Eliminating the ethanol subsidy is a positive beginning to balancing the budget and is a responsible choice for the taxpayers of this country. I urge my colleagues to cosponsor this legislation.

NATIONAL WOMEN AND GIRLS IN SPORTS DAY, FEBRUARY 6, 1997

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to the growing numbers of girls and women in sports whose achievements will be celebrated across the Nation on February 6, 1997, the 11th annual National Girls and Women in Sports Day [NGWSD]. In Washington, DC, there will be a 2-mile fitness walk on the Mall followed by a luncheon on Capitol Hill where athletes will be recognized by Members of Congress.

Track and field star Lillian Green-Chamberlain is among the athletes participating in the celebration in Washington, DC. Dr. Greene-Chamberlain holds a number of firsts. She was the first national champion in 800 meters, long before it became an Olympic event, and she was the first African-American to represent the United States in international middle distance running. She was the first and only woman and American to serve as the director of the Physical Education and Sports Program for the 161 member nations of the Paris-headquartered U.N. Educational, Scientific, and Cultural Organization [UNESCO]. In addition, Dr. Green-Chamberlain has been a leader in developing health, education, physical fitness, recreation, and sports programs nationally and internationally for more than 28 years. I am proud that this All-American woman is from Silver Spring, MD.

Also participating in the activities in Washington, DC is award-winning canoeist Jennifer Hearn. This outstanding athlete was the 1993 U.S. Olympic Festival Champion in whitewater slalom kayaking and the 1995 Olympic Festival slalom team champion. She placed fifth in the 1993 U.S. National Championships, and won a silver for the women's slalom kayak team event in the 1990 Pre-Worlds. In 1994 and 1995, she was sixth on the U.S. National Team, and has also finished among the top 30 in two World Cups. Again, I am proud to report that Jennifer Hearn is from Bethesda, MD.

The next time I hear someone say, "You run or throw like a girl," I'm going to ask, "Which girl?" Maybe they mean the women's world record holder in the 440-yard dash in 1961, Lillian Greene-Chamberlain. Or do they mean the young woman, also from Silver Spring, who, during the 1996 Summer Olympics, helped the U.S. women win their first team gold in gymnastics, and won an individual bronze medal, Dominique Dawes? Perhaps they mean the young woman who is considered the best girl high school basketball player in the United States, senior guard-forward from Frederick, MD, Nikki Teasley.

On the 25th anniversary of title IX, we pause to reflect on what we have accomplished in the past, and the work that we must do for the future. There is no doubt in my mind that title IX has been successful in expanding opportunities for women in athletics. We have made great strides toward increasing the numbers of women and girls in competitive athletics at the high school and college levels. Before title IX, women represented only 2 percent of the Nation's college varsity athletes. Twenty-five years later, women represent 35 percent of college athletes nationwide. The door to athletic opportunities, however, has only partially opened for women. Title IX's goal of bringing equal opportunity in sports to women and girls has yet to be realized. At schools that belong to the National Collegiate Athletic Association [NCAA], women account for 53 percent of the college students, but only 36 percent of the college athletes.

I applaud the distinguished athletes who have gathered in Washington, DC, to celebrate National Women and Girls in Sports Day, for they all are long distance runners for equality and social justice that has afforded women and girls the benefits of competitive sports.

IN RECOGNITION OF NATIONAL GIRLS AND WOMEN IN SPORTS DAYS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. MORAN. Mr. Speaker, I rise today in recognition of the 15 million girls and women who will be participating in the 11th Annual National Girls and Women in Sports Day. National Girls and Women in Sports Day will be celebrated throughout the United States on February 6, 1997.

Sponsored by Girls Inc., Girl Scouts of the USA, National Association of Girls & Women in Sports, Women's Sports Foundation, and YWCA of the USA, National Girls and Women in Sports Day celebrates the participation of women in sports and honors the memory of Olympic volleyball silver medalist Flo Hyman, who died suddenly during a match in Japan. In her honor, the Women's Sports Foundation honors a female athlete on National Girls and Women in Sports Day who exemplifies the commitment, integrity, and superior athletic ability of Flo Hyman. This year the award will go to legend Billie Jean King for her commitment to women's rights and her renown as an international tennis champion.

As a cosponsor of this congressionally established event, I would like to give special recognition to seven women who have helped to make this event possible, and who have made such a difference in the lives of young women all over the United States. They are: Regina Montoya, president, board of directors of Girls Inc.; Elinor J. Ferdon, national president, Girl Scouts of the USA; Dr. Sue Durrant, president, National Association for Girls & Women in Sports; Donna Lopiano, executive director, Women's Sports Foundation; Dr. Alpha Alexander, director, Health in Sports Advocacy YWCA of the USA; Dr. Prema Mathai-Davis, executive director, YWCA of the USA and Benita Fitzgerald Mosley, director, Women's Sports Foundation. Every day they make it possible for young women to improve their health, self esteem, leadership skills and academics.

As the 25th anniversary of the passage of title IX, this National Girls and Women in Sports Day marks a particularly significant event in the history of women in sports. Since title IX, the law prohibiting sex discrimination in federally-funded institutions, was enacted, women's participation in school athletic programs has greatly increased. This increase has benefitted young women. Young women who play sports are more likely to graduate from high school, and less likely to use drugs or have an unintended pregnancy. They reap multiple health benefits from athletic participation, including a 40–60 percent decrease in their risk of breast cancer. In addition, athletic participation helps improve self-esteem and discipline.

I ask my colleagues to join me in recognizing these women, and all women who participate in National Girls and Women in Sports Day.

NATIONAL GIRLS AND WOMEN IN SPORTS DAY

HON. ELEANOR HOLMES NORTON

OF DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Ms. NORTON. Mr. Speaker, tomorrow we will recognize the achievements of women and girls in an important area that has been traditionally dominated by men: sports. As part of the 11th Annual National Girls and Women in Sports Day, many women, athletes and members of Congress will be celebrating the athletic accomplishments of women.

As cochair of the Congressional Caucus for Women's Issues, I am proud to have the opportunity to spotlight women's activity in an area where they have often been overlooked. The majority of media coverage focusing on sports coverage goes to men's sports. While a recent study found that 94 percent of local television news sports coverage goes to men's sports, women's sports get 5 percent of the coverage.

Unfortunately, one of the results of this low level of media coverage is insufficient financial support of women's sports in universities across the United States. Less than 24 percent of college sport operating budgets and less than 18 percent of athletic recruiting dollars are allocated to women's sports. This is despite the fact that women are as athletic and as talented in sports as men, and that women and girls involved in sports have greater self-esteem and do better in school than those who do not participate in sports.

By participating in sports, women and girls learn how to work as a team and to strive to achieve a desired goal, skills vital to succeeding in any career. Many women also choose sports as a career, including returning to high school or universities to coach young athletes. Yet even here women are not equal to men. According to a recent survey of head coaches of Division I basketball teams, head coaches of women basketball teams average only 59 percent of the base salary of head coaches of men's basketball.

This disparity in women's pay in many fields is the reason I introduced the Fair Pay Act that would prohibit discrimination in the payment of wages on account of sex, race or national origin. While this law will help prevent discrimination in the pay of the women working in sports, it will not get them the recognition women athletes deserve. As an accomplished women's basketball coach has said in a recent interview, "It is really frustrating to have a championship team and get two-inch stories in the paper while some average men's team gets pages written about them." This is slowly—too slowly—changing. It is my hope that tomorrow's events commemorating National Girls and Women in Sports Day will, by its own recognition, help women gain equality in sports.

IN HONOR OF NATIONAL GIRLS AND WOMEN IN SPORTS DAY

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. BASS. Mr. Speaker, I rise today to join my colleagues in commemorating February 6, 1997, as National Girls and Women in Sports Day.

Mr. Speaker, who can forget the thrill of seeing the U.S. women's Olympic gymnastics team win the gold medal in Atlanta last year? There is also much enthusiasm about the establishment of not one but two women's professional basketball leagues. What ties together these accomplishments are how they inspire young women across America to become involved in sports activities, to get in the game.

That's the motto behind the 1997 National Girls and Women in Sports Day. I'm proud to be an honorary cosponsor of this 11th annual event. A bipartisan group of Members of Congress and Senators support an early morning walk on the Washington Mall to highlight the achievements of women athletes and draw attention to the importance of sports and fitness activities for all girls and women.

National Girls and Women in Sports Day [NGWSD] is celebrated in New Hampshire and all across the country during the first Thursday of every February. It is organized by Girl Scouts of the USA, Girls Inc., the National Association for Girls and Women in Sport, the Women's Sports Foundation, and the YWCA of the USA.

The First NGWSD was organized to honor Flo Hyman, the Olympic volleyball champion who brought women's volleyball in the United States to the forefront in 1984. That's when she helped lead the American team to a silver medal at the Los Angeles Olympics. Flo Hyman died suddenly while playing volleyball in Japan in 1986. She was found to have had Marfan syndrome, a connective tissue disorder that led to a faulty aorta. Annually, the Women's Sports Foundation's Flo Hyman Award is presented to a female athlete who exemplifies dignity, spirit, and commitment to excellence in women's athletics.

Indeed, women's athletics are one of the most effective avenues available for women of the United States to develop self-discipline, initiative, confidence, and leadership skills. While in the past there has been little national recognition of the significance of women's athletic achievements, we are starting to see the opposite occur. Routinely, you will find larger crowds as women's college basketball games and the new women's professional basketball games will be carried on nationwide television. These occurrences can only serve to encourage young girls to become involved in sports at early age. This type of involvement in athletics, however, has less to do with recognition than with promoting lifelong habits of physical fitness.

I am very proud of the many fine women athletes at our schools in New Hampshire. We all read about their accomplishments in the newspapers every week. National Girls and Women in Sports Day serves to remind us that we should encourage athletic participation and competition for women of all ages, especially in the formative years. It is my hope that we see more girls and young women get in the game this year. After all, our children, girls and boys, need strong bodies as well as strong minds.

Mr. Speaker, I ask all of my colleagues to join me in supporting the 11th annual National Girls and Women in Sports Day.

RECOGNITION OF NATIONAL GIRLS AND WOMEN IN SPORTS DAY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in recognition of the 11th Annual National Girls and Women in Sports Day, Thursday, February 6, 1997. This day has been set aside to show the Nation's commitment to promoting the physical well-being and mental health of women and girls through physical activity.

National Girls and Women in Sports Day is instrumental in encouraging females of all ages to participate in sports. Regular exercise increases physical condition by lowering levels of blood sugar, cholesterol, and blood pressure. In addition, sports has been shown to help women feel greater confidence, self esteem and pride.

As the celebration of Black History month begins, it is my hope that this day will open the eyes of many African-American women who are twice as likely to be overweight as white women and 20 percent less likely to exercise regularly. Compared to white Americans, African-Americans under the age of 64 are 10 percent more likely to get heart disease, 30 percent more likely to have diabetes, and over 50 percent more likely to suffer from hypertension.

Mr. Speaker, I would like for my participation in today's events to serve as a model of the dedication to physical fitness that should be exhibited by other women, particularly African-American women. Finally, I would like to applaud the organizations whose combined efforts made this day possible: Girl Scouts, Girls Inc., the National Association for Girls and Women in Sport, the Women Sports Foundation, and the YWCA.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 6, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 7

9:30 a.m.

Joint Economic

To hold hearings to examine the employment-unemployment situation for January and the Consumer Price Index (CPI).

1334 Longworth Building

10:00 a.m.

Budget

To hold hearings on the President's proposed budget for fiscal year 1998.

SD–608

FEBRUARY 10

2:00 p.m.

Budget

To resume hearings on the President's proposed budget for fiscal year 1998.

SD–608

Joint Economic

To hold hearings on the 1997 Economic Report of the President.

2359 Rayburn Building

FEBRUARY 11

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposals to reform the Commodity Exchange Act.

SR–332

9:30 a.m.

Labor and Human Resources

To hold oversight hearings on the implementation of the Health Insurance Portability and Accountability Act (P.L. 104–191).

SD–430

Rules and Administration

Business meeting, to mark up proposed legislation authorizing biennial expenditures by standing, select, and special committees of the Senate, and to consider other pending legislative and administrative business.

SR–301

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

10 a.m.

Finance

To hold hearings on the final report of the Advisory Commission to Study the Consumer Price Index.

SD–215

FEBRUARY 12

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Environment and Public Works

To hold hearings on the ozone and particulate matter standards proposed by the Environmental Protection Agency.

SD–406

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings on the future of nuclear deterrence.

SD–342

Labor and Human Resources

To hold hearings on the implementation of the Teamwork for Employees and Managers Act (TEAM).

SD–430

Small Business

To hold hearings on the President's budget request for fiscal year 1998 for the Small Business Administration.

SR–428A

10:00 a.m.

Finance

To hold hearings on the Administration's budget and revenue proposals for fiscal year 1998.

SD–215

FEBRUARY 13

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposals to reform the Commodity Exchange Act.

SR–332

9:30 a.m.

Labor and Human Resources

Employment and Training Subcommittee

To resume hearings to examine proposals to reform the Fair Labor Standards Act, focusing on S. 4, to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938.

SD–430

Small Business

To hold hearings on the nomination of Aida Alvarez, of New York, to be Administrator of the Small Business Administration.

SR–428A

10:00 a.m.

Finance

To hold hearings on the Administration's budget for fiscal year 1998, focusing on

Medicare, Medicaid and welfare proposals.

SD–215

Foreign Relations

To hold hearings on the nomination of Pete Peterson, of Florida, to be Ambassador to the Socialist Republic of Vietnam.

SD–419

2:00 p.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings on the implementation of the Intermodal Surface Transportation Efficiency Act and transportation trends, infrastructure funding requirements, and transportation's impact on the economy.

SD–406

FEBRUARY 25

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the impact of estate taxes on farmers.

SR–332

FEBRUARY 26

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the impact of capital gains taxes on farmers.

SR–332

9:30 a.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act.

SD–406

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD–430

FEBRUARY 27

9:30 a.m.

Labor and Human Resources

To hold hearings on proposed legislation authorizing funds for programs of the Higher Education Act.

SD–430

10:00 a.m.

Armed Services

To hold hearings concerning the Department of Defense actions pertaining to Persian Gulf illnesses.

SD–106

MARCH 5

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the Department of Agriculture's business plan and reorganization management proposals.

SR–332

MARCH 6

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Retired Officers Association, the Association of the U.S. Army, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, and the Blinded Veterans Association.

345 Cannon Building

MARCH 11

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation authorizing funds for agricultural research.

SR–332

MARCH 13

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR–332

MARCH 18

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR–332

MARCH 19

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Disabled American Veterans.

345 Cannon Building

MARCH 20

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR–332

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Veterans of World War I, and the Vietnam Veterans of America.

345 Cannon Building

CANCELLATIONS

FEBRUARY 6

2:30 p.m.

Select on Intelligence

Closed business meeting, on intelligence matters.

SH–219

SENATE—*Thursday, February 6, 1997*

The Senate met at 11 a.m., and was called to order by the Honorable WILLIAM H. FRIST, a Senator from the State of Tennessee.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, nothing is impossible for You. You have all power. Nothing happens without Your knowledge and Your permission. You will what is best for us as individuals and as a nation. You desire to bless us with the wisdom and discernment we need to solve our problems. And yet, we have learned that You wait for us to ask for Your help. By Your providence You have placed the Senators in positions of great authority not because of their human adequacy, but because they are willing to be available to You, attentive to You, and accountable to You. Together, with one mind and heart, we intercede for one another across party lines and ideological differences. We know that if we trust You, You will be on time and in time to help us in the crucial discussions and decisions. Give us the courage to put the need of the Nation first above political advantages. You have promised that if we pray with complete trust in You, You will intervene to answer our prayers. In the name of Him who is the way, the truth, and the life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 6, 1997.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM H. FRIST, a Senator from the State of Tennessee, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business until 12 noon. At 12 o'clock, the Senate will resume consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget. I understand an amendment will be offered this morning or in the early afternoon to that amendment, by a Member of the other side of the aisle. I do not have the details of that amendment at this time, but I hope that we may debate it and dispose of it in a reasonable timeframe early this afternoon.

Also, as a reminder, a consent agreement was reached today which limits debate to 30 minutes equally divided on the nomination of Rodney Slater to be Secretary of Transportation. It is possible we may proceed to that nomination this afternoon, and all Senators will be notified accordingly if we schedule that vote. We hope that will be done and I intend to do so, but I am still working at getting final clearance.

I remind my colleagues the Senate will be in recess today from 3 o'clock to 4 o'clock to accommodate a conference meeting this afternoon. Once again, Senators may expect votes today on an amendment to Senate Joint Resolution 1, the balanced budget amendment resolution, as well as a possible vote on a nomination.

I thank my colleagues and yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Alaska [Mr. STEVENS] is recognized to speak for up to 10 minutes.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 281 and S. 282 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LAUTENBERG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized for 5 minutes.

Mr. LAUTENBERG. Is 5 minutes the time that is available under morning business?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LAUTENBERG. Is that the expiration of morning business?

The ACTING PRESIDENT pro tempore. Morning business ends at 12 o'clock.

Mr. LAUTENBERG. May I further ask if the time is already accounted or distributed in such a way?

The ACTING PRESIDENT pro tempore. There are a number of Senators under the previous order who are to be recognized for 10- to 15-minute intervals and they are not in the room. The Senator can ask for a longer period of time.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to extend my remarks for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PRESIDENT'S FISCAL YEAR 1998 BUDGET

Mr. LAUTENBERG. Mr. President, just a few hours ago, President Clinton delivered his 5-year balanced budget to the Congress. For the first time in a long while, no one was singing a funeral dirge on budget day. The budget is alive and it is well and already has a sense of momentum and history to it. This is a budget that reflects mainstream America. It does not favor one special group at the expense of another. It does not pit generation against generation or rich against poor.

The President's budget reflects the hopes and the desires of all of our citizens, whether it is one of our seniors on a fixed income worried about health care or a family concerned about the quality of education of their children or citizens fighting the pollution in the neighborhood in which they live. The budget moves ahead toward the future without leaving anyone behind.

As the senior Democrat on the Budget Committee, I say to my colleagues on both sides of the aisle this is a credible budget. Do not just knock it. Look at it and see if you want to recommend adjustments or amendments to it. It will reach balance by the year 2002. There are safeguards built into this budget to ensure that promise.

President Clinton deserves a lot of credit for presenting a real balanced budget that builds upon the deficit reduction of his first administration. Since the President first took office, that deficit has been reduced consistently and dramatically to last year's low of $107 billion. I can remember when President Clinton took office that no one dreamed, no one thought it possible that we could have a budget deficit at that low level. It is now the lowest deficit as a percentage of GDP of any major industrialized country. There are no dark clouds on the horizon. The economy continues to grow and surpass most expectations. The Federal Reserve Board Chairman, Dr. Alan Greenspan, recently testified before the Senate Budget Committee: "The economy has retained considerable vigor, with few signs of the imbalances and inflationary tensions that have disrupted past expansions." And last week we had more good news. The GDP grew at a 4.7 percent rate in the fourth quarter of 1996.

The President has presented a forward-looking budget that not only demonstrates fiscal stewardship but is oriented toward the 21st century and its challenges and opportunities, what America needs to regain its full-time leadership across the face of the globe. It looks forward to the future but does not leave anyone behind.

This budget protects Medicare. For example, rather than trying to impose radical and untested structural changes to Medicare, the President's budget ensures solvency through the year 2006 while at the same time crafting pilot and demonstration projects that will expand health choices for seniors without jeopardizing the quality of care.

This budget also makes critical investments in education, transportation, environmental cleanup, investments that are necessary if we are going to have long-term economic growth and an improved standard of living.

We must make sure, however, that any new caps on discretionary spending will allow these investments to continue, because if we do not, we will be forced to make deep cuts during this 5-year period in programs like computers in schools, highway modernization, safe drinking water grants, and community policing.

I hope, too, that as this budget evolves, we will take a closer look at cutting special-interest tax breaks and subsidies to help offset the costs of making sound investments. The President has proposed about $34 billion of savings in this area, and we should consider this number only a beginning. Since we will spend over $2.8 trillion for tax breaks over the next 5 years, I think we can identify even greater savings in this area. The President's budget also includes $98 billion of tax relief for middle-class Americans, and it is targeted toward child care, college tuition, and buying and owning a home.

Mr. President, this budget is an excellent starting point, and I believe the Budget Committee markup is the appropriate venue for Republicans and Democrats alike to resolve their differences. The American people deserve to know and everybody within the sound of my voice deserves to know the changes that the Republicans would like to make to the President's budget. If they think they can do better, OK. Look at it and try to make some decision. But they have an obligation to the American people to show "how," "where," and "when" and not simply carp.

Mr. President, Senate Majority Leader LOTT has called for the so-called regular order to produce a budget through the normal legislative process. I second that call. Regular order would be for the Budget Committee to conclude its hearings in a timely manner and then write a budget in early to mid March. At that point, either the Republicans would use the President's budget, or Chairman DOMENICI will have a chance to put down a budget of his own. Congress would then stand a chance of meeting the April 15 statutory deadline for producing a budget and the bipartisan goal of a balanced budget.

Mr. President, as we move toward the balanced budget, we must also remember that we are Senators, not simply accountants. We have to look at any budget proposal and evaluate its impact on the American people, their lives and the economy. A budget—as the distinguished occupant of the chair knows from his professional background as a physician tending to people's needs—a budget is far more than numbers. A budget is programs like Medicare, Medicaid, educational opportunity, cleaner environment. A budget has to be a reflection of the American people, their needs, their dreams, their hopes. That is what this budget, frankly, is. I hope we will get to work quickly on a review of the budget if any changes are going to be recommended.

As I said earlier, let's hear them. But I am encouraged by what I have heard to this point—not just those who want to hang a black drape and say it doesn't work, it won't go, it can't go, it shouldn't go, but rather a more reasoned approach, I think. We all know that we are on different sides of the aisle in terms of the parties, but I am talking about a more reasoned approach that says maybe this budget is one that we can work from, or work to, and we can get ourselves a budget that reflects the interests of both of our parties, our country, and our people.

It is time for a reasoned discussion. It is time for a deliberate discussion for a serious review. And I am optimistic about the possibilities of being able to say to the American people that we did just what they wanted us to do. We got over the bipartisan squabbling. We are not fighting anymore. What we are trying to do is to do what our constituents sent us here to do, and that is solve the problems, folks, don't just argue about them.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Mr. President, can I ask what the present proceedings are before the Senate?

The ACTING PRESIDENT pro tempore. The Senate is currently in morning business, and Senators are to be recognized for up to 5 minutes. Several Senators, under a previous order, will be recognized for up to 10 or 15 minutes.

THE PRESIDENT'S BUDGET PROPOSAL

Mr. GREGG. Mr. President, I want to speak briefly this morning about the status of the President's budget. Obviously, this is always a very significant event when the President presents a budget. This year, I think the climate and the substance of the budget is significantly different than what has occurred in past years. There is a commitment by this Congress to get to a balanced budget by the year 2002.

A year ago, we sent a budget that would have accomplished that to the President, and he, regrettably, vetoed it. Now the President has come forward and accepted this challenge and said that he also believes that we should get to a balanced budget by the year 2002. He sent up to us a proposal to accomplish that. His budget, as proposed, has many constructive functions in it. It also has many questions. Regrettably, it has a lot that is left undone and unaddressed.

On the constructive side, he does get to a balanced budget—at least as he claims—using his numbers. Unfortunately, the questions that are raised by the way in which he gets there are significant. For example, next year, the deficit will go up and the following year the deficit will go up, under his budget. Even in the following year, the deficit goes up under his budget. It is not really until he is about to leave office that he alleges or represents he is going to put in place programs which would bring the deficit down. That, to me, is not what I would call a good glidepath to a balanced budget. The glidepath should be a downhill glidepath, not a roller-coaster graph.

The President proposes about $258 billion of not cuts, but attempts to slow spending over the next few years. Of this, it appears that about $80 billion comes from defense, about $58 billion comes from domestic discretionary programs, and about $21 billion comes from entitlement issues. Those are good, solid numbers—well, not necessarily solid numbers, but good starting numbers, and we will see whether they are solid numbers.

At the same time he is proposing $121 billion in savings over the next few years in the rate of growth of entitlements, he is also proposing $60 billion of new spending on entitlement programs, such as new Medicare benefits, Medicaid benefits, food stamp and SSI benefits, new health insurance benefits. And under his education initiative is a brandnew entitlement program for school instruction, allegedly, and a brandnew entitlement program for school literacy—$60 billion in new spending, which gives you basically a net in the entitlement areas over 5 years of $60 billion in reduction, which is not a very significant number. That is about $10 billion a year on entitlement spending which annually represents almost 55 percent of the Federal budget and is closing in on $700 billion. So it is not a big number. In fact, it is not a strong enough number in order to get to a solid balanced budget because what happens is that, even if we get to the balanced budget, even if we accept the figures which the President has proposed in his budget as getting to the balanced budget in the year 2002, we see those deficits exploding after that period. Why is that? Because there is no fundamental proposal for structural reform of the major entitlement programs in the President's budget. That is where I believe this budget is inappropriate. There has to be fundamental reform if we are going to honestly address this issue, if we are not going to simply pass it off onto the next administration, as would occur in this case, or the next Congress as might occur in our case, or, unfortunately, the next generation, which is exactly what we are doing as a Congress and a Presidency if we pursue a tentative course in addressing the entitlement reform.

In the area of entitlement reform, there is in the President's budget no initiative to try to put in balance for any extended period of time the Medicare trust fund, part A, or the Medicare system. The President of the Senate today has been one of the leaders on the issue of how you can reform Medicare in a substantive way so we can have a strong insurance system for our seniors.

I have also put together something called Medicare Choice, or Choice Care, which would be a substantive structural reform which would use the marketplace to try to create an incentive for efficiency in the Medicare system which would give seniors choices, much as we have as Members of Congress, to go into the marketplace and choose a variety of different health care programs, the type of structural reform which myself and the Senator from Tennessee, who is in the chair today, have talked about, are trying to energize and for which we have a lot of support, by the way, here in Congress. It is nowhere to be found in the President's proposal, nor is there any other structural reform which would address the underlying Medicare concerns to be found in his proposal; just a variety of traditional provider payment slowdowns and possibly an accounting mechanism that would significantly adjust the way we pay for home health care. Neither is there a long-term solution, but one which is a totally inappropriate accounting gimmick. There is no long-term solution as to how we make Medicare solvent. So the proposal does not address Medicare reform.

The proposal also does not address the reform of our tax laws, which it should. It calls for a $98 billion cut in taxes. It also calls for an increase in taxes of about $76 billion. So essentially there is no tax cut in this package. More importantly, there is no attempt to address the underlying problem which our tax laws have. We just saw where the IRS spent $4 billion to put in place a computer system to try to make the tax system work in this country, and it appears it can't even figure out who is filing what returns when and how much they are owed. After spending $4 billion, the IRS has openly admitted that it has failed; $4 billion down the drain. Why is that? Is it because they cannot produce such a computer system? In large part, yes. More significantly, it is because our tax laws are so complex and convoluted that they are simply unenforceable and ineffective, and is not a way that we should be raising revenues for the citizenry. The IRS has become a totally overbearing and, in many instances, inept organization which the American people no longer have confidence in. That undermines constitutional government when your tax-raising organizations lose the confidence of the people.

So there should be a proposal, or at least a discussion of or an initiative for how you reform the tax laws, how we take this great, huge, byzantine morass called the IRS and bring it into the 21st century and simply make it understandable and give the American people an opportunity to file a tax return on a postcard, pay taxes, and know that they are being accounted for correctly and recognize that we need more efficiency.

So there is no proposal in here for fundamental tax reform, and there should be. The President has missed an opportunity. It is basically a budget which is based on optimistic economic assumptions, has in it new entitlement proposals for spending, and has a very low net tax cut, none of which really accomplishes the basic goals of the balanced budget. If we are going to balance the budget, we have to fundamentally reform the underlying drivers of our budget problem, which is the entitlement system and our tax laws. Yet, that is not addressed in this budget proposal. It is, however, a starting point.

We as a Senate, and I as a member of the Budget Committee, intend to take it as such and to work with the President to try to put in place something that should not only lead us to a balanced budget in the year 2002 but will give us an opportunity at least to see some light at the end of the tunnel for a long-term resolution of the major underlying public policy questions which we have in this country—Medicare, Social Security, and our tax laws.

So I appreciate the time, Mr. President, of the body. I yield back my time at this point.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 5, the Federal debt stood at $5,302,957,481,388.92.

One year ago, February 5, 1996, the Federal debt stood at $4,987,401,000,000.

Five years ago, February 5, 1992, the Federal debt stood at $3,800,008,000,000.

Ten years ago, February 5, 1987, the Federal debt stood at $2,233,219,000,000.

Fifteen years ago, February 5, 1982, the Federal debt stood at $1,030,621,000,000 which reflects a debt increase of more than $4 trillion, $4,272,336,481,388.92, during the past 15 years.

PUBLIC CONCERN ABOUT OUR HEALTH CARE SYSTEM

Mr. DASCHLE. Mr. President, over 2 years after the defeat of health reform in Congress, many opponents of change still claim that Americans are satisfied with their health care and view Federal oversight as the first step in a Government takeover of the system. They assert that minor tinkering may be needed to shore up some of the system's weak spots, but access to and quality of care in our country are the best in the world.

If the public thinks the system isn't broken, so the thinking goes, there is no reason for lawmakers to try to fix it.

But are Americans so happy with the current state of health affairs?

Evidence from a recent survey suggests that there is still much that troubles the public about our current system, and they expect their elected representatives to help them address the problems they are experiencing.

People are confused about how the system works; they are anxious about the cost of medical care; and they don't always feel they can obtain information to help them make sound health choices, get care when they need it, and be assured of quality.

And contrary to the widely publicized view that most people think Government should not be involved in health care, a bipartisan majority of Americans feel that the Federal Government can play an active role—working with the private sector—to make health care more affordable and improve its quality.

These are the findings of a poll of American households commissioned by the National Coalition on Health Care. The bipartisan coalition, cochaired by former Presidents Jimmy Carter and Gerald Ford, is the Nation's largest and most broadly representative alliance of large and small business, labor unions, consumer groups, religious groups, and primary care providers.

The National Coalition on Health Care's recent survey reveals a disturbing lack of confidence among the majority of Americans with the state and direction of health care. Eight out of ten agree that "there is something seriously wrong with our health care system." Less than half say they have "confidence in the health care system to take care of [them]."

Not surprisingly, the poll reveals that lower-income Americans are particularly troubled by their experiences with cost, coverage, and treatment. Perhaps more startling is the pervasive concern of middle-income Americans who also see major flaws in the system related to quality, access, and cost.

While a majority feel that their medical plan works for them, 4 in 10 report reductions in coverage. Medicare recipients are among those most satisfied and confident in their care.

Perhaps most disturbing for the Congress is the coalition's focus group's finding that Americans believe improvements in the health care system have been held hostage to partisan politics. While Americans do not want Government involved directly in their health care, they do believe that Government has a role in protecting their interests.

Americans have voiced their concerns and have asked for Government's help—not in delivering health care, but in giving them greater security about their ability to afford and retain health insurance. We should heed their call.

Last year we passed the Kennedy-Kassebaum bill, which helped workers who lose or switch jobs keep their health insurance. This year, Democrats believe it makes sense to build on that success by giving working families financial assistance to help them insure their children.

These children do not come from the poorest families, for the poor have Medicaid. The vast majority of the 10.5 million uninsured children in America are sons and daughters of working parents who do not have access to affordable coverage through their workplace. Though many of these parents work 40 hours a week, 50 weeks a year, they are still not able to buy health insurance for their children.

Yet we know that a little financial assistance goes a long way toward covering kids and saving health care dollars and precious lives down the line. Numerous studies confirm that uninsured children don't get the cost-effective preventive care they need and end up costing the system more in the long run, through more expensive emergency room visits, hospital admissions, and preventable chronic illnesses.

The Government Accounting Office reports that uninsured children are less likely than those with coverage to get needed health and preventive care, and that the lack of such care can adversely affect children's health status throughout their lives. These children are less likely to have routine doctor visits or have a regular source of medical care, less likely to get care for injuries, see a physician if chronically ill, or get dental care, and they are less likely to be appropriately immunized to prevent childhood illnesses.

Each of us already helps pay for these children through implicit cost shifting for uncompensated care. But we pay too much, and we get far too little. How much better it would be to help families obtain insurance for their children from the start; to provide continuous, cost-effective health care from birth through age 18 so that children can grow up healthy and maximize their potential.

The Children's Health Coverage Act, S. 13, provides tax credits to help working families purchase private coverage for their uninsured children. There are many additional ideas being floated, from both sides of the aisle, to help families obtain coverage for their children. These ideas should be debated, considered, refined, and crafted into bipartisan legislation that can pass the Congress this year.

The American public wants us to act responsibly on their behalf to assure access to quality health care at a fair cost. Now is the time to act on that charge. There is ample common ground on the issue of extending health coverage to children. Let's prove there is ample will.

TRIBUTE TO PAMELA CHURCHILL HARRIMAN

Mr. SPECTER. Mr. President, I have sought recognition to pay tribute to a very distinguished citizen of the world, Pamela Churchill Harriman, whose untimely death occurred yesterday in Paris, France, while she was performing her very distinguished duties as United States Ambassador to France.

Ambassador Harriman had an illustrious career. She has graced Europe, she has graced the United States, and has capped an extraordinary life with very distinguished service for the past 4 years as our Ambassador to France, dealing, in fact, with some of the most difficult problems of the world, as we have tensions between the United States and France and the problems of NATO and a great many other issues.

During the past several years, I have had the privilege to come to know Ambassador Harriman personally. I traveled to Paris in connection with my duties as chairman of the Senate Intelligence Committee and found her knowledge, experience, and wisdom in that field to be very extensive and, candidly, it was somewhat of a surprise to find such depth and knowledge and understanding on the complicated matters which involve intelligence.

She truly had an extraordinary life. Married to Randolph Churchill, the son of Prime Minister Winston Churchill, she was privy to some of the really fascinating and great events of the era.

During the course of conversations with her, I was struck to hear her tell of being at Checkers, the home of the Prime Minister, one Sunday evening when the dinner was interrupted by a telephone call from President Franklin Delano Roosevelt. And she told the story about Prime Minister Winston Churchill telling the story of President Roosevelt telling to Churchill the United States was now in it with Great Britain, because the attack on Pearl Harbor had just occurred.

And then her reminiscences about the events during the war. The Churchills had a basement at No. 10 Downing Street for when the air raids came on. They had tiered bunkers. They were not set up in very elaborate fashion. She slept in the lower bunk, pregnant at the time, and Sir Winston Churchill would come in, she recounted, at 2 a.m. and snore loudly, awakening everybody in the compound.

When I heard of the news 2 days ago, I called Charge d'Affaires Donald Bandler to find out what her condition was. She finished an arduous day, was on her way for a swim in the Ritz Hotel and, before going into the water, had suffered a seizure.

I had a chance to talk briefly with her son, Winston Churchill, who said at that point it was apparent that his mother would not survive.

While talking with her about the events of being an ambassador, I was struck with the difficulties that Ambassadors of the United States are having around the world and took some of the information and made a statement on the Senate floor praising the work she was doing, illustrative of ambassadors generally, commenting about the need to support the State Department and the activities which ambassadors were performing.

While there, I had an opportunity to stay in the Benjamin Franklin Room, a room of special significance to this Senator, Franklin being a Philadelphian really, not a Bostonian, and had an opportunity to get some of the memorabilia from the Ben Franklin Institute to send to Ambassador Harriman to furnish the Franklin Room in the style she wanted it to be.

We have lost a really great world citizen with the passing of Ambassador Harriman. There is much more that could be said about her, in terms of her illustrious life. Many Senators knew her; most of Washington knew her. She was a great citizen of Great Britain, she was, in a sense, a citizen of France but, most of all, a great citizen of America.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I had the opportunity at the NATO conference in November, as the ranking member and former chairman of State, Justice, Commerce Appropriations, to spend an entire morning with Ambassador Harriman going over her particular needs, her budget. I was really impressed with the overall view she had of the needs of the Department of State, particularly her grasp of bringing the Department up to date in the area of communications, upgrading its computers, and other technological issues.

I could tell that she understood, after we had some time together, that the lack of real financial support for the Department of State has been at the executive branch, not here in the Congress. I have fought for many, many years to try to get the needed increases for the endeavors of the State Department. And now with the fall of the wall, defense is not our first line of defense. The State Department is.

We are trying to sell capitalism. We are trying to sell democracy and individual rights the world around. And that is the province of our Department of State, which has been cut back. We have been closing consulates and closing embassies.

The record will show that the distinguished Ambassador had really been to the President on these issues, and for the first time President Clinton has made a substantial request for an increase for the Department of State. There will be many kudos, well deserved, for Ambassador Harriman, but I think she was the one who finally got the message to the executive branch as to what was needed at the State Department.

Mr. President, I ask unanimous consent that a Brookings Institute Council on Foreign Relations study recently published on the needs of the State Department and the diplomacy of the U.S. Government be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINANCING AMERICAN LEADERSHIP: PROTECTING AMERICAN INTERESTS AND PROMOTING AMERICAN VALUES

(Statement of the Task Force on Resources for International Affairs of the Brookings Institution and the Council on Foreign Relations)

I. INTRODUCTION AND SUMMARY

Relative to the average of the 1980s, spending on international affairs has fallen nearly 20 percent in real terms, and it would decline by as much as another 30 percent under the plans proposed by the President and the Congress for balancing the federal budget by 2002.

Noting this trend in foreign affairs spending, the Council on Foreign Relations and the Brookings Institution, while taking no positions on the question as organizations, convened an independent Task Force of distinguished private citizens with a strong commitment to foreign affairs to examine its consequences and to make such recommendations as it might see fit.

The Task Force concludes that the cuts already made in the international affairs discretionary account have adversely affected, to a significant degree, the ability of the United States to protect and promote its economic, diplomatic and strategic agendas abroad. Unless this trend is reversed, American vital interests will be jeopardized.

The Task Force calls on the President and the Secretary of State to exert the strong and sustained leadership that will be necessary to secure the understanding of the American people and the bipartisan support of the Congress to provide the funds necessary to finance American global leadership. This effort must be accompanied by a thorough review of the foreign affairs agencies with an eye toward a structure and to processes that will be more efficient and effective in terms of today's requirements.

The Task Force recommends that the President call for an increase in international affairs spending from its 1997 level of $19 billion to $21 billion in 1998, with annual adjustments through the year 2002 to offset projected inflation.[1] In addition, this report calls for the creation of a bipartisan commission to consider possible reforms in the State Department and the other foreign affairs agencies and identifies nearly one billion dollars in achievable reforms and economies. The amount of the net increase the Task Force proposes represents only about one-tenth of one percent of the entire FY 1997 federal budget and less than four-tenths of one percent for the total discretionary budget. Although these amounts are small in absolute terms, the potential consequences of not having them are quite large.

II. THE CHALLENGE AND OPPORTUNITY

With the Cold War over, it is natural that the United States should focus more on domestic concerns. Reducing the federal budget deficit must be a high priority. Ensuring that government programs are efficient and effective is an obligation owed to American taxpayers. However, domestic renewal must not blind us to the world's continuing dangers and the requirements of America's essential leadership role.

The end of the Cold War has transformed the nature of the challenges we face. Ethnic strife, regional instability, crime, narcotics, terrorism, famine, environmental degradation, fanaticism and rogue regimes with mass destruction capabilities have taken the place of the global communist threat on our agenda. The United States cannot effectively protect its interests in these areas and provide leadership for those who would work with us unless we are prepared to spend the amount necessary to protect our interests and promote our values.

Moreover, by strengthening friendly forces and by calming and defusing potentially explosive situations, our diplomats can reduce the demands upon our military forces, avoiding unnecessary troop deployments and saving much more money in the defense account than would be spent from the much smaller foreign affairs account. With such objectives in mind, our diplomatic arm for example, has reinforced in recent years our basic Asia-Pacific alliances with Japan, Korea, Australia, Thailand and the Philippines. In both Asia and Europe, new concepts of regional security and economic cooperation have been advocated, including dialogues among former adversaries. Timely spending for conflict resolution can help to obviate the need for costly disaster relief, refugee resettlement and possible military deployments.

The U.S. economy is increasingly interdependent with the rest of the world—a world that is increasingly competitive. Most recent increases in our nation's manufacturing employment have come from increased export volume which has produced jobs with higher than average wages and helped to drive the continuous growth of our economy. Our ability to sustain that growth depends, in part, on our willingness and ability to employ the traditional instruments of foreign policy to promote exports, protect our products and ensure open trade. These are complex undertakings that include tasks ranging from sustainable development and basic institution building (e.g. establishing commercial codes where none have existed) to multilateral trade negotiations such as in the World Trade Organization. We know how to do these things; we must establish the priorities and be prepared to spend the money to deploy the assets, people and institutions required to achieve them.

Managing today's international, political, economic and security problems and seizing the opportunities before us requires American leadership. Exercising that leadership is difficult. It demands sustained official and public diplomacy, an array of economic and military sticks and carrots, and preventive measures where they can be effective. And it will require money.

Senator Richard Lugar in a recent admonition to the country's policy makers summarized the view of the Task Force: "Too many leaders in both political parties have bowed to political expedience and embraced the fiction that international spending does not benefit Americans and therefore can be cut with impunity. As important as balancing the budget is, it will not happen if American disengagement from the world results in nuclear terrorism, an international trade war, an international energy crisis, a major regional conflict requiring U.S. intervention, or some other preventable disaster that undermines our security and prosperity."

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[1] The corresponding amount of budget authority would be roughly $22 billion in 1998, due to the fact that increases in actual spending always lag increases in the authorization to spend. The amounts are similar to, but for technical reasons somewhat greater than, spending and budget authority for the "150 (foreign affairs) account."

Americans want the United States to remain a world leader. Polling by the Chicago Council on Foreign Relations reveals that two-thirds of the public wants the United States to remain actively engaged in world affairs. This number is actually higher than during many parts of the 1970s and early 1980s, when we were in the winter of the Cold War. Other poll data strongly support the belief that the public is willing to pay for continued global engagement.

III. PROJECTED EXPENDITURES

What resources is our government currently devoting to meeting these global challenges and opportunities?

In FY 1997, the United States will spend about $19 billion for its diplomatic and foreign assistance. That amount is slightly more than one percent of the overall federal budget. It is less in real or inflation-adjusted terms than international discretionary spending in any year since 1979, and nearly 20 percent below the average since then.

International affairs is the only major category of federal spending that has undergone a real reduction since 1980. Along with funding for the Pentagon, international spending is one of only two major components of the federal budget to have been reduced since 1990.

As problematic as spending cuts have been to date, those now planned are much worse. The President's last fiscal plan, of early 1996, anticipated that real funding for international affairs would decline from $19 billion to $16.5 billion by 2002. If he agrees—as he may do—to use Congressional Budget Office assumptions, the President would need to cut significantly more. Under the Congressional budget-balancing resolution of April, 1996, international spending would drop to $13 billion, or 30 percent below its current level and 45 percent below its 1980-1995 average in constant 1997 dollars. That would be less than at any time since 1955.

In contrast with the defense and intelligence budgets, the international affairs account is not at all protected in the deficit-elimination process. In the three year budget agreement concluded between President Bush and the Democratic-led Congress in 1990 (the "Andrews Air Force Base Agreement") the international affairs function as well as the national defense function of the budget were fenced off and protected from diversion to alternative spending. By contrast, at the conclusion of the January, 1996 budget negotiations, there was political agreement to put a floor under the national defense budget, but international affairs was grouped with all other non-defense discretionary expenditures and targeted by OMB for straight-line reductions. Subsequent pleas from the State Department for the protection of foreign affairs within a more expansive "national security" category were to no avail.

IV. CONSEQUENCES

The State Department and its 260-plus overseas posts constitute the basic and indispensable infrastructure upon which all US civilian—and many military—elements rely to protect and promote American interests around the world. The Task Force found unmistakable evidence that the readiness of this infrastructure has been seriously eroded. Some 30 posts have been closed in the past three years for lack of operating funds. Many of the remaining posts are shabby, unsafe and ill-equipped. All are handicapped by obsolete information technology. Staffing is highly uneven. The Department's cadre of language and area specialists has been depleted and resources for public diplomacy are fast disappearing. Yet the demands upon our missions continue to grow. Reports circulate that budget cuts may force the Department to close more posts abroad and that the Department is being advised to sell off its assets in order to meet operating expenses. Taken together, these developments contribute to an image of decline and withdrawal which disheartens our friends and allies and undermines our effectiveness abroad, as do the actual cuts out of our diplomatic muscle.

More subtle is the extent to which the Executive's options have been severely limited for lack of readily available, flexible resources with which to avert or respond to foreign crises. Future chief executives, regardless of party, will find this every bit as vexing as has the present incumbent.

In the recent past our government has been forced to choose, sometimes arbitrarily, which situations it will engage in and which it will ignore. Here are some recent examples: To stabilize Haiti, the decision had to be made to reduce economic support for Turkey despite its critical relationship to our Middle East interests; the decision to provide aid to shore up the West Bank and Gaza was made at the expense of funds originally intended to help demobilize the armed forces of the parties to a Central American peace agreement which the United States had spent years negotiating; providing our share of the financing package assembled for Cambodia's first free election required deferring, for more than a year, support for smaller initiatives in a dozen or so other countries; responding to the refugee crisis in Rwanda meant taking funds for democratic institution-building from the rest of Africa at a moment when positive trends were emerging elsewhere on the continent; and when the United States needed $2 million to monitor a cease-fire between the Kurdish factions in northern Iraq, ready money was not immediately available, the situation deteriorated, and Saddam Hussein was afforded a pretext to send forces into northern Iraq—a move which culminated in US military action costing multiples of the originally needed sum.

U.S. investment in economic development, either through our bilateral programs or international financial institutions (IFIs) like the World Bank, has declined to $8.5 billion from the $12 billion average of the earlier 1990's. It is projected to fall every year under both the President's and the Congressional out-year plans. The consequences of not investing in development are impossible to quantify, but the evidence of the benefits that development has brought to over one-half of the world's population is impressive. In the purely human dimension, US bilateral leadership has been critical to recent worldwide advances in agricultural and medical research and basic human needs including primary education, family planning, child nutrition and immunization programs.

Our own political and economic self-interest also benefit from the activities of the IFIs. But as we fall behind in meeting our commitments, we risk losing our ability to shape their agendas in support of our objectives. In the past, this influence has enabled us to mobilize multilateral funding to supplement our own increasingly limited bilateral funds for reconstruction in Bosnia, Haiti, the West Bank/Gaza, to stabilize the Mexican peso, and to reinforce the transitions to democracy in Central Europe and the countries of the former Soviet Union. At home, US exporters expect to feel the effects if our support for the IFIs continues to decline. Nearly one half of US exports go to Asia, Latin America and Africa, where close to 80 percent of the world's population lives. IFI lending drives critical segments of development which, in turn, determine the future market potential of these countries.

United States' arrearages to the United Nations present a more complicated and troublesome case. An independent Council on Foreign Relations-sponsored Task Force chaired by George Soros recently concluded that where the United States had taken clear and firm positions, the United Nations "has served US interests well." The report noted further that its judgments of the UN's utility "have been shared by both the Bush and Clinton administrations." But the UN will not continue to work for us, particularly after we succeeded in imposing our will on the issue of a new Secretary General, if we are not prepared to meet our financial obligations. Nor will our efforts toward reform of the UN system gain momentum if it appears that the United States is unlikely to settle its arrearages, which now amount to $300 million for the regular budget and $700 million for peacekeeping operations.

The damaging implications of the planned, progressive reduction in the international affairs budget are immediately evident upon examination of the limited options for their implementation. The most obvious strategy would be to take most of the cut out of one or the other of its largest components—development assistance and the Israel/Egypt programs. Either would be virtually eliminated if it were targeted. The alternative would be to cut each component proportionately. Under this scenario, the State Department could not avoid closing nearly 100 additional posts and funding for "new global issues"—including crime, corruption, narcotics and the environment—would be at risk.

The magnitude of the cuts proposed through the year 2002 would make it impossible to avoid significant cuts in support for the Middle East peace process and development aid, regardless of the strength and persuasiveness of their advocates within the US political process. Those programs are where the money is, and if total cuts of a cumulative magnitude of nearly 50 percent are made, they simply cannot be spared.

Advocates of sharp reductions in international spending frequently do not spell out how their recommendations should be implemented. They may be prepared to see one activity or another savaged, but would probably find at least one of the above-mentioned consequences of drastic cuts unacceptable.

None of this is meant to imply that there is no room for selective reductions in foreign aid or no need for a tighter focus on administering its distribution. Insufficient funding is by no means the only problem with our foreign affairs programs. However, any changes should be made with a scalpel rather than an ax. The Task Force has identified several specific areas where savings could be made in order to enhance effectiveness and to offset partially the increases it proposes.

V. RECOMMENDATIONS

To reverse the destructive funding trend of the last few years, the President must take the initiative to ask for adequate funding for international affairs and to work together with the Congress to ensure that our foreign affairs structure is organized to meet today's requirements with maximum efficiency and effectiveness. He must take responsibility for doing what only he can do—explain to the American people why we need to devote resources to promoting our interests abroad. At the same time, he must make clear to the foreign affairs bureaucracy that "business as usual" is unacceptable. All the poll data show that the American people support constructive engagement and recognize the dangers and opportunities abroad. They know leadership does not come cheaply and they will support the President once he makes clear what is needed and that he is prepared to push for reform.

Next, the Executive and the Congress must reestablish the bipartisan and bicameral cooperation necessary to ensure that adequate funds are provided. Otherwise, American interests will be increasingly at risk in a rapidly changing and turbulent world. To the extent that agreement can be reached between the President and Congress on restructuring the foreign affairs agencies, it would be highly desirable to agree on basic terms in time for any necessary legislative action to be completed during the coming session of Congress.

Specifically, in FY 1998, federal discretionary spending on international affairs should rise to $21 billion from its 1997 level of $19 billion, with annual adjustments through the year 2002 to offset inflation. The recommended figure is still well below the average of the 1980–1995 time period but considerably more than current projections.

The Task Force was acutely aware of the continuing budget pressures and searched for ways to cut existing costs. We present these reforms before outlining the increases that are recommended:

Saving in the development assistance account can be realized by dropping the Title I PL 480 food program and through the amalgamation of the Agency for International Development's extensive administrative support operations as discussed below.

Continuing administrative reforms in UN organizations and the international financial organizations should produce savings for the US of $100 million per year by the year 2002.

Amalgamation and re-engineering of the administrative support services of the foreign affairs agencies need not await the larger structural review recommended and therefore should be initiated immediately. This reform would be a logical follow-on to the newly agreed upon collaborative arrangements for financing overseas administrative support. The foreign affairs agencies should be directed to move without further delay to eliminate overlap and duplication of policy and program functions among themselves, as directed by the Vice President in 1995. These actions should produce savings of $100 million to $200 million by the end of the decade.

A mission-by-mission review of all agencies' overseas staffing should be considered as a means of sharpening focus and realigning resources with policy priorities. Such a review could achieve additional savings in accounts other than 150.

We are persuaded that some restructuring of the foreign affairs agencies is needed and that this would produce additional savings—although less than some advocates have suggested. Restructuring the foreign affairs agencies is a task assigned by the Constitution and by practical necessity to both political branches of the government and requires the cooperation of leaders on both ends of Pennsylvania Avenue. We urge the President and Congressional leaders to come together on a mechanism—a bipartisan commission appointed jointly by Congressional leaders and the President is one time-honored method—to develop a solution which all can support and which will improve the formation and implementation of policy.

Disagreement over organization must not be permitted to be the cause or the excuse for failure to reach agreement on the funding increases that will be necessary—whatever structural reforms are agreed upon. The following summarizes our recommendations for increases relative to FY 1997 spending levels (all numbers are annual unless otherwise indicated, should be maintained at this level in real terms for the next five years, and are expressed in constant 1997 dollars):

$600 million should be available in accounts which the President can draw upon to take prompt, concrete actions to fix problems of urgent and particular concern to the United States. Uses would include economic and security support, military education and training, foreign military financing, conflict prevention and resolution, democratic institution-building, non-proliferation, counter-narcotics * * *.

* * * * *

VI. CONCLUSION

The President has spoken very clearly about the imperatives of global leadership and its price. In Detroit last October he declared: "The burden of American leadership and the importance of it—indeed, the essential character of American leadership—is one of the great lessons of the 20th century. It will be an even more powerful reality in the 21st century."

What remains now is for the President to recognize that without adequate resources it will not be possible to provide the international leadership that our national interests require. There are three aspects to this challenge:

First, the President must include in his 1998 budget request an amount adequate to fund American leadership and he must also reverse the out-year projections which threaten our posture abroad. Second, the President must take the international affairs resource issue to the American people. The President, more than any other individual or institution of our system, bears the responsibility for the success or failure of American foreign policy. Better than anyone else, he can make clear what it means not to have the resources required to protect and promote American values and interests. As Commander-in-Chief, the President can underscore the vital link between diplomacy and deterrence. Secretary of State Warren Christopher described the nature of this connection very clearly when he addressed the Corps of Cadets at West Point last October 25: "We will serve the American people best of all if we can prevent the conflicts and emergencies that call for a military response from ever arising. . . . If we hold that line around the world, we are much less likely to have to send you and the troops you will command into harm's way sometime in the future."

Third, once the President has done these two things he will be in a position to reach out to the leadership of the Congress to establish understanding about international affairs financing. This must be a collaborative, non-partisan undertaking and the President must commit, at the outset, to a review of the structure and coordination of the foreign policy agencies as recommended above. The initial move in this regard must be the President's and it must be accompanied by a clear indication of his willingness to take the resource issue to the American people. He must then be joined by the Congress, which deserves nothing less than a full understanding, a full voice in decisions, and a full measure of responsibility.

The American people do not want to swap a budget deficit for a security deficit. We suspect most Americans would be alarmed if these proposed budget cuts go through only to discover that America faces an influence gap in world affairs as we enter the twenty-first century.

We can afford to do more. We cannot afford to do less.

SIGNATORIES

Signatories include members of the Task Force, regional participants who met in Boston and Seattle, and those who have since endorsed this Statement.

David M. Abshire, Center for Strategic and International Studies.

Clark C. Abt, Abt Associates, Inc.

Graham T. Allison, Jr., Harvard University.

Robert J. Art, Brandeis University.

Steven K. Berry, Holland & Knight.

Derek Bok, Harvard University.

Salih Booker, Council on Foreign Relations.

Terrence L. Bracy, Bracy Williams & Company.

Zbigniew Brzezinski, Center for Strategic and International Studies.

John A. Burgess, Hale and Dorr.

George Burrill, Business Alliance for International Economic Development.

Richard R. Burt, International Equity Partners.

John C. Campbell, Senior Fellow, Emeritus, at the Council on Foreign Relations.

Frank C. Carlucci, The Carlyle Group.

Charles E. Cobb, Jr., Pan Am Corporation.

W. Bowman Cutter, Warburg, Pincus.

Patricia Davis, Washington Council on International Trade, Seattle.

Brewster C. Denny, University of Washington.

Mark D.W. Edington, Doedalus.

Mickey Edwards, Harvard University.

Robert F. Ellsworth, Robert Ellsworth & Co., Inc.

Ainslie T. Embree, Columbia University.

Dante B. Fascell, Holland & Knight.

Richard A. Falkenrath, Harvard University.

Richard W. Fisher, Fisher Capital Management.

Bart Friedman, Cahill Gordon & Reindel.

Jeffrey E. Garten, Yale School of Management.

William E. Griffith, Massachusetts Institute of Technology.

Adam R. Grissom. Harvard University.

Peter Grose, Harvard University.

Richard N. Haass, Brookings Institution.

General Alexander M. Haig, Jr. (Ret.), Worldwide Associates, Inc.

Morton H. Halperin, Council on Foreign Relations.

William C. Harrop, Association for Diplomatic Studies and Training.

Alan K. Henrikson, Tufts University.

Jessica Hobart, Center for Science and International Affairs.

Patricia L. Irvin, Cooper, Liebowitz, Royster & Wright.

Paula C. Jacobson, Harvard University.

Kempton B. Jenkins, APCO Associates Inc.

Willard R. Johnson, Massachusetts Institute of Technology.

Max M. Kampelman, Fried, Frank, Harris, Shriver and Jacobson.

Arnold Kanter, Forum for International Policy.

Lawrence J. Korb, The Brookings Institution.

Lane Kirkland, President Emeritus, AFL–CIO.

Carol J. Lancaster, Georgetown University.

Sally Lilienthal, Ploughshares Fund.

Franklin A. Lindsay, retired Chairman of Itek Corp. and former Chairman of the National Bureau for Economic Research.

Sarah K. Lischer, Harvard University.

M. Peter McPherson, Michigan State University.

Major General David C. Meade (Ret.), United States Army.

Robert F. Meagher, Fletcher School of Law and Diplomacy, Tufts University.

Robert H. Michel, Hogan & Hartson.

Richard M. Moose, Council on Foreign Relations.

Kenneth P. Morse, MIT Entrepreneurship Center.

Joshua Muravchik, American Enterprise Institute.

Ted M. Natt, The Daily News.

David Nemtzow, The Alliance to Save Energy.

Richard A. Nenneman, The Christian Science Monitor (Ret.).

Augustus Richard Norton, Boston University.

Gordon W. Perkin, Path Program for Appropriate Technology in Health.

Richard E. Pipes, Harvard University (Ret.).

Brent Scowcroft, Forum for International Policy.

Sarah B. Sewall, Harvard Law School.

John W. Sewell, Overseas Development Council.

George P. Schultz, Stanford University.

Eugene B. Skolnikoff, Massachusetts Institute of Technology.

Stephen J. Solarz, APCO Associates Inc.

Theodore C. Sorensen, Paul, Weiss, Rifkind, Wharton & Garrison.

Claude A. Soudah, Bank of America NT&SA dba Seafirst Bank—Seattle.

Deborah L. Spar, Harvard Business School.

Dick Thornburgh, Kirkpatrick & Lockart LLP.

Robert J.C. Van Leeuwen, World Affairs Council.

Abelardo Lopez Valdz, Squire, Sanders & Dempsey.

Cyrus R. Vance, Simpson Thatcher & Bartlett.

Paul A. Volcker, Wolfensohn & Co., Inc.

Raymond J. Waldmann, The Boeing Company.

Louis T. Wells, Harvard Business School.

Jennifer Seymour Whitaker, Council on Foreign Relations.

John C. Whitehead, AEA Investors Inc.,

Eden Y. Woon, Washington State China Relations Council.

Dorothy S. Zinberg, Harvard University.

Mr. HOLLINGS. The report is endorsed by former Secretaries of State and those in the know both, in a bipartisan fashion. I thank the Chair.

TRIBUTE TO MARK JERSTAD

Mr. DASCHLE. Mr. President, I want to take this opportunity today to honor my dear friend, Reverend Mark Jerstad, a Lutheran pastor and head of the Good Samaritan Society in Sioux Falls. After having spent much of his adult life comforting the dying and grieving, Mark recently learned that he has terminal colon cancer. This news was a sad blow to all those who know and love him. Yet, as we face the loss of our friend, we are inspired by the strength of character shown by Mark and his family.

Mark's ability to help others confront their fears and prepare for their next journey has always been based on his strong faith in God. Now it is this same faith that has enabled Mark to be at peace with his own death. You see, Mark believes himself to be a lucky man. Unlike many, he has the time to say goodbye, and to reflect on the life he has led. As he says, we are nothing but the sum of our deeds. I believe him, and by this measure Mark is truly remarkable for he has lived a life of kindness and love. We cannot help but to grieve for the fact that Mark will no longer be with us. We must grieve for his children Rachel, Michael and Sarah, who will be losing their father. And we must grieve for Sandy, who will lose her husband of 31 years. But we can be at peace knowing that Mark is living out his remaining days to the fullest. He is at peace, and with his loved ones.

Mark eloquently described the challenge we all face: "Unfortunately, people just can't seem to live life to the fullest until they come face to face with their own death and incorporate it into his or her own existence." Mark has done just that, continuing his work as the chief executive officer of the Good Samaritan Society of Sioux Falls while sharing his remaining precious days with friends and family from throughout the country. He is an example for us all.

Mark, we wish you and your family well. Let your faith, grace and dignity be a lesson to all.

Mr. President, I ask unanimous consent that the text of an article from the Sioux Falls Argus Leader honoring Mark Jerstad be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sioux Falls (SD) Argus Leader]

CEO WHO COUNSELED THE DYING FACES HIS OWN DEATH WITH FAITH

(By Steve Young)

Mark Jerstad sat in an X-ray room at Sioux Valley Hospital in November when cold reality swept over him.

The chief executive officer of the Good Samaritan Society in Sioux Falls had just finished tests for what doctors thought might be an appendix problem.

He was waiting alone for the results to come back when he suddenly felt "like a peeled grape shaking in a snowbank at 40 degrees below zero."

The feeling lasted 30 seconds. When it passed, this Lutheran pastor and business executive knew exactly what was wrong.

"All of a sudden, it came to me. . . . almost like a voice," he recalls. "You have cancer, and it is terminal."

He was right.

Jerstad, 54, learned that he has an aggressive, advanced stage of colon cancer. There is no cure. There is only the hope that chemotherapy might prolong his life a month, maybe two.

But this isn't a story about one man dying. Rather, this is a tale about one man's incredible faith—and what it means to live in the shadow of your mortality.

Lean and angular, Jerstad greets visitors in his spacious Good Samaritan office with the same firm handshake that has been his trademark.

Though the chemotherapy leaves him periodically weak, he still routinely comes to work to oversee affairs at the nonprofit monolith that provides services to senior citizens in 240 facilities in 26 states.

This has been Jerstad's job for 7½ years. He has been with Good Samaritan since 1985. Before that, he was campus pastor and a religion professor for nine years at Augustana College. And before that he served as a pastor in International Falls, Minn.

In many ways, those years of ministering to church members and college students helped prepare him for what lay ahead.

In International Falls, Jerstad counseled scores of people and their families through death and grief.

"Honestly, I think I was given a gift of working with dying people," he said. "I could be honest with them—someone who could be open-minded and listen and hear their fears."

So many times, he sat bedside at the moment of death, helping people in their journey from this existence to the next. It couldn't help but affect his own life.

"How can it not?" Jerstad says. "I mean, I believe we are the sum of our life's experiences. I really feel these very intimate sharings of people as they were dying have touched my life deeply and richly.

"They've helped me be at peace with my own dying, for sure."

Similarly, his years of teaching death and dying classes at Augustana helped prepare him as well.

Jerstad would share his experiences in International Falls with his classes. But his focus was more on living than dying.

"When you think about it, we're all terminal. . . . We're all dead men walking. We just don't know when that final day will be," he said.

"Unfortunately, people just can't seem to live life to the fullest until they come face to face with their own death and incorporate it into his or her own existence."

That isn't a problem for Jerstad. Indeed, there never has been a moment in the last three months when he bolted upright in bed in the middle of the night, sweating in fear about what awaits him.

CERTAIN SADNESS

Obviously, there is sadness. He looked forward to becoming a grandfather and baptizing his own grandchildren.

He thought maybe he would get to officiate at the marriages of his two daughters and his son—a possibility that now seems remote.

"You know, I kind of wish it was summer rather than winter," he said as he glanced out his office window. "I like to be able to sit out in my backyard in the afternoons and evenings, just watching the sun go down."

Still, Jerstad won't mire himself in what might have been. He is a man of the moment.

When he was diagnosed with cancer, he had to wait a couple of days before undergoing colon surgery. So Jerstad got a discharge form, signed his name to it and checked himself out of Sioux Valley for the day.

He then drove out to Good Samaritan and attended the morning Bible study there. After sharing news about his cancer with co-workers and staff, he "went home to my kids, built a big fire in the fireplace and just kind of hung out. It really was a wonderful time."

There have been many similar moments since.

He talks about liking to begin each day by snuggling in bed with his wife, Sandy, and sharing a thought or two.

"Sometimes, I reach over and just touch her . . . and thank God for our partnership of 31 years."

He goes into the office most mornings and stays until the work day ends, or until he wears out.

GREETING OLD FRIENDS

In recent weeks, he has spent much time greeting old friends who have sought him out during his illness. One of them flew recently from Alaska, another from Hawaii, yet a third came all the way from Johns Hopkins in Baltimore to spend 45 minutes with him.

"There was a tycoon I knew who wept like a child and embraced me," Jerstad said, his smile growing as he recounts the memory. "I was able to comfort him, and we both were able to grow through that experience."

That, he will tell you, is one of the joys about living when you are dying. It certainly makes him thankful that his life did not end suddenly, that he has had weeks and months to prepare.

Undoubtedly, Jerstad thinks a lot about what death will be like. But he doesn't fear it.

"One of the things that fires me up," he said, and his voice breaks as his eyes fill with tears, "is knowing I'll get the chance to meet my dad again. He died a couple of years ago. I loved him dearly."

What a glorious reunion, the son said. Yet until then, this husband and father intends to revel in the support of his family, his friends and his faith—for as long as he has.

"I have to say, I wonder if I have been given a gift," Jerstad said, marveling at his own outlook. "I mean, I'm surely not in denial. If anyone has accepted the reality of their death much sooner than normal, it is I."

GIFT OF FAITH

How can that be? How can anyone face death with no resentment, anger or bitterness?

In a phrase, he said with a smile, it is a gift.

"The gift of faith," Mark Jerstad said. "Maybe I'm not angry because I'm so hopeful for the life beyond this life.

"I'll be honest; I know my life is in the hands of the Lord. I can't fantasize anything better than that."

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The hour of 12 o'clock having arrived, morning business is closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of Senate Joint Resolution 1, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the Chair.

We are returning to the balanced budget constitutional amendment debate. This is a singularly important debate in our Nation's history. And while I am talking, I am going to constantly refer to just 28 of the unbalanced budgets since 1969—28 of them. We had to find a table strong enough to hold them, and we could not put them on top of each other. As you can see, they are almost as high as I am, stacked in twos and threes. If we put them on top of each other, they would reach almost to the ceiling. These are our unbalanced budgets over the last 28 years, every last one. And yet every time we get into this debate, our friends on the other side of this issue come in and say, "Oh, let's just have the will to do this. We can do it if we want to, if we just have the will." And we heard the President the other evening talking about all you have to do is pass it and I will sign it.

Give me a break. That is what was said in every one of these instances. And a number of them were listed as balanced budgets during this time. It turned out to be horrendous budgetary deficits rather than balanced budgets. You can just look at this stack—and this is just 28 years. This does not count the other unbalanced budgets for most of the last 60 years. This is just 28 years, these stacks right here.

A lot of good intentions, a lot of people working hard to try to do what is right but never accomplishing it because they did not have the fiscal discipline necessary to get it accomplished. You cannot look at this and listen to these arguments of "Why don't we just do what we should do."

After 28 years—and we are just using the last 28 years like I am saying—after 28 years we have to wake up and say we do need a fiscal mechanism to help Congress to do its job because it has not done its job in the last 37 years and most of the last 60 years.

If we put them all up here, we would not have room. Frankly, we are worried with this stack that we might be violating OSHA rules. If these happen to fall over, somebody's leg could get broken.

We are returning to this debate, and it is an important debate. It is about whether we have reached the turning point in our Nation's history in our fiscal affairs which will change the way we have been doing business. We are hoping that if we pass this amendment, we will profoundly effect a legacy we leave to all future Americans.

We have, as I have said, had piled on this table the failed budgetary history of the last 28 years. These are the unbroken string of unbalanced budgets that we have had since 1969.

As Senator ABRAHAM observed last night, this is about as close to balancing the budget as we have come, balancing these budget documents on this table so they will not fall over. That is about as close as we get to balancing budgets. We are not sure we have it balanced well even that way, so you can imagine how difficult it must be to try to balance them the real way.

We received today yet another budget submission. In this one, President Clinton has promised to point us to balancing our budget by the year 2002. In the coming days and weeks, the Congress will be reviewing this budget submission to determine whether it will be just another failed attempt that we toss on top of this huge pile. Of course, since this budget for fiscal year 1998 will not itself balance, it can be placed on this stack of unbalanced budgets. But we have yet to see if Congress will be able to work with this budget submission to get us on the path to balance by 2002.

We should all understand that the backdrop to all this is that the Congressional Budget Office has recently painted a less rosy picture of the deficit in the next few years under current policies. Let me just take this chart.

As this chart shows, CBO predicts that the deficit will begin to rise this year and continue rising throughout the foreseeable future. The CBO predicts that the deficit will rise to $124 billion in fiscal year 1997 and continue to rise to $188 billion by fiscal year 2002, the year we hope we will have balanced the budget. The deficits just keep rising until 2007, as you can see. Our annual deficit is projected to be, at that time, $278 billion a year.

Added up, these deficits will add a total of more than 2 trillion additional dollars to the debt from now until the year 2007. That is if we do what the President is going to offer today.

The point is that we cannot yet congratulate ourselves for a job well done.

There is work ahead for all of us to do, and there is no assurance of success. Based on the sad history illustrated by these 28 years of budgetary submissions, success has to be considered, by any reasonable person, to be in serious doubt. That is why we need a balanced budget amendment to the Constitution. It has been called an insurance policy that we will get the budget actually balanced in the year 2002 and, more important, that we keep it balanced afterward, instead of doing what it appears will be done up through the year 2007, a continual rising deficit each year, well over hundreds of billions of dollars.

I think the combination of these illustrations of the past and the projections for the future based on our current policy suggest that the past is prologue and should show us that we need a balanced budget amendment.

We have been through debates on this measure before. I would like to outline briefly for those watching these debates what they are likely to hear from the opponents of this amendment based on past debates and the positions outlined to this point in this debate.

First, let me point out this is not a partisan disagreement or debate, and it should not be. That is only fitting and proper for a constitutional debate. You have to have people on both sides supporting a constitutional amendment or there is no way it even has a chance of passing. This is a bipartisan amendment.

Some opponents of a balanced budget amendment will attempt to paint this debate as a battle of parties, of a choice between a Republican amendment or a Democrat amendment or Democrat opposition to the amendment. While I hasten to point out that all 55 Republican Senators, every one of us, are supportive of this balanced budget amendment, there are numerous Democrats who support it as well and I commend them. Among the original cosponsors are seven Democrats. An additional four Democrat Senators voted for this version of the balanced budget amendment the last time it was considered in Congress, two of whom voted for it in the House and have now joined us in the Senate, and two other new Democrat Senators expressed support for the balanced budget amendment in their Senate campaigns. That number alone will give us sufficient support to send this amendment to the States. Other Democrat Members have supported this text in the past, and I hope they will return. I would certainly be happy to welcome them back. Senate Joint Resolution 1 is a bipartisan undertaking and a bipartisan, bicameral consensus amendment.

The first division of opponents of the balanced budget amendment is between those who say that they are for a balanced budget amendment, just not this one, and those who are against all balanced budget amendments. In effect, the position is the same. Senate Joint Resolution 1 is the product of years of refinement and debate. It is the only balanced budget amendment which has any chance of being adopted by the Congress as a whole.

In past debates, substitute amendments have been offered, not one of which has garnered the support of even a mere majority of the Members of this body, let alone approached the 67 Senate votes required for Senate approval. Any of us might change a word or two if we were writing our own Constitution. We might want the courts to do this or the President to do that, or we might want tax limitation or any number of other changes. But Senate Joint Resolution 1 is the only version that has a chance of passing. So, when someone in this debate says they have a better idea, you will know, in effect, that they are working against passing a balanced budget constitutional amendment.

Second, there will be those who propose changes to the amendment to exempt certain items from the budget-balancing rule. While they will profess that, of course, they are for balancing the budget—we are all for balancing the budget now; I don't know of anybody on this floor who does not say that. They believe that certain items are just too important to be left to congressional prioritizing. Because they are so important, they propose pretending that, for purposes of the Constitution, these items do not exist in the budget of the Federal Government. Of course, these items are items that the Federal Government pays for, but never mind, they are not part of the budget for purposes of balancing the budget.

When it comes to this, I have to say the No. 1 scheme on the part of these people is to exempt Social Security from the balanced budget amendment. We are here to save Social Security. That is what the balanced budget amendment is all about. The best way to do that is to pass this constitutional amendment. If you take Social Security out from the purview of the balanced budget amendment, the highest item in the Federal budget, that is a risky gimmick that would endanger Social Security's future. So we are very concerned about what is happening here.

Third, we will also hear those who believe that willpower, or another statute, will be the discipline we need. Let me say, again, it has been 28 years, since 1969, since we have balanced the budget. That was the only time we did it since 1960—37 years ago. So, in 37 years we have only balanced the budget once and we have only 28 of those years up here. We could not afford to take the risk of violating OSHA rules by piling this any higher. So, willpower has not worked. We have had no fewer than five major statutory attempts to rein in our borrowing habits since 1978 alone. No statute has worked.

Finally, there are those who would say that a constitutional amendment is unnecessary because Congress and the President both want to balance the budget by 2002, we are moving toward that goal. While it is true that everyone has adopted the goal of balancing the budget by 2002, we have not finished that job yet. June O'Neill, the Director of the Congressional Budget Office, testified last week before the Budget Committee that the good news is pretty much over and the hard work is ahead. As I pointed out, CBO projects that the annual deficit will begin rising again this year from $107 billion this year, which they act like is nothing, to $124 billion next year, to $188 billion in the year 2002, the year we all agree we will have a balanced budget, or we will have to balance the budget.

The lesson, then, is we cannot declare victory and go home because things have recently improved to some extent. The hard work is ahead, and the political pressures that have given us our decades-long debt habit will continue to push us off balance, toward mortgaging the future. Only the permanent counterweight of the Constitution can get us to balance in the short term and keep us in balance for the long term.

Let me conclude simply by saying that I am pushing for this change in our basic charter because I care about the quality of life for all Americans, for those now living, and for those future generations that cannot make their wishes known at this time. I believe that if our colleagues will think about how Washington has worked over the last few decades—just look at it, three decades almost—and the price real Americans pay now, and especially will pay in the future, that they will agree that a vote for the balanced budget amendment is a vote for a better future for all Americans.

We have debated this amendment in Congress for many years. I believe it is time to let the American people debate it in their State legislatures, but that cannot happen unless we pass it through both Houses of Congress. I believe it is time they will adopt a balanced budget amendment to the Constitution if we give the people a chance. Let the people speak, and let them speak without further delay.

Let me just say one last thing about Social Security, because I think it is one of the phoniest issues I have seen in years. Without a credible sustained balanced budget, we will never have the money to pay our future benefits. It is just that simple. A balanced budget means economic prosperity, producing the revenues necessary to fund the program. With a balanced budget, the big spenders in Washington won't be able to target Social Security to pay for other programs, just as the administration did in 1993.

By the way, in the President's own words, he said this: "Neither the Republicans nor I could produce a balanced budget tomorrow that could pass if Social Security funds cannot be counted."

That was said on January 28, 1997, just a week ago. Neither of us can do it without that.

I think it is important to make it clear that opponents of the balanced budget will throw out any diversion to confuse the issue. They will even use scare tactics. The truth is, excluding Social Security does nothing to secure benefits into the future, and the President's own budget that is submitted today counts those surpluses to set it in balance.

We have set aside most of our time this afternoon for our newest Members of the Senate, our freshman class, to come down and express their views on this.

Mr. LEAHY. Will the Senator yield for a question?

Mr. HATCH. Yes.

Mr. LEAHY. The distinguished chairman is not suggesting, and I realize by parliamentary form he could arrange that to happen, he is not suggesting, is he, that debate would be limited only to those who are in favor of the constitutional amendment?

Mr. HATCH. Of course not. We will go back and forth as we did yesterday; either way, as far as I am concerned.

Mr. LEAHY. I don't object.

Mr. HATCH. For some of these freshmen Senators, it will be their first speech as U.S. Senators. I can't believe that there is anything more fitting than the balanced budget amendment in their very first speech. This is a historic issue, and I think these freshmen Senators will help us understand how truly historic it is.

Mr. LEAHY. Mr. President, will the Senator yield again?

Mr. HATCH. I yield.

Mr. LEAHY. On that point, as the distinguished chairman knows, the new Senator from Nebraska was on the floor yesterday. While he took a different position than mine on this, I commend him for his efforts and his work on this. While the chairman and I disagree on the need for this amendment, I think we both agree that if somebody is to give their first speech in the Senate, there are few issues that will be of such significance as this.

Anytime one amends the Constitution, something that has been amended only 17 times since the Bill of Rights, that is a significant effort. As I said yesterday, for 200-some-odd years, we have resisted the temptation to amend our Constitution, which is one of the reasons why we are such a powerful democracy and one of the reasons why our Constitution has stood the test of time.

I also note, I think on both sides of the aisle there is strong support to balance the budget, but what I want to remind everybody, as the President said in his State of the Union Address, is all it takes is our vote and his signature to balance the budget without a constitutional amendment. In the last 4 years, the deficit has come down. For the first time since I have been able to vote, the President 4 years in a row brought the deficit down and is now on the fifth time. He deserves a great deal of credit for that.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I honor my colleague. He is a very fine Senator and does a very good job, but give me a break: All it takes is for us to do the job and the President's signature. We have had 28 years of that philosophy. Here it is. Twenty-eight years on balanced budgets and really, in the last 60 years, there have been really very few balanced budgets. This would be three times this size if we put it up for the last 60 years. This ought to give anybody enough pause to say, "Hey, it's time to get this over with. It's time to let people move on from here."

Our efforts to pass the balanced budget amendment predate even my own election to the Senate some 20 years ago. But these new freshmen Senators are absolutely critical and an indispensable factor, it seems to me, in this debate. They came to the Senate last month with new insights and unbounded enthusiasm and energy and determined that some integrity and sanity be restored to the Federal budget process. Their commitment to this process, to our children and our grandchildren is an inspiration to those of us who have dedicated most of our political life to this message. I hope their message is heard around the country.

All freshmen Senators are original cosponsors and they can work in a bipartisan manner with their Democratic counterparts to ensure passage of the amendment this month.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Thank you, Mr. President.

First of all, Mr. President, I would like to recognize the leadership of my colleague, the Senator from Utah, on the balanced budget amendment to the Constitution.

One of my primary campaign promises when I was running for election to the U.S. Senate was to push for a balanced budget, and I believe that the best way to force us to finally take the courageous steps necessary to balance the budget is to establish a constitutional balanced budget requirement. Statutory balanced budget requirements have proven to be insufficient as Congress has proven its willingness to amend any such requirements.

I must emphasize that the modern congressional movement to establish balanced budget requirements is not a partisan issue. In 1935, the first bill to establish a statutory balanced budget requirement was introduced by Senator Millard Tydings, a Democrat from Maryland. In the following year, Congressman Harold Knutson, a Republican from Minnesota, introduced the first proposal to place a balanced budget requirement in the United States Constitution. In light of the bipartisan history of the balanced budget movement, I urge all of my colleagues to join together in making the balanced budget amendment the first and most important accomplishment of this 105th Congress.

During the 104th Congress, the Federal Government surpassed a milestone that our forefathers would have never thought possible—the debt incurred by the Federal Government surpassed $5 trillion. This is an astronomical sum of money, and it is something of which we, as policymakers, should be ashamed. We owe it to our children and grandchildren to do better. We owe it to them to pass a constitutional requirement to mandate that the Federal Government balance its budget by 2002.

Most people believe that the issue of balanced budget constitutional amendment is a relatively recent issue. But this issue actually surfaced before the Constitution was ratified by the States.

New York and Rhode Island both included requests that the Federal government be restricted in its ability to borrow money. Gilbert Livingston of New York proposed "that no money be borrowed on the credit of the United States without the assent of two thirds of the senators and representatives present in each house." Admittedly, Mr. Livingston was an anti-Federalist who did not believe in the Union. But he and other anti-Federalists realized that forcing the Federal Government to live within its means would provide an important check on its power. Requiring the Government to go to the people for all of the revenues necessary to run its programs would force it to be accountable to the people.

Indeed, in 1779 when the United States was still governed by the Articles of Confederation, Benjamin Franklin angrily complained of the extravagances of the Federal Government that were afforded by its ability to print money to pay its bills. While the Government was having difficulties raising the funding to carry out the Revolutionary War, it still managed to spend large sums of money to pay for tea and other wasteful items.

The dire financial straits of the Federal Government in the aftermath of the Revolutionary War seem to have minimized the concern that the founders had to constrain the ability of the Federal Government to incur debt. In addition, Framers of the Constitution such as Alexander Hamilton believed that the Federal Government would voluntarily restrain itself, and that the public would provide an adequate check if the Government showed a tendency to get out of line. But it was not long before some in the Federalist Party began to voice their support for a constitutional balanced budget requirement. Thomas Jefferson was concerned with what he considered to be the extravagant spending practices of the administration of John Adams and he felt that the best way to correct this problem was to take away the ability of the Federal Government to incur debt. He wrote to John Taylor on November 26, 1798, "I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its Constitution; I mean an additional article, taking from the Federal Government the power of borrowing." Thus, Jefferson saw a balanced budget requirement as the proper tool to constrain the Federal Government within its proper boundaries and to cure the Government of any wasteful tendencies.

In spite of the concerns of those like Jefferson who felt that the Federal Government needed to be constrained by a constitutional balanced budget requirement, the Federal Government seemed to be able to balance its budget except in times of war and economic downturns until the 1930's. Budget deficits were considered to be abnormalities and Federal officials felt that they had a moral responsibility to their children and grandchildren to balance the budget and even pay down the Federal debt. In his first inaugural address, Andrew Jackson stated, "Some of the Topics which shall engage my earliest attention as intimately connected with the prosperity of our beloved country, are, the liquidation of the national debt, and the introduction and observance of the strictest economy in the disbursements of the government."

Jackson detested debt because of an experience that he had had as a young man in which he was nearly ruined financially as a result of a debt on a parcel of land that he had acquired as a young man. Jackson considered it to be a matter of public honor and morality to retire the national debt. In a speech in 1831, he commented that when the debt was retired, "we shall then exhibit the rare example of a great nation, abounding in all the means of happiness and security, altogether free from debt." Although the debt had been paid down on a nearly continuous basis after the United States was brought under the Constitution in 1789, Jackson finished paying off the debts incurred by the Nation in the Revolutionary War and the War of 1812 in 1834—and became the first and only administration to ever retire the debt of the Federal Government of the United States.

In 1837, the worst economic downturn in the history of the United States aside from the Great Depression caused the Government to resume running occasional deficits. But Jackson's successors shared his belief in a balanced budget and ran balanced or surplus budgets except in times of war or economic downturn. In 1842, President John Tyler wrote that Americans were a "people rendered illustrious among nations by having paid off its whole debt."

The Republican Party held the White House almost continuously from the outbreak of the Civil War until the beginning of the Great Depression. And although these Presidents managed to continue the trend of balancing the budget or running surpluses except in times of war or economic downturn, these Presidents were not the model of efficient government that we should aim to follow. Prior to the Civil War, the Federal Government spent a record $74 million. After the Civil War, Federal Government expenditures never dipped below $244 million and often times was in excess of $300 million, an increase of more than 400 percent. As the Federal Government increased its spending, it expanded into new areas of influence. Prior to the Civil War, the Federal Government had mainly confined itself to matters relating to the national defense. After the war, however, the Federal Government increasingly took over waterway and transportation improvement projects from the State and local governments. Although the Federal Government only spent a total of $3.7 million on river improvement and harbor construction between 1850 and 1860, it spent $53.8 million from 1869 to 1879—an increase of over 1,300 percent.

Not only did the nature of Federal Government expenditures change, the attitude about fiscal responsibility had changed as well. As a favor to their business constituencies, the Republicans were intent upon maintaining exorbitantly high tariffs ranging from the 20 percent Morrill tariff which was enacted to finance the Civil War in 1861 to the Dingley tariff of 1898 and the Smoot-Hawley tariff of 1930, both of which were in excess of 45 percent. As these tariffs represented an enormous tax upon farmers and other consumers, they were very unpopular. The tariffs generated enormous budget surpluses and, as a result, they were hard to justify to the public. Rather than finding ways of returning the money to the people, Congress and the Republican administrations engaged in unprecedented spending binges on patronage and questionable pork-barrel and logrolling projects to reduce the budgetary surpluses to politically acceptable levels. At the same time, they proclaimed their support for balanced budgets to the public. Thus, President Benjamin Harrison described unnecessary debt as criminal even though spending increased during his term from $299 million in 1889 to $383 million in 1893.

The rules of the Federal budgetary game changed with the New Deal policies developed by President Franklin Delano Roosevelt in the wake of the Great Depression, the worst economic downturn in the history of our Nation. FDR was a well-intentioned man whose primary goal was to end the suffering that he witnessed with any means at his disposal FDR detested the tendency of economists and others around him to try to think about the long-term implications of his policies, but instead preferred to devise immediate solutions to the problems that the people faced. He established numerous agencies and public works projects to try to pull the Nation out of the depression while continuing to profess a sincere desire to balance the budget. One of FDR's fiscal innovations that has had the most profound impact on our economy was the widespread use of entitlement programs which are defined as programs that make payments to all individuals or companies who are eligible by current law and who apply for the benefits. The most popular entitlement program created during FDR's administration was Social Security. Also created under FDR were the Federal farm assistance programs which I am proud to say we successfully reformed and made more market-oriented during last year's debate on the farm bill.

Most economists agree that the Great Depression ended only with the outbreak of World War II, but the legacy of the Depression era programs has lived on. Several new entitlement programs have since been established, most notably the Medicare and Medicaid health programs which were started as a part of LBJ's Great Society fiscal agenda. Although FDR was not completely convinced by Keynesian economic theories, in the aftermath of FDR's administration, Keynesian economics became an accepted theory in determining fiscal policy. This theory, best expressed by the Employment Act of 1946, stated that the Government would run balanced or surplus budgets in times of economic prosperity, but it would seek to run deficits and stimulate the economy during recessions through increases in discretionary spending projects. This theory encouraged a reluctant President Eisenhower to run a deficit throughout much of his administration stating:

> Balancing the budget will always remain a goal of any administration . . . That does

> not mean to say that you can pick any specific date and say, "Here, all things must give way before a balanced budget." It is a question of where the importance of a balanced budget comes in; but it must be the aim of any sound money program . . . When it becomes clear that the Government has to step in, as far as I am concerned, the full power of Government, of Government credit, and of everything the Government has will move in to see that there is no widespread unemployment and we never again have a repetition of conditions that so many of you here remember when we had unemployment.

Based on Keynesian economic theories, Eisenhower approved discretionary spending increases in fiscal year 1958 and fiscal year 1959 which resulted in deficits of $3 and $13 billion respectively.

This regard for Keynesian economic theories caused administrations to change their views of deficit spending and encouraged the Federal Government to try to micromanage the economy and incur massive deficits in the process. No longer did policymakers consider it such a moral obligation to balance the Federal budget. In the entire postwar period, we have run budgetary surpluses only eight times. It is curious to note that the surpluses in times of economic prosperity in the Keynesian economic theories have almost entirely failed to materialize. The last budgetary surplus occurred in 1969 and the deficits run by the Federal Government have grown increasingly larger reaching a high of nearly $330 million in fiscal year 1992. Luckily, Keynesian economics has increasingly been ignored in recent years as a usable guide for fiscal policy. It has been realized that the Federal Government does not have enough information at its disposal to accurately predict the onset of a recession. In addition, by the time a stimulus package can get through Congress, economic recovery is often already underway. In cases such as these, precious taxpayer dollars are wasted while the economy may be overstimulated resulting in inflation.

In spite of the recent turn away from Keynesian economic theories, in general the Federal Government's deficits have been growing larger over time, and this trend is only expected to continue. This is due to the rapid growth of entitlement and other mandatory spending. About 55 percent of our spending went to entitlements in fiscal year 1996, and, as projected by the CBO in its January 1997 report on the Economic and Budget Outlook for fiscal years 1998 to 2007, entitlement spending is expected to top $1 trillion in fiscal year 1999. This increased entitlement spending is expected to be accompanied by enormous deficits. In its January 1997 report, the CBO forecasts the deficit to reach roughly $280 billion in fiscal year 2007 if discretionary spending is allowed to increase with inflation. This increase in entitlement spending also corresponds to a continued large role for the Federal Government in the economy, equal to 21 percent of GDP during the next decade, of which 14 percent of GDP would be represented by spending on entitlements by 2002. We simply cannot allow this to happen.

We must establish efficiency and accountability in the Federal Government. Entitlements, which automatically grow without any action on the part of Congress, are causing these tremendous deficits. Although we can reduce the deficit by freezing discretionary spending, entitlement reform that puts these programs on sound economic footing is absolutely necessary in order for us to balance the budget. As the 105th Congress begins, one of the first things that we need to do is to get our fiscal house in order and send to the States a balanced budget requirement. It is a disgrace that in fiscal year 1996, we burdened the hard-working taxpayer with $241 billion in net interest charges on the national debt. It is even more disgraceful that if we fail to balance the budget, the resulting higher interest rates and lower foreign exchange rate will doom our children to a lower standard of living than they otherwise would have. For our children and our grandchildren, we, the Members of the 105th Congress must be courageous and pass a balanced budget amendment to the U.S. Constitution.

Mr. HATCH. Mr. President, I thank the distinguished Senator from Colorado for making such an impassioned statement on how important this balanced budget amendment is. We are so glad to have you in the Senate. You are making a difference and we appreciate and thank you so much for your good comments. You are speaking for the vast majority of people in this country, 68 percent of whom, according to the latest polls, want this amendment passed. I personally thank you and congratulate you for your speech.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Mr. President, it is an honor to rise in this Chamber to make my first remarks as a U.S. Senator. I'd like to begin by paying tribute to Senator ORRIN HATCH of Utah for the leadership he has shown on this issue for many sessions of Congress, to help focus us, the American people, upon this important and overriding issue of balancing our Federal budget.

I come to this Chamber, to this service at the Federal level, from the State legislature in Oregon—where I served as a State senator and as the Senate president. It was our highest priority in the State legislature to balance our budget. Indeed, it was our constitutional responsibility to balance the budget. Every session, we would convene in Salem; coming together as Republicans and Democrats, liberals and conservatives, to have an honest debate about how we spent public money, and what taxes, if any, should be raised or reduced, and how best to be good public stewards. I say it was an honest debate because we did not have the recourse of deficit spending—of going to the credit card of our children. I took pride in the kinds of debates we had. Sometimes they were tough, but always they ended with our budget balanced and Oregon's fiscal house being in order.

Today we come to a decision about whether or not our Government needs to have the same kind of commitment, that constitutional commitment that we have in most States. My colleague, Senator ALLARD, read repeatedly from the words of Thomas Jefferson. I like Jefferson's words in which he counseled us that it should be unthinkable for us to spend the money of the next generation for our consumption in this generation. Indeed, we have done this to a degree, now, that we begin to hamstring our economy and threaten the future in ways that ought to make us ashamed.

During the course of a yearlong campaign, I would go home as often as I could. But always when I did, I was very tired from long hours of campaigning. On one occasion, I sat in my living room and began to fall asleep. My son, who was 6 years old at the time, toddled over to me and tapped me on the wrist. As I was waking up, he asked me the question, "Daddy, can I have your watch when you're dead?"

At that time, and since then, I have laughed at that comment many times because it was a question from an innocent child. I have thought humorously about it since and yet, also, soberly. I would like my sons and daughters, and your sons and daughters, to be able to inherit more than just a watch, to be able to inherit the kind of future and the kind of America that we have had, and the kind which we have an obligation to pass on.

What drives our need for a balanced budget amendment? Pure and simple, it is the growth in spending that is out of control. It is immoral. It ought to be illegal. I would like to use the growth of four programs to demonstrate how, frankly, when coupled with interest on the national debt, we are spending ourselves into oblivion. The four programs are entitlements. They are important programs, and they have done great things for the American people—for the needy and the elderly—to take them out of poverty. Entitlements don't require a vote of Congress each year. And interest on the debt is something we have to pay, again; it is not voted upon.

Thirty years ago, in 1967, the Federal Government's spending on these four programs—Medicare, Medicaid, Social Security, Federal and military pensions, and then interest on the national debt—represented just 25 percent of our budget. Ten years later, in 1977, just these four programs, plus interest, had grown to 41 percent of the budget. In 1987, just these four programs, plus interest, had grown to 50 percent of the budget. In 1997, these four programs, plus interest, have grown to 61 percent of our budget. In 2007, just 10 years from now, they will make up more than two-thirds of our Federal expenditures, if we don't change our spending habits now. What will be left, then, for schools, roads and bridges, for police and for our national defense? If we don't do something right now, then each year the deficit will grow higher and higher. We must have a mechanism that will ensure that deficit spending will stop. We must have an amendment that will ensure a balanced budget.

I understand, as a former legislator at the State level, how difficult it is to say "no," because whether you are a Republican or a Democrat, you go through the fire and pain of a campaign because you care about people, you want to leave your community better off. Everyone who comes to your door has a legitimate and often heartrending story to tell. And if you could, you would say "yes" every time. But the problem in this Federal city is that we never say "no" when we ought to say "no" for the betterment of our whole society.

I spoke about these programs, these entitlements that help our Nation's elderly. I believe that to preserve and protect and strengthen Medicare and Social Security, we have to have a debate about the whole problem. Many have talked about how Social Security needs to be protected. I share that concern, and I will always talk about that, and I will vote to protect Social Security. But it is not right to say that this program—in order to protect it—should be taken off budget as part of the balanced budget amendment. Not even our current President believes that and, therefore, when speaking about his administration's deficits, always including the Social Security trust funds.

There are those in the Senate that say that we should exempt Social Security from the balanced budget amendment. I disagree with that. I say that passing the balanced budget amendment, which both Republicans and Democrats have proposed, is the most important thing we can do to protect Social Security and our seniors. If Social Security balances are exempted, additional cuts will have to be made during years of surpluses. For example, in the year 2002, Congress will already have to save, in order to balance the budget, $188 billion. If those trust funds are exempted, then Congress will have to cut an additional $104 billion from the budget. Thus, Congress will have to radically cut programs by $292 billion. Just making the cuts to reach the $188 billion mark will be difficult. An extra $104 billion will be incredibly difficult and will, undoubtedly, cut discretionary and mandatory programs, many of which will help America's aged, those 65 and over.

What does a balanced budget mean to Oregon, my State, and to your State, and to America? It guarantees that we will be fiscally responsible. It means that we will restrain the rate of growth of deficit spending by the Federal Government, and that we will increase the rate of growth in the private sector. It means that interest rates will be lower for all Americans. That means lower mortgage payments.

For example, if you have a $100,000 mortgage payment, on a 30-year basis, a 2 percent drop in the interest rate would result in a $140 per-month reduction in your mortgage payments. At the same time, it means lower car payments. For a $15,000, 5-year auto loan at 9 percent, this would represent savings of $1,200 over the life of the loan. Well, lower interest rates also means lower interest on your credit cards. On a credit card balance of $1,000, with a rate of 14 percent, it would save you $20.

That is real money to real people who have real problems in their lives. It means more money in your pocket, as an American citizen, to be saved, if you choose, for things that are important to your family, like buying a home, providing for a child's education, for food, for clothing, all the things that real people need more than Government needs them.

This is a choice about a brighter future for America. I am very pleased that I was able to support a balanced budget amendment to the U.S. Constitution in my first remarks on the floor of the U.S. Senate. It will send a credible message to all of the world and its economic markets. It will mean long-term economic growth. It will give greater control of our foreign-held debt. It will restore integrity to our budget process. Finally, this debate will show American families that they have a choice for a brighter future.

Thank you, Mr. President.

Mr. HATCH. Mr. President, I compliment our distinguished colleague from Oregon. He became the president of the Oregon Senate shortly after he was elected to the Oregon Senate. I think we are very privileged to have him in our body today. He has made his maiden speech, and I can't imagine any subject that would be more meaningful than this one. I am pleased he took the time to make that speech on the balanced budget amendment. It also shows there is a new wave coming through this body. People are now getting serious, after 28 years of unbalanced budgets. This stack represents the 28 unbalanced budgets over the last 28 years. These folks are coming in here saying it is time to change it. You can hardly see me behind this stack. But this has to be changed, and the only way we are going to change it is with a balanced budget amendment. When people come on the floor and just say, "Let's have the will to do it," the only will they need to show is to pass the balanced budget amendment so we will do it. For 28 years—really, for most of the last 60 years, we haven't had the will to do it. I compliment my colleague and thank him for his cogent, good remarks here today.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Texas.

Mr. GRAMM. Mr. President, I rise today to talk about the issue which is before us, the balanced budget amendment to the Constitution. But I don't think today we can talk about this babble about putting the Federal Government on a budget like everybody else, except in the context of the latest edition to this big stack of budgets over here which have failed America and failed the working people of our country and piled hundreds of billions of dollars of debt on generations yet unborn, without looking at the newest installment of this debate; that is, the budget that the President has sent to us this morning.

I want to make it clear, Mr. President, that I am rising to talk about this budget and to criticize it, in some ways in harsh terms. I want to begin by pointing out that I rise to criticize this budget more in disappointment than in anger. I believe with the rhetoric that both parties have been using that it is essential that we work together with the administration. I do not believe we are going to balance the budget based on the efforts of one party, though I think both parties need to do a better job of doing their part.

I am the new chairman of the Medicare Subcommittee. I would like to do something worthy of being remembered by taking major, bold steps towards saving Medicare, and I know we can't do that if we do not work with the President.

So I would like to focus my comments on the President's budget today, and really focus not so much on the deficiencies of this budget and on those aspects of this budget which represent really a political shield that the President has erected to protect himself from having to make hard decisions; I would like to couch my comments about this budget in terms of what is left to be done, and what we have to do if we begin with the President's budget and we decide we are going to go from here to a balanced Federal budget. I would like to talk about that first. Then I would like to talk about where we differ with the President. What is the real issue that we are going to have to decide in writing the budget of the United States of America for this year? Then I would like to sum up.

First of all, let me say that, like most of my colleagues, I was disappointed when our President the night before last told us that we do not need a balanced budget amendment to the Constitution of the United States.

My guess is that at the founding of the Republic, when the Bill of Rights was set out as the immediate follow-on to the Constitution, there were those who said, "Well, we do not need to guarantee freedom of speech. We do not need to guarantee freedom of religion. We do not need to guarantee freedom of assembly. Let us do it ourselves. Let us let the Congress do it. We do not need to guarantee the protection of the rights of the States in those areas where the Federal Government doesn't have specific enumeration in the Constitution. Congress is capable of making those decisions."

Our Founders decided that trust Congress to guarantee freedom of speech, that they couldn't. That logic didn't make any sense. Our Founders decided that they couldn't trust Congress to guarantee freedom of religion. So they put it in the fundamental contract which bypasses Congress, which bypasses the President, and that is the contract between the Government and its people. That is what the Constitution is.

The difference between our position and the President's position is the President is saying after 28 years of failure in a row, after piling now trillions of dollars of debt on generations yet unborn, that we ought to trust Congress; that we ought to trust the President to balance the budget without being required to do it. Obviously, if you look at that big stack of budgets over there on Senator HATCH's desk, for 28 years in a row under Democrat and Republican Presidents, under Democrat and Republican Congresses, we have not done the job. I point out that many of those budgets claim to be in balance. But as I will make clear in my comments about the newest installment, the 29th budget to go on top of 28 budgets that failed to get the job done, if we took this budget on its face and assumed that it was adopted whole by this Congress, it is probably the poorest blueprint among the 28 to get the job done.

In fact, for a President who says we do not need to require a balanced budget, that we can do it, it is very instructive to look at the fine print in the President's budget. In fact, it is not even in the budget document itself. You have to get over into the analytical perspectives to find any word as to how the administration actually is going to ensure that the budget is balanced. In fact, it is the very last paragraph in the section of the President's budget that is entitled "Preview Report." In other words, it is about as hidden as you can make something hidden.

Let me read basically what it says. It says in very small italic print, "Mechanism to ensure balance in the year 2002. The budget includes a mechanism to ensure that the President's plan reaches balance in 2002 under OMB or CBO assumptions."

What is that mechanism? Here is the mechanism. The mechanism is that if things don't work out, the tax cuts that the President has in his budget this year would in the future be taken back. But the tax increases the President has in his budget this year would be forever. The President proposes spending more money now and increasing the deficit now over the last year where we have an actual figure on the deficit, and that is fiscal year 1996. The deficit would rise from $107 billion in 1996 to $121 billion in 1998. But what the President says is, let me raise taxes this year. Let me increase spending this year. And then, if we do not balance the budget in 4 years, I want to take back the tax cuts that we would have given you 4 years from now. And let me spend the money on all of these new programs—which we heard about the other night—but if, in fact, the budget is not balanced, then we are going to have a mechanism to take that money back. Where is the mechanism? We do not know. Nowhere does the President tell us where this mechanism is.

Mr. President, this is no guideline for balancing the budget. This is no program for achieving what the President says he is committed to. What we need more than anything else is to, No. 1, sign a contract with the American people through the Constitution that President Clinton can't change and the Republican Congress can't change committing that we are going to do it. And then, second, we need to buy an insurance policy by setting out a program that makes changes now—not 4 years from now—if we fail to get this job done.

So I think it is very instructive in this debate about a balanced budget amendment to the Constitution that when our President adds the 29th failed budget in a row, nowhere in the budget itself does he talk about how we are going to achieve a balanced budget and an enforcement mechanism. But in one paragraph in Analytical Perspective, he tells us that "most of the President's tax cuts would sunset, and discretionary budget authority and identified entitlement programs would face an across-the-board limit." No one knows what that mechanism really is. But it is very clear what the President intends here, and that is tax now, spend now, and then 4 years from now let somebody else worry about it.

President Clinton is not alone in these failures. We have budgets over there in that stack from Republican Presidents who have done the same. Isn't it time that we stop this process with a balanced budget? I say yes. God willing, we will.

Let me turn to a discussion of the President's budget. It is hard to come up with analogies because accounting, especially when you are dealing with billions of dollars, bores people to death. Quite frankly, most of us do not know what $1 million is. I have one constituent, Ross Perot, who knows what $1 billion is. Nobody knows what $1 trillion is. But let me try to set it in perspective. Let me just run through and talk about a few of the things that the President is proposing in his budget.

No. 1, think of the Government as being overweight and think of what we are trying to do here as going on a 4-year diet. We have been overweight, and we have been claiming to be on a diet for 28 years, but we have a new diet that the President is going to put us on here. Let me start and go through the diet and I am sure at least—well, let me be careful— some of my colleagues have been on diets as I have been. Others probably are so blessed that they have not, but judge this diet if you needed to lose weight for your happiness or health.

First of all, the President takes the amount of weight we need to lose and, by assuming different things, he says let us assume half of the weight loss is going to occur naturally.

The first thing the President does in his budget is he changes the economic assumptions of the nonpartisan Congressional Budget Office which gave him their outline that we are required by law to follow in our budget. Before he ever wrote his budget, they told him the rules Congress will be bound by in writing our budget.

What the President says in essence is that to achieve a balanced budget we have to have a certain amount of savings. I am going to change assumptions, the President in essence says in his budget, so we assume that half the weight loss is just going to occur naturally. So the President is talking about, if you look at a budget, in this case for a bloated Government which has not been on a real diet in 28 years and shows it, losing half the weight that Congress is bound in writing in our budget to lose—to be able to claim that in fact we have a diet which will achieve our goal, the President assumes half the problem away right off the top.

Second, we heard the other night about the President's tax cut and what it was going to provide, but now that we have the numbers—and I do not think it is unusual. I am not trying to be partisan with regard to the President. But let me just give you the rest of the story. The President the other night talked about a $98 billion tax cut and all the good things we were going to get.

Now that we get the President's budget, we discover some very startling things. First of all, in the first year, 1997, taxes go up, not down. No. 2, the President has in his only enforcement mechanism a provision that says, 4 years from now, if we do not lose half this weight by assumption and good wishes, he is going to take back the tax cut. So the first year he raises taxes out and out, no doubt about it. Then he is going to give us a tax cut in the future, but he has provisions in the bill that say, if we do not lose half the weight we need on this diet automatically, he is going to take the tax cuts back. The President's tax increases are forever, but the tax cuts are temporary.

Also, the President has all kinds of offsetting receipts and hidden taxes and user fees that let the President claim we are controlling spending when we are not.

For example, the President assumes we are going to sell spectrum, sell the right to use the radio waves of the country, and that we are going to get $36 billion from that, and that he is going to spend every penny of that $36 billion. The President has nearly $47 billion in new fees that he would have us impose. The President increases nondefense spending. In an era where, the President told us last year, big Government was over, the President proposes in his budget increasing nondefense discretionary spending by $73 billion.

And with this increase in spending, guess what. Discretionary spending goes up next year, the deficit from the last real number we have in 1996 goes up next year, taxes go up next year. Next year, taxes will be at the highest level in the history of the United States of America. Defense will be at the lowest level as a percentage of the budget since the mid 1930's. And yet the deficit will be rising relative to what we have achieved in fiscal year 1996. Why? Because of new spending. There are 101 other little tricks in the budget, and each of these tricks is aimed basically at having it both ways.

Let me get down to the fundamental choice we are going to have to make. First of all, if we are going to lose this weight, if we are going to balance the budget, we cannot start by assuming that half the problem is going to solve itself. We have to assume that we are going to have to do every bit of it. We are going to have to make the tough choices. And if we really want to do it, we need to be conservative in making choices so that if things do not quite work out, we still get the job done.

We cannot get where we are going by beginning in the wrong direction. If our goal is to spend less, why spend more in the first year, the only year of the budget that is binding? If our objective it is to lower taxes, why raise taxes the first year with a program that will cut taxes in the future—but only if you achieve the deficit reduction targets.

However, there is a more fundamental issue here, and this is one where there is a legitimate difference, and that is we have two competing visions. The President's vision, despite all the rhetoric of a year ago, is a vision of Government providing more benefits and more services to more people. The President gives us a budget where discretionary spending grows by $73 billion. The President believes, obviously, as reflected in this budget, that Government can spend the money of working families better than they can spend it themselves. The fundamental difference between the President's budget and the vision that most Republicans share is, at its very root, a philosophical issue and a legitimate issue and it is what we ought to be deciding in the budget, and that is what kind of America do we want?

The President wants an America with taxes at the highest level in history, spending at the highest level in history for nondefense programs, spending on defense at the lowest level as a share of the budget in a half century. That is his vision, as reflected in this budget. Our vision is different. Our vision is the vision that we want families to spend more money, whereas the President wants Government to spend $73 billion more on nondefense discretionary programs alone. And, look, he wants Government to spend it on good things. He wants Government to spend it on education. He wants Government to spend it on health. He wants Government to spend it on building schools. He wants Government to spend it on all kinds of programs to help people. There is no evil or sinister scheme in what the President wants here. He wants Government to help you with $73 billion in new spending. The fact that it will mean that social spending will be at the highest level in American history and taxes will be at the highest level in American history, that does not change the fact that the President's intentions are both good, from his point of view, and they are honorable.

But here is the difference. We are not debating how much money is going to be spent on education. We are not debating how much money is going to be spent on nutrition or health. We are debating who is going to do the spending. President Clinton wants the Government to do the spending and we want the family to do the spending. We want to take this $73 billion of spending increases on all the good things the President wants to spend it on and we want to give that money back to the families who earned it to begin with and we want to let them spend it on education and housing and nutrition. It is fundamentally an issue of whether Government can make better decisions for working families or whether working families can make better decisions.

Let me give an example, the most heartrending part of the President's program, health care for children. Who wants to debate health care for children and be against it? Nobody. The President spoke with great eloquence and passion about it. He said 80 percent of the families that do not have private health insurance pay taxes; 20 percent that do not have it, by and large qualify for Medicaid but have never bothered to fill out the papers, in many cases because when a child gets sick and they go into the hospital, at that point they join Medicaid.

Now, here is the fundamental issue. The President says working moderate-income families are having trouble making ends meet and, as a result, many of them do not have private health insurance for their children. We agree, Mr. President. We are in total agreement.

But the issue is this. Is the solution to create another Government program to help these people? Or is the solution to let these working families keep more of what they earn so they can buy private health insurance for their children? Is the solution more Government? Or is the solution to let families have more freedom about spending their money? Is the solution to spend 73 billion more dollars, as the President has proposed, sitting around the Cabinet table at the White House, sitting around the committee tables here in Congress? Or is the solution to let working families keep more of what they earn and let them spend the money sitting around their kitchen tables? That is the fundamental issue. It is two different visions for two different Americas.

If you want to go to the analogy about bridges to the 21st century, it is the debate about, not how we are going to get to the century—we are certainly going to get there. I can guarantee you today that, barring a calamity, we will have a 21st century. The debate is not about building a bridge to it, we are going to get there. The debate is what is the century going to be like when we get there. Is it going to be a century dominated by Government? Is it going to be a century where Government is taking care of us? We started out with a Government taking care of the poorest of the poor. Now the Government is taking care of more and more and more Americans. We are going to take care of moderate-income people because they cannot take care of themselves with the confiscatory tax burden that has them paying 15 cents out of every dollar in payroll taxes and often 28 cents of the last dollar they earn, or certainly 15 cents of the last dollar they earn to the Federal Government, and then State and local taxes on top of it. Is the solution, when families are taxed so they cannot meet their fundamental needs, to tax them more and to give them benefits? I don't think so.

I think the solution is to let them keep more of what they earn and let them decide. That is the fundamental issue. That is what we ought to be debating. My appeal to the administration is: Look, let's clear all these other issues off the table. Let's not start out assuming that half of the work to be done is just going to happen miraculously. Let's not tell people we are giving them tax cuts and then take them away 4 years from now, or tell them we are giving them tax cuts when, in fact, in the first year we are raising their taxes even if you believe everything in the President's budget. Let's not say we are going to make tough decisions in the sweet by-and-by, but in the first year have the deficit rising from 1996 and have taxes rising and have spending rising. If we are going to start on this diet, let's not wait until next week and go on a feeding binge this week. Let us start today.

So, let's debate real, permanent tax cuts. Let's debate real decisionmaking. And then let's have the debate that America deserves, and the debate is a simple debate but it is fundamental to the future of our country. Do we have too much Government or too little? Can Government take care of you better than you can take care of yourself? Does Government love your children more than you do? Has Government proven that it can educate your children better than you could, if you got to keep more of what you earn and could invest it in their education? Would you rather have a new health care program or would you rather have us cut your taxes so you could buy health insurance that you choose for your children? That is a fundamental issue and that is what we ought to be deciding. But we cannot debate those issues when we are not debating apples to apples.

So, my urging today to the President is: Let's go back and rewrite these budgets. Let's assume the same things about where the goalpost is and what we have to do to get to it. And then let's explain to America how we are going to do it, not with a sleight-of-hand, where we are going to come in 4 years from now with an unspecified policy and raise taxes and cut spending but we are not going to tell people how we are going to do it now. Let's put it all out on the table, let the American people look at it, and then let's make a fundamental decision.

Finally, and I have spoken too long, but let me end on a note about cooperation. There is one area where we are going to have to have bipartisanship. If all else fails, it is an area where it is absolutely essential that we not let partisanship stop us from ACTING, and that area is Medicare. I know we talk about gloom and doom and the world coming to an end, and it does not come to an end. And it is not going to end until somebody more powerful by far than we are makes that decision. But Medicare is going broke. It is in the red this year. It will be bankrupt in 4 years. It will have a cumulative deficit of a half a trillion dollars in 10 years. We have a crisis in Medicare that is far beyond the comprehension of most people, as to how big this problem is. If we set out today to fix Medicare permanently, it would cost more money to fix Medicare and guarantee it for our parents and our children than it cost in real dollars to fight and win World War II.

Those are the facts. So the one thing we must do, if we are going to do anything this year worthy of being remembered, is we have to begin to address the problems in Medicare. The President has made a bunch of proposals, and in some form or another, I can support virtually everything the President has proposed. I think, obviously, there are areas, with some debate, where the administration would make some changes, but here is the point. We are going to have to do some fundamental reforms in the system, and we are going to have to do them this year.

In a sense, I will tell you the sky is falling in Medicare by saying if we don't start this year fixing Medicare, within a decade, we are going to be denying benefits to people, within a decade we are going to have a tax rate on the payroll tax that is going to be substantially higher than it is today, and the crisis is going to be greater even then than it is now. So this is one area where every person who represents the good interest of the country should work together. I am certainly interested in working with the President.

We need a balanced budget amendment to the Constitution. I plan to speak at some length on this subject later. But I thought it was important to note, when we have stacked up 28 budget failures, Democratic and Republican budget failures that have not gotten the job done, that have failed the American people, that have mortgaged the future of our children, in the current form, the President's budget issued today will fail. It cannot and will not balance the budget, and our goal has to be to work with the President, if we can, to make this budget a real budget that will do the job. I, for one, am willing to work for that goal.

I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Ms. SNOWE. Mr. President, I think we all accept the fact that this body faces so many great decisions on such a regular basis that it is sometimes difficult to focus on one vote or one debate that stands apart as a truly monumental decision, a truly monumental vote,

But, let me be clear. I think the Senate is now entering such a debate, and later this month, this body will face such a vote. The stakes could not be higher. With a balanced budget constitutional amendment, this Senate will face perhaps its defining moment as we lay the foundation for our fiscal agenda of our Nation's coming century—as we decide how this Nation will conduct its affairs. Who can doubt that future generations will look upon this debate and this vote with great historical interest as a crossroads in our country's national affairs. Who can doubt, with this vote, these future generations will praise us for bringing America's economic house in order, or they will blame us for simply passing the buck when we could have stopped a mounting national crisis.

Mr. President, as an idea, the concept of a balanced budget is hardly new. Many in this body have rightly championed it for many, many years. Leading economists across our Nation have spoken and written of its value, and many of the Nation's brightest business minds from Wall Street to Main Street have urged its passage. There is no politics in any of these voices. They simply speak the truth: A balanced budget is the first step on the road to long-term prosperity for America.

But perhaps most convincingly, Mr. President, the balanced budget constitutional amendment is not just supported by these impressive voices. It is also championed by a nation of citizens who, for months and years, have been urging this body to take action, to pass the balanced budget constitutional amendment for the sake of our Nation and our children. According to a CBS-New York Times poll conducted January 30 and February 1, an astounding 76 percent of our citizens favor this amendment. From parents who care about the economic future of their children to teenagers who are worried about their future, the call for a balanced budget has been loud. Some would say it has been deafening.

Yet, the regrettable reality still exists. Unable to pass the balanced budget amendment, our Nation has run staggering deficits year after year that stifle our Nation's economic growth and prosperity, suffocate our future generations, and ultimately eradicate public confidence in our Nation's fiscal management to the point where only 12 percent of the American people, according to a CBS-New York Times poll, think we will balance the budget by the year 2002. Unfortunately, Mr. President, the American people are losing confidence in our willingness and ability to act. They have lost confidence in our ability as a nation to face the challenges as we approach the 21st century.

So let us in this debate consider some of the facts, because facts, as has often been said, are stubborn things. And the facts, when properly considered, point us unequivocally toward the merit of a balanced budget amendment.

First, I want this body to listen carefully to an assessment issued just last May by the Congressional Budget Office. The CBO, as my colleagues well know, is not a partisan voice; it has no real stake in this debate, except to ensure the facts are properly considered. But its assessment of deficit spending could not be more troubling.

According to the CBO report: "The budget deficits projected for future years are so large that they could put an end to the upward trend in living standards that the Nation has long enjoyed. Thus, current U.S. budget policies cannot be sustained without risking substantial economic damage."

Substantial economic damage, that's right, Mr. President, is what we run the risk of bringing to this Nation if we do not act now. The CBO report goes further. Should we fail to bring our deficits to a halt, our economy will enter what CBO calls a period of "accelerating decline."

"Accelerating decline," "substantial economic damage"—in my 18 years in Congress, I have read a lot of CBO reports, a lot of analyses of our Nation's economy, and I can tell you, the warnings and the wordings do not get more dire than these.

I know there are some who may say, "Yes, I, too, support balanced budgets, and I, too, oppose deficits, but a balanced budget amendment, well, that goes too far, that binds us unnecessarily."

Mr. President, let us be clear about two further facts. First, these past three decades have shown that our political culture, the ways of our democratic governance, great as they are, do not always lend themselves well to fiscal prudence. My colleagues will recall that we tried before to reduce our deficits through statutory means. You can see right here that these number of budgets for the last 28 years have shown that we have failed. Let's look at the history of our efforts.

Next to me, I have two charts. The first documents 33 years of good intentions—5 more years than these unbalanced budgets—statutory efforts that required or promised to balance the budget of our Nation. All the greatest hits from the past are here from the Revenue Act of 1964 through Gramm-Rudman-Hollings of 1987, and more recently was the infamous Budget Act.

But as we can see on this chart, the statutes don't work. Gramm-Rudman-Hollings II; Gramm-Rudman-Hollings I; Recodification of title 31, 1982; Bretton Woods agreement, 1980; debt limit increase, 1979; Byrd amendment; Humphrey-Hawkins Act; Revenue Act of 1978; and Revenue Act of 1964. These are just some of the examples of our statutory efforts in the past.

I might also add, over the years, we have had a number of balanced budget amendments in both the House and the Senate, and I point back to October 1, 1982. The House failed to pass a resolution getting two-thirds, and the Senate adopted a balanced budget constitutional amendment, August 4, 1982. Unfortunately, we didn't pass it in Congress, but as far back as 1982, we debated a balanced budget amendment. Each and every time, when we have had those debates on the amendments, everybody said, "We can do it on our own if we only have the will. We really don't need a constitutional amendment."

Yet, Mr. President, this graph speaks for itself. Statute after statute has been passed by this body, but this deficit has kept right on marching. The lesson, I think, is clear—fail to pass this amendment and we reject perhaps the greatest fiscal lesson of modern times.

This deficit is not going to be halted through statutes. I think this is a good indication with these 28 years of unbalanced budgets. The last time we had a balanced budget is when Neil Armstrong landed on the Moon. The only way we are going to stop deficit spending and reach a balanced budget is through an amendment.

The second chart I have behind me reveals some other important aspects to this entire debate. First, a close examination of our budget history dating back, I might add, to 1905, reveals that deficits have been the norm, not the exception, as we can see. The deficits are in the red bars below the line. And the green—you can barely see it—is above the line, which would represent the years in which we have had surpluses between 1905 and 2005. Some of those are estimates for the projections by CBO for future years. That is last year's estimate. They may be a little bit better than that with this year's estimate. But, nevertheless, it gives a broad indication of the fact that we are going to continue to have major deficits in the future. It also has shown that we have had generally a century of deficits with very few exceptions.

These deficits go back decades. Very rarely we found efforts in which we have been able to have a surplus. So I think that this chart reveals that we have had a century of failure of statutory efforts to balance the budget.

Now, some have said, well, a balanced budget amendment is just a gimmick. As I have said before on the floor, and I will say it again, if this amendment was really a gimmick, we would have passed it long ago because Congress loves gimmicks.

Mr. President, this is no gimmick. This is the first necessary step—a brave, bold and thoughtful step—on the road to fiscal sanity.

The second point, in response to these critics, is that the balanced budget amendment does allow us in the event of some national crisis, disaster or massive economic downturn to run a deficit. With a three-fifths majority we can take the steps necessary to address any existing crisis that threatens our Nation and requires a commitment of our national financial resources above and beyond a balanced budget.

When Members of this body vote yes for a balanced budget amendment, they are not prohibiting our country from ever running a deficit. We are simply making it the rare exception. So, Mr. President, I view this as a most responsible approach to the problem.

I know some may be thinking that certainly we can escape this debate one more time, we can duck the big question one more time, we can conveniently leave this decision to others one more time. Well, again, Mr. President, facts are stubborn things, and they suggest a very different reality.

The deficit of this Nation was $107 billion last year. Left unchecked, according to CBO, it will double by the year 2004. And by the year 2007, if we fail to act, it is expected to reach a staggering $278 billion. Put another way, the deficit comprised 2 percent of the GDP in 1995. Should we stand aside and do nothing? According again to statistics from CBO, this deficit will rise to 5 percent of the GDP by the year 2010 and 37 percent by the year 2030. The message of those statistics could not be more blunt: Time is ticking.

In fact, in the year 2025 alone—in that year alone—the deficit will be $2 trillion. So the deficit, obviously, in future years is going to double and triple.

Lest there be any doubt about the ramifications of all this, consider this. If we can prevent these staggering deficits and bring the budget into balance permanently through this constitutional amendment, our Nation will be the big winner. We will experience a 25 percent growth in the GNP per capita by the year 2030, according to CBO—a 25 percent growth per person, Mr. President. That means growth for our Nation's economy. It means jobs. It means higher standards of living. It means a positive difference in people's lives and their futures and their children's futures. These are the things that this Senate must take very, very seriously.

So to those who say, well, the balanced budget amendment is just a product of deficit hawks, I say, take a close look at these CBO numbers. This is an economic growth initiative. This is about the future. This is about our children and our grandchildren. This is about economic security. It is about providing for a stronger standard of living, not a lower standard of living, because we are incurring debts and deficits to bequeath to the next generation.

What about interest rates? I know this body knows well that growth is intimately linked to the rates of borrowing. That is no secret. Pay higher interest rates for a car, higher interest rates for a house, and you soon find less and less people able or willing to make that purchase. Production goes down, jobs get fewer. That, too, is no secret.

But consider for a moment, Mr. President, the actual impact the amendment can have on our citizens. Look at the projections for lower interest rates if we pass a constitutional amendment to ensure the continuity of balanced budgets into the future, year after year after year, not just the year 2002.

We have had estimates by the Joint Economic Committee that says that we could have a 2 percentage point decline in interest rates by the year 2002 if we have a balanced budget. The DRI-McGraw-Hill projection says that interest rates could drop even further, could drop more than 2.5 percent if we pass this amendment.

That means lower cost to people in terms of their mortgages and car loans and student loans, whatever the case may be in terms of borrowing. And that is real money to the average American family.

It means that Americans who now pay $570 a month on an $80,000 mortgage, when that mortgage is paid at an interest rate of 7.7 percent, if we pass the constitutional amendment, this rate would fall to an estimated 5.7 percent, bringing that mortgage payment down to $464 a month according to the Joint Economic Committee. The result is a $1,272 mortgage savings per year for this family, all because we have taken the right steps through an amendment.

That again is real money to the average American family who works hard and sees more of their hard-earned dollars being taken in terms of taxes. We have seen the tax burden escalate in this country. It is the highest historically because taxes consume more now than food, shelter and clothing combined.

But also look at what a balanced budget amendment would mean in savings—in excess of $1,500 to the typical middle-income family, counting their interest savings on all of these loans, on mortgage loans and car loans and student loans, according to the Joint Economic Committee.

Now, Mr. President, President Clinton is talking about building a bridge to the 21st century. That is fine. But, with this vote, we will go far in defining what kind of bridge this will be. This bridge to the 21st century can be solid, constructed on strong beams, capable of moving the American people safely and securely, or it can be a hazardous and rickety bamboo bridge suspended by worn ropes over the chasm of our national deficit.

Pass the balanced budget amendment and we lay the ground for a solid foundation for this bridge into the next century. Pass the buck on the balanced budget amendment and we cross this bamboo bridge literally on borrowed time.

So the decision will be ours. I think we know the right thing to do. We know the danger, indeed, the very threat, to our Nation of ongoing deficits and deficits. We know that we need stronger steps of fiscal self-discipline. I doubt that any Member of this great body, knowing what they know about the dangers of deficits and our historical inability to end them without this amendment and the many benefits of this amendment, can rise in good conscience to defend the status quo.

Now only one question remains, and it is this: Will we have the strength and the courage and the wisdom to implement it? Mr. President, let this Senate answer this vital question without hesitation. For the sake of our Nation and its future, let this answer be yes. Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been very interested in the discussion today about a constitutional amendment to balance the budget. It is a serious subject and one which the Senate should take seriously. We should have a robust, aggressive, provocative and interesting debate on a question of this magnitude.

I have told the Senate before, and I would like to again at the risk of being redundant, that I was privileged to be one of 55 people to go back into the room in Constitution Hall in Philadelphia on the 200th anniversary of the writing of the Constitution. 200 years previous, 55 white men went into the room in Philadelphia Hall, some very great men, and they wrote a Constitution for this country. George Washington's chair is still in that room. You can see where he sat in the front of the room and presided over the Constitutional Convention.

Mr. President, 200 years later 55 people—men and women, people from all ethnic and racial backgrounds—went in and had a celebration in that room.

Coming from a very small town in southwestern North Dakota, I kind of got goose bumps that day because I was sitting in the very room where they wrote the Constitution of the United States. It was a unique and special privilege for me to be present and to be one of those participants.

Senator BYRD, the distinguished Senator from West Virginia, and I were just visiting moments ago about the U.S. Constitution and he gave me a copy of the Constitution that he carries in his pocket. It is a very small document, one of the most remarkable documents ever written by people who live on this Earth. It is the framework for the most successful democracy in the history of the world.

It is this document, the Constitution of the United States, that we are talking about amending. We are debating whether or not to alter this document. And we are in the midst of a blizzard of rhetoric about a stack of 6 or 8 feet of budget documents spanning some 29 or 30 years.

Well, those budget documents do not read like this:

> "We The People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

You will not find this language in that stack of documents.

This Constitution has a provision in it by which it can be amended. We have some people in politics today who believe that this is an imperfect document. Some, in fact, in the last session of Congress, some proposed three separate amendments in the period of 3 months. Over the years we have had thousands of proposals to change this document. I do not see many people who look like Madison, Mason, Franklin, or Washington walking around making these proposals. I see a lot of other folks making these proposals.

My point is this: When we debate how and whether we should alter the Constitution of the United States, we ought to be mindful of the need to get it right. Be careful. Do not dishonor this great document by making alterations that will in the long run weaken our country.

That brings me to the debate about the current constitutional amendment to balance the budget.

Mr. BYRD. Mr. President, would the distinguished Senator yield at this point without losing his right to the floor?

Mr. DORGAN. I am happy to yield.

Mr. BYRD. The distinguished Senator talked about the language of the Constitution. In reading this amendment, this proposed amendment to the Constitution, I have been struck as I read it by the contrast in this language in the proposed amendment in contrast to the language of the Constitution.

Would the Senator be surprised if I were to say to him that the Constitution of the United States provides for a Congress of two bodies, the Senate and the House of Representatives, provides for the creation of the House of Representatives, provides for the establishment of the Senate of the United States, provides for the establishment of the Presidency, provides for the establishment of the Supreme Court of the United States, and provides for the mode by which that Constitution would come into being? Would the Senator be surprised if I were to say to him that the language in the Constitution that does all of these things that I just enumerated constitutes fewer words than are used in this proposed amendment to the Constitution? Would the Senator be surprised at my saying that?

Mr. DORGAN. Well, I am not surprised because I have read those provisions. But I fully understand the point the Senator from West Virginia has made.

Mr. BYRD. This is not Constitution-like language, to start with.

Has the Senator heard any proponent of this amendment come to the Senate floor and explain to the Senate and to the people watching and listening to the debate through the electronic eye, has the Senator heard any proponent come to the floor and, section by section, explain this amendment, how each section would work, why each section is there, what each section means?

I have heard quite a number of Senators come to the floor and talk about the need for balancing the budget. I think we are all in agreement on that and I think there is a consensus here as to a need for balancing the budget at some point, bringing down the deficits, but I have not heard a single Senator—and I have not been able to listen to all of the debate; I tried to listen to as much as possible, but the Senator has heard most of the debate—has the Senator heard any proponent of this amendment come fully explain this amendment, talk about the amendment? Not about the need for balancing the budget, not about the need for getting the deficits down, about which we all agree. I would be greatly enlightened if a Senator would take the time not to talk about something we all agree on, but to talk about how this amendment will balance the budget, how it will eliminate the deficits. Has the Senator heard any proponent do that thus far?

Mr. DORGAN. I say to the Senator I have not. Again, the Senator makes a good point. There is a difference between balancing the budget and amending the Constitution to require that it be done.

Mr. BYRD. I thank the distinguished Senator.

Mr. DORGAN. I appreciate the comments by the Senator from West Virginia.

I will talk just for a moment about this issue of debt. Clearly, the amount of Federal debt that we have is excessive. The deficits that we have experienced in recent years, in the last couple of decades, especially, saddle our children with interest payments that we do not want to have to have them meet. Clearly, we need to make progress in balancing the budget and finally achieve fiscal stability and have a budget that is balanced. That is clear.

We have a debt problem. That is clear as a bell.

I say to people who come to the floor and talk about this issue, however, it is not just the Federal debt. We have corporate debt that is rising just exactly like the Federal debt is. We have credit card debt that is rising faster. We have consumer debt that is rising just as fast. We have $21 trillion in debt out there in this country.

In fact, you walk down the street, you walk past a picture window of a business someplace, and you almost hear the invisible tapping on the windowpane behind the bright red letter sign that says to you “Say, consumer, come over here a second. It does not matter you cannot afford this. It does not matter that you do not have money for it. Come and buy this product. Come over here and buy this product. We will give you the product. You take the product home. We will give you a rebate. You do not make a payment for 6 months. Come over here. Credit bad, it does not matter. We will give you credit. Are you in college and have no job? We will give you a credit card. In fact, we will give you four of them, from four different companies. You do not have to have a job and you can be in college and you get a pen pal or a dozen of them, saying ‘Take our credit card, buy our product. It does not matter that you cannot afford it.’”

We have a debt problem in this country. It is an addiction and it is a problem in a range of areas in our economy. One area we can do something about is the Federal Government's spending and the Federal Government's fiscal policy. I want to talk about that. In 1993, President Clinton won his election to the Presidency. He came to this Congress and he said the Federal deficit is a problem and he proposed that we do something about it. He proposed a deficit reduction act. It included some tough medicine, some things people did not like, some controversial items, spending cuts, yes, real spending cuts. Some tax increases, yes, very unpopular. We passed it here in the Senate by one vote. I voted for it. Was it the popular thing to do? Of course not. The popular thing to do would have been to have voted against it and go home and crow about having voted in opposition to this proposal. Now, that would have been the political thing to do—go home and crow about your opposition to this proposal. We didn't get one vote from the other side of the aisle, not one, not even by accident. You would think maybe someone on that side would have made a mistake and voted for it. No. We passed it by one vote.

I will read for my colleagues some of the comments during that debate. If you pass this legislation to tackle the deficit in this way, some of my colleagues said, what is going to happen? “This bill is going to cost America jobs.” “It will kill jobs.” “It's going to be devastating.” “We are buying a one-way ticket to a recession.” Another Senator said, “It will turn a fragile recovery into a solid recession.” Another said, “It will lead to a recession.” All of that was said here on the floor of the Senate. “Do this and you kill this economy.”

But we did it, and here is what happened to the Federal budget deficit since then: 4 straight years of reduced deficits; the unified deficit cut in real terms by 60 percent—60 percent.

Now, this isn't the deficit the Republicans use or the President uses because neither one use the right numbers. This is a deficit without the Social Security funds in it, because you ought not be able to misuse those funds. A 60-percent reduction in real terms in the unified deficit.

What happened to the economy? We have seen record numbers of new jobs. The economy continues to grow.

What did we do? We cut the deficit by 60 percent. I am glad I did that. Was there a price to pay for that? Yes. The popular thing would have been to do something different. But we did this.

Now, how do you cut the deficit from here to zero? Well, you can get a costume and suit up and strut around and bellow or bray or crow, or whatever it is one wants to do. Or you can decide that the way to reduce the budget deficit is by individual spending and taxing choices that we must make in a budget document.

You can alter the Constitution of the United States, I guess. You can take this little Constitution and alter it in a hundred places and when it's done, in 5 seconds, not one penny will have been altered from this budget deficit. You can change the Constitution at 2:10 today and you won't have done one thing to change the budget deficit. Why? Because changing the Constitution doesn't change the deficit. Only men and women making individual decisions on spending and taxing can change the budget deficit. We did that in 1993. We didn't have many friends when we did it, but we did it. It's tough medicine, but it's the medicine we have to take.

Now, some come to us today and say that if we simply change the Constitution, we will solve this problem. I have taken the position that I am willing to alter the Constitution of this country. I have not been willing to do it often. I voted against most of the proposals—term limits and dozens of proposals around here—to alter the Constitution. I have not been very willing to change the Constitution. But I have said I think there is some merit in fiscal discipline. I would vote to alter the Constitution.

But I will not, under any condition, vote to alter this Constitution in a manner that, as the majority proposal does, takes the Social Security trust funds, adds them in, and then claims to have balanced the budget when they haven't. That happens today in normal fiscal policy practice, and it is wrong today. It was wrong last year and, especially, it will be wrong and devastating to this country if you enshrine that practice into the Constitution of the United States.

I want to ask one question, and I want to come here this coming week and ask it repeatedly because I want to find someone who will stand up and answer the question.

To frame the question, I want to give a little history. In 1983, the Congress said, "We have problems financing the Social Security system." We formed a commission, headed by Mr. Greenspan, who now chairs the Federal Reserve Board. Mr. Greenspan and the commission reported to Congress and said that the way we are going to solve the Social Security problem in the long-term is we are going to increase payroll taxes, we are going to increase the age of retirement in the outyears, far out in the outyears, and make a number of other changes. When we do that, we are going to deliberately develop a Social Security surplus—this year, incidentally, it's $78 billion—and that surplus will be available when the baby boomers need it and retire, well after the turn of the century.

Why was that necessary? Because after the Second World War there was this massive outpouring of love and affection when our young men came home. Guess what? There was something called the World War II baby boomers, the largest baby crop in the history of our country. That large baby crop has worked its way through our society. When it reaches retirement age, we have a demographic problem in Social Security. That is what the Greenspan commission said. The Congress recognized that and they said, "Let us save for that period of time, collect more money now in the Social Security system so that we have it available later when we need it."

Now, the reason I say that they did that, here is the commission testimony before the Ways and Means Committee on which I sat. It is what they claimed, what they said and recommended to us. Create the surplus now so that it's available later when we need it. It was the sober and right thing to do. That is exactly what was done.

In fact, on the chart here are the Social Security surpluses that are going to accrue. This simply goes to 2010—actually, the trust fund is in surplus out to about 2018, and in 2019 begins to run a deficit. You will see the surpluses. These are not insignificant amounts of money. We are talking a trillion dollars in the next 10 years alone.

Now, unfortunately, what has happened as a result of all of this is, instead of this money being saved, it has been used as an offset against other spending. Some say, well, that is all technical garble. It is not technical garble.

I want to ask this question as a result of all of this: In the year 2002, when we are told by this constitutional mandate and by a budget that calls for a balanced budget—and this would be true of the administration's budget and also true of the majority party's budget—in 2002, if the budget is in balance, why in that year will the Congress be required to increase by $130 billion the limit on total Federal debt?

I want to ask this question again. I want to ask this a fair amount and get an answer to it. If the budget is balanced by constitutional mandate, if the budget is balanced by a budget plan submitted by anybody in the year 2002, why in the year in which the budget is balanced does CBO tell us that the debt limit will have to be increased by $130 billion?

I will give you my answer. My answer is that the reason the debt limit has to be increased the very year they say the budget is in balance is because the budget isn't in balance, and everybody here knows it. It's a charade.

I want to ask that question and ask someone to come and answer it. I certainly intend to ask the sponsors to answer it. If the budget is in balance, why are you then required to increase the Federal debt?

Does anybody sitting around their dinner table talking about how they balance their checkbooks believe that is what would happen? We are in perfect balance, our spending is meeting the amount of money we have to spend and, therefore, our debt is increasing. Does anybody believe that would meet the test of credibility in business? I don't think so. It doesn't meet the test of credibility here.

I will support a constitutional amendment to balance the budget. I have introduced one with six of my colleagues, which does not misuse the Social Security trust funds to the tune of a trillion dollars. I challenge those who say they want to alter the Constitution of the United States to join us. We can pass it in 10 minutes, pass it with 75 votes. But that's not what is at stake here. What is at stake are people who want to talk about balancing the budget.

We did more than talk in 1993. We cut the unified budget deficit by 60 percent in real terms, at some political peril, and we paid a price for it. Some people want to talk about balancing the budget and about altering the Constitution. What I want to talk about is doing what we promised the American people we would do—saving over a trillion dollars in the next 10 years of Social Security dedicated trust funds that are taken from workers' paychecks. We promised those workers their money would be saved in a trust fund, saved for when we need it after the turn of the century. Yet here we see a Constitutional proposal to misuse those trust funds and claim that we have balanced the budget.

A columnist in the Washington Post, who I shall not name—Charles Krauthammer—wrote a column last week about this matter. This was his third column on this issue. He is all cranky about it. He basically said, DORGAN and those folks don't know what they are talking about."

There is no Social Security trust fund? Social Security is pay as you go? Nonsense. What a bunch of nonsense.

You have a right to be wrong in this country. God bless political pundits who are wrong. You have a right to be wrong. But if you want to see the Social Security trust fund securities, go to Parkersburg, WV. The bonds are under armed guard. The trust funds exist under law. Bonds are in the trust fund.

Pay as you go? Nonsense. The Commission in 1983 said it was not going to be a pay-as-you-go system anymore, that we will raise more money—$78 billion this year alone—and save that money for the future. So Mr. Krauthammer is just flat wrong.

A group that is right is the well-respected Center on Budget and Policy Priorities. They published something on this issue this week. I want to read part of it into the RECORD because I heard some discussion here today saying if we do not pass our constitutional amendment to balance the budget, the one that misuses all of these Social Security revenues, it is going to hurt our kids.

You want to hurt kids? I will tell you how, and do it quickly. It is confirmed by this study. What you do is take the savings that are designed to be spent in the Social Security system when our kids are going to be out there working and you use the surplus now in order to claim that you are balancing the budget and continue running the deficit. That is why you are still increasing the Federal debt even as you claim you have a balanced budget.

That will really hurt kids, because 10, 15 or 20 years from now you will have to have massive tax increases on our kids to pay for the baby boomers' retirement. The Center on Budget and Policy Priorities lays the whole scenario out in this document.

Pass the constitutional amendment that I have talked about, and you do the honest thing. You save the money we said we would save and you are balancing the budget.

But let me go through this quickly. The report by the Center on Budget and Policy Priorities readsas follows:

> The version that includes the Social Security revenues in the unified budget poses serious dangers for the Social Security system.

It also is inequitable to younger generations, as it would likely cause those who are children today to have to bear substantial payroll tax increases when they reach their peak earning years.

The reason? Because the money we said was going to save the day is not going to be saved by those who want to enshrine the misuse of it in the U.S. Constitution.

I will read another piece of this.

> Unfortunately, the balanced budget amendment pushed by the Leadership would undermine this approach to protecting Social Security and promoting generational equity. Under this version of the balanced budget amendment, total government expenditures in any year—including expenditures for Social Security benefits—could not exceed total revenues collected in the same year, including revenues from Social Security payroll taxes.

What are the implications of that? It is pretty clear. We envisioned when we passed the Social Security Reform Act that we were going to have a circumstance where we save now and spend out later. The balanced budget amendment reported by the Judiciary Committee would not only allow the misuse of the savings now but also would prevent the expenditure later when it was necessary to meet future needs.

The leadership version, according to the Center on Budget and Policy Priorities, "would eviscerate the essential achievements of the Greenspan commission."

I ask unanimous consent to have this printed in the RECORD. This is an excellent piece that has been written by the Center on Budget and Policy Priorities on exactly this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BALANCED BUDGET AMENDMENT AND SOCIAL SECURITY

In recent years, Congress has considered two versions of the balanced budget amendment. The version supported by the Republican Congressional leadership (herein termed the "Leadership version") requires the "unified budget" to be balanced each year, including Social Security. The other version, which Senators Feinstein, Wyden, Dorgan and others introduced in the last Congress, requires the budget exclusive of Social Security to be in balance.

The version that includes Social Security in the unified budget poses serious dangers for the Social Security system. It also is inequitable to younger generations, as it would likely cause those who are children today to have to bear substantial payroll tax increases when they reach their peak earnings years. The Feinstein/Wyden/Dorgan version introduced in 1996 does not pose these problems.

BACKGROUND

In coming decades, Social Security faces a demographic bulge. The baby boomers are so numerous that when they retire, the ratio of workers to retirees will fall to a low level.

This poses a problem because Social Security has traditionally operated on a "pay-as-you-go" basis. The payroll taxes contributed by today's workers finance the benefits of today's retirees. Because there will be so many retirees when the baby boomers grow old, however, it will be difficult for the workers of that period to carry the load without large increases in payroll taxes.

The acclaimed 1983 bipartisan Social Security commission headed by Alan Greenspan recognized this problem. It moved Social Security from a pure "pay-as-you-go" system to one under which the baby boomers would contribute more toward their own retirement. As a result, the Social Security system is now building up surpluses. By 2019, these surpluses will equal $3 trillion. After that, as the bulk of the baby boom generation moves into retirement, the system will draw down the surpluses (although it is likely that Congress will act to bolster Social Security's finances by reducing benefits or increasing revenues before then, thereby causing the surpluses to grow larger and last longer than current projections indicate). This practice of building up the surpluses while most baby boomers are still working and drawing them down after they retire is akin to what families do by saving for retirement during their working years and drawing down their savings after they reach retirement.

This approach has important merits. It promotes generational equity by keeping the burden on younger generations from becoming too high. In addition, if the Social Security surpluses were to be used in the next two decades to increase national saving rather than to offset the deficit in the rest of the budget, that would likely result in stronger economic growth, which in turn would better enable the country to afford to support the baby boomers when they reach their twilight years.

To pursue this approach, the deficit in the non-Social Security budget will need to be reduced significantly or eliminated in coming years—so the surpluses in the Social Security trust funds contribute in whole or large part to national saving—and further reforms in Social Security will need to be instituted to restore it to long-term actuarial balance.

THE LEADERSHIP BBA AND SOCIAL SECURITY

Unfortunately, the balanced budget amendment pushed by the Leadership would undermine this approach to protecting Social Security and promoting generational equity. Under this version of the balanced budget amendment, total government expenditures in any year—including expenditures for Social Security benefits—could not exceed total revenues collected in the same year, including revenues from Social Security payroll taxes. The implications of this requirement for Social Security are profound.

First, the budget would be considered balanced when the deficit outside Social Security exactly offset the surplus inside Social Security. But when that occurred, the sound objective of the Greenspan commission—to accumulate a Social Security surplus partly to help build the nation's capital stock and productive capacity so we can better afford to pay for the baby boomers' retirement—would be stymied.

Second, the benefits of the baby boomers would have to be financed in full by the taxes of those working in the years the baby boomers are retired.

The Leadership version thus would eviscerate the central achievements of the Greenspan commission.

One reason the Leadership version would have this effect is that even though the Social Security trust funds would have been accumulating large balances, drawing down those balances when the baby boomers retired would mean the trust funds were spending more in benefits in those years than they were receiving in taxes. Under the Leadership version, that would result in impermissible deficit spending (unless it were offset by a corresponding surplus in the rest of the budget, a daunting and possibly unachievable task, especially since Medicare and Medicaid costs also will rise when the baby boomers retire.)

By precluding use of the Social Security surpluses in the manner the 1983 legislation intended, the Leadership version would be virtually certain to precipitate a massive crisis in Social Security about 20 years from now, even if legislation had been passed in the meantime putting Social Security in long-term actuarial balance. To help pay the benefits of the baby boom generation, the nation would face an excruciating choice at that time between much deeper cuts in Social Security benefits than were needed to make Social Security solvent and much larger increases in payroll taxes than would otherwise be required. There would be only one other alternative—to finance Social Security deficits in those years not by drawing down the Social Security surplus but by raising other taxes substantially or slashing the rest of government severely. As a result, the government might fail to provide adequately for other basic services, potentially including health care and national defense.

Given the numbers of baby boomers who will be retired or on the verge of retirement in those years, deep cuts in Social Security benefits are not likely at that time. Thus, under the leadership version, it is almost inevitable that younger generations will face a combination of sharp payroll tax increases and deep reductions in basic government services.

For these reasons, the Leadership version is inequitable to younger generations. Aggravating this problem, the Leadership version would undermine efforts to pass Social Security reforms in the near future. Why should Congress and the President bother to make hard choices now in Social Security that would build the surpluses to more ample levels if these surpluses can't be used when the boomers retire? Under the leadership version, there is no longer any reason to act now rather than to let Social Security's financing problems fester.

LEADERSHIP VERSION ALSO POSES OTHER PROBLEMS FOR SOCIAL SECURITY

Under the Leadership version, reductions in Social Security could be used to help Congress and the President balance the budget when they faced a budget crunch. This could lead to too little being done to reduce or eliminate deficits in the non-Social Security part of the budget and unnecessary benefit cutbacks in Social Security.

At first blush, that may sound implausible politically. But the balanced budget amendment is likely to lead to periodic mid-year crises, when budgets thought to be balanced at the start of a fiscal year out of balance during the year, as a result of factors such as slower-than-expected economic growth. When sizable deficits emerge with only part of the year remaining, they will often be very difficult to address. Congress and the President may be unable to agree on a package of budget cuts of the magnitude needed to restore balance in the remaining months of the year. Congress also may be unable to amass three-fifths majorities in both chambers to raise the debt limit and allow a deficit.

In such circumstances, the President or possibly the courts may feel compelled to act to uphold the Constitutional requirement for budget balance. In documents circulated in November 1996 explaining how the amendment would work, the House co-authors of the amendment—Reps. Dan Schaefer and Charles Stenholm—write that in such circumstances, "The President would be bound, at the point at which the 'Government runs out of money' to stop issuing checks." This would place Social Security benefits at risk.

THE FEINSTEIN/WYDEN/DORGAN APPROACH

The Feinstein/Wyden/Dorgan approach resolves the problems the Leadership version creates in the Social Security area. It reinforces the 1983 Social Security legislation rather than undermining that legislation. It does so by requiring that the surpluses in the Social Security system contribute to national saving rather than be used to finance deficits in the rest of the budget and by enabling the surpluses to be drawn down when the baby boomers retire.

The Feinstein/Wyden/Dorgan version thus improves intergenerational equity rather than undermining it. It ensures the surpluses will be intact when they are needed. It also allows these surpluses to be drawn down when the baby boomers are retired, rather than forcing large payroll tax increases and benefit cuts at that time that go well beyond what is needed to make the trust fund solvent.

This version of the amendment also ensures that Social Security benefits will not be cut—and Social Security checks not placed in jeopardy—if the balanced budget amendment leads to future budget crises and showdowns. However such crises are resolved, Social Security would not be involved, because cuts in Social Security would not count toward achieving budget balance.

Mr. DORGAN. Mr. President, I will come back to the floor and ask this question again: If the budget is balanced, why is the Federal debt increasing? Why do you want to put a process in and enshrine a practice in the Constitution that reaches this result, a budget that you claim is in balance when the Federal debt is continuing to rise?

I will continue to ask that question and ask if there isn't a better way to decide to alter the Constitution of the United States.

I want to just respond for one moment to some of what we heard on the floor about how we got to where we are now. I will be very brief on this final point.

We are constantly told—in fact, one of my colleagues last year, and I will never forget this, talked about how we ought to somehow regret the last 50 years in our country. "Gee, what an awful place. What terrible decisions were made in America in the last 50 years."

In November I was in several countries in Asia, and one of the interesting things that I discovered is that when you talk to most of the citizens of those countries, they want to come to the United States. Why? They think this is a wonderful place because of the things that we have created—our education policies, our achievements in a whole range of areas such as health care, education, and the environment.

Most people see America as a beacon of hope and opportunity. Most people around the world see this as a wonderful place in which to live. And much of what makes us a great country is Medicare, Social Security, Head Start programs, and so many other things, almost all of which had to be done by people standing up on the floor of the Senate saying let us do these things, let us improve this country, this is a step forward.

And others are standing up saying, "Oh, Lord no, we can't do this." I know people who are just opposed to everything for the first time. We all know people like that. No matter what it is, they oppose it for the first time, and 10 years later, of course, they think it is just fine because they then understood that it worked.

We have done some good things in this country. And we have made some mistakes.

David Stockman, the Director of the Office of Management and Budget under President Reagan, has written about one of our mistakes. And he was one of the architects of what was done. One of the mistakes made in the early 1980's, as he tells it, was this. "The root problem"—he is talking about the deficits now and where we are financially as a nation—"The root problem goes back to July 1981, the frenzy of excessive and imprudent tax cutting that shattered the Nation's fiscal stability * * *" He says, "A noisy faction of Republicans willfully denied this giant mistake of fiscal governance and their own culpability in it ever since. Instead they have excessively poisoned the political debate pretending that economic growth and spending cuts alone will cure the deficit."

That is David Stockman. That is a Republican.

The only point I am raising is not to point back and forth but just to say here is where we are. Here is how we got here. Let all of us decide, yes, let us balance the budget. Let us put this country on a fiscal policy plane that makes some sense. Let us do this for the benefit of our kids.

But let us not enshrine in the Constitution a practice that is not honest budgeting. Let us not do something that ends with this result of people crowing about how we are balancing the budget, even for their children's benefit, who come to vote for increasing the Federal debt and the same year claim the budget is balanced. How do they explain that to their kids?

If we are going to do something on this floor, especially with this document, let us do it the right way and not the wrong way.

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. DORGAN. Yes.

Mr. LEAHY. I ask the Senator: The Senator is aware, I am sure, that during the first 7 or 8 years of the 1980's the national debt was doubled and tripled; that the administration, then President Reagan's administration and the budget they proposed and received, took all the national debt that this country had built up over 200 years, first doubled it, and then they tripled it.

The Senator, I believe, pointed that out. Is that correct?

Mr. DORGAN. That is the point I was making. It is the point David Stockman made.

It was the fiscal policy recommended and designed by them. However, we also have a responsibility. Democrats and Republicans all have a responsibility for this problem and to solve it together but not create circumstances where we can claim a balanced budget as the Federal debt continues to increase. That is my point.

Mr. LEAHY. I agree with the Senator's point. Would the Senator not also agree with what President Clinton said in the State of the Union Message that we want a balanced budget? The answer is right there in the Chamber where he spoke. We can vote for it, and he can sign it, and we can do that without amending the Constitution.

The Constitution has been amended only 17 times since the Bill of Rights.

Is that correct?

Mr. DORGAN. That is correct. As I pointed out, if the Constitution is amended at 2:25 today, at 2:26 the deficit will not have decreased by one penny. Why? Because altering the Constitution will not decrease the deficit. Only individual choices by men and women of goodwill in this Chamber who are willing to take some risks and take a little heat for it will cut the deficit and finally balance the budget.

I am willing to do that. I demonstrated that in 1993, as did the Senator from Vermont. We had the fiscal discipline.

If we can get some others to join us, we can balance this Federal budget. I just do not want us to play games, saying we balanced the budget, only then trying to explain to our children why the Federal debt continues to increase at the same time. That is not balancing the budget.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, I thank the Senator. I believe the other side wishes to have time, and I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Maine.

ORDER OF PROCEDURE

Ms. SNOWE. I ask unanimous consent that at the hour of 2:30 p.m. today, the Senate turn to executive session to consider the nomination of Rodney Slater under a previous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. For the information of all Senators, a rollcall vote is now scheduled to occur at approximately 3 o'clock on the nomination of Rodney Slater.

I yield the floor.

Mr. LEAHY. Mr. President, could I just ask the distinguished Senator from Maine, and obviously I have no objection to this request, is it my understanding that the Senate will then go into a short recess for a caucus, or what is the plan? I just want to be advised.

Ms. SNOWE. That is correct. We are going to recess from 3 to 4 for a Republican conference.

Mr. LEAHY. The reason I asked that, Mr. President, we have been trying, Senator HATCH and I and those who filled in for us, to go back and forth on this debate, so I just alert people. Obviously, it is the proponents of the amendment turn to go, and I yield the floor.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I rise in support of this constitutional amendment. I have had an opportunity each and every time—and I suppose this is the fifth or sixth time now—in the period of time I have been in the Senate to vote for a constitutional amendment because I believe that such a statement in the Constitution would be a legitimate part of the Constitution. I learned that from serving in a State legislative body where I worked with such a statement within our State constitution, and I saw it bring discipline to both Republicans and Democrats in State legislative bodies to balance the budget, to be fiscally responsible, and have each generation pay its own way.

I have also voted for it because there is not such a statement within the Federal Constitution, and I have seen the lack of discipline in the Congress of the United States to balance the budget. Since I have seen that discipline work at the State legislative level and since State governments tend to be laboratories for our political system, I think we can, with a great deal of certainty and ease of mind, feel confident that we are doing the right thing by placing that discipline on Members of Congress.

The rule of law is something that is traditional to our British-American legal system. Other societies as well might have a rule of law not exactly like ours but still have a respect for basic documents. The purpose of the rule of law is predictability and stability for the future.

Constitutions are part of the rule of law. Constitutions are adopted by societies because it brings discipline to policymakers in Government. It brings a certainty to the relationship of people who govern and the people who are governed. Part of that certainty is discipline on the part of policymakers like those of us in the Congress. So we have a Constitution, and it has worked well to bring stability, to bring discipline, and to bring predictability to the relationship between those who govern and those who are governed.

We see that discipline works in most of the policymaking between the Federal Government and our people, but we have not seen discipline work in the fiscal arena. Has it always been that way? No, it has not always been that way, because for the first 160 years of our country, except during times of war, we had more years where we had budgets balanced and surpluses than years we ran deficits. It was pretty well understood that fiscal discipline, even though it was not written in the Constitution, was an integral part of the tradition of America.

Since the year 1969, or for most of the time since World War II, that has not been the case. We have shown anything but discipline when it comes to being a caretaker of the tax dollars we raise. The American public sees that. That is why, overwhelmingly, in mail and surveys and everything else, the people of the United States are telling the Congress we need discipline in fiscal matters and that they see a constitutional amendment as bringing that discipline.

It has been 28 years since the time we last ran a surplus. Congress in that period of time has made some feeble attempts to bring our national debt under control—but has failed. I have served with many fine Congressmen and Senators who have made valiant efforts to curb runaway spending. Regardless of their good faith, no balanced budget was produced. The goal has remained out of reach. In the end, then, we must conclude the will to balance the budget has been weak. That is why we desperately need the discipline of a constitutional amendment.

The scope of the national debt is immense. Every year this monster grows as it gobbles up the American dream for our young people. That American dream says that our children should have a better life than our generation as we had a better life than our mothers and fathers, as our mothers and fathers had a better life than our grandfathers and grandmothers. But the American dream is being snuffed out because of fiscal irresponsibility.

This situation has gotten so bad that we now spend nearly 40 cents of every dollar that we collect in income taxes just to pay interest costs on this national debt. The danger of this for the economy and the potentially disastrous effects for future generations have become impossible to ignore. You have to look long and hard these days to find public servants who do not say that they support balancing the budget. That is on both sides of the aisle. Rhetoric in support of budgetary control is at an unprecedented level. But it ends up that talk tends to be too cheap, I am sorry to say, and, as a result, the budget still remains unbalanced.

We must then have the structural discipline of a balanced budget amendment. Fortunately, there has been some progress made lately in bringing down the deficit. For the most part, this is the result of two actions—one by the Republican-controlled 104th Congress, and the other by President Clinton. In the case of the Republican-controlled 104th Congress, some spending restraint that we enacted; in the case of President Clinton, it was his suggestion for the largest ever tax increase that passed in 1993.

Now, of course, some of this reduction in the deficit can be explained by better than expected economic growth, which was mainly the result of the Federal Reserve's wise economic policies. And, despite initial budgets of President Clinton which projected deficits as far as the eye can see, the Congress has been able to submit a budget which balances by the year 2002. This is all good news. But the political balance is fragile, and we are still waiting for the debt to be tamed.

The American people have had enough. That is why they are telling us, by an overwhelming percentage: Adopt the fiscal discipline of a constitutional amendment. They sent us here to work to restore the American dream for our children and grandchildren.

I hope my colleagues on the other side of the aisle will work with us on this amendment. The national debt has become the gift that keeps on taking. It is unconscionable that we would saddle our children and grandchildren with such a backbreaking public debt. But, if we do not impose the fiscal restraint that only the balanced budget amendment can provide, this debt will be passed on to future generations, and they will be faced with crippling high taxes. Americans will be working harder and longer for less and less.

Such a scenario simply cannot be tolerated, and is not tolerated today at the grassroots. It is only tolerated here, in this Disneyland of Washington, DC.

Passing the buck of the Federal debt to our children and grandchildren is not just an economic problem that they face. It is an immoral problem for us. Because, when you get right down to it, this deficit spending is evidence that this generation, my generation, can live high on the hog and leave the bill to our children and grandchildren to pick up. We must bring the spending binge under control. And the only way to do this in a serious and lasting way is to pass the balanced budget amendment.

I say this after having served as both a Congressman and a Senator and having worked through several attempts to get the national debt and deficit under control. Everything we have tried to date has failed. The Budget and Impoundment Control Act, Gramm-Rudman I and II, and so many other well-intentioned acts and procedures have all come up short. I'll have more to say on this later.

Mr. President, now, more than ever, we have a moral duty to pass the balanced budget amendment. It will force both the Congress and the President, regardless of which party is in control, to live up to their constitutional responsibilities of confronting the national debt. And when those of us here in Washington are forced to live within our means, just like American families do, every American will benefit. Interest rates will go down, which will mean lower payments for car loans, student loans, and mortgages. And by reducing the cost of living, the American dream will still be attainable. This is especially important today when it often takes two wage earners to make ends meet.

When I talk with the folks back home in Iowa, they let me know that we have to get our fiscal house in order. An overwhelming majority of them support the balanced budget amendment. It has been our experience in Iowa that the state constitutional balanced budget requirement works. Whether the legislature is controlled by Democrats or Republicans, our elected officials have abided by it. We here in Washington have a great deal to learn from Iowa and the many other States where similar procedures have been successful.

As the only family farmer in the Senate, I think it is also important to note that the American Farm Bureau Federation supports the balanced budget amendment. Even though many farmers, including those in my home State, have had to shoulder a large part of the load in budget reduction recently, they know that their livelihood depends on the long-term economic health of the country. They know that there can be no future for the American farmer, or anyone else, if deficit spending is not reined in. We need the budget discipline mandated by the balanced budget amendment in order to guarantee the survival of the American dream for farmers and everyone who benefits from their labor.

Another alarming aspect of our Federal debt is the growing percentage which is held by foreign interests. The proportion of overseas holdings in our debt is approaching 20 percent. In essence, we have seen the slow drip of national sovereignty going down the drain. If we do not control the Federal debt soon, this drip will become a steady stream. So, in a very real sense, irresponsible Federal budgeting has compromised our national security. The time to put a halt to this trend is now.

So, Mr. President, I conclude today by saying it is a moral imperative that we pass the balanced budget amendment. This is not a decision I come to lightly. I am very hesitant about making additions to our Constitution. But our Founding Fathers knew that there would be critical moments in our Republic's history when problems of great difficulty would arise which would require constitutional force in order to solve them. That is why the Constitution was designed to be amended in such circumstances. I would remind my colleagues that all we in Congress can do is send this measure to the States and let the people of America decide whether it will become law. Why is a vocal minority here in Congress so afraid of letting democracy work and letting the people decide?

Our ever-expanding national debt is a problem of fundamental importance which justifies a constitutional solution. We cannot let another Congress go by in which we do not confront this issue and impose discipline on this institution. Our future and that of our children and grandchildren depend on it.

Mr. McCAIN. Mr. President, yesterday, the Senate began debate on the balanced-budget constitutional amendment, of which I am an ardent supporter. Passing this amendment, and abiding by it, is the most important action we can take to protect the future of our children, grandchildren, and future grandchildren. Congress' insatiable appetite for spending is mortgaging the prosperity of these future generations. Not only is this irresponsible, but it is immoral.

Our Founding Fathers recognized the basic principle that the Federal Government must not spend beyond its means. Thomas Jefferson said, "We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves." Unfortunately, we have strayed far from Mr. Jefferson's wise advice.

The Federal Government's uncontrolled spending has built up an enormous national debt that currently stands at $5.3 billion. Apportioned equally, this means that every man, woman and child in this country currently owes almost $20,000. Put another way, if you spent a dollar every second, it would take 150,000 years to spend our current debt. And our debt is still growing by $4,500 per second—about the same amount it would cost to send three people to a community college.

The economic rewards for balancing the budget should be reason enough to act. Many well respected economists predict that if the budget were balanced, interest rates would drop by about 2 percent. This would mean annual savings of $1,230 on a middle-class family's home mortgage; $216 on an average student loan; and $180 on an average auto loan. In the Federal budget world of billions and trillions, these savings are all too often ignored, but these are real savings that would lead to a better life for America's families.

Although Congress has talked endlessly about balancing the budget, the budget has not been balanced since 1969. Without a balanced-budget constitutional amendment, I doubt the President or Congress will ever have the political courage to balance the budget. We simply lack the discipline to control our spending habits. We have ignored our responsibility to put our fiscal house in order, choosing instead to leave future generations of Americans with an overwhelming legacy of debt. It is simply immoral to allow this deficit spending to continue. Our duty as elected officials must be to preserve a strong and solvent nation for the next generation.

Let us show the American people that we take our duties seriously. We must prove we are ready to embrace fiscal responsibility permanently. The moment has finally come for Congress to pass the balanced budget amendment and send it on to the States. Let us begin a national debate, in every State legislature in this country. Americans have waited decades for this opportunity. They have waited long enough.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of Rodney E. Slater, of Arkansas, to be Secretary of Transportation.

NOMINATION OF RODNEY E. SLATER OF ARKANSAS TO BE SECRETARY OF TRANSPORTATION

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I yield myself 5 minutes from the time allocated to Chairman McCain.

Mr. President, last week I had the opportunity to speak before the Commerce and Environment and Public

Works Committees on behalf of my good friend and our nominee for Secretary of Transportation, Rodney Slater. I am proud today, and honored today to be able to rise before the entire Senate body and once again voice my support for the President's choice for Secretary of Transportation.

I have known Rodney Slater since the 1980's, when I was first elected to the Arkansas State House of Representatives and Rodney was the executive assistant for then Governor Bill Clinton. From the very beginning of our relationship, I had the deepest respect for Rodney on both a personal and professional level.

Professionally, I think there is no question whatsoever that he is qualified to become the Secretary of Transportation. Before coming to Washington, Rodney served for 6 years as commissioner and later chairman of the Arkansas State Highway Commission. During this time, Rodney, without hesitation, tackled the great challenge of improving a poor rural State's infrastructure. He took on that challenge, not just trying to please, but trying to do the right thing. Arkansas, like most of our States, is a very diverse place with many competing regions. Rodney, though he hailed from the delta, was always fair to every part of the State of Arkansas. I think that is a preeminent qualification for somebody who is going to be Secretary of Transportation of the United States. He will be fair with all modes of transportation. He will be fair to all parts of our Nation.

In the last 4 years, Rodney has served as Administrator of the Federal Highway Administration, where he has faced the demands of implementing ISTEA. As you know, hearings on the reauthorization of ISTEA will begin next week. We will be dealing with some of the most important and complicated issues of transportation when we consider this vital piece of legislation. Rodney's experience with national and local transportation needs as well as his expertise in the intricacies of ISTEA give me great confidence he will be able to work with Congress in a manner that will help us form legislation that will not only be fair but will address the Nation's pressing transportation needs into the 21st century. Certainly I look forward to working with a Secretary of Transportation who brings hands-on experience to the Department.

On a personal note, I cannot adequately express my esteem for Rodney, for the courage he has shown in overcoming a childhood of deprivation. He is a native of Marianna, AR, the Mississippi Delta region, one of most impoverished of our Nation. Many children grow up in those conditions and find that poverty overcomes them. They never come close to reaching their full potential. Rodney serves, I believe, as a role model for countless Americans who pull themselves up from poverty to make the American dream a reality. If you judge a person from what they overcome, then Rodney Slater has overcome a lot, and should be esteemed. He has not only benefited his own life, but the lives of those he has touched through his selfless public service. His experience in the region of the world he came from, I think, gives him a unique perspective of the value of our Nation's infrastructure and the role it plays in economic development.

Another one of the great things about Rodney, which I have expressed many times, is his commitment to his family. Nobody could question that after watching the confirmation hearings. Several of his family members came there at each time.

I want to reiterate my comments from last week. I have no hesitancy whatsoever in giving my support for Rodney Slater to be Secretary of the Department of Transportation. I believe the President made a fine choice and I look forward to casting my vote for that confirmation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. The distinguished Senator from Arkansas has been so laudatory, I think the RECORD should show that Rodney Slater is a Democrat.

The fact of the matter is, he has strong, strong bipartisan support because he truly comes as an appointment, not on account of the color of his skin, but the content of his character. As the distinguished Senator pointed out, he started in the most humble Mississippi Delta section of Arkansas, attended the public schools, graduated, then, from Eastern Michigan University, and then from the University of Arkansas School of Law at Fayetteville.

Working as a commissioner on the Arkansas Highway Commission, he then was able to serve as its chairman and came here just almost 4 years ago as the Federal Highway Administrator. You only have to go to Northridge, CA, to ask how he did. Right after that earthquake out in California, Mr. Slater cut through all the bureaucracy. His actions there, instituted immediately, facilitated the provision of alternative transportation, and then Mr. Slater's FHWA allowed the repair and rebuilding of the damaged highways out there in record time.

He has become familiar with all modes of transportation, working at DOT—the civilian airline system; all the railroads, including the Nation's rail passenger service, Amtrak; the water borne transportation system, and everything else. So he is totally familiar with it. I don't know any better compliment than that related by my distinguished colleague from Arkansas. Mr. Slater appeared with the strongest bipartisan support of any nominee I have seen in my time up here, and I think he deserves it. I have watched him over the past 4 years, as I have watched other Federal Highway Administrators, but none has done a more resourceful job, a more understanding job, and a more effective job than Rodney Slater of Arkansas.

It's quite a journey from those rural roots to being chairman of the Arkansas State Highway Department to administering the Nation's highway program and now, I hope, to Secretary of Transportation. Mr. Slater's journey began with a loving family and community, and we should, as he does, pay tribute to them. They instilled in him the thirst for education, the drive to succeed at every job, and the determination to be fair in whatever he did. These are qualities that we should look for in every nominee for every office. But in addition to Mr. Slater's personal story there are several other excellent reasons for confirming Mr. Slater in this very important Cabinet position.

He has high-level experience in transportation dating back to 1987. Mr. Slater has served as a member of the Arkansas State Highway Commission and later as the commission chairman. In these positions he received high praise for his ability to bring together diverse interests in order to get the job done. Part of Mr. Slater's success is attributed to his willingness to listen to disparate points of view and a desire to learn from others.

Mr. Slater was appointed to the Federal Highway Administration [FHWA] by President Clinton in 1993. As Administrator, Mr. Slater managed a $20 billion annual budget in an agency with 3,500 employees and an office in every State. In that capacity, he impressed both local officials and Members of Congress with his ability to work within the system to get things done. During the last 4 years the FHWA under Mr. Slater has expanded our Nation's highways and linked isolated communities to new jobs and opportunities.

One important example of this nominee's abilities is the response of the FHWA to the devastating earthquake that took place in Northridge, CA. Mr. Slater received high marks from those who witnessed his ability to cut redtape and lessen response time so that critical funds would be released promptly to the communities hit by the earthquake. His adept maneuvering through the bureaucracy resulted in the provision of alternate transportation and the rebuilding of vital highways in record time.

In nominating Mr. Slater, President Clinton said: "* * * he was recommended by more people from more places in more ways for this job than any person for any position I have ever seen." Nothing is more true. Look at the Members of Congress, on both sides of the aisle, who have supported this nomination. During the Commerce Committee hearing on his nomination, Mr. Slater was endorsed by Senators WARNER, BUMPERS, and HUTCHINSON and Congressmen HUTCHINSON and BERRY. That's a good cross-section of support—the chairman of the Transportation Subcommittee of the Senate Committee on Environment and Public Works and four members of the Arkansas congressional delegation, two from each party. He has also received high praise from our House colleagues. Congressman WOLF, chairman of the House Appropriations Subcommittee on Transportation, called the nomination "a natural." House Transportation and Infrastructure Committee Chairman BUD SHUSTER said he considers the nominee one who "can work well with both parties."

Mr. Slater's nomination is not just endorsed within the Washington Beltway. Indeed, the transportation industry uniformly praised Slater both for his abilities as the FHWA Administrator and for his interest in learning the promises and prospects of the other modes of transportation.

From my perspective as Senator from South Carolina, I am very pleased to have a nominee who has a firm grasp of the highway system that is so vital to my State. Moreover, in Mr. Slater we have the opportunity to confirm as Secretary of Transportation a man who knows the value of the other modes of transportation as well: The Nation's civil aviation system, Amtrak, and the country's waterborne transportation system.

With Mr. Slater, we will have a Secretary who knows that we must rebuild the Nation's infrastructure if we are to grow and prosper in the 21st century. He is a man who believes, as I do, that the number of ships that steam into our ports means little if road or rail transport is insufficient to speed the cargo on its way to points inland; and that increasing tourism in Charleston or Boston or New Orleans won't matter unless trains and planes are available to bring the tourists to those cities.

He is also a man who is well aware that a carefully constructed reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA] can give us the boost we need toward the year 2000. We in South Carolina have worthwhile intermodal projects that need funding. These intermodal projects will relieve choke points in the States, giving us a start on the seamless transportation network that ISTEA envisions. An example of one of our most pressing issues for ISTEA is the long overdue replacement of the bridges over the Cooper River in Charleston. These bridges are essential to the movement of cargo to and from the port.

In conclusion, Mr. Slater has earned my support and my vote because I am impressed with the intelligence, dedication, and ability I believe he will bring to this job. I urge my colleagues to join me in confirming this excellent appointment.

Mr. FORD. Mr. President, I rise today to talk about a person who has been honored by President Clinton to serve as the Secretary of Transportation, Rodney Slater. Last week, Mr. Slater testified before the Commerce Committee. He talked about his commitment to public service, his background, and his desire to make sure that the United States remains the leader in aviation. He talked about the challenges facing the Transportation Department, but more importantly, the challenges facing all of us and our constituents.

Mr. Slater showed himself to be forthright and straightforward. In response to some tough questions, he did not flinch. He looked each of us in the eye and committed to work through difficult problems, to rebuild our Nation's roads and bridges, and to make our transportation system as safe as possible. He also said something else in response to a tough, but fair comment from our chairman, Senator MCCAIN. He said he wanted to give people a reason to vote for someone, rather than against someone. Mr. Slater did that in his testimony.

Mr. Slater also brings something else to DOT—he has served for 4 years as the head of the Federal Highway Administration. Mr. Slater's support before our committee was bipartisan, both Senators and Congressmen. Senator WARNER talked of his first-hand experience with Mr. Slater in working with flood victims in Virginia. Mr. Slater has similarly responded to problems in Kentucky and other States.

Mr. Slater is one of the first nominees for the Secretary's position to have worked for one of the modal administrations. That experience alone will benefit our communities. Mr. Slater understands, for example, that opening up foreign aviation markets to our carriers will benefit our communities. Mr. Slater understands the importance of developing a new ISTEA bill. Mr. Slater recognizes the need to appoint members to the National Civil Aviation Review Commission, so that we can move forward with improving the Federal Aviation Administration. Funding for the FAA, improving aviation safety, and continuing to make strides in aviation security are matters that the new Secretary will confront on day one. Let's make tomorrow day one.

Mr. Slater has many challenges ahead of him. We should let him get to it as quickly as possible and I urge my colleagues to support this nomination.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I have about 4 minutes, I would say. Can I be yielded some time?

Mr. HOLLINGS. Yes, 4 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator from South Carolina.

Mr. President, I rise in support of the nomination of Rodney E. Slater to be the Secretary of the Department of Transportation. Over the last four years, Mr. Slater has served the President and the Nation, and he has served well in his capacity as our Federal Highway Administrator. He has done so with the same distinction and effectiveness that he demonstrated previously while serving then-Governor Clinton in several capacities back in his home State of Arkansas.

I am pleased that the President has nominated such an able and accomplished and dedicated public official to head the Department of Transportation. We will face many critical challenges in the transportation arena in the next several months and years—the reauthorization of all of our critical highway and transit programs; the need to reform the entire financing mechanism for the Federal Aviation Administration; the need to find more Federal resources to stem the deterioration of our transportation infrastructure; the need to reverse the recent increase we are witnessing in drunk driving as well as the need to improve our safety record in all modes of transportation.

I heard the President speak about the dangers of smoking, and I am for the great crusade that has been conducted across this Nation against smoking. But I would like to see a similar crusade against drinking alcoholic beverages. Let's have a crusade to match the crusade against smoking. Let's have a crusade against drinking, because my wife, your wife, my daughters, my grandchildren can get into an automobile and leave the house and never come home alive again because of some drunken driver who is all over the highway. Let's have a crusade against alcoholic beverages. I would be happy to help by speaking out against the drinking of alcohol.

I know from several meetings that I have had with Mr. Slater that he recognizes clearly how important a vibrant and efficient transportation system is to the Nation's future. He knows that, as a nation, we have allowed our transportation infrastructure to deteriorate to the point that we have a backlog of unmet needs totaling well over $100 billion. This backlog of unmet needs for unsafe bridges, deteriorated highways, airports, and transit systems serves as a continuing drag on our Nation's productivity. He knows that poor highways restrict access to jobs, to schools and to health care—that poorly maintained ships and waterways can lead to environmental disaster.

At my request, Mr. Slater has visited my home State of West Virginia on a number of occasions. He has seen first hand the benefits flowing to my constituents and the entire Nation from ongoing efforts such as the completion of Appalachian Corridor "G." But he also knows that much more needs to be done to improve mobility, not just in West Virginia but throughout the entire Nation.

Mr. Slater comes from humble origins, having been born in the small community of Tutwiler, MS. With a population of 1,391, just a few more people than we have in Sophia, WV, from where I come. Tutwiler has about 200 more residents than the town of my upbringing, Sophia, WV. I know something about humble beginnings. And I know that humble beginnings can give some people a clarity of vision and tenacity of purpose. These are the attributes that we find among true national leaders—and Rodney Slater's leadership at this vital time in the Nation's history as Secretary of Transportation will be critical as we strive to balance the Federal budget without decimating the Nation's physical infrastructure. I look forward to his confirmation. I am glad today to speak in support of his nomination enthusiastically and without any reservations.

I thank the Senator from South Carolina. I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to offer my strong support for Rodney Slater to be the next Secretary of Transportation.

Mr. President, as Administrator of the Federal Highway Administration, Rodney Slater has demonstrated the leadership, intelligence, and vision that is required to lead the Department of Transportation. I am confident he will do an excellent job as Secretary.

During the past 4 years, Administrator Slater has overseen a $20 billion U.S. Highway System and a nationwide work force of 3,500. In that capacity, he transformed FHWA policies and programs to better serve the people and industries who rely on our highway system. He has also been a strong advocate for the advancement of women and minorities.

As Secretary, Mr. Slater will play a critical role in ensuring that our Nation makes much-needed investments in our transportation infrastructure. I know he shares my commitment to that goal. Transportation generates 20 percent of our GNP, and every $1 billion invested in our transportation system yields more than 25,000 construction-related jobs.

Investment in transportation is also necessary to keep us internationally competitive. Americans spend more than 1.6 million hours a day stuck in traffic, at a cost to U.S. businesses of about $40 billion per year. That's a burden our economy simply cannot afford.

By reducing congestion, improving air quality and enhancing safety, effective transportation systems also improve our overall quality of life.

This year we are facing renewed debate on the importance of transportation as we discuss the authorization of ISTEA. And I am pleased that Rodney Slater will be taking the lead for the administration in the reauthorization effort.

Mr. President, ISTEA is a bold and innovative law that is helping to increase mobility, ensure access to jobs and sustain our environment for future generations. It has improved planning and flexibility, emphasized local decision making and encouraged new technology.

Mr. President, we need to extend ISTEA to meet the transportation and economic challenges of the 21st century. We need to build on the legislation's innovative intermodal system. We should continue to promote State and local flexibility. We should continue to use technology, or so-called Intelligent Transportation Systems, to increase our capacity and efficiency. And we must maintain ISTEA's commitment to promoting safety.

I believe Rodney Slater shares my commitment to these goals, and I am looking forward to working closely with him throughout the debate on ISTEA.

Mr. President, as we develop so-called ISTEA Two, all of us will need to remember that the choices we make will directly affect the lives of millions of ordinary Americans. Our decisions will affect where and how we live. Where we work. How we'll get there. And how long it will take.

In many cases, our choices also will be a matter of life and death for thousands of Americans. And we shouldn't forget that. We will be deciding the safety of our roads, our rails, and our air travel. Unfortunately, over the past 2 years, safety often has taken a back seat to other considerations. We have lost our national speed limit. We have lost our motorcycle helmet and seatbelt laws. And, meanwhile, the problem of drunk driving has worsened. In my view, it's long past time that we made safety a top priority.

Mr. President, I raised this issue with Administrator Slater during the informational hearing in front of the Senate Environment and Public Works Committee. He assured me that safety is, and will continue to be, his top priority as Secretary of Transportation. I commend him for that commitment.

Administrator Slater also assured me that he is an advocate for healthy transportation funding this fiscal year and in the years ahead. In the coming months, Congress and the administration will be working together to balance the budget. As that process moves forward, all of us who care about transportation will have to work hard to ensure that transportation is given the priority it deserves.

Mr. President, I am confident that Rodney Slater will be a Transportation Secretary who will work to maintain our infrastructure, to preserve ISTEA, to enhance safety, and to ensure adequate funding for our transportation needs. I look forward to working closely with him to ensure that all Americans can travel safely and efficiently as we move into the 21st century.

Mr. DOMENICI. Mr. President, I rise to express my strong support for the confirmation of Administrator Rodney Slater to be the next Secretary of Transportation for this great Nation.

With 1 of every 10 workers and over $700 billion dollars being devoted annually to transportation products and services, we certainly need a person of Mr. Slater's caliber.

Transportation touches the lives of each and every American citizen on a daily basis; and while we can be proud of our railways, interstate, highways, and airport systems, there are still significant challenges which lie ahead.

Mr. President, both personal and business travel are at all time highs and the concern for safety is shared by all Americans.

We are continually facing the problems of congestion and pollution in metropolitan areas while attempting to meet the demand for increased mobility.

And, in New Mexico, like many other rural States, we are witnessing a demographic shift which is placing a strain on our current regional transportation systems.

In addition, there are still the growing demands for speed and efficiency in the transportation of goods. With the emergence of just-in-time manufacturing, transportation authorities must continue to research transportation innovations and utilize new technologies which will help preserve time and money.

Mr. President, I believe Mr. Slater's creativity and fresh thinking will be an asset to the President as we begin to face these issues and look towards the future of transportation in America. And that future begins with the reauthorization of the Intermodal Surface Transportation Efficiency Act [ISTEA].

I believe we must build upon the priorities set forth in this important legislation while continuing to provide the necessary funding to ensure the strongest transportation infrastructure possible.

ISTEA's reauthorization must be based upon principles that will sustain a strong globally-competitive economy and ensure the mobility and safety of our people.

I believe Mr. Slater recognizes the challenges ahead of him as Secretary of Transportation and I am truly encouraged by his commitment.

Administrator Slater's history is clearly is one of hard work and dedication. He served as assistant attorney general for the State of Arkansas and later worked as an assistant to the Governor on economic and community programs.

Administrator Slater began his focus on transportation by serving as the chairman of the Arkansas State Highway Commission.

And I believe in this era of new federalism, his experience in running a state highway agency will be an excellent background as we look to provide State governments with enough flexibility to produce local answers to transportation issues.

In addition, Administrator Slater served as a member of the American Association of State Highway and Transportation Officials' Executive Committee of Commissions and Boards and is currently serving as the first African-American to head the Federal Highway Administration where he worked as an effective leader in escorting the National Highway System legislation through Congress.

In speaking with Administrator Slater on many occasions, I have always been impressed with his desire to participate in open discussions with one priority in mind—and that is to reach a solution which is best for the American people.

In fact, as Federal Highway Administrator, Mr. Slater personally traveled from coast to coast as part of an outreach program which he initiated.

From Buffalo, NY to Laredo, TX and from San Francisco, CA to our Nation's Capital—Administrator Slater sat down with real people to discuss their thoughts and concerns about our Nation's highways and interstates.

I believe Administrator Slater, in his new capacity as Secretary of Transportation, will continue to provide all Americans with a transportation network that will be second to none.

And it is in my judgment that Administrator Slater has first hand knowledge as to what the future needs are for this Nation's transportation infrastructure.

I commend President Clinton for his nomination, and shall cast my vote for his confirmation with confidence and wish him the best as he begins to face the transportation challenges of this great Nation.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, I rise today to offer my strong support for the confirmation of Rodney Slater as the new Secretary for the Department of Transportation.

Mr. Slater has the experience, the sense of purpose, and the commitment to make sure that our transportation infrastructure is ready for the new century. He is well suited to head the Department of Transportation, a large and complex agency which is so vital to America's infrastructure. Transportation is one of the underpinnings of our economy, and plays an essential role in the daily lives of all Americans. A safe and efficient system of transportation is needed to keep our growing economy strong.

Rodney Slater understands that transportation is an engine for job creation. He knows that it provides hundreds of good paying jobs in the development of transportation technologies, in construction, and in the delivery of transportation services. From the person who drives the light rail train through my own hometown of Baltimore, to the scientists and engineers designing the transportation networks of the future, transportation means jobs. Mr. Slater understands that.

Under Mr. Slater's guidance, the Department of Transportation will continue to encourage new technologies, promote safety, and protect our environment. He is the right person to manage our national infrastructure, and lead the way to better and safer roads and transit systems, airports, and to keep us globally competitive.

Mr. President, I look forward to working with Mr. Slater on making the Department of Transportation a more effective and efficient agency. We must work together to meet the transportation needs and challenges that we face as we enter the 21st century. Much has been done and continues to be done as we work as partners to revitalize America's transportation system.

Mr. Slater is equipped for this task. He was appointed to the Arkansas State Highway Commission in 1987, and made its chairman in 1992. Mr. Slater understands the needs of local and State governments. He understands the need for our rural, suburban, and urban areas to be connected, and provide the access to opportunity.

As the Administrator of the Federal Highway Administration, Mr. Slater has shown his commitment to put people first, and to rebuild America. He has listened to thousands of constituents and incorporated their concerns into the Federal Highway Administration's decisionmaking process. He has led this agency as it rebuilt and expanded our Nation's highways, and in the process created jobs and opportunities.

I look forward to working with Mr. Slater as he works to meet the transportation needs of Maryland and those across this great Nation. I urge my colleagues to confirm the nomination of Mr. Rodney Slater as Secretary of the Department of Transportation.

Mr. KERREY. Mr. President, I rise to support the confirmation of Rodney Slater to be the new Secretary of Transportation. Perhaps only the Secretary of Agriculture has as a profound effect on economy of my State as the Secretary of Transportation.

As a large geography, small population State at the Nation's crossroads, Nebraska has a great deal at stake in America's transportation policy. Perhaps only the Secretary of Agriculture has as profound an effect on the economy of my State as the Secretary of Transportation.

Coming from rural Arkansas, Rodney Slater understands the transportation problems of Nebraska and the Nation. He has demonstrated skill and vision as Administrator of the Federal Highways Administration.

One of the most important bills the 105th Congress will consider is the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA). The new Secretary will lead the administration's efforts on this important bill. The Senate begins its work on the reauthorization of ISTEA with this confirmation. As the Senate debates the nomination of Rodney Slater to be Secretary of Transportation, I would like to take a few moments to discuss some of the transportation priorities I want our new Secretary and the Senate to consider.

First, the new Surface Transportation law should promote a national transportation infrastructure which addresses rural and urban needs. That legislation must recognize that transportation investments in small population, crossroads States like Nebraska contribute to the productivity and efficiency of the entire nation.

Second, ISTEA 2 should be truly intermodal by including an authorization for Amtrak, and assistance for communities dealing with an increasing density of rail traffic. The Congress has a tremendous opportunity to enhance safety where rails meet roads in America.

Third, safety must remain the preeminent focus of transportation policy. In spite of long-term progress on the safety front, more than 41,000 Americans will die and more than 3 million Americans will be injured this year on the Nation's roads and highways. We can reduce that number by focusing much needed attention on two groups of drivers—Teenagers and repeat offenders. Traffic accidents are the leading cause of death among Americans ages 15–24. The reauthorization of ISTEA provides an opportunity to seriously address this problem.

Fourth, in aviation, I applaud the Secretary-designate for his strong statement in support of the Essential Air Service Program. Air service is critical to the economic survival of many rural communities. Last year, the Congress solved the chronic funding problems of the Essential Air Service program. I am pleased that the Secretary-designate supports that action.

Finally, Mr. President, I pledge to the new Secretary that I will continue to do everything I can to end the hemorrhage of the airways trust fund. The lapse of the aviation ticket tax is draining the trust fund at an astounding rate of $18–20 million a day. As a new member of the Finance Committee, I consider funding the Nation's investments in airport safety, security, and efficiency a top priority. I am proud that our committee yesterday took swift, bipartisan action on this important matter.

Mr. President, with this confirmation, we begin work on the transportation policy for a new century. The Senate should not underestimate the importance of this task or the significance of this confirmation. Future employment, economic growth, international competitiveness, and national productivity are all at stake. I am confident that Rodney Slater understands the importance of his mission and I look forward to working with the new Secretary.

Thank you, Mr. President.

Mr. BAUCUS. Mr. President, I rise today to express my strong support for the nomination of Rodney Slater to be the next Secretary of Transportation.

Most of my colleagues know Rodney Slater from his tenure as the Federal Highway Administrator—a position he has held since 1993. Mr. Slater has proven his ability to grasp and understand transportation issues that are important to all regions of this country.

Even though he is a native of Arkansas, I can tell my colleagues that he recognizes the needs of areas such as the West. In fact, he has traveled to Montana three times to see first hand the vast expanse of land and low population that is our State. These trips have enabled him to appreciate the true meaning of the word rural.

And this experience will come in handy in the coming months. One of the key issues the 105th Congress will face is the reauthorization of the Intermodal Surface Transportation Efficiency Act or ISTEA. This legislation will set the highway and transit funding levels for every State and an understanding of the needs of rural States will be critical. ISTEA expires on September 30 of this year and we have our work cut out for us.

There will be many difficult and controversial issues to be debated during reauthorization. One such issue will be the question of highway funding formulas. I would remind my colleagues that we are one Nation—not 50 separate ones. We all come from different States with diverse transportation needs. But our goal should be to craft a reauthorization bill that will move this country forward into the next century—not one that takes us back.

Mr. President, transportation in Montana is not just limited to highways. There is another important component of our transportation system—the Essential Air Service program.

The Essential Air Service program ensures that some of this country's most rural and vulnerable communities have access to air transportation. It is truly an essential transportation program.

Montana is second only to Alaska in the number of EAS communities—seven. Every year, Congress must fight for the necessary funding to continue this program. However, Mr. Slater has pledged his commitment to support this program. I look forward to working with him and the rest of the Department to ensure the stability of this program into the future.

Rodney Slater has repeatedly shown an ability to bring diverse interests together for a common goal. He has also displayed a skill for taking innovative approaches to many of the problems facing the transportation community. He has always been responsive to me and other Members of the Senate. It is these skills that Congress will need during the reauthorization of ISTEA and other transportation matters.

Mr. President, I support this nomination without reservation and urge my colleagues to do the same.

I yield the floor.

Mr. KERRY. Mr. President, I am pleased to support the nomination of Rodney Slater to be the next Secretary of Transportation. Mr. Slater has distinguished himself by his fine service to the people of Arkansas and to the Nation as Federal Highway Administrator. I have had the opportunity to meet with Mr. Slater and discuss a range of transportation issues with him. I am confident that he has the necessary skills and knowledge to develop a national transportation policy and to prepare our Nation for the transportation challenges of the next century.

The greatest challenge before Mr. Slater is to establish a comprehensive transportation policy for the 21st century. When Mr. Slater came before the Commerce Committee, I spoke of the need to develop such a policy and I emphasized my belief that such a policy must prominently include passenger rail service as an integral component. Despite rail's proven safety, efficiency and reliability in Europe, Japan, and even here in the United States, our Nation continues to seriously underfund and shortchange passenger rail. Indeed, over half the Transportation Department's spending authority is devoted to highways and another quarter to aviation; rail is still in distant last place with roughly 3 percent of total spending authority. During the confirmation hearing, I stated that I believe the time is long overdue to change our approach and to afford greater consideration to our commitment to intermodalism. I hope to work with Mr. Slater in the years ahead to develop and deploy a comprehensive, financially stable, intercity transportation network that includes passenger rail as an integral component.

A second and important challenge Mr. Slater will face will be the reauthorization of the Intermodal Surface Transportation Efficiency Act or ISTEA. I am by no means alone in counting on the administration to play a central role in this debate. Soon, the administration will submit its proposal for reauthorizing ISTEA. I expect this proposal to fairly allocate highway funds and to consider the aging and crumbling infrastructure of the crowded cities in the Northeast. These cities are important population centers and significant gateways for international trade and tourism. Those of us representing northeastern States are placing great faith in Mr. Slater—faith that he will afford due consideration to our legitimate needs and will offer sufficient support to ensure that those needs are addressed in a fair and equitable manner.

I look forward to working with Mr. Slater in several other areas including reforming the FAA, negotiating and implementing meaningful open-skies agreements with our trading partners, and implementing the train whistle ban in a manner that respects the safety records of the communities that will be affected.

I enthusiastically will vote in favor of Mr. Slater's confirmation, and I urge my colleagues to do the same.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, the Senate, in just a minute, will vote on the nomination of Rodney Slater to serve the Nation as Secretary of Transportation.

I congratulate Mr. Slater on the honor of being selected by the President for this very important post, and I urge the Senate to confirm his nomination.

Mr. Slater currently serves as the top official at the Federal Highway Administration and has received much praise on both sides of the aisle and from across the country for his good work in that important capacity.

On January 29, the Senate Commerce Committee conducted a thorough hearing on the Slater nomination, and, yesterday, the committee voted unanimously to refer his nomination to the full Senate with our approval.

As part of the committee's examination, we submitted a battery of questions to the nominee regarding his qualifications and fitness to serve as Secretary; about his priorities in serving the transportation needs of our country; and about his plans to ensure that he and the Department effectively serve the public interest in keeping with the highest standards of professional conduct.

He faithfully responded to our many questions and while members may disagree about some of his policies, the nominee is experienced in the transportation arena; has proven himself to be a dedicated public servant; and has assured the committee that he has not engaged in any activity which would cast doubt on his ability or fitness to serve.

Mr. Slater, has a very difficult job ahead of him. The Transportation sector affects every facet of our country's economic and social life. The ability of our citizens and the Nation's goods to travel freely, economically and safely, will be directly and deeply influenced by the policies established by the new Secretary.

Our Nation faces severe challenges in the effort to keep our transportation systems the most modern, efficient, and safest in the world. In particular, upgrading the Nation's highways, railways, and aviation infrastructure in an era of necessary budget constraint will be especially difficult and will require vision and leadership.

Above all, the new Secretary's top priority must be protecting public safety in all modes of transportation. And, he must apply himself to prioritizing national needs and eliminating unjustified programs so that limited resources can flow to the Nation's most pressing requirements according to merit and need. Achieving these lofty goals will take a Secretary who can say no, as well as yes, and who can keep an unflinching eye on the interests of the country rather than on politics.

Mr. Slater assured us that he understands the magnitude of the responsibilities awaiting the new Secretary, and is qualified and eager to take them on. Having questioned and examined this nominee, and given his track record of public service, the committee trusts and believes that is so. I urge my colleagues to confirm Rodney Slater, and we look forward to working with him to best serve the transportation needs of our Nation.

I ask for the yeas and nays on this vote.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. If my colleague would yield.

Mr. MCCAIN. I am happy to yield to the Senator.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to extend——

Mr. MCCAIN. Mr. President, under the previous order, we were supposed to vote at 3 o'clock. That is my understanding.

The PRESIDING OFFICER. That was the agreement.

Mr. MCCAIN. Mr. President, I yield back remaining time.

Mr. HOLLINGS. Mr. President, I yield back.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Rodney E. Slater, of Arkansas, to be Secretary of Transportation? On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 6 Ex.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—2

Bennett
Thurmond

The nomination was confirmed.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair notes that under the previous order, the President shall be notified of the confirmation of the nomination of Rodney Slater.

Mr. DASCHLE. Mr. President, Rodney Earl Slater is the right choice to become the next U.S. Secretary of Transportation. He has earned the unanimous vote by which he was confirmed. He has taken a remarkable path from a childhood of poverty to being selected to head the $39 billion Department of Transportation. His hard work and talents have proven invaluable to every effort he has undertaken.

Rodney was born in 1955 in the dirt-poor Mississippi Delta. His first taste of hard work came early, when as a boy he picked cotton and peaches. He was recruited to play football at Eastern Michigan University, rising to become co-captain of the team.

His performance in speech class so impressed his professor that he persuaded him to join the college's debate team. He went on to become a national finalist in debate competitions. The coach of his college debate team described him well: "I knew way back then that here was a very disciplined, goal-oriented young man who was driven by his own competitiveness. He wasn't competing against other students. He was competing against his own measure of success."

Rodney Slater went on to an outstanding career of public service. He served several years in the Arkansas State Attorney General's Office. After 4 years as an assistant to then-Arkansas Governor Bill Clinton, he directed government relations for Arkansas State University.

In 1987, he was appointed to the powerful Arkansas State Highway Commission, making him the first African-American to hold the job. Five years later, he was promoted to chair the commission.

As Federal Highway Administrator since 1993, Mr. Slater has managed a $20 billion annual budget in an agency with 3,500 employees and offices in every State. He tackled the politically difficult task of putting together the National Highway System, a 160,000-mile network of roadways. Stitching together that system involved painstaking negotiations with 50 State governments, regional transportation agencies, and city governments. Despite these difficulties, he won praise from all sides for his candor, political skills, and ability to work within the system to get things done.

Rodney Slater's nomination has drawn wide and bipartisan support. As President Clinton put it, he "was recommended by more people from more places in more ways for this job than any person for any position I have ever seen." He has won praise from leaders from both parties and both Houses of Congress. Senator JOHN WARNER, who chairs the Senate Environment and Public Works Transportation Subcommittee, described him best as "an effective partner with Congress."

As a true Arkansas traveler, Rodney has demonstrated he understands rural transportation needs. He has certainly become a good friend of South Dakota.

When we needed help, in good times and bad, we knew we could count on him. South Dakotans are deeply grateful for his assistance, which we will never forget.

The nomination of Rodney Slater validates a life of hard work. He has earned this nomination. From his roots in rural Arkansas, he worked his way through college and law school. Here in Washington, he has rebuilt and expanded our Nation's highways and linked isolated communities to jobs and opportunities. He has built bridges both of steel and of goodwill to bring people closer together. He is the right person to help us meet the many transportation challenges we face as we enter the 21st century.

I supported Rodney Slater's nomination with enthusiasm. He fully deserved the unanimous vote by which he was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that the recess be delayed in order for Senator GRAHAM of Florida, Senator SESSIONS of Alabama, and Senator GRAMS of Minnesota to speak, and following their remarks the Senate stand in recess under the previous order.

Mr. BYRD. Mr. President, reserving the right to object, I have a little speech I would like to make on a nongermane matter. It will take me maybe 15 minutes.

Mr. LOTT. Mr. President, I amend the request for the Senators that I mentioned, Senators GRAHAM of Florida, GRAMS of Mininesota, Senator SESSIONS, and the Senator from West Virginia to be able to speak, and that we stand in recess under the previous order after those speeches.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that when the Senate reconvenes at 4 p.m. today—and it looks like there may actually, in view of the speeches to be given there, not be much of a recess at all, but at approximately 4 p.m. Senator DURBIN will be recognized to offer an amendment to the pending constitutional amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. For the information of all Senators, the Senator from Illinois [Mr. DURBIN] will offer this amendment when the Senate reconvenes after our conference. He will then debate his amendment throughout the remainder of today's session as long as he needs. It is my understanding that Senator DURBIN will be willing then to vote in relation to his amendment on Monday, February 10, at 5 p.m.

I wish to say that we had been hoping maybe we did not need to have that vote, but in view of the fact that we are not scheduled to be in session next Friday and the funeral services are scheduled for Thursday for Ambassador Harriman, we do need to get as much work done as we can on Monday. So we will look toward having this vote at 5 o'clock on Monday and then votes early Tuesday morning, and continue on through the remainder of the week to accomplish as much as we can in terms of taking up amendments on the constitutional amendment and also confirmations that we hope to be able to move. We think we will have a couple more perhaps that we will be able to vote on in the next week.

So with that in mind, I would like to announce there will be no further votes today and the next rollcall vote is expected to occur at approximately 5 p.m. on Monday, February 10.

Mr. FORD. Mr. President, will the majority leader yield for a question?

Mr. LOTT. I will be pleased to yield to the Senator from Kentucky.

Mr. FORD. It appears that some of the nominees may not get out until Wednesday or so of next week without any problems but just because of when the next committee meeting will occur. Is it the majority leader's intention that if they get out, say, unanimously, without any opposition, and have very little opposition, if any, here, we might waive the time and go ahead and try to vote before we leave here next week?

Mr. LOTT. Mr. President, as we have done on other nominees we have voted on, it would be our intent to do that. We want to get as many of them done as we can next week. We hope that perhaps we will reach a point where we can vote on the U.N. Ambassador's position, and we think there may be another one ready.

Mr. FORD. Secretary of Energy.

Mr. LOTT. All right. So if any of those will be cleared, we will try to get those up Thursday.

Mr. FORD. The only reason I asked, there will be kind of a time crunch, and I wanted others to understand we might get the committees to move their hearings up a day.

Mr. LOTT. Mr. President, the Senate will be in session on Friday of this week for debate on the pending balanced budget constitutional amendment. However, no votes will occur during Friday's session. It is my understanding that Senator WELLSTONE will be in position on Monday to offer two amendments to the balanced budget issue. It will be my intent to schedule those votes to occur after the weekly luncheons on Tuesday, February 11, somewhere between 2:15 and 3 o'clock.

I thank all Senators for their cooperation.

I yield the floor, Mr. President.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Florida.

Mr. GRAHAM. I thank the Chair.

Mr. President, we as a Nation have come to an important crossroads in our history. We must decide whether or not we should alter our supreme and most respected document, the U.S. Constitution, to establish the principle of a balanced Federal budget.

As we all know, regrettably our Nation is deeply in debt and goes more so each year. The budget deficit has become a permanent fixture of our Nation's fiscal policy. While there are those who say we can without a constitutional amendment balance the budget, recent history raises serious doubts.

Mr. President, I should like to humanize this issue by putting it in the context of a family, my family. My father was born in Croswell, MI, in 1885—February 10, 1885, to be exact. When he was born, the national debt, after almost 100 years of American history, after having purchased Louisiana from the French, having fought the Revolution, the War of 1812, the Civil War, we had accumulated a total national debt on the day my dad was born of $1.6 billion. If you took the population of the United States in February of 1885 and divided it by that $1.6 billion national debt, my father came into the Earth owing $28. That was his share of the national debt.

I was born in November 1936. On that date, the national debt was $33.8 billion. Between my dad's birth and my birth, we had fought the Spanish-American War, the First World War, and suffered a deep depression, which we still were in the midst of on the date of my birth. On that day, dividing the then national debt by the then population, I owed $264. That was my indebtedness to the Nation at the time of my arrival.

My first child was born in January 1963. When Gwen was born, the national debt was $310 billion. In 1963. That was not very long ago in the scale of life. And my daughter owed $1,640. That was her share of the national debt as recently as January of 1963. And 27 years after her birth, my daughter Gwen had a daughter, Sarah. Sarah was born in 1990, and upon her birth the national debt, if you can believe it, had soared from $310 billion 27 years earlier to $3.2 trillion when my first granddaughter, Sarah Logan, was born. Sarah came into this world with a proportion of the national debt of $12,830.

Since Sarah's birth, I have had seven other grandchildren, the most recent born in 1995. When those four grandchildren, triplet granddaughters and a grandson, Mark Ernest, were born, the national debt had soared again now to $4.9 trillion, or they came into the Earth with a indebtedness of $18,932.

Between my father's birth, with a $28 indebtedness, to my youngest grandchild's birth, $18,932 per person is what we have inflicted upon our children, our grandchildren, and generations beyond.

Such history has brought me to the conclusion that if we are to reverse this profligate policy, if we are to begin to return to the principles of our parents and grandparents, we, unlike they, must have the discipline of a constitutional amendment which will require that each generation assume responsibility for its indebtedness.

I make these observations not without recognition that we have made considerable progress in recent years in terms of gaining some control over our deficit. America reached its all-time high, in terms of an annual deficit, in 1992. In 1992 the national deficit soared to over $290 billion in that one year. It took us 100 years to get to $1.6 billion. In one year we had a deficit of $290 billion.

This year, the estimate is that our deficit will be $107 billion. So we have made substantial progress and I believe that President Clinton and the Members of Congress during this period deserve some recognition for the fact that we have pulled that line of deficits in a downward position, albeit still, each year, contributing substantially to our accumulated national debt.

But, despite this progress, current projections forecast large deficits into the future. Our national debt is expected to reach not the $4.9 trillion that it was in 1995, but $5.4 trillion at the end of this fiscal year, by the end of September of 1997.

With this history in mind, and witnessing numerous attempts—many of which carry the names of Members of Congress—attempts and failures to enact legislation to force ourselves to meet the standard of a balanced budget, I believe the time has come to pass an amendment to the Constitution to mandate a balanced budget. It is unfortunate that we need a constitutional amendment to force us to do something that we ought to do voluntarily. However, a constitutional amendment is necessary to provide Congress and Presidents, today and in the future, with the necessary constitutional backbone to maintain a policy of a balanced budget.

I have long supported a balanced budget amendment. I am an original cosponsor of the current amendment that is before us this afternoon. I support an amendment as an important principle, both to maintain the momentum of the last 4 years toward reducing and eliminating the annual deficits, and to assure that, once we are at a point of balance, we will stay there. It is imperative that we not let this opportunity pass by, that we not lose the progress of the last 4 years. We must continue on a path toward a balanced Federal budget by the year 2002.

If I could speak in the context of my State of Florida, we have a unique interest in the outcome of this debate. Florida will continue to grow. It will be one of the fastest growing States in the Nation. Our population, which today is something over 14 million people, is projected to reach over 16 million by the year 2005. The benefits of a balanced budget amendment are national and numerous, but one of the most important benefits, as recognized by virtually all economists, is that a balanced Federal budget will lead to lower interest rates and increased economic growth.

Americans deserve the benefits that a balanced budget will bring and the people of my State, citizens in a State which each year must finance the consequences of growth—additional homes, schools, all of the things that a growing population requires—with money which has largely been borrowed, will benefit especially by the lower interest rates that a balanced Federal budget will bring.

If capital is readily available at reduce cost, virtually everything Americans do that involves borrowing money is easier and will have a positive financial impact on States with expanding population, such as Florida. Most States have a constitutional requirement for a balanced budget within their own fiscal houses. As a State legislator, and for 8 years as Governor of Florida, I operated with a balanced budget amendment to our State Constitution and with a balanced budget. I can say from that experience that this requirement of a balanced budget in our State constitution, and the fidelity of generations of State officials to that objective, has served my State well. It will serve America well. I will support the specifics of this amendment because I believe that this specific amendment is better than the status quo, is better than the history of the last century. But I think we should not let this opportunity pass without striving for additional perfection in this amendment.

The U.S. Constitution appropriately is not amended frequently, or without the most serious considerations. Therefore, whenever its amendment is considered, we should give attention to the details of that amendment and strive to assure that we are leaving to future Americans the best possible statement of national policy. To this end, next week or as soon thereafter as possible, I will offer an amendment to the balanced budget amendment that will strive to accomplish four things.

First, it will eliminate almost $2 trillion in the total debt that we will accumulate over the next 25 years under the amendment in its current form. Second, the amendment to the balanced budget amendment that I will offer will protect our Social Security trust fund. Third, it will stimulate economic growth. Finally, it will be honest with the American people, by being consistent with their expectations of what a balanced budget truly means.

The failure to pass a balanced budget amendment this year will be a great mistake. For too many years we have delayed the hard discussions until tomorrow. Mr. President, tomorrow has come. It is our generation's duty to assure that we pay our Nation's bills rather than asking our children and grandchildren to do so. It is our challenge to pass a constitutional amendment to establish as a national policy that each generation of Americans will balance its Nation's budget.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I cannot tell you how much I personally appreciate the distinguished Senator from Florida, his courage and boldness in standing up for the balanced budget amendment, which he has always done. He and Senator BRYAN are the two principal Democratic cosponsors of this amendment, and they have both worked very hard with us to try to bring this to fruition, not only on the floor but through the whole Congress. I want to personally thank him for his kind remarks, good remarks this day, and I look forward to the rest of the debate.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am honored to rise to address this Chamber and I am reminded of the responsibility given to me by my fellow Alabamians. It is both an honor and privilege to represent the people of Alabama, and I will devote all my resources toward ensuring that their best and most honest instincts are well served in this institution.

I am also delighted to have heard the remarks of the senior Senator from Florida. Those remarks are most pertinent and important for us all.

I think, also, I should note the great respect that I have for Senator HATCH and the work he has done on building a balanced budget amendment that is sound and that will be a good addition to our Constitution. It is a well-written amendment and it ought to be passed in its present form.

I think it is, indeed, appropriate that the first bill under consideration on the floor of the U.S. Senate, is the balanced budget amendment. The people of Alabama have made their support for this legislation clear, and I intend to do all I can to ensure that they have the opportunity to have this amendment placed before them for their ratification. Americans know through experience that Washington cannot be trusted to keep its financial house in order. This has been demonstrated to them by Washington's failure to balance more than one budget in the last 28 years. The 28 years of unbalanced budgets stacked right here before us demonstrate Congresses past history of failure.

Americans know the burdens of Washington's excesses are going to fall primarily on their children, a result which is unjust and unconscionable. They have reached the same conclusions that I have: Enactment of the balanced budget amendment is the only way Washington's tax-and-spend mentality can be curbed and provides the only way for integrity and accountability in Government spending. It will force us to honestly confront the issues and to make choices.

Someone has suggested we really don't need to amend the Constitution, the budget deficit is dropping. But in Judiciary hearings last week, Senator BIDEN, a senior Democratic Senator from Delaware, discussed that very point.

He noted at the time that the only reason, in his opinion budget deficits have been dropping is because of the fear that this body and the House, along with the President, would pass a balanced budget amendment. Without discipline, budget deficits will increase again at an alarming rate. That is why Senator BIDEN supported a balanced budget amendment.

The arguments in favor of a balanced budget amendment are not new. In fact, the concerns Americans raise today were advocated by our Founding Fathers, and none more vocal than Thomas Jefferson. Where today's families worry about the crushing debt that is being passed onto their children, Jefferson warned, and I quote, "Each successive generation ought to be guaranteed against dissipations and corruptions of those preceding."

And corruption it is. It is irresponsibility. It is a corruption of the highest duties and responsibilities of office in this Government that we fail to make the hard choices when confronted with competing priorities and simply adopt both priorities and pass that debt to our children.

During the first Judiciary Committee hearing on this bill, Senator ORRIN HATCH placed a debt clock before us. It graphically illustrated the point. Each second that passes sees another $4,500 being added to our national debt. Think about that. The national debt is growing at the rate of $4,500 a second, $270,000 a minute, $16,200,000 an hour, $388,800,000 a day. This is in addition to the current national debt of $5.2 trillion.

At this moment, our current debt is equal to a $20,000 obligation being placed on every man, woman, and child in this country, and it is our children who will face the brunt of this problem. Make no mistake, the increases in today's debt will be funded directly by taxes levied on our children and grandchildren, limiting the opportunity for them to enjoy the same standard of living we enjoy. By continuing these practices, we are mortgaging their right to participate in the American dream.

Having paid no heed to Jefferson's advice, we have failed to protect our Nation from the dissipations and corruptions of the present generation. Indeed, we have violated the very principle of our founding: taxation without representation. We are, in effect, taxing future generations without their consent as a result of our own irresponsibility.

I would like to take a moment to reflect upon the tragic waste of resources that the interest on this debt is causing us. We lose $800 million a day simply on interest payments. In fact, over the course of a fiscal year, we spend nearly as much money on interest payments as we do on the Nation's defense. For example, in the year 1995, we spent $232 billion on interest on the debt and $273 billion on defense. The money we use to pay the interest on the debt is money that could be diverted to other areas or simply returned to the American taxpayer. This is an intolerable waste of our resources. A balanced budget amendment would offer protection against a continued waste of our revenue resources.

A balanced budget amendment would also afford protection against another evil Jefferson foresaw: the inability of Congress to restrain its spending with any degree of self-discipline. When Jefferson warned, "Public debt is the greatest of dangers to be feared by a republican government," he did so because he could foresee that self-interested politicians could be expected to choose spending over restraint and responsibility. Our $5.2 trillion national debt is a sad testament to that fact. Our inability to live within our means on the national level is unacceptable and adds to the increasing lack of confidence the American public—who must live within its budgets—feels for its Federal Government.

On this point, I am reminded of a story arising at the time I served as U.S. attorney and attended a Federal Judiciary Conference. The attending judges were complaining because Congress was requiring sentencing guidelines that would restrict their ability to sentence. In fact, the guidelines mandated certain sentences for certain types of offenses.

At one point, a senior judge stated to the entire conference: "Gentlemen, the plain fact is, the U.S. Congress no longer trusts you to sentence."

The fact today is that the American people no longer trust the President or the Congress to bring their spending in order. They are insisting upon a balanced budget amendment to end the deficit, because it is a people's initiative.

A constitutional amendment is needed, I submit to you, because we have a systemic weakness. We have observed in the last 28 years, by these budget deficits here before us, that this Congress cannot be trusted. Our system is weak without fiscal discipline, and it is proper and appropriate for this body and the people of the United States to amend that Constitution and fix that systemic weakness.

A balanced budget amendment is needed to regain the people's trust, because the people know that there has not been a balanced budget since 1969, and they know that we are continuing to run budget deficit after budget deficit. They are skeptical of our ability to keep our promises, because they do not believe that we have the political will to keep them without a law requiring it. And they are right.

When Treasury Secretary Rubin testified before the Judiciary Committee, I asked him about the current administration's commitment to a balanced budget. I specifically asked him how he could commit to achieving a balanced budget in 2002 when neither he nor President Clinton would even be in office at that time, because under the Constitution, President Clinton will leave office in the year 2000. They cannot give an answer to that, and that is the point.

Mr. President, I was pleased to hear the President speak of the need for a balanced budget in his address to the Nation. But what needs to be remembered in this debate is that while the President may offer visions of a balanced budget, and he may offer timelines for achieving that goal, he will not be in office when the target date for the balance arrives and therefore cannot be held accountable.

In essence, the promises of a balanced budget are nothing more than illusory commitments. Simply offering a vision of balance will not guide this Nation to its goal. An efficient enforcement mechanism needs to be in place in order to ensure that a commitment to a balanced budget becomes a reality. This is especially true when an administration proposes a budget in which much of the budget savings are backloaded with the supposed balance to be occurring in the years after they leave office.

Such "out-of-sight, out-of-mind" proposals are a shunning of responsibility and reflect the same business-as-usual thinking that has led us to the fiscal trouble we now face.

In truth, the only instrument capable of creating the kind of binding discipline needed to bring our budgets in balance is this amendment. While ending deficits may be tough for pork-addicted politicians and for inefficient Government agencies and departments, it will become much easier, once the people speak, with this amendment.

Remember, there will be economic benefits from balancing the budget, such as increased savings and lower interest rates. The American public would also be the recipient of another important benefit—that of greater political independence.

On this issue, former Senator Paul Simon, a Democrat from Illinois, and a supporter of the balanced budget amendment, has raised a significant and often overlooked point. During testimony before the Judiciary Committee, Senator Simon noted that limiting our ability to increase our debt will necessarily mean that we reduce the amount of our Nation's debt held by foreign governments.

He recounted a jarring story in which he was once approached by a Treasury official before an important pending vote on a Saudi Arabian arms sale. The official told him that if the vote failed to pass, the Saudis might stop buying bonds which finance our debt. This sort of economic extortion is intolerable. American policymaking is and should always remain the sole province of the American people's representatives, not foreign bondholders. As most people know, it is not a good idea to get into a fight with your banker.

The time to restore the American people's trust is now. We simply cannot afford to let this opportunity pass us by. As I campaigned throughout Alabama last summer I was struck by the unanimous and universal support this amendment enjoyed. Whether I was meeting peanut farmers in Dothan or teachers in Mobile, small businessmen in Huntsville or police officers in Birmingham, the support for this amendment remained constant and strong.

The broad-based support is not confined simply to Alabama but is also reflected nationally. Survey after survey shows that over 80 percent of the American public supports enACTING a balanced budget amendment. In fact, support for this concept has already been powerfully demonstrated on the State level with 48 States having enacted provisions which restrict each State's ability to incur debt, including my home State of Alabama. And it works well.

Support for this amendment is so wide ranging that it transcends party lines. I note with some interest that my predecessor, former Senator Howell Heflin of Alabama, and a Democrat, introduced a balanced budget amendment as his very first piece of legislation in 1979.

Further, bipartisan support was evidenced in last year's vote on the issue, a vote which saw Republicans and Democrats in both Houses come together to fall just one vote short of passage. The reason for this bipartisan support is clear: The American people demand and deserve an opportunity to consider and vote on this amendment. I trust in the judgment of the American people to assess this amendment's merits as well as its defects, and I encourage my fellow Members to trust in the American people's collective wisdom as well.

As I began this speech by quoting Thomas Jefferson, I would like to finish it by quoting another of our Founding Fathers, George Washington. I believe his words are applicable to our current debate. In his words:

> * * * whatsoever is unfinished of our system of public credit can not be benefited by procrastination; and as far as may be practicable we ought to place that credit on grounds which can not be disturbed, and to prevent that progressive accumulation of debt which must ultimately endanger all governments.

Mr. President, the balanced budget amendment does place our credit on "grounds which can not be disturbed" and would prevent future accumulations of debt. It has been 200 years since Washington uttered these sentiments. We have procrastinated long enough. The time to pass the balanced budget amendment is now. Thank you very much. Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I want to compliment the distinguished Senator from Alabama. When Senator Heflin left the Senate, I have to say that I personally felt very badly about it. But I think Senator Heflin, who worked very hard for the balanced budget amendment, would really have appreciated this wonderful set of remarks that the distinguished Senator from Alabama gave today. I want to compliment him for it.

Mr. President, as I understand it, there was a unanimous-consent request. I ask unanimous consent, if I can get this, that the order be Senator GRAMS, who I understand was supposed to go first, then Senator BYRD, then finally Senator DURBIN, who has an amendment that he will bring forward. I ask unanimous consent for that.

Mr. LEAHY. Reserving the right to object.

Mr. HATCH. With the right of the minority leader to come and speak whenever he desires.

Mr. LEAHY. Thank you.

Mr. President, I will not object, knowing the right of the distinguished Democratic leader, Mr. DASCHLE, to speak has been protected.

Mr. HATCH. Yes.

Mr. LEAHY. I know the distinguished Senator from Utah would do that in any event. I will not object. But I would like to make one comment after the order is entered.

The PRESIDING OFFICER (Mr. ENZI). Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the distinguished Senator from Utah—if I might have his attention for one moment—the distinguished Senator from Utah and I have tried very hard to have speakers pro and con. It is my understanding that the distinguished majority leader wants this debate to go on for a few days, and as well it should.

Also, I understand the distinguished Senator from Utah wanted an opportunity for some of the new Members of the Senate to speak on this, as well they should. It is an important issue.

I urge those who do wish to speak to cooperate with the floor leaders, as they have. The distinguished Senator from Utah and I have been trying to do this informally—not through an order, but informally—to have one Member speak in favor of the amendment, one Member speak in opposition to the amendment, and go back and forth so the debate will bear relevance to the issue. I hope that all Senators will understand that and will work and cooperate with the two of us to make that possible.

Mr. HATCH. I thank the distinguished Senator. We will do that, except if the floor is vacant we will let whoever is here speak.

Mr. LEAHY. Of course. That is right.

Mr. HATCH. Whether in opposition or a proponent of the amendment. So we will just work this out and work together. I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you very much, Mr. President.

I commend the chairman, the Senator from Utah, for all the hard work he has done on this amendment.

Mr. President, it was 2 years ago I rose as a freshman Member of this body to express my strong support for a constitutional amendment to balance the Federal budget. "There is no question that Congress must pass a balanced budget amendment and send it to the States for ratification." That is what I said here on the Senate floor.

I thought that with the will of the American people behind us, at that time we had every reason to be optimistic about its passage.

Well, here we are again, 2 years later, debating the same question we debated in 1995. And I am here once again to call for the passage of the balanced budget amendment.

We have already heard many of the arguments in support of Senate Joint Resolution 1, and I will not use this opportunity to repeat them all. But let it simply be said that there are indeed many.

However, the release of the President's budget just this morning illustrates just how difficult it is to produce a balanced budget void of gimmicks and accounting tricks, and illustrates the very real need for the balanced budget amendment.

Mr. President, this morning we got a first glimpse of the President's budget for fiscal year 1998. After a quick review of this massive document, I must say my initial feeling has been mixed.

On the one hand, I am pleased that the President has agreed to many of our goals, such as a balanced budget by the year 2002, tax relief for American families, and Medicare reform, and a strong national defense.

On the other hand, I am very concerned about what I see as serious flaws included in the President's plan.

Let me begin my observations with the President's education proposals, which he described in his State of the Union Address as "My No. 1 priority for the next four years."

The President proposes $51 billion for education spending next year. That is an increase of 20 percent, rising to nearly $60 billion by the year 2002, a 40-percent increase.

This includes $36 billion in tax incentives for education and training; $5 billion for school construction; $1.2 billion for a new reading program; and increased funding to connect schools to the Internet.

Mr. President, we all agree that there exists a strong correlation between education and steady economic growth.

Investing in the skills and abilities of the future U.S. work force will enable us to achieve and maintain high levels of knowledge and productivity in the workplace—helping to improve our standard of living and ability to remain globally competitive.

However, the core question is not whether the Government should invest in education, but how those taxpayer dollars should be spent—and, ultimately, whether more spending is the answer to our education problems.

The United States has outspent every other G–7 country in education and leads in the attainment of secondary and university degrees. Our total government spending in all levels of education as a percentage of GDP has increased from 4.8 percent in 1985 to 5.1 percent in 1993—the highest among the G–7 countries. Eighty-four percent of our population successfully completes secondary education—once again, that is the highest among the G–7 countries. Twenty-four percent of our population receive a college or university diploma, a percentage more than twice that of Germany, the United Kingdom and France. It is significantly greater than that of Japan.

Despite hundreds of billions of dollars in education spending and hundreds of Federal programs, American students continue to perform poorly compared to students in other countries, particularly in terms of basic science and math skills. The science and math scores of our students are the lowest among Canada, France, Italy, Switzerland, Taiwan, and Korea. Our Scholastic Aptitude Test scores among college-bound students have barely increased over the last decade, and remain below those scores attained in the 1960's and 70's.

We are spending more and achieving less. Clearly, this proves that spending more money on education is not the solution. If it were, the United States would have long been No. 1 in the world in attaining academic success. Unfortunately, throwing more money at the problem appears to be this administration's only solution. The administration would do well to look at my State of Minnesota, where a recent study conducted by the St. Paul Pioneer Press showed that the school districts with the highest per-student spending produced test scores that were among the lowest.

The President's education plan fails miserably at addressing the real issues that face our Nation. This is unacceptable. We must dedicate ourselves to improving our education system, but we must do it right.

First and foremost, in my view, an honest education budget should be one that restores and revives our traditional values in American education: It should ensure our current resources are used efficiently; it must have incentives built into Federal programs to reward students as well as teachers who improve their performance; it must focus on improving basic science and math skills of our primary and secondary school students; it must ensure a crime- and drug-free learning environment; it must ensure that taxpayer dollars are actually helping educate our youth.

Now let me turn to the President's tax proposals. I am pleased the President has acknowledged the tremendous good we accomplish by allowing working families to keep a little bit of their own money through the child tax credit. The President has moved one step closer to the $500 per-child tax credit my Republican colleagues and I have long been advocating, and we welcome him on board. However, there still exists a big gap between his proposal and ours.

First of all, the President's child tax credit has too many limitations. For instance, the President extends his tax credit only to preteen children, those under 13 years of age, taking away the tax credit dollars just when families need them most. In the President's budget, the tax credit begins at only a $300 per-child for the first 3 years and is finally increased to $500 in the year 2000. Moreover, the President's plan begins phasing out the tax credit for families with a combined income of $60,000, with more limited credits for families making as much as $75,000. Finally, the President's tax credit would not be available unless deficit reduction targets are met.

Now these limitations greatly dilute the purpose of child tax relief. The extensive debate we have undertaken in the past 2 years over fiscal policy has helped us understand that working families are indeed overtaxed. In fact, families today spend more on taxes than on food, clothing, and shelter combined. A $500 per child tax credit—without limitation—is more appropriate and necessary to allow families to make more of their own spending decisions.

As a long-time advocate for tax relief, I would prefer a zero capital gains tax on all investment incomes. While I do applaud the President's proposal to provide a capital gains tax cut for homeowners, his plan is really just a small step forward. It is hard to justify the exemption of this type of investment gain from other investments, such as the individual who chooses to live in a relatively modest home and invest in stocks and perhaps the formation of a small manufacturing company. Why should those individuals be taxed more harshly than those who invest in a personal residence?

In my view, a general cut in the capital gains tax must be provided to encourage savings, and to treat all investors equally. The current tax system discourages national savings and investment, which will adversely affect our long-term economic growth. Fundamental reform is needed to change the system.

The President's budget includes tax cuts totaling $98.5 billion, with most of it going toward the family tax credit, education tax subsidies, and expanded IRA's. However, the Clinton budget proposes new tax increases targeted at airline passengers, small and large investors, and the Nation's job providers totaling some $76 billion. We can do the math ourselves: The President's budget leaves a net tax cut of just $22.4 billion. I do not believe that is what the American people intended when they reelected the President to a second term.

Another serious concern lies with the President's proposed new entitlement spending. If the President is serious about adding another $60 billion in new entitlement spending, he must show us why we need new spending programs when we have yet to repair the ones we already have.

Finally, Mr. President, I remain concerned about the economic assumptions the White House has relied upon in drafting its plan, which are significantly more optimistic than the projections of the Congressional Budget Office. The President's budget has not yet been scored by the CBO. Once it is, it may very well be $70 billion short of our deficit targets.

President Clinton came here to Capitol Hill just over one year ago and stood in the House Chamber to declare that, "The era of big government is over." I am afraid that sentiment is not reflected within the 2,418 pages of the President's budget. I had hoped for bold steps from the President in addressing the very real need to control the growth of the Federal Government. But what we received today were more like baby steps, the first tentative wobbles of an infant. Under the President's budget, Washington will actually spend 3.5 percent more in the next fiscal year than we are today. While the President's budget appears to reach balance in 2002, more than 60 percent of his deficit reduction are slated to come after he has left office. Leaving those tough decisions not to the Clinton White House, but the administration of the Nation's next Chief Executive.

Mr. President, I commend the President for the blueprint he has prepared for us, and I look forward to working with him and my colleagues to improve on and implement these historic changes in our Government. In the administration's budget, we have before us a good foundation on which to build that bridge to the 21st century the White House is so fond of speaking about. But without addressing some of the serious concerns I have outlined today, I am afraid that bridge may collapse before we are able to cross it.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I thank the distinguished Senator for his remarks in this area.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

(The remarks of Mr. BYRD pertaining to the introduction of Senate Joint Resolution 15 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 2

(Purpose: To allow waiver of the article in the event of an economic recession or serious economic emergency)

Mr. DURBIN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois (Mr. DURBIN) proposes an amendment numbered 2.

On page 3, between lines 11 and 12, insert the following:

"The provisions of this article may be waived for any fiscal year in which there is an economic recession or serious economic emergency in the United States as declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

Mr. DURBIN. Mr. President, first let me thank the chair of the Senate Judiciary Committee for his cooperation in this effort. Though we may not see eye to eye on this amendment or the underlying amendment to the Constitution, he has been gracious and gentlemanly throughout. I appreciate that very much.

I would also like to salute the Democratic leader from that same committee, the ranking member, the Senator from Vermont, for extending the same courtesy, both personally and through his staff.

This is only the second time that I have taken the floor of the Senate to speak. And I consider it a high honor to follow the Senator from West Virginia. In the context of constitutional debate, I think we are all anxious to learn the views of the Senator from West Virginia because he reveres this Constitution, this great document, as much if not more than any other Member of the U.S. Senate.

In the course of the last 14 years I have served in the U.S. House of Representatives, I have cast about 7,000 votes. There were many important votes among them. The most important vote, in my estimation, was when I was called on to vote and decide whether or not the United States would go to war. I knew with that vote and the decision made by this Congress that lives would be lost. Husbands, fathers, sons, daughters, loved ones would put their lives at risk because of that vote. I do not think I cast a more important vote in my congressional career.

But immediately behind that vote I would have to put consideration of constitutional amendments. It is so rare that we in this body or in the other body have an opportunity to address amending this great Constitution that I hope we will all take it with a great deal of seriousness. Since 1791, 205 years ago, we have chosen to amend this great document only 27 times. Of course, the first 10, the Bill of Rights, were in that year, 1791. And each time an amendment has been suggested we have tried to step back and measure it against this Constitution, this document, and to determine whether or not that amendment or that suggestion really ranks with the importance of this great document.

This amendment that we are considering, the balanced budget amendment, is one that has been debated at great length. And it has been debated by many people of both political parties for a long period of time.

I hope that every Member of the Senate will come to this debate, as I have, with a new energy and a new determination to make certain that whatever we do in accepting or rejecting this amendment, that it will bear the test of history, that those who come after us will judge us as having been thoughtful and reflective in determining whether or not this amendment belongs in this great document and whether this amendment will stand the test of time.

Mr. President, I do not believe that this balanced budget amendment as offered stands the test of time, and that is why I am offering an amendment today to address what I consider to be a fundamental flaw in the balanced budget amendment.

Mr. President, the balanced budget amendment that is before us today does not provide an adequate means for dealing with economic recessions or other serious economic emergencies that could unexpectedly throw the budget out of balance or require a fiscal response. It would tip the balance against working families and make it harder to help them recover from a recession or other economic emergency. In times of recession or economic slowdown it would force us to do exactly the wrong thing by making it more difficult for the Federal Government to respond to adverse economic circumstances. In the case of a regional economic downturn, or other economic emergency that fell short of a national recession, it would leave us unable to respond unless a supermajority of 60 percent or more agree to take action.

That is why I offer this amendment to allow Congress and the President to waive the requirement of a balanced budget in those times when our country is experiencing an economic recession or serious economic emergency. I do not stand alone with this point of view. More than 1,000 of the Nation's most respected economists recently joined together to condemn the proposed balanced budget amendment as unsound and unnecessary. And here are their words:

> The proposed amendment mandates perverse actions in the face of recessions. In economic downturns, tax revenues fall and some outlays, such as unemployment benefits, rise. These so-called "built-in stabilizers" limit declines of after-tax income and purchasing power. To keep the budget balanced every year would aggravate recessions.

The more than 1,000 economists who signed this statement include at least 11 Nobel laureates and many present and former Government officials, including the former chairman of President Nixon's Council of Economic Advisers, current and former Federal Reserve Board Chairmen, and former Democrat and Republican Directors of the Congressional Budget Office. The group includes a friend of mine and a man I respect very much, Robert Eisner, professor at Northwestern University in my home State of Illinois who has a solid grasp of the economic ramifications of Government budget policies.

Most Members of this Senate, Democrat or Republican, would concede that our economy has moved forward in the last 4 years. Some credit fiscal policy emanating from the President and Capitol Hill, and others credit monetary policy from the Federal Reserve. I think it has taken both efforts to put this economy on the right track.

During the course of his testimony before our Budget Committee the Chairman of the Federal Reserve, Alan Greenspan, was asked point blank about the balanced budget amendment. And in the Chairman's words he said he was "opposed to putting detailed economic policy in our Constitution." This is a man who must on a day-to-day basis sit with his staff and cohorts and determine the course of the American economy. He is a man who is as dedicated to balancing the budget as any person in this Nation. He is someone who has made tough and difficult decisions time and again to put this economy on track, and he has cautioned us that this is a mistake, a mistake for us to embody in this Constitution detailed economic policy, that we forswear the flexibility necessary to make certain that this Government of, by, and for the people can respond to the needs of the people in times of recession.

What these economists and Mr. Greenspan are warning us of is that the balanced budget amendment if not changed will exacerbate the economic slowdowns we experience. It will put our Nation into an economic straitjacket that will make it hard to respond to economic downturns.

Let us talk for a moment about the mechanisms that work in our economy in times of recession. Tax receipts fall. Certain types of Federal spending increase. Consider the obvious, the plant closes in your hometown where workers who have spent a lifetime showing up every day doing their job and paying their taxes end up out of work, perhaps for the first time in their lives finding themselves drawing unemployment compensation from this Federal Government. Perhaps if things go badly for a family for a longer period of time, they may be called on to apply for food stamps to make sure there is food on the table, maybe even Medicaid to make sure there is hospitalization protection for members of the family, and then of course trying to find another job. They may need to call on the Government for job training courses or education to prepare themselves for another career; another opportunity.

What I have just described is not radical. It is a natural outgrowth of a free market capitalist economy with business downturns and with the vagaries of the business cycle leaving some families and some workers needing help.

The fiscal changes I have described that take place when the Government steps in are described as economic stabilizers because they kick in automatically in times of unemployment and recession, and they help the economy recover, as they help individuals get back on their feet. That is why Robert Greenstein from the Center on Budget and Policy Priorities described the effect of the balanced budget amendment in this way in his testimony before the Judiciary Committee:

> In years when growth is sluggish, revenues rise more slowly while costs for programs like unemployment insurance increase. As a result, the deficit widens. Under a balanced budget amendment, more deficit reduction thus would be required in periods of slow growth than in times of rapid growth.
>
> This is precisely the opposite—

The opposite, in his words—

> of what should be done to stabilize the economy and avert recessions. The constitutional amendment consequently risks making recessions more frequent and deeper. In the period from 1930 to 1933, for example, Congress repeatedly cut Federal spending and raised taxes, trying to offset the decline in revenues that occurred after the great crash of 1929. Yet those spending cuts and tax increases removed purchasing power from the economy and helped make the downturn deeper; they occurred at exactly the wrong time in the business cycle.

In Dr. Greenstein's words:

> This is why a balanced budget amendment requirement is called "pro-cyclical." It exacerbates the natural business cycle of growth and recession. It also is why most economists who favor tough deficit reduction measures strongly oppose a constitutional balanced budget amendment.

Treasury Secretary Robert Rubin gave a similar warning when he testified before our Judiciary Committee. He saidas follows:

> A balanced budget amendment would subject the Nation to unacceptable economic risks in perpetuity . . . A balanced budget amendment could turn slowdowns into recessions, and recessions into more severe recessions or even depressions.

Mr. President, this would happen because the so-called automatic stabilizers in our economy that have been developed over the past 50 years to reduce the extremes of the business cycle and help avoid another Great Depression would remain inoperative by this proposed constitutional amendment.

I have a chart which I would like to bring up at this point.

This chart I think demonstrates graphically what I have described: What has happened in the business cycles of America from the year 1870 to 1990.

You will note that in our free market economy we have our ups and downs, but note the changes that took place after World War II. It is true that those spikes below the line still occurred, but they were not as deep as they had been before. You look back to the Depression, the Great Depression of 1929, you see the recession that we faced in the mid 1940's, but look at what happened afterwards. We have had our downturns, but they have been moderate in comparison.

These are something more than mere statistics. These reflect Americans working and out of work. They reflect businesses being forced to shut down. They reflect the misery that families feel when we go into an economic downturn.

Now, what happened at this point that caused such a great change for the 40 years reflected? We built into our economy certain ways to moderate recessions. Those moderations or stabilizers are Government programs involving Government expenditures. When our economy goes into a downturn, tax receipts are diminished, the opportunity to balance the budget is made more difficult, and we are called on at the same time to respond and spend.

So as tax revenues are going down, calls for expenditures to stabilize the economy go up. That is a recipe for an unbalanced budget. But it is also a recipe for stabilizing an economy, for ending a recession, for bringing people back to work, for giving small businesses a chance to survive,. to say to family farmers it was a bad year but next year can be better; we are going to help you through this.

If we accept what this balanced budget amendment offers, it will become increasingly difficult for us to use the stabilizers that have kept America at work, have kept families together, have kept small businesses in business and family farmers on the farm.

That is what is at stake in this debate. The reason I have offered this amendment is to suggest that there is a more reasonable way to approach this. If those who support the balanced budget amendment want to make certain that this Congress goes on the record to make certain that we go on the record with a record vote and be held accountable when we do not balance the budget, my amendment requires that as well, but it does not require a supermajority.

In response to the claim by some that Congress could still easily respond to economic recessions with the balanced budget amendment, Secretary Rubin added the following comments:

> You recognize recessions quite a bit after they have started. Predicting economic circumstances is well nigh impossible, in my judgment, at least with any degree of reliability. And under those circumstances you can be well into an economic downturn before you realize you have to deal with it, and—

In Secretary Rubin's words—

> I think that is one of the very serious problems that the balanced budget amendment creates.

Why does it take time for us to recognize these recessions? The general working definition of a recession is that it is at least two consecutive quarters—a quarter being a 3-month period of time—of decline in real gross domestic product. It obviously takes 6 months to trigger this definition. So sometimes we have started into a recession moving below the line here, unemployment starting to show up and we do not see it. It is hidden to us until 3 months or 6 months later.

The more technical definition of recession also includes inherent lags. We have found that the decline in economic activity associated with a recession is not always widespread. Oftentimes it is confined to a sector of the economy or region of the country. We also find that sometimes these declines are cumulative in nature, not restricted to just 1 month or 1 quarter. Again, it takes time to measure these criteria.

So, as a general principle, what Secretary Rubin has said to us is we may not know we need to help until we are in the middle of our problem. There is a lag time, to accumulate and analyze data and recognize the decline that may have already started.

So how often do we face these recessions? Are they rare occurrences in the American economy? We have been blessed in recent years, but historically recessions occur very frequently. By the National Bureau of Economic Research's official determination, our Nation has experienced 9 recessions since World War II, 11 since the Great Depression of 1929 to 1933, and 21 recessions this century, which means that roughly every 5 years we will face this recession.

The balanced budget amendment does not assume that this is going to happen. It assumes it will not happen. And if Congress is going to respond to this occurrence, which we know has been fairly regular, it requires a supermajority for us to spend the money to stabilize the economy.

In part because of the economic stabilizers that are now part of our economy, the average length of recession since World War II has only been 11 months compared to 18 months in the previous half century.

A recession is not just an abstract economic concept. It is lost jobs, lost wages, personal and family financial crises.

The Federal Government has developed many mechanisms to deal with it. I have mentioned a few: Unemployment compensation, Medicaid applications, food stamps and so forth.

Let me tell you a story that I think illustrates this as well as any that I could tell you on the floor of the Senate. In my hometown of Springfield, IL, we were blessed for decades with manufacturing plants which created good jobs, good-paying jobs for men and women who would come to work with a strong back, a good work ethic, and usually little more than a high school diploma. One of those plants was known as the Fiat-Allis plant. It was a plant organized by the United Auto Workers, producing heavy equipment and producing great jobs for a lot of families and a great boost to the Springfield economy.

Over a decade ago that plant closed, and hundreds of workers who had relied on this plant were thrown out on the street. You can repeat the example and story I am about to describe in virtually every city in America. This happens all too frequently. Let me tell you about one friend of mine who had worked at Fiat-Allis for years. His name is Bob Bergen.

Bob saw it coming. He had heard a lot of talk about the plant closing down. So Bob decided that he would do something about it. He went to the community college before the plant closed down and started taking courses in heating and cooling, thinking about opening his own business, furnaces and air conditioners and the like. So, when the plant did close down, Bob had a short transition, but one that he planned, drawing some unemployment, some trade adjustment assistance, finishing up his course work at Lincoln Land Community College, and ultimately opening his own business.

It worked. Our investment in Bob Bergen and his family paid off. We cushioned the shock of unemployment. We gave Bob an avenue to follow toward a new course of livelihood, and he took it. Now he is in business. In fact, he put the furnace in my home just a few years ago and does a pretty good job now, and I am glad to call him a friend. His life and experience are illustrations of what I am talking about.

Imagine a recession closing down plants across this country and imagine this Congress, faced with the need to balance the budget to the dollar, being unable to provide unemployment compensation that Bob Bergen needed; being unable to provide the trade adjustment assistance that Bob Bergen used to keep his family together while he got his business started; being unable to provide job training, the scholarship assistance at community college, the things which people rely on in America to get back on track. If we are hidebound, tied to the provisions of this balanced budget amendment, and forget the Bob Bergens of the world and what it means to them, I think we have lost sight of our responsibility.

How much of a difference do these economic stabilizers make to our economy? Secretary Rubin testified, if you want to look at this in a larger context, "Without automatic stabilizers, the Treasury Department has estimated that unemployment in 1992 that resulted from the 1990 recession might have hit 9 percent instead of 7.7 percent." Statistics aside, Secretary Rubin tells us that would have meant 1 million more Americans out of work. We would have had 1 million more unemployed Americans, 1 million more families pushed to the economic precipice if our economic stabilizers had not been there.

These recessions also tend to be regional in nature. Proponents of the underlying balanced budget amendment argue that it contains an escape hatch that allows a waiver of its provisions by a supermajority vote of three-fifths of both Houses of Congress. But mustering a three-fifths vote is not always an easy matter. Millions of working families in America might have to suffer if we cannot come up with 60 percent on a vote to waive the balanced budget requirements in times of recession.

I recall, and I think most do as well, what happened not that long ago, in fact, just 2 years ago, when we were called upon in Congress to pass a debt limit, a debt limit which said we put our full faith and credit as a government behind the debt of the United States. It took only a majority vote to do that, and we could not bring it together. As a consequence, we faced some of the most serious shutdowns in our Nation's history. The Government shutdowns that occurred, two successive shutdowns, literally sent thousands of Federal workers off the job. The Government shut down not once but twice, a total of 27 days. The Office of Management and Budget has estimated that the overall cost of the shutdowns was more than $1.4 billion. America knew it. More than 750,000 Federal workers were affected, some during the Christmas and Hanukkah season, including more than 250,000 who were furloughed.

During that period of the Government shutdown, 170,000 veterans did not receive their GI bill education benefits on time, 200,000 passports were not processed, more than 2 million people could not visit the Smithsonian museums and other facilities in the Washington area, and 7 million people could not visit their national parks. Mr. President, 1,300 workplace safety complaints went unanswered and 3,500 investigations involving pension, health, and other employee benefit plans were suspended. Delays were created in 250,000 cases trying to find deadbeat dads who were delinquent in their child support payments, and cleanup of hundreds of Superfund sites was delayed. All of this happened because we could not muster a majority, a majority vote, let alone a supermajority.

This balanced budget amendment will enshrine in our Constitution the requirement of a three-fifths vote in times of an economic recession to come to the rescue of American families. For those who think this is an easy requirement, it is rare in our Constitution to have any supermajority requirement and it certainly should not be imposed on people who, through no fault of their own, are victims of this economy.

My amendment brings the supermajority requirement of three-fifths down to a majority requirement. I think that is reasonable. It is still not going to be easy. Each and every person, whether a Member of the House or the Senate, must stand and justify that vote in terms of a recession, a national economic emergency, something that justifies slipping away from the balanced budget requirement that year.

I think we have to maintain flexibility to respond to recessions, disasters, and other economic emergencies in a timely fashion. I do not think we have to say, "I'm sorry, Mr. Bergen, I am sorry you have been laid off, but because of the balanced budget amendment, we are not going to be able to make the payments to you for your unemployment because we just have to balance the budget. We cannot help you when it comes to food stamps, we have run out of money. We cannot help your family when it comes to job training or Medicaid."

Think about that for a second. Is that fair to people we represent? Is that fair to this economy? Will it, in fact, result in these spikes going lower instead of moderating, as we have seen, as these stabilizers have been put in place? That, unfortunately, might be the verdict for Bob Bergen and others like him if this supermajority requirement allows 41 Senators or 175 Representatives to prevent a response that involves deficit spending.

Our Founding Fathers established only a few circumstances where supermajorities would be necessary for Federal action. We should not adopt a new supermajority requirement that prevents us from helping our most vulnerable and neediest citizens in times of recession or other serious economic emergencies.

For all these reasons, I am offering an amendment to allow Congress to waive the requirements of the balanced budget amendment by a majority vote for a joint resolution in times of recession or serious economic emergency. My amendment will ensure that Congress can continue to respond to recessions and other serious economic emergencies with fiscal policies that will alleviate the pain of recession and shorten its duration rather than driving us deeper into economic stagnation.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I rise in support of the balanced budget amendment. I think it is one of the most important pieces of legislation we will be debating in this body, in this Congress. I might add, I appreciate the preceding Senator, Senator DURBIN, acknowledging, as he presented his amendment to the balanced budget amendment, his overall opposition to the underlying amendment to the Constitution. We are going to, I suspect, hear many amendments—several amendments at least—offered in the coming weeks, with the primary goal of ultimately defeating the balanced budget amendment to the Constitution.

As I said, I believe this is one of the most important pieces of legislation we are going to debate. The opponents of a balanced budget amendment argue that to compel Congress to balance the budget will forever damage and eliminate the ability to provide our seniors with the protection they have earned. Their plan—and we will be hearing more of it; we have already heard quite a lot—to exempt Social Security is nothing more than a risky gimmick. I say again it is a risky gimmick to put such an exclusion onto the balanced budget amendment. Their arguments are aimed at scaring the most vulnerable segments of our population.

In the last 2 years, in my experience in the House of Representatives and as I observe the deliberations in the U.S. Senate, we have seen a great deal of those efforts to scare those who are most vulnerable in our society. So I suppose it is not that unusual, as we enter a debate on the balanced budget amendment to the Constitution, to hear those who would frighten and those who would scare the most vulnerable in our society. They assert Social Security checks will be withheld because there will be no money left in the Treasury.

Mr. President, I ask unanimous consent that an editorial from the Arkansas Democrat Gazette be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Arkansas Democrat Gazette, Feb. 5, 1997]

BUDGETSCARE: HOW TO DEBASE A CAUSE

Bill Clinton doubtless wants to defeat the Balanced Budget amendment in the worst way which is just how he's going about it—by scaring old folks again. Yep, once more he's saying a proposed reform will put Social Security—Social Security!—at "grave risk."

Now when have we heard that before? Only every time somebody tries to get the federal government to put its fiscal house in order. By now the clintonoids have made this simple scare campaign a fine art First, scare the seniors; then scare 'em some more; then leave 'em petrified. And never, ever let the facts get in the way.

Despite its name, the Balanced Budget amendment would not keep Congress from passing an unbalanced budget. Instead, it just puts a slightly larger hurdle in the way. It would require a three-fifths vote of both houses of Congress to run a deficit. It's not an insuperable obstacle; most controversial business in the Senate already required a three-fifths vote—because that's what it takes to prevent a filibuster.

But here comes the president, warning that "disbursement of Social Security checks could cease or unelected judges could reduce benefits to comply with this constitutional amendment."

Not very likely. Not very likely at all. The chances of Social Security checks being sequestered fall into the same range of probability as the Loch Ness monster posing for photographs. Both possibilities are great for scaring folks, but for little else.

Social Security is an entitlement written into law, it is not dependent on annual appropriations by Congress. It's recipients paid into the program, they're entitled to their checks—even if Congress doesn't approve a budget. It's automatic.

The federal government would have to go broke before one of those unelected judges the president uses as a bogeyman would have to decide what creditors got paid first. And recipients of Social Security would stand at the head of the line because their benefits are part of a separate law. Behind them would come all of the programs that are covered by annual appropriations—everything from education to the federal courts, from the Smithsonian to the space shuttle, and the multitude of grants for essentials like battery-operated grocery carts and solar powered cars.

All told, spending for these appropriated programs amounts to five times the size of last year's deficit, meaning that the government's default would have to be of Depression-sized proportions before Social Security might be threatened. And even then such a dramatic catastrophe isn't likely. Because this amendment has more escape hatches than an old-time movie serial.

The president knows the process. He has to know that Social Security isn't in the imminent danger he's conjured up. Once again he is playing to the darkest fears of the most vulnerable citizens in order to achieve a partisan end. Why, with all the arguments available to him, is Bill Clinton invariably attracted to the lowest common one? Some days it's as if he'll do anything but raise the level of public discourse.

A mere citizen can still yearn for a leader who, ACTING on principle, takes an unpopular stand without resorting to demagoguery. To make his case, such a leader would not paint a doomsday scenario of little old ladies starving in the cold, but would rely on reason supported by fact and informed by sober judgment.

About that misnamed Balanced Budget Amendment, he would say it would unnecessarily clutter the Constitution we all revere. He would explain that such an amendment would create an even more unwieldy process in a Congress already prone to procedural knots. Perhaps he would contend that the proposal for a super-majority is undemocratic. Or he could argue that while America is not a strict democracy, its citizens are loathe to depart from majority rule without a pretty darned good reason.

But these are all arguments that, unlike the usual scare tactics, would have to be patiently explained in order to carry the day. They would compliment the intelligence of the American people, not insult it. It's so much easier to proclaim that Social Security and the sky are falling. So, once again, William Jefferson Clinton has chosen to frighten any older citizens he can.

The result: Our president and head of state, an official who should be most responsible of all, introduces still more mistrust into a political system already overburdened with it.

> He encourages suspicion and cynicism—always corrosive agents in a system that relies on consent and understanding. In doing so, he tears at the fabric of the very constitution he claims to be defending.

Mr. HUTCHINSON. Mr. President, a part of that editorial says this:

> The chances of Social Security checks being sequestered fall into the same range of probability as the Loch Ness monster posing for photographs. Both possibilities are great for scaring folks, but for little else.

I believe that is very, very true. Again, nothing could be a more risky gimmick to be put onto the balanced budget amendment than to exclude Social Security from the provisions of the amendment. It is attempting to replace the truth with fear.

The plain truth is that the President does not have the power to withhold appropriations, such as Social Security. Only Congress can give him that power. It is our responsibility to appropriate the funds necessary to carry out the domestic and the foreign policy programs of this Nation. In reality, the balanced budget amendment will ensure that money is there to spend.

Today, annual deficits and the national debt are the greatest threat to Social Security's existence. If we talk about the threat to the future of Social Security, let us not forget that the greatest threat is continued chronic deficits and an unwillingness or a lack of discipline and a lack of will on the part of the politicians of this country to bring our books into balance.

I believe this very vivid depiction of having 28 budget books stacked on top of each other is very clear evidence that the notion—as the President put it in the State of the Union Address—that we can just do it, we pass it and he will sign it, we will balance the books, will not happen, as we see with 28 budgets before us. It has to stretch the credibility of not only the executive branch but a Congress that is more inclined to continue spending on ever-expanding entitlement programs.

Since the 1930's, literally dozens of proposals have been made to require a balanced budget to limit the size or the growth of the Federal budget or public debt, or some combination of these ideas, including several very notable recent efforts in 1990 and, again, in 1993. These have come in the form of bills, statutory efforts, and proposed constitutional amendments. An average, Mr. President, of more than 30 measures per Congress have been introduced in recent years.

I believe one reason that we have seen such statutory efforts and so many offers of various constitutional amendments is because many of those who occupy the Halls of Congress today, both at the other end of the Capitol in the House of Representatives and in the U.S. Senate, once served in State legislatures where they have the yearly annual experience of seeing their State budgets balanced. They came from State legislatures where there were constitutional provisions that required them to balance their budget, and they saw year after year after year that it could be done.

So when they came to Washington, they came with a determination, they came with a deliberation that we would have, in fact, that same provision embodied in the U.S. Constitution. But it has been frustrating. Year after year and time after time, we have seen those efforts defeated.

The opponents of a balanced budget amendment, I believe, are pursuing a campaign of deliberate disinformation. There has been and will continue to be an effort to distract and to divert the attention of the American people from the real issues that are at stake in the debate over a balanced budget and over a balanced budget amendment. The opponents would distract and divert the American people from the real threat to Social Security, which is chronic deficits and enormous accumulated debt. They would like the debate over the coming weeks to be about Social Security, but the debate is not about Social Security. The debate is about the chronic deficits that threaten the future economic stability of this Government and our economy in years to come. That's what it is about.

If you care about Social Security, you should care about a balanced budget amendment to the Constitution, because that is the best way of ensuring fiscal sanity being restored to our budget process. Without a credible, sustainable balanced budget, we will never have the money to pay out future benefits. It is just that simple. A balanced budget amendment needs economic prosperity that will produce revenues necessary to fund the program. With a balanced budget, the big spenders in Washington will not be able to target and, therefore, raid Social Security to pay for other programs.

Opponents of the balanced budget amendment will throw out, I think, any diversion to confuse the issue. They will use scare tactics. The truth is that excluding Social Security does nothing to secure benefits into the future. The President's own budget counts these surpluses to achieve his balance.

What if Social Security is excluded? Social Security will not be protected, but between the years of 2002 and 2007, the deficit will appear $700 billion larger. That means either a mammoth tax hike on American families, almost $1,100 per year per household, or devastating cuts in important programs like Medicare, cancer research, Head Start, and environmental cleanup.

In the years since 1960, the budget has been balanced only once. Deficit spending during that period has increased the official national debt from less than $284 billion to over $5 trillion, and the 28 budget books that are stacked right over here give vivid evidence of that failure of Congress to discipline its spending habits.

Interest payments on the debt now consume about $240 billion annually; $240 billion annually just on interest to service the national debt. The $240 billion that we are spending in interest payments is larger than the combined budgets of the Departments of Commerce, Agriculture, Education, Energy, Justice, Interior, Housing and Urban Development, Labor, State, and Transportation.

I suggest that if we have a commitment to education, then we ought to have a commitment to a balanced budget amendment to the Constitution to ensure that these exploding interest payments will finally be reined in. In the future, the debt problem will only get worse. The Government's current debt calculation fails to include the 10 to 20 trillion dollars worth of unfunded liabilities. These are promises to pay future benefits like Social Security, Medicare, Government employee retirement and other programs. In short, we will soon long for the days of $200 billion deficits unless something is done, and that something should be the balanced budget amendment.

When you exclude Social Security, you derail the very purpose of the amendment. I was interested, as I listened to the deliberations of the House Judiciary Committee earlier this week on the balanced budget amendment, in the testimony of a former Congressman, my former colleague, Tim Penny. He referred to this gimmick of taking Social Security off budget and out of the unified budget as being the greatest money-laundering scheme in history, because future creative Congresses will find it not too difficult to begin to shift programs into the Social Security trust fund so as to circumvent the purpose and the goal and the intent of a balanced budget amendment to the Constitution. It is a loophole so large, not only can a truck drive through it, but tons and tons of red ink can flow through it.

Finally, the goal of such an amendment is to defeat the balanced budget amendment to the Constitution.

As I said, I am glad that Senator DURBIN acknowledged his underlying opposition to an amendment to the Constitution requiring a balanced budget altogether. So while he offers this amendment to the BBA, he still opposes the concept of an amendment requiring a balanced budget.

Secretary Rubin—who was quoted earlier this afternoon—Secretary Rubin, when he testified before the House Judiciary Committee, was asked by my brother, Congressman HUTCHINSON, whether there was any balanced budget amendment that he could envision that he would be able to support?

In other words, if you went ahead and excluded Social Security, or if you put in a recession provision, or if there were some other addition to a balanced budget amendment, was there any such amendment that Secretary Rubin or the administration could support? And when finally pressed, Secretary Rubin said no. He said he could not envision any amendment to the Constitution requiring a balanced budget in any form that the administration would support.

I think that really tells the story, that while there will be efforts to divert attention, while there will be efforts to distract the attention of the American people, all of the amendments that are offered are in the end ultimately being offered with the goal of defeating this very, very important amendment to the Constitution.

I want to put a human face on the balanced budget amendment. We can often become too consumed with who has political advantage in policy debates that we forget who sent us here and how it often affects them. Let me tell you about one of my constituents. Bob Boyd, a small business owner in Little Rock, is the kind of person who can speak to the importance, I think, of a balanced budget amendment to the Constitution.

Mr. Boyd was a delegate to the White House Conference on Small Business. During that time, he and the conference made several recommendations to President Clinton. The one proposal which received the most votes, more than any other policy recommendation by the White House Conference on Small Business, was for the adoption of a balanced budget amendment to the Constitution. Unfortunately, that proposal has only collected dust at the White House. But this was from the White House Conference on Small Business, the recommendation that received the most support.

When asked why so many of the conference voted on this proposal and voted for this proposal, Bob simply says:

> . . . as a small business owner, we know the importance of the bottom line and [the] government doesn't, they have lost the principle of being responsible for their debts.

Bob said that the President told them "that small business is the engine that drives our economy." Unfortunately for Bob, and for all the small businesses in Arkansas and America, the national debt, and the taxes it needs to pay for it, are taking up all the fuel.

I strongly believe that ratification of a constitutional amendment is the only way to turn around this unending sea of financial debt. It is time to put the harness of the U.S. Constitution on Congress and the President. It is time to require these institutions to be more fiscally responsible than our predecessors have been.

I would just say again, as I conclude, Mr. President, that there is a fundamental immorality that goes along with chronic deficit spending. For decades and for generations of our history as a Nation, a constitutional amendment requiring a balanced budget was not necessary because there was an inherent fundamental belief on the part not only of our policymakers and our politicians but the people of the United States as a whole that spending more than you take in, whether it is your family budget or whether it is the Federal budget, is simply wrong. To transfer our spending in the form of debt to our children and to our grandchildren, for them to assume through higher taxes and through a lower standard of living, is simply wrong.

The intrinsic value, though, of the balanced budget amendment rests on a simple point—it affects every American. It will affect how and where we spend taxpayers' dollars. It will affect the process by which those decisions are made. Moreover, it will affect the real value we place on the taxpayers' money, when we are restricted in the ways we spend it.

The time has come for Government to learn how to work with less, how to see the citizen's money as being precious, and to permanently reduce its size so that its people's wealth can expand. I yield the floor, Mr. President.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Utah.

Mr. HATCH. Mr. President, I just want to take a second here and thank the distinguished Senator from Arkansas for his remarks that he has made. I do not know when I have been more impressed with a group of new Senators than I have now, unless it was the last time when we brought the balanced budget amendment up and lost by one vote, when all of the new Senators spoke together on the last one. I was just really impressed with that. And these Senators this year have been doing very well. I appreciate the Senator coming to the floor and making these cogent remarks. I thank my colleague.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, while the Senator from Arkansas is still on the floor—and while I indicate a different view than his on the amendment, I, too, join the chairman in complimenting him and the other new Senators who have spoken. When you think back to what your first speech was, it is nice to know it was on a major issue. So I compliment him for that.

Mr. President, I would note though that it is an important issue. That is why we should take it as serious as possible. We talked about amendments. Senator DURBIN, the distinguished Senator from Illinois, has also spoken, in one of his first speeches on the floor of the Senate, as eloquently and as completely and as logically and cogently as he used to speak in the other body. The Senator from Illinois has spoken of an amendment that he has offered. While we will not vote on it today, we will eventually vote on it to the balanced budget amendment. He also expressed his concern about the underlying amendment.

There is nothing inconsistent with saying that one does not want to amend the Constitution of the United States on this issue but will propose an amendment to the constitutional amendment as presented by the distinguished Senator from Utah and others. I think there is nothing inconsistent with this because all of us have a responsibility, however we vote, to try to make what is the final product as good as possible.

All Senators know that there are issues that come to this floor where we may have made up our mind how we would vote on the underlying piece of legislation, either for or against it, but yet we will be involved in numerous amendments before we get there.

I have voted against amendments on a bill when I finally voted for the final bill and vice versa. I have had legislation of my own that I have sponsored and have then supported amendments to my own legislation, amendments offered either by myself or other Senators. I have supported amendments to my own legislation offered by Senators from the other side of the aisle on major pieces of legislation on numerous occasions because while I thought I had brought a good piece of legislation to the floor of the Senate, other Senators brought up amendments that I realized, in listening to the debate, made that legislation even better.

I can think of various times during the years when I was chairman of the Senate Agriculture Committee, when I would have a farm bill, a major piece of nutrition legislation, and others on the floor—legislation that I had been the principal author of—and Senators on both sides of the aisle, both Republicans and Democrats, had come up with amendments which, after listening to them, I felt that they made the underlying piece of legislation better and voted for them.

I can think of a couple instances when I have had legislation on the floor where Senators have been very candid and told me they would not vote for my piece of legislation, but on the possibility it might pass they had an amendment which at least in their thought would make it better. It is a very legitimate thing to do. We debated those amendments. Some were accepted, some were not.

The underlying amendment, the underlying proposed constitutional amendment, is unsound economic policy and should be rejected for that reason. But you also go on the assumption that any piece of legislation may pass. It is the responsibility of each of us to offer suggestions, if we have them, of how it may be improved. Senator DURBIN's amendment to waive this article in the event of an economic recession or serious economic emergency is right on point, and it does improve the legislation.

One should listen in that regard to the economic experts. More than 1,000 of the Nation's most respected economists, including at least 11 Nobel laureates, as well as a former chair of President Nixon's Council of Economic Advisers, the current and former Federal Reserve Board Chairman, former Democrat and Republican Directors of the Congressional Budget Office, all agree this amendment is unsound economic policy.

The distinguished senior Senator from the State of West Virginia [Mr. BYRD] held a news conference in which he released the signatures of more than 1,000 economists and had a number of economists, Professor Tobin and others, who pointed out why they felt this proposed constitutional amendment was bad economic policy. These economists, incidentally, were across the political spectrum. They all agreed that the proposed amendment would hamper the Government's ability to cope with economic downturns.

Economists and financial experts agree that this proposed balanced budget constitutional amendment will straitjacket the economy in hard times. It will hamstring the adjustment mechanisms that have been developed since the Great Depression to preserve jobs and restore the economy after a downturn.

Being opposed to the constitutional amendment is an entirely different thing than being opposed to a balanced budget. This Congress, under very strong leadership from President Clinton, has brought the deficit down 4 years in a row and is now going to go for the fifth year in a row. Certainly since I have been old enough to vote, no President, Republican or Democrat, has done that before. The deficit is coming down.

Were it not for the fact that we were now paying almost half billion dollars a day in interest on the deficits run up in President Reagan and Bush's budgets, we would not even have a deficit today. We would have a surplus, and we could start applying that surplus to the national debt.

I urge Senators to understand that people like the Senator from Vermont and others who have cast very, very difficult votes, politically unpopular votes to cut programs, to cut spending, to bring down the deficit, do not need to be shown a constitutional amendment that some day in the next century, the next millennium, it might have some effect. We can vote right now. As President Clinton said in his State of the Union Message, all it takes is our vote and his signature to bring down any deficit. We can do it now rather than saying, well, sometime in the next millennium, the year 2000-something, maybe there will be this untried amendment to the Constitution, only the 18th amendment to the Constitution since the Bill of Rights. Instead, we should have the courage to vote to bring the deficit down now.

Some of us in this Congress and the House and Senate have had the courage for 4 years in a row to cast those votes to bring down the deficit. I wish we were not paying that half billion dollars a day in interest from the doubling and tripling of the national debt during the 1980's. But to President Clinton's credit and the credit of those men and women who have voted with him to bring down the deficit, it is coming down.

Let us think about the flexibility you do need in difficult times. President Herbert Hoover, who was a great engineer and had many wonderful characteristics, but not a sense of the economy, felt during an early recession in his term that the most important thing he could do to bring about some confidence in this country was to take whatever steps necessary to have a balanced budget—basically taking the steps that would be required by this constitutional amendment. By doing that, it plunged this country into the worst depression it has known in its 200-year history.

If the economy today takes a downturn and Americans are losing their jobs as happened in the early 1990's, then this proposed constitutional amendment makes it more difficult for our Government to respond to the needs of working families.

As Treasury Secretary Rubin, a man who has proven by his own life that he understands the economy and economics, testified before the Judiciary Committee—and, incidentally, without any expert refuting what he said—Secretary Rubin said he thought "a balanced budget amendment would subject the Nation to unacceptable economic risk in perpetuity. * * * A balanced budget amendment could turn slowdowns into recessions and recessions into more severe recessions or even depressions."

To date, no competent, recognized expert has come forward and refuted what Secretary Rubin said. Thus, the 1,060 economists and 11 Nobel laureates who are opposing the proposed constitutional amendment condemn it because the amendment "mandates perverse actions in the face of recessions."

I am deeply concerned about the impact the balanced budget amendment will have on jobs for working families in Vermont and across the country during times of recession. If I put a human face on it, I put a human face of 560,000 Vermonters. We are a fiscally conservative State. We find when we sell bonds from Vermont, they sell out virtually immediately because people know how we feel about keeping our books. We do not have a constitutional amendment to balance the budget in the Vermont State Constitution. What we have are 180 Vermont legislators who treat every tax dollar as though it were their own. Governors, Republicans and Democrats, felt the same, who realized, however, at such time as Vermont, a small State, has gone into a recession, there are times it has had to spend some money to help us out of it as a responsibility to the people of Vermont.

I hate to think what might happen if we go into a deep recession and people are being laid off from jobs and are told, "Well, we cannot help out." There are none of the programs we normally see to ease recessions and get our economy going again. I realize it is 25 below zero in Vermont. I realize you have just been laid off from a job you have had for 15 years, but the various Federal programs that we started after the Great Depression cannot be funded.

As Secretary Rubin explained, the so-called automatic stabilizers in our economy would be ineffective under this proposed constitutional amendment. These are mechanisms that have been developed over the last 50 years to reduce the extremes of the boom-and-bust cycles. They are intended to prevent another Great Depression. They have proven effective over time.

Secretary Rubin testified:

> "[W]ithout automatic stabilizers, the Treasury Department has estimated unemployment in 1992 that resulted from the 1990 recession might have hit 9 percent instead of 7.7 percent, which would have been in excess of 1 million jobs lost."

Some of these things that helped, when I think about 1988 and 1992, we were adding around 40,000 people a week to the food stamp rolls to help bring us back. In the last 4 years, we have been taking millions back off the food stamp rolls. It shows it can work.

The preamble to the Constitution and its stated purpose to "promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," ought not be overridden by a constitutional amendment that denies jobs to hundreds of thousands of working families in hard times.

People talk about the Federal Reserve Board. Federal Reserve Chairman Alan Greenspan reiterated his opposition to the proposed constitutional amendment during questioning by Senator LAUTENBERG during his testimony before the Senate Budget Committee. Federal Reserve Chairman Greenspan urged the Senate Budget Committee to continue to eliminate the deficit. He did join Secretary Rubin and our Nation's leading economists in the conclusion that this proposed constitutional amendment places too many constraints on our economy.

This so-called escape hatch allowing a waiver of its provisions by a supermajority vote of three-fifths of both Houses of Congress is small comfort to America's working families, because many national recessions start out in different regions of the country. For example, the most recent recession hit New England first.

What if citizens of New England, who have fewer Members of the House of Representatives than other regions of the country, needed help? Or, conversely, what if a very populous region of the country suddenly had a recession? Do they become the only ones who can get help? Could New England get Senators and Representatives from other States, which are still experiencing good times, to waive the constitutional balanced budget requirement to help protect their livelihoods?

Prof. Robert Eisner of Northwestern University, a past president of the American Economic Association, understood the economic problems under this proposed constitutional amendment when he wrote:

> One need only recall the near collapses, in recent years, of the economies in New England, California, and Texas. Who would bail them out if their own tax revenues again decline and there were surges of claims for unemployment benefits, food stamps, and general assistance?

One of the reasons for having this great Nation of 50 States is so that we can work together to help each other, knowing that if a tornado hits one part of the country and not others, or a recession hits one region and not others, relief would be available. Relief for economic recessions and emergencies has to be flexible. None of us can predict, and certainly cannot write into a constitutional amendment, when the next natural disaster will hit or the next recession will take place, because usually a swift response from the Federal Government is needed to aid State and local relief efforts. Economic emergency relief by constitutional supermajority mandate is a prescription for gridlock, not swift action.

It would make no sense—if there is a terrible earthquake in California, or awful flooding in the Midwest, or a drought in the Southeast, or a recession in New England—to say we can't do anything to help because we need a supermajority vote.

When your State or region is hit by a major recession or emergency, do you want critical Federal assistance to hang on the whims of 41 Senators or 175 Representatives? That is all it would take. We have 535 Members of Congress. All 535 Members of those bodies—save a critical 41—could vote and you may not be helped.

Our Founders rejected this requirement of supermajorities. We should look to their sound reasons for rejecting supermajority requirements before we impose on our most vulnerable citizens a three-fifths supermajority requirement to provide Federal relief from recessions and serious economic emergencies.

In fact, I urge some to go back and read "The Federalist Papers," read what our Founders wrote. I hope that all Senators have read them. But if they haven't, now is as good a time as any to add to your education, improve your mind, and acquire a sense of history. It is why Senators, for 200 years, have resisted the temptation to amend the Constitution unnecessarily—17 times since the Bill of Rights, that's all. Surely, we have had more than 17 times in this country when we have had the urge to do it, when it has been politically popular to do it, when we could point to political polls of the moment that said 70 percent of the country wanted us to amend the Constitution. We have taken polling where people have taken our Bill of Rights—those things that protect us from unlawful search and seizure, protect us in our right of free speech and religion—there have been polls and studies done that would just break down the words and ask the people, and the majority would say, oh, no, we could not vote for that. Then they are surprised to find that it is in the Bill of Rights.

The Constitution should not be a prisoner of that moment's public opinion polls. The Constitution should be protected by the best instincts and the greatest sense of responsibility of every man and woman in the Senate and in the House. If we start voting by popular public opinion poll and not by a sense of history and not by what is best for the next generation, then we fail in our own responsibilities here.

Mr. President, I grew up in a family that revered the Constitution. I grew up in a family that understood the first amendment. I grew up in a family that knew that so much of what makes us Americans is in the Bill of Rights. In my public life as a prosecutor, as a lawyer and, more important, as a husband and a father, I have realized the advantages I have that no one in any other country has because of the protections in the Constitution. I also realize that those protections came because my predecessors, and all our predecessors in these bodies, resisted the temptation to amend the Constitution every time that it was popular. I hope we will not do it now.

The sponsors of this measure repeatedly outline the dangers of a budget deficit. We are all in favor of bringing down the deficit, as we have done for the last 4 years. But these sponsors have failed to address how the proposed constitutional amendment will provide for the flexibility needed in economic downturns, without holding working families and hard-hit regions hostage to a supermajority vote.

Senator DURBIN's amendment restores that flexibility by requiring a simple majority vote to respond to economic recessions and emergencies.

Whether you are for or against this constitutional amendment, we should take the effort to make it a better constitutional amendment. Certainly, Senator DURBIN's amendment does that, and it deserves our support.

Mr. President, I see my friend from Utah on the floor. Maybe he can give us some idea of what he plans to do with our lives for the rest of the day.

Mr. HATCH. I think we have a few more remarks. The distinguished Senator from Wyoming would like to speak, and the distinguished Senator from Maine wants to speak. I could then wrap up, and that should end it for the day. Do you have anybody over there desiring to speak?

Mr. LEAHY. I will check. It would be your turn to go now. I will yield the floor so your speakers may proceed. And we will find out if there is anybody else on this side.

Mr. HATCH. I yield to the Senator from Wyoming [Mr. ENZI].

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise in support of the passage of the balanced budget constitutional amendment. Without that amendment, our children and grandchildren will be saddled with a mountain of debt. They will be left with no hope of fulfilling their hopes and dreams.

I feel that it is time to correct the misleading reports that have been put forth by many of the opponents of Senate Joint Resolution 1 over the past few weeks. Their arguments are not new. They have been the same arguments for the past 20 years—actually, for almost three decades Congress has failed to balance the budget. I am standing almost in the shadow of the mountain of budgets that don't balance. That failure has led to the current fiscal mess that holds us hostage.

But what has really kept us from a balanced budget amendment? The same old excuses and fear-mongering still prevail, scaring everyone from the children to the senior citizens of this country. The excuses take a little different form each year, but the same basic fears are still being played upon. The easy position to take is to continue spending the taxpayers money on feel-good programs instead of grappling with the tough issues.

The debt we are incurring for our kids amounts to taxation without representation. We are forcing people who haven't even been born yet to cosign on a note. A balanced budget constitutional amendment would tie the hands of the spenders in DC. It doesn't throw the baby out with the bath water. In fact, it is the life cord that connects the budget to the baby. It would protect generations yet to come.

A balanced budget will do away with the hidden taxes Americans pay in the form of higher interest rates. If we pass the balanced budget constitutional amendment now, a middle-class family could easily save $1,500 a year. That is a nice raise. This is assuming a drop in mortgage rates from 7.7 to 5.7 percent, a drop in interest rates on a car loan from 9.2 to 7.2 percent, and decline in student loan rates from 8.5 to 6.5 percent. Interest rates should be 2 percent lower with a balanced budget.

How would the financial markets view the balanced budget amendment? According to many financial market experts, such as David Malpass, the more restraint on Government spending, the better the markets will respond. Part of the reason for the bullish market is merely the suggestion of a balanced budget. Laws enforcing a balanced budget would perpetuate a bullish financial market. Currently, interest rates are low and the economy is healthy, due again in part by Congress and the President getting serious about balancing the budget. All of these positive trends are occurring as a result of just the possibility of balancing the budget.

What about the claim that a balanced budget amendment would hobble our economy in a recession? First of all, there is a clause in the amendment that would allow Congress, by a three-fifths vote, to spend more than it takes. In an emergency situation of three-fifths vote would not be difficult to attain. Financial experts agree that recessions have occurred at times due to Federal mismanagement of monetary, tax, or regulatory policies. Mistakes are usually made when the Government intervenes too much in the private sector. The amendment has a built in method that allows the Federal Government to quickly react to these types of glitches.

The economist John Keynes knew that Government should attempt to create a surplus in the good times and that Government must borrow during bad times. The problem with our situation is that Congress is borrowing during the bad and good, wartime and peacetime, national emergency or no emergency. Look at where we are now. We are supposed to be having the best economy in years—with a focus on reinventing and downsizing government, a huge reduction in military expenses, and a Congress and President that want to balance the budget. We lack the will and discipline, however, to ultimately balance the budget before the end of the 20th century.

We have had commission after commission study this issue to sheer boredom. We all know that revenue is up right now for Social Security. We are also well aware that the program will start running a deficit in 2013. Let's not make political hay out of Social Security. Let's start dealing with reality.

Opponents of the amendment want Social Security exempted or taken off budget. It is catchy wording that some senior citizens have bought hook, line and sinker. It has absolutely no consistent meaning to anyone and it provides a false sense of security. There is a vague feeling that "off budget" means that we don't want to cheat on Social Security and damage the ability to support our seniors.

I say right now that nobody wants to damage Social Security. Nobody wants that to happen. Everyone, including me, wants to protect senior citizens. It is absurd to say otherwise.

Right now Social Security is a partial pay-as-you-go system. The people paying Social Security taxes are paying for the people who are retired today. It is not a fully funded system. It doesn't build up a trust fund. It's a bunch of IOU's. There is no secret vault stacked full of Social Security funds. The revenue from Social Security is invested into Government-backed securities like Treasury bills. To disregard Social Security plays games with the budget. It would require an additional $80 billion match up front. Later, when baby boomers reach retirement, the fund will go broke without an enormous infusion of funds from our children and grandchildren. An amendment is not just for the next 8 years.

It is for that time when there is an extra burden on Social Security.

As the only accountant in the U.S. Senate, I believe that in order to ensure stability and longevity of Social Security, we need to go to a modified accrual system of accounting for each of the trust funds.

We need to talk also about Medicare and the other trust funds, not just Social Security. It happens to be the only one that fits with the argument of the opponents.

This accrued system would assure that the moneys coming in match up—at some point in the critical near future—to the time that the money has to go out. A modified accrual method would show that any surplus revenue for this year's budget is already committed further down the line.

I believe we should pass a balanced budget amendment even though the growth rate of the deficit is falling without the amendment. The budget deficit is expected to rise from $107 billion in fiscal year 1996, to $124 billion in fiscal year 1997. This is not a reduction in the size of the deficit. Some are praising the progress in reducing the deficit. We aren't reducing the deficit or the national debt. I don't know where their numbers are coming from. They sure aren't coming from the Congressional Budget Office. But if we move toward a balanced budget by fiscal year 2002, a fiscal dividend of about $34 billion is in sight.

The Clinton administration and a number of Members of this body have already begun a reign of terror on the American people regarding the balanced budget amendment. Members of the administration have criticized the amendment by claiming it is unenforceable. These attacks are not only unfounded, they represent a sad critique on the administration's view of fulfilling its constitutional obligations.

On January 7, I swore a solemn oath to preserve, protect, and defend the Constitution of the United States. All of my colleagues in the Senate and the House have taken this same pledge. President Clinton took the same oath on January 20. This is one of the most serious pledges a person can take in his or her lifetime. It binds all Members of the Congress and the President to follow all the provisions in the Constitution. If the balanced budget amendment was added to the Constitution, we would be bound by our most solemn oath to pass a balanced budget in each and every fiscal year.

For the administration to criticize this amendment as unenforceable is a very serious charge indeed. Does the President intend not to fulfill his constitutional duty to preserve, protect, and defend the Constitution by delivering a balanced budget proposal to Congress before each fiscal year? Is the administration insinuating that Members of the Senate and the House of Representatives are willing to blatantly violate the clear language of our Constitution which they took an oath to uphold and defend?

I do not share the Clinton administration's cynical view that our constitutional officers will openly and flagrantly flout their solemn duties. If we pass the balanced budget constitutional amendment, I have every confidence that Members of this noble Chamber as well as our friends in the House will take their oath to defend the Constitution very seriously. We will balance the budget because we have sworn to uphold the Constitution. We will balance the budget because we desire to leave our children and grandchildren a legacy of hope and prosperity instead of the horror of a $5.3 trillion debt.

I want to stress that the enforcement of the balanced budget amendment will rest first and foremost with this Congress. Under section 6 of the balanced budget constitutional amendment, Congress must pass implementing legislation to enforce this amendment. This provision indicates that it will be primarily Congress—neither the President nor the Federal courts—which will provide the means of enforcement. Claims that this amendment will result in new powers of Presidential impoundment or judicial involvement in the budgetary process are unfounded. These are nothing more than further attempts by the amendment's detractors to sidestep the serious obligation we all have of safeguarding the financial future of our Nation, and our kids and grandkids.

I urge my fellow Senators to join me in voting for Senate Joint Resolution 1, the balanced budget constitutional amendment. This will be a giant step in restoring responsibility to our Government, and it will demonstrate to future generations that we were willing to act responsibly in the most serious of our tasks. And if we do not balance the budget, we become the longest running game show with the lowest ratings in history.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank the distinguished Senator from Wyoming for the excellent remarks he has made here on the floor today. I have really been appreciative of the new Senators coming and talking about this because each and every one of them is a prime cosponsor of this amendment. What a change that is from two Congresses ago when we lost this by three votes, one Congress ago by one vote.

I am very grateful to have had the good people we have listened to all day today. It makes a lot of difference to me.

I am happy to yield the floor.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise to add my voice to those of my distinguished colleagues who have spoken in favor of a balanced budget amendment to the U.S. Constitution.

It is not surprising that with a national debt which is $5.3 trillion and still growing this debate is awash in statistics, each more staggering than the last. As someone who ran for office to fight for more opportunities and better jobs, I find the costs in those areas of our chronic failure to balance the budget to be particularly troubling.

In light of the President's call for a crusade for education, one of the more telling statistics is that last year the Federal Government spent about $240 billion to service our national debt, an amount that is almost eight times greater than the amount we spent on education. Think about that. If we had been operating the Government without debt, we could have spent nine times more on educating our children. Now, that is what I call a crusade.

Whatever the long-term benefits to the public sector from balancing the budget, they pale in comparison to the benefits to our families. The Concord Coalition has estimated that had we not run deficits for the past two decades, the average family's annual income would be $15,500 higher. Looked at prospectively, the General Accounting Office has said that we will increase per capita income by 26 percent over the next two decades if we balance our budget.

These are not partisan statistics, just as this is not a partisan issue. The numbers I have cited to demonstrate the enormous costs of our past fiscal failures can be found in a recent letter to the editor from former Democratic Senator Paul Simon, a leader in the battle for a constitutional amendment, whose 22 years of congressional service ended before the goal to which he was so deeply committed could become a reality.

The economic evidence that favors a balanced budget is overwhelming. But one legitimately may ask how I make the jump from the need for a balanced budget to the need for a constitutional amendment mandating a balanced budget. That is a political not an economic issue but the evidence is equally as overwhelming.

The simple fact is that the road to our huge national debt has been paved with good intentions. We have had the Deficit Reduction Act, the Gramm-Rudman Act, the Budget Enforcement Act, and yet we still have deficits. The old saying that "We have met the enemy and it is us" has never been more applicable.

As a freshman Senator, I do not sit in judgment on my predecessors and say that I would have done it differently. I know the pressures on Washington to spend money, even borrowed money. By and large, each Congress sets out to be fiscally responsible, but our national debt still grows. The truth is experience has taught us that even in good times we need the discipline of a constitutional amendment.

To those who say that this issue does not rise to the level of constitutional protection, I respectfully disagree. It is the unique genius of the U.S. Constitution that serves to protect our people and their property from the excesses of their Government. It is difficult to imagine a greater excess, at least in the realm of property, than a debt burden of more than $5 trillion. The legacy we are leaving our children and our grandchildren, many of them not yet born, is taxation without representation in its most egregious form.

As I said earlier, this is a debate in which there has been no shortage of statistics and no shortage of speeches, but buried somewhere beneath that pile of numbers and mounds of rhetoric is a very simple principle. That is that all of us, including the Congress of the United States, must be personally responsible for our actions. In the context of the budget, personal responsibility means not spending what is not ours to spend.

The 104th Congress struck a strong blow for personal responsibility in its welfare legislation. It told able-bodied welfare recipients that they could not live off the efforts of others; that they would have to earn their own way. For those who grew up in a culture of dependency, this was a harsh message. But it was the right message because responsibility for one's own actions is the core of the American effort.

I think it important that the Congress and the President not hold themselves to any less of a standard of personal responsibility. During the past quarter century, a culture of dependency has developed right here in the U.S. Congress, and it is reflected in our dependency on the money of future generations. In each of the past 27 years, we have borrowed from our children and our grandchildren to buy things for ourselves, building up an immense debt with no end in sight.

The legacy we are leaving, however, is not just financial. It is a legacy of excess, of taking advantage of those who cannot protect their own interests, of practicing not deferred gratification but, rather, deferred responsibility.

I recognize that deficits are sometimes unavoidable and that, indeed, they are sometimes critical to finance wars or to get the economy moving out of a recession. The balanced budget amendment would still permit deficit spending in the event of war, recession, or other emergency, but deficit spending today is no longer a tool carefully used by Congress and the President to respond to emergencies. Rather, it has become a permanent feature of our fiscal landscape.

Just how permanent deficit spending has become is reflected in the staggering fact that if every man, woman, and child in this Nation brought all of their currency to Washington, DC, it would not be enough to pay off our national debt. Those who argue that we do not need a constitutional amendment to solve this problem are simply ignoring our fiscal history.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I believe I will be the last to comment today, and I deliberately waited to the end to allow some other speakers to have a turn, but we do have an amendment which has been filed by the distinguished Senator from Illinois [Mr. DURBIN], and I do believe I need to make a few remarks about that. But I do not intend to take too much time here.

Senator DURBIN has offered an amendment to the balanced budget amendment that would allow for suspension of the balanced budget rule in times of "economic recession or serious economic emergency." I wonder what those words mean. Some words, when placed into the Constitution, can have almost any meaning.

The very purpose of this provision of the distinguished Senator from Illinois is to make the balanced budget amendment easier to waive. Instead of trying to find ways to avoid fiscal responsibility, we ought to be working toward passing a strong balanced budget amendment that will help us to keep out of recessions in the first place.

As an initial matter, any definition of "downturn" is malleable and could be abused by any future Congress bent on deficit spending. This amendment is no different. Trying to deal with a concept as loose as an economic downturn without even an attempt at defining terms can make this a loophole you could drive a truck through. It will not be long until a convoy starts rolling through. Furthermore, there is a loophole within the loophole, because the amendment does not limit the waiver in any way, such as to amounts related to the emergency.

Under this provision, even during times of significant national growth, certain regions may experience an economic downturn which might give Congress a reason to trigger this waiver, whether we actually need to borrow to respond or not. Or there could be a general feeling of "economic anxiety," or a perceived sense of anxiety felt in Washington about the economy. We can create anxieties about anything around here. For instance, I am very anxious about these 28 years of unbalanced budgets that are represented by this stack of budget submissions right here. We have had people worrying all day that these volumes might fall off and crush somebody. I just hope it is not us. But the debt burden they represent are crushing the American people.

Year after year of unbalanced budgets and all we get from the other side is, "All we need is the will to do it, to balance the budget." This President says we are going to do it by the year 2002, but he's going to do 75 percent of the balancing in the last 2 years according to the budget filed today. Give me a break. It is just more of the same. That is why we are here.

I don't think it takes any brains to figure this one out. It is a no-brainer to know that these people who file these amendments do not want any balanced budget amendment, they do not want any constraints; they want to keep spending just like they always have. We have plenty of unbalanced budgets around here. We have done it for 28 years straight, and actually for the most of the last 60 years. We just put 28 budget submission volumes up here because we thought to stack up our budgetary failures any higher would be truly dangerous. In fact, I am not sure this little table will hold this throughout the whole debate.

Let me say this. Even during times of significant national growth, under this proposal of the distinguished Senator from Illinois, we could have a waiver of the balanced budget amendment during times of economic boom, just when we should be balancing the budget or running a surplus.

I believe the general three-fifths waiver already provided for in the balanced budget amendment strikes the right balance. It will allow Congress to waive the balanced budget rule during times of real need, but it will prevent those who are simply trying to find an easy way out of a budget crunch from strapping even more debt onto the backs of our children and future generations. The general three-fifths waiver provision will give Congress an incentive to plan ahead, rather than to borrow and spend in good times and bad, just like we have up to now, and then when things get tough, just go borrow some more. That is what we do. This is a recipe for instability.

You will find the people who bring these amendments by and large are people who were never, never going to vote for a balanced budget amendment. But they will do anything to stop it, anything to stop us from having to live within budgetary constraints.

Mr. President, this amendment is based in part on the largely rejected notion that increased borrowing will help us out of a recession. Fred Bergsten, a noted economist who had testified in support of the balanced budget amendment in past years, suggested the better way to go is to shoot for a yearly surplus, and let that take care of any truly automatic fluctuations and any truly pressing needs at that time, if there are any.

Further, financial market experts have stated that increased borrowing and spending is not a cure for recessions. The better way is to get Federal spending and borrowing under control, which will make for a stronger, more stable economy, which will help us avoid economic problems in the first place.

We should learn from other countries in the world that are trying to "spend their way out of recession." Several European countries and Japan have been trying to do this lately. The result has been continued recession and even larger debt. On the other hand, a number of the world's up and coming countries are enjoying booming economies while keeping their national budgets in balance or even surplus. Perhaps we should be more concerned that we do not spend ourselves out of prosperity. I think we ought to think about that. Are we spending ourselves out of prosperity?

One commentator has wryly stated that the theory of borrowing and spending out of a recession "is the game plan that propelled Argentina and Bolivia into economic superpower status in the 1970s." That is pretty sarcastic, but I think a pretty good comment.

The balanced budget amendment in no way prevents us from running a reasonable surplus which could be used to offset the effects of an economic downtown. This surplus would allow us to use fiscal policy within the balanced budget rule better than we can now without it.

Even if we were to drop below balance using the intended rainy day surplus, the balanced budget amendment has anticipated this sort of need. A three-fifths vote in Congress will allow the balanced budget amendment rule to be suspended for a year. That way we have the flexibility to run reasonable deficits if we need to. The three-fifths requirement makes sure we do not waive the amendment unless it is a true need and not just an attempt for us to avoid making tough choices, which is something that goes on here all the time.

So, we do not need any exceptions or loopholes. What we need is a strong balanced budget amendment as a mechanism in the Constitution to help us to get to a balanced budget. We should be less concerned about when we can spend more and more concerned about when we must spend less.

Some say we are spending less. We have been hearing a lot in just the last 2 days about what a wonderful job we have done in reducing the deficit. Of course, we do not hear much about the fact that so long as we still have a deficit, our debt is increasing. In fact, we are not spending less. You would think a $107 billion deficit was a wonderful nirvana-like state. Only in Washington do we celebrate a reduction in the increase in the debt as an achievement, only here in this surrealistic place where we have these surrealistic budgets, all of which were unbalanced for 28 straight years, some of which were proposed to be balanced budgets but were not. None of these since 1969 have been balanced.

Another fact we do not hear much about is even though the economy is doing fairly well, we are still in a deficit. Opponents of the balanced budget amendment keep talking about how the deficits are related to the economy. It seems to me, that given the current health of the economy, the budget should be balanced right now. But of course it is not. And of course the blame must be Mr. Reagan's or Mr. Bush's.

Give me a break. The Reagan tax cuts actually produced 40 percent greater increase in revenues. What really cost us were two things, part of which was President Reagan's fault. One was the increase of strength to our military. But, on the other hand, I think most commentators now will give President Reagan credit for having brought down the iron curtain and having ended the cold war. But the other side of that equation was, during all of Reagan's 8 years, and all of Bush's 4 years, the House of Representatives where all money bills originate was controlled by liberals. In particular, during the Reagan years it was Tip O'Neill who led the liberal onslaught against the budget. Even though Reagan cut taxes and reduced marginal tax rates, and revenues actually went up—not as high as we would have liked, but they went up some 40 percent—even though that happened, the liberals in Congress were spending us into bankruptcy. That, coupled with the increase in the military, of course, did get us to the point where we are.

(Ms. COLLINS assumed the chair.)

Mr. HATCH. It is an old expression that the time to save money is when you have it. If this economy is so good, as some of our colleagues are saying, Madam President, why do we not have a balanced budget. Why? Because it is easy to spend other people's money in good times and bad. That is why we need to correct Congress' spending bias with a constitutional amendment.

This country has enjoyed some remarkable economic progress in the latter half of this century, and yet the United States has borrowed ever more money, despite the fact that most of those years were both peaceful and prosperous. So when people hear the opponents of the balanced budget amendment talk about needing to spend more in recessions, they should consider whether we have spent less in prosperous times. Of course, we have not. The debt has simply gone up higher and higher. It now stands at over $5.3 trillion.

Let me just take a moment to illustrate just how big that is. This chart shows, if you were to lay the debt of $5.3 trillion in $1 bills end to end on a road, they would stretch 514,283,460 miles. Were you to drive to the end of that road traveling an average of 500 miles per day at 65 miles per hour, it would take you 2,818 years. You would have to drive along the road paved with dollar bills for 500 miles a day at 65 miles an hour for 2,818 years.

That gives us a little understanding of how big the debt is. Two thousand eight hundred and eighteen years is somewhat difficult to comprehend, so let me put it in more descriptive terms.

Had the legendary founder of Rome, Romulus, gotten on his horse in 753 B.C. and started down that road of dollar bills at a rate of 500 miles per day, he would still be some six decades away from reaching the end of that road. In the course of his travels, he would have circled the globe more than 20,000 times.

That is our debt. It is no longer cyclical. It has become a permanent structure in Washington. It even has its own Government office, the Bureau of Public Debt. I am not kidding; that office really does exist. Our deficits have not been countercyclical, they have been counterproductive.

What we need is to change the way Congress thinks. Only a requirement with the strength and staying power of a constitutional amendment can make that change. Only the balanced budget amendment can get our fiscal house in order and keep it there.

Before we are done with this debate, we will likely see amendments to exempt certain programs, exempt certain groups, and waive the balanced budget amendment whenever the times get tough. But this is precisely the type of thinking that has brought us 30 straight years of deficits and a $5.3 trillion national debt.

The way to avoid the hardships of recession is to pass a strong balanced budget amendment and get our runaway deficit spending under control. That will take some guts. Because it is tough, you will see all of these amendments to try and protect one constituency after another. The fact is, we have to keep all the budget together and approach it in an intelligent and thoughtful way. And those programs, like Social Security, that are so justifiable are better than capable of competing, and they will compete well. Some of the programs that are not quite as good—all of them have some merit—but some that are not quite as good may have to have some changes. All of our budget has to have some changes if we are ever going to get the budget and economy of this country under control and save the future for our children and grandchildren.

Madam President, I ask unanimous consent to have printed in the RECORD an excellent editorial by the Investors Business Daily of today's date entitled "Perspective: Balanced-Budget Blather," as well as an excellent editorial by Bruce Bartlett entitled "Dangers that Don't Hang in the Balance."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BALANCED-BUDGET BLATHER

Without deficits, recessions would be longer, deeper and harder to pull out of, the common wisdom says. Treasury Secretary Robert Rubin echoes that in opposing a balanced-budget amendment. But it's not true.

The idea that deficit spending could smooth out the rough spots in a business cycle comes from John Maynard Keynes. Recessions, he believed, started when all the buyers in the economy suddenly stopped spending.

Sellers usually respond to such a decline in demand by cutting output and jobs, rather than cutting prices, the Keynesian view went. That threw more people out of work, and further reduced aggregate demand.

Only government could turn this cycle around, by pumping money into the economy. It did so by hiring people for public works programs, for example.

But because the government collects less in taxes during recessions, those public programs had to be paid for with debt, Keynes argued.

The evidence shows that public works programs have done nothing to solve recessions, a 1993 article by economist Bruce Bartlett in The Public Interest magazine pointed out.

Spending packages aimed at fighting recession have *never* been enacted before a recession ended on its own, as the chart shows.

In fact, Congress often enacts these packages the very month the recession is over. They are usually nothing more than pork-barrel spending dressed up as compassion.

Recessions are usually defined as two straight quarters of falling GDP. So no one actually knows a recession is happening until six months after it starts. No one knows it's over until three months later.

Even then, it takes Congress time to pass a law for extra spending. And it takes still more time for that money to make its way through the economy.

So even if Congress could tell when a recession was starting—unlikely, given the records of most economic forecasters—it still wouldn't have more than a small effect.

And Keynes was wrong not just in practice, but in theory as well.

He based his whole theory on the notion that government experts acted rationally, while the average person did not. Central planners could know enough and act quickly enough to save people from the consequences of their own bad decisions—clearly not the case.

There are programs, such as unemployment insurance, that kick in automatically when recession hits, without having to wait for Congress to act. The amount those programs actually increase during recession could be easily handled within a balanced budget, however.

Between 1980 and 1984—which includes years of deep recession—real spending on jobless benefits rose $47.4 billion above its level in 1979, an economic peak. That increase was just 1% of government spending over those four years.

Recession have been less severe in the postwar period, many economists argue, largely because of the greater role government has played in easing recessions. But it is not certain that they are less severe, and it is even less certain that this is due to government.

On the surface it seems true. From 1920 to 1938, recessions averaged 20 months, with a 14.2% decline in real GNP. Since 1948; they averaged 11 months, with 2.4% drop in real GNP. Unfortunately, it's hard to compare the two periods, because the prewar data are quite crude.

National Bureau of Economic Research economist Christina Romer, in an key 1986 American Economic Review article, tried to compare apples with apples. She adjusted the more recent data so that it was calculated much like those of the prewar period.

And she found the evidence of a change in the length, frequency and severity of business cycles was weak.

Even if recessions are less severe, it may have little to do with government. The growing importance of the service sector, where employment tends to be stable, could be one reason. And technology has helped ease the sharp boom-bust cycle of the farm and factory sectors.

Legitimate gripes about a balanced-budget amendment are easy to come by. But Rubin's is not one of them.

TOO LATE

End of recessions	Date of anti-recession legislation
Apr. '58	Apr.—July '58.
Feb. '61	May '61—Sept. '62.
Nov. '70	Aug. '71.
Mar. '75	Mar. '75.—July '76, May '77.
Nov. '82	Jan.—Mar. '83.
Nov. '91	Nov. '91.—Apr. '93.

Source: The Public Interest.

DANGERS THAT DON'T HANG IN THE BALANCE

(By Bruce Bartlett)

Treasury Secretary Robert Rubin strongly opposes the Balanced Budget Amendment to the Constitution. His main concern is that it will hamper the government's ability to respond to an economic downturn. While this is a valid concern, it is overstated. Congress can always abandon the balanced budget requirement by a super-majority vote, which it certainly would do in the event of an economic crisis. More importantly, however, there is no evidence that deficit spending has been necessary to recover from past rescissions.

It is undeniably true that Congress always passes some sort of anti-recession legislation every time there is an economic slowdown. But the history of such legislation is that it always comes too late to do any good. In fact, the date that anti-recession legislation becomes law often corresponds to the very date that the recession ends. More frequently, the legislation comes well after the recession's trough. And since the actual spending does not come into effect immediately, it has always been the case that anti-recession spending did not impact on the economy until long after the recession's end—sometimes many years afterward.

The table illustrates this point, looking at every major postwar recession as defined by the National Bureau of Economic Research. As one can see, there is not a single case in which anti-recession legislation was enacted in a timely fashion, so as to mitigate the economic downturn. In fact, one can argue that such legislation may have made matters worse. By overstimulating the economy during upturns, it may have sown the seeds of future recessions.

The problem is that for anti-recession spending to work, forecasters would have to see a recession coming. Legislation would have to be enacted into law well in advance, and programs implemented so as to coincide with the beginning of the downturn. These are virtually impossible requirements to meet. Forecasters seldom, if ever, accurately predict turning points in the economy. And if they could, it is doubtful that they would be persuasive enough to convince Congress and the administration to act in time. And even if they did, it usually takes a year or more to get programs implemented and money flowing.

Thus it is absurd to argue that the Balanced Budget Amendment should be defeated because it will hamstring the government's ability to respond to economic downturns. All recessions really do is give politicians an excuse to enact pork-barrel public works programs in the name of mitigating the recession. If the amendment prevents such wasteful spending it will serve a useful purpose.

DATES OF RECESSIONS AND ANTI-RECESSION LEGISLATION

Beginning	End	Legislation
Nov. 48	Oct. 49	Oct. 49.
Aug. 57	April 58	April-July 58.
April 60	Feb. 61	May 61, Sept. 62.
Dec. 69	Nov. 70	Aug. 71.
Nov. 73	Mar. 75	Mar. 75, July 76, May 77.
July 81	Nov. 82	Jan.-Mar. 83.
July 90	Nov. 91	Nov. 91, April 93.

Source: The Public Interest (summer 1993).

Mr. HATCH. Madam President, there will never be a time when we have a true economic need and a true economic emergency that we will not get a three-fifths vote. As a general matter, whenever we needed it for unemployment compensation, whenever we needed it for emergencies, there has always been more than three-fifths. That requirement of consensus to borrow, which allows for flexibility but not complete laxity, is the value of this amendment and the strength of this amendment.

So we can't just do what our friend from Illinois would like to do, and that is to just have a nebulous set of terms that would allow this Congress to do whatever it wants to about spending in the future. What we are trying to do is establish some restraints and get this place under control.

This constitutional amendment's approach is a bipartisan approach. It is not a Republican approach; it is not a Democrat approach. It has taken a lot of us working together year after year—in my case, over 20 years now—to get this bipartisan amendment, the only one having a chance of going through, and everybody knows that. So hoping for a version more to one's liking is no excuse not to vote for this. Everybody knows this is the amendment. We are hopeful this amendment will pass intact and be sent to the House, and if it receives the required votes in the House, it will be a great day for America.

I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, Madam President. I rise to speak on the balanced budget amendment to the Constitution.

Madam President, I am a liberal. I also support a balanced budget amendment to the U.S. Constitution. To some, this might appear a contradiction in terms. To others, including my predecessor in office, Senator Paul Simon, it is as logically consistent as the classical definition of "liberalism," and I quote: "Belonging to the people; giving freely; generous; tolerant of views differing from one's own; broadminded; favoring reform or progress as in education; favoring political reforms tending toward democracy and personal freedom for the individual; progressive."

Those are all definitions to be found in Webster's New World Dictionary of a "liberal."

It is precisely because I believe in this definition of liberalism that I believe the balanced budget amendment is necessary. Chronic budget deficits and cumulative national debt currently threaten to undermine our ability to act in the public interest.

Budget deficits make it much harder for our country to focus on what is really important: the objectives we want to achieve. Only by balancing the budget will we be able to reclaim our country's ability to decide to make important investments in our communities, such as fixing crumbling schools, investing in mass transit, providing pension security, ensuring that our airways are safe, or caring for the poor.

Unless we take a long-term view of budgetary problems and require permanent fiscal prudence, the Federal Government will be forced to spend its resources on paying interest to bondholders, rather than on addressing the priorities of the American people.

In the name of intergenerational fairness—fairness to these young people who are here as pages and their generation—in the interest of intergenerational fairness, we need to keep in mind the needs of the next generation, not just current short-term issues.

While we want to be able to respond to the next emergency and to the next one, not telling the truth about the budget and not making the tough choices required forces us to continue to try to finance our future with debt. That accumulation of debt, however, will make America less competitive and less able to respond effectively to future emergencies and future priorities.

Because of persistent deficits and a huge national debt, the value of what Government is doing is being lost. Social Security, Medicare and Medicaid, for example, have reduced poverty among the elderly to the lowest levels since statistics first started being kept. Social Security has administrative costs of less than 1 percent of benefits paid, and Medicare has administrative costs of less than 3 percent of benefits paid, both far better in terms of administrative costs than their private counterparts.

These programs account for almost 50 percent of all noninterest Federal spending, and they have made it possible for literally tens of millions of Americans to enjoy a secure, healthy retirement, and they have helped increase longevity.

The Federal Government has also built the Interstate Highway System, set aside national parks and created a space program that put men on the Moon, and will soon begin a space station.

We financed an American military that won the cold war, and we went to the Persian Gulf and achieved victory at the lowest possible cost in American lives.

In short, Madam President, Government can work. But Government successes are being swallowed up in interest costs that were only 40 years ago about a penny out of every dollar and now today are 15 cents out of every dollar, and growing. Is there any wonder that Americans felt more prosperous in the 1950's and in the 1960's than they do today?

The balanced budget amendment will not undermine the value of what the Federal Government does. The balanced budget amendment will help clear out that undergrowth of debt, making room for more investment in the values that we hold dear.

According to the Congressional Budget Office, the Federal Government is right now spending $684 million every day for interest payments on the national debt. That is $684 million that could otherwise be used for Head Start, for housing programs, for our battle against crimes or drugs or to repair our crumbling school infrastructure. And $684 million a day is a resource hemorrhage that we, as a nation, can ill afford.

In fiscal year 1996, we spent $241 billion to service our national debt. The national debt, as you no doubt have heard, is now $5.2 trillion, and it is growing. We cannot allow these trends to continue unchecked. If we do not act now, if we wait until the country is on the brink of financial ruin, we will have totally failed our obligation to the American people and to our country and our children, and the next generation will pay the price for that failure.

Madam President, I served on the Bipartisan Commission on Entitlement and Tax Reform. One of the conclusions that was made clear there was that unless we get the deficit under control, by the year 2003 mandatory spending, which is entitlements plus interest on the national debt, by that year they will account for fully 73 percent of the total Federal budget. These few programs already consume almost two-thirds of Federal resources. So domestic discretionary spending, that is to say, the kinds of things we appropriate here, will be frozen out altogether if we do not get a handle on the continuing deficits.

Even though, Madam President, the current economic news is generally good and the economy continues to expand, we know that markets go up but then markets also go down again. So the trend, given the changes in our country and the demographic changes, is not likely to continue.

A recently released Congressional Budget Office report entitled, ''The Economic and Budget Outlook: Fiscal Years 1998–2007,'' points out:

> Despite the improved outlook through 2007. . .the budget situation will start to deteriorate rapidly only a few years later with the retirement of the first baby boomers and the continued growth of per-person health care costs.

Madam President, the demographics of our time are something that we have to come to grips with. I like to tell people that this year alone a baby boomer will turn 50 every 9 seconds. So we are aging as a population. That is impACTING on our budget situation and the decisions that we here in the Congress have to make.

By the year 2012 the Social Security trust fund will begin spending more money than it takes in. By the year 2029 the trust fund will have exhausted all its resources. After 2012, when there are no more surpluses, Federal deficits will really begin to explode, an explosion that will be fueled by the looming retirement of the baby-boom generation.

It is true that for the next 15 years Social Security will be running a surplus. It will be taking in more than it spends. I agree that the existence of these annual surpluses does make the consolidated budget deficit look smaller in the relative short run. But that surplus is a temporary phenomenon. After 2012 Social Security will begin consuming that accumulated surplus.

Madam President, the temporary or the permanent nature of the surpluses perhaps would not be important if it were actually possible to decouple Social Security completely from the rest of the Federal Government. Social Security, however, is intimately related to the rest of the Government as long as the Social Security system invests in Treasury bonds.

Right now the Treasury Department is selling U.S. Government bonds to the public, both here and abroad, and to the Social Security system. What that means is that whether Social Security is part of the budget or not, the Treasury Department will be selling exactly the same amount of bonds to the public, including those sold to the trust fund. And it is the amount of bond sales to the public that is the real measure of the Federal deficits in any given year.

The unbreakable connection of an even theoretically off-budget Social Security system to the rest of the Federal budget will become even more clear by the year 2012 when the Social Security trust fund ceases to take in more money than it pays outs. After that year, Social Security will begin cashing in its Treasury bonds. So whether Social Security is on budget or not is irrelevant, frankly, to the fact that the Treasury Department will have to find the cash to pay off those Treasury bonds.

There are only three basic ways that that can be done: issuing new bonds to the public, thereby increasing the Federal deficits in those years; raising taxes by the amount necessary, which is another option; or cutting spending on other programs by the amounts needed. I hope we never have to get to making those Draconian cuts. I believe that passing the balanced budget amendment will keep us from having to make those choices under that gun.

Madam President, taking Social Security out of the budget, therefore, does nothing to make our long-term budget problems either better or worse. It does nothing to protect Social Security from the rest of the budget because, again, Treasury bond purchases and sales continue to bind Social Security tightly to the rest of the budget. Perhaps most important, it does nothing to protect the long-term future of Social Security. The only way to protect the long-term future of Social Security and to keep the important Social Security contract with the American people is through reform of that system.

Madam President, the balanced budget constitutional amendment will not solve these problems overnight. What it will do, however, is force the Congress, the President, and the American people, to face the truth about the budget, all of it, both on the revenue and on the expenditure side of the equation.

Unless we get the deficit under control, we will be leaving to our children and to our children's children a legacy of debt that will make it impossible for them to achieve the American dream. We owe it to our children and their children to get our fiscal house in order now. If we fail to do so, our legacy to future generations will be one of greater problems and diminished opportunities.

Madam President, I come from a working-class family. The availability of public education made it possible for me to get advanced degrees. I have no doubt that without the commitment of my parents' generation to create a national community which would nurture my talents, I would not be here today speaking to you as a U.S. Senator. It saddens me that it is harder for a child to get a quality education or for a teenager to pay for college or for a young couple to have a single wage earner outside the home today than it was a generation ago.

The recent dismantling of our national commitment to support poor children is just the beginning of the chilling effect that these chronic budget deficits will have. We are faced with making hard choices by which this generation will define our national community. That is again why I support this amendment.

But, Madam President, whether we look to the future or look to the past, the arguments in favor of passage of the balanced budget amendment are compelling.

As one of our Founding Fathers, Thomas Jefferson, stated:

> We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

This proposition is as true today as it was when he stated it centuries ago.

Madam President, our country's debt did not emerge from a national emergency nor from some massive Federal initiative to build roads or educate children or to create jobs for poor people. It came in peacetime and, frankly, largely while no one noticed. When a national consensus against chronic deficits did emerge, it came after the debt had reached historic proportions.

Madam President, we should have known better. George Washington, in his farewell address, warned the Nation:

> As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasion of expense, but by exertions in times of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burdens which we ourselves ought to bear.

Again, Madam President, sage advice from the Founding Fathers did not, could not, overcome the pressures of the political and demographic realities of our times. Legislators are often judged by constituents on their ability to—you may not have this expression in your State, but we do in Illinois—"bring home the bacon" whether in terms of actual pork barrel project specific spending or in terms of across-the-board program funding. Each and every constituency wants its share. Each has legitimate rationale for its demands.

However, these constituency demands must be seen in the long term and overarching context of our responsibility to the public interest. The demographic changes the future holds will mean more demand, not less, for health care and retirement security, at precisely the time that changes in technology and the global economy requires more, not less, investment in education, transportation, and infrastructure. The confluences of these trends which government does not control make more important than ever that we make decisions about those things we do control. Passage of the balanced budget amendment will force a discipline in our decisionmaking which may well be the only force great enough to counter the institutional force in favor of secret spending.

I am not keen about tinkering with the Constitution. Happily, the Founding Fathers envisaged the periodic popularity of constitutional amendments, and required absolute consensus in the process. I hope the balanced budget amendment is one of the few to make it through the Congress and ratification by the States.

There have been amendments to the Constitution proposed for just about everything in recent years. I hope, however, that this one which had been suggested at the time of the Constitutional Convention, that this one finally makes it through.

Now, Madam President, critics of the amendment have argued or warned us that a balanced budget amendment could worsen economic recessions or downturns. The amendment, however, contains a safety valve for just this sort of situation. The safety valve would allow Congress to provide for a specific deficit by passing a law with a three-fifths vote in each House; the same vote, I point out, that is required to waive the Budget Act. I believe in the event of an emergency or a recession, Congress would be able, would be anxious to obtain a three-fifths majority to enact a countercyclical package of tax cuts or investment spending to counter the economic downturn. The requirement of the three-fifths majority, however, will ensure that the creation of a specific deficit is done with deliberation and care, and is not a casual occurrence.

This safety valve also applies to fears about risks of default. Should outlays exceed receipts and if our country were faced with a situation where we were in danger of not being able to pay interest on our debt, Congress could respond with a three-fifths vote to increase the debt. However, this dilemma could be avoided if Congress and the President followed the tenets of the amendment and actually balance the budget, or, better yet, establish a rainy day emergency fund.

Madam President, an economist friend of mine who I had dinner with argued passionately that we should not be concerned about the debt because after all it is money that we owe ourselves. After all, the interest is paid on Treasury bonds, so reduced to its essentials, it is money that is recirculated in other ways. I do not dispute that point. However, it seems to me that recycling large and growing amounts of taxpayer money to bondholders represents a real problem that we ought to face up to, as well. We are putting off the books and out of Congress' control, scarce resources which are then no longer available for our national priorities.

My friend also argues, further, that the balanced budget amendment does not allow for capital investment. Again, while most States that have a balanced budget amendment do provide for a separate capital budget, the balanced budget amendment that we are considering here today does not preclude Congress from enACTING capital budgeting at the Federal level.

Another criticism is that should a three-fifths vote be necessary, it would be difficult for Congress to obtain the votes to address emergencies. Again, the need to achieve a three-fifths vote majority is not a foreign concept to this Congress. In the Senate, 60 votes are required to invoke cloture on a bill. Sixty votes are also necessary to waive the enforcement provisions of the Budget Act. In each case, the 60-vote mark is achieved or negotiations and compromise to develop an alternative way of proceeding.

One might point out now the way we obtain the majority necessary to raise the debt is for both parties to get the votes from their Members. Taking out partisanship is no less necessary under a 60-vote margin. On the important issue of approving more debt, three-fifths is large enough to assure the decision is made with due deliberation but not so large that a minority in either House can deadlock the Government.

Critics also claim that a balanced budget amendment poses enforcement problems, and I will for a moment address that. For instance, there are fears that disputes would go to the courts. I believe that elevating the balanced budget amendment requirement to constitutional status will, in and of itself, be enough to guarantee that it will be upheld. Every Member of this Congress has taken an oath to uphold the Constitution of the United States. The American people expect, as they have every right to, that the officials to whom they entrust the Constitution will not betray that public trust.

Nor, however, do I believe that the amendment will unduly involve the Federal judiciary in matters of fiscal policy. Senate Joint Resolution 1 provides "the Congress shall enforce and implement this article by appropriate legislation * * *." In other words, Congress is directed to enact legislation to make the amendment work. That can include, if necessary, actions to limit the remedies a court could grant in a case brought under the balanced budget amendment.

In addition, the courts have already developed a number of doctrines which will limit the type and the number of lawsuits which may be brought under the act. First and foremost, all litigants must have standing in order to bring a claim. This generally requires the potential plaintiffs to show they have suffered an injury, in fact, that was caused by the alleged unlawful conduct and which is redressable by the courts. Courts have been extremely reluctant to confer standing to litigants based on their status as taxpayers. Furthermore, courts have a longstanding practice of avoiding controversies that involve a political question. So, I believe, again, that there are adequate safeguards to make certain that the courts do not take over the constitutional function of this legislature under a balanced budget amendment.

Madam President, the opponents of Senate Joint Resolution 1 have a great many arguments to support their view that a balanced budget amendment is unnecessary and unwise. I do not doubt the sincerity of their opposition, for their ranks include a number of Senators with whom I usually find myself in agreement. On balance, however, I believe that the only way we will be able to turn the current budget trends around is to face reality with the help of the balanced budget amendment. We must honestly address the budgetary, fiscal, and social issues of our time without resorting to the pocketbook resources of future generations.

As I stated at the outset, I am a liberal. My support of the balanced budget amendment is logically consistent with that definition of liberalism that I previously outlined, for several reasons. The balanced budget amendment will save our ability to invest in people. It will protect our capacity for humane government. And the balanced budget will help expand people's opportunities. It is good policy and it is an idea whose time has come.

Madam President, every generation of Americans has been able to address and resolve challenges unique to their time. That is what makes this country great. Our current fiscal challenges are daunting, but I am convinced that passage of this amendment will preserve our Government's ability to act to face our underlying budget problems—honestly and directly—and save our ability to invest in people.

Passing a balanced budget amendment will not prevent the Government from ACTING to help address problems, and working to create expanded opportunities for Americans. It will mean that we will not abandon our responsibility to help educate our children, to assist the poor in moving into the economic mainstream, to protect our environment, or to exercise leadership in any number of areas of important public policy. Balancing the budget may be the critical element in our efforts to preserve the American dream of a better tomorrow.

I have no doubt but that this generation of Americans is as compassionate and creative and patriotic as previous generations were. We will be forced to make artificially draconian choices if we continue to spend what we do not have, and delude ourselves that debt passed on to future generations is not debt. The balanced budget amendment will force a fiscal discipline which will be the first step toward ensuring our generation will adequately and honestly address its needs so that future generations will at least have the same opportunity.

Madam President, I yield to the Senator from Utah.

Mr. HATCH. Madam President, I thank my distinguished colleague from Illinois. She may call herself a liberal, and that is fine with me. But she has stood up on this amendment as one of our principal cosponsors on the Democratic side of the floor, and that is one of the reasons this amendment is as good as it is and why it is a bipartisan amendment. I'm personally grateful to her for her courage in standing up for this. I think the generations will, as we pass this amendment, thank the distinguished Senator from Illinois for standing up and being willing to articulate why this is so important. So, again, I want to personally express my fondness for her and my feelings of what a great job she does on this issue and how I personally appreciate it. I have enjoyed her remarks. They have been right on point. I think she covered the issues very well and, frankly, I hope everybody in this country is listening to it.

As we close, I wanted to offer just a few final remarks on today's debate.

First, I would once again like to thank all those who have participated so far in the debate. I especially wish to congratulate those new Members who have made their first addresses on this important issue. I appreciate their participation.

Second, I would like to add just a few additional thoughts on the notion of the so-called automatic stabilizers and the moderation of the business cycle.

Madam President, I believe the importance of automatic stabilizers has been overstated.

In her testimony before the Senate Budget Committee just last month, CBO Director June O'Neill responded to a question about the effectiveness of automatic stabilizers by citing better monetary policy and the Nation's move away from an agricultural based economy, with the inherent ups and downs that go along with agriculture, as factors at least as important as automatic stabilizers in minimizing recessions. Additionally, the move to a service economy and better inventory management practices has reduced the fluctuations associated with inventory overstocks and the factory economy.

The global economy and greater business information and efficiency have also contributed to a more stable economy.

Finally, there has been much discussion of who can take credit for the recent reductions in the deficit.

I believe that, like the increases in the deficit, the credit is to be shared. A recent article by Jim Miller, a former OMB Director shows various ways credit might be shared, and I ask unanimous consent that that article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. Madam President, the fight to adopt a balanced budget amendment is a bipartisan one.

I congratulate my Democrat colleagues who have argued for the balanced budget amendment. Their support shows that this constitutional amendment is a nonpartisan solution to a nonpartisan problem.

EXHIBIT 1

[From the Washington Times, January 15, 1997]

(By James Miller)

GIVING CREDIT WHERE DUE FOR LOWER DEFICIT

A week before the election, President Clinton announced the scorecard for fiscal 1996 (which ended Sept. 31): the deficit was $107 billion—lower than any time since 1981. As someone who would easily take credit for a brilliant sunrise or a starry night, Mr. Clinton wasted no time in claiming the deficit record was the product of his "economic plan."

Credits aside, the deficit record is very good news indeed. More U.S. saving is available for private investment, and the Federal Reserve is less likely to act in such a way as to restrain the economy. Tragically, had Congress adopted the budget discipline President Reagan recommended in his 1988 budget, the deficit would have been $108 billion and "going South" eight years ago. Think of what spending restraint to balance the budget (by 1991) would have meant for economic growth in the meantime!

But who should get the credit for the latest deficit figure? Bill Clinton likes to say his tax increase did the trick, although in a moment of weakness he admits he raised taxes too much. He also emphasizes his "cuts" in spending, although in the package ultimately enacted most of the claimed slowdown in spending growth takes place after 1996. Is the Clinton economic plan of 1993 responsible for the decline in the deficit?

It's especially helpful to focus on the outcomes in two fiscal years, two years apart, reflecting two Congresses: 1994 and 1996, the first being the product of a Democratic Congress, and the latter of a Republican Congress.

In April 1993, soon after taking office, Mr. Clinton proposed a budget for 1994 that forecast a 9.2 percent increase in receipts—from an estimated $1,146 billion for 1993 to $1,251 billion. The latter figure included $36 billion in additional taxes from his economic plan ("A Vision of Change for America") announced two months earlier. Actual receipts in 1994 were $1,258 billion—$7 billion more than the initial forecast, and an increment due to the economic boost attributable to further spending restraint (see below). In the budget, Mr. Clinton proposed a 3.2 percent increase in outlays—from an estimated $1,468 billion to $1,515 billion, the latter figure reflecting his plan's $5 billion net reduction from the spending baseline. Actual outlays in 1994 were $1,461 billion—$54 billion less than Mr. Clinton asked for. Clearly, the deficit reduction in 1994—from $255 billion (actual) to $203 billion (actual) was due more to spending restraint by Congress ($54 billion) than to Mr. Clinton's economic plan ($41 billion).

In 1995, receipts were $13 billion higher than forecast, such forecast reflecting $47 billion in new taxes from President Clinton's economic plan. Outlays were within $1 billion of Mr. Clinton's request, which reflected an $18 billion reduction from the baseline due to his economic plan. The actual deficit fell from $203 billion to $164 billion, and in this instance one can argue that Mr. Clinton's economic plan is the major factor.

In February 1995, President Clinton submitted his budget for 1996. In it, he forecast a 5.2 percent increase in receipts—from $1,346 billion to $1,416 billion, the latter figure reflecting a $54 billion increase due to his economic plan. Actual receipts, announced a week before the election, were $1,453 billion—$37 billion more than forecast, arguably attributable to Congress' additional budget restraint (see below). In that same budget, Mr. Clinton proposed a 4.7 percent increase in outlays—from $1,539 billion to $1,612 billion, the latter figure reflecting a $34 billion reduction from the spending baseline due to passage of his economic plan. Actual outlays were $1,560 billion—$52 billion less than Mr. Clinton asked for. Thus, the sizable reduction in the actual deficit in 1996—from $614 billion to $107 billion—was due to additional spending restraint by Congress ($52 billion) as well as the combined effects of the spending restraint and the new taxes in President Clinton's original economic plan ($88 billion).

Thus, if you give President Clinton all the credit for the forecast changes due to his economic plan, he accounts for $194 billion of reduction from the baseline deficit over the three fiscal years, whereas Congress deserves credit for at least $107 billion because of further spending restraint. If you give Congress credit for the $57 billion revenue boost in 1996 (see below), Congress can claim credit for $164 billion in deficit reduction. If you give Mr. Clinton credit only for the tax portion of the plan (his negotiations with Congress focused on its demand for spending restraints vs. his demand for tax increase), Mr. Clinton's contribution is only $137 billion; Congress accounts for the rest—$221 billion.

Of further interest here is that, contrary to the rhetoric over alleged excesses of the (104th) Republican Congress in paring programs indiscriminately, its record on spending in its first year was almost precisely the same as that of the first year of the last (103rd) Democratic Congress—both gave the president some $50 billion less than he asked.

Receipts in 1994 (and 1993) were close to forecast. But what explains the substantially larger-than-forecast receipts in 1996? If the stock and bond markets are any guide, the determination expressed by the new Republican majorities in the House and Senate to balance the budget by restraining spending improved the economic outlook and was responsible for the better-than-expected economic performance during the last fiscal year (3 percent real growth vs. 2.5 percent forecast) which in turn led to higher federal receipts.

EFFECTS ON DEFICIT: CLINTON VS. CONGRESS

[In billions of dollars]

	Fiscal years—			Cumulative
	1994	1995	1996	
Clinton tax increase	−36	−47	−54	−137
Clinton spending restraint	−5	−18	−34	−57
Congressional revenue increase	−7	−13	−37	−57
Congressional spending restraint	−54	−1	−52	−107

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 2

Mr. HATCH. Madam President, I ask unanimous consent that at 3:30 p.m. on Monday, February 10, the Senate resume consideration of Senator DURBIN's amendment regarding economic hardship. I further ask that there be 2 hours for debate, equally divided in the usual form, and at the hour of 5:30 p.m. on Monday the Senate proceed to vote on or in relation to the Durbin amendment, and no amendments be in order to the Durbin amendment prior to the 5:30 p.m. vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. HATCH. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which was referred to the Committee on Banking, Housing, and Urban Affairs.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT CONCERNING THE BUDGET OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975; to the Committee on Appropriations and the Committee on the Budget.

To the Congress of the United States:

The 1998 Budget, which I am transmitting to you with this message, builds upon our successful economic program of the last four years by balancing the budget while investing in the future.

My budget reaches balance in 2002 the right way—cutting unnecessary and lower-priority spending while protecting our values. It strengthens Medicare and Medicaid, improves last year's welfare reform law, and provides tax relief to help Americans raise their children, send them to college, and save for the future. It invests in education and training, the environment, science and technology, and law enforcement to raise living standards and the quality of life for average Americans.

Over the last four years, my Administration and Congress have already done much of the hard work of reaching balance in 2002. We have reversed the trend of higher deficits that we inherited, and we have gone almost two-thirds of the way to reaching balance. Now, I want to work with Congress to achieve the final increment of deficit cutting and bring the budget into balance for the first time since 1969.

BUILDING A BRIDGE TO THE 21ST CENTURY

For four years, my Administration has worked to prepare America for the future, to create a Government and a set of policies that will help give Americans the tools they need to compete in an increasingly competitive, global economy.

We have worked to create opportunity for all Americans, to demand responsibility from all Americans, and to strengthen the American community. We have worked to bring the Nation together because, as Americans have shown time and again over the years, together we can overcome whatever hurdles stand before us.

Working with Congress and the American people, we have put America on the right path. Today, the United States is safer, stronger, and more prosperous. Our budget deficit is much smaller, our Government much leaner, and our policies much wiser.

The economic plan that we put in place in 1993 has exceeded all expectations. Already, it has helped to reduce the deficit by 63 percent—from the record $290 billion of 1992 to just $107 billion in 1996—and it has spurred a record of strong growth, low interest rates, low inflation, millions of new jobs, and record exports for four years.

While cutting the deficit, we also have cut the Federal work force by over 250,000 positions, bringing it to its smallest size in 30 years and, as a share of the civilian work force, its smallest since the 1930s. We have eliminated Federal regulations that we don't need and improved the ones we do. And we have done all this while improving the service that Federal agencies are providing to the American people.

We have cut wisely. We have, in fact, cut enough in unnecessary and lower-priority spending to find the resources to invest in the future. That's why we were able to cut taxes for 15 million working families, to make college more affordable for 10 million students, to put tens of thousands of young people to work through national service, to invest more in basic and biomedical research, and to help reduce crime by putting more police on the street.

My plan to reach balance in 2002 provides the resources to continue these important investments. We must not only provide tax relief for average

Americans, but also increase access to education and training; expand health insurance to the unemployed and children who lack it; better protect the environment; enhance our investments in biomedical and other research; beef up our law enforcement efforts; and provide the needed funds for a thriving global policy and a strong defense.

PUTTING THE BUILDING BLOCKS IN PLACE

When my Administration took office in 1993, we inherited an economy that had barely grown over the previous four years while creating few jobs. The budget deficit had hit record levels, and experts in and out of Government expected it to go higher. Savings and investment were down, interest rates were up, and incomes remained stagnant, making it harder for families to pay their bills.

We put in place a comprehensive set of policies that are bearing fruit. By cutting the deficit from $290 billion to $107 billion last year, my economic program (and the strong economy it helped create) has brought the deficit to its lowest level since 1981. As a share of Gross Domestic Product (GDP), we have our smallest deficit since 1974 and the smallest of any major industrialized nation.

Other parts of my economic policy also are helping to create jobs and raise living standards. With regard to trade, for instance, my Administration not only completed the Uruguay Round of the General Agreement on Tariffs and Trade and the North American Free Trade Agreement, but also more than 200 separate trade agreements, helping to raise exports to record levels. By opening overseas markets to American goods—by encouraging free and fair trade—we are creating high-wage jobs at home.

Taken together, our budget and trade policies have helped to create over 11 million new jobs in the last four years. After two decades of troubling stagnation, incomes have begun to rise again while inequality shrinks. Also, partly due to a strong economy (and partly to our policies), poverty, welfare, and crime are down all across America.

With strong growth, low interest rates, low inflation, millions more jobs, record exports, more savings and investment, and higher incomes, the Nation is enjoying what such experts as Alan Greenspan, the chairman of the Federal Reserve, have described as the healthiest economy in a generation.

Now, our challenge is to complete the job that we began in 1993—to bring the budget into balance for the first time since 1969 while continuing to invest in the American people. My budget does that.

IMPROVING PERFORMANCE IN A BALANCED BUDGET WORLD

Led by the Vice President's National Performance Review, we are truly creating a Government that "works better and costs less."

We have cut the Federal work force by over 250,000 positions, eliminated over 200 programs and projects, closed nearly 2,000 obsolete field offices, cut red tape, and eliminated thousands of pages of regulations while dramatically simplifying thousands more. We also are providing better service for Americans—at the Social Security Administration, the Department of Veterans Affairs, and other agencies.

Our efforts to balance the budget will continue to put a premium on spending wisely. I am determined that we will provide the highest-quality service to Americans for the lowest price. And I will demand that agencies continue to search for better and better ways to achieve results for the American people.

As we move ahead, we plan to follow a series of strategies that build upon our successes to date. We will, for instance, restructure agencies to make them more flexible and decentralized. We will work to ensure that Federal employees and their managers work together to achieve common goals. We will expand competition to ensure that agencies perform their functions as efficiently as possible.

Government cannot solve all of our problems, but it surely must help us solve many of them. We need an effective Government to serve as a partner with States, localities, business and labor, communities, schools, and families. Only when we can show the American people that Government can, in fact, work better for them can we restore their confidence in it. And I am determined to do just that.

CREATING OPPORTUNITY, DEMANDING RESPONSIBILITY, AND STRENGTHENING COMMUNITY

I worked with the last Congress to ensure that as many as 25 million Americans no longer have to fear that they will lose their access to health insurance if they lose their jobs or change jobs; that people no longer will be denied coverage because they have preexisting medical conditions; that insurance companies will sell coverage to small employer groups and to individuals who lose group coverage; and that self-employed people will find it easier and cheaper to get health insurance. Now, I want to strengthen both Medicare and Medicaid to ensure that they continue to serve the tens of millions of Americans who rely on them, to expand health care coverage to help the growing numbers of American children and families who lack insurance, and to promote public health. My budget invests more in biomedical research, in programs to combat infectious diseases, in the Ryan White AIDS program that provides potentially life-extending drug therapies to many people with AIDS, and in community health centers and Indian Health Service facilities that serve critically underserved populations.

We have to ensure that every American has the skills and education needed to win in the new economy, and we can do that only if every American is ready for a lifetime of continuous learning. My budget expands Head Start, increases our investments in Federal elementary and secondary education programs, launches a new effort to jump-start needed school renovation and construction, and provides funds for America Reads to ensure that all children can read well and independently by the end of third grade. To expand higher education and training to all Americans, I propose HOPE scholarship tax credits of up to $1,500 for two years, tax deductions of up to $10,000, the largest increase in Pell Grant scholarships in two decades, lower student loan fees and interest rates, and the G.I. Bill for America's Workers so they can choose where to get the best job training available.

We do not have to choose between a stronger economy and a cleaner environment. Over the last four years, we have produced both. Now, we want to go further. In this budget, I am proposing the funds to speed up toxic waste clean-ups, to redevelop abandoned and contaminated sites known as "brownfields," to improve the facilities at our national parks, to advance our salmon recovery efforts, to invest in energy efficiency and renewable energy, to further our environmental efforts overseas, and to expand our work with States, localities, private groups, and others to restore such sensitive ecosystems as the South Florida Everglades and California's Bay-Delta area between San Francisco and Sacramento.

We must maintain our leadership in research, the results of which have so greatly improved our health and well-being. Federal research, in concert with the private sector, creates new knowledge, trains our workers, generates new jobs and industries, solves many of our health care challenges, strengthens our ability to address environmental issues, enables us to teach our children better, and ensures that we can maintain a strong, capable national defense. I am proposing to increase our investments in basic research in health sciences at the National Institutes of Health, in basic research and education at the National Science Foundation, in research at other agencies that depend on science and technology, and in cooperative ventures with industry, such as through the successful Advanced Technology Program and Manufacturing Extension Partnerships.

I want to build on our efforts to fight crime, curb the scourge of illegal drugs, and secure the Nation's borders. Crime is falling all across America. And, under the Brady Bill that I fought so hard to achieve, we have prevented over 100,000 felons, fugitives, and stalkers from obtaining guns. Now, I want to make further progress and, in particular, target juvenile crime and violence. My budget continues our progress toward putting 100,000 more police on the street. It renews our efforts to fight drug abuse, particularly by focusing on youth prevention programs to reverse the recent trends of softening attitudes toward drugs and more drug use by young Americans. It also strengthens our efforts to control illegal immigration by stopping those who want to enter illegally, quickly removing those who slipped by, and making it harder for illegal immigrants to get jobs.

Because some American communities have grown disconnected from the opportunity and prosperity that most of us enjoy, I want to help communities attract private investment to spur their revitalization. Because permanent solutions must come from the community level, my budget proposes to create opportunities and offer incentives for individuals and businesses to participate directly in addressing local problems. I want to expand my national service program so that more Americans can volunteer and earn money for college. I want to expand Empowerment Zones and Enterprise Communities, making more and more communities eligible for the tax incentives and other support that can spur a return to business and jobs. I also want to expand the Community Development Financial Institutions Fund to enhance credit and other services to distressed areas. In addition, the Nation's capital, which suffers from a unique set of challenges, would benefit greatly from the groundbreaking proposal that I have previously outlined.

I am pleased that, today, 2.1 million fewer Americans are on welfare than the day I took office, both because of a strong economy and because I have helped States to test innovative ways to move people from welfare to work and protect children. I am also pleased that I could sign last year's welfare reform legislation, because I believe it will promote my basic goals of work, family, and responsibility. I have directed my Administration to work closely with States so that we can make welfare reform succeed. Last year's law, however, also included excessive budget cuts, mainly affecting nutrition programs, legal immigrants, and children, that had nothing to do with welfare reform. In signing the bill, I said that I would seek legislation to address those problems. My budget does that.

Over the last four years, we have provided tax relief to millions of working Americans and to small businesses. But I want to go further by helping middle-income Americans raise their children, send them to college, and save for the future. For those Americans, my tax plan offers a $500 per child tax credit for all children under 13, a $1,500-a-year tax credit to help families send their children to college for two years, a $10,000 tax deduction for tuition and fees for higher education and training, and expanded Individual Retirement Accounts to encourage saving and enable families to cope with unforeseen problems. I am also proposing to ensure that homeowners do not have to pay capital gains taxes on 99 percent of all home sales. My tax plan would promote the hiring of long-term welfare recipients in order to help move people from welfare to work, restore the tax credit that encourages business research and development, and expand tax credits for Empowerment Zones and Enterprise Communities. And it would help finance my tax relief by eliminating unwarranted tax loopholes and preferences.

On the international front, we must continue to project our leadership abroad while we advance our national goals. With the Cold War over, we have a great opportunity to expand democracy overseas, but we will have a much better chance to succeed if we fulfill our international commitments. In this budget, I am proposing that we pay our arrears to the United Nations and other international organizations, so that our leadership is not undermined at this crucial time. But I will also insist that these institutions control their budgets and enact the reforms that our Government and others have called for. In addition, we must continue our support for Russia and the New Independent States of the Soviet Union as they make the difficult transition to free markets and democracy, and we must be prepared to do whatever we can to advance the difficult, but vital, peace process in the Middle East. A strong, coherent foreign policy also will help us further our progress in opening markets abroad, and my budget proposes strong, continued support for the Federal efforts that help to expand exports.

Finally, our goals both at home and abroad must rest on the firm foundation of a strong national defense. It is a strong defense that safeguards our interests, prevents conflict, and secures the peace. We must ensure that our armed forces are highly ready and armed with the best equipment that technology can provide. They must be prepared and trained for the new threats to our security—from the proliferation of weapons of mass destruction, to ethnic and regional conflicts, to terrorism and drug trafficking that directly threaten our free and open society. My budget continues to sustain and modernize the world's strongest and most ready military force, a force capable of prevailing in two nearly simultaneous regional conflicts. It fully funds our commitment to maintain the highest levels of training and readiness, and to equip our uniformed men and women with the most advanced technologies in the world. We must never fall short when it comes to defense.

CONCLUSION

Our policies are working. By dramatically cutting the deficit and investing in the future, we have helped to spur four years of strong economic growth, providing vast new opportunities for millions of Americans. Jobs, incomes, savings, investment, exports, and homeownership are all up. Crime, poverty, teen pregnancy, and inequality are all down. Clearly, we are moving in the right direction.

But our work is not done. For too long, the Federal Government has spent much more than it received, creating deficits that cast doubt on both our economic future and our ability to govern. In the last four years, we have made high progress, cutting the deficit by nearly two-thirds. I urge Congress to help me finish the job and balance the budget by 2002—giving the American people the balanced budget they deserve.

WILLIAM J. CLINTON.

February 6, 1997.

MESSAGES FROM THE HOUSE

At 11:10 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 499. An act to designate the facility of the United States Postal Service under construction at 7411 Barlite Boulevard in San Antonio, Texas, as the "Frank M. Tejeda Post Office Building."

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 499. An act to designate the facility of the United States Postal Service under construction at 7411 Barlite Boulevard in San Antonio, Texas, as the "Frank M. Tejeda Post Office Building"; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–30. A concurrent resolution adopted by the Legislature of the State of Iowa; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 4

Whereas, with each passing year this nation becomes deeper in debt as federal government expenditures repeatedly exceed available revenues, so that the federal public debt is now approximately $4.9 trillion, or $19,000 for every man, woman, and child; and

Whereas, the annual federal budget has not been balanced since 1969, demonstrating an unwillingness or inability of both the legislative and executive branches of the federal government to spend in conformity with available revenues; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the federal budget should not be manipulated to present the appearance of being in balance while, in fact, federal indebtedness continues to grow; and

Whereas, believing that fiscal irresponsibility at the federal level, which is resulting in a lower standard of living and endangering economic opportunity now and for the next generation, is the greatest threat which faces our nation; and

Whereas, Thomas Jefferson recognized the importance of a balanced budget when he wrote, "The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves"; and

Whereas, the principal functions of the Constitution of the United States include promoting the broadest principles of a government of, by, and for the people; setting forth the most fundamental responsibilities of government; and enumerating and limiting the powers of the government to protect the basic rights of the people; and

Whereas, the federal government's unlimited ability to borrow involves decisions of such magnitude, with such potentially profound consequences for the nation and its people, today and in the future, that it is appropriately a subject for limitation by the Constitution of the United States; and

Whereas, the Constitution of the United States vests the ultimate responsibility to approve or disapprove of amendments to the Constitution of the United States with the people of the several States, as represented by their elected Legislatures; and

Whereas, opposition by a small minority within Congress and, on occasion, by the President, has repeatedly thwarted the will of the people of the United States that a balanced budget amendment to the Constitution of the United States should be submitted to the States for ratification while large majorities of both Houses of Congress already have prepared considered, and voted for such amendment; now therefore, be it

Resolved by the House of Representatives, the Senate Concurring, That the General Assembly of the State of Iowa requests the members of the Congress of the United States to expeditiously pass, and to propose to the Legislatures of the several States for ratification, an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year; and be it

Further Resolved, That the Legislatures of each of the several States comprising the United States be urged to apply to the Congress requesting the proposal for ratification of such an amendment to the Constitution of the United States; and be it

Further Resolved, That copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Iowa's congressional delegation, and the presiding officers of each house of the Legislatures of each of the other States.

We, Ron J. Corbett, Speaker of the House and Mary E. Kramer, President of the Senate; Elizabeth A. Isaacson, Chief Clerk of the House, and Mary Pat Gunderson, Secretary of the Senate, hereby certify that the above and foregoing Resolution was adopted by the House of Representatives and the Senate of the Seventy-seventh General Assembly.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS (for himself, Mr. CAMPBELL, and Mr. BREAUX):

S. 281. A bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the United States Olympic Committee; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. CAMPBELL, Mr. BREAUX, and Mr. MURKOWSKI):

S. 282. A bill to establish a recurring bi-annual Olympic commemorative coins program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURNS:

S. 283. A bill to establish a Commission on Structural Alternatives for the Federal Courts of Appeals; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mr. COATS):

S. 284. A bill to amend title 23, United States Code, to improve safety at public railway-highway crossings, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SHELBY (for himself, Mr. SESSIONS, Mr. DEWINE, Mr. HUTCHINSON, Mr. COCHRAN, and Mr. SMITH of New Hampshire):

S. 285. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any distribution from a qualified State tuition program used exclusively to pay qualified higher education expenses incurred by the designated beneficiary, and for other purposes; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. LEVIN, Mr. ASHCROFT, Mr. DEWINE, Mr. BOND, Mr. KYL, Mr. FRIST, Mr. NICKLES, Ms. MIKULSKI, Mr. SHELBY, Mr. COATS, Mr. SANTORUM, and Mr. INHOFE):

S. 286. A bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS:

S. 287. A bill to require congressional approval before any trade agreements entered into under the auspices of the World Trade Organization; to the Committee on Finance.

By Mr. DORGAN:

S. 288. A bill to amend the Internal Revenue Code of 1986 to provide families with estate tax relief, and for other purposes; to the Committee on Finance.

By Mr. DEWINE:

S. 289. A bill to designate the United States courthouse to be constructed at the corner of Superior Road and Huron Road in Cleveland, Ohio, as the "Carl B. Stokes United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI (for himself, Mr. INOUYE, Mr. AKAKA, Mr. STEVENS, and Mr. THOMAS):

S. 290. A bill to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States; to the Committee on the Judiciary.

By Mr. BYRD:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself, Mr. CAMPBELL, and Mr. BREAUX):

S. 281. A bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the United States Olympic Committee; to the Committee on Finance.

THE UNITED STATES OLYMPIC CHECKOFF ACT

Mr. STEVENS. Mr. President, today I bring to the Senate the United States Olympic Checkoff Act. This bill would provide significant—and needed—new funding for our Nation's amateur athletic movement. This will present a way for Americans to show support for the United States Olympic Committee, the USOC, and for our amateur athletes. Simply by checking a box on their tax returns, American taxpayers could designate a dollar from their refunds to go to the USOC, or they could enclose a contribution to the USOC when they mail their tax forms. This concept is similar to the existing Presidential checkoff. It is different though, in that this deduction for the Olympic Committee would come from the taxpayers' own money, their refunds or their contributions, and not from the money destined for the Federal Treasury.

The Amateur Sports Act of 1978 made the USOC the central coordinating body for amateur sports in the United States. The responsibilities of the act, that is the responsibilities given by the act to the USOC, include training and selecting athletes to represent the United States at international competitions and, equally important, encouraging athletic activities for all amateur athletes in the United States through grassroots sports opportunities.

What the Amateur Sports Act does not do is authorize Federal funding of the USOC. In almost every other nation in the world, Olympic and amateur sports receive substantial government funding. That is not true in our country. The USOC's primary means of raising money to support U.S. athletes and to carry out the purposes of the act is through charging sponsors a fee to use the words "Olympics" or "Olympiad," and to display the Olympic symbol of five interlocking rings. Sponsors' fees do not come close to providing the funds necessary to train our growing legions of athletes. Our athletes at the grassroots level are not getting a fair chance to be competitive with their counterparts from nations that provide funding from government sources.

My bill would create a new trust fund in the Treasury called the United States Olympic Trust Fund. The amounts voluntarily contributed by Americans would be deposited into the trust fund. At least once quarterly, the Secretary of Treasury would distribute the amounts in the trust fund to the USOC, after deducting reasonable administrative costs.

I look forward to working with the Senate Finance Committee and all of the Senate and the House to achieve enactment of this valuable legislation in this Congress. I hope this bill will be welcomed by all Americans who believe in the importance of our country's athletic programs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Olympic Checkoff Act".

SEC. 2. DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR UNITED STATES OLYMPIC TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end the following new part:

"PART IX—DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS TO UNITED STATES OLYMPIC TRUST FUND

"SEC. 6097. AMOUNTS FOR UNITED STATES OLYMPIC TRUST FUND.

"(a) IN GENERAL.—With respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that—

"(1) $1 of any overpayment of such tax for such taxable year, and

"(2) any cash contribution which the taxpayer includes with such return,

be paid over to the United States Olympic Trust Fund.

"(b) JOINT RETURNS.—In the case of a joint return showing any overpayment of $2 or more, each spouse may designate $1 of such overpayment under subsection (a)(1).

"(c) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made on the first page of the return.

"(d) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed.".

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 of such Code is amended by adding at the end the following new item:

"Part IX. Designation of overpayments and contributions for United States Olympic Trust Fund.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning with the first full taxable year after the date of enactment of this Act.

SEC. 3. ESTABLISHMENT OF UNITED STATES OLYMPIC TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9512. UNITED STATES OLYMPIC TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'United States Olympic Trust Fund', consisting of such amounts as may be appropriated or credited to the United States Olympic Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFER TO UNITED STATES OLYMPIC TRUST FUND OF AMOUNTS DESIGNATED.—There is hereby appropriated to the United States Olympic Trust Fund amounts equivalent to the amounts designated under section 6097 and received in the Treasury.

"(c) EXPENDITURES FROM TRUST FUND.—

"(1) PAYMENTS.—Not less often than quarterly, the Secretary shall pay to the United States Olympic Committee an amount from the United States Olympic Trust Fund equal to the amount in such Fund as of the time of such payment, less any administrative expenses of the Secretary which may be paid under paragraph (2), for the purposes of carrying out the Amateur Sports Act of 1978 (36 U.S.C. 371 et seq.).

"(2) ADMINISTRATIVE EXPENSES.—Amounts in the United States Olympic Trust Fund shall be available to pay the administrative expenses of the Department of the Treasury directly allocable to—

"(A) modifying the individual tax return forms to carry out section 6097,

"(B) carrying out this chapter with respect to such Fund, and

"(C) processing amounts received under section 6097 and transferring such amounts to such Fund.".

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end the following new item:

"Sec. 9512. United States Olympic Trust Fund.".

By Mr. STEVENS (for himself, Mr. CAMPBELL, Mr. MURKOWSKI, and Mr. BREAUX):

S. 282. A bill to establish a recurring bi-annual Olympic commemorative coins program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE OLYMPIC COMMEMORATIVE COINS ACT

Mr. STEVENS. Mr. President, I have a second bill pertaining to amateur sports I would like to present to the Senate today. This will create a recurring Olympic Commemorative Coins Program in the United States to provide valuable souvenirs to amateur sports enthusiasts, and a new source of revenue to the United States Olympic Committee, the USOC. These are sort of companion bills. The second bill would require the Secretary of the Treasury to consult with the USOC and the Citizens Commemorative Coin Advisory Committee on the design of a $1 silver coin which would commemorate each summer and winter Olympic games held outside the United States. Only 500,000 of such coins would be minted.

Under the bill, a new commemorative coin would be issued every 2 years. The summer and winter Olympics are now staggered, so that, as we all know, now there is an Olympic games every 2 years.

Each coin would carry a surcharge of $10 and that money would be transferred by the Secretary of the Treasury to the USOC. The Secretary of Treasury would be required to include in the sale price of each coin an additional amount to pay for the costs of the program. If the coins sell as they have in the past, and these have been very successful programs in the past, the USOC could receive a total of about $5 million for each Olympic games, in other words every 2 years. This would go a long way toward supporting our amateur athletes and carrying out our responsibilities of the Amateur Sports Act of 1978. In years when the Olympics are held inside the United States, the Secretary of the Treasury would be required to develop an expanded multicoin program to commemorate our Olympic games. This program, designed by the Secretary, with the USOC and the Coins Committee, could provide 4 or 5 different gold, silver or other coins in numbers larger than the 500,000 for the games that are held outside the United States. These would be of special interest to travelers who would come to the United States for the Olympic games.

My bill also provides discretion with respect to the surcharge in each coin. This would make it possible for U.S. athletes and the USOC to receive an even greater benefit from each coin. In the first 2 months after the new Olympic Coins Program begins, the Secretary of Treasury would be prohibited from issuing other commemorative coins. In other words, we would like to have one period, every 2 years, of 2 months in which the USOC's coins, the Olympic coins, would be the only coins available.

The Amateur Sports Act made the USOC, as I said before, the central coordinating body for amateur sports in the United States. It does give the USOC the duty to not only select and train athletes to represent the United States at international competitions, but to encourage athletic activities through a grassroots sports program.

I believe that the USOC carries out the Amateur Sports Act well, in view of the fact it does not receive support from Federal appropriations. As I said before, the act does not authorize such appropriations.

I repeat, Mr. President, unless we find a source of revenue for the USOC, we are going to have a situation where it cannot carry out the responsibilities that were given it by Congress in 1978.

Last year, the Senate Commerce Committee began a review of the Amateur Sports Act. During our first two hearings, we determined additional revenues are needed to provide greater grassroots sports opportunities in our country.

Toward this end, the bill I am introducing would require at least 25 percent of the revenues received by the USOC under the coins program would be used solely for promoting grassroots sports opportunities, and it would require USOC to use at least 25 percent of the revenues to promote and encourage physical fitness and public participation in amateur athletic activities; to assist organizations and persons concerned with sports in the development of special amateur athletic programs for amateurs in our country; and it would also foster the development of amateur athletic facilities for use by amateur athletes, as well as assist in making existing amateur athletic facilities available and to modernize them, Mr. President, which is necessary for their use by amateur athletes now in this country.

I look forward on this bill to working with the chairman and ranking member of the Senate Judiciary Committee. I believe this bill will be sent to that committee. It is important legislation to be enacted in this Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Olympic Commemorative Coins Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term "Corporation" shall mean the corporation by the name of "United States Olympic Committee" created by the Act entitled "An Act to incorporate the United States Olympic Association", approved September 21, 1950 (36 U.S.C. 371 et seq.), as amended; and

(2) the term "Secretary" shall mean the Secretary of the Treasury.

SEC. 3. COMMEMORATIVE COINS PROGRAMS.

(a) BI-ANNUAL OLYMPIC COINS.—Beginning in 1977, in each six month period prior to the date upon which the Summer or Winter Olympic Games are held in a nation other than the United States, the Secretary shall issue not more than 500,000 commemorative one dollar coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.5 inches;

(3) contain 90 percent silver and 10 percent alloy; and

(4) bear the design selected by the Secretary pursuant to subsection (f).

(b) OLYMPIC COINS WHEN GAMES ARE HELD IN THE UNITED STATES.—In each year prior to a year in which the Summer or Winter Olympic Games are held in the United States, the Secretary shall develop an expanded multi-coin commemorative coins program in consultation with the Corporation and the Citizens Commemorative Coin Advisory Committee. The Secretary shall issue such coins in the six month period to the date upon which such games are held.

(c) EXCLUSIVITY.—During the first two months of each period in which coins are issued under this Act, the Secretary shall not issue other commemorative coins.

(d) SURCHARGES.—(1) All sales of the coins issued under subsection (a) shall include a surcharge of $10 per coin.

(2) All sales of the coins issued under subsection (b) shall include a surcharge of between $1 and $50 per coin as determined by the Secretary in consultation with the Corporation.

(e) DISTRIBUTION AND USE OF SURCHARGES.—(1) All surcharges received by the Secretary from the sale of coins under this Act shall be promptly paid by the Secretary to the Corporation.

(2) Funds received by the Corporation under this Act shall be used to carry out the Amateur Sports Act of 1978 (36 U.S.C. 371 et seq.), and not less than twenty-five percent of such funds shall be used for the objects and purposes of paragraphs (6), (7), and (9) of section 104 of such Act (36 U.S.C. 374).

(f) DESIGN.—(1) The design for each coin issued under this Act shall be selected by the Secretary after consultation with the Corporation.

(2)(A) On each coin issued under this Act there shall be—

(i) a designation of the value of the coin;

(ii) an inscription of the year; and

(iii) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(B) On coins issued under this Act there may be, with the consent of the Corporation under section 9 of the Act entitled "An Act to incorporate the United States Olympic Association", approved September 21, 1950 (36 U.S.C. 380), the symbol of the International Olympic Committee, the emblem of the Corporation, the words "Olympic", "Olympiad" or other symbols, emblems, trademarks and names which the Corporation has the exclusive right to use under that section.

SEC. 4. LEGAL TENDER.

The coins issued under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 5. SOURCES OF BULLION.

(a) SILVER.—The Secretary shall obtain silver for minting coins under this Act from sources the Secretary determines to be appropriate, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

(b) GOLD.—The Secretary shall obtain any gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

SEC. 6. SALE PRICE.

Each coin issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coin;

(2) the surcharge provided in section 3 with respect to such coin;

(3) the cost of designing and issuing the coin (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping); and

(4) the estimated profit determined under section 7(b) with respect to such coin.

SEC. 7. DETERMINATION OF COSTS AND PROFIT.

(a) DETERMINATION OF COSTS.—The Secretary shall determine the costs incurred with respect to coins issued under this Act, including overhead costs.

(b) DETERMINATION OF PROFIT.—Prior to the sale of each edition of coin issued under this Act, the Secretary shall calculate the estimated profit to be included in the sale price of each such coin under section 6(4).

(c) PROHIBITION ON JUDICIAL REVIEW.—Determinations made under this section shall be made at the sole discretion of the Secretary and shall not be subject to judicial review.

SEC. 8. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

Section 5112(j) of title 31, United States Code, shall apply to the procurement of goods and services necessary to carry out the programs and operations of the United States Mint under this Act.

SEC. 9. AUDITS AND REPORT.

(a) The Comptroller General of the United States shall have the right to examine books, records, documents, and other data of the Corporation related to the expnditure of amounts it has received under section 3(e)(1).

(b) The Corporation shall biannually transmit a report to Congress and to the Secretary which shall account for the expenditure of funds received under section 3(e)(1).

SEC. 11. FINANCIAL ASSURANCES.

It is the sense of Congress that each coin edition issued under this Act should be self-sustaining and should be administered so as not to result in any net cost to the Numismatic Public Enterprise Fund.

By Mr. BURNS:

S. 283. A bill to establish a Commission on Structural Alternatives for the Federal Court of Appeals; to the Committee on the Judiciary.

THE STRUCTURAL ALTERNATIVES FOR THE FEDERAL COURT OF APPEALS COMMISSION ESTABLISHMENT ACT OF 1997

● Mr. BURNS. Mr. President, I introduce a bill which would establish a Commission on Structural Alternatives for the Federal Court of Appeals.

This commission would study the present division of the United States into the several judicial circuits, study the structure and alignment of the Federal Court of Appeals system, with particular reference to the ninth circuit, and report recommendations to the President and Congress on appropriate changes in circuit boundaries or structure for the expeditious and effective disposition of the caseload of the Federal Court of Appeals, consistent with fundamental conceptions of fairness and due process.

As you may know, I have cosponsored legislation in the past that would have split the ninth circuit. I have not altered my opinion of the need for this, however, it seems that some of my colleagues need a little bit more convincing. That is why I believe having a well-formed commission, which examines this issue closely and delivers a nonpolitical response, will dispel the doubts that my colleagues have about a split.

I believe that the commission will begin to answer some of the concerns that Montanans have voiced that they are not obtaining the same level of judicial consideration as others in the ninth circuit. Considering the size of the district, I have the same doubts. The ninth circuit is now comprised not only of Montana, but also, Alaska, Arizona, California, Guam, Hawaii, Idaho, the Northern Mariana Islands, Nevada, Oregon, and Washington. That's nine States and two principalities. The ninth circuit is about twice the size of the next largest circuit, both in population and geography.

Its caseload is among the fastest growing in the Nation, and the time to complete an average appeal, more than 14 months, is more than 4 months longer than the national average. Its 28 judges are about twice the recommended number for an appellate circuit.

Any objective view of the ninth circuit is a case study in the phrase "Justice delayed is justice denied." I am optimistic that a commission that studies the ninth will come to the same conclusion: This body will acknowledge this travesty and finally move for justice for all.●

By Mr. LUGAR (for himself, and Mr. COATS):

S. 284. A bill to amend title 23, United States Code, to improve safety at public railway-highway crossings, and for other purposes; to the Committee on Environment and Public Works.

THE HIGHWAY RAIL GRADE CROSSING SAFETY FORMULA ENHANCEMENT ACT

● Mr. LUGAR. Mr. President, today I rise to introduce legislation to provide a more effective method of targeting available Federal funds to enhance safety at our Nation's most hazardous highway-rail grade crossings.

I first introduced this measure during the 104th Congress following 2 years of work to address a pressing public safety problem occurring in Indiana and other rail-intensive States. It is my hope this important legislation will be given thoughtful and thorough consideration this year as Congress moves to reauthorize the Intermodal Surface Transportation Efficiency Act [ISTEA]. It is unclear what the final program structure will look like, or what the specific Federal role will be in the transportation decision-making process. I will work this year to assure that the goals of this rail safety legislation are incorporated as part of an ISTEA reauthorization bill that creates a more streamlined, flexible Federal highway program to help States maintain safe, effective, and efficient transportation networks.

In America today, several hundred people are killed and thousands more injured every year as a result of vehicle-train collisions at highway-rail grade crossings. A significant number of these accidents occur in rail-intensive States such as Indiana, Illinois, Ohio, California, and Texas. One quarter of the Nation's 168,000 public highway-rail grade crossings are located in these 5 States. They accounted for 38 percent of deaths and 32 percent of injuries caused by vehicle-train collisions nationwide during 1991–1993.

My home State of Indiana ranks sixth in the Nation for number of total public grade crossings with about 6,700, and is annually among the top five States for numbers of accidents and fatalities caused by vehicle-train crashes.

In 1994, I travelled across northern Indiana aboard a QSX-500 locomotive and witnessed what engineers see every day—motorists darting across the railroad tracks before an oncoming train. From this experience, and from my work to improve safety at highway-rail grade crossings, I learned that engineering solutions, along with education and awareness about grade crossing safety, are key strategies that can effectively prevent grade crossing accidents.

Responding to this disturbing national trend, I began working in 1993 with Transportation Secretary Federico Peña and with the Indiana Department of Transportation to address this serious safety problem. We worked to find solutions that would help Indiana and other States make better use of available funds to target the Nation's most hazardous rail crossings.

The Federal Government has played an important role in helping States eliminate accidents and fatalities at public highway-rail intersections since passage of the Highway Safety Act by Congress in 1973. This act created the Rail-Highway Crossing Program, also known as the Section 130 Program. Since the program's inception, more than 28,000 improvement projects have been undertaken—from installation of warning gates, lights and bells, to pavement improvements and grade separation construction projects.

During the 103d Congress, I introduced grade crossing safety legislation to restore States' discretion over millions of Federal highway dollars lost as a result of noncompliance with the Federal motorcycle helmet law. Indiana and other States affected by this law were prohibited from using a portion of their highway construction dollars to improve safety at highway-rail grade crossings. I was pleased the Congress repealed the helmet law penalty in 1995 as part of the National Highway System designation legislation. States now have greater flexibility to use their highway dollars for improvements at rail crossings, and for other transportation priorities.

In March 1994, Senator COATS and I asked the General Accounting Office to conduct a survey of rail safety programs in Indiana and other rail intensive States experiencing a high number of accidents at highway-rail grade crossings. Released in August 1995, the report "Railroad Safety: Status of Efforts to Improve Railroad Crossing Safety" evaluated the best uses of limited Federal funds for rail crossing safety, reviewed policy changes that help State and local governments address rail safety issues, and recommended strategies to encourage interagency and intergovernmental cooperation.

The report found that in addition to States' efforts to reduce accidents and fatalities through emphasis on education programs, engineering solutions, and enforcement of traffic laws, changes to the Federal funding formulas would target highway funds to areas of greatest risk.

Under, ISTEA, the Section 130 Program was continued—with a portion of the 10 percent of a State's STP safety funds dedicated to highway-rail crossing improvement and hazard elimination projects.

The GAO reported that key indicators or "risk factors" used to assess rail-grade crossing safety are not taken into account when STP funds are distributed among States. The GAO outlined the Federal Highway Administration's [FHWA] work to review options for STP formula changes that adjust the current flat percentage allocation to include these risk factors. Applying these factors to the funding formula creates a more targeted and focused process that maximizes the effectiveness of Federal funds.

The risk factors criteria considered by FHWA include a State's share of the national total for number of public crossings, number of public crossings with passive warning devices, total number of accidents, and total number of fatalities occurring as a result of vehicle-train collisions at highway-rail grade crossings.

For example, while Indiana received 3.4 percent of section 130 funds in fiscal year 1995, the Hoosier State experienced 6.1 percent of the Nation's accidents and 5.9 percent of the fatalities as a result of vehicle-train collisions from 1991 to 1993. In addition, Indiana has about 4 percent of the Nation's public rail crossings.

Preliminary estimates of STP apportionments under a risk-based apportionment formula indicate Indiana's share of section 130 funds could increase by 49 percent, from the fiscal year 1997 level of $4.9 to $7.3 million. Overall, about 21 States would receive a substantial increase in section 130 funds for grade crossing improvements, including: Alabama, Arkansas, Georgia, Illinois, Iowa, Kansas, Louisiana, Mississippi, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Utah, and Wisconsin.

While the Indiana Department of Transportation [INDOT] spends over $10 million a year to improve highway-rail grade crossings, a 49-percent increase in section 130 funds would allow INDOT and other State departments of transportation additional resources to improve hazardous highway-rail grade crossings.

The Formula Enhancement Act addresses the allocation problem by adjusting the funding formula for the STP to include an apportionment of funds to States for the section 130 Program based on a 3-year average of these risk factors. I want to express my appreciation to the FHWA and to the Federal Railroad Administration for their valuable assistance in preparing this legislation.

This legislation will help improve the way the Federal Government targets existing resources to enhance safety on our Nation's highways and along our rail corridors. This legislation does not call for new Federal spending, but rather for a more equitable and effective distribution of existing highway funds to States to enhance safety at dangerous highway-rail grade crossings.

This legislation addresses one aspect of the grade crossing safety problem by refining a key provision of the existing ISTEA law. Using this proposal as a foundation, I am hopeful the Congress will craft provisions for the highway reauthorization bill that recognize the overall efforts of States to implement comprehensive rail safety programs. An effective grade crossing safety program integrates construction improvement projects with driver education and awareness programs, crossing closures, vigorous enforcement of crossing traffic laws and assessments of crossing inventories to identify the most hazardous crossings in a State.

I will work with my colleagues this year to help assure Congress passes highway reauthorization legislation that makes the best use of available Federal resources while encouraging States to continue pursuing comprehensive efforts to address their public grade crossing safety requirements. My intent with this legislation is not to penalize certain States or to create winners or losers in the process of distributing Federal highway funds, but to find the best solution that will eliminate these preventable tragedies.

At this time, it is unclear what direction the next highway authorization bill will take, what the Federal role will be in maintaining the national transportation infrastructure, and what current ISTEA programs will be renewed. Last year, I endorsed Senator WARNER's reauthorization proposal to provide a more streamlined and flexible highway program that returns resources and authority back to the States. My intent with this legislation during this reauthorization process is not to protect a particular highway program or specific Federal set-aside requirement of the expiring ISTEA law, but rather to continue emphasizing an issue of great importance to my State of Indiana and to other States experiencing rail safety problems. I will advocate grade crossing safety as a priority within the context of other key funding and flexibility issues that are vital to the continued safety and mobility of Hoosiers traveling on Indiana roadways. I am hopeful this legislation will reinforce the importance of highway-rail grade crossing safety as the Congress moves forward with the national discussion of U.S. transportation policy for the 21st century.

Continued emphasis on finding new and better ways to target existing resources to enhance safety at highway-rail grade crossings will contribute to the overall effort in Congress and in the States to prevent accidents, save lives, and sustain a balanced and effectivetransportationnetworkforthe Nation.●

● Mr. COATS. Mr. President, Senator LUGAR and I are introducing today legislation which will more effectively direct Federal funding to those States which have the greatest needs with highway-rail grade crossings.

We first introduced this bill in the 104th Congress after recognizing a critical deficiency at rail grade crossings which has contributed senseless, tragic deaths over the years.

This year as the Intermodal Surface Transportation Efficiency Act [ISTEA] is reauthorized, it is my hope that the committee will seriously consider the needs of rail-intensive States, such as Indiana. While the final structure of ISTEA is still unknown, I will work to ensure that the objectives of this legislation are incorporated in the final highway bill.

Rail transportation is important in Indiana, playing a key role in the State's agriculture and manufacturing economy. Much of the rail activity goes through northwest Indiana which accounts for 75 percent of the State's rail crossing accidents. In 1994, Indiana ranked third in the Nation with 263 rail crossing accidents, resulting in the deaths of 27 people. Six percent of all rail crossing accidents in America took place in Indiana and 5.9 percent of the fatalities occurred there.

Several years ago, I became aware that Indiana and a number of other States had a critical problem with rail accidents. Senator LUGAR and I asked the General Accounting Office [GAO] to examine the safety conditions in States with a high concentration of rail crossings. The GAO report, completed in August 1995, revealed that while Indiana had a large number of rail crossings_6,700, the sixth largest number of all States_the State received only 3.4 percent of the Federal funding available specifically targeted to prevent such tragedies.

The Section 130 Program was established in 1973 to help States reduce accidents, injuries, and fatalities at public railroad crossings. In the first 10 years of the program, accidents declined by 61 percent and deaths were reduced by 34 percent. Since 1985, little progress was made toward further reducing these numbers.

The problem becomes apparent when you realize that many of the States with the highest concentration of crossings, number of accidents, and fatalities receive less money than States that do not have as great a need. Thus, the GAO included that the Federal Government should examine funding formulas and consider using risk factors in determining how to distribute section 130 highway dollars to States for rail safety purposes.

The current formula funding_based on 10 percent of a State's surface transportation program [STP] funding_does not take into account such essential criteria as a State's total number of crossing, amount of train traffic, nor the number of accidents and fatalities. I believe it is critical that these risk factors be considered in determining how much money a State should receive for rail safety under the current funding structure.

The formula enhancement bill would correct this flaw in the current formula. Based on the GAO report and work with the Federal Highway Administration, we crafted this legislation to ensure that States with the greatest risk receive more money. This bill does not increase Federal spending. Rather it ensures that money is targeted to those States with the most serious safety concerns.

Using this more equitable way of disbursing funds, Indiana_which received $4.9 million in fiscal year 1997_could receive $7.3 million in fiscal year 1998. Overall, 21 States would benefit substantially from increased funding to help reduce rail crossing accidents.

Clearly, this bill addresses one aspect of law, providing a fairer distribution of resources. But money alone will not solve all the problems related to rail crossing accidents. A comprehensive plan to educate people about the dangers at rail crossings must be developed. I support the efforts of programs like Operation Lifesaver which works effectively to get information to citizens. Continued cooperation among all levels of government: local, State, and Federal is essential to stop these sort of tragedies.

There are many issues facing the Congress this year as we decide funding levels, formulas, and determine the role of the Federal Government in the context of the highway authorization. I supported Senator WARNER's legislation last year to provide for a streamlined, flexible, and equitable highway program. I continue to believe this approach is best for the States to address their fundamental needs and priorities. The STEP–21 proposal would ensure that States receive a fairer return on highway funding and the flexibility to spend the resources according to State and local priorities. My purpose in introducing this rail legislation at this time is to draw attention to this serious problem facing Indiana and other States and to show my determination to make rail crossing safety a priority as we make the key decisions on ISTEA.

We cannot afford to neglect the safety of our citizens at rail grade crossings. We must find ways to address these critical problems. Overall, the safety of our highways and rail is essential as we examine and make decisions on the future of our transportation system. I look forward to working with my colleagues to ensure that our focus is indeed comprehensive in addressing our transportation needs.●

By Mr. SHELBY (for himself, Mr. SESSIONS, Mr. DEWINE, Mr. HUTCHINSON, Mr. COCHRAN, and Mr. SMITH of New Hampshire):

S. 285. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any distribution from a qualified State tuition program used exclusively to pay qualified higher education expenses incurred by the designated beneficiary, and for other purposes; to the Committee on Finance.

THE TUITION TAX ELIMINATION ACT

● Mr. SHELBY. Mr. President, today I am introducing legislation, the Tuition Tax Elimination Act, which will help make college more affordable for thousands of young people all across America. I am pleased that Senators SESSIONS, DEWINE, HUTCHINSON, FAIRCLOTH, COCHRAN, and SMITH of New Hampshire have joined me as original cosponsors. This bill will eliminate a new Federal tax on the tuition expenses of students participating in State prepaid tuition programs. Here is how the tax came about.

It is no secret that many families in our Nation are struggling to finance their childrens' education. College tuition costs have skyrocketed in the past decade increasing 95 percent at private institutions and 82 percent at public institutions. Newsweek magazine reported last year that some families will spend more than $100,000 just to send one child to college.

To combat the high cost of a college education, many States, including Alabama, have set up prepaid tuition funds. These funds allow parents to make a tax-free investment, years in advance of their child's enrollment in college, with the guarantee that the child's tuition will be paid for by the State when he or she enrolls in college.

Last year, the IRS attempted to impose taxes on States operating prepaid tuition funds by claiming that the funds were not legitimate functions of the State and thus not exempt from Federal taxation. If the IRS had been successful in their attempt, many States would have been forced to terminate their prepaid tuition programs.

Fortunately, Senators MCCONNELL, GRAHAM, and I were able to get a provision in the Small Business Job Protection Act which clarified that prepaid tuition programs should not be subject to Federal taxes, since they are a legitimate function of State governments.

At the same time, the IRS was also attempting to impose a tax on the parents' contributions to these State prepaid tuition programs. What the IRS wanted to do was to count the annual increased value of the parents' contribution as income and tax it. Again, Senators MCCONNELL, GRAHAM, and I put a provision in the minimum wage bill last year to prevent the IRS from taking those actions.

However, there was a provision of that bill which I did not support. It provided that when a student enrolls in college under a prepaid tuition plan, the student must pay taxes on the difference between the value of the tuition costs, which are paid by the State, and the amount his or her parent paid for the contract. Essentially, this provision is a new tax on students. I attempted to offer an amendment to strike this provision, but unfortunately, no amendments were in order.

Mr. President, prepaid tuition programs are a creative way many States all across the country have developed to help more young people afford a college education. We need to do everything we can at the Federal level to encourage these types of programs.

The Tuition Tax Elimination Act will do that by relieving students from Federal taxes on their tuition expenses. This legislation will provide that distributions from qualified prepaid tuition funds are not to be counted as taxable income for the student, as long as the money is spent for the designated purpose.

This legislation is fully paid for with a provision which would suspend the automatic inflation adjustments used to award the earned income tax credit to individuals without children. President Clinton's 1993 tax bill expanded the EITC to cover individuals without children, and currently, a childless individual earning between $4,220 and $5,280 is eligible for a maximum EITC amount of $323. Each year, these income levels are adjusted upward for inflation. Many people have questioned whether we should even be providing the EITC to individuals without children. However, that is a question which can be addressed in other legislation. This offset does not eliminate the EITC for individuals without children; it simply eliminates the annual increase in the EITC calculation for individuals who have no dependents. This provision passed the Senate last year as a part of welfare reform, but it was dropped in conference.

Mr. President, the cost of going to college is now more expensive than ever, and is growing much faster than inflation. Eliminating the tax students will face on their tuition expenses is a real step toward making college more affordable for thousands of young people all across America, and I hope my colleagues join me in support of this legislation.●

By Mr. ABRAHAM (for himself, Mr. LEVIN, Mr. ASHCROFT, Mr. DEWINE, Mr. BOND, Mr. KYL, Mr. FRIST, Mr. NICKLES, Ms. MIKULSKI, Mr. SHELBY, Mr. COATS, Mr. SANTORUM, and Mr. INHOFE):

S. 286. A bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CORPORATE AVERAGE FUEL ECONOMY STANDARDS ACT OF 1997

● Mr. ABRAHAM. Mr. President, I introduce legislation with Senators LEVIN and ASHCROFT that would freeze the corporate average fuel economy standards—known as CAFE—at current levels unless changed by Congress.

Enacted in 1975, CAFE established Federal requirements regulating the average fleet fuel economy of new passenger cars and light trucks. Now there are a number of reasons why the CAFE standards should continue to be frozen at their current level, and there is a great deal of information available which documents CAFE's harmful effects. Rest assured, I'll touch on both these topics in a moment. But there is one overriding reason this legislation needs to be adopted: control of CAFE standards must reside with the U.S. Congress.

Mr. President, the control of CAFE standards is too great a responsibility to be entrusted to any entity other than the Congress. CAFE requirements were initiated over 20 years ago in response to an oil crisis that has long since disappeared. New standards would constitute the most tremendous regulation foisted on the automobile industry in over two decades and would require a massive retooling, at great cost, by America's automakers.

This is an industry that employs 2.3 million Americans and is estimated to provide 4.4 percent of this Nation's GDP. Should the authority to impose upon this industry a new regulation with questionable goals and dubious results reside with unelected bureaucrats? Should regulators at the Department of Transportation have the authority to change CAFE standards at any time, for any reason and do so without congressional approval? The answer to these questions is clearly no. Such a decision in my view belongs with this legislature, the body entrusted by our Constitution with the duty to determine whether any proposed policy change is in the best interests of the American people.

The other question we need to ask is why a CAFE increase should be considered at all. When CAFE was instituted, it was part of a larger effort to regulate oil consumption and reduce America's dependence on foreign oil. Today, however, it is clear that CAFE standards failed to achieve this goal. Domestic manufacturers have increased passenger car fuel economy 108 percent and light truck fuel economy almost 60 percent since the mid-1970's. Rather than decreasing during this time, however, oil imports have increased. In 1974 the United States imported 35 percent of its oil—last year this country imported between 45 and 50 percent of its oil.

Now, with CAFE's obvious failure to reduce oil imports, CAFE proponents cite the threat of potential global warming as the major rationale for increasing these standards further. Mr. President, the argument that CAFE standards will prevent or reduce global warming is as weak as the argument that CAFE would reduce this country's reliance on foreign oil.

According to the Congressional Office of Technology Assessment, cars and light trucks subject to CAFE standards account for only one and 1½ percent of global man-made greenhouse gas emissions. Increasing CAFE standards to 40 miles per gallon, as has been discussed, would result in minuscule reductions in emissions—less than one-half of 1 percent.

There can be no doubt, Mr. President, that CAFE standards have failed to reduce America's dependency on foreign oil or significantly reduce greenhouse gas emissions. So what have they succeeded in doing? They have succeeded in putting domestic automobile manufacturers at a competitive disadvantage and putting American families at risk of severe injury and even death.

First, on competitiveness. CAFE standards apply to the average fuel consumption standards for a company's fleet of cars—that is, the fuel economy for all cars sold in one model year is averaged together to determine the fleet average. Due to the high price of gasoline in Japan, the Japanese have traditionally engineered smaller cars. Consequently their automobile fleets come in below the CAFE standards, thus allowing them to make larger, less fuel-efficient cars and still fall within the CAFE limits for their fleet. According to the National Academy of Sciences, "the CAFE system operated to the benefit of the Japanese manufacturers, and at the expense of the domestic manufacturers." This system continues to this day.

Despite this inequity, the Department of Transportation continues to push for increased CAFE standards, and in 1994 issued an Advanced Notice of Proposed Rule Making that suggested setting light truck CAFE standards for up to 9 years at levels up to 40 percent higher than they are today.

Compounding their potential harm to our light truck industry, these CAFE supporters fail to consider the differences between cars and trucks. Many of the fuel efficient technologies used to make cars more efficient, such as front wheel drive and increased aerodynamics, cannot be used for trucks. Trucks are designed specifically for hauling capacity, off-road use and durability. Only one or two very small trucks currently provide the level of fuel efficiency sought by CAFE proponents, and they account for less than 1 percent of light truck sales. The Department of Transportation's CAFE-mandated changes would negatively affect American manufacturers by reducing the segment of the light-duty truck market—the full-size trucks consumers desire—in which they predominate.

But, important as competitiveness is to our workers and consumers, there is a more important reason to freeze CAFE standards: it will save lives. Why? Because higher CAFE standards will force automobile manufacturers to downsize cars and trucks, and smaller vehicles are more dangerous. Automobile experts estimate that almost 50 percent of the fuel economy gains made since the mid-1970's are attributable to reductions in vehicle size and weight. And what was the cost? In 1991, the National Highway Traffic Safety Administration concluded that vehicle downsizing since the mid-1970's was responsible for an additional 2,000 deaths and 20,000 serious injuries on America's highways every year.

Other studies have reached the same, logical conclusion. To illustrate the relationship between size and safety, the Insurance Institute for Highway Safety studied the occupant death rates of 11 car models that had been downsized since 1977. It found that death rates were higher for 10 of the 11 vehicle types after downsizing. More recently, the institute has determined that, even when equipped with airbags, smaller cars are still less safe than larger cars. The National Academy of Sciences also understands that emissions controls result in less protection in the event of an accident. According to the Academy, "safety and fuel economy are linked because one of the most direct methods of increasing gas mileage is reducing size and weight."

And what would happen if the new, increased CAFE standards are adopted? A study by the Harvard Injury Control Center estimates that an increase to proposed CAFE levels would result in downsizing that would produce an additional 1,650 deaths and 8,500 serious injuries on our highways every year. This is absolutely unacceptable.

Mr. President, what I find most troubling about efforts to increase CAFE standards is that they are simply unnecessary. American automobile manufacturers are constantly striving to improve their current product and develop innovative new ways to power cars and trucks. And these efforts are beginning to show results. In recent weeks, Chrysler has announced breakthroughs in fuel-cell technology. By converting gasoline into hydrogen, Chrysler's new engine will increase fuel efficiency and reduce tailpipe emissions. Similarly, all three auto makers are working to develop a gas turbine engine that will combine better efficiency, low emissions and quiet performance.

These technological advances are the result of open competition, not Government mandate. This kind of innovation is only produced in a free market. Thus, rather than shackling American manufacturers with costly, outdated regulations, we should be encouraging them to develop new technologies to take the automobile industry into the 21st century.

Mr. President, the National Academy of Sciences has concluded that, "the CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration." This bill is a modest step in that direction. It will permit Congress to carefully consider and debate any increases to CAFE standards rather than allow the administration to change the standards, at any time and for any reason without congressional approval, as is currently the case.

Specifically, this bill will freeze CAFE standards at 27.5 miles per gallon for passenger cars and 20.7 miles per gallon for light-duty trucks. The transportation appropriations conference report we passed last year included a 1-year freeze on CAFE standards. This bill would make that freeze permanent unless changed by Congress.

CAFE standards did not reduce our country's reliance on foreign oil, and they are not saving the planet from ozone depletion. CAFE standards are hurting American manufacturers and putting American families at increased risk of injury or death. All this when the automobile industry has shown itself capable of producing the technological advances necessary for increased efficiency on its own. Congress should fulfill its responsibility as our Nation's law-making body by protecting the American people from this instance of excessive and counterproductive bureaucratic rule making.

Mr. President, I ask unanimous consent that the full text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVERAGE FUEL ECONOMY STANDARDS.

Beginning on the date of enactment of this Act, the average fuel economy standards established (whether directly or indirectly) under regulations promulgated by the Secretary of Transportation under chapter 329 of title 49, United States Code, prior to the date of enactment of this Act for automobiles (as that term is defined in section 32901 of title 49, United States Code) that are in effect on the day before the date of enactment of this Act, shall apply without amendment, change, or other modification of any kind (whether direct or indirect) for—

(1) the model years specified in the regulations;

(2) the applicable automobiles specified in the regulations last promulgated for such automobiles; and

(3) each model year thereafter;

until chapter 329 of title 49, United States Code, is specifically amended to authorize an amendment, change, or other modification to such standards or is otherwise modified or superseded by law.•

By Mr. HOLLINGS:

S. 287. A bill to require congressional approval before any trade agreements entered into under the auspices of the World Trade Organization; to the Committee on Finance.

THE APPROVAL OF TRADE AGREEMENTS ACT OF 1997

Mr. HOLLINGS. Mr. President, I rise today to restore the constitutional balance to our trade policy and preserve the Congress' constitutional obligation to regulate foreign commerce. The bill I introduce requires that before a trade agreement negotiated under the auspices of the World Trade Organization is accorded the force of law, it must be ratified by the Congress. It is a simple bill, but I believe it protects a fundamental principle of our democracy, the separation of powers.

By Mr. DORGAN:

S. 288. A bill to amend the Internal Revenue Code of 1986 to provide families with estate tax relief, and for other purposes; to the Committee on Finance.

THE FAMILY ESTATE TAX RELIEF ACT OF 1997

• Mr. DORGAN. Mr. President, I introduce the Family Estate Tax Relief Act of 1997. This legislation is nearly identical to my bill from the 104th Congress with one major change.

My new legislation still targets substantial estate tax relief to help preserve one of our Nation's most important economic assets—its family run small businesses. But it also increases the existing $600,000 unified estate and gift tax credit, which is available to everyone.

Of course, increasing the unified credit will further reduce the estate tax burden now imposed on many families trying to transfer their businesses to the next generation. It also will help any families wishing to pass along to the children or grandchildren some stock, proceeds from a life insurance policy or other assets acquired over many years.

The main thrust of this legislation remains the preservation of family farmers and other family run businesses. These businesses are the major creators of new wealth and jobs in this country. However, they face a number of obstacles to succeeding, ranging from price gouging by tough international competitors to excessive U.S. regulations. That is why it is not surprising to find, for example, that we have lost some 377,000 family farms since 1980, a decline of some 23,500 family farms every year.

Since 1980, we have lost some 9,000 of our family farms in North Dakota. At the same time, we see that only a small fraction of other family run businesses survive beyond the second generation.

When families have to sell their farms or board up their Main Street businesses, those families lose their very livelihood. Moreover, our communities lose the jobs and services those family businesses provide.

I have been approached on many occasions at town meetings by North Dakotans who say it is virtually impossible for them to pass along their farm or business—which has been the family's major asset for decades—to their children because of the exorbitant estate taxes they would pay. They think it is unfair, and I agree.

Unfortunately, our estate tax laws force many family members who inherit a modestly sized farm, ranch, or other family business to sell it, or a large part of it, out of the family in order to pay off estate taxes. This is especially onerous when the inheriting family members have already been participating in the business for years and depend upon it to earn a living.

I think that we must take immediate steps to breathe new economic life and opportunities into our family businesses and the communities in which they operate. It seems to me that a good first step is correcting our estate tax laws so they do not unfairly penalize those working families.

There are a few provisions included in our estate tax laws to help a family keep its business running long after the death of the original owner. But for the most part, these provisions are either too modest or too narrowly drawn to do much good.

Now I also understand that there are some complicated estate tax planning techniques available for those wealthy enough to hire sophisticated and costly tax advisors. Clearly some estate planning devices may reduce the estate tax burden imposed on some family businesses upon the death of a principal owner. But for those less affluent families inheriting a family business—where such estate planning tools were unavailable for whatever reason—the estate taxes will ultimately force them to amass a pile of debt, or to sell off all or a large part of a family business, just to pay off their estate taxes. I think that this is wrong, and it runs counter to the kinds of policies that we ought to be pursuing in support of our family-owned businesses.

That is why I am introducing the Family Estate Tax Relief Act to rectify this matter, and I urge my colleagues to consider joining me in this endeavor.

The Family Estate Tax Relief Act of 1997 would provide three significant measures of estate tax relief to those families hoping to pass along their businesses or other assets to the next generation.

First, my bill would increase the existing unified estate and gift tax credit from $600,000 today to $1,000,000 in the year 2004. The amount of the existing credit has not been changed for nearly a decade, and its benefit has been reduced by more than 35 percent due to inflation over this period. Moreover, even 3-percent inflation for another 7 years will rob an additional 20 percent of the real value of the unified credit. This provision will prevent erosion of the credit's real value by inflation.

Second, my bill allows a decedent's estate to exclude up to the first $1,000,000 of value of the family business from estate taxes so long as the heirs continue to materially participate in the business for many years after the death of the owner. The full benefit of this new $1,000,000 exclusion is available to couples trying to pass along the family business without the complicated tax planning tailored to one spouse or the other that is sometimes used today.

Together, these two proposals would eliminate estate tax liability on qualifying family business assets valued up to $2.0 million. This would eliminate the burden of estate taxes for the majority of family run businesses.

Third, my bill would allow the executor of a qualifying estate who chooses to pay estate taxes in installments to benefit from a special 4-percent interest rate on the payment of estate taxes attributable to a family business worth between $2.0 and $3.0 million. In other words, my bill would also lighten the estate tax burden on the next $1 million of estate assets.

The parts of my legislation targeted to family run businesses expand upon the well-tested approaches found in sections 2032A and 6601(j) of the Tax Code.

For example, we currently provide a special-use calculation for valuing real estate used in a farm or other trade or business for estate tax purposes, where a qualifying business is passed along to another family member after the death of the owner. To benefit from the special-use formula under section 2032A, the inheriting family member must continue to actively participate in the business operation. If the heir ceases to participate in the business, he or she may face a substantial recapture of the estate taxes which would have been paid at the time of the original owner's death.

In enacting this provision, Congress embraced the goal of keeping a farm or other closely held business in the family after the death of the owner. However, in the case of family farms, special-use valuation primarily helps those farms adjacent to urban areas, where the value of the land for nonfarm uses is often much higher. But section 2032A does not help many farms located in truly rural areas of the country where farming is the land's best use. This provision also provides little help for families transferring other nonfarm small businesses under similar circumstances. My legislation would correct these glaring shortfalls in current law.

In addition, my bill would increase the benefit of the existing preferential interest rates under section 6601(j) that apply to farms and other closely held businesses. The benefits of the current provision have been significantly reduced by inflation over the past several decades, and my bill simply increases the amount of estate taxes that qualify for a special 4-percent interest rate if paid to the IRS in installment payments over time.

Moreover, my bill includes several safeguards to ensure that its tax benefits are truly targeted at the preservation of most family businesses.

Finally, I plan to offset any estimated revenue losses from this bill by offering another legislative package to close a number of outdated or unnecessary tax loopholes for large multinational corporations doing business in the United States. As a result, passing my estate tax relief proposals will not increase the Federal deficit. But passing the Family Estate Tax Relief Act will help to preserve the economic backbone of this country and to help thrifty parents to help their children.

Again, I urge my colleagues to join me in supporting this much-needed legislation.●

By Mr. MURKOWSKI (for himself, Mr. INOUYE, Mr. AKAKA, Mr. STEVENS, and Mr. THOMAS):

S. 290. A bill to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States; to the Committee on the Judiciary.

THE KOREA VISA WAIVER PILOT PROJECT ACT OF 1997

Mr. MURKOWSKI. Mr. President, today I, along with Senators STEVENS, INOUYE, AKAKA and THOMAS, am introducing the Korea Visa Waiver Pilot Project Bill of 1997."

This bill addresses the problem of the slow issuance of United States tourist visas to Korean citizens. Koreans typically wait up to 3 weeks to obtain tourist visas from the United States Embassy in Seoul. As a result, most of these spontaneous travelers decide to vacation in one of the other 48 nations that allow them to travel to their country without a visa, including both Canada and New Zealand.

This legislation provides a carefully controlled pilot program of visa-free travel by small groups of Koreans to the United States. The program seeks to capture the Korean tourism market lost due to the cumbersome visa system. For example, New Zealand experienced a 2,400-percent increase in tourism from Korea after easing its visa requirements in 1993.

The pilot program is designed to allow visitors in a tour group from South Korea to travel to the United States without a visa for up to 15 days. However, it does not compromise the security standards of the United States. The program would allow selected travel agencies in Korea to issue temporary travel permits based on applicants meeting the same preset standards used by the United States Embassy in Seoul. The travel permits could only be used by supervised tour groups.

While the pilot project would allow small Korean tour groups to travel to the United States without visas, the project includes many restrictions. These are:

The Attorney General and Secretary of State can terminate the program if the overstay rates in the program are over 2 percent.

The stay of the visitors is less than or equal to 15 days.

The visitors must have a round-trip ticket and arrive by a carrier that agrees to return them if they are deemed inadmissible.

The Secretary of State should institute a bonding and licensing requirement that each participating travel agency post a substantial performance bond and pay a financial penalty if a tourist fails to return on schedule.

The on-time return of each tourist in the group would be certified after each tour.

Security checks will be done to ensure that the visitor is not a safety threat to the United States.

This legislation's restrictions ensure that the pilot program will be a successful program, and one that I hope will entice more Korean tourists to visit the United States.

By Mr. BYRD:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer; to the Committee on the Judiciary.

PUBLIC SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

Mr. BYRD. Mr. President, the English word "irony" comes to us from an Ancient Greek word meaning "a dissembler in speech."

The English word "irony" is defined as the contrast between something that somebody thinks to be true, as revealed in speech, action, or common wisdom, and that which an audience or a reader knows to be true.

Mr. President, permit me to give an example.

If anyone in the hearing of my voice will take out a U.S. one-dollar bill and turn that one-dollar bill over onto its obverse side, he or she will read in clear script, "In God We Trust."

Permit me to introduce another example.

Everyday of each new meeting of the Senate and House of Representatives, an official chaplain of each of those two chambers of Congress—or a designated substitute—will stride to the dais and address a sometimes elegant prayer to the Deity.

Again, everyday in courtrooms across this country, hundreds of witnesses will take their place at the front of the court chamber, put their hands on incalculable numbers of Bibles, and swear to tell the truth, ". . . so help me God."

We do the same. I have done it many times in my 50 years of service and elected office. We stand and swear on oath to support and defend the Constitution of the United States, "so help me God."

Additionally, daily, thousands of men and women, in a variety of groups and millions upon millions of boys and girls in our schools will pledge allegiance to our flag, uttering, among other words, the words "under God." I was a member of the House of Representatives in June 1954, when the House of Representatives, I believe on June 7th of that year, added the words "under God" to the Pledge of Allegiance to the Flag. The next day, the Senate adopted a similar amendment, and then, on

June 14, the measure was signed into law adding the words "under God." I will always be proud of the fact that I was a Member of the Congress of the United States when those words were added to the Pledge of Allegiance_"one nation under God." Both Houses added the words "under God."

Here is the irony. In spite of that chain of rituals I have just related, in situation after situation, anecdotal and documented both, public school authorities, ostensibly following rulings of the Supreme Court dating from at least the 1960's, have prohibited the utterance of prayers at school functions, in classrooms, or even in groups or privately on public school property.

As I read my U.S. Constitution_and here it is_such a prohibition of prayer in school flies in the face of the first amendment, which declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ."

Please note those words again: ". . . or prohibiting the free exercise thereof. . . ."

That passage was explicitly written into our Bill or Rights at the insistence of none other than James Madison, based on direct appeals to Madison by baptist ministers in Virginia, who had been forced to support the official State church during the colonial era, and whose practice of their own religious choice had been officially denied, proscribed, or penalized by colonial officials.

It is ironic that from that understandable constitutional safeguard in support of the free exercise of religious faith, opponents of any religion have turned that passage of the First Amendment on its head to prohibit_I say prohibit_the free exercise of religion in our public life and, particularly, to drive religious faith out of our public schools.

It is equally ironic that, as religion is making a public resurgence in the long-atheistic former Soviet Union, our Nation, whose protofoundations stand on the sacrifices of hundreds of thousands of early colonists whose primary inspiration in coming to America in the first_Congregationalists, Calvinists, Baptists, Jews, Catholics, Orthodox, and others_whose primary purpose in coming to America in the first place, I repeat, was a yearning for religious liberty against those who would deny them the right of religious liberty_that our Nation should be embarked on a course which, in effect, denies religious liberty to many of our citizens.

Mr. President, I have heard increasing concerns about the lack of moral orientation among so many younger Americans—about a rising drug epidemic among our children, about rampant sexual promiscuity, about children murdering children, about gangs of teenage thugs terrorizing their neighborhoods, and about a pervading moral malaise among youth in both our inner cities and suburbs.

Is there any wonder that so many young Americans should be drifting with seemingly no ethical moorings in the face of an apparent effort to strip every shred of recognizable ethics, of teachings about values, and spirituality from the setting in which those young Americans spend most of their waking hours—our public schools?

Mr. President, in an effort to restore something of a spiritual balance to our public schools and to extracurricular activities in our public schools, I am today introducing a joint resolution to propose an amendment to the Constitution clarifying the intent of the Constitution with regard to public school prayer.

My amendment is an effort to make clear that neither the Constitution, or the amendments thereto, require, nor do they prohibit, voluntary prayer in the public schools or in the extracurricular activities of the public schools.

Let me read my amendment. Let me read my proposed amendment. It is very short, very brief, very much to the point:

> Nothing in this Constitution, or amendments thereto, shall be construed to prohibit or require voluntary prayer in public schools, or to prohibit or require voluntary prayer at public school extracurricular activities.

So anyone who fears that the language of this amendment would allow public schools to mandate the recitation of daily prayer, or that school administrators will become the authors of such prayers, need not worry. Have no fear. You need not lose a moment of sleep. This amendment does not supplant the clear proscription contained in the "establishment" clause of the First Amendment. My amendment is an effort to make clear that the words that the Constitution uses with regard to religious freedom do not mean that voluntary prayer is prohibited from our public schools or our public school activities.

As I shall one day state on this floor, all of the Presidents in their inaugural speeches, and/or in other documents and writings, have referred to the Deity, referred to the Almighty God, to Providence, all of them. I shall read from the words of each President's inauguration speech in which he refers, in one way or another, to God Almighty, the Great Judge of the world. We read those references in the Declaration of Independence and the Mayflower Compact, and all of the State constitutions, as I shall show upon another occasion. Then to say that the schoolchildren of the Nation cannot enter into voluntary prayer in the public schools, or during commencement exercises is absurd, absurd, utter nonsense.

In short, I hope to end the three-decades-long tyranny of the minority in denying to the majority of Americans the least vestige of the exercise of a liberty otherwise guaranteed by the Constitution—the right of believing children in our public school system to pray in accordance with their own consciences and in the privacy of their voluntary associations within our public schools. That right I sincerely believe the Constitution already grants, but I want to spell out in that same Constitution by way of an amendment that permission to pray voluntarily in our public schools does not constitute "an establishment of a religion."

To deny any schoolchild in this country the right to voluntarily pray in academics maintaining that that constitutes establishment of religion is pure nonsense.

With introduction, and I hope eventual adoption of my amendment, we can finally begin the 7-year long process to answer the peoples' concerns. We can begin to restore the spiritual compass that has been lost in the lives of so many of our citizens. And, most importantly, we can begin to return to our children the moral orientation they so desperately desire.

Tennyson said, "More things are wrought by prayer than this world dreams of."

So, Mr. President, I urge those who want to deliver on the wishes of the American people to join me in this effort.

I send to the desk my amendment, and ask that it be printed and referred appropriately to committee.

I yield the floor.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 15

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Nothing in this Constitution, or amendments thereto, shall be construed to prohibit or require voluntary prayer in public schools, or to prohibit or require voluntary prayer at public school extracurricular activities.".

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. SANTORUM, the names of the Senator from Montana [Mr. BURNS] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 6, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 11

At the request of Mr. DASCHLE, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 11, a bill to reform the Federal election campaign laws applicable to Congress.

S. 15

At the request of Mr. LEAHY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 15, a bill to control youth violence, crime, and drug abuse, and for other purposes.

S. 18

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 18, a bill to assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs, and for other purposes.

S. 25

At the request of Mr. FEINGOLD, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 213

At the request of Mr. LEAHY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 213, a bill to amend section 223 of the Communications Act of 1934 to repeal amendments on obscene and harassing use of telecommunications facilities made by the Communications Decency Act of 1996 and to restore the provisions of such section on such use in effect before the enactment of the Communications Decency Act of 1996.

S. 253

At the request of Mr. LUGAR, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 253, a bill to establish the negotiating objectives and fast track procedures for future trade agreements.

SENATE JOINT RESOLUTION 2

At the request of Mr. HOLLINGS, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Joint Resolution 2, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

AMENDMENTS SUBMITTED

THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

DURBIN AMENDMENT NO. 2

Mr. DURBIN proposed an amendment to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget; as follows:

On page 3, between lines 11 and 12, insert the following:

"The provisions of this article may be waived for any fiscal year in which there is an economic recession or serious economic emergency in the United States as declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law."

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, February 11, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is "Health Insurance Portability and Accountability Act (HIPAA) Oversight." For further information, please call the committee, 202–224–5375.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold two hearings on February 12, 1997. The first hearing entitled "Nomination of Aide Alvarez to be Administrator of the United States Small Business Administration" will begin at 9:30 a.m. The second hearing entitled "The President's Fiscal Year 1998 Budget Request for the United States Small Business Administration" will begin at 10:30 a.m. Both hearings will be held, in room 428A of the Russell Senate Office Building.

For further information, please contact Louis Taylor at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Thursday, February 6, 1997, to receive testimony on the worldwide threat facing the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, February 6, 1997, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. the purpose of this hearing is to consider S. 210, to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate to receive testimony from committee chairman and ranking members on their committee funding resolutions for 1997 and 1998 on Tuesday, February 4, Wednesday, February 5, and Thursday, February 6, all at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled "Women-Owned and Home-Based Businesses" on Thursday, February 6, 1997, which will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. SNOWE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 6, 1997 at 2:30 p.m., to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO FATHER GEORGE SHALHOUB, ST. MARY'S ANTIOCHIAN ORTHODOX CHURCH, LIVONIA, MI

• Mr. ABRAHAM. Mr. President, I rise today to offer my sincere congratulations to Father George Shalhoub, pastor and spiritual leader of St. Mary's Antiochian Orthodox Church in Livonia, MI. Father George will be celebrating 25 years as pastor at St. Mary's on Saturday, February 15, 1997. In addition to his pastoral duties, Father George is a faculty member at Madonna University and is on the board of directors of many Michigan community service organizations.

Father George's life has been filled with many wonderful events. Born in Hama, Syria, he came to the United States at the age of 20. He married his lovely wife Nina weeks before his ordination. One week after his ordination, Father George was assigned to St. Mary's, a brandnew parish without land and a church. In the following years, the couple arranged for the purchase of land in Livonia and the construction of the church. The process culminated in the joyous first Sunday of Great Lent in 1976, when Father George celebrated the first divine liturgy in the new building. The church was formally dedicated on May 1, 1977 by the Most Reverend Metropolitan Philip, Primate of the Antiochian Orthodox Christian Archdiocese of North America.

For Father George, devotion to his family has always come hand in hand with his religious dedication. He has been blessed with four wonderful children: Lila Ann, Alex George, Alexa Marie, and Christa Katherine. Despite his busy family and liturgical schedule, Father George managed to find the time to pursue scholastic endeavors as well. He earned a bachelor of science degree in sociology and psychology from Eastern Michigan University; a master of theological studies degree from St. John's Provincial Seminary; and a doctor of ministries in pastoral counseling from the Graduate Theological Foundation in Notre Dame, IN.

As Father George's family has grown and prospered, so has his parish community. In 1980, St. Mary's added six Sunday school classes in the fellowship building and a new social hall. The groundbreaking for St. Mary's Cultural Center was presided over by Metropolitan Philip on May 8, 1988. The Cultural Center was completed in 1991, and dedication ceremonies were held later that year, again under Metropolitan Phillip. The success of the 2,000-family parish was made most evident in June 1995, when St. Mary's hosted the 48th annual midwest parish life conference.

Father George has always been known as a man with great strength of character. That strength was severely tested on April 5, 1996, when St. Mary's was consumed by fire. The fire could not have come at a worse time—it occurred right in the middle of Holy Week. It was a major blow to the parish, but Father George responded fantastically. He moved services to St. Michael Russian Orthodox Church and immediately began arranging for repairs. Thanks to Father George's hard work and dedication, parishioners were able to return to St. Mary's on October 6, 1996. And the work wasn't limited to restoration. Plans are now underway to build a new chapel and a K through 8 private school.

I have had the pleasure of personally knowing Father George for many years. During that time I have sought his spiritual advice and guidance. His pastoral, scholastic, and fatherly attributes are evident in everything he does. The State of Michigan is very lucky to have Father George amongst its citizens, and all Americans should be very proud of his accomplishments. Congratulations, Father George, on 25 years of success, dedication, and love. I would like to conclude by offering my hope that the next 25 years are just as blessed and fruitful as the previous 25 have been.•

NOMINATION OF SEVEN MASSACHUSETTS PUBLIC SCHOOLS FOR RECOGNITION AS BLUE RIBBON SCHOOLS

• Mr. KERRY. Mr. President, I commend the attention of my colleagues in the Senate to seven public elementary schools in my home State of Massachusetts which have been nominated for recognition as Blue Ribbon Schools.

This week, in his State of the Union Address, President Clinton called on us to make education the first priority of this Nation, as we enter the 21st century. I could not agree more.

Fortunately, as I have traveled throughout Massachusetts in the last few years, and particularly last year, it has been very apparent to me that many communities have already taken on the President's challenge. In scores of neighborhoods throughout the Commonwealth, parents, schoolchildren, teachers, principals, and community volunteers are working with infectious enthusiasm to make their schools the best in the world.

Each of the seven schools which the Commonwealth of Massachusetts has nominated for the Blue Ribbon Schools Award this year has demonstrated that we can achieve high standards in education in this country, and that we can make good public schools a fundamental building block of strong, vibrant communities.

The seven schools are located in communities all over Massachusetts, and represent Massachusetts in all its diversity: the Mason Elementary School in Boston; the Blanchard Memorial School in Boxborough; the Emerson Elementary School in Malden; the Tisbury School on Martha's Vineyard; the Johnson Elementary School in Natick; the Steward Elementary School in Topsfield; and the Jacob Hiatt Magnet School in Worcester.

Each school has embraced high standards and welcomed innovation in teaching; but, more important, each has brought parents, teachers, schoolchildren and the community together to make school an exciting place where children can learn, want to learn, and do learn.

The U.S. Blue Ribbon Schools Review Panel will make its decision on the winners of this year's Blue Ribbon Schools Award in a matter of weeks. Regardless of the decision, we in Massachusetts are proud of our nominees. They have established themselves as leaders, and I am confident that many other Massachusetts schools will follow in their path of excellence.•

REMEMBERING ALBERT WOHLSTETTER

• Mr. KYL. Mr. President, on January 10, 1997, Albert Wohlstetter passed away. His death is a great loss—not only to his family and friends—but to our Nation, which has benefited over many decades from his intellectual brilliance, vision, and moral clarity.

For more than 40 years, Albert Wohlstetter was involved in all aspects of U.S. national security policy. Presidents, from Truman to Bush, profited from his analysis of major defense and foreign policy issues. What students of strategic policy, what policymakers in the Pentagon have not read, "The Delicate Balance of Power"—and been awed by his penetrating insight? It speaks to his extraordinary, visionary intellect that he influenced so many from outside the beltway. Albert never joined any administration; he was never willing to take a position that may require compromise between truth and the demands of politics.

As we approach the next century and the challenges it brings, we should keep in mind that Albert Wohlstetter was one of the staunchest champions of "peace through strength"—before the term became popular during the Reagan administration. Albert cautioned against the folly of seeking security in arms control agreements, and advocated placing our trust in America's military strength and technological ingenuity.

look back on his article, "Spreading the Bomb Without Quite Breaking the Rules," we can see so clearly that Albert was also ahead of his time—recognizing in the mid-1970's that the Nuclear Nonproliferation Treaty's peaceful nuclear cooperation provisions would fuel the proliferation of nuclear technology. As a result, America, our friends and allies are faced today with a growing number of countries who possess or are on the way to possessing, nuclear weapons.

Whether he was analyzing strategic issues or unveiling the hypocrisy of Western policies in Bosnia and Herzegovina, one could be sure of two things: Albert Wohlstetter was intellectually honest and thoroughly principled. For 4 long years, in countless articles, Albert reminded our leaders that with America's superpower status came not only vast military strength, but immense moral responsibility—and for those reasons, allowing a small nation in the center of Europe to become the victim of genocide was unconscionable.

Mr. President, I have barely scratched the surface of Albert Wohlstetter's tremendous contributions to our Nation. I ask that the eulogy given by Richard Perle, former Assistant Secretary of Defense, be printed in the RECORD.

The eulogy follows:

ALBERT WOHLSTETTER, 1913–1997

(By Richard Perle)

Not long before he died, Albert amused himself and—anyone who would listen—by reading a poem by Wallace Stevens called Six Significant Landscapes. Joan and Roberta thought I should read it here. And when they faxed it to me in Washington, I knew why: you can't hear this short poem without thinking about Albert, without seeing, in your mind's eye, that wonderful, warm, engaging smile which, prompted by a recollection or an idea or a phrase, would fill a room. So here it is, Landscape Six:

Rationalists, wearing square hats
Think, in square rooms,
Looking at the floor,
Looking at the ceiling.
They confine themselves
To right-angled triangles,
If they tried rhomboids,
Cones, waving lines, ellipses—
As, for example, the ellipse of the half-moon—
Rationalists would wear sombreros.

Had I'd known the poem, or read it before telling a New York Times reporter on Sunday that Albert was a rationalist, I would have added that he was a rationalist who wore a sombrero. Because if there is one thing Albert never did, it was to wear square hats or confine himself to right-angles. Albert, in fact, never confined himself, period. His vision was wholly original, never conventional. And it was vast. Whether the subject was the design of strategic forces or the future of technology or the inadequacy of treaties and agreements or the implications of new systems of communication, or income distribution as a function of race or nuclear proliferation or the impact of topography on the stability of peace in Bosnia, Albert saw old issues in new lights—and new issues before anyone else.

Albert's refusal to accept the conventional wisdom on any subject fueled his unrelenting drive to comprehend, to know, to learn, to understand. Thus he spent a lifetime searching for evidence, digging for facts, unearthing details. His appetite for documents was voracious. Maps, charts, statistics, studies, findings, testimony—he devoured them all, and on every conceivable subject. And thanks to Roberta—a wellspring of warmth, affection, wisdom and such order as could be detected at Woodstock Road—the ever rising flood of material that eventually forced the purchase of a second house, was there when needed.

As so many here know well, Albert's capacity to assemble, analyze and absorb mountains of information was limitless. This was bad news indeed for those square hats who made the mistake of blundering into debates with him: anything they had ever said or done was certain to be dissected and delivered back. It would hit one right between the eyes. Whether in articles or briefings or congressional testimony or professional panels, when Albert set out to make a point, the holders of opposing—especially conventional—views were well advised to take cover. And all the while, over decades of intense debate and controversy, Albert conducted the discussion of public policy with style and wit, with humor and civility and, above all, with reason and integrity. He was on the front lines in countless battles over public policy for decades. Yet not once, in the nearly 40 years I was privileged to know him, did Albert exhibit even a sliver of the small minded, ill-tempered discourse that so often characterized the debate over issues of strategy. For half a century, the high ground was his.

Albert's scoffing at conventional thinking sometimes had its humorous side. A few years ago, when Leslie and I were visiting at 2805 Woodstock, I watched Sam Tanaka, the Wohlstetter's Japanese gardener, hard at work planting something with great difficulty while muttering a stream of what I suspected were Japanese expletives. "What are you doing?" I asked. "Oh," he said, resignedly, "every year Mr. Wohlstetter makes me plant water chestnuts. Every year I tell him water chestnuts don't grow in southern California. He won't listen. 'Try again,' he tells me. Ten years—no water chestnuts."

Albert's motto might well have been "All the world's a school and all the people in it merely students." For he made students of us all. It didn't take one very long to understand that Albert's towering intelligence and vast knowledge were gifts he felt impelled to share. I was in the eleventh grade at Hollywood High School when I had my first Wohlstetter tutorial, standing by the swimming pool at Woodstock Road. "The Delicate Balance of Terror" had recently appeared in Foreign Affairs, and Albert had just completed 80 or 90 classified briefings over many weeks in Washington. What a marvel of precision and compression that article was, and how intricate and subtle was the underlying analysis. I would never have pursued a career in strategic policy without Albert's patient, gentle, generous teaching which began one day in 1958 and continued for 40 wonderful years. And I might be a good deal thinner if Albert had been less successful instructing me in the joys of the Michelin Guide.

To those of us who were fortunate enough to be his students, Albert had so very much to teach, not only about his chosen field, but about history and economics and music and art and architecture and food and wine and, for the really smart ones, mathematics and mathematical logic. There was hardly a subject about which Albert did not know a great deal and—invariably what was most important. Above all, he taught us the importance of accuracy and precision. He believed that one earned the right to comment the old fashioned way—by setting and meeting the highest standards of rigor and objectivity.

I won't even attempt to catalogue Albert's extraordinarily rich intellectual legacy. He tackled a succession of vexing, complex issues of public policy from the early days at RAND in the 1950's until his death last Friday. He brought clarity and wisdom to everything he studied. But I do want to say a word about Albert's most recent work concerning Bosnia.

No one worked harder than Albert to make the case for protection and just treatment for the victims of aggression in Bosnia, or to explain the broad implications of a failure to do so. In his eighties, when most men shed burdens rather than acquire them, Albert took upon himself the burden of gathering, analyzing and publishing the facts about the genocide in Bosnia and fitting those facts into the context of western security and values. In his customary manner, he worked tirelessly, night and day, for a distant people about whose plight he came to know everything important. His articles in the Wall Street Journal and elsewhere, his advice and counsel to others, his mobilization of friends, colleagues and students in the Bosnia cause were a wonderful, moving testimony to his sense of rectitude. And his singular effectiveness in shaping the opinion of thoughtful people around the world is a tribute to the power of a great mind hard at work.

As he confronted the nightmare in Bosnia, I was never prouder of my friend and teacher.

In all its depth and richness, Albert's life was in every sense a partnership. He and Roberta taught us all how far beyond the sum of its parts a marriage so whole and complete can reach. Those of us who marveled over the years at their seamless collaboration know that it was no bow to the feminist movement when Ronald Reagan awarded the Presidential Medal of Freedom jointly to Albert and Roberta.

Albert had many favorite things, among them a poem by Dylan Thomas. It goes like this:

Do not go gentle into that good night,
Old age should burn and rave at close of day;
Rage, rage against the dying of the light.
Though wise men at their end know dark is right,
Because their words had forked no lightning they
Do not go gentle into that good night.
Good men, the last wave by, crying how bright
Their frail deeds might have danced in a green bay,
Rage, rage against the dying of the light.
Wild men who caught and sang the sun in flight,
And learn, too late, they grieved it on its way,
Do not go gentle into the good night.
Grave men, near death, who see with blinding sight
Blind eyes could blaze like meteors and be gay,
Rage, rage against the dying of the light.
And you, my father, there on the sad height,
Curse, bless, me now with your fierce tears, I pray.
Do not go gentle into the good night.
Rage rage against the dying of the light.•

COMMISSION ON STRUCTURAL ALTERNATIVES FOR THE FEDERAL COURTS OF APPEALS—S. 248

• Mrs. FEINSTEIN. Mr. President, on January 30, with my distinguished colleague, HARRY REID, I introduced S. 248, to establish a Commission on Structural Alternatives for the Federal Courts of Appeals. I now ask that it be printed in the RECORD.

The text of the bill follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT AND FUNCTIONS OF COMMISSION.

(a) ESTABLISHMENT.—There is established a Commission on Structural Alternatives for the Federal Courts of Appeals (hereinafter referred to as the "Commission").

(b) FUNCTIONS.—The functions of the Commission shall be to—

(1) study the present division of the United States into the several judicial circuits;

(2) study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit; and

(3) report to the President and Congress its recommendations for such changes in circuit boundaries or structure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal Courts of Appeals, consistent with fundamental concepts of fairness and due process.

SEC. 2. MEMBERSHIP.

(a) COMPOSITION.—The Commission shall be composed of 12 members appointed as follows:

(1) Two members appointed by the President of the United States.

(2) Two members appointed by the Chief Justice of the United States.

(3) Two members appointed by the Majority Leader of the Senate.

(4) Two members appointed by the Minority Leader of the Senate.

(5) Two members appointed by the Speaker of the House of Representatives.

(6) Two members appointed by the Minority Leader of the House of Representatives.

(b) APPOINTMENT.—The members of the Commission shall be appointed within 60 days after the date of the enactment of this Act.

(c) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(d) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(e) QUORUM.—Seven members of the Commission shall constitute a quorum, but 3 may conduct hearings.

SEC. 3. COMPENSATION.

(a) IN GENERAL.—Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(b) PRIVATE MEMBERS.—Members of the Commission from private life shall receive $200 per diem for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

SEC. 4. PERSONNEL.

(a) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) STAFF.—The Executive Director, with approval of the Committee, may appoint and fix the compensation of such additional personnel as he determines necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Compensation under this subsection shall not exceed the annual maximum rate of basic pay for a position above GS–15 of the General Schedule under section 5108 of title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Executive Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates under section 5332 of title 5, United States Code.

(d) SERVICES.—The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services, for the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services on a reimbursable basis.

SEC. 5. INFORMATION.

The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance the Commission determines necessary to carry out its functions under this Act. Each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chair of the Commission.

SEC. 6. REPORT.

No later than 2 years following the date on which its seventh member is appointed in accordance with section 2(b), the Commission shall submit its report to the President and the Congress. The Commission shall terminate 90 days after the date of the submission of its report.

SEC. 7. CONGRESSIONAL CONSIDERATION.

No later than 60 days after the submission of the report, the Committee on the Judiciary of the Senate shall act on the report.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums, not to exceed $1,300,000, as may be necessary to carry out the purposes of this Act. Such sums as are appropriated shall remain available until expended.●

AMBASSADOR SAMUEL G. WISE, JR.

● Mr. D'AMATO. Mr. President, I rise today to do again something I have done many times in the past—to say good things about Sam Wise. Sam passed away during the early morning on Tuesday, January 21, 1997, after a short illness. Our thoughts and our prayers go out to his wife, Mary, and the rest of his family in this most difficult time.

I first met Sam in 1981, when I came to the Senate as a freshman and joined the Commission on Security and Cooperation in Europe, which is better known as the Helsinki Commission. I have worked with him, traveled with him, relied upon him, trusted him as a staff member, a diplomat, and a friend.

When I first served as the Helsinki Commission's chairman, in 1985 and 1986, Sam was already the pillar of wisdom, the font of all Commission and CSCE knowledge, and the balance wheel of good judgment that kept things under control. At the Vienna CSCE Review Conference, which began under my chairmanship, Sam became the deputy head of the U.S. delegation, and was awarded the personal rank of Ambassador by the President. It was an honor hard-earned and richly deserved.

With the start of the 105th Congress, the Commission is suddenly and sadly lacking Sam's leadership, professionalism, and gravitas. The obituary published in the Washington Post on Thursday, January 23, 1997, summarizes the facts of his life. But it doesn't tell the story of the arduous travel, the late nights, the haggling over bracketed text, the personal integrity and ex-marine toughness that made seasoned diplomats trust him and rely upon him and allowed him to close the deal when other people couldn't.

The measure of his loss will test us. In life, he taught and led, and gave of himself unstintingly in the service of his country, and in the service of humanity. Retired from the Department of State in 1982, after serving with the Commission on detail since 1977, the year after the Commission's founding, he had his greatest impact on U.S. policy with the Commission. He subsequently served as the Commission's staff director, and later as its director of international policy.

His skillful, steady hand helped guide the Helsinki Accords from a contentious and little-known artifact of detente to a living, growing international process and organization that has brought much good to many people, and has helped build peace, prosperity, and security for the United States, our allies, and all of the people of Europe.

His work with the Commission specifically advanced the cause of human rights to its highest level of achievement in international relations. During the cold war, prisoners of conscience, refuseniks, persons whose families had been separated, the oppressed of all kinds, had a friend and a skillful ally in Sam. Many cases were resolved—among them those of Anatoly Scharansky and Yuri Orlov—and many families were reunited. We can make a list of individual people he helped, and every one of these cases in whose resolution he had a hand adds luster to his name.

More importantly, in international meeting after international meeting, Sam did the hard work of diplomacy, out of the spotlight, helping bring together the United States, Canada, and the nations of Europe to agree, word by painfully negotiated word, on commitments that made human rights a legitimate issue in international relations, not one that an oppressive state could easily dismiss as outside interference in its internal affairs.

This is hard work, building the foundation of human civilization. That's what Sam helped do. The modern Organization for Security and Cooperation in Europe, and especially the established human rights standards it embodies and advances, are a product, in larger part than the world knows, of his dedication, skill, tireless effort, and commitment to principle. While the world at large may little note his passing, those of us who know the Helsinki process and the demanding work of establishing and protecting human rights, we know we have lost one of the people who count. His achievements in life will serve as a lasting tribute to him, and will continue to do good for his country, our friends, and humanity in general for many years to come.

Nothing I can say, nothing anyone can do, can make up for his loss. We can all, however, take some comfort in his accomplishments in life, and rededicate ourselves to the service of our country and to the advancement of those causes we shared with him.

Sam, I will miss you. God bless you and God speed you home to His care.●

TRIBUTE TO PROCTOR JONES, STAFF DIRECTOR, SENATE APPROPRIATIONS COMMITTEE—SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

● Mr. INOUYE. Mr. President, I rise today to pay tribute to Proctor Jones on his retirement from the Senate Appropriations Committee. Proctor Jones, a most distinguished professional staff member, has served the Senate Appropriations Committee honorably since 1971.

During my many years of interaction with Mr. Jones, I have observed that his attention to detail and superb performance under pressure have earned him the respect and admiration of Senators and Senate staff alike. He distinguished himself rapidly as a professional who possessed an infectious demeanor, tremendous integrity, decisive leadership style, political savvy, and boundless energy.

Mr. Jones forged strong alliances and affiliations with a myriad of congressional offices, committees, and Federal and civilian agencies to present a cohesive approach in drafting a responsible energy and water appropriations bill each year.

Mr. Jones has had an opportunity to serve under a number of distinguished Appropriations Committee chairmen: Senators Russell, Ellender, McClellan, Magnuson, Stennis, BYRD, and most recently Hatfield. Mr. Jones served as deputy staff director of the committee under Senators McClellan and Stennis. Since 1973 he has been the Staff Director, Subcommittee on Public Works for Water and Power Development, and Atomic Energy Commission Appropriations, which was renamed the Subcommittee on Energy and Water Development in 1977.

In addition to handling the annual appropriation bill, he has been in charge of numerous continuing resolutions, supplemental appropriations bills, rescission bills, and other measures relating to the appropriations process.

I understand Mr. Jones will be working here in Washington, with former Senator J. Bennett Johnston, with whom he has been associated for over 20 years. I know his expertise, professionalism, and dedication will serve him well in his new position. I want to personally and publicly acknowledge my appreciation to Mr. Jones for his exemplary service to this great institution and to bid him a fond aloha and heartfelt mahalo.●

COMMEMORATING THE LIFE OF HERB CAEN

● Mrs. BOXER. Mr. President, I rise today to honor Herb Caen, Pulitzer Prize-winning columnist for the San Francisco Chronicle. Herb began his career in 1938. He left us this past Sunday, taking with him an irreplaceable part of the community he so dearly loved and that so dearly treasured him.

Although he is gone, he leaves a rich, woven history of a time, place, and people. His was the common thread in the life and lives of this often deliberately uncommon metropolis. He grew up in Sacramento, but made San Francisco home not only for himself but for his legions of readers—whether they lived in town or not. He captured the city's vivid colors and rhythms.

People read Herb Caen to find out what was going on. We looked for names we recognized, places we might visit, and places we might avoid. For nearly six decades, Herb was our connection to a place so dynamic, it seemed only he could divine its pulse and variety.

Every morning, Herb Caen started your day. Herb conjured humanity from a youthful heart and old typewriter daily—and we thank him.

My office in San Francisco overlooks Herb Caen Way—a beautiful promenade along the waterfront. From the widows, one can see the people of San Francisco moving from place to place, carrying on with the business of living, and carrying memories of Herb with them. Although we may be deprived of his words, how appropriate that even now Herb continues to lead us about his adopted town with which he conducted a public love affair for almost 60 years.

In awarding the Pulitzer Prize to Herb Caen, the Pulitzer Committee referred to his "continuing contribution as a voice and conscience of his city." His voice is no longer with us, but his joy in celebrating San Francisco and its inhabitants will live on in generations of San Franciscans who read him and were touched by his life.●

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

● Mr. LUGAR. Mr. President, on January 22, 1997, the Committee on Agriculture, Nutrition, and Forestry met and adopted the rules for the committee. I ask unanimous consent that a copy of the Committee on Agriculture, Nutrition, and Forestry rules be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

RULE I—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony.—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and the subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the 'full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional RECORD. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional RECORD, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. HATCH. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the executive calendar:

Calendar Nos. 6 through 16, and all nominations placed on the Secretary's desk in the foreign service.

I further ask unanimous consent that the nominations be confirmed, motions to reconsider be laid upon the table, and that any statements relating to the nominations appear at this point in the RECORD, and the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination were considered and confirmed, as follows:

DEPARTMENT OF STATE

Madeleine May Kunin, of Vermont, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

Genta Hawkins Holmes, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, as Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Anne W. Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Arma Jane Karaer, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands, and as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

Dennis K. Hays, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

John Francis Maisto, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador extraordinary and Plenipotentiary of the United States of America to the Republic of Venezuela.

John Stern Wolf, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as U.S. Coordinator for Asia Pacific Economic Cooperation (APEC).

Madeleine Korbel Albright, of the District of Columbia, to be a Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Edward William Gnehm, Jr., of Georgia, to be a Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Karl Frederick Inderfurth, of North Carolina, to be an Alternate Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Victor Marrero, of New York, to be an Alternate Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

* * *

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Paul Albert Bisek, and ending John Weeks, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 1997.

Foreign Service nominations beginning Larry Corbett, and ending Robin Lane White, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 1997.

Foreign Service nomination of Marilyn Mcafee, which was received by the Senate and appeared in the Congressional Record of January 21, 1997.

Foreign Service nominations beginning John C. Kornblum, and ending William L. Young, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 1997.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR FRIDAY, FEBRUARY 7, 1997

Mr. HATCH. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. on Friday, February 7. I ask consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted. I further ask unanimous consent that the Senate then immediately resume consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget. Finally, I ask unanimous consent that the time between 11 a.m. and 1 p.m. be equally divided between the chairman and ranking member, or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATCH. Madam President, for the information of all Senators, on Friday, the Senate will resume consideration of Senate Joint Resolution 1, the balanced budget amendment. Under a previous order, the pending amendment offered by Senator DURBIN will be voted on at 5:30 p.m. on Monday, February 10 and, therefore, there will be no rollcall votes during tomorrow's session. On Monday, Senator WELLSTONE will offer two additional amendments, and it is my hope that the Senate will be able to vote on these amendments on Tuesday, possibly in the morning. I will remind my colleagues that next week is the final week of session prior to the President's Day recess. I anticipate a busy week as we continue to make progress on the balanced budget amendment, as well as consider additional nominations as they become available. I thank all Members in advance for their continued cooperation.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. HATCH. Madam President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:43 p.m., adjourned until Friday, February 7, 1997, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 6, 1997:

DEPARTMENT OF THE TREASURY

ELLEN SEIDMAN, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION FOR A TERM OF 5 YEARS, VICE TIMOTHY RYAN, RESIGNED.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be rear admiral

REAR ADM. (1H) LOUIS M. SMITH, 3412.

IN THE AIR FORCE

THE FOLLOWING-NAMED AIR NATIONAL GUARD OF THE U.S. OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER TITLE 10, UNITED STATES CODE, SECTIONS 1552, 12203 AND 12212:

To be colonel

ALBERTO B. ZAMBRANO, 8786.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be colonel

GUY E. ACHESON, 5455
BENNY E. ACOCK, JR., 3586
MARK W. ANDERSON, 0830
RICARDO APONTE, 0713
MARY J. BALCH, 0569
ROBERT L. PARBER, 4001
RAYMOND M., BAUMGARDNER, JR., 2970
RANDALL L. BEATTY, 3201
WILLIAM H. BEHRENDS, JR., 1532
NORMAN S. BELL, JR., 0839
GEORGE W. BEREZA, 4569
ALLAN T. BOMBARD, 7715
JOHN H. BORDELON, JR., 0730
FRANCIS P. BOTT, 8368
CURTIS N. BREEDING, 0126
KERRY D. BRIGGS, 1428
BRUCE A. BROWN, 5537
DAVID R. BROWN, 5325
RAY L. BROWN, 2211
JOHN R. BRUNS, JR., 6558
LOUIS J. BUDGE, 7837
GILBERT N. BURNET, 4885
MARK E. BUSCH, 6310
THADDIS R. CATES, 4253
JAMES T. CHAFIN III, 6643
ROBERT R. CHALEFF, 7809
RICHARD W. CHAMPION, 4890
BARNEY B. CHAPMAN, 2078
BENJAMIN R. CHAPPELL, 4852
KENT D. CLARK, 1313
WILLIAM E. COMBER, 3558
BARBARA L. CONNER, 7890
WAYNE F. CONROY, 1067
JAMES F. COOK, JR., 3151
DAVID A. CROSS, 1964
MERRILL N. CROSS, 8226
CLIFTON D. CRUTCHFIELD, JR., 9155
JAMES B. CUMMINGS, 7434
PAUL M. CURRER, 3081
BRIAN W. DAVIS, 2932
BRUCE E. DAVIS, 7287
DEAN J. DESPINOY, 2656
RAMASUBBAREDDY DHANIREDDY, 8493

PAUL DOTO, JR., 7878
MICHAEL DUDNICK, 3416
PAUL G. ECHOLS, 5418
WILBURT J. ELLIOTT, 4851
GRANT B. FARIS, 4869
DIANA L. FLEEK, 7505
JAMES R. FULLER, 7340
LARRY E. FUNK, 0544
LUCIEN P. GABRICK, JR., 7337
ROBERT L. GAFFNEY, 5988
HENRY B. GARRETT, 8112
JAMES E. GLENN, 9509
JAMES J. GONZALES, 9953
JOHN G. GRONES, 7679
JANET C. GREEN, 3010
JANINE M. GUINTER, 5941
JOSEPH S. HALE, 9912
MICHAEL P. HALLANAN, 1123
KATHRYN M. HALVORSON, 2705
KENNEY W. HAMM, 8897
GREGORY HANSON, 5758
CHRISTOPHER N. HARLAMBAKIS, 9997
GAIL R. HERIOT, 2064
TIMOTHY R. HOFFMAN, 8208
CLARENCE N. HORLEN, JR., 0634
WILLIAM B. HUNTINGTON, 4478
SHUMEI HWANG, 4994
RICHARD L. JAMIESON, 2368
ROBERT LEE JARRETT, 0606
JOHN W. JENSON, 0421
LEE D. JOHNSON, 5957
RICHARD W. JOHNSTONE, 9739
LEWIS D. JOLLETT, 2235
MICHAEL D. JONES, 3391
CYNTHIA A. JONESSANDERS, 9262
LINDA E. JORDAN, 8573
CHARLES W. JOSEPH IV, 7428
CARL L. KAMMERAAD, 9851
JAMES M. KEMPF, 6347
STEPHEN H. KEYSER, 7332
THOMAS L. KING, 5750
WILLIAM K. KING, JR., 1981
MICHAEL J. KONVALINKA, 1662
RICHARD T. KOSKELLA, 6543
JAMES B. KOTTKAMP, 4353
CHARLES R. KOYM, 3645
LISA A. KUHAR, 5136
KARL LACY, JR., 2410
SAM M. LAMBERT, 6284
WESLEY G. LANGLAND, 4642
GLEN G. LARSON, 9952
JAMES E. LECH, 8529
GARY M. LEONARD, 0515
DAVID M. LETA, 6863
MARTHA J. LEVARDSEN, 9353
JUDITH A. LISA, 6173
KAY B. LONG, 6677
JOHN C. LOWE, 8653
CAROL A. LUNGER, 5324
KATHLEEN M. LUX, 6278
MICHAEL K. LYNCH, 7075
PAUL R. MANLEY, 2783
ANNE S. MANLY, 6953
ROBERT T. MARTENS, 8933
ROBERT C. MARTIN, 1658
ROBERT J. MASSEY, 1773
PATRICK T. MC ALEER, 9158
JAMES D. MC COY, 4304
ALLAN A. MC CRARY, 5401
CLAY T. MC CUTCHAN, 9267
ROBERT L. MC GRATH, 0743
GRAYCE A. MC KINNEY, 7296
SAMUEL E. MC VAY, 0104
LINDA J. MEAD, 9549
ROBERT A. MERCIER, 0421
ROBERT E. MILLER, 0519
SHARON A. MIKRUT, 3876
HAROLD L. MITCHELL, 1941
JAMES H. MONBECK, 5061
ROBERT E. MONTROY, 0561
JOHN W. MORGAN, 1084
GREGORY H. NELSON, 4309
RICHARD E. NELSON III, 9401
GARY R. NEWSOM, 1381
MICHAEL E. NICHOLSON, 9379
DOUGLAS F. NIOLET, 9714
ELLIS T. NOTTINGHAM, JR., 9364
GRAYDON V. OLIVE III, 1740
RONALD T. OOTEN, 8292
DAVID A. ORTMAN, 0393
CHARLES L. OTOOLE, JR., 9688
MATTHEW R. OTTEN, 8117
ROY W. PARTRIDGE, 7598
MARGARET B. PAY, 0241
RICHARD C. PERALTA, 0860
LEE N. PERRY, 1631
PATRICIA E. PIRRELLO, 4034
BHASKARA M. PONNURU, 0081
ERRETT A. PORTER III, 2858
JOSEPH R. POWELL, 1471
ZACHARY T. PRESCOTT, JR., 4183
RICHARD L. PYATT 8372
GEORGE D. REASONOVER, JR., 1168
DONALD L. RITENOUR, 8828
ANTHONY M. RIZZO, 1016
NEIL A. ROHAN, 9158
BETTY J. ROMANOFF, 9884
CARL H. ROSE, 6122
DAVID E. RUNDQUIST, 8112
THOMAS E. SAYERS, 2603
JANE E. SCHERERHART, 0490
HARRY D. SCHLOSSER, 4410
KARL B. SCHULTZ, 4288
DARRELL J. SCOTT, 2331
KEITH A. SCRAGG, 6565
PETER C. SHEFFER, 5903
LINDA M. SIMMONS, 1309
JAMES M. SLUDER III, 2422
HARVEY D. SMITH, 7106
STEPHEN D. SMITH, 6768
BEN SOUR, JR., 2248
WILLIAM K. SPRINGER, 7363
MICHAEL S. STERN, 2795
KENNETH C. STOEHRMANN, 6978
ROBERT V. STRANSKY, 0845
WILLIAM W. STRUTHERS III, 1957
KENNETH D. SUGGS, 0246
JOSEPH W. TRANOWSKI, 9067
PAUL W. TAYLOR, 0794
WILLIAM W. TAYLOR, JR., 6449
THOMAS F. TEAL, 0783
LINDA K. TEMPLETON, 3332
JUDITH A. TERRELL, 0026
TIMOTHY J. THOMSON, 8537
MARY K. TOCK, 3713
ROBERT L. TOMLINSON, JR., 8780
LLOYD Y. UTO, 4874
TERRANCE J. VANPARYS, 7791
GARY W. VAUGHN, 5448
CHARLES C. VAUGHTERS, JR., 9100
GEORGE R. VIEYRA, 0104
JAMES L. WALKER, 5878
SARAH F. WATERMAN, 8684
NORMAN R. WEBSTER, JR., 3515
ROBERT L. WHITE, 2061
ROBERT H. WILDE, 3268
THOMAS E. WILL, 9882
BRIAN E. WILLIAMS, 3202
ROBERT L. WILLIAMS, JR., 2476
PAUL Y. WONG, 0262
KATHLEEN A. WOODY, 7118
THOMAS B. WORDEN, 1200
MARYANNE WRIGHT, 7729
JAMES B. WYBLE, 9565
BRADLEY C. YOUNG, 0584
DAVID S. ZELENOK, 7427
BURTON L. ZISKIND, 5295

CONFIRMATION

Executive Nomination Confirmed by the Senate February 6, 1997:

DEPARTMENT OF TRANSPORTATION

Rodney E. Slater, of Arkansas, to be Secretary of Transportation.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF STATE

Madeleine May Kunin, of Vermont, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

Genta Hawkins Holmes, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, as Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Anne W. Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador.

Arma Jane Karaer, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands, and as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

Dennis K. Hays, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

John Francis Maisto, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Venezuela.

John Stern Wolf, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as U.S. Coordinator for Asia Pacific Economic Cooperation (APEC).

Madeleine Korbel Albright, of the District of Columbia, to be a Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Edward William Gneham, Jr., of Georgia, to be a Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Karl Frederick Inderfurth, of North Carolina, to be an Alternate Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Victor Marrero, of New York, to be an Alternate Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

FOREIGN SERVICE

Foreign Service nominations beginning Paul Albert Bisek, and ending John Weeks, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 1997.

Foreign Service nominations beginning Larry Corbett, and ending Robin Lane White, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 1997.

Foreign Service nomination of Marilyn Mc Afee, which was received by the Senate and appeared in the Congressional Record on January 21, 1997.

Foreign Service nominations beginning John C. Kornblum, and ending William L. Young, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 1997.

HOUSE OF REPRESENTATIVES—*Thursday, February 6, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. EWING].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 6, 1997.

I hereby designate the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Rev. Larry C. Christenson, director emeritus, International Lutheran Renewal Center, Northome, MN, offered the following prayer:

Our Heavenly Father, we pause at the beginning of this day to acknowledge Your divine presence, and to bring our prayer before You.

As the prophet Daniel wrote so long ago, so also we would pray, "O my God, incline Your ear and hear * * * we do not present our supplications before You because of our righteous deeds, but because of Your great mercies. O Lord, hear! O Lord, forgive! O Lord, listen and act!"

We thank You, Lord, for the blessings of freedom vouchsafed to our Nation and held in trust by those who serve here. May Your spirit impart gifts of understanding and wisdom, in this House, on this day. Grant, O God, that human agreements humbly sought and found here, may agree root and branch with Your divine will and purpose. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York [Mr. SOLOMON] come forward and lead the House in the Pledge of Allegiance.

Mr. SOLOMON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MAKING IN ORDER NOT BEFORE THURSDAY, FEBRUARY 13, 1997, A MOTION TO PROCEED UNDER SECTION 518A(e)(6)(A) OF THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that it may not be in order before Thursday, February 13, 1997, for the House to consider a motion to proceed under section 518A(e)(6)(A) of the Foreign Operations Export Financing and Related Programs Appropriations Act, 1997, as contained in section 101(c) of the Omnibus Consolidated Appropriations Act, 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

RESIGNATION FROM COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation from the Committee on the Budget:

February 5, 1997.

Hon. NEWT GINGRICH,
Speaker of the House,
U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I hereby tender my resignation from the House Committee on the Budget.

Sincerely,
LOUISE M. SLAUGHTER.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. BOSWELL. Mr. Speaker, by direction of the Democratic caucus, I offer a privileged resolution (H. Res. 42) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 42

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Science: George Brown Jr., California.

In lieu of the Members elected in H. Res. 36 to the Committee on Small Business, the following Members: John LaFalce, New York, Ike Skelton, Missouri, Norman Sisisky, Virginia, Floyd Flake, New York, Glenn Poshard, Illinois, Nydia Velázquez, New York, Bill Luther, Minnesota, John Baldacci, Maine, Jesse Jackson, Jr., Illinois, Juanita Millender-McDonald, California, Robert A. Weygand, Rhode Island, Danny K. Davis, Illinois, Allen Boyd, Florida, Carolyn McCarthy, New York, William Pascrell, New Jersey, Virgil Goode, Virginia.

In lieu of the Members elected in H. Res. 36 to the Committee on Veterans' Affairs, the following Members: Lane Evans, Illinois, Joseph Kennedy, Massachusetts, Bob Filner, California, Luis Gutierrez, Illinois, Sanford Bishop, Georgia, James Clyburn, South Carolina, Corrine Brown, Florida, Mike Doyle, Pennsylvania, Frank Mascara, Pennsylvania, Collin Peterson, Minnesota, Julia Carson, Indiana, Silvestre Reyes, Texas, Victor Snyder, Arkansas.

Mr. BOSWELL (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO COMMITTEE ON VETERANS' AFFAIRS

Mr. SOLOMON. Mr. Speaker, I offer a resolution (H. Res. 43) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 43

Resolved, That the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives: Committee on Veterans' Affairs: Mr. LaHood.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORT A CONSTITUTIONAL AMENDMENT TO REQUIRE A BALANCED BUDGET

(Mr. SNOWBARGER asked and was given permission to address the House

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for 1 minute and to revise and extend his remarks.)

Mr. SNOWBARGER. Mr. Speaker, I would like to express my strong support today for a constitutional amendment to require a balanced budget and address some concerns that have been raised.

Opponents say that this amendment would restrict the Government's flexibility. Well, of course it would. The whole purpose of having a Constitution is to restrict the Government from doing things that may be easy today but harmful tomorrow.

Our national debt is the single greatest threat to Social Security. A bankrupt Federal Government cannot send out any checks. The best way to ensure Social Security will be here tomorrow is to balance the budget today.

It is also said that the Congress can and should balance the budget without an amendment. Of course it should. But by this logic we do not need the Bill of Rights to protect our most basic liberties.

I believe that this Congress can and will get the budget moving toward balance, but a constitutional amendment is necessary to prevent future Congresses from returning to the borrow-and-spend addictions of the past. Spending our children's money is far too easy. The temptation to make the easy, but wrong, decision must be removed.

Mr. Speaker, I encourage my colleagues to support a balanced budget amendment.

PASS THE BALANCED BUDGET AMENDMENT

(Mrs. NORTHUP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mrs. NORTHUP. Mr. Speaker, I rise in this historic Chamber for the first time to discuss an issue that I consider infinitely important. Almost every Member of Congress in the last 30 years has run on the their pledge to balance the Federal budget, and yet what we have today is a Federal budget that is a $5 trillion in debt.

Truly, promises to balance the budget have not worked in the past. I come from a State where we have a balanced budget in our constitution, and it has required the legislature every year to make those tough, hard decisions that have to be made each year in order not to go more and more in debt. That is what we need at the Federal level, so that the promises we make in our campaigns, the promises we make to the American people, will in fact become a reality.

I want to urge the Members of this body to pass a constitutional amendment so that the legacy we pass on to our children rather than be a crushing national deficit will be a fiscally responsible Nation.

THE NEED FOR CONGRESS TO PASS A BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, I would like to speak today on the need for Congress to pass a balanced budget amendment to the Constitution. It has been 28 years since we last had a balanced budget. Since that time out-of-control deficit spending has brought us to a current national debt level of $5.3 trillion. This is simply unacceptable.

The Federal Government has clearly forgotten a basic and fundamental fact, the money it spends belongs to the people. It is not our money to spend. It is the American people's to keep. And when the Government spends money that it does not have, it violates the people's sacred trust.

That is what has been happening for the last 28 years.

We can talk about the need to balance the budget as the President did 2 nights ago, but let us be honest. Until Congress passes and the States ratify a balanced budget amendment to the Constitution, annual balanced budgets will not become a reality.

Consider the fact that a child born today will spend almost $200,000 in taxes just to pay the interest on the debt. That is money that could be spent on roads, schools, or parks. Our failure to balance the budget is robbing our children and grandchildren of the opportunity and prosperity they deserve.

Mr. Speaker, I urge my colleagues to support a balanced budget amendment.

WELCOME TO REV. LARRY CHRISTENSON

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, our guest chaplain today is the Reverend Larry Christenson of Northome, MN, one of the coldest places in the United States of America I am told, and I come from Lake Placid, NY, which is often as cold as that, I guess.

Pastor Christenson is a retired minister at the Evangelical Lutheran Church in America, and he and his wife now live in the northern woods of Minnesota. Pastor Christenson has written numerous books and spoken to groups around the world about the importance of family life. His book, "The Christian Family," has sold well over a million copies.

He has been involved in renewal work with the Lutheran Church for 35 years, and he is director emeritus of the International Lutheran Renewal Center in St. Paul, MN.

The House Chaplain, James Ford, shares something in common with our guest chaplain today. Both were educated at fine Minnesota colleges, and I understand there is an ongoing debate as to which one is the finer. Pastor Christenson received his BA from St. Olaf College in Northfield, MN, which is a college with Norwegian-American roots. Further south, Gustavus Adolphus College, St. Olaf's Swedish competitor, claims Dr. Ford as one of its own.

This is not Pastor Christenson's first trip to the Washington area, my friends. In fact, he has been visiting regularly over the past decade, with 2 of his sons and their families living in this area. His son Tim is an officer in the U.S. Marine Corps, which is special to me, and he and his family live in Springfield, VA. His son Arnie is chief of staff to the Speaker of the House, who we all lean on so heavily, and he and his family live in Fairfax, VA.

Mr. Speaker, it is a great pleasure to welcome Pastor Christenson to this House today. Welcome.

BUDGET OF THE U.S. GOVERNMENT, 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 1053)

The SPEAKER pro tempore laid before the House the following communication from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

The 1998 Budget, which I am transmitting to you with this message, builds upon our successful economic program of the last four years by balancing the budget while investing in the future.

My budget reaches balance in 2002 the right way—cutting unnecessary and lower-priority spending while protecting our values. It strengthens Medicare and Medicaid, improves last year's welfare reform law, and provides tax relief to help Americans raise their children, send them to college, and save for the future. It invests in education and training, the environment, science and technology, and law enforcement to raise living standards and the quality of life for average Americans.

Over the last four years, my Administration and Congress have already done much of the hard work of reaching balance in 2002. We have reversed the trend of higher deficits that we inherited, and we have gone almost two-thirds of the way to reaching balance. Now, I want to work with Congress to achieve the final increment of deficit cutting and bring the budget into balance for the first time since 1969.

BUILDING A BRIDGE TO THE 21ST CENTURY

For four years, my Administration has worked to prepare America for the future, to create a Government and a set of policies that will help give Americans the tools they need to compete in an increasingly competitive, global economy.

We have worked to create opportunity for all Americans, to demand responsibility from all Americans, and to strengthen the American community. We have worked to bring the Nation together because, as Americans have shown time and again over the years, together we can overcome whatever hurdles stand before us.

Working with Congress and the American people, we have put America on the right path. Today, the United States is safer, stronger, and more prosperous. Our budget deficit is much smaller, our Government much leaner, and our policies much wiser.

The economic plan that we put in place in 1993 has exceeded all expectations. Already, it has helped to reduce the deficit by 63 percent—from the record $290 billion of 1992 to just $107 billion in 1996—and it has spurred a record of strong growth, low interest rates, low inflation, millions of new jobs, and record exports for four years.

While cutting the deficit, we also have cut the Federal work force by over 250,000 positions, bringing it to its smallest size in 30 years and, as a share of the civilian work force, its smallest since the 1930s. We have eliminated Federal regulations that we don't need and improved the ones we do. And we have done all this while improving the service that Federal agencies are providing to the American people.

We have cut wisely. We have, in fact, cut enough in unnecessary and lower-priority spending to find the resources to invest in the future. That's why we were able to cut taxes for 15 million working families, to make college more affordable for 10 million students, to put tens of thousands of young people to work through national service, to invest more in basic and biomedical research, and to help reduce crime by putting more police on the street.

My plan to reach balance in 2002 provides the resources to continue these important investments. We must not only provide tax relief for average Americans, but also increase access to education and training; expand health insurance to the unemployed and children who lack it; better protect the environment; enhance our investments in biomedical and other research; beef up our law enforcement efforts; and provide the needed funds for a thriving global policy and a strong defense.

PUTTING THE BUILDING BLOCKS IN PLACE

When my Administration took office in 1993, we inherited an economy that had barely grown over the previous four years while creating few jobs. The budget deficit had hit record levels, and experts in and out of Government expected it to go higher. Savings and investment were down, interest rates were up, and incomes remained stagnant making it harder for families to pay their bills.

We put in place a comprehensive set of policies that are bearing fruit. By cutting the deficit from $290 billion to $107 billion last year, my economic program (and the strong economy it helped create) has brought the deficit to its lowest level since 1981. As a share of Gross Domestic Product (GDP), we have our smallest deficit since 1974 and the smallest of any major industrialized nation.

Other parts of my economic policy also are helping to create jobs and raise living standards. With regard to trade, for instance, my Administration not only completed the Uruguay Round of the General Agreement on Tariffs and Trade and the North American Free Trade Agreement, but also more than 200 separate trade agreements, helping to raise exports to record levels. By opening overseas markets to American goods—by encouraging free and fair trade—we are creating high-wage jobs at home.

Taken together, our budget and trade policies have helped to create over 11 million new jobs in the last four years. After two decades of troubling stagnation, incomes have begun to rise again while inequality shrinks. Also, partly due to a strong economy (and partly to our policies), poverty, welfare, and crime are down all across America.

With strong growth, low interest rates, low inflation, millions more jobs, record exports, more savings and investment, and higher incomes, the Nation is enjoying what such experts as Alan Greenspan, the chairman of the Federal Reserve, have described as the healthiest economy in a generation.

Now, our challenge is to complete the job that we began in 1993—to bring the budget into balance for the first time since 1969 while continuing to invest in the American people. My budget does that.

IMPROVING PERFORMANCE IN A BALANCED BUDGET WORLD

Led by the Vice President's National Performance Review, we are truly creating a Government that "works better and costs less."

We have cut the Federal work force by over 250,000 positions, eliminated over 200 programs and projects, closed nearly 2,000 obsolete field offices, cut red tape, and eliminated thousands of pages of regulations while dramatically simplifying thousands more. We also are providing better service for Americans—at the Social Security Administration, the Department of Veterans Affairs, and other agencies.

Our efforts to balance the budget will continue to put a premium on spending wisely. I am determined that we will provide the highest-quality service to Americans for the lowest price. And I will demand that agencies continue to search for better and better ways to achieve results for the American people.

As we move ahead, we plan to follow a series of strategies that build upon our successes to date. We will, for instance, restructure agencies to make them more flexible and decentralized. We will work to ensure that Federal employees and their managers work together to achieve common goals. We will expand competition to ensure that agencies perform their functions as efficiently as possible.

Government cannot solve all of our problems, but it surely must help us solve many of them. We need an effective Government to serve as a partner with States, localities, business and labor, communities, schools, and families. Only when we can show the American people that Government can, in fact, work better for them can we restore their confidence in it. And I am determined to do just that.

CREATING OPPORTUNITY, DEMANDING RESPONSIBILITY, AND STRENGTHENING COMMUNITY

I worked with the last Congress to ensure that as many as 25 million Americans no longer have to fear that they will lose their access to health insurance if they lose their jobs or change jobs; that people no longer will be denied coverage because they have preexisting medical conditions; that insurance companies will sell coverage to small employer groups and to individuals who lose group coverage; and that self-employed people will find it easier and cheaper to get health insurance. Now, I want to strengthen both Medicare and Medicaid to ensure that they continue to serve the tens of millions of Americans who rely on them, to expand health care coverage to help the growing numbers of American children and families who lack insurance, and to promote public health. My budget invests more in biomedical research, in programs to combat infectious diseases, in the Ryan White AIDS program that provides potentially life-extending drug therapies to many people with AIDS, and in community health centers and Indian Health Service facilities that serve critically underserved populations.

We have to ensure that every American has the skills and education needed to win in the new economy, and we can do that only if every American is ready for a lifetime of continuous learning. My budget expands Head Start, increases our investments in Federal elementary and secondary education programs, launches a new effort to jumpstart needed school renovation and construction, and provides funds for America Reads to ensure that all children can read well and independently by the end of third grade. To expand higher education and training to all Americans, I propose HOPE scholarship tax credits of up to $1,500 for two years, tax deductions of up to $10,000, the largest increase in Pell Grant scholarships in two decades, lower student loan fees and interest rates, and the G.I Bill for America's Workers so they can choose where to get the best job training available.

We do not have to choose between a stronger economy and a cleaner environment. Over the last four years, we have produced both. Now, we want to go further. In this budget, I am proposing the funds to speed up toxic waste clean-ups, to redevelop abandoned and contaminated sites known as "brownfields," to improve the facilities at our national parks, to advance our salmon recovery efforts, to invest in energy efficiency and renewable energy, to further our environmental efforts overseas, and to expand our work with States, localities, private groups, and others to restore such sensitive ecosystems at the South Florida Everglades and California's Bay-Delta area between San Francisco and Sacramento.

We must maintain our leadership in research, the results of which have so greatly improved our health and well-being. Federal research, in concert with the private sector, creates new knowledge, trains our workers, generates new jobs and industries, solves many of our health care challenges, strengthens our ability to address environmental issues, enables us to teach our children better, and ensures that we can maintain a strong, capable national defense. I am proposing to increase our investments in basic research in health sciences at the National Institutes of Health, in basic research and education at the National Science Foundation, in research at other agencies that depend on science and technology, and in cooperative ventures with industry, such as through the successful Advanced Technology Program and Manufacturing Extension Partnerships.

I want to build on our efforts to fight crime, curb the scourge of illegal drugs, and secure the Nation's borders. Crime is falling all across America. And, under the Brady Bill that I fought so hard to achieve, we have prevented over 100,000 felons, fugitives, and stalkers from obtaining guns. Now, I want to make further progress and, in particular, target juvenile crime and violence. My budget continues our progress toward putting 100,000 more police on the street. It renews our efforts to fight drug abuse, particularly by focusing on youth prevention programs to reverse the recent trends of softening attitudes toward drugs and more drug use by young Americans. It also strengthens our efforts to control illegal immigration by stopping those who want to enter illegally, quickly removing those who slipped by, and making it harder for illegal immigrants to get jobs.

Because some American communities have grown disconnected from the opportunity and prosperity that most of us enjoy, I want to help communities attract private investment to spur their revitalization. Because permanent solutions must come from the community level, my budget proposes to create opportunities and offer incentives for individuals and businesses to participate directly in addressing local problems. I want to expand my national service program so that more Americans can volunteer and earn money for college. I want to expand Empowerment Zones and Enterprise Communities, making more and more communities eligible for the tax incentives and other support that can spur a return of business and jobs. I also want to expand the Community Development Financial Institutions Fund to enhance credit and other services to distressed areas. In addition, the Nation's capital, which suffers from a unique set of challenges, would benefit greatly from the groundbreaking proposal that I have previously outlined.

I am pleased that, today, 2.1 million fewer Americans are on welfare than the day I took office, both because of a strong economy and because I have helped States to test innovative ways to move people from welfare to work and protect children. I am also pleased that I could sign last year's welfare reform legislation, because I believe it will promote my basic goals of work, family, and responsibility. I have directed my Administration to work closely with States so that we can make welfare reform succeed. Last year's law, however, also included excessive budget cuts, mainly affecting nutrition programs, legal immigrants, and children, that had nothing to do with welfare reform. In signing the bill, I said that I would seek legislation to address those problems. My budget does that.

Over the last four years, we have provided tax relief to millions of working Americans and to small businesses. But I want to go further by helping middle-income Americans raise their children, send them to college, and save for the future. For those Americans, my tax plan offers a $500 per child tax credit for all children under 13, a $1,500-a-year tax credit to help families send their children to college for two years, a $10,000 tax deduction for tuition and fees for higher education and training, and expanded Individual Retirement Accounts to encourage saving and enable families to cope with unforeseen problems. I am also proposing to ensure that homeowners do not have to pay capital gains taxes on 99 percent of all homes sales. My tax plan would promote the hiring of long-term welfare recipients in order to help move people from welfare to work, restore the tax credit that encourages business research and development, and expand tax credits for Empowerment Zones and Enterprise Communities. And it would help finance my tax relief by eliminating unwarranted tax loopholes and preferences.

On the international front, we must continue to project our leadership abroad while we advance our national goals. With the Cold War over, we have a great opportunity to expand democracy overseas, but we will have a much better chance to succeed if we fulfill our international commitments. In this budget, I am proposing that we pay our arrears to the United Nations and other international organizations, so that our leadership is not undermined at this crucial time. But I will also insist that these institutions control their budgets and enact the reforms that our Government and others have called for. In addition, we must continue our support for Russia and the New Independent States of the Soviet Union as they make the difficult transition to free markets and democracy, and we must be prepared to do whatever we can to advance the difficult, but vital, peace process in the Middle East. A strong, coherent foreign policy also will help us further our progress in opening markets abroad, and my budget proposes strong, continued support for the Federal efforts that help to expand exports.

Finally, our goals both at home and abroad must rest on the firm foundation of a strong national defense. It is a strong defense that safeguards our interests, prevents conflict, and secures the peace. We must ensure that our armed forces are highly ready and armed with the best equipment that technology can provide. They must be prepared and trained for the new threats to our security—from the proliferation of weapons of mass destruction, to ethnic and regional conflicts, to terrorism and drug trafficking that directly threaten our free and open society. My budget continues to sustain and modernize the world's strongest and most ready military force, a force capable of prevailing in two nearly simultaneous regional conflicts. It fully funds our commitment to maintain the highest levels of training and readiness, and to equip our uniformed men and women with the most advanced technologies in the world. We must never fall short when it comes to defense.

CONCLUSION

Our policies are working. By dramatically cutting the deficit and investing in the future, we have helped to spur four years of strong economic growth, providing vast new opportunities for millions of Americans. Jobs, incomes, savings, investment, exports, and homeownership are all up. Crime, poverty, teen pregnancy, and inequality are all down. Clearly, we are moving in the right direction.

But our work is not done. For too long, the Federal Government has spent much more than it received, creating deficits that cast doubt on both our economic future and our ability to govern. In the last four years, we have made huge progress, cutting the deficit by nearly two-thirds. I urge Congress to help me finish the job and balance the budget by 2002—giving the American people the balanced budget they deserve.

WILLIAM J. CLINTON.

February 6, 1997.

□ 1030

ADJOURNMENT TO MONDAY, FEBRUARY 10, 1997

Mr. SNOWBARGER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Kansas?

There was no objection.

HOUR OF MEETING ON TUESDAY, FEBRUARY 11, 1997

Mr. SNOWBARGER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, February 10, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, February 11, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SNOWBARGER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING AND FINANCIAL SERVICES, 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, in accordance with clause 2(a) of rule XI of the rules of the House, I am submitting for printing in the RECORD a copy of the rules of the Committee on Banking and Financial Services for the 105th Congress, adopted on February 6, 1997.

RULES OF THE COMMITTEE ON BANKING AND FINANCIAL SERVICES, ONE HUNDREDTH AND FIFTH CONGRESS

RULE I. GENERAL PROVISIONS

1. (a) The rules of the House are the rules of the Committee and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the Committee and subcommittees. A proposed investigative or oversight report shall be considered as read if it has been available to the Members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee of the Committee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

2. The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending at noon on January 3 of such year.

3. The Committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year.

RULE II. POWERS AND DUTIES

1. The powers and duties of the Committee are all those such as are enumerated or contained in the Rules of the House and the rulings and precedents of the House or the Committee.

2. For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee, or any subcommittee thereof, is authorized—

(a) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings; except as provided in Rule XI, clause 2 of the Rules of the House;

(b) to conduct such investigations and studies as it may consider necessary or appropriate, and (subject to the adoption of expense resolutions as required by clause 5 of Rule XI of the Rules of the House) to incur expenses (including travel expenses) in connection therewith. The ranking minority Member of the full Committee or the relevant subcommittee shall be notified in advance at such times as any Committee funds are expended for investigations and studies involving international travel; and

(c) to require, by subpoena or otherwise (subject to clause 3(a)), the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, in whatever form, as it deems necessary. The Chairperson of the Committee, or any Member designated by the Chairperson, may administer oaths to any witness.

Subpoenas

3. (a) A subpoena may be authorized and issued by the Committee or a subcommittee under clause 2(c) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the Members voting, a majority being present. The power to authorize and issue subpoenas under clause 2(c) may be delegated to the Chairperson of the Committee pursuant to such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairperson of the Committee or by any Member designated by the Committee.

(b) Compliance with any subpoena issued by the Committee under clause 2(c) may be enforced only as authorized or directed by the House.

Review of Continuing Programs

4. The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph, a government agency includes the organizational units of government listed in clause 7(c) of Rule XIII of the Rules of the House.

5. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

Budget Act Reports

6. The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget—

(a) the Committee's views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(b) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within the Committee's jurisdiction which it intends to be effective during that fiscal year.

7. As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate Committee or Committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 or section 602 (in the case of fiscal years 1991 through 1995) of the Congressional Budget Act of 1974.

8. Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget in accordance with the Congressional Budget Act of 1974.

Oversight Report

9. Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the Rules of the House. The Chairperson shall consult with the ranking minority Member on the formulation of the oversight plan, and the Committee may not meet to adopt the plan unless a copy of the plan has been provided to all Members not less

than two days in advance of the Committee meeting.

RULE III. MEETINGS

Regular Meetings

1. Regular meetings of the Committee shall be held on the first Tuesday of each month while the Congress is in session, and the Chairperson shall provide to each Member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice to that effect. Notwithstanding the preceding sentence, when the Chairperson believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other timely business to be transacted at a regular meeting, then no Committee meeting shall be held on that day. In such instances, the Chairperson shall not issue the notice of the regular meeting to the Members and the failure to receive such notice shall be treated by the Members as a cancellation of the regular meeting.

Additional and Special Meetings

2. (a) The Chairperson may call and convene, as the Chairperson considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the chair.

(b) No bill or joint resolution shall be considered by the Committee unless (i) such measure has been made available to all Members at least two calendar days (three calendar days when the bill or joint resolution has not been ordered reported by the subcommittee of jurisdiction) prior to the meeting, accompanied by a section-by-section analysis of such measure; and (ii) the Chairperson has notified members of the time and place of the meeting at least two calendar days (three calendar days when the bill or joint resolution has not been ordered reported by the subcommittee of jurisdiction) before the commencement of the meeting. The provisions of this paragraph may be suspended by the Committee by a two-thirds vote or by the Chairperson, with the concurrence of the ranking minority Member of the full Committee.

3. If at least three Members of the Committee desire that a special meeting of the Committee be called by the Chairperson, those Members may file in the offices of the Committee their written request to the Chairperson for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairperson of the filing of the request. If, within three calendar days after the filing of the request, the Chairperson does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the Members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all Members of the Committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

Open Meetings

4. (a) Each meeting for the transaction of business, including the markup of legislation, of the Committee or each subcommittee thereof, shall be open to the public including to radio, television and still photography coverage, except when the Committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House; provided, however, that no person other than Members of the Committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public.

(b) Each hearing conducted by the Committee or each subcommittee thereof shall be open to the public including radio, television and still photography coverage except when the Committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would compromise sensitive law enforcement information or would violate any law or rule of the House. Notwithstanding the requirements of the preceding sentence, a majority of those present (there being in attendance the requisite number required under the Rules of the Committee to be present for the purpose of taking testimony)—

(1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or would compromise sensitive law enforcement information or violate clause 6(e) of Rule IV; or

(2) may vote to close the hearing, as provided in clause 6 of Rule IV.

No Member may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by a majority vote authorize the Committee or a particular subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this paragraph for closing hearings to the public; provided, however, that the Committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

Broadcasting of Committee Meetings

5. Any meeting or hearing of the Committee or a subcommittee that is open to the public shall be open to coverage by television, radio, and still photography, subject to the requirements and limitations of clause 3 of Rule XI of the Rules of House. The coverage of any meeting or hearing of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the Chairperson of the Committee, the subcommittee Chairperson, or other Member of the Committee presiding at such meeting. The number of television or still cameras shall not be limited to fewer than two representatives from each medium except for legitimate space or safety considerations, in which case pool coverage shall be authorized.

Additional Provisions

6. Meetings and hearings of the Committee or subcommittee shall be called to order and presided over by the Chairperson or, in the Chairperson's absence, by the member designated by the Chairperson as the Vice Chairperson of the committee or subcommittee, or by the ranking majority Member of the Committee or subcommittee present.

7. No person other than a Member of Congress, Committee staff, or a person from a Member's staff when that Member has an amendment under consideration, may stand in or be seated at the rostrum area of the Committee unless the Chairperson determines otherwise.

RULE IV. HEARING PROCEDURES

1. The Chairperson, in the case of hearings to be conducted by the Committee, and the appropriate subcommittee Chairperson, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter at least one week before the commencement of that hearing. If the Chairperson, with the concurrence of the ranking minority Member, determines there is good cause to begin the hearing sooner, or if the committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairperson shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify all Members of the Committee; the Daily Digest; Chief Clerk; Official Reporters; and the Committee scheduling service of House Information Systems as soon as possible after such public announcement is made.

2. (a) Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least 24 hours in advance of his or her appearance, 200 copies of the proposed testimony if the appearance is before the committee, or 100 copies of the proposed testimony if the appearance is before a subcommittee; provided, however, that this requirement may be modified or waived by the Chairperson of the Committee or appropriate subcommittee, after consultation with the ranking minority member, when the Chairperson determines it to be in the best interest of the Committee or subcommittee, and furthermore, that this requirement shall not be mandatory if a witness is given less than seven days notice of appearance prior to a hearing.

(b) The Chairperson may require a witness to limit the oral presentation to a summary of the statement.

(c) Each witness in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

3. Upon announcement of a hearing, the clerk and staff director shall cause to be prepared a concise summary of the subject matter (including legislative reports and other materials) under consideration which shall be made available immediately to all Members of the Committee.

Calling and Interrogation of Witnesses

4. Whenever any hearing is conducted by the Committee or any subcommittee upon

any measure or matter, the minority party Members on the Committee shall be entitled, upon request to the Chairperson by a majority of those minority Members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matters during at least one day of hearing thereon.

5. Except when the Committee adopts a motion pursuant to subdivisions (B) and (C) of clause 2(j)(2) of rule XI of the rules of the House, Committee Members may question witnesses only when they have been recognized by the Chairperson for that purpose, and only for a 5-minute period until all Members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one Member can be extended only with the unanimous consent of all Members present. The questioning of witnesses in both the full and subcommittee hearings shall be initiated by the Chairperson, followed by the ranking minority party Member and all other Members alternating between the majority and minority. In recognizing Members to question witnesses in this fashion, the Chairperson shall take into consideration the ratio of the majority to minority Members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the Members of the majority.

Investigative Hearing Procedures

6. The following additional rules shall apply to investigative hearings:

(a) The Chairperson, at any investigative hearing, shall announce in an opening statement the subject of the investigation.

(b) A copy of the Committee rules and Rule XI, clause 2 of the Rules of the House shall be made available to each witness.

(c) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(d) The Chairperson may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House for contempt.

(e) Whenever it is asserted that the evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person,

(i) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 4(b) of Rule III, if by a majority of those present, there being in attendance the requisite number required under the Rules of the Committee to be present for the purpose of taking testimony, the Committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(ii) the Committee shall proceed to receive such testimony in open session only if a majority of the Members of the Committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the Committee shall afford such person an opportunity voluntarily to appear as a witness; and receive and dispose of requests from such person to subpoena additional witnesses.

(f) Except as provided in paragraph (e), the Chairperson shall receive and the Committee shall dispose of requests to subpoena additional witnesses.

(g) No evidence or testimony taken in executive session may be released or used in public session without the consent of the Committee.

(h) In the discretion of the Committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(i) A witness may obtain a transcript copy of his or her testimony given at a public session, or, if given at an executive session, when authorized by the Committee.

RULE V. REPORTING OF BILLS AND RESOLUTIONS

1. (a) It shall be the duty of the Chairperson of the Committee to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(b) In any event, the report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairperson of the Committee notice of the filing of that request.

2. No measure or recommendation shall be reported from the Committee unless the quorum requirement of clause 1(a) of Rule VI is satisfied.

Committee Reports

3. The report of the Committee on a measure which has been approved by the Committee shall include—

(a) a cover page, which must show that supplemental, minority and additional views (if any), the estimate and comparison prepared by the Director of the Congressional Budget Office, and the recommendations of the Committee on Government Reform and Oversight (whenever submitted), are included in the report;

(b) the amendments adopted by the Committee;

(c) a section-by-section analysis of the bill as reported, whenever possible;

(d) an explanation of the legislation, if the Chairperson decides one is necessary;

(e) with respect to each roll call vote on a motion to report any measure, and on any amendment offered to the measure, the total number of votes cast for and against, or present not voting and the names of those Members voting for and against, or present not voting;

(f) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the Rules of the House separately set out and clearly identified;

(g) the statement required by section 308(a)(1) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority, new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the program (or programs) to the appropriate levels under current law;

(h) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the Committee;

(i) a summary of the oversight findings and recommendations made by the Committee on Government Reform and Oversight under clause 4(c)(2) of Rule X of the Rules of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the Committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the Committee's deliberations on the measure;

(j) for a bill or joint resolution of a public character reported by the Committee, a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution;

(k) a statement in accordance with section 5(b) of the Federal Advisory Committee Act;

(l) any supplemental, minority, or additional views, if submitted in accordance with clause 5;

(m) the Ramseyer document required under clause 3 of Rule XIII of the Rules of the House; and

(n) the estimate and comparison of costs incurred in carrying out the bill or resolution, as may be required by clause 7 of Rule XIII of the Rules of the House.

4. The report of the Committee, when filed with the House, shall be accompanied by three copies of the bill or resolution as introduced and one copy of the bill or resolution as amended.

5. (a) If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such day) in which to file such views, in writing and signed by that Member, with the clerk of the Committee. All such views so filed by one or more Members of the Committee shall be included within, and shall be part of, the report filed by the Committee with respect to that measure or matter. When time guaranteed by this subparagraph has expired (or if sooner, when all separate views have been received), the Committee may arrange to file its report with the Clerk not later than one hour after the expiration of such time. No report shall be filed until the Chairperson has notified, with opportunity for discussion, the ranking minority Member of the Committee and the Chairperson of the subcommittee from which the legislation emanated or would have emanated. The report of the Committee upon that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(ii) shall bear upon its cover a recital that any such supplemental, minority, or additional views and any material submitted under paragraphs (h) and (i) of clause 3 are included as part of the report.

(b) This clause does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided in paragraph (a); or

(ii) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error or omission in a previous report made by the Committee upon that measure or matter.

(c) After an adjournment of the last regular session of Congress sine die, an investigative or oversight report approved by the

Committee may be filed with the Clerk at any time, provided that if a Member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

After an adjournment of the last regular session of a Congress sine die, the Chair of the Committee may file at any time with the Clerk the Committee's activity report for that Congress pursuant to clause 1(d)(1) of rule XI of the Rules of the House without the approval of the Committee, provided that a copy of the report has been available to each Member of the Committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a Member of the Committee.

Hearing Prints

6. If hearings have been held on any such measure or matter so reported, the Committee shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House except as otherwise provided in clause 2(l)(6) of Rule XI of the Rules of the House.

RULE VI. QUORUMS

1. (a) A quorum, for the purpose of reporting any bill or resolution, of authorizing a subpoena, or of closing a meeting or hearing pursuant to clause 2(g) of Rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B) shall consist of a majority of the Committee actually present.

(b) A quorum, for the purpose of taking any action other than those specified in clause 1(a) shall consist of one-third of the Members of the Committee.

(c) A quorum, for the purpose of taking testimony and receiving evidence, shall consist of any two Members of the Committee.

Proxies

2. No vote by any Member of the Committee or any of its subcommittees with respect to any measure may be cast by proxy.

RULE VII. SUBCOMMITTEES—JURISDICTION

1. There shall be in the Committee on Banking and Financial Services the following standing subcommittees: Subcommittee on Housing and Community Opportunity; Subcommittee on Financial Institutions and Consumer Credit; Subcommittee on Domestic and International Monetary Policy; Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises; and Subcommittee on General Oversight and Investigations; each of which shall have the jurisdiction and related functions assigned to it by this rule. Subcommittee jurisdictions are as follows:

Subcommittee on Housing and Community Opportunity

(a) The jurisdiction of the Subcommittee on Housing and Community Opportunity extends to and includes:

(i) all matters relating to housing (except programs administered by the Department of Veterans Affairs), including mortgage and loan insurance pursuant to the National Housing Act; rural housing; housing and homeless assistance programs; all activities of the Government National Mortgage Association; private mortgage insurance; housing construction and design and safety standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for nonprofit housing sponsors; housing counseling and technical assistance; regulation of the housing industry (including landlord/tenant relations); real estate lending including regulation of settlement procedures;

(ii) matters relating to community development and community and neighborhood planning, training and research; national urban growth policies; urban/rural research and technologies; and regulation of interstate land sales;

(iii) all matters relating to all government sponsored insurance programs, including those offering protection against crime, fire, flood (and related land use controls), earthquake and other natural hazards; and

(iv) the qualifications for and designation of Empowerment Zones and Enterprise Communities (other than matters relating to tax benefits).

Subcommittee on Financial Institutions and Consumer Credit

(b) The jurisdiction of the Subcommittee on Financial Institutions and Consumer Credit extends to and includes:

(i) all agencies which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit insurance for, financial institutions, and the establishment of interest rate ceilings on deposits;

(ii) all auxiliary matters affecting or arising in connection with the supervisory and regulatory activities of the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System and the Federal Reserve System, the Office of Thrift Supervision, and the National Credit Union Administration, together with those activities and operations of any other agency or department which relate to both domestic or foreign financial institutions;

(iii) With respect to financial institutions and the departments and agencies which regulate or supervise them, all activities relating to and arising in connection with the matters of chartering, branching, mergers, acquisitions, consolidations, and conversions;

(iv) with respect to financial institutions and the agencies which regulate them, all activities relating to and arising in connection with the sale or underwriting of insurance and other noninsured instruments by financial institutions and their affiliates other than securities;

(v) all matters relating to consumer credit, including the provision of consumer credit by insurance companies, and further including those matters in the Consumer Credit Protection Act dealing with truth in lending, extortionate credit transactions, restrictions on garnishments, fair credit reporting and the use of credit information by credit bureaus and credit providers, equal credit opportunity, debt collection practices, and electronic funds transfers;

(vi) creditor remedies and debtor defenses, Federal aspects of the Uniform Consumer Credit Code, credit and debit cards and the preemption of State usury laws;

(vii) all matters relating to consumer access to financial services, including the Home Mortgage Disclosure Act and the Community Reinvestment Act;

(viii) the terms and rules of disclosure of financial services, including the advertisement, promotion and pricing of financial services, and availability of government check cashing services;

(ix) issues relating to consumer access to savings accounts and checking accounts in financial institutions, including lifeline banking and other consumer accounts; and

(x) all matters relating to the business of insurance, other than government sponsored insurance programs.

Subcommittee on Domestic and International Monetary Policy

(c) The jurisdiction of the Subcommittee on Domestic and International Monetary Policy extends to and includes:

(i) all matters relating to all multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto, and monetary and financial developments as they relate to the activities and objectives of such institutions;

(ii) all matters within the jurisdiction of the Committee relating to international trade, including but not limited to the activities of the Export-Import Bank;

(iii) the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto;

(iv) international investment policies, both as they relate to United States investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States;

(v) all matters relating to financial aid to all sectors and elements within the economy, all matters relating to economic growth and stabilization, and all defense production matters as contained in the Defense Production Act of 1950, as amended, and all related matters thereto;

(vi) all matters relating to domestic monetary policy and agencies which directly or indirectly affect domestic monetary policy, including the effect of such policy and other financial actions on interest rates, the allocation of credit, and the structure and functioning of domestic and foreign financial institutions;

(vii) all matters relating to coins, coinage, currency and medals, including commemorative coins and medals, proof and mint sets and other special coins, the Coinage Act of 1965, gold and silver, including coinage thereof (but not the par value of gold), gold medals, counterfeiting, currency denominations and design, the distribution of coins, and the operations and activities of the Bureau of the Mint and the Bureau of Engraving and Printing; provided, however, that the Subcommittee shall not schedule a hearing on any commemorative medal or commemorative coin legislation unless the legislation is cosponsored by at least two-thirds of the Members of the House and has been recommended by the U.S. Mint's Citizens Commemorative Coin Advisory Committee in the case of a commemorative coin. The Subcommittee shall not report a bill or measure authorizing commemorative coins which does not conform with the mintage restrictions under 31 USC 5112. In considering legislation authorizing Congressional gold medals, the subcommittee shall apply the following standards:

(A) the recipient shall be a natural person;

(B) the recipient shall have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement;

(C) the recipient shall not have received a medal previously for the same or substantially the same achievement;

(D) the recipient shall be living or, if deceased, shall have been deceased for not less than five years and not more than 25 years; and

(E) the achievements were performed in the recipient's field of endeavor, and represent either a lifetime of continuous superior achievements or a single achievement so significant that the recipient is recognized and acclaimed by others in the same field, as evidenced by the recipient having received the highest honors in the field.

Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises

(d) The jurisdiction of the Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises extends to and includes:

(i) all matters relating to depository institution securities activities, including the activities of any affiliates, except for functional regulation under applicable securities laws not involving safety and soundness;

(ii) all matters related to bank capital markets activities;

(iii) all matters related to the activities of financial institutions in financial markets involving futures, forwards, options and other types of derivative instruments;

(iv) all matters relating to secondary market organizations for home mortgages including the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and the Federal Agricultural Mortgage Corporation;

(v) all matters related to the Office of Federal Housing Enterprise Oversight; and

(vi) all matters related to the Federal Housing Finance Board and the supervision and operation of the Federal Home Loan Banks.

Subcommittee on General Oversight and Investigations

(e) The Subcommittee on General Oversight and Investigations shall have the responsibility of reviewing and studying, on a continuing basis:

(i) the application, administration, execution, and effectiveness of the laws within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities which have responsibility for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated;

(ii) any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and present any such recommendations as deemed necessary to the appropriate subcommittee(s) of the Committee;

(iii) forecasting and future oriented research on matters within the jurisdiction of the Committee, and shall study all reports, documents and data pertinent to the jurisdiction of the Committee and make the necessary recommendations or reports thereon to the appropriate subcommittee(s) of the Committee; and

(iv) the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee; provided, however, that the operations of the Subcommittee on General Oversight and Investigations shall in no way limit the responsibility of the other subcommittees of the Committee on Banking and Financial Services from carrying out their oversight duties.

Subcommittees—Referral of Legislation

2. Each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee named in this rule referred to or initiated by the full Committee shall on a bimonthly basis be referred by the Chairperson to the subcommittees of appropriate jurisdiction or retained at the full Committee for its consideration unless, by majority vote of the Majority Members of the full Committee, the referral or consideration is to be otherwise. Referral under this clause shall not be effective until each subcommittee Chairperson is notified of the Chairperson's referral decision. A bill, resolution, or other matter referred to a subcommittee in accordance with this clause may be recalled therefrom at any time for the Committee's direct consideration or for reference to another subcommittee by a majority vote of the Majority Members of the full Committee, or by the Chairperson (unless provided otherwise by a majority vote of the Majority Members of the full Committee).

3. In carrying out this rule with respect to any matter, the Chairperson shall designate a subcommittee of primary jurisdiction; but also may refer the matter to one or more additional subcommittees, for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the subcommittee of primary jurisdiction; or may refer portions of the matter to one or more additional subcommittees (reflecting different subjects and jurisdictions) for the consideration only of designated portions; or may refer the matter to a special ad hoc subcommittee appointed by the Chairperson with the approval of the Committee (with members from the subcommittee having jurisdiction) for the specific purpose of considering that matter and reporting to the Committee thereon; or may make such other provisions as may be considered appropriate.

RULE VIII. SUBCOMMITTEES—POWERS AND DUTIES

1. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee Chairpersons shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairperson and other subcommittee Chairpersons and with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

2. Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the Committee, the Chairperson of the subcommittee reporting the bill, resolution, or matter to the full Committee, or any Member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the Committee. It shall be the duty of the Chairperson of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take steps or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

3. No bill or joint resolution approved by a subcommittee shall be considered by the Committee unless such measure, as approved, has been made available to all Members at least two calendar days prior to the meeting, accompanied by a section-by-section analysis of such measure.

The provisions of this paragraph may be suspended by the Committee by a two-thirds vote or by the Chairperson, with the concurrence of the ranking minority Member of the full Committee.

4. All Committee or subcommittee reports printed pursuant to a legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on Banking and Financial Services (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its Members."

5. Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed on the agenda of the Committee as of the time they are reported and shall be considered by the full Committee in the order in which they were reported unless the Chairperson after consultation with the ranking minority Member and appropriate subcommittee Chairperson, otherwise directs; provided, however, that no bill reported by a subcommittee shall be considered by the full Committee unless each Member has been provided with reasonable time prior to the meeting to analyze such bill, together with a comparison with present law and a section-by-section analysis of the proposed change.

6. No bill or joint resolution may be considered by a subcommittee unless such measure has been made available to all Members at least two calendar days prior to the meeting, accompanied by a section-by-section analysis of such measure. The provisions of this paragraph may be waived following consultation with the appropriate ranking minority Member.

7. The Chairperson and ranking minority Member of the Committee shall be *ex officio*, non-voting members of each subcommittee of the Committee.

RULE IX. SUBCOMMITTEES—SIZE AND RATIOS

1. To the extent that the number of subcommittees and their party ratios permit, the size of all subcommittees shall be established so that the majority party Members of the Committee have an equal number of subcommittee assignments; provided, however, that a majority Member may waive his or her right to an equal number of subcommittee assignments on the Committee.

2. The following shall be the sizes and ratios for subcommittees:

(a) Subcommittee on Housing and Community Opportunity: Total 24—Majority 13, Minority 11.

(b) Subcommittee on Financial Institutions and Consumer Credit: Total 24—Majority 13, Minority 11.

(c) Subcommittee on Domestic and International Monetary Policy: Total 22—Majority 12, Minority 10.

(d) Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises: Total 22—Majority 12, Minority 10.

(e) Subcommittee on General Oversight and Investigations; Total 10—Majority 6, Minority 4.

RULE X. BUDGET AND STAFF

1. The Chairperson, in consultation with other Members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigations and other expenses of the Committee and its subcommittees and shall present same to the Committee.

2. (a) Except as provided in paragraph (b), the professional and investigative staff of the Committee shall be appointed, and may be removed, by the Chairperson and shall work under the general supervision, and direction of the Chairperson.

(b) All professional and investigative staff provided to the minority party Members of the Committee shall be appointed, and may be removed, by the ranking minority Member of the Committee and shall work under the general supervision and direction of such Member.

3. (a) From funds made available for the appointment of staff, the Chairperson of the Committee shall, pursuant to clause 5(d) of Rule XI of the Rules of the House ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the ranking minority Member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

(b) Except as provided in paragraph (c), the Chairperson shall fix the compensation of all professional and investigative staff of the Committee.

(c) The ranking minority Member shall fix the compensation of all professional and investigative staff provided to the minority party Members of the Committee.

4. From the amount provided to the Committee in the primary expense resolution adopted by the House of Representatives, the Chairperson, after consultation with the ranking minority Member, shall designate an amount to be under the direction of the ranking minority Member for the compensation of the minority staff, travel expenses of minority Members and staff, and minority office expenses. All expenses of minority Members and staff shall be paid for out of the amount so set aside.

5. It is intended that the skills and experience of all members of the Committee staff be available to all Members of the Committee.

RULE XI. TRAVEL

1. All travel for any Member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee must be authorized by the Chairperson. Before such authorization is granted, there shall be submitted to the Chairperson in writing the following:

(a) the purpose of the travel;

(b) the dates during which the travel is to occur;

(c) the names of the States or countries to be visited and the length of time to be spent in each; and

(d) the names of Members and staff of the Committee for whom the authorization is sought.

2. In the case of travel outside the United States of Members and staff of the Committee, such Members or staff shall submit a written report to the Chairperson on any such travel including a description of their itinerary, expenses, activities, and pertinent information gained as a result of such travel.

3. Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Oversight.

RULE XII. RECORDS

1. There shall be kept in writing a record of the proceedings of the Committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members absent or present but not voting. A record vote may be demanded by any one Member of the Committee or subcommittee.

2. Access by any Member, officer or employee of the Committee to any information classified under established national security procedures shall be conducted in accordance with clause 13 of Rule XLIII of the Rules of the House.

3. The transcript of any meeting or hearing shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

4. All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as Chairperson of the Committee; and such records shall be the property of the House and all Members of the House shall have access thereto.

5. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House. The Chairperson shall notify the ranking minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of that rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

6. To the maximum extent feasible, the Committee shall make its publications available in electronic form.

RULES OF PROCEDURE FOR THE COMMITTEE ON AGRICULTURE 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Oregon. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD, pursuant to rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the committee on this day.

Appendix A of the committee rules will include excerpts from the Rules of the House relevant to the operation of the committee. Appendix B will include relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submission.

RULES OF THE COMMITTEE ON AGRICULTURE FOR THE 105TH CONGRESS

RULE I.—GENERAL PROVISIONS

(a) *Applicability of House Rules.*—(1) The Rules of the House shall govern the procedure of the Committee and its subcommittees, and the rules of the Committee on Agriculture so far as applicable shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the Committee and its subcommittees. (See Appendix A for the applicable Rules of the U.S. House of Representatives.)

(2) As provided in clause 1(a)(2) of House Rule XI, each subcommittee is part of the Committee and is subject to the authority and direction of the Committee and its rules so far as applicable. (See also Committee rules III, IV, V, VI, VII and X, *infra.*)

(b) *Authority to Conduct Investigations.*—The Committee and its subcommittees, after consultation with the Chairman of the Committee, may conduct such investigations and studies as they may consider necessary or appropriate in the exercise of their responsibilities under Rule X of the Rules of the House and in accordance with clause 2(m) of House Rule XI.

(c) *Authority to Print.*—The Committee is authorized by the Rules of the House to have printed and bound testimony and other data presented at hearings held by the Committee and its subcommittees. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee and its subcommittees shall be paid from applicable accounts of the House described in clause 1(h)(1) of House Rule X in accordance with clause 1(c) of House Rule XI. (See also paragraphs (d), (e) and (f) of Committee rule VIII.)

(d) *Vice Chairman.*—The Member of the majority party on the Committee or subcommittee designated by the Chairman of the full Committee shall be the vice chairman of the Committee or subcommittee in accordance with clause 2(d) of House Rule XI.

(e) *Presiding Member.*—If the Chairman of the Committee or subcommittee is not present at any Committee or subcommittee meeting or hearing, the vice chairman shall preside. If the Chairman and vice chairman of the Committee or subcommittee are not present at a Committee or subcommittee meeting or hearing the ranking Member of the majority party who is present shall preside in accordance with clause 2(d), House Rule XI.

(f) *Activities Report.*—(1) The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year. (See also Committee rule VIII(h)(2).)

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of House Rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken with respect thereto.

(g) *Publication of Rules.*—The Committee's rules shall be published in the Congressional Record not later than thirty days after the Committee is elected in each odd-numbered year as provided in clause 2(a) of House Rule XI.

(h) *Joint Committee Reports of Investigation or Study.—A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.*

RULE II.—COMMITTEE BUSINESS MEETINGS—REGULAR, ADDITIONAL AND SPECIAL

(a) *Regular Meetings.*—(1) Regular meetings of the Committee, in accordance with clause

2(b) of House Rule XI, shall be held on the first Wednesday of every month of transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee, if any, for that month. The Chairman shall provide each member of the Committee, as far in advance of the day of the regular meeting as practicable, a written agenda of such meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. If the Chairman believes that there will not be any bill, resolution or other matter considered before the full Committee and there is no other business to be transacted at a regular meeting, the meeting may be cancelled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration. This paragraph shall not apply to meetings of any subcommittee. (See paragraph (f) of Committee rule X for provisions that apply to meeting of subcommittees.)

(b) *Additional Meetings.*—The Chairman may call and convene, as he or she considers necessary, after consultation with the Ranking Minority Member of the Committee, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct or other Committee business. The Committee shall meet for such additional meeting pursuant to a notice from the Chairman.

(c) *Special Meetings.*—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for such special meeting. Such request shall specify the measure or matters to be considered. Immediately upon the filing of the request, the Majority Staff Director (serving as the clerk of the Committee for such purpose) shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting in accordance with the clause 2(c)(2) of House Rule XI. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Majority Staff Director (serving as the clerk) of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

RULE III.—OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) *Open Meetings and Hearings.*—Each meeting for the transaction of business, including the markup of legislation, and each hearing by the Committee or a subcommittee shall be open to the public unless closed in accordance with clause 2(g) of House Rule XI. (See Appendix A.)

(b) *Broadcasting and Photography.*—Whenever a Committee or subcommittee meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 3 of House Rule XI (See Appendix A). When such radio coverage is conducted in the Committee or subcommittee, written notice to that effect shall be placed on the desk of each Member. The Chairman of the Committee or subcommittee, shall not limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(c) *Closed Meetings—Attendees.*—No person other than Members of the Committee or subcommittee and such congressional staff and departmental representatives as the Committee or subcommittee may authorize shall be present at any business or markup session that has been closed to the public as provided in clause 2(g)(1) of House Rule XI.

(d) *Addressing the Committee.*—A committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration (See Committee rule VII(e) relating to questioning a witness at a hearing). The time a member may address the Committee or subcommittee for any such purpose shall be limited to five minutes, except that this time limit may be waived by unanimous consent. A member shall also be limited in his or her remarks to the subject matter under consideration, unless the Member receives unanimous consent to extend his or her remarks beyond such subject.

(e) *Meetings to Begin Promptly.*—Subject to the presence of a quorum, each meeting or hearing of the Committee and its subcommittees shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(f) *Prohibition on Proxy Voting.*—No vote by any Member of the Committee or subcommittee with respect to any measure or matter may be cast by proxy.

(g) *Location of Persons at Meetings.*—No person other than the Committee or subcommittee Members and Committee or subcommittee staff may be seated in the rostrum area during a meeting of the Committee or subcommittee unless by unanimous consent of Committee or subcommittee.

(h) *Consideration of Amendments and Motions.*—A Member, upon request, shall be recognized by the Chairman to address the Committee or subcommittee at a meeting for a period limited to five minutes on behalf of an amendment or motion offered by the Member or another Member, or upon any other matter under consideration, unless the Member received unanimous consent to extend the time limit. Every amendment or motion made in Committee or subcommittee shall, upon the demand of any Member present, be reduced to writing, and a copy thereof shall be made available to all Members present. Such amendment or motion shall not be pending before the Committee or subcommittee or voted on until the requirements of this paragraph have been met.

(i) *Submission of Motions or Amendments In Advance of Business Meetings.*—The Committee and subcommittee Chairman may request and Committee and subcommittee Members should, insofar as practicable, cooperate in providing copies of proposed amendments or motions to the Chairman and the Ranking Minority Member of the Committee or the subcommittee twenty-four hours before a Committee or subcommittee business meeting.

(j) *Points of Order.*—No point of order against the hearing or meeting procedures of the Committee or subcommittee shall be entertained unless it is made in a timely fashion.

(k) *Limitation on Committee Sittings.*—The Committee or subcommittees may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

RULE IV.—QUORUMS

(a) *Working Quorum.*—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action, other than as noted in paragraphs (b) and (c).

(b) *Majority Quorum.*—A majority of the members of the Committee or subcommittee shall constitute a quorum for:

(1) the reporting of a bill, resolution or other measure (See clause 2(h)(2) of House Rules XI, and Committee rule VIII);

(2) the closing of a meeting or hearing to the public pursuant to clause 2(g) and 2(k)(5) of the Rule XI of the Rules of the House; and

(3) the authorizing of a subpoena as provided in clause 2(m)(2), of House Rule XI. (See also Committee rule VI.)

(c) *Quorum for Taking Testimony.*—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(d) *Unanimous Consent Agreement on Voting.*—

Whenever a recorded vote is ordered on a question other than a motion to recess or adjourn and debate has concluded thereon, the Committee or Subcommittee by unanimous consent may postpone further proceedings on such question to a designated time,

RULE V.—RECORDS AND ROLLCALLS

(a) *Maintenance of Records.*—The Committee shall keep a complete record of all Committee and subcommittee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) written minutes shall include a record of all Committee and subcommittee action and a record of all votes on any question and a tally on all rollcall votes.

The result of each such rollcall vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee and by telephone request. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(b) *Access to and Correction of Records.*—Any public witness, or person authorized by such witness, during Committee office hours in the Committee offices and within two weeks of the close of hearings, may obtain a transcript copy of that public witness's testimony and make such technical, grammatical and typographical corrections as authorized by the person making the remarks involved as will not alter the nature of testimony given. There shall be prompt return of such corrected copy of the transcript to the Committee. Members of the Committee or subcommittee shall receive copies of transcripts for their prompt review and correction and prompt return to the Committee. The Committee or subcommittee may order the printing of a hearing record without the corrections of any Member or witness if it determines that such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is subject of the hearing. The record of a hearing shall be closed ten calendar days after the last oral testimony, unless the Committee or subcommittee determines otherwise. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record is closed unless the Committee or subcommittee determines otherwise. The Committee or subcommittee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

(c) *Demanding Recorded Vote.*—A roll call vote of the Committee or subcommittee on a question or action shall be ordered on a demand by one-fifth of the Members present.

(d) *Property of the House.*—All Committee or subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Members serving as Chairman and such records shall be the property of the House and all Members of the House shall have access thereto. The Majority Staff Director shall promptly notify the Chairman and the Ranking Minority Member of any request for access to such records.

(e) *Availability of Archived Records.*—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with House Rule XXXVI. The Chairman shall notify the Ranking Minority Member of the Committee of the need for a Committee order pursuant to clause 3(b)(3) or clause 4(b) of such House Rule, to withhold a record otherwise available.

(f) *Special Rules for Certain Records and Proceedings.*—A stenographic record of a business meeting of the Committee or subcommittee may be kept and thereafter may be published if the Chairman of the Committee, after consultation with the Ranking Minority Member, determines there is need for such a record. The proceedings of the Committee or subcommittee in a closed meeting, evidence or testimony in such meeting, shall not be divulged unless otherwise determined by a majority of the Committee or subcommittee.

(g) *Committee Publications on the Internet.*—To the maximum extent feasible, the Committee shall make its publications available in electronic form.

RULE VI.—POWER TO SIT AND ACT; SUBPOENA POWER

(a) *Authority to Sit and Act.*—For the purpose of carrying out any of its function and duties under House Rules X and XI, the Committee and each of its subcommittees is authorized (subject to paragraph (b)(1) of this rule)—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents, as it deems necessary. The Chairman of the Committee or subcommittee, or any member designated by the Chairman, may administer oaths to any witness.

(b) Issuance of Subpoenas.—(1) A subpoena may be authorized and issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, as provided in clause 2(m)(2)(A) of House Rule XI. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) Notice of a meeting to consider a motion to authorize and issue a subpoena should be given to all Members of the Committee by 5 p.m. of the day preceding such meeting.

(3) Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(c) *Expenses of Subpoenaed Witnesses.*—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees to which he or she is entitled. If hearings are held in cities other than Washington D.C., the subpoenaed witness may contact the Majority Staff Director of the Committee, or his or her representative, before leaving the hearing room.

RULE VII.—HEARING PROCEDURES

(a) *Power to Hear.*—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee and its subcommittees are authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. (See paragraph (a) of Committee rule VI and paragraph (f) of Committee rule X for provisions relating to subcommittee hearings and meetings.)

(b) *Announcement.*—The Chairman of the Committee shall after consultation with the Ranking Minority Member of the Committee, make a public announcement of the date, place and subject matter of any Committee hearing at least one week before the commencement of the hearing. The Chairman of a subcommittee shall schedule a hearing only after consultation with the Chairman of the Committee and after consultation with the Ranking Minority Members of the subcommittee, and the Chairmen of the other subcommittees after such consultation with the Committee Chairman, and shall request the Majority Staff Director to make a public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the Chairman of the Committee or the subcommittee, with concurrence of the Ranking Minority Member of the Committee or subcommittee, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman of the Committee or subcommittee, as appropriate, shall request the Majority Staff Director to make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record, and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(c) *Scheduling of Witnesses.*—Except as otherwise provided in this rule, the scheduling of witnesses and determination of the time allowed for the presentation of testimony at hearings shall be at the discretion of the Chairman of the Committee or subcommittee, unless a majority of the Committee or subcommittee determines otherwise.

(d) *Written Statement; Oral Testimony.*—(1) Each witness who is to appear before the Committee or a subcommittee, shall insofar as practicable file with the Majority Staff Director of the Committee, at least two working days before day of his or her appearance, a written statement of proposed testimony. Witnesses shall provide sufficient copies of their statement for distribution to Committee or subcommittee Members, staff, and the news media. Insofar as practicable, the Committee or subcommittee staff shall distribute such written statements to all Members of the Committee or subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the Chairman of the Committee or subcommittee, in light of the nature of the testimony and the length of time available.

(2) As noted in paragraph (a) of Committee rule VI, the Chairman of the Committee or one of its subcommittees, or any Member designated by the Chairman, may administer an oath to any witness.

(3) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(e) *Questioning of Witnesses.*—Committee or subcommittee Members may question witnesses only when they have been recognized by the Chairman of the Committee or subcommittee for that purpose. Each Member so recognized shall be limited to questioning a witness for five minutes until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness for five minutes; and thereafter the Chairman of the Committee or subcommittee may limit the time of a further round of questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless a majority of the Committee or subcommittee determines otherwise, no person shall interrogate witnesses other than Committee and subcommittee Members.

(f) *Extended Questioning for Designated Members.*—Notwithstanding the provision of paragraph (d), the Chairman and Ranking Minority member may designate an equal number of Members from each party to question a witness for a period not longer than 30 minutes.

(g) *Witnesses for the Minority.*—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon as provided in clause 2(j)(1) of House Rule XI.

(h) *Summary of Subject Matter.*—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman of the Committee or subcommittee shall, to the extent practicable, make available to the members of the Committee any official reports from departments and agencies on such matters. (See Committee rule X(f).)

(i) *Participation of Committee Members in Subcommittees.*—All members of the Committee may attend any subcommittee hearing in accordance with clause 2(g)(2) of House Rule XI, but a member who is not a member of the subcommittee may not vote on any matter before the subcommittee nor offer any amendments or motions and shall not be counted for purposes of establishing a quorum for the subcommittee and may not question witnesses without the unanimous consent of the subcommittee.

(j) *Open Hearings.*—Each hearing conducted by the Committee or subcommittee shall be open to the public, including radio, television and shall photography coverage, except as provided in clause 3(f)(2) of the House Rule XI (see also Committee rule III (b).). In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular bill or resolution or on a particular subject of investigation, to close its hearings to Members by means of the above procedure.

(k) *Investigative Hearings and Reports.*—(1)(i) The Chairman of the Committee or subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee rules (and the applicable provisions of clause 2 of House Rule XI, regarding investigative hearing procedures, an excerpt of which appears in Appendix A thereto) shall be made available to each witness. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender to the House for contempt.

(ii) Whenever it is asserted that the evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (j) of this rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person. The Committee or subcommittee shall afford a person an opportunity voluntarily to appear as a witness; and the Committee or subcommittee shall receive and shall dispose of requests from such person to subpoena additional witnesses.

(iii) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or subcommittee. In the discretion of the Committee or subcommittee, witnesses may submit brief and pertinent statements in writing for inclusion in the record. The Committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by the Committee or subcommittee. (See paragraph (c) of Committee rule V.)

(2) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day) in advance of their consideration.

RULE VIII.—THE REPORTING OF BILLS AND RESOLUTIONS

(a) *Filing of Reports.*—The Chairman shall report or cause to be reported promptly to the House any bill, resolution, or other measure approved by the Committee and shall take or cause to be taken all necessary steps to bring such bill, resolution, or other measure to a vote. No bill, resolution, or measure shall be reported from the Committee unless a majority of Committee is actually present. A Committee report on any bill, resolution, or other measure approved by the Committee shall be filed within seven calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Majority Staff Director of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Majority Staff Director of the Committee shall notify the Chairman immediately when such a request is filed.

(b) *Content of Reports.*—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) a statement of Committee and subcommittee consideration of the measure including a summary of amendment and motions offered and the actions taken thereon;

(4) the results of each roll call vote on any amendment in the Committee and subcommittee and on the motion to report the measure or matter, including the names of those Members and the total voting for and the names of those Members and the total voting against such amendment or motion (See clause 2(l)(2)(B) of House rule XI);

(5) the oversight findings and recommendations of the Committee with respect to the subject matter of the bill or resolution as required pursuant to clause 2(l)(3)(A) of House Rule XI and clause 2(b)(1) of House Rule X;

(6) the detailed statement described in section 308(a)(1) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law;

(7) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 403 of the Congressional Budget Act of 1974 and submitted in timely fashion to the Committee;

(8) any oversight findings and recommendations made by the Committee on Government Reform and Oversight under clause 4(c)(2) of House Rule X to the extent such were available during the Committee's deliberations on the bill or resolution;

(9) a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution;

(10) an estimate of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the five fiscal years following the fiscal year of reporting, whichever period is less (see clause 7 of House Rule XIII), together with—(i) a comparison of these estimates with those made and submitted to the Committee by any Government agency when practicable, and (ii) a comparison of the total estimated funding level for the relevant program (or programs) with appropriate levels under current law (The provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(11) the changes in existing law (if any) shown in accordance with clause .3 of House Rule XIII;

(12) the determination required pursuant to section 5(b) of Public Law 92–463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(13) the information on Federal and intergovernmental mandates required by section 423 (c) and (d) of the Congressional Budget Act of 1974, as added by the Unfunded Mandates Reform Act of 1995 (P.L. 104–4).

(c) *Supplemental, Minority, or Additional Views.*—If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two subsequent calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such date) in which to file such views, in writing and signed by that Member, with the Majority Staff Director of the Committee. When time guaranteed by this paragraph has expired (or if sooner, when all separate views have been received), the Committee may arrange to file its report with the Clerk of the House not later than one hour after the expiration of such time. All such views (in accordance with clause 2(l)5 of House Rule XI), as filed by one or more Members of the Committee, shall be included within and made a part of the report filed by the Committee with respect to that bill or resolution.

(d) *Printing of Reports.*—The report of the Committee on the measure or matter noted in paragraph (a) above shall be printed in a single volume, which shall:

(1) include all supplemental, minority or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of clause 2(l)(3)) of House Rule XI are included as part of the report.

(e) *Immediate Printing; Supplemental Reports.*—Nothing in this rule shall preclude (1) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c), or (2) the filing by the Committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(f) *Availability of Printed Hearing Records.*—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing of the Committee or any of its subcommittees shall include a record of the attendance of the Members.

(g) *Committee Prints.*—All Committee or subcommittee prints or other Committee or subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

(h) *Post Adjournment Filing of Committee Reports.*—(1) After an adjournment of the last regular session of a Congress *sine die*, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

(2) After an adjournment of the last regular session of a Congress *sine die*, the Chairman of the Committee may file at any time with the Clerk the Committee's activity report for that Congress pursuant to clause 1(d)(1) of rule XI of the Rules of the House without the approval of the Committee, provided that a copy of the report has been available to each member of the Committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the Committee.

RULE IX.—OTHER COMMITTEE ACTIVITIES

(a) *Oversight Plan.*—Not later than February 15 of the first session of a Congress, the Chairman shall convene the Committee in a meeting that is open to the public and with a quorum present to adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and Oversight and to the Committee on House Oversight. In developing such plans the Committee shall, to the maximum extent feasible—

(1) consult with other committees of the House that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction, with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is a maximum of coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to ensure such coordination and cooperation;

(2) give priority consideration to including in its plan the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority;

(3) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review at least once every ten years.

The Committee and its appropriate subcommittees shall review and study, on a continuing basis, the impact or probable impact of tax policies affecting subjects within its jurisdiction as provided in clause 2(d) of House Rule X. The Committee shall include in the report filed pursuant to clause 1(d) of House Rule XI a summary of the oversight plans submitted by the Committee under clause 2(d) of House Rule X, a summary of actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee and any recommendations made or actions taken thereon.

(b) *Annual Appropriations.*—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) *Budget Act Compliance: Views and Estimates* (See Appendix B).—By February 25th each year and after the President submits a budget under section 1105(a) of title 31, United States Code, the Committee shall, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974—see Appendix B) that are within its jurisdiction or functions; and (2) an estimate of the total amounts of new budget authority, budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(d) *Budget Act Compliance: Recommended Changes.*—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974 (See Appendix B).

(e) *Conference Committees.*—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall, after consultation with the Ranking Minority Member, determine the number of conferees the Chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be appointed by the Speaker as provided in clause 6(f) of House Rule X, the names of those Members of the Committee of not less than a majority who generally supported the House position and who were primarily responsible for the legislation. The Chairman shall, to the fullest extent feasible, include those Members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee Members of the majority party as the Chairman may designate in consultation with the Members of the majority party. Such recommendations shall provide a ratio of majority party Members to minority party Members no less favorable to the majority party than the ratio of majority party Members to minority party Members on the Committee. In making recommendations of Minority Party Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

RULE X.—SUBCOMMITTEES

(a) *Number and Composition.*—There shall be such subcommittees as specified in paragraph (b) of this rule. Each of such subcommittees shall be composed of the number of members set forth in clause (b) of this rule, including ex officio members.[1] The Chairman may create additional subcommittees of an ad hoc nature as the Chairman determines to be appropriate subject to any limitations provided for in the House Rules.

(b) *Ratios.*—On each subcommittee, there shall be a ratio of majority party members to minority party members which shall be consistent with the ratio on the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees and ratios below reflect that fact.

(c) *Jurisdiction.*—Each subcommittee shall have the following general jurisdiction and number of members:

OPERATIONAL SUBCOMMITTEES[2]

Forestry, Resource Conservation, and Research (35 Members, 19 majority and 16 minority).—Forestry in general, forest reserves other than those created from the public domain, water and soil and natural resource conservation, small watershed program, research, agricultural education and extension services, agricultural credit, farm security, rural development, rural electrification, energy matters, generally.

Department Operations, Nutrition, and Foreign Agriculture (14 Members, 8 majority and 6 minority).—Agency review and analysis, special investigations, pesticides, nutrition, food stamps, hunger, consumer programs, and trade matters not otherwise assigned, including foreign agriculture assistance programs, generally.

COMMODITY SUBCOMMITTEES

General Farm Commodities (18 Members, 10 majority and 8 minority).—Wheat, feed grains, soybeans, oilseeds, cotton, cottonseed, rice, dry beans, peas, lentils, marketing and trade matters related to such commodities, and Commodity Credit Corporation, generally.

Livestock, Dairy, and Poultry (20 Members, 11 majority and 9 minority).—General livestock, dairy, poultry, meat, seafood, seafood products, the inspection of those commodities, as well as aquaculture, animal welfare, and marketing and trade matters related to assigned commodities, generally.

Risk Management and Specialty Crops (22 Members, 12 majority and 10 minority).—Commodity futures, crop insurance, peanuts, tobacco, sugar, honey and bees, family farming, fruits and vegetables, and marketing and trade matters related to such commodities, generally.

(d) *Referral of Legislation.*—(1) All bills, resolutions, and other matters referred to the Committee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks after being referred to the Committee. After consultation with the Ranking

Minority Member, the Chairman may determine that the Committee will consider certain bills, resolutions, or other matters.

(2) The Chairman, by a majority vote of the Committee, may discharge a subcommittee from further consideration of any bill, resolution, or other matter referred to the subcommittee and have such bill, resolution or other matter considered by the Committee. The Committee having referred a bill, resolution, or other matter to a subcommittee in accordance with this rule may discharge such subcommittee from further consideration thereof at any time by a vote of the majority members of the Committee for the Committee's direct consideration or for reference to another subcommittee.

(3) Unless the Committee, a quorum being present, decides otherwise by a majority vote, the Chairman may refer bills, resolutions, legislation or other matters not specifically within the jurisdiction of a subcommittee, or that is within the jurisdiction of more than one subcommittee, jointly or exclusively as the Chairman deems appropriate, including concurrently to the subcommittees with jurisdiction, sequentially to the subcommittees with jurisdiction (subject to any time limits deemed appropriate), divided by subject matter among the subcommittees with jurisdiction, or to an ad hoc subcommittee appointed by the Chairman for the purpose of considering the matter and reporting to the Committee thereon, or make such other provisions deemed appropriate.

(e) *Service on Subcommittees.*—(1) The Chairman and the Ranking Minority Member shall serve as ex officio members of all subcommittees and shall have the right to vote on all matters before the subcommittees. The Chairman and the Ranking Minority Member may not be counted for the purpose of establishing a quorum.

(2) Any member of the Committee who is not a member of the subcommittee may have the privilege of sitting and nonparticipatory attendance at subcommittee hearings in accordance with clause 2(g)(2) of House Rule XI. Such member may not:

(i) vote on any matter;

(ii) be counted for the purpose of a establishing a quorum for any motion, vote, or other subcommittee action;

(iii) participate in questioning a witness under the five minute rule, unless permitted to do so by the subcommittee Chairman or a majority of the subcommittee a quorum being present;

(iv) raise points of order; or

(v) offer amendments or motions.

(f) *Subcommittee Hearings and Meetings.*—(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it or under its jurisdiction after consultation by the subcommittee Chairmen with the Committee Chairman. (See Committee rule VII.)

(2) After consultation with the Committee Chairman, subcommittee Chairmen shall set dates for hearings and meetings of their subcommittees and shall request the Majority Staff Director to make any announcement relating thereto. (See Committee rule VII(b).) In setting the dates, the Committee Chairman and subcommittee Chairman shall consult with other subcommittee Chairmen and relevant Committee and Subcommittee Ranking Minority Members in an effort to avoid simultaneously scheduling Committee and subcommittee meetings or hearings to the extent practicable.

(3) Notice of all subcommittee meetings shall be provided to the Chairman and the Ranking Minority Member of the Committee by the Majority Staff Director.

(4) Subcommittees may hold meetings or hearings outside of the House if the Chairman of the Committee and other subcommittee Chairmen and the Ranking Minority Member of the subcommittee is consulted in advance to ensure that there is no scheduling problem. However, the majority of the Committee may authorize such meeting or hearing.

(5) The provisions regarding notice and the agenda of Committee meetings under Committee rule II(a) and special or additional meetings under Committee rule II(b) shall apply to subcommittee meetings.

(6) If a vacancy occurs in a subcommittee chairmanship, the Chairman may set the dates for hearings and meetings of the subcommittee during the period of vacancy. The Chairman may also appoint an acting subcommittee Chairman until the vacancy is filled.

(g) *Subcommittee Action.*—(1) Any bill, resolution, recommendation, or other matter ordered reported to the Committee by a subcommittee shall be promptly reported by the subcommittee Chairman or any subcommittee member authorized to do so by the subcommittee.

(2) Upon receipt of such report, the Majority Staff Director of the Committee shall promptly advise all members of the Committee of the subcommittee action.

(3) The Committee shall not consider any matters reported by subcommittees until two calendar days have elapsed from the date of reporting, unless the Chairman or a majority of the Committee determines otherwise.

(h) *Subcommittee Investigations.*—No investigation shall be initiated by a subcommittee without the prior consultation with the Chairman of the Committee or a majority of the Committee.

RULE XI.—COMMITTEE BUDGET, STAFF, AND TRAVEL

(a) *Committee Budget.*—The Chairman, in consultation with the majority members of the Committee, and the minority members of the Committee, shall prepare a preliminary budget for each session of the Congress. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee and subcommittees. After consultation with the Ranking Minority Member, the Chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

(b) *Committee Staff.*—(1) The Chairman shall appoint and determine the remuneration of, and may remove, the professional and clerical employees of the Committee not assigned to the minority. The professional and clerical staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate. (See clause 6 of House Rule XI.)

(2) The Ranking Minority Member of the Committee shall appoint and determine the remuneration of, and may remove, the professional and clerical staff assigned to the minority within the budget approved for such purposes. The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate such authority as he or she determines appropriate.

(3) From the funds made available for the appointment of Committee staff pursuant to any primary or additional expense resolution, the Chairman shall ensure that each subcommittee is adequately funded and staffed to discharge its responsibilities and that the minority party is fairly treated in the appointment of such staff (See clause 5(d) of the House Rule XI).

(c) *Committee Travel.*—(1) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee members and Committee staff regarding domestic and foreign travel (See clause 2(n) and clause 5 of House Rule XI as reprinted in Appendix A). Official travel for any member or any Committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Committee Member and any Committee staff member in connection with the attendance of hearings conducted by the Committee and its subcommittees and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(i) The purpose of the official travel;

(ii) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(iii) The location of the event for which the official travel is to be made; and

(iv) The names of members and Committee staff seeking authorization.

(2) In the case of official travel of members and staff of a subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such subcommittee to be paid for out of funds allocated to the Committee, prior authorization must be obtained from the subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable subcommittee Chairman in writing setting forth those items enumerated in clause (1).

(3) Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

(4) Local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of Members of the Committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies:

(i) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(ii) Each Member or employee of the Committee shall make an itemized report to the

Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Oversight and shall be open to public inspection.

RULE XII.—AMENDMENT OF RULES

These rules may be amended by a majority vote of the Committee. A proposed change in these rules shall not be considered by the Committee as provided in clause 2 of House Rule XI, unless written notice of the proposed change has been provided to each Committee member two legislative days in advance of the date on which the matter is to be considered. Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after its approval.

FOOTNOTES

[1] The Chairman and Ranking Minority Member of the Committee serve as ex officio Members of the Subcommittees. (See paragraph (e) of this Rule.)

[2] In the Committee Rules for the 104th Congress, the order of the subcommittees were listed somewhat differently.

RULES OF PROCEDURE FOR THE COMMITTEE ON WAYS AND MEANS, 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes.

Mr. ARCHER. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Ways and Means for the 105th Congress and ask that they be printed in the RECORD at this point. These rules were adopted by the committee in open session on February 5, 1997.

RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 105TH CONGRESS

Rule XI of the Rules of the House of Representatives, provides in part:

* * * The Rules of the House are the rules of its Committees and Subcommittees so far as applicable, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are nondebatable motions of high privilege in Committees and Subcommittees.

* * * Each Subcommittee of a Committee is a part of that Committee, and is subject to the authority and direction of that Committee and its rules as far as applicable.

* * * Each standing Committee of the House shall adopt written rules governing its procedure. Such rules * * *

(1) shall be adopted in a meeting which is open to the public * * *

(2) shall be not inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House * * *

In accordance with the foregoing, the Committee on Ways and Means, on February 5, 1997, adopted the following as the Rules of the Committee for the 105th Congress.

A. GENERAL

RULE 1. APPLICATION OF RULES

Except where the terms "full Committee" and "Subcommittee" are specifically referred to, the following rules shall apply to the Committee on Ways and Means and its Subcommittees as well as to the respective Chairmen.

RULE 2. MEETING DATE AND QUORUMS

The regular meeting day of the Committee on Ways and Means shall be on the second Wednesday of each month while the House is in session. However, the Committee shall not meet on the regular scheduled meeting day if there is no business to be considered.

A majority of the Committee constitutes a quorum for business; provided however, that two Members shall constitute a quorum at any regularly scheduled hearing called for the purpose of taking testimony and receiving evidence. In establishing a quorum for purposes of a public hearing, every effort shall be made to secure the presence of at least one Member each from the majority and the minority.

The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet pursuant to the call of the Chair.

RULE 3. COMMITTEE BUDGET

For each Congress, the Chairman, in consultation with the Majority Members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee. After consultation with the Minority Members, the Chairman shall include an amount budgeted by Minority Members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall present the same to the Committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. After said budget shall have been adopted, no substantial change shall be made in such budget unless approved by the Committee.

RULE 4. PUBLICATION OF COMMITTEE DOCUMENTS

Any Committee or Subcommittee print, document, or similar material prepared for public distribution shall either be approved by the Committee or Subcommittee prior to distribution and opportunity afforded for the inclusion of supplemental, minority or additional views, or such document shall contain on its cover the following disclaimer:

Prepared for the use of Members of the Committee on Ways and Means by members of its staff. This document has not been officially approved by the Committee and may not reflect the views of its Members.

Any such print, document, or other material not officially approved by the Committee or Subcommittee shall not include the names of its Members, other than the name of the full Committee Chairman or Subcommittee Chairman under whose authority the document is released. Any such document shall be made available to the full Committee Chairman and Ranking Minority Member not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) prior to its public release.

The requirements of this rule shall apply only to the publication of policy-oriented, analytical documents, and not to the publication of public hearings, legislative documents, documents which are administrative in nature or reports which are required to be submitted to the Committee under public law. The appropriate characterization of a document subject to this rule shall be determined after consultation with the Minority.

RULE 5. OFFICIAL TRAVEL

Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee Members and Committee staff. Official travel to be reimbursed from funds set aside for the full Committee for any Member or any committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Member and any committee staff member in connection with the attendance of hearings conducted by the Committee, its Subcommittees, or any other Committee or Subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) The purpose of the official travel;

(2) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(3) The location of the event for which the official travel is to be made; and

(4) The names of Members and Committee staff seeking authorization.

In the case of official travel of Members and staff of a Subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such Subcommittee to be paid for out of funds allocated to such Subcommittee, prior authorization must be obtained from the Subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable Subcommittee Chairman in writing setting forth those items enumerated above.

Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the full Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

RULE 6. AVAILABILITY OF COMMITTEE RECORDS AND PUBLICATIONS

The record of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

B. SUBCOMMITTEES

RULE 7. SUBCOMMITTEE RATIOS AND JURISDICTION

All matters referred to the Committee on Ways and Means involving revenue measures, except those revenue measures referred to Subcommittees under paragraphs 1, 2, 3, 4, or 5, shall be considered by the Committee and in Subcommittee. There shall be five standing Subcommittees as follows: a Subcommittee on Trade; a Subcommittee on Oversight; a Subcommittee on Health; a Subcommittee on Social Security; and a Subcommittee on Human Resources. The ratio of Republicans to Democrats on any Subcommittee of the Committee shall be consistent with the ratio of Republicans to Democrats on the full Committee.

The jurisdiction of each Subcommittee shall be:

1. The Subcommittee on Trade shall consist of 15 Members, 9 of whom shall be Republicans and 6 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Trade shall include bills and matters referred to the Committee on Ways and Means which relate to customs and customs administration including tariff and import fee structure, classification, valuation of and special rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports; import trade matters, including import impact, industry relief from injurious imports, adjustment assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements including multilateral and bilateral trade negotiations and implementation of agreements involving tariff and nontariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the U.S. Customs Service, the U.S. International Trade Commission, and the U.S. Trade Representative; and special trade-related problems involving market access, competitive conditions of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing countries, operations of multinational corporations, and trade with nonmarket economies.

2. The Subcommittee on Oversight shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Oversight shall include all matters within the scope of the full Committee's jurisdiction but shall be limited to existing law. Said oversight jurisdiction shall not be exclusive but shall be concurrent with that of the other Subcommittees. With respect to matters involving the Internal Revenue Code and other revenue issues, said concurrent jurisdiction shall be shared with the full Committee. Before undertaking any investigation or hearing, the Chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the Chairman of any other Subcommittee having jurisdiction.

3. The Subcommittee on Health shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Health shall include bills and matters referred to the Committee on Ways and Means which relate to programs providing payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health shall include bills and matters which relate to the health care programs of the Social Security Act (including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance premiums and health care costs.

4. The Subcommittee on Social Security shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Social Security shall include bills and matters referred to the Committee on Ways and Means which relate to the Federal Old-Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. More specifically, the jurisdiction of the Subcommittee on Social Security shall include bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old-Age, Survivors' and Disability Insurance System.

5. The Subcommittee on Human Resources shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Human Resources shall include bills and matters referred to the Committee on Ways and Means which relate to the public assistance provisions of the Social Security Act including welfare reform, supplemental security income, aid to families with dependent children, social services, child support, eligibility of welfare recipients for food stamps, and low-income energy assistance. More specifically, the jurisdiction of the Subcommittee on Human Resources shall include bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX and related provisions of titles VII and XI of the Social Security Act.

The jurisdiction of the Subcommittee on Human Resources shall also include bills and matters referred to the Committee on Ways and Means which relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits. More specifically, the jurisdiction of the Subcommittee on Human Resources shall also include all bills and matters pertaining to the programs of unemployment compensation under titles III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, the Federal-State Extended Unemployment Compensation Act of 1970, the Emergency Unemployment Compensation Act of 1974, and provisions relating thereto.

RULE 8. EX-OFFICIO MEMBERS OF SUBCOMMITTEES

The Chairman of the full Committee and the Ranking Minority Member may sit as ex-officio Members of all Subcommittees. They may be counted for purposes of assisting in the establishment of a quorum for a Subcommittee. However, their absence shall not count against the establishment of a quorum by the regular Members of the Subcommittee. Ex-officio Members shall neither vote in the Subcommittee nor be taken into consideration for purposes of determining the ratio of the Subcommittee.

RULE 9. SUBCOMMITTEE MEETINGS

Insofar as practicable, meetings of the full Committee and its Subcommittees shall not conflict. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other Subcommittee Chairmen with a view toward avoiding, wherever possible, simultaneous scheduling of full Committee and Subcommittee meetings or hearings.

RULE 10. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORTS

Except for bills or measures retained by the Chairman of the full Committee for full Committee consideration, every bill or other measure referred to the Committee shall be referred by the Chairman of the full Committee to the appropriate Subcommittee in a timely manner. A Subcommittee shall, within 3 legislative days of the referral, acknowledge same to the full Committee.

After a measure has been pending in a Subcommittee for a reasonable period of time, the Chairman of the full Committee may make a request in writing to the Subcommittee that the Subcommittee forthwith report the measure to the full Committee with its recommendations. If within 7 legislative days after the Chairman's written request, the Subcommittee has not so reported the measure, then there shall be in order in the full Committee a motion to discharge the Subcommittee from further consideration of the measure. If such motion is approved by a majority vote of the full Committee, the measure may thereafter be considered only by the full Committee.

No measure reported by a Subcommittee shall be considered by the full Committee unless it has been presented to all members of the full Committee at least 2 legislative days prior to the full Committee's meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the budget effects of the measure that is consistent with the requirements for reported measures under clause 7 of Rule XIII of the Rules of the House of Representatives.

RULE 11. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman of the full Committee shall recommend to the Speaker as conferees the names of those Committee Members as the Chairman may designate. In making recommendations of Minority Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

C. HEARINGS

RULE 12. WITNESSES

In order to assure the most productive use of the limited time available to question hearing witnesses, a witness who is scheduled to appear before the full Committee or a Subcommittee shall file with the Clerk of the Committee at least 48 hours in advance of his appearance a written statement of his proposed testimony. In addition, all witnesses shall comply with formatting requirements as specified by the Committee and the Rules of the House. Failure to comply with the 48-hour rule may result in a witness being denied the opportunity to testify in person. Failure to comply with the formatting requirements may result in a witness' statement being rejected for inclusion in the published hearing record. In addition to the requirements of clause 2(g)(4) of Rule XI, of the Rules of the House, regarding information required of public witnesses, a witness shall limit his oral presentation to a summary of his position and shall provide sufficient copies of his written statement to the Clerk for distribution to Members, staff and news media.

A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the Committee must include on his statement or submission a list of all clients, persons, or organizations on whose behalf the witness appears. Oral testimony and statements for the record, or written comments in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the full Committee or Subcommittee involved. Written statements from noncitizens may be considered for acceptance in the record if transmitted to the Committee in writing by Members of Congress.

RULE 13. QUESTIONING OF WITNESSES

Committee Members may question witnesses only when recognized by the Chairman for that purpose. All Members shall be limited to 5 minutes on the initial round of questioning. In questioning witnesses under the 5-minute rule, the Chairman and the Ranking Minority Member shall be recognized first after which members who are in attendance at the beginning of a hearing will be recognized in the order of their seniority on the Committee. Other Members shall be recognized in the order of their appearance at the hearing. In recognizing Members to question witnesses, the Chairman may take into consideration the ratio of Majority Members to Minority Members and the number of Majority and Minority Members present and shall apportion the recognition for questioning in such a manner as not to disadvantage Members of the majority.

RULE 14. SUBPOENA POWER

The power to authorize and issue subpoenas is delegated to the Chairman of the full Committee, as provided for under clause 2(m)(2)(A) of Rule XI of the House of Representatives.

RULE 15. RECORDS OF HEARINGS

An accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his testimony for correction and immediate return to the Committee offices. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes which substantially alter the actual testimony will not be permitted. Members shall correct their own testimony and return transcripts as soon as possible after receipt thereof. The Chairman of the full Committee may order the printing of a hearing without the corrections of a witness or Member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislation or other measure which is the subject of the hearing.

RULE 16. BROADCASTING OF HEARINGS

The provisions of clause 3(f) of Rule XI of the Rules of the House of Representatives are specifically made a part of these rules by reference. In addition, the following policy shall apply to media coverage of any meeting of the full Committee or a Subcommittee:

1. An appropriate area of the Committee's hearing room will be designated for members of the media and their equipment.

2. No interviews will be allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.

3. Day-to-day notification of the next day's electronic coverage shall be provided by the media to the Chairman of the full Committee through the chief counsel or some other appropriate designee.

4. Still photography during a Committee meeting will not be permitted to disrupt the proceedings or block the vision of Committee Members or witnesses.

5. Klieg lights will be permitted to illuminate the hearing room only during the first 15 minutes following the Chairman's initial calling of the Committee to order.

D. MARKUPS

RULE 17. RECONSIDERATION OF PREVIOUS VOTE

When an amendment or other matter has been disposed of, it shall be in order for any Member of the prevailing side, on the same or next day on which a quorum of the Committee is present, to move the reconsideration thereof, and such motion shall take precedence over all other questions except the consideration of a motion to adjourn.

RULE 18. PREVIOUS QUESTION

The Chairman shall not recognize a Member for the purpose of moving the previous question unless the Member has first advised the Chair and the Committee that this is the purpose for which recognition is being sought.

RULE 19. OFFICIAL TRANSCRIPTS OF MARKUPS AND OTHER COMMITTEE MEETINGS

An official stenographic transcript shall be kept accurately reflecting all markups and other meetings of the full Committee and the Subcommittees, whether they be open or closed to the public. This official transcript, market as "uncorrected," shall be available for inspection by the public (except for meetings closed pursuant to clause 2(g)(1) of Rule XI of the Rules of the House), by Members of the House, or by Members of the Committee together with their staffs, during normal business hours in the full Committee or Subcommittee office under such controls as the Chairman of the full Committee deems necessary. Official transcripts shall not be removed from the Committee or Subcommittee office. If, however, (1) in the drafting of a Committee or Subcommittee decision, the Office of the House Legislative Counsel or (2) in the preparation of a Committee report, the Chief of Staff of the Joint Committee on Taxation determines (in consultation with appropriate majority and minority committee staff) that it is necessary to review the official transcript of a markup, such transcript may be released upon the signature and to the custody of an appropriate committee staff person. Such transcript shall be returned immediately after its review in the drafting session.

The official transcript of a markup or Committee meeting other than a public hearing shall not be published or distributed to the public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, Members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceeding, all of the requirements of this rule shall likewise be observed.

RULE 20. PUBLICATION OF DECISIONS AND LEGISLATIVE LANGUAGE

A press release describing any tentative or final decision made by the full Committee or a Subcommittee on legislation under consideration shall be made available to each Member of the Committee as soon as possible, but no later than the next day. However, the legislative draft of any tentative or final decision of the full Committee or a Subcommittee shall not be publicly released until such draft is made available to each Member of the Committee.

E. STAFF

RULE 21. SUPERVISION OF COMMITTEE STAFF

The staff of the Committee shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 6 of Rule XI of the Rules of the House of Representatives concerning Committee expenses and staff.

Pursuant to clause 5(d) of Rule XI of the Rules of the House of Representatives, the Chairman of the full Committee, from the funds made available for the appointment of Committee staff pursuant to primary and additional expense resolutions, shall ensure that each Subcommittee receives sufficient staff to carry out its responsibilities under the rules of the Committee, and that the minority party is fairly treated in the appointment of such staff.

RULE 22. STAFF HONORARIA, SPEAKING ENGAGEMENTS, AND UNOFFICIAL TRAVEL

This rule shall apply to all majority and minority staff of the Committee and its Subcommittees.

a. *Honoraria.*—Under no circumstances shall a staff person accept the offer of an honorarium. This prohibition includes the direction of an honorarium to a charity.

b. *Speaking engagements and unofficial travel.*—

(1) *Advance approval required.*—In the case of all speaking engagements, fact-finding trips, and other unofficial travel, a staff person must receive approval by the full Committee Chairman (or, in the case of the minority staff, from the Ranking Minority Member) at least 7 calendar days prior to the event.

(2) *Request for approval.*—A request for approval must be submitted in writing to the full Committee Chairman (or, where appropriate, the Ranking Minority Member) in connection with each speaking engagement, fact-finding trip, or other unofficial travel. Such request must contain the following information:

(a) the name of the sponsoring organization and a general description of such organization (nonprofit organization, trade association, etc.);

(b) the nature of the event, including any relevant information regarding attendees at such event;

(c) in the case of a speaking engagement, the subject of the speech and duration of staff travel, if any; and

(d) in the case of a fact-finding trip or international travel, a description of the proposed itinerary and proposed agenda of substantive issues to be discussed, as well as a justification of the relevance and importance of the fact-finding trip or international travel to the staff member's official duties.

(3) *Reasonable travel and lodging expenses.*—After receipt of the advance approval described in (1) above, a staff person may accept reimbursement by an appropriate sponsoring organization of reasonable travel and lodging expenses associated with a speaking engagement, fact-finding trip, or international travel related to official duties, provided such reimbursement is consistent with the Rules of the House of Representatives. (In lieu of reimbursement after the event,

expenses may be paid directly by an appropriate sponsoring organization.) The reasonable travel and lodging expenses of a spouse (but not children) may be reimbursed (or directly paid) by an appropriate sponsoring organization consistent with the Rules of the House of Representatives.

(4) *Trip summary and report.*—In the case of any reimbursement or direct payment associated with a fact-finding trip or international travel, a staff person must submit, within 60 days after such trip, a report summarizing the trip and listing all expenses reimbursed or directly paid by the sponsoring organization. This information shall be submitted to the Chairman (or, in the case of the minority staff, to the Ranking Minority Member).

(c) *Waiver.*—The Chairman (or, where appropriate, the Ranking Minority Member) may waive the application of section (b) of this rule upon a showing of good cause.

RULES OF PROCEDURE FOR THE COMMITTEE ON COMMERCE THE 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BLILEY] is recognized for 5 years.

Mr. BLILEY. Mr. Speaker, pursuant to the requirements of clause 2 of rule XI of the Rules of the House of Representatives, I hereby submit for publication in the CONGRESSIONAL RECORD the rules of the Committee on Commerce for the 105th Congress, as adopted by the Committee in open session on January 21, 1997.

RULES FOR THE COMMITTEE ON COMMERCE 1997-98

RULE 1. GENERAL PROVISIONS

(a) *Rules of the Committee.* The Rules of the House are the rules of the Committee on Commerce (hereinafter ‘the Committee’) and its subcommittees so far as is applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the Committee and its subcommittees.

(b) *Rules of the Subcommittees.* Each subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the Committee.

RULE 2. TIME AND PLACE OF MEETINGS

(a) *Regular Meeting Days.* The Committee shall meet on the fourth Tuesday of each month at 10 a.m., for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The chairman of the Committee may, at his discretion, cancel, delay, or defer any meeting required under this section, after consultation with the ranking minority member.

(b)(1) *Additional Meetings.* The chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purposes pursuant to that call of the chairman.

(2) *Special Meetings.* Special meetings shall be called and convened as provided in clause 2(c)(2) of Rule XI of the Rules of the House.

(c) *Vice Chairmen; Presiding Member.* The chairman shall designate a member of the majority party to serve as vice chairman of the Committee, and shall designate a majority member of each subcommittee to serve as vice chairman of each subcommittee. The vice chairman of the Committee or subcommittee, as the case may be, shall preside at any meeting or hearing during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting or hearing, the ranking member of the majority party who is present shall preside at the meeting or hearing.

(d) *Open Meetings and Hearings.* Each meeting of the Committee or any of its subcommittees for the transaction of business, including the markup of legislation, and each hearing, shall be open to the public including to radio, television and still photography coverage, consistent with the provisions of Rule XI of the Rules of the House. This paragraph does not apply to those special cases provided in the Rules of the House where closed sessions are otherwise provided.

RULE 3. AGENDA

The agenda for each Committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the Committee at least 36 hours in advance of such meeting.

RULE 4. PROCEDURE

(a)(1) *Hearings.* The date, time, place, and subject matter of any hearing of the Committee or any of its subcommittees shall be announced at least one week in advance of the commencement of such hearing, unless the Committee or subcommittee determines in accordance with clause 2(g)(3) of Rule XI of the Rules of the House that there is good cause to begin the hearing sooner.

(2)(A) *Meetings.* The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours (exclusive of Saturdays, Sundays, and legal holidays except when the House is in session on such days) in advance of the commencement of such meeting.

(B) *Other Meetings.* The date, time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b)(1) *Requirements for Testimony.* Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least two working days in advance of his or her appearance, sufficient copies, as determined by the chairman of the Committee or a subcommittee, of a written statement of his or her proposed testimony to provide to members and staff of the Committee or subcommittee, the news media, and the general public. Each witness shall, to the greatest extent practicable, also provide a copy of such written testimony in an electronic format prescribed by the chairman. Each witness shall limit his or her oral presentation to a brief summary of the argument. The chairman of the Committee or of a subcommittee, or the presiding member, may waive the requirements of this paragraph or any part therof.

(2) *Additional Requirements for Testimony.* To the greatest extent practicable, for each witness appearing in a non-governmental capacity, such written testimony required under paragraph (1) shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.

(c) *Questioning Witnesses.* The right to interrogate the witnesses before the Committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the Committee present has been recognized once for that purpose. While the Committee or subcommittee is operating under the 5-minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the Committee or subcommittee, as the case may be.

(d) *Explanation of Subcommittee Action.* No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full Committee unless the text of the matter reported, together with an explanation, has been available to members of the Committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the Committee to all members of the Committee.

(e) *Opening Statements.* Opening statements by members at the beginning of any hearing or markup of the Committee or any of its subcommittees shall be limited to 5 minutes each for the chairman and ranking minority member (or their respective designee) of the Committee or subcommittee, as applicable, and 3 minutes each for all other members.

RULE 5. WAIVER OF AGENDA, NOTICE, AND LAYOVER REQUIREMENTS

Requirements of rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the Committee or subcommittee, as the case may be.

RULE 6. QUORUM

Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the Committee or subcommittee in question. A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, or of closing a meeting or hearing pursuant to clause 2(g) of Rule XI of the Rules of the House (except as provided in clause 2(g)(2) (A) and (B)). For the purposes of taking any action other than those specified in the preceding sentence, one-third of the members of the Committee or subcommittee shall constitute a quorum.

RULE 7. PROHIBITION AGAINST PROXY VOTING

No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

RULE 8. OFFICIAL COMMITTEE RECORDS

(a)(1) *Journal*. The proceedings of the Committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the vote on any question on which a record vote is demanded and a description of the amendment, motion, order, or other proposition voted. A copy of the journal shall be furnished to the ranking minority member.

(2) *Rollcalls*. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a rollcall shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each rollcall vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

(b) *Archived Records*. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3 (b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The chairman shall consult with the ranking minority member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

RULE 9. COMMITTEE REPORTS

(a) *Supplemental, Minority, and Additional Views*. If, at the time of approval of any measure or matter by the Committee, any member or members of the Committee should give notice of an intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two subsequent calendar days (exclusive of Saturdays, Sundays, and legal holidays except when the House is in session on such days) in which to file such views in writing and signed by that member or members with the Committee. All such views so filed shall be included within and shall be part of the report filed by the Committee with respect to that measure or matter.

(b) *Investigative and Oversight Reports*. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such days).

(c) *Filing of Investigative and Oversight Reports*. After the adjournment of the last regular session of a Congress sine die, an investigative or oversight report may be filed with the Clerk of the House at any time, provided that if a member gives timely notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

(d) *Activity Reports*. After an adjournment of the last regular session of a Congress sine die, the chairman of the Committee may file at any time with the Clerk of the House the Committee's activity report for that Congress pursuant to clause 1(d)(1) of Rule XI of the Rules of the House without the approval of the Committee, provided that a copy of the report has been available to each member of the Committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the Committee.

RULE 10. SUBCOMMITTEES

There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the Committee. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the process for establishing subcommittee chairmanships and assignments.

RULE 11. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the Committee with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings wherever possible.

RULE 12. REFERENCE OF LEGISLATION AND OTHER MATTERS

All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks of the date of receipt by the Committee unless, by majority vote of the members of the Committee, consideration is to be by the full Committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the Committee may, in his discretion, refer the matter simultaneously to two or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the subcommittee of primary jurisdiction. Such authority shall include the authority to refer such legislation or matter to an *ad hoc* subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittee having legislative or oversight jurisdiction.

RULE 13. RATIO OF SUBCOMMITTEES

The majority caucus of the Committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full Committee, nor shall such ratio provide for a majority of less than two majority members.

RULE 14. SUBCOMMITTEE MEMBERSHIP

(a) *Minority Party Membership*. The majority party members of the standing subcommittees shall be selected by a process determined by the majority party members. The selection of majority party members of the standing subcommittees shall be conducted at a meeting of the majority party caucus of the Committee held prior to any organizational meeting of the Committee.

(b) *Minority Party Membership*. The minority party members of the standing subcommittees shall be selected by a process determined by the minority party members. The selection of minority party members of the standing subcommittees shall be conducted prior to any organizational meeting of the Committee.

(c) *Ex Officio Members*. The chairman and ranking minority member of the Committee shall be *ex officio* members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

RULE 15. SUBCOMMITTEE CHAIRMEN

(a) *Chairman's Nominations*. The chairman shall nominate a slate of chairmen for the standing subcommittees. The chairman's slate shall be subject to approval by a majority of the majority party caucus of the Committee. If the chairman's initial slate is not approved by a majority, the chairman shall present an alternative slate of nominations until a slate is approved by a majority of the majority party caucus.

(b) *Managing Legislation on the House Floor*. The chairman, in his discretion, shall designate which member shall manage legislation reported by the Committee to the House.

RULE 16. COMMITTEE PROFESSIONAL AND CLERICAL STAFF APPOINTMENTS

(a) *Delegation of Staff*. Whenever the chairman of the Committee determines that any professional staff member appointed pursuant to the provisions of clause 6 of Rule XI of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) *Minority Professional Staff*. Professional staff members appointed pursuant to clause 6 of Rule XI of the House of Representatives, who are assigned to the ranking minority member of the Committee and not to the chairman of the Committee, shall be assigned to such Committee business as the minority party members of the Committee consider advisable.

(c) *Additional Staff Appointments*. In addition to the professional staff appointed pursuant to clause 6 of Rule XI of the House of Representatives, the chairman of the Committee shall be entitled to make such appointments to the professional and clerical staff of the Committee as may be provided within the budget approved for such purposes by the Committee. Such appointee shall be assigned to such business of the full Committee as the chairman of the Committee considers advisable.

(d) *Sufficient Staff*. The chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee.

(e) *Fair Treatment of Minority Members in Appointment of Committee Staff*. The chairman shall ensure that the minority members of the Committee are treated fairly in appointment of Committee staff.

(f) *Contracts for Temporary or Intermittent Services*. Any contract for the temporary services or intermittent service of individual consultants or organizations to make studies or advise the Committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the

Committee if approved by the chairman and ranking minority member of the Committee. Such approval shall not be deemed to have been given if at least one-third of the members of the Committee request in writing that the Committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

RULE 17. SUPERVISION, DUTIES OF STAFF

(a) *Supervision of Majority Staff.* The professional and clerical staff of the Committee not delegated to the minority shall be under the supervision and direction of the chairman who, in consultation with the chairmen of the subcommittees, shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) *Supervision of Minority Staff.* The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the Committee, who may delegate such authority as they determine appropriate.

RULE 18. COMMITTEE BUDGET

(a) *Preparation of Committee Budget.* The chairman of the Committee, after consultation with the ranking minority member of the Committee and the chairmen of the subcommittees, shall for the 105th Congress prepare a preliminary budget for the Committee, with such budget including necessary amounts for professional and clerical staff, travel, investigations, equipment and miscellaneous expenses of the Committee and the subcommittees, and which shall be adequate to fully discharge the Committee's responsibilities for legislation and oversight. Such budget shall be presented by the chairman to the majority party caucus of the Committee and thereafter to the full Committee for its approval.

(b) *Approval of the Committee Budget.* The chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. No proposed Committee budget may be submitted to the Committee on House Oversight unless it has been presented to and approved by the majority party caucus and thereafter by the full Committee. The chairman of the Committee may authorize all necessary expenses in accordance with these rules and within the limits of the Committee's budget as approved by the House.

(c) *Monthly Expenditures Report.* Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Oversight, which shows expenditures made during the reporting period and cumulative for the year by the Committee and subcommittees, anticipated expenditures for the projected Committee program, and detailed information on travel.

RULE 19. BROADCASTING OF COMMITTEE HEARINGS

Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3, of the Rules of the House. The coverage of any hearing or other proceeding of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or other proceeding and may be terminated by such member in accordance with the Rules of the House.

RULE 20. COMPTROLLER GENERAL AUDITS

The chairman of the Committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94-163), after consultation with the members of the Committee.

RULE 21. SUBPOENAS

The Committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House, if authorized by a majority of the members voting of the Committee or subcommittee (as the case may be), a quorum being present. Authorized subpoenas may be issued over the signature of the chairman of the Committee or any member designated by the Committee, and may be served by any person designated by such chairman or member. The chairman of the Committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the chairman, authorization and issuance of the subpoena is necessary to obtain the material set forth in the subpoena. The chairman shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable but in no event later than one week after service of such subpoena.

RULE 22. TRAVEL OF MEMBERS AND STAFF

(a) *Approval of Travel.* Consistent with the primary expense resolution and the additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) the purpose of the travel; (2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) the location of the event for which the travel is to be made; and (4) the names of members and staff seeking authorization.

(b) *Approval of Travel by Minority Members and Staff.* In the case of travel by minority party members and minority party professional staff for the purpose set out in (a), the prior approval, not only of the chairman but also of the ranking minority member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

APPENDICES: RULE XI, CLAUSES 2 AND 3 OF THE RULES OF THE HOUSE OF REPRESENTATIVES FOR THE 105TH CONGRESS

RULE XI: RULES OF PROCEDURE FOR COMMITTEES

Clause 2: Committee Rules

Adoption of written rules

2. (a) Each standing committee of the House shall adopt written rules governing its procedure. Such rules—

(1) shall be adopted in a meeting which is open to the public unless the committee, in open session and with a quorum present, determined by roll call vote that all or part of the meeting on that day is to be closed to the public;

(2) shall be not inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House; and

(3) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

Each committee's rules specifying its regular meeting days, and any other rules of a committee which are in addition to the provisions of this clause, shall be published in the Congressional Record not later than thirty days after the committee is elected in each odd-numbered year. Each select or joint committee shall comply with the provisions of this paragraph unless specifically prohibited by law.

Regular meeting days

(b) Each standing committee of the House shall adopt regular meeting days, which shall be not less frequent than monthly, for the conduct of its business. Each such committee shall meet, for the consideration of any bill or resolution pending before the committee or for the transaction of other committee business, on all regular meeting days fixed by the committee, unless otherwise provided by written rule adopted by the committee.

Additional and special meetings

(c)(1) The chairman of each standing committee may call and convene, as he or she considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the chairman.

(2) If at least three members of any standing committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of, and the measure or matter to be considered at, that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

Vice chairman or ranking majority member to preside in absence of chairman

(d) A member of the majority party on any standing committee or subcommittee thereof designated by the chairman of the full committee shall be vice chairman of the committee or subcommittee, as the case may be, and shall preside at any meeting during the temporary absence of the chairman. If the chairman and vice chairman of the committee or subcommittee are not present at any meeting of the committee or subcommittee, the ranking member of the majority party who is present shall preside at that meeting.

Committee records

(e)(1) Each committee shall keep a complete record of all committee action which shall include—

(A) in the case of any meeting or hearing transcript, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(B) a record of the votes on any question on which a rollcall vote is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting.

(2) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto, except that in the case of records in the Committee on Standards of Official Conduct respecting the conduct of any Member, officer, or employee of the House, no Member of the House (other than a member of such committee) shall have access thereto without the specific, prior approval of the committee.

(3) Each committee shall include in its rules standards for availability of records of the committee delivered to the Archivist of the United States under rule XXXVI. Such standards shall specify procedures for orders of the committee under clause 3(b)(3) and clause 4(b) of rule XXXVI, including a requirement that nonavailability of a record for a period longer than the period otherwise applicable under that rule shall be approved by vote of the committee.

(4) Each committee shall, to the maximum extent feasible, make its publications available in electronic form.

Prohibition against proxy voting

(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy.

Open meetings and hearings

(g)(1) Each meeting for the transaction of business, including the markup of legislation, of each standing committee or subcommittee thereof shall be open to the public, including to radio, television, and still photography coverage, except as provided by clause 3(f)(2), except when the committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House: Provided, however, That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(1) of rule X or by subparagraph (2) of this paragraph.

(2) Each hearing conducted by each committee or subcommittee thereof shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony,

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate clause 2(k)(5) of rule XI; or

(B) may vote to close the hearing, as provided in clause 2(k)(5) of rule XI.

No Member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, with the exception of the Committee on Standards of Official Conduct, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subparagraph for closing hearings to the public: Provided, however, That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing except that the Committee on Appropriations, the Committee on National Security, and the Permanent Select Committee on Intelligence and the subcommittees therein may, by the same procedure, vote to close up to five additional consecutive days of hearings.

(3) The chairman of each committee of the House (except the Committee on Rules) shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing. If the chairman of the committee, with the concurrence of the ranking minority member, determines there is good cause to begin the hearing sooner, or if the committee so determines by majority vote, a quorum being present for the transaction of business, the chairman shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Resources.

(4) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial oral presentations to the committee to brief summaries thereof. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

(5) No point of order shall lie with respect to any measure reported by any committee on the ground that hearings on such measure were not conducted in accordance with the provisions of this clause; except that a point of order on that ground may be made by any member of the committee which reported the measure if, in the committee, such point of order was (A) timely made and (B) improperly overruled or not properly considered.

(6) The preceding provisions of this paragraph do not apply to the committee hearings which are provided for by clause 4(a)(1) of rule X.

Quorum for taking testimony and certain other action

(h)(1) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence which shall be not less than two.

(2) Each committee (except the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than the reporting of a measure or recommendation which shall be not less than one-third of the members.

Limitation on committees' sittings

(i) No committee of the House may sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

Calling and interrogation of witnesses

(j)(1) Whenever any hearing is conducted by any committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2) (A) Subject to subdivisions (B) and (C), each committee shall apply the five-minute rule in the interrogation of witnesses in any hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.

(B) A committee may adopt a rule or motion permitting an equal number of its majority and minority party members each to question a witness for a specified period not longer than 30 minutes.

(C) A committee may adopt a rule or motion permitting committee staff for its majority and minority party members to question a witness for equal specified periods.

Investigative hearing procedures

(k)(1) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if the committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

Committee procedures for reporting bills and resolutions

(l)(1)(A) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring a matter to a vote.

(B) In any event, the report of any committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subdivision does not apply to a report of the Committee on Rules with respect to the rules, joint rules, or order of business of the House or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(2)(A) No measure or recommendation shall be reported from any committee unless a majority of the committee was actually present.

(B) With respect to each rollcall vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.

(3) The report of any committee on a measure which has been approved by the committee shall include (A) the oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X separately set out and clearly identified; (B) the statement required by section 308(a)(1) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law; (C) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and (D) a summary of the oversight findings and recommendations made by the Committee on Government Reform and Oversight under clause 4(c)(2) of rule X separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(4) Each report of a committee on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(5) If, at the time of approval of any measure or matter by any committee, other than the Committee on Rules, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional days (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. When time guaranteed by this subparagraph has expired (or, if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk not later than one hour after the expiration of such time. The report of the committee upon that measure or matter shall be printed in a single volume which—

(A) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(B) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of subparagraph (3)) are included as part of the report.

This subparagraph does not preclude—

(i) the immediate filing or printing of a committee print unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(ii) the filing by any such committee or any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(6) A measure or matter reported by any committee (except the Committee on Rules in the case of a resolution making in order the consideration of a bill, resolution, or other order of business), shall not be considered in the House until the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which the report of that committee upon that measure or matter has been available to the Members of the House, or as provided by section 305(a)(1) of the Congressional Budget Act of 1974 in the case of a concurrent resolution on the budget (except that a Saturday, Sunday, or legal holiday on which the House is in session shall not be excluded under such a section): *Provided, however,* That it shall always be in order to call up for consideration, notwithstanding the provisions of clause 4(b) of rule XI, a report from the Committee on Rules specifically providing for the consideration of a reported measure or matter notwithstanding this restriction. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House. This subparagraph shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; or

(B) any decision, determination, or action by a Government agency which would become or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

For the purposes of the preceding sentence, a Government agency includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

(7) If, within seven calendar days after a measure has, by resolution, been made in order for consideration by the House, no motion has been offered that the House consider that measure, any member of the committee which reported that measure may be recognized in the discretion of the Speaker to offer a motion that the House shall consider that measure, if that committee has duly authorized that member to offer that motion.

Power to sit and act; subpoena power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule and rule X (including any matters referred to it under clause 5 of rule X), any committee, or any subcommittee thereof, is authorized (subject to subparagraph (2)(A) of this paragraph)—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(B) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary.

The chairman of the committee, or any member designated by such chairman, may administer oaths to any witness.

(2)(A) A subpoena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(B) Compliance with any subpoena issued by a committee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

Use of committee funds for travel

(n)(1) Funds authorized for a committee under clause 5 are for expenses incurred in the committee's activities; however, local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds, including those authorized under clause 5, shall be expended for the purpose of defraying expenses of members of the committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(A) No member or employee of the committee shall receive or expend local currencies for subsistence in any country for any day at a rate in excess of the maximum per diem set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred by the Member or employee during that day.

(B) Each member or employee of the committee shall make to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. All such individual reports shall be filed no later than sixty days following the completion of travel with the chairman of the committee for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(2) In carrying out the committee's activities outside of the United States in any country where local currencies are unavailable, a member or employee of the committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law, or if the member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual unreimbursed expenses (other than for transportation) incurred, by the member or employee during any day.

(3) A member or employee of a committee may not receive reimbursement for the cost of any transportation in connection with travel outside of the United States unless the member or employee has actually paid for the transportation.

(4) The restrictions respecting travel outside of the United States set forth in subparagraphs (2) and (3) shall also apply to travel outside of the United States by Members, officers, and employees of the House authorized under clause 8 of rule I, clause 1(b) of this rule, or any other provision of these Rules of the House of Representatives.

(5) No local currencies owned by the United States may be made available under this paragraph for the use outside of the United States for defraying the expenses of a member of any committee after—

(A) the date of the general election of Members in which the Member has not been elected to the succeeding Congress; or

(B) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress.

Clause 3: Broadcasting of Committee Hearings and Meetings

3. (a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings, or committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or any Member or bring the House, the committee, or any Member into disrepute.

(d) The coverage of committee hearings and meetings by television broadcast, radio broadcast, or still photography shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever a hearing or meeting conducted by any committee or subcommittee of the House is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, except as provided in paragraph (f)(2). A committee or subcommittee chairman may not limit the number of television or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(f) Each committee of the House shall adopt written rules to govern its implementation of this clause. Such rules shall include provisions to the following effect:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of this rule, relating to the protection of the rights of witnesses.

(3) The allocation among the television media of the positions of the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULES OF PROCEDURE FOR THE COMMITTEE ON VETERANS' AFFAIRS, 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. STUMP] is recognized for 5 minutes.

Mr. STUMP. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Veterans' Affairs for the 105th Congress and ask that they be printed in the RECORD at this point. These rules were adopted by the committee on February 5, 1997.

COMMITTEE RULES OF PROCEDURE OF THE 105TH CONGRESS

(Adopted February 5, 1997)

RULE 1—APPLICABILITY OF HOUSE RULES

The Rules of the House are the rules of the Committee on Veterans' Affairs and its subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in Committees and subcommittees. Each subcommittee of the Committee is a part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable.

RULE 2—COMMITTEE MEETINGS AND HEARINGS

REGULAR AND ADDITIONAL MEETINGS

(a)(1) The regular meeting day for the Committee shall be at 10 a.m. on the second Tuesday of each month in such place as the Chairman may designate. However, the Chairman may dispense with a regular Tuesday meeting of the Committee.

(2)(A) The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(B) The Chairman shall notify each member of the Committee of the agenda of each additional regular meeting of the Committee at least 24 hours before the time of the meeting, except under circumstances the Chairman determines to be of an emergency nature. Under such circumstances, the Chairman shall make an effort to consult the ranking minority member, or in such member's absence, the next ranking minority party member of the Committee.

PUBLIC ANNOUNCEMENT

(b)(1) The Chairman, in the case of a hearing to be conducted by the Committee, and the subcommittee Chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or the subcommittee determines that there is good cause to begin the hearing at an earlier date. In the latter event, the Chairman or the subcommittee Chairman, as the case may be, shall obtain the concurrence of the ranking minority member and make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Clerk of the Congressional Record and the Committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(2) Meetings and hearings of the Committee and each of its subcommittees shall be open to the public unless closed in accordance with clause 2(g) of House rule XI.

QUORUM AND ROLLCALLS

(c)(1) A majority of the members of the Committee shall constitute a quorum for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business, except that two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(2) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee was actually present.

(3) There shall be kept in writing a record of the proceedings of the Committee and each of its subcommittees, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(4) A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to any rollcall vote on any motion to amend or report, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the report of the Committee on the bill or resolution.

(5) No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

CALLING AND INTERROGATING WITNESSES

(d)(1) Committee and subcommittee members may question witnesses only when they have been recognized by the Chairman of the Committee or subcommittee for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member may be extended only with the unanimous consent of all members present. The questioning of witnesses in both Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(2) Notwithstanding the provisions of paragraph (1) regarding the 5-minute rule, the Chairman after consultation with the ranking minority member may designate an equal number of members of the Committee or subcommittee majority and minority party to question a witness for a period not longer than 30 minutes. In no event shall the Chairman allow a member to question a witness for an extended period under this rule until all members present have had the opportunity to ask questions under the 5 minute rule. The Chairman after consultation with the ranking minority member may permit Committee staff for its majority and minority party members to question a witness for equal specified periods of time.

(3) So far as practicable: (A) each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least 48 hours in advance of the appearance of the witness, a written statement of the testimony of the witness and shall limit any oral presentation to a summary of the written statement; and (B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(4) When a hearing is conducted by the Committee or a subcommittee on any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chairman of a majority of those minority members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of the hearing thereon.

MEDIA COVERAGE OF PROCEEDINGS

(e) Any meeting of the Committee or its subcommittees that is open to the public shall be open to coverage by radio, television, and still photography in accordance with the provisions of clause 3 of House rule XI.

SUBPOENAS

(f) Pursuant to clause 2(m) of House rule XI, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

RULE 3—GENERAL OVERSIGHT RESPONSIBILITY

(a) In order to assist the House in:

(1) Its analysis, appraisal, evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the Committee and its various subcommittees, consistent with their jurisdiction as set forth in Rule 4, shall have oversight responsibilities as provided in subsection (b).

(b)(1) The Committee and its subcommittees shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee or subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

(2) In addition, the Committee and its subcommittees shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee or subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee or subcommittee.

(3) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of House rule X.

RULE 4—SUBCOMMITTEES

ESTABLISHMENT AND JURISDICTION OF SUBCOMMITTEES

(a)(1) There shall be three subcommittees of the Committee as follows:

(A) Subcommittee on Health, which shall have legislative, oversight and investigative jurisdiction over veterans' hospitals, medical care, and treatment of veterans.

(B) Subcommittee on Benefits, which shall have legislative, oversight and investigative jurisdiction over compensation, general and special pensions of all the wars of the United States, life insurance issued by the Government on account of service in the Armed Forces, cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior, burial benefits, education of veterans, vocational rehabilitation, veterans' housing programs, readjustment of servicemen to civilian life, and soldiers' and sailors' civil relief.

(C) Subcommittee on Oversight and Investigations, which shall have authority over matters that are referred to the subcommittee by the Chairman of the full Committee for investigation and appropriate recommendations. *Provided, however*, That the operations of the Subcommittee on Oversight and Investigations shall in no way limit the responsibility of the other subcommittees on the Committee on Veterans' Affairs for carrying out their oversight duties. This subcommittee shall not have legislative jurisdiction and no bills or resolutions shall be referred to it.

In addition, each subcommittee shall have responsibility for such other measures or matters as the Chairman refers to it.

(2) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of that subcommittee.

REFERRAL TO SUBCOMMITTEES

(b)(1) The Chairman of the Committee may refer a measure or matter, which is within the general responsibility of more than one of the subcommittees of the Committee, as the Chairman deems appropriate.

(2) In referring any measure or matter to a subcommittee, the Chairman of the Committee may specify a date by which the subcommittee shall report thereon to the Committee.

POWERS AND DUTIES

(c)(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman of the Committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings whenever possible.

(2) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the Committee, the Chairman of the subcommittee reporting the bill, resolution, or matter to the full Committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the Committee. It shall be the duty of the Chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(3) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the Committee shall transmit immediately to the Chairman of the subcommittee notice of the filing of that request.

(4) A member of the Committee who is not a member of a particular subcommittee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

(d) Each subcommittee of the Committee shall provide the Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chairman of the Committee deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 5—TRANSCRIPTS AND RECORDS

(a)(1) There shall be a transcript made of each regular and additional meeting and hearing of the Committee and its subcommittees. Any such transcript shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

(2) The Committee shall keep a record of all actions of the Committee and each of its subcommittees. The record shall contain all information required by clause 2(e)(1) of House rule XI and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with House rule XXXVI. The Chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

EDUCATION ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS], is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, the State of the Union Address has come and gone, and there are a great deal of items in the State of the Union Address which we must consider carefully. I would like to point out that the one item that received the greatest amount of applause, a standing ovation from both sides of the aisle, was the President's proposals that we go forward and improve education in America on a bipartisan basis; that the partisanship should stop at the schoolhouse door. I am very optimistic that, if nothing else happens in this 105th Congress, we will go forward in a bipartisan team approach and we will improve education.

We stood up and we applauded the President, because the President offered a great deal of vision in this area. He offers a concrete program to follow up on that vision. The President should be applauded. We should not do what I hear some cynics doing on television. The commentators are dismissing the President's speech as having too much rhetoric. He calls on us to understand that we are an indispensable Nation and they call that high-blown rhetoric. But I think the President is to be applauded for the vision expressed in that statement, and for the fact that he is seeking to inspire the Nation. Inspiration is invaluable.

We had a President who had problems with the vision thing, and this President has no problem with the vision thing. The vision thing will not get us there. The vision thing is not enough alone, but it is certainly a good place to begin. We are the indispensable Nation. We are the indispensable people on the face of the Earth. That should not be stated in a boasting manner, it should be stated with a great sense of humility and commitment. If America fails, then the cause of mankind on the planet earth also will fail. We should recognize that.

We should applaud the President for his overall vision. He understands regarding the 21st century and he is inspired by that thought, that he will take us into the 21st century. We should follow that leadership.

We should applaud the Members of Congress who stood up and applauded the President and signaled that they are ready. Democrats and Republicans are ready to follow the President. They are ready to take their own initiatives in the area of education.

This has not always been the case. That has not always been the case. Certainly for the last 2 years in the 104th Congress Democrats and Republicans were going in different directions on education. Never before have the differences been so pronounced as they were 2 years ago when the Republican majority took over the House of Representatives.

The differences were so pronounced that the Republican majority was demanding that the Department of Education be abolished. They made that demand, and they followed up by producing a budget and appropriations process in 1995 which gutted most of the education programs in America. We were going to have an almost $3.7 billion or just say $4 billion cut, in 1995 a $4 billion cut was proposed by the majority party. They know the American people forget these things quickly, and they are right. Despite the fact that there was a horrendous movement to wipe out the role of the Federal Government in education, we fought it to a standstill.

They did not prevail in 1995. The Democratic Party leadership, the members of the Committee on Education and the Workforce who are Democrats waged all-out war for the minds of the voters of America. We went to the people. We appealed to the common sense of the American people. The polls were clearly showing all the time that education is consistently a high priority with the American people. It is a high priority with the voters.

We let the voters know what was happening here in the Capitol, and the common sense of the American people has expressed itself. Not only did we not have a cut in 1995, they backed down and there were zero cuts in 1995. But a miracle happened in 1996. In the fall of 1996, during the appropriations process, and we applaud the Republican leadership and the Republican majority for this, they reversed themselves totally. Education received one of the largest increases that it has received in a long time, a $4 billion increase, almost a $4 billion increase, instead of a $4 billion cut.

Mr. Speaker, I applaud the common sense of the American people. I congratulate the Congress, especially the members of the majority, for listening. I applaud the Democrats for keeping the issue alive, for going to the American people and appealing to their common sense. I applaud the members of the Committee on Education and the Workforce, Democrats and Republicans. The members of the Committee on Education and the Workforce are not the most popular people in this Congress. Our status is generally very low. In the time that I have been here, for many years we have had to beg people to serve on the Committee on Education and the Workforce. There have been some Members who have consistently been there, both Republicans and Democrats. I want to applaud them for their consistency, I want to applaud them for their fortitude.

The cynics told me when I got here almost 15 years ago, they told me, do not get on the Committee on Education and the Workforce. They tell freshmen that all the time. Do not get on the Committee on Education and the Workforce, it is not a money committee.

You might say, why am I bringing this up, because everybody's mind is on campaign finance reform. Let us see the impact of campaign finance reform on the education issue. There are very good minds and very brilliant people who have refused to join the Committee on Education and the Workforce because in fact they are told you cannot raise any money. It is not a money committee.

Children of America do not have any political action committees. The unions, the teachers unions, the education-represented unions, they have been blown up and made to appear to be bogeymen and monsters, but they are very small players when it comes to the financing of political campaigns. So there are some people who allowed themselves to be swayed and not join the Committee on Education and the Workforce because of the fact that it is not a money committee.

I am upset because of the fact that we only have one New Yorker on the committee. I am the only New Yorker on the committee. For a long time I was the only New Yorker. Now I have been joined by the gentlewoman from Long Island [Mrs. MCCARTHY]. I want to welcome Mrs. MCCARTHY. And say now we have two New Yorkers on the committee. The people of New York should understand what I am saying. In the future, let us make certain that we have always a good representation on the Committee on Education and the Workforce. I applaud people who, like myself, have been there for years, and I applaud the newcomers, both Republicans and Democrats.

I want to send a message in this statement that as we go forward to seriously improve education in America we do not want the barbarians to come in, the opportunists to come in and try to dictate what should be done. It is the people on the Committee on Education and the Workforce who have the experience and knowhow, they have been with this problem a long time. Let us at least be willing to follow the leadership in the Congress of the people on the Committee on Education and the Workforce.

We applaud the Republicans for their sudden conversion last year. I am not here to make a great commentary today about the outcome of the election, but it was a stroke of genius, the gentleman from Georgia [Mr. GINGRICH], whoever fashioned the reelection strategy of the Republicans, it was a stroke of genius to reverse themselves on education, to give a $4 billion increase, and to go out and campaign as the friends of education.

They got the message that many of my Democratic leadership colleagues did not get. They got the message, and as we know, many of the contests for reelection were won or lost on the basis of 1 percentage point, 1 percentage point.

I am not going to stand here and claim that the education issue was the determining factor always in every election, but I will make the claim that in a number of those elections, the position or the understanding of the candidate about the issues prevailing in education, the ability to articulate it and communicate it to the voters, appealed to their common sense and they got votes, so it made a difference in many of those elections.

I applaud the genius of the Republican majority for seeing that they had to make that 360-degree turn. Now I hope that we will play no more games. I hope it is clearly understood now that education is a high priority, that education is a national security issue. The voters with their common sense understand that, that when we consider the greatness of America, there is no component in our national effort as important as education. We have always understood this. This is not something new.

The people out there across America have always considered education important. They have always considered it a local matter only, that primarily the States and the localities should deal with it. Common sense dictates that it is not working; that as the world has become more complex, as society has become more complex, the national effort and what we do on a national basis in education becomes important.

Those nations which have some kind of national guidance are producing students far superior to ours. We are not going to duplicate and imitate those nations because we do not necessarily want the kinds of emphases they have, but we should at least have the common sense to see that some central involvement is necessary.

If we have maximum central involvement in America, it would still only be a small part of the whole situation. Right now the amount of money expended for education by the Federal Government is really less than 8 percent. The total amount of money spent on education by the Federal Government, the State governments, and the local governments, is close to $350 billion. If you consider higher education and all education efforts under one umbrella, the Federal Government is responsible for only 8 percent of that, less than 8 percent. Large amounts of that go into higher education, so local education in the elementary and secondary education area is minuscule. If we increased the Federal involvement and the expenditures by 25-percent, we are still only slightly involved, compared to the local and State governments.

If you had 25 percent involvement of the Federal Government against 75 percent involvement of the State and local governments, and if you translated the 25-percent involvement of the Federal Government into Federal control or attempts at Federal control, we would only have 25-percent of the votes. If there was a vote being taken on education in any locality, and the Federal involvement versus the State and local involvement was a consideration, the State and local governments would have the decision-making power. So there is no threat. There is no threat that the Federal Government would ever take over education.

There is a great need that we have a central area of resource division, a central place for research and development, a central place where we can come and collect statistics and share experiences, so that what is working in Oklahoma can be made to work in my district in Brooklyn; what is working in Florida can be made to work somewhere in Iowa. Iowa, by the way, they have a tremendous education system, and they use telecommunications. Some of the States like Iowa and Idaho are way ahead of places like New York State, especially New York City.

We applaud the fact that there was a turnaround and an end to this hysteria which was going forward this time 2 years ago, a hysteria which called for the elimination of the Department of Education and a drastic reduction in Federal funds for education.

I want to applaud particularly the chairman of the Committee on Education and the Workforce, although he is a member of the other party, because they were in control. The gentleman from Pennsylvania [Mr. GOODLING], played a major role in this turnaround. He knew what had to be done when the time came, when the conversion within the Republican party, within the leadership, when it came.

Suddenly they understood that they had to follow the common sense of the American people. They needed somebody there with the good sense to tell them how to do it. They needed somebody there to tell them where to make the increase. So the $4 billion of increase for education is not just money being thrown at the problem. Chairman GOODLING and his colleagues who were there at the table made some wise decisions, and I applaud the work of Chairman GOODLING at that moment, that magic moment in the history of the Republican positionmaking on education.

□ 1045

I applaud the National Education Association, I applaud the American Federation of Teachers, I applaud the United Federation of Teachers in New York City. They are making great contributions day to day in this whole policy debate.

There is a healthy dynamism in America. The school boards, the associations, the various organizations that are going forward on education, they all ought to be applauded. We have averted a disaster. A major disaster in policymaking has been averted. We are at the brink, we were about to go over the cliff. You know, we had a serious situation.

Two years ago at this time the former Secretary of Education, Mr. Lamar Alexander, and the former Secretary of Education, Mr. Bennett, Alexander and Bennett both, who were former Education Secretaries, they both came into a hearing before the Committee on Economic and Educational Opportunities and they both testified that we should abolish the Department of Education. We were that close to the brink. We were that close to the brink. The majority party said we should abolish the Department of Education.

Now, we are at a stage where both parties rise in thunderous applause when the President says let us go forward without bipartisan obstacles in the area of our quest to improve education in America. So this is a day to celebrate. We should all be saying hallelujah. This is a time to celebrate. There is a dynamism out there among the American people. The common sense of the American voters has prevailed. Our system is working. We are going in the right direction.

I hear the critics every day now. They say, well, the President's proposals on education, they are nickel and dime matters. And I agree with that. I am ready to do far more. But let us first catch our breath. Let us first understand how close we came to disaster and then let us go forward in the right direction.

Now, we have a chance to resolve concrete problems. We have a chance to begin to correct the savage inequalities. There are savage inequalities in our education system. There are schools and school systems that are in a state of emergency.

The New York City school system is in a state of emergency. The New York City school system at the opening of school in September 1996 did not have places for 91,000 children to sit. There were no adequate places, no desks, no places for 91,000 children to sit.

You say, well, that was a state of crisis in September 1996. If you read the papers in New York, if you listen to the mayor of New York, you would think that the crisis is over, but we have never heard, where did they find seats for the 91,000 youngsters?

For days now in the New York City papers there have been articles running about the mayor's plan to have 1,000 youngsters, 1,000 students moved from the public schools to the parochial schools. There is a great brouhaha. And I applaud this. I am not being negative about it.

There is a great deal of discussion about financing. Private industry is coming forward, business is coming forward to finance the tuition for poor youngsters to go to these parochial and private schools, but it is only 1,000. One thousand. Any sophomore in high school would ask the obvious question: Where are the other 90,000? Where are the other 90,000 going? If you had 91,000 that had no places to sit, what happened to the 90,000 if you are only dealing with 1,000? What are you doing at this point?

Well, some of us know that they are sitting in bathrooms in some cases. They are sitting in closets, they are sitting in halls, they are sitting in the assembly auditoriums, they are sitting in cafeterias, cafeterias that are overworked because there are so many students in some schools in my district that they have three lunch periods.

Can you imagine having lunch at 11 o'clock in the morning, 10:30, 11 in the morning? Having lunch. You just had breakfast, but they have to have an early lunch for some kids because they have to have three lunch periods because there are so many youngsters in the school. And they are in a school that was not built for 2,000 youngsters. They were built for half that number.

So where are they putting them all? They are putting them in places which make it difficult to learn. How can you learn if you are sitting in some cramped closet, if you are sitting in a bathroom, if you are sitting in a hallway, if you are in the general assembly room with several other classes, if you are in the cafeteria with several other classes? But this is the state of emergency that faces New York City at this point.

So I am here to praise the President for his rhetoric and his vision. I am here to applaud the Congress for responding positively to that, but I am also here to praise the President for his concrete proposals that will address the emergencies in situations like this all across America.

New York City is in trouble and most of the big city schools are in trouble. Most of the big city, inner city schools are in trouble. There is a correlation between the difficulties and the state of emergency in the big city, inner city schools and the racial composition. Racism in America is not dead, it is still very much a factor in decisionmaking.

Decisions are made by people who are not the parents of the children in these inner city schools. The people who are making the decisions at the city council and the mayoral level in many cases are not reflective of the populations of the schools. Certainly the people who make the big decisions at the State level are not reflective.

What you have across America in several big cities is still a rule which says you finance schools on the basis of the State gives aid, as they do in New York State, on the basis of attendance and not enrollment. State aid is given on the basis of the number of children attending school on a specific number of days where the schools are monitored.

Now, that is a swindle, and every big State with big cities across the country, they tied into that swindle at one time, some States having changed it. It is a swindle.

It is a way to take money away from inner city, urban schools which have large populations of children but they do not attend school regularly. If you catch them in the attendance game, and you have certain days where you test, you are going to find the attendance in the inner city, urban schools is not as great in relation to the number of youngsters who are eligible to attend; of the number of youngsters who are a certain school age, it is not as great as it is in the surrounding suburbs of the big cities. It is not as great as it is in the rural areas of the States.

So for a long time cities like New York have been swindled out of their fair share of State aid. For a long time the expenditure per pupil in the big cities has been far less than State expenditures in the suburbs and in the surrounding rural areas. So it is not by accident that you have a state of emergency; that you do not have a building program which would keep up with the growth of the youthful population in New York City.

The overall population of New York City has not jumped. It might have gone down slightly. Now it is on the roll, going up again. We fluctuate between 7½ and 8 million people in New York City as a whole.

But we clearly understood the demographics in terms of age, and for some time now we have understood that there was a burgeoning youthful population. We understood that even before the impact of large numbers of immigrants. When we had the immigrants coming in with children and we looked at the statistics in terms of age, we knew for some time that New York City would have a space problem, a facility problem; that we would not be able to give a seat to the young people who were coming into the schools if we did not do something.

We had a chancellor named Ramon Cortines. Ramon Cortines laid out a plan for a building and repair program over 5 to 10 years, and he had a price tag on that plan. And Ramon Cortines was run out of town by our mayor. Mayor Giuliano browbeat, harassed, and pushed Ramon Cortines until he finally left town. He said, "I give up."

When he left town there was no more discussion of the plan to renovate, repair, and rebuild schools in New York City. And then in September 1996 the bomb fell. The bomb fell and we understood that we had a problem of 91,000 children.

This is hard for most of America to comprehend. Most of the school districts across America do not have 91,000 children in the whole school district. Most school districts in America have trouble getting up to 25,000. So it is hard to comprehend.

But stop and think about the fact that there are 8 million people approximately in New York City. There are a million youngsters in the school system of New York. We have 60,000 teachers, and most of the school districts across America do not have 60,000 pupils. We have 60,000 teachers. We have a million young people. We have more than a thousand school buildings.

So you can have a situation where 91,000 out of a million do not have a place to sit if you do not plan properly, if you play politics with education, if you drive the superintendent, the chancellor we call him there—it is a huge system. We have superintendents at the local level. We have 32 local school boards, 32 local superintendents, then we have the central board of education and we have the chancellor who presides over all of this. It is necessary in a complex city like New York.

I am not here to criticize the structure. I am here to criticize the fact that at the local level, where it had to be first, the mayor of the City of New York blundered politically, mightily. The same mentality that was driving the majority here in the fall of 1995 drove the city hall Republicans to drive Ramon Cortines out of town.

So here we are now in February. We had a crisis in September. What happened to the crisis? It has not been resolved. I want to applaud the United Federation of Teachers for going to court. They brought a lawsuit against the city and said, look, these crowded classrooms, too many students in one class, no proper place to sit others, it is against the negotiated contract where certain conditions are supposed to be provided. It is not safe for children.

They mentioned very much that you are at the level where you are not just talking about an atmosphere that is not conducive to learning, you are at a level where you are talking about an atmosphere where it is unsafe for children. You are at a level where, if we really enforced the health code properly, you would probably have to close down some of the classrooms. There are too many bodies, too many youngsters in some of these schools.

So when the President proposes some concrete proposal like his seventh proposal in his education proposal in his State of the Union message, "We cannot expect our children to raise themselves up in schools that are literally falling down. With the student population at an all-time high and record numbers of school buildings falling into disrepair, this has now become a serious national concern," the schools need an emergency effort.

"Therefore," the President said, "my budget includes a new initiative: $5 billion to help communities finance $20 billion of school construction over the next 4 years." He has a $5 billion program which deals with the immediate emergency and he has a larger program which deals with additional construction.

I do not know the terms of this program. I suspect that the President and I may not agree on the terms. We need outright grants, Mr. President. We need outright grants. I want the whole Congress to know that we cannot have the meaning of the emergency be contingent upon the money available at the local level or the money available at the State level.

If you have a crisis, you need the money. If you have a crisis, a disaster, you should react. New York is in a state of education crisis. When California has an earthquake, when California has mud slides or hurricanes, when Florida has hurricanes, when the Midwest has floods, we respond to them as disasters and we give the full amount. We do not say, "We will give you 90 percent funding to cover the cost."

We gave California more than $8 billion to deal with the earthquake and related disasters. We gave the Midwest nearly $6 billion to deal with the flood and related disasters. We gave Florida nearly $6 billion to deal with the hurricane disaster. We deal with natural disasters. Why can we not deal with a disaster that has been made by blundering of elected officials and for whatever reason?

The children should not suffer because we have had a crisis situation, exemplified by the fact that 91,000 youngsters had no place to sit on opening school day. If the leadership of New York City is not able to come to our rescue, if we do not have it there, then let us consider it the way we consider the emergencies in Haiti, Bosnia. We have a local leadership crisis. The leadership cannot rise to the occasion. They are not dealing with the emergency.

□ 1100

It is February now and they are still talking about the placement of 1,000 youngsters in private schools and nobody is concerned about the other 90,000. Thank you, Mr. President, for your initiative on education construction, on construction, school construction. We look forward to working with you on that.

As I said before, I want to applaud the fact that we are going in the right direction. I am talking about the education initiative of President Clinton as exemplified by his State of the

Union Address, and I want to talk to all of the cynical voters out there in America who think, who say, and really believe that politicians do not really make a great contribution to our society on a systematic basis. That is sheer nonsense.

We have term limits. Part of the philosophy behind term limits is that anybody can do this job. Anybody can be a politician. There is nothing serious at stake here. That is a dangerous, wrongheaded notion. Most dangerous. You do not ask for a surgeon who is new and fresh, you do not ask for a lawyer who is new and fresh, you do not ask for anybody in any responsible endeavor who is new. Newness is not a virtue anywhere else, except in politics suddenly. Suddenly you say, new people coming in once every 6 years and that is the answer to our political logjam, our gridlock, and corruption. It is not the answer.

There is a need for continuity, and in the area of education, continuity, political wisdom, institutional memory, the participation of elected officials at every level, all of that has brought us to this moment in history where we have averted a major disaster in educational policy making and we have launched a new crusade for a bipartisan effort to improve education.

This is a major, pivotal, landmark place that we stand in. We did not come here by accident. I am sure God had a lot to do with it, but we have step by step as individuals, as human beings, brought ourselves to this place. Republicans and Democrats have to be given the credit. If President Reagan had never launched the study of the crisis in American education and we did not come back with a study, "A Nation at Risk," we would have never had President Bush launching America 2000. President Bush launched America 2000 where he set forth the goals that we should strive for in education.

Those are the same goals that President Clinton is also espousing now. He has added a few, but those same six, the first six, are still there. President Bush launched this. He took it to the Governors' conference. Among those politicians, those Governors, who are politicians, was Bill Clinton. Bill Clinton endorsed the idea then. There has been a continuity. The Governor of Colorado, Governor Romer, has been one of the key factors all along in this process. The Governors made a decision about standards. All the way back under George Bush, we were talking about trying to move toward national standards; national standards, not Federal standards; national standards developed by the appropriate people, and no State would have to automatically participate in those national standards. The national curriculum and the national standards are voluntary, State by State. That has always been there, from Bush to Clinton, and it prevails right now.

They called for national testing. It has always been there. Bush, Clinton. In Bush's America 2000 plan, it was there. It continues under Clinton. There has been a continuity under all the politicians. There have been some disagreements about the pace, there has been disagreement about the emphasis. Under Bush we had a greater emphasis on choice and vouchers, and it threw a lot of the other parts of his program off track. But the other parts were there.

I was the chairman of the Subcommittee on Select Education at the time that President Bush launched America 2000. We were engaged in a reauthorization of the Office of Educational Research and Improvement. We prepared a report at that time which is entitled Education 2005, the Role of Research and Development in an Overwhelming Campaign for Education in America.

This was issued in August 1991. The Role of Research and Development in an Overwhelming Campaign for Education in America. We called it Education 2005. That was 1991. We looked at the situation and said over a 15-year period, we should strive to achieve the goals set by America 2000, and we talked about specific ways to implement those goals, and we talked about the role of educational research and improvement in those goals. The process of implementing them had to be buttressed by research and development.

It is amazing how many of the things that are contained in this report, how many recommendations, have gone forward. It is amazing how the Congressional Black Caucus budget, which was put on the floor in 1995 and met the requirement of being balanced by the year 2002, we met the requirement. We were told you cannot bring your budget to the floor unless the budget shows how you are going to have a balanced budget in 2002, and they thought they had us stymied.

How can the Congressional Black Caucus which wants to recommend more money for social programs, more money for education, Head Start, Medicare, Medicaid, how can they come to the floor with a balanced budget? We came to the floor with a balanced budget. We showed where you can get the revenue to do what you want to do. You can get the revenue by not taxing families in America. In fact, we called for a tax decrease, and I intend to push for an even greater call among the members of the Congressional Black Caucus and the members of the Democratic caucus for a tax decrease. The people in America, all of the families and individuals deserve a decrease in their taxes.

The problem in America is that we have a situation where we did a topsy-turvy thing. In 1944 we reversed the way income taxes are collected proportionally. In 1944 we had a situation where only 27 percent of the income taxes collected in America came from families and individuals, and almost 44 percent came from corporations. We reversed that.

In 1983 under Ronald Reagan, the contribution of corporations to the income tax went down to 6 percent while the individual taxes leaped up to 44 percent of the total. So that reversal is the problem.

What we need in America is a great cut in the taxes for individuals and families and an increase in the taxes on corporations, because corporations are where they are making the money. It is like Slick Willie Sutton said when asked, "Why do you rob banks?" His answer was an obvious one: "That's where the money is."

The money is in the corporations that are going forward. Wall Street has the biggest boom in its history. We have 10 percent of the population of America who derive tremendous amounts of income from the corporations, making far more than they ever made in their lives.

Now is the time for a tax cut for average American families and you can balance that off by getting rid of corporate welfare, some of the loopholes we have which give subsidies to corporations, and also raising corporate taxes. I am not here today to talk about that.

But we balanced the budget. The Congressional Black Caucus balanced the budget. My point here is that the Congressional Black Caucus proposed in the spring of 1995 when the budget was introduced, we proposed in this budget that you increase the funds for education by 25 percent. We showed how you can increase the funds for education by 25 percent. We proposed those increases.

The President's budget that is being offered here this week proposes to increase the funding for education by 20 percent. There are some people who are members of the Congressional Black Caucus who have said, this is a futile effort; why do we even prepare a budget and take it to the floor? There are some people out there among our constituents who say, why do you bother? You go to the floor, you get 57, 58 votes for the Congressional Black Caucus budget.

Here is the proof. We offered the vision. We offered a vision. It has happened over and over again, that what appears in a Congressional Black Caucus budget in one year, 5 years later is almost fully adopted.

We are going at a faster pace now. What appeared in our budget in the spring of 1995, we had a tiny fraction of the adopting of that in the fall of 1996 by the Republican majority. Some of the increases that we asked for in the Congressional Black Caucus budget, the Republican majority gave them to us in 1996.

Now we have a President who is calling for a 20 percent increase. Twenty percent. The Congressional Black Caucus budget called for 25 percent. Twenty percent. Where are the increases going to go that the President proposes?

Head Start. We called for full funding of Head Start. The President does not propose full funding by 2000 but he is proposing that we fund at least 1 million youngsters across the country by 2000. Okay, Mr. President, you are going in the right direction. You have accelerated your speed. We applaud that.

We proposed that Pell grants be increased. The President is proposing an increase in Pell grants. I could go right down the line. We have it in the Congressional Black Caucus budget for 1995 and 1996. It is not a futile gesture.

I hope that voters out there who are cynical about this whole process understand one of the reasons America is a great country is because that boiling that takes place, the contention, the debate, all of it does produce positive results.

It takes a long time sometimes. But as long as you are moving in the right direction, do not abandon the process, do not give up. Our democracy is working. God moves in mysterious ways. I cannot figure out the mystery. I wish the Democrats would regain control of the House and less mystery. But the movement in mysterious ways should not stop us from going forward and being positive. On this one issue, we can demonstrate all together, both the voters and the Members of Congress, everybody at every decision making level, demonstrate that America can go forward and build the best school system in the world.

Why bother to do that? If we are truly what the President says, the indispensable Nation, then one of the ways we are indispensable is by setting models, being the role model for the rest of the world.

H. G. Wells talked about education; history is a race between education and catastrophe. It is still true. If we do not have education, if we do not go beyond technological education, which is very important because it improves ways to release people from having to struggle to make a living so their minds are free and you can get the opportunity for education, it generates the revenue.

Capitalism and technology. Capitalism has shown, and we ought to end that debate. We ought to end the debate on what the best economic system is. For the Chinese and for the Americans, for the Australians and for the Russians, for everybody, capitalism is the best system, proven by experimentation. Proven. They say in social areas you cannot really prove anything, and I am using the word "proof" loosely. Only in science and math can you prove things conclusively. I think we have enough experience to say capitalism is the best system. It is the best system because it understands human nature, it understands the need for incentives, it understands the danger of bureaucracy, the danger of smugness, the danger of people who are very inspired and very enthusiastic but when they get in a certain situation, the lethargy sets in.

You have got to have the ferment of capitalism, the push. But there are dangers in capitalism. Capitalism now must be accepted as the best economic system. We have to go forward to refine capitalism and make capitalism work in tandem with democracy.

What is campaign finance reform all about? It is about keeping capitalism in check. Do not let the people who have the money take over the running of the Government through their campaign financing. It is as simple as that. We have laissez faire. We have always said leave business alone, leave the economic system to its own dynamic process, it will work itself out, working out the marketplace process.

The marketplace has been left alone, very much so, in America. We have set an example for the rest of the world. Even China, with a Communist government, is building a capitalistic economic system. So they understand that.

The problem is that laissez faire has to work both ways. You cannot have the capitalists, power accumulated, try to take over the Democratic processes. You have to have a balance. So checks and balances are necessary. Capitalism is king. We want to go forward and show the world that it is the best system.

Education is a vital part of keeping both capitalism working and democracy working. In this complex society, the Nation which learns best how to educate human beings, the Nation which learns best how to develop its human resources and how to maximize its human potential, wasting nobody, allowing everybody to add value, every individual can add value by education. The mechanic who works on the airplane is as valuable as the pilot who flies it. I do not worry, when I fly, about the training that the pilot got. I know that the most expensive training in America is given to airline pilots. The cost of the training that they go through is the most expensive in America. I worry about the training that the mechanic got who put the nut in the right place. I worry about the training that the man who lubricated the thing got, that he used the right pump. I worry about him knowing his job.

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Everybody in a complex society like ours has to know what they are doing. They add, you add value to them at every level and neglect nobody and therefore, you know, that is why the present system is so good. He talks about everybody being educated beyond high school, the opportunity for 2 more years, and I hope that we are going to be smart enough not to combine, you know, confine that to academic education; you know, the plumbers, the electricians, the computer specialists.

There are a lot of people who do not need to pass academic tests and who can do a great job, and we should not rule them out just because they cannot pass academic tests. We should not have these rigid rules which doom a certain portion of our population to unemployment and deny them the chance to earn a very good income.

There are many people who are plumbers who, as you know, earn far higher salaries than teachers. There are many people who are plumbers and carpenters and contractors who never went to school, went to college, who know how to operate a business far better than college graduates. There are many geniuses that have developed in our times, the last 20, 30 years, who did not finish college. I do not know how far Bill Gates got. He had a lot of folks around him who did not finish. The guy who developed Federal Express in my hometown of Memphis, you know, his professors told him the idea would not work.

We know in America that academic education is important, but let us not get you caught in the trap where we devalue the education.

In New York City we have a problem with Apex Institute, came to me recently, said, "Look, we got a situation now where they are setting some new criteria and people who used to come in because they have the aptitude in order do the job, they got to pass a written test now. They have to pass a written test. They can't get in here and take a one-year course or a 6-month course which will allow them to go out and get their license in refrigeration or get their license in auto mechanics work, you know."

So education adds value. The nation that learns how to educate the population, how to get the maximum development out of its population will be the nation that leads the world in the future.

You might say, well, you know there is some people just cannot be educated. Well, the challenge is there. Everybody can be educated. Make the assumption. We have in America every kind of population you can imagine. We have in America every educational challenge that you can imagine. If you meet the challenges in America, you can go anywhere in the world and say: "Look, we have the model. People have problems with language, the bilingual education problem. We have solved the problem and certainly gone a long ways toward dealing with the problem. We have the problem of low-income people who have no vision, no hope, who are beat down so until they need to be motivated, who have no previous history of education, the human capital that is in every college, every home where you have parents with college graduates."

What we take for granted, people who graduate from college, they bring to their home human capital that their children feed into long before the child ever goes to school, that even as they go to school they are also piggybacking off the knowledge and the culture of the parents. What if there are large numbers out there whose parents have never gone to college or never gone to high school? What about the descendents of slaves, who for 232 years had a deficit accumulating? Nobody got an education. States passed laws which forbade teaching reading to slaves.

So you got a deficit of 232 years in the population of the descendents of slaves like myself. Not only do you have a deficit economically where we did not have a chance to accumulate any capital because our parents, our forefathers could not own property. So we cannot pass that down, and rich, you know wealth, in America, a large part of it is money that is passed on from one generation to another. We are a group of people, the descendants of slaves, who did not have the benefit of having that wealth passed on to us. So we are the least wealthy in terms of capital.

Even the black middle class, by the way, which has closed the gap in terms of income, earning power, they have a great gap between black middle class and the white middle class in terms of wealth because wealth is defined in the terms of assets. They have property and stocks and bonds, et cetera. Many other people in America who have those assets, property, stocks and bonds, inherited, had a large portion of it passed on by parents.

There have been a couple of books written about this; that is not on my topic for today.

I want to close out back to education. What I am trying to say is that if you fully address the education problem in America, if you try to educate everybody, if you meet every challenge with every group, problems related to income, problems related to language, problems related to ethnic background, meet every problem, you will be in a position to offer solutions to the rest of the world. But more important than that, your population will be functioning fully because the future belongs to those who can master technology and also master political civility, law and order. You can have a nation which is advanced technologically which destroys itself because it has not mastered civility, political civility, law and order, democracy is not working.

We have seen a great example, the great giant Soviet Union collapsed. In the great giant Soviet Union, now the parts of it, many people are beggars. It is pitiful to watch people with Ph.D.'s, people with high degrees, great deal of knowledge who cannot find jobs in the Soviet Union.

The head of the Soviet Union nuclear program, the man in charge of all the nuclear programs in the Soviet Union, the man who helped as a young person to produce the hydrogen bomb, who caught up with American technology, that man recently committed suicide. You know why he committed suicide? Because the people in his institute had not been paid in many months, and finally when the Soviet Government sent the payment they only sent 1 month's pay. He gave up on the whole system. He took a gun to his head and he shot himself.

That is where a great nation with great technological advances, the Soviets, put a space ship up there long before we did, the Soviets have the record in terms of longevity in space, they have marvelous kinds of inventions of many kinds. Our space and technology program now is using the Soviet program to improve itself. We are in contract with the Soviets on a lot of engines and various gadgets which improve the ability of our space program to perform.

But that great advanced technological society has collapsed economically because first it collapsed politically. They had closed door, central command decision making, they lost touch with the people, common sense went out the window, folks sitting there saying destroy this and destroy that; look only to the expenditures for war, and they collapsed.

Before the Soviet Union we had the German empire, Hitler's Third Reich which was as technologically advanced as any society ever in the history of the world. Not only did Hitler's Third Reich collapse, but before it collapsed it produced a horror never before seen on the face of the Earth.

So we need education for technological improvements, we need education for national security, but if we do not educate our populace in ways which guarantee that they are able to handle the complexities of democracy then we are going to find ourselves, no matter how technologically advanced we are, going down to doom.

If the people of America continue not to come out to vote, as they did in the last election where you had a decrease in the number of people who came out to vote—Presidential elections are the most important elections we hold. If we do not get people out on Presidential election, you know you are really in serious trouble. Well, we saw a decline in the number of people coming out to vote. The percentage went up.

The only place where you had a pronounced increase in the number of people who came out to vote was in black male voters, and of course they had an easy jump because of so few before, but nevertheless they increased. They see a threat in the kinds of policies that are being promulgated. In the black community overall there was an increase, small percentage but there was an increase. It did not go down. They see a threat in the kinds of policies being promulgated.

So the democracy is working. Will it work fast enough? And in the long run what about the problem of all of the people who are better off who did not bother to go out to vote? The great middle class, second to the middle class, did not vote, the working class did not vote. What is going to happen? Unless we have better education our system is going to fall apart. So we need education for that reason, too.

Telecommunications can play a major role in this education process. The President has proposed that, among his proposals, we go forward and educate our population partially using telecommunications, educational technology.

Why is it so difficult to understand that the Army, the Navy, the Marines, they have been using it for a long time. Government bureaucracy has been using it for a long time, simple use of videos. You do not have to get into computerized instruction, but there are a thousand ways being developed in industry, in the military, that we can apply in our school system, especially in areas where children have great difficulty and see an increase in education performance.

I am going to close by again going back to my beginning, where I applauded the President and I did not applaud some people in my own district. We have a thing called Central Brooklyn NetWatch, which is going to wire the schools in our district. We are going to wire the schools because we had NetDay on September 21, and NetDay, which is a day where volunteers come out and wire the schools. There is a national pool where they buy the equipment and the supplies. You can get for $500 enough to wire the school, one school. The wiring definition is you wire five classrooms plus the library.

Now, in New York City we did not have very many wires. The Governor of New York was in charge of the Net. He announced that 3,000 schools in the State were wired, but I could not find one in my district, and my district has 70 elementary and junior high schools and 10 high schools, and only one is wired. Then I looked for all New York City and very few were wired there.

So we came up with NetWatch. This is a group who signed these to technology. We are trying to wire schools in our district on an ongoing basis in harmony with the President's program.

But I want to conclude on a rhetorical note, you might say, or a poetic note. The poet who recited the poem at the President's inauguration was a tremendously profound man, was a profound poem, and I congratulate him. But I was a little worried about the style of it, and I think that in the future Presidents ought to commission a whole group of poets in different styles, and one may be chosen of course but we ought to publish a book of different styles of celebrating America, and I choose to celebrate America in the following way:

INDISPENSABLE NATION

Under God
The indivisible indispensable Nation
Guardian of the pivotal generation
Most fortunate of all the lands
For a brief moment
The whole world we hold in our hands
Internet sorcery computer magic
Tiny spirits make opportunity tragic
We are the indispensable Nation
Guardian of the pivotal generation
Millionaires must rise to see the need
Or smother beneath their splendid greed
Capitalism is king
With potential to be Pope
Banks hoard gold
That would fertilize universal hope
Jefferson, Lincoln, Roosevelt, King
Make your star spangled the legacy sting
Dispatch your ghosts
To bring us global visions
Indispensable leaders
Need profound decisions
Internet sorcery computer
Tiny spirits make opportunity tragic
We are the indispensable Nation
Guardian of the pivotal generation
With liberty and justice for the world
Under God.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. OWENS) and to include extraneous material:)

Mr. DINGELL.
Mr. HAMILTON.
Ms. WOOLSEY.
Mr. KUCINICH.
Ms. DEGETTE.
Mr. HOYER.
Mr. PALLONE.
Mr. PASCRELL.

(The following Members (at the request of Mr. SNOWBARGER) and to include extraneous material:)

Mr. LOBIONDO.
Mr. ROHRABACHER.
Mr. FAWELL.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. MEEHAN in two instances.
Mr. FAZIO of California.
Mr. BARR of California.
Mr. DAVIS of Virginia.
Mr. LAHOOD.
Mr. HUNTER.
Mr. DINGELL.
Mr. QUINN.
Mr. FOGLIETTA.
Mrs. MINK of Hawaii.
Mr. FORBES.
Mr. FILNER.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until Monday, February 10, 1997, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized by various committees of the House of Representatives for official foreign travel during the second, third and fourth quarters of 1996, as well as a consolidated report of expenditures by various delegations and individuals authorized for official foreign travel by the Speaker, House of Representatives, during the third and fourth quarters of 1996, and the expenditures for official foreign travel by various miscellaneous groups, House of Representatives, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom Bevill	3/31	3/31	Panama				(3)				
	3/31	4/2	Ecuador		326.00		(3)				326.00
	4/2	4/5	Chile		848.00		(3)				848.00
	4/5	4/8	Argentina		822.00		(3)				822.00
	4/8	4/14	Brazil		1,383.00		(3)				1,383.00
Hon. Charles Wilson	3/31	4/2	England		576.00						576.00
	4/3	4/8	Pakistan		868.00						868.00
	4/8	4/10	Egypt		406.00						406.00
	4/11	4/13	Azerbaijan								-0-
	4/14	4/18	France		912.00						912.00
Commercial airfare							11,210.00				11,210.00
Hon. Frank Wolf	4/12	4/13	Bosnia		240.00		(4)				240.00
Gregory Dahlberg	4/10	4/14	United Kingdom		864.00						864.00
Commercial airfare							4,982.00				4,982.00
James W. Dyer	4/10	4/14	United Kingdom		864.00						864.00
Commercial airfare							4,982.00				4,982.00
Charles Flickner	3/30	4/3	Haiti		552.45						552.45
Commercial airfare							642.95				642.95
R. Scott Lilly	4/10	4/14	United Kingdom		864.00						864.00
Commercial airfare							4,982.00				4,982.00
Carol Murphy	4/10	4/14	United Kingdom		864.00						864.00
Commercial airfare							4,947.95				4,947.95
Julie Pacquing	4/2	4/3	Croatia		230.00						230.00
	4/3	4/7	Austria		1,012.00						1,012.00
	4/7	4/10	Hungary		636.00						636.00
Commercial airfare							5,628.00				5,628.00
John Plashal	4/10	4/14	United Kingdom		864.00						864.00
Commercial airfare							4,982.00				4,982.00
Committee total					13,131.45		42,356.90				55,488.35
Surveys and Investigations staff:											
Richard A. Helmer	5/11	5/16	England		1,130.25		4,651.02		153.25		5,934.52
Robert W. Lautrup	5/11	5/16	England		1,130.25		4,651.02		166.18		5,947.45
Robert J. Reitwiesner	5/11	5/16	England		1,130.25		4,651.02		156.64		5,937.91
Committee total					3,390.75		13,953.06		476.07		17,819.88

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Transportation by private organization.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 31 AND JUNE 30, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Carlos J. Moorhead	3/31	3/31	Panama		—		(3)				—
	3/31	4/2	Ecuador		326.00		(3)				326.00
	4/2	4/5	Chile		848.00		(3)				848.00
	4/5	4/8	Argentina		822.00		(3)				822.00
	4/8	4/14	Brazil		1,383.00		(3)				1,383.00
Hon. Patricia Schroeder	3/31	3/31	Panama		—		(3)				—
	3/31	4/2	Ecuador		326.00		(3)				326.00
	4/2	4/5	Chile		848.00		(3)				846.00
	4/5	4/8	Argentina		822.00		(3)				822.00
	4/8	4/14	Brazil		1,383.00		(3)				1,383.00
Hon. Rick Boucher	3/31	3/31	Panama				(3)				
	3/31	4/2	Ecuador		326.00		(3)				326.00
	4/2	4/5	Chile		848.00		(3)				848.00
	4/5	4/8	Argentina		822.00		(3)				822.00
	4/8	4/14	Brazil		1,383.00		(3)				1,383.00
Thomas Mooney	3/31	3/31	Panama				(3)				
	3/31	4/2	Ecuador		326.00		(3)				326.00
	4/2	4/5	Chile		848.00		(3)				848.00
	4/5	4/8	Argentina		822.00		(3)				822.00
	4/8	4/14	Brazil		1,383.00		(3)				1,383.00
Stan M. Glazier	3/31	3/31	Panama				(3)				
	3/31	4/2	Ecuador		326.00		(3)				326.00
	4/2	4/5	Chile		848.00		(3)				848.00
	4/5	4/8	Argentina		822.00		(3)				822.00
	4/8	4/14	Brazil		1,383.00		(3)				1,383.00
Jonathan W. Dudas	3/31	3/31	Panama				(3)				
	3/31	4/2	Ecuador		326.00		(3)				326.00
	4/2	4/5	Chile		848.00		(3)				848.00
	4/5	4/8	Argentina		822.00		(3)				822.00
	4/8	4/14	Brazil		1,383.00		(3)				1,383.00
Daniel M. Freeman	3/31	3/31	Panama				(3)				
	3/31	4/2	Ecuador		326.00		(3)				326.00
	4/2	4/5	Chile		848.00		(3)				848.00
	4/5	4/8	Argentna		822.00		(3)				822.00
	4/8	4/18	Brazil		1,383.00		(3)				1.383.00
Betty Wheeler	3/31	3/31	Panama				(3)				
	3/31	4/2	Ecuador		326.00		(3)				326.00
	4/2	4/5	Chile		848.00		(3)				848.00
	4/5	4/8	Argentina		822.00		(3)				822.00
	4/8	4/14	Brazil		1,383.00		(3)				1,383.00
Delegation expenses	4/5	4/8	Argentina				2,627.00		3,738.02		6,365.12
Diana Schacht	4/20	4/22	Hungary		424.00		2,808.25				3,232.25
Committee total					27,456.00		5,435.35		3,738.02		36,629.37

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

HENRY J. HYDE, Chairman, Sept. 30, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tom Bevill	8/4	8/12	England		1,236.00		234.87				1,470.87
Commercial airfare							4,178.55				4,178.55
Hon. Tom Foglietta	9/13	9/16	Haiti		225.00				25.00		250.00
Commercial airfare							1,011.95				1,011.95
Hon. John Murtha	8/5	8/5	Hungary				(3)				
	8/5	8/5	Bosnia				(3)				
	8/5	8/6	Croatia		350.00		(3)				350.00
	8/6	8/6	Italy				(3)				
	8/6	8/7	Saudi Arabia		238.00		(3)				238.00
	8/7	8/9	Israel		763.00		(3)				763.00
Hon. John Myers	8/4	8/12	England		1,236.00		234.87				1,470.87
Commercial airfare							5,206.55				5,206.55
John T. Blazey	7/19	7/21	Russia		618.00				120.00		738.00
	7/22	7/23	Finland		220.00						220.00
	7/23	7/28	Russia		1,352.00						1,352.00
Commercial airfare							4,175.55				4,175.55
Greg Dahlberg	8/5	8/5	Hungary				(3)				
	8/5	8/5	Bosnia				(3)				
	8/5	8/6	Croatia		350.00		(3)				350.00
	8/6	8/6	Italy				(3)				
	8/6	8/7	Saudi Arabia		238.00		(3)				238.00
	8/7	8/9	Israel		763.00		(3)				763.00
James W. Dyer	8/5	8/5	Hungary				(3)				
	8/5	8/5	Bosnia				(3)				
	8/5	8/6	Croatia		$350.00		(3)				350.00
	8/6	8/6	Italy				(3)				
	8/6	8/7	Saudi Arabia		238.00		(3)				238.00
	8/7	8/9	Israel		763.00		(3)				763.00
Richard Efford	7/19	7/21	Russia		618.00				120.00		738.00
	7/22	7/23	Finland		220.00						220.00
	7/23	7/25	Russia		662.00		37.00		16.50		715.50
Commercial airfare							3,844.55				3,844.55
James W. Kulikowski	8/11	8/14	Switzerland		1,080.90						1,080.90
Commercial airfare							970.85				970.85
Timothy Peterson	7/24	7/28	Canada		651.00						651.00
Commercial airfare							697.41				697.41
John G. Plashal	8/5	8/5	Hungary				(3)				
	8/5	8/5	Bosnia				(3)				
	8/5	8/6	Croatia		350.00		(3)				350.00
	8/6	8/6	Italy				(3)				
	8/6	8/7	Saudi Arabia		238.00		(3)				238.00
	8/7	8/9	Israel		763.00		(3)				763.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1996—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee totals					13,522.90		20,592.15		281.50		34,396.55
Surveys and Investigations staff:											
Theodore J. Booth	7/7	7/13	Germany		1,139.00		3,409.09		54.00		4,602.09
Albert J. Boudreau	9/14	9/16	Singapore		245.75		7,191.95		199.88		7,637.58
	9/16	9/20	Indonesia		599.25						599.25
	9/20	9/23	Hong Kong		688.50						688.50
	9/23	9/26	Korea		982.50						982.50
Terrence E. Hobbs	7/6	7/9	Italy		494.75		3,710.95		57.80		4,263.50
	7/9	7/10	France		241.00						241.00
James J. Hogan	7/6	7/13	Germany		1,139.00		3,409.09		34.20		4,582.29
Henry P. McDonald	9/14	9/19	Turkey		670.00		4,450.15		69.00		5,189.15
	9/19	9/25	Switzerland		1,831.25						1,831.25
David T. Mitchell	7/6	7/9	Italy		494.75		3,710.95		35.60		4,241.30
	7/9	7/10	France		241.00						241.00
Lisa K. O'Connor	9/14	9/16	Singapore		245.75		7,191.95		145.89		7,583.59
	9/16	9/20	Indonesia		599.25						599.25
	9/20	9/23	Hong Kong		688.50						688.50
	9/23	9/26	Korea		982.50						982.50
Robert H. Pearre, Jr.	9/14	9/19	Turkey		670.00		4,450.15		64.87		5,185.02
	9/19	9/25	Switzerland		1,831.25						1,831.25
R.W. Vandergrift, Jr.	9/14	9/16	Singapore		245.75		7,191.95		639.89		8,077.59
	9/16	9/20	Indonesia		599.25						599.25
	9/20	9/23	Hong Kong		688.50						688.50
	9/23	9/26	Korea		982.50						982.50
Vicki O. Williams	9/14	9/16	Singapore		245.75		7,191.95		231.49		7,669.19
	9/16	9/20	Indonesia		599.25						599.25
	9/20	9/23	Hong Kong		688.50						688.50
	9/23	9/26	Korea		982.50						982.50
Committee total					18,816.00		51,908.18		1,532.62		72,256.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BOB LIVINGSTON, Chairman, Oct. 28, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Catherine Van Way	7/14	7/21	Geneva		1,794.00		977.35				2,771.35
Susan Sheridan	7/11	7/20	Geneva		2,691.00		854.25				3,545.35
Dennis Fitzgibbons	7/12	7/19	Geneva		2,093.00		2,140.35				4,233.35
Hon. Bill Richardson	7/28	7/30	Bangladesh		75.00		9,937.15				10,012.15
Committee total					6,653.00		13,909.20				20,562.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM BLILEY, Chairman, Oct. 4, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1996

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Daniel F. Bradley	8/18	8/21	Croatia		[3] 1,002.50						1,002.50
	8/21	8/22	Czechoslovakia		[3] 74.00						74.00
Commercial airfare							3,599.65				3,599.65
Elana Broitman	9/5	9/8	Colombia		600.00						600.00
Commercial airfare							1,549.95				1,549.95
F. Marian Chambers	8/4	8/11	Croatia		2,350.00						2,350.00
	8/11	8/14	Switzerland		904.48						904.48
Commercial airfare							3,572.65				3,572.65
Janine Doherty	8/18	8/21	Croatia		[3] 990.00						990.00
	8/21	8/22	Czechoslovakia		125.00						125.00
Commercial airfare							3,599.65				3,599.65
Michael Ennis	7/4	7/8	Japan		[3] 1,281.00						1,281.00
Commercial airfare							4,592.85				4,592.85
Mark Gage	8/7	8/11	Russia		[3] 730.00						730.00
	8/11	8/13	Armenia		[3] 292.00						292.00
	8/13	8/15	Georgia		[3] 292.00						292.00
	8/15	8/16	Azerbaijan		[3] 146.00						146.00
	8/16	8/20	Turkey		876.00						876.00
Commercial airfare							4,341.89		27.60		4,369.49
Julia Gaines	8/18	8/21	Croatia		[3] 1,000.00						1,000.00
	8/21	8/22	Czechoslovakia		125.00						125.00
Commercial airfare							3,599.65				3,599.65
Richard Garon	9/12	9/15	Croatia		[3] 412.00						412.00
	9/15	9/16	Bosnia		[3] 298.00						298.00
Commercial airfare							3,140.75				3,140.75
Christopher Hankin	9/6	9/10	Germany		1,250.00						1,250.00
Commercial airfare							3,344.35				3,344.35
Robert Hathaway	7/4	7/9	Japan		[3] 1,687.11						1,687.11
Commercial airfare							4,592.85				4,592.85
Hon. Harry Johnston	9/14	9/16	Kenya		470.00						470.00
	9/16	9/17	Rwanda		498.00						498.00
	9/17	9/19	Tanzania		428.00						428.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1996—Continued

Name of member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	9/20	9/22	Kenya		590.00						590.00
Commercial airfare							9,394.55		150.00		9,544.55
David Jung	8/3	8/10	Thailand		1,219.00						1,219.00
Commercial airfare							3,501.95				3,501.95
Gil Kapen	9/5	9/8	Colombia		600.00						600.00
Commercial airfare							1,549.95				1,549.95
Mark Kirk	7/4	7/8	Japan		[3] 1,281.00						1,281.00
Commercial airfare							4,592.85				4,592.85
	8/7	8/11	Russia		[3] 741.22						741.22
	8/11	8/13	Armenia		[3] 300.00						300.00
	8/13	8/15	Georgia		[3] 350.00						350.00
	8/15	8/16	Azerbaijan		225.00						225.00
	8/16	8/20	Tukey		[3] 776.00						776.00
Commercial airfare							4,140.35				4,140.35
	9/12	9/17	Croatia		[3] 1,120.00						1,120.00
	9/15	9/16	Bosnia		[3] 150.00						150.00
Commercial airfare							3,140.75				3,140.75
Cliff Kupchan	8/7	8/11	Russia		[3] 925.00						925
	8/11	8/13	Armenia		[3] 250.00						250.00
	8/13	8/15	Georgia		450.00						450.00
	8/15	8/16	Azerbaijan		225.00						225.00
	8/16	8/19	Turkey		[3] 676.00						676.00
Commercial airfare							4,140.35				4,140.35
	9/14	9/16	Kenya		470.00						470.00
	9/16	9/17	Rwanda		498.00						498.00
	9/17	9/19	Tanzania		428.00						428.00
	9/20	9/22	Kenya		590.00						590.00
Commercial airfare							6,324.5				6,324.55
John Mackey	8/3	8/10	Thailand		1,219.00						1,219.00
Commerical airfare							3,501.95				3,501.95
	9/5	9/8	Colombia		600.00						600.00
Commercial airfare							1,549.95				1,549.95
Michelle Maynard	8/18	8/21	Croatia		[3] 775.00						775.00
	8/21	8/22	Czechoslovakia		[3] 75.00						75.00
Commercial airfare							3,599.65				3,599.65
Denis McDonough	8/12	8/15	Mexico		[3] 714.00						714.00
	8/15	8/20	Guatemala		[3] 684.99						684.99
Commercial airfare							1,141.95				1,141.95
Denis McDonough	9/5	9/8	Colombia		600.00						600.00
Commercial airfare							1,549.95				1,549.95
Richard Meltzer	8/18	8/21	Croatia		[3] 775.00						775.00
	8/21	8/22	Czechoslovakia		75.00						75.00
Commercial airfare							3,599.65				3,599.65
Carrie Moore	8/18	8/21	Croatia		[3] 775.00						775.00
	8/21	8/22	Czechoslovakia		[3] 75.00						75.00
Commercial airfare							3,599.65				3,599.65
Lester Munson	9/14	9/15	Kenya		470.00						470.00
	9/15	9/17	Rwanda		498.00						498.00
	9/17	9/19	Tanzania		428.00						428.00
	9/19	9/22	Kenya		590.00						590.00
Commercial airfare							6,176.35				6,176.35
Patrick Murray	8/18	8/21	Croatia		[3] 980.00						980.00
	8/21	8/22	Czechoslovakia		[3] 110.00						110.00
Commercial airfare							3,599.65				3,599.65
David Olsen	8/18	8/21	Croatia		[3] 1,024.15						1,024.15
	8/21	8/22	Czechoslovakia		[3] 74.00						74.00
Commercial airfare							3,599.65				3,599.65
Richard Pocker	8/18	8/21	Croatia		[3] 930.00						930.00
	8/21	8/22	Czechoslovakia		125.00						125.00
Commercial airfare							3,599.65				3,599.65
Grover Joseph Rees	8/12	8/15	Mexico		[3] 597.00						597.00
	8/15	8/20	Guatemala		[3] 638.00						638.00
Commercial airfare							1,141.95		93.00		1,234.95
Francis Record	8/5	8/11	Croatia		[3] 1,000.00						1,000.00
	8/11	8/14	Switzerland		[3] 554.00						554.00
Commercial airfare							3,572.65		194.00		3,766.65
Hon. Dana Rohrabacher	8/21	8/23	Saudia Arabia		380.67				237.33		618.00
	8/25	8/27	Pakistan		[3] 651.00						651.00
Commercial airfare							8,744.85				8,744.85
Hon. Toby Roth	9/6	9/10	Germany		1,250.00						1,250.00
Commercial airfare							3,344.35				3,344.35
Martin Sletzinger	9/12	9/15	Bosnia		[3] 702.00						702.00
	9/15	9/16	Croatia		[3] 298.00						298.00
Commercial airfare							3,140.75				3,140.75
Scott Wilson	8/12	8/15	Mexico		764.00						764.00
	8/15	8/17	Guatemala		213.00						213.00
Commercial airfare							1,141.95				1,141.95
Committee total					46,340.12		129,324.09		701.93		176,366.14

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Represents refund of unused per diem.

BEN GILMAN, Chairman, Nov. 27, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPTEMBER 30, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to United Kingdom, Germany, Hungary, and Italy, June 28–July 7, 1996:											
Hon. Floyd D. Spence	6/28	7/1	United Kingdom		651.00						651.00
	7/1	7/1	Germany								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPTEMBER 30, 1996—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	7/1	7/5	Hungary		848.00						848.00
	7/5	7/7	Italy		374.00						374.00
Hon. Tillie Fowler	6/28	7/1	United Kingdom		651.00						651.00
	7/1	7/1	Germany								
	7/1	7/5	Hungary		848.00						848.00
	7/5	7/7	Italy		374.00						374.00
Peter M. Steffes	6/28	7/1	United Kingdom		651.00						651.00
	7/1	7/1	Germany								
	7/1	7/5	Hungary		848.00						848.00
	7/5	7/7	Italy		374.00						374.00
Delegation expenses	7/1	7/5	Hungary				852.57		240.41		1,092.98
Visit to Saudi Arabia and Turkey, July 9–14, 1996:											
Thomas M. Donnelly	7/9	7/13	Saudi Arabia		225.00						225.00
	7/13	7/14	Turkey		212.00						212.00
Commercial airfare							5,410.05				5,410.05
	7/9	7/13	Saudi Arabia		225.00						225.00
	7/13	7/14	Turkey		212.00						212.00
Commercial airfare							5,410.05				5,410.05
David J. Trachtenberg	7/9	7/13	Saudi Arabia		225.00						225.00
	7/13	7/14	Turkey		212.00						212.00
Commercial transportation							5,410.05				5,410.05
Dudley L. Tademy	7/9	7/13	Saudi Arabia		225.00						225.00
	7/13	7/14	Turkey		212.00						212.00
Commercial airfare transportation							5,410.05				5,410.05
Visit to United Kingdom, Aug. 29–Sept. 2, 1996:											
Hon. Robert K. Dornan	7/13	7/14	United Kingdom		897.00						897.00
Commercial airfare							3,082.45				3,082.45
Visit to Kenya, Rwanda, and Tanzania, Sept. 14–23, 1996:											
Hon. Pete Peterson	9/14	9/14	Kenya		470.00						470.00
	9/16	9/18	Rwanda		498.00						498.00
	9/18	9/20	Tanzania		428.00						428.00
	9/20	9/23	Kenya		590.00						590.00
Commercial transportation							4,495.30				4,495.30
Committee totals					6,504.00		30,070.52		240.41		36,814.93

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE, Chairman, Oct. 31, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tony Hall	9/18	9/25			2,494.90						2,494.90
Deborah DeYoung	9/18	9/25	Japan/North, South Korea		2,494.90						2,494.90
Kristi Walseth	9/1	9/6	Romania		1,650.00		3,712.75				5,362.75
Committee total					6,639.80		3,712.75				10,352.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JERRY SOLOMON, Chairman, Nov. 13, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Robert S. Walker	6/30	7/7	Germany		707.00		1,430.65				2,137.65
			Switzerland		598.00				242.00		840.00
			Italy		852.00						852.00
Anne M. Marcantognini	6/30	7/7	Germany		707.00		1,462.65				2,169.65
			Switzerland		598.00				242.00		840.00
			Italy		852.00						852.00
David D. Clement	7/14	7/20	Switzerland		1,794.00		1,569.85		59.17		3,423.02
Michael Rodomeyer	7/14	7/20	Switzerland		1,794.00		1,569.85				3,363.85
Tom Weimer	8/23	8/31	Korea		1,134.51		3,141.10		5.58		4,281.19
Michael Quear	9/19	9/22	Mexico		650.00		510.32				1,160.32
Committee total					9,686.51		9,684.42		548.75		19,919.68

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT S. WALKER, Chairman, Sept. 30, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Orest Devchakiwsky		9/9	United States				3,580.15				3,580.15
	9/10	9/12	Austria		406.00						406.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1996—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	9/12	9/16	Bosnia-Herzegovina		2,096.00						2,096.00
	9/16	9/17	Austria		203.00						203.00
	9/17		United States								
John Finerty		9/9	United States				3,580.15				3,580.15
	9/10	9/12	Austria		406.00						406.00
	9/12	9/16	Bosnia-Herzegovina		2,096.00						2,096.00
	9/16	9/17	Austria		203.00						203.00
	9/17		United States								
Chadwick Gore		9/9	United States				3,580.15				3,580.15
	9/10	9/12	Austria		328.69		17.64				346.33
	9/12	9/16	Bosnia-Herzegovina		2,044.25		51.75				2,096.00
	9/16	9/17	Austria		203.00						203.00
	9/17		United States								
Robert Hand		9/9	United States				886.25				886.25
	9/10	9/12	Austria		321.20		18.80				340.00
	9/12	9/19	Bosnia-Herzegovina		2,600.00						2,600.00
	9/19	9/20	Austria		169.00						169.00
	9/20		United States								
Janice Helwig		8/27	United States				3,175.25				3,175.25
	8/28	9/12	Austria		3,034.92						3,034.92
	9/12	9/16	Bosnia-Herzegovina		2,096.00						2,096.00
	9/16	9/30	Austria		3,034.92						3,034.92
Richard Livingston		9/9	United States				3,580.15				3,580.15
	9/10	9/12	Austria		406.00						406.00
	9/12	9/16	Bosnia-Herzegovina		2,034.00						2,034.00
	9/16	9/17	Austria		203.00		56.00				259.00
	9/17		United States								
Michael Ochs		9/6	United States				5,071.95				5,071.95
	9/7	9/8	Turkey		229.33						229.33
	9/8	9/14	Uzbekistan		1,057.00		190.00				1,247.00
	9/14	9/16	Turkmenistan		425.00						425.00
	9/17	9/23	Armenia		420.00		247.00				667.00
	9/24	9/27	Georgia		1,042.00		23.00				1,065.00
	9/28	10/2	Azerbaijan		1,185.00		428.00				1,613.00
	10/2	10/4	Turkey		522.67		75.00				598.67
	10/5		United States								
Mr. Samuel Wise		9/18	United States				907.05				907.05
	9/19	9/23	Austria		766.67		26.33				793.00
	9/23	9/25	Belgium		504.00						504.00
	9/25		United States								
Total					28,036.65		25,494.62				53,531.27

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, entered U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS SMITH, Oct. 30, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Susan Ouellette	6/30	7/3	Europe		345		(3)				345
Hon. Bill Richardson	8/12	8/15	Central America		548		(3)				548
	8/23	8/24					(3)				
	8/15	8/17	Caribbean		200		(3)				200
	8/18	8/20	Africa		250		(3)				250
	8/20	8/23	South America		870		(3)				870
Calvin Humphrey	8/12	8/15	Central America		548		(3)				548
	8/23	8/24					(3)				
	8/15	8/17	Caribbean		200		(3)				200
	8/18	8/20	Africa		250		(3)				250
	8/20	8/23	South America		870		(3)				870
Ken Kodama	8/19	8/23	South America		1082						1082
	8/23	8/24	Central America		173						173
Commercial airfare							743				743
Committee total					5336		743		0		6079

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

LARRY COMBEST, Chairman, Nov. 1, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bill Barrett	11/9	11/15	England		2,331.00		598.85				2,929.85
	11/15	11/17	Scotland		612.00		407.40				1,019.40
Hon. Sanford Bishop	11/14	11/15	England		388.50		299.43				687.93
	11/15	11/17	Scotland		612.00		425.00				1,037.00
Hon. Ken Calvert	11/9	11/15	England		2,331.00		598.85				2,929.85
	11/15	11/17	Scotland		612.00		407.40				1,019.40
Hon. Eva Clayton		11/15	England		1,942.50		598.85				2,541.35
	11/15	11/17	Scotland		612.00		407.40				1,019.40
Hon. Tom Ewing	11/9	11/15	England		2,331.00		598.85				2,929.85
	11/15	11/17	Scotland		612.00		407.40				1,019.40

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tom Latham	11/9	11/15	England		2,331.00		598.85				2,929.85
	11/15	11/17	Scotland		612.00		407.40				1,019.40
Hon. Karen Thurman	11/9	11/15	England		2,331.00		598.85				2,929.85
	11/15	11/17	Scotland		612.00		407.40				1,019.40
Christin Bradshaw	11/9	11/15	England		2,331.00		598.85				2,929.85
	11/15	11/17	Scotland		612.00		407.40				1,019.40
Stacy Carey	11/9	11/15	England		2,331.00		598.85				2,929.85
	11/15	11/17	Scotland		612.00		407.40				1,019.40
John Hogan	11/9	11/15	England		2,331.00		598.85				2,929.85
	11/15	11/17	Scotland		612.00		407.40				1,019.40
John Riley	11/9	11/15	England		2,331.00		598.85				2,929.85
	11/15	11/17	Scotland		612.00		407.40				1,019.40
Hon. Sanford Bishop	11/9	11/12	South Africa		850.00		4,779.20				5,629.20
Hon. Karen L. Thurman	12/7	12/9	Hong Kong		776.00		(3)				776.00
	12/9	12/12	Singapore		819.00		(3)				819.00
	12/12	12/17	China		1,170.00		(3)				1,170.00
Hon. Collin C. Peterson	12/9	12/15	Singapore		1,638.00		6,757.75				8,395.75
Gerald Jackson	12/7	12/15	Singapore		2,184.00		3,754.95				5,938.95
Carolyn M. Farris	12/7	12/15	Singapore		2,184.00		3,754.95				5,938.95
Andrew W. Baker	12/7	12/15	Singapore		2,184.00		3,776.95				5,960.95
Committee total					41,847.00		33,610.73				75,457.73

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

PAT ROBERT, Jan. 30, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCTOBER 1 AND DECEMBER 31, 1996.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Gary L. Visscher	10/09	10/13	Switzerland		1,372.00		910.35				2,282.35
Brian Kennedy	10/09	10/12	Switzerland		1,029.00		910.35				1,939.35
Committee totals					2,401.00		1,820.70				4,221.70

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL GOODLING, Chairman, Dec. 13, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Cordia Strom	11/12	11/17	Italy		1,520.00		1,220.25				2,740.25
Edward Grant	11/29	12/6	Ireland		1,105.00		1,188.95				2,293.95
Committee total					2,625.00		2,409.20				5,034.20

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY HYDE, Chairman, Jan. 30, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Germany and Italy, Sept. 29–Oct. 6, 1996:											
John D. Chapla	9/29	10/2	Germany		524.00						524.00
	10/2	10/4	Italy		426.00						426.00
	10/4	10/5	Germany		290.00						290.00
Commercial airfare							3,212.45				3,212.45
Thomas M. Donnelly	9/30	10/2	Germany		310.00						310.00
	10/2	10/4	Italy		440.00						440.00
	10/4	10/5	Germany		290.00						290.00
Commercial airfare							3,175.45				3,175.45
Douglas C. Roach	9/29	10/2	Germany		524.00						524.00
	10/2	10/4	Italy		426.00						426.00
Commercial airfare							3,616.45				3,616.45
George O. Withers	9/29	10/2	Germany		524.00						524.00
	10/2	10/4	Italy		426.00						426.00
	10/4	10/5	Germany		290.00						290.00
Commercial airfare							3,212.45				3,212.45
Visit to Bosnia, Nov. 22, 1996:											
Hon. Patrick J. Kennedy	11/22	11/22	Bosnia								
Visit to Italy, Bosnia, Hungary, and Germany, Nov. 27–Dec. 3, 1996:											
Hon. Ike Skelton	11/27	12/1	Italy		920.00						920.00
	11/29	11/29	Bosnia		0.00						0.00
	12/1	12/2	Hungary		212.00						212.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/2	12/3	Germany		168.00						168.00
Commercial airfare							501.05				501.05
Visit to the Philippines, Dec. 5–8, 1996:											
Hon. Curt Weldon	12/5	12/8	Philippines		750.00						750.00
Commercial airfare							5,406.95				5,406.95
Visit to Panama, Dec. 8–13, 1996:											
Hugh N. Johnston, Jr.	12/8	12/13	Panama		429.82						429.82
Commercial airfare							1,295.95				1,295.95
Visit to Korea and Japan, Dec. 13–19, 1996:											
Hon. Robert A. Underwood	12/13	12/16	Korea		936.00						936.00
	12/16	12/19	Japan		300.00						300.00
Commercial airfare							405.00				405.00
Visit to Japan and Indonesia, Dec. 21–26, 1996:											
Hon. Patrick J. Kennedy	12/21	12/23	Japan		65.50		12.00				77.50
	12/13	12/26	Indonesia		480.00						480.00
Committee totals					6,451.32		17,625.30				24,076.62

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE, Chairman, Jan. 31, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCTOBER 1 AND DECEMBER 31, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
T.E. Manase Mansur	12/21	12/23	Western Samoa		280.10		112.0				392.10
Committee totals					280.00		112.00				392.10

[1] Per diem consistency constitutes loding and meals.

[2] If foreign currency is used enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG, Chairman, Jan. 28, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jim Wilson	10/8	10/8	Canada				471.30		99.02		570.32
Michael Queer	10/12	10/19	Hong Kong		350.00		2,317.95				2,667.95
			Vietnam		1,670.00						1,670.00
David Clement	10/4	10/18	China		1,506.00		3,997.95		540.00		6,043.95
			Hong Kong		1,424.00						1,424.00
			Korea		1,248.00						1,248.00
William Buckey	10/4	10/18	China		1,506.00		3,997.95		540.00		6,043.95
			Hong Kong		1,424.00						1,424.00
			Korea		1,248.00						1,248.00
Barry Beringer	10/4	10/13	China		1,506.00		3,736.95		540.00		5,782.95
			Hong Kong						974.36		974.36
Richard Obermann	10/4	10/12	China		2,008.00		3,736.95		540.00		6,284.95
Grace Warren	10/4	10/12	China		2,008.00		3,733.95		540.00		6,281.95
Hon. F. James Sensenbrenner, Jr	12/12	12/20	New Zealand		1,200.00		6,460.95				7,660.95
Todd Schultz	12/12	12/20	New Zealand		1,200.00		6,460.95				7,660.95
David Clement	12/12	12/20	New Zealand		1,200.00		6,460.95				7,660.95
Hon. Bart Gordon	12/12	12/20	New Zealand		1,200.00		6,460.95				7,660.95
Robert Palmer	12/12	12/20	New Zealand		1,200.00		6,460.95				7,660.95
Committee total					21,898.00		54,297.75		3,773.38		79,969.13

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT S. WALKER, Chairman, Jan. 3, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Phil Crane	12/7	12/9	Hong Kong		776.00		(3)				776.00
	12/9	12/12	Singapore		819.00		(3)				819.00
	12/12	12/17	Beijing, China		1,170.00		(3)				1,170.00
Hon. Jennifer Dunn	12/7	12/9	Hong Kong		776.00		(3)				776.00
	12/9	12/12	Singapore		819.00		(3)				819.00
	12/12	12/17	Beijing, China		1,170.00		(3)				1,170.00
Hon. Michael McNulty	12/7	12/9	Hong Kong		776.00		(3)				776.00
	12/9	12/12	Singapore		819.00		(3)				819.00
	12/12	12/17	Beijing, China		1,170.00		(3)				1,170.00
Hon. Mac Collins	12/7	12/9	Hong Kong		776.00		(3)				776.00
	12/9	12/12	Singapore		819.00		(3)				819.00
	12/12	12/17	Beijing, China		1,170.00		(3)				1,170.00
Janice Mays	12/7	12/9	Hong Kong		776.00		(3)				776.00
	12/9	12/12	Singapore		819.00		(3)				819.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/12	12/17	Beijing, China		1,170.00		(3)				1,170.00
Karen Humbel	12/7	12/9	Hong Kong		776.00		(3)				776.00
	12/9	12/12	Singapore		819.00		(3)				819.00
	12/12	12/17	Beijing, China		1,170.00		(3)				1,170.00
Angel Ellard	12/7	12/9	Hong Kong		776.00		(3)				776.00
	12/9	12/12	Singapore		819.00		(3)				819.00
	12/12	12/17	Beijing, China		1,170.00		(3)				1,170.00
Meredith Broadbent	12/7	12/9	Hong Kong		776.00		(3)				776.00
	12/9	12/12	Singapore		819.00		(3)				819.00
	12/12	12/17	Beijing, China		1,170.00		(3)				1,170.00
Bruce Wilson	12/7	12/9	Hong Kong		776.00		(3)				776.00
	12/9	12/12	Singapore		819.00		(3)				819.00
	12/12	12/17	Beijing, China		1,170.00		(3)				1,170.00
Hon. Charles Rangel	12/7	12/9	Hong Kong		776.00		(3)				776.00
	12/9	12/12	Singapore		819.00		(3)				819.00
	12/12	12/17	Beijing, China		936.00						936.00
Committee totals					27,416.00						27,416.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL ARCHER, Chairman, Jan. 24, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Janice Helwig	10/1	11/24	Austria		11,394.00		1,421.41		108.97		12,924.38
	11/24	12/4	Portugal		2,110.00		512.00				2,622.00
	12/4	12/19	Austria		3,165.00						3,165.00
Marlene Kaufmann		10/31	United States				2,082.35				2,082.35
	11/1	11/3	Romania		315.00						315.00
	11/3	11/9	Austria		737.47		22.83				757.30
Erika Schlager		11/2	United States				3,682.75				3,682.75
	11/3	11/16	Austria		2,743.00		228.63				2,971.63
Dorothy D. Taft		10/31	United States				2,317.05				2,317.05
	11/1	11/3	Romania		315.00						315.00
	11/3	11/16	Austria		1,966.00		78.12				2,044.12
	11/16	11/20	Moldova		667.00		434.31				1,101.31
Samuel Wise		11/4	United States				865.75				865.75
	11/5	11/6	Austria		2,213.04				107.96		2,321.00
		11/23	United States				1,152.15				1,152.15
	11/24	12/4	Portugal		2,130.60		61.40		19.00		2,211.00
Total					27,753.11		12,858.75		235.93		40,847.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALFONSE D'AMATO, Jan. 28, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 16 AND DEC. 18, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David McIntosh	12/13	1/1	United Kingdom		0						
Hon. Mark Foley	12/15	12/20	United Kingdom				1,061.45				1,061.45
Hon. Lindsey Graham	12/16	12/18	United Kingdom				4,266.45				4,266.45
Hon. Bob Barr	12/16	12/19	United Kingdom				5,038.56				5,038.56
John Steele	12/15	12/23	United Kingdom								
Total							10,366.46				10,366.46

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID McINTOSH, Jan. 17, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 16 AND DEC. 21, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Scott Klug	12/16	12/21	United Kingdom				885.75				
Hon. Jay Dickey	12/16	12/20	United Kingdom				5,603.75				
Joyce Yamat	12/16	12/21	United Kingdom				599.75				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SCOTT KLUG, Jan. 14, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. GARDNER PECKHAM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 5 AND AUG. 6, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Gardner G. Peckham	8/5	8/6	Belgium	9,573	$315.00						$315.00
	8/6		Germany		254.00						254.00
			United Kingdom		618.00						618.00
					[3] 410.00						410.00
Commercial air fare							3,492.95				3,492.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Unused per diem, returned to U.S. Treasury.

GARDNER G. PECKHAM, Sept. 23, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. PAMELA GARLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 17 AND AUG. 22, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Pamela L. Garland		8/17	United States				30.00				30.00
	8/18	8/21	Croatia		583.00						583.00
	8/21	8/22	Czechoslovakia		190.00						190.00
	8/22		United States				48.00				48.00
Totals											851.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PAMELA L. GARLAND, Sept. 10, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. DEBORAH DeYOUNG, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 19 AND AUG. 25, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Deborah DeYoung	8/19	8/21	Japan		678.00		(3)				678.00
	8/21	8/24	North Korea		762.00		(3)				762.00
	8/24	8/25	South Korea		323.00		(3)				323.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DEBORAH DeYOUNG, Sept. 20, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. GARDNER G. PECKHAM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 15 AND OCT. 18, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Gardner G. Peckham	10/15	10/18	Mexico	5,451.70	724.00		682.32				1,406.32
Per diem returned											75.00
Total											1331.32

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GARDNER G. PECKHAM, Dec. 31, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. STUART SYMINGTON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 6 AND DEC. 10, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Stuart Symington	12/6	12/7	Switzerland		338.00						338.00
	12/7	12/9	Sweden		568.00						568.00
	12/9	12/10	Switzerland		338.00		1,244.00				2,582.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STUART SYMINGTON, Jan. 9, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. KIMBERLY A. MILLER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 28 AND DEC. 8, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kimberly A. Miller	11/30	12/6	Rwanda		1,494.00						1,494.00
	12/6	12/7	Uganda		312.00						312.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. KIMBERLY A. MILLER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 28 AND DEC. 8, 1996—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Total											1,806.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KIMBERLY A. MILLER, Jan. 3, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 15 AND NOV. 22, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	11/16	11/22	France		1,605.00		1,830.00				3,435.00
Hon. Gerald Solomon	11/15	11/19	France		969.00		1,975.00				2,944.00
Hon. Tom Bliley	11/15	11/22	France		1,930.00						1,930.00
Hon. Herb Bateman	11/15	11/22	France		1,930.00						1,930.00
Hon. Sherwood Boehlert	11/15	11/22	France		1,930.00						1,930.00
Hon. Ralph Regula	11/15	11/22	France		1,930.00						1,930.00
Hon. Porter Goss	11/15	11/22	France		1,930.00						1,930.00
Hon. Marge Roukema	11/15	11/22	France		1,930.00						1,690.00
Hon. Mike Bilirakis	11/15	11/22	France		1,930.00						1,930.00
Hon. Joel Hefley	11/15	11/22	France		1,930.00						1,930.00
Hon. Paul Gilmore	11/15	11/22	France		1,930.00						1,930.00
Hon. Scott McInnis	11/15	11/22	France		1,930.00						1,930.00
Hon. Norm Sisisky	11/15	11/22	France		1,930.00						1,930.00
Hon. Bob Wise	11/15	11/22	France		1,930.00						1,930.00
Hon. Owen Pickett	11/15	11/22	France		1,930.00						1,930.00
Hon. John Herzberg	11/15	11/22	France		1,930.00		1,961.00				3,891.00
Jo Weber	11/15	11/22	France		1,930.00		1,961.00				3,891.00
Michael P. Ennis	11/15	11/22	France		1,930.00						1,930.00
Martin Sletzinger	11/15	11/22	France		1,930.00						1,930.00
Jon Petersen	11/15	11/22	France		1,930.00		1,961.00				3,891.00
Ron Lasch	11/15	11/22	France		1,930.00						1,930.00
Linda Pedigo	11/15	11/22	France		1,930.00						1,930.00
Ed Timperlake	11/15	11/22	France		1,930.00						1,930.00
Committee totals					42,864.00		9,688.00				52,552.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUGLAS BEREUTER, Dec. 11, 1996.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1660. A letter from the Acting Secretary of State, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1661. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96–NM–86–AD; Amdt. 39–9914; AD 97–03–08] (RIN: 2120–AA64) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1662. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model Hawker 800 and 1000 and Model DH/BH/HS/BAe 125 Series Airplanes (Including Major Variants C29A, U125, and U125A Series Airplanes) (Federal Aviation Administration) [Docket No. 95–NM–258–AD; Amdt. 39–9913; AD 97–03–07] (RIN: 2120–AA64) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1663. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Lee's Summit, MO [Docket No. 96–ACE–15] (RIN: 2120–AA66) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1664. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Cortez, Colorado (Federal Aviation Administration) [Airspace Docket No. 96–ANM–022] (RIN: 2120–xxxx) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1665. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Tampa, FL (Federal Aviation Administration) [Airspace Docket No. 96–ASO–32] (RIN: 2120–AA66) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1666. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Knob Noster, MO (Federal Aviation Administration) [Docket No. 96–ACE–17] (RIN: 2120–AA66) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1667. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Hays, KS (Federal Aviation Administration) [Docket No. 96–ACE–16] (RIN: 2120–AA66) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1668. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Miami Opa Locka Airport, FL (Federal Aviation Administration) [Airspace Docket No. 97–ASO–1] (RIN: 2120–AA66) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1669. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace; Homestad, FL (Federal Aviation Administration) [Airspace Docket No. 96–ASO–2] (RIN: 2120–AA66) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CANADY: Committee on the Judiciary. House Joint Resolution 2. Resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives (Rept. 105–2). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITFIELD (for himself, Mr. Oxley, and Mr. Manton):

H.R. 624. A bill to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce; to the Committee on Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Dingell, Mr. Greenwood, Mr. Stark, Mr. Shaw, Mr. Cardin, Mr. Saxton, Mr. Pallone, Mr. DeFazio, Mr. McDermott, Mr. Kleczka, Mr. Rahall, Mr. Ackerman, Mr. Hilliard, Mr. Coburn, Ms. Pelosi, Mr. Borski, Mr. Ensign, Mr. Leach, Mr. Deutsch, Mr. Gordon, Mr. Waxman, Mrs. Thurman, Mr. Miller of California, Ms. Slaughter, Mr. Olver, Mr. Dellums, Ms. Lofgren, Mr. Shays, Mr. Foglietta, Mr. Ney, Mr. Nadler, Mrs. Clayton, Mr. Towns, Mr. Sawyer, Mr. Klink, Mr. Rush, Mr. Stupak, Mr. LaFalce, Mr. Frank of Massachusetts, Ms. Eshoo, Mr. Brown of Ohio, Mr. Green, Ms. Furse, Mr. Engel, Mr. Markey, Mr. Strickland, Mr. Frost, Mr. Boucher, Ms. DeGette, and Mr. Manton):

H.R. 625. A bill to amend title XVIII of the Social Security Act to provide additional consumer protections for Medicare supplemental insurance; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE (for himself, Mrs. Mink of Hawaii, and Mr. Faleomavaega):

H.R. 626. A bill to provide Federal housing assistance to native Hawaiians; to the Committee on Banking and Financial Services.

By Mr. ABERCROMBIE (for himself, Mr. Kim, and Mrs. Mink of Hawaii):

H.R. 627. A bill to establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States; to the Committee on the Judiciary.

By Mr. ABERCROMBIE (for himself, Ms. Harman, and Mr. Frost):

H.R. 628. A bill to amend the Internal Revenue Code of 1986 to restore a 100-percent deduction for business meals and entertainment and the deduction for the travel expenses of spouses and others accompanying the taxpayer on business; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself, Mr. Hall of Texas, Mr. Baldacci, Mr. Sanders, Mr. Allen, Mr. Archer, Mr. Bentsen, Mr. Combest, Mr. DeLay, Mr. Edwards, Ms. Granger, Mr. Green, Ms. Jackson-Lee, Ms. Eddie Bernice Johnson of Texas, Mr. Sam Johnson, Mr. Sessions, Mr. Smith of Texas, Mr. Stenholm, Mr. Thornberry, Mr. Turner, Mr. Norwood, and Mr. Burr of North Carolina):

H.R. 629. A bill to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact; to the Committee on Commerce.

By Mr. BILBRAY (for himself, Mr. Lewis of California, Mr. Torres, Mr. Calvert, Mr. Hunter, Mr. Filner, Mr. Cunningham, Mr. Herger, Mr. Rohrabacher, Mr. Packard, Mr. Dooley of California, and Mr. Cox of California):

H.R. 630. A bill to amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gas in certain areas within the State; to the Committee on Commerce.

By Mr. CANADY of Florida:

H.R. 631. A bill to amend the Internal Revenue Code of 1986 to place the burden on the Secretary of the Treasury of proving the accuracy of determinations forming a basis for certain notices of deficiency; to the Committee on Ways and Means.

By Mr. CHRISTENSEN:

H.R. 632. A bill to eliminate automatic pay adjustments for Members of Congress, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Virginia:

H.R. 633. A bill to amend the Foreign Service Act of 1980 to provide that the annuities of certain special agents and security personnel of the Department of State be computed in the same way as applies generally with respect to Federal law enforcement officers, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FAWELL (for himself, Mr. Goodling, Mr. Stenholm, Mr. Dooley of California, Mr. Hoekstra, and Mr. Hall of Texas):

H.R. 634. A bill to amend the National Labor Relations Act to allow labor-management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FOX of Pennsylvania (for himself, Mr. Lantos, Mrs. Kelly, Mr. Neal of Massachusetts, Ms. Rivers, Mr. Gutierrez, Mr. Shays, Ms. Furse, Ms. Molinari, Mr. Manton, Mr. andrews, and Mr. Farr of California):

H.R. 635. A bill to amend the Animal Welfare Act to extend the licensing requirements of the act to additional dealers in animals and to strengthen the registration, prohibition, and enforcement provisions of the act; to the Committee on Agriculture.

By Mr. FOX of Pennsylvania:

H.R. 636. A bill to prohibit fund-raising at the White House and elsewhere; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 637. A bill to amend the Internal Revenue Code of 1986 to allow a credit against the estate tax for certain transfers of real property for conservation purposes; to the Committee on Way and Means.

By Mr. GEKAS (for himself, Mr. Rohrabacher, Mr. Istook, Mr. Hansen, Mr. Cox of California, Mr. Wolf, Mr. Davis of Virginia, Mrs. Morella, Mr. Gilchrest, Mr. Hayworth, Mr. Bereuter, Mr. Ehlers, and Mr. Horn):

H.R. 638. A bill to amend title 31, United States Code, to provide for continuing appropriations in the absence of regular appropriations; to the Committee on Appropriations.

By Mr. HILL:

H.R. 639. A bill to establish a commission on structural alternatives for the Federal Courts of Appeals; to the Committee on the Judiciary.

By Mr. HOSTETTLER (for himself, Mr. Combest, Mr. Barrett of Nebraska, Mr. Goodlatte, Mr. Souder, Mr. McIntosh, Mr. Burton of Indiana, Mr. Smith of Michigan, Mr. Lewis of Kentucky, Mr. Baker, Mr. McCrery, Mr. McHugh, Mr. Herger, Mr. Royce, Mr. Bonilla, Mr. Riggs, Mr. Latham, Mr. Barr of Georgia, Mr. Christensen, and Mr. Doolittle):

H.R. 640. A bill to amend the wetland conservation provisions of the Food Security Act of 1985 and the Federal Water Pollution Control Act to permit the unimpeded use of privately owned crop, range, and pasture lands that have been used for the planting of crops or the grazing of livestock in at least 5 of preceding 10 years; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER (for himself, Mr. Bachus, Mr. Barcia of Michigan, Mr. Barr of Georgia, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bunning of Kentucky, Mr. Burton of Indiana, Mr. Coburn, Mr. Crane, Mr. Dickey, Mrs. Emerson, Mr. Forbes, Mr. Hansen, Mr. Hill, Mr. Hoekstra, Mr. Inglis of South Carolina, Mr. Lewis of Kentucky, Mrs. Myrick, Mr. Pappas, Mr. Petri, Mr. Pitts, Mr. Smith of New Jersey, Mr. Stearns, Mr. Taylor of Mississippi, and Mr. Young of Alaska):

H.R. 641. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person from the moment of fertilization; to the Committee on the Judiciary.

By Mr. LaHOOD:

H.R. 642. A bill to amend title 39, United States Code, to prevent certain types of mail matter from being sent by a Member of the House of Representatives as part of a mass mailing; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LaTOURETTE (for himself, Mr. Stokes, Mr. Regula, Mr. Oberstar, Mr. Traficant, Ms. Eddie Bernice Johnson of Texas, Mr. Cummings, Mr. Clay, Mr. Sawyer, Ms. Kaptur, Ms. Norton, Mr. Houghton, Mr. Brown of Ohio, Mrs. Meek of Florida, Mrs. Maloney of New York, Mr. Portman, Mr. Olver, Mr. Filner, Mr. Fazio of California, Mr. Oxley, Mr. Watt of North Carolina, Mr. Barrett of Wisconsin, Mr. Coyne, Mr. Scott, Mrs. Clayton, Mr. Rangel, Mr. Lewis of Georgia, Mr. Frost, Mr. Towns, Ms. Slaughter, Mr. Bonior, Mr. Frank of Massachusetts, Mr. Mascara, Mr. Jefferson, Mr. Owens, and Mr. Lewis of California):

H.R. 643. A bill to designate the U.S. courthouse to be constructed at the corner of Superior and Huron Roads, in Cleveland, OH, as the "Carl B. Stokes United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE (for himself, Mr. MCCOLLUM, Mr. GILLMOR, Mr. PITTS, Mr. PETRI, Mr. CLEMENT, Mr. METCALF, Mr. PEASE, and Mr. CRAMER):

H.R. 644. A bill to amend the Internal Revenue Code of 1986 to provide for the deposit of the general revenue portion of the motor fuel excise taxes into the highway trust fund and airport and airway trust fund, and for other purposes; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. KIND of Wisconsin, Mr. JOHNSON of Wisconsin, and Mr. BARRETT of Wisconsin):

H.R. 645. A bill to amend the Commodity Exchange Act to require the Commodity Futures' Trading Commission to regulate certain cash markets, such as the National Cheese Exchange, until the Commission determines that the market does not establish reference points for other transactions; to the Committee on Agriculture.

H.R. 646. A bill to improve price discovery in milk and dairy markets by reducing the effects of the National Cheese Exchange on the basic formula price established under milk marketing orders, and for other purposes; to the Committee on Agriculture.

By Mr. PETRI:

H.R. 647. A bill to amend the Fair Labor Standards Act of 1938 to prescribe a salary base for an exemption of an employee for the wage requirements of such Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SANDERS (for himself and Mr. SMITH of New Jersey):

H.R. 648. A bill to prohibit the Secretary of Defense from treating as allowable costs under a defense contract any restructuring costs of the Boeing Co. arising from its acquisition of the McDonnell Douglas Corp.; to the Committee on National Security.

By Mr. DAN SCHAEFER of Colorado (for himself and Mr. HALL of Texas):

H.R. 649. A bill to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974; to the Committee on Commerce.

By Mr. VISCLOSKY (for himself, Mr. HOSTETTLER, Mr. ROEMER, Mr. MCINTOSH, Mr. BURTON of Indiana, Mrs. CARSON, Mr. HAMILTON, and Mr. PEASE):

H.R. 650. A bill to amend title 23, United States Code, to improve safety at public railway-highway crossings, and for other purposes; to the Committee on Transportation and infrastructure.

By Mr. WHITE:

H.R. 651. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other Purposes; to the Committee on Commerce.

H.R. 652. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes; to the Committee on Commerce.

By Mr. WHITE (for himself, Mr. BOUCHER, Ms. DUNN of Washington, Mr. BOEHNER, Mr. GOODLATTE, and Mr. ENGLISH of Pennsylvania):

H.R. 653. A bill to amend the Federal Election Campaign Act of 1971 to permit interactive computer services to provide their facilities free of charge to candidates for Federal offices for the purpose of disseminating campaign information and enhancing public debate; to the Committee on House Oversight.

By Mr. BEREUTER (for himself, Mr. BERMAN, Mr. ACKERMAN, Mr. ROYCE, and Mr. GILMAN):

H. Con. Res. 16. Concurrent resolution concerning the urgent need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL:

H. Res. 42. Resolution designating minority membership to certain standing committees of the House; considered and agreed to.

By Mr. SOLOMON:

H. Res. 43. Resolution electing Representative RAY LAHOOD of Illinois to the Committee on Veterans' Affairs; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. PETRI introduced a bill (H.R. 654) for the relief of Thomas McDermott, Sr.; which was referred to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 84: Ms. NORTON.

H.R. 99: Mr. METCALF and Mr. ENGLISH of Pennsylvania.

H.R. 126: Mr. TIAHRT and Mr. MANZULLO.

H.R. 131: Mr. SHADEGG and Mr. TIAHRT.

H.R. 132: Mr. STEARNS and Mr. MANZULLO.

H.R. 137: Mr. BEREUTER.

H.R. 165: Mr. EVANS.

H.R. 192: Mr. SOLOMON, MR. SHADEGG, Mr. MCCRERY, Mr. DEFAZIO, Ms. KAPTUR, and Mr. TIAHRT.

H.R. 216: Mr. PORTMAN, Mr. STOKES, Mr. DOYLE, Mr. CAMPBELL, Mr. MCNULTY, and Mr. KUCINICH.

H.R. 306: Mr. JACKSON and Mr. HORN.

H.R. 373: Mr. JACKSON, Mr. SERRANO, Mrs. MEEK of Florida, Mrs. CLAYTON, and Mr. UNDERWOOD.

H.R. 414: Mr. SOLOMON, Mr. SHADEGG, Mr. MCCRERY, Mr. DEFAZIO, Mrs. KAPTUR, and Mr. TIAHRT.

H.R. 446: Mr. HAYWORTH, Mr. HULSHOF, and Mr. FOLEY.

H.R. 493: Mr. LEACH, Mr. LUTHER, Mr. BILBRAY, and Mr. WAXMAN.

H.R. 554: Mr. LATHAM.

H.R. 586: Mr. BARR of Georgia and Ms. MOLINARI.

H.J. Res. 28: Mr. CRANE, Mr. LIPINSKI, Mr. HAMILTON, Mr. FRANK of Massachusetts, Mr. GREEN, and Mr. MCNULTY.

H. Con. Res. 13: Mrs. CLAYTON, Ms. KAPTUR, Mr. RAHALL, Mr. CLEMENT, Mr. UNDERWOOD, Mr. STARK, and Mr. MASCARA.

EXTENSIONS OF REMARKS

UNCOMMON COURAGE—PROVEN LEADERSHIP

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. LIVINGSTON. Mr. Speaker, the stunning events of the war in the Persian Gulf had just begun to unfold as American combat crews faced the enemy of the decade.

It was late in the afternoon of January 27, 1991, only 10 days after the war between Iraq and the allied coalition forces began, when then Lt. Col. Jim Gibbons and Major John Fuller of the 192d Tactical Reconnaissance Squadron, Nevada Air National Guard, were called upon to fly north to Kuwait. Their mission was to acquire detailed photographs of open oil manifolds which were draining crude oil into the Persian Gulf at the order of Saddam Hussein. Unarmed and equipped only with special cameras to provide highly detailed photographs of small ground targets, the two RF–4C aircraft took off from Sheik Isa Air Base, Bahrain, without fighter escorts. Relying only on their speed, skill and experience of the aircrew, the "Phantoms" had to enter the heavily defended enemy territory alone and unarmed.

The requested target was located in a 40-kilometer strip of the most heavily defended coastline adjacent to Kuwait City. Approaching the target area, Lt. Col. Gibbons, the flight leader, determined that due to the heavy smoke cover from burning oil wells and low clouds, the planned altitude for the photo run would not work.

Instead, the flight would have to approach the area much closer, parallel to the coast to obtain useable photographs of the target. This would bring the flight just below the clouds and smoke, but now well within the range of enemy and antiaircraft artillery and surface-to-air missile range.

As the RF–4's approached the target area, they were detected by enemy radar. Suddenly golf ball size tracer bullets began snaking their lethal paths toward the aircraft. In addition, the radar warning receiver in the cockpit alerted Lt. Col. Gibbons that two Iraqi surface-to-air missiles had been launched and were streaking toward his aircraft. The enemy antiaircraft shells and missiles would miss their mark, but not the cameras of the two RF–4's. The intense enemy fire and low visibility required Lt. Col. Gibbons to make a second target pass through the same heavily defended area to ensure that adequate coverage and clear photos were obtained. Because of his extraordinary valor and courage and in the face of overwhelming danger, Lt. Col. Gibbons action enabled allied fighter-bombers to attack and destroy the oil manifolds and stop the flow of oil in the Persian Gulf. As a result of his leadership, courage and heroic effort on this mission Lt. Col. Gibbons, Vice Commander, Nevada Air National Guard received one of our Nation's highest recognitions for bravery under fire—the Distinguished Flying Cross.

TRIBUTE TO MATTHEW CAPANO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the selfless and steadfast dedication and outstanding public service of Matthew Capano, to the community of West Paterson, NJ. As Mayor of the Borough of West Paterson from 1994 to 1997, Matt has demonstrated time and again effective responsibility and leadership. Before becoming mayor, Matt served the people of West Paterson as a member on the Borough Council, from 1987 to 1992.

Matt has made significant contributions, politically, to West Paterson through his involvement as a member of the West Paterson Democratic Club, of which he at one time served as the club president.

Matt's involvement both politically and civically, has instilled pride amongst the people of West Paterson. There is a renewed sense of commitment to making the Borough an even greater community for its present and future generations.

Mr. Speaker, I ask that you join me, our colleagues, Matt's wife, Donna, and their family, as well as the people of West Paterson, in recognizing the outstanding achievements and commitment to public service of Matthew Capano.

A TRIBUTE TO THE HONORABLE FRANK M. TEJEDA

HON. THOMAS M. FOGLIETTA

OF PENNSYVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay special tribute to our colleague and dear friend, Frank Tejeda. Because of an illness I was unable to cast a vote on the legislation in Frank's honor, but I support it wholeheartedly. Frank represented the best and the brightest that America offers. He was a man who never ceased to find ways to serve his country, many times at the risk of his own life. Whether on the battlefields of Vietnam, where he earned a Purple Heart and Bronze Star for valor, in this body, where he earned the respect of his colleagues, or on the streets of his home town of San Antonio, where he earned the love of his neighbors, Frank gave everything he had every day.

Frank never stopped fighting. Just weeks ago, he vowed to fight the illness that eventually claimed him. We all believed him when he said he'd be back here with us. Frank was a man of honor and integrity. So we believed everything he said. Sadly for us, his last promise was the only one he could not keep.

Frank stood for many things. But most of all, he stood for excellence. He left school at 17 to fight with the Marines in Vietnam. He was fond of saying, "I was a grunt and proud of it. I wouldn't have it any other way." He carried that philosophy throughout his public career. He did whatever need doing in order to serve his constituents.

He matched his heroism on the battlefield scholarship at some of this country's most prestigious universities, earning advanced degrees from the University of California, Berkeley, Harvard, and Yale. But most importantly, he never forgot the people of his beloved San Antonio. And they never forgot him. Over and over again, they called upon him to serve in ever higher office. For 10 years, he represented his neighbors in the Texas House. He served in the Texas Senate for 6 years, until his constituents honored us by sending Frank to serve in this body.

Mr. Speaker, let us honor the memory of Frank Tejeda by renewing our commitment to serving the American people. His spirit will be here with us always. We should respect that spirit by following his example.

WORLD MARRIAGE DAY

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. BARR of Georgia. Mr. Speaker, it is truly amazing how many of the problems our country is contending with on a daily basis can be traced directly to the disintegration of traditional family values. Rising juvenile crime rates, an alarming rise in teen drug usage, and the large numbers of people on the welfare rolls are but a few of the symptoms of a society that has ceased to elevate to a place of importance the traditional family structure. In fact, the problem has become so bad that just last year, we in Congress were forced to pass a law affirming a basic principle of society that has never before been called into question: marriage means the union between one man and one woman.

I applaud World Marriage Day, observed February 9th, as a celebration of the traditional family values that have made our country the greatest Nation on the face of the earth. The celebration of love and mutual commitment between a man and a woman is a welcome sign in a world where traditional concepts society are being challenged on a daily basis by all types of extremists. I pledge to continue my efforts to preserve and protect the institution of marriage, and I thank Worldwide Marriage Encounter for all its hard work to preserve an institution that is the bedrock of our society, and for reminding all of us that some things are far too important to take for granted.

RECOGNIZING THE NETDAY PROJECT

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Ms. DEGETTE. Mr. Speaker, I rise today to recognize the achievement of the NetDay project in its efforts to connect schools and libraries across the country to the Internet.

My 7-year-old daughter's computer skills put mine to shame, and I think that's great. We all need to commit to preparing our kids for the technological requirements of the future. It is so important that all our kids, regardless of their backgrounds and resources, are provided with the kind of computer training that will allow them to compete in today's global economy.

NetDay has emerged as a direct result of the universal access intent of the Telecommunications Reform Act of 1996 and has been made possible through the efforts of thousands of volunteers in business, education, and neighborhood communities. I urge my colleagues to join the celebration of the spirit of volunteerism that has allowed NetDay to be the huge success it is.

ENDANGERED PLANT PRESERVATION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I recently introduced a bill, H.R. 570, seeking $1.5 million for a genetic plant conservation project that would collect and preserve genetic material from the Nation's endangered plants. A total of 513 U.S. plants are listed as endangered and 101 as threatened under the Endangered Species Act, according to the U.S. Fish and Wildlife Service.

Precious species such as the eastern prairie fringed orchid in northeastern Illinois, the just-listed Stebbins' morning glory native to the central Sierra Nevada in California, and many other declining plant species have been listed under the Endangered Species Act [ESA] and recovery actions have shown success. However, a lack of sufficient resources for the U.S. Fish and Wildlife Service [FWS] and inadequate ESA funding make it difficult to ensure that all of these species will be saved from extinction.

A crucial part of the solution to save our endangered species is this genetic plant conservation project, which will save and catalog genetic material for later propagation. As genetic technology develops, we would have saved essential materials necessary to restore plant populations, preventing extinction.

My bill requests $1.5 million for activities such as rare plant monitoring and sampling, seed bank upgrade and curation, curation and propagation of endangered plant collections, expanded greenhouse capacity, nursery construction, cryogenic storage research and development, and in-vitro storage expansion.

In my State, this project could help combat Hawaii's endangered species crisis by collecting genetic material from native plants—275 plants native to Hawaii which are already listed under the ESA as endangered or threatened. This represents a startling 45 percent of the total number of U.S. plants listed. About 75 percent of plant and bird extinctions in the United States have been Hawaiian species, despite that fact that the Hawaiian Islands make up less than 0.2 percent of the country's total landmass.

A recent study in the journal Science highlighted the serious extent of Hawaii's endangered species crisis by naming Hawaii as one of four hot spots in which the Nation's endangered species are concentrated. The other hot spots are Florida, southern Appalachia, and much of southern California.

I strongly urge my colleagues to support H.R. 570 and this forward-looking, necessary genetic plant conservation project, which will preserve plants that many of our ecosystems cannot afford to lose.

ROMA SPORTS CLUB MAN OF THE YEAR

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. PASCRELL. Mr. Speaker, I would like for you to join me in honoring Charlie Stillitano, of Westfield, NJ, as the Roma Sports Club "Man of the Year." Charlie has proven to be a leader in the soccer community of New Jersey for the last two decades, eventually becoming vice-chairman of the U.S. Soccer Federation Foundation, a position which he currently holds.

Charlie's commitment to soccer began when, as an undergraduate student at Princeton University from 1977 to 1981, he was a key player on the university's soccer team, becoming an All-America and All-Ivy League defender. In 1978, Charlie was a member of the United States under-19 team, and in 1981, played professionally for the New York United Soccer Club.

Graduating from Rutgers University law school in 1987, Charlie when on to become an attorney, first with the AT&T Credit Corp., and then with the law firm of Crummy, Del Deo, Dolan, and Griffinger and Vecchione. Although a successful attorney, Charlie never gave up on his commitment to soccer, becoming, in 1994, an integral part of the World Cup being hosted by the United States at Giant Stadium. It was Charlie who, in his capacity as venue executive director for New York/New Jersey and Giant Stadium, oversaw the $1 million project that enabled the Bermuda grass field to be grown over the stadium's astroturf.

From the World Cup, Charlie has since gone on to become vice-president and general manager of the MetroStars. Seeking to give back to the community, Charlie has in recent years become a factor in the advancement of the sport of soccer in New Jersey on all levels. From his becoming first vice-president of the New Jersey State Soccer Association to his coaching of many teams within the New Jersey State system, Charlie has proven his commitment to the sport of soccer and the community at large.

Mr. Speaker, I ask that you join me, our colleagues, Charlie's wife Cary, their daughter Isabella, and all of the soccer players, young and old, in New Jersey, in honoring a true pioneer in New Jersey soccer.

EQUAL STATUS FOR DS AGENTS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it is my great pleasure to introduce today legislation in support of the agents of the Bureau of Diplomatic Security within the U.S. Department of State.

Despite performing traditional law enforcement activities and being placed in high-risk security situations on behalf of the United States at home and abroad, Diplomatic Security [DS] agents of the State Department are currently treated differently than all other Federal law enforcement agents in regard to their retirement annuity calculations. The security functions that DS agents carry out every day include protecting U.S. personnel and the security of vital U.S. information and installations both domestically and internationally. Their duties are critical to the viability of overseas operations of the United States and to the protection of thousands of U.S. citizens around the world.

Agents of the Bureau of Diplomatic Security are charged with the security of American diplomatic personnel overseas. These agents also protect Members of Congress and their staffs while on official business overseas. We have seen time and time again the threats that DS agents face protecting America's interests. In the last few years alone, Diplomatic Security agents have been placed in harm's way while on duty in Bosnia-Herzegovina, Burundi, Liberia, and Haiti. These dedicated security agents deserve to be fairly compensated.

In order to rectify this inequity I have introduced this bill that will classify DS agents as equivalent in status to Federal law enforcement personnel for the purpose of retirement annuity calculations. This measure will change the amount of Federal employee deductions and matching contributions of DS agents for retirement purposes. My bill will simply bring DS agents into accord with other Federal law enforcement agents whose retirement annuities are calculated at a rate of 7½ percent payroll deduction, the current rate for all other Federal employees is 7 percent; the rate for Members of Congress is 8 percent.

Under the bill, future agents of the Bureau of Diplomatic Security would be eligible to receive the law enforcement retirement annuity calculation 6 months after the date of enactment of the legislation. Current DS agents would be required to make an election based on the calculation of the individual's annuity which is attributable to service preceding the effective date of the legislation. Consequently, current DS agents electing to be covered under the new annuity rate would have to make a special monetary contribution or have an actuarial reduction to compensate for the shortfall in employee contribution levels for service prior to the date of enactment.

U.S. AID Inspector General investigators and Capitol Police officers have both received this designation through congressional action in recent years. In recognition of the physical strain and mental stress caused by the performance of life-threatening work, designated Federal law enforcement personnel may retire with bull benefits after 20 years, while paying slightly more out of each paycheck for these increased benefits. While DS agents may currently retire at age 50 with 20 years of service, their annuity calculation is based on the smaller level of contribution.

My bill helps correct a basic matter of fairness. Diplomatic Security agents perform the functions of law enforcement officers, and they should receive the benefits associated with those responsibilities.

TRIBUTE TO THE QUBA INSTITUTE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to the Quba Institute, which has educated members of Philadelphia's Muslim community since 1968. The institute offers varied forums of Islamic studies, such as lectures, classes, workshops, reading groups, day school, and Qur'an school. Students at the Quba Institute are encouraged to strive for overall academic excellence in addition to pursuing traditional Islamic scholarship. In order to achieve the optimal balance, traditional religious studies are paired with modem techniques to achieve a well-balanced academic experience.

Mr. Speaker, in light of the Quba Institute's record of producing rigorous scholarship and building character among its students, I hope my colleagues will join me in honoring this fine school on this day.

THE INTRODUCTION OF THE NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT OF 1997

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I was very pleased to introduce on Tuesday, February 4, along with our distinguished colleagues JOHN DINGELL, JIM SAXTON, and JOHN TANNER, the National Wildlife Refuge System Improvement Act of 1997.

This measure, which is the product of several years of careful deliberation, would be the first comprehensive refuge reform legislation since the enactment of the National Wildlife Refuge Administration Act of 1966. In fact, this is an improved version of the bill that the House of Representatives overwhelmingly adopted on April 24, 1996, by a vote of 287 to 138.

By way of background, it is important to note that the National Wildlife Refuge System is comprised of Federal lands that have been acquired for the conservation of fish and wildlife and offer recreational opportunities for millions of Americans. Totaling about 91.7 million acres, the System provides habitat for hundreds of species, including nearly 700 kinds of birds, 200 mammals, 250 reptiles and amphibians, and 200 kinds of fish. These refuge lands are not Federal parks, wilderness areas, or national marine sanctuaries. In fact, hunting and fishing occur on more than 95 percent of the total acreage of the System.

The first wildlife refuge was created at Pelican Island, FL, in 1903, by one of our Nation's most prominent sportsmen and conservationists, President Theodore Roosevelt. Today, the System has 511 refuges, which are located in all 50 States and 5 territories. These units range in size from the smallest of 1 acre at Mille Lacs National Wildlife Refuge in Minnesota to the largest of 19.3 million acres in the Arctic National Wildlife Refuge in Alaska. In the last decade, more than 80 refuges and approximately 4 million acres have been added to the System. Funding for refuge acquisitions comes from two primary sources: First, annual appropriations from the Land and Water Conservation Fund; and second, the Migratory Bird Conservation Fund, which is funded from duck stamps and refuge entrance fees. In fiscal year 1995, $410.9 million was collected from our Nation's anglers and sport hunters.

While the National Wildlife Refuge System Administration Act of 1966, authored by the distinguished gentleman from Michigan, JOHN DINGELL, has been a landmark law, there are many people who believe that this act is in need of modernization. For instance, there is no statutory list of purposes for the National Wildlife Refuge System, there is no statutory definition of what constitutes a compatible use of a refuge, refuges are not managed as a national system, fishing and hunting are arbitrarily prohibited on new refuge lands until governmental studies are completed, and there is no requirement to complete comprehensive conservation plans for any of the 511 refuges.

Under the terms of our new legislation, we have established for the first time a nationwide set of six purposes for our Refuge System. These purposes are: to establish a nationwide network of lands to conserve and manage fish, wildlife, and plants; to preserve, restore, and protect endangered and threatened species; to conserve and manage migratory birds, anandromous fish, and marine mammals; to allow compatible wildlife-dependent recreation, which has been defined as fishing, hunting, wildlife observation, and environmental education; and to fulfill international treaty obligations.

Second, we have defined the term "compatible use" by using the language the U.S. Fish and Wildlife Service incorporated into their operating regulations years ago. While a refuge manager will retain the power to determine what is a "compatible use," this definition should provide the guidance needed to make the proper decision.

Third, wildlife-dependent recreation will be allowed to occur during the interim period after the land has been acquired, but before the implementation of a management plan, as long as the refuge manager determines that those activities are compatible.

The author of this "open until closed" provision is the Gentleman from New Jersey, Jim Saxton. It is an essential change because there are a growing number of Americans who are angry and frustrated over the Service's land acquisition process. These Americans have worked hard to protect certain lands, they have contributed millions of dollars to the purchase of refuge lands, and they have found, much to their dismay, that for no rational reason their favorite fishing spot is not off limits during open-ended periods of governmental studies.

Fourth, this legislation provides that fishing and hunting should be permitted unless a finding is made that these activities are inconsistent with public safety, the purposes of the specific unit, or are not based on sound fish and wildlife management.

Finally, the proposal requires the formulation of conservation plans for each of the 511 refuges within 15 years of the date of enactment. It is important for the public to know what kind of archeological, natural, or wildlife resources exist on these refuges, and the allowed public uses of these resources. This inventory has been a goal of the environmental community for many years.

While this is a brief overview of the provisions of the National Wildlife Refuge System Improvement Act of 1997, there are a number of things that the legislation does not address. For instance, it:

does not permit or require hunting and fishing to occur on every wildlife refuge. These activities must be found "compatible" and must meet a three-part test. Fishing and hunting can only occur on refuges when consistent with sound fish and wildlife management practices, with the fundamental reasons the refuge was created, and with public safety;

does not affect Federal, State, or local water rights. This bill does not limit the ability of the Federal Government to secure water for a refuge;

does not facilitate nonwildlife-dependent uses such as grazing, farming, mining, oil and gas development, jet skiing, etc. As under current law, nonwildlife-dependent uses may continue to occur when compatible, and when the Fish and Wildlife Service lacks legal authority or sufficient ownership interest in the property to prevent them. But this bill does not mandate, enhance, or protect such uses;

does not increase or decrease the size of any of the 511 refuge units;

does not permit unapproved pesticides to be used by row farmers or anyone else in the Refuge System;

does not permit the commercialization of our Refuge System. To repeat, this bill makes only compatible wildlife-dependent recreational uses a purpose of the system. They are clearly defined as fishing, hunting, wildlife observation, and environmental education; and does not limit the Fish and Wildlife Service's ability to acquire new refuge lands at existing refuges. In fiscal year 1998, the service will propose to spend millions of dollars to acquire additional new acreage for our Refuge System. Our bill will not delay, stop, or otherwise affect those acquisitions.

It is my hope that during the debate on this bill in the 105th Congress, we will witness an accurate portrayal of the true impact of the provisions of this proposal. It is time to stop the misrepresentation of this bill as an effort to require hunting on refuges and the commercialization of the System.

This legislation is supported by the American Archery Council, the American Sportfishing Association, B.A.S.S., Inc., the California Waterfowl Association, Congressional Sportsmen's Foundation, Foundation for North American Wild Sheep, International Association of Fish and Wildlife Agencies, International Bowhunters Organization, Masters of Foxhounds Association of America, Mzuri Wildlife Foundation, National Rifle Association, National Wild Turkey Federation, New Jersey Federation of Sportsmen, North American Waterfowl Federation, Quail Unlimited, Ruffed Grouse Society, Safari Club International, Wildlife Forever, and the Wildlife Legislative Fund of America. It has also been endorsed by the Congressional Sportsmen's Caucus, which has a membership of more than 200 Members of this body.

Finally, this legislation is an improvement over the President's Executive Order of March 25, 1996. While the Executive order contains nonbinding "directives" to the Secretary of the Interior, our legislation statutorily establishes six purposes for the National Wildlife Refuge System. The Executive order is also deficient in that it does not stipulate that 511 individual refuge units should be managed as a national system or that conservation plans should be completed. Furthermore, like all Executive orders, it suffers from the inherent problem that unlike statutory law, it can be easily modified, replaced or ignored by future administrations.

Mr. Speaker, our Nation's Wildlife Refuge System must be managed more effectively in the future. This System needs to have a statutory list of purposes, uniform guidelines to determine what activities are permissible, comprehensive conservation plans, and the enthusiastic support of the American people who finance this System with their hard earned tax dollars.

These are the goals of the National Wildlife Refuge System Improvement Act of 1997. It is a sound piece of conservation legislation that reaffirms the legacy of President Theodore Roosevelt and the vision of the National Wildlife Refuge System Administration Act of 1966.

I would urge my colleagues to join with me, John Dingell, Jim Saxton and John Tanner in this important effort to improve our National Wildlife Refuge System. This legislation will ensure that this system is alive and well for all our constituents for many years to come. It is interesting to note that the year 1997 has been designated as the "Year of the National Wildlife Refuge System". It would, therefore, be fitting to enact the National Wildlife Refuge System Improvement Act this year.

THE HIGHWAY RAIL GRADE CROSSING SAFETY FORMULA ENHANCEMENT ACT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. VISCLOSKY. Mr. Speaker, today, I am pleased to introduce the Highway Rail Grade Crossing Safety Formula Enhancement Act, which is designed to provide a more effective method of targeting available Federal funds to enhance safety at our Nation's most hazardous highway rail grade crossings. This bipartisan legislation, which is the companion bill to legislation sponsored by Senators Lugar and Coats, will provide a more effective method of targeting available Federal funds to enhance safety at our Nation's most dangerous highway rail crossings.

Specifically, this bill would improve the Federal funding formula to account for risk factors that identify which States have significant grade crossing safety problems. The factors considered in the bill include a State's share of the national total for public highway rail grade crossings, its number of crossings with passive warning devices, and its total number of accidents and fatalities caused by vehicle-train collisions at crossings.

The Rail-Highway Crossing Program, also known as section 130, currently provides States with crossing safety funds as part of a 10 percent set-aside in each State's Surface Transportation Program [STP] funds. The program's goal is to provide Federal funds for State efforts to reduce the incidence of accidents, injuries, and fatalities at public railroad crossings. The States use these funs to build underpasses and overpasses, install passive or active warning devices, and improve pavement surfaces and markings.

Several hundred people are killed, and thousands more injured, every year in the United States as a result of vehicle-train collisions at highway rail grade crossings. A significant number of these accidents occur in rail-intensive States, such as Indiana, Illinois, Ohio, Kansas, and Texas. More than one quarter of the Nation's 168,000 public highway rail grade crossings are located in these five States. One third of deaths caused by vehicle-train collisions nationwide between 1993–95 occurred in these states.

With 6,587, my home State of Indiana ranks fifth in the Nation for the number of highway rail grade crossings, and Indiana is annually among the top five States nationwide in terms of accidents and fatalities caused by vehicle-train crashes. Just 2 weeks ago, a 15-year-old boy from Valparaiso, IN was struck by a train while traveling to school. Several years ago, my own mother, fortunately, survived a vehicle-train collision at a crossing where there were no warning devices. This legislation will help prevent senseless accidents like these.

Maximizing the return from Federal funds requires that they be targeted to areas with the greatest risk. In a 1995 report to Congress on the status of efforts to improve railroad crossing safety, the General Accounting Office [GAO] found anomalies among the States in terms of the funds they received in proportion to three key factors: Accidents, fatalities, and total crossings.

With the legislation I am introducing today, we have a unique opportunity to maximize existing resources, improve safety at highway rail grade crossings, and save lives. The establishment of a new funding formula is an innovative step in that direction. By targeting funds to States on the basis of risk factors, we can put scarce resources to work and use a commonsense approach by allocating Federal dollars where the need is greatest. This legislation does not call for new Federal spending, but rather a more equitable and effective distribution of existing highway funds to states to enhance safety at dangerous highway rail grade crossings.

States that would benefit under the revised formula are: Alabama, Arkansas, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Texas, Utah, Wisconsin.

Finally, I would point out that my bill addresses the grade crossing safety problems by refining a key provision of the existing Intermodal Surface Transportation Efficiency Act [ISTEA]. Using my proposal as a foundation, I will work with my colleagues to help assure that Congress passes highway reauthorization legislation that makes the best use of available Federal resources for rail crossing safety. In the 104th Congress, I introduced a similar measure, in conjunction with the entire Indiana delegation, which I testified in support of last July during Surface Transportation Subcommittee hearings regarding ISTEA policy. I believe that continued emphasis on finding new and better ways to target existing resources to enhance safety at highway rail grade crossings will contribute to the overall effort in Congress and in the States to prevent accidents and save lives.

THE FEDERAL OPEN SPACE ACQUISITION ACT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, today, I am introducing important legislation that I hope will further our efforts to preserve land and open space.

I believe that our current tax law discourages individuals from conserving land, and our estate tax structure sometimes provides the financial incentive to sell land for the purpose of development, rather than maintain or donate land for conservation purposes.

The legislation that I am introducing today, the Federal Open Space Acquisition and Preservation Act, will credit the value of land donated to a Federal agency, for conservation purposes only, against the estate taxes owed on the property. This will create an incentive, absent before, for heirs to donate undeveloped land to the Federal Government, rather than choose the route of selling to developers.

As many individuals who live in the northeastern metropolitan areas know, the amount of open space is dwindling each day. However, there is some beautiful undeveloped land that needs to be preserved as such. I believe that this legislation will provide the incentive to maintain those open spaces.

I urge my colleagues support for this legislation.

ST. JOSEPH'S SCHOOL OF WEST ORANGE 40TH ANNIVERSARY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the 40th anniversary of St. Joseph's School of West Orange, NJ. I am very proud to have a school of this caliber in my district, and I am thrilled to play a part in honoring this institution.

St. Joseph's Church was established in 1931, with it's first pastor being Monsignor Thomas Glover. In 1955, due to the very popular and well-attended CCD and Catholic Youth Organization programs, the decision was made to construct a school. In the fall of 1956, St. Joseph's School opened with a nine-room building for eight grades and a Kindergarten. The initial enrollment of 165 students doubled by November 1959. St. Joseph's School became an important part of the community, with nearly 95 percent of the parents belonging to the parents-teacher guild. The school also did not believe in overloading classes just for the sake of having a large enrollment. In contrast to the other schools, St. Joseph's maintained a limited enrollment in order to facilitate the development of each individual student.

St. Joseph's has been blessed with tremendous leadership since its inception. The school's founder, Monsignor Glover led the congregation for 35 years until his death in 1966, upon which Monsignor Lang succeeded him, serving with distinction until 1976. Father McCloskey, who runs the school to this day, has additionally served this church and school admirably. He has weathered financial difficulties, dealt with staffing problems by recruiting the sisters of charity to perform teaching duties, and maintained unparalleled standards of excellence.

Throughout the years, the school developed a highly-respected sports program, with many of its students going on to become high-school stars. In 1981, the school's baseball program won the Essex County CYO championship. The school also developed other extra-curricular programs, such as the school choir which has since become a highly respected aspect of the school. When the Metropolitan Opera Company of New York appeared at Newark's Symphony Hall, members of the St. Joseph's school choir were given the honor of joining them.

In the 1990's, the school began renovations to accommodate the growing academic programs. Glover Hall was renovated to house the seventh and eighth grades, the library, and the computer room. A science and technology lab was completed in 1996.

Mr. Speaker, I ask that you join me, our colleagues, the students of St. Joseph's past, present, and future, in recognizing the accomplishments of this fine academic institution, and wishing them even greater success for the next 40 years.

TRIBUTE TO THE LATE CONGRESSMAN FRANK TEJEDA

SPEECH OF

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. FAZIO of California. Mr. Speaker, today the House mourns the loss of one of its most respected Members, Congressman Frank Tejeda. Frank Tejeda was a true hero—the son of immigrant parents who raised himself out of the southside of San Antonio to become a decorated veteran, a distinguished scholar, and an honored statesman.

During the Vietnam war, Frank Tejeda volunteered to join the U.S. Marine Corps, where he earned the Silver Star for valor, and received the Purple Heart for wounds sustained in action. As a Marine Corp officer candidate, he demonstrated his extraordinary leadership and academic excellence. In fact, he still holds the highest academic average in Marine Corps history.

Frank went on to graduate St. Mary's University with a bachelor of arts in government, a juris doctorate from the University of California at Berkeley, a master of laws degree from Yale University, and a masters degree in public administration from the Kennedy School of Government at Harvard University.

In 1977, Frank was first elected to the Texas House of Representatives for 10 years. He then served 6 more years in the Texas Senate before being elected to represent Texas' 28th District in 1993.

Congressman Tejeda never forgot where he came from or who he represented. As a member of the National Security Committee and the Committee on Veteran's Affairs, Frank fought vigorously for health care access for veterans and for a strong military. Whether it was getting the Environmental Protection Agency to clean up soil pollution at the San Antonio Alamodome or working with Federal officials when Wilson County residents were about to lose their homes in a Federal property sale, Frank was always willing to lend a helping hand.

Frank Tejeda leaves behind three children, Marissa, Sonya, and Frank III. He was a good friend, a valued colleague, and a great American. Frank Tejeda will be sorely missed.

CONGRATULATIONS TO ROCCO AND NORMA FERRARO

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to Rocco and Norma Ferraro, of Lake Grove, Long Island, NY, a truly devoted couple who will be celebrating their 50th glorious wedding anniversary this Saturday. This romance, grown out of a winter's blizzard, has now reached the half-century mark, so I rise to congratulate Rocco and Norma Ferraro in the celebration of this, their golden anniversary.

While a snowy blizzard raged outside, Rocco and Norma were married at St. Monica's Church in Jamaica, Queens, NY, on February 8, 1947. Over the past half-century, Rocco and Norma have rarely failed to demonstrate their true devotion and commitment to each other, to their family and community.

During their years of marriage, the hallmark of their lives has been a relationship based on faith in God, love of family and mutual respect for each other. Rocco and Norma have been blessed with two children, Vito and Donna, and are also the proud and devoted grandparents of four wonderful grandchildren, Christopher, Michael, Matthew, and Stephanie.

Rocco and Norma's enthusiasm, generosity, good humor, and fellowship have touched all that have come to know them. The Ferraros are longtime residents of Lake Grove, living in and contributing to the surrounding communities that I am privileged to represent in the U.S. House of Representatives.

Mr. Speaker, Rocco and Norma are two individuals who exemplify what is good and right about our Nation. Through their love of God, family, and this great Nation, they have shown the rest of us the true meaning of love. As we begin 1997, it is with great pleasure that I ask my colleagues to join with me in extending to Rocco and Norma Ferraro our warmest wishes for a wonderful 50th anniversary and fervent hope for health and happiness for many years to come. Congratulations.

TRIBUTE TO THE ASIA OBSERVER ON ITS FIRST ANNIVERSARY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. PALLONE. Mr. Speaker, the month of February 1997 marks the 1-year anniversary of the inaugural edition of The Asia Observer. In the 12 months since the launching of this weekly newspaper, the Asia Observer has provided timely and insightful coverage and analysis of the South Asia region, including India, Pakistan, Sri Lanka, Bangladesh, and Nepal. In addition to its coverage of overseas news, The Observer also provides information on domestic issues and trends affecting the immigrant community.

I value the information provided by The Observer, ranging from security issues, to trade and investment to cultural matters. The paper has proven itself to be a solid addition to the ever-growing ranks of what is often referred to as the ethnic media—a term I use with great reluctance because it does not do justice to the truly multicultural quality and international outlook of the excellent publications addressing issues confronting the Asian-American community. We live in an era when relations with Asia are assuming ever-greater importance in United States international concerns. Here at home, people who trace their ancestry to Asia constitute a growing force in our business, professional and cultural life.Yet, I regret to see that there has recently been unfair scrutiny directed at Asian-Americans, while people of Asian descent continue to grapple with discrimination and mistreatment. Thus, while the Asia Observer is targeted primarily for a South Asian-American readership, I hope that the larger American community will make a better effort to understand this important part of the world—and to get to know the people of South-Asian descent who are making such a positive contribution to our Nation.

Mr. Speaker, as a nation of immigrants, we should value the contributions of people who come to America seeking a better life for themselves and their families, who come into our country legally, who work hard and play by the rules. As the founder and cochairman of the bipartisan Congressional Caucus on India and Indian-Americans, I believe we should devote more attention to improving and expanding relations between the world's two largest democracies, India and the United States, and redouble our efforts to represent the needs and concerns of the more than 1 million Americans of Indian descent.

Last year, when the Asia Observer published its first issue, I joined with other elected leaders—including Members of this Body—in extending my congratulations and well wishes. I am delighted to be doing the same on the newspaper's first anniversary. I wish to express my appreciation for Mr. Surinder Zutshi and his talented, hard-working staff, and urge them to keep up the good work. I look forward to reading the Asia Observer for many years to come.

TRIBUTE TO THOMAS GILMARTIN

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. QUINN. Mr. Speaker, I rise today to honor Mr. Thomas Gilmartin, on the occasion of his retirement.

Tom Gilmartin served the town of Hamburg as superintendent for buildings and grounds from July 1974 until December 1996. As a former supervisor of the town of Hamburg, I witnessed first-hand Tom's intense work ethic, professionalism, and integrity.

Tom currently also serves as an usher at Saints Peter and Paul Church in Hamburg. A prominent Irish-American in western New York, Tom's community service includes work with the Knights of Columbus, the Irish-American Cultural Association, the Gaelic-American Athletic Association, and the Irish Parade Committee. In recognition of that dedicated service, volunteerism, and hard work, Tom will serve as the grand marshal of the 1998 St. Patrick's Day Parade in the city of Buffalo.

Mr. Speaker, today I would like to join with Tom's wife, Mary; his children, Katie, Tom, Tim, and Mary Alice; the town of Hamburg; and indeed, our entire western New York community to pay tribute to Mr. Thomas Gilmartin. With retirement comes many new opportunities. May he meet every opportunity with the same enthusiasm and vigor which he demonstrated throughout his brilliant career; and may those opportunities be as fruitful as those in his past.

Thank you, Tom, for your tireless effort and personal commitment to our Western New York community. As you enter retirement, I wish you nothing but the best.

AMBASSADOR SAMUEL G. WISE, JR.

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. HOYER. Mr. Speaker, today my colleague BEN CARDIN and I mourn the loss of a gentleman known to many of you in this House and in the international community. For almost 20 years, Sam Wise guided the work of the Helsinki Commission and advanced the cause of human rights around the world.

Ambassador Wise joined the Commission in 1977, the year following its creation, and served with distinction until his untimely death last month. We had the privilege of working with him for more than a decade, and can state without qualification that Sam Wise was the preeminent expert on the Helsinki process and an adept facilitator of its guiding principles. Ambassador Wise participated in every meeting of the Conference on Security and Cooperation in Europe and its successor, the Organization for Security and Cooperation in Europe. His keen negotiating skills and calm demeanor earned him the respect and trust of the entire OSCE community and substantially enhanced the effectiveness of the Commission in the international arena. He was well known and liked in virtually every European capital.

Ambassador Wise brought to the Commission a wealth of experience from a distinguished career as a Foreign Service officer. During his years with the Commission, that experience and in-depth knowledge of the Helsinki process guided our work and advanced U.S. interests. His efforts helped to shape the policy and institutions which moved the process forward and demanded the world's attention to the plight of those struggling against tyranny and oppression. We believe the Helsinki process was a driving force in bringing an end to the cold war. Ambassador Wise's contribution to that effort is immeasurable.

Mr. Speaker, the death of Ambassador Sam Wise saddens us all and leaves a void in the OSCE and the international human rights community that cannot be filled know that you are in our thoughts and our prayers, and know that Sam's life of superb accomplishment and dedication to liberty and human dignity is a legacy that will inspire and guide generations to come.

RETIREMENT TRIBUTE TO FRANK A. ORECHIO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. PASCRELL. Mr. Speaker, I would like for you to join me in honoring Frank A. Orechio, of Nutley, NJ, who is retiring from his position as director of Facilities Planning and Water Resources Development for the North Jersey District Water Supply Commission.

As a lifelong resident of Nutley, Frank has always been an active member of the community. As a teenager, Frank was involved in helping his neighbors become naturalized citizens and then registering them to vote. As a young activist, Frank rose rapidly through the ranks of the Essex County Republican Party, becoming chairman of the Essex County Young Republican Party and then eventually being elected chairman of the New Jersey's State Young Republicans in 1948.

In the late 1950's, Frank turned to newspaper publishing as a career, and purchased his hometown newspaper, the Nutley Sun. Eventually he acquired several other newspapers and these served as the nucleus for what has since become known as Orechio Communications Co. Although now a newspaper publisher, Frank never abandoned the political field, serving in the capacity as either campaign director or confidential aide to such prominent national figures as Nelson Rockefeller and Richard Nixon.

Eventually Frank's dual commitment to politics and community led him to be appointed as a commissioner to the North Jersey District Water Supply Commission in 1966. In his capacity as commissioner, in which he served 16 years, Frank was able to depoliticize the commission and provide leadership for the commission's operations at Wanaque.

After serving 11 years as project coordinator for Wanaque South, Frank was appointed director of facilities planning and water resources development in 1993, and served in this position until his retirement in January 1997. Upon his retirement, Frank can proudly claim accomplishment for the North Jersey District Water Supply Commission being recognized not only as the motivating force for water resource development in New Jersey, but also as an innovator when it comes to overcoming obstacles associated with similar large-scale public works projects throughout the Nation. Also, Frank deserves praise for the computerization of filtration plants, which although were built in the 1970's, are still hailed as the most modern and effective in the world.

Mr. Speaker, I ask that you join me, our colleagues, Frank's wife, Edith and the citizens of Nutley in recognizing the accomplishments of Frank A. Orechio and his dedication to the public.

DR. DORIS ALVAREZ: NATIONAL PRINCIPAL OF THE YEAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. FILNER. Mr. Speaker, I rise today to pay tribute to Dr. Doris Alvarez, a distinguished leader from my hometown of San Diego, who has made a positive impact on thousands of young lives in our community. I am proud to congratulate Doris Alvarez, the principal of Hoover High School in San Diego, who today was named the National Principal of the Year by MetLife and the National Association of Secondary School Principals, the largest school leadership organization in the Nation.

Like those before her who have received this high honor as the Nation's best principal, Doris Alvarez has worked tirelessly for the benefit of every student enrolled at her school. Ten years ago, Hoover High was best known for the crime-ridden neighborhood in which it was located and its excessive dropout rate of 13 percent.

Then Doris Alvarez took the helm. Today, Hoover graduates 98 percent of its students. Hoover's dropout rate of 2.3 percent is less than half of the average national dropout rate. Hoover has been transformed from a school where dropping out was the norm to a flourishing environment where half of its students go to college.

Doris Alvarez has produced these results in an environment where students are faced with a host of challenges. Most students at Hoover live in neighborhoods with high crime rates. Eighty-two percent of Hoover students are poor. Ninety-three percent are immigrants or minorities, who speak a total of 30 languages.

Doris Alvarez has been so successful with these students because of her own challenging background. She grew up poor in Albuquerque, NM, and San Diego as the child of Spanish-speaking parents who taught themselves English and left school after the 8th grade. She and her family were discriminated against at every turn—a fact that motivated Doris to succeed.

She has put her credo—"all kids need equal opportunity"—to practice at Hoover High School. With innovative alumni mentoring, student-teacher "academic families," and an onsite school clinic, Doris Alvarez has brought the community together in the interest of educating its young people.

Mr. Speaker, President Clinton this week called upon the American people to work together, to realize that every student deserves the opportunity to succeed, and to improve America's educational system for the benefit of all students. Doris Alvarez accomplishes this goal every day at Hoover High School. I am pleased to see both her goals realized and her efforts recognized with the National Principal of the Year award.

THE INTRODUCTION OF A BILL TO END THE ABUSE OF THE FRANKING PRIVILEGE

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. LAHOOD. Mr. Speaker, last year I introduced H.R. 1137, a bill that ends the most pervasive abuse of the frank—sending out unsolicited, self-promotional mass mailings. My bill specifically targets this abuse. it would crack down on mass mailings harder than any other legislation currently under consideration. The current, increased interest in reforming the way campaigns are conducted only increases the relevance and importance of this bill.

Title 39 of the U.S. Code defines the types of mailings that are frankable. Included in this definition are the "usual and customary" congressional newsletter, press release, or questionnaire. The legislation I am reintroducing would simply strike mailings of this type from the code, thereby disallowing future use of the frank for these purposes.

Other franking reform proposals have centered around dangerous numbers games that leave open the possibility of abuse. Rather than try to settle on some arbitrary formula, my legislation will get to the heart of the problem. Reducing the definition of mass from 500 to 100, or debating whether the franking allowance should be reduced by 50 percent or 33 percent misses the mark. The problem that needs to be addressed is use of the frank as a campaign tool whose real information purpose is to make constituents aware of how deserving we are of reelection.

I urge my colleagues to consider cosponsoring this important piece of legislation.

THE RIGHT TO LIFE ACT OF 1997

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. HUNTER. Mr. Speaker, I rise today to speak on an issue that is of great concern to many Americans, abortion. Mr. Speaker, approximately 1.5 million innocent babies are intentionally killed every year because of abortion. This represents 4,000 times a day that an unborn child is taken from its mother's womb prematurely and denied the opportunity to live. Section 1 of the fourteenth amendment to our Constitution clearly states that no State shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." I wholeheartedly believe that these constitutional rights should include our country's unborn children.

Mr. Speaker, in the landmark case of Roe versus Wade, the Supreme Court refused to determine when human life begins and therefore found nothing to indicate that the unborn are persons protected by the fourteenth amendment. In the decision, however, the Court did concede that, "If the suggestion of personhood is established, the appellants' case, of course, collapses, for the fetus' right to life would then be guaranteed specifically by the Amendment." Considering Congress has the constitutional authority to uphold the fourteenth amendment, coupled with the fact that the Court admitted that if personhood were to be established, the unborn would be protected, it can be determined that we have the authority to determine when life begins.

It is for this reason that today I am introducing the Right to Life Act of 1997. This legislation does what the Supreme Court refused to do and recognizes the personhood of the unborn for the purpose of enforcing four important provisions in the Constitution: First, the due process clause, section 1 of the fourteenth amendment, which prohibits States from depriving any person of life; second, section 5 of the fourteenth amendment, which gives Congress the power to enforce, by appropriate legislation, the provisions of this amendment; third, the due process clause of the fifth amendment, which concurrently prohibits the Federal Government from depriving any person of life; and fourth, article 1, section 8, which gives Congress the power to make laws necessary and proper to enforce all powers in the Constitution.

The Right to Life Act of 1997 will protect millions of future unborn children by prohibiting any State or Federal law that denies the personhood of the unborn, thereby effectively overturning Roe versus Wade. I urge my colleagues to join me in this very important endeavor.

H.R. 624, THE ARMORED CAR RECIPROCITY AMENDMENTS OF 1997

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. WHITFIELD. Mr. Speaker, I am pleased to reintroduce the armored car reciprocity amendments, legislation that I sponsored in the 104th Congress amending the Armored Car Industry Reciprocity Act of 1993 to better reflect Congress' original intent when it enacted that law.

Armored cars and their crews annually transport billions of dollars in currency, bonds, food stamps, and other negotiable documents. Even though most armored car shipments are local, many of the larger and more valuable shipments can include stops in anywhere from 5 to 10 States. Since the value of a typical armored car shipment in interstate commerce can range from $100,000 to $40 million, these vehicles are ripe targets for thieves and the lives of armored car crews are often placed in grave danger.

Recent crime statistics bear out this reality. According to the FBI's violent crime section, during fiscal year 1995 there were 68 robbery attempts against armored vehicles. This statistic, combined with the fact that several crew members have lost their lives in recent years defending their cargo and themselves, demonstrates the continuing need for these crew members to be armed.

Despite the fact that there is a demonstrated need for armored car crew members to be armed, in the past there was no uniform method of ensuring that armored car crews were licensed to carry their weapons in each State in which they operated. Often crew members would have to go through different licensing procedures for each State in which they operated, or worse, travel through the States without the proper licenses in the hopes that they wouldn't get caught.

In order to address this burden on interstate commerce, in 1993 the Congress enacted the Armored Car Industry Reciprocity Act. The purpose of the bill was simple: It permitted armored car crew members, when licensed to carry a weapon by a State that required criminal background checks and regular weapons training, to operate as an armored car crew member in any State, much like a driver's license works today. It did not allow anyone to carry a gun who was otherwise prohibited from doing so under existing Federal statutes.

It was a narrowly drafted statute with a narrow purpose: to allow armored car crews to operate easily in interstate commerce.

In the time since the act was implemented, a number of parties, primarily the States charged with enforcing the statute, have come forward and identified technical concerns with how the statute operates. Last year, the Commerce Committee, on which I sit, heard testimony from representatives of the armored car industry and the States about the necessity of these changes. As a result, the House passed my bill, H.R. 3431, with overwhelming bipartisan support. Unfortunately, due to the crush of last minute business, the Senate was unable to act on my legislation in the 104th Congress.

The armored car reciprocity amendments of 1997 make some simple and straightforward changes to the Armored Car Industry Reciprocity Act:

First, it grants reciprocity for both weapons licenses and any other permits or licenses required in a particular State so long as the crew member has met all of the requirements in the State in which he or she is primarily employed.

Second, it makes clear that it is the State which should conduct criminal background checks and permits the States to do so in whatever manner they deem appropriate; and,

Third, it eliminates the requirement in the original act that renewed permits be reissued annually, and instead conforms the statute to the vast majority of States which have 2-year renewal periods. The bill also provides a grandfather clause for the two States which have longer renewal periods, Alaska and Pennsylvania.

These changes represent a major step forward in achieving the objectives of the original act and differ only in technical respects from the bill that the House passed last session. Under the act as originally signed into law, only Illinois, Louisiana, Maryland, North Carolina, and Virginia met the requirements for reciprocity. With the changes under this bill, 28 other States will qualify, truly easing the flow of these valuable goods in interstate commerce.

I urge all of my colleagues to join me in supporting this important legislation.

INTRODUCTION OF MEDIGAP PORTABILITY REFORM LEGISLATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. DINGELL. Mr. Speaker. Over the course of the last 2 years, we have spent a great deal of time in Congress debating the future of Medicare. The debate between my colleagues from both sides of the aisle has been sharply partisan and at times bitter. It is my hope that we can move past the rhetoric and begin to work on legislation which will improve the health care coverage of seniors in our country. I am happy to say that the legislation we are introducing today accomplishes these goals.

I am proud to join Congresswoman JOHNSON and Senators CHAFEE and ROCKEFELLER in introducing this legislation. Our targeted Medigap bill will provide the same guarantees of portability and pre-existing condition protections to seniors enrolled in Medigap, achieved in the health insurance portability and accountability law. This very important legislation will improve the health care coverage of America's seniors. This legislation embodies a policy I have always supported to ensure that seniors can get continuous coverage for their Medigap policies. With this legislation, seniors will be able to explore options such as managed care, secure in the knowledge that they can return to Medicare as they know it. Seniors are now free to try new health managed care options without being permanently locked into potentially costly out-of-pocket expenses from which they were previously protected by their Medigap policies.

I look forward to working with my colleagues in passing this legislation and I commend Congresswoman JOHNSON and Senators CHAFEE and ROCKEFELLER for their work on this issue.

"MARKETS HELP U.S. SPACE COMPETITIVENESS"

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. ROHRABACHER. Mr. Speaker, on Monday, January 6, the Orlando-based Florida Today newspaper printed an interesting article about the growing competition within the United States to launch commercial satellites into space. In particular, the article reports on the new Long Beach, CA-based Sea Launch Co.

This new Boeing-led consortium will transport rockets out to a floating launch platform in the Pacific southeast of Hawaii, where they can be launched more efficiently from the equator. Last year I attended the groundbreaking of Sea Launch's facilities in Long Beach along with several other colleagues, and can report that their initiative is most impressive.

But the focus of the article is on how the Sea Launch effort poses a competitive threat to the older Cape Canaveral Air Station, where the Air Force's 45th Space Wing operates the eastern range and several part-Government, part-commercial launch facilities. In particular, the question of why Boeing would create a project to launch satellites elsewhere than Florida—or the new California and planned Alaska commercial spaceports—is raised.

And the not-too-surprising answer comes from the House's own DAVE WELDON, the distinguished Representative of Florida's space coast region: Since many observers agree that Government-managed launches have too much redtape and extra expense, the Air Force needs to step back from the day-to-day operations. My colleague was exactly on point, and courageous for saying so, albeit politely.

Let me be more blunt. The fact is that we've been launching satellites on expendable rockets for nearly 40 years. The high costs of space lift today are a result of throwing away the rocket as we launch it, and the huge bureaucracy we've put in place to run the launches.

We're already making significant investments in new technology with the NASA X–33 program to move toward fully reusable, single-stage-to-orbit rockets. But it's just as important that we bring the efficiencies of competitive free enterprise to bear on such well-understood activities as space launch. Which means we have to decrease the Government's involvement.

Besides, the Air Force should be investing its limited resources in applying technologies such as those resulting from X–33 and the prior DC–X program to realize new capabilities like military spaceplanes, which could revolutionize warfighting and force structure requirements.

In other words, if the Air Force can transfer the mundane function of space cargo transportation to the private sector, the Air Force can on space warfighting, becoming the "Space and Air Force" described in its new vision statement, Global Engagement.

In summary, I strongly support the gentleman from Florida, Mr. WELDON, in his statements, and commend the entire article to my colleagues.

[From Florida Today, Jan. 6, 1997]

SPACE COAST HAS NEW CHALLENGER AS LAUNCHES HEAD OUT TO SEA

(By Robyn Suriano)

CAPE CANAVERAL.—Far away, in the cold shipyards of Scotland and Norway, work is under way on a project that gives local space advocates the shivers.

The object of their worry is a floating launch platform longer than a football field that will be used to send rockets and their satellites into space from sea.

The Boeing Co.-led international venture, called the Sea Launch Co., is the first of its kind and more than a novel way to get payloads into orbit.

It could be a serious threat to Cape Canaveral Air Station, where U.S. companies are fighting to keep their share of the world's commercial launch business.

"What worries me is Boeing finding it more attractive to go through all the complexities of a sea launch operation as opposed to using the existing launch pads that we have here at Cape Canaveral," said Ed O'Connor, executive director of Florida Spaceport Authority, the Cocoa Beach-based organization trying to increase the state's commercial space business.

"There is a message in that, and that message concerns me more than anything."

The new company was formed in April 1995 when Boeing, the Russian space agency and private companies in Norway and the Ukraine joined hands.

Although military rockets have been launched from ships since the late 1940s, Sea Launch is the first attempt to move commercial space missions off land.

What makes the venture potentially attractive to companies)—and such a threat to the Cape—is that it will be the only launch site to be directly on the equator.

That's critical because most communication satellites must be placed into equatorial orbits to do their jobs.

By launching from that spot, satellite manufacturers could get an added benefit not found at the Cape, where rockets take off 30 degrees north of the equator.

A trajectory from the Cape requires the rockets to use more fuel to get their payload into the right orbit. Because they have to carry extra fuel to get in place, the rockets can't carry larger satellites.

Officials hope the sea launch plan will allow rockets to carry larger satellites into orbit at less cost, making more money for the companies involved.

"The shortest distance to that orbit (for communications satellites) is from the equator because it's straight up," Sea Launch President Ron Olson said. "Therefore, at that shortest distance you can put a bigger satellite into space."

If all goes according to plan, the first rocket should take off from the sea platform in June 1998 carrying a Hughes Communications satellite.

Another 14 launches—all using Ukrainian-made Zenit rockets—follow. Ten of those also will carry Hughes Communications satellites.

Sea Launch plans to run the operation from corporate offices in Long Beach, Calif.

From the California coast, the company's ship will set sail carrying the Zenit rockets in its hull while its upper decks serve as luxurious quarters for business executives.

The ship, currently under construction in Scotland, will need eight to 10 days to sail to a point southeast of Hawaii—smack on the equator.

There, it will meet a floating launch pad that has its own engines and can move under its own power. The mobile pad is a former oil drilling platform undergoing renovation at a Norwegian shipyard.

For the first few launches, the rockets will be transferred from the ship to the floating pad while the two are docked together in port, then set sail simultaneously for the equator.

But Sea Launch eventually wants to leave the launch pad at sea for several months, using the ship to carry satellite-laden rockets to the site, where they will be transferred to the platform by cranes.

The Zenit rockets then would be launched from the pad using an automated system that will reduce the number of people needed to get the rockets ready, said Olson.

"The infrastructure that's required for launching at sea is about half of what you see at the Cape," Olson said. "We just won't have a lot of people running around like they do at the base.

"So therefore, the operating costs are considerably less than what other people have to offer."

Olson declined to discuss Sea Launch prices, saying only the company follows trade agreements made by the U.S. government. In doing so, Sea Launch cannot cut its prices any more than 15 percent below launches by other U.S. companies from the Cape.

A Hughes official, Barry Fagan, said the Sea Launch concept is attractive for many reasons—including price—but mainly because the demand for launches is growing fast.

Seventeen Lockheed Martin Atlas and McDonnell Douglas Delta rockets were launched from the Cape in 1996, keeping Space Coast pads full for the year.

Fagan said the site simply can't support all the launches in upcoming years as more satellites are put into orbit to supply mobile phones, direct-to-home television and other communications services.

"The biggest (factor) is the overall need for more capacity," said Fagan, launch services acquisition manager for Hughes. "If you look at Atlas and Delta and the Cape in general, there's just more demand than they can satisfy."

However, with the advantages of Sea Launch also comes risks, including the company's use of an untested three-stage Zenit rocket.

Although a two-stage Zenit rocket has been used for years, the three-stage design that Boeing will use for Sea Launch never has flown. The new rocket will not have any test flights before its first liftoff.

Nonetheless, officials from Hughes and Sea Launch say the rocket is not that big a risk.

"There are no real stretches technologically," Fagan said. "We're talking about all proven pieces. The real challenge is just fitting all the pieces together and making sure the system works as a whole."

"It's one of the latest developed rockets available, and we think it's the best," Olson added.

Fagan and other Hughes officials are so confident Sea Launch will work that they are calling on U.S. companies to consider building their own mobile launch platform for equatorial liftoffs.

"It may be something that's too new and too different, but if Sea Launch proves the concept, and I think they will, then the government and U.S. space industry might want to take a look at this," Fagan said.

One Cape customer—McDonnell Douglas—already is considering taking its business south and launching its rockets from a site 5 degrees north of the equator run by the European Space Agency in South America.

Such a move would be devastating to the Brevard County economy, space officials say.

Each launch of a Delta and Atlas mission infuses about $10 million into the local economy from salaries and money spent on services needed to get the rocket ready, according to Florida Spaceport Authority.

But rather than focusing on an elaborate sea operation, it may be more realistic for Space Coast officials to look for ways to make the Cape more attractive to commercial customers.

For example, the Air Force may need to step back from its day-to-day role in overseeing the Cape's launch pads, said U.S. Rep. Dave Weldon, R-Palm Bay.

The Air Force runs the Eastern Range, the tracking system that monitors all rocket and shuttle launches from the Cape. Some observers say the government-run launches are encumbered by too much red tape and extra expense.

While the military is taking steps to make the Cape more competitive, more must be done, Weldon said.

"We're probably going to have to pick up the pace in the next few years as the competition gets more intense," Weldon said. "Especially as it relates to updating the range and redefining Air Force involvement as the operations become increasingly commercial.

"We need to bring the Air Force more and more out of daily operations if we're going to bring down the costs."

No matter what happens at the Cape, however, Sea Launch officials say the Florida launch site is not going to be hurt by their mobile platform—at least not now.

"There's enough business for everyone, there's just not enough launchers right now to take care of it all," Olson said.

Said Fagan: "The good news is that there's room for everybody. If the Cape were to modernize and streamline, I think they're going to maintain a significant portion of the market."

Sea Launch Co. at a glance:

Companies: Joint venture between Boenjng, Russian space agency, and private companies in Norway and the Ukraine.

Launch site: Floating launch pad longer than a football field that will be stationed along the equator near Hawaii.

Rockets: Ukranian Zenit rockets will be used to launch satellites in orbit.

First launch: Scheduled for June 1998. Fourteen other launches also are booked.

INTRODUCTION OF THE TEAMWORK FOR EMPLOYEES AND MANAGERS (TEAM) ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. FAWELL. Mr. Speaker, today, I am joining with a bipartisan group of my colleagues to introduce the Teamwork for Employees and Managers [TEAM] Act. The legislation is designed to remove roadblocks in current law to workplace cooperation and increased employee involvement, while not undermining the ability of workers to choose union representation. My colleagues and I have come to the inescapable conclusion that today global competition demands that American workers and their employers work together. The Federal Government should not stand in the way of employees playing a meaningful role in addressing workplace issues. As we join to introduce the TEAM Act, it is our fervent hope that Members on both sides of the aisle will begin a dialog to develop a proposal that will provide the flexibility for employers and employees in nonunion workplaces to resolve workplace issues together, while continuing to protect and secure the rights of workers to choose union representation.

As the Congress considered the TEAM Act in the 104th Congress, it became clear to me that labor-management cooperation and employee involvement techniques are a means of structurally organizing a workplace that can empower employees with a broad sweep of decision-making authority both about production and worklife issues. I was struck by the testimony received by the Subcommittee on Employer-Employee Relations, which I chair, from employees of both Texas Instruments and FMC Corp. where they expressed how important employee involvement was to their job satisfaction. The clearest message I took from their testimony was that a return to the old way of doing business—in the words of one TI employee, a return to "just work, don't think"—was unfathomable. My concern is that our labor law has not evolved with the changes in the workplace and, unfortunately, it is presenting just such a roadblock to employee involvement.

As I look at the modern workplace, I see a system of labor law that recognizes two extreme versions of workplace organization. The first is the top-down management of yesteryear—"just work, don't think"—where the employer holds all the cards and closely guards decision-making authority. We all recognize that in today's workplaces, where job responsibilities are overlapping and interconnecting, a continuation of this form of management will place U.S. business at a competitive disadvantage. The other form of workplace organization that our labor law contemplates is the independently selected union as the exclusive bargaining representative of employees. My sense is that the TEAM Act deals with a hybrid form of workplace organization that may not have been considered when our labor law was written many decades ago. Employee involvement is bottom-up management which recognizes that the interests of labor and management are less often mutually exclusive than the reverse.

The TEAM Act attempts to clarify that employers and employees in nonunion workplaces may establish structures to address matters of mutual interest. I believe that the safe harbor created in the bill for employee involvement and cooperative labor-management efforts recognizes that these are forms of workplace organization that can serve as well both employers and employees, while specifically acknowledging that these structures should not, and cannot, interfere with the right of employees to select a representative of their own choosing who will serve as their exclusive bargaining representative.

Admittedly, in the last Congress, we were not successful in convincing the President that this was the case, and, unfortunately, to the detriment of both employees and employers, the bill was vetoed. Again, though, I reiterate our commitment to the enactment of legislation that will provide employers and employees in nonunion workplaces with the flexibility to resolve workplace issue together, while protecting the right of all workers to representation by a union should that be their choice. My colleagues and I will work with all Members who have an interest in achieving this goal.

I realize that it has become a cliche, but both managers and employees have convinced me that employee involvement is a win-win proposition. Investing employees with decision-making authority with regard to the most integral aspects of a plant's operations gives them ownership and a sense of control over their worklife. Employee involvement also drives management toward the recognition that is human resources are its most valuable asset as the input of employees with regard to the production process has positive impacts on the bottom line. The TEAM Act is good for workers, good for businesses, and good for the American economy. I urge your support.

HONORING JOHN J. BUCKLEY

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. MEEHAN. Mr. Speaker, on Saturday, thousands of residents of Lawrence, MA, will pay a final tribute to the man who was known there as "Mr. Mayor" until the day he died—Mayor John J. Buckley. John J. Buckley served as mayor for 22 years, spanning three decades from the 1950's to the 1980's. During that time, he won the respect and friendship of President John F. Kennedy and countless other public figures who came in contact with this man who called himself "a mayor for all the people."

When he first took office at age 35 in 1951, the city had just suffered the devastating exodus south of the textile industry which resulted in the loss of thousands of jobs. He started Operation Bootstrap to revitalize the city at a time when Federal and State programs were unavailable. Thus began a 14-year term as mayor in which he brought 70 new businesses and 12,000 jobs into the city.

After a one-term hiatus, Mayor Buckley regained the office in 1971 to serve his eighth term. He urged the citizens of Lawrence, the "Immigrant City" to embrace the influx of Hispanic immigrants just as their parents and grandparents had been welcomed in the early part of the century. During his time in office, the city built a new post office, public library, police station and boys club. Mayor Buckley came roaring back in 1983 after two defeats for his 17th and final run for mayor. This last hurrah and victory capped off his 22-year career as chief executive of the city of Lawrence. But even during the periods when he was out of elected office, he devoted himself to the public through service organizations and appointed positions.

In later years it was not uncommon to see John Buckley strolling Lawrence's main street as citizen after citizen greeted him with "Good morning, Mr. Mayor." He loved the city of Lawrence and it indeed loved him. This weekend, I will join with my friends in Lawrence to pay a final tribute to John J. Buckley, who died last Monday at the age of eighty, leaving the city he loved with a legacy of accomplishments.

MUSIC TO LIVE BY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Frankie Yankovic, America's Polka King, the Elvis of ethnic musical expression, ambassador of the great American melting pot, prolific composer, band leader, performer, and Clevelander.

Frankie Yankovic was born to Slovene immigrants in 1915. In their hardscrabble working lives, music expressed their hope and joy. Frankie began by playing accompaniment to the boarders in his family home.

He was an obvious talent and was instantly loved by all who heard his music. At age 23, Frankie had his first band and his first hit album. He began a lifetime of touring. Frequently, he made 300 appearances per year. Over the years, his bands have played in every major concert hall in America.

Frankie Yankovic heralded many polka tunes known widely to American listeners. In 1948, Frankie recorded "Just Because" with Columbia records. The tune was a breakthrough release, attracting both a polka and popular music audience. "Just Because" sold 1 million copies. In 1949, Frankie released the "Blue Skirt Waltz," which attained the coveted gold status even more quickly.

Frankie was also a great mentor. He discovered and cultivated the talent of the famous virtuoso, Joey Miskulin.

Frankie received many honors in his lifetime. He was inducted into the International Polka Association Polka Hall of Fame as well as the Cleveland Style Polka Hall of Fame. In 1986, Frankie received the first Grammy awarded for polka music.

Beyond being the consummate performer, Frankie was also a lifetime union member of Local 4, American Federation of Musicians, and a patriot. Married and the father of two, he nevertheless voluntarily enlisted in the U.S. infantry in World War II and fought at the Battle of the Bulge. There, under extreme weather conditions, Frankie contracted gangrene in his limbs. Against the advice of doctors, Frankie resisted amputation. With a great deal of courage and persistence, Frankie brought his fingers and hands back to life. How fortunate we all are.

I commend Frankie Yankovic for his skill, his energy, and his ability to make people happy through the sounds and rhythms of polka.

THE REHABILITATION HOSPITALS AND UNITS MEDICARE PAYMENT EQUITY ACT OF 1997—A BILL TO PROVIDE FOR A NEW PAYMENT SYSTEM FOR PPS EXEMPT REHABILITATION HOSPITALS AND UNITS—THE TIME IS NOW

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. LoBIONDO. Mr. Speaker, today I introduce legislation to provide for a Medicare prospective payment system [PPS] for inpatient rehabilitation hospital and rehabilitation unit services. Prior to 1983, the Medicare Act paid hospitals the reasonable cost of treating Medicare patients. Generally, this meant that the more a hospital spent, the more it was paid from the Medicare Trust Fund. The result was a rapid rate of increase in Medicare spending for hospitalization. In 1983, this system was replaced with a prospective payment system under which hospitals were paid fixed rates for various types of diagnostic groups, commonly known as DRG's. Certain providers of care were exempted from this system because a way to appropriately group their patients did not exist. Among these were rehabilitation hospitals and rehabilitation units in general hospitals. These continued to be reimbursed based on costs incurred, but subject to limits on payment per discharge. These limits are imposed under the Tax Equity and Fiscal Responsibility Act of 1982, and are commonly known as TEFRA limits.

TEFRA limits were to be a short term solution to reduce the rate of increase in hospital payments pending adoption of a PPS for rehabilitation hospitals and units. TEFRA limits are based on Medicare operating cost of a hospital or unit in an assigned base year divided by the number of Medicare discharges in that year. This value is updated annually by an update factor, which is intended to reflect inflation.

A hospital's or unit's ceiling on Medicare reimbursement is the TEFRA limit for a given year times the number of its Medicare discharges in that period—the TEFRA ceiling.

Under the current—and flawed—TEFRA system, for cost reporting periods beginning on and after October 11, 1991, the Medicare Program reimburses a portion of a provider's cost over its TEFRA ceiling in an amount which is the lower of 50 percent of cost over the ceiling or 10 percent of the ceiling. Provision for such payment was made by the Omnibus Budget Reconciliation Act of 1990 [OBRA 90]. If a provider's costs are less than its TEFRA ceiling, the provider is paid an incentive payment equal to the lower of 50 percent of the difference between its Medicare operating costs and its TEFRA ceiling or 5 percent of that ceiling.

When this system was adopted, it was assumed that it would be in place only a short time and then be replaced with a PPS for excluded hospitals and units. New hospitals and units coming on line after the TEFRA system was in place were in a much better position than older facilities, simply because their more current base years included more contemporary wage rates and other operating costs.

This now very old temporary system is flawed for the following reasons:

Medicare pays widely varying amounts for similar services, producing serious inequities among competing institutions;

New hospitals and units can establish limits based on contemporary wage levels and otherwise achieve much higher limits than older hospitals, putting the latter at a great advantage;

By treating all rehabilitation discharges as having the same financial value, the TEFRA system provides a strong incentive to admit and treat short-stay, less complex cases and to avoid long-stay, more disabled beneficiaries. This is faulty and misguided public policy;

Because any change in services that will increase average length of stay or intensity of services will likely result in cost over a TEFRA limit, the system inhibits the development of new programs. This is also faulty and misguided policy; and

The process for administrative adjustment of limits does not provide a remedy because it is not timely. HCFA does not decide cases within the 180-day period required by law and does not recognize many legitimate costs.

The very strong incentive to develop new rehabilitation hospitals and units has resulted in an increase in the number of rehabilitation hospitals and units. PROPAC reports that in 1985, there were 545 such hospitals and units. In 1995, there were 1,019. Between 1990 and 1994 Medicare payments to such facilities increased from $1.9 billion to $3.7 billion. This increase in part reflects the fact that rehabilitation services were not widely available in 1983.

Consequently, many older facilities have had to live with very low limits of Medicare reimbursement and have been paid less than their costs of operation. To the contrary, many new facilities are being paid much higher cost reimbursement and bonuses as well. It is hard to imagine a worse system.

The clear solution to this situation is to introduce a prospective payment system for rehabilitation facilities under which providers are paid similar amounts for similar services and payments are scaled to the duration and intensity of services required by patients. Such a system has been devised by a research team at the University of Pennsylvania. It is based on the functional abilities of patients receiving rehabilitation services. It is now being used by the RAND Corp., under contract with the Health Care Financing Administration, to design a payment system. This work is to be completed before April of this year.

My bill would require that a PPS for rehabilitation be implemented by the Secretary of HHS for Medicare cost reporting years beginning on and after October 1, 1998. This date would allow adequate time to adopt regulations and administrative procedures. And my bill requires that this payment system is budget neutral.

Enactment of this bill would have multiple benefits.

It would benefit patients by removing the implied financial penalty for treating severely disabled patients;

It would benefit providers of services by putting all rehabilitation facilities on a level playing field; and

It would benefit the Medicare Trust Fund by eliminating the enormous incentive in present law to duplicate service capacity.

I look forward to working with my colleagues to pass this important legislation, and welcome cosponsorship of this measure. Any interested cosponsors should contact me or Carl Thorsen of my staff.

U.S. FOREIGN MILITARY SALES DURING FISCAL YEAR 1996

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention information submitted pursuant to the Arms Export Control Act with respect to U.S. foreign military sales during fiscal year 1996.

The first table details worldwide government-to-government foreign military sales [FMS] during fiscal year 1996 for defense articles and services and for construction sales. Total FMS sales for fiscal year 1996 were $10.469 billion, an increase from $9.054 billion in fiscal year 1995.

The second table details licenses/approvals for the export of commercially sold defense articles and services for fiscal year 1996. Licenses/approvals totaled $14.558 billion in fiscal year 1996, a decrease from $19.707 billion in fiscal year 1995.

The tables follow:

TOTAL VALUE OF DEFENSE ARTICLES AND SERVICES SOLD TO EACH COUNTRY/PURCHASER AS OF 30 SEP 96 UNDER FOREIGN MILITARY SALES (SEE PART II FOR CONSTRUCTION SALES)

[In thousands of dollars][1]

Countries	Accepted fiscal year 1996
Part I—Foreign Military Sales:	
Albania	3,417
Argentina	3,291
Australia	173,708
Austria	9,843
Bahrain	98,059
Barbados	668
Belgium	57,490
Bolivia	378
Bolivia—Intl NARC	5,274
Botswana	2,505
Brazil	49,429
Bulgaria	1
Cambodia	698
Cameroon	49
Canada	130,848
Chad	746
Chile	2,559
Colombia	8,920
Colombia—Intl NARC	8,418
Costa Rica	117
Czech Republic	7,656
Denmark	139,289
Djibouti	190
Dominican Republic	441
Ecuador	405
Ecuador—Intl NARC	415
Egypt	1,422,277
El Salvador	3,382
Eritrea	334
Estonia	531
Ethiopia	350
Finland	1,832
France	23,084
Germany	267,637
Ghana	368
Greece	205,722
Guinea-Bissau	307
Haiti	5,536
Honduras	5,515
Hungary	2,340
Iceland	12
Indonesia	27,698
Israel	883,284
Italy	78,318
Ivory Coast	6
Jamaica	870
Japan	525,623
Jordan	219,252
Kenya	4,588
Korea (Seoul)	998,875
Kuwait	239,084
Latvia	528
Lebanon	16,099
Lithuania	298
Luxembourg	3,223
Malawi	480
Malaysia	5,524
Mexico	4,837
Morocco	5,862
Nacisa	1,015
NAMSA—F104	2,800
NAMSA—General+Nike	8,290
NAMSA—Hawk	1,042
NAMSA—Weapons	5,942
NAPMO	144
NATO	2,339
NATO AEW+C (O+S)	18,342
NATO Headquarters	200
Netherlands	151,731
New Zealand	7,265
NHPLO	56
Norway	489,597
OAS HQ	561
Oman	2,555
Organization of African Unity	525
Panama	170
Peru	5
Poland	7,294
Portugal	4,007
Republic of Philippines	20,408
Romania	6,450
Rwanda	207
Saclant	173
Saudi Arabia	1,296,524
Senegal	395
Shape	13
Singapore	310,673
Slovakia	1,450
Slovenia	192
South Africa	1,639
Spain	119,932
Sri Lanka	112
St. Kitts and Nevis	80
Sweden	9,562
Switzerland	6,620
Taiwan	459,865
Thailand	508,272
Tonga	40
Trinidad-Tobago	347
Tunisia	6,743
Turkey	227,281
Uganda	154
United Arab Emirates	2,822

TOTAL VALUE OF DEFENSE ARTICLES AND SERVICES SOLD TO EACH COUNTRY/PURCHASER AS OF 30 SEP 96 UNDER FOREIGN MILITARY SALES (SEE PART II FOR CONSTRUCTION SALES)—Continued

[In thousands of dollars][1]

Countries	Accepted fiscal year 1996
United Kingdom	489,105
Unocha	1,358
Uruguay	1,375
Venezuela	23,501
Classified totals[2]	528,713
Subtotal	10,386,379
Part II—Construction Sales:	
Bolivia—Intl NARC	388
Colombia	1,136
Colombia—Intl NARC	728
Ecuador—Intl NARC	752
Egypt	61,141
El Salvador	777
Honduras	2,263
Ivory Coast	194
Kenya	215
Morocco	1,359
Saudi Arabia	14,000
Singapore	65
Subtotal	83,018
Total	10,469,397

[1] Totals may not add due to rounding.

[2] See the Classified Annex to the CPD.

Licenses/approvals for the export of commercially sold defense articles/services—September 30, 1996

[Dollars in thousands]

	Cumulative
Afghanistan	4
Albania	1
Algeria	5,598
Andorra	203
Angola	89
Antigua	12
Argentina	57,421
Aruba	186
Australia[1]	1,117,515
Austria	8,725
Azerbaijan	541
Bahamas, The	61
Bahrain	9,256
Bangladesh	1,409
Barbados	46
Belarus	54
Belgium	290,289
Belize	1,412
Bermuda	1,071
Bolivia	2,552
Bosnia and Herzegovina	80
Botswana	6,607
Brazil	62,317
Brunei	68,269
Bulgaria	724
Burma	600
Burundi	9
Cambodia	4
Cameroon	48
Canada	49,268
Cayman Islands	29
Chad	48
Chile	24,327
China	55,857
Colombia	12,934
Congo	43
Costa Rica	1,890
Croatia	238
Cote D'Ivoire	18
Cyprus	176
Czech Republic	12,604
Denmark	237,051
Dominica	6
Dominican Republic	2,716
Ecuador	12,456
Egypt	150,340
El Salvador	8,029
Estonia	553
Ethiopia	3
Fiji	293
Finland	33,653
France	194,957
French Guiana	120,384
French Polynesia	4
Gabon	120
Georgia	717
Germany	851,040
Ghana	4,010
Greece	242,890
Greenland	1,539
Guatemala	2,963
Guyana	181
Haiti	158
Honduras	5,089
Hong Kong	24,018
Hungary	23,771
Iceland	3,232
India	38,558
Indonesia	212,176
Ireland	4,295
Israel	696,201
Italy	362,216
Jamaica	430
Japan	1,058,537
Jordan	67,177
Kazakhstan	8,916
Kenya	21,355
Korea, Republic of	926,560
Kuwait	37,520
Latvia	832
Lebanon	2,077
Lithuania	108
Luxembourg	29,975
Macau	52
Macedonia	68
Malaysia	438,171
Mali	1
Marshall Islands	1,539
Mauritania	131
Mauritius	29
Mexico	94,450
Micronesia	2
Moldova	41
Monaco	2
Mongolia	9
Montserrat	3
Morocco	21,473
Mozambique	3
Namibia	563
Nepal	37
Netherlands	463,398
Netherlands Antilles	144
New Caledonia	83
New Zealand	108,966
Nicaragua	22
Niger	44
Nigeria	19
Norway	107,262
Oman	4,115
Pakistan	74,793
Panama	9,147
Papua New Guinea	551
Paraguay	4,571
Peru	16,272
Philippines	140,268
Poland	5,534
Portugal	48,692
Qatar	8,529
Romania	5,063
Russia	77,709
Saudi Arabia	392,034
Sierra Leone	2
Singapore	524,084
Slovakia	1,808
Slovenia	380
South Africa	29,889
Spain	136,058
Sri Lanka	17,104
St. Kitts & Nevis Anguilla	6
St. Lucia	26
St. Vincent	5
Suriname	136
Sweden	172,417
Switzerland	348,417
Taiwan[2]	786,718
Tanzania, United Republic	61
Thailand	342,764
Tonga	174
Trinidad & Tobago	332
Tunisia	4,951
Turkey	584,325
Turkmenistan	20
Uganda	2,203
Ukraine	885
United Arab Emirates	24,396
United Kingdom	1,422,605
United Nations	45,245
Uruguay	5,081
Uzbekistan	9
Various Countries	249,414
Venezuela	376,475
Vietnam	1,030
Yemen	843
Zambia	1,599
Zimbabwe	265
Classified totals[3]	274,256
Worldwide total	14,557,740

[1] Australia was erroneously reported as zero for second quarter.

[2] Taiwan third quarter modified due to error found in calculations used to generate data.

[3] See classified annex to CPD.

Note.—Details may not add due to rounding.

Source: This information was prepared and submitted by the Office of Defense Trade Controls, State Department.

SENATE—*Friday, February 7, 1997*

The Senate met at 11 a.m., and was called to order by the Honorable TIM HUTCHINSON, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, Rev. Jack Michael Loo, of the Church of the Master, in Mission Viejo, CA.

Almighty Living God, You have given us the gift of another day and have filled it with Your holy presence. We commit ourselves to honor You with the living of each hour. But no matter how noble our resolve, we confess our weaknesses and our frailties and declare our deep need of Your strength.

Strengthen our love for people so that every action we take on their behalf is driven by the same compassion that drives Your heart. Increase our faith so that no difficulty or discouragement keeps us from believing in what is right and Your ability to accomplish it through us.

Deepen our wisdom so that every confusing situation and perplexing issue gets tamed by Your enlightenment and knowledge. Mobilize our courage so that once we see what must be done, nothing, not even our own fears, will keep us from doing it.

This day may we know that we are Your people and You are our God. In the name of our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 7, 1997.*
>
> *To the Senate:*
>
> Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. HUTCHINSON thereupon assumed the Chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

THE GUEST CHAPLAIN

Mr. HATCH. Mr. President, we are pleased to welcome the Reverend Jack Michael Loo as guest Chaplain today.

For the past 4 years, Reverend Loo has been senior pastor of the Church of the Master in Mission Viejo, CA. Prior to that, he served as executive pastor of the First Presbyterian Church of Hollywood, where Dr. Lloyd Ogilvie, our Chaplain, was senior pastor prior to becoming Senate Chaplain.

We want to express our personal gratitude and thanks to Reverend Loo for opening our session today with his excellent prayer.

I was particularly pleased that he said in spite of our fears we should stand up and do what is right.

We are grateful to have you here and are grateful for your prayer over this body. We appreciate the service which you give to your congregation and to the people throughout this country.

Thank you so much.

SCHEDULE

Mr. HATCH. Mr. President, on behalf of the majority leader, I will announce the schedule.

Today the Senate will be resuming consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget. The majority leader announced that there will be no rollcall votes during today's session. Under the order the time between now and 1 o'clock will be equally divided in the usual form. I will remind all Senators that by consent we will resume debate on Senator DURBIN's pending amendment at 3:30 on Monday. There will be 2 hours for debate at that time. Senators should be aware that there will be a rollcall vote on or in relation to the Durbin amendment beginning at 5:30 on Monday, February 10. On Monday, Senator WELLSTONE is expected to offer at least two amendments to Senate Joint Resolution 1. However, any votes ordered on those amendments will occur during Tuesday's session.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of Senate Joint Resolution 1 which the clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate resumed consideration of the joint resolution.

Pending:

Durbin amendment No. 2, to allow for the waiver of the article in the event of an economic recession or serious economic emergency with a majority in both Houses of Congress.

Mr. HATCH. Mr. President, yesterday the President of the United States submitted his budget. I have to say that the President has come a long way. He now says that he agrees that the budget needs to be balanced by the year 2002. This budget is a legitimate departure point from which to move in developing a final budget package.

I was disappointed, however, to see that the President's 5-year cost of Government is almost identical to what he proposed a year ago. This does not look like the era of "big government is over." It is not even shrinking according to this budget. Even more disturbing, the budget deficit over the next 5 years is nearly $200 billion higher than what was proposed just a year ago. And the deficit does not even decline until the year 1999. The bulk of the spending cuts contained in his budget occur after the President leaves office.

So he has left all of the hard decisions to the years 2002 and 2001. Seventy-five percent of any fiscal responsibility has to occur in the 2 years after he leaves office.

That is not what I call political courage. That is not what I call attending to the structural problems and the economic problems of this country. It is more of the same that we have had for the last 28 years.

These huge stacks here on the table to my right represent 28 years of unbalanced budgets. These are the actual 28 budgets. Keep in mind that only involves the last 28 years, since 1969, the last time we balanced the Federal budget. For most of the last 60 years we have not balanced the Federal budget. So this is just a small smattering. If we put them all up here for the last 60 years, they would reach almost to the ceiling.

Then we have this budget which came up here yesterday that has all the tough decisions made after he leaves office. The reason we elect Presidents is so they can make the tough decisions and help us to work in a bipartisan way so that nobody can scream at the other side.

In this particular case this budget is filled with smoke and mirrors. What this means is that many of the tax cuts and spending increases contained in this budget are not even likely to occur or will not be offered until the last 2 years of the budget's projections, well after this President is gone.

Just as important as reaching a balanced budget in 2002 is reforming the entitlement programs. This is what we are going to have to face. We are going to have to face the growing financing and deficit problems we see looming in the next century. This may sound far away, but it is only a few short years before we see the next century begin. We cannot be lulled into a false sense of security because we have not reached the crisis yet.

I had hoped that the President would take a leadership position and tackle these difficult programs. Unfortunately, the budget contains only short-term fixes. We see no sign of the structural reforms that are absolutely needed. We see more signs of business as usual.

By the way, while the President says that his budget balances the budget, the Congressional Budget Office—which he has touted himself as being accurate through the years and which certainly has not been what I consider a conservative Congressional Budget Office for all the time I have been here—the Congressional Budget Office says that his budget will not be balanced in the year 2002; and that the Administration is using economic assumptions that just are not realistic.

I want to applaud the President for providing some tax relief in the budget. It is a solid first step in giving some tax relief to the American people. But it is only a baby step, and really a tentative one at that, because all of the tax increases—and there are plenty of them in this budget that he submitted yesterday—are permanent. The spending programs are permanent. But, the tax cuts are temporary and are likely never to occur because they go away if he does not meet his standards.

So it is a big shell game again.

I get so doggone tired of it. It is almost unbelievable. It is just more of the same of what we have had over the last 28 years, and it is really another reason why we simply have to pass this balanced budget amendment.

The Presidents just do not seem to have the courage to stand up and do what really has to be done. I am really concerned about it. Well, I could go on and on on the President's budget, but I want to leave time for others.

As we open the debate today on the balanced budget amendment to the Constitution, I have to refer again to this stack of unbalanced budgets. These are the actual 28, the last 28 years' budget packages.

I keep these budgets here, Mr. President, as a reminder of the generation of bipartisan budgetary failure. Here it is, 28 straight years of unbalanced budgets. There has not been one single balanced budget since 1969, not one in 28 years, and yet we have people on the other side come and say, "Oh, let's just have the will to do it. Let's just do it and the President will sign it."

Give me a break. That is not going to happen any more than it happened over the last 28 years. Paul Simon said, "Your hair will turn green before that happens, unless we have this balanced budget amendment."

I might say, Mr. President, there has only been one balanced budget in the last 36 years. If we had 36 up here, it would be much higher, the 36 individual budgets that have not been balanced. And there have been only eight balanced budgets in the past 66 years. Just think about it—58 years of unbalanced budgets. Only eight balanced budgets since 1930.

This sad history of budgetary failure is not a Democratic problem or a Republican problem. It is an American problem. Those of us who are proposing a constitutional amendment to require balanced budgets do not do so as Republicans or Democrats; we do so as Americans, Americans concerned about America and the future of our children and our grandchildren.

Let me just give you a few illustrations of how bad our debt problem has become. The national debt, as we all know, is now over $5.3 trillion—$5.3 trillion. That is a debt for each and every American of more than $20,000. CBO, the Congressional Budget Office, projects that in the year 2002, total Federal debt will exceed $6.8 trillion. That means roughly $24,000 of debt for every person, every man, woman and child in America, with annual interest costs projected to be over $3,100 per taxpayer. That is just what we have to pay on the interest against the Federal debt, $3,100 for each taxpayer a year by the year 2002.

The national debt has increased more than $4 trillion since the Senate last passed a balanced budget amendment in 1982. We passed it in the Senate. Tip O'Neill and the liberals in the House defeated it at that time.

The debt, which started this year at a baseline of $5.3 trillion, has increased over $550 million each and every day since then. Since we began debate this year on the balanced budget amendment in the Judiciary Committee, the debt has increased by more than $10 billion—just since we began debate this year.

In 1996, gross interest exceeded $344 billion. That is more than the total Federal outlays in 1975—all outlays—and is nearly $50 billion more than the total revenues in 1975.

In 1996, gross interest consumed nearly 25 percent of the Federal budget and more than one-half of all personal income taxes.

In 1997, for the first time, we will pay more than $1 billion a day in gross interest on the debt. That is more than $41 million each hour and $685,000 each minute that we are losing in just interest costs.

Net interest payments on the debt are currently the third largest budget category, amounting to 15 percent of the Federal budget, and it is the fastest growing item in the Federal budget.

Our annual net interest payment on the debt is more than the combined budgets of the Departments of Commerce, Agriculture, Education, Energy, Justice, Interior, Housing and Urban Development, Labor, State, and Transportation.

I think these basic facts should make it plain why the balanced budget amendment is an idea with appeal for Republicans and Democrats, for liberals and conservatives.

There are liberal Democrats who see the money we waste on interest payments that could be used in better ways to help the disadvantaged. There are conservative Republicans who see the wreckage we are doing to the opportunities for our citizens and our people by strapping debt, interest, and future economic and tax burdens on them.

We are all concerned that our resources are being misallocated because the Federal Government is spending willy-nilly, with thoughtless borrowing, rather than making deliberate choices.

As we close this week of debate, I thank my colleagues who have participated in the debate who have expressed why we, Republicans and Democrats, are concerned about the debt the Government piles up just like the stack of these unbalanced budgets here, and why we, Republicans and Democrats, believe the only answer is the constitutional requirement that the Government act more deliberately in its spending decisions without always taking the easy recourse to borrow.

This is a proposal that can unite us as Americans across party lines. Let me mention again that every Republican Senator is a cosponsor of this amendment. That is a great signal. But equally important is that seven courageous and bold Democrats have also signed on as original cosponsors. I wish to pay special tribute to those Democrats who support this and who have spoken in support of a constitutional amendment either in the Chamber or by signing on as cosponsors. Senators BRYAN, GRAHAM of Florida, KOHL, BAUCUS, BREAUX, MOSELEY-BRAUN, and ROBB have stood up for America and its future, and I applaud them for standing for principle and our children.

Mr. President, I am also pleased to say that six other Democrats have voted for this in the recent past and have promised to support it in their most recent campaigns. I welcome their support for this most important insurance policy that this stack of budgetary failures will not grow too much higher and, more importantly, that our American future will be brighter. If all of these folks honor their commitments to their constituents, all 55 Republicans and all 13 Democrats who have said to their constituents they will vote for it, we will pass the balanced budget amendment this year and it will be a great day for all Americans.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I truly appreciate this opportunity to speak in behalf of the balanced budget amendment to the Constitution, and in this regard I especially thank several of my colleagues: Mr. HATCH, the distinguished chairman of the Judiciary Committee—and I associate myself with all of his remarks—Mr. DOMENICI, the distinguished chairman of the Budget Committee, and Mr. CRAIG, the Republican policy chairman, for their longstanding leadership and efforts in behalf of this legislation that I feel, in effect, would simply protect the financial and economic future of our children and their children.

For those who have had the perseverance and the tenacity to pursue this goal, it has at times been a very lonely trail. Whatever success we might achieve, and that I hope we will achieve, it has been in large part due to the efforts of these Senators and their leadership role, and the American people should certainly be aware of that.

I have read some interesting commentary in regard to this effort. Our opponents predict dark budget clouds for Social Security and any other programs deemed essential by Senators regarding their particular and parochial interests; but contrary to that dire prediction, if we total the sum of the balanced budget parts, I see and predict a very bright future. I see a nation with 6.1 million more jobs in 10 years. I see lower interest rates that will directly affect the daily lives and pocketbooks of every citizen in terms of the amount of the hard-earned income they pay now for living essentials—health care, housing, education, loans, food and transportation.

If you ask the American people, with a 2 percent drop in interest rates, how would you like 6 months of groceries free as compared to what you are paying now, or corresponding savings in your health care premium costs, mortgage payment or student loans, and if you compare those savings in their pocketbooks with the marginal reductions in the amount of growth in Federal programs in this city, why, put that way, the American people support a balanced budget. They are six jumps ahead of Washington.

So the question is how, how do we achieve a balanced budget? In his State of the Union Address, President Clinton said, "Don't give me a balanced budget amendment. Give me a balanced budget."

I agree with that. I must say I do agree. But with all due respect to the President, many of my colleagues and I have done just that but to no avail. During the last session of Congress, we sent two balanced budgets to 1600 Pennsylvania Avenue, and despite exhaustive effort and despite a lot of rhetoric to the contrary, in reality I think they were dead on arrival. However, I must say that passing the balanced budget amendment in the House last year and two budgets that were in fact in balance, despite the Presidential vetoes, this action did provide the kind of fiscal backbone and tenacity not seen in the Congress for decades. In my own case, I was very proud of our efforts within the House Agriculture Committee, as chairman, in enacting farm program and food stamp reform that also produced an estimated $350 billion in savings over the life of the budget agreement.

It can be done. They said it could not be done, but it can be done. And with our reform of farm program policy passing by overwhelming margins—318 in the House, 74 in the Senate—we also proved there is bipartisan support for true reform and budget savings.

We also achieved very considerable budget savings in discretionary spending at the conclusion of the appropriations process, all 13 major spending bills—something unique to the last Congress. So we made some progress. But that was last year. And last year, despite our successes and a reduced deficit, we fell short of the final goal, a budget that is truly, truly in balance. However, the real problem is that while there is considerable talk about accepting responsibility and standing foursquare for a balanced budget, there are serious differences of opinion as to how to bring the budget into balance.

I don't know how many times I have heard my Kansas constituents say, "Pat, why can't you and Senator Kassebaum and Senator Dole—Bob and Nancy—work together and bring this budget into balance?" Well, which programs would be cut? In most cases, I know, our constituents certainly come to Washington and say, "Yes, I want to balance the budget; yes, I know we have to quit this business of mortgaging the future of our young people, our children and their children; but, you know, my program is a little different. My program really represents an investment." And, in many cases, that is true. But, do we have the political wherewithal to address the real entitlement question, and that is our individual freedom and the future of our kids and their kids? In that, if you total up all the spending, you reach a certain level, as evidenced by all of the budget reports on the floor of the Senate, where that is the key question, not each individual program.

So, do we have the political wherewithal to save and restore Medicare and other entitlements? In this regard, the President and many of our friends across the aisle stated over and over again they are for a balanced budget, but not that budget, that budget meaning any cuts in their favorite and priority programs. And I must say, despite the fact that a Republican Congress and the President were within $10 a month difference last year in regard to preventing Medicare bankruptcy, $10 a month, some even say $7, because of the fact we were not able to reach agreement and the fact that the Democratic Party made a conscious decision to make Medicare a top issue in last year's campaign, I am not overly confident any budget agreement can be worked out without a great deal of difficulty—unless we have to—unless there is some outside discipline that will force Congress to get the job done. The lure of political opportunism may be just too great. The coming debate in regard to Social Security is a classic example.

I have here the report in regard to the balanced budget amendment legislation we are considering. On page 33, the minority views begin. And I note, as I thumb through some of the commentary, that it is merely a repeat of what many of us on this side of the aisle experienced in 30-second spots.

So the real question is, does the Congress have the fortitude and the perseverance and the tenacity to truly balance the budget? As has been said by many of my colleagues, despite very good men and women of both parties with the best of intentions, it is now the 28th year in which a majority in Congress has failed in efforts for the Federal Government to live within its means and to prevent the mortgaging of our children and their children—28 years. There is the evidence right down there, right next to Senator CRAIG. As a matter of fact, I think it stacks so high that we are in violation of the Occupational Safety and Health Administration code, and maybe the fire code.

So we all agree that we must make progress toward a balanced budget. Then during the course of our political deliberations, we most generally agree to disagree on how to achieve this goal. I think it is clear that, if there is anything to be learned during the time we have regretfully experienced ever-increasing deficits and political discord, it is that we need a balanced budget amendment to the Constitution to simply get the job done.

Now, the minority says in the beginning of their views:

> The real question this year is not whether to reduce the deficit but by how much and what cuts to make in order to bring the budget into balance. That is the real work that lies before us.

And amen to that. And I credit the minority for starting off with that paragraph.

But, as has been said before, we now have the President's budget, and in that regard I am going to quote from today's issue of the Washington Post. This is an independent observation, not known for conservative views—some conservative views. When they shine the light of truth into darkness, it is usually to the left-field bleachers as opposed to the right-field bleachers. But the Post says this morning:

"For the first time in 30 years, we'll be able to tell the American people that we have brought fiscal sanity back to their Government," declared Clinton's Budget Director, Franklin D. Raines, at a news conference.

And the Post goes on to say this, and this a wake-up call to the American people:

> But, in many respects, [the President's] fiscal 1998 budget falls well short of the administration's soaring rhetoric. On issues such as deficit reduction, Medicare, tax cuts and welfare, congressional Republicans and many independent budget analysts charge [the President's] plan is crafted less to impose fiscal discipline than to gain political advantage in the budget battle to come.

That is the Washington Post. That is not some Republican on Senate floor.

> In assembling its blueprint for wiping out the deficit by 2002 and beyond, the administration offers dozens of new spending initiatives, including almost $60 billion of additional entitlement programs [I thought we were going to scale those back], while providing sketchy information about spending cuts.

Clinton is relying heavily on new fees and deferred spending reductions to reach balance. About 75 percent of all the proposed spending cuts would take effect after 2000, a strategy that would put off most of the pain—most of the discipline, if you will—until after President Clinton leaves office.

A respected columnist, second to none, the dean of the political writers in Washington, David Broder, added this in today's issue of the Post:

> The numbers in the latter document [I am talking about the budget] are immensely revealing. After pages of pat-myself-on-the-back rhetoric, the gauzy camouflage is pulled aside. And you can learn that there's really not that much wrong with this budget except that it adds another $1.2 trillion to the statutory national debt in the next 5 years, fails to start addressing the baby-boomer retirement problem, further squeezes the share of money available for needed domestic programs, shifts burdens to the States, shortchanges the cities and stagnates investments in nonmilitary research and development, the real seed corn for the future. Other than that, it's a fine, forward-looking budget plan.

That is by David Broder and I think it deserves significant attention for those involved in this debate as well as all of the American people.

Mr. President, with the fall of the Greek Republic as an example, there is an often-quoted and pessimistic theory that a democracy cannot exist as a permanent form of government. The argument and prediction is a democracy can only exist until the voters discover they can vote themselves largesse from the Public Treasury. From that moment on, the majority always votes for the candidates promising the most benefits, with the result that a democracy always collapses over a loose fiscal policy.

That was predicted about the Greek Republic. It happened. If that prediction is true, it is a terrible prospect for our future.

Mr. President, I don't buy it. I think the American people are willing to sacrifice and invest in the future if we but set the example and get the job done.

I must say, when we look at our most recent history, and the fact our best efforts fell short during the last session of Congress—and, goodness knows, we worked hard—I believe this debate, this legislation and this time represents our very best opportunity to set our Nation's fiscal house in order.

In his State of the Union Address, President Clinton said, "we need action." And I agree. It is, indeed, time for action.

And for action that gets the job done, we need a constitutional amendment.

I yield the floor.

Mr. CRAIG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me make note of the comments of the Senator from Kansas. They are so appropriate and so well directed at what we can do here as it relates to controlling our spending and modifying programs that do just that and produce long-term benefits.

The Senator from Kansas last year, of course, was a major player and author of the Freedom to Farm Act while he was chairman of the House Agriculture Committee. That very act changed the whole dynamics of Government policy as it related to farm programs and Government's relationship to production agriculture.

He spoke of the net savings in the tens of billions of dollars that will result over an extended period of time. I would guess that less than a few years ago, many Senators and many Members of the U.S. House would have said, "That can't be done; you cannot sever that relationship." And yet, we have severed it.

Agriculture continues to prosper every bit as well as it did tied directly to the Government and Government programs and, we believe, in the long term will prosper more, simply because it is not relying on farming-to-Government programs but, in fact, is now looking at the market and producing to the market, as we had hoped it would.

That was one major benefit in change that occurred in the 104th Congress.

Another one that occurred that is, in the long term, going to substantially get us to the point by 2002 of a balanced budget, of course, was the welfare reform.

So when the kind of pandering that occurs here on the floor, often from the other side, that there is no way to balance the budget, or, if you balance it, you must begin to exempt major portions of the budget because they are too sensitive, too important and no constraints must be put upon them of the kind that a constitutional amendment would place upon them, so, therefore, they must be exempt, I would argue just the opposite, that all it forces us to do is make tough choices, priorities, where should the dollars be spent.

Of course, we all know we are going to build and maintain a strong human safety net in Government policy for the citizens of this country who are poor or disadvantaged or need an opportunity. That is exactly what has been and will remain a concern of this Congress always.

All we are asking, and what I think we are causing to happen, is what the American people have been asking now for well over a decade. Out of fear—now fright—that this Congress cannot control a Federal debt, they are saying, "Balance your budget."

Of course, the Senator from Kansas and I, the day before yesterday, referenced this large stack of 28 consecutive budgets that are piled here beside me, to recognize that 14 of them have deficit spending, with all the intent to deficit spend and no intent to balance. And 14 of them have the intent to balance, where the Congress collectively, in producing the budgets, said it is our intent that these budgets lead to a balanced budget.

Yet, of course, we now have evidence, by the President's budget coming to us yesterday, that in all the rhetoric and all the time that he expended and all the good intentions that he expended in the State of the Union Message this week, referencing a balanced budget many, many times, that his budget isn't balanced, won't even balance unless you do major cuts and major tax increases, largely because he is habitually the kind of public leader that we have had for so many years, who wants to constantly add new programs without making the tough choices of deleting programs so that you can add.

I am not suggesting the programs the President spoke of are not contemporary and necessary. When he spoke to education the other night, I applauded a fair amount of what he said. But I am willing to stand here and make the tough votes to suggest spending ought to decrease somewhere else if we as a country are going to shift our priorities in spending to education.

We now have an amendment before us that would impact the whole intent of a balanced budget amendment to our Constitution, and those are tough choices, prioritizing and doing exactly what the American people expect us to do, and that is balance the budget. If 51 of us can say, "Oh, we can't balance the budget, the environment is too extreme at the moment, economically at this point in the country or the priorities of spending are we just have to bypass this national mandate, this constitutional mandate and do it only by 51 votes here in the Senate," then I suggest to you this amendment wipes away the full intent of a balanced budget amendment and causes us, if that were to become part of the balanced budget amendment, to gimmick up the Constitution by simply doing exactly what we do now.

So we are telling the American people that the amendment that is before us is one where, "Oh, we have given you a balanced budget amendment to the Constitution. Rest assured we have given you what you wanted, but more importantly, we have now simply represcribed business as usual."

It is with those frustrations that I think we are now suggesting that this is an amendment—the amendment to the constitutional amendment, the one before us—is one that does not deserve to be in the Constitution, because it would be false pretense to argue it any other way.

Yesterday, there was a fascinating article from Investors Business Daily that I thought was very reminiscent of the very arguments we are placing here on the floor. The President had expressed concern about the ability to react promptly in a recession and, of course, the amendment we have before us would argue that that is what it allows. When the President said that, I said, "Mr. President, we have provided for that. We have a three-fifths vote in the amendment now." It is a tough vote. It is not always easy to come by, but it is a necessary vote to force us to the reality.

Let me suggest that Congress, in 1962, passed 12 economic stimulus bills because of a recession. All 12 bills received 60 votes or more in the U.S. Senate. In 1993, in a stimulus package, there were similar kind of votes.

What I am suggesting is that the record is replete with a voting pattern that says if we are truly in a major economic emergency and there is need for economic stimulus, that the very marker we have put in the proposed constitutional amendment that we are debating on the floor is the proper mark and not 51 votes.

So what Investors Business Daily said yesterday was:

> The idea that deficit spending could smooth out the rough spots in a business cycle comes from John Maynard Keynes. Recessions, he believed, started when all the buyers in the economy suddenly stopped spending. . .
>
> The evidence shows that public works programs have done nothing to solve recessions, a 1993 article by economist Bruce Bartlett in The Public Interest magazine pointed out.
>
> Spending packages aimed at fighting recession have never been enacted before a recession ended on its own.

In other words, they always came after all of the indicators were in place that the recession was over.

Recessions are usually defined as two straight quarters of falling GDP. So no one actually knows a recession is happening until six months after it starts. No one knows it's over until three months later.

That is the reality of how we define "recession." Yet, the amendment that we have before us to amend the resolution would argue that we know better.

Mr. President, I ask unanimous consent that the full text of the editorial called "Prospective Balanced-Budget Blather" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PERSPECTIVE BALANCED-BUDGET BLATHER,

FEBRUARY 6, 1997

Without deficits, recessions would be longer, deeper and harder to pull out of, the common wisdom says. Treasury Secretary Robert Rubin echoes that in opposing a balanced-budget amendment. But it's not true.

The idea that deficit spending could smooth out the rough spots in a business cycle comes from John Maynard Keynes. Recessions, he believed, started when all the buyers in the economy suddenly stopped spending.

Sellers usually respond to such a decline in demand by cutting output and jobs, rather than cutting prices, the Keynesian view went. That threw more people out of work, and further reduced aggregate demand.

Only government could turn this cycle around, by pumping money into the economy. It did so by hiring people for public works programs, for example.

But because the government collects less in taxes during recessions, those public programs had to be paid for with debt, Keynes argued.

The evidence shows that public works programs have done nothing to solve recessions, a 1993 article by economist Bruce Bartlett in The Public Interest magazine pointed out.

Spending packages aimed at fighting recession have never been enacted before a recession ended on its own, as the chart shows.

In fact, Congress often enacts these packages the very month the recession is over. They are usually nothing more than pork-barrel spending dressed up as compassion.

Recessions are usually defined as two straight quarters of falling GDP. So no one actually knows a recession is happening until six months after it starts. No one knows it's over until three months later.

Even then, it takes Congress time to pass a law for extra spending. And it takes still more time for that money to make its way through the economy.

So even if Congress could tell when a recession was starting—unlikely, given the records of most economic forecasters—it still wouldn't have more than a small effect.

And Keynes was wrong not just in practice, but in theory as well.

He based his whole theory on the notion that government experts acted rationally, while the average person did not. Central planners could know enough and act quickly enough to save people from the consequences of their own bad decisions—clearly not the case.

There are programs, such as unemployment insurance, that kick in automatically when recession hits, without having to wait for Congress to act. The amount those programs actually increase during recession could be easily handled within a balanced budget, however.

Between 1980 and 1984—which includes years of deep recession—real spending on jobless benefits rose $47.4 billion above its level in 1979, an economic peak. That increase was just 1% of government spending over those four years.

Recessions have been less severe in the postwar period, many economists argue, largely because of the greater role Government has played in easing recessions. But it is not certain that they are less severe, and it is even less certain that this is due to government.

On the surface it seems true. From 1920 to 1938, recessions averaged 20 months, with a 14.2% decline in real GNP. Since 1948, they averaged 11 months, with 2.4% drop in real GNP. Unfortunately, it's hard to compare the two periods, because the prewar data are quite crude.

National Bureau of Economic Research economist Christina Romer, in a key 1986 American Economic Review article, tried to compare apples with apples. She adjusted the more recent data so that it was calculated much like those of the prewar period.

And she found the evidence of a change in the length, frequency and severity of business cycles was weak.

Even if recessions are less severe, it may have little to do with government. The growing importance of the service sector, where employment tends to be stable, could be one reason. And technology has helped ease the sharp boom-bust cycle of the farm and factory sectors.

Legitimate gripes about a balanced-budget amendment are easy to come by. But Rubin's is not one of them.

Mr. CRAIG. It is important to recognize that while the politics of the argument are interesting, the record would suggest that it does not fit, that Congress has always responded to recessions after they were over. And, in fact, what ended up usually was pork-barrel spending that became a part of the total budget program that went on.

> Between 1980 and 1984—which includes years of deep recession—real spending on jobless benefits rose $47.4 billion above its level in 1979, an economic peak. That increase was just 1% of government spending over those four years.
>
> Recessions have been less severe in the postwar period, many economists argue.

That is exactly the point of those figures, the argument that somehow we straitjacket our Government by a balanced budget not able to respond to times of recession, and the facts simply do not bear it out, the economic facts, not mine, but those of the economists who study this.

So when Secretary Rubin fears straitjacketing, what Secretary Rubin fears is that the American people will once again have control of their budget and the spending of the Federal Government and that we take it out of the hands of politicians and force them to stay within parameters and make the tough choices and to stop mounting the huge Federal debt that we are currently having.

That is the essence of a balanced budget amendment. That is why we are here on the floor, because the American people have asked us to do this. I am one of those who believes so strongly that the record is replete with the facts that we as politicians cannot do it.

Some of us can make those tough votes; others cannot for various reasons. It is true that, as never before, special interest groups come to Washington for a piece of the pie. So it is easy to give it away and make the pie bigger. The only problem is we borrow hundreds of billions of dollars annually to make the pie, expecting future generations to pay for the ingredients. Therein lies the great discrepancy, why we are here.

It is an important issue. We must fight to make sure that we retain it and that we pass the balanced budget constitutional amendment resolution and disallow the kind of amendments that would weaken it or make it hollow at best. We cannot put that kind of language in our Constitution.

I yield the floor.

Mr. DODD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I ask unanimous consent that I may be able to proceed as in morning business and the time I use not be deducted from the debate on the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. I thank the President.

Mr. President, I have a couple of items that I would like to address, if I may, here of a different nature than the debate on the constitutional amendment for a balanced budget. Myself, I will have some remarks later in the day on that subject matter, but I would like to take a little bit of time, if I could, to raise several issues.

(The remarks of Mr. DODD pertaining to the submission of Senate Congressonal Resolution 6 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

TRIBUTE TO PAMELA HARRIMAN

Mr. DODD. Mr. President, all of us in this country were deeply saddened by the tragic death of Pamela Harriman in Paris a few days ago. Regardless of party or political persuasion, this was a remarkable woman who spent a lifetime, from the basement of 10 Downing Street with that most revered of leaders of the 20th century, Sir Winston Churchill, to representing the United States in the Embassy in Paris. Hers was a remarkable life in many ways.

As we have been reading about the legend of Pamela Harriman over the past few days not enough attention, in my view, is being paid to her profound legacy to this country. Most of us—I think all of us, maybe with some exception in this Chamber—were born in this country. We did not make the choice to be Americans. We were fortunate enough that our parents or grandparents or great-grandparents came to this country, and we were the beneficiaries of those decisions.

I have always thought it was somewhat different for people who made the choice, the conscious choice to become an American. Pamela Harriman made that choice to be an American and contributed mightily to this country. She was engaged in the political process. She was a partisan. And I say to my friends on the other side, I think that is healthy when people become engaged and not only have ideas and values and beliefs, but are willing to act on them. And for those of us who are Democrats, we will be eternally grateful for her support and her willingness to be engaged in the political life in this country. For people, regardless of political persuasion, she was a great individual who represented our country in Paris with great distinction.

There was a column presented the other day, Mr. President, by Richard Holbrooke in the Washington Post which I think captured in many ways the feelings of many of us about Pamela Harriman's service.

Mr. President, I ask unanimous consent that that column by Richard Holbrooke be printed in the RECORD.

There being no objection, the article was ordered to be printed to the RECORD, as follows:

[From the Washington Post, Feb. 6, 1997]

PAMELA HARRIMAN'S LAST MISSION

BY RICHARD HOLBROOKE

If, as Soren Kierkegaard said, "Life is lived forward but understood backward," then the arc that Pamela Harriman traveled can best be understood by beginning at its end, with her ambassadorship to France. The four years she spent in Paris in service to her adopted nation gave a different meaning to what had gone before it, not only to her biographers but also to herself. In retrospect, everything that preceded Paris will look different because, after a life in which she was identified closely with a series of important men, she did something important so splendidly on her own.

She spent her last hours before she fell ill in a characteristic whirlwind of activity. Less than an hour before her fatal attack, she was discussing on the telephone with her friend Undersecretary of State Peter Tarnoff some highly technical problem concerning the Treaty on Conventional Forces in Europe. This was not the public Pamela Churchill Harriman, the one the press always described as "beautiful and glamorous," but the intensely serious public servant, handling personally a matter most ambassadors would have left to someone else. Then, after discussing the CFE with Tarnoff, she went swimming at the Hotel Ritz and, as she got out of the pool, collapsed without warning.

Because Pam was the daughter of a Dorset baron, I often asked her, teasingly, how she had managed to overcome the disadvantages of her birth. But in a sense, I meant it; had she followed the normal trajectory for a girl of her generation and limited education, she would perhaps have lived out the last few years of a fairly predictable life as, say, a duchess dowager in some stately English home. Instead she began a 57-year voyage almost continuously in the public eye.

The standard stories always emphasize the men in each phase of Pam's life, and there was truth in this; she herself talked of it occasionally with her close friends. But the role men played in her life can be misunderstood. It is true that she loved, and was loved by, an extraordinary group of men. But Pam absorbed more than the luxuries of life from her close proximity to men in power. From each of them she learned something new and gave something back. It was with Averell Harriman, a major figure in both foreign policy and the Democratic Party for half a century, that she returned to the world of public affairs, this time not as the British daughter-in-law of Winston Churchill but as a proud new American citizen. She became increasingly involved in Harriman's two major concerns: the Democratic Party and American foreign policy. Thus, when President Clinton made the decision to send her to Paris in 1993, she was more prepared than either she or most of us realized.

Unlike many political appointees, she was determined to understand the most complex details of her job. At the same time, she remained a perfectionist, equally determined to present a flawless facade. When, as her "boss," I tried to get her to take more time off, to relax more, to do less, she simply said, "I can't do that. I'm not built that way."

Her efforts produced results not only for her personally but for the nation. In the famously difficult relationship between Washington and Paris, Pam achieved a level of access to the highest levels of the French government that was unique. While the press focused on the strains in the relationship, these were never as serious as reported, and in any case they would have been far greater without Pam's ability to bring officials of both nations—most of them younger than her son Winston—together under her roof to work things out. It was one of her enduring beliefs that if she could get the right people together in a room she could get them to agree, or at least reduce their disagreements. That she was so often right, in the face of the usual bureaucratic passivity or pessimism, was a tribute to her determination and tenacity.

Almost exactly 28 years ago, on January 19, 1969, a group of us went to Orly airport in Paris to say goodbye to Averell Harriman, who was leaving his post as chief negotiator to the Vietnam Peace Talks on the day before Richard Nixon's inauguration. Harriman was 76 years old, and that day in Paris was to be his last as a U.S. government official. Now, at the same age and in the same city, his widow has gone out as she would have wanted to, just as she was ending a successful mission for her nation.

TRIBUTE TO CASEY MILLER

Mr. DODD. Mr. President, a third subject matter I raise here in morning business today is one that did not get national attention except for those who may have been interested. But I want to pay tribute to a neighbor of mine, Mr. President, a neighbor and a friend, a woman who truly revolutionized the way we speak and write in this country. Casey Miller is her name.

Throughout her life, Casey Miller promoted and venerated the role of women in our society by fighting to eradicate gender-specific language from everyday speech.

Postal worker, artisan, police officer, and restaurant server are just some of the words that enter the glossary of modern English because of Casey Miller. While many falsely see these words as political correctness gone awry, they in fact represent a genuine effort to place America's women on the same linguistic standing as men.

Her book, "The Handbook of Nonsexist Writing" is still considered the standard reference guide on how to correctly utilize language in order to properly address and speak of women. Too often in everyday discussions we use the words "man," "men," and "he," as if they were interchangeable for all people. But these words only describe the role of the male gender and they demean to many women the significant position of women in our society.

As the English novelist Thomas Hardy once said, "It is difficult for a woman to define her feelings in language which is chiefly made by men to express theirs." The fact is that "the man on the street" may be the woman with a strong opinion. Things that are "man-made" are often built by women. The "man of the house" is by no means always a man. And the "land where our fathers died" is the same land of our mothers.

Through Casey Miller's writings, more and more Americans became aware of the implicit discrimination in our language and the distinct individuality of women in our society. Though she was not a household name, Mr. President, for most Americans, her impact on the way we write and speak has been profound. For all of her efforts she deserves the appreciation of women and men across this country of ours.

Besides her groundbreaking work on behalf of women, Casey Miller was an active and vital participant in humanitarian and philanthropic causes.

Through Childreach, the U.S. branch of Planned Parenthood International, Ms. Miller served as a foster parent for dozens of children in poor and disadvantaged countries. What is more, she shared her good fortune with others, generously donated to her alma mater Smith College, the NAACP, and the Humane Society.

On a personal level I rise here, Mr. President, to talk about Casey Miller who passed away a number of days ago not just because she was a pioneer in the feminist movement, served our country in uniform in previous conflicts, but she was a dear friend, and she happens to have been my next door neighbor in Connecticut. More than just being an activist and someone who made a significant contribution through a particular avenue that she sought, she was a wonderful, wonderful, friend. I cannot tell you the countless breakfasts, lunches, and dinners, so lively across the lawn. I could spend an evening with Casey Miller and Kate Swift, her lifetime friend and partner.

For millions of us across the country, Casey Miller has had an impact—you may not know her name—for the way we speak today, for the changes that have occurred. Even in our own legislative body Casey Miller made a significant contribution.

Mr. President, I just wanted to rise this morning and pay tribute to my neighbor. I will miss her very, very much. She was a wonderful friend, a great person, an individual who proved, once again, that one person can truly make a difference in our society.

I ask unanimous consent that two editorials about Casey Miller be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CASEY MILLER, 77, A PROMOTER OF USING NONSEXIST LANGUAGE

(By Lawrence Van Gelder)

Casey Miller, a writer and editor who was a pioneering advocate of nonsexist language, died on Sunday at her home in East Haddam, Conn. She was 77.

Kate Swift, her close friend and co-author, said the cause of death was chronic obstructive lung disease.

Beginning in the early 1970's, Ms. Miller and Ms. Swift co-wrote numerous books and articles on English usage and its relationship to the status of women. Writing in a climate of increasing sensitivity and opposition to language that relegated women to secondary status, Ms. Miller and Ms. Swift waged a forceful campaign against what many considered sexist language. If not all their proposals (like "genkind" to replace mankind) found their way into everyday usage, the women nonetheless helped to raise awareness of oppression by language.

Ms. Miller and Ms. Swift were the authors of "Words and Women," published in 1976 by Doubleday and 1991 by HarperCollins, and "The Handbook of Nonsexist Writing," published in 1980 by Lippincott & Crowell and in 1988 by HarperCollins. They also wrote many articles on sexism in English that appeared in national periodicals and in more than 30 anthologies and textbooks.

They achieved widespread recognition as authorities on the subject of linguistic disparagement of women with "One Small Step for Genkind," a 1972 article in The New York Times Magazine that was reprinted in college textbooks as recently as last year.

In it, they wrote: "Except for words that refer to females by definition (mother, actress, Congresswoman), and words for occupations traditionally held by females (nurse, secretary, prostitute), the English language defines everyone as male. The hypothetical person ("If a man can walk 10 miles in two hours . . .), the average person ("the man in the street") and the active person ("the man on the move") are male. The assumption is that unless otherwise identified, people in general—including doctors and beggars—are men.

"It is a semantic mechanism that operates to keep women invisible; 'man' and 'mankind' represent everyone; 'he' in generalized use refers to either sex; the "land where our fathers died" is also the land of our mothers—although they go unsung. As the beetle-browed and mustachioed man in a Steig cartoon says to his two male drinking companions, 'When I speak of mankind, one thing I don't mean is womankind.'"

Ms. Swift said yesterday that the idea for the article grew out of their first collaboration as editors in 1970, on a sex education handbook for high schools that talked about the nature of man and man's behavior and used the pronoun "he" in ways that made it impossible to know whether the author was writing about both males and females or only about males.

"We began to think this was a field that needed to be written about and explored," Ms. Swift said.

Their articles on the subject first appeared in New York magazine and in the first issue of Ms. magazine. The New York Times Magazine article appeared on April 16, 1972, and "got an awful lot of negative comment," Ms. Swift said.

Casey Geddes Miller was born on Feb. 26, 1919, in Toledo, Ohio. She received a bachelor of arts degree in 1940 from Smith College, where she was a philosophy major. During World War II, she served for three years in the Navy, working in Washington in naval intelligence.

She was on the staff of Colonial Williamsburg from 1947 to 1954, when she became the curriculum editor of the publishing house of the Episcopal Church, Seabury Press. Ten years later, she became a free-lance editor, working at her home in Greenwich and after 1967 in East Haddam, where she formed her editorial partnership with Ms. Swift.

She is survived by her sisters, Kate R. Gregg of Falmouth, ME, and Caroline S. Cooper of Gilmanton, N.H.

TAKING ON "MANKIND"

Gender-neutral phrases like postal carrier and police officer roll off our tongues nowadays as if they had always been a part of our linguistic consciousness. But we know that's not true. Until a few years ago, the English language was loaded with male-biased terms.

A turning point came in 1980, with the "Handbook of Nonsexist Writing," today considered the standard reference on how to avoid degrading women with words. Its co-authors were Casey Miller and Kate Swift of East Haddam.

Ms. Miller died Sunday at the age of 77.

In dozens of magazine articles and two books, Ms. Miller and Ms. Swift made a strong case for banishing gender-biased words from our everyday language.

Many of their proposals—such as eliminating suffixes -ess and -ette and replacing loaded words like "craftsman" with the neutral "artisan"—have been widely adopted.

The two authors drew attention to other sexist expressions, from founding fathers to working wife to old wives' tale, arguing that prejudices in language reflect the mostly white, Anglo-Saxon patriarchal society in which our grammar and vocabulary developed. Such terms are destructive, Ms. Miller and Ms. Swift wrote, because they perpetuate stereotypes demeaning to women.

Theirs were persuasive arguments.

A graduate of Smith College, Ms. Miller's lifelong passions were words and language. As a lieutenant during World War II, she helped to break codes used by Japanese in the Pacific. Later she worked in publishing before moving to East Haddam in 1967 to begin her career as a freelance editor and writer.

Although hers was not a household name, Ms. Miller has left a more lasting legacy than others who have achieved celebrity status: Changing the way Americans write and speak.

Mr. DODD. I thank my colleagues for allowing me to digress. Mr. President, I yield the floor.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with consideration of the resolution.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Missouri is recognized.

Mr. ASHCROFT. I thank my colleague from the State of Connecticut. Mr. President, I am pleased to have an opportunity to make some remarks about the balanced budget amendment. It is my understanding the minority leader may come to the floor to speak, and if he does I am happy to interrupt my remarks to provide him an opportunity to make whatever remarks he plans to make.

Mr. President, when we discuss the balanced budget amendment, we are usually talking about the impact of runaway spending on our economy or on our future. These are fundamental considerations, but I think there is another consideration that we must not lose sight of, and that is, perhaps, more fundamental and more profound than the economic implications of the balanced budget. A protracted deficit spending empowers the central Government with the means to undermine our basic liberties. What I really mean to say is that unlimited spending by Government promotes unlimited Government, and unlimited Government means limited freedom. There is a relationship between the size of Government and the number of its prerogatives and the size of individuals and the number of their prerogatives.

For how we tax and spend, really, in fact, determines whether we are prosperous or poor, free or enslaved, good or evil. I believe if we want to be free, we have always to be careful about the size of Government.

Now, the acknowledgment that we can control Government by controlling its power of the purse is not new. From the very beginnings of this Republic there has been a clear understanding that if you could control the purse, if you could limit spending, you could limit the encroachment of Government upon the freedom of individuals. Money is and money has always been the source of Government's most basic power. History bears testament to this truth.

The Magna Carta, which was signed grudgingly by King John a few centuries ago—I might add, no relation, King John, but the name is still in current use—prescribed that the monarchy could not impose taxes, and King John grudgingly signed this, the monarchy could not impose taxes without the consent of the Great Council. Charles I was executed because he tried to spend money without the consent of the Commons. And our own Declaration of Independence talks of injuries and usurpations, not the least of which was George III's imposition of taxes without representation, taxes without the consent or participation in the decisionmaking by colonial residents.

Mr. President, deficit spending has wrested power from the people. It has taken power from the next generation and brought it to this generation, the power to decide how the resources of our own children will be spent. It has deposited this power in the Halls of Congress.

We are not only taking the freedom of this generation when we spend in deficit, we are taking the freedom of the next generation, so that we have a compound problem here. The extent and reach of Government encroaches upon the capacity of individuals to live freely, not only in the present time but because we are funding this overreaching of Government with deficit spending, it encroaches upon the freedom of the next generation.

This is an inversion of the will of the Framers of the Constitution. It is an invasion of the social contract in which our forefathers developed this country. It takes the power from the people and puts it in the hands of the Congress. And really what Congress' enterprise ought to be is empowering people. It is time to return to the people the ability to control their own lives, their future and their destiny and to begin to assure the next generation that we will not have exercised their prerogatives, we will not have made their choices about how to spend their resources, but that we will, indeed, protect some of that prerogative which they rightfully have which they ought to enjoy. Another way of saying this is that it is simply immoral to tax unborn generations of Americans in anticipation of their existence in order to satisfy our undisciplined consumption that is a result of deficit spending.

Mr. President, Congress today does not have to vote to raise more revenue in order to spend more money. We have gone through a transition from tax and spend, which is an arguable proposition, to borrow and spend, which is certainly a very questionable proposition. We now are in a category of steal and spend, because borrowing without the intention or capacity to pay back by those who are doing the borrowing is something that is categorized in the law as something far different from borrowing. People who go to borrow without the intention to pay back are stealing. Most State statutes call it stealing by deceit. When we in this generation borrow without the intention or capacity to repay those moneys which we have borrowed, we, in fact, are stealing from the next generation. We cannot have their consent to take their resources because they do not exist yet. We are taking resources from our children and grandchildren at a time before they are even born. We are borrowing without the intention to pay back. We have gone from tax and spend to borrow and spend, and I daresay, now we find ourselves in the moral reprobate position of stealing from the next generation to spend.

I spent some time as attorney general of my State. I had the privilege of serving the people of Missouri for 8 years as attorney general. It is the attorney general's responsibility to uphold the convictions of individuals who have violated the law. Among those are people who abuse children. I think child abuse is reprehensible. It is beyond my comprehension how someone would abuse a child, let alone his or her own child.

But most of the people who abuse children would not think of stealing from children, or stealing from their own children. I find it to be abhorrent and immoral, and it is very unwise that we would take from our own children the capacity that they ought to have to be free, and that we would somehow wrest from them the decisionmaking capacity of free citizens in the next generation to decide how to deploy the resources that they generate. We would have already made the decisions, we would already have consumed the benefits, and we would send to them nothing more nor less than the bill—the debt to be paid.

We owe our children so much more than that. Tax and spend was bad; borrow and spend was worse. When we got to a situation where we could not repay that which we had borrowed, it became stealing by deceit, and steal and spend is morally reprehensible and must be curtailed, it must be stopped.

The ability to take resources of the next generation is unique to the Congress. No father can create debts which are visited upon his or her son or daughter. No mother can create a debt that can be visited upon her son or daughter. The law simply does not allow the debts of a parent to be imposed upon a child. Only in one universe can this happen, and it can only happen when the people of this country, through their Congress, create a debt which will be visited on those who are yet unborn, will be used as a set-off to garnishee the wages that are yet unearned. It's time that we stop.

No family in America finds its children encumbered by the debts of parents. The American people are fed up with a Congress that spends these yet unearned wages of the next generation, and rightly so. It is more than economics; it is a matter of freedom. Second it is more than freedom; it is a matter of integrity.

Mr. President, deficit spending is not only a threat to our posterity and our children's future, it is a method by which Washington's elite circumvent the public, the law, and the Constitution. When the people express the belief that Government is out of control, they are correct. For too long, this body has satisfied the appetites of narrow interests at the public's expense.

Where is the accountability to taxpayers? Where is the will to do that which is right?

Mr. President, we have tried time and time again to deal with this problem of recurring chronic debt. In terms of the medical profession, this is not an acute problem that lasts momentarily and then is gone, this is a chronic problem. These copies of out-of-balance budgets for the United States, year after year—I believe there are only 28 years stacked here. Over the last 60 years, you can more than double, perhaps triple, the volume represented by these out-of-balance budgets. They represent the absence of our capacity to discipline ourselves to stop spending someone else's money, to stop borrowing someone else's money, to stop stealing by deceit the resources of the next generation.

In 1985, we tried something. It was a noble endeavor. To be commended are Senators GRAMM, former Senator Rudman, and Senator HOLLINGS in the Gramm-Rudman-Hollings Act. Then again we didn't have the will to carry through, and we changed the law so we could change the rules because we could not change our habits. We put Gramm-Rudman II in place in 1987. Then we changed the law and we changed the rules because we could not change our habits and broke that agreement. When the Budget Enforcement Act of 1990 went into effect, again, we found ourselves changing the law and the rules because we could not break our habit. It becomes apparent to me that we need to do more than just have laws and rules, because we never have been able, in the face of our bad habit, to maintain our commitment to the rules or to the laws. We have simply changed the law and broken the rules because we could not break the habit.

We need systemic change, something that goes to the very heart of us, that forbids this insistent expropriation, taking away from the next generation. It is simply that we need to put into the Constitution an immutable, unchangeable document, a kind of capacity to provide the discipline we have lacked and lacked consistently. I think we need to summon the discipline to restrain Government. It is obvious that Republican and Democrat Congresses have not had it. Republican and Democrat Presidents have not had it. It is time for us to provide a backbone implant, if you will, for the Congress of the United States to place in the Constitution of the United States this discipline.

While one Senate cannot bind the next Senate, and hasn't because we have changed the laws and changed the rules because we could not break the habit, our Constitution can provide that discipline. Persons born in 1900 paid, roughly, 24 percent of their income in Federal and local net taxes. Persons born in 1970 will pay about 34 percent of their income in net taxes. If the policies that we have in place now remain, persons born in 1994 and thereafter will find themselves, over the course of their lifetimes, paying a net tax rate of about 84 percent. It is a trend which cannot continue. It is taxation without representation. It is an expropriation of the freedom and opportunity of the next generation. It is immoral, it is obscene, and it must end.

As Thomas Jefferson stated in a letter to James Madison in 1789:

> The question whether one generation of men has a right to bind another * * * is a question of such consequence as not only to merit discussion, but place also, among the fundamental principles of every government.

We must place it among the fundamental principles of our Government by enshrining the balanced budget amendment in our Constitution.

Now, there is some quibbling about whether those who founded this great Nation would have wanted the balanced budget amendment in the Constitution. I must say to you that there were certain presumptions that surrounded most individuals who assembled to create the finest document ever written by human hand—the U.S. Constitution. One presumption was the presumption of integrity and the presumption of responsibility that the Founders expected of those in Government. Tragically, that presumption is unwarranted as it relates to the Congress today. I believe, absent their ability to rely upon the integrity and determination of the Congress, they would gladly have placed in the Constitution a framework which would have required such responsibility.

Mr. President, I send to the desk for inclusion into the RECORD the letter of Thomas Jefferson to James Madison, written in Paris on September 6, 1789.

I ask unanimous consent that it be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ASHCROFT. Mr. President, during this debate, we have heard frequently that there is not a need to amend the Constitution. There is authority, we are told, for Congress to do what is right if we simply exercise greater fiscal discipline. No one in this Chamber has ever argued that there is inadequate authority for balancing the budget. But these unbalanced budgets are a testimony which is undeniable, not to the absence of authority, but to the absence of discipline. It is time that we, who have experienced a collective loss of will, provide a structure in which we cannot allow this abuse of the future of the United States to continue.

The balanced budget amendment is real reform, and it will be felt. I had the privilege of serving my State as Governor. I have seen what happens when there is a framework and structure which demands discipline. I know that for 8 years we balanced our budgets. As a matter of fact, we aimed for a little surplus so we could create a rainy day fund so that when times got tough, we could simply call upon those resources that we had developed when times were good. And it was not only an appropriate way to do business because it was moral and because it didn't steal from the next generation. It was an appropriate way to do business because it was very healthy for the State economically. And over and over again our State was rated at the very top with the highest bond rating—the highest financial rating of any State in the country because it was understood that we had this concern about the integrity of our fiscal affairs.

So, Mr. President, let me just say a balanced budget amendment is real reform. It will reestablish the historical responsibilities observed in this country that we could have balanced budgets, except in times of war, which is something that should be assumed. But it cannot be assumed and must be institutionalized.

It is also a political reform that will be felt first and foremost in the cold corridors of power here on the Potomac. Most importantly, it will be felt by the American people who will have their right to self-governance restored.

Over two centuries ago Edmund Burke reminded members of the British House of Commons of a fundamental principle. Burke said: "The people must possess the power of granting their own money or no shadow of liberty can subsist."

The truth of the matter is that, if the people do not have power over their own purse strings and if we can extend our Republic of Government by borrowing or stealing from the next generation, we indeed will have seriously eroded the liberty which we are entitled to in this country.

We need to safeguard those liberties which were first inscribed in the Magna Carta in 1215 preserved by the blood of patriots on continents around the world. We must return the power of the purse to the people. We must stop stealing from our children. We must stop stealing by deceit.

Mr. President, the balanced budget amendment to the Constitution not only has to do with economics and the economy, and not only has to do with prosperity. It is a problem about integrity, and it is a challenge relating to liberty. And we must embrace it and offer it to the people of the United States for ratification.

EXHIBIT 1

LETTER FROM THOMAS JEFFERSON TO JAMES MADISON, PARIS SEPTEMBER 6, 1789

DEAR SIR: I sit down to write to you without knowing by what occasion I shall send my letter. I do it because a subject comes into my head which I would wish to develop a little more than is practicable in the hurry of * * * of making up general dispatches.

The question Whether one generation of men has a right to bind another, seems never to have been started either on this or our side of the water. Yet it is a question of such consequences as not only to merit decision, but place also, among the fundamental principles of every government. The course of reflection in which we are immersed here on the elementary principles of society has presented this question to my mind; and that no such obligation can be so transmitted I think very capable of proof.—I set out on this ground, which I suppose to be self evident, *'that the earth belongs in usufruct to the living'*: that the dead have neither powers nor rights over it. The portion occupied by any individual ceases to be his when himself ceases to be, and reverts to the society. If the society has formed no rules for the appropriation of it's lands in severality, it will be taken by the first occupants. These will generally be the wife and children of the decendent. If they have formed rules of appropriation, those rules may give it to the wife and children, or to some one of them, or to the legatee of the deceased. So they may give it to his creditor. But the child, the legatee, or creditor takes it, not by any natural right, but by a law of the society of which they are members, and to which they are subject. Then no man can, be *natural right*, oblige the lands he occupied, or the persons who succeed him in that occupation, to the paiment of debts contracted by him. For if he could, he might, during his own life, eat up the usufruct of the lands for several generations to come, and then the lands would belong to the dead, and not to the living, which would be the reverse of our principle.

What is true of every member of the society individually, is true of them all collectively, since the rights of the whole can be no more than the sum of the rights of the individuals.—To keep our ideas clear when applying them to a multitude, let us suppose a whole generation of men to be born on the same day, to attain mature age on the same day, and to die on the same day, leaving a succeeding generation in the moment of attaining their mature age all together. Let the ripe age be supposed of 21. years, and their period of life 34. years more, that being the average term given by the bills of mortality to persons who have already attained 21. years of age. Each successive generation would, in this way, come on, and go off the stage at a fixed moment, as individuals do now. Then I say the earth belongs to each of these generations, during it's course, fully, and in their own right. The 2d. generation receives it clear of the debts and incumberances of the 1st. the 3d of the 2d. and so on. For if the 1st. could charge it with a debt, then the earth would belong to the dead and not the living generation. Then no generation can contract debts greater than may be paid during the course of it's own existence. At 21. years of age they may bind themselves and their lands for 34. years to come: at 22. for 33: at 23. for 32. and at 54. for one year only; because these are the terms of life which remain to them at those respective epochs.—But a material difference must be noted between the succession of an individual, and that of a whole generation. Individuals are parts only of a society, subject to the laws of the whole. These laws may appropriate the portion of land occupied by a decedent to his creditor rather than to any other, or to his child on condition he satisfies the creditor. But when a whole generation, that is, the whole society dies, as in the case we have supposed, and another generation or society succeeds, this forms a whole, and there is no superior who can give their territory to a third society, who may have lent money to their predecessors beyond their faculties of paying.

What is true of a generation all arriving to self-government on the same day, and dying all on the same day, is true of those in a constant course of decay and renewal, with this only difference. A generation coming in and going out entire, as in the first case, would have a right in the 1st. year of their self-dominion to contract a debt for 33. years, in the 10th. for 24. in the 20th. for 14. in the 30th for 4. whereas generations, changing daily by daily deaths and births, have one constant term, beginning at the date of their contract, and ending when a majority of those of full age at that date shall be dead. The length of that term may be estimated from the tables of mortality, corrected by the circumstances of climate, occupation &c. peculiar to the country of the contractors. Take, for in stance, the table of M. de Buffon wherein he states 23,994 deaths, and the ages at which they happened. Suppose a society in which 23,994 persons are born every year, and live to the ages stated in this table. The conditions of that society will be as follows 1st. It will consist constantly of 617,703 persons of all ages. 2ly. Of those living at any one instant of time, one half will be dead in 24. years 8. months. 3dly. 10,675 will arrive every year at the age of 21. years complete. 4ly. It will constantly have 348,417 persons of all ages above 21. years. 5ly. And the half of those of 21. years and upwards living at any one instant of time will be dead in 18. years 8. months, or say 19. years as the nearest integral number. Then 19. years is the term beyond which neither the representatives of a nation, nor even the whole nation itself assembled, can validly extend a debt.

To render this conclusion palpable by example, suppose that Louis XIV. and XV. has contracted debts in the name of the French nation to the amount of 10,000 milliards of livres, and that the whole has been contracted in Genoa. The interest of this sum would be 500, milliards, which is said to be the whole rent roll or nett proceeds of the territory of France. Must the present generation of men have retired from the territory in which nature produced them, and ceded it to the Genoese creditors? No. They have the same rights over the soil on which they were produced, as the preceding generations had. They derive these rights not from their predecessors, but from nature. They then and their soil are by nature clear of the debts of their predecessors.

Again suppose Louis XV, and his cotemporary generation had said to the money-lenders of Genoa, give us money that we may eat, drink, and be merry in our day; and on condition you will demand no interest till the end of 19 years you shall then for ever after receive an annual interest of 12⅝ per cent.[1] The money is lent on these conditions, is divided among the living, eaten, drank, and squandered. Would the present generation be obliged to apply the produce of the earth and of their labour to replace their dissipations? Not at all.

I suppose that the received opinion, that the public debts of one generation devolve on the next, has been suggested by our seeing habitually in private life that he who succeeds to lands is required to pay the debts of his ancestor or testator: without considering that this requisition is municipal only, not moral; flowing from the will of the society, which has found it convenient to appropriate lands, become vacant by the death of their occupant, on the condition of a paiment of his debts: but that between society and society, or generation and generation, there is no municipal obligation, no umpire but the law of nature. We seem not to have perceived that, by the law of nature, one generation is to another as one independant nation to another.

The interest of the national debt of France being in fact but a two thousandth part of it's rent roll, the paiment of it is practicable enough: and so becomes a question merely of honor, or of expediency. But with respect to future debts, would it not be wise and just for that nation to declare, in the constitution they are forming, that neither the legislature, nor the nation itself, can validly contract more debt than they may pay within their own age, or within the term of 19 years? And that all future contracts will be deemed void as to what shall remain unpaid at the end of 19 years from their date? This would put the lenders, and the borrowers also, on their guard. By reducing too the faculty of borrowing within it's natural limits, it would bridle the spirit of war, to which too free a course has been procured by the inattention of money-lenders to this law of nature, that succeeding generations are not responsible for the preceding.

On similar ground it may be proved that no society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation. They may manage it then, and what proceeds from it, as they please, during their usufruct. They are masters too of their own persons, and consequently may govern them as they please. But persons and property make the sum of the objects of government. The constitution and the laws of their predecessors [are] extinguished then in their natural course with those who gave them being. This could preserve that being till it ceased to be itself, and no longer. Every constitution then, and every law, naturally expires at the end of 19 years. If it be enforced longer, it is an act of force, and not of right.—It may be said that the succeeding generation exercising in fact the power of repeal, this leaves them as free as if the constitution or law had been expressly limited to 19 years only. In the first place, this objection admits the right, in proposing an equivalent. But the power of repeal is not an equivalent. It might be indeed if every form of government were so perfectly contrived that the will of the majority could always be obtained fairly and without impediment. But this is true of no form. The people cannot assemble themselves. Their representation is unequal and vicious. Various checks are opposed to every legislative proposition. Factions get possession of the public councils. Bribery corrupts them. Personal interests lead them astray from the general interests of their constituents: and other impediments arise so as to prove to every practical man that a law of limited duration is much more manageable than one which needs a repeal.

This principle that the earth belongs to the living, and not to the dead, is of very extensive application and consequences, in every country, and most especially in France. It enters into the resolution of the questions. Whether the nation may change the descent of lands holden in tail? Whether they may change the appropriation of lands given antiently to the church, to hospitals, colleges, orders of chivalry, and otherwise in perpetuity? Whether they may abolish the charges and privileges attached on lands, including the whole catalogue ecclesiastical and feudal? It goes to hereditary offices, authorities and jurisdictions; to hereditary orders, distinctions and appellations; to perpetual monopolies in commerce, the arts and sciences; with a long train of et ceteras: and it renders the question of reimbursement a question of generosity and not of right. In all these cases, the legislature of the day could authorize such appropriations and establishments for their own time, but no longer; and the present holders, even where they, or their ancestors, have purchased, are in the case of bona fide purchasers of what the seller had no right to convey.

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[1] 100£, at a compound interest of 5. per cent, makes at the end of 19. years, an aggregate of principal and interest of £252–14, the interest of which is 12£ 12–12s–7d which is nearly 12⅝ per cent on the first capital of 100. £.

Turn this subject in your mind, my dear Sir, and particularly as to the power of contracting debts; and develop it with that perspicuity and cogent logic so peculiarly yours. Your station in the councils of our country gives you an opportunity of producing it to public consideration, of forcing it into discussion. At first blush it may be rallied, as a theoretical speculation: but examination will prove it to be solid and salutary. It would furnish matter for a fine preamble to our first law for appropriating the public revenue; and it will exclude at the threshold of our new government the contagious and ruinous errors of this quarter of the globe, which have armed despots with means, not sanctioned by nature, for binding in chains their fellow men. We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay. I should be pleased to see this second obstacle held out by us also in the first instance. No nation can make a declaration against the validity of long-contracted debts so disinterestedly as we, since we do not owe a shilling which may not be paid with ease, principal and interest, within the time of our own lives.—Establish the principle also in the new law to be passed for protecting copyrights and new inventions, by securing the exclusive right for 19, instead of 14, years. Besides familiarising us to this term, it will be an instance the more of our taking reason for our guide, instead of English precedent, the habit of which fetters us with all the political heresies of a nation equally remarkeable for its early excitement from some errors, and long slumbering under others.

I write you no news, because, when an occasion occurs, I shall write a separate letter for that, I am always with great & sincere esteem, dear Sir Your affectionate friend & servt.

Mr. ASHCROFT. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, today we begin the debate about the budget resolution. As everyone knows, yesterday the President sent to Congress his plan for a balanced budget. The way we receive that budget will be the first real test of our ability and our willingness in this Congress to find bipartisan consensus on a budget.

Is bipartisanship truly our goal, or is it merely a PR strategy? The debate that begins today will go a long way on both sides of the aisle toward answering that question.

The plan the President is sending us balances the Federal budget by the year 2002 while protecting our priorities. It invests in America's future, and pays for those investments.

The President's budget offers targeted tax relief for homeowners and families with children; for parents who are struggling to save for their children's college education, and workers who are trying to save for their own retirement; for companies involved in environmental cleanup and converting old industrial sites into new hubs of opportunity.

The budget provides a strong framework for a bipartisan agreement. It reflects 2 years of hard negotiations, and contains ideas advocated by both parties.

With the requisite sense of purpose and political will, this Congress can enact a balanced budget that protects important national priorities this year. That is my goal, and I am committed to making it happen.

It does not take a miracle to balance the budget. I know. I helped write a plan last year that balanced the budget by the year 2002—and protected Medicare, education, and the environment. I voted for it. And so did a lot of other people.

The President adopted the plan. And the President is submitting a modified version of that very plan today. So he knows it does not take a miracle to balance the budget. The President has shown us a blueprint that will allow us to make that a reality.

It also doesn't require a constitutional amendment. The President's budget will balance the budget by the year 2002 without it.

But let me be clear. I support a balanced budget amendment. I have since I was first elected to Congress. I have voted for amendments in the past. I have opposed other amendments. And I will support a balanced budget amendment again this year.

But it has to be the right amendment. There is a difference between supporting a responsible amendment and supporting any balanced budget amendment.

Senator DORGAN and I and others are cosponsoring an amendment that requires Congress to pass a balanced budget without looting the Social Security trust funds.

The version of the amendment now before the Senate contains no such protection.

It places current retirees in the most immediate danger. Let me read a letter from the President that I received just last week. In that letter the President states:

> In the event of an impasse in which the budget requirements can neither be waived nor met, disbursement of Social Security checks could cease or unelected judges could reduce benefits to comply with this constitutional mandate.

That was a letter from the President just last week.

Social Security has never been a day late or a dollar short. The amendment should not force us to break that historic contract.

This version of the amendment also places future retirees at risk. The heart of the 1983 bipartisan agreement that rescued Social Security was a plan to set aside funds for baby boomers' retirement. Because of that plan, Social Security is now running huge surpluses. This year alone that surplus is expected to be $78 billion. By the year 2002, it is expected to be $104 billion. By 2019, when many of the baby boomers start to retire, the Social Security trust funds will have built up a $3 trillion surplus, which will be absolutely necessary to pay the retirees at that time.

But, if we pass this version of the balanced budget amendment, none of those funds will be available to pay the Social Security benefits.

This amendment says clearly, "Total outlays for any fiscal year shall not exceed total receipts for that year." Total outlays, including Social Security.

The Government would be forbidden not only from running a deficit, but also from drawing down the surplus.

Social Security benefits could be paid only from taxes raised in the same year. That means, when the baby boomers retire, Congress would have to raise taxes dramatically, or slash Social Security benefits deeply—or both.

In addition, this version of the amendment cheats working families.

American workers are paying more in payroll taxes today than is needed to cover the Social Security checks that go out. The surplus revenues are supposed to be set aside to meet their future retirement needs. If we pass this amendment without exempting Social Security, the Government cannot save those tax dollars to pay for future Social Security needs of the baby boomers. Instead, the money will be diverted to other Government programs, to everything from highways to salaries of Members of Congress.

More than half of American taxpayers, 58 percent, pay more in Social Security taxes than they do in income tax. These taxes place a disproportionately heavy burden on low- and moderate-income families. It is justifiable to levy these taxes if they are truly set aside for Social Security, but it is inexcusable if they are used to pay for general Government operations. The Congress should not enshrine this abuse of the payroll tax in the U.S. Constitution.

The amendment that is before the Senate contains another flaw that I will seek to change. It would limit in perpetuity how Congress can treat capital investments in our future economic growth. If this amendment passes, any proposal to create a capital budget would be declared unconstitutional. A capital budget would allow us to differentiate between investments and operating costs like every single State in the country.

If we were to ask any Governor today, do you have a capital budget, the answer is "yes." If we would ask any Governor today, if you had to work under the same accounting devices that we do at the Federal level, a unified budget, would you have a balanced budget, chances are in every single case the answer would be, "no, we would have a deficit." We would have a large deficit, billions of dollars of deficit. Why? Because for many, many years, in some cases from the very beginning of a State's history, they have known the importance of differentiating between capital investments and operating costs, knowing that you do not treat an investment long term like you do somebody's lunch.

I think it is very important for this country to differentiate in that regard at some point in the future as well. And for us at this date, regardless of how one feels about a capital budget, to say that from here on out we are going to make it unconstitutional for this country to even consider budgeting the way we do in business, the way we do in families, the way we do in States, in my view is extraordinarily dangerous to this country's economic health and well-being.

How many times have we heard on this Senate floor the following phrase: this Government ought to budget its expenditures the way a family does. We ought to treat our budget the way every single family treats its budget.

Mr. President, there are not many families I know of that pay off their mortgage in 1 year. How many families today say that they have a balanced budget, taking into account the mortgage that they themselves must pay? Few families today would have the ability to pay off a mortgage in 1 year. But we are asking the Federal Government to pay off every one of its mortgages in each year, to treat a mortgage the same way we treat a bill for the lights which run this building.

There is a big difference, and I think the time has come for this country to have a capital budget. Regardless, as I say, the real question is, should we have an accounting system like families, like businesses, like States? I hope the answer is "yes," someday, and I hope we will have the foresight, regardless of what we may think of a budgeting system of that kind, to at least say that the Senate has the right to consider a capital budget at some point in the future. To make it expressly unconstitutional, in my view, is extraordinary.

I ask all of my colleagues to think very carefully about the amendment we write. I have also heard so often Senators come to the floor and say this bill is not perfect; this amendment is not the best we can do, but let us accept the fact that we can improve on it at some point in the future.

I hope no one in this entire debate will ever come to the floor and say this bill is not perfect, this amendment to the U.S. Constitution may not be perfect, because we do not have the luxury of coming back and amending it. We do not have the luxury of altering it once it becomes part of the U.S. Constitution. We tried that once before with prohibition, and it took another constitutional amendment to undo the damage we did the first time.

So let us not in any way, shape or form be content to satisfy our need to pass an amendment and then say we are willing to accept something that is imperfect. We have imperfections in this amendment that have to be dealt with. There is absolutely no reason to pay for deficit spending with Social Security trust funds. There is no reason to constitutionally preclude us from dealing directly with the real need to pass a capital budgeting system at some point in the future.

So let us be honest. Let us recognize that this amendment is not perfect; it needs to be changed; it needs to be amended in a constructive way; it needs to take into account our future; it needs to recognize that we have to be truthful with the American people; and it needs at long last to be dealt with in a bipartisan way, with Republicans and Democrats working together to fashion an amendment that makes sense not only for us but for all posterity.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

PEOPLE HELPING PEOPLE—STORIES FROM THE WINTER OF 1996–97

Mr. DASCHLE. Mr. President, one of the great fears of our time has been that America is slowly losing its sense of community and, with it, the idea that each of us has a responsibility toward one another. Today, I am proud to say that all around America our spirit of community remains strong. As you know, the Great Plains have been paralyzed this winter by terrible blizzards, high winds, and subzero temperatures. But thanks to the efforts of individuals all over the country, I am happy to report this afternoon that we are pulling through.

I am proud to say that during the worst of the bitter cold and howling winds, South Dakotans have been at their best. They have bundled up, put on their boots and trudged outside to help their friends and neighbors—even perfect strangers—make it safely through dangerous storms.

Residents of the northern Great Plains are accustomed to harsh winters. But all would agree, this winter has been especially brutal. Some say it is the worst we have seen this century. I remind you that most of this century has already passed.

In the blizzards that descended upon us in January, wind chill temperatures dropped to nearly 90 degrees below zero. Blowing snow covered roads with drifts that were as high as 30 feet and 60 feet long. Visibility dropped to less than a few feet as 60-mile-an-hour winds whipped snow into swirling white walls, hiding everyone and everything before it.

With roads closed, thousands of South Dakotans were left with only the food in their cupboards and a dwindling supply of propane to heat their homes. Even more seriously, travelers were left stranded on the highways, and many of our elderly residents and those in need of medical attention were cut off from any assistance.

I wish I could say that we survived these dangers unharmed, but I cannot. Five people have died directly as a result of these conditions. Others have died in the aftermath of the repeated ice storms and blizzards. While today we honor the heroes of these difficult times, we must also remember the victims. To those who lost loved ones this winter, I want to say that our thoughts and our prayers are with you.

Our hearts also go out to those whose farms and homes and businesses have been so hard hit by the heavy snow and cold. No one can know for sure how many livestock have died, but estimates range at least as high as 40,000. I urge all of those who have suffered loss not to go through this tragedy alone. There is no shame in asking for help.

Despite our losses, the heavy toll of this winter could be much worse. Many might have died, but did not. Many might have gone without heat and food and medicine, but were brought needed supplies just in time. This is due not to luck but to the simple fact that South Dakotans from every walk of life have pitched in to ensure that we get through this winter as safely as we can and together.

No one can list the thousands of people who put themselves at risk to help the victims of these storms, and no one can tell all of their stories. Indeed, the few I want to relate today only scratch the surface of those that might be told.

Time and again across South Dakota, neighbor has checked on neighbor, and families have taken in stranded travelers in need of assistance. Emergency snowmobile crews have teamed up with local police departments to ensure that doctors and nurses have made it to work over snow-clogged roads.

In fact, just last night my parents told me of a cousin of mine who left his home at 3 o'clock in the morning, on a Saturday morning, to drive 300 miles to buy a new snow blower he was going to use in the community. He brought it back that morning, and his wife told my parents that it was the single biggest event that has occurred in that area in decades.

They have delivered medicine to the homebound and brought spare parts to farmers in need of aid. During the darkest, coldest parts of the blizzard that have torn through our State, they have risked their lives to rescue stranded motorists and brought lifesaving medical attention to those in need.

One of those teams was the Drift Busters. The Drift Busters is a snowmobile club in Aberdeen, my hometown, which went into action shortly after the onset of our most recent blizzard. Their quick action and bravery were instrumental in saving the residents of Aberdeen from serious harm.

One of the most threatening situations occurred when 2-year-old Stetson Heirigs accidentally ingested poison and needed emergency care in a hospital. After a quick conference call with Stetson's family and the poison control center, club president Duane Sutton drove his snowmobile over 7 miles through darkness, blowing snow, and bitter cold to reach the family's home near Richmond Lake. Then, with the aid of a comember, Dennis Beckler, he ensured that the boy reached the hospital safely and received the treatment he needed just in time. Today Stetson is safe and healthy.

Extraordinary bravery has been a fact of life throughout the course of this winter. We have all heard the remarkable story of Karen Nelson, a nursing home aide from Webster who was stranded for over 40 hours in her pickup after becoming disoriented on the roads she has driven her entire life. With her engine running for heat and her cellular phone her only link to the world, Karen waited through the hours of darkness, crying and praying, as a team from around the State assembled to find her.

From Rapid City came aircraft equipped with special heat-seeking sensors to scour the drifts from the sky. From Watertown came experts in communications to triangulate the signal from Karen's phone and narrow down her location. Meanwhile, Day County rescue teams in snowmobiles and four-wheel-drive vehicles combed the roads for any sign of her car. At last she was found when she told the rescue team over her phone that she heard the sound of engines overhead. I cannot adequately express how proud we are of all the outstanding people that made Karen's rescue possible, and of Karen for her bravery in enduring those long, cold hours before the rescuers arrived.

Many of the dangerous circumstances of this winter have been found on South Dakota's Indian reservations. Blasted by blizzard after blizzard and woefully short of money and equipment, tribal workers have acted courageously throughout this difficult season.

Of particular note are the Rescue Rangers of the Cheyenne River Reservation, who during the height of the January blizzards led convoys of snowplows, ambulances, and four-wheel-drive vehicles to ensure that medical attention was received where it was needed. In dangerous conditions, the Rescue Rangers plowed through 30-foot drifts packed harder than adobe by 80-mile-an-hour winds. Creating an even greater challenge were the vast distances that had to be traveled to reach those in need.

At one point this month, seven Rescue Rangers nearly froze after becoming stranded on an 85-mile trip to provide medical attention to a tribal elder.

A truly heart-wrenching story was related to me by Gregg Bourland, chairman of the Cheyenne River Reservation, who told me of two families stranded in a snow-blocked pass on highway 63. After 14 hours, frostbitten and certain that rescue would come too late, the parents placed tags with vital information on each of their children so they might be identified after they had died. Thankfully, the Rescue Rangers arrived in time.

Luckily, not all of the stories of this winter are as terrible as that. For instance, I was touched to learn of the Bredvik family, who opened their home to stranded motorists along I–29 near the North Dakota border. While Lynn Bredvik picked up the travelers one by one in his snowmobile and brought them home, his mother Dorothy opened up her kitchen and provided each with a hearty breakfast of eggs, sausage, bread, and, in South Dakota, lefse. When asked why she would open her home to over a dozen strangers, Dorothy said it was "old hat" to her. It is what families do during blizzards.

I think Dorothy has summed it up for all of us. Her actions might seem extraordinary to someone else, but for people like her they are old hat. We like to think of our State as the biggest small town in America, where everyone is a member of the same community. We understand you cannot make it through this world alone and that we have a responsibility to help each other whenever or wherever we can.

We will need to continue to do that because this winter is not over. Weather reports from South Dakota continue to tell us of minus-50 degree windchills. We have received nearly 10 inches of new snow in the past couple of days, and there are over 2 more months of snow to come. We need to make sure that the farmers and ranchers devastated by their livestock losses can get the help they need and that low-income families can keep their homes heated during this freezing weather.

We must prepare ourselves for the inevitable floods of spring. When the great drifts that currently cover my State begin to melt, they will release their force on areas that have been declared Federal flood disasters in the last 4 of 5 years. Simply put, come spring there will be nowhere left for the water to go. We need to ensure that prompt Federal assistance is made available when this flooding occurs. These are difficult challenges to be sure, but together I am absolutely convinced that we will overcome them. We always do.

Finally, I want to thank everyone whose help has been so vital to South Dakota. This has been more than an individual or a State effort. America has pulled together. Our neighbors to the south, north, west and to the east have all helped and sent something—snowblowers, snowplows, teams of rescue workers. For hours upon end, workers and snowplows donated from States as far away as Texas have labored alongside our National Guard to keep the roads clear.

During the worst of the storms, when the Pine Ridge Indian Reservation was cut off from the outside world, 25,000 pounds of food were donated by Feed the Children, based in Oklahoma City, and delivered to Pine Ridge by the 28th Transportation Squadron of Ellsworth Air Force Base. Together they worked to ensure that no one would go without food. Indeed, help has poured into South Dakota from around the country. Even as we speak, Federal Emergency Management Agency teams are fanning out over South Dakota to assess the damage and bring help where it is needed. Thanks to the rapid response of President Clinton, public and private agencies too numerous to mention, and the support of our friends and neighbors all over, I am proud to announce to my colleagues this afternoon that we are pulling through.

So thank you, South Dakota, and thank you America. We are proud of you. All of your stories will never be known but you can be sure that they are alive in the hearts of those of us whom you have helped when we needed it the most.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STOKES COURTHOUSE

Mr. DEWINE. Mr. President, I introduced yesterday legislation to honor the late Carl Stokes.

Carl Stokes was born on the east side of Cleveland in 1927. He lost his father at the age of 2. When he was young, his family was so poor that Carl, his mother, and his brother LOUIS—now our distinguished colleague in the House of Representatives—had to sleep in the same bed.

In 1962, Carl Stokes was elected to the Ohio House of Representatives—the first African-American to serve as a Democrat in our State legislature.

In 1967, he was elected mayor of Cleveland—the first African-American ever to be elected mayor of a major U.S. city.

He served two terms as mayor, and in his second term, he became the first African-American to serve as an officer of the National League of Cities.

Carl Stokes later became a television news anchor in New York City, and a municipal judge in Cleveland. In 1994, President Clinton named him United States Ambassador to the Seychelles.

The Honorable Carl Stokes had a long and distinguished career before his untimely passing in April of last year. In his eulogy for Mayor Stokes, the Reverend Jesse Jackson called him "a dream maker and an odds buster."

That's exactly right. Carl Stokes was a man who made a difference. The people of Ohio will always remember him as a man of great courage and personal character.

For this reason, I am introducing legislation today to name the new Federal courthouse in Cleveland after this truly honorable man.

NOMINATION OF JOHN F. MAISTO, TO BE UNITED STATES AMBASSADOR TO THE REPUBLIC OF VENEZUELA

Mr. DEWINE. Mr. President, today I offer my support to the President's nomination of the Honorable John F. Maisto to serve as United States Ambassador to the Republic of Venezuela. Mr. President, it has been my pleasure to know Ambassador Maisto and I have known him as the United States Ambassador to Nicaragua. He has served with great distinction as our United States Ambassador to Nicaragua for the last 4 years, helping that country make its very historic transition to full democracy.

In fact, Mr. President, I had occasion to be in Nicaragua this past November, and it just happened to be the week that the Ambassador and his wife were leaving after 4 years. I had the opportunity to talk to Nicaraguans clear across the political spectrum. I had the opportunity to talk to Nicaraguans with all kinds of background, Nicaraguans who had many different political beliefs. But I found that it was unanimous that our Ambassador had done a fantastic job—a fantastic job of representing our country in a time in Nicaragua's history that was crucial for not only democracy to continue to develop in Nicaragua, but also crucial for our continuing relationship with this country, which we have had such a long relationship with in the past.

It was very clear to me, after talking to the many Nicaraguans that I saw, that our Ambassador was very well respected and that he had represented us exceedingly well.

Mr. President, before his posting to Managua, Ambassador Maisto had served as Deputy Assistant Secretary of State for Inter-American Affairs. He also served as Deputy U.S. Representative to the Organization of American States, and Deputy Chief of Mission in the United States Embassy in Panama.

Mr. President, this is a man whose hands-on experience with Latin America will serve us very well. It has served us in the past and will continue to serve us. Mr. President, the Ambassador will be an outstanding Ambassador to Venezuela, and I urge that his nomination be confirmed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, February 6, the Federal debt stood at $5,302,957,481,388.92.

One year ago, February 6, 1996, the Federal debt stood at $4,987,289,000,000.

Five years ago, February 6, 1992, the Federal debt stood at $3,801,444,000,000.

Ten years ago, February 6, 1987, the Federal debt stood at $2,232,746,000,000 which reflects a debt increase of more than $3 trillion ($3,074,337,787,977.17) during the past 10 years.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1008. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report under the Outer Continental Shelf Lands Act; to the Committee on Energy and Natural Resources.

EC–1009. A communication from the Deputy Assistant Secretary for Water and Science, Department of the Interior, transmitting, pursuant to law, the interim report on the High Plain States Groundwater Demonstration Program for October 1996; to the Committee on Energy and Natural Resources.

EC–1010. A communication from the President of the United States, transmitting, pursuant to law, Presidential Determination 96–54; to the Committee on Environment and Public Works.

EC–1011. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report entitled "Drinking Water Infrastructure Needs Survey"; to the Committee on Environment and Public Works.

EC–1012. A communication from the National Director, Tax Forms and Publications Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 97–11; to the Committee on Finance.

EC–1013. A communication from the Lieutenant General, USA Director, Defense Security Assistance Agency, transmitting, pursuant to law, the report on status of loans and guarantees under the Arms Export Control Act; to the Committee on Foreign Relations.

EC–1014. A communication from the Lieutenant General, USA Director, Defense Security Assistance Agency, transmitting, pursuant to law, the report on foreign military sales under the Arms Export Control Act; to the Committee on Foreign Relations.

EC–1015. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Exceptions to the Educational Requirements for Naturalization for Certain Applicants," received on February 3, 1997; to the Committee on the Judiciary.

EC–1016. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Priority Dates for Employment-Based Petitions," (RIN1115–AE24) received on February 3, 1997; to the Committee on the Judiciary.

EC–1017. A communication from the Copyright Office of the Library of Congress, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1018. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report under the Low-Income Home Energy Assistance Act; to the Committee on Labor and Human Resources.

EC-1019. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule relative to projects with industry, (RIN1820-AB13) received on January 31, 1997; to the Committee on Labor and Human Resources.

EC-1020. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule relative to disability and rehabilitation research projects, (RIN1820-AB38) received on February 3, 1997; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. AKAKA (for himself, Mr. FRIST, and Mr. INOUYE):

S. 291. A bill to provide for the management of the airspace over units of the National Park System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. BURNS, Mr. ROBB, Mrs. MURRAY, and Mrs. BOXER):

S. Res. 51. A resolution to express the sense of the Senate regarding the outstanding achievements of NetDay; to the Committee on Labor and Human Resources.

By Mr. DODD:

S. Con. Res. 6. A concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. FRIST, and Mr. INOUYE):

S. 291. A bill to provide for the management of the airspace over units of the National Park System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL PARKS AIRSPACE MANAGEMENT ACT OF 1997

Mr. AKAKA. Mr. President, in behalf of myself, Senator FRIST, and Senator INOUYE, I am today introducing the National Parks Airspace Management Act of 1997, a bill designed to mitigate the impact of commercial air tour flights over units of the National Park System. The measure would establish a new, statutory framework for minimizing the environmental effects of air tour activity on park units. This measure is similar to legislation I offered in the last two Congresses.

Briefly, our bill would specify the respective authorities of the National Park Service and the Federal Aviation Administration [FAA] in developing and enforcing park overflight policy; establish a process for developing individualized airspace management plans at parks experiencing significant commercial air tour activity; provide for the designation of those parks which did not experience commercial air tour activity as of January 1, 1997, as flight-free parks; establish a new, single standard governing the certification and operation of all commercial air tour operators that conduct flights over national parks; require a variety of safety measures, such as improved aircraft markings, maintenance of accurate aeronautical charts, installation of flight monitoring equipment, and an air tour data base; and, establish a National Park Overflight Advisory Council.

Mr. President, aircraft overflights of noise-sensitive areas such as national parks have been increasing in scope and intensity for a number of years, sparking significant public debate and controversy about the safety and environmental impact of such activity. The focus of much of the debate, and much of the controversy, has been the commercial air tour sightseeing industry, which has experienced explosive growth in some areas, notably at the Grand Canyon and in my own State of Hawaii. But significant commercial air tour activity has also been developing in such widely dispersed locations as Glacier National Park in Montana, the Utah national parks, Mount Rushmore in South Dakota, and the Statue of Liberty and Niagara Falls in New York. In fact, at Great Smoky Mountains National Park, commercial air tour overflights have fostered such opposition that the State of Tennessee has passed legislation to restrict such flights.

In 1987, precipitated by a midair collision at the Grand Canyon, Congress adopted the National Parks Overflights Act, Public Law 100-91. The act permanently banned below-the-rim flights at the Grand Canyon and led to a Special Federal Aviation Regulation—SFAR 50-2—establishing flight-free zones and air corridors at the park. The act also established temporary altitude restrictions for Yosemite National Park in California and Haleakala National Park in Hawaii. Finally, Public Law 100-91 mandated that the Park Service conduct a study on the impact of low-level flights on units of the National Park System.

Since passage of the National Parks Overflights Act, a number of important developments have occurred. First, in 1993 a Department of Transportation and Department of the Interior interagency working group was established to address park overflight issues of mutual concern, an acknowledgment by the executive branch that the issue required extensive interagency cooperation, but also a reflection of the deep differences in approach and attitude that existed between the National Park Service and the FAA on this contentious matter.

In 1994, the overflights report mandated by Public Law 100-91 was completed, identifying and documenting low-altitude flights as threats to park resources and recommending a variety of means to address these threats, such as incentives to encourage use of quiet aircraft technology, flight-free zones and flight corridors, altitude restrictions, noise budgets, and limits on times of air tour operations. Also in 1994, in response to a pair of helicopter crashes in the Pacific, the FAA issued an emergency flight rule—SFAR 71—imposing certain altitude and other operating restrictions on air tour operators in Hawaii.

More recently, last spring, the President issued an executive memorandum directing agency heads to participate in the effort to protect natural quiet in National Park System units. The memorandum led to the final rule for the Grand Canyon, issued in December 1996, providing for additional, delineated restrictions on air tour activity at the park. The memorandum also led to a new rule promulgated earlier this year to ban preemptively, for 2 years or until a national rule is developed, flights at Rocky Mountain National Park. Finally, as a result of the President's memorandum, the FAA and the Park Service were required to develop a comprehensive, national rule governing air tour flights at all national parks. Work on the national rule is in the preliminary stages.

While these developments have been welcome, it is fair to say that overall progress on the overflights issue has been desultory. For every Grand Canyon or Rocky Mountain, there are dozens of parks whose overflights problems remain completely unaddressed. In this regard, problems and delays associated with the development of a national rule have been particularly disappointing. Reportedly, the FAA and Park Service continue to squabble over matters of jurisdiction, and air tour operators and environmental organizations continue to prefer confrontation to accommodation. In the meantime, air tour-generated problems continue to accrete, exacerbating the environmental and safety consequences of park overflights. This experience has shown us that only Congress, through legislation, can produce lasting, effective policy on this matter.

Mr. President, when all is said and done, the simple truth is that the complex problems associated with park overflights cannot be fully resolved administratively. In my opinion, this state of affairs is largely due to the fact that the FAA and the Park Service, the two agencies with the heaviest responsibility for addressing park overflights, are governed by vastly different statutory mandates. On the one hand, the FAA is responsible for the safety and efficiency of air commerce; on the other, the Park Service is charged with protecting and preserving park resources. These mutually exclusive missions have bred different approaches, attitudes, and institutional cultures that have hindered interagency cooperation and development of a consistent, effective park overflights policy. Only by modifying or clarifying their statutory responsibilities with respect to the management of park airspace can the two Federal agencies be expected to work together consistently and systematically to address the overflight problem.

Mr. President, the legislation we are proposing today would address this and other barriers to the development of a comprehensive park overflights policy. Our bill deals with the commercial air tour overflights issue in a national context, since the safety and environmental concerns which are being debated so vociferously at the Grand Canyon and in Hawaii are being echoed at park units scattered throughout the National Park System.

At the outset, our bill establishes a finding that National Park Service policy recognizes the importance of natural quiet as a resource to be conserved and protected in certain park units. Toward that end, our legislation creates a new statutory framework for minimizing the environmental effects of air tour activity on units throughout the National Park System.

The bill articulates a regulatory scheme under which the Park Service and the FAA are required to work in tandem to develop operational policies with respect to the overflights problem. It provides for joint administration in many areas while clearly denoting the FAA's primary on matters related to safety and air efficiency and the Park Service's lead role in identifying the resources to be protected and the best means of protecting them.

The bill requires the development, with public involvement, of individually tailored park airspace management plans for units significantly affected by overflight activity, as determined by the Director of the Park Service. It calls for good faith negotiations between commercial air tour operators and both the Park Service and the FAA to reach agreement on flights over park areas.

It provides for the Park Service to recommend to the FAA the designation of individual units as "flight-free parks" for those units which, as of January 1, 1997, experienced no overflights by commercial air tour operators and where air tour flights would be incompatible with or injurious to the purposes or values of those parks.

It also mandates the development by the FAA of a generic operational rule for commercial air tour operations at all units of the National Park System, subject to modification at individual park units based on negotiations among air tour operators, the FAA, and the Park Service.

Our legislation requires the FAA to implement a single standard, through a new subpart of part 135, title 14, Code of Federal Regulations, for certifying commercial air tour operators. Such a uniform standard, which has been recommended by the National Transportation Safety Board [NTSB], will substantially enhance safety by providing essential consistency in such areas as pilot qualifications, training, and flight and duty time limitations.

It mandates commercial air tour safety initiatives recommended by the NTSB and others, including the installation of a flight monitoring system and the use of identification markings unique to a commercial air tour operator, the development of aeronautical charts which reflect airspace management provisions with respect to individual park units, and the development of a national database on air tour operations.

Last, but by no means least, the bill establishes a National Park Overflight Advisory Council which would provide advice and recommendations to the Park Service and the FAA on all issues related to commercial air tour flights over park units and serve as a national forum for interest groups, including representatives of the air tour industry and the environmental community, to exchange views constructively.

It is significant to note that our bill will not affect emergency flight operations, general aviation, military aviation, or scheduled commercial passenger flights that transit National Park System units. Furthermore, recognizing the special needs for air travel in Alaska, this bill will not affect the management of park units or aircraft operations over or within park units in the State of Alaska.

Mr. President, I believe that the legislation we are offering today will give us the tools to minimize the adverse effects of commercial air tour flights on park resources as well as on the ground visitor experience, while at the same time enhancing the safety of such flights. I believe it is a balanced measure that, through extensive opportunity for public involvement, attempts to accommodate the legitimate concerns of all park users, including air tour operators and passengers. Indeed, I strongly believe that under certain well-regulated conditions, air tourism provides an important service to many elderly, disabled, or other visitors who might otherwise never enjoy the wonders of our national parks.

Nevertheless, our bill's central premise is that the 369 park units of the National Park System were created because of their exceptional natural or cultural significance to the American people. All of the provisions of the National Parks Airspace Management Act are therefore designed with the protection of park resources as their essential, if not exclusive, goal. For it is self-evident that a park whose values have been corrupted is a park ultimately not worth visiting, by air or land.

Mr. President, in closing, I would like to acknowledge the fact that the senior Senator from Arizona [Mr. McCAIN] earlier this week introduced related legislation on park overflights. While his bill differs from ours in some details, the intent of both measures is the same—to mitigate the adverse effects of air tours flights on our national parks. Given our common goal, I hope that we can work together in crafting an effective, bipartisan approach to this troubling and divisive issue.

Thank you, Mr. President. I urge my colleagues to support the National Parks Airspace Management Act of 1997. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Parks Airspace Management Act of 1997".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Commercial air tour flights over units of the National Park System (referred to in this Act as "units") may have adverse effects on the units.

(2) The flights may degrade the experiences of visitors to the affected areas and may have adverse effects on wildlife and cultural resources in those areas.

(3) A significant number of complaints about commercial air tour flights over certain areas under the jurisdiction of the National Park Service have been registered.

(4) Although resource preservation is the primary responsibility of the National Park Service, the agency continues to struggle to develop a policy that would achieve an acceptable balance between flights over units by commercial air tour operators and the protection of resources in the units and the experiences of visitors to the units.

(5) Although the mission of the Federal Aviation Administration is to develop and maintain a safe and efficient system of air transportation while considering the impact of aircraft noise, the agency continues to have difficulty adequately controlling commercial air tour flights over units.

(6) Significant and continuing concerns exist regarding the safety of commercial air tour flights over some units, including concerns for the safety of occupants of the flights, visitors to those units, Federal employees at those units, and the general public.

(7) The concern of the Congress over the effects of low-level flights on units led to the enactment, on August 18, 1987, of the Act entitled "An Act to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units" (Public Law 100-91; 101 Stat. 674; 16 U.S.C. 1a-1 note).

(8) The Act referred to in paragraph (7) requires the Director of the National Park Service to identify problems associated with flights by aircraft in the airspace over units.

(9) Pursuant to the Act referred to in paragraph (7), on September 12, 1994, the Director submitted a report to Congress entitled "Report On Effects Of Aircraft Overflights On The National Park System".

(10) The National Park Service report concluded that, because the details of national park overflights problems are park-specific, no single altitude can be identified for the entire National Park System.

(11) The National Park Service report presented a number of recommendations for resolution of the problem of national park overflights, including—

(A) the development of airspace and park use resolution processes;

(B) the development of a single operational rule to regulate air tour operations;

(C) seeking continued improvements in safety and interagency planning related to airspace management; and

(D) the development of a Federal Aviation Administration rule to facilitate preservation of natural quiet.

(12) The policy of the National Park Service recognizes the importance of natural quiet as a resource to be conserved and protected in certain units.

(13) The National Park Service—

(A) defines natural quiet as "the natural ambient sound conditions found in certain units of the National Park Service"; and

(B) recognizes that visitors to certain units may reasonably expect quiet during their visits to those units established with the specific goal of providing visitors with an opportunity for solitude.

(14) The number of flights by aircraft over units has increased rapidly since the date of enactment of the Act referred to in paragraph (7) and, due to the high degree of satisfaction expressed by air tour passengers, as well as the economic impact of air tour operations on the tourist industry, the number of flights will likely continue to increase.

(15) A progression of aesthetic and safety concerns about low altitude flights have been associated with growth in commercial air tour traffic.

(16) As the number of flights over units continues to increase, the likelihood exists that there will be a concomitant increase in the number of conflicts regarding management of the airspace over the units.

(17) A need exists for a Federal policy to address the conflicts and problems associated with flights by commercial air tour aircraft in the airspace over units.

(18) A statutory process should be established to require the Secretary of Transportation and the Secretary of the Interior, acting through the Director, to work together to mitigate the impact of commercial air tour operations on units, or specific areas within units that are adversely affected by commercial air tour operations.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) AGREEMENT.—The term "agreement" means an agreement entered into by a commercial air tour operator, the Director, and the Administrator under section 4(h) that provides for the application of relevant provisions of an airspace management plan for the unit concerned to the commercial air tour operator.

(3) AIR TOUR AIRCRAFT.—The term "air tour aircraft" means an aircraft (including a fixed-wing aircraft or a rotorcraft) that makes air tour flights.

(4) AIR TOUR FLIGHT.—The term "air tour flight" means a passenger flight conducted by air tour aircraft for the purpose of permitting a passenger to the flight to view an area over which the flight occurs.

(5) COMMERCIAL AIR TOUR AIRCRAFT.—The term "commercial air tour aircraft" means any air tour aircraft used by a commercial air tour operator in providing air tour flights for hire to the public.

(6) COMMERCIAL AIR TOUR OPERATOR.—The term "commercial air tour operator" means a company, corporation, partnership, individual, or other entity that provides air tour flights for hire to the public.

(7) COUNCIL.—The term "Council" means the National Park Overflight Advisory Council established under section 9.

(8) DIRECTOR.—The term "Director" means the Director of the National Park Service.

(9) FLIGHT-FREE PARK.—The term "flight-free park" means a unit over which commercial air tour operations are prohibited.

(10) UNIT.—The term "unit" means a unit of the National Park System.

SEC. 4. NATIONAL PARK AIRSPACE MANAGEMENT PLANS.

(a) IN GENERAL.—The Director and the Administrator shall, in accordance with this section, develop and establish a plan for the management of the airspace above each unit that is affected by commercial air tour flights to the extent that the Director considers the unit to be a unit requiring an airspace management plan.

(b) PURPOSE OF PLANS.—The purpose of each plan developed under subsection (a) is to minimize the adverse effects of commercial air tour flights on the resources of a unit.

(c) DEVELOPMENT OF AIRSPACE MANAGEMENT PLANS.—

(1) TREATMENT OF RELEVANT EXPERTISE.—In developing plans under subsection (a)—

(A) the Administrator shall defer to the Director in matters relating to the identification and protection of park resources; and

(B) the Director shall defer to the Administrator in matters relating to the safe and efficient management of airspace.

(2) NEGOTIATED RULEMAKING.—In developing a plan for a unit, the Director and the Administrator shall consider utilizing negotiated rulemaking procedures as specified under subchapter III of chapter 5 of title 5, United States Code, if the Director and the Administrator determine that the utilization of those procedures is in the public interest.

(d) COMMENT ON PLANS.—In developing a plan for a unit, the Director and the Administrator shall—

(1) ensure that there is sufficient opportunity for public comment by air tour operators, environmental organizations, and other concerned parties; and

(2) give due consideration to the comments and recommendations of the Council and the Federal Interagency Airspace/Natural Resource Coordination Group, or any successor organization to that entity.

(e) RESOLUTION OF PLAN INADEQUACIES.—If the Director and the Administrator disagree with respect to any portion of a proposed plan under subsection (a)—

(1) the Director and the Administrator shall refer the proposed plan to the Secretary of the Interior and the Secretary of Transportation; and

(2) the Secretary of the Interior and the Secretary of Transportation shall jointly resolve the disagreement.

(f) ASSESSMENT OF EFFECTS OF OVERFLIGHTS.—The Director and the Administrator may jointly conduct studies to ascertain the effects of low-level flights of commercial air tour aircraft over units that the Director and the Administrator consider necessary for the development of plans under subsection (a).

(g) PERIODIC REVIEW.—

(1) IN GENERAL.—Not less frequently than every 5 years after the date of establishment of a plan under subsection (a), the Director and the Administrator shall review the plan.

(2) PURPOSE OF REVIEW.—The purpose of the review shall be to ensure that the plan continues to meet the purposes for the plan.

(3) REVISION.—The Director and the Administrator may revise a plan if they jointly determine, based on that review, that the revision is advisable.

(h) FLIGHTS OVER UNITS COVERED BY PLANS.—

(1) AGREEMENT.—A commercial air tour operator may not conduct commercial air tour flights in the airspace over a unit covered by an airspace management plan developed under subsection (a) unless the commercial air tour operator enters into an agreement with the Director and the Administrator that authorizes such flights.

(2) CONTENTS.—An agreement under paragraph (1) shall—

(A) provide for the application of relevant provisions of the airspace management plan for the unit concerned to the commercial air tour operator; and

(B) to the maximum extent practicable, provide for the conduct of air tour flights by the air tour operator in a manner that minimizes the adverse effects of the air tour flights on the environment of the unit.

SEC. 5. FLIGHT-FREE PARKS.

For units that, as of January 1, 1997, experienced no overflights by commercial air tour operators, the Director, in consultation with the Administrator, shall—

(1) prescribe criteria to identify units where air tour flights by commercial air tour aircraft would be incompatible with or injurious to the purposes and values for which the units were established;

(2) identify any units that meet those criteria; and

(3) designate those units as "flight-free park" units.

SEC. 6. SINGLE OPERATIONAL RULE FOR COMMERCIAL AIR TOUR OPERATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), the Administrator, after notice and hearing on the record, shall issue a regulation governing the operation of all air tour aircraft flights by commercial air tour operators over units.

(b) SEPARATE OPERATIONAL RULES.—

(1) IN GENERAL.—The Administrator may issue regulations that prescribe separate operational rules governing the conduct of flights by fixed-wing aircraft and by rotorcraft if the Administrator determines under subsection (a) that separate rules are warranted.

(2) DEVELOPMENT OF OPERATIONAL RULE.—In developing an operational rule under paragraph (1), the Administrator shall—

(A) consider whether differences in the characteristics and effects on the environment of fixed-wing aircraft and rotorcraft warrant the development of separate operational rules with respect to that craft;

(B) provide a mechanism for the Director to recommend individual units or geographically proximate groups of units to be designated as aerial sightseeing areas, as defined by section 92.01 of the Federal Aviation Administration Handbook, dated January 1992; and

(C) provide a mechanism for the Director to obtain immediate assistance from the Administrator in resolving issues relating to the use of airspace above units with respect to which the issues are of a critical, time-sensitive nature.

(c) EFFECT ON AGREEMENTS.—Nothing in this section is intended to preclude the Administrator, the Director, and a commercial air tour operator from entering into, under section 4(h), an agreement on the conduct of air tour flights by the air tour operator over a particular unit under different terms and conditions from those imposed by an operational rule issued under this subsection.

SEC. 7. AIRCRAFT SAFETY.

(a) DEVELOPMENT OF A SINGLE STANDARD FOR CERTIFYING COMMERCIAL AIR TOUR OPERATORS.—

(1) COMMENCEMENT OF RULEMAKING.—The Administrator shall initiate formal rulemaking proceedings (which shall include a hearing on the record) for the purpose of revising the regulations contained in part 135 of title 14, Code of Federal Regulations (relating to air taxi operators and commercial operators), to prescribe a new subpart to specifically cover all commercial air tour operators (as that term shall be defined by the Administrator under the subpart) that conduct commercial air tour flights over units.

(2) COVERED MATTERS.—The regulations issued under subsection (a) shall address safety and environmental issues with respect to commercial air tour flights over units. In issuing the regulations, the Administrator shall attempt to minimize the financial and administrative burdens imposed on commercial air tour operators.

(b) AIRCRAFT MARKINGS.—

(1) REQUIREMENT.—Each operator of commercial air tour aircraft shall display on each air tour aircraft of the operator the identification marks described in paragraph (2).

(2) IDENTIFICATION MARKS.—The identification marks for the aircraft of a commercial air tour operator shall—

(A) be unique to the operator;

(B) be not less than 36 inches in length (or a size consistent with the natural configuration of the aircraft fuselage);

(C) appear on both sides of the air tour aircraft of the air tour operator and on the underside of the aircraft; and

(D) be applied to the air tour aircraft of the air tour operator in a highly visible color that contrasts sharply with the original base color paint scheme of the aircraft.

(c) AERONAUTICAL CHARTS.—The Administrator shall ensure that the boundaries of each unit and the provisions of the airspace management plan, operational rule, or Special Federal Aviation Regulation (SFAR), if any, with respect to each unit are accurately displayed on aeronautical charts.

(d) FLIGHT MONITORING SYSTEMS.—

(1) IN GENERAL.—The Administrator shall carry out a study of the feasibility and advisability of requiring that commercial air tour aircraft operating in the airspace over units have onboard an automatic flight tracking system capable of monitoring the altitude and ground position of the commercial air tour aircraft.

(2) DETERMINATION BY ADMINISTRATOR.—If the Administrator determines under the study required under paragraph (1) that the use of flight tracking systems in commercial air tour aircraft is feasible and advisable, the Administrator and the Director shall jointly develop a plan for implementing a program to monitor the altitude and position of commercial air tour aircraft over units.

(e) NATIONAL DATA BASE FOR COMMERCIAL AIR TOUR OPERATORS.—The Administrator shall—

(1) establish and maintain a data base concerning all commercial air tour aircraft operated by commercial air tour operators that shall be designed to provide data that shall be used in making—

(A) determinations of—

(i) the scope of commercial air tour flights; and

(ii) accident rates for commercial air tour flights; and

(B) assessments of the safety of commercial air tour flights; and

(2) on the basis of the information in the data base established under paragraph (1), ensure that each flight standards district office of the Administration that serves a district in which commercial air tour operators conduct commercial air tour flights is adequately staffed to carry out the purposes of this Act.

SEC. 8. EXCEPTIONS.

(a) FLIGHT EMERGENCIES.—This Act does not apply to any aircraft—

(1) experiencing an in-flight emergency;

(2) participating in search and rescue, firefighting or police emergency operations;

(3) carrying out park administration or maintenance operations; or

(4) complying with air traffic control instructions.

(b) FLIGHTS BY MILITARY AIRCRAFT.—This Act does not apply to flights by military aircraft, except that the Secretary of Defense is encouraged to work jointly with the Secretary of Transportation and the Secretary of the Interior in pursuing means to mitigate the impact of military flights over units.

(c) FLIGHTS FOR COMMERCIAL AERIAL PHOTOGRAPHY.—The Director and the Administrator shall jointly develop restrictions and fee schedules for aircraft or rotorcraft engaged in commercial aerial photography over units at altitudes that the Director and the Administrator determine will impact adversely the resources and values of affected units.

SEC. 9. NATIONAL PARK OVERFLIGHT ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Park Overflight Advisory Council".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall be comprised of the following members:

(A) Members from each of the following groups, appointed jointly by the Director and the Administrator:

(i) Environmental or conservation organizations, citizens' groups, and other groups with similar interests.

(ii) The commercial air tour industry and organizations with similar interests.

(B) Representatives of departments or agencies of the Federal Government.

(C) Such other persons as the Administrator and the Director consider appropriate.

(c) DUTIES.—The Council shall—

(1) determine the effects of commercial air tour flights in the airspace over the units on the environment of the units;

(2) determine the economic effects of restrictions or prohibitions on the flights;

(3) solicit and receive comments from interested individuals and groups on the flights;

(4) develop recommendations for means of reducing the adverse effects of the flights on the units;

(5) explore financial and other incentives that could encourage manufacturers to advance the state-of-the-art in quiet aircraft and rotorcraft technology and encourage commercial air tour operators to implement the technology in flights over units;

(6) provide comments and recommendations to the Director and the Administrator under section 4;

(7) provide advice or recommendations to the Director, the Administrator, and other appropriate individuals and groups on matters relating to flights over units; and

(8) carry out such other activities as the Director and the Administrator jointly consider appropriate.

(d) MEETINGS.—The Council shall first meet not later than 180 days after the date of enactment of this Act, and shall meet thereafter at the call of a majority of the members of the Council.

(e) ADMINISTRATION.—

(1) COMPENSATION OF NON-FEDERAL MEMBERS.—Members of the Council who are not officers or employees of the Federal Government shall serve without compensation for their work on the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703(b) of title 5, United States Code, to the extent funds are available for that purpose.

(2) COMPENSATION OF FEDERAL MEMBERS.—Members of the Council who are officers or employees of the Federal Government shall serve without compensation for their work on the Council other than that compensation received in their regular public employment, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law, to the extent funds are available for that purpose.

(f) REPORTS.—Not later than 1 year after the initial meeting of the Council, and annually thereafter, the Council shall submit to Congress, the Administrator, and the Director a report that—

(1) describes the activities of the Council under this section during the preceding year; and

(2) sets forth the findings and recommendations of the Council on matters related to the mitigation of the effects on units of flights of commercial air tour operators over units.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 10. EXEMPTION FOR STATE OF ALASKA.

Nothing in this Act shall affect—

(1) the management of units in the State of Alaska; or

(2) any aircraft operations over or within units in the State of Alaska.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. DASCHLE, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 11, a bill to reform the Federal election campaign laws applicable to Congress.

S. 268

At the request of Mr. McCain, the name of the Senator from Tennessee [Mr. Thompson] was added as a cosponsor of S. 268, a bill to regulate flights over national parks, and for other purposes.

SENATE CONCURRENT RESOLUTION 6—RELATIVE TO AFGHANISTAN

Mr. DODD submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 6

Whereas Congress recognizes that the legacy of civil conflict in Afghanistan during the last 17 years has had a devastating effect on the civilian population in that country and a particularly negative impact on the rights and security of women and girls;

Whereas the longstanding civil conflict in Afghanistan among the warring political and military factions has created an environment where the rights of women and girls are routinely violated;

Whereas the Afghan forces led by Burhanuddin Rabbani and Abdul Rashid Dostum are responsible for numerous abhorrent human rights abuses, including the rape, sexual abuse, torture, abduction, and persecution of women and girls;

Whereas Congress is disturbed by the upsurge of reported human rights abuses, including extreme restrictions placed on women and girls, since the Taliban coalition seized the capital city of Kabul;

Whereas Afghanistan is a sovereign nation and must work to solve its internal disputes; and

Whereas Afghanistan and the United States recognize international human rights conventions, such as the International Convenant on Economic, Social, and Cultural Rights, which espouse respect for basic human rights of all individuals without regard to race, religion, ethnicity, or gender: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) Congress hereby—

(1) deplores the violations of international humanitarian law by the Taliban coalition in Afghanistan and raises concern over the reported cases of stoning, public executions, and street beatings;

(2) condemns the Taliban's targeted discrimination against women and girls and expresses deep concern regarding the prohibition of employment and education for women and girls; and

(3) takes note of the recent armed conflict in Kabul, affirms the need for peace negotiations and expresses hope that the Afghan parties will agree to a cease-fire throughout the country.

(b) It is the sense of Congress that the President should—

(1) continue to monitor the human rights situation in Afghanistan and should call for an end to discrimination against women and girls in Afghanistan and for adherence by all factions in Afghanistan to international humanitarian law;

(2) review United States policy with respect to Afghanistan if the Taliban coalition and others do not cease immediately the harassment and other discriminatory practices against women and girls;

(3) encourage efforts to procure a durable peace in Afghanistan and should support the United Nations Special Mission to Afghanistan led by Norbert Holl to assist in brokering a peaceful resolution to years of conflict;

(4) call upon the Government of Pakistan to use its good offices with the Taliban to reverse the Taliban's restrictive and discriminatory policies against women and girls; and

(5) call upon other nations to cease providing financial assistance, arms, and other kinds of support to the militaries or political organizations of any of the warring factions in Afghanistan.

Sec. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit such copy to the United Nations and relevant parties in Afghanistan.

Mr. DODD. Mr. President, as a matter of cold war aggression, Soviet troops invaded, as we all remember, Afghanistan in December of 1979. After years of harsh struggle for independence, the Afghan people finally achieved that goal of independence in 1992. No sooner, however, had the Soviet threat been lifted than a new destabilizing force emerged in that region. Then, instead of fighting outside aggressors, the Afghans started fighting among themselves.

Today, Afghan civilians continue to live in constant fear: fear of being embroiled in armed conflict; fear of being abducted by one militia group or another; fear of persecution and torture; fear of rape and sexual harassment; and, finally, fear of dying an early and senseless death.

Amnesty International has done an excellent job of monitoring and reporting on the deteriorating human rights situation in Afghanistan.

Mr. President, I ask unanimous consent that a factsheet prepared by Amnesty International be printed at the end of these remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Mr. President, the conflict in Afghanistan has changed dramatically in recent months. In September 1996, the Taliban coalition seized the capital city of Kabul, thereby securing control of two-thirds of the territory of Afghanistan.

The Taliban, many of whom grew up and were educated in the refugee camps in Pakistan during the war years of the 1980's, see themselves as the guardians of Afghan security and stability. Unfortunately, this guardianship has had very harsh consequences for the women and young girls of Afghanistan. Moreover, in an effort to solidify total control over Afghanistan, they continue to engage militarily with the other factions led by various leaders of that country. Today, the Taliban controls three-quarters of the nation.

Mr. President, my concern here is that we have had significant reports of terrible abuse of the young women of Afghanistan by the Taliban, including denying them even the basic opportunities to work. Many of the teachers in Afghanistan were women. They have been denied entirely the right to work, to teach.

Internal tensions have been exacerbated by players who have encouraged the various factions to continue the armed conflict in order to advance their own selfish economic and security interests. Outside assistance in the form of arms transfer, military training, and financial aid seriously undermined international efforts to broker a political solution to the conflict.

With respect to humanitarian issues, the fact of the matter is that none of the parties involved in the civil conflict are innocent. All have contributed to the extraordinary human rights crisis.

While all these human rights abuses concern me, today I want to call specific attention to the deteriorating human rights practices as they relate to the rights and treatment against Afghan women and girls—much of these at the hands of the Taliban. I am deeply disturbed by the Taliban's discriminatory treatment of women and girls. Some of the most objectionable features of the Taliban's discriminatory policies include barring women from employment, prohibiting girls from attending schools, restricting the times when women and girls may leave their homes, and mandating a restrictive dress code for females. Moreover, the Taliban has reacted to women and girls who stray from these restrictive policies with public rebukes in the form of street beatings and stonings.

I believe, and imagine most of my colleagues would agree that: Women should have the right to work—to earn a living for their families using their knowledge, expertise, and skills; girls and women must be given access to basic education; and both women and men must be afforded a basic sense of humanity and respect. Street beatings, amputations, and other forms of summary justice for alleged crimes are unacceptable.

The United States cannot stand idly by in the face of unconscionable violations of basic human rights and needless killings. We certainly cannot condone, by our silence, the plainly discriminatory practices which severely handicap women and girls.

I believe that the resolution I have introduced today will call public attention to the serious situation in Afghanistan. I urge my colleagues to join me in reaffirming the need for a peaceful settlement for a country that has been plagued by the brutality of war for too many years; in urging all the factions in Afghanistan to adhere to internationally recognized principles of human rights; and in calling an end to the Taliban's discriminatory policies toward women and girls. I hope my colleagues will join me in supporting the enactment of this resolution at the appropriate time.

I am going to, Mr. President, send this resolution to the desk. And I urge my colleagues to take a look at it, along with a report from Amnesty International, and urge that they join with me in our condemnation of these events as they are occurring today.

Hopefully, we can consider this resolution at some appropriate time on the floor of the U.S. Senate and adopt it and send a clear message that those of us in this body—while there are many issues we deal with at home—that an issue such as this basic fundamental denial of human rights should not go unrecognized as an institution here that cares so deeply about it in a bipartisan way as we have talked about so frequently. I urge they give their support to this resolution. I just send it to the desk, Mr. President.

The ACTING PRESIDENT pro tempore. The resolution will be received.

EXHIBIT 1

AFGHANISTAN: AMNESTY INTERNATIONAL BRIEF, JANUARY 24, 1997

Summary

For years Amnesty International has consistently decried the shocking human rights abuses committed by all sides of the conflict in Afghanistan. Due to the last twelve years of civil war, 400,000 children have been killed, five million people, one-third of the population, have been made refugees, Afghanistan is the most heavily mined country in the world, women have been treated as spoils of war.

Since the emergence of the Taliban as a major political and military force in 1994 and the takeover of Kabul on September 27, 1996, a new chapter has opened in the long history of human rights abuses in Afghanistan. The Taliban's strict interpretation of Islamic law have led them to severely restrict public freedom, especially with regards to women.

The Taliban

The Taliban, (literally "religious students"), were trained and organized in Islamic schools in Pakistan. They now control approximately three-fourths of the country, with other factions controlling the rest. When the Taliban first took over Kabul, it seemed that perhaps the death and destruction of the previous years of fighting could finally be replaced by some semblance of stability. However, it soon became apparent that the price of this stability would be human rights, and its primary victims would be women.

Abuses against women

Women have suffered tremendously over the years of conflict in Afghanistan as rape victims, casualties of war, refugees, and mothers, sisters, and wives of the dead. However, since the Taliban's rise, their strict policies towards women's behavior have been of particular concern. These policies not only violate internationally recognized standards of human rights but do so solely based on their gender.

All schools for girls have been closed and women forbidden from attending universities.

Women are not allowed to work outside the home or leave the house without being covered from head to toe.

Women have been beaten for allowing their head covering to slip or showing a few inches of ankle.

Appearing in public without "proper" reason is punished by severe beating. One woman received bullet wounds for leaving her home in order to take her child to the doctor.

By forbidding women to work outside the home, the Taliban have severely limited many families' incomes. Especially hard hit are some 30,000 widows who were the primary providers for their families and now have no means to support them.

Women's medical care has suffered, as women are not allowed to be treated by male doctors, and the female doctors are now forbidden to work.

Other concerns

Amnesty International is also concerned with several other forms of human rights abuses perpetrated by the Taliban. These include:

Deliberate and arbitrary killings: These include civilians killed in retribution, for being suspected anti-Taliban sympathizers, and captured soldiers.

Political prisoners: The Taliban have detained hundreds, possibly more than a thousand, civilians for their ethnic origin, political affiliation, or refusing to obey the Taliban's religious edicts.

Torture and Ill-treatment: Beatings have become a common form of punishment, and prisoners are often used for life-threatening work such as clearing minefields.

Unfair trials and cruel or inhumane punishments: Courts of law in Taliban-controlled areas are presided over by "Islamic" judges who sentence such punishments as stonings and amputations.

SENATE RESOLUTION 51—CONCERNING THE OUTSTANDING ACHIEVEMENTS OF NETDAY

Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. BURNS, Mr. ROBB, Mrs. MURRAY and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 51

Whereas the children of the United States deserve the finest preparation possible to face the demands of this Nation's changing information-based economy;

Whereas in the year 1996, NetDay succeeded in bringing together more than 100,000 volunteers nationwide to install the wiring infrastructure necessary to connect classrooms, from kindergarten to the high school level (K–12), to the Information Superhighway and bring them the educational benefits of contemporary technology;

Whereas NetDay succeeded in wiring 25,000 K–12 schools nationwide efficiently and cost-effectively, while establishing and improving classroom information infrastructure;

Whereas NetDay organizers created a World Wide Web site (http://www.netday96.com/) with an on-line database of all public and private K–12 schools, where individuals with a shared interest in upgrading technology in their schools can locate each other and form communities with a lasting interest in their schools;

Whereas NetDay stresses educational opportunity for everyone by reaching out to rural and lower income communities to equalize access to current technology;

Whereas the relationships formed through NetDay activities and initiatives between schools and their communities will last well beyond 1996 into the 21st century, and other communities are already planning to organize future NetDay projects that build and expand upon the initial achievements of NetDay in 1996;

Whereas NetDay has substantially increased the visibility of educational technology issues;

Whereas NetDay enables K–12 schools to move into the information age through community and cyberspace-based action;

Whereas students and schools benefited from significant NetDay corporate sponsorship and donations from hundreds of companies and organizations throughout the nation who contributed by sponsoring individual schools, providing wiring kits, and helping to design and test the networks;

Whereas NetDay will help facilitate the placement of educational technology, such as computer hardware, software, Internet and technical services, and teaching aids and training material, in the hands of schools through NetDay activities nationwide; and

Whereas both past and future NetDay activities across America will save schools and taxpayers millions of dollars in technology startup costs: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the organizers, coordinators, and volunteers of NetDay throughout the United States should be commended for their actions;

(2) NetDay's success should be used as a positive model in other communities throughout the United States, this year and in future years;

(3) NetDay activities should continue to expand nationwide to assist students, parents, and schools across the country, so that they may obtain the full benefits of computer equipment and networks, strengthen their educations, and begin careers with more skills and opportunities in order to help them compete more successfully in the global economy;

(4) businesses, students, parents, educators, and unions throughout the country should consider organizing NetDay activities in their communities to provide similar opportunities for their schools; and

(5) the Senate affirms its support of NetDay's commitment to have classrooms of K–12 schools fitted with the needed technological infrastructure for the 21st century.

● Mrs. FEINSTEIN. Mr. President, on behalf of myself, Senator JOHN WARNER, Senator CONRAD BURNS, Senator CHARLES ROBB, Senator PATTY MURRAY, and Senator BARBARA BOXER, I rise today to reintroduce a Senate resolution acknowledging the achievements of NetDay and affirming NetDay's commitment to wire our local K–12 schools to the information superhighway. I wish to commend the organizers and volunteers of NetDay, a nationwide public-private partnership.

Last year, NetDay was successful in bringing out more than 100,000 Americans, including 50,000 Californians to volunteer in their neighborhood schools. These students, teachers, parents, and friends of the schools came to wire classrooms and school libraries throughout the Nation. Thousands of individuals accomplished their goal to install communications cables, connect wires and switches to upgrading their schools for the 21st century.

Their success was significant. Over 25,000 elementary, junior, and senior high schools were wired. Throughout the United States, volunteers climbed ladders and got on their hands and knees to install the wiring infrastructure needed to connect thousands of elementary and secondary school classrooms with contemporary technology.

In recognition of the NetDay effort, I am very proud to submit a Senate resolution commending all of the more than 100,000 volunteers for their hard work and dedication to ensure that schools throughout America have the needed technological infrastructure for the 21st century.

NetDay began in California on March 9, 1996. The term was coined by cofounders John Gage of Sun Microsystems, one of the Nation's leading technology companies and Michael Kaufman of KQED, a California public broadcasting station. Mr. Gage and Mr. Kaufman saw this initiative as a day where hundreds of Californians came out to an old-fashioned barn raising for the modern technology age.

Just as volunteers would gather in the Nation's early years, with neighbor helping neighbor, to build homes, barns, or community buildings, California's NetDay volunteers gather in support of neighborhood schools. Amazingly, and to their surprise, NetDay succeeded in 1 year in wiring 3,500 schools efficiently and cost effectively, establishing and improving our classroom information infrastructure up and down the State.

The NetDay effort is an important one to California. Despite the State's tremendous resources, opportunities, and wealth of technology companies, California still ranks at the bottom of States in funds spent per student on computers. The cost today of providing a computer for each student, from kindergarten to high school, is approximately $6 billion for 1,159,565 computers in California. NetDay activities are one way to ease some of the financial burden.

With our current budget deficit, we have been doing everything to encourage local, volunteer solutions to difficult problems. NetDay activities across America have and will continue to save schools and taxpayers millions of dollars in technology start-up costs by providing equipment, computer time, and training for teachers through the school's corporate partners. Business sponsors and corporate volunteers have been instrumental in making NetDay a successful reality.

But we should also note that NetDay was not just about saving money. The most valuable asset of NetDay was the commitment of thousands of volunteers who worked in their community schools. The relationships formed between schools and their communities will extend beyond 1996. NetDay volunteers have the continued goal of stimulating and facilitating communities in the United States to participate in their local schools. Parents and neighbors who had previously never visited or been involved in their children's school are now motivated to come back to the classroom and work to improve their child's learning environment.

NetDay organizers tell me that communities across the Nation are already planning to organize future NetDay activities, building and expanding upon earlier achievements. Further, in April of this year, NetDay organizers will be focusing resources on schools and communities that are often underserved.

We all agree our children deserve the finest preparation possible to face the demands of the changing information-based economy. We need to provide the next generation with the proper training for high-technology, well paying jobs. This will only happen if we include all our neighborhoods. NetDay will help meet these challenges, stressing educational opportunity for everyone by reaching out to rural and lower income communities where current technology may be inadequate or incomplete. Even if students don't have computers at home, at least students can have access at schools to explore, develop skills, learn, and grow. Congress should encourage these important goals.

With this resolution we can support the overall effort of ensuring that our classrooms are equipped with effective and constructive learning tools. As students move from elementary school to high school and then into college or the work force, it is imperative that these individuals are adequately trained to use contemporary technologies. This resolution will help motivate our communities, both volunteers and businesses, to provide donated resources, to build upon the success of the NetDay experience and to ensure that the children in all our towns and cities reap the benefits of an advanced learning environment.

I would also like to take this time to congratulate this administration for making the improvement of our classroom's technological infrastructure a priority. This administration deserves great credit for advancing education and technology. Last year, President Clinton and Vice President GORE joined thousands of Californian volunteers in fulfilling this goal. They also support the expansion of NetDay activities nationwide to increase the level of technology in our classrooms to enhance our children's ability to learn.

It is my pleasure to submit this resolution commending the NetDay cofounders, Michael Kaufman and John Gage, the dozens of corporate sponsors and business partners, and the thousands of students, teachers, parents, and, neighbors working in community schools throughout California and the Nation. The success and commitment they have shown can serve as a positive model, this year and in future years.

My colleague and cochair on the U.S. Senate Information Technology Caucus, Senator JOHN WARNER joins me in cosponsoring this resolution. In addition, Senator CONRAD BURNS of Montana, Senator CHARLES ROBB of Virginia, Senator PATTY MURRAY from Washington, and my California colleague Senator BARBARA BOXER join me in supporting the advancement of educational technology by sponsoring this resolution. Together, we urge our Senate colleagues to affirm congressional support for preparing U.S. classrooms with the needed technological infrastructure for the 21st century.

In today's global economy, America's students will face challenges on an international scale. Students must graduate with the skills needed to face today's changing workplace. Computers and technology can enhance the educational experience of children and provide a valuable complement to traditional teaching tools. Technology is not the complete solution to our complex education needs, but it is an important area that needs both our attention and our support.

I invite my Senate colleagues to join this public-private partnership effort.●

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Wednesday, February 12, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is "Teamwork for Employees and Managers (TEAM) Act." For further information, please call the committee, 202–224–5375.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building on Thursday, February 13, 1997, at 9:30 a.m. to mark up recurring budgets contained in the omnibus committee funding resolution for 1997 and 1998.

For further information concerning this markup, please contact Chris Shunk of the committee staff.

ORDER OF BUSINESS

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING DR. PHILLIP R. SHRIVER

Mr. DEWINE. Mr. President, I rise today to honor, on a very special occasion, one of the most important figures in the history of education in the State of Ohio. This year, Dr. Phillip R. Shriver will celebrate the 50th anniversary of his career as a teacher.

Dr. Shriver was born in Cleveland in 1922. When he was 6 years old, his grandfather gave him an Indian spear point, and thus began his lifelong interest in Ohio history.

He graduated from Yale in 1943, graduating early so he could go and make some history himself as a Navy lieutenant in World War II.

When Dr. Shriver got back to the United States, he set his sights on his work of a lifetime. Armed with an M.A. from Harvard in 1946, and his Ph.D. from Columbia in 1954, he began teaching history to generation after generation of Ohio students.

In 1947, Dr. Shriver joined the faculty at Kent State University. In 1965, he became the president of Miami University, greeting in his first incoming class a freshman, myself, and my future wife, Frances Struewing.

He served as Miami's president for 16 years—all the while continuing to teach. He has also served as president of the Ohio College Association, and as chairman of the Council of Presidents of the National Association of State Universities and Land Grant Colleges.

Even after his retirement from the presidency of Miami, he continues his mission in the classroom. Dr. Shriver continues to teach.

It has been said that the past is prologue. Well, I think of the enthusiasm of Dr. Phillip Shriver, as he has made Ohio's past a living reality for countless young men and women, I cannot help thinking that he has done much to shape the future of our State and the lives of its people.

Mr. President, I join all of his family and friends in congratulating him on a truly historic milestone.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent that I be permitted to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 291 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. AKAKA. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN

Mr. LOTT. Mr. President, I ask unanimous consent that the RECORD remain open until 3 p.m. today, for Senators to include statements and to introduce legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, FEBRUARY 10, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, February 10. I further ask that immediately following the prayer, the routine requests through the morning hour be granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, for the information of the Senate, the phrase "the routine requests through the morning hour" are deemed to include the approval of the Journal to date, the waiving of resolutions coming over under the rule, the waiving of the call of the calendar, and the expiration of the morning hour.

Mr. President, I ask unanimous consent that the Senate then proceed to a period of morning business until the hour of 1 p.m., for Senators to speak during the designated times: Senator DASCHLE or his designee from 12 to 12:30, Senator THOMAS or his designee from 12:30 to 1.

I further ask unanimous consent that at 1 o'clock the Senate resume consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget, and that Senator WELLSTONE then be recognized at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, the Senate will continue the debate on the balanced budget amendment on Monday. Under a previous order, the Senate will resume debate on the Durbin amendment at 3:30 with a vote occurring on or in relation to that amendment at approximately 5:30 on Monday. Senators can, therefore, expect the next rollcall vote on Monday, February 10, at 5:30.

Prior to that debate, Senator WELLSTONE will be recognized to offer two amendments. It is my hope we will be able to complete all debate on Senator WELLSTONE's amendments during Monday's session, however those amendments will be voted on during Tuesday's session.

I also remind my colleagues that next week is the final week of business prior to the Presidents' Day recess. I hope we will be able to make continued progress on the balanced budget amendment, and it is possible the Senate will act on a number of nominations that will be available. In fact, we do have pending before us for consideration the nomination of Charlene Barshefsky to be the U.S. Trade Representative, although her nomination will involve probably a vote on a waiver of an existing law, and possibly an amendment to that waiver that may be offered by Senator HOLLINGS or others; so we will have to keep that in mind. And we expect to have the nomination reported out for U.N. Ambassador Richardson.

We also may be voting next week on the mandatory provisions included in last year's omnibus appropriations bill involving population planning funding. That will depend on whether the House is able to complete its action early in the week. But we could very well get to a vote on that issue Wednesday or Thursday of next week because we would like to complete it, if we could, before the Presidents' Day recess.

We will continue, then, to have debate on amendments, with time agreements wherever possible, on the constitutional amendment for a balanced budget. So I urge my colleagues to be understanding next week.

We also will be out a good portion of Thursday morning for Ambassador Harriman's funeral, and therefore we probably won't be able to get started with votes until sometime after noon on Thursday. But we'll have a full day on Monday, Tuesday, Wednesday, and Thursday next week before we go out for the Presidents' Day recess.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order, following the remarks of Senator DODD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mr. DODD. Mr. President, first, I express my gratitude to the majority leader for graciously arranging at the end of the business time for me to address the issue at hand, and that is the proposed constitutional amendment to balance the budget.

I, like all of my colleagues, do not know a single Member of this body who disagrees with the proposition that we ought to be balancing the budget or getting us close to it and as quickly as we possibly can. I don't think there is any debate about the desired goal shared by everyone in this Chamber and the overwhelming majority of Americans in this country for a balanced budget. They do, I think, Mr. President, share this goal for wise reason.

I was asked the other day in a classroom in my home State of Connecticut by students, "Why is balancing the budget, why is there so much talk about that? What is the importance of that?" Maybe we take for granted that everyone understands the answer. We talk about it as if it were an end in and of itself, rather than the implications of a balanced budget for our Nation and, for that matter, people who live beyond our Nation.

The reason is that balancing the budget is not a goal in and of itself. It is what it does, what it creates, and that is, of course, a sound economy and an expanded economy. It creates jobs in the country and opportunities for people that wouldn't otherwise exist if we were operating with a mountain of debt that forced the U.S. Government to compete in the borrowing business with private institutions and individuals.

By balancing the budget, what we are doing is contributing significantly to the economic growth and the job creation that is absolutely essential if any nation is going to succeed, and particularly if we are going to be successful in the 21st century.

Balancing the budget has importance, but its real importance is not in and of itself, but rather what it contributes to the overall wealth and strength of our Nation.

So I begin these remarks, Mr. President, by stating what I think is the obvious—I hope it is the obvious—and that is that every Member of this body believes that balancing the Federal budget is an issue of critical importance to our Nation's future. Across the political spectrum, from the White House to the Capitol, among Democrats and Republicans, liberals, conservatives, moderates, whatever label people wish to place on themselves or are placed on them, there exists, I think, a broad-based consensus on the desire for bringing the Federal budget into balance.

In fact, in the last Congress, both the President and the Republican leaders agreed in principle to a 7-year balanced budget plan. The sticking point then was the details of those plans, not the notion of a balanced budget itself. So the debate today is not about whether we should balance the budget. That we agree on. The debate today, and will be over the coming days, is how we balance the budget.

The proponents of this constitutional amendment would have us believe otherwise. They would lead us to believe that the Congress is simply incapable of mustering the necessary courage to make the tough choices to balance the budget. They would have us believe that only by an amendment to the U.S. Constitution would we be forced, and future Congresses forced, to act.

Mr. President, when one considers our efforts at reducing the deficit over the past half dozen years, I think it is fair to say such an assertion lacks credibility. Over the past decade, the deficit, as a percentage of the gross domestic product, has shrunk by more than 70 percent. Let me restate that. Over the past decade, the deficit as a percentage of the gross domestic product has shrunk by more than 70 percent. Today, it is only 1.4 percent of the gross domestic product. In fact, as a percentage of the economy, the deficit is at its lowest level in more than a generation in this country.

These figures clearly demonstrate that contrary to the conventional wisdom, contrary to the rhetoric from across the aisle, and from other places, this body does, in fact, possess ample courage to reduce the deficit. In fact, the tremendous decreases in the Federal deficit came in the last 4 years, as this chart to my left, I think, amply demonstrates.

I will just point out, it is entitled "Bringing the Deficit Down to Ground Zero," which we all agreed should occur by the year 2002. What is indicated by these dots and lines, in 1992, the annual deficit stood at $290 billion. Based on the projections in 1992, that deficit was going to increase each year from $302 billion over 1993 and 1994, going up to $312 billion, then up to $319 billion in 1996, $351 billion by 1997, $391 billion by 1998. Those were the projections for the increase in the deficit that we were given in 1993.

But in 1993, as many will recall, we adopted a budget plan that was, unfortunately, not bipartisan, Mr. President. It was adopted with just Democratic votes. Those were the days when we were in the majority on this side. That is, before the arrival of the distinguished Presiding Officer.

We were in the majority and passed a budget resolution here in the U.S. Senate. A similar one was passed in the House. They were done in the most uncommon of fashions. Usually there is some bipartisanship. But this one was done exclusively with Democratic votes, on both sides.

It was hotly contested, hotly debated. People may recall it was decided by one vote, I think, in the House of Representatives, and I think by that margin here in the Senate as well. In fact, I think it was the vote of the Vice President at the time casting the vote that made that possible. At any rate, it was a very narrow vote.

But what has happened since then, since 1993, and that budget resolution? We have seen by 1993, instead of being $302 billion, the deficit went from $290 billion to $255 billion. Then it has proceeded, over the next 3 years, down to $203 billion, $164 billion, and in 1996, $107 billion.

What we hope is going to occur with this budget proposal that is before us now, and over the next 5 years, is that the budget will continue, based on the projections included, will fall to that ground zero, balancing the budget by the year 2002.

Let me state here that I appreciate immensely the reaction, of the majority in both this body and in the House of Representatives, to the President's budget. That is not to say they have endorsed the budget. Quite to the contrary, there are significant disagreements. But unlike almost every year that I can recall, Mr. President, whether it was a Republican President or a Democratic President, with the submission of budgets you could almost guarantee the press releases would go out from whoever was the opposing party in the legislative branch announcing that the budget was dead on arrival and we began this tremendous fight on Capitol Hill to try to come up with a new budget altogether.

That is not the case this year. I give the majority here credit, as well as the administration, for working ahead of time to try to come up with some common ground on some of the more delicate issues. As I said, there has not been total agreement, but we are not in the same situation we have been in the past where this turns into a huge battle from the very beginning.

So my hope is, despite what previous history there may have been, we are now going to be able to work on a budget agreement that gets us to that ground zero in the year 2002. That is really what we ought to be doing. Because as the Presiding Officer knows, and others are certainly aware, writing something into the Constitution and issuing a press release about it does not make it happen. You have to do the work.

Whether it is in the Constitution or not, you have to do the kind of work in order to move us in that direction toward ground zero. Because of the implications, again, I want to stress the point. This is important to do because of what it does to our economy. It gives us the kind of economic growth, the stability, the lower interest rates that allow for businesses to borrow and expand and put people to work. That is the effect of a balanced budget.

So there has been a good record here now. We are going in the right direction for the first time in years. The challenge for all of us here, regardless of party or ideology or some label that someone wants to put on someone, is to work together to see to it that we achieve those desired goals stated in this chart.

None of us can predict, obviously, what is going to happen next week, tomorrow, or, for that matter, next month, next year that might disrupt our ability to move in this direction. That is one of the major reasons I have such reluctance about writing into the Constitution an economic theory that could end up being highly disruptive toward our ultimate goals as a nation.

As someone suggested—I think my colleague from North Dakota, Senator CONRAD, the other day, Mr. President, in talking about the proposed amendment. He suggested to a group of us that if we had any hesitation about whether or not this particular amendment belonged in the Constitution—and I have made a similar recommendation to people in my own home State—to take out 20 minutes or a half-hour, which is all you need, to read the Constitution of the United States. It is an incredible document in its simplicity and directives.

Then, if you would, after you read the Constitution of the United States, pick up and read this amendment and ask yourself the simple question: Does this language in this amendment, putting aside the implications of it, but does this language in this amendment belong in this document, this organic law of our country, which represents the timeless principles—the timeless principles—that we embrace as a people?

Nothing in the Constitution is contemporary in the sense that it deals with a present-day problem, except to the extent that human nature constantly raises issues that need to be addressed and protected by the Constitution. But we have historically stayed away from dealing with the issue of the day in the Constitution.

I urge again that we consider what the implications would be of taking language which deals with economic theory, which is the contemporary issue of the day, and enshrining it in the organic law of the country, in such a way that I think we do an injustice to that document. Also, we run the risk, as I hope my colleagues will appreciate, of making it far more difficult in many ways for us to achieve the kind of economic opportunity, the job creation, the stability that is the underlying goal behind the entire discussion of whether or not we ought to have a constitutional amendment that balances the budget and does what we are presently on the right path toward achieving and that the Congresses in the years ahead will have to grapple with itself, as it deals with the issues of its day.

So, Mr. President, I hope that Members, and others who may be in doubt about what this debate is all about, that they might take the time to read, as I say, both the Constitution and the amendment and ask themselves the question that Senator CONRAD of North Dakota posed to us the other day, as to whether or not those particular words belong in the Constitution.

Mr. President, other issues have been raised over the past number of days, and more will be raised next week, which are posed by this amendment.

One of the issues that I will be raising has to do with the issue of national security. Again, the Presiding Officer is someone who is no stranger to these issues as a new Member of this body and he has a distinguished record in serving our country. I commend him for it.

One of my concerns here is that the amendment would seem to indicate that we could not expend resources on a national security problem unless there was a declaration of war. As my colleagues are certainly aware, it has been many a year since we declared war despite the fact that we have had many conflicts in which American men and women have lost their lives. My concern would be that, given how difficult that can be, given the nature of the world in which we live today, declarations of war may be harder to achieve.

This could be a matter for a separate discussion, the whole issue of the role of Congress and the war powers resolutions which we have debated extensively here over the years. But I can imagine, as I am sure the Presiding Officer could, situations that would not warrant necessarily a declaration of war, and yet it may be critically important that the United States respond because the national interest of the country is at stake, and yet we find ourselves engaged in such a debate where we have to first declare war before a President might be able to act and get the necessary funds.

That is the kind of problem I see posed by the well-intended authors of this amendment, to create situations that could pose serious problems for our country. I have drafted an amendment and I have asked people to look at it. It may be an amendment that can be agreed to. It seems to me that we ought to be able to respond to situations without tying ourselves into long legislative knots around here. It may be absolutely critical that the Chief Executive, the Commander in Chief of this country be able to respond to a situation without getting bogged down in what could be a partisan battle, for whatever reason, and put in jeopardy the lives of American men and women or put in jeopardy the interests of our country. We could find ourselves hamstrung by a problem in the constitutional amendment that its authors never intended, but in the years to come could occur.

So that is one issue that I find particularly troublesome about the balanced budget amendment. I urge again my colleagues to review and look at it.

Another issue was raised by our colleagues from California, Senator FEINSTEIN and Senator BOXER. Unfortunately, their State, maybe more so than any other in recent years, has been plagued by one disaster after another, natural disasters in most cases, where they have needed additional attention and resources. There seems to be little or no provision to respond to those situations again without having to go through the tremendous gyrations of developing some support.

California is a big State. They have more than 50 Members of Congress in the House. They have the same number of Senators we have. What if you come from a smaller State that does not have the same kind of political clout that California might bring to a situation, where they need those extra dollars? Are we going to be able to respond? A legitimate issue is raised, Mr. President, by the language of this amendment, this constitutional amendment, that would make it extremely difficult for the Congress to respond to natural disasters that could hit any State in this country.

Again, that is another reason that I think my colleagues ought to examine carefully some proposals that will be offered and, I would say, ultimately to step away from what I consider to be sort of a bumper-sticker approach to an issue that deserves far greater work and diligence than merely writing into the Constitution language that could make our job as legislators far more difficult in responding to the needs of our Nation.

Mr. President, I will not take a great deal of time here today. I merely wanted to rise to indicate once again that we are on the right track. I think we are going in the right direction in dealing with the issue of getting our budgetary house in order. That is what we are going to have to do year in and year out, to see to it that we have the ability to respond.

I am not old enough to remember the Great Depression, and I am confident the Presiding Officer is not either, but there are people certainly who will read this RECORD who are listening to what we are saying who remember the 1930's. I can only imagine how difficult it must have been for that Congress and that Chief Executive Officer. In the Northeast, in my State of Connecticut, and the Midwest was particularly hard hit in those years, what would life have been like in a Connecticut or Nebraska if we had been hit as we were with that Great Depression and faced with the tremendous need to provide resources to people in our States. We ought to be very thankful that we do not have national depressions. We have taken enough steps over the years to avoid the kind of difficulties that can sweep across a nation.

Mr. President, I am sure the President is aware of this, my State, over the last 4, 5, 6, or 7 years, has been very hard hit economically. We have historically been called the Provision State, dating back to the Revolutionary War, and we are proud of it. The builders of helicopters, and jet engines at Pratt & Whitney, and submarines and electric boats, radar systems at Norden, we have a long history. The end of the cold war, the recession and the real estate collapse all hit my small State very hard. It has been very, very difficult for us to get back on our feet. Luckily, these economic troubles did not sweep across the country. Most parts of the country have done well. What am I to do in my State because of its unique problems? We need some particular help in responding to the needs of our people.

What worries me is that we may not have national depressions, but we could have regional depressions. Will there be enough votes in these bodies to have supermajorities to provide the resources that specific regions of the country need? It could be an agricultural problem that hits—possibly bad crop seasons. I know the people of my State have been sympathetic in the past in responding when that has occurred. They are consumers of the food that is produced in this country. But natural disasters can hit. People can be literally wiped out in a matter of weeks. How do we respond? Should we respond? Is every State that does not have the same interests going to vote accordingly?

Again, hamstrung by a constitutional amendment, it would make it difficult for us to use common sense and respond. That is troublesome to me, to put it mildly. For those reasons and others, Mr. President, I urge my colleagues to move away from this particular debate. If the issue was we needed to get the attention of some reluctant Members of Congress—and I happen to believe there were some who were not serious enough about this issue. I go back to the days of the early 1980's. As an original sponsor of the Gramm-Rudman proposal, I think it could have worked had we not had a bunch of loopholes. Back in 1982 or 1983, I offered a pay-as-you-go budget, Mr. President, requiring that for every single expenditure there had to be resource to pay for it—every single expenditure. Had we adopted a pay-as-you-go in 1982, we would have been in balance 11 years ago, in 1986. I only got 22 votes on the floor of this Chamber in 1982 on that proposal.

I take very seriously this debate about getting this budget in balance and moving in the right direction, but I again argue, as I did at the outset, it is work. It is not easy. Everybody has to go back to their constituencies and explain why everyone has to share in this responsibility. Merely taking out a chisel and etching into the organic law of this country the conclusion of a proposal of balancing the budget does not get us there, and it does raise serious, serious questions about other weighty matters that this Nation must come to terms with from time to time.

In my view, it places them in jeopardy, and particularly at a time when it seems to me that we are on the right track, moving in the right direction. I do not understand why we would place in jeopardy other vitally important issues when, in fact, we are achieving, I think all would agree, the goals stated by those who strongly endorse this constitutional amendment.

In addition the constant inflexibility in our budgetary decisionmaking process could have a disastrous impact on the business community. The private sector expects order and consistency in our economic policy. What's more, they rely on the Federal Government for our support and assistance in myriad ways.

Whether it's the research and experimentation tax credit, our aggressive advocacy for American exporters, or the vital statistics and information published by Federal agencies, the private sector receives crucial support from the Federal Government. However, passage of this amendment could threaten to create a frantic rush, year in and year out, for the savings necessary for bringing the budget into constitutional compliance. In that sort of an environment, no Federal program would be safe. Business leaders would be unable to plan ahead, not knowing what programs will be funded or cut from year to year. An R&E tax credit that is constantly in jeopardy of being canceled is of little benefit to American business.

Contrary to the rhetoric of those who support this amendment, American businesses will suffer if they are forced to operate in the looming shadow of tax increases or potential cuts in important programs. What's more, under the requirements of a balanced budget amendment the Congress would be forced to reorder our budgetary priorities every fiscal year. There'd be no rhyme or reason to what we cut and what we fund, because our decisions would be based on short-term economic factors. Long-term considerations would simply go by the wayside. By almost any standard, the balanced budget amendment is bad economic policy. But, it would have even worse and more far-reaching constitutional implications. Passage of this amendment risks allowing direct judicial involvement in the enforcement of a balanced budget requirement.

If for whatever reason, the Congress was unable to achieve either a balanced budget or get 60 votes to waive the requirement for such, then the Federal judiciary could be forced to make critical decisions on budgetary allocations. I must say, I find it quite interesting that many of the same people who complain about so-called judicial activism are seeking to pass an amendment that would thrust the judiciary directly into our budgetary discussions. Theoretically, judges could order the Government to stop Social Security checks from being sent out, cut Federal spending, or even raise taxes. Additionally, to those who complain about a clogged court system, we could see a significant rise in litigation by either Members of Congress or private citizens hurt by spending cuts mandated by this amendment.

For the Congress to go along with such a proposal represents an abdication of our responsibilities as legislators. The Constitution mandates very clearly that the legislative and executive branches must posses sole responsibility for fiscal policy. Yet, this amendment would fundamentally transform our constitutional system of checks and balances by placing the judiciary in an unheard of position—making budgetary decisions. This contravenes the most sacrosanct notions of constitutional integrity—our system of checks and balances and division of authority among the three branches of government. And it would debase the Constitution by involving it directly in economic decision making. This constitutional amendment would place what is fundamentally a fiscal policy into our organic law.

Again, I urge all my colleagues to read the Constitution before they cast their vote. Look at the sorts of amendments that have been enacted. At their core, they deal almost universally with issues of social policy and the functioning of our democratic institutions—not with economic policy. But, this amendment would change that legacy. And I believe it could begin a disquieting process of including what is basically statutory language into our national Constitution. There can be little doubt that we face a momentous decision.

Changing the Constitution is not like adopting a simple statute that can be modified or repealed somewhere down the road. The fact is, amending the

Constitution is one of the most sacred duties of our role as national leaders. Indeed, the language we insert into the Constitution is timeless. And it will likely stay there long after all of us leave this Earth. However, I worry that the fundamental, hallowed nature of our Constitution is being lost on my colleagues.

The last Congress advocated one of the most sweeping rewrites of the U.S. Constitution since the Bill of Rights. And I worry that this Congress will continue this troubling precedent. In the 104th Congress, amendments were proposed requiring a supermajority for taxes, advocating terms limits, providing for a line-item veto, allowing school prayer, preventing unfunded mandates, criminalizing flag burning, and the list goes on.

The Constitution is not a set of institutional guidelines to be amended by each new generation of leaders. Generation after generation will live with the consequences of our constitutional decisions. And while I realize that this amendment is incredibly popular among the American people, that should not be our determining factor. Amending the Constitution must not be based on the political currents of today, but the sacred principles on which our Nation was founded. There is a very good reason why, in the more than 200 years since this Nation adopted the Constitution, we have seen fit to amend it only 27 times—27 times in more than 200 years. In fact, in those 200 or so years, there've been approximately 11,000 proposed amendments to the Constitution. Only 33 passed the Congress. And the Bill of Rights notwithstanding, only 17 are now part of the Constitution. What's more, amending the Constitution remains an incredibly difficult task.

Two-thirds of the Congress, and three-fourths of the State legislatures must agree before we change the law of the land. Our Founding Fathers made clear that amending the Constitution would not be an easy or brazen decision. As Henry Clay said 145 years ago, "The Constitution of the United States was made not merely for the generation that then existed, but for posterity—unlimited, undefined, endless, perpetual posterity."

These are not idle words. The Constitution is sacred parchment—our guiding force for more than 200 years of democratic rule and a beacon for millions around the world who yearn for the dignity that freedom and democracy bestows. In my view, this document remains one of the greatest political and democratic accomplishments in human history and the amending of it must not be a rash or impetuous act. We all agree on the need for balancing the budget, but this amendment is the wrong way to go about doing it. If we are to really bring our fiscal house in order; if we are to guarantee to future generations that they will not be burdened with our debts; if we are to balance the budget in a fair and equitable manner, then let us reject this amendment and instead roll up our shirt sleeves and get down to the task of making the tough choices to truly balance the budget.

I thank the majority leader for making this possible. I yield the floor.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 10, 1997

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 12 noon, Monday, February 10, 1997.

Thereupon, the Senate, at 2:14 p.m., adjourned until Monday, February 10, 1997, at 12 noon.

HOUSE OF REPRESENTATIVES—*Monday, February 10, 1997*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. COLLINS].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 10, 1997.

I hereby designate the Honorable MAC COLLINS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we meditate on all the words we could say about Your graces, O God, and the expressions that we use to describe our relationship to You, we would speak of mercy and justice, of charity and forgiveness, of reconciliation and peace in our hearts. On this day we speak those words that are above all else, those words that make us truly human and mark us as created in Your image, the words of thanksgiving and gratitude. When we ponder our lot in life and when we reflect on Your goodness to us, we express joy and praise for Your mercy to us and for Your steadfast love to all people. With gratefulness and thanksgiving, we offer this prayer to You, gracious God, for Your presence and Your power is ever with us.

This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Guam [Mr. UNDERWOOD] come forward and lead the House in the Pledge of Allegiance.

Mr. UNDERWOOD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGES FROM THE PRESIDENT

Sundry measages in writing from the President of the United States were communicated to the House by Mrs. Sara Emery, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair notes that on May 15, 1986, Mrs. Sara Currence Emery was the first woman to appear in this Chamber as the secretary of the President of the United States to deliver a message to the House of Representatives. Today she is delivering her last message. Mrs. Emery is retiring as deputy executive clerk of the White House after serving six administrations over the past 28 years. She has the congratulations and best wishes of the House.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

WASHINGTON, DC,
February 4, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives.

DEAR MR. SPEAKER: I hereby resign my appointment to the House Veterans' Affairs Committee.

Sincerely,

DUNCAN HUNTER.
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, the Capitol, Washington, DC.

DEAR MR. SPEAKER: I am forwarding to you the Committee's recommendations for certain designations required by law for the 105th Congress.

First, pursuant to Section 8002 of the Internal Revenue Code of 1986, the Committee designated the following members to serve on the Joint Committee on Taxation for the 105th Congress: Mr. Archer, Mr. Crane, Mr. Thomas, Mr. Rangel, and Mr. Stark.

Second, pursuant to Section 161 of the Trade Act of 1974, the Committee recommended the following members to serve as official advisors for international conference meetings and negotiating sessions on trade agreements: Mr. Archer, Mr. Crane, Mr. Thomas, Mr. Rangel, and Mr. Matsui.

With best personal regards, I am

Sincerely,

BILL ARCHER.
Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 161(a) of the Trade Act of 1974, (19 U.S.C. 2211), and upon the recommendation of the chairman of the Committee on Ways and Means, the Chair announces the Speaker's selection of the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings and negotiation sessions relating to trade agreements during the first session of the 105th Congress:

Mr. ARCHER of Texas; Mr. CRANE of Illionis; Mr. THOMAS of California; Mr. RANGEL of New York; and Mr. MATSUI of California.

There was no objection.

APPOINTMENT AS MEMBERS OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of clause 1 of rule XLVIII and clause 6(f) of rule X, the Chair announces the Speaker's appointment to the Permanent Select Committee on Intelligence the following Members of the House: Messrs. YOUNG of Florida; LEWIS of California; SHUSTER of Pennsylvania; MCCOLLUM of Florida; CASTLE of Delaware; BOEHLERT of New York; BASS of New Hamphire; GIBBONS of Nevada, DICKS of Washington; DIXON of California; SKAGGS of Colorado; Ms. PELOSI of California; and Ms. HARMAN of California.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. UNDERWOOD. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 44) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 44

Resolved, that the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

To the Committee on Standards of Official Conduct: Mr. HOWARD L. BERMAN of California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 10, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 4 of Rule III of the Rules of the U.S. House of Representatives, I herewith designate Ms. Julie Perrier to sign any and all papers and do all other acts for me under the name of the Clerk of the House which she would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 105th Congress or until modified by me.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–2)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Joint Economic Committee and ordered to be printed:

ECONOMIC REPORT OF THE PRESIDENT

To the Congress of the United States:

Four years ago, we began a journey to change the course of the American economy. We wanted this country to go into the 21st century as a nation in which every American who was willing to work for it could have a chance—not a guarantee, but a real chance—at the American dream. We have worked hard to achieve that goal, and today our economy is stronger than it has been in decades.

The Economic Record

The challenge we faced in January 1993 was to put the economy on a new course of fiscal responsibility while continuing to invest in our future. In the last 4 years, the unemployment rate has come down by nearly a third: from 7.5 percent to 5.4 percent. The economy has created 11.2 million new jobs, and over two-thirds of recent employment growth has been in industry/occupation groups paying above-median wages. Over the past 4 years inflation has averaged 2.8 percent, lower than in any Administration since John F. Kennedy was President. The combination of unemployment and inflation is the lowest it has been in three decades. And business investment has grown more than 11 percent per year—its fastest pace since the early 1960s.

As the economy has grown, the fruits of that growth are being shared more equitably among all Americans. Between 1993 and 1995 the poverty rate fell from 15.1 percent to 13.8 percent—the largest 2-year drop in over 20 years. Poverty rates among the elderly and among African-Americans are at the lowest level since these data were first collected in 1959. And real median family income has risen by $1,600—the largest growth rate since the Administration of President Johnson.

The Economic Agenda

Our comprehensive economic agenda has helped put America's economy back on the right track. This agenda includes:

Historic Deficit Reduction. Since the 1992 fiscal year, the Federal budget deficit has been cut by 63 percent—from $290 billion to $107 billion in fiscal 1996. As a percentage of the Nation's gross domestic product, the deficit has fallen over the same period from 4.7 percent to 1.4 percent, and it is now the lowest it has been in more than 20 years. In 1992 the budget deficit for all levels of government was larger in relation to our economy than those of Japan and Germany were to theirs. Now the deficit is smaller by that same measure than in any other major industrialized economy. And this Administration has proposed a plan that balances the budget by 2002, while protecting critical investments in America's future.

Investments in Education and Technology. Deficit reduction remains a priority, but it is not an end in itself. Balancing the budget by cutting investments in education, or by failing to give adequate support to science and technology, could actually slow economic growth. To succeed in the new global economy, our children must receive a world-class education. Every child in America should be able to read by the age of 8, log onto the Internet by the age of 12, and receive at least 14 years of quality education: 2 years of college should become as universal as high school is today. And we must make sure that every child who wants to go to college has the resources to do so.

Expanding Markets. We have aggressively sought to expand exports and open markets abroad. In the past 4 years we have achieved two major trade agreements: The North American Free Trade Agreement and the Uruguay round accord of the General Agreement on Tariffs and Trade, which established the World Trade Organization. Members of the Asia-Pacific Economic Cooperation forum and the proposed Free Trade Area of the Americas have committed to establishing free trade among themselves by 2020 and 2005, respectively. And we have opened new markets abroad by signing more than 200 other important trade agreements. As a result, U.S. exports have boomed, which means higher wages for American workers in export industries—often 13 to 16 percent higher than the rest of the workforce.

Reforming Government. The strength of the American economy lies in the energy, creativity, and determination of our citizens. Over the past 4 years we have worked hard to create an environment in which business can flourish. And as the private sector has expanded, the Federal Government has improved its efficiency and cost-effectiveness. We have energetically reformed regulations in key sectors of the economy, including telecommunications, electricity, and banking, as well as environmental regulation. And we have reduced the size of the Federal Government as a percentage of the workforce to the smallest it has been since the 1930's.

CONTINUING TO CREATE AN ECONOMY FOR THE 21ST CENTURY

America's workers are back at work and our factories are humming. Once again, America leads the world in automobile manufacturing. Our high-technology industries are the most competitive in the world. Poverty is down and real wages are at last beginning to rise. And we have laid the foundations for future long-term economic growth by reducing the deficit and investing in education.

During the past 4 years, we have worked to prepare all Americans for the challenges and opportunities of the new global economy of the 21st century. We have worked to restore fiscal discipline in our government, to expand opportunities for education and training for our children and workers, to reform welfare and encourage work, and to expand the frontiers of free trade. But there is more work to be done. We must continue to provide our citizens with the tools to make the most of their own lives so that the American dream is within the reach of every American.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 1997.*

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REPORT ON DEVELOPMENTS REGARDING CONTINUING NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 105–41)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of August 14, 1996, concerning the national emergency with respect to Iraq that was declared in Executive order 12722 of August 2, 1990. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

Executive Order 12722 ordered the immediate blocking of all property and interests in property of the Government of Iraq (including the Central Bank of Iraq) then or thereafter located in the United States or within the possession or control of a United States person. That order also prohibited the importation into the United States of goods and services of Iraqi origin, as well as the exportation of goods, services, and technology from the United States to Iraq. The order prohibited travel-related transactions to or from Iraq and the performance of any contract in support of any industrial, commercial, or governmental project in Iraq. United States persons were also prohibited from granting or extending credit or loans to the Government of Iraq.

The foregoing prohibitions (as well as the blocking of Government of Iraq property) were continued and augmented on August 9, 1990, by Executive order 12724, which was issued in order to align the sanctions imposed by the United States with United Nations Security Council Resolution (UNSCR) 661 of August 6, 1990.

Executive Order 12817 was issued on October 21, 1992, to implement in the United States measures adopted in UNSCR 778 of October 2, 1992. UNSCR 778 requires U.N. Member States to transfer to a U.N. escrow account any funds (up to $200 million apiece) representing Iraqi oil sale proceeds paid by purchasers after the imposition of U.N. sanctions on Iraq, to finance Iraq's obligations for U.N. activities with respect to Iraq, such as expenses to verify Iraqi weapons destruction, and to provide humanitarian assistance in Iraq on a nonpartisan basis. A portion of the escrowed funds also finances the activities of the U.N. Compensation Commission in Geneva, which handles claims from victims of the Iraqi invasion and occupation of Kuwait. Member States also may make voluntary contributions to the account. The funds placed in the escrow account are to be returned, with interest, to the Member States that transferred them to the United Nations, as funds are received from future sales of Iraqi oil authorized by the U.N. Security Council. No Member state is required to fund more than half of the total transfers or contributions to the escrow account.

This report discusses only matters concerning the national emergency with respect to Iraq that was declared in Executive Order 12722 and matters relating to Executive Orders 12724 and 12817 (the "Executive Orders"). The report covers events from August 2, 1996 through February 1, 1997.

1. In April 1995, the U.N. Security Council adopted UNSCR 986 authorizing Iraq to export up to $1 billion in petroleum and petroleum products per quarter for 6 months under U.N. supervision in order to finance the purchase of food, medicine, and other humanitarian supplies. This arrangement may be renewed by the Secretary Council for additional 6-month periods. UNSCR 986 includes arrangements to ensure equitable distribution of humanitarian goods purchased with UNSCSR 986 oil revenues to all the people of Iraq. The resolution also provides for the payment of compensation to victims of Iraqi aggression and for the funding of other U.N. activities with respect to Iraq. On May 20, 1996, a memorandum of understanding was concluded between the Secretariat of the United Nations and the Government of Iraq agreeing on terms for implementing UNSCR 986. On August 8, 1996, the UNSC committee established pursuant to UNSCR 661 ("the 661 Committee") adopted procedures to be employed by the 661 Committee in implementation of UNSCR 986. On December 9, 1996, the Secretary General released the report requested by paragraph 13 of UNSCR 986, making UNSCR 986 effective as of 12:01 a.m. December 10.

2. During the reporting period, there have been three amendments to the Iraqi Sanctions Regulations, 31 C.F.R. Part 575 (the "Regulations"), administered by the Office of Foreign Assets Control (OFAC) of the Department of the Treasury. The Regulations were amended on August 22, 1996, to add the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1214–1319 (the "Antiterrorism Act")) as an authority for the Regulations (61 *Fed. Reg.* 43460, August 23, 1996). Section 321 of the Antiterrorism Act (18 U.S.C. 2332d), which I signed into law on April 24, 1996, makes it a criminal offense for United States persons, except as provided in regulations issued by the Secretary of the Treasury in consultation with the Secretary of State, to engage in financial transactions with the governments of countries designated under section 6(j) of the Export Administration Act (50 U.S.C. App. 2405) as supporting international terrorism. United States persons who engage in such transactions are subject to criminal fines under title 18, United States Code, imprisonment for up to 10 years, or both. Because the Regulations already prohibited such transactions, with minor exceptions for transactions such as donations of humanitarian aid, no substantive change to the prohibitions of the Regulations was necessary. This amendment also notes the criminal penalties that may be imposed for violations of the Antiterrorism Act and implementing regulations. A copy of the amendment is attached.

The Regulations were amended on October 21, 1996 (61 *Fed. Reg.* 54936, October 23, 1996), to implement section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, by adjusting for inflation the amount of the civil monetary penalties that may be assessed under the Regulations. The Regulations, as amended, increase the maximum civil monetary penalty provided by law from $250,000 to $275,000 per violation.

The amended Regulations also reflect an amendment to 18 U.S.C. 1001 contained in section 330016(1)(L) of Public Law 103–322; 108 Stat. 2147. The amendment notes the availability of higher criminal fines pursuant to the formulas set forth in 18 U.S.C. 3571. A copy of the amendment is attached.

The Regulations were amended on December 10, 1996, to provide a statement of licensing policy regarding specific licensing of United States persons seeking to purchase Iraqi-origin petroleum and petroleum products from Iraq (61 Fed. Reg. 65312, December 11, 1996). Statements of licensing policy were also provided regarding sales of essential parts and equipment for the Kirkuk-Yumurtalik pipeline system, and sales of humanitarian goods to Iraq, pursuant to United Nations approval. A general license was also added to authorize dealings in Iraqi-origin petroleum and petroleum products that have been exported from Iraq with United Nations and United States Government approval. The rule also added definitions and made technical amendments. A copy of the amendment is attached.

All executory contracts must contain terms requiring that all proceeds of oil purchases from the Government of Iraq, including the State Oil Marketing Organization must be placed in the U.N. escrow account at Banque Nationale de Paris, New York (the "986 Escrow Account"), and all Iraqi payments for authorized sales of pipeline parts and equipment, humanitarian goods, and incidental transaction costs borne by Iraq will, upon approval by the UNSC committee established pursuant to the 661 Committee, be paid or payable out of the 986 Escrow Account.

3. Investigations of possible violations of the Iraqi sanctions continue to be pursued and appropriate enforcement actions taken. Several cases from prior reporting periods are continuing and recent additional allegations have been referred by OFAC to the U.S. Customs Service for investigation. Several OFAC civil penalty proceedings are pending. Investigation also continues into the roles played by various individuals and firms outside Iraq in the Iraqi government procurement network. These investigations may lead to additions to OFAC's listing of individuals and organizations determined to be Specially Designated Nationals (SDNs) of the Government of Iraq.

Since my last report, three civil monetary penalties totaling $102,250 have been collected from one financial institution and two individuals for violation of the prohibitions against transactions with Iraq. Additional administrative procedures have been initiated and others await commencement.

4. Pursuant to Executive Order 12817 implementing UNSCR 778, on October 26, 1992, OFAC directed the Federal Reserve Bank of New York to establish a blocked account for receipt of certain post-August 6, 1990, Iraqi oil sales proceeds, and to hold, invest, and transfer these funds as required by the Order. On December 13, 1996, OFAC directed the Federal Reserve Bank of New York to transfer the interest accrued on the blocked account to the U.N. escrow account established pursuant to UNSCR 778, to match contributions in excess of $30 million by other countries.

5. The Office of Foreign Assets Control has issued a total of 653 specific licenses regarding transactions pertaining to Iraq and Iraqi assets since August 1990. Licenses have been issued for transactions such as the filing of legal actions against Iraqi governmental entities, legal representation of Iraq, and the exportation to Iraq of donated medicine, medical supplies, and food intended for humanitarian relief purposes, the execution of powers of attorney relating to the administration of personal assets and decedents' estates in Iraq and the protection of preexistent intellectual property rights in Iraq. Since my last report, 23 specific licenses have been issued.

6. The expenses incurred by the Federal Government in the 6-month period from August 2, 1996, through February 1, 1997, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iraq are reported to be about $1 million, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of International Organization Affairs, the Bureau of Political-Military Affairs, the U.S. Mission to the United Nations, and the Office of the Legal Adviser), and the Department of Transportation (particularly the U.S. Coast Guard).

7. The United States imposed economic sanctions on Iraq in response to Iraq's illegal invasion and occupation of Kuwait, a clear act of brutal aggression. The United States, together with the international community, is maintaining economic sanctions against Iraq because the Iraqi regime has failed to comply fully with United Nations Security Council resolutions. Security Council resolutions on Iraq call for the elimination of Iraqi weapons of mass destruction, Iraqi recognition of Kuwait and the inviolability of the Iraq-Kuwait boundary, the release of Kuwaiti and other third-country nationals, compensation for victims of Iraqi aggression, long-term monitoring of weapons of mass destruction capabilities, the return of Kuwaiti assets stolen during Iraq's illegal occupation of Kuwait, renunciation of terrorism, an end to internal Iraqi repression of its own civilian population, and the facilitation of access of international relief organizations to all those in need in all parts of Iraq. Six years after the invasion, a pattern of defiance persists: a refusal to account for missing Kuwaiti detainees; failure to return Kuwaiti property worth millions of dollars, including military equipment that was used by Iraq in its movement of troops to the Kuwaiti border in October 1994; sponsorship of assassinations in Lebanon and in northern Iraq; incomplete declarations to weapons inspectors and refusal of unimpeded access; and ongoing widespread human rights violations. As a result, the U.N. sanctions remain in place; the United States will continue to enforce those sanctions under domestic authority.

The Bagdad government continues to violate basic human rights of its own citizens through systemic repression of minorities and denial of humanitarian assistance. The Government of Iraq has repeatedly said it will not be bound by UNSCR 688. The Iraqi military routinely harasses residents of the north, and has attempted to "Abrabize" the Kurdish, Turcomen, and Assyrian areas in the north. Iraq has not relented in its artillery attacks against civilian population centers in the south, or in its burning and draining operations in the southern marshes, which have forced thousands to flee to neighboring states.

The policies and actions of the Saddam Hussein regime continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, as well as to regional peace and security. The U.N. resolutions affirm that the Security Council must be assured of Iraq's peaceful intentions in judging its compliance with sanctions. Because of Iraq's failure to comply fully with these resolutions, the United States will continue to apply economic sanctions to deter it from threatening peace and stability in the region.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 1997.*

SPECIAL ORDERS

STATUS OF GUAM'S QUEST FOR COMMONWEALTH

The SPEAKER pro tempore (Mr. COLLINS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, I take this opportunity today to share with the American people and the Congress a compelling story about my home island Guam's quest for an improved political status with the United States.

There is no more pressing political issue for the people of Guam and our island than a political status change from the existing unincorporated territorial status to something which we call Commonwealth; a very elastic political term, a term that is used in reference to the Commonwealth of Pennsylvania or the Commonwealth of Massachusetts, but also the Commonwealth of Puerto Rico and the Commonwealth of the Northern Marianas.

The Commonwealth we seek is embodied in a piece of legislation and is one which carries out the principles of democracy, self-governance, and economic stability and fairness. We are on a long journey and our goal is an improved relationship with the United States.

Now this year, 1997, is the year before 1998 which will represent the 100th anniversary of the Spanish-American War, and that of course will finish off the 105th Congress. As many of you will recall from your history classes, Puerto Rico, the Philippines, and Cuba were spoils of that war nearly 100 years ago but, perhaps not often recognized, so was Guam. And for the people of Guam the past 100 years has been representative of a continual colonial status, a status which does not lead to clarity or surety in the final resolution of our relationship with the United States.

How we will commemorate the 100th anniversary of 1898 in many respects will be a measure of how we see ourselves as a society. It is clear that Cuba has been independent for a number of years. The Philippines were independent after World War II. Puerto Rico has a political status, and a defined process may be on the horizon for Puerto Rico as it seeks either independence, continued commonwealth or accession to statehood.

For Guam it is not clear, and for Guam, Guam will then remain the last piece of the puzzle of 100 years that has come from the results of the Spanish-American War.

It is interesting to note that when Spain lost the Spanish-American War, Spain had claims to not only the Philippines but a number of islands in Micronesia, including the Northern Marianas, much of the Caroline Islands, which includes Palau, Yap, and Truk.

Even though the United States had the opportunity to inherit those claims, it chose not to and it only took one island out of the whole Micronesian region, and that island was Guam, and Guam then had the American flag raised over it. The islands to the north of Guam, and which Guam is a part of this chain of islands, the Mariana Islands, and which we are the same ethnic group as those people from the Northern Marianas, subsequently were sold to Germany until the end of World War I. They were then inherited as a League of Nations mandate by Japan as a result of World War I, and then after World War II they became part of the Trust Territory of the Pacific Islands.

It is interesting to note that those islands that went through that entire routing process from Spanish claims to German administration, to Japanese administration under the League of Nations mandate, to American administration under the watchful eyes of the United Nations as a trust territory, have all finally resolved their political status issues. Guam, which has been the longest associated with the United States, since 1898, is the last remaining area of that group which has yet to finally resolve its political status with the United States.

And although there are many benefits to be gained by being associated with the United States for a much longer period of time, apparently resolving the political status box is not one of them. So today our neighboring islands, including the Northern Marianas as now a commonwealth of the United States, a status which is seen as a better status and more autonomous status than the one we have, even though they have only been associated with the United States since the end of World War II, for a little over 50 years.

In addition to that, there are three independent republics that came out of the trust territory which are in free association with the United States, namely the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands. It is with some sadness that I point this out because it is really the responsibility of the United States to move this process, as well as it is the responsibility of the people of Guam to make clear their desires in terms of their relationship with the United States.

It is particularly incumbent upon this body, in Congress, because Congress is constitutionally mandated to make all decisions regarding material acquisitions and the future political status, rules, regulations, and laws which appertain to those territories.

So that we keep in mind what we are discussing, there are a number of small territories still associated with the United States. They are the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Marianas, and of course the Commonwealth of Puerto Rico, which is seen as different not only because it is much larger than the small territories but because it is also often discussed in terms of a statehood option.

For more than 300 years prior to the Americans coming to Guam in 1898, Guam was a Pacific colony of Spain and as such is marked a little bit different than other Pacific islands. We adopted many Spanish customs, we learned to live with Spanish rulers, we adopted primarily Catholicism as our major religion and we incorporated many Spanish spoken words into our native Chamorro language. And as a result of that we are proud to continue to identify ourselves as proud people, indigenous people, of the Pacific islands, but certainly indeed with a great touch of Hispanicization woven into the cultural and societal fabric of our lives.

One hundred years ago, as I pointed out, the United States took Guam from Spain and established a military government of Guam. Now, Guam was considered at that time a possession of the United States, and it is a mark again of the lack of clarity in the relationship between small territories and the Federal Government, the terms that are used.

Sometimes we are referred to as the territory of the United States, the unincorporated territory of the United States. I have seen documents which refer to us as a protectorate, as a possession, as if we were a thing to be owned and moved around, but in reality the actual term and the appropriate legal term is unincorporated territory of the United States.

An unincorporated territory of the United States means that we are owned by the United States but that we are not fully part of the United States. And until we change that status, congressional authority, congressional plenary authority remains in full effect and the Constitution applies to Guam only to the extent that Congress sees fit to apply it to Guam.

So one of the main elements of great discussion about political theory today and the appropriate relationship between the Federal Government and the local government is the use of the 10th amendment, where certain powers are reserved to the States or the people. And the concept of devolution in that uses, as a core article, obviously faith in the application of the 10th amendment.

Congress of course, in its wisdom, has made sure that the 10th amendment does not apply to territories. So any powers that are forfeited, in a sense, or acknowledged by the Federal Government to be reserved to local authorities or local governance, it is clearly not the case with the territories.

It was not until after World War II that Guam was referred to as an unincorporated territory, with the passage of the Organic Act of Guam. And the Organic Act of Guam is the governing document, and an organic act simply means an act by Congress to organize a government.

The Navy, for the first 50 years of association with the United States, was the primary instrument of government over Guam, and all of the officers, the commanding officer of the naval station of Guam was also the Governor of Guam. The commander of the marines was also the head of the Department of Public Safety. The Navy chaplain was automatically the head of the Department of Education.

They had a kind of a little system devised that virtually treated people as if they were wards, as if they were people who needed a great deal of tutelage before they were even trusted with the most rudimentary forms of government. And of course the citizenship status of the people was the part that was most cloudy. People were not U.S. citizens but they were not aliens. The Navy had an interesting order called Court Martial Order No. 1923 that held while the natives of Guam are not citizens of the United States, nor are they aliens. There were no means by which they could become citizens.

So unlike aliens who have the opportunity to become citizens, the people of Guam were in a kind of permanent anomalous status, if you will. But they were most often referred to as nationals until the passage of the Organic Act in 1950, and the people of Guam became U.S. citizens.

Prior to the Organic Act in 1950, I guess the historical incident which most marks Guam, at least in the consciousness of most people in the United States today, is the experience during World War II. Guam was the only American territory with people in it to be occupied by an enemy during World War II, and, in fact, if you go back into the war of 1812, it has been the only

American territory that has been invaded and occupied by a foreign power and actually had people in it.

I know a couple of the Aleutian Islands were taken during World War II, but all the civilians, all the people were evacuated from those islands. As it was on Guam, the people were not evacuated and the people endured a very horrific occupation for which in many respects the people still bear scars from that experience.

The one thing that united the people in that experience is that people never lost hope in the Americans coming back to relieve them of the burden that they were experiencing as a result of the Japanese occupation, and many, many stories have come from that, not only for the experience of the people who endured the occupation, but certainly for the incoming marines and sailors who performed many heroic deeds in terms of liberating the island from the Japanese.

In 1950, when the Organic Act of Guam was passed by the U.S. Congress, citizenship was passed along to the people of Guam. And the Organic Act granted the people of Guam a limited form of American citizenship, commonly referred to as statutory citizenship, meaning that Congress also has the authority to take it away. Not that it is going to, but that legally it has the authority to take that citizenship away. And this is very unlike others, the vast majority of American citizens who are so-called constitutional citizens.

Certainly unlike the citizens of any of the 50 States or even the District of Columbia, the citizens of Guam do not enjoy all the full protections of the U.S. Constitution. And by being and by remaining an unincorporated territory, in its current form, the United States has broad powers over the affairs of Guam and ultimately the future of the Chamorro people of Guam.

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What this relationship has meant is that the United States can continue to enjoy the benefits for which Guam was intended. It was no accident that Guam was picked up in 1898 over the other islands. Guam was the largest island in Micronesia. It had the most contact with outside people at that time, and it also was seen as an adequate coaling station for the level of naval technology at the time. And since that time of course we have seen Guam perform a number of roles as a strategic area. It is a major logistical point today, it can be a forward—an area for forward deployment and projection of American power into Asia and the Pacific, and if the military planners did not have the security of knowledge that Guam over any other location in the Pacific and in Asia is a stable and friendly environment for the projection of American military forces, they would have more insecurity in their sleep at night.

Guam is sometimes treated as a part of the United States, and at other times it is treated as if it were a foreign country, and that is part of the anomalous status, but most of the time it is not ignored—it is not ignored at all. I always point this out, that in the course of trying to do legislative work here in Congress, frequently when legislation is passed, unless it specifically mentions Guam or it specifically mentions territories, it is normally ignored, and over the course of the 4 years that I have been here I have always asked this question when legislation is being passed, and I will always hear the reply that it was an oversight to not include Guam, forgive me for my oversight in not thinking about the small territories, an oversight.

I have heard this term many, many times, and I always joke back that maybe we ought to have one big oversight hearing over all the oversights that Guam and some of the small territories have experienced.

Well, the next milestone for Guam politically beyond the Organic Act was in 1970. For the first time the chief executive of the island was elected by the people of Guam. So it has only been approximately 27 years since the people of Guam have had the opportunity to elect their own Governor, and in 1972 the people of Guam were afforded an opportunity to have a delegate, a nonvoting delegate, in the U.S. House of Representatives, of which I am the third such individual to be elected to this body. Sending a delegate to Congress meant that our interests could be more effectively protected by someone that the people of Guam sent here, and of course electing our own Governor gave us a great sense of control over local affairs.

But Guam's political status as an unincorporated territory continues to prove unsatisfactory, as we have a number of issues of contention with the Federal Government. As a result of this great discussion that we had in Guam in the late 1960's and through the 1970's, a series of political status hearings were held, and there was a great deal of discussion, and there were a number of elections that took place, and the major political status was held in 1982 to determine what general direction Guam wanted to go if the status quo was to be changed. From a list of six status options the people of Guam choose statehood and commonwealth as the two desired options, and those were put together in a runoff, and as a result of the runoff the overwhelming choice was a commonwealth with 73 percent.

So this led to the task then of drafting the Commonwealth Act, what piece of legislation should we present to Congress as the embodiment of our desires? That resulted in 12 separate sections of the act; each one of those sections were, in turn, ratified by the voters of Guam, and finally in 1988, in February 1988, the Guam Commonwealth Act was given to the leaders of the House and the Senate as well as the executive branch of the Federal Government. And my predecessor, Congressman Ben Blaz, a retired Marine Corps general of whom we are very proud, was the first one to introduce that. He introduced it twice. I have been here three terms; I have had the honor, distinct honor, of introducing it three times. But in all that time since 1988 we have really had only one congressional hearing on the proposal, and that was held in Honolulu in December 1989.

I might add that despite the enormous distances Honolulu is still 3,500 miles away from Guam. Hundreds of our island residents and leaders went to Honolulu to express their hopes and aspirations. At that time congressional leadership said that before they really could address this, since there were a number of complicated provisions to the Commonwealth Draft Act, they suggested that we work with the executive branch in order to narrow the differences and to enter into formal discussions.

Throughout the Bush and the Clinton administrations interagency task forces of Federal officials have tinkered with the draft commonwealth proposal, and we have seen several constitutional arguments raised, and there have been arguments about specific provisions, and for almost 7 years the people of Guam and their representatives through the Commission on Self Determination have met with Guam officials, and the Federal officials continue to raise objections.

Unfortunately, even though there was a little progress during the administration of President Bush, the interagency task force on the last day of the Bush administration issued a negative report on the draft commonwealth proposal, in effect reneging on many important provisions of the draft act.

When I was first elected in 1992 and sworn into office in 1993, the first piece of legislation which I introduced was the Guam Commonwealth Act, and last month I reintroduced the very same bill, which is now known as H.R. 100, hoping to draw a connection between the 100th anniversary of 1898 coming up next year, in which I hope that we will see final resolution of the political status process for small territories, and in particular Guam.

H.R. 100 is now under review by the President's Special Representative for Guam Commonwealth who is Deputy Secretary of Interior John Garamendi, and he is doing this in conjunction with White House officials and Cabinet level officials. Governor Gutierrez, who is the chairman of the Commission on Self Determination, and I have met with a number of White House officials and various members of the administration on this proposal. It is clear that the manner in which we are approaching this, in which we are hoping to secure the support of the administration, makes the most sense and will clear away most of the problematic provisions, and hopefully it will eliminate many of the objections before we move this legislation here in Congress.

But the people of Guam must not make the mistake of placing their faith in this process without some hope of success. If we do this, we will pursue commonwealth in a manner which will totally frustrate us. The frustration with the current process, since it has gone on for over 7 years, is sapping some of the strength to our commitment to commonwealth and is leading to the unfortunate feeling of a lack of confidence in the Federal Government's sincerity. But I remain confident, and certainly most of the people of Guam do, that we should not give up on commonwealth. Despite the lack of support and clarity of both administrations and from Washington in general, the people of Guam still remain remarkably united behind commonwealth.

The administration negotiations has gone on rather intensely for the past year, and we have seen a number of time deadlines set, but realistically I think the people of Guam have reached the point that if we do not see this make progress by spring, the people of Guam will be in a position to reevaluate whether the current process that we are engaged in is really the way that we want to go about it and whether indeed we want commonwealth or the kind of commonwealth that we propose.

So this is a very critical time in the negotiation process, and while I commend the Clinton administration for their forthrightness in bringing it to this point, and I also want to commend Governor Gutierrez and all the elected leadership of Guam for bringing it to this point, we have been near this point in the past, and we need to get on with it, and we need to get a clear, strong signal from the administration about their sense of what commonwealth for Guam means and whether they agree with our proposal.

Next year will mark the 100th anniversary of Guam being first a possession of the United States and now an unincorporated territory, but this process with the Clinton administration is not really the culmination of the Commonwealth Draft Act because, as most people in Congress know, and certainly I hope all of them will know by the time we deal with this piece of legislation, Congress retains plenary authority over the territories of the United States through the Constitution.

This is really a congressional call. Political status change is really a congressional call. Progress in the territories and the policies which the Federal Government adopts in the territories is really a congressional call. So I am really requesting the Members of Congress, and particularly the leadership of Congress and those who are particularly responsible for the insular areas, both in the House and in the other body, to take a good strong look at the commonwealth proposal of Guam, to make it see the light of day, to allow the debate on its provisions to go forward, to give a clear and sensible answer to the people of Guam why their aspirations to be fuller Americans, Americans with more autonomy over their lives, continues to be frustrated after 7 years of discussions.

We have an opportune time in this Congress. We are facing the 100th anniversary of a war that most of us probably do not think about much. But I am certainly going to bring it to the surface as much as I can. In that war the Treaty of Paris of 1898 specifically entrusted the Congress of the United States with the exact obligation to determine the political status of the native inhabitants of Guam. We have not done that in a clear and concise manner, we have not done that in a respectful manner, and I do not think we have done that in a way that is commensurate with the value that Guam has been to the United States through its strategic location for the intervening 100 years.

I hope that as we see the 100th anniversary of the Spanish American War, I pray that the Members of Congress will bring attention to this issue, as I certainly will in collaboration with the leadership of the other territories, as well as, of course, the Commonwealth of Puerto Rico. The 100th anniversary of the Spanish-American War marks an important time period for the United States to, in a sense, come face to face with its imperial past and come face to face with what hopefully will be in the next century a more perfect union not only for the 50 States and the District of Columbia, but all the people who live under the American flag.

GAMBLING ADVOCATES SHOULD NOT BE PART OF THE NATIONAL GAMBLING IMPACT STUDY COMMISSION

The SPEAKER pro tempore (Mr. COLLINS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes as the designee of the majority leader.

Mr. WOLF. Mr. Speaker, it has recently been reported that the President of the United States and the minority leader of the House are planning to appoint gambling advocates to the National Gambling Impact Study Commission. Should this come to pass, it would prevent a commission from doing any meaningful work. The President and the minority leader should not appoint individuals with a vested interest in the outcome of the report. They should appoint men and women of good will, able to make an objective and thorough review of gambling.

Why? Because gambling is known to wreak havoc on small businesses, families, and our governmental institutions, and it is time to learn gambling's true impact on the Nation.

As the Washington Post editorialized today, the commissioners were supposed to be appointed on October 2, 1996, prior to the election. Now we have learned that the gambling interests that once gave millions of dollars to both political parties also had a coffee with the President of the United States at some of the infamous White House coffees.

□ 1445

The Wall Street Journal reported last week that the Oneida Nation donated $30,000 to the Democratic National Committee on the day that Oneida Chairwoman Deborah Doxtator attended a White House coffee event.

This administration is being scrutinized for the campaign contributions it has received in the campaign-related meetings it has had within the White House. Americans are rightly concerned, Americans of both political parties are rightly concerned, about the President meeting with drug dealers in the White House. They are concerned that China's biggest arms merchant, Mr. Wang, head of the Poly Corp. in China, who was trying to sell assault weapons to street gangs in California, was meeting with the President of the United States in the White House. What a disgrace. The president of the corporation that was selling assault weapons and even shoulder missiles to street gangs in California was meeting with the President of the United States.

Their concern was favor-seeking Indonesian businessmen, and as everyone knows, the Lippo Bank in Indonesia, and I just returned from Indonesia 2 weeks ago where we went to the island of East Timor, where the first Catholic Bishop ever in the history of the world, a winner of the Nobel Peace Prize, and I might say he was appointed and recommended by the gentleman from Ohio [Mr. HALL], from this side of the aisle, won the Nobel Peace Prize. The feeling out in Indonesia and now in the United States is that the Lippo Bank, which is an Indonesian bank, through the Riady family, which is close to the Clinton administration, gave money to the Clinton administration, which has now changed their policy on Indonesia. And we know that in Indonesia, in a little island of East Timor where 700,000 people of the Catholic faith are now being persecuted and the military fear that runs through the island as they are taking young people away in the middle of the night.

So the American people are concerned about this. They are concerned about a reputed Russian mobster, Russian mobster in the White House with coffee, and as this administration says they are concerned about drugs, drug dealers at the White House. So therefore, they are concerned about this whole issue of campaign financing.

Anything the White House does, rightly or wrongly, will be scrutinized in light of these factors.

I call on the President to appoint three honest and decent Americans, people the American people can trust to conduct a credible study of the gambling industry. I urge the President to avoid the charge that his picks are political payola, mere kickbacks for financial support during the election. I agree with the gentleman from New York [Mr. LAFALCE], who urged the President in a February 6 letter in saying, "to place the National Gambling Impact Study Commission above politics and to consider appointments that the public can rely on to conduct a comprehensive and fair review of gambling." Because what we wanted in the commission, since gambling is spreading rampantly through the country, is an objective group of men and women who would study the issue of gambling and to see: has there been a problem on corruption, has there been a problem on crime, has there been a problem on addiction, whereby localities and State legislators and Governors could come to an objective place to see. And now we see that maybe the White House is talking of putting gambling interests on as their appointments.

I am not suggesting, and let me say for the record, that the President should appoint antigambling people to the commission. He ought not appoint antigambling people, but the test should be whether the appointees are objective, whether they are connected to the industry in some way or any way, or are proponents of gambling. The American people are watching; the editorial writers and the newspapers of this country are watching in hopes that the President will do the right thing.

In an October 31, 1995 letter to Senator Paul Simon the President wrote the following:

> I deeply appreciate your efforts to draw attention to the growth of the gambling industry and its consequences. Too often, public officials view gambling as a quick and easy way to raise revenues without focusing on gambling's hidden social, economic and political costs. I have long shared your view about the need to consider carefully all of the effects of gambling, and I support the establishment of the Commission for this purpose.

I had an opportunity a year ago to be at the White House, where the President came and said to me he supported completely what we were trying to do on the National Gambling Commission. If the President was saying what he believes to me and to Senator Simon, why are they now talking appointing people connected to the gambling interest to be on the commission? Is this White House out of control? Does the President not know what his staff is doing? Is the President aware that his staff is making these recommendations? Are these on his desk? Will he speak out? Will he be involved?

Mr. Speaker, I take the President at his word that he supports the need to consider carefully all of the effects of gambling. This can only be done, Mr. President, by an objective group of individuals willing to make a thorough and considered review of gambling. The Congress and the President may join together to establish other commissions in the future, to study issues such as Medicare and Social Security. Those commissions should not be loaded up one way or another so meaningful research is somehow thwarted. They should be above politics.

If the President appoints gambling interests to this commission, can you imagine who he will appoint to the Medicare commission? Can you imagine who he will appoint to the Social Security commission? It will destroy the confidence that the country will have in his ability for objectivity and fairness.

Likewise, the National Gambling Impact Study Commission will not be able to do its job if the panel is stacked with individuals linked to the industry. And it should be above politics.

I urge the President, in the words of a February 5 Dallas Morning News editorial, it says not to "give henhouse guard duty to the foxes." It says, do not "give henhouse guard duty to the foxes."

All the States that are holding referendums on this issue are all turning gambling down but one this last time, and they passed it 51 to 49. The President's own home State of Arkansas has turned gambling down, and now we hear that the White House is thinking of appointing gambling-interest people to this commission.

I also would like to insert in the RECORD the Washington Post editorial where it says,

> The big money gamblers are betting a bundle on President Clinton to do their bidding today. Maybe Mr. Clinton will have some second thoughts, and well he should, about stacking a Federal commission established to examine the impact of gambling activities on the country. But that is not a very safe bet, given the background situation.
>
> Start with the guess-who's-coming-to-coffee list at the White House. Last March, for example, one White House coffee guest was the chairwoman of the Oneida Nation, an Indian tribe with gambling interests. On the same day, according to the Wall Street Journal, the Oneida Nation donated $30,000 to the Democratic National Committee. Coffee guest lists show at least 10 representatives of Indian gambling interests since mid 1995.

Then it goes on to quote Mr. LAFALCE, a supporter of our bill, to set up the national commission, and he wrote to the President last fall urging him to name individuals without vested interests in the outcome of the commission. In the followup letter last Thursday, Mr. LAFALCE expressed his concern about the reported White House list urging the President to place the commission above politics.

This is the end of the Washington Post editorial:

> Given the squalid state of money-ordered politics pervading Washington, that would be refreshing news.

Also, Mr. Speaker, in closing, I would like to insert the article from the January 25 Economist magazine where it talks about the reality of dawning in this Nation with regard to what is taking place on the gambling interest. It says,

> Many places have failed to understand that casinos, more than other forms of gambling such as lotteries, cause what economists call negative externalities. There is a price to pay in the rising costs of such things as law enforcement, street cleaning, and, some argue, the extra social services needed when gambling leads to the breakup of families. When these additional costs are taken into account, it is far from clear that gambling benefits anyone except the casino-operators.

Now the President stands here to address the Nation and talk about families. In fact, if you listen to both political parties, they talk about families and family values. Would it be a family value for the President to appoint three gambling-connected people to the Gambling Commission? Of course it would not be a family value for this administration to do that.

The article goes on to say,

> Perhaps one-third of Americans never gamble, reckons Mr. Grinols. Many people who do are cautious, but a small percentage, perhaps 2 to 4 percent of the American adult population, are problem or pathological gamblers. These account for a disproportionately large share of the activity's costs. One study in Minnesota found that 10 percent of bettors, 10 percent of bettors accounted for 80 percent of all the money wagered.

The article goes on to say,

> Their numbers may be small, but their impact is not. Problem gamblers have a high propensity to commit crimes, in particular, forgery, theft, embezzlement and fraud. These crimes affect both immediate family and colleagues at work. The American Insurance Institute estimates that 40 percent of white collar crime, 40 percent of white collar crime has its roots in gambling. Gamblers often descend in a spiral of increasingly desperate measures to finance their habit in the hope of recouping their losses. Further, even before they turn to crime, problem gamblers are unproductive employees, frequently absent or late, and usually distracted. A 1990 study in Maryland estimated that the State's 50,000 problem gamblers accounted for $1.5 billion in lost productivity, unpaid State taxes, money embezzled and other losses.

It ends by saying, and I will insert the whole article in the RECORD, All this is potent evidence that casinos are a bad bet. But even if the effects of problem gambling are discounted, the fact remains that casinos are not a development tool either. The risk, which everyone was aware of at the outset, is not paying off. Without resorting to moralizing and even without mentioning organized crime, those who would clamp down on gambling can now make a formidable economic case.

In closing, Mr. Speaker, I periodically will get calls from loved ones in a family who call and say, my husband committed suicide or my wife got addicted and committed suicide, and we will also hear from other families. And has the President had the opportunity to sit down and talk to some of the families who have lost loved ones because of this addiction?

☐ 1500

He sits down with the Oneida Indian tribe, he sits down with the gamblers from all around the United States, he takes their political money, but he will not sit down with a mom who calls about her son, or the wife who calls about her husband, and all of those who have been impacted.

So I call on the President, I call on the President today to make a commitment to the American people not to appoint anti-gamblers; and let there be no misunderstanding, I personally am not for gambling, but I am not asking that anti-gamblers be on the commission. But I certainly am saying that pro-gamblers and those connected with the gambling interests in any way ought not be on the commission.

When I think of all the good, honest, and decent people in this country, Republican and Democrat, liberal and conservative, who would be outstanding appointments to this commission, I call on the President to find three people like that, who have no connection, to demonstrate that the political contributions in this fall's campaign have had no bearing on it.

Because I will tell the Members, we will scrutinize who is appointed to this commission. We will dig and we will follow it out. We will find out, whether it be through subpoena power or whatever, if there has been any connection. If there is any connection, we will demand that this Congress act, and we will demand that this administration act.

Mr. Speaker, I include for the RECORD the following documents.

The material referred to is as follows:

[From the Washington Post, Feb. 10, 1997]

GAMBLING PAYOFF?

The big-money gamblers are betting a bundle on President Clinton to do their bidding today. Maybe Mr. Clinton will have some second thoughts—as well he should—about stacking a federal commission established to examine the impact of gambling activities on this country. But that's not a very safe bet given the background situation.

Start with the guess-who's-coming-to-coffee list at the White House. Last March, for example, one White House coffee guest was the chairwoman of the Oneida Nation, an Indian tribe with gambling interests. On that same day, according to the Wall Street Journal, the Oneida Nation donated $30,000 to the Democratic National Committee. Coffee guest lists show at least 10 representatives of Indian gambling interests since mid-1995.

Last week, the president's short list of choices for three seats on the gambling commission included attorney Tad Johnson, reportedly a registered member of an Indian tribe that has a casino in Minnesota. But according to Saturday's Las Vegas Review Journal, after some critical publicity on the commission appointments, this nomination may be pulled.

Other names that have been topping the Clinton list are former New Jersey state treasure Richard Leone, who is close to New Jersey Rep. Robert G. Torricelli, a strong supporter of the Atlantic City gambling industry; and Bill Bible, chairman of the Nevada Gambling Control Board. According to the Las Vegas Sun, Sen. Harry Reid of Nevada was assured by a top White House aide last October that Mr. Bible's selection was a "done deal."

The deals for these three commission seats and six others chosen by Senate and House leaders were all supposed to be done by Oct. 2, before the elections. Word last week was that Mr. Clinton would announce his choices today. But if a second look is in progress, that could be good news.

One of Speaker Gingrich's choices is the chairman and CEO of a Las Vegas casino company. House Minority Leader Gephardt, who gets one selection—and whose political committees received at least $46,500 from gambling interests along with another $4,500 from the three women listed as homemakers from Las Vegas—reportedly favors the head of a union representing casino employees.

In a letter to House and Senate colleagues, Rep. Frank Wolf of Virginia, a sponsor of the commission bill, calling the gambling leaders' effort to seek "a return on their investment" a "disgrace." Another supporter of the bill, Rep. John J. LaFalce of New York, wrote to President Clinton last fall urging him to name "individuals without vested interests in the outcome of the commission's study." In a follow-up letter last Thursday, Mr. LaFalce expressed his concern about the reported White House list, urging the president to place the commission "above politics." Given the squalid state of money-ordered politics pervading Washington, that would be refreshing news.

THE WHITE HOUSE,
Washington, DC, October 31, 1995.

Hon. PAUL SIMON,
U.S. Senate,
Washington, DC.

DEAR SENATOR SIMON: I deeply appreciate your efforts to draw attention to the growth of the gambling industry and its consequences. Too often, public officials view gambling as a quick and easy way to raise revenues, without focusing on gambling's hidden social, economic, and political costs. I have long shared your view about the need to consider carefully all of the effects of gambling, and I support the establishment of a commission for this purpose.

My Administration is eager to work with you in designing such a commission and ensuring that its work is completed in a timely and effective manner. Your and Senator Lugar's bill, S. 704, and Congressman Wolf's bill, H.R. 497, provide a very sound basis for this process, which I hope will include further discussion of the exact composition of the commission and the exact scope of its duties and powers.

Again, I applaud your efforts to place this important matter on the nation's agenda.

Sincerely,

BILL CLINTON.

[From the Economist, Jan. 25, 1997]

A BUSTED FLUSH

HOW AMERICA'S LOVE AFFAIR WITH CASINO GAMBLING TURNED TO DISILLUSIONMENT

In 1995, 177m Americans went to watch the baseball, football, hockey and basketball matches, not to mention golf tournaments and car races, that make up what most people think of as away-from-home entertainment. Yet almost as many Americans, 154m of them, walked through the doors of the country's casinos. Americans in 1995 wagered an eye-popping $550 billion on all forms of gambling, handing the gambling industry a record $44.4 billion in profits, 11% more than the previous year. Around 40% of that activity took place in casinos. On the face of it, casino gambling has become the most popular leisure activity—well, maybe the second most popular—in America.

It is at least as popular with Wall Street and American business. In the past year or so, Goldman Sachs and Morgan Stanley, two blue-chip investment banks, have set up research and banking teams to serve the "gaming and leisure" industries, as the gambling organisations like to be called. Respectable firms such as Hilton Hotels and ITT have acquired casino operators. Las Vegas and Atlantic City are expanding faster than ever before. To all appearances, casino gambling is a rich, successful and untroubled business.

It may seem strange, then, to argue that America's love affair with casinos is essentially over. Strange, too, to assert that the gambling industry is largely responsible for ensuring its own eventual decline. But there is growing evidence for both arguments. And the irony is that the roots of gambling's failure lie not only where one might expect—in moral objections—but in the consequences, expected and unexpected, of the economic success which helped the casinos' emergence into respectability.

Plenty of people are still willing to roll dice, draw cards and, most of all, play slot machines. But there has been a change of heart among the legislators whose tolerance of casino gambling gave it legal sanction. Since mid-1994, anti-gambling groups, led by the National Coalition Against Legalised Gambling, have helped to defeat more than 30 state legislative or ballot proposals to legalise or expand gambling businesses. Despite spending a fraction of their opponents' budgets on lobbying politicians and voters, the lobby against gambling has proved remarkably effective.

The gambling industry is hitting back. In June 1995 it organised itself into the American Gaming Association; it spends serious money trying to limit further damage to its fortunes. But it is likely to be a bruising and losing battle.

In August 1996 President Clinton signed a law establishing a national commission whose nine members will, for the next two years, study the impact of gambling on American society. That is quite a change for an administration which had previously seemed to look on gambling simply as a source of revenue. In 1994, Mr. Clinton floated the idea of a 4% federal tax on gambling revenues to create a fund for welfare reform. No fewer than 31 state governors replied that the tax, by lowering their own tax-take, would do great damage to their already stretched state budgets. The proposal was shelved. Now Mr. Clinton, turning the other way, has set up his commission, and most people reckon its questions will make the casino firms squirm.

THE FALSE EXAMPLE

To understand the reason for casino gambling's coming failure, start with the reason for its success. In the 1940s, when Bugsy Siegel turned to Las Vegas as the place to set up a gambling empire, he made a shrewd guess; if you build a casino in the desert, people will flock to it. After a shaky start, the experiment proved a success. That was in part because Las Vegas at the time had a country-wide casino monopoly (the next casinos, in Atlantic City, New Jersey, were not approved until 1976).

The frenzied expansion of Las Vegas in the late 1980s and early 1990s caught the politicians' eyes. So too did the economic impact of casinos on equally isolated Indian reservations. As sovereign nations, tribes were for a long time allowed to run gambling operations when these were forbidden elsewhere. In the early 1990s, the economy of many parts of the country was stagnating, and state politicians were under pressure either to cut services or to raise taxes. Many suddenly had the same idea. Why not legalise casinos, thereby creating employment as well as a firm base for future taxes on the profits of the chosen local monopolist?

Gambling firms were quick to share the idea, promising lavish improvements in the infrastructure of run-down urban centers. Would-be operators of new casinos talked smoothly of repaved streets, splendid shops and thriving "eateries". And the politicians, for their part, found a further way to draw attention to the supposed advantages of legalised gambling. They could earmark gambling-tax revenues for some of the things voters wanted: for example, by 1991 13 states, including New York and California, had allocated some or all of their lottery receipts to education.

Look at Connecticut. Few states have had more bruising battles over whether to extend casino gambling. But since 1992 Connecticut has been home to America's most successful casino, Foxwoods, which sits on land belonging to the Mashantucket Pequot tribe of Indians. Thanks in part to the fact that 22m people live within 150 miles of Foxwoods, the casino gets around 45,000 visitors a day and makes an estimated daily profit of $1m.

Not surprisingly, other gambling interests have sought a share of the Connecticut pie. In the early 1990s, Steve Wynn, chief executive of the Mirage Corporation, a big casino operator, tried to win casino licenses in Connecticut's state capital, Harford—which has suffered from the decline of the big insurance firms that once dominated its economy—as well as the decrepit town of Bridgeport. Despite generous spending, and his gleaming vision of what gambling would do for the economy, both of Mr. Wynn's attempts failed. Yet casino operators are still seeking other places to expand. A lively debate is going on at present over proposals to legalize casinos in New York, specifically to draw "the gambling dollar" away from New Jersey and Connecticut.

HOW THE REALITY DAWNED

The trouble, as some New York legislators are pointing out, is that the supposed casino miracle has two big problems in practice. First, with few exceptions, legalizing gambling has failed to stimulate the expected economic miracle. According to Harrah's Casinos, which publishes an annual survey of the industry, casinos employed 367,000 people in 1995, more than half of them in Nevada. That was a 24% increase since the start of 1994. But the jobs created by the arrival of casinos are too often menial—money-counter, cleaners—and have all too often been cancelled out by the jobs that are lost as the newcomers drive older firms out of business. Moreover, bare statistics that show the growth of gambling jobs ignore the job creation that would have happened in the absence of a casino.

Belatedly, the politicians who welcomed casino gambling for its economic spin-offs have realised that it takes more than a few superficial improvements to revitalise a struggling city centre. Moreover, as more and more casinos have opened, so competition has diminished the amount of business each one can expect. The once-sunny economic projections have faded. In Deadwood, South Dakota, for example, an initial flush of profitability was destroyed by the speedy arrival of dozens of competing casinos, so that bust quickly followed boom.

Second, many places failed to understand that casinos, were more than other forms of gambling such as lotteries, cause what economists call "negative externalities". There is a price to pay in the rising cost of such things as law enforcement, street cleaning and (some argue) the extra social services needed when gambling leads to the break-up of families. When these additional costs are taken into account, it is far from clear that gambling benefits anyone except the casino operators.

Both these problems were predictable. It was naive to extrapolate from the success of Las Vegas a guaranteed economic stimulus for any city that opened its doors to a casino. Robert Goodman, a professor at Hampshire College in Massachusetts who writes on the economics of the gambling industry, argues compellingly that Las Vegas was a misleading model for the rest of America. To experience the seedy glamour of that city in the desert, most visitors have to come from a long distance away. A trip to gamble therefore becomes a full-scale holiday, complete with a stay in a hotel, visits to local restaurants and no doubt a little shopping thrown in. In Las Vegas, casinos genuinely support the service economy.

Contrast this with, say, Atlantic City in New Jersey. The place is a bus ride away from New York city, and perhaps 30m people live close enough to visit its casinos for a day at a time. Many even cut their own sandwiches at home; they are the "brown-bag gamblers". As is all too evident in the seedy downtown area with its paucity of restaurants, Atlantic City collects relatively few non-gambling dollars.

The contrast is greater still in places such as Joliet, Illinois, or Gary, Indiana. There is little in such cities to attract visitors from any distance away. It is the locals upon whom the casinos have to rely. Earl Grinols, an economic professor at the University of Illinois, points out what this means. Because local people are spending money on gambling that they would otherwise have spent of, say, buying clothes or going out for a meal, many non-casino firms suffer from reduced turnover and profits. This not only limits the number of people they employ; it also means that they pay proportionately less tax to local and state governments.

Similarly, many of the people employed by a casino live outside the city where the casino is sited—and spend their money outside it, too. Nearly 60% of the staff of Joliet's casino live outside the city, and half of those outside the county. This does not mean that nobody benefits. In Joliet, nine people paid some $7m for the town's casino franchise. Their investment paid for itself in six months, and each now collects a monthly dividend of some $900,000.

At last, it has started to dawn on the rest of the city's people that the economic benefit from a casino depends largely on where it is. Add the fact that, the more casinos there are, the smaller the share of America's gamblers any one of them will be able to attract, and it is plain how the dreams have been punctured. Even the gambling industry, which used to boast of the market's almost infinite potential, has become more circumspect. Casino firms have begun to consolidate as stronger competitors buy weaker ones. And industry analysts say that these days the growth prospects of many "gaming" firms come more from non-gambling sidelines (such as food, shops and shows featuring well-known crooners) than from gambling itself.

THE PRICE OF GAMBLING

As casinos have failed in many cases to revive local economies, so something else has happened. The old moral doubts about gambling, which were swept under the carpet when it seemed to offer a key to success, have resurfaced. In the process, whatever respectability gambling had recently acquired has been eroded.

Gambling-related social costs are extremely difficult to quantify. Nevada has the highest suicide rate in America; it also has among the highest number of accidents per mile driven, and deplorable crime and high-school drop-out rates. New Mexico, however, which is almost free of casinos, can rank alongside Nevada on all these counts. A causal link between gambling and these indicators is hard to prove. But it is becoming easier to establish that damage is done by gambling in general and by casinos in particular, largely because they contain slot machines, which are highly addictive.

Perhaps one-third of adult Americans never gamble, reckons Mr. Grinols. Many people who do are cautious. But a small percentage, perhaps 2% or 4% of America's adult population, are "problem" or "pathological" gamblers, and these account for a disproportionately large share of the activity's costs. One study in Minnesota found that 10% of bettors accounted for 80% of all money wagered.

Their numbers may be small; but their impact is not. Problem gamblers have a high propensity to commit crimes, in particular forgery, theft, embezzlement and fraud. These crimes affect both immediate family and colleagues at work. The American Insurance Institute estimates that 40% of white-collar crime has its roots in gambling. Gamblers often descend in a spiral of increasingly desperate measure to finance their habit in the hope of recouping their losses. Further, even before they turn to crime, problem gamblers are unproductive employees, frequently absent or late and usually distracted. A 1990 study in Maryland estimated that the state's 50,000 problem gamblers accounted for $1.5 billion in lost productivity, unpaid state taxes, money embezzled and other losses.

All taxpayers contribute towards the cost of policing, judging and incarcerating criminals. Casino gambling increases those costs. Since the Foxwoods casino opened in 1992, one police chief in a small Massachusetts town two hours' drive away reckons that local crime related to the casino has cost some $400,000. Multiply that figure by thousands, and the national impact of casino gambling begins to emerge.

Are casinos alone to blame? After all, gambling in America extends far beyond crap tables and slot machines. State governments themselves encourage gambling by spending millions to advertise lottery jackpots on television. But not all forms of gambling are equal: in Minnesota, for instance, two-thirds of people seeking help for their gambling problems blamed casinos for their addiction. A mere 5% cited lotteries.

The casino industry itself acknowledges its role in the problem. The American Gambling Association helps to finance a national Centre for Problem Gambling. Several firms promote programmes designed to help gamblers kick their addiction, and most casinos post free telephone numbers where people can find help. Gambling interests have also suggested that tax revenues from casinos could be used to pay for treatment for recovering gamblers. But even on conservative measures (reached by assuming that the average casino visitor loses $200 annually), problem gamblers would account for three-eights of casinos' revenues. How badly does the industry want to cure them?

All this is potent evidence that casinos are a bad bet. But even if the effects of problem gambling are discounted, the fact remains that casinos are not a development tool, either. The risk—which everyone was aware of at the outset—is not paying off. Without resorting to moralising, and even without mentioning organised crime, those who would clamp down on gambling can now make a formidable economic case.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mr. PAPPAS, for 5 minutes, on February 12.

Mr. SAXTON, for 5 minutes, today and on February 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RANGEL) and to include extraneous material:)

Mr. RANGEL.

Mr. FRANK of Massachusetts.

Mr. LANTOS.

Mr. CLAY.

Mr. TRAFICANT.

Mr. POSHARD.

(The following Members (at the request of Mr. WOLF) and to include extraneous material:)

Mr. THOMAS.

Mr. PETRI.

Mr. WELDON of Pennsylvania.

Mr. GILMAN.

Mr. RILEY.

Mr. BILBRAY.

Mr. LATOURETTE.

(The following Members (at the request of Mr. WOLF) and to include extraneous material:)

Mr. GALLEGLY in two instances.

Mr. WELDON of Florida.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 11, 1997, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1670. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Importation of Fresh Hass Avocado Fruit Grown in Michoacan, Mexico [Docket No. 94–116–5] (RIN: 0579–AA84) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1671. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Ports Designated for the Exportation of Animals; Georgia [Docket No. 96–054–2] received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1672. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Tobacco-Tobacco Loan Program, Importer Assessments (Commodity Credit Corporation) (RIN: 0560–AD93) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1673. A letter from the Administrator, Food and Consumer Service, transmitting the Service's "Major" final rule—Child and Adult Care Food Program Improved Targeting of Day Care Home Reimbursements; Correction and Extension of Comment Period (RIN: 0584–AC42) received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1674. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of January 1, 1997, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 105–42); to the Committee on Appropriations and ordered to be printed.

1675. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Application of Berry Amendment [DFARS Case 96–D333] received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

1676. A letter from the Secretary of the Treasury, transmitting a copy of the final report as required by the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104–6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

1677. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Regulation H, Expanded Examination Cycle for Certain Small Insured Institutions [Docket No. R–0957] received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1678. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Management Assessment Program [Docket No. FR-3447–1–03] (RIN: 2577–AA89) received February 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1679. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Fiscal Year 1997 Portfolio Reengineering Demonstration Program Guidelines [Docket No. FR–4162–N–01] received February 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1680. A letter from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Loan Guaranty: Flood Insurance Requirements (RIN: 2900–AH63) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1681. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Algeria, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1682. A letter from the Director of the Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Forms, Instructions, and Reports (RIN: 3064–AB89) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1683. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Expanded Examination Cycle for Certain Small Insured Institutions [Docket No. 96–114] (RIN: 1550–AB02) received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1684. A letter from the Secretary of Education, transmitting final regulations—The State Vocational Rehabilitation Services Program, pursuant to 20 U.S.C. 1232(f) GEPA Sec. 437(f); to the Committee on Education and the Workforce.

1685. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the Disability and Rehabilitation Research Projects and Centers Program, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

1686. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the State Vocational Rehabilitation Services Program, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

1687. A letter from the Acting Assistant Secretary of Labor for OSHA, Occupational Safety and Health Administration, transmitting the Administration's final rule—Reporting Occupational Injury and Illness Data to OSHA [Docket No. R–02] (RIN: 1218–AB24) received February 10, 1997, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Education and the Workforce.

1688. A communication from the President of the United States, transmitting a copy of Presidential Determination No. 96-54: Exempting the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons, pursuant to 42 U.S.C. 6961; to the Committee on Commerce.

1689. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Substituted Cyclohexyldiamino Ethyl Esters; Revocation of a Significant New Use Rule [OPPTS-50598B; FRL-5580-5] received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1690. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois [IL154-1a; FRL-5685-7] received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1691. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois [IL153-1a; FRL-5685-1] received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1692. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Land Disposal Restrictions: Correction of Tables Treatment Standards for Hazardous Wastes and Universal Treatment Standards [FRL-5681-4] received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1693. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 74, 78, 101 of the Commission's Rules to Adopt More Flexible Standards for Directional Microwave Antennas [ET Docket No. 96-35] received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1694. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 402(b)(1)(A) of the Telecommunications Act of 1996 [CC Docket No. 96-187] received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1695. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Belview, Minnesota) [MM Docket No. 96-209 RM-8885] received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1696. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 203 of the Telecommunications Act of 1996 (Broadcast License Terms) [MM Docket No. 96-90] received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1697. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Avra Valley, Comobabi, Florence, Oracle, Oro Valley, and San Carlos, Arizona) [MM Docket No. 95-127 RM-8676 RM-8726] received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1698. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule—Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule") [16 CFR Part 305] received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1699. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Health Claims; Oats and Coronary Heart Disease [Docket No. 95P-0197] (RIN: 0910-AA19) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1700. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Investigational Device Exemptions; Intraocular Lenses [Docket No. 9IN-0292] received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1701. A letter from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Fissile Material Shipments and Exemptions [10 CFR Part 71] (RIN: 3150-AF58) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1702. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Disclosure of Accounting Policies for Derivative Financial Instruments and Derivative Commodity Instruments and Disclosure of Quantitative and Qualitative Information About Market Risk Inherent in Derivative Financial Instruments, Other Financial Instruments, and Derivative Commodity Instruments [Release Nos. 33-7386; 34-38223; IC-22487; FR-48] (RIN: 3235-AG42, 3235-AG77) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1703. A communication from the President of the United States, transmitting notification that the Federal Government frequency assignments in the 4635-4660 MHz frequency band have been withdrawn by NTIA in compliance with section 114 of the Act, pursuant to title VI of the Omnibus Budget Reconciliation Act of 1993 (H. Doc. No. 105-43); to the Committee on Commerce and ordered to be printed.

1704. A letter from the Director, Defense Security Assistance Agency, transmitting a report containing an analysis and description of services performed by full-time U.S. Government employees during fiscal year 1996 who are performing services for which reimbursement is provided under section 21(a) or section 43(b), pursuant to 22 U.S.C. 2765(a)(6); to the Committee on International Relations.

1705. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled "Report on U.S. Government Assistance to and Cooperative Activities with the New Independent States of the Former Soviet Union," pursuant to Public Law 102-511, section 104; to the Committee on International Relations.

1706. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11-512, "Recorder of Deeds Recordation Surcharge Amendment Act of 1996" received February 6, 1997, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1707. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11-525, "Alcohol Beverage Control Act Private Club Exception Amendment Act of 1996" received February 6, 1997, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1708. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11-526, "Procurement Reform Amendment Act of 1996" received February 6, 1997, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1709. A letter from the Senior Vice President and CFO, Potomac Electric Power Co., transmitting a copy of the balance sheet of Potomac Electric Power Co. as of December 31, 1996, pursuant to D.C. Code, section 43-513; to the Committee on Government Reform and Oversight.

1710. A letter from the Administrator and Chief Executive Officer, Bonneville Power Administration, transmitting the annual management report and the 1996 annual report, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

1711. A letter from the Chairman, Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1996, through September 30, 1996; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1712. A letter from the Chair, Foreign Claims Settlement Commission, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

1713. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the Authority's report entitled "District of Columbia's Procurement System"; to the Committee on Government Reform and Oversight.

1714. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the Authority's report entitled "D.C. Unfunded Pension Liability; Major Findings and Recommendations"; to the Committee on Government Reform and Oversight.

1715. A letter from the Administrator, Panama Canal Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

1716. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Badlands National Park, Commercial Vehicles (National Park Service) [36 CFR Part 7] (RIN: 1024-AC30) received

February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1717. A letter from the Acting Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Florida Keys National Marine Sanctuary Final Regulations [Docket No. 960712192–6192–01] (RIN: 0648–AD85) received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1718. A letter from the Deputy Assistant Administrator of the Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Comprehensive Methamphetamine Control Act of 1996; Possession of List I Chemicals, Definitions, Record Retention, and Temporary Exemption from Chemical Registration for Distributors of Combination Ephedrine Products (Drug Enforcement Administration) [DEA Number 154I] (RIN: 1117–AA42) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1719. A letter from the Chief Executive Officer, Little League Baseball Incorporated, transmitting the Organization's annual report for the fiscal year ending September 30, 1996, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

1720. A letter from the Chief Financial Officer, Paralyzed Veterans of America, transmitting a copy of the annual audit report of the Paralyzed Veterans of America for the fiscal year ended September 30, 1996, pursuant to 36 U.S.C. 1166; to the Committee on the Judiciary.

1721. A letter from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Patent and Trademark Office, transmitting the Office's final rule—Interim Guidelines for the Examination of Claims Directed to Species of Chemical Compositions Based Upon a Single Prior Act Reference [Docket No. 970129014–7014–01] (RIN: 0651–xx09) received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1722. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—National Freight Transportation Policy [Docket No. OST–96–1188] (RIN: 2105–ZZ00) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1723. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Seaway Regulations and Rules: Great Lakes Pilotage Rates (Saint Lawrence Seaway Development Corporation) (RIN: 2135–AA08) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1724. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's first report on the drinking water infrastructure needs survey, pursuant to Public Law 104–182; to the Committee on Transportation and Infrastructure.

1725. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Household Goods Tariffs [STB Ex Parte No. 555] received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1726. A letter from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Dependency and Income [38 CFR Part 3] (RIN: 2900–AI47) received February 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1727. A letter from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Spouse and Surviving Spouse [38 CFR Part 3] (RIN: 2900–AI36) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1728. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Deposits of Excise Taxes [Notice 97–151] received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1729. A letter from the Director, Congressional Budget Office, transmitting the CBO's sequestration preview report for fiscal year 1998, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); jointly, to the Committees on Appropriations and the Budget.

1730. A letter from the Secretary of Health and Human Services, transmitting notification that the Department of Health and Human Services is allotting emergency funds made available under section 2606(e) of the Low-Income Home Energy Assistance Act of 1981 to all States, tribes, and territories, pursuant to section 2604(g) of the Low-Income Home Energy Assistance Act of 1981; jointly, to the Committees on Commerce and Education and the Workforce.

1731. A letter from the Director, Defense Security Assistance Agency, transmitting a report on deliveries under section 540 of Public Law 104–107 to the Government of Bosnia and Herzegovina, pursuant to Public Law 104–107, section 540(c) (110 Stat. 736); jointly, to the Committees on International Relations and Appropriations.

DISCHARGE OF COMMITTEE

Pursuant to section 518A(e)(5)(A) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as contained in section 101(c) of the Omnibus Consolidated Appropriations Act, 1997:

H.J. Res. 36. Approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

Committee on Appropriations discharged from further consideration. Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DAN SCHAEFER of Colorado:

H.R. 655. A bill to give all American electricity consumers the right to choose among competitive providers of electricity, in order to secure lower electricity rates, higher quality services, and a more robust U.S. economy, and for other purposes; to the Committee on Commerce.

By Mr. BACHUS (for himself, Mr. YOUNG, of Alaska, Mr. CRAMER, Mr. RILEY, Mr. ADERHOLT, Mr. MICA, Mr. OXLEY, Mr. MCCOLLUM, and Mr. LATOURETTE):

H.R. 656. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from qualified State tuition programs which are used to pay educational expenses shall not be includible in gross income and to include as such expenses the cost of room and board; to the Committee on Ways and Means.

By Mr. BALDACCI:

H.R. 657. A bill to establish a National Center for Rural Law Enforcement, and for other purposes; to the Committee on the Judiciary.

H.R. 658. A bill to provide for the conveyance to the city of Bangor, ME, of unused military family housing located in the city; to the Committee on National Security.

By Mr. BURR of North Carolina (for himself, Mr. SPRATT, Mr. MCINTOSH, Mr. BACHUS, Mrs. KELLY, Mr. WELDON of Pennsylvania, Mr. FROST, Mr. CALVERT, Mr. SESSIONS, Mr. MCKEON, Mr. COLLINS, Mr. DOYLE, Mr. BORSKI, Mr. BARTLETT of Maryland, Mr. OXLEY, Mr. WICKER, Mr. DAN SCHAEFER of Colorado, Mr. GRAHAM, Mr. BARR of Georgia, Mr. EWING, Mr. COBURN and Mr. BARTON of Texas):

H.R. 659. A bill to amend the Clean Air Act and the Superfund Amendments and Reauthorization Act of 1986 to clarify the listing of a unique chemical substance; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANADY of Florida:

H.R. 660. A bill to amend title 28, United States Code, to allow an interlocutory appeal from a court order determining whether an action may be maintained as a class action; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 661. A bill to make a technical correction to section 214(h) of the Housing and Community Development Act of 1980; to the Committee on Banking and Financial Services.

By Mrs. MEEK of Florida:

H.R. 662. A bill to amend the Immigration and Nationality Act relating to fulfillment by elderly persons of the requirements for naturalization; to the Committee on the Judiciary.

H.R. 663. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an exception to limited eligibility for the supplemental security income program for permanent resident aliens; to the Committee on Ways and Means.

By Mr. SHAYS (for himself, Mrs. KENNELLY of Connecticut, Mrs. JOHNSON of Connecticut, Ms. DELAURO, and Mr. MALONEY of Connecticut):

H.R. 664. A bill to amend title 49, United States Code, relating to the installation of emergency locator transmitters on aircraft; to the Committee on Transportation and Infrastructure.

By Mr. SOLOMON:

H.R. 665. A bill to provide for the award of the Armed Forces Expeditionary Medal to members of the Armed Forces who participate in Operation Joint Endeavor or Operation Joint Guard in the Republic of Bosnia and Herzegovina; to the Committee on National Security.

By Mr. CHRISTENSEN:

H.J. Res. 46. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GEPHARDT (for himself, Mr. Frank of Massachusetts, Ms. DeLauro, Mr. Moran of Virginia, Mr. Capps, and Mr. Gordon):

H.J. Res. 47. Joint resolution proposing an amendment to the Constitution of the United States to limit campaign spending; to the Committee on the Judiciary.

By Mr. GALLEGLY (for himself, Mr. Gilman, Mr. Hamilton, Mr. Ackerman, Mr. Ballenger, and Mr. Houghton):

H. Con. Res. 17. Concurrent resolution congratulating the people of Guatemala on the success of the recent negotiations to establish a peace process for Guatemala; to the Committee on International Relations.

By Mr. UNDERWOOD:

H. Res. 44. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. HALL of Ohio (for himself, Mr. Wolf, Mr. Frank of Massachusetts, Mr. Smith of New Jersey, Mr. Kennedy of Rhode Island, Mrs. Morella, Mrs. Lowey, Mr. Lantos, and Mr. Porter):

H. Res. 45. Resolution to honor 1996 Nobel Peace Prize recipients Bishop Carlos Felipe Ximenes Belo and Jose Ramos-Horta, and to express support for the process of building a just and lasting peace in East Timor; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

16. By the SPEAKER: Memorial of the House of Representatives of the State of Iowa, relative to House Concurrent Resolution 4: requesting the Congress of the United States to submit to the States for ratification a balanced budget amendment to the U.S. Constitution; to the Committee on the Judiciary.

17. Also, memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 72: urging the President and the Congress of the United States to reauthorize the Federal Intermodal Surface Transportation Efficiency Act of 1991, and to insure that the respective Federal funding amounts for highway and mass transportation are not reduced below current levels; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. Klug, Mr. Kolbe, Mr. Foley, Mr. Ehrlich, Mr. Doolittle, Mr. Duncan, Mr. Coble, Mr. Hansen, Mrs. Chenoweth, Mr. Taylor of North Carolina, Mr. Nethercutt, Mr. Dickey, Mr. DeLay, Mr. Weldon of Florida, Mr. Christensen, Mr. Bob Schaffer, Mr. Rohrabacher, Mr. Hilleary, Mr. Sam Johnson, Mr. Latham, Mr. Barr of Georgia, Mr. Smith of Michigan, Mr. Dreier, Mr. Deal of Georgia, Mr. Scarborough, and Mr. Snowbarger.

H.R. 40: Mr. Ford, Ms. Jackson-Lee, and Ms. Norton.

H.R. 55: Mr. King of New York, Mr. Evans, and Mr. Walsh.

H.R. 58: Ms. Stabenow, Mr. Coburn, Mr. Young of Alaska, Mr. Lampson, Mr. Portman, Mr. Hulshof, Mr. Baesler, Mr. Berman, Mr. Neal of Massachusetts, Mr. Murtha, Mr. Dixon, Mr. Rangel, Mr. Hefner, Mr. Lantos, Mr. Hinchey, and Mr. Frost.

H.R. 96: Mr. Ensign.

H.R. 113: Mr. Sensenbrenner, Mr. Royce, Mr. Hastert, Mr. Weldon of Pennsylvania, Mr. Christensen, and Mr. Watts of Oklahoma.

H.R. 292: Mr. Stearns and Mr. Oxley.

H.R. 367: Mr. Leach, Mr. Frost, Mr. Campbell, Mr. McIntosh, Mrs. Kelly, Mr. Manzullo, Mr. Poshard, Ms. Norton, Mr. Livingston, Mr. Bartlett of Maryland, Mr. Stearns, and Mr. Packard.

H.R. 426: Mr. Bateman, Mr. Pickett, Mr. Bonilla, Mr. Castle, Mr. Canady of Florida, Mr. Price of North Carolina, and Mr. Wolf.

H.R. 471: Mr. McCollum, Mr. Rohrabacher, Mr. Bryant, Mr. Horn, Mr. Condit, Mr. Traficant, Mr. Royce, Mr. Duncan, Mr. Solomon, Mr. Goodlatte, Mr. Shuster, Mr. Packard, Mr. Pitts, Mr. Weldon of Florida, and Mr. Sensenbrenner.

H.R. 475: Mr. Stearns and Mr. English of Pennsylvania.

H.R. 498: Mr. Dellums, Mr. Fattah, Ms. Norton, and Mr. Petri.

H.R. 500: Mr. Cunningham, Mr. Meehan, Mr. Pallone, Mr. Horn, and Mr. Sherman.

H.R. 600: Mr. Stark, Mr. Wexler, and Mr. Waxman.

H.R. 604: Mr. Cannon.

H.R. 625: Mrs. Morella, Mr. LoBiondo, Mr. English of Pennsylvania, Mr. Evans, and Mr. Kennedy of Rhode Island.

H.R. 635: Mr. Poshard, Mr. DeFazio, and Mr. Evans.

H.R. 647: Mr. Porter.

H.J. Res. 1: Ms. Dunn of Washington.

H.J. Res. 27: Mr. Smith of Michigan.

H. Con. Res. 13: Mrs. Lowey and Mr. Farr of California.

SENATE—*Monday, February 10, 1997*

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Oh God of hope, who inspires in us authentic hope in You, we thank You for the incredible happiness we feel when we trust You completely. The expectation of Your timely interventions to help us gives us stability and serenity. It makes us bold and courageous, fearless and free. We agree with the psalmist, "Happy is he * * * whose hope is in the Lord his God"—Psalm 146:5.

You have shown us that authentic hope always is rooted in Your faithfulness in keeping Your promises. We hear Your assurance, "Be not afraid, I am with you." We place our hope in Your problem-solving power, Your conflict-resolving presence, and Your anxiety-dissolving peace.

Father, the Senators and all who work with them face a busy week filled with challenges and opportunities. Important decisions must be made, an amendment to the Constitution considered, a crucial meeting of the leaders of the Congress with the President and the Vice President held. And in it all, we have a vibrant hope that You will inspire the spirit of patriotism that overcomes party spirit and the humility that makes possible dynamic unity. Give us hope for a truly great week of progress. In the name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator NICKLES, is recognized.

Mr. NICKLES. Mr. President, thank you.

THE CHAPLAIN'S PRAYER

Mr. NICKLES. I wish to thank the Chaplain again for a beautiful prayer. As always, he is very eloquent, very inspirational, and I think it would certainly behoove all of us to pay tribute and guidance to his lesson this morning.

SCHEDULE

Mr. NICKLES. Mr. President, today the Senate will be in a period of morning business until 1 o'clock this afternoon. At 1 o'clock, the Senate will resume consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget. By unanimous consent, Senator WELLSTONE will be recognized to offer an amendment or two at 1 p.m. We hope to be able to complete all debate on Senator WELLSTONE's amendments today. However, any votes ordered on those amendments will occur during Tuesday's session.

Beginning at 3:30 today, the Senate will resume 2 hours of debate on Senator DURBIN's amendment regarding economic hardship. Under the order, a vote will occur on or in relation to the Durbin amendment at 5:30 this afternoon. I want to repeat that there will be a rollcall vote at 5:30 this afternoon. I also remind my colleagues that the Senate is scheduled to adjourn for the President's Day recess on Thursday of this week. In addition, tomorrow President Clinton is coming to the Capitol for a meeting, and also for Senators' information, the funeral for Ambassador Harriman is scheduled for Thursday. Therefore, this week will be busy as we continue to make progress on the balanced budget amendment and consider any nominations that may become available.

I might mention that it is possible we could have a vote on the U.S. Trade Representative this week, and it's even possible on Congressman RICHARDSON, who is up for U.N. Representative. As always, we will try to keep all Senators advised on the schedule for the remainder of the week, as well as any ordered rollcall votes. There is a vote this evening at 5:30 in relation to the Durbin amendment.

I thank my colleagues and I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The time now being controlled is controlled by the Democratic leader or his designee.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I yield myself the time of the Democratic leader. If the Chair will alert me at the end of 15 minutes, I will appreciate that.

The PRESIDING OFFICER. I will do so.

THE PRESIDENT'S BUDGET PLAN

Mr. CONRAD. Mr. President, the President of the United States has now submitted his budget, a plan that extends for 5 years, a plan that continues us on the path of deficit reduction, a plan that will continue to reduce the role of the Federal Government in the life of the country, but one that will emphasize the priorities that he stressed in the most recent campaign—an emphasis on improving educational opportunity in the United States, a desire to preserve the important priorities of caring for our senior citizens through the Medicare Program, of also preserving the social safety net, and at the same time reforming the welfare program to provide that people who are in need of assistance go to work, where possible. All of these are contained in the President's latest budget submission.

I have heard a fair amount of criticism from various circles about various elements of the President's plan. I think it's appropriate to respond to those criticisms so that people who are watching this debate unfold have a balanced view of what the President has proposed.

One of the criticisms that I have heard is that the President is proposing significant increases in Federal spending. Mr. President, if one looks at the fairest measure of what is happening to Federal spending, one comes to quite a different conclusion. I have prepared this chart that shows what has happened since 1992, back when the deficit was $290 billion. It shows what has happened to Federal spending as a percentage of our national income. Also described is the gross domestic product. It is perhaps the fairest measure of what is happening to the Federal budget, because it looks, in inflation adjusted terms, at what is happening to Federal spending.

One can see by this chart that back in 1992 we were spending, at the Federal level, nearly 22 percent of our national income. In fact, it was 21.8 percent. Because of the 1993 budget deal that has done a dramatic job in reducing the Federal deficit by both cutting spending and also raising income taxes on the wealthiest 1 percent in this country, you can see what has happened. Spending, as a share of our national income by the Federal Government, has gone down—20.8 percent in 1996. Revenue went up, narrowing the gap between spending and revenue, and as a result, reducing the deficit. You can see, according to the President's plan, that Federal spending stabilizes for 1 year at 20.8 percent of national income and then starts declining each and every year until Federal spending declines to 19 percent of our national income.

Mr. President, that is dramatically lower than in any year under either the Reagan administration or the Bush administration. In fact, if you look back in terms of what the Federal Government was spending as a percentage of our national income in the years of President Reagan and President Bush, what you will find is that spending ranged between 22 and 23 percent of our national income. And so President Clinton's plan, which is to take us to 19 percent of our national income going to the Federal Government, is a dramatic reduction and put us at the lowest levels that we have experienced for a very long time.

Another thing that we have heard is that the President's plan uses a rosy scenario.

Mr. President, I am a former tax commissioner of my State. One of my jobs was to project the revenue of the State of North Dakota. One of the reasons I am here is I did a pretty good job of that. We are conservative. We were able to develop substantial surpluses because we had accurate projections of our income. That is critically important at the national level. And in order to make a determination as to whether or not this administration has been guilty of rosy scenarios perhaps it is most helpful to look at the record. What did they project and what has happened? Mr. President, the record is abundantly clear.

This chart shows from 1993 to 1995 the projection for 1996 and what has happened. The blue line is the Office of Management and Budget controlled by the President. The red line is the Congressional Budget Office controlled by Congress. The green line is what has actually happened with the deficit. Interesting: What one finds is that both OMB and the Congressional Budget Office have been overly pessimistic. The fact is the deficit has declined much more sharply than either of them predicted. That is the fact. That is the record. The deficit during the term of this President has declined much more sharply—on average $50 billion a year more—than this administration predicted. No rosy scenarios here. They have adopted a very conservative fiscal outlook not only in the 4 years that they have had responsibility for it but also looking forward. In fact, they are right in the mainstream of the blue chip economic forecasters that our major corporations rely on for their forecasts.

Mr. President, we have also heard criticism that the President's plan is back-end loaded; that is, 75 percent of the savings are in the last 2 years of this 5-year budget plan. Mr. President, I would like to see less back-end loading as well. I think it would be better if we have less in the way of back-end loading. But our critics on the other side of the aisle I think have a credibility problem because if you do a fifth of what they proposed last year in the budget resolution that they passed right in this Chamber, you take this deficit reduction path which is the blue line, and you fit President Clinton's 1998 budget submission in his proposed deficit reduction path and put the two together, look what you find. They are almost identical. This is what our friends on the other side of the Chamber here voted for just last year. It was OK then. But all of a sudden now the President proposes a deficit reduction path that is almost identical to the one they proposed, and all of a sudden it is a gimmick.

I think we can test the credibility of that statement just based on the facts. If one looks at the historical record to make judgments on who has credibility with respect to deficit reduction and who does not, let us just look at the last three administrations. Let us look at the facts that nobody can dispute.

These are the actual budget deficits year by year during the Reagan administration, the Bush administration, and the Clinton administration. Look what we see. In 1981 at the start of the Reagan administration the deficit was $79 billion. It exploded promptly. Two years later we were up to $208 billion. It kept going up to $221 billion. Only at the end did we see the deficit start to come back down. Then the Bush administration took over, and it was all red ink. He took the deficit from $153 billion and ran it up to $290 billion.

This is historical fact. There is no question about these numbers. These are the official numbers of the Federal Government. In fact, these numbers come from the Congressional Budget Office.

Then President Clinton came into office, and each and every year the deficit has declined. In fact, we have gone from a deficit of $290 billion in the last year of the Bush administration—this chart shows $116 billion deficit for the most recent year. Actually it was somewhat better than that. When the final numbers came in, the deficit was down to $107 billion. So there is a dramatic reduction in the budget deficit during the Clinton years.

Another way of looking at that is to look at these deficits with what is really the best way to measure, and that is as a percentage of our national income. That is the best way to measure it because that takes account of the inflationary changes over time. So you are comparing apples to apples instead of apples to oranges.

There we see the deficit record of this administration in comparison to the previous two administrations in an even more stark way. Because when President Reagan came into office, the deficit was 2.6 percent of our national income. Within 2 years, it was up to 6 percent of our national income. Then it worked its way back down to 3 percent. Again, President Bush took over, and in each and every year as a percentage of our national income the deficit went up—went up, went up until it was 4.7 percent of our national income by the last year of the Bush administration. And in the 4 years of this administration, each and every year, largely because of the 1993 budget deal, which every Democrat—or virtually every Democrat—voted for and every Republican voted against, we got the deficit going down; not talking about reducing the deficit but finally results. It went from 3.9 percent of our national income. And this chart shows down to 1.5 percent of our national income in the most recent year. Actually, it was somewhat better than that, as I indicated on the other chart. We actually got down to 1.4 percent of our national income.

Not only is that good performance when we match against the historical record of the United States but, if we look at other industrialized countries, we see that we now have the lowest deficit of any of the major industrialized countries in the world as measured against the size of our national income. In fact, other countries in Europe have a deficit as much as 7 percent of their national incomes. Most of them are in the 4 and 5 percent range.

So the United States has not only done well matched against its own historical record during the Clinton administration but has done remarkably well in comparison to what has happened in other major industrialized countries. Partly because we have had that kind of very successful deficit reduction, we have seen a remarkable economic progress in the United States. And the list is a long one of the positive economic results that have come because we put in place a plan that actually reduced the budget deficit. That took pressure off of interest rates, and that had the very helpful effect of spurring economic growth in this country.

Let us just look at some of the very positive results.

First of all, we have seen 11 million new jobs created in this country in the 4 years of this administration—11 million new jobs. That is a remarkable record. We have also seen unemployment come down. Unemployment has dropped a full 2 percentage points. caca dldllflldlksdklmcdl We have seen inflation at very low levels. In fact, we have the best record of sustained low levels of inflation in 20 years.

Those are not the only outstanding economic results. We have also seen median household income up, the largest increase in a decade. We have seen the largest decline in income inequality in 27 years in this country. I think that is something of great concern to anybody who is worried about the future of America. That has happened as a result of an economic plan that was put in place in 1993.

There are 1.6 million fewer people in poverty. That is as of last year. That is now over 2 million fewer people in poverty, the largest drop in 27 years.

The poverty rate for the elderly in America is at 10.5 percent, its lowest level ever, lowest level of elderly poverty in the history of our country, and the biggest drop in child poverty in 20 years.

These are facts. This is a remarkable economic record and one of which this administration can be justifiably proud.

We used to talk in America a lot about the misery index. Our friends on the other side of the aisle always used to like to talk about the misery index and how bad a thing that was and how bad the situation was in America. Well, we have good news to report because the misery index, which is a combination of the unemployment and inflation rate, is at its lowest level in 28 years—lowest level since 1968.

These are facts. These are facts of deficit reduction because of a plan that some of us had the courage to vote for in 1993, a plan that worked—a plan that has made dramatic progress in reducing the budget deficit but one that has also had extremely good effects in the rest of our economy, creating jobs, building economic growth, lowering poverty, and doing a whole series of things that have made America now the most competitive nation on the face of the globe.

For a number of years there, we were very concerned that the United States could not remain competitive, and we thought the Asians were passing us. We thought the Japanese were passing us. We were concerned the Germans were on the march and on the move and we were stopped dead in our tracks.

For the last 2 years, when the experts analyzed the competitive position of the countries, the major industrialized countries in the world, the United States was No. 1. We have resumed our top position. It is due in no small measure to the economic plan that we put in place in 1993.

Some who are listening might say, well, this is a Democratic Senator speaking, and he is being partisan in terms of analyzing who should get the credit for what has happened since that 1993 financial plan was put into place. It is not just the view of this Senator. It is not just a review of the facts that lead us to this conclusion. Mr. Greenspan, testifying last year at about this time, said the deficit reduction in President Clinton's 1993 economic plan was:

> An unquestioned factor in contributing to the improvement in economic activity that occurred thereafter.

Mr. Greenspan is not a partisan. Mr. Greenspan, in fact, I think is a prominent member of the other party, but he acknowledges what is true, and what is true is very clear. This administration has made the hard choices. They made them in 1993, when a lot of us stood up and joined them in making the hard choices, and we paid a terrible price in this party at the polls in 1994 because those hard choices did cut spending. Yes, they did raise revenue, raised incomes taxes on the wealthiest 1 percent in this country.

I had a woman stop me the other day in Fargo, ND, and she said, "You have to quit raising taxes down there in Washington." I asked her if she made $140,000 a year. She said, "Oh, certainly not." I said, "Well, you did not have your taxes raised. You did not have your taxes raised unless you are making $140,000 a year. Your income taxes have not gone up."

That is the reality. That is the truth of the matter. I think as we go through this budget debate we ought to remember precisely how we got to where we are. The fact is that 1993 budget plan, which some of us voted for that has made such a profound difference, by the year 2002 will reduce the indebtedness that would have otherwise occurred by $2.5 trillion. Incredible. You look back to 1993. All of the projections were that the debt and deficits were going to skyrocket, they were going right off the charts. But we took action. Some of us voted for a plan that has produced real results, and the day before yesterday Mr. Raines, the head of the Office of Management and Budget in this administration, was able to report that by the year 2002 the 1993 budget plan will have reduced what would have otherwise occurred in terms of the growth of the debt by $2.5 trillion.

Those were hard choices that had to be made in 1993, and they were made, and the result is that we are in very a fortuitous position of having more to do, we need to do more, but we are pretty close to where we want to get.

Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There are 4 minutes remaining.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. CONRAD. Mr. President, before the Senate is the question of the balanced budget amendment to the Constitution of the United States. I testified 2 weeks ago before the Judiciary Committee on this question.

I believe deeply in the need to balance the Federal budget. We have a responsibility to do that because just over the horizon, even with all the progress that has been made here, we have the demographic time bomb lying out there, and that time bomb is the retirement of the baby boom generation. When they start to retire, they are going to dramatically increase the number of people who are eligible for our major Federal programs. In fact, in very short order, they are going to double the number of people who are eligible for Social Security and Medicare and other programs like veterans' benefits. So, while enormous progress has been made, we have to do more. We have to do more.

Some say the answer is an amendment to the Constitution. Properly crafted, I would support an amendment to the Constitution. But the one before us is not properly crafted.

Let me just give three reasons why I believe it is not properly crafted. First, the balanced budget amendment before us in this Chamber will not balance the budget at all—not at all. Boy, would the American people be surprised to find out, if this passes, that come the year 2002, when the budget is supposed to be balanced, the debt is still increasing. Won't they be surprised after having been told that the Senate and the House have passed a balanced budget amendment to the Constitution of the United States.

Why is that the case? Why would the debt be increasing even after the year 2002 if we have a balanced budget amendment to the Constitution?

The answer is very simple. The definition of balanced budget that is in this amendment is not the definition of a balanced budget at all, because it includes every penny of Social Security surplus that is going to accrue to the Federal Treasury between now and the year 2002 and in the years thereafter. This balanced budget amendment, so-called balanced budget amendment, would loot and raid the Social Security trust fund of $450 billion over just the next 5 years, take every penny of Social Security surplus, throw that into the pot, and call it a balanced budget.

No private employer in this country would be able to take the retirement funds of their employees and throw those into the pot and say they balanced their operating budget. In fact, that would be a violation of Federal law. That is what the Federal Government is doing today for Social Security trust fund surpluses, and under this so-called balanced budget amendment to the Constitution, that flawed principle would be enshrined in the Constitution of the United States.

I often wonder, what would Thomas Jefferson think of putting in the Constitution of the United States a definition of a balanced budget that included every trust fund dollar and call that a balanced budget? I wonder what Benjamin Franklin would think of that. I do not think they would buy that, and we should not buy it.

The second major problem with this balanced budget amendment is it makes inadequate provision for a national economic emergency. We know that the right policy today is to cut spending and balance the budget. That is precisely what we ought to do. That was precisely the wrong thing to do in the depths of the Great Depression, because raising taxes and cutting spending in the midst of the Depression simply would make the Depression longer and deeper. We have to pass an amendment here that can stand the test of time. The one before us now simply does not.

The third and final point: The balanced budget amendment before us now assumes that the Court will enforce this amendment. Can you imagine? We can have a situation in which the Supreme Court Justices are sitting around a table, just a block from here —in fact, I can almost see the Supreme Court through those doors—and we would have the Justices of the Supreme Court sitting around a table writing a budget for the United States, deciding perhaps to raise taxes to balance the budget, deciding they are going to cut funding for transportation or education, deciding what is going to happen that affects America in a disaster, perhaps an earthquake in California or some calamity in Florida. We are going to have unelected judges sit around a table and decide the budget of the United States. Is that really what we are going to do?

I can tell you this, I come from a rural State. I do not think any of those Justices know much about agriculture. I do not think they know much about farming. I do not think they know much about the cattle business. I do not think they know much about rural America at all. Most of them are from more populous areas.

So I just say there are fatal flaws in this balanced budget amendment that is before us today, and we ought to take steps to improve it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I believe that we have special order time for 12:30 to 1?

The PRESIDING OFFICER. The Senator is correct.

Mr. THOMAS. We will expect several more of my associates here, but I will begin that.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. THOMAS. It is interesting to stand here beside these budgets that have gone on for 26 years—this is less than that—and to then have to say we have not balanced the budget in all that time. Yet, we hear constantly that we do not need to do anything differently than we have been doing. It is hard to imagine that you are going to have different results if you do not do something different.

I was interested in the comments of the Senator from North Dakota. Each of us has a little different idea about what has happened and what has occurred in terms of economics. Each of us has a little different idea about why we made some progress over the last several years in reducing the deficit. Certainly one reason is we raised taxes so that the average payment of taxes in this country is now about 40 percent of the income to families. You can balance the budget that way if you want to continue to let Government grow. Continue to raise taxes; that is a way to balance the budget. That is partly what this whole discussion is about.

Interestingly enough, the Senator talked about the balanced budget amendment looting Social Security. I was going to ask the Senator, if he was still here, whether Social Security income is in the budget that he talks about that the President is going to balance by 2003. Of course it is there. All the trust funds are there that he says you cannot put into a balanced budget amendment. They are in the budget that the Senator brags about balancing. If you took the Social Security out of it, by that time you would have to raise $700 billion additional to do that. This is a unified budget.

So, it is interesting how we seem to have different views. I guess if we did not have different views, why, there would not be any discussion about this. We would either do it or not. Basically, one of the differences, I think, between those of us here who want to have a balanced budget amendment to ensure that we, in fact, in the future have a balanced budget and have fiscal responsibility is whether you want more and more Government or whether you want a balanced budget to have something to do with holding down the size of Government and the increase in taxes. That is the choice. If you are going to use the balanced budget amendment simply to grow, and use the balanced budget, as the President has this year, to have an increase in spending by $1.5 trillion, then that is a choice. The other choice is to allow families to have more of their own money and spend it as they choose, to have a smaller central Government and move some of those activities to local governments, to States and counties. So that is the decision.

It has been, I think, a most interesting discussion. Of course, the budget is, I think, the key to what we do here. Obviously, there are many other things that the Government must do and that the Congress must do and the administration must do, but it all pretty much turns around what you do with the budget. The budget is a guideline of where you go, what your priorities are, what your spending is. It is also a guideline of your idea of how large Government is, as opposed to a reduced size Government. It has to do with how much tax you intend to levy. So the budget is the key to where we have been. We talked about it for years and will continue to, I suppose, forever. It has a great deal to do with what you believe is the responsibility of this Congress and the responsibility of the Government, and the responsibility of you and me, Mr. President, to establish a spending pattern in which we are responsible for the spending we incur and not pass it on to all of our children and on to future generations, which is precisely what we have done now.

I hear some on the TV saying, "Well, a balanced budget isn't that important. The deficit really isn't that important." The interest payment on the deficit this year will be about $250 billion, almost as much as defense. It will soon be more than defense. If it continues as projected, it will be $330 billion a year out of the budget to pay interest on the debt. So it is important. It has to do with responsibility.

The Senator from North Dakota mentioned Jefferson. Jefferson had a strong feeling about budgets. Let me quote from the desk of Thomas Jefferson:

> I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our Government. I mean an additional article taking from the Federal Government the power of borrowing.

Thomas Jefferson said if you are going to use it, you ought to pay for it. And certainly he's exactly right.

I think we need to look at the benefits of having a balanced budget. We have talked about it a great deal. It is not just a benefit to the country, it is not just a benefit to the economy, it is a benefit to you and me in our lives.

It's a benefit to you and me in what we have to pay to do the things we have to do. On an $80,000 mortgage, the savings per year with a balanced budget amendment with a reduction in interest could be $1,272 for the average family. On a $15,000 car loan, monthly payments would be reduced by 200 bucks. It's a real benefit for us, as well as being the financially and morally responsible thing to do.

Some say, "Just do it, we don't need an amendment." Good idea. The evidence, however, is that that is not the case. The evidence is that we have talked about it for 26 years, through good times and bad. We say, "Well, you have to leave it flexible enough for emergencies." I certainly agree with that, and this balanced budget amendment has that provision. But we have done it through good times and bad. We have wanted to spend more than we have been willing to pay in, and that's what it is about.

We say, "Just do it." I don't think there is any question but what the President's budget doesn't just do it. The President's budget doesn't get us there. The President's budget doesn't balance the budget over a period of time.

Really, there is very little reason to oppose a balanced budget amendment. There are a number of reasons that are given, a number of excuses that are given. Social Security is one. Almost everyone who looks at it says, if you want to save Social Security, it needs to be part of the integrated budget. Right now, there is a surplus in Social Security. We know there will not be later, and we will have to make that accommodation.

If you take Social Security out of it, I wonder how many things will be put into the Social Security Program by the Congress so they would be off budget. We have been through that before. We have seen that happen before.

Oversight by the court? How many States are there that have a balanced budget amendment of some kind? There are 40, I believe. We do in Wyoming in my home State. The court's job is to say if you haven't balanced the budget in terms of revenues equaling expenditures, then you fix it. That is the authority that they should have.

An emergency? It provides for an emergency with 60 votes, a supermajority. If we have an emergency, 60 votes would not be hard to get.

Mr. President, I think we will be going forward for some time now, for a couple of weeks, talking about the balanced budget amendment, talking about the benefits that it has to this country, the benefits that it has to American families. And I am hopeful that we have now come to the position where we will say, "Look, let's pass this amendment, send this amendment to the States, and three-quarters of the States will have to ratify it." I believe there is strong feeling among the American people, that among all things, we ought to be financially and fiscally responsible, that we ought not to pass on these debts to our offspring.

So, Mr. President, a number of us have come to the floor this morning to talk about that. I believe very strongly that it is the responsible thing to do. I believe that the amendments that we will have are not designed to strengthen our responsibility but, indeed, to kill the amendment so that there will not be the constant of fiscal responsibility applied to our future budgeting. And, therefore, I feel very strongly that it ought to pass.

I appreciate the opportunity to share some of those thoughts. I now yield to my friend, the Senator from Iowa, for 10 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Thank you, Mr. President. I thank the Senator from Wyoming. He has made very clear the need for this amendment. Most importantly, he has stressed what can legitimately be stressed on the floor of this body: that the political laboratories of our American system of Government, our State governments and our State legislatures have had much success with constitutional requirements for a balanced budget, making those State legislatures, be they controlled by liberals or by more conservative people, have a sounder fiscal policy, and a sounder spending policy than what we have had in the U.S. Congress. This is all due to the fact that each one of those State legislators takes an oath to uphold the laws and the constitution of their State, and when those respective constitutions require a balanced budget, they are carrying out their duty, not only to be fiscally sound, but also carrying out a constitutional mandate that they swore to uphold.

So those of us who support a constitutional amendment suggest that we need the fiscal discipline that will come from a constitutional amendment, which would not be necessary if the Members of the Congress in the last quarter century had been as responsible as the Members of Congress in the first 175-year history of our country. During that period of time, except during wartime, we had balanced budgets, in a majority of the cases, and had just a general understanding that it was our responsibility for a present generation to live within its income and not put off, as we have been doing for the last quarter of a century, the debt to children and grandchildren.

We are at it again in 1997, like we have in most of the recent Congresses, trying to get just one or two more votes to pass a constitutional amendment requiring a balanced budget, which takes a two-thirds vote. When you are one or two votes short of, over the last decade, getting it passed, that means that the vast majority of the Members of this body feel it necessary to amend the Constitution but, quite frankly, coming up just a few votes—last year, just one vote—short of the required two-thirds vote to pass it.

So all of the hue and cry that you hear from the other side, from the opponents of this approach of amending the Constitution to require a balanced budget, represents a minority of this body, a small minority of this body, just a third or just a little over a third. This year we hope that the opponents are just a little bit less than a third, so we get the two-thirds necessary to pass it.

These are the diehards who still believe that it's fine for us to spend in our generation and let our children and grandchildren pick up the bill for our living high on the hog.

We have heard several concerns which have been raised by the opponents of a balanced budget amendment, and I believe that these concerns are simply a mask for the opposition to the balanced budget amendment. I want to address those concerns.

First of all, some in Congress have argued that the balanced budget amendment would result in the Federal courts becoming heavily involved in the budgetary process that was meant by our constitutional writers to be a legislative prerogative. It is my firm belief that such a concern is completely unwarranted. It is just another excuse not to enact a balanced budget amendment, which the American people want by huge margins, and which will force fiscal discipline on those who are making this argument against this constitutional amendment. Experience has shown that the Federal courts are very reluctant to enter into the budgetary issues and the political controversies.

In order for Federal courts to hear a case, the person filing a lawsuit must have what lawyers call "standing to sue." That is, the person must show that he or she has suffered a unique injury resulting from the balanced budget amendment and that this injury can be corrected by the Federal courts. If the person suing the Government cannot meet these requirements, then he or she has no standing and the court will not hear the case.

For several reasons, I believe that it is unlikely that the courts would determine such a person has standing to bring a case under the balanced budget amendment.

The courts are very strict in insisting that standing requirements be met by citizens who wish to sue the Government. In case after case, the Federal courts have refused to permit citizens to challenge Government action solely on the basis of being a taxpayer. Therefore, there is absolutely no reason to fear a flood of litigation over the implementation of the balanced budget amendment.

The most important reason I do not expect to see a flood of Federal cases is that once the balanced budget amendment is passed and ratified, Congress, taking the oath to uphold the Constitution, will naturally abide by it. With the force of a constitutional amendment mandating fiscal responsibility, we will be obligated to produce a balanced budget. By obeying the constitutional law, there will be no reason for any citizen to take Government to court.

Having seen such an amendment work in my home State of Iowa, I am confident that it will force us here in Washington to be disciplined in our spending. In my view, the courts will have no need to become involved in the budget.

Clearly, the balanced budget amendment does not provide any basis for the court to micromanage the budget process, as has been indicated by the opponents of this amendment. Without mentioning the issue of judicial review, the sponsors of the resolution have refused to give congressional sanction to the courts to involve themselves in the budgetary decisions. I believe that explicitly putting language on the issue of judicial review in the balanced budget amendment implies that the Federal courts might have power that we do not intend them to have and that they should not have.

Furthermore, should there be any unwarranted infringement in the process by the Federal courts, which, as I have stated, is highly unlikely, the Congress has the right, under article III of the Constitution, going back for 200 some years, to limit the Federal courts' jurisdiction.

Another baseless concern which has been raised regarding the balanced budget amendment is that it will allow the President to impound funds. Again, this is simply false. There is nothing in the balanced budget amendment giving the President new powers in the budget process. He must submit a balanced budget to the Congress. But beyond that, his role is not changed in any way.

In fact, the balanced budget amendment reaffirms the Supreme Court's ruling that the President is required to faithfully execute the law and to spend funds as directed by statute. The President therefore does not have impoundment authority over the Social Security trust fund since he must spend it.

Arguments against the balanced budget amendment on the grounds that it gives the President some new impoundment powers are simply unfounded. So, Mr. President, I think we can conclude that it is now time to pass this amendment. The American people are tired of all the excuses we have been hearing from a small minority of people who oppose amending the Constitution to force fiscal discipline upon the Congress. They know that we have to impose fiscal discipline on Washington if we are to preserve the American dream for future generations of our young people.

The American people are smart enough to know the empty excuses that have been heard today, and particularly those involving the courts, are mere delaying tactics meant to derail the balanced budget amendment.

I say to my colleagues on both sides of the aisle that we cannot allow ourselves to lose our focus on the major purpose of the balanced budget amendment—putting an end to the Federal deficit and keeping the budget balanced in the future. Let us keep our eyes on the ball and not be distracted or deterred by phony arguments. Senate Joint Resolution 1 has been carefully considered and analyzed by its supporters on both sides of the aisle. We must not allow a vocal minority and narrow partisan concerns to derail this critically important legislation and put the American dream in jeopardy. I say we need to send the balanced budget amendment to the States and let the American people decide.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise in support of passage of the balanced budget constitutional amendment, Senate Joint Resolution 1. When we vote on Senator DURBIN'S amendment later today, I will urge my colleagues to oppose that measure.

The amendment of the Senator from Illinois seeks to skirt the three-fifths majority vote required by Senate Joint Resolution 1 to approve the deficit. This gaping hole would give Congress the ability to knock the teeth out of the constitutional amendment with a simple majority vote. The three-fifths requirement was placed in the balanced budget amendment so that Congress could not run deficits except during times of war or serious threat.

The Durbin amendment adds two additional situations and neglects to define them. In addition, it overrides the desire of a balanced budget by three-fourths of the States which would be necessary for the amendment's ratification. Senator DURBIN'S amendment gives Congress excuses for not balancing the budget. The American people are tired of excuses coming from Washington.

I would also like to take this opportunity to comment on the attacks that have been continued and have increased in intensity against this commonsense amendment.

Our opponents are conjuring up fatalistic and doomsday predictions about the future with their crystal balls. They are right to be concerned about a possible economic recession and the insolvency of our Social Security system. But they are wrong about the cause and the solution. If we fail to control our future, it will control us. We need to fear the future only if we fail to pass this amendment.

If there were only one social injustice in America today, it would be the mountain of debt we are leaving to our kids, grandkids, and those not yet old enough to vote today. An inheritance of debt is a cruel legacy. They will be left to wonder if we failed to remember the Revolutionary battle cry, "No taxation without representation."

Congressman J.C. WATTS stated in his recent speech:

> If things continue as they are, by the time [those people] are 25, the tax they could pay will be about 84 cents on the dollar. That's more than a shame. It's a scandal.

I concur. Let us quit cosigning on our kids' behalf without their consent.

The opponents of the balanced budget constitutional amendment say that some of us consider the Constitution to be a draft. I need to remind those opponents that the Constitution is being amended on a very regular basis without a majority vote each time it is amended by the judicial courts.

Opponents of the amendment also use the argument that it would be unconstitutional. I have never heard anyone declare a provision in the Constitution as unconstitutional. How could that be possible? Think about it.

Senate Joint Resolution 1 has wide bipartisan support. That is the only way we could get 62 original cosponsors to the amendment. The present administration has stated working together is the key to action. I wholeheartedly agree. We should not care who gets the credit for balancing the budget, Republicans or Democrats, Congress or the President, as long as it gets done.

This is something that the administration pays lip service to, but then proclaimed an all-out war on the balanced budget amendment even though they submitted a proposal just a few days ago stuffed and overstuffed with new Government programs that we cannot afford.

The President's budget purportedly brings the budget into balance by the year 2002. He has front-loaded his budget proposals with catchy, pretty little initiatives tied up in illusory little bows.

Mr. President, you cannot fill a leaking bucket from a dry well. Americans must know that long after this President has left office, Congress will no longer be able to avoid the mess. Tax hikes loom large on the horizon for many Americans in 2002 under President Clinton's plan—the exact year that the budget amendment might take effect.

The administration has declared war on the will of the American people as well. Let us take a look at some recent numbers from a CBS poll released February 4, 1997. When the American people were asked the question, "Do you favor a balanced budget amendment?" 76 percent of those polled said "yes." But when they were asked if the Federal budget would be balanced by 2002, 84 percent said no. This tells me the American people do not believe that the political leaders of today have the will to pass the balanced budget constitutional amendment. This lack of will is what creates cynicism and apathy in the American people.

Why don't we just give the individual States the opportunity to ratify the balanced budget amendment? Three-fourths of the States have to pass it before it becomes part of the Constitution. That is a tough test. We need to give the States this opportunity to force the Federal Government to come to grips with its finances just as the State governments are required to do. I found the best decisions are made closest to the people. The American people know best how a decision made here in Washington will affect them and their daily lives. Giving the States the opportunity to ratify the amendment would bring the budget closer to the people.

The administration likes playing the underdog, hoping to get sympathy votes against the amendment. They are insisting this could do severe damage to some important Government programs and the economy. This is shown by the proposed budget for fiscal years 1998 through fiscal year 2002.

The President's plan sets up Congress and future administrations to do the heavy lifting. If we are to balance the budget by 2002, drastic cuts in programs will have to be made in the 2 years after the President leaves office. The President's proposed budget acknowledges that the deficit will increase, from about $107 billion in 1996 to $121 billion in 1998. That is not responsible and courageous leadership for next year, let alone the next 50 years. Responsible leadership requires the tough decisions to be made now, instead of continuing to ignore the problem and forcing future leaders to balance the budget when a slower economy may make it more difficult to get it done.

As the late Senator Paul Tsongas said, "There are a lot of votes in deficit spending. There are no votes in fiscal discipline." Former Senator Paul Simon also said, "People in public office like to do popular things, and there is no popular way to balance the budget." To these two highly esteemed former Democrat Senators, a balanced budget constitutional amendment is the only guarantee to fiscal discipline. It would require Congress and the President to make some unpopular, but desperately needed actions to control Federal spending. If we have the best economy in the post-World-War II era, why can't we balance the budget in fiscal year 1999, and make the necessary cuts now, instead of later when uncertainty of the future economic condition is greater.

I challenge the Members of this body and the President of this great Nation to balance the budget now, while the economy is growing. This would cause the economy to flourish even more, reducing interest rates and guaranteeing investors that a balanced budget will occur. It is also Social Security's only hope.

The Federal Government should be in the business of doing a few things well, instead of many things poorly. Our Federal budget is pockmarked with programs that do not work as intended, whose missions are obsolete, and have grown out of control. The balanced budget amendment would force the Government to prioritize programs, and then perform with better results. The American people have always been fearful of an overly intrusive and powerful Federal Government.

There is still a certain amount of anti-federalism in each of us. The natural response to the constraints put on Government by this amendment would be a limited government. This leads me to point out the advantages of a biennial budget. A biennial budget would complement the balanced budget constitutional amendment by allowing Congress to spend more time ironing out the details of a budget. A biennial budget would also allow Congress more time for oversight, making sure the various agencies and departments are effectively, accurately, and honestly performing their mission. It would also allow longer range planning by the Federal agencies, and State and local governments. The current annual budget and budget reconciliation process causes shortsighted planning. A biennial budget would allow more time for Congress to prioritize the agencies' and departments' functions.

American essayist, Artemus Ward said, "It ain't the things we don't know that hurt us—It's the things we do know that ain't so." I am talking about capital budgeting. A few opponents of the amendment have called for capital budgeting. As the U.S. Senate's only accountant, I can tell you that you are not being told the whole story.

It is misleading to speak about the need for a capital budget at the Federal level, as though it is an idea which has been championed for some time in this Chamber. It is being used solely as a means to confuse the issue on the appropriateness of the balanced budget amendment. The comparison has been made to the practice in State budgeting of separating capital and operating expenses, and paying for capital improvements through the method of issuing debt. The Federal budget has even been compared to the family budget and a home mortgage.

There are some distinctions which need to be made with the practice of sound capital budgeting in our States and homes and what has occurred here. First, a plan must be in place to replace or expand facilities and equipment based on its reasonable economic life. I would question whether or not the Federal Government even has an inventory of our existing facilities and equipment, let alone a plan for its replacement or expansion.

Second, both the States and our families borrow with a purpose, and with the full intent and capability of repayment of both the interest and the principal over a fixed period. The annual cost of this debt repayment is included within the annual budget. We not only lack a capital budget, we incur debt for day-to-day expenses. No State or family, if it hopes to remain solvent, incurs debt for the cost of operations or day-to-day living with the intent of only paying the interest.

This is exactly what we have been doing since 1969. Given the affinity of the Federal Government to borrow for normal day-to-day living, I can only guess at the problems we could generate if we were to create additional debt to finance capital improvements. It is a reasonable premise of borrowing that you don't loan money to a person who has shown that they cannot be trusted to repay what they already owe.

I will conclude with the famous words of Benjamin Franklin: "Work while it is called today, for you know not how much you may be hindered tomorrow. One today is worth two tomorrows; never leave that till tomorrow which you can do today." Now is the time for hard work and seriousness.

We must pass the balanced budget constitutional amendment. I urge all Americans to write or call your Representatives and Senators and tell them to pass the balanced budget amendment now. No more excuses—the future of our children and grandchildren and parents and grandparents is at stake.

I yield the floor.

DAIRY FARMERS AND MILK PRICING

Mr. SPECTER. Mr. President, the dairy farmers of northeastern Pennsylvania, and for that matter the entire State of Pennsylvania, and for that matter the entire Nation, are suffering very materially because of low milk prices. It is a national calamity, where dairy farmers all across the country are facing the prospect of bankruptcy because the costs of producing milk have risen so tremendously and the price of selling milk has decreased very rapidly in the course of the past several weeks and several months.

Because of this emergency state, Senator SANTORUM and I and others on the Pennsylvania delegation and really others in the Congress have been taking a close look at what is happening on the pricing of milk. This morning, the Secretary of Agriculture, Daniel Glickman, accepted the invitation from Senator SANTORUM and I and others in the Pennsylvania delegation to travel to Keystone College, located on the outskirts of Scranton, PA, to meet with and to hear the concerns of farmers. We had a very large crowd, hundreds of people. I am reluctant to say quite how many until I read tomorrow morning's newspapers, perhaps as many as 1,000 farmers.

At that time, we heard the economic plight of the farmers in very graphic and very emphatic terms. The highlight of the meeting occurred when a woman named Mrs. Swetter made the point, very, very emphatically, about the imminent difficulties faced by the farmers and how answers were needed now. This Mrs. Patricia Swetter made that point with special gusto, as did quite a number of the other farmers who spoke at the hearing.

Secretary Glickman responded that there would be an effort made to do what was possible now but commented about the difficulties of an immediate solution. That prompted a discussion on one point which I think has the prospect of doing something immediately, and that is delinking the price established by the Cheese Exchange out of Green Bay, WI, and have the Secretary of Agriculture develop an equivalent price for cheese.

Now, some may wonder why the talk of a price for cheese on the discussion of a price of milk. The reason is that the price of cheese is a very key component in establishing the price of milk. For every 10 cents on an increase in the price of cheese, the price of milk goes up $1 per hundredweight. There have been some indicators that the price of cheese is not accurate as it has been currently established. The Secretary responded in a dialog that a number of us had—the Secretary of Agriculture, Mr. Glickman, the farmers who were there, myself—that he would be willing to work now to develop an equivalent price of cheese, so that we could have a reevaluation as to the price of milk. There has been some indication that there has been some manipulation of the price of cheese. It may be that this is a subject which ought to be a matter for a hearing by the Judiciary Antitrust Subcommittee. It may also be that there ought to be a hearing from the Agriculture Subcommittee of Appropriations, or from the Agriculture Committee, on the pricing of milk, taking a close look at the issue of developing an equivalent price for cheese.

I intend, Mr. President, to submit to the Senate a sense-of-the-Senate resolution to urge and/or direct the Secretary of Agriculture to move promptly on this issue of the price of cheese, with a view to having some immediate modification on the price of milk. Secretary of Agriculture Glickman has stated his willingness to do so, recognizing the plight of the farmers but, obviously, requiring a sufficient evidentiary base to be able to make that modification.

So we are in the process now—my staff and I started in mid-morning—to try to make the determination as to the price of cheese in America, because the price established by the so-called Green Bay Cheese Exchange is about one-half of 1 percent, and may well not—in fact, probably does not—reflect the price of cheese across the country.

When we talk about helping the farmer, we talk about a great many items. We talk about increasing exports, which we are working on systematically, we talk about programs to increase cheese consumption at schools on programs purchased by the Federal Government. But the issue of milk pricing is something which requires our attention now.

It is true that the Secretary of Agriculture has a second track to change the price of cheese under a procedure that calls for public hearings and inputs, but that doesn't eliminate the basic authority. The Secretary of Agriculture explained to me that he does have the power to go on a separate track and to unilaterally delete the price of cheese from the Cheese Exchange and to establish an equivalent price for cheese. That is a matter we are pursuing, and I think a sense-of-the-Senate resolution would be a very substantial impetus to move that process along.

So I thank the Secretary for coming to northeastern Pennsylvania. He was up very, very early this morning. He had commitments back in Washington at noontime. I met him at the Scranton Airport shortly before 8 a.m. this morning. So it was an early start for him and for the rest of us and for all the farmers who appeared there. But I do think something material can be done to assist the farmers on this very important issue of milk pricing.

HONORING THE ACKERS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Wilford and Jerry Acker of Weaubleau, MO, who on May 10, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Wilford and Jerry's commitment to the principles and values of their marriage deserves to be saluted and recognized.

U.S. FOREIGN OIL CONSUMPTION: HERE'S THE WEEKLY BOXSCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending January 31, the United States imported 7,140,000 barrels of oil each day, 246,000 barrels more than the 6,894,000 imported during the same week a year ago.

Americans relied on foreign oil for 52.4 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,140,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, February 7, the Federal debt stood at $5,301,813,739,040.73.

One year ago, February 7, 1996, the Federal debt stood at $4,987,177,000,000.

Five years ago, February 7, 1992, the Federal debt stood at $3,797,118,000,000.

Twenty-five years ago, February 7, 1972, the Federal debt stood at $423,588,000,000 which reflects a debt increase of more than $4 trillion—$4,878,225,739,040.73 during the past 25 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ASHCROFT). Morning business is now closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of Senate Joint Resolution 1.

The clerk will report the pending business.

The bill clerk read as follows:

A joint resolution, S.J. Res. 1, proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate resumed consideration of the joint resolution.

Pending:

Durbin Amendment No. 2, to allow for the waiver of the article in the event of an economic recession or serious economic emergency with a majority in both Houses of Congress.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to speak in favor of the balanced budget amendment.

Mr. President, this amendment has come up repeatedly during my tenure in the U.S. Senate, and I have consistently supported the balanced budget amendment because of my deep-seated view that the Congress needs this discipline if we are to balance the budget on a permanent basis. It is a very fundamental principle that people ought to live within their means—if you or I do not, we end up in the bankruptcy court—and that governmental entities must live within their means. The only exception to this issue of living within one's means has been the Government of the United States of America, which goes into further debt each year with deficits of $100 billion or $200 billion, or more, establishing a national debt in excess of $5 trillion.

This issue came into sharp focus for me recently when my wife and I were blessed with two grandchildren. We would certainly never think of imposing our financial obligations on our grandchildren, or spending money on their credit cards for them to pay at some later date. But that is precisely what we have done as a society. We have undertaken a variety of methods to try to move toward a balanced budget with Gramm-Rudman and the so-called automatic sequestrations. That did not work. Nothing has worked, which is why I believe, in the final analysis, we need to move to the balanced budget amendment.

We had the vote last year, coming within one vote of having the amendment pass. The President is opposed to the balanced budget amendment. But I do believe that just the pendency of the amendment has been a very substantial impetus moving the administration, the President, and the Congress to balance the budget without a constitutional amendment.

President Clinton has laid before the Congress and the country what he submits is a plan to balance the budget by the year 2002. But the reality is, upon looking at the fine print, that it is unlikely to achieve that result because most of the cuts are in the last 2 years. When we come to that point, there is the inevitable impetus to eliminate those cuts. But to the extent that the pendency of the balanced budget amendment will move us to balance the budget without an amendment, that is so much to the good. Ideally, it would be preferable if we could balance the budget without having a constitutional amendment. But regrettably, that has not been our experience.

It is always difficult to turn down worthwhile programs for Federal Governmental expenditures, and it is very, very difficult, painful, and really, at the present time, impossible to have tax increases with a Congress that is controlled by the Republicans and, I think, properly declining to even entertain tax increases. So when we do have the mandate of a balanced budget, it is apparent to everyone—it is apparent to all 535 Members of Congress, and it is apparent to our constituents. How frequently have we all heard the cry or the comment of a constituent coming to see us, "I have a very important program that is meritorious and ought to be financed," and, at the same time, insisting that the taxes not go up and that the budget be balanced?

I think it is important, Mr. President, as we go over this balanced budget amendment, that we allow sufficient flexibility for our Government to respond in times of crises or emergency. I share the concern that the distinguished Senator from Illinois, Senator DURBIN, has expressed in offering his amendment. But I think that the underlying resolution covers the problem in the appropriate way by calling for a supermajority, or 60 votes, in order to waive the provisions of the balanced budget in the event that there is a recession, an economic crisis, which requires that. Therefore, I intend to vote against the Durbin amendment.

There has been very considerable comment about whether Social Security ought to be excluded from the balanced budget amendment. After very considerable thought, Mr. President, it is my conclusion that Social Security should be excluded. I say that notwithstanding my recognition of the problems there will be to balance the budget now if we exclude Social Security. But I submit that it is an artificial way of balancing the budget, which says that we ought to make expenditures which are not in excess of our income if we include Social Security, because those funds really are a trust fund to pay Social Security recipients at a later day. So what we are doing is saying we are going to spend more money, which we really can't afford now, by invading the trust fund, and we will put off for tomorrow what we are not willing to face up to today, to find a way to pay the Social Security recipients when the due date arises.

We know very well that the so-called baby boomers will present a charge on the Social Security trust fund at a later date—2020—which we will be unable to pay unless we find some way to raise taxes or some way to make other cuts which are unrealistic in the context of what we might expect at that time. It may be that in crafting a balanced budget amendment, excluding Social Security, we will have to implement it on a schedule which is realistic which will account for excluding those surplus funds at the present time. But when we talked about Social Security initially we were talking about an insurance fund concept. We were talking about setting aside the money in a way where it would be there to pay those benefits at the time when one reached the age for Social Security.

So that it is my very, very strong view that as a matter of sound financing that Social Security ought to be excluded. And this body has responded on many occasions when that issue has been presented. My late colleague, Senator John Heinz, was one of the major exponents for taking Social Security offbudget—not the only exponent but I recall the eloquent speeches which he made. And I recall many sense-of-the-Senate resolutions where we talked about putting Social Security offbudget because it is a trust fund.

I remember well during the tenure of James Baker, the Secretary of the Treasury, when there was an unusual invasion of the trust fund. I took the floor at that time and made a comment that there was really a fraudulent conversion which I believed was the case, and have analogized it to my experience as district attorney of Philadelphia when there was a trust fund and a fraudulent conversion. The people who took the money out of that trust fund were guilty of a criminal offense because, if it is set aside for a specific purpose and the trustee invades the fund for some purpose other than for which it was intended, that is a conversion and an invasion.

So while I believe very strongly that we ought to have a balanced budget amendment, I think if it is to be realistic and not a double set of books that Social Security ought to be kept offbudget.

Mr. President, I think that in constructing a timetable for a balanced budget amendment it is entirely possible to accommodate to the lesser amount of income which we have from Social Security payments in order to see to it that our current income aside from Social Security payments matches our current expenses, and that is the only way to truly have a balanced budget which I think we ought to have. And an amendment is the way to impose the discipline to be sure we will have it for the future.

Mr. President, I thank the Chair. I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague for his willingness to lead off in our efforts to pass the balanced budget amendment. Naturally, I disagree with him on the Social Security issue. But I know that he is a person of eminent qualification and one who does what he believes is right.

I have had many years of opportunity to know the distinguished Senator from Pennsylvania, and I have a lot of respect for him.

Mr. President, today we begin the second week of one of the most important debates that has ever taken place in the U.S. Senate. The subject matter goes to the heart of the Founding Fathers' hope for our constitutional system—a system that would protect individual freedoms with the maxim of limited government.

In the latter half of this century, however, the intentions of the Framers of the Constitution have been betrayed by multiple Congress' inability to control their spending habits. The size of the Federal leviathan has grown to such an extent that the very liberties of the American people are threatened.

Like some of the provisions of the Constitution, the proposed constitutional amendment, Senate Joint Resolution 1, is an appropriate addition to constitutional limits on the powers of the Federal Government designed to increase the freedom of the people by limiting the freedom of the Federal Government to act in ways that are harmful to the people. It is identical to the balanced budget amendment that was passed by the House of Representatives in the last Congress. A number of our new Members voted for it at that time. It has broad support in the country and among Democrats and Republicans in that we need to ensure a sound fiscal discipline in our budgeting process in order to leave a legacy of a strong national economy and a responsible national Government to our children and grandchildren.

Mr. President, our Nation is faced with a $5.3 trillion—going to $5.4 trillion—national debt that gets worse every year that we run budgetary deficits. The Government is using capital that would otherwise be available to the private sector to create jobs, and to invest in the future of this country. Increasing amounts of capital are being wasted on merely financing the debt because of spiraling interest costs. This problem presents risks to our long-term economic growth and endangers the well-being of our elderly, our working people, and especially our children and grandchildren. The debt burden is a mortgage on our children's and our grandchildren's future.

The total debt now stands at almost $5.3 trillion. By the end of this debate it may very well reach $5.4 trillion. That means every American, every man, woman, and child in this country has an individual debt burden of about $20,000 per person. It took us over 200 years to acquire our first trillion dollars of debt. We have been recently adding another $1 trillion to our debt about every 5 years. While the trends on this front seem to be better, the fact is we are still running sizable deficits every year. And, unless we take prompt and decisive action, those deficits will continue to rise again this year, next year, and year after year. In fact, if you look at the President's budget, he even waits until he is out of office before they have to make the tough decisions to really balance the budget by the year 2002.

Yet, Mr. President, opponents of the balanced budget amendment claim that there is no problem. They repeatedly point to the marginal slowdown in growth in debt over the past few years as though all our problems are solved. They say President Clinton has already dealt with this problem.

They are dead wrong. Only inside the beltway can people claim that when the debt is exceeding $5 trillion and still on the rise that we are on the right track. Everyone on Capitol Hill knows and the Congressional Budget Office has confirmed that we are currently not on a glidepath to a balanced budget, or to the balanced budget that the President may suggest. According to CBO's most recent projections, our 4 years of declining deficits that followed the enactment of President Clinton's record-setting 1993 tax hike will come to a grinding halt this year. What lies ahead is a familiar path of steadily increasing deficits rivaling anything we have ever seen before unless we take action to put us on the road to long-term fiscal discipline and balanced budgets.

As this chart behind me shows, the Congressional Budget Office predicts that under current policies the deficit will begin to rise this year and continue to rise throughout the foreseeable future. The Congressional Budget Office projects the deficit will rise to $124 billion in fiscal year 1997 and continue rising to $188 billion in fiscal year 2002. The deficits just keep rising until in 2007 our annual deficit is projected to be $278 billion. Added up, these deficits will add a total of more than 2 trillion additional dollars to the debt from now—in 1997—until the year 2007.

There is no balanced budget in this chart. And I have to tell you, I doubt that there ever will be without a balanced budget constitutional amendment putting the fiscal discipline into the Constitution that will require us to live within our means. The simple fact is that with every additional dollar that we borrow we throw more coal on the fire of the runaway train that we are all riding on.

The sad reality is shown by this stack of unbalanced budget submissions. The President's budget submission, which promises a path to balance in the year 2002, causes me substantial concern that this pile is just going to keep getting higher.

And this only lists the last 28 years of unbalanced budgets since the last balanced budget in 1969. Actually, there have only been eight in the last 66 years. But the last 28 years have all been unbalanced. Each one of these volumes represents one of those unbalanced budgets during each of those 28 years.

The sad reality is shown by this stack of unbalanced budget submissions. The President's budget submission which promises us a path to balance in the year 2002 just makes it very clear, if you believe in the Congressional Budget Office projections, that this stack is just going to grow that much higher over the next number of years.

For example, the President's new budget projects a modest surplus in the year 2002 but also requires a 75-percent deficit reduction to get there in the 2 years after he leaves office.

Now, get that. Up through the year 2000, this President's budget does not require much sacrifice or much effort to try to balance the budget. But in the years 2001 and 2002, 75 percent of the cuts have to take place, and we all know around here that that is basically impossible to do.

So the game continues, the same game we have put up with for 28 years, and it is pathetic, is what it is. This just indicates more of the same status quo, an avoidance of the tough decisions and deferral of the costs to the next guy, or should I say to our children.

Additionally, the Senate Budget Committee has suggested that recomputing the numbers under CBO's more conservative economic assumptions puts the President's budget off balance in the year 2002 to the tune of an additional $66 billion. So the President's budget that he submitted just last week is not going to balance.

The point is that we cannot yet congratulate ourselves for a job well done. There is hard work ahead for each of us to do, and there is no assurance of success. Based on the sad history illustrated by each of these 28 years of unbalanced budget submissions and the continued resistance of the President to take on the tough choices during his actual tenure in office, success is in serious doubt.

That is one of the reasons why we need a balanced budget constitutional amendment. It has been called an insurance policy that we will get the budget actually balanced in the year 2002 and, more importantly, that we will keep it balanced thereafter.

I would also note that it comes as no surprise that these increases in our Nation's debt mirror increases in Federal spending. The first $100 billion budget in the history of the Nation occurred as recently as fiscal year 1962—that was the whole budget—more than 179 years after the founding of our Republic. It took only 9 years for that figure to double, and in just another 6 years Federal spending had doubled again to $400 billion in 1977. I know, I was here. With another 6 years came another $400 billion increase in the Federal budget, and by 1986 our Nation had seen its first $1 trillion annual budget. Today we face an annual budget for fiscal year 1997 projected to exceed $1.6 trillion, as is the case under the budget recently submitted by the President.

The Federal Government's appetite for spending the American people's money is the engine that has been driving this debt up and up because it has been easier to take the money in the form of a hidden tax like interest costs and future taxes, than in the form of a direct tax.

One of most pernicious effects of the enormous deficit beast is the interest costs required to feed it. Interest on the public debt in 1996 amounted to some $344 billion. That is roughly $50 billion more than total Federal revenues in 1975. In other words, we spent less than $300 billion in 1957. In 1996, just 20 years later, gross interest costs took nearly 25 percent of all Federal revenues and more than half of all individual income tax revenue. And as this chart shows, net interest payments on the debt make up the third largest charge of our Federal budget.

It is the red pie that is taken out of the total pie—the third largest payment in the Federal budget—exceeded only by defense spending and Social Security.

It is really amazing when you look at it: Social Security spending, 22 percent, defense spending is 18 percent, and net interest is 15 percent. And it is going up every year and will go up exponentially unless we do something about it. And yet we have the same people around here year after year saying, "Oh, let us just exercise our will and let us just do it." That is what they said for every 1 of these 28 years of these unbalanced budgets, and that is what they will be saying 10 years from now without any balanced budget, if we do not have the balanced budget constitutional amendment.

Opponents of the balanced budget amendment suggest that we cannot afford to create a constitutional impediment to deficit spending because they believe that balancing the budget will result in decreased social spending.

I do not personally understand the logic of continuing to waste such a large portion of our budget on interest on the rationale that we cannot afford to cut spending. What we cannot afford to do is continue to throw away so much of our budget on interest payments. Think of how much we could do on crime control, defense, disaster relief, health, science, and education if we had $344 billion available next year instead of paying interest against the national debt with that money.

To help my colleagues put this in even better perspective, gross interest on the debt in 1966 amounted to more than the entire defense budget of $266 billion; 99 percent of Social Security payments, $347.1 billion; 64 percent of all discretionary outlays, $535.4 billion, and nearly 45 percent of all mandatory programs of $784.9 billion.

The $334 billion of gross interest payments on the debt in 1996 could have covered our entire health spending, including Medicare and Medicaid, that is, $293.6 billion, all veterans-related entitlement spending, $18.8 billion, unemployment compensation, $22.6 billion, the cost of Federal law enforcement activities of $8 billion, and we would still have $1 billion to spare.

Last year, in fact, we spent more money on net interest payments on the debt than we did for the combined budgets of the Department of Commerce, the Department of Agriculture, the Department of Education, the Department of Energy, the Department of Justice, the Department of the Interior, the Department of Housing and Urban Development, the Department of Labor, the Department of State, and the Department of Transportation. Just think about that.

Interest on the debt is the fastest growing item in the annual Federal budget. According to the current Congressional Budget Office projections, gross interest on the debt will continue to rise substantially over the next 5 years from $360 billion in 1997, to $412 billion by 2002, and by 2007 just the interest on the debt is projected to be $493 billion.

If we keep going like we are, we are going to be paying almost everything on interest that could be used to solve a lot of problems in our society. This $495 billion is just $50 billion shy of our entire discretionary budget for the current fiscal year.

Over the past 4 years of short-lived deficit reduction, we have paid roughly $1.3 trillion in interest on the public debt. That is more than the Federal Government took in during all of 1994. Without the gross interest on the debt, we would not have had a deficit in 1996. In fact, we would have run a budget surplus of $237 billion.

But we cannot even begin to think about reallocating this money to more productive uses until we begin to reduce our debt. If interest rates go back up, the problem will be increased exponentially. Self-propelled interest costs will continue to eat a larger share of our National Treasury, destroying our choices to fund new programs and eroding our ability to keep the commitments we have already made. This is serious stuff.

And even if we are successful in passing a budget this year that will balance our budget by the year 2002, we will never begin to reduce our debt unless we can provide some assurance that such balanced budgets will become the rule rather than the exception. That is what the balanced budget amendment is geared to do.

Mr. President, both sides will recite lots of numbers and figures during the course of this debate. One such figure is our current $5.3 trillion national debt. But how does one communicate the implications of our staggering debt?

In 1975, before this recent borrowing spree, the Federal debt amounted to approximately $2,500 per person. That was each American's share of it in 1975, and the annual interest charges were roughly $250 per taxpayer. At present, the Federal debt amounts to about $20,000 per person, with annual interest charges that each person in this country, each man, woman, and child in America, has to pay, totaling nearly $1,350 per person, or roughly $2,975 per taxpayer. That is at today's interest rates, which will go even higher if we do not get things under control.

The Congressional Budget Office predicts that in the year 2002, total Federal debt will be more than $6.8 trillion. That means roughly $24,000 of debt for every man, woman, and child in America, with annual interest costs projected to be over $3,100 per taxpayer.

These last figures would mean a nearly tenfold increase in per-capita debt and a nearly twelvefold increase in annual interest charges per taxpayer since 1975. Over time, the disproportionate burdens imposed on today's children and their children by a continuing pattern of deficits could include some combination of the following: Increased taxes, reduced public welfare benefits, reduced public pensions, reduced expenditures on infrastructure and other public investments, diminished capital formation, diminished job creation, lower productivity enhancement and less real wage growth in the private economy, higher interest rates, higher inflation, increased indebtedness to and economic dependence on foreign creditors, and increased risk of default on our Federal debt.

Senator Simon would always make this point: If we keep going like we are going, ultimately we are going to have to monetize the debt—that is, print cheap money—where it will cost you a bushelful of dollars to buy a loaf of bread like it did in Germany in the 1930's, and then write off all the debt on cheap dollars. But the United States of America as we know it will be gone at that point.

Mr. President, this is fiscal child abuse and it must end. But, as I indicated earlier, there is no end in sight. After 4 years of declining deficits—financed partly with the largest tax increase in history—we have not reduced our staggering $5.3 trillion national debt 1 penny. We have only slowed the growth in the national debt.

More important, as my Republican colleagues and I predicted would happen during the debate on the President's 1993 budget package, the Congressional Budget Office now predicts—and if you look at this chart—it now predicts that annual deficits will resume their upward climb beginning this year from an annual deficit of $124 billion in 1997, to $188 billion in the year 2002, and then exceeding $200 billion the next year and reaching a near record $278 billion high in the year 2007. Even OMB's estimates from the President's newly proposed budget, which predict lower debt totals than CBO, project that gross Federal debt will top $6.6 trillion, exceeding 66 percent of our gross domestic product by the year 2002.

That means, according to their own estimates, the Clinton administration's self-proclaimed victory in bringing down the deficit will result in an additional $1 trillion or more being added to the national debt between now and the year 2002.

Mr. President, we do need to do more. It is time for Congress to pass Senate Joint Resolution 1, to permanently restore the fiscal environment in which the competition between tax spenders and taxpayers is a more equal one—one in which spending decisions will once more be constrained by available revenues. The time has come for a solution strong enough that it cannot again be evaded for short-term gain. We need a constitutional requirement to balance our budget. Senate Joint Resolution 1 is that solution. It is reasonable, enforceable, and necessary to force us to get our fiscal house in order.

There are those who oppose the balanced budget amendment because they say that Congress and the President are already committed to balancing the budget by the year 2002. As a matter of rhetoric, that is true; as a matter of what people say, that is true. But as a matter of real world politics, it is clear that the bridge between such rhetoric and reality is a rather long one.

Since 1978 alone, there have been no fewer than five major statutory regimes enacted which promised to deliver balanced budgets. This includes Gramm-Rudman-Hollings. But there has not been a single balanced budget since 1960.

Here are the 28 succeeding budgets. In about every one of these it was promised there would be an effort made to balance it, every one of which is unbalanced right up to today.

Notwithstanding all of these budget plans and the five statutory attempts to require a balanced budget that I have mentioned, the national debt has increased by roughly $4.5 trillion since 1978. In other words, nearly 85 percent of our current national debt has accumulated during the period of time in which Congress has operated within statutory budget frameworks designed to ensure the types of fiscal discipline that would be required under Senate Joint Resolution 1.

While I support the efforts of the past and commend the dedication expressed by leaders of both political parties to reaching a balanced budget, I seriously doubt whether, without the weight of a constitutional requirement to balance the budget, we will achieve balance by the year 2002. Even if we did, there is nothing to prevent future Congresses from yielding to the inherent political pressures that would lead to renewed deficit spending. We need a constitutional amendment if we are truly committed to solving this problem.

Mr. President, the proposed constitutional amendment will help us end this dangerous deficit habit in a way that past efforts have not. It will do this by correcting a bias in the present political process which favors ever-increasing levels of Federal Government spending.

In seeking to reduce spending bias in our present system—fueled largely by the unlimited availability of deficit spending—the major purpose of Senate Joint Resolution 1 is to ensure that under normal circumstances, votes by Congress for increased spending will be accompanied either by votes, A, to reduce other spending programs or, B, to increase taxes to pay for such programs. For the first time since the abandonment of our historical norm of balanced budgets, Congress would be required to cast politically difficult votes as a precondition to politically attractive votes to increase spending.

The American political process is skewed toward artificially high levels of spending. It is skewed in this direction because Members of Congress have every political incentive to spend money and almost no incentive to forego such spending. It is a fiscal order in which spending decisions have become increasingly divorced from the availability of revenues.

The balanced budget amendment seeks to restore Government accountability for spending and taxing decisions by forcing Congress to prioritize spending projects within the available resources and by requiring tax increases to be done on the record with record votes. In this way, Congress will be more accountable to the people who pay for the programs, and the American people, including our future generations who must pay for our debts, will be represented in a way they are not now represented. Congress will be forced to justify its spending and taxing decisions as the Framers intended, but as Congress no longer does.

Senate Joint Resolution 1 represents both responsible fiscal policy and responsible constitutional policy. Passage of this resolution would constitute an appropriate response by Congress to the desires of the people and the States for a constitutional amendment on this issue.

The Senate must approve Senate Joint Resolution 1, the balanced budget amendment. It is the right thing to do for ourselves, our children, our grandchildren, and future generations, and it will give us back responsible and accountable constitutional Government. The faithful stewardship of public funds that was so prized by our Founding Fathers can be restored for 21st century Americans.

The virtues of thrift and accountability can be rekindled by this very 105th Congress, so I urge Senators to join with me and the other 61 sponsors of Senate Joint Resolution 1 in support of the bicameral, bipartisan, consensus balanced budget amendment which has taken years to develop and for which we have fought for over 20 years.

This is the thing to do. This is the chance to do it. This is the chance to do what is right. I hope our colleagues will do so.

I apologize to my colleague who has been on the floor, who would like to call up an amendment, so I yield the floor to him at this time.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, let me first of all thank my colleague from Utah for his remarks. He has been a real leader on this. He is tenacious; he never, never gives up. I have tremendous respect for his work as a Senator, even though we are in profound disagreement on this question. But I would like to thank him for kind of matching what he does on the floor of the Senate with the kind of words he speaks.

Mr. HATCH. I thank the Senator.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Dr. Rebecca Constantino, who is a fellow in our office, be granted the privilege of the floor during the debate on the amendment I am about to propose.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3

(Purpose: To state the policy of the United States that, in achieving a balanced budget, Federal outlays should not be reduced in a manner that disproportionately affects outlays for education, nutrition, and health programs for poor children)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 3.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Redesignate section 8 as section 9 and after section 7 add the following:

"SECTION 8. It is the policy of the United States that, in achieving a balanced budget, Federal outlays must not be reduced in a manner that disproportionately affects outlays for education, nutrition, and health programs for poor children."

Mr. WELLSTONE. Mr. President, let me read this amendment slowly and carefully, because I am hoping to get a very strong vote in favor of this amendment, and I hope it will be an up-or-down vote. This is a pretty important matter amending the Constitution, and if this is going to be done—it may or may not be done—we better do it well, we better do it carefully.

This amendment says:

> It is the policy of the United States that, in achieving a balanced budget, Federal outlays must not be reduced in a manner that disproportionately affects outlays for education, nutrition, and health programs for poor children.

What this amendment is saying, and I will give plenty of historical and economic context for it, is that we should go on record and make it very clear that if, in fact, this constitutional amendment to balance the budget is passed, which then locks us into this goal, will make the commitment that we are not going to, as we did in the last Congress, disproportionately cut programs that affect, quite often dramatically, the nutritional or health or educational status of poor children in America.

The reason that I offer this amendment is that I think we need to have some focus on this question. There can be arguments made, and there have been, on whether or not we ought to amend the Constitution. There can be arguments made about whether or not this is a mistake vis-a-vis our fiscal and monetary policy to make sure recessions don't become depressions. There are arguments both ways.

Senator Durbin has an amendment on the floor that says, look, if we need to move forward with an economic plan that puts the budget out of balance during a downturn in the economy, it should just be a requirement of a majority vote. I think that amendment is on the mark.

I see the budgets over the years. There could be an argument of whom to blame. I wasn't here during the decade of the eighties or prior to that time. We can argue it both ways. I think historians are going to write about a piece of legislation which was euphemistically called the Economic Recovery Act which dramatically cut tax rates. I think it became rather regressive, because most benefits went to higher income citizens, at the same time of dramatically increased expenditures in the Pentagon. I think President Bush once called it voodoo economics. All of it was to lead to economic growth. People would have more money with a tax cut, productivity, jobs. It would lead to eliminating the debt. Actually, quite the opposite happened.

That was actually borrowed money and borrowed time. It was politics of illusion. I really appreciate the focus of Senator HATCH on no longer having that illusion and the message from the people in the country that we should get our economic house in order and our political house in order. But what I am asking Senators to do, because I think we really owe it to the people we represent, is to make a commitment that one more time, as we go about achieving a balanced budget, Federal outlays must not be reduced in a manner which disproportionately affects outlays for education, nutrition and health care programs for poor children.

I hope this amendment will not be tabled. I offer this amendment with passion and with commitment to a matter that I think is very important. I think there should be an up-or-down vote, and I hope it will be adopted.

Mr. President, why the amendment? Well, because of recent history. The Center on Budget and Policy Priorities issued a report entitled "Bearing Most of the Burden: How Deficit Reduction During the 104th Congress Concentrated on Programs for the Poor." I will just read a few of their conclusions:

More than 93 percent of the budget reductions in entitlements have come from programs for low-income people. The Congressional Budget Office estimates that legislation enacted during the 104th Congress reduced entitlement programs by $65.6 billion from 1996 to 2002. Of that, almost $61 billion out of the $65.6 billion comes out of low-income entitlement programs, the largest reductions in the supplemental security income program and programs for the elderly and the poor.

Please remember, I say to my colleagues, that one out of every five children in America today is poor. Mr. President, I read an article the other day with great interest of how you, as the Senator from Missouri, have teamed up with other Senators, like Senator COATS, and you have your own commitments to really not turning our gaze away from the concerns and circumstances of one out of every seven Americans, many of them children, but you are committed to doing something.

We might have different ideas of what to do. I think that is commendable, and I know you well enough to know that you have that commitment. What I am worried about is deficit reduction based on the path of least political resistance, because I think that is exactly what we did in the last Congress. That is to say, we are afraid to take on powerful interests, so, instead, what we do is we go after the people who are not the heavy hitters, who are not the big givers, who are not well connected, and those people, all too often, in the Senate are voiceless and they are faceless and they are powerless and they are disproportionately poor children in America.

I hope my colleagues will at least support this amendment. If this passes, it happens one time. Let's get it right. If we are going to lock ourselves into balancing the budget and deficit reduction, let's lock ourselves into humane and fair priorities that we are not going to disproportionately cut programs that affect the educational and nutritional and health care status of children.

Mr. President, other than entitlements, 34 percent of the reduction in nondefense programs that are not entitlements came from nonentitlement programs for people with low incomes. Those low-income people programs accounted for only 21 percent of overall funding, but they were disproportionately cut as well.

Just looking at the 104th Congress, I offer this amendment to make sure that we make a commitment that we are not going to cut such vital programs. Sometimes we are just too generous with the suffering of others. Let's not be too generous with the suffering of poor children in America.

The Concord coalition had this to say. Martha Phillips the executive director, on November 26, 1996:

> Balancing the Federal budget—

And this has been a goal of the Concord coalition—

> and keeping it in balance is critically important, but balance ought not to be achieved principally on the backs of the poor. Every program should be on the budget cutting table. No programs, groups or special interests should be exempt or get a free ride when the budget is being balanced. But neither should the needy be singled out to bear a disproportionate share of the load.

They go on to say—this is the Concord coalition, I say to my colleagues, committed to deficit reduction. The Concord coalition goes on to say, under the able leadership of Senator Rudman and Senator Tsongas, who passed away—a real loss for our country—the Concord coalition goes on to say:

> Even though the 104th Congress, which passed the laws, and the President, who signed them, did not plan to target deficit reduction efforts on programs affecting low income people, that was nevertheless the result of both actions that were taken and those that were not.

(Mr. ROBERTS assumed the chair.)

Mr. WELLSTONE. Mr. President, there is another interesting statement from the Committee on Economic Development. By the way, I would like to congratulate the business community in our country. The Committee on Economic Development over and over and over again, over the last several years, have said, from the point of view of economic performance for our Nation, we must invest in the health, skills and intellectual character of our children. We must do that.

I quote, as a part of a letter that was written November 26, 1996, by the senior vice president and director of research of the Committee on Economic Development:

> Second, in an unfortunate surrender to misplaced ideology and political opportunism, our leaders in both political parties have increased the magnitude of the financing problem by insisting that tax reductions be included in their balanced budget plans.

That was their view. By the way, I think we are going to have to look very closely at some of those budget proposals. My understanding is the Joint Tax Committee, in projecting the majority party's tax cuts over the next 10 years, has identified close to $500 billion in the first 5 years more targeted toward middle-income people and the second 5 years more targeted toward wealthy, high-income people.

What is going to be the offset? Cuts in the nutritional and educational and health care programs for poor children in America? If that was the case, that would be unconscionable. If there was some sort of budget deal that leaves these children out in the cold, that would be unconscionable.

The senior vice president of the Committee on Economic Development goes on to say:

> Third, as a result of the fiscal pressures created by these two factors, the burden of budget austerity has fallen disproportionately on those parts of the budget, and those parts of society, that offer the least political resistance.

Actually, I have been saying that over and over again. I guess we are in agreement. I am pleased to hear them actually state it that way.

For the budget that means that the discretionary annually appropriated programs, including those public investment activities for a society—it quite simply means the poor.

Now the quote:

> As David Stockman observed a decade ago, politics triumphs over policy in seeking out weak clients rather than weak claims.

This amendment asks us not to let politics triumph over policy. This amendment asks us to seek out the weak claims, not the weak clients.

This amendment says we go on record that when we balance the budget, we will not cut disproportionately those programs that affect the health care, nutritional and educational status of poor children. We ought to have 100 Senators voting for that. We can go forward to balance the budget. We can go forward with deficit reduction. But given the way we did it in the last Congress, and the evidence, I must say to my colleagues, it is irreducible and irrefutable that we ought to at least make this commitment.

Mr. President, the Washington Post in an editorial written today had this to say:

> The balanced budget debate is only in part what it purports to be—an argument over the deficit, savings, growth, and the shifting of cost to the next generation. It is also a sharp debate over social policy, conducted in fiscal code. If you decide to balance the budget, the question immediately becomes, at whose expense? The budget is by its very nature a redistributive device. On balance, it tends to move money from people who are better off to those who are not. If you narrow the deficit, will it end up doing more of that, less or about the same?

This editorial goes on to make the argument that if we are going to do it, we ought to do it on the basis of a standard of fairness. We did not do that in the 104th Congress.

This amendment asks the U.S. Senate, in the 105th Congress, Democrats and Republicans, to go on record that if we are going to balance the budget, we are not going to do it on the basis of the path of least political resistance and not going to go after weak clients. We are going to go after weak claims. And we are not going to end up passing budgets that disproportionately cut programs that affect the health, nutritional and educational status of poor children in America.

If I were to get 100 votes, I would feel like I have died and gone to Heaven. I really would. I am so hopeful that my colleagues will vote for this amendment.

Mr. President, in an interesting poll result, the Committee for Education Funding points out that whereas there is support for the constitutional amendment to balance the budget—and there is. I have been opposed to it. You have to ultimately follow your conviction and vote for what you think is right or wrong. Senator HATCH clearly takes another position, and he votes his conviction. No one would ever say otherwise.

But it is interesting that public opinion polls show—according to the Committee for Education Funding—that 90 percent of Americans support maintaining or increasing Federal support for education. When directly asked if they would support a balanced budget constitutional amendment that reduces funds for education, nearly 70 percent disagreed. So this amendment just asks us to be clear about how we intend to do this.

Mr. President, just a little bit more context. I am going to get a chance to speak on this amendment today, and then I guess we will go back to the Durbin amendment and tomorrow get a chance to speak and then have a vote.

We are, as I said the other day on the floor of the Senate, in many varied ways a model for much of the world. I mean, we should be so proud of our country, the diversity of our country, so proud of our economic performance, so proud of our leadership in the world, so proud, I think, of really helping to create a world where we no longer have to think so much about a nuclear war that could be the end for our children and grandchildren. But there is at least one way in which we are not a model, one area in which I think in recent years we have been moving in the wrong direction. And that is in fulfilling our national vow of equal opportunity. That kind of national commitment is in need of refurbishing and renewal.

I bring this amendment to the floor because more than 35 million Americans are poor. That is one out of every seven citizens. In 1994, of poor children under the age of 6, nearly half lived in families below half the poverty line. That figure has doubled over 20 years. The number of people who work and are poor and work full time, 52 weeks a year, 40 hours a week, and still are poor has dramatically increased as well.

Mr. President, minorities are poorer than the rest of Americans. African-Americans are close to 30 percent, Hispanics at a little over 30 percent, and female-headed households are even poorer, and 44.6 percent of the children who live in such families are poor. In 1994, almost half of all children who were poor in America lived in female-headed households. So what we have here is one out of every five children poor, but it is getting closer to one out of every four children. One out of every two children of color are poor. Unfortunately, we cannot turn our gaze away from this reality, a strong convergence between poverty and race and gender and children in America.

I am asking us to go on record to be for fairness in how we do this deficit reduction.

Mr. President, let me give a few examples of the kinds of programs that I am talking about when I say that we should go on record that we will not disproportionately cut these programs that affect the nutritional health and educational status of children.

Let me start out with the Women, Infants, and Children Program. Let me make a point with my colleagues, because sometimes I am going to give a lot of examples. I am going to talk about women and children. I want to translate these statistics into personal terms.

But, first, as a teacher, I think I have said it before on the floor of the Senate, but I want to say it again. I was a college teacher for over 20 years. I have been in a school in Minnesota probably about every 2 weeks ever since I was elected. It is just crystal clear to me that the most important educational program in the United States of America—you know we talk about higher education. I was a college teacher. It is a big issue. It cuts across affordable higher education, cuts across a broad section of the population that people are very focused on, and it should be.

But as a matter of fact, I think the most important educational program is to make sure that every women who is expecting a child has an adequate diet, rich in vitamins, minerals, and protein. It is just a fact. It is just a fact. The evidence is irreducible and irrefutable and it is medical evidence. If we do not make sure that every woman carrying a child has an adequate diet, all too often her child will be born severely underweight, her child will be born with an impairment that may mean that no matter what we do in our public schools, that child will never have the same chance as probably all of our children, Senators' children, or grandchildren. It is the essence of the American dream. It is the goodness of our country, for us to say that every child, no matter what race or gender or income of family, will have the same opportunity to reach her full potential or his full potential. That is what my father, who was a Jewish immigrant from Russia, taught me about our country. That is the greatness of our country. It is not too much for me to ask my colleagues to go on record that in balancing the budget we will not make any cuts in the most important educational program, the Women, Infants, and Children Program.

In 1996, Mr. President, WIC provided assistance for 7.2 million women, infants, and children. That was about 60 percent of the eligible population. There are about 11 million women and children that are eligible. So, some women and some infants and some children are left behind.

Mr. President, let me talk a little bit about the WIC Program. It was established as a pilot program in 1972 and it was made permanent in 1974. It is administered by the U.S. Department of

Agriculture. Who is eligible? Pregnant or postpartum women, infants, and children up to the age of 5 are eligible. Mr. President, how many people does it serve? More than 7 million people get WIC benefits every month, and participation has risen steadily. Children are the largest category of WIC recipients. Of the average 6.89 million people who received WIC benefits each month, 3.5 million were children, 1.8 million were infants, and 1.6 million were women.

Mr. President, this is a program that is a huge priority or should be a huge priority for this Senate. It is a success story. Sometimes we harp on the complexity of it all like we do not know what to do. I am in agreement with every single Senator that says some of these Government programs ought to be reevaluated, some of them do not work well. But from the point of view of decency, of fairness, of justice, of saving money—what is the figure? For every $1 we invest in the Women, Infants, and Children Program, it is $3 less we spend in medical assistance later on.

WIC is a huge success story. The Women, Infants, and Children Program reduces fetal deaths and infant mortality. WIC reduces low birth rates and increases the duration of pregnancy. WIC improves the growth of at-risk infants and children. WIC decreases the incidence of iron deficiency anemia in children, improves the dietary intake of pregnant and postpartum women, and improves weight gain in pregnant women. Pregnant women participating in the Women, Infants, and Children Program receive prenatal care earlier. I think, Mr. President, about every 2 minutes in America a child is born to a woman who had no prenatal care. Children enrolled in WIC are more likely to have a regular source of medical care and are better immunized. Children who receive WIC benefits demonstrate superior cognitive development. WIC significantly improves children's diet. WIC is cost effective.

I am just asking my colleagues to make a commitment that we will not disproportionately cut this program as we move forward to balance the budget because in the last Congress we disproportionately made cuts in programs that affected those citizens who did not have the political clout here, who did not give the big dollars, who are not the heavy hitters, who are not the well connected. This is a distorted priority if we at least do not make a commitment on behalf of these children.

Mr. President, I will give some examples from the Women, Infants, and Children Program, but I want to first of all call attention to my colleagues to a special report in Time magazine February 3, 1997, "How a Child's Brain Develops and What It Means for Child Care Welfare Reform." Mr. President, I congratulate Time magazine for this issue. I really believe that we will see major change in how we think about our priorities here as a result of the kind of research that Time magazine reports on. Basically, if I had to summarize this whole issue, the conclusion is as follows: If you do not make sure that women expecting a child have an adequate diet, if you do not make a commitment to these children when they are young, if you do not make sure that they do not have not only adequate nutrition and adequate health care, but if you do not make sure that they do not have intellectual stimulation, a nurturing and caring environment—and by the way, Government cannot do all of that. The President knows that. Much of that is up to the family. If you do not make sure that that does not happen, then by age 3 for many of these children, it is almost close to all over; certainly by age 5.

I think that what we are going to see and more of the concern that will come out, and it will be compelling, if we do not make the investment, if we do not do everything to make good things happen at the local and community level, and realizing people need resources to make sure that for these children we invest in the intellect and the character of these children, or many of them will therefore not make it. What a waste that would be for our Nation.

Mr. President, I have said before on the floor of the Senate and today is my day to try and give this context because I think so much of politics is personal, I have learned so much as a grandfather. Because our children are all older and we had our children when we were very young, I forget what it was like. Now when we have the grandchildren over, I have said on the floor of the Senate before, you take a 2-year-old and you watch him or I watch our granddaughter, it is amazing. Being in the same room, in the same house, and every 15 seconds they find something interesting and new. The President is smiling. He may have seen the same thing. What is going on is that these small children are experiencing all the unnamed magic of the world that is before them. We ought to ignite that spark for all of our children. We do not want to pour cold water on that spark, and we have, for too many children. Actually, it does not make much of a difference whether it is my grandchildren or anyone else's grandchildren, they are all God's children. I think it is time for us to move beyond symbolic politics and it is time to stop giving the speech and having the photo opportunities next to the small children unless we are willing to make an investment.

Mr. President, at 23 years old, Elaine became pregnant and soon after she was laid off of her $9 an hour office job. Since she was pregnant she had difficulty finding another job. She did find one at $6 an hour. With little resources, she immediately learned about the Women, Infants, and Children Program which she says is the reason her baby was born healthy and strong. Her initial guidance from the WIC office in Reno, NV, taught her the basic nutritional information. I am just reading from this example. We have collected stories from people around the country. All too often we just speak in statistics here, or strategy or tactics. I want to try and translate this amendment into personal terms as it affects people's lives. Every month Elaine attended nutritional classes and received vouchers for items like milk, cheese, peanut butter, and beans. She said, "I had no idea what I was supposed to eat and what was right for my baby. The public nurses were all so nice and helpful, I never felt bad. They wanted me to have a healthy baby as much as I did. I knew nothing about babies, like breast feeding and stuff. They taught me all that." After Elaine gave birth to a healthy boy, she would take him to the WIC clinic where he was examined.

The same nurses who guided her through the pregnancies guided her through the initial steps of child rearing. Not only did she learn the basics of taking care of her son, but she continued to receive financial assistance. Says Elaine, "The formula cost $160 a month and I did not have it. WIC gave it to me, and I'm not sure what I would have done without that help."

Eventually, Mr. President, Elaine returned to her office job at a rate of $9.60 an hour, and she was no longer eligible for WIC, and she should not have been. She now lives independently with her son. "WIC saved me. I really don't know how I would have survived. It helped me survive on an emotional level and with finances. I was really surprised. I always thought these kinds of programs were for 'low-lifes,' but they were a lot like me. I just had hard luck and needed help. I got it." And Elaine's son got it. That is the difference between Elaine's son having a really what we would call successful and full life versus what might have happened to her son if she had not received this assistance.

Is it too much for me to ask colleagues to go on record that we will not disproportionately cut the Women, Infants, and Children Program? Really, we should not cut it at all. This amendment doesn't even ask us to do that. Actually, we ought to fully fund it now. I don't understand some of these proposals here in Washington—some from the White House. When we don't actually fully fund some of these programs, I don't know exactly how we figure out which children go without health care, which children go without the nutritional help they need, which children are not in the Head Start programs. Who makes that decision? We know how we can make a difference and be helpful. We have some proven, credible programs that have worked, that are key to children, key to what we are about as a country. I am just saying, let us at least make a commitment that these programs are not the programs that we disproportionately cut.

Mr. President, let me now move on and talk about the Head Start Program. Mr. President, the Head Start Program is a program that began, as I remember, back in 1965, or thereabouts. It is a program which, in many ways, is not perfect, but it has lived up to its title, which is that we do, as a Nation, just what the program says; we give children from some really difficult and tough circumstances, from low-income families, a head start. That is the goodness of America, what we are about. Yet, Mr. President, in 1996, the Head Start Program reached only 17 percent of eligible 3-year-olds and only 41 percent of eligible 4-year-olds. In the United States, almost 4 million children are eligible for Head Start, because children 1 and 2 could be receiving or participating in this program. But it served just over 800,000 of those over 4 million children. Roughly, 3.2 million children are not being served.

The President's budget proposal says we will, by 2000, 2001, fund Head Start for another 1 million children. I still don't understand how we can make the collective decision not to fully fund it. How do we explain to people in the country, or more important, how do we explain to children?

Jonathan Kozol—and I recommend Jonathan's work—wrote a book called "Amazing Grace: Poor Children and the Conscience of America." He wrote another book called "Savage Inequalities: Public Education in America." His writing is so powerful. In an article he recently wrote for a journal called Tikun, a very interesting journal, he writes at the end:

> Millions of children in sequestered neighborhoods, like the South Bronx, do not know what they have the right to hope for. Their eyes ask questions that you and I and all of us have yet to answer.

Their eyes ask questions that, as Senators, we have not answered. One of those questions is, how can a country, how can a Congress, that purports to love children do so precious little to help some of the children that are the most vulnerable citizens with the direst need?

Mr. President, across the freeway from the comforts of Disneyland is a housing division, a stone's throw from the lavish and affluent hotels that serve tourists. In a corner apartment lives Rene, a lively, exuberant, and bright 8-year-old. She is in the second grade where she is doing well in school. In fact, every morning Rene runs to school excited to learn. Too many of our children are running into the arms of police, rather than into the arms of parents and teachers.

We pay a price for not investing in our children. We pay a price for not investing in poor children in America. Rene attended two years of Head Start, which, according to her mother, was "a Godsend." At Head Start, Rene learned the fundamentals of schools, such as her colors, the alphabet, and writing her name. More importantly, Rene and her family learned about school. For Rene, learning about school at Head Start meant more than academics. It meant her mother learned about nutrition and eating right. It meant her mother learned how to interact with and talk to teachers. Her mother learned how to prepare Rene for school, things like clean clothes and breakfast. It meant her mother learned about reading to Rene. It meant her mother learned that Rene needed a structure, a set time to eat dinner and to go to bed. Head Start taught this. Learning about school meant Rene learned to interact with her peers. She learned about sharing. She learned how to listen, how to take directions. Rene learned about curling up and being read to. She even learned to brush her teeth. Rene, Mr. President, represents one of the many children who have benefited from Head Start. Said her mother, "Before Rene got in this program, I knew nothing about what she needed. I was kind of scared for her to go to school. I didn't do so good in school, and I was getting ready for the same with her. Her teachers cared about her and me. They wanted to work with us, too. I knew they cared."

Remember, Mr. President, that the Head Start teachers who did so much for Rene and began her on the path to school success earn about $17,000 a year. Also, keep in mind that for every Rene that benefited in Head Start, two are turned away. For every Rene that benefited in Head Start, two are turned away.

I am asking Senators to make a commitment with this amendment, in an up-or-down vote, that we will not, in balancing this budget, disproportionately cut programs that affect the educational, health care, or nutritional status of children. WIC is one example, and the Head Start Program is another. I don't think that is too much to ask.

Marcus, a shy and quiet first-grader, finds himself in the principal's office for the third time in a week. According to his teacher, Marcus is either overagitated, annoying other students in class, or else listless and disinterested in the tasks at hand. Marcus usually doesn't understand what is happening in class. He does not yet know all of his colors, his numbers, or the alphabet.

> Though many of his classmates attended a Head Start Program and learned the initial steps toward understanding school and learning, Marcus did not. He represents one of the 1.2 million children who, though eligible, could not participate in the Head Start Program.

Mr. President, in Minnesota, my State, only 40 percent of the children who are eligible for Head Start have access to it. In other States it is much lower.

> The program near his home was full. Not only was it full but there was a year waiting list when Marcus' grandmother tried to sign him up. Though there was room in another program, it was too far for his grandmother to take him. Instead, Marcus stayed home, sometimes alone, while his grandmother worked. Marcus is conspicuously behind his classmates. While his classmates scurry around the teacher to be read to, he had not yet held a book or had ever been read to. Marcus does not even know how to write his name.

Let me pick up on that.

He had not held a book, and he had never been read to. Why don't we go on record, in all of this haste to balance the budget, that we will not balance the budget on the backs of poor children, and we will not make cuts which would make it impossible for a child like Marcus to have a book read to him in a Head Start Program?

There are a lot of homes that do not have any books at all. I read somewhere that one of the factors that most explains how well children do in school is the number of books that are in the home. Mr. President, there are many homes where the parent or parents can't afford any books. I would just suggest to my colleagues that one of the most important things we could ever do is to make sure that children have access to those books or that someone can read those books and nurture those children and stimulate those children.

Peter Hutchinson, superintendent of schools in Minneapolis, made an excellent suggestion that I am going to try out speaking at the legislature next week speaking about children. Peter Hutchinson, Mr. President, said something that I think is appealing to you; a wonderful voluntary effort. He said, "You know, PAUL * * *" and he has two teenagers—"we have all of these wonderful children's books in the home but the children are older now. Why don't we get those books in the other child's home? Let us get those books out of our homes. Let's get bookmobiles and get them into the homes of those children. And let us get them to those Head Start Programs and make sure that all of our children get that stimulation."

That is what I am talking about today.

> Marcus did not know how to write his name nor did he know how to recite the alphabet. In a phrase, Marcus is not a part of the culture of the school. He did not come to school ready to learn. Marcus' teacher is concerned and anxious about him. He is far behind his classmates, and she has little, if any, time to help him catch up. As weeks progress, he falls further behind and is more frustrated. Already Marcus hates school and learning, counting the days until summer vacation. He knows he is different. He knows

> he does not understand but also knows there is not much he can do.

Here is a child who is utterly defeated. I meet children. I travel the State. I travel the country and I meet with children who are age 10, age 8, who can't look me in the face, who look down. They have no confidence. They don't believe they are going to be teachers. They don't believe they are going to be doctors. They don't believe they are going to be successful business people. They don't believe they are going to be lawyers. They don't believe they are going to be architects. They don't believe they are ever going to be Senators or Representatives. None believe they will ever be President. They have none of that hope. It is gone.

Can't we make a commitment as a Senate knowing full well the importance of family and community? But can't we at least get some resources for the communities and neighborhoods and families so that we can support our children?

I will tell you something. I am absolutely convinced that when historians write about this time period of the decade of the 1980's moving into the decade of the 1990's, the ultimate indictment of our country will be the way in which we have abandoned our children and devalued the work of adults who work with those children. Think about it for a moment.

I am not off the topic. I love to take my grandchildren to the zoo. But if you work at the zoo, you get paid twice the salary, twice the wage, that a woman or a man makes working in a child care center. We pay people who work for the zoo twice as much money as we pay men and women who work with children. What in the world does that say?

When I was a teacher at Carleton College in Northfield, MN, I would meet students, and they would say, "In all due respect, we do not want to be college teachers. We want to work with these children when they are young, 1, 2, 3, or 4 years of age, because we know that is such a critical time." But many of them would then go on and say, "But we can't. We can't support the family. We would make $6 an hour with no health care benefits."

What are we saying? Let us dig into our pockets. Let us not spend money on wasteful programs. Let us cut. Let us balance the budget. Let us be fiscally responsible. But, please, let us make a commitment with this amendment that we are not going to balance the budget on the backs of poor children. Please let us invest in certain areas of life in America, starting with our children.

Marcus' teacher said:

> I just don't know what could be done for him. I know that he needs a lot of one-on-one attention and love, but I just do not have the time or the resources. Every day I feel him slipping, and, frankly, it breaks my heart. He is a good boy and a smart boy. I feel as if he is being punished for what we did not do for him. I am worried that he will always hate school and suffer until he can leave. He tries so hard. Sometimes I want to cry.

That is what this debate is all about. It is about people. It is about children.

I say to my colleague from Utah that I really believe there can be 100 Senators voting for this. I am not bringing this amendment to the floor because I want to point the finger at other colleagues. I am not bringing this amendment to the floor to force an embarrassing vote. I am bringing this amendment to the floor in good faith and in good conscience really hoping that my colleagues will support it because, otherwise, I will just tell you, given our track record of deficit reduction based on the path of least political resistance, we are, with this constitutional amendment to balance the budget, going to lock ourselves into very stoic priorities, and we will make these cuts, and I believe in the absence of some commitment, we will make cuts in these very programs that affect these very children.

> By August of 1996, in West Monroe, Louisiana, there was already a waiting list for Head Start for August 1997. Zora Cheney has been a Head Start teacher there since 1965. She was there at the very beginning. Not only does she see the need for it, but she lives the success. According to Zora, without Head Start the lives of many children would be in words "a disaster."

I visit Head Start programs all across Minnesota. Another outstanding feature is parental participation—high-participation parents—in meeting with the teachers and in talking about the children. This program is a really important investment in poor children.

> We get kids here, so many kids here, that need us and would not endure later school years without it. I have seen some kids who come in, and it is obvious they are not cared for enough and that the home family needs help. While Zora's program emphasizes the traditional things that we discuss with Head Start, like building on language, learning shapes and colors and developing social skills, it does so much more. Says Zora, "We are concerned with everything about that child. We want the parents to learn how to feed them, how to dress them, how to parent them." She continued, "I have had children come to school, and I know they have been sleeping on the floor. I know they need so much at home. We work with other groups. We refer the families to get things like furniture and doctor appointments." When asked the most significant contribution that Head Start in West Monroe, Louisiana has made to the community Zora replies, "For many its the first place that they feel safe."

I have other examples that I will go through tomorrow, but I just wanted to give some examples of some children, and I am going to be doing this over and over and over again, actually thanks to the people in Minnesota—I am just going to bring to the floor of the Senate the lives of children so that we can get some votes on their behalf because I will tell you something. For example, the Senator from Utah—and this is not meant to challenge him—on these children's issues he is effective and he is a powerful Senator for children. I know that. So I do not feel like I am spitting in the wind when I come out here to speak or I do not think I make a mistake with this amendment. I am just trying to get my colleagues to make this commitment because I know so many of them care so deeply about children.

The amendment says we make a commitment that we will not put into effect disproportionate cuts in programs that affect education—I talked about that—nutritional and health care programs for children.

According to the Childrens Defense Fund, 10 million children, one in seven children in America, are without any health care coverage at all, and I think that close to about a million children a year have been dropped from coverage because actually more and more people are getting dropped from employment-based coverage, or what has happened, employers will cover the adult but they do not cover the children.

It used to be that people could get coverage for everyone in their family. Who are these 10 million uninsured children? Nine in ten, 88 percent, have parents who work. Nearly two in three, 64 percent have parents who work full time. These are children of working poor families. More than three in four, 77 percent, are white. Sometimes we do a little bit too much by way of stereotyping and always assume we are talking about African American people or Hispanics. Two-thirds live in families with income above the poverty level, and more than three in five, 61 percent, live in two-parent families. Each year since 1989—this was the statistic I was struggling for—900,000 fewer children on the average have received private coverage.

I think actually it is real important for me to make this point about what this amendment is talking about and also some of the legislative initiatives that will be taken in this Senate in the 105th Congress. We are talking about working poor families. We are talking about people who are not old enough for Medicare, and even if, by the way, you receive Medicare in my State of Minnesota people do not have prescription drug costs covered and elderly people still live in terror of catastrophic expenses if they are no longer to stay at home and the nursing home costs, or we are talking about families that are not poor enough to qualify for medical assistance. They fall between the cracks. They work, they work hard, they are barely above the poverty-level income and they are not fortunate enough to have an employer that provides them with health care coverage. So their children are at risk. These families live paycheck to paycheck.

What does this translate into? More than half of uninsured children with asthma never see the doctor during the year. More than half of uninsured children with asthma never see the doctor during the year. Many of these asthmatic children are hospitalized with problems that could have been prevented. One-third of uninsured children with recurring ear infections never see the doctor. Many suffer permanent hearing loss. Children with untreated health problems are less likely to learn in school. If you have an ear infection, if you suffer permanent hearing loss, if you are not treated for asthma, if you do not have dental care, if you come to school with an infected tooth, with a tooth with an abscess and you cannot even get dental treatment, you are not likely to do as well in school.

Mr. President, it will actually save money when we invest in children. Each dollar invested to immunize a child saves between $3.40 and, some say, $16 in direct medical costs, and it goes on and on. In every other advanced economy children get better health care coverage than in America.

So, Mr. President, here we have children with undiagnosed vision problems who do not get glasses and do not even see the blackboard. We have children who suffer from asthma, we have children who have ear infections and can suffer hearing loss, we have children who are in pain and discomfort and have trouble concentrating, we have children who are not treated early for lead paint poisoning and these children can suffer permanent mental retardation, and we have 10 million children in America who are uninsured.

Given this shameful statistic, is it too much to ask my colleagues to make the commitment that in our effort to balance the budget we are not going to make any disproportionate cuts that affect the health care status of poor children in America? We are not doing near enough right now.

That is all this amendment does. I am fearful, on the basis of what we did in the last Congress, that when push comes to shove, we will not have a deficit reduction plan locked in by this constitutional amendment to balance the budget based upon a standard of fairness, that we will embark upon once again deficit reduction based upon the path of least political resistance, and those Americans who will disproportionately be asked to sacrifice are the very Americans who cannot tighten their belts any longer—poor children in America. This amendment goes to the very heart of who we are and what we are about.

I do not know. My colleague from Utah may speak to this. Maybe there is a strategy on the other side—not the other side as if we are not friends, but we have majority party and minority party. I am in the minority party—to basically vote against all the amendments. I hope not. And one more time, I really hope that we will have an up-or-down vote on this amendment. I introduce this amendment with respect for colleagues. I think it speaks to a terribly important matter. I really hope that people will vote for it. I really believe most Senators agree that these are not the areas where we are going to make disproportionate cuts. I really think most Senators agree.

Mr. President, I will speak more to this amendment, but for right now I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I wish to express my regard for the distinguished Senator from Minnesota. He is very sincere, and he always means well, and, frankly, I care a great deal for him.

Having said that, I do want to point out that this is a constitutional amendment we are talking about here, and I need to take just a few minutes to respond to some of the comments that my friend and colleague, Senator WELLSTONE, has made.

Let me begin by saying that I do not know of any other Member of this body more genuinely concerned about the children in this country and particularly those in poverty, unless it is myself. He works hard for these unfortunate people, these unfortunate kids, as do a lot of us, and I give him credit for that. When Senator WELLSTONE speaks on these issues, he speaks from his heart, and we all know that. Regardless of the differences on this amendment, you still have to give him credit for that.

Having said that, Mr. President, the efforts to try to help children by exempting programs that affect them from the balanced budget amendment's purview will have precisely the opposite effect. As a matter of fact, we are throwing their future away unless we pass this amendment. We are saddling them with historic debt that literally is going to cause them to spend the rest of their lives working to get out from under the debt that we in our generation are leaving, or should I say the past generations because it is more than just our generation.

The Senator has circulated a new section 8 that would become part of this amendment if it was passed. Let us have no illusions. Senator WELLSTONE, the distinguished Senator from Minnesota, is not going to vote for this constitutional amendment no matter what happens, even if we accepted this section. But we could not, because this section says:

> It is the policy of the United States that, in achieving a balanced budget, Federal outlays must not be reduced in a manner that disproportionately affects outlays for education, nutrition, and health programs for poor children.

He has circulated a whole number of amendments exempting the Women, Infants, and Children Program, a program I support, Head Start, a program I support, and education positions which I support. His current amendment exempts, as it says here, outlays for education, nutrition and health programs for poor children from disproportionate cuts.

If we care about children in this country—and I know we do; I don't think there is a person in the Senate who would not say that he or she cares—the most important thing we could do is pass this balanced budget amendment. Without it, it is our children and our grandchildren who will inherit the legacy of these astronomical debts, and they are going up by leaps and bounds. It is our children and grandchildren who will be called upon to pay the price for our years of profligacy, and they will pay that price with higher taxes, higher interest rates, fewer jobs, and economic instability. Thus, the amendment that we must support in order to save the children is not one which would gut the balanced budget amendment. To ensure the well-being of future generations, we need to pass the balanced budget amendment. It is the only hope for our children.

One of the things that is difficult for me to understand is why some would argue or assume that exempting certain programs from the balanced budget regime would somehow save or help those programs. Just the opposite is the case. If there is a program worth preserving, and I suggest those programs are, we ought to make sure these programs are funded responsibly and not with rubber checks. What is the point? Exempt a program from the budget so it would be allowed to go bankrupt on its own? Is that what the point is? That is simply the kind of reasoning that has led us to a $5.3 trillion national debt, going to $5.4 trillion in the next couple of months.

Mr. President, several self-proclaimed liberals are making these points as well as myself, notably Representative JOSEPH KENNEDY, among others, the Representative from Massachusetts. They have become staunch supporters of the balanced budget amendment. JOE KENNEDY is one of them because, as a self-professed liberal, he believes and other liberals believe, who are supportive of the amendment, that balancing the budget is the only way to protect and preserve the worthy programs for the needy. We are not doing anyone any good by bankrupting the Government and spending an increasing amount on interest on debt. Representative KENNEDY last week suggested that interest was the primary villain, crowding out good social spending programs. Imagine what we could do with the hundreds of billions of dollars we spend on interest every year?

No, the way to ensure the preservation and stability of critical programs and help the most needy in our society is to foster fiscal integrity. This is not the first time we have seen an amendment that sought to carve out a loophole in the balanced budget amendment, nor will it be the last. But I would like to ask my colleagues to consider what the balanced budget amendment would look like if we really did exempt all of these different parts of the budget because we like some parts better than others. Anything affecting children, gone; seniors, gone; investments, disasters, all manner of social spending, all gone from the amendment if these folks have their way. So what is left? What would those who propose this barrage of exemptions and loopholes leave under the balanced budget amendment? Absolutely nothing. And everybody on this floor has some favorite program, that is what has led us to this morass and this mess. We all would like to save something. We all would like to do something.

I have to say, it is pretty hard to fight against children's programs. I don't know anybody who wants to do that, and if they have to compete, they will compete very well and respectably for their share of the Federal budget. They always have and they will. I have to admit, I wish there was more money for these programs. I wish I could do more for those programs. But the best thing I think I can do for them is pass a balanced budget amendment that puts the fiscal responsibility into this system.

Look, what do they leave under the balanced budget amendment? Nothing? That is what it all comes down to. These kind of amendments tug at the heartstrings of all Americans, and they try to make those who sponsor the balanced budget amendment look mean. But the truth is, if you really care about children, senior citizens, and disaster victims, you will vote for the balanced budget amendment. You will vote for a Federal Government with the fiscal strength to be there for them. You will vote for a balanced budget amendment because, without that, you will never be able to protect these programs and these people. And you will vote for a balanced budget amendment without loopholes such as the distinguished Senator from Minnesota is sincerely advocating here, because everybody deserves a balanced budget amendment. I hope we reject these amendments and pass Senate Joint Resolution 1 as it is before us.

Additionally, I am not clear on the effect of the amendment of the distinguished Senator from Minnesota. This Wellstone amendment states that it is the policy of the United States that, in achieving a balanced budget, there should not be disproportionate cuts to poor children's programs. What is this, a sense-of-the-Constitution resolution? Is that what we put in the Constitution? I don't think so.

I know it is not intended as an insult, but it kind of is, in a way, by suggesting we are not going to do right by our children. The distinguished Senator says we are not doing right now by our children because there is just not enough money. I can agree with that. I can agree I wish we had more money, I wish we could solve every social program there is. But no nation on Earth has ever completely solved them, and certainly no nation that is not fiscally responsible. And ours is the most fiscally responsible Nation in the world, or at least it has been up to the last 60 years.

In the last 60 years—in just the last 28 years, we have had 28 straight unbalanced budgets that are demonstrated by this. We have two piles here, one behind the other. It would be a lot higher than double my size if we put the other pile on top of this one. These are unbalanced budgets over each of the last 28 years. That is only part of it. We have only balanced the budget 8 times in 66 years. No wonder we cannot do enough for our children. No wonder we do not have the money to take care of these social needs. It is going to get worse and the people who are going to get hurt the most are children.

Look at Social Security. When I talk to seniors, there are those who want to take Social Security out of the purview of the balanced budget amendment, and that will be one of the big votes on this amendment. I talk to seniors. They are concerned about children, too, and they are concerned that most all the social spending now is going towards seniors, and very few dollars are going to children. Part of that is because we do not have a fiscally responsible Congress that has to try and divvy up the money so they work in the best interests of all Americans.

Now, we have had a Congress that just said, "Just keep borrowing and just keep spending and you can just keep doing that ad infinitum, forever." We all know that is not the case. Our priorities do shift from time to time.

Again, I get back to the Wellstone amendment, is this a sense-of-the-Constitution resolution? What does "disproportionate" mean? My gosh, do you realize what constitutional authorities would do with a word like that? What does that mean? Does this limit across-the-board budget cutting? Is that what it does? Our priorities shift from time to time, as we do the budgets. Congress has to be free to allocate resources within a balanced budget rule. It has to be free to do that. We cannot write something like this into the Constitution.

How do we decide what is disproportionate? To senior citizens, they might think that spending on children is disproportionate, rather than spending on them. To children's advocates, spending on seniors is disproportionate to what we should be spending on children. We have to battle these things out. That is what we are elected to do. But we need to do it within the constraints of a balanced budget amendment so we really get down to the matter of setting priorities.

I happen to believe if we set priorities, the distinguished Senator from Minnesota will be right in there pitching for the priorities of children, and so will I.

(Ms. COLLINS assumed the chair.)

Mr. HATCH. Madam President, I think we will be able to win on this, to the extent we have the votes to win it.

Furthermore, on this disproportionate business, how do we decide which programs affect children? Do we do it on the basis of program title, or by surveying recipients to see the actual use of the money? Is that how we do it?

Madam President, it is pretty clear that if you put something like this in the Constitution, you create more problems than you solve. It's pretty clear that if you start advocating for any one select part of the budget to be outside the budget, because you want that protected from budgetary restraint, that you are hurting everybody. It's pretty clear if you prefer one group over another, you're going to have a lot of conflict among groups.

If you do that, you darn well better do it within a balanced budget constraint, so the people know what is going on, and not just think the money is going to come from somewhere, which is about the attitude we have had around here for the last 60 years, and certainly for the last 28 years, every year we had an unbalanced budget. And in current years, where we said this is a balanced budget for the first time—give me a break, not one of them has been and nobody has thought any would be.

I have to tell you, I think it is going to be a budget charade this year as well. The President's budget, according to CBO, is already $66 billion in debt, and the budget will be balanced in the year 2002, that is assuming current interest rates, that is assuming current rosy scenarios, that is assuming we continue to have no minor or major recession. All of those things are ifs.

We should reject this and similar amendments and pass the balanced budget amendment that will lead a stronger future for our children and grandchildren away from bankruptcy and debt, which is where we are headed if we don't get smart and do what is right. To exempt anything from the budget is almost an insult to everybody who serves. It is an insult to everybody who serves in the Congress.

We are here to try and do what is right. I believe the distinguished Senator from Minnesota, myself and others, who similarly feel the depth of these problems, will be able to fight very, very well for these particular items in the budget, but within a balanced-budget concept. If we do that, I think we will have more money in the end, more real dollars to help children than we are going to have if we don't pass this balanced budget amendment. So I hope that our colleagues will vote this down.

Just so people will know right off the bat, I probably am going to move to table every amendment that comes up. I don't want anybody to feel badly about it. We think that is the only orderly way to proceed.

Mr. WELLSTONE. Will the Senator yield?

Mr. LEAHY. Madam President, if I might make a comment to the Senator from Utah.

Mr. HATCH. I will be happy to yield for a comment.

Mr. LEAHY. Obviously, he has his right, as any Senator does, to move to table any amendment.

Mr. HATCH. That is what we have always done.

Mr. LEAHY. But I hope no person in the public will be fooled by that. The result is still going to be the same as an up-or-down vote would be.

Madam President, the Senator from Utah has virtually a blood oath from the Republicans to vote against anything that might try to protect Social Security, children, or anything else in this proposed constitutional amendment. So he would have the votes, I assume, to win. But I hope the American public will not think this is a procedural thing. This is very much a vote on the merits on any motion to table that the Senator from Utah might make to defeat an amendment.

He does have an absolute right, as any of us do, to move to table at some appropriate time. I hope he will allow enough time, of course, for debate, but he does have that right. But the vote on that motion to table should be viewed as if it were a vote on the merits.

I further ask the distinguished Senator from Utah how much longer he will take.

Mr. HATCH. I will only be a minute. I will say this, I agree with the Senator. The fact we move to table an amendment doesn't necessarily mean the substance of that amendment or the substance of that vote should be ignored. It is just a procedural way of handling the matter that I think we are going to have to do in an orderly way. But I think the vote will still mean who voted for it and who voted against. I always felt that way. I don't have any problem with that.

I also would just like to say that I don't think there are any blood oaths around here either. I hope some Democrats who have cosponsored and my fellow Republicans will vote to sustain the motions to table, but I don't know of any blood oaths, nor do I know of any all-profound commitments that people have made. I just believe that people know this game is about to come to an end and that this is a chance to pass a balanced budget amendment to put our fiscal affairs in order, and that this is the last chance. This involves both Republicans and Democrats who have worked hard to come up with this consensus amendment in the best interest of our country. I understand there are different sincerely held beliefs on this matter. But in any event, I do not agree with my colleague.

Mr. WELLSTONE. Will the Senator yield for a moment?

Mr. HATCH. Yes, I yield.

Mr. WELLSTONE. I know the Senator from Vermont wants to speak, and then I will, after the Senator from Vermont speaks, respond to some of my colleague's points. I don't understand, I will say to my friend from Utah, he talks about tabling the amendment because this is an orderly way to do it. I don't understand why an up-or-down, yes-or-no vote isn't just as orderly. What is the problem with an up-or-down vote as opposed to tabling? It is just as orderly.

The second thing—I guess it is less a question, and I don't know if my colleague, who is a good friend, meant it in this way—I don't think this is a game. This is less a question than, I guess, a response. I don't think it's a game at all. I don't think it's a game to these children, and it is not a game to me. I just want to be clear about it. It is an amendment offered out of respect. It is an amendment that I believe is profoundly important for our country. It is an amendment I hope Senators will support. It is not a game. It is not a game.

Mr. HATCH. Madam President, it may not be to the distinguished Senator from Minnesota, but I really believe it is time to pass a balanced budget amendment, and this is the context in which this is in.

With regard to tabling, we have always done it and intend to table the amendments if we can, and that is a right that we have. It is not meant to hurt the Senator or his position, it is just a matter of procedural choice, which I—and I just want to make it clear up front—will probably do on all, if not most all, amendments that come before the body on this matter.

I realize the distinguished Senator from Minnesota is very sincere, that he would not bring this amendment to the floor if he didn't mean it and it wasn't meaningful to him. I am not meaning to disparage his amendment at all, other than I think it would be a terrible way of writing the Constitution, putting words in the Constitution that would be almost impossible to define and I think would, basically, gut the constitutional amendment.

Even if we put it in, even if somehow or another we could find some way of putting it in the amendment, I don't believe we would have the vote of the Senator from Minnesota anyway.

To make a long story short, it is one of a long series of amendments that are intended to defeat the balanced budget amendment, and I hope my colleagues will vote to table.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, normally, I would speak in response to this, but I understand the distinguished Senator from Texas needs a few minutes to introduce a bill. Without losing my right to the floor, I yield to my distinguished colleague from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Madam President. I thank the Senator from Vermont.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 294 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. HUTCHISON. Thank you, Madam President.

I yield to the Senator from Vermont and appreciate his willingness to let me introduce this bill on the day the officer is being buried. Thank you.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I should note a couple things from the debate that my good friend from Utah has stated. He said he is in favor of a balanced budget amendment. I know he has been very sincere about that. My difference is I am in favor of a balanced budget. The two are not necessarily the same. We have been voting closer and closer to a balanced budget each of the last 4 years.

We have seen, after the enormous increase in deficits and the national debt that grew up with Presidential budgets throughout the 1980's, for actually 12 years, beginning in the early 1980's straight through 1992, where we saw a tripling of the national debt—I do not want to sound partisan, but I point out those were all Republican budgets and Presidents, Republican Presidents who got virtually every single thing they ever asked for. In fact, the only appropriations bill that President Reagan ever vetoed—the only one—was one that did not spend as much money as he wanted. Yet he had, with his budgets, nearly doubled the national debt. The debt had taken 200 years to build up to the point where he became President. Within 8 years he doubled it. It was nearly tripled by the time his successor, another Republican, finished office.

So we actually built up the debt during that time—we are spending over a half a billion dollars every working day just in interest on that. We would not have a deficit today had there not been so much debt built up during the Reagan and Bush administrations.

In the last 4 years, under President Clinton, the deficit has come down every single year. No President, Republican or Democrat, has done that in my lifetime. I think he ought to get some credit for it. Now he has submitted another budget that will bring it into balance by the year 2002.

We have endured a number of gimmicks, from the dumping of thousands of dollars of cash on the ground to even a debt ticker. Now we have this stack of books being represented as the unbalanced budgets of the last 28 years. They are not the budgets for the last 28 fiscal years. Let us make this very clear. The stack of books over there are not the budgets for the last 28 years. They are not the budgets of the United States at all. The stack of books are a mishmash of documents. Some are proposed budgets by past Presidents. Some are proposed appendices of the proposed budgets. Some are simply analyses of the proposed budgets. Actually, the stack is as much a gimmick as a constitutional amendment to balance the budget is a gimmick—as everyone from the Wall Street Journal, on the right, to newspapers like the Los Angeles Times and the Washington Post, more to the left, have pointed out.

In fact, here is a copy of last year's budget resolution. It is a little tiny thin thing. This, incidentally, brought the deficit down for the fourth year in a row. It is not a very picturesque thing. It is not a gimmick. It is actually something we vote on. And by voting on it, we brought the deficit down.

President Clinton made it very, very clear. All it takes to balance the budget is our votes and his signature; not a constitutional amendment. It also takes some courage on our part.

Many of us have shown that courage over the last 4 years in bringing down the deficit. I am proud to be one of those. I am proud to be one of those who voted against the economic plan that built up those huge deficits in the first place. Because we are willing to cast specific votes is why I support the amendment of the Senator from Minnesota, Senator WELLSTONE.

I share his strong commitment to keeping America's children healthy and strong. He has stated this not just on the floor of this body but in individual talks with Senators. It is a deeply held view on his part. As one who has chosen to protect the lives of those in the next century, I share his view of that. I believe in strong families and a strong family structure in this country. Families prosper only if their children go the bed fed, not when their children go to bed hungry.

Last Congress, we had this Contract With America—or contract on America. It seems like deja vu all over again. If you read the fine print of that contract, as the Senator from Minnesota has, and the balanced budget plan in there, it repealed the School Lunch Act that provides lunch to 26 million children. The Contract With America legislation repealed the WIC Program, special supplemental nutrition program for women, infants, and children, that provides nutritious foods to 6.9 million women and children. That Contract With America legislation repealed the Food Stamp Program, which is a nutritional safety net, a very modest one for 28 million people.

Now we beat back the repeal of the School Lunch Act with the help of the Senator from Minnesota. We beat back the repeal of the WIC Program with the help of the Senator from Minnesota and we beat back the repeal of the Food Stamp Program with the help of the Senator from Minnesota and the Senator from North Dakota and others who were here on the floor today. We beat them back because people saw what was in the so-called Contract With America.

But with the balanced budget amendment you do not see how this is going to be done. Nobody wants to bring up the enabling legislation, the details for future Congresses, or most likely for unelected judges to decide. How can we guarantee—I will ask this question of the Senator from Minnesota, is there any way you can guarantee that we would not repeal the School Lunch Act or the WIC Program or the Food Stamp Program without at least some of the protections of your amendment? Is there any way we can be sure we protect them?

Mr. WELLSTONE. Madam President, the answer is no, absolutely not, on the basis of what was attempted. Also on the basis of some of the cuts made in the last Congress, the evidence is quite to the contrary. The evidence is, in the absence of some assurance and some sort of commitment in spite of all the speeches made and words uttered, we will make disproportionate cuts in the programs that affect health, nutrition, and educational status of these children.

If the Senator from Vermont would not mind if I go on briefly and respond to some of the comments made by my colleague, the Senator from Utah. First of all, sort of a clarification about how you define "disproportionate." It is pretty simple. Again, the evidence, and I am interested if somebody wants to argue with it, in the last Congress 93 percent of the budget reductions in entitlements came from programs for low-income people. Madam President, 93 percent. All you need to do is figure out the percentage of the overall entitlement programs that are low income and you do not cut by more than that.

We have the same thing with discretionary. You do not have to be a rocket scientist to understand what the amendment says. You cannot dance around it. Second, in all of the amendments we introduced and all the amendments that the majority party is introducing, in this whole constitutional amendment there will be implementing legislation to work out the final details.

Third, Madam President, as to the Constitution and whether you can have policy in the Constitution, I am not a lawyer, but article III says:

> The judicial power of the United States, shall be invested in one supreme Court, in such inferior courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation which will not be diminished during their Continuance in Office.

It certainly seems as if we have such policies in the Constitution right now.

Madam President, what troubles me the most about the comments of my colleague from the Senator from Utah, first of all, he talks about this amendment giving an exemption. There is no exemption. This amendment just says give them what we did last time. Make a commitment that we will not disproportionately cut programs that vitally affect the nutritional, educational, and health care status of poor children in America. I gave examples of those programs in the way they work and what they mean to children. That is all it says and no more. Senators should be clear on what they are voting on.

Finally, Madam President, and I want to be clear if I could get the attention of my colleague from Utah, I do not want him to think I say this without giving him a chance to respond, but in all due respect to my good friend from Utah, when we talk about bringing the deficit down and real interest rates down, and that is the way to help children, a lot of the children that I have talked about, Senator, do not have that future. If we do not make a commitment that we will make sure that they have adequate diet, adequate nutrition, that they come to school prepared to learn, that they come to school in good health, they are not going to have this future.

For gosh sake, we should not in the name of deficit reduction savage poor children in America today. You do not want an up-or-down vote? You will vote to table. Fine. But this amendment is substantive. It speaks to the very real problem of the deficit reduction based on the path of least political resistance, picking out the most vulnerable citizens. If we do not make a commitment that we are not going to cut these programs that are so vital to poor children's lives—as a matter of fact, we should be investing much more—then these children do not have a future.

Deficit reduction, I am all for. Balancing the budget, we should do it. But instead of focusing on poor children in America, why do we not focus on the subsidies that go to oil companies, tobacco companies, pharmaceutical, big insurance companies, and a whole lot of other corporate welfare? Why do we not focus on the $17 billion over 2 years more than the Pentagon requested wanted for the Pentagon? There are other places to make the cuts, but I say to my colleague from Utah, and I am sorry to say with indignation, this is anything but an abstraction to the children I am talking about.

Your argument about how the best thing for these children is to make sure we balance the budget because real interest rates will come down—by the way, the Federal Reserve ought to bring the real interest rates down right now if everybody is right, I am not sure they are about the Consumer Price Index having overstated inflation, what in the world are we talking about even the possibility of real interest rates going up? They ought to be going down. Above and beyond that point, it does not do the children that I am talking about today one bit of good to talk about balancing the budget in the future when you balance the budget on their backs. That is what we did the last Congress. That is what we did the last Congress.

I am just saying, Senators, we should do this on the basis of some standard of fairness. I still think I can get 100 votes for this. I hope the Senator from Utah tomorrow, after we have a little bit more time for final debate, will not move to table this. I hope he will support it. With all due respect, the evidence does not suggest that with the absence of this assurance we will not make these cuts in exactly these decisive areas of life that so crucially affect the quality, or if we do not make this commitment, the lack of quality of the lives of poor children in America. I yield the floor.

Mr. HATCH. Madam President, I know there are 2 minutes left before we end debate on this amendment. I acknowledge my colleague is sincere. It does not negate the fact we have to live within budget constraints or this country will go down and children will be the first to be hurt. That is why this amendment is so important. You cannot make any exceptions.

If you make exceptions, then it does not become important. It does not work and it will not be the constraint that we need, it will not be the fiscal discipline, that it will make a difference whether this country really continues to be the greatest country in the world or not and whether it can do for children and families what we would all like to do. The best thing we can do is pass this amendment and pass it without exceptions, like my good friend who is very sincere thinks we ought to do.

I just want to bring that to the attention of everybody, that it takes guts to stand up and do what is fiscally responsible, because it is easier to offer spending through all these constituencies then it is to have to make priority choices. This amendment will force us to make priority choices. I think that is critical in any kind of nation that really wants to call itself great.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Madam President, last week I talked about the balanced budget movement from a historical perspective. I discussed the fact that when our country started out as a new nation, policymakers felt a moral and ethical obligation to balance the budget year after year after year, and they did that. However, as time evolved, a process was developed under which programs were funded based on demand. This process produced what are called entitlement programs. It created a blank check. As a result of these entitlements and the corresponding lack of accountability, there is no longer the same concern to balance the budget that existed during the time of the Founders.

I wanted to talk a little bit this afternoon from the perspective of a family man who has grown up in America, from the perspective of a small businessman who has had to start his business from scratch. Those obligations that I faced as a family man and those obligations that I faced as a businessman are pretty much the same obligations that we are facing as a Congress, as the leaders of this country, this great country called America.

Thus far, we have had two amendments presented before this body which, in effect, provide for exceptions to a balanced budget amendment. One is the Durbin amendment, and the most recent one is the welfare amendment. These amendments are unnecessary. We already have a provision to meet emergencies in the balanced budget amendment proposal that is before us. Madam President, 60 percent of the vote in the House and 60 percent of the vote in the Senate, or 261 votes in the House and 60 votes in the Senate, and we will be able to waive the provisions of this amendment to meet those national emergencies.

Madam President, I understand I will have an opportunity later on to continue with some of my remarks and that there is an order on the floor for another amendment.

I will continue my remarks at another time.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the hour of 3:30 p.m. having arrived, the Senate will now proceed to the consideration of the Durbin amendment No. 2, on which there shall be 2 hours of debate equally divided.

Mr. HATCH. Madam President, I yield 8 minutes to the distinguished Senator from Colorado, so he can finish his statement.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Senator for yielding. I would now like to finish my comments that I began a few minutes ago.

The Wellstone amendment would provide funding for education, nutrition, and health programs for poor children. So, again, as I was speaking about earlier, I want to talk about this from the perspective of a family man and also a small businessman. Joan, my wife, and I started like most American families. After we got our education, we got jobs. We earned a salary and worked hard to save money so that we could incur our first major debt as a family. For most families in this country, their first major debt is when they purchase a home. They are able to incur that commitment only after they have enough income saved up to go ahead and qualify to buy that first house.

Most families in America work hard to pay down that debt because they understand that if they pay down that debt, then, in effect, they are beginning to free up their resources so that at some later date they can meet the educational needs of their children, the nutritional needs of their children, and they can meet the health care needs of their children. They also, hopefully will be able to save enough of their resources to get their children started out in life. In addition, by paying off that debt, they begin to build up a reserve in their home that they will be able to use in case of emergency.

That is not unlike the situation that we have here in America. That is why it is important that we get deficit spending under control and that we have a balanced budget amendment that will say to the Congress that it can't spend more money than it brings in.

Our debt today is greater than $5 trillion. Every year, for the last 28 years, we have continually added to that debt. We have been going in a different direction than the average American family. If we really want a better future for our children and grandchildren, we do not need to establish more Government programs that will cause the deficit to rise instead of fall. Instead, eliminating the deficit is the most unselfish thing that we can do for our children and grandchildren.

Now, as a small businessman, a veterinarian, when I started out, I had to go to the local banker to take out a loan. The largest portion of that debt went to purchase a building so that I could take care of my clients and their animals' needs. As time moved along, I worked hard to pay down that debt that I had incurred. I knew that the sooner I paid down that debt, the better I would be able to serve my clients because a smaller debt load would begin to free up my resources for other uses. Instead of paying out money on interest, I was able to buy new equipment and bring in more help so that I could take better care of my clients.

I think that these two situations, as a family man and as a businessman, are not unlike what we face as a country. If we, as Members of Congress, face our responsibility as custodians of this country's future, we simply have to eliminate deficit spending. Despite everybody's good intentions, the trend has been in the opposite direction—our national debt has grown larger every year. I think that the most unselfish thing we can do for our children and grandchildren is to eliminate deficit spending and assure them a prosperous future. That is why I am supporting a balanced budget amendment. The only way that we will gather the courage and discipline to address our budgetary problems is if we have a constitutional requirement to balance the Federal budget.

Now, many will argue here on the floor that we need to protect particular programs. And lots of times they will couch their arguments in terms of certain benefits for our children. But what they really want is to save their own jobs and programs. Because additional waivers or exceptions to the balanced budget requirement will preserve the deficit spending status quo, their primary concern cannot really be our children's future. The balanced budget amendment and eliminating deficit spending is the approach that concentrates on providing for our children's future. It is unselfishly saying that we want a better life for our children and grandchildren. That is why I am such a strong supporter of a balanced budget amendment.

I wanted to share with Members of this body my experience as a family man and a small businessman. I don't think that the Federal budget is unlike what the average American family or small businessman faces on a daily basis. They understand the need to eliminate deficit spending, to pay down their debt. I just hope that this body has the same foresight that many American families and small business people in this country have.

I yield back the remainder of my time to the Senator from Utah. Thank you.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 2

Mr. DURBIN. Madam President, it is my understanding that under the order of the Senate, there is to be 2 hours of debate, if I am not mistaken, with 1 hour to be controlled by me and the other hour by the Senator from Utah, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Thank you. I yield 10 minutes to my colleague from North Dakota, Senator CONRAD, at this time.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. CONRAD] is recognized.

Mr. CONRAD. I thank the Chair and my colleague from Illinois.

Madam President, first of all, I thank him for offering the amendment he has put up, which we will be voting on in just 2 hours. I think it is a critically important amendment. Before I discuss that amendment, I would like to talk about what I have heard here today, because I have heard a lot of talk about how we are going to balance the budget. I heard a lot of talk about how we are going to eliminate deficits, and all of it is going to be done with this balanced budget amendment to the Constitution.

I thought to myself, maybe they really don't know that, in fact, this isn't a balanced budget amendment at all, because even if you pass this amendment, the debt will continue to rise. Isn't that surprising? We have heard all of this brave talk about how this amendment is going to balance the budget. We have heard all of this talk about how it is going to eliminate deficits. Yet, if we pass it, and if it is implemented, the debt will continue to rise.

I asked June O'Neill, the head of the Congressional Budget Office, when she came to testify before the Senate Budget Committee, "What is the deficit this year?" She said, "Well, Senator, the projected deficit for this year is $124 billion." I said, "Is that right, $124 billion?" She said, "Yes, that's the deficit." I said, "Well, how much is the debt going to go up this year?" Well, she wasn't sure of the number. I looked it up in a table before I asked the question. I said, "Well, would it surprise you to find out that the debt, subject to limit, will be increasing $255 billion this year?" She wasn't surprised by that. Of course, none of us who serve on the Budget Committee are surprised by that.

The difference is that the deficit they are talking about in this amendment and the deficit she was talking about before the Budget Committee is the so-called unified deficit. That is when you put everything into the pot—all the income, all of the outgo, and you call that the unified deficit. The problem with that is, every penny of Social Security surplus is going in. That is about $70 billion this year of trust fund money that they are using to say they have balanced the budget.

That is not a balanced budget. In fact, by law, in the United States that is not a balanced budget. But they are going to put it into the Constitution of the United States that it is. Is that really what we want to do? Do we want to phony up what is a balanced budget and put a phony description of a balanced budget in the Constitution of the United States? Boy, I do not want any part of that game. Are we going to say in the Constitution of the United States that it is a balanced budget when you take every penny of Social Security surpluses and throw those into the pot and call it a balanced budget? If any private employer in this country tried to take the retirement funds of their employees and put them into the pot to balance their operating budget, they would be in violation of Federal law. That is called fraud. Yet, that is what we are talking about here. Their defense is, "Well, we are doing it now." Yes, we are doing it now. We have been doing it for 13 years. It does not make it right. And it certainly is not something we should put in the Constitution of the United States.

The first question the people of the United States ought to insist be answered by our colleagues on the other side of the aisle is, What budget is being balanced? We need to ask that question, the most basic question of all, because by any serious definition of a balanced budget this amendment to the Constitution of the United States that they are offering is not a balanced budget amendment at all.

This is the description. It says, "Total receipts shall include all receipts of the United States Government. Total outlays shall include all outlays of the United States Government." That seems to make common sense. But the problem is that you are taking all of those trust fund surpluses.

Look at what they are. In 1998, the fiscal year that we are working on the budget, $81 billion of Social Security surplus. Under this amendment that they want to put in the Constitution of the United States, the organic law of our country, they want to take every penny it of it to claim they have balanced the budget. In 1999, $169 billion will be the cumulative surplus by that time of those 2 years; 2000, $263 billion; 2001, $361 billion of Social Security surpluses, every penny of it going into the pot to claim they have balanced the budget. What a hoax. What an absolute hoax to call this a balanced budget. By 2002, $465 billion of Social Security surpluses, and they will have taken every penny, they will have spent every penny, in order to claim that they have balanced the budget.

That does not pass any kind of credibility test. For us to be entrenching that principle into the Constitution of the United States—I thought about this very hard 2 years ago when it came down to my vote. I thought to myself, I don't know what the political ramifications are. I don't know how this will be read. But I know one thing. I am not putting my name on an amendment to the Constitution of the United States, the organic law that has made this the greatest nation in human history, and put my name on an amendment to the Constitution of the United States that says that a balanced budget is one that uses every penny of the Social Security surplus to call it a balanced budget. No. I am not signing up to that kind of deal.

Look at what we are talking about. By the year 2013, $1.8 trillion of Social Security surpluses, and they are going to take every dime and claim they have balanced the budget.

Let me turn now to the amendment of my colleague from Illinois, an amendment that I think is critically important because I think there are three failures to this balanced budget amendment that is before us today. No. 1, it raids Social Security surplus funds to claim balance; No. 2, it does not have adequate provision for a national economic emergency.

Madam President, we know right now that the right thing to do is cut spending and balance the budget, without question. I have spent a great deal of my time offering balanced budget plans in this Chamber. I deeply believe it is the right thing to do to secure the economic future for our country. There is a right way to do it and a wrong way to do it, and unfortunately the amendment before us, the underlying constitutional amendment, is the wrong one; wrong because it loots Social Security trust funds; wrong because it does not have adequate provision for national economic emergencies.

But let me be clear. While it is the right thing to do now to cut spending and balance the budget, that was precisely the wrong thing to do in the depths of the Depression. Cutting spending, raising taxes in the depths of the Depression would only have made that calamity last longer and be deeper. That is the economic reality. And we are passing an amendment here not just for today, not for the next 5 years, not for the next 10 years, but perhaps for the next 200 years. It ought to be an amendment that can stand the test of time. This one, the underlying amendment, fails that test.

The Senator from Illinois, Senator DURBIN, has come to us and recognized that we ought to amend the balanced budget amendment to take account of national economic emergencies.

He is saying that when we get into a situation, especially a depression, this country ought to be able to take fiscal policy that would help this country emerge. The Senator from Illinois has put his finger right on it, one of the key weaknesses of this amendment.

Henry Aaron, director of economic studies at Brookings Institution, says, "One does not need to be a primitive Keynesian to believe that a requirement forcing tax increases or spending cuts during an economic slowdown could be catastrophic. Yet, the need to mobilize a three-fifths majority, not just in the Senate but in the House of Representatives as well, heightens the possibility that such policies would result because of incapacity to mobilize the necessity supermajority in both Houses."

Some of my colleagues on the other side who are moving this amendment may say, "Well, all we have to do is get a three-fifths vote to waive these provisions in the event of a national economic emergency." I think that is cold comfort, Madam President. All we have to do is look back at some of the decisive moments in history to see that it isn't easy to get a three-fifths vote in this Chamber. On the eve of World War II we could not get a three-fifths vote to institute a draft. If there ever was a national emergency, it was World War II, and we couldn't get a three-fifths vote to institute a draft. In fact, we couldn't get a majority vote to institute a draft.

Madam President, we don't want to hold the economic future of America hostage at in a time of national economic emergency. That does not make sense.

Robert Solow, the Nobel laureat from MIT, said, "The balanced budget amendment would force perverse actions by Congress, easily turning a small recession into a big one and a big one into a disaster."

We ought to pass the Durbin amendment because it makes economic sense. We ought to do that.

This chart shows what we have learned in terms of evening out the economic cycles. This chart shows real economic growth from 1870 to 1995. You can see these wide swings, these wild swings, in economic activity up until about 1950. Then these economic stabilizers that we put in force in this economy eliminated these wild swings that lead to so much pain, so much suffering, and so much devastation. That is what the Durbin amendment addresses. It says let us not eliminate these economic stabilizers. Let us not be in a situation in which we handcuff the American economy in the midst of a national economic emergency. Let us not be in a circumstance in which we cannot do what we know works to eliminate disastrous economic consequences. That just makes common sense.

I hope we will support the Durbin amendment.

I thank the Chair and yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, the Senator from North Dakota has been very eloquent. The problem is that what he seems to be arguing for is a continuation of the status quo. For instance, on Social Security, at the very time he is arguing that it is immoral and that it is a rape of the trust, that it is a ripoff to keep Social Security within the purview of the balanced budget amendment, he supports a President who is doing exactly that.

That is what the President's budget does. That is what every budget of every President has done ever since we started the unified budget system. And it just makes little or no sense to take it out of the Federal budget, out of the unified system, because if it cannot stand on its own, which Social Security can, then why would we make any selectivity. The fact is it is a gimmick to take it off budget, and it is a risky gimmick at that. What they are trying to do is really defeat the balanced budget amendment.

Then to argue that we have to take care of economic emergencies, well, what are economic emergencies? I must be able to list at least 3,000 of them right now that could occur to which everybody could argue that the balanced budget amendment does not apply.

It is one thing to argue for the status quo. I have seen 28 years of it. I have been here 21 of the 28 years. And I have to admit I fought for a balanced budget every one of those years, and there have been a number of us who have done so, but we have been in a distinct minority as unbalanced budget after unbalanced budget has been passed.

Now they are saying let us keep the status quo. Even though this gimmick is going to take Social Security off budget and subject to all budgetary matters, we should take it out of the balanced budget amendment, as though Social Security cannot stand on its own. Come on. That would be one of the most risky things we could do. Every item ought to be on budget.

Social Security is the largest item in the Federal budget. It ought to be in the budget. And we can work around the problems that are concerning the Senator from North Dakota and others who argue that. To talk about economic emergencies and try to write that into the Constitution, everybody knows that is a gutting amendment that would destroy the balanced budget amendment.

To say that you cannot get a three-fifths vote is an insult to everybody who believes in this country and who is patriotic and who really believes that the country should go forward. If we have a true economic emergency, we will be able to get the three-fifths vote, and there will be a lot of us who are conservative who will be voting for the three-fifths vote.

The fact of the matter is if it does not measure up, then that three-fifths vote will not be granted. And a lot of these very same people will be saying, "Oh, this is the most important thing in the world," as we go into another year of unbalanced budgets. That is what we have been doing.

I hear these people saying, "Oh, we can do it. Just do it. Just do it." I have heard that for 21 solid years. We have never done it yet in the last 28 years. What makes us think that "let's do it" means we are going to do it the next year. The fact is the President's budget is not going to be in balance, according to the CBO; the one he sent us is not balanced. And keep in mind the last 2 years are where all of the budget cuts have to occur in order to be in balance, according to the President, or there will not be any tax relief to the American people.

So, look, we know that these amendments are intended to gut the balanced budget amendment. People who are arguing for them may be doing it sincerely, and I presume they are. But they are people who are not going to vote for this balanced budget amendment no matter what we do. They are not for it no matter what we do. We heard the distinguished Senator from Minnesota. Why, he has four or five major items that he would exclude from any budgetary restraint. There are others who would exclude Social Security from any budgetary restraint. And there are 98 others in this body who would also like to exclude some of their special projects.

The best we can do is work together on the unified budget and face the music and make priority choices within a budgetary constraint system, and if we do that we will save this country, we will protect our children, protect our seniors, protect those who need it, and we can. Otherwise, we are going to monetize the debt in order to stave off bankruptcy, and that means ruining our country, having interest rates going out of sight and inflation through the roof.

We are talking about saving the country right now. That is what we are talking about. With these gutting amendments, if any of them pass, the balanced budget amendment will become a lot less effective.

I yield the floor.

Mr. DURBIN. Madam President, I yield 3 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, just to respond to my distinguished colleague from Utah, the Senator from Utah says, well, it is OK for us to put in the Constitution of the United States a definition of a balanced budget which assumes that you are going to loot Social Security trust funds, and every other trust fund, for that matter, because the President did it in his budget submission.

I say that is a mighty weak defense of a constitutional provision. We are not talking about a statute here. We are talking about the organic law of the United States.

Mr. HATCH. Will the Senator yield on that point, just on that point?

Mr. CONRAD. Let me complete my thought, and then I would be glad to.

Mr. HATCH. If the Senator would.

Mr. CONRAD. Then I would be glad to yield.

The fact is we are talking here about an amendment to the Constitution of the United States. This amendment does not lead to a balanced budget. The debt continues to increase even if this is passed. That is not a balanced budget, No. 1.

No. 2, the President's budget, which is done on a unified basis in the same way as this constitutional amendment, is also not a balanced budget. And I have said that clearly.

Mr. HATCH. Will the Senator yield?

Mr. CONRAD. I have said it publicly, and I have said it privately. It is not a balanced budget, because although this amendment claims balance and the President's budget claims balance, they are taking trust fund money in order to claim balance. That is not a balanced budget. It defies our own law. Our own law says you should not count Social Security trust funds.

Second, the difference between Social Security and other funds is it has a dedicated revenue source. We impose a tax, a regressive payroll tax on the workers of this country and the employers of this country, and that fund is in surplus. And so when you mix it in with everything else, you are taking the surpluses generated by that stream of revenue that is being generated for a purpose. The purpose is to prepare for the baby-boom generation. But all the money is being spent. It is being spent for another purpose. That is wrong. And it is dead wrong to enshrine that flawed principle in the Constitution of the United States.

Mr. HATCH. Will the Senator yield?

Mr. CONRAD. Third point. The Senator from Utah says three-fifths vote, requiring that is an insult to those who serve here. Not at all. It has nothing to do with insults. I could turn that on the Senator from Utah and say his requirement of a three-fifths vote is an insult to democracy. In democracy, majority vote prevails. We do not have supermajorities. I do not choose to do that.

I do not think it is a matter of insult. I think it is a matter of reality. Do we really want to be in a circumstance in which this country faces an economic emergency and we have to have a supermajority vote to respond when we know from our own past that it has been difficult to muster a three-fifths vote. Even on the eve of World War II, to institute a draft, we could not do it. I submit to this Chamber and to the American public, the wiser course is the amendment of the Senator from Illinois.

Mr. HATCH. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I listened to these arguments, and I did not make the argument that we should have Social Security in the balanced budget amendment because the President is doing it. Everybody has done it because it is a unified budget that requires everything to be on budget. And on the other side of that coin, starting about the year 2014 Social Security goes in deep deficit. What are we going to do, keep that off budget so that we do not have to face the music, so we can keep borrowing?

The PRESIDING OFFICER. The 3 minutes of the Senator from North Dakota have expired.

Mr. HATCH. I will use my own time. I am sorry.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. The fact of the matter is, you cannot budget without putting everything on budget and you cannot handle it right. And the President is doing what the Secretary of Treasury said he should do, and that is keep all items on budget. There are 31 trust accounts, at least in the Federal Government. Are we going to take them all off because somebody makes the unfounded allegation that we are ripping off the trust funds? The fact is, the only way not to rip them off is to keep everything on budget. And that is a pretty important point.

I do not see how you can argue to take it off budget. It just makes sense that we face all the music here, not just part of it, and that we do not make any exceptions so that we have to make priority choices if we are going to have a balanced budget amendment.

The Senator is right on one thing and that is this amendment does not require a balanced budget. We can choose not to balance the budget. All we need to do is get a supermajority.

This is not a pure democracy in this country. This is a representative democracy, and the Senate is a perfect illustration of how we do not always have a majority vote. The fact of the matter is, each State has two Senators, regardless of population, and that gives a disproportionate amount of voting power to some States over others.

The House of Representatives is a purer democratic body, and our Founding Fathers in their wisdom understood this. They also would understand, if you are going to do a balanced budget amendment, you have to keep everything on budget. And it still does not rebut my point, which is that this is a gutting amendment. This amendment basically says when we have an economic emergency we can go off budget, the amendment does not apply. Again, I ask you, what is an economic emergency? There is a wide disparity of belief as to what is, and we provide for a way around that by a three-fifths vote, which I think, in a true economic emergency, will be easily obtained here and should be easily obtained here.

In response to the supermajority requirement, the Senator from North Dakota raises the vote on war, a military threat. Senate Joint Resolution 1 provides a lower threshold for votes to waive the balanced budget rule in times of war or national security emergency. With regard to economic emergencies, during the past 15 years Congress has passed emergency unemployment compensation by supermajorities every time but once, and it can be legitimately argued that the once was a time when they should not have. Disaster relief has been enacted by a similar supermajority every time except twice over the last 7 years.

What is wrong with requiring people who have not balanced a budget in 28 years and who keep saying the same things, what is wrong with requiring some fiscal restraint of these people? It is apparent that Congress is not going to live with fiscal restraint unless it is imposed upon them, and the only way we can impose it—after five tries in the last few years of budget restraint by statute, none of which have worked—the only way you can impose it is through an amendment to the Constitution that everybody in this body and in the other body is sworn to uphold. I think it is just that simple.

There is room for legitimate disagreement here, I am sure. I do not mean to imply that my colleagues are not sincere in every word that they are saying. But, on the other hand, I think those of us, the vast majority in this body, who will vote for this are sincere as well. We have seen 28 years of sincerity. People were sincere in trying to get balanced budgets during those years, but they did not do it. The reason they did not do it is because they did not have to do it and it was easy to borrow. It was a lot easier to borrow and mortgage the future of our children than it was to face the music. Our amendment will require we face the music.

I yield the floor and reserve the remainder of my time.

Mr. DURBIN. Mr. President, I yield 1 minute to the Senator from North Dakota.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from North Dakota is recognized for 1 minute.

Mr. CONRAD. Mr. President, words do not change reality. You can call it a balanced budget amendment to the Constitution of the United States. It is an amendment to the Constitution of the United States, but it is not a balanced budget. The simple fact remains, if you pass the amendment offered by the Senator from Utah and it is fully implemented, the debt continues to go up. You can say that is a balanced budget but it is not. It is simply not. The reason it is not is because the Senator from Utah is taking every penny of the Social Security trust fund surplus and throwing that into the pot and saying he has balanced the budget. It is not a balanced budget. No private employer could do that. It would be a violation of Federal law.

On the question of three-fifths vote, it is very interesting——

The PRESIDING OFFICER. The minute of the Senator has expired.

Mr. CONRAD. May I have 30 more seconds?

Mr. DURBIN. I yield 30 seconds to the Senator from North Dakota.

Mr. CONRAD. On this question of national economic emergency, it is very interesting that all these arguments about supermajority go right out the window because they themselves provide for a simple majority in the case of a national security emergency but not in the case of a national economic emergency. That is a fatal flaw in this amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I hear the distinguished Senator, but what he fails to say is that we are continuing that system without any restraint if we do not pass the balanced budget amendment. I think the Senator from North Dakota, not deliberately, has made several misleading statements, to some of which I would like to respond.

He says the balanced budget amendment does not balance the budget if it does not exclude Social Security. Of course he fails to mention that in the long run everyone knows Social Security is going to run huge deficits and that it is not always going to run surpluses. This tends to balance out. If we follow his suggestion, we do nothing but continue the current system. His own President is including Social Security because he has to, because it is part of the overall unified budget. By the time today's children are retiring, Social Security will be running annual deficits of $7 trillion each year. Unless we keep Social Security on the budget and make it work and resolve it, in current dollars, it will be a $7 trillion deficit a year.

He also fails to mention that this huge deficit would not count under the Social Security amendment that he supports. The amendment he supports would call this $7 trillion deficit a balanced budget. You talk about hoax; I don't see how anybody can argue that. Yet they do. The fact is, we are in trouble and what are we going to do? Just the status quo? Just keep doing year after year what we are doing; mortgaging our children's future and making it so this, the greatest country in the world, becomes the least great country in the world? That is where we are headed if we do not do something about it.

The Senator from North Dakota also described the balanced budget amendment as looting Social Security. What a half-truth. The balanced budget amendment does not touch one penny in Social Security. That whole argument is nothing more than an accounting preference. The Social Security trust funds will be still invested in the greatest securities in the world, and that is American securities, U.S. Treasury bills, if you will. That is the only thing they can be invested in. That is going to happen whether we pass a balanced budget amendment or if we do not. So, this is a phony argument and, frankly, it would be literally—literally—a risky, risky gimmick to take Social Security out of the major budget because, on the one hand, there are surpluses today, but they are all invested in American securities. Starting about the year 2013, we have huge deficits; not surpluses, but deficits. Should we take it out when we have surpluses and not put it in when we have deficits? No. You keep it in all the time and you work with it and you do what is right. That is what the Secretary of the Treasury did. That is what he suggested. That is what he said is the right way to do it. By the way, that is also what the President just did in sending up his budget.

So, if we do nothing here, we have business as usual, another, a 29th, year of unbalanced budgets. I would feel a lot better if some of these people who are bringing up these amendments would be voting for the balanced budget amendment. But, no, these are amendments to gut the balanced budget amendment.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, could you please tell me how much time is remaining to me?

The PRESIDING OFFICER. There are 42 minutes for the Senator from Illinois, 38 for the Senator from Utah.

Mr. DURBIN. Mr. President, I thank my colleague from North Dakota, Senator CONRAD, for supporting my amendment and joining in the debate. He has raised two very important issues. One relates to the future of Social Security and its involvement in balancing the budget. The other relates directly to my amendment, to whether a supermajority vote will be required in the House and the Senate in times of a national disaster or a national economic emergency for the Congress to decide to spend more than we have received in tax revenues that year.

The Senator from Utah, the chairman of the committee, has spoken in committee and on the floor. His point is made and made clearly. He believes that Social Security should compete with all the other Federal programs. He believes that it should be there with no special treatment, should not be excluded, should be brought to the debate and treated the same way. I respect his point of view. I disagree with it.

But in order to bring this back to my amendment, I would like to focus on the debate which started last Thursday and continues this afternoon.

Consider this possibility. If we are successful in balancing the budget in fiscal year 2002, as proposed by President Clinton and virtually all of the leadership in Congress, we will applaud, congratulate ourselves and believe, I think rightly, that our economy is in stronger shape. And now let's take a hypothetical.

In the next year, 2003, there is a downturn in the American economy. This is not an extraordinary event. In fact, history tells us that once every 5 years we face such a downturn. So our budget is in balance and the next year, millions of Americans, because of this recession, are out of work; men and women who have been paying Federal taxes, no longer working. Naturally, they are not paying the taxes.

On the other side of the coin, they are men and women who need a helping hand. They are men and women who need unemployment compensation from the Government. They are men and women who may need, in dire circumstances, food stamps to feed their children from the Government. They may also need Medicaid for hospitalization care of their children while they are unemployed from the Government. They may be determined to go back to work and headed for a job training program to get them qualified for another job, that training program coming from the Government. They may decide it is time to get that advanced degree or college degree and need to ask for a loan from the Government. In each of these instances, people who are not paying taxes, working families who, through no fault of their own, are out of work, turn to the Government for a helping hand.

Any economist is going to tell you your books are not going to be in balance that next year. Congress will then have to decide whether in the year 2003, in this hypothetical, we will not have a balanced budget, because we don't want to relegate millions of unemployed Americans to the ash heap of economic history. We want to make certain they have the same chance other families have had to get back on their feet, and that is the purpose of the Durbin amendment.

How will we reach that decision? Under the amendment to the Constitution being offered by the chairman, the Senator from Utah, it would take a three-fifths vote of the House and the Senate, approved by the President in order for us to decide, yes, in the year 2003, we are going to waive the requirements of a balanced budget in order to get the economy moving again, in order to get people back to work, not to risk going more deeply into the recession.

The chairman stands and says this supermajority requirement, this 60-percent requirement, is not unreasonable. Surely, he says, the House and the Senate, faced with this economic challenge, will rise to the occasion, cast partisanship aside, avoid the personalities, rally around the flag, stand behind the families. I say to the chairman and to others of like mind, history suggests it might not be that easy.

In the desk of each Senator is a publication known as the Senate Manual. It contains a lot of information about the rules of the Senate, and it also contains the Constitution of the United States.

I ask the chairman to consider the following: When our Founding Fathers wrote the Constitution, which we are seeking to amend with this resolution, there were 13 colonies organized under the Articles of Confederation. And they said that 9 of the 13 colonies would have to ratify the Constitution for it to go into effect.

Think about this: The birth of our Nation, the creation of the United States of America, and turning to 13 legislatures in 13 colonies, this Constitution was given to them, asking them to be a part of our Federal system.

What if we had given them the Constitution with a supermajority requirement in each of the legislatures? What if we had said to them, "Just to make certain that you don't do anything rash, we are going to require a 60-percent vote from the legislature of each colony to ratify the Constitution, and it will take 9 of the 13 colonies to do it"?

Mr. President, I am not certain we would be a federal nation today, because if you reflect on the votes actually cast in each of the 13 colonies, you will find, unfortunately, that 5 of the 13 did not meet the supermajority requirement. Only 8 of the colonies would have met the chairman's supermajority requirement.

So, though he believes we can rise to the occasion in economic recession, history tells us that even in the creation of this Republic, a supermajority requirement would have complicated things, slowed them down. I don't know if we would be standing today on the floor of the Senate of the United States of America. It is anyone's guess. But the suggestion that a supermajority requirement is something easy to come by belies history.

What my amendment says is that a majority is necessary to make this decision. So, if we face a natural disaster—the big one in California, a hurricane in Florida, a hurricane in North Carolina—or a national recession, that we will come together as a national legislature and decide for that given year we will waive the requirement of a balanced budget because of a national economic emergency, a national disaster.

The chairman suggests people will abuse this. They are going to call everything a national economic emergency. I don't think so. I think history tells us over the last 4 years, with the Clinton administration, with both a Democratic Congress and a Republican Congress, there has been a real commitment to deficit reduction.

The chairman is standing next to his leaning tower of unbalanced budgets and suggesting to us that this is going to go on forever. But if the chairman would look closely over the last 4 years, he will see they are somewhat different than the other 24 years, because we have come to a bipartisan conclusion that we should and can reduce the deficit in a responsible way.

President Clinton's administration, with the cooperation of a Democratic Congress and a Republican Congress, have brought 4 straight years of deficit reduction. This is the first time that has occurred in this century and far into the last century. So it suggests Congress has the message and has the goal in mind and is moving toward it in the right way.

The chairman has said to us many times, this is something the American people want, a balanced budget, and he is right, not just by our empirical evidence of visiting our States and speaking to our constituents, but also by sophisticated polling time and again. People come forward and say, "Let's have a balanced budget." But I say to the chairman, I will also add a couple things to that.

If you would ask them whether they want to protect the Social Security trust fund as part of balancing the budget, they want that in an overwhelming way.

If you would ask them whether or not it is right for our Nation to come to the rescue of families unemployed in the midst of a recession, for the Nation to come together to offer things to families to get back on their feet, I think you will find an overwhelming response. Because the bottom line for most American families, whose senses are dulled by all this economic theory rhetoric, is whether or not they are doing well for themselves.

Are people in their households working? Do they have a job? Do the kids have a chance for a bright future? Is our economy expanding, creating good-paying jobs? I think that really is a bottom-line question. In election after election that is the test we are held to.

This amendment does not meet this test. This amendment, by requiring a supermajority vote, says that this Senate of the United States and the House of Representatives will hold itself to such a standard as to question whether or not we can rise to the occasion when there is an economic necessity.

Mr. KENNEDY. Will the Senator yield?

Mr. DURBIN. I would be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly support the amendment offered by Senator DURBIN to protect jobs for working families. Without it, millions of Americans may well lose their livelihood if adequate steps are not taken to prevent real damage to the economy from the proposed constitutional amendment.

Proponents of the balanced budget constitutional amendment claim that it will help American families. They predict dire consequences without a constitutional requirement to force a balanced budget. But, we know better. President Clinton's budget gets us to balance by 2002, and American families don't need or want to lock themselves into a budgetary straightjacket.

Secretary of the Treasury Robert Rubin and over 1,000 economists have told Congress that the balanced budget constitutional amendment is a mistake. Because the amendment turns off the economy's automatic stabilizers, "it could turn slowdowns into recessions, and recessions into more severe recessions or even depressions," according to Secretary Rubin.

Without the automatic stabilizers, the Treasury Department estimates that the 1990 recession might have led to 9 percent unemployment—instead of 7.7 percent. That would have cost the country over 1 million additional jobs.

The fundamental problem with the amendment is that it requires a balanced budget even in times of recession. The depression of the 1930's was made far worse because Congress repeatedly cut Federal spending and raised taxes trying to keep the budget in balance. This amendment could easily condemn us to repeat that unacceptable history.

Surely, we can't ignore the views of over 1,000 economists who agree that this amendment mandates "perverse actions in the face of recessions." The last time we failed to heed the warnings of the Nation's economists, at the beginning of the 1980's, the deficit skyrocketed and hundreds of thousands of Americans lost their jobs.

Of course, supporters of the amendment say this will never happen. They tell us that if an economic depression is on the horizon, the proposed constitutional amendment allows Congress to waive the balanced budget requirement with a three-fifths vote. But it is reckless for Congress to gamble in this way with the economy.

The Durbin amendment is needed to avert these serious threats to the economy and to American families. Under the Durbin amendment, a constitutional majority could waive the balanced budget amendment's requirements if there is an economic recession or serious economic emergency in the country.

The amendment protects the country during times of military emergency, and it should also protect families during an economic emergency. I urge my colleagues to support the Durbin amendment.

Finally, I want to ask the Senator a question, if I might.

I have listened with great interest to the Senator's explanation. I find it enormously powerful and extremely compelling. After listening to the interpretation of both the balanced budget amendment and the Senator's antirecession amendment, one has to draw the conclusion that on the one hand Americans who have great wealth will not be significantly impacted by the implementation of the balanced budget amendment during a recession.

The very wealthy do not rely on the kinds of programs that you have mentioned. So their lives will not be adversely affected if this measure is actually put in the Constitution.

On the other hand, as the Senator has pointed out, working families, children of working families, and parents of working families have the greatest risk under this amendment. If I understand the position of the Senator from Illinois, it will be the sons and daughters of working families that will suffer because Pell grants will be cut. It will be the children in Head Start—children of working families—that will have their education put at risk. It will be mothers and fathers of working families who will not receive assistance from job training or job dislocation programs during times of economic calamities. It will be their parents, those who have toiled in the factories, served in the Armed Forces, lifted this country out of depressions, and been the backbone of this Nation, whose Social Security and Medicare checks are put at risk.

I wonder whether the Senator's arguments reach this issue of unfairness inherent to the balanced budget amendment. Because, it seems to me that one group of Americans, those hard-working Americans, have the most to risk. And those that are the wealthiest individuals or the most successful corporations have the least to risk. I wonder whether the Senator agrees with that observation.

Second, if the Senator believes that is true, then what does he believe is the position of the organizations that represent working families.

Where do the workers stand on this? Are they for this? Do they think that their futures are more secure by putting the balanced budget amendment in the Constitution? They say no.

What about those groups that have fought for the rights of children, day in and day out, year in and year out, what is their position? Do they say yes? They say no.

Do those groups that have been fighting to ensure decent health care for American seniors come to us and say, "This balanced budget amendment is in the best interest of our seniors," or do they say, "Do not pass this measure, at least not without the Senator's amendment?"

I am just interested if the conclusions that I draw from the Senator's excellent argument, particularly as it relates to the adverse impact economic downturns would have on hard-working Americans, is something that the Senator is very concerned about as well.

Mr. DURBIN. I thank my colleague, the Senator from Massachusetts.

I think his point is well taken. I might add this. He has specified various groups that have come forward with reservations about this amendment. He and I both understand that in a time of economic turmoil, economic recession, some of the most vulnerable Americans are not even represented in Washington by a special interest group. They are the working poor, getting up every morning, and going to work, 40 hours a week, struggling to get by, barely beyond the minimum wage, often husbands and wives, sometimes working two jobs, trying to make ends meet, trying to keep their families together.

That is what concerns me. They will be the first casualties in a recession. They will be the ones laid off. They will be the ones who will have to then make a decision about their lives and to get back on track. And what we are saying, I believe the Senator from Massachusetts and I agree, is that at various points in the modern history of America there have been opportunities for them created through Government programs that have helped.

Oh, certainly they need their own personal responsibility, their own initiative. But the door was there for them to walk through. If that door is bolted shut with the supermajority requirement, these families, the working poor, the groups that the Senator from Massachusetts has outlined, they will be the first casualties. That is why I offered the amendment. I thank the Senator from Massachusetts for speaking on behalf of the amendment.

Mr. KENNEDY. I thank the Senator. As he has pointed out, the economic issues and strength of our country is really the backbone for all of the hopes and dreams of working families. His amendment goes right to the core issue about what this impact would be at a time of economic cycles. I think anyone that understands the history of the economic strengths and weaknesses of our country would see that we should learn lessons from the historic past.

Unfortunately, this amendment does not benefit from that kind of historical perspective, the underlying amendment. The Senator's amendment certainly does. I look forward to supporting the Senator's amendment. I thank him for bringing this matter to the attention of the Senate today.

Mr. DURBIN. I thank the Senator and reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Utah has reserved the balance of his time.

Mr. HATCH. I would like to recognize the distinguished Senator from New

Hampshire, but first let me take 1 minute.

I heard the dialog between the distinguished Senator from Massachusetts and the distinguished Senator from Illinois, and I have to say that I am fully familiar with all those groups. And about 78 percent of the American people—between 68 and 78 percent of the American people—have always been for this balanced budget amendment. They come from all walks of life, from every group. The reason they do is they are deathly afraid that if we do not get this spending under control, the very people that my good friends have been talking about are going to be hurt the most. There is no question about it.

To just keep arguing that we can continue to do business as usual, as has been argued here, that is the biggest joke of all.

I yield 15 minutes to the distinguished Senator from New Hampshire.

Mr. BOB SMITH. I thank my colleague from Utah for yielding and thank him for his strong leadership on this issue which he has done for so many years as we wait to see the long hoped for amendment finally reach passage.

I was somewhat taken by the comments on the Durbin amendment made by my colleague. This is again an effort obviously to weaken the amendment. It is an interesting question about what an economic recession would be. How would one define it? Would it be just a general feeling of anxiety about the economy? Would that be an economic recession?

I might also add, that in difficult economic times you will see areas of the country where certain pockets of the country, certain areas of the country there would be an economic downturn and other areas there may be an economic upswing. So the areas of the country where there is an economic downturn, how do we define where the amendment and when the amendment would kick in?

It is obviously a weakening amendment. It is interesting, Mr. President, that for years and years and years we have heard from the critics, we do not need this amendment. We do not need a constitutional amendment to balance the budget. All we have to do is balance it. We have not done it yet. So I am waiting. And those people who say that we ought to do that, without the amendment, keep offering amendments to weaken what we are trying to do.

This is a very historic debate that we are in today. Not only is it historic in the sense that there have been a number of efforts in the past to have a balanced budget amendment, but it is historic in the sense that if we fail, our children are going to pay the consequences. I think they are going to judge us not in a very kind way if, in the future, in the outyears, if they look back upon this time when we had a chance to deal with this in the Constitution and did not do it.

I am pleased and proud to be on the side of Senator HATCH in this debate. I think he is on the side of the American people. Frankly, not only the American people today, but tomorrow and for many, many years to come. We have had a number of efforts, starting in 1935 in the 74th Congress. That was the first measure designed to require an annually balanced budget, and introduced by a Democrat, Senator Tydings of Maryland. The next year, the first proposed amendment to balance the budget constitutionally was by Harold Knutson of Minnesota, a Republican, in 1936. It was a bipartisan idea, and it began as early as 1935. Since then, we have had some 30 measures that in some form or another have come before this Congress.

The balanced budget amendment is not a Republican proposal. It is a bipartisan proposal. It always has been. Not only have all Senate Republicans cosponsored the resolution, but many Democrats have, as well—not as many as we would like, but many have. We hope we will get the other two or three that we might need.

Senate Joint Resolution 1 was approved by the Judiciary Committee with the support of three Democrats—BIDEN, TORRICELLI, and KOHL. In addition, six other Democrats, BRYAN, GRAHAM, BAUCUS, BREAUX, MOSELEY-BRAUN, and ROBB, as well as Senator KOHL. So we have bipartisan support. This is not a partisan issue. Preserving the United States of America for our children is not a partisan issue.

Former Senator Paul Simon remains a very active and vocal proponent of the amendment and helped to lead the fight here on the floor 2 years ago when it was up on the floor. Perhaps even more recently, the late Senator Paul Tsongas, whom we all knew and respected, who recently passed away, stated: "What you have here is a sad case of pursuit of self as opposed to pursuit of what is in the national interest. The balanced budget amendment is simply a recognition of that human behavior." Paul Tsongas was right.

Secretary of Education Richard Riley was the Governor of South Carolina. He stated:

> I have opposed the amendment in the past, thinking it was a 'political cop-out.' The deficit problem has gotten so bad, that I have now decided to support it.

That is the issue here. It has gotten bad. We have not had the political courage, collectively, to balance the budget. You can say all you want, that we do not have to put it in the Constitution, but while we say that, the debt keeps going up, and it is now $5 trillion. Where do we stop, $50 trillion? When we get to $10 trillion, we will not be able to service the debt because a $10 trillion debt will cost you $1 trillion in interest alone. The entire Federal budget is a little over $1.5 trillion, so two-thirds of the budget will be interest if we continue along this line. It needs bipartisan support, and I am glad that it has it. I hope it has enough.

The last time the Federal Government had a balanced budget was 1969. The total debt was $366 billion. Today, it is $5 trillion. In less than 10 or 12 years, it will be almost $10 trillion if we continue with the current rate of spending.

Yet, we still have those who come to the floor and say we do not need an amendment, we do not need to clutter the Constitution. The Founding Fathers knew what they were doing; they did not put it in there; we do not need it; we can balance the budget. When? Each year that the Federal Government spends more than it takes in, billions are added to the overwhelming weight of our national debt.

Even if we pass this, by the time we get things in order, we will add hundreds of billions of dollars to the debt, Mr. President. In fiscal year 1998, we will pay approximately $1 billion a day—$1 billion a day—in interest on the debt. In the fiscal year 1997, the gross interest we pay to the service of debt will total $360 billion, the second largest expenditure in the entire budget. It is $100 billion more than we spend on defense. Mr. President, $100 billion more than we spend on defense we spend to service the debt in 1997.

What could we have done with all the money we have paid to service that debt? Now, that is a very interesting topic. We get criticized a lot here in the Senate for fantasizing. Let me fantasize about what we could do with all that money.

I came to Congress in 1985. What if we had passed a balanced budget amendment to the Constitution that year and achieved balance in 1990? Imagine what we could have been doing with that money, which by now would have accumulated to $1.7 trillion. We could have built 97 space stations. We could have increased funding for the EPA 261 times. Imagine the potential of crime control programs if the Department of Justice just received 98 times more than this year's level. If we balanced the budget in 1985 and continued the current rate of spending, we could have done all of those things. If you did not like them, fund something else.

What if Congress had balanced the budget in 1970 and kept it balanced? That was the year after we started the deficit spending. What if we actually had a $5 trillion surplus? We could preserve both Medicare and the Social Security Program for our children. Veterans benefits and services could be increased by 116 times. We could provide tax refunds instead of tax increases. Instead of imposing fees to enter our parks, we could increase funding for national parks by 4,000 times.

So when you hear the people come to the floor and say it does not matter, we do not need to clutter the Constitution, that is not cluttering the Constitution. That is a well-needed amendment. Had we done this in 1970—true, we would not need the amendment. That is why we have the amendment process, Mr. President. The U.S. Constitution should be amended only in the gravest of times, only when it is necessary. How much graver can you get than the kind of debt we are passing on to our children? How much graver can you get than a $10 to $15 to $20 trillion debt? That is where we are headed.

It has been changed 27 times, this Constitution. It affects every single Government activity and all Federal spending and touches the life of every man, woman, and child in our Nation, this issue of debt. A constitutional requirement makes it impossible for Congress to shirk its duty to make responsible fiscal decisions. That is what this debate is about: discipline by a constitutional requirement. No copout. You cannot have Senators coming on the floor, giving all these excuses, because it is in the Constitution. So they will have to do it. We may disagree on what we want to cut or what we have to do to balance that budget. We may disagree on that, and we will have that debate, vote, and take our lumps one way or the other, but we have to do it. We have to do it. That is what we have to do now. Congress will have to come up with cures for the Nation's financial woes, not just Band-Aids, and not just words.

In a very few years, Mr. President—I am sure Senator HATCH and others have said this on the floor—in a very few years, interest rates on the debt plus entitlements will equal 100 percent of the Federal budget. That is the good news. The bad news is it is continuing to expand, that interest is consuming more and more and more of that pie, including the entitlement pie, because, theoretically, if we do not stop it, it will consume everything. If you think of your homes, your businesses, you can only go to the bank so many times and then they put the stop on, the cap on the credit card, the cap on your credit, and say, "Now you have to live within your means," that is what this amendment will force this Congress to do.

Despite compelling evidence of the need for immediate deficit control, legislative budget controls have failed to produce a budget surplus since 1969. We tried it with Gramm-Rudman. It sounded good. What happened? When we went to the sequester, when the rubber hit the road and we had to make the decision, we changed the law. We copped out. You cannot change this law. If we pass it into the Constitution, it is constitutional, you have to do it.

Deficit spending is no mystery, although some would prefer it remain so. In fact, on Thursday, the Senator from North Dakota displayed a chart titled, "We Cut the Deficit in Half." While it is true that the deficit projections are decidedly better than the May 1996 estimates, what actually accounts for the rosier outlook? The welfare reform legislation we passed last year had the greatest budgetary impact of any piece of legislation passed by the 104th Congress, according to CBO. This was the bill which President Clinton had to be dragged kicking and screaming to sign. And he apologized for signing it, but he signed it. That is the important thing. In addition, in his recent budget request, the President now proposes to add $22 billion in new spending to that welfare bill. Yet, he wants us to trust legislative remedies. Legislative remedies don't work, folks, because of human nature—the temptation to spend.

With a balanced budget constitutional amendment, we don't have to worry about the whims and indulgences of a President, or Congresses, in years to come. Congress would have to stick to a strict budget just like American families and businesses. We need to pass this amendment. We need to pass it now. We should have passed it years ago. We could have passed it 2 years ago. We lost by one vote. All we are doing, my colleagues, is giving the American people a chance to have this go to their State legislatures so that they, then, can act to either approve or disapprove what we do. We are giving them the opportunity.

Over the last 60 years, total Federal expenditures have increased by more than 800 percent. By 2020, if we do not raise taxes, we can zero out all Federal spending, except interest on the debt, and still not balance the budget. That is why we need it now.

Now, it's interesting that when we think about balancing the budget, we think about it in terms that are perhaps away from home—this big issue balancing the Federal budget, don't spend this or that. Let me give an example. In New Hampshire, my State, the average citizen pays as much as $38,000 more on a 30-year mortgage for an $80,000 home as a result of the budget being out of balance. A student in New Jersey pays almost $9,000 more toward a 10-year loan. In just 1 year, a car owner in South Dakota could save $180 on an average auto loan, if we balance the budget and keep it balanced. The Concord Coalition estimates that the average family's income is $15,000-plus a year lower because of the deficits of the past 20 years. It impacts everyone—whether you work or don't, whether you have children or whether you don't. We can improve wages. We can create jobs. A 2-point cut in interest rates would not only reduce loan payments for families, but it would produce more jobs, perhaps 4½ million more in 10 years. For businesses, a 2-point percentage reduction in rates would lower investment costs and enhance the incentive to invest.

I don't want to have to explain to my children someday, as we look back on this debate, why I stood here and mortgaged away their future. I am standing on this floor today, proudly in the sense that I support this amendment, but in a way ashamed that we have to. A baby born today can expect that over $187,000 of his or her lifetime income will be used just to pay interest on the debt—$187,000.

Paul Tsongas, our former colleague, described Congress' deficit spending as "generationally immoral." He was right. He was right a lot. I wish some of the colleagues on the other side of the aisle would have listened to their former colleague. We must look for a real long-term solution to address the retirement of the baby boom generation and the explosion of entitlement programs that will accompany this shift. We must not push off these disasters and leave them to my children and your children to solve. In simple terms, when we all shuffle off this planet at some time—hopefully, later rather than sooner—you would probably like to leave your assets to your children. Do you sit up at night and dream about leaving them your debts, your mortgage, your car payments? Or would you like to leave whatever you were able to build up as assets?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMITH. May I have 2 more minutes?

Mr. HATCH. I yield 2 more minutes to the Senator from New Hampshire.

Mr. SMITH. I thank my colleague. The conclusion is that there is a light at the end of this tunnel. You know what stands in the way of that light, Mr. President? About three votes—three votes. Maybe two. Senator HATCH is counting the votes. I haven't been counting them all. But it's two or three votes, two or three U.S. Senators who are probably on the fence. That is the difference. That is how close it is. We lost it by one vote 2 years ago.

Votes do matter. That is the difference between trillions in more debt and mortgaging our future or not. Senator Rudman, my New Hampshire colleague, said to me one time, "There are only two things that can happen if we don't stop this insane process. First, we can continue to deficit spend and just cause sheer chaos when we can't pay our bills and go bankrupt. Or, second, we can print more money and sit around with 200, 300 percent inflation." We should all think about what that would do to our daily lives.

There is no other option if we don't balance the budget. It is insane. Every American—man, woman, and child—in this country knows it is insane. They know it. You know you would not put up with it with your school board, your business, or your local government, town government; but you let the Federal Government, the Congress men and women spend you into oblivion. There is a light at the end of the tunnel, and I hope that the U.S. Senate and the Senators won't block that light. I hope this month the Senate will show the American people that they are interested in the future of our country and our children. Thank you very much.

Mr. DURBIN. Mr. President, I thank the Senator for his contribution to this debate. I agree with him that there are many leaders in both political parties who come to this issue with complete sincerity. He has noted my predecessor, Senator Paul Simon of Illinois, the late Paul Tsongas of Massachusetts, Warren Rudman, and the list goes on—men and women who have taken the time to analyze this situation and have come to the conclusion that a balanced budget amendment is in the best interest of this Nation.

I respect all of those people, but I respectfully disagree with them when it comes to the specific language of this amendment. There is a reason why the Secretary of the Treasury, Mr. Rubin, after 26 years on Wall Street, came before our Judiciary Committee and testified that absent an amendment, such as the one I am offering today, this procedure that we are enshrining in the Constitution will tie our hands in times of economic emergency and recession. It will turn recessions into deeper recessions or even depressions. We can't justify that, in the name of clinging to the old school language of the balanced budget amendment. The Senator from New Hampshire says we may be within one or two votes.

I say to the Senator from New Hampshire, if we can sit down in a calm, bipartisan way and address two aspects of this balanced budget amendment, the supermajority gridlock when it comes to a national disaster or national economic emergency, and protection of the Social Security trust fund, I would daresay to my friend from New Hampshire that we would not be quibbling over two votes. This amendment would leave the floor of the Senate and the House with the kind of substantial bipartisan majority which would say to the legislatures across America that this amendment is a better one, a better version. But you know what happens in this town, in "Wonderland, DC." Special interest groups get dug in. You can't change a word. If you touch a word of it, you are betraying all of the trust that has been given you. Please, how seldom we rise to amend this Constitution. Should we not do it in a way that is responsible, in a way that meets the requirements of our future?

You know, during the worst days of our budget deficits, during the Reagan and Bush administrations, there were many Members of the House—most are not serving now—that I served with, who used the balanced budget amendment as a figleaf for their fiscal recklessness. They would rush down and vote for these unbalanced budgets. They would lard up their districts. They would vote for big spending here and there. And then, when people said, "Well, how do you explain doing this when it produces such deficits?" "I am for a balanced budget amendment, I want to amend the Constitution, and I want to make it against the law for people to do what I am doing. That shows you how sincere I am."

Now we are like generals fighting the last war. That mentality, that language, brought to 1997 is what we want to put in and enshrine in this Constitution, saying that the wording and terms are inviolate, ignoring the realities. And, yet, the Treasury Secretary and over 1,000 recognized experts on the economy have come forward and warned us. They have warned us to think twice about this. It may have a surface political appeal. But how on God's green Earth is it going to work?

The chairman spoke eloquently in the debate on Thursday regarding my amendment and said, "The very purpose of this provision of the distinguished Senator from Illinois is to make a balanced budget amendment easier to waive." He went on to say, "Instead of trying to find ways to avoid fiscal responsibility, we ought to be working toward passing a strong balanced budget amendment that will help us to keep out of recessions in the first place."

I would like to say to the distinguished chairman of the Senate Judiciary Committee that if he can help us craft an amendment that will abolish recessions in the American economy, I will certainly consider it carefully. But I do not think we gain anything by suggesting that a balanced budget amendment will put an end to the business cycle. With or without this amendment we will someday face a recession, and the question is, How will we respond?

For those who question whether or not this Senator from Illinois will vote for a balanced budget amendment, I have voted for five balanced budget amendments—five versions that protected Social Security, avoided the supermajority gridlock, and addressed important issues that protect the American people particularly in times of recession.

I would also like to make note of another element. Some say that this will lead to irresponsible behavior by the Senate and the House; that, if the Durbin amendment is adopted requiring only a majority vote, the people will exploit this amendment. I do not think the critics have taken a close look. If the critics of this amendment will read it carefully, they will see that, in my amendment, anxiety is not the basis for waiving the balanced budget. They will see that it requires, in fact, specific action by the House and by the Senate for waiving.

First, there must be an economic recession, or a serious economic emergency in the United States.

Second, Congress, must declare that there is such a recession, or serious economic emergency, by joint resolution.

Third, that resolution must be adopted by a majority of the whole number of each House.

Fourth, that resolution must become law, which means it must be signed by the President, or enacted over his veto by two-thirds vote of both Houses.

I do not believe that any future Congress will view this as an escape hatch to ignore the requirements of a balanced budget. If they do, it will be at their own political peril.

I believe that the requirement which I have in my amendment to the balanced budget amendment will require public accountability, a record vote, and the determination by the House and the Senate that, in fact, we do face an economic emergency.

The chairman has also said we do not need the Durbin amendment; that what we need to do is to run a surplus in our Treasury so we have a so-called rainy day fund that we can turn to to take care of working families who have lost their jobs. Unfortunately, the lead witness called by the chairman of the Judiciary Committee to testify on behalf of the balanced budget amendment, former OMB Director James Miller, who is living proof of the redemption of politics, a man who has presided over a series of deficits as OMB Director and now is totally committed to a balanced budget since he no longer holds that position, came before us and said that, if he could change one thing in this balanced budget amendment, he would allow the Federal Government to establish a rainy day fund, or a stabilization fund.

Mr. Miller knows, I know, and I think most do, the language being offered by the chairman in Senate Joint Resolution 1 does not allow the creation of a surplus, or this rainy day fund, to be there when our economy is in need. That, I think, is a serious shortcoming.

Chairman Greenspan of the Federal Reserve Board, a man credited by both political parties despite controversy of having used monetary policy to stabilize our economy, was testifying before the Budget Committee when I asked him point blank, "Are you for a balanced budget amendment to the Constitution?" He said that we should not put "detailed economic policy" into the Constitution. I asked him about the automatic stabilizers, the Government coming to the rescue of an economy because of a recession. He said, "It is far better to have a surplus or rainy day fund."

I am sorry to tell Chairman Greenspan that the balanced budget amendment before us today does not give us that option. It does not give us that option and, because it does not give us that option, is fatally flawed.

Let me speak to the supermajority vote again. Not only would a supermajority vote result in too many of our predecessors failing to ratify our Constitution but a supermajority vote—think about this for a moment. Think about it in the context of the last 24 months, the last 24 months when this Government was in such chaos and gridlock that we had Government shutdowns. Because of the requirement of a supermajority vote? No. Because of the requirement of a majority vote to extend the debt limit of the United States. Facing the need to pass a debt limit bill simply acknowledging our obligation for debt already incurred, or about to be incurred, we could not do it by majority vote. Without that debt limit extension, Federal law required that the functions of Government stop. The Government was shut down not once but twice for a total of 27 days at the cost to taxpayers of over $1.4 billion for the failure of Congress to muster a majority vote.

Now we hear from the proponents of this amendment, "Trust me. If we get into trouble, if there is a regional economic recession, if there is a disaster, a Midwest flood, or hurricane in Florida, surely this Congress will come together and do the responsible thing." Well, we saw, unfortunately, in recent memory when the Congress did not rise to its responsibility, or rise to the occasion, and allowed these terrible Government shutdowns for lack of a majority vote. And now we are putting in the Constitution of the United States clear language to require a supermajority to respond to a national economic emergency.

The Senator from Idaho, Mr. CRAIG, said on Friday that past Congresses have passed economic stimulus packages in times of recession when they were needed with the necessary 60 votes, including 1993. Unfortunately, his recollection was not accurate. The inability to obtain 60 votes prevented enactment of antirecession legislation in 1993, and even the President's deficit reduction package, which turned out to be a tremendous boost to the economy, passed this body only when the Vice President voted with an "aye" vote. By supermajority it never would have occurred, and I am not certain where we would stand today in terms of our economic situation.

I reserve the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, what we need to do for families is to resist the higher interest costs on the mortgages, student loans, consumer purchases, auto loans, et cetera. If Congress can get its fiscal house in order, more jobs will be created and those jobs will be more secure. If Congress stops borrowing so much, we will have a more stable economy, which, of course, can help us to avoid these economic downturns in the first place. The only way we are going to get there is to quit piling the 29th unbalanced budget and the 30th and the 31st on top of each other.

The fact of the matter is the balanced budget amendment is flexible enough to respond to most needs—in fact, all needs. Put it that way. But it is serious enough to stop Congress from continuing the pattern of borrowing year after year which has kept the economy from growing as well as it could have.

My colleague from Illinois has introduced an amendment that seeks to waive the provisions of Senate Joint Resolution 1 for any fiscal year in which there is an economic recession or serious economic emergency. As such, the Durbin amendment seeks to avoid the three-fifths vote required by Senate Joint Resolution 1 to waive the balanced budget rule. This three-fifths majority was placed in the balanced budget amendment so that a simple majority of the Congress could not run deficits except in important situations—those recognized by a supermajority of the Members. Efforts such as the Durbin amendment would blow a huge hole in the balanced budget amendment.

The terms used in the Durbin amendment is undefined. The determination of an economic recession or serious economic emergency could easily be manipulated by a spendthrift Congress as a way to avoid the discipline of the balanced budget amendment. Thus, the amendment would create a giant loophole that would swallow the balanced budget rule.

Remember, also, that if the balanced budget amendment is waived for a recession, it is waived for all spending in that year. In other words, this amendment would permit deficit spending for any number of wasteful projects that are in no way related to the so-called economic emergency. Just remember President Clinton's 1993 attempt to push through a multi-billion dollar boondoggle under the guise of trying to end a recession which had in fact already ended. In short, Mr. President, if you take your finger out of the hole in the dike, the whole town is going to be flooded.

One of the arguments made in favor of this amendment is that without it, the balanced budget amendment will somehow inhibit the functioning of the so-called automatic stabilizers. Mr. President, I believe the importance of automatic stabilizers has been overstated and, in any case, the balanced budget amendment will not inhibit their functioning. Moreover, the Durbin amendment does not respond to the concerns raised about the automatic stabilizers. It simply allows Congress to avoid the balanced budget rule by a lower threshold.

Just to be clear on what these stabilizers are supposed to do, the notion of automatic stabilizers has to do primarily with the belief that in an economic downturn, there is a decrease in tax revenues and a concomitant increase in unemployment compensation and other welfare payments.

The claim that the automatic stabilizers have moderated the business cycle is based on the assumption that the relative increases in Government spending associated with automatic stabilizers causes automatic, effective counter-cyclical fiscal policy. It is argued that such increased spending is the key to moderating both the depth and length of recessions and that the balanced budget amendment will prevent that spending from occurring.

I believe the characterization of the effectiveness of the automatic stabilizers has been overstated.

When appearing before the Senate Budget Committee just last month, CBO Director June O'Neill was asked a question about the relationship between automatic stabilizers and the apparent moderation in the business cycle over the last half-century. She cited better monetary policy and the Nation's move from away an agricultural based economy, with the inherent ups and downs that go along with agriculture, as factors at least as important as automatic stabilizers in minimizing recessions. Additionally, the move to a service economy and better inventory management practices have reduced the fluctuations associated with inventory overstocks and the factory economy.

Further, a financial markets expert pointed out to the Judiciary Committee that the primary reasons why the business cycle has moderated in recent years are, first, monetary policy, which is controlled by the Federal Reserve Board; and second, the increasing efficiency of private markets, because of better information and other factors. These have nothing to do with automatic stabilizers or fiscal policy.

It is relatively well-recognized that the perceived moderation of the business cycle over recent decades is due to many factors. For example, a December 2, 1996 article in the Washington Post affirmed, "The success in finally halting the U.S. economic roller-coaster has been the result of many elements * * *"

The Post article cited "new technologies, the deregulation of many industries, and the increased globalization of business and finance," as some of the most important changes that helped stabilize our economy. Global trade enables us to export what would otherwise be oversupply thus avoiding a bust cycle.

Further, that article quoted Herb Stein, a former chairman of the Council of Economic Advisors, who noted that "[b]ecause the economy is so big and so diversified and so open to the world economy, a shock would have less impact now." Thus, an event that may have sent the country into a recession in 1890 would only be a localized disturbance today.

Another major factor in helping to tranquilize recessions that the Post recognized is that we are no longer on the gold standard. "After the United States was no longer obligated to defend the price of gold, and the nation's deficits in international transactions could be financed easily by that world capital market, the Fed had far more ability to set interest rates according to the needs of the domestic economy."

So while these automatic stabilizers may have had some effect, there are clearly many other major factors that have brought our economy to the level of consistency we enjoy today.

Certainly the automatic stabilizers are no justification for balancing the budget only eight times in the last 65 years. Let's face it. Our deficits have not been countercyclical, they have been counterproductive. While business cycles have come and gone over the last four decades, our deficit habit has not. Our deficits are structural and largely permanent, not cyclical.

I also want to note that the notion of a country spending itself out of a recession is now rejected by many economists. One commentator has wryly stated that the theory of spending and borrowing out of a recession "is the game-plan that propelled Argentina and Bolivia to economic superpower status in the 1970's." More recently, Japan has tried to do this and the result has been continued recession and larger debt. On the other hand, a number of the world's up-and-coming countries are enjoying booming economies while keeping their national budget in balance or even surplus. Perhaps we should be more concerned that we do not spend ourselves out of prosperity.

But even if we assume that automatic stabilizers are important, Mr. President, the balanced budget amendment will not impede their use.

The balanced budget amendment in no way prevents us from running a small surplus, which could be used to offset the effects of an economic downturn, thus avoiding a deficit. In fact, a number of experts the Judiciary Committee has heard over the years have suggested we do so. Fred Bergsten, a noted economist and former Treasury Department official, suggests we create a habit of regularly shooting for a small surplus, rather than absolute balance, which will allow us to use fiscal policy within the balanced budget rule better than we can now without it, with chronic, structural deficits.

Even if we drop below an intended annual rainy day surplus, the balanced budget amendment has anticipated this sort of need. A three-fifths vote in Congress will allow the balanced budget rule to be suspended for a year. That way, we have the flexibility to run reasonable deficits if we need to. The three-fifths requirement makes sure that we do not waive the amendment unless it is a true need and not just an attempt to avoid the tough choices.

Some have suggested that the necessary three-fifths will be hard to come by. The history of the votes in Congress demonstrate that in actual circumstances of economic need, the Congress has had little difficulty achieving the vote that would be required under the balanced budget amendment, despite the fact that no such requirement was in place.

The Congress has voted a number of times to extend the emergency unemployment compensation program. During the past 15 years, according to the Congressional Research Service, there is only one instance where the extension of this important program failed to garner a supermajority of votes in either Chamber. Indeed, in many cases even higher supermajority requirements would have been fulfilled. In times of real need, Congress will get a three-fifths vote.

Some have also argued that the Durbin amendment is needed because Congress is too slow to respond to recessions. Well, they are half right. Congress is too slow to respond to recessions. Almost everyone agrees that when Congress tries to spend the country out of an economic downturn, their attempt either has little effect or they make things worse by spending as the economy is already recovering and then sowing the seeds of a future recession.

But the Durbin amendment does nothing to address this concern. It does not speed up congressional action—I'm not sure anything can. All it does is change the vote required from three-fifths to a majority. And since history clearly shows that we get the three-fifths when we need it, all this amendment would do is make it easier to waive the balanced budget rule when we don't really need it.

Finally, Mr. President, when he introduced his amendment the Senator from Illinois told a story about a friend who needed temporary help from the Government in his transition from one job to another. There is no doubt that this is a meaningful and laudable use of our precious resources.

But it seems to me that we do all the working people of America a lot more good if we balance the budget, and thus reduce the number of recessions that they must endure, than if we create a loophole in the balanced budget amendment to allow future Congresses to easily increase the already crushing burden of debt. We ought to be less concerned about when we can spend more, and more concerned about when we must spend less.

Senator DURBIN's amendment seeks to waive the provisions of Senate Joint Resolution 1 for any fiscal year in which there is an economic recession or serious economic emergency in the United States as declared by joint resolution. As such, the Durbin amendment seeks to avoid the three-fifths vote majority prescribed by Senate Joint Resolution 1 in avoiding the requirement that receipts match outlays for any given fiscal year. This three-fifths majority was placed in the balanced budget amendment so that a simple majority of the Congress could not run deficits except in important situations—those recognized by a supermajority of the Members. Efforts such as the Durbin amendment will render Senate Joint Resolution 1 useless.

The Durbin amendment is wholly unnecessary. A brief analysis of historical fact will demonstrate that in circumstances of national disaster or economic downturn, the Congress has had little difficulty passing remedial legislation with supermajority support.

The history of votes in this body demonstrates that in actual circumstances of economic assistance for unemployment or disaster relief, the Congress has had little difficulty achieving the supermajority vote that would be required under the balanced budget amendment. The Congressional Research Service helped me do some research on voting patterns in this area. I want to present for you the results of my research because I think it is illustrative.

Let me summarize the results briefly: On the question of responding to economic recessions, the Congress has voted a number of times to extend the emergency unemployment compensation program. During the past 15 years, I count only one instance where the extension of this important program failed to garner a supermajority of votes in either Chamber, based on Congressional Research Service data.

Similarly, in the area of disaster relief, over the past 7 years, I found that in virtually every circumstance, emergency spending bills placed before the House and Senate passed with supermajorities, on the order required by the balanced budget amendment, even though no such requirement was in place.

Let me go into more detail on the unemployment compensation votes. H.R. 3167, which became Public Law 103-152, extended the emergency unemployment compensation program [EUCP] in November 1993. This conference report passed the House with a vote of 320 to 105 and passed the Senate, 79 to 20. The underlying bill achieved similar majorities, passing the House 320 to 105, and the Senate 79 to 20. In March 1993, another emergency unemployment compensation bill passed the Congress and became Public Law 103–6. The supermajority on H.R. 920 in the Senate was 66 to 33, and the vote in the House was 254 to 161.

In 1992, the House passed the conference report on H.R. 5260, to extend the EUCP, by a vote of 396 to 23. The Senate acted similarly, passing the bill, which became Public Law 102–318, by a vote of 93 to 3. Also in 1992, the Senate passed H.R. 4095 to extend the EUCP by a vote of 94 to 2. The House passed the same bill, which became Public Law 102–244, by a vote of 404 to 8.

In 1991, the House passed S. 1722, to provide emergency unemployment compensation, by a vote of 294 to 127. The Senate passed the same bill, which was vetoed by the President, by a vote of 69 to 30. Similarly, the House passed the conference report on this bill by a vote of 300 to 118 and the Senate passed the measure 65 to 35. Earlier in 1991, the House passed H.R. 3201, to provide emergency unemployment compensation, by a vote of 375 to 45. This measure became Public Law 102–107. The Senater passed it by voice vote. Finally, H.R. 1281 was passed in March 1991, providing funding for the Unemployment Compensation Administration [UCA]. This bill passed the House with a vote of 365 to 43. It passed the Senate by a vote of 92 to 8. The conference report on this bill, Public Law 102–27, passed with tallies of 340 to 48 and 93 to 3, respectively. In 1990, the House passed H.R. 4404, to provide funding for the UCA, by a vote of 362 to 59. The conference report passed 308 to 108. This bill became Public Law 101–302, after passing the Senate by voice vote.

All the way back in 1983, the Senate passed H.R. 1718, to provide funds for the Unemployment Trust Fund. The bill, Public Law 98–8, passed the Senate 82 to 15. Finally, the Senate voted in February 1982 to pass House Joint Resolution 391, to provide funding for the Employment and Training Administration, by a vote of 95 to 0.

What do these vote tallies indicate? They demonstrate that the Durbin amendment is completely unnecessary. During the past 15 years, my research reveals only one instance where a vote to provide unemployment compensation during a period of economic recession did not pass by a supermajority. One time in 15 years. That's remarkable.

Similarly, in the area of disaster relief, Congress has overwhelmingly acted by supermajority votes in responding to crises.

In fiscal year 1995, the House and Senate voted on H.R. 1944, which provided $7.2 billion disaster aid, mostly to help with recovery efforts in Los Angeles from the 1994 earthquake. The bill passed the Senate with a vote of 90 to 7—a clear supermajority. In the House, the bill passed with 276 votes—also a supermajority.

The 1994 fiscal year Disaster Supplemental Appropriations bill, H.R. 3759, received similar treatment. That bill, to provide nearly $10 billion in new appropriation for the emergency expenses of the Los Angeles earthquake, humanitarian assistance and peacekeeping activities, as well as for Midwest flood assistance and highway reconstruction from the San Francisco earthquake, passed the House by a vote of 337 to 74—not really close, was it, to the 261 required for the three-fifths vote. The same measure passed the Senate by a vote of 85 to 10.

The 1993 fiscal year disaster supplemental appropriations bill, H.R. 2667, providing nearly $3 billion for emergency relief from the widespread flooding in the Midwest and other natural disasters, passed the House by a vote of 400 to 27. The Senate adopted it by voice vote.

In 1992, the disaster relief supplemental appropriations bill, H.R. 5132, passed the Senate by a supermajority vote of 61 to 36. The bill provided $2 billion in new budget authority for fiscal year 1992, including funds for disaster assistance and loans to respond to the Los Angeles riots and the Chicago tunnel collapse and subsequent flooding. In the House, the same bill passed by a vote of 244 to 162.

Also in 1992, the defense and disaster supplemental appropriations bill, H.R. 5620, providing $10 billion in grants and loans to help victims of Hurricane Andrew, Typhoon Omar and Hurricane Iniki, passed the Senate by a vote of 84 to 10, it passed the House by a vote of 297 to 124. Finally, the 1992 supplemental appropriations bill passed the Senate with a vote of 75 to 17. This bill provided $8 billion for Operations Desert Shield and Desert Storm as well as other moneys for communities recovering from other natural disasters. The same bill passed the House by a vote of 252 to 162. The conference report passed the House by a vote of 303 to 114.

Last, the 1990 continuing appropriations bill, House Joint Resolution 423, provided disaster assistance generally. This bill passed the House by a vote of 321 to 99, and passed the Senate by a vote of 97 to 1.

During the past 7 years, we have voted many times on emergency disaster funding programs. I count only two situations where a supermajority was not reached—this despite the fact that no supermajority was needed.

The facts are hard to refute. The Durbin amendment clearly has little or no factual basis when compared to the voting record of the Congress. When the situation warrants, either because of economic recession or natural disaster, this body has had little difficulty achieving a supermajority of votes to pass needed spending programs. The balanced budget amendment has the flexibility necessary to respond to true emergencies. Creating loopholes like the Durbin amendment only serve to make deficit-spending as a matter of course easier.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I think the chairman, the Senator from Utah, concluded that automatic stabilizers do have some impact. I think that the chairman would agree with me that for a person who has lost his job or a person who has lost her job, the prospect of turning to the Government for unemployment insurance to continue to keep your family together not only stabilizes your situation while you search for another job but helps to stabilize the economy.

I think the Senator from Utah would agree with me that unemployed workers seeking retraining and additional education to find a job in fact help to stabilize our economy. And that is exactly the point of this debate.

I would concede every point made by the chairman about all of the other stabilizers that have evolved in our economy if he would concede that there is still a legitimate role of specific programs which step in to help the unemployed family.

Let me give you an illustration of this which has been used in this debate before. This is an illustration of the business cycle in America from 1870 forward. The spikes on the top of the line are the good news. That is when the economy was expanding, businesses were growing, farmers were doing well, and jobs were being created.

But every time we dip below this line, we see unemployment, businesses going out of business, farmers quitting, heading to town. And look at these spikes in the economy on the negative side leading up until about 1945 or 1947—much more pronounced, much more dramatic, deeper recessions, depressions, millions of Americans put out of work.

But what happened after the mid-1940's? We see the downturns, but they are barely noticeable in comparison to what occurred before that time.

Automatic stabilizers. The things which the Senator from Utah noted—global economy, monetary policy, so many other things—but what happens are the things I have noted as well. Families out of work had a place to turn. It was no longer survival of the fittest. If you had personal responsibility, if you were held accountable, you had a means to get back on your feet.

Last Thursday, in this debate I talked about my friend, Bob Bergen, who lost his job at the factory in Springfield. Bob came by my house yesterday in Springfield, and we were talking about it. I said, "Bob, remind me. How did you get out of that factory job?" which he had been at for 22 years. They closed down the factory, and he got into the business of furnaces and air-conditioning. I said, "What was the name of the program?"

"The JTPA Program. I signed up for it, and I went to the community college. I took the courses, and when they closed that plant, I was ready to do something with my life."

JTPA is a Federal Government program. It is one of the automatic stabilizers we have used in the past. To discount that or dismiss it and say that it has nothing to do with Bob Bergen now in a good business in Springfield, IL, employing his son, I might add, as are so many millions of others, is to ignore reality.

Let me address one other point raised by the chairman.

The chairman says that my use of the term "economic recession" is just not precise enough. I call the attention of the chairman to Senate Joint Resolution 1, to his own language, which allows, in section 5, Congress to waive all the provisions of the balanced budget amendment in times that "the United States is engaged in military conflict which causes an imminent and serious military threat to national security."

What does it mean? Troops in the field, troops under fire, whether or not we suspect that might occur or it already has? These sorts of things suggest that whatever the language of this constitutional amendment, our implementing legislation is going to have to be there to make certain that it is explained in detail.

At this time I yield to the ranking Democrat, Senator LEAHY.

Mr. LEAHY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Vermont has 7½ minutes.

Mr. LEAHY. Mr. President, I yield myself 3½ minutes.

I do support the Durbin amendment. I stated earlier that I wish it would not be tabled, that we would have a straight up-or-down vote, but I think the American public understands what the vote means.

I was interested in hearing my friend, the chairman of the Judiciary Committee, the senior Senator from Utah, oppose the Durbin amendment last week by saying the proposed constitutional amendment does not need the flexibility of the Durbin amendment in times of economic crisis because we can build up yearly surpluses to handle tough times. The distinguished chairman said:

> The balanced budget amendment in no way prevents us from running a reasonable surplus which could be used to offset the effects of an economic downturn. This surplus would allow us to use fiscal policy within the balanced budget rule better than we can now without it.

Not quite so. The constitutional amendment does not have that flexibility. It is very specific as it is written, and it prohibits this use of a rainy day fund. Indeed, those who support it—proponents' own witnesses before the Judiciary Committee over the course of the last two Congresses—pointed this out and suggested the language be amended to provide for such a rainy day fund. The distinguished Senator from Illinois was present at those hearings this year when they were saying just that.

Fred Bergsten in 1995 and James Miller in 1997, the witnesses brought by the proponents of the constitutional amendment, criticized the language before us for not including the possibility of accumulating surpluses in a rainy day fund. That is what we do to prepare for economic downturns in my own State of Vermont.

So I hope we might pay attention to the Durbin amendment. I hope we might support it.

The distinguished senior Senator from West Virginia, Senator BYRD, challenged the other side to explain the language in this proposed constitutional amendment to say how it is going to work; what do the words mean; what sections do what? In fact, nobody has taken up the Byrd challenge. I urge the proponents to accept the challenge of Senator BYRD, if they can—I suspect they cannot—and say just what the words mean.

If you read the words, they say, "Total outlays for any fiscal year shall not exceed total receipts for that fiscal year." Then they provide for waiver by a three-fifths majority —come on, that is not going to happen. The rainy day fund is out. It would require outlays, specifically, those saved in the rainy day fund, to be expended in a latter year and thereby exceed the total receipts for that fiscal year.

I ask unanimous consent that a copy of a letter opposing the so-called balanced budget amendment for the Coalition for Budget Integrity be printed in the RECORD. This is a coalition of approximately 150 organizations that oppose amending the U.S. Constitution to add a 28th amendment on budgeting. The organizations range from labor unions and children's advocacy groups, to seniors' groups, teachers, religious and secular charities, environmental groups, nutrition groups, and veterans.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COALITION FOR BUDGET INTEGRITY,
Washington, DC, February 4, 1997.

OPPOSE THE BALANCED BUDGET AMENDMENT

We, the undersigned organizations, strongly urge you to oppose a balanced budget amendment to the United States Constitution.

The proposed constitutional amendment is not the answer to the nation's economic problems. The proposed balanced budget amendment is likely to damage the economy more than strengthen it. The amendment would require larger spending cuts or tax increases in years of slow growth than in years of rapid growth, precisely the opposite of what is needed to stabilize the economy and avert recessions. The amendment thus risks making economic recessions more frequent and deeper.

A constitutional amendment would also be likely to limit public investments which are critical to long-term economic growth because the amendment fails to distinguish public investments needed for growth from other areas of government spending. The amendment would largely deny the federal government a basic practice that most businesses, families, and state and local governments use—borrowing to finance investments with long-term payoffs.

This amendment has no place in the Constitution of the United States. It would inappropriately draw the judicial branch of government into the determination of fiscal and economic policy. The amendment also undermines the important constitutional principle of majority rule by establishing a three-fifths vote to allow a budget to go unbalanced.

The American public has a right to know how a balanced budget will be achieved before a balanced budget amendment is enacted. Which important programs—education, health care, social security, transportation, job training, environmental protection, housing—will either be dramatically cut or eliminated threatening America's vital interests?

We strongly urge you to oppose the constitutional balanced budget amendment.

Sincerely,

AFSCME.
ACORN.
Advocates for Youth.
AIDS Action Council.
Alliance to End Childhood Lead Poisoning.
Amalgamated Transit Union.
American Arts Alliance.
American Association of Children's Residential Centers.
American Association of Classified School Employees.
American Association of Retired Persons.
American Association of University Professors.
American Federation of Government Employees.
American Federation of School Administrators.
American Federation of Teachers.
American Friends Service Committee.
American Jewish Committee.
American Jewish Congress.
American Postal Workers Union.
American Public Health Association.
Americans for Democratic Action.
Association of Performing Arts Centers.
B'nai B'rith.
Bazelon Center for Mental Health Law.
Bread for the World.
Catholic Charities USA.
Center for Community Change.
Center for Law and Education.
Center for Law and Social Policy.
Center for Science in the Public Interest.
Center for the Advancement of Public Policy.
Center on Budget and Policy Priorities.
Center on Disability and Health.
Center on Social Welfare Policy and Law.
Chicago Coalition for the Homeless.
Child Welfare League of America.
Children's Foundation.
Children's Defense Fund.
Church Women United.
Citizen Action.
Coalition for Low Income Community Development.

Coalition for New Priorities.
Coalition of Labor Union Women.
Coalition on Human Needs.
Colorado Rivers Alliance.
Common Cause.
Communications Workers of America.
Community Nutrition Institute.
Community Service Society of New York.
Consumer Federation of America.
Council of Graduate Schools.
Council of Jewish Federations.
Democratic Socialists of America.
Economic Policy Institute.
Environmental Action.
Environmental Justice Working Group.
Environmental Working Group.
Families USA.
Family Service America.
Food Research Action Center.
Friends Committee on National Legislation.
Friends of the Earth.
Fund for New Priorities in America.
Grassroots Policy Project.
Gray Panthers.
Hadassah.
International Association of Fire Fighters.
International Brotherhood of Boilermakers, Iron, Ship Builders, Blacksmiths, Forgers and Helpers.
International Brotherhood of Teamsters.
International Federation of Professional and Technical Engineers.
International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers.
Laborers' International Union of North America.
Leadership Conference on Civil Rights.
League of Women Voters.
Legal Action Center.
Libraries for the Future.
Lutheran Office for Governmental Affairs, ELCA.
McAuley Institute.
Mexican American Legal Defense and Educational Fund.
Migrant Legal Action Program.
National Association for Visually Handicapped.
National Association of Area Agencies on Aging.
National Association of Child Advocates.
National Association of Community Health Centers.
National Association of Letter Carriers.
National Association of Retired Federal Employees.
National Association of School Psychologists.
National Association of Service and Conservation Corps.
National Association of Social Workers.
National Caucus and Center on Black Aged, Inc.
National Coalition for the Homeless.
National Commission for Economic Conversion and Disarmament.
National Council of Jewish Women.
National Council of Senior Citizens.
National Council on Aging.
National Council on Family Relations.
National Education Association.
National Family Farm Coalition.
National Family Planning and Reproductive Health Association.
National Farmers Union.
National Hispanic Council on Aging.
National Jewish Community Relations Advisory Council.
National Low Income Housing Coalition.
National Minority AIDS Council.
National Neighborhood Coalition.
National Organization for Rare Disorders.
National Organization for Women Legal Defense and Education Fund.
National PTA.
National Puerto Rican Coalition.
National Rural Housing Coalition.
National Senior Citizens Law Center.
National Treasury Employees Union.
National Urban League.
National Women's Law Center.
Natural Resources Defense Council.
Neighbor to Neighbor.
NETWORK: A National Catholic Social Justice Lobby.
Older Women's League.
OMB Watch.
OPERA America.
Paralyzed Veterans of America.
Peace Action.
Physicians for Social Responsibility.
Public Employees Department, AFL–CIO.
Service Employees International Union.
The American Association of University Professors.
The ARC.
The Enterprise Foundation.
Union of American Hebrew Congregations.
Unitarian Universalist Service Committee.
UNITE, Union of Needletrades, Industrial and Textile Employees.
United Auto Workers.
United Church of Christ, Office for Church and Society.
United Food and Commercial Workers Union.
United Methodist Church, General Board of Church and Society.
United States Student Association.
United Steelworkers of America.
United Transportation Union.
Wider Opportunities for Women.
Wisconsin Assembly of Local Arts Agencies.
Women and Poverty Project.
Women of Reform Judaism, The Federation of Temple Sisterhoods.
YWCA of the USA.

Mr. LEAHY. Mr. President, paralleling the position of the 1,060 economists who banded together to oppose this constitutional amendment, the 150 organizations that make up the Coalition for Budget Integrity argue that the proposed amendment is likely to damage the economy more than strengthen it. They note that the amendment would require spending cuts or tax increases at just the wrong times. They are concerned that the constitutional amendment would likely limit public investments by failing to distinguish public investment from Government spending and failing to allow for a capital budget. They correctly observe that the constitutional amendment would draw the judicial branch into the determination of fiscal and economic policy and undercut the constitutional principle of majority rule with supermajority three-fifths requirements to raise the debt limit and waive the provisions of the amendment.

Mr. President, I also want to commend the honesty of Jack Kemp, who appeared yesterday on the NBC News television program, "Meet The Press."

Jack Kemp was quite honest in his appraisal of the so-called balanced budget amendment to the Constitution.

Jack Kemp said yesterday on national television:

> I have never been enamored with putting a budget balanced amendment into the Constitution. . . . I would not vote for the Stenholm balanced budget amendment because it clearly is a trap into which, I think, a future Congress would end up keeping taxes high or raising taxes in a recession. . . . It's a recipe for a future disaster for this country.

Jack Kemp said what I believe many Members of Congress privately believe, but are too afraid to say in public.

I believe Jack Kemp was right to speak his conscience and I hope more Members of Congress will follow his courageous lead.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 11 minutes, 15 seconds. Who yields time?

Mr. LEAHY. Mr. President, how much time remains to us?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. LEAHY. I withhold the remainder of my time.

Mr. HATCH. I yield 5 minutes to the distinguished Senator from Idaho.

Mr. LEAHY. I give control of our remaining time to the Senator from Illinois.

Mr. CRAIG. Mr. President, let me first of all react to the Senator from Vermont's inclusion of Jack Kemp's remarks of yesterday into the RECORD. Jack Kemp does not support our balanced budget because he feels it is not strong enough in one respect; it does not require the tax limitation that Jack Kemp believes is necessary. Over the years I have debated this at length with Congressman Kemp. He knows that what our amendment does is a substantial movement in the right direction. While I would have liked tax limitation over time, we know that is a vote that cannot be won on the floor of the Senate or the House. That is why we have left tax limitation up to the true limiters, and that is the electorate, to decide if a tax increase should produce a change in the makeup of the U.S. Congress. So we are not going to put our Government on automatic pilot, as would be the subtle insinuation of Senator DURBIN in arguing that, somehow, this amendment is not flexible enough and therefore we need his majority-vote waiver.

Let me talk about putting whims in the budget process, because I believe that is exactly what would be done if you favor the Durbin amendment. It does not require this Senate to make tough choices, and it creates almost an unlimited opportunity for deficit spending. The balanced budget amendment as we have proposed it, and as it has been introduced on the floor of the Senate by Senator HATCH, is flexible enough. It allows deficit spending if 60 percent, or three-fifths of the majority of the Congress, vote that way. If there is a true long-term emergency, the votes will be there to respond to it.

Let me cite some examples. The Senator from Illinois knows these examples. He has participated, as have I, in a fair number of them. From 1962 to the present, there have been 12 economic stimulus packages passed by Congress. All 12 have received three-fifths votes in the Congress. So, every time there was a true emergency and collectively the Senate or the House decided it was just that, the three-fifths majority written into this balanced budget amendment was garnered. In other words, when there is legitimacy, and not just the easy pass go that we have had now for decades upon decades, that has built the stack of unbalanced budgets here on this table, but when it was really necessary, the record clearly shows that the support of three-fifths of the Congress was there.

Of course, there was one so-called economic stimulus package that did not pass at first. We got involved in a filibuster in 1993 on a so-called stimulus package, but at that time a recovery was already underway. Every economist in the country said, "We are in a recovery; why are you pumping more deficit spending into the economy and risking a surge of inflation?" And, of course, we did filibuster, and that deficit spending package failed, largely because it was nickel-and-dime kind of stuff, to build a swimming pool here or paint a mural there or create some kind of make-work somewhere else. It had nothing to do with job training to a great extent, or job creation. Yet some were pushing it, even when economists were saying, "Yes, in fact, the economy is recovering."

But even when that first, large bill did not pass in 1993, an overwhelming majority of the Congress still showed compassion for those actually in need; we soon passed a stripped-down bill, which extended unemployment benefits.

While we do not use the word "emergency" in the balanced budget amendment, clearly an emergency is whatever three-fifths of the Congress term it is. That is a reasonable test of what is a true emergency. So, those 12 economic stimulus packages that I referred to since 1962 were deemed by the Congress to be important enough to garner the three-fifths vote. Therefore the other day, several weeks ago, when the President said, "If you had a little flexibility in there for a recession," and he was visiting with those of us who were proponents of this amendment, then he "would show some kind of interest in it." I said, "Well, it is there, Mr. President. You need to recognize that we saw those needs and that is why we put inside the amendment the three-fifths requirement that would be necessary to deficit spend."

Some have said that recessions are often regional, that there are economic areas within our country that fail to respond to recovery, and that economics shifts occur unevenly. They say, without the Durbin amendment, it would be hard to provide relief in those cases. If that is the case, why has there not been why has there not been a long list of regional recession relief bills that have been defeated? Or that have passed only narrowly? No, the Congress has responded in time of need and that is why all of these bills have gotten the three-fifths vote that we thought was a necessary safeguard for this amendment.

The Durbin amendment is based on a fundamental mistake. Let me repeat that. The Durbin amendment is based on what I believe to be a fundamental mistake. Regularly balanced budgets do not harm the economy, but saying they do is the mistake he makes. He assumes, as does the Secretary of the Treasury, that somehow balanced budgets are dangerous for the economy, or could create or worsen a downturn. And yet economists, liberal and conservative, argue a that balanced budgets will lead to a sustained 2- to 2.5-percent drop in the overall interest rates. They would create jobs and a higher standard of living.

I see that as an economic stimulus. The balanced budget amendment would create economic stimulus. Regularly balanced budgets would help the economy. And yet we still recognized the need for putting into the amendment some flexibility in the case of a recession and Congress needing to respond to it.

The Durbin amendment simply guts the balanced budget amendment. It would let a majority waive the requirement for a balanced budget on a whim. It does not require that there be a real recession, merely that Congress declare one. It would not just allow the amount of deficit spending supposedly necessary or unavoidable because of an economic emergency—it would allow unlimited deficit spending.

If you go back and look at history, you find that economic growth was greater, and average unemployment was lower, during those periods in which budgets were regularly balanced.

In fact, if Congress had passed the balanced budget amendment the first time I voted for it in 1982, the typical family's income would be $15,500 higher today. That is not my number, but was estimated by the Concord Coalition. According to the General Accounting Office, if we balance the budget and keep it balanced, after 20 years, our children's standard of living will be between 7 and 36 percent higher.

Deficits are the problem. The debt is the threat to the economic security of our children, our seniors, and those who are vulnerable to changes in the economy. Former Senator Paul Simon brought in liberal economists who told us that the debt and deficit are so big, deficit spending is now useless as an economic stimulus.

The evidence does not show that balancing the budget makes recessions more severe. Investors Business Daily pointed last week to a 1986 study the National Bureau of Economic Research that said, when you adjust for the different way data were collected before World War II, prewar and postwar recessions did not really differ significantly in length and severity.

While the balanced budget amendment already, with its three-fifths vote requirement, anticipates the need to respond to a serious, long-term economic problem, the Durbin amendment seems concerned with a rapid response to short-term swings. But Congress has a notoriously bad track record when it comes to short-term responses to the economy.

Every economic stimulus or anti-recession bill since 1949 was passed by Congress after the recession was over. But the Durbin amendment still requires Congress to vote to waive the balanced budget amendment—meaning it does not allow a prompt response, just an easy evasion.

The Durbin amendment has nothing to do with so-called automatic stabilizers. The balanced budget amendment already allows for automatic stabilizers. Section 6 of the balanced budget amendment allows for the honest, good-faith use of estimates in legislation that implements a balanced budget. Read the committee report: If Congress makes good-faith, reasonable estimates of receipts and outlays, and then mid-year changes in the economy cause a temporary deficit, that would not trigger a three to five vote. Unemployment benefit checks, for example, would still go out.

The problem is that we now have permanent deficits, in good times as well as bad.

CONCLUSION

We do not need a loophole in the balanced budget amendment—like the Durbin amendment. We need to change the bleak status quo. Our $5 trillion debt—growing by more than $8,000 a second—proves that we have a long-term problem. This stack on the Senate floor of the last 28 unbalanced budgets—14 of which promised balance but did not deliver—demonstrates that this problem requires a permanent solution. If we pass the balanced budget amendment, we will create an economic bill of rights for the 21st century.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HATCH. I yield 1 minute.

Mr. CRAIG. Mr. President, let me draw to a conclusion my debate on this amendment, because I hope that we can table this amendment. I see no reason to write that kind of language into the Constitution. We have given clearly the kind of flexibility that the Congress has needed in the past to respond.

It isn't by accident that we picked three-fifths. When you go back and analyze past actions of Congress and economic stimulus packages that meet the definition of an emergency or what's needed for recessionary recovery, that is exactly what this amendment is designed to respond to. I believe it does, and I hope that our colleagues will join with us in tabling this effort.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I understand I have 4 minutes remaining; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Thank you, Mr. President. I will use this to conclude my remarks.

I want to first thank my colleague, the Senator from Utah, for this debate, for his fairness throughout this debate and the prior debate, though we clearly disagree on a very important issue. I thank him for the fairness with which he has handled this debate and allowed me the opportunity to express my point of view.

I said at the beginning of this debate I don't think there is a more serious vote that a Member of the House or Senate could make, absent a vote on whether the United States goes to war, than a vote on whether we amend this Constitution. When you think that on only 17 occasions in the 205 years, since 1791 have we actually amended this great document, each of us should pause and reflect and make certain that what we bring to the legislatures of this Nation for consideration is the very, very best.

What we are talking about today, I think, is a critically important part of this debate. It is important because, as the Senator from Vermont, who was kind enough to join me in this debate, said, we are talking about the ability of the American people through their Government to respond to an economic emergency.

There are those who would argue we need a supermajority, and history tells us in the last 2 years, the requirement of a majority vote resulted in gridlock and Government shutdown and national embarrassment. I worry that at some future date in the midst of an economic downturn, after this budget has been pared back dramatically to reach balance, when there are people and groups in this town, like hungry dogs on one bone, trying their very best to preserve something, requiring a supermajority vote to step up and help working families get back on their feet could be an invitation to gridlock at a time when those families need us the most.

Mr. President, I close by making a final request to the fairminded, to the judicious chairman of this committee in asking him for one last consideration, and that is that we have the yeas and nays on the merits of this amendment. I think I know the outcome, but let us preserve in this debate an up-or-down vote on this question. Let us give, in the course of this debate, to the American people our best judgment on the merits.

Let us not have this question, I think critical question, masked by some procedural vote that will suggest that this amendment on its face does not merit a yea-and-nay vote in the Senate. I think it does, and I would gladly give that right to any Senator in their effort to improve on a modification of a document which we all value and revere, the Constitution of the United States.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time is remaining?

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. HATCH. Mr. President, I will only take a few minutes. I want to thank the distinguished Senator from Illinois for the kind way he has conducted himself on this amendment. He has a wonderful personality. He did a very good job in our committee, and I think he has done a very good job here on the floor.

In all honesty, his amendment would drive huge loopholes into the balanced budget amendment and make it, basically useless, because almost anybody could claim almost any type of event as an economic emergency. That would trigger his amendment and do away with the balanced budget amendment.

There is one thing I would like to clarify. My good friend from Vermont talked about Fred Bergsten. Fred Bergsten suggested we shoot for a small annual surplus to be used during the course of each fiscal year. Mr. Bergsten is a Keynesian who believes fiscal policy will work better if the cycles are above the zero balance line rather than below. The fact the past surpluses accumulated in past years cannot be used without a three-fifths vote puts a lock on our savings, so such savings will not be used willy-nilly. But the best use of surpluses will be to pay down our debt. If Congress decides to use accumulated surpluses, it will be easier to get a three-fifths vote to use savings than to borrow, and that is the point I am making.

Let me just conclude with the thought that the Durbin amendment is an unnecessary loophole that would, basically, make the balanced budget amendment, once a part of the Constitution, very ineffective. Congress can respond appropriately to real needs, but we need the increased protections of Senate Joint Resolution 1 to protect future generations.

I worry about our children and our grandchildren and their children. I worry about whether people are going to have good jobs in the future. I worry about whether it is going to take a bushel barrel of dollars to buy a loaf of bread. I worry about whether we are going to monetize this debt, as the distinguished liberal Democrat Senator from Illinois, Senator DURBIN's predecessor, Paul Simon, has always said will happen. If we monetize this debt, this country, as we know it, will be gone, because people will no longer believe in the credit of the United States. If we inflate our economy to pay off our huge national deficits and debt, we are ultimately going to wind up where we will have inflation that would eat every working person's lunch every day.

If you really love the poor, if you really love senior citizens, if you really love our children and grandchildren, if you really love the future of this country, then we can't have loopholes like this blown into the balanced budget. We have to stand up and vote for a strong balanced budget amendment. It is difficult, I have to admit. It makes life a little more difficult for us as Members of Congress, but don't you think it is time to end these unbalanced budgets? Here are 28 of them, the last 28 years, and without this amendment, it will go on forever and our children's future will be gone.

I yield back the remainder of my time.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment offered by the Senator from Illinois [Mr. DURBIN]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania [Mr. SANTORUM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—64

Abraham
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Brownback
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Dorgan
Enzi
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Reid
Robb
Roberts
Roth
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—35

Akaka
Bingaman
Boxer
Breaux
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Durbin
Feingold
Feinstein
Ford
Glenn
Harkin
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Rockefeller
Sarbanes
Torricelli
Wellstone

NOT VOTING—1

Santorum

The motion to lay on the table the amendment (No. 2) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT—AMENDMENT NO. 3

Mr. LOTT. Now, Mr. President, I ask unanimous consent that at 2:15 on Tuesday, February 11, there be 60 minutes of debate, equally divided, in the usual form prior to a vote on or in relation to the Wellstone amendment No. 3, and following the expiration or yielding back of the time, the Senate proceed to a vote on or in relation to the Wellstone amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, there will be no further votes this evening. It is my understanding that Senator BOXER intends to make a statement relative to the constitutional amendment. Also, the President of the United States will be visiting with congressional leaders tomorrow on the Senate side of the Capitol—in fact, in the President's Room just off the floor of the Senate Chamber. Therefore, it is my hope that when the Senate convenes following the weekly policy party luncheons, there will be a short time agreement for debate prior to a vote on or in relation to the Wellstone amendment regarding underprivileged youth. Members should expect a vote relative to the Wellstone amendment in the 3 o'clock timeframe tomorrow. Also, the Senate could be asked to confirm the nomination of Congressman RICHARDSON to be Ambassador to the United Nations. Therefore, a rollcall vote is expected with respect to that nomination.

I thank my colleagues for their cooperation.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you very much, Mr. President. Before he leaves the floor, I would like to personally thank the newly elected Senator from Illinois, Senator DURBIN, for his leadership on this extremely important amendment that he offered the Senate, which would have made this balanced budget amendment a much more attractive amendment to the people of Illinois, to the people of California, to the people of all of our States—to the Nation.

A very interesting poll just came out in the February 9 edition of The Los Angeles Times, some people, when asked in the abstract, said they would support a balanced budget amendment to the Constitution, under any circumstances. However, about 39 percent of the people polled said they would not support the balanced budget amendment if it could mean cuts in areas that they overwhelmingly approve of, such as Medicare, Social Security, and Medicaid.

I learned at a very early age from my parents what it was like to live through a depression. There was no safety net then in the 1930's, and people were literally committing suicide because there was no safety net. They didn't know what they were going to do for their families, and they were absolutely filled with despair.

We have learned a lot since then, and Senator SARBANES, with his charts, has shown us that we learned a lot since the Great Depression, and that we have the ability to soften those recessionary periods. Yet, in this inflexible amendment that is before us, it would take a supermajority, Mr. President, to act on behalf of the American people. Now, I did not come here to this great Senate to have my hands tied in the case of a recession, a depression, or a natural disaster.

I want to thank my friend from Illinois for raising that issue as well. He has gone through the Midwest floods, as I have gone through the California floods, earthquakes, and fires, and there but for the grace of God goes every single one of us in this Chamber. And if we cannot act as a majority, without the requirement of a supermajority, to meet the needs of the people, then what are we doing here?

By rejecting this amendment of the Senator from Illinois, which he was so eloquent in explaining, I truly believe that this amendment, as it stands, is dangerous. It is dangerous for our people.

Mr. SARBANES. Will the Senator from California yield for a question?

Mrs. BOXER. I am delighted to yield to my friend.

Mr. SARBANES. The Senator made reference to this earlier, and I think the very able Senator from California is on to an extremely important point here. I want to illustrate it with this chart.

The PRESIDING OFFICER. Senators in the rear of the Chamber will cease conversations. Take the conversations outside the Chamber.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, what we are talking about here, because we have voted down this extremely important amendment, is, how are we going to act in this U.S. Senate to ease the pain of people during recessions or other economic emergencies. People who are jobless, who have no health insurance or who can't afford to pay their rent?

I am happy to yield to my friend.

Mr. SARBANES. Well, as the Senator has noted, as economists across the country have commented, and as the chart beside me shows, since World War II we have been able to ease the business cycle because we experience automatic stabilizers during an economic downturn. We start running deficits because we are not collecting taxes and we are paying out unemployment. If you try to balance the budget, or if you are required to do so by constitutional amendment during an economic downturn, you are going to return our economy to these boom-and-bust cycles that we experienced throughout the first part of this century and we are going to lose the ability to have this kind of movement in the business cycle, which is much better for our people.

The Senator is absolutely correct. With this amendment, we are going to be dooming ourselves to going back and turning economic downturns into recessions and recessions into depressions, as the Senator has pointed out.

Mrs. BOXER. Exactly. I would say to my friend that you have to learn from history. If we can't learn from history, we are doomed to fail the people. Some of us have heard about these depressions from our parents. Look at the Senator's chart. We can clearly see what has happened since World War II. We have spared our people from the deepest, darkest days of recession and depression.

By rejecting the amendment offered by the Senator from Illinois, which would have given this U.S. Senate and the House the ability to act without requiring a supermajority in times of recession, this becomes a very radical amendment to the Constitution.

Does my friend not agree?

Mr. SARBANES. I agree absolutely with that. We at the moment have the best unemployment situation in 20 years; the best performance on inflation in 30 years. We have now brought the deficit down as a percent of the gross national product to the best ratio in 25 years. We are making progress on all of these fronts. We have the strongest economy in the world.

People come in with this radical notion of amending the Constitution of the United States. All we need to do is continue to make the hard decisions that are made with respect to the budget. It is one thing to balance the budget. Those are the tough decisions. Those are the ones we ought to make and not put an amendment into the Constitution of the United States which is going to deny us the ability to deal with economic downturns and recessions when they occur. The amendment they are talking about putting into the Constitution of the United States does not abolish the business cycle. It does not eliminate economic ups and downs. Yet with this amendment, we run the risk of going back to economic cycles with very deep downturns when our people are really suffering through depression. We have not had that since World War II. And I for one don't want to go back to it.

Mrs. BOXER. I want to thank the senior Senator from Maryland for his leadership on this. I have the honor and privilege of serving with him on the Banking Committee, where he is the ranking member, and on the Budget Committee, where we serve together. So we have a chance to debate and discuss these issues. A great privilege it is always to have the participation of my friend from Maryland because he brings such insight.

I say to my colleague that he and I have voted for balanced budgets in the past. That is why this amendment debate is really a figleaf. As my friend pointed out, it does not do one thing to balance the budget.

I am going to show some most extraordinary newspaper articles which have appeared as editorials or as opeds. The writers of those articles call this balanced budget amendment what it is—a technique for people to say, "Oh, I voted to balance the budget," even though in many cases these colleagues didn't vote for the one budget in 1993 that my friend from Maryland and I voted for along with a bare majority of the Senate which has set this country on a course of 4 years of declining deficits and has set this country on a course of economic prosperity. We have far to go, but we are moving in the right direction. The vote that mattered, I say to my friend, was the vote that we cast, the tough vote—and some people lost their seats because of it—that made the actual changes in budgetary policy which has cut this deficit from $290 billion when George Bush left office to where it is today at about $107 billion. That was the tough vote.

This vote is an easy vote. We are just setting the stage for the States to call conventions in order to ratify the amendment. And even if it is approved by the States, in the end, there is a real possibility that there will be a disagreement and the courts will be called upon to try to resolve the situation.

So it makes no sense. That is why 1,100 economists condemn the balanced budget amendment as unsound and unnecessary. I know that this statement has been quoted time and time again.

I see that my friend is on the floor now with some very important numbers. I am happy to yield to him.

Mr. SARBANES. I want to support the very perceptive statement of the distinguished Senator from California about the reduction in the deficit subsequent to the enactment of the 1993 budget, which, as the Senator pointed out, was passed on the tie-breaking vote of the Vice President.

In 1992, the deficit was $290 billion. We have brought it down 4 years in a row. It is now at $107 billion. Four years in a row we have had a steady decline in the deficit. We brought it down from $290 billion to $107 billion, and, as a percent of our gross product, the deficit has dropped from 4.9 percent in 1992 to 1.4 percent in 1996. The last time the deficit was this low as a percent of our gross domestic product was in 1973. This is the best performance in 23 years in reducing the deficit as a percent of our gross domestic product. This is a very good record. We are going to continue the progress. We are going to continue to bring the deficit down, both in absolute terms and as a percentage of our GDP.

Let me show you a chart which compares what we have succeeded in doing in this country and what is happening in the other major industrial countries.

This chart compares various nations' deficit as a share of GDP. The United States is now at 1.4 percent. Here is Japan, 3.1; Germany 3.35; Canada 4.2; France 5; the United Kingdom 5.1; Italy 7.2. We have the best performance of any of the major industrial countries.

We have an economy now with 5.4 percent unemployment, the best unemployment in 20 years. We are at less than 3 percent inflation, the best inflation performance in 30 years. The deficit of 1.4 percent of GDP, the best since 1973. That is a vertical comparison with our past performance in this country.

Then we look to see how we are competing with other countries. This chart shows we have the best performance of any of the G–7 countries. This economy is working. We ought not now to take this, as the Senator has described it, radical step of trying to amend the Constitution of the United States and perhaps dooming ourselves in some future crisis to be unable to confront the economic circumstances of the time. As the Senator has pointed out, that is what these over 1,100 economists across the country are saying.

I thank the Senator.

Mrs. BOXER. I thank my friend and colleague.

I think the record is clear. We are making progress, and what we ought to be doing now is debating how we make further progress. Instead we are spending many, many hours discussing an amendment to the Constitution which does not one thing to continue this progress.

These economists, including 11 Nobel laureates in economics from Stanford University, the University of California at Berkeley, New York University, Carnegie-Mellon, Yale, and MIT—you can't have a better group of people who know what they are talking about. Some of what they say is, "We condemn the proposed balanced budget amendment to the Federal Constitution. It is unsound and unnecessary."

I received a degree in economics many years ago, and I know that economists choose their words carefully because economics is not an exact science. As a result, economists try very carefully to measure their tone and measure their words. So when you have 1,100 economists signing on to this, and using the word condemn, this is serious business. Now, maybe there are colleagues in the Senate who could stand up to some of these people and tell them they are incorrect, but I have a hard time believing that.

Let me sum up what they said. And it just parallels what the Senator from Maryland has shared with us.

> The amendment is not needed to balance the budget. The measured deficit has fallen dramatically in recent years from $290 billion in '92 to $107 billion—

They say:

> The deficit is 1.3 percent of gross domestic product, a smaller proportion than that of any other major nation.

The Senator from Maryland has said this very same thing. They go on to say:

> Congress and the President can reduce the deficit to zero, balance the budget or even create budget surpluses without a constitutional amendment.

These 1,100 economists close by saying:

> There is no need to put the Nation in an economic straitjacket. Let the President and Congress make fiscal policy in response to national needs and priorities as the authors of our Constitution wisely provided.

Now, Mr. President, I am so honored to be in this Senate representing the largest State in the Union. It truly is an honor. I am humbled by it. I am humbled by our Constitution. And so I think we need to be pretty humble when we think of how we are going to vote on this. I think we have to be humble. I think we have to look at what the experts tell us. I think we have to look at the facts as they have been laid before us by my friend from Maryland. Our economy is moving in the right direction.

Having a balanced budget amendment to the Constitution would in fact put us in a straitjacket, would in fact tie our hands, would in fact make it very difficult for us to get out of an economic crisis when we may have to temporarily go out of balance while we take care of it.

Let me ask a question of my friend from Maryland, who is still in the Chamber.

In his State he has been fortunate not to have had the number of natural disasters that I and the people of my State have had to face. He knows this place, however, because he has been here a long time, and the people of Maryland keep sending him back for a reason—because he is wise. So I ask my friend, under this amendment as it is proposed—and particularly since this Senator DURBIN's recession amendment was defeated—California was in a horrible recession, the worst in the country. We moved from an economy that was heavily supported by jobs in the defense sector, to an economy without the great dependence it once had on defense sector jobs, and we had a very hard time. We made investments that softened the blow but still it was tough. Then we got hit with an unbelievable earthquake called the Northridge earthquake. Because the Federal Government acted swiftly, because we could act without having to have a supermajority, we were able to pump $11 billion into the California economy to rebuild the infrastructure. We are rebuilding the universities. We are rebuilding hospitals. We are rebuilding people's lives.

I say to my friend, I will offer an amendment to waive the requirements of a supermajority in case of natural disasters such as earthquakes, fires, floods—where people are homeless and in trouble.

Under the amendment as it stands now, however, if any State had a disaster like that which occurred in California, with $11 billion of damage and people hurt and suffering, does my friend believe we could get the required supermajority to act swiftly?

I have very grave doubts about it, because I have seen us have a hard time even getting 51 votes. I ask my friend, would he want to be here representing a State that had a disastrous flood or earthquake or any other natural disaster and have this amendment in place which requires a supermajority?

Mr. SARBANES. The Senator from California asks a very appropriate question. In a sense, she answered it right at the end with the observation that she herself has, as I have, seen instances in this Chamber when we were scrambling to get a simple majority in order to provide disaster relief to one or another State in the country that had been devastated by a natural disaster. And many Members said, "Well, we don't really want to do that. Yes, it's a difficult situation, but we don't want to make this response."

I have seen the very able Senator from California personally work the floor of the Senate in order to try to get a majority vote in order to respond to what her State had been stricken with, and she was successful, I must say. But suppose you had to get a supermajority in order to do it. Past experience does not bear out the assumption that you can just get a supermajority willy-nilly. In the past, we have had to scramble simply to get a majority.

The amendment contains a provision that states that you cannot raise the debt limit unless you have a supermajority, and obviously unless you can raise the debt limit and borrow additional funds, you are not going to be able to respond to the disaster, and particularly not respond to it immediately, which is often what is required. But time and time again in this Chamber I have seen the leadership sweating bullets in order to get a simple majority in order to deal with a debt limit issue. So it just defies past experience for Members to stand here and say, "Oh, we will get the supermajority." As the Senator from California has pointed out, it is tough enough to get the majority, the simple majority.

Mrs. BOXER. I give my friend an example. The San Francisco earthquake, Loma Prieta, which was way back, we are still rebuilding from, I say to my friend. And we had a freeway go down, just a disaster, and we got the funds to rebuild the freeway. About 2 years ago on the floor of this Senate a Senator said we have to back off this because we are building it in a different fashion and it is costing too much money.

I stood up as one of the two Senators from California and explained that if we rebuilt it the same way it was prior to the earthquake, it would fall down again. We had to put a little more into it to make sure that the structure was as safe as possible—to ensure that the residents traveling on the freeway would be safe.

Well, I won that vote, but I have to tell you it was close, I say to my friend.

Under this constitutional amendment, there is no way I could have done that because it would have required a supermajority—we would have needed to be out of balance for a short period of time because of the unanticipated funds required to respond to the disaster. And I say to my friend that, if any State experiences a multibillion dollar disaster, unless you can come on the floor and convince colleagues to cut other programs, you are going to be in deep trouble. That is the other reason why this is a very, very radical amendment.

I want to say to my friend, I so appreciate his participating in this discussion. It means a lot to me that he is here. As a matter of fact, it reminds me of one time out in California when he was at a forum with me, when most people had gone home. It was a situation very similar to tonight.

But I want to say to my friend, as we sit on the Budget Committee together, there is one figure who comes before the Budget Committee that my colleagues on the other side of the aisle just think is the best. They credit this person with everything good about the economy, and his name is Alan Greenspan. I think Alan Greenspan is doing a good job. I sometimes disagree with him, but overall I think he has done a good job. Where is Alan Greenspan on this constitutional amendment to balance the budget? Let me say—I am not going to read his whole statement, but I think this sums it up:

> As a consequence, what I am concerned about is that it is very difficult to implement technical economic policy through the Constitution. I don't like the idea of embodying concrete economic issues in the Constitution, which is going to have to stay in the Constitution for 50 or 100 years or more.

So I find it really interesting that on every single economic issue, my colleagues on the other side of the aisle—who all support this amendment; I do not think there is one of my colleagues on the other side who is going to vote the other way—have abandoned Alan Greenspan's leadership, where they have followed him down every other economic road. Again, I ask my colleagues to be a little humble on this. We do not have all the answers. None of us has all the answers. But, certainly, if you are going to walk away from someone who you think has been right on target, keeping inflation under control, keeping the economic recovery going, and he is telling us not to do this, it seems to me fairly arrogant to disregard it.

I would like to share with my colleagues what I think is a terrific editorial that appeared in the Los Angeles Times. As a matter of fact, it is so good I am going to read you most of it. I honestly think this says it the way it is. It speaks for me.

> Balanced Budget Plan: Looks, 10; workability, zero.
>
> This seductive idea won't stand up under close inspection.

Here is what it says:

> No. 1 on the legislative menu of the new 105th Congress is a Republican-backed constitutional amendment to require a balanced

> budget by the year 2002 and every year thereafter. What could have more first-glance appeal? But amending the Constitution, despite the political symbolism, is not the way to go about controlling government spending.
>
> On Tuesday, President Clinton voiced his strongest opposition yet, appropriately characterizing the proposed amendment as a "straitjacket" that pays little regard to the vagaries of the economy. For instance, it would not provide the flexibility needed to deal with recessions . . .

My friend and I from Maryland, we have gone through this, I think, in a detailed way. It says:

> . . . it would not provide the flexibility needed to deal with recessions, when Federal funding might have to rise as revenues drop. The prpposal would allow suspension of the balanced budget requirement only if three-fifths of each House approved. That's not much of an escape valve, considering how long it takes Congress to act on most problems . . .

We know that. It takes us time to gear up around here, as the President is going to learn as he enjoys his stay in the Senate. So, in time of recession, we are often behind the curve as it is. We come in the second quarter, after the recession.

> The amendment, pushed through the Senate Judiciary Committee on Thursday, generally fails to spell out how a balanced budget would be achieved. The difficult decisions on what spending to cut or how to raise revenues are not addressed but simply are left to future Congresses—and everyone knows how difficult and seemingly endless budget negotiations can be in the Capitol . . .

The article closes by saying:

> The amendment—which will be put before the States' legislatures if it wins approval in the House and Senate—has drawn opposition from a broad spectrum of economists and fiscal experts. It should. The amendment is irresponsible governance, fiscally reckless and a false political star.

The Los Angeles Times is not known for such strong language. It is very measured. The editorials are very measured. So let me repeat that:

> The amendment is irresponsible governance, fiscally reckless, and a false political star.

The last article which I want to mention comes from the USA Today, on Monday, February 3, 1997. The headline reads:

> This is cheap political grandstanding. There is an easier way to balance the budget: Just do it.

"Just do it." It says, "Balance The Budget? Yes. But An Amendment? No."

So, whether it is our worry about being in a straitjacket when there is a recession or a natural disaster, or whether it is our worry about the Social Security trust fund—which absolutely will be hit if an amendment does not carry the day to exempt it—or whether it is our worry about Medicare—all of these areas are at great risk if we continue with this proposal, which has been condemned by 1,100 economists. Editorials all over the country have pointed out that passing a balanced budget amendment to the Constitution is just not a wise thing to do.

We can and must balance the budget. I voted for six balanced budgets. I am very proud of that. I am proud to see the deficit coming down. It is a serious matter. I hope, however, my colleagues will have the courage to walk away from an idea that seems wonderful on its face, but if you look behind the door, you will see the pitfalls there.

I thank you, Mr. President, for your kind courtesies. I thank my colleague from Maryland for participating in this discussion with me. I hope, as we go down the road on this debate, we will have some more colleagues step away from this at-first-glance politically popular idea and realize that it will put us in an economic straitjacket with no way to respond to recessions or other economic emergencies or crises. So it is putting us into a straitjacket which can only harm the people.

To close: "Balance The Budget? Yes. But An Amendment? No."

There is an easier way to balance the budget: Just do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are on the Wellstone amendment, No. 3.

Mr. SARBANES. I thank the Chair. Mr. President, I commend the very able Senator from California for her very fine statement. She clearly understands the pitfalls that are involved in a balanced budget amendment and, I think, has spoken eloquently to the issue. She has also spoken with a very deep personal knowledge of the situation confronting her and her State when she has had to deal with these natural disasters. I simply want to underscore, again, for those who say, "well, we will easily get a supermajority in order to waive the provisions of this amendment in an emergency situation," that I saw the Senator working literally day and night just to get a majority in order to deal with a natural disaster and, as she pointed out, coming up with close votes in order to do it.

She succeeded, which is very much to her credit and reflected her very effective advocacy. But had a supermajority been required, she would have fallen short. So I want to thank her for her very strong statement.

Mr. President, I know it is late into the evening, and I am not going to take long, but I want to take just a few minutes to speak to the issue before us, and I hope at a later point to make a longer statement.

First of all, I want to point out, as we deal with this amendment to amend the Constitution to require a balanced budget, it is very important to understand that the budget we are talking about balancing, the U.S. budget, does not have a capital budget to it. Everyone gets up and says, "well, the State governments do it, the local governments do it, private individuals do it, corporations do it, why shouldn't the Federal Government do it?"

None of those other entities balance a capital budget as well. They all provide for capital budgets that are financed by borrowing. That is what State governments do. They have a requirement to balance the operating budget, but they then sell bonds. Why do States and municipalities issue bonds? Why is there a municipal bond market? Because they borrow in order to fund the capital budget.

We don't have a capital budget at the Federal level, and anyone who is really serious about trying to write requirements into the Constitution, which, by the way, I think are extremely difficult to do because you can't provide for every contingency, but if you had any degree of seriousness, would first provide for a capital budget. You would set capital investments apart and say, "all right, we recognize we make investments in the future and we capitalize them, and we borrow to fund the capitalization."

That is what people do when they buy a home. Although it is said that everybody has to balance their budget, people don't balance their budget every year. It is wise and prudent financial policy, if your income is adequate to the task, to borrow in order to buy a home, to borrow in order to buy a car.

If individuals had to operate under this amendment's balanced budget requirement, the vast majority of people in this country would not be able to buy an automobile and they would not be able to buy a home, because they couldn't produce the cash with which to make the full payment in the year they incur the obligation, which is what this amendment is requiring of the Federal Government.

So that is the first point to make. You are talking about trying to balance a budget that includes within it your capital expenditures, instead of setting them aside and funding the capital expenditures through a capital budget, which is financed by borrowing and which makes prudent economic sense. After all, the highway or the building is going to last you for 20, 30, 40 years, and it makes sense to borrow, to amortize it over that period of time and have the use of it right from today out into the future.

The second point I want to make about the balanced budget amendment is in the post-World War II period, we have used what are known as automatic fiscal stabilizers in order to ameliorate economic downturns. When the economy begins to go soft, the Federal budget automatically shifts toward deficit, for two reasons: First, people are losing jobs, and because they are no longer working, they are not paying taxes into the Treasury; therefore, the revenues into the Government decrease. This happens automatically. We don't take any action around here for that to happen. It just occurs. Because people are no longer working, they are no longer earning, and those people, at least, are not paying taxes into the Treasury.

Second, at the same time, automatically expenditures increase, because we pay out unemployment insurance. If you have been working, you become unemployed, you are entitled to draw unemployment insurance. So those payments go up.

The consequence of those two things happening—and there are other transfer payments also that go up in the course of an economic downturn or a recession—the deficit widens. But that deficit serves to cushion the economic downturn, because it helps to sustain purchasing power in the economy that would otherwise go into decline. Cushioning occurs because by providing unemployment insurance, you help to hold the economy up and to check the downturn.

Now, that happens automatically. It doesn't require a conscious decision. If the recession is bad, we often then go on to make conscious decisions here about ways to try to bring the economy back. But under normal circumstances, this cushioning is sufficient to moderate the economic downturn.

Because we have followed this policy essentially since the end of World War II, we have been able to check the boom-and-bust cycle of our economy, which we had previously been experiencing. Of course, that is a very good thing, because you don't put your economy and your people through the absolute wringer of a major economic downturn.

The fact of the matter is, as the economy goes soft, you begin to run these deficits. If you try to offset the deficit, either by cutting spending or raising taxes or a combination of the two, in an economic downturn, you would only drive the economy further down. The economy, the business cycle is swinging downwards, and if you compound that swing by a policy of trying to eliminate the deficits which arise from that downturn, you only make the downturn worse, and we have experienced that in our history, during the Great Depression.

This is why these automatic stabilizers are so important, and this is why, in many respects, this amendment is so dangerous.

This chart beside me measures real economic growth from 1870 to 1995, and it shows the ups and downs in economic growth in our economy, beginning in 1870 and running through until 1995. The essential thing the chart shows is that since World War II, we have essentially been able to avoid deep economic recessions or, indeed, depressions.

One of the reasons—not the only reason, but one of the reasons—we have been able to do that is because we have had these automatic economic stabilizers which have kept the economy from coming down into deep negative growth. Only a couple of times have we actually had a downturn that took us into negative growth. Most of the time we get movements, they remain in the positive level, and, as you can see, we have not in recent history experienced the kinds of deep moves we experienced pre-World War II.

That is why the Secretary of the Treasury, Secretary Rubin, in testimony before the Judiciary Committee about this amendment to the Constitution, said he was fearful that what it would do is turn an economic downturn into a recession and a recession into a depression.

Amendment supporters say, "Well, if that happens, we'll get a supermajority around here, we will waive the provisions of the Constitution, and we will take action."

There are a number of difficulties with that response. First of all, the automatic stabilizers work automatically. No one has to recognize there is an economic downturn. Often, we don't see an economic downturn is happening until much later, until it is well into its cycle.

Only a few years ago, Alan Greenspan thought the economy was doing well and said so. Later, it turned out that at the moment he said that, the economy was already into a downturn, but it wasn't recognized, it wasn't seen. Later, when all the figures came in, we went back and saw that we had already gone into a downturn. This amendment is going to cost us these automatic fiscal stabilizers that operate without the need for congressional action, and that cushion a recession that we might not even know to exist.

Second, we have a lot of arguments around here about whether we have a downturn, how serious a downturn is, how you have to respond to it.

Franklin Raines, the Director of OMB pointed out the other day before the Budget Committee that a lot of our difficulties are regional depressions, not national depressions. Much of the country might be doing all right, but a region of the country may be in severe trouble and needs help in order to address the situation in which to find itself.

Of course, then it is going to be extremely difficult to get a supermajority because most communities will not be experiencing a recession or downturn and their representatives will not want to waive this provision.

I can remember during the administration of President Bush when we tried to act on extending the unemployment insurance. It took us months, months, months, and months before we were able to do it. And all the time the economic downturn was getting worse. As a consequence, all the time we were falling further and further behind the curve.

The fact of the matter is, is that the earlier you can act, and particularly if you can act automatically, through stabilizers, the quicker you can check the downturn. If the downturn gains momentum, begins to build up steam in that direction, the amount of corrective action that has to be taken in order to turn it around is much greater. The prudent thing is to act early on, because then you do not suffer as much damage because you do not go as deep into the decline.

But this balanced budget amendment is a virtual guarantee that that kind of early action will not be taken and that we will always be playing catch up with the economic cycle.

The many distinguished economists who have spoken out, and to whom my very able colleague from California has made reference, have focused, amongst other things, on this aspect of the situation. We ought not to give away lightly the benefits that have come to us by developing effective fiscal policy to help restrain the movements of the business cycle. We have not eliminated it. I assume my colleagues who are pushing this amendment do not for a moment suggest they somehow have figured out a magical way to eliminate the business cycle. But we have developed policies that have ameliorated the business cycle.

I do not want to go back to these deep declines in the economy. We ought not to be in the situation where, as in the 1930's, we would rue the day that we denied ourselves the capacity to respond to that kind of an emergency so that we actually had to experience something approximating economic devastation before we were prepared to take action.

Why would you do that? Why would you want to do that? Is the economy not working well? Let us look at that issue for just a moment.

The unemployment rate today is 5.4 percent. It has been down in the low range of 5 percent now for many months. It is a very good performance. The last time we had a performance anything like that over a sustained period of time was 20 years ago.

What about the inflation rate? The inflation rate is under 3 percent. It has been there now for the last 4 or 5 years—about or under 3 percent. The last time we had a performance on the inflation front that was that good was 30 years ago.

So we are doing very well on unemployment and inflation.

We have created 11.5 million jobs over the last 4 years. Other countries envy us in terms of what we are doing.

But, amendment proponents say, we still have a problem with the deficit? What about the deficit? Let us take a look at the deficit.

Are we making any progress on reducing the deficit? Can someone contend that we are not making any progress on the deficit-reduction front and, therefore, we need a constitutional amendment, as risky and as radical as it might be, in order somehow, some way to compel some kind of action? We should note, however, that the amendment does not curb the deficit at all? You are still going to have to make the budget decisions with respect to the budget—your spending and tax decisions with respect to the budget. Have we been doing that already?

In 1992, the deficit, in current dollars, was $290 billion. Since then, we brought the deficit down in each of the succeeding 4 years. The deficit now is $107 billion. And the President has submitted a budget plan that will eliminate the deficit by the year 2002.

Some have criticisms of that plan. Others praise it. I think it is a pretty good plan but it is not written in stone and it is up to the Congress to deal with it now in consultation with the administration. But in any event, there is a plan to bring it down and eliminate the deficit by the year 2002.

I think the President has pretty good credibility in putting forward this plan on the basis of his record.

We ran large deficits in the 1980's and into the early 1990's. It was not just the administration that did that, the Congress was complicit in it as well. After all, you do not get a budget unless we in Congress pass it. Although I do want to point out that through those 12 years, in all but 1 year the budget passed by the Congress had a lower deficit figure than the budgets submitted to the Congress by the administration.

In other words, in every year but one the Congress was able to do a tighter budget than what the administration had submitted to the Congress. Had we passed the administration's submitted budgets, as proposed to us, the deficits would have been larger, not smaller. We did not increase the deficits. We in fact lowered the deficits.

But now in the last 4 years we have made this very impressive progress and we are on the path to a balanced budget. The way you make this progress is you make decisions on the budget each year. None of this progress was made because there was an amendment in the Constitution. And if you put an amendment in the Constitution, the progress still will not be made.

The progress can only be made when you vote the budgets, when you make the spending and the tax decisions that are contained within the budget, the consequences of which then give you your deficits or your balance. That is when you make the decisions. And we have been making hard decisions, particularly the 1993 economic plan, which passed this body on the tiebreaking vote of the Vice President.

A lot of people criticized that plan. People said "Oh, this is going to have devastating consequences on the economy." It was a combination of spending cuts and some tax changes. But what it produced was a reduced deficit and an economy that has worked exceedingly well over the last 4 years, an economy that other countries look at with a great deal of envy.

These are the absolute figures on reducing the deficit. Let us look at the measure of the deficit as a percent of the gross national product, which is a very important measure. It enables us to compare with our own performance over time and with other countries. Because as you strengthen your economy, you can bring your deficit down and it becomes a smaller percentage of the GDP and becomes easier to handle. It is like an individual's situation. If he has more income, he is better able to handle the deficit. If his economic strength grows more rapidly than the deficit he is trying to handle, then he gets stronger and more able to pay off the debt.

Let us look at that. This is what has happened. In 1992, the deficit was 4.9 percent of GDP. That is not a good figure. I am prepared to state that right at the outset. The European Community now, which is trying to move toward monetary union, has established some benchmarks which it is pressing the 15 members of Europe to abide by in order to achieve the monetary union. And one of them is that deficit, as a percent of GDP, be under 3 percent—under 3 percent. That is the benchmark they have set out.

In 1992 we were at 4.9 percent. As this chart beside me shows, we brought down our deficit as a percentage of GDP to 4.1 percent in 1993, 3.1 percent in 1994, 2.3 percent in 1995, and 1.4 percent in 1996. That is the best performance since 1973, 23 years ago. It is a better performance than all but 3 of the 15 members of the European Union, three of the smaller countries—Luxembourg, Denmark, and Ireland. Our projections out into the future are very positive; according to these projections, we will do even better than 1.4 percent in the future.

So we are making very significant progress toward a balanced budget. We really are on the right track. The real place we ought to be focusing on is on the budget process and the decisions that will be made with respect to spending programs, tax programs, tax subsidies, tax expenditure issues, and so forth.

Further, our performance of 1.4 percent deficit as a percent of GDP is better than any of the G7 countries, the major industrial countries in the world.

I was at a Joint Economic Committee hearing this afternoon where Chairman Stiglitz of the Council of Economic Advisers was presenting the economic report of the President. He talked about how nice it was now to go to international meetings with the performance of our economy and be able to hold out as an example to other countries what we are doing.

Look at this chart beside, which compares the deficit as a share of GDP for each of the G7 nations. Here is the United States, down to 1.4 percent. We have a game plan now, by the year 2002 to close that out completely. Now, I know we will have arguments here about the game plan, but I think it is credible. It could be changed, it could be different. I think it is credible. I think it represents a bona fide effort to close this out.

Look at this comparison: Here is Japan with 3.1 percent deficit, Germany, 3.5 percent; Canada, 4.2 percent; France, 5.0 percent; the United Kingdom, 5.1 percent. Italy is 7.2 percent. If you make the comparisons, if you do a vertical comparison over our history, we have the best performance now, deficit as a share of GDP, since 1973. That is how we stack up in terms of our past record. If you do a horizontal comparison with other countries around the world, this is how we stack up. Any way you look at that, that is a pretty good performance.

Now, let me finally address one other point about this amendment. I want to address this assumption here that you can simply get these supermajorities almost by the wave of the hand if you have any kind of serious problem confronting you. Now there are two kinds of supermajorities required in this proposed resolution, Senate Joint Resolution 1—either a majority of the total membership of the body or three-fifths of the total membership of the body, what they call the whole number of the House. Now, what the "majority of the whole" requirement means is in the Senate you would have to have 51 votes—although there is some argument, legally, about the role of the Vice President's vote in this process, an interesting debate that shows you the complexity of this proposal and its potential for complications. That question has never been resolved. Then there is the three-fifths supermajority requirement, which of course in this body would be 60 votes.

I want to make historical reference to one critical vote in the House, which in a historical sense we can look at and say, "Well, that was a critical vote in the history of this country. That was really a national crisis, and clearly Members should have recognized it and should have acted accordingly. That is the kind of situation which, if it arises again, we certainly would be able to get these supermajorities provided for in this Senate Joint Resolution 1." In 1940 the U.S. Congress, on the urgings of President Roosevelt, provided for a draft for 1 year, because President Roosevelt saw the war clouds that were gathering in Europe and felt the United States needed to undertake preparation for what might be coming. A year later, of course the issue arose, since it was only for a year, about extending the draft. We are now talking about the fall of 1941, only shortly before Pearl Harbor. The President asked the Congress to extend the draft so that we could continue this program of military preparedness because the war clouds were even darker and more ominous.

The issue was so close in the House of Representatives that Speaker Rayburn, exercising a very rare prerogative of the Speaker, took the floor of the House at the close of the debate to urge extension of the draft. The vote on that issue in the House was 203 to 202, so under the Constitution it carried. You had a quorum present, had a majority of those voting, carrying it 203 to 202. Mr. President, 203 is—and was not then—a majority of the whole number of the House of Representatives, which would be 218 today, and it is certainly not three-fifths of the whole number of the House. These are the two supermajorities required in this resolution.

Now, there you were with a crisis situation which certainly, looking back at it historically, you would have said, "Well, obviously, those Members of Congress will recognize what the country is confronting and vote to carry this forward." They barely did it. They cast a vote that would not have worked under the supermajority requirements contained in Senate Joint Resolution 1.

I think those who say of course we will achieve supermajorities are being much too sanguine. The amendment says that the debt limit shall not be increased without three-fifths of the whole number. We can hardly put together simple majorities in Democratic or Republican administrations to achieve this goal. I have voted in this body to lift the debt ceiling in Republican administrations at the request of Republican Presidents and Republican Secretaries of the Treasury because I felt obviously we had to do that. We could not put the credit of the United States at risk. But those votes have been exceedingly close and they have not come anywhere near meeting the supermajority requirements contained in this Senate Joint Resolution 1. No wonder the Secretary of the Treasury has voiced his apprehension that we might risk a default on the debt and hurt the creditworthiness of the United States through the passage of this amendment to the Constitution.

Mr. President, I urge my colleagues to think long and hard about this amendment. It is a very radical proposal. It has a lot of surface appeal, as my colleague from California pointed out when she quoted the editorial in the Los Angeles Times. The easy vote is obviously to be for it, as most people upon hearing it say it is a good idea. You really have to go into it and examine it very carefully and appreciate the real way you bring the deficit down is to make the budget decisions, not to amend the Constitution of the United States.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT CONCERNING THE NATIONAL EMERGENCY WITH IRAQ—MESSAGE FROM THE PRESIDENT—PM 11

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States

I hereby report to the Congress on the developments since my last report of August 14, 1996, concerning the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

Executive Order 12722 ordered the immediate blocking of all property and interests in property of the Government of Iraq (including the Central Bank of Iraq) then or thereafter located in the United States or within the possession or control of a United States person. That order also prohibited the importation into the United States of goods and services of Iraqi origin, as well as the exportation of goods, services, and technology from the United States to Iraq. The order prohibited travel-related transactions to or from Iraq and the performance of any contract in support of any industrial, commercial, or governmental project in Iraq. United States persons were also prohibited from granting or extending credit or loans to the Government of Iraq.

The foregoing prohibitions (as well as the blocking of Government of Iraq property) were continued and augmented on August 9, 1990, by Executive Order 12724, which was issued in order to align the sanctions imposed by the United States with United Nations Security Council Resolution (UNSCR) 661 of August 6, 1990.

Executive Order 12817 was issued on October 21, 1992, to implement in the United States measures adopted in UNSCR 778 of October 2, 1992. UNSCR 778 requires U.N. Member States to transfer to a U.N. escrow account any funds (up to $200 million apiece) representing Iraqi oil sale proceeds paid by purchasers after the imposition of U.N. sanctions on Iraq, to finance Iraq's obligations for U.N. activities with respect to Iraq, such as expenses to verify Iraqi weapons destruction, and to provide humanitarian assistance in Iraq on a nonpartisan basis. A portion of the escrowed funds also finances the activities of the U.N. Compensation Commission in Geneva, which handles claims from victims of the Iraqi invasion and occupation of Kuwait. Member States also may make voluntary contributions to the account. The funds placed in the escrow account are to be returned, with interest, to the Member States that transferred them to the United Nations, as funds are received from future sales of Iraqi oil authorized by the U.N. Security Council. No Member State is required to fund more than half of the total transfers or contributions to the escrow account.

This report discusses only matters concerning the national emergency with respect to Iraq that was declared in Executive Order 12722 and matters relating to Executive Orders 12724 and 12817 (the "Executive Orders"). The report covers events from August 2, 1996 through February 1, 1997.

1. In April 1995, the U.N. Security Council adopted UNSCR 986 authorizing Iraq to export up to $1 billion in petroleum and petroleum products per quarter for 6 months under U.N. supervision in order to finance the purchase of food, medicine, and other humanitarian supplies. This arrangement may be renewed by the Security Council for additional 6-month periods. UNSCR 986 includes arrangements to ensure equitable distribution of humanitarian goods purchased with UNSCR 986 oil revenues to all the people of Iraq. The resolution also provides for the payment of compensation to victims of Iraqi aggression and for the funding of other U.N. activities with respect to Iraq. On May 20, 1996, a memorandum of understanding was concluded between the Secretariat of the United Nations and the Government of Iraq agreeing on terms for implementing UNSCR 986. On August 8, 1996, the UNSC committee established pursuant to UNSCR 661 ("the 661 Committee") adopted procedures to be employed by

the 661 Committee in implementation of UNSCR 986. On December 9, 1996, the Secretary General released the report requested by paragraph 13 of UNSCR 986, making UNSCR 986 effective as of 12:01 a.m. December 10.

2. During the reporting period, there have been three amendments to the Iraqi Sanctions Regulations, 31 CFR Part 575 (the "Regulations"), administered by the Office of Foreign Assets Control (OFAC) of the Department of the Treasury. The Regulations were amended on August 22, 1996, to add the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1214–1319 (the "Antiterrorism Act")) as an authority for the Regulations (61. *Fed. Reg.* 43460, August 23, 1996). Section 321 of the Antiterrorism Act (18 U.S.C. 2332d), which I signed into law on April 24, 1996, makes it a criminal offense for United States persons, except as provided in regulations issued by the Secretary of the Treasury in consultation with the Secretary of State, to engage in financial transactions with the governments of countries designated under section 6(j) of the Export Administration Act (50 U.S.C. App. 2405) as supporting international terrorism. United States persons who engage in such transactions are subject to criminal fines under title 18, United States Code, imprisonment for up to 10 years, or both. Because the Regulations already prohibited such transactions, with minor exceptions for transactions such as donations of humanitarian aid, no substantive change to the prohibitions of the Regulations was necessary. This amendment also notes the criminal penalties that may be imposed for violations of the Antiterrorism Act and implementing regulations. A copy of the amendment is attached.

The Regulations were amended on October 21, 1996 (61 *Fed. Reg.* 54936, October 23, 1996), to implement section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, by adjusting for inflation the amount of the civil monetary penalties that may be assessed under the Regulations. The Regulations, as amended, increase the maximum civil monetary penalty provided by law from $250,000 to $275,000 per violation.

The amended Regulations also reflect an amendment to 18 U.S.C. 1001 contained in section 330016(1)(L) of Public Law 103–322; 108 Stat. 2147. The amendment notes the availability of higher criminal fines pursuant to the formulas set forth in 18 U.S.C. 3571. A copy of the amendment is attached.

The Regulations were amended on December 10, 1996, to provide a statement of licensing policy regarding specific licensing of United States persons seeking to purchase Iraqi-origin petroleum and petroleum products from Iraq (61 Fed. Reg. 65312, December 11, 1996). Statements of licensing policy were also provided regarding sales of essential parts and equipment for the Kirkuk-Yumurtalik pipeline system, and sales of humanitarian goods to Iraq, pursuant to United Nations approval. A general license was also added to authorize dealings in Iraqi-origin petroleum and petroleum products that have been exported from Iraq with United Nations and United States Government approval. The rule also added definitions and made technical amendments. A copy of the amendment is attached.

All executory contracts must contain terms requiring that all proceeds of oil purchases from the Government of Iraq, including the State Oil Marketing Organization must be placed in the U.N. escrow account at Banque Nationale de Paris, New York (the "986 Escrow Account"), and all Iraqi payments for authorized sales of pipeline parts and equipment, humanitarian goods, and incidental transaction costs borne by Iraq will, upon approval by the UNSC committee established pursuant to the 661 Committee, be paid or payable out of the 986 Escrow Account.

3. Investigations of possible violations of the Iraqi sanctions continue to be pursued and appropriate enforcement actions taken. Several cases from prior reporting periods are continuing and recent additional allegations have been referred by OFAC to the U.S. Customs Service for investigation. Several OFAC civil penalty proceedings are pending. Investigation also continues into the roles played by various individuals and firms outside Iraq in the Iraqi government procurement network. These investigations may lead to additions to OFAC's listing of individuals and organizations determined to be Specially Designated Nationals (SDNs) of the Government of Iraq.

Since my last report, three civil monetary penalties totaling $102,250 have been collected from one financial institution and two individuals for violation of the prohibitions against transactions with Iraq. Additional administrative procedures have been initiated and others await commencement.

4. Pursuant to Executive Order 12817 implementing UNSCR 778, on October 26, 1992, OFAC directed the Federal Reserve Bank of New York to establish a blocked account for receipt of certain post-August 6, 1990, Iraqi oil sales proceeds, and to hold, invest, and transfer these funds as required by the Order. On December 13, 1996, OFAC directed the Federal Reserve Bank of New York to transfer the interest accrued on the blocked account to the U.N. escrow account established pursuant to UNSCR 778, to match contributions in excess of $30 million by other countries.

5. The Office of Foreign Assets Control has issued a total of 653 specific licenses regarding transactions pertaining to Iraq or Iraqi assets since August 1990. Licenses have been issued for transactions such as the filing of legal actions against Iraqi governmental entities, legal representation of Iraq, and the exportation to Iraq of donated medicine, medical supplies, and food intended for humanitarian relief purposes, the execution of powers of attorney relating to the administration of personal assets and decedents' estates in Iraq and the protection of preexistent intellectual property rights in Iraq. Since my last report, 23 specific licenses have been issued.

6. The expenses incurred by the Federal Government in the 6-month period from August 2, 1996, through February 1, 1997, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iraq are reported to be about $1 million, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of International Organization Affairs, the Bureau of Political-Military Affairs, the U.S. Mission to the United Nations, and the Office of the Legal Adviser), and the Department of Transportation (particularly the U.S. Coast Guard).

7. The United States imposed economic sanctions on Iraq in response to Iraq's illegal invasion and occupation of Kuwait, a clear act of brutal aggression. The United States, together with the international community, is maintaining economic sanctions against Iraq because the Iraqi regime has failed to comply fully with United Nations Security Council resolutions. Security Council resolutions on Iraq call for the elimination of Iraqi weapons of mass destruction, Iraqi recognition of Kuwait and the inviolability of the Iraq-Kuwait boundary, the release of Kuwaiti and other third-country nationals, compensation for victims of Iraqi aggression, long-term monitoring of weapons of mass destruction capabilities, the return of Kuwaiti assets stolen during Iraq's illegal occupation of Kuwait, renunciation of terrorism, an end to internal Iraqi repression of its own civilian population, and the facilitation of access of international relief organizations to all those in need in all parts of Iraq. Six years after the invasion, a pattern of defiance persists: a refusal to account for missing Kuwaiti detainees; failure to return Kuwaiti property worth millions of dollars, including military equipment that was used by Iraq in its movement of troops to the Kuwaiti border in October 1994;

sponsorship of assassinations in Lebanon and in northern Iraq; incomplete declarations to weapons inspectors and refusal of unimpeded access; and ongoing widespread human rights violations. As a result, the U.N. sanctions remain in place; the United States will continue to enforce those sanctions under domestic authority.

The Baghdad government continues to violate basic human rights of its own citizens through systematic repression of minorities and denial of humanitarian assistance. The Government of Iraq has repeatedly said it will not be bound by UNSCR 688. The Iraqi military routinely harasses residents of the north, and has attempted to "Arabize" the Kurdish, Turcomen, and Assyrian areas in the north. Iraq has not relented in its artillery attacks against civilian population centers in the south, or in its burning and draining operations in the southern marshes, which have forced thousands to flee to neighboring states.

The policies and actions of the Saddam Hussein regime continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, as well as to regional peace and security. The U.N. resolutions affirm that the Security Council must be assured of Iraq's peaceful intentions in judging its compliance with sanctions. Because of Iraq's failure to comply fully with these resolutions, the United States will continue to apply economic sanctions to deter it from threatening peace and stability in the region.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 1997.*

THE ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 12

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee.

To the Congress of the United States:

Four years ago, we began a journey to change the course of the American economy. We wanted this country to go into the 21st century as a Nation in which every American who was willing to work for it could have a chance—not a guarantee, but a real chance—at the American dream. We have worked hard to achieve that goal, and today our economy is stronger than it has been in decades.

THE ECONOMIC RECORD

The challenge we faced in January 1993 was to put the economy on a new course of fiscal responsibility while continuing to invest in our future. In the last 4 years, the unemployment rate has come down by nearly a third: from 7.5 percent to 5.4 percent. The economy has created 11.2 million new jobs, and over two-thirds of recent employment growth has been in industry/occupation groups paying above-median wages. Over the past 4 years inflation has averaged 2.8 percent, lower than in any Administration since John F. Kennedy was President. The combination of unemployment and inflation is the lowest it has been in three decades. And business investment has grown more than 11 percent per year—its fastest pace since the early 1960s.

As the economy has grown, the fruits of that growth are being shared more equitably among all Americans. Between 1993 and 1995 the poverty rate fell from 15.1 percent to 13.8 percent—the largest 2-year drop in over 20 years. Poverty rates among the elderly and among African-Americans are at the lowest level since these data were first collected in 1959. And real median family income has risen by $1,600—the largest growth rate since the Administration of President Johnson.

THE ECONOMIC AGENDA

Our comprehensive economic agenda has helped put America's economy back on the right track. This agenda includes:

Historic Deficit Reduction. Since the 1992 fiscal year, the Federal budget deficit has been cut by 63 percent—from $290 billion to $107 billion in fiscal 1996. As a percentage of the Nation's gross domestic product, the deficit has fallen over the same period from 4.7 percent to 1.4 percent, and it is now the lowest it has been in more than 20 years. In 1992 the budget deficit for all levels of government was larger in relation to our economy than those of Japan and Germany were to theirs. Now the deficit is smaller by that same measure than in any other major industrialized economy. And this Administration has proposed a plan that balances the budget by 2002, while protecting critical investments in America's future.

Investments in Education and Technology. Deficit reduction remains a priority, but it is not an end in itself. Balancing the budget by cutting investments in education, or by failing to give adequate support to science and technology, could actually slow economic growth. To succeed in the new global economy, our children must receive a world-class education. Every child in America should be able to read by the age of 8, log onto the Internet by the age of 12, and receive at least 14 years of quality education: 2 years of college should become as universal as high school is today. And we must make sure that every child who wants to go to college has the resources to do so.

Expanding Markets. We have aggressively sought to expand exports and open markets abroad. In the past 4 years we have achieved two major trade agreements: the North American Free Trade Agreement and the Uruguay Round accord of the General Agreement on Tariffs and Trade, which established the World Trade Organization. Members of the Asia-Pacific Economic Cooperation forum and the proposed Free Trade Area of the Americas have committed to establishing free trade among themselves by 2020 and 2005, respectively. And we have opened new markets abroad by signing more than 200 other important trade agreements. As a result, U.S. exports have bombed, which means higher wages for American workers in export industries—often 13 to 16 percent higher than the rest of the workforce.

Reforming Government. The strength of the American economy lies in the energy, creativity, and determination of our citizens. Over the past 4 years we have worked hard to create an environment in which business can flourish. And as the private sector has expanded, the Federal Government has improved its efficiency and cost-effectiveness. We have energetically reformed regulations in key sectors of the economy, including telecommunications, electricity, and banking, as well as environmental regulation. And we have reduced the size of the Federal Government as a percentage of the workforce to the smallest it has been since the 1930s.

CONTINUING TO CREATE AN ECONOMY FOR THE 21ST CENTURY

America's workers are back at work and our factories are humming. Once again, America leads the world in automobile manufacturing. Our high-technology industries are the most competitive in the world. Poverty is down and real wages are at last beginning to rise. And we have laid the foundations for future long-term economic growth by reducing the deficit and investing in education.

During the past 4 years, we have worked to prepare all Americans for the challenges and opportunities of the new global economy of the 21st century. We have worked to restore fiscal discipline in our government, to expand opportunities for education and training for our children and workers, to reform welfare and encourage work, and to expand the frontiers of free trade. But there is more work to be done. We must continue to provide our citizens with the tools to make the most of their own lives so that the American dream is within the reach of every American.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 1997.*

MEASURE PLACED ON THE CALENDAR

The following measure was placed on the calendar:

S.J. Res. 14. Joint resolution affirming certain findings of the President of the United States with regard to programs concerning international family planning.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1021. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Change in Disease Status of Great Britain Because of Exotic Newcastle Disease" received on February 4, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1022. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Importation of Fresh Hass Avocado Fruit Grown in Michoacan, Mexico" received on February 6, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1023. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Ports Designated for the Exportation of Animals" received on February 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1024. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Tobacco-Tobacco Loan Program, Importer Assessments" (RIN0560-AD93) received on February 5, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1025. A communication from the Secretary of Defense, transmitting, a report of retirements; to the Committee on Armed Services.

EC-1026. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding transactions involving exports to Algeria; to the Committee on Banking, Housing, and Urban Affairs.

EC-1027. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding transactions involving exports to Egypt; to the Committee on Banking, Housing, and Urban Affairs.

EC-1028. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule with respect to Regulation H received on February 7, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1029. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, a rule entitled "Loan Guaranty: Flood Insurance Requirements" (RIN2900-AH63) received on February 4, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1030. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, the report on establishing and adjusting schedules of compensation; to the Committee on Banking, Housing, and Urban Affairs.

EC-1031. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Community Development Financial Institutions Fund for fiscal year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC-1032. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Revisions to the Export Administration Regulations" (RIN 0694-AB52) received on February 7, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1033. A communication from the Acting General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, two rules including a rule entitled "Public Housing Management Assessment" (FR 3447, 4162) received on January 31, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1034. A communication from the Acting General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, a rule entitled "Sale of HUD-Held Single Family Mortgages" (FR 33814) received on February 7, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1035. A communication from the Assistant Secretary of Commerce for Export Administration, transmitting, pursuant to law, a rule relative to the Commerce Control List (RIN 0694-AB24), received on February 7, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1036. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of a rule relative to pilotage rate increase (RIN 2135-AA08), received on February 6, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1037. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of nine rules including one rule relative to Class E airspace (RIN 2120-AA64, AA66), received on February 6, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1038. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to NII Devices, received on February 3, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1039. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to microwave antennas, received on February 4, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1040. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to local exchange carriers, received on February 6, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1041. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to FM broadcast stations, received on February 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1042. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to maximum license terms, received on February 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1043. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to FM broadcast stations, received on February 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1044. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule relative to appliance labeling, received on February 6, 1997; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WELLSTONE:

S. 292. A bill to amend title XVIII of the Social Security Act to provide for coverage of certain ambulance services; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. BAUCUS):

S. 293. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. LOTT, Mr. THURMOND, Mr. SESSIONS, Mr. HAGEL, Mr. SHELBY, Mr. GRAMM, and Mr. NICKLES):

S. 294. A bill to amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JEFFORDS (for himself, Mr. COATS, Mr. GREGG, Mr. FRIST, Mr. DEWINE, Mr. ENZI, Mr. HUTCHINSON, Ms. COLLINS, Mr. WARNER, Mr. MCCONNELL, Mr. ASHCROFT, Mr. GORTON, Mr. GRASSLEY, Mr. NICKLES, Mr. MACK, and Mr. SHELBY):

S. 295. A bill to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 292. A bill to amend title XVIII of the Social Security Act to provide for coverage of certain ambulance services; to the Committee on Finance.

THE AMBULANCE SERVICES ACT OF 1997

• Mr. WELLSTONE. Mr. President, I am pleased to introduce the Ambulance Services Act of 1997 today to ensure that Medicare beneficiaries are covered for necessary transport for emergency treatment.

I am deeply concerned that Medicare beneficiaries in rural areas have a difficult time gaining access to emergency care, and there are relatively few hospitals in these areas, and patients must often travel a great distance to reach them. The Medicare ambulance transport reimbursement regulations have not kept pace with changes in the health care system that have occurred as a result of efforts to improve care while decreasing the cost of care.

In many locales, clinics and ambulatory surgery centers staffed by physicians have developed the ability to provide routine emergency care. The local physicians are often available at the clinic, which has facilities and capability for emergency treatment. In fact, patients who are transported to the hospital emergency department during the day wait longer to see a physician than those at the clinic, as the physician must travel from the clinic to the hospital in order to see the patient.

It is often necessary for seniors who are experiencing a medical emergency to be transported via an ambulance. Under current regulation, seniors who require ambulance transport to an emergency care facility must be taken to a hospital. Therefore, the senior is left with a difficult choice: be transported to the hospital facility, which may take longer and is likely to involve a longer waiting time for emergency care, or be transported to a local facility that provides emergency care to other citizens, and pay for the ambulance transport out of pocket. Neither of these is an optimal choice.

As the reimbursement policy stands now, patients are required to use a more expensive facility when it may not be necessary. It would seem that allowing reimbursement for transport to nonhospital facilities that provide emergency care could result in fiscal savings in that the cost of ambulance transport combined with a clinic visit bill would be less than that of ambulance transport and a hospital emergency department bill. In addition, it would allow our senior citizens to have a health care benefit that is available to other members of the community.

Concerns that might arise about the medical necessity of transporting certain patients to a hospital emergency department can and should continue to be addressed by local and regional emergency medical service systems, based on levels of care that are available in the area. These systems set standards and protocols for emergency medical service providers and work with the health care community in developing protocols for transport and patient care.

Mr. President, I remain concerned about providing all of our citizens with an adequate level of health care. Our seniors need to be able to avail themselves of expeditious emergency care, without having to worry about how transport for this care will be paid for. The Ambulance Services Act of 1997 will go a long way toward this goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ambulance Services Act of 1997".

SEC. 2. MEDICARE COVERAGE OF CERTAIN AMBULANCE SERVICES.

(a) COVERAGE.—Section 1861(s)(7) of the Social Security Act (42 U.S.C. 1395x(s)(7)) is amended by striking "regulations;" and inserting "regulations, except that such regulations shall not fail to treat ambulance services as medical and other health services solely because, in the case of an emergency, the individual is transported to a clinic or to an ambulatory surgical center;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services provided on or after the date of enactment of this Act.•

By Mr. HATCH (for himself and Mr. BAUCUS):

S. 293. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions; to the Committee on Finance.

THE ORPHAN DRUG ACT OF 1997

Mr. HATCH. Mr. President, today I am introducing the Orphan Drug Act of 1997, legislation to extend permanently the orphan drug tax credit. I am pleased that my good friend and colleague from Montana, Senator BAUCUS, is joining me. Similar legislation was introduced in the House last year by Representatives NANCY JOHNSON and ROBERT MATSUI. I am confident that they will once again introduce legislation this year to make the credit permanent.

Mr. President, this credit encourages private firms to develop treatments for rare diseases. As many of my colleagues know, we extended this medical research tax credit last year, but, it will expire on May 31 of this year.

Since the 1983 enactment of the orphan drug tax credit we have seen very encouraging progress in developing new drugs to alleviate suffering from a number of so-called orphan diseases, those diseases that afflict a relatively small number of people. Because the process of research, development, and approval for new pharmaceuticals is so costly_running into hundreds of millions of dollars_the small market for a drug discourages drug companies from undertaking it.

Mr. President, the incentive provided by this credit gives hope to individuals who suffer from such rare but devastating conditions as Tourette's syndrome. Huntington's disease, and neuro- fibromatosis, to name a few. Many drugs designated as orphan drugs have a much small potential market than even the 200,000 patients referred to in the definition in this credit_sometimes they are for conditions that affect as few as 1,000 persons in the United States. This means that without some incentive there is simply no possibility for a firm to profit from its decisions to develop drugs that treat these diseases.

Fortunately, the orphan perception has been changing over the years that this research credit has been in effect. In fact, Mr. President, pharmaceutical companies have made great strides in discovering treatments for these orphan diseases. While only seven orphan drugs were approved by the FDA in the decade before the credit's initial passage, over 100 have been approved since and approximately 600 are now in development.

Last year, I mentioned the first-ever treatment for Gaucher disease, a debilitating and sometimes fatal genetic disorder. This disease afflicts fewer than 5,000 people worldwide, yet the company who discovered the treatment expended its time and money to search for a treatment precisely because of the orphan drug credit's incentives. There are other examples as well.

Mr. President, this credit's effectiveness has been tested for the past 14 years, and it has passed with flying colors. Few provisions of the tax code can claim to have clearly reduced human suffering and to have expanded our store of medical knowledge. This credit has done both.

By helping small, entrepreneurial firms to take advantage of the orphan drug credit, we can make it even more effective. Before last year, the tax credit only served as an incentive for companies that earn a current-year-profit. If the credit could not be used immediately, it was lost forever. For large, profitable drug companies, this was rarely a problem.

However, for many small, start-up pharmaceutical companies, this current-year restriction made the credit of little or no use. These firms typically lose money in the early years since they put all available funding into research. They only expect to see profits many years into the future.

In order to improve the credit's usefulness, we modified the credit in legislation last year to allow firms to carry the credit back 3 years and carry it forward 15 years. This will give small, growing companies an incentive to find ways to treat these rare diseases that cause so many to suffer. I have been impressed by the strides being made in the biomedical field, including growing firms in my home State of Utah.

In the course of research, scientists often stumble upon treatments that could, if developed, improve the lives of victims of rare diseases. However, because of the high cost of drug experiments and the enormous expense involved in gaining FDA approval, many researchers reluctantly set these promising drug innovations aside. Mr. President, this should not happen, not when so many are suffering from these rare diseases, and we have an effective credit available that has proven its benefits.

The following national groups officially endorse the Orphan Drug Act of 1997: National Organization for Rare Disorders [NORD], National Multiple Sclerosis Society, Tourette Syndrome Association, United Parkinson Foundation, American Autoimmune Related Disease Association, Leukemia Society of American, Cystinosis Foundation, New England Biomedical Research Coalition, Biotechnology Industry Organization, and the Epilepsy Foundation.

I urge my Senate colleagues to join us in sponsoring this bipartisan legislation. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR CERTAIN CLINICAL TESTING EXPENSES MADE PERMANENT.

(a) IN GENERAL.—Section 45C of the Internal Revenue Code of 1986 (relating to clinical testing expenses for certain drugs for rare diseases or conditions) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after May 31, 1997.

By Mrs. HUTCHISON (for herself, Mr. LOTT, Mr. THURMOND, Mr. HAGEL, Mr. NICKLES, Mr. SHELBY, Mr. GRAMM, and Mr. SESSIONS):

S. 294. A bill to amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

THE OFFICER BRIAN GIBSON DISTRICT OF COLUMBIA POLICE PROTECTION ACT

Mrs. HUTCHISON. Madam President, I appreciate this opportunity. I came to the floor because I want to introduce a bill today that I think is very important. It is the Officer Brian Gibson District of Columbia Police Protection Act. I send this bill to the desk and ask for its appropriate referral.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mrs. HUTCHISON. Thank you, Madam President. I am introducing this bill today on behalf of myself, Senator LOTT, Senator THURMOND and Senator SESSIONS, because today we are laying to rest a person who has given his life for the public protection, Officer Gibson, in the District of Columbia, who was brutally murdered in his squad car. A person went up to his car, stuck a gun in his face and shot it.

If we cannot protect that man and make sure that he has every possible ounce of support that we can give to protect him, then I do not know what we can do to help the crime rate in the District.

I hope very much that the Mayor of the District and Congresswoman NORTON will be helpful on this. I have not yet been able to talk to them though I have put in a call. But the bottom line is we are trying to make the Capital City good for the people who live here but also good for any American or any foreign visitor, so they can come and see the most beautiful symbol of America possible. And that is not the case today.

So we are asking for the death penalty for the murder of a police officer in the District of Columbia, the same protection that a member of the Capitol Police now has and that police in 38 States now have. I think this is one way to say that if you are going to commit a heinous crime like this, you are going to face the ultimate of penalties.

I want Officer Gibson and his family to know that we appreciate that he gave his life in the line of duty. I want them to know that in the future, in his memory, we are going to not only give the highest penalty to someone who would kill one of his comrades, but we will also give restitution to the family that is suffering from the loss of their breadwinner, their father, their husband.

So I will introduce this bill today. I hope that we can get immediate action on it because it is time for us to say that the District of Columbia is going to be the model Capital City. I know all of us, on a bipartisan basis, want to make that happen. We want to come together to make this city work. After all, it is the beacon to the world for what is good about America. It is time that the Capital City met that test.

So in memory of Officer Gibson, I hope we will pass this bill. I hope we will do everything possible to get the crime rate in our Capital City down so that visitors from all over America will want to come and see this beautiful city that is our Capital.

By Mr. JEFFORDS (for himself, Mr. COATS, Mr. GREGG, Mr. FRIST, Mr. DEWINE, Mr. ENZI, Mr. HUTCHINSON, Ms. COLLINS, Mr. WARNER, Mr. MCCONNELL, Mr. ASHCROFT, Mr. GORTON, Mr. GRASSLEY, Mr. NICKLES, Mr. MACK, and Mr. SHELBY):

S. 295. A bill to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes; to the Committee on Labor and Human Resources.

THE TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1997

Mr. JEFFORDS. Mr. President, today I am introducing, together with a number of my colleagues, the Teamwork for Employees and Managers Act of 1997. This bill is identical to the TEAM Act approved by the Senate last year.

This bill responds to a series of decisions by the National Labor Relations Board which have cast doubt on the legality of many forms of workplace cooperation. Specifically, the Board held in the Electromation case that certain employer-employee committees violated the National Labor Relations Act's prohibition against employer-assisted labor organizations.

This ruling has had a chilling effect on some 30,000 companies that have employee involvement programs. The TEAM Act amends Federal labor law to allow voluntary workplace cooperation to continue. The legislation allows employers and employees to meet together to address issues of mutual interest, including issues related to quality, productivity, and efficiency as long as the committees or other joint programs do not engage in collective bargaining.

This last point is important. The bill does not allow employers to establish company unions or sham unions that undermined independent collective bargaining back in the 1930's. Under the TEAM Act, workers retain the right, as well they should, to choose an independent union to engage in collective bargaining.

More importantly, the TEAM Act gives workers the opportunity for greater input and involvement in the workplace. Not only does this allow workers to improve and expand their skills, but workplace cooperation also increases our productivity and competitive edge in the global marketplace.

This bill received bipartisan support in the last Congress, and I am confident it will again this year. This bill is not about labor versus management. It's about clarifying the law so that workers and management can work together to their mutual benefit and to the benefit of our economy as a whole. I look forward to working with Members on both sides of the aisle so that the TEAM Act becomes law in the very near future.

Mr. ASHCROFT. Mr. President, today I rise in support of my colleague from Vermont in his introduction of the Team Work for Employees And Management Act. I thank the Senator from Vermont for his leadership in helping American workers develop the capacity to be competitive, to be productive, and to maintain our standard of excellence throughout the world. The Team Act, which passed both the Senate and the House during the 104th Congress, but was vetoed by President Clinton, is vital to the survivability and strength of our Nation's economy.

Our Nation's strength is a result of recognizing the importance of the human resource in the equation. You simply cannot be competitive without tapping every part of the resource that you have. When we think of the NCAA basketball tournament next month, it is unthinkable that we would send teams into competition and forbid the coaches to talk to the players. What nonsense that would be.

It is fundamental recognition of the fact that the people on the court will have a different perspective than the people off the court. The people on the field will have an awareness of how things are going that is special, different, unique, and of value.

The same is true in industry. No matter how hard a compassionate manager tried to observe the process from outside, no matter how well the engineer from the design room tries to structure the environment for productivity, the person who actually is on the floor is going to have the ability to say, "This doesn't work here. It may look good in theory, but it doesn't work in practice."

I think that is what the TEAM Act is all about. It is about understanding and recognizing the tremendous resource that workers are, that they can be to the competitive position of this country by outproducing, outworking, outthinking, outsmarting, and out- cooperating workers anyplace else in the world.

Most Americans would believe, and it is because we are commonsense people, that it is OK for employees and employers to talk. If you would have listened to the debate in this Chamber, you would have heard from those on the other side of the aisle, "Why, it's all right, it's all OK, it's perfectly legal right now. We don't need this."

When opponents of the TEAM Act say it is perfectly legal now, we do not need this law, it confounds me. Let me read from a list of things that have been ruled inappropriate for nonunion employers to talk to their nonunion employees on, so the American people have an understanding of what the law is and whether it needs to be changed.

If you discuss the extension of the employees' lunch breaks by 15 minutes, that is illegal, from the case of Sertafilm and Atlas Microfilming; the length of the workday, to discuss how long each workday is going to be, that is illegal, from Weston & Booker Co. A decrease in rest breaks from 15 to 10 minutes, that is illegal to talk about with workers. What paid holidays you have_the Singer Manufacturing case held that was illegal to talk about. The extension of store hours during wheat harvest season_the Dillon's company case said you cannot talk with workers about that to get their input.

Workers know what kind of break they need. Workers know what kind of workday they would like to work. I know of one plant in my home State where workers decided they wanted to work 4 days of 10 hours a day instead of 5 days of 8 hours a day and have 3-day weekends every week. Why would Government stand between workers and manufacturers, between managers and employees or their associates to say you cannot discuss those things, and yet that is what the law is for 8 out of 9 American workers, because 8 out of 9 American workers are nonunion workers.

The National Labor Relations Act governs election of unions and collective bargaining. Section 8(a)(2) was passed in 1935 to prohibit the establishment of sham company unions, a tactic commonly used by employers to defeat union organizing. These organizations pretended to engage in collective bargaining, but followed management's dictates and typically were run by officers handpicked by management. Companies then pretended to enter into collective-bargaining agreements with these sham organizations so that when a union attempted to organize the workers, the companies could hide behind the exclusive representation and contract bar tenets of the law.

Vigorous enforcement of section 8(a)(2) resulted in the demise of the company unions by the early 1950's. While sham unions should continue to be prohibited under our labor laws—and would remain so under the TEAM Act—the broad prohibition that remains in effect today prevents the types of legitimate cooperative working relationships that encourage worker participation and decisionmaking.

Let me give you an example. When I was Governor of the State of Missouri, I had the opportunity to work with companies. Like I do today, I would go and work on the assembly line. I would go and work with people to learn about their jobs and talk to them about their concerns.

One of the companies that was hauled into the justice system of the Labor Department for cooperating with its employees was a company called EFCO Corp. It was a small company in Missouri, having approximately 60 jobs. Now it has over 1,000 jobs. Much of its capacity was to increase its on-time deliveries, which went from the low seventies up into the high nineties, and which allowed workers to start working 4 days a week instead of 5 days a week, get their 40 hours in 4 days and have long weekends, spend more time with their kids, accommodate the demands of their families. It all came from these programs.

What was most distressing was that when EFCO wanted to be involved, it was said to have dominated its discussion groups or teams because they provided employees with pencils and pens and allowed them to have access to the financial records of the company. That was what the NLRB said was a violation.,

You would say this company is bending over backward. It opens up the books to the workers and says: How can we do better for and how can we, as a team, do better, how can we as a company have the kind of performance and productivity that will recommend us to the world? And indeed they are now a world-class company. But because they provided the pens and pencils and they allowed the workers to have access to the company's financial records, the NLRB filed charges against the company. This is not the kind of thing that recommends America for leadership. It is the kind of thing that takes correction.

Opponents say if you talk about those things, the workers will think you have union when you don't. It will be a sham union. Frankly, I do not underestimate the American worker that severely.

Over the Christmas break I went to and worked in about five or six places in Missouri, actually on the job side-by-side with people. I never met a single worker who did not know whether he or she was in a union. They know. Workers know whether union dues are being deducted. The know whether they are in a separate organization. It is not hard. This is not above the capacity of the American worker. The idea somehow that if we allow managers to talk to employees, employees will be tricked into thinking they have a union when they do not have a union is ludicrous. It underestimates the intelligence of the American work force.

A second objective from the other side is, "Well, maybe if we allow people to talk, they will be just talking to certain employees who only have limited views, and they will not reflect the views of employees generally." There is a safeguard. If there is an unfair system established where workers and employers are communicating with each other and it is working against the interests of the workers, it is easy. Workers have every right to unionize. They can form a labor union. They can petition for a labor union. They can ask that unions come in if they think it is unfair.

There is a structural guarantee of competition. If nonunion systems are not working well for employees, if these things are likely to be so distorted or so unfair, nothing in this law, nothing in this proposal, in any way derogates, undermines, erodes, or otherwise lessens the right of a worker to petition for an election to organize or unionize a plant.

There are about 30,000 employers that would like to have such employee-involvement programs. Why is it they would like to have such programs? Because they have seen that when we work together we succeed. Strange to me, that is basically a quote from President Clinton's 1996 State of the Union Address. He said, and I agree, "When companies and workers work as a team, they do better, and so does America."

The real truth of the matter is understood in the hearts and minds of everyone who has every worked on a team, knowing that when you work together, you do better than when you work at odds with each other.

The ability of union workers to collaborate with employers is well ensconced. It is fought for by the unions and protected by the employers, recognized as a great benefit. But why should we limit that great benefit to 11 or 12 percent of our society, to the 1 out of 9 workers in America that are in unions? Why not extend this benefit to all workers in America saying that it is entirely appropriate for nonunion workers, as well as union workers, to be involved in collaborating and cooperating, in providing their good judgment of how best to improve the situation for workers and to improve the productivity and profitability of the business?

No. I do not think we would send our teams to the NCAA tournament forbidding the players to talk to the coaches. We have too much sense to do that. No, I do not think that union companies are going to stop having team discussions between employees and the company owners and managers. They have too much sense to do that. And, no, I do not think that this Government should stand between the owners of corporations and their managers and the employees who work hard and want to succeed and want to be productive and keep them from talking to each other, because I believe the American people have too much sense to do that.

I urge my colleagues to extend this benefit which now inures to the benefit of 1 out of 9 workers in America to the rest of the working population. Let us give everyone an opportunity to contribute to a winning effort, to succeed. That will maintain America's position as the most productive and most profitable and most rewarding place, not just for companies, but for citizens, not just for institutions, but for individuals. It is, in fact, a reason that America continues to draw people from around the globe. It is the fact that we have recognized the worth and value of individuals. And for us to deny their value in a commercial setting would be a substantial error which we must not make.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. DASCHLE, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 13, a bill to provide access to health insurance coverage for uninsured children and pregnant women.

S. 20

At the request of Mr. DASCHLE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 20, a bill to amend the Internal Revenue Code of 1986 to increase the rate and spread the benefits of economic growth, and for other purposes.

S. 61

At the request of Mr. LOTT, the names of the Senator from Minnesota [Mr. WELLSTONE], the Senator from California [Mrs. FEINSTEIN], the Senator from New Hampshire [Mr. GREGG], and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the U.S. merchant marine during World War II.

S. 104

At the request of Mr. MURKOWSKI, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 104, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 124

At the request of Mr. GRAMM, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 124, a bill to invest in the future of the United States by doubling the amount authorized for basic science and medical research.

S. 139

At the request of Mr. FAIRCLOTH, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 139, a bill to amend titles II and XVIII of the Social Security Act to prohibit the use of social security and medicare trust funds for certain expenditures relating to union representatives at the Social Security Administration and the Department of Health and Human Services.

S. 183

At the request of Mr. DODD, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 183, a bill to amend the Family and Medical Leave Act of 1993 to apply the act to a greater percentage of the U.S. workforce, and for other purposes.

S. 207

At the request of Mr. MCCAIN, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 207, a bill to review, reform, and terminate unnecessary and inequitable Federal subsidies.

S. 219

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 219, a bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States.

S. 220

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 220, a bill to require the U.S. Trade Representative to determine whether the European Union has failed to implement satisfactorily its obligations under certain trade agreements relating to U.S. meat and pork exporting facilities, and for other purposes.

S. 228

At the request of Mr. MCCAIN, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 228, a bill to amend title 31, United States Code, to provide for continuing appropriations in the absence of regular appropriations.

S. 239

At the request of Mr. DASCHLE, the names of the Senator from Virginia [Mr. ROBB], the Senator from Montana [Mr. BURNS], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Kansas [Mr. ROBERTS] were added as cosponsors of S. 239, a bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions.

S. 246

At the request of Mr. GREGG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 246, a bill to amend title XVIII of the Social Security Act to provide greater flexibility and choice under the medicare program.

S. 261

At the request of Mr. DOMENICI, the names of the Senator from Nebraska [Mr. HAGEL] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 261, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 263, A bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 269

At the request of Mr. ABRAHAM, the names of the Senator from Nebraska [Mr. HAGEL] and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 269, a bill to provide that the Secretary of the Senate and the Clerk of the House of Representatives shall include an estimate of Federal retirement benefits for each Member of Congress in their semiannual reports, and for other purposes.

AMENDMENTS SUBMITTED

THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

WELLSTONE AMENDMENT NO. 3

Mr. WELLSTONE proposed an amendment to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget; as follows:

Redesignate section 8 as section 9 and after section 7 add the following:

"SECTION 8. It is the policy of the United States that, in achieving a balanced budget, Federal outlays must not be reduced in a manner that disproportionately affects outlays for education, nutrition, and health programs for poor children."

NOTICES OF HEARINGS

SUBCOMMITTEE ON EMPLOYMENT AND TRAINING

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Employment and Training, Senate Committee on Labor and Human Resources, will be held on Thursday, February 13, 1997, 2 p.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is S. 4, the Family Friendly Workplace Act. For further information, please call the committee, 202/224–5375.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing on February 26, 1997, entitled "The President's Fiscal Year 1998 Budget Request for the United States Small Business Administration." The hearing will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Louis Taylor at 224–5175.

ADDITIONAL STATEMENTS

RULES OF PROCEDURE OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

• Mr. THOMPSON. Mr. President, I herewith submit a copy of Rules of Procedure adopted by the Committee on Governmental Affairs pursuant to rule XXVI, section 2, Standing Rules of the Senate, and ask that they be printed in the RECORD at this point.

The Rules of Procedure follow:

RULES OF PROCEDURE OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

(PURSUANT TO RULE XXVI, SEC. 2, STANDING RULES OF THE SENATE)

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. Meeting dates. The Committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. Calling special Committee meetings. If at least three members of the Committee desire the chairman to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the chairman. Immediately thereafter, the clerk of the Committee shall notify the chairman of such request. If, within three calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the Committee members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee clerk shall notify all Committee members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. Meeting notices and agenda. Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee members at least three days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. In the event that unforeseen requirements or Committee business prevent a three-day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to members or appropriate staff assistants in their offices.

D. Open business meetings. Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee or Subcommittee; provided, further, that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec.5(d), Standing Rules of the Senate.)

E. Prior notice of first degree amendments. It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, at least 24 hours before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. This subsection may be waived by a majority of the members present. This subsection shall apply only when at least 72 hours written notice of a session to mark-up a measure is provided to the Committee or Subcommittee.

F. Meeting transcript. The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee members vote to forgo such a record. (Rule XXVI, Sec.5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. Reporting measures and matters. A majority of the members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec.7(a)(1), Standing Rules of the Senate.)

B. Transaction of routine business. Five members of the Committee shall constitute a quorum for the transaction of routine business, provided that one member of the minority is present.

For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec.7(a)(1), Standing Rules of the Senate.)

C. Taking testimony. One member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule

XXVI, Sec.7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. Subcommittee quorums. Subject to the provisions of sections 7(a) (1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. Quorum required. Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. Reporting measures and matters. No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a) (1) and (3), Standing Rules of the Senate.)

C. Proxy voting. Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittee thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question. Proxy voting shall be allowed only if the absent Committee or Subcommittee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the member establishes his vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. Announcement of vote. (1) Whenever the Committee by rollcall vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by rollcall vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a rollcall vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

E. Polling. (1) The Committee, or any Subcommittee thereof, may poll (a) internal Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the chairman, or a Committee member or staff officer designated by him, may undertake any poll of the members of the Committee. If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The chairman shall preside at all Committee meetings and hearings except that he shall designate a temporary chairman to act in his place if he is unable to be present at a scheduled meeting or hearing. If the chairman (or his designee) is absent ten minutes after the scheduled time set for a meeting or hearing, the ranking majority member present shall preside until the chairman's arrival. If there is no member of the majority present, the ranking minority member present, with the prior approval of the chairman, may open and conduct the meeting or hearing until such time as a member of the majority arrives.

RULE 5. HEARINGS AND HEARINGS PROCEDURES

A. Announcement of hearings. The Committee, or any Subcommittee thereof, shall make public announcement of the date, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. Open hearings. Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the chairman to enforce order on his own initiative and without any point of order being made by a member of the Committee or Subcommittee; provided, further, that when the chairman finds it necessary to maintain order, he shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec.5(d), Standing Rules of the Senate.)

C. Full Committee subpoenas. The chairman, with the approval of the ranking minority member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing or deposition, provided that the chairman may subpoena attendance or production without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this subsection, the subpoena may be authorized by vote of the members of the Committee. When the Committee or chairman authorizes subpoenas, subpoenas may be issued upon the signature of the chairman or any other member of the Committee designated by the chairman.

D. Witness counsel. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while he or she is testifying, of his or her legal rights; provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Committee chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

E. Witness transcripts. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the chairman or a staff officer designated by him shall rule on such requests.

F. Impugned persons. Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. Radio, television, and photography. The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec.5(c), Standing Rules of the Senate.)

H. Advance statements of witnesses. A witness appearing before the Committee, or any Subcommittee thereof, shall provide 100 copies of a written statement and an executive summary or synopsis of his proposed testimony at least 48 hours prior to his appearance. This requirement may be waived by the chairman and the ranking minority member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec.4(b), Standing Rules of the Senate.)

I. Minority witnesses. In any hearings conducted by the Committee, or any Subcommittee thereof, the minority members of the Committee or Subcommittee shall be entitled, upon request to the chairman by a majority of the minority members, to call witnesses of their selection during at least one day of such hearings. (Rule XXVI, Sec.4(d), Standing Rules of the Senate.)

J. Full Committee depositions. Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the chairman, with the approval of the ranking minority member of the Committee, provided that the chairman may initiate depositions without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a deposition notice is disapproved by the ranking minority member as provided in this subsection, the deposition notice may be authorized by a vote of the members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee member or members or staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee member or members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee member or members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. The chairman or a staff officer designated by him may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. Timely filing. When the Committee has ordered a measure or matter reported, following final action the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec.10(b), Standing Rules of the Senate.)

B. Supplemental, minority, and additional views. A member of the Committee who gives notice of his intention to file supplemental, minority or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. Notice by Subcommittee chairmen. The chairman of each Subcommittee shall notify the chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. Draft reports of Subcommittees. All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. Impact statements in reports. All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next five years thereafter (or for the authorized duration of the proposed legislation, if less than five years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec.11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec.11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. Regularly established Subcommittees. The Committee shall have three regularly established Subcommittees. The Subcommittees are as follows:

Permanent Subcommittee on Investigations.

Oversight of Government Management, Restructuring and the District of Columbia.

International Security, Proliferation and Federal Services.

B. Ad hoc Subcommittees. Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc Subcommittees as he deems necessary to expedite Committee business.

C. Subcommittee membership. Following consultation with the majority members, and the ranking minority member of the Committee, the chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

D. Subcommittee meetings and hearings. Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. Subcommittee subpoenas. Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; provided, however, that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the chairman and ranking minority member of the Committee, or staff officers designated by them, by the Subcommittee chairman or a staff officer designated by him immediately upon such authorization, and no subpoena shall issue for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the chairman and ranking minority member waive the 48 hour waiting period or unless the Subcommittee chairman certifies in writing to the chairman and ranking minority member that, in his opinion, it is necessary to issue a subpoena immediately.

F. Subcommittee budgets. Each Subcommittee of this Committee, which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, not later than January 10 of the first year of each new Congress, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the two following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. *Standards*. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. *Information Concerning the Nominee*. Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office.

At the request of the chairman or the ranking minority member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor.

Information received pursuant to this subsection shall be made available for public inspection; *provided, however*, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. *Procedures for Committee inquiry*. The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the three years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated.

For the purpose of assisting the Committee in the conduct of this inquiry, a majority investigator or investigators shall be designated by the chairman and a minority investigator or investigators shall be designated by the ranking minority member. The chairman, ranking minority member, other members of the Committee and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the chairman, the ranking minority member, or other members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the General Accounting Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. *Report on the Nominee*. After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made by the designated investigators to the chairman and the ranking minority member and, upon request, to any other member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and identify any unresolved or questionable matters that have been raised during the course of the inquiry.

E. *Hearings*. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least 72 hours after the following events have occurred: the nominee has responded to prehearing questions submitted by the Committee; and the report required by subsection (D) has been made to the chairman and ranking minority member, and is available to other members of the Committee, upon request.

F. *Action on confirmation*. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. *Application*. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the chairman and ranking minority member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104–1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.•

BERNICE SCOTT: CHAMPION OF THE PEOPLE

• Mr. HOLLINGS. Mr. President, Bernice Scott, of the Richland County Council, is a philanthropist in the truest sense of the word.

Bernice is generous with heart, time, talent, and money and employs these resources on behalf of the community and in particular for those less fortunate. Her largess is well known and more than one child remembers her for the gift of shoes or school supplies that made it possible to attend school. Each winter she hosts a dinner for senior citizens in need and every spring, in her mother's memory, she throws a banquet for the entire community.

Bernice's efforts on behalf of individuals and the community at large is legendary. Always one to go the extra mile, Bernice has driven to Washington and slept in her car in the battle for a sewer for a small community. She has led countless countywide efforts to improve roads, storm water drainage, sewer, and water conditions. Her constituents have full faith in her ability to make things happen. Whether saving the Lower Richland Rural Health Center, improving recreation facilities for children, or turning out the vote with her "Wrecking Crew", Bernice Scott is always sure to be in the thick of things.

Bernice grew up the 7th of 11 children on a family farm. She is married to Deacon Thomas Gilmore and is the mother of two children and three grandchildren. First elected to county council in September 1988, Bernice Scott is the first African-American to chair Richland County Council. In addition to her duties on county council, she has held the positions of assistant to the court administrator, county ombudsman, records clerk in the county treasurer's office, tax collector and assistant to the clerk of council for Richland County. She is a member and a deaconess of Mount Nebo Baptist Church in Gasden, SC.

A short list of her civic activities include: member of the Central Midlands Regional Planning Council, the HOME Committee, vice-chair of the Transportation Committee, member of the Richland County Administration and Finance Committee, member of the Soil and Water Conservation Board, and chairperson of the board of directors for Richland Community Health Care Association.

Bernice Scott is the embodiment of public service at its very best.●

BEAR PROTECTION ACT

● Mr. McCONNELL. Mr. President, on February 5, I introduced the Bear Protection Act, S. 263. This measure is aimed at controlling poaching of bears such as the American black bear which is found in Kentucky. It addresses several enforcement and jurisdictional loopholes that are caused by a patchwork of State laws. The current inconsistencies enable a wildly profitable underground black market for bear parts to flourish in the United States.

Mr. President, my bill would in no way affect legal hunting of bears. Hunters would still be allowed to keep trophies and furs of bears killed during legal hunts. This measure would only prohibit the sale or barter of the internal organs of the bear which are referred to as bear viscera.

This bill is made necessary because of the booming illegal trade in bear viscera. At least 18 Asian countries are known to participate in the illegal trade in bear parts. Bear viscera are also illegally sold and traded in large urban areas in the United States such as San Francisco, Seattle, Portland, and New York City. These cities serve as primary ports for export shipments of these goods.

Bear parts, such as gall bladders, are used in traditional Asian medicine to treat everything from diabetes to heart disease. Due to the increasing demand for bear viscera, the population of Asian black bears has been totally annihilated over the last few years. This has led poachers to turn to American bears to fill the increasing demand. I, for one, will not stand by and allow our own bear populations to be decimated by poachers.

Mr. President, it is estimated that Kentucky has only 50 to 100 black bears remaining in the wild. Black bears once roamed free across the Appalachian Mountains, through the rolling hills of the bluegrass, all the way to the Mississippi River. Although we cannot restore the numbers we once had, we can ensure that the remaining bears are not sold for profit to the highest bidder.

Poaching has become an astoundingly profitable enterprise. It is estimated that over 40,000 bears are poached in the United States every year. That equals the number that are taken by legal hunting.

Mr. President, the main reason behind these astounding numbers is greed. In South Korea, bear gall bladders are worth their weight in gold, and an average bear gall bladder can bring as high as $10,000 on the black market.

Currently, U.S. law enforcement officials have little power to address the poaching of bears and the sale of their parts in an effective manner. The United States Fish and Wildlife Service has neither the manpower nor the budget to test all bear parts sold legally in the United States. Without extensive testing, law enforcement officials cannot determine if gall bladders or other parts have come from threatened or endangered species. This problem perpetuates the poaching of endangered or threatened bears.

The Lacey Act currently regulates the interstate commerce of wildlife possessed or transported in violation of State law. Inconsistencies in State law, however, make convictions under this statute difficult. Under the current legal situation, it is impossible to determine whether a gall bladder being sold in Idaho comes from a legally taken local bear or an endangered Louisiana black bear without expensive testing. U.S. Fish and Wildlife Special Agent Corky Roberts illustrates this point in a recent Humane Society publication,

> If somebody kills a bear in the state of Washington all they have to do is get it to Idaho. Technically * * *, it's against the law but all it does is make it more difficult to prove that the bear was taken in Washington and traded illegally in interstate commerce. That's where the Lacey Act has problems.

The Bear Protection Act will establish national guidelines for trade in bear parts, but it will not weaken any existing State laws that have been instituted to deal with this issue. My bill will also instruct the Secretary of the Interior and the U.S. Trade Representative to establish a dialog with the appropriate countries to coordinate efforts aimed at curtailing the international bear trade.

Mr. President, this measure is crafted narrowly enough to deal with the poaching of the American black bear for profit, while still ensuring the rights of American sportsmen. I urge my colleagues to join me in support of this much-needed legislation. Mr. President, I ask that the full text of the bill be printed in the CONGRESSIONAL RECORD.

The text of the bill follows:

S. 263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bear Protection Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) there are 8 extant species of bear: Asian black bear, brown bear, polar bear, American black bear, spectacled bear, giant panda, sun bear, and sloth bear;

(2) the Asian black bear populations have been decimated in recent years by illegal trade to supply the growing demand for medicines and cosmetics containing valuable bear viscera;

(3) without immediate action to end United States involvement in the lucrative black market trade in bear viscera, American bear populations may suffer the same devastating losses as Asian bear populations;

(4) increasingly, undercover operations have discovered that poachers are establishing extensive smuggling networks to illegally commercialize American bears;

(5) because it is practically impossible to distinguish the viscera of CITES Appendix I bears from the viscera of other bear species, there is an urgent need to eliminate the trade in the viscera of all bear species;

(6) as a party to CITES, a world leader in wildlife conservation, and a larger market for and supplier of bear viscera and products, the United States shares responsibility for supporting and implementing measures to stop the illegal trade in CITES Appendix I Asian black bears and CITES Appendix II American black bears;

(7) inconsistency in State prohibition of commercialization of bear gall and inadequate Federal regulation of such commercialization make law enforcement difficult; and

(8) individual States, which have the right to set, maintain, and enforce quotas for the legal hunting of black bears, will be assisted in their management efforts by the enactment of a Federal law banning the import of, export of, and interstate commerce in bear viscera.

SEC. 3. PURPOSE.

The purpose of this Act is to ensure the long-term viability of the world's 8 bear species and specifically to perpetuate healthy populations of American bears.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States that effective long-term conservation of the world's bear species, including North American bears, depends in part on the prohibition of the lucrative trade in bear viscera.

SEC. 5. DEFINITIONS.

In this Act:

(1) BEAR VISCERA.—The term "bear viscera" means the body fluids or internal organs (including the gallbladder) of a species of bear.

(2) CITES.—The term "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington on March 3, 1973 (27 UST 1087; TIAS 8249).

(3) OTHER TERMS.—The terms "import", "person", "State", and "transport" have the meanings provided in section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371).

SEC. 6. PROHIBITED ACTS.

A person who—

(1) imports into the United States, or exports from the United States, bear viscera or products that contain or claim to contain bear viscera; or

(2) sells, barters, offers to sell or barter, purchases, possesses with intent to sell or barter, transports, acquires, or receives in interstate or foreign commerce, bear viscera or products that contain or claim to contain bear viscera;

shall be subject to section 7(a).

SEC. 7. PENALTIES AND ENFORCEMENT.

(a) IN GENERAL.—A person who engages in conduct described in section 6 shall be subject to the penalties and sanctions provided in sections 4 and 5 of the Lacey Act Amendments of 1981 (16 U.S.C. 3373 and 3374).

(b) ENFORCEMENT.—

(1) IN GENERAL.—This Act shall be enforced in the manner provided in subsections (a), (b), and (c) of section 6 of the Lacey Act Amendments of 1981 (16 U.S.C. 3375).

(2) USE OF PENALTY AMOUNTS FOR REWARDS AND INCIDENTAL EXPENSES.—Amounts received as penalties, fines, or forfeiture of property under subsection (a) shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).

SEC. 8. DISCUSSIONS CONCERNING TRADE PRACTICES.

(a) IN GENERAL.—The Secretary of the Interior and the United States Trade Representative shall—

(1) discuss issues involving trade in bear viscera with the appropriate representatives of such countries trading with the United States as are determined jointly by the Secretary of the Interior and the Secretary of Commerce to be the leading importers, exporters, or consumers of bear viscera; and

(2) attempt to establish coordinated efforts with the countries to protect bears.

(b) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report describing the progress of efforts to end illegal trade in bear viscera.●

IN APPRECIATION OF PROCTOR JONES

● Mrs. MURRAY. Mr. President, on January 31 Proctor Jones spent his last day of service in the U.S. Senate. I join many of my colleagues in thanking him publicly for his work.

Proctor Jones has been an incredible asset to the Senate and to me. When I became a member of the Appropriations Subcommittee on Energy and Water Development in January, 1992, Proctor became my and my staff's mentor on the workings of this important subcommittee. He led us through the complex and confusing maze of numbers, agencies, and appropriations politics. Proctor was invaluable.

My State of Washington is a major beneficiary of public investments coordinated under the jurisdiction of the Energy and Water Development Subcommittee, such as the Hanford Reservation, the Bonneville Power Administration, and numerous ports and waterways. These entities and projects are sometimes controversial, often complex, and usually expensive. Proctor knew what could be accomplished and what was doomed to failure. He had an answer to every question.

Of course, that ability to divine the realm of the possible was both a source of joy and frustration. When the answer to a request was "yes," I knew my request was a done deal and I could count on the funding or report language. When the answer was "no," convincing Proctor about the error of his views was, shall we say, a daunting task. But he never let me down. If something could not be done the way I had originally envisioned it, he would explain why it would not, and suggest alternative ways to arrive at a similar outcome.

Mr. President, I wish Proctor the best as he starts a new career as a partner with his former boss and one of the most effective Senators I have had the pleasure to serve with, former Senator J. Bennett Johnston. I will sorely miss Proctor's guidance and expertise, but know he is ready for a change and new challenges.

Congratulations, Proctor, on your more than three decades of service to the greatest deliberative body on Earth. And thank you for your guidance to first term Senators like me.●

CONGRESSIONAL PENSION DISCLOSURE ACT

● Mr. HAGEL. Mr. President, today I join as a cosponsor of the Congressional Pension Disclosure Act of 1997. I commend Senator ABRAHAM for his leadership in drafting this important legislation.

This bill will require that detailed information about the pension of every Member of Congress be published twice a year as a part of a report on Congress that already is required by law. Under our proposal, each report would show how much a Member has contributed to his pension, how much he would receive if he retired, and any other information needed to enable the public to compute the Federal retirement benefits of each Member of Congress.

I strongly support this step because the people have a right to know fully and completely how their Congress works and how the congressional pension system works. There should be nothing hidden here. Nothing should be difficult for the people to determine. No calculations of congressional pensions or other benefits should be murky or confusing.

This bill will shine some sunlight on the congressional pension system. It will be another step toward restoring the confidence and trust of the American people in our National Legislature and in our system of self-government.●

TRIBUTE TO GABRIEL LEWIS GALINDO

● Mr. DODD. Mr. President, I rise today to pay tribute to a true Panamanian statesman, a renowned diplomat, and a good friend of the United States—Gabriel Lewis Galindo.

Gabriel Lewis was considered his nation's leading expert on foreign affairs. And, over the past 20 years he was an influential figure in nearly all the major issues that dominated United States-Panamanian relations.

As Panama's Ambassador to the United States in the late 1970's, he played an integral role in helping to negotiate the Panama Canal treaties, which will transfer control of the waterway to Panama in the year 2000. In the end, Gabriel Lewis's abundant personal charm and charisma were a guiding force behind not only the resolution of those negotiations, but Senate approval of the treaties.

Gabriel Lewis was also a persistent and powerful voice for democracy in Panama. He became an outspoken and forceful opponent of the regime of Gen. Manuel Noriega seeking exile in the United States after being charged with treason in his native country.

Here in the United States, he continued his tireless struggles on behalf of Panamanian democracy, mobilizing support against the Noriega regime and leading efforts to increase United States economic pressure on Panama.

After the overthrow of Noriega, Gabriel Lewis continued his commitment to public service and the Panamanian people by becoming Panama's Foreign Minister in 1994. Almost immediately, he was working to improve United States-Panamanian relations. Soon after taking office, he recommended that the newly elected President of Panama, Ernesto Balladares, take in up to 10,000 Cuban refugees helping to defuse a growing crisis in the Caribbean.

Often in this body we honor great Americans who are a tribute to their community and their Nation. But we must also take the time to pay homage to those, who from abroad, are the embodiment of the values and precepts we hold dear as Americans. Gabriel Lewis Galindo was just such a man and he will be sorely missed both in his native Panama and by those who knew and respected him here in the United States.

My thoughts and prayers go out to his wife Nita, his 6 children, and his 21 grandchildren.●

ESTATE TAX REFORM

● Mr. ABRAHAM. Mr. President, earlier this year, I joined Senator KYL and others in introducing legislation which would eliminate the Federal estate tax. In terms of helping families, encouraging economic growth, and simple tax fairness, eliminating the estate tax is one of the most meaningful steps Congress can take, and I intend to work with Members from both parties to move this legislation through Congress and on to the President's desk.

Mr. President, the estate tax was first instituted in 1916 as a means of raising revenue and redistributing wealth. It has largely failed on both accounts. On the other hand, it has had a severe and adverse impact upon millions of families, it has destroyed innumerable family owned businesses, and it has created perverse incentives that encourage parents to spend their savings now, rather than pass them on to their children later. As the National Commission on Economic Growth noted in its report:

> It makes little sense and is patently unfair to impose extra taxes on people who choose to pass their assets on to their children and grandchildren instead of spending them lavishly on themselves. Families faced with these confiscatory taxes often find themselves forced to sell off farms or businesses, destroying jobs in the process.

I believe the Kemp Commission was exactly right. The estate tax is simply devastating to entrepreneurs and farmers. By forcing the sale of many businesses, the tax causes untold hardship and turmoil in families already dealing with the loss of a loved one. It has been estimated that 70 percent of all businesses never make it past the first generation, while 90 percent do not make it past the second generation. I believe the estate tax is responsible for much of this failure.

Worse, this destruction of businesses and loss of jobs cannot be justified for budget reasons. The estate tax raises little money for the Federal Government. Historically, the estate tax raises less than 2 percent of total Federal revenues. According to many observers, this amount is less than the cost the estate tax imposes to both government and the economy.

In conclusion, Mr. President, let me say that the estate tax is simply unfair. It tells every American that no matter how hard you work or how wisely you manage your affairs, in the end the Federal Government is going to step in and take it away. The estate tax is double and, in some cases triple taxation, it punishes hard work and wealth creation, and it fails to raise the kind of revenue that could possibly justify the damage it causes. It has been destroying businesses and ruining lives for four generations now, and it is my hope we can act in this Congress so it will not afflict yet another generation of Americans.●

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader, pursuant to Public Law 102–138, appoints the Senator from Alaska [Mr. STEVENS] as chairman of the Senate delegation to the British-American Interparliamentary Group during the 105th Congress.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Delaware [Mr. ROTH] as chairman of the Senate delegation to the North Atlantic Assembly during the 105th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the Senator from Alaska [Mr. MURKOWSKI] as chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 105th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Texas [Mrs. HUTCHISON] as chairman of the Senate delegation to the Mexico-United States Interparliamentary Group during the 105th Congress.

AMENDMENT OF THE JOURNAL—INDEFINITE POSTPONEMENT OF H.R. 4278

Mr. NICKLES. Mr. President, I ask unanimous consent that the Journal of the Senate of September 30, 1996 be amended to reflect the indefinite postponement of H.R. 4278.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 24

Mr. NICKLES. I ask unanimous consent that Senate bill 24 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. NICKLES. Mr. President, I ask unanimous consent, notwithstanding the order of the Senate of January 24, 1901, that on Monday, February 24, 1997, immediately following the prayer and the disposition of the Journal, the traditional reading of Washington's Farewell Address take place and that the Chair be authorized to appoint a Senator to perform that task.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, FEBRUARY 11, 1997

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 2:15 p.m. on Tuesday, February 11. I further ask that immediately following the prayer the routine requests through the morning hour be granted and the Senate then proceed to the consideration of Senate Joint Resolution 1, and under a previous consent there will be 1 hour for debate prior to a vote in relation to the Wellstone amendment regarding underprivileged children.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. For the information of all Senators, the Senate will continue the debate on the balanced budget amendment on Tuesday. Under the previous order, the Senate will resume debate on the Wellstone amendment at 2:15 p.m. with a vote occurring on or in relation to that amendment at approximately 3:15 p.m. on Tuesday. Senators, therefore, can expect the next rollcall vote on Tuesday, February 11, at approximately 3:15 p.m.

Also it is my hope we will be able to confirm the nomination of Congressman Richardson to be U.N. Ambassador shortly after the nomination is reported out of the Foreign Relations Committee.

ADJOURNMENT UNTIL 2:15 P.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Tuesday, February 11, 1997, at 2:15 p.m.

EXTENSIONS OF REMARKS

IN SUPPORT OF THE BALANCED BUDGET AMENDMENT

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 10, 1997

Mr. RILEY. Mr. Speaker, I rise today in support of the Balanced Budget Amendment.

For too many years Congress has made broken promises and halfhearted attempts to balance the Federal budget. With a national debt in excess of $5 trillion, we cannot wait another day.

I am committed to enacting a Balanced Budget Amendment for the sake of our children and their future.

My message is simple, the Federal Government must learn to exercise the same fiscal restraints that families and businesses operate under each and every day.

Mr. Speaker, the Balanced Budget Amendment is the only way to guarantee that the Federal deficit will continue on a downward path to zero.

The real victor in the balanced budget debate is the American family. A balanced budget would result in an enormous savings for working Americans.

A balanced budget is not about numbers, its about people and families. Most importantly, its about our moral obligation to stop robbing future generations of the opportunities and prosperity they deserve.

It is irresponsible for us to keep passing our burdens onto our children. The time has come for Congress to represent the will of the people and take responsibility for balancing our Federal budget.

I urge my colleagues to support enactment of the Balanced Budget Amendment.

* * *

THE PRESIDENT IS CORRECT—NOW IS THE TIME TO APPROVE THE CHEMICAL WEAPONS CONVENTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 10, 1997

Mr. LANTOS. Mr. Speaker, for at least two decades, Republican and Democratic administrations have worked to develop an international convention that will ban the production of chemical weapons and establish an international control regime to make it more difficult to produce these horrible weapons of mass destruction.

Shortly after I became the chairman of the Subcommittee on International security, International Organizations and Human Rights of the House Committee on Foreign Affairs in early 1993, President Clinton and Secretary of State Christopher submitted the Chemical Weapons Convention to the Senate for ratification. Since legislation to implement the convention requires the approval of both House of Congress, officials of the administration briefed me and members of my subcommittee on its provisions and the legislation necessary to implement that agreement.

This is truly an agreement with broad bipartisan consensus. International negotiations were begun on this agreement during the Reagan administration. The complex negotiations were continued and then completed during the Bush administration. It was the Clinton administration which conducted the final review of the agreement and then submitted the completed agreement to the Senate for ratification, and completed final drafting of the implementing legislation which it then submitted to the House and Senate for adoption.

Mr. Speaker, the convention and the implementing legislation have been before the Congress now for almost 4 years. The time has come for ratification of the agreement and the adoption of legislation to implement it. It is important, Mr. Speaker, that we move to complete this important international convention. The international agreement and the implementing legislation were worked out with the strong support and in close consultation with chemical manufacturers in the United States. The industry understands that it has a very strong interest in the adoption of the convention and the implementing legislation.

Mr. Speaker, I urge our colleagues in the other body to act responsibly, to move quickly and decisively to ratify this important agreement, and I urge my colleagues in this House to move quickly to adopt the implementing legislation. The requisite number of countries have already ratified the Chemical Weapons Convention—it will go into effect with or without the participation of the United States in April of this years. As President Clinton said in his excellent State of the Union Address earlier this week, it is essential that the United States ratify this agreement before it goes into effect so that we will be full and active participants in establishing the international system that will be responsible for enforcing the convention.

It is unfortunate when politics gets in the way of good policy, and I fear that this may be happening in the other body. There is broad bipartisan support and broad expert agreement upon the merits of this agreement. In this regard, I call to the attention of my colleagues an opinion article on the Chemical Weapons Convention that appeared in the Washington Post, January 6, 1997 by retired Adm. Elmo Zumwalt, Jr., the former Chief of Naval Operations, 1970–74. Mr. Speaker I ask that Admiral Zumwalt's article be placed in the RECORD, and I urge my colleagues to give it careful and thoughtful attention. Admiral Zumwalt, who has always had the security interests of the United States as the highest priority, makes an exceptionally strong case for quick approval of the convention.

[From the Washington Post, Jan. 6, 1997]

A NEEDLESS RISK FOR U.S. TROOPS

(By E.R. Zumwalt, Jr.)

It has been more than 80 years since poison gas was first used in modern warfare—in April 1915 during the first year of World War I. It is long past time to do something about such weapons.

I am not a dove. As a young naval officer in 1945, I supported the use of nuclear weapons against Japan. As chief of naval operations two decades ago, I pressed for substantially higher military spending than the nation's political leadership was willing to grant. After retiring from the Navy, I helped lead the opposition to the SALT II treaty because I was convinced it would give the Soviet Union a strategic advantage.

Now the Senate is considering whether to approve the Chemical Weapons Convention. This is a worldwide treaty, negotiated by the Reagan administration and signed by the Bush administration. It bans the development, production, possession, transfer and use of chemical weapons. Senate opposition to ratification is led by some with whom I often agree. But in this case, I believe they do a grave disservice to America's men and women in uniform.

To a Third World leader indifferent to the health of his own troops and seeking to cause large-scale pain and death for its own sake, chemical weapons have a certain attraction. They don't require the advanced technology needed to build nuclear weapons. Nor do they require the educated populace needed to create a modern conventional military. But they cannot give an inferior force a war-winning capability. In the Persian Gulf war, the threat of our uncompromising retaliation with conventional weapons deterred Saddam Hussein from using his chemical arsenal against us.

Next time, our adversary may be more berserk than Saddam, and deterrence may fail. If that happens, our retaliation will be decisive, devastating—and no help to the young American men and women coming home dead or bearing grievous chemical injuries. What will help is a treaty removing huge quantities of chemical weapons that could otherwise be used against us.

Militarily, this treaty will make us stronger. During the Bush administration, our nation's military and political leadership decided to retire our chemical weapons. This wise move was not made because of treaties. Rather, it was based on the fact that chemical weapons are not useful for us.

Politically and diplomatically, the barriers against their use by a First World country are massive. Militarily, they are risky and unpredictable to use, difficult and dangerous to store. They serve no purpose that can't be met by our overwhelming conventional forces.

So the United States has no deployed chemical weapons today and will have none in the future. But the same is not true of our potential adversaries. More than a score of nations now seeks or possesses chemical weapons. Some are rogue states with which we may some day clash.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This treaty is entirely about eliminating other people's weapons—weapons that may some day be used against Americans. For the American military, U.S. ratification of the Chemical Weapons Convention is high gain and low or no pain. In that light, I find it astonishing that any American opposes ratification.

Opponents argue that the treaty isn't perfect: Verification isn't absolute, forms must be filled out, not every nation will join at first and so forth. This is unpersuasive. Nothing in the real world is perfect. If the U.S. Navy had refused to buy any weapon unless it worked perfectly every time, we would have bought nothing and now would be disarmed. The question is not how this treaty compares with perfection. The question is not how this treaty compares with perfection. The question is how U.S. ratification compares with its absence.

If we refuse to ratify, some governments will use our refusal as an excuse to keep their chemical weapons. Worldwide availability of chemical weapons will be higher, and we will know less about other countries' chemical activities. The diplomatic credibility of our threat of retaliation against anyone who uses chemical weapons on our troops will be undermined by our lack of "clean hands." At the bottom line, our failure to ratify will substantially increase the risk of a chemical attack against American service personnel.

If such attack occurs, the news reports of its victims in our military hospitals will of course produce rapid ratification of the treaty and rapid replacement of senators who enabled the horror by opposing ratification. But for the victims, it will be too late.

Every man and woman who puts on a U.S. military uniform faces possible injury or death in the national interest. They don't complain; risk is part of their job description. But it is also part of the job description of every U.S. senator to see that this risk not be increased unnecessarily.

MAKING PROGRESS ON THE WAR ON DRUGS ABROAD

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 10, 1997

Mr. GILMAN. Mr. Speaker, late last month, the dedicated and courageous Colombian National Police elite antidrug unit DANTI raided a major cocaine processing laboratory in southeast Colombia. They made a startling find on that raid by uncovering a cocaine processing laboratory capable of producing more than 1 ton a day of deadly cocaine. Not many years ago, we used to talk in terms of kilos of cocaine seized, now we are talking in terms of tons per day. The drug threat grows more serious and challenging for all of us, both here and abroad.

Nearly 8 tons of cocaine already processed and ready to be shipped to our streets and communities was also seized that day. The destruction of the lab was a major blow to the drug cartels and their narco guerrilla allies in Colombia. Now, fewer American kids will be exposed to these drugs, due to high prices and less available cocaine from this police action in southeast Colombia last month. We all owe them a debt of gratitude.

On January 31, 1997, the Miami Herald reported the commanding Colombian National Police General's account of this impressive and historymaking major counternarcotics raid that, "Police swooping into the complex aboard six helicopters and an aircraft overheard drug traffickers frantically calling via two-way radios for leftist guerrillas to shoot down the mosquitos."

Those mosquitos the guerrillas wanted shot down were excess U.S. Army Huey helicopters, several of which had recently been delivered by the United States Government to Colombia. The helicopters were provided to the police only after endless prodding and requests by myself and Representative DAN BURTON. We have long been concerned that the administration was neglecting our allies like the DANTI in the war on drugs in Colombia.

I was extremely proud to have one of these helicopters named *Big Ben* by the Colombian police. I am sure Mr. BURTON is also equally as proud of the chopper named *Dangerous Dan* by the Colombian National Police for his efforts in helping the DANTI take the law enforcement fight to the drug traffickers at its very source, before this scourge hits our streets and helps destroy our youth and communities.

These courageous police officers who dealt a severe blow to the drug trade in that raid not long ago in southeast Colombia, and their many other operations and eradication efforts, are constantly under fire from better armed traffickers on these missions. They have lost 3,500 police officers in the last 10 years in our common struggle against drugs and the drug trade.

We must continue our efforts to support these dedicated, courageous police officers with our helicopters, miniguns, spare parts and other necessary equipment to do the job. Together, we must rid both of our nations of those who would traffick in illicit drugs, which poison not only our youth, but our democratic institutions and very way of life.

GUATEMALA PEACE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 10, 1997

Mr. GALLEGLY. Mr. Speaker, today I am introducing legislation which congratulates the government and people of Guatemala for the extraordinary peace accords signed recently between the Government and the Unidad Revolucionaria National Guatemala [URNG].

With the signing of the accords on December 29, 1996, 36 years of civil strife ended and Guatemala embarked on a new era of reconciliation, reconstruction, democratization, and economic development.

The peace process, which culminated in the accords, was a comprehensive effort involving all sectors of the country. The development of the actual agreements took 11 years of tough negotiation and include some far reaching reforms of the political, economic, social, and judicial system in Guatemala.

Lasting peace in Guatemala is not only beneficial to the people of that nation, but it is in the best interest of all of the nations of the hemisphere, including the United States.

My resolution congratulates the government of President Alvaro Arzu for his efforts in negotiating a final end to the hostilities. It recognizes the commitment of the UNRG to end the warfare and to resolve their differences within the political arena. And, it commends all of the people of Guatemala for their strong commitment to democratic principles and social justice for all.

RECOGNIZING HOLMES REGIONAL MEDICAL CENTER AS RECIPIENT OF 1997 NOVA AWARD

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 10, 1997

Mr. WELDON of Florida. Mr. Speaker, I rise today to recognize Holmes Regional Medical Center which recently received the American Hospital Association's prestigious NOVA award on January 27, 1997. Holmes Regional Medical Center is very deserving of this great honor for its strong commitment to providing quality health care to needy residents in Brevard County, FL. Through its HOPE program, Holmes serves the needy in our community whose medical needs might otherwise go untreated. HOPE serves as a model program for hospitals across the United States.

Holmes is one of only five recipients across the United States and the only recipient from the State of Florida that received this year's NOVA award. Those who have dedicated themselves to ensuring HOPE's success deserve this honor for their commitment to increasing community health, expanding services, managing limited resources, and building community trust among the residents of Brevard County, FL.

HOPE's medical expertise and compassionate care are commendable. Their concern for and commitment to the welfare of the most needy in our community is apparent in their focus on health, outreach, prevention, and education. This is especially evident in HOPE's practice of providing free medical treatment to those without health insurance, Medicare, or other health care coverage. In addition to serving more than 5,000 adults a year, HOPE meets the needs of over 500 children on a daily basis. This is highly commendable and should be an example to all.

As a physician who has treated some of these same patient needs in our community, I know HOPE's unique approach in bringing various community agencies together to establish a multi-agency program for children with disabilities has had a powerful impact on our community. The program teaches and encourages intervention, and provides support to parents with children with disabilities by providing them with expert knowledge and services from community specialists. This is just one example of how HOPE is serving our community.

HOPE's commitment to serving and providing quality, low-cost, compassionate care to the needy is inspiring. We, in Brevard County, are grateful for the way in which Holmes Regional Medical Center's HOPE program has served the people of our county. HOPE has brought true hope to many of our friends and neighbors.

COMMEMORATING THE 50TH WEDDING ANNIVERSARY OF MR. AND MRS. ROBERT KELLY

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 10, 1997

Mr. POSHARD. Mr. Speaker, I rise today to honor a truly remarkable accomplishment. On January 29 Robert and Mildred Kelly celebrated their golden wedding anniversary. It is with great respect and admiration that I offer them my congratulations on reaching this glorious milestone.

It seems that Robert and Mildred understand devotion to one another, as well as, to family, friends and community. They are a shining example of all that is good in life. For 55 years, Robert worked as a union carpenter and is highly respected in his field. Mildred, Mimi to those close to her, is truly an angel. One is always delighted to see the two of them on one's doorstep, know that Mimi is delivering one of her special homemade angelfood cakes with her buttercream frosting and other homemade goodies. Their thoughtful acts of kindness are unlimited and they are always at the side of a family member, friend or neighbor in need of assistance.

I recall the day I met these fine folks. I was at a local shopping center where I had just purchased a large item. I was in the parking lot struggling with the item as I was trying to fit it into the trunk of my car. Robert and Mildred noticed my situation and offered to help. Robert and Mildred graciously loaded the item into their trunk and followed me to my home, some 15 miles out of their way. With smiles on their faces they said they were glad to be able to help me out. This gesture of kindness is just one example of what makes this couple so very special.

Mr. Speaker, Robert and Mildred Kelly's dedicated service to each other, to their family, and to their fellow citizens has set a tremendous example for the Nation. I wish them many more happy years of marriage and it is my great pleasure to represent them in the U.S. Congress.

BREAST IMPLANT ACCOUNTABILITY ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 10, 1997

Mr. TRAFICANT. Mr. Speaker, in April 1994, an immense multibillion dollar class action suit was filed against the silicone breast implant manufacturers, possibly the largest in American history. Since the 1980s, about 400,000 cases have been filed in Federal court against 40 makers of breast implants and their components. Thousands of cases have been filed in State courts as well.

A $4.2 billion compensation fund was established by Dow Corning, Baxter Healthcare Corp., Bristol Myers, and several other corporations. The settlement distributes compensation money to several designated funds: A general compensation program, a medical diagnostic fund to pay unreimbursed costs of exams for women with implants, and an explanation fund to cover unreimbursed costs associated with removal of implants. There is also a rupture fund to compensate women whose implants have broken as well as a fund to cover administration and attorney's fees.

At the time the settlement was negotiated, Dow Corning denied rumors of a bankruptcy filing. The women coplaintiffs agreed to bypass the court system and entered into the settlement in good faith, under the impression that Dow Corning would fully honor the agreement. In May 1995, Dow Corning reversed its position and filed bankruptcy under chapter 11 of the U.S. Bankruptcy Code.

Dow Chemical, the parent company of Dow Corning, may be held directly liable for breast implant claims under a recent ruling by a Federal district court. In May 1995, Dow Chemical filed a cross-claim against Dow Corning. One week later Dow Corning—which is 50 percent owned by Dow Chemical and has interlocking boards of directors with Dow Chemical—filed for bankruptcy. Dow Chemical then claimed that, under an April 19, 1995 Supreme Court ruling, all litigation against them should be put on hold because of their cross-claim. I find it hard to believe that Dow Chemical, as the parent company of Dow Corning, was not aware of Dow Corning's pending bankruptcy filing when they filed their cross-claim.

I believe that there is strong evidence that Dow Chemical and Dow Corning colluded to manipulate the legal system to avoid the bulk of their liability in the $4.2 billion settlement. In addition, there is documented evidence that Dow Chemical suppressed information they had in their possession from as early as the 1940's that silicone posed significant health hazards to humans. Despite knowledge of this information, Dow Chemical and its subsidiary, Dow Corning, sold hundreds of thousands of silicone breast implants to women.

On October 10, 1995, the $4.23 billion global breast implant settlement collapsed, closing the door on 440,000 women who desperately need medical treatment. Of those 440,000 women who qualified for funding under the settlement, an estimated 75 percent of the women still have ruptured or leaking implants in their bodies with no financial means to pay for surgical explanation. While a few women will be fortunate enough to win exorbitant law suits, as evidenced by the recent $10 billion Nevada case, this practice will eventually bankrupt the manufacturers, leaving hundreds of thousands of women with no recourse.

As a result, I have introduced H.R. 366, the Breast Implant Accountability Act, to provide a fair solution for all parties involved, and I invite you to join me by cosponsoring the legislation. The Breast Implant Accountability Act does the following:

First, requires silicone breast implant manufacturers to notify breast implant recipients that funds will be provided for the surgical removal of breast implants which were implanted before January 1, 1994. Patient participation is completely voluntary; explanation will be performed only at the request of the individual.

Second, allows the notice recipient to select the physician and hospital or surgery center for the explanation procedure. The provision would prevent manufacturers from forcing women to travel great distances or to one central location for the explanation.

Third, ensures that the explanted breast implants become the property of the individual from which it was removed. The implant shall be given to the individual in an appropriate condition.

Fourth, requires further research on the physiological, neurological, and immunological effects of silicone on the human body. Individuals in the class action suit shall be included in the research, should they volunteer.

Fifth, requires all future implant candidates to be informed of the health risks of implants and to sign a consent form stating that she has read and understands the risks involved.

Sixth, prohibits the donation of blood and organs by individuals with breast implants.

As with any faulty product that threatens the health or safety of consumers, the manufacturer should issue a recall of the product. The fact is, per woman, the cost of explanation provided for under H.R. 366 is generally far less than the settlement award. If you support a fair and equitable solution for your constituents, without bankrupting the manufacturers, I urge you to cosponsor H.R. 366.

MUSIC TO LIVE BY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 6, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Frankie Yankovic, America's Polka King, the Elvis of ethnic musical expression, ambassador of the great American melting pot, prolific composer, band leader, performer, and Clevelander.

Frankie Yankovic was born to Slovene immigrants in 1915. In their hardscrabble working lives, music expressed their hope and joy. Frankie began by playing accompaniment to the boarders in his family home.

He was an obvious talent and was instantly loved by all who heard his music. At age 23, Frankie had his first band and his first hit album. He began a lifetime of touring. Frequently, he made 300 appearances per year. Over the years, his bands have played in every major concert hall in America.

Frankie Yankovic heralded many polka tunes known widely to American listeners. In 1948, Frankie recorded "Just Because" with Columbia records. The tune was a breakthrough release, attracting both a polka and popular music audience. "Just Because" sold 1 million copies. In 1949, Frankie released the "Blue Skirt Waltz," which attained the coveted gold status even more quickly.

Frankie was also a great mentor. He discovered and cultivated the talent of the famous virtuoso, Joey Miskulin.

Frankie received many honors in his lifetime. He was inducted into the International

Polka Association Polka Hall of Fame as well as the Cleveland Style Polka Hall of Fame. In 1986, Frankie received the first Grammy awarded for polka music.

Beyond being the consummate performer, Frankie was also a lifetime union member of Local 4, American Federation of Musicians, and a patriot. Married and the father of two, he nevertheless voluntarily enlisted in the U.S. infantry in World War II and fought at the Battle of the Bulge. There, under extreme weather conditions, Frankie contracted gangrene in his limbs. Against the advice of doctors, Frankie resisted amputation. With a great deal of courage and persistence, Frankie brought his fingers and hands back to life. How fortunate we all are.

I commend Frankie Yankovic for his skill, his energy, and his ability to make people happy through the sounds and rhythms of polka.

A SALUTE TO JAMES W. GALLAGHER

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 10, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to an outstanding American, James W. Gallagher. A resident of Newtown Square, PA, I am proud to call this fine man a resident of the Seventh Congressional District.

A tireless servant of his local community and the entire Nation, Jim served his country as a U.S. marine in World War II. Beyond his military service, Jim continued his service to the public. He has been an active member of the American Legion for over two decades, serving in numerous local and State leadership posts.

And each Christmas, Jim led a local Toys for Tots effort for the Marine Corps. This important program provides both the toys and the means for the area's poor to give their children a more joyous holiday season. For these and other charitable works, Jim is well-known and respected throughout the community.

I rise today to mark a special moment in Jim's life, a passing of the torch, if you will. This past Christmas Day, on the 220th Anniversary of George Washington's crossing of the Delaware River during the American Revolution, Jim portrayed General Washington his 12th and final year in Pennsylvania's annual reenactment of the famous crossing.

More than 9,000 individuals were on hand as Jim surveyed his troops for his final time, reciting "These are the times that try men's souls" from Thomas Paine's "The Crisis," a work credited with boosting the morale and courage of General Washington's small army. And, quite fittingly, Jim delivered Washington's farewell address upon his retirement from the Army, saying to his troops "I now take my leave of you."

Jim will be remembered for years to come for his memorable portrayal of George Washington, not just in the annual reenactment of the Delaware River crossing, but also in parades and even in our Nation's Capitol Building.

But even more importantly, Jim will be remembered for embodying the ideals of George Washington through his dedication and service to the country and the entire community. His work and effort will not be forgotten.

Mr. Speaker, I ask my colleagues to join me in honoring James Gallagher, a true American.

NEW ENGLAND JOURNAL OF MEDICINE SUPPORTS MEDICINAL USE OF MARIJUANA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 10, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, when I came to Congress in the early 1980's, our late colleague Stewart McKinney of Connecticut was the sponsor of a bill to allow doctors to prescribe marijuana for medical purposes when they found this to be in the interest of their patients. When Mr. McKinney tragically died in 1987, depriving this Congress of one of its most valuable Members, the bill lapsed. A few years ago, at the urging of some people interested in this subject, I reintroduced the bill, essentially the legislation which Mr. McKinney had initiated. While no action was taken on that bill in the previous Congress, and while some of the prior cosponsors had in the interim changed their mind on the bill—for example, Mr. GINGRICH of Georgia—I will be reintroducing the bill this year. In the interim, voters in the States of Arizona and California have given their endorsement by solid majorities to this principle. I hope we will in this Congress seriously debate this issue. I have been disappointed by the failure of the Clinton administration to be more forthcoming, but I have been encouraged by the increasing interest in debating this subject seriously among many members in the medical profession.

Recently, one of the leading outlets for informed opinion about medicine, the New England Journal of Medicine, carried an editorial by Dr. Jerome P. Kassirer, editor of the Journal, on this subject. His title—Federal Foolishness and Marijuana—accurately sums up his point of view.

Dr. Kassirer says in this editorial that he believes "that a federal policy that prohibits physicians from alleviating suffering by prescribing marijuana for seriously ill patients is misguided, heavy handed and inhumane." I should note that it is now in direct conflict with the wishes of the people of Arizona and California as expressed in referenda. Indeed, I await the support for my bill that I assume will be forthcoming from my conservative colleagues who are great supporters of States rights, and who in particular believe that when the public has expressed its view in referenda, Federal officials should acknowledge the validity of that point of view.

Mr. Speaker, in the hope that we may again be able to change your mind so that you go back to your position of the 1980's in support of this proposition, and in the interest of furthering debate on this matter, I ask that the thoughtful editorial by Dr. Kassirer be printed here.

[From the New England Journal of Medicine Jan. 30, 1997]

FEDERAL FOOLISHNESS AND MARIJUANA

(By Jerome P. Kassirer, M.D.)

The advanced stages of many illnesses and their treatments are often accompanied by intractable nausea, vomiting, or pain. Thousands of patients with cancer, AIDS, and other diseases report they have obtained striking relief from these devastating symptoms by smoking marijuana. (1) The alleviation of distress can be striking that some patients and their families have been willing to risk a jail term to obtain or grow the marijuana.

Despite the desperation of these patients, within weeks after voters in Arizona and California approved propositions allowing physicians in their states to prescribe marijuana for medical indications, federal officials, including the President, the secretary of Health and Human Services, and the attorney general sprang into action. At a news conference, Secretary Donna E. Shalala gave an organ recital of the parts of the body that she asserted could be harmed by marijuana and warned of the evils of its spreading use. Attorney General Janet Reno announced that physicians in any state who prescribed the drug could lose the privilege of writing prescriptions, be excluded from Medicare and Medicaid reimbursement, and even be prosecuted for a federal crime. General Barry R. McCaffrey, director of the Office of National Drug Control Policy, reiterated his agency's position that marijuana is a dangerous drug and implied that voters in Arizona and California had been duped into voting for these propositions. He indicated that it is always possible to study the effects of any drug, including marijuana, but that the use of marijuana by seriously ill patients would require, at the least, scientifically valid research.

I believe that a federal policy that prohibits physicians from alleviating suffering by prescribing marijuana for seriously ill patients is misguided, heavy-handed, and inhumane. Marijuana may have long-term adverse effects and its use may presage serious addictions, but neither long-term side effects nor addiction is a relevant issue in such patients. It is also hypocritical to forbid physicians to prescribe marijuana while permitting them to use morphine and meperidine to relieve extreme dyspnea and pain. With both these drugs the difference between the dose that relieves symptoms and the dose that hastens death is very narrow; by contrast, there is no risk of death from smoking marijuana. To demand evidence of therapeutic efficacy is equally hypocritical. The noxious sensations that patients experience are extremely difficult to quantity in controlled experiments. What really counts for a therapy with this kind of safety margin is whether a seriously ill patient feels relief as a result of the intervention, not whether a controlled trail "proves" its efficacy.

Paradoxically, dronabinol, a drug that contains one of the active ingredients in marijuana (tetra-hydrocannabinol), has been available by prescription for more than a decade. But it is difficult to titrate the therapeutic dose of this drug, and it is not widely prescribed. By contrast, smoking marijuana produces a rapid increase in the blood level of the active ingredients and is thus more likely to be therapeutic. Needless to say, new drugs such as those that inhibit the nausea associated with chemotherapy may well be more beneficial than smoking marijuana, but their comparative efficacy has never been studied.

Whatever their reasons, federal officials are out of step with the public. Dozens of states have passed laws that ease restrictions on the prescribing of marijuana by physicians, and polls consistently show that the public favors the use of marijuana for such purposes. [1] Federal authorities should rescind their prohibition of the medicinal use of marijuana for seriously ill patients and allow physicians to decide which patients to treat. The government should change marijuana's status from that of a Schedule 1 drug (considered to be potentially addictive and with no current medical use) to that of a Schedule 2 drug (potentially addictive but with some accepted medical use) and regulate it accordingly. To ensure its proper distribution and use, the government could declare itself the only agency sanctioned to provide the marijuana. I believe that such a change in policy would have no adverse effects. The argument that it would be a signal to the young that "marijuana is OK" is, I believe, specious.

This proposal is not new. In 1986, after years of legal wrangling, the Drug Enforcement Administration (DEA) held extensive hearings on the transfer of marijuana to Schedule 2. In 1988, the DEA's own administrative-law judge concluded, "It would be unreasonable, arbitrary, and capricious for DEA to continue to stand between those sufferers and the benefits of this substance in light of the evidence in this record."[1] Nonetheless, the DEA overruled the judge's order to transfer marijuana to Schedule 2, and in 1992 it issued a final rejection of all requests for reclassification.[2]

Some physicians will have the courage to challenge the continued proscription of marijuana for the sick. Eventually, their actions will force the courts to adjudicate between the rights of those at death's door and the absolute power of bureaucrats whose decisions are based more on reflexive ideology and political correctness than on compassion.

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TRIBUTE TO REV. RONALD PACKNETT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 10, 1997

Mr. CLAY. Mr. Speaker, I stand today to pay tribute to my constituent and friend, Reverend Ronald Packnett, who died on December 17, 1996.

Rev. Packnett was an extraordinary community leader. He was a vital pillar of the St. Louis community. He pastored a prominent spiritual institution, Central Baptist Church in St. Louis, that has a progressive and active congregation. Under Rev. Packnett's leadership they became important activists in causes that affected the broader community.

I want to share with our colleagues an editorial that tells of the many lives Rev. Ronald Packnett touched both as a spiritual leader and friend of the community. This enlightening story entitled, "Packnett Touched Many Lives, Stood Up For Important Causes" was written by Gregory Freeman and appeared in the St. Louis Post-Dispatch on December 20, 1996.

[From the St. Louis (MO) Post Dispatch, Dec. 20, 1996]

PACKNETT TOUCHED MANY LIVES, STOOD UP FOR IMPORTANT CAUSES

(By Gregory Freeman)

There's A void today at Del Monico's Diner. The Rev. Ronald Packnett, pastor of Central Baptist Church, was a fixture at the restaurant. He could be found at the restaurant at Delmar Boulevard and Euclid Avenue almost every morning, chowing down on one of their hearty pancakes-and-sausage breakfasts. And he had a passion for Del Monico's fried chicken legs.

Packnett, who died Tuesday at 45 after a long illness, called restaurant matriarch Eva Bodo his mother away from home. His mother lives in Chicago.

The Rev. Gary Tyler was busy working at Del Monico's on Tuesday when he learned of Packnett's death. He said Packnett was his mentor. "I was an associate pastor at Greater Paradise." Tyler said, "Rev. Packnett heard me preach and invited me to his church to speak. Before I knew it, I was speaking there all the time."

Packnett got Tyler, 31, the training he needed, and installed him at Central Baptist.

Other employees and customers overheard our conversation and joined in. "Rev. Packnett? He married me," one man called out.

"He baptized me," yelled another.

Bobo couldn't say enough about him."He helped my granddaughter," she said. "He carried her to church every Sunday, and he had her involved in everything."

Packnett loved young people. "He'd always make sure the youth could take part in the National Baptist Convention every year," Tyler said.

"That's right," added Bobo, "my granddaughter got to go places she never could have gone."

"San Francisco, Washington, D.C., Atlanta, wherever the convention was held, he always made sure that young people could go," Tyler said. "And then he made sure that they weren't just running around when they got to those cities. They always had some kind of class; and they went to places like churches and historical sites."

Some spoke of programs he had set up through the church, including one that provided clothes and lunch for the homeless every Tuesday, and a "Rites of Passage" African heritage program. Others talked about the hours he spent visiting sick church members at hospitals and in their homes.

In there's one thing a journalist learns early, it's that there are phonies and there are real articles.

Packnett was the real article.

While he often rubbed shoulders with mayors and congressmen and powerful people, he was clearly as much at ease with average people and willing to help anyone. Like the day the restaurant was shorthanded. Packnett took off his coat, went to the kitchen and cheerfully pitched in to wash dishes.

At 5 feet, 6 inches, Packnett wasn't tall in stature. But he was tall in the minds of those whose lives he touched. And he wasn't afraid to speak out, even when he knew he'd be sharply criticized.

Packnett took a great deal of heat last year from some blacks when he endorsed Francis Slay, who is white for president of the city's Board of Aldermen over his black opponent, Alderman Velma Jean Bailey. The criticism didn't bother him. "What's right is right," he said then.

Others didn't care for him four years ago when he made a stink after taking his two children to Union Station to see Santa and discovering that they had no black Santas. He called the company that supplies Santa to malls nationwide and learned the company had supplied no black Santas here.

He faxed letters to marketing directors at seven malls and a department store on behalf of the St. Louis Clergy Coalition, a group of black ministers that represents various denominations. The letter said, in effect, we spend money in your stores and we want a black Santa. Two of the malls told him they would hire a black Santa right away.

Last year, a day before the Million Man March, Packnett led more than 100 people in prayer at Central Baptist Church before they headed off to the event in Washington. After praying, he led the audience in song, delighting the crowd when he changed the words to a spiritual from "Ain't gonna let nobody turn me 'round" to "Ain't gonna let Newt Gingrich turn us 'round".

The members of his church remember him best for his work at Central Baptist. "He was always helping people, doing for people, teaching people right from wrong," Bobo said.

"We'll not get any more pastors like that," Bobo said adding, "If they do, it'll probably be long after I'm not around anymore."

THE RETIREMENT OF REAR ADM. LUTHER F. SCHRIEFER, USN

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 10, 1997

Mr. PETRI. Mr. Speaker, it has come to my attention that Rear Adm. Luther F. Schriefer, U.S. Navy, retired on February 1, 1997, after nearly 37 years of honorable and distinguished service.

Rear Admiral Schriefer served as the Division Director for the Navy's Environmental Protection, Safety and Occupational Health Division since November 1994. As the Navy's senior environmentalist, he was responsible for several key initiatives that have enabled the Navy to operate in harmony with the natural environment by achieving safe and environmentally sound ships, aircraft, and installations. He has testified before congressional committees to ensure that members and their staffs understand the Navy's impact on the environment, as well as the effects of environmental laws and regulations on the operations of our Nation's Navy.

Prior to his assignment as the senior environmentalist, he was the Director, Inter-American Region, International Security Affairs, Office of the Secretary of Defense. He was the director of the Caribbean task force during the 1994 Haitian and Cuban crises. Prior to his assignment for the Secretary of Defense, he was the Commander at the Naval Base in San Diego.

Rear Admiral Schriefer was assigned to numerous other commands over the course of his distinguished career, including Commander, Anti-Submarine Warfare Wing, U.S. Pacific Fleet at Naval Air Station North Island and Director Tactical Air, Surface, Electronic Warfare Research and Development (OP-982). He was selected for two commands at sea: the amphibious assault ship USS *Belleau Wood* (LHA 3) and the amphibious cargo ship USS *Mobile* (LKA 115). He also held three air commands: the Air Anti-Submarine Wing 1 at Cecil Field, FL, Carrier Wing 3 onboard the USS *Saratoga* (CV–60) and Air Squadron VS–22 aboard the aircraft carrier USS *Intrepid* (CV 11). He served his country as an officer at the VRC–50 Detachment at Danang Air Base, Republic of South Vietnam, and VS–28 on board the USS *Independence* (CV–61).

Rear Admiral Schriefer has enjoyed several proud moments in his service to our country, including several exhilarating moments as a junior officer flying for our Navy resolving technical challenges associated with his aircraft's performance. He retires as the Navy's "Gray Eagle," a term reserved for the senior aviator in the Navy.

Rear Admiral Schriefer is a native of Oshkosh, WI. He graduated from the U.S. Naval Academy in 1960 and was designated a naval aviator in October 1961. He studied naval communications management at the U.S. Naval Postgraduate School in Monterey, CA. He also attended the Naval War College in Newport, RI, and graduated in June 1971. He was awarded a master of science degree in international affairs from George Washington University. He is married to the former Sandra N. Swanson of Detroit, MI. The Schriefers have four children: Kim, Scott, Michael, and Kelly.

Mr. Speaker, I take this opportunity to pay tribute to a superb naval officer, an outstanding gentleman, and a real leader, Rear Adm. Lou Schriefer.

H.R. 630—CLEANER-BURNING FUEL MEANS CLEANER AIR FOR CALIFORNIA

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 10, 1997

Mr. BILBRAY. Mr. Speaker, the quality of the air we breathe is of great concern to all of us. Young and old, rich and poor, liberal or conservative, we are all vulnerable to poor air quality. While we have seen great strides in the last decade in terms of improved air quality, it is incumbent upon us to work to ensure that sound science lies at the foundation of any modifications or improvements to existing law. By the same token, when opportunities exist to actually improve the service provided by our environmental and public health strategies, we have not only the right, but also the responsibility to implement them, based on that same common denominator of sound science.

Such an opportunity now exists in California, which has long been at the forefront of our national efforts to improve air quality and reduce ambient pollution levels. As a former member of the California Air Resources Board [ARB], I am very proud of California's historic role in this regard. I am pleased to be able to introduce bipartisan legislation, H.R. 630, which will further enhance the air quality of my State by building upon the progressive work already done by the State of California, under the direction of the Clean Air Act.

The Clean Air Act Amendments of 1990 directed the Environmental Protection Agency [EPA] to adopt a Federal reformulated gasoline program for urban areas with the most serious smog problems. The 1990 amendments required that Federal reformulated gasoline contain various specified properties, and established limitations on the level of flexibility that EPA could build into the program. Federal reformulated gasoline regulations were promulgated in early 1994, and became applicable in December of that year. In California, the Federal regulations now apply in the greater Los Angeles, San Diego, and Sacramento regions.

At the same time, the California Air Resources Board [CARB] was developing a comprehensive clean fuels program. These regulations, which were adopted in 1991 and became applicable in the spring of 1996, established the most stringent and comprehensive gasoline standards in the world. It includes specifications for eight different properties which affect emissions of toxic air pollutants and ozone forming compounds. The State regulations also contain a predictive model which is based on analysis of a large number of vehicle emission test studies. Refiners have the option of using this predictive model to produce reformulated gasoline, subject to an alternative set of specifications, that has been shown by the model to achieve equivalent or greater reductions in emissions than result from use of the Federal RFG. This model is being utilized in California to produce much of the reformulated gasoline now consumed in the State. Recent studies have shown that the expanded use of reformulated gasoline in California has resulted in measurable and continuing decreases in emissions and air pollution in that region. I would like to include with this statement a recent article from the January 16, 1997 San Diego Union Tribune which elaborates further on these air quality improvements.

However, the overlapping applicability of the Federal and State reformulated gasoline regulations has reduced the ability to take advantage of the flexibility and public health benefits provided by the more stringent California program. Compliance with the Federal standard is still required, despite the fact that the California standard has been demonstrated to achieve equal or superior air quality benefits. H.R. 630 will streamline this unwieldy process, and build upon the existing Clean Air Act to permit the more stringent California regulations to apply in lieu of the Federal standards, only if they will achieve equivalent or greater emission reductions. The EPA has already provided this determination in the form of a final, rulemaking for California reformulated gasoline, which was published in the Federal Register on February 16, 1994. In that rule, EPA drew the following conclusions: First, that VOC and toxic emission reductions resulting from the California Phase II standards would be equal to or more stringent than the Federal reformulated gasoline standards; second, that the content standards for oxygen and benzene under the California Phase II standards would in practice be equivalent to the Federal content standards; and third, that the California Air Resources Board's compliance and enforcement program is sufficiently rigorous.

Additionally, the California standards have been approved by the EPA as part of California's State Implementation Plan [SIP], and thus are federally enforceable.

H.R. 630 has been carefully written to apply exclusively to the State of California. As prescribed by section 211(c)(4)(6) of the Clean Air Act, a State which has received a waiver under section 209(b)(1) may "at any time prescribe and enforce, for the purpose of motor vehicle emission control, a control or prohibition respecting any fuel or fuel additive." In order to receive a 209(b)(1) waiver, a State must have adopted emissions standards for new motor vehicles prior to March 30, 1996. Because California is the only State which has qualified for a waiver under section 209(b)(1), H.R. 630 is therefore applicable only to California—no other State is eligible.

This bipartisan bill is supported by the California Air Resources Board, and I am grateful for the continued dialog and input I have received from colleagues, the State, industry, and several public health organizations, which has helped to further focus and clarify the intent of the legislation. I believe that H.R. 630, while narrowly targeted, will help to further accomplish the broader goals of the Clean Air Act that we all share, which are to provide the cleanest and healthiest air possible for the American people. I further believe that this bill can provide an example of how we ought to interpret and manage our environmental and public health laws, so that they can be made more effective in terms of product, by being kept as dynamic and flexible as possible in terms of process. Just as the vehicles which we all drive need to be fine-tuned from time to time in order to keep them running efficiently, so too do our environmental strategies.

[From the San Diego Union-Tribune, Jan. 16, 1997]

NEW GASOLINE FORMULA IS FUELING AIR-POLLUTION DECLINE—IT DRAMATICALLY CUTS SMOGGY DAY NUMBERS

(By Steve La Rue)

San Diego County had fewer smoggy days in 1996 than in any year since health standards were set and air-pollution measurement began. Most of the credit is being given to a new blend of gasoline.

The air was unhealthy to breathe by state standards on 51 days last year at one or more of the county's nine monitoring stations—a sharp drop from the 96 smoggy days in 1995, 139 days in 1990, and the 151 smoggy days in 1978, the year the California Clean Air Act applied the state standards.

The pollutant involved is ozone, a colorless, odorless gas that can sting the throat and eyes. It also can reduce lung capacity temporarily or permanently, depending on the exposure.

"We have had a dramatic reduction in the number of days over (health) standards, and there was no dramatic meteorological difference in the two years," said Richard Sommerville, county air pollution control officer.

"That implies that the big change that did occur was due to the introduction of reformulated gasoline."

County air quality violated federal health standards, which are about 25 percent less stringent than the state's, only twice last year. That is the fewest federal violations since air quality monitoring began here in 1955, county officials said.

By comparison, smog made the air unhealthy to breathe on 12 days in 1995 under the federal standard, 39 days in 1990 and 90 days in 1978. It was also the first year on record that all of the county's federal violations were caused by smog migrating south from Los Angeles and Orange counties.

The state's refiners and service stations started selling the cleaner-burning fuel early last spring to meet state specifications for a fuel that produced fewer hydrocarbon and nitrogen emissions. Southern California's sunny summer and fall skies cook those emissions into a stew of pollutants, mostly ozone.

Scientists say this lower-level ozone pollution never rises 18 miles or higher to merge with the ragged atmospheric ozone layer that shields the earth from ultra-violet radiation.

Air quality also made dramatic gains last year in the South Coast Air Quality Management District, which includes Los Angeles and Orange counties and parts of Riverside and San Bernardino counties.

As of the end of October, the end of the smog season, there had been seven Stage 1 smog alerts in the district, compared with 14 in 1995, 23 in 1994, and 40 in 1992.

Such alerts are called when ozone levels are twice the federal health maximum. During the alerts, the public is advised to reduce strenuous activity. The last Stage 1 alert in San Diego County occurred in 1991.

Peak ozone levels during smog sieges in 1996 were calculated to be 10 to 11 percent less severe than expected in the San Francisco Bay Area and the Sacramento area, said state Air Resources Board spokesman Allan Hirsch.

"Much of the state showed improvements in air quality in 1996, and cleaner burning gasoline was the main clean air measure that was introduced last year, so we think it had a significant effect," he said.

"We are very confident that the same thing occurred in San Diego County, too."

Jan Cortez, program director for the San Diego-Imperial County branch of the American Lung Association, voiced concern that the drop in ozone pollution may cause people to overlook the danger of ultra-fine particulate matter—from diesel exhaust and various types of combustion—that the federal Environmental Protection Agency is seeking to regulate.

"The report doesn't even mention particulate air pollution, so it is giving the public only part of the picture," she said. The public is still breathing particulate pollution, she said, and it contributes to asthma attacks and increased visits to the hospital."

The smog decline has not come without a price. The estimated $4 billion cost to retool refineries was considered an important factor in the steep rise in gasoline prices last spring and early summer.

Many motorists still wonder how much the less-volatile fuel has reduced their gas mileage, although state spokesmen estimate the penalty at 1 to 3 percent. Averaging three-year periods, which minimizes the influence of weather, the number of days of ozone pollution in San Diego County under the state standard declined 55 percent between 1979–1981 and 1994–1996.

LEGISLATION TO MOVE THE 4.3-CENT GAS TAX INTO THE HIGHWAY TRUST FUND

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 10, 1997

Mr. LaTOURETTE. Mr. Speaker, today I am reintroducing legislation to move the 4.3-cent gas tax from the general fund to the highway trust fund.

The 4.3-cent gas tax, which was enacted in 1993, currently pumps an estimated $6 billion annually into the general fund. This is wrong, plain and simple. Motorists should benefit from a fee which they alone must pay.

While no none enjoys paying gas taxes, many studies have shown that Americans are much more willing to pay gas taxes if they are used only to make our country's roads and bridges safer. This, unfortunately, has not been the case with the most recent 4.3-cent increase. Last Congress, when many had talked about repealing the 4.3, I studied the various ways to use the funds generated by the gas tax, trying to come up with a commonsense, useful proposal.

My legislation will not add one dime to the deficit, and instead will force the Federal Government to be honest with taxpayers and use the gas tax for needed infrastructure improvements.

For example, a recent study found that bridges throughout the State are badly deteriorating and in need of repair. At the local level, last year we experienced a frustrating and costly detour on Interstate 90 after the bridge over the Grand River shifted about 2 inches. Fortunately, workers from the Ohio Department of Transportation worked tirelessly to repair what could have been a perilous situation, and tried to minimize the inconvenience to motorists.

It seems to me that if Government has a function it should be to make sure our Nation's roads and bridges are as safe as humanly possible. When you put your children in your car, you need to be assured that the bridge you travel over won't crumble, drop a few inches or collapse.

Under my new bill, the 4.3-cent gas tax would be transferred from the general fund to the highway trust fund. As a result, $6 billion a year would be freed up for infrastructure improvements, and 20 percent of those funds would be earmarked for mass transit projects. This will come as welcome news for our cities that are struggling to meet the increasing demand for mass transit. Also, under this proposal we will not have to search for a way to offset the $6 billion a year in lost revenues. We will simply be transferring funds from one account to another, meaning it will be budget neutral.

Ohio is not alone when it comes to needing road, bridge and infrastructure improvements. Studies show that we should be spending $60 billion per year on our highways but are only spending $6 billion. This is a national problem, and one that could be greatly eased if we simply leveled with the taxpayers and used the gas tax for the purpose it was intended.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 11, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 12

9:30 a.m.

Energy and Natural Resources

Business meeting, to mark up S. 104, to amend the Nuclear WastePolicy Act of 1982, and to consider the nomination of Federico Pena, of Colorado, to be Secretary of Energy, and to consider other pending calendar business.

SD–366

Environment and Public Works

To hold hearings on the ozone and particulate matter standards proposed by the Environmental Protection Agency.

SD–406

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings on the future of nuclear deterrence.

SD–342

Labor and Human Resources

To hold hearings on the implementation of the Teamwork for Employees and Managers Act (TEAM).

SD–430

Rules and Administration

Business meeting, to mark up proposed legislation authorizing biennial expenditures by standing, select, and special committees of the Senate, and to consider other pending legislative and administrative business.

SR–301

Small Business

To hold hearings on the nomination of Aida Alvarez, of New York, to be Administrator of the Small Business Administration.

SR–428A

10:00 a.m.

Budget

To hold hearings on issues relating to public investment.

SD–608

Finance
To hold hearings on the Administration's budget and revenue proposals for fiscal year 1998.
SD-215

2:45 p.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program.
SH-216

FEBRUARY 13

8:00 a.m.
Foreign Relations
To hold hearings on the nomination of Pete Peterson, of Florida, to be Ambassador to the Socialist Republic of Vietnam.
SD-419

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposals to reform the Commodity Exchange Act.
SR-332

10:00 a.m.
Budget
To hold hearings on biennial budgeting and appropriations.
SD-608

Finance
To hold hearings on the Administration's budget for fiscal year 1998, focusing on Medicare, Medicaid and welfare proposals.
SD-215

1:45 p.m.
Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

2:00 p.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on the implementation of the Intermodal Surface Transportation Efficiency Act and transportation trends, infrastructure funding requirements, and transportation's impact on the economy.
SD-406

Governmental Affairs
To hold hearings on S. 207, to review, reform, and terminate unnecessary and inequitable Federal subsidies.
SD-342

Labor and Human Resources
Employment and Training Subcommittee
To resume hearings to examine proposals to reform the Fair Labor Standards Act, focusing on S. 4, to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938.
SD-430

FEBRUARY 25

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the impact of estate taxes on farmers.
SR-332

FEBRUARY 26

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the impact of capital gains taxes on farmers.
SR-332

9:30 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act.
SD-406

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Small Business
To hold hearings on the President's budget request for fiscal year 1998 for the Small Business Administration.
SR-428A

FEBRUARY 27

9:30 a.m.
Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

10:00 a.m.
Armed Services
To hold hearings concerning the Department of Defense actions pertaining to Persian Gulf illnesses.
SD-106

Commerce, Science, and Transportation
To hold hearings to examine violence in television programming.
SR-253

MARCH 5

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the Department of Agriculture's business plan and reorganization management proposals.
SR-332

MARCH 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Retired Officers Association, the Association of the U.S. Army, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, and the Blinded Veterans Association.
345 Cannon Building

MARCH 11

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation authorizing funds for agricultural research.
SR-332

MARCH 12

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine universal telephone service.
SR-253

MARCH 13

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR-332

MARCH 18

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR-332

MARCH 19

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

MARCH 20

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR-332

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Veterans of World War I, and the Vietnam Veterans of America.
345 Cannon Building

CANCELLATIONS

FEBRUARY 12

10:00 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings on product liability reform issues, focusing on the success of the General Aviation Revitalization Act of 1994 (P.L. 103-298).
SR-253

SENATE—*Tuesday, February 11, 1997*

The Senate met at 2:15 p.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Eternal Father, You have told us that the things we can see are temporary, but the things which are unseen are eternal. We confess that what is seen captivates our attention. It is easy to get lost in the labyrinth of life's enigmas. The media constantly remind us of violence and vandalism, crimes and conflicts, and the spin we put on sin. Sometimes, the things which are seen blur our vision of the unseen, but indefatigable movement of Your Spirit in people and circumstances. You call us to experience the things which are unseen: Your eternal presence, the power of love, the healing of forgiveness, and Your guidance of leaders who open their minds to You.

In the on-going drama of secular life with all its sinister and alarming possibilities, also help us to see what You are doing to change people and enable them to change government and our society. We are not asking for a simplistic, "God is in His heaven and all is right with the world" nostrum. Rather, we need an "All is not right with the world but lo I am with you always," cure for our deepest needs.

Now it dawns on us with full force; only Your invisible power can transform our intractable problems. We yield ourselves to be agents of Your visible impact on our Nation at this strategic time of history. In the name of our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will immediately resume consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget. By unanimous consent, there will be 60 minutes remaining for debate on Senator WELLSTONE's amendment No. 3. Senators can expect a rollcall vote on or in relation to that Wellstone amendment at approximately 3:15 today, if all debate time is used.

Following that vote, it is my hope we will be able to begin consideration of the nomination of BILL RICHARDSON to be the U.N. Ambassador. The Foreign Relations Committee will be reporting out that nomination this afternoon, and we will attempt to reach an agreement limiting debate to approximately 20 minutes equally divided but we will, of course, wait until the committee has officially reported it and then bring it up as shortly thereafter as possible.

Following that vote, we will continue debate on the balanced budget amendment, and it is my understanding that Senator REID will be prepared to offer his amendment relative to Social Security. The amendment will be debated today and tomorrow, and we hope to set a vote on or in relation to the Reid amendment for tomorrow, late in the afternoon, probably around 5:30 or so. But we have to get a final agreement on the exact time. All Senators will be notified as the votes are scheduled.

I thank my colleagues for their cooperation as we approach the Presidents Day recess.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. COATS). Under the previous order, the leadership time is reserved.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of Senate Joint Resolution 1, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate resumed consideration of the joint resolution.

Pending:

Wellstone amendment No. 3, to state the policy of the United States that, in achieving a balanced budget, Federal outlays should not be reduced in a manner that disproportionately affects outlays for education, nutrition, and health programs for poor children.

AMENDMENT NO. 3

The PRESIDING OFFICER. Under the previous order, there will now be 60 minutes for debate, to be equally divided in the usual form, prior to a vote on or in relation to the Wellstone amendment No. 3.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, yesterday I had a chance to speak for some time about this amendment and then Senator HATCH and I had a very honest exchange of views. Let me one more time just make clear to colleagues what this amendment says. This amendment says that if we are going to make a commitment by way of a constitutional amendment to balance the budget, then we go on record that the Federal outlays, as we do this, should not be reduced in a manner that disproportionately affects outlays for education, nutrition, and health programs for poor children.

Yesterday my colleague, Senator HATCH, said I was asking for an exemption. There is no request for an exemption. This is just simply a request for fairness, and it just simply says let us not lock ourselves into a very harsh set of priorities.

I also pointed out yesterday that in the last Congress, 93 percent of the cuts in entitlement programs were entitlement programs that affected poor people in America, too many of them poor children. I also cited the Committee on Economic Development, representing really some of the largest corporations in America, saying that what we did last time, last Congress, was really disproportionate and really not based on a standard of fairness, because we cut a lot of programs that were important to the nutrition and health care and educational status of children.

I also quoted from the Concord Coalition, which has been a driving force for our balancing the budget, taking the same position. I also quoted from an editorial yesterday in the Washington Post.

I think the most important thing that I did yesterday, though, Mr. President—and I would like to start this way today, and then develop these points, and then listen very respectfully to my colleague from Utah, and then respond to some of what he has to say—was to try to translate this debate into human terms. Yesterday, my colleague from Utah said, and I appreciated it, "You know, I don't agree with Senator WELLSTONE but he is very sincere in his conviction." And I appreciated that. That's a tribute from another Senator.

But this is really not about me. This is an amendment that I think is substantive, I think it is important, and I wish there would be 100 votes for it. Because the fact of the matter is, all too often—and that was the record last Congress and I think it has been the record of too many Congresses—when we come down to the nitty-gritty, to the point where the rubber meets the road, we do deficit reduction based on the path of least political resistance.

And usually, all too often, it is not the special interests or heavy hitters or well connected or big givers who are the ones that we target. And poor children have been, with the exception of some Senators, the Chair is one of them—you have shown a tremendous commitment to what we can do at a neighborhood level, at a community level, as has the Senator from Missouri, by way of commitment to children.

But all too often, poor children in America are faceless and voiceless in the U.S. Senate, and I just think that it is not at all inconsistent for Senators—even if they are for this amendment, to vote for the constitutional amendment to balance the budget—to at least vote for this proposition. As a matter of fact, we are going to make it clear we are going to do it on a standard of fairness, and we are not going to disproportionately make cuts in programs that so vitally affect the nutritional and the educational and the health care status of children.

Mr. HATCH. Will the Senator yield just for a second?

Mr. WELLSTONE. I will be pleased to yield on the time of the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized on his own time.

Mr. HATCH. Mr. President, the Senator indicated he would like 100 people to vote for his amendment. I will make a suggestion to the Senator, and that is, amend your amendment to put it in a sense-of-the-Senate resolution form, and I will work to get you 100 votes. But we are talking about amending the Constitution with language that really clutters up the Constitution with language that should not be in the balanced budget amendment.

If the Senator will do that, I will work to get him 100 votes in the Senate, because nobody wants to treat children or children's programs disproportionately, but it is not constitutional language, and it should not be in the Constitution. I have to be opposed to it, and I hope most of our fellow Senators will be opposed to it. Nobody is opposed to children.

I think that would be a reasonable way of resolving this. Put it in a sense-of-the-Senate resolution, so it is not incorporated in the Constitution, as a sense-of-the-Congress resolution in the Congress. It just is not the way we should amend the Constitution of the United States.

As chairman of the Judiciary Committee, I cannot let that happen, but if the Senator will change and do that, I would be happy to go to a vote, and I would work my side of the floor to get 100 people to vote to say we do not want children's programs to be treated disproportionately.

I hope the Senator will consider this kind offer. It is a sincere offer. I share his viewpoint with regard to children. I think virtually everybody in here does. The fact of the matter is, though, that all items have to be on the budget if we are going to have any kind of a balanced budget amendment work. I know the Senator is not going to vote for a balanced budget amendment to the Constitution no matter what we put into it. Even if we accepted his amendment as part of the balanced budget amendment, he would not vote for it.

That way, you are sending a message. That way, you would have your colleagues voting with you. Otherwise, I think people who love and revere the Constitution have to say this is not the way you amend the Constitution; we should not put this language into a constitutional amendment because it is not constitutional.

Frankly, I suggest to my distinguished colleague, I would like to help him do that if he wants to do that. If he doesn't, then I have to oppose this amendment, and I hope most Senators will oppose the amendment, because this type of language should not go into the Constitution, because although it is meaningful language, it is not constitutional language, and it will not guarantee the children's programs are going to be treated any differently than anything else under a balanced budget amendment.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I appreciate the comments of the Senator from Utah. Actually, the language of this amendment is constitutional. It is designed that way. If there is going to be a constitutional amendment to balance the budget, I say to my good friend from Utah—and he has taken the leadership on this, he absolutely believes in it—if that is the direction we go in, then it is quite appropriate for me to have an amendment to this amendment to make sure that we do not lock ourselves into some very harsh and distorted priorities.

I tried the route of a sense of the Senate last Congress, and actually I lost a couple of times on a sense of the Senate that we would not take any action to create more hunger, malnutrition, and poverty among children. Finally, it was adopted on a voice vote. I wish there had been a recorded vote. Then I think we went ahead and, in fact, passed some legislation or provisions of some legislation that is going to create that.

Mr. HATCH. If the Senator will yield.

Mr. WELLSTONE. If I could just finish. I think this time around, given the track record of the last Congress and given the fact that the citizens that I am trying to represent today—poor children—do not seem to have much of a presence here, quite frankly, I do not think a sense-of-the-Senate amendment does the job.

Mr. HATCH. If the Senator will yield.

Mr. WELLSTONE. I will be pleased to yield on the Senator's time.

Mr. HATCH. On my time. I have to say that you did get a voice vote last time, not a recorded vote. I am offering you a recorded vote. I happen to believe sense-of-the-Senate resolutions mean a lot. But I certainly could not accept this language as part of a balanced budget constitutional amendment. If for no other reason, what does the term "disproportionate" mean? Which programs have to be preferred above others?

There are a thousand programs we are talking about here. I know, because I worked with most all of them when I was ranking member and chairman of the Labor and Human Resources Committee, on which the Senator from Minnesota now sits.

I will get you the votes. I will work my side to try to get 100 of these people to vote for it. I happen to believe when Senators in this body vote for a sense-of-the-Senate resolution, it means something, especially if you get 100 percent. I cannot guarantee it, but I would work to get 100 percent. It would be adopted, because I think virtually everybody here would like to have children's programs treated fairly.

The distinguished Senator makes a tremendous point. We treat seniors very well. They get about 20 times the help from the Federal Government that individual children get, and we are not doing what we should do for children in our country. There are a lot of children in poverty who are in serious straits who do not have the health care that they need.

On the other hand, the question is, how do we best solve that problem? I do not think you single it out, because once you do that in this amendment, there must be a thousand other things that do not want to be treated disproportionately.

Frankly, it just makes the amendment a nullity. I would be happy to work for a significant up-or-down vote for the Senator, no motion to table, up-or-down vote if he would make it a sense-of-the-Senate resolution that does not go into this constitutional amendment.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair and, again, I thank my colleague. I appreciate his kind words. I know he is very sincere in the offer. Again, what happened last time was we went ahead and adopted an amendment saying we would not take any action to create more malnutrition, hunger, or poverty among children, and then we went ahead and did budget cuts that, in fact, disproportionately affected poor people in America, many of them children.

Mr. President, I really do view this amendment as a litmus test. I think I do want to draw a line in the sand here. If Senators put children first, and Senators believe we ought to invest in the health and skills and intellect and character of our children, and Senators understand—and they do—that what happens before kindergarten is so important, then I do not know why in the world we cannot make a commitment that when it comes to programs like Head Start and WIC and health care programs that affect poor children in America, that we at least make a commitment that we not disproportionately cut those programs.

As to which programs, listen, with a lot of what is in this amendment, we are going to be writing implementing language, that is all going to be made specific. So I just do not think that critique really does any damage to this amendment. I would like to speak, again, about what is at stake.

Yesterday, I read from some examples, just some stories of some families as we kind of reach out and talk to people around the country, not just Minnesota. Marlene is a lot like many women. She went from her parent's home to her husband's. With the exception of a waitressing job in high school, she never had worked outside the home, and had no job skills. After 9 years of marriage, Marlene's husband left her with two children and pregnant with a third.

At 27, she found herself alone with no job skills or means of support. With the help of a neighbor, she enrolled in her local WIC Program. "I knew about nutrition, child care and how to take care of myself. I just didn't have the money to. I knew that I needed to have a healthy baby. I just did not know how to get it."

WIC provided Marlene with vouchers to purchase the basics for a healthy baby—milk, cheese, eggs, et cetera.

> To this day, I believe that the food from WIC saved me and my baby. Emotionally, I was so distraught and inept, I didn't know if I was coming or going. Thankfully for WIC, for that part of my life, I could just go on auto pilot. I knew that I was taking care of my baby. I could go on with taking care of the rest of the issues I was facing.

It has been 10 years since Marlene received help from WIC. Now she works full time and supports her children. She says,

> WIC was crucial for me. WIC was like a bridge to help me go from being dependent on someone to learning how to take care of myself and my kids. It's like they took care of me so I could take care of the rest of my life. I cringe to think of how things would have been without it.

Mr. President, Danielle is 8 years old. She looks closer to 6. Though a spirited and cheerful little girl, Danielle struggles in life. She was born at a low birth weight and has endured its effects. She will for a long time.

As with many children born at a low birth weight, she has a limited immunity system and she catches a lot of colds and flus. She misses a lot of school. Like many children born at low birth weight, it takes Danielle a bit longer to figure things out in school. Says her teacher, "I see her little brain trying to figure things out. She works hard and struggles. She's always a few steps behind us." While pregnant with Danielle, her mother had no prenatal care or guidance.

Every 2 minutes a baby is born to a woman, a mother who had no prenatal care in our country. Her diet of chips, fast food, soda, and candy did not change during the 8½ months of pregnancy. Danielle's mother did not participate in the Women, Infants, and Children Program.

At 5, Danielle's sister Alfrieda is healthy and active. While pregnant with Alfrieda, her mother participated in WIC. She had a healthy diet, checkups, and guidance. When she gave birth, she then gave birth to a fit and strong baby. She named her after the WIC nurse who mentored her.

Says their mother:

> I see how Danielle is not all there * * * how she's slow and kind of sick. They tell me it is 'cause of how it was when I was pregnant. I think they are right 'cause I really see a difference with my baby, Alfrieda. You would not know that Danielle is older.

In one family, in the case of two sisters, we see the impact and influence that WIC has. Danielle will always be a little behind, a little slow, and a little weak. Alfrieda will always be a bit smarter than her older sister, a bit ahead of her older sister, and a bit stronger than her older sister. One small family and one big difference.

Mr. President, I said this yesterday, the medical evidence is irrefutable and irreducible that the most important educational program for our country is to make sure that every woman expecting a child has a diet rich in vitamins, minerals, and protein; otherwise, that child at birth may not have the same chance as all of our children and grandchildren have. And that is wrong. The goodness of our country is for every child to have that chance.

Mr. President, we do not even fully fund the Women, Infants, and Children Program right now, a program for women during pregnancy, a program for infants, and a program for small children who, by definition, do not have enough income to be able to purchase the food to have an adequate diet.

We know the WIC Program has made an enormous difference. It saves us dollars. It enables children to have a head start. It enables children to go on and do well in school. We know all of that. The only thing this amendment says is, let us make a commitment if we are going to balance this budget that in this constitutional amendment to balance the budget we make a commitment we will not, as we move forward, disproportionately cut programs that affect the nutritional status of children. That is what this amendment is all about.

It is not a sense-of-the-Senate amendment. I do want to draw a line on this. I believe I should be able to get a strong vote for this. I do not think it should be tabled. This is all about, as we go forward with deficit reduction, who is going to decide and who is going to benefit, and who is going to be asked to sacrifice.

Are we going to decide, as we did last Congress, that we are going to disproportionately cut programs that affect the quality of life for children, poor children in America? Who will decide to cut the nutrition programs and whose children will be hurt? They will not be our children, but they are all of God's children. I think we all agree on that.

So I am really hopeful that I will get support for this amendment. This is about values. We talk about values. This is about values. This is about Minnesota values.

If you asked people, are they in favor of a constitutional amendment to balance the budget, they say yes. I have been in disagreement. I wish we would separate the capital investment part of the budget from on operating budget. I worry about it on political economic grounds. But forgetting that, most people say yes. But if you ask people, are you in favor of balancing the budget by making cuts in educational programs or nutritional programs or health care programs that affect children, they say no. So I am hoping that this will not be tabled and that Senators will vote for it.

Arel is only 14 years old but has the responsibility of someone much older. He has two sisters. Even though they are at the right age and eligible for Head Start, they do not participate because the program near their home is full. I forget—I do not have the numbers right before me—but something like only 17 percent of the eligible 3-year-olds are participating and only 40 percent of the eligible 4-year-olds are participating. Really, we should work Head Start back, Mr. President, to age 1 and 2 as well.

By the way, it should be decentralized. This is a parent-participation program. It should happen at the local level. It should happen at the neighborhood level. It can be done through nonprofits and it can be done through nongovernmental organizations. But when we know something works, when we know these kinds of programs give children a head start, why can't we make a commitment that we will not disproportionately cut these programs? Because if we do not make that commitment, I really fear that is what is going to happen.

While we know how no Head Start will affect Arel's sisters, do we know how it is going to affect Arel? Their mother leaves for work as a bus driver at 4 a.m. She is working. This means Arel is responsible for the morning ritual with his sisters. After he gets them fed and dressed, Arel puts one sister on the handlebars of his bike and rides 5 miles to drop her off at affordable day care. He returns home and gets his second sister to drop her off. Since he cannot drop them off early, he is late for school every day.

Because of tardiness, he failed his first-period class twice. Though a talented athlete and a popular kid, Arel does not stay after school for any activities. He would probably make the football team. He is interested in track. He would love to be in a dance troupe. Instead, Arel gets on his bike, rain or shine, to pick up his sisters one at a time. I will not reveal to you what no Head Start means for his sisters. We know that. Unfortunately, so does their brother, a boy who has no childhood.

Finally, Mr. President, Marcus is a shy and quiet first-grader who finds himself in the principal's office for the third time in a week. I gave this example yesterday. According to his teacher, Marcus is either overagitated, annoying other students in class, or listless and disinterested in the class at hand. Marcus does not usually know what is happening in class and he does not know yet his colors, numbers, or alphabet.

Though many of his class attends a Head Start program and learns the initial steps toward understanding school and learning, Marcus does not. He represents 1 of the 1.2 million children that, though eligible, could not participate in Head Start when he was younger. The program near his home was full. Not only were they full, but there was a year waiting list when Marcus's grandmother tried to sign him up. Though there was room at another program, it was too far for his grandmother to take him.

Marcus stayed alone sometimes at home while his grandmother worked. Marcus is conspicuously behind his classmates. While his classmates scurry around the teacher to be read to, he had not yet held a book or ever been read to. While his classmates—I am going to repeat this—while his classmates scurry around the teacher to be read to, he has not yet held a book or ever been read to.

Marcus does not know how to write his name, nor can he recite the alphabet. In a phrase, Marcus is not part of the culture of the school. Marcus' teacher is concerned and anxious about him. He is far behind his classmates, and she has little, if any, time to help him catch up. As each week progresses, he falls further behind and more frustrated.

Already Marcus hates school and learning, counting the days until summer vacation. He knows he is different. He knows he does not understand. But he also knows there is not much he can do about it.

Said his teacher: "I just don't know what can be done for him. I know that he needs a lot of one-on-one attention and love, but I just don't have the time or the resources. Every day, I feel him slipping and, frankly, it breaks my heart. He is a good boy and a smart boy. I feel as if he is being punished for what we did not do for him. I am worried that he will always hate school and suffer until he can leave. He tries so hard, sometimes," says his teacher, "I want to cry."

Mr. President, I do not want Senators to make this amendment out to be what it is not. There is an amendment on the floor. It is a constitutional amendment to balance the budget. This amendment says, as a part of that constitutional amendment to balance the budget—if that is what we are going to do—we make a commitment that we are not going to disproportionately cut programs that affect the educational and nutrition and health care status of children. It is that simple.

This is about values. This is about fairness. I think we should make that commitment. I think we should make that commitment.

Mr. President, we can no longer give speeches about children and no longer have photo opportunities with children unless we are willing—unless we are willing—to invest in the health and skills and intellect and character of our children. Mr. President, that includes poor children, and that means we are part of local communities, but we are part of a national community. The U.S. Senate ought to go on record that these are our priorities. These poor children are a part of our priorities. That is appropriate, and it is the right thing to do.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Minnesota has 8 minutes, 25 seconds.

Mr. WELLSTONE. Mr. President, I reserve the balance of my time.

Mr. HATCH. Mr. President, I appreciate my colleague from Minnesota. I believe he is devoted to children. But he is not alone. There are 99 others in this body who are devoted to children. Frankly, children's programs can compete very successfully with other programs, just like Social Security can. To do a risky gimmick of putting this type of language into the Constitution, like those who want to take Social Security out of the Constitution, the purview of the balanced budget, I think would be highly risky and very, very dangerous.

I was talking with the junior Senator from Wyoming, Senator Enzi. He indicated to me, he said, you know, if you use the language "not disproportionate," which is what this language is, it can force proportionate reductions in all parts of the budget in order to comply with this amendment, because this would be an amendment to this amendment to the Constitution. The worst budgeting for kids could come from across-the-board budget cuts. That is how the courts could easily interpret the amendment. Mr. President, for the information of every Senator, I have offered to give the Senator an up-or-down vote on a true sense-of-the-Senate resolution saying the same thing which he did not get last year and which I will get him today, and I have offered to try to get him 100 percent of the Senators to vote for this so we would be on record as not wanting to have children's programs reduced disproportionately.

However, to put this into the Constitution is the wrong thing to do. This is not language that you would normally see in the Constitution. The Wellstone amendment is not an appropriate amendment for inclusion in the Constitution. I want to point out to my colleagues that the Wellstone amendment would place in the text of the Constitution itself a statement of "policy." I put policy in quotes because I think there is a lot of room to disagree with the Senator. It would put a statement of policy of the United States with regard to the budget priorities into the Constitution, the first time in history to do that. Mr. President, I do not believe that it is appropriate to put what is essentially a sense-of-the-Senate resolution in the actual text of the Constitution. That is why I am suggesting that our colleagues vote against this amendment because that is not what should be done. I believe that such a policy statement would either be surplusage or produce confusion and difficulties if it became part of the Constitution.

Now, the distinguished Senator from Minnesota sincerely said we are not locking ourselves into a harsh set of priorities if we take this amendment. I think you are. Let me paraphrase that better. He said if we take the amendment as it is we are locking ourselves into a harsh set of priorities. I think it makes it more harsh if you put his amendment in because, first of all, nobody knows what the word disproportionate means vis-a-vis constitutional language or interpretation; and, second, you are referring one item in the budget for one group of people in the Constitution over everybody else and there are a lot of people in this country who would like to not be treated in a disproportionate way. So we are not locking ourselves into a harsh set of priorities by having this balanced budget amendment passed. We are simply saying everything in the unified budget must be on the table. These programs for children are totally capable of competing with all other programs in the budget, as they should be. The fact is we have to have everything on the table because we are going to hit some very, very difficult times in the future and it will be difficult to know what to do to balance this budget.

As we begin today's debate on Senate Joint Resolution 1, I do welcome the discussion of this amendment, because after all what this debate and the balanced budget amendment are all about is the legacy we intend to pass on to our children and our children's children. Unfortunately, as it stands today, the legacy is not one of health and prosperity, as has been the American tradition for the past two centuries; rather, the legacy we are imposing on our children is one of fiscal servitude. The debt, Mr. President, is a real threat to our children's future and to their well-being.

As I emphasized before, with our national debt standing at $5.3 trillion and going to $5.4 trillion, every child born today is born into this world trapped into a $20,000 debt. This new baby owes $20,000—$20,000. Think about that for a minute. In essence, what we are doing is handing every child who comes into the world an unsolicited and undeserved $20,000 liability. Unfortunately for our children, they are given nothing to show for that liability.

Every one of the 28 years represented by these unbalanced budgets, every one of those 28 years these unbalanced budgets in this pile, in all but one of the last 36 years what we have done is finance our own exorbitant spending habits by mortgaging our children's future. In my view, this is taxation without representation in its purest form. What is worse, unlike you or me who may take out a loan to buy a house or a car and begin to pay that loan off, not only do we not pay down any of our children's debt, we continue to refinance and finance again our children's mortgages, adding more and more debt to pay for our own protracted fiscal irresponsibility.

Let me illustrate this point, Mr. President. According to the Congressional Budget Office, by the time a child born today is 5 years old, the national debt would have risen to $6.8 trillion and his or her share of that debt will have increased from $20,000 to $24,000. By age 10, that debt will stand at $8.5 trillion, with that child shouldering approximately $29,000 of that burden. Just think about it. That is nearly a 50-percent increase of his or her debt burden in just 10 years. At that rate, by the time a child graduated from college, he or she would owe in the neighborhood of $50,000 as their share of the Nation's debt. Now that, in my view, is no way to send a young man or young woman into the world to make a living. As sincere as my good friend from Minnesota is, the fact is even if we accepted this amendment he would not vote for the balanced budget amendment, which is the only hope of helping these young children in the future, the only hope of stopping us from spending their future away and saddling them with an irresponsible debt burden.

Now our former colleague, Senator Simon, who led the fight for a balanced budget amendment on the Democrat side for many years, shared with us the words of another of our former colleagues, Senator Cohen, now Secretary of Defense, when he testified before the Judiciary Committee a few weeks ago. Senator Cohen was at one time opposed to a balanced budget amendment. And I remember those days because I have been responsible for bringing every balanced budget amendment to the floor of the U.S. Senate from the first one right on up until today. After serving in Congress for 18 years, Senator Cohen had this to say, and he was against it initially, but after 18 years, this is what he said:

> Today the ethic of self-sacrifice has been perversely inverted. Parents and grandparents borrow from their heirs so they might enjoy the comforts and pleasantries of the moment. The practice of handing our children trillions of dollars of debt with little more than a good luck wish can only be considered an unconscionable and criminal act.

Secretary Cohen is exactly right.

As I have repeatedly said, the mortgaging of our children's future is nothing short of fiscal child abuse and it must end.

As a result of our failure to exhibit fiscal restraints in setting budget priorities our children are faced with not only the looming burden of our enormous debt but also with massive annual interest payments required just to maintain the standard. This year we will pay $360 billion in gross interest to service our existing debt. That means we will spend nearly $1 billion every day of this year just on interest on the debt. Now to put this in perspective, if we take just the net interest, meaning we ignore interest paid by the Government to the various trust funds and subtract interest income received by the Government, our annual interest payment would amount to $935 for every man, woman, and child in America. Just look at this. Interest on the national debt, we could pay $340 to every man, woman, and child in Utah every day. Think about it. That is in my own State, and the interest on the debt is the fastest growing item in the Federal budget.

According to the CBO, interest on the debt will continue to rise substantially over the next 5 years, to $412 billion by the year 2002. My gosh, that is more than the total Federal budget was 20 years ago. That represents half of all projected individual income tax receipts for that year and nearly two times all corporate income taxes. By 2007, the interest on the debt is projected to reach a whopping $493 billion. That is just the interest we owe. That is not the debt. That $493 billion is just $50 billion shy of our entire discretionary budget for the current fiscal year.

Mr. President, it is outrageous to me that we would consider subjecting our children to a future where 50 percent of their hard-earned tax dollars would go to service the debt incurred by us, their parents. Just think what we could do for our children and our children's children if this money were available to be put to more productive use.

We have talked a lot about the WIC Program, Women, Infants, and Children Program. I know a lot about that. As a newly elected conservative, one of my counties said they did not want WIC funds because they did not want Federal Government strings. I thought WIC funds were pretty important because they helped lactating mothers to be able to bring the best nutritional needs to their children, and even though this was a county that really supported me I stood up and said I think the WIC Program is a good program. Today, that county and the mothers that are poor benefit from that WIC Program. It is a highly effective program and works to improve the health of the mothers and the newborn children, and also serves to reduce our Nation's overall health care costs. I have long supported the WIC Program, as has just about every Senator. We are constantly struggling to come up with the money to fully fund participation in the WIC Program. With the $360 billion we spend on interest on the debt this year not only could we fully fund participation in the WIC Program, we could afford to pay recipients nearly 100 times what they received last year.

I could go through every program affecting children in our country today and we can talk about not allowing them to be disproportionately reduced. The best way to not allow children's programs to go down the drain is to pass the balanced budget amendment and put some fiscal responsibility into the Constitution, so we have to live within our means and we do not barter away our children's future, we do not mortgage it away, so we have the money to be able to help children. These gimmicks that some on the other side want to put into the Constitution are dangerous. In the end, they will wind up hurting children and not balancing the budget. The best thing we can do for our country is to get that budget balanced and keep it balanced and start paring down the national debt, as well. If we do not start doing that, we are going to pay the price and it will be a heavy, heavy price.

Mr. President, I am very concerned about this because if we are going to have a balanced budget amendment everybody in the world knows and everybody in Congress knows this is it. This is the last chance. This has been developed over 20 years. It is a balanced budget amendment that has been developed by Democrats and Republicans. I do not believe any single person can say they wrote it. It is an attempt by all of us to get together and do what is right. It is supported by an overwhelming majority in this body. Sixty-eight people have guaranteed to their constituents they will vote for it. We need 67. We should have one more than 67 if everybody lives up to their word. Frankly, if we pass this balanced budget amendment, it has a very excellent chance of going through the House.

Head Start is another program we have heard a lot about. I strongly support the Head Start Program. As chairman and ranking member of the Labor Committee, I was deeply involved in fighting to provide increased authorizations for Head Start, and I am proud of the fact that since I first came to the Senate, the number of children served by federally funded Head Start programs has more than doubled. And yet, given the budget constraints we face, we are still working toward the goal of fully funding the Head Start Program—a result I believe every one of my colleagues favors.

If we could recoup just a small portion of the money we will pay in interest on the debt this year, we could fully fund Head Start in a heartbeat. Not only could we fully fund the entire Head Start Program, including the new Head Start Program for infants and toddlers that was established in 1994, with this year's interest expenditures we could increase Head Start funding for every one of those children by more than 10 times what we currently spend.

There are plenty of other important programs we could improve if we were to free up the resources currently dedicated to servicing the debt. In fact, with the money we will spend in gross interest on the debt just this year, we could cover the costs of all food and nutrition assistance programs, including food stamps, for the last 14 years—$346.9 billion. This same interest payment would cover the costs of all payments for WIC and other supplemental feeding programs, child nutrition and milk programs, student assistance, and low income home energy assistance for the last 20 years—$348.2 billion.

Even in the current fiscal year, as this chart shows, with the money we will spend on gross interest payments, we could afford to double projected spending for elementary, secondary, and vocational education, higher education, research and general education aids, training and employment, housing assistance, food and nutrition assistance, social services, unemployment compensation, all health care services, and pollution control and abatement—and still increase Medicare spending by 50 percent.

Now obviously we cannot simply pay off $5.3 trillion of debt and recoup our $360 billion in annual gross interest payments overnight. But, according to CBO, moving toward a balanced budget in 2002 would reduce projected net interest costs by some $46 billion and improve economic performance enough to produce a total fiscal dividend of $77 billion over the next 5 years. This represents real savings of nearly twice the amount we spent on all food and nutrition assistance programs last year, and is nearly 10 times all earned income tax credit payments for the past 10 years combined. This is real savings we can bring about to benefit our children now just by balancing the budget.

But, if we continue to deficit spend, as we have in all but 8 of the last 66 years, we will only continue to compound our existing debt, increasing the interest payments necessary to service that debt and further exacerbating the tax burdens our children will face in future years. According to OMB and CBO, such tax burdens may equate to a lifetime net tax rate of about 82 percent for future generations in order to finance the cost of government at all levels. The 82 percent figure for our children stands in stark contrast to the 29 percent net tax rate for the generation of Americans born in the 1920's and the 34.4 percent net tax rate for the generation born in the 1960's.

But the mammoth costs of financing both the Government and our enormous national debt are not the only burdens we are creating for our children by not balancing the budget. We should also recognize the significant economic benefits that our children stand to inherit from recurring balanced budgets, but which we are withholding from future generations by failing to exercise fiscal restraint today.

As CBO reaffirms in its January report, balancing the budget in 2002 and subsequent years will lead to increased real economic growth, reduced interest rates, higher corporate profits, and increased revenues to the Federal Government. As a result, the Joint Economic Committee has estimated that a typical middle class family could easily save $1,500 each year; $1,500 every single year, Mr. President. That is like a built-in $500-per-child tax credit for a family of five—at no cost to the Government—just for passing the balanced budget amendment. I know a lot of families in Utah that could use an extra $1,500 each year to pay for food or clothing for their children, to pay for college tuition, to pay down credit card debts, or even to take a vacation and spend time with their kids.

Even a college student could save an estimated $120 each year on a $10,000 student loan if we were to pass the balanced budget amendment. And it is not the Government that must pay for that savings. It is simply the real benefit generated by the economy's reaction to long-term balanced budgets.

Mr. President, it is time for us to face reality. The single largest threat to our children's well-being is not that the Republicans and Democrats will be forced to live within their means when funding any given program. The real threat is that we will continue down the path of the last 66 years and mortgage our children's future earnings to pay for what we consider to be spending priorities today. If we do, our children will be left with no choice but to cut the very programs my colleague is talking about in ways that are unthinkable today, or drastically increase taxes on every American family to pay for the continued existence of those important programs. The balanced budget amendment is the only real assurance we have that our children will not be forced to make those choices.

Now Mr. President, it doesn't take a rocket scientist to figure out the solution to this problem. In fact, Grant Anderson, a 13-year-old young man in my home State of Utah, took the time to write a letter to me outlining how it can be done. Let me share with my colleagues what he had to say:

> Dear Orrin Hatch, I think we have a huge problem with the national budget. I have the easiest way to fix it. Do you want to hear it? Okay. Stop buying things if you don't have the money.

That about says it all, Mr. President. It's just that simple. Yet, without a balanced budget amendment, there appears to be no real end in sight to Congress' abdication of its responsibility to people like Grant Anderson and to future generations.

The fact is that after 4 years of declining deficits we have not reduced our staggering $5.3 trillion debt one penny. We have only slowed the growth in the national debt. More importantly, as my Republican colleagues and I predicted would happen during the debate on the President's 1993 budget package, CBO now predicts that annual deficits will resume their upward climb beginning this year—from an annual deficit of $124 billion in 1997, to $188 billion in 2002, and reaching a near-record $278 billion in 2007. Even OMB's estimates from the President's newly proposed budget, which predict lower deficit totals than CBO, project that gross Federal debt will top $6.6 trillion, exceeding 66 percent of our gross domestic product, by 2002.

Now I know that there are those who will say that we can solve this problem without the constraints of a balanced budget amendment—that Congress and the President are committed to balancing the budget and to putting an end to the era of deficit spending. While I can only pray that they are right, our history of deficit reduction efforts in Congress should give the American people reason to be skeptical.

Since 1978 we have adopted no fewer than five statutory regimes which promised to bring about balanced budgets. Every single one of them has failed. As this chart shows, time after time statutory fixes have been met with increased deficits. In fact, nearly 85 percent of our current national debt has accumulated while Congress has operated within statutory budget frameworks designed to ensure balanced budgets. Now, we are told, things are different. But will they really be all that different without the discipline of a constitutional amendment?

A quick look at the President's budget shows that under his plan, we will continue to have deficits that are higher than last year's budget deficit until the year 2000. Only in the last 2 years of this budget do we see the dramatic cuts necessary to bring us into balance. That's right, Mr. President, a full 75 percent of the deficit reduction planned in President Clinton's recent budget submission comes in the 2 years after President Clinton leaves office. This is reminiscent to me of the 1985 Gramm-Rudman-Hollings law, wherein we committed ourselves to balancing the budget by 1991, only to see the law slowly amended, circumvented, and the requirement for a balanced budget finally eliminated just 1 year prior to the year in which we were to achieve balance under the original law.

While I commend the President for his avowed commitment to balancing the budget and appreciate the dedication expressed by leaders of both political parties to reaching a balanced budget, I seriously doubt whether, without the weight of a constitutional requirement to balance the budget, we will achieve balance by 2002. Even if we did—and I intend to work to that end—there is nothing to prevent future Congresses from yielding to the political pressures that would lead to renewed deficit spending. We need a constitutional amendment if we are truly committed to solving this problem.

Mr. President, passing the balanced budget amendment, free of exemptions and loopholes that can be exploited by those who might not be fully dedicated to balancing the budget, is the most important thing we can do in this Congress to protect our children and the future generations that will follow. I urge my colleagues to join me in this effort by supporting the balanced budget amendment. If that happens, we will protect children like never before. To me that is worth it all. And in the end it will accomplish what the distinguished Senator from Minnesota would like to do. But if we put amendments like this in everybody and their dog will be in here with some sort of a program they want to protect because they think it is the most important program in the world. No. Let us put everything in the budget on budget. Let us have everything subject to the balanced budget amendment and let us have them compete for the available funds as it should be. Then let us make the right priority choices. And I guarantee my friend from Minnesota that ORRIN HATCH will be there with him trying to help the children of this country so that they don't suffer a disproportionate reduction in their programs. And I do not think they will as long as both he and I are here, and others as well.

Mr. President, I reserve the remainder of my time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, when Senators vote on this they should not confuse two different issues. There is not anybody on the floor of the Senate that I know of who is opposed to balancing the budget. There are Senators who oppose this amendment.

My colleague keeps talking about balancing the budget or passing the constitutional amendment to balance the budget is the best thing that we can do for our children. My amendment speaks to the concerns and circumstances of the lives of poor children. Close to one out of every four children in America is poor. One out of every two children of color is poor. Every 30 seconds a child is born into poverty in our country. Every 2 minutes a child is born to a mother who has had no prenatal care. Every 12 or 13 seconds a child drops out of school, many of them children from poor families. And there is a higher correlation between high school dropout and winding up in prison than there is between cigarette smoking and lung cancer.

Mr. President, all too many of our children are rushing into the arms of the police and not into parents' arms, or teachers' arms.

My colleague used the word "gimmick." This is no gimmick. This is a very serious amendment because for these children they don't have any future. How can you argue that a child who is born severely underweight and damaged and who can't do well in school is going to benefit by deficit reduction and balancing the budget 7 years from now? What about that child right now? How can you argue that the 50 percent of children or the 60 percent of children who could be given a head start but come to school without a head start not ready to learn are going to do well, if we do not make a commitment that we are going to invest in them? Balancing the budget 7 years from now does not help those children right now.

There are 10 million children who have no health care coverage, most of them from working poor families, many of them with ear infections who have lost hearing; too many. Many can't read well because they should have had an eye examination. They can't afford it. Many of them should have dental care, and they come to school with an infected tooth and abscess. They can't learn well. It is difficult for children who are in pain and discomfort to learn well.

If we do not make a commitment that in balancing this budget we will not balance this budget on the backs of those children and we proceed to do what we did in the last Congress, which is disproportionately cut programs that affect poor people and poor children in America, they don't have any future. What good does it do those children if we are going to balance the budget 6 years from now if we are going to savage them right now?

This is all about values. And if my colleague means or is sincere—and he always is. I guess it is just an honest difference that we have—that surely we are not going to make these cuts, that is what we have done in the past because these children don't hire the lobbyists. They don't march on Washington every day, and one more time they are not the big givers. Maybe there is a connection with all that we are reading about money and politics.

Mr. President, I ask all of my colleagues whether you are against this constitutional amendment to balance the budget or whether you are for it to vote for this amendment. It is all about fairness. We ought to go on record. We ought to make it clear that in our effort to balance the budget with a constitutional amendment—or the way I prefer to do it, not a constitutional amendment—that we go on record that we will not do what we have all too often done in the past—unfortunately, the evidence is clear—that we will not disproportionately cut the programs that benefit and affect the health and the nutrition and education of children.

What is the definition? Just pick out the percentage of low-income programs that are part of the entitlement programs. Pick out the low-income programs for children that are part of the discretionary spending. Pick out the percentage, and in our overall cuts, don't cut them any higher. It is simple. It does not take a rocket scientist to figure it out. Let us not weave and dodge on this question.

I hope that I can get a strong vote. It is a difficult debate because the Senator from Utah is one of the Senators whom I like the most and whom I respect the most. It is an honest disagreement.

But I hope Senators will vote for this. It is the right thing to do. This does not say we are not going to balance the budget. This does not say we should not do what the Senator from Utah believes we should do. It just says that if we are going to lock ourselves into a constitutional amendment, or, if we do not do that, we are still going to make the commitment to balance the budget, that we will not balance the budget on the backs of poor children; that we will invest in the skills, health, and character of children in America, including poor children. These are all God's children. I am telling you something, and I could argue this for 24 straight hours, the history of the way we have done deficit reduction is that they come out on the short end of the stick.

This amendment I think is the right thing to do. It puts us on record and it makes it clear that we are going to balance this budget based upon the Minnesota standard of fairness.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Minnesota has 1 minute remaining.

Mr. WELLSTONE. I reserve the remainder of my time.

Mr. President, I yield the rest of my time.

Mr. HATCH. Mr. President, I will not take long.

I know my colleague is sincere. I know he is a very good person and that he feels very deeply about children. And I have a great regard for him. He knows that. Children have the love in this town. One of the most effective lobbyists in this town is Marian Wright Edelman. I know. She and I worked hard to get the child care bill through. That has helped millions of children all over this country.

I do not take a second seat to anybody with regard to taking care of children. In fact, Elaine and I have six. We are expecting our 16th and 17th grandchild within 2 weeks. I want them to have a future. I want them to have the care. I want there to be some money to help them. I want our country to be solvent. I do not want their futures bartered away and mortgaged away. The reason child care programs are being cut every year is because we are spending it all on interest on the national debt.

The only thing that will give children protection in the future is if we pass this balanced budget amendment. We have here 28 years of unbalanced budgets. I do not know about others, but this pile is very significant to me. Every year we have people who are of the more liberal persuasion saying we should spend more, we should just get the will to balance the budget but we should spend more. They are inconsistent.

Let me just tell you something. I think out of the mouths of children comes the greatest truths sometimes. This is a letter I received from Grant Anderson, a young boy. Here is what he said, August 5, 1996:

> Dear ORRIN HATCH. I think we have a huge problem with the national budget. I have the easiest way to fix it. Do you want to hear it? OK—

With an exclamation mark. And then he writes in big print the letters. He said:

> Stop buying things if you don't have money—

And a bigger exclamation mark. And then he said:

> Thanks for your time. Grant S. Anderson. P.S. My mom and dad voted for you.

A particularly good letter, I thought.

But the fact of the matter is Grant is right on the money. My friend Grant Anderson really calls it the way it should be. If we are going to stop spending money we do not have, we have got to get rid of all these years of unbalanced budgets. And since we have proven that we are not going to get rid of them without a balanced budget amendment to the Constitution, then, by gosh, I suggest we pass the balanced budget amendment so by the year 2002 we have the true budget that will be balanced so kids like Grant Anderson and all the kids my colleague is fighting for and I am fighting for will have a future.

Now, to me out of the mouths of young people sometimes comes the greatest truth.

> Dear ORRIN HATCH. I think we have a huge problem with the national budget. I have the easiest way to fix it. Do you want to hear it? OK. Stop buying things if you don't have money. Thanks for your time. Grant S. Anderson.

I am grateful to Grant. I am grateful that he took the time to write to me, and there are thousands of others who are writing to us who want us to try to put some fiscal sanity into the system. We have tried five different balance-the-budget methodologies and not one of them has worked. The distinguished Senator said his amendment is not a gimmick, but his amendment reads:

> It is the policy of the United States that in achieving a balanced budget amendment—

"It is the policy of the United States." He is writing policy into the Constitution—

> Federal outlays must not be reduced in a manner that disproportionately affects outlays for education, nutrition and health programs for poor children.

I agree with him; it is not a gimmick. It is a risky gimmick. If you start putting language into the Constitution that the distinguished Senator thinks can be easily interpreted, he does not know much about the Supreme Court if he takes that attitude. I have to tell you, we are making a great mistake. So I hope our colleagues will realize it is important to keep this amendment intact. It is the only amendment that has a chance of passing. It is a bipartisan amendment, and I hope we will support it here today.

I move to table the Senator's amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Wellstone amendment No. 3. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 64, nays 36, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—64

Abraham
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Brownback
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Feingold
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Reid
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—36

Akaka
Boxer
Breaux
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feinstein
Ford
Glenn
Harkin
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone
Wyden

The motion to table the amendment (No. 3) was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

CURRENT MILK CRISIS

Mr. SPECTER. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The Senator from Pennsylvania has sent a resolution to the desk which will require a unanimous-consent request at this time.

Mr. SPECTER. I understand that. I want to make a comment or two about it, and then I will make that unanimous-consent request.

Mr. President, this resolution relates to a very urgent problem on milk pricing in the country, but especially in Pennsylvania, where Senator SANTORUM and I have been working with our farmers to try to find something to grant some immediate relief. This is a problem which exists nationwide, and we believe that we have found a way to deal with this issue in the short run as it relates to the price of cheese, which is an ingredient in establishing the price of milk.

Yesterday, Secretary of Agriculture Glickman accompanied me to northeastern Pennsylvania. We have found that the Secretary has the authority unilaterally to change the price of milk if there is a different price for cheese other than that which has been established by the National Cheese Exchange in Wisconsin.

This is a matter of some urgency, Mr. President, which is why I have discussed with the leadership the prospect of offering this resolution at this time.

I ask unanimous consent that this resolution be taken up on a 20-minute time limit, 10 minutes equally divided, with the yeas and nays on the vote. I submit this resolution on behalf of myself, Mr. SANTORUM, Mr. FEINGOLD, Mr. KOHL, Mr. JEFFORDS, and Mr. LEAHY.

The PRESIDING OFFICER. Is there objection?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, on advice, I must object to the Senator's request——

The PRESIDING OFFICER. Objection is heard.

Mr. FORD. But I want to say why. We are attempting to clear it, and it is not something that I am objecting to lightly. So we are in the process of trying to get it cleared, and as soon as we do, we will lift the objection. So I must object at this time, Mr. President.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The resolution will go over——

Mr. BYRD. Reserving the right to object.

The PRESIDING OFFICER. Would the Senator withhold, please?

Mr. BYRD. Yes.

The PRESIDING OFFICER. The Senate will please come to order. All of the conversations should stop. The Senator from West Virginia has been recognized.

Mr. BYRD. Mr. President, I realize that the objection has already been heard. May I say, I have no objection to the resolution. But I hope the Senator, when he propounds his request again, will not include that provision in the request that states that there be a rollcall vote. That has to be done by a show of hands. I do not want us to get started with having rollcall votes by unanimous consent.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from West Virginia for that suggestion. I shall incorporate that in my next unanimous-consent request.

I understand the reasoning of my colleague from Kentucky. We had circulated this yesterday, so I thought there had been ample time for clearance. It is my understanding that this is an issue which will not cause regional friction, as do so many issues on milk pricing. It is an adjustment on price which will benefit all regions. So it would not customarily draw the objection. I understand it has not been cleared.

I ask unanimous consent that the resolution be printed in the CONGRESSIONAL RECORD. And, the objection having been heard, I will reinstate the resolution at a time when it has been cleared.

(The text of S. Res. 52 is printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SPECTER. I thank the Chair and yield the floor.

The PRESIDING OFFICER. Is the Senator asking that all action be vitiated on this resolution?

Mr. SPECTER. I am not asking that all action be vitiated to the extent that the resolution has been sent to the desk, and that the discussion has been held. I understand that I may not proceed now except with unanimous consent, and unanimous consent has not been granted. I understand why unanimous consent has not been granted. So I do not think I can do anything further, but I do not want to withdraw anything either.

Mr. President, the fact is, I have submitted the resolution for the RECORD. I do not know that I need to do anything else since an objection was heard and I cannot proceed unless there is unanimous consent, which there is not.

The PRESIDING OFFICER. The Senator from Pennsylvania is advised this resolution will go to that section of the calendar that is entitled, "Resolutions and Motions Over, Under the Rule."

Mr. SPECTER. A point of information, Mr. President. Does that in any way prejudice my bringing it back to the floor when it has been cleared on both sides?

The PRESIDING OFFICER. It would require a unanimous-consent request again at that time.

Mr. SPECTER. I understand that. It requires a unanimous-consent now. It would require a unanimous-consent at that time. I just do not want to prejudice my position on bringing it back up. Whatever is the appropriate procedural call, I am prepared to accept the ruling of the Chair.

The PRESIDING OFFICER. That is understood.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with consideration of the resolution.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, what is the order of business?

The PRESIDING OFFICER. The pending question is Senate Joint Resolution 1.

Mr. BURNS. Mr. President, I rise today to express my support for the balanced budget amendment, the constitutional amendment. I think it is properly named Senate Joint Resolution 1 because it is one of the most important acts that this Congress, I think anyway, will achieve.

My home State of Montana has had that balanced budget amendment law since its inception when it joined the Union in 1889. So, living with fiscal prudence has always been our way of life. Even though there are times when we strayed from this, and had our ups and downs, we always produced a little bit of a surplus, which we had this last time, and the State returned it to the taxpayers. The Federal Government could learn a lot just looking at the example of the States.

For example, according to the Congressional Budget Office, if we do not pass this legislation and we stay with the present trend, it has been pointed out that the deficit will be over 2½ times in 10 years what it was in the year of 1996. Using CBO's numbers, our national debt will rise from $3.7 trillion to over $6 trillion by the year 2007. Every day that goes by without a balanced budget is another step closer to financial calamity for the United States. Around 40 cents of every tax dollar you send to us goes to pay the interest on the national debt, $344 billion last year alone. That is as much as we have spent on law enforcement, education, environment, energy, transportation, agriculture, and technology combined.

I guess in order to understand what we are doing here you have to boil it down to where the average American family can make sense of it and how it relates to them. Over the life of a 30-year mortgage on a $75,000 home, it means a savings of around $71,000; savings of $1,000 on the life of a 4-year loan on an automobile worth $15,000; savings of $1,800 over the life of a 10-year student loan at $11,000. By the way, I am experiencing some of that, and that means quite a lot to this Senator. The grand total of all the savings of these loans will be around $74,000 over the lifetime. I think that is something that we cannot just overlook or ignore as a consumer.

A small State like Montana—we are small businesses, ranching, farming—uses these savings to expand our businesses, thus expanding the economy of Montana.

That is one thing that we have to do in this country. We have to continually expand the economy. If you want to do something for people to ensure jobs, job opportunity, and work opportunity, we cannot stand at the same trough and at the same side of the pie. We have to grow the pie.

In the legislative branch we have to enact this amendment because it seems that we can't rely on the current administration to furnish or enact policies that will provide for further deficit-reduction measures. Sometimes we can't even do it ourselves. The President vetoed the Balanced Budget Act of 1995, which would have led to a balanced budget by the year 2002. All told, this year the omnibus appropriations for fiscal year 1997 added back $70 billion of Federal spending because of pressure from the White House.

Finally, the President has publicly stated that he would like to see the legislation fail. In fact, the President, Secretary Rubin, and Members of this Chamber have been working overtime to ensure that this amendment does not pass.

What is wrong with passing an amendment, sending it to the States, and letting the States decide, getting closer to the people? Unfortunately, some of these individuals have been trying to undermine the balanced budget constitutional amendment by suggesting that if we include Social Security in the equation, this would cause future harm to the Social Security trust fund and thereby the next generation of seniors. I would like to state flatly that that is exactly the opposite of what we are trying to do here. We are trying to save and strengthen Social Security.

The President has even admitted that no one could balance the budget without the Social Security funds. The President said that.

This is a false argument. It is a risky gimmick that causes undue anxiety among our people.

So my fellow Members believe that Social Security will have to fight it out with other programs if tied to the amendment. This is not the case. Money has already been allocated, and it will remain in these trust funds. We should not be needlessly scaring people into believing that their futures are uncertain. We would never cut Social Security to balance this budget.

So it is a risky business whenever you start talking about setting the Social Security trust fund off to the side and not being included in the budget process.

If you do not include Social Security in this amendment, our deficit will immediately increase by an additional $465 billion during fiscal year 1998 through the year 2002, and by another $602 billion during fiscal year 2003 to the year 2007, for a total of $1.067 trillion over a 10-year period. Excluding this provision will actually make it more difficult to choose which programs will stay and which will be cut away.

So why would anybody suggest anything different? As we know, the balanced budget constitutional amendment will force lawmakers to make some tough decisions. That is the way it should be. We have always lived in a life of priorities.

If we are to save our Nation from future heavy debt and uncertainty, hopefully we will follow the course of what the States do every day. We would hope at least to have a surplus.

I come out of county government. We maintain surpluses in every line item. We always maintain reserves. There is a reason for that because of the tax collection. It makes you maintain reserves. It is prudent to do it.

Nobody knows what the future holds. The American people look to us to provide those funds in the event of emergencies. You cannot do it without maintaining reserves.

So I maintain that to keep safe and secure the future programs like those which are meant to protect our senior citizens and our children, that we have to pass a balanced budget amendment to the Constitution of the United States. It just makes good sense.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would appreciate it if the desk would inform me when I have spoken for 7 minutes.

Mr. President, when I speak with Rhode Islanders I often find it very difficult to put the budget problems in perspective. Few, if any, of us understand what a billion dollars is, never mind what $1 trillion is. But the current national debt of the United States is $5.3 trillion—not billion dollars, not million dollars—trillion dollars.

So we try to figure how can we put this in some form of perspective and what the national debt is. This is what we owe our children. And the national debt amounts to $20,000 for every American in our Nation, or a bill for a family of four of $80,000.

Let me give you some idea of what $5 trillion is: $5 trillion is enough money to purchase every automobile ever sold in the United States and have enough money left over to purchase every airline ticket ever sold for travel in the United States. You buy all the automobiles that have been made in the history of the United States, and then you have money left over to buy every airline ticket that has ever been sold in the United States, and then you will have used up $5.3 trillion; $5 trillion is equal to the asset value of all the U.S. stocks held by Americans. If we went out to spend a dollar every second of every day to reach the goal of $5 trillion, it would take 158,000 years at a dollar per second.

When the Federal Government spends more than it collects in tax revenue, it borrows the difference. This debt, obviously, is a liability for future generations. My children, your children, these young people here, the young people all over America are going to have to pick up the bill for what we spent that we didn't collect taxes for. And those who support a balanced budget constitutional amendment such as we have before us believe the Federal Government should do just like a family does. All families in America have to pay their bills. If they don't, they go into bankruptcy and go through a lot of extreme difficulties. But the Federal Government does not pay its bills. It does not collect enough in taxes to pay what we are buying.

The Governor of California, Earl Warren, once said—I never forgot it—the people of California can have anything they want, anything they want, as long as they are willing to pay for it. And that should be the guiding rule for us in the United States.

People might say, "Well, sometimes you have to borrow some money." Sure you do. Thomas Jefferson borrowed $15 million to finance the Louisiana Purchase. And our Nation, obviously, had to borrow money during World War II in the 1940's to pay for that war. No one would argue with those decisions. But when we borrow money, we ought to pay it back and pay it back promptly. That isn't the way the Federal Government works today.

Mr. President, what this balanced budget amendment is attempting to do is to say if we want something in the United States, then we ought to levy taxes to pay for it. And if we are not willing to levy the taxes to pay for it, whether it is better parks or better education or better health care or better protective services or a stronger FBI or better facilities for our Ambassadors and officials of our Foreign Service serving abroad, all of those things, maybe they are fine. And if they are and if the decision is that they are fine, then let us levy the taxes to pay for it. That is what this amendment is all about.

Mr. President, I hope that this first step on a long road to balancing our budget will be undertaken. This, of course, does not say we are going to pay off that $5.3 trillion debt. But we will get started on it. First, we will not be adding to it every day of every year. Certainly, for the last 40 years we have spent more than we have taken in. That is why we have the $5.3 trillion deficit.

Mr. President, I think that this balanced budget amendment is a good start. I hope it will be approved.

I thank the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF BILL RICHARDSON TO BE U.N. AMBASSADOR

Mr. HELMS. Mr. President, as in executive session, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to executive session to consider the nomination of BILL RICHARDSON to be U.N. Ambassador. I further ask that there be 30 minutes for debate on the nomination equally divided between the chairman and ranking member of the Foreign Relations Committee, and following the conclusion or yielding back of time the Senate proceed to a vote on the confirmation of the nomination. I finally ask that following the vote, the President be immediately notified of the Senate's actions, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. HELMS. Mr. President, are the papers on the nomination at the desk?

The PRESIDING OFFICER. The papers are at the desk.

The Senator from North Carolina is informed that under the unanimous-consent agreement, the nomination can be brought up by the majority leader after consultation with the minority leader, and therefore the nomination is not yet before the Senate.

Mr. HELMS. My understanding is that that consultation has occurred because I was handed this unanimous-consent request.

The PRESIDING OFFICER. Does the Senator from North Carolina ask unanimous consent that the Senate take up the nomination?

Mr. HELMS. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF BILL RICHARDSON, OF NEW MEXICO, TO BE THE U.S. REPRESENTATIVE TO THE UNITED NATIONS

The legislative clerk read the nomination of BILL RICHARDSON, of New Mexico, to be the representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, today the Senate fulfills its constitutional duty on the nomination of Congressman BILL RICHARDSON to serve as our country's Permanent Representative to the United Nations.

The Senate Committee on Foreign Relations met for almost 3 hours on Wednesday, January 29, to consider the Richardson nomination. During that hearing, the committee also heard from a bipartisan group of six Members of Congress who introduced Congressman RICHARDSON.

That group included the distinguished chairman of the Senate Budget Committee, Senator DOMENICI, the junior Senator from New Mexico, Senator BINGAMAN, the distinguished chairman of the Senate Judiciary Committee, Senator HATCH, the chairman and ranking member of the House International Relations Committee, Congressmen GILMAN and HAMILTON, and Congressman ROBERT MENENDEZ of New Jersey.

During the hearing, Congressman RICHARDSON was questioned extensively by many members of the committee on a broad range of issues related to the United Nations, and other foreign policy matters.

At the conclusion of the hearing, it was agreed to keep the record open until close of business on January 31, so that Senators could submit written questions to the nominee. Five Senators submitted 135 such questions, all of which were answered in writing by Congressman RICHARDSON. The administration also complied with a document request concerning State Department involvement with negotiations to free certain hostages in Southern Sudan.

Earlier today, after members had spent several days examining the written replies, the committee met in a business meeting to consider this nomination. By a vote of 17 to 0, the Committee on Foreign Relations reported favorably the Richardson nomination.

Mr. President, Congressman RICHARDSON has been nominated to one of the Nation's top foreign policy posts. He has been nominated at a critical time in the history of the United Nations. I believe that he could very well make history as the U.S. Permanent Representative who rolled up his sleeves and worked with Congress to bring true and lasting reform to that dysfunctional institution.

We have heard a lot of rhetoric from the administration and the international community about the need to pay arrearages to the United Nations. U.S. contributions to the United Nations have been withheld by Congress for a valid reason: to cause the U.N. bureaucracy to wake up and smell the coffee. As I told Congressman RICHARDSON, I believe Congress may be willing to pay those arrears, but only—and I repeat emphatically, only—if payments are tied to concrete reform.

Last month, the members of the Senate Foreign Relations Committee had a long and productive meeting with the new U.N. Secretary General, Kofi Annan. I believe Mr. Annan genuinely wants to reform the United Nations, and I genuinely want to help him. But like Ronald Reagan used to say: "trust but verify."

That is why I told Mr. Annan that I intend to introduce legislation shortly that sets benchmarks for U.N. reform, and that rewards reform with payment of the U.S. arrearage. As each benchmark is met, money will be dispensed, thus ensuring U.S. contributions will be linked to concrete accomplishments.

I have asked the Secretary General for his ideas and input, as I work with Senator GRAMS, who will chair the international operations subcommittee during this Congress, and as I work with other Senate colleagues to prepare this legislation.

Mr. President, Congressman RICHARDSON has pledged to work with the Senate Foreign Relations Committee and with the Congress as a whole, in implementing concrete reforms at the United Nations. We welcome his input.

I believe that on balance, he is well qualified for the post of U.S. Permanent Representative to the United Nations. I look forward to working with him in moving our agenda forward.

I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Who controls the time?

The PRESIDING OFFICER. The Senator from North Carolina controls the time on his side.

Mr. HELMS. I yield 5 minutes to the Senator.

Mr. GREGG. I thank the chairman of the Foreign Relations Committee for yielding me time on this nomination. I rise in support of this nomination of Congressman RICHARDSON to be America's Ambassador to the United Nations. I had the pleasure of serving with BILL RICHARDSON while he was in the House. We arrived at nearly the same time.

He was a joy to serve with, and I have a lot of respect for what he has done since that time, especially in the area of international affairs where he has in a number of instances been able to extricate Americans from very difficult situations.

However, on this issue of the nomination, I think we also need to address the question of the status of the United Nations and especially the relationship of this Government to the United Nations, and a few caveats need to be pointed out.

Specifically, my concern, and I think the concern of a number of Members of Congress, is with the payment of arrearages to the United Nations. The administration, we hear by rumor, is going to send to this Congress a supplemental, which supplemental will include in it a $900 million plus request for payment of arrearages to the United Nations.

There are two major issues raised by this. First, the question of whether $900 million is the correct number. There is some serious concern by those of us who have looked at this issue that that number may be too high and that the proper number should be less because we as a government have not received proper credit for costs of peacekeeping which we have incurred and should have been credited for.

Second, independent of what the right number is relative to arrearages, there is the question of what the money will be spent for in the future. The United Nations has some very serious problems in its management.

The new Secretary General, Kofi Annan, has made a commitment to try to address those problems, and we respect that commitment. But we need to go beyond verbiage. We need to go beyond language, and we need to have specifics, and we need to have enforceable and identifiable and ascertainable standards we can look to.

Specifically, we need to have from the United Nations a system to review where the money is spent. There is not now available to those who wish to review, those member countries that wish to review, an effective accounting procedure for where the money goes once it arrives at the United Nations, and we need to have that.

Second, we need to have an effective process for determining the personnel policies of the United Nations. There is not now a structure for adequately reviewing how personnel decisions are made at the United Nations. There is a legitimate concern that there are a significant number of political appointees at the United Nations, patronage, for lack of a better word, and that these appointees do vote in many instances. That is the representation. It may or may not be correct. But because there is no system to be able to review the personnel policies of the United Nations, because they do not have a systematic personnel policy system, it is impossible to evaluate the accuracy of these representations.

Third, we need to have the process for evaluating the full services delivered by the United Nations, the programmatic initiatives taken by the United Nations and whether or not they are being efficiently and effectively handled. This is a very genuine concern because there is a very significant amount of anecdotal evidence, at least, that many of the activities and dollars that have been spent to support those activities may not have produced the results sought, or in many instances the dollars may have just been misplaced in at least a few cases that have been found by the present inspector general, even misappropriated.

So until we get in place these three major accounting processes, which are typical of any major structure of government or of the private sector, an accounting structure for knowing where the money goes, an accounting structure for knowing what the personnel policies are, and an accounting structure that allows you to follow programmatic activity as to its efficiency and effectiveness, until we get something in place that shows us we are going to have those types of systems in place that allow us to review and know whether or not our dollars are being spent effectively, it is very hard for us as the fiduciaries of our citizens' dollars, as the managers of our taxpayers' hard-earned income that is sent here as taxes, to say to the United Nations you shall have this money in a carte blanche type of approach.

So there will be a significant debate in the Senate, and I suspect in the Congress generally, as to how we structure any payment on arrearages, and it is going to be my position, which I intend to aggressively pursue—and it really is a position where I follow the lead of the chairman of the committee—that we have effective accounting procedures in place and that they be ascertainable and that they be structured in a way that we are sure we are getting our dollar's worth of effective administration, personnel management and services.

The PRESIDING OFFICER. The 5 minutes yielded the Senator have expired.

Mr. GREGG. I thank the Presiding Officer for his courtesy and the chairman for his courtesy.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise in support of our colleague, Congressman RICHARDSON, to become our Ambassador to the United Nations.

Mr. President, I will very shortly yield back the remainder of the time. I understand I have 15 minutes under my control.

Mr. President, I take this opportunity to thank the chairman, Senator HELMS, for his willingness to bring this important nomination to the floor so expeditiously.

I join Chairman HELMS in endorsing the nomination of Representative BILL RICHARDSON to be the Permanent Representative of the United States of America to the United Nations, with rank of Ambassador.

I commend President Clinton for having nominated him, and I strongly urge my colleagues here today to vote to confirm this distinguished Member of Congress who already has a long list of diplomatic accomplishments to his name.

Congressman RICHARDSON has ably represented the Third District of New Mexico for 14 years, but it is his experience in successfully negotiating the release of Americans and others in some of the world's least hospitable locales that has brought his formidable diplomatic skills to light. This diplomatic experience will serve him well at the United Nations as he seeks to advance American interests in contacts with 185 other nations.

Likewise, Congressman RICHARDSON's personal background and political experience have prepared him well to represent the United States in the world body.

BILL RICHARDSON was born in California and grew up in Mexico City. He attended high school in Boston and remained there to attend Tufts University, where he earned a bachelor's degree and a Master of Arts in Law and Diplomacy.

BILL RICHARDSON then came to Washington, working in the Legislative Affairs Office at the State Department and as a staffer on the Senate Foreign Relations Committee, where, like his predecessor, Secretary of State Albright, he gained an appreciation for the role of the Senate in helping craft American foreign policy.

In 1978, BILL RICHARDSON moved to Santa Fe, and in 1982 he won election to this first term as a Member of Congress. His vast district has been described by one writer as a "mini-U.N.," with a diverse population that is 35 percent Hispanic and 25 percent Native American, including members of 28 different tribes.

As a Congressman, he served on the Intelligence Committee and was a fervent advocate of the North American Free Trade Agreement.

Mr. President, I ask unanimous consent to have printed in the RECORD the official biography of BILL RICHARDSON.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT FOR THE COMMITTEE ON FOREIGN RELATIONS, UNITED STATES SENATE

Subject: Ambassadorial Nomination: Certificate of Demonstrated Competence—Foreign Service Act, Section 304(a)(4).

Post: U.S. Mission to the United Nations.

Candidate: Bill Richardson.

Bill Richardson has served as a member of the U.S. House of Representatives, representing the state of New Mexico since 1983. He serves on the Commerce, Resources and Intelligence Committees. Mr. Richardson is active on the North Atlantic Assembly, the Helsinki Commission on Human Rights, the Congressional Hispanic Caucus, and the House Democratic Steering Committee. In addition, Congressman Richardson serves as Chief Deputy Minority Whip.

Congressman Richardson has been active in hostage negotiations in a number of countries which include the Sudan, North Korea, Cuba, and Iraq. His diplomatic skills have been instrumental in the release of a number of American hostages.

Prior to his election to the U.S. House of Representatives, Mr. Richardson served as a Staff Member of the U.S. Senate Foreign Relations Committee, a Congressional Liaison Officer as the Department of State, and a Staff Member of the Wednesday Group of the U.S. House of Representatives.

Mr. Richardson received a B.A. from Tufts University and an M.A. from the Fletcher School of Law and Diplomacy at Tufts. He is the recipient of honorary degrees from the University of the Americas in Mexico, the College of Santa Fe, and the Fletcher School of Law and Diplomacy. Mr. Richardson has published a number of articles dealing with U.S.-Mexico relations.

Born November 15, 1947, Mr. Richardson speaks Spanish and French. He has won numerous awards including the Aztec Eagle Award from Mexico Government in 1994. In 1995, he was nominated for the Nobel Peace Prize.

Mr. Richardson's dedication to public service and his strong diplomatic and leadership skills make him an excellent candidate as U.S. Representative to the United Nations.

Mr. BIDEN. Mr. President, BILL RICHARDSON has engaged in successful diplomacy with some of the world's most recalcitrant regimes and rebels. His humanitarian concern for individuals and his commitment to advance this country's interests have led him to countries like North Korea, Cuba, Iraq, Serbia, Nigeria, Burma, Haiti, and Sudan. My colleagues will recall that he negotiated the release of an American helicopter pilot in North Korea, three Red Cross workers in Sudan, and two Americans imprisoned in Iraq.

Two weeks ago, Congressman RICHARDSON came before the Senate Foreign Relations Committee and outlined how the United Nations should be used to advance American interests, while streamlining its bureaucracy and reforming its structure. I ask unanimous consent that his statement before the committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY REPRESENTATIVE WILLIAM RICHARDSON BEFORE SENATE FOREIGN RELATIONS COMMITTEE

Mr. Chairman, distinguished Members of the Committee, it is a pleasure to meet with you this morning. I would like to begin by expressing my gratitude to President Clinton for nominating me to this important and challenging position. I am deeply honored by his trust and deeply conscious of the fact that, if confirmed, I will be representing the United States, and the interests and values of its people to the world. This is a heavy responsibility that I do not undertake lightly. But I assure you that, if I am confirmed, America will have no more forceful advocate of its views and no more forceful defender of its sovereign interests.

I would also like to thank you, Mr. Chairman, as well as Senator Biden, for moving forward so expeditiously with my nomination. I was very encouraged by the calls for bi-partisan cooperation on U.S. foreign policy at Secretary Albright's confirmation hearing, and I look forward, if confirmed, to working with you in the same spirit.

I also extend my appreciation to Senators Domenici and Bingaman, and Representatives Gilman, Hamilton and Menendez, for their kind introductions. It has been my privilege to work with these distinguished individuals. In my tenure in the Congress, I have also come to know a number of the members of this Committee. I have seen how deeply committed you are to advancing the interests of the America people. I thank all of the members of the Committee for the courtesies you have extended to me during the last few weeks.

I would like as well to express my great admiration and respect for the work of my predecessor, whose resolve, frankness, and just plain good sense made her four years at the U.N. such a resounding success. If confirmed, I hope to profit from her example and to work closely with her as a member of the President's foreign policy team.

Finally, I wonder if I might take a brief moment to introduce my wife Barbara.

Mr. Chairman, I am proud of my longstanding commitment to public service. For seven terms in the House of Representatives, I have sought to demonstrate that commitment by serving my constituents and my country to the best of my abilities. Those fourteen years of service, I believe, provide me with a perspective and a sensitivity to issues that will strengthen my working relationship with you, this Committee, and the Congress.

We share a love for our nation and a determination to preserve and strengthen America's global leadership, to promote our goals of world peace and security. We want a better world for our generation, our children's generation and all those who follow.

The good news is that we live at a time of remarkable promise. Our nation is at peace. Our economy is strong. And our most fundamental beliefs are ascendant, as more countries and peoples than ever before enjoy the advantages of open societies and open markets. But we also face a host of threats—from rogue states and the spread of weapons of mass destruction to terrorism, drug trafficking and environmental degradation—that can all too easily undermine our hard-won gains and our hopes for the next century.

I believe the U.N. is at a crossroads—and so is America's leadership in the institution. Both the U.N. and the U.S. face fundamental choices: for the United Nations, to adapt fully to new demands and changing times, or to suffer the erosion of support from nations and peoples. For the United States, the choice is to sustain our leadership in a reformed, effective U.N. or lose our voice in an institution that has helped us advance American interests for half a century. The U.N. must do its part. But we too must make the right choice. Let me explain why:

As a global power with global interests, the United States must lead in seizing the opportunities and meeting the challenges of this new era. And to lead, we must have all the tools of leadership at our disposal. Sometimes, when our vital interests are at stake, we have to be willing and able to act alone. That's why we are determined to maintain a strong military, and an assertive, well-funded diplomacy.

But the U.S. can't do everything; nor should we try. As President Clinton has put it, "we cannot sustain our leadership or our goals for a better world alone." That is why the U.N. is essential: not as an independent actor on the world stage, but as an instrument that helps us mobilize the support of other nations for goals the American people support. Without it, we would face, more and more often, the stark choice between acting alone and doing nothing.

I know there are some who question whether our participation in the U.N. serves American interests. The question is a fair one—but the answer is clear: America's most fundamental interests are best served by our active, hard-headed leadership in the U.N.; they will be set back if we drop out—either in the literal sense or by failing to shoulder our fair share of responsibilities.

The values that inform the U.N. Charter are also American values; the Charter's sentiments and, in many ways, its very words echo the ideals so familiar to generations of Americans: "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women." This should be no surprise given the role that Americans played in conceiving and drafting the U.N. Charter.

But U.S. participation in the U.N. is not merely a question of values. U.S. participation has made a positive difference in meeting an extraordinary range of challenges around the world. It enables us to build international support for our foreign policy goals at a lower price; during the Gulf War, this multiplier effect meant that the international community shared the costs and responsibility of defeating Iraq. We see peace in Cambodia, El Salvador, Angola, Namibia and Mozambique thanks in no small part to the powerful combination of effective U.S. leadership and sustained U.N. engagement.

Mr. Chairman, I have seen for myself how the United Nations can help us further America's interests: today, IAEA inspectors help to verify that North Korea is living up to its commitment not to produce nuclear weapons; in remote parts of Sudan to which Americans have little or no access, I have seen how U.N. affiliated organizations help protect and feed the innocent victims of a terrible humanitarian disaster. In Burma, I have seen how the nations of the world at the U.N. General Assembly and led by the United States, have brought hope to embattled democrats by justly condemning a repressive regime.

As the President said last week, "our well-being at home depends on our engagement around the world." U.N. agencies contribute to the safety and security of Americans; they even protect U.S. jobs: the ICAO's aviation safety and security standards disproportionately benefit Americans (who make up 40 percent of all international air travelers); labor standards set by the ILO help ensure that U.S. exports remain competitive overseas; trademark and copyright protections overseen by the World Intellectual Property Organization protect billions of dollars in U.S. exports of movies, software, music, books, and industrial inventions; the FAO and the WHO set international food product safety and quality standards that benefit our agricultural exporters as well as our consumers.

Increasingly, we use U.N. bodies to gain international support for addressing such dangerous transnational scourges as terrorism, crime, and narcotics trafficking. We work with and through the U.N. to achieve our objectives on human rights, the environment, and child labor—all issues of great importance to the American people. The U.N. has helped bring the world together in caring for refugees, feeding starving children, eradicating smallpox and battling AIDS. If we can maintain our leadership within the organization, this will continue to be so.

During the last several years, Secretary Albright worked tirelessly on U.N. reform, and she produced results: a new Secretary General was appointed, committed to accelerate the pace and widen the scope of reform; the U.N. was persuaded to adopt no-growth budgets—both currently and for the foreseeable future—and to reduce the number of people working in the U.N. Secretariat by several hundred. Furthermore, we have persuaded the regional economic commissions to begin initial re-prioritizing, and we have taken at least the first steps toward streamlining the specialized agencies.

Make no mistake, the U.N. has serious problems to surmount. There should, for example, be better coordination of its activities, consolidation of related programs and bodies, and elimination of redundancies and low-priority activities. The specialized agencies must learn to live within their means. And the whole U.N. system must take a page from the business community's handbook and learn to do more with less. The High-

Level Working Group on U.N. reform proposed by President Clinton at the 49th General Assembly to address key economic, social and administrative issues has made little progress, and changes so far at the specialized agencies have been ad hoc and tentative.

Secretary General Kofi Annan has publicly committed himself to achieving the kind of reform that will make the U.N. more effective. His appointment presents us with an opportunity to push for reform and solve our arrears problems. He appears receptive to changing the way the U.N. operates; in his public remarks since being appointed he has stressed the need to make the U.N. "leaner, more efficient and more effective." I know his words have been applauded up here on the Hill and I was very encouraged by the series of meetings he held last week here in Washington—in particular by his meeting with you, Mr. Chairman, and members of the committee. His job will be a difficult one, but with will and effort, it can be done. If confirmed, I will press relentlessly to make sure that reforms are undertaken, both in the U.N. and the specialized agencies, and that our priorities are key factors in U.N. decision-making. At the same time, I'll ask your support for America's leadership in the U.N.—and for fulfilling the commitments that will enable us to lead.

Mr. Chairman, as a member of Congress, I know perfectly well that while our constituents want to see America involved in the world, they are not interested in seeing tax dollars wasted on programs that are inconsistent with American interests or values. A central part of my job will be to make this reality absolutely clear to the U.N. and its 184 other members.

In four years, I hope this Administration will be able to say that by working with you and other key committees in Congress we: Helped the U.N. and its specialized agencies make the transition to smaller and more efficient organizations; put our U.N. assessments on a sustainable financial footing that preserves U.S. influence within the U.N. system; paid America's debt to the U.N.; and rebuilt bipartisan support in the United States for continued American leadership within and through the U.N.

To accomplish these far-reaching changes, we envision a reform package consisting of five elements: Maintaining at least zero growth in the U.N. budget, streamlining the U.N. Secretariat in terms of personnel and organizational structure, streamlining the U.N.'s "big three" affiliated agencies: the Food and Agriculture Organization, the International Labor Organization, and the World Health Organization, negotiating lower U.S. scales of assessment for the U.N. regular budget, the budgets of affiliated agencies, and the U.N. peacekeeping budget, and negotiating the kind of Security Council reform that preserves its efficiency and protects the prerogatives of the current Permanent Members, while adding Germany and Japan.

To see these reforms implemented, however, I will need the help of the Congress. The administration is prepared—even eager—to work with you to help achieve our U.N. goals. But our efforts are increasingly hampered by international resentment over our arrears. As the U.N. cleans its house, we must do our part. Our U.N. debt continues to hurt our efforts to press for reform and damages our influence in the U.N. and its affiliated agencies. The United States needs to get out of debt and stay out of debt. As the President said just last week "We cannot expect to lead through the United Nations unless we pay what we owe."

For that reason, at the same time as I make America's case at the U.N. I will be making the case to the Congress and the American people that a reformed, effective U.N. serves our interests in concrete ways and that our arrears have harmed our ability to press for reform. As Secretary Christopher used to say, "we can't reform and retreat at the same time."

Clearly, the Administration and the Congress must work together on a bipartisan basis to advance U.S. interests through a reformed United Nations. In addition to my commitment to pressing for U.N. reform, I also pledge to you to make every effort to reinforce the unfailing commitment of the American people to democracy and human rights around the world.

I believe that one of my highest responsibilities will be to confer, cooperate, and consult with the Congress across the board on the widest range of U.N.-related issues, both in Washington and in New York. If confirmed, I will welcome your advice, Mr. Chairman, and that of every member of this Committee and of the Congress. I extend to you individually and collectively a standing invitation to come to New York and see for yourselves what we are doing there. My door will always be open.

On one thing we can all agree: the U.N. can and must do better and since we are part of the U.N. we must together be part of the solution. If, with your consent, I am confirmed, I can pledge to you that you will find no one more committed to getting the job done.

Thank you very much.

Mr. BIDEN. Mr. President, Congressman RICHARDSON reminded us that while U.N. reform is important, we must never lose sight of the fundamental value of the United Nations for our national interests. We rely on the United Nations to provide humanitarian assistance to millions who otherwise would have no source of food or shelter. We rely on the United Nations to eradicate disease and improve health. We rely on the United Nations to prevent nuclear proliferation. We rely on the United Nations to facilitate and maintain peace. The United Nations allows us to combine our resources with those of others to bring about outcomes that are in our national interest.

We must pursue reform, but we should not use reform as a stalking horse to undermine the United Nations' ability to carry out tasks that serve our fundamental interests.

We must maintain our leadership in the United Nations. Doing so entails meeting our commitments to the United Nations; specifically, it means paying our back dues. We cannot expect others to fulfill their international obligations if we do not fulfill our own.

The President's request for a $921 million supplemental appropriation, to be disbursed 2 years from now, is a good place to begin a bipartisan effort to pay off our debt and encourage meaningful U.N. reform.

Mr. President, I look forward to working with Congressman RICHARDSON over the next 4 years to ensure that the United States continues to play a leading role at the United Nations so that the United Nations continues to work in America's interests.

Let me just suggest that I think since I have been here—and it has been 24 years—we have not bad anyone who by temperament, experience, background, and education is any more qualified to be our Ambassador to the United Nations than Ambassador RICHARDSON. We, all of us who have served here, at least for 2 years or more, have come to know him personally or have become acquainted with his incredible record of special missions, where he has not gone off on his own but gone off under the aegis and umbrella, at least, and being told by informing administrations what he has been doing, and the remarkable negotiations that he has undertaken with such remarkable results.

The reason I mention that is not that that qualifies a man or woman to be the Ambassador to the United Nations in and of itself, but it indicates that this is a man who understands how to assess his opposition's interests and how to try to meet that interest without yielding on any principle that is important to this country. I think Madeleine Albright did that job well, as others have, and I think that BILL will do it equally as well.

I also think that he goes there equipped with a firsthand knowledge of the concerns expressed by the chairman of the committee, the Senator from North Carolina, and our distinguished colleague from New Hampshire, who just spoke. This is not something he has to divine or guess about. This is not just in terms of our arrearages. Our involvement with the United Nations—and the future relationship the United States will have with the United Nations—is something that he is personally aware of, in terms of the intensity, the extent to which the concern exists, and the detail of the concern as emanated from the U.S. Congress, both in the House and the Senate.

So, he is a man who will arrive on the scene fully aware of both sides of this equation. He is not just a very gifted academic or diplomat who will serve us there. He is not someone who has just learned academically of the concern of the Congress and the simple, basic, legitimate political concerns that we have. I don't mean partisan political, I mean political in the sense that we have to answer to our constituencies as to what we are going to do about paying arrearages, if we pay arrearages, and how we pay them. And I think that is a particularly useful background for a man to have at this moment, going to that job.

He is, as I said, academically qualified. He is qualified by temperament. He is qualified by experience. And he is qualified, uniquely qualified in what is probably the single most significant issue that has faced our relations with the United Nations, probably since the United Nations has come into existence. That is: What is the relationship and role of the President's authority to make commitments relative to the use of American dollars and forces in other parts of the world, and how does that interrelate with the Congress and the Senate, in particular, and how and under what circumstances should we be making up our arrearages and looking out for our longer term interests at the United Nations?

So for those reasons and many others which, I have not mentioned here today, I think BILL RICHARDSON is the right man for the job at this moment, although I suspect he would be qualified for the job at any moment. But I think he is particularly qualified to take over this job at this time.

Mr. GRAMS. Mr. President, as the new chairman of the Subcommittee on International Operations, I am pleased to offer my support for the nomination of BILL RICHARDSON to serve as the U.S. Ambassador to the United Nations.

Many of us have followed Congressman RICHARDSON's globe-trotting missions to assist captured Americans in hostile circumstances. I want to express my personal appreciation for the successful effort he made 2 years ago to obtain the release of Bill Barloon in Iraq, since Mr. Barloon's brother lives in my home State of Minnesota.

We were very grateful. I have no doubt that the lessons BILL RICHARDSON has learned from these missions, which one newspaper dubbed "daredevil diplomacy," will serve him well at the United Nations. Often, it seems the United States must use just the right mix of aggressive persuasion and diplomatic negotiations to convince the other 184 member states at the United Nations to go along with even minor reforms.

As a member of the Foreign Relations Committee, I have long had an interest in the reform and revitalization of the United Nations. But late last year, I was given the opportunity to become personally involved in some of the controversial issues surrounding this body when President Clinton appointed me to be a congressional delegate to the U.N. General Assembly.

From October to December, I made three trips to the United Nations to participate in its activities. These included not only meeting with a wide range of U.N. officials and representatives from other nations, but also speaking before the U.N. budget committee—known as the Fifth Committee—and also the General Assembly itself.

This experience reinforced my two key beliefs about the United Nations. First, that a properly structured United Nations can be a useful international forum and a vital tool for American foreign policy. And second, that it is also an unbelievably complex and bureaucratic organization which is crying out for an overhaul.

Last month, I was encouraged by the visit to Washington of the new U.N. Secretary-General, Kofi Annan, and by his assertions to Congress that additional reforms are in the offing. I know many of us look forward to reviewing the reform package he has promised to develop by September of this year.

During both his public testimony and in a private meeting with me, BILL RICHARDSON pledged unprecedented consultations with Congress on U.N. issues. I deeply appreciated that promise and know that Mr. RICHARDSON, as a member of Congress himself, understands the importance of genuine interaction between the executive and legislative branches on foreign policy.

In that vein, there are some matters at the United Nations that I believe require immediate attention and I hope to begin working promptly with soon-to-be Ambassador RICHARDSON to address them.

To begin with, I am alarmed by the lack of resources currently being made available to the U.N. Inspector General, known as the Office of Internal Oversight Services, or the OIOS. This office is one that would not exist without American advocacy and, I might add, without the pressure of legislation mandating that some United States contributions to the United Nations be withheld until it was created.

The OIOS is charged with rooting out waste, fraud, abuse, and mismanagement at the United Nations. According to the Undersecretary-General who runs the office, it does not always receive the cooperation it needs from all U.N. staff and member states.

This is unfortunate because the purpose of the OIOS is to save money and make more effective use of U.N. resources. All member states should remember that money wasted is money that will not help meet the goals of programs that they themselves mandated the U.N. undertake.

My immediate concern is that the budget of the OIOS has been cut dramatically this biennium, including a reduction of $700,000 just in 1997. It also has 12 posts which have not been filled, giving it an especially high vacancy rate for U.N. offices. In fact, my understanding is that the OIOS has only about 10 trained investigators to handle the massive job of U.N. oversight.

Not only is this simply unacceptable, but it causes us to question whether the U.N. Inspector General's office is truly independent.

Now I hope one of Mr. RICHARDSON's first priorities will be to sit down with Secretary-General Annan and figure out how to bring the OIOS up to full strength.

This means not only filling vacant posts for 1997, but making sure there is funding in the 1998–99 budget outline to continue those posts into the next biennium. It also means making sure the OIOS has sufficient resources to support the activities of its investigators.

We have heard enough excuses on this issue and it's time for it to be resolved. The United States has declared that one of its reform goals is to expand the U.N. Inspector General's authority to all agencies and programs throughout the U.N. system. I strongly support this reform goal, but question how it can be accomplished when the OIOS is having great difficulty meeting its current responsibilities.

Another issue which has caused deep congressional concern is the loss of the U.S. seat on the U.N. Advisory Committee on Administrative and Budgetary Questions, known as the ACABQ.

This is the first year since the founding of the United Nations that the United States has not had a position on this crucial budget committee. Without this seat, it will be even more difficult for the United States to get access to important technical budget information at the very time we are trying to enforce fiscal restraint and a no-growth budget at the United Nations.

I would recommend Mr. RICHARDSON take three important steps with regard to the ACABQ: First, he must make sure the U.S. mission to the United Nations and Congress will continue to have access to important budget information whenever necessary.

Second, he should ensure that any matters involving the commitment or reprogramming of U.N. funds are considered in the General Assembly's Fifth Committee, on which the United States still has a seat, rather than only by the ACABQ.

Now third, it is clear the United States must regain its seat during the next elections for the ACABQ in 1998. Given the stunning loss of the last U.S. candidate, Mr. RICHARDSON and the State Department need to fully consult with Congress before nominating our next ACABQ candidate.

Mr. President, before I close, I want to say a few words about the major U.N. issue facing Congress this year, which is the President's request for $1 billion to pay United States arrears to the United Nations.

Given what I understand so far of the President's plan—and I still have yet to see anything on paper from the administration—I must express my disappointment with his U.N. reform proposal.

First of all, I am dismayed by the reluctance, if not outright refusal, of the administration to link incremental payment of U.S. arrears to specific U.N. reforms mandated by law. Clearly, this general approach has been successful on a series of reforms ranging from the creation of the U.N. Inspector General to the ongoing implementation of a no-growth budget.

Second, I am concerned the administration is focusing narrowly on simply reducing U.N. budgets and assessments to the United States. While I agree that mandating budget reductions can force U.N. bureaucrats to prioritize funding and programs, this is only part of the picture.

There are a whole series of management reforms that also deserve to have the leverage of U.S. arrears behind them. The point is that we don't just want a less expensive United Nations, but one that is more manageable and efficient.

Third, I have reservations about the President's request for $921 million as an advance appropriation for fiscal year 1999. These reservations are heightened if such funding will not be legislatively conditioned on mandatory reforms.

My personal view is that this appropriation should not be rushed through Congress just so the President can have it in his pocket for safekeeping. We should consider this funding in the normal authorization and appropriations process so that it can be examined in the context of all budget priorities.

I understand that Secretary Albright will be coming to Congress tomorrow to discuss the President's proposal so I will defer other comments until after that meeting. However, as an opening bid in the negotiations over how to resolve U.S. arrears and guarantee U.N. reform, the administration's plan seems to be falling short.

Therefore, Mr. President, I hope negotiations between Congress and the administration can proceed quickly so that we can begin discussing a serious, comprehensive U.N. reform agenda. To that end, I look forward to working with our next United States Ambassador to the United Nations, BILL RICHARDSON, on a close and productive basis to strengthen the relationship between the United States and the United Nations.

Mr. FAIRCLOTH. Mr. President, I rise in support of the nomination of BILL RICHARDSON to be U.S. Ambassador to the United Nations.

But, Mr. President, I must express my concern about the United Nations, particularly the imminent discussion about a multibillion-dollar bailout of this body.

My thoughts can best be summed up by an article which I will ask to have printed in the RECORD. This excellent opinion piece, written by Cliff Kincaid, raises serious questions about the United Nations that need to be answered.

In addition to the wasteful spending practices of the United Nations, in my opinion, the organization in recent years has begun to pose a threat to U.S. foreign policy and the command and control of the U.S. Armed Forces. It needlessly delayed the conflict in Bosnia and was partly responsible for the debacle in Somalia.

The role of the United Nations in dictating the foreign policy of this country, and its role in the military affairs must be confronted and stopped.

I hope that Mr. RICHARDSON could address these and other issues during his coming tenure as our Ambassador.

I ask unanimous consent that the article by Mr. Cliff Kincaid be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 19, 1997]

WHO'S SOAKING WHOM?

(By Cliff Kincaid)

Kofi Annan is coming to town. Unlike Santa Claus, who gives gifts, Annan wants them. The new secretary general of the United Nations is scheduled to be in Washington this week to ask members of Congress to provide another $1 billion or more for the world organization. Members of Congress may wish to ask him some tough questions about U.N. finances.

First: Why has the position of U.N. secretary general enjoyed a 70 percent increase in pay over the past six years while the United Nations has been going broke? U.N. figures show the position was paid $156,429 in gross salary in 1991, with an entertainment budget of $22,500. By May 1995, the secretary general's gross salary had risen to $280,075, with $25,000 for entertainment. If Annan is sincere about reform, he should set an example by taking a pay cut.

Second: Why is former U.N. secretary general Kurt Waldheim still getting a $102,000 annual pension? In 1986 journalists exposed his collaboration in the Nazi extermination campaign in southern Europe during World War II, and he was barred from the United States. Since Waldheim got his U.N. job under false pretenses, why is the United Nations still obligated to pay him out of its $15 billion pension fund? Moreover, doesn't it look bad for the U.N. to prosecute suspected war criminals in Bosnia and Rwanda while continuing to pay Waldheim?

Third: What is the real U.S. "debt" to the United Nations? The General Assembly came up with the requirement that the United States pay 25 percent of the U.N. operating budget and 31 percent of the peacekeeping budget. Over the course of the past decade, congressional appropriations for the U.N. have fallen short of these "requirements," which are based on national wealth and responsibilities in world affairs. If we don't pay what the U.N. wants, its only option is to deny us a vote in the General Assembly. Members of the assembly haven't done this because they know we're still the biggest contributor to the U.N. regardless of the "debt" talk.

The United States makes many contributions to the world organization for which it receives no credit or reimbursement. A March 1996 General Accounting Office (GAO) report on peace operations found that, during fiscal years 1992–95, U.S. government costs in support of U.N.-backed peacekeeping operations amounted to $6.6 billion. About $4.8 billion of this amount was never counted as part of our official U.N. assessment, according to the GAO. The United Nations did reimburse the United States for about $79 million of these expenses, leaving $4.7 billion that has effectively been provided as a gift. If this sum is applied to our $1 billion-plus "debt," as seems logical, then the United Nations owes us money, not the reverse.

U.N. supporters may argue that the United States is obligated to appropriate money directly to the United Nations, not just to direct U.S. agencies to support U.N. operations. But U.S. support, including housing, humanitarian supplies and other goods and services, is paid for by congressional appropriations and directly enables the United Nations to carry on its work. Why shouldn't these contributions count?

Fourth: Why are U.N. officials continuing to push global taxation? The U.S. Congress was shocked when former U.N. secretary general Boutros Boutros-Ghali endorsed international taxation schemes to fund the United Nations. Legislation to derail these plans was voted on by the Senate last year. Not surprisingly, global taxes for the United Nations went down by a 70–28 margin.

Nevertheless, officials at the United Nations Development Programme have now edited a 300-page book, titled "The Tobin Tax," on how to implement a global tax on international currency transactions. (James Tobin is the Yale University economist who came up with the idea.) This tax could affect IRAs, pension funds, mutual funds and other investments of ordinary Americans. Will Annan make sure that work on these schemes stops immediately?

If the new U.N. secretary general wants to make a convincing case on Capitol Hill, he should answer these questions to the satisfaction of the U.S. Congress.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, our Nation has been very fortunate over the years to have had distinguished, capable representatives serving as our Ambassadors to the United Nations. It is my honor today to speak on behalf of yet another distinguished American, BILL RICHARDSON, who has been nominated by the President to serve in that capacity.

Let me offer a few words of strong endorsement for my colleague. BILL RICHARDSON and I first campaigned together in 1982, when he was running for the House of Representatives and I was running for the Senate.

Starting with that 1982 campaign, and in the 15 years since then, I have continued to be impressed by his resourcefulness, by his energy, by his talent for winning the trust and respect from people of diverse backgrounds with widely varied points of view.

Much has been made of the successful diplomatic efforts that he has engaged in in the last few years, but I would like to say just a few words about his performance on his so-called day job, that is, his job as Congressman for the State of New Mexico.

As you know, Mr. President, New Mexico is a State of many cultures. We have a very large native American population, a very large Hispanic population, a community such as Los Alamos, which has the largest number of Ph.D.'s per capita of any city in the world.

BILL RICHARDSON has managed to gain the trust and support of each of these as well as many other groups and has been a very effective and successful Congressman receiving very large majorities each of the eight elections that he has stood for in our State.

Bill will demonstrate the same resourcefulness, energy, and skill in building trust and rapport in the United Nations that he has demonstrated in New Mexico. We in New Mexico will be losing a very capable and effective Representative in Congress, but the country will be well served by having Bill in this key position of advocacy in the world's key international institution.

Mr. President, I strongly recommend to my colleagues that they vote to confirm the nomination of Bill Richardson for the U.N. Ambassador position.

Mr. BIDEN. Mr. President, I do not see any other of my colleagues seeking to speak on this nomination. Therefore, I am prepared to yield back the remainder of my time and am prepared to vote anytime the chairman deems it appropriate.

The PRESIDING OFFICER. Does the Senator from North Carolina yield back his time?

Mr. HELMS. Mr. President, the yeas and nays have not been obtained for this nomination, have they?

The PRESIDING OFFICER. They have not.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, the Cloakroom would do well to advise Senators that there shortly will be a rollcall vote. I will explain to the Chair, while we are delaying just a little bit, Senator Domenici, who is a New Mexican, as is Mr. Richardson, is on his way to the floor and he wants to say a few kind words about his fellow New Mexican. So, pending the arrival of Senator Domenici, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will time be equally divided?

Mr. HELMS. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator from North Carolina yield time to the Senator from New Mexico?

Mr. HELMS. Yes.

Mr. DOMENICI. Mr. President, I rise just to say a few words in behalf of my good friend, the U.S. Representative from the State of New Mexico, Bill Richardson. I think I would have been remiss if I did not come to the floor today and say to soon-to-be Ambassador Richardson in behalf of New Mexicans, we wish you the very best good fortune. We know that whatever you have tried, you have succeeded at it in your life. And now, through that achievement and because New Mexicans have sent you to the U.S. House in numerous elections and for a number of years, we all think you are ready for a much bigger role and a much bigger mission in behalf of our country.

Most of us who know you, and most New Mexicans who have observed you, are confident you are going to do a splendid job in behalf of our country. The fact that you came from a State that has multiple cultures, that clearly accepts the diversity that no other State in the Union has like ours, bodes well for your work with people from all over the world.

While I could stand here and speak for a long time in your behalf, it is not necessary today because you are clearly going to be confirmed and your name is going to be sent to the President as the next Ambassador to the United Nations. But I believe I will close with just a couple of words in Spanish. Buena suerte, Bill. That's the simplest way of saying good luck and good fortune in Spanish. I have been privileged to work with you. I hope you will continue to work with those of us in the U.S. Senate and House who are interested in the United Nations succeeding. We think you have a big mission. We hope you can establish some inroads, in terms of the United Nations being a more effective and efficient body, so that the United States can truly continue to support its efforts and your efforts in behalf of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I yield the remainder of my time. I suggest we go to a vote.

The PRESIDING OFFICER. All time having been yielded back, the question is, Will the Senate advise and consent to the nomination of Bill Richardson, of New Mexico, to be U.S. Ambassador to the United Nations? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 9 Ex.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Without objection, the President will be notified of the action of the Senate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative business.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I ask unanimous consent I be allowed to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN AIRLINES STRIKE

Mrs. HUTCHISON. Mr. President, I am going to submit a resolution this afternoon and ask it be considered. It has not yet been cleared. I hope it will be cleared so we will be able to vote on this resolution on Thursday if we do not have a settlement of the American Airlines strike.

Mr. President, I am submitting this resolution on behalf of myself, and Senator Gramm. Perhaps others will want to come forward as well.

But, Mr. President, we have a very serious economic crisis pending Friday about midnight. If we do not have some agreement by the two parties, American Airlines and its pilots union, we could hold up about one-fourth of the traveling public at the beginning of a holiday weekend. We could cause 75,000 other employees of American Airlines all over our country to be laid off without pay. We are causing, if that happens, other employees of rental car companies—people who sell food to airports and to airlines—all of these people who have livelihoods, who have families, to possibly be totally deprived of their ability——

Mr. CRAIG. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, we are talking about the livelihoods of hundreds of thousands of Americans, and we are talking about even international travel and commerce and goods that are going into international commerce.

Mr. President, the effects of this strike are going to be so far reaching that it will have an economic impact on this country that will be quite severe.

The pilots union is meeting with the company as we speak. The deadline before a strike is midnight this Friday. We have the opportunity with the resolution that I am introducing to have a sense of the Senate that the President would use all of his persuasive powers to get these parties to sit down, and that the President would be able to use his powers to appoint an emergency board which would automatically keep the contract in place for 30 days and then provide for another 30-day cooling-off period. This will give 60 days to these people to be able to work out their differences.

I think that the pilots union and the airline company, American Airlines, are certainly big enough people to be able to work out their differences and not cause the disruption of so many lives in our country and the economies of so many States in our country.

So I am asking that the Senate vote on this on Thursday, if nothing has happened in between. I hope the President will use all of his persuasive powers between now and Thursday to make sure that everything is being done to settle this strike. But if nothing has happened by Thursday, we want the President to use the powers that Congress has given him to call an emergency board together to give a 60-day cooling-off period so that the negotiations can continue.

This is something that Congress and the President have worked out in the past. This is the process, Mr. President. Let us step up to the line, and we hopefully will be able to work with the President to make sure that he has all of the tools necessary to do what is necessary to save this country from a real economic hit that could come within the next 3 or 4 days.

We can do something about it. The President can do something about it. And we are going to ask him to do that in this resolution.

As I said, I am going to submit this later. I am going to ask for unanimous consent to be able to vote on this on Thursday. I hope it is a moot point by that time. It is very important that the President address right away this impending crisis that can affect the lives of so many people and the families of so many people in this country and the economies of so many States in this country. The ripple effect is devastating. We can do something about it.

I hope that the President will use the powers that he has for that very purpose.

Thank you, Mr. President, and I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mr. MURKOWSKI. Mr. President, I counted it up the other day. This is my 17th year of having the honor to represent my State of Alaska in this body. During that period I participated in seven separate debates on this floor on this very singular issue, and that is the amendment of our Constitution to require that the budget be balanced.

A number of years ago, several of us unloaded a big van on the steps of the U.S. Senate. In that van were mailbags. And in those mailbags were letters from our constituents in overwhelming support of an amendment to the Constitution that would mandate a balanced budget.

Mr. President, in 1982 the Senate adopted the amendment but it failed in the House. Since then, the amendment has failed in every year that we have engaged in this debate. In the intervening decade and a half annual Federal spending has increased nearly $1 trillion and our national debt has quadrupled.

Mr. President, through this debate, my colleagues on both sides of the aisle have amply demonstrated the billions and trillions that we have been spending, and the meteoric rise of our national debt. I do not intend to repeat those numbers. As the 10-foot stack of budgets standing before me on the floor clearly show, for the past 28 years the Federal Government has been living on debt. I find that rather ironic, Mr. President, in view of the fact that you and I and our constituents back home have to balance, if you will, our checkbooks. But the Government goes through a process of lengthy debate and budgetary process of seeing what its revenues are, seeing what its expenditures are, and then whatever else it seems to need it is simply added to the national debt.

Mr. President, I want to talk about the awesome responsibility that we have as stewards of this Nation to face up to the enormity of the challenge that we are facing in changing the way we govern and have been governing.

Mr. President, American Government was transformed by the Great Depression. In response to this crisis, our then President Franklin Roosevelt in 1933 ushered in the age of social activist government, one of whose tenets was that in times of economic stress the Government would actively intervene to restart the economy. Thus was born the age of peacetime deficit spending.

Unfortunately, what has ensued in the intervening 64 years is that the Federal Government has become incapable of weaning itself from this addiction to deficit spending. Whether in periods of strong growth or modest growth, the Federal Government runs deficits. In fact, in only 8 years since the Depression has the Federal Government operated with a surplus.

But even that fact is somewhat misleading for I would note that the Federal surplus in those 8 years was a mere $33 billion. Compare that with 56 years of deficits cumulating in a national debt of more than $5.2 trillion.

Let me refer to the chart here on my left. I hope that the President can view this. It covers the next 4 years of the current administration with outlays in 1997 of $1.6 trillion to the year 2000 at $1.84 trillion.

The significance of what is occurring here is we are having to pay interest on this accumulated debt. The interest is running $247 billion in 1997, $250 billion in 1998, $252 billion in 1999, and $248 billion in the year 2000.

I used to be in the banking business and I can tell you that interest is like owning a horse that eats while you are asleep. It goes on and on, night and day and holidays. No day is exempt from the accumulation of interest.

Here is our deficit, Mr. President: $125 billion, $120 billion, $117 billion, $87 billion. One can say that is good news. The deficit is declining. Let us look a little further.

But I would note that if we did not have to pay interest on this accumulated debt, if we hadn't accumulated all of these deficits, we would not have to pay nearly a trillion dollars in interest in the next 4 years and instead of running deficits for the next 4 years, we would have a surplus. We would have a surplus of $122 billion this year, $130 billion in 1998, $135 billion in 1999, and $161 billion in the year 2000.

My point is that at the end of this timeframe of 1997, through the year 2000, our outlays will have been a little over $7 trillion, our interest will have been just under $1 trillion—$997 billion. Our deficit that we are adding would be $450 billion.

So, if you look at where we are today, at the end of this year our national debt is at $5.4 trillion. By the end of the year 2000, the national debt will be $6.3 trillion.

So the increase in the national debt in the Clinton administration for roughly 8 years is projected to be $2.2 trillion.

The significance of these figures is a bit startling, but the reality is if we were not strangled by $1 trillion in interest on the national debt in the next 4 years, we could run a surplus and we could give every American family a $2,500-per-child tax credit, not the $500 that is in the Republican proposal but $2,500. Or we could give every American family a $1,500-per-child tax credit and every American citizen a 10 percent across-the-board tax cut. Or give every American a 20 percent across-the-board tax cut.

That is the significance of the necessity of this legislation which will take away deficit financing and allow us to develop a surplus, do away with the interest and get a hold of this continuing national debt which does not go away until we reduce the deficit.

Some say, well, why do we need a constitutional amendment to do it? My answer is rather simplistic, Mr. President. We have not had the self-discipline to do it ourselves. We could do it ourselves, but it has not been done.

I say to my colleagues who have any doubt about the wisdom of this amendment: The evidence is overwhelming that without the discipline of a constitutional amendment, elected officials are incapable of fiscal management of the people's business, and it has taken the last 64 years to demonstrate this fact.

Some say we can balance the budget without this amendment. I say, OK, prove it. There is nothing within our post-Depression experience to suggest that this is even remotely possible. Eight years out of 64 years with surpluses totaling $33 billion is hardly evidence that convinces me. Quite the contrary. It proves to me that we must have this amendment if we are ever going to end deficit spending as business as usual in Washington, DC.

Mr. President, the first 10 amendments to our Constitution, collectively known as the Bill of Rights, are the seminal protections afforded citizens in a free society. They were adopted against the backdrop of the 17th and 18th century tyranny that the kings arbitrarily exercised over their subjects.

The Founders knew that these rights—the freedom of speech, religion, and assembly—would not be guaranteed simply by congressional statute, for what one Congress grants, another can easily take away. That is why these fundamental rights are enshrined within our Constitution. That is why the concept of a balanced budget must also be added to the Constitution, for the evidence shows without any doubt that in this modern era of government, the President and Congress are simply incapable of balancing the budget except perhaps in rare and unique circumstances.

When future historians review the history of 20th century American Government, I fear that the legacy we will leave behind will be an enormous debt that we have passed on to the citizens of the 21st century. When this new century opens in just 3 years, we will have accumulated a debt of more than $6 trillion, the carrying costs, as I have indicated, of which will be a quarter trillion dollars annually.

Who is going to pay off that debt? Well, consider, Mr. President, that the largest surplus this Government has ever run was a mere $11 billion in 1948. In inflation adjusted dollars, that is equivalent to a surplus today of approximately $84 billion.

If, starting in the year 2000, we could replicate our 1948 experience and have an annual surplus of $84 billion, the national debt of the United States would not be eliminated until the year 2073. That gives you some idea of the legacy we are passing on.

In other words, under the most optimistic circumstances, the citizens who are alive for the first 75 years of the next century will be shackled with paying the debts their parents and grandparents and great-grandparents accumulated. And we all know it is unlikely we will sustain such large surpluses throughout the next century. More likely, it will take 100 years or more to pay off this debt, only if we start now.

Can there be anyone in this Chamber who believes that the citizens in America who will be alive in the year 2097 ought to be saddled with paying the interest on the debt that we are accumulating today—money, I might add, that is not being used to finance long-term investments or jobs or inventory in this country but money that is being used to pay interest on the national debt.

That is right; that is what we are doing.

In my view, this amendment is an economic bill of rights for future generations of this country. It is equally as important as the Bill of Rights we now take for granted as the foundation for this great Nation.

It finally will force Government to learn that it cannot borrow indefinitely. It rearranges the rules of Government as never before in our history, for it requires us to face up to the fact that we can only spend as much as we take in in revenues, as we dictate to our private citizens. And it stands for the proposition that building debt on top of debt is morally and fiscally irresponsible to Americans who have not even been born yet. That is what we are doing.

The legacy of the 105th Congress must be that we, at the end of this century, have recognized the responsibility we have to future generations, that we will no longer buy now and put off paying indefinitely. The time is now to finally stand up and change the way we have been governing for the past 60 years.

I thank the Chair for its attention.

I yield the floor.

The PRESIDING OFFICER [Mr. ALLARD]. Who seeks recognition?

The Senator from Idaho.

Mr. CRAIG. Mr. President, we are under no specific time restraints per side, are we, at this moment?

The PRESIDING OFFICER. The Senator is correct.

Mr. CRAIG. I thank the Chair. I thank my colleague, the Senator from Alaska, for making a very clear statement of what happens when a country creates the kind of debt which our country has over the last 30 years and the kind of priorities we have to shift to in funding simply to service debt.

The Senator from Alaska talked about the impact of interest on debt. Standing here or sitting here or stacked here beside me are 28 budgets, 28 consecutive budgets of the last 28 fiscal years of our Government that have been out of balance. In other words, that have had deficits that got spun into debt that have created the $5.3 trillion debt we have today.

As a result of that, in the last fiscal cycle and the one we are currently in and the one we are currently examining, this Senate and the Congress at large is going to have to consider outlays of upwards of $250 billion to $260 billion to pay the interest on this stack of books or, more clearly spoken, on the debt that was generated by the budgets that are housed in this stack of budgets.

Of these 28 budgets, 14 of them were intended to be deficit budgets, with no excuse or no apology on the part of the Congress that passed them. But there were the other 14 you would find in the language of the book that would suggest the intent was to balance in the future, or it was designed as a sequence of budgets to balance.

Interestingly enough, that is the very debate this Congress and our President are involved in at this moment. In fact, the President was here today in the President's Room just behind the Chamber discussing his budget proposal and the leaders of our Senate were there along with the leaders of the House comparing notes and deciding where they might work together to bridge the gap of the kind of impasse we have had and get to a balanced budget. But it is not a balanced budget. It is one budget of a series of budgets that promises to bring balance by a given time, in this case by the year 2002, as did 14 of these budgets.

Mr. President, 28 years later, 14 budgets in deficit and 14 intended to be balanced, we now are faced with the circumstance the Senator from Alaska has spoken about, a $5.3 trillion debt, $250 to $260 billion of interest paid on debt depending on the rate of interest and the amount our notes are negotiated under, under the 3-year cycle under which our notes get renegotiated, and here is the rest of the story.

The President, and I do not question his sincerity, presents a budget for fiscal year 1998, of the U.S. Government, that will have about 250 billion dollars' worth of net interest costs, which is about 14.8 percent of the entire Federal budget. Here is what happens in a Government like ours when we have to commit such a phenomenal amount of our resource to interest on debt. Let me give these comparatives. This is work that has been done by our policy committee as an examination of reality because, when we talk about 250 billion dollars' worth of interest on debt, to serve debt, that means that creditors, people who buy our bonds, are owed money. A fair amount of that flows to foreign countries and foreign interest, but a fair amount of it flows to our own citizens and to their stocks and to their trust accounts.

But 250 billion dollars' worth of net interest in the President's 1998 fiscal budget is something like this. It is 21 times as much on interest as we are spending on agricultural programs. In other words, our priority in budgeting today is to spend 21 times more on interest than we do on agriculture. So our priority is not agriculture, it is paying our debt. Better spoken, I should say paying our creditors who have loaned us their money to service the debt.

What about international affairs? We are the last great superpower of the cold war period. We play an important role in the decisions of the world and our presence oftentimes causes other nations to think differently about how they would conduct their business, both internally and externally. Yet, today, 17 times as much on interest is paid as on international affairs. So, for those of our constituents who say you are spending too much on foreign aid, I would say we are spending 17 times more on debt, interest on debt. Again, clearly spelling out the priorities that we have forced ourselves into as a great nation, simply because we could not control our spending appetite.

We pay 11 times as much on interest as on natural resources and the environment. This President, this administration, likes to call itself the environmental administration. And there is not a Senator on this floor who does not want to make sure that Government policy in cooperation with the private sector promotes a positive, cleaner environment. And yet, today, when it comes to priorities of dollars and cents, we pay 11 times more to service the debt created by these 28 budgets as we do on interest rates. Where are our priorities? They are to pay our creditors so we can continue to have debt.

We spend 10 times as much on interest as on the administration of justice. That is the Justice Department, that is the FBI, that is our engagement in the war on drugs, that is trying to curtail illicit activities that flow across our borders that somehow damage our citizenry. Yet, if you looked at our budget today, you would say that Congress is more preoccupied with paying interest on debt than they are with protecting our citizens against drugs, if you were to look at the actual expenditure of money. Why? Because 30 years worth of fiscal irresponsibilities have forced us to pay more attention to servicing our debt than the flow of drugs across our borders and the kind of impact they have on our citizens and our children.

We pay six times as much on interest as on benefits and services for veterans. A very large veterans group is now visiting our community, this Nation's Capitol. I was just visited by a nice contingent of Veterans of Foreign Wars. This evening, there is a large gathering of hundreds of Veterans of Foreign Wars in this city, men and women who put their lives on the line to protect our freedom. Many of them are concerned about the future of the Veterans Administration and the veterans health care delivery system, and will we honor our commitment to them and to the World War II veterans who are now reaching a peak in their need for health care services? Yet, today, this Government, by the nature of its fiscal irresponsibility of the last 28 years, is going to pay six times more on interest as on the benefits and services to veterans. Is it our priority? It has to be our priority if we are to maintain our fiscal solvency as a nation. We must progressively ignore the true interests and priorities of our country in light of paying our creditors.

Four times as much on interest as on education, training, and employment programs; yet our President, in his State of the Union, just this past week prioritized for our Nation and for the decade ahead the issue of our involvement in education at all levels. None of us disputes that priority. All of us recognize that our public schools are in need and, in many instances, they are failing. Yet, today, as we wrestle with the 1998 budget, what will be the first priority? Funding interest on debt created by irresponsible Congresses of the past that generated 5.3 trillion dollars' worth of debt. So where in all of these priorities will education fall? It is not going to be first. It cannot be first. What is first? Paying interest on debt. It has to be taken right off the top. It has to be taken right off the top of Government expenditures, just the way interest on serving the debt in the private sector is taken right off the top of all the money coming in. Because if you do not take it off the top, and you do not pay your debts or your interest on debts, if you do not service your debt you do not borrow any money. You are busted. You are bankrupt. And that, of course, is exactly what has happened to this country.

Now, nearing the largest single item in the Federal budget is interest on debt. So when our colleagues stand on the floor and say, as the President said the other night, "Oh, gee whiz, you guys have the votes and I have the signature. You pass a balanced budget and I will sign it," what this President knows and what he clearly has demonstrated in the budget that he has sent to the Hill, is that it is not in balance. It is about $120 to $130 to $140 to $150 billion out of balance for the next 5 years. Then, if he really honors the tax cuts—which he does not, because he agrees in his budget that he takes them back to fund the deficit to create the balance in the outyears, because he needs more money—what he is really saying is that his budget is not in balance. Why? Partly because of interest on debt.

Where does the National Government get $250 billion to pay its interest costs? By adding together all corporate income taxes, that is only $190 billion. Believe it or not, if we choose to double corporate income tax in this country we would just get enough and a little more to pay interest on debt. And all Federal excise taxes—that is $61 billion. I think the point I am making, and the point the Senator from Alaska made, is we do not believe the Congress truly has the will. We do not believe any President, Republican or Democrat, can find the total will to work for, make the tough choices, and get to a balanced budget in the kind of timeframe and with the kind of reasonableness that the American people have demanded of us. That is why I and others so strongly believe we need the kind of constitutional framework to operate within, that creates the kind of political discipline and fiscal discipline to produce a balanced budget.

Who do we owe it to? We owe it to a lot of people. But most important, we owe it to future generations, because it is our children and our grandchildren who will pay off the debt. More important, if we continue to create debt without servicing debt, without bringing debt down in the future, more and more of the resources of our young, when they grow to maturity, will have to go to pay the creditor instead of fund the kind of Government they want, or to fund the kind of services they want from Government; but, more important, to keep some of their own money so they can have their own lives and their own families, and have their part of the American dream as our generation has had it.

There need not be any pointed finger or accusation as to whose fault these budgets have been, because, while most of them in the 28-year period could be, arguably, Democratic budgets, a fair number of them were Republican budgets.

A fair number of them were created under Republican Presidents. All of them were out of balance, and all of them had deficits, and all of them created the $5.3 trillion debt that this country experiences today.

So I really think we ought to quit chasing our tail. The arguments that we have heard for the last decade are the same arguments, and the President makes the argument today that is certainly not original that a few Presidents before him have made but all who oppose a balanced budget amendment to our Constitution make. And that is that you cannot tie the hands of Government, that this would be much too rigid, that it would cause conflict within the economy, that it might cause us to not have the priorities in Government that we want.

What they are really all saying is that nobody is willing to make the tough choices, and 28 years of budgets clearly demonstrate that. That is why I think it is important that we reflect on the words of Thomas Jefferson who said that if there is 1 more amendment to the 10, the 11th amendment he would have added was to disallow the ability of Government to borrow, because he was fearful of a representative republic being able to vote itself money, and we have done that year in and year out.

As a result of that, we are now here wrestling, as all Presidents and Congresses do, with what do we do with the debt, what do we do with the deficit, and where do we find the money to spend on some of these critical programs.

The Senator from Alaska is right. When a nation overspends itself, when a Congress no longer prioritizes as to where the limited resources of the tax dollars go, but takes $250 billion right off the top and says that has to go to interest on debt, Mr. President, it is time we change, and that is why many of us have stood on this floor and argued for years that this is the mechanism to bring that change, this is the mechanism to bring the kind of political and fiscal discipline and responsibility that this Congress must have, because there isn't a Senator on this floor who can just vote it without the real discipline that a Constitution brings.

So this is why I hope that, in the ensuing days, all of our colleagues join together to support the balanced budget amendment to our Constitution and to give the citizens of this country the right, under the Constitution, to debate the issue in the capitals of their States to determine whether they want to change the organic law of this country to discipline this Government to cause this Government to react in a way that they perceive, as I, to be a much healthier action on behalf of the economy, the citizens and future generations.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, at some point, I believe a unanimous-consent request will be entered into, and we will set out the agenda for tomorrow's business, including an allocation of time for morning business, as well as an allocation of time for an amendment, which I will shortly propose, to be considered.

I gather the respective leaders are working on that. In anticipation, Mr. President, I have been asked, in order to move the process along and make sure we have some business to conduct tomorrow, to submit an amendment. I will briefly describe the amendment this afternoon and then yield the floor. Based on the allocation of time the leaders are able to agree upon, we will engage more fully in the debate tomorrow.

AMENDMENT NO. 4

(Purpose: To simplify the conditions for a declaration of an imminent and serious threat to national security)

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 4.

On page 3, line 7, strike beginning with "is" through line 11 and insert "faces an imminent and serious military threat to national security as declared by a joint resolution.".

Mr. DODD. Mr. President, that is the sum and substance of the amendment.

Very briefly, the proposed language on the balanced budget constitutional amendment, section 5, reads as follows:

> The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

My concerns with this provision, Mr. President, are addressed, I believe, by the amendment that we will consider tomorrow. Very briefly, if one reads this section very carefully, word for word, and I emphasize in my reading of this section the language that is of particular concern to me, and that is "is engaged in military conflict"—now the earlier language, "a declaration of war," troubles me as well—it seems to mean we would have to be in the midst of a conflict before we can waive the provisions of the amendment. There have been numerous examples throughout our history in which we were very much aware that an imminent danger was on the horizon and we, in preparation of that imminent danger, were able to respond, utilizing deficit financing to do it.

If you wait until we are actually engaged in that conflict, it seems to me you are running the risk of leaving this country very, very vulnerable, particularly with weapons of mass destruction that have the capability of causing great harm to our Nation.

This amendment attempts to address that issue. If there is an imminent threat to our national security—and then allowing for the different provision here—we would have a resolution adopted by both Houses where a majority of those present and voting would be necessary in case of some emergency circumstance—I see, for example, my good friend and colleague from Idaho who has some distance to travel to get to Washington—where something may happen and Members are not able to get back here as quickly as they may need to.

We would not be able to meet that constitutional requirement if the underlying balanced budget amendment is adopted, because you would need 51 Senators. The amendment that I offer addresses both points; that is, enables a response prior to actually being engaged in military conflict and allows for a joint resolution to be adopted with less than the whole number of each House.

Again, I will wait until tomorrow, Mr. President, to discuss this further. This is an amendment, I remind my colleagues, which has been raised in very similar form on previous occasions. Regardless of whether one is for the balanced budget amendment or not, it seems to me we do not want to place ourselves in the position, obviously, of restricting our ability, particularly where our national security is in imminent danger and our Nation is in jeopardy and not able to respond.

I cannot think of a single Member who would want to be put in a position, as important as balancing the budget is, where we would be willing to risk a threat to this country on that particular altar.

So I hope Members, this evening and tomorrow, before we have time to debate this amendment, will look at it carefully and consider it in hopes that I might garner their support when we vote on this tomorrow afternoon. Again, this will depend on when the leaders are able to agree on a time for debate and a vote.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 4

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate resume consideration of Senator DODD's amendment regarding national security beginning at 1:30 on Wednesday with the time between 1:30 and 5:30 equally divided in the usual form. I further ask unanimous consent that at 5:30 the Senate proceed to a vote on or in relation to the Dodd amendment and, finally, no amendment be in order to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. No objection.

The PRESIDING OFFICER. There being no objection, it is so ordered.

ORDER OF PROCEDURE

Mr. CRAIG. Mr. President, for the information of all Senators, the leadership has decided there will be no further votes this evening. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, February 10, the Federal debt stood at $5,302,292,166,231.47.

Five years ago, February 10, 1992, the Federal debt stood at $3,794,592,000,000.

Ten years ago, February 10, 1987, the Federal debt stood at $2,225,440,000,000.

Fifteen years ago, February 10, 1982, the Federal debt stood at $1,033,575,000,000.

Twenty-five years ago, February 10, 1972, the Federal debt stood at $424,269,000,000 which reflects a debt increase of more than $4 trillion ($4,878,023,166,231.47) during the past 25 years.

HONORING RALPH W. WRIGHT OF WEST POINT, KY, FOR 50 YEARS OF SERVICE TO FIREFIGHTING

Mr. FORD. Mr. President, on Saturday, February 8, 1997, the community of West Point, KY held its annual Volunteer Fire Department and EMS Appreciation Banquet. Each year, this banquet honors and celebrates those in the community who have been instrumental in supporting the mission of the volunteer fire department and EMS services. This year, the community honored one man, Ralph W. Wright, who has given 50 years of his life to the safety of the citizens of West Point.

Mr. Wright has been a member of the fire department for the last 50 years. He began as a firefighter and worked his way up through the ranks to chief, a position he held for 27 years. After a long and distinguished career in the fire department, Mr. Wright did not let retirement prevent him from fighting fires. In fact, in his retirement, Mr. Wright continues to serve as a firefighter—who still makes the first truck out of the station. In addition, to his service as a firefighter, he was a volunteer EMT on the ambulance service for several years.

Because of his tireless efforts on behalf of the citizens of West Point, today's volunteer fire department is what it is today: dedicated to the safety of all its citizens; prepared to battle fires and hazardous material spills; responding to protect the community from floods and other natural disasters.

In addition to his work on behalf of the safety of the citizens of West Point, Mr. Wright has been a strong and active supporter of the Crusade for Children. The citizens of West Point have been well served by Ralph Wright. He is an outstanding citizen and a shining example to all. I know that the community of West Point holds Ralph Wright in the highest of esteem. This is an honor that is long overdue and I am delighted to share this event with my colleagues. I extend my heartfelt congratulations to Ralph Wright and to his family on this special occasion.

HONORING THE WILLIAMS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Wade and Flo Williams of Springfield, MO who on February 10, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Wade and Flo's commitment to the principles and values of their marriage deserves to be saluted and recognized.

TRIBUTE TO PROCTOR JONES

Mr. KENNEDY. Mr. President, I join my colleagues in paying well-deserved tribute to Proctor Jones, who is leaving the Senate to continue working with our distinguished former colleague from Louisiana, Senator Bennett Johnston. Like Senator Johnston, Proctor will be greatly missed in the Senate.

Proctor Jones has been an outstanding staff member who has served the Senate and the American people well for almost four decades. With his vast experience on appropriations issues and his skill at weighing complex priorities, Proctor has earned the respect of the entire Senate over the years. He has also earned the deep appreciation of other staff members for his signature style—unerring graciousness and pleasantness, even under intense pressure. Proctor represents the best of Senate civility, and he will be long remembered by all of us.

It has been my particular pleasure to work closely with Proctor on a number of projects in Massachusetts which have been conducted by the U.S. Army Corps of Engineers, and which have significantly improved public safety, the environment, and the economy of our State. I am grateful for Proctor's leadership on these issues and many others. He represents the best in public service, and I wish him well in the years ahead.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE INTERNATIONAL WHALING COMMISSION—MESSAGE FROM THE PRESIDENT—PM 13

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

On December 12, 1996, Secretary of Commerce Michael Kantor certified under section 8 of the Fishermen's Protective Act of 1967, as amended (the "Pelly Amendment") (22 U.S.C. 1978), that Canada has conducted whaling activities that diminish the effectiveness of a conservation program of the International Whaling Commission (IWC). The certification was based on the issuance of whaling licenses by the Government of Canada in 1996 and the subsequent killing of two bowhead whales under those licenses. This message constitutes my report to the Congress pursuant to subsection (b) of the Pelly Amendment.

In 1991, Canadian natives took a bowhead whale from the western Arctic stock, under a Canadian permit. In 1994, Canadian natives took another bowhead whale from one of the eastern Arctic stocks, without a permit.

In 1996, under Canadian permits, one bowhead whale was taken in the western Canadian Arctic on July 24 and one bowhead whale was taken in the eastern Canadian Arctic on August 17. The whale in the eastern Arctic was taken from a highly endangered stock. The IWC has expressed particular concern about whaling on this stock, which is not known to be recovering.

None of the Canadian whale hunts described above was authorized by the IWC. Canada withdrew from the IWC in 1982. In those instances where Canada issued whaling licenses, it did so without consulting the IWC. In fact, Canada's 1996 actions were directly contrary to IWC advice. At the 1996 Annual Meeting, the IWC passed a resolution encouraging Canada to refrain from issuing whaling licenses and to rejoin the IWC. However, Canada has recently advised the United States that it has no plans to rejoin the IWC and that it intends to continue granting licenses for the taking of endangered bowhead whales.

Canada's unilateral decision to authorize whaling outside of the IWC is unacceptable. Canada's conduct jeopardizes the international effort that has allowed whale stocks to begin to recover from the devastating effects of historic whaling.

I understand the importance of maintaining traditional native cultures, and I support aboriginal whaling that is managed through the IWC. The Canadian hunt, however, is problematic for two reasons.

First, the whaling took place outside the ICW. International law, as reflected in the 1982 United Nations Convention on the Law of the Sea, obligates countries to work through the appropriate international organization for the conservation and management of whales. Second, whaling in the eastern Canadian Arctic poses a particular conservation risk, and the decision to take this risk should not have been made unilaterally.

I believe that Canadian whaling on endangered whales warrants action at this time.

Accordingly, I have instructed the Department of State to oppose Canadian efforts to address takings of marine mammals within the newly formed Arctic Council. I have further instructed the Department of State to oppose Canadian efforts to address trade in marine mammal products within the Arctic Council. These actions grow from our concern about Canada's efforts to move whaling issues to fora other than the IWC and, more generally, about the taking of marine mammals in ways that are inconsistent with sound conservation practices.

Second, I have instructed the Department of Commerce, in implementing the Marine Mammal Protection Act, to withhold consideration of any Canadian requests for waivers to the existing moratorium on the importation of seals and/or seal products into the United States.

Finally, the United States will continue to urge Canada to reconsider its unilateral decision to authorize whaling on endangered stocks and to authorize whaling outside the IWC.

I believe the foregoing measures are more appropriate in addressing the problem of Canadian whaling than the imposition of import prohibitions at this time.

I have asked the Departments of Commerce and State to keep this situation under close review.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 1997.*

REPORT OF PROPOSED RESCISSIONS OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT—PM 14

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to the order of January 30, 1975, to the Committee on the Budget, to the Committee on Appropriations, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Energy and Natural Resources, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on the Judiciary, to the Committee on Governmental Affairs, and to the Committee on Finance.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report nine proposed rescissions of budgetary resources, totaling $397 million, and one revised deferral, totaling $7 million.

The proposed rescissions affect the Departments of Agriculture, Defense-Military, Energy, Housing and Urban Development, and Justice, and the General Services Administration. The deferral affects the Social Security Administration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 1997.*

MESSAGES FROM THE HOUSE

At 2:17 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to section 8002 of the Internal Revenue Code of 1986, the Committee on Ways and Means designated the following Members to serve on the Joint Committee on Taxation for the 105th Congress: Mr. ARCHER, Mr. CRANE, Mr. THOMAS, Mr. RANGEL, and Mr. STARK.

That pursuant to section 161 of the Trade Act of 1974, the Committee on Ways and Means recommended the following Members to serve as official advisors for international conference meetings and negotiating session on trade agreements: Mr. ARCHER, Mr. CRANE, Mr. THOMAS, Mr. RANGEL, and Mr. MATSUI.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1045. A communication from the Director of the Defense Procurement, Under Secretary of Defense, transmitting, pursuant to law, a rule entitled "Defense Acquisition Regulation Supplement" received on February 10, 1997; to the Committee on Armed Services.

EC–1046. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting, pursuant to law, the report of a rule entitled "Expanded Examination Cycle for Certain Small Insured Institutions," (RIN1550–AB02) received on February 7, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1047. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule relative to disclosure requirements, (RIN3235–AF91) received on February 7, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1048. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule relative to net capital, (RIN3235–AG15) received on February 7, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1049. A communication from the Administrator of the Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Child and Adult Care Food Program," (RIN0584–AC42) received on February 7, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1050. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on Performance Goals for fiscal year 1996; to the Commerce, Science, and Transportation.

EC–1051. A message from the President of the United States, transmitting, pursuant to law, the report relative to radio frequency spectrum; to the Committee on Commerce, Science, and Transportation.

EC–1052. A communication from the Acting Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Florida Keys National Marine Sanctuary, (RIN0648–AD85) received on February 10, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1053. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule relative to Ex Parte No. 555, received on February 7, 1997; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of committee was submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Bill Richardson, of New Mexico, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

Nominee: William Blaine Richardson.

Post: U.S. Representative to the United Nations.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

1. Self.—While I have not made any personal contributions, the following contributions were made with my concurrence from my principal campaign committee, New Mexicans for Bill Richardson:

Amount	Date	Donee
$1,000	1-29-92	Ron Coleman for Congress
500	1-23-92	Committee to Re-elect Charlie Hayes
1,000	2-6-92	David R. Nagle for Congress
1,000	2-25-92	Russo for Congress
1,000	1-31-92	Swett for Congress
1,000	4-10-92	Jim Moody for Senate
500	5-5-92	Oakar for Congress
1,000	5-7-92	Ben Reyes for Congress
500	5-6-92	Roybal Allard for Congress
500	4-1-92	Sikorski for Congress
1,000	4-10-92	Pat Williams Campaign Committee
1,000	5-11-92	Woman's Campaign Fund
250	5-25-92	Barbara Boxer for Senate
1,000	6-28-92	Ben Campbell for Senate
1,000	5-25-92	Mel Levine for Senate
500	8-5-92	Bonker for Senate
250	8-5-92	Carol Mosely Braun for Senate
1,000	8-6-92	Bob Carr for Senate
1,000	7-11-92	DNC Victory Fund
5,000	9-6-92	DCCC
1,000	9-6-92	Democratic Leadership Council
1,000	7-13-92	Luis Gutierrez for Congress
1,000	8-5-92	Hefner for Congress
1,000	9-10-92	Kosmayer for Congress
1,000	8-4-92	Phil Schiliro for Congress
1,000	8-5-92	Dan Sosa for Congress
500	8-6-92	Friends of Harley Staggers
250	10-9-92	Friends of Byron Dorgan
500	10-9-92	Luis Gutierrez for Congress
250	10-9-92	Lucille Roybal-Allard for Congress
250	10-9-92	Sarpalius for Congress
250	10-9-92	Jim Jontz for Congress
300	10-9-92	Friends of Rosa DeLauro
500	10-9-92	Les AuCoin for Senate
500	10-6-92	Bustamante for Congress
1,000	10-23-92	Les Aspin for Congress
1,000	10-30-92	Thomas Downey for Congress
250	10-31-92	Wayne Owens for Senate
1,000	10-15-92	Harry Reid for Senate
250	4-29-93	Peter Barca for Congress
1,000	3-1-93	David Bonior for Congress
5,000	2-24-93	DCCC
500	3-29-93	Friends of Jane Harmon
500	3-4-94	C. Washington for Congress
1,000	4-1-94	Leslie Byrne for Congress
5,000	5-20-94	DCCC
1,000	10-14-96	Art Trujillo for Senate
1,000	10-7-96	Dick Durbin Committee
100	8-1-96	Coopersmith for Congress

In addition, my Leadership PAC, the Chief Deputy Whip's Fund, made the following contributions with my concurrence:

Amount	Date	Donee
1,000	12-5-96	Ken Bentsen
500	11-4-96	Tom Allen
500	11-4-96	Rod Blagojevich
500	11-4-96	Leonard Boswell
500	11-4-96	Walter Capps
500	11-4-96	Jim Davis
500	11-4-96	Judy Hancock
500	11-4-96	Carolyn McCarthy
500	11-4-96	Loretta Sanchez
500	11-4-96	Vic Snyder
500	11-4-96	Dick Swett
500	11-4-96	Jim Turner
500	11-4-96	Bill Yellowtail
500	10-31-96	Brian Baird
500	10-31-96	Bob Coffin
500	10-31-96	Bob Etheridge
500	10-31-96	Lane Evans
500	10-31-96	Elizabeth Furse
500	10-31-96	Sam Gejdenson
500	10-31-96	Darlene Hooley
500	10-31-96	Eddie Bernice Johnson
500	10-31-96	Tim Johnson
500	10-31-96	Dale Kildee
500	10-31-96	Dennis Kucinich
500	10-31-96	Bill Orton
500	10-31-96	Steve Owens
500	10-31-96	Bill Pascrell
500	10-31-96	Steve Rothman
500	10-31-96	Adam Smith
500	10-31-96	Debbie Stabenow
500	10-31-96	Rick Weiland
500	10-31-96	Rick Zbur
500	10-17-96	John Wertheim
1,000	10-14-96	Art Trujillo
1,000	10-7-96	Dick Durbin
500	10-3-96	Julia Carson
500	10-3-96	Diana DeGette
500	10-3-96	Maurice Hinchey
300	10-3-96	Joe Keefe
500	10-3-96	Ted Little
500	10-3-96	Jim Maloney
500	10-3-96	Peter Navarro
500	10-3-96	David Price
500	10-3-96	Kevin Quigley
500	10-3-96	Loretta Sanchez
500	10-3-96	Ted Strickland
500	10-3-96	Dan Williams
500	10-3-96	Bob Wilson
500	9-30-96	George Brown
500	9-20-96	Ron Coleman
500	8-3-96	John Byron
500	8-3-96	Bill Yellowtail
2,000	8-1-96	Ed Pastor
1,000	7-26-96	Barbara Rose Collins
500	7-9-96	Sanford Bishop
500	6-18-96	Sylvester Reyes
1,000	6-13-96	Harold Ford Jr.
500	6-13-96	Bill Luther
500	6-13-96	Earl Pomeroy
1,000	6-6-96	Bart Gordon
500	5-25-96	Shirley Baca
500	5-25-96	Don Payne
500	5-25-96	Jack Reed
500	5-25-96	John Wertheim
1,000	3-5-96	Luis Gutierrez
1,000	1-23-96	Richard Durbin
1,000	1-23-96	Bob Filner
2,000	1-23-96	Richard Swett
500	11-15-95	Jerry Estruth
500	11-15-95	Jesse Jackson Jr.
500	10-11-95	Bill Luther
500	10-11-95	Karen McCarthy
500	10-11-95	Mike Ward
500	2-3-95	Mel Reynolds
500	11-8-94	Dan Glickman
500	11-8-94	Karen Thurman
500	11-2-94	Thomas Barlow
500	11-2-94	Chuck Blanchard
250	11-2-94	Gerry Brewster
500	11-2-94	Jack Brooks
500	11-2-94	John Bryant
250	11-2-94	Walter Capps
500	11-2-94	Dennis Dutremble
500	11-2-94	Elizabeth Furse
500	11-2-94	Dale Kildee
250	11-2-94	Bill Leavens
250	11-2-94	Craig Mathis
500	11-2-94	Harriet Spanel
500	11-2-94	Richard Swett
250	11-2-94	Catherine Webber
250	11-1-94	David Adkisson
500	10-28-94	Maria Cantwell
500	10-28-94	Ron Coleman
500	10-28-94	George Hochbrueckner
500	10-28-94	Joe Hogsett
500	10-28-94	Bill Luther
500	10-28-94	David Mann
500	10-28-94	Frank Mascara
500	10-28-94	Karen McCarthy
500	10-28-94	Frank McCloskey
500	10-28-94	Phil Schiliro
500	10-28-94	Jolene Unsoeld
500	10-28-94	Mike Ward
500	10-28-94	Jeff Whorley
500	10-28-94	Lynn Woolsey
250	10-27-94	Maggie Lauterer
250	10-26-94	John Galdacci
250	10-26-94	Ken Bentsen
250	10-26-94	Mike Doyle
250	10-26-94	Richard Moore
250	10-26-94	Dave Nagle
500	10-25-94	Sam Coppersmith
500	10-25-94	Alan Wheat
500	10-21-94	Lynn Rivers
500	10-20-94	James Bilbray
500	10-20-94	Bill Hefner
500	10-12-94	George Brown
500	10-12-94	Elaine Peterson
500	9-30-94	Martin Frost
500	9-27-94	Tom Foley
500	9-27-94	Steny Hoyer
500	9-27-94	Mark Tokano
500	9-26-94	Jimmy Hayes
500	9-12-94	Neal Smith
500	8-4-94	John Bryant
500	8-4-94	Gary Condit
500	8-4-94	Peter DeFazio
500	8-4-94	Norm Dicks
500	8-4-94	Chet Edwards
500	8-4-94	Harold Ford
500	8-4-94	Bart Gordon
500	8-4-94	Bill Hefner
500	8-4-94	Jim McDermott
500	8-4-94	Alan Mollohan
500	8-4-94	Jim Moran
500	8-4-94	Dave Obey
500	8-4-94	Lewis Payne
500	8-4-94	David Price
500	8-4-94	Louis Stokes
500	8-4-94	James Traficant
500	8-4-94	Charles Wilson
500	8-4-94	Bob Wise
500	8-3-94	Gerry Kleczka
500	7-28-94	Howard Berman
500	7-28-94	David Bonior
500	7-28-94	Cardiss Collins
500	7-28-94	Vic Fazio
500	7-28-94	Dan Glickman
500	7-28-94	William Lipinski
500	7-28-94	Nita Lowey
500	7-28-94	Michael McNulty
500	7-28-94	Kweisi Mfume
500	7-28-94	George Miller
500	7-28-94	Norm Mineta
500	7-28-94	Sonny Montgomery
500	7-28-94	Don Payne
500	7-28-94	Pete Peterson
500	7-28-94	Charles Schumer
500	7-28-94	Richard Swett
500	7-28-94	Gene Taylor
500	7-28-94	Walter Tucker
500	7-28-94	Bruce Vento
500	7-20-94	Lloyd Doggett
500	7-20-94	Sheila Jackson Lee
500	7-20-94	Zoe Lofgren
500	7-20-94	Charles Rangel
500	7-12-94	Chaka Fattah
500	6-29-94	Eliot Engel
500	6-29-94	Martin Lancaster
500	6-29-94	Sander Levin
500	6-29-94	Tom Sawyer
500	6-29-94	Louise Slaughter
500	6-28-94	Gary Ackerman
500	6-28-94	Sam Gejdenson
500	6-28-94	Peter Hoagland
500	6-28-94	Jill Long
500	6-28-94	Frank McCloskey
500	6-28-94	Frank Pallone
500	6-28-94	David Skaggs
500	6-28-94	Pat Williams
500	6-27-94	Patrick Kennedy
250	6-23-94	Ben Chavez
500	6-23-94	John Conyers
500	6-17-94	Bill Sarpalius
500	6-15-94	Larry Larocco
500	6-13-94	George Darden
500	6-13-94	Eric Fingerhut
500	6-13-94	Sam Gibbons
500	6-13-94	George Hochbrueckner
500	6-13-94	Richard Lehman
500	6-13-94	Collin Peterson
500	6-13-94	Jolene Unsoeld
500	6-13-94	Harold Volkmer
500	6-1-94	Bennie Thompson
500	5-24-94	Peter Barca
500	5-24-94	Sherrod Brown
500	5-24-94	Maria Cantwell
500	5-24-94	Pat Danner
500	5-24-94	Elizabeth Furse
500	5-24-94	Maurice Hinchey
500	5-24-94	Tim Holden
500	5-24-94	Jay Inslee
500	5-24-94	Herb Klein
500	5-24-94	Ron Klink
500	5-24-94	Mike Kreidler
500	5-24-94	Carolyn Maloney
500	5-24-94	M. Margolies-Mezvinsky
500	5-24-94	Paul McHale
500	5-24-94	David Minge
500	5-24-94	Earl Pomeroy
500	5-24-94	Karen Shepherd
500	5-24-94	Ted Strickland

Amount	Date	Donee
500	5-23-94	James Barcia
500	5-23-94	Nathan Deal
500	5-23-94	Karan English
500	5-23-94	Anna Eshoo
500	5-23-94	Sam Farr
500	5-23-94	Cleo Fields
500	5-23-94	Bob Filner
500	5-23-94	Dan Hamburg
500	5-23-94	Jane Harman
500	5-23-94	Don Johnson
500	5-23-94	Lynn Schenk
500	5-23-94	Bart Stupak
500	5-23-94	Karen Thurman
500	5-20-94	Dale Kildee
500	5-19-94	Thomas Barlow
500	5-4-94	David Mann
500	5-4-94	Dan Webber

Contributions, amount, date, donee:

2. Spouse: none.

3. Children and spouses names: none.

4. Parents names: William B. Richardson, deceased; Maria Luisa Zubiran, none.

5. Grandparents names: William Richardson and Vesta Richardson, Jorge Lopez Collada and Maria Marquez de Lopez Collada, all deceased.

6. Brothers and spouses names: none.

7. Sisters and spouses names: Vesta Richardson, none.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRYAN (for himself and Mr. REID):

S. 296. A bill to amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for storage on and after January 31, 1998; to the Committee on Energy and Natural Resources.

S. 297. A bill to establish a Presidential commission on nuclear waste, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO (for himself, Mr. GRAMS, Mr. GRAMM, and Mr. BENNETT):

S. 298. A bill to enhance competition in the financial services sector, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG (for himself, Mr. DEWINE, Mr. LEVIN, Mr. INOUYE, Mr. COVERDELL, and Mr. ABRAHAM):

S. 299. A bill to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison, to redesign the half dollar circulating coin for 1997 to commemorate Thomas Edison, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 300. A bill to prohibit the use of certain assistance provided under the Housing and Community Development Act of 1974 to encourage plant closings and the resultant relocation of employment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCAIN:

S. 301. A bill to authorize the Secretary of the Interior to set aside up to $2 per person from park entrance fees or assess up to $2 per person visiting the Grand Canyon or other national park to secure bonds for capital improvements to the park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (for himself, Mr. ROCKEFELLER, Mr. FRIST, Mr. JEFFORDS, and Ms. COLLINS):

S. 302. A bill to amend title XVIII of the Social Security Act to provide additional consumer protections for medicare supplemental insurance; to the Committee on Finance.

By Mr. ABRAHAM (for himself and Mr. LEVIN):

S. 303. A bill to waive temporarily the Medicare enrollment composition rules for The Wellness Plan; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. FEINGOLD, Mr. KOHL, Mr. JEFFORDS, and Mr. LEAHY):

S. Res. 52. A resolution expressing the Sense of the Senate regarding the need to address immediately the current milk crisis; ordered to lie over, under the rule.

By Mrs. HUTCHISON (for herself, Mr. GRAMM, and Mr. D'AMATO):

S. Res. 53. A resolution to express the sense of the Senate concerning actions that the President of the United States should take to resolve the dispute between the Allied Pilots Association and American Airlines; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself, Mr. GRAMS, Mr. GRAMM and Mr. BENNETT):

S. 298. A bill to enhance competition in the financial services sector, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE DEPOSITORY INSTITUTION AFFILIATION ACT OF 1997

Mr. D'AMATO. Mr. President, today with the cosponsorship of my colleagues, Senators GRAMM, GRAMS, and BENNETT, I am introducing the "Depository Institutions Affiliation Act of 1997," to modernize the laws governing the financial services industry in a comprehensive, progressive fashion. I am pleased that Representative RICHARD BAKER, chairman of the Housing Banking Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, will introduce similar legislation, joined by Representatives MCCOLLUM, LAFALCE, and DREIER. This legislation will promote efficiency and fair competition between all financial service providers and make U.S. financial firms stronger in global competition.

Mr. President, Congress has been struggling to modernize the financial system since before I became a member of the Banking Committee in 1981. That effort must continue and should conclude successfully in this Congress. Our existing legal framework is fundamentally outdated. The Glass-Steagall and Bank Holding Company Acts impose regulatory structures that are inadequate for today's global marketplace and the financial needs of consumers.

Mr. President, our Nation's entire financial system—including traditional banks, insurance companies, and securities firms—faces a future that is somewhat unsettled. Competitive developments in the marketplace and the technological revolution that is well underway have brought about significant changes in the financial system, domestic and international. And these changes have already had a significant influence on all financial services providers and their customers.

Mr. President, there is widespread recognition that the United States must adopt a regulatory regime that recognizes market realities and assesses and controls risk. Our present patchwork of financial laws protects particular industries, restrains competition, prevents diversification that would limit risks, restricts potential sources of capital, and undermines the efficient delivery of financial services and the competitive position of our financial institutions in world markets.

Mr. President, Congress' reform effort in the 105th Congress must be forward-looking, not merely a re-engineering of the legacy and laws from the New Deal. Our reform effort must not be limited in its design by unfounded fears and outdated philosophies. The far-reaching changes we are witnessing require a top-to-bottom examination of long-standing conventions about the way our financial system should be structured and regulated as we approach the 21st century. Already, banks and competitors from outside the conventional banking system are jockeying for position and advantage as competition heats up for control of market share and customers in a world of electronic commerce.

Existing institutions that fight for legislative restrictions to protect their markets are fighting the last war. Debate over financial modernization that focuses primarily on issues like the future of the banking franchise or gerrymandering markets through piecemeal legislation to protect a particular market segment is too narrow from a public policy standpoint. Such a narrow approach addresses questions and solves problems that existed in the 1970's and 1980's; however, the year 2000 is quickly approaching and the policy debate in Congress and among industry leaders should be oriented toward the future. Technology and new financial competitors from outside the traditional arena will now provide an important and new catalyst for meaningful change and long overdue comprehensive financial modernization.

Mr. President, in its consideration of financial modernization, the new Congress will need to explore a number of new and important issues, including:

Given all the technological changes and new players in the market, what does it mean to be a bank? Does it make sense to maintain an artificial distinction between banks and nonbanks? Does it make sense to preserve the fiction that banking and commerce are somehow separate? Does it make sense to prohibit information-driven firms from owning or affiliating with banks now that financial services are in large part information processing activities?

How will the old system of deposit insurance fit into this environment? Should more complex institutions be required to give up deposit insurance, as was suggested by one of the Federal Reserve Bank presidents?

How do we ensure that technology results in greater choice, lower fees and fair, readily available access by consumers? The experience we are having with ATM's raises questions about whether consumers will share in the benefits of technology or whether the benefits will go primarily to the owners of that technology.

How can we protect individual privacy now that computers make it so easy to collect and disseminate personal information? This is such a sensitive concern that the Congress directed the Federal Reserve to conduct a study.

I do not know the answers, but these are provocative questions which require careful study and debate.

Others are studying these issues as well.

Last year, Congress directed the Treasury Department to conduct a study of all issues relating to a common charter for all federally insured depository institutions as part of the law stabilizing and eventually merging the two Federal deposit insurance funds (BIF and SAIF) (P.L. 104-208). The Treasury Department is expected to submit that study next month.

The Treasury Department appointed a consumer electronic payments task force which will include the principal Federal agencies involved in the payments system.

In addition, the Treasury Department is completing a study on the strengths and weaknesses of our financial services system in meeting the needs of the system's users.

Most recently, Federal Reserve Chairman Greenspan announced formation of a committee that will look at the Fed's role in the payments system of the future.

Mr. President, I introduce the Depository Institution Affiliation Act as a prelude to a vigorous debate about the future of our financial system. Let me explain how the Depository Institution Affiliation Act [DIAA] will make the financial system safer, more stable, and more competitive. I will submit a more detailed section-by-section explanation of the bill at the end of my remarks. The bill is virtually identical to legislation that I have previously sponsored or cosponsored in 1987 (S. 1905) and in 1989 (S. 530). In the previous Congress, it was S. 337. With the exception of technical and conforming changes to reflect the enactment of banking laws since its original introduction, the text of the bill is unchanged.

Mr. President, comprehensive financial modernization as proposed in this reform legislation would produce many beneficial changes for all financial intermediaries.

First, the legislation will enable all financial intermediaries—commercial banks, investment banks, thrifts, and so forth—to attract financial capital and managerial expertise by eliminating existing restrictions on ownership by and affiliations among depository and nondepository firms. However, the DIAA preserves all the safety-and-soundness and conflict-of-interest protections of the present system, while providing legal flexibility for a company to meet the financial needs of consumers, businesses, and others.

Mr. President, some detractors of DIAA describe it as too radical because it permits these affiliations. However, this type of common ownership is already allowed by our laws and has existed for decades without any evidence of problems. Federal law and public policy expressly allows commercial companies to own and affiliate with a variety of federally insured banks—for example, credit card banks, limited purpose banks, trust companies, and so forth—and savings and loans. For example, unitary thrift holding companies have proven that finance and commerce can be mixed safely. In fact, the lack of ownership restrictions on thrifts has worked to expand the capital and managerial talent available to thrifts. And the successful record of unitary holding companies demonstrates that broader ownership affiliations can actually strengthen depository institutions through greater diversification and financial strength. Moreover, the reality is that nonbank organizations, including telecommunications, cable companies, and software firms are designing and delivering banklike financial services and products over the Internet and World Wide Web without owning a bank.

Second, this bill will facilitate diversification and assure fair competition by creating a new charter alternative for all companies interested in entering or diversifying in the financial services field—a financial services holding company—FSHC. These FSHC's will be authorized to engage in any financial activity through separately regulated affiliates of the holding company. The bill would permit the merging of banking and commerce under carefully regulated circumstances by allowing a FSHC to own both a depository institution and companies engaged in both financial and nonfinancial activities.

Third, this legislation will insulate insured subsidiaries—for example, banks—from the more risky business activities of its affiliates, as well as the parent holding company. It would not authorize or allow these activities to be conducted in a bank's operating subsidiary.

Mr. President, by authorizing this alternative regulatory framework, the legislation would essentially exempt a FSHC's subsidiaries and affiliates from those sections of the Glass-Steagall and Bank Holding Company Acts that restrict mixing commercial banking with other financial—securities, investment banking, and so forth—and nonfinancial activities—retailing, technology, manufacturing. A FSHC would be able to diversify into any activity through affiliates of the holding company, with such affiliates subject to enhanced regulation.

Fourth, this bill will enhance substantially the quality and effectiveness of regulation through functional regulation. The regulation of the bank and nonbank affiliates of financial services holding companies would be along functional lines. The insured bank affiliate would be regulated by Federal and State bank regulators, the securities affiliate by the Securities and Exchange Commission, and so on. Thus, for each affiliate, existing regulatory expertise and resources will be applied to protect consumers, investors, and taxpayers. Functional regulation will also assure that competition in discrete products and services is fair by eliminating advantages attributable to current loopholes, regulatory gaps, and cost subsidies.

Finally, the bill would improve coordination and supervision of the overall financial system by permitting more effective analysis and monitoring of aggregate stability and vulnerability to severe disruptions and breakdown.

By removing unnecessary barriers to competition between providers of financial service in the United States, this legislation will permit U.S. capital markets to maintain their preeminence, and will allow U.S. financial intermediaries to respond to growing competition from foreign companies.

Mr. President, I want to underscore that the DIAA would not require existing firms to alter their regulatory structure. By permitting financial services providers to become FSHC's, such providers will have the option to phase gradually into, or expand within, the financial services industry.

Mr. President, the DIAA provides a solid platform and a sound approach to modernizing our financial structure. I recognize that this bill can be improved, and I am specifically requesting constructive and helpful comments to improve and to refine the major principles underlying the bill. As the committee proceeds to hearings and further consideration of the bill, I intend to make changes and adjustments in order to ensure competitive fairness, promote safety and soundness; achieve depositor, investor, and consumer protection; and assure effective and efficient functional regulation. Modernization of the financial services industry should not include the preemption of State consumer protection laws.

Mr. President, in the absence of congressional action, the Comptroller of the Currency and the Federal Reserve Board have acted to achieve limited modernization with results often of questionable legal authority and public policy results. Specifically, I am concerned about the OCC's action to permit a bank's operating subsidiaries to engage in activities that are not permissible for the bank. I believe this regulation is unwise. And I am deeply concerned that the Comptrollers action may subject federally insured banks to excessive risks and expose the bank insurance funds, and therefore taxpayers, to unnecessary liability. Congress can never forget the lessons of the savings and loan crisis in the late 1980's. In addition, the Fed's recent actions to increase the aggregate level of business a section 20 securities affiliate may engage in and its proposal to reduce or even eliminate important firewalls and safeguards that have existed for over a decade are also imprudent.

Mr. President, the rivalry between regulators to attempt unilaterally to set public policy and alter the competitive balance for their constituencies is not wholesome or helpful. The regulators actions will never be a substitute for comprehensive and balanced congressional action. For far too long, Congress has ceded the field to piecemeal deregulation by bank regulators and the courts. The time has come for Congress to decide on a legal and policy framework that prepares our financial institutions for the new century and the challenges of a rapidly changing global economy. The 105th Congress must address and resolve the important questions relating to the health and future of the banking industry in the broader context of a financial system that is increasingly composed of nonbank financial service providers. We must focus on the needs of our economy for credit and growth in the future and the next century. We must focus on financial stability, safety and soundness, fair competition, and functional regulation of all financial service providers—whether they are banks, investment banks, insurance companies, finance companies or even telecommunications or computer companies.

Mr. President, the benchmark provisions, principles, and purposes of DIAA, as stated above, have been tested and explored over the years. During a decade of debate, several studies, including a 1991 study by the Treasury Department entitled, "Modernizing the Financial System: Recommendations for Safer More Competitive Banks", these principles and the framework of the bill have become the centerpiece of an emerging consensus in favor of forward-looking, balanced and prudent approach to modernization. I am hopeful that a new study underway by the Treasury Department and due to be submitted to Congress in March related to a common bank and thrift charter will reach similar conclusions.

Mr. President, by continuing to work together, as demonstrated by the BIF/SAIF bill last year, the Congress and the administration can overcome the complaints of vested interests and reform our antiquated financial services laws. We should not miss this opportunity for constructive bipartisanship. I believe that this bill provides a good starting point for the 105th Congress to act on financial modernization. Passage of this bill will be a high priority for the Banking Committee. I believe this is a realistic objective.

Mr. President, I ask unanimous consent that a more detailed section-by-section summary of the bill be reprinted in the RECORD.

There being no objection, the summary was ordered to printed in the RECORD, as follows:

DEPOSITORY INSTITUTION AFFILIATION ACT—SECTION-BY-SECTION ANALYSIS

Section 1: Short title

Section 1 provides that this Act be cited as the "Depository Institution Affiliation Act".

Section 2: Findings and purpose

The purpose of this Act is to promote the safety and soundness of the nation's financial system, to increase the availability of financial products and services to consumers, businesses, charitable institutions and government in an efficient and cost effective manner. In addition, this Act aims to promote a legal structure governing providers of financial services that permits open and fair competition and affords all financial services companies equal opportunity to serve the full range of credit and financial needs in the marketplace. This Act also aims to ensure that domestic financial institutions and companies are able to compete effectively in international financial markets. Finally, this Act aims to regulate financial activities and companies along functional lines without regard to ownership, control, or affiliation.

TITLE I—CREATION AND CONTROL OF DEPOSITORY INSTITUTION HOLDING COMPANIES

Section 101

This section creates a new type of financial company, a depository institution holding company (DIHC), and sets out the terms and conditions under which such a company can be established and must be operated.

Subsection (a) Definitions. This subsection defines terms used in this section.

Paragraph (a)(1) defines a DIHC to be any company that files a notice with the National Financial Services Committee (see Title II of this Act) that it intends to comply with the provisions of this section, and controls an insured depository institution, or, either (i) has, within the preceding 12 months filed a notice under subsection (b) of this section to establish or acquire control of a federally insured depository institution or a company owning such a federal insured depository institution, or (ii) controls a company which, within the preceding 12 months, has filed an application for federal deposit insurance, provided that such notice or application has not been disapproved by the appropriate Federal banking agency or withdrawn. Any holding company which elects to become a DIHC and which does not control any banks that are not FDIC insured, will lose its status as a bank holding company immediately upon filing the notice of its election to become a DIHC. Similarly, a savings and loan holding company that elects to become a DIHC will lose that status upon filing the notice of its election to become a DIHC. To assure that each bank controlled by a DIHC would be subject to regulation and supervision by an appropriate federal banking agency, owners of uninsured banks would not be able to avail themselves of the opportunity to become a DIHC, unless they agreed to convert such uninsured banks into federally insured depository institutions.

Paragraph (a)(2) gives the term 'bank holding company' the meaning given to it in Section 2(a) of the Bank Holding Company Act of 1956, as amended.

Paragraph (a)(3) gives the term 'savings and loan holding company' the meaning given to it in section 10(a) of the Home Owners' Loan Act.

Paragraph (a)(4) defines for this section, except paragraph (5) of subsection (f), the term 'affiliate' of a company as any company which controls, is controlled by, or is under common control with such a company.

Paragraph (a)(5) gives the term 'appropriate Federal banking agency' (AFBA) the meaning given to it in section 3 of the Federal Deposit Insurance Act.

Paragraph (a)(6) gives the term 'insured depository institution' the meaning given to it in section 3(c)(2) of the Federal Deposit Insurance Act.

Paragraph (a)(7) gives the term 'State' the meaning given to it in section 3(a) of the Federal Deposit Insurance Act.

Paragraph (a)(8) defines the term 'company' to mean any corporation, partnership, business trust, association or similar organization. However, corporations that are majority owned by the United States or any State are excluded from the definition of company.

Paragraph (a)(9) defines control by one company over another. For purposes of this section, the term "control" means the power, directly or indirectly, to direct the management or policies of a company, or to vote 25% or more of any class of voting securities of a company.

There are three exceptions from the definition of control. These pertain to ownership of voting securities acquired or held:

1. as agent, trustee or in some other fiduciary capacity;

2. as underwriter for such a period of time as will permit the sale of these securities on a reasonable basis; or in connection with or incidental to market making, dealing, trading, brokerage or other securities-related activities, provided that such shares are not acquired with a view toward acquiring, exercising or transferring control of the management or policies of the company;

3. for the purpose of securing or collection of a prior debt until two years after the date of the acquisition; and

In addition, no company formed for the sole purpose of proxy solicitation shall be deemed to be in control of another company by virtue of its acquisition of the voting rights of the other company's securities.

Paragraph (a)(10) defines the term 'adequately capitalized' with respect to an insured depository institution has the meaning given to it in section 38(b)(1) of the Federal Deposit Insurance Act.

Paragraph (a)(11) defines the term 'well capitalized' with respect to an insured depository institution has the meaning given to it in section 38(b)(1)(A) of the Federal Deposit Insurance Act.

Paragraph (a)(12) defines the term 'minimum required capital' with respect to an insured depository institution as the amount of capital that is required to be adequately capitalized.

Subsection (b): Changes in Control of Insured Depository Institutions. This subsection provides that any DIHC wishing to acquire control of an insured depository institution or company owning such insured depository institution must comply with the requirements of the Change in Bank Control Act. Failure to comply with these requirements will subject the relevant DIHC to the penalties and procedures provided in subsections (i) through (m) of this section, in addition to otherwise applicable penalties.

Subsection (c): Affiliate Transactions. This subsection authorizes supplemental regulation of the transactions of insured depository institutions controlled by DIHCs with their affiliates. These regulations would be in addition to the restrictions on interaffiliate transactions provided for under sections 23A or 23B of the Federal Reserve Act. This subsection gives each AFBA some flexibility to promulgate and adapt rules and regulations in response to changing market conditions so that the AFBA has at all times the capability to prevent insured depository institutions under its supervision that are controlled by DIHCs from engaging in transactions that would compromise the safety and soundness of such insured depository institutions or that would jeopardize the deposit insurance funds.

Moreover, other provisions of this Act assure that the AFBA will have the capability to enforce these regulations vigorously (subsection (i) of this section) and that any violations of these regulations will be more severely punished than violations of regulations applicable to insured depository institutions that are not controlled by DIHCs (subsections (i), (j), (k) and (l) of this section).

Subparagraph (c)(1)(A) empowers the AFBA to develop rules and regulations to prevent insured depository institutions under its supervision that are also controlled by a DIHC from engaging in unsafe or unsound practices involving the DIHC or any of its affiliates, including unsafe and unsound practices that may arise in connection with transactions covered by sections 23A and 23B of the Federal Reserve Act.

Subparagraph (c)(1)(B) empowers the AFBA to create certain exceptions to the provisions of the preceding subparagraph, if the AFBA deems that such exceptions are reasonable and in the public interest and not inconsistent with the purposes of this Act. These exemptions may relate to certain institutions or classes of institutions, or to certain transactions or classes of transactions, including transactions covered under Sections 23A or 23B of the Federal Reserve Act.

Paragraph (c)(2) provides that any rules adopted under subparagraph (c)(1)(A) shall be issued in accordance with normal rulemaking procedures and shall afford interested parties the opportunity to comment in writing and orally on any proposed rule.

Paragraph (c)(3) grandfathers specific interaffiliate transactions approved by a Federal regulatory agency prior to the enactment of this Act, exempting them from rules and regulations promulgated under subparagraph (c)(1)(A).

Paragraph (c)(4) makes it clear that sections 23A and 23B of the Federal Reserve Act will apply to every insured depository institution controlled by a depository institution holding company.

Paragraphs (c)(5) and (c)(6) prohibit any insured depository institution in a DIHC from extending credit to or purchasing the assets of a securities affiliate and providing other types of financial support to that DIHC's securities affiliate except for daylight overdrafts that relate to U.S. government securities transactions if the daylight overdrafts are fully collateralized by U.S. government securities as to principal and interest.

Paragraph (c)(7) prohibits insured depository institutions in a DIHC from issuing various guarantees for the enhancement of the marketability of a securities issue underwritten or distributed by a securities affiliate of that DIHC.

Paragraph (c)(8) prohibits insured depository institutions in a DIHC from extending credit secured by or for the purposes of purchasing any security during an underwriting period of for 30 days thereafter where a securities affiliate of such institution participates as an underwritten or member of a selling group.

Paragraph (c)(9) prohibits insured depository institutions in a DIHC from extending credit to an issuer of securities underwritten by a securities affiliate for the purpose of paying the principal of those securities or interest for dividends on those securities.

Paragraph (c)(10) defines "securities affiliate" for the purposes of paragraphs (c)(5), (6), (7), (8) and (9).

Subsection (d): Capitalization. This subsection regulates the capitalization of insured depository institutions that are controlled by a DIHC.

Paragraph (d)(1) requires that insured depository institutions controlled by a DIHC be well capitalized.

Paragraph (d)(2) provides that if the AFBA finds that an insured depository institution subsidiary of a DIHC is not well capitalized, the DIHC shall have thirty days to reach an agreement with the AFBA concerning how and according to what schedule the insured depository institution will bring its minimum capital back into conference with requirements. During that time the insured depository institution shall operate under the close supervision of the AFBA.

In the event that the DIHC does not reach an agreement within thirty days with the AFBA on how and according to what schedule the capital of the insured depository institution will be replenished, the DIHC will be required to divest the insured depository institution in an orderly manner within a period of six months, or such additional period of time as the AFBA may determine is reasonably required in order to effect such divestiture.

Paragraph (d)(3) states that in view of the enhanced regulatory control over insured depository institutions controlled by DIHCs, no AFBA may regulate the capital of the DIHC. Thus, no AFBA may require the DIHC itself to enter into any other agreement regarding the maintenance of capital in its insured depository institution affiliates. The capital of the DIHC would, however, be regulated by any other agency having jurisdiction over it. For example, if the DIHC were also a registered broker/dealer, it would have to conform to the minimum capital requirements mandated by the SEC.

Subsection (e): Interstate Acquisitions and Activities of Insured Depository Institutions. This subsection subjects interstate acquisitions of an insured depository institution by a DIHC to the same restrictions as those applicable to bank holding companies under section 3(d) of the Bank Holding Company Act of 1956, as amended, and it subjects interstate acquisitions of savings associations by a DIHC to the same restrictions as those applicable to savings and loan holding companies.

Subsection (f): Differential Treatment Prohibition; Laws Inconsistent with this Act. This subsection does two things. First, it prohibits adversely differential treatment of DIHCs and their affiliates, including their insured depository institution affiliates, except as this Act specifically provides. Second, this subsection ensures that state and federal initiatives do not undermine achievement of the purposes of this Act. Whether couched as affiliation, licensing or agency restrictions or as constraints on access to state courts, such laws effectively perpetuate market barriers and deny consumers the opportunity to choose between different financial products and services.

Paragraph (f)(1) notwithstanding any other federal law, prohibits states from enacting laws that discriminate against DIHCs or against their affiliates, including their insured depository institution affiliates. This paragraph also prohibits, notwithstanding any other federal law, federal and state regulatory agencies from discriminating by rule, regulation, order or any other means against DIHCs or against their affiliates, including their insured depository institution affiliates, except as this Act specifically provides. This is intended to assure that the primary purpose of this Act—the enhancement of competition in the depository institution sector—will be fulfilled.

Paragraph (f)(2) finds that certain State affiliation and licensing laws restrain legitimate competition in interstate commerce, deny consumers freedom of choice in selecting an insured depository institution and threaten the long-term safety and soundness of insured depository institutions by limiting their access to capital.

Accordingly, with the exception of certain laws related to insurance and real estate brokerage which are treated in Subsection (g), this paragraph preempts any provision of federal or state law, rule, regulation or order that is expressly or impliedly inconsistent with the provisions of this section. The preempted statutes include state banking, savings and loan, securities, finance company, retail or other laws which restrict the affiliation of insured depository institutions or their owners, agents, principals, brokers, directors, officers, employees or other representatives with other firms. Similarly, laws prohibiting cross marketing of products and services are preempted insofar as such cross marketing activities are conducted by DIHCs, their affiliates, or by any agent, principal, broker, director, officer, employee or other representative. By contrast, nondiscriminatory state approval, examination, supervisory, regulatory, reporting, licensing, and similar requirements are not affected.

Paragraph (f)(3) removes a common uncertainty under state licensing and qualification to do business statutes, which leaves an out-of-state insured depository institution's access to another state's courts unresolved. Under this provision, so long as such an insured depository institution limits its activities to those which do not constitute the establishment or operation of a "domestic branch" of an insured depository institution in that other state, it can qualify to maintain or defend in that state's court any action which could be maintained or defended by a company which is not an insured depository institution and is not located in that state, subject to the same filing, fee and other conditions as may be imposed on such a company. This paragraph is not intended to grant states any power that they do not currently have to regulate the activities of out-of-state insured depository institutions.

Paragraph (f)(4) makes clear that a state, except subject to the provisions of this Act, may not impede or prevent any insured depository institution affiliated with a DIHC or any DIHC or affiliate thereof from marketing products and services in that state by utilizing and compensating its agents, solicitors, brokers, employees and other persons located in that state and representing such a insured depository institution, company, or affiliate. However, to the extent such persons are performing loan origination, deposit solicitation or other activities in which an insured depository institution may engage, those activities cannot constitute the establishment or operation of a "domestic branch" at any location other than the main or branch offices of the insured depository institution.

Paragraph (f)(5) contains a special definition of "affiliate" and "control" for purposes of paragraphs (2) through (4) this subsection only. Control is deemed to occur where a person or entity owns or has the power to vote 10% of the voting securities of another entity or where a person or entity directly or indirectly determines the management or policies of another entity or person. Unlike the definition of affiliate set forth in paragraph (4) of subsection (a), this definition encompasses not only corporate affiliations but affiliations between corporations and individuals.

Subsection (q): Securities, Insurance and Real Estate Activities of Insured Depository Institutions. In order to facilitate functional regulation of the activities of DIHCs this section prohibits insured depository institutions controlled by DIHCs from conducting certain securities, insurance and real estate activities currently permissible for some insured depository institutions.

Subparagraph (g)(1)(A) provides that no insured depository institution controlled by a DIHC shall directly engage in dealing in or underwriting securities, or purchasing or selling securities as agent, except to the extent such activities are performed with regard to obligations of the United States or are the type of activities that could be performed by a national bank's trust department (12 U.S.C. 92a).

Subparagraph (g)(1)(B) provides that no insured depository institution controlled by a DIHC shall directly engage in insurance underwriting.

Subparagraph (g)(1)(C) provides that no insured depository institution controlled by a DIHC shall directly engage in real estate investment or development except insofar as these activities are incidental to the insured depository institution's investment in or operation of its own premises, result from foreclosure on collateral securing a loan, or are the type of activities that could be performed by a national bank's trust department.

Paragraph (g)(2) clarifies that nothing in this subsection shall be construed to prohibit or impede a DIHC or any of its affiliates (other than an insured depository institution) from engaging in any of the activities set forth in paragraph (1) or to prohibit an employee of an insured depository institution that is an affiliate of a DIHC from offering or marketing products or services of an affiliate of such an insured depository institution as set forth in paragraph (1).

Paragraph (g)(3), however, contains significant limits on DIHC entry into the businesses of insurance agency and real estate brokerage. No DIHC could enter these fields de novo. Rather, they would have to purchase either an insurance agency or real estate brokerage business which had been in business for at least five years prior to passage of the Act.

Paragraph (g)(4) provides that nothing in this subsection will require the breach of a contract entered into prior to enactment of this Act.

Subsection (h): Tying and Insider Lender Provisions. This section subjects DIHCs to the tying provisions of section 106 of the Bank Holding Company Act Amendments of 1970 and to the insider lending prohibitions of section 22(h) of the Federal Reserve Act. These sections prohibit tying between products and services offered by insured depository institutions and products and services offered by the DIHC itself or by any of its other affiliates. Note, however, that these tying provisions do not apply to products and services that do not involve an insured depository institution. The insider lending provisions severely limit loans by an insured depository institution to officers and directors of the insured depository institution. For purposes of both provisions, the AFBA will exercise the rulemaking authority vested in the Federal Reserve with regard to these limitations.

Subsection (i): Examination and Enforcement. This subsection provides that the AFBA shall use its examination and supervision authority to enforce the provisions of this section, including any rules and regulations promulgated under subsection (c). In particular, it is intended that each AFBA should structure its examination process so as to uncover possible violations of the provisions of this section and that the agency should not hesitate to make full use of its cease-and-desist powers or to impose as warranted the special penalties discussed below, if it believes that an insured depository institution under its supervision that is controlled by a DIHC is in violation of any provisions of this section.

This subsection also grants the AFBA authority to examine any other affiliate of the DIHC as well as the DIHC itself in order to ensure compliance with the limitations of this section or other provisions of law made applicable by this section such as sections 23A and 23B of the Federal Reserve Act.

In addition, this subsection grants each AFBA the right to apply to the appropriate district court of the United States for a temporary or permanent injunction or a restraining order to enjoin any person or company from violation of the provisions of this section or any regulation prescribed under this section. The AFBA may seek such an injunction or restraining order whenever it considers that an insured depository institution under its supervision or any DIHC controlling such an insured depository institution is violating, has violated or is about to violate any provision of this section or any regulation prescribed under this section. In seeking such an injunction or restraining order the AFBA may also request such equitable relief as may be necessary to prevent the violation in question. This relief may include a requirement that the DIHC divest itself of control of the insured depository institution, if this is the only way in which the violation can be prevented.

This injunctive power will enable the AFBA to move speedily to stop practices that it believes endanger the safety and soundness of an insured depository institution under its supervision that is controlled by a DIHC. If necessary to protect the depositors and safeguard the deposit insurance funds, the AFBA may request that the injunction proceedings be held in camera, so as not to provoke a run on the insured depository institution.

Subsection (j): Divestiture. This subsection states that an AFBA may require a DIHC to divest itself of an insured depository institution, if the agency finds that the insured depository institution is engaging in a continuing course of action involving the DIHC or any of its affiliates that would endanger the safety and soundness of that insured depository institution. Although the DIHC would have the right to a hearing and to judicial review and have one year in which to divest the insured depository institution, it should be emphasized that the insured depository institution would operate under the close supervision of the AFBA from the date of the initial order until the date the divestiture is completed. This is intended to safeguard the insured depository institution in question, its depositors and the deposit insurance funds.

Subsection (k): Criminal Penalties: This subsection provides for criminal penalties for knowing and willful violations of the provisions of this section, even if these violations do not result in an initial or final order requiring divestiture of the insured depository institution. For companies found to be in violation of the provisions of this section the maximum penalty shall be the greater of (a) $250,000 per day for each day that the violation continues or (b) one percent of the minimum required capital of the insured depository institution per day for each day that the violation continues, up to a maximum of 10% of the minimum capital of the insured depository institution—a fine that could amount to tens of millions of dollars for a large insured depository institution. Such a fine is designed to be large enough to deter even large insured depository institutions from violating the provisions of this section.

For individuals found to be in violation of the provisions of this section the penalty shall be a fine and/or a prison term. The maximum fine shall be the greater of (a) $250,000 or (b) twice the individual's annual rate of total compensation at the time the violation occurred. The maximum prison sentence shall be one year. In addition, individuals violating the provisions of this section will also be subject to the penalties provided for in Section 1005 of Title 18 for false entries in any book, report or statement to the extent that the violation included such false entries.

A DIHC and its affiliates shall also be subject to the Criminal penalties provisions of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 and the Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act of 1990 to the same extent as a registered bank holding company, savings and loan holding company or any affiliate of such companies.

Subsection (1): Civil Enforcement, Cease-and-Desist Orders, Civil Money Penalties. This subsection provides for civil enforcement, cease-and-desist orders and civil money penalties consistent with subsections (b) through (s) and subsection (u) of section 1818 of Title 123 for any company or person that violates the provisions of this section in the same manner as they apply to a state member insured bank, and grants the AFBA the power to impose such penalties after providing the company or person accused of such violation the opportunity to object in writing to its finding.

Subsection (m): Judicial Review. This subsection provides for judicial review of decisions reached by an AFBA under the provisions of this section. This right to review includes a right of judicial review of statutes, rules, regulations, orders and other actions that would discriminate against DIHCs or affiliates controlled by such companies.

Section 102: Amendment to the Bank Holding Company Act of 1956

This section contains a conforming amendment to the definition of the term "bank" in the Bank Holding Company Act to ensure that a DIHC owning an insured depository institution will be regulated under this Act rather than the Bank Holding Company Act.

Section 103: Amendments to the Federal Reserve Act

This section clarifies the application of Section 23A of the Federal Reserve Act to certain loans and extensions of credit to persons who are not affiliated with a member bank. Section 23A contains a provision that was intended to prevent the use of "straw man" intermediaries to evade section 23A's limitations on loans and extensions of credit to affiliates. Contrary to its original purpose, the provision may also be literally read to restrict a bona fide loan or extension of credit to a third party who happens to use the proceeds to purchase goods or services from an affiliate of the insured depository institution; such a loan could occur, for example, if a customer happened to use a credit card issued by an insured depository institution to buy an item sold by the insured depository institution's affiliate. This section clarifies that such loans and extensions of credit are not covered by section 23A as long as (i) the insured depository institution approves them in accordance with substantially the same standards and procedures and on substantially the same terms that it applies to similar loans or extensions of credit that do not involve the payment of the proceeds to an affiliate, and (ii) the loans or extensions of credit are not made for the purpose of evading any requirement of section 23A.

Section 104: Amendments to the Banking Act of 1933

Subsection (a) amends section 20 of the Glass-Steagall Act so that it does not apply to member banks that are controlled by DIHCs.

Subsection (b) amends section 32 of the Glass-Steagall Act so that it does not apply to officers, directors and employees of affiliates of a single depository institution holding company.

Section 105: Amendment to the Federal Deposit Insurance Act

This section amends the Change in Bank Control Act to provide that an acquisition of a DIHC controlling an insured depository institution may only be accomplished after complying with that Act's procedures. It also modifies the definition of "control" in the Change in Savings and Loan Control Act to conform it to the definition in section 101(a)(9) of this Act.

Section 106: Amendment to the Securities Exchange Act of 1934

This section amends the Securities Exchange Act of 1934 to provide for the registration and regulation of Broker Dealers.

Section 107: Amendment to the Home Owners' Loan Act

This section amends section 11 of the Home Owners' Loan Act in order to apply Section 101(c)(1)(B) of this section to savings associations.

Section 108: Amendment to the Community Reinvestment Act

This section amends the Community Reinvestment Act to make it applicable to acquisitions of insured depository institutions by DIHC's.

TITLE II—SUPERVISORY IMPROVEMENTS

Section 201: National Financial Services Committee

This section establishes a standing committee, the National Financial Services Oversight Committee (Committee), in order to provide a forum in which federal and state regulators can reach a consensus regarding how the regulation of insured depository institutions should evolve in response to changing market conditions. In addition, the Committee also provides a mechanism through which various federal regulatory agencies could coordinate their responses to a financial crisis, if such a crisis were to occur. The Committee comprises all federal agencies responsible for regulating financial institutions or financial activities, and it is structured to allow state regulators to participate in its deliberations.

The Committee consists of the Chairman of the Secretary of the Treasury, who is also the Chairman of the Committee, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the FDIC, the Director of the Office of Thrift Supervision, the Comptroller of the Currency, the Secretary of Commerce, the Attorney General, the Chairman of the SEC, and the Chairman of the CFTC.

The Committee is directed to report to Congress within one year of enactment of this Act on proposed legislative or regulatory actions that will improve the examination process to permit better oversight of all insured depository institutions. It is also directed to establish uniform principles and standards for examinations.

TITLE III

Section 301: Effective date

The Act will become effective on the date of enactment.

Mr. GRAMS. Mr. President, I rise today in support of the Depository Institution Affiliation Act, which has been drafted by Senate Banking Committee Chairman ALFONSE D'AMATO. This landmark piece of legislation will modernize the archaic laws that govern our financial services industry. Passage of this legislation will benefit consumers, increase the availability of venture capital for job creation, and bolster the international competitiveness of America's financial services industry.

There is a clear need to modernize the outdated laws that govern America's financial services industry, because financial services play a vital role in our daily lives. We take out loans to go to college, to buy a car, and to purchase a home. We buy insurance to provide greater security to ourselves and our families. We make investments throughout our life so that we may retire in comfort and dignity.

Today, technological advancements and increased innovation in the delivery of financial services make it easier than ever for consumers to get loans, purchase insurance, and invest their earnings. Unfortunately, our archaic and burdensome laws governing financial institutions continue to discourage, rather than encourage, such advancement and innovation.

The laws to which I am referring are not those governing the safety and soundness of financial institutions, such as setting minimum capital requirements or requiring periodic oversight by Federal or State regulators. Safety and soundness laws and regulations are beneficial and necessary, as they enhance the security of the consumer whenever he or she deposits money in a bank or purchases an insurance policy.

The outdated laws to which I am referring are the laws that create barriers to competition by artificially compartmentalizing the three major sectors of financial services—banking, securities, and insurance. For example, under the Banking Act of 1933, more commonly known as the Glass-Steagall Act, banks are generally barred from directly investing in corporate securities, underwriting new corporate issues or sponsoring mutual funds. Under the Bank Holding Company Act of 1956, securities underwriters, insurance underwriters, and nonfinancial companies are generally prohibited from owning banks or being owned by a bank holding company.

These outdated financial institution laws hurt consumers by artificially increasing the costs of financial services, reducing the availability of financial products, and reducing the level of convenience in the delivery of financial services. These laws hurt small businesses—an engine of job growth in the American economy—by artificially limiting the amount of equity capital available for expanded activity. These laws weaken the international competitiveness of America's financial institutions by prohibiting them from offering the range of financial services that foreign financial institutions may offer.

It should be noted that the Glass-Steagall Act—which created the compartmentalized structure of financial services that we have today—was based upon the false premise that the massive amount of bank failures that occurred during the Great Depression was caused by the securities activities that these banks conducted. However, just the opposite is true: Diversification in financial services actually increased the safety and soundness of the banks. Between 1929 and 1933, 26.3 percent of all national banks failed. However, the failure rate for those banks that conducted securities activities was lower. Of the national banks in 1929 that either had securities affiliates or had internal bond departments, only 7.2 percent had failed by 1933. The message from these statistics is clear: We should encourage competition and diversification, not discourage it.

Last year, Congress passed a bipartisan and comprehensive legislative initiative to reform the Telecommunications Act and stimulate competition and innovation in the telecommunications industry. Similar action is needed this year to stimulate the growth and global competitiveness of our financial services industry.

The Depository Institution Affiliation Act creates a new Financial Services Holding Company structure that will permit banks, thrifts, securities companies and insurance companies to affiliate and cross-market their products. This structure will do this while maintaining consumer protections and the safety and soundness of the Federal deposit insurance system.

This legislation will greatly benefit consumers. The D'Amato bill's termination of affiliation restrictions will significantly increase competition in the financial services industry. Consumers' costs in the purchase of insurance, securities and banking products will be lowered. The bill's termination of crossmarketing restrictions will increase consumer convenience, as consumers will be able to do one-stop shopping for all of their financial services needs. The D'Amato bill does all of this while maintaining the statues and regulations that protect consumers from fraud and discrimination.

This legislation will maintain the safety and soundness of the Federal deposit insurance system. The D'Amato bill protects banks from being affected by affiliate and holding company insolvency by implementing firewalls that prohibit affiliates from raiding the insured bank. As added protection, it requires that if a bank becomes anything less than satisfactorily capitalized, the Financial Services Holding Company must immediately divest of the bank.

This legislation will provide for competitive equality among all financial services providers. Its provisions have been carefully crafted to provide a level playing field for banks, thrifts, securities companies and insurance companies. This charter up approach will permit all of these companies to become Financial Services Holding Companies, and will not prevent current financial institutions from conducting any activities that they currently conduct.

In closing, I look forward to supporting Chairman D'AMATO in his efforts to pass financial modernization legislation. It is my hope that 1997 will be the year that we join together and create a bipartisan bill that will reform our laws so that America's financial institutions will be able to compete, innovate and grow to meet the challenges of the 21st century.

By Mr. LAUTENBERG (for himself, Mr. DEWINE, Mr. LEVIN, Mr. INOUYE, Mr. COVERDELL, and Mr. ABRAHAM):

S. 299. A bill to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison, to redesign the half dollar circulating coin for 1997 to commemorate Thomas Edison, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE THOMAS ALVA EDISON SESQUICENTENNIAL COMMEMORATIVE COIN ACT

Mr. LAUTENBERG. Mr. President, I rise on behalf of Senators DEWINE, LEVIN, INOUYE, COVERDELL, ABRAHAM, and myself, to introduce legislation that would direct the Secretary of the Treasury to mint coins commemorating the 150th anniversary of Thomas Alva Edison's birth. The introduction of this legislation today, February 11, is significant because Thomas Edison was born 150 years ago.

Mr. President, few Americans have had a greater impact on our Nation, and our world, than Thomas Edison. He produced more than 1,300 inventions, including the incandescent light bulb, the alkaline battery, the phonograph, and motion pictures.

In 1928, the Congress saw fit to award to Mr. Edison a Congressional Gold Medal "for development and application of inventions that have revolutionized civilization in the last century." The legislation I am introducing today would once again honor one of the world's greatest inventors by issuing both commemorative and circulating coins with Mr. Edison's likeness.

These coins not only would honor the memory of Thomas Edison, they would also raise revenue to support organizations that preserve his legacy. The two New Jersey Edison sites, the "invention factory" in West Orange and the Edison Memorial Tower in Edison, are both in need of repair. Irreplaceable records and priceless memorabilia are in danger of being destroyed because of moisture damage and structural problems. Each year, 9,000 young students visit the West Orange site to learn about the great inventor. Our legislation, at no cost to the Government, would provide the funds necessary to protect these and five other historical sites so that generations of schoolchildren can continue to visit them.

Let me emphasize that this legislation would have no net cost to the Government. In fact, because circulating coins are a source of Government revenue known as seigniorage, this bill would reduce Government borrowing requirements, thereby lowering the annual interest payments on the national debt. An Edison commemorative coin program also has strong support among America's numismatists, whose interest is crucial to the success of any coin program.

Mr. President, I introduced similar legislation at the end of the 104th Congress. I introduce it again on the 150th birthday of this great American inventor with the anticipation that my colleagues will join me in honoring the memory of Thomas Alva Edison while providing sorely needed funds to important historical sites.

I urge my colleagues to support this legislation and ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Thomas Alva Edison Sesquicentennial Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Thomas Alva Edison, one of America's greatest inventors, was born on February 11, 1847, in Milan, Ohio;

(2) the inexhaustible energy and genius of Thomas A. Edison produced more than 1,300 inventions in his lifetime, including the incandescent light bulb and the phonograph;

(3) in 1928, Thomas A. Edison received the Congressional gold medal "for development and application of inventions that have revolutionized civilization in the last century"; and

(4) 1997 will mark the sesquicentennial of the birth of Thomas A. Edison.

TITLE I—COMMEMORATIVE COINS

SEC. 101. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In commemoration of the sesquicentennial of the birth of Thomas A. Edison, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue—

(1) not more than 350,000 $1 coins, each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper; and

(2) not more than 350,000 half dollar coins, each of which shall—

(A) weigh 12.50 grams;

(B) have a diameter of 1.205 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) Legal Tender.—The coins minted under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) Numismatic Items.—For purposes of section 5134 of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

SEC. 102. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this title only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 103. DESIGN OF COINS.

(a) Design Requirements.—

(1) In general.—The design of the coins minted under this title shall be emblematic of the many inventions made by Thomas A. Edison throughout his prolific life.

(2) Designation and inscriptions.—On each coin minted under this title there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the years "1847–1997"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(3) Obverse of coin.—The obverse of each coin minted under this title shall bear the likeness of Thomas A. Edison.

(b) Design Competition.—Before the end of the 3-month period beginning on the date of enactment of this Act, the Secretary shall conduct an open design competition for the design of the obverse and the reverse of the coins minted under this title.

(c) Selection.—The design for the coins minted under this title shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 104. ISSUANCE OF COINS.

(a) Quality of Coins.—Coins minted under this title shall be issued in uncirculated and proof qualities.

(b) Mint Facility.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this title.

(c) Commencement of Issuance.—The Secretary may issue coins minted under this title beginning on and after the date of enactment of this Act.

(d) Termination of Minting Authority.—No coins may be minted under this title after July 31, 1998.

SEC. 105. SALE OF COINS.

(a) Sale Price.—The coins issued under this title shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) Bulk Sales.—The Secretary shall make bulk sales of the coins issued under this title at a reasonable discount.

(c) Prepaid Orders.—

(1) In general.—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) Discount.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) Surcharges.—All sales of coins minted under this title shall include a surcharge of—

(1) $14 per coin for the $1 coin; and

(2) $7 per coin for the half dollar coin.

SEC. 106. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) In General.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out this title.

(b) Equal Employment Opportunity.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

SEC. 107. DISTRIBUTION OF SURCHARGES.

(a) In General.—Subject to section 5134(f) of title 31, United States Code, the first $7,000,000 of the surcharges received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary as follows:

(1) Museum of arts and history.—Up to 1/7 to the Museum of Arts and History, in the city of Port Huron, Michigan, for the endowment and construction of a special museum on the life of Thomas A. Edison in Port Huron.

(2) Edison birthplace association.—Up to 1/7 to the Edison Birthplace Association, Incorporated, in Milan, Ohio, to assist in the efforts of the association to raise an endowment as a permanent source of support for the repair and maintenance of the Thomas A. Edison birthplace, a national historic landmark.

(3) National park service.—Up to 1/7 to the National Park Service, for use in protecting, restoring, and cataloguing historic documents and objects at the "invention factory" of Thomas A. Edison in West Orange, New Jersey.

(4) Edison plaza museum.—Up to 1/7 to the Edison Plaza Museum in Beaumont, Texas, for expanding educational programs on Thomas A. Edison and for the repair and maintenance of the museum.

(5) Edison winter home and museum.—Up to 1/7 to the Edison Winter Home and Museum in Fort Myers, Florida, for historic preservation, restoration, and maintenance of the historic home and chemical laboratory of Thomas A. Edison.

(6) Edison institute.—Up to 1/7 to the Edison Institute, otherwise known as "Greenfield Village", in Dearborn, Michigan, for use in maintaining and expanding displays and educational programs associated with Thomas A. Edison.

(7) Edison memorial tower.—Up to 1/7 to the Edison Memorial Tower in Edison, New Jersey, for the preservation, restoration, and expansion of the tower and museum.

(b) Excess Payable to the National Numismatic Collection.—After payment of the amounts required under subsection (a), the Secretary shall pay the remaining surcharges to the National Museum of American History in Washington, D.C., for the support of the National Numismatic Collection at the museum.

(c) Audits.—Each organization that receives any payment from the Secretary under this section shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

SEC. 108. FINANCIAL ASSURANCES.

(a) No Net Cost to the Government.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) Payment for Coins.—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

TITLE II—CIRCULATING COINS

SEC. 201. AUTHORITY TO REDESIGN HALF DOLLAR CIRCULATING COINS.

Section 5112(d) of title 31, United States Code, is amended by inserting after the 6th sentence the following: "At the discretion of the Secretary, half dollar coins minted after December 31, 1996, and before July 31, 1998, may bear the same design as the commemorative coins minted under title I of the Thomas Alva Edison Sesquicentennial Commemorative Coin Act, as established under section 103 of that Act.".

By Mr. FEINGOLD (for himself and Mr. Kohl):

S. 300. A bill to prohibit the use of certain assistance provided under the Housing and Community Development Act of 1974 to encourage plant closings and the resultant relocation of employment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE PROHIBITION OF INCENTIVES FOR RELOCATION ACT OF 1997

• Mr. FEINGOLD. Mr. President, I introduce legislation to address an important and timely issue for the citizens of my State of Wisconsin, and for others all over our Nation—the issue of job piracy.

Last month, officials in the State of Michigan announced a new initiative designed to lure businesses from other States into their own borders. Businesses are provided a tempting incentive to relocate there, tax-free status for 15 years, if they relocate to select regions of the State. The communications director for the Michigan Jobs Commission, Jim Tobin, was quoted in the Wisconsin State Journal as saying that the new so-called renaissance zones program "will aggressively pursue Wisconsin companies for relocation into Michigan." Presumably, other States bordering Michigan will be targeted as well.

I was extremely disappointed to hear that my neighboring State had chosen to blatantly target Wisconsin jobs, rather than focusing its energies on creating new jobs for its residents. In my opinion, economic development ought not be thought of as a zero-sum game. We live in an era of increasing economic interdependence, and responsible elected officials should be focusing on regional and national solutions to the crises in our States' most economically distressed areas, not on raiding each others' jobs.

Upon hearing of the new Michigan initiative, my colleagues Senator KOHL and Congressman TOM BARRETT and I requested investigations from several Federal agencies in order to ascertain whether and to what degree Federal funds are being used to finance the renaissance zones initiative. We feel strongly that our constituents' tax dollars should not have to help finance the efforts of those across State lines who attempt to steal their jobs.

Fortunately, most Federal economic development grant programs, such as those funded by the Small Business Administration and the Economic Development Administration, currently include antipiracy language. However, this important anti-piracy provision is conspicuously absent in the Community Development Block Grant [CDBG] Program and several other small programs administered by the Department of Housing and Urban Development [HUD].

Today, Senator KOHL and I are introducing the Prohibition of Incentives for Relocation Act of 1997, a bill we have introduced previously, in both the 103d and 104th Congresses. It would simply make the CDBG, HUD special purpose grants, and HUD economic development grants consistent with other domestic economic development grant programs, by prohibiting HUD funds from being used for activities that are intended, or likely to facilitate, the closing of an industrial or commercial plant, or the substantial reduction of operations of a plant; and result in the relocation or expansion of a plant from one area to another area. Identical legislation is being introduced in the House by Representative BARRETT and Representative KLECZKA.

We became aware of this problem in the way the CDBG language is currently drafted several years ago. In 1994, Briggs and Stratton, one of Wisconsin's major employers, announced that its Milwaukee plant would be closing. As a result, over 2,000 jobs at the plant were lost. The total economic impact on the community was even worse: For every four Briggs jobs lost, an estimated one additional job from a supplier or other business that relied on Briggs was lost.

At the same time as the Milwaukee closing, Briggs and Stratton expanded two of its plants in other States. I do not dispute its right to do so. But what I find objectionable, Mr. President, is that Federal dollars, CDBG funds, were used to facilitate the transfer of these jobs from one State to another. This was, in my opinion, a completely inappropriate use of Federal funds. The Community Development Block Grant Program is designed to expand employment opportunities and economic growth, not simply move jobs from one community to another. There is no way to justify to my constituents that they are sending their tax dollars to Washington to be distributed to other States in order to attract jobs out of our State, leaving behind communities whose economic stability has been destroyed.

Mr. President, it is not clear if CDBG dollars are being used by the State of Michigan to finance their piracy of jobs from my State and from our other Midwestern neighbors. But in any event, the statute should be revised to prohibit such usage. It is an issue of fairness, and it deserves our attention. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION OF USE OF CERTAIN ASSISTANCE TO ENCOURAGE PLANT CLOSINGS AND RESULTANT RELOCATION OF EMPLOYMENT.

(a) AUTHORIZATIONS.—Section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following new subsection:

"(b) PROHIBITION OF USE OF ASSISTANCE TO ENCOURAGE PLANT CLOSINGS AND RESULTANT RELOCATION OF EMPLOYMENT.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, no amount from a grant made under section 106 shall be used for any activity that is intended or is likely to—

"(A) facilitate the closing of an industrial or commercial plant or the substantial reduction of operations of a plant; and

"(B) result in the relocation or expansion of a plant from one area to another area.

"(2) NOTICE.—The Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to implement this subsection. Such notice shall be published as a proposed regulation and take effect upon publication. The Secretary shall issue final regulations, taking into account public comments received by the Secretary.".

(b) SPECIAL PURPOSE GRANTS.—Section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307) is amended by adding at the end the following new subsection:

"(g) PROHIBITION OF USE OF ASSISTANCE TO ENCOURAGE PLANT CLOSINGS AND RESULTANT RELOCATION OF EMPLOYMENT.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, no amount from a grant made under this section shall be used for any activity that is intended or is likely to—

"(A) facilitate the closing of an industrial or commercial plant or the substantial reduction of operations of a plant; and

"(B) result in the relocation or expansion of a plant from one area to another area.

"(2) NOTICE.—The Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to implement this subsection. Such notice shall be published as a proposed regulation and take effect upon publication. The Secretary shall issue final regulations, taking into account public comments received by the Secretary.".

"(c) ECONOMIC DEVELOPMENT GRANTS.—Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended by adding at the end the following new paragraph:

"(5) PROHIBITION OF USE OF ASSISTANCE TO ENCOURAGE PLANT CLOSINGS AND RESULTANT RELOCATION OF EMPLOYMENT.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, no amount from a grant made under this subsection shall be used for any activity that is intended or is likely to—

"(i) facilitate the closing of an industrial or commercial plant or the substantial reduction of operations of a plant; and

"(ii) result in the relocation or expansion of a plant from one area to another area.

"(B) NOTICE.—The Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to implement this paragraph. Such notice shall be published as a proposed regulation and take effect upon publication. The Secretary shall issue final regulations, taking into account public comments received by the Secretary.".•

By Mr. McCAIN:

S. 301. A bill to authorize the Secretary of the Interior to set aside up to $2 per person from park entrance fees or assess up to $2 per person visiting the Grand Canyon or other national park to secure bonds for capital improvements to the park, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL PARKS LEGISLATION

• Mr. McCAIN. Mr. President, I introduce legislation that would allow us to make desperately needed improvements within America's national parks.

The National Parks Capital Improvements Act of 1997 would allow private fundraising organizations to enter into agreements with the Secretary of the Interior to issue taxable capital development bonds. Bond revenues would then be used to finance park improvement projects. The bonds would be secured by an entrance fee surcharge of up to $2 per visitor at participating parks, or a set-aside of up to $2 per visitor from current entrance fees.

Our national park system has enormous capital needs—by last estimate, over $3 billion for high priority projects such as improved transportation systems, trail repairs, visitor facilities, historic preservation, and the list goes on and on. The unfortunate reality is that even under the rosiest budget scenarios our growing park needs far outstrip the resources currently available.

A good example of this funding gap is at Grand Canyon National Park. The park's recently approved park management plan calls for over $300 million in capital improvements, including a desperately needed transportation system to reduce congestion. Despite this enormous need for funding, the Grand Canyon received only $12 million from the Federal Government last year for operating costs. The gap is as wide as the Grand Canyon itself. Clearly, we must find a new way to finance park needs.

Revenue bonding would take us a long way toward meeting our needs within the national park system. Based on current visitation rates at the Grand Canyon, a $2 surcharge would enable us to raise $100 million from a bond issue amortized over 20 years. That is a significant amount of money which we could use to accomplish many critical park projects.

I want to emphasize, however, the Grand Canyon would not be the only park eligible to benefit from this legislation. Any park unit with capital needs in excess of $5 million is eligible to participate. Among eligible parks, the Secretary of the Interior will determine which may take part in the program.

I also want to stress that only projects approved as part of a park's general management plan can be funded through bond revenue. This proviso eliminates any concern that the revenue could be used for projects of questionable value to the park.

In addition, only organizations under agreement with the Secretary will be authorized to administer the bonding, so the Secretary can establish any rules or policies he deems necessary and appropriate.

Under no circumstances, however would, investors be able to attach liens against Federal property in the very unlikely event of default. The bonds will be secured only by the surcharge revenues.

Finally, the bill specifies that all professional standards apply and that the issues are subject to the same laws, rules, and regulatory enforcement procedures as any other bond issue.

The most obvious question raised by this legislation is: Will the bond markets support park improvement issues, guaranteed by an entrance surcharge? The answer is yes, emphatically. Americans are eager to invest in our Nation's natural heritage, and with park visitation growing stronger, the risks would appear minimal. For example, a recent Washington Times editorial printed on December 8, 1996, noted that park visitation has increased to nearly 280 million since 1983, so that now more than a quarter of a million people visit our national parks every year. That editorial went on to point out that attendance is expected to further increase to well over 300 million by the turn of the century.

Are park visitors willing to pay a little more at the entrance gate if the money is used for park improvements? Again, yes. Time and time again, visitors have expressed their support for increased fees provided that the revenue is used where collected and not diverted for some other purpose devised by Congress.

With the fee demonstration program currently being implemented at parks around the Nation, an additional $2 surcharge may not be necessary or appropriate at certain parks. Under the bill, those parks could choose to dedicate $2 per park visitor from current entrance fees toward a bond issue.

Finally, I want to point out that the bill will not cost the Treasury any money? On the contrary, it will result in a net increase in Federal revenue. First, the bonds will be fully taxable. Second, making desperately needed improvements sooner rather than later will reduce total project costs.

Mr. President, this legislation seeks to use park entrance fees to their fullest potential through bonds. I appreciate that some details may remain to be worked out in this bill and I encourage the administration and other interested groups to work with me to fine tune this legislation. But, I believe that use of revenue bonds to pay the staggering costs for capital improvements within our parks is an idea whose time has come.

America has been blessed with a rich natural heritage. The National Park Service Organic Act, which created the National Park Service, enjoins us to protect our precious natural resources for future generations and to provide for their enjoyment by the American people. The National Parks Capital Improvements Act must pass if we are to successfully fulfill the enduring responsibilities of stewardship with which we have been vested. I urge my colleagues to support me in this important effort.

I ask unanimous consent that copies of letters supporting this legislation from the Environmental Defense Fund, the National Trust for Historic Preservation, the Grand Canyon Fund, the National Park Foundation, the Grand Canyon Trust, the Friends of Acadia, Mount Rainier, North Cascades & Olympic Fund and the Rocky Mountain National Park Associates, Inc., be included in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Rocky Mountain National Park
Associates, Inc.,
Estes Park, CO, February 3, 1997.

Senator John McCain,
U.S. Senate,
Washington, DC.

Dear Senator McCain, Permit me to add a voice of support for the bill you are reintroducing known as the National Parks Capital Improvement Act.

Many of us affiliated as non profit and philanthropic partners working to improve and enhance America's National Park System are searching for innovative solutions to address the pressing needs of our parks. The concept of the National Parks Capital Improvements Act may be innovative within the context of national parks, but it is clearly a well-tested tool in the private sector and it is needed now for our park fix-up kits. It is my understanding that it permits bonds to be issued at our parks—at least those areas having special long-term needs and those adept at revenue generation. This legislation is not designed to address every need of the maintenance backlog which is fast accumulating within the National Park System. But in specific parks—like that of Grand Canyon or others with carefully defined Master Plans—this authority to issue bonds could be put to beneficial use immediately, addressing critically important infrastructure and visitor services improvement programs.

I hasten to add that not many parks have non profit partnerships as strong as Grand Canyon National Park has with its affiliates, the Grand Canyon Association and the Grand Canyon Fund. The key to making this bond issuance authority work effectively is the leadership and managerial competence coming from these non profit partners. The National Park Service is fortunate to have such strong non profit friends who are able to both create and manage this financing plan within the context of our National Park System.

I applaud your foresight and your leadership in reintroducing the National Parks Capital Improvements Act in this current session of Congress. I heartily endorse your concern and your continued efforts in seeking new solutions to help our national parks.

Kindest regards,

C.W. Buchholtz,
Executive Director.

National Trust for Historic
Preservation,
Washington, DC, February 3, 1997.

Hon. John McCain,
U.S. Senate,
Washington, DC.

Dear Senator McCain: On behalf of the more than 250,000 members of the National Trust for Historic Preservation, I am writing to express our support for the National Parks Improvements Act of 1997. This legislation creates, in the form of revenue bonds, an innovative mechanism for funding the backlog of capital investment and deferred maintenance needs in our National Park System.

Recently, Senator Craig Thomas, the new Chairman of the Subcommittee on Parks, Historic Preservation and Recreation, expressed the view that the challenges facing the National Parks System—specifically the backlog of deferred maintenance, repair and restoration needs—must be addressed outside that normal annual appropriation process. The National Trust for Historic Preservation has a particular interest in finding sources of funding for the $1 to $2 billion backlog of restoration and rehabilitation needs for the 20,000 historic structures in our National Parks. The National Parks Improvement Act of 1997 provides a solution to the complex problem, and we look forward to working with you on this legislation.

Sincerely,

Edward M. Norton, *Jr.*

Grand Canyon Fund, Inc.,
Grand Canyon, AZ, January 31, 1997.

Hon. John McCain,
U.S. Senate,
Washington, DC.

Dear Senator McCain: We are very pleased to offer our enthusiastic support of your new legislation, which will enable the National Park Service and private partners to use taxable revenue bond funding for the benefit of our irreplaceable national parks. We understand the new legislation incorporates the necessary changes to accommodate the recreation fee demonstration project and other interests.

Revenue bonding is an additional tool for private partners to utilize in assisting the

National Park Service with meeting the overwhelming backlog of unfunded capital needs. We appreciated your support of the parks with your bill S. 1695 (National Parks Capital Improvements Act of 1996) and were very pleased to testify before the United States Senate Subcommittee on Parks, Historic Preservation and Recreation last September. We stand ready to assist you in any appropriate way.

Sincerely,

Eugene P. Polk,
Chairman.
Robert W. Koons,
President.

Friends of Acadia,
Maine, February 3, 1997.

Re S. 1695—National Parks Capital Improvements Act of 1997.

Senator John McCain,
Senator Ben Nighthorse Campbell,
Subcommittee on Parks, Historic Preservation, and Recreation.

Dear Sen. McCain, Sen. Campbell and Committee Members: Friends of Acadia enthusiastically supports S. 1695, the National Parks Capital Improvements Act of 1997. Please add these comments directly to the record.

The bill would allow as much as a $2.00 user surcharge for visitors to Grand Canyon National Park and allow the issuance of bonds by a nonprofit park cooperator. The bill can apply to other, unspecified parks as well.

Friends of Acadia endorses this resourceful idea and thinks it may be applicable to Acadia National Park, which has an approved general management plan and currently has capital needs exceeding $5 million.

We respectfully request that, based on conditions unique to a given park, an individual park may be allowed to set the surcharge within or above the fee demonstration amount, if it is a fee demonstration park.

Friends of Acadia is an independent nonprofit organization whose mission is to protect and preserve Acadia National Park and the surrounding communities. We recently raised $4 million in private funds to leverage a $4-million park capital appropriation.

This was a model private-public partnership. Its success demonstrates that federal dollars can be effectively multiplied by innovative use of philanthropic nonprofits, as is envisioned in this bill.

Friends of Acadia urges passage of S. 1695.

Thank you for your consideration of and support for this effort.

Sincerely,

Heidi A. Beal,
Director of Programs.

National Park Foundation,
Washington, DC, February 3, 1997.

Hon. John McCain,
U.S. Senate, Washington, DC.

Dear Senator McCain: Last year the National Park Foundation enjoyed working with you on several pieces of legislation, including a bill you authored which would have allowed the use of taxable bonds to finance long-term capital improvements within the National Park System. This bill, the National Parks Capital Improvements Act, would have generated additional revenue for America's natural, cultural and historic treasures through an innovative public-private partnership.

As the 105th Congress begins, we look forward to working closely with you and your staff on legislation designed to help conserve and protect National Parks.

Thank you for your consistent, thoughtful support of Grand Canyon National Park and the leadership you have shown in developing solutions to help the entire National Park System.

Sincerely,

Jim Maddy,
President.

Grand Canyon Trust,
February 6, 1997.

Hon. John McCain,
Washington, DC.

Dear Senator McCain: I am writing to express Grand Canyon Trust's support for the National Parks Capital Improvements Act of 1997, legislation to authorize a $2.00-per-person surcharge on entrance fees at Grand Canyon and other national parks to secure bonds for capital improvements.

We believe the proposed legislation will greatly assist the efforts of the National Park Service and other entities to generate the additional funding so urgently needed to maintain, repair and enhance the infrastructure of Grand Canyon National Park and others in the National Park System. We support the proposed use of the $2.00-per-person surcharge to generate incremental revenue for park capital projects.

Grand Canyon Trust shares your concerns that the park system's, and particularly Grand Canyon National Park's, pressing infrastructure and resource management needs will not be met unless Congress acts to provide the new authority proposed in this legislation. If those needs are not met, the environment in the parks and visitors' experiences will continue to deteriorate, an unacceptable and unnecessary fate for America's "crown jewels," the national parks.

We look forward to working with you to achieve passage of this important legislation.

Sincerely,

Geoffrey S. Barnard,
President.

Mount Rainier, North Cascades
& Olympic Fund,
Seattle, WA, January 31, 1997.

Senator John McCain,
Washington, DC.

Dear Senator McCain: On behalf of the Mount Rainier, North Cascades & Olympic Fund, I would like to state our strong support for the upcoming bill that is replacing S. 1695.

The Fund is a non-profit organization, dedicated to the preservation and restoration of Washington's National Parks. Organizations such as the Fund, have been created throughout the United States to help fill the increasing gap between national park needs and funds. In 1995, these non-profits contributed approximately $16 million dollars to national parks throughout the nation. However, even this impressive figure is only scratching the surface of the National Park Services needs.

"The National Park Service was created in 1916, with a mandate to manage the national parks in such a manner . . . as will leave them unimpaired for the enjoyment of future generations." As financial pressures have mounted, it has become increasingly difficult for the parks to fulfill this mission.

I believe that passage of the National Parks Capital Improvements Act, will help parks such as the Grand Canyon, fulfill their mission to protect our national treasures for present and future generations.

Thank you for your efforts to preserve and protect our natural heritage.

Sincerely,

Kim M. Evans,
Executive Director.

Environmental Defense Fund,
Boulder, CO, February 9, 1997.

Hon. John McCain,
U.S. Senate,
Washington, DC.

Dear Senator McCain: In a recent report, the General Accounting Office told the United States Congress that "the national park system is at a crossroads." The General Accounting Office confirmed what many of us have known for some time: while the national park system is growing and visitation is increasing, the resources available to manage and protect these resources are falling far short of what is needed to preserve America's natural and historical heritage. As a result, the backlog of repairs and maintenance needed throughout the national park system has grown to $4 billion.

Last year, you proposed legislation that would have authorized a limited number of not-for-profit entities to issue taxable bonds, the proceeds of which would have been used to make critically needed investment in units of the national park system. Without creative and innovative approaches such as this, we very likely will never close the gap between the financial resources that are needed to manage and protect our national park system, and the resources that are available.

I understand that you plan to introduce a similar bill in the 105th Congress, and I am writing to offer the Environmental Defense Fund's support for this undertaking. While no one piece of legislation will solve all of the problems confronted by the national park system, your legislation is a big step in the right direction.

I look forward to working with you as your proposal works its way through the legislative process.

Respectfully,

James B. Martin,
Senior Attorney.●

By Mr. CHAFEE (for himself, Mr. Rockefeller, Mr. Frist, Mr. Jeffords, and Ms. Collins):

S. 302. A bill to amend title XVIII of the Social Security Act to provide additional consumer protections for Medicare supplemental insurance; to the Committee on Finance.

THE MEDIGAP PORTABILITY ACT OF 1997

Mr. CHAFEE. Mr. President. Last year, the President signed into law bipartisan legislation that provides greater portability of health insurance for working Americans. Today, I join with my colleagues, Senator Rockefeller, Senator Frist, Senator Jeffords, and Senator Collins, in the introduction of a bipartisan bill that will provide some of the same guarantees for Medicare beneficiaries who buy Medicare supplemental insurance or MediGap policies.

Of the 38 million Medicare beneficiaries, about 80 percent, or 31 million, have some form of Medicare supplemental insurance, whether covered through an employer-sponsored health plan, Medicaid or another public program, or a private MediGap policy. Our bill does several important things for Medicare beneficiaries who have had continuous coverage:

First, it guarantees that if their plan goes out of business or the beneficiary moves out of a plan service area, he or she can buy another comparable policy. These rules also would apply to a senior who has had coverage under a retiree health plan or Medicare Select if their plan goes out of business.

Second, it encourages beneficiaries to enroll in Medicare managed care by guaranteeing that they can return to Medicare fee-for-service and, during the first year of enrollment, get back their same MediGap policy if they decide they do not like managed care. Under current law, if a senior wishes to enroll in a Medicare managed care plan, he or she has two options. The MediGap policy may be dropped if the senior chooses a managed care program, or the individual can continue to pay MediGap premiums in the event that the policy is needed again some day—a very costly option for those on fixed incomes. Many seniors fear that if they lose their supplemental policy after entering a managed care plan, it may be financially impossible for them to reenroll in MediGap.

Third, it bans preexisting condition exclusion periods for Medicare beneficiaries who obtain MediGap policies when they are first eligible for Medicare. Under current law, any time insurers sell a MediGap policy, they can limit or exclude coverage for services related to preexisting health conditions for a 6-month period.

Fourth, it establishes a guaranteed open enrollment period for those under 65 who become Medicare beneficiaries because they are disabled. Under current Federal law, Medicare beneficiaries are offered a 6-month open enrollment period only if they are 65. There are approximately 5 million Americans who are under 65 years of age and are enrolled in the Medicare program. Currently, they do not have access to MediGap policies unless State laws require insurers to offer policies to them. Our bill provides for a one-time open enrollment period for the current Medicare disabled, which will guarantee access to all MediGap plan options for almost 5 million disabled Americans.

It is true that this bill does not go as far as some would like. Our bill leaves to the states more controversial issues, such as continuous open enrollment and community rating of MediGap premiums. I believe, however, that this legislation will provide seniors similar guarantees to those that we provided to working Americans under the Kassebaum-Kennedy legislation.

Mr. FRIST. Mr. President, I rise to speak in support of the MediGap Portability Act of 1997. The importance of this legislation is best expressed by the many stories of individuals who have unsuccessfully tried to obtain adequate Medicare supplemental coverage. Therefore, I would like to share with you the experience of one of my constituents—Gary Purcell, a 60-year-old retired professor from the University of Tennessee.

To say the least, Dr. Purcell's health status has been a challenge for him. Despite a history of multiple illnesses including lupus, hypertension, diabetes, severe heart and kidney disease, and recurrent life-threatening skin infections, this man kept working. Even after suffering a stroke, he kept working. Dr. Purcell fought to remain productive, but as his condition deteriorated, he was forced to retire on disability. He subsequently developed prostate cancer and recently suffered an amputation of the left leg.

One day last fall, he received a letter saying he was eligible for Medicare due to disability. In fact, the situation was a little more complicated than that. Since he had not yet reached his 65th birthday, Dr. Purcell was actually being reassigned to Medicare, thus losing his private health insurance coverage. Due to the fact he is eligible for Medicare because of disability and not age, and because of preexisting medical conditions, Dr. Purcell could not obtain MediGap coverage and he had no other insurance options. As a result, he will incur high out-of-pocket costs to fill the many gaps in Medicare's coverage. Although Dr. Purcell will be eligible for supplemental coverage at age 65, 5 years from now, until then he will have to spend $500 per month or 25 percent of his income on medications to make up for what Medicare does not cover.

Dr. Purcell explored other options—ways of obtaining less expensive drugs, but the bottom line is, he will still have to pay massive sums of money for his medications, money which he does not have. Unfortunately, his situation is not unique. Many seniors, as well as other individuals with disabilities, are suffering as well.

How did this happen? What is the real issue? MediGap insurance policies offer coverage for Medicare's deductibles and coinsurance and pay for many services not covered by Medicare. However, for several reasons, the current MediGap laws do not always meet the needs of Medicare beneficiaries—especially individuals with disabilities.

First, under current law, individuals with disabilities who qualify for full Medicare benefits before the age of 65 must wait to purchase MediGap coverage until they reach that age. At that time, they are given a 6-month period of open enrollment. This means that unlike the elderly, they cannot obtain MediGap insurance when they become eligible for Medicare.

Second, even when obtainable, MediGap coverage may be limited. During the open enrollment period, insurers may not use a preexisting condition to refuse a policy for an individual. However, coverage for a specific preexisting condition can be delayed for up to 6 months. This is called underwriting. Even though alternative policies which do not use the underwriting process are available, they do not necessarily offer comparable coverage. Further, Federal law does not guarantee that these alternatives will continue in the future. Thus, individuals with disabilities on Medicare may not receive the same choices of MediGap plans as their senior counterparts.

Third, such stringent requirements hinder the efforts of seniors who wish to try a Medicare managed care option. They are afraid of not being able to receive comparable supplemental coverage should they decide to return to the traditional fee-for-service Medicare. Accordingly, they do not take the risk of changing. This is perhaps one reason that enrollment in Medicare managed care lags far behind the rest of the population. We must encourage this transition if we are to slow the growth of Medicare costs.

Fourth, those Medicare beneficiaries whose employer-provided wrap-around plans are reducing or dropping benefits after they become eligible for Medicare will have difficulties purchasing additional coverage.

Finally, we must consider those who have enrolled in Medicare managed care plans which terminate contracts with Medicare or whom move outside the service area of their plan. In these circumstances, beneficiaries often need to return to the traditional Medicare program and may again wish to obtain supplemental coverage.

To summarize, although our current policies may encourage many members of the aging population to obtain continuous coverage, they are deficient in encouraging the same for individuals with disabilities who are unable to obtain supplemental coverage even if they have had continuous insurance coverage. They also limit the choices of seniors who wish to switch plans or whose retiree plans terminate or limit coverage. The situation is simply unfair.

Last fall, the President signed the Health Insurance Portability and Accountability Act of 1996 (the "Kassebaum-Kennedy" bill) which addressed health insurance portability for the small group market. The Medigap Portability Act addresses similar issues for seniors and individuals with disabilities.

First, seniors will now have more choices than were available before. They will be able to explore the managed care options now available, yet still return to their original Medigap plans if they change their minds.

Second, if their retiree health plans terminate or substantially reduce benefits, seniors will still have access to supplemental health insurance without regard to previous health status.

Finally, if their insurance plans should go out of business, seniors will still have Medigap options.

In other words, it guarantees choice and security for senior citizens on Medicare.

In addition, the bill guarantees access to the same coverage available to seniors for individuals with disabilities in three ways:

First, it insures that anyone will be able to enroll in a Medigap plan of their choosing without discrimination during the first 6 months of their eligibility for full Medicare benefits, regardless of age.

Second, the bill guarantees that the disabled will still have the same access to the array of Medigap choices that are available to seniors after the enrollment period ends, although restrictions may apply.

And, third, individuals with disabilities who are currently enrolled in the Medicare program will have a one-time open enrollment period to guarantee their access to all Medigap plan options.

Dr. Purcell is a responsible middle income American who fell through the safety net. He lost both rights and choices. In his own words, "I find it so frustrating that I had really planned for the retirement period and had tried to prepare myself as prudently as possible * * * Yet, I had no idea that my comprehensive coverage would cease after only 2 years. Even though I have always done my best to be a good worker and to provide for my family, the rug was pulled out from under me anyway. I feel so helpless."

Dr. Purcell went on to say, "I thought the issue through and tried to determine where I might have the most impact just as one person * * * I felt that my best option was to go to the people who represent me * * * in the national legislature."

Dr. Purcell and the 4 million other disabled Americans he represents have legitimate concerns. So do the 34 million senior citizens who are also affected by this issue. They are only asking for the same rights given to working Americans. They are coming to us, their elected representatives, for help. Mr. President, I challenge my colleagues and the insurance industry to respond to these beneficiaries. This bill will provide freedom of choice for seniors and individuals with disabilities. It is a step forward in our battle to improve health care access for all of our citizens and I give it my full support.

Mr. ROCKEFELLER. Mr. President, I am pleased to be reintroducing a bill with my colleague from Rhode Island, Senator CHAFEE, to improve the security and protection of Medicare supplemental policies, so-called MediGap policies. I am especially pleased that Senator JEFFORDS, both the new chairman of the Labor and Human Resources Committee and one of the newest members of the Finance Committee, Senator FRIST, and Senator COLLINS have joined us this year as original cosponsors of our legislation. And I continue to be pleased that similar legislation has been introduced in the House of Representatives by the bipartisan team of Representatives NANCY JOHNSON and JOHN DINGELL.

When enacted, our bipartisan, bicameral bill will make MediGap policies more portable, more reliable, and more accessible for almost 40 million Medicare beneficiaries, including 5 million disabled Medicare beneficiaries.

Last year, when we introduced this bill, we were not terribly optimistic that it would get enacted before the end of the 104th Congress. But we put forward our legislation anyway to share our proposal and objectives, begin building momentum for changes we feel are necessary, and to preview the fact that we would be back in the 105th Congress with a concerted effort to make this a legislative priority. As it turns out, having identified MediGap improvements as an area of bipartisan concern, President Clinton has responded directly by adding the same goal of new MediGap protections as a priority he shares and included it in his recently submitted budget proposal. We are very happy that our bipartisan support for improved MediGap protections got noticed by the President and will be pursued by his administration in the upcoming budget process.

Mr. President, too many Americans are falling through the gaps in our health care system. For example, consider the situation of a 44-year-old disabled man from Capon Bridge, WV. He earns too much money to qualify for Medicaid and is unable to buy a private MediGap policy because of his medical condition. And, there is the 47-year-old woman from Slanesville, WV, who is in a similar situation. She was uninsured before qualifying for Medicare because of kidney disease. She and her husband have too many assets to qualify for Medicaid and they can't afford the $300-a-month health insurance policy offered by her husband's employer. They have not been able to find an insurer willing to sell them a MediGap policy to help with Medicare's hefty cost-sharing requirements. A MediGap policy would be more affordable for them than the insurance policy offered by her husband's employer which duplicates, rather than supplements, Medicare's benefits. Many of the 50,000 disabled West Virginians who qualify for Medicare are in a similar situation. This is wrong and we can do better.

Mr. President, almost 8 in 10 older Americans have opted to purchase policies through private insurance companies to fill gaps in their Medicare benefits. This MediGap insurance commonly covers the $756 deductible required for each hospital stay, the part B deductible for doctor visits and doctor copayments. MediGap policies also cover copayments for nursing home care, extended rehabilitation, or for emergency care received abroad. Some MediGap policies cover prescription drugs.

But even MediGap policies have gaps because of insurance underwriting practices which prevent beneficiaries from switching MediGap insurers or, as in the case of the Medicare disabled, from even initially purchasing MediGap protection.

Employers, looking to lower their health care costs, are increasingly cutting back on retiree health benefits. In just 2 years, employer-sponsored retiree health benefits has dropped by 5 percent. These retirees are forced to go out on the private market and purchase individual MediGap coverage. Those lucky enough to find insurance will find their coverage compromised by preexisting condition limitations. Some won't find an insurer willing to sell them a policy at any price.

In 1990, I worked with Senator CHAFEE, the minority leader, Senator DASCHLE, and the then-chairman of the Finance Committee, Senator Bentsen, On enacting a number of measures to improve the value of MediGap policies. We also successfully enacted legislation that standardized MediGap policies so that seniors could more easily compare the prices and benefits provided by MediGap insurers.

At that time, Congress also mandated that insurers must sell a MediGap policy to any senior wishing to buy coverage when that person first becomes eligible for Medicare, without being subject to medical underwriting. At the time, there was a worry that including the Medicare disabled population in this open enrollment period would escalate premiums for current MediGap policyholders. As a result, the disabled were not included in this guaranteed issue requirement. Since then, 12 States have moved ahead and required insurers to issue policies to all Medicare beneficiaries in their States, including the disabled. To my knowledge, not one State has reported large hikes in premiums as a result of their new laws.

We have also asked the American Academy of Actuaries for an independent analysis of our legislation. We are confident that their evaluation of our bill will lay to rest any concerns about wild hikes in MediGap premiums because of our provision to end the current law discrimination against the disabled.

Mr. President, our bill would protect all Medicare beneficiaries by guaranteeing them MediGap coverage if they are forced to change their MediGap insurer, or if their employer stops providing retiree health benefits. Specifically, our bill would require MediGap insurers to sell Medicare beneficiaries a new MediGap policy without any preexisting condition limitations if an individual moves outside the State in which the insurer is licensed, or the health plan goes out of business; if an individual loses their employer-sponsored retiree health benefits; if an individual enrolled in a health maintenance organization [HMO] or Medicare Select policy moves outside of a health plan's service area, or if the HMO's contract is canceled; or if an individual enrolled in a HMO or a Medicare Select policy decides during their first 12 months of enrollment to return to a MediGap fee-for-service policy.

Mr. President, our bill gives Medicare beneficiaries an opportunity to try out a managed care plan without worrying about losing their option to return to fee-for-service medicine. Understandably, many seniors worry about enrolling in a managed care organization if it means losing access to their lifelong doctor. Our bill would encourage Medicare beneficiaries to try out a managed care plan to see if it suits them, but our bill gives them a way back to fee-for-service medicine, if that ends up being their personal preference.

Our legislation bans insurance companies from imposing any preexisting condition limitation during the 6-month open enrollment period for MediGap insurance when a person first qualifies for Medicare. This change from current law makes the rules for MediGap policies consistent with the recently enacted Kassebaum-Kennedy bill for the under-65 population, and with Medicare coverage which begins immediately, regardless of any preexisting conditions.

Mr. President, our bill also includes a section to help seniors choose the right health plan for them by ensuring that they get good information on what plans are available in their area. It allows them to compare different health plans based on results of consumer satisfaction surveys, and will include information on benefits and costs.

Our bill does not directly address affordability. And, even since we introduced our original bill last September, there is growing evidence that MediGap premiums are skyrocketing. I am hopeful that the Finance Committee will take a closer look at this issue during its deliberations on other Medicare reform initiatives. Between 1995 and 1996, large numbers of seniors received double-digit increases in their MediGap premiums. These increases were far in excess of Social Security cost-of-living increases and varied dramatically across States. In my own State of West Virginia, MediGap policies sold by the Prudential Insurance Co. increased by 17 percent between 1995 and 1996. In Ohio, premiums increased by 30 percent and in California by 37 percent.

Congress has considerable history in trying to guarantee at least a minimal level of value across all MediGap policies. Under the current law, individual and group MediGap policies must spend at least 65 and 75 percent, respectively, of all premium dollars collected, on benefits. If a MediGap plan fails to meet these minimum loss ratios, they must issue refunds or credits to their customers.

Mr. President, while Federal loss ratio standards help assure a minimum level of value, they do not prevent insurance companies from annually upping premiums as a senior ages. This practice, known as attained age-rating, results in the frailest and the lowest income seniors facing large, annual premium hikes as they age. I would hope that more States would follow the lead of the 10 States that have already banned attained age-rating. This would vastly improve the affordability of MediGap for the oldest and frailest of our seniors.

Mr. President, to repeat what I said last year, our bill is a targeted, modest, proposal. But it would provide very real and very significant help to millions of Medicare beneficiaries who, year in and year out, pay out billions of dollars in premiums to have peace of mind when it comes to the cost of their health care. It is wrong and unfair when senior and disabled citizens in West Virginia and across the country are suddenly dropped by insurers or denied a MediGap policy just because they move to another State, or their employer cuts back on promised retiree health benefits, or because they're disabled.

Mr. President, it is always a pleasure to be working on legislation with the Senator from Rhode Island. Senator CHAFEE has a long, impressive, and, more important, successful record in enacting legislation that has helped millions of seniors, children, and disabled. I urge my colleagues to join Senators JEFFORDS, FRIST, and COLLINS in cosponsoring this bill, and to help us extend more of the health care peace of mind that older and disabled Americans ask for and deserve.

By Mr. ABRAHAM (for himself and Mr. LEVIN):

S. 303. A bill to waive temporarily the Medicare enrollment composition rules for the Wellness Plan; to the Committee on Finance.

MEDICARE WAIVER FOR THE WELLNESS PLAN OF DETROIT, MI

Mr. ABRAHAM. Mr. President, at the end of the last Congress I expressed my disappointment at the unwillingness of this body and the other Chamber to move legislation that I believe is important to the health care of the people of Michigan. Today I rise along with my colleague from Michigan, Senator LEVIN, to reintroduce our legislation providing a Medicare 50/50 enrollment composition rule waiver for the Wellness Plan of Detroit, MI.

The Wellness Plan is a federally certified Medicaid health maintenance organization located in Detroit, MI. It has approximately 150,000 enrollees—roughly 140,000 of whom are Medicaid, while only about 2,000 are Medicare beneficiaries. Since 1993, the Wellness Plan has had a health care prepayment plan contract with Medicare. However, technical changes enacted by Congress effective January 1, 1996, unintentionally prevent the Wellness Plan from enrolling additional Medicare beneficiaries under the HCPP contract. So the Wellness Plan is positioned to become a full Medicare risk contractor, it currently is precluded from doing so due to the 50/50 Medicare enrollment composition rule.

Mr. President, it is important to note that even the Health Care Financing Administration has supported the Wellness Plan receiving this plan-specific 50/50 waiver. We also expect a companion bill to be introduced in the other Chamber shortly, and we expect it to be cosponsored by the entire Michigan delegation.

Because this legislation is essentially noncontroversial, affects only the State of Michigan, and is supported by the entire State delegation, it is our earnest hope that the Senate will act on this measure as expeditiously as possible. There is no rational justification for preventing the Wellness Plan from enrolling new Medicare beneficiaries into its health plan. If our goal is to allow a wider variety of options and choices of health care plans for our seniors, a good place to start is to allow those Michigan residents who wish to join this particular health maintenance organization to be able to do so.

Mr. President, I wish to thank my friend and colleague from Michigan, Senator CARL LEVIN, for once again supporting and helping me with this effort. I look forward to working with him to see that this measure which has such broad support in Michigan becomes enacted in the very near future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF MEDICARE ENROLLMENT COMPOSITION RULES FOR THE WELLNESS PLAN.

The requirements of section 1876(f)(1) of the Social Security Act (42 U.S.C. 1395mm(f)(1)) are waived with respect to Comprehensive Health Services, Inc. (doing business as The Wellness Plan) for contract periods through December 31, 2000.

• Mr. LEVIN. Mr. President, today I am joining with my colleague Senator ABRAHAM in introducing legislation that would provide the Wellness Plan of Michigan with a Medicare 50/50 enrollment composition rule waiver. I was disappointed that Congress did not enact this waiver last session as the Wellness Plan is the prototype for the type of health maintenance organization into which many Medicare beneficiaries will want to enroll. It is my hope that the Senate will act expeditiously on this legislation so that Michigan Medicare beneficiaries may have the opportunity to enroll in this well-established, quality plan.•

ADDITIONAL COSPONSORS

S. 206

At the request of Mr. REID, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 206, a bill to prohibit the application of the Religious Freedom Restoration Act of 1993, or any amendment made by such act, to an individual who is incarcerated in a Federal, State, or local correctional, detention, or penal facility, and for other purposes.

S. 251

At the request of Mr. SHELBY, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 251, a bill to amend the Internal Revenue Code of 1986 to allow farmers to income average over 2 years.

S. 277

At the request of Mr. COCHRAN, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 277, a bill to amend the Agricultural Adjustment Act to restore the effectiveness of certain provisions regulating Federal milk marketing orders.

S. 294

At the request of Mrs. HUTCHISON, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Missouri [Mr. ASHCROFT], the Senator from Alaska [Mr. STEVENS], the Senator from New Hampshire [Mr. SMITH], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 294, a bill to amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, and for other purposes.

SENATE RESOLUTION 52—CONCERNING THE NEED TO ADDRESS THE CURRENT MILK CRISIS

Mr. SPECTER (for himself, Mr. SANTORUM, Mr. FEINGOLD, Mr. KOHL, Mr. JEFFORDS, and Mr. LEAHY) submitted the following resolution; which was ordered to lie over, under the rule:

S. RES. 52

Whereas, during the last few months farm milk prices have experienced substantial volatility, dropping precipitously from $15.37 per hundredweight in September, 1996 to $11.34 per hundredweight in December, 1996, while simultaneously there have been record high costs for cattle feed;

Whereas, there is a strong sense of financial crisis in the dairy industry;

Whereas, many dairy farmers have looked to the Federal government for relief because minimum milk prices under the Milk Marketing Orders are established by the Department of Agriculture;

Whereas, the price of cheese at the National Cheese Exchange in Green Bay, Wisconsin influences milk prices paid to farmers because of its use in the Department of Agriculture's Basic Formula Price under Federal Milk Marketing Orders;

Whereas, less than one percent of the cheese produced in the United States is sold on the National Cheese Exchange and the Exchange acts as a reference price for as much as 95 percent of the commercial bulk cheese sales in the nation;

Whereas, there has been some concern among dairy producers that the prices at the National Cheese Exchange may have been manipulated downward, benefiting processors at the expense of dairy farmers;

Whereas, it is in the national interest to ensure that market prices for milk, cheese, and other dairy products are determined by a fair and competitive marketplace; Now, therefore, be it

Resolved, That it is the Sense of the Senate of the United States that the Secretary of Agriculture should act immediately pursuant to his legal authority to modify the Basic Formula Price for dairy by replacing the National Cheese Exchange as a factor to be considered in setting the Basic Formula Price and to establish in its place an equivalent pricing mechanism more reflective of the actual market conditions for cheese and other dairy products nationally.

SENATE RESOLUTION 53—RELATIVE TO A DISPUTE

Mrs. HUTCHISON (for herself, Mr. GRAMM, and Mr. D'AMATO) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 53

Whereas a strike by the Allied Pilots Association, the union of the pilots of American Airlines, could lead to a severe disruption in air service;

Whereas such a strike could result in the loss of employment by tens of thousands of individuals in the United States;

Whereas such a strike would affect approximately 20 percent of the domestic airline traffic in the United States;

Whereas such a strike would cause more than 75,000 American Airlines employees to be idle;

Whereas such a strike would affect—

(1) the livelihood of thousands of other workers employed in airline and airport supply industries; and

(2) commerce relating to tourism, logistics, and business requiring travel;

Whereas such a strike would cause substantial adverse economic effects in communities of the United States;

Whereas such a strike could jeopardize the largest order made in history for the production of civilian aircraft; and

Whereas because ¼ of the air traffic of American Airlines is in foreign air commerce (as that term is defined in section 40102 of title 49, United States Code), a strike would have an adverse effect with respect to—

(1) the expansion of the market of United States goods and services in foreign countries; and

(2) the trading partners of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should work in conjunction with the National Mediation Board to facilitate a resolution of the labor dispute between the Allied Pilots Association and AMR, the parent company of American Airlines; and

(2) the President should—

(A) encourage—

(i) the settlement of the issues that are the subject of the labor dispute through the use of the services of the National Mediation Board established under section 4 of the Railway Labor Act (45 U.S.C. 154) before midnight on February 15, 1997 (which is the date specified by the Allied Pilots Association as the deadline for averting a strike); or

(ii) the achievement, by the date specified in clause (i), of an agreement by the parties to the dispute to arbitrate the issues that are the subject of the labor dispute through the National Mediation Board; and

(B) if necessary, establish a board under section 10 of the Railway Labor Act (45 U.S.C. 160) to serve as an emergency board to investigate the matter relating to the labor dispute and to make a report to the President in the manner prescribed in that section.

AMENDMENTS SUBMITTED

THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

DODD AMENDMENT NO. 4

Mr. DODD proposed an amendment to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget; as follows:

On page 3, line 7, strike beginning with "is" through line 11 and insert "faces an imminent and serious military threat to national security as declared by a joint resolution.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, February 11, 1997, at 9 a.m. in SR-328A to discuss reform to the Commodity Exchange Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Tuesday, February 11, 1997, in closed session, to receive a briefing on the situation in Bosnia and the status of U.S. military forces participating in the stabilization force [SFOR].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 11, 1997, immediately after the first rollcall vote to hold a business meeting to vote on pending items.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the Health Insurance Portability and Accountability Act, during the session of the Senate on Tuesday, February 11, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HELMS. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentation of the Veterans of Foreign Wars. The hearing will be held on February 11, 1997, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO ERICA MICHELLE PITTS

• Mr. McCONNELL. Mr. President, each fall, Senators and Congressmen turn to the enjoyable task of submitting nominations to the U.S. Service Academies. This year, like every other, my office was flooded with applications from qualified young men and women—students with excellent academic records, students whose extracurricular activities would drive the most patient parent crazy, students who donate endless hours to community service projects. However, rarely do I see a young person possessing all of this and more.

This year I proudly nominated Erica Michelle Pitts, of Louisville, KY, to the U.S. Military Academy, as did Senator Wendell Ford and then-Congressman Mike Ward. There are many adjectives that can be used to describe Erica—poised, accomplished, brave, athletic, energetic, but even combined they do not adequately portray her. A senior at Saint Francis High School, Erica's headmaster Thomas Pike describes her as "a delightfully different young person." Counselor Kit Llewellyn sees her as a "risk-taker" and admires her integrity.

Erica's military career dreams began at the age of 6 when her stepfather took her for a tank ride. At the tender young age of 8 she began working for her mother's boss formatting computer disks for $5 an hour. Entering as a seventh-grader at the respected Saint Francis, she was immediately placed in the freshman class, where, lacking a girls basketball team, Erica played on the boy's team. She has participated in a Russian exchange program, the Duke University Talent Identification Program, and served on the Courier-Journal High School Round Table. And, amidst her participation on the academic team and the yearbook staff, Erica works part-time at the Louisville Science Center year round.

As you can see, Erica's childhood has been far from average. Notwithstanding, she has grown into a graceful young woman whose lofty dreams have been realized. Hoping to enter the Judge Advocate General's Corps after her years at West Point, Erica aspires to serve on the Supreme Court or be elected President. Both goals are well within her grasp.

Mr. President, please join me in honoring this outstanding young Kentuckian who has a bright future in the U.S. military. I ask that an article which recently appeared in the Louisville Courier-Journal be printed in the Record. The author does a wonderful job of capturing Erica's charm and enthusiasm.

The article follows:

Getting to the Point

(By C. Ray Hall)

At first blush, the most interesting thing about Erica Pitts is this: Barely 17, she is headed for the United States Military Academy to join West Point's legendary long gray line.

It will probably be the grayest thing that has ever happened to her. So far, her life has been like a colorsplashed, abstract work of art in progress.

Erica Pitts has been interesting for a long time. She was interesting even in the womb.

"I was named after a soap-opera character," she said. "Because I was trouble. My mom went into labor and so she went to the hospital."

False alarm.

"They sent her back home. Then I was about ready to pop out so they called the ambulance. I was almost born in the ambulance. I was almost born outside on the way into the hospital. I was almost born in the lobby. I was almost born in the elevator, but finally they got her to a delivery room and I was born. I made life a little difficult for her."

Hence the name, Erica: "Yeah, Erica Kane. Because I was trouble."

Not even a minute old, and her life was already a cliffhanger.

Next scene in Erica's life: the beginning of an unlikely romance. At Fort Knox, of all places. In a tank, of all things.

"It started when I was about 6. My mom had married my stepdad. He was in the Army and he took me for a tank ride one day and I just thought that was the coolest thing. I admired the discipline in the Army."

Next scene: Erica gets her first paying job, earning $5 an hour to format computer disks for her mom's boss at the Internal Revenue Service. She is 8.

Next scene: Erica is stepfatherless, owing to divorce. She and her mom, Pamela Scott, are living in Louisville. Erica masters public school effortlessly. "I was so used to just showing up for class, reading the newspaper during first period and not doing any work all day and still getting an A in every single class I took." So her mom takes Erica to St. Francis, a downtown school of high academic reputation and equally stratospheric cost (tuition up to $8,140).

Headmaster Thomas Pike recalled, "I remember her and her mom coming in and her talking about not being academically challenged, talking about being an environmental lawyer or biochemist. This is a seventh-grader. Just a really bright, lively 13-year-old, and she has been lively and bright ever since . . . a delightfully different young person."

St. Francis took her and let her skip from the seventh to the ninth grade. ("A double bonus," Erica said.)

"Her life has always been action-packed," said school counselor Kit Llewellyn. "She's a skateboarder, a volleyball player, a basketball player. She volunteers regularly. . . . She has worked on literary magazines, so her literary analysis is strong and indepth. . . .

"She's kind of a risk-taker. She likes to start things. She participated in crew (rowing) when it was founded. She's the first female from this school to entertain the idea of applying to a military academy."

And yet, somewhere in that swirl of action, there's a cerebral center.

"I guess what stands out with me for Erica is her integrity," Llewellyn said. "I was her sponsor at Calvary Episcopal Church when she went through the confirmation. For her age (then 15), her questions and her depth of understanding, what she was pursuing in her belief and in her spiritual self, was very strong. Well-thought-out and very, very calm in her approach."

Oh. And did we mention she wants to be president?

Of the United States. Like the current occupant of the Oval Office, she likes lawyering. And, like Bill Clinton, she went to Russia at a tender age, as part of an exchange program.

Erica was nominated to West Point last year by then-Congressman Mike Ward. For the physical test, she returned to Fort Knox, the scene of her first infatuation with the Army. She passed the exam, which includes running, throwing a basketball while on your knees and hanging on a chin-up bar. Some girls immediately drop off the bar. She held on for 31 seconds.

The audience included Lt. Col. Don Miller, an Army reservist who serves as a West Point liaison (and, in another life, helps run a Louisville brokerage). After interviewing her, he wrote to the academy, "Erica is a very goal-oriented young lady with aspirations of becoming president someday. . . . Erica has excellent people skills and appears to possess good leadership traits. Her mother raised Erica alone and this has resulted in sacrifice, and yet has developed her sense of commitment."

So this is a 17-year-old of greater complexity than most. During her trip to Russia, she bought a fur hat. She felt bad about it when she realized rabbits had died to decorate her head. She thinks the country spends too much on defense. She clashed openly with a 10th-grade teacher, but she has a kind word even for Adolf Hitler. ("He was psycho, but he was a brilliant, brilliant ruler.")

This is not your father's West Point cadet.

"She's a free spirit," said Bryan Walde, the man who teaches her calculus, chemistry and basketball at St. Francis. In her graduating class of 38, the animal-loving, defense-cutting, coffeehouse-and-concert habitue might have been voted least likely to go to West Point.

"I heard that a lot," she said.

"'You were the last person I thought would ever go there.' A lot of the people I know are not really anti-government, but they don't like people telling them what to do. I don't really like it myself, but I do need the discipline. I would love to have the discipline. And it's one of the best schools in the country. Who would turn that down?"

West Point told her the price of the education awaiting her. "They valued it as $200,000, which I wouldn't doubt, because I think West Pointers can easily top people who go to Harvard."

That's obviously the kind of talk they like to hear on the cliffs overlooking the Hudson River. Not that they actually like to hear much talk at all from first-year cadets, or "plebes." For a while at West Point, she will speak only when bidden. Too bad, for she has lots to say. To wit:

On her willowy yet well-fed frame of 5 feet 10 inches, 120 pounds:

"I eat a lot. This morning for breakfast, I had a cheeseburger, two pancakes and a cinnamon roll. . . .

On love, sex and all that:

"I manage to stay friends with all of my ex-boyfriends. It's really strange. I think partially because there's never any reason for either of us to be really bitter. I don't sleep with anybody. I just decided no sex before marriage. So I never had to worry about sleeping with somebody and then the next morning they just totally ditch me. There's never any big thing to get really mad about. It's just a bunch of little things that lead up to you saying, 'You know, maybe we shouldn't be together.' So you can just go back to being friends."

On her idea of cool wheels:

"I want a big Dodge Ram truck as soon as I can get a car." (She calculates that that will be three years hence, with the down payment saved from her West Point stipend of $6,600 a year.)

On her mixed parentage, the result of a college romance that never led to marriage. A delicate matter?

"It never has been. People have asked me about that for a long time. They've asked me if I was mixed and it's never bothered me. I've never really worried about it. Yeah, my dad's white, my mom's black. . . . It's never been a big deal to me."

On her twin ambitions, of being a lawyer and a psychologist:

"I love to argue. That's what appeals to me about being a lawyer. And I love using words . . . to get a point across. I want to be a psychologist because I'm so used to doing that: There are so many people with problems. My friends always come to me for advice."

What's the best advice anyone gave her?

"You've got to learn to choose your battles and not fight every single one. That's some good advice I got from my mother. . . . For a while, every time somebody did something I didn't like, I was ready to argue with them. I didn't get into fistfights or anything, but I kind of verbally berated my teacher sophomore year, sometimes in front of his class. He didn't like that very much. That's when I learned to start controlling my temper. I felt kind of bad, although I think he kind of deserved some of that, although in front of his class was really mean."

On the prospects of harassment or hazing from macho military males:

"The sexual harassment thing, I think I would have the guts to just stand up and say, 'Hey, I don't like it. Stop.' Being hazed and stuff like that, once it got to a dangerous point where people were setting me on fire, I would just have to like fight back, period. I would not allow somebody to set me on fire as part of a hazing ritual. I think I'm strong enough to handle anything that might be thrown at me as a hazing ritual."

Hazing? Been there, done that, in a non-incendiary way. On a basketball court, of all places.

"My favorite moment came freshman year," she said. "We didn't have a girls' team yet, so I had to play on the boys' team. We were playing against a team that was very, very, very chauvinist. . . . I got in with about a minute 40 left, and they were not treating me very well. At first my teammates wouldn't even pass me the ball, and finally one of 'em did. I just stood back behind the three-point line, shot and it went right in. Swish. It was perfect. We still lost the game, but I felt better."

Next scene in Erica's life: November 1996. The IRS transfers Erica's mom to Nashville. "She and her mother have been a team through the years—her mom with pretty high expectations and Erica living up to them," said Llewellyn, the St. Francis counselor.

Erica stays behind to graduate from her school. She lives with her grandma, Ellen Pitts. "She's been pretty great. I have my own loft, and it's really nice. It's not very big, but it's nice. I've got a computer and a desk and my futon up there, and that's all I really need."

For now, at least, she dreams in a loft. But soon enough, the dreams will be aloft. And Erica Pitts' life will get even more interesting.●

THE 75TH ANNIVERSARY OF THE CITY OF HAMTRAMCK

● Mr. LEVIN. Mr. President, I am honored today to pay tribute to the city of Hamtramck, MI, which is celebrating its 75th anniversary this year. The people of Hamtramck call their city a "Touch of Europe in America," and indeed it is truly a unique community. Hamtramck is a city within a city, whose boundaries on all sides are with the city of Detroit. Yet Hamtramck maintains its own identity, an identity rooted in its diversity.

The history of Hamtramck predates its incorporation as a city by more than 100 years. It is named for Col. John Francis Hamtramck, who served as the first American commander of Fort Detroit after it was surrendered by Great Britain in 1796. Originally a township larger in size than the present-day city of Detroit, Hamtramck was organized as a village in 1901.

The village of Hamtramck began with 500 people but changed dramatically with the birth of the automobile industry. A Dodge Bros. auto plant was established in 1914, attracting skilled and unskilled workers from around the Nation and the world. Between 1910 and 1920, Hamtramck boasted the greatest population growth of any community in the United States, going from 3,589 to 46,615 residents in a single decade.

While Hamtramck was originally settled by the same French colonists who had settled Detroit, and later farmed by German immigrants, the automobile industry attracted huge numbers of Polish workers. Since 1910, Hamtramck's Polish population has grown so rapidly that today, 80 percent of its residents stem from first, second, or third generation Polish origin.

Many of the remainder of Hamtramck's residents are from Central and Eastern Europe. Having received the warm and generous hospitality of Michiganite themselves, in 1946 the Polish-American residents of Hamtramck began welcoming displaced people from Central Europe and the Balkans. More recently, Hamtramck has seen a substantial number of Ukrainians join the community. All of these groups have maintained their cultural heritage and identity, while embracing the ideals and Government of their new country.

On any street or in any restaurant in Hamtramck, one can hear any of 25 different languages being spoken, which is especially impressive in a city of slightly more than 2 square miles. Hamtramck is renowned for the best Polish food outside Poland, and the hospitality to match, as President Clinton discovered on a trip to Michigan in 1996 where he thoroughly enjoyed lunch at Polish Village Cafe.

Mr. President, Hamtramck's blend of cultures has produced a city which truly feels like a "Touch of Europe in America." Under the steady leadership of Mayor Robert Kozaren, Hamtramck is prepared to enter the 21st century with a confidence rooted in the varied traditions and fervent unifying patriotism of its citizens. I commend the residents and leaders of Hamtramck for the community they have built, and am proud to represent them in the U.S. Senate. I hope my colleagues will join me in congratulating the people of Hamtramck on the occasion of the city's 75th anniversary.●

JOHN D. McALISTER: IN MEMORIAM

● Mr. GORTON. Mr. President, it is with sorrow that I recognize the passing of a good man and a fine citizen, Mr. John D. McAlister, who died yesterday.

John worked at Tree Top in Yakima, WA, where he served as director of government affairs. In this capacity he became a great friend of the Washington State congressional delegation and a magnificent voice for the agricultural industry. John's activities were not only confined to his work—he also served the Yakima community as a member of many agricultural industry organizations and of the Goverment Affairs Council of the Association of Washington Businesses, where he sat on the board of directors.

I am honored to have known John McAlister, and am grateful for his service to Washington State agriculture and to his community in Yakima.

John is survived by his wife, Patricia, to whom I extend my condolences.●

COMMENDING SENATOR SANTORUM'S SEARCH FOR COMMON GROUND IN THE ABORTION DEBATE

● Mr. ABRAHAM. Mr. President, I rise to commend my colleague, Senator SANTORUM, for the article he recently had published in the Washington Times concerning partial birth abortion.

All too often, Mr. President, debates over public policy issues degenerate into uncivil attacks on each side's motives. Mr. SANTORUM's article does an excellent job of showing how this bickering can be avoided even when the issue is as serious and sensitive as abortion. How can we reach common ground on partial birth abortion? By realizing that this procedure has nothing to do with the Supreme Court's decision in Roe versus Wade or the subsequent decision in Doe versus Bolton. By realizing that partial birth abortion is simply unacceptable.

Whatever one's view of abortion, one should recognize this procedure as one that is, as Senator DANIEL PATRICK MOYNIHAN phrased it, "just too close to infanticide."

We are a civilized society, Mr. President. I hope that our debates over this contentious issue can be made more civil. I also hope that we can reach common ground in banning partial birth abortion.

Mr. President, I ask that Senator SANTORUM's article from the Washington Times be printed in the RECORD.

The article follows:

[From the Washington Times, Jan. 22, 1997]

PARTIAL BIRTH ABORTION: THE ART OF AGREEMENT

(By Rick Santorum)

A wide spectrum of individuals has coalesced around the recent effort to ban partial birth abortions. These varied individuals and groups have raised their voices in support of a ban both because of the brutality of partial birth abortions and because they recognize that this debate is not about Roe vs. Wade, the 1973 Supreme Court decision legalizing abortion. It is not about when a fetus becomes a baby. And it is certainly not about women's health. It is about virtual infanticide, it is about killing a child as he or she is being born, an issue that neither Roe vs. Wade nor the subsequent Doe vs. Bolton addressed.

During the Senate debate last year, many traditionally pro-choice legislators voted in support of legislation to ban this particular procedure. Among them was my colleague Sen. Arlen Specter who stated on the floor of the Senate, "In my legal judgment, the issue is not over a woman's right to choose within the constitutional context of Roe versus Wade . . . The line of the law is drawn, in my legal judgment, when the child is partially out of the womb of the mother. It is no longer abortion; it is infanticide." He was joined in these sentiments by other such consistently pro-choice members as Sen. Daniel Patrick Moynihan and Sen. Ben Nighthorse Campbell.

Such coalescence with pro-choice proponents suggests the enormous scope of the tragedy that this procedure represents. This broad coalition further confirms that extraneous considerations, such as the anticipation of a disabled child, or a mother's broadly-defined health concerns, were just that—extraneous to the debate. And for those who may still be unclear what a partial birth abortion procedure is, it is this: a fully formed baby—in most cases a viable fetus of 23–26 weeks—is pulled from its mother until all but the head is delivered. Then, a scissors is plunged into the base of the skull, a tube is inserted and the child's brains are suctioned out so that the head of the now-dead infant collapses and is delivered.

Partial birth abortion is tragic for the infant who loses his or her life in this brutal procedure. It is also a personal tragedy for the families who choose the procedure, as it is for those who perform it—even if they aren't aware of it. But partial birth abortion is also a profound social tragedy. It rips through the moral cohesion of our public life. It cuts into our most deeply held beliefs about the importance of protecting and cherishing vulnerable human life. It fractures our sense that the laws of our country should reflect long-held, commonly accepted moral norms.

Yet this kind of tragedy—can be an unexpected catalyst for consensus, for new coalitions and configurations in our public life. The partial birth abortion debate moves us beyond the traditional pro-life/pro-choice lines of confrontation to hollow out a place in the public square where disparate individuals and groups can come together and draw a line that they know should not be crossed.

The stark tragedy of partial birth abortion can be the beginning of a significant public discussion, where we define—or redefine—our first principles. Why is such a discussion important? Precisely because it throws into relief the fundamental truths around which a moral consensus is formed in this country. And, as John Courtney Murray reminds us in We Hold These Truths, Catholic Reflections on the American Proposition, a public consensus which finds its expression in the law should be "an ensemble of substantive truths, a structure of basic knowledge, an order of elementary affirmations . . ."

If we do not have fundamental agreement about first principles, we simply cannot engage one another in civil debate. All we have is the confusion of different factions locked in their own moral universe. If we could agree publicly on just this one point—that partial birth abortion is not something our laws should sanction, and if we could then reveal the consensus—a consensus that I know exists—against killing an almost-born infant, we would have significantly advanced the discussion about what moral status and dignity we give to life in all its stages. Public agreement, codified by law, on this one prohibition gives us a common point of departure, a common language even, because we agree, albeit in a narrow sense, on the meaning of fundamental terms such as life and death. And it is with this common point of departure and discourse—however narrow—that we gain a degree of coherence and unity in our public life and dialogue.

I truly believe that out of the horror and tragedy of partial birth abortions, we can find points of agreement across ideological, political and religious lines which enable us to work toward a life-sustaining culture. So, as hundreds of thousands of faithful and steadfast citizens come together to participate in this year's March for Life let us remember that such a culture, the culture for which we hope and pray daily, might very well be achieved one argument at a time.●

PRESIDENT'S BUDGET PROPOSAL FOR AVIATION

● Mr. MCCAIN. Mr. President, I rise today to express my deep disappointment in the President's 1998 budget request for critical aviation safety and infrastructure purposes. Most notably, the administration proposes to fund the Airport Improvement Program [AIP] at only two-thirds of its current level. This represents a drastic cut to our Nation's airport grant program, which supports airport safety, security, and capacity programs.

Mr. President, the administration has assured the American public of its commitment to a safe and secure aviation system. Without adequate resources, this assurance rings hollow.

For instance, the White House Commission on Safety and Security is due to report tomorrow on a number of steps we should take to enhance the security of the aviation system. I expect the Commission will offer valuable insight on where we should go from here to implement additional security enhancements. How we pay for these enhancements is a significant issue.

In addition, Congress approved and the President signed into law the Federal Aviation Reauthorization Act of 1996. Administration officials hailed the importance of the bill's safety and security initiatives. We all joined together at the signing ceremony in praise of the legislation's security improvements. However, these improvements are meaningless without adequate financial support. For politicians to praise their own efforts in a press conference and yet fail to provide sufficient resources is cynical, at best.

Again, I want to be clear. The administration's actions and assurances are only as good as the resources allocated to implement them. Unfortunately, the administration submitted a budget request significantly short on aviation capital improvements, so that he can use these resources elsewhere in the budget to support his spending initiatives. Meanwhile, he knows he can count on Congress to step up to the plate and restore funding for vital aviation initiatives. Such budget chicanery is neither serious nor responsible.

Past experience bears out this point. When President Clinton took office, the Airport Improvement Program was a $1.9 billion program. Every year, Congress has funded the program at a level higher than the request. For example, in fiscal year 1996, the AIP request was for $1.3 billion, and Congress enacted a $1.45 billion level. In fiscal year 1997, the administration requested $1.35 billion and Congress responded with a $1.46 billion appropriation. At the same time, the administration claimed record-level investments in transportation infrastructure improvements.

The AIP funds more than just airport construction projects, which make airports safer and enhance the system's ability to handle ever increasing levels of air traffic. Airports also use these funds to support their security programs and purchase security-related equipment.

The Administration's budget request also proposes reduced funding for the FAA facilities and equipment account. This account is the principal resource for modernizing and improving the air traffic control system, providing enhanced baggage screening equipment, and enhanced weather detection programs.

I recognize that the Administration has made efforts to bolster its safety and security work force. Even so, a significant funding source for FAA operations depends on an unspecified user fee for which the FAA has no statutory authority to collect.

Mr. President, this is not a serious budget proposal. The Administration should back up its safety and security recommendations with enough funding to put them in place. The Nation's air travelers have paid taxes dedicated to support the aviation system. They rightfully expect the Government's commitment to spend these funds on their intended purpose.•

RESTORING INCOME AVERAGING FOR FARMERS

• Mr. HAGEL. Mr. President, today I am cosponsoring S. 251, a measure that will provide farmers and ranchers with a valuable tool—income averaging—to help manage their agricultural operations, improve profitability, and reduce the tax burden on a crucial Nebraska livelihood. I commend Senator SHELBY, the bill's principal sponsor, for his leadership on this matter.

Today's Federal Tax Code is hardly a friend to the family farmer.

For example, farmers and ranchers do not have access to company or government pensions and retirement plans, in which many other Americans have the ability to participate. Farmers and ranchers will receive fewer Social Security benefits than workers in most other careers since they plow much of their income back into the farm And, as self-employed workers, farmers and ranchers are charged with payroll taxes that are nearly double that of most any other private business employee. Even retirement can be a painful proposition for agricultural producers who have spent their lives building a security nest egg only to be faced with onerous capital gains tax rates and, later, with a confiscatory estate tax when they want to pass their farm along to their children.

The American consumer still enjoys the most plentiful food supply at the lowest cost in the developed world—thanks to our Nation's agricultural might. Population growth, rising per capita incomes, expanded trade opportunities, along with new production and marketing technologies, are a few of the reasons why the future of American agriculture is so bright. However, flexibility in our U.S. Tax Code is still needed to strengthen our position as the world's leader in production agriculture.

Before 1986, agricultural producers were allowed to average their income over a 2-year period, which allowed greater flexibility in both profit potential and management decisions. This tax management tool was repealed in the 1986 tax reform bill, but the need for this instrument to reduce the farm tax burden still remains.

A fairer and more equitable tax policy will also have a profound effect upon the creation and sustainment of jobs in rural America. The economic vitality of our rural communities continues to hinge on the success of our agricultural industry. A prosperous rural economy means greater opportunities for the local men and women who sell the farm implements, drive the grain and livestock trucks, deliver the feed and fuel, market the seed and fertilizer, and process the fruits of our harvest so as to maintain our position as the world's most efficient and reliable food supplier.

As we continue to move toward a more market-oriented farm program, farm and ranch producers will need to derive a greater proportion of their income from the marketplace—and to retain a greater proportion of their hard-earned income through tax relief. Income averaging is clearly a practice that will bring some degree of fairness to the U.S. Tax Code.

The current Tax Code adds up to higher taxes, more regulatory burdens, and added retirement worries for Nebraska farmers who labor year in and year out in order to feed and clothe the world. This simply must change. Income averaging is one tool that agricultural producers can utilize to enhance profits and keep rural dollars in rural communities. It's time that Congress properly recognizes the contributions of the family farmers by reducing rather than raising their taxes.•

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

• Mr. HELMS. Mr President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask to have printed in the RECORD the rules of the Committee on Foreign Relations for the 105th Congress adopted by the committee on January 30, 1997.

The rules follow:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(ADOPTED JANUARY 30, 1997)

RULE 1—JURISDICTION

(a) Substantive—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) Oversight.—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that ". . . each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the Committee."

(c) "Advice and Consent" Clauses.—The Committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) Creation.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) Assignments.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than four subcommittees at any one time.

The Chairman and Ranking Minority Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(c) Meetings.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 3—MEETINGS

(a) Regular Meeting Day.—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) Additional Meetings.—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) Minority Request.—Whenever any hearing is conducted by the Committee or a subcommittee upon any measure or matter, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

(d) Public Announcement.—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearings, unless the Chairman of the Committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date.

(e) Procedure.—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Minority Member. The Chairman, in consultation with the Ranking Minority Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) Closed Sessions.—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) Staff Attendance.—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the Committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Minority Member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) Testimony.—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) Business.—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) Reporting.—A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

RULE 6—WITNESSES

(a) General.—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) Presentation.—If the Chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) Filing of Statements.—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure to file such a statement.

(d) Expenses.—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) Requests.—Any witness called for a hearing may submit a written request to the Chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) Authorization.—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) Return.—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving 2 hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) Depositions.—At the direction of the Committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) Filing.—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) Supplemental, Minority and Additional Views.—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the Chief Clerk of the Committee, with the 3 days to begin at 11:00 p.m. on the day that the Committee has ordered a measure or matter reported. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(c) Rollcall Votes.—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

RULE 9—TREATIES

(a) The Committee is the only Committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar from Congress to Congress until the Committee takes action to report it to the Senate or recommend its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) Waiting Requirement.—Unless otherwise directed by the Chairman and the Ranking Minority Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) Public Consideration.—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) Required Data.—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a financial disclosure report and a confidential statement with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) Foreign Travel.—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Minority Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel. Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking minority member prior to submission of the request to the Chairman and Ranking Minority Member of the full Committee. When the Chairman and the Ranking Minority Member approve the foreign travel of a member of the staff of the committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel of its extent, nature, and purpose.

(b) Domestic Travel.—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) Personal Staff.—As a general rule, no more than one member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Minority Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

(d) Personal Representatives of the Member (PRM).—For the purposes of Rule 11 as regards staff foreign travel, the officially-designated personal representative of the member (PRM) shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations. Furthermore, for the purposes of this section, each Member of the Committee may designate one personal staff member as the "Personal Representative of the Member."

RULE 12—TRANSCRIPTS

(a) General.—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Minority Member, determines otherwise.

(b) Classified or Restricted Transcripts.—

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and

security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons for a period not to exceed 2 weeks. Extensions of this period may be granted as necessary by the Chief Clerk. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, DC, unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Minority Member, only the following persons are authorized to have access to classified or restricted transcripts.

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman in the Committee rooms; and

(iv) Members of the executive departments involved in the meeting, in the Committee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction or dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the other members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Minority Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) Declassification.—

(1) All restricted transcripts and classified Committee reports shall be declassified on a date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their origination if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee;

(ii) the Chairman, Ranking Minority Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

RULE 13—CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members or authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to the offices designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure Committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 14—STAFF

(a) Responsibilities.—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Minority Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations. In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) Restrictions.—

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group;

(ii) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Minority Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action; and

(iii) staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or

discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) Status.—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) Amendment.—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, Rules of the Committee which are based upon Senate Rules may not be superseded by Committee vote alone.●

AUTHORIZING CORRECTION OF THE ENGROSSMENT OF SENATE RESOLUTION 10

Mr. CRAIG. Mr. President, I ask unanimous consent that in the engrossment of Senate Resolution 10, the Secretary of the Senate be authorized to make the following corrections which are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, FEBRUARY 12, 1997

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Wednesday, February 12. I ask unanimous consent that on Wednesday immediately following the prayer, the routine requests through the morning hour be granted. I further ask unanimous consent that there be a period of morning business until the hour of 11 a.m., with the following Senators to speak during the designated time: From 9:30 until 10, Senator ASHCROFT for 15 minutes and Senator DORGAN for 15 minutes; from 10 to 10:30, Senator DASCHLE or his designee; from 10:30 to 11 o'clock, Senator THOMAS or his designee.

I further ask unanimous consent that at 11 a.m., the Senate resume consideration of Senate Joint Resolution 1 and Senator BYRD be recognized at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. Mr. President, for the information of all Senators, the Senate will resume consideration of Senator DODD's amendment to the balanced budget amendment beginning at 1:30 tomorrow. By unanimous consent, the vote will occur on or in relation to the Dodd amendment regarding national security at 5:30 on Wednesday. Additional votes can be expected during Wednesday's session in relation to amendments to Senate Joint Resolution 1, on any nominations that are available, or possibly on one or two Senate resolutions that we are attempting to clear at this time.

Again, I thank my colleagues for their cooperation as we attempt to adjourn on Thursday for the Presidents' Day recess.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:57 p.m., adjourned until Wednesday, February 12, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 11, 1997:

NATIONAL FOUNDATION FOR ARTS AND HUMANITIES

TRACEY D. CONWELL, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2001, VICE FAY S. HOWELL, TERM EXPIRED.

DEPARTMENT OF JUSTICE

JOAQUIN L. G. SALAS, OF GUAM, TO BE U.S. MARSHAL FOR THE DISTRICT OF GUAM AND CONCURRENTLY U.S. MARSHAL FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF 4 YEARS, VICE JOSE R. MARIANO.

THE JUDICIARY

MARY ANN GOODEN TERRELL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE RICHARD STEPHEN SALZMAN, TERM EXPIRED.

PATRICIA A. BRODERICK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE HARRIETT ROSEN TAYLOR, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE UNITED STATES COAST GUARD FOR THE APPOINTMENT TO THE GRADE OF REAR ADMIRAL:

ROBERT C. NORTHTIMOTHY
W. JOSIAHFRED L.
AMESRICHARD M.
LARRABEE IIIJOHN T.
TOZZITHOMAS H.
COLLINSERNEST R.
RIUTTA

MARINE CORPS

THE FOLLOWING-NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 531:

To be major

NEITA A. ARMSTRONG, 7649
MATTHEW A. BARBATO, 9920
BRIAN K. BARTON, 5533
MICHAEL R. BROWN, JR., 1407
FRANCIS X. CARROLL, 1516
DOUGLAS W. EDWARDS, 2804
SUSAN L. EDWARDS, 5624
JEFFERSON D. HOLDEN, 6116
MICHAEL J. JACKSON, 6807
NEAL A. JACOB, 7703
ANNETTE R. JACOBSEN, 4063
ROBERT B. MORRISON, 2622
TERRY D. OWENS, 6515
RANDOLPH A. PETERSON, 3956
RONALD B. PINER, 1390
MARK L. ROBERTS, 0650
RICHARD G. RUTTER, JR., 2435
KENNETH D. WHITE, 5605
PAUL R. WILSON, 1872

To be captain

BURNELL H. AGE, JR., 2506
CHRISTOPHE W. ALLEN, 4237
ILYA R. AMMONS, 1932
ERIC D. ANDERSON, 6073
JOHN R. ANDERSON, 9998
GREGORY D. ANDERSON, 9905
SAMEUL J. ANTCLIFFE, 0923
MICHAEL P. ANTONIO, 5220
DANA I. ARENSON, 7339
JOSEPH L. ASHBAKER, JR., 5632
STEPHEN H. ASHLEY, 8503
PAUL H. ATTERBURY, 0305
ROBERT B. BABCOCK, 9117
KENDALL D. BAILEY, 1652
RAYMOND G. BAKER, 2779
AHMAD BANDANI, 9579
STEPHEN S. BARRANCO, JR., 6420
ERIC E. BATTLE, 4797
PAUL M. BECKWITH, 4393
JAMES D. BELSON, 3682
DAVID BERNATOVICH, 5447
DAVID P. BERRY, 5844
CHAD A. BLAIR, 1135
ARNOLD D. BLANKENSHIP II, 0244
RUSSELL A. BLAUW, 0370
BRANTLEY A. BOND, 1388
ANTHONY W. BOWN, 8362
STEPHEN E. BROOKS, 1894
CHARLES L. BROWN, 3362
AUSTIN D. BRYANT, 0650
WILLIAM T. BUFKIN II, 3777
BRIAN E. BUFTON, 5153
WAYNE M. BUNKER, 5382
CARL D. BURTNER, JR., 2586
RUSSELL C. BURTON, 4951
DAVID W. BUSSEL, 2864
GREGORY E. BUTCHER, 3530
KELLY D. CAILLOUET, 9175
MARKHAM B. CAMPAIGNE, JR., 0733
MICHEL C. CANCELLIER, 6635
DAVID CARBONERO, 0046
CHRISTOPHE U. CARR, 0717
JOHN R. CASTILLO, 0104
JAMES C. CHAPMAN, 1902
CHRISTIAN P. CHARLEVILLE, 2083
MELVIN L. CHATTMAN, 5718
ERIK L. CHRISTENSEN, 5608
J.E. CHRISTIANSEN, 2146
BENJAMIN R. CLATTERBUCK, 2375
JOSEPH M. CLOWDSLEY, 9441
DOUGLAS W. COCHRAN, 4231
MICHAEL J. COCO, 5299
STEPHEN C. COHN, 7458
JAIME O. COLLAZO, 4852
JAMES L. COMBS, 7952
KEVIN M. CONSOLE, 8261
CHAD J. CONYERS, 0900
IAN D. COURTNEY, 0100
GERRY R. COX, 5587
WAYNE O. COX II, 5250
BRADLEY W. CRABTREE, 0269
SCOTT N. CRADER, 2955
JOSEPH A. CRAFT, 5875
MARK A. CRAWFORD, 7025
THOMAS W. CRECCA, 5385
MATTHEW A. CROCE, 1328
MICHAEL S. CUNINGHAM, 0732
KEVIN G. CUNNANE, 1371
BRET R. CURTIS, 0391
ERIC B. DAILEY, 9275
THOMAS C. DAMES, 3689
EARL W. DANIELS, 6022
JAMES G. DAVIDSON, 5342
DOUGLAS B. DAVIS, 2870
MATTHEW A. DAY, 9482
DEVIN C. DELL, 1226
MICHAEL P. DELMAS, 5082
JOHN B. DELUCA, 0061
DOUGLAS B. DENNIS, 9794
KENNETH R. DEVERO II, 3846
THOMAS E. DEVINE, 3846
DANIEL J. DEWHIRST, 2045
OSSEN J. DHAITI, 5595
JOHN W. DIEDENHOFEN IV, 7059
MARK D. DIETZ, 3753
JOHN E. DOBES, 7039
JAMES K. DORIS, 0323
KEVIN B. DOTY, 5300
DOUGLAS G. DOUDS, 3811
TIMOTHY M. DOUGHERTY, 6836
LY T. DRUMMOND, 8876
ROBERT M. DUKES, 1014
DAVID P. DUMA, 3886
TERENCE J. DUNNE, 8467
EDWARD C. DURANT, 2670
ANDREW L. EAST, 1309
JEFFREY R. EBERWEIN, 2708
GOSCH L. EHLERS III, 6361
ERIC J. ELDRED, 7879
LEGRAND ELEBASH, 2227
THOMASMORE J. EPISCOPIO, 3676
THOMAS C. EULER III, 5811
PAUL C. FAGAN, 0380
BRIAN E. FAGAN, 3730
JOHN P. FARNAM, 3128

MICHAEL FARRELL, 6753
SHAWN S. FARRINGTON, 9038
DANIEL E. FENNELL, 7910
MATTHEW P. FERGUSON, 4218
ROBERT A. FIFER, 5405
DONALD R. FINN, 2507
ALAN D. FOUST, 3941
RICHARD F. FUERST, 5894
ROBERT M. FUHRER, 4761
FRANK T. FULLER, 6023
BRIAN R. FULLER, 8809
MATTHEW K. GALLAGHER, 4110
MICHAEL GANTE, JR., 3428
STEPHEN A. GASSNER, 0687
TYSON B. GEISENDORFF, 1483
CHRISTIAN GHEE, 4046
MICHAEL P. GILBERT, 3788
GREGORY O. GLAESER, 6187
GREGORY N. GLASSER, 5792
IV HERMAN GLOVER, 1529
MICHAEL F. GOGOLIN, 2039
GARY J. GOLEMBISKI, 7606
DAVID R. GOODELL III, 0570
VIRGILIO GONZALEZ, 5629
JOHN M. GRAHAM, 2165
JEFFERY S. GREENWOOD, 0270
JUSTIN T. GREINER, 5894
CHARLES G. GRIFFIN II, 9561
CHRISTOPHE R. GUILFORD, 5277
STEVE D. HAGERTY, 3305
ANDREW W. HALL, 9856
SEAN V. HALPIN, 4755
DAN HANKS, 3433
GREGORY J. HANVILLE, 0761
JAMES W. HARGUS, JR., 2361
JAMES F. HARP, 1761
BRIAN D. HARRELSON, 6035
MARK S. HARRINGTON, 6600
WESLEY D. HART, 7649
PETER W. HART, 9117
EUGENE K. HARTER III, 3724
BRIAN W. HAVILAND, 0529
EVAN B. HAYMES, 5751
MATTHEW K. HAYS, 6079
ANTHONY M. HENDERSON, 6115
ELAINE M. HENSEN, 0824
RICHARD L. HILL, 3176
HUNTER H. HOBSON, 0366
WILLIAM M. HOFMANN, 5398
MICHAEL T. HOLMES, 0179
GEORGE N. HOUGH, 3536
RICHARD B. HOWELL, 6029
KEVIN M. HUDSON, 6392
DANIEL C. IRCINK, 1526
SAMUEL E. JACKSON, 6540
JOHN B. JENSEN II, 1764
JAMES E. JENNINGS, 7467
ALLEN K. JOHNSON, 5329
RONALD I. JOHNSON, 2828
CARROLL J. JOUBERT, JR., 3920
DONALD P. JULIAN, 5037
KIRIAKOS KALOGIANNIS, 4439
JOHN F. KELLIHER III, 0873
CHARLES B. KELLY, 3409
TRENTON E. KENAGY, 2499
JAMES R. KENNEDY, 3021
PETER F. KIELTY, 0648
CRAIG M. KILHENNY, 9140
CRAIG T. KILLIAN, 6399
LAWRENCE E. KILLMEIER, JR., 5962
MICHAEL G. KING, 9526
FORREST D. KNOWLTON, 7048
KEVIN S. KRETZSCHMAR, 6585
HENRY T. KUEHN, 4392
ROBERT A. KUROWSKI, 5621
ROBERT M. LACK, 9986
RHETT B. LAWING, 0496
BEAU M. LAWRENCE, 7169
TREVOR A. LAWS, 1635
HEATH A. LAWSON, 9893
MICHAEL J. LEAMY, 3260
JACK T. LEDFORD, JR., 9515
IV CARL LEHRKIND, 0806
BLAKE E. LEMAIRE, 7364
MARK J. LENNERTON, 3030
COBY G. LEUSCHKE, 1997
DARIN E. LIERLY, 7656
PATRICK A. LINDAUER, 4675
THOMAS M. LOEHLE, 9541
MATTHEW W. LOTZ, 2830
JAMES I. LUKEHART, JR., 3451
THOMAS P. MACAULEY, 4767
DANIEL W. MACDONALD III, 9352
SEAN R. MADDEN, 3185
JOHN E. MADES, 2139
SCOTT D. MAGIDSON, 7078
FRANK W. MAJDAN, JR., 6373
STEVEN P. MANBER, 7482
DAMIEN M. MARSH, 4740
JOHN J. MARTIN, 0906
GREGORY R. MARTIN, 9863
KENDALL A. MARTINEZ, 8610
SEAN P. MATTINGLY, 3942
JAMES H. MATTS, 7076
GEORGE J. MAUTZ, 6288
WILLIAM B. MAYBERRY, JR., 7997
DAVID B. MCCANN, 6576
JOSEPH T. MCCLOUD, 9007
PAUL R. MCCONNELL, 7056
PAUL H. MCCONNELL, 1866
DAVID G. MCCULLOH, 8952
KATHERINE M. MCDONALD, 3699
DANIEL B. MCDYRE, JR., 7202
JASON S. MCFARLAND, 2797
JOHN G. MCGINNIS, 9695
ARTHUR B. MCKEEL, 5149
CHRISTOPHER A. MCPHILLIPS, 5343
KEVIN T. MCTARSNEY, 5847
HALSTEAD MEADOWS III, 7290
THOMAS M. MEANEY, 9490
MICHAEL W. MELSO, 2968
SANDER H. MELVIN, 2356
JACK D. MERKEL, 6933
JAMES L. MILLER, 4600
PAUL R. MOGG, 1406
JONATHAN S. MOONEYHAM, 7449
MARCUS A. MOORE, 2169
DAVID B. MORGAN, 6934
JUSTIN S. MORO, 2468
DARIN S. MORRIS, 2990
ANDREW J. MOYER, 4744
DAVID J. MURPHY, 9968
JOSEPH M. MURRAY, 5940
LIONEL R. NEDER, 0130
SEAN W. NESTLER, 7853
JOHN G. NEWHALL, JR., 3149
MARK R. NICKLES, 4038
ERIK R. NIELSEN, 9457
HARRY D. OAKLEY, 9099
JAMES E. OHARRA, 8965
BRIAN R. OLEARY, 6964
DUANE A. OPPERMAN, 5994
LYNN W. OYLER, 2179
RONALD L. PACE, 6956
MICHAEL L. PAGANO, 9581
JAY B. PARKER, 5054
DAVID B. PARKS, 3313
PATRICK C. PATTERSON, 1427
TRACY L. PEACOCK, 2380
JEFFREY P. PFANNENSTEIN, 7673
WILLIAM C. PIELLI, 4259
JOHN C. POEHLER, 2212
GREGORY A. PREWITT, 1949
FRANK R. PROKUP, 1607
JOSEPH F. QUINLAN III, 2232
JOSEPH N. RAFTERY, 8149
MATTHEW R. RAJKOVICH, 4753
FRANK E. RAUCH II, 0169
JOEL R. RAUENHORST, 0274
TIMOTHY A. RAYNOR, 3188
LOWELL F. RECTOR, 0623
WESLEY C. REED, 6435
BRENDAN REILLY, 7376
ROBERT J. REYNOLDS, 6771
WILLIAM D. RICE, 3857
RICHARD R. RIERSON, 1749
MICHAEL R. RIES, 6471
THOMAS E. RINGO, 7201
TIMOTHY S. ROBERTS, 6358
HOWARD G. ROBINSON, 4741
DANIEL J. RODMAN, 0950
GREGG B. ROGERS, 1913
JERRY R. ROGERS II, 7424
PAUL S. ROLLIN, 6165
THOMAS J. ROMUALD, 3967
CHARLES D. ROSE, JR., 7676
STEVEN A. ROSS, 2744
WILLIAM R. RUSSELL, 8523
SHAUN L. SADLER, 8640
SEAN M. SALENE, 7962
BRENT E. SANDERS, 1846
ANDREW J. SAUER, 0160
JOHN M. SCHAAR, 5223
CHRISTOPHE W. SCHARF, 2178
GRANT W. SCHNEEMANN, 9363
JONATHAN B. SCRABECK, 8419
THOMAS R. SEIFERT, 4309
GEORGE R. SEWELL, 4625
BRIAN L. SHATT, 0839
SANJEEV SHINDE, 8011
PAUL A. SIMMONDS, 2542
JOHN T. SIMPSON, 0930
THOMAS R. SIMS, 4497
STEPHEN D. SIZEMORE, 0126
BRUCE K. SIZEMORE, 6334
ROBERT B. SKANKEY, 5926
GEORGE J. SLYER III, 6415
LARRY J. SMITH, 3992
ROBERT J. SMULLEN, 7133
MICHAEL L. SNAVELY, 5249
JON E. SPAAR, 0120
PAUL L. STARITA, 3447
SCOTT F. STEBBINS, 2865
RICHARD G. STEELE, 0771
MICHAEL S. STEGELMAN, 6077
BENNETT L. STEINER, 0740
NOEL C. STEVENS, 8214
ANDREW V. STICH, 1301
MICHAEL A. STOLZENBURG, 5418
DOUGLAS D. STUMPF, 7124
DAVID A. SUGGS, 9683
PATRICK C. SULLIVAN, 5062
JOHN D. SWAIN, 5073
KURT A. SWANICK, 4399
ERIK H. SWENSON, 4303
DOUGLAS K. SWITZER, 6917
MICHAEL D. TENCATE, 8910
CHARLES C. TERRASSE, 9014
MICHAEL C. TERREL, 1245
ADAM C. THARP, 4519
BRIAN M. THAYER, 8550
ALAN D. THOBURN III, 0729
MATTHEW R. THOMAS, 8462
PATRICK M. TIMOTHY, 2032
PETER C. TITCOMB, JR., 0668
MARK D. TOBIN, 3630
MATTHEW E. TOLLIVER, 7220
JOHN R. TOMCZYK, 6296
WILLIAM P. VANZWOLL, 0132
WILLIAM A. VARGO, 9716
JEFFREY M. VERRANT, 3790
GANPAT V. WAGH, 7094
THOMAS A. WAGONER, JR., 5897
GAINES L. WARD, 1665
MICHAEL T. WARRING, 2595
ROBERT B. WEHNER, 3905
DOUGLAS S. WEINMANN, 7848
ERIC S. WEISSBERGER, 6299
AARON S. WELLS, 7884
BRIAN H. WIKTOREK, 1082
ANTHONY C. WILLIAMS, 7689
GARY M. WILLIAMS, 0462
CHRISTOPHE J. WILLIAMS, 8151
MARCUS W. WILLIAMS, 1252
STEVEN L. WILSON, 5040
ALFRED J. WOODFIN, 7791
PATRICIA L. WOODS, 1665
MALCOLM J. WOOLFOLK, 7856
BRUCE D. YOUNGBLUTH, 0513
WILLIAM A. ZACHARIAS, JR., 7935

To be first lieutenant

DANA A. AHRENS, 8490
ANTHONY L. ALLEN, 7832
CHARLES M. ANDREWS, JR., 3174
ERIC M. ARBOGAST, 1523
WILLIAM L. BABCOCK, JR., 4548
JAMES H. BAIN, 7612
ROBERT S. BAKER, 5216
DAVID G. BARDORF, 4201
MARTIN L. BARTLETT, 7885
DAVID A. BECKER, 9232
HAYNESLY R. BLAKE, 2178
DEVIN T. BLEA, 4025
STEVEN R. BOWERS, 7456
SCOTT H. BRAHIN, 1112
PAUL B. BRICKLEY, 1120
MARK W. BUIE, 5218
TIMOTHY J. BURCH, 3349
KENNETH A. BURGER, 0135
KERRY A. CAMPBELL, 6698
DANIEL T. CANFIELD, JR., 8100
CORBY S. CARBONE, 6221
WILLIAM P. CARROLL, 2358
STEPHEN L. CASTORA, 6066
MARC A. CESARIO, 8347
ADAM L. CHALKLEY, 7379
BENJAMIN D. CHAPMAN, 4115
TROY L. CLARK, 4737
DARIN J. CLARKE, 7932
GREGORY J. CLARKE, 9413
JOSEPH R. CLEARFIELD, 4799
JEFFREY L. CONLEY, 0392
CARL E. COOPER, JR., 2221
ERIC M. CORCORAN, 4117
KEVIN F. COUGHLIN, 1919
JOHN H. COVINGTON, JR., 2717
PATRICK W. COX, 3363
DARYL G. CRANE, 5368
MCCARRELL A. CRUMRINE, 3014
NICHOLAS E. DAVIS, 9275
NEAL L. DEFORD, 9324
PAMELA J. DEMORAT, 5432
TIMOTHY B. DENTRY, 4399
JORGE DIAZ, 1195
DAVID C. DICKEY, 8379
NICHOLAS L. DITTLINGER, 3220
ROSWELL V. DIXON, 9465
DARRYL W. DOTSON, 4693
CRAIG R. DOTY, 3967
LANCE A. DOWD, JR., 9025
ROBERT D. DOZIER, 0219
KARI DRABICK, 0530
BRIAN W. ECARIUS, 4960
JEFFREY A. EICHHOLZ, 0916
CHRISTIAN T. ELLINGER, 1758
KYLE B. ELLISON, 5698
DOUGLAS J. ENGEL, 9897
MONTGOMERY C. ERFOURTH, 9521
DAREN J. ERICKSON, 0919
MANUEL ESCARCEGA, JR., 0878
PETER C. FARNUM, 2598
PHILIP B. FARR, 1126
RONALD M. FARRIS, JR., 0892
CHRISTOPHE M. FEARS, 0779
WALKER M. FIELD, 5060
SHAUN M. FITZSIMMONS, 2533
DOMINIC FOSTER, 6294
TYRONE R. FRANKLIN, 0861
MACEO B. FRANKS, 3250
WESLEY A. FRASARD, JR., 3952
KEITH A. FRY, 7408
JOHN R. GABBARD, 0212
SEAN C. GALLAGHER, 0138
SYLVESTER GAVINS, 2259
PAUL J. GEARY, 7830
DANIEL W. GEISENHOF, 8657
MAX GORALNICK, 8888
MICHAEL T. GREENO, 2223
THOMAS C. GRESSER II, 4060
JOHN C. GRISDALE, 7654
DARYL E. GRISSOM, 5483
DONG K. HAN, 9267
ALEXANDER H. HART, 8680
PATRICK J. HARTNETT, 5750
CHAD T. HEDLESTON, 9317

RAPHAEL HERNANDEZ, 8075
TYLER R. HOLMQUIST, 3963
JEFFREY C. HOLT, 0584
LAWRENCE E. HUGGINS, JR., 1942
KENNETH E. HUMPHREY, 2776
LAWRENCE K. HUSSEY, 4608
DENISE M. HYDE, 8915
CHRISTOPHE B. JACKSON, 4934
THOMAS C. JARMAN, 7231
BRIAN E. JONES, 9019
ROBERT A. KAMINSKI, 3263
STEPHEN M. KAMPEN, 9563
MARVIN B. KETTLE, 0808
DAVID E. KINKAID, 6044
SCOTT J. KINNER, 9366
HEIDI E. KINNER, 7122
STEVEN J. KOTANSKY, 9431
BRYAN K. KRAMER, 5422
DAVID E. LANE II, 3879
WENDELL B. LEIMBACH, JR., 6985
RODNEY L. LEWIS, 4148
RICHARD J. LUCIER, 5450
ERIC M. MARTIN, 4092
COLLEEN D. MARSHALL, 6892
ERIC M. MARTINEAU, 2713
CURTIS A. MASON, 5011
MELISSA I. MC CAMISH, 9111
JAMES M. MC GIVNEY, 1796
HEIDI J. MC KENNA, 9311
MICHAEL E. MC WILLIAMS, 4178
ELDON E. METZGER, 3961
RALPH B. MEYERS, 0749
MICHAEL T. MILLER, 4343
JAMES A. MISTRETTA, 4937
JOHN F. MOORE, 7754
JUAN J. MORENO, 0896
CHRISTOPHE D. MORTON, 3419
THOMAS J. NAUGHTON, JR., 1496
BRIAN W. NEIL, 9527
ERIK P. NELSON, 2530
JULIE L. NETHERCOT, 9869
MATTHEW J. NOBLE, 3481
SEAN M. NOEL, 4994
KEVIN A. NORTON, 8841
EDWARD W. NOVACK, 1550
JOHN E. ORILLE, 5750
JOHN J. OTOOLE III, 4148
KEITH E. OWENS, 5685
MARTIN J. PALLOTTA, 7661
TODD E. PERRY, 7280
TOLAN M. PICA, 8121
RAYMOND J. PLACIENTE, 8651
MICHAEL J. PROUTY, 4899
JAVIER T. RAMOS, 0012
CHARLES C. RANDOLPH II, 8580
RICHARD J. REILLY, 6360
GREGORY F. RHODEN, 5618
CARLOS R. RODRIGUEZ, JR., 3004
JOSEPH J. RUSSO, 5829
RONALD J. RUX, 4871
MICHAEL E. SCHUTTE, 6204
DOMINIC A. SETKA, 4389
WILLIAM D. SHANNON, 0956
MARK W. SHELLABARGER, 5049
JOHN H. SORENSON, 3325
ANTHONY M. SPARAGNO, JR., 5711
ROBERT T. STANFORD, 9852
MICHAEL C. STARLING, 2834
KIMBERLY A. STASTNY, 1972
MICHAEL J. STEELE, 6447
GREGG L. STIMATZE, 1149
JAMES B. STONE IV, 6291
BRIAN L. STROBEL, 5593
KEITH A. SYKES, 3540
DAVID S. SYLVESTER, 9742
MICHAEL J. TARGOS III, 8179
BRADFORD J. TENNEY, 6455
JOHN W. THAYER, 4482
CLAY C. TIPTON, 5435
KRIS A. TLAPA, 3979
ERIC H. TRAUPE, 0708
GLENN C. VOGEL, 4924
DEAN J. VRABLE, 7960
CHARLENE M. WALTERS, 3669
BRADLEY E. WHITE, 1096
SEAN B. WHITEHOUSE, 3686
KEVIN W. WINTER, 8080
BRYAN K. WOOD, 9045
JOSEPH A. WRONKOWSKI, 6287
VINCENT J. YASAKI, 7320

To be second lieutenant

MICHAEL R. ALEXANDER, 2526
TIMOTHY M. BAIRSTOW, 6117
RONI R. ELMORE, 7735
MATTHEW T. GOOD, 3825
BRYAN E. HILL, 5644
STEVEN M. JACONETTI, 5706
GILBERT D. JUAREZ, 3862
MATTHEW R. MC GATH, 8760
JASON S. PERRY, 2636
JOHN S. POSTORINO, 1549
KENNETH C. POTTER, 8232
THOMAS R. PRZYBELSKI, 3170
ALAN B. ROWE, 7278
EDWARD T. RUSH, JR., 2772
MATTHEW P. SEGREST, 7672

CONFIRMATION

Executive nomination confirmed by the Senate February 11, 1997:

DEPARTMENT OF STATE

BILL RICHARDSON, OF NEW MEXICO, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, February 11, 1997*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. MILLER of Florida).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 11, 1997.

I hereby designate the Honorable DAN MILLER to act as Speaker pro tempore for this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PALLONE] for 5 minutes.

POLITICAL SYSTEM OVERHAUL

Mr. PALLONE. Mr. Speaker, for too long our political system has been in need of an overhaul. Our political campaigns last too long, they are too negative, and they cost far too much. Each year this country breaks the record-setting campaign spending of the previous year, and the end is never in sight. By some estimates over $2.5 billion was spent on the 1996 elections. Mr. Speaker, clearly the system has become obscene.

Last week, President Clinton came to this Chamber and he challenged this House to pass meaningful campaign finance reform. He set July 4 as the deadline. I believe the House can certainly pass reform legislation by then and declare itself independent of the fundraising tyrant that plagues our system.

We all know that this is not a new issue. It is not an issue that needs to be studied and spoken and lobbied forever. The Members of the House know the issue of campaign finance reform, and they know it well. There is not one credible reason why the Republican leadership cannot get finance reform to the floor by the President's deadline. In fact, before the Republicans were in the majority, the House had passed campaign finance reform legislation. However, it was vetoed by President Bush.

When campaign finance reform laws were first created following the Nixon Watergate scandal, the goal was to get money out of the system and disclose to the American people exactly where the money was coming from to finance Federal campaigns. Over 20 years later, there is more money than ever in the system, and it is not being fully disclosed to the American people.

To begin with, the explosion of what we call soft money has infused more money into campaigns than ever before; nearly $881 million in soft money, which is about 73 percent of the increase since 1992. This soft money comes from corporate and other sources specifically barred from campaigns by Federal law, and it has seeped into the system over the years and is now completely out of control. Our campaign finance laws need to be tightened when it comes to the issue of soft money.

Another problem is independent expenditures. Various well-funded interest groups from either side of the political spectrum will target their political opponents and spend millions to defeat them. However, these millions will not count toward the current contribution limits, and the target of the independent expenditure has to raise even more money to stay competitive.

Finally, the cost of the campaigns themselves have completely gotten out of control. Television costs, between production and broadcasting, have gone through the roof. The same is true for radio. And any aspiring politician living in New York, Chicago, or the Los Angeles media market knows that the costs there alone may be the sole reason that keeps him or her from running. They simply cannot afford it.

The fact that someone should be scared away from running for office merely because they do not have the money, I believe, is a tragedy. How many good honest councilmen or small town mayors or clever businessmen or women were kept from going further in public service because they lacked the money? How many great Congressmen and Senators have left us because they were just sick of the fundraising chase and had enough? How many millionaires will decide to run for Congress and win not on the strength of their ideas but on the size of the bank accounts? Mr. Speaker, if we do not have campaign finance reform on the floor by July 4, we may just end up a Congress of millionaires and not of the people.

Although it is still fairly early in the session of Congress, there have been several good campaign finance reform bills already introduced in-house. I just wanted to mention some of them. There is a bipartisan bill introduced by the gentleman from Massachusetts [Mr. MEEHAN] and the gentleman from Connecticut [Mr. SHAYS] which seeks to implement voluntary spending limits, lower media costs, and eliminate soft money. This bill is the House version of the Senate McCain-Feingold bill that President Clinton endorsed. There is also another voluntary spending limits bill introduced by my colleague from California (Mr. PARR]. There is even a bill proposing a constitutional amendment to put limits on campaign spending.

Clearly, the membership of this House is ready to tackle the issue of campaign finance reform and get a bill passed by July 4, the deadline set by the President. It is my sincere hope, Mr. Speaker, that the leadership, the Republican leadership, are ready to meet the President's challenge because I think it is clearly one of the most important issues facing this Congress this session.

HOUSING HOPE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Washington [Mr. METCALF] is recognized during morning hour debates for 1 minute.

Mr. METCALF. Mr. Speaker, Housing Hope is an organization founded in 1987 by a consortium of churches concerned about homelessness. From its humble beginnings 10 years ago, it has now become a leader in providing affordable housing to homeless families in Everett, WA, in my district.

Working cooperatively with churches, labor unions, banks, corporations, and government agencies, Housing Hope has launched a $3.2 million housing development to provide transitional shelter for the homeless, child care facilities, and permanent homes for low-income families. This public-private partnership is a model for the rest of the Nation.

In 1995, for their volunteer efforts on Housing Hope, I nominated members of a union in my district for an award. I

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

am gratified that the President saw the vision Housing Hope is building and presented the union with a Presidential Point-of-Light Award.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California [Mr. FAZIO] is recognized during morning hour debates for 5 minutes.

Mr. FAZIO of California. Mr. Speaker, the clock is ticking.

Last week in this very Chamber, the President called for Congress to pass campaign finance reform by July 4. The President and, most importantly, the American people are committed to meeting that deadline. That is only 143 days away. History shows us we have the support to meet that deadline if the people in charge of the schedule do not drop the ball.

In the 103d, the 102d, and the 101st Congresses, the Democrats were able to corral enough votes in both Chambers to pass legislation to fix the system. A Presidential veto stopped us once, a veto threat stopped us another time and a Republican filibuster in the Senate stopped it a third time.

The burden now rests with the current Republican leadership to keep campaign finance reform on track. All of us, Democrats and Republicans alike, have a golden opportunity to at long last correct problems that have plagued this system for far too long. Let us not lose it because of stalling tactics or partisan political games.

The American people are looking for results. Their confidence in our election system depends on it. Mr. Speaker, the clock is ticking.

COMMENDING MILLER WILLIAMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Arkansas [Mr. HUTCHINSON] is recognized during morning hour debates for 2 minutes.

Mr. HUTCHINSON. Mr. Speaker, today I rise to commend a distinguished Arkansas writer and teacher, Miller Williams, who recently composed a poem for President Clinton's reinauguration ceremony.

Mr. Williams, a professor of literature at the University of Arkansas in Fayetteville is the author of more than 20 outstanding books of scholarship and poetry. I can add little to the national chorus of praise his colleagues, students, and readers have already offered. His peers have recognized his talent with such prestigious awards as the American Academy of Arts and Letters' Prix de Rome.

In composing a poem for President Clinton's inauguration, Mr. Williams joined the select company of two other great American poets: Fellow Arkansan Maya Angelou and the New England poet Robert Frost.

In his inaugural poem, "Of History and Hope," Mr. Williams celebrates the American tradition of memorializing our past through stories and songs. I congratulate him for his own lyrical and provocative contributions to our Nation's understanding.

I also wanted to say that the people of Arkansas are proud of this contribution. But I also commend him for his contributions to our youth. Mr. Williams has spent nearly 30 years helping students to examine themselves and the history they will inherit. As he suggests in his poem, we cannot control the future. We can only hope to equip the next generations with resources that they will need to make the right decisions. For helping us in this endeavor I offer my thanks and gratitude to Mr. Williams.

MORE ON CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California [Mr. FARR] is recognized during morning hour debates for 5 minutes.

Mr. FARR of California. Mr. Speaker, last week the President of the United States came to this Chamber, and he challenged us to give him a comprehensive campaign reform bill by July 4 of this year.

Mr. Speaker, I responded the next day by introducing the campaign finance reform bill, H.R. 600. Now, Mr. Speaker, if you are committed to campaign finance reform, as your handshake with the President a year ago would lead us to believe, then I would urge you to take up this call and this bill and bring it to the House floor.

Daily we are greeted with headlines in newspapers with stories about questionable campaign practices. Regularly we are confronted by our constituents asking for sanity in the election process.

Always we are faced with the burden of our own campaign needs and how to meet them in a way that does not destroy the faith in the political process. We need campaign finance reform, and we need it now.

H.R. 600 is one of the bills introduced in this House. It embodies comprehensive reform, and it meets the principles of reform that we can all embrace. First it is fair. Real reform does not favor one party over another or one candidate over another.

Second, it reduces the influence of special interests. Political action limits, limits on large donors and the elimination of soft money can accomplish this.

Third, it must be a level playing field. That is, campaigns are made to be competitive by enhancing spending limits.

Fourth, there must be access to this body and to this system by nontraditional candidates. Women and minority candidates should be able to run as easily as anyone else.

Mr. Speaker, many of us wrote you a letter requesting action on campaign finance reform within the first 100 days of this session. The President would like to sign the bill on July 4.

You can make it happen if you are committed to reform. I am. The question is, are you? What day will we vote on campaign reform? The Nation is waiting for your answer.

CAMPAIGN FINANCE REFORM IN 105TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California [Mr. MILLER] is recognized during morning hour debates for 5 minutes.

Mr. MILLER of California. Mr. Speaker, as my colleagues who preceded me in the well have pointed out, one of most important items on the agenda of this Congress is campaign finance reform. Until we are able to reform this system, we will not regain the confidence of the American people that there is a level playing field in the Congress of the United States for the average American and the special interests.

Day after day the press reports to us of special accommodations that are given to those with the most money invested in campaigns of Members of Congress, Members of the Senate, members of the administration and members of the opposing party in the Presidential campaign. It is very clear that these reports are making the people even more cynical about our political system than they are today.

Our obligation is to report campaign finance reform from the House of Representatives to the Senate at the earliest possible date. The reason we must do that is that, time and again, the delay of consideration of campaign finance reform not only changes the likelihood that it will ever become law but, should it become law, it postpones it through one more cycle of campaigns.

If we do not do campaign finance reform very quickly in the House and in the Senate, pretty soon Members will say, it cannot take effect in 1998, it must take effect 4 years from now. And then we go through an entire new cycle of the outrageous sums of money that are being lavished on campaigns in this country.

That is why we are pleading with the Republican leadership and the Speaker of the House to schedule campaign finance reform. The President has asked that it be done by July 4. Over 100 Members of this body sent both the Speaker of the House and the minority leader of the House a letter asking that we do it in the first 100 days.

□ 1245

Two years ago we saw a very aggressive legislative agenda for the first 100 days of that Congress. That Congress worked more hours, took more votes and passed more legislation in that 100 days, I believe than any other Congress in history.

Now we come to this Congress. Today is the 9th legislative day. We are in session today. We have no votes today. It is the 9th legislative day; however, today is in fact the 26th calendar day of the year. We have chosen to be in session 9 of those days.

If we comply with the President's request and pass campaign finance reform by July 4, it will be the 129th calendar day of this session, but under our current schedule it will be only the 63d legislative day of the year. I think we can start to see that the Congress is meeting less than 1 out of every 2 days.

If we ask that we do it in the first 100 days, the 100th day would be May 26 of this year. But if we go under the current schedule put forth by the Republican leadership, the 100th day will be October 14. That will signal that campaign finance reform is going to die.

We have got to do better than working every other day or every third day on behalf of the issue of campaign finance reform. Clearly this is an issue where people have studied it for many years.

As my colleagues have pointed out, there are many proposals, many of which Members of this body can live with, many which would improve the system, many of which would make the system more transparent and open to public scrutiny. We ought to move on that agenda, and we ought to move with the dispatch of at least what the President asked for or what the Members of this Congress have asked for, in the first 100 days.

If we do not, if we do not, soon we will be talking not about campaign finance reform for the next election but we will be talking about it for the election after that. And what will happen if that happens is we will continue the corrosive impact of campaign contributions on the workings of this institution.

Very often the press likes to talk about a vote that has been taken and the money that has been given. But we all understand that there are a whole other series of decisions made. Some are public and some are not. It is not just about what we do, it is not just about the vote we take. It is about the issue not presented to the Congress, it is about the vote not taken, it is about the amendment not offered.

Today too many of those decisions are being influenced by the promise of campaign contributions or the receipt of campaign contributions in the past. We must take that away from this institution. We must return this institution back to a level playing field so that the average person in this country will have confidence that our decisions are made on the level, and that they are made on the merits and not based upon who received what money in what amount to vote one way or the other on a given issue or not to have an issue considered.

RECESS

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 12 o'clock and 49 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are aware, O gracious God, that Your Spirit can minister to us in the depths of our hearts, that Your amazing grace can give us comfort and peace that passes all human understanding. We pray this day for all those who desire a full measure of Your blessings that they will receive all the gifts of faith and hope and love. May the fellowship of Your Spirit so live in the minds and souls of those who call upon You, that Your will may be done on Earth as it is in heaven. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey [Mr. PAPPAS] come forward and lead the House in the Pledge of Allegiance.

Mr. PAPPAS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER. Pursuant to section 103, Public Law 99–371 (20 U.S.C. 4303), the Chair appoints as a member of the Board of Trustees of Gallaudet University the following Member of the House: Mr. LAHOOD of Illinois.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER. Pursuant to the provisions of section 5(b) of Public Law 93-642 (20 U.S.C. 2004(b)), the Chair appoints as members of the Board of Trustees of the Harry S. Truman Scholarship Foundation the following Members of the House: Mrs. EMERSON, of Missouri, and Mr. SKELTON, of Missouri.

THOMAS ALVA EDISON

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, today is the 150th anniversary of the birth of one of our Nation's foremost technology pioneers, Thomas Alva Edison. In Ft. Myers, FL, the site of his winter home for some 45 years, we hold the annual Festival of Light celebrating his remarkable contribution to modern society.

With more than a thousand patents, Edison was certainly a prolific inventor, but more importantly his inventions revolutionized our everyday lives. The light bulb. The phonograph. Wax paper. An electronic voting machine that we use here in-house. As he put it, "I find out what the world needs. Then I go ahead and try and invent it." What a refreshing thought.

The enduring spirit of the independent inventor was brought to life by people like Thomas Edison. I join the gentleman from Ohio [Mr. GILLMOR] today in introducing legislation to authorize a commemorative coin whose proceeds will support the historical organizations dedicated to Thomas Edison's legacy. I hope all of my colleagues will support this bill.

COMPREHENSIVE CAMPAIGN FINANCE REFORM

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, when the Republicans were in the minority, they would often challenge the Democratic leadership of the House to implement comprehensive campaign finance reform. We are now in the 3d year of the Republican majority, and the Speaker in fact has only brought one campaign finance reform bill to the floor, a bill, and I should mention that the Republican leadership knew would fail, and did in fact fail by over 250 votes. I guess the Republicans' fervent quest for reform has been tempered by the power of being in the majority.

Campaign finance reform again is not a new issue to this Congress by any means. In fact, the House had passed a comprehensive campaign finance reform bill when Democrats were in the majority, but, as I mentioned previously, this was vetoed by President Bush.

Last week President Clinton came to this Chamber and challenged this House to pass meaningful campaign finance reform. He made it a priority of his administration. He set July 4 as the deadline. I believe the House can certainly pass reform legislation by then. I think it would be a true test of our democracy, and it certainly is a challenge we must face this session.

CAPITAL GAINS TAXES

(Mr. PAPPAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAPPAS. Mr. Speaker, on my first day as a Member of Congress, I kept a pledge to the people of my district to introduce legislation that would improve the quality of their lives. My legislation reduces the capital gains tax by 50 percent and seeks to eventually eliminate it.

All over central New Jersey, I have been told that overtaxation is a huge problem. I have had people tell me that they are not going to sell their homes or businesses until Congress acts.

People and businesses create jobs, not the government. Lower capital gains taxes leave more capital in the hands of businesses, entrepreneurs and individuals who create and expand businesses and jobs.

A New Jersey painting contractor was quoted in an article in the Washington Post as saying:

> You're looking at a poor man who thinks the capital gains tax is the best thing that could happen to this country, because that's when the work will come back. People say capital gains are for the rich, but I've never been hired by a poor man.

The growth of our Nation's economy can be vibrant and grow if we are only willing to allow it to happen. Pass capital gains tax reform.

THE IMPORTANCE OF EDUCATION

(Mr. McINTYRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McINTYRE. Mr. Speaker, 1 week ago tonight the President underscored the importance of education. Education must be paramount and we must do whatever we can to help our children which is the wisest investment that we can make for tomorrow.

This investment has three callings for us: concern, commitment, and character. First, we should show our concern by contacting our local schools now and finding out how we can best help our teachers. Second, we should be committed. For the last 16 years I have gone into the classroom to volunteer and to work with our kids. Are we as business leaders willing to take the time to go and be role models for our children?

And third, we should be building character. Next week in our district we will have an electronic classroom that will go throughout the whole district to address children and to help bring them together with technology to talk about respect and responsibility, important ingredients for the citizens of tomorrow.

These are the three callings that we must answer. We must be ready with concern, commitment, and character and do what we can do now to help education on the local level.

RESPONDING TO PRESIDENT'S CALL FOR CAMPAIGN FINANCE REFORM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, first let me salute all the many veterans that I have had the opportunity to see today who are expressing their views and pay tribute to them certainly for their service to their country. It is for that reason that I rise to talk about giving this House back to the people of this Nation.

Even though we have heard so much talk about campaign finance reform, the real question will be whether we will be serious as a bipartisan body to address this issue. Although I will say to you that most Americans will say just do a good job, recognizing that each individual Congressperson that represents their district does the very best they can and is assessed by the people who vote them in, but they do want us to come to the understanding that people control this House and not money.

At the same time I think it is important that those who want to express their interest by supporting candidates should have the opportunity. I am glad to support the Farr bill which is a bipartisan approach to real campaign reform. It sets limits. It allows us to access the telecommunication highways, if you will, to communicate to the public. And, yes, it allows PAC's that represent people to participate. Let us come together by July 4 and give real independence and vote for real campaign finance reform.

Mr. Speaker, I come before the House this morning to urge my colleagues to respond to the President's call to enact comprehensive campaign finance reform by July 4 of this year. This House in which we are all privileged to serve, is the people's House. It belongs to all of the citizens of this Nation and these citizens are calling out to their congressional Representatives to restore their confidence in Congress' ability to act for the good of the Nation. During the congressional cycle of 1996 we saw unprecedented amounts of money spent on these elections, which only heightened public cynicism regarding how our democracy works.

If comprehensive campaign finance reform is enacted by the July 4 deadline set by the President, American citizens will truly be able to celebrate Independence Day. It will be independence from excessive fundraising by candidates running for political office. Independence from outside organizations having such a large and overwhelming impact on the electoral process simply because they have spent huge sums of money. Mr. Speaker, the people of the 18th District of Texas in which I am honored to represent want this House returned to the people. Let's have a real Independence Day this year. Let's not let partisan politics get in the way. Let's enact real comprehensive campaign finance reform and have a real Independence Day.

TRIBUTE TO U.S. AMBASSADOR CARL B. STOKES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory and the accomplishments of U.S. Ambassador Carl B. Stokes who passed away in 1996 after a long and distinguished career as a political leader. The world will always remember him as the first African American mayor of a major American city. I will always remember him as a friend, a confidante, and a mentor who helped me navigate the rough waters of Cleveland politics.

Carl B. Stokes was born in 1927, the son of a laundry worker who died when he was 2 years old. His mother worked as a domestic. He and his brother, the Honorable LOUIS STOKES, who serves as Congressman, worked in neighborhood stores and delivered newspapers to help the family.

Over the years Carl Stokes excelled in many aspects of life: as a soldier during World War II; as a middleweight boxing champion in 1948; as an attorney and investigator for the Ohio Department of Liquor Control. In 1962, he became the first black Democrat elected to the Ohio House. In 1967, he became mayor of Cleveland, serving during a critical time in the history of my hometown. After 4 years as mayor, he moved on to a television journalism career in New York City, to election as a municipal judge and finally as U.S. Ambassador to the Seychelles.

The Reverend Jesse Jackson said about Carl Stokes, all that exists now in the political spectrum for African-Americans are seeds from trees that Carl Stokes planted. He has left a proud legacy to his family, to the Cleveland community and to America.

OBITUARY OF U.S. AMBASSADOR CARL B. STOKES

Carl Burton Stokes died on April 3, 1996, at the age of 68, following a battle with cancer. With his passing, America mourned the loss of one of its most famous sons. Ambassador Stokes may be one of America's most vivid examples of how this nation has responded to the drive for success by the members of what was only one hundred and thirty-three years ago an enslaved group of people. Ambassador Stokes' life has been one of a series of "firsts" for African Americans. America's first Black mayor of a major American city became the first African American ever to be elected to all three branches of government—the legislative, the executive and the judicial.

In November, 1962, Stokes became the first Black Democrat in the history of the State of Ohio to be elected to the Ohio General Assembly. He was re-elected in 1964 and 1966. At that time, members of the Assembly were elected county-wide. Cuyahoga County's population was only 14% Black. Stokes remains the only Black Democrat ever elected county-wide to the Ohio State Legislature.

On November 13, 1967, Stokes attracted international attention when he was sworn in as Mayor of the City of Cleveland—the first Black mayor of a major American city, population 810,000. Since Cleveland was only 37% Black at that time, it also marked the first time an African American has been elected mayor of a predominately white major city of this nation.

In that election, Clevelanders selected Stokes, the grandson of a slave over Seth Taft, the grandson of a United States President. Subsequently, Mayor Stokes was asked by the White House to represent the United States on goodwill trips to Europe. As such, he was received by many heads of state, including nations where relations were strained, such as Romania and Yugoslavia. He was also sent to the Caribbean on missions to Puerto Rico, the Bahamas, Barbados, and Trinidad. His visit to Israel resulted in a friendship with Mayor Teddy Kolleck of Jerusalem that endures to this day.

In 1970, the 15,000 member National League of Cities, composed of mayors and city and county officials from throughout the nation, unanimously voted Stokes as president-elect to head their organization—the first Black official ever to hold that office.

Having completed two terms as mayor, Stokes decided to end his political career and begin a new one in broadcast journalism. In April, 1972, Carl Stokes became the first Black anchorman to appear daily on a television news program in New York City. At NBC's flagship station, WNBC–TV, Stokes also served as urban affairs editor and was often assigned to the United Nations where he interviewed many heads of state and other foreign dignitaries. Additionally, as a correspondent, he traveled throughout several nations of Africa, including Gambia, Zambia, Uganda, Kenya, Mozambique, and Zimbabwe.

In September, 1980, after eight years as an award-winning broadcast journalist, Stokes returned to Cleveland and to the practice of law. He became the first Black lawyer to serve as General Counsel to a major American labor union—the United Auto Workers, Region 2 and 2A. Stokes also represented Cleveland's largest city labor union—Laborers' Local 1099, among others.

On November 8, 1983, Stokes was elected as Judge of Cleveland Municipal Court, Ohio's largest court. A few weeks later, on December 22nd, his 12 colleagues elected him Administrative Judge of the Court. And on January 9, 1984, his fellow-judges elected him as their Presiding Judge. Never before had a freshman judge been elected Administrative/Presiding Judge of the thirteen-judge Municipal Court. He served two terms as head of the Court.

Ambassador Stokes' election was a benchmark in American history since few Americans—and no other African American—has ever been elected to the legislative, executive, and judicial branches of government in our nation.

Carl Stokes was born on June 21, 1927, in Cleveland, Ohio. He was only two years old when his father, Charles, a laundry worker, died. His widowed mother, Mrs. Louise Stokes, supported her two sons by working as a domestic and for a time the family was on public assistance. He and his older brother, Louis, who is now in his 14th term as Ohio's first Black U.S. Congressman, augmented the family income as newspaper carriers for the Old Cleveland News, and by working in neighborhood stores. Congressman Stokes is the senior member from the Ohio delegation to Congress and is the ranking minority member of the Appropriations Subcommittee on Veterans Affairs-Housing and Urban Development-Independent Agencies.

Once a high school drop-out, Ambassador Stokes has received honorary doctorate degrees from 14 colleges and universities around the country. He has been a visiting lecturer at academic universities and business institutions throughout the United States, Trinidad, Haiti, Puerto Rico, the Bahamas, England, France, Germany and Italy.

On Tuesday, November 2, 1993, Stokes was re-elected to a third six-year term as Judge of Cleveland Municipal Court.

On Friday, August 26, 1994, President Bill Clinton appointed then-Judge Stokes as his Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of the Seychelles. In this post, Carl was given the opportunity not only to serve the United States in a diplomatic position, but he also derived the satisfaction of displaying his professional qualifications in an international forum. Carl served as Ambassador to the Republic of Seychelles until the time of his death.

The passing of Carl Burton Stokes brings to close a life of love, commitment and inspiration. He was a leader, a visionary, a role model, and above all, a pioneer. His feat of becoming America's first Black mayor of a major American city changed the landscape of American politics. But above all, Carl was proudest of the fact that he was the first Black American to acquire the political power to break down barriers and open unprecedented opportunities for minorities. This will stand as a legacy and lasting tribute to a remarkable individual.

Left to mourn Carl's passing is his loving wife, Raija Stokes; two sons, Carl B. Stokes, Jr., and Cordell E. Stokes; a stepson, Sasha Kostadinov; and two daughters, Cordi D. Awad and Cynthia Sophia Stokes. In addition, he leaves to mourn two granddaughters, Jevonne Laraija Stokes and Cybil Quinn McBee; a grandson, Cordell E. Stokes, Jr., and his brother and sister-in-law, Louis and Jay Stokes. Other relatives include a nephew, Chuck Stokes; three nieces, Shelley Stokes Hammond, Judge Angela R. Stokes and Lori Stokes Thompson. Additionally, Carl leaves to mourn Linton Freeman, whom Carl considered to be a special cousin and dean of the family. He also leaves Wynona Jones, Elizabeth Bowes, Blanche Richards, Katie Walker, and a host of other relatives and friends, all of whom were special to Carl in his lifetime.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

☐ 1415

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO HERB CAEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, they say that a picture is worth a thousand words, and in this visual era that we live in that has never been truer. But words have power, too, and a name, Herb Caen, to our community was worth 1,000 words every single day for nearly 60 years, mostly with the San Francisco Chronicle.

Last week we suffered a great loss in our community with the passing of Herb Caen. It was a tremendous loss for the entire Bay area community. Indeed, Herb Caen gave us our sense of community with his sense of humor.

But 1996 was a great year for Herb. It was the year he turned 80, it was the year he got married, it was the year he was awarded the Pulitzer Prize, and it was the year that our community recognized him at Herb Caen Day. This special day was put on by Willie Brown, the mayor of San Francisco, and our chief of protocol, Charlotte Maillard, and over 75,000 people turned out to pay tribute to Herb Caen and to name an over-3-mile stretch of street in San Francisco Herb Caen Way.

Seventy-five thousand people, joined Walter Cronkite and Joel Grey and other figures, celebrities, many in the sports arena, politics, the arts, show business in paying tribute to Herb. I do not know of any other person, living person, who has had such a tribute, who can make that claim.

His funeral took place this past Friday, and thousands of people attended. In the evening there was a candlelight march after work for the many people who could not take time off during the day, along Herb Caen Way, to honor him. It is very hard to explain to our colleagues a person so special that tens of thousands of people would turn out for him in life and in death, but he lived as he had died, surrounded by friends.

So I once again on the floor of this House want to extend my deepest sympathy to Herb's wife, Ann Caen; his son, Christopher; and Stacy, Steven and Catherine. It is a very difficult time for them and for all of San Francisco, the area which considered itself part of Herb's family.

Our mayor, Willie Brown, said it best when he said Herb Caen is irreplaceable. Again, as I say, because he was so special, it may be hard for our colleagues to understand the esteem in which he was held. The mayor called him irreplaceable. I will borrow the words of W.H. Auden, with some poetic license, to try to give expression to the sadness of our community on the death of Herb Caen:

> Stop all the clocks, cut off the telephone, prevent the dog from barking with the juicy bone, silence the pianos and with muffled drum bring out Herb's friends, let the mourners come.
>
> Let airplanes circle moaning overhead, scribbling on the sky the message he is gone. Put crepe bows around the white necks of the public doves, let the traffic policemen wear black cotton gloves.
>
> He was, in our community, he was our North, our South, our East and our West, our working week and our Sunday rest. Our moon, our midnight, our talk, our song; we thought that he would last forever, but we were wrong.
>
> The stars are not wanted now; put out every one: Pack up the moon and dismantle the sun; pour away the ocean and sweep up the woods: for nothing can ever come to any good.

I do not agree with that last line. Herb would certainly want his leaving to come to some good.

On his Herb Caen Day he said when he died and, hopefully, went to heaven, when he got there he would say of heaven "It ain't bad but it ain't San Francisco."

TOUCH THE FUTURE: INVEST IN EDUCATION

(Mrs. McCARTHY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McCARTHY of New York. Mr. Speaker, I have spent the last week traveling throughout my district in Mineola, Garden City, Uniondale on Long Island, and meeting with hundreds of children. I have visited their classrooms, met their teachers, and watched them work on computers, listened to their lessons and heard them read their books.

These children are full of enthusiasm and spark. They want to learn and they are enjoying it. These are visits that have made more clear to me that our children are one of our Nation's most precious resources.

I saw a bumper sticker recently that said, "I touch the future. I teach." In Congress we can also touch the future by improving our educational system and making college more affordable for working families. And those who choose not to go to college, let us not forget them. We want to make sure that they have good and well-paying job opportunities.

Let us pass President Clinton's 8-point educational plan, which includes a $10,000 tax deduction for tuition and training as well as a plan for 2-year, $1,000 Hope scholarships. It is important for our children's future. Let us do it.

ANSWER TO EDUCATION PROBLEMS NOT IN WASHINGTON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. HOEKSTRA] will be recognized for 40 minutes and the gentleman from Florida [Mr. McCOLLUM] will be recognized for 20 minutes as the designees of the majority leader.

The Chair recognizes the gentleman from Michigan, [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Speaker, today we continue a discussion that began in 1996. It deals with this city. This is a picture of Washington, DC. And it deals with what we really can expect Washington to do and the kind of balance that we need to strive for in this country between what we expect from Washington, what we expect from the private sector, what we expect from individuals, and perhaps what we can expect from faith-based and religious and volunteer organizations in America.

In many cases, I believe we have moved too much power to this town. We have asked Washington to do all kinds of things that perhaps it is not best equipped to do. We saw some of this last week when we heard the President articulate a vision for education, a vision that I believe moves power, authority, and control from the local level, from the parental level back to this community, back to this town, and it says the way we improve education in America is we empower Washington and we empower the bureaucrats in Washington to make decisions.

We used this chart for the first time or this picture for the first time in 1996 when we talked about the crisis that this Nation was facing in welfare. Because what we had done in welfare is we had moved decisionmaking away from the local level, where we were best equipped to help those in need, and we moved it to Washington.

We moved it to buildings here in Washington, so that when the State of Michigan or when the State of Wisconsin wanted to design a program that they felt best met the needs of their citizens, they had to come to a building over here and a bureaucrat in Washington, who had maybe never been in Wisconsin, maybe never been in California, maybe never been in Michigan, and say "Can I do this in my State?" And the bureaucrats in Washington were empowered to make the decisions.

Yesterday I had the opportunity to meet with a new program in the State of Michigan, where in my home county they are working on what they call Project Zero, which is to move everybody off of welfare. It is a partnership. It is a partnership between local agencies, it is a partnership with the State, and it is a partnership in a volunteer way with faith-based institutions to reach out and embrace those families that need help and to lift them up in a permanent and in a meaningful way off of welfare.

Those are the kinds of programs that I expect we will see over the next 12, 18, 24 months that will have a dramatic improvement in the welfare situation in this country.

Now, after we have made that change in welfare, which moves power back from Washington, back to the States and, more important, back to the local communities where we can have these creative mergers of people coming together to help others in the community, we find that the President does not really believe that the era of big government is over. He now believes that the era of big government has moved from a failure in welfare, and it is kind of like we did not learn our lesson: We are going to take that bureaucracy now and create and expand the Department of Education.

Over the last 9 months we have had hearings around the country, and we know that that model does not work. We know that the model of moving power to Washington and moving power to bureaucrats in Washington is not the answer. These bureaucrats are knowledgeable, talented people, but they cannot address the problems at the local level.

In hearings that we have had in New York City, that we have had in Chicago, that we have had in Cleveland, that we had a couple of weeks ago in Los Angeles and Phoenix, the answer is very clear. The way that we improve education is we empower parents, we move decisionmaking back to the local level, we focus on basic academics, and we drive dollars back into the classroom and not into a bureaucracy and into bureaucrats, as well-meaning as they may be.

The system today is fairly clear and what the President proposes is fairly clear. It is the myth. It is the myth of the magical President who believes that by having good intentions in Washington and outlining wonderful-sounding programs, and moving dollars to Washington and moving responsibility to Washington, we can actually solve the problems that we have in education.

There is no doubt that in certain parts of our country education is in crisis, if we take a look at some of the statistics. This is not a debate about whether we need to improve education or whether we need to put a focus on education. The statistics are clear: One-half of all adult Americans are functionally illiterate.

Two weeks ago we had a hearing in California. Think about it: Twenty-five percent of the students that enter higher education in the State of California need remedial education. This is kids in 8th grade, this is kids in 10th grade, these are kids going into higher education. Twenty-five percent of them, when they enter the institution of higher education, need remedial education.

What does that mean? That means that they are entering into college and they cannot read or write at an 8th grade level. Sixty-four percent of 12th graders do not read at a proficient level. In international comparisons U.S. students scored worse in math than any other country except for Jordan.

If we take a look outside of this building in Washington, DC, it is also not an issue of money. We spend about $8,300 per child in the city of Washington, DC, and we have some of the lowest test scores in the country. In the State of Michigan we spend about $5,400 per student. So it is not let us pour more money into these programs or into these cities, it is let us focus on the basics.

When we have gone around the country, the exciting thing that we have noticed is that we can go into many areas that we would identify as having at-risk kids, the kids that maybe when we take a look at their environment and a whole series of factors we might be saying they are at risk, and they are at risk because maybe they are in an environment where it is most difficult for them to learn. The exciting thing about this is, as we go into these areas we see schools, we see teachers and we see parents and, most importantly, we see some of the greatest kids in this country, and they are learning and they are learning successfully.

But it is because of the schools, and it does not make a difference whether it is a public school or a private school or whether it is a charter school. We have seen examples of all of these, but when the schools make a commitment to involve the parents, where they have been freed from the rules and regulations from Washington and from the State so that the teachers and the administration can focus on the kids rather than the rules and regulations, it works. When the dollars go into the classroom rather than into paperwork, it works, and when the schools are focusing on basic academics, it works.

☐ 1430

Here is the system today, and here is why I am leery about sending more money to Washington and why I believe it is a myth and why I believe that in the area of education, at least in Washington, more does not mean better.

Remember what we have in Washington today when we say education. Washington has been trying to help in the area of education for the last 20 years. Twenty years of work, 760 different programs running through 39 different agencies, spending about $120 billion per year. Washington has been going after this problem, but we have not been doing it very successfully.

Why? What is the process? Well, we start with parents, which is where we should start. We should have focus on parents and kids. But when we move the education system and the focus of education to Washington, we end up getting a whole bunch of layers in between parents, kids and teachers and local school boards.

In Washington, in this model that some want to expand, we have parents paying into Washington about $120 billion, into Washington programs, into Washington bureaucracies, 760 different programs. We are worried about reading and writing? Washington, a couple of years ago, had 32 different literacy programs. We still have more than 14 literacy programs. $120 billion into 760 programs, 39 different agencies.

Then the Washington bureaucracy, all the arrows point one way in terms of putting rules and regulations and dollars back on State and local school boards, but what happens when we create a program? If you create a program, somebody has to find out about it, so we spend dollars communicating to a school board or to a State saying, "We've got these dollars available for these kinds of programs."

So we invest dollars in a communications effort. School boards find out about it; they do not automatically get it. They have to now say, "I wonder if we qualify for this? What do we need to do to qualify for this? How do we apply?"

They then fill out applications, and it goes back to the bureaucracy. The bureaucrats in Washington say, "Well, you know, we've got x amount of dollars, we've got so many school districts applying. We're going to have to go through a sorting process to decide who gets this money and who does not."

So they go through a decisionmaking process in the awarding of grants. The Vice President's National Performance Review outlined that in one of these grant applications in the Department of Education the process went through 487 different steps to move dollars from Washington actually back to a school board, back actually to the kids.

Washington then sends money to a school board or to a local school district. Of course, we cannot trust the people at the local level to do what we ask them to do, so of course we have rules and regulations and we have reporting structures back into Washington that says, "Yes, we received your money," and "Yes, here is proof that we spent it exactly the way you wanted us to." We in Washington, of course, cannot believe those, so we have to put in place an auditing program that says, "Make sure you keep your records, because we may want to come back and audit that you actually spent the money the way we intended you to spend it."

The bottom line is when parents send $120 billion to Washington and they funnel it through the 760 programs that we lose at least, conservatively we lose at least 15 cents of the Federal dollar. If you take a look at how much we lose at the State and the local level as they go through the process of applying and meeting the rules and regulations in the local cost, we probably lose somewhere in the neighborhood of 35 to 40 cents of each and every education dollar that goes to Washington to funnel it back.

We are not getting the money into the classroom. Most of this money or a good portion of it, probably 35 to 40 percent of the dollars that we think we are investing in education, gets sucked up into the bureaucracy and into the paperwork, and what happens is rather than school boards focusing on and working with parents as to what they need to do in their local district, what we have created is a model that says, kids are important, but I need to meet the rules, the requirements and the regulations from Washington. So their focus goes to a bureaucracy in Washington and not to parents and not on kids.

We have got to break the cycle. We have to focus on what is important, the basics, local and parental control and getting dollars into the classroom. We need to focus and we need a model where the people who are involved in education and setting the direction for education for our kids are parents, kids, and local leaders in the community.

I can say that with conviction because of the success we have seen around the country. We visited the Vaughn Charter School in L.A. 2 weeks ago, south central Los Angeles, one of the lowest performing schools when it was part of the Unified Los Angeles School District. It is now a charter school. It is still a public school. It is still accountable to the taxpayers. But what they did when they became a charter school, they cut the strings of bureaucracy. Dr. Chan, who is heading that school, saved the school district, and the number is a little bit disputed, but somewhere in the neighborhood of $1.5 million. But more importantly, talking to the parents, talking to the kids, going into the classrooms, sitting around a table and talking about what makes this school different today, the parents, Dr. Chan, and the students are all saying it is because this is the model.

The model is one where the school, the principal, and the teachers have a partnership with the parents, and they are focused on the kids. Parents talk about we got our school back. As a matter of fact, it is now a neighborhood school. The kids in this neighborhood were being bused all over. The kids now have the choice of where they want to go to school. They are now going back to this school. They not only took control of the school back for the parents, but it is now a neighborhood school and in a very rough part of Los Angeles. It is kind of like a bright beacon in that community about what a local community can do when it cuts the strings from a bureaucracy and is empowered to take over a small part of its own community, and it is empowered to take over a very important part of its community, which is the schools.

There are a couple of other interesting statistics when we talk about what happens when dollars go into Washington.

We know we lose at least 15 cents here in Washington and we know that we lose at least another 20 cents when you go to the costs incurred by the local schools and the State, but it is kind of interesting how these dollars get distributed. Dollars do not follow kids. Dollars go all over the place.

If you are in Alaska, sending dollars to Washington and increasing the Washington bureaucracy is a good deal, because even though you maybe lose 40 cents of every dollar you send to Washington, with Alaska, when you send $1 in, you get $3.12 back. So the dollars coming in, the share back to you is very positive. It is a disproportionate share back to Alaska.

If you are in Connecticut, it does not really pay. Connecticut gets all of 39 cents back to that State. If you are in Mississippi, you get $2.41, if you are in New Mexico, you get $2.34. If you are close to New Mexico, in Nevada, too bad, you only get 39 cents back.

So it is a huge shell game in Washington that is not focused on kids. It is not focused on improving education. It is focused on bureaucrats and politicians trying to do something that really parents and local school districts can do a whole lot better.

As we take a look at this, this system does not work, when we take a look at what is going on and some of the proposals that the President has to improve learning, to improve education. It is interesting, one of the proposals he has, and I have oversight over this area, is the President proposes $809 million for the Corporation for National and Community Service. National and community service. It sounds great. Our volunteers through the Corporation for National Service cost us as taxpayers about $27,000 apiece, or as high as $27,000. They are going to go out and they are going to get tutors. I think that is a laudable objective. Schools are doing this today. Community groups are involved, and I am not sure what the Federal Government can do to help and assist in that process.

We fund and send money through the Corporation for National Service, and it would be one thing if we knew where now another roughly $1 billion going into this model, we know we are going to lose some of that in the structure and in the hierarchy and in the bureaucracy. We also know that, at least for the Corporation for National Service and for many of these other agencies, we are not actually going to know where the money goes.

The Corporation for National Service, this is an agency that spends about $600 to $700 million per year. The books still are not auditable. Think about it. Sending taxpayer dollars to an agency that was set up and was going to be the model for a government agency and how government should run but cannot have an independent accounting firm come in and audit its books.

That is one example. The Heritage Foundation cites a number of other examples that says these 760 programs do not have the kind of oversight necessary to determine whether they work and where the dollars are going and whether they are efficient or not. Is it not interesting that we know we have a problem in reading, we know that our kids are not reading at competitive standards, that in certain States a high percentage of them need remedial education, and rather than focusing on the real problem as to why kids are not learning in the classroom, the response in Washington is to create another program.

We have known that this has been an issue. We have got 14 literacy programs. And now what we are doing is we are funding an overlay of perhaps volunteers reading 2 hours per day or 2 hours per week with students, but we are not asking the fundamental questions as to why are kids not learning to read in the classroom.

Is there something going on in the classroom that is prohibiting kids from learning? Why do we not take a look at what is going on in the classroom before we do anything else, and maybe moving dollars into the classroom is a more effective way of addressing this problem than putting another Band-Aid on an open wound. Maybe we ought to go back and take a look at the 14 literacy programs that are already spending over $8 billion per year from a Washington level and saying, why are those 14 literacy programs not driving the kinds of results that we would like to have?

□ 1445

If they are good programs and they are working, why are we not putting more money into those programs? If those programs are not working and we do not feel we should be putting more money into them, but we should be going in this new route or in a different route, why do we not take a look at eliminating those programs and getting true effectiveness into the system? But no, the proposal that we have in front of us is more bureaucracy in Washington, not critically evaluating the programs that we have in place.

Well, that is not going to work in this Congress.

We do have in place a program which we call Crossroads in Education. The Crossroads in Education project that is coming out of the Committee on Education and the Workforce is going to do, and is in the process of doing, a critical analysis of these 760 programs. We want to find out where the dollars go; are they getting results or are they not getting results; how can we make them more effective; and what is working and what is wasted in education today?

So what does that mean? It means that the first step is last year we asked the question: How many programs are there? Nobody had ever asked that question before. We did some work, we did some research; some other outside organizations, some parts of the executive branch helped us. They said 760 programs, 39 agencies—actually the 760 is a little old. Since that point in time they have identified about a hundred more programs that we have. So it is somewhere in the neighborhood of 850 to 900 programs that we really have in Washington.

But we are now going through and we are asking what is the process; how is this money distributed; what are the actual links back and forth between a bureaucracy and the State and a local school board; how are people awarded and granted dollars; what is the largest grant request you get or that you gave out; what is the smallest?

We found a grant request for safe and drug-free schools. The school district went through all of the work, a very thick application, and I will tell you they got their money's worth. They got a grant for $13. The Government cannot even write a check for $13, but that is what the school district got. Maybe that went out and would have paid for lunch for the person who spent considerable time putting this grant request together: $13 for a school district to develop their safe and drug-free school program.

Think of the costs that went in. We are doing that. What is the largest and the smallest grant request you got? What do these grant requests look like? Are they 2 pages, are they 50 pages? In some cases we found that they may be a thousand pages. How much time and energy? What happens to the grant requests when they come to Washington? How are they sorted through? Who reads them? You then go back and you take a look at when the grants go out, how much paperwork?

The statistics I believe that we had in our hearing in Arizona 2 weeks ago was that of the 6 percent—let me find the exact quote—this was from Lisa Graham Keegan who is Arizona's superintendent of education—said, I will say that the 8 percent Arizona receives from the Federal Government easily accounts for more than 50 percent of the work in my department and school districts.

The paperwork. They receive 8 percent of their money—remember this $120 billion is only about 5 or 6 percent of what any school district gets, but on a national average some get more, some get less. Here in Arizona it is about 8 percent of their total dollars come from Washington and about 50 percent of their paperwork. Is that a good investment? What do bureaucrats in Washington really know about what needs to be done in Arizona?

So what is the paperwork that goes back and forth? We have had meetings, and we asked superintendents to tell us about their paperwork, and one of the things that they keep coming back with is, we appreciate the money we get from Washington. In some cases it does some good and we can work in those areas. But the real problem is when we take a look at our local school district and we take a look at the needs that we have. If we had more flexibility to use that money in different ways, we would spend it in different ways than what you are mandating that we spend it on.

So we know that this process is not an ideal process. Fifty billion dollars of more spending in Washington is not the way to improve education. Spending $50 on education may be a worthwhile effort. It is probably a good exercise. Spending it at the State and the local level, where you have more control and direction about what you need in your community, and actually getting the dollars into the classroom probably makes a lot more sense.

Recognize that when we spend and say we are going to spend $50 billion in Washington, maybe only 25 to 30 billion will actually make it back into the classroom. Twenty billion is going to get lost somewhere else in the process.

A couple of other proposals that the President is talking about that I think need serious consideration: talking about school construction. As soon as we put in Federal dollars, any amount of Federal dollars, into a local school construction, Washington will come in and mandate what contractors need to be paid on an hourly basis for the work that they perform in your school district. It is called Davis-Bacon, mandated from Washington what you will pay. We have an elaborate system in the Department of Labor that is not very good but that tries to track wages in thousands of different communities around this Nation, in a number of different construction categories, and that is what you have to pay. In other projects where you do not have Davis-Bacon, we go through this kind of complex way of determining how much a project will cost. It is called competitive bidding. School districts cannot competitively bid. They have to pay Davis-Bacon wages.

So in effect, when you go on a construction project with Federal dollars or partially funded with Federal dollars, you lose again about 15 percent of your purchasing power by being required to pay the wages established here in Washington versus what you may be able to get in a competitive bid.

I enjoy the discussion about the HOPE scholarships. Making education available to more students on a longer basis I think is a worthwhile goal, saying that Washington is now going to provide scholarships for those that maintain a B average.

The IRS today cannot track our income tax system, our Income Tax Code. Just think of what wonderful work they are now going to have also trying to match tax deductions with information from schools indicating that, yes, these people did maintain a B average and that B averages across the country are consistent, so that the same B that you get in Michigan is equivalent to a B that you get in Arizona.

It is going to create a lot more work for bureaucrats, and it is going to move a lot less money into the classroom.

The evidence is clear. We need to focus on education, but more compelling is the case that rather than increasing and building and expanding this city in Washington, the keys to improving education is moving dollars and power away from this city and moving it back to parents, moving it back to local school boards and empowering teachers.

It is not only school boards. It is teachers that want control of their classroom. It is the parents that want their schools back. They do not want to come to Washington to take a look or to fight for what they want to do in their classroom. They want control of their schools. They know specifically what they need for their kids and their community.

The needs of this country are so diverse. We need to be able to have the flexibility to tailor the programs for our kids from one city and one community to the next, and we need to empower parents.

That is not a concept or a theory. We know that it works. Take a look at the schools that are working, take a look at the schools that are excelling, and that is the bright spot in the picture in education.

Yes, there is some bad news, there is some information that says we ought to be worried about this and that in some parts of the Nation education may be in a state of crisis. But the good news is that we can look at models of success and we can learn from those models of success, we can learn what the characteristics are, and we can then tailor Federal policies and rules and regulations, or whatever, to empower that kind of change and reform to happen at the local level.

And what we learn is very simple: Parents, basics and getting dollars into the classroom, empowering parents instead of empowering bureaucrats, dollars to kids, not to bureaucracy, fundamental basic education, not the latest education fads; it is a key issue, it is an important issue. It is going to be a vigorous debate. I think in the end kids and parents will win, and politicians and bureaucrats in Washington will lose. That is the system that works, that is the model that we will build on, and that is the direction that we need to go.

PROPOSING A TERM LIMITS AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 20 minutes as the designee of the majority leader.

Mr. MCCOLLUM. Mr. Speaker, I come today to speak about a subject that will be greatly debated tomorrow on the floor of the House; that is, term limits. I am the author of House Joint Resolution 2 which will be out here on the floor. It is the term limits amendment for 12 years in the U.S. Senate, 12 years in the U.S. House, something that better than 70 percent of the American people in principle support.

The issue that will be before us will be a historic debate, the second time that we have heard the subject of term limits debated in the Congress of the United States. First time was in the 104th Congress, 2 years ago when this amendment that I offered received 227 votes, which is a simple majority, more than a simple majority because 218 is that, but not enough to reach the required supermajority of 290 votes to pass a constitutional amendment in the House.

I am hopeful that when we conclude the debate tomorrow that this amendment will receive more than the 227 votes it received last year, that we will be further progressing toward the 290 votes that we need for the ultimate passage of this amendment, even though I have no illusions that we have yet to reach the numbers in the House who support term limits sufficient to actually pass this amendment tomorrow.

I am hopeful that the debate will be centered primarily upon the divisive issues that normally we debate here; that is, those who favor a differing length of term and those who favor no term limits at all.

There are those who favor 6-year House terms and 12 years in the Senate, and I respect that view. There is certainly a difference of opinion we can all share. I personally think that 12 and 12 is far superior. For one thing, if we are going to limit the Senate to 12 years and the House to 6, we are going to wind up giving the Senate more power than the House in conference committees and elsewhere, and I do not think that is smart. I think we need a balance between the two bodies. We need to have a symmetry. There should be the same length of term limits with respect to the House as there is with the Senate.

So that is why I for one think the 12 and 12 is better than a 6 and 12 or an 8 and 12 limit process.

I also happen to believe that 6 years is frankly too short in the House. I think there needs to be time in grade, if you will, time to learn and time to gain knowledge in this very complex government that we operate, to learn the subject matters that we have to deal with before a Member becomes the chairman of a full committee or ascends to a major leadership post in one of the political parties running this body. And I do not believe, having been here a few years, that 6 years is long enough for a Member in most cases to acquire that kind of knowledge and that experience that we would like to see; and to support a lesser term than 12 years is to support something that is subject to the criticism of those opponents objectively who oppose term limits altogether.

□ 1500

But that is a fair argument to have. Men and women of differing persuasions will come to different conclusions about these things, and I look forward to that debate.

What bothers me more than anything else, though, is that there is a group working supposedly for term limits out there that may in fact be in the process of destroying the effort we are making; may in fact be so intent upon getting their way or no other way that in the end they gridlock this body and we never reach the goal ultimately of getting to term limits.

The reason I say that is because the tactics they are using are such that we are likely to see that instead of 227 votes out here tomorrow, there may be a lesser number than 227 for the one and only proposed amendment that really has any chance of getting to the 290 needed to pass it any time in the foreseeable future. I am referring to an organization known as United States Term Limits. I want to talk about this group and what it has been doing for a few minutes today so that we can focus more tomorrow on the substance of the actual debate over term limits itself.

I, first of all, would like to refer to a column that was written in this week's current issue of Newsweek magazine by a very well-liked and respected columnist, George F. Will. George Will's column of February 17, 1997, is too long for me to read in its entirety into the RECORD, but I would like to request that at the end of my remarks today that the column in its entirety appear in the RECORD, Mr. Speaker.

I do want to quote from one of those:

> United States Term Limits is a bellicose advocate of term limits, and, like fanatics through the ages, it fancies itself the sole legitimate keeper of the flame of moral purity. However, it has actually become the career politician's best friend. That is why it was opponents of term limits who invited a U.S. Term Limits spokesman to testify at recent House hearings on the subject. Opponents understand that U.S. Term Limits' obscurantism, dogmatism and bullying embarrassed the cause.

Frankly, they do more than embarrass the cause. In their effort to have their way or no other way, they have done a lot of damage to the cause. They have embarked in the past on a course of attacking term-limit supporters. In the last Congress they produced television commercials and ran them in a number of districts of term-limit supporters who supported something other than their preferred version, which is the 6-year House limit and the 12-year Senate limit. They took the position that if you were willing to compromise to actually pass a term-limits amendment, and that meant looking for proposals other than the 6-year House limit, then you incurred their wrath. Their view is that 12 years in the Senate is fine, but they declare that a greater limit than 6 years in the House is worthless and the Congressman who votes for a 12-year House limit is hypocritical.

How inconsistent and reckless that is. It is really quite reckless, in fact. They have turned on the prime supporter of 6 years, Mr. INGLIS of South Carolina, and criticized him. He is part of their Rogue's Gallery, now on the Internet, if you want to look it up, and yet he is a strong advocate and will probably offer the 6-year House version here tomorrow.

The reason they turned on him is because when the 6-year version came up, way short of getting anywhere near the number necessary to pass it, he saw the truth of the matter was that the only way we are ever going to get term limits in this body was to vote for the 12-year limit. So after his version failed, he voted for the 12-year limit.

Their latest strategy is the passage of misleading ballot initiatives. Like the wolf in Red Ridinghood, disguised as the sweet old granny, United States Term Limits has deceived voters into believing they were instructing their representatives to vote for term limits. The deception involves passing initiatives in the States that would require legislators to adopt their no-compromise policy on a 6-year limit. Any legislator who runs afoul of United States Term Limits gets the words "disregarded voter instructions on term limits" next to their name on the ballot in the next election.

Let us make this crystal clear. This scarlet letter is placed beside any Congressman's name, even if, in fact, he voted for several term-limit amendments, just not solely for United States Term Limits' 6-year limit. Not only that, but there are nine separate States that have passed this particular initiative, and each of the States has some different language in it, which is why we are going to have a series of nine votes, in addition to the base bill and Mr. INGLIS' and perhaps a couple of other amendments out here tomorrow.

The States of Alaska, Arkansas, Colorado, Idaho, Maine, Missouri, Nebraska, Nevada, and South Dakota have all passed an initiative that United States Term Limits sponsored regarding the 6-year-term limit for the House and the 12-year for the Senate, but each one has some subtle difference, and if you do not follow their instruction precisely, if you are a Member of Congress from the particular State in question and you do not offer and get an opportunity to vote for precisely the language that was put on the ballot in those States and passed, then you get this scarlet letter beside your name on the next ballot when the next election comes around. It is absolutely designed to gridlock this body over the issue of term limits, not help it pass it.

Therein lies the whole problem. For good reason, many Members do not want to appear to be against term limits. So in order to avoid the scarlet letter, Members from these States that have passed the initiatives, who support term limits in general, will vote against the one bill, a 12-year limit in the House and Senate, that has a chance of ever passing the House, much less the Senate. Instead of working to pass term limits, the United States Term Limits' initiatives are actually reducing the number of votes for term limits in the House. How ironic that is.

Here is how this scam works in one particular illustration. In Idaho, one of the nine States that passed the initiative, the actual United States Term Limits initiative text runs 2,286 words. That is four pages of single-type space. However, all that appeared on the ballot were 207 words, not 2,286. The full text and requirements were available only upon special request from the secretary of state or the elections office.

Most importantly, however, is the clever wording of the short title and the first thing voters see on the ballot:

> Initiative instructing candidates for State legislature and U.S. Congress to support congressional term limits requires statement indicating nonsupport on ballot.

That is a very broad statement. I would submit that any citizen who supports term limits, and as I said earlier, about 70 percent do, would wholeheartedly support, I would support that, and the people of Idaho supported that. They voted for it. If United States Term Limits were really sincere in their drive for a 6-year limit, then why did they not declare right up front in the title of the initiative that it requires support for only the 6-year limit?

Their latest effort to attack limit supporters is destructive not only of the term-limit movement itself, but it sets a dangerous precedent for manipulation of the Federal ballot by special interest groups. It does not take much imagination to see that the initiative process could be manipulated by powerful special interest groups on a whole variety of issues to do this sort of destructive thing. It would not be long before every special interest group in the country would seize on the opportunity to gain the ballot to their political and legislative advantage.

So again I have to ask the question, What is United States Term Limits' real objective? Obviously, they are saying they are for term limits. They are a nonprofit organization that goes around the country beating their chest over this issue.

They have every right to be for a different term-limits proposal than I am or the majority of this body is. They have every right to go out and advocate it, and they have a right technically to get on these ballots. But what is their effort really going to amount to, and why would any rational person who really wants term limits be proceeding in this manner that is guaranteed in a suicidal fashion to gridlock this body over the whole issue, and instead of leading us to term limits, will mean the death of the term-limits movement as a practical matter?

There is no way anybody can look forward and see when it will ever occur if they continue this process, even if they pass initiatives in several States that ultimately conform to one methodology and one set of language. There is no way anybody could ever see in the far-distant future how that is going to lead to the passage of a term limits constitutional amendment through Congress or through the several States.

For one thing, only about half the States, actually I think a little less than half, have an initiative process. The State legislatures of other States will not go along with this. Maybe one or two would, but certainly not all. In the most ideal of circumstances, there is no way that United States Term Limits can succeed with this suicidal methodology. It is absolutely replete with a useless type of process, and in addition to that, as I said, is a dangerous type of process.

Now I would like to comment a little bit about why some of us passionately believe in this issue, why we believe term limits is so important. The reason I believe term limits is so important is because I am concerned that Members of Congress are too concerned about getting reelected every time and not enough concerned in each vote that is taken with the best interest of the country as a whole. That is a simple way of saying they are career oriented. They are worried about staying around here, and so they try to please every interest group. That is not true of every vote and every Congressman, of course, but true of too many; too many votes and too many Congressmen at any given time.

Yes, we have had some turnover in Congress. We have had quite a bit in the last couple of years. The problem is those who are really in control and run this place are those who are most senior. While there is not an absolute seniority system since the Republicans took over control of Congress and limited the tenure of 6 years to any committee or subcommittee, and limited the tenure of our leadership to any 6- or 8-year period, there still is, as a practical matter, seniority.

Those who have been here longest serve in the positions of the most power, and that is the way it is going to continue to be. That is the way it has been historically in every legislative body, and that is the way it will continue to be here. If we do not have term limits, we are going to have to chose who do stay, those who choose to stay and be reelected, and the vast majority are. A very high percentage are reelected or run for reelection every time that run for Congress, and they are going to have control of this body. I do not think that is an appropriate thing. I think that we need to change that career orientation. I think it is much better if we have term limits, and as I said, I think 12-year is the best of all.

In the article I cited earlier by George Will that appears in Newsweek, under the last column heading, "Save Us From the Purists," where he discusses the folly of U.S. Term Limits at some length, he also talks about the rationale for term limits, and I agree with him on this. He says, "Term limits are a simple surgical Madisonian reform. By removing careerism, a relatively modern phenomenon as a motivator for entering politics and for behavior in office, term limits can produce deliberative bodies disposed to think of the next generation rather than the next election. This is the argument favored by those who favor term limits, not because of hostility toward Congress, but as an affectionate measure to restore Congress to its rightful role as the first branch of government."

Mr. Will goes on to discuss, intelligent people will differ, as I have said earlier, about the terms and whether they are this term or that term and even whether term limits is a good idea at all. But he wonders aloud, with me, over why an organization like U.S. Term Limits, supposedly dedicated to the proposition, would go about doing what they are doing in such a reckless manner.

He says, "U.S. Term Limits is not merely eccentric, but preposterous and antithetical to dignified democracy because it insists that three House terms is the only permissible option. If U.S. Term Limits", and I am continuing to quote Mr. Will, "merely espouses this position, it could simply be disregarded as a collection of cranks. What makes it deeply subversive of the term limits movement is its attempt to enforce its three-year House term fetish by using a device that degrades what the movement seeks to dignify—the principle of deliberative representation."

"Last November", he goes on to say, "in 9 States with 30 House Members, 19 of them Republicans, whose party platform endorses term limits, U.S. Term Limits sponsored successful campaigns to pass pernicious initiatives. These stipulate precisely the sort of term limits measure for which those States' Members should vote and further stipulate that unless those Members vote for them and only for them, then when those Members seek reelection, there must appear next to their names the statement, "violated voter instruction on term limits."

"More than 70 percent of Americans favor the principle of term limits without having fixed, let alone fierce, preferences about details. But U.S. Term Limits, tendentiously presenting meretricious evidence, baldly and farcically asserts that Americans believe that term limits involving 6-year House terms is not worth having. Because of U.S. Term Limits' coercive device of instruction, there may have to be a dozen votes, which probably will happen, this week on various term limits amendments to the Constitution. And U.S. Term Limits' ham-handedness probably will produce a decline in the votes for the most popular proposal: 6 House and two Senate terms, or 12 years, I might add, in each body. No measure is yet going to receive the 290 votes or 67 Senate votes needed to send an amendment to the States for ratification debates. However, U.S. Term Limits' rule-or-ruin mischief will splinter the voting bloc that last year produced 227 votes for a 12-years-for-each-chamber amendment."

"The thinking person's reason for supporting term limits is to produce something that U.S. Term Limits' instruction of Members mocks: Independent judgment. U.S. Term Limits, which thinks of itself as serving conservatism, should think again. It should think of that noble fountain of conservatism, Edmund Burke. In 1774, having been elected to Parliament by Bristol voters, Burke delivered to them an admirably austere speech of thanks, in which he rejected the notion that a representative should allow "instructions" from the voters to obviate his independent judgment.

☐ 1515

He said, "Government and legislation are matters of reason and judgment," and asked: "What sort of reason is that in which the determination precedes the discussion?"

In the 1850's some Abolitionists were interested less in effectiveness than in narcissistic moral display, interested less in ending slavery than in parading their purity. The abolition of slavery required someone [Lincoln] who was anathema to fanatical abolitionists. Similarly, restoration of deliberative democracy will require patient people, not USTL's exhibitionists.

I quoted liberally from Mr. Will, though not his entire text, which will appear, as we said earlier, at the end of these remarks. I think he stated it very well.

Let us hope tomorrow as we debate term limits the debate is civil, and that our Members debate the merits of the various proposals. But understanding that, if we do parade before this body and the country nine separate proposals in addition to the underlying 12 years in the House, 12 years in the Senate, House Joint Resolution 2, that we are doing that because of this rather bullying tactic of U.S. term limits, this self-defeating effort that they are making to try and somehow bring attention to this cause.

It is very obscure to me as to what they think they are going to achieve in this process, other than gridlock on the term limits movement. I would urge my colleagues all to seriously weigh this when they vote tomorrow, and as many as possible who do not feel compelled to follow the instructions in those nine States, take the risk and the chance of facing up to these bullies, and, in the end, after all is said and done, please vote for the passage of the one term limits proposal that is rational and has a chance of ultimately prevailing and being sent to the States for ratification: 12 years in the House and 12 years in the Senate.

I include for the RECORD the article previously referred to.

[From Newsweek, Feb. 17, 1997]

SAVE US FROM THE PURISTS—SOME SUPPORTERS OF TERM LIMITS HAVE DEVISED A TACTIC AT ODDS WITH THE BEST REASON FOR LIMITS

(By George F. Will)

Since the apple incident in Eden, the human race has been disappointing. Hence term limits for Congress may become one of the few exceptions to the rule that when Americans want something, and want it intensely and protractedly, they get it. Only the political class can enact limits, and limits would be unnecessary if that class were susceptible to self-restraint.

That is a structural problem of politics with which supporters of term limits must cope. But the organization U.S. Term Limits is an unnecessary impediment to term limits. As the House votes this week on the issue, consider what happens when a reform movement's bandwagon is boarded by people ignorant of, or indifferent to, the principal rationale for the reform.

USTL is a bellicose advocate of term limits, and, like fanatics through the ages, it fancies itself the sole legitimate keeper of the flame of moral purity. However, it has actually become the career politician's best friend. That is why it was opponents of term limits who invited a USTL spokesman to testify at recent House hearings on the subject. Opponents understand that USTL's obscurantism, dogmatism and bullying embarrass the cause.

The primary argument for term limits is not that, absent limits, there will be a permanent class of entrenched incumbents shielded from challengers by advantages of office. Although incumbents who choose to seek re-election still are remarkably safe—91 percent of them won in the turbulence of 1994 and 94 percent won in 1996—most members of Congress arrived there in this decade. (This rotation in office has been produced partly by something the nation does not wish to rely on—revulsion arising from scandals and other malfeasance.) And the primary argument for term limits is not that Congress is insufficiently "responsive" and hence must be made "closer to the people." Rather, the primary argument is that we need "constitutional space" (the phrase is from Harvard's Harvey Mansfield) between representatives and the represented.

Term limits are a simple, surgical, Madisonian reform. By removing careerism—a relatively modern phenomenon—as a motive for entering politics and for behavior in office, term limits can produce deliberative bodies disposed to think of the next generation rather than the next election. This is the argument favored by those who favor term limits not because of hostility toward Congress, but as an affectionate measure to restore Congress to its rightful role as the First Branch of government. This would put the presidency where it belongs (and usually was during the Republic's first 150 years), which is more towards the margin of political life.

Intelligent people of good will differ about whether term limits are a good idea, and supporters of limits differ concerning the appropriate maximum length of legislative careers. Most supporters consider six House and two Senate terms a temperate solution. It is symmetrical (12 years in each chamber) and allows enough time for professional learning, yet removes the careerism that produces officeholders who make only risk-averse decisions while in office. USTL is not merely eccentric but preposterous and antithetical to dignified democracy because it insists that three House terms is the only permissible option.

If USTL merely espoused this position, it could simply be disregarded as a collection of cranks. What makes it deeply subversive of the term limits movement is its attempt to enforce its three-House-terms fetish by using a device that degrades what the movement seeks to dignify—the principle of deliberative representation. Last November in nine states with 30 House members (19 of them Republicans, whose party platform endorses term limits) USTL sponsored successful campaigns to pass pernicious initiatives. These stipulate precisely the sort of term limits measures for which those states' members should vote, and further stipulate that unless those members vote for them and only for them, then when those members seek re-election there must appear next to their names on the ballot this statement: "Violated voter instruction on term limits."

More than 70 percent of Americans favor the principle of term limits without having fixed, let along fierce, preferences about details. But USTL, tendentiously presenting meretricious "evidence," baldly and farcically asserts that Americans believe that term limitation involving six House terms is not worth having. Because of USTL's coercive device of "instruction," there may have to be a dozen votes this week on various term limits amendments to the Constitution. And USTL's ham-handedness probably will provide a decline in votes for the most popular proposal—six House and two Senate terms. No measure is yet going to receive the 290 House votes or 67 Senate votes needed to send an amendment to the states for ratification debates. However, USTL's rule-or-ruin mischief will splinter the voting bloc that last year produced 227 votes for a 12-years-for-each-chamber amendment.

The thinking person's reason for supporting term limits is to produce something that USTL's "instruction" of members mocks—independent judgment. USTL, which thinks of itself as serving conservatism, should think again. It should think of that noble fountain of conservatism, Edmund Burke. In 1774, having been elected to Parliament by Bristol voters, Burke delivered to them an admirably austere speech of thanks, in which he rejected the notion that a representative should allow "instructions" from voters to obviate his independent judgment. He said "government and legislation are matters of reason and judgment" and asked: "What sort of reason is that in which the determination precedes the discussion?"

In the 1850s some Abolitionists were interested less in effectiveness than in narcissistic moral display, interested less in ending slavery than in parading their purity. The aboliton of slavery required someone (Lincoln) who was anathema to fanatical abolitionists. Similarly, restoration of deliberative democracy will require patient people, not USTL's exhibitionists.

TERM LIMITS: A SOLUTION FOR A PROBLEM THAT DOES NOT EXIST

The SPEAKER pro tempore [Mr. LATOURETTE]. Under the Speaker's announced policy of January 7, 1997, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I certainly have the greatest respect for the Member who just finished speaking and, in fact, respect him about as much as anybody in this body, but I do disagree with him on this issue. If ever there was a solution for a problem that does not exist, it is term limits for Members of Congress.

First of all, more than half of this House has served just since January of 1993, 4 years or less. One-third has served 2 years or less. There is greater turnover in elective office today than at almost any time in the history of this country.

Second, unlike Federal judges, bureaucrats, and members of the military, the terms of Members of Congress are already limited. We face the voters every other year. We are given only a 2-year term in the House. If the voters do not like what we are doing, they can easily kick us out. Elections are the best term limits ever invented. In fact, it is slightly arrogant for someone to say, I am going to limit myself only to 6 or 12 or some other number of years in office. That decision is only up to the voters, and that is the way it should be.

Actually, if term limits are needed, they are needed more for unelected people than for those who regularly have to be approved by the voters already. Many people say the real power lies in the bureaucracy anyway.

Third, term limits are unconstitutional. They were specifically considered by our Founding Fathers and specifically rejected, for a whole host of good reasons.

Fourth, term limits are undemocratic, with a small d. They would prohibit voters from voting for a candidate who might otherwise be their first choice. They would prohibit good people from running for office. They would take away freedoms that we have always held dear in this Nation.

Fifth, term limits would increase the power of unelected bureaucrats and lobbyists. They would become the real experts, and very few Members of Congress would be able to develop experience and expertise about important matters on which they were expected to legislate.

Six, term limits would hurt small, less populous States. A State like California, with 52 Members, would be able to get far more than its share. Many smaller States gain at least some protection and some benefits if they are represented by Members with some seniority.

Seventh, term limits would cause even more money to be spent on elections. Most people want less money to be spent on election campaigns, not more. Now, some incumbents who are doing a good job and doing what their constituents want do not have to spend huge amounts to be reelected, nor do they have huge amounts spent against them. Term limits would cause big money to play an even greater role in elected politics.

Eighth, and perhaps most important of all, we would never consider applying term limits to any other field. We would never go to a great teacher or doctor or engineer or scientist and say, we know you are doing a great job, but even though we cannot prove it, we have this feeling that we need new blood every 6 years or 8 years or 12 years or whatever, so you have to go do something else. Workers in any other field would scream to high heaven if arbitrary time limits were applied to them, except possibly after a full career. I would say to anyone listening to these words, or who later reads these words: Would you want term limits applied to you?

Ninth, term limits would have cut short the careers of some of our greatest legislators. People like Howard Baker, Everett Dirksen, Sam Rayburn, Robert Taft, Daniel Webster, Henry Clay, George Norris, Robert LaFollette, and many, many others have achieved some of their greatest service after they would have been term-limited out by the proposals that we will vote on tomorrow, and several did not become even well known nationally until their later years in office, after they would have been forced out of office by the proposals we will vote on tomorrow. John Kennedy in this country and Winston Churchill in Great Britain would have been term-limited out before gaining national office under these proposals.

Finally, last but certainly not least, term limits are being pushed primarily for political reasons, not because they are needed or are good public policy. There is a great deal of hypocrisy, demagoguery and outright political posturing on this issue. Many elected officials pushing term limits are doing so just as a way to gain higher office. If an officeholder says he believes in a 6-year term limit, ask him if he will leave public office and never run for another public office after 6 years. If he really believed in term limits, he would return to the private sector and not just use advocacy of term limits as a way to gain higher office.

If you really want to see someone squirm, Mr. Speaker, ask your State legislator or any officeholder supporting term limits, will you limit yourself to 6 years in public office or are you just promoting this so you can run for higher office?

Mr. Speaker, I have been told that Mexico is the only Nation that presently has term limits for its national legislators. I do not think many people would hold Mexico up as the best example of good government for us to follow.

Mr. Speaker, as I said at the beginning of this talk, term limits solve a problem that does not exist. We should let the voters decide, and not just arbitrarily limit their choices.

NINE PROPOSED RESCISSIONS RELATING TO BUDGET RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–44)

The SPEAKER pro tempore [Mr. LATOURETTE] laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report nine proposed rescissions of budgetary resources, totaling $397 million, and one revised deferral, totaling $7 million.

The proposed rescissions affect the Departments of Agriculture, Defense-Military, Energy, Housing and Urban Development, and Justice, and the General Services Administration. The deferral affects the Social Security Administration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 1997.*

REPORT ON CANADIAN WHALING ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–45)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and the Committee on Resources and ordered to be printed:

To the Congress of the United States:

On December 12, 1996, Secretary of Commerce Michael Kantor certified under section 8 of the Fishermen's Protective Act of 1967, as amended (the "Pelly Amendment") (22 U.S.C. 1978), that Canada has conducted whaling activities that diminish the effectiveness of a conservation program of the International Whaling Commission (IWC).

The certification was based on the issuance of whaling licenses by the Government of Canada in 1996 and the subsequent killing of two bowhead whales under those licenses. This message constitutes my report to the Congress pursuant to subsection (b) of the Pelly Amendment.

In 1991, Canadian natives took a bowhead whale from the western Arctic stock, under a Canadian permit. In 1994, Canadian natives took another bowhead whale from one of the eastern Arctic stocks, without a permit.

In 1996, under Canadian permits, one bowhead whale was taken in the western Canadian Arctic on July 24 and one bowhead whale was taken in the eastern Canadian Arctic on August 17. The whale in the eastern Arctic was taken from a highly endangered stock. The IWC has expressed particular concern about whaling on this stock, which is not known to be recovering.

None of the Canadian whale hunts described above was authorized by the IWC. Canada withdrew from the IWC in 1982. In those instances where Canada issued whaling licenses, it did so without consulting the IWC. In fact, Canada's 1996 actions were directly contrary to IWC advice. At the 1996 Annual Meeting, the IWC passed a resolution encouraging Canada to refrain from issuing whaling licenses and to rejoin the IWC. However, Canada has recently advised the United States that it has no plans to rejoin the IWC and that it intends to continue granting licenses for the taking of endangered bowhead whales.

Canada's unilateral decision to authorize whaling outside of the IWC is unacceptable. Canada's conduct jeopardizes the international effort that has allowed whale stocks to begin to recover from the devastating effects of historic whaling.

I understand the importance of maintaining traditional native cultures, and I support aboriginal whaling that is managed through the IWC. The Canadian hunt, however, is problematic for two reasons.

First, the whaling took place outside the IWC. International law, as reflected in the 1982 United Nations Convention on the Law of the Sea, obligates countries to work through the appropriate international organization for the conservation and management of whales. Second, whaling in the eastern Canadian Arctic poses a particular conservation risk, and the decision to take this risk should not have been made unilaterally.

I believe that Canadian whaling on endangered whales warrants action at this time.

Accordingly, I have instructed the Department of State to oppose Canadian efforts to address taking of marine mammals within the newly formed Arctic Council. I have further instructed the Department of State to oppose Canadian efforts to address trade in marine mammal products within the Arctic Council. These actions grow from our concern about Canada's efforts to move whaling issues to fora other than the IWC and, more generally, about the taking of marine mammals in ways that are inconsistent with sound conservation practices.

Second, I have instructed the Department of Commerce, in implementing the Marine Mammal Protection Act, to withhold consideration of any Canadian requests for waivers to the existing moratorium on the importation of seals and/or seal products into the United States.

Finally, the United States will continue to urge Canada to reconsider its unilateral decision to authorize whaling on endangered stocks and to authorize whaling outside the IWC.

I believe the foregoing measures are more appropriate in addressing the problem of Canadian whaling than the imposition of import prohibitions at this time.

I have asked the Departments of Commerce and State to keep this situation under close review.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 10, 1997.*

BLACK HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from California [Ms. WATERS] is recognized for 60 minutes as the designee of the minority leader.

Ms. WATERS. Mr. Speaker, I come today to open a discussion and create a forum right here on the floor of the House on African-Americans. We are, in the month of February, proudly celebrating American life and history for African-Americans.

We come today to take this time to talk about the contributions of African-Americans, to talk about the struggle of African-Americans, to identify and to celebrate the many contributions that African-Americans have made to this country and this world.

Back in 1926, Dr. Carter G. Woodson, a Harvard Ph.D. who had 11 years earlier founded the Association for the Study of Afro-American Life and History, initiated what was known as Negro History Week. It was Dr. Woodson's hope that through this very special observance, all Americans would be reminded of their ethnic roots, and a togetherness in U.S. racial groups would develop out of a mutual respect for all backgrounds.

Now we have expanded Negro History Week to Negro History Month, so the entire month of February you will see programs and activities all over America. You will see children in elementary schools identifying the contributions of African-Americans to this Nation. You will witness plays, you will see poems written, all kinds of activities basically focusing on the work, the life, the history, and the times of African-Americans.

□ 1530

I come today to share this time with the Members of the Congressional Black Caucus and others who would like to give their observations and to do their documenting of those events and those individuals who have been central and important to the development of African-Americans in this Nation.

It is with that that I will yield to the gentleman from Chicago, IL [Mr. DAVIS], one of our new Members in the House of Representatives, who has come today to share in this very special moment and to give his observations on the life and times of African-Americans in this Nation.

Mr. DAVIS of Illinois. Mr. Speaker, the United States of America is indeed a strong, vibrant, diverse, and great Nation. Much of its strength, character, and greatness stems from the fact that it is rich in diversity.

We are America, a nation that is made up of many different individuals and groups who have contributed significantly to its growth and development.

During the month of February, yes, we celebrate African-American or Black History Month, a period which we set aside to take special note and highlight the accomplishments and achievements of African-Americans who have excelled or made noteworthy contributions.

Mr. Speaker, I should take this opportunity to highlight some of the outstanding African-Americans who grew up in, lived, and/or worked in the district which I am proud to represent, the Seventh Congressional District of the State of Illinois, one of the most diverse districts in the Nation. Downtown Chicago, Chinatown, the Gold Coast, the Magnificent Mile, housing developments like Cabrini, like Rockwell, Abla, the West Side of Chicago, home of the riots, suburban communities, Oak Park, Maywood, Bellwood, Broadview.

It became a focal point of the Negro Free Speech Movement in the 1890's. At that time it was home to one of the most famous black female journalists of all times, Ida B. Wells Barnett.

It was the last port of entry for African-Americans leaving the South in large numbers, migrating to the North, the Northeast, and the Midwest.

It has been a launching pad for many black firsts. The first black woman to receive an international pilot's license, Bessie Coleman, lived there. The world renowned chemist Dr. Percy B. Julian, the holder of 19 honorary doctorate degrees, an individual who helped to shape medical research procedures, lived there.

The famous black daily newspaper, the Chicago Daily Defender, was founded there by Robert Abbot with $25 and a typewriter at his kitchen table.

Johnson Publishing Co., Ebony, Jet, and other components of the business founded by Mr. John H. Johnson and now operated by his daughter, Ms. Linda Johnson Rice, operates in the Seventh District.

Parker House Sausage Co.'s president, Daryl Grisham, lived in the district. Oprah Winfrey, that everybody in America knows, operates out of the Seventh District. Marva Collins, founder of the Westside Prep School and Paul Adams, principal of Providence-St. Mel College Prep, two of the most successful educators in the country today, live and work in the district.

Earl Neal, one of the top attorneys in the Nation, lived and worked in the district. Jewel Lafentant-Mankarious, the first black woman to become Deputy Solicitor General of the United States of America, lived in the district.

The district has been home to the practice of Dr. Maurice Robb, one of the foremost ophthalmologists in the Nation. It has produced star athletes like Mark Aguirre, Isiah Thomas, Kevin Garnett, Daryl Stingley, Michael Finley, Glenn Rivers, Hershey Hawkins, Russell Maryland, Mickey Johnson, Otis Armstrong, and others.

Michael Jordan and Scottie Pippin have perfected their craft in the Seventh District. And when we see children playing in the James Jordan Boys and Girls Club, you see greatness at work. The renowned writer, producer, and actor, Robert Townsend, grew up in the district.

This inner city district has produced the likes of Jerry (Iceman) Butler, Ramsey Lewis, Tyrone Davis, Alvin Cash, Gene Chandler, the Brown Brothers, the Family Jubilee, Vernon Oliver Price, the Thompson Community Singers, Angela Spivey, and other great entertainers; nationally renowned African-American ministers like the Reverend Clay Evans, Bishop Louis Henry Ford, Rev. Harry McNelty, Rev. Wallace Sykes, Rev. Johnny Miller, Rev. Clarence Stowers, Rev. Charlie Murray, Rev. Jimmie Pettis, Rev. Albert Tyson, Rev. August Minor, and others all live in the district.

I have spoken of contemporaries. I have made a point to do so because so often when we talk about history, we forget about those individuals who are struggling each and every day in an effort to make history real. And so all of the individuals, the people who struggle on a daily basis, who work with our children, who work with our seniors, the chairpersons of local advisory counsels, of public housing units and public housing developments, all of these individuals are my heroes and sheroes. They are my heroes, Mr. Speaker, they are my heroes because they understand what Fred Douglass taught when he suggested that struggle, struggle, strife, and pain are the prerequisites for change. They understand that if there is no struggle, there is no progress. And so Black History Month reminds us that when we glory in the struggle, all of America can rejoice in the victory.

So, yes, African-Americans have indeed contributed and African-Americans have indeed made progress. But I tell you, Mr. Speaker, we must continue to struggle to keep affirmative action alive. We must continue to struggle so that we can prevent redlining. We must struggle for equal protection, for help for the helpless and hope for the hopeless. We must struggle for a livable wage so that as individuals work, they can earn enough to take care of their basic needs.

So, yes, we have made great progress. And as James Weldon Johnson would say, Stony has been the road we have tred, bitter the chastening rod, felt in the days when hope unborn had died, but with a steady beat, have not our weary feet brought us to the place for which our fathers sighed.

Mr. Speaker, we have come over ways that with tears have been watered. We have come treading through the blood of the slaughtered, out from the gloomy past until now we stand at last where the white gleam of our bright star is cast.

I know, Mr. Speaker, that as we celebrate African-American history month, as we face the rising Sun of our new day begun, I am confident that with the leadership of the gentlewoman from California [Ms. WATERS] with the togetherness of the caucus and with the activation of Americans all over this land, as we face the rising Sun of our new day begun, I am confident that we shall march on till the victory is won.

I thank so much the gentlewoman from California.

Ms. WATERS. Mr. Speaker, before moving onto our next presenter, I would like to again take a moment to thank our colleagues who are joining me in the House Chamber today. Again, I would like to reiterate, we gather to mark the congressional observance of Black History Month. I join my colleagues in the Congressional Black Caucus and our colleagues on both sides of the aisle as we acknowledge the contributions of African-American men and women to the building and shaping of this great Nation. African-Americans have a history which is inextricably woven into the economic, social and political fabric of this Nation.

In 1926, the late Dr. Carter G. Woodson really understood that African-Americans were not receiving proper recognition in history for their contributions. To alleviate this, Dr. Woodson proposed setting aside one week during the month of February to commemorate the achievements of African-Americans. In 1976, the observance was changed to Black History Month. As we mark the 1997 observance of Black History Month, we do so with great appreciation to Dr. Woodson for his foresight and leadership.

The Association for the Study of Afro-American Life and History, which Dr. Woodson founded, is responsible each year for establishing the theme for our Black History Month observance. This year the organization has selected as our theme African-Americans and civil rights, a reappraisal. This theme allows us to examine how far we have come in the struggle for civil rights. I am pleased to join my colleagues as we chart our progress and acknowledge the contributions of African-American men and women to the history of the struggle.

Mr. Speaker, I stand here as the chair of the Congressional Black Caucus. Traditionally, we have witnessed at this moment the presentation and the leadership of one of our great leaders in the Congressional Black Caucus. He is here with us today, and he has decided that he shall let us go forward and he will sit by and guide us, as we attempt to make this presentation today. It is my great pleasure to attempt to carry on in the fine tradition of our leader, Congressman STOKES, from the great State of Ohio.

With that, Mr. Speaker, I yield to the gentlewoman from the Virgin Islands, Ms. CHRISTIAN-GREEN, one of our new Members who will share with us her observations of black history.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I want to thank my colleagues, the gentleman from Ohio [Mr. STOKES], the gentleman from New York [Mr. OWENS], and the gentlewoman from California [Ms. WATERS], Black Caucus chair, for organizing this special order and affording me this time to say a few words in recognition of Black History Month and the contributions that people of color have made to this Nation and to the world.

In keeping with this year's theme, African-Americans and civil rights, a reappraisal, I wanted to address reappraisal by especially highlighting and honoring the contributions of Virgin Islanders, the people from the district that I represent. We in the Virgin Islands are proud of our history. The revolt by African slaves on our smallest island of St. John in 1733 is one of the earliest successful revolutions in this hemisphere.

□ 1545

On St. Croix our own Moses Gottleib Buddhoe, along with Anna Heegaard, were credited with playing a major role in bringing about our emancipation in 1848, more than 10 years before our sisters and brothers on the mainland. In 1878, three women, Queen Mary, Queen Agnes, and Queen Mathilda, continued the quest for civil rights and led a "firebun" revolt for fair wages. Later, in 1916, D. Hamilton Jackson and others continued the struggle for increased rights for Virgin Islanders, resulting in better working conditions and freedom of the press.

Many of our firsts have largely gone unrecognized. For example, we had the first black female president of a U.S. State legislature in Senator Ruby Margaret Rouss, and the first African-American woman to be a U.S. Attorney General in J'Ada Finch Sheen.

We look back with pride at our first elected Governor, Dr. Melvin H. Evans, the first African-American to be elected Governor under the U.S. flag. He was also a Member of Congress and a member of the Congressional Black Caucus from 1978 to 1980.

My father, Judge Almeric L. Christian, was our first native Federal district court judge.

We have also shared our heroes and their contributions with our Nation at large.

Before the relationship between the United States and the Virgin Islands began in 1917, Virgin Islanders migrated to the United States for education, for economics or to join family and friends already located here.

Late in the 19th century and early in the 20th, renowned pan-Africanist Edward Wilmot Blyden, whose written works were a mainstay of African-American intellectuals, was born on St. Thomas. His contemporary, Hubert Henry Harrison, known as the Black Socrates, a native of St. Croix, was well-known for his soap box lectures in Harlem. His were some of the words that fueled the careers of many early workers for civil rights, including Marcus Garvey.

Frank R. Crosswaith, a native of Frederiksted, St. Croix, was an early crusader for the integration of Negro workers in the labor movement. His work channeled thousands of African-American workers into many unions, including those in the AFL-CIO.

It was a Crucian mother who gave us Arthur Schomburg, who collected and preserved many important works by African-Americans during the Harlem Renaissance; and it was St. Thomas that produced the "Harlem Fox," J. Raymond Jones, widely known for his rise through and contributions to the New York City political establishment in the first half of this century.

There are many more, such as Roy Innis of St. Croix, national chairman of the Congress of Racial Equality; and others too numerous to mention who served in the movement in the '40's, '50's, '60's, '70's and even today as students, as marchers, workers, and as other average everyday Americans who made their contributions to the furtherance of civil rights.

It is important for us to recognize that the history of African-Americans is still being written by our hands. As we celebrate this month, we acknowledge that there is still much to be written. And let it be written that we extended health care to everyone; that we educated our children well and kept them safe; and that we rid our communities of drugs.

As we owe this to our forbearers and to those who we now nurture, let it also be written that we saw to it that the celebration of our history, which was once compressed into 1 month, was finally woven into the fabric of everyday American life.

We in the Congressional Black Caucus consider it our solemn duty to keep this history, our history, alive, hopeful and full of the greatness that is deserving of our people.

I thank the gentlewoman for the opportunity to say these few words.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I thank the gentlewoman for this time. I want to express my sincerest thanks for my colleagues, the gentleman from Ohio, Representative LOUIS STOKES, and the gentlewoman from California, MAXINE WATERS, for giving me the opportunity to participate in this special order commemorating Black History Month. The trials and tribulations of the African-American people stand as a needed reminder of America's past and the promise of our future as a Nation. And while the days of slavery and social segregation are over, our country continues to face challenges engendered by racism and ignorance.

People from the Territories, the people of Guam, can certainly relate to this disenfranchisement and discrimination when it comes to the level of participation that we are granted within our own Federal system. We do not have complete representation in the House of Representatives, we do not have any representation in the Senate and we do not even vote for the President.

Many years ago Joshua Fishman, the noted linguist, in writing about ethnic relations in America, stated that other minorities in the 1960's got the black disease. By implication this disease was the affliction nonblack minorities contracted after black Americans became conscious of their roots and justifiably defiant in their pride about their origins and their many contributions to American society.

I am proud to say that I was afflicted with this so-called disease in the 1960's, and that the efforts to raise awareness about black Americans not only brought into appropriate line the perceptions and the understandings of black Americans in American society but certainly opened the society to issues surrounding other minorities in this country.

In the context of American history, black heroes and she-roes, to borrow a term from an earlier Speaker, are everyone's property. We all share and we all take inspiration in and we are all motivated by the statements and the actions of a Frederick Douglass, a Malcolm X, a Martin Luther King, a Harriet Tubman or even a MAXINE WATERS.

I know this from my own personal growth as an individual from a faraway island that has not been fully recognized for its contributions and relationship to this Nation. And I know this from my own intellectual growth and the efforts of my people in struggling with the issues of identity and participation and citizenship, in its battle with discrimination, racism and ignorance.

We have much to be grateful for in the commemoration of Black History Month. All of us, black and white and all the colors, which make up the fabric of our great social and political experiment which we label the United States.

And we must be ever mindful of the fact that Black History Month is more than the celebration of individuals who did well. It is the commemoration of a people's struggle to be great despite all of the odds laid before them. I take pride in that struggle, and the people of Guam, I think, continue to be inspired by it.

I cannot emphasize strongly enough how much the civil rights movement benefitted all other minority groups in the United States. And for the people of Guam this meant a push for more self-government and a demand for the resolution of injustices that have occurred throughout the past.

We on Guam also want to celebrate Black History Month with our small but vibrant black community. Several long-time black Guamanians have influenced the community in very special ways.

Fred Jackson of Mangilao is a pioneer businessman on the island, having opened the first black-owned business on Guam in the 1970's. His wife, Dr. Marilyn Jackson, is a respected educator, having taught in many of the island's public schools. And Mrs. Claudette McGhee is yet another pioneer, having been one of the first equal employment opportunity counselors on the island. I also want to finally draw attention to the first black Guamanian Attorney General in the government of Guam, Jack Avery, and Guam's current Attorney General, Calvin Halloway, a long-time island resident and good personal friend.

Mr. Speaker, it is indeed a great day when the entire Nation recognizes the achievements and influence of black communities and individual African-Americans throughout the United States of America. I hope that our efforts in educating the public into embracing equality and basic civil liberties will provide a base upon which we will eventually triumph in our battle against racism and its accompanying politics of division and destruction.

Ms. WATERS. Mr. Speaker, I thank the gentleman from Guam [Mr. UNDERWOOD] and I yield to the gentleman from the State of Georgia, the Honorable JOHN LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my colleague, the gentlewoman from California, MAXINE WATERS, for yielding me this time and for calling this special order, along with the gentleman from Ohio, LOU STOKES.

I want to thank MAXINE WATERS, our colleague, the new chairperson of the Congressional Black Caucus, for her leadership, for her vision, for bringing to the caucus a sense of vigor and vitality.

Mr. Speaker, I am honored to be here today to celebrate Black History Month; to talk about the civil rights movement and all that it has accomplished. Thirty-two years ago blacks in the South could not vote. I could not vote. Blacks were not allowed in the same restaurant as whites, the same hotels as whites. Blacks were not even allowed to drink from the same water fountain as whites.

Growing up in rural Alabama, in the heart of the black belt, I grew up surrounded by the signs that divided our world: white waiting, colored waiting; white men, colored men; white women, colored women.

In the 1960's, during the movement, all of this changed. People from all across our country, men and women, young and old, black and white, red, yellow and brown, came to the South. They came to change the world and they succeeded. We succeeded. The Civil Rights Act of 1964 and the Voting Rights Act of 1965 changed our country. It changed our world. It is a better place. It is a more inclusive place.

So it pains me today to hear people attack these laws. It pains me to hear politicians say that these laws have done more to divide our country than to unite it. These people do not know what they are saying. They do not know how far we have come.

To those who say these laws do not work, I say "Walk in my shoes." I have seen the progress. I have seen us grow as a Nation and as a people. I have seen a poor black man, denied the right to vote, become a Member of Congress because of these laws.

It is not the laws that divide, it is people who divide. It is politicians playing the race card to win votes. It is politicians who attack any solution to the racism that still exists in our society. It is people who ignore the racism and attack those who offer solutions and work to overcome the racism that is still with us.

Yes, Mr. Speaker, we have made great progress as a Nation and as a people. The Civil Rights Act and the Voting Rights Act have made us equal under the law, but we are still not equal. The scars and stain of racism still plague our society.

We must speak up against those who see the world as rich against poor, black against white, us against them. We have heard the political speeches, seen the political ads. They fan the flames of racism, the racism that burned dozens of black churches to the ground last year.

My colleagues, thanks to the civil rights movement, we are all equal under the law. We have come a long way toward being in a country where all men and women are created equal. We have come so far because of the movement, because of the laws, not in spite of them.

It is time, Mr. Speaker, for us to speak openly about race. We must redirect the priorities of our Nation. We must use our resources not to divide but to bring together, not to tear down but to uplift, not to oppress but to set free.

We, every one of us, have a moral obligation, a mission and a mandate from the spirit of history, from our fallen martyrs, Martin Luther King, Jr., Medgar Evers, James Chaney, Andy Goodman and Mickey Schwerner. We have an obligation to work for hope and opportunity for all, to build upon the civil rights movement, to build upon its legacy which has brought us here today.

Yes, Ms. WATERS, as I said earlier, we are a better nation, a better people because of the civil rights movement.

□ 1600

We are in the process of laying down the burden of race, but we must do more. We must continue to fight injustice wherever it rears its ugly head. And we must continue to dialogue between all men and women of good will. I thank the gentlewoman again for holding this special order.

Ms. WATERS. I thank the gentleman from Georgia.

Mr. Speaker, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I am overwhelmed by the remarks of the gentleman from Georgia [Mr. LEWIS] and those of all of our other colleagues who have spoken in tribute to Black History Month. I want to thank the gentlewoman from California [Ms. WATERS] for having this special order, more importantly for her incredible leadership on issues of concern to our country, which as our colleague says, in promoting civil rights and equal justice and equal economic opportunity, helps make our country grow. So I thank you for that, MAXINE, and to Mr. LEWIS, and I am tempted to call him chairman, I hope I will again, LOU STOKES from Ohio for his great leadership over so many years in this Congress and in our country.

Mr. Speaker, I rise today joining these distinguished leaders and many others in the room to celebrate Black History Month and the history of the civil rights struggle by remembering the life of a man who dedicated his life to peace and civil rights, Dr. Carlton Goodlett, physician, civil rights activist, newspaper publisher, champion of world peace and San Franciscoan. Dr. Goodlett, who was 82 when he passed away just this January 25, established his medical practice in San Francisco in 1945 and also became an aggressive civil rights advocate. He would associate himself with that characterization of aggressive.

His role as president of the local branch of the NAACP represented the start of a long and fruitful public service. Dr. Goodlett denounced police brutality, demanded improvements in public housing, exposed the exclusion of Jews and African-Americans from the draft boards in San Francisco and often single-handedly demonstrated against restaurants that refused to serve people of color.

In 1948, Dr. Goodlett joined with a partner to purchase The Reporter, a community weekly newspaper which then overtook its competitor to become the Sun Reporter. Perhaps you have heard of it. It is a very famous newspaper in our area. Under Dr. Goodlett's stewardship, the Sun Reporter became the main African-American newspaper in northern California. Anybody who wanted to be involved in politics in our area had to go see Dr. Goodlett, and he always, if not his endorsement, always gave very good advice.

Dr. Goodlett juggled many activities and passions but never dropped a ball. In addition to his achievements in medicine, publishing and civil rights activism, he also placed himself directly at the forefront of liberal causes with his activity in the Democratic Party. Are we allowed to say the Democratic Party on the floor of the House? Is that partisan?

In 1950 he joined with my predecessor, the great Representative Phillip Burton, in founding the San Francisco Young Democrats. He put his heart into supporting the campaigns of candidates he believed in, like Phillip Burton, John Burton and Willie Brown, our current mayor of San Francisco.

On Friday, we all participated in Dr. Goodlett's memorial service. Three generations at least of Californians and Americans were present there. It was a joy to see the elderly join with the young people and talk about how they had received hope from Dr. Goodlett. They joined our distinguished colleague, Congressman DELLUMS, who gave the eulogy and summed it up with his usual eloquence when he stated, "Carlton had zero tolerance for injustice * * * And he helped me understand that I am not only a citizen of the Bay Area or the United States. I was a citizen of the world. Now, I look and wonder, where are the new Carltons? Who will rise to take his place?"

Dr. Goodlett's presence was deeply felt. His absence will be felt equally. He was a man who did many things, all of them well. As we celebrate Black History Month, we need look no further for inspiration than Dr. Carlton Goodlett. He was a renaissance man who mobilized the intellectual resources of his area to fight for civil rights. He was a healer, a mentor, a courageous leader, an activist and advocate and truly a citizen of the world. As the world will mourn his loss, we must remember that he is an inspiration to us all.

He was famous in our area. We have other inspirations, maybe not so famous in their own right. One of them that I would like to recognize today is Louise Stokes, mother of her namesake LOUIS STOKES, because she must have been a very remarkable woman. I have heard our colleague LOU STOKES talk about his mother with great pride and affection, but we know how great she must have been to have produced such a magnificent son, Congressman, chairman and another son Carl Stokes, mayor, judge and ambassador, representing our great country abroad. Carl had passed away within the last year and it was a tremendous loss again to all of us, but Louise Stokes is as much an inspiration and as much a leader in the fight for civil rights and justice in our country because of her role as mother in the civil rights movement.

I mentioned that Carlton Goodlett was a leader in the NAACP, and I was so pleased to see our former colleague Kweisi Mfume, the president of the NAACP now, here in the Chamber this afternoon. He indeed is also another answer to the question, who will take Carlton's place.

As we look around and see our colleagues serving in this House from the African-American community, we can be encouraged that the future is bright and, as our colleague Mr. LEWIS so eloquently said, that you will all help to grow our great Nation.

With that, I once again want to commend Congressman WATERS not only for calling this special order but for your leadership, most recently your speech that you made that was on TV at least three times yesterday talking about our budget priorities in our country and providing the kind of leadership that we truly will need so that the hope and the dream of hope will be kept alive for all Americans, regardless of color. Thank you for allowing me to be part of this special order.

Ms. WATERS. I thank the gentlewoman from California.

Mr. Speaker, I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. I thank the gentlewoman from California for yielding, and I thank her for her leadership in drawing us together and following and lifting up both the par excellence leadership of my friend and colleague, the honorable LOU STOKES. I hope he will allow me to do so inasmuch as it gives me a boost up in terms of youth, but I know he will challenge that, that I had the privilege to be tutored by him as a member of the congressional staff of which he was a leader on the Select Committee on Assassinations. So a long time I had the opportunity to watch this gentle giant move in the U.S. Congress.

This is a special day, and, Congresswoman WATERS, as I indicated, I am gratified to join my colleagues for this important occasion to commemorate black history, African-American history, to raise it up, not only as a history of a people of which I certainly am a part of, but to raise it up as a commemoration that should be part of the entire United States of America.

I am honored to have this opportunity to speak to the American public during this time that we have set aside to celebrate the enormous accomplishments of African-Americans in the United States. I must say that 2 minutes do not do justice to the enormous contribution given to our Nation by African-Americans, but I am gratified of the kindness of the gentlewoman to allow us to spill over.

I am thrilled to stand here on the floor of the House as an American and as an African-American Member of Congress. I am able to stand today, Mr. Speaker, because other brave African Americans stood boldly before me. That is one of the challenges that I offer this afternoon, as the theme becomes a reappraisal to not forget from whence we have come, to never forget that no matter what party you are in, no matter how you may have thought you have achieved, you could not have achieved without the blood and sweat and tears of those who marched before us.

The theme, as I have said, is a reappraisal of the civil rights movement. I want to use my time to herald the accomplishments and contributions of African-American men and women in all facets of our Nation's history.

I can think of no better time than now to let the American people know that it was 126 years ago that the first speech ever delivered by an African-American Representative on the floor of the House of Representatives was given by Jefferson Franklin Long of Georgia on February 1, 1871. He also had the unique distinction of being the first black Congressperson elected from Georgia.

Representative Long probably did not know that in February, 126 years later, we would be informing the American people of his name in honor of his novel achievement. One can only imagine the pride of this former slave as he stood to deliver his speech to his fellow Members of Congress. When he stood he spoke for black people all across America. How proud they were in this period of reconstruction after the Emancipation Proclamation to have someone speak for them.

The subject of his speech centered on his opposition to an alteration of the oath of office for former Confederates who sought to have their political rights restored. Congressman Jefferson Franklin Long set the stage for African-Americans to take their rightful place here on the floor of the House of Representatives, to proclaim to the world their concerns for themselves and the good of the American public.

The voice of Jefferson Franklin Long of Georgia will resound throughout this Chamber for as long as this Chamber exists. It will be a challenge to each and every one of us to recognize that we must never forget from whence we have come. We must always speak for the people that we represent, even though it may be a hard and difficult position to be in. Those who follow in his footsteps continue the spirit of his first breath here on the floor of the House of Representatives. We in spirit echo his voice.

As I take my place here on the floor of the battlefield of democracy to debate the pressing issues that affect every American, I am reminded of the courage that it took for Congressman Long to be the first African-American to speak on this floor. In part it was his courage that today gives me courage to speak on the floor today.

As a female African-American in Congress, I must pause and pay tribute to the African-American woman in whose giant footsteps I now follow. The Halls of Congress were once graced with the presence of Congresswoman Barbara Jordan, who was an African-American woman of many firsts: The first Representative of the then newly created 11th State Senatorial District in Texas, the first African-American to be elected to the Texas Senate since 1883, the first African-American woman ever to be elected to the Texas Senate, the first African-American to serve as the Speaker pro tem of the Texas Senate, the first African-American to serve as Governor for a day in Texas, and the first African-American of the then newly created 18th Congressional District.

As I come to a close, let me point now to the pride that I have in the 18th Congressional District, in Houston, and the State of Texas. First of all we practice and celebrate Juneteenth. That means that yes, we learned of our freedom some 2 years later, but now we have come of age and no one bows their head about celebrating Juneteenth. We are proud to be able to say we learned our freedom in 1865, but we have never, never looked back.

In keeping with the mind of that spirit, let me salute these organizations that have brought about young people and given them the self-esteem that allowed them never to forget their history: The Martin Luther King Center in the 18th Congressional District; Shake Community Center in the 18th Congressional District; the PABA that works with young men who, yes, they want to put on a boxing glove and not put a knife in their hand; and the NAACP, whose first secretary was Christie Adair, a strong and valiant woman; and the Akers Home Citizens Chamber of Commerce that brings about individuals in the Akers Home and all over the city who are interested in economic development.

Certainly let me say that the President called us to challenge education and to have that to be the clarion call. Here is my reappraisal of the civil rights movement as we go forward. It is to challenge African-Americans to remember that now we must do a lot of this ourselves, not go it alone but do a lot of this ourselves.

As endowments are being created all over this Nation by the likes of Texas A&M, Harvard, and Yale, where are we with supporting our educational institutions? I call upon you today to recognize that each of us must support our traditionally black colleges. Why not give $1,000 a year to some college that you support? Why not recognize that in this time of reappraisal we must stand up to the call, we must support education, we must ensure that our young people have the opportunity. Where are you? I hope you are listening.

Finally, as I said, I am glad to join Congresswoman WATERS to be assured that we celebrate black history in a manner that it should be, recognition, commemoration, celebration but also a reassessment and an acceptance of the challenge that we must stand up to the bar. I come to renew my commitment to say that I will not allow institutions to fall, I will support them in the future, and certainly most of all I will be a supporter of our traditionally black colleges and ask all America to support me as well.

Mr. Speaker, I am honored to have this opportunity to speak to the American public during this time that we have set aside to celebrate the enormous accomplishments of African-Americans in the United States. I must say that 2 minutes do not do justice to the enormous contributions given to our Nation by African-Americans.

I am thrilled to stand here on the House floor as an American and as an African-American Member of Congress. I am able to stand today, Mr. Speaker, because other brave African-Americans stood boldly before me.

The theme of this years celebration of black history month is African-Americans and Civil Rights: A Reappraisal.

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The first Representative of the then newly created 11th State Senatorial District in Texas;

The first African-American to be elected to the Texas State senate since 1883;

The first African-American woman ever to be elected to the Texas State senate;

The first African-American to serve as the Speaker pro tempore of the Texas Senate;

The first African-American to serve as Governor for a day in Texas; and

The first Representative of the then newly created 18th Congressional District.

This month in which we celebrate black history, let us remember the awesomeness of those that have come before us and renew our commitment to build on their strong foundation on which we stand.

Ms. WATERS. I thank the gentlewoman from Texas. I yield to the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. I thank the gentlewoman for yielding me this time, in light of the reality that this special order will shortly be coming to an end and with the knowledge that before this month will have concluded, I will have had three special orders through which I will specifically address issues of concern to black history.

While there are those of us who would suggest that the civil rights movement, and it was a crucible in our history, our history in this Nation dating from 1619, and every facet of American life during these special orders will be explored.

☐ 1615

The first of these special orders, Mr. Speaker, will be this coming Thursday, and it will be an indepth look at our criminal justice system and the role which African-Americans have played. I have entitled this particular special order O.J. and Race Entertainment. But I want to take just a minute or so, and a minute is about all that I will need, to pay homage to a particular Member of Congress who finds himself sitting in the House Chamber on this occasion.

I was born, as a matter of African-American history, on March 11, 1965. On March 7, 1965, in our history it is known as bloody Sunday. It is the Sunday that the gentleman from Georgia [Mr. LEWIS], Martin Luther King, Jr., and Jesse Jackson and many others in our history walked across the Edmond Pettis Bridge for the right to vote. Because of the struggle that they engaged in in 1965, I now stand here as the 91st African-American to ever have the privilege of serving in the U.S. Congress. The gentlewoman from California [Ms. MILLENDER-MCDONALD] has the privilege of being the 92d, and the gentleman from Maryland [Mr. CUMMINGS], the 93d.

Because of a struggle that our foreparents engaged in, it made it possible for us to serve in the U.S. House of Representatives to represent disenfranchised and locked-out groups, whether they are African-American or whether they are white or Asian-American or Anglo-American. So, while we will reflect upon the contribution of those who have come before us to make it possible for us to serve, each and every one of us as African-Americans in this institution.

Mr. Speaker, as women in this institution, as Asian-Americans and Latino-Americans in this institution, we owe a tremendous debt of gratitude to the gentleman from Georgia [Mr. LEWIS] and others who made it possible for us to serve.

And so these are some of the contexts that we will place over the course of this month as we look at our history and as we look at the racial debate in our country, as we move from O.J. Simpson to race entertainment and what race entertainment has really done and taken us off of the course of civil rights and fairness for all Americans. I am particularly honored on this occasion to thank Congressman LEWIS for making it possible for me to serve in the U.S. House of Representatives.

Ms. WATERS. Mr. Speaker, I yield to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. You know, as a former South African, I have seen great history made, history made by people who refuse to bow down to the horrors of apartheid, and with many of my colleagues in 1994 in Pretoria, South Africa, we saw the wonder of President Mandela taking the oath of office of President of South Africa; finally, a just South Africa.

Mr. Speaker, history is made by people, by individual people, black history is made by black people, black individuals, and I want to speak today of one of those individuals who makes history every day in my community. Her name is Ruby Haughton. Ruby was the first African-American to be named vice president of a large bank in Oregon, the U.S. Bank. This position would be consuming enough to fill any life, but for Ruby it is just a start. She is a national figure in the fight against diabetes. Her passion for a cure and better treatment for this devastating disease is fueled by her love and admiration for her mother who suffers from diabetes. I understand that passion, as my beloved daughter Amanda suffers with diabetes.

Ruby Haughton has been named to the prestigious National Institutes of Health, the board that oversees grants for diabetes research. She chairs the cultural diversity committee of the American Diabetes Association. Ruby is a member of the Urban League of Portland, the NAACP Portland branch and serves on the United Negro College Fund advisory board of directors.

Ruby Haughton is a role model. Her two sons have been guided by her passion for justice, community service, and personal responsibility. But Ruby's influence must not just touch those who know her, she is far too valuable. She deserves to be recognized for her accomplishments so that all, all of our sons and daughters, can learn from her dedication. She is talented, beautiful, humorous, deeply spiritual, unyielding in her commitment to public service, and unlike so many who are quick to criticize, to judge others, Ruby has neither the time nor the interest in pointing her finger at people. She is too busy extending her hand to help them.

Mr. Speaker, it is an honor for me to count myself as a friend of this great lady.

Ms. WATERS. Mr. Speaker, I thank the gentlewoman from Oregon. I yield to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. To my esteemed chairwoman and to my good colleague, the gentleman from Ohio [Mr. STOKES], we owe both of you a debt of gratitude for giving us this opportunity. I want to thank you, and I want to thank everyone in this great country of ours, especially black Americans who helped to build this country and are now waiting and hoping that justice and freedom will come to everyone.

Certainly the history of people of African descent is interwoven, Mr. Speaker, with the history of America. Since the first Americans arrived on what is now American soil, black Americans have played an important part in the development of this great Nation.

I want to limit my remarks this afternoon to selective passages from historic speeches from black Americans, and I have chosen quite a few. I will mention them to you, but because of time constraints I will only quote two or three of them.

First is a Congressman, Robert B. Elliott, who came to this Congress, Congresswoman Shirley Chisholm, Frederick Douglass, Malcolm X, and the Reverend Jesse Jackson. They are some of my heroes; I have many of them, but they are included, and I want to, as I stand here this afternoon, think about Congressman Robert Elliott. He was one of the 22 African-Americans to serve in Congress during Reconstruction.

His last term in Congress was highlighted by his eloquent support of a civil rights bill designed to secure equality for and prohibit discrimination against African-Americans in all public places. This is what Congressman Elliott said, and I can imagine that each of us could perhaps give this speech now, and I quote him:

> I regret at this day it is necessary that I should rise in the presence of an American Congress to advocate a bill which simply asserts equal rights and equal public privileges for all classes of American citizens. I regret, sir, that the dark hue of my skin may lend a color to the imputation that I am controlled by motives personal to myself in my advocacy of this great measure of national justice. Sir, the motive that impels me is restricted by no such narrow boundary but is as broad as your Constitution. I advocate it because it is right. The bill, however, not only appeals to your sense of justice, but it demands a sense of response from your attitude.

In the end, after a long and very passionate speech, Congressman Elliott's bill was defeated, but he stands in my memory today as fighting the same fight that we are trying to fight here.

And I mention Shirley Chisholm. You know her very well. She is still alive. Those of you who are as old as I am call her "Fighting Shirley," but now she is in Florida. She worked very hard for Head Start. Well, Shirley Chisholm was a great heroine, and she still is. I will not quote from any of her speeches because of time constraints, but I do want you to know that Congresswoman Chisholm went on to really chastise the Congress to say, it was Calvin Coolidge, I believe, who said that the business of America is business, and she went on to sort of challenge them for spending so much money on things that certainly were not for the benefit of the social significance of black Americans.

And of course I choose Frederick Douglass as well. Most of you know the work of Frederick Douglass who was an abolitionist, but he contributed a lot because he was very active politically in the fight for justice in America. A very intelligent man, he called upon America to make the Constitution its mandate in making its righteous laws. And Frederick Douglass said:

> If liberty, with us, is yet but a name, our citizenship is but a sham, and our suffrage thus far only a cruel mockery, we may yet congratulate ourselves upon the fact, that the laws and institutions of the country are sound, just and liberal. There is hope for a people when their laws are righteous.

Frederick Douglass went on to say:

> Who would be free, themselves must strike the blow.
>
> That is why we are all here today. We do not believe, as we are often told, that we are the ugly child of a national family, and the more we are kept out of sight the better it will be. You know that liberty given is never as precious as liberty fought.

My next hero is Malcolm X. It is shown Malcolm was another great black voice. He was a strong leader with a very revolutionary cause, and in his December 31, 1964, speech to a delegation of Mississippi youth Malcolm encouraged these young African-Americans to think for themselves, to recognize their enemies, and to be assured that they were not standing alone.

And Brother Malcolm said, one of the first things I think young people, especially nowadays, should learn is how to see for yourself and listen for yourself and think for yourself. And he went on with this elegance to the end of a farewell and constructive speech.

My last hero as I move along, and I am not forgetting Martin Luther King or any of the greats, but I choose Rev. Jesse Jackson. I am a great advocate and a great lover of Rev. Jesse Jackson because he is a world famous Baptist minister, civil rights activist, and political leader. I followed him from his first time in politics as he ran for the President of this country. Reverend Jackson said:

> We must continue to dream, but the dream of 1963 must be expanded to meet the realities of these times.

Incidentally, the Reverend Jackson told me that our chairwoman, the gentlewoman from California [Ms. WATERS], had a lot of input in his speech for that particular convention.

We must dream new dreams, according to Jesse, expand the horizons of our dreams and remove any ceiling or barrier that would limit our legitimate aspirations. Democracy at its best provides a floor for everyone but imposes limits upon no one. The sky is the limit. Let us continue to dream.

Reverend Jackson went on to say, 20 years ago we came to this hallowed ground of the Lincoln Memorial as a rainbow coalition to demand our freedom. Twenty years later, we have our freedom, our civil rights. On our way to Washington today we did not have to stop at a friend's house or a church to eat or use the bathroom. Apartheid is over. But 20 years later, we still do not have equality. We have moved in. Now we must move up.

I was fortunate enough to have participated with Reverend Jackson at that time.

Twenty years ago, he said, we were stripped of our dignity. Twenty years later we are stripped of our share of power. The absence of segregation is not the presence of social justice or equality.

And that is the end of Reverend Jackson's quote.

I am privileged to be here to thank you and Mr. STOKES for holding this special order so we can share with America the richness of our heritage and the richness of our history.

Ms. WATERS. I thank the gentlewoman from Florida.

Ms. BROWN of Florida. Mr. Speaker, this year as we observe Black History Month we should reflect on the all-out attack that has occurred on civil rights, voting rights, and affirmative action programs. We need to renew our commitment to progress on these political fronts. We have witnessed the Hopwood case in Texas, the attack on affirmative action, as well as a number of majority-minority districts being found unconstitutional and ordered to be redrawn by State legislatures. This happened in my district, the Third Congressional District of Florida, as well as districts represented by Representative SANFORD BISHOP, Representative CYNTHIA MCKINNEY, Representative EVA CLAYTON, Representative MELVIN WATT, and just late last week Representative BOBBY SCOTT, Representative SHEILA JACKSON-LEE, and Representative EDDIE BERNICE JOHNSON. To say the least, the past 2 years have indeed been hostile.

I, and others, would not have the privilege of serving in Washington today, if it were not for the courage and sacrifice of those great leaders who led the way. The progress we, as a race, have made could not have occurred without the groundwork having been laid by great African-Americans like former Supreme Court Justice Thurgood Marshall, educator Dr. Mary McLeod Bethune, tennis great Arthur Ashe, poet Zora Neale Hurston, Gwen Cherry, Mary Singleton, and James Weldon Johnson, composer of the Negro National Anthem.

Let me share with you a little information about Florida's first Member of Congress. In 1879, Josiah Wells was first elected to the U.S. House of Representatives from Gainesville, but his election was challenged and he lost his seat after only 2 months in office. However, by that time, he had already been reelected to a new term. Believe it or not, his next term was challenged after ballots were burned in a courthouse fire. And, thus ended the congressional career of Florida's first black Representative.

Once Reconstruction began, 21 black Congressmen were elected in the South between 1870 and 1901. Following 1901, Jim Crow tightened his grip and it took over for 70 years before another black person would be elected to Congress in the South.

For the first 100 years of American's history, African-Americans did not have the right to vote because they were enslaved. Eventually the Constitution was amended to change the status of blacks from three-fifths of a person to a whole person. Following the Civil War, some African-Americans were able to exercise their right to vote but this lasted for only a brief time. After Reconstruction, things actually worsened and Jim Crow ruled the South. The civil rights movement exploded because African-Americans were fed up with living as second-class citizens in America, "home of democracy."

Dr. Martin Luther King, Jr., and numerous others, sacrificed their lives to have the Voting Rights Act passed into law in 1965. It has, however, taken almost 30 years to implement in the South. The initial reason majority-minority districts were redrawn was because of a long history of violations of the Voting Rights Act.

Following the 1996 congressional elections, many journalists reported that the fact that myself, CYNTHIA MCKINNEY, EVA CLAYTON, MELVIN WATT, EDDIE BERNICE JOHNSON, and SANFORD BISHOP won reelection proved that blacks no longer needed majority-minority districts to be elected to Congress. Therefore, as majority-minority districts continue to be challenged, it is important that we not lose sight of the fact that had it not been for the creation of majority-minority districts through voting rights remedies, it is very likely that many Members of the freshman class of 1992 would not have been elected. Keep in mind it took 120 years before Florida elected another African-American to Congress.

As African-Americans continue to make progress in education, business, and government, there will continue to be attacks. It is important that we continue to press ahead because there are still people who would like to turn back the hands of time and return African-Americans to the back of the political bus. Congress now more closely resembles America than it has in the past.

Furthermore, it is important that African-Americans continue to fight for their right to vote for a candidate of their choice, civil rights, and for affirmative action programs that help promote diversity in the workplace. It is important that we continue to support affirmative action programs because they give qualified minorities and women the opportunity to work in professions they, historically, had not been represented in. While we have made gains, there is still a long way to go.

As we approach the new millennium, it is crucial that young African-American children are prepared and able to walk across that bridge to the 21st century.

Mr. COYNE. Mr. Speaker, I rise today with great enthusiasm to join in this special order to observe and celebrate Black History Month. Black History Month provides Americans with an important opportunity to educate ourselves and our children about the many important contributions that African-Americans have made to our country. The annual observation of Black History Month should also remind us that the legacy of America's greatest tragedy—more than 300 years of slavery and the racial discrimination that was used to justify it—remains with us and must continue to be addressed.

I want to thank Representatives LOUIS STOKES and MAXINE WATERS for organizing this special order today. This special order has become an annual event. It allows Members of Congress to pay tribute to the many African-Americans who have had prominent roles in our country's history. It allows us to recognize, understand, and appreciate the unique nature of the African-American experience in our history. And it allows us to celebrate African-American accomplishments in the arts, sciences, education, business, and politics that have made our country immeasurably richer and more diverse.

Black History Month was the creation of Dr. Carter G. Woodson, a noted African-American historian and educator. Dr. Woodson established the Association for the Study of Afro-American Life and History in 1915 to encourage greater appreciation for the many contributions that African-Americans have made to this country. Dr. Woodson subsequently created Negro History Week as a vehicle for advancing this goal, and this event, which has evolved into Black History Month, has been observed annually since its inception in 1926. Each year the Association for the Study of Afro-American Life and History selects a common issue or theme for consideration during Black History Month.

This year, the association has chosen "African Americans and Civil Rights: A Reappraisal" as its theme. I think that the association has chosen a most timely and important topic. The history of the United States can perhaps best be interpreted as the history of a people's long and often painful struggle to provide the greatest possible experience of civil rights to the largest majority of its citizens. In our pursuit of a more perfect union, we have repeatedly had to broaden the eligibility for membership in that union and to define more perfectly the rights that accrue to its members. A serious reappraisal of our current civil rights policies requires that we look at where we started and how far we have come as well as what we may need to do in the future. I will attempt to provide my own evaluation of the civil rights struggle here today.

While the Declaration of Independence, the Constitution, and the Bill of Rights represented a remarkable advance in democratic self-government—the likes of which the world had never seen before—the society that the early Republic erected around them had a number of major shortcomings. The most glaring and horrifying of these shortcomings was of course slavery.

The next major expansion in civil rights came as a result of the Civil War—slavery was abolished by the 13th amendment, and the 14th amendment to the Constitution was ratified in an attempt to guarantee African-Americans the rights of full citizenship. These constitutional changes, significant and well-intentioned though they were, failed in the end to deliver on their promote of equal rights for all Americans. Despite the temporary gains achieved during the Reconstruction period, African-Americans continued to suffer the ill effects of discrimination, segregation, political disenfranchisement, and—in many parts of the country—outright violence. African-Americans were consistently and systematically denied their civil rights for another 100 years after the abolition of slavery.

World War II marked the beginning of the modern struggle to deliver on the promise of equal rights for African-Americans. In the Civil War, African-Americans had served in large numbers in the Union Army in order to prove their merit and buttress their demands for equality. After some initial and temporary successes, their hopes were dashed. Eighty years later, their descendants still faced discrimination and segregation in the Armed Forces as the United States fought to preserve our own imperfect freedom. Conscious of this glaring inconsistency, the Pentagon began desegregating the military on a trial basis during the war, and President Truman ordered that the Armed Forces be desegregated in 1948.

After the war, the NAACP began an effort to expand civil rights for African-Americans through a series of court challenges. This strategy proved extremely successful in expanding educational and residential opportunities for African-Americans. At the same time, African-Americans brought their civil rights struggle to the attention of the rest of America by directly confronting many of the existing Jim Crow laws. African-American leaders contrasted the accomplishments of African-American servicemen during the war with the discrimination that they still faced at home. Other brave African-Americans risked arrest, imprisonment, and physical violence to challenge such laws. Rosa Parks refusal to abide by such laws in 1955 led to the Montgomery, AL, bus boycott—the first mass protest by blacks in the South. In subsequent years, sit-ins, boycotts, and freedom rides provided important tools for illustrating the need for new civil rights laws.

As the civil rights movement grew and became more successful in the early 1960's, many white Americans began to reconsider their own attitudes about race. Many concluded that Federal action was necessary. As a result of the civil rights movement—and after lengthy and often acrimonious debate—Congress passed the Civil Rights Act of 1964, which prohibited racial discrimination and called for equal opportunity in employment and education, and the Voting Rights Act of 1965, which banned poll taxes and provided Federal supervision of voter registration and elections in places where African-Americans had previously been denied the right to vote. In 1968, Congress passed the Fair Housing Act at the President's request. This legislation prohibited racial discrimination in the sale and rental of housing. These three bills effectively abolished most State and local laws that supported discrimination and segregation.

The experience of these previous generations, however, has affected the current generation as well-decades of discrimination have left many African-Americans today convinced that many opportunities are still denied to them. This perception is not without justification. The long history of racial discrimination in this country has also produced a situation today where many African-Americans start life with fewer resources and further to go than many equally capable white Americans. It seems inconceivable to me that we could step back today and say seriously say that racism and discrimination have been eliminated from our society. While the legal foundation of discrimination and segregation has been obliterated, racism and discrimination—as well as the legacy of generations of racism and discrimination—are still pervasive in our society. African-Americans still face civil rights problems like discrimination, police abuse, and an unreliable system of justice. Consequently, the civil rights struggle must go on. And we still need affirmative action. I thank Representatives STOKES and WATERS and the Association for the Study of Afro-American Life and History for providing us with a forum and a stimulus for discussing this painful but important issue.

Mr. DELAHUNT. Mr. Speaker, I am proud to join with my colleagues in this special order celebrating Black History Month. It is truly a magnificent history—an heroic history if you will. I thought I would take this opportunity to say a few words about a remarkable chapter in that history which is being retrieved and returned to us by a dedicated band of preservationists in Massachusetts.

That chapter concerns the African Meeting House of Nantucket—once a church, a meeting hall and a school for children prevented from attending public school because of their race.

The one-room meeting house was built in the 1820's, and is one of the oldest standing structures of its kind in the United States. It embodies a rich history. When the meeting house was built, Nantucket was a center of a whaling industry in which blacks played an integral part. Among the whaling ships that set sail from the island was the *Industry,* with a black captain named Absalom Boston and an all-black crew. Absalom Boston later became one of the four trustees of the African Baptist Church which was to become known as the African Meeting House.

Absalom Boston's grandfather was a slave name Prince Boston, who took a whaling voyage in 1770. At the end of the voyage, Prince Boston's white master demanded that he turn over his earnings. With the help of a white shipmate, Prince Boston went to court and won his earnings and his freedom, became the first slave set free by a jury verdict. That year, Nantucket freed its slaves, 13 years before the rest of Massachusetts followed suit.

In 1845, the daughter of one of the founders of the meeting house went to court to demand admission to the public high school, and the next year Nantucket became one of the first districts in the country to desegrate its schools. With its strong Quaker tradition, the island became a stronghold of abolitionist sentiment. It was there that Frederick Douglass delivered his first public address before a mixed-race audience.

Once the public schools had been integrated, the meeting house ceased to operate as a school, but continued to function as a vital institution in the community. In 1910 the meeting house was sold to the owner of a trucking business and eventually it fell into disrepair. Now, thanks to the efforts of the Friends of the African Meeting House and the Museum of Afro American History, this extraordinary landmark is due to open to the public in 1998. I can think of no more fitting commemoration of Black History Month, and I commend all of those who have brought this project to fruition. I yield back my time.

Mrs. KENNELLY of Connecticut. Mr. Speaker, one of our great blessings as a nation is our extraordinary cultural diversity. This varied heritage makes the mosaic of American life one of unparalleled richness and beauty. And a key part of that mosaic is our African-American heritage, which we honor and celebrate each February during Black History Month.

No area of American accomplishment or achievement has remained untouched by African-Americans. Educators like Johnetta Cole open minds. Entrepreneurs like Earl Graves create successful businesses. Jurists like Leon Higginbotham protect our rights. And astronauts like Mae Jemison explore the very nature of our universe.

This year, Black History Month's theme is "African-Americans and Civil Rights—A Reappraisal." Today, as our Nation struggles to redefine its commitment to affirmative action and to ensure that all Americans enjoy equal opportunity, we have the chance to reflect on how far we have come and to judge how far we have yet to go. But even as we honor those whose courage and leadership in the cause of equal rights made their names familiar to every American, we should also recognize those who may not be as well known, but who nonetheless have served well.

Such a man was John Stewart, Sr., who was active in the civil rights movement in my own city of Hartford, CT, beginning in the 1920's. He was an original member of the Hartford Independent Political Club, founded in 1928 to advance the political interests of Hartford's African-American community. In the 1950's, he founded the Citizens Community of the North End. In the late 1960's, he became active in High Noon, a group that reached out from the African-American community to other civic and business organizations. Through it all, he worked with the NAACP and the Urban League. This grandson of a slave lived to see his son become majority leader of the Hartford City Council and the city's first African-American fire chief.

But remarkable as he is, he is just one of many extraordinarily talented individuals who worked in the early days of the civil rights struggle in Connecticut. Collin Bennett, entrepreneur and minister, was the first Caribbean American to be elected to the Hartford City Council. At the University of Connecticut, law professor John Brittain has become a national expert on civil rights law. The late State senator Wilber Smith was an eloquent champion of equality and justice who helped Connecticut become the first State to adopt enterprise zone legislation for urban centers. Arthur Johnson, the first executive director of Hartford's Human Relations Commission, presently serves on the Hartford Inquirer's editorial page, his social commentary as insightful as ever. The late Isabelle Blake, a longtime proponent of elementary education and welfare rights, was one of the founders of the Connecticut African-American Day parade. And Elizabeth Horton Sheff, a former member of the Hartford City Council, continues to blaze trails: along with her son Milo, she is leading the quest for equal educational opportunity and better schools for Connecticut students.

Mr. Speaker, American history contains few chapters as inspiring and uplifting as our Nation's struggle to achieve full civil rights for its African-American citizens. The pioneers of the civil rights movement led all of us not only to a more just society, but also to a better understanding of what America was truly intended to be. The enormous debt we owe them should be remembered, not only during Black History Month, but throughout the year. And the best way to honor them is to continue their struggle. Thank you very much.

Mr. KILDEE. Mr. Speaker, in honor of National Black History Month, I rise today to pay special tribute to the African-American people, both past and present, who have made America a better place to live. it is because of their tremendous sacrifice and faith, as well as their educational, economical, and social contributions, that helped make the United States of America the leader of the world.

Our Nation owes its African-American citizen a debt it can never repay. During the Revolutionary War, African-American patriots fought and died defending the civil rights described in the U.S. Constitution before they were allowed to enjoy these rights themselves. In every war since then, African-American people have fought and died with the utmost valor and courage, yet without equal protection under the law. The segregation of U.S. military troops is just one example in a long line of injustices perpetrated against African-Americans in our Nation's history.

Our country learned invaluable lessons from the African-American people who led the civil rights movement in the 1950's and 1960's to eliminate racial barriers. As a schoolteacher, I will never forget hearing Thurgood Marshall speak after the winning the Brown versus Board of Education Supreme Court decision which declared separate but equal was unconstitutional. His work helped open up our schools so children of all races can learn and grow up together. And I was never so proud than seeing Ms. Rosa Parks refusing to give up her seat on that bus in Montgomery, AL. Or watching James Meredith's courageous efforts in desegregating the University of Mississippi.

Every day I try to live by the principles set forth by one of the greatest leaders in history, Martin Luther King, Jr. His teachings of tolerance and nonviolence profoundly changed America. It was the contributions of these great African-Americans, and millions of others, that made out country realize that we can be a better nation and that we must work to end racial bigotry.

As a member of the Michigan State Legislature, I introduced the very first Open Housing Act which outlawed housing discrimination in Michigan. In my 32 years in public office, I have consistently voted in favor of civil rights legislation because I believe out country must grant every person an equal chance to succeed in America. And while we have made significant progress in eliminating racial discrimination in our country, there is no question we still have a ways to go. During this month of observance of Black History Month, let us rededicate ourselves to eliminating discrimination against all people so our country can reach its full potential, and America can truly be the beacon of light for the world.

Mr. WYNN Mr. Speaker, as we celebrate the history and culture of African-American people this month, let us pauses to pay tribute to someone to whom we owe a debt of gratitude for the "first" he provided us. This year marks the 50th anniversary of Jackie Robinson's integration of major league baseball. He was the first African-American allowed to play on a major league team—the Brooklyn Dodgers—with white athletes. A Pasadena, CA, native, he effectively paved the way for African-Americans to be active participants in professional sports.

More importantly, his actions on and off the baseball diamond have served as an example for confronting racial hypocrisy in this country and beyond. The dignity with which he handled racism among his teammates, fans, hotels, and restaurants stirred the conscience of America and held people accountable for their actions. Beyond establishing the black man's right to play baseball, he transcended racial barriers and proved that mutual respect is an essential element of sportsmanship. He was not only an athlete, but a person that truly earned the title of role model. His name continues to live on through the Jackie Robinson Foundation, established by Rachael Robinson in 1973 for the purpose of developing the leadership potential of minority and urban youth.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in recognition of Black History Month.

Since 1976, Americans have celebrated, in the month of February, the accomplishments and heritage of African-Americans. Brought here as slaves, shackled, and beaten, African-Americans now represent 12 percent of the U.S. population, approximately 30 million. Despite many obstacles and hurdles, this large group has made significant achievements in the building and shaping of America.

Most African-Americans have on their list of movers and shakers Crispus Attucks, the first man to die in the Boston Massacre of 1770; Harriet Tubman, the leader of the Underground Railroad; Dr. Martin Luther King, Jr., a drum major for justice; and Rosa Parks, the mother of the civil rights movement. And, the list goes on.

But, if we stop and reflect on where we have gone since the marches and sit-ins and boycotts of the 1960's, have we really gone far?

Despite African-American contributions to society, African-Americans are still not fully recognized for their worth and potential to this Nation. This is ironically portrayed by the title "Black History Month," the time set aside to learn the history of a people. One month cannot capture the infinite historical treasures that African-Americans have embedded into the fabric of this society. A more appropriate title would be "Black Emphasis Month" symbolizing that black history should not be a separate course taught only in February. Rather, we should make daily efforts to correct the history that is taught to our children. Our children deserve to know that their forefathers and foremothers had the creative minds and intellect to make important contributions to this society that we may sometimes take for granted, such as the inventions of the light bulb filament and the traffic light.

Importantly, we should use this month as a time to reflect not only on recognizing the contributions of African-Americans to the American society, but we must also think of February as a month in which we ponder the travesties suffered by an entire race of people.

The battles are not over. Hopwood versus Texas was a blow to many individuals hoping to further their educations. This decision, which rendered admission criteria which take race into account unconstitutional, shattered the hopes and dreams of would-be legislators, attorneys, and teachers.

To be sure, the decision did not raise standards; the intellectual capacity is ever-present. Rather, it took away the incentive, that extra push needed by someone that may be from a broken home or a first-generation college student. This measure tried to kill the aspirations of our Nation's youths. Affirmative action gives those less fortunate than others the initial opportunity to prove themselves—nothing more, nothing less. We will not need race-based criteria once we have the initial opportunity.

In 1996, the Supreme Court, the highest court in the land, struck another blow to minority voters. Bush versus Vera, which declared unconstitutional congressional redistricting plans that gave black and Hispanic voters more clout was a setback because it could ultimately mean that those constituents may have a harder time gaining representation in Congress. Rising to the challenges they faced, many U.S. Representatives, including myself, were not defeated.

However, you must take note that we won reelection because we first had the chance to serve. Affirmative action is that opportunity. Affirmative action is what is needed to first prove yourself. It is needed as a corrective action to change disparities from the past. When such corrective action is taken away, we may not have any more initial opportunities for success. We got the message out to our constituents, and I want to get the message to you today, to see that now more than ever it is a time to stand up for what so many others have died for—our freedom, our rights.

In light of these abhorrent things that are going on today, we must reevaluate, reappraise our civil rights gains. Glass ceilings are not being removed. Affirmative action is being challenged from every angle. We have the opportunity to use these stumbling blocks and make them stepping stones. But we must be active in order to be instrumental in this struggle.

What underground railroad are you leading? Are you a drum major for justice, for peace, for equality? We must look the grim facts in the face. We must not be passive. We must stand up and take charge of our own destinies and take someone else with us. Then, and only then, can we, as a people rise up and fight the injustices that have plagued our people since we stepped foot on American soil.

Mrs. CARSON. Mr. Speaker, I would like to thank the gentleman from Ohio [Mr. STOKES] and the gentlewoman from California [Ms. WATERS] and the other members of the Congressional Black Caucus for allowing me this opportunity.

In celebration of Black History Month, there are literally hundreds of individuals from the past that could be remembered for their achievements for African-Americans. The one I would like to remember today was once a member of this auspicious body, and her work in this Chamber will be remembered throughout history for its honesty and integrity.

Barbara Jordan has often been described as having "the voice of God," one which could shake the rafters if necessary, and one which always weaved a sense of urgency through an audience. Yet Ms. Jordan's legacy lies far beyond her oratorical skills. Her reputation will be one of a role-model for her devotion to public service, her unabashed faith in the Constitution, and her ethical fortitude which is all too rare in today's political climate.

In the summer of 1974, our democracy faced its greatest test, and our Constitution its greatest challenge. As the House Judiciary Committee considered the fate of President Nixon during the Watergate hearings, it was a young African-American woman from Houston, TX, that pointed the way through the fog of the time to the correct path to pursue. Representative Jordan stated in plain language that no one, not even the President, was above the law of the land. Her faith in the Constitution, she said, remained strong despite the fact the Founding Fathers did not originally include her in their definition of "we the people." Subsequently, during one of our Nation's darkest hours, Ms. Jordan helped restore our faith in the foundations of democracy and carried us forward to form a more perfect union.

Following her service in Congress, Ms. Jordan began a second tier of public service by teaching public affairs at the University of Texas. Despite the fact that her body was crippled by multiple sclerosis, her spirit and her mind grew stronger. For over a decade, she taught students at the University of Texas a class on ethics which demanded students search their souls for the answers to tough dilemmas. Ms. Jordan's class was extremely popular despite the difficult reputation it gained, requiring a lottery each semester to select the handful of students to have the honor of taking Ms. Jordan's class. Thus, Ms. Jordan carried on the task of teaching the lessons of citizenship to another generation, and preparing our young people to carry out the tasks so vital to our democracy.

Barbara Jordan passed away a little over a year ago. Her reputation will precede her for years to come. It is important to remember Ms. Jordan today and always as not only a great African-American, but as one of the central figures in American history in the late 20th century. As we took towards the next millennium, with the need for racial harmony and the collective healing of our wounds as tantamount as ever, it is imperative that we look towards the example Barbara Jordan set for all of us. Her standards may have been high on the bar, but they were nonetheless the measuring stick we should all aspire to reach. She defined what it means to be an American for many of us, and her accomplishments will not soon be forgotten.

Mr. HASTINGS of Florida. Mr. Speaker, I take great pride in this opportunity to join the Congressional Black Caucus and other Members of this body to pay tribute to African-Americans who have contributed enormously to this great Nation. I, too, want to thank the gentleman from Ohio, Mr. STOKES, and Representative MAXINE WATERS, chairperson of the Congressional Black Caucus for their efforts in organizing this special order.

As we celebrate Black History Month, we must remember the origins of this celebration, as it dates back to 1926. It was then, that Dr. Carter G. Woodson, a noted historian, and author, initiated the observance of "Negro History Week."

Each February, Dr. Woodson, whose own contributions were inestimable, advocated setting aside a week to honor the achievements of African-Americans. The lives of black Americans have improved since the 1950's, and, indeed, there is no doubt that relations between blacks and whites have improved. However, segregation, poverty, discrimination in jobs, housing, and many related problems continue to persist, and continue to erode the so-called American dream.

Today, we celebrate an America that is more culturally enriched, intellectually developed, and technologically advanced because of the contributions of African-Americans. However, as the 20th century nears it close, there is still widespread ignorance about African-Americans and our contributions to this society.

Of the 40 African-Americans elected to Congress this year, many came from districts supported by black voters. However, the districts were ruled unconstitutional if race was the predominant factor in designing them. But, a 90-percent white congressional district in Texas is ruled constitutional, whereas, a 5-percent black Texas district that sent the late Barbara Jordan to Congress is ruled unconstitutional.

Imagine what kind of effect these and other related issues have on the life and mind of a young African-American who knows less about hope and faith than I do.

Mr. Speaker, the acceptance by some Americans of Dr. King's message—that men should not be judged by the color of their skin but by the content of their character has made it possible for blacks to gain considerable influence in various fields.

For example, in politics, blacks now serve in unprecedented numbers in elected and appointed positions in Federal, State, and local government, including this great body. We have won recognition in such art forms as literature, film, and theater. We have received some of entertainment's highest awards, including the Oscar, the Tony and Golden Globe honors. We have reached the highest levels in professional sports such as basketball, boxing, tennis, football, and track and field. And, in music, we have made significant influence by creating new musical categories and delighting audiences at home and abroad.

These accomplishments are all good news. But they are still not enough.

As we continue to debate affirmative action policies, we realize that the struggle to ensure equal opportunity for African-Americans continues. The real issue is civil rights—civil rights that redeem our fundamental American sense of hope and rights that affirm our basic values and aspirations as a Nation.

African-Americans continue to have an uphill struggle. However, it is my hope that this Nation would heed the words of the late Justice Thurgood Marshall who said: "We will only attain freedom if we learn to appreciate what is different, and muster the courage to discover what is fundamentally the same."

Today, I call on this society to give the ordinary people of this great Nation an equal opportunity, a quality education, and a fair shot at the American dream. Let history record that we in our time faced our challenges remembering who we are and believing that we are more than our brother's keeper.

Mr. VISCLOSKY. Mr. Speaker, I am pleased to participate today in this special order to commemorate Black History Month. As we celebrate the great contributions of African-Americans throughout the history of our country, we can look to the civil rights movement of the 1960's as a pivotal time when what "was" and what "could be" were brought into striking relief through sometimes violent conflict.

The civil rights movement was a period of enormous growth for our country. As a nation we were forced, by great African-American leaders such as Dr. Martin Luther King, Jr., Malcolm X, and others, to examine ourselves and confront the forces of hate and ignorance that were cleaving our society. That tumultuous period is now behind us, and many great things have happened as a result of that struggle. The African-American community was strengthened, and as it was, so was the entire Nation.

As we face the present, and look ahead to the future, however, some stark realities exist. The fact remains that much still needs to be accomplished before true equality and racial harmony is a fact of life in this country. Now, more than ever, we need strong African-American leadership. We must have African-American activists who, like the leaders of the civil rights movement, are able to take action and inspire.

One such activist-leader lives in Indiana's First Congressional District. Mr. James Piggee has been a teacher and coach in the Gary, IN, school system for 30 years, and his activism is unique in that it focuses on educating young black students about their past, while at the same time giving them an opportunity to prepare for the future.

For the past 12 years, Mr. Piggee has been actively involved in organizing and leading the historical black college tour in which over 1,800 students from across the United States have participated. This experience has allowed African-American students to experience various parts of their history and culture as it has developed in traditionally black colleges and universities throughout the country. In addition to gaining an historical perspective on African-American intellectual life, they get a chance to learn about the schools they may one day attend.

One of the many positive results of Mr. Piggee's work is that over 60 percent of the students who participated in one of the tours enrolled at one of the colleges they visited. As part of his work, Mr. Piggee has helped over 500 students secure grants, scholarships, and financial aid to historically black and other colleges and universities in the United States.

Mr. Piggee, who tragically lost his son Marc in a drive-by shooting on November 12, 1996, is an active member in many civic and community organizations in northwest Indiana, including the board of directors of Indiana Black Expo, the State Board of Minority Health Coalition, and Healthy Start. He is a recipient of many distinguished awards, such as the Governor's Voluntary Action Programs and Excellence in Education Award, Indiana University's Outstanding Teacher Award, Gary and Merrillville, IN, Lions Club Teacher of the Year Award, Inland Steel Teacher of the Year Award, Gary Community Corporation Heritage Award, National Council of Negro Women, Gary, IN, Chapter Outstanding Service Award, and the Indiana State Board of Health Outstanding Service Award.

Besides his continued dedication to teaching, Mr. Piggee is also the coordinator of the developing options opportunity for responsible students, or DOORS, program. This program provides an environment that is conducive to the successful transition from high school to secondary education, the military, or the work force.

Mr. Speaker, activists like Mr. Piggee will ensure that, at all levels, the fight for equality will not end. His work should inspire us all to look to the future and know that change is always at hand. His work shows us that what is today, can be better tomorrow. In closing, I would like to commend my colleagues, Representatives LOUIS STOKES and MAXINE WATERS, for organizing this important special order on Black History Month.

Mr. GEPHARDT. Mr. Speaker, I am pleased to rise today with my colleagues in celebration of African American History month. The theme for this year's African American History Month Observance is "African Americans and Civil Rights: A Reappraisal." When we reappraise we take stock, we review, and we measure the value of the item in question. As we reappraise the civil rights laws that we have passed in this body, laws that have helped realize for many of our citizens the promise of equal opportunity embodied in our constitution, I can say without question that they have appreciated in value and are worth more today to our Nation and our people than they were 30 years ago. They are of greater value because we can look back and see how far we have come and recognize that we are a better Nation because of the existence of these laws. Thirty years ago as the fog of racial oppression was only beginning to clear we could not have made such an assessment.

As we make this reappraisal of civil rights we also mark an important anniversary. It was 15 years ago that we passed the 1982 major improvements to the landmark Voting Rights Act of 1965 which extended and strengthened the enforcement provisions of the law. Some have described the Voting Rights Act as our Nation's most effective civil rights legislation, and I count myself among that group. I consider the votes that I have cast in support of the extension of the Voting Rights Act among the most important votes of my 20 years in Congress. Because of the Voting Rights Act there has been a dramatic increase in the participation of African-Americans and other minorities in the electoral process at all levels of government. As a result of the Voting Rights Act African-American voting participation in some congressional districts has increased tenfold. I look around this institution and I see the power of the Voting Rights Act. Today there are 39 African American members of this body and if we were to poll them, I believe they would tell us that their presence here is due in no small measure to the Voting Rights Act. One of those members is BILL CLAY who in his 28 years of congressional service is the dean of the Missouri Congressional Delegation. He was a civil rights leader in St. Louis, our home town, during the struggles of the 1950's and 60's, and he is my leader in the Missouri delegation. I have had the pleasure of serving with BILL for all the years that I have been a member of this body. This institution is a better place because of the presence of BILL CLAY and the other African American members of the 105th Congress and those who have come before them, and we are a better nation because of the Voting Rights Act.

In addition to BILL CLAY, who was the first African American Member of Congress from Missouri, I would also like to recognize another civil rights leader from St. Louis. In 1977, Gwen B. Giles became the first African American woman elected to the Missouri Senate and the first woman elected to the office of city assessor in St. Louis. Mrs. Giles was a tireless advocate for civil rights and for the rights of the disadvantaged. As an elected official and in her roles as executive secretary of the St. Louis Council of Human Relations, Director of the Civil Rights Enforcement Agency and as a founder of the West End Community Assoc., Mrs. Giles was a builder of community between the races. Mrs. Giles died on March 26, 1986, but she remains a pioneering spirit in St. Louis for her dedication to the principle and the practice of equality for all citizens. Today, I honor her historical achievements and contributions as well as those of other African Americans in Missouri and throughout our Nation.

We celebrate this anniversary of the Voting Rights Act and we commemorate African-American History Month as we approach a new century at the crossroads of civil rights and race relations in our Nation. There are those who look at the gains that African-Americans have made in the ballot box, in employment, in business and in education, and they no longer recognize the need for vigorous enforcement of our civil rights laws. They tolerate both direct and indirect attacks on the cornerstones of our most monumental civil rights achievement. We have seen these attacks take many forms. From the wholesale attacks on affirmative action to the more subtle and strategic strikes against the Voting Rights Act through the recent court challenges to minority congressional districts, these attacks have the collective impact of moving us backward toward our past of racial intolerance rather than forward toward the promise of the new century. They could not be more wrong. For those of you who say you support our civil rights laws in principle but through inaction dilute their effectiveness and drive wedges that further racial division and hostility, today I challenge each of you to make your deeds match your rhetoric. I challenge you to stop pulling at the dangling threads of intolerance that threaten to unravel the great blanket of civil rights protections we have all worked so diligently to weave. As we make this reappraisal of civil rights in this month that we celebrate black history, we must all recommit ourselves to supporting the enforcement of our civil rights laws. We cannot fail to leave this important legacy intact and of greater value to those who may stand in this place 30 years from today and make a similar reappraisal.

Mr. ROTHMAN. Mr. Speaker, I rise today to join with my colleagues in honoring the African-American community, as we commemorate Black History Month.

The fabric that is America owes an important debt of gratitude to the accomplishments and genius of the African-American community. We are, in a very real sense, a whole nation due to the untold contributions of African-Americans in the fields of science, education, politics, commerce, sport, culture, and in so many other fields of endeavor.

I am proud to represent thousands of African-Americans in the Ninth Congressional District of New Jersey. From Englewood to Maywood, Jersey City to Teaneck, African-Americans represent the very best that our region of New Jersey has to offer. Hard working and active in the civic life of their respective communities, African-Americans constitute an important part of what makes northern New Jersey such a special place to live.

But while prosperity is increasingly being secured by African-Americans in New Jersey and across the United States, we should not forget the recent past. Racism, embodied in so many aspects of American culture years ago, has still not disappeared. The civil rights struggle, which so honorably sought to erase racism, has not ended. And so today, like every day, all Americans, of all backgrounds, need to take a look at ourselves and recommit ourselves to erasing racial prejudice.

Mr. Speaker, almost 35 years ago Dr. Martin Luther King, Jr., spoke to America from Washington, DC. He said, "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character." On this day, February 11, 1997, and every day, let us make Martin Luther King, Jr.'s dream our own, and everyday, let us make Martin Luther King, Jr.'s dream our own, and work toward a nation that can rid itself of racial injustice.

Mr. FROST. Mr. Speaker, I would like to take this opportunity to pay tribute to the African-American men and women who have helped make our Nation strong. Through mutual tolerance and understanding we have made significant strides in acknowledging and appreciating our diversity.

In our Nation's short history we have learned that differences between people can be addressed in one of two ways: either through strong division and aversion, or through understanding and real cooperation. Division solves nothing, understanding is the key. Throughout much of this century, African-Americans have been the driving force in building an appreciation and understanding of diversity.

One cannot look at the United States without acknowledging the contributions African-Americans have made in a variety of different areas. They have been involved in nearly every major event in U.S. history and have enriched American culture throughout. Undeniably, African-Americans have played key roles in the progress and prosperity of the Nation and the world. Only when we recognize these accomplishments can we truly see the richness of our country.

In 1926, Dr. Carter Woodson first called for a period of time to be set aside for the recognition of important historical achievements by African-Americans. Fifty years later, our Nation acknowledged February as Black History Month. With each annual celebration, we find ourselves recognizing new milestones African-Americans have made and barriers that have been broken.

For example, this year for the first time in our Nation's history, seven African-Americans were awarded the President's Medal of Honor for their bravery during World War II. These men were among the bravest of the brave, they risked their lives for our country. These African-Americans gave so much, so that the rest of us might be free. We owe them a huge debt of gratitude. I am only sorry it took so long to give these men the recognition they so rightly deserve. This honor was well overdue. It illustrates well the point that, we have come a long way, but we have a long way to go.

Racial tensions still exist within our borders. It is clear to me that there is still work to be done. In schools, neighborhoods, and communities, we should seek out commonality and celebrate our diversity, instead of looking to separate as a result of our differences.

This is why we need to embrace all cultures and not only recognize, but celebrate the achievements of black Americans. As we trace our history, we can point to African-Americans who have made significant contributions to our country, from authors and sports heroes to political icons, including: Booker T. Washington, Willie Mays, Thurgood Marshall, Marcus Garvey, Barbara Jordan, Langston Hughes, and many other great men and women.

As a nation, let us always acknowledge the accomplishments of African-Americans and celebrate them. Not only today, or during Black History Month, but every day.

Mr. DIXON. Mr. Speaker, America is a Nation built from the labor, love, and dreams of people from all corners of the globe. Black History Month offers America a chance to celebrate the achievements and contributions of one of her many peoples—African Americans.

To help preserve our history it has taken the herculean efforts of such people as Dr. Carter G. Woodson, a Harvard Ph.D. who started Negro History Week in 1926 and founded the association for the study of negro life and history; Arthur Alonzo Schomburg, a Puerto Rican-born New Yorker who amassed a collection of books, manuscripts, and letters by blacks of the Caribbean, Europe, and America; and Daniel Alexander Payne Murray, a black man hired as an assistant librarian for Library of Congress in 1881 and whose collection of books, documents, manuscripts, and letters laid the foundation for the Library of Congress' current expansive holdings in African American history.

We must continue the work of Woodson, Murray, and Schomburg because, as Dr. Woodson argued in "The Miseducation of the Negro," a greater understanding of black history provides African Americans with potent weapons in the fight against racism and attempts to devalue the contributions of African Americans.

Even more important than just celebrating black history to counter negative views of African Americans or for its academic value, we must continue to celebrate it because current and future generations need this knowledge.

I challenge each of you to talk to a young person and ask them what they know about black history, and I bet you'll find that Martin Luther King, Malcolm X, and slavery will be the majority of answers you receive. As adults we know that the sum total of our history is more than just the civil rights struggles of 1950's and 1960's. However, knowing is not enough. We must continue to impart the story of our history to our youth, whose perspective on life will only be enhanced by learning of the great achievements of their ancestors.

Imparting this history means we must continue to educate ourselves and share the stories of lesser known, but equally important figures in black history.

The association for the study of Afro-American life and history reports that the theme for the 1997 Black History Month observance is "African-Americans and Civil Rights: A Reappraisal." In keeping with this theme, we should examine the progress blacks have made in developing political power.

No study of African-American contributions to American political life would be complete without a recognition of the life and work of Louis Emanuel Martin, who the Washington Post once referred to as the "godfather of black politics" and who passed away only a few short weeks ago.

Born in Shelbyville, TN, November 18, 1912, and raised in Savannah, GA, Louis E. Martin attended Fisk Academy High School and received his bachelor's degree in English from the University of Michigan in 1934.

A journalist by profession, Martin joined the staff of the Chicago Defender after completing his education at the University of Michigan. In 1936 he became publisher of the newly-created Michigan Chronicle. During his tenure at the Chronicle, he published a book of poems by Robert Hayden and aided Walter Reuther who was organizing the United Auto Workers.

In 1947 he moved back to Chicago to become editor-in-chief of Chicago Defender publications and helped found the National Newspaper Publishers Association, serving as its president. Three years later Martin was named editor-in-chief of Sengstake Newspapers. During this period he also wrote a weekly column on politics and was an active civic leader, lending his support to black entrepreneurs, artists, and civil rights leaders.

A pivotal moment in Louis Martin's life came when fellow Chicagoan R. Sargeant Shriver asked Martin to work on the election campaign of his brother-in-law John F. Kennedy. Martin, who was named deputy chairman of the Democratic National Committee in 1960, was instrumental in arranging the sympathy call that Kennedy placed to Corretta Scott King when her husband Martin Luther King, Jr. was jailed in Atlanta on a traffic violation.

Louis was an indispensable adviser to Presidents Kennedy, Johnson, and Carter, playing a key role in garnering support for landmark legislation such as the Civil Rights Act of 1964 and the Voting Rights Act. He helped open doors for a number of talented African-Americans, influencing the appointments of Solicitor General Thurgood Marshall to the Supreme Court, Andrew Brimmer as the first black member of the Federal Reserve Board, and Robert C. Weaver as Secretary of Housing and Urban Development.

Probably Martin's most lasting legacy will be the Joint Center for Political and Economic Studies, which Martin founded in 1970 to provide technical assistance and support for black office holders and scholars across the country. The joint center has blossomed into one of the premier research institutions in the Nation and the only think tank which focuses the majority of its efforts on issues of importance to African-Americans.

Although Louis Martin traversed the corridors of power, he did so without vanity or desire for notoriety. He reveled in working behind the scenes to bring about real opportunities for African-Americans. As his daughter Trudy Hatter of Diamond Bar, CA summed it up, "he worked hard all the time, but not for himself."

I urge all of my colleagues to join me in celebrating his life and extending heartfelt condolences to Louis Emanuel Martin's wife Gertrude and their children Trudy, Anita, Toni, Linda, and Lisa. His vision, compassion, intelligence, and courage have blazed trails for his fellow African-Americans and have left an indelible mark upon the history of this Nation.

Mr. BOYD. Mr. Speaker, we celebrate America as a nation of diverse peoples who share a common vision: freedom, independence, and liberty. Throughout our history, this diversity has served us well. The fabric of our communities has been strengthened by the contributions of all of our people.

So as we celebrate Black History Month, we should be mindful of the rich history and vast contributions that African-Americans have made—and continue to make—to our society. We marvel at the courage of Dr. Martin Luther King. We are humbled by the eloquence of Barbara Jordan. And we are enriched by the brilliance of Ella Fitzgerald.

And there are thousands more. In north Florida, Rev. R.B. Holmes fights for a better future for all children through his efforts to build the best charter school in our Nation. Al Lawson works hard every day in our citizen's legislature to improve the lives of all of our families. And, at FAMU, JIM DAVIS makes a difference by trying to open the doors to higher education for all of our children.

So, today, we proudly recognize the great role that African-Americans play in every facet of our human society. In that recognition we also seek to build a more perfect America. We seek to work together as leaders, parents, thinkers, artists, and students to make tomorrow's America better than today's. Our common goals are built on the common ground that all families seek: safety, security, and opportunity. We know that we can only realize those goals when we work as one.

Mr. SABO. Mr. Speaker, it is my privilege to participate in the celebration of Black History Month this year by honoring two extraordinary civic leaders of Minnesota. I rise today to honor Cecil Newman and Gleason Glover, both of whom were influential and notable figures in Minnesota's civil rights history.

Cecil Newman is most noted for founding both the Minneapolis Spokesman and the St. Paul Recorder, the oldest African-American-owned newspapers in Minnesota. In 1935, when the newspapers were first published, Cecil delivered them by foot. Today, the Spokesman and the Recorder are disbursed to over 26,000 Minnesotans.

The newspapers were two among many of Cecil's remarkable achievements before he died in 1976. Mr. Newman was also responsible for persuading many African-Americans to exercise their right to vote and was a prominent leader in the fight for fair employment laws in Minnesota.

I believe Hubert Humphrey's statement about Cecil best sums up the kind of man he was: "Cecil Newman is a good citizen—responsible, active, wise, and influential. I have been enriched by his friendship, strengthened by his support, and helped by his advice."

Gleason Glover dedicated his life to bettering the lives of African-Americans. His list of accomplishments and awards is long. I am proud to say I knew Gleason on a professional level and he was a close personal friend.

Gleason came to Minnesota to serve as the executive director, and later the president and chief executive officer of the Minneapolis Urban League, one of the most forceful advocate organizations for African-Americans, minorities, and the poor. The league, which started in New York City in 1910 to help African-Americans in their transition from rural to urban living, has expanded to provide assistance in areas such as employment, housing, education, and social welfare. It has also taken on additional challenges including adolescent pregnancy, single female-headed households, and crime in the African-American community.

By the time Gleason retired in 1991, his strong leadership brought the Minneapolis Urban League from a staff of three and a budget of $45,000 to a staff of over 100 and a budget of $3 million. Before his untimely death in 1994, Gleason was responsible for making the Minneapolis Urban League one of the most important civil rights/social service agencies in Minnesota.

Again, I am proud to recognize the impact and influence both Cecil Newman and Gleason Glover had on the lives of many Minnesotans. Their dedication and commitment to public service made them great community leaders who will be long remembered.

Mr. GILMAN. Mr. Speaker, I rise today to join my colleagues in honoring black history month for 1997. I would like to thank the gentlewoman from California [Ms. WATERS.] for arranging the time for this special order.

Black history month is an appropriate time to recognize the outstanding black men and women who have contributed so much to our society. As my colleagues have pointed out, our history books do not yet recount the significant efforts of many African Americans and all they have accomplished to make America the great Nation that it is today.

For example, Crispus Attucks, a free black man who, at the Boston massacre, was the first American to die for the revolutionary cause. After our war of independence was won a black man by the name of Benjamin Banneker laid out our Capitol City of Washington, DC.

African Americans were among the most courageous and determined fighters in the war to end slavery. While thousands of black men and women were dying at the hands of their owners as examples to their peers, thousands more were escaping to the north by way of the underground railroad founded by Sojourner Truth and Harriet Tubman. And of course, let us not forget the tens of thousands of black soldiers who sacrificed their lives to end slavery in the Civil War.

While the Civil War helped to end slavery in policy, it did little to eradicate social slavery. When Jim Crow laws threatened to prevent black men and women from assimilating into the American culture that had been denied to them for so long, leaders such as Frederick Douglass and W.E.B. DuBois fought to end such hypocritical and racist policies.

The struggle for equality throughout the 20th century is one of the great sagas of all time. So many courageous black Americans risked everything in order to pave the path for those who followed. Jackie Robinson broke the color barrier in professional major league baseball, while Marian Anderson became a symbol of equality in the world of music. Mrs. Rosa Parks unwittingly became a great national symbol through her decision not to move to the back of the bus.

A little more than 30 years ago, it was announced that for the first time in history, a black man—a man who until that point had achieved modest fame as a stand up comedian—would costar in a dramatic television series. Within the last few weeks, the entire world saw, as this great entertainer faced a deep personal tragedy, how much love and respect all Americans have for Mr. Bill Cosby. He has done so much single-handedly to destroy hate and prejudice in our Nation that the outpouring of grief and sympathy upon the murder of his son has been phenomenal.

So many barriers have been broken that there are very few segments of our society still closed to blacks. Tiger Woods has become the most famous black golf player in history, thus knocking down one of the remaining color barriers left in our society.

Alvin Alley's contributions to the dance; Wilt Chamberlain's revolutionizing the game of basketball; Arthur Ashe teaching the Nation how to play tennis and how to face devastating disease with grace; Barbara Jordan articulating love of our form of Government; James Baldwin breaking new ground with the art form of the novel; Henry Johnson, a black man who was the first American soldier to be decorated by France during World War I; Dr. Mae C. Jemison, our first female black astronaut; William Brown, mayor of San Francisco; Alex Haley, who single-handedly revived the pursuit of family genealogy while instilling pride in black history; anthropologist Zora Neale Hurston; poet and Amnesty International leader Akua Lezli Hope. The list of prominent Afro-Americans in every field of human endeavor in the United States is endless.

In the 1960's, the moral conscience of the entire Nation was finally awakened, and our laws were finally brought into compliance with the principles of our own American Revolution, Declaration of Independence, Constitution, and Bill of Rights. Mr. Speaker, I never cease to be amazed at how many young people today have trouble understanding how controversial the quest for civil rights was at the time, and how severe the sacrifices were of those who fought at the time. We must not let future generations grow up unaware that a steep price was paid for equality and justice.

Black history month is an appropriate time to recall and recite the events in which black Americans changed our Nation's policies and attitudes. But we must also remind our students and our citizens that the struggle for equality continues today not only in the United States but also abroad. Fortunately, today we are blessed with heroic black men and women who work to bring our races closer together and set a shining example for our youth.

It is imperative that we not simply acknowledge black history this month, forgetting it in the months to come. The appreciation of black history and its contributions to our Nation should be an ongoing process. The contributions of African-Americans to our society are truly exemplary, yet are too often taken for granted. I urge my colleagues to bear these contributions in mind throughout our deliberations.

Our Nation's rich diversity sets it apart from every other nation on the face of the Earth. It is one of our greatest strengths and will be fundamental in our Nation's future success. If we embrace that diversity and learn from its ideals, then nothing will stand in our way. Black-Americans have significantly contributed to every facet of our society and therefore our culture. This, Mr. Speaker, is the lesson we must teach our children, in hopes that they too will one day teach their children these thoughts and pass along the importance of diversity in the Nation.

Mr. STOKES. Mr. Speaker, I want to thank our distinguished colleague from California, Congresswoman MAXINE WATERS, who chairs the Congressional Black Caucus, for joining me in sponsoring this Special Order. We gather today to mark the congressional observance of Black History Month. The occasion affords us the opportunity to acknowledge the contributions of African American men and women to the building and shaping of this great nation.

We gather in the House Chamber 71 years after the late Dr. Carter G. Woodson proposed the observance of Negro History Week. In 1926, Dr. Woodson understood that African Americans were not receiving proper recognition in history for their contributions. Woodson proposed setting aside one week during the month of February to commemorate the achievements of African Americans. In 1976, the observance was changed to Black History Month. Our theme for the 1997 observance of Black History Month is "African Americans and Civil Rights: A Reappraisal." I am proud to join my colleagues as we reflect upon this theme. It causes us to examine how far we have come in the struggle for civil rights.

The civil rights movement of our time set its roots in the field of education, with assistance from the United States Supreme Court. In 1954, in *Brown* v. *Board of Education,* the Court announced its ruling that segregation in the Nation's public schools was unconstitutional. A year later on December 1, 1955, in Montgomery, AL, Mrs. Rosa Parks was told by the driver on the bus on which she was riding to get up and give her seat to a white man. This seamstress, who was tired from a long day's work refused this order and was arrested.

In protest, black leaders organized a boycott that lasted for 382 days. It ended with the courts ordering integration and the abolishment of a legal requirement that black people had to stand up and let white people sit down whenever both races were riding on public transportation.

The Montgomery bus boycott brought to the helm of the Civil Rights Movement a 27-year old black baptist minister whose name is forever etched in the annals of history. Dr. Martin Luther King, Jr., used the teaching of Mahatma Gandhi to preach a doctrine of love and nonviolence. During his lifetime, Dr. King's faith, perseverance and determination served as a symbol of the hope for equality for all Americans.

Mr. Speaker, history records that on September 9, 1957, President Eisenhower signed a new Civil Rights Act which markedly enlarged the federal role in race relations. It established a Civil Rights Commission and a Civil Rights Division at the U.S. Department of Justice. It also gave the Attorney General authority to seek injunctions against obstruction of voting rights.

One of the most climatic point in the campaign for equality came on August 28, 1963, when over 200,000 demonstrators of all races and religious denominations assembled in Washington, DC, in the largest civil rights march in the history of this Nation. It was at that march that Dr. King delivered his famous "I Have A Dream" speech.

The civil rights movement of this century has passed through three phases, each one distinct in character. The first, desegregation, was an effort to break down the barriers of an old and corrupt social order. The second phase, integration, was concentrated on the opening up of opportunities—as in the case of the provisions of the Civil Rights Act of 1964 which guaranteed the right to vote, access to public accommodations, mandated non-discrimination in federal programs, and required equal employment opportunity.

Mr. Speaker, we gather today to reflect upon our civil rights gain and to measure our progress. What I have outlined is a glimpse of our Nation's civil rights history. Let us turn for a moment to the challenges we face. Two of the greatest challenges to continued progress of the civil rights movement are in the areas of redistricting and affirmative action. Since its enactment over 30 years ago, the Voting Rights Act has altered the face of American government. In 1965, the south had only 72 African American elected officials; by 1976, there were 1,944. Today there are nearly 5,000—68 times as many as when the Voting Rights Act was passed. Then, on the last day of its 1993 term, the Supreme Court again lowered the boom on years of progress with its decision in Shaw versus Reno and Hays versus Louisiana, and Johnson versus Miller in 1995. Each of these cases called into question the constitutionality of remedial race-conscious districting. Against this backdrop, on June 13, 1996, the Supreme Court rendered two more opinions that turned back the clock on voting rights. In Shaw versus Hunt and Bush versus Vera the Court simply nullified four congressional districts held by African Americans.

Despite these setbacks, the struggle continues. My colleagues and I will continue to fight for equal opportunity and equal access for all minorities in the electoral process.

The issue of affirmative action also impacts our civil rights progress. Within the last 2 decades, affirmative action has been the primary tool that has allowed minorities and women to break through the many barriers of discrimination that have contributed to keeping them unemployed, underpaid, and in positions of limited opportunity for advancement.

Unfortunately, despite 3 decades of progress in this area, we are now faced with a new threat. We now face legislative and court initiatives that attempt to turn back the clock by attacking equal opportunity in America.

The Rehnquist Supreme Court struck down a minority set-aside program requiring Richmond, VA contractors to hire minority-owned subcontractors for 30 percent of its contracts in City of Richmond versus J.A. Croson Co. The Court ruled in the Croson case that set-asides by State and local governments were allowed only in cases of past discrimination. On June 12, 1995, the United States Supreme Court decision in Adarand Constructors versus Pena, established radical new standards for evaluating affirmative action programs. While the court does require "strict scrutiny" be applied to the review of affirmative action laws, the vast majority of affirmative action programs will easily survive such close examination. The court's opinion clearly acknowledges the value of well-tailored affirmative action programs as an important tool to end discrimination.

On June 19, 1995, in response to questions raised about affirmative action, President Clinton presented a clear, unequivocal statement and plan to support and improve our Nation's efforts to promote equal opportunity and justice through the affirmative action laws of the United States. This support is particularly important because of the confusion and misinformation that is currently being circulated about the status, mission, and future of affirmative action programs.

Mr. Speaker, I take pride in joining my colleagues for this special order commemorating Black History Month. I hope that our remarks will help all Americans to remember the important contributions that African Americans have made to this Nation.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentlewoman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 581, FAMILY PLANNING FACILITATION AND ABORTION FUNDING RESTRICTION ACT OF 1997

Mr. GOSS (during the Special Order of Mr. MAJOR R. OWENS), from the Committee on Rules, submitted a privileged report (Rept. No. 105–3) on the resolution (H.Res. 46) providing for consideration of the bill (H.R. 581) to amend Public Law 104–208 to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 2, CONGRESSIONAL TERM LIMITS AMENDMENT

Mr. GOSS (during the Special Order of Mr. MAJOR R. OWENS), from the Committee on Rules, submitted a privileged report (Rept. No. 105–4) on the resolution (H.Res. 47) providing for consideration of the joint resolution (H.J.Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, which was referred to the House Calendar and ordered to be printed.

THE ROLE OF CIVIL RIGHTS ORGANIZATIONS IN HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I want to congratulate the gentlewoman from California [Ms. WATERS] and also the gentleman from Ohio [Mr. STOKES] who continues a long tradition of special orders during African-American History Month. I would like to continue in the same set of rules that they were following, whatever they were. If you have a list of people, I will follow that list. I will make a few opening remarks and then go back to the list as you have come because I think that we want continuity between the two sets of special orders.

Mr. Speaker, I just want to open up by saying I thought that the topic chosen by the gentleman from Ohio [Mr. STOKES] relating to civil rights organizations and their role in history is a good focus in terms of our civil rights organizations ought to be congratulated for what they have done up to now.

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They are to be congratulated. We ought to use history to sort of reappraise where we are and where we are going.

Ken Burns today, at a speech at the National Press Club related to his forthcoming film on Thomas Jefferson, said that history is a record of everything that has happened up to this moment. Everything is history, whether you are talking about the history of science, the history of technology. So Black History Month is a time when a lot of people are reminded of certain kinds of achievements of individual African-Americans, achievements related to inventions; related to first steps in terms of organizations; first steps related to leadership that has been provided in various ways by African-Americans. All that is in order.

But there is another dimension of black history which I think we have neglected, which I would like to discuss in greater detail later on, and that is our civil rights organizations need some underpinning now and would be greatly strengthened if we were to really decide where we are in history now, what our past history has meant, and how we should use the lessons of our past history.

South Africa has a Truth and Reconciliation Commission, and the Truth and Reconciliation Commission is designed to help get the country on a smooth path toward the future and not have it become bogged down in its past. I think it is most unfortunate that at the end of the Civil War America did not establish a Truth and Reconciliation Commission, because some of the problems we are facing now are rooted in an unjust history: 235 years of slavery.

What did 235 years of slavery do to a people, and how are the repercussions of 235 years of slavery now impacting upon those same people; and can we go on and really deal with our problems currently if we do not really force America to own up to that history? We need a Truth and Reconciliation Commission in order to get on with the discussion of reparations.

We have had some legislation introduced by JOHN CONYERS and others talking about reparations. That seems like such a radical idea that most people dismiss it right away. We had some steps toward reparations when we voted to try to do something to compensate the victims of internment in Japanese camps during World War II. We made some steps in that direction. I do not want to go into reparations and alienate everybody. Let us just have a Truth and Reconciliation Commission which might come to the conclusion that reparations should also be on the agenda.

But in that Truth and Reconciliation Commission we should talk about some other things, like 232 years of slavery. What did that mean in terms of accumulation of wealth? Wealth is accumulated, certain books have told us recently, by passing it from one generation to another. Most wealth is accumulated that way. People do not really work hard and accumulate their wealth; they do get a break from the previous generation. If you have 232 years of slavery, that means there was 232 years where no wealth was passed on from one generation to another.

Is it any wonder then that African-Americans, the middle-class African-Americans are becoming closer and closer to white Americans, mainstream Americans, in income, the money they earn through salaries and wages, but there is a great gap between white mainstream Americans and African-American middle-class people in terms of wealth. There is a great gap. The gap is explained by the fact that there were 235 years where no wealth was accumulated.

We ought to take a look at that. We ought to take a look at what that means to the very poorest people of course; we ought to take a look at what it meant in terms of the impact on a people where their children were denied education and laws were made to make it a crime to teach slaves to read. All that may be examined in the Truth and Reconciliation Commission.

Civil rights organizations I think really need underpinning now of, really, where are we? How hard should we fight against laws which take away aid to families with dependent children. How does that relate to race? Is there a race base for demanding that you do something for the poorest people, especially those who are descendents of slaves. Is there a reason why we should make greater demands for education?

The President says he is going to move Head Start by the year 2000 to the point where Head Start will encompass 1 million children. Well, should not something be done in terms of compensation in recognizing the great need for special treatment for the descendents of slaves. Those children ought to be taken into Head Start right away. There are a number of ideas like that which would grow out of an understanding that the civil rights agenda should be broadened and the civil rights agenda should take into consideration what the history of slavery did to the people who are major victims of denial of those rights.

I am going to come back to this later on, but we have several colleagues here who are waiting to speak, and I would be happy to take them first. I am pleased to have at this point remarks on African-American history month from our colleague from New York, the Honorable CAROLYN MALONEY.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in honor of Black History Month, and I thank my colleagues, Congressman OWENS, Congresswoman WATERS, and Congressman STOKES, for organizing this Special Order.

There are many black Americans who are important to our history, and I am pleased to speak of four African-American women who hail from the great State of New York. These women, ranging from the early 1800's to the present day, have each left their mark on New York and America.

Sojourner Truth was born a slave in Huron, NY. After receiving her freedom, she moved to New York City where she dedicated her life to the abolition of slavery and suffrage for all women. She was the first person to publicly acknowledge the relationship between slavery with the oppression of all women.

After the Civil War she worked tirelessly for women's rights, gaining the support and respect of fellow suffragettes, Susan B. Anthony and Elizabeth Cady Stanton. At the Equal Rights Association in 1867 she gave one of the most quoted speeches in feminist history, "Ain't I A Woman".

Lorraine Hansberry was the first African-American female Broadway playwright. Her play, "Raisin in the Sun," opened in 1959 to outstanding reviews. It focused on discrimination and family values. She was the first black and the youngest person to win the Best Play of the Year Award of the New York drama critics. Though she died in New York City at the age of 34, Hansberry opened the door for all future young black playwrights.

Shirley Chisholm has the distinct honor of being the first black woman elected to Congress and the first woman to run for President of the United States. She was elected to the New York State Assembly in 1964 and went to Congress in 1968. She was an early member of the National Organization for Women and the National Women's Political Caucus. A former Head Start teacher, she did a great deal to help the children of this Nation. Congresswoman Chisholm not only paved the way for more black Representatives, but for all women.

Judge Constance Baker Motley attended New York University and Columbia. She worked for the NAACP Legal Defense Fund, where she won seven lawsuits before the U.S. Supreme Court. In 1964 she became the first black woman elected to the New York State Senate. A year later she became the first black woman elected as Manhattan Borough president. In 1966 President Johnson nominated her to the U.S. District Court for the Southern district of New York, making her the first woman named to the Southern District bench and the first black woman named to the Federal bench. In 1993 Judge Motley was inducted into the National Women's Hall of Fame.

From Sojourner Truth to Judge Constance Baker Motley, these women have worked to make our lives better. Civil rights is not just a place in time; it is an outlook we should all strive toward in our life. I salute them and all who are here in our collective appreciation of Black History Month, and I thank my colleagues for organizing it.

Mr. OWENS. Mr. Speaker, I am pleased to yield to continue this discussion on African-American history to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman and my good friend from New York. I also would like to thank the gentleman from Ohio, and Mr. Speaker, I thank the gentlewoman from California, not only as the chairperson of the Congressional Black Caucus, but someone not only as a national leader whom I have the highest regard and respect. I certainly appreciate this opportunity of sharing my sentiments concerning Black History Month.

Mr. Speaker, I too would like to echo the sentiments expressed earlier from the gentleman from Illinois, [Mr. JACKSON], as he paid a special tribute to my good friend and colleague from Georgia, Congressman JOHN LEWIS, certainly one of the living giants of the civil rights movement. Mr. Speaker, 6 years ago the gentleman from Georgia invited me to join him to visit Selma, AL to commemorate the 25th anniversary of that famous march from Selma, and it was one of the most spiritual experiences I have ever had in my life. I would like to urge and encourage my colleagues to go to Selma, AL. It will give you a real sense of what the civil rights movement is all about.

Mr. Speaker, I would like to thank my colleague for the opportunity this afternoon to speak at this year's congressional recognition of Black History Month. The idea of celebrating black history began in 1926, where noted educator Dr. Carter Woodson set aside a special period of time in February, February because that was the birth month of Frederick C. Douglass and of Abraham Lincoln, to recognize the heritage, the achievements and the contributions of African-Americans.

African-American history is of course, Mr. Speaker, a much larger subject than 1 month could possibly encompass. We all know the names of famous African-Americans, artists, performers, and writers such as Paul Robeson, Lena Horne, James Earl Jones, Cicely Tyson, Imamu Amiri Baraka, Paul Laurence Dunbar, Zora Neale Hurston, Maya Angelou, Jessye Norman, Duke Ellington, and William Grant Still. African-American athletes like Jackie Robinson, Jackie Joyner-Kersee, and Wilma Clodean Rudolph broke records and barriers in their striving for excellence.

African-Americans have expanded all of our horizons as explorers: Guion S. Bluford, Jr. was the first African-American to fly in space. Mathew Alexander Henson, a member of Adm. Robert Peary's fourth expedition, may have been the first person to set foot on the North Pole. From George Washington Carver, recipient of the Roosevelt Medal for Distinguished Service to Science, to George Carruthers, the physicist and the designer of the Apollo 16 lunar surface ultraviolet camera/spectrograph that was placed on the moon in April 1972, African-Americans have made significant contributions in the areas of science and technology.

African-American political activists like Nat Turner and Fannie Lou Hamer changed the course of history. Leaders such as Adam Clayton Powell, Joseph Hayne Rainey, the first African-American Member of Congress, Ralph Bunche and Shirley Chisholm, and activists like Martin Luther King, Jr., Malcolm X, and A. Philip Randolph and Sojourner Truth moved their people forward with them. All of these stories are inspiring to all of us.

Mr. Speaker, the contributions of African-Americans to all aspects of U.S. culture have been significant, and all of us as Americans have been moved forward by the achievements of these great individuals. However, the history of African-American people is much more than simply the stories of great and famous individuals.

The people whose names we never hear, the women who participated in the Birmingham bus boycott led by the late Dr. King, the many individuals who, inspired by the actions of Rosa Parks, refused any longer to sit in the back of the bus; the people who sat in at segregated lunch counters; the people who stood firm in the face of fire hoses and growling dogs; the people who registered for college and went to their classes; the people who registered to vote and came to the polling places on election day, these are also people worthy of celebration and worthy of a place in history.

Mr. Speaker, not all children will grow up to be Martin Luther King, Jr., or Shirley Chisholm, but all children should grow up knowing that their greatness is a part of our heritage, that its celebration is not confined to only 1 month out of the year, and that the dreams and aspirations of African-Americans are as worthy of fulfillment and as likely to come true as the dreams and aspirations of all of our fellow Americans.

So as we celebrate Black History Month, Mr. Speaker, let us also keep in mind those whose names are not in the books, those whose private and unpublicized heroism in word and deed also contributed to this story which all Americans should celebrate and all of which all Americans can be proud.

□ 1645

Mr. OWENS. I thank the gentleman from American Samoa. Mr. Speaker, I am pleased to yield to the gentleman from Connecticut [Mr. MALONEY].

Mr. MALONEY of Connecticut. Mr. Speaker, I would very much like to extend my thanks and appreciation to the gentleman from New York and the other Members of this Chamber who have organized this special order today.

Mr. Speaker, this year's theme for Black History Month is "African-Americans and Civil Rights: A Reappraisal." It is most fitting, therefore, to take a moment to honor a very special woman, a longtime resident of my hometown, who is not only acclaimed for her glorious God-given voice, but for the historic contributions she made on behalf of all African-Americans.

Marian Anderson, of Danbury, CT, who was the first African-American singer to perform with the Metropolitan Opera, stands out as a leading example of African-American pride and achievement. This month would have marked, or does mark, the 100th anniversary of her birth.

As a young woman developing her singing career, Ms. Anderson faced many obstacles and was often the victim of racism. Probably the most widely known incident occurred in 1939, when, after a triumphant appearance through Europe and the Soviet Union, she was prevented from performing in Washington's Constitutional Hall by its owners. To apologize for that mistreatment, First Lady Eleanor Roosevelt invited Ms. Anderson to perform at the Lincoln Memorial on Easter Sunday, 1939.

Ms. Anderson proudly sang to an audience of 75,000 people, while millions more listened over national radio. Her inspirational performance that April day is considered by historians as the first crucial victory of the modern civil rights movement.

Even after her artistry was recognized in the United States, Ms. Anderson still faced racial prejudice on a daily basis. Well into her career, she was turned away at restaurants and hotels. Even America's opera houses remained closed to her until Rudolph Bing invited her to sing at the Metropolitan Opera.

Throughout all of her trials and struggles, Ms. Anderson did not give up. Her undaunted spirit fought on and her determination opened doors for future black artists that had been firmly bolted shut.

The soprano Leontyne Pryce, one of the earliest artists to profit from Ms. Anderson's efforts, once said, "Her example of professionalism, uncompromising standards, overcoming obstacles, persistence, resiliency, and undaunted spirit inspired me to believe that I could achieve goals that otherwise would have been unthought of."

Soprano Jessye Norman said, "At age 10 I heard for the first time the singing of Marian Anderson on a recording. I listened, thinking, this can't be just a voice, so rich and beautiful. It was a revelation, and I wept."

Later in life, Ms. Anderson was named a delegate to the United Nations by President Dwight D. Eisenhower and was the recipient of the Presidential Medal of Freedom from President Carter. She died in 1993, but her successful fight to give every individual an opportunity to achieve their own greatness helped our country become a stronger nation. Her contributions will live on forever.

As President Clinton pointed out in his State of the Union Address last week, American race relations have certainly come a long way, but our country is still plagued by bigotry and intolerance. Each of us must learn from the example set by Marian Anderson to eliminate hate and violence and create a stronger, more tolerant America.

Mr. OWENS. Mr. Speaker, I want to thank the gentleman from Connecticut, and again congratulate him on his hard-won race in order to get to this House of Representatives.

Continuing the discussion on Black History Month, African-Americans, and civil rights, I am pleased to yield to the gentleman from Texas, Mr. KEN BENTSEN.

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to join our Nation in celebrating Black History Month. Today I want to recognize and pay tribute to community leaders in Houston whose vast accomplishments and contributions have helped to revitalize a very large segment of our city.

In 1996, Pastors James Dixon, Harvey Clemons, Bill Lawson, Ed Lockett, and Kirbyjon Caldwell were awarded the Mickey Leland Humanitarian Award by the Houston chapter of the NAACP for their outstanding contributions to the community.

While all are deserving of recognition, Reverend Dixon for his work in north Houston, Reverend Clemons for his work with the Fifth Ward Development Corporation, Rev. Ed Lockett, who runs the Sunnyside Up Corp., and of course, Rev. Bill Lawson, the dean of Houston's clergy, and for many, the conscience of the city as well, I want to pay special tribute and highlight as an example the contributions of Pastor Kirbyjon Caldwell of the Windsor Village United Methodist Church.

Reared in Kashmere Gardens, a low-income neighborhood in Houston, Pastor Caldwell, at age 43, is today one of Houston's most prominent clergymen. Pastor Caldwell has emerged as a strong advocate for civil rights in Houston. His intellect and creativity and caring have made him a leader in the quest for civil rights through economic empowerment and cultural awareness.

Pastor Caldwell is best known for founding the Power Center, a multimillion dollar community service facility located in southwest Houston, in my district. The 104,000 square foot complex meets a tremendous range of community needs, including education through the Houston Community College, financial services through Texas Commerce Bank, a Federal women, infants and children nutrition program, and health care through Herman Hospital, as well as a private grade school. Through the Power Center, Pastor Caldwell is making the connection between economic empowerment and political empowerment.

A former investment banker on Wall Street, Pastor Caldwell used his banking and financial background to persuade the property owners to donate a $4.4 million building, a former KMart, to realize his dream. The Power Center will generate some $26.7 million in cash flow for the Windsor Village/South Post Oak community over the next 3 years. While constructing the Power Center, Mr. Caldwell started several nonprofit ventures, including a shelter for abused children and low-income housing developments. These nonprofit ventures created jobs for more than 125 people. In addition, the Power Center has provided hundreds of jobs, ranking it among the largest black-owned employers in Houston.

In the pulpit, Pastor Caldwell delivers potent sermons filled with the vernacular of modern life. His preaching style, along with a vast variety of community outreach programs, attracts people from all walks of life.

As we reappraise African-Americans and civil rights in 1997, it is also important to recognize the triumphs that have been made in the past by leaders such as Dr. Martin Luther King, the Honorable Barbara Jordan, and Supreme Court Justice Thurgood Marshall.

Nonetheless, we should not forget those present-day leaders such as Rev. Kirbyjon Caldwell, who may not be mentioned in the pages of American history now, but are working just as hard to open the doors of opportunity for all Americans through economic empowerment and cultural awareness.

Mr. OWENS. I thank the gentleman from Texas, Mr. Speaker. I am pleased to yield to the gentleman from North Carolina [Mr. MEL WATT].

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman from New York for yielding to me.

Mr. Speaker, I start kind of like the author of the cartoon, Curtis, with the understanding that you really cannot do justice to practice Black History Month in either 3 minutes or a month. The contributions that black people have made to this country require an ongoing education and input about the many facets of the contributions.

So I want to limit my remarks today to a very, very narrow window, and that is some things that came out of my congressional district in Greensboro, NC, starting on February 1, 1960 at the Woolworth lunch counter where the sit-ins started, to give us the right to be able to go into a restaurant and sit down and have a meal. I mean, this is something that in 1996 is so far removed from anything that we can imagine that so many people have started to take it for granted.

It was at the Woolworth's lunch counter that these sit-ins started on February 1, 1960, and they were started by four students who were attending the North Carolina A&T State University in Greensboro, NC. Those four students were freshmen Ezell Blair, Junior; David L. Richmond; Joseph McNeil; and Franklin McCain. Franklin McCain happens to be a personal friend of mine who now resides in Charlotte, NC. But all of these four individuals started a movement that picked up steam, gained momentum, that led ultimately on July 25, 1960 to black people being able to go into the Woolworth's store in Greensboro and sit down at the lunch counter and have a hot dog, buy a drink, things that we now take for granted.

Throughout the South, this kind of movement was going on all across the South to provide that opportunity. To these four gentlemen, we will forever be in debt.

North Carolina A&T is one of six historically black colleges and universities in my congressional district in North Carolina. I could spend hours talking about the contributions of graduates of any one of these institutions, but just to focus on North Carolina A&T, since that is where I started, that is where our current colleagues, the gentleman from Illinois, Mr. JESSE JACKSON Jr., and the gentleman from New York, Mr. ED TOWNS, your colleague, graduated. They are illustrious graduates of North Carolina A&T.

Former astronaut Ronald McNair, to whom we all owe so much in the field of space exploration, is a graduate of that institution. State Justice Henry Frye, on our State supreme court in North Carolina, is a graduate of North Carolina A&T university. I could go on and on and on talking about these people, but I will end, and reemphasize what the Curtis cartoons have been saying throughout this year: We cannot do justice to black history by having a month for it. We all have to give it the kind of ongoing respect that the kinds of contributions that our people have made over the years to the history, the culture, the music, the vitality, and the economy of this United States, deserve.

The more we can come to grips with that, the more we can put this, parts of history like the sit-ins, behind us, and we can all become one Nation, indivisible, under God, with liberty and justice for all. I thank the gentleman for yielding time to me.

Mr. OWENS. I thank the gentleman. I hope we will never put the spirit of the sit-ins behind us. I do hope the gentleman will take out additional time. He could spend a whole hour on the spirit of A&T and the first big sit-in.

I think we may need to instruct this generation and this group of people right here, in the year 1997, that there is a time when we must go down, we must confront the authorities. We may have to confront the authorities on the attempt to remove Medicaid as an entitlement. I think there are some points in the history right now that we are going to have to come to grips with that are just as important as our civil rights, such as the importance of the right to life that emanates from having health care for everybody. There may be a number of other issues where we may have to follow history, and understand there is a time when we confront the authorities and tell them we will not accept this.

Mr. WATT of North Carolina. I will just reaffirm what the gentleman has said, Mr. Speaker, if he will continue to yield. It took a tremendous amount of guts and determination for these four students to stand up and confront a system. The need for us to continue to confront issues head on, without fear of intimidation or being called down by our colleagues, even here in the House, certainly should be apparent to us.

Mr. OWENS. Mr. Speaker, I thank the gentleman. I lived in the South for 20 years. I was born in Memphis, TN. I know all about the kind of courage it took to stand up at that lunch counter.

Mr. Speaker, I yield to the gentleman from New Jersey, Mr. DONALD PAYNE, the distinguished former chairman of the Congressional Black Caucus.

□ 1700

Mr. PAYNE. Mr. Speaker, I rise today to join my colleagues in commemorating Black History Month. Let me take special attention to the gentleman from Ohio [Mr. STOKES], who has led us in this over the years and of course our distinguished chairwoman of the Congressional Black Caucus, the gentlewoman from California [Ms. WATERS], for organizing this, too, and thank the gentleman from New York for yielding time to me.

Much has happened over the course of the year since we last gathered for this commemoration, had both successes and setbacks. But we stand here today stronger and more determined than ever to continue moving ahead regardless of the obstacles we face.

This past year the Congressional Black Caucus took action on a number of issues, particularly the devastating fires which ravaged African-American churches throughout this Nation, mostly in the southern part of our country, but all over. In response to the caucus, we galvanized forces to focus national attention on the magnitude of this tragedy. Our actions led to the passage of new legislation to strengthen Federal law enforcement so that these cases could be solved.

We convened public hearings and pointed out that during the early days of the civil rights movement, as we heard MEL WATT talk about, the churches were places where we met and the churches were places where we gathered not only for worship but for strategy. We cannot forget the 16th Street Baptist Church in Birmingham, AL, in the mid-1960's, four little girls, Addie Mae Collins, Denise McNair, Carole Robertson, and Cynthia Wesley, lost their lives.

Another young lady, Sarah Collins, was partially blinded, and so that brought back those dark days when there was an attack. This year, the past year we also were disappointed by several court hearings undermining the Voting Rights Act guaranteeing minorities fair participation in the political process. While we remain deeply concerned about the dismantling of majority-minority voting districts, we are pleased at the determination of our colleagues who, in spite of the blatant attempt to turn us back, were still returned to office.

Over this past year there were also assaults on affirmative action, which helps minorities and women move ahead to make this country a greater place. However, despite much misinformation from opponents, we have worked hard to educate the public to understand that affirmative action is about fair opportunity and not about quotas or unfair advantages.

The theme chosen this year for Black History Month is African-Americans and civil rights, a reappraisal. It is certainly fitting during this month that we reassess where we have been, where we are, and where we want to be. We remember with deep respect those in the early history who never gave up in their quest for justice and equal rights for African-Americans. We were inspired by the courage of the great abolitionist and orator, Sojourner Truth. Born in 1797, she traveled across this country in a tireless crusade against slavery.

In that same era, my home city of Newark, NJ, was the home to an abolitionist, journalist, and a minister by the name of Samuel Cornish. He became the pastor of the First Presbyterian Church on Plane Street working for the advancement of the black community.

Another prominent figure who spent time in New Jersey was the famous fugitive slave, abolitionist, nurse, and social reformer Harriet Tubman, who spent some of her retiring days in New Jersey. She made about 19 trips to various States to lead slaves to freedom, and her work with the Underground Railroad brought her to New Jersey between 1849 and 1852.

We remember Booker T. Washington and W.E.B. DuBois as early people who had different ways of going about bringing black people to their final fruition, but we feel that they both earned a place in history.

As I conclude, I just want to mention one last person who will be celebrating her 84th birthday very soon, just celebrated it, Mrs. Rosa Parks, who refused to give up her seat on a bus in Montgomery. She changed the course of history.

Soon we will enter a new era of history with the dawn of the 21st century. President Clinton in his State of the Union Address talked about our Nation finding strength in diversity. As we celebrate the contributions of African-Americans to this Nation, we must also renew our commitment to the next generation, our children. African-American children must get an education, must have skills to compete in the rapidly advancing world of technology. They look to us just as we look to those before us for hope and inspiration. And therefore, it has been a long journey but we will continue to move ahead with faith and determination.

Mr. OWENS. Mr. Speaker, I thank the gentleman from New Jersey for his most appropriate remarks. I think it is very important that you mentioned the burning of the churches.

I would like to point out that the reaction to the burning of the churches, the people who started the burning of the churches know that the church is the center of the black life all across the country. They wanted to get at the core of our organization and inspiration, and it was a devastating blow to go after our churches. But our Government is to be congratulated, our President is to be congratulated, the general public, foundations, and various people are to be congratulated for the manner in which we have reacted.

If only we had had a similar reaction to the Ku Klux Klan and the kind of violence perpetrated after the freeing of the slaves, history might tell a different story. If only our Government had not capitulated, if only it stood behind General Howard and General Armstrong and Thaddeus Stevens from Pennsylvania and Charles Sumner from Massachusetts and resisted the kind of violent response of the white former Confederate officers and soldiers in reorganizing a violent overthrow of legitimately elected black governments in the South and a number of other institutions that were upset by violent and illegal means. If only our Government had stood firmly then, we should congratulate our President for the fact that he stood firmly, offered leadership from the bully pulpit of the White House and stood firm on the ravages of affirmative action at a time when hysteria was being generated.

It makes a difference and it is a pity that we do not have that kind of leadership from all sectors of the American leadership community during the second Reconstruction. We would not have lost so much so fast. I thank the gentleman from New Jersey.

Mr. PAYNE. Let me just say that it was, I believe, the Congressional Black Caucus coming together, calling a hearing, bringing witnesses together, all-day hearing focusing the attention and then really pushing the administration to really become as involved, visiting black churches.

Mr. OWENS. Not for one moment would I want to minimize the role of the caucus in stimulating, the caucus stimulated the activity from the general community and from the White House. We played a major role. The leadership of the first Reconstruction, we must pay homage to them. They tried very hard. They were up against bullets and fire, and they did not succeed in playing the kind of role that stimulated the rest of the country to do the kind of things they ought to do.

But we played a major role. I certainly do not want to minimize that, of the Congressional Black Caucus.

I yield, to continue the discussion on Black History Month, African-Americans and civil rights, to the gentleman from Massachusetts [Mr. DELAHUNT]. I want to congratulate Mr. DELAHUNT. He is new here. I welcome him to the floor and congratulate him on his victory.

Mr. DELAHUNT. Mr. Speaker, I am proud to join with my colleagues in this special order celebrating Black History Month. It is truly a magnificent history as has been recounted by previous speakers and a history that is truly a history of heroism.

I thought I would take this opportunity to say a few words about a remarkable chapter in that history, which is being retrieved and returned to us by a dedicated band of preservationists in Massachusetts. That chapter concerns the African Meeting House of Nantucket, once a church, a meeting hall and a school for children prevented from attending public school because of their race.

The one room meeting house was built in the 1820's and is one of the oldest standing structures of its kind in the United States. It embodies a rich history. When the meeting house was built, Nantucket was the center of the whaling industry in which blacks played an integral part. Among the whaling ships that set sail from the island was the *Industry* with the black captain named Absalom Boston and an all-black crew. Absalom Boston later became one of the four trustees of the African Baptist Church which was to become known as the African Meeting House.

Absalom Boston's grandfather was a slave named Prince Boston who took a whaling voyage in 1770. At the end of the voyage, Prince Boston's white master demanded that he turn over his earnings. With the help of a white shipmate, Prince Boston went to court and won his earnings and his freedom, becoming the first slave set free by a jury verdict in this Nation. That year Nantucket freed its slaves, 13 years before the rest of Massachusetts followed suit.

In 1845, the daughter of one of the founders of the meeting house went to court to demand admission to the public high school. In the next year Nantucket became one of the first districts in the country to desegregate its schools. With its strong Quaker tradition, the island became a stronghold of abolitionist sentiment. It was there that Frederick Douglass delivered his first public address before a mixed race audience.

Once the public schools had been integrated, the meeting house ceased to operate as a school but continued to function as a vital institution in this community island. In 1910, the meeting house was sold to the owner of a trucking business and eventually it fell into disrepair. Now, thanks to the efforts of the Friends of the African Meeting House and the Museum of Afro-American History, this extraordinary landmark is due to be opened to the public in 1998. I can think of no more fitting commemoration of Black History Month, and I commend all of those who have brought this project to fruition.

Mr. Speaker, much of this fascinating history is recounted in a superb article by Don Costanzo that appeared in the Nantucket Beacon on January 29, 1997. I include the entire article for insertion in the RECORD.

[From the Nantucket Beacon, Jan. 29, 1997]

RESURRECTING THE HEART AND SOUL OF NEW GUINEA

(By Don Costanzo)

Pending a thumbs-up from their local school board, about 460 children in Florida will be saving their pennies to help restore the African Meeting House on Nantucket.

Last fall Len Kizner, an elementary school teacher at the Bay Vista Elementary School in St. Petersburg, Fla., saw a segment on "This Old House" about the meeting house. Last week, he read an article in the New York Times about it.

Today, Kizner has become so inspired by the project he is about to ask a Florida county school board for permission to raise money within the school to give to the Nantucket landmark.

"What better way to celebrate black history month (February) than to tie it into the first schoolhouse for free black people on your island," said Kizner. "It's a great project. We're teaching children, celebrating black culture, and preserving a piece of it too.

"It supports black history heritage, and by doing that supports American heritage."

Kizner expects to build a scale model of the meeting house, and incorporate the project into geography and social studies classes to help the children better understand where their money is going.

But what is happening at Bay Vista is only part of the impact this restoration project is having nationally.

On Martha's Vineyard, a Black Heritage trail has been developed in direct reaction to Nantucket's initiative. And, Helen Seager, Convener of the African Meeting House, has further inspired the people of Portland, Maine to generate more ideas on how they could save the Abyssinian Baptist Church, considered one of the oldest black churches in the country behind one on Beacon Hill in Boston, and Nantucket's.

"They have said over and over again," said Seager, "that the Nantucket experience was setting an example for them and inspiring them to go on."

But, there would be no 'Nantucket experience' today had it not been for the tribulations and accomplishments of men and women from another time.

A SENSE OF PLACE

Although Nantucket was 13 years ahead of the Commonwealth in freeing its slaves in 1770, and more than 100 years ahead of the nation in desegregating its schools in 1845, scars from the fight for freedom and equality here are explicit. Just before 1770, Prince Boston, a slave belonging to William Swain, took a whaling voyage with William Rotch, a highly successful entrepreneur. When Boston returned from his working journey with Rotch in 1770, Swain insisted that the black man turn over all his earnings—since, of course, he owned the slave.

But Rotch was well-respected on the island by this time, and decided to defend Boston in court. They won the case and Boston was the first slave set free by a jury's verdict. It is believed that blacks on Nantucket shed the chains of slavery for good following this court decision.

Fifty years later a laborer and mariner named Absalom Boston, Prince Boston's grandson, was establishing his place in history too.

Boston captained an all-black crew aboard the whaling vessel *Industry*; he ran an inn and opened a store in an area on the island known as New Guinea, where he worked hard for the betterment of Nantucket's black community.

By 1821 the nearly 300 blacks who lived on Nantucket had formed a common bond in New Guinea (the name indicated the African roots of its residents, and was used to specify particular section of many cities and towns).

New Guinea—thought originally to be bordered by Williams Land, Prospect, Silver, and Orange streets—consisted of a cluster of houses and gardens, as well as its own stores, and inn, and eventually a school, cemetery, and two churches.

One church, the African Methodist Episcopal Church was established in 1835 in a building (which no longer exists) on West York Lane. Little is known about the activities of this church and the participation of blacks there.

But just a few yards down the street stood another building, which today is a historic testament to the struggle and triumphs of Nantucket's black inhabitants.

One event that defined black/white dissension on the island was the Anti-Slavery Convention at the Nantucket Atheneum in 1842. In a speech, Stephen Foster called Town Meeting voters who had supported segregation in schools "pimps to satan."

Foster hurled fierce words at members of many of the island's churches, charging they were guilty of adultery, theft, kidnapping, and the murder of slaves. He called the clergy and church membership a "brotherhood of thieves."

The pro-slavery faction, incensed at Foster's accusations, shot back with rotten eggs and stones—a riot ensued. While police did almost nothing to calm the fighting, many blacks sought refuge and prayer in a place born as the African Baptist Church, but known then as the African School.

It was at that time that the building we know of today as the African Meeting House further distinguished its place in black history on Nantucket.

TRUCKS INSTEAD OF PEWS

Absalom Boston was one of four trustees of the African Baptist Church built in the heart of New Guinea on the corner of York and Pleasant Streets. That said a lot for the church, for Boston was, perhaps, the most respected and wealthiest black man who ever lived on Nantucket.

Though construction on the building likely began in 1824, the land upon which it eventually stood was not purchased until two years later, Jeffrey Summons, a black man who worked as a carpenter on the island, purchased the land in 1826 for $10.50.

The building was used as a school, church, meeting house, for anti-slavery lectures, and even used as a makeshift medical clinic where vaccinations for small pox were given in 1834.

When the Nantucket Public Schools integrated in 1846, the building was no longer needed as the island's only educational center for black children. Yet, it was still used for everything else up until about 1910—about the same time Nantucket was reeling from economic disaster.

Suffering financially, Edgar Wilkes, who had taken over the church in 1888 from the Rev. James Crawford, was forced to sell the building to a trucking business owner named Henry Chase for just $250. Chase needed a place to put his trucks, so he remodeled the former black schoolhouse to accommodate his rigs.

Then in 1933 Florence Higginbotham, who was already living in the house next door on York Street, bought the building and two adjacent outhouses from Chase for $3,000.

"Rumor was that she bought it because she didn't want anybody else between her and the corner," said her son, Wilhelm, in a phone interview last week from his home in Oakland, Calif.

Over the next several years the once proud symbol of black life on Nantucket continued to fall into grim decay, used for nothing more than a storage space for bicycles and construction equipment.

Wilhelm, an Afro-Indian, inherited the property when his mother died in 1972. But Wilhelm didn't really have much interest in the property, or Nantucket for that matter. The winters were too harsh and the work was too erratic (he did work at Glidden's Island Seafood market for a time), and 24 years after he arrived, Wilhelm left Nantucket in 1948. He worked as a postal clerk and managed the island property from his home in Oakland.

While Mrs. Higginbotham used the building as a source of income, actively marketing it as rental property, Wilhelm owned it "free and clear" and didn't care much about renting it out at all, said Seager.

So it sat there, virtually empty up until about 20 years ago when then Nantucket Bike Shop owner Morgan Levine, who was using the building as a bicycle repair shop, became fascinated with the old relic.

It was Levine who raised the money for a historical study of the building, and after nearly five decades of degeneration, the wheels of transformation had begun for the old Baptist Church because of a man who just wanted a place to fix bicycles.

REVIVAL

It's been called the African School, York Street School, African Church, York Street Colored Baptist Church, Colored Baptist Church, and Pleasant Street Baptist Church. Today, we know it as the African Meeting House on Nantucket.

In 1981 Byron Rushing, then president of the Museum of Afro American History (MAAH) and now a State Representative, wrote a historical summary of the building.

By 1986 a historical and architectural study was performed. Three years later MAAH purchased the building to preserve and restore it, and to help provide education about the history of blacks on Nantucket.

The building's earlier neglect may also have been its saving grace. A full 70 percent of the building was original material when the museum purchased it in 1989.

"You have to remember that neglect is a wonderful preservation strategy," mused Seager.

Since last fall, the meeting house has slowly begun to rise again as an icon to the history of blacks on Nantucket. Artifacts have been found, and the architect and builders are finding out what of the structure that now stands can and cannot be used in the restoration.

"We're able to save and use quite a bit of what remained," said John James, architect for the project, who added that the building is being restored according to how it looked in 1880.

The wall facing York Street and the east wall are both going to have to be entirely new, said James. The south wall was cut out and a rolling door installed in 1922 to accommodate truck storage. The east wall, bearing the brunt of harsh weather, collapsed and was rebuilt with simple two-by-four construction in the mid 1970s.

Those two walls, said James, are being rebuilt in keeping with framing techniques of the original building, post and beam—not two-by-four. The west and north sides of the building were in much better condition and can be preserved. And though the windows could not be saved, they are, said project foreman Mike DeNofrio, being virtually duplicated. White cedar shingle will, of course, be the exterior's finishing touch.

The Friends and Committee of the African Meeting House are hoping to raise $600,000 to complete restoration of the building (exterior is expected to be finished by April, but funds are still being sought for interior restoration) so that future plans for the meeting house can be realized.

Earlier this month, a group of people involved in the project, community members, and others met to define what the interior of the building should look like and discuss future goals.

"They wanted the integrity and respect for the place to remain intact," said Sylvia Watts McKinney, executive director of the Museum of Afro American History in Boston.

McKinney said replicas of the pews will be placed in the building, matching them with markings on the original floor and walls.

Boards on the walls and floors had outlines of the pews, so James knew the length and width of the aisles based on those markings.

"They are absolutely clear," said James. In explaining how the markings were made, the architect said to imagine painting a wall a light color, then putting an object, like a pew, up against the wall and painting around it a darker color. When the object is removed, the outline of where it was would be quite clear.

When the building was used as truck storage earlier this century, a reinforcing floor was built on top of the original floor. Yet, oil and gas dripped down through the newer floor and saturated much of the original floor. The stench could force use of new floorboards in place of many of the original ones.

"We just don't know how much of the original flooring we could use," said James, who added that pews would still be placed in their original positions even if the original floor cannot be preserved.

Also, a round wooden canopy is on the ceiling where a chandelier had once hung. The original chandelier, donated to the church by a group of whites in 1837, has yet to be found. A raised platform will also be built at the north end of the building, and a stove, originally used for heating, will be installed for "ambiance of space," said McKinney.

Much of the original ceiling has rotted and will need to be replaced.

"Our primary goal has been and will continue to be that this building is restored," said McKinney.

A HISTORY WITHIN

Upon complete restoration of the building the African Meeting House will be more than an educational center for black history on the island.

McKinney explained that the nation's oldest meeting house on Beacon Hill is used for such things as press conferences and weddings, and envisions the same on Nantucket.

Also planned is an audio system playing gospel and spiritual music, reenacted sermons on abolition, and more contemporary themes like Martin Luther King's speech.

In the 1940s and 50s the building was used, said Seager, for "an occasional record hop" with jazz and blues music.

McKinney said the restored landmark should be "perceived as a living history where anyone who visits can get a sense of what it was like.

"We don't want people to just point and say 'that's where it used to be.' We want people to feel that they're a part of it."

And Kelly Hanley Goode, a member of the steering committee, added that the original church was not just the center of black life in New Guinea, but on Nantucket and the country as well.

"We want to be the impetus and motivation for more research, to draw black history within Nantucket's history where it becomes a part of it—not a separate part," said Goode.

Seager believes deeply in the project, not just for Nantucket, but also for other communities inspired by what is being accomplished here. She said the African Meeting House restoration project has now caught the attention of a church in Savannah, Ga. The priest there is a Nantucket native.

"The story of the people is preserved," said Seager, "when the building is preserved."

Mr. OWENS. Mr. Speaker, I thank the gentleman from the great State of Massachusetts. We should take note of the fact that Massachusetts was one of the first to heed the call of President Lincoln and with great fervor their soldiers went into the lines and the civil rights battles. Also Massachusetts produced Charles Sumner, one of the great defenders of slave rights and later on one of the architects of the legislation that led to 13th, 14th, and 15th amendments. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Virginia [Mr. MORAN], a neighbor from Alexandria.

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend, the gentleman from New York.

I gather there are other speakers so I will not take time. I have a statement that I am going to submit for the RECORD that pays tribute to the people within my district that have put so much effort into preserving the memory, the artifacts, the books, recordings of black history in northern Virginia, the Society for the Preservation of Black Heritage, the Parker-Gray Society, we have a number of groups that have been very successful. I want to honor them within the RECORD.

I would also mention some of the history that cannot help but be recalled at this time. In fact, it is relevant to some of the issues that we deal with today.

For example, in 1846, there was a secession of Alexandria from the District of Columbia and our newspaper reports how African Americans, who had been brought here involuntarily for the purpose of slavery but then had been freed because they were part of the District of Columbia, having lived in Alexandria lined the way to all the polling stations, begging those whites, because white people were the only ones allowed to vote at the time, not to—what it was was a secession from the District of Columbia to make that populated part of northern Virginia part of the Commonwealth of Virginia and thus they would no longer be freed people.

They were unsuccessful in that effort and Alexandria immediately slipped back to some of its darkest days and became a center for slavery. I want to thank the Washington Urban League for purchasing the buildings now that at one point were slave quarters, to remind young people growing up in our community of the relatively recent history that gives us cause to renew our efforts to be vigilant and not to take our freedoms and progress for granted.

□ 1715

Because we are only talking about 150 years. Almost exactly 150 years ago when this occurred. It took a Civil War to restore dignity and freedom to those citizens.

We, today, are in a similar struggle, although it may not be as clear, to establish dignity and opportunity for all of our citizens, particularly within the District of Columbia, our capital city. And so I would hope that as we focus on Black History Month, that we would have more than the African-American Representatives within the Congress contribute to this.

We are all representing districts of our country that have been profoundly affected by the most scandalous era within America's history, and it is up to all of us not just to contribute words but to contribute a sincere commitment to build upon the progress that our African-American brothers and sisters have achieved. We are where we are, in large part, because of the pain, the suffering, the perseverance and the immense contribution they have made to our culture and our history.

Mr. Speaker, the prepared statement I referred to earlier follows herewith:

Mr. Speaker, today, as we come together to celebrate the contributions that African-Americans have made to this great Nation, I would like to pay special tribute to the many African-Americans in my district that have helped northern Virginia grow into the diverse and distinguished place it is today.

Since 1983, the Alexandria Black History Resource Center has been educating northern Virginia about the history of our community. In addition to giving lectures and tours of the center, the Resource Center houses an impressive collection of memorabilia which documents the history of the African-American experience in Virginia. Upon visiting the Resource Center, guests learn of the great efforts made by the Alumni Association of the Parker-Gray School and the Alexandria Society for the Preservation of Black Heritage, Inc. to remind everyone of the contributions that African-Americans have made across the country. Their efforts also remind us that only by working together do we achieve an understanding of who we are as individuals.

The Parker-Gray School and the Alexandria Society for the Preservation of Black Heritage, Inc. both have an impressive history of their own to tell. The society began as the response of African-Americans in the Parker-Gray section of Alexandria to protect the Alfred Street Baptist Church from demolition. This church served as a catalyst for the black community in Alexandria. During an unstable time for African-Americans in this area, the church was not only a place of worship, but it was also a place for blacks to meet, plan, and build the community into what it is today. The Alexandria Society for the Preservation of Black Heritage, Inc. succeeded in its efforts. It continues to use the same perseverance to maintain and expand upon the black community.

The Parker-Gray School, which is named for two African-American principals of earlier schools that added greatly to the community, became the first 4-year high school for blacks in this area. The descendants of those who fought long and hard for the opening of this high school continue to work to build our community.

Another important project in the Eighth Congressional District is the Slave Memorial at Mount Vernon. The memorial, whose design was contributed to by students of the Howard University School of Architecture and Planning, consists of a gray granite column at the center of three concentric brick circles. The center column bears the inscription "In memory of the Afro-Americans who served as slaves at Mount Vernon." The three brick circles around the column are inscribed "Faith," "Hope" and "Love"—to symbolize the virtues that sustained those living in bondage. This memorial serves as a reminder of all of the thousands of visitors who come to Mount Vernon every year that this country was built by the labor of all of our ancestors.

This is the only known monument of its kind. It is a permanent tribute to enslaved African-Americans, whose skills, talents and spiritual strengths were an integral part of America's past. Every year, for the past 13 years, Black Women United for Action, an organization which serves as a strong voice of the black community, and the Mount Vernon Ladies' Association, the non-profit organization that owns Mount Vernon, organize a wreath-laying ceremony at the Slave Memorial to honor these men and women.

All of the organizations and people mentioned above have done much to honor the rich contributions of African Americans, not only in northern Virginia but across the Nation. Their hard work is important to all of our communities to grow as one, remembering the struggles of our past and building the blocks to our future.

Black History Month is a time for celebrating the strength and diversity that African-Americans provide to these United States of America. And I thank you for giving me this time to add to the celebration. I only wish I had more time to give thanks to all of the groups and highlight all of the sites in the Eighth District of Virginia which add to the community. I would like to encourage everyone to come across the river to experience this rich environment.

Mr. OWENS. Mr. Speaker, I would ask if there is anyone in the House that has not spoken yet that would like to speak?

If not, I would like to yield to the gentlewoman from California to make a closing statement, and the gentleman from Ohio if he would like to make a closing statement, also, after the gentlewoman.

Mr. STOKES. Yes, after the chairwoman.

Mr. OWENS. Mr. Speaker, I yield to the gentlewoman from California, the leader of our Black Caucus.

Ms. WATERS. Mr. Speaker, I want to thank the gentleman for the additional time he took out here to ensure that all those who would like to make a statement about the contributions of the history, the development, the involvement of African-Americans in our society, in our country, in our Nation, would have that opportunity to do so.

I would additionally like to thank Congressman STOKES, because we do this today because he engineered this tradition for us in this House. Today he was able to sit here and advise us, and to instruct us and to help us learn protocol and to do all those things that we must learn to do to make these kinds of presentations.

I am grateful to him for his assistance, for his leadership, but I am eternally grateful to him for the role that he played in the founding and the development of the Congressional Black Caucus. It is because of his work that we understand our power. It is because of his work that we understand what it means to be unified. It is because of his leadership and the others that had the vision about where we could go and what we can be that we stand here today and share with the world who we are, what our aspirations are and what our vision is for the future.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman from California for her leadership in also organizing this special order, and I yield to the gentleman from Ohio, if he would like to speak.

Mr. STOKES. Mr. Speaker, I would just like to thank the gentleman in the well for having taken this last hour and providing us the opportunity to extend this special order for a 2-hour period. I particularly want to recognize the contribution the gentleman is making as a member of the Congressional Black Caucus and one of the new leaders. So we are particularly proud to have had your participation this afternoon.

GENERAL LEAVE

Mr. OWENS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Black History Month.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OWENS. Mr. Speaker, I also want to thank the members of the majority for yielding us this time in a way which allowed us to present this special order in a 2-hour format back-to-back.

I want to close with just a few remarks thanking my colleagues and thanking Mr. STOKES again for the tradition that has been established here by the Congressional Black Caucus. This is just the beginning. I hope that we stimulate a more thorough discussion all year round within the African-American community in general, but all of our organizations and all of our leaders ought to take another close look at history.

What we need is more profundity. We need to dig deeper into our history and follow the example of the South Africans. The South African Truth and Reconciliation Commission is a model that is still pertinent for America. I think we ought to understand that some of the tensions within our society are there because people do not understand what the history of slavery is all about. They do not understand, even our own young people do not understand, how great their ancestors were.

I talk to young people and I say, all your ancestors were members of an aristocracy, an aristocracy of survivors. Survivors. Just to survive, just to survive the Atlantic crossing, just to get here to these shores alive, to survive 232 years. Two hundred thirty-two years. And remember Shakespeare's phrase, "Tomorrow, and tomorrow and tomorrow."

What was 232 years like? What did slaves have to look forward to? Two hundred thirty-two years. What are the economic implications of being in America, a people being in America for 232 years and not being paid for their labor? What are the economic implications of a people not being able to save anything? What are the economic implications of not being able to pass anything on to your children?

Some of our young people are ashamed that it seems that blacks are always at the bottom. They are at the bottom of the economic structure, et cetera. It would take a miracle for us to get to the top when we consider the fact that most wealth is inherited.

The researchers have established the fact that wealth is inherited. It is passed on from one generation to another. Sometimes it may be a small amount, but in order to have a small amount to invest and to make that amount grow you have to have it to begin with.

As I said before, the gap between the black middle class in America and the mainstream middle class is not great when it comes to income, the salaries being earned, the kinds of jobs being occupied; but when we compare the wealth, wealth means property, wealth means stocks and bonds, wealth means cars and things that have value beyond a few years. When we look at wealth, it is not there.

One of the reasons wealth is not there is because 232 years went by without us earning wages, being able to save. Nothing could be passed on to the young people. We need to study that. We need to look at the implications of it.

The South African Truth and Reconciliation Commission is dealing with more immediate kinds of things that happened, all of the killings and maiming and murders that took place in South Africa, perpetrated by one group, the minority whites on the majority blacks. In order to deal with that and not have that poison their present, not have the past poison their present, to be able to go forward for the future, they have this Truth and Reconciliation Commission.

I do not have time to talk about it, but, Mr. Speaker, I want to enter into the RECORD an introduction which explains what the Truth and Reconciliation Commission of South Africa is all about. I say in introducing this, this background paper on the Truth and Reconciliation Commission of South Africa, that I intend to introduce legislation which calls for the establishment of a Truth and Reconciliation Commission in the United States related to slavery and the condition of people of African descent, the descendants of the slaves.

The gentleman from Michigan [Mr. CONYERS] has introduced for several years a bill related to reparations. I am not going to add reparations. That is money. It excites people. It leads the discussion in the wrong direction. I want to talk about truth, truth before reconciliation.

We are not reconciled. We have too many people out there among the descendants of slaves who do not understand where they came from and who do not have the right self-esteem and sense of self-worth. We have too many people out there among the descendants of slave owners who are not willing to admit that there was a great injustice done and that injustice had repercussions.

Some of the people who stand on the floor and yell loudest about welfare and the need to make everybody go out and overnight get a job, et cetera, when the jobs do not exist and the economy does not favor certain kinds of people, they are descendants of slave owners.

We need to put these things in perspective. We need to study in a deeper and more thorough way some of the major documents of our own history, the Truth and Reconciliation Commission.

And again I want to emphasize the fact that reconciliation is more important than justice. We are not seeking justice. Justice means we have to go fight wars and make people pay us reparations, and really justice would be out of the question.

Just as the people in Haiti have given up on justice, and they are not trying to punish anybody, they want reconciliation. They want reconciliation with the people who perpetrated the murders. In Bosnia and the Balkans they will not get anywhere unless they give up any quest for justice. Seek reconciliation but do not seek reconciliation in a phony way. Do not think you can have reconciliation unless you deal with the truth first.

Let us take a document like the 14th Amendment and deal with it truthfully. The 14th amendment, like the 13th amendment and the 15th amendment, were perpetrated, were created by the Members of Congress in response to the aftermath of slavery. We had set the slaves free. Actually the 13th amendment set the slaves free, and what should we do now? The 14th amendment came along to give the slaves equal rights.

But the 14th amendment has some other things in it, and I want to call my colleagues' attention to the other things in the 14th amendment because it is more than just equal rights. The 14th amendment is now being distorted to take away any programs which offer special treatment for the descendants of African slaves. That is turning history on its head, because the interpretation of the Constitution, most of the time the Supreme Court wants to know what was the intent of the founders.

The 14th amendment says the intent of the founders in the 14th amendment was to correct injustices related to slavery. And there are other parts which go on to talk about getting rid of that three-fifths count and counting everybody whole. Every male is to be counted equally.

And there are other parts that talk about punishing, punishing the people who rose up in rebellion against the Union. That is all in the 14th amendment. I cite those things because that makes it clear the 14th amendment is not about equal rights for everybody. It is about making adjustments in this society to take care of the evils of slavery. And when we set aside laws and voting rights laws which favor the descendants of African slaves, then we are in harmony with the 14th amendment.

We need to study these things in more detail. We will be back in the future, and I hope my colleagues will join me. Civil rights organizations need to update their own quest for the truth in history. We need to support a Truth and Reconciliation Commission in order to move forward toward the year 2000 with a more just society.

There are issues that will be coming up this very year: putting a cap on Medicaid, denying medical services to the poorest Americans. The proportion of the poorest Americans is great among African-Americans, the descendants of slaves. We are moving in a direction which is refusing to recognize that we ought to take some steps to reconcile with the former victims of slavery.

These things are part of history. The small individual achievements of individuals are part of history, and that has been cited in many cases here, but we need to take a more profound, in-depth look at history, the history of America and the awful institution of slavery; how the repercussions of that institution keep going on.

Mr. Speaker, I thank everybody who has participated today.

Mr. Speaker, I want to enter into the RECORD at this point an introduction which explains what the Truth and Reconciliation Commission of South Africa is all about.

INTRODUCTION BY THE MINISTER OF JUSTICE, MR. DULLAH OMAR

After a long process of discussion and debate, inside and outside of Parliament, the scene is finally set for the appointment of the Truth and Reconciliation Commission. It is important to understand the context in which the Truth and Reconciliation Commission will take place. The Commission is based on the final clause of the Interim Constitution which reads as follows:

"This Constitution provides a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future rounded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex.

"The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society.

"The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge.

"These can now be addressed on the basis that there is a need for understanding but not for vengeance, a need for reparation but not retaliation, a need for ubuntu but not for victimisation.

"In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past. To this end, Parliament under this Constitution shall adopt a law determining a firm cut-off date which shall be a date after 8 October 1990 and before 6 December 1993, and providing for the mechanisms, criteria and procedures, including tribunals, if any, through which such amnesty shall be dealt with at any time after the law has been passed.

"With this Constitution and these commitments we, the people of South Africa, open a new chapter in the history of our country.

I could have gone to Parliament and produced an amnesty law—but this would have been to ignore the victims of violence entirely. We recognised that we could not forgive perpetrators unless we attempt also to restore the honour and dignity of the victims and give effect to reparation.

The question of amnesty must be located in a broader context and the wounds of our people must be recognised. I do not distinguish between ANC wounds, PAC wounds and other wounds—many people are in need of healing, and we need to heal our country if we are to build a nation which will guarantee peace and stability.

A critical question which involves all of us in how do South Africans come to terms with the past. In trying to answer this important question honestly and openly, we are fortunate in having a President who is committed to genuine reconciliation in our country and to the transformation of South Africa into a non-racial, non-sexist democracy based on a recognition of universally accepted human rights.

The President believes—and many of us support him in this belief—that the truth concerning human rights violations in our country cannot be suppressed or simply forgotten. They ought to be investigated, recorded and made known. Therefore the President supports the setting up of a Commission of Truth and Reconciliation.

* * * * *

AMENDMENT XIII

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss of emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce by appropriate legislation, the provisions of this article.

AMENDMENT XV

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

SALUTE TO BLACK HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight to join with my colleagues to salute Black History Month in the United States.

Just recently, Mr. Speaker, the Nation held a dual celebration, the inauguration of the President of the United States and the birthday of the late Rev. Martin Luther King, Jr. Mr. Speaker, this was a leader who inspired a generation to dream of a society where prejudice has no place and intolerance is without a foothold.

□ 1730

Now as we stand on the threshold of a new century, we must reevaluate how we have held to the principles espoused by Dr. King. His message, in fact his very life, was a call to arms for millions of Americans. During his all too brief life, he raised the conscience of America and, in doing so, made the greatest Nation on Earth even greater. At times it seems as though his dream has been forgotten, it seems as though the differences of race cannot be overcome.

I was shocked and saddened last year, as many of my colleagues were and the citizens across the country, when depraved arsonists burned down black churches throughout the South. This throwback to a dark era hinted at the underlying and unresolved issue of racism in America. But once again America did not allow darkness to reign. Instead, Americans of all faiths and colors came together to rebuild those churches and as the walls rose, so did the promise of America.

Mr. Speaker, the promise of this Nation was born in the belief that we were all created equal and entitled to certain inalienable rights. That promise grew as our Nation grew until we realized that some were excluded from the promise of freedom and justice. Black Americans suffered greatly, not just in the South but also in northern States, where poverty and hopelessness were the norm for free blacks. But it seems that in our darkest hours, Americans always rise to a new level of decency and honor.

During the American Civil War, it was Abraham Lincoln who gave voice to the truth that America cannot truly be free as long as we excluded men and women based on the color of their skin. As the civil rights movement in the 1960s grew, a new voice was heard, the voice of a preacher who reminded all Americans that only God could determine what was in a person's heart and a colorblind system of justice could establish equality in America.

Now at the dawn of the 21st century, Mr. Speaker, only a free and equal society can shape the future of this great Nation. Only by working together as a unified nation can we truly realize the potential of all of our citizens and the beauty of our more perfect union. Even today we have not reached a place where all minorities share equally in the American dream. President Clinton in his inaugural address issued a challenge to the Nation to reshape our society by creating a new government for a new century, a government humble enough not to try to solve all our problems for us, but strong enough to give us the tools to solve our problems for ourselves.

I agree with his challenge, but I add that all Americans must have access to the tools necessary to solve those problems. And so here in Black History Month, Mr. Speaker, I join my colleagues from the House on both sides of the aisle and the Senate as well and join with the executive branch and all Americans across the United States to make sure that we rededicate ourselves to the principles of Abraham Lincoln, the principles of Dr. Martin Luther King, Jr., and to make sure that we correct the inequities and to make sure that opportunity for all, whether it be in education, housing, jobs, in training, access to public accommodation, is equal to all, and we will rededicate ourselves to that purpose and to those goals.

HOUR OF MEETING ON TOMORROW

Mr. FOX of Pennsylvania. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMERICAN PATENT SYSTEM UNDER THREAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. ROHRABACHER] is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, I am asking my colleagues today to join me in cosponsoring the Patent Term Restoration Act. This piece of legislation is basically the same bill that I offered last year as H.R. 359. H.R. 359 had over 200 cosponsors; 81 of them were Democrats. H.R. 359 had the support of major universities, pharmaceutical companies, energy companies, energy innovators, biotech companies, venture capitalists, and, most importantly, it had the support of every small inventors organization in the country.

Last year H.R. 359, my piece of legislation, never made it to the floor of the House of Representatives for a vote. This year, we have every indication that it should get to the floor and have a vote here on the floor of the House of Representatives by the August break.

Last year there was another patent bill, as well as my own, that was introduced. This was a far different bill. It was introduced by Congressman Carlos Moorhead and Congresswoman Pat Schroeder, who are now, of course, retired from this institution. This bill had a dozen or so cosponsors, but it had the tremendous support, the enormous support, of multinational corporations and those people in the political and economic establishment that are struggling to create what they are calling a global economy.

You see, the Patent Term Restoration Act, H.R. 359, which I will be submitting and asking Members to join me in cosponsoring, takes a totally different approach than what last year's bill by Mr. Moorhead and Mrs. Schroeder was taking. In fact, their bill now, H.R. 3460, has been reintroduced as H.R. 400, which will also come to the floor by the August break.

So we have two different approaches, and I thought that today I would discuss this major decision that Congress will make that seems like it is such an obscure issue and a complicated issue that many Americans will probably not even understand that there is an important decision about to be made that will impact so directly on their lives and the lives of their children.

First of all, let us note that patent protection in the United States of America is something that has reaped tremendous rewards for our people. We have had, in the United States of America, the strongest patent protection of any country in the world.

In fact, Thomas Jefferson, Benjamin Franklin, and others of our Founding Fathers insisted that the concept of patent protection be written into the Constitution of the United States. We in fact had the strongest patent protection because our Founding Fathers believed it, it was written into our Constitution, and throughout our history the idea of the ownership of one's creative genius was always supported by the American Government.

Thus, over the years, as people came here from every part of the world, people who wanted to work hard and people who had the creative spirit and a revolutionary spirit about them, these people brought with them new ideas, and they were confronted with a society that protected their ideas and gave them the right to own those ideas, just as we gave people the right to own property.

Many of the countries from which our Founding Fathers and Mothers came from, the right of property ownership for the average person did not exist. In fact, people were repressed, and the right of ownership, just like other rights, the right of religion and speech, were not things that were granted to the common man. These were things that were meant for the aristocracy. That is why people came to the United States of America, because they read Thomas Jefferson and they read Benjamin Franklin and they read Thomas Paine and Patrick Henry and John Adams and George Washington, and they read our Declaration of Independence and they knew something was going on in the United States of America. It was a place where the common man could come, he could raise his family, and a family could expect that their children would have opportunities beyond anything that was accessible anywhere else in the world. Part of this opportunity came from the fact that we recognized property rights. The property rights to own land, as I say, was also protected by the Constitution. The right of contract, and other economic liberties that were only thought of as rights for the elite in these other countries, were turned over to every person who was an American, and every person who came here who wished to become a citizen was given freedom. They were not given any subsidies or any type of welfare, but they were given freedom, and they were given the promise that their rights would be protected. As I say, interestingly enough, one of these rights that is so often ignored and often overlooked was the right to own one's own creative genius, the product of one's own creative genius, the patent right.

Traditionally, this is how the patent system worked in America. As I say, it was the strongest of any place in the world. Someone who had a new idea, whether it was Eli Whitney with the cotton gin or whether it was Samuel Morse with the telegraph or Alexander Graham Bell with his many inventions, the light bulb and others, these people would work on their idea and they would then develop their idea into a patent and take it in the proper form and would submit this idea, submit it to the Patent Office and the Patent Office would consider their idea.

Traditionally, no matter how long it took our Government to act in granting the right of ownership to that piece of property, that intellectual property, the applicant always knew that after the patent was granted that he would have a guaranteed patent term. Well, that was part of the guaranteed rights that we had.

You have a right to freedom of speech, you have a right of freedom of religion, you have a right of freedom of assembly. You have a right to own your property. Well, you also had a right to a guaranteed patent term. In the early part of our country's history, the patent term was, no matter how long it took you to get it issued by the Government, if it took 10 years, you would still have 14 years of patent protection. They would give you a guaranteed patent term of 14 years once it was issued.

Later on, as America began to realize how important the development of technology was to our well-being, our Government wisely extended the patent term to be 17 years. So for the last 150 years, American inventors would work on their patent and develop new systems and new ideas and concepts and technologies. They would go to the Patent Office knowing, and their investors would see them through, knowing that no matter how long it took for that patent to be issued, they would have 17 years to recoup and benefit from that. From that time that they had put in personally or the venture capitalist who put in the investment, they knew they would have a chance to get a return.

This has served America so well. Technology and the fact that we have been on the cutting edge of technology has made all the difference in our country. It did not make just all the difference for the aristocracy. The fact is they did not have this freedom in other countries. They did not have the freedom of speech, the freedom to own property, the economic freedoms we have, and they also did not have the patent freedom that we had in America in these other lands, but the aristocracy did not care because they had the rights. The aristocracy kept the power and the rights to themselves in other societies.

That is why in the United States of America that we made the blessings of liberty to every person here, was available to every person here. That is the reason why we became a beacon of hope to the world, but also we became a leader in the world in the standard of living of our people, of the average person. Our people were able to outcompete every potential competitor in the world because Americans had, yes, low taxes, which was important, and yes, we had people who were willing to work. But there are other countries with low taxes and other countries that basically had many people willing to work. But what we did was we put our working people in the position of being able to outcompete anyone in the world because they were using superior technology, cutting-edge technology, and it was the American people that were coming up with the ideas to lift the burden of labor from their fellow Americans in a way that would increase the production of their fellow Americans, making us more productive but making us a wealthier society.

This was the vision that Thomas Jefferson had. This was the vision when he retired to Monticello and he was tinkering with his various devices, and if you visit that place today, you will see that Thomas Jefferson believed in that. If you visit Philadelphia and visit the home of Benjamin Franklin and the places where he lived, you will see that Benjamin Franklin was the inventor of the potbellied stove. Now that does not mean much to us today, but it certainly meant an incredible amount to people who lived in cold homes and all they had were fireplaces before this. It permitted the average person to be warm in the wintertime. It was a piece of technology. Thomas Jefferson, Benjamin Franklin. Benjamin Franklin invented the bifocal. He experimented with electricity, and how many of us read about that in our childhood when we went to school about Benjamin Franklin flying the kite and experimenting with electricity?

□ 1745

Thomas Jefferson experimenting with balloons in Paris when he represented the United States there, as well as Benjamin Franklin experimenting with flight; they had vision. In fact, when Benjamin Franklin in his waning years thought about the future—there is a famous quote from Benjamin Franklin saying that he is sorry that he is going to die, not because he is sorry for leaving the planet, just for not being alive, but he is sorry to die because he knows that the American people will be inventing so many new things and there will be so many changes in the human condition brought on by devices and technologies that are undreamed of in that day when he was alive, and that he just yearned to be able to see those inventions. Well, he had faith in the American people, and he ensured that the American people's rights were protected. And during the century after his death, the American people did not let him down. We were the center not only of freedom but of innovation.

The Fulton steam engine on the steamboats; we all think of Robert Fulton as being the inventor of the steam engine. He was not the inventor of the steam engine. The steam engine was built many, many years before, but it was the American genius that put that steam engine onto a boat in order to use it rather than having people having to paddle or use the sail in order to propel a boat.

We had inventions, whether it was the initial inventions that permitted us to have mass manufacturing, or whether it was the initial inventions of the telegraph or these other things that help us with communication, or whether it was the great surge of inventions that happened after we actually increased the length of the patent term.

Alexander Graham Bell and others came forth with these new types of processes that propelled mankind into an era when the common man was not just trying to keep warm in the winter, but where average families lived decent lives.

A black American who invented a process of how to bring down the cost of building shoes was issued a patent back in the, I think it was 1870, and this patent man, here he was in a country that basically discriminated against black American citizens, but they so believed in the patent right that they protected his right to that patent, and in doing so that black American was able to contribute knowledge and technology that within a few years reduced the price of shoes for the average American by 50 percent. And what that meant: that Americans were able to have shoes. Americans had clothing, they had shoes, they had full stomachs. They in fact were not slaves to their labor because there were labor-saving devices that were being developed every day by other Americans.

This is what made us. This freedom and this technology is what made us the most prosperous country in the world. It also protected us during those times of conflict when America's safety was in the balance during World War II and during the cold war. It was American technology, not raw manpower that saved America.

You know, if we tried to match, if Americans tried to match the world man for man, economically, we never would have succeeded; we will not succeed in that today. There are many people who think that just, oh, basically we cannot compete against cheap labor around the world. Well, there was always cheap labor around the world, and our people always outcompeted them; and in terms of warfare, we could not have competed against adversaries man to man, we could not put raw muscle power or the numbers of people in the field that adversaries, tyrannical adversaries, could.

What saved us economically and saved us militarily was the fact that our people were superior in the equipment that they had to use to produce goods and services, but they were also superior in the technology that was in the weapon systems they used to protect our country.

Our adversaries understand this. During the cold war, more than anything else it was the concept that the United States of America had technology that was well beyond anything that could have been produced in Communist countries. That unnerved the Communist bosses and led to a disintegration, a disintegration of the Communist empire that threatened us for four decades after World War II.

We can thank our rocket scientists, we can thank our people who went forth to develop a missile defense system, but we could also thank the aerospace engineers who over those 40 years built airplanes that would take our people out to battle and make sure that they were superior to any aircraft in the world. We can also thank our scientists and our other technologists who produced the radar, produced the electronics, produced the other equipment that enabled us to with confidence tell the Soviet Union, as Ronald Reagan did, that it would be left in the dustbin of history unless it joined the free nations of the world and put away its aggressive aims on the West and its aims at destroying democracy.

So instead, we have ended the cold war without firing a shot at the Soviet Union. Instead of massive destruction, we ended the cold war by insuring that we were ahead technologically and by being strong advocates of human freedom.

Unfortunately, what helped us end the cold war, what has preserved the American way of life and given us a standard of living, given a standard of living to the American people as no one has ever dreamed before, is under attack. It is under attack because a global economic war has replaced a cold war. That is something we cannot get rid of. We cannot escape that. We cannot escape the fact that now we will have global competition because technology has improved communication and transportation beyond anything that could have been believed only 100 years ago.

So we have a global economy, we have a global war economically going on, but our adversaries have launched a sneak attack on the United States of America.

This will surprise many of the American people, but there has in the last 4 years been a concerted effort to diminish the patent protections that we have considered to be a right of Americans over the history of our country. There has been an underhanded effort to change patent law and to undo this great economic prosperity that we have for the common man by coupling, decoupling that is, America from its greatest asset, and that is our technological superiority over our competitors and our adversaries.

Let me say this so that it will be very plain for everyone to understand. The fundamental patent law of our country, which is the reason why Americans from all parts of the world were able to come here and produce these great new technologies, it did not just happen on its own, it did not happen because of our race or religion or anything else, it happened because we were a people that had a Government that was set up to protect intellectual property rights, especially patent rights, and those laws protecting patent rights have been fundamentally changed and there is a move in this country to basically greatly diminish the patent protection enjoyed by our people.

In order to what? Why would someone do that? Why would any American do that? It is being done by many people with a straight face, who come forward thinking they are trying to create a better world in the name of creating a global market. Lord save us from benevolent souls who would restructure our lives and remake the entire world in order to make it a better place by their understanding of what a better place means. Lord help us from people who think that they are going to make a perfect world because what we are facing when you face someone who is going to make a perfect world, you are facing an individual who has all the good intentions in his heart but is willing to destroy your rights in order to achieve his or her objectives. That is what we saw with all the past reformers who were going to make this a global world which was a perfect world.

Well, that is what we are facing here. We have groups of people, powerful individuals who think they are going to build a perfect world, and they are going to guide us into this new era of a global economy, and they are going to regulate the global economy. Well, they cannot even regulate the American economy. Even that does not work. And now they are going to try to create the global economy.

Now I happen to believe in free trade. I am a free trader. I believe commerce between people is a good thing. But I would tell you one thing: I do not believe in free trade with dictatorships because it is only free on one end. What I believe in is free trade between free people, and between free people we will prevail. But one of the things that will make us prevail is the fact that we will continue to protect our own citizens.

We live in a world where there are many countries that are not free, and if in order to create a global marketplace that includes these unfree societies, these dictatorial societies like Communist China, and like I would say probably a quarter of the other countries across this planet where people live in despotism, where they live in deprivation, where they have no rights, where the working people are basically slaves that have no right to organize unions, they have no right to have contracts enforced; they are the pawns of vicious and ugly rulers who side with the elites in their society. If we tried to basically lower the standards of the American protection, our protections that we have had, the protection of our rights as U.S. citizens, in order to create a global economy in which we will be dealing on an equal basis with those kinds of societies, the American people are bound to lose.

And what is happening, and the patent fight is just the first step in this global economy battle that we will see popping up here in Congress over and over again, what we will see, more and more, is that in order to be in a global economy we have to eliminate this, we have to eliminate that, we have to change this, our law, and we have to diminish the rights of Americans.

What we are talking about is that there is an elite at work in the world and in the United States that in order to create a global economy is willing to cast away and diminish the rights that have been protected by the American people, rights of the American people. They are willing to diminish those rights in order to achieve their objective because, once they achieve a global marketplace, their theory is, oh, the dictatorships like that in China and elsewhere, they will disappear because if they just have more contact with the West, well, those dictatorships, those ruthless regimes, will liberalize, they will become more benevolent, and they can become part, in fact, of the benevolent new global order. I guess George Bush called it the New World Order.

Well, this type of nonsense is going to lead to nothing but misery for the American people. This type of logic will lead the American people with the same status as the multitude of people who live in countries throughout the world that were the homelands of our forefathers and mothers. We left those societies to come and live in America to be free. We came here because we knew our rights as human beings would be protected and that America was a special place.

□ 1800

But now we see that those protections are going to be diminished.

In the beginning, they hoped to diminish these rights. Just basically, they do not want to talk about it, and in this first battle, I might say, of the global economy, they tried to do this in a very underhanded way. Let me describe how the patent rights of the

American people have already been diminished.

What was our basic right to begin with? Our basic right was, the American inventor could apply for a patent and no matter how long it took the bureaucracy to prove that patent, he or she would still own that patent and have a right to benefit from it for 17 years. That was called the right of a guaranteed patent term.

Well, in order to harmonize our law and to have a global economy, it was determined that the United States should end the guaranteed patent term, that that should no longer be a guaranteed right for the American people. As I say, in a very underhanded fashion the change in the patent law was snuck in, and I say snuck in because I asked repeatedly for any language that would be in the GATT implementation legislation about patents, and was denied the right to know what was in there until the very last minute. I am a Member of Congress asking what language will be in a piece of legislation, and the administration was denying me that right to know what was in it. They put this change in patent law into the GATT implementation legislation.

Let me explain what GATT implementation legislation means. The GATT implementation legislation is the legislation that we passed in Congress in order to fulfill our obligations by agreements that we reached with other countries, to establish the general policies on trade and tariffs for around the world. Basically, GATT means General Agreement on Trades and Tariffs.

When this administration and other administrations were negotiating GATT, they were given the right to negotiate GATT by the Members of Congress, and I voted for this, by the way. They were given what they called fast track authority, because there is nobody to negotiate an agreement like this if you are going to have every little thing that is agreed upon have to be voted up and down by Congress.

Fast track simply means that the Congress will be kept informed of what is involved in the GATT agreement, and then the Congress would be given 50 days to examine the agreement and everything that is in the legislation that implements the agreement, and then we would only have an up or down vote on the GATT implementation legislation.

So we gave up our rights here; to look at every little section of the GATT implementation legislation, we gave up that right with the promise that we would have 50 days to examine it and know everything that was in it; and that there would be nothing, and here is the catch, there would be nothing in that legislation that was not required by the GATT agreement itself, and the agreement that we made with all of these other countries.

Well, there was no agreement made as part of GATT that required us to cast aside and to eliminate this traditional guarantee that we had of patent protection important to the American people. There was nothing in there that mandated we had to do that. Yet, the administration snuck this into the GATT implementation legislation, would not even tell me as a Member of Congress until the last minute that it was in there, and then gave us just a few days to pass GATT. Luckily, we beat them back and we were able to postpone that vote on the GATT implementation legislation.

That is really when I became active on this issue of the GATT implementation legislation. What it was was an amendment, a small amendment, obscure, hard to see the importance of it; and in fact, if you read the language it looked like they were actually increasing the time of patent protection for the American people.

The change is, and traditionally, remember, if you applied for a patent, no matter how long it took you to get it, once you got it, it was yours for 17 years, 17 years of a guaranteed patent protection. Now, under the new law which is now in law, they totally betrayed us, they put it in there without it being required by GATT, I was not able to defeat it, now what does the law say?

The law says that someone who comes up with a new idea, new invention, can submit that, but the clock starts ticking immediately. And the clock is ticking not against the government, not against the bureaucracy, not against those people on the outside who would try to interfere, try to interfere with a man's right to have his patent issued as soon as possible; no, the clock is ticking against the inventor. If it takes him 15 or 20 years to get his patent, his or her patent issued, that inventor will have seen three-quarters of his or her patent term eliminated, because the time is ticking, the clock is ticking against the inventor, and he or she only has 20 years.

And if it takes 15 years, and many of the breakthrough technologies that we have had, especially in this last two and three decades, many of them take 5 and 10 years for a patent owner to get the patent issued, because if it is a breakthrough technology—by the way, most of the patents, 90 percent of all patents are very simple, just readjustments of new technology. The breakthrough technologies take a very long time to get through the patent system. Many of them have taken 10 and 20 years themselves.

That means that we are dramatically reducing the amount of time that our inventors have to reap the rewards of their own innovation, and in fact we have eliminated the guaranteed patent term. There is no guaranteed patent term. That was done. That was done basically in a very surreptitious way, and I have been fighting that battle. That is what the Patent Restoration Act is going to be all about, is restoring the guaranteed patent term.

But those people who eliminated that guaranteed patent term, why did they do that? They did it, as I say, as part of this harmonization effort. But who really started the ball rolling? The American people will be surprised to hear, the real reason we have been trying to eliminate the guaranteed patent term by some people here in this body who have been trying to eliminate the guaranteed patent term is because it will harmonize our law with Japan.

Bruce Lehman, the head of our patent office, went to Japan, had a meeting with his counterpart in which he signed an agreement to basically harmonize our law, not to bring up the level of protection in Japan to that of the United States, but to bring down the level of protection in the United States to that of the level of Japan.

That system, where there is no guaranteed term and the clock is ticking against the inventor, has been the Japanese system. That is why they never invented anything. That is why they use our technology, because they have a system where the inventor, once he applies, the clock is ticking against the inventor. The huge corporations come in and they beat down the inventors and they force them to give up their rights, and the creative people in that society are steamrollered by powerful interests who want to have control of the wealth-producing ideas and technology that will determine who has the power in the future.

That is the system they are imposing on us, ladies and gentlemen. That is the system that these planners want to put on the United States.

There is, by the way, another bill, as I say, that is being introduced by the same people who snuck this into the GATT implementation legislation. It is H.R. 400. It is the second shoe that is falling. The first shoe was eliminating the guaranteed patent term for the American people. That helped harmonize law with Japan, except in Japan they also have something else. H.R. 400, and I call this the Steal American Technologies Act, H.R. 400, the main purpose of that bill is to do what?

The bill, by the way, when it was first introduced was called the Patent Publication Act. That is what it was originally titled when they first introduced it in the last session of Congress. But they changed that right away, because they figured out, oh, my gosh, everybody realizes what it is all about. No; H.R. 400 is almost the same piece of legislation, it has the same purpose. It is to harmonize our law with Japan on the last element that we are not the same with Japan on.

In Japan it has been far different than the United States. In the United

States, someone comes up with a new piece of technology, patents it, goes to the patent office and applies for a patent. That man is not only guaranteed, no matter how long that man or woman, no matter how long it took them to get their patent through the process, they would have that 17 guaranteed years of protection, but they were also guaranteed that during the time before that patent was issued, that information, all of the creative genius, all of the investigatory work, all of the materials and details about the new technology would be kept secret and confidential. No one would know about it, and in fact, it was a felony for Members of the Government to disclose that information because we protected the rights of that inventor.

Well, guess what H.R. 400 does? It says that after 18 months, whether or not the patent has been issued to the American patent applicant, it will be published for the entire world to see. Do you get what I am saying here? Understand the magnitude of this. Every new idea that Americans come up with technologically will be published for every copycat brigand and everyone who would set up factories in order to destroy us economically. They will have every piece of information about America's new innovative ideas, even before the patents are issued. And do you know why? Because that is the way it is in Japan. That is also Japanese law.

It is Japanese law that you do not have a guaranteed patent term, the clock is ticking against the inventor, and as soon as the inventor puts this patent in, after 18 months it is published so everybody in Japan can see it. That is why no one invents anything in Japan, and that is why the special interests, the powerful lords of Japan, the great shoguns of their economy beat the life out of their own people in order to steal the new technological ideas, and why people just do not invent anything.

But here is the problem: If we change our laws so that we do not have a guaranteed patent term, and that after 18 months these very same shoguns in Japan, and monsters in China who murder their own people, who do not care one bit about human rights, these people in different parts of the world who wish to steal everything that is America's, copycats, these people will now know all of our secrets. They will be able to come here and do to the American people, through people that they have hired, lawyers and lobbyists who they have hired here in Washington, DC, to do to our people what they have been doing to their own people.

We are making the American people vulnerable to the same sort of corrupt power plays that have been going on for centuries in these other societies. We are making our own people vulnerable to it here, and we are doing it in an area that makes America the most vulnerable of all. It is our future ability to compete with the world technologically. It is our achilles' heel. It did not take our economic adversaries too long to realize, "How do we bring America down? These guys are always one step ahead of us. They are one step ahead of us because they have a system that protects these new inventors, these individuals who come up with all of the ideas."

The major force behind this move for harmonization is coming from multinational corporations. It is coming from some people who are very well intended, who have become convinced that there is a problem in our current system. They call it a submarine patent problem. Submarine patents, by the way, are a minor problem that have affected certain industries in a very bad way. The electronics industry, there are some problems in which submarine patents have played a part and have hurt some people. Some people have been unfairly treated economically and businesswise because of submarine patents.

To let my colleagues know what a submarine patent is, it is when it is alleged that inventors try to stall the issuance of their own patent. They manipulate the system at the patent office so that their patent will not be issued until 5 years later or 10 years later, because they want it to be issued later, so then they will be able to have more money coming in because their technology will be a little bit better used in the long term rather than short term.

□ 1815

Of course, this happens maybe in one-tenth of 1 percent, perhaps, at most, of all patents, and it has minimal impact on the overall economy. Minimal impact. What they are telling us is this problem, they believe it will be solved. And how will it be solved? It will be solved by publishing all the information on every patent in America so everybody will know what that inventor is hiding, and to eliminate the guaranteed patent term so that the inventor, all the time will be put against the inventor.

Yes, there is a small problem called the submarine patent problem. By the way, in the piece of legislation I am proposing, the Patent Term Restoration Act, we deal with that. The only thing to solve this problem, it only takes some remedial discipline or basically some remedial reforms within the Patent Office structure itself. We do not even need legislation on that.

The Patent Office, because if you have someone manipulating the process at the Patent Office, the Patent Office can simply change their procedures to prevent manipulation. It is the Patent Office that has to make the decision to grant someone a continuance in their application or whatever. The Patent Office can change this.

But no, no, we cannot do that. We have been told instead, in order to solve this problem we have to destroy the whole patent system. We have to take the system that has served America so well and eliminate the basics of that system in order to get to the submarine patent problem.

I used this example before and I will use it tonight, as well. This is very similar to someone who has a hangnail problem and his doctor says, you have a hangnail; in fact, your hangnail is infected. Every time you go to the doctor, the doctor is saying, oh my gosh, this hangnail; in fact, you are even beginning to limp a little bit because your hangnail is bothering your foot. The doctor says, look at the hangnail; and all the doctor ever talks to you about is how bad the hangnail is.

That is what is happening with the submarine patent. Any time you talk about patent law, the people who are trying to destroy the patent system talk about the submarine patents. It is like that hangnail. They have huge pictures of the hangnail, how ugly it looks; please focus on the hangnail. Then you find out what the doctor really wants to do is amputate your leg. And you say, amputate my leg for a hangnail? You are out of your mind. No, look how bad hangnails are.

I would say that if someone's doctor is suggesting that they amputate the leg because you have a hangnail, that you had better question either the sanity or the motives of your doctor. Something is wrong there. And the doctor says, we have to get the hangnail corrected; otherwise you are going to limp for the rest of your life or as long as that hangnail is there. But you say, wait a minute; if I cut my leg off, I will not even be able to walk. Forget it, hangnails are terrible.

That is what is happening with the submarine patent issue. There is a problem. It can be corrected easily. But it is being used as an excuse to destroy the patent rights that have been part of the American system since the founding of our country.

We had a right to a guaranteed patent term. They are using the submarine patent issue, which I think is a bogus issue, or in fact, a minuscule part of our system, they are using that as an excuse to publish every secret that we have developed technologically to people all over the world who will steal that technology and will use it against us. This is how terrible it is.

Our genius will be used to destroy our standard of living. Our genius will be used not to make the lives of the American people better, not to enable us to compete with the rest of the world, against people with low-priced labor. Our genius will not be used to secure us from foreign adversaries. Our genius will be exposed to the rest of the world, giving it to them on a platter, and they will use it against us. This is a sin against the American people.

People say, how can this possibly happen? How can it happen? We are dealing with powerful interest groups. These multinational corporations, many of them who control American corporations now, these people are the ones who hire lobbyists. They determine the policy of these big companies.

Is it any wonder that these big companies perhaps do not have the best interests of the American people at heart, when they are owned and controlled by groups of who knows who; somewhere, people who perhaps have absolutely no, they have absolutely no commitment to the ideals that we think of as Americans?

I have been told over and over again in the debate, Most Favored Nation debate about China, that if we just deal with China for so long that this rotten Communist regime is going to liberalize and it is going to become more mellow, and actually we are teaching the Chinese how to respect human rights.

That is not what it is all about. We know that. These businessmen are out to make money and they do not care if it is blood money or not, and they do not care if they have to put out of work all their American workers; they are going to go over there and make a 10-percent or 15-percent profit, rather than a profit here with 5 or 6 percent, in which the American people would be able to have jobs, to have decent families.

These same people get involved in economic relationships. They have no ideals. They never go to the Communist bosses in China and say, by the way, now that I am here doing business, I would like to tell you that, you know, you should respect people's right to have their own religion. You should not be enclosing those Christians in jail or those Buddhists over here in prison camps, or you should not be wiping out villages in Tibet. We should live with respect towards human rights. They do not do that in China. These very same people now are trying to change our law so that the inventions we come up with as American people, within 18 months they will have every detail, and it will be faxed to their companies in China, and they will be producing it over there.

I was in the office here in the Rayburn Building when last year's bill, which I call the Steal American Technologies Act, H.R. 400, the equivalent of that was going through committee last year. There was a man from a solar energy company. He said, Mr. Congressman, if this passes and they publish all the information about my patent applications after 18 months, I will tell you what will happen. The Japanese will have all that information, and they will have it in production, with my new technology, before I am even issued my patent. They will take that profit that they have used from my technology and they will use it to destroy me. They will hire lawyers in the United States and elsewhere to destroy me and take away my rights to what I have developed with millions of dollars. That is what will happen. This will be a catastrophe for my company.

It is not hard to understand. They are going to publish everything for every brigand in the world to see. Yet they say it with a straight face; we have to do that because you have a hangnail. There is a little submarine patent problem here. We can solve the submarine patent problem. Do not let anybody talk about amputating your leg for a hangnail. Do not let anybody talk about destroying your rights as Americans because there are some problems in our country.

We have had problems with people who abuse their free speech. We have had problems with people who abuse the freedom of religion. We have had problems with our freedom in this country because some people misuse it. But that is no excuse to diminish the protection of these freedoms that are enjoyed by the American people. That is what we are being told we have to accept now, economically. They will win, unless the American people rise up and talk to their Members of Congress.

This is what will surprise everyone. Most Members of Congress have no idea this is going on. I would say 75 percent of the Members of Congress have no idea about this battle. If they do, they just heard a little bit about it, and it is only one thing they have heard in passing, and they have no idea of the magnitude of the decision that is going to be made. But they are being visited by lobbyists, and they are being visited and pressured by huge corporations that have connections to this international, global dream of a global marketplace, by multinational corporations who they emulate or are in economic relationships with.

These Members of Congress might go along with the pressure. But one thing I can tell you, in America, when the American people talk to their Members of Congress, when the American people watch how their Congressmen vote and let their Congressmen know that, let their Members of Congress know how important it is to you and to the future of our country about certain issues, this Congress responds.

Lobbyists and paid adversaries can be overcome when people who live throughout our country contact their Congressman and say, you have to defeat H.R. 400, the Steal American Technologies Act; you have to defeat that. It is going to hurt our country, it is going to hurt the standard of living of normal people. You have to support this restoration of America's patent rights. You have to restore the patent term to the American people, as we have had in our country's past, because this will give us what we need to maintain the standard of living of regular people, not just the elite.

The elite has lost touch. I will tell Members something. If we had to depend on the elite of the business community to save American freedom, we would all be in chains right now. Most of the business elite of this country are looking for that extra 5-percent profit at the expense of every value and expense of the freedom of other people in the world. They do not care, because they want that extra 10-percent profit. We are not talking about the entrepreneurs who built American industry 100 years ago, people who knew what it was like to come from humble beginnings.

We are talking about people who have been educated at Harvard and educated at all these elitist schools who really do not identify with the American people. They identify more with the elite of other societies. They would rather hobnob with these people in other societies in their guarded, gated communities.

The American people need to express themselves, that they will not see their rights diminished in order to establish a global marketplace, or anything else. Yes, we will correct any abuses that exist. We are not a perfect country. But we will not see our freedoms diminished because some people abuse them.

We will enter this global marketplace with the protections we have had. We will win the competition, just the way we have beaten the competition before. We have beaten them because we had freedom and we had technology on our side. That is what our Founding Fathers saw so long ago, that people would come to this country, and that is why our country would prosper, that is why our people would be safe. Here we are, with a little obscure issue like patent law, a little issue like that, that has been discovered as very pivotal to the well-being of our country in the future.

Mr. Speaker, I hope my colleagues will pay attention, and I know they will, pay attention to calls from home when people call to say, for goodness sakes, do not support this H.R. 400, the Steal American Technologies Act, and please, cosponsor DANA ROHRABACHER's bill that will restore patent protection for the American people, and protect us.

By the way, one other part of H.R. 400 I need to tell you about. That is something that is going to shock you more than anything I have said. It eliminates the Patent Office from the U.S. Government. It takes our patent examiners and turns it into a quasi-private corporation. It is like they are proposing in the Steal American Technologies Act to basically make the judges who determine who owns the technology, take them away from their civil service status and Government status now, which means they have to answer to us, and they are going to make it a quasi-independent organization.

They are going to publish all our secrets to the world. They are going to take away the guaranteed patent term. Now they are just going to obliterate the Patent Office as part of the U.S. Government. Does that not tell us something? We have to act. We would not let our courts be privatized by somebody who we did not know, who was going to run the show. We would not let that happen.

These hardworking patent examiners, these people are making decisions that affect not only the course of our country's future, but affect billions of dollars of wealth. They should be part of the Government. I believe in privatization, but you do not privatize something like that.

I would hope that people gather together and say we will not stand for this diminishing of our rights. I know we will come through, and America will not only survive, but America will prevail and America will be free, because that is the way God intended America to be.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

(The following Member (at the request of Mr. HOEKSTRA) to revise and extend his remarks and include extraneous material:)

Mr. LATOURETTE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. PELOSI) and to include extraneous matter:)

Mr. ANDREWS.
Ms. WOOLSEY.
Mrs. KENNELLY of Connecticut.
Mr. FAZIO of California.
Mr. TRAFICANT.
Mr. LANTOS.
Mr. VISCLOSKY.
Mr. MURTHA.
Ms. SLAUGHTER.
Mr. STOKES.
Mr. RICHARDSON.
Mr. TOWNS.
Mr. ORTIZ.

(The following Members (at the request of Mr. HOEKSTRA) and to include extraneous matter:)

Mr. ROGERS in two instances.
Mr. DICKEY.
Mr. GOSS in two instances.
Mr. GILMAN.
Mr. RAMSTAD.
Mr. LIVINGSTON in two instances.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. COBLE.
Mr. HAMILTON.
Mr. SMITH of New Jersey.
Ms. ROS-LEHTINEN.
Mr. GILMAN.
Mr. SANDERS.
Mr. TOWNS.
Ms. WOOLSEY.
Mr. HOUGHTON.
Ms. DUNN.
Mr. FRELINGHUYSEN.

(The following Members (at the request of Mr. ROHRABACHER) and to include extraneous material:)

Mr. GALLEGLY.
Mr. BAKER.
Mr. CASTLE.
Mr. HILLIARD.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 12, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1732. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Glufosinate Ammonium; Tolerances for Residues (FRL 5585-8) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1733. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's "Major" final rule—Sale of HUD-Held Single Family Mortgages [Docket No. FR-3814-F-04] (RIN: 2502-AG42) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1734. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Hamilton County, Tennessee [TN-178-1-9707a; FRL-5682-9] received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1735. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Tennessee and Memphis-Shelby County, Tennessee [TN-155-1-7178; TN-MEM-149-3-9701; FRL-5669-3] received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1736. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Modification of the Ozone Monitoring Season; Alabama, Georgia, and Mississippi [FRL-5683-4] received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1737. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Approval and Promulgation of Carbon Monoxide Implementation Plan for the State of Alaska: Anchorage and Fairbanks Emission Inventory (FRL 5686-2) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1738. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana (FRL 5678-5) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1739. A letter from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Changes in the Operator Licensing Program [NRC Generic Letter 95-06, Supplement 1] received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1740. A letter from the Senior Attorney, United States Copyright Office, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

1741. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Reemployment Rights of Certain Merchant Seamen (Maritime Administration) [Docket No. R 169] (RIN: 2133-AB28) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1742. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Operational Measures to Reduce Oil Spills from Existing Tank Vessels Without Double Hulls (U.S. Coast Guard) [CGD 91-045] (RIN: 2115-AE01) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1743. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Hillsborough Bay; Tampa, FL (U.S. Coast Guard) [CGD07-96-074] (RIN: 2115-AE46) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1744. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL (U.S. Coast Guard) [CGD07-96-054] (RIN: 2115-AE47) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1745. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Facilities Transferring Oil or Hazardous Materials in Bulk (U.S. Coast Guard) [CGD 93-056] (RIN: 2115–AE59) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1746. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: Southeast end of Vieques Island, PR (U.S. Coast Guard) [COTP San Juan 96–077] (RIN: 2115–AA97) received February 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 46. Resolution providing for the consideration of the bill (H.R. 581) to amend the Public Law 104–208 to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions (Rept. 105–3). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 47. Resolution providing for consideration of the joint resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives (Rept. 105–4). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ROS-LEHTINEN (for herself and Mr. Diaz-Balart):

H.R. 666. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 relating to welfare and public benefits for aliens; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DIAZ-BALART (for himself and Ms. Ros-Lehtinen):

H.R. 667. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an exception to limited eligibility for SSI and food stamps for totally and permanently disabled permanent resident aliens; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCHER:

H.R. 668. A bill to amend the Internal Revenue Code of 1986 to reinstate the airport and airway trust fund excise taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. McCollum, Mr. Dreier, Mr. LaFalce, and Mr. Flake):

H.R. 669. A bill to enhance competition in the financial services sector, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of Nebraska:

H.R. 670. A bill to amend title 49, United States Code, to permit States to impose fees to finance programs for providing air service to small communities; to the Committee on Transportation and Infrastructure.

By Mr. BARRETT of Wisconsin (for himself, Mr. Kleczka, Mr. Frank of Massachusetts, Mr. Petri, Mr. Rohrabacher, Mr. Hinchey, Mr. Bereuter, Mr. Sanders, Mr. Gutierrez, Mr. Foglietta, and Mr. Luther):

H.R. 671. A bill to prohibit the use of certain assistance provided under the Housing and Community Development Act of 1974 and the Housing and Community Development Act of 1992 for employment relocation activities; to the Committee on Banking and Financial Services.

By Mr. COBLE:

H.R. 672. A bill to make technical amendments to certain provisions of title 17, United States Code; to the Committee on the Judiciary.

H.R. 673. A bill to provide for the extension of surcharges on patent fees; to the Committee on the Judiciary.

By Mr. DeLAY (for himself, Mr. Condit, Mr. Gingrich, Mr. Hostettler, Ms. Brown of Florida, Mr. Buyer, Mr. Coble, Mr. Wolf, Mr. Dickey, Mr. Norwood, Mr. Burton of Indiana, Mr. Hamilton, Mr. Thornberry, Mr. Tanner, Mr. Goode, Mr. McCollum, Mr. Bateman, Mrs. Carson, Mr. McIntyre, Mr. McIntosh, Mr. Sensenbrenner, Mr. Ortiz, Mr. Bonilla, Mr. Salmon, Ms. Eddie Bernice Johnson of Texas, Mr. Stearns, Mr. Goodlatte, Mrs. Fowler, Mr. Souder, Mr. Parker, Mr. Sam Johnson, Mr. Lewis of Kentucky, Mr. Duncan, Mr. Bryant, Mr. Deal of Georgia, Mrs. Meek of Florida, Mr. Stenholm, Mr. Sandlin, Mr. Canady of Florida, Mr. Burr of North Carolina, Mr. Frost, Mr. Roemer, Mr. Edwards, Mrs. Northup, Mr. Taylor of North Carolina, Mr. Archer, Mr. Pickett, Mr. Bentsen, Mr. Sessions, Mr. Combest, Mr. Pease, Mr. Turner, Mr. Hastings of Florida, Mr. Hinojosa, Mr. Hefner, Mr. Sisisky, Mr. Cramer, Mr. Goss, Mr. Scott, Mr. Callahan, Mr. Ballenger, Mr. Everett, Mr. Barton of Texas, Mr. Smith of Texas, Mr. Mica, Mr. Jones, Mr. Brady, Mr. Lucas of Oklahoma, Mr. Whitfield, Mr. John, Mr. Baesler, Mr. Hall of Texas, Mr. Etheridge, Mr. Price of North Carolina, Ms. Jackson-Lee, Mrs. Myrick, Mr. Watts of Oklahoma, and Mr. Hulshof):

H.R. 674. A bill to authorize funds for construction of highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FRANK of Massachusetts:

H.R. 675. A bill to amend the Higher Education Act of 1965 to clarify the authority of the Secretary of Education with respect to eligibility standards for short-term educational programs; to the Committee on Education and the Workforce.

By Mr. FRANK of Massachusetts (for himself, Mr. Rahall, Mr. Gonzalez, Mr. Filner, Mr. Dellums, Mr. Underwood, Mr. Evans, Mr. Watt of North Carolina, Mr. Borski, Mr. Serrano, Mr. Kleczka, Mr. Olver, and Mr. Sanders):

H.R. 676. A bill to amend title XVIII of the Social Security Act to limit the penalty for late enrollment under the Medicare Program to 10 percent and twice the period of no enrollment; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRELINGHUYSEN (for himself, Mr. Bass, and Mr. Franks of New Jersey):

H.R. 677. A bill to amend the Tennessee Valley Authority Act of 1933 to provide that no funds are authorized to be appropriated to carry out that act; to the Committee on Transportation and Infrastructure.

By Mr. GILLMOR (for himself, Mr. Bonior, Mr. Dingell, Mr. Goss, Mr. Pallone, Mr. Payne, Mr. Lampson, Mr. LaTourette, Mr. Ney, Mr. Portman, Mr. Oxley, Mr. Regula, Mr. Sawyer, Mr. Hall of Ohio, Mr. Traficant, Mr. Kasich, Mr. Hobson, Mr. Kildee, Mr. Levin, Ms. Rivers, Mr. Conyers, Mr. Davis of Virginia, Mr. Frost, Ms. Norton, Ms. DeLauro, Mr. Sabo, Mr. Towns, Mr. Horn, Mr. Berman, Mr. Saxton, Mr. Lipinski, Mr. Barcia of Michigan, Mr. Ackerman, Mr. Stearns, Mr. Hastert, Mr. Goodlatte, Mr. Andrews, Mr. Borski, Mrs. Thurman, Mr. Shays, Mrs. Johnson of Connecticut, Mrs. Clayton, Mr. King of New York, Mr. Smith of Michigan, Mr. Frank of Massachusetts, and Ms. Stabenow):

H.R. 678. A bill to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison, to redesign the half dollar circulating coin for 1997 to commemorate Thomas Edison, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HAMILTON (for himself, Mr. Lewis of Kentucky, Mr. Whitfield, Mr. Gordon, Mrs. Northup, and Mr. McIntosh):

H.R. 679. A bill to amend the Clean Air Act to exclude beverage alcohol compounds emitted from aging warehouses from the definition of volatile organic compounds; to the Committee on Commerce.

By Mr. HAMILTON:

H.R. 680. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessaries to impoverished families and individuals; to the Committee on Government Reform and Oversight.

By Mr. HYDE (for himself, Mr. Coble, and Mr. Rogan):

H.R. 681. A bill to designate the U.S. Post Office building located at 313 East Broadway in Glendale, CA, as the "Carlos J. Moorhead Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. KOLBE:

H.R. 682. A bill to authorize the Secretary of the Interior to assess up to $2 per person visiting the Grand Canyon or other national park to secure bonds for capital improvements to the park, and for other purposes; to the Committee on Resources.

By Mr. LIVINGSTON (for himself, Mr. BAKER, Mrs. CHENOWETH, Mr. COOKSEY, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. FROST, Ms. GRANGER, Mr. HAYWORTH, Mr. HOLDEN, Mrs. KELLY, Mr. KNOLLENBERG, Mr. LATHAM, Mr. LEWIS of California, Mr. MCHUGH, Mr. MCINTOSH, Ms. MOLINARI, Mrs. MYRICK, Mr. NEY, Mr. NETHERCUTT, Mr. NORWOOD, Mr. PACKARD, Mr. PARKER, Mr. PETRI, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. SHADEGG, Mr. SKEEN, Mr. SNOWBARGER, and Mr. WALSH):

H.R. 683. A bill to amend the Internal Revenue Code of 1986 to increase the unified estate and gift tax credit to an amount equivalent to a $1,200,000 exemption; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 684. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of funeral trusts; to the Committee on Ways and Means.

By Mr. OLVER (for himself, Mr. SABO, Mr. CONYERS, Mr. DELLUMS, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. NADLER, Mr. MARTINEZ, Mr. MCDERMOTT, and Mr. SANDERS):

H.R. 685. A bill to amend the Fair Labor Standards Act of 1938 to raise the minimum wage; to the Committee on Education and the Workforce.

By Mr. RAMSTAD (for himself, Mr. OBERSTAR, Mr. VENTO, Mr. RAHALL, Mr. SABO, Mr. MANTON, Ms. SLAUGHTER, Mr. EWING, Mr. PASTOR, Mr. BARRETT of Wisconsin, Mr. MINGE, Mr. LUTHER, Mr. GUTKNECHT, and Mr. CAMPBELL):

H.R. 686. A bill to extend certain Medicare community nursing organization demonstration projects; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABO (for himself, Mr. CONYERS, Mr. OLVER, Ms. NORTON, Mr. HINCHEY, Mr. SANDERS, Mr. TOWNS, Mr. MARTINEZ, Mr. VENTO, Ms. VELAZQUEZ, and Ms. MCKINNEY):

H.R. 687. A bill to amend the Internal Revenue Code of 1986 to deny employers a deduction for payments of excessive compensation; to the Committee on Ways and Means.

By Mr. DAN SCHAEFER of Colorado (for himself, Mr. STUPAK, Mr. OXLEY, Mr. NORWOOD, Mr. BURR of North Carolina, Mr. LIVINGSTON, Mr. MCHUGH, Mr. SKEEN, Ms. NORTON, Mr. BEREUTER, Ms. CHRISTIAN-GREEN, Mr. NETHERCUTT, Mr. BACHUS, Mr. KLUG, Mr. PARKER, Mr. GRAHAM, Mr. DEAL of Georgia, Mr. GILLMOR, Ms. RIVERS, Mr. TAYLOR of North Carolina, Mr. MCINTOSH, Mr. DOYLE, Mr. LAFALCE, Mrs. MYRICK, Mr. GEKAS, Mrs. THURMAN, Mr. WATKINS, Mr. LUCAS of Oklahoma, Mr. HEFLEY, Mr. PORTER, Mr. MCDADE, Mr. CANADY of Florida, Mr. DOOLEY of California, Mr. EHLERS, Mr. SPRATT, Mr. HILLEARY, Mr. BOB SCHAFFER of Colorado, Mr. KANJORSKI, Mr. CRAPO, Mr. TAUZIN, and Mr. MCCRERY):

H.R. 688. A bill to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the leaking underground storage tank trust fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such act; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. RANGEL, Mr. MCDERMOTT, Mr. MCNULTY, and Mr. KENNEDY of Rhode Island):

H.R. 689. A bill to amend title XVIII of the Social Security Act to continue full-time-equivalent resident reimbursement for an additional one year under Medicare for direct graduate medical education for residents enrolled in combined approved primary care medical residency training programs; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 690. A bill to amend title 5, United States Code, to clarify that the Government in the Sunshine Act applies to the Federal Open Market Committee; to the Committee on Government Reform and Oversight.

H.R. 691. A bill to provide for a three-judge division of the court to determine whether cases alleging breach of secret Government contracts should be tried in court; to the Committee on the Judiciary.

H.R. 692. A bill to amend the independent counsel provisions of title 28, United States Code, to authorize the appointment of an independent counsel when the Attorney General determines that Department of Justice employees have engaged in certain conduct; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey:

H.J. Res. 48. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HUTCHINSON (for himself and Mr. DICKEY):

H.J. Res. 49. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. POMEROY:

H.J. Res. 50. Joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself, Mr. GALLEGLY, Mr. ACKERMAN, Mr. BALLENGER, and Mr. GILMAN):

H. Con. Res. 18. Concurrent resolution congratulating the people of the Republic of Nicaragua on the success of their democratic elections held on October 20, 1996; to the Committee on International Relations.

By Ms. WOOLSEY:

H. Con. Res. 19. Concurrent resolution expressing the sense of the Congress that the German Government should investigate and prosecute Dr. Hans Joachim Sewering for his war crimes of euthanasia committed during World War II; to the Committee on International Relations.

By Ms. DUNN of Washington (for herself, Mrs. MORELLA, Ms. MOLINARI, Mrs. MEEK of Florida, Mrs. FOWLER, Ms. RIVERS, Ms. JACKSON-LEE, Ms. CHRISTIAN-GREEN, Mrs. CARSON, Mrs. KELLY, Mr. MCCOLLUM, Mr. BURTON of Indiana, Mr. MCDERMOTT, Ms. BROWN of Florida, Mr. FOLEY, Mr. FROST, Ms. STABENOW, Mr. SESSIONS, Ms. DEGETTE, Mr. KING of New York, Mrs. EMERSON, Mr. LOBIONDO, Mr. ROTHMAN, Mr. MARTINEZ, Mr. MCGOVERN, Ms. GRANGER, Mrs. ROUKEMA, Ms. PRYCE of Ohio, Mr. NETHERCUTT, and Mr. RAMSTAD):

H. Res. 48. Resolution expressing the sense of the House of Representatives concerning the need for further studies and accurate guidelines regarding the use of mammograms and other technology to screen women between the ages of 40 and 49 for breast cancer; to the Committee on Commerce.

By Mr. GILMAN (for himself, Mr. HAMILTON, and Mr. MANZULLO):

H. Res. 49. Resolution expressing appreciation for the life and service of Ambassador Pamela C. Harriman; to the Committee on International Relations.

By Mr. STEARNS:

H. Res. 50. Resolution expressing the sense of the House of Representatives that aviators who meet the qualification standards of the Air Forces Escape and Evasion Society should be granted recognition for meritorious service by the Department of Defense; to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Ms. NORTON, Mr. CANADY of Florida, Mr. SKEEN, Mr. PEASE, and Mr. HASTERT.

H.R. 14: Mr. SNOWBARGER, Mr. MANZULLO, Mr. STEARNS, Mr. CANADY of Florida, Mr. GORDON, Mr. BURR of North Carolina, Mr. HOSTETTLER, Ms. MOLINARI, and Mr. FOLEY.

H.R. 41: Mr. TIAHRT, Mr. ROGERS, and Mr. MCKEON.

H.R. 53: Mr. MARTINEZ, Mr. DELLUMS, Mr. BROWN of California, Mr. GEJDENSON, Ms. SLAUGHTER, Mr. EVANS, and Mr. CUMMINGS.

H.R. 100: Mr. STUMP, Ms. ROYBAL-ALLARD, Mrs. CLAYTON, and Ms. JACKSON-LEE.

H.R. 135: Mr. FORD, Mr. HEFNER, Mr. LIPINSKI, Mr. OBEY, Mr. SHAYS, Mr. SKEEN, and Mr. WEXLER.

H.R. 156: Mr. SHAW.

H.R. 157: Mr. GEKAS, Mrs. KELLY, and Mr. TRAFICANT.

H.R. 158: Mr. BRYANT.

H.R. 162: Mr. SENSENBRENNER.

H.R. 163: Mr. PARKER, Mr. TAYLOR of North Carolina, Mr. BEREUTER, Mr. TALENT, MR. ROHRABACHER, Mr. EHRLICH, and Mr. GOODLING.

H.R. 169: Mr. SHADEGG, Mr. TAYLOR of Mississippi, Mr. WEXLER, and Ms. PRYCE of Ohio.

H.R. 180: Mr. WEXLER and Mrs. THURMAN.

H.R. 230: Mr. WELDON of Florida.

H.R. 306: Mr. FOGLIETTA, Mr. HEFNER, and Mr. BOUCHER.

H.R. 337: Mr. MCGOVERN, Mr. DELLUMS, Mr. TORRES, Mr. KILDEE, Ms. BROWN of Florida, Mr. DAVIS of Illinois, and Mr. MORAN of Virginia.

H.R. 338: Mr. SCARBOROUGH.

H.R. 340: Mrs. MYRICK, Mr. SMITH of Michigan, Mr. COBURN, and Mr. NORWOOD.

H.R. 343: Mr. ENGLISH of Pennsylvania.

H.R. 406: Mr. GEKAS, Mr. SHAW, and Mr. SMITH of New Jersey.

H.R. 407: Mrs. MEEK of Florida, Ms. PELOSI, Mr. SANDERS, Mr. MATSUI, Ms. BROWN of Florida, Mr. FALEOMAVAEGA, and Mr. FRANK of Massachusetts.

H.R. 410: Mr. GOODE.

H.R. 411: Mr. CUMMINGS, Mr. DEFAZIO, Ms. LOFGREN, Ms. FURSE, Mr. DIXON, and Ms. PELOSI.

H.R. 418: Mr. KENNEDY of Rhode Island, Mr. SMITH of New Jersey, Ms. STABENOW, Mr. BARCIA of Michigan, Mr. GONZALEZ, Mr. BOUCHER, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. EVANS, Mr. SAXTON, Mrs. KELLY, Ms. BROWN of Florida, Mr. FOLEY, Mr. ROMERO-BARCELO, Mr. UNDERWOOD, and Mr. WOLF.

H.R. 420: Ms. ESHOO.

H.R. 443: Ms. NORTON, Mr. DELLUMS, Mr. RUSH, and Mr. WEYGAND.

H.R. 446: Mr. SHIMKUS, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. BLUNT, Mr. BUNNING of Kentucky, Mr. BAKER, Mr. PACKARD, Mr. GILLMOR, Mr. PAPPAS, and Ms. MOLINARI.

H.R. 450: Mr. COLLINS, Mr. MEEHAN, Mr. CHAMBLISS, Mr. CLEMENT, Mr. TALENT, Mr. LEWIS of Kentucky, Mrs. THURMAN, Mr. SMITH of Texas, Mr. BURTON of Indiana, and Ms. MCCARTHY of Missouri.

H.R. 464: Mr. FALEOMAVAEGA.

H.R. 465: Mr. WYNN and Ms. GRANGER.

H.R. 477: Mr. DAN SCHAEFER of Colorado.

H.R. 493: Mr. CASTLE, Mr. UNDERWOOD, Mr. GREENWOOD, Mr. CAPPS, Mr. FRELINGHUYSEN, and Mr. LEVIN.

H.R. 495: Mr. WELLER.

H.R. 498: Mr. MCGOVERN.

H.R. 500: Mr. KENNEDY of Rhode Island and Mr. FILNER.

H.R. 539: Mr. TOWNS, Mr. MARTINEZ, Mr. FOGLIETTA, and Mr. FORD.

H.R. 554: Mr. WATTS of Oklahoma.

H.R. 561: Mr. GREEN, Mr. SERRANO, Mr. RUSH, Mr. DELLUMS, Mr. GONZALEZ, Ms. PELOSI, Mr. FROST, Mr. MORAN of Virginia, Mr. EVANS, Mr. FOGLIETTA, Mr. KENNEDY of Rhode Island, Mr. FORD, and Ms. LOFGREN.

H.R. 612: Mr. MCGOVERN, Mr. BLAGOJEVICH, Mr. WALSH, Mr. BOUCHER, Mr. EVANS, Mr. STEARNS, Mr. SAWYER, Mr. NEY, Mr. HOLDEN, Mr. HEFNER, Mr. FAZIO of California, Ms. PRYCE of Ohio, Mr. VENTO, and Mr. ACKERMAN.

H.R. 615: Mr. FOGLIETTA.

H.R. 627: Mr. YOUNG of Alaska.

H.R. 633: Mr. MORAN of Virginia.

H.R. 664: Mr. GEJDENSON.

H.J. Res. 1: Mrs. EMERSON and Ms. PRYCE of Ohio.

H.J. Res. 8: Mr. GUTIERREZ and Mr. COBURN.

H.J. Res. 27: Mr. CLYBURN.

H. Res. 22: Mrs. THURMAN, Mr. MCNULTY, Mr. KLUG, Mr. SHERMAN, Mrs. LOWEY, and Mr. ABERCROMBIE.

H. Res. 23: Mrs. MYRICK, Mr. SCARBOROUGH, and Mr. COBURN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. Res. 2

OFFERED BY: MR. HUTCHINSON

(Amendment in the Nature of Substitute)

AMENDMENT NO. 1: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"CONGRESSIONAL TERM LIMITS AMENDMENT

"SECTION A. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of the Congressional Term Limits Amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

"SECTION B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of the Congressional Term Limits Amendment no person who has held the office of United States Senator or who then holds the office shall serve more than one additional term.

"SECTION C. This article shall have no time limit within which it must be ratified by the legislatures of three-fourths of the several states.".

EXTENSIONS OF REMARKS

PATENT AND TRADEMARK OFFICE SURCHARGE EXTENSION ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. COBLE. Mr. Speaker, today, I am pleased to introduce a bill which responds to an aspect of the budget proposed by the administration last Thursday and to congressional practice over the past 6 fiscal years. The administration's budget proposal would divert $92 million in fiscal year 1998 from the U.S. Patent and Trademark Office, which receives no taxpayer dollars, to other tax-funded areas of the Government. In 1999, the administration proposes that $119 million be diverted. In fiscal year 1997, Congress diverted $54 million, a significant increase over previous diversions. This legislation would correct this serious and growing problem, without harming the budget, so that the PTO can continue to be the engine that fuels the creation of competitive American technology.

Last month, Representatives GOODLATTE, CONYERS, LOFGREN, and I introduced H.R. 400, the 21st Century Patent System Improvement Act, a bipartisan bill which will make critical reforms to our Nation's patent laws and to the PTO for America's high-technology industries. However, unless we move quickly to preserve and stabilize the finances of the PTO, these improvements and the patent system itself will be in jeopardy.

The Patent and Trademark Office is funded totally through the payment of application and user fees. Taxpayer support for the operations of the Office was eliminated in 1990 with the passage of the Omnibus Budget Reconciliation Act. The act imposed a massive fee increase—referred to as a "surcharge"—on America's inventors and industry in order to replace taxpayer support the Office was then receiving. The revenues generated by this surcharge, $119 million, which constitute approximately 20 percent of the PTO's operating budget, are placed into a surcharge account. The PTO is required to request of the Appropriations Committees that they be allowed to use these surcharge revenues in this account to support the 20 percent of its operations these revenues represent. It was anticipated in 1990 that Congress would routinely grant the PTO permission to use the surcharge revenue since it was generated originally from fees paid by users of the patent and trademark systems to support the cost of those systems.

Unfortunately, experience has shown us that the user fees paid into the surcharge account have become a target of opportunity to fund other, unrelated, taxpayer-funded Government programs. The temptation to use the surcharge, and thus a significant portion of the operating budget of the PTO, has proven increasingly irresistible, to the detriment and sound functioning of our Nation's patent and trademark systems. Beginning with the diversion of $8 million in 1992, Congress has increasingly redirected a larger share of the surcharge revenue, reaching a record level of $54 million in the current year. In total, over the past 6 fiscal years, over $142 million has been diverted from the PTO.

This, of course, has had a debilitating impact on the Patent and Trademark Office. The effort to reclassify the patent search file to keep it current with developing technologies had to be eliminated. The efforts to provide technological training for patent examiners and to expose them to the latest developments in their fields has been reduced. The support of legal training for patent examiners has been cut 50 percent. One of the most promising cost-saving steps contemplated by the PTO, allowing applicants to file their applications electronically, has been postponed indefinitely. Since the diversion of $54 million this year, the Office has been forced to reduce the hiring of patent examiners 50 percent at a time when patent application filings are increasing by nearly 10 percent annually. In the budget delivered to this body by the administration last Thursday, the President is proposing that we continue to increase these diversions in the amount of $92 million in fiscal year 1998 and $119 million, the amount of the entire surcharge, in each of the succeeding years through fiscal year 2002. In anticipation of this denial of user fees, the PTO has canceled totally all plans for hiring patent examiners this year because it would not have sufficient funds to pay for them next year. We cannot afford to allow this dismantling of our patent system to occur.

The legislation I am introducing today is revenue neutral. It does not increase an expenditure of taxpayer revenues which would increase the deficit. It would merely permit the PTO to use all of the patent and trademark fees it receives to examine patent and trademark applications, to grant patents and to register trademarks. It does this by placing the fees generated by the surcharge mandated by the Omnibus Budget Reconciliation Act of 1990 into the same category as the other user fees paid by patent and trademark applicants. Specifically, it would characterize these fees as "offsetting collections" rather than "offsetting receipts" so that all of the fees collected could be used for the purposes for which they were paid.

We must stop this unwarranted tax on innovation. Our Patent and Trademark Office cannot operate effectively on 80 percent of its operating budget—all of which is paid for not by you and me, but by the applicants who use it. I look forward to working with all interested parties to reverse this potential decline in the services offered by the PTO. In this increasingly competitive world, the economic survival of the United States will be dependent upon high technology products and services. We cannot allow the pillar upon which our competitiveness in the global economy rests to be destroyed.

SUNSHINE ON THE FEDERAL OPEN MARKET COMMITTEE ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. TRAFICANT. Mr. Speaker, in 1995 the Chairman of the Federal Reserve clarified that transcripts of its Federal Open Market Committee [FOMC] meetings will be disclosed to the public—after 30 years.

Enough is enough. I urge my colleagues to once again cosponsor my Sunshine on the Federal Open Market Committee Act, which will apply the Government-in-the-Sunshine Act to FOMC meetings.

The Fed is charged with duty of not only conducting the day-to-day banking for the entire Nation, but regulating the economy through the formulation of monetary policy. Needless to say, it wields immense power. In a typical month, it pumps anywhere between $1 and $4 billion into the economy while dangling the threat of higher interest rates over the American public. Even more intimidating, Mr. Speaker, is that half of all the banks in the country are members of the Federal Reserve System; all national banks must belong. All told, the Fed has holdings of over $300 billion—accounting for nearly 7 percent of the national debt.

The entity within the Fed responsible for determining the country's monetary policy is the FOMC, which consists of the 7 member Board of Governors and 5 of the 12 district bank presidents. The FOMC meets every 6 weeks but, unfortunately for the general public, they meet in relative secrecy. I say relative because, in the wake of a FOMC meeting, members of the committee give speeches to business groups where, with a wink and a nod, they may reveal specifics of the new policy. Meanwhile, the ordinary American gets a convoluted synopsis of the policy immediately after the meeting, an edited transcript 6 weeks later, and the full story 30 years later. It is time to open these meetings up to all.

Mr. Speaker, the Government-in-the-Sunshine Act, passed in 1976 to increase accountability of over 50 Federal agencies, opens closed meetings to private scrutiny. It requires that every portion of every meeting of an agency that is headed by a collegial body must be open to public observation. There are exceptions to the law, however, and the Fed has massaged the English language to the point where the Supreme Court overruled the lower courts and allowed one such exemption to apply to the FOMC meetings. Consequently, the Fed has the extraordinary timetable for disclosure that I mentioned.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, I understand the sensitivity with which the Fed must treat monetary policy. I also understand the need for apolitical decisionmaking during the FOMC meetings. But when a governmental entity can wield a $300 billion bludgeoning tool at will in the marketplace, it should be held accountable. As such, I am reintroducing the Sunshine on the Federal Open Market Committee Act to ensure the FOMC is held accountable for its policies.

I urge my colleagues to once again support and cosponsor this important measure.

TRIBUTE TO CLARENCE DUDLEY NOLAND

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. ROGERS. Mr. Speaker, today I would like to pay tribute to a dedicated public servant, a good citizen, and a man who is well-respected throughout my home State of Kentucky.

Clarence Dudley Noland, known to many as "C.D.", the gentleman from Estill County, is a man who has left his mark in Kentucky. As a State legislator, an entrepreneur, a railroad engineer, a farmer, and a 30-year member of the Army National Guard, C.D. has touched the lives of many people throughout our State.

As a Member of the Kentucky House of Representatives for 15 years, C.D. earned a reputation for being hard-working, fair-minded, and rooted in good, old-fashioned common sense. From the first day C.D. took his oath of office in 1982, he set out to make a difference for the people he represented.

If you know anything about the Appalachian region of eastern Kentucky, you realize that we have many challenges, but C.D. has tackled those challenges with great success. He has been instrumental in developing industrial parks, medical service heliports, sewer and water improvements, and mobile dental clinics for Appalachian children. He has fought for veterans programs, affordable housing, nursing home facilities, and historic preservation and conservation of Kentucky's lands and heritage.

C.D.'s dedication, diligence, and fairness gained him the esteem of Governors, legislators, and public administrators alike. During his tenure, he served as vice chairman on the powerful Appropriations and Revenue Committee. Other committees he served on include the Legislative Research Commission, Rules Transportation, Program Review and Investigations, Cities, and Natural Resources and Environment. He was a member of the Governor's Task Force on Health Care and the Governor's Commission for Tax Reform where his insights proved invaluable. His was also actively involved in the executive committee of the Kentucky Republican Party, the American Legislative Exchange Council, and the National and Southern Conferences of the State Legislators Association.

From 1991 to 1994, C.D. stepped into the leadership of the general assembly, when he was elected to serve as the house minority caucus chairman. After serving two terms, he stepped aside so fellow legislators might share the experience.

C.D.'s departure from the general assembly did not mean that he would hang up his hat. Today, he is still doing what he can to improve the quality of life for the people of Kentucky. He continues to share his time and talent as a member of the board of directors of 21st Century, Inc; the Marcum Wallace Hospital Board of Directors; the Estill County Chamber of Commerce; the Irvine-Ravenna Kiwanis Club; the Community Development Foundation Council; the Natural Bridge Park Association; the Council of the National Rifle Association; F and A Masons, Irvine Lodge 137; Oleika Shrine Temple; and the Estill County Sportsmen's Club.

It has been an honor and a privilege knowing and working with C.D. Noland throughout the years. On behalf of the people of eastern Kentucky, I want to commend C.D. for all he has accomplished for our State, and thank him for a job well done.

LONG TIME DEMOCRAT JOINS REPUBLICAN RANKS

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. LIVINGSTON. Mr. Speaker, on December 19, 1996, the mayor of Slidell, LA, the Honorable Salvatore A. "Sam" Caruso, left the Democratic party for the Republican Party. I commend Mayor Caruso on his decision and welcome him to the Republican Party.

Like other conservative Democrats, mayor Caruso found it difficult to be a member of a party whose philosophy blatantly contradicted his own deeply held beliefs. I recommend that my House colleagues take a moment and read Mayor Caruso's remarks.

SOME REFLECTIONS UPON THE OCCASION OF CHANGING MY POLITICAL PARTY AFFILIATION FROM THE DEMOCRATIC PARTY TO THE REPUBLICAN PARTY

(By Salvatore A. Caruso)

Thank you for coming here today.

The fact that we have had sleet, and rain and snow here in south Louisiana over the past few days was merely what Congressman Livingston predicted would happen whenever I would change political parties. Except that he predicted both events for July 32nd.

Bob Livingston has been trying to persuade me to make this change for at least ten (10) years now. In a desperate attempt about a year ago, he added one new reason. Bob told me that I look more like an elephant than a jackass. I was not sure if that was a compliment or an insult. Although he added that if I became a Republican I could ride the elephant into an unlimited political future. I told him that if the elephant could fit on my shoulders I would do it.

A lot of people have a right to a serious explanation regarding this change in my Party affiliation.

Because I have been a Democrat for all of my life and because I have been correctly identified as a proponent of a few issues which some people call "liberal", there has been an obscuring of the fact that upon several other issues I have always been strongly conservative and correctly identified with what might be called the Republican position.

Let me give you three examples:

(1) There is currently a popularly used word to describe the divesting of power by the Federal Government from itself, and the passing of that power on to Stat and Local governments. The word is "devolution."

For me, that is simply a newly popular word to replace the more traditional word "subsidiarity." Subsidiarity is a word and a concept that have been available to us for a very long time. The word has a proper place in philosophy, economics, political science, management and other areas of human endeavor. Put simply, it means this: Nothing should be done at a higher level of organization than is necessary to accomplish the purpose involved. Or, conversely, whatever needs to be done should be done at the lowest level of organization that is possible. In governmental terms: Whatever needs to be done by the government should be done by the government closest to the people.

(2) I am a fiscal conservative and I always have been. That strong fiscal conservatism has been consistently reflected in my speech, in my actions, and in my decisions as a public official for over eighteen (18) years now. No one turns around a public hospital from a three and one-half million dollar debt to a thriving enterprise by using financially liberal practices. No one leads a city to $55,000,000 worth of capital improvements while finishing eleven (11) years of operations with a financial surplus by being profligate with public money.

(3) I believe strongly in environmental protection. But, I do not believe that business people ought to be, in effect, deprived of the use of their land because it holds a puddle of water for two weeks out of the year. I believe even less that local governments, struggling to keep their people from flooding, ought to have to obtain permission from the Federal Government to build the necessary structures on land where some exotic grasses are growing. I like plants, but like people more.

And, it is my love for people that brings me to the central reason for this change in political parties.

Before I expand upon that, I want to insert here a very personal note. I began this speech with a couple of humorous comments about Congressman Livingston. Now I want to tell you something that is very serious. No one should ever change political parties simply because of a personal friendship. And over the years, I have resisted any temptation to do that. The issue is simply too important to be decided at that level. But, if there are other matters that are compelling or nearly compelling, then certainly it is honorable to allow personal considerations to top-off the decision-making process.

And, that is, in fact, happening in this case. As almost everyone knows by now, Bob Livingston and I were classmates at Our Lady of Lourdes Grammar School in New Orleans. He has survived the publication of that fact until now, and I expect that he will continue to manage after this. What yet may be unclear is the extent to which Bob has been a friend to me and to the city which I lead. Over all of these years and throughout all of his success at the national level, he has never been any different in personal attitude than he was when we were both boys. And during all of that time no one could have been a better friend to a former classmate than Bob Livingston has been to me. No one could have been a better friend to the City I lead than Bob Livingston has been to the City of Slidell. Federal money that is work right now in the City of Slidell came here largely through Bob Livingston. Federal money to control flooding, and for which we have only recently become eligible, will come to us almost solely because of Bob Livingston, if only we have the sense to take it.

What all of us owe to my grammar school classmate is more than I can cover in this speech. And, so, for now, in this setting, the only thing more that needs to be said is: Thank you, Bob.

Now, let me return to my comment about my love for people.

I come from a family which always struggled for a reasonable level of existence, which was occasionally near the poverty level, and in which both parents died at age fifty-three (53), and died bankrupt for the crime of having cancer but no health insurance.

For the past twenty-four (24) years, as a licensed psychiatric social worker, I have heard more than I ever expected to hear about the endless ways in which human suffering comes to people, about how they cope or do not cope with that suffering, about what kind of help they have needed from me, from others, and sometimes from the whole community.

No one needs to tell me about such things. I have lived them. I have heard them. I have, hopefully, helped people through them.

I love people.

But, within that love for people I have a peculiar feeling and a peculiar notion.

I also love people who already exist but are not yet born.

Those people are called by different names: tissue, zygote, embryo, fetus, baby, human, child of God.

I confess to another strange, peculiar notion. It is this: No one has the right to kill another human being except to save his or her own life or the life of another innocent human being. And, if I have not stretched your patience too far already, please listen to yet one more strange peculiar belief. I also believe that the same nearly universally accepted rule which forbids such killing also applies to our fellow human beings who already exist but are not yet born.

I think it is unacceptable and barbaric to kill unborn babies. And, in an even more retrogressive concept, I hold that society has something to say about this, that the community has something to say about this. I deny and deny emphatically that this is a purely private matter.

There are, indeed, issues and behaviors that are or should be beyond the reach of the society, the community, or the State. There are behaviors that are or should be purely personal, private matters. These are behaviors that, for the most part, involve only one person or freely consenting adults. Generally, sexual preferences and practices are or should be covered by a veil which excludes everyone but the consenting adult participants. For example, a decision to use contraception is or should be a purely personal matter in which no outsider has a right to interfere. There are other examples, in other aspects of life, which carry and should carry a sign saying: PRIVATE, NO ENTRY.

But abortion is not one of them: Abortion is different. Abortion involves two different human beings—one of them is neither an adult nor consenting. Abortion involves the killing of one human being by another with or without accomplices. Where else in this culture do we say that such behavior is a purely private matter? Where else do we say that in such circumstances the society, the community, and the State itself have no rights at all? No where.

It is obvious, of course, that the circumstances of pregnancy are unique. But in western civilization we purport to value life more than any of the conditions of life. But, not if it is an unborn life. In that circumstance, any condition *at all* is held to be good enough, heavy enough, to outweigh even the basic right to life itself.

I suggest to you that this is insane, that we are a nation that has lost our collective mind over this issue.

And, even some people who are pro-choice seem to know this. There seems to be a psychological need for denial, for euphemism, for semantics, and for general self-deception in order to make the psyche accept that which it could otherwise not accept.

Listen to a few examples:

(1) "The fetus is not human."

By now, this is hardly worth the effort to refute it. On the basis of science, not religion, we know that from the moment of conception, the fetus has its own full set of chromosomes, an absolutely unique genetic pattern, and 100% of the material necessary to develop into a fully grown human being. The mother, who has already provided fifty percent (50%) of the building materials, now also provides a site and nourishment for the event. Nothing less but nothing more.

(2) "But, this is part of the mother's body."

By now, this is almost ludicrous. There is enough biological information available even to the general public to expose the lie in this claim. From the moment of conception, the fetus is immunologically foreign to the mother. It may have a different blood type. And, in about fifty percent (50%) of all cases it has a different gender than the mother.

How, by *any* standard, can this be a part of the mother?

(3) "But a woman has a right to control her own reproduction."

Yes, she does. She has the right to abstain from sexual intercourse. She has the right to engage in sexual intercourse and to use contraception.

But abortion is not contraception. It has nothing to do with reproductive rights. It has to do with killing that which has already been reproduced.

No amount of euphemism will change that.

Do we use the words "vaccine" and "antibiotic" interchangeably? If so, then let's begin to use the words "contraception" and "abortion" interchangeably. Until then, I think the clarity of distinction could be helpful.

(4) "This is a religious issue and no one has a right to impose his or her religious beliefs on anyone else."

Indeed we have no such right! But, at its most common denominator, abortion involves not theology, but humanity. One does not need to believe in God to be opposed to abortion. One needs only to believe in humanity. One needs only to believe that we do not kill each other except to save ourselves or another one of us. A creed is not needed to abhor abortion for convenience.

I never want to live in a community where a majority of Catholics can forbid the sale of contraceptives, or where a majority of Baptists can forbid the sale of liquor, or where a majority of Jews can forbid the sale of pork. But, it is a source of horror to live in a country where any number of people can forbid protection to a group of innocent human beings targeted for killing.

In addition to the horrors generally associated with abortion, there has now been added to the lexicon a phrase that should go down in history along side the terms "The Inquisition", "The Witch Burnings", "The Camps", "The Ovens", "The Holocaust", and "The Final Solution." That phrase is "Partial Birth Abortion."

This phrase refers to an absolutely barbaric act in which an abortion is performed late in the second trimester and through the entire third trimester of a woman's pregnancy.

In September, 1993, a pro-choice nurse, Brenda Pratt Shafer, witnessed her first partial birth abortion.

Here is her description of what she saw:

"I stood at the doctor's side and watched him perform a partial birth abortion on a woman who was six months pregnant. The baby's heartbeat was clearly visible on the ultrasound screen. The doctor delivered the baby's body and arms, everything but his little head. The baby's body was moving. His little fingers were clasping together. He was kicking his feet. The doctor took a pair of scissors and inserted them into the back of the baby's head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks he might fall. The doctor opened the scissors up. Then he stuck the high powered suction tube into the hole and sucked the baby's brains out. Now the baby was completely limp. I never went back to the clinic. But, I am still haunted by the face of that little boy. It was the most perfect, angelic face I have ever seen."

Doctor Pamela E. Smith, Director of Medical Education, Department of Obstetrics and Gynecology, at Mount Sinai Hospital in Chicago testified to a committee of the United States Congress:

"There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be dstroyed to preserve the life or health of the mother."

Doctor Harlan R. Giles, a "high-risk" obstetrician, gynecologist, and perinatologist at the Medical College of Pennsylvania agreed with her. So did Doctor C. Everett Koop.

Now, on the other side, President Clinton says that even partial birth abortion acceptable. By now he has given at least three different reasons for his veto of the bill passed by Congress to outlaw partial birth abortion. I will not give you those reasons because by tomorrow they may be obsolete.

Upon an attempt to override the President's veto, the necessary majority of the Congress voted to sustain the veto. Most of the votes to sustain were democratic votes.

I can no longer belong to a party which says that this sort of absolutely needless barbarism is acceptable national policy.

I read the newspapers, and late at night, I watch CNN. I have read and heard the rumors that the Republican Party is not perfect. I even suspect that those rumors might be true. But, I will tell you this: The Republican Party has consistently stood up and said that, except to save the life of the mother, it is not O.K. to have a national policy of killing our urborn babies. Most recently, as a Party, the Republicans have stood up and said that, "Well excuse us, but we do not agree that it is alright to stab a baby in the back of her head, open a hole there, insert a vacuum cleaner, and suck out her brains."

It is without hesitation and without personal regret that today I leave the Democratic Party and join the Republican Party.

I know there are other important issues. I have alluded to them in the beginning of this speech. On some of those issues I may disagree with my new Republican colleagues.

But, let me tell you this: Over my 18 years as a public official I have had far more success in sensitizing Republican leaders to various human needs than I have had in sensitizing Democratic leaders to the moral outrage of abortion.

Let me tell you something else. This issue of abortion is no ordinary issue. It cannot be put into line with any number of issues on one side and weighed against all of the issues on the other side. No. This issue is different in kind. This issue is the slavery issue of the Twentieth Century. No moral person could have decided for or against the Civil War on the basis of the exportation of cotton, or upon the cultural differences between the North and the South. No. All that mattered. But there was one issue that riveted the attention of the nation, one issue that screamed for moral judgment, one issue that finally called for the "terrible swift sword." That issue was human slavery. Today that issue is human life itself.

Although it would be untrue, accuse me if you will of deciding this on the basis of one issue. I stand then with Abraham Lincoln. I stand with William Lloyd Garrison. I stand with all of the abolitionists from both centuries, and on both issues.

I want to close this speech with a different kind of thought. For years now I have said that opposition to abortion should not be based primarily upon religious beliefs. But certainly once we have established our opposition upon broader grounds, we need not be embarrassed to add to those grounds our own religious considerations.

All of us in this room, Christian and non-Christian, all of us who believe in God at all, have got to also believe that that God is still howling across the centuries: "Where is your brother...? What have you done? Listen! Your brother's blood is crying out to me from the ground." Genesis 4:10–11

Where are our brothers? Where are our sisters? Gone into the bucket. Gone into the ground. Victims of the idolatry of absolute free choice. Victims of the idolatry of unlimited ambition for public office.

Allow me, please, to reflect my own Catholic Christianity. The Second Vatican Council closed on December 8, 1965. That was 8 years before *Roe* v. *Wade* in this country. Even without that stimulus, the Council Fathers addressed abortion directly. They said:

"From the moment of conception, life must be guarded with the greatest of care, while abortion and infanticide are unspeakable crimes."

On March 25, 1995, in his Encyclical, "Evangelium Vitae," (The Gospel of Life), Pope John Paul II said:

"I declare that direct abortion, that is, abortion willed as an end or as a means, always constitutes a grave moral disorder, since it is the deliberate killing of an innocent human being."

And now in closing I want to return to our common Christian heritage. By happy coincidence or by the grace of God, this event is occurring just five days before Christmas.

My own favorite Christmas story is one that is, comparatively, unfamiliar.

It begins in the mind of God before all of the millennia. St. John the Evangelist brings it to us in some of the most majestic language in the history of Christianity. I first came to love it when our Church recited it in Latin at the end of every Mass. And, if you will indulge my love for the sheer beauty of the language, I will repeat a part of it here for you, first in those sounds that I once so loved to hear.

St. John closes the Prologue in this Gospel with these words:

And the Word was made flesh
and dwelt among us;
and we saw His glory,
the glory of the only begotten of the Father
full of grace and of truth.

—*John 1:1–14.*

Maranatha. And Merry Christmas.

INTRODUCTION OF LEGISLATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. HAMILTON. Mr. Speaker, I am pleased to introduce legislation today to clarify that the 1990 Clean Air Act Amendments do not require pollution controls for beverage alcohol compounds emitted from aging warehouses.

To meet the strictures of the 1990 amendments to the Clean Air Act, installation of pollution controls may be required for beverage alcohol—ethanol—emissions from distilled spirits aging warehouses despite the facts that the EPA recognized that such controls could adversely affect product quality and that ethanol emissions do not contribute significantly to ozone formation.

The aging process is a natural process by which distilled spirits products derive their inherent characteristics, including color, taste, and aroma. Altering this aging process by imposing emission control technology on aging warehouses could inflict an unreasonable adverse effect on the maturation process for these products and thereby jeopardize the desired quality and uniqueness of each distilled spirits brand.

Imposition of Clean Air Act emissions controls on aging warehouses would create significant costs on both the industry and the Government. First, for the industry, distillers would risk jeopardizing the quality of their products by installing pollution control technology of uncertain effect on aging warehouses.

Second, for the Government, tax revenue would be threatened by any action which significantly impacts product quality and product sales. Distilled spirits are the highest taxed consumer product in the United States and a major source of revenue for Federal, State, and local governments.

Since December 1992, the industry has tried time and time again to get a definitive answer from either the EPA or the State governments involved on the question of whether such controls are required by the 1990 amendments. While both the Indiana and Kentucky General Assemblies have passed resolutions urging EPA not to regulate beverage alcohol compounds emitted from aging warehouses, EPA has still not provided a definitive response.

The change I am proposing is only for those emissions coming from aging warehouses and does not exclude any other portions of the distilled spirits production process from Clean Air Act requirements.

TRIBUTE TO MAYOR MATTHEW CAPANO

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. ANDREWS. Mr. Speaker, I rise today to honor an individual who has given of himself to make his borough a better place to live. I am speaking of Matthew Capano, former mayor of the borough of West Paterson.

Matthew Capano's dedication to West Paterson and his fellow citizens is exemplary. Mayor Capano is a lifelong resident of West Paterson. The mayor has demonstrated his dedication to West Paterson through his long service to the West Paterson Democrat Club, including serving the club as president. Mayor Capano served his borough as a council member for the borough from 1987 until 1992. Matthew Capano took this worthy dedication to service even further during his term as mayor from January 1, 1994, to December 31, 1996.

As mayor, Matthew Capano conducted himself with a single goal, embodied in his motto: "West Paterson first!" Mayor Capano had a number of impressive achievements during his term as mayor. Mayor Capano brought financial stability to West Paterson by refusing to increase municipal taxes. He united all borough departments, organization, and residents into the single goal of working together for the good of West Paterson. The West Paterson Municipal Alliance became a model for the rest of Passaic County as a result of Mayor Capano's dedication to efficiency. Mayor Capano advanced his belief in efficient and responsible government by transforming the police department and the Department of Public Works; this transformation greatly improved their ability to respond to the needs of the people of West Paterson.

All who know Mayor Capano are honored by his service to the borough of West Paterson. I know that Mayor Capano's wife Donna and children Gina, Sarah, Matthew, and Rebecca are as proud of his accomplishments as we all are. Matthew Capano's service has been remarkable, and I congratulate and thank him on behalf of all the citizens of New Jersey.

LEGISLATION TO EXTEND MANDATORY COVERAGE OF THE INDEPENDENT COUNSEL LAW TO JUSTICE DEPARTMENT EMPLOYEES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to require the U.S. Attorney General to call for the appointment of an independent counsel to investigate allegations that Justice Department employees engaged in misconduct, criminal activity, corruption, or fraud. The bill is similar to legislation I authored in the 103d and 104th Congress.

The independent counsel provisions of the Ethics in Government Act of 1978 require the

Attorney General to conduct a preliminary investigation when presented with credible information of criminal wrongdoing by a high ranking executive branch official. If the Attorney General finds that further investigation is warranted or makes no finding within 90 days, the act requires the Attorney General to apply to a special division of the U.S. Court of Appeals for the appointment of an independent counsel. The act also gives the Attorney General broad discretion in seeking the appointment of independent counsel with regard to individuals other than high ranking executive branch officials. However, the Attorney General is not required to do so in such cases.

My bill amends the act to treat allegations of misconduct, corruption or fraud on the part of Justice Department employees in the same manner as allegations made against high ranking cabinet officials. My goal is to ensure that, when there is credible evidence of criminal wrongdoing in such cases, these cases are aggressively and objectively investigated.

I am very concerned over the growing number of cases in which Justice Department employees have been accused of misconduct, corruption or fraud. In several cases I have personally investigated, innocent men fell victim to overzealous or corrupt Federal prosecutors. No action has ever been taken against the prosecutors.

The 1992 Randy Weaver incident that took place in Ruby Ridge, ID is perhaps the most notorious and disturbing example of Justice Department employees, in this case, high ranking officials, acting in a questionable manner, and receiving no punishment other than disciplinary action. In the Randy Weaver case, an unarmed woman holding her infant child was shot to death by an FBI sharpshooter acting on orders from superiors. Former FBI Deputy Director Larry Potts allegedly approved the decision to change the rules of engagement the FBI sharpshooters and other Federal officials at Ruby Ridge were acting on. The decision allowed FBI sharpshooters to shoot on sight any armed adults—whether they posed an immediate threat or not. As a result of this decision, Vicki Weaver was shot to death while holding her infant daughter.

While several officials, including Mr. Potts, were disciplined—some forced to leave the department—no criminal charges were ever filed against any of the officials involved in the Ruby Ridge incident. I would point out that at the outset of the incident a 14-year old boy was shot in the back by U.S. Marshals. Last August, the Federal Government agreed to pay the Weaver family more than $2 million—but did not admit any wrongdoing in the incident. The Ruby Ridge incident served as a stark reminder that the Justice Department does not do a very good job of objectively and aggressively investigating potential criminal acts or misconduct on the part of Justice Department employees. This is especially true of actions involving Justice Department attorneys.

In 1990, a congressional inquiry uncovered the fact that no disciplinary action was taken on 10 specific cases investigated by the Justice Department's Office of Professional Responsibility [OPR] in which Federal judges has made written findings of prosecutorial misconduct on the part of Federal prosecutors. Several Federal judges have expressed deep concern over the lack of supervision and control over Federal prosecutors. In 1993, 3 Federal judges in Chicago reversed the conviction of 13 members of the El Rukn street gang on conspiracy and racketeering charges after learning that assistant U.S. attorneys had given informants alcohol, drugs, and sex in Federal offices in exchange for cooperation, and had knowingly used perjured testimony. No criminal charges have ever been made against the Federal prosecutors, nor has OPR taken any meaningful disciplinary action, other than firing one U.S. attorney.

Unfortunately for our democracy, over the years the Justice Department has built a wall of immunity around its attorneys so that it is extremely difficult to control the actions of an overzealous or corrupt prosecutor. In many instances, the Attorney General has filed ethics complaints with State bar authorities against nongovernmental lawyers who complain about ethics lapses by Federal prosecutors. How has Congress let this agency get so out of control?

The majority of Justice Department officials are hardworking, courageous, and dedicated public servants. The unethical and criminal actions of a few officials and attorneys are tarnishing the reputation of the department. By allowing these actions to go unpunished or by not taking aggressive action in the form of criminal indictments, the department is eroding the public's confidence in government.

As the El Rukn case illustrated, in their zeal to gain a conviction, Federal prosecutors overstepped the boundaries of the ethical and legal behavior. As a result, dangerous criminals were either set free or received greatly reduced sentences. Such actions are unacceptable. The Federal Government needs to act in an unambiguous and aggressive manner against any Federal prosecutor or official who betrays the public trust in such a blatant and damaging fashion. Sadly, that was not done in the El Rukun case, and countless other cases where Justice Department officials acted in an unethical or illegal manner.

The American people expect that the Justice Department—more than any other Federal agency—conduct its business with the highest level of ethics and integrity. It is imperative that the Independent Counsel Act be amended to require that allegations of criminal misconduct on the part of Justice Department employees be treated with the same seriousness as allegations made against high ranking cabinet officials. I urge all of my colleagues to support this bill, the text or which is as follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL AUTHORITY FOR APPOINTMENT OF INDEPENDENT COUNSEL.

Section 592(c) of title 28, United States Code, is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; or", and by adding after subparagraph (B) the following:

"(C) the Attorney General, upon completion of a preliminary examination under this chapter, determines that there are reasonable grounds to believe that—

"(i) employees of the Department of Justice have engaged in misconduct, criminal activity, corruption, or fraud, and

"(ii) further investigation is warranted.".

INTRODUCTION OF LEGISLATION TO REQUIRE THE INSTALLATION OF EMERGENCY LOCATOR TRANSMITTERS ON AIRCRAFT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mrs. KENNELLY. Mr. Speaker, I am pleased to rise today to introduce the Airplane Emergency Locator Act with Mr. SHAYS. This important legislation would require the installation of emergency locator transmitters in small aircraft to save lives. Unfortunately, current law exempts many types of small planes, including Lear jets, from the requirement to install these lifesaving devices.

This past Christmas Eve, two Connecticut residents piloting a plane to New Hampshire crashed near the Lebanon Municipal Airport. An extensive search in cooperation with the Federal Government and six States including Connecticut was unsuccessful in locating the plane or any survivors. This plane did not have an emergency locator device, which could have made a difference in saving the lives of these two men.

Timing is such a critical element in rescue operations. Providing additional tools for search and rescue teams to locate plane crashes more quickly can mean the difference between life and death. It is unfortunate that tragedy prompted the introduction of this legislation. But it is my hope that this event will force the necessary changes to aid future rescue efforts and save lives.

I applaud my colleague CHRISTOPHER SHAYS for taking the lead on this lifesaving legislation and I am pleased to join him today in introducing this bill, and I urge all my colleagues to join us in supporting the Airplane Emergency Locator Act.

TRIBUTE TO TOM STAPLETON

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. FAZIO of California. Mr. Speaker, after 50 years of service and leadership in the International Union of Operating Engineers Local 3, T.J. ("Tom") Stapleton is being honored by his friends and peers.

Tom Stapleton was first elected in 1982 as business manager and chief presiding officer of Local 3 of the Operating Engineers. Based in Alameda, CA, Local 3 represents 35,000 members in northern California, northern Nevada, UT, and Hawaii—the largest construction local union in the country. Tom took the helm of the union and guided it safely through the most turbulent economic times in the history of the construction industry.

A visionary in every sense of the word, Tom understood the importance of strengthening the bridges between unions and employers for the benefit of the men and women of the construction industry. When medical costs were escalating out of control for construction workers, he brought unions and employers together to build a vast network of contract health care providers. This network, the Basic Crafts Health Care Coalition, has brought health care costs back under control.

It can be said that Tom Stapleton never picked a fight, but he never backed away from one, either. Tom organized a grassroots program that mobilized thousands of workers when the prevailing wage laws that provides stability to the construction industry were threatened. He also spearheaded the Foundation for Fair Contracting, a program which monitors the illegal construction industry and provides evidence against unscrupulous contractors who cheat their employees out of wages and benefits.

Tom has earned the admiration and respect from those in the highest levels of government, the labor movement, and the business community for his leadership and genuine care for the well-being of those who make construction their livelihood.

Mr. Speaker, I would like to take this opportunity to extend our heartfelt congratulations upon the retirement of Tom Stapleton. I know Tom will be just as successful in his future endeavors as he was at Local 3.

TRIBUTE TO NELDA BARTON-COLLINGS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. ROGERS. Mr. Speaker, during our lifetimes, we each have an opportunity to make our mark in this world. Some of us meet this challenge with tremendous gusto and commitment, and today I want to pay tribute to an outstanding woman who has done just that.

Nelda Barton-Collings is a 40-year resident of Corbin (Whitley County) in Kentucky's 5th Congressional District, which I represent. Nelda is more than a constituent. She is a friend, a certified medical technologist, a licensed nursing home administrator, a successful business entrepreneur, a political activist, a mother, a grandmother, a great-grandmother, and an inspiration to thousands of people in my home State of Kentucky.

When President Dwight D. Eisenhower said that politics should be a part-time profession for every citizen who wants to protect the rights and privileges of free people and wants to preserve what is good in our national heritage, he must have been thinking of Nelda Barton-Collings.

Nelda first ventured into politics during the late 1950's when her brother-in-law ran for tax commissioner of Whitley County. Since then, she has emerged as an effective leader in the Kentucky GOP, a committed representative for our State, and a prominent national figure. She served as Kentucky's Republican National Committeewoman for nearly 29 years—longer than any of the RNC's other members—and during the last four years she had the honor of serving as the RNC's national secretary. She was also the first woman from Kentucky to give a major address during a Republican National Convention (1980).

But, Nelda is more than a woman involved in Republican politics. She is an accomplished businesswoman, and she has a long history of being very involved in her community. In 1990 she was elected the first woman chairman of the board for the Kentucky Chamber of Commerce. From 1990–92 she sat on the National Advisory Council to the Small Business Administration. She was appointed by President Reagan to the Federal Council on Aging and by President George Bush to the President's Council on Rural America.

The many awards and honors she has received over the years speak volumes regarding her concern for and investment in Kentucky. She was recognized in 1992 by the Kentucky Association of Health Care Facilities when they established the Nelda Barton Community Service Award in her honor. October 22, 1973, was proclaimed Nelda Barton Day by the mayor of Corbin. Additionally, she has received the Kentucky Medical Association's Outstanding Layperson Award (1992); Cumberland College's Medal of Honor (1988); the Kentucky Business and Professional Women's Kentucky Woman of Achievement Award (1982–1983); Kentucky Federation Republican Woman of the Year (1968); the Tri-County Woman of Achievement (1982); the Dwight David Eisenhower Award (1970); and I could go on and on.

Although there is no one I know of that has devoted more time and attention to Republican activities than Melda, she has always been very well-respected by people of all political persuasions. Her number one priority has been bringing people together and pursuing ideals that will make our Nation strong. Her politics have always been marked by her concern for those around her. She has made her mark in Kentucky with a touch of class and an abundance of style.

I want to thank Nelda for all her hard work over the years on behalf of Kentuckians. While she will be greatly missed as Kentucky's representative on the Republican National Committee, I have no doubt that she will continue to serve as an inspiration to the men and women of our State.

SALUTING THE CUYAHOGA COUNTY BAR FOUNDATION AND BAR ASSOCIATION PUBLIC SERVANTS MERIT AWARD RECIPIENTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. STOKES. Mr. Speaker, I rise today to salute eight outstanding individuals who will be honored later this week at a special ceremony. On February 14, 1997, the Cuyahoga County Bar Foundation and the Cuyahoga County Bar Association will host the 51st Public Servants Merit Awards Luncheon. At the luncheon, the honorees will receive the Franklin A. Polk Public Servants Merit Award. The individuals to be honored are: Delores Bell; Charles T. Birmelin; Michael Flanagan; Deborah Fleischer; John P. Garmone; Rosanne O'Brien; Fred W. Papay; and Maryellen Reddy.

The Public Servants Merit Award is named in honor of a distinguished lawyer, the late Franklin A. Polk. During his career, attorney Polk was committed to recognizing the contributions of public servants. He also chaired the annual awards luncheon for 40 years.

Mr. Speaker, I take great pride in saluting the 1997 Public Servants Merit Award recipients. Each of the individuals is more than deserving of this level of recognition. At this time, I want to share with my colleagues and the Nation some information regarding the honorees.

Delores A. Bell, as an employee of the Cleveland Municipal Clerk of Courts since 1972, Delores holds the title of deputy clerk. She is responsible for maintaining a safe and secure office, sorting capias from the previous day, initial processing of tickets from the division of building and housing as well as the Department of Health and the City Income Tax Dept.

During the late 1960's through the early 1970's, Delores worked inside the voting booth on each election day.

Married to John for nearly 35 years, she is the mother of three grown children, Monte, Sonnita and Tyronn. She states that her most outstanding accomplishment has been to raise her three children and be the very best mother possible. She is also proud of the fact that one child has earned two college degrees and the other two will soon earn their degrees as well. Delores states, "If I could live my life over, there are a few things I would do differently, but I would not change my walk with the eternal deity. It is best to give your children all of the time you can when they are young".

Her activities include walking miles around the track in the spring, summer and fall. For relaxation she enjoys traveling, going to the movies and meditating.

Charles T. Birmelin, a 1961 graduate of the Stenotype Institute of Washington, DC, Charles T. Birmelin began his career in the field of court reporting with Mehler and Hagestrom as a free-lance reporter for 5 years. In 1970 he came to work for the Cuyahoga County Court of Common Pleas taking the position of assistant official court reporter. By 1979, Charles has assumed the very demanding position of chief official court reporter. His responsibilities include overseeing the staff of 42 court reporters, plus two administrative staff. He services 33 judges of the court of common pleas; provides answers to persons who may have questions relating to the court reporters; as well as provide answers for the general overall supervision of the entire court reporting department and staff.

A native of Mansfield, OH, Charles also enlisted in the U.S. Army in 1962 and was decorated with the "Good Conduct Award" and the "Distinguished Service Award" before being discharged in 1965. Charles lists his outstanding accomplishments as being elected president of the Ohio Court Reporters in both 1978 and 1979 and receiving an award of being a fellow of the national court reporters Assoc. He was also an Eagle Scout and a troop leader in the Boy Scouts of America, Mansfield, OH.

For relaxation Charles enjoys fishing, boating and camping. He says he also likes to go to auctions to find that "good buy" of an antique.

Michael E. Flanagan, St. Edward's and Cleveland State undergraduate, Michael Edward Flanagan comes to his position as chief deputy bailiff of Cleveland Municipal Court based on a long family commitment to public service. His father was Chief Bailiff from 1948 to 1984 and his grandfather served in the Cleveland police department from 1921 to 1951. Michael's current responsibilities in the administrative services department include being a project leader to review current court programs to improve and modernize them. Since 1988, he has also been responsible for the design and implementation of the court's computerization [CIJIS]. He also has participated in "Bailiff Basic Training" through the Ohio Peace Officer Training Council as well.

Michael is equally committed to his family and his community. The father of Colleen, Kevin, Kathleen, and Megan, and husband for 18 years to Maureen, Michael devotes his time to St. Christopher Catholic Church, Ohio Association of Court Administrators, Normandy Nursing Home, Rocky River Municipal Court Security Advisory Committee, and still finds them to coach girls softball among other activities.

In his "free" time he enjoys traveling, hiking, canoeing, and family camping. He loves spending time working on his home computer which translates into better service to the Court.

Deborah Jean Fleischer, Deborah Jean Fleischer has spent the last 27 years of her life working for the Cuyahoga County Probate Court. At the age of 19, she assumed her first position with probate court in the docket department. Ten years later she transferred to the order department where she would eventually become supervisor in 1987. Prior to this position, Deborah worked part-time in a gift shop at Cleveland Hopkins International Airport while still attending high school.

Her duties at the court include: Certifying court documents; preparing court records for filing in the Court of Appeals; doing genealogical research; and assisting the general public when necessary.

Deborah has always been involved with her community. She was a volunteer for the project learn organization which helped teach illiterate adults to read. She volunteers through her church to help deliver food to local shelters, and she is also a very strong animal rights advocate, being involved in the Berea Animal Rescue Center.

In her spare time, she loves traveling and has visited many European locales including Italy, Austria, Zurich, and Switzerland. Traveling isn't the only thing she loves to do; she has a love of animals for which her neighbors can attest. She can often be seen picking up stray animals and taking them home for care.

John P. Garmone, as clerk of court for the Lyndhurst Municipal Court, John Garmone is responsible for the preparation and maintenance of the docket, general index and other court records. He is also responsible for collecting all monies payable to the clerk's office including fines, court costs and fees, bail, garnishments, bank attachments and trusteeships. In addition to signing and issuing arrest warrants, John also supervises a staff of seven full-time deputy clerks and two part-time deputy clerks.

After graduating in 1974 from Cleveland State with a bachelor of science degree. John immediately took a position with the municipal court in Cleveland as chief deputy clerk. John also was a bail investigator with the Cuyahoga County Bail Commissions interviewing and recruiting county prisoners for probationary diversion programs.

John lists his being a past president of Northeastern Ohio Municipal Court Clerks Association in 1993 as one of his outstanding accomplishments.

Married to Kathleen for nearly 3 years, he enjoys music and the theater and trying "to keep his wife in the style of living to which she has become accustomed." John also states that, "Trying to treat everyone as I would appreciate whether they are the public, coworkers, whomever and keep a sense of humor while doing it". John describes a typical day as, "Everyday is a Joke! And I would not have it any other way".

Rosanne M. O'Brien, born in Washington Island, WI, Rosanne O'Brien took a position with Cuyahoga County Juvenile Court in her senior year of high school as part of a career class. While holding a number of positions such as general clerk, numbering clerk, docketing clerk, and senior clerk typist since 1972. Her current position, assistant courtroom coordinator, is her most challenging yet. She is responsible for scheduling and reviewing cases prior to court and must speak with probation officers, attorneys, and clients to assure a smooth hearing in the courtroom. With such a diversified background, it is no wonder she has been nominated for employee of the year five times.

Rosanne is also very committed to her community, being a campaign volunteer for the American Cancer Society, American Heart Association, American Lung Association, Easter Seals and United Way. On the political side, she is also an elected precinct committee member and Chairperson for membership and attendance with the Lakewood Democratic Club.

Rosanne and her husband, James, have enjoyed over 18 years of marriage. Her two golden retrievers, Sandy and Dusty, keep her busy when she's not bowling or doing needle crafts.

Fred W. Papay, born in Cleveland, Fred. W. Papay graduated from West Technical High School. He began his work with the Cuyahoga County Clerk of Courts at the age of 24 in 1971. Nominated by Gerald E. Fuerst, clerk of courts for Cuyahoga County, Fred W. Papay is chief filing clerk. His responsibilities include overseeing all of the filing for both civil and divorce cases, and all subsequent pleadings in those cases.

A sergeant with the U.S. Air Force for 3 years, Fred is a Vietnam war veteran. After serving his country, he remained on inactive duty for another 2 years.

When Fred is not busy at work filing court documents, he enjoys sports. Fred is also an avid collector of any type of sports memorabilia. He says that in addition to his fascination with sports, he loves to collect elephant statues.

Maryellen Reddy, as a journal clerk/court community service liaison in Cuyahoga County domestic relations court for over 20 years, Maryellen Reddy has a wide range of job responsibilities. Her position requires her to review all journal entries prior to any hearings or the judges' signature. She also makes sure that all documents required by the State or local rules are attached to all entries. She monitors all contempt of court cases with the court's orders for compliance with the court community service.

Maryellen has been active in the political arena as well as being an executive board committee member of the Democratic Precinct, Ward 19.

An avid Cleveland sports fan, Maryellen is proud of the fact that she has been an eighteen year season ticket holder in the "Dawg Pound". She also enjoys Cleveland baseball, having season tickets for the Cleveland Indians. In her leisure time, Maryellen enjoys spending time with her family and cuddling up to a good book.

OPPORTUNITIES BEING LOST

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. RICHARDSON. Mr. Speaker, I want to bring to my colleagues' attention the following editorial by my good friend Charles William Maynes. Charles is retiring from his position as editor of Foreign Policy, the magazine of the Carnegie Endowment for International Peace.

I laud Charles for his thoughts in this editorial. He clearly outlines the need for the political will to aid the developing world, both overseas and here in the United States. He makes the case for aid in international development as a tool to achieve our national interest of peacefully coexisting constitutional democracies.

Charles is not unaware of the challenges facing the disbursement of international aid. He presents several concrete ideas for reforming the way in which aid reaches developing economies. The international economic system that is the rubic under which aid is now being administered demands changes in the way development aid is collected and distributed.

As the Congress debates the level of international aid the United States should contribute, I hope my colleagues will familiarize themselves with the following article, and the rest of Charles William Maynes' work.

[From the Washington Times, Jan. 20, 1997]

OPPORTUNITIES BEING LOST

(By Charles William Maynes)

Charles Williams Maynes is retiring as editor of Foreign Policy, the magazine published by the Carnegie Endowment for International Peace. Its editor since 1980, he delivered a farewell address in Washington to a closing session Jan. 15 of the International Development Conference, which is attended annually by more than 1,000 analysts, diplomats, businessmen and politicians involved with development work in the Third World. The following are excerpts from his address, which sets out his view of the world in the years head:

We are in one of the most plastic periods in modern history. It is rare in history for all of the great powers to be essentially at peace with one another and for all of them to accept one another's international legitimacy. In this remarkable moment, we have such a consensus, yet we are failing to exploit it, and opportunities are being lost every day.

Anti-immigrant feeling has never been higher in the postwar period. The vicious political infighting has already resumed on Capitol Hill. Concern for others is down. The publishing sensation of the country in recent years has been a study of white and black education performance, with the subliminal message one of resignation. Why continue efforts to lift others out of their current state if those you want to help are predisposed to remain there? Why try to help others catch up, when studies show that they never will?

The country is increasingly skeptical and cynical. Few believe that government can work. And if it can't work at home, how can it possibly work abroad in cultures we scarcely comprehend? If we cannot construct sensible development programs for south-central Los Angeles, how can we possibly expect to develop them for Haiti?

AMERICANS ARE GROWING FEARFUL

We are facing, in other words, a new pessimism that threatens all sound programs for change and reform. Much of this new pessimism toward the developing world rests on a dark vision of the future * * *

[But] the World Bank forecasts that over the next 10 years, developing countries, including the former Soviet bloc, will grow by nearly 5 percent a year, compared with a rate of 2.7 percent in the rich industrial North. In other words, the Third World is going to be the growth engine of the world economy in the coming decade.

In addition, the share of the developing countries of the world economy is already much greater than common discourse allows. If output is measured on the basis of purchasing-power parities, then the developing countries and the former Soviet bloc already account for 44 percent of the world's output. If the World Bank's estimates turn out to be right, by the year 2020, these countries will have 60 percent of the world's global output.

What is the explanation for this deep pessimism that pervades American thinking?

We have to look for the answer not in facts, but in politics. What we are witnessing is the collapse of a powerful governmental paradigm, which governed our affairs for much of the post-World War Two period. After the great war, in part because of the genuine and heroic accomplishments of that struggle, in which everyone played a role from the president to the private to Rosie the Riveter, there was a widespread belief that government could work. Men and women could band together to accomplish high and noble goals. After all, they had already done it.

LOSS OF FAITH IN GOVERNMENT

In all of our political cultures, the dominant ideology became a disguised form of social democracy, which rested on the belief that governments, if well-organized and properly funded, could change societies for the better.

Even conservatives, with the evidence of the war effort so near, were hard pressed to reject this vision. And if the war memory did not persuade them, then they were converted because they feared that unless their society had answers for searing social and economic problems, the masses might be drawn to communism, which did promise answers.

Much of the international development effort rested on that ideology of social democracy, which has now collapsed. It was believed that if the New Deal could work at home, it could work abroad. The problem was simply to find the money.

Now communism has gone as an ideological challenge. But more important, also gone is our belief that we know what works. The result is a collapse in American leadership in the development field.

U.S. DEVELOPMENT EFFORT FALTERS

American aid levels have plummeted. In the 1950s and 1960s, America pioneered the concept of development assistance. Its contributions led all others. Today, America ranks at the bottom of the [Organization for Economic Cooperation and Development] countries in terms of [aid].

A growing percentage of our aid is concentrated in the Middle East and southern Africa, both regions that enjoy high aid levels, for political reasons. . . .

The Overseas Development Council estimates that no more than 17 percent of U.S. bilateral aid now goes for development. And multilateral aid has also been infected with the political virus. The United States and other donors have pressed the World Bank to make loans to the former communist countries that, under former criteria, would never have been allowed.

The cause of human rights has also suffered severe setbacks as a result of the new cynicism. When President Clinton announced a bold, new China policy, he said that "the core of this policy will be a resolute insistence upon significant progress on human rights in China." He received widespread applause. A few months later, he was the subject of mounting criticism as commentators claimed that he was sacrificing American commercial interests on the altar of a utopian concept of human rights. He decided to abandon the policy completely.

IDEALS TAKE A BACK SEAT

In Russia, most commentators applauded the administration for approving as a Russian president bombarded a parliament into submission, even though the essence of a democratic system is respect for laws, not respect for powerful individuals.

In Rwanda, the first case of documented genocide since the Second World War, virtually no one objected as the administration resisted U.N. involvement until spurred by a secretary-general who said that he was ashamed by the inaction of the Security Council.

To general silence, our State Department attempted to talk of "acts of genocide" rather than "genocide" because use of the latter word might trigger commitments under the Genocide Convention that no one wanted to honor. It has been estimated that as little as 2,000 troops could have prevented hundreds of thousands of deaths.

In the development field, we need to shift our focus from countries to problems. With the Cold War over, our people find it difficult to understand why we continue to support foreign countries.

Perhaps the American people could understand our desire to work with others on common problems. In an age of massive international travel, the United States is necessarily concerned about international health problems. It could work with others on those common problems. People at home would understand such an expenditure.

The administration has talked in these terms, but not boldly from the White House.

JOINT EFFORTS NEEDED

Our citizens would understand common efforts to deal with international environmental problems. We are helping Mexico to clean up rivers that borders both countries. We can work with other states to protect fisheries. We can attempt to develop a bold development effort for states that generate economic immigrants for the United States.

We must understand that people in those countries will only remain when they believe that there is hope for their children, even if there may not be much for them in their own lifetime.

In the field of democracy, we also need a new approach. At least at the governmental level, we have adopted a cookie-cutter approach to democratic development. There has been too much emphasis on elections and not enough on institutions. Yet, the essence of democracy is the web of institutions that together bring us the role of law, rather than the whim of leaders.

In the case of Russia, the U.S. made a serious mistake in backing [President Boris Yeltsin] so unconditionally in his struggle with the Duma. We should have pressed him to reach a compromise with its members, who now look moderate compared to those who replaced them. Democracy is not attained through sudden conversion, but through patient development efforts taking years.

We must also understand that in many ethnically divided societies, the American form of democracy poses a great threat to civil peace.

MAJORITY RULE REQUIRES SAFEGUARDS

"One man, one vote" in a winner-take-all election is too brutal a form of leader-selection for such countries. It will shatter consensus and can bring on civil war. For what we want is not majoritarian democracy, but constitutional democracy. The former can be established overnight, with a single election; the later takes years.

We say that we favor democracy worldwide. But until the mediating institutions of a constitutional democracy have evolved, won't democracy in the Arab world bring to power forces that will be profoundly anti-Western and maybe even authoritarian, although seemingly "democratic"?

With its elections and vigorous parliament, Iran is probably more democratic than most states in the Muslim world. But it has established a form of majoritarian democracy that must disturb us. There is no protection for vulnerable minorities or the dissident voice.

What we want immediately in the Arab world is decent governments that respect the fundamental human rights of their citizens. The building of real democracy is going to take decades.

We need a new approach to our campaign both for human rights and democracy. It should now be clear that the U.S. cannot impose its standards on the rest of the world. As strong as we are, we are not that strong.

We should work harder to multilateralize our human rights program. Human rights organizations contend that this administration, like its predecessors, is uncomfortable working with others in the human rights field. We must reverse this.

We need to begin to work harder to live up ourselves to international standards in the field of economic and social rights so that we can develop a common language with others. It is a disgrace that the infant-mortality rate in Washington, D.C., is higher than in many extremely poor Third World countries.

What is more disgraceful is that Washington policy-makers at times seemed more concerned with the rate in foreign countries than in their own capital. We have to recognize that the U.S. no longer has the power or enjoys the deference internationally simply to command others to behave as we wish.

NEEDED: A NEW RATIONALE FOR AID

Critical to the success of the humanitarian tradition in American foreign policy is funds.

We no longer have the Cold War to provide the excuse for large aid levels. We have to recognize that we are unlikely to be able to reverse such attitudes in the near future. There is little hope in trying to increase the aid budget under current conditions. We need a new paradigm.

We should begin to explore ways of asking those who benefit from the management of the global commons to help pay for its upkeep. This is probably going to involve some taxation on international activities, but for reasons of accountability, if such taxes are established, their management must be subject to the control of national legislatures.

We must begin to wean some of the countries that view U.S. aid as an entitlement. The Middle East countries should be given a period over which U.S. aid to them would be significantly reduced and would be channeled into programs for regional development and global problems.

We need gun control abroad just as much as we need gun control at home. The position of the major supplier countries is an intellectual and policy scandal. The U.S. and its allies are the most culpable. The U.S. alone supplies over 70 percent of the international arms trade.

DISCOURAGE OVERSPENDING ON ARMS

We need to limit the ability of states that spend beyond a certain portion of the [gross national product] on defense to have access to the international financial institutions. We may have to offer a special exemption to states that face a unique security situation. But the ability to get such a waiver would be limited.

We need to convert the development effort from a responsibility of the rich toward the poor into a common responsibility. Every state above a certain level should be required to contribute to global-development funds. Membership in key global institutions might be keyed to such a requirement.

We should stress more South-South cooperation. We should limit the number of experts from the North, in order to reflect the success we have had in creating an enormous pool of trained expertise within the South itself.

We should insist that aid recipients agree to enter into regional projects as a condition of their aid.

TRADE, COMMUNICATIONS UNIFY GLOBE

Today, an international system is developing that is more inclusive economically and politically. Trade is pulling people together and communications are enabling them to form common views, which are a prerequisite to subsequent participation in the determination of their political fate.

But the U.S. is unable to exploit this moment because we are incapable of bold thinking. Today, we are like a musclebound giant that can't tie his shoes. We have a defense budget that is larger than all of the major countries in the world combined, but we can't reallocate the money where it would do the most good. We plan for wars that will not happen in our lifetime, and we are unable to participate in security operations that are needed today.

Meanwhile, we are largely absent in the countries whose future will determine the fate of whole regions.

In conclusion, in the current era, we must not allow inertia to define our policy. If we wish to seize the moment, all of us are going to have to think boldly. And we cannot wait for leadership from the administration or the Congress.

The more bold ordinary citizens are outside the offices of officials, the bolder they are likely to be inside. For in today's poll-driven politics, leadership lies as much with the people as with the officials. Power can lie in hands like yours. I urge you to use it.

LEGISLATION ESTABLISHING SPECIAL JUDICIAL PANEL TO SCREEN INTELLIGENCE CASES INVOLVING BREACH OF CONTRACT DISPUTES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to mandate the establishment of a special Federal judicial panel to determine whether cases involving breach of contract disputes between U.S. intelligence agencies and individuals involved in espionage on behalf of the United States should go on trial. The legislation directs the Chief Justice to assign three Federal circuit court judges, senior Federal judges, or retired justices to a division of the U.S. Court of Appeals for the District of Columbia for the purpose of determining whether an action brought by a person, including a foreign national, in an appropriate U.S. court for compensation for services performed for the U.S. pursuant to a secret Government contract may be tried in court. The bill provides that the panel may not determine that the case cannot be heard solely on the basis of the nature of the services provided under the contract. The goal of the bill is to allow individuals who have a legitimate claim against the U.S. Government regarding a secret service contract to have their day in court. Currently, these types of cases are barred from even going to trial by the Totten doctrine, which bars the judiciary from adjudicating disputes that arise out of secret Government contracts which involve the performance of secret service.

The Totten doctrine is based on the 1876 Supreme Court case of Totten verses United States. The case involved the estate of an individual who performed secret services for President Lincoln during the Civil War. The court dismissed the plaintiff's postwar suit for breach of contract, stating, in part:

> The service stipulated by the contract was a secret service; the information sought was to be obtained clandestinely, and was to be communicated privately; the employment and the service were to be equally concealed. Both employer and agent must have understood that the lips of the other were to be forever sealed respecting the relation of either to the matter . . . It may be stated as a general principle, that public policy forbids the maintenance of any suit in a court of justice, the trial of which would inevitably lead to the disclosure of matters which the law itself regards as confidential, and respecting which it will not allow the confidence to be violated.

Other court rulings over the years have affirmed the Totten doctrine as it applies to breach of contract disputes arising from espionage services performed pursuant to a secret contract. Basically, the Totten doctrine prevents individuals who have performed espionage services for the United States and have legitimate claims against the Government from even having their claims heard in a U.S. court. In a paper published in the Spring, 1990 issue of the Suffolk Transnational Law Journal, Theodore Francis Riordan noted that "[W]hen a court invokes Totten to dismiss a lawsuit, it is merely enforcing the contract's implied covenant of secrecy, rather than invoking some national security ground."

While, on the whole, U.S. intelligence agencies do their best to fulfill commitments made to individuals who perform services on their behalf, there are instances in which, for whatever reason, U.S. intelligence agencies have not fulfilled its commitments.

For example, during the Vietnam war the Pentagon and the CIA jointly ran an operation over a 7 year period in which some 450 South Vietnamese commandos were sent into North Vietnam on various espionage and spy missions. The CIA promised each commando that, in the event they were captured, they would be rescued and their families would receive lifetime stipends. Due to intelligence leaks and intelligence penetrations by the North Vietnamese, most of the commandos were captured almost immediately. Many were tortured and some were killed by the North Vietnamese. Beginning in 1962, CIA officers began crossing the names of captured commandos off the pay rosters and telling their family members that they were dead. Many of the commandos survived the war. After varying periods of time they were set free by the Vietnamese Government. Two hundred of the commandos now living in the United States filed a lawsuit last year asking that all living commandos be paid $2,000 a year for every year they served in prison—an estimated $11 million. Last fall, the CIA decided to provide compensation to the commandos.

Mr. Speaker, how many other cases are there in which U.S. intelligence agencies have acted in a similar manner but not settled out of court? I find it outraged that an individual who risked his or her life for the United States would not even have the opportunity to have his or her grievance heard in a court of law because of Totten.

Existing Federal statutes give the Director of Central Intelligence the authority to protect intelligence sources and methods from unauthorized disclosure. I understand the importance to national security of preventing any unauthorized leaks of information that would compromise U.S. intelligence sources and methods. That is why my legislation directs the special judicial panel to take into consideration whether the information that would be disclosed in adjudicating an action would do serious damage to national security or would compromise the safety and security of U.S. intelligence sources at home and abroad. In addition, the bill provides that if the panel determines that a particular case can go to trial, it may prescribe steps that the court in which the case is to be heard shall take to protect national security and intelligence sources and methods, including holding the proceedings in camera.

Finally, because there may be a number of cases that were never even contested because of the Totten doctrine, the bill waives the statute of limitations for any claims arising on or after December 1, 1976 and filed within 2 years of enactment of the bill into law.

Mr. Speaker, this is a responsible piece of legislation that affords both U.S. citizens and foreign nationals who perform intelligence services for the United States of some assurance that they have some recourse if the Government does not honor its commitments. The bill also includes enough safeguards to protect national security and the safety of U.S. intelligence sources. I want to emphasize that the bill would not automatically provide compensation to anyone. It simply would allow legitimate breach of contract cases to go to trial.

Supporters of the U.S. intelligence community have criticized court involvement in intelligence cases by noting that most Federal judges do not have the expertise, knowledge and background to effectively adjudicate intelligence cases. In fact, in the United States versus Marchetti, the Fourth Circuit took the position that, basically, judges are too ill-informed and inexpert to appraise the magnitude of national security harm that could occur should certain classified information be publicized. I must respectfully and strenuously disagree with this type of reasoning. I would point out, Mr. Speaker, that Federal judges routinely adjudicate highly complex tax cases, as well as other tort cases involving highly technical issues, such as environmental damage caused by toxic chemicals. It's absurd to assert that judges can master the complexities of the tax code and environmental law, but somehow be unable to understand and rule on intelligence matters.

The truth is, the U.S. intelligence community has become too insulated from the regulations and laws that other Federal agencies must abide by. The Totten doctrine has outlived its usefulness. There is no legitimate national security reason why an individual who was promised certain things in a contract with the U.S. Government—even a contract for the performance of secret services—should not be able to file a claim for breach of contract, and have that claim objectively reviewed based on the merits of the claim. That's all my legislation would do.

The bill would make the intelligence community more accountable to the public—without in any way compromising national security or intelligence sources and methods. It is a well-reasoned, fair bill. Most importantly, it's the right thing to do. I urge all of my colleagues to support the bill, the text of which follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ASSIGNMENT OF JUDGES TO 3-JUDGE DIVISION.

(a) ASSIGNMENT OF JUDGES.—The Chief Justice of the United States shall assign 3 circuit court judges or justices (which may include senior judges or retired justices) to a division of the United States Court of Appeals for the District of Columbia for the purpose of determining whether an action brought by a person, including a foreign national, in a court of the United States of competent jurisdiction for compensation for services performed for the United States pursuant to a secret Government contract may be tried by the court. The division of the court may not determine that the case cannot be heard solely on the basis of the nature of the services to be provided under the contract.

(b) ASSIGNMENT AND TERMS.—Not more than 1 justice or judge or senior or retired judge may be assigned to the division of the court from a particular court. Judges and justices shall be assigned to the division of the court for periods of 2 years each, the first of which shall commence on the date of the enactment of this Act.

(c) FACTORS IN DIVISION'S DELIBERATIONS.—In deciding whether an action described in subsection (a) should be tried by the court, the division of the court shall determine whether the information that would be disclosed in adjudicating the action would do serious damage to the national security of the United States or would compromise the safety and security of intelligence sources inside or outside the United States. If the division of the court determines that the case may be heard, the division may prescribe steps that the court in which the case is to be heard shall take to protect the national security of the United States and intelligence sources and methods, which may include holding the proceedings in camera.

(d) REFERRAL OF CASES.—In any case in which an action described in subsection (a) is brought and otherwise complies with applicable procedural and statutory requirements, the court shall forthwith refer the case to the division of the court.

(e) EFFECT OF DIVISION'S DETERMINATION.—If the division of the court determines under this section that an action should be tried by the court, that court shall proceed with the trial of the action, notwithstanding any other provision of law.

(f) OTHER JUDICIAL ASSIGNMENTS NOT BARRED.—Assignment of a justice or judge to the division of the court under subsection (a) shall not be a bar to other judicial assignments during the 2-year term of such justice or judge.

(g) VACANCIES.—Any vacancy in the division of the court shall be filled only for the remainder of the 2-year period within which such vacancy occurs and in the same manner as the original appointment was made.

(h) SUPPORT SERVICES.—The Clerk of the United States Court of Appeals for the District of Columbia Circuit shall serve as the clerk of the division of the court and shall provide such services as are needed by the division of the court.

(i) DEFINITIONS.—For purposes of this section—

(1) the term "secret Government contract" means a contract, whether express or implied, that is entered into with a member of the intelligence community, to perform activities subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 and following); and

(2) the term "member of the intelligence community" means any entity in the intelligence community as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. App. 401a(4)).

SEC. 2. APPLICABILITY.

(a) IN GENERAL.—Section 1 applies to claims arising on or after December 1, 1976.

(b) WAIVER OF STATUTE OF LIMITATIONS.—With respect to any claim arising before the enactment of this Act with would be barred because of the requirements of section 2401 or 2501 of title 28, United States Code, those sections shall not apply to an action brought on such claim within 2 years after the date of the enactment of this Act.

TRIBUTE TO ERNEST NIEMEYER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my privilege to commend an outstanding citizen of Indiana's First Congressional District, Mr. Ernest Niemeyer. On Friday, January 24, 1997, a testimonial dinner at the Radisson Star Hotel in Merrillville, Indiana, was held to honor Ernie for his 28 years of dedicated public service.

Ernie has devoted most of his life to improving and maintaining an outstanding environment for Indiana's First Congressional District. Over his distinguished career, Ernie served as a Lake County councilman for 4 years, Indiana State senator for 12 years, and Lake County commissioner for 12 years.

Ernie's public service began in 1962, when he was elected as a Lake County councilman. In 1968, Ernie was appointed to the Lake County Parks Board. Ernie was immediately elected president. Under his stewardship, the park board obtained the first two county parks: Lemon Lake and Stoney Run. In 1970, Ernie successfully ran for sixth district State senator. Ernie served his constituency as the chairman for the agricultural subcommittee. In this capacity, he introduced and was successful in passing legislation for funding projects, including the Williams Levee in the Kankakee River. Ernie was then promoted to senate majority whip. In 1984, Ernie was elected as third district Lake County commissioner, where he proudly served as a senior member. During this tenure, he served twice as commissioner board president.

Over the years, Ernie has also devoted time to numerous committees and boards. He has served as chairman of the Lake County Drainage Board and the Kankakee River Basin Commission. He also was an active member of the County Planning Commission, the Lake County Solid Waste District, and the Indiana State Association of County Commissioners.

Ernie's unselfish dedication to his civic duty must also be commended. Ernie was a member of the Lowell VFW, and Post 101 American Legion. He is a past president of the Indiana Auctioneers Association and past director of the National Auctioneers Association. Ernie was also a president of the Indiana Livestock Auction Markets Association, and he still retains membership in the Lowell Chamber of Commerce.

In addition, Ernie answered his country's call and joined the U.S. Army during World War II. He served 2 years in the South Pacific Theatre as a combat infantryman with the 158th Regimental Combat Team. This regiment was engaged in battles in the jungles of New Guinea leading to the liberation of the Philippines from the Japanese imperial forces. During those campaign battles in the Philippines, Ernie earned and was awarded the prestigious Combat Infantryman's Badge, three battle stars, and individual campaign ribbons. For bravery and dedication beyond the normal call of duty to his comrades in battle, he was honored with the Bronze Battle Star Special Award.

After returning home, Ernie took steps to begin his professional career as an auctioneer. In 1951, he graduated from auctioneers school and established one of the most successful auctioning businesses in northern Indiana. Ernie shares this business with his son, Rick.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Ernie for his tireless efforts to improve the quality of life for Indiana's First Congressional District. Ernie, his wife, Norma, and their children, Doyle, Rick, and Pam, can be proud of his record of unselfish dedication to the public. His service will forever remain a part of northwest Indiana's great history.

PRIMARY CARE PROTECTION ACT OF 1997

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Ms. SLAUGHTER. Mr. Speaker, I am proud to have the opportunity today to introduce the Primary Care Promotion Act of 1997. This thoughtful, constructive legislation would refocus and target the current Federal Government effort to reduce the number of medical specialists graduating from U.S. teaching hospitals.

There is little debate today that our Nation is experiencing a shortage of primary care physicians and an oversupply of specialists. In 1995, there were almost 650,000 active physicians in the United States. Of those, about 384,000 were specialists, while only 241,000 were primary care providers—a ratio of 1.6 specialists for every general practitioner.

As a result of this situation, some government agencies are working to change policies that appear to encourage students or medical schools toward training specialists rather than family practitioners. Last year, the Health Care Financing Administration [HCFA] issued a regulation reducing graduate medical education [GME] reimbursement for combined residencies. The apparent purpose of this action was to reduce a perceived incentive for students to enter combined residencies, which usually train doctors for a medical specialty like child psychiatry. There are, however, a small number of combined residency programs that produce primary care physicians. My legislation would restore full GME reimbursement for residents enrolled in a combined residency program where both programs are for training in primary care, like internal medicine and pediatrics.

This legislation has been carefully crafted to preserve HCFA's intent to reduce the number of specialists trained while increasing the ranks of family practitioners. The Primary Care Promotion Act has already been endorsed by: American Academy of Pediatrics, American Osteopathic Association, American College of Physicians, National Association of Children's Hospitals, Association of Professors of Medicine, American Society of Internal Medicine, Association of Program Directors in Internal Medicine, Medicine-Pediatrics Program Directors Association, American College of Osteopathic Pediatricians, Association of Osteopathic Directors and Medical Educators, Federated Council for Internal Medicine, which includes: American Board of Internal Medicine, American College of Physicians, American Society of Internal Medicine, Association of Professors of Medicine, Association of Program Directors in Internal Medicine, Association of Subspecialty Professors, and Society of General Internal Medicine.

I am pleased that Representatives RANGEL, MCDERMOTT, MCNULTY, and KENNEDY of Rhode Island have already joined me as original cosponsors of this legislation. I look forward to working with them and the rest of my colleagues to pass this constructive, bipartisan initiative.

IN HONOR OF ALAN L. HOFFMAN IN RECOGNITION OF HIS OUTSTANDING PERFORMANCE AS SPECIAL COUNSEL TO THE ASSISTANT ATTORNEY GENERAL IN THE OFFICE OF LEGISLATIVE AFFAIRS

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. GOSS. Mr. Speaker, I rise today to call the attention of the House to the dedicated work of Alan Lawrence Hoffman as special counsel to the assistant attorney general in the Office of Legislative Affairs. During the last 18 months, Mr. Hoffman was of immeasurable help to the House Permanent Select Committee on Intelligence by expeditiously handling a range of matters of interest to the committee.

There were many difficult issues that came before the committee during the 104th Congress. Mr. Hoffman can take great pride in knowing that he approached every issue with a spirit of nonpartisanship that is a tribute to his professionalism. Mr. Hoffman should be particularly proud of his work on the Economic Espionage Act of 1996. This act will contribute substantially to the protection of U.S. trade secrets whose, compromise could endanger the national security of the United States. Mr. Hoffman also helped to develop a proposal that assisted in the clarification of the mission of the National Drug Intelligence Center in Johnstown, PA.

Mr. Hoffman will continue his public service as an assistant U.S. attorney in Philadelphia. He will be genuinely missed at the Department of Justice and by members and staff of the House Permanent Select Committee on Intelligence. It gives me great pleasure to recognize Mr. Hoffman's hard work and I want to wish him well in his new and exciting career. On behalf of the committee, I want to thank him for his continued service to our country and for the unstinting nonpartisan support he gave to the intelligence community.

CHARRO DAYS, INC., CELEBRATES 60TH ANNIVERSARY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. ORTIZ, I rise today to commend all those associated with Charro Days, Inc.—the organization which sponsors a 4-day February festival in south Texas—for their 60th anniversary.

Each year, the communities of Brownsville, TX, in the United States and Matamoros, Tamaulipas, in Mexico, join forces to commemorate the exceptional international relationship found on the United States-Mexico border. Charro Days, Inc. is composed of members from both communities and oversees the three parades and festivities of the celebration. This festival, which features many bands and theme floats during Charro Days, represents the legends, cultures, international spirit, and sometimes difficult history that leads us to where we are today.

Charro Days was originally a pre-Lenten holiday, along the lines of Mardi Gras in New Orleans. It has grown from a very small festival to an extraordinary international holiday that offers a variety of music, from mariachis and conjunto to modern Tejano. It has drawn the attention of visitors and has become 1 of the top 100 events in North America as highlighted by several organizations which guide tourists to North American attractions.

In this southernmost U.S. city, our hands are joined during Charro Days with the hands of our international neighbors as we celebrate all that makes us unique. We participate in events that contribute to the preservation of our border history, heritage, and traditions of our two nations. There is song, dance, costumes, food, craftsmanship, and a celebration of our past as well as our future.

Celebrations like these ensure both nations will remain friends and compãneros for a very long time to come. I ask my colleagues to join me in commending Charro Days, Inc., for their 60th anniversary.

WHAT HAPPENED TO THE PALESTINIAN CHARTER?

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. GILMAN. Mr. Speaker, on January 15, 1997, Israel and the Palestinian authority reached an agreement on a protocol for the redeployment of Israeli forces in Hebron. Accompanying the protocol is a note for the record, prepared by the U.S. Special Middle East Coordinator, Ambassador Dennis Ross, which specifies reciprocal actions that must be taken by both Israel and the Palestinian Authority. U.S. officials have described this note for the RECORD as a road map for further progress in the peace process.

Among its various provisions, the Note stipulates that the Palestinian side must "complete the process of revising the Palestinian

National Charter" to expunge from it all clauses inimicable to Israel. Previously, both the Clinton administration and the PLO claimed that the charter had been changed by a vote taken by the Palestinian National Council [PNC] in April 1996. That vote claimed to have canceled all clauses in the charter which contradict the letters exchanged between the PLO and the Israeli Government.

But at the same time, the PNC ordered the adoption of a new charter, which would demonstrate to the world the exact textual changes made with regard to Israel. It referred the matter to a legal committee that was charged with submitting a new draft charter by October 24. Nothing happened then, and Yasir Arafat failed to meet this obligation in violation of the PLO's stated commitment. Moreover, the fact that the charter revision is included in the note drafted by Ambassador Ross is evidence that the Clinton administration know acknowledges that the Palestinian side is not in compliance.

Several weeks ago, the PNC delegated to another special legal committee the authority to draft a new charter. However, many questions still remain unanswered. In delegating authority, the PNC once again did not specify which clauses in the charter require amendment, nor did it specify a deadline for the revised text.

More recently, Chairman Arafat reportedly told two French publications that the Palestinians have already fulfilled their commitments, and that he does not intend to adopt a new charter because the Israelis do not have a constitution. "When they will have one," Mr. Arafat said, "we will do the same."

Mr. Speaker, such utterances from Mr. Arafat are not helpful to progress in the peace process. Mr. Arafat knows what he had to do. There is no reason for further delay.

Mr. Speaker, the PLO's failure to amend the Palestinian Charter is a violation of the peace agreements with Israel. That failure, along with continued hostile rhetoric toward Israel, indicates a lack of sustained commitment by Yasir Arafat to the peace process. Accordingly, I call on Chairman Arafat to demonstrate his commitment to peace by leading the effect to amend the Palestinian National Charter at the earliest possible opportunity. That is his responsibility. We will be watching his actions closely. The time has come and gone for prompt compliance. Further delay is additional evidence that Chairman Arafat and the PLO are not willing to meet.

TRIBUTE TO WILLIAM J. PERRY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. MURTHA. Mr. Speaker, I rise today to pay tribute to William J. Perry, who retired on January 24, 1997 as our 19th Secretary of Defense of the United States.

Dr. Perry has a long and distinguished record of serving his country. In the 1970's and 1980's, Bill's work on stealth technology for the Defense Department earned him the title "father of stealth." We all know how important this technology has become to our military and to our Nation. Bill was at the forefront of many other technology breakthroughs as well that today give America's forces the ability to dominate any potential adversary on the field of battle.

But I think crowning achievement came in quite a different arena than the scientific laboratories and high technology factories of this country. Beginning on "day one" of his tenure as Secretary of Defense, Bill Perry became a tireless advocate for the people who are the heart and soul of America's military might. He has led the fight for better pay, better housing, better health care, decent retirement benefits, and maintaining the highest standard of training for our men and women in uniform. This is not cheap and it is certainly not easy to accomplish given the competition we have for limited funds in a declining defense budget.

But Bill Perry has been true to the principle he so often recites: "Take care of the troops, and they will take care of you." Bill understands the lesson history tries to teach us again and again, but some never learn. That is, you can have the best military equipment in the world, but if you don't have well trained and well motivated people to operate that equipment, you don't have much. During his tenure Bill Perry put the men and women in uniform first, and those men and women have taken care of this country.

Over the years, some who don't know Bill well have misunderstood his quiet and studious manner to mean that he might waver on certain issues. Nothing could be further from the truth. Bill has been a rock when it came to fighting for this administration's core defense policies. After 3 years of holding the reins at the Pentagon, he has left no doubt in anyone's mind that the readiness of our forces and the qualify of life for the men and women who serve would come first, and he followed through on those convictions. For this I salute him.

Secretary Perry has had other important achievements as well. I know he is especially proud of his efforts to reduce the nuclear danger, particularly in Russia, Ukraine, Belarus, and Kazakhstan. Under Secretary Perry's steady hand, the sometimes foundering Cooperative Threat Program got off the ground to help these countries destroy over 4,000 nuclear warheads aimed at the United States and dismantle more than 800 bombers and ballistic missile launchers. This program also has been instrumental in helping the former Soviet nuclear states put tighter controls on nuclear materials such as highly enriched uranium to keep them from finding their way into the global marketplace.

These are real, measurable national security accomplishments that have made the world safer, and Bill Perry deserves to be proud of his record.

Mr. Speaker, Bill Perry made a difference throughout his many years of service to our country. On behalf of the Congress, and on behalf of the citizens of our great Nation I want to say to Bill and his family: "Thank you for a job well done, and Godspeed".

The most suitable closing to this tribute I can think of is in Bill's own words. I ask unanimous consent to enter into the RECORD Secretary Perry's farewell address delivered at Ft. Myer on January 14, 1997. His words are eloquent and poignant.

WILLIAM J. PERRY, SECRETARY OF DEFENSE FAREWELL ADDRESS-FT. MYER, JANUARY 14, 1997

I shall be telling this with a sigh.
Somewhere ages and ages hence.
Two roads diverged in a wood, and I—
I took the one less traveled by.
And that has made all the difference.
—ROBERT FROST

Four years ago, America faced a choice; a choice between two roads that diverged. One road led to isolation and apathy, the other road, to engagement and action. This century has taught us that the road of isolation and apathy leads to instability and war.

President Clinton chose the road of engagement and action. He strove to bridge the Cold War chasms; to reduce its nuclear legacy; to reach out to former adversaries, to prevent the conditions for conflict, and to create the conditions for peace. And *that*, as Robert Frost has said, has made all the difference.

It has made all the difference in Europe, where, by establishing the Partnership for Peace we have replaced an Iron Curtain which divided the nations of Europe with a circle of security which brings them together.

It has made all the difference in our own hemisphere, where all nations, save one, have chosen democracy, and by establishing the Defense Ministerial of Americas we have forged new links of trust and cooperation.

It has made all the difference in the Asia Pacific, where by establishing a Framework Agreement we froze the North Korean nuclear program and prevented a nuclear arms race; and where, by strengthening the Security Agreement with Japan, we have ensured America's security presence—the oxygen that fuels the region's prosperity.

Choosing the right road has made all the difference around the world. By executing the Nunn-Lugar program, we have dismantled 4,000 nuclear weapons that once targeted America's cities. Today, the threat of nuclear holocaust no longer hangs like a dark cloud over the heads of our children.

Four years ago, the Department of Defense faced a choice. One road was well-traveled and easy to follow, but it would have allowed our forces to atrophy as we completed the post-Cold War draw down. The other road was less traveled by, twisting and bumpy with hard choices—hard choices to ensure that we had strong capable military forces ready to respond in a world of new dangers.

Twice before in this century when faced with that same choice, we chose the well-traveled road of neglect. And we paid the price—in Korea with Task Force Smith, and after Vietnam with a Hollow Army. This time we chose the road less-traveled by—the road of readiness. We established training as our highest priority. Training designed to make the scrimmage tougher than the game. We established the iron logic that quality of life for our forces meant quality people in our forces. We reformed our acquisition system to give our quality people the most effective technology. Technology that enables them to dominate the battlefield; to win quickly, decisively, and with minimum losses. And *that* has made all the difference.

It made all the difference wherever we sent our forces to prevent, deter, or defeat aggression. In Haiti, where we restored democracy. In the Arabian Gulf, where we contained a brutal dictator. In the Korean Peninsula, where we stood firm with an ally. In Bosnia, where we have stopped the killing and brought to a war-ravaged people the blessings of peace. The readiness road ensured the success of each of these missions. Readiness made all the difference.

Four years ago, I faced a personal choice between a well-traveled road to a quieter life, centered around family and friends; and a less-traveled road that led to turmoil, tension, and tough decisions. But it also led to an opportunity to serve our nation, to support the troops I cared for, and to achieve the dreams I cherished.

I thought long and hard upon that choice and took counsel from sage friends. I questioned my wisdom, my patience and my ability to endure. But the courage to meet the test came from the advice of a tough sergeant major: "Take care of the troops," he said, "and they will take care of you."

I have followed that advice, and that, for me, has made all the difference.

It made all the difference every time I advised the President on when and how to use military force. It made all the difference when I negotiated with ministerial colleagues, when I met with Presidents and Kings. It made all the difference when I decided on force levels, mission goals and rules of engagement every time we put our troops in harm's way. It made all the difference when I met with soldiers, Sailors, airmen and Marines, in distant lands, on domestic bases, on training fields, ships at sea in cargo planes, or fighter jets. It made all the difference when I shared Thanksgiving meals with them in Haiti, in Macedonia, in Bosnia.

That advice—"Take care of the troops, and they will take care of you"—has made all the difference as I learned from my mistakes, as I took pride in my achievements.

Today I say farewell to the President who honored me by asking me to serve as Secretary. I say farewell to my colleagues in the administration who worked with me to achieve common goals. I say farewell to my friends in the media, and in the Congress, and to the wonderful friends I have made in the embassies.

And I say farewell to our military leaders who have served our country so brilliantly. They have prepared our forces for war, but they are dedicated to peace. Elie Wiesel has said, "Peace is not God's gift to mankind. It is our gift to each other." And for the last four years peace is the gift we have given the American people.

But the hardest farewell to say is to the troops who have served me and whom I have served. Words cannot adequately describe my pride in you. So my farewell to you is a simple benefiction:

May the Lord bless you and keep you. May
the Lord cause His face to shine upon
you, and give you peace.

REGARDING TERM LIMITS

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. DICKEY. Mr. Speaker, due to an inadvertent staff error, my name was added as a cosponsor to House Joint Resolution 2. Although my position has always been strongly in favor of limiting the number of terms for Congress, House Joint Resolution 2 does not comply with the State of Arkansas' congressional term limits amendment passed on November 5, 1996, as amendment 73 to the State Constitution. Unfortunately, House Joint Resolution 2 was reported from committee last week, and under the rules of the House, I am unable to remove my name as a cosponsor. My name being added as an original cosponsor to a resolution by Mr. HUTCHINSON containing the exact language contained in the Arkansas term limit amendment. Further, I plan to vote in favor of the Hutchinson resolution and against all other proposals that contain limits longer than 6 years for House Members since this represents the dictate of the recently passed amendment to the State Constitution.

AMBASSADOR MALEEHAH LODHI

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. LIVINGSTON. Mr. Speaker, I want to take this opportunity to recognize the outgoing Ambassador of Pakistan, Dr. Maleehah Lodhi, for her distinguished service. Ambassador Lodhi returned to Pakistan on January 31, 1997. As many of my colleagues will attest, Ambassador Lodhi was a strong and objective advocate of her country and for freedom and democracy worldwide. Pakistan has been a great friend and ally of the United States. I can say with confidence that the Ambassador's tireless work over the past 3 years has enhanced and improved this bond. In fact, her endeavors contributed greatly to recent advances in our nations' relations. Advances that I believe we can look forward to seeing develop in the future. I wish her all the best.

TRIBUTE TO HERB CAEN, SAN FRANCISCO'S BELOVED "BOSWELL BY THE BAY"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues in the Congress to join me in paying tribute to San Francisco journalist Herb Caen, who died last week at the age of 80. For 60 years, he has been a staple of San Francisco journalism, and, in the words of the New York Times, he is "a columnist known for his ardor for San Francisco." He began his career in the bay area in 1936 when he joined the San Francisco Chronicle, and his well-known column first appeared on July 5, 1938. Last year, as my colleagues will recall, Mr. Caen was awarded a Pulitzer Prize for his "continuing contribution as a voice and a conscience of his city." I called the attention of my colleagues in the Congress to Herb's honor on that occasion and paid tribute to him in the RECORD in April of last year.

Mr. Speaker, I invite my colleagues to join me now in honoring the memory of Herb Caen for his contribution to the uniqueness of our delightful city of San Francisco and for his contribution to journalism. Mr. Speaker, I also invite my colleagues to read the obituary of Mr. Caen that appeared in the New York Times.

[From the New York Times, Feb. 2, 1997]

HERB CAEN, NEWSPAPER WRITER, DIES AT 80

(By Michael J. Ybarra)

SAN FRANCISCO.—Herb Caen, whose 60-year journalism career was devoted to doting on San Francisco and whose affections were more than amply requited by legions of ardent readers, died this morning at the California Pacific Medical Center here. He was 80.

To call Mr. Caen "Mr. San Francisco," as was sometimes done, was redundant. No other newspaper columnist has ever been so long synonymous with a specific place. To his fans, Mr. Caen (pronounced cane) was sui generis, a towering icon in his adopted hometown—although he was largely unknown in much of the nation, his column of stubborn localisms not even traveling well across the San Francisco Bay.

But in the city, and no one ever doubted what city he was talking about, Mr. Caen enjoyed the status of a beloved Boswell by the Bay.

Part of his appeal seemed to lie in the endless bonhomie he projected, always nattily turned out in suit and fedora, often with a martini glass in hand. Mr. Caen exuded a whiff of elegance from a bygone era.

Indeed, his role model was Walter Winchell, the legendary gossip monger, but with the malice shorn off. And unlike Winchell, who outlived his own celebrity and doddered on into obscurity, Mr. Caen's status as a living landmark grew with his longevity.

In April 1996, Mr. Caen turned 80, won a special Pulitzer Prize for his "continuing contribution as a voice and a conscience of his city" and married his fourth wife. In May, he told his readers that he had inoperable lung cancer—he smoked for 40 years but quit 25 years ago—and 5,000 letters poured in. The city proclaimed June 14 Herb Caen Day and 75,000 people turned out to shower the writer with affection.

Mr. Caen was born in Sacramento on April 3, 1916, although he often said he had been conceived while his parents were visiting San Francisco. He wrote a high school gossip column called "Raisen' Caen" and after graduation he went to work as a sportswriter at The Sacramento Union. In 1936, he landed a job at The San Francisco Chronicle, arriving in town when Coit Tower was only three years old and ferries were the only way to cross the bay.

Mr. Caen began writing his column on July 5, 1938, and wrote it six days a week until 1991, when he cut back to five and later to three. "I can't find a way out: too many bills and ex-wives and a kid in school, things that chew up the income," he told an interviewer just before he turned 80. "I never intended this to be permanent, but it looks like it's going to be."

He is survived by his wife, Ann Moller, and a son, Christopher, from a previous marriage.

Except for an eight-year sojourn at its rival, The Examiner, Mr. Caen has been a fixture of The Chronicle, and, according to surveys, better read than the paper's front page. Editors had even estimated that as many as a fifth of the paper's 500,000 readers might cancel their subscriptions after Mr. Caen's death.

So avid were his fans that for years The Chronicle even ran old columns on Sunday, packaged as "Classic Caen." Local bookstores are full of still in-print copies of old columns recycled into tomes.

The columns combined gossip, news, word play and love to San Francisco and those lucky enough to live there, even when acknowledging the unpleasant side of the city. "The hookers are brazen, the abalone is frozen, and every night is Mugger's Day," he wrote in 1971. "Yet, in spite of it all, San Francisco remains one of the great tourist cities. Most triumphantly, there is life in the streets—raw, raucous, roistering and real."

Over the years Mr. Caen's journalistic work habits became as effortless as breathing: he wrote in the morning, held court in bars or cafes in the afternoon and took the pulse of the city at A-list events in the evenings, where the man with the cherubic smile and bald pate fringed with curly gray hair was as much a star as anyone he wrote about.

Though the self-deprecating Mr. Caen referred to his daily output, pounded out with two fingers on a Royal typewriter, as journalistic stoop labor, he tossed out more than a few enduring bons mots. Baghdad-by-the-Bay and Berserkeley were his coinage. "Don't call it Frisco," he admonished readers once, and locals never did again.

A play has been based on his columns and a mention in the same spot has been said to have saved numerous productions and restaurants.

At the same time, critics complained that he did not pay for his own meals or clothes or even always write his own column—charges that Mr. Caen never failed to shrug off, along with criticism that he was getting bitter in his old age. "That started when I was about 30," he recalled once. "Herb, you're getting old and bitter."

But on Herb Caen Day, when a three-mile stretch of waterfront sidewalk was named in his honor, the columnist was all honey. "I've loved this town before I was born, and I'll love it after I'm gone," he told the crowd. "One day if I do go to heaven, I'm going to do what ever San Franciscan does who goes to heaven—he looks around and says, 'It ain't bad, but it ain't San Francisco.'"

LEGISLATION TO EXTEND COMMUNITY NURSING CENTER DEMONSTRATIONS INTRODUCED

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. RAMSTAD. Mr. Speaker, as a strong supporter of home- and community-based services for the elderly and individuals with disabilities, I rise to introduce legislation I sponsored in the 104th Congress to extend the demonstration authority under the Medicare program for Community Nursing Organization [CNO] projects.

CNO projects serve Medicare beneficiaries in home- and community-based settings under contracts that provide a fixed, monthly capitation payment for each beneficiary who elects to enroll. The benefits include not only Medicare-covered home care and medical equipment and supplies, but other services not presently covered by traditional Medicare, including patient education, case management and health assessments. CNO's are able to offer extra benefits without increasing Medicare costs because of their emphasis on primary and preventative care and their coordinated management of the patient's care.

The current CNO demonstration program, which was authorized by Congress in 1987, involves more than 6,000 Medicare beneficiaries in Arizona, Illinois, Minnesota, and New York. It is designed to determine the practicality of prepaid community nursing as a means to improve home health care and reduce the need for costly institutional care for Medicare beneficiaries.

To date, the projects have been effective in collecting valuable data to determine whether the combination of capitated payments and nurse-case management will promote timely and appropriate use of community nursing and ambulatory care services and reduce the use of costly acute care services.

Authority for these effective programs was set to expire December 31, 1996. Mr. Speaker, while I was glad to Health Care Financing Administration [HCFA] extended the demonstration authority for the CNO projects using administrative means, I was disappointed this extension was only for 1 year. HCFA stated that the authority was extended to allow them to better evaluate the costs or savings of the services available under the program, learn more about the benefits or barriers of a partially capitated program for post-acute care, review Medicare payments for out-of-plan services covered in a capitation rate, and provide greater opportunity for beneficiaries to participate in these programs.

Frankly, in order to do all this analysis of the program, we need more than one year. We need to act now to extend this demonstration authority for another 3 years.

This experiment provides an important example of how coordinated care can provide additional benefits without increasing Medicare costs. For Medicare enrollees, extra benefits include expanded coverage for physical and occupational therapy, health education, routine assessments and case management services—all for an average monthly capitation rate of about $21. In my home State of Minnesota, the Health Seniors Project is a CNO serving over 1,500 patients in four sites, two of which are urban and two rural.

These demonstrations should also be extended in order to ensure a full and fair test of the CNO managed care concept. These demonstrations are consistent with our efforts to introduce a wider range of managed care options for Medicare beneficiaries. I believe we need more time to evaluate the impact of CNOs on patient outcomes and to assess their capacity for operating under fixed budgets.

Mr. Speaker, it is important to recognize that the extension of this demonstration will not increase Medicare expenditures for care. CNOs actually save Medicare dollars by providing better and more accessible care in home and community settings, allowing beneficiaries to avoid unnecessary hospitalizations and nursing home admissions. By demonstrating what a primary care oriented nursing practice can accomplish with patients who are elderly or disabled, CNOs are helping show us how to increase benefits, save scarce dollars and improve the quality of life for patients.

Mr. Speaker, I urge my colleagues to consider this bill carefully and join me in seeking to extend these cost-savings and patient-enhancing CNO demonstrations for another 3 years.

WEED THE SEED PROGRAM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. TRAFICANT. Mr. Speaker, in 1989, at a time when communism was beginning to fall in Eastern Europe, Congress approved the Support for Eastern European Democracy [SEED] Act. The purpose of the SEED Act was to provide special enterprise funds to assist the fledgling democracies in the development of free-market economies. Originally intended to be used for economic restructuring and all-important humanitarian relief, the funds have become part of a never-ending web of corruption and mismanagement. America has already lost millions and millions of dollars of hard-earned taxpayer money through these funds, yet we keep throwing more good money after bad.

The funds were established as private, nonprofit corporations. As such they are subject to little government oversight. According to a 1990 Senate Appropriations Committee report (101–519) the only role that the U.S. Agency for International Development [USAID] is to have in the process is to "simply write the check on a periodic basis when the enterprise funds determine that additional funding is necessary." This was done to give the boards of directors and the funds' managers wide latitude in determining how to invest the money and also to allow them the flexibility to react to market situations. While on the surface this may appear to be the best way to encourage the growth of market mechanisms, better, in fact, than traditional aid programs, it actually amounts to a situation in which there is no accountability to the investor, namely the American taxpayer. When the funds lose money as a result of poor investment practices it is the taxpayer who ultimately loses, with no way to recoup those losses.

Unfortunately, it is not uncommon for money to be lost as a result of an ill-advised investment. There is a significant lack of quality personnel who are willing to relocate to Eastern Europe to oversee the funds. As a result the most prudent courses are not followed and it is almost the norm for investments to result in a net loss. In addition, the proper economic and political environments, to foster success, often do not exist. As an example, the original schedule for disbursement was to be carried out in lump sums over 3 years. However, the funds are experiencing difficulty in meeting this schedule and thus it has been extended. Other funds, such as the Hungarian Fund and the Polish Fund have requested, and the Polish Fund was granted, supplemental funding demonstrating that the funds are not self-sustaining, as was originally intended. The most striking example, however, of the failure of funds' investments, is the case of the Czech and Slovak American Enterprise Funds (CSAEF). Authorized in 1991, the first two large investments failed terribly, resulting in a loss of $2 million. In all bad investments have resulted in a loss of two-thirds of the CSAEF investment portfolio.

A 1995 investigation conducted by an inspector general of U.S. Agency for International Development confirmed allegations of mismanagement and corruption within the system. Skyrocketing overhead costs are largely the result of corrupt management practices, as money is often used to line the pockets of corrupt profiteers. The president of the Hungarian Fund was found to have paid two U.S. executives salaries upwards of $400,000, forcing a salary cap to be imposed. Even more disturbing is the fact that a Hungarian government official received payments through the fund. The CSAEF, in addition to making poor investments, has been embroiled in scandal. John Petty, former deputy chairman of the CSAEF, was forced to resign due to his improper conduct in managing fund monies. The investigation discovered that he gave his mistress, who was working for the fund as an executive assistant, a more than 50 percent raise so that her salary amounted to $85,000 per year.

The funds have simply not served their purpose. Corruption and mismanagement, coupled with poor environments for investment, have kept the funds from being an effective mechanism in moving Eastern Europe toward a market economy. The money has not been used for its original intent, economic restructuring and humanitarian relief. Instead, investments have been mismanaged and corruption has been a trademark of the system.

At a time when we are searching for ways to balance the budget, when some even go so far as to propose an amendment to the Constitution, we cannot afford to waste money overseas. Rather than continuing to slash to the bone funding for vital domestic programs, it seems logical to eliminate programs that simply do nothing to benefit the American people. This program wastes hard-earned taxpayer dollars. The American people deserve to have their money work for them, not to have it squandered abroad. H.R. 564 will prohibit USAID from spending any money allocated to it to finance the funds and will effectively phase them out over 2 years following its passage into law.

It is time to end wasteful overseas spending and to put that money to better use here at home. To that end, I encourage Members of Congress to join me by cosponsoring H.R. 564.

LOVE YOUR NEIGHBOR WEEK IN DADE COUNTY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize "Love Your Neighbor Week" and its driving force, Jim Ward.

Encompassing Valentine's Day, the week seeks to encourage reaching out to all people in the community. Its mission is to identify us as a community that cares for all people without regard to race, ethnicity, religion, or social status. Toward that goal, Mr. Ward is seeking to mobilize all organizations that call south Florida home. This includes public, private, educational, business, and civic groups.

The pledge asks individuals to "live the spirit of Love Your Neighbor [LYN] in my daily life; to be kind and considerate to everyone; and to unite my community through thoughts, actions, and words." Organizations are asked to display LYN decals and signs and employees are asked to use the phrase in greeting customers.

Mr. Ward, a 27-year resident of south Florida, and Dade County's human resources director, is the man who put together this celebration of community. He has pledged to "go anywhere in behalf of the cause and to do all the work" necessary to see that this program gets off the ground.

Mr. Ward and all the volunteers who have put this healing exercise together deserve our thanks and support in their effort to make the world a better place.

LEGISLATION TO RAISE AWARENESS OF MAMMOGRAPHY AND BREAST CANCER GUIDELINES INTRODUCED

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Ms. DUNN. Mr. Speaker, on January 23, the National Cancer Institute declined to recommend that women in their forties seek annual breast cancer screening. Research into the benefits of mammography for women in this age group is wholly inadequate. Further, without definitive guidelines, the lives of America's mothers, wives, sisters, and daughters are at risk. This year, an estimated 33,000 women in their forties will be diagnosed with breast cancer—these are women in the prime of their lives, women whose children are still in kindergarten, and women entering the peak of their careers.

Guidelines for women aged 40 to 49 were in place until 1993, when they were rescinded by the National Cancer Institute. This occurred despite the lack of confidence in available research and differing opinions by respected medical organizations on the wisdom of the rescission. Research performed in two studies last year found a 44 and 36 percent lower death rate among women who received mammograms in their forties, and a number of studies have shown that breast tumors in women under the age of 50 may grow far more rapidly than in older women, suggesting that annual mammograms are of value to women in this age group.

Congress must take an active role in this issue and that is why I am introducing this bipartisan resolution that calls for one, additional research into the benefits of mammography for women aged 40 to 49, and two, a strong request that the advisory panel for the National Cancer Institute consider reissuing the guideline rescinded in 1993 for mammography for women when it convenes in February 1997, or until there is more definitive data, direct the public to consider guidelines by other organizations. The resolution will serve as the House's opportunity to concur with the Senate's statement on this matter, when on February 4, it approved Senator SNOWE's bill, S. Res. 47, by a unanimous vote of 98 to 0.

Mr. Speaker, and distinguished colleagues, please support this vital resolution that helps raise awareness of mammography and breast cancer guidelines.

INTRODUCTION OF A HOUSE CONCURRENT RESOLUTION CONGRATULATING THE REPUBLIC OF NICARAGUA ON HOLDING DEMOCRATIC ELECTIONS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. HOUGHTON. Mr. Speaker, I rise today, along with a group of colleagues, to introduce a concurrent resolution which does primarily two things: First, it congratulates the Republic of Nicaragua on holding democratic elections to elect an entirely new government, and second, it celebrates the peaceful swearing-in of a new President in Nicaragua. Along with me as original cosponsors of this resolution are BEN GILMAN, who is chairman of the House International Relations Committee, ELTON GALLEGLY and GARY ACKERMAN, the incoming chairman and ranking member of the Western Hemisphere Subcommittee, and CASS BALLENGER, my colleague on the International Relations Committee. I thank them for their support and assistance in putting this bill together.

My interest in Nicaragua started in 1988, when I first traveled there with a delegation of educators from my district to promote the values of education, and set up a private scholarship program for Nicaraguan students to study in the United States. While there, I met an extraordinary woman named Violeta Barrios de Chamorro, the wife of Pedro Joaquin Chamorro, who was then editor of *La Prensa*. Two years later, I revisited Nicaragua with Elliott Richardson as part of the United Nations' Electoral Observation team to witness Violeta Chamorro's victory in Nicaragua's first democratic elections.

I returned again in 1993 with Priscilla and two of my grandchildren to see for ourselves the tremendous changes that Nicaragua had undergone under her steady and courageous leadership. In September of 1995, we hosted a luncheon for President Chamorro here in the Capitol where, joined by Senators CLAIBORNE PELL and TOM HARKIN, and Congressmen TORRES and BILL RICHARDSON, we continued our discussion of the far-reaching changes that Nicaragua had undergone in the past 5 years.

On October 20, 1996, democratic elections were held across Nicaragua to elect an entirely new government. Over 80 percent of the country's 2.4 million eligible voters cast their ballots for the President and Vice President, National Assembly and Central American Parliament Deputies, and mayors. These elections were not perfect—there were complications and irregularities in the process—yet a large group of international and domestic observers declared that the elections were ultimately free and fair, and a legitimate expression of the will of the people of Nicaragua.

The candidate of the Liberal Alliance Party, Arnoldo Aleman, who was previously mayor of Managua, was elected President by a margin of 49 to 38 percent over Daniel Ortega, the leader of the Sandinista Front [FSLN]. Aleman's alliance did not win an outright majority in the National Assembly, which leaves the Sandinistas with sufficient representation to be the country's leading opposition party.

On January 10, 1997, representatives from the United States and around the world witnessed the peaceful transition of the power of the presidency from Violeta Chamorro to Arnoldo Aleman. President Aleman immediately promised to continue the economic and social reforms started by the Chamorro administration, and most importantly, to work together with the other political parties to build a lasting peace and democracy in Nicaragua.

Mr. Speaker, the new Nicaragua is a country to be proud of. It is a success story. From a society bitterly divided by years of conflict comes a stable government with all of the new freedom that evolves along with democratization. Are there still problems in Nicaragua? Absolutely. The road to a lasting peace and democracy is a long one. There is no final destination. This bill recognizes that Nicaragua has come a long way since the turmoil of the 1980's. It also reaffirms the United States' commitment to promoting democracy throughout the Western Hemisphere.

Mr. Speaker, I hope you and all of my colleagues will join me today in congratulating the people of Nicaragua on the success of their elections.

INTRODUCTION OF A BILL TO ABOLISH THE FEDERAL APPROPRIATION FOR THE TENNESSEE VALLEY AUTHORITY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise to introduce a bill abolishing the direct annual Federal appropriation to the Tennessee Valley Authority [TVA] at the end of fiscal year 1997. The elimination of this subsidy which has been provided by Congress since TVA's creation in 1933 is something that has been long overdue. I urge my colleagues to join me in cosponsoring this bill.

As a product of the new deal, the TVA was created as an independent, government-owned corporation exempt from taxation. Its original mission was to bring electricity and lights to the Appalachian hills and foothills. TVA serves a population of more than 7 million people in an 80,000 square mile region in Tennessee and parts of Alabama, Georgia, Kentucky, Mississippi, North Carolina, and Virginia. By some accounts the TVA is the Nation's largest utility.

Over the years TVA's mission has expanded to a point where some projects it currently undertakes are questionable at best. For example: Why would TVA be doing ozone research for the Federal Government when we already have an Environmental Protection Agency? What is TVA doing in China promoting trade when they are wholly owned by the U.S. Government and we currently have a Commerce Department to promote trade?

In fiscal year 97 TVA received $106 million for its non-power programs which includes five major areas: Stewardship, Water and Land, Land Between the Lakes, Economic Development and the Environmental Research Center. Recently, TVA's chairman Craven Crowell recommended that TVA stop receiving an annual Federal appropriation for its non-power programs. I couldn't agree with him more and for that reason I am introducing this bill to speed the process along.

My bill would stop all funding for TVA's non-power programs at the end of this fiscal year and not at the end of fiscal year 1999 as Chairman Crowell recommends. It simply amends Section 27 of the TVA Act of 1933 to authorize no more direct Federal monies for the TVA. With annual revenues of over $5 billion, TVA should not find it very difficult to abide by this new proposal. It should be the ratepayers of that region which fund TVA's activities not taxpayers all across the Nation. Pull the plug on the TVA now!!!!!

INTERNATIONAL POPULATION ASSISTANCE

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. SKAGGS. Mr. Speaker, perhaps as soon as next week we will be debating the first foreign policy question to come before the House in this Congress—the rate of expenditure of appropriated funds for international population assistance.

This is a very important matter, one that will directly affect the quality of life of individuals and families around the world. It deserves careful attention by all Members.

Central to the debate will be the relationship between the restrictions that some seek to place on international assistance in this area and the incidence of abortion.

A recent issue of the Durango Herald included an article by the President of the Population Institute discussing exactly this point. Because I believe that it makes points that should be considered in the upcoming debate, I am including it in the RECORD for the benefit of all Members.

[From The Durango (CO) Herald, Feb. 2, 1997]

DEBUNKING ABORTION MYTHS—INCREASED CONTRACEPTIVE USE DECREASES RATE OF ABORTION

(By Werner Fornos)

Sometimes the line between dedication and obsession is pencil-thin.

An example is the 1994 shooting spree by anti-choice fanatic John C. Salvi III that left two dead and five injured at two health clinics in Brookline, Massachusetts.

Another example is the effort by anti-choice forces in Congress to kill U.S. government international family planning efforts.

It is far-fetched to compare a psychotic murder to elected federal lawmakers? Perhaps. Then again, when reactionaries to Congress succeeded in slashing 1996 overseas population assistance by 35 percent a consortium of experts conservatively estimated that the cut would result in 4 million more unplanned pregnancies, 2 million more unintended births, 1.6 million more abortions, 134,000 more infant deaths, and 8,000 more maternal deaths from pregnancy and childbirth complications.

The madman Salvi had a smoking gun, while the self-styled defenders of "the sanctity of life" and "the rights of the unborn" in Congress had the clout to deny contraceptives to poor women throughout the world. But who was more dangerous?

Although Congress last year appropriated $385 million for international population assistance in 1997, it added caveats that none of the amount could be spent until July 1—nine months into the fiscal year—and then at the rate of only 8 percent per month."

It has been estimated that the moratorium and metering of the funds will lead to even more unintended pregnancies, births, abortions and infant and maternal deaths than the 35 percent budget cut was expected to last year.

Consequences of the punitive withholding of the appropriation may include shortages of contraceptive supplies, closure of family planning clinics and sharp reductions in nearly all U.S. government population programs—including those in countries most in need such as Bangladesh, Kenya and Peru.

In addition, many countries with large populations and a large unmet need for family planning—including Indonesia and Mexico, with a combined population of 300 million—may be unable to receive U.S. funds that would be used in programs where there is even greater need.

Ironically, the restrictions placed on international population programs was instigated by lawmakers who claim to oppose abortion. These same members of Congress are well aware that U.S. funds have been prohibited from financing abortion for nearly a quarter of a century.

Moreover, an estimated 32 million abortions take place in the developing world annually and more than half are unsafe or clandestine and believed to result in 70,000 preventable maternal deaths each year.

There is ample evidence that when contraceptive use increases, abortion rates decline.

In the late 1960s there were close to 80 abortions per 1,000 women in Hungary, while contraceptive use was at a low 20 percent level. A subsequent rise in contraceptive use to more than 30 percent of couples in 1978 was accompanied by a reduction in abortions to just over 30 per 1,000 women.

A 24 percent increase in contraceptive use was recorded in Mexico City from 1987 to 1992, while the abortion rate dropped during the same period from 41 to 25 per 1,000 women.

Contraceptive use in South Korea increased from 24 percent in 1971 to 77 percent in 1988, while lifetime abortion rates per woman declined from a peak of 2.9 per woman in 1978 to 1.9 by 1991.

The 1997 U.S. international population assistance law permits the president to submit to Congress by Feb. 1 findings showing that withholding funds will be detrimental to family planning program efforts. Both houses will vote in February on whether or not to accept the president's findings. Acceptance allows the appropriation to be released as early as March 1, rather than by July 1.

Colorado's newly elected U.S. Senator Wayne Allard who voted against overseas family planning programs as a member of the House of Representatives, and all members of the states congressional delegation should consider the devastating consequences of denying contraceptives to women in poor countries when he casts his vote on the president's findings in February.

SALUTE TO KATHERINE HOFFMAN HALEY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to recognize one of Ventura County's outstanding citizens, Katherine Hoffman Haley. As the Granddaughter of the founder of Ventura County, Katherine has proudly carried on the legacy of her grandfather, William Dewey Hobson.

Katherine along with her mother, Edith and brother, Walter, have been responsible for keeping the heritage and history of Ventura County alive. She was instrumental in raising hundreds of thousands of dollars for the construction of the Ventura County museum of history and art. She has subsequently obtained additional hundreds of thousands for the support of the museum's programs over the years.

Her involvement in the community has not stopped there. She has served as a member of the board of directors of the Community Memorial Hospital in Ventura for over 35 years. And her generosity extends to the legions who have come far and wide to visit her home to see her extensive collection of western art.

Her innumerable contributions to the community will serve as a legacy to her dedication. I am proud to pay tribute to her today.

TRIBUTE TO SUPERVISOR GARY GIACOMINI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Ms. WOOLSEY. Mr. Speaker, in rise today to honor one of my district's most dedicated elected officials, Marin County Supervisor Gary Giacomini. Gary Giacomini was elected in 1972 to represent the Fourth Supervisorial District of Marin County. He has served the people of Marin County well in this capacity for over 24 years, being elected to six successive, 4-year terms, and serving as chair of the board for 6 years. Currently, he holds the distinction of being the longest serving county supervisor in the State of California.

As we celebrate Supervisor Gary Giacomini's years of service to this community, I wish to recognize Gary for his commitment to the people of Marin County, and to thank him for his lifelong record of public service. I was pleased to have worked closely with Gary over the last several years on important issues such as transportation and improvements along the 101 corridor, securing the purchase of the Northwestern Pacific Right-of-Way, conversion of Hamilton Field in Novato, and our ongoing efforts to preserve agriculture in west Marin and protect the lands adjacent to Point Reyes National Seashore. It was a pleasure to be working hand-in-hand with him, and in continue to be impressed by his dedication and vision.

In addition, Gary has been a leader on numerous local boards and commissions. He chairs the Marin County Congestion Management Agency, and is a member of the California State Coastal Commission; the Bay Conservation & Development Commission; the Golden Gate Bridge, Highway & Transportation District; the Local Agency Formation Commission and the Mental Health Advisory Board. As a member of the Marin Agricultural Land Trust, he has been instrumental in protecting the environment and agricultural land in Marin County. Now that he is leaving the Marin Board of Supervisors, Gary is creating an organization that will work to protect our coast and our natural resources. He advocacy group is already making a difference on this important issue.

Gary Giacomini is a native of Marin County, and currently lives in San Geronimo with his wife, Linda. Gary graduated from the University of California, Hastings College of Law, and is a member of the Law Journal, Thurston Honor Society, Order of Coif.

Mr. Speaker, it is my great pleasure to pay tribute to Supervisor Gary Giacomini. Marin County owes a great deal of gratitude for his tireless efforts over the year. Time and time again he has extended himself on behalf of many people and for many causes. I extend my hearty congratulations and best wishes to Gary, Linda, and their family for continued success now, and in the years to come.

SUPPORT HOUSE RESOLUTION 40—SAVE THE LIVES OF 29,000 WOMEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. TOWNS. Mr. Speaker, on January 23, 1997, the National Cancer Institute's Consensus Panel reviewed data on breast cancer and concluded that it could not recommend regular mammograms for women in their forties. In light of voluminous data and statistical evidence supporting mammograms for women in this age group, I am deeply concerned. Approximately 29,000 American women will contract this disease between the ages of 40 and 49.

Recently, Senator OLYMPIA SNOWE led a bipartisan coalition which introduced a Sense of the Senate resolution, Senate Resolution 47, concerning the need for accurate guidelines for breast cancer screening. We strongly support her efforts, and believe this is a positive step toward helping women. The resulting 98–0 vote shows that our Senate colleagues are fully aware of the critical nature of this issue.

I am also diligently working to ensure that women have clear direction from the Government. In fact, in 1994 the Subcommittee on Human Resources and Intergovernmental Relations, which I chaired, published a report, "Misused Science: The National Cancer Institute's Elimination of Mammography Guidelines for Women in Their Forties," which raised concerns about the National Cancer Institute's decision to change its mammography guidelines. Prior to publishing this report, I convened a hearing where numerous agencies, organizations, and individuals, included Senator SNOWE, testified about the impact of NCI's decision on the lives of women.

The message from all respected voices is clear: mammograms can save the lives of women in their forties, a disproportionate number of whom are African-American. As a concerned Member of Congress, on February 5, 1997, I introduced a Sense of the House resolution, House Resolution 40, encouraging Members to make a unified, unequivocal statement that women between the ages of 40 and 49 need clear, accurate guidelines for breast cancer screening.

I urge you to support this resolution to lead the charge for saving women's lives.

INCOME EQUITY ACT OF 1997

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. SABO. Mr. Speaker, a year ago at this time, one couldn't open a newspaper or magazine without reading about the widening gap between the rich and poor in our Nation. Today, however, these articles are difficult to find. Although income inequality has declined slightly from its high point in 1993, we are still in the midst of a long-term rise in inequality that has persisted since the late 1960's.

While the income gap persists, working Americans are finding it even harder to make ends meet. Though our economy continues to grow, most American families have not returned to the income levels they had before the 1989 recession. In fact, in 1994 more than 16 percent of full-time workers could not support their families above the four-person poverty level—compared to 12 percent in 1979.

Although many forces lie behind the growing inequality of income and wealth in America, it is clear that both Government and corporate America have roles to play in narrowing the gap. For this reason, I am introducing the Income Equity Act of 1997. This legislation addresses the problem by encouraging corporate responsibility. For too many years, the trend in corporate America has been to pay top executives lavishly, while thinking of other employees as an expense or not thinking of them at all. My legislation will force companies to take a close look at how they compensate their employees at both ends of the income ladder.

The Income Equity Act would end our Government's practice of subsidizing excessive executive pay through the Tax Code by denying tax deductions for executive compensation that exceeds 25 times the company's lowest paid full-time employee. For example, if a filing clerk at a firm earns $10,000, then any amount of executive salary over $250,000 would no longer be tax deductible as a business expense. This bill will not restrict the freedom of companies to pay their workers and executives as they please. It will send a strong message, however, that in return for tax deductions, the American taxpayer expects companies to compensate their lowest paid workers fairly.

Economic inequality is a problem that will, if not addressed, rend the fabric of our society. Our Government has every reason, and every right, to encourage responsible corporate citizenship. The Income Equity Act is not the ultimate answer to the widening gap between the rich and the poor, but it is an important step toward ensuring that all Americans can share in our Nation's prosperity.

TRIBUTE TO IRENE KETCHUM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my honor to commend to you and my other distinguished colleagues, Ms. Irene Ketchum, an outstanding citizen of Indiana's First Congressional District. Irene is a shining example of commendable dedication to voluntarism. At the end of 1996, in recognition of her unselfish commitment to the community of northwest Indiana, Indiana State Representative Dan Stevenson of Hammond, IN, presented Irene with Indiana's highest honor designated by Governor Evan Bayh, the Sagamore of the Wabash. This distinguished award was bestowed upon her at a Democratic precinct open house at the Wicker Park Social Center.

Irene's distinguished career includes being managing editor of the Herald Newspapers in Gary, IN, from 1950–55. From 1956 to 1979, Irene served as clerk treasurer for the town of Highland, and in 1980, she became a trustee and board secretary of the Lake County Public Library.

Over the years, Irene has devoted her time to many community service organizations. She has served as treasurer of the Highland Community Events Council, president of the Highland Women's Democratic Club, and auditor of the Highland Democratic Club. Moreover, Irene has served as treasurer, secretary, vice president, and president of the Indiana League of Municipal Clerks and Treasurers, and she is a lifetime member of the Girl Scouts of America USA. In 1995, the Girl Scouts Calumet Council honored Irene with its Woman of Distinction Award.

Irene unselfishly spends 1 day a week at an east Chicago, Indiana church rectory, doing office work, and 1 day a week at Our Lady of Grace school library. Irene also aids the Hammond Public Library with the program for seniors once a month. Currently, Irene is treasurer for the St. John Deanery Council of Catholic Women, and she is president of the Our lady of Grace Court 80, National Catholic Society of Foresters.

In a country that benefits immensely from voluntarism, Irene has proven that unselfishness has unlimited rewards that do not go unrecognized. Irene can be proud of her efforts to enrich the caliber of life in Indiana's First Congressional District. Mr. Speaker, I ask you to join me in commending Irene for her lifetime devotion to community service.

BERNICE C. JOHNSON—CITIZEN ACTIVIST

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. HILLIARD. Mr. Speaker, I rise today to bring to the attention of my colleagues one of the spokes in the wheel of justice. Ms. Bernice Johnson's life represents that toward which we all should aspire—belief in self, commitment to community, dedication to the principles of democracy, and resolve to carry on in spite of adversity.

Ms. Johnson has worked in areas of voter registration, voter education, and voter participation in Jefferson County and throughout the State of Alabama. From 1963 to 1965, she traveled throughout the State organizing African-Americans for voter registration. It was not an easy task. She documented evidence which was sent to the U.S. Department of Justice during President Lyndon B. Johnson's administration. This data was useful in laying the groundwork for the need of Federal examiners in the State of Alabama.

She has worked with many community organizations. She was the first African-American woman to serve on the Alabama State Textbook Committee, the first African-American woman to run for the Jefferson County Board of Education, and the first African-American woman to serve on the Birmingham Planning and Zoning Board.

Ms. Johnson is firmly dedicated to the principles of democracy and the belief that "complete democracy will become a reality through proper use of the ballot." Her steadfast activism has made my State a better place for all Alabamians. With due diligence, unyielding faith and an appreciation for equal justice for all, Ms. Bernice Johnson has lived her life in a manner that is due the utmost respect. Today, in a small way, I am pleased to have the opportunity to recognize her for her many successful achievements.

DEPOSITORY INSTITUTION AFFILIATION ACT OF 1997

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. BAKER. Mr. Speaker, today I am introducing the Depository Institution Affiliation Act of 1997, which is legislation designed to enhance the competitiveness of our financial services sector in preparation for the 21st century. This legislation is similar to H.R. 814 which I introduced in the 104th Congress. I am pleased to introduce this legislation again in the 105th Congress. It is my hope that our efforts this year will be successful in framing the debate on financial services modernization.

Senator ALFONSE D'AMATO, chairman of the Senate Banking, Housing, and Urban Affairs Committee, is also joining me in introducing similar legislation in the Senate today. Senator D'AMATO and I share both a belief in the merits of this approach, and a commitment to pass financial modernization during this Congress.

I want to make it clear that I am totally committed to passage of the most far-reaching financial modernization package possible in the 105th Congress. The introduction of the Depository Institution Affiliations Act of 1997 signals that I am committed to an approach that allows for the broadest possible reforms and recognizes the reality of the current marketplace. This reality is that today's dynamic financial marketplace is being ill-served by the artificial and arbitrary market segmentation that is at best anachronistic, and at worst anticompetitive and economically harmful. If financial modernization indeed is broad in scope, then American consumers will benefit by improved competition, more available services, and more rapid technological innovation in the marketplace. This modernization must be crafted in a manner that gives consumers the certainty that their financial services are provided within a safe and sound framework.

At this unique point in time, we have an historic opportunity to achieve fundamental reforms in our Nation's financial services structure. That opportunity must not be squandered by leaving in place significant barriers in the market that will undoubtedly prove to be shortsighted. The restructuring of the financial services sector should recognize the market's evolution to date, and provide for market innovations to continue well into the future in a safe and sound manner.

The legislation I offer today is virtually identical to that legislation I sponsored last Congress with significant bipartisan support. As we move ahead toward the goal of modernization, I fully anticipate garnering wide bipartisan support for my approach. In the coming months, as the administration grows more engaged on this issue, it will be essential to develop a bipartisan approach to financial services modernization.

I believe this legislation is a good starting point for developing just such a bipartisan consensus in this modernization debate. The Depository Institution Affiliation Act also serves as my personal starting point on this issue in the 105th Congress, as I plan to hold hearings and introduce additional legislation in the coming months. The House Banking Committee should have before it all the available options in addressing the difficult issues posed by financial services modernization.

I want to commend my colleague, chairman of the House Banking Committee, JIM LEACH for his commitment and leadership in pushing for early action on financial modernization in the 105th Congress. I look forward to participating in all hearings the House Banking Committee will hold on this important issue.

As chairman of the Subcommittee on Capital Markets, GSE's, and Securities, I plan to hold hearings that deal with two issues I believe are very important in this debate: the issue of allowing banking and commerce to mix; and the proper scope of holding company regulation. I believe that putting together an effective consensus on these two issues will be the key to successful passage of a financial modernization package. Mr. Speaker, I look forward to working with you and all Members of the House in order to bring real reforms to our Nation's financial marketplace.

IN APPRECIATION OF PAMELA C. HARRIMAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. GILMAN. Mr. Speaker, it is with both sadness and gratefulness that I introduce the following resolution concerning the recent passing of a great American, Ambassador Pamela C. Harriman. Her sudden death last week left all Americans bereft of a truly dedicated public servant, a woman of wide learning and interest, and a great patriot.

I hope that all our Members will join with the International Relations Committee in adopting the following resolution that will put the House of Representatives on record in appreciation of Ambassador Pamela Harriman's life. We should bear in mind that as a wife she provided her wisdom and solace during the last years of his life to one of the great statesmen of this century, Gov. Averell Harriman. We should also take note of her contribution to the allied victory over Nazism in Europe, through her earliest exploits in the field of diplomacy helping to unite as allies the nations of France, Great Britain, and the United States.

In her capacity as the United States Ambassador, Extraordinary and Plenipotentiary, to France, Pamela Harriman gave the last measure of her life to serving America, her adopted country. She brought to this task all her skills and experience in keeping the ties between the United States and France strong, despite many troublesome disagreements between our countries. She was very much a hands-on Ambassador, working long hours and devoting much energy to this task.

Accordingly, I believe that support of the following resolution is merited, and I hope that all our Members will join Mr. HAMILTON, Mr. MANZULLO, and myself in recognizing Pamela Harriman as a distinguished stateswoman and a great American.

TRIBUTE TO ANGELICA MARIA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Ms. Angelica Maria, the newly selected Mr. Amigo.

Every year, members of the Mr. Amigo Association, who represent the city of Brownsville, TX, travel to Mexico City to select a new Mr. Amigo to serve as the honored guest of the Mr. Amigo festivities in Brownsville. The Mr. Amigo festivity is a 4-day international event which invites the United States and Mexico to celebrate the distinct cultures of these neighboring countries. During the Mr. Amigo celebration, which originated as a pre-Lenten festival, Brownsville citizens participate in a series of parades, dances, and parties to demonstrate the goodwill of both countries. It is a major function which is eagerly anticipated by many South Texans as well as our winter visitors.

We are honored to recognize Ms. Angelica Maria as the 33d Mexican citizen chosen by the Mr. Amigo Association. Angelica Maria "La Novia de México" is one of the Spanish-speaking world's most loved entertainers. Angelica is a four-decade veteran of the movie, stage, television, and recording industry. She first garnered international recognition in 1952, when, as a child, she starred in an award-winning role as the year's best child actress in "Mi Esposa y Yo." For over 44 years, she has traveled all over the Spanish-speaking world amassing an impressive list of smash hits as a recording artist, stage actress, and star of television and movies. Her first American rock hit, "Eddie, Eddie," in 1962, propelled her to the top of the record charts. One of her most recent hits was a collaborative effort with the former Mr. Amigo, Vicente Fernandez. She has also appeared with former Mr. Amigo recipients Armando Manzanero and Marco Antonio Muñiz. Recently, another former Mr. Amigo, Raul Velasco, dedicated his entire 3-hour television show "Siempre En Domingo" in tribute to her 44 years of artistic success.

Angelica Maria's life's work is an impressive list of 56 movies, 16 television soap opera starring roles, 44 television dramas, 54 record albums, and numerous musical spectaculars in theaters and night clubs from Santiago, Chile, to New York, Madrid, Spain, and Los Angeles. A litany of 171 awards in recognition of her brilliant career is highlighted by the "Candileja de Oro 1996" for her most recent success in the leading role of Esperanza in the television hit "Bendita Mentira."

Ms. Angelica Maria is a perfect recipient of the Mr. Amigo Award. For she has, over the long period of her career, taken her unique screen, television, and stage performances to numerous countries, including the United States. A true ambassador of her country and of her culture, she has been praised by numerous organizations for her unconditional commitment to improve mutual understanding and cooperation between Mexico and the United States. Ms. Angelica Maria should be recognized for both her artistic ability and her contribution to her commitment to bicultural relations between the two nations.

Mr. Amigo, Ms. Angelica Maria, will receive the red-carpet treatment when she visits Brownsville as the city's honored guest during the upcoming Mr. Amigo celebration. During her stay on the border, she will make personal appearances in parades and other festival events. Official welcome receptions will be staged by organizations in Cameron County, TX, and the cities of Brownsville, TX, and Matamoros, Tamaulipas, Mexico.

I ask my colleagues to join me in extending congratulations to Ms. Angelica Maria for being honored with this special award.

DR. W.C. PATTON: CIVIL RIGHTS LEADER

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. HILLIARD. Mr. Speaker, I rise today to pay special recognition to the triumphs of Dr. W.C. Patton.

Dr. W.C. Patton, a native of Alabama, was nationally noted as a civil rights activist and czar in the Alabama civil rights movement and overall progress of Birmingham. He was known to many as the father of Alabama's NAACP movement.

Dr. Patton attended public schools in Birmingham and Alabama State College in Montgomery, AL. In 1970, the honorary degree of doctor of laws was conferred on him by the Birmingham Baptist College.

He spent 16 years in Alabama schools before becoming Alabama State manager of the American Woodmen, a fraternal life insurance association. In 1962, he was elected a member of the national board of directors of the Supreme Camp of American Woodmen and in 1964, vice supreme commander of the American Woodmen.

During this time, Dr. Patton became deeply involved in the political process of our State and Nation. In 1952, he called community leaders together from around the State and organized the Alabama State Coordinating Association for Registration and Voting. At the time, there were approximately 20,000 registered black voters in the State of Alabama. He became president of the Birmingham branch of the NAACP and later became president of the Alabama State Conference of NAACP Branches. After 10 years, he resigned with the American Woodmen to become executive secretary for the State NAACP of Alabama. Membership increased and Alabama ranked second behind North Carolina in the southeast.

In 1956, when the NAACP was enjoined from doing business in Alabama, he became the national association director of voter education for the NAACP with headquarters in Memphis, TN. Later he became national director of NAACP voter education .

Dr. Patton did not limit his work to one area; he has served his community in many capacities—on many boards and educational and civic committees, to make Birmingham a safe and progressive place to live.

TRIBUTE TO THE HONORABLE RICHARD H. BREINER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's most dedicated and caring public servants, the Honorable Judge Richard H. Breiner. Judge Breiner is being honored for a lifetime of exemplary service to his community as presiding judge of the Marin County Superior Court for the past 20 years. I was fortunate to have the opportunity to join many of his friends, colleagues, and family to celebrate his remarkable accomplishments at his retirement party in January of this year.

As an appointed judge to the Marin County Superior Court, Judge Breiner earned an excellent reputation, and received the prestigious California Judges Association President's Award in 1992. In addition, his ongoing commitment to improve the community led him to take leading roles in numerous civic and law-related organizations. Since his arrival to Marin County in 1975, he has served as trustee of the Big Brothers of Marin, as director of the Marin County Drug Abuse Advisory Committee, as director of the Women's Foundation Advisory Committee, and as founding member and director of the Marin County Park and Open Space Foundation.

Mr. Speaker, it is my great pleasure to pay tribute to the Honorable Judge Richard H. Breiner and to thank him for his tireless efforts to serve his community, both as a judge and as an involved citizen. The people of Marin County owe him a great deal of gratitude. I extend my hearty congratulations and best wishes to Judge Breiner, his committed wife, Dottie, and his two children, Daniel and Deborah, for continued success in the years to come.

THE BIPARTISAN CAMPAIGN REFORM ACT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. CASTLE. Mr. Speaker, the 1996 elections highlighted a number of problems with our present system of camping finance—the power and influence of outside organizations, the tendency of wealth candidates to dramatically jack up the costs of a race, the ineffectiveness of the Federal Election Commission, and the wily resourcefulness of candidates and parties to raise the funds that they need.

At this point, I think most Americans and Members in the Chamber would agree that there is a problem with our system of financing campaigns and that the present system should be changed. However, there is significant disagreement on the best method for actually reforming the system. Enacting campaign finance reform legislation will not be an easy task, in spite of its necessity.

In the interest of moving campaign finance reform forward this year, I have agreed to cosponsor the Bipartisan Campaign Reform Act sponsored by Congressmen SHAYS and MEEHAN. This bill has the momentum to move through the cumbersome legislative process, and by moving forward, the bill keeps the issue of campaign finance reform alive and on the agenda. In addition, while I have reservations about some provisions, the legislation makes many important reforms that will do much to address campaign finance abuses of recent years.

For example, it equalizes PAC and individual contributions at $1,000 per election; it improves disclosure, thereby bringing sunshine on the spending practices of outside groups to influence Federal elections; candidates may match outside group spending without having that spending count toward their spending limits; it bans mass mailings in election years; it strengthens the Federal Election Commission's enforcement mechanisms; it bans soft money and bundling; and it enhances the power of small contributors by prohibiting candidates from raising or spending more than 25 percent of the spending limit—$150,000—in contributions greater than $250, among other provisions. It also includes provisions to address the matter of wealthy candidates—if a candidate spends more than $60,000 in personal funds toward an election, then the candidate's opponent's spending limit is increased and the amount PAC's and individuals can contribute to the opponent doubles to $2,000.

However, there are some things I'd like to see modified in the bill. For example, I'd like to see a requirement that at least 40 or 50 percent of a candidate's contributions come from within the State. I'd like to see stronger franking reforms, like changing the definition of a mass mailing to 250 pieces of mail or move rather than the present level of 500 pieces. I'd like to see a significantly lower contribution level for wealthy candidates—the bill allows candidates to spend up to $60,000 in personal funds toward the election.

Furthermore, I have questions about the efficacy of spending limits, and whether they serve to hinder, or to assist, challengers.

At this point, it is less important to draft the perfect campaign reform bill than to make sure that campaign finance is firmly established on the congressional agenda. There will be ample opportunity to discuss other campaign finance reform provisions once Congress is committed to cleaning up Federal election campaigns. This bill makes an outstanding contribution to the campaign finance reform debate and has the momentum to move through the legislative process. I urge my colleague to give it their careful consideration and cosponsorship.

RECOGNITION OF THE SERVICE OF AMBASSADOR SAMUEL G. WISE, JR.

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. SMITH of New Jersey. Mr. Speaker, the Helsinki Commission mourns the recent death of its esteemed Director of International Policy, Ambassador Samuel G. Wise, Jr. He faithfully served his country through years in the Marine Corps, the U.S. Foreign Service, and the Commission on Security and Cooperation in Europe. I am privileged to have worked alongside him during his many years with the Commission, as he offered sage advice, well-reasoned insight and guidance based on years of experience in the diplomatic community. His appointment as Ambassador when he was Deputy Head of the U.S. Delegation to the 1986–89 Vienna Review Meeting was well deserved.

Typical of Ambassador Wise's commitment to the work of the Helsinki Commission and the best national interests of the United States, he most recently served on the U.S. Delegation to the Vienna Review Conference of the Organization for Security and Cooperation in Europe held last November. He attended and offered timely and indispensable advice in drafting the Declaration of the OSCE Lisbon Summit held in early December. Ambassador Wise's participation in these international meetings were tireless and his contributions, highlighting the fundamental importance of human rights throughout the work of the OSCE, were significant and lasting.

The numerous letters of condolences which have been received at the Helsinki Commission are indicative of the impact Ambassador Wise has had on the OSCE community. From diplomats, to human rights activists, to friends and colleagues, the effect of this one life has been eloquently chronicled. Some reminisced about their "fond memories of his personality, professional expertise and intellectual brightness." Others recognized his dedication "to promote the goals of the United States and of the Commission, as stated in the Helsinki Accords and in other documents issued subsequently." One noted that "compassionate and engaged, Sam was the consummate Helsinki expert whose objectivity and capacity to get it right were unrivaled. Highly regarded by the entire OSCE community, his loss is irreplaceable." Respected as "a man of integrity and honored convictions" and remembered as a "warm and compassionate human being," Ambassador Wise has admirers virtually around the globe.

Both as a Commissioner and, most recently, as Chairman of the Helsinki Commission, I sought and appreciated very much the counsel which Sam provided. The combination of Sam's gentle spirit and his winsome manner proved effective in his dealings with Members of Congress and staff, as well as the Department of State and the diplomatic community. His insights, experience, sound advice, and friendship will be sorely missed. My prayers are with his family as they grieve the loss of their husband and father.

AMBASSADOR SAMUEL G. WISE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. RICHARDSON. Mr. Speaker, it is with great sadness that I received the news of my friend Samuel Wise's passing. Ambassador Wise was a great public servant for the United States, and he will be missed dearly.

His service to the United States during the cold war exemplifies what is best about the U.S. foreign policy. Samuel was an outspoken defender of dissidents, refuseniks, prisoners of conscience, and other individuals caught under the grinding strictures of tyranny.

His legacy will be the hope he brought to those he helped free from oppression, and the process he helped create which seeks to advance human civilization. The United States and the world has lost a great man and a true humanitarian. I will miss him and his counsel.

ARTHUR SHORES—ALABAMA'S DRUM MAJOR FOR JUSTICE

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. HILLIARD. Mr. Speaker, in December 1996, America lost one of its greatest warriors for peace, justice, and equal opportunity. Arthur Shores, a man of unquestioned courage and character, passed away this past December. Arthur Shores is a revered figure in Alabama history and a significant persona of the civil rights movement.

Mr. Shores, a native Alabamian, was a graduate of Talladega College. He received his juris doctor from LaSalle University. In 1937, Mr. Shores passed the Alabama State Bar Examination. As a newly practicing attorney, he faced many forms of racial discrimination and resistance in his profession, but triumphed nonetheless.

Mr. Shores was the only black practicing attorney in Alabama in the early 1940's. He practiced civil rights law all over the State of Alabama. However, he was also called upon to handle cases outside of the State that had national significance. For example, he was one of the NAACP lawyers associated with the Brown versus Board of Education case. He also represented notable civil rights pioneers such as Dr. Martin Luther King, Jr., Autherine Lucy, Rev. Fred Shuttlesworth, and Vivian Malone.

Arthur Shores' civil rights work on behalf of all Alabamians is his living legacy for my State. He not only was part of change during the civil rights era, but he made it happen through his exceptional achievement as a civil rights jurist. He is regarded as one of the most brilliant and courageous pioneers in jurisprudence and social justice in this country. He was a destiny changer; one who made a difference in human and race relations. His courage and persistence through the use of the law would have profound impact on the social justice system of the State of Alabama, the South, the United States, and indeed the world.

His efforts on behalf of the politically and economically disenfranchised came with a price. In 1963, his home was bombed twice. No one was injured, but the incidents were examples of the hostility faced by a civil rights attorney. Still, he continued. Still, he fought the good fight.

Moreover, he was a family man. He clearly understood the meaning of family. His daughter Helen said her fondest childhood memories include going to the movies with her father and sister Barbara.

"Every Sunday for as long as I can remember he took us to the Eighth Avenue Theater to watch the serials and the western movies, rain or shine," she said. "If he flew out of town, he always came back to take us to the movies, even if he had to fly out on Monday."

"He was my best friend. I could always depend on him. He was always there, even for the grandchildren. Those who knew my father will tell you he was a very humble man. He was always one to turn the other cheek. Even when they bombed his house twice, I never heard him say one unkind word about anybody," she concluded.

Arthur Shores will be remembered for the court cases he won, the legal precedents he set, and the role he played in tearing down barriers; however, it is the comments from his daughter Helen that really show you the measure of the man. Arthur Shores was a man for all seasons—smart, dedicated, compassionate, and humble. I am honored to have known him and to have considered him my friend.

SENATE—*Wednesday, February 12, 1997*

The Senate met at 9:30 a.m., and was called to order by the Honorable CHUCK HAGEL, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Righteous God, in whom we discover what is right and receive the courage to do it, we seek to be a nation distinguished because of righteousness. Today, as we celebrate the birthday of Abraham Lincoln, our 16th President, we remember his memorable response to someone who expressed the hope that You, Lord, were on their side. Lincoln said, "I am not at all concerned about that, for I know that the Lord is always on the side of the right. But it is my constant anxiety and prayer that I—and this Nation—should be on the Lord's side."

We echo that prayer today. Help us to think of prayer not to convince You of our plans, but to gain clarity about Your plans for us. We renew our commitment to seek Your will for the decisions we must make. Bless the Senators today as they discern what is right and take their place together on Your side. In the name of our Lord and Saviour. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 12, 1997.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHUCK HAGEL, a Senator from the State of Nebraska, to perform the duties of Chair.

STROM THURMOND,
President pro tempore.

Mr. HAGEL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. CRAIG. Mr. President, on behalf of the majority leader, I will state the schedule of today's session.

This morning, there will be a period of morning business until the hour of 11 a.m. At 11 a.m. the Senate will resume consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget. Under the order, Senator BYRD will be recognized immediately to make a statement regarding the resolution. At the hour of 1:30 today, under a previous consent order, the Senate will resume debate on the pending amendment relating to national security, which was offered by Senator DODD. Debate on that amendment will be equally divided until 5:30 today, at which time the Senate will proceed to a vote on or in relation to Senator Dodd's amendment.

Once again, all Senators can expect a rollcall vote at approximately 5:30 today. Additional votes can be expected during today's session on any further amendments that may be ordered to Senate Joint Resolution 1, or, perhaps, on any available nominations, as well as on one or two Senate resolutions, which we are attempting to clear for consideration.

I thank my colleagues for their attention.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m. The time between 9:30 and 10 a.m. shall be equally divided, with 15 minutes under the control of the Senator from Missouri [Mr. ASHCROFT] and 15 minutes under the control of the Senator from North Dakota [Mr. DORGAN].

Mr. CRAIG. Mr. President, I understand those Senators will be on the floor in a few moments.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. ASHCROFT and Mr. DORGAN pertaining to the introduction of S. 304 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I ask that I may be permitted to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. D'AMATO pertaining to the introduction of S. 305 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FORD. Mr. President, I understand we have about 4 minutes left on Leader DASCHLE's time. I ask unanimous consent I be allowed to use that time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. FORD. Mr. President, I thank the Chair.

(The remarks of Mr. FORD pertaining to the introduction of S. 306 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The time between 10:30 and 11 a.m. shall be under the control of the Senator from Wyoming [Mr. THOMAS] or his designee.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, as I understand it, the 30 minutes between 10:30 and 11 are under the control of Senator THOMAS from Wyoming. I am going to ask, in his place, that we yield up to 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

OUR CHILDREN AND THE BALANCED BUDGET AMENDMENT

Mr. GRAMS. Mr. President, I want to talk a little bit this morning about the balanced budget amendment and really how important it is to our children, our grandchildren, and really to the future of this country.

As a Nation, we find ourselves at a very critical juncture. The choices we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

face today are stark: It is either stagnation or growth, poverty or prosperity, hope or hopelessness for our Nation's children. Throughout the history of this world, great nations have risen and great nations have fallen. Many have perished simply as a result of one fatal fiscal miscalculation at a critical time—a time at which we find ourselves today.

We must move forward because we have a moral obligation to pave a trail and to light the way. Yet, a single misstep as we enter into the 21st century could cast our children off the path and into darkness.

Now, despite the improvement of our short-term fiscal outlook in the past decade, we face great danger from the fiscal imbalances ahead that swing over us like a sword dangling from a thread. Without a balanced budget amendment to address these risks, I am afraid that the national debt will destroy this Nation.

The debt today stands at over $5.3 trillion, and the cumulative damage of the national debt to the economy over the past 40 years has been enormous. Our Nation has fallen from its perch as the world's greatest creditor to become the world's greatest debtor Nation in history.

A child born today enters the world already $20,000 in debt and faces an additional $1,300 every year just to pay the interest on that debt.

By the year 2007, the national debt will rise to $8.5 trillion, and children born then will inherit a share of nearly $30,000. That is $30,000, whether poor, middle-class, or well off. Every child in every household in this land is affected.

Now, as historian John Steele Gordon writes in his new book, "Hamilton's Blessing: The Extraordinary Life and Times of Our National Debt," the size of the debt itself is not the problem—it is the fact that we have run it up to such extraordinary levels without justification.

Gordon's research shows that in the first 184 years of our independence, the Nation borrowed a total of $300 billion to fight the wars that made and preserved our Nation. But he goes on to say that, in the last 36 years, we have taken on more than 17 times as much new debt—at first, in an attempt to maximize economic output, but in recent years, as he explains, no good reason whatsoever has been the cause behind this.

Mr. President, the imbalance between the Government's entitlement promises and the funds it will have available to pay for them will alone bankrupt this Nation.

Now, the Bipartisan Commission on Entitlement and Tax Reform has warned us that in the year 2012, projected outlays for entitlements and interest on the national debt will at that time consume all tax revenues collected by the Federal Government. In 2030, projected spending for Medicare, Medicaid, Social Security, and Federal employee retirement programs alone will consume all of our tax revenues, leaving nothing to educate our kids, to keep their streets safe, to cure their diseases, or to protect the environment.

Shortsighted politicians repeatedly refuse to make tough choices, and the knowledge that we have no clear public policy to address this imbalance darkens our future even more.

Although the solutions to our problems are anything but simple, we must not shy away from them any longer. The balanced budget amendment will force Congress and the administration to work together to defuse this time bomb. Without it, the deficit spending will continue, and that is despite all the rhetoric from both Congress and the White House to the contrary.

Even if we indeed balance the budget through a statutory requirement, we all know that this is not a guarantee that our budgets will balance in the future. Our national debt will take several generations to eliminate now. We not only need the will to balance the budget, but we also need the means to follow through, to keep the budget balanced, and to begin to return the borrowed money. We need the balanced budget amendment. Talking about the protection of our children, without addressing the long-term risks that are poised to imprison them is corrupt.

Mr. President, I have heard my colleagues many times on the other side of the aisle this week raise the word children as if it were a protective shield. "We can't enact the balanced budget amendment," they say, "the education of our children will suffer." "We can't enact the balanced budget amendment, the nutritional health of our children is at stake." "We can't enact a balanced budget amendment, our children's medical needs will go unserved."

They have also used the phrase that we have attacked children because they are the path of least resistance. Well, we know the work that we undertake every day in this Chamber has a profound effect on every American child, just as it affects every taxpayer, every working family, and every senior citizen. I am certain there is not a single Senator in this Chamber who would deny a child a good education, deny a child a hot meal, or deny a doctor's tender care.

Yet, through our own greed, we have denied that very same child a future free of a debt that they did not incur and which they do not deserve to bear.

Now, I ask you this, Mr. President: Who was protecting our children while Congress amassed a debt of $5.3 trillion? Those children were not here to be able to say don't do that. We took the path of least political resistance when we put our children into debt. They did not have a voice on this Senate floor to stop us from doing that.

Who stood up for America's children while Congress signed their names to a mortgage that they will never be able to escape?

Who came to the floor of this Chamber crying out for the children when we sacrificed their financial security for another piece of pork, or another Federal program?

I will tell you this, Mr. President. The same Senators who today raise the shield of children as their argument against the balanced budget amendment were nowhere to be found when America's children needed them most.

Only the balanced budget amendment will protect our children from the suffocating excess of a Congress free to spend dollars that it does not have.

So, Mr. President, the legal authority of the balanced budget amendment will ensure that we do not drown our children in a sea of debt. The moral authority of a higher power demands that we do nothing less.

Thank you, Mr. President. I yield the remainder of my time.

Mr. COVERDELL. Mr. President, I commend the Senator from Minnesota for his remarks on behalf of the balanced budget amendment to the Constitution. I think he makes a very poignant statement when he alludes to the condition of our children in the future. I have always enjoyed reading Thomas Jefferson's admonitions about the future of the democracy. I can't state it with the eloquence with which he did, but he makes the point that the Senator from Minnesota makes, and I think it is worth revisiting. He essentially said that it is morally wrong for a contemporary generation to make decisions about debt for future generations. It is morally wrong, Mr. President, for a contemporary generation to use the resources of generations yet to come. In essence, any time a contemporary generation is in the business of consuming the resources of those yet to come, they are engaged in abrogating the freedom of those yet to come, which is an unconscionable act for Americans because this is a Nation that was born in freedom and independence and has invested unlimited sacrifice to preserve it.

Yet, we seem to want to overlook it when we look at these 28 budgets from Republican and Democratic Presidents, all of whom in their own way were a part of abrogating freedom of somebody yet to come because they all used resources of people who have no voice—nothing to say. Our legacy is to hand them debt. And how terribly inappropriate it is.

I was reviewing some financial policy recently. I think it is called generational economics. What that means is something like this. My mother and father kept 80 percent of their lifetime wages to do the things that we have always depended on and asked for the American family to do. It has been the core ingredient in terms of taking care of America, and they raised myself and my sister; got us through school gracefully; housed us all through our medical needs and trying to prepare us for stewardship. My sister, who is 10 years younger than I, will keep about 45 percent of her lifetime wages—her parents 80 and she 45. Currently, an average family in the State of Georgia can keep, after direct taxes and cost of government, about 45 percent of their wages. So she has half the resources. A lot of it she does not get is in this pile of 28 budgets. But worst of all is the fact that a child who was born on January 1 of this year, 1997, will keep, under the current scheme of things, 16 percent of their lifetime wages. In other words, it will take 84 percent of their wages to fulfill these obligations that continue to mount. I would have to say, Mr. President, that that child born on January 1 of this year could never be considered to be free by any definition in our Constitution or in the basic tenets and fundamentals of American life.

So from the turn of the century we have gone from a family that keeps 80 percent of the fruits of its labor to contemporarily keeping about 45 percent, to a child today faced with having to forfeit 84 percent of what their life's earnings are to fulfill the largest of all of these budgets.

I don't know what kind of proof we need to advise us that we need to change the way we manage our financial affairs just to look at the generational impact, and then to go back and be reminded that Thomas Jefferson said what we are doing right here is an abrogation of freedom and independence and that we are in the business of denying freedom for Americans yet to come.

The 80, 40, 16 says it all to me. If you want to just talk about monetary circumstances, we are headed toward doubling the deficit, which means we are piling more paper on this pile right here. Just in the term of this President we are going to double the deficit. We are going to add about another $100 billion to it. Then, after that, it looks like a NASA space shuttle. It just skyrockets. So the fuel and the engines of using the future resources seem unchecked and unbalanced.

So if these 28 years of evidence are not enough to compel somebody to understand that we need to change the way we manage this debt, then you can simply look at the current budgets before us and see that we are going to continue to add debt on debt on debt.

Sometimes when you talk to people in America about the scope of what we have been doing, about the 80, 40, and 16 percent, about the size of the current debt, which I think is $5.3 trillion looking at the big picture—of course, I have been talking about 7 minutes or so, but it is probably closer now to $5.4 trillion—it is depressing and sobering. And I always like to leave the message with more optimistic tone.

I point out that balancing our budgets, moving to a balanced budget path, passing a balanced budget amendment to the Constitution, does not require draconian effort. Actually, they represent modest, sound, and reasoned steps to take control of our financial affairs, which saves the country for the future, which is laudable, and for which every generation of Americans have been charged of doing—take steps to guarantee that they turn the country over to the future in good hands rather than crippled—that by taking these reasoned steps, balanced budgets, a balanced budget amendment to the Constitution, that it not only saves the country for the future, but it creates the immediate positive effect on every citizen today. Every family, every business, and every community has an immediate positive effect. It lowers interest rates. It makes more capital available for businesses to seek and generate more business. More businesses will be started, particularly small businesses. The job lines will be shorter. It will be easier to get a job. If you are graduating from high school or graduating from college and you are in the job market, or there has been a change, it is going to be a lot easier.

Specifically, Mr. President, a balanced budget amendment would produce around $2,000 new disposable income, putting it into the checking account of every Georgia family, and, Mr. President, every Kansas family. I suppose the average family in our two States is pretty similar. They make about $40,000 a year. Probably both parents are working. And as I said, by the time the Government marches through their checking account, they have less than half of that left. That gets them down to around $20,000, $23,000 to do everything we ask them to do.

Now, think about it. What is the effect of putting $2,000 back into that checking account? That is the equivalent of a 10-percent pay raise. And we all know the kind of stagnation that has occurred, because of this kind of activity, in those checking accounts over the last several years.

Think of the opportunity that this creates for school and education and health care, which we have been talking so much about, for children, to have $2,000 of new resources for every average family across the country. Look at it as if you are a mayor or county commissioner. We would likely save about $333 million in lower debt service in the State of Georgia or $103 million for the capital city of Atlanta, GA. Every school district, every county, every municipality, every State will immediately begin to benefit from our taking these kinds of steps to rein in and manage our budget.

We had a host of people down here suggesting you just do not need a balanced budget amendment to the Constitution; you just need the will. I do not know how many years we have to discuss our lack of will to understand that we need to change the rules. We passed the line-item veto for the first time, and that is a new tool. That is on the right track. A lot of people were concerned: Would a Republican Congress give the Democrat President the line-item veto? They did. They did because they believed we do need new disciplinary tools to manage our financial affairs.

I have to say that I have concluded—and I think, on balance, this is correct—if you are against a balanced budget amendment to the Constitution, you are really not for balanced budgets. The President has told us we should have balanced budgets, and he ought to be supporting us in this effort. I have to say, Mr. President, that if this fails—I hope it does not; it is going to be close, but if it fails, the President will bear the responsibility for it because he has decided to fight this. The power of the President is enormous. But if you are for balanced budgets, then you are for a balanced budget amendment to the Constitution.

Mr. President, I do not think you know any individual, and I doubt that you know any family, nor any business, that has been successful in achieving that which it needs to do, its mission in life, that has abused his or her, their, its financial health. You just do not know anybody like that or you will not know them very long. So it is with nations.

I was speaking yesterday to a group of foreign ambassadors and dignitaries who are visiting the United States on an educational program to try to understand our Congress, our Government, and our Nation. I told them that if you really want to understand the nature of the decisions and the environment in the United States, you have to understand her domestic financial crisis. You have to understand what the Senator from Minnesota said. He talked about the fact that the bipartisan entitlement commission has shown us that within a very short period of time, just a handful of Federal programs consume 100 percent of our Treasury.

I was simply telling these foreign visitors that to have an appreciation for what is happening in the debate over the resources we devote to our national defense and to world order, to the debate over what we can make available to foreign assistance, it is being driven by this pile of 28 different budgets that are out of balance and that this generation of Americans, you and I, Mr. President, and all of our citizens, are going to be charged with dealing with this dilemma. We have known about this problem all these years, but it was always going to be somebody else to work it out. There is no generation for us to give the baton to. We are the last watch. It is you and I. We are going to make the decision, whether it is indecision or decision, on our watch that will determine what kind of country we give to the next generation.

Mr. LEAHY. Mr. President, I note the Senator from West Virginia is going to be recognized at 11. I wonder if the Senator from Georgia is going to take the full time until 11 o'clock.

Mr. COVERDELL. Does the Senator from Vermont need a moment or two? I would be glad to yield the remainder of my time—

Mr. LEAHY. I need about 2 minutes.

Mr. COVERDELL. To the Senator from Vermont.

Mr. KYL. Will the Senator yield?

Mr. COVERDELL. I am sorry; I did not see the presence of the Senator from Arizona.

Mr. KYL. I would advise the Senator from Georgia, I have about 3 minutes of remarks.

Mr. COVERDELL. Let me ask this, I say to the Senator from West Virginia. The Senator from Kentucky used about 2 minutes of the time under our control, and I wonder if I might ask unanimous consent that our time last until 11:02, and I would grant 2 minutes to the Senator from Arizona and the closing 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. KYL. I thank the Chair. I thank the Senator from Georgia.

BALANCE THE BUDGET FOR AMERICA'S FAMILIES

Mr. KYL. Mr. President, during the next few months, millions of Americans will confront the annual task of filing their income-tax returns. What people would be startled to learn is that about 53 cents of every dollar of individual income tax they send in to the IRS this year will be required just to pay the interest on the national debt.

That is 53 cents out of every dollar that will not be available to spend on health care for children, for education, for the environment, for aid to victims of domestic violence, for law enforcement, for national defense, or for any of the other important programs that serve the American people. It is 53 cents of every dollar just to pay interest on the bills that Congress and the President have racked up in years past.

That 53 cents of every dollar does not even begin to pay down the national debt, which is increasing at a rate of $4,500 per second—a debt that threatens our children's very future. It now totals more than $5.3 trillion, or about $20,000 for every man, woman, and child in the country.

Some people say that a balanced budget would mean drastic cuts in important programs. But it is really the deficit—the debt—that is savaging our ability to respond to the Nation's needs. How much more could we do for the American people if we did not have to set aside 53 cents of every income-tax dollar just to pay interest? How much more could people do for themselves if their tax bills were cut in half and they had that 53 cents to spend on their own needs?

It is really a balanced budget—not more deficits—that offers the greatest protection for the important programs our Government provides. A balanced budget will ensure that we have the money, for example, to take care of our obligations to seniors and those in need, to make streets safe for law-abiding citizens, and to make our country secure. It is, after all, those programs—those programs that are priorities for the American people—that will be funded first under a balanced budget.

Of course, setting priorities would be something new for the Federal Government. We are used to operating with a national checkbook that has had an unlimited balance. That has allowed Congress to spend as much as it wants for whatever it wants. And when you have an unlimited balance to draw from, every program is as important as the next.

But as any family knows, when you have to live within your means, you cannot have everything. The basics come first. In the context of a balanced Federal budget, that means things like Social Security, Medicare, and national security move to the front of the line.

That is what it means to prioritize. It is just plain common sense.

Most economists predict that a balanced budget would facilitate a reduction in long-term interest rates of between one and two percent. That means that more Americans will have the chance to live the American dream—to own their own homes. A 2-percent reduction on a typical 30-year mortgage in Arizona would save homeowners over $220 a month. That is $2,655 a year.

A 2-percent reduction in interest rates on a typical $15,000 car loan would save buyers $676. The savings would also accrue on student loans, and credit cards, and loans to businesses that want to expand and create new jobs. Reducing interest rates is probably one of the most important things we can do to help people across this country. It is money in the pocket of every American.

Mr. President, we need to balance the budget. The American people want us to balance the budget. But the only way to ensure that we really get there is to pass the balanced budget amendment.

The PRESIDING OFFICER. The Senator has spoken for 2 minutes.

The Senator from Vermont is recognized.

JUSTICE CLARENCE THOMAS' FIRST AMENDMENT RIGHTS

Mr. LEAHY. Mr. President, I ask unanimous consent that at the end of my comments, an article in the Wall Street Journal of January 31, 1997, entitled "Black Leaders Try to Deny Thomas' Status as Role Model," be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, there have been a number of articles in various papers over the last couple of years about groups that tried to block Justice Clarence Thomas from speaking at various schools. I abhor this kind of activity.

Justice Thomas was nominated by the President of the United States, went through his hearing, we had a vote on it up or down, and he was confirmed. That is the major trial that he should have to go through. He has the same rights, first amendment rights, as every one of us to speak. I am proud of the fact I come from a family that made the first amendment a hallmark, in bringing up the three Leahy children. I have been in this body for 22 years, defending the first amendment from attacks from any side, and I am proud of the achievements that has brought about. But I would say that those who try to block anyone from speaking disregard the first amendment.

McCarthyism of the left is as bad as McCarthyism of the right. If some disagree with what Justice Thomas says, then let them seek their own forum to express that disagreement. Do not block the statements from being made in the first place. That is wrong. We, in this country, ought to understand that those who try to block speech, from the right or from the left, do a disservice to our Constitution, do a disservice to our country, and, most important, they do a disservice to the diversity that makes up the greatest democracy in history.

I yield the floor.

EXHIBIT 1

[FROM THE WALL STREET JOURNAL JAN. 31, 1997]

BLACK LEADERS TRY TO DENY THOMAS STATUS AS ROLE MODEL

(By Edward Felsenthal)

WASHINGTON.—When Benjamin Carson, a prominent African-American surgeon, was helping organizers find an inspiring speaker to close a weeklong "Festival for Youth" in Delaware this month, he pushed for Supreme Court Justice Clarence Thomas.

It wasn't only Justice Thomas's exalted title and status as one of the country's highest-ranking public servants that attracted Dr. Carson. It also was his remarkable rise from poverty. The two men were acquainted through their membership in the Horatio Alger Society, a group whose members have overcome significant odds to achieve success.

But when the Baltimore surgeon issued the invitation, he never dreamed that he would set off a political firestorm. After an organized protest from a regional chapter of the National Association for the Advancement of Colored People, which threatened to picket the talk, Justice Thomas backed out.

Normally, ethnic organizations are only too eager to have top elected or appointed officials visit and speak to community groups, especially young people. But the Delaware protest was the latest incident in an unusual drive against a public official by some black leaders to deny the conservative, 48-year-old justice a position as a role model within the African-American community.

UNFLATTERING COVER STORIES

Last year, after a school-board member and local parents threatened to protest, a Maryland school temporarily retracted an invitation for Justice Thomas to speak at an awards ceremony for eighth graders. Emerge, an influential magazine among the black intelligentsia, has run two unflatering cover stories on the justice, one portraying him wearing an Aunt Jemima-style kerchief, the other portraying him as a lawn jockey. His judicial decisions also have attracted unusual personal attacks, including a stinging open letter from former U.S. Judge Leon Higginbotham.

Justice Thomas, whose bitter 1991 confirmation hearings became a national spectacle because of Anita Hill's allegations of sexual harassment, is certainly no stranger to controversy. But the recent protests are extraordinary because they have little or nothing to do with the highly charged issues raised during his difficult confirmation. Instead, they have to do almost entirely with Justice Thomas's conservative views and decisions criticizing policies such as affirmative action.

While feminist groups took the lead in fighting against his Supreme Court nomination, this time the criticisms of Justice Thomas are being leveled almost entirely by other blacks. Various civil-rights leaders claim—sometimes in terms that are astonishingly abusive even by Washington standards—that Justice Thomas has betrayed his race by opposing the affirmative-action policies that his critics say helped get him where he is, and by voting with the court's conservatives on other civil-rights issues.

"If white folks want to have Justice Thomas serve as a role model for their kids, that's their business," says Hanley Norment, president of the NAACP's Maryland branch. Mr. Norment, who helped plan the protest against Justice Thomas at the Delaware festival, dismisses him as a "colored lawn jockey for conservative white interests."

DISSENTING VOICES

A number of black leaders, including national NAACP President Kweisi Mfume, have raised concerns about the campaign against Justice Thomas, and some say African-Americans should take pride in his accomplishments. "This is an embarrassment," says Michael Meyers, executive director of the New York Civil Rights Coalition. Justice Thomas "doesn't hold my views on affirmative action. He doesn't hold my views on race. But he is on the United States Supreme Court, and he's entitled to . . . respect."

That sentiment is echoed even in some seemingly unlikely places. "Of course, he's a role model," says Charles Ogletree, the Harvard Law School professor who was Anita Hill's lawyer during the confirmation hearings. His success proves "that you can come up from poverty and have a huge impact in our society."

Justice Thomas's career has engendered conflicted feelings in black America from the moment he hit the national scene as chairman of the Equal Employment Opportunity Commission in the Reagan administration. Although mainstream black groups such as the NAACP were worried that he was hostile to many civil-rights laws, they opted not to fight his 1989 selection to the federal appeals court in Washington. And although many of those same groups later decided to oppose his elevation to the Supreme Court, some believed that his humble origins might ultimately make him more sympathetic to their civil-rights agenda.

That hasn't happened. He has joined the court's conservative wing in ruling that it's unconstitutional to draw up voting districts primarily on the basis of race. He concurred in a 1995 ruling that put strict limits on federal affirmative action, saying such programs "stamp minorities with a badge of inferiority and may cause them to develop dependencies." He also concurred that year in a decision that curbed school desegregation, expressing astonishment that "courts are so willing to assume that anything that is predominantly black must be inferior."

Other justices participated in these decisions, too, of course. But Justice Thomas's African-American critics seem to view his role as uniquely unforgivable, and that sentiment in turn has provoked the concern about his influence on black youth.

IT DOESN'T AFFECT HIM

Justice Thomas won't comment on the Delaware incident, but friends insist he isn't ruffled. "He's been around long enough dealing with the so-called civil-rights community [that] it doesn't affect him," says Stephen Smith, a Washington lawyer and former law clerk for Justice Thomas.

After the area NAACP leaders threatened their protest, Justice Thomas wrote festival organizers to say that, while he doesn't object to "peaceful demonstrations," he didn't want to distract from the event's focus on children. Finally, says a gleeful Mr. Morment, the Maryland NAACP official, "the guy made some decision that we agree with."

Other black leaders say they too would object if the justice were invited to speak to kids in their area. It is a way of "getting his attention" to communicate that "we're disappointed with the actions that you've taken, and so therefore we can't hold you up as a role model," says Hazel Dukes, president of the New York conference of the NAACP.

It is in one sense ironic that Justice Thomas has provoked such criticism: On a court whose members are more likely to be found speaking at high-brow judicial conferences than obscure local convention halls, Justice Thomas has shown a special interest in talking with ordinary people, particularly the young. His message is "inspiring and uplifting," says Norman Hatton, a vice principal at the Thomas G. Pullen School in Landover, Md., where the justice spoke at the awards ceremony last summer.

Indeed, even some NAACP leaders are adopting a more conciliatory approach. In a recent speech, Mr. Mfume, the national president, criticized the Maryland chapter, saying protests against Justice Thomas shouldn't rise to such a level that they impede his right to speak. "We must never rush to silence free speech," he said. "It doesn't matter how we feel about Justice Thomas."

Dr. Carson, the surgeon, adds: "Children shouldn't be forced to watch "a bunch of silly adults . . . put people into corners and castigate them. . . . If anything is a bad role model, that is."

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER [Mr. THOMAS]. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the order, morning business is closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the order, the Senate will now resume consideration of Senate Joint Resolution 1, which the clerk will report.

The bill clerk read as follows:

A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate resumed consideration of the joint resolution.

Pending:

Dodd amendment No. 4, to simplify the conditions for a declaration of an imminent and serious threat to national security.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. Mr. President, the measure before the Senate is a proposed amendment to the Constitution mandating a balanced budget annually. It is unconstitution-like. I am not saying it is unconstitutional. If it is riveted into the Constitution, of course it would be constitutional. But I am saying it is unconstitution-like in its words, which lack the vision, the simplicity, and the majestic sweep of language that we find in the Constitution. Rather, it sounds and reads like a bookkeeping manual on principles of accounting. The amendment is replete with words like "outlays," "fiscal year," "receipts," "estimates of outlays and receipts," "receipts except those derived from borrowing," "repayment of debt principal,"—words which are out of keeping with the graceful language used by the Framers in writing the original Constitution and the Bill of Rights. The amendment is made up of 8 sections constituting a total of circa 310 words, more than were used by the Framers in stating the Preamble to the Constitution and in establishing a Congress composed of two Houses, establishing a House of

Representatives, establishing a Senate, establishing the Presidency, establishing the Supreme Court, and including the article setting forth the mode by which the Constitution would be considered ratified and in effect. Moreover, it is a masterpiece of confusing details, deceptive illusions, and doublespeak.

It is misleading. I am talking about this amendment now that we have before the Senate. It is misleading, contradictory in its terms, and is ultimately bound to disappoint the American people and undermine their faith in the credibility of the Nation's basic document of law and government.

We all agree—all 100 of us—that continued massive deficits are bad for the country, and we are all in agreement that action must be taken by the legislative branch, working in cooperation with the executive branch, to bring our budgets under control and into balance at some point, yea, even to provide for surpluses so that the country can begin to retire the principal and reduce the interest on the national debt, which, in only the last 16 years, has assumed colossal proportions beyond anything that was even imagined during the previous 192 years and 39 administrations in the history of the Republic. I am saying during the 192 years previous to the first Reagan administration. I need not remind my colleagues and those who are listening to the debate—although I shall—that until the beginning of the first administration of Ronald Reagan, total debt of the U.S. Government was a little under $1 trillion, while, beginning with the first administration of President Reagan and continuing up to this time, over $4 trillion has been added to that debt. In other words, four-fifths of the total debt held by the public have been added in the last 16 years, four-fifths—four times the amount of debt that was accumulated during the first 192 years in the life of this Republic, during the first 39 administrations in the life of this Republic, up until the first administration of President Reagan.

Does anyone challenge that? Does anyone wish to stand on this floor and say, "That ain't so"?

It is no wonder, then, that the American people have lost faith in their Government, and if this proposed constitutional amendment is approved by both Houses of Congress and ratified by the necessary three-fourths of the State legislatures, the people of this country will have no cause for reassurance that our fiscal and deficit problems will ever be resolved. I fear that the situation will not have been made better but, rather, will have been made worse.

I have not been able to listen to all of the speeches that have been made by all of the proponents of the amendment.

I have tried to listen to as many as I could. I have not been able to hear them all. But of those that I have heard, there has not been one—not one—that has addressed itself to the details of this amendment.

We have heard many times that the devil is in the details. I have not heard a single proponent—not one—explain the amendment section by section or stated how and why the adoption of this amendment will, indeed, bring down the deficit and lead to a balanced budget. I would like for them to explain each section and explain how that section is going to bring the deficits down.

All of the speeches that I have heard merely talk about the need for getting the deficit under control. I am for that. But none has explained how this particular proposed constitutional amendment is going to do the job. All I have heard have been "the sky is falling" speeches—oh, the sky is falling—which have simply stated the need for getting our house in order, to which we all can agree and stipulate.

So they say deficits are bad; our national debt is too large; we need to get the deficits under control. Nobody disagrees with that. That is all the speeches I have heard. As I say, I have not heard them all. But all of the speeches by the proponents I have heard have amounted to that: Deficits are bad; we have to do something about them.

And what do they propose to do? Adopt this amendment. They don't explain how it will rectify the situation.

So I continue to wait to hear a single proponent—just one—who will come to the floor and explain clearly as to how each section will contribute to the common objective that we all seek; namely, a balanced budget, and explain beyond any doubt that these sections of this amendment, as so constructed, will do the job. You can bet on it.

Everyone is in agreement that consistently operating with deficits is undesirable, but we are told to accept on faith this proposed constitutional amendment. We are told it will do the job, but we are not told how it will do the job. We are not given the details as to the sacrifices and the pain the people must endure in order to achieve yearly budget balance. We are only told that continued deficits are not good, which we all know to start with, but that this amendment will fix the problem. We are, therefore, importuned to buy what really amounts to a "pig in a poke." And as far as the explanation of the amendment thus far is concerned, we cannot even be assured that there is a pig in that poke.

So now let us proceed to take a look section by section at the amendment, which we are all being implored to support and which, if we buy on to this amendment, the American people will, likewise, be beseeched to ratify in their State legislatures throughout the country: Don't look at the details, don't bother, just accept on faith. Things are bad, deficits are bad, we have to do something about it. Ipso facto, vote for this amendment. It will do the job.

For the benefit of the American people who do not have a copy of this amendment and who are watching and listening to the words spoken on this floor, I have had the entire amendment placed on this chart and will now go through it section by section in the hopes of shedding a little light at least on what I believe to be a very anti-Democratic, anti-Republican, and anticonstitutional proposal. Not unconstitutional, but anticonstitutional.

So let us start at the beginning. The Bible says, "In the beginning." You can't get much beyond that, "In the beginning, God * * *"

Well, in the beginning, let's take the very top section. Let's start at the top.

Section 1 of the constitutional amendment states:

> Total outlays for any fiscal year shall not exceed—

Shall not exceed—

> total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific—

For a specific—

> excess of outlays over receipts by a rollcall vote.

Mr. President, and Mr. and Mrs. America, this states that for every dollar that is spent in any fiscal year, there shall be $1 of income. That is what it says. In other words, for every dollar that goes out in a given year, a dollar will have to come in, unless three-fifths of the Members of both Houses of Congress provide by law for a specific excess of outlays over receipts by a rollcall vote.

If Congress is bound to spend more than it takes in, how can it do it? It can only do so by a rollcall vote and by passing a law which states the specific excess by which dollars spent will exceed dollars received. It will not be enough for Congress to provide by law in a given year that outlays "may exceed receipts." That is not enough. To comply with the language of this section, Congress will have to state specifically the excess of outlays over receipts that it is willing to approve.

Moreover, this cannot be done by a simple majority in each House of Congress, as is the case with most other laws that are passed by Congress. The stickler here is that three-fifths of the whole number of each House will have to approve the specific excess. Got to be exact, the exact amount. "All right, Senators, we're getting ready to vote. We've got to know the exact amount by which the outlays will exceed the receipts, because it has the words 'specific excess'."

For example, the Senate is composed of 100 Members and three-fifths of them will be required to loose this amendment from its chains. Three-fifths of the whole number of the Senate means that at least 60 Members of the Senate would have to vote in favor of permitting the specific excess of dollars paid out over dollars taken in. Sixty Members. Fifty-nine will not be enough.

It will not matter if there is a snowstorm outside the doors and only 59 Senators can get to the Senate to vote. That is a quorum—that is over a quorum. But that will not matter. Even if they all vote to allow outlays to exceed receipts by an exact and specific amount, that will not be enough.

Now, this may appear to be a very simple matter on the surface, but upon closer examination it will be anything but simple.

Why do I say this? Because there is no way on God's green Earth that human beings can precisely predict what the total outlays will be for a fiscal year until that fiscal year has expired and the U.S. Treasury Department has tallied up the final figures of what the income versus the spending was for the year just ended. No way—no way—that anyone, that any human being or any computer contrived by any human being can determine before the fiscal year is out the exact amount by which outlays for any fiscal year have exceeded the receipts of that fiscal year. No way. It is impossible. No way, until the fiscal year has expired and the U.S. Treasury Department has tallied up the final figures of what the income versus the spending was for the year just ended. You will not know until that happens.

And only then, which is usually late in the month of October—perhaps the third or fourth week of October—several weeks after the end of any fiscal year, are the facts known as to the exact amount of the outlays and the exact amount of the receipts, and, consequently, whether or not there was a deficit, and, if so, specifically how much was the excess of outlays over receipts. We will not know it by the end of the fiscal year.

So what are we going to do then? The fiscal year has ended. September 30 is gone. We do not know what the excess was. How then can three-fifths of the Members of the Senate vote for a "specific excess of outlays over receipts" when the final books are not closed, the amounts are not tallied. Nobody knows.

I might stand on my feet and say, "Mr. President, how much is the excess?" Nobody can tell me. And we will not know it for perhaps 3 or 4 weeks after September 30, after the fiscal year has ended.

Therefore, there is no way for Congress to provide by law for a "specific excess of outlays over receipts" during the fiscal year in question. The specific amount of any excess of outlays over receipts cannot be known by the human mind until the U.S. Treasury has totaled up the figures for a fiscal year that has already ended 2 or 3 weeks earlier and advised Congress of the results.

Consequently, we are being presented in the very first section of the amendment with a requirement that cannot be met. It cannot be met. Now, let us examine more closely. Take the first portion of Section 1: "Total outlays for any fiscal year shall not exceed total receipts for that fiscal year * * *" That language is very clear. It cannot be misconstrued or misunderstood. It means exactly what it says. It does not say that total outlays "may not exceed." It does not say that "Total outlays for any fiscal year may not exceed total receipts." It does not say that "Total outlays for any fiscal year should not exceed total receipts." Nor does it say that "Total outlays for any fiscal year ought not exceed total receipts." It says, total outlays shall not—shall not—shall not—exceed total receipts for that fiscal year, no ifs, ands or buts. The Federal budget, under this language, must be balanced every fiscal year right down to the bottom dollar. There is no wiggle room—wiggle room—none.

Now, let us understand what this means. We are told by the proponents of this amendment that the Federal Government should have to balance its budget every year, like a family does. How many times have I heard that? "Oh, we ought to do like the average American family. We ought to do like a family does or do like the State governments do it. The Federal Government ought to do like the State governments do it. They balance their budgets. The American family balances its budget. And the Federal Government ought to do the same." How many times have I heard that? How many times have you heard it, Mr. President?

The truth is that the American family does not and the truth is the State and local governments of this country do not do what this amendment requires the Federal Government to do. The fact is that the unified Federal budget is not the same as a family budget. The fact is that the unified Federal budget is not the same as the budgets that State and local governments are required to balance—or that they are supposed to balance. They are not the same.

Unlike those budgets, unlike the State budgets, the unified Federal budget includes all spending that occurs in a fiscal year regardless of whether that spending is for recurring operating costs of the Federal Government or whether that spending is for public investments.

Now, would anybody stand and challenge that? Would anybody tell me that the States are operating under the same kind of unified Federal budget that the Federal Government is operating under? Yet they say we ought to do like the States. The Federal Government ought to balance its budget like the States balance their budgets. Just one—I would like to hear a Senator challenge that statement.

Under the unified Federal budget, capital investments, such as roads, airports, transit systems, military procurement for weapon systems, military aircraft, battleships, missiles, are required to be paid for in full as the purchases are made. This is a system of budget accounting that no business, no State or local government, and no family has to abide by.

Let us consider the family budget. I consider my family budget a typical family budget. I can remember when I had to buy a bedroom suite—on May 25, 1937; soon it will be 60 years. On May 25, 1937, I bought a bedroom set, looking forward to the day when I pay that preacher $2 and take my wife away. We would not be going on any honeymoon. Of course, we have been on a honeymoon now for 60 years, but we would not be going anywhere. There would not be any gifts, would not be any flower girls, would not be any best man—except ROBERT BYRD. I bought a bedroom suite, paid for it at the company store where I was employed as a meatcutter and in produce sales, $5 down, $7.50 every 2 weeks until it was paid off.

So that is the way most families have to manage. Most families that I know have to borrow money to buy their homes, have to borrow money to buy their farms, they have to borrow money to purchase necessary assets such as automobiles with which they get to work and get home from work, and they have to borrow money to provide their children with a college education. I do not think that one will find very many Americans who would want to have to balance their family budgets in a manner that would require them to pay for the entire cost of their home in the same year, the entire cost of the farm in the same year, the entire cost of the automobile in the same year, or the entire cost of a college education for their children. Yet that is what the U.S. Government would be required to do by this section of this amendment.

Mr. and Mrs. America, be on your guard; you need to know that. When you listen to these proponents say that the Federal Government should balance its budget just like the States balance theirs—listen, Governors, you know better than that. When the proponents say that the Federal Government should balance its budget just like the average American families balances its budget, hold on. Pay attention. That is not what it does.

Similarly, the proponents tell us that most States and local governments are required to have balanced budgets. What the proponents fail to point out is the fact that State governments are required to balance only their operating budgets. Do not tell me that "ain't" so, because it is. The States are allowed to have separate capital budgets, which are excluded from the annual budget balancing requirement. A State may be required to keep its operating budget in balance each year, but the budget with which it floats bonds for the construction of school buildings or highways and other capital investments is not required to be balanced each year. I know. I know that is the way the West Virginia Constitution operates. It does not require a unified budget as this amendment would or as the Federal Government does operate on a unified budget.

If such capital investment budgets were required to be balanced each year, as this amendment would mandate that the Federal Government do, the States in many instances would not be able to build schools and highways and bridges. Is that not so, Governors who may be listening? Is that not so, State legislators who may be listening? The capital budgets of States are excluded from the annual budget-balancing requirement of the State constitutions. Under this balanced budget amendment, however, the Federal Government would be forbidden to adopt capital budgeting, and this would gravely endanger our ability to purchase the kinds of public assets or make the kinds of public investments that are so critical to this Nation's future economy and to its future security.

The language of this first section of the amendment, if the amendment is ever adopted and ratified, will prohibit the Federal Government from purchasing capital assets and repaying the costs of them over time for the simple reason that it says that each year, the total outlays shall not exceed the total receipts; shall not exceed the total income of the Federal Government. Rather, the Federal Government would be required to pay for the entire cost of all these capital investments as they are purchased. I believe if the American people focus on this issue alone, it should be enough to convince them of the unwisdom of placing such a straitjacket on Federal budgeting into our Constitution.

But the proponents of the amendment will say, "Hold on. Hold on, Senator. This language allows a waiver of the budget balancing requirement." Sure enough, there is a portion of section 1 which reads, ". . .unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote."

So the two halves of this sentence do not match up. This sentence is classic doublespeak. Mr. and Mrs. America, that is exactly what we are doing here, engaging in doublespeak. It is a kind of "have it both ways" sentence—the kind of stuff that politicians are so proficient at crafting. On the one hand, we are saying that the Federal Government's spending shall not exceed its income, that it must live within its means, and that that concept is important enough to rivet into the Constitution of the United States. But in the very same sentence, without skipping a beat, the language also says that all that is so unless three-fifths of the whole number of each House waive that requirement.

So there is a requirement for a supermajority vote of three-fifths of each House to approve a waiver, and that constitutes minority control in each House, which is anathema—anathema—to the principle of majority rule, anathema to the democratic—small "d"—rule, the principle of majority rule, a cardinal principle of representative democracy. That is basic in this Republic. It means that a minority can block action. The requirement of a supermajority three-fifths vote is a prescription for gridlock. A majority of three-fifths would be difficult to get on a politically charged vote of this kind where partisanship would rear its ugly head. What would happen, then, when the President's advisers tell him late in a fiscal year, or at the beginning of the next fiscal year, that despite previous estimates to the contrary—or if it is the last of October, in the next fiscal year—there was a substantial deficit and that Congress has not been able to produce the necessary three-fifths vote in each House to waive the requirement set forth in section 1 for a balanced budget.

The clock is ticking. The fiscal year is running out. And a deficit looms large, large on the horizon. The President's advisers tell him he is constitutionally bound to balance the budget.

Now, Mr. President, those Senators didn't do it. They could not muster the three-fifths vote to waive that provision in section 1.

The President is, therefore, told to impose the necessary cuts in spending for the remainder of the fiscal year in order to achieve budget balance. He has no choice.

At this late point, during any fiscal year, what could the President do? He would have no choice but to make arbitrary cuts in Federal spending, which could mean a reduction in payments to which many citizens are entitled under the law. Among the programs for which monthly checks are issued by the U.S. Treasury are Social Security benefits, military and civilian retirement benefits, veterans benefits—hear me, veterans—veterans benefits, payments for Medicare and Medicaid, and payments to contractors. To those who say that your Social Security check, or—veterans, lend me your ears—your veterans pension, or your military or civilian retirement checks are safe under this constitutional amendment, I can assure you that they are not. Moreover, it is highly likely that the judiciary will find itself embroiled in yearly budget decisions.

I see in this committee report these words on page 23—words in the committee report that comment on section 6 of the amendment:

> The provision precludes any interpretation of the amendment that would result in a shift in the balance of powers among the branches of Government.

How can any committee report say, with any authority that is dependable authority, that the provision precludes any interpretation of the amendment? Is that not what the committee report said? "The provision precludes any interpretation of the amendment. . ." That is saying to the courts, Mr. Justice, your court is precluded from interpreting the amendment in any way that would result in a shift of the balance of powers among the branches of Government. How much is that piece of paper going to be worth? Yet, a committee report says it. "The provision precludes any interpretation of the amendment that would result in a shift of the balance of powers among the branches of Government."

The President impounds the moneys. He feels he has to impound them. He has to stop the checks. He has to put a halt on the mailing of the checks. He impounds moneys. Does that constitute a shift in the balance of powers between the legislative and executive branches? And, Mr. Proponent, are you going to tell me that the courts will abide by this committee language here, that they will feel bound by this committee language, they will be "precluded"? That is what this language says, that "the provision precludes any interpretation of the amendment that would result in a shift in the balance of powers among the branches of Government."

Let me also say at this point that section 1 of the amendment is a hollow promise. It says the budget shall be balanced, but it does not say how the budget must be balanced. It does not say how the deficits shall be reduced. Where are the proponents? This is what I have been waiting to hear. I am opposed to this constitutional amendment. I want someone to tell me and to convince me and prove to me, by their written words, that I am wrong, that I am not reading these sentences correctly, that they don't say what I have said they say. I want someone to show me that I am wrong.

It does not say how or where to cut Government spending. It does not say how or whether revenues should be increased. There isn't a proponent of the amendment that I have heard stand on the floor and say, "This is how we are going to make this section work. We are going to have to raise taxes." I haven't heard a proponent stand up on this floor—not one—and say the President's proposed tax cut is going to have to be forgotten, or that the tax cuts proposed by the Republican Party—the GOP, the Grand Old Party—are going to have to be forgotten. Not only should we not have the tax cuts—I say we should not cut taxes. Here is one Senator who, if I were a proponent of this amendment, I would say, well, I am against cutting taxes. I believe we ought to balance the budget. I believe we ought to wipe out these deficits. But this language does not say how or where to cut Government spending. It does not say how or whether revenues should be increased. And all of the Republicans, in 1993, stated that the reason they did not vote for that budget balancing package—which worked—most of them used the excuse that it increased taxes. That may be what we will have to do again. But the language in this amendment doesn't say whether revenues should be increased.

But never mind, the proponents of the amendment have provided an escape hatch right in the amendment itself. Take a look at section 6.

Section 6 states, "The Congress shall enforce and implement this article by appropriate legislation * * *" There is nothing new about that. Congress has the power now, working with the President, to balance the budget. But this amendment says, "The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts."

I hope that the new Members of the Senate will pay close attention to this language. I can understand that when new Members come here, they haven't had any experience with the terminology or the Federal budgets, with the estimates of revenues and outlays from year to year, and how those estimates have been off. I can understand that. So I can forgive new Members. But I hope they will listen. Section 6 states that, "The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts." This is the Achilles' heel of the balanced budget amendment to the Constitution.

I especially would like the proponents of this amendment to come over here and defy what I am saying about section 6 of this constitutional amendment.

While section 1 is the core of the amendment, because it says that the budget shall, not may, but shall be balanced every year, section 6 in the very same amendment says that we don't really have to balance the budget as section 1 would require. The proponents of this amendment are telling us in section 6 that they are just kidding in section 1 when they say that the budget must be balanced. In section 6, they are saying, "We don't really mean it, Mr. and Mrs. America." In section 1, the amendment says that "outlays shall not exceed receipts" in any fiscal year, but section 6 says only that estimates of outlays shall not exceed estimates of receipts in any fiscal year.

So, if this amendment is adopted, the sacred document of the Constitution will say, in no uncertain terms, in section 1 that Congress shall balance the budget every year. But just read a little further, and the Constitution of the United States will say, forget section 1, Congress doesn't really have to balance outgo with income, doesn't have to balance outlays with receipts. All we have to do is just rig the estimates, so that estimated spending will not exceed estimated income for any given fiscal year.

Isn't that what this says?

Section 1, therefore, makes the entire balanced budget proposal as phony as a $3 bill. Better still, phony as a $2.50 bill; phony. If the escape hatch is used, we will be right back where we have been so many times in the past, balancing the budget will be smoke and mirrors, and anyone who can read the English language knows it. Because there it is as plain as the nose on your face: "The Congress shall enforce and implement this article"—meaning the constitutional amendment to balance the budget—"by appropriate legislation, which may rely on estimates of outlays and receipts." Section 6 makes this proposed constitutional amendment a fraud; a fraud. I shall have more to say about section 6 at another time, but I will say this much: I say it makes the amendment a fraud.

Let the proponents read what the committee report says about section 6. Let me read from the committee report. Page 23 of the committee report: "The Congress shall enforce and implement * * * creates a positive obligation on the part of Congress to enact appropriate legislation to implement and enforce the article." Then the committee looks at the words "which may rely on estimates of outlays and receipts."

The committee report goes on to say this: "Estimates"—the word "estimates"—"means good faith, responsible, and reasonable estimates made with honest intent to implement section 1." The committee knows that it is providing a loophole that is large enough for Atilla to drive his 700,000 horsemen through, large enough for Tamerlane, large enough for Amtrak—because it says in the first section the budget must be balanced, the budget shall be balanced; outlays may not exceed receipts.

Then it comes along in section 6 and says, "Well, we don't really have to do that; don't really have to pay any attention to that language. What we really mean is that the estimates of outlays shall not exceed the estimates of receipts. And the record will show, as I will on another day, that it is impossible for the estimates—insofar as the record is concerned, it has been impossible for the estimates to balance or to come out as stated. It is impossible for anyone to estimate what the revenues are going to be. It is impossible for anyone in this Government to estimate what the revenues will be. It says, well, estimates really mean good-faith, responsible, and reasonable estimates.

What is meant by "good faith"? How do we know when they are "good faith" estimates? How do we know when they are "responsible" estimates? How do we know when they are "reasonable" estimates? How do we know when those estimates are made with "honest intent"? We have seen the numbers "cooked." David Stockman was the Director of OMB during the early years of the Reagan administration. The numbers were "cooked," and David Stockman said so. So they were rigged.

The committee goes on and says, "This provision gives Congress an appropriate degree of flexibility"—you bet it does —"in fashioning necessary implementing legislation. For example, Congress could use estimates of receipts or outlays at the beginning of the fiscal year to determine whether the balanced budget requirement of section 1 would be satisfied so long as the estimates were reasonable and made in good faith. In addition, Congress could decide that a deficit caused by a temporary, self-directing drop in receipts or increase in outlays during the fiscal years would not violate the article."

This is the committee report I am reading from, and it is talking about section 6 in this constitutional amendment. The language goes on to say in the committee report: "Similarly, Congress could state that very small or negligible deviations from a balanced budget would not represent a violation of section 1." How much is "small"? How much is "very small"? What would be a "negligible deviation"?

We have a $1.7 trillion budget. Let us say that the deviation is $50 billion. Is that "small"? Is that "very small"? Let us say the estimate only missed it by $50 billion. That is $50 for every minute since Jesus Christ was born. Is that small enough? It is only 3 percent of the total budget, $50 billion. As a matter of fact, you can make it $51 billion of a $1.7 trillion deficit. It would only be off 3 percent. Is that "negligible"? Is that small enough?

It goes on to say: "If excess of outlays over receipts were to occur, Congress could require that any shortfall must be made up during the following fiscal year."

Now, this is the committee report explaining the amendment. And that is shilly-shally. That is what the committee report says. I did not say it. Section 6 provides the loophole, it provides the way out, the way to get around section 1 in the amendment, the way to get around this balanced budget amendment. I will have more to say about that section at a later time.

Now let us look at section 2 of the balanced budget amendment. Section 2 states, "The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote."

In practical terms, what this section means is, again, if a minority in the Congress decides that they do not want to go along with the policies of the majority, they can put this country into default on its debt. If the United States ever defaulted on the payment of its debt, that action would send the world financial markets into utter chaos. This is the same as any family's filing for bankruptcy. Forget about ever getting another mortgage on the home or another automobile loan. Any lender, knowing that you have already skipped your payments and gone bankrupt, is going to charge you an exorbitant rate of interest on your next loan, that is, if you can ever get another loan.

Failure to raise the debt limit or ceiling, when required, would have far-reaching effects on the U.S. Treasury's ability to pay Social Security and veterans' pensions and other obligations, and the Nation's creditworthiness would be destroyed. Millions of people depend on Federal payments, including employees, pensioners, veterans, investors, contractors, as well as State and local governments. If the debt ceiling is reached and the necessary supermajority vote of both Houses is not achieved, all of these payments must be stopped.

The fact is that over the last 16 years, there have been 30 occasions when the Congress has voted to increase the debt limit. And yet, on only 2 of those 30 occasions have we met the three-fifths requirement of this balanced budget amendment. It is not going to be easy. A minority will have many opportunities to play politics with this phraseology in this amendment. Only on 2 of those 30 occasions have we met the three-fifths requirement for this balanced budget amendment. On the other 28 occasions, less than three-fifths of the whole number of both Houses voted by rollcall to provide the necessary increase in the debt limit.

I have seen the occasion arise many times when this party or that party, one party or the other, will play politics with this language. I have seen situations in which the Democrats laid back, would not vote for an increase in the debt limit. They would make the Republicans do it. And I have seen the occasions when the Republicans would lay back and not vote to raise the debt ceiling, make the Democrats do it.

One particular instance comes to mind. This is just an example:

"On Friday, October 12, 1984, the 98th Congress adjourned after the Senate, in a final partisan political battle, narrowly approved an increase in the national debt ceiling to $1.82 trillion. Senate Republicans cleared the way for adjournment when, without the vote of a single Democrat"—I was the minority leader—"without the vote of a single Democrat they," meaning the Senate Republicans, "approved an increase in the national debt ceiling. 'There will be no more votes today,' said Baker," meaning Howard Baker, "as he smiled broadly. 'There will be no more votes this session. There will be no more votes in my career.' His Senate colleagues and spectators in the galleries came to their feet to give the Tennessee veteran a roaring ovation as he sat in his front-row seat. Baker joined in the light laughter saying, 'Frankly, I first thought that applause was for me. But then I realized that it was for sine die adjournment.'"

"Following the vote on the debt limit, Senator DANIEL PATRICK MOYNIHAN said, 'For 4 years, Republicans have always made us Democrats pass a debt limit. Then they campaigned against it. Now it's their debt limit. Let them pass it.'"

So those are the games that were played, and they will be played again.

Section 3 of the amendment is as follows: "Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the U.S. Government for that fiscal year, in which total outlays do not exceed total receipts."

So this section means then that the President of the United States must send a balanced budget to the Congress before each fiscal year even though during a recession the President may deem it advisable to recommend a fiscal deficit in order to help get the country back on its feet. That will happen from time to time. The language of section 3 would preclude his doing so. He is not supposed to recommend a fiscal deficit. He is required by the constitutional amendment to recommend a balanced budget.

Notwithstanding this requirement, however, a President's Office of Management and Budget could "cook the numbers," as was done during the administration of President Reagan. Didn't David Stockman say so? That is not just ROBERT BYRD talking. They cooked the numbers to reflect whatever income and spending numbers the administration wanted. And they can do it again. They will do it again—cook the numbers.

The President's budget could, for example, forecast that the economy will grow faster than it really will grow, and therefore would take in more tax revenues; or the administration could forecast that interest rates would be much lower than most economists predict, or that unemployment would drop during the upcoming budget year, thereby causing the budget to be in balance. Cook the numbers.

In short, the President and his staff can, as we have seen in the past—don't say, "It ain't so," because it is—come up with any number of rosy scenarios in order to make the numbers balance. Consequently, simply telling the President of the United States that he must send a balanced budget to the Congress does not in fact get us any closer to balancing the budget. The American people will again be treated to "make believe," "Alice in Wonderland" budgets while we politicians just keep on playing the same old shell game in ways that will fool the American public.

Section 4 reads:

> No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

What the proponents of this amendment are doing is making it more difficult for Congress to close tax loopholes—to get rid of what are called tax expenditures. Mr. President, that little piece of the economic pie amounts to about $500 billion in lost revenues every year. This is not to say that all of these tax writeoffs are bad policy. Certainly the mortgage interest deduction has allowed many more Americans to own homes than may have otherwise been the case. So, many of the writeoffs are wholesome and healthful for the economy. But, at same time, some of these writeoffs are simply tax loopholes which, like leeches, suck the blood from the economic body politic.

No one likes to raise taxes, but it is something that has to be done, and for 208 years, Congress has been able, by a simple majority vote in both Houses, to increase revenues. It does have to be done, from time to time, no matter how much we may dislike having to vote to do it. Yet, this section would require a kind of "floating" supermajority in both Houses in order to increase revenue. Let me explain this term which I have invented. For over two centuries, the Constitution has required only a simple majority in each House to raise revenues. For example, let us say that there are 90 Senators present and voting on a measure to raise taxes. Up to this point, a simple majority, just 46 Senators of the 90, could pass the bill. Under this proposed constitutional amendment, with 90 Senators voting, 51—51 Senators, not 46; 51 Senators, or five more Senators than a simple majority—would be necessary.

Now, depending upon what day of the week, what hour of the day, of course, a supermajority of five votes would be necessary rather than a simple majority of one vote. But let us say that 80 Senators are present and voting. A simple majority would require 41 Senators to pass the bill. With this new constitutional amendment in place, at least 51 Senators would be required—or 10 more votes than is presently required. Hence, a supermajority of 10 in that hypothetical case would be necessary. And so on. If 70 Senators voted, ordinarily 36 Senators could pass the bill. But under this constitutional amendment, 51 Senators would be required, or 15 additional Senators over and above a simple majority; a supermajority of 15. So it is a "floating supermajority." This is why I refer to it as a "floating supermajority." It floats, or changes, depending upon the number of Senators present and voting, so that if the supermajority of five votes is necessary to pass the tax bill on a Wednesday, let us say, a supermajority of 10 votes or 15 votes may be necessary if the passage of the bill should occur on Thursday or Friday. It could be 9 o'clock in the morning in one case and 4 o'clock in the afternoon in the other. So it would fluctuate. It is not an exact number. It will float from day to day and from hour to hour, depending upon the clock and the calendar.

Section 5 states:

> The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

Mr. President, Congress does not always declare war anymore. Even when it does declare war, the declaration may not necessarily be lifted when the shooting stops. Congress declared war against Germany in 1941. Not very many Americans, and not all the Members of the U. S. Senate, perhaps, realize that this declaration of war existed until September 28, 1990. Consequently, if this constitutional amendment to balance the budget had been a part of the U.S. Constitution during that period, the Congress could have waived the balanced budget requirement every year for almost a half century—because a declaration of war was "in effect," technically.

So, here again, this section requires a "floating" supermajority, as did section 4, in order to receive the necessary approval by both Houses of Congress.

If the Nation is not engaged in a conflict that causes an imminent and serious military threat to national security, then a three-fifths majority would be required to waive the amendment for national security reasons. I would like to remind my colleagues just to think back with me to the 1990–1991 timeframe and recall President Bush's military buildup in the Persian Gulf. Prior to the actual Desert Storm engagement, a very expensive military buildup was necessary to provide the materiel and the personnel to conduct that conflict. Under this constitutional amendment, should a similar situation arise, the President would be required to achieve a three-fifths majority of both Houses in order to enact into law a waiver under section 1 because the waiver under section 5 would not be applicable, in that we would not be "engaged" in a military conflict; we are just getting ready for one. We are just rolling up our sleeves. We are just preparing. We are getting things all lined up, but we are not actually in a military conflict. But that has to be done because you cannot provide the materiel, the equipment, the engines of war just overnight. Furthermore, under section 5, a three-fifths majority could be required to increase military spending to deter aggression, provide military aid to our allies, or to rebuild forces after a military conflict.

Until such a three-fifths majority is achieved, what happens to the Nation's defenses? What happens to our national security? Will our allies be able to count on the United States to stand shoulder to shoulder with them if a necessity for such should materialize in the future?

Will they have any confidence that the United States will act? They have to be more confident than I am confident that the three-fifths vote would be here in this Senate.

Section 7 states:

> Total receipts shall include all receipts of the United States Government except those derived from borrowing.

"Total receipts shall include all receipts of the United States Government except those derived from borrowing."

> Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

Under the definition of section 7, Social Security checks and veterans benefits, veterans pension checks, Medicare reimbursement checks—they are outlays. Does anyone dispute that? Those are outlays. The senior citizens of this country and the veterans of this country are being asked to accept on blind faith the fact that their Social Security checks or their Medicare benefits will be secure if this constitutional amendment is adopted here and ratified later by the requisite number of States.

They are being told—Social Security recipients are being told, the recipients of veterans checks are being told—that even though the Social Security trust fund is not specifically exempted from the balance mandate, they have no need to worry, because Congress is on record as agreeing to balance the budget without touching the fund.

The Balanced Budget and Emergency Deficit Control Act of 1985, commonly known as Gramm-Rudman-Hollings, placed Social Security off budget beginning in 1986. This legislation, with its protections for Social Security, passed the Senate by a vote of 61 to 31 with a strong bipartisan majority. The Budget Enforcement Act of 1990 reinforced these earlier protections for Social Security by placing it even more clearly off budget. What the American people are not being told by the proponents of this amendment, however, is that a mere statute—a mere statute—protecting Social Security is subordinate to the Constitution of the United States, which is the supreme law—the supreme law—of the land. It will top, it will trump any statute. The supreme law. Here it is, the Constitution of the United States. Tops any statute.

Nor would the good intentions of the present Congress be binding on future Congresses. I say to the veterans and to the senior citizens of our country, be on your guard. If this proposal becomes a part of the U.S. Constitution, your checks—your checks—will be at risk of being reduced in the future.

Finally, Mr. President, section 8 says:

> This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.

Which means simply that it can't take effect prior to fiscal year 2002. So those of us who are up for reelection in the year 2000 could, if it was our desire, vote for this amendment, go on home, sit in the old rocking chair, and just rock away, because the hammer isn't going to fall on me. This thing will not go into effect until 2002, at the earliest.

What does that mean? That also means that Members of the House and Senate will be relieved of the pressure until 2002. So we can just go on our merry way. It will all be taken care of, it will all become automatic, this is self-enforcing, it's automatic. The sky is falling; the debt is bad; the deficit is terrible; just vote for the constitutional amendment to balance the budget; it's just that simple.

This section amounts to nothing more than a feel-good section. What this is saying is that we can wait to actually balance the budget. We do not need to do it now, Mr. President. This year of 1997 may well be the most opportune time in many, many years to achieve a balanced Federal budget. The President has submitted a budget that is projected to balance by the year 2002. We have already made substantial progress toward that end. The deficit has already been reduced over 60 percent in the last 4 years. It is time to finish the job that we started 4 years ago and enact legislation that will achieve a balanced budget by 2002, not wait until 2002 to start to balance the budget.

So, Mr. President, when looked at in its entirety, this proposed constitutional amendment amounts to nothing more than constitutional flimflam, constitutional pap. If it is adopted, we would have turned majority rule on its head and replaced it permanently with minority rule. And in the meantime, we will have perpetrated a colossal hoax—h-o-a-x—on the American people, and our children will have been robbed of their birthright to live under a constitutional system of checks and balances and separation of powers.

We have all heard the moaning and groaning, the shedding of tears about our children, how they are going to bear the fiscal burden that has been placed upon them. I share that feeling. I voted for the package in 1993 that reduced the Federal deficit by $500 billion, something like that, $500 billion, which has resulted in four consecutive years of reduced deficits.

I voted for that. No Senator on that side of the aisle can say that he voted or she voted for that. They will say, "Well, the reason I didn't is because it increased taxes." Well, that may be part of the pain that we will have to undergo to relieve that burden from our children's backs.

I do not think the President should be advocating tax cuts now. I do not think that the GOP, the grand old party, should be advocating tax cuts at this time. Forget about the tax cuts and relieve the burden on our children's backs by that much.

I am concerned too about my grandchildren and my great grandchildren and their children, that they will not live under a Constitution such as that which was handed down to us by our forefathers.

But let me remind my colleagues who may be listening, let me remind the American people who may be listening, this amendment does not require that the budget be balanced. It does if we only look at section 1. But when we look at the amendment in its entirety and go down to section 6, we realize full well that it does not mean that. We are only required to balance the estimates, the estimates of revenues, the estimates of outlays. So what this amendment does is require us to balance the estimates.

Mr. President, I am reminded of Plato's Allegory of the Cave. In his "Republic," Plato, in a dialogue with a friend, speaks of human beings living in a cave, with their legs and their necks chained so that they can only look toward the rear of the cave. They are prevented by the chains from turning around, from turning their heads toward the entrance of the cave. And above and behind them is a fire blazing, causing shadows to appear on the walls of the cave, the shadows creating strange images that move around the walls, as the flames flicker and as men and objects pass between the fire and the human beings who were chained. The den has an echo which causes the prisoners to fancy that voices are coming from those moving shadows.

At length, one of the human beings is liberated and compelled suddenly to stand and turn his neck around and walk toward the cave's entrance, walk toward the light at the entrance. As he is compelled to move toward the cave's opening, he suffers pains from the light of the Sun and is unable to see the realities, unable to see the realities of which in his former state he had only seen the shadows. He even fancies that the shadows which he formerly saw were truer than the real objects which are now revealed to him.

He is reluctantly dragged up a steep and rugged ascent until he is forced into the presence of the bright noon day sun and he is able to see the world of reality.

Mr. President, as I listened to my colleagues who are proponents of the balanced budget amendment, I hear them year after year urging support of a constitutional amendment, and they use the same old arguments year after year. They must be getting tired of hearing those arguments over and over. I know I am tired. They seem never to view the amendment with reality but always with their backs turned toward the light and their faces turned toward the darkness, as it were, of the rear of Plato's allegorical cave. As in his Allegory, they seem to be impervious to a realistic view of the amendment, but continue to insist that it is really the elixir, the silver bullet, and they seem to resist holding it up to the light but prefer, instead, to concentrate on its shadows, its feel-good platitudes.

I view the amendment as a flickering, unrealistic image on the walls of the cave of politics. Most of the proponents of the amendment are unwilling to take a look at the amendment, section by section, phrase by phrase, clause by clause, and word by word, preferring to live with the image that has so long been projected to the overwhelming majority of the American people by the proponents of the amendment. It is a feel-good image that will not bear the light of scrutiny, and the echoes that come back from the walls of the cave of politics are the magic incantations that we hear over and over and over again in this so-called debate—"vote for the amendment"—which really is not a debate at all. It has not been thus far. Maybe it will become one. If it were a debate, the proponents would be on the floor, even now, challenging the conclusions that I have drawn and expressed and telling me that I have not been reading the amendment correctly—"No, the amendment does not say that," they should be saying—in which I have proclaimed it to be a fraud.

Elijah smote the waters of the Jordan with his mantle and the waters parted, and he and Elisha crossed over the Jordan on dry land to the other side of the Jordan. I have seen that old river of Jordan, one of the great rivers of the world. I thought it was going to be a wide, deep river. Not a wide river. Not a deep river. Some places it might be 2 feet deep, that great old river of Jordan.

I bet my friend here sings songs about that old river of Jordan.

On Jordan's stormy banks I stand,
and cast a wishful eye
To Canaan's fair and happy land
where my possessions lie.

So Elijah smote the waters with his mantle and the waters parted, and he and Elisha crossed over on dry land to the other side of the Jordan. This constitutional amendment will never be the mantle that will part the waters of political partisanship and divisiveness, "cooked numbers," and doctored estimates so as to provide a path across the river of swollen deficits to the dry land of a balanced budget on the opposite banks of the stream. Where are those who will challenge what I have said about section 6, who will say that I am wrong about this amendment's unworthiness of being placed in the Constitution, who will cite the errors of my argument and explain to this Senate the amendment, section by section, and explain why this amendment will work, how it will work, where the cuts will be made, and how the revenues will be increased. All of these good things do not just happen once the amendment is added to the Constitution.

If this amendment is the panacea that so many in this body claim it to be, then certainly it could stand the scrutiny of point-by-point, section-by-section debate. It is flawed, as I believe, and if it is flawed, as I believe, we must dare to hold it to the light and expose it. The American people should not be sent such a far-reaching amendment without an exhaustive discussion of the havoc that it could create.

This is not a campaign slogan—"pass the balanced budget amendment." It is not a Madison Avenue jingle designed to sell soap. Why not just put it on the bumpers of our automobiles as a bumper sticker—"pass the constitutional amendment." This is an amendment to the most profound and beautifully crafted Constitution of all time. And we owe the American people the best, most thorough debate on its provisions of which we are capable as lawmakers and as their elected representatives.

Let us all come out of the cave and not fear or shrink from the bright rays of the Sun on the language of this amendment.

AMENDMENT NO. 6

(Purpose: To strike the reliance on estimates and receipts)

Mr. BYRD. Mr. President, I ask unanimous consent I may offer an amendment at this time and that it be laid aside pending the consideration of other amendments that may have been introduced already.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I shall read the amendment:

On page 3, strike lines 12 through 14 and insert the following:

Section 6. The Congress shall implement this article by appropriate legislation.

Mr. President, that does away with balancing by estimates.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 6.

On page 3, strike lines 12 through 14 and insert the following:

"SECTION 6. The Congress shall implement this article by appropriate legislation.

Mr. BYRD. Mr. President, I will be happy to consider a time limit on this amendment and vote on it on a future day. I am agreeable to trying to work out a time limit at some point. I just offer it today so that it may be made part of the RECORD and may be printed and that we may, then, with this understanding, return to it at a future day.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the distinguished Senator from West Virginia has done a service to this body, as he has for so many years in so many different issues at so many different times.

In part of this debate over the last 2 days, I have on more than one occasion urged the proponents of this constitutional amendment to step up to what I call the Byrd challenge. I know the distinguished senior Senator from West Virginia knows that I say that most respectfully because when the distinguished Senator from West Virginia lays down a challenge on a constitutional issue, every one of us, Democrats or Republicans, should pay attention because what he is doing is challenging the U.S. Senate to rise above politics, rise above polls of the moment, but to stand up for our Constitution for the ages. Polls come and go. Polls change. The Constitution stands for the ages.

I think of the vote as the war clouds gathered in Europe before World War II, the vote to extend the draft, I believe it was by one vote. Those who voted to extend the draft cast a very unpopular vote for the most part. Where would democracy be today if they had not had the courage to step beyond the polls of the moment? Look at the Marshall plan. I remember former President Nixon telling me that he remembers 11 percent of the people in this country were in favor of the Marshall plan, but if Harry Truman had not had the courage to push forward and had not Members of this body and the other been willing to stand up, we would not have had the democracy stand where it does today.

If this great country, the greatest democracy, the most powerful economy, the most powerful Nation in history, hamstrings itself into something in the Constitution where it cannot reflect basic economic realities, those of us who succumb to the passing moments of a poll may regret, and our children may regret, that we did not listen to the Byrd challenge.

I repeat what I said before many times, the Byrd challenge is here. I ask proponents of this constitutional amendment to focus on the words of this proposed amendment, explain what they mean, explain how this proposed constitutional amendment will work. Senator BYRD has explained this amendment word by word, section by section, phrase by phrase, and what he has done is asked the obvious questions—what does it mean?

Mr. President, we are in this Chamber, the Chamber that shows respect for silence, for the silence is thundering in response to the distinguished Senator from West Virginia, because there has been no response to his question, what do these phrases mean, what do these words mean, what do these sections mean?

Mr. BYRD. Would the distinguished Senator yield?

Mr. LEAHY. I am happy to yield to the Senator.

Mr. BYRD. I thank the distinguished Senator. I hope that Senators will look carefully at section 6 of the proposed constitutional amendment and that they will also look very carefully at the words of the committee report, which deals specifically with section 6. The distinguished Senator from Vermont is on the Judiciary Committee. He wrote some differing views from those of the majority of the committee, and they are printed in the committee report. But inasmuch as my amendment strikes most of section 6, I hope that Members—and I particularly call to the attention of new Members of the body, section 6 and the language in the report which provides the loopholes that will give us all a way out of having to live up to this constitutional amendment give us a way out of having to balance the budget, in the event that it is adopted by both Houses and ratified by three-fourths of the States.

I thank the distinguished Senator from Vermont.

Mr. LEAHY. I thank the distinguished Senator from West Virginia. I close only with this: None of us in this body owns a seat in the U.S. Senate. We are privileged and honored to serve here at the time we are here, and then we go on. But our Constitution does own a place in our country. It has been amended only 17 times since the Bill of Rights. We should never rush pell-mell into an amendment to this Constitution without thinking through the consequences.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I think it is important for the American people to know how significant and important this debate is on the constitutional amendment to balance the budget. I served 16 years in the House of Representatives and am now in my third year in the U.S. Senate. Some have argued that when we debate this amendment, we are hearing the same old argument over and over again. That is true, because we have the same problem year in and year out. That is why those of us who support a constitutional amendment feel so strongly about the necessity to have this amendment in the Constitution of the United States because it will ensure stability and security for the future of this country and for our children and our grandchildren.

Having served in this overall institution for 19 years now, we have heard the debate on the constitutional amendment. This is about our eighth time in either the House or the Senate, or both, that we have been debating this issue. Guess what? Each and every time we have heard the same arguments over and over again as to why we don't need a constitutional amendment, that it is not necessary, that we can do it on our own, that if only we had the will or the discipline, we could enact a balanced budget, that it is simply not necessary. Well, if that was the case, why then don't we have a balanced budget? Why is it that we are still trying to enact a balanced budget? Why is it that we are still trying to reach an agreement with the President of the United States on a balanced budget?

The President said the other day in his State of the Union Address, "We don't need to rewrite the Constitution of the United States. All we need is your vote and my signature." Well, we gave him our vote on a balanced budget. It was submitted to the President of the United States last year. Guess what? We didn't get his signature.

That is the problem. We can all have our disagreements about the particulars. But in the final analysis what is required in a balanced budget amendment is that you have to agree to the bottom line. There is a bottom line. What this amendment says is that total outlays will not exceed total receipts in any fiscal year. I know that is a concept that is difficult to understand in this institution because it is nothing that we have ever been required to do. What we feel is important to the security interests of this country is to ensure that we have balanced budgets in perpetuity.

Almost every State in the country is required to have a balanced budget. Yes. Most of them are required to balance their budgets because of a constitutional amendment in their State constitution, like my State of Maine. My husband served for 8 years as Governor. Believe me, they didn't argue with particulars of the constitutional amendment. They understood what they had to do because they took an oath of office as each and every one of us does in the U.S. Senate and the U.S. House of Representatives. We are required to uphold the Constitution of the United States as each and every Governor is required to uphold their State constitution.

So what they did in good faith is reach an agreement on a budget, and in their case a biennial budget. Yes, if their estimates were wrong, they made adjustments. Their constitutions are not prescriptions for perfection. It is an attempt to comply with the constitution. That is what the Governors and the State legislatures do all across the country. If their estimates are wrong, if their projections for interest rates, unemployment rates, or inflation rates are wrong, they make adjustments throughout the year or at the end of the year, because they understand they are required to balance the budget.

So, I find it sort of nothing short of extraordinary that we sit here and argue, "Well, this amendment is providing too much flexibility because we are relying on estimates." Yet, on the other hand we are facing numerous challenges and propositions to a constitutional amendment to balance the budget that would enhance our flexibility because there are those who argue, from across the aisle and other opponents, who say, "Well, a constitutional amendment is too restrictive, we can't respond to circumstances such as recessions or downturns of the economy, a national economic emergency of some kind." So we are getting it from both sides—from those who say it is too restrictive and other opponents who argue saying it isn't restrictive enough. That is the problem here. Because in the final analysis, if we are truly interested in ensuring that we balance our budget, I suggest that we could overcome our institutional opposition by passing a constitutional amendment to balance the budget.

As I have said in the past to those who argue that, "Well, it is just really a gimmick," if there was a gimmick, Congress would have passed it long ago because Congress loves gimmicks. But this constitutional amendment isn't a gimmick. It is an attempt to put our fiscal house in order.

It is interesting. We get this coming and going, if you listen to the debate. We have charts that show declining deficits. But what about the charts that show the deficits moving up beyond the turn of the century and even before that time? We will be required in the year 2002 alone to reduce the deficit to balance the budget by $188 billion. But the opponents will not tell you about the deficits in future years that will double and triple—double and triple. In the year 2025 alone, the deficit will be in that one year alone $2 trillion. You know 2025 isn't that far away, if you think about your children and your grandchildren and the staggering debt that they will be required to assume because we are just passing it on.

In fact, if we do not manage this debt, the next generation will be required to pay an 82-percent tax rate and see a 50-percent reduction in their benefits. And that is a fact.

Are we not required or obligated to address that question? An 82-percent tax rate and a 50-percent reduction in benefits. That is what we are leaving to the next generation. I know I and others as strong proponents of this amendment share a true responsibility to begin to address this question. I would like to think that we have faith in this institution sufficient enough to know that this can happen. But it will not and it has not.

The last time we balanced the budget in the U.S. Congress was the same year that Neil Armstrong landed on the Moon. That is what these 28 unbalanced budgets on this desk represent. That is the point. Since 1950, we have only had five surpluses—five. In a century, practically speaking, 27 times. That is the track record. That is the historical track record.

Is that the gamble we want to take for the next generation? I say not. And that is why I am prepared to take the risk in terms of the interpretation of a constitutional amendment to balance the budget, because it is that important to our future. And so each and every time we hear everybody saying: "We can do it; it is important, I agree; we should have a balanced budget; we can do it on our own," just think for a moment. We have not had one since 1969.

The fact is we cannot even agree statutorily. We had that debate last year for a long time. In fact, a group of us on a bipartisan basis offered our own plan to try to serve as a catalyst for this debate. In fact, we received 46 votes. And I did not like everything in that budget, I have to tell you. But I was willing to agree to it because I thought the bottom line was that important. I do not doubt for a moment that it is difficult to reach an agreement among 100 Senators or 435 Members of the House, so a total of 535, plus the President of the United States. But there has to be some give-and-take in this process, some flexibility in order to reach the bottom line. Unfortunately, we have too much flexibility because we are not required to balance the budget. Oh, sure, we have some statutes, but Congress has long ignored those statutory requirements to balance the budget—long ignored them. That is why a constitutional amendment is so important.

I frankly think there is no greater issue, no issue more central to the economic future of our country as well as to our children and to our grandchildren than balancing the budget. I know the administration is touting an economic recovery, but I have to tell you there are not a lot of people in my State participating in a full economic recovery. Many people are feeling very anxious about the future, about their children's future. The overwhelming majority of Americans—in fact, some polls say as high as 88 percent—have said that they do not believe the next generation will achieve the American dream.

I say that is disheartening, and yet I can understand why people would feel pessimistic, because they know they are working hard to try to make ends meet, and they know their children will be working hard to make ends meet in order to maintain a decent standard of living.

We have heard, well, household income is up. But the real household income in America today is down below the levels of 1990 when we were facing a recession. And certainly my State and New England, California were the hardest hit regions in this country. But that is because there are more people working in the family today; they are having more jobs in order to make ends meet.

There was a cartoon last year showing the President touting the millions of jobs that had been created, and the waiter serving him lunch said, "Yeah, and I have four of them." That is the point. People are having to work longer and harder than ever before to make ends meet.

So then you look at the tax burden. We have heard a lot of discussion about taxes. The tax burden is high. It now represents 38 percent of a family's income—more than food, shelter, and clothing combined. So not only are people working longer and harder in more jobs, but also they are facing a rising tax burden.

Then we hear about economic growth, and we have seen the projections for the future—2.3, 2.1, 2.5, but the average projected growth for America in the next 5 years is about 2.3 percent. If we had had that growth rate for the last 30 years, we would not have achieved today's economy until the year 2003. We would have had 13 million fewer jobs in America.

The point is that this balanced budget is crucial to American families because it means more income in their pockets. That is the bottom line. That is the mathematics of it all, because the less the Government spends, the less it borrows, the more money American families will have in their pockets. That means savings to them. It means their car loans, their student loans, their mortgages will be less costly. That is a fact. In fact, all combined, they could realize a savings of $1,500 a year because interest rates will be less.

That is real money to the average American family. It is less money they have to give to their Government. It is more money that they have to spend. Frankly, that is what this debate is all about, how we can improve the standard of living for American families and begin to think about our priorities here in the Congress and the priorities for our Nation. But when you do not have to meet a bottom line like every family does in America, every business, every State, you do not have to think about what is a priority anymore. You do not have to think how well or efficiently or effectively we will spend the hard-earned taxpayers' dollars. We just do not have to think about it because we can just incur deficits year in and year out. Even the President's budget that he submitted to the Congress last week adds another $1 trillion over the next 5 years. And that is supposed to be a balanced budget.

That is what we are talking about. So that is why I happen to think a constitutional amendment to balance the budget is the only course of action that we can take to ensure prosperity for the future.

I know we can have our differences, but in the final analysis we ought to agree that this is the one step we can take. A balanced budget will be great for American families. It will be great for America because it will expand economic growth, and economic growth is the engine that drives a healthy economy. It will help to increase wages, create more jobs, unleash millions, billions of dollars in capital to allow this country to expand and to grow. I do not think we ought to accept budgets that compromise our economic standards, our economic opportunities, because that is what unbalanced budgets do. We are facing a very competitive future in this global economy. The American people understand that. They understand that, and they are worried because they are not certain how their children will be able to prepare for that competitive economy.

That is why education has become a central issue and a central part, I know, of our agenda here in the Senate, and a central part of the President's agenda—because we are going to have to prepare to make investments in education, not only for the basic education needs of Americans but also in continuing education so they are constantly prepared for the changes in skills and technology. But, in order to make those investments, we have to set priorities in our budgets. We have to have more money to spend. That is why I think balancing the budget and investing in education are not mutually exclusive goals; that you can be fiscally responsible but at the same time be visionary, be compassionate about the investments that we need to make as priorities for America. That is what a constitutional amendment to balance the budget will do, because it will require us to do it each and every year, to examine and reexamine our priorities and how well these programs are functioning.

We have an obligation to make sure that every dollar that is spent is spent wisely and efficiently. Under the current budget process, there is no such requirement.

John F. Kennedy once said, "The task of every generation is to build a road for the next generation." I cannot think of a more important road than the one that leads to fiscal security for future Americans. We have no less an obligation to ensure that, because never before has one generation delivered to the next generation a lower standard of living. But we are in danger of doing that now, and that is why I think it is so important that we grapple with reality and reach the conclusion that the only way we can ensure that prosperity and security for Americans is by enacting a constitutional amendment to balance the budget.

I yield floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I see several of my colleagues are waiting. I am only going to speak 6 or 7 minutes. Do I have to ask unanimous consent?

The PRESIDING OFFICER. The Chair will observe that at 1:30 the Senate will proceed, under the previous order, to the Dodd amendment for 4 hours.

Mr. GRASSLEY. I will just take what time is left.

Mr. DORGAN. If the Senator will yield for a question? Mr. President, the Senator indicated he wished to speak for 6 or 7 minutes. The Senator from North Carolina, apparently, wishes to speak for 3 minutes, and I had come to the floor wanting to speak also on the legislation.

I ask the Senator to propound a unanimous-consent request that he speak for 7 minutes, the Senator from North Carolina follow for 3 minutes, after which I be recognized.

The PRESIDING OFFICER. The Chair would observe that we would need unanimous consent to deal with the Dodd amendment, as to whether or not that time would be extended.

Mr. HATCH. Mr. President, I ask unanimous consent that time be taken out of both sides equally in the Dodd amendment, because I think we have more than enough time. If we need more time, we will ask unanimous consent to get more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I thank Senator HATCH very much for taking care of that, Mr. President. I appreciate that very much.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Senator from Maine had a very good statement that we all ought to take cognizance of, and that is based on her experience, being that her husband was Governor of Maine and they had to live within a balanced budget, year after year after year. It does force discipline upon policymakers. She gave an eloquent statement from that point of view, as well as a lot of other good reasons why we need a constitutional amendment to balance the budget.

FINANCIAL ACCOUNTABILITY AT DOD

Mr. GRASSLEY. I want to speak on a problem that I have been speaking about in the Department of Defense, but it also emphasizes the need for having a balanced budget, because the shenanigans that go on in the Defense Department would not go on if we had more discipline in this town in regard to the expenditures of taxpayers' money.

On January 28, I spoke here on the floor about irresponsible financial accounting policies being pursued over at the Department of Defense. This policy is the responsibility of the chief financial officer at the Pentagon. The person holding that position now is Mr. John Hamre, but it would be applicable to anybody holding this position. The chief financial officer is supposed to be tightening internal controls and improving financial accounting. That is exactly why we passed, in 1990, the Chief Financial Officer's Act. Mr. Hamre should be cleaning up the books at the Pentagon and watching the money like a hawk. If that had been the case, we would not need to have a constitutional amendment for a balanced budget, if we had been doing that properly over the last 25 years.

Sadly, the job is not being done. To make matters worse, the bureaucrats are pushing a new policy on progress payments that will loosen internal controls and cook the books. This new policy is embodied in draft bill language that was being circulated in the Pentagon for review as recently as January 30. I expressed my concerns about the new policy in my statement on January 28. In a nutshell, this is what I said then and it is still appropriate today:

I am afraid that this new draft language would subvert the appropriations process that is so key to keeping tight control on how the taxpayers' dollars are expended by the Congress of the United States.

I even alerted the chairman of the Appropriations Committee to the bad aspects of this language. The new language is not one bit constructive. It would not fix Defense's crumbling accounting system. It would merely condone and perpetuate crooked bookkeeping practices.

Since raising this issue here on the floor, I have exchanged letters with Mr. Hamre. I ask unanimous consent that correspondence be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNDER SECRETARY OF DEFENSE,
Washington, DC, January 29, 1997.
Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I was astounded yesterday to see that you went to the floor of the Senate to personally attack me. You made no effort to discuss your concerns with me either directly or through your staff. You did not contact me to ask me to explain my position on a draft proposal circulating within the Department for comment. And the "concerned citizen" you cite in your letter who provided this information has never contacted me. This was a Pearl Harbor attack, and I am very disappointed in it.

Frankly, we have done more in the past 3 years to clean up financial management problems in the Department than anyone else has done in the past 30 years. Secretary Perry deserves high praise for making this a priority. I have certainly dedicated myself to this task. You can ask any objective individual in town and they would tell you we have made enormous progress.

In the past 3 years we have closed over 230 inefficient accounting offices and consolidated them into new operating locations with improved business practices and equipment. We have closed over 300 payroll offices and transferred accounts from some 25 old outdated payroll systems into a new modern system with a 500 percent improvement in productivity. We have reduced problem disbursements by over 70 percent in 3 years. We have instituted new policies that freeze activity on accounts that are in deficient status, and I am forcing the Services to obligate funds to cover negative unliquidated obligations. We are prevalidating all disbursements of funds for all new contracts and have lowered the prevalidation threshold on existing contracts.

Yet without even offering to discuss the issue with me, you blast me from the floor of the Senate, claiming I am "ready to throw in the towel" on financial management reform. That is nonsense, and I am disappointed that you would suggest it. I don't blame you personally. I worked for the Senate for 10 years and I know how busy Senators are. I know that you are often given material by staff who represent the fact as correct. But it is disappointing that you would not even ask me to come over to discuss it with you. After you had heard my side, it would be perfectly fair for you to blast me if you still disagreed. But you didn't even ask me to meet with you.

For the record, the language which you criticized has nothing to do with the M account as you allege. It would not "thumb our nose" at the appropriations process or the law as you state in your speech. It would not pool funds at the contract level. This language merely clarified that progress payments are a financing device to lower borrowing costs. In their 40 year history, progress payments were never designed to do anything other than finance a contract. Every progress payment we make is linked directly to the source funds identified to the contract, and detailed audits are conducted before the contract is closed. We don't reimburse contractors for the full costs they incur precisely to guarantee that we don't overpay contractors. This language was designed to clarify a problem we have with progress payments. Progress payments cannot be linked to funding sources unless the acquisition community mandates that every contractor in the country change its accounting systems to accommodate DoD fiscal law prohibitions and invoice us in terms of congressional appropriation categories. That would not be good business sense and violates the underlying purpose of progress payments.

Next time, Senator Grassley, please contact me first before you attack me on the floor of the Senate. You actually set back financial management reform by your attacks because people pull back from actions just to avoid the criticism.

Sincerely,

JOHN J. HAMRE.

U.S. SENATE,
Washington, DC, January 30, 1997.
Hon. JOHN J. HAMRE,
Under Secretary of Defense, 1100 Defense Pentagon, Washington, DC.

DEAR JOHN: I am writing in response to your letter of January 29, 1997, expressing anger and disappointment about my recent speech on the floor of the U.S. Senate about the lack of "Accountability at the Department of Defense."

Your anger and disappointment seem to flow from one main source. You think I made no effort to discuss this matter with you before blasting you on the floor of the Senate. You state, and I quote:

"You made no effort to discuss your concerns with me either directly or through your staff. You did not contact me to ask me to explain my position on a draft proposal circulating within the Department for comment."

John, that statement is totally false, and I demand an apology.

As soon as the draft language on progress payments came to my attention, my staff contacted your personal office directly at 703-695-3237 to express concern about it. That was the very first thing we did. My staff was informed that you were out of the building on travel and to call Navy Captain Mike Nowakowski, one of your congressional liaison officers. That was done immediately. Initially, on January 14th, Captain Nowakowski reported that he could find no trace of the draft language on progress payments but indicated that he would keep looking. At that time, my staff communicated my grave concerns about the proposal in detail, including a warning that I would go to "battle stations" if this language was, in fact, under active consideration. When Captain Nowakowski was unable to locate the language, I was able to obtain a copy elsewhere. My office faxed the document to him at 4:03 pm on January 14th. During a subsequent conversation on January 22nd, Captain Nowakowski confirmed that the language was indeed under review within the department. He also told me that he had personally briefed you on all my concerns.

John, those are the facts. The facts show that I did everything humanly possible to communicate my concerns directly to you. Your letter is out of line and inconsistent with the facts.

Furthermore, I believe Captain Nowakowski is telling the truth. He briefed you in detail about my concerns. He made that statement on January 22nd and reconfirmed it again this morning. I shared my concerns with you—as best I could through that unresponsive and cumbersome bureaucracy that is your office. So why did you say I made no effort to discuss my concerns with you either directly or indirectly through my staff? And why didn't you react and respond to my concerns? You should have called me and asked to see me. My door is always open to you.

John, you know that when I am disturbed about some development at the Pentagon, I usually go to the floor and talk about it. My staff informed one of your other congressional liaison officers—"Hap" Taylor—that I was planning to do exactly that. When I do it, it is usually an unpleasant experience for some. But it's unpleasant only for those who fail to be responsible and accountable for the taxpayers' money. Since I am not a member of the Armed Services Committee, I think of the floor as my committee forum for defense issues.

John, you owe me two things. First, you owe me an explanation. If Captain Nowakowski is tell the truth—and I believe he is, then you need to explain the inaccurate assertions in your letter. Second, you owe me an apology.

I look forward to your response.

Sincerely,

CHARLES E. GRASSLEY
U.S. Senator.

UNDER SECRETARY OF DEFENSE,
Washington, DC, January 30, 1997.
Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I have received your January 30 letter demanding an apology. I am sorry that I won't do that because I believe I am the wronged party. You blasted me on the floor of the Senate and I wrote you a personal letter. It seems to me that a modicum of decency would hold that if you intend to criticize me *by name* on the floor of the Senate, I should have a chance to talk with you first before you do that. Yet you didn't do that.

You state in your letter "I did everything humanly possible to communicate my concerns directly to you." I really don't know how you can conclude that. On two separate occasions in the past I had breakfast with you. I have spoken with you in previous occasions on the phone and at hearings. I have repeatedly stated my willingness to meet with you at any time. You have written me numerous letters and I have written back. Yet on this occasion you did not call my office, you did not ask me to come to meet with you, you did not send me a letter outlining your concerns.

My staff aid, Captain Nowakowski, told me that your staffer, Mr. Charles Murphy, had a copy of this language and "had some serious concerns." At the time the document was in circulation for comment and did not represent Department policy. It is *still* in the coordination stage. We hadn't decided on what to do yet, so it was inappropriate to respond to a staff call expressing concerns on something that the Department had not adopted.

Even then, Charlie (whom I have known for 10 years and consider a friend) didn't call me or ask to meet with me to relay your concerns.

Senator, I do respect you, but I owe you no apologies.

Sincerely,

JOHN J. HAMRE

U.S. SENATE,
Washington, DC, January 27, 1997.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR TED: I am writing to express concern about a legislative proposal that is under consideration within the Department of Defense (DOD).

This provision, if approved, would significantly loosen controls over progress payments. DOD progress payments total about $20 billion per year. A copy of the proposed language is attached.

First, the Inspector General (IG) has been keeping a close eye on this whole problem for a number of years. IG audit reports consistently show that the department regularly violates the laws that the proposed language would undo. This is like legalizing the crime—instead of trying to fix the problem.

Second, this proposal is inconsistent with Comptroller Hamre's commitment to begin the process of matching disbursements with obligations before a payment is made. In last year's Report No. 104–286 (pages 18–19), your Committee directed Mr. Hamre to develop a detailed plan, including dollar thresholds and milestones, for eliminating all problem disbursements. The attached language would put that whole idea on a back burner indefinitely.

Third, the attached language would subvert the appropriations process. If DOD is to be authorized to merge and pool acquisition monies—R&D and procurement funds—at the contract level, then Congress must make some kind of corresponding adjustment in the way those monies are appropriated. To do otherwise might make the appropriations process irrelevant somewhere down the road.

I would like to ask you to urge Mr. Hamre to reconsider the attached proposal and search for a better way to solve the problem. Ted, there is obviously a problem in the payments process. We need to understand the problem before we try to fix it.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

Mr. GRASSLEY. Mr. Hamre's letters tell me that he may not understand this issue. He seems confused. It is confusion like this that dictates more fiscal discipline in this town, and that can only come from a constitutional amendment requiring a balanced budget.

His letter of January 29, I think, contains two contradictory statements. In one breath he says that payments and appropriations are in sync. In the next breath, he admits that payments and appropriations are out of sync.

But then he goes on to say that the cost of getting them in sync would just be too high, that we cannot worry about whether payments are matched with a particular product or a particular invoice or appropriation account. He says, "that would not be good business sense." It would place an unfair burden on the contractors.

Just think, when it comes to matching disbursements of money with an invoice, it might also place an unfair burden on contractors and government accountants.

So just what is the thinking of the chief financial officer? Clearly, there is a problem in the Department of Defense's payment process. There is a major disconnect. On the one hand, we have a whole body of law governing the use of appropriations; on the other, we have payments for factory work that are supposed to be matched with corresponding appropriations.

Unfortunately, the law and the payments just don't mesh. They can't be reconciled. So long as the two are not in sync, the Pentagon is operating outside the law, and it doesn't reflect the fiscal discipline that we need in this town and that we would get with a constitutional amendment.

Unfortunately, the new policy in this draft language that is floating around the Pentagon does not put them back in sync. It will keep them out of sync permanently.

To understand the root cause of this problem, we need to step back in time. Bureaucrats do not like it when congressional overseers revisit history, but that is what we need to do. We need to revisit an old IG report, the inspector General's audit report dated March 31, 1992. That is number 92–064. It is on the Titan IV Missile Program.

That is where the problem was first detected and exposed, and that is the problem the bureaucrats are trying to cover up in this new policy.

The Titan IV was not an isolated case. Unfortunately, the practices uncovered on Titan IV typified common practices throughout the Department. This report showed the Defense Department regularly violates the laws that the draft language would undo. Instead of fixing the problem, this proposed language would legalize the crime.

Mr. President, the laws that were violated were designed to protect Congress' constitutional control over the purse strings. Progress payments to Martin Marietta on the Titan IV contract were made in violation of those laws. Those payments were made on a predetermined sequence of appropriations. Those are words that mean the money was drawn from available appropriation accounts using a random selection process.

What a way—random selection to justify the expenditures of the taxpayers' money. That is a blatant violation of the law. That is the inspector general talking, Mr. President, not the Senator from Iowa.

Yet, as difficult as it may be to comprehend, this unlawful procedure was sanctified by Air Force Regulation 177–120, starting February 15, 1988. In other words, that is an outlaw decree.

Congress appropriates money for specific purposes. Those purposes are specified in law, and that is how the money must be spent. That's what the law says. The Pentagon bureaucrats promise to straighten up this mess after the fact, down the road, after the money goes out the door. They try to retroactively adjust—that's their language—adjust the ledgers—to make it look like the payments and the appropriations were in sync.

That is fine and dandy, Mr. President. It makes the books look nice and neat, but the books then do not reflect the reality of how the taxpayers' money was spent or what the appropriators intended. The books do not tell you how the money was really spent. If they don't do that, then they are inaccurate, and that's what I call cooking the books.

Back in 1992, the inspector general tried to shut down the Defense Department's unlawful payment process. Mr. President, the inspector general told the Department to get on the stick, obey the law, fix the problem.

Well, guess what? The big wheels over at the Pentagon nonconcurred with the IG. That means, take a hike, in other words. They said the payment process was working just fine; it doesn't need any fixing; don't mess with it.

We should be thankful that the IG had courage and did not back down.

This dispute came to a head, after years of talk, in March of 1993. There was a high-level powwow at that time. The financial wizards in the Pentagon got together and signed a peace treaty. They said, basically, obey the law.

They were given 120 days to do it.

The treaty was signed by: Ms. Eleanor Spector, Director of Defense Procurement; Mr. Al Tucker, Deputy Comptroller; and Mr. Bob Lieberman, assistant IG for auditing.

Mr. President, 4 years have passed since that agreement was signed. Those same officials are still in the same place. But nothing has been fixed.

Now, we have the DOD CFO telling us that nothing will be fixed. The status quo will be institutionalized and legalized. Titan IV is the model for the future.

CFO Hamre is responsible for this mess.

Why didn't Mr. Hamre enforce the March 1993 agreement? What exactly has happened in the 4 years since the agreement was signed? How did we end up where we are?

We need to know the answers to these questions. We need to understand the problem before we try to fix it.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Thank you, Mr. President. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVIATION SAFETY

Mr. FAIRCLOTH. Mr. President, the White House Commission on Aviation Safety and Security is going to present its recommendations to the President today, and I commend the commission for its work and support most of its recommendations.

Aviation safety should be a prominent feature on the list of bipartisan issues upon which we can find common ground this year. There are 22,000 commercial flights every day in the United States. The American air traffic control system served 550 million passengers last year. Mr. President, in my home State of North Carolina, 22 million people last year passed through the Charlotte airport.

The safety of literally millions of Americans hangs in the balance of our commitment to aviation modernization. I have a rather personal interest in this issue. I was in a plane crash in 1983 and wound up in a lake surrounded by fire in an airplane without wings.

I want to stress the importance of the commission's call for rapid modernization of our air traffic control system. These efforts to upgrade the system will necessitate certain costs, and no one in this city is more concerned about the taxpayers than I, but the system is decades old and on the verge of collapse.

Mr. President, one of the better-kept secrets around Washington seems to be the $1.4 billion that we have squandered on a failed effort to upgrade the aviation computer network over the last several years. IBM worked for years to create a modern air traffic control computer system and spent more than $1 billion of the taxpayers' money. The exact figure is unclear, but the contractors think—they think—that they will be able to salvage some of this work—some of it—as the process starts anew.

The system at O'Hare Airport in Chicago includes computers that are more than 30 years old, and, as you know, its failures leave some air traffic control personnel with blank screens. The lives of the passengers are in the hands of air traffic controllers hobbled by a system that is both inadequate and obsolete.

The Federal Government called for installation of a Doppler radar system to detect wind shear at airports around the country. However, Mr. President, the system is operative at just a few airports. This Congress maintains an obligation to the air passengers of this country. Clearly, this obligation is not yet met, and too much money has been wasted.

As a member of the Transportation Appropriations Subcommittee, I intend to keep a keen eye on the dollars as I always do, but I also want to see a cost-effective modernization of the system. We owe a safe system to the taxpayers. Their tax dollars are paying for it, and they are entitled to it, and they need it. It is incomprehensible that the computers at one the busiest airports in the world can go blank. This is a condition that boggles the mind.

I believe the hiring policies of airline companies and airports also merit serious thought. The airlines need to be certain that the people who service and maintain airplanes do not have questionable backgrounds. These security issues are critical to the safety of the American flying public.

There are other safety concerns of note. The American airplane fleet is aging. We need to ensure that inspections are thorough and frequent on these older aircraft. There is nothing wrong with an older airplane, but it needs to be inspected and updated, lest problems go undetected and new technologies go unused.

We need to take these and other steps to ensure that the American air traveler is safe. We can ensure safe skies without excessive inconvenience and delay, and, Mr. President, I am committed to just that.

I thank the Commission for its efforts. I look forward to working with my colleagues and the administration to implement some of these recommendations.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the resolution.

Mr. DORGAN. Mr. President, I wanted to come to the floor of the Senate to respond to and to discuss some items on the constitutional amendment to balance the budget.

There has been a great deal of talk about the constitutional amendment here on the floor of the Senate. There have been press conferences on both sides and a great deal of literature distributed in the Senate. I want to talk about what the issue is and what the issue is not.

The issue is not, as some would have us believe, a discussion between those who think it is meritorious to balance the Federal budget and those who think we should not balance the Federal budget. Generally speaking, most Members of the Senate believe it is important for this country's long-term economic interest to find a way to balance the Federal budget. We ought to do that. This Federal Government has spent more than it has taken in for a good long while. I would just say, that it is the irresponsibility of Democrats and Republicans that have allowed that to happen.

It is true that there is a difference in how they want to spend money, but there is not a plug nickel's worth of difference between Republicans and Democrats about how much they want to spend. One side might want to spend more for Head Start and another might want to spend more for B-2 bombers or whatever. But nevertheless, if we take a look at the aggregate appetite for spending you will not find a plug nickel's worth of difference on either side of the aisle. Priorities and choices, though would be different.

But both political parties—Presidents who are Republican, year in and year out, Presidents who are Democrat, not quite as many, I might add—both have submitted budgets to the Congress that are wildly out of balance and that have had substantial deficits. So this is not a case where one can stand on slippery sand and say, "It's your fault. You're the folks who are at fault over here." It is everybody's fault. And it ought to stop. We ought to balance the Federal budget because that will be good for this country.

The debate here is, shall we alter the Constitution of the United States? Shall we change the Constitution of the United States? I would observe that if it is done, 5 minutes from now the Federal debt and the Federal deficit will not have been altered by one penny. We will have altered the constitution of the United States, but we will not have changed by one penny the Federal deficit or the Federal debt.

I want to talk a bit about that because I think there are circumstances under which we should alter the Constitution. There are circumstances under which I will support a constitutional amendment to balance the budget. But I think when we do change the U.S. Constitution we ought to do it with great care and we ought to do it right, because you do not get many chances to correct a mistake.

First, I want to talk about debt. The discussion about debt is an interesting one because we have people coming to the floor of the Senate and they say, "Well, these Federal deficits that we have had, you know, everybody else has to balance their budget. Business has to balance its budget. Consumers have to balance their budgets."

We have about $21 trillion of debt in this country, about $21 trillion of debt. This chart shows what has happened to debt. The growth of debt in my judgment has not been very healthy for this country, not in the public sector, not in the private sector.

This shows what has happened to business debt, corporate debt, household debt, Federal Government debt. Take a look at the curve. And $21 trillion worth of debt.

Now someone might stand up and say, "Well, everybody else has to balance their budget." That is not true. If so, what is all this debt about? In fact, we have developed a culture in this country in which it is fine for the private sector to send a dozen solicitations to college students who have no jobs and no visible means of support saying to them, "Please take our credit card. You have a $1,000, $2,000, or $5,000 approved limit. Just go ahead and take our credit card. We want you to have a credit card. You don't have a job, no income. Take our credit card." That is the culture in our country. Is it good for this country? I do not think so.

I said also, the culture is walking down the street as a consumer, and the picture window of the business literally raps on your elbow and says, "Hey, you, walking in front of me here," the window says, "Come in and buy this product. It doesn't matter you can't afford it. Doesn't matter you don't need it. Buy the product. Take it home. You don't have to make a payment for 6 months. And we'll give you a rebate next week. And charge it." That is the culture. Is it right? No, it is not right.

We ought to change that. We ought to change it here in the Federal system by balancing our budgets responsibly. And we have a problem well beyond this Federal system. Take a look what is happening with credit card debt in this country. Take a look at consumer debt.

My point is, we ought to be concerned about the Federal debt and the Federal deficit, but we ought not stand up and say that is the only place debt exists. We have a whole culture of debt that raises real significant questions about where we are headed and how we are going to get there.

The discussion today is about altering the Constitution in order to require budgets be in balance. Last evening I was privileged to see a preview of something that is going to be on public broadcasting on the life of Thomas Jefferson. It is a wonderful piece written by Ken Burns. It describes Thomas Jefferson writing the Declaration of Independence at age 33. I got a copy of that today. I can only imagine having the kind of talent that he had. I mean, he was almost unique in the history of the world in his ability to think and write and express for us the spirit of what this democracy is.

Thirty-three years old and in a boarding house he writes:

> When in the Course of human events, it becomes necessary for one people to dissolve their political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.
>
> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

You can see Thomas Jefferson's handwriting and his corrections, the words he has crossed out, the words he has added when he wrote this marvelous, wonderful document.

The year following the writing of this document when he was 33 years old, a group of 55 white men, largely overweight, we are told, convened in a small room in Philadelphia called the Assembly Room in Constitution Hall. They said it was so hot that summer in Philadelphia that—and those folks had such ample girth—that they had to cover the windows to keep the Sun out because it got very warm and they did not have air-conditioning in those days. And those 55 men wrote for this country a constitution.

The Constitution itself is quite a wonderful document. Thomas Jefferson was in Europe at the time. He contributed to the writing of the Constitution by sending substantial writing back about the Bill of Rights. The Constitution of course is the living document that is unique in the history of this world.

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Language so clear and so wonderfully written, they established the foundation of this country, the fabric of a democracy that has now become the most successful surviving democracy on this Earth.

The spirit of that document, the spirit of that Constitution is, I think, attested to by virtually all who serve here in what it means to us, our families, our future, to our country. When we decide that we should consider altering that Constitution, provisions for which were made in the very Constitution, we should do it carefully.

We have had people propose all kinds of schemes to alter the Constitution of the United States. I am told there was a proposal to alter the Constitution that would require a President first coming from the northern part of America and then followed by a requirement that the next President come from the South.

There have been thousands of proposals—some good, some bad, some baked, some half-baked—to change the Constitution of the United States. In fact, it was not very long ago that we had three proposals to alter the Constitution, in the last session of Congress, proposed to be voted on by the U.S. Senate, in the period of 6 weeks—three separate proposals to alter the work of Franklin, Madison, Mason, George Washington, and so many others, who over 200 years ago framed this issue.

Mr. HATCH. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. HATCH. When I got the unanimous consent-agreement, I did so that all time would be divided equally. Can the Senator give me an indication of how long he will be speaking?

Mr. DORGAN. About another 10 to 12 minutes.

Mr. HATCH. Could we divide the time so the Republican time will be taken off our time and the Democratic time is taken off your time? It would be fairer.

Mr. DORGAN. I do not have a problem with that. There will be ample time for everyone to speak. I am happy to accommodate the Senator.

I ask unanimous consent I be allowed to speak for the next 12 minutes and it come off the Democratic time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I observe that there will be no limit of time for anyone here to speak to their last breath about any subject they so choose on this issue, I guess.

I will continue because I wanted to provide a framework for what I was going to say. I respect the Senator from Utah, Senator HATCH. He has been on this floor on this issue and he has not wavered. He believes very strongly in what he is doing. I would support him if he would make one change in the constitutional amendment.

A columnist said, "Call his bluff," naming me by name. I say to the Senator, you make the change and I vote with it. I expect the change will not be made. If you do, chalk me up. I am one more vote.

I want to talk about that change and the dimensions of it and the response of it. The change is in the issue of Social Security. We have had a lot of debate about this. Some said this is the biggest red herring in the world. Two political pundits this weekend said this is a fraudulent issue. Of course, pundits are either 100 percent right or 100 percent wrong and no one knows which or who. A columnist said this is a totally fraudulent issue. I want to describe the issue once again and describe why I think not only is it not fraudulent, it is one of the most significant issues we will face in fiscal policy. A position on this issue is now prepared to be put into the Constitution of the United States in a way I think hurts this country.

Let me describe it. Social Security is a remarkably successful program in this country. We decided some long while ago that we would have people pay in a payroll tax and that payroll tax would accumulate money which would be available to people when they retire. What has happened is we have developed kind of a "bulge" in our population, a very large group of children who were born just after the Second World War. I mentioned the other day, kind of kidding, but it was true, there was a tremendous outpouring of love and affection after the Second World War. A lot of folks came back and a lot of this love and affection blossomed into the largest baby crop in the history of our country. It caused some real long-term demographic problems, because when they hit the retirement rolls, what will happen is we will have the fewest numbers of workers supporting the largest number of retirees in this country's history.

What was to be done? About 13 years ago, a discussion was held about how do we finance that when the largest baby crop hits the retirement rolls and we do not have enough money. The answer was, let's accumulate some surpluses in the Social Security system to be used when we need them later. I do not expect there is disagreement about that, that we have a circumstance where we accumulate $70 million more now than we need to be put into a trust fund to be saved for the future. If there is disagreement, I want to hear that, but those are the facts.

Now, what is happening is a proposal is now made to alter the U.S. Constitution with this language, according to the Congressional Research Service, and the language says that all receipts and expenditures shall be counted for purposes of completing a balanced budget, and therefore the Congressional Research Service says "because the balanced budget amendment requires that the required balance be between the outlays for that year and the receipts for that year," the moneys that we are "saving in the surplus would not be available as a balance for the payments of benefits." That means if we save $70 million extra this year for Social Security to be made available in the year 2015 or 2020, and in the year 2020 we balance the rest of the budget but want to spend that surplus we have in the Social Security accounts, the Congressional Research Service says you cannot do it. You cannot do it. This ought not be a controversial conclusion. I do not know of anyone who disagrees with it. You cannot do it unless you raise taxes in the rest of the budget to accommodate it.

I say if that is the case, why are we raising more money than we now need in Social Security if it will not be saved and it will not be available for future use?

I want to read to my colleagues something from the Social Security trustees last year:

> "Total income for Social Security is estimated to fall short of the total expenditures in the year 2019 and will continue thereafter under the immediate assumptions, but in this circumstance the trust funds would be redeemed over that period to cover the difference until the assets are exhausted in 2029.

That is what the Social Security trustees said. CRS says that cannot be done because the trust funds will not be able to be used in those years unless you have raised taxes on the other part of the budget or cut spending in the other part of the budget, and I say in the year 2029 it would require $600 billion that year alone.

I have a 9-year-old son. This is not rocket science. I think he would understand that double-entry bookkeeping does not mean you can use the same money twice. You cannot say I am using this money to show a balanced budget and then use this money to save over here for Social Security. You do it one way or the other. You cannot do it both ways.

My Uncle Joe used to own a gas station. Can you imagine him coming home to my Aunt Blanche and saying, "We lost money this year, Blanche, but I put away money for my employees because I bargained with them and I told them I put money in their retirement account. So we got money in their retirement account for their pensions. But since I lost money in the service station, what I intend to do is take their money out of the retirement account I have put it in and use it over here so I can tell people I don't have a loss on my service station anymore." My aunt would say, "Joe, you cannot do that. It is illegal. Somebody will send you to jail for that." Joe would say, "Well, the folks down there in Washington, DC, seem to think it is OK. They think they can take $1 trillion in the first 10 years and put it first in this pocket and then in that pocket, thumb their suspenders and puff on their cigars and say, "We balanced the budget."

Guess what? The year in which the budget is presumably balanced and the year in which all of those who will stand up on the highest desk in this Chamber and bray and bellow and trumpet and talk about how they balanced the budget, I ask every American to look at one number. What happened to the debt in that year in which they balance the budget? The answer: They say they balanced the budget and they have to increase the Federal debt limit by $130 billion, the same year in which they claim they balance the budget. Why? Because the budget has been balanced.

And it is not just me. I say to the Senator from Pennsylvania, who is on the floor, he raised the same points the other day. There are Republicans in the House, two or three dozen, that raised the same points. I do not know how he and others will vote on final passage, but I say, as controversial as this is, I agree with what the Senator from Pennsylvania said on the floor the other day. I agree with what Congressman NEUMANN and others are saying in the House. I agree with the presentation I am making. This is an issue that is not insignificant, $1 trillion in 10 years, and it is much more than that in the 20 to 25 years that you have to look out to see what will be the consequence of this kind of proposal.

Let me frame it in a positive way. I believe we ought to balance the Federal budget. I will support altering the Constitution to place in the Constitution a requirement to balance the Federal budget. We will vote on an alternative, on a substitute constitutional amendment to balance the budget that does that. I will offer it. I intend to vote for it. I will not vote for a constitutional amendment that accomplishes this—that essentially reduces by 10 years the solvency of the current Social Security system and guarantees that which we are supposed to be saving will not be saved and that which we are supposed to be saving cannot, by virtue of the language of this constitutional amendment, be available for use by Social Security recipients when it was promised.

Sometimes I get the feeling that the only thing we do in this Chamber is talk to ourselves. We just talk back and forth with "budgetspeak" and language and a priesthood of dialog that only we understand and that seems almost totally foreign to the American people. I will bet you that with a lot of this discussion that's the case. The American people, I think, want a balanced budget and should expect that we can do what is necessary to balance the budget. But let me emphasize again that, although I believe there is merit to alter the Constitution to require a balanced budget, if we alter the Constitution at 2:05, by 2:10—which is 5 minutes later—we would not have changed by one penny either the Federal debt or Federal deficit. That will only be altered by decisions on taxing and spending made individually by Members of this Congress, deciding what is a priority and what isn't, how much should we spend or should we not spend, or how we raise revenues or how don't we raise revenues. Only those decisions will bring us to a place we want to be—a balanced budget that provides for the long-term economic health of this country.

My hope is that, in the coming days, when we finish this debate, we will have accomplished something in that we will all have resolved not only to perhaps make a change in the Constitution, if we can reach agreement on how that is done, but we will have resolved that we should, as men and women, balance the budget. Changing the Constitution is not balancing the budget. Some want to substitute that as political rhetoric. But, ultimately, the question of whether we balance the budget will be determined by the choices that we make individually.

Mr. President, I see the Senator from Connecticut on the floor. I wanted to say to the Senator that I used a bit of the time in the 4-hour block. I hope he didn't mind. I wanted to make this point. I hope to come back in general debate, and I hope that the Senator from Utah and I can engage on the consequences of this language because I think it is a trillion-dollar question that remains unanswered. I would like to have a dialog back and forth rather than just presentations that vanish into the air when the presentations are completed. I thank the Senator from Connecticut.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER [Mr. SESSIONS]. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have checked with the managers of both sides and he has agreed to yield me 5 minutes. I ask unanimous consent that I may proceed as in morning business for a period of up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ALEXIS M. HERMAN, TO BE SECRETARY OF LABOR

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly on the issue of the pending nomination of Ms. Alexis M. Herman to be Secretary of Labor, and I urge that Ms. Herman be given a hearing on the subject so that there may be a determination, one way or the other, about her qualifications to be Secretary of Labor.

I talked at some length to Alexis M. Herman yesterday. A request had been made by the White House for me to meet with her, perhaps in my capacity as chairman of the Appropriations Subcommittee that has jurisdiction over the Department of Labor. And I met with Ms. Herman in the context of a number of questions that have been raised about her qualifications to be Secretary of Labor.

There has been an issue raised about her handling of her position as liaison for public matters in the Office of Public Liaison, as to whether there had been some activities that went over the line in political activities or fundraising. I questioned Ms. Herman about that at some length, although not in a dispositive form. But it seems to me that she is entitled to be heard on the subject and to have a decision made one way or the other about whether she is qualified or disqualified.

I questioned her about the circumstances where there was a coffee, which had started out in her department, where she had issued an invitation to Mr. Gene Ludwig, who was Comptroller of the Currency, to a meeting with bankers, at a time when she thought it was going to be a substantive meeting and it would not involve fundraising. Later, she found out that there were individuals from the Democratic National Committee who were involved, and she then did not attend the meeting herself, but had not informed Mr. Ludwig about the nature of the meeting in order to withdraw the invitation to him.

There have been other questions raised about the Anti-Deficiency Act, and perhaps other matters. But I think it is very important when someone is nominated for a position and there is public controversy and public comment, that that individual have his or her "day in court" to have a determination made as to whether she, or he, may be qualified to handle the position.

I thought it was very unfortunate, when Prof. Lani Guinier was nominated for a key position, Assistant Attorney General in the Department of Justice, that her nomination was withdrawn without having an opportunity for her to be heard. At that time, I met with her and read her writings and I thought she was qualified. But I thought, surely, there should have been a determination by the committee. I recall the withdrawal of the nomination of Zoe Baird, who was up for Attorney General of the United States, and I recollect when Judge Ginsburg had been nominated for the Supreme Court; neither of them had finished their hearings. I think it is very important, in the context where we are trying to bring good people into Government and, inevitably, they are under a microscope, which is the way it is, and that is understandable. But they ought to have a chance to be heard and have their day in court and have a chance to defend themselves and have the public know what has gone on. If they pass, fine, and if they do not, so be it. But they ought to have that opportunity.

I respected the decision made by Judge Bork back in 1987 when he wanted the matter to go forward and to come to a vote so that there would be a determination, because I think it is very unfortunate and unwise that when somebody allows their name to be put forward and you have these allegations in the newspapers about misconduct or impropriety, the impression is left with the public that that is, in fact, the conclusion, if the White House withdraws the name—as the White House did with Prof. Lani Guinier—or if the person doesn't move forward to a hearing.

I talked to my colleague, Senator JEFFORDS, who chairs the Labor Committee, and Senator JEFFORDS has advised me that he is reviewing the outstanding questions, and the prospects are that there will be a hearing. But after meeting with Ms. Herman and having some say over her Department's activities in my capacity as chairman of the Appropriations Subcommittee, I did want to voice my sentiments on this subject to urge that her nomination go forward. I do not have a final view as to the merits, yes or no. But I think she is entitled to be heard.

Aside from the allegations that have been made about her, she has a very distinguished record. She is a graduate of Xavier University and has worked in the public and private sectors. She has quite a distinguished record as a businesswoman, has served in the administration of President Carter, and has served in the current administration. She may well be qualified, or the contrary may be the case. But I think it ought to be heard so she can have a determination on the merits. I thank my colleagues, Senator HATCH and Senator DODD, for allowing me this time.

I yield the floor.

Mr. DODD. Mr. President, before turning to the subject of my amendment here, let me commend my colleague from Pennsylvania for his comments. I associate myself with his remarks regarding Alexis Herman and the hope expressed by him that a hearing will be held promptly for Alexis Herman. She deserves that hearing.

I have known Alexis Herman for some time. She is eminently qualified, Mr. President, to fulfill the position of Secretary of Labor. There have been issues raised, and the purpose for which we have hearings is to allow those issues to be aired and to give a person an opportunity to respond. In the absence of that hearing, of course, the allegations remain. In many instances, as the Senator from Pennsylvania has pointed out, there is never the kind of opportunity to respond with the same voice and the same positioning with which the allegations are oftentimes made.

Under our system it is absolutely essential in my view that she be given that opportunity. I am totally confident that she will respond to those issues when she is asked publicly to respond to them. It is part of the process here going back years that when people are nominated for high office in any administration they are always advised not to respond or comment but to save their comments for a hearing. Oftentimes it happens that the nominee is left in the position of having to face an assault of questions that are raised and never gets the opportunity to respond because you are advised to the contrary. Then for whatever reason, if you never get that hearing, they stay out there.

So I applaud my colleague from Pennsylvania for coming to the floor this afternoon and raising this issue. I join with him in urging that our committee—and I sit on the Labor Committee—set up a hearing as soon as possible and move forward. Then, as the Senator from Pennsylvania has pointed out, the committee and/or this body will express its opinion one way or the other. But we will resolve the matter and not leave the individual out there to hang, if you will, in limbo. With all of the appropriate suggestions that the Senator from Pennsylvania has made, as we try to attract people to come serve in our Government and they watch examples like this, it is very difficult to convince people to step forward when they see what can happen to someone who is, in my view, entirely innocent of any of the allegations raised but never gets the opportunity to address them.

So I applaud my colleague.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

AMENDMENT NO. 4

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Dodd amendment No. 4, with the time between now and 5:30 p.m. divided with 107 minutes to Senator HATCH and 95 minutes to Senator DODD.

Mr. DODD. Mr. President, I rise in support of the amendment I have offered here this afternoon. We have several hours of debate. It may not be necessary to consume all of that time. I will notify my colleagues. Others may want to come over and address the issue. Although we have set a time of 5:30 p.m. for a vote, we may find ourselves having exhausted all of the brilliance on both sides of this amendment and able to move to a vote earlier than that. It would take unanimous consent to vote earlier, but that may happen at some time here this afternoon.

In the meantime, Mr. President, let me state once again what this amendment does. I urge my colleagues and others to pay attention. I will put aside the debate of whether or not we ought to have a constitutional amendment to balance the budget. That matter has been debated and will be debated over the next several days.

The amendment that I raise, Mr. President, does not address the underlying question of whether or not we ought to have a constitutional amendment to balance the budget. But it addresses section 5, and section 5 only, of the proposed amendment. It raises what I believe to be a very legitimate issue in dealing with the national security of this country.

This is an amendment that I offer which you could support and do no damage—in fact, I would think strengthen—the argument in support of the constitutional amendment for a balanced budget. I myself have serious underlying problems with the constitutional amendment. I do not want my colleagues to have any illusions about that. But I am going to put aside that debate and ask my colleagues to draw their attention to section 5 and an amendment that I will offer that I think addresses a legitimate concern.

My amendment corrects two serious flaws in this section. Let me read this section, if I can. Section 5 of the proposed amendment, not my amendment, the proposed constitutional amendment, says:

> The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House which becomes law.

First of all, this most important section currently contains language, in my view, that would seriously undermine—the distinguished Presiding Officer is a former Attorney General, and someone who has had a serious amount of experience in judicial matters will appreciate that every word in the constitutional amendment is not a casual word. These words must be selected very, very carefully. So I do not treat this lightly at all.

"A declaration of war"—these are the words that are most of concern to me—and "the United States is engaged in a military conflict which causes an imminent and serious military threat to national security * * *"

The provisions of the balanced budget are waived only if war is declared, or if the United States is "engaged." The balanced budget amendment is quite clear in specifying that our Nation must be engaged in military conflict before a waiver can be granted.

The problem, as I see it, is that prudent foreign policy often requires responding to serious threats before we actually become involved in military conflict. Yet, the language of this amendment is "engaged"—not "might be engaged or there is a threat of engagement"—but rather is "engaged" in military conflict.

Throughout our history this Nation has often found itself necessarily engaged in conflict but yet in situations where immediate action was essential. The gulf war is one example that immediately comes to mind. I will discuss that example and others in the debate shortly.

My amendment removes this section 5 and would lift the provisions of the balanced budget amendment under a declaration of war or if the United States faces an imminent and serious military threat to national security. The requirement of being engaged is dropped.

The amendment that I offer would also clearly define the role of Congress in certifying the existence of an imminent and serious military threat. Under the current language, in section 5 the courts could conceivably be called on to determine whether or not an imminent and serious military threat to national security exists.

My amendment—the amendment that I offer and is at the desk—makes clear that a resolution passed by Congress is the sole requirement for certifying that such a threat exists.

Finally, the amendment that I have offered restores a reasonable standard for voting. The balanced budget amendment creates a cumbersome, I believe, standard for passing the resolution certifying that a military threat exists. It says a "majority of the whole number of each House" must pass the resolution. In the case of the U.S. Senate, this means that 51 Senators would have to vote in favor of the resolution, no matter how many Senators were present and voting. This could be absolutely critical, particularly in a time of national crisis. When not all Senators are able to reach Washington on short notice, for instance, we could be prevented by our own Constitution from quickly and properly responding to an international emergency.

Furthermore, the "whole number" standard leaves open the question, I point out, of whether or not the Vice President would be allowed to cast a vote should we arrive at a tie of 50–50. My amendment alleviates this problem by requiring a simple majority of those present and voting for passage of the waiver resolution.

Mr. President, I am well aware of the heartfelt support, as I mentioned at the outset, of these remarks on the part of my colleagues who are squarely for a constitutional amendment to balance the budget.

I also know that many of us—myself included, clearly—have underlying problems with the whole balanced budget amendment. But I think we should all be able to agree, regardless of where we are positioned on the issue of a constitutional amendment to balance the budget, we should all be able to agree that any amendment to the Constitution should in no way shackle our country in time of an emergency.

The amendment that I offer, Mr. President, I think helps ensure that the Nation remains prepared and able to respond in time of an international crisis.

For these reasons, I hope that it will enjoy the support of a broad majority of my colleagues.

Mr. President, I want to cite the language of the amendment that we are offering.

Let me recite the copy of the amendment that I am offering:

> On page 3, line 7, strike beginning with "is" through line 11 and insert, "faces an imminent and serious military threat to national security as declared by a joint resolution."

The point being here, if you are not actually engaged, or you don't have a declaration of war and the Nation, in preparation for such a conflict, wants to exceed the balanced budget requirements, we should be able to do that.

I do not know of anyone who would believe that, as important as this amendment is, it should have a higher priority than the national security interests of the country. Yet, my fear is based on the exact language of section 5—that that is the problem we have posed before us. If it requires a declaration of war, or requires, as the language reads, "is engaged in a conflict," it seems to me that we would have to wait for one of those two conditions to be met in order to waive any constitutional requirements prohibiting deficit financing.

And so I would urge the adoption of this amendment which says, "faces an imminent and serious military threat to national security as declared by a joint resolution," so that we do not allow the courts to decide. You can imagine a debate going on here about whether or not an imminent and serious threat existed, someone runs to the Federal courts and says, "I don't think it is an imminent and serious military threat," and we have a panel of judges deciding whether or not that threat exists. I do not think any of us want to see that happen. So the joint resolution allows that a simple majority of Senators would be able to declare the threat in order to waive the provisions of the balanced budget amendment.

I mentioned earlier, Mr. President, that there are historical examples for this that I think point out the problem. They are historical and they may be 100 years old or 20 years old. None of us can say with any certainty what we may face tomorrow or next week or next year or the next century. But I will cite five examples to point out the problems.

Imagine, if you will, that this section in a constitutional amendment to balance the budget were in place at the time we faced these five crises. Ask yourself how would we have responded, what would have been the implications, putting aside whether or not you were for or against the particular issue at hand.

The gulf war is one; lend-lease, back in the late 1930's, early 1940's, the Cuban missile crisis in 1962, the Panama crisis back under the Bush administration, and the defense buildup during the Reagan administration.

Let me cite, first of all, the gulf war example. Saddam Hussein, as many in this Chamber will recall and, invaded Kuwait on August 1, 1990. We were running a deficit, I would point out, Mr. President, at that time of $221 billion, on August 1, 1990, putting us in gross violation requirements of the balanced budget amendment. There were only 2 months left in the fiscal year, no time to adjust spending or to raise taxes, I might point out. We were not certain ourselves how we were going to respond to that situation, but an invasion of Kuwait clearly had happened. Saddam Hussein was threatening not only Kuwait where he had invaded, but Saudi Arabia, and clearly our security I think. By controlling Saudi Arabia, of course, he would have become a dominant force in the gulf, and the obvious implications of that for the United States and the West are clear.

We had to deploy troops to protect our allies and our security, and the President did so. But we were not engaged in a conflict, and we had not gone through the lengthy process of making a declaration of war. It was merely a question of whether or not we were going to be able to place those troops immediately in the Middle East in anticipation because an imminent threat certainly occurred, but we were not engaged. It was not until January 16, 1991 that we began the air war. The initial deployment to defend Saudi Arabia, Desert Shield as it was called, was 100,000 troops. The eventual deployment to prepare to invade Kuwait was 500,000 troops. The total cost was $71 billion. The deficit, as I pointed out, was $221 billion.

Our action, I would argue, could not have happened under a balanced budget amendment under section 5 because we were not engaged in military conflict. A resolution allowing military action to force out Hussein passed the Senate in January 52 to 47, after a lengthy debate about whether or not we ought to use military force immediately.

My colleague from Utah certainly was here and remembers that debate. My colleagues on both sides of the aisle who supported the action in the gulf ought to remember this and remember what happened.

If the balanced budget amendment had been in effect in 1990, a minority of Senators could have blocked those Senators who supported action and we would not have been able to have the waiver. I do not know what the implications would have been.

In 20–20 hindsight, we say, look, it was clear. As things worked out, there was an imminent threat. There was a debate here, heated debate in the country about what our action should be. You can imagine in addition to the complicated questions of whether or not we ought to respond, we would have had to go through and waive constitutional amendment requirements. This would have been with all of the people in this country divided, as many were, over whether or not we ought to be involved in the Middle East, putting United States servicemen and women at risk. With all the questions, we then either would have had to go through a process of declaring war, which we have not done in 55 years, or go through a process of waiting for an actual engagement to occur. As section 5 says, engaged—not likely to be engaged, not might be engaged, not a threat of engagement. It says you must be engaged.

So my amendment, as I pointed out earlier, which talks about the imminent threat, facing an imminent and serious military threat to national security, is a far better standard and test, it seems to me, in order for us to respond to those situations.

Let me cite the example, if I can, of lend-lease. There is no one in this Chamber who was serving at the time. Our colleague from South Carolina, Senator THURMOND, of course, remembers this debate, I am sure, very vividly, as someone who served in World War II, I believe the only remaining colleague of ours who served in World War II.

Britain was in a crisis. We were highly divided in this country in the late 1930's as to whether or not the United States ought to be involved. In fact, I think surveys at the time indicated most Americans were opposed to the United States being involved in a European conflict. We had in fact America First groups. Charles Lindbergh, I recall, was a leading proponent of the United States staying out of World War II. The conflict in Europe was raging. So we had a significant debate in this country over whether or not we ought to be involved.

I do not know of anyone today who would argue that the leadership of Franklin Roosevelt, putting together the creative lend-lease program, providing the military assistance Britain needed in its great hour of crisis, did not make all the difference in the world. And but for the lend-lease program, the map of Europe might look substantially different, not to mention what might have occurred elsewhere had we not taken that action.

We were not engaged in the conflict, under the standard asked to be met in this balanced budget amendment. You were not likely to get a declaration of war in 1939 given the divisions in the country. And yet we had a deficit. Now, it was not a huge deficit. It was, in March of that year, 1941, $4.9 billion. It sounds pretty small by today's standards, but as a percentage of the budget it was probably not substantially different than today. And even with someone with the prowess of Franklin Roosevelt, can you imagine if we had to go then through the waiver process in order to get the kind of resources necessary. I do not want to dwell on this particular instance but nonetheless I think the point is quite clear. We would have required a waiver. We were highly divided as a country. As it turned out, lend-lease got a lot of support. In the vote that occurred, actually a majority, a substantial majority here supported lend-lease. But certainly those who are students of history recall the great division in the country on this issue complicating the problem, and the difficulty that Franklin Roosevelt would have had in responding to that situation.

The Cuban missile crisis, in 1962. Again, we were not engaged. There was clearly a threat, in my view, to the security of the United States. We were not going to declare war at that particular point at all. The President had to respond to that situation. We had a deficit of $7.1 billion in 1962. But under the standards as laid out in the balanced budget amendment, the proposed language in section 5, the buildup that

President Kennedy initiated to respond to that would have required us to go through all these difficulties of requiring waivers. Or you would have had to have the courts decide if in fact it met the standard of an imminent and serious military threat.

The invasion of Panama, again, another example. The deficit in 1989 was $153 billion. The cost of the operation was $163 million. Clearly we would have had to go through this process as well.

And the Reagan years of the buildup in defense. Again, you could argue—certainly everyone would have, I think—that there was an imminent danger of conflict with the Soviet Union. We were not going to declare war against them. We were not engaged in a military conflict against them. We had sizable deficits, and we increased defense spending between 1980 and 1988 from $134 billion to $290 billion. Of course, we were accumulating $1.5 trillion in debt at the same time. The amendment says: Declaration of war, engaged in a conflict. Many argue today the ultimate collapse of the Soviet Union was a direct result of our buildup at that time; that it was the Soviets' inability to meet that buildup, although they tried, that caused the kind of economic collapse that resulted in the downfall of the Soviet Union. Yet, we would have gone through this process, and you can only imagine the debate—and there was a significant one, by the way, over whether or not we ought to support that buildup or not—you can imagine what would have been heard around these Chambers about the constitutional amendment to balance the budget and whether or not we ought to be doing this. It could have complicated that process seriously.

I think you could have met the test in 1980 through 1988, of saying the Soviet Union posed an imminent and serious military threat to national security, and then had a joint resolution passed, as my amendment that I am offering today would have allowed us to do, that would have gotten you through the process. That is why I am offering the amendment. I am not just striking section 5, I am offering new language as an alternative.

So the Reagan buildup, I think, is another good example of what could have occurred. I am not arguing for or against it, where people were on that issue, but just imagine the kind of debate that would have ensued.

Let me also point up another argument here that I think deserves mention. One of the difficulties in preparing, of course, is you do not want to give your potential adversary any additional opportunities to take advantage of what is inherently a process that is slow in this country, our legislative form of government, our democracy. If a potential opponent knows that we have this balanced budget amendment, with section 5, that requires a declaration of war, that we have to be engaged, that we need waivers with a whole House voting, 218 House Members, 51 Senators, that is a pretty significant advantage to give. That is one more set of hurdles that we have to go over in order to respond.

I do not think that is engaging in hyperbole, Mr. President. Why would we in any way try to make it more cumbersome for the Commander in Chief of this country—not necessarily this one, because this amendment will not go into effect until long after this President has left office, but some future Chief Executive of our Nation—to be able to respond to those situations? I am not saying they ought to be able to do it without any check by the Congress, but I think stating the country needs only to face an imminent threat and then get a joint resolution ought to be enough to get a waiver of this amendment. To insist upon a declaration of war or actual engagement seems to me to be setting far too high a standard when the national security interests of this country could be in jeopardy. Yet, that is exactly what we are doing with this amendment.

So, for those reasons I hope my colleagues will look favorably upon this amendment, even if you are for the underlying amendment. I think this improves the underlying amendment. Some have suggested we should not have offered this amendment because, for those of us who have serious doubts about setting fiscal policy in the Constitution, the adoption of this amendment certainly takes away one of, I think, the most significant arguments against the balanced budget amendment. That is that we place the language of this amendment in a higher priority, in a higher standard, than the national security interests of the country.

I see my colleague from Michigan is here. I have some more comments I would like to make in a few moments, but unless my colleague from Utah, who may want to be heard at this particular moment, so desires—I have just been informed, by the way, I made the mistake of saying "Senator THURMOND," and I have quickly been informed by several offices, Mr. President, here—not the senior Senator from Utah, but Senator BUMPERS, Senator CHAFEE, Senator WARNER, Senator INOUYE, Senator AKAKA, and Senator HOLLINGS, GLENN, HELMS, ROTH, and STEVENS have been ringing up the phones here. I apologize to my colleagues. I thought they were much younger than that, and assumed they were. How am I doing here? Am I recovering from that faux pas?

However you want to do this. I will yield the floor at this point, and, obviously, the Senator from Utah has priority.

Mr. HATCH. I understand the distinguished Senator from Michigan would like to make his remarks. I have some remarks I would like to make immediately thereafter, so I ask unanimous consent I defer to him so he can make his remarks in support of the amendment of the distinguished Senator from Connecticut, and then I would like to proceed immediately thereafter.

The PRESIDING OFFICER. How much time does the Senator request?

Mr. HATCH. I ask how much time the distinguished Senator from Michigan needs.

Mr. LEVIN. I ask for 8 minutes.

Mr. HATCH. I ask unanimous consent he be permitted to speak for 8 minutes and then the floor return to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. I thank the Chair, and I thank my friend from Utah.

Mr. President, I support the Dodd amendment because it would simplify the national security exception to the balanced budget amendment before us, and it would do so in a common-sense way that I would think both supporters and opponents of the balanced budget amendment should be able to support.

As currently drafted, the balanced budget amendment before us would limit the national security exception to cases in which the United States is already "engaged in military conflict." This language would seriously limit our defense options by precluding the use of the exception to prepare for imminent military conflict.

The way the amendment before us is written, our troops must actually be engaged in battle in order for the exception to apply. The Dodd amendment addresses this problem by extending the waiver authority to any case in which the United States "faces an imminent and serious military threat to national security, as declared by a joint resolution of Congress," even if we are not yet engaged in military conflict.

Former Secretary of Defense Bill Perry opposed the balanced budget amendment largely because, in his words, of "the total lack of flexibility we would have in dealing with contingencies."

Here is what Secretary Perry said:

> Even if threats to America's global interests were increasing or our forces deteriorating, the BBA could lead to deep defense cuts. . . .
>
> The fact that these consequences could be avoided with three-fifths approval of each house of Congress is no safeguard. Preservation of an adequate defense posture would become dependent on exceptional political efforts. . . . Even when a three-fifths majority minus one in either house believed that BBA cuts were unjustified, the minority view would prevail. Not exactly ideal for the world's most powerful democracy and best hope for future peace and stability.

This is not an academic issue—the security of our country could be at stake in a very real way. As former

Secretary of Defense James Schlesinger testified at the same hearing, "we would have had great difficult winning World War II" without significant deficit spending in the years before we entered the conflict. Dr. Schlesinger explained as follows:

> You will recall that the turning point in the Pacific war was the Battle of Midway. The ships, the carriers that won the Battle of Midway were built as a result of deficit spending during the latter part of the 1930's. It was the consequence of legislation on naval construction under conditions of severe deficit that were embodied in the Vinson-Trammell legislation.
>
> At Midway the battle was won by the *Yorktown*, launched in 1937 after that legislation, the *Enterprise*, launched in 1938, and the *Hornet* in 1941. Those ships would not have been available under strict interpretation of this amendment. Even the battle of the Coral Sea might have been lost in the Pacific war. . . . [A]lmost all of the capital ships of the U.S. Navy had been laid down before the end of 1941, all of our battleships and virtually all of our carriers, the *Iowa* class, most of the *Essex* class, and the like.
>
> . . . I point this out because this Nation was not at war until December 8, 1941, and the relief that was provided in this amendment would not have been applicable until December 8, 1941.

Mr. President, the appropriations bills that funded the construction of the ships that won the Second World War were all enacted at a time when we were running record peacetime deficits, and I say record deficits. The Senator from Connecticut made reference to some of these deficits, and they sound small by current standards, but by any kind of apples-and-apples comparison, they are very large.

In 1939, the deficit was $2.8 billion, which was over 30 percent of our total outlays. The deficit now, as a percentage of our outlays, is something like 7 percent. But in 1939, the $2.8 billion deficit was a significant percentage of our outlays, over 30 percent.

In 1940, the deficit was $2.9 billion, over 30 percent of our outlays. In 1941, the deficit was $4.9 billion, as the Senator from Connecticut said, and that was about 36 percent of our outlays. Our deficit now, as a percentage of outlays, is only about 7 percent. Plenty large, but still a lot less than it was in those years.

So we would have been in a situation in those years where 60 percent, or three-fifths of the votes, would have been required in order to do deficit financing for those classes of ships which won those battles which won World War II. And that is why Dr. Schlesinger's comments about the outcome of World War II are so significant. These are real-world battles which are determined by those votes.

The Naval Act of 1938, which authorized construction of every category of warships—3 battleships, 2 carriers, 9 cruisers, 23 destroyers and 9 submarines—passed the Senate on May 3, 1938, with 56 votes. Now, that is two votes short of the three-fifths majority that would have been required by the balanced budget amendment, had it been in effect at that time.

So the stakes involved in the Dodd amendment are very significant.

I wonder if the Senator will yield me 2 additional minutes, if that will be all right with the Senator from Utah.

Mr. DODD. Yes.

Mr. LEVIN. Mr. President, those two votes, which determined whether we would build those ships, had a huge effect on the outcome of this war. There is no reason, if we are serious about protecting our national security, why we should require that we actually be engaged in a conflict. If a joint resolution of the Congress says that conflict is imminent, which it was in 1938 and 1939 and 1940, surely that ought to be enough to allow us to act by majority vote in order to save this country.

Finally, as the Senator from Connecticut has pointed out, the same kind of issues could have been raised during the gulf war that were raised by Dr. Schlesinger relative to World War II.

If I still have time left, I want to finish with one other point that the Dodd amendment corrects. How much time does this Senator have remaining?

The PRESIDING OFFICER. One more minute.

Mr. LEVIN. I thank the Chair.

The Dodd amendment addresses a second problem with the text of the balanced budget amendment. The joint resolution, as currently drafted, requires that the United States be engaged in military conflict which "causes an imminent and serious military threat to national security and is so declared" by Congress.

That word "and" in the current language creates two requirements: First, that there be a declaration by Congress and, second, that there be an imminent and serious threat to national security. In other words, the word "and," creates a second requirement—the actual existence of a threat—which opens this up to judicial review and creates a real problem which is corrected by the Dodd amendment.

The last thing that we need at a time when our Nation faces an imminent and serious threat is to place in question the legitimacy of Federal spending to meet that threat. When our national security is at stake, we cannot afford to wait for the courts to give a stamp of approval to emergency spending programs. The Dodd amendment would address this problem by making it clear that a congressional declaration that an imminent and serious threat to the national security would alone be sufficient to trigger the exception.

Mr. President, most of us hopefully want to bring the budget back into balance, but we must achieve that goal without undermining our ability to defend our vital national interests in the face of imminent threats or danger. Regardless whether we support the balanced budget amendment or oppose it, I would hope that we could all support the Dodd amendment and ensure that we have the flexibility we need to protect our national security where we face an imminent and serious threat.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Utah.

Mr. HATCH. Madam President, I did not realize the distinguished Senator from Connecticut had not finished his remarks. I will be happy to allow him to finish.

Mr. DODD. No, go ahead.

Mr. HATCH. Madam President, I will proceed then on our time. I have to oppose this amendment proposed by the Senator from Connecticut, and I hope all of my colleagues will do the same.

Senator DODD has offered an amendment to section 5 of the balanced budget amendment. I might add, section 5 is a very important part of Senate Joint Resolution 1, the balanced budget amendment. We realize that protecting the security of the Nation is the most important responsibility that we have. Indeed, it is the most important duty for any government. Thus, we have dealt with that problem in section 5 of the balanced budget amendment. In that provision, we allow the requirements of this amendment to be waived in two circumstances. One is "any year in which a declaration of war is in effect." The other is when the Nation is "engaged in a military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House, which becomes law."

Those are two very important protections. They protect us from all that the distinguished Senator has been talking about, and, frankly, his amendment, I think, gums this up pretty badly.

The balanced budget amendment, therefore, deals with the two situations in the modern era in which the Nation faces a challenge to its ability to survive, situations in which there is a declared war between this Nation and another country and situations in which there is a military conflict that is unaccompanied by a declaration of war, but that nonetheless causes an imminent and serious military threat to national security.

In those circumstances the authors of the balanced budget amendment believe that the Nation may need greater flexibility than the amendment otherwise allows. At the same time, the carefully balanced text of that provision makes sure that the circumstances in which such a waiver can be more easily accomplished are limited only to those situations in which such a waiver is necessary.

I have the greatest respect for my colleague from Connecticut, Senator DODD. We are very close friends, but his amendment would upset the balance that we have achieved in section 5.

Senator Dodd's amendment would permit a waiver of the balanced budget amendment whenever we face a serious military threat by a simple joint resolution, but he explicitly removes the requirement that the resolution become law. That is troublesome in this context. Ordinarily, being silent about such a matter would be of no consequence. After all, any Member of this Chamber, like any Member of the House of Representatives, can introduce a joint resolution or can submit a resolution on this matter. The real work comes in getting a bill or a resolution passed. But here, by removing the requirement from section 5 of the BBA, [the balanced budget amendment], that the joint resolution "become law," Senator Dodd's amendment could be read by an activist court as eliminating the requirement that the resolution actually become law.

Thus, in order to waive the balanced budget amendment under the Dodd amendment, the President would not have to sign the resolution, would not have to put himself on the line, or herself on the line, and neither House of Congress would have to pass or even vote on the resolution. No committee would have to mark up the resolution. No hearings need be held. Apparently, all that it would require is that any Member of either body merely introduce a joint resolution declaring that the United States faces a serious military threat.

That sole action would apparently suffice to waive the balanced budget rule for the entire fiscal year under the Dodd amendment. Clearly, that would be a bizarre state of affairs. I would be much more impressed with this amendment if it was sponsored by those who literally have been long-time supporters of a balanced budget amendment. Literally, this is an amendment that looks as though it is making every attempt to gut the balanced budget amendment.

Madam President, both the balanced budget amendment waiver for national security and the Dodd amendment use the threshold phrase of "an imminent and serious military threat to national security" as being a situation in which the balanced budget amendment requirements could be waived. Even though both the balanced budget amendment and the Dodd amendment used that phrase, there are two critical differences between the two.

The first critical difference is the following: Unlike the Dodd amendment, this amendment that is currently pending, the balanced budget amendment, Senate Joint Resolution 1, that we want to pass, also requires that the United States actually be "engaged in military conflict" in order to waive the balanced budget rule by less than a three-fifths vote. By contrast, the Dodd amendment does not require that this Nation be engaged in such military conflict. In fact, the Dodd amendment would delete the term "military conflict" from the final balanced budget amendment.

That alone is a significant difference between Senate Joint Resolution 1 and the amendment offered by our distinguished Senator from Connecticut. I understand what a military conflict is. It involves shooting, combat, or the like. By contrast, the term "threat" is far more expansive and far more pliable. That term embraces a broad range of situations that could fall far short of the type of circumstance in which section 5 of Senate Joint Resolution 1 as presently written would allow the balanced budget amendment's requirements to be waived.

It is easy to imagine various events that could occur that would trigger the waiver provisions of the permissive Dodd amendment. For example, last year China fired several missiles in the vicinity of Taiwan, a valuable friend of the United States, as is China. That could have triggered the provisions of the Dodd amendment if somebody merely filed a resolution, pursuant to the Dodd amendment. The United States also has been witness to oil embargoes which also could trigger the Dodd amendment in the future. These events and others—you can go down a long list—would have allowed the Congress to easily waive the requirements of the balanced budget amendment if the Dodd amendment became part of the final, passed balanced budget amendment.

Indeed, ever since the advent and proliferation of nuclear weapons, it could be cogently argued that the United States has "faced an imminent and serious military threat to national security." You can argue that every year in a sense. And that threat would be presented not just by the republics of the former Soviet Union or by China, which are nuclear powers, but also by other countries that may be on the cusp of developing nuclear weapons, chemical weapons, biological weapons, and so forth, by terrorist nations, to say nothing of any other weapons that may come along. So anyone who sought refuge or seeks refuge from the tough choices necessary to balance the budget could invoke this threat and waive the balanced budget rule. So it would never be effective, that is, if the Dodd amendment is adopted. That is just as clear as the amendment.

The second difference between the balanced budget amendment, Senate Joint Resolution 1, the amendment we are trying to pass as written, and the Dodd amendment is closely related to the first. The balanced budget amendment requires that the military conflict cause the imminent and serious military threat to national security. That would be the only circumstance under which the balanced budget amendment's requirements could be waived. The existence of a military conflict, therefore, is not sufficient by itself to allow Congress to escape the requirements of the balanced budget amendment. No. That military conflict also must have a particular effect; namely an imminent and serious military threat to national security.

These two requirements in Senate Joint Resolution 1, Madam President, which the distinguished Senator from Connecticut would like to amend with this permissive language, are two important requirements. As much as we pray that these events do not occur, we must face the reality that there may be times when our Nation is at war. We also must face the reality that there may be times when our Nation is embroiled in a military conflict imminently threatening national security but unaccompanied by a formal declaration of war, such as occurred during the gulf war. When either such event occurs, the Nation and the Congress may need greater flexibility than the balanced budget amendment would allow. I am sure we all agree that protecting the survival and safety of our Nation is our most pressing responsibility.

Senator Dodd's proposal does not serve these goals. His amendment is not designed to allow the military to deal with threats to national security that do not rise to the level already discussed by me. Nor is his amendment limited to permitting the military to increase spending to respond to such a threat. No. His amendment would waive all the requirements of the balanced budget amendment even though Congress has not declared war and even though the President has not committed our Armed Forces to a military conflict. His amendment provides an escape hatch for all other—for all other—situations.

In short, Madam President, the Dodd amendment is a gigantic loophole. Its effect is to weaken and confuse the standard by which the balanced budget amendment may be waived and thus weakens the balanced budget amendment itself. In this age, it is well established that nations with greater economic power stand a much better chance of prevailing in sustained military conflicts. There is nothing that would be better for our economic strength than to pass Senate Joint Resolution 1, the balanced budget amendment.

If we pass this loophole offered by the Senator from Connecticut, it will be abused and thus allow our debt to continue to increase. In years when we should be in balance, the debt will continue to pile up. Our children will be saddled with even more debt, and we will be woefully unprepared as a nation if it is ever necessary to defend our liberty in the future.

By the terms of the President's proposed budget, we would spend nearly as much on net interest in the debt next year as we will on the defense needs of our Nation—just to pay the interest on the debt. That makes the need for the balanced budget amendment about as clear as it can be.

If we continue to allow this debt to skyrocket, if we put loopholes such as this into the balanced budget amendment, if we do not stop this fiscal insanity that currently pervades our Nation, we will simply not have the economic strength to stand on our own militarily or to protect our interests in times of threat. There is nothing better for our Nation's defense than to adopt Senate Joint Resolution 1, the balanced budget amendment, and be certain that we will have the economics necessary to keep our military the best equipped, best trained force in the world.

Indeed, the Dodd amendment could be abused in a way that hurts our military preparedness. Congress could purposely underfund the military at the beginning of the fiscal year to use the extra funds for other programs.

In fact, I suspect that is what is really deep down behind this. If we can waive the balanced budget for almost any reason that we call a threat to our national security, without the constraints that we have written in section 5, which is what the Dodd amendment would do, then those who want that to happen and want that loophole so that we can waive it any time we want to under almost any circumstances could spend more on liberal spending programs rather than really doing for the military what needs to be done.

Our amendment requires them to do what is right for the national security interests of this country, if this matter is going to be waived. It requires the President and the Congress to take some responsibility in that matter, and it does not just waive all these obligations that we think have to be there.

But under the Dodd amendment, they could underfund the military, knowing that during the course of the year they could take any international conflict and use it as a justification to waive the balanced budget amendment.

In effect, if we pass this amendment by the Senator from Connecticut, those who support it would generate their own crisis by having purposefully underfunded the military. I mean, if we in fact abuse the way the balanced budget amendment would be used, that is what it would amount to under the Dodd amendment.

Madam President, this sort of gaming of the system shows that the Dodd amendment is a risky gimmick that will endanger both our military readiness and our economic strength.

I might add that the amendment that will come later on Social Security is even a more risky gimmick that will endanger Social Security for all of our senior citizens because they would take it off the budget so that it does not have to be dealt with not just in times of surplus, but in times of tremendous default and in times when there are not enough moneys there to run it. We have to keep it on budget to keep the pressure on everybody to do what is right to keep Social Security going for our seniors.

Let me just take a few moments and elaborate on the military readiness issues.

The Dodd amendment is too vague. It merely acknowledges the status quo—that there exists national security threats that are routinely handled by the readiness components of our defense budget. Its adoption could actually undermine our ability to provide a responsive surge to escalating threats to our vital interests.

The amendment of the Senator from Connecticut does not acknowledge the differences of national security interests, nor does it tell us what is at stake. It is too broad, and by consequence so vague as to allow exceptions to the balanced budget amendment based on the status quo, day-to-day operation of our defense policy.

To quote from former Secretary of Defense William Perry:

> Vital U.S. interests can be at risk when the United States or an ally is threatened by conventional military force, economic force, by economic strangulation, or weapons of mass destruction. These threats to vital interests are most likely to arise in a regional conflict and, by definition, may require military intervention.

Madam President, as you can see, the Dodd amendment would allow the waiver of the balanced budget amendment at almost any time in our country's history where there is any kind of military threat that fits within the broad language that the then Secretary of Defense, in contrast, as seen from the statement, says that vital interests can be placed at risk by threat. And he continues, such threats by our vital interests "may require military intervention."

Senate Joint Resolution 1 complies with current defense thinking. It says that when the President takes a step beyond the normal acts of protecting national security interests and places our forces in harm's way, then should Congress, and only then should Congress, consider by majority vote suspending the balanced budget amendment restraints on defense spending.

My next objection is that military spending is not and was never intended to be the only way to meet national security threats. In fewer words, still, Madam President, the amendment does not acknowledge either the multiple military and nonmilitary strategies that meet our national security requirements, nor does it appear to realize that we employ a military strategy only when diplomatic and other foreign policy remedies fail.

Finally, the Dodd amendment contradicts and challenges some basic readiness, budgeting and programming concepts that both the President and the Congress support. The Secretary of Defense says, "The number one priority of the Defense Department is maintaining the readiness and sustainability of U.S. forces."

The concerns of the distinguished Senator from Connecticut are adequately covered by the program-budget process. This is explained by the Secretary of Defense as follows:

> The U.S. national military strategy outlines a broad spectrum of commitments, specifically that U.S. forces must be prepared to fight and win the nation's wars, deter aggression and prevent conflict, and conduct peacetime engagement.

The same report goes on to say that "U.S. forces are ready to meet these missions."

Now, Madam President, the day-to-day national security risks that the Dodd amendment worries about are, as we can see, already inventoried and covered in our defense budget.

Let me return to another statement of the former Secretary of Defense, William Perry:

> [The] challenge is to make sure the Department of Defense has the right resources allocated to the right purposes in support of readiness.

Here, the Secretary emphasizes the need for the types of priority-making that the amendment before us would eviscerate since, again, everything under the DOD amendment becomes a priority.

But, to balance this debate, let me turn to Secretary Perry, who wisely cautioned:

> Even with a solid foundation of readiness funds in the DOD budget, the costs of unbudgeted contingency operations can reduce resources to carry out training, maintenance, and other readiness-related activities.

We share with Secretary Perry the need to stress readiness and the corresponding need to be able to respond to exceptional or contingency threats.

In summary, Madam President, the balanced budget amendment as drafted offers a level of support to current defense planning that strengthens our defense policy. In stark contrast, the amendment of my friend from Connecticut would place our national security interests at a level of great risk by undermining the sound budget formulation, priority-making, and management practices that Congress and the President have worked out over the past decade.

Now, I do not think I need to say anything more about the Dodd amendment. I hope that all my colleagues will vote it down because this amendment would just be another way of eviscerating or doing away with the effectiveness of Senate Joint Resolution

1, once passed by us and ratified by three-quarters of the States. We have adequately protected our national security interests the way article 5 is written, and we do it in a way that does not allow phony loopholes so the people can spend more on liberal projects. I guarantee you, if we adopt the Dodd amendment that will cause the amendment to be waived over for almost any reason. And all the moneys raised will probably not be for the military over the year the amendment is thrown out. Those moneys will be spent on liberal social programs, precisely what we want to emphasize. If we do waive the balanced budget amendment and we provide a means to do that during serious crises, if we do waive it then, we have to stand up and vote to do so and we do it because we have to bolster our military, and it can be done only under very rare circumstances where it really needs to be done. Under the Dodd amendment, it can be done under almost any circumstance, almost any time anybody files a resolution to do so. That would just plain do away with the effects of the balanced budget amendment.

I think that is enough for me to say about the Dodd amendment. I take a few minutes now, because I think it is important to do so, to pay respect to my dear colleague and friend who spoke earlier on the floor, the distinguished Senator from West Virginia.

Everybody knows the esteem that all of us have for the distinguished Senator from West Virginia. The Senate means as much to him as anybody who has ever sat in the Senate. This country means a great deal to him. He feels very deeply about his positions, and he argues them forcibly and eloquently. I really do, indeed, after having thought for quite a while about what he said this morning and early afternoon—he spoke for about an hour and 40 minutes, as I recall—I thought I should at least speak a little bit about that here today if I can.

The balanced budget amendment is appropriate in its subject matter and approach to be included in the Constitution. It establishes a process-based control on the part of the Federal Government's spending abilities, specifically, on its ability to borrow. Inasmuch as borrowing affects all future Americans, our children and grandchildren, it is appropriate to place rules on the Federal Government to protect those Americans who will be affected but are not now represented in this political process.

Now, Madam President, I call myself a student of the Constitution, and I do not undertake to amend it lightly. However, our history clearly shows the need for a balanced budget constitutional amendment if we are ever going to balance the budget. Although the text of Senate Joint Resolution 1 is modest in length, it is very significant. Its language has been worked out by Members of both parties over many, many years of fine tuning, and that language has now reached the point where it is a bipartisan, bicameral approach.

Since constitutional amendments are of such importance, I will take a few minutes to walk through the provisions of the balanced budget amendment and discuss how they will cure us of our addiction to debt. Since the distinguished Senator from West Virginia did walk through these, I would like to maybe do the same. I will have more to say on this later.

Mr. DODD. Will the Senator yield, to respond to a couple of issues raised by the pending amendment?

Mr. HATCH. Yes, I yield if I do not lose my right to the floor.

Mr. DODD. I thank my colleague for that. I want to respond to a couple of provisions. The amendment we have before us, the amendment that I offered here, requires that we face an imminent and serious military threat to national security as declared by joint resolution. I was informed "as declared by joint resolution" does not mean someone really introducing a resolution, but that a joint resolution would have to pass both Houses. But I am fully prepared to offer an amendment. It would take unanimous consent to clarify any ambiguity about my intention here. This is not a declaration by an individual Member, but a decision by both Houses that an imminent and dangerous situation exists. I will modify my amendment so as to remove any question of my intention here and what the legislative office, in drafting this, informed this Senator that the language "declared by joint resolution" certainly means. If there is any doubt in anybody's mind, I'll do that. The last thing I want to do is have any one Senator able to offer a resolution that would trigger a waiver of the balanced budget amendment.

Second, I think it is important because the Secretary's name has been raised by my friend from Utah on numerous occasions. Allow me, for the benefit of my colleagues, to read from prepared testimony from the Secretary of Defense:

> We are here today not to give you a comprehensive discussion of the balanced budget amendment, but rather to discuss specifically one very important aspect, which is the effect it would have [the balanced budget amendment] on our national security and particularly the effect it would have on our defense programs. Almost any reasonable assumption of how the balanced budget amendment would be implemented in spinning budgets and in specific programs would affect the defense programs in a fundamental way and I believe would fundamentally undermine the security of the Nation.

Let me emphasize that and repeat it:

> . . . I believe it would fundamentally undermine the security of the Nation. In addition to that, the balanced budget amendment would threaten frequent interruptions of many long-term processes that are essential to maintaining a prudent defense posture.

The statement goes on longer, but those particular words certainly don't leave any doubt as to where the Secretary of Defense stands on this issue.

Third—and then I will allow my colleague from Utah to pick up where he wanted to—I urge my colleagues to read the report language in section 5 of the Judiciary Committee on this amendment, as it gives an explanation of what section 5 means. On page 22, Madam President, I am quoting, and it is dated February 3, 1997:

> This section, as amended, guarantees that Congress will retain maximum flexibility in responding to clear national security crises, such as in declared war or imminent military threat to national security.

Now, if that is what it did, I would not offer this amendment. But it does not. It should take into consideration the declaration of war or imminent military threat to national security. But that is not what the amendment says. The amendment says in section 5, which is before us:

> . . . the United States is engaged in military conflict, which causes an imminent and serious military threat to national security.

It is the "engaged" part that I have such difficulty with here, because if it just said "imminent military threat to national security," then you could say, fine, I understand that. We have a threat out there; we are not engaged yet, but we have a threat. So we ought to be able to pass a joint resolution here that declares that threat to exist, and the waiver then would apply. But this is not flexible. My colleagues ought to understand that. It is not flexible. You must have a declaration of war and/or this Nation must be engaged in military conflict, and it requires all 218 House Members and all 51 Senators—not 49 to 48, but 51—to then waive the provisions.

I think that is so restrictive. As important as my colleagues believe this amendment is in dealing with the fiscal matters of this country—and I am not here to argue that point today, Madam President, because that is an ongoing debate. I accept the sincerity of those who propose this amendment. But I hope no one would suggest that, as important as the fiscal matters of this country are, we would make it so restrictive for the Nation to respond to a military crisis that we would require a declaration of war or actual engagement in a conflict before we could decide to waive these provisions in order to respond to them. I think that is threatening.

This is a dangerous section, as written, regardless of how one feels about the constitutional amendment. This is dangerous. This is clearly dangerous. I ask my colleagues—this is not report language now. We are talking about the actual words included in the organic law of our country, the organic law. Every word, every letter is important. It is not insignificant. These are not casual words. To require a declaration of war or to be actually engaged in military conflict before you can waive the provisions of this constitutional amendment, I think, is dangerous indeed. I am offering an amendment which does not strike it altogether but which says "faces an imminent and serious military threat to national security as declared by a joint resolution." That way, if there is an imminent threat to our national security, a majority of us here and in the other body can pass a resolution that declares that to be the case, and then we ought to be able to waive the provisions and respond to them.

My colleagues know as many examples as I do where we have not met the threshold of a declaration of war or been engaged in a military conflict. Examples where we, the overwhelming majority, I suspect, would have assumed there was enough of an imminent threat out there that we should have responded. We also see a highly divisive country when we see that. I do not offer this lightly, as others have suggested, as somehow a back-door approach for liberal spending programs. This goes right to the heart of our Nation's response to a crisis and whether or not we elevate the importance of fiscal prudence here to such a status that it exceeds the ability of the Nation to respond under its primary, essential function, and that is to protect the security of our Nation.

I suggest, Madam President—in fact, I will read this. On page 22, the last section—they define, by the way, in these sections what each word means. The bottom of page 22 of the report.

> . . . is engaged in military conflict.

Here is how the report defines those words:

> ". . . is engaged in military conflict," is intended to limit the applicability of this waiver to situations involving the actual use of military force which nonetheless do not rise to the level of a formal declaration of war.

This isn't my language. This is the report language. I am not interpreting this language. It must involve the actual use of military force before they meet the threshold of imminent danger.

There are just hundreds of cases where something that does not involve actual use of force can meet the threshold of imminent danger. Yet, the authors of the section, very clearly—and you can imagine a Federal court, some day in the next century, reading this language as to what the words mean, and it doesn't say likely use of force or maybe a use of force, but actual use of force. We have the awkward situation, to put it mildly, of this Nation responding to its primary function—that is, to protect its citizenry when placed under threat.

Again, I will offer at the appropriate moment—I don't know why I need to, but if certain people think I have drafted this in a way to suggest that any one Member can offer a resolution and that is going to trigger a waiver—again, I submitted my language to the legislative offices here to prepare this, and they tell me that the "declared by a joint resolution" meets that standard of what the intent is here—clearly, not just any one Member offering a resolution, but obviously both Houses passing it. I haven't gotten to the language in the amendment about the whole House, in terms of having 51 people. We have seen situations where Members don't get back, for whatever reason, where some crisis faces the Nation and Members can't get here. What a ridiculous situation to place this body in. I know we're not living in the horse-and-buggy age here, when Members couldn't get here and where they sat around and waited for enough Members to arrive which would allow a majority of both Houses to respond. But we sat here and determined that somehow meets purity, and insisted upon the whole of both Houses, and then, of course, I believe we excluded the Vice President from casting a vote in a tie. You have to have 51 votes of the Members, and the Vice President while the Presiding Officer is not a Member of this body. And I think that is a shortcoming as well. It is minor compared to the actual language here that requires a declaration of war, or as the report language defines is engaged in military conflict, it must involve the actual use of military force. I think that standard is way too high for us to be able to waive the provisions of this balanced budget amendment to respond to a security crisis in this country.

You can vote for my amendment, and you can be for the balanced budget amendment. It does not threaten the underlying purpose of a balanced budget amendment. I believe it is a lot wiser to be cautious on all issues of national security. This is not some secondary or collateral issue. This is the primary function of any government. The primary function is to protect the security of the people. We have set a standard here that I think places that primary responsibility in some jeopardy.

So for those reasons, I urge my colleagues to accept this amendment. And I will be glad to yield the floor at this point. I will raise a couple of additional issues in a few minutes. But let me yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, of course the underlying amendment of the Senator from Connecticut threatens the very purpose of the balanced budget amendment. Even if he does make this small change of adding language that makes the resolution became law, this certainly would improve his amendment. That is a small matter. The reason he would have to do that, if his intention is that the resolution be passed by both bodies and signed by the President, is because he has deleted specifically our requirement that any resolution become law, meaning it passes both Houses and it is signed by the President.

So there is no other way the court would construe it other than the way I have suggested it. But that is a small matter because Senator DODD's new amendment, assuming that he modifies his current amendment, clarifies his intent in one regard. He would make it clear that a joint resolution must become law. That would be an improvement.

But my other criticisms remain. There would be too many instances in which Senate Joint Resolution 1's requirements could be waived. Today, any action by a foreign nation can pose an imminent and serious military threat to our Nation. Under Senator DODD's amendment, any such action would allow Congress to engage in increased social spending, and waive this balanced budget amendment.

To me that is ridiculous. It isn't a protection. It is just another way to continue business as usual. I frankly am not for that, and I do not think most others will be either.

Look closely at the Dodd amendment that allows all spending to increase—not just military spending. The ostensible purpose is to protect us militarily and our national security. But it waives the budget for all spending. It makes one wonder why. And it allows virtually any action by any country—certainly countries like Russia or China—to justify increased social spending.

I have to admit that my colleagues are ingenious at wanting to keep the status quo going, and that is their right to unbalance the budget and spend and spend and spend so they can go home and claim, "Look at what we are doing for you." They are putting us into bankruptcy. And all of us are doing it, both parties, without any restraint. Now they want to remove this restraint. To be honest with you, I think basically what people want to do is just keep business as usual.

Secretary Perry in accepting the Dodd amendment would admit that the readiness principles are wrong that he articulated. For example, he would be saying that current threats are not covered. The Dodd amendment has no plan for a contingency. National security is always a justifiable budget buster regardless of the crisis of the moment.

Let us just read the language that the Senator would change. The way the original amendment, the underlying amendment, Senate Joint Resolution 1 reads, section 5 says, "Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect." That is the same. "The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House which becomes law." That is what the current amendment says. That is a tremendous protection. Declaration of war or waiver by a joint resolution passed by the whole number, a majority of the whole number of both Houses, meaning a constitutional majority, which becomes law and signed by the President. Under those circumstances this balanced budget amendment can be waived.

There are those who are strong supporters of the balanced budget amendment which didn't want this language in here. Senator Heflin and a number of us worked this out so that both sides would feel that they are adequately taken care of. But it is no secret. There are a lot of people who do not want this section at all because they believe that a patriotic group of Senators and Congresspeople would naturally waive the balanced budget amendment by a higher vote, by the three-fifths vote necessary to do it to put us into more debt to pay for it. But we have made it a much lesser standard. It will be a constitutional majority required by both Houses.

Look at the way the distinguished Senator from Connecticut would have this read. "The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect." "The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes" but in which the United States "faces an imminent and serious military threat to national security." And then he strikes "and is so," and then just says "as declared by a joint resolution," period. I imagine he is willing to modify his amendment and add "which becomes law." The "which becomes law" would make this amendment a little bit better. But, frankly, it doesn't solve the problem of the easy ability anybody would have for anything that can be called "facing an imminent and serious military threat to our national security" which can include almost anything. That would be the easiest way to waive this amendment at any time any social spending becomes the desire of the people and the Congress. And, by the way, that is what is causing our problems for 28 straight years now—social spending.

I am so afraid I am going to knock these over sometime and squash somebody, and they would squash somebody. It would probably break somebody's leg. I have been told by a number of Senators that we are violating OSHA. Too bad OSHA doesn't have control over this separated power. But there is no other way to show to the American people just how really bad it is—28 straight years of unbalanced budgets. And now we are going to put changes in this amendment that would allow us to go to 29, 30, right up to 68 years, or more. We will never get it under control, if we have amendments like this. So we have to stand up and do what is right.

Mr. DODD. Will my colleague yield for a question or so?

Mr. HATCH. Yes.

Mr. DODD. First of all, I raised the issue about the Vice President because it is unclear.

Mr. HATCH. The Vice President would not have a right to vote here, but he doesn't have a right to vote for this amendment either.

Mr. DODD. Let me ask my question. Under section 5, as drafted in the proposed constitutional amendment, then the vote by the whole of both Houses would exclude the vote by the Vice President. Is that correct?

Mr. HATCH. That is correct, just like a vote for this constitutional amendment excludes the Vice President, and countless other votes exclude the Vice President.

Mr. DODD. We are talking about a waiver issue here.

Mr. HATCH. In any event, he would be excluded.

Mr. DODD. Is there any other situation which my colleague from Utah can cite in which we have excluded the vote of the Vice President in a tie vote?

Mr. HATCH. Every constitutional amendment that has ever been passed.

Mr. DODD. I am talking about a matter that would come before this body.

Mr. HATCH. Sure. On cloture votes; all cloture votes. You will have to have 60 votes.

Mr. DODD. That is a procedural vote.

Mr. HATCH. Procedural or not, that is what this vote would be.

Mr. DODD. To waive.

Mr. HATCH. Sure. That would be both procedural and substantive. Cloture votes are substantive and procedural.

Mr. DODD. A cloture vote is not a tie vote. There you have to have a number of votes.

Mr. HATCH. Neither would they be. In other words, what we are doing——

Mr. DODD. You don't get cloture 50–50.

Mr. HATCH. No, you get cloture at 60——

Mr. DODD. Right. On matters that require a simple majority, will my colleague cite a single example where a simple majority is required in this body where the vote of the Vice President would be excluded?

Mr. HATCH. Yes. Every vote where it is not 50–50.

Mr. DODD. I am saying where the vote is 50–50.

Mr. HATCH. Well, where the vote is 50–50, where that is required, yes, but we are talking about a constitutional amendment.

Mr. DODD. I am not talking about the amendment. I am talking about a provision——

Mr. HATCH. Let me finish.

Mr. DODD. That requires that this body act, and that is the provision of the constitutional amendment, requires that the whole House of both Chambers vote.

Mr. HATCH. That is right.

Mr. DODD. And it requires 51.

Mr. HATCH. Right.

Mr. DODD. My question is, can my colleague from Utah cite a single example where a supermajority is not required, where there is a 50–50 tie, that the vote of the Vice President would be excluded in that situation?

Mr. HATCH. Yes. In every vote in the House of Representatives.

Mr. DODD. No, in the Senate.

Mr. HATCH. Let me finish. I cannot cite a single example in the Senate, but that is irrelevant. The fact is the reason we are writing the constitutional amendment is to provide a means whereby you have to have a constitutional majority, without worrying about the Vice President, who is not a Member of this body other than to preside, if he wants to, and break majority vote ties. We are saying that we need a constitutional majority of at least 51 Senators to resolve this problem, and at least 218 Members of the House. And since it is a constitutional amendment, we would be changing the current method of budgeting to require higher majority votes in order to waive the balanced budget amendment requirements. That is what we are doing.

Mr. DODD. Let me ask my colleague a couple other questions.

Mr. HATCH. Sure.

Mr. DODD. Under the language of this amendment, would the decision to send 100,000 troops to the gulf——

Mr. HATCH. Will the Senator yield?

Mr. DODD. Certainly.

Mr. HATCH. Because I do think I just need to make a couple more comments on the Vice President.

Mr. DODD. I am sorry.

Mr. HATCH. Just to make the record. The question does arise, as the Senator phrased, as to how Senate Joint Resolution 1 affects the obligations of the Vice President, as President of the Senate, to vote in case of a tie vote in the Senate. The answer is that a balanced budget amendment does not change the Constitution's basic reliance on simple majority votes or the Vice President's role in casting a vote in those cases where Senators are equally divided.

Article I, section 3 of the Constitution provides that "The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided."

By the plain meaning of this provision, the Vice President is not a member of the Senate. He is merely the Presiding Officer, the President of the Senate, a neutral empire, and thus cannot vote or take part in the deliberations of the Senate. And even though our current Vice President is a former member of the Senate, he is no longer a member of the Senate. He is a member of the executive branch. But he does have that function.

The only exception to this is where there exists a tie vote. In that case to "secure at all times the possibility of a definitive resolution of the body, it is necessary that the Vice President should have only a casting vote."

That was taken from Federalist Paper No. 68 written by Hamilton.

But the situation where the Vice President can break a tie vote only applies to a simple majority vote, the run-of-the-mill ordinary vote of the Senate. It very seldom happens but it can happen under those circumstances. Where the Constitution, however, provides for a supermajority vote, in situations where the Framers of the Constitution feared the passions of the majority rule would retard reasoned deliberation, there really is no occasion for a tie vote, and therefore the Vice President may not vote.

These include the two-thirds requirement of each House to override a veto. When the President formally rejects legislation passed by both Houses of Congress, the drafters of the Constitution contemplated the simple democratic majoritarian rule does not serve the best interests of this country. A constitutional majority will not even do in that instance. Congress may override the President's veto only by a supermajority vote.

The two-thirds vote requirement of the Senate to give its advice and consent to treaties and the two-thirds vote requirement of the Senate to convict on impeachment are other examples where the Vice President has absolutely no vote whatsoever.

I add the votes on cloture. You are going to have at least 60 votes in order to invoke cloture. You could go on I think.

In each of these cases the Vice President has no role in casting a deciding vote.

The balanced budget amendment supermajority provisions, whether the three-fifths number of the whole number of each House of Congress—that section 1 waiver to allow outlays to exceed receipts; section 2 waiver to increase the limit on the debt, or the constitutional majority provisions—a majority of the whole number of each House—section 4 requirement to raise revenue, section 5 requirement to waive amendment when the United States is involved in military action that is a threat to national security—would work the same way as the Constitution's other supermajority provisions.

Because these supermajority provisions require a majority vote of the whole number of each House of Congress, and it is clear that the Vice President is not a Member of either House, these provisions, like the two-thirds vote in the Senate for treaties, is an exception to the simple majority vote general rule that the Vice President may vote in cases of a tie in the Senate.

Moreover, with a supermajority requirement, a tie vote is meaningless. For instance, 60 votes in the Senate would be required to raise the debt ceiling, where a three-fifths vote is required under section 2 of this amendment, and 51 votes would be needed to raise taxes as required by section 4. A 40 to 40 vote or even a 50 to 50 vote does not meet that requirement. Therefore, the Vice President would have no role in casting a deciding vote. But that does not in any way diminish his constitutional authority.

Madam President, what we are debating here is very important. What the balanced budget amendment does is establish a constitutional requirement that Congress live within its means, that we quit doing this to America, as represented by these 28 years in a row of unbalanced budgets since 1969. All the supermajority requirements are saying is that if Congress wants to waive the Constitution, a simple majority will not do. You have to have a true majority—in the case of the section 4 requirement to raise revenue and section 5 requirement to waive the amendment when the United States is involved in a military action that is a threat to national security—or a supermajority in the case of the section 1 waiver of the balanced budget requirement or the section 2 waiver of the debt limit. And every Senator and every Congressman must be on record and thereby accountable to his or her constituency.

Now, I have at least 3 or 4 hours more that I could go on on this subject.

Mr. DODD. I am not going to press my colleague. The point I wanted to make, if my colleague will yield further, is that we are creating an unprecedented exception. The waiver provision—put aside the constitutional amendment. I am not debating that. I am debating this one section.

Mr. HATCH. All right.

Mr. DODD. Under this one section we are carving out a unique exception for the first time in the history of this country. Section 5 says adopted by a majority of the whole House and its Members. We exclude the Vice President in a 50–50 tie.

Mr. HATCH. Right.

Mr. DODD. In casting a vote.

Mr. HATCH. That's right.

Mr. DODD. We do not do that under any other circumstance in the 208-year-old history of this Republic——

Mr. HATCH. Other than the ones I have listed.

Mr. DODD. I say to my colleague. It is not a supermajority here. It is a dangerous precedent in my view. So on a 50 to 50 vote on whether we met the other standards would fail and the President of the United States would not be able to act.

Let me ask my colleague from Utah just a couple quick questions. I cited examples earlier, putting aside whether you agreed or disagreed with the action taken. In August 1990, when President Bush sent 100,000 troops to the Middle East, were we in actual—to quote the language of this section 5, were we engaged, in the Senator's opinion, in military conflict at that point?

Mr. HATCH. Sure.

Mr. DODD. Were we engaged at that point in August 1990 for the United States——

Mr. HATCH. When we sent troops to Saudi Arabia?

Mr. DODD. Yes. By the way, the interpretation of engaged is actual use of military force.

Mr. HATCH. Well, we already had had attacks by the Iraqis and we were there to protect our people. I would say that.

Mr. DODD. How about lend-lease, under President Roosevelt?

Mr. HATCH. One thing about lend-lease that I felt was very important is that during that period of time if we had any deficits at all, they were very minor.

Mr. DODD. They were large. They were 36 percent of the overall budget, much larger than they are today.

Mr. HATCH. Before that they were minor in comparison to what we have today.

Mr. DODD. The point I am trying to get at here is the question of actual—the language here of section 5 is "is engaged in military conflict." I make a strong case to the Senator here that in those situations we were not engaged in military conflict.

Mr. HATCH. Sure, we were.

Mr. DODD. We ultimately became engaged.

Mr. HATCH. They were moving forces and materiel and——

Mr. DODD. That's not engagement.

Mr. HATCH. It may not be, until we shot the first shot, but the fact is that is what happened, and when it did happen, I cannot imagine either House of Congress not voting to provide a constitutional authority to provide whatever help the military needed.

Mr. DODD. Doesn't it make more sense to leave out your declaration of war language here and then have the threshold as an imminent threat? We all have to vote here. It's not as if it happens by one person. But at least you could respond without a court. Because I could imagine you might take the position in the Persian Gulf that that could have been the outcome. Let us say I disagreed with you. I run to Federal court. I read the language there and I cite the report language and the report language says, under this section, "is engaged in military conflict involving the actual use of military force."

My point to the court would be that is not actual use of military force. Therefore you cannot waive this provision.

Mr. HATCH. You don't think moving billions of dollars worth of military force into the Persian Gulf——

Mr. DODD. I think actual use of military force is my interpretation. I don't understand——

Mr. HATCH. That might be an argument in this body. If it is, then those who want to increase military spending or waive this budget, all they have to do is get a constitutional majority to do so. We are just saying it should not be easy to waive the constitutional amendment.

Mr. DODD. I don't think this is easy, as you are suggesting it is. But you are putting a straitjacket, in my view——

Mr. HATCH. Hardly.

Mr. DODD. Putting a straitjacket on the ability of this country in future years to respond to a threat to national security by insisting on a declaration of war and actual conflict—actual conflict.

Mr. HATCH. Hardly. What we are saying is if it's an actual conflict and something that deserves the United States of America risking its soldiers and its young men and women, then the President ought to declare a war or come up here and say, "I want a constitutional vote to support me."

Mr. DODD. My colleague knows how mischievous people can be in utilizing things like this.

Mr. HATCH. Not when it comes to our young men and women. Give me a break.

Mr. DODD. If you are short of a conflict and try to get ready for it and try to get the votes to prepare for it, we have seen the debates that rage here.

Mr. HATCH. True, and those debates——

Mr. DODD. And you are offering, I suggest, to a potential enemy a wonderful arrow, an additional arrow in their quiver, where they can sit there and say, "They are at the end of the fiscal year. These people have difficulties. They'd have to rearrange their budget. It is going to require votes of the whole House. People could not show up." I see this as an advantage. You are subjugating, I say with all due respect to my wonderful friend, you are subjugating national security interests to the fiscal concerns you raise in this budget. Your priorities are switched. As important as fiscal matters are, to place in jeopardy the ability of the United States to respond quickly and efficiently to an imminent threat to its national security, for the life of me, I don't understand why we would be risking that.

Mr. HATCH. If I could regain my control of the floor?

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. We are saying precisely the opposite. We are saying to keep this country secure, to have this country remain the greatest country in the world, quit spending it into bankruptcy and put some fiscal mechanism in the Constitution that requires us to quit spending it into bankruptcy. If we want to have a strong military, then, by gosh, let us be willing to stand up and vote for it.

I have to tell you, this Senator for 21 years has been a strong supporter of a strong national security. I voted for virtually everything that would help this country and protect our young men and women. I think, in a time of imminent threat to this country, I have never seen a case since I have been here where liberals, moderates and conservatives alike would reject protecting our young men and women. We are not going to see it in that case.

But I will tell you this, there is no justification whatsoever to put into this amendment the changes that the distinguished Senator from Connecticut wants, which would allow the amendment to be waived for almost any circumstances and, frankly, waived for what? Because they are going to spend more money on the military? Give me a break. It is going to be so they can continue spending the way they always have, so they can continue to build this mountain of paper, of national debt that we have had for 28 straight years, and out of the last 66 years, 58 years of debt.

That is what we are trying to stop. If we want a strong military, if we want strong national security, if we want to protect ourselves from imminent threats, if we want to protect ourselves from war, if we want to protect ourselves from being invaded, if we want to protect ourselves and our allies, then by gosh we better get spending under control. And this balanced budget amendment is about the only thing the vast majority of us in Congress right now can think of that will help us to do it.

Mr. DODD. If my colleague will yield?

Mr. HATCH. What the amendment of the distinguished Senator from Connecticut would do is it would just plain make it so anybody could waive the balanced budget amendment for any reason at any time. And I guarantee it will not be waived to increase military spending.

Mr. DODD. If my colleague will yield, my colleague had read this amendment. My colleague is getting a bit emotional. If he would read the amendment——

Mr. HATCH. I am not getting emotional.

Mr. DODD. "Faces an imminent and serious military threat to national security as declared by joint resolution."

Mr. HATCH. I read that.

Mr. DODD. Is my colleague suggesting, that the majority would go along willy-nilly with this resolution because they wanted to spend more on the program. Are we not faced with the perverse situation of having Presidents declare war in order to meet the standard of some imminent threat here?

Mr. HATCH. I don't think so.

Mr. DODD. This language is very clear. It is pointed at a very important situation that would be before us. And to suggest somehow this is a back-door attempt to fund spending programs on domestic issues, does my colleague really believe the majority in the Senate here today would vote for a backdoor domestic spending increase——

Mr. HATCH. No, I don't think it would.

Mr. DODD. On the grounds there was imminent threat to our national security?

Mr. HATCH. I don't think a majority would vote to do that. But I am saying that is what this amendment would allow a majority to do, a simple majority. We are saying that is wrong. We have provided enough of a safety hatch to protect the country the way the amendment is written. If we adopt the amendment of the distinguished Senator from Connecticut, my goodness gracious, we could have the balanced budget amendment waived for a year any time we want to and it would just nullify the effectiveness of the balanced budget amendment.

I do not see anything wrong with the President either declaring war or coming up here to make a case he needs more money for the military, but he or she ought to come up here——

Mr. DODD. If my colleague will yield, that is what the amendment says.

Mr. HATCH. No, I am not yielding here. I want to finish my comments.

Mr. DODD. I thought the debate was kind of healthy.

Mr. HATCH. I will yield to my colleague, but I would like to be able to at least finish a sentence now and then, or at least once in a while.

I think it is very important that Presidents make their case, and I think Presidents can make their case, whoever the future Presidents would be. I think we would be very loathe to reject a President's case that the national security is being threatened. I cannot imagine the Congress doing that, to be honest with you, since the Second World War. Up to then we kind of blithely went along, acting like nothing is ever going to happen because we are way over here. This is now a very small world, and our country knows we have to back keeping ourselves strong because we are, frankly, the bulwark for freedom all over the world.

One thing I really don't think we should do, and I think a vast majority in this body will also not think we should do, is to make it possible to waive this amendment at the mere majority vote of some future Congress, just because somebody alleges, through a resolution, that there is some imminent threats.

I yield to my colleague from Idaho.

Mr. CRAIG. I thank the chairman for yielding.

Mr. President, the Dodd amendment is more loophole than law.

Whatever the Senator's intentions, this amendment actually would put a two-step loophole in the balanced budget amendment and in the Constitution:

Step one: Declare a military threat with a simple majority;

Step two: Deficit spend as much as you want, on whatever you want.

That's it. The plain words of this amendment actually do nothing to help military preparedness.

The relevant wording of the amendment, as it would be amended by Senator DODD's words are as follows:

> The provisions of this article may be waived for any year in which the United States faces an imminent and serious military threat to national security as declared by a joint resolution.

Nothing in the Dodd amendment requires its deficit spending to be dedicated to defense. Nothing in the Dodd amendment requires its deficit spending to be dedicated to meeting the "imminent and serious military threat." After declaring a military threat, Congress could then vote to cut defense spending—maybe with the argument that a gesture of peace and good will would defuse that imminent military threat. Then Congress could vote, by simple majority, for unlimited deficit spending for any and all nonmilitary spending programs. Would Congress use this loophole cynically as an excuse to deficit spend? I'm reminded of the movie, "Field of Dreams," in which the lead character was told, "If you build the ball field, they (the players) will come." When it comes to the hard choices of balancing the budget, you could say, "If you build the loophole, they will borrow and spend."

The Dodd amendment still follows that old, status quo, borrow-and-spend mentality. There are those who really cannot conceive of a world without deficit spending.

They believe the American people want to have their cake, eat it too, and send a big credit card bill to the next generation. They believe you can have everything, if only you keep deficit spending. The trouble is, if we don't stop deficit spending, we will lose everything: our prosperity, millions of jobs, economic security for our senior citizens, and the American Dream of a better life for our children.

I suggest we really can have an adequately prepared defense and regularly balanced budgets, too.

In fact, the more we balance our budgets, the more we will have to spend on defense—and every other priority—because of a healthy, growing economy, because we'll stop devoting about 15 percent of our annual budget just to net interest payments.

And, in fact, at the very height of the cold war, during the 15½ years of the Truman and Eisenhower administrations, we still managed to balance the budget 7 times before spending on domestic social programs really took off in the 1960's.

The debt is the threat to defense. Escalating interest payments crowd out all other priorities. In 1976, 7.2 percent of the Federal budget went to make interest payments on the Federal debt. In 1996, net interest consumed 15.5 percent of the budget. As a result, Defense and other programs have already felt the budget knife.

According to the report of the National Entitlement Commission chaired by our colleague Senator KERREY of Nebraska, and our former colleague Senator Danforth:

> By 2012, unless appropriate policy changes are made in the interim, projected outlays for entitlements and interest on the national debt will consume all tax revenues collected by the federal government.

That means no money left for defense—or capital investment, education, the environment, national forests and parks, law enforcement, science, or other domestic discretionary programs.

The balanced budget amendment is the best friend our national defense could have. The Congressional Budget Office estimates that moving toward a balanced budget during fiscal year 1998–2002 will reduce Federal debt service costs over that period by $36 billion and improve economic performance enough to produce a "fiscal dividend" of another $77 billion in revenues and interest rate savings, making more money available over the long-term for priorities within a balanced budget.

Committing to a balanced budget—and it's not a convincing commitment without this constitutional amendment—actually helps pay for itself.

The balanced budget amendment places trust in the people—the Dodd amendment distrusts the people. I am willing to risk my priorities under a balanced budget. That's the whole point of balancing the budget—it requires us to set priorities.

When former Senator Simon used to join us on this floor in sponsoring the Balanced Budget Amendment, he was quite clear in his priorities under a balanced budget:

Raise taxes, cut defense, increase social programs. And I have been quite clear in my priorities under a balanced budget: Restrain the overall growth of spending; cut wasteful domestic social programs; safeguard our national defense; and cut taxes to be fairer to families and spur economic growth, if possible.

But Paul Simon and I both felt it was so imperative that we require balanced budgets, that we were both willing to risk our individual priorities for the greater good—the economic survival of our Nation and the security of our children. If we balance budget, we take the risk that our individual priorities may or may not prosper. If we don't balance the budget—if we don't pass this amendment—we risk the future of our Nation and our children. I trust the American people to have the right priorities—and to elect Senators and Representatives who reflect those priorities, at last, in a series of balanced budgets.

The balanced budget amendment—Senate Joint Resolution 1 unamended—already takes national security into consideration. Look back at our history.

Traditionally, our Nation ran deficits during wars and paid back its debts during peacetime. Senate Joint Resolution 1 would restore exactly that norm of behavior. Only in the last few decades has the Government borrowed and spent in good times and bad, in war, peace, and cold wars.

Senate Joint Resolution 1 is careful and precise: A waiver may be had by a simple majority in the case of a declared war. There are serious consequences—both to the people here at home and in terms of international law—when you declare war. It is an act of survival, an act of the highest urgency.

Next, Senate Joint Resolution 1 requires a vote by a "majority of the whole number"—a constitutional majority—to deficit spend if we are actually in a military emergency and engage our armed forces. This is a slightly higher threshold—added by former Senator Heflin, who was both a deficit hawk and a defense hawk—and it is appropriate, since we are talking about a conflict here that is still legally not a declared war.

Finally, in all other cases, we require a three-fifths vote to deficit spend because deficit spending has become a cancer on our economy and it should be hard to run up ever-higher debt.

Mr. President, what the amendment does, and I think the Senator from Connecticut is well aware, is it returns us to the traditional pattern of defense spending. We used to, in times of war and national emergency, deficit spend only to pay it off afterward because we believed in the fiscal solvency and the fiscal importance of a balanced budget. Somehow, about three decades ago, we went screaming away from that idea. We borrowed through World War I and then we paid it back. We borrowed through World War II, and we worked every effort to pay it back. That is exactly what the constitutional amendment does. In neither of those cases did we find ourself in imminent danger, other than our own philosophy as a nation.

But, when it came to rally to the cause of human freedom for this country, we deficit spent. But we paid it back afterward. The tragedy of today is that we fail to recognize that form of fiscal responsibility.

Mr. DODD. Will my colleague yield?

Mr. HATCH. I will be happy to yield for a question, but could I yield on your time?

Mr. DODD. Please. I am not suggesting here—let us put aside the underlying debate on the constitutional amendment to balance the budget. Even if my amendment were to be adopted, I say to my colleague from Utah, he knows I have serious reservations with the underlying amendment. I merely wanted to address this one section here.

Mr. HATCH. I understand.

Mr. DODD. The language—I urge again my colleague to read it—I am not making the language up and writing the report language—says, "in which a declaration of war is in effect," and, also, "The provisions of this article may be waived for any fiscal year in which the United States is engaged in a military conflict."

Put aside the issue of how we vote here. The language says "is engaged in a military conflict." I turn to the report language that defines those words. On page 22, it says it must involve the actual use of military force.

I just know my colleagues can think of numerous examples—not phony ones, not insignificant ones—where there was imminent threat, the national security of this country was in jeopardy, we were not engaged, we were not actually using military force, but we would have wanted to waive the provisions of this particular section in order to respond to it.

Whether you are for or against the constitutional amendment, it seems to me is a collateral issue at this point. The question I raise is: This language is so restrictive, it requires a declaration of war or actual engagement. Courts will interpret every word of this language in the constitutional amendment.

My suggestion is not to get rid of this altogether. Keep in the declaration of war, but add or replace the language "engaged" and talk about the imminent threat to the national security and require a resolution to be adopted by both Houses so that it isn't just one person's interpretation, but that a majority of those present and voting in both Houses.

That is not a slight hurdle to overcome, particularly when it amounts to waiving the provisions of a balanced budget amendment. I presume my colleagues will take that seriously. But we ought to be able to do it short of actual engagement in a conflict, and if we don't, I think we restrict this Nation's ability to respond to future conflicts that could jeopardize our national security and the people of this country.

We do not take our jobs lightly. We would have to meet that threshold. We would understand by doing so, we would waive the provisions of the Constitution. That is a very serious matter to undertake. It is not just a casual resolution. But it seems to me we ought to be able to do so in preparation for something that may involve the engagement of our men and women, our forces, and prepare them for it and prepare the Nation for it. We cannot do that under section five as presently written.

The PRESIDING OFFICER [Mr. FAIRCLOTH]. The Senator from Utah.

Mr. HATCH. Mr. President, my colleague, as I can see, feels very deeply about his position. I am not casting aspersions on him. I know he is very sincere in what he is doing here today, but all we are saying is unless the President declares a war, which he has in his amendment, that this article can't be waived for a fiscal year, for any fiscal year unless the United States is "engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House, which becomes law."

If we take what the distinguished Senator from Connecticut wants, then it would be a tremendous loophole. It would allow people who are not as sincere as he is to come in here and waive, on simple majority vote, the whole balanced budget amendment for almost any reason at all it will ruin our chance for fiscal responsibility.

The Senator from Connecticut is confusing the question of congressional authorization of military action with spending measures. The balanced budget amendment has no effect on the ability of Congress to approve actions like Panama. It has no effect at all. What the balanced budget amendment does require is that when it comes to paying for those actions, that we act responsibly and only waive the amendment in the case of a declaration of war or if we have a three-fifths vote of both bodies to do so. It is just that simple.

Or, if we actually are "engaged in a military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House," in other words, by a constitutional majority, that is all this amendment does.

I think to a degree, the distinguished Senator from Connecticut is mixing the President's Commander in Chief authority to act with congressional authority to provide resources. The Commander in Chief can act. There is nothing that stops the Commander in Chief from acting, and if the moneys are there, he can act in ways that utilize more money. But the fact of the matter is, if the moneys are not there, he or she is going to have to come up here and make a case, and I can't imagine where there is an imminent and serious military threat to national security that the Congress will not provide the necessary votes. We do not challenge the President's authority. Rather, the balanced budget amendment opponents resist congressional control over all spending, including defense, and that is really what is the thrust of this amendment, in the eyes of many.

I respect my colleague from Connecticut. Yes, I get a little excited about these kind of amendments, too. The whole purpose of a balanced budget amendment is to give us some mechanism to try and stop this charade, and, frankly, I think most people in America, if they really look at it, become very cynical about Congress, because they see this charade that's been caused over 28 straight years now. They see us trying to find every way we can to spend more and more. Some are so cynical that they believe people around here spend so they can keep themselves in office and go home, beat their breasts, and say, "Look what I have done for you." They never say "with your own money, your own borrowed money."

We are trying to stop this charade. We are trying to at least put some dents in it, and the balanced budget amendment might do that.

Mr. LEAHY. Mr. President, I think that Senator DODD has put his finger on a very serious flaw in the language of the proposed constitutional amendment.

Section 5 of the proposed amendment requires the United States to be engaged in military conflict before a waiver may be obtained. The military conflict must be one that causes an imminent and serious military threat to national security. Moreover, the Senate report's section-by-section on this language compounds the problem by indicating that only certain kinds of military conflict may qualify. Only military conflict that involve the actual use of military force may serve as a basis for this waiver.

I hope that this is not what the authors, sponsors and proponents of this constitutional amendment truly intend. If it is, they are creating constitutional circumstances that make military spending and preparations easier only when military force is actually used and military conflict ensues. Arming to deter aggression would no longer be the preferred course, aiding allies in a conflict rather than dispatching U.S. military forces would no longer be as viable and alternative and rebuilding our military capabilities after a conflict would no longer be possible without a supermajority vote of three-fifths of the Congress. I cannot believe that anyone in the Congress would propose such restrictive measures.

I have spent much of my time in the Senate working with Republican and Democratic administrations to avoid the actual use of military force. This amendment is written in such a way that it serves to encourage such use. Nothing that would serve to place our men and women in harm's way more quickly or leaves them less well equipped or prepared should garner the support of this Senate. I hope that all Senators will consider favorably Senator DODD's important amendment. I urge the manager and the sponsors of the resolution to abandon their no-amendments strategy and consider the merits of the Dodd amendment.

Mr. HATCH. Mr. President, I think maybe we spent enough time on this. I would like to spend a few minutes replying to Senator BYRD, who I respect deeply and who is one of the people I most admire in this body. He spoke for about an hour and a half, an hour and 40 minutes this morning in a very intelligent and eloquent way, but I think there are a number of things about his remarks that do need to be clarified.

Like I say, the text of section 1 of this amendment before the body is modest in length. It is very significant. It is language that has been worked out over many years in a bipartisan, bicameral way. Constitutional amendments are of great importance, and I would like to just take a few minutes to walk through the provisions of the balanced budget amendment and discuss how they would cure our so-called addiction to debt.

The core provision of Senate Joint Resolution 1 is contained in section 1, which establishes, as a fiscal norm, the concept of a balanced budget amendment. That section mandates that:

> Total outlays for any fiscal year shall not exceed total receipts for that year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

This section does not require a particular process the Congress must follow in order to achieve a balanced budget. There are many equitable means of reaching that goal. Each program will have to compete on its own for the resources available. Thus, the balanced budget amendment, Senate Joint Resolution 1, does not dictate any particular fiscal strategy upon Congress.

Section 1 also provides reasonable flexibility by providing for a waiver of the balanced budget amendment. In order to invoke this waiver, both Houses of Congress must provide by law for a specific default which must pass by a three-fifths rollcall vote. This careful balancing of incentives creates enough flexibility for Congress to deal with economic or other emergencies. However, the waiver will not be easy when a future Congress is simply trying to avoid the tough choices necessary to balance the budget. Many supporters of the balanced budget amendment have suggested that in the future it might be in the Nation's interest to plan to run a reasonable surplus to ensure easier compliance with its terms and to be able to begin to pay down the debt with any surplus funds.

Another important aspect of this section is that in a year that the Congress chooses to waive the balanced budget rule, it must do so "for a specific excess of outlays over receipts . . ." That means that the maximum amount of deficit spending to be allowed must be clearly identified. By forcing Congress to identify and confront a particular deficit, this clause will prevent a waiver for a specific purpose, such as an economic downturn, from opening the door to a whole range of deficit-funded spending.

Another key feature of section 1 is that it requires any waiver to be by rollcall vote. A rollcall vote will be required to ensure the required three-fifths vote has been recorded so that the American people will be able to see who stood for fiscal responsibility and who for adding more debt on our children's and grandchildren's heads. The balanced budget amendment will increase accountability in Government. Gone will be the days of late-night unrecorded voice votes to spend away America's future. If there is to be a deficit, the American people will know who wanted it and why they wanted it. They can make their own judgment as to who has the right priorities.

Section 2 provides that:

> The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

So that is pretty clear. Section 2 works in tandem with section 1 to enforce the balanced budget amendment. Section 2 focuses public attention on the magnitude of Government indebtedness.

To run a deficit, the Federal Government must borrow funds to cover its obligations. If borrowing will go beyond a previously enacted statutory limit, the balanced budget amendment will require a three-fifths vote in order to raise that limit.

This section acts as an incentive to not only balance the budget in good times, but to start paying down the existing debt that is so high now that it is mind-boggling. By doing so, Congress will provide more flexibility for itself by opening more breathing room between the actual debt and the debt limit. This is, in truth, what we should have been doing for years.

We hear so much about the recent and temporary decline in the annual deficit. It is amazing to me that some people consider a smaller increase in the debt a reason to celebrate. I do not think it is. The debt is still increasing. We must balance the budget. It is over $100 billion this year, that deficit.

We must balance the budget and stop increasing the debt at all. Indeed, our goal should be to run a surplus during prosperous times so that we can start paying down the debt and meet threats to our national security.

I wonder how a credit card company would respond if I told them that although my debt was more than three times my annual income, I overspent by less this year than I did last year. They would sure as heck cut me off, as they would any of us.

Section 3 provides:

> Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

That is important. While this may not seem important to some people, consider how long it has been since we had a balanced budget—28 solid years now. These are all unbalanced budgets for 28 years. That is why this stack of books next to me is so high.

The President's budget does not balance this year either. He claims it will get us to balance by 2002. I hope we can work with him to do that. But without a balanced budget amendment, I fear it is not going to happen. If you look at his budget, 75 percent of the cuts are in the last 2 years, when he is out of office. So it is pretty clear to me that it is not as sincere an attempt as I would like to see it. The President understands this game. His budget, like I say, saved 75 percent of the cuts for only after he leaves office—another plan to leave it to the future and let the next guy pay the bill.

It is time for us to break our habit of deficit by default. People propose deficit spending in Washington without a second thought. I believe that by the simple action of having the President propose a budget that balances in that fiscal year, we will go a long way towards changing the debt-happy attitudes in this town and that, in turn, will help us stay in balance after we reach it.

Section 4 requires approval by a majority of the whole number of each House by a rollcall vote for any bill to increase revenue. This will provide a responsible and balanced amount of tax limitation and improve congressional accountability for revenue measures. It is important to stop borrowing, but to unduly borrow burdens hard-working

Americans and would also be deleterious to the Nation and to its citizens.

Section 4 will help us to curb spending and taxing by requiring a majority of the whole Congress, not just those voting at a given time, and by forcing Members of Congress to go on record with a rollcall vote. These reforms are a crucial part of putting our fiscal house in order.

Section 5 guarantees—and I will not read it; we have been reading that—but it guarantees that Congress will retain maximum flexibility in responding to clear national security crises such as a declared war or imminent military threat to national security.

This section provides a balance between the need for flexibility to react to a military threat to the Nation and the need to keep the balanced budget amendment strong. Clearly, if the United States is involved in a declared war, the situation is serious and the waiver of the balanced budget rule should not be overly difficult. Unless clear situations, but still in instances of military conflict, the threshold is slightly higher.

In order to waive the balanced budget rule Congress must pass the waiver by a majority of the whole number of both Houses and it must become law, must be signed by the President. This prevents the balanced budget amendment from being too easily waived.

Thus, taken together, section 5 allows the country to defend itself but also protects against a waiver that is borne more of a desire to avoid the tough choices needed to balance the budget than of military need.

Section 6 states:

> The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

This section makes explicit what is implicit. The Congress has a positive obligation to fashion legislation to enforce this article. Section 6 underscores Congress' continuing role in implementing the balanced budget requirement. This provision precludes any interpretation of the amendment that would result in a shift in the balance of powers among branches of Government.

We have heard from time to time claims by opponents of the balanced budget constitutional amendment that the President or the courts will become unduly involved in enforcing the amendment. This section, together with the plethora of legal precedent and documents, shows that such claims are misplaced.

This provision also gives Congress appropriate flexibility with which to fashion the implementing legislation by permitting reliance on estimates. Since obviously no one can predict the future with absolute certainty, we must rely on estimates when we plan budgets. This provision recognizes that we must rely on estimates to make the constitutional amendment workable.

Section 7 defines "receipts," "outlays."

Section 7 defines receipts and outlays. Receipts do not include money from borrowing—it is high time we stopped thinking of borrowing as a normal source of income. Outlays do not include money used to repay debt principle. This will further encourage future Congresses to start to pay down our mammoth debt.

Perhaps more than any other section, opponents try to change this one most often. By altering the definitions of receipts and outlays they know they could tear a giant loophole in the balanced budget amendment. So they come forth with a parade of exemptions, for every interest under the sun, and each would provide those who are addicted to debt a way to get their fiscal fix. We must not allow it. The supporters of honest, fiscal responsibility should not be distracted from their goal of balancing the budget in spite of the desires to respond to all manner of sympathetic political causes.

Finally, section 8 states that the amendment will take effect in 2002 or 2 years after it is adopted, whichever is later. This will allow Congress a period to consider and adopt the necessary procedures to implement the amendment, and to begin the process of balancing the budget.

In conclusion, Mr. President, let me reiterate that the balanced budget amendment is the only way we are going to be able to balance the budget. We have tried statutes, they don't work. We have tried mustering the political will, it hasn't worked. And we have tried just letting the debt grow, that can't work. We need to end our cycle of debt with a hard and fast rule, that cannot be easily discarded when it becomes inconvenient. We need the balanced budget amendment.

Mr. President, let me respond to a few charges which have been leveled against the amendment.

Some suggest a conflict between the general requirement of balance and the allowance for a waiver.

Allowing for a waiver by vote is not inconsistent with the purpose of Senate Joint Resolution 1, which is to make it harder to borrow as a general matter, yet provide flexibility to borrow in case of need demonstrated by the appropriate consensus.

Section 6 of Senate Joint Resolution 1 provides that "Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts." To be sure, reliance on good faith estimates is necessary to make the balanced budget amendment workable. No budget cannot be balanced to the penny; particularly the $1.6 trillion Federal budget.

Opponents of the balanced budget amendment contend that this reliance on estimates is improper because CBO budgetary estimates are not always precisely accurate, specifically if you compare the estimates for the beginning of the fiscal year with what the actual numbers are at the end of the fiscal year. It seems to me that by definition an estimate is not necessarily going to match up to the exact figures at the end of the year. But that is no reason to stop using estimates. They are a reasonable and logical way to approach the uncertainty inherent in trying to predict the future.

The balanced budget amendment will still function smoothly even given this lack of absolute certainty at the beginning of the year. If, over the course of the fiscal year outlays exceed receipts in a way not previously anticipated, we have two choices. We can either pass a reconciliation bill to bring the budget back into balance, or, if necessary, we can waive the balanced budget rule for that year as provided for in the text of the amendment.

Further, under the Budget Act, both OMB—for the President's budget estimate—and CBO by law must provide for three budgetary estimates: one at the beginning of the fiscal year, the second as a mid-course correction, and the last before the end of the fiscal year. Thus, there exists a statutory fine-tuning process that assures a degree of accuracy—not perfect accuracy—but one that provides for workable budgetary estimates. If we see during the course of the year that our estimates are going to be off, we have time to make the necessary corrections.

I believe that reliance on estimates is both reasonable and sound. If we did not permit a reliance on estimates, I have little doubt that someone on the other side would be on the Senate floor arguing that the balanced budget amendment would be unworkable because it does not let us rely on estimates.

The bottom line is that at the beginning of the year, we have no crystal ball, only reasonable estimates to work from. The balanced budget amendment accepts that plain truth and accordingly provides for the use of estimates. We use budget estimates in Congress every day. The President just sent a budget that he claims will balance by 2002. That is an estimate. We will pass a budget resolution here in the Senate, and that will rely on estimates. The balanced budget amendment merely continues this time-honored, logical, and reasonable practice.

If the opponents of the balanced budget amendment succeed, we will be condemning our children to even higher debt, even higher taxes, and even lower wages, by any estimate. I hope that everyone in the Senate will keep that in mind as this debate continues.

The Senator raises two points that were discussed in the committee report that accompanied Senate Joint Resolution 1. While I understand the concerns, I believe that they are based on a misreading of the report.

The report allows that, "Congress could decide that a deficit caused by a temporary, self-correcting drop in receipts or increase in outlays during the fiscal year would not violate the article." This does not mean that the budget will be out of balance at the end of the year. It simply states that the budget need not be in perfect balance every second of the year. And there is nothing in the text of the balanced budget amendment to indicate that it should. However, the temporary condition described in the committee report must be self-correcting by the conclusion of the fiscal year, in order to avoid a three-fifths vote. I see no harm in allowing this flexibility during the course of the year.

Additionally, the report states that Congress could permit negligible deviations be made up in the next year. Again, this is not nearly as remarkable as some have made it out to be. We all know that sometimes the very last few outlays and receipts of the year are not known until after the fiscal year is over. The balanced budget amendment neither requires nor envisions that this logistical truth become a problem. In such an event, the Congress could provide itself with the flexibility to make up any negligible deficits to be made up the next year. What is crucial is that the funds must be made up, thus keeping us in balance. It simply would not make any sense to bring the Government to a halt over a 4-cent deficit. And the balanced budget amendment does not require that we do. That is all that this statement in the committee report is saying.

Some opponents claim that the BBA is too inflexible. It has been repeatedly referred to as a "straightjacket." On the other hand, we also hear that the BBA is not stringent enough. In fact, the balanced budget amendment strikes just the right balance between strict provisions to counter the strong incentives in Congress to deficit spend and the reasonable flexibility necessary for the amendment to function in the real world.

What we need to do is focus on the problem—our national debt is over $5.3 trillion and climbing. Only the balanced budget amendment will put us in a position to end that climb.

Meeting the requirements of the balanced budget will require a heightened vigilance of Congress; it will require that the Federal Government be more aware of and concerned about our borrowing and spending habits. No, it will not be as easy as simply spending and then borrowing if we did not plan well. It will require that we plan better and be better stewards over that plan. I think that is appropriate, given the importance of the problem, and of our duty.

The point has also been raised that Congress will not know precisely if we are in balance of the size of the deficit to the dollar before the end of the year. That is why we have the workable flexibility of relying on estimates, yet we will need to plan and administer the process with care.

Congress may and should shoot for a small surplus to avoid a last minute unforseen deficit, and if the estimates near the end of the year suggest we will run a deficit, we can approve a deficit at the high end of the estimates. If we approve an estimate that is slightly larger than we needed, it is not like we actually spent the money.

While some may say that relying on estimates creates a loophole, I submit that the risks of this provision are substantially less than our current process of simply spending and borrowing as a matter of course.

DEBT CEILING SUPER MAJORITY

Concerns have also been raised that under section 2 it will be too hard to get the three-fifths currently required and that a minority in Congress will be able to hold us hostage with the threat of forcing a default. For one thing, threatening default is not likely.

This Nation has never defaulted on its debt. And let me tell you, if this country ever reached a point where there were 41 Senators, nearly the entire current Democratic membership of the Senate, who were so militantly disillusioned with this Nation that they were truly willing to let us default on our debt, the 60-vote requirement to raise the debt ceiling would be the least of our problems.

Now, the opponents of the three-fifths requirement cite the budget battles of last Congress as evidence that it is sometimes difficult to raise the debt limit. But Mr. David Malpass, an expert on financial markets who testified at the Judiciary Committee's hearings, showed that those very budget battles—where the word "default" was being bandied about with regularity—were seen by the markets as a very positive step. Indeed, he noted that "The U.S. bond market had a very strong rally from August 1995 through January 1996, with yields falling from 6.9 percent to 6.0 percent." He termed this as a very significant positive development for the economy.

Through all the tumult and uncertainty of those budget battles, American investors were excited and encouraged that Congress was finally moving towards a balanced budget. That encouragement manifested itself in lower interest rates, which in turn is the kind of market conditions that can help us balance the budget and strengthen the economy.

Mr. Malpass was prescient enough to foresee this very objection to the balanced budget amendment when he wrote:

> Financial markets are practical. [T]he threat of a default would not be taken seriously as long as both the Administration and Congress expressed the intention not to default. The requirement of a super-majority would not affect this calculation.

A step toward fiscal discipline like passing a solid balanced budget amendment would similarly be viewed positively by the markets. Enacting a weakened one, one like the proposal before us contemplates, with no real debt limit restraint, would undermine the amendment's credibility and its effectiveness.

We have a choice—we can either continue on the downward spiral of more debt, higher interest rates, higher taxes, and lower incomes, or we can move ahead with the balanced budget amendment and lower interest rates, lower taxes, with greater job growth and a stronger overall economy.

Mr. President, we already have several supermajority requirements in the Constitution. Some were in the original text, some have been added by amendment. The one thing they have in common is that they were all meant to come into play in unusual circumstances. That is what we expect of the balanced budget amendment, that the vote to raise the debt of this Nation be an unusual circumstance.

Those who believe the supermajority vote will be the rule rather than the exception betray their mental habit of thinking in terms of deficit spending. We must break this habit and make deficit spending the exception instead of the rule. The balanced budget amendment does not require a supermajority to pass a budget—only a budget that is out of balance. The balanced budget amendment creates a positive incentive for current majorities to avoid borrowing to avoid supermajority votes and risking the kind of intrigue opponents say could happen when supermajorities are required. This is wholly appropriate and reasonable to break Congress of its borrowing habit.

The debt ceiling has sometimes been raised by supermajorities and often it has been raised by simple majorities. What is important is that we have never defaulted. When we have had to have the votes, the necessary votes have always been there. When votes are tallied, it is easy for Members to vote against raising the debt ceiling, knowing that the ceiling will be raised. I expect when we are living under the balanced budget amendment, once again, the necessary votes will be there, but not many more than necessary, because Members may wish to vote against it knowing the necessary votes are there.

Let me conclude with some comments on the objections to supermajorities in Senate Joint Resolution 1.

According to Prof. Harvey Mansfield, Jr. of Harvard, in his scholarly book "The Taming of the Prince," the real genius of our Constitution is that having placed all power in the hands of its citizenry, the American people consented to restraints on that power. Understanding that direct or pure democracies in history were inherently unstable and fickle, the Framers placed restraints on popular rule and congressional power—what we now call supermajority requirements.

Let me mention some of them: Article I, section 3, the Senate may convict on an impeachment with a two-thirds vote; article I, section 5, each House may expel a Member with a two-thirds vote; article I, section 7, a Presidential veto is overridden by a two-thirds vote of each House; article II, section 2, the Senate advises and consents to treaties with a two-thirds vote; article V, a constitutional amendment requires two-thirds of each House or a constitutional convention can be called by two-thirds of the State legislatures, and three-quarters of the State legislatures must ratify; article VII, the Constitution itself required ratification of 9 of the 13 States; the 12th amendment requires a quorum of two-thirds of the States in the House to choose a President and a majority of States is required to elect the President, the same requirements exist for the Senate choosing the Vice-President; the 25th amendment, dealing with the President's competency and removal, requires that if Congress is not in session within 21 days after Congress is required to assemble, it must determine by two-thirds vote of both Houses that the President is unable to discharge the duties of his office.

The Constitution requires that a supermajority approve a constitutional amendment. To pass the balanced budget amendment, we must have 67 Senators vote for it. Is this inappropriate? Or should we allow some number between 26 and 51, or 50 with the Vice-President casting the tie-breaking vote to approve the balanced budget amendment? The Constitution requires that three fourths of the States ratify the balanced budget amendment. Perhaps our majoritarian friends would prefer that some number of States between 26 and 51 ratify the amendment, with the District of Columbia, Puerto Rico, or Guam casting a tie-breaking vote if the States are evenly divided.

Mr. President, if majority rule were the fundamental principle of our Government, as I have heard some in this debate say, we would not have the Government we do. We would have a unicameral parliamentary system without judicial review, and indeed without the Bill of Rights or a written Constitution, because each of those features of our Government is an intrusion into the principle of majority rule. And they are certainly not the only examples.

The first amendment does not say Congress shall not abridge free speech unless a fletting majority wants to. It does not say that Congress shall not interfere with the free exercise of religion or establish a religion, unless a majority of those present and voting want to. The first amendment takes those options away from even supermajorities of Congress, except through constitutional amendment. Shall we tear up the Bill of Rights and the Constitution because they contain checks on the power of transient majorities? I do not think so.

As I have said, as Thomas Jefferson said, as even Professor Tribe has said, the power of transient majorities to saddle minorities or future majorities with debt is the kind of infringement on fundamental rights that deserves constitutional protection. The Framers wished to protect life, liberty, and property; they reacted harshly against taxation without representation. As I have pointed out throughout this debate, our deficit spending taxes generations which are not now represented; it takes their property and their economic liberty. It is wholly appropriate that we at least increase the consensus of those currently represented to allow them to shackle those who are not—future generations—with the debt, the taxes, and the economic servitude that go with citizenship in a country with high national debt.

Mr. President, opponents of the balanced budget amendment charge that supermajority requirements will create some new kind of sinister bargaining among factions to gain advantage in return for supporting the necessary consensus. This objection strikes me as strange because that kind of negotiation is as old as the legislative process. It happens now in the search for a majority.

Mr. President, under the balanced budget amendment, majorities will continue to set budget priorities from year to year. Only if the majority attempts to borrow money from future generations to pay for its priorities would there have to be a supermajority vote. This allows a minority to play the conscience of the Nation and protect future generations from the type of borrowing sprees we have seen in recent decades.

I would note, Mr. President, that those who believe the supermajority vote will be the rule rather than the exception betray their mental habit of thinking in terms of deficit spending. We must break this habit and make deficit spending the exception instead of the rule. The balanced budget amendment does not require a supermajority to pass a budget—only a budget that is out of balance. The balanced budget amendment creates a positive incentive for current majorities to avoid borrowing to avoid supermajority votes and risking the kind of intrigue opponents say could happen when supermajorities are required. This is wholly appropriate and reasonable to break Congress of its borrowing habit.

Mr. President, it is absolutely clear that to restore the constitutional concept of limited government and its protection of liberty—as well as to restore fiscal and economic sanity—we must pass this balanced budget amendment. We need the supermajority provisions of Senate Joint Resolution 1—a modern day "auxiliary precaution" in Madison's words—to put teeth into the balanced budget amendment—to be a force to end business as usual here in Congress—and most important, to foster the liberty of limited government that the Framers believed to be essential.

Mr. BYRD. Mr. President, would the Senator yield for a question?

Mr. HATCH. I would on the Senator's time. I think our time is running down. I know some others want to speak. I would be happy to yield.

Mr. BYRD. How much time do I have?

Mr. HATCH. Mr. President, how much time is remaining for both sides?

The PRESIDING OFFICER. Forty-three minutes for Senator HATCH and 40 minutes for Senator DODD.

Mr. HATCH. I will yield on that basis, that this——

Mr. BYRD. Be attributed to the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. He might prefer to finish before entertaining questions——

Mr. HATCH. I would like to. Listen, my friend from West Virginia, I am happy to accommodate him any time I can. I know how sincere he is. I know the efforts that he put forth this morning in making his eloquent statement. I am happy to yield, if he desires me to, at this time.

Mr. BYRD. Is the Senator undertaking to——

Mr. HATCH. Under those circumstances.

Mr. BYRD. Is the Senator addressing the concerns I expressed this morning, as I went down the amendment section by section, or is he merely reading the various sections?

Mr. HATCH. I am undertaking to explain some of them. I believe that I will do so some more tomorrow or when we get back from recess. But I am making an effort to do some explanation here today. And, hopefully, I am explaining away some of the difficulties that the distinguished Senator has raised.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. I will say that I will make more specific responses later.

Mr. BYRD. Would the Senator explain to me why the Judiciary Committee, in its analysis of section 6, took the pains to explain that "'estimates,'" for example, "means good faith, responsible, and reasonable estimates made with honest intent to implement section 1," without also indicating in the committee report the definition of what is meant by "good faith," what is meant by the word "responsible," what is meant by the word "reasonable" in connection with the word "estimates"?

Mr. HATCH. I believe any reasonable interpretation of section 6 knows that there is no way—and the distinguished Senator was right when he made the comment earlier in the day—that there is no way of absolutely being accurate on estimates. We have to do the best we can to estimate the outlays and receipts at the beginning or at some time during each year for the next succeeding year. There is just no question about it, because there is no way we can absolutely predict what will happen in the future. But I think through implementing legislation we can resolve the budgetary problems with regard to estimating outlays and receipts in a way that would be workable. And we would have to do so under this amendment.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. Under the same terms I would, on the Senator's time.

Mr. BYRD. May I ask the distinguished Senator, who is going to be the judge of whether an estimate has been rendered in good faith, whether it is a responsible estimate, or whether there is a reasonable estimate?

Mr. HATCH. I think the terms of the committee report should be given the ordinary dictionary meaning. I think that is the way we would have to do it. But Members of Congress would be responsible. Members would define them.

Mr. BYRD. Members of the Congress will be the judge as to whether an estimate is responsible?

Mr. HATCH. We are today, of all of the estimates. We will have to be.

Mr. BYRD. If the Senator will allow me to use a chart, this chart shows the estimated revenues annually from 1980 to 1996. If the Senator will notice, in each of these years, keeping in mind that the green line means that the estimate was right on target——

Mr. HATCH. Or above target?

Mr. BYRD. No. The green line means the estimate was, indeed, right on target. It was not above or below the line. It was not too high. It was not too low.

Would the Senator agree with me that based on this chart, in every year from 1980 to 1996, the estimate was wrong? It was off. It was not correct. In some years the revenues were more than estimated and in some years they were less than estimated. The point of the chart being to show that the estimates have never been absolutely correct. In many instances they have varied; in one instance here, $78 billion. The estimate was off $78 billion. In another instance, the estimate was off $65 billion.

This is the record. This is not a Member's estimate here of what should have been in each of those particular years. This is the record. These bars indicate what went wrong, by how much the estimate was off for each year. Would the Senator tend to believe that in the future the estimates are going to be better than they have been on this chart, which represents 17 years of experience?

Mr. HATCH. Let me answer the first question. Here are 28 years of similar inaccurate estimates. Wait, wait, let me make my point. Here are 28 years of missed estimates. We have been wrong every time in 28 years and we have been wrong because these are all unbalanced budgets.

I agree with the Senator on the second question. Yes, from 1980 to 1996 we have been wrong every time on estimates. On a couple of occasions not very wrong, but during all of that period, the whole 28 years since 1968 and during all of the period between 1980 and 1996 we did not function pursuant to a balanced budget amendment.

Mr. BYRD. What makes the Senator believe——

Mr. HATCH. If I could finish my remarks.

Under the Budget Act, CBO and OMB give estimates each year. CBO is the Congressional Budget Office; OMB is the Office of Management and Budget. They correct the estimates twice during the year as they acquire new data. Congress ultimately has to decide how you balance the differences.

Now, we should plan to get above balance, as the usual course. Most years we should try to stay above balance with regard to estimates and try to stay on the course by amended estimates through the year. That is what we will have to do. I think the implementing legislation will do that.

Let me make another comment, and I will turn back to my dear colleague. Meeting the requirements of the balanced budget amendment will require a heightened vigilance of Congress. It is apparent it will make us get tough on budgets. During those years we had five different statutory balanced budget approaches that led us to that morass and this morass. What we are saying is that the balanced budget amendment will require us to have a heightened vigilance in the Congress. It will require that the Federal Government be more aware of and concerned about borrowing and spending habits. No, it will not be as easy as simply spending and then borrowing if we do not plan. It will require that we plan better and that we use better standards in that planning. I think it is appropriate, given the importance of this problem and the duty we owe to our country.

Now, I think what I am saying is, I agree with my colleague. He makes a very compelling point here that we have not been very accurate in estimating receipts, in estimating outlays and receipts through the 16 years, although I say through 28 years, or 58 of the last 66 years, we have run unbalanced budgets. One reason is we have relied on statutory schemes that have been circumvented in every one of those years, none of which have really worked. The distinguished Senator, by the way, to his credit, pointed out that some of those statutory schemes at the time would not work. I believe some of the rest of us felt that way as well.

What we are saying is from 1997 on, or whenever this amendment is ratified and becomes law and part of the Constitution, by the year 2002 on, and really before that if we can get it ratified before then, we are going to no longer have the luxury of these inaccurate estimates. We will have to do a better job. We will have to be more vigilant. We are going to have to heighten that vigilance, and we will have to meet the requirement of a balanced budget or face the music of having to stand up and vote for higher deficits or more spending by supermajority votes.

I think comparing this time and saying, because we have been inaccurate during times when statutory methods have not worked, with post-balanced-budget-amendment-enactment times where we will have to be more vigilant and we will have to come up with a way of being accurate during the year—right, OMB and CBO now only check that twice. We are going to have to do a much better job.

Now, can we be absolutely accurate? Everybody knows we cannot.

Mr. BYRD. That is the point.

Mr. HATCH. There is no way you can. I do not want to keep going with this system and then this system when we have an alternative that really would put some fiscal discipline in the Constitution that makes us get serious.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. I yield under the same set of circumstances.

Mr. BYRD. The Senator does not want to continue with this system. He refers to this system as a statutory system. And yet—and yet—the amendment itself tells us who will enforce this amendment once it is in the Constitution.

I will read it from section 6:

> The Congress shall enforce and implement this article by appropriate legislation.

So we are going to continue to enforce it. We are going to continue to operate under a statutory system. That is what I am saying. We have been operating under a statutory system. This amendment says we will continue to operate under a statutory system because it says that the Congress will enforce this amendment by appropriate legislation.

What makes the Senator feel that under the new statutory system, that the estimates will be any better than they have been under the old statutory system when both systems are going to be the work of the Congress?

Mr. HATCH. You mean under the new constitutional system if this becomes——

Mr. BYRD. There will not be any different system because the Congress itself will enforce that amendment by appropriate legislation.

Mr. HATCH. Let me answer that question. You have raised a point that Congress will not know precisely if we are in balance or a deficit to the exact dollar before the end of each year. That is why we have the workable flexibility of relying on estimates. Yet we will need a plan to administer that process with care.

Now, Congress may, and I think this would become the norm, instead of now just planning on deficits, Congress may and should plan for a small surplus to avoid a last-minute, unforeseen deficit. If the estimates near the end of the year suggest we will run a deficit, we can approve a deficit at the high end of the estimates. If we approve an estimate that is slightly larger than is needed, it is not like actually spending the money. While some may say relying on estimates creates a loophole, I submit that the risks are substantially less than our current process of spending and borrowing, and that is exhibited by these 28 years of unbalanced budgets. That has been the matter of course. I think we have to change course, and I think the normalcy—I think the distinguished Senator from West Virginia, if I know him as well as I think I do, would be leading the fight to have at least small surpluses each year to take care of any fluctuations that might occur. I don't think he would permit us to get into this mess, which neither he nor I have been able to prevent under the current statutory scheme. But under a balanced budget amendment, we are going to have to be real.

Mr. BYRD. This is not going to be real—section 6. It is not real. It talks about estimates. Now we are going to switch from section 1, which says total outlays shall not exceed total receipts in any fiscal year. In the first place, how do we know whether the outlays have exceeded the receipts before the end of the fiscal year, or even two or three weeks subsequent to the end of the fiscal year? That is number one. Number two, then, we switch to estimates. Why do you proponents of the amendment purport to do two things—one, in the first section, balance outlays with receipts—no ifs, ands, or buts—to the exact dollar. But in section 6, they say, well, just forget about section 1 and balance the estimates. We have all seen how the estimates run. The estimating is going to be done by the very same people, under the amendment, as have been doing the estimating prior to the adoption of the amendment.

The proponents are promising, absolutely pledging to the people of the United States, that this amendment will balance the budget. That is what they are promising. The Senator just said that. We cannot possibly get the estimates right. The Senator just said that. We can't possibly get the estimates right.

Well, then, may I ask the Senator, are we not misleading the American people with these elaborate claims that we are going to balance the budget when what we are really going to balance is the estimates? Then the Senator admits that we can't be accurate in these estimates. We never have been, and we never will be. There won't be any computers made that will come up with the correct estimates.

Mr. HATCH. This amendment does not mandate a balanced budget as the only option. This amendment requires us to move toward a balanced budgets, because it requires a balanced budget or supermajority votes if we are going to run deficits. So the pressures——

Mr. BYRD. Will the Senator yield on that?

Mr. HATCH. If I could be allowed to finish. So the pressures will be on us to try to have surpluses rather than continue to spend, because sooner or later we have to face the music. Let me make this point. The accuracy of estimates is self-correcting, because OMB and CBO must, by law, correct their estimates twice a year, under current practices. Usually, the original estimates are always off by OMB and CBO. Under the current system, there is not nearly as much pressure to be accurate as there will be under the constitutional amendment system, if we pass this by the requisite two-thirds vote of both Houses and it is ratified by three-quarters of the States. So what if CBO and OMB correct it? The balanced budget amendment does nothing to correct that procedure. It puts pressure on them to, maybe, do more than twice a year corrections.

The balanced budget amendment actually will further budgetary discipline. Congress is the one that must always enforce the system. Every one of us takes an oath to uphold the Constitution. If this becomes part of the Constitution, we will have to live up to that oath. We will have to devise a system that really does it. We will still operate under a statutory system of implementing the constitutional rule. We can't order perfection; not even we can order perfection. But the balanced budget amendment will put the appropriate amount of pressure on Congress, which is not there now, as easily can be seen by the Senator's very important chart. It will put the pressure on Congress to ensure truthfulness.

Public reactions will punish those who act cowardly. Everybody will know because we will always have to vote. We can't do it on voice votes anymore, or hide it in the dead of the night, which I know Senator BYRD understands well and does not approve of, as I don't. We would all have to stand up and vote, and the public will know who has voted which way. They are going to expect us to do a far better job than that which has done and than these 28 years of unbalanced budgets.

Let us be honest. There is no way anybody can absolutely, accurately tell what the outlays and receipts are going to be in advance. When we say "total outlays of any fiscal year shall not exceed," it has to be written that way because that is the force that says, Congress, your estimates better be good, a lot better than these statutory estimates we have had in the past, because then we will be under a constraint to balance the budget, or vote by a supermajority vote not to balance it. That is the difference.

Mr. BYRD. If the Senator will yield, Mr. President, permit me to say that I have the utmost admiration for the distinguished Senator from Utah.

Mr. HATCH. And vice versa.

Mr. BYRD. I marvel at his equanimity, his characteristic, and his never-failing courtesy. This is the way he has always been with me. But I must say that, notwithstanding that, I am amazed to hear the distinguished Senator stand on the floor this afternoon and admit that this amendment doesn't require a balanced budget.

Mr. HATCH. It doesn't—it's not the only option.

Mr. BYRD. What about that, he said it again. It doesn't.

Mr. HATCH. It doesn't. We can do whatever we want to. We just have to vote to have an unbalanced budget by the required supermajority or margin.

Mr. BYRD. What about all the Senators coming to the floor and saying the sky is falling, debt is bad, interest on the debt is bad, deficits are bad, and we have to do something about it and take the burden off our children, and vote for a balanced budget amendment?

The Senator has been perfectly honest. He says this amendment doesn't require a balanced budget. Well, let's quit saying, then, that it requires a balanced budget. He is saying that the estimates here are wrong. He may be implying that the people who make the estimates, once the constitutional amendment is adopted, will have greater expertise than those, who are the best in the world right now, who made these estimates.

Mr. HATCH. Will the Senator yield on that point?

Mr. BYRD. The Senator has the floor, so I am glad to.

Mr. HATCH. I appreciate that, to make a comment. I believe there is no question that they would do a better job, because there won't be the same number of games played on budget matters if everybody knows that we have the constraint of either balancing the budget, or voting on a supermajority not to balance it. We all have to face our electorate. Right now, we do a lot of these things for by voice votes and other shenanigans that help to cause these things. When I say "we," I would rather say "they," because I try not to, and I know the Senator tries not to. But it's apparent in that our current system isn't working. I think your chart makes one of the best arguments for the balanced budget amendment of any chart we have had up here in this whole debate, because it shows that what we are doing right now, and what we have done for 28 solid years, doesn't work.

Mr. BYRD. Well then, why are we going to wait 5 years to do something better if the Senator has something better?

Mr. HATCH. We are not. If we pass this through the Senate—hopefully, within the next week or so—by the requisite two-thirds vote, and it passes through the House by the requisite two-thirds vote, that is a notice to everybody in these two bodies that we better start hustling to get a real balanced budget by 2002, where all of us know that the only part of the President's budget that really counts is next year's budget.

It is not the budget as extrapolated out to 2002, especially since 75 percent of it is balanced in the last 2 years after he leaves office. No, it is this next year, and each year thereafter. If we passed this and it is submitted to the States, I can't predict what the States would do. I believe they would ratify this amendment if we have the guts to pass it through both Houses of Congress. And if they ratify this amendment, then, by gosh, I have to tell you that I think the game will be over. We will not be able to do this anymore. There will have to be rollcall votes under the same terms.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. Certainly.

Mr. BYRD. Mr. President, the Senator speaks of guts. It doesn't take guts to vote for this thing. It takes guts to vote against it.

Mr. HATCH. I think it takes guts both ways.

Mr. BYRD. It takes guts to vote against it because the great majority of the American people have been bamboozled about this amendment. They support this, and they are very much in favor of it. So it takes guts to vote against it.

Why does the distinguished Senator think, No. 1, that we are going to be any better at our estimates once this amendment is adopted than we have been in the past? That is No. 1.

Then he talks about—he said something to the effect that once we get this amendment in place, as I understood he was saying to the effect that we will not be able to find ways around it, or some such.

Mr. HATCH. We will not be able to get around these things with voice votes. We will have to stand up and vote by rollcall.

Mr. BYRD. We can vote now by rollcall vote.

Mr. HATCH. But we don't, and there is nothing that requires us to do so, necessarily.

Mr. BYRD. Except the Constitution, if one-fifth indicate that they want to vote. That doesn't happen often. That is very seldom on raising the debt limit. That is very seldom on passing the final budget here.

Mr. HATCH. Let me answer the distinguished Senator's question. It is a good question.

The reason that I think we will be more accurate afterwards is because the incentives will switch. The incentives will switch because unless we balance the budget year after year and start working toward surpluses and not working on deficits, we are going to be in real trouble constitutionally, and we all know that. There will no longer be the game that occurred during the 1980 and 1996 years, as shown by the Senator's very interesting chart. I think that makes one of the best cases I have ever seen for the balanced budget amendment, because the current system is not working.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. Always.

Mr. BYRD. I think the committee report language that was prepared by the committee, of which the distinguished Senator from Utah is chairman, makes one of the best cases against this amendment. He says there won't be any more games played. Take a look at this report. It tells you what games to play.

Let me read it. Talking about the estimates of outlays and receipts, it says, "Estimates means good faith, responsible, and reasonable estimates made with honest intent to implement section 1, and not evade it. This provision gives Congress an appropriate degree of flexibility."

We have got more and more ways to play games.

It "gives Congress an appropriate degree of flexibility in fashioning necessary implementing legislation. For example, Congress could use estimates of receipts or outlays at the beginning of the fiscal year to determine what the balanced budget requirement of section 1 would be so long as the estimates are reasonable and made in good faith."

Now we are going to play games about who is reasonable, what is reasonable, and what isn't.

"In addition, Congress could decide that a deficit caused by a temporary self-correcting drop in receipts or increase in outlays during the fiscal year would not violate the article. Similarly, Congress could state that very small or negligible deviations from a balanced budget would not represent a violation of section 1."

Will the distinguished Senator indicate to me what would be considered "negligible," what would be considered "small," and what would be considered "not small," and "not negligible"? We have a budget now of $1.7 trillion. Let us say it is off by $50 billion. Would that be "negligible"? Would that be "small," $50 billion?

Mr. HATCH. I think the Senator is very logical. But he also has to allow the logic to take into account that Congress may, as I said before, and should shoot for a small surplus—the incentives will be to have surpluses to avoid a last-minute unforeseen deficit. And if the estimates near the end of the year suggest that we are going to run a deficit, then it would be a simple matter for us to approve a deficit at the high end of the estimates. If we approve an estimated deficit that is slightly larger than we need, it is not like we actually spent the money.

Again, I will say some may say that relying on estimates creates a loophole. But there is no other workable way to do it. I submit that the risks that might arise from those provisions in the constitutional amendment are substantially less than our current process, which is clearly not working, of simply spending and borrowing with no restraints whatsoever.

I go back to my point. The distinguished Senator may be right in this regard. Perhaps Senators should not come out here and say, "This is going to always make us balance the budget." I think, more accurately, it should be said that the incentives will be toward balancing the budget, because you will have supermajority votes of three-fifths in order to run deficits, or you will have to have constitutional majorities to increase taxes, which means at least 51 Senators would have to vote for it, and at least 218 Members of the House. That puts pressure on Members of both parties to be accurate, and it puts pressure on them to try to get surpluses rather than deficits. It puts pressure on them in writing implementing legislation to make sure you have legislation that really does work rather than the five failed plans that we have had since 1978, none of which have worked. My friend and colleague knows that. I don't know of anybody more intelligent and more concerned about these matters than the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. If I could just finish this one sentence, but I have to say that his chart makes my case better than I have made it. I congratulate him for it, and I am grateful that he has put the chart up, because I don't know how anybody can argue for the current system when you look at that chart.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. Of course.

Mr. BYRD. Let's take a look at this chart. The green line, the horizontal line, means that the estimated revenues were right on target. They were not overestimated. They were not underestimated. The revenues were exactly estimated to be exactly on target.

Note the chart which the Senator says makes his case. The chart says that in only one year, 1987, did the estimates even come close to being on target. They were off just $2 billion. So the chart makes my case.

The committee says you can do it by estimates. "Estimates of outlays shall not exceed estimates of receipts in any given fiscal year." The chart shows that you cannot depend upon the estimates, that the people who have the most expertise of any in the world cannot be accurate in their estimates. Why? Because we cannot foresee what the unemployment rate is going to be, we cannot foresee what the rate of national economic growth is going to be, and we cannot see what interest rates are going to be in a year or more down the road. That is why people cannot be accurate in their estimates.

So this committee language makes my case—makes my case when it turns to the use of words like "estimates," and then defines the word "estimates" as meaning "good faith, responsible, and reasonable estimates made with honest intent to implement section 1."

Let me ask the question of my dear friend, who will be making up these estimates?

The Congress will make the estimates. The Congress will enforce the amendment. So what assurance is there that the Congress is going to make estimates that are correct?

What encouragement does that give to the American people to believe that this amendment, which the distinguished Senator from Utah says does not say we are going to balance the budget, what assurance can the American people have when it is even worse than that by saying that the estimates of outlays will not exceed the estimate of receipts?

Mr. HATCH. Frankly, I think if you have the incentives to produce more accurate estimates of receipts and outlays, there will be an incentive to have the top line have the bars going up every time, where right now we do not have that incentive. We have every incentive to just spend today. There is no restraint on spending whatsoever. The balanced budget amendment would not mandate that you balance the budget if a supermajority is willing to vote not to, but it does change the incentive so that literally you will not want to go into deficit because sooner or later you are going to have to pay the piper under that amendment. Again, I think the Senator's chart makes my case.

Mr. BYRD. What makes the Senator——

Mr. HATCH. I do not think I need the Senator's chart to make the case that our country is in trouble, that we are not doing what is right, that we are continuing to spend us into bankruptcy. And even though there are arguments made that we are only going to have a $107 billion deficit in 1997, that is still a deficit of over $100 billion.

Mr. BYRD. Mr. President, if the Senator will yield, what makes the distinguished Senator believe, when we have a constitutional amendment, Senators are going to have any more backbone than they have now?

Mr. HATCH. Because I believe Senators will live up to the constitutional mandate and the oath of office that they take to do what is right, where at this particular point there is no constitutional mandate to live within budgetary constraints, and it is apparent.

Mr. BYRD. They did not live up to it last year.

Mr. HATCH. Well, there was not——

Mr. BYRD. When they voted for the conference report on the line-item veto. They voted to shift the power of the purse away from the legislative branch to the executive. What makes the Senator believe that they will live up to the Constitution anymore nearly and dearly once this language is in it?

Mr. HATCH. Although I tend to share the Senator's view on the line-item veto, I think the Senator would have to admit there is a question whether that is going to be judged constitutional or not. If we pass a balanced budget amendment, it will become an official part of the Constitution, which is a considerably different situation.

Mr. BYRD. Will Senators be more inclined to vote to increase taxes once this is part of the Constitution than they are now?

Mr. HATCH. Senator Simon thinks so. One reason why he——

Mr. BYRD. Mr. Simon isn't a Senator anymore.

Mr. HATCH. I understand. What Senator Simon argued last year as the leading proponent of this amendment was that he felt there would be a greater propensity to increase taxes to solve these problems. I have to say that I do not believe that is so, but that is what he felt. I do not think that is so. I think it would be very difficult to get constitutional majorities to increase taxes except where they are clearly needed to be increased, and that is why we put in a constitutional majority. Now, it is no secret, and my friend knows this, that there are those on my side who do not think that is adequate.

Mr. BYRD. Do not think what?

Mr. HATCH. Do not think that is adequate. They want a three-fifths majority before you can increase taxes. But the reason we have a constitutional majority is because my friends on the Democratic side would not agree with the three-fifths majority.

Mr. BYRD. Would not what?

Mr. HATCH. Would not agree that it should be a three-fifths majority to increase taxes. I happen to believe that this has to be a bipartisan amendment. It is even though there are, as a percentage, less Democrats supporting it than Republicans. But Democrats have helped to formulate this amendment, and I have to give credit to those who are standing here with us. I think they have guts to stand up under the circumstances and vote for this amendment, as they should.

Now, that does not mean that those who vote against it do not have guts, too, because there is a price that will be paid for voting against this amendment. We all understand that. And let me just say this. I happen to believe that the distinguished Senator from West Virginia has never lacked intestinal fortitude. In fact, I have been through a lot of experiences here that prove that as a matter of fact to me. I could not have more respect for anybody than I do for him as a U.S. Senator.

But again, I think he makes our case. I think these 28 unbalanced budget volumes make our case. I think it is apparent our system is not working. I think if we keep going this way, our children and grandchildren's futures are gone. I know the distinguished Senator is a great family man. I know that he loves his children and grandchildren, as I do mine. We are expecting our 16th and 17th grandchildren within 2 weeks, Elaine and I. I want them to have a future as we have had. But right now with what is happening in accordance with the chart of the distinguished Senator from West Virginia, it is pretty apparent their future is being bartered away because we are unwilling to make the tough choices. I would lots rather have the balanced budget amendment helping us to estimate receipts and outlays than to have this system estimate them, I will tell you that right now. And it is a better system to have a balanced budget amendment.

Mr. BYRD. Well, the Senator is very disarming when he talks about how I love my family and my children and grandchildren.

Mr. HATCH. You do.

Mr. BYRD. He is correct about it. But he still has not answered my question as to why the committee and the proponents of the amendment felt after saying in section 1 that total outlays shall not exceed total receipts in any fiscal year, which is pretty straightforward language, which says that the budget has to be balanced every year, it says that the budget has to be balanced every year, why do we take an approach which says, on the one hand, the budget must be balanced—and that is what I have been hearing from the speakers who are proponents of this legislation—why did they say in the first section that the budget will have to be balanced every year and then in section 6 say, as it were, "Well, you do not really have to believe that first section? We are not going to hold you to it. We know it will be difficult, if not impossible some years, to hold you to that. So we are not going to require you to equal the outlays with the receipts. But what we are going to do is this. We are going to let you get by by just balancing the estimates."

Who makes the estimates? Cannot the estimates be cooked? The administration cooked the numbers when they were sending up budgets in the early part of the Reagan administration. They cooked the numbers. These numbers can be cooked once this constitutional amendment becomes a part of the Constitution. They can be cooked. The estimates can be cooked. When can the American people believe us and believe that we mean what we say?

That is all I have been saying here. I have been saying that we do not mean what we say in this amendment. We do not mean what we say in section 1. So what are the American people to believe?

I compliment the distinguished Senator for coming to the floor. He is a man after my own kidney, as Shakespeare would say. He is a man after my kidney. He came to the floor. And I had suggested that someone should come and give us an analysis of these sections and explain how they are going to work and what are we expected to do to make them work.

Well, he came to the floor, and he has been reading the sections of the amendment one by one, which was not exactly what I asked for. I do not have any more faith in the amendment now than I had to begin with. I can read the sections.

I read the sections a number of times. And the distinguished Senator has prepared a chart here so that we can read them over and over again. I want somebody to explain to me how they will work and what is there about that amendment that can assure those people who are looking through the electronic eye that this budget is going to be balanced if this amendment is adopted—the budget is going to be balanced.

Mr. HATCH. Well, I have to ask the distinguished Senator from West Virginia, if this balanced budget amendment passes, as much as he wishes that it would not, and it is ratified by the States, would the Senator from West Virginia, once it is placed in the Constitution, not do his level best to comply with the constitutional requirement, if the amendment is adopted, to meet these estimates that are in there, as he suggested that I would do my duty under the Constitution? I think what I am saying is this: Both charts that the Senator has put up, show that the current system is not working.

Mr. BYRD. Is the Senator—

Mr. HATCH. The reason I point out the current system is not working is because there are not the same pressures to make it work that there would be under a balanced budget amendment.

Second, if we have these wild fluctuations under the balanced budget amendment, there is going to be an awful lot of heck to pay to our voting populace, because they are going to hold us responsible for these wild fluctuations.

Mr. BYRD. You bet they are. They are going to hold you responsible.

Mr. HATCH. They are not doing it now because they do not know who is responsible for them. If we have to stand up and vote and make supermajority votes to spend and borrow more, then they will know who is doing it to them. If we have to make a constitutional majority to increase taxes, they will know who is doing it to them.

I have to say, if we do not, as a congressional body, have our CBO do better numbers, and the OMB as the executive body do better numbers, then there are going to be changes that will get them to where they have to do better numbers.

Will they always be accurate? There is no way we will always be completely and absolutely accurate.

Mr. BYRD. I have a couple of things to say to what the Senator has said, Mr. President, if the Senator will yield?

Mr. HATCH. Sure, under the same circumstances.

Mr. BYRD. Is he asking me whether or not I will do everything I can, everything in my power, to help to balance the budget? Was that the force of his question?

Mr. HATCH. I am sorry, I missed the question. Excuse me.

Mr. BYRD. Was he asking me that, if this amendment becomes a part of the Constitution, will the Senator from West Virginia do everything he can do to help to balance the budget and get the deficit down? Is that what he was asking me?

Mr. HATCH. Well, let me put it this way. I don't have to ask that question. I know the distinguished Senator from West Virginia would. But I asked it rhetorically because I know that the distinguished Senator from West Virginia would do all in his power to live up to the Constitution, even though he disagreed with the provision of it, once it is part of the Constitution. As would I.

And, frankly, I think that he is not alone. I think there are as many as 535 others in Congress who would, likewise, try to live up to the constitutional amendment.

Mr. BYRD. Mr. President, will the Senator yield and let me answer his question?

Mr. HATCH. Sure. I will be happy to.

Mr. BYRD. I have proved that I will do everything I can to balance the budget. But not only this Senator. They are standing in rows on this side of the aisle.

In 1993, they voted to lower the deficits by almost $500 billion. Working with the President, we had a package to reduce the deficits. I voted for that package. The Senator from Connecticut voted for that package. Many other Senators on this side of the aisle voted for that package. Not one—not one—Senator on the other side voted for that package, to bring down the deficits.

So we do not need a constitutional amendment. We just need the courage to vote for it. I do not know what there is in this constitutional amendment that will give us any more courage and backbone than we already have. I do not know how many will figure that out.

Mr. HATCH. Let me just respond to that. Even, in spite of the reductions in deficit that have occurred over the last 4 years after the enactment of one of the largest tax increases in history—some on our side say the largest tax increase in history; it is debatable, but it is one of the two largest tax increases in history, both of which, I think, were motivated by Members on the other side of the aisle—we are still in hundred-plus billion dollar deficits, going up to $188 billion and on up beyond that by the year 2002.

The fact of the matter is, if it was up to the distinguished Senator from West Virginia and the Senator from Utah, we would have the will.

Mr. BYRD. If it were up to the Senator from West Virginia, we would not have any tax cuts this year.

Mr. HATCH. I was saying, if it was up to the Senator from West Virginia and the Senator from Utah, I believe we would have the will to do what is right.

Mr. BYRD. Would the Senator vote with me to increase taxes?

Mr. HATCH. Let me just finish. But the problem is, it is not up to just the two of us. It has been up to everybody in Congress for 28 years of unbalanced budgets. I know that people do not like these two stacks because they are embarrassing. It is embarrassing to me to have to point to these and say for the 21 years I have been here, these have been unbalanced. For all of those 21 years I fought for a balanced budget amendment. But I have to say, we do not have the will. It is apparent and we are not going to have the will unless we do something about it constitutionally, where everybody will have to face the music.

Right now they do not. And where some on our side love more defense spending and some of the Democrat side love more social spending in ways that may be irresponsible, under the balanced budget amendment I think we are going to all have to be more responsible.

I just wish—this is an erstwhile wish, I understand—but I wish my colleague from West Virginia were on our side on this, because I think it would be a much easier amendment to pass.

But I understand why he is not, and I know how sincere he is. But, like Paul of old—

Mr. BYRD. Like who?

Mr. HATCH. Like Paul of old, who held the coats—

Mr. BYRD. A great Apostle.

Mr. HATCH. The man who held the coats of the men who stoned the first Christian martyr, he is sincerely wrong.

Mr. BYRD. Paul was?

Mr. HATCH. Paul was, yes, for holding the coats of those who stoned the first Christian martyr, Stephen. Paul was sincere. He meant what he said. He really was sincere. But he was wrong.

Mr. BYRD. Mr. President, we are getting off the track.

Mr. HATCH. I don't think so. Sometimes going back in history is a very good thing to do.

Mr. BYRD. Mr. President, the Senator from Utah wishes I were on his side?

Mr. HATCH. I do. I would feel much better.

Mr. BYRD. I am on the Constitution's side.

Mr. HATCH. So am I.

Mr. BYRD. I am on the Constitution's side. And I do not want to see that Constitution prostituted by an amendment that is nothing more than a bookkeeping manual on accounting principles. It has no place in the Constitution. It is not going to give this Senator or any other Senator any more backbone than the good Lord gave to me in the beginning to stand up and vote the tough votes.

I do not want to see the faith of the American people in this book—forget the stack of books there, ever so high. This is the book. I do not want to see the faith of the American people in this Constitution undermined. And it is going to be undermined when we write that language into it and the budgets do not balance.

Let me at least thank the Senator for being honest to the point that he says that this amendment is not going to balance the budget.

Mr. HATCH. No, I didn't say that. I said the amendment does not mandate a balanced budget. I think this amendment will lead us to a balanced budget.

Mr. BYRD. It does not mandate it.

Mr. HATCH. But let me say this. I happen to believe that this little booklet that contains the Constitution of the United States, without the balanced budget amendment, will hopefully have a balanced budget amendment in it. Because, if we do—and I know that sincerely dedicated people like my friend from West Virginia will be voting for more fiscal responsibility and restraint than we do now. And he will have more leverage on not only his side, but our side, to get people to stand up and do what is right.

I do not think that these comments, "Let's just do it"—I have heard that now for 21 years. "Let's just do it. Let's just have the will to do it."

Here is the will of the Congress of the United States. Mr. President, 28 years of unbalanced budgets. I think these volumes speak worlds of information for us, of how ineffective we have been in doing what is right. The Constitution provides, in article V, for ways of amending it when it becomes necessary in the public interest to do so. I cannot imagine anything more necessary in the public interest than a balanced budget amendment, Senate Joint Resolution 1, if you will, a bipartisan amendment, bicameral bipartisan amendment, that literally, literally puts some screws to Congress and some restraints on Congress and makes Congress have to face the music.

Right now, we don't face any music. Let's have the will? Give me a break, we haven't had the will in almost 66 years, but certainly not in the last 28 years, as represented by these huge stacks of unbalanced budgets of the United States of America.

I have to pay respect to my colleague, because I care for him so much. He is sincere, he is eloquent, and he is a great advocate, and I respect him. In fact, it could be said I love him. The fact of the matter is, I think he is wrong. He thinks I am wrong. But I think his charts are very, very good reasons why, and these books are very good reasons why something has to be done. We cannot just keep frittering away our children's future and the future of our grandchildren. I know he shares that view with me, and I just wish we could do more together to protect their future. I am doing everything I can with this amendment.

Mr. BYRD. You are being honest about it, too——

Mr. HATCH. I am being honest.

Mr. BYRD. Saying it doesn't promise a balanced budget.

Mr. HATCH. I think it promises a balanced budget, I don't think it mandates one. It gives us the flexibility to do whatever we want to do, as long as we comply its requirements.

Mr. BYRD. To cook the estimates.

Mr. HATCH. No, no, it gives us the flexibility to do whatever we want to do, but we have to stand up and vote to do it by supermajority votes. If you want to increase the deficits, you have to stand up and vote by a supermajority to do it. If you want to increase taxes, you can do it, but you have to vote on a constitutional majority of both Houses, to do it. That is a considerably different situation from what we have today where there are no constraints and, in many cases, or some cases that are very important, at least over the last 21 years, no votes. It has been done in the dead of the night, to use a metaphor, a metaphor that is all too real. These budget volumes are real. These are not mirages. These volumes are actually real. They represent 28 years of unbalanced budgets, 8 years longer than I have been here, and I see many, many more in the future if we don't pass this balanced budget amendment.

Mr. BYRD. Mr. President, here is the mirage, right here. This is the mirage, this amendment to the Constitution. The Senator says that we should write two or three more supermajority requirements into the Constitution. It already requires eight, including the three amendments—five in the original Constitution and three amendments, 12, 14 and 25. Now we are going to write some more in. This is going to head us more and more in the direction of minority control—minority control. This is a republic, which uses democratic processes. This is a representative democracy, a republic for which it stands. A republic.

I just close by saying this amendment is a real gimmick—a real gimmick. It is not going to cause us to balance this budget any more than if we didn't have it; may even make it more difficult to balance the budget.

Moses struck the rock at Kadesh with his rod. He smote the rock twice and water gushed forth and the people's thirst and the thirst of the beasts of the people were quenched. This amendment is not the rock of Kadesh. You won't be able to smite that amendment. The waters of a balanced budget are not going to flow from that piece of junk. I say that with all due respect to my friend. But that will not work. That's the long and the short of it, and it is misleading the people. It is misleading the people. The amendment doesn't require us to balance the budget, it only requires us to balance the estimates. So there we go again. There is a wheel, and we seem to be on it, around and around. Balance the estimates. We have seen the estimates.

So we can see by looking at this chart where the estimates have been wrong—always wrong—in the past, and we should know by that lamp that they are going to be wrong in the future.

So what faith can we have in this kind of an amendment? The Senator says we would be under greater pressure to balance the budget. Why not start now? Why wait 5 years, at least 5 years, perhaps even longer under that amendment? Why wait for pressure? The pressure is just as great today and we will be even deeper into the hole by 2002 than we are now.

Mr. HATCH. Let me just say this, Moses also struck the rock at Meribah and gave water and was forbidden from entering the promised land after 40 years of traveling in the wilderness.

Mr. BYRD. Struck the rock at Horeb.

Mr. HATCH. That's right, Horeb. The fact of the matter is that he was following, in a sense, the same pattern, but without God's will. And I am tired of following the same pattern which I cannot believe is God's will. I am sorry that we have 28 years of unbalanced budgets in a row, and we are looking at 28 more because we are unwilling to do what is right.

Now, look, the balanced budget amendment moves us toward a balanced budget by requiring supermajority votes if we want to unbalance the budget or increase the taxes to balance it. It requires a balanced budget unless there are emergencies in which we need a three-fifths majority to waive balanced budget requirements.

In all due respect, my friend from West Virginia is actually arguing that one should oppose the balanced budget amendment because it doesn't require utopia, because we can rely on estimates. Well, utopia, means "nowhere." But relying on good faith estimates, as the report does say, is "somewhere," rather than "nowhere." And it will lead us to balanced budgets.

The first Congress and the States ratified the Bill of Rights. If we took the Senator's line, one should have opposed them, let's say, the first amendment, for instance, free speech, because it did not define free speech or show how free speech was going to be enforced. But we all know that's ridiculous, and I believe it's ridiculous, but I believe we should be better equipped to deal with estimates of outlays and receipts with a balanced budget amendment in the Constitution that all of us are sworn to uphold.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. Sure.

Mr. BYRD. Senator DODD needs to speak on his amendment a bit more, so I am going to leave the floor for now.

Mr. HATCH. Well, I will miss my colleague.

Mr. BYRD. I beg your pardon.

Mr. HATCH. This has been a good colloquy. I will miss my colleague, and he teaches me a lot every time he comes to the floor.

Mr. BYRD. I would like to hear the distinguished Senator explain how the States balance their budgets and how they operate, not only on a budget that provides for the operating expenses of Government from day-to-day, but also on the capital budget, and why under this amendment the Federal Government will not be able to have a capital budget.

Why does not someone explain that the States operate on two budgets? Not only an operating budget, but also a capital budget. And then why do we continue to say that the Federal Government should balance its budget like the States do, without the explanation that there are capital budgets in States?

Mr. HATCH. I will not go into that very much right now, but I think the Senator makes a very good point.

One reason is the States do not print the money. No. 2 is some States cannot do much in the capital way because they do not have the money and they do not balance their budgets the way they should. No. 3 is that there are rating systems that make it possible for States to borrow on bonds, and they discipline the use of bonds by the States. There would be no similar system for the Federal Government. No. 4 is that, frankly, the Federal Government can create surpluses that should work. No. 5 is that the States, at least 44 of them, have balanced budget amendments. If they did not have their balanced budget amendments, many of them would not be balancing their budgets either, even with the capital budget. And they have done better than the Federal Government at restraining their borrowing.

So there is no real comparison between the Federal Government and the States. There is nobody to keep the Federal Government in line without a balanced budget amendment. I think that is what this balanced budget amendment is all about. I appreciate my colleague. We have had a good debate. He certainly always raises very interesting issues and very pertinent issues and I think adds to the quality of the debate around here every time he comes on the floor. So I personally appreciate it.

With regard to capital budgets, let me say OMB, CBO and GAO, among others, have opined that debt-financed capital budgets are not a good idea for the Federal Government. All of them have said that. See, for example, President Clinton's fiscal 1998 proposed budget. The Analytical Perspectives volume, I think on page 136, there are some remarks on this.

The Clinton administration said, "The rationale for borrowing to finance investment is not persuasive" and that a "capital budget is not a justification to relax current and proposed budget constraints." I agree.

Besides the fact that the U.S. Government does not need to borrow to finance its investment, it is not subject to the constraints that families, business and States face.

Families and businesses are disciplined by markets. States are disciplined by bond ratings. A Federal capital budget is bound to be abused. Future Congresses could redefine many kinds of spending as capital. It would be a monstrous loophole in the balanced budget amendment.

Let me just say that I do agree with OMB, CBO, the Office of Management and Budget, the Congressional Budget Office, the General Accounting Office, that a Federal capital budget is not a good idea. Especially, I think, in the context of a constitutional amendment. So that is all I will say about it today. But I hope that is enough because a capital budget is really not the way to go constitutionally. But this amendment, Senate Joint Resolution 1, is the right way to go. It will help us to make some dents in what has been going on for the last 28 years at least, or should I say 58 of the last 66 years where we have had unbalanced budgets.

Could I ask the Chair, how much time remains on both sides?

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Utah has 14 minutes, 25 seconds, the Senator from Connecticut has 1 minute, 32 seconds.

Mr. DODD. Can I get 6 or 7 minutes?

Mr. HATCH. Go ahead.

Mr. DOMENICI. Would the Senator yield some time? Two minutes?

Mr. HATCH. Could I yield to the budget——

Mr. DOMENICI. Go to him first.

Mr. DODD. I would like to make some concluding remarks on my pending amendment. So if the Senator from New Mexico wants to take a couple minutes to do that, and then I would like to wrap up on my amendment before the vote at 5:30.

Mr. HATCH. I yield such time as he needs.

Mr. DOMENICI. Two minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I might say to the distinguished senior Senator from West Virginia, Senator BYRD, I did not hear your entire argument with reference to estimates, but I would suggest that in due course—I have difficulty getting time on this floor because when there is time I cannot be here and then when I get here, eminent Senators are using all the time. I am not complaining.

But I would like tomorrow to explain a bit about estimating. I would just suggest that we need not use the estimating that has taken place to produce that chart. There is another way to estimate it. You can estimate right up close to the end of the period of time, and you get estimates that are pretty close.

I would also suggest that whether it is red or whether it is black——

Mr. BYRD. Will the Senator yield? But there, they are still estimates.

Mr. DOMENICI. That is correct.

I will talk about it tomorrow. And everything about us, the Government, is built on estimates. We rely on it very, very much.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. BYRD. We rely on it and the charts show how much we fall short.

Mr. DOMENICI. Half that red and half that black is not estimates at all. Half or more is based upon programs that cost more than you estimate. Frankly, that has nothing to do with economic estimates. It has to do with us not doing a good enough job figuring what programs are going to cost. That could be fixed. In fact, we are doing much better at it already in terms of that.

But my last observation has to do with a thought you had as you captured the notion that this would make this budget so unreliable that you called it all a gimmick.

Frankly, I want to make sure that everybody knows that the best use of the word gimmick for anything going on on this floor has to do with the gimmick that some on that side of the aisle are using when they speak of taking Social Security off budget so you will assure Social Security's solvency and the checks. That is a gimmick of the highest order. For you do that, and there is no assurance that Congress will not spend the trust fund surpluses for anything they want. It is no longer subject to any budget discipline. It is out there all by itself.

Second, there is no assurance that programs for senior citizens that are not Social Security would not be moved there, and that that trust fund becomes more vulnerable then when it is subject to the discipline of the give-and-take of a budget. And on that I am certain.

And last, some Senators today got up and said that the Congressional Research Service had given them all they needed because it had apparently said that you risked Social Security in the outyears. Well, that did not sound right to any of us. We called them up and they have issued a correction. It could not conceivably be what they said and what was implied from it. They are now saying—and I quote:

> We are not concluding that the Trust Funds surpluses could not be drawn down to pay beneficiaries. The [balanced budget amendment] would not require that result.

So it does not stand for the proposition that was used. They made a mistake in the translation, in the way they interpreted and we can debate that a little tomorrow. But I just thought we ought to make sure that we understood that.

Now, I know that my friend from West Virginia is a proponent of the Constitution. And when you speak of amending it, he stands on it. But let us face it, you cannot stand on it when you are talking about amending it. Because that would have meant none of the amendments that were added to it would be there. You would have held up the old Constitution when it was first drawn with no amendments and said, I stand on it.

Mr. BYRD. Oh, no, no, no, no.

Mr. DOMENICI. You could.

Mr. BYRD. No, no, no. The Senator was quite right he was not here to hear my statement.

Mr. DOMENICI. I do not have any additional time.

Mr. President, I ask unanimous consent that the memorandum from the Congressional Research Service be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 12, 1997.

To: Hon. PETE V. DOMENICI; Attention: Jim Capretta.

From: American Law Division.

Subject: Treatment of Outlays from Social Security Surpluses under BBA.

This memorandum is in response to your inquiry with respect to the effect on the Social Security Trust Funds of the pending Balanced Budget Amendment (BBA). Under S.J. Res. 1 as it is now before the Senate §1 would mandate that "[t]otal outlays for any fiscal year shall not exceed total receipts for the fiscal year. . . ." Outlays and receipts are defined in §7 as practically all inclusive, with two exceptions that are irrelevant here.

At some point, the receipts into the Social Security Trust Funds will not balance the outlays from those Funds. Under present law, then, the surpluses being built up in the Funds, at least as an accounting practice, will be utilized to pay benefits to the extent receipts for each year do not equal the outlays in that year. Simply stated, the federal securities held by the Trust Funds will be drawn down to cover the Social Security deficit in that year, and the Treasury will have to make good on those securities with whatever moneys it has available.

However, §1 of the pending BBA requires that total outlays for any fiscal year not exceed total receipts for that fiscal year. Thus, the amount drawn from the Social Security Trust Funds could not be counted in the calculation of the balance between total federal outlays and receipts. We are not concluding that the Trust Funds surpluses could not be drawn down to pay beneficiaries. The BBA would not require that result. What it would mandate is that, inasmuch as the United States has a unified budget, other receipts into the Treasury would have to be counted to balance the outlays from the Trust Funds and those receipts would not be otherwise available to the Government for that year. Only if no other receipts in any particular year could be found would the possibility of a limitation on drawing down the Trust Funds arise. Even in this eventuality, however, Congress would retain authority under the BBA to raise revenues or to reduce expenditures to obtain the necessary moneys to make good on the liquidation of securities from the Social Security Trust Funds.

JOHNNY H. KILLIAN,
Senior Specialist, American Constitutional Law.

Mr. DOMENICI. I yield back to the chairman. I will be glad to come down and discuss this in more detail.

Mr. BYRD. I will be happy to join the Senator.

Mr. DODD. I wanted to yield to my colleague from West Virginia, who wanted to make a comment on the pending amendment.

The PRESIDING OFFICER. The Senator from Utah has 9 minutes and 21 seconds remaining, and the Senator from Connecticut has 1 minute and 32 seconds.

Mr. HATCH. How much time does the Senator need?

Mr. BYRD. Three minutes.

Mr. HATCH. Mr. President, I yield 3 minutes of my time to the distinguished Senator from West Virginia, and then I have the Senator from Nebraska waiting to speak.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Utah for his courtesy in yielding time.

Mr. President, I commend the distinguished senior Senator from Connecticut for his amendment, and for his very thorough explanation of it. There is, as he has said, no higher duty than this body has than to safeguard the security and liberties of the American people. This is the height of pernicious legislative mischief to provide the ready and robust forces when the Nation faces a serious threat to our national security. Can we define the specific nature of such threats that might face us? Of course not. Do we need the flexibility to react in time, in advance, and with sufficient credibility so as to show down all such conceivable threats to our security? Of course, we should.

The Constitution should not be used as a straitjacket which has the effect of throwing into doubt our ability to perform this most basic of our duties. Thus, the Dodd amendment is a very useful one, as essential improvement to the constitutional proposal which is before the body. The definition of "imminent and serious military threat to national security," as a test for waiving the requirements of the balanced budget, as proposed by the distinguished Senator from Connecticut is a valuable improvement to the amendment offered by the Senator from Utah, and I strongly encourage my colleagues to support it.

I again thank my friend from Utah, who is my friend, who is a fine Christian gentleman, who is always fair and courteous. I salute him for that, and I thank my colleague from Connecticut.

Mr. HATCH. How much time remains?

The PRESIDING OFFICER. The Senator from Utah has 6 minutes and 42 seconds

Mr. HATCH. I yield 3 minutes to the Senator from Connecticut.

AMENDMENT NO. 4, AS MODIFIED

Mr. DODD. Pursuant to a discussion earlier, I ask unanimous consent to send to the desk a modification of my amendment along the lines we discussed earlier. I ask unanimous consent my amendment be allowed to be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4), as modified, is as follows:

> On page 3, line 7, strike beginning with "is" through line 11 and insert "faces an imminent and serious military threat to national security as declared by a joint resolution,". which becomes law."

Mr. DODD. Mr. President, let me briefly sum up, if I can, this amendment. I think the handwriting is on the wall. It is one of those moments, the wave is moving here, and I deeply regret it.

I have the feeling my colleagues have just not read section 5 as carefully as we should. I emphasize again and draw their attention to this not based on the argument that I asked them to not support the constitutional amendment to balance the budget, but merely that we improve this section to reflect, I think, what ought to be the priorities of a nation; that is, to be able to respond to an imminent threat to our national security and be allowed to do that in a way that would permit us to waive the restrictions of this amendment. The priority of responding, I think, is a higher one than the issue of the constitutional amendment to balance the budget.

I draw the attention of my colleagues to some pivotal words in this section, "a declaration of war," or the United States must be "engaged in military conflict," particularly that latter one, Mr. President. It does not talk about imminent danger. We must actually be engaged.

It is ironic in many ways that we can have a declaration of war which can be reached by a simple majority here. A simple majority of Senators present and voting can declare war. You do not require that all Members be here to declare war. No vote we ever cast could ever be more profound than to commit our Nation to war. Yet, to waive the budget requirement of this amendment requires a special parliamentary proceeding which excludes the vote of the Vice President, and requires a majority of all Members regardless of who is present in order to waive the restrictions of this so we can respond to a conflict. How ironic that in the very same section you have a declaration of war that can be reached by a simple majority of Members present and voting, and yet to waive the restrictions of this amendment requires a "super" number, if you will, beyond that which is necessary to commit this Nation.

So I urge my colleagues to look at this amendment that will be at the desk when you come to vote in a few minutes. We replace this language by saying that the Nation faces an imminent and serious military threat to national security as declared by a joint resolution that is passed into law. We must vote that we are facing that imminent threat. If we vote accordingly, that we are facing an imminent threat, then it seems to me that to waive the restrictions here is the only sensible thing to do. To require today that we have a declaration of war, the perverse idea that a President and Congress, in a future time may declare war just to avoid the restrictions of this amendment, or to actually be engaged in a conflict and not allow our Nation to prepare for a likely conflict, concerns me deeply.

Mr. President, I urge my colleagues, and I thank my colleague from West Virginia for his support of this amendment, but I urge my colleagues to please read this amendment and read this section and realize what great harm and danger we could be creating for our Nation if we adopt this amendment with this section as written, which I think places this Nation in an unrealistic and dangerous straitjacket.

I thank my colleague from Utah for yielding the time.

Mr. HATCH. Let me take 1 minute of my remaining time, and that is to say that this amendment will have a loophole in the balanced budget amendment second to none, and a loophole for any kind of spending—not military spending, any kind of spending. It means more of the 28 years of unbalanced budgets. I hope my colleagues will vote down this amendment.

I yield back the balance of my time.

Mr. DODD. I yield back my time.

Mr. HATCH. I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment, as modified, of the Senator from Connecticut.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced— yeas 64, nays 36, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—64

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Brownback
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Dorgan
Enzi
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Reid
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—36

Akaka
Biden
Bingaman
Boxer
Breaux
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Durbin
Feingold
Feinstein
Ford
Glenn
Harkin
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Rockefeller
Sarbanes
Torricelli
Wellstone

The motion to lay on the table the amendment (No. 4), as modified, was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WELLSTONE AMENDMENT NO. 3

Mr. KOHL. Mr. President, yesterday the Senate voted on the first of several potential amendments to exempt certain programs from the balanced budget constitutional amendment. I greatly appreciate the comments made on the amendment by the Senator from Minnesota regarding the importance of programs that benefit our children. Senator WELLSTONE spoke passionately and I could not agree more that we must protect our children.

However, I disagree with the notion that we should exempt certain categories of programs from the strictures of the balanced budget amendment. I don't see balancing the budget and helping our children as two mutually exclusive goals. In fact, these are two of my highest priorities and they are critically linked.

I heard the compelling arguments about the difficult spending cuts that occurred during the last Congress. I agree that more should be done to balance the burden of spending reductions in the future. As a society and as a government, we must maximize our commitment to the well-being of our children or suffer the consequences in the world economy. But what's more important, if we fail our children, we fail as a people.

Mr. President, I am committed to the concept of the balanced budget amendment. I am committed to the idea that the financial security of this Nation rests on the ability of the Federal Government to curb the practice of spending beyond its means. And I am deeply committed to the belief that our Nation's future depends on the investment we place in our children. In reviewing the fiscal history of this Nation over the past 25 years, it has become clear to me that the will to exercise the necessary spending restraint does not exist within this body without a strict requirement. I believe that the balanced budget amendment provides such a framework, and that is why I support it.

The Wellstone amendment was certainly difficult to vote against. But I strongly believe that the very arguments made by the proponents of the amendment are exactly those that will help preserve critical children's programs from future budget cuts. Our children are already saddled with a tremendous debt burden created by past federal budget excess. It makes no fiscal sense to further hinder their ability to pay off that debt by short-changing their education or health. The very viability of our economy depends upon the opportunity of our children to flourish.

We clearly can not afford to ignore the needs of our children. But if we are serious about passing a meaningful balanced budget amendment, then we must reject efforts to dismantle that effort through piecemeal exclusions of programs, however worthy the particular program. I fear that such exemptions will lead to a cascade of further exemptions and ultimately leave little room to create a truly fair and balanced budget. That is exactly the scenario that has caused us to get to a 4 trillion dollar Federal debt.

I have sought to protect funding for child care resources, public health and education and will continue to do so in the context of a balanced budget. When it comes to the annual appropriations process, of which I am an active participant as a member of the Senate Appropriations Committee, I will remain front and center fighting to protect children's programs. But as a supporter of the balanced budget amendment, I must object to blanket exclusions.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, for the information of all Senators here and back now at their offices, there will be no further votes this evening. I understand there are——

Mr. FORD. Mr. President, may we have order, please.

The PRESIDING OFFICER. The Senator from Kentucky makes an excellent point. The Senate will come to order.

The majority leader is recognized.

Mr. LOTT. There will be no further votes this evening, but I do understand there are several requests for morning business in the morning. In light of those requests and the memorial service for Ambassador Pamela Harriman, I expect the Senate will be conducting morning business only until around 2 p.m. on Thursday.

Following morning business, there is a possibility for consideration of a resolution regarding milk prices, and there is the possibility of another resolution but we are trying to see if that resolution has been filed and, of course, we will need to clear it with the Democratic leader.

There are rollcall votes possible during tomorrow's session but we do not have an agreement on that yet.

Mr. President, I ask unanimous consent that when the Senate resumes consideration of Senate Joint Resolution 1, the balanced budget amendment, on Monday, February 24, the Senate resume consideration of Senator Byrd's amendment No. 6 beginning at 3:30 p.m.

I further ask that there be 2 additional hours of debate equally divided in the usual form prior to the vote on or in relation to the Byrd amendment and finally no amendments be in order to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Again, so that Senators will have this information, the agreement allows for a rollcall vote then on Senator Byrd's amendment at approximately 5:30 on Monday, February 24.

Mr. FORD. Mr. President, I know the majority leader loves to hear himself talk. The rest of us would like to hear him, too.

Will you have order in the Chamber.

Mr. LOTT. I am highly complimented and appreciative of the Senator's comments.

Mr. FORD. The reason I did that, Mr. President, is because the majority whip does not want to do that. He likes to hear me do it.

The PRESIDING OFFICER. The majority leader is recognized.

The Senate will come to order.

Mr. LOTT. Mr. President, there will be a vote then on Senator Byrd's amendment at approximately 5:30 on Monday, February 24, which is the date the Senate returns from the Presidents Day recess.

I have discussed these Monday afternoon votes with the Democratic leader. We are agreed we will have votes quite often on Monday afternoons. We will try to tell you as far in advance as we can. It does seem to get the Members back and ready for work. It allows us to get committee work done on Monday afternoons or certainly on Tuesday mornings. And also I should remind Senators that that week after we come back after the Presidents Day recess, in order to complete our work on the balanced budget amendment there is a good possibility we will have to stay in late on Tuesday, Wednesday, and Thursday. That is not definite yet. It will depend on how many amendments and time agreements. We will work with the leader on that. But we have been very aggressive in trying to keep our schedule reasonable. If we need to do some late nights that week to finish our work so that we can do other things that are pending, including nominations, then we would be prepared to do that. But we will advise you in advance when we are going to have to be in session at night.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO COL. JOHN K. WILSON III

Mr. ROTH. Mr. President, I rise today to pay tribute to Col. John K. Wilson III as he retires after 26 years of distinguished service in the U.S. Air Force.

Colonel Wilson is retiring from his position as the executive director of operations, Secretary of the Air Force, Office of Legislative Liaison at the Pentagon. In addition to this position, he also served as Chief, Congressional Inquiries Division. In a previous legislative liaison tour, Colonel Wilson served as a Congressional Inquiries Officer as well as a Senate Liaison Officer. In these critical positions, Colonel Wilson not only served the Air Force well, but he also assisted the U.S. Congress.

During his tenure, he worked with hundreds of Members of Congress, responding to their constituent inquiries, lending his expertise in Air Force matters and handling a myriad of unique situations. Colonel Wilson's professionalism, diplomacy, and insight were essential to the flawless planning and execution of well over 100 Congressional worldwide fact-finding travels. His comprehensive knowledge of the legislative process and thorough understanding of Air Force issues made him the perfect liaison between the Pentagon and Capitol Hill.

Mr. President, I join with my colleagues who have directly benefited from the superb support Colonel Wilson has provided the Congress and executive branch, in congratulating him for a job extremely well done and wishing he and his lovely wife Andrea, the very best in the future. He will be a success in any pursuit he may endeavor to undertake. Colonel Wilson is a professional among professionals and has brought great credit upon himself and the U.S. Air Force.

TRIBUTE TO PAMELA HARRIMAN

Mr. KENNEDY. Mr. President, I was shocked and deeply saddened by Pamela Harriman's death last week in Paris. All of us in the Kennedy family cherished her friendship, and we will always have many warm memories of her close ties to our family.

In a very real sense, throughout the Reagan and Bush years, she was the First Lady of the Democratic Party. I especially admired her leadership, her extraordinary ability, and her abiding commitment to the best ideals of public service.

Pamela's friendship with the Kennedy family goes back more than half a century. It began in the difficult days of World War II in England during my father's service as Ambassador in London. Pamela became an especially close friend of my older sister Kathleen, and her friendship with our family continued ever since.

Her marriage to Averell Harriman in 1971 brought us even closer. Averell had been a great friend and key adviser to President Kennedy on foreign policy, and his wise counsel had been instrumental in the passage of the Limited Test Ban Treaty between the United States and the Soviet Union.

In one of her most extraordinary accomplishments, Pamela became one of the pillars of the Democratic Party during the 1980's. She never lost faith in the enduring principles of our party. She held those ideals high, and she inspired legions of others to do so as well. Her leadership was especially effective in revitalizing our party in all parts of the country during the Reagan and Bush years, and President Clinton's dramatic victory in 1992 was her victory too.

Pamela's unique qualities of leadership and ability earned her great additional renown during her recent service as Ambassador to France. On a host of challenging issues ranging from the war in Bosnia to disagreements over NATO and international trade, she served with her trademark combination of skill, grace, and sensitivity that made her so respected and beloved by all who knew her and by the entire diplomatic community.

All of us in the Kennedy family admired her leadership and her statesmanship, but most of all, we were grateful for her friendship. The Nation has lost a truly remarkable public servant, and we will miss her very much.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, February 11, the Federal debt stood at $5,305,463,575,595.03.

Five years ago, February 11, 1992, the Federal debt stood at $3,796,319,000,000.

Ten years ago, February 11, 1987, the Federal debt stood at $2,226,839,000,000.

Fifteen years ago, February 11, 1982, the Federal debt stood at $1,033,988,000,000.

Twenty-five years ago, February 11, 1972, the Federal debt stood at $424,352,000,000 which reflects a debt increase of more than $4 trillion ($4,881,111,575,595.03) during the past 25 years.

TAXPAYERS AT RISK FROM GOVERNMENT WASTE AND MISMANAGEMENT

Mr. THOMPSON. Mr. President, today the U.S. General Accounting Office [GAO] issues its high risk series which identifies those federal programs that are especially vulnerable to waste and mismanagement. The programs identified in these reports have cost taxpayers billions of dollars in unnecessary expenditures. Without adequate oversight from the Congress many more billions will be wasted before we are through. While the magnitude of the problems GAO has identified is shocking, I am optimistic that we have in place the tools to change Government for the better—but we must be willing to use them.

There is a tendency when we are debating how to balance the budget or when the crisis de jour erupts, for Government to ignore management issues—those which to some are tedious, time-consuming and best left to the bean-counters. While management issues sometimes tend to get swept under the carpet during high-minded policy debates, we ignore them at our peril. We cannot implement any of our policy solutions without effective public administration. In an era of static resources, if we are to balance the budget, replace aging weapon systems at the Department of Defense [DOD], or attack drug abuse, we must achieve significant savings. To find the money, we have to make Government better while cheaper and, to do that, we have to do things smarter.

GAO identifies 25 areas that we must focus on to avoid squandering billions of taxpayer dollars. For example, GAO reports that DOD wastes billions of dollars each year on unneeded and inefficient activities, is vulnerable to additional billions of dollars in waste by buying unnecessary supplies and risks overpaying contractors millions of dollars for services not rendered. It reports that the Internal Revenue Service's accounting is so poor that it cannot effectively manage the collection of the over $113 billion owed the U.S. Government in delinquent taxes. In addition, GAO again criticizes the management of the IRS' computer modernization effort. Just last week, certain IRS officials conceded that this "modernization" has already cost the taxpayers $4 billion and "does not work in the real world".

IRS is not the only Federal agency having a problem coming to grips with the electronic age. Over the last 6 years, the Federal Government has spent $145 billion on computers but continues to have, according to GAO, "chronic problems harnessing the full potential of information technology to improve performance, cut costs, and/or enhance responsiveness to the public." The security of sensitive data on Government computers and how well the Government converts its old computers to run in the 2000 were also identified by GAO as areas that posed a risk to the Treasury.

Billions of dollars in waste, fraud, and abuse occur in Federal benefit programs. GAO reports, in the supplemental security income program alone, taxpayers are losing over $1 billion a year in overpayments. The $197 billion Medicare Program, according to GAO "loses significant amounts due to persistent fraudulent and wasteful claims and abusive billings."

The risk of losses from the $941 billion Federal loan portfolio is another source of taxpayer vulnerability. Currently, the Government has $44 billion of defaulted guaranteed loans on its books and has written off many billions more over the last few years. According to GAO, three loan programs (student, farm, and housing) are especially vulnerable due to poor agency management. GAO also calls for improving Federal contract management at several agencies that spend tens of billions of dollars each year on contractor support. Finally, the 2000 census was placed on the high risk list. The census has tremendous implications in the allocation of billions of dollars in Federal funding and for the apportionment of seats in the House of Representatives.

However, GAO was not all doom and gloom acknowledging that, "after decades of seeing high risk problems and management weaknesses recur in agency after agency," Congress has moved to enact several Government-wide reforms to address the situation. GAO mentions five such laws as key to improving operations in the Federal Government: The Chief Financial Officers Act of 1990, the Government Performance and Results Act of 1993, the Federal Acquisition Streamlining Act of 1994, the Paperwork Reduction Act of 1995 and the Clinger-Cohen Act information management and procurement reforms of 1996. These laws are designed to get the Federal Government to operate in a sound, businesslike manner. It is up to Congress and the administration to ensure that these management reforms are implemented to improve Government performance and results.

I want to work with the administration and my colleagues in Congress to improve the Government's operations. As part of this process, I plan to invite before the Senate Governmental Affairs Committee the Director of OMB to address the problems identified by GAO. We have the legislative framework in place to eradicate these programs from GAO's high risk list. What we need is the vision and fortitude to implement these bipartisan management reforms and achieve a lasting solution to the management problems that torment the pocketbook of our citizens.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:40 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker appoints the following Members to the Board of Trustees of the Harry S. Truman Scholarship Foundation: Mr. EMERSON of Missouri and Mr. SKELTON of Missouri.

The message also announced that the Speaker appoints the following Member to the Board of Trustees of Gallaudet University: Mr. LAHOOD of Illinois.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1054. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of fourteen rules including one rule relative to Class E airspace, (RIN2120–AA64, AA66) received on February 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1055. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of two rules including one rule relative to Civil Monetary Penalty Inflation, (RIN2105-AC63, AC34) received on February 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1056. A communication from the Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report under the Safe Drinking Water Act Amendments; to the Committee on Environment and Public Works.

EC–1057. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules including one rule relative to National Emission Standards, (FRL–5669–3, 5682–9, 5683–4), received on February 10, 1997; to the Committee on Environment and Public Works.

EC–1058. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of one rule relative to Land Disposal Restrictions, (FRL–5681–4) received on February 3, 1997; to the Committee on Environment and Public Works.

EC–1059. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules including one rule relative to approval and promulgation of implementation plans, (FRL–5680–5, 5685–7, 5685–1), received on February 4, 1997; to the Committee on Environment and Public Works.

EC–1060. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of one rule relative to Military Munitions, (FRL–5686–4) received on February 6, 1997; to the Committee on Environment and Public Works.

EC–1061. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules including one rule relative to approval and promulgation of implementation plans, (FRL–5686–2, 5585–8, 5678–5), received on February 6, 1997; to the Committee on Environment and Public Works.

EC–1062. A communication from the Director of the Office of Regulations Management, transmitting, pursuant to law, two rules including a rule entitled "Dependency and Income" (RIN2900–AI47, AI36) received on February 4, 1997; to the Committee on Veterans' Affairs.

EC–1063. A communication from the Deputy Assistant Administration, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, two rules including a rule entitled "Exemption from Import and Export Requirements for Personal Use" (RIN1117–AA38, AA42); to the Committee on the Judiciary.

EC–1064. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, pursuant to law, a rule entitled "Interim Guidelines for the Examination of Claims" (RIN0651–XX09) received on February 6, 1997; to the Committee on the Judiciary.

EC–1065. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule entitled "Badlands National Park" (RIN1024–AC30) received on February 8, 1997; to the Committee on Energy and Natural Resources.

EC–1066. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, an acquisition regulation (RIN1991–AB34) received on February 4, 1997; to the Committee on Energy and Natural Resources.

EC–1067. A communication from the Secretary of Energy, transmitting, pursuant to law, a report concerning process-oriented energy efficiency; to the Committee on Energy and Natural Resources.

EC–1068. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Notice 97–15 received on February 10, 1997; to the Committee on Finance.

EC–1069. A communication from the Commissioner of Social Security, transmitting a report of accomplishments; to the Committee on Finance.

EC–1070. A communication from the Secretary of Veterans' Affairs, transmitting a draft of proposed legislation entitled "The Veterans' Medicare Reimbursement Model Project Act of 1997"; to the Committee on Finance.

EC–1071. A communication from the Director of the Defense Security Assistance Agency, transmitting pursuant to law, a report containing an analysis and description of services for fiscal year 1996; to the Committee on Foreign Relations.

EC–1072. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Determination relative to the Republic of Yemen; to the Committee on Foreign Relations.

EC–1073. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled "Removal of Commercial Communications Satellites" received on February 3, 1997; to the Committee on Foreign Relations.

EC–1074. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, a draft of proposed legislation to authorize payment of arrears to the United Nations; to the Committee on Foreign Relations.

EC–1075. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on U.S. Government assistance to and cooperative activities with the New Independent States of the former Soviet Union; to the Committee on Foreign Relations.

EC–1076. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule regarding the Operator Licensing Program (received on February 5, 1997); to the Committee on Environment and Public Works.

EC–1077. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule relative to final regulations, (RIN1820–AB12) received on February 4, 1997; to the Committee on Labor and Human Resources.

EC–1078. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Investigational Device Exemptions," received on February 4, 1997; to the Committee on Labor and Human Resources.

EC–1079. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Saccharin and its Salts," received on February 10, 1997; to the Committee on Labor and Human Resources.

EC–1080. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Food Labeling: Health Claims," received on February 10, 1997; to the Committee on Labor and Human Resources.

EC–1081. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the National Practitioner Data Bank Malpractice Reporting Requirements; to the Committee on Labor and Human Resources.

EC–1082. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–458 adopted by the Council; to the Committee on Labor and Human Resources.

EC–1083. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–525 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–1084. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–526 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–1085. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–512 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–1086. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report entitled "The Necessity and Costs of District of Columbia Services"; to the Committee on Governmental Affairs.

EC–1087. A communication from the Chair of the Foreign Claims Settlement Commission of the United States, Department of Justice, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–1088. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the statement of recommended accounting standards; to the Committee on Governmental Affairs.

EC–1089. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List received on February 4, 1997; to the Committee on Governmental Affairs.

EC–1090. A communication from the Corporation For Public Broadcasting, transmitting jointly, pursuant to law, the report of the Office of the Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–1091. A communication from the Administrator and Chief Executive Officer of the Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–31. A resolution adopted by the Senate of the Legislature of the State of New Hampshire; ordered to lie on the table.

Resolution

Whereas, Paul E. Tsongas, former United States Senator, on January 18, 1997, succumbed to pneumonia after a courageous battle with health problems that had plagued him since he was diagnosed with cancer in 1983; and

Whereas, born on February 14, 1941 and brought up in Lowell, Massachusetts, he was viewed as one of Lowell's finest sons who used the values he learned on the streets of Lowell to eventually lead a bipartisan effort to encourage Congress to balance the federal budget; and

Whereas, his Lowell high school years, while working at the family dry-cleaning shop, were followed by graduation from Dartmouth College, Peace Corps in Ethiopia and the West Indies, Yale Law School, and a congressional internship; and

Whereas, he began his political career in 1968 when he was elected to the city council in Lowell, then ran for Middlesex County commissioner and won in 1972, and in 1974 at the age of 33, continued on to the United States Congress; and

Whereas, throughout his life, he practiced law and remained active in public affairs, speaking out on both local and national issues; and

Whereas, he shattered ideological stereotypes, favoring "liberalism that works," as symbolized by the federally financed urban park that drew high-tech companies to the empty mills along the Merrimack River in his native city; and

Whereas, he won the 1992 New Hampshire primary and, although they frequently disagreed early in 1992, President Clinton eventually agreed with the former senator on many issues and adopted much of the Tsongas platform a year later in his State of the Union address; and

Whereas, in 1992, he joined former United States Senator Warren Rudman as a founding member of the Concord Coalition, a public interest group focusing attention on the nation's economic problems and pushing the need for balancing the nation's books to the forefront of public awareness; and

Whereas, although he was viewed as "an outspoken man and a determined and successful politician who never shied away from tough political realities," he was also "a good listener, a good coalition builder, and you knew he was always working for the public good", now, therefore, be it

Resolved by the Senate:

That the members of the New Hampshire senate recognize the many accomplishments and contributions of former Senator Paul E. Tsongas; and

That condolences be extended to his wife, Niki, and three daughters, Ashley, Katina, and Molly; and

That copies of this resolution, signed by the president of the senate, be forwarded by the senate clerk to the Tsongas family, to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the New Hampshire Congressional delegation, and to the state library.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Rules and Administration, without amendment:

S. Res. 54. An original resolution authorizing biennial expenditures by committees of the Senate.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs:

Janet L. Yellen, of California, to be a Member of the Council of Economic Advisers.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BOND, from the Committee on Small Business.

Aida Alvarez, of New York, to be Administrator of the Small Business Administration.

(The above nomination was reported with 'the recommendation that she be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself, Mr. Ashcroft, Mr. Nickles, Mr. Ford, Mr. Abraham, Mr. Allard, Mr. Biden, Mr. Bond, Mr. Breaux, Mr. Brownback, Mr. Burns, Mr. Coats, Mr. Craig, Mr. DeWine, Mr. Enzi, Mr. Faircloth, Mr. Grassley, Mr. Gregg, Mr. Helms, Mr. Hutchinson, Mr. Inhofe, Mr. Lieberman, Mr. Lott, Mr. Mack, Mr. McConnell, Mr. Murkowski, Mr. Sessions, Mr. Smith of Oregon, Mr. Smith of New Hampshire, and Mr. Thurmond):

S. 304. A bill to clarify Federal law with respect to assisted suicide, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO (for himself, Ms. Moseley-Braun, Mr. Chafee, Mr. Robb, Mr. Reid, Mr. Lieberman, Mr. Smith of New Hampshire, Mr. Dodd, Mr. Biden, Mr. Craig, Mr. Allard, Mr. Mack, Mr. Grassley, Mr. Kerrey, Mr. Bond, Mr. Burns, Mr. Hagel, Mr. Lautenberg, Mr. Torricelli, Mr. Bryan, Mr. Domenici, Mr. Specter, Mr. Reed, Mr. Johnson, Mr. Bennett, Mr. Kohl, Mr. Hatch, Mr. Enzi, Mr. Santorum, Mr. Moynihan, Mrs. Murray, Mr. Cleland, Ms. Landrieu, Mr. Kerry, Mrs. Hutchison, Mr. Faircloth, Mr. Lott, Mr. Gorton, Mrs. Feinstein, Mr. Sessions, Mr. Coverdell, Mr. Brownback, Mr. Grams, Mr. Lugar, Ms. Mikulski, Mr. Murkowski, Mr. Roberts, Mr. Shelby, and Mr. Thomas):

S. 305. A bill to authorize the President to award a gold medal on behalf of the Congress to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FORD:

S. 306. A bill to amend the Internal Revenue Code of 1986 to provide a decrease in the maximum rate of tax on capital gains which is based on the length of time the taxpayer held the capital asset; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. Harkin, Mr. McConnell, and Mr. Leahy):

S. 307. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of assistance to impoverished families and individuals, and for other purposes; to the Committee on Governmental Affairs.

By Mr. THOMAS (for himself and Mr. Enzi):

S. 308. A bill to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, WY, and to extend temporarily certain grazing privileges; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 309. A bill to amend title 38, United States Code, to prohibit the establishment or collection of parking fees by the Secretary of Veterans Affairs at any parking facility connected with a Department of Veterans Affairs medical facility operated under a health-care resources sharing agreement with the Department of Defense; to the Committee on Veterans Affairs.

By Mr. GRAHAM (for himself and Mr. Mack):

S. 310. A bill to temporarily waive the enrollment composition rule under the medicaid program for certain health maintenance organizations; to the Committee on Finance.

By Mr. GRAHAM:

S. 311. A bill to amend title XVIII of the Social Security Act to improve preventive benefits under the medicare program; to the Committee on Finance.

By Mr. FORD:

S. 312. A bill to revise the boundary of the Abraham Lincoln Birthplace National Historic Site in Larue County, KY, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself and Mr. Roberts):

S. 313. A bill to repeal a provision of the International Air Transportation Competition Act of 1979 relating to air transportation from Love Field, TX; to the Committee on Commerce, Science, and Transportation.

By Mr. THOMAS (for himself, Mr. Hagel, Mr. Kyl, Mr. Enzi, Mr. Brownback, and Mr. Craig):

S. 314. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HARKIN:

S. 315. A bill to amend the Internal Revenue Code of 1986 to reduce tax benefits for foreign corporations, and for other purposes; to the Committee on Finance.

By Mr. LEVIN:

S. 316. A bill to direct the Administrator of the Environmental Protection Agency to provide for a review of a decision concerning a construction grant for the Ypsilanti Wastewater Treatment Plant in Washtenaw County, MI; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself, Mr. Bryan, Mr. Cochran, and Mr. Bennett):

S. 317. A bill to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO:

S. 318. A bill to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transition, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MOSELEY-BRAUN:

S. 319. A bill to designate the national cemetery established at the former site of the Joliet Arsenal, IL, as the "Abraham Lincoln National Cemetery."; to the Committee on Veterans Affairs.

By Mr. ASHCROFT (for himself, Mr. Thompson, Mr. Abraham, Mr. Allard, Mr. Bond, Mr. Brownback, Mr. Burns, Mr. Campbell, Ms. Collins, Mr. Coverdell, Mr. Craig, Mr. Faircloth, Mr. Frist, Mr. Gramm, Mr. Hutchinson, Mrs. Hutchison, Mr. Inouye, Mr. Mack, Mr. Murkowski, Mr. Sessions, Mr. Smith of New Hampshire, Mr. Smith of Oregon, and Mr. Thomas):

S.J. Res. 16. A joint resolution proposing a constitutional amendment to limit congressional terms; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER:

S. Res. 54. An original resolution authorizing biennial expenditures by committees of the Senate; from the Committee on Rules and Administration; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. Ashcroft, Mr. Nickles, Mr. Ford, Mr. Abraham, Mr. Allard, Mr. Biden, Mr. Bond, Mr. Breaux, Mr. Brownback, Mr. Burns, Mr. Coats, Mr. Craig, Mr. DeWine, Mr. Enzi, Mr. Faircloth, Mr. Grassley, Mr. Gregg, Mr. Helms, Mr. Hutchinson, Mr. Inhofe, Mr. Lieberman, Mr. Lott, Mr. Mack, Mr. McConnell, Mr. Murkowski, Mr. Sessions, Mr. Smith of Oregon, Mr. Smith of New Hampshire, and Mr. Thurmond):

S. 304. A bill to clarify Federal law with respect to assisted suicide, and for other purposes; to the Committee on Finance.

THE ASSISTED SUICIDE FUNDING RESTRICTION ACT

Mr. DORGAN. Mr. President, I rise today to introduce legislation, along with Senator Ashcroft and 28 of our colleagues from both sides of the aisle, that will prohibit Federal funds from being used to pay for the costs associated with assisted suicide.

I want to say right off that the Dorgan-Ashcroft bill does not attempt to address the broad and complex issue of whether there is a constitutional right to die. That job belongs to the Supreme Court, and as you all know, the High Court is expected to issue a decision later this year to answer this fundamental question.

It is the job of Congress, however, to determine how our Federal resources will be allocated. I do not believe Congress ever intended for Federal funding to be used for assisted suicide, and my bill will ensure that such funding does not occur.

I understand that the decisions that confront individuals and their families when a terminal illness strikes are among the most difficult a family will ever have to make. At times like this, each of us must rely on our own religious beliefs and conscience to guide us.

But regardless of one's personal views about assisted suicide, I feel strongly that Federal tax dollars should not be used for this controversial practice, and the vast majority of Americans agree with me. In fact, when asked in a poll in November of last year whether tax dollars should be spent for assisting suicide, 87 percent of Americans feel tax money should not be spent for this purpose.

The Assisted Suicide Funding Restriction Act prevents any Federal funding from being used for any item or service which is intended to cause, or assist in causing, the suicide, euthanasia, or mercy killing of any individual.

This bill does make some important exceptions. First, this bill explicitly provides that it does not limit the withholding or withdrawal of medical treatment or of nutrition or hydration from terminally ill patients who have decided that they do not want their lives sustained by medical technology. Most people and States recognize that there are ethical, moral, and legal distinctions between actively taking steps to end a patient's life and withholding or withdrawing treatment in order to allow a patient to die naturally. Every State now has a law in place governing a patient's right to lay out in advance, through an advanced directive, living will, or some other means, his or her wishes related to medical care at the end of life. Again, this legislation would not interfere with the ability of patients and their families to make clear and carry out their wishes regarding the withholding or withdrawal of medical care that is prolonging the patient's life.

This bill also makes clear that it does not prevent Federal funding for any care or service that is intended to alleviate a patient's pain or discomfort, even if the use of this pain control ultimately hastens the patient's death. Large doses of medication are often needed to effectively reduce a terminally ill patient's pain, and this medication may increase the patient's risk of death. I think we all would agree that the utmost effort should be made to ensure that terminally ill patients do not spend their final days in pain and suffering.

Finally, while I think Federal dollars ought not be used to assist a suicide, this bill does not prohibit a State from using its own dollars for this purpose. However, I do not think taxpayers from other States, who have determined that physician-assisted suicide should be illegal, should be forced to pay for this practice through the use of Federal tax dollars.

I realize that the legality of assisted suicide has historically been a State issue. There are 35 States, including my State of North Dakota, which have laws prohibiting assisted suicide and at least 8 other States consider this practice to be illegal under common law. Only one State, Oregon, has a law legalizing assisted suicide.

However, two circumstances have changed that now make this an issue of Federal concern. First, the Supreme Court's decisions in Washington versus Glucksberg and Quill versus Vacco could have enormous consequences on our public policy regarding assisted suicide. In these two cases, the Federal Ninth Second Circuit Courts of Appeal have struck down Washington and New York State statutes outlawing assisted suicide. Although the circuit courts varied in their legal reasoning, both recognized a constitutional right to die.

Second, we are on the brink of a situation where Federal Medicaid dollars may soon be used to reimburse physicians who help their patients die. In another case, Lee versus Oregon, a Federal district court judge has ruled that Oregon's 1994 law allowing assisted suicide is unconstitutional and he has blocked its implementation. However, his decision has been appealed to the Ninth Circuit Court of Appeals, which has already recognized a constitutional right to die.

Once the legal challenges to Oregon's law have been resolved, the State's Medicaid director has already stated that Oregon will begin using its Federal Medicaid dollars to reimburse physicians for their costs associated with assisting in suicide. Should this occur, Congress will not have considered this issue. I do not think it was Congress' intention for Medicaid or other Federal dollars to be used to assist in suicide, and I hope we will take action soon to stop this practice before it starts.

It is important to point out that the Supreme Court decisions will not resolve the important issue of funding for assisted suicides. Even if the Supreme Court finds that there is not a constitutional right to assisted suicide, the ruling likely will not negate Oregon's statute permitting assisted suicide. As a result, the Ninth Circuit Court could well uphold the Oregon statute and Oregon could, in turn, bill Medicaid for the costs associated with assisted suicide. If Congress does not act to disallow Federal funding, a few States, or a few judges, may very well take this decision out of our hands.

The National Conference of Catholic Bishops and the National Right to Life Committee have endorsed this legislation. The American Medical Association and the American Nurses Association have issued position statements opposing assisted suicide, and President Clinton has also indicated his opposition to assisted suicide.

I hope you agree with me and the vast majority of Americans who oppose using scarce Federal dollars to pay for assisted suicide. I invite you to join me, Senator ASHCROFT and 28 of our colleagues in this effort by cosponsoring the Assisted Suicide Funding Restriction Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Assisted Suicide Funding Restriction Act of 1997".

SEC. 2. GENERAL PROHIBITION ON USE OF FEDERAL ASSISTANCE.

Notwithstanding any other provision of law, no funds appropriated by the Congress shall be used to provide, procure, furnish, fund, or support, or to compel any individual, institution, or government entity to provide, procure, furnish, fund, or support, any item, good, benefit, program, or service, the purpose of which is to cause, or to assist in causing, the suicide, euthanasia, or mercy killing of any individual.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in an amendment made by this Act, shall be construed to create any limitation relating to—

(1) the withholding or withdrawing of medical treatment or medical care;

(2) the withholding or withdrawing of nutrition or hydration;

(3) abortion; or

(4) the use of an item, good, benefit, or service furnished for the purpose of alleviating pain or discomfort, even if such use may increase the risk of death, so long as such item, good, benefit, or service is not also furnished for the purpose of causing, or the purpose of assisting in causing, death, for any reason.

SEC. 4. PROHIBITION OF FEDERAL FINANCIAL PARTICIPATION UNDER MEDICAID FOR ASSISTED SUICIDE OR RELATED SERVICES.

(a) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(1) by striking "or" at the end of paragraph (14);

(2) by striking the period at the end of paragraph (15) and inserting "; or"; and

(3) by inserting after paragraph (15) the following:

"(16) with respect to any amount expended for any item or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.".

(b) TREATMENT OF ADVANCE DIRECTIVES.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396a(w)) is amended by adding at the end the following:

"(5) Nothing in this subsection shall be construed to create any requirement with respect to a portion of an advance directive that directs the purposeful causing, or the purposeful assisting in causing, of the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.

"(6) Nothing in this subsection shall be construed to require any provider or organization, or any employee of such a provider or organization, to inform or counsel any individual regarding any right to obtain an item or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of the individual, such as by assisted suicide, euthanasia, or mercy killing.".

SEC. 5. RESTRICTING TREATMENT UNDER MEDICARE OF ASSISTED SUICIDE OR RELATED SERVICES.

(a) PROHIBITION OF EXPENDITURES.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) by striking "or" at the end of paragraph (14);

(2) by striking the period at the end of paragraph (15) and inserting "; or"; and

(3) by inserting after paragraph (15) the following:

"(16) where such expenses are for any item or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.".

(b) TREATMENT OF ADVANCE DIRECTIVES.—Section 1866(f) of the Social Security Act (42 U.S.C. 1395cc(f)) is amended by adding at the end the following:

"(4) Nothing in this subsection shall be construed to create any requirement with respect to a portion of an advance directive that directs the purposeful causing, or the purposeful assisting in causing, of the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.

"(5) Nothing in this subsection shall be construed to require any provider of services or prepaid or eligible organization, or any employee of such a provider or organization, to inform or counsel any individual regarding any right to obtain an item or service, furnished for the purpose of causing, or the purpose of assisting in causing, the death of the individual, such as by assisted suicide, euthanasia, or mercy killing.".

SEC. 6. PROHIBITION AGAINST USE OF BLOCK GRANTS TO STATES FOR SOCIAL SERVICES TO PROVIDE ITEMS OR SERVICES FOR THE PURPOSE OF INTENTIONALLY CAUSING DEATH.

Section 2005(a) of the Social Security Act (42 U.S.C. 1397d(a)) is amended—

(1) by striking "or" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; or"; and

(3) by adding at the end the following:

"(10) for the provision of any item or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.".

SEC. 7. INDIAN HEALTH CARE.

Section 201(b) of the Indian Health Care Improvement Act (25 U.S.C. 1621(b)) is amended by adding at the end the following:

"(3) Funds appropriated under the authority of this section may not be used for the provision of any item or service (including treatment or care) furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.".

SEC. 8. MILITARY HEALTH CARE SYSTEM.

(a) MEMBERS AND FORMER MEMBERS.—Section 1074 of title 10, United States Code, is amended by adding at the end the following:

"(d) Under joint regulations prescribed by the administering Secretaries, a person may not furnish any item or service under this chapter (including any form of medical care) for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.".

(b) PROHIBITED HEALTH CARE FOR DEPENDENTS.—Section 1077(b) of title 10, United States Code, is amended by adding at the end the following:

"(4) Items or services (including any form of medical care) furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.".

(c) PROHIBITED HEALTH CARE UNDER CHAMPUS.—

(1) SPOUSES AND CHILDREN OF MEMBERS.—Section 1079(a) of title 10, United States Code, is amended by adding at the end the following:

"(18) No contract for the provision of health-related services entered into by the Secretary may include coverage for any item or service (including any form of medical care) furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.".

(2) OTHER COVERED BENEFICIARIES.—Section 1086(a) of title 10, United States Code, is amended—

(A) by inserting "(1)" after "(a)" the first place it appears; and

(B) by adding at the end the following:

"(2) No contract for the provision of health-related services entered into by the Secretary may include coverage for any item or service (including any form of medical care) furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.".

SEC. 9. FEDERAL EMPLOYEES HEALTH BENEFIT PLANS.

Section 8902 of title 5, United States Code, is amended by adding at the end the following:

"(o) A contract may not be made or a plan approved which includes coverage for any benefit, item or service that is furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.".

SEC. 10. HEALTH CARE PROVIDED FOR PEACE CORPS VOLUNTEERS.

Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)) is amended—

(1) by inserting "(1)(A)" after "(e)";

(2) by striking "Subject to such" and inserting the following:

"(2) Subject to such"; and

(3) by adding at the end of paragraph (1) (as so designated by paragraph (1)), the following:

"(B) Health care provided under this subsection to volunteers during their service to the Peace Corps shall not include any item or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.".

SEC. 11. MEDICAL SERVICES FOR FEDERAL PRISONERS.

Section 4005(a) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Services provided under this subsection shall not include any item or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.".

SEC. 12. PROHIBITING USE OF ANNUAL FEDERAL PAYMENT TO DISTRICT OF COLUMBIA FOR ASSISTED SUICIDE OR RELATED SERVICES.

(a) IN GENERAL.—Title V of the District of Columbia Self-Government and Governmental Reorganization Act is amended by adding at the end the following:

"BAN ON USE OF FUNDS FOR ASSISTED SUICIDE AND RELATED SERVICES

"SEC. 504. None of the funds appropriated to the District of Columbia pursuant to an authorization of appropriations under this title may be used to furnish any item or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.".

(b) CLERICAL AMENDMENT.—The table of sections of the District of Columbia Self-Government and Governmental Reorganization Act is amended by adding at the end of the items relating to title V the following:

"Sec. 504. Ban on use of funds for assisted suicide and related services.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments to the District of Columbia for fiscal years beginning with fiscal year 1998.

Mr. ASHCROFT. Mr. President, I am grateful for this opportunity to speak to my colleagues and to the American public about an item which is important and which demands our attention. It is an item of urgency. And because it is, I think it is important that we develop a sense of cooperation and that we act expeditiously.

A lot of comment is being heard these days about bipartisanship, the need to cooperate and to be partners and participants rather than being opponents and partisans. The measure about which I will speak today is one that has broad bipartisan support, and I think is something upon which cooperation is not only taking place, but one which will provide the basis for the ultimate passage of the legislation.

Members on both sides of the aisle agree that Federal health programs such as Medicare and Medicaid should provide a means to care for and to protect our citizens—not become vehicles for the destruction or impairment of our citizens.

The Declaration of Independence reads: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." It is Congress' responsibility to defend the foremost of our inalienable rights—that of life.

In this spirit and understanding, I rise today to introduce with Senators DORGAN, NICKLES, FORD, and others, the Assisted Suicide Funding Restriction Act of 1997, a modest and a timely response to the threat that taxes paid by American citizens would be used to finance assisted suicide. What this bill simply says is that Federal tax dollars shall not be used to pay for and promote assisted suicide or euthanasia. We introduced such a bill in the 104th Congress, and have wide bipartisan support for this legislation, with 30 Members of the U.S. Senate as original cosponsors on the bill.

This bill is urgently needed to preserve the intent of our Founding Fathers and the integrity of Federal programs that serve the elderly and the seriously ill, programs which were intended to support and enhance human health and life, not to promote the destruction of human life.

Government's role in our culture should be to call us to our highest and best, to expand our capacity to take advantage of the opportunities of life, and to build our capacity for achievement. I do not believe that Government has a place in hastening Americans to their graves.

Our court system is, however, on the brink of allowing Federal-taxpayer-assisted suicide funding. This bill is intended to preempt and to prevent proactively such a morally contemptible practice as taking tax money from one American and using it to assist in the suicide of another American.

Let me be clear that this bill only affects Federal funding for actions whose direct purpose is to cause or to assist in causing suicide—actions that are clearly condemned as unethical by the American Medical Association and illegal in the vast majority of States. Again, this bill simply prohibits any Federal funding for medical actions that assist suicide.

Some might ask why we need such a law. It is because two Federal courts of appeals recently contradicted the positions of 49 States when they found that there is a Federal constitutional "right" to physician-assisted suicide. These cases involved New York and Washington State laws which prohibit physician-assisted suicide.

The State of Oregon recently passed Measure No. 16. That was the first law in the country that authorized the dispensing of lethal drugs to terminally ill patients to assist in suicide. Although a Federal court in Oregon struck down that law, the case has been to the ninth circuit, one of the appeals courts that has already signaled a strong indication that there is a constitutional right to assisted suicide.

Oregon's Medicaid director and the chairman of the Oregon Health Services Commission have both said that in the event that the ninth circuit would clear the way for Oregon's law to take effect, the federally funded Medicaid Program in Oregon would begin to pay for assisted suicide with public funds in that State. According to the Oregon authorities, the procedure would be listed on Medicaid reimbursement forms under the grotesque euphemism of "comfort care."

Unless we pass the Assisted Suicide Funding Restriction Act, Oregon could soon be drawing down Federal funds through its Medicaid Program to help pay for assisted suicides. Neither Medicaid, nor Medicare, nor any other Federal health program has explicit statutory language to prohibit the use of Federal funds to dispense lethal drugs for suicide primarily because no one in the history of these programs ever thought that they would be used to end the lives of individuals. We have always focused in these programs on seeking to extend rather than end the lives of Americans.

In fact, the Clinton administration's brief filed in the Supreme Court of the United States opposing physician-assisted suicide pointed out that:

> The Department of Veterans Affairs, which operates 173 medical centers, 126 nursing homes, and 55 inpatient hospices, has a policy manual that . . . forbids "the active hastening of the moment of death."

"The active hastening of the moment of death" sounds a lot like assisted suicide to me.

Such guidelines also apply to the VA's hospice program, the military services, the Indian Health Service, and the National Institutes of Health.

Nonetheless, if the ninth circuit reinstates Oregon's Measure 16, Federal funds will be used for the so-called comfort care, also known as assisted suicide.

I believe we would be derelict in our duty if we were to ignore this problem and allow a few officials in one State to decide that the taxpayers of the other 49 States must help subsidize a practice that they have never authorized and that millions of Americans find to be morally abhorrent.

It is crystal clear that the American people do not want their tax dollars spent on assisting the suicide of individuals. Recently, a national Wirthlin poll showed that 87 percent of Americans oppose the use of public funds for this purpose. Even the voters of Oregon, who narrowly approved Measure 16 by a 51- to 49-percent margin, did not consider the question of public funding. The voters of two other west coast States, California and Washington, soundly defeated similar measures to authorize assisted suicide. Since November 1994, when Oregon passed its law, 15 other States have considered and rejected bills to legalize the practice. However, this bill does not talk about authorizing or prohibiting assisted suicide. It merely states that no Federal funds could be used to promote or assist suicide.

Let me just say a few words about the way the legislation is crafted. It is very limited. It is very modest, and I think that provides the basis for its bipartisan support.

It does not forbid a State to legalize assisted suicide, and it does not forbid using State funds for the practice. It merely prevents Federal funds and Federal programs from being drawn into promoting it.

The bill also does not attempt to resolve the constitutional issue that the Supreme Court considered last month when it heard the cases of Washington versus Glucksberg and Vacco versus Quill. These are right-to-suicide cases, and the bill does not attempt to answer this complex question. Nor would this legislation be affected by what the Supreme Court decides on the issue. Congress would still have the right to prevent Federal funding of such a practice even if the practice itself had the status of a constitutional "right."

As the bill's rule of construction clearly provides, this legislation does not affect any other life issue that some might have strong feelings about. The bill does not affect abortion, or complex issues such as the withholding or withdrawal of life-sustaining treatment, even of nutrition or hydration. Nor does it affect the dispersing of large doses of morphine or other drugs to ease the pain of terminal illness, even when this may carry the risk of hastening death as a side-effect—a practice that is legally accepted in all 50 States, and ethically accepted by the medical profession and even by pro-life and religious organizations. This bill is focused exclusively on prohibiting Federal funding for assisting suicide.

Finally, I am pleased to mention those organizations that have joined with us in endorsing this legislation. These include the American Medical Association, the Christian Coalition, the Family Research Council, Free Congress, the National Conference of Catholic Bishops, National Right to Life, and the Traditional Values Coalition. I ask unanimous consent to have printed in the RECORD a letter of support from the American Medical Association.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, February 12, 1997.

Hon. JOHN ASHCROFT,
Washington, DC.

DEAR SENATOR ASHCROFT: The American Medical Association (AMA) is pleased to support the "Assisted Suicide Funding Restriction Act of 1997" which you are introducing in collaboration with Senator Dorgan. We believe that the prohibition of federal funding for any act that supports "assisted suicide" sends a strong message from our elected officials that such acts are not to be encouraged or condoned. The power to assist in intentionally taking the life of a patient is antithetical to the central mission of healing that guides physicians. While some patients today regrettably do not receive adequate treatment for pain or depression, the proper response is an increased effort to educate both physicians and their patients as to available palliative measures and multidisciplinary interventions. The AMA is currently designing just such a far-reaching, comprehensive effort in conjunction with the Robert Wood Johnson Foundation.

The AMA is particularly pleased to note that your bill acknowledges—in its "Rules of Construction" section—the appropriate role for physicians and other caregivers in end-of-life patient care. The Rules properly distinguish the passive intervention of withholding or withdrawing medical treatment or care (including nutrition and hydration) from the active role of providing the direct means to kill someone. Most important to the educational challenge cited above is the Rule of Construction which recognizes the medical principle of "secondary effect," that is, the provision of adequate palliative treatment, even though the palliative agent may also foreseeably hasten death. This provision assures patients and physicians alike that legislation opposing assisted suicide will not chill appropriate palliative and end-of-life care. Such a chilling effect would, in fact, have the perverse result of increasing patients' perceived desire for a "quick way out."

The AMA continues to stand by its ethical principle that physician-assisted suicide is fundamentally incompatible with the physician's role as healer, and that physicians must, instead, aggressively respond to the needs of patients at the end of life. We are pleased to support this carefully crafted legislative effort, and offer our continuing assistance in educating patients, physicians and elected officials alike as to the alternatives available at the end of life.

Sincerely,

P. JOHN SEWARD, MD.

Mr. ASHCROFT. President Jefferson wrote in words that are now inscribed in the Jefferson Memorial here in Washington that the "care and protection of human life, and not its destruction," are the only legitimate objectives of good government. Thomas Jefferson believed that our rights are God given and that life is an inalienable right. With this understanding and belief, I urge the Congress and the President to support this bill. It is a modest but necessary effort to uphold our basic principles by forbidding the Federal funding of assisted suicide.

Mr. President, I thank my colleague from North Dakota for his excellent work, his cooperation in this respect, and his emphasis on what this bill does and what it does not do. There is a narrow focus in this measure. We do not seek to preempt the ability of States to make decisions regarding their own laws, or individuals to make their own decisions. We are merely making reference to the fact that the Federal Government should not be financing assisted suicides.

I thank him for his outstanding work and for his excellent effort in developing this legislation, to narrowly focus it and target it in such a way that makes it possible for us to work together. I commend him.

Mr. ABRAHAM. Mr. President, I rise to express my strong support for the Assisted Suicide Funding Restriction Act. In so doing I side with the 87 percent of Americans who oppose the use of tax dollars to pay for the cost of assisting suicide or euthanasia.

I find it deeply distressing, Mr. President, that we are in the throes of a legal and public policy debate over whether physicians should be given the power to end the lives of their patients. This controversy raises many troublesome questions concerning the duties of a physician, the nature of the doctor-patient relationship, the possibility of coerced suicide, and the very sanctity of life.

Some may find these questions difficult or even impossible to answer.

But of one thing I am certain: the government has no right to use public moneys, the tax dollars paid by the American people, to support physician assisted suicide. Whatever their views on the rectitude of allowing doctors to assist their patients in ending their lives, I hope my colleagues will join with me in saying that such a controversial practice, which so many Americans find morally troubling, should not be the object of Federal largesse.

I congratulate my friends the Senator from North Dakota and the Senator from Missouri on their courage and conviction in submitting this bill, and urge my colleagues to join them in its support.

Mr. BURNS. Mr. President, as an original cosponsor of the Assisted Suicide Funding Restriction Act of 1997, I rise in strong support of this bill.

Mr. President, this bill simply prohibits Federal tax funds from being used to pay for or promote assisted suicide or euthanasia. Specifically, the bill will prevent Federal funding for items or services "the purpose of which is to cause, or assist in causing, the suicide, euthanasia, or mercy killing of any individual." The prohibition will encompass Medicare, Medicaid, the Federal Employees Health Program, medical services for prisoners, and the military health care system.

This bill does not create any limitation with regard to the withholding or withdrawing of medical treatment or of nutrition or hydration, or affect funding for abortion or for alleviating pain or discomfort for patients.

The American people oppose taxpayer funding of assisted suicide by an overwhelming margin. In addition, the American Medical Association has endorsed this bill. Yet States are free to legalize assisted suicide, as Oregon has by referendum, and this raises the prospect of Federal Medicaid dollars being used to facilitate suicide. The Federal Government must not be in the business of promoting death. Let's listen to the American people and settle the question of publicly funding assisted suicide once and for all. I urge my colleague to join us in supporting the Assisted Suicide Funding Restriction Act of 1997.

• Mr. HUTCHINSON. Mr. President, I am pleased to express my support of the Assisted Suicide Funding Restriction Act of which I am a cosponsor. This bill would ensure that no Federal tax dollars are used to pay for or promote assisted suicide or euthanasia. In addition, it identifies those Federal programs which may not be sued to pay for assisted suicide. These programs include Medicare, Medicaid, Federal Employees Health Benefits plans, medical services for Federal prisoners, and the military health care system.

This bill also makes clear that Federal law will not require health care facilities, in States where assisted suicide has been legalized, to advise patients at the time of admission about their "right" to get lethal drugs for suicide.

This legislation is needed due to recent Federal court rulings which have declared a constitutional right to assisted suicide. The U.S. Supreme Court heard oral arguments in two cases on January 8 of this year to determine the constitutionality of those rulings. In addition, some States, such as Oregon, have legalized assisted suicide by referendum. These States may be tempted to consider using Federal funds and facilities to pay for these procedures. For this reason, we must send a clear message. The American people do not want their tax dollars used to pay for assisted suicides. In fact, a majority of Americans are strongly opposed to the very notion of assisted suicide. Counted among those in opposition are the American Medical Association whose physician members would be asked to play the role of moral arbitrator in the decision to end one's life.

The purpose of this bill and its guidelines are concise and clear. No limitations will be placed on the withholding or withdrawing of medical treatment. In addition, it does not affect funding for alleviating patient pain or discomfort.

An overwhelming majority of the American people believe their taxes should not be used to pay for assisted suicide or euthanasia. A national Wirthlin poll taken in November 1996 found that 87 percent of Americans did not believe their tax dollars should be used to pay for these procedures.

I ask my colleagues to join me in supporting this bill which guarantees every American that their tax dollars will not be used to pay for or promote assisted suicide or euthanasia.•

Mr. NICKLES. Mr. President, I rise today, and begin with these words: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."

These profound words are possibly the most known words from our Declaration of Independence. They state a principle that is fundamental to who we are as a nation; life itself is a gift from our Creator, and it is a right that can not be taken away. We are a nation whose core philosophy is to care for its people.

As public servants, we deal with issues that affect the lives of people every day. Caring for people is the underlying aspect of almost every piece of legislation dealt with in the Senate, and nearly every issue we confront as a country.

But while we work to build up America, something is at work in the country, eating away at fundamentals we used to take for granted: in this case, the sanctity of life. It is no secret that I place a high value on life at its conception. But a disturbing trend has developed over the past few years, a devaluation of life as it nears its end.

Two years ago, I offered legislation banning the use of Medicaid and Medicare funds for assisted suicide in the 1995 balanced budget act. Unfortunately the President vetoed this legislation.

Today, I am proud to be a cosponsor of the legislation offered by Senators ASHCROFT and DORGAN, which prohibits any Federal funds from being used for assisted suicide, euthanasia or mercy killing. This means that hospitals, medical institutions, or health care providers are not required to participate in procedures they morally or ethically oppose.

The large majority of people oppose assisted suicide. In a Wirthlin poll taken November 5, 1996, 87 percent of the people asked said tax dollars should not be spent to pay for the cost of assisting suicide or euthanasia. A recent study by the Dana-Farber Cancer Institute in Boston, found that seriously ill cancer patients in severe pain are unlikely to "approve of, or desire" euthanasia or physician-assisted suicide, instead they desire "only relief from their pain".

Even the medical profession is opposed to assisted suicide. An amicus brief filed by the American Medical Association to the Supreme Court on November 12, 1996, contends assisted suicide "will create profound danger for many ill persons with undiagnosed depression and inadequately treat pain, for whom assisted suicide rather than good palliative care could become the norm. At greatest risk would be those with the least access to palliative care—the poor, the elderly and members of minority groups." The brief concludes, "Although, for some patients it might appear compassionate to hasten death, institutionalizing physician-assisted suicide as a medical treatment would put many more patients at serious risk for unwanted and unnecessary death."

Dr. Joanne Lynn, board member of the American Geriatrics Society and director of the Center to Improve Care of the Dying at George Washington University said—Health Line, Jan. 8, 1997—"No one needs to be alone or in pain or beg a doctor to put an end to misery. Good care is possible."

As Tracy Miller, former head of the New York Task Force on Life and Law said, "It is far easier to assist patients in killing themselves than it is to care for them at life's end."

The bill before us today is a major step in continuing to provide the care our elderly, poor, and seriously ill need and deserve. The bill would assure that the programs designed to support human life and health would not be transformed into implements of death. I commend the work of Senator ASHCROFT and Senator DORGAN in writing this legislation, compliment them upon its introduction today, and pledge to work with them to see it to passage in the 105th Congress. Our country deserves no less.

By Mr. D'AMATO (for himself, Ms. MOSELEY-BRAUN, Mr. CHAFEE, Mr. ROBB, Mr. REID, Mr. LIEBERMAN, Mr. SMITH of New Hampshire, Mr. DODD, Mr. BIDEN, Mr. CRAIG, Mr. ALLARD, Mr. MACK, Mr. GRASSLEY, Mr. KERREY, Mr. BOND, Mr. BURNS, Mr. HAGEL, Mr. LAUTENBERG, Mr. TORRICELLI, Mr. BRYAN, Mr. DOMENICI, Mr. SPECTER, Mr. REED, Mr. JOHNSON, Mr. BENNETT, Mr. KOHL, Mr. HATCH, Mr. ENZI, Mr. SANTORUM, Mr. MOYNIHAN, Mrs. MURRAY, Mr. CLELAND, Ms. LANDRIEU, Mr. KERRY, Mrs. HUTCHISON, Mr. FAIRCLOTH, Mr. LOTT, Mr. GORTON, Mrs. FEINSTEIN, Mr. SESSIONS, Mr. COVERDELL, Mr. BROWNBACK, Mr. GRAMS, Mr. LUGAR, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. ROBERTS, Mr. SHELBY, and Mr. THOMAS):

S. 305. A bill to authorize the President to award a gold medal on behalf of the Congress to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

GOLD MEDAL LEGISLATION

Mr. D'AMATO. Mr. President, I rise this morning to introduce legislation on behalf of 48 Senators. I know and feel very strongly that when all of my colleagues are informed of the legislation that it will be unanimous and that all will join to authorize a congressional gold medal for Frank Sinatra. The time has come for Congress to acknowledge this great American and his contributions to the world of entertainment and society as a whole.

It is fitting that we honor this man in the autumn of his years, as we have honored Bob Hope, John Wayne, Marian Anderson and other great performers, not only for the fact of their entertainment and the wonderful gift that God bestowed upon them, but for so many other aspects in terms of their bond with America, its people, and their contributions.

Mr. President, this bill would authorize the U.S. Mint to commemorate the humanitarian and professional accomplishments of Frank Sinatra with a gold medal to be presented by the President on behalf of the Congress. In addition, bronze replicas of the original gold medal will be available to the general public for their private collection.

It is estimated that not only will we be doing great honor to Frank Sinatra, but, in addition, it will result in a very substantial profit to the Treasury because many will buy these replicas, and indeed millions of dollars can and will be raised by our Government.

Mr. President, Frank Sinatra has become one of the most, if not the most, recognizable vocalists in America and in the world. This talented man has singularly defined America's love affair with popular music for over five generations and has remained to this day a man of the people, a man who has brought pleasure to countless persons.

The tremendous, positive impact Frank Sinatra has on people throughout the world is truly phenomenal. His songs have become a standard for young and old alike. Indeed, this impact goes beyond song and it goes beyond adversity. Frank Sinatra knew adversity and he overcame it in his own career rising to great heights. He overcame the trials and tribulations during his life and became a great humanitarian.

Many people who adore Frank Sinatra and his music are not aware of that other side of the man—his generosity. Truly he could be called Mr. Anonymous because, Mr. President, unlike many who trumpet their generosity, who trumpet their gift giving, Mr. Sinatra did not do this. Indeed, he has raised literally hundreds of millions of dollars—not tens of millions—hundreds of millions of dollars for children, in particular, throughout the world, for those who were in need of help, whether it be for cancer, for AIDS, for retinitis pigmentosa—just name the charity and you will see that Francis Albert Sinatra most likely has been there, quietly giving of his time and his energy in caring for his fellow human being, giving back to the people of this country, throughout the length and breadth, establishing scholarships for young people, going back to his hometown and to his old high school to give of his time and his money. He took his wonderful gift of song and used it as a vehicle of benevolence.

Let me just touch on one of these as an example. Mr. Sinatra has raised $9 million for just one institution, a great cancer center, Sloan-Kettering, by holding five concerts. I do not know how many know that. He did not ask his publicist to go out and speak to that. The money raised by Frank Sinatra began programs whereby those who are in need of treatment and do not have the financial wherewithal will not be turned away. This is because of the generosity of Frank Sinatra.

Indeed, New Jersey can be rightfully proud of him, born in Hoboken in 1915 to parents of modest means. I am pleased that both of the Senators from New Jersey have joined in cosponsoring this legislation. Those of us in New York are so proud, and we also claim him as a son of New York. He has given us the gift of his great performances, and we particularly love his rendition of "New York, New York." But look throughout the country, the great Windy City of Chicago, and how fitting that the senior Senator from Illinois has also joined in this tribute which is long overdue.

Mr. President, it cannot be denied that Frank Sinatra has had a remarkable career. Not long after reaching adolescence, he developed a keen love of music and the desire to perform. In high school he was responsible for screening and scheduling dance bands for Demarest High School's Wednesday night dances. In exchange for hiring musicians, he was permitted to sing a few songs with the different bands.

A dream was growing in the young Frank Sinatra—his dream of becoming a successful entertainer. By the age of 21, Frank Sinatra was a professional singer. His first group was the Three Flashes, a singing and dancing trio which later became the Hoboken Four. A few years later, Frank Sinatra's investment in vocal lessons would prove to be invaluable as his singing career propelled him into stardom.

In 1939, Frank Sinatra was hired by Harry James who had recently formed an orchestra of his own. The earliest performance reviews were not favorable, but Frank Sinatra persevered. Seven months later, he was hired away to join Tommy Dorsey's orchestra where he would formulate the essence of his signature singing style.

After a successful, 2-year tour with Tommy Dorsey, Frank Sinatra made the move to go out on his own in 1942. He recorded the first of numerous hit singles titled "Night and Day." A year later he made his motion picture debut and had appeared in several movies by 1950. But, as quickly as Frank Sinatra found himself "king of the hill, at the top of the heap," he found the constant demand on his time and talent contributing to a decline in his vocal quality.

By the end of 1952, he had lost his agent and his film and recording contracts. The "voice" was nearly lost as well. Frank Sinatra was once eloquently quoted saying: "You have to scrape bottom to appreciate life and start living again."

This personally and professionally trying time ended in 1953 with Frank Sinatra's award winning performance playing the role of Maggio in the production "From Here to Eternity." The rebirth of his career was finally at hand. Frank Sinatra's new stardom quickly surpassed that which he had realized in the 1940's.

Beginning in the 1960's, Frank Sinatra's flourishing acclaim as a preeminent performer earned him the title "Chairman of the Board." He established his own recording company, Reprise, and began recording again, this time with more conviction than ever before. Frank Sinatra orchestrated television specials which featured little-known musical talents, performed live for huge, adoring audiences and began to evolve as a legend. By 1984, his singing repertoire included well over 50 albums and record sales in the hundreds of millions of dollars.

Throughout his entertainment career and rise to fame, Frank Sinatra worked tirelessly and steadfastly to cure some of the ills of society. In one of the most outstanding examples of his generosity, Frank Sinatra personally, and entirely, I might add, financed and donated his talent and superstardom along with other renowned performers for a world tour benefitting children's hospitals, orphanages, and schools in six countries. This whirlwind jaunt included 30 concerts in 10 weeks. And never once did Frank Sinatra seek glory from this feat through publicity or any other means.

Frank Sinatra's generosity has touched the lives of the underprivileged, the terminally and chronically ill, children, minorities and students not only in this country, but in Latin America, Israel, Europe, and Mexico. His works of goodwill have financed entire wings in hospitals, numerous scholarships, educational programs, and student centers. He has selflessly served as chairman on numerous boards for charities and councils borne out of sincerity, humility, and the goal of equality. If I could stand here and recite all of the things Frank Sinatra has done from his heart for his fellow man and woman, poor, old, young, sick and the like, and recited all of the awards this giant among us has received, I would be here all day.

Mr. President, since 1945 Frank Sinatra's national and international humanitarian activities have been recognized. Just as a small sampling, he has been awarded with the Lifetime Achievement Award from the NAACP, the Achievement Award from the Screen Actors Guild, the New York City Columbus Citizens Committee Humanitarian Award, the Kennedy Center Honors, the Scopus Award from the American Friends of Hebrew University, the Philadelphia Freedom Medal and the highest civilian honor in out country, the Medal of Freedom given to him by another American hero, President Ronald Reagan.

Mr. President, I ask unanimous consent that the text of the bill and a selection of charities Mr. Sinatra graciously donated to and honors he received be printed in the RECORD.

Mr. President, I must say to you that the idea and the driving force behind Congressional recognition of Francis Albert Sinatra in the autumn of his life came from a Congressman born in Puerto Rico. This Congressman recently told me the touching and true story of how he learned English at the age of five from Frank Sinatra. That Congressman is Congressman JOSE SERRANO. His father, a World War II veteran, came home from the war with a group of 78 RPM records. On those records was the melodic voice of Frank Sinatra. Congressman SERRANO said to me, "Senator, I learned to speak English. I didn't know any English. When my father came home, as a youngster, I would play these records. Frank Sinatra has been my idol." Mr. Sinatra's voice filled the Serrano household then as it does today. I thank my colleague for his diligence in working to have Frank Sinatra placed in a league with other deserving performers and philanthropists.

Mr. President, let me conclude my remarks by citing a great song that Frank Sinatra popularized, "My Way." I am not going to attempt the lyrics. I have sung on the Senate floor before and I promised Senator FORD I would not do so again, after his admonition. He was about to rise up and object. My mother cautioned me against attempting to sing again. But let me say when Frank Sinatra sings "My Way," those words embody the spirit of this country, the spirit of giving people having the opportunity to do it their way, to rise, to climb to the heights that only America ensures.

My true hope is that before this legislation is enacted, we will have 100 cosponsors honoring a talented American, a gifted American, who has given so generously of himself not only in his performances but in terms of making this a better country and a better world for so many who are less fortunate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Francis Albert "Frank" Sinatra has touched the lives of millions around the world and across generations through his outstanding career in entertainment, which has spanned more than 5 decades;

(2) Frank Sinatra has significantly contributed to the entertainment industry through his endeavors as a producer, director, actor, and gifted vocalist;

(3) the humanitarian contributions of Frank Sinatra have been recognized in the forms of a Lifetime Achievement Award from the NAACP, the Jean Hersholt Humanitarian Award from the Academy of Motion Picture Arts and Sciences, the Presidential Medal of Freedom Award, and the George Foster Peabody Award; and

(4) the entertainment accomplishments of Frank Sinatra, including the release of more than 50 albums and appearances in more than 60 films, have been recognized in the forms of the Screen Actors Guild Award, the Kennedy Center Honors, 8 Grammy Awards from the National Academy of Recording Arts and Science, 2 Academy Awards from the Academy of Motion Picture Arts and Sciences, and an Emmy Award.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and numerous humanitarian activities.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under section 3 shall be deposited in the Numismatic Public Enterprise Fund.

Selection of general international awards for humanitarian and philanthropic contributions: Italian Star of Solidarity, Government of Italy '62, Commandeur De La Sante Publique, France '65 Medallion of Valor, State of Israel '72, Jerusalem Medal, City of Jerusalem, Israel '76, Primum Vivere (life first) Award, World Mercy Fund '79, Grand Ufficiale Dell' Ordine al Merito Della Repubblica Italiana, Italy '79 (presented by President Charles DeGaulle) Humanitarian Award, Variety Clubs International '80, Order of the Leopard, President of Bophuthatswana '81 (first white person to receive), and Knight of the Grand Cross, Knights of Malta, Sovereign Order of the Hospitaller of St. John of Jerusalem '85.

Selection of awards for national humanitarian and philanthropic contributions: American Unity Award for advancing the cause of better Americans '45, Commendation by Bureau of Inter-Cultural Education '45, Commendation by National Conference of Christians and Jews '45, Democratic America Award, Courageous Fight On Behalf Of All Minorities '46, Jefferson Award, Council Against Intolerance in America '46, Hollizer Memorial Award, LA Jewish Community '49, Distinguished Service Award, LA '71, Humanitarian Award, Friar's Club '72, Splendid American Award, Thomas A. Dooley Foundation '73, Man of the Year Award, March of Dimes '73, Man of the Year Award, Las Vegas '74, Certificate of Appreciation, NYC '76, Honorary Doctor of Humane Letters, University of Nevada '76, Freedom Medal, Independence Hall, PA '77, International Man of the Year Award, President Ford '79, Humanitarian Award, Columbus Citizens Committee, NY '79, First Member, Simon Weisenthal Center Fellows Society '80, Multiple Sclerosis Special Award, National Hope Chest Campaign '82, Kennedy Center Honors Award for Lifetime Achievement, '83, Boy Scouts of America Distinguished American Award, '84, Medal of Freedom, President Reagan '85, Lifetime of

Achievement Award, National Italian-American Foundation '85, Coachella Valley Humanitarian Award, '86, and Lifetime Achievement Award, NAACP '87.

Selection of Charities and Foundations: Frank Sinatra Wing, Atlantic City Medical Center, New Jersey, Frank Sinatra Fund for outpatients with inadequate or exhausted medical insurance coverage, Sloan-Kettering Cancer Center, New York Martin Anthony Sinatra Medical Education Center Desert Hospital, California, Frank Sinatra Child Care Unit, St. Jude's Children's Research Center, Tennessee, Sinatra Family Children's Unit for the Chronically Ill, Seattle Children's Orthopedic Hospital, Frank Sinatra Student Scholarship Fund, Hoboken, New Jersey, Frank Sinatra In School Scouting Program, Grape Street Elementary, Los Angeles, Frank Sinatra International Student Center, Hebrew University, Jerusalem, Frank Sinatra Youth Center for Christians, Moslems and Jews, Israel, San Diego State University Aztec Athletic Foundation, Variety Club International, World Mercy Fund, and National Multiple Sclerosis Campaign.

Mr. MOYNIHAN. Mr. President, I rise to join my colleague and friend, Senator D'AMATO, as a cosponsor of his bill to award a Congressional Gold Medal to Francis Albert Sinatra. Frank Sinatra is one of the most famous singers in the history of popular music. He is known as "The Voice," "Old Blue Eyes," and "The Chairman of the Board." These nicknames attest as clearly as anything to his talent, his popular appeal, and his impact on American music.

Mr. Sinatra began his career with local bands in New Jersey. He joined Harry James' band in 1939, but began to achieve his great popularity touring with Tommy Dorsey from 1940 to 1942. His solo career began in 1943 and never ceased.

After conquering the musical world Mr. Sinatra began a film career that quickly earned him an academy award, in 1953, for his supporting role in "From Here to Eternity." He went on to appear in some 50 movies.

Mr. President, New York has no official State song. For six decades now Frank Sinatra has entertained New Yorkers in music and film. His impact has been tremendous. But more than anything else his version of "New York, New York" has given us cheer, enjoyment, and pride. It is certainly the unofficial song for millions. Therefore, I am delighted to cosponsor this bill to award a Congressional Gold Medal to Frank Sinatra. I encourage my colleagues to join us.

By Mr. FORD:

S. 306. A bill to amend the Internal Revenue Code of 1986 to provide a decrease in the maximum rate of tax on capital gains which is based on the length of time the taxpayer held the capital asset; to the Committee on Finance.

CAPITAL GAINS LEGISLATION

Mr. FORD. Mr. President, today I am introducing capital gains legislation which I believe has the possibility of breaking through the impasse we have had on this issue for the last several years. My proposal is based not on political rhetoric, but on conversations I have had with constituents who support a commonsense approach on this issue.

My legislation would provide a sliding scale for capital gains relief, lowering the rate at which capital gains are taxed, based on how long the assets have been held. For every year an asset has been held, the applicable rate would be reduced by 2 percentage points. Assets held for more than 1 year would be taxed at no higher than the current 28 percent. Assets held for 2 years would be taxed at no higher than 26 percent. And so on, down to a rate of 14 percent. Assets held for more than 8 years would be taxed at a maximum rate of 14 percent.

I am introducing the legislation with three objectives in mind. First, I believe our efforts should be directed toward helping family farms and small family businesses. We do not need additional proposals to assist real estate speculators or those who specialize in putting Wall Street deals together. Most capital gains proposals we have considered in recent years provide a disproportionate benefit to those making six-figure salaries and above. It should be clear by now that we cannot pass a capital gains proposal that primarily benefits the wealthy. In my experience, those middle-class families that should be the focus of the debate get lost in the shuffle.

Second, using this proposal, I intend to work with others interested in the issue to attempt to develop a bipartisan coalition with middle class families in mind. There are few lasting legislative changes that have not been developed in a bipartisan way. This is particularly true in the area of tax policy. Capital gains reform has been a hot button campaign issue for several years, often being used in an attempt to secure partisan advantage. I think it is time to move beyond this stage. There are plenty of Members on both sides of the aisle interested in providing capital gains relief. I think we should attempt to find middle ground that takes into account the views of both Democrats and Republicans interested in this issue.

Third, we must face budget realities. It appears likely that any capital gains proposal which can pass this Congress must be included in an overall balanced budget package as part of a reasonable level of tax relief. Some of the capital gains proposals considered during the last Congress were estimated by the Congressional Budget Office to result in more than $40 billion being added to the Federal deficit over 7 years, requiring enormous offsets. Even the modified proposal included in the reconciliation package vetoed by the President was scored by CBO at more than $35 billion. I believe this is more than we can afford in the context of balancing the budget. It also seems to be far more than what is needed to target relief to middle-class families, and especially farmers and small businesses.

I am also aware of the criticism by some on the other side of the aisle that certain Democratic capital gains proposals are picking and choosing among certain types of assets, and therefore picking and choosing winners and losers. My proposal avoids that criticism. It would apply to all types of assets that are covered under current law. It is nondiscriminatory. However, because of the sliding-scale benefit based on the holding period, I believe the impact will be to provide the greatest benefit to middle-class families like those farm families and small businesses I have in mind.

So, Mr. President, it is my hope that this concept will be taken seriously in the spirit of reaching a bipartisan compromise on this issue. Mr. President, I ask unanimous consent to have printed in the RECORD a chart which demonstrates the operation of this capital gains proposal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DECREASE IN MAXIMUM CAPITAL GAINS RATE BASED ON TAXPAYER'S HOLDING PERIOD.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended to read as follows:

"(h) MAXIMUM CAPITAL GAINS RATE.—

"(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

"(i) taxable income reduced by the amount of the net capital gain, or

"(ii) the 15-percent bracket amount, plus

"(B) a tax equal to the sum of the amounts determined by applying the applicable percentage to long-term capital gain taken into account in computing net capital gain.

"(2) 15-PERCENT BRACKET AMOUNT.—For purposes of this subsection—

"(A) IN GENERAL.—The term '15-percent bracket amount' means the amount of taxable income taxed at a rate below 28 percent, determined without taking into account long-term capital gain attributable to a capital asset for which the taxpayers' holding period exceeds 8 years.

"(B) LIFO ORDERING RULE.—For purposes of applying paragraph (1)(B), the determination as to which long-term capital gain (if any) was taken into account in determining the 15-percent bracket amount shall be made on the basis of the holding period of the capital assets to which such gain is attributable, beginning with assets with the shortest holding period.

"(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'applicable percentage' means, with respect to any long-term capital gain, 28 percent reduced (but not below 14 percent) by 2 percentage points for each year (or fraction thereof) by which the taxpayer's holding period for the capital asset to which the gain is attributable exceeds 2 years.

"(B) LIMITATION ON GAIN TO WHICH PERCENTAGE APPLIES.—Subparagraph (A) shall not apply to long-term capital gain on any sale or exchange to the extent the gain exceeds the excess (if any) of—

"(i) net capital gain for the taxable year, over

"(ii) the sum of—

"(I) that portion of the 15-percent bracket amount which is attributable to net capital gain, plus

"(II) other long-term capital gain to which paragraph (1)(B) applies and which is attributable to capital assets for which the taxpayer's holding period is longer.

"(C) APPLICATION TO CLASSES OF GAIN.—Subject to such rules as the Secretary may prescribe, all long-term capital gain from the sale or exchange of capital assets with the same holding period (determined on the basis of the number of years or fractions thereof) shall be treated as gain from the sale or exchange of a single capital asset.

"(4) INVESTMENT INCOME.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer elects to take into account as investment income for the taxable year under section 163(d)(4)(B)(iii)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

FORD SLIDING SCALE CAPITAL GAINS PROPOSAL

Assets held for the following period	Would be subject to the lower of the current law capital gains rate or the rate listed below (in percent)
More than:	
1 year	28
2 years	26
3 years	24
4 years	22
5 years	20
6 years	18
7 years	16
8 years	14

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. MCCONNELL, and Mr. LEAHY):

S. 307. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of assistance to impoverished families and individuals, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL SURPLUS PROPERTY DONATION ACT

• Mr. LUGAR. Mr. President, I use today to introduce the Federal Surplus Property Donations Act. This bill corrects an oversight by allowing nonprofit charitable organizations that primarily serve low-income people, to be eligible to receive Federal surplus personal property.

Under current law, Federal surplus property can be donated to State and local governments, schools, hospitals, and nonprofit organizations that serve the homeless. My bill would expand the eligibility to food banks, construction oriented charities, building material recycling warehouses, and similar nonprofit tax-exempt organizations that serve the poor. The bill does not give preference to these organizations, but simply adds them to the list of eligible recipients.

Charities that provide food and shelter assistance are major contributors to the safety net for the poor. As we look to charities to provide these important services to our Nation's low-income population, it is reasonable that we include them as eligible to receive surplus property. Excess property can be used creatively by these groups to lower expenses, thereby allowing charities to become more efficient. These nonprofit charitable organizations serving the poor are in great need of materials and equipment to build and repair homes, store food items, and deliver goods and services to those in need. We have already acknowledged that nonprofit charities serving the homeless should be eligible to receive these goods. This bill would recognize those charitable institutions which are providing shelter, food, and services to low-income Americans who may not be homeless.

Mr. President, this legislation would provide donated equipment and goods at lower costs than alternative approaches such as grants to charities. Furthermore, it is a wise use of moneys either paid in taxes or donated by generous citizens. Domestic charities will make good use of Federal surplus and invest moneys saved in expanded efforts to further help those in need.

The bill has bipartisan support. Cosponsoring the bill with me today are the ranking member of the Senate Agriculture, Nutrition and Forestry Committee, Senator TOM HARKIN, as well as the chairman and ranking member of the Nutrition Subcommittee, Senator MCCONNELL and Senator LEAHY. In addition, I am pleased to say that my Indiana colleague in the House, Congressman LEE HAMILTON, is introducing the same bill today.

Mr. President, I have personally supported various food banks in Indiana over the years. I am now proud to introduce a bill that will assist them in their continued efforts of serving the poor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF SURPLUS PERSONAL PROPERTY FOR DONATION TO PROVIDERS OF ASSISTANCE TO IMPOVERISHED FAMILIES AND INDIVIDUALS.

Section 203(j)(3)(B) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)(3)(B)) is amended by inserting after "homeless individuals" the following: ", providers of assistance to families or individuals with annual income below the poverty line (as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902)),".•

By Mr. THOMAS (for himself and Mr. ENZI):

S. 308. A bill to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, WY, and to extend temporarily certain grazing privileges; to the Committee on Energy and Natural Resources.

THE GRAND TETON NATIONAL PARK ACT OF 1997

• Mr. THOMAS. Mr. President, today I introduce legislation designed to protect open space near and around Grand Teton National Park. Currently, open space near the park, with its majestic, signature vistas and abundant wildlife, continues to decline. As the population grows in Teton County, WY, undeveloped land near the park becomes more scarce. This loss of open space negatively impacts wildlife migration routes in the area and diminishes the experience of visitors to the region. The repercussions due to the loss of open space can be felt throughout the entire area. As stewards, we must act now to preserve the view and make such a value a component of our environmental agenda.

A few working ranches make up Teton Valley's remaining open space. These ranches depend on grazing in Grand Teton National Park for summer range to maintain their operations. The original act creating the park allowed several permittees to continue grazing in the area for the life of a designated heir in the family. Unfortunately, the last remaining heirs have died and their family's grazing privileges are going to be terminated. As a result, the open space around the park, which remains available due to the viability of these ranch operations, will most likely be subdivided and developed.

The legislation I am introducing today is designed to help continue to protect open space in Teton Valley. In order to develop the best solution to protect open space near Teton Park, my legislation directs the National Park Service to conduct a 3-year study of grazing in the area and its impact on open space in the region. This report should develop workable solutions that are fiscally responsible and conscious of the preservation of open space. The study will be conducted by the National Park Service with input from citizens, local government officials, and the landowners in the area.

With the approach of the spring and summer grazing season, it is vital for the Congress to act on this legislation as quickly as possible. I look forward to working with the National Park Service on this important matter to preserve and protect open space in Teton Valley. Grand Teton National Park is truly one of the treasures of our Nation and this legislation will help preserve this wonderful area for many years to come.●

By Mr. AKAKA:

S. 309. A bill to amend title 38, United States Code, to prohibit the establishment or collection of parking fees by the Secretary of Veterans Affairs at any parking facility connected with a Department of Veterans Affairs medical facility operated under a health-care resources sharing agreement with the Department of Defense; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS LEGISLATION

● Mr. AKAKA. Mr. President, I offer a bill to allow the Department of Veterans Affairs [VA] to waive fees at joint parking facilities with the Department of Defense [DOD].

Currently, the VA is required to charge its users and employees to park at facilities built with special revolving funds. There is no exemption to this fee requirement for joint VA/DOD facilities, which results in an administrative nightmare for a parking facility in Hawaii.

The VA parking structure at Tripler Army Medical Hospital will be shared by VA and DOD. While the law currently requires VA visitors and medical staff to pay for parking, DOD visitors and personnel are exempt from such a charge.

Determining who is a VA or DOD visitor to the facility will be difficult to administer without creating a bureaucratic ordeal. Under the current situation, only VA medical employees at Tripler will be required to pay for parking. Visitors, DOD personnel, and VA regional employees would not be charged for parking.

In addition, any VA medical employee who is also a DOD retiree would be exempt from the parking charge, because DOD retirees receive free parking at DOD facilities.

Thus, only VA medical personnel who are not DOD retirees will be required to pay for parking. The cost to administer this parking fee will far outweigh the revenues received. Since parking fees are determined by surrounding area facilities and since Tripler is located in a residential area, parking fees for the Tripler facility would be nominal. Therefore, I am submitting legislation which will allow joint VA/DOD parking facilities to be exempt from the current statute.●

By Mr. FORD:

S. 312. A bill to revise the boundary of the Abraham Lincoln Birthplace National Historic Site in Larue County, KY, and for other purposes; to the Committee on Energy and Natural Resources.

KNOB CREEK FARM LEGISLATION

Mr. FORD. Mr. President, on this the 188th anniversary of the birth of Abraham Lincoln, 16th President of the United States of America and one of Kentucky's greatest native sons, I am introducing legislation to expand the boundaries of the Abraham Lincoln Birthplace National Historic Site to include Knob Creek Farm, Lincoln's boyhood home from the ages of 2 to nearly 8. Located in Larue County near Hodgenville, KY, Knob Creek Farm is where President Lincoln learned some of his earliest lessons of life; lessons which helped mold the man who would go on to lead our Nation through one of the most important and trying periods in American history. I feel it is appropriate to honor the legacy of this great leader by including Knob Creek Farm in the National Historic Site.

Under this legislation, the cost of acquiring Knob Creek Farm would not fall to the American taxpayer, but would instead be borne by the private sector. The National Park Trust, a private land conservancy dedicated to protecting America's natural and historical treasures, has been raising private funds and is currently negotiating to purchase the 228-acre family-owned farm, located approximately 10 miles from the existing Historic Site. After acquiring the farm, which is listed on the National Register of Historic Places, the trust would donate the land to the Park Service.

Thomas Jefferson once wrote, "A morsel of genuine history is a thing so rare as to be always valuable." Well, Mr. President, I think Knob Creek Farm represents just such a morsel, and including it in the Abraham Lincoln Birthplace National Historic Site will allow current and future generations of Americans to share in the rare educational value of this historical property.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISION OF BOUNDARY OF ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORIC SITE.

(a) IN GENERAL.—On acquisition of the land known as Knob Creek Farm pursuant to subsection (b), the boundary of the Abraham Lincoln Birthplace National Historic Site, established by the Act of July 17, 1916 (39 Stat. 385, chapter 247; 16 U.S.C. 211 et seq.), is revised to include the land.

(b) ACQUISITION OF KNOB CREEK FARM.—The Secretary of the Interior may acquire, by donation only, the approximately 228 acres of land known as Knob Creek Farm in Larue County, Kentucky.

SEC. 2. STUDY OF SURROUNDING RESOURCES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall study the area between and surrounding the Abraham Lincoln Birthplace National Historic Site and the Knob Creek Farm in Larue County, Kentucky.

(b) PURPOSE.—The purpose of the study shall be to—

(1) protect the resources of the Knob Creek Farm from incompatible adjacent land uses; and

(2) identify significant resources associated with the early boyhood of Abraham Lincoln.

(c) CONSIDERATIONS OF AREA STUDIED.—In examining the area under study, the Secretary shall consider—

(1) whether the area—

(A) possesses nationally significant natural, cultural, or recreational resources;

(B) represents an important example of a particular resource type in the country;

(C) is a suitable and feasible addition to the National Park System; and

(D) is appropriate to ensure long-term resource protection and visitor use;

(2) the public use potential of the area;

(3) the potential outdoor recreational opportunity provided by the area;

(4) the interpretive and educational potential of the area;

(5) costs associated with the acquisition, development, and operation of the area;

(6) the socioeconomic impacts of a designation of the area as part of the Abraham Lincoln Birthplace National Historic Site; and

(7) the level of local and general public support for designating the area as part of the Abraham Lincoln Birthplace National Historic Site.

(d) RESOURCES OF AREA STUDIED.—In examining a resource of the area under study, the Secretary shall consider—

(1) the rarity and integrity of the resource;

(2) the threats to the resource, and

(3) whether similar resources are already protected in the National Park System or in other Federal, State, or private ownership.

(e) MANAGEMENT.—

(1) IN GENERAL.—The study shall consider whether direct National Park Service management or alternative protection by other agencies or the private sector is appropriate for the area under study.

(2) IDENTIFICATION OF ALTERNATIVES.—The study shall identify which alternative or combination of alternatives would be most effective and efficient in protecting significant resources and providing for public enjoyment.

(f) SUBMISSION.—The Secretary shall submit the study to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the State.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. 313. A bill to repeal a provision of the International Air Transportation Competition Act of 1979 relating to air transportation from Love Field, TX; to the Committee on Commerce, Science, and Transportation.

THE WRIGHT AMENDMENT REPEAL ACT OF 1997

Mr. BROWNBACK. Mr. President, the distinguished Senator from Kansas [Mr. ROBERTS] joins with me today in offering this bill to address an injustice that has developed out of current law.

Under current law, commercial air carriers are prohibited from providing service between Dallas' Love Field and points located outside of Texas or its four surrounding States. This effectively limits travel into and out of this airport to destinations only in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico. Flights originating from any other State must fly into the Dallas-Fort Worth Airport in order to have access to the highly traveled Dallas area.

The original intent of the Wright amendment was to protect the then relatively new Dallas-Fort Worth Airport. It is now the third busiest airport in the country and no longer needs to be protected from competition. The amendment distorts the free market and condones anticompetitive law; it also limits travel and forces passengers to pay artificially and unreasonably high airfare. Furthermore, it causes unnecessary delay and inconvenience for passengers, especially the disabled, elderly, and those traveling with small children. Finally, Dallas is the top destination for passengers flying from Wichita and this restriction denies Kansas lower fares.

This restriction not based on any standards appropriate for the airline industry. It is not based on mileage flown, size of the city serviced, or noise generated by the aircraft. Instead, it is an outdated restriction based on political boundaries which were in place before the advent of airplanes.

As a law that is based on political concerns rather than practical realities, this is a prime example of unwarranted and unnecessary government regulation. It is a prime example of a lack of common sense and it is a prime example of why so many Americans have lost confidence in their Government.

The Wright amendment is wrong for America, and I urge my colleagues to join me in correcting this biased situation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF PROVISION RELATING TO LOVE FIELD, TEXAS.

Section 29 of the International Air Transportation Competition Act of 1979 (94 Stat. 48) is repealed.

By Mr. THOMAS (for himself, Mr. HAGEL, Mr. KYL, Mr. ENZI, Mr. BROWNBACK, and Mr. CRAIG):

S. 314. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Governmental Affairs.

THE FREEDOM FROM GOVERNMENT COMPETITION ACT OF 1997

Mr. THOMAS. Mr. President, I rise to introduce a bill that is one of my top priorities for this Congress. It is called the Freedom from Government Competition Act. It is I think a common sense, good Government reform bill. I am joined in the effort by Senators HAGEL, KYL, ENZI, BROWNBACK, and CRAIG.

This legislation has the potential to open up a $30 billion market for the Nation's small and large businesses. It is designed to level the playing field for thousands of businesses that span the economic spectrum of this country from the mundane to the high tech. It will also provide a more efficient Government, one that works better and costs less.

Government competition with the private sector is a growing problem. Over the last 40 years, it has been the Federal policy of saying let us do those things that are commercial in the private sector, but it has not worked. We have not moved toward that goal. The bureaucracy has not found ways and means to procure goods and services from the private sector. For example, CBO has estimated that 1.4 million employees work in areas that are commercial in nature. We need a statutory provision to correct this problem.

In order to reach the goal of a balanced budget, we need to rely, I believe, on the private sector for many of the Federal Government's needs. Various studies indicate that we can save up to $30 billion annually doing this. This competition, of course, not only wastes taxpayers' money but it stunts job growth in the private sector, stifles economic growth, erodes the tax base and hurts small businesses. And it has been one of the top priorities in the three meetings of the White House Conference on Small Business.

The bill basically codifies the 40-year-old Federal policy and that is to use the private sector. There are exceptions to this policy laid out in the bill: those functions that are inherently governmental, those goods and services that are in the interest of national security, goods or services that the Federal Government can provide better at a better value than the private sector, and goods and services, of course, that the private sector cannot provide.

This bill establishes a system where OMB can identify those functions to properly stay within the Federal establishment and those that can better be done by the private sector. This legislation establishes an office of commercial activities within OMB to do that. No longer is the agency that is charged with doing the contracting the one that makes decisions of whether it will be contracted or not.

Certainly we are all sensitive to Federal employees' concerns should they be impacted. For those who are displaced, we have included provisions that facilitate transition to the private sector if they choose to follow that path.

The intention of the legislation is to get agencies to focus on their core missions. This focus will ensure a better value to American taxpayers. I do not wish to abolish all Government functions. But I am saying that there is private sector expertise waiting to be utilized.

Congressman DUNCAN in the House has introduced a companion bill. It also was introduced today.

The U.S. Senate is already on record as supporting this concept. Last year you may recall the Senate voted 59 to 39 in favor of an amendment I offered on the Treasury-Postal appropriations bill that would have prevented unfair Government competition with the private sector. However, it was dropped from the omnibus spending package. This comprehensive legislation builds on that success.

Also, last year the Senate Governmental Affairs Committee held a hearing on this bill. We received some good input and have made some changes in the bill based on it. I look forward to working with my colleagues on both sides of the aisle on this legislation. I think the political climate is right for enacting this concept.

Finally, it is a fairly simple bill. It says that we still believe in the philosophy of having the private sector do those things that are commercial in nature. This legislation lays out a system for doing that, identifying those things that are inherently governmental and those goods and services that can be done in the private sector. It's an idea this Congress really ought to consider. It would be a money saver. It is philosophically right, it will help the private sector a great deal and give taxpayers a bigger bang for their buck.

I ask unanimous consent that the following materials be printed in the RECORD: A copy of the bill, a section-by-section analysis, a list of groups endorsing the bill, a letter of endorsement from the U.S. Chamber of Commerce, and a letter of endorsement from the Business Coalition for Fair Competition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom From Government Competition Act of 1997".

SEC. 2. FINDINGS.

Congress finds and declares that—

(1) private sector business concerns, which are free to respond to the private or public demands of the marketplace, constitute the strength of the American economic system;

(2) competitive private sector enterprises are the most productive, efficient, and effective sources of goods and services;

(3) government competition with the private sector of the economy is detrimental to all businesses and the American economic system;

(4) government competition with the private sector of the economy is at an unacceptably high level, both in scope and in dollar volume;

(5) when a government engages in entrepreneurial activities that are beyond its core mission and compete with the private sector—

(A) the focus and attention of the government are diverted from executing the basic mission and work of that government; and

(B) those activities constitute unfair government competition with the private sector;

(6) current laws and policies have failed to address adequately the problem of government competition with the private sector of the economy;

(7) the level of government competition with the private sector, especially with small businesses, has been a priority issue of each White House Conference on Small Business;

(8) reliance on the private sector is consistent with the goals of the Government Performance and Results Act of 1993 (Public Law 103–62);

(9) reliance on the private sector is necessary and desirable for proper implementation of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226);

(10) it is in the public interest that the Federal Government establish a consistent policy to rely on the private sector of the economy to provide goods and services that are necessary for or beneficial to the operation and management of Federal Government agencies and to avoid Federal Government competition with the private sector of the economy; and

(11) it is in the public interest for the private sector to utilize employees who are adversely affected by conversions to use of private sector entities for providing goods and services on behalf of the Federal Government.

SEC. 3. RELIANCE ON THE PRIVATE SECTOR.

(a) General Policy.—Notwithstanding any other provision of law, except as provided in subsection (c), each agency shall procure from sources in the private sector all goods and services that are necessary for or beneficial to the accomplishment of authorized functions of the agency.

(b) Prohibitions Regarding Transactions in Goods and Services.—

(1) Provision by government generally.—No agency may begin or carry out any activity to provide any products or services that can be provided by the private sector.

(2) Transactions between governmental entities.—No agency may obtain any goods or services from or provide any goods or services to any other governmental entity.

(c) Exceptions.—Subsections (a) and (b) do not apply to goods or services necessary for or beneficial to the accomplishment of authorized functions of an agency under the following conditions:

(1) Either—

(A) the goods or services are inherently governmental in nature within the meaning of section 6(b); or

(B) the Director of the Office of Management and Budget determines that the provision of the goods or services is otherwise an inherently governmental function.

(2) The head of the agency determines that the goods or services should be produced, provided, or manufactured by the Federal Government for reasons of national security.

(3) The Federal Government is determined to be the best value source of the goods or services in accordance with regulations prescribed pursuant to section 4(a)(2)(C).

(4) The private sector sources of the goods or services, or the practices of such sources, are not adequate to satisfy the agency's requirements.

SEC. 4. ADMINISTRATIVE PROVISIONS.

(a) Regulations.—

(1) OMB responsibility.—The Director of the Office of Management and Budget shall prescribe regulations to carry out this Act.

(2) Content.—

(A) Private sector preference.—Consistent with the policy and prohibitions set forth in section 3, the regulations shall emphasize a preference for the provision of goods and services by private sector sources.

(B) Fairness for federal employees..—In order to ensure the fair treatment of Federal Government employees, the regulations—

(i) shall not contravene any law or regulation regarding Federal Government employees; and

(ii) shall provide for the Director of the Office of Management and Budget, in consultation with the Director of the Office of Personnel Management, to furnish information on relevant available benefits and assistance to Federal Government employees adversely affected by conversions to use of private sector entities for providing goods and services.

(C) Best value sources.—

(i) Standards and procedures.—The regulations shall include standards and procedures for determining whether it is a private sector source or an agency that provides certain goods or services for the best value.

(ii) Factors considered.—The standards and procedures shall include requirements for consideration of analyses of all direct and indirect costs (performed in a manner consistent with generally accepted cost-accounting principles), the qualifications of sources, the past performance of sources, and any other technical and noncost factors that are relevant.

(iii) Consultation requirement.—The Director shall consult with persons from the private sector and persons from the public sector in developing the standards and procedures.

(D) Appropriate governmental activities.—The regulations shall include a methodology for determining what types of activities performed by an agency should continue to be performed by the agency or any other agency.

(b) Compliance and Implementation Assistance.—

(1) OMB center for commercial activities.—The Director of the Office of Management and Budget shall establish a Center for Commercial Activities within the Office of Management and Budget.

(2) Responsibilities.—The Center—

(A) shall be responsible for the implementation of and compliance with the policies, standards, and procedures that are set forth in this Act or are prescribed to carry out this Act; and

(B) shall provide agencies and private sector entities with guidance, information, and other assistance appropriate for facilitating conversions to use of private sector entities for providing goods and services on behalf of the Federal Government.

SEC. 5. STUDY AND REPORT ON COMMERCIAL ACTIVITIES OF THE GOVERNMENT.

(a) Annual Performance Plan.—Section 1115(a) of title 31, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following:

"(7) include—

"(A) the identity of each program activity that is performed for the agency by a private sector entity in accordance with the Freedom From Government Competition Act of 1997; and

"(B) the identity of each program activity that is not subject to the Freedom From Government Competition Act of 1997 by reason of an exception set forth in that Act, together with a discussion specifying why the activity is determined to be covered by the exception.".

(b) Annual Performance Report.—Section 1116(d)(3) of title 31, United States Code, is amended—

(1) by striking "explain and describe," in the matter preceding subparagraph (A);

(2) in subparagraph (A), by inserting "explain and describe" after "(A)";

(3) in subparagraph (B)—

(A) by inserting "explain and describe" after "(B)"; and

(B) by striking "and" at the end;

(4) in subparagraph (C)—

(A) by inserting "explain and describe" after "infeasible,"; and

(B) by inserting "and" at the end; and

(5) by adding at the end the following:

"(D) in the case of an activity not performed by a private sector entity—

"(i) explain and describe whether the activity could be performed for the Federal Government by a private sector entity in accordance with the Freedom From Government Competition Act of 1997; and

"(ii) if the activity could be performed by a private sector entity, set forth a schedule for converting to performance of the activity by a private sector entity;".

SEC. 6. DEFINITIONS.

(a) Agency.—As used in this Act, the term "agency" means the following:

(1) Executive department.—An executive department as defined by section 101 of title 5, United States Code.

(2) Military department.—A military department as defined by section 102 of such title.

(3) Independent establishment.—An independent establishment as defined by section 104(1) of such title.

(b) Inherently Governmental Goods and Services.—

(1) Performance of inherently governmental functions.—For the purposes of section 3(c)(1)(A), goods or services are inherently governmental in nature if the providing of such goods or services is an inherently governmental function.

(2) Inherently governmental functions described.—

(A) FUNCTIONS INCLUDED.—For the purposes of paragraph (1), a function shall be considered an inherently governmental function if the function is so intimately related to the public interest as to mandate performance by Federal Government employees. Such functions include activities that require either the exercise of discretion in applying Federal Government authority or the making of value judgments in making decisions for the Federal Government, including judgments relating to monetary transactions and entitlements. An inherently governmental function involves, among other things, the interpretation and execution of the laws of the United States so as to—

(i) bind the United States to take or not to take some action by contract, policy, regulation, authorization, order, or otherwise;

(ii) determine, protect, and advance its economic, political, territorial, property, or other interests by military or diplomatic action, civil or criminal judicial proceedings, contract management, or otherwise;

(iii) significantly affect the life, liberty, or property of private persons;

(iv) commission, appoint, direct, or control officers or employees of the United States; or

(v) exert ultimate control over the acquisition, use, or disposition of the property, real or personal, tangible or intangible, of the United States, including the control or disbursement of appropriated and other Federal funds.

(B) FUNCTIONS EXCLUDED.—For the purposes of paragraph (1), inherently governmental functions do not normally include—

(i) gathering information for or providing advice, opinions, recommendations, or ideas to Federal Government officials;

(ii) any function that is primarily ministerial or internal in nature (such as building security, mail operations, operation of cafeterias, laundry and housekeeping, facilities operations and maintenance, warehouse operations, motor vehicle fleet management and operations, or other routine electrical or mechanical services); or

(iii) any good or service which is currently or could reasonably be produced or performed, respectively, by an entity in the private sector.

FREEDOM FROM GOVERNMENT COMPETITION ACT—SECTION-BY-SECTION ANALYSIS

Sec. 1. Bill entitled "Freedom from Government Competition Act."

Sec. 2. Establishes findings and declarations, including—The private sector constitutes the strength of the American economy; Private sector is the most efficient provider of goods and services; Government competition is harmful to the private sector, including small business and has been identified as such by the three sessions of the White House Conference on Small Business (1980, 1986, 1994); Entrepreneurial government diverts agencies from their core missions and results in unfair government competition with the private sector; Current laws and policies have failed to address the problem; Reliance on the private sector is consistent with recently enacted government reform legislation, including the Government Performance and Results Act and Federal Workforce Restructuring Act; and It is in the public interest to rely on the private sector for commercially available goods and services and to assist those government employees adversely affected by conversions of government activities to the private sector.

Sec. 3. Establishes a general policy of reliance on the private sector.

Provides that the government should rely on the private sector for goods and services except under certain conditions (listed below). The government may not obtain goods and services from or provide goods and services to any other governmental entity.

Provide exceptions to this general policy for—Goods or services that are "inherently governmental" in nature as defined in the bill or as determined by OMB; Goods or services that must be provided by the government for reasons of national security; Goods or services for which the Federal government is the "best value" source; and Goods or services for which private sector capabilities or practices are not adequate to satisfy the government's requirements.

Sec. 4. Provides administrative provisions to implement the Act.—Authorizes OMB to prescribe regulations to implement the Act; Requires regulations to be consistent with the policy of preference for the private sector as established in section 3; Establishes regulations to preserve existing Federal employee benefits and requires OMB consultation with OPM on providing information to Federal employees on relevant benefits and assistance for those affected by a conversion of an activity from government to private sector performance; Requires OMB regulations to create level playing field for determination of the "best value" (see Sec. 3 above), including all direct and indirect costs (in accordance with accepted cost-accounting principles), qualifications, past performance and other technical and non-cost factors, developed in consultation with the public and private sector; Requires OMB to establish a process for determining activities that should continue to be performed by the government; and Establishes a "Center for Commercial Activities" in OMB to implement the Act, assure proper compliance, and provide guidance, information and assistance to agencies and the private sector on converting activities from the government to the private sector.

Sec. 5. Requires studies and reports on implementation of the Act.—Rather than creating new reporting requirements, the bill amends the Government Performance and Results Act to include annual reports on agency activities converted to contract and those maintained in-house by the agency. Also requires establishment of a schedule for converting to the private sector those activities that can be performed by the private sector.

Sec. 6. Provides definitions of terms used in the Act.—Defines "agency" consistent with existing law; and Defines "inherently governmental" consistent with the existing Office of Federal Procurement Policy definition. (OFPP Letter 92–1).

GROUPS SUPPORTING THE "FREEDOM FROM GOVERNMENT COMPETITION ACT"

National Federation of Independent Businesses (NFIB), U.S. Chamber of Commerce, American Consulting Engineers Council (ACEC), ACIL (Formerly the American Council of Independent Laboratories), Business Coalition for Fair Competition (BCFC), Business Executives for National Security (BENS), Contract Services Association, Design Professionals Coalition, Management Association for Private Photogrammetric Surveyors (MAPPS), Procurement Roundtable, Professional Services Council (PSC), and Small Business Legislative Council.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, February 5, 1997.

Members of the United States Senate:

The "Freedom from Government Competition Act of 1997" (FFGCA), to be introduced by Senator Thomas, is a common sense bill that requires federal agencies and departments to procure goods and services from the private sector whenever possible. The bill precludes federal offices from starting or carrying on any activity if that product or service can be provided by a commercial source. The U.S. Chamber of Commerce strongly urges you to co-sponsor this legislation.

A balanced federal budget is a bipartisan goal that is the Chamber's top priority. Reducing government infrastructure and overhead is a necessary step in reaching a balanced budget, yet federal agencies and departments continue to perform countless services and functions that could be performed more efficiently and cost effectively by competitive private sector enterprises, saving billions of dollars annually. Additionally, government competition with the private sector is at an unacceptably high level, both in scope and in dollar volume.

The Freedom from Government Competition Act establishes a consistent government policy that relies upon the private sector to provide goods and services necessary for the operation and management of federal agencies and departments. This policy will serve as an important tool to ensure the reduction of unnecessary infrastructure and overhead that is critical to balanced budget initiatives.

The FFGCA provides exceptions to the bill, however, for goods or services that are inherently governmental, necessary for national security, or are so unique or of such a nature that they must be performed by the government. The bill requires equal cost comparison of public and private functions and exempts goods and services performed by the government if the production or manufacture by a government source represents the best overall value.

The U.S. Chamber believes broad Congressional support for legislation such as the Freedom from Government Competition Act is vital to achieving a balanced budget and urges your co-sponsorship of this bill as an important indication of your support of small business. For further information please contact Chris Jahn of Senator Thomas' staff at 224–6441 or Jody Olmer of the U.S. Chamber at (202) 463–5522.

Sincerely,

R. BRUCE JOSTEN.

BUSINESS COALITION FOR
FAIR COMPETITION,
Annandale, VA, February 12, 1997.

Hon. CRAIG THOMAS,
Washington, DC.

SENATOR THOMAS: We write to support the Freedom From Government Competition Act of 1997.

When the delegates to the White House Conference on Small Business (June 1995) made unfair competition by governments and nonprofits one of their top issues they had in mind the dramatic way in which the U.S. government competes unfairly with small businesses.

Of 434 issues, the following recommendation by 1,800 elected and appointed delegates was one of their top fifteen:

Government and Nonprofit Competition.—Support fair competition: Congress should enact legislation that would prohibit agencies, tax-exempt and antitrust-exempt organizations from engaging in commercial activities in direct competition with small businesses. (Foundation for a New Century:

A Report to the President and Congress, by the White House Conference on Small Business, September 1995.)

This recommendation originated at the state level where delegates complained that a major competitor for many small businesses is the Federal government.

FREEDOM FROM GOVERNMENT COMPETITION ACT

Currently, hundreds of thousands of Federal employees are producing billions of dollars worth of products and services.

This bill establishes as new national policy full and uncompromised reliance on the private sector for goods and services.

This historic and precedent-setting legislation would for the first time eliminate government competition as a matter of national policy.

The Business Coalition for Fair Competition, a coalition of national associations, supports the Freedom From Government Competition Act which states that government may conduct only operations that are so "inherently governmental" that the public interest requires production or performance by a Government employee. For example, the definition of "inherently" would only apply to such narrowly defined areas as specific parts of law enforcement and armed forces missions. The bill allows the government to do the work if "there is no private source capable of providing the good or service." In the case of commercial activities, private industry can do almost everything any government needs done.

EXECUTIVE BRANCH PROPOSALS

In 1993, Vice President Gore stated: "Every federal agency needs support services—accounting, property management, payroll processing, legal advice, and so on. Currently, most managers have little choice about where to get them; they must use what's available in house. But no manager should be confined to an agency monopoly."

The Administration then created new authorities and opportunities for the Executive Branch to do commercial work by issuing a "Revised Supplemental Handbook on Performance of Commercial Activities, Circular No. A–76." We warned the Administration December 15, 1995 that their revisions would not meet with support from the delegates to the White House Conference on Small Business.

The OMB revisions do not provide any encouragement to small businesses. For example, the revisions:

1. Allow any work that can be done by ten or fewer Federal employees to be kept in-house.

2. Encourage agencies to keep "core" teams intact so the agency always has the capability of doing bigger things when more funding is available.

3. Discourage any small business from proposing to do a government job.

4. Discourage agencies from giving serious consideration to any proposal from a small business.

5. Allow government agencies to spend up to 10 percent more than the private sector for the same work.

6. Encourage government agencies to do more contracting with each other.

Many agencies complained to OMB in December 1995 that the A–76 system is awkward and cumbersome, inhibiting rather than empowering.

In fact, the whole A–76 system is built around "cost comparisons" which exceed the depth and length of a Ph.D dissertation. The system advocated by the Executive Branch is fatally flawed.

On the one hand the Supplemental Handbook attempts to make the cost comparison system more rigorous. But, on the other hand, the Supplemental Handbook implements a recommendation of the National Performance Review helping agencies market themselves to other agencies, thus bypassing the need to rely on the private sector.

Supporting an amendment you offered in the 104th Congress, the Senate voted 59–39 to request restrictions on the unchecked proliferation of "Interservice Support Agreements." Despite the Senate vote, the Administration has done nothing to restrain the growth of such agreements.

Today some Federal agencies provide business services to state and local governments and to private entities. This activity has neither been authorized by Congress nor is it regulated by A–76.

PRIVATE SECTOR RELIANCE WORKS

Can Federal managers be more effective outsourcing contracts than supervising thousands of Federal employees doing commercial work? Outsourcing works for private industry where managers are doing more outsourcing than ever. DOD says it works for them. NASA outsources almost the entire space program using thousands of private sector contracts.

By getting the government out of business, as proposed by the Freedom From Government Competition Act, Congress can return agencies to their core functions such as establishing safety rules. To achieve this change, public administrators will need more training and supervision in the management of outsourcing. Passage of this bill will result in a dramatic and long-overdue change in the way the government operates.

FREEDOM FROM GOVERNMENT COMPETITION ACT: SAVES MONEY AND TIME

We need a fresh start on this problem. This bill is that fresh start. Whereas DOD did many cost comparisons in the 1980s, they do few today. If the A–76 system has failed at DOD, why does the Administration continue to impose the system on the whole government? The Freedom From Government Competition Act is a far better approach.

In comparison to the OMB's expensive 36-month cost-study approach, the bill's approach is far preferable; the costs and time wasted in thousands of studies need not occur. Under this legislation, the Federal policy would be to rely on the private sector. The government would get out of certain businesses. Federal employees would manage but not perform various contracts awarded to the private sector.

Agency employees would shift from being direct service providers to managers of service contracts. Federal personnel management training would shift from supervision of extensive commercial activities to management of contracts. These changes have already begun to work for the DOD and NASA. It can work for the whole Executive Branch.

DEPARTMENT OF DEFENSE

During the U.S. military operations in Bosnia, the Department used private firms to provide health care, payroll, accounting, data management, supply management, logistics, transportation, security, maintenance and modernization of weapons, and management of military bases.

The Washington Post reported "The Defense Department has said it can save billions of dollars by contracting out, or 'outsourcing' a wide range of military functions. . . . That way, the Pentagon reasons, it will have more money for its combat and humanitarian duties."

On the other hand the Army Corps of Engineers is extensively in the campground business. The Army plans a hotel on Ft. Myer to complete with the 9,110 hotel rooms already available from commercial companies in Arlington, Virginia. And the Air Force proposes to repair the jet engines of commercial airlines.

On the one hand, the Chairman of the Joint Chiefs of Staff, General John M. Shalikashivili told the Senate Armed Services Committee: "We must continue to push with all energy acquisition reforms, commercial off-the-shelf opportunities, privatization, outsourcing of non-core activities, and further reductions of our infrastructure."

On the other hand, a war could have come and gone by the time DOD does a cost comparison. In its recommendations to the Office of Management and Budget, the Department reported it needs not 36 months but 48 months to conduct cost studies before contracting out. Studies of this length are excessive and underscore the impracticability of the Administration's position.

THE U.S. FOREST SERVICE: HEAD-TO-HEAD COMPETITION

A small campground business was forced out of business by the Federal government in 1996. When the U.S. Forest Service began a new campground in Payson, Arizona, at the Tonto National Forest, they went into business right across the highway from a for-profit small campground business. Using $3 million of taxpayers money, they went directly "in your face," despite admonishment from the Forest Service Policy Manual which discourages competition with the private sector. While the Business Coalition for Fair Competition and the National Association of RV Parks and Campgrounds (ARVC) have opposed this new campground. The Forest Service plunged ahead. The private campground was forced to close.

This is an example of why A–76 does not work: the Forest Service argues that they don't have to adhere to OMB Circular A–76 except in the selection of vendors. The build-or-not-build decision is unaffected by the Circular. Establishing a government-owned campground is a policy matter not a procurement or acquisition matter, in the eye of the Federal government. There is no Federal policy or regulation forcing the Forest Service to study the impact of their construction on small business. Nor is there any Federal rule that requires the Forest Service to listen to the appeal of any small businessperson who appeals or makes a counter proposal.

SURVEYING AND MAPPING: $1 BILLION FEDERAL BUSINESS

The Federal Government spends $1 billion annually on surveying and mapping in some 39 agencies, employing nearly 7,000 Federal workers. Less than 10% of the $1 billion of Federal expenditure is contracted to the private sector for these services. A private sector comprised of more than 6,000 surveying and 250 mapping firms have capabilities to meet and exceed those of the government agencies.

MILITARY EXCHANGES: TAKING OVER RETAIL MARKETS

Members of the North American Retail Dealers Association document direct competition from military exchanges in the sale of consumer electronics products and other items. Military exchanges are among top 10 retailers in the US measured by sales volume. They compete unfairly because they do not collect sales taxes, do not pay for land and are not subject to federal antitrust laws.

CONTRACT SERVICES: PRIVATE SECTOR OFFERS THE BEST VALUE

Members of the Contract Services Association of America who provide services of every conceivable type, from low to high technologies, point to studies and analyses which show that outsourcing of commercial activities will result in substantially reduced costs to the government with at least equal quality, but more often, improve quality of service. The outsourcing of commercial activities must be seen not only as a matter of logic and fairness to the private sector, but also as a guarantor of the American taxpayer obtaining the best value for his or her tax dollar.

LAUNDRY SERVICES: VA BIDS FOR PRIVATE SECTOR WORK

A laundry in Sioux Falls, South Dakota, found that the Department of Veteran Affairs bid against him on a contract to provide laundry services to a children's home. When he questioned the VA about competing directly with the private sector, he was told that VA needed to increase its revenues.

HEARING AIDS: GOVERNMENT COMPETITION

The International Hearing Society, whose members dispense the majority of hearing aids in the United States, report that government competition erodes the client base of taxpaying hearing aid specialists. Unfettered government competition with hearing aid specialists and other taxpaying small business men and women undermines the free market. IHS urges swift enactment of this legislation, which will help to level the competitive playing field and generate increased opportunity for private sector business concerns, including hearing aid specialists.

EXECUTIVE ORDER INSPIRING THE ENTREPRENEURIAL DRIVE

When we investigated why so many Federal agencies are increasing their competition with the private sector, it became clear that Executive Orders from the White House and directions from the National Performance Review are inspiring Federal workers toward being more entrepreneurial. Agencies are justifying their new commercial drive by referring to the new Administration policy.

In contrast to the work of the Congress in downsizing government, this new entrepreneurial spirit is a loophole giving Federal employees an alternative for saving their job: if their agency can win a contract for providing a service to another agency or with someone in the private sector, work will continue. In this way, the will of the Congress to reduce government will be thwarted.

In a meeting with the White House, we were told the Administration urges agencies such as all the Federal labs to (1) save themselves despite Congressional budget reductions (2) seek business from agencies and the private sector and (3) do as much work as possible in-house (vs. outsourcing).

The Administration's position drives us to conclude that only the Freedom From Government Competition Act will work.

DEFENSE RELIANCE ON THE PRIVATE SECTOR

Thanks to the 104th Congress and an initiative by Congressman John Duncan of Tennessee the Defense Authorization bill called on the Defense Department to promptly provide information on the government's commercial activities: a solid step in the right direction. Section 357 of Public Law 104–106 stated: "The Secretary shall identify activities of the Department . . . that are carried out by employees of the Department to provide commercial-type products or services for the Department. . . ."

The passage of this measure caused the Department of Defense to issue a report titled "Improving the Combat Edge Through Outsourcing" (March 1996) which shows that leaders in DOD want the extensive savings they can achieve through outsourcing.

PRIVATIZATION TASK FORCE

Narrowed from a list of a dozen recommendations submitted by President Clinton, the 104th Congress passed legislation to privatize the U.S. Enrichment Corporation, the Naval Petroleum Reserve, the Alaska Power Marketing Administration and the National Helium Reserve. The sale of these Federal assets will (1) generate to the US Treasury several billion dollars and (2) save annual costs of staffing, maintenance and operations.

Congress has also authorized the outsourcing of forecasting functions of the National Weather Service, commercial real estate brokerage at the General Services Administration, debt collection at the Internal Revenue Service, and experimental privatization of several airports.

DEFENSE SCIENCES BOARD AND THE HERITAGE FOUNDATION RECOMMEND CONTRACTING OUT AND PRIVATIZATION

At the beginning of the 104th Congress, the Heritage Foundation issued two reports: Showing that Congress could cut Federal spending by $9 billion per year by contracting out routine support services to the private sector. Showing that Congress could save $11 billion in a single year by privatizing nine Federal activities and by eliminating various barriers to privatization established by Congress.

In late 1996, the Defense Science Board Task Force released its report "Outsourcing and Privatization" to the Office of the Under Secretary of Defense for Acquisition and Technology.

The Task Force included military, private sector and academic participants and was chaired by Philip A. Odeen, President and CEO, BDM International, Inc.

The Task Force predicts that the Department of Defense can save 30–40% of costs "by outsourcing services for their own use. Local commanders that achieve an aggressive DoD outsourcing initiative could generate annual savings of $7 to $12 billion by FY 02. . . . Local commanders that achieve outsourcing objectives should be rewarded with promotions and desirable assignments."

The report concludes by stating "DoD is left with only one practical alternative to meet its future modernization requirements: sharply reduce DoD support costs, and apply the savings to the procurement account. The Task Force firmly believes that extensive savings can be achieved—if DoD is willing to abandon its traditional reliance on in-house support organizations in favor of a new support paradigm that capitalizes upon the efficiency and creativity of the private sector."

The report estimates "the number of DoD personnel actually engaged in commercial-type activities greatly exceeds the 640,000 total . . . contractors could perform most of the work currently executed by these civilian employees."

The Task Force was opposed to the current system of reliance on OMB Circular A–76. "A–76 public/private competitions are extremely time-consuming, biased in favor of the government entity, and concentrated in narrow, labor-intensive support functions involving relatively small numbers of government employees."

The Task Force said A–76 competitions "fail to fully consider other important factors such as the bidder's capability to improve the quality and responsiveness of service delivery. . . . By outsourcing broad business areas, DoD can provide vendors with greater opportunity to reengineer processes—and greater potential to achieve major improvements in service quality and cost."

Despite its shortcomings, the A–76 system has saved DoD $1.5 billion per year. "A more aggressive DoD initiative will yield proportionally greater benefits," the report states.

The Task Force summarized data from private enterprise indicating that companies save 10–15 percent when outsourcing $100 billion worth of functions. Ninety percent of company executives report that outsourcing is successful, according the Outsourcing Institute's "Purchasing Dynamics, Expectations, and Outcomes, 1995."

GENERAL ACCOUNTING OFFICE SUPPORTED CONGRESSIONAL ACTION AS LONG AGO AS 1981

"Although it has been the executive branch's general policy since 1955 to rely on contractors for these commercial goods and services, agency compliance with this policy has been inconsistent and relatively ineffective," the GAO reported to Congress June 19, 1981.

Little has changed. Agency compliance with this policy continues to be lax. Much of what GAO wrote about this subject in the last two decades still applies.

Here is what GAO said in 1981: "Circular A–76 provides that it is the executive branch's general policy to rely on the private sector for goods and services unless it is more economical to provide them in-house. Federal purchases of goods and services from the private sector cost about $117 billion in fiscal year 1980. Although this policy to rely on the private sector has existed for over 25 years, OMB information shows that as many as 400,000 Federal employees are currently operating more than 11,000 commercial or industrial activities at almost $19 billion annually. These employees represent almost one-fourth of the total executive branch civilian work force."

In 1981, GAO advised Congress as follows: "We believe the Congress should act on our earlier recommendation to legislate a national policy of reliance on the private sector for goods and services."

GAO's advice in 1981 is still appropriate today. Therefore, the only recourse is for adoption by Congress of a new national policy of reliance on the private sector as proposed by the Freedom From Government Competition Act.

KENTON PATTIE,
Executive Director.

BUSINESS COALITION FOR FAIR COMPETITION 1997

ACIL (Formerly the American Council of Independent Laboratories)
American Bus Association
American Society of Travel Agents
Colorado Coalition for Fair Competition
Helicopter Association International
IHRSA (The International Health, Racquet and Sportsclub Association)
International Association of Environmental Testing Laboratories
International Hearing Society
Management Association for Private Photogrammetric Surveyors
National Association of RV Parks and Campgrounds
National Association of Women Business Owners

National Burglar and Fire Alarm Association
National Child Care Association
National Community Pharmacists Association
National Tour Association
Professional Services Council
Small Business Legislative Council
Society of Travel Agents in Government
Textile Rental Services Association
United Motorcoach Association

By Mr. HARKIN:

S. 315. A bill to amend the Internal Revenue Code of 1986 to reduce tax benefits for foreign corporations, and for other purposes; to the Committee on Finance.

THE CORPORATE WELFARE REDUCTION ACT

• Mr. HARKIN. Mr. President, there's a story that's told about the film actor and comedian W.C. Fields. He was hardly religious, but on his deathbed a friend discovered him reading the Bible. So he asked Fields what we he was doing—and the actor responded with characteristic dry wit, "I'm looking for loopholes."

For too long, many multinational firms and foreign corporations operating in this country have done the same thing with the United States Tax Code. They have searched our tax laws for loopholes—and carved out special-interest breaks to avoid paying their fair share. And they've done it with great success. Today, for example, over seventy percent of foreign-based corporations in the United States pay no Federal income tax. Meanwhile working families who play by the rules struggle just to make ends meet. This is simply wrong and as a matter of basic fairness, it must end.

So today, Mr. President, I rise to introduce the Corporate Welfare Reduction Act of 1997 which will save taxpayers over $20 billion over the next 6 years. Companion legislation has been introduced in the other body by my friend and colleague Representative LANE EVANS. Now is the time to act on this measure.

In the coming days, we will take up a constitutional amendment to balance the Government's budget. I will vote for it. I believe we must get our financial house in order if we are to pass on to future generations a legacy of hope, and not a legacy of debt.

But if we are going to balance our Government's budget—and keep it balanced in the years to come—every taxpayer will have to do their part. There's no doubt that working families and small businesses on Main Street already are contributing significantly. But foreign-based and multinational corporations simply have not paid their fair share.

One of the central goals of Government policy—particularly tax policy—ought to be promoting investment in our people and in our businesses here at home. For too long, though, our tax policies have had it backwards—rewarding U.S. companies that move overseas and granting unfair tax give-aways to foreign subsidiaries in this country.

American businesses shouldn't be forced to compete against foreign subsidiaries here that don't pay their fair share of taxes. And American workers shouldn't be left out in the cold because our tax laws encouraged companies to ship jobs away and ship products back.

That is why I am introducing the Corporate Welfare Reduction Act. This legislation contains six main provisions.

First, it ends the use of transfer pricing rules by multinational corporations to lower their U.S. tax liability. Multinational companies often sell a product to their subsidiaries at a discounted price—effectively increasing a company's income while decreasing its U.S. tax liability. This bill would restrict a company's interagency pricing policies and, instead, tax the sale of products at their fair market value.

Second, the bill disallows the practice of "sourcing" income from the sale of inventory property. In many cases, multinational corporations pass the title of sale to a foreign-owned subsidiary in order to avoid paying U.S. taxes even though the sale is completed in the United States.

Third, it limits the excessive use of tax credits taken by multinational corporations on foreign oil and gas extraction income [FOGEI] and foreign oil related income [FORI]. U.S. tax credits should only be applied against foreign taxes, not the fees and royalties assessed by foreign nations.

Fourth, it narrows section 911 of the tax code that exempts the first $70,000 of earned income from U.S. taxes for American citizens living and working abroad. However, this bill would allow those persons who work for non-profit organizations to still claim this exemption and would allow all U.S. citizens working abroad to deduct their children's education expenses up through high school.

Fifth, it ends the tax-exempt status of foreign investors who buy private-issued debt by requiring these persons to pay a 30-percent withholding tax on the interest they earned on the bonds.

Finally, this legislation would end the exemption of foreign individuals from capital gains taxes on the sale of stock in a U.S. corporation—unless they spend more than half the year in the United States.

The revenue raised in this legislation from closing these loopholes will go solely to deficit reduction. As I said, in a time when we are trying to reach a balanced budget, everyone must pay their fair share.

Mr. President, this is a common sense bill that will provide some fairness to working families and integrity to our Tax Code. I urge my colleagues to join me in supporting this common sense measure.•

By Mr. CRAIG (for himself, Mr. BRYAN, Mr. COCHRAN, and Mr. BENNETT):

S. 317. A bill to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Energy and Natural Resources.

THE NATIONAL GEOLOGIC MAPPING REAUTHORIZATION ACT OF 1997

• Mr. CRAIG. Mr. President, I am today introducing on behalf of myself and my cosponsors Senators BRYAN, COCHRAN, and BENNETT, a bill to reauthorize the highly successful National Geologic Mapping Act of 1992. The act established a cooperative geologic mapping program among the U.S. Geological Survey, State geological surveys, and geological programs at institutions of higher education in the United States. The goal of this program is to accelerate and improve the efficiency of detailed geologic mapping of critical areas in the Nation by coordinating and using the combined talents of the three participating groups.

Detailed geologic mapping is an indispensable source of information for a broad range of societal activities and benefits, including the delineation and protection of sources of safe drinking water; assessments of coal, petroleum, natural gas, construction materials, metals, and other natural resources; understanding the physical and biological interactions that define ecosystems, and that control, and are a measure of environmental health; identification and mitigation of natural hazards such as earthquakes, volcanic eruptions, landslides, subsidence, and other ground failures; and many other resource and land-use planning requirements.

Only about 20 percent of the Nation is mapped at a scale adequate to meet these critical needs. Additional high-priority areas for detailed geologic mapping have been identified at State level by State-map advisory committees, and include Federal, State, and local needs and priorities.

Funding for the program has been incorporated in the budget of the U.S. Geological Survey. State geological surveys and university participants receive funding from the program through a competitive proposal process that requires 1:1 matching funds from the applicant.

Mr. Chair, I urge my colleagues to join me to ensure the continued efficient collection and availability of this fundamental earth-science information.•

By Mr. D'AMATO:

S. 318. A bill to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE HOMEOWNERS' PROTECTION ACT OF 1997

• Mr. D'AMATO. Mr. President, I introduce legislation that seeks to protect our Nation's homeowners, particularly low-income and first-time home buyers, from having to pay for unnecessary and costly private mortgage insurance. Thousands of hard working Americans who strive every day to afford a house of their own are unfairly paying for private mortgage insurance which is not required and is no longer necessary. We must not have current and future homeowners paying up to hundreds of millions of dollars a year for insurance that serves no useful purpose. This is a practice which must be stopped. Today, it is unethical. Tomorrow, after this bill becomes law, it will be illegal. This legislation is intended to stop this injustice, while still providing lenders with fair protection against default.

In 1995, almost 6 million Americans bought homes. Approximately 2 million of those homeowners also purchased private mortgage insurance. Today, over 40 percent of new homeowners purchase private mortgage insurance. Thousands of American homeowners—perhaps as many as 20 percent of homeowners who have private mortgage insurance—are overinsuring their homes simply because they are not informed of whether they have the right to cancel private mortgage insurance.

Many homeowners are being forced to make payments for private mortgage insurance even after they have accumulated substantial equity in their homes; they continue to pay for private mortgage insurance long after the loan-to-value ratio is sufficient to protect lenders against default. Private mortgage insurance rates average between $20 and $100 per month, depending on the home purchase price, the amount of downpayment and other factors. These consumers are unknowingly paying from $240 a year to $1,200 a year for absolutely no reason—no potential benefit can accrue to the homeowner who is unnecessarily paying for this insurance. When the legitimate need for private mortgage insurance ends, the payments should stop immediately.

My legislation, the Homeowners' Protection Act, would ensure that this unfair practice is discontinued by giving future homeowners the right to cancel private mortgage insurance when it is no longer needed to protect the homeowner—in most cases, when they accumulate equity equal to 20 percent of their original loan value. With respect to existing mortgages, the Homeowners' Protection Act would mandate disclosure of cancellation rights to the homeowner on an annual basis. This important legislation potentially could save current and future homeowners millions of dollars.

Now let me make one thing clear—private mortgage insurance does serve a purpose. Typically, lenders require home buyers to purchase private mortgage insurance if the borrower makes a downpayment of less than 20 percent of the purchase price. The purpose of the insurance is to provide lenders, and subsequent purchasers of the mortgage, with protection in the event of default on the mortgage. It is in the best interest of all Americans that lenders have fair protection against default, so as to ensure their continued safety and soundness. Together, we can encourage the pursuit of the American dream of home ownership without allowing the fleecing of homeowners in the process.

I strongly encourage my colleagues to join me in support in this legislation which will help to make sure that money for unnecessary insurance premiums stays where it belongs—in homeowners' pockets.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeowners Protection Act of 1997".

SEC. 2. NOTIFICATION OF CANCELLATION RIGHTS FOR PRIVATE MORTGAGE INSURANCE.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 125 the following:

"SEC. 126. CANCELLATION RIGHTS FOR PRIVATE MORTGAGE INSURANCE.

"(a) INSURANCE RATIO STANDARD.—

"(1) IN GENERAL.—No consumer, in connection with a residential mortgage transaction, shall be required by the creditor to obtain or maintain private mortgage insurance if that consumer has, or will have at the time that the transaction is consummated, equity in the property that is the subject of the transaction in excess of the private mortgage insurance ratio.

"(2) REGULATORY REQUIREMENT.—The Board—

"(A) shall issue rules to implement paragraph (1); and

"(B) may issue rules exempting certain classes of transactions from the provisions of paragraph (1) if the Board finds that such exemption is necessary—

"(i) to ensure sound underwriting standards; or

"(ii) to further the availability of credit to persons who might otherwise be denied credit if paragraph (1) was applied to residential mortgage transactions involving such persons.

"(b) NOTICE OF RIGHT OR LACK OF RIGHT TO CANCEL.—If a consumer is required to obtain and maintain private mortgage insurance as a condition for entering into a residential mortgage transaction, the creditor shall disclose to the consumer the current private mortgage insurance ratio for the subject property, in writing, at the time that the transaction is entered into.

"(c) INFORMATION REQUIRED TO BE DISCLOSED.—With respect to each residential mortgage transaction, the creditor shall disclose to the consumer, in writing, the following information at the time the transaction is entered into:

"(1) IDENTIFYING INFORMATION.—Such information as may be necessary to permit the consumer to communicate with the creditor or any subsequent servicer of the mortgage, concerning the private mortgage insurance of that consumer.

"(2) CANCELLATION PROCEDURES.—The procedures required to be followed by the consumer in canceling the private mortgage insurance.

"(d) INFORMATION REQUIRED TO BE DISCLOSED WITH EACH PERIODIC STATEMENT.—If a consumer is required to obtain and maintain private mortgage insurance as a condition for entering into a residential mortgage transaction, the person servicing the mortgage shall include in or with each written statement of account provided to the consumer, beginning with the first such statement following the date of enactment of the Homeowners Protection Act of 1997, while such insurance is in effect, but not less than annually—

"(1) the information required to be disclosed under subsections (b) and (c); or

"(2) a clear and conspicuous written statement containing—

"(A) a statement that the consumer may cancel the private mortgage insurance and a description of the circumstances under which such a cancellation may be made; and

"(B) an address and telephone number that the consumer may use to contact the creditor or the person servicing the mortgage.

"(e) NOTICES FURNISHED WITHOUT COST TO THE CONSUMER.—

"(1) IN GENERAL.—No fee or other cost may be imposed on any consumer with respect to the provision of any notice or information to the consumer pursuant to this section.

"(2) REIMBURSEMENT.—A creditor or subsequent servicer of the mortgage may seek reimbursement from the issuer of the private mortgage insurance, with respect to any cost incurred by that creditor or subsequent servicer in providing any notice or information to the consumer pursuant to this section.

"(f) EXISTING MORTGAGES.—If a consumer was required to obtain and maintain private mortgage insurance as a condition for entering into a residential mortgage transaction occurring before the date of enactment of the Homeowners Protection Act of 1997—

"(1) not later than 180 days after that date of enactment, the creditor shall disclose, in writing, to each such consumer—

"(A) the information described in paragraphs (1) and (2) of subsection (c); and

"(B) that the private mortgage insurance may, under certain circumstances, be canceled by the consumer at any time while the mortgage is outstanding; and

"(2) the person servicing the mortgage shall include in or with each written statement of account provided to the consumer, beginning with the first such statement following the date of enactment of that Act, while such insurance is in effect, but not less than annually—

"(A) the information required to be disclosed under subsection (c); or

"(B) a clear and conspicuous written statement containing—

“(i) a statement that the consumer may be able to cancel the private mortgage insurance (if such is the case); and

“(ii) an address and telephone number that the consumer may use to contact the creditor or the person servicing the mortgage to determine whether the consumer has the right to cancel the private mortgage insurance and, if so, the conditions and procedures for canceling such insurance.

“(g) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) MORTGAGE INSURANCE.—The term ‘mortgage insurance’ means insurance, including any mortgage guaranty insurance, against the nonpayment of, or default on, a mortgage or loan involved in a residential mortgage transaction.

“(2) PRIVATE MORTGAGE INSURANCE.—The term ‘private mortgage insurance’ means mortgage insurance other than mortgage insurance made available under the National Housing Act, title 38 of the United States Code, or title V of the Housing Act of 1949.

“(3) PRIVATE MORTGAGE INSURANCE RATIO.—The term ‘private mortgage insurance ratio’ means a principal balance outstanding on a residential mortgage equal to less than 80 percent of the original value (at the time at which the consumer entered into the original residential mortgage transaction) of the property securing the loan.

“(h) APPLICABILITY.—This section, other than as provided in subsection (d), shall apply with respect to residential mortgage transactions entered into beginning 90 days after the date of enactment of the Homeowners Protection Act of 1997.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by striking the item relating to section 126 and inserting the following:

“126. Cancellation rights for private mortgage insurance.”.●

By Ms. MOSELEY-BRAUN:

S. 319. A bill to designate the national cemetery established at the former site of the Joliet Arsenal, IL, as the “Abraham Lincoln National Cemetery”; to the Committee on Veterans' Affairs.

THE ABRAHAM LINCOLN NATIONAL CEMETERY ACT

Ms. MOSELEY-BRAUN. Mr. President, I rise today, on the 188th anniversary of the birth of Abraham Lincoln, our Nation's 16th and 1st Republican President, to introduce the Abraham Lincoln National Cemetery bill. Congressman JERRY WELLER, in whose district the newest national veterans cemetery is located, will introduce an identical bill in the House of Representatives today.

The National Cemetery System was established by President Lincoln in 1862 to provide for the proper burial and registration of graves of soldiers who died in the Civil War. Since its inception, the National Cemetery System has grown to include 130 military burial grounds and provides places of private meditation and reflection for all who visit its hallowed grounds. None of these cemeteries, however, including the six in Illinois, are named after President Lincoln.

As you know, President Lincoln had great affection for “him who [had] borne the battle”. Perhaps Lincoln's admiration for our Nation's veterans is rooted in the fact that Lincoln—a man of peace—had his Presidency marked by the scourge of war. He knew all too well the sacrifices and hardships that the defenders of our Nation's freedom had to bear and the “cause for which they [may be called to give their] last full measure of devotion.” President Lincoln demonstrated his deep affection for our Nation's veterans in many ways. During the Civil War, he often visited the sick and wounded stationed in and around Washington, DC. His administration created what is now the Department of Veterans Affairs and the VA hospital system. Perhaps the greatest demonstration of his love for our Nation's veterans was his strong leadership and unwavering support for the creation of the National Cemetery System, which not only provides dignified final resting places for our Nation's soldiers but also ensures that neither the Nation nor its citizens will forget those who served in our Armed Forces.

Last year, Congress approved of the transfer of 982 acres of the former Joliet Army Ammunition Plant from the Department of the Army to the Department of Veterans Affairs for the development of a new national veterans cemetery. The President's budget included $19.9 million for the construction of the first phase of the cemetery, which is scheduled to open in late 1998 or early 1999.

Mr. President, this legislation to name our Nation's newest national cemetery after President Lincoln deserves strong bipartisan support. By naming the new veterans national cemetery in honor of President Lincoln, we not only acknowledge the pivotal role he played in the development of one of our national treasures—the national veterans cemetery system—we also honor the memory of the millions of courageous men and women who served in war and peacetime to preserve our Nation's democracy, freedom, and national values. Men and women, who like my grandfather, father, and uncle, who fought in World War I and World War II, notwithstanding the fact that the full promise of America was denied them because of the color of their skin. Their patriotism grew out of an abiding respect for American values, and out of the hope for our country. We can do no less in peacetime than to honor not only their sacrifice, but the reasons for it. Naming a national cemetery after President Lincoln is in recognition that that faith and hope abide with us still.

Illinois is now—and will always be the Land of Lincoln. His legacy is a living testament to the values—honesty, hard work and perseverance in the face of adversity—that characterize residents of America's heartland. No place has a greater claim to the Lincoln heritage than his beloved Springfield, IL, but his memory and what he stood for belong to all of us in the Land of Lincoln and across these United States. As Secretary of War Edward M. Stanton prophetically put it while keeping vigil at Lincoln's deathbed, “Now he belongs to the ages.”

As such, I can think of no more fitting gift or more appropriate way to celebrate the birthday of our Nation's greatest President, than to support and pass this legislation to name our newest and second-largest national veterans cemetery, in the State he so dearly loved, after him. In Lincoln's immortal words, “it is altogether fitting and proper that we do this.”

His guidance that a house divided cannot stand is as valid today as it was when given. We leave partisan differences aside when we are called upon to respond to today's challenges as Americans. This legislation is a bipartisan effort to bring all of us together in honor of one of the greatest Americans ever to have lived. As we honor him, and his leadership, we honor the true legacy of his service to our country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NATIONAL CEMETERY.

(a) DESIGNATION.—The national cemetery established at the former site of the Joliet Arsenal, Illinois, shall be known and designated as the “Abraham Lincoln National Cemetery”.

(b) REFERENCES.—Any reference in a law, map, regulation, paper, or other record of the United States to the national cemetery referred to in subsection (a) shall be deemed to be a reference to the “Abraham Lincoln National Cemetery”.

By Mr. ASHCROFT (for himself, Mr. THOMPSON, Mr. ABRAHAM, Mr. ALLARD, Mr. BOND, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMM, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INOUYE, Mr. MACK, Mr. MURKOWSKI, Mr. SESSIONS, MR. SMITH of New Hampshire, Mr. SMITH of Oregon, and Mr. THOMAS):

S.J. Res. 16. A joint resolution proposing a constitutional amendment to limit congressional terms; to the Committee on the Judiciary.

TERM LIMITS CONSTITUTIONAL AMENDMENT

Mr. ASHCROFT. Mr. President, the document that emerged from the

Philadelphia convention has become the longest lived national constitution in the world. It was the product of a sense of urgency, of mission, of common purpose. And years from now, after we have long since passed, it will endure, standing unchallenged by the varied crises of human affairs.

The Philadelphia delegates crafted this document on what they believed to be fundamental principles: Majority rule, dual sovereignty, one man, one vote. The Framers also recognized, however, that a lasting government would have to be not only durable and stable, but flexible enough to evolve with the emerging Nation. For this reason, they included an article for amendment that would allow the document to be changed over time.

Since 1787, more than 10,600 constitutional amendments have been introduced. Only 27 have been adopted. Many of the proposed amendments have bordered on the ridiculous. One called for the creation of four regional Presidents. Others have called for the legalization of dueling, or changing the Nation's name to the United States of the World.

The amendment I introduce today, however, is neither ridiculous nor unimportant. In fact, I would suggest that is one of the defining issues which this Congress will face. For it cuts to the very heart of who we are as a party, as a polity, as a people. It is a term-limits constitutional amendment. If enacted, the resolution would limit Members of Congress to three terms in the U.S. House of Representatives and two terms in the U.S. Senate.

Mr. President, term limits are a tried and tested reform that the American people have seen operate firsthand: For the President since 1951, for 41 Governors, for 20 State legislatures, and for hundreds of local officials nationwide. Indeed, this is at least one reason why congressional term limits enjoy such widespread support: Voters have witnessed their ameliorative effects and want them extended to the national legislature.

Some will undoubtedly argue that the 1996 election and the notable increase in new Members weakens the case for term limits. Nothing could be further from the truth. Ninety-four percent of all the Members who sought reelection last year were returned to Washington. The turnover that did occur was largely the result of voluntary departures, not competitive elections.

Why do reelection rates continue at all-time highs? Because incumbency is, and always has been, the single greatest perk in politics. Committee assignments translate into campaign contributions. Bills mean bucks. The simple fact remains, the average incumbent spends more of the taxpayers' money on franked mail than the average challenger spends on his entire campaign.

Reapportionment's role in ensuring long-term incumbency must also be considered. Many State officials are acutely aware of the benefits derived from high reelection rates. Consequently, they manipulate districts in a way which maximizes the potential for incumbents to return to Washington. This is not only an argument for limited tenure, it is an argument for adopting House limits of less than 10 years.

As with all good ideas, this reform has occasioned some controversy. Primarily, opposition has come from careerists in the Congress whose livelihood is at stake. These self-proclaimed keepers of the public faith worry aloud about the impact of lost legislative wisdom. And, in the cloakrooms and Capitol corridors, they whisper about "protecting the people from themselves."

Opponents seem to believe that only seasoned legislators in a professional Congress can effectively deal with the issues of the day. Mr. President, it is the height of arrogance and elitism to suggest that any one Senator is essential to our Government. The strength of American democracy is that the people are the source of Government's legitimacy. Because, as Alexander Hamilton aptly noted more than two centuries ago, "Here, Sir, the people govern."

These assertions also stand at odds with the great triumph of individualism that is America. For they are based on the flawed supposition that only a limited number of citizens are qualified to serve. Richard Henry Lee put it best. "I would not urge the principle of rotation," said Lee, "if I believed the consequence would be a uniformed Federal legislature; but I have no apprehension of this in this enlightened country." Indeed, no more than a cursory look at the writings of Adams, Jefferson, Mason, and Paine reveals the healthy respect they had for the average citizen.

Mr. President, I share the Founders' belief that there is wisdom in the people. The resolution I bring before the body today is a commonsense reform that the citizenry undeniably wants, a remedy our Republic desperately needs, a reform whose time has come.

Rotation in office has worked for the President, scores of Governors, and countless others across this great land. Let us extend its therapeutic effects to the Halls of the U.S. Congress. I beg this proposal's adoption.

Mr. THOMPSON. Mr. President, today, I am introducing a constitutional amendment to limit congressional service to 6 years in the House and 12 years in the Senate. This proposal is identical to the one introduced in the 104th Congress. On May 22, 1995, the U.S. Supreme Court invalidated the term limits that 23 different States had imposed on congressional service. The Court further declared that Congress lacks the constitutional authority to enact term limits by statute. Therefore, enacting this reform, which polls consistently show that more than 70 percent of the American people support, will require passing a constitutional amendment.

Although this proposal is not about denigrating the institution of Congress or those who have ably served lengthy tenures, public confidence in elected officials does remain abysmally low. Given the many scandals involving public officials, the myriad of negative campaign commercials, and the inability of Congress to solve major national problems like the budget deficit, I can hardly blame the American people for being cynical. Nothing could be farther from the basic tenets of democracy than a professional ruling class, yet despite the supposedly high turnover in the last three congressional elections, that is essentially what Congress has become.

Each of the last three Congresses has had unusually large freshman classes, but the percentage of those returned to Congress still exceeds the typical return rate prior to 1941. I acknowledge that altering the way we elect Members of Congress is a task not to be undertaken lightly, and people are justified in asking, what has changed since the ratification of the Constitution that necessitates this proposal? To them, I answer simply: The trend toward careerism in Congress. Although the system has worked relatively well for 200 years, the Founding Fathers viewed service in Congress not as a permanent career but as an interruption to a career. For the first 150 years of the Republic, in keeping with this notion, those who served in public office typically stepped down after only a few years. While incumbents were still almost always re-elected when they chose to run, a turnover rate of 50 percent every 2 years in the House was common throughout the 19th century. In fact, only 24 percent of the Members of the House in 1841 were sworn in again 2 years later. George Washington voluntarily stepped down after two terms as President because he understood the value of returning to private life and giving someone else the chance to serve. Over the last few decades, however, Members of Congress have become much less likely to step down voluntarily, so the average length of service in Congress has steadily increased. Because of this trend toward careerism, Congress now more closely resembles a professional ruling class than the citizen legislature our Founding Fathers envisioned.

This is significant because a Congress full of career legislators behaves differently than a citizen legislature. Over time, after years of inside-the-beltway thinking, elected officials tend to lose touch with the long-term best interests of the Nation. Instead, they become slaves to short-term public opinion in their never-ending quest for re-election. Last year's Medicare debate is a good example of how constant elections, and the lure of short-term political advantage, make it harder to make the tough decisions. The constant flow of pork-barrel projects back home, the practice of effectively buying our constituents' votes with funds from the U.S. Treasury, is another example of how what may be beneficial to politicians at the next election is not necessarily in the best interests of the Nation. When Congress is not a career for its Members, their career will not be on the line every time they cast a vote, so I believe that term limits would more likely produce individuals who would take on the tough challenges that lie ahead.

To act in the long-term national interest, elected officials also need to live under the laws they pass, which is why we enacted the Congressional Accountability Act in the last Congress. Similarly, it is important that elected officials return home after their term expires and live with the consequences of the decisions they made while in Congress. Just as the Congressional Accountability Act makes elected officials more cognizant of how laws affect average Americans in the long run, term limits, by requiring Members of Congress to return to private life, would encourage Members to consider the long-term effects of their decisions instead of just the short-term political consequences.

Moreover, little doubt exists that power exercises a gradual, corruptive influence over those who have it. The Founding Fathers recognized this and used a system of checks and balances to limit the power of any one individual. When elected officials are up here for decades at a time, their accumulating power and growing disregard for the national interest often cause them to become arrogant in office. Term limits, by further dispersing power among more individuals, I believe, would lead to a more honest breed of politicians.

Term limits will also make elections more competitive which will, in turn, lead to better representation. One only needs to look at the 1996 elections to see that most competitive elections are for open seats. Twelve-year limits on Senate service would guarantee every State an open-seat election at least once every 12 years unless a challenger dislodges an incumbent. Furthermore, term-limited officeholders will be more likely to seek a higher office. A Member of the House who is term limited will be more likely to run for the Senate than a Congressman who is not term limited and can easily win reelection to the House for many years to come. A term-limited Senator will be more likely to run for Governor or another office instead of seeking easy re-election to the Senate.

Opponents of term limits make many arguments against the proposal, confident that they know better than more than 70 percent of the American people. Perhaps the most prevalent argument against term limits is that Congress will lose many good people. While this is true, as I have already pointed out, we will be gaining many good people as well. More to the point though, we should not be so arrogant as to think that we are the only ones who can do this job. I do not believe that the 535 people who currently serve in Congress are the only 535 people out there who can do the job. Two hundred years ago, people wondered how the Nation could ever survive without the leadership of George Washington, but President Washington knew that the system was stronger than any one man, and that many people were fit to be President. Not only do I think that many people besides us can do the job, but the argument that only the 535 currently serving in Congress possess the ability to solve the Nation's problems assumes that we are doing a good job now. A $5 trillion debt, Medicare and Social Security on unsustainable courses, an out-of-control campaign finance system, and unacceptably high levels of crime make this assumption dubious. A corollary of this argument is that term limits will result in Congress having little institutional memory. However, if the legislative process and the bills that come out of this place are so complicated as to require more than 12 years of experience to understand, then Congress is doing too much. The average citizen, with the additional focus of full-time attention to the issues with which Congress concerns itself, should be more than capable of doing the job.

The other main argument against term limits is that we already have term limits in the form of elections. However, this reasoning has two problems. First, incumbents enjoy a tremendous advantage in elections. The ability to raise money, greater name recognition, a staff already in place, constituent service, and simple voter inertia help incumbents win their races more than 90 percent of the time. Second, the American people, just as they have a right to elect their representatives in Congress, have every right to place qualifications on whom they may elect. Opponents of term limits say that the voters ought to be able to elect whomever they want, but when the American people ratified the Constitution, they agreed not to elect anyone to the Senate who is younger than 30 years of age or not a resident of the State he or she seeks to represent. If the voters choose, and more than 70 percent of them do, they can also declare that people who have already served 12 years in the Senate may not be elected to the Senate again.

It is my hope that we will move quickly to debate this measure. Perhaps no other proposal as popular with the American people has received so little attention from Congress. In fact, Congress has been so reticent with respect to this issue that some term-limits advocates are now asking the States to call a constitutional convention. The debate in the last Congress was the first serious discussion of this issue in Congress in the history of the Nation. Speaker GINGRICH has already said that term limits will be the first item of business this year in the other body. Finally, other tough decisions are imminent including balancing the budget, saving Medicare, and putting Social Security on a permanently sustainable course. The single most important thing we can do to cultivate an environment where Congress can effectively address these long-term problems is to enact term limits immediately. Therefore, I urge my colleagues' support.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. ASHCROFT, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 4, a bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

S. 12

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 12, a bill to improve education for the 21st Century.

S. 19

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 19, a bill to provide funds for child care for low-income working families, and for other purposes.

S. 28

At the request of Mr. THURMOND, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 104

At the request of Mr. MURKOWSKI, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 104, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 112

At the request of Mr. MOYNIHAN, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from California [Mrs. FEINSTEIN], the Senator from Michigan [Mr. LEVIN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 112, a bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor.

S. 183

At the request of Mr. DODD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 183, a bill to amend the Family and Medical Leave Act of 1993 to apply the act to a greater percentage of the United States workforce, and for other purposes.

S. 206

At the request of Mr. REID, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 206, a bill to prohibit the application of the Religious Freedom Restoration Act of 1993, or any amendment made by such act, to an individual who is incarcerated in a Federal, State, or local correctional, detention, or penal facility, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 294

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 294, a bill to amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, and for other purposes.

SENATE RESOLUTION 50

At the request of Mr. ROTH, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from New Hampshire [Mr. GREGG], the Senator from Oklahoma [Mr. NICKLES], the Senator from Mississippi [Mr. COCHRAN], the Senator from Louisiana [Mr. BREAUX], the Senator from North Dakota [Mr. CONRAD], the Senator from Florida [Mr. GRAHAM], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Resolution 50, a resolution to express the sense of the Senate regarding the correction of cost-of-living adjustments.

SENATE RESOLUTION 53

At the request of Mrs. HUTCHISON, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Resolution 53, a resolution to express the sense of the Senate concerning actions that the President of the United States should take to resolve the dispute between the Allied Pilots Association and American Airlines.

SENATE RESOLUTION 54—ORIGINAL RESOLUTION AUTHORIZING BIENNIAL EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. WARNER, from the Committee on Rules and Administration, reported the following original resolution:

S. RES. 54

Resolved,

SHORT TITLE

SECTION 1. This resolution may be cited as the "Omnibus Committee Funding Resolution for 1997 and 1998".

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1997, through September 30, 1998, in the aggregate of $50,569,779 and for the period March 1, 1998, through February 28, 1999, in the aggregate of $51,903,888 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, for the Committee on Indian Affairs, the Special Committee on Aging, and the Select Committee on Intelligence.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1998, and February 28, 1999, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, (2) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, Department of Telecommunications, (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1997, through September 30, 1998, and March 1, 1998, through February 28, 1999, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,747,544, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,792,747, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,953,132, of which amount (1) not to exceed $175,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $5,082,521, of which amount (1) not to exceed $175,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,704,397.

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,776,389.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,853,725, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,928,278, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $3,105,190, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $3,188,897, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science and Transportation is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $3,448,034, of which amount (1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $3,539,226, of which amount (1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,637,966.

(c) For the period of March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,707,696.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,431,871, of which amount (1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,494,014, of which amount (1) not to exceed $8,000, be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $3,028,328, of which amount (1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $3,106,591, of which amount (1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,710,573, of which amount (1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,782,749, of which amount not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,533,600, of which amount (1) not to exceed $375,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $4,653,386, of which amount (1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relationships or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly-mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental-relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this subsection, the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1997, through February 28, 1999, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the session, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 73 of the One Hundred Fourth Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,362,646, of which amount (1) not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $4,480,028, of which amount (1) not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,113,888, of which amount not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $4,223,533, of which amount not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,339,106, of which amount (1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,375,472, of which amount (1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,084,471, of which amount (1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,112,732, of which amount (1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18.(a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,123,430, of which amount (1) not to exceed $250,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and (2)not to exceed $3,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202 (j) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,153,263, of which amount (1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section

202(i) of the Legislative Reorganization Act of 1946, as amended); and (2) not to exceed $3,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202 (j) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977, (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,133,674 of which amount not to exceed $15,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,162,865 of which amount not to exceed $15,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,114,489, of which amount not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,171,507, of which amount not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Committee on Indian Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,143,715.

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,171,994.

SPECIAL RESERVES

SEC. 22. (a) Of the funds authorized for the Senate committees listed in sections 3 through 21 by Senate Resolution 73, agreed to February 13, 1995 (104th Congress), for the funding period ending on the last day of February 1997, any unexpended balances remaining shall be transferred to a special reserve which shall, on the basis of a special need and at the request of a Chairman and Ranking Member of any such committee, and with the approval of the Chairman and Ranking Member of the Committee on Rules and Administration, be available to any committee for the purposes provided in subsection (b). During March 1997, obligations incurred but not paid by February 28, 1997, shall be paid from the unexpended balances of committees before transfer to the special reserves and any obligations so paid shall be deducted from the unexpended balances of committees before transferred to the special reserves.

(b) The reserves established in subsection (a) shall be available for the period commencing March 1, 1997, and ending with the close of September 30, 1997, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1997, and which were not deducted from the unexpended balances under subsection (a), and (2) meeting expenses incurred after such last day and prior to the close of September 30, 1997.

SPACE ASSIGNMENTS

SEC. 23. The space assigned to the respective committees of the Senate covered by this resolution shall be reduced commensurate with the staff reductions funded herein and under S.Res. 73, 104th Congress. The Committee on Rules and Administration is expected to recover such space for the purpose of equalizing Senators offices to the extent possible, and to consolidate the space for Senate committees in order to reduce the cost of support equipment, office furniture, and office accessories.

AMENDMENTS SUBMITTED

THE ASSISTED SUICIDE FUNDING RESTRICTION ACT

DORGAN (AND ASHCROFT) AMENDMENT NO. 5

(Ordered referred to the Committee on Finance.)

Mr. DORGAN (for himself and Mr. ASHCROFT) submitted an amendment intended to be proposed by them to the bill (S. 304) to clarify Federal law with respect to assisted suicide, and for other purposes; as follows:

At the end of the bill, insert the following:

SEC. ___. AMENDMENTS TO ACTS REGARDING INDIVIDUALS WITH DISABILITIES.

(a) AMENDMENTS TO DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT.—

(1) STATE PLANS REGARDING DEVELOPMENTAL DISABILITIES COUNCILS.—Section 122(c)(5)(A) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6022(c)(5)(A)) is amended—

(A) in clause (vi), by striking "and" after the semicolon at the end;

(B) in clause (vii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following clause:

"(viii) such funds will not be used to support any program or service that has a purpose of assisting in procuring any item or service the purpose of which is to cause, or to assist in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.".

(2) LEGAL ACTIONS BY PROTECTION AND ADVOCACY SYSTEMS.—Section 142(h)(1) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042(h)(1)) is amended by inserting before the period the following: ", except that no such system may use assistance provided under this chapter to bring suit or provide any other form of legal assistance for the purpose of—

"(A) securing or funding any item, benefit, program, or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing;

"(B) compelling any individual, institution, government, or governmental body to provide, fund, or legalize any item, benefit, program, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing; or

"(C) asserting or advocating a legal right to cause, or to assist in causing, or to receive assistance in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.".

(3) PROHIBITED ACTIVITIES REGARDING GRANTS TO UNIVERSITY AFFILIATED PROGRAMS.—Section 152(b)(5) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6062(b)(5)) is amended by inserting before the period the following: ", or for any program or service which has a purpose of assisting in procuring any item or service, the purpose of which is to cause, or to assist in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing".

(4) REQUIREMENTS REGARDING GRANTS FOR PROJECTS OF NATIONAL SIGNIFICANCE.—Section 162(c) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6082(c)) is amended—

(A) in paragraph (4), by striking "and" after the semicolon at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following paragraph:

"(6) the applicant provides assurances that the grant will not be used to support or fund any program or service which has a purpose of assisting in the procuring of any item, benefit, or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

(b) AMENDMENT TO PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986; SYSTEM REQUIREMENTS.—Section 105(a) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10805(a)) is amended—

(1) in paragraph (8), by striking ''and'' at the end thereof;

(2) in paragraph (9), by striking the period and inserting ''; and''; and

(3) by adding at the end thereof the following new paragraph:

''(10) not use allotments provided to a system to assist in—

''(A) procuring or funding any item, benefit, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing;

''(B) compelling any individual, institution, government, or governmental body to provide any item, benefit, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing; or

''(C) asserting or advocating a legal right to cause, or to assist in causing, or to receive assistance in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

(c) AMENDMENT TO REHABILITATION ACT OF 1973; REQUIREMENTS FOR ASSISTANCE FOR PROTECTION AND ADVOCACY SYSTEMS.—Section 509(f) of the Rehabilitation Act of 1973 (29 U.S.C. 794e(f)) is amended—

(1) in paragraph (6), by striking ''and'' after the semicolon at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following paragraph:

''(8) not use allotments provided under this section to support or fund any program or service which has the purpose of assisting in—

''(A) procuring or funding any item, benefit, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing;

''(B) compelling any individual, institution, government, or governmental body to provide any item, benefit, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing; or

''(C) asserting or advocating a legal right to cause, or to assist in causing, or to receive assistance in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

SEC. ___. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Title II of the Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 246. BAN ON USE OF FUNDS FOR ASSISTED SUICIDE AND RELATED SERVICES.

''Appropriations for carrying out the purposes of this Act shall not be used or made available to provide any item or service, furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

SEC. ___. AMENDMENT TO OLDER AMERICANS ACT.

Section 712 of the Older Americans Act of 1965 (42 U.S.C. 3058g) is amended by adding at the end thereof the following new subsection:

''(k) ASSISTED SUICIDE.—No State or local ombudsman program, entity, or representative shall, with funds allotted under this section, provide any assistance or service to assist in—

''(1) securing or funding any item, benefit, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing;

''(2) compelling any individual, institution, government, or governmental body to provide any item, benefit, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing; or

''(3) asserting or advocating a legal right to cause, or to assist in causing, or to receive assistance in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

SEC. ___. LEGAL SERVICES.

Section 1007(b) of the Legal Services Corporation Act (42 U.S.C. 2996f(b)) is amended—

(1) by striking ''or'' at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting ''; or''; and

(3) by adding after paragraph (10) the following:

''(11) to provide legal assistance for the purpose of—

''(A) securing or funding any item, benefit, program, or service furnished for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing;

''(B) compelling any individual, institution, government, or governmental body to provide, fund, or legalize any item, benefit, program, or service for the purpose of causing, or the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing; or

''(C) asserting or advocating a legal right to cause, or to assist in causing, or to receive assistance in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.''.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

BYRD AMENDMENT NO. 6

Mr. BYRD proposed an amendment to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget; as follows:

On page 3, strike lines 12 through 14 and insert the following:

''SECTION 6. The Congress shall implement this article by appropriate legislation.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Energy and Natural Resources Committee to consider the President's fiscal year 1998 budget.

The committee will hear testimony from the Department of the Interior and the Forest Service on Tuesday, February 25, 1997.

The hearing will begin at 9:30 a.m., and will take place in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Mike Poling, counsel (202) 224-8276 or James Beirne, senior counsel at (202) 224-2564.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Energy and Natural Resources Committee to consider the President's fiscal year 1998 budget.

The committee will hear testimony from the Department of Energy and FERC on Tuesday, March 11, 1997.

The hearing will begin at 10 a.m., and take place in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker, counsel (202) 224-3543 or Betty Nevitt, staff assistant at (202) 224-0765.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a series of three workshops have been scheduled before the Committee on Energy and Natural Resources to exchange ideas and information on the issue of ''Competitive Change in the Electric Power Industry.''

The first workshop will take place on Thursday, March 6, beginning at 9:30 a.m. in room 216 of the Hart Senate Office Building. The topic of discussion will be: What are the issues involved in competition?

The second workshop will take place on Thursday, March 13, beginning at 9:30 a.m. in room SDG-50 of the Dirksen Senate Office Building. The topic of discussion will be: What is the role of public power in a competitive market?

The third workshop will take place on Thursday, March 20, beginning at 9:30 a.m. in room 216 of the Hart Senate Office Building. The topic of discussion will be: Is federal legislation necessary? Participation is by invitation. For further information please write to the Senate Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2:45 p.m. on Wednesday, February 12, 1997, in open session, to receive testimony on the defense authorization request for the fiscal year 1998 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 12, 1997, to conduct a markup of the following nominee: Janet Louise Yellen, of California, to be a member, council of economic advisors.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, February 12, 1997, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. SNOWE. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, February 12, at 9:30 a.m., Hearing Room (SD–406), to receive testimony from Carol M. Browner, Administrator, EPA, on the ozone and particulate matter standards proposed by EPA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Ms. SNOWE. Mr. President, I ask unanimous consent that the full Committee on Finance be permitted to meet to conduct a hearing on Wednesday, February 12, 1997, beginning at 10 a.m. in room 215–Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Ms. SNOWE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Wednesday, February 12, at 9:30 a.m. for a hearing on The Future of Nuclear Deterrence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Teamwork for Employees and Managers, during the session of the Senate on Wednesday, February 12, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session on Wednesday, February 12, 1997 at 9:30 a.m. in SR–301 to mark-up the recurring budgets contained in the omnibus committee funding resolution for 1997 and 1998; and any other legislative or administrative matters that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled "Nomination of Aida Alvarez to be Administrator of the United States Small Business Administration" on Wednesday, February 12, 1997. The hearing will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. WIthout objection, it is so ordered.

SUBCOMMITTEE ON HEALTH CARE

Ms. SNOWE. Mr. President, I ask unanimous consent that the Subcommittee on Health Care be permitted to meet to conduct a hearing on Wednesday, February 12, 1997, beginning at 2 p.m. in room 215–Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO FATHER JAROSLAW KUPCZAK ON SERVING THE CATHOLIC COMMUNITY AND RECEIVING HIS DOCTORATE FROM THE JOHN PAUL II INSTITUTE

• Mr. BOB SMITH. Mr. President, I rise today to pay tribute to a great American, Father Jaroslaw Kupczak. Father Jaroslaw is a Dominican priest from Bilgoraj, Poland who, for the past 4 years, has been a doctoral student at the John Paul II Institute in the District of Columbia.

During his tenure in the United States, Father Jaroslaw did much more than study at one of the most respected institutes of higher learning. He became part of the community.

Father Jaroslaw unselfishly dedicated his time and energy to needy citizens in a number of area communities. Every 2 weeks, he celebrated Mass at the Missionaries of Charities in Anacostia. The mission is run by a group of sisters who take in single, pregnant women and house them during their pregnancy and after. His compassion and counsel brought the spirit of God into the lives of these women in need.

As would be expected, Father Jaroslaw was a pillar in the Polish community. He was a frequent celebrant, confessor, and counselor to the parishioners of Our Lady Queen of Poland parish in Silver Spring, MD. He often celebrated Sunday Mass, as well as masses on holy days and Polish holidays. He even traveled as far as Norfolk, VA to celebrate Mass and provide spiritual guidance to a Polish community that was without a parish.

Mr. President, our Nation has been blessed with Father Jaroslaw's tenure in the United States for the past 4 years. Many Catholics and Polish Americans have been touched by his generosity and time and his devotion to area residents has been an inspiration to all of us.

I would further like to congratulate him on his graduation from the John Paul II Institute and on receiving his degree doctor sacrae thelolgiae summa cum laude. We wish him continued health and happiness as he returns to his assignment in Krakow, Poland, to touch the lives of the citizens there.•

EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE PUBLIC STATEMENT ON TURKEY

• Mr. LEAHY. Mr. President, I recently learned about a public statement by the European Committee for the Prevention of Torture [CPT], concerning the problem of torture in Turkey. The CPT is a respected international organization established in 1989, which visits prisons in countries that have ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. All countries that have ratified the Convention agree to permit these visits, and presumably to pay attention to the Committee's recommendations.

The CPT publishes public statements only when states party to the Convention refuse to follow its recommendations. The group has only issued public statements on two occasions in its 8 years of existence. Both of these statements, the most recent of which was issued in December, discuss the ongoing problem of torture in Turkey.

The CPT acknowledges the serious threat of terrorism that Turkey faces and the security and humanitarian crises that have resulted, especially in the southeastern part of the country. The CPT also recognizes that the Government of Turkey has expressed concern about the use of torture and has responded by circulating memoranda and designing human rights programs for its law enforcement officials. However, the CPT concludes that in practice these measures, along with the legal framework to protect detainees from torture and ill-treatment and to discipline those who have used torture, are inadequate and ignored by Turkish authorities. A recent example is the decision by the Turkish Government to reduce to 4 days the length of time a suspect can be held incommunicado, without access to a lawyer. There is ample evidence that torture routinely occurs immediately following arrest. Any period of incommunicado detention is an invitation for these kinds of abuses to continue.

The facts contained in the CPT's December public statement are very troubling. In a September 1996 visit to prisons in Turkey, the CPT reported:

> A considerable number of persons examined by the delegation's three forensic doctors displayed marks or conditions consistent with their allegations of recent ill-treatment by the police, and in particular of beating of the soles of the feet, blows to the palms of the hands and suspension by the arms. The cases of seven persons . . . must rank among the most flagrant examples of torture encountered by CPT delegations in Turkey.

As in October 1994, the CPT again found "material evidence of resort to ill-treatment, in particular, an instrument adapted in a way which would facilitate the infliction of electric shocks and equipment which could be used to suspend a person by the arms."

Mr. President, this report shows that despite the Turkish Government's efforts in recent years, the practice of torture continues unabated. The latest State Department Country Reports on Human Rights, which was released on January 30, confirms this. It illustrates, once again, that good intentions and training programs, while important, are no substitute for holding people accountable. Only when people who engage in this abhorrent conduct believe they will be punished, will it stop.

This should concern us all, because Turkey is a valued NATO ally with which we have many shared interests. Turkey is going through a difficult period in its history, and I for one want to see our relationship strengthen. I raise these concerns because I believe that Turkey, and relations between our two countries, would benefit greatly if it were clear that vigorous, effective action were being taken to eradicate this curse.

I urge the administration and Members of Congress to raise the issue of torture at the highest levels of the Turkish Government, and to work with Turkish officials to pursue aggressively the necessary measures to end the practice of torture and the impunity that persist in Turkey today.•

TRIBUTE TO BERLIN MYERS

• Mr. HOLLINGS. Mr. President, Berlin George Myers is dedicated to his hometown of Summerville, SC. His life has revolved around an eight-square block area in the heart of this town also known as Flowertown in the Pines. In this small area, he grew up and raised his own children and today, continues to run his business and govern the town.

Mayor Myers' first public office was membership on town council in 1965. His vote returns were the highest ever achieved by a town official and as a result, he became Mayor pro tem. History repeated itself in the following elections and Mayor Myers is further distinguished by having served on every town committee.

Under Councilman Myers, many civic improvements were made: a new town hall and a new fire station were built, an extensive paving program enacted, town clean-up was given a high priority and annexation began in earnest.

In June 1972, the incumbent Mayor Luke died and Berlin Myers stepped in to fill the remainder of his term. Four months later, he won his own election and every one since with a large majority of the vote. During Mayor Myers' tenure, Summerville's population has grown from 3,700 to approximately 25,000.

Under Mayor Myers, Summerville's Public Safety Department has combined police and fire departments, telecommunications—including an enhanced 911 system—and municipal court in a single headquarters building complex. He helped plan and proudly presided over the ribbon cutting for a perimeter road around Summerville—named the Berlin G. Myers Parkway by an act of the South Carolina legislature. In 1994, under his direction, the 27-year-old townhall was renovated and expanded. His tireless, around-the-clock leadership during 1989's Hurricane Hugo put Summerville back in operation quickly and smoothly.

The order and organization for which Summerville is renowned founded his business, the Berlin G. Myers Lumber Co., which in 1989 celebrated its 50th year. There's neither a piece of lumber nor a piece of paperwork out of place in this operation. He began working in his Uncle Allen's sawmill and small retail outlet after school and weekends when he was 10 years old. After graduating from high school in 1939, he took over the latter. Mayor Myers is past president of the Carolinas Tennessee Building Materials Association and has served on committees on both the regional and national chapters.

In 1989, Mayor Myers was awarded the Order of the Palmetto, the highest civilian accolade the State of South Carolina can bestow. He keeps the same rigorous schedule he has all of his adult life, arriving first at the lumber yard every morning, holding regular townhall work hours, talking with school children about the town's history, and actively participating in Summerville Baptist Church. Mayor Berlin Myers is a devoted husband and is the father of four children and three grandchildren.

In this, his 80th year, his mayoral tenure has reached a quarter of a century, the longest in Summerville's history. His postion is unpaid and he says that he sees politics as service to his town, "It's a way to give back to my community which has given me so much." Summerville's sesquicentennial takes place this year, 1997, and you can believe that Mayor Berlin Myers will be leading the parade.•

COMMEMORATING THE LIFE OF CARLTON GOODLETT

• Mrs. BOXER. Mr. President, I rise today to celebrate the life of Dr. Carlton Goodlett. Dr. Goodlett recently passed from this life, leaving it richer and more decent for his presence. The challenge of his voice, conscience, and healing hand is the legacy of a singular man.

To say that Carlton Goodlett was multitalented is to understate his genuinely remarkable energy and versatility. He was a medical doctor, held a doctorate in psychology and published a newspaper for nearly 50 years. He was local president of the NAACP and worked side by side with many of the giants of the civil rights era. Born in a time and place where discrimination and violence were commonplace, he remained passionately concerned about peace and equality throughout his entire life.

Although his contributions reasonate most clearly in San Francisco's African-American neighborhoods, Dr. Goodlett's example and spirit were in inspiration to many young Americans, irrespective of race. When he acted or spoke, his message was meant for anyone with an open heart and mind. He embraced people with great warmth and ideas with great facility. He was a leader in the truest sense.

At the Sun-Reporter, he nurtured numerous fledgling writers, giving them the opportunity to develop their professional talents while simultaneously providing readers with invaluable insight into a vibrant community at play, at work, in worship, and in struggle. As a physician, he helped guide young men and women into medicine. As a civil rights leader and advocate for peace, he appealed to the conscience of leaders and citizens alike.

Dr. Goodlett considered life and community to be sacred. Though his time has come and gone, his message of hope and fairness endures. For all he did for others, he will forever be treasured and missed.•

TRIBUTE TO KENT DAVIS ON HIS RETIREMENT FROM THE MANCHESTER, NH, VETERAN AFFAIRS REGIONAL OFFICE

• Mr. BOB SMITH. Mr. President, I rise today to honor Kent Davis for his diligent work over the years on behalf of New Hampshire's veterans. My staff and I have worked with Kent on important veterans issues and we have always admired his hard work and dedication to his job. He will be sorely missed by many. As a fellow veteran, I congratulate him on his service to the Manchester Veteran Affairs regional office.

Kent has been the head of the adjudication office at the Manchester Veteran Affairs regional office for the past 12 years, and has served as our congressional liaison. We have come to rely on him for information and guidance on matters of concern to New Hampshire veterans. He has provided outstanding service, and we were always confident that Kent provided the veterans of New Hampshire every consideration for benefits and services.

In 1989, Kent was given an award for the outstanding adjudication division, and he received numerous commendations and excellent evaluations.

Kent was always willing to go the extra mile to help a veteran. When any problem arose, he was quick to find a resolution or provide an answer. His valuable expertise, knowledge, and experience helped my New Hampshire congressional offices to be responsive and serve New Hampshire veterans expeditiously.

Kent graduated from Chico State College in Chico, CA, with a bachelor's degree in sociology in 1966. He achieved his master's degree in public administration at the University of New Mexico in Albuquerque in 1971.

Kent is not only a professional, but also displays a good sense of humor which always made it a pleasure to work with him. On behalf of myself, the veterans in New Hampshire and my staff, we wish Kent every happiness and continued success in the years to come.•

LAWRENCE M. GRESSETTE, JR.: EXCELLENCE IN PUBLIC SERVICE

• Mr. HOLLINGS. Mr. President, Lawrence Gressette, Jr., is well known to all of us in South Carolina and we salute him as he retires on February 28 as chairman of the board and chief executive officer of SCANA Corp., in Columbia, SC.

Excellence is a Gressette family tradition. Lawrence Gressette learned much at the knee of his father, Marion, the esteemed attorney and South Carolina State senator. He once told Lawrence, "Things must not only be right but should also look right." Lawrence Gressette has long adhered to his father's sage advice. In college, he not only played football for Clemson University, he earned a football scholarship. He was so liked and respected by his classmates that they elected him student body president. At the University of South Carolina Law School, he finished first in his class. Upon graduation, he joined in his father's practice and earned a reputation as a solid litigator.

It was in working alongside his father that Lawrence Gressette became involved with utility regulatory work. The powers that were at South Carolina Electric and Gas were so impressed with his talents that they persuaded him to become a senior vice president in 1983 and executive vice president the following year. In 1990, John Warren retired as CEO of SCE&G's parent company, SCANA, and the board of directors tapped Lawrence to fill the top spot. Through vision and consistent leadership, he has guided SCANA into a successful, cohesive commercial force —a goliath of energy-related and communications businesses. Fortunately for all of us, he has shared his talents with his community as well. Some of his achievements include: chairman of the board of trustees for Clemson University, trustee of the Educational Television Endowment of South Carolina, member of the steering committee of the South Carolina Governor's School of the Arts, and chairman of the United Way of the Midlands. Through it all, he has been blessed with the love and support of his wife, Felicia, and their three children. Although Lawrence will be sorely missed at SCANA, I am confident that he will continue in his role of excellent public service and will hand down this Gressette legacy to his four grandchildren.•

PROHIBITION OF INCENTIVES FOR RELOCATION ACT

• Mr. KOHL. Mr. President, I would like to take just a few moments to comment on the Prohibition of Incentives for Relocation Act, introduced yesterday by my colleague from Wisconsin, Senator FEINGOLD. I strongly support and am an original cosponsor of this legislation, the passage of which is of great importance to workers in Wisconsin and all across the country.

For the third consecutive Congress, we have introduced this legislation to amend the Housing and Community Development Act to prohibit the use of Federal funds, directly or indirectly, for business relocation activities that encourage States and communities to steal jobs from one another.

My background is in business. I know well that in today's tough economic environment, it is commonplace for businesses to relocate or downsize their operations in order to maintain a competitive edge. In so doing, some choose to leave one location in favor of another location in a different State. However painful, mobility and adaptability have become important business survival tactics. But there's a catch: in some instances, relocation activities have been partially subsidized or underwritten by Federal funds. In other words, while it appeared that Federal moneys were fueling job creation in one community, the flip side of the coin revealed that those moneys were fueling job losses elsewhere.

Mr. President, that is just plain wrong; wrong in terms of fairness; wrong because it violates the spirit of the law. And it's public policy without vision: if States start fighting each other for jobs, instead of creating employment opportunities from the ground up, any regional or national economic cooperation will be lost.

This issue was first brought to our attention in 1994 when Briggs & Stratton Corporation announced plans to relocate 2,000 jobs from Milwaukee to other locations, including two that had used Federal community development funds to expand their operations. We introduced this legislation then, and in 1995 a version of the bill was adopted as an amendment to an appropriations bill. Although our amendment was dropped in conference, the final bill did include language requesting that the Department of Housing and Urban Development [HUD] report to Congress on the costs and benefits of maintaining an information database on this issue.

We are still waiting for HUD's report, but the need to act is no less significant today than it was in 1994. In fact, in December 1996, the Wisconsin State Journal reported that the communications director for the Michigan Jobs Commission had stated, and I quote, "we will aggressively pursue Wisconsin companies for relocation into Michigan."

Mr. President, we were disheartened by Michigan's attitude to say the least, and we contacted then-HUD Secretary Cisneros, Assistant Secretary Singerman at the Economic Development Administration [EDA] and Administrator Lader at the Small Business Administration [SBA] to urge all three to be vigilant when distributing Federal funds. We wanted to be sure that their agencies were not inadvertently encouraging Michigan to steal jobs from Wisconsin. I am pleased to report that Assistant Secretary Singerman responded by affirming EDA's sensitivity to the issue and want to add that both EDA and SBA are already governed by antijob piracy provisions. We are simply proposing that these types of provisions govern HUD programs as well.

Our attention to this matter is imperative. Community development for all Americans is best achieved by promoting new growth, rather than promoting job raids between hard-pressed communities. I urge my colleagues to take this issue seriously by acting upon this legislation as soon as possible.•

RULES FOR SPECIAL COMMITTEE ON AGING

Mr. GRASSLEY. Mr. President, pursuant to the standing rule 26, I submit the rules for the Special Committee on Aging to be printed in the CONGRESSIONAL RECORD. These rules were adopted by the committee during its business meeting on January 29, 1997.

The rules follow:

JURISDICTION AND AUTHORITY[1]

S. RES. 4, § 104, 95TH CONG., 1ST SESS. (1977)

(a)(1) There is established a special Committee on Aging (hereafter in this section referred to as the "special committee") which shall consist of nineteen Members. The Members and chairman of the special committee shall be appointed in the same manner and at the same time as the Members and chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the special committee are initially appointed on or after the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the special committee, the number of Members of the special committee shall be reduced by one until the number of Members of the special committee consists of nine Senators.

(2) For purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)–(2) 9, and 10(a) of rule XXVI; and paragraphs 1(a)–(d), and 2 (a) and (d) of rule XXVII of the Standing Rules of the Senate; and for purposes of section 202(i) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(2) The special committee shall, from time to time (but not less often than once each year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the service of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the special committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any Member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the Member signing the subpoena.

(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

RULES OF PROCEDURE

141 CONG. REC. S3293 (DAILY ED. FEB. 28, 1995)

I. Convening of meetings and hearings

1. MEETINGS. The Committee shall meet to conduct Committee business at the call of the Chairman.

2. SPECIAL MEETINGS. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

3. NOTICE AND AGENDA:

(a) HEARINGS. The Committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) MEETINGS. The Chairman shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) SHORTENED NOTICE. A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. PRESIDING OFFICER. The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the Ranking Majority Member present shall preside. Any Member of the Committee may preside over the conduct of a hearing.

II. Closed sessions and confidential materials

1. PROCEDURE. All meetings and hearing shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meeting or hearing may be closed by a vote in open session of a majority of the Members of the Committee present.

2. WITNESS REQUEST. Any witness called for hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. CLOSED SESSION SUBJECTS. A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: (1) national security; (2) Committee staff personnel or internal staff management or procedures; (3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; (4) Committee investigations; (5) other matters enumerated in Senate Rule XXVI (5)(b).

4. CONFIDENTIAL MATTER. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

5. BROADCASTING:

(a) CONTROL. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) REQUEST. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

III. Quorums and voting

1. REPORTING. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. COMMITTEE BUSINESS. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. POLLING:

(a) SUBJECTS. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) PROCEDURE. The Chairman shall circulate polling sheets to each Member specifying the matter being poled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls, if the Chairman determines that the polled matter is one of the areas enumerated in Rule II.3, the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

IV. Investigations

1. AUTHORIZATION FOR INVESTIGATIONS. All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. SUBPOENAS. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. INVESTIGATIVE REPORTS. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

V. Hearings

1. NOTICE. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. OATH. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or

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[1] As amended by S. Res. 78, 95th Cong., 1st Sess. (1977), S. Res. 376, 95th Cong., 2d Sess. (1978), S. Res. 274, 96th Cong., 1st Sess. (1979), S. Res. 389, 96th Cong., 2d Sess. (1980).

any member, may request and administer the oath.

3. STATEMENT. Any witness desiring to make an introductory statement shall file 50 copies of such statement with the Chairman or clerk of the Committee 24 hours in advance of his appearance, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize his prepared statement.

4. COUNSEL:

(a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

(b) A witness is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. TRANSCRIPT. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact, the Chairman or a staff officer designated by him shall rule on such request.

6. IMPUGNED PERSONS. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the Committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other witnesses called by the Committee. The Chairman shall inform the Committee of such requests for appearance or cross-examination. If the Committee so decides; the requested questions, or paraphrased versions or portions of them, shall be put to the other witness by a Member or by staff.

7. MINORITY WITNESSES. Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority Members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. CONDUCT OF WITNESSES, COUNSEL AND MEMBERS OF THE AUDIENCE. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

VI. Depositions and commissions

1. NOTICE. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. COUNSEL. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule V.4.

3. PROCEDURE. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Committee.

4. FILING. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. COMMISSIONS. The Committee may authorize the staff by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VII. Subcommittees

1. ESTABLISHMENT. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. JURISDICTION. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. RULES. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

VIII. Reports

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

IX. Amendment of rules

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

RULES OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

● Mr. D'AMATO. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rule of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD, the rules of the Committee on Banking, Housing, and Urban Affairs.

The rules follow:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(ADOPTED IN EXECUTIVE SESSION, JANUARY 28, 1997)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) Investigations.—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Minority Member have specifically authorized such investigation.

(b) Hearing.—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(c) Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(d) Interrogation of witnesses.—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Committee.

(e) Prior notice of markup sessions.—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) Prior notice of first degree amendments.—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless (1) fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting, or (2) with respect to multiple first degree amendments, each of which would strike a single section of the measure under consideration, fifty copies of a single written notice listing such specific sections have been delivered to the Committee at least 2 business days prior to the meeting. An amendment to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable in the second degree by the Senator offering the amendment to strike. This subsection may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Minority Member. This subsection shall apply only when at least 3 business days written notice of a session to markup a measure is required to be given under subsection (e) of this rule.

(g) Cordon rule.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) Authorization for.—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) Membership.—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) Investigations.—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) Hearings.—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee or by a majority vote of the Subcommittee.

(e) Confidential testimony.—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) Interrogation of witnesses.—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Subcommittee.

(g) Special meetings.—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at the meeting.

(h) Voting.—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) Filing of statements.—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (24 hours preceding his or her appearance) 120 copies of his statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) Length of statements.—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) Ten-minute duration.—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

(d) Subpoena of witnesses.—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Minority Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) Counsel permitted.—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

(f) Expenses of witnesses.—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Minority Member of the Committee.

(g) Limits of questions.—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) Vote to report a measure or matter.—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) Vote on matters other than to report a measure or matter.—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 40 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls,
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.●

ORDER OF BUSINESS

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 314 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS. Mr. President, I thank you for the time. I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT AND SOCIAL SECURITY TRUST FUNDS

Mr. REID. Mr. President, hopefully the week we get back, we will be able to start a serious debate on the most important issue relating to the balanced budget amendment, namely whether or not Social Security trust fund moneys should be counted in the constitutional amendment to balance the budget.

There will be an amendment offered, of course, that the Social Security trust fund moneys should be excluded from that. It seems each day that goes by we get added support for our amendment. We have received support over the months from various individuals, and just yesterday we received an opinion from the Congressional Research Service of the Library of Congress that was very important.

There has been some talk in the Chamber today that they have changed their opinion. Nothing could be further from the truth. And that certainly can come from reading the transmission from the American Law Division of the Congressional Research Service today. My friend, the Senator from North Dakota, will discuss this when I complete my remarks. But, Mr. President, all you need to do is read this new document that they put out where it says:

> Only if no other receipts in any particular year could be found would the possibility of a limitation on drawing down the Trust Funds arise. Even in this eventuality, however, Congress would retain the authority, under the [balanced budget amendment] to raise revenues—

Of course, if you can get a supermajority.

> or to reduce expenditures—

That's very true, you could continue to cut.

> to obtain the necessary moneys to make good on the liquidation of securities from the Social Security Trust Funds.

Mr. President, this is certainly the same opinion that they rendered yesterday. The Social Security Trust Fund is the largest money out there, this year, $80 billion. This is being applied toward the deficit to make it look smaller. And that is all they are saying, that is, in effect, when it comes time to balance the budget, they will look to Social Security. The way the balanced budget amendment is written, if there are not surpluses over and above the Social Security Trust Fund moneys, people simply would not be able to draw their checks.

I will yield the floor——

Mr. DORGAN. I wonder if the Senator will yield?

Mr. REID. I will be happy to.

Mr. DORGAN. Mr. President, I wanted to make an observation and make a point. The Congressional Research Service has sent a second letter. I wanted to make the point the Senator from Nevada made. The second letter says the same as the first letter on the question of whether surpluses in the Social Security Trust Fund can be used in the outyears to be spent for Social Security needs. The answer is, in the first letter from CRS and in the second, the answer is no, unless there is a corresponding tax increase in the same fiscal year, or corresponding spending cuts, equal to those surpluses. And that is the very point we were making.

The second letter from the Congressional Research Service simply says the same thing that they said earlier with slightly different wording. We want to make that point, that this is not a change in position for them at all.

In the outyears, the way the constitutional amendment to balance the budget is worded, the Government would be prevented from using the surpluses accrued in the Social Security Trust Fund that were saved for the specific purpose of being used later when they were needed. It would be prevented from using those unless in those years it also increased taxes sufficient to cover them or cut spending sufficient to cover them. This, despite the fact that they were accrued as surpluses, above other needs in the Social Security system now, in order to meet the needs in the future.

I know this is confusing. We just wanted to leave the message that the Congressional Research Service is saying the same thing. This is not a change in message from them at all, and this is about a $3 trillion issue. It is of great significance, and I hope Members will take account of it as we consider these issues.

Mr. REID. I say to my friend from North Dakota, also, we will discuss this at great length right after the break. But it is interesting that we are talking about trust fund moneys like it is some fungible commodity that can be used for any purpose. The fact of the matter is, Social Security Trust Fund moneys are put, supposedly, into a trust fund to be used for people's retirement, not to make the deficit look smaller.

Mr. DORGAN. If the Senator will yield for 1 additional minute, that is exactly the point of this debate. It is not an attempt in any way to create more diversion, or any diversion, on the issue of a constitutional amendment to balance the budget.

The question is, Shall the Constitution be altered? But we are raising the question of, if an alteration of the Constitution is made, how will that affect, in the outyears, the opportunity to spend the surpluses that we are accruing each year now because we need it when the baby boomers retire?

And the answer is, according to the Congressional Research Service, it will have a profound and enormous effect on the Government's ability to do that. That is what we want our colleagues to understand.

The PRESIDING OFFICER. The Chair will inform the Senators, under the previous order we were in morning business for up to 5 minutes each, and I must notify the Senators that time has elapsed.

The Senator from Utah.

Mr. HATCH. Mr. President, I would like to take this time to briefly respond to my friend from North Dakota and others. In their press conference that was held this morning, as I understand it—I was not there, but Senators CONRAD, DORGAN and REID were—at that event a one-page memorandum from the Congressional Research Service, which was inaccurately termed a "study," was characterized as proof that passage and ratification of the balanced budget amendment will harm Social Security.

The problem is that the CRS memorandum did not conclude that at all. All the CRS memorandum concluded was that the Social Security existing surpluses after 2019—the year the program no longer produces surpluses because of the retirement of the baby boomers—cannot be used to fund the program unless such expenditures were offset by revenue or budget cuts.

Of course, this is technically true. That is what a balanced budget does. It balances outlays and receipts, and expenditure of any part of the budget is an outlay.

But these critics of the balanced budget fail to mention a few things. They fail to mention that CRS, in the memorandum, also concluded that the present day surpluses are "an accounting practice." Past CRS studies clearly demonstrate that the Social Security trust funds are, indeed, an accounting measure. There is no separate Federal vault where Social Security receipts are stored. Social Security taxes—called FICA taxes—are simply deposited with all other Federal revenues. The moneys attributed to Social Security are tracked as bookkeeping entries so that we can determine how well the program operates. As soon as the amounts attributed to FICA taxes are entered on the books, Federal interest-bearing bonds are electronically entered as being purchased. That is the safest investment that exists in the world today.

This country has a unified budget. This means that the proceeds from Social Security taxes are part of the Treasury—of general revenue. CRS has recognized this.

Moreover, I might add, without including the present day surpluses, the budget cannot be balanced. That is why President Clinton has included Social Security funds in every one of his budgets.

Do Senators DORGAN, CONRAD, and REID oppose that? If they do, they have a right to, but the President includes them because he has to.

I recognize that Social Security is in danger. But the problem is not the inclusion of Social Security funds in the budget. The problem is that, with the retirement of the baby boomers and that generation, there will not be enough FICA taxes to fund their retirement. CRS, in a study, concluded that the present day surpluses would not be sufficient to resolve this problem. CRS concluded that the Social Security program needs to be fixed.

Finally, not including Social Security in the budget would harm the program. Congress could rename social programs—as they have done before—as Social Security and use the FICA taxes to fund those programs to the detriment of senior citizens; that is, if we do not handle this matter the way the balanced budget amendment requires us to do.

My colleagues' problem, in reality, is not with the balanced budget amendment but with the problems the Social Security program faces and will face in the future. We need to fix that. Adopting the balanced budget amendment is a good start. If we do not do that and if they take these matters so they are not part of the unified budget, then I submit every senior in this country is going to be hurt some time in the future because there will not be the will to get matters under control and spending under control.

We saw the charts of the distinguished Senator from West Virginia all afternoon, which I think make my case, and so do these 28 years of unbalanced budgets. The only way we are going to face up to the needs of Social Security and the needs of our seniors is if it is part of the unified budget.

Frankly, the CRS is right, this is an accounting process. The way to do it right is to have a balanced budget amendment passed that works.

Mr. President, I ask unanimous consent that the Congressional Research Service, Library of Congress, February 12, 1997, letter to the Honorable PETE V. DOMENICI, attention Jim Capretta, from the American Law Division, on the subject of "Treatment of Outlays from Social Security Surpluses under BBA," signed by Johnny H. Killian, Senior Specialist, American Constitutional Law, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 12, 1997.

To: Honorable Pete V. Domenici, Attention: Jim Capretta.

From: American Law Division.

Subject: Treatment of Outlays from Social Security Surpluses under BBA.

This memorandum is in response to your inquiry with respect to the effect on the Social Security Trust Funds of the pending Balanced Budget Amendment (BBA). Under S.J. Res. 1 as it is now before the Senate, §1 would mandate that "[t]otal outlays for any fiscal year shall not exceed total receipts for that fiscal year. . . ." Outlays and receipts are defined in §7 as practically all inclusive, with two exceptions that are irrelevant here.

At some point, the receipts into the Social Security Trust Funds will not balance the outlays from those Funds. Under present law, then, the surpluses being built up in the Funds, at least as an accounting practice, will be utilized to pay benefits to the extent receipts for each year do not equal the outlays in that year. Simply stated, the federal securities held by the Trust Funds will be drawn down to cover the Social Security deficit in that year, and the Treasury will have to make good on those securities with whatever moneys it has available.

However, §1 of the pending BBA requires that total outlays for any fiscal year not exceed total receipts for that fiscal year. Thus, the amount drawn from the Social Security Trust Funds could not be counted in the calculation of the balance between total federal outlays and receipts. We are not concluding that the Trust Funds surpluses could not be drawn down to pay beneficiaries. The BBA would not require that result. What it would mandate is that, inasmuch as the United States has a unified budget, other receipts into the Treasury would have to be counted to balance the outlays from the Trust Funds and those receipts would not be otherwise available to the Government for that year. Only if no other receipts in any particular year could be found would the possibility of a limitation on drawing down the Trust Funds arise. Even in this eventuality, however, Congress would retain authority under the BBA to raise revenues or to reduce expenditures to obtain the necessary moneys to make good on the liquidation of securities from the Social Security Trust Funds.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we will likely have a longer debate about this, and I shall not lengthen it today, but the Senator from Utah always makes a strong case for his position.

In the circumstances this evening, he, once again, has made a strong case, but on a couple of points, in my judgment, he is factually in error, and I want to point that out.

In one respect he is not in error, he is absolutely correct. President Reagan, President Bush, and President Clinton have all sent budgets since 1983 to this Congress—1983 is the period in which we began to decide we were going to accumulate substantial surpluses in Social Security to save for a later time when they are needed—all Presidents have sent budgets to this Congress that use the Social Security trust funds as part of the unified budget. I think 2 days ago on the floor of this Senate, I pointed out the President did that in his budget, and his budget that he says is in balance is not in balance. I pointed that out about this President. I made the same point about President Bush and President Reagan when they did it as well.

But, having said that, the Senator from Utah says the Social Security trust funds that are derived from Social Security taxes taken from paychecks of workers all across this country and from the employers, is a technical issue, and they simply go into all other funds and they are commingled. This technical resolution of all these moneys means that there really is not a dedicated Social Security fund, and so on and so forth.

I would be happy to go for a drive with the Senator from Utah to Parkersburg, WV, where the Social Security trust fund securities are held under armed guard. I might even be able to bring him a copy of one of those securities so we could show him that those securities exist. They are held under armed guard. I can tell him where they are held, and it is not merely technical. It is much, much more important than that.

If it is purely technical, then I say to the tens of millions of workers out there, "The next time you get your paycheck stub and you see that little portion where they take some tax away from you and they say, 'We're doing this to put it in the Social Security account and it's a dedicated tax to go into a dedicated trust fund to be used for only one purpose,' you deserve a tax break; you ought not be paying that if it is not going to where it is indicated it is going, to a trust fund to save for the future." If this is just like other money, commingled with other funds, let's stop calling it a trust fund, let's stop calling it a dedicated tax and call it an income tax, and a regressive one because everybody pays the same amount.

In fact, it is the case that most Americans pay more in this payroll tax than they do in taxes, regrettably, but they do so because they believe it goes into a trust fund. I reject the notion somehow that there is no difference between all this money. I think the trust funds are dedicated funds that we promised workers would be saved for their future.

The Congressional Research Service says nothing in the second letter they did not say in the first. They say—and you can say it two ways—the Government with this constitutional amendment to balance the budget, the way it is worded, would be prevented from using the Social Security trust funds in the outyears, when we are going to use that surplus because it is needed, unless a corresponding tax increase or corresponding spending cut equal to those trust funds is enacted by Congress. That is one way of saying it.

The other way of saying it, which they now have in this paper, says the Congress, in the outyears, can use the Social Security trust funds, but only if there is a corresponding tax increase or spending cut. It is another way of saying exactly the same thing. Why use two pieces of paper when you can use one? It doesn't matter much to me. It is probably a waste of paper, but it says exactly the same thing.

I want to make one final point. The reason I have taken issue with President Bush, President Reagan, and, yes, President Clinton on this issue, and taken issue with the Senator from Utah, is embodied in the debt clock that the Senator brought to his hearing. I hope we will have this discussion at some point soon. The Senator will I think agree that the clock showing the amount of public debt that is owed in this country will not stop with the passage of this balanced budget amendment and the passage of a budget that complies with this amendment.

I ask the Senator from Utah, is it not true that if the Congress passes this constitutional amendment to balance the budget and then passes a budget in compliance with that, in the very year in which that budget is so-called balanced, is it not true that the Federal debt will increase $130 billion in that year? And if it is, and I believe the Senator from Utah would admit that it is, if it is true that in the year in which it is represented to the American people that the budget is balanced, then why does the Federal debt rise by another $130 billion? Somehow that doesn't pass any standard of common sense in my hometown.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Thank you, Mr. President. It is interesting to see what has transpired in this past year. It seems there is a new tact now to get the constitutional balanced budget amendment passed, and that is to trash Social Security—"it is going broke; its program is bad; the baby boomers aren't going to get any money"—to do what we can to make Social Security look bad.

Mr. President, Social Security is the most successful social program in the history of the world. It is a good program, and people who want to say Social Security is in deep trouble, it is going out of business soon, simply are wrong. Even the 13-member bipartisan commission which reported back on Social Security acknowledged that until the year 2029, Social Security is going to pay out all the benefits as it now pays out. In fact, in the year 2029, if we did nothing else, benefits would still be paid out at about 80 percent.

We have to do some adjustment to Social Security in the outyears. There are many ways we can do that.

Social Security is not in trouble of going broke unless this balanced budget amendment passes, and then there is going to be some real trouble. The trouble is that the surpluses have been and will continue to be used to balance the budget. The fact that there has been a procedure used in years gone by that is wrong does not mean we should enshrine that in the Constitution.

So I suggest that the argument that Social Security is going broke is about as valid as the argument that is used on a continual basis that States balance their budget. The State of Nevada balances its budget, but capital improvements are off budget.

So, Mr. President, I believe we should have a constitutional amendment to balance the budget. I am willing to go for that. I voted for all the motions to table. But I believe we should exclude Social Security trust fund moneys from the numbers that allow the false way of obtaining a balanced budget.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I say to my dear friend and colleague, that would be one of the most tragic errors we could make. To me, that would be almost fiscal insanity.

I am not saying anything is purely technical. What I am saying is that the money, not the securities, the money from FICA is commingled with all Treasury funds. Everybody knows that. That is No. 1.

No. 2, as to the outyear issue, CRS says in various studies that the present surplus is not enough to fund the needs of the system when the baby boomers retire. That is a reality.

No. 3, not including Social Security within the purview of the balanced budget amendment will ultimately hurt that program, because there will not be the same force to reform the program and make sure it works when the baby boomers come on that there may be now, that is included in the unified budget.

I might also add, Mr. President, this is very important. This is the highest item in the Federal budget. How can we take it out of the unified Federal budget and not consider it? Yes, we have surpluses for a few years, but then all of a sudden, it goes into deep deficit. Both sides need to be in the full balanced budget if we are going to meet our realities and meet our necessities.

The question of the Senator from North Dakota, Senator DORGAN, "If the balanced budget amendment would truly require a balanced budget, then why will the debt increase," is, with all due respect, a bit of sophistry. The balanced budget amendment will require a balanced budget. Outlays must not exceed receipts under section 1 of Senate Joint Resolution 1.

It is true that gross debt may still increase even if the budget is balanced. That is because the Government's exchange of interest-bearing securities for the present Social Security surplus is counted in the gross debt. It is merely an accounting or bookkeeping notation of what one agency of Government owes another agency. It is analogous to a corporation buying back its stock or debentures. Such stocks and bonds are considered retired obligations that, once retired, have no economic or fiscal significance.

Moreover, the Defense and Energy Departments list billions of dollars of environmental and nuclear cleanups as liabilities. All in all, gross debt, which includes all debt, is simply an overall indicator of Federal Government obligations. This sets the floor on increasing debt that has a direct, current effect on the overall economy, as the administration agrees. This is very different from obligations owed by the Federal Government to the public. This type of debt termed "net debt" or debt held by the public is legally enforceable and is what is economically significant.

If net debt zooms because of interest payments of debt, which last year amounted to $250 billion, budget deficits balloon with all the dire economic consequences. To assure that budgets will be balanced unless extraordinary situations arise, debt held by the public cannot be increased unless three-fifths of the whole number of each House concur.

It is true that a balanced budget amendment does not by itself reduce the $5.3 going to $5.4 trillion national debt. But what it does do is straighten out our national fiscal house. Passage of Senate Joint Resolution 1 will increase economic growth. Almost everybody agrees to that on Wall Street. It will increase economic growth. It will allow us to run surpluses. With this, our national debt may be decreased if Congress desires to do so in the interest of national security, stability, and prosperity.

Without Senate Joint Resolution 1, as we saw from the charts of the distinguished Senator from West Virginia all afternoon long today, without Senate Joint Resolution 1, this will be an impossibility. We will just continue the same darn programs producing deficits producing the 28 years of unbalanced budgets, unbalanced budgets that will just continue on ad infinitum. Ultimately our kids are going to have pay these debts, and it will be a doggone big debt for them. We just cannot do it to them.

I just suggest to my colleagues, as sincere as they are, the worst thing they can do for our senior citizens is to try to exclude Social Security from the budget because then all these big spenders around Congress are going to find everything to be a Social Security expenditure. Ultimately, it will impinge on the Social Security program and ruin the program, which Senator REID this evening has rightly called one of the greatest programs in the history of the world. He called it the greatest. I will certainly say it is one of the greatest in the history of the world.

If we want it to continue, it seems to me we have to treat it, since it is a high item in our budget, as a budgetary item. These accounting approaches are going to go on no matter what happens. So I think if we pass the balanced budget amendment, a balanced budget will ultimately become a reality. We are going to have to face reform of Social Security in the best interests of our senior citizens.

If we keep going where we are going, there will not be any moneys for Social Security and a lot of people are going to get hurt. To exclude Social Security from the budget is penny wise and pound foolish and it is a fiscal gimmick to try to take the largest item in the Federal budget out of the Federal budget without reforming the program to keep it solvent. Passage of the balanced budget amendment will pressure Congress to fix Social Security. Passage of the balanced budget amendment will help increase revenues and economic growth that will aid Social Security.

I yield the floor.

Mr. DORGAN. Mr. President, I wonder if I might—I will not belabor this because there will be another time when we can have a lengthier discussion. I hope we can have some questions back and forth.

The Senator used the word "sophistry." I was recalling when in high school I worked at a service station and learned how to juggle three balls. I remember how difficult it was when I started trying to learn to juggle three balls at once, but how easy it became once I learned how. And I marvel sometimes at how those who really know how to juggle do it with total ease. It seems effortless.

The juggling that I just saw was interesting. The Senator said there may be an increase in gross debt even when the budget is in balance. It is not "may." The Congressional Budget Office says there "will" be an increase in gross debt by $130 billion the very year in which people claim there is a balanced budget. So it is not "may"; it is "will."

The question I was asking was, does that matter? Is it not a paradox or contradiction that when we say we have balanced the budget, my young daughter will inherit a higher national debt? And the Senator from Utah, I think, said, yeah, but that is just technical. He said the gross debt is different than the net debt.

In fact, the only reason we keep track of the gross debt, as I heard him say it, is because it has an impact on the economy. But if it has an impact on the economy, I did not understand the second position of why it does not count. It seems to me that the circumstances of the gross debt are that if you increase the indebtedness of the Federal Government, this cannot simply be on cellophane paper someplace. It represents securities that my daughter and sons and all others in the country will have to repay. I would be happy to yield for a question.

Mr. HATCH. Let me just say I never did learn how to juggle things. I think that is one reason why I strongly believe in balanced budgeting, is because I am tired of all the juggling that has gone on around here. But under the exemption proposal of the distinguished Senator from North Dakota, the debt will increase much faster because there is nothing being done about it. His proposal does not change that one bit.

Our proposal says we are tired of this. We are tired of 28 straight years of unbalanced budgets, and we want to face the music of budget deficits and do it within the realm of fiscal restraint. And, if we do not keep all items together, then there are going to be loopholes that literally will blow this country apart. We will have the regular budget and a separate Social Security budget. One will be required to be balanced under the constitutional amendment and the other will be an exempted Social Security budget that can run deficits because under the proposal it will be excluded from the constitutional amendment. Congress will transfer costly programs to the exempted budget. These costly programs will be funded out of Social Security revenues. This will ruin and hurt every senior citizen in this country. Exempting Social Security is just a fiscal gimmick.

Mr. DORGAN addressed the Chair.

Mr. HATCH. We also know it is accounting.

Mr. DORGAN. Reclaiming my time, I was yielding for a question. I guess the question that often comes up for us is: Isn't our balanced budget amendment a gimmick? Isn't yours real, the one offered by the Senator from Utah? The answer, I would say to the Senator from Utah, is, it is now 6:27. If at 6:28 we pass and all the States ratify your proposal, at 6:29 will there have been one penny difference in the Federal debt or the Federal deficit? The answer is "No."

Mr. HATCH. Of course not. Of course not. But passage of the balanced budget amendment is the first and only real step toward a balanced budget and fiscal sanity.

Mr. DORGAN. I say this. My proposal is a proposal to similarly require a balanced budget. I think there is merit in that discipline. But I would say this. When we alter the Constitution to require a balanced budget, I want to do it in a way that really requires that this debt clock that you brought to your hearing that day stop, dead stop; not a slow creep, but a dead stop. No more debt for your kids, my kids, no more debts for this country, so we can start paying down the debt rather than continue to increase the debt.

I do not want to create a shell game here where we say, let us have a giant feast because we have balanced the budget, and then have someone, some little kid point up to that debt clock and say, "Gee, Daddy, why is the debt clock still increasing, because Senator HATCH or Senator so and so said we balanced the budget?"

I say you and I do not have a disagreement about what we ought to be doing. We ought to balance the budget. Nor do we have a disagreement about whether there is merit to have put it in the Constitution.

We have a very big disagreement about the $3 trillion in the next 20 years or so in Social Security surpluses, deciding that we ought to take those out of reach and save them for the purpose we said we are going to save them for. We have great disagreement about whether or not that is a gimmick or whether that is important for the future of this country. That is where we disagree.

Mr. HATCH. I think that is true. Let me just say, so I clarify, I did not say that the distinguished Senator from North Dakota is a sophist, though I think he would make a good one. I did say that I think his arguments are—

Mr. DORGAN. I did not say the Senator from Utah could juggle, although I think it looks to me like he has that talent.

Mr. HATCH. I admitted I could not.

Mr. DORGAN. I think he has the talent, the potential.

Mr. HATCH. Let me say this. I think there is a good argument the gross debt increase does not matter in this context. Why? Because it is just evidence of what one agency in the Government owes another agency. What is of economic consequence is net debt—net debt; that is debt held by the public which is legally enforceable.

Now, I have to say that the Senator's proposal does not stop the debt from growing, and under his proposal, if this balanced budget amendment goes down, if his amendment was added—and it will go down and everybody knows that—the gross debt will grow at least as fast. So his solution is not a solution.

We all know that the only balanced budget amendment we have a chance of passing is the underlying amendment that includes everything on the budget. We also all know, in all fairness, that Social Security should be included because it is more than capable of competing with other programs, and it ought to have to compete. Let me tell you this, if it is not on there, I think it is a risky gimmick to take it out.

When somebody says our balanced budget amendment is a gimmick, I agree with the Senator from Maine, OLYMPIA SNOWE, who said today, if it was a gimmick, we would have passed it long ago. The fact is that it is why it is being fought so hard against. It will put fiscal restraints and discipline on all items of the budget that has been long overdue. I think that has to be done.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have been listening to this debate with a great deal of interest. I was especially interested that the Senator from Utah described as a fiscal gimmick separating out the Social Security trust fund from the rest of the Federal budget, because, if I am not mistaken, the Senator from Utah himself voted for that very proposition in 1990. In fact, we had a vote right on the floor of the U.S. Senate on the specific question of whether or not we were going to count the Social Security trust fund as part of the overall budget or not.

I believe separating out the Social Security trust fund received 97 or 98 votes. I believe the Senator from Utah was recorded in favor of the proposition that he now describes as a gimmick. I do not believe that he felt it was a gimmick then, and I do not believe that anybody who voted for it believed it was a gimmick then. It was a move to try to stop the nefarious practice of using Social Security trust fund surpluses to mask the true size of the operating deficit in this country.

Now what they are seeking to do is put that flawed principle in the Constitution of the United States. I just note that back in 1990 when we had that vote, passed by a vote, as I recall, of 20 to 1 in the Senate Budget Committee.

Mr. HATCH. Will the Senator yield?

Mr. CONRAD. I am happy to yield to the Senator.

Mr. HATCH. That is quite a bit different from what I am saying. We did not include Social Security in the budget in Gramm-Rudman-Hollings solely so as to not give the President the right to sequester Social Security funds. But this exclusion was not from the budget itself. But we should not lock the exemption into the Constitution. We can always change statutes. It is much harder to amend the Constitution. We should not lock into the Constitution the largest item in the Federal budget, which is outside the purview of the constitutional amendment. If you start doing that, that is risky.

You do not know how that will affect senior citizens. It is likely to hurt the senior citizens, and it is better to keep things on budget. I suspect that there is no question in anybody's mind that Social Security is more than capable of fending for itself and of getting another 98-to-2 vote in the Senate and an equivalent vote in the House that you cannot tamper with it.

Frankly, I am one of those that would make sure to vote that you do not tamper with Social Security, to lock the exemption in the Constitution forever. Such a budgetary practice, is risky. That could have a terribly bad effect on senior citizens. I think senior citizens are starting to wake up to that. They know this issue has been used blatantly and politically and demogogically for years now. I think they are getting tired of it.

Mr. CONRAD. Mr. President, let me say I find this argument very interesting because the principle is identical.

In 1990, we had a vote on the floor of the U.S. Senate to separate out the Social Security trust fund from the rest of the Federal budget. The Senator from Utah voted in favor of separating out the Social Security trust fund.

Today, he says we ought to enshrine in the Constitution the reverse principle, that we ought to put them together, that the Social Security trust fund ought to be married to the rest of the Federal budget.

What is wrong with that principle is what was wrong with it in 1990, and what I believe 98 Senators said, that we are not going to merge the two, we will not count the Social Security trust fund with the rest of the budget, because it is a risky financial move to put the two together. It masks the size of the deficits in the early years, and in the later years creates a whole series of other problems.

Mr. HATCH. Will the Senator yield?

Mr. CONRAD. If I could finish the thought, we are in a circumstance now where the Senator from Utah is advocating when he says locking into the Constitution is a risky matter, that is precisely what he is advocating.

In 1990, he voted to keep Social Security separate from the rest of the budget. Now he is advocating a constitutional amendment that would force the two together.

Mr. President, I think the Senator from Utah was right in 1990 when he cast that vote. I think he is simply mistaken in offering this constitutional amendment that puts the two together.

What is the difference between the Social Security trust fund and other parts of the Federal budget? Mr. President, the primary difference is a dedicated revenue source. We withhold in the payroll of employees and employers specific amounts every month to go into a fund on the predicate they will then receive, when they retire, their Social Security benefit. Frankly, this proposal puts all of that at risk.

Mr. HATCH. I will end with this. The 1990 Budget Act basically stated in one section to take Social Security out of budget. It said in another section to leave it in. This is confusing. But both Congress and the President have construed the Budget Act of 1990 to allow Social Security to be included within the unitary budget.

Second, Social Security is not a pay-go system under the 1990 act. I want to add that once you make that decision to take the largest item out of the budget, you have provided a loophole where people can impinge on Social Security and hurt senior citizens. Anybody who does not believe in those loopholes better look at these stacks. They are filled with loopholes like that. We are trying to stop those loopholes.

I might also mention this, because I think it is pretty important. All constitutional scholars who testified before our committee, those for the balanced budget amendment and those against the balanced budget amendment, Senate Joint Resolution 1, testified that exempting Social Security in the Constitution was constitutionally risky. It is a risky gimmick to do that. No one knows how that will hurt the seniors, but we know it will. It would subject Social Security and the Constitution to a gaming approach. They could game the process. They could game Social Security. They could game the Constitution. That would be a disaster for our country.

Alan Morrison, one of the leading constitutional lawyers in this country, who disagreed about the wisdom of the balanced budget amendment, said: "Given the size of Social Security, to allow it to run at a deficit would undermine the whole concept of a balanced budget. Moreover, there is no definition of Social Security in the Constitution and it would be extremely unwise and productive of litigation and political maneuvering to try to write one. If there is to be a balanced budget constitutional amendment, there should be no exceptions."

In conclusion, the biggest threat to Social Security is our growing debt and the concomitant interest payments. That related inflation hits hardest on those on fixed incomes, and the Government's use of capital to fund debt slows productivity and income growth and siphons off needed money for worthwhile programs. The way to protect Social Security benefits is to pass Senate Joint Resolution 1, the balanced budget constitutional amendment.

The proposal to exempt Social Security would not only destroy the balanced budget amendment—the only one that can pass, a bipartisan amendment, a bicameral amendment, bipartisan in both parties—but, in all probability, would very badly hurt Social Security and every recipient of Social Security, and would definitely guarantee that the baby boomers would not have any Social Security in the future. They will come to the realization that it is going to hurt Social Security, too. The best thing we can do is keep everything in the budget and start being budget people who work, and who do what's right, and get rid of these 28 years of unbalanced budgets that have just about wrecked the country. And it could very well wreck Social Security.

I yield the floor.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the Senator from New York [Mr. D'AMATO] as Chairman of the Commission on Security and Cooperation in Europe.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified by the order of February 10, 1997, appoints the Senator from Tennessee [Mr. FRIST] to read Washington's Farewell Address on Monday, February 24, 1997.

ORDERS FOR THURSDAY, FEBRUARY 13, 1997

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. on Thursday, February 13. I further ask that immediately following the prayer, the routine requests for the morning hour be granted and the Senate then proceed to a period of morning business until the hour of 3 p.m., with Senators to speak during the designated times:

Senator THOMAS, or his designee, in control of the time from 11 to 12 noon; Senator REED of Rhode Island and Senator KENNEDY for up to 30 minutes each, between 12 and 1 o'clock; the time from 1 o'clock until 2 o'clock divided among the following Senators: Senator GRAMS for 20 minutes, Senator DOMENICI for 10 minutes, Senator MURKOWSKI for 10 minutes, Senator COATS for 10 minutes, Senator FAIRCLOTH for 5 minutes; the time between 2 o'clock to 3 o'clock divided in the following fashion: Senator GRAHAM of Florida, 10 minutes; Senator KOHL, 10 minutes; and Senator HOLLINGS, 45 minutes.

The PRESIDING OFFICER. Without objection——

Mr. FORD. Mr. President, reserving the right to object, and I probably will not. I would like to ask the distinguished Senator from Utah, the acting floor leader, this. We have more Senators that would like to have an opportunity to speak tomorrow as it relates to morning business. I see that you are cutting it off. And you have done a pretty good job there. You have 65 minutes assigned to an hour.

Mr. HATCH. Hopefully, by 2 o'clock tomorrow, the majority leader should be able to let us know what will be done thereafter. We can't extend morning business past 3 o'clock tomorrow.

Mr. FORD. Well, maybe we want to object to all of it, then, if we can't——

Mr. HATCH. I think we just have to work it out.

Mr. FORD. I understand you will work it out if you work it out your way. I just want us to have an opportunity to get involved in this. How do you intend to work it out?

Mr. HATCH. These are the only requests I have.

Mr. FORD. We have a list, a bushel basketful, just like you have, and these Senators want time. They have been told they could get time, and we expect to get them time.

Mr. HATCH. I am informed by the leadership office that we will be able to update the Senate about 2 o'clock tomorrow. Hopefully, these matters can be resolved. The majority leader may want to proceed to other business. I don't know. But my understanding is that there is going to be an effort to try to accommodate people. I think the two leaders will have to work that out. But we can't do it until 2 o'clock tomorrow.

Mr. FORD. Why can't the leader be asked tonight? We can suggest the absence of a quorum and see if we can get an answer tonight.

Mr. HATCH. Well, I think the Senator knows the problems of leadership. The things we are trying to do tomorrow can't be cleared tonight. So until we get to 2 o'clock, we can't resolve this.

Mr. FORD. Do I have the Senator's word that, at 2 o'clock tomorrow, this side will be notified as to the time available for us to allow our colleagues to have time in morning business—and it won't be 5 minutes; some will want more than 5 minutes. Some will want 15. I see on here that of the 1 hour you have, you have 65 minutes assigned. So you stretched it a little bit here. If you could do that on all the hours, maybe we can get more business done.

Mr. HATCH. I will certainly take the Senator's request to the majority leader and ask him to consider it.

Mr. FORD. I expect, at 2 o'clock, for us to be informed tomorrow as to how much time will be available to us and how many of my colleagues will be able to speak.

Mr. HATCH. I will take that request to the majority leader. I will certainly do that.

Mr. FORD. As long as it is a matter of record and you understand where I am coming from.

Mr. HATCH. I do. I know you are protecting your side, as you should.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATCH. Mr. President, for the information of all Senators, tomorrow, the Senate will be in a period of morning business to accommodate a large number of requests. It is still possible that the Senate will consider a resolution regarding milk prices during Thursday's session. Rollcall votes are, therefore, possible tomorrow. The Senate may also be asked to turn to the consideration of any other legislative or executive items that can be cleared.

ORDER FOR ADJOURNMENT

Mr. HATCH. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator MOSELEY-BRAUN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. MOSELEY-BRAUN pertaining to the introduction of S. 319 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. MOSELEY-BRAUN. Mr. President, I yield the floor.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11 a.m. Thursday, February 13, 1997.

Thereupon, the Senate, at 6:54, adjourned until Thursday, February 13, 1997, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate, February 12, 1997:

THE JUDICIARY

ALAN S. GOLD, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE JOSE A. GONZALES, JR., RETIRED.

ANTHONY W. ISHII, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA, VICE ROBERT E. COYLE, RETIRED.

LYNNE R. LASRY, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE JOHN S. RHOADES, SR., RETIRED.

IVAN L.R. LEMELLE, OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE VERONICA D. WICKER, DECEASED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID L. VESELY, 0433.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. LAWRENCE P. FARRELL, JR., 7344.

HOUSE OF REPRESENTATIVES—*Wednesday, February 12, 1997*

The House met at 10 a.m.

The prayer was offered by the guest chaplain, Rev. Richard Anderson, First Presbyterian Church, Aurora, IL:

Let us pray. O mighty God, the source of all goodness, please bless those who are in positions of power and authority in this country. Bless the President and his family, all members of his Cabinet and all legislators in Congress. Enrich them with Your grace and fill them with Your spirit, that they may be governed with wisdom and godliness by these Your servants.

And watch over those who help form public opinion, the press and the broadcasting services; that we may be enabled to exercise our rights as citizens in a manner which is responsible and in accordance with Your will.

As the Ruler of all nations, may we represent You well as Your instruments of peace and justice to the world.

In the words of Abraham Lincoln, "In helping our neighbor to wholeness and freedom, we assure wholeness and freedom for ourselves. So shall we nobly save or meanly lose the last best hope of Earth." So help us God. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. RICHARD ANDERSON

(Mr. HASTERT asked and was given permission to address the House for 1 minute.)

Mr. HASTERT. Mr. Speaker, I rise to welcome to this House and to introduce our guest chaplain for today, Pastor Dick Anderson of the First Presbyterian Church in Aurora, IL. He is a spiritual leader of one of the largest congregations in my 14th District of Illinois. I thank him for his message as we open this session.

First Presbyterian has taken an active role in the life of the community, and it is home for outreach ministries which include programs for at-risk teenagers and other young people.

It is also fitting that Pastor Anderson is here today on the 12th of February as we mark the birthday of one of our greatest Presidents, Abraham Lincoln. A noted student of Lincoln's speeches and writings, Pastor Anderson has masterfully portrayed our 16th President on literally hundreds of occasions throughout the State of Illinois and this Nation, including the reenactment last year of the great Lincoln-Douglas debates in Illinois.

As recently as yesterday he represented and portrayed Lincoln here in Washington, DC, on the celebration today of Lincoln's birthday.

Mr. Speaker, I would ask you and my colleagues to join me in welcoming my friend, Pastor Dick Anderson, to our House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair will entertain 10 one-minutes on each side.

MEXICAN REPAYMENT OF LOANS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, headlines said: Bailout a success, Mexico repays Uncle Sam.

Yellow brick road time. Do not bet your pesos on it. Reports now say that all of the money used to repay the loan was borrowed at interest rates so high they would make John Gotti blush.

Folks, I say there is a big con game going on here. Mexico is in a shambles, and what is worse, the cancer from Mexico is spreading to Uncle Sam. Eighty percent of all narcotics are now coming across the border, and there are two giant sucking sounds here, folks: No. 1, American jobs going to Mexico; and, No. 2, Mexican cocaine going up American noses.

Beam me up. If this is a success, then General Custer at Little Big Horn's victory must have been called a victory.

Let us stop the propaganda. Let us get a trade policy with Mexico. Because the truth is, it simply sucks.

TAX RELIEF

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, it has become popular to say that there are no significant philosophical differences in this town anymore. I do not buy it. Take, for one small example, an exchange that took place here in Washington just yesterday. One of our distinguished colleagues, the gentleman from Arizona [Mr. HAYWORTH], asked President Clinton's Treasury Secretary a very good question yesterday: Why does the President propose to cut off the $500 per child tax credit for any parent whose child reaches the age of 13? Why is it somehow less expensive for a working mom to care for a 12-year-old than it is to care for a 13-year-old? Well, said the Treasury Secretary, the Government has to be careful how it, quote, spends its scarce resources.

Now, that is where I have a major difference with the administration. When a parent is able to keep some of the money that he or she works very hard to earn, that is not an example of the Government spending money. It is not our money, to begin with, here in Washington. It belongs to the people who earn it. We ought to cut taxes, and let us begin to do it now.

CREATION OF BIPARTISAN TASK FORCE TO REVIEW ETHICS PROCESS

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, before I begin, I would like to thank my colleagues that are waiting for their 1-minutes for their willingness to let me intercede at this time. I appreciate their grace and patience.

Mr. Speaker, over the past few months the gentleman from Missouri [Mr. GEPHARDT], the minority leader, and I have been talking about the need for a comprehensive review of the ethics process. We have had several good discussions culminating in our joint appearance before the House today to announce the creation of a bipartisan task force to conduct a review of the ethics process and to report to the bipartisan leadership on how the process might be improved.

For this review to be successful, I think we need three key elements:

First, the process must be truly bipartisan. Like the Ethics Committee, it should be composed of an equal number of Republicans and Democrats.

Furthermore, and as the majority leader you will not find me saying this too often, I think this task force should be cochaired by a Member from each side of the aisle.

Second, we must have dedicated Members who will do what is right for all Members and, more importantly, for the institution of the House of Representatives.

Third, after the past few tumultuous months, I think we must have a brief cooling-off period where Members can sit back and examine where the ethics process works, where it does not and how it might be improved, and in a climate temporarily free from potential ethics charges.

After a great deal of discussion, I am pleased to announce that the distinguished minority leader and I come to the floor today to announce the creation of a 12-member bipartisan task force cochaired by a Republican and a Democrat.

Ethical review of our peers, and the process by which we conduct that review, is a constitutional responsibility. It is an important job that few Members are excited about performing. I have given a great deal of thought to whom the Republican side of the aisle should ask to do this. I want Members who are well respected and who are committed to doing what is right and what is in the best interests of the institution.

While we have many Members who meet this criteria, I believe I have found six who will work well with Members, to be appointed by Mr. GEPHARDT.

Members are the gentleman from Louisiana [Mr. LIVINGSTON], who I have asked to be one of the cochairs, the gentleman from Florida [Mr. GOSS], the gentleman from Delaware [Mr. CASTLE], the gentleman from California [Mr. THOMAS], the gentleman from New York [Mr. SOLOMON] and the gentleman from Utah [Mr. HANSEN], who as chairman of the Ethics Committee will serve as an ex officio member of the task force.

Minority Leader GEPHARDT and I have also agreed on a moratorium on the filing of new ethics complaints until April 11. This 2-month cooling-off period will give the task force members an opportunity to meet, review and discuss how the ethics process can be improved and in a climate free from specific questions of ethical propriety.

The task force is free to look into any and all aspects of the ethics process. Some of the questions I think the task force will want to address include: Who can file a complaint and upon what basis of information, what should be the standards for initiating an investigation, what evidentiary standard should apply throughout the process, how has the bifurcation process worked, does it take too long to conduct a review, should non-House Members play a part in a reformed ethics process, should we enlarge the pool of Members who might participate in different phases of the process?

Mr. Speaker, I want to thank the gentleman from Missouri for working with me to create this important task force.

I yield to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

I would agree that we believe on the Democratic side, I think, with our friends on the Republican side that there needs to be a complete review of the ethics process with a view toward recommending changes to the whole body, that the body might considerate at some point in the future.

We also agree that there should be six Members, one ex officio and five other Members. In that connection, I today am appointing the gentleman from Maryland [Mr. CARDIN] to be our cochair, the gentleman from Texas [Mr. FROST], the gentleman from Massachusetts [Mr. MOAKLEY], the gentlewoman from California [Ms. PELOSI] and the gentleman from Ohio [Mr. STOKES] to be part of this bipartisan task force.

We are also asking the gentleman from California [Mr. BERMAN] to be ex-officio, as he will be our recommended ranking member on the permanent Ethics Committee.

So we will be joining with the majority leader in the unanimous consent request for their appointment and for the understanding that there will not be a filing of ethics complaints for this, I believe to be, 65-day period in which this group should be doing its work.

I thank the gentleman and Members on his side for working with us on this process. I think it is an important step forward in working together to improve the ethics process for the body. I look forward to receiving recommendations from this group.

Mr. ARMEY. Mr. Speaker, I thank the gentleman.

I should also advise Members of the body that, during this interim period, the regular work of the Ethics Committee under the leadership of the gentleman from Utah [Mr. HANSEN] and the gentleman from California [Mr. BERMAN] will continue to advise Members with respect to requests they might make about the appropriateness of courses of action they may take. That advisory function, I know, is being carried out well because I just got some advice back from the committee myself yesterday on a trip that I am looking at. So let me just say that I believe this accommodation enables every Member to feel they have a place to make their inquiries. They can get a quick, accurate, reliable response and at the same time this committee can work. Again, I want to thank the minority leader for his congenial efforts to work this out with me.

ESTABLISHING BIPARTISAN TASK FORCE ON REFORM OF ETHICS PROCESS

Mr. ARMEY. Mr. Speaker, in furtherance of this understanding concerning the establishment of a bipartisan task force on reform of the ethics process, I ask unanimous consent that during the period beginning immediately and ending on April 11, 1997:

First, the Committee on Standards of Official Conduct may not receive, renew, initiate or investigate a complaint against the official conduct of a Member, officer or employee of the House;

Second, the Committee on Standards of Official Conduct may issue advisory opinions and perform other noninvestigative functions; and

Third, a resolution addressing the official conduct of a Member, officer or employee of the House that is proposed to be offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House shall, once noticed pursuant to clause 2(a)(1) of rule IX, have precedence of all other questions except motions to adjourn only at a time or place designated by the Chair and the legislative schedule within 2 legislative days after April 11, 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PELL GRANTS

(Mr. McGOVERN asked and was given permission to address the House for 1 minute.)

Mr. McGOVERN. Mr. Speaker, in his State of the Union address last week, the President of the United States discussed his plan to make college more affordable and more accessible to working families by increasing funding for Pell grants.

Pell grants serve as the very foundation of student aid for low- and middle-income families. The President's proposal would raise the maximum Pell grant award to $3,000 and would raise the total number of Pell grant recipients to over 4 million.

Mr. Speaker, I promised the people of Massachusetts that the first bill that I introduced in this House would make college more affordable for working families. This month I intend to keep that promise.

□ 1015

I will be introducing a bill that expands the President's proposal and expands the maximum Pell grant award to $5,000, bringing the award to the level at which it was created, adjusted for inflation. More students will be eligible for larger awards, giving more families the chance to send their kids to college and to realize the American dream.

I thank the President of the United States for his leadership on this issue, and I ask my colleagues to join me in making education more affordable and in making our children's future even more bright.

MYTH: WASHINGTON BUREAUCRATS KNOW BEST HOW TO SPEND AMERICA'S MONEY

(Mr. HOEKSTRA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOEKSTRA. Mr. Speaker, I was amazed again yesterday when I read Secretary Rubin's statement in Congress Daily, implying that tax cuts would unduly harm our economy.

Think about it: What Secretary Rubin really thinks is that Washington bureaucrats know better how to spend the American people's money than the American people themselves. It takes a lot of nerve to suggest to the American people, who have to balance their own budgets, pay their own bills on time, that the Federal Government, which does not do these things, will make better decisions about managing money than they will.

It takes a lot of nerve, especially since this President is proposing an additional $1 billion in spending for a bureaucracy whose financial books are unauditable. What responsible American would put a billion dollars into a company whose books were unauditable?

This is not about tax cuts. It is about arrogance, the arrogance of the President and his advisors suggesting that a dollar spent by Washington bureaucrats is better spent than a dollar spent by parents, families, across America.

NO TIME TO WASTE

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, while Democrats and the President have developed sweeping plans to strengthen our education system and provide health care for the 10 million children in this country who currently have no coverage, the Republicans have offered no specifics in return. Instead of immediately turning Congress' focus to programs that make a real difference in people's lives, like tax breaks to help pay for college, the repair of decaying elementary schools and insurance for uninsured infants, today instead the GOP has scheduled a vote on term limits.

If history is any indication, Mr. Speaker, time will show the GOP's interest in term limits today is nothing more than a delay tactic. Term limits will do nothing for schools badly in need of repair. Term limits will not teach a child to read or ensure our children receive medical attention when they fall sick.

I think we have a lot more important things to consider and we do not have time to waste. The sooner the Republican leadership learns this, the sooner we can provide quality education and health care to our children instead of spending the time today on term limits.

FEDERAL ESTATE TAX SHOULD BE REPEALED

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I stand before you today to speak about my first bill and to implore my colleagues to repeal the Federal estate tax. This tax hits millions of families and small farm and business owners.

This unfair tax for too long has been burdening people of this country at one of the most difficult times in their lives, at the time of the death of a loved one. It forces them to sell assets just inherited by them so they can pay unreasonable sums to the Federal coffers.

Mr. Speaker, numerous people across the country stand to lose family farms and businesses that they have worked their entire lives to build. Faye Givler, owner of Steckel Printing and employer of 94 people in Lancaster, PA, stands to lose her life's work with this tax. Her children, just because of this tax, stand to lose it all.

Mr. Speaker, this is outrageous. With 65 cents of this tax going to enforcement and compliance, what sense is there in inflicting such stress on Americans who work hard to build their children's future? This tax threatens that simple dream. I urge my colleagues to repeal this unfair tax.

WHERE IS THE APPLE FOR OUR TEACHERS?

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I am meeting with representatives from the education community from the State of Texas. I want to give them hope and, most importantly, I want to answer the question, where is the apple for our teachers?

Interestingly enough, as the bipartisan team met with the President last evening, education was high on the priority, but yet today we will spend 9 hours or so talking about term limits, when the American people can elect or unelect their elected officials every 2 years.

Two years ago the Republicans were talking about slashing title I programs by $4.9 billion. If education is so important, let us get about the business of doing what we are supposed to do. Let us ensure that we have the right number of Pell grants for our college students, and our college student direct loan program. Let us really talk about education so that something happens.

Let us not just fool around with political gimmickry and term limits when we all know the American people will elect us or unelect us every 2 years. I am ready to roll up my sleeves and make education my priority and make this Nation the very best it can be for the rest of this 21st century.

SUPPORT A BALANCED BUDGET AMENDMENT

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, it happens in every household, in every business, both large and small, in every school system, in every city council, in every county government, in every checking account across the Nation, everywhere but here in the Federal Government. This Government has not balanced its budget since Neil Armstrong walked on the moon. It should be easier to balance the Federal budget than to get someone to the moon.

When we borrow money for all these lofty enterprises for the Federal Government, for each dollar that we borrow it takes at least $3 just to cover the interest to pay it back. So let us vote for a balanced budget amendment. I urge my colleagues to vote for it, to put in place the necessary discipline so that we can secure an economic future for our children, not one at their expense.

HIGH SCHOOL IS TOO EASY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, a headline in yesterday's Washington Post provided a sad commentary on the state of our educational system. The headline read: "Teens Tell Researchers High School Is Too Easy."

The article revealed the findings of a recent study by the nonprofit group Public Agenda, and it was entitled, and I quote, "Getting By." The survey of 1,300 high school students found that most students think their classes are not challenging enough, often lack exemplary teachers, and are filled with too many disruptive students.

We all know there are no easy answers to the ills that plague our Nation's schools, but here are some obvious first steps that we can take to address the feelings expressed by students in the survey: getting back to basics, setting rigorous standards for students and teachers, and returning discipline to the classroom.

These may sound like old-fashioned techniques but, according to this survey, a new generation of students would welcome these old ideas.

What we ought to be doing, instead of spending 9 hours in debating term limits today, is I call on the Republican leadership to please let us get to what the people want to talk about, and that is education, the affordability of it, the standards that exist in our classrooms. Let us put the Nation's business first before politics.

CONGRESS MUST WORK SERIOUSLY ON THE ISSUE OF CHILD ABUSE

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I welcome to the Chamber many people from the safety patrols from around our Nation's Capital.

I urge our colleagues to work seriously on the issue of child abuse. Not a day goes by we are not reading another detail of the sad, tragic ending of JonBenet's life, JonBenet Ramsey's life in Colorado, and daily we read in our newspapers about the violence that affects our children: sexual violence, physical violence, a lack of a decent home.

If there is a plague on America, it is our treatment of our children and our lack of response for our children. So I urge my colleagues today, as we build this bipartisan Congress, that we focus on children. On education, yes, but also their safety; that they are not intruded on, that they are not the victims of a nasty crime of sexual abuse, and that we look out for the young people of our communities to make certain that they will grow to be productive leaders in the future.

TERM LIMITS DEPRIVE PEOPLE OF CHOICE BETWEEN CITIZEN LEGISLATORS AND PUBLIC SERVANTS

(Mrs. McCARTHY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McCARTHY of New York. Mr. Speaker, today the House of Representatives will vote on term limit legislation. I have always believed in citizen legislators who work hard for the people, who accomplish things to make their communities a better place to live and then step aside after a few terms to let others into office to achieve new goals. It is what I have believed in and the kind of representative I am.

At the same time, I also believe in devoted public servants, citizens who dedicate their lives to learning the laws and doing good things for others. I believe Congress needs people like Senator Bob Dole and PATRICK MOYNIHAN, people who spend their lives working to improve our lives.

Term limits will deprive people of their choice between citizen legislators and public servants, and we do not need that. Term limits come from the voters at the election booth and from the legislators themselves, not from the Congress.

TERM LIMITS WILL ASSURE A SYSTEM BASED ON THE CONCEPT OF A CITIZEN LEGISLATURE

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, I launched the struggle for term limits in the Washington State Senate more than a quarter century ago. It was clear then and it is even more clear today that long-term service concentrates power into the hands of a few power brokers and thus reduces effective representation by the citizen legislator as visualized by our founders.

Our system is based on the concept of a citizen legislature. People should serve a limited time in a legislative body and then return to live under the laws that they have passed.

My State has passed term limits and I will abide with our three-term limit whether it is upheld by the court or not.

REPEAL THE 1993 SOCIAL SECURITY TAX ON SENIORS

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, our senior citizens have worked their entire lives to protect the savings that can assure them a safe and secure retirement. Social Security is one of the two pillars of retirement security for our seniors.

We owe it to them to protect the benefits that they planned for and depend upon. That is why I have introduced legislation to repeal the tax increase on Social Security that was adopted in 1993.

Our seniors helped make America the greatest country in the world. The Federal Government should not jeopardize their quality of life by punishing them with high taxes on their Social Security benefits. Repealing this increase is a matter of fairness and will help senior citizens, especially those with moderate incomes keep more of their own money in their own pockets.

I urge my colleagues to join me as cosponsors of this critical legislation for our senior constituents.

CONGRESSIONAL TERM LIMITS AMENDMENT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 47 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 47

Providing for consideration of the joint resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives.

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the joint resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives. The first reading of the joint resolution shall be dispensed with. General debate shall be confined to the joint resolution and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the joint resolution shall be considered for amendment under the five-minute rule. The joint resolution shall be considered as read. No amendment shall be in order except those specified in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order specified in the report, may be offered only by a Member designated in the report, may be considered notwithstanding the adoption of a previous amendment in the nature of a substitute, shall be considered as read, shall be debatable for the time specified in the report of the Committee on Rules equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. If more than one amendment is adopted, then only the one receiving the greater number of affirmative votes shall be considered as finally adopted. In the case of a tie for the greater number of affirmative votes, then only the last amendment to receive that number of affirmative votes shall be considered as finally adopted. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendment as may have been finally adopted. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1030

The SPEAKER pro tempore. (Mr. LAHOOD). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is the first rule of the 105th Congress. It is not an ideal rule, but it is about the best that is possible given the current circumstances.

The Committee on Rules was faced with a situation where there are nine States which have passed ballot initiatives requiring Members from those States to support a particular version of the term limits constitutional amendment specified in the ballot initiative, or else they would have to have a special designation next to their names on the ballot the next time they run at the next election which would read "disregarded voter instructions on term limits."

Mr. Speaker, while the constitutionality of these ballot initiatives have not yet been settled in the Supreme Court, out of fairness to those Members from those States we have to proceed with the requirements as they stand today. The nine States are Alaska, Arkansas, Colorado, Idaho, Maine, Missouri, Nebraska, Nevada, and South Dakota, although I am told that Nevada will have to pass the initiative a second time before it is final.

While the constitutional amendment proposed in the State ballot initiatives all call for a limit of three terms in the House and two terms in the Senate, none of the versions are identical, and that poses a very, very serious problem about finally getting a vote on this issue.

As a result, there may be, for instance, Members from some of those nine States who can only vote for the specific version specified in their State's ballot initiative and no others. So that takes 50 or 60 Members away from perhaps the final vote on this issue.

Last Tuesday I sent out a "Dear Colleague" letter, and I announced on the floor that any Member wishing to offer an alternative version of the term limits constitutional amendment should submit that proposal to the Committee on Rules by noon on Monday. In response, a total of twenty substitutes were submitted; seven of these were the exact versions required by the ballot initiatives in those particular States.

In order to meet the requirements of the ballot initiatives in the seven States which requested Committee on Rules action, all seven of those versions required to comply with State ballot initiatives were made in order. They are made in order under this rule, each with 10 minutes of debate, keeping in mind that there are 2 hours of general debate on this entire issue before we get into the amendment process.

Next, since the seven State initiative versions all provide three terms for House Members and two terms for Senators, two additional amendments were made in order, one by a Democrat and one by a Republican to provide other significant alternatives to this House.

Finally, the Dingell substitute, which was offered in the last Congress as the Democratic substitute, is made in order as well.

If one of these alternatives receives a majority vote, it would replace the base text and mean that there never would be a vote on the base text unless the base text is included as a substitute. Now, that gets a little confusing, but, therefore, what we have done to give everybody, all 11 amendments, a fair shot, we have made the McCollum base text as a separate amendment. That will be the last vote taken up on the floor of all these 11 amendments.

The rule provides again for 2 hours of general debate and 10-minute time limits on all the substitutes except for the Democrat alternative and the Republican alternative, the Dingell and McCollum resolutions, and they each have 30 minutes. The amendments will be considered under a procedure known as the most votes win.

As Members know, under previous Congresses before the Republican majority took over 2 years ago, we had often used a formula of king-of-the-hill, which I thought was grossly unfair. That meant that one amendment might receive 270 votes, yet the last one taken up would receive 50 votes less but still gain the majority in the House and it would win. I think that was grossly unfair. The House would not really be able to work its will under that procedure. So we do not use that procedure anymore. So under most votes wins, this means the alternative receiving the largest majority in the Committee of the Whole will be the version reported back to the House for the final vote.

In order to expedite the voting process, the rule allows the chairman of the Committee of the Whole to cluster votes and to reduce the voting time to 5 minutes on the second and subsequent votes in any particular series. In order to ensure that the minority has one last chance to offer its final alternative, there is a motion to recommit with instructions. As in the case of all constitutional amendments, a two-thirds vote is required for passage.

Mr. Speaker, I am a supporter of term limits. Numerous polls have shown that term limits are supported by the vast majority of the American people, and that is why you see these initiatives taking place all over the country in the various States. In many areas we have term limits now.

As chairman of the House Committee on Rules, I am already subject to a three-term limit as chairman under the rules of the Republican Conference, and that is as it should be. The House rules provide that the Speaker is subject to a four-term limit. Many Governors are limited in the number of terms they can serve. Some are only allowed to serve one term. The President of the United States is subject to a two-term limit, 8 years.

It is possible to function under a system of term limits, and that is why we have this matter before us today. While there are some of us who are just as careful with a nickel as the day we were first elected, I have to say there are some that in a desire to be reelected end up saying, and this is important, saying "yes" to everybody and "no" to no one, and consequently this is how we got ourselves in this fiscal mess that we are in today.

Philosophically, I do not even support this term limitation. I think the term limitation ought to come from the voters, but how do you change something when voters say, my Congressman, BARNEY FRANK, is great but all the others are lousy.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will yield, I do not see anything that needs to be changed in that statement.

Mr. SOLOMON. So to be fair, I think the only way we could ever deal with this thing is to have term limits, and that is why I am supporting it here today. The House should vote yes on this rule and yes on the term limits constitutional amendment that finally survives this winner-take-all provision.

Having said all that, Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, my dear friend from New York [Mr. SOLOMON], the eternal Marine, for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I oppose the rule because I believe that the American voters, and nobody else, should decide who represents them. For anyone who thinks that we do not have term limits, I would remind everybody that every 2 years, the entire House of Representatives is up for reelection. Every 2 years the American people can decide who they want in and who they want out.

Mr. Speaker, 2 years is far shorter than any of the term limit proposals we are going to hear here today. The shortest term limit proposed here today is 6 years. That is 4 years longer than the term limits built right now into the ballot boxes.

Proponents of term limits argue that incumbents always win. They say the deck is stacked. Mr. Speaker, that is not true. Nobody is immune. In fact, in the last few elections, our Speaker, the chairman of Ways and Means, chairmen of other standing committees, chairmen of subcommittees have all been defeated.

Mr. Speaker, over the last 10 years, 75 percent of the Congress has turned over. Three out of every four Members who were here 10 years ago either lost or retired, and most of those were relatively new Members themselves. In other words, Mr. Speaker, most of the people serving here have never had the pleasure of serving under my colleague from New York's favorite President, Ronald Reagan.

According to the National Journal, this Congress will have a higher percentage of Members serving 3 terms or fewer than any other Congress since 1952. More than 54 percent of the Members of this Congress have been elected in the last 5 years. The reason for this big turnover, Mr. Speaker, is quite simple. We live in a representative democracy. Every 2 years, the people decide who should represent them and who should not.

No one can tell the American people who they should vote for, and no one can tell the American people who they should not vote for, no matter how long their Representatives have been here or how well they have served. To quote my dear friend Henry Hyde, the Republican chairman of the Judiciary Committee, "We need to trust the people."

Mr. Speaker, even if some of my colleagues do not trust the people, term limits is not the way to do it. Congressional term limits strengthen our already powerful Presidency, which will upset the constitutional balance of powers. Term limits will result in a Congress with less expertise, which is dangerously reliant on special interest lobbyists for directions, and term limits could force Members to be concerned more with their next job than with serving well in their current job.

In Federalist Paper No. 53, Mr. Speaker, James Madison said that "A few of the Members of Congress will possess superior talents; will by frequent reelections be thoroughly masters of the public business."

Mr. Speaker, the Founding Fathers thought about term limits and decided against them. They felt that fair and frequent elections would do more to encourage a healthy democracy than anything else. Mr. Speaker, they were right. Term limits are undemocratic. Concerns about the openness of the electoral process should not be answered with arbitrary term limits.

If you are concerned with the openness of our electoral process, then make it easier for people to run. Level the playing field. Enact campaign finance reform. But do not take away the people's right to choose their own Representatives.

Today, Mr. Speaker, we are going to vote on 11 term limit proposals. All but one of these proposals confuses me. I am confused that so many of my colleagues are for term limits, of course unless the term limit applies to them.

The only amendment we will hear today that in my opinion is sincere on the issue of term limits is Mr. Dingell's amendment. Mr. DINGELL, despite his long and distinguished career here in the House, is offering the only amendment that says we will live by whatever proposal passes the House today. His amendment would make term limits apply immediately, not 6 or 20 years down the road.

That is more than I can say for the other amendments. Every single one of these 10 amendments say, "Do what I say, not what I do." I for one, Mr. Speaker, do not believe you should vote for anything that you are not willing to live by yourself.

□ 1045

I believe that Members who file term limits legislation should not wait for the decades it will take to go through the process, but they should apply the terms that they advocate to themselves and show the voters that they really mean what they say.

If term limits are good enough for the people who will come after us in the House, then they should be good enough for us. I urge my colleagues to defeat the rule. The American people and nobody else should decide who represents them.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, did I hear the gentleman say defeat the rule?

Mr. Speaker, I yield 4 minutes to the gentleman from Sanibel, FL [Mr. GOSS], the distinguished chairman of the Subcommittee on Legislative and Budget Process of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Glens Falls, NY [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, for yielding, and I rise in support of this rule. This is a special rule for a special issue. It is fair, it is thorough, it provides for ample debate and consideration of a broad array of options on the subject of term limits.

There is no question that when today's proceedings are done that we have had an extensive airing of the term limits issue on the floor, what we would call true deliberative democracy.

I commend the chairman and the core group of advocates who have worked so hard to make sure that we fulfilled our promise to make term limits the first substantive legislative issue to be discussed and voted on in this new Congress.

Mr. Speaker, 2 years ago this body made a historic vote, as mandated by the American people, on a constitutional amendment for congressional term limits. It was inevitable and appropriate that we would consider this issue, given the movement across this Nation, the public opinion.

Frankly, Congress has fallen way behind the people in the States on this issue. By 1995 my own State of Florida and 22 other States had adopted State-imposed term limits. But in Congress, despite garnering a majority of votes, term limits failed to achieve the constitutionally required two-thirds or 290 votes in the 104th Congress.

Now, even though it failed, we made history in that vote in the 104th Congress by having the vote, and we pledged to bring it back to this Congress; so here we are.

The constitutional amendment before us sets a national standard for a 12-year term limit on Members of Congress, one that supersedes the State-by-State approach. As we all know, the Supreme Court has ruled that State-imposed term limits on Congress are unconstitutional, leaving a constitutional amendment as the only route to address the term limits issue.

Many of us here today favor term limits as a matter of principle, and we worry less about whether it is a 6-, 8-, or 12-year restriction and about responding to the will of the people, the people we work for, the American taxpayers.

In my own State of Florida, we adopted eight is enough in 1992, and I look forward to supporting that approach on the floor today.

Of course there are clearly some among us who are opposed to any term limits as a matter of principle. As they respect my view for the principle it represents, I also respect theirs. That is why we have votes.

Unfortunately though there are those who do not see the compromise on this issue and who have perhaps unwittingly complicated today's debate. As a result of State ballot initiatives, we now have a handful of Members that are bound by nine State initiatives requiring them to vote only for their own State's version of term limits, all of them 6-year limits, but all worded slightly differently or those Members will be branded by so-called scarlet letter identification on the ballot. This makes for a very interesting mix of amendments today.

As a result of the panoply of votes we have today, many say we do not have the numbers on any one option to pass a constitutional amendment. Well, that is certainly a shame if it turns out to be true since the will of the American people is strong on this issue.

They want a citizen legislature to do the work of the people and then return home to live under the laws that that legislature creates.

I favor term limits, I have always authored my own term limits proposal, and there is one of the amendments today that closely parallels it, and I will vote for all serious term limit options that are on the docket today. If we fail today, we will keep coming back until we get this done so we might just as well support this rule and get on with the job.

I urge my colleagues' support.

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts [Mr. FRANK], the outstanding Congressman that the gentleman from New York [Mr. SOLOMON] alluded to.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the ranking minority member. I want to say at the outset that, while I am against term limits, given the complexity of the situation I think the Committee on Rules did a very fair job in structuring this rule. Any opposition that was expressed to the rule on our side is philosophical opposition to term limits. But we have, I believe, no complaint about the rule.

The gentleman from New York accommodated the reasonable issues that were raised in the Committee on the Judiciary. He accommodated both majority and minority Members. The only thing I would express is the hope that this rule will be the model for the next 2 years because it is an inclusive and fairly structured rule, and I appreciate it.

I would just note that the gentleman from New York [Mr. SOLOMON] quite honestly, as he always does, indicated that part of the motivation; indeed I think the bulk of the motivation for term limits, is a sense that the voters can be a bad influence on this place. I mean, as the gentleman from New York said, philosophically he is elected to impose limits on democracy. He is driven to what he said, and this is a very honest and, I think, accurate statement, by the sense that during the 1980's, when there were differences, for instance, between conservatives who wanted to increase military spending and cut taxes and liberals who wanted to increase domestic spending, we compromised by doing all of the above with consequent negative effects on the deficit. The easiest way for us to resolve our difficulties was for each to accommodate the other with the consequent exposure of the deficit.

My colleague correctly points out that the public influence there was despite polls that said people did not like the deficit, in fact to urge Members to vote for things which had the effect of raising the deficit. The popular short-term vote was often a deficit-enhancing vote.

But I would point out that today everybody understands that is not true. The public may not instantly get the point of the contradiction and from what they are saying. But today public opinion is an overwhelming force for bringing that deficit down. I think that vindicates the fundamental democratic principle that one does trust the voters ultimately to express themselves accurately, and I think the voters are now doing that. That is, they helped resolve this contradiction. I think the voters have said to us: Balancing the budget is more important than a lot of other issues. That was not what they were saying in the 1980's.

So I have to say that I understand the motivation, but it ought to be made clear. People who offer term limits have at bottom a desire to limit popular influence on the deliberations of this body. The more Members who are ineligible to vote for reelection, the less public opinion will be affected.

By the way, one amendment which was offered in committee; we did not reoffer it here, but it was overwhelmingly rejected by the advocates of term limits, and it makes a point. One Member proposed that the term limit be a consecutive term limit but not a lifetime ban—at committee, one Member offered an amendment to say that this would not be a lifetime ban. It would simply mean that one could not serve a consecutive period more than 12 years, but one could leave and come back.

Now that was meant to handle the argument that the problem here is seniority and that one way to break the seniority system was with that term limit. But, overwhelmingly, Republican Members said, "No, that is not acceptable. You cannot make an exception to the principle. The principle is 12 years and you must leave the House of Representatives."

In other words: "We don't want you thinking about what the voters might do in your case 2 and 4 and 6 and 8 years from now," and I think that confirms that this is fundamentally meant to be a limitation on democratic influence. It is a limitation on the extent to which people will be able to influence how their Members vote.

I do not think Members ought to be slavishly following the latest poll. I think Members ought to be willing in many cases to say I know public opinion disagrees with this particular vote, but I believe, given the values that I was sent here to express, that is a mistake; and I think the public will ultimately accept this judgment if I make the case.

But term limits is a way to say, look, after a certain period the voters will not pay much attention. People say term limits is to increase competitiveness. I believe it would have the opposite effect. Members who are interested, citizens interested in running for Congress in the fifth and sixth term of a Member of Congress could say, "But why challenge an incumbent? Why not wait until the seat comes open?"

So I think this is a philosophically flawed proposal which is really an expression of frustration.

When did term limits come up? It came up after the explosion of the deficit in the 1980's when people felt the deficit would go up and up and up and Members could never be defeated. We now have a situation where the deficit has been coming down, and we have an overwhelming commitment to get it to zero by the year 2002, that Members here feel is a public expression of will. We also have a significant turnover.

So I hope that we will, when this comes before us, vindicate democracy and vote down all of these versions of term limits.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume first to say that, as usual, the gentleman from Massachusetts [Mr. FRANK] was articulate and interesting. Many of the points were cogent and to the point except for one. He talks about the American people are in a deficit-reducing mode and therefore the Congress will be too. Therein lies the problem, and therein lies the reason why I have to support term limits against my own philosophy.

Just take a look at the President's budget. I was so disheartened when that budget was made public last Thursday. Instead of staying on this deficit-reducing mode, a glidepath downward, like this, to a balanced budget by the year 2002, lo and behold, in the first 4 years of the President's projections we are on the down glide, on the glidepath which reduces the budget—the deficit each year. Lo and behold, we go up in the first 3 years. Then we level off, and in the last 2 years, after the President is gone, the budget starts—the deficit starts to go back down.

We know that is not going to happen because it is too tough. If we do not make those cuts, if we do not reduce those deficits every single year, we are never going to get there. And that is why we have a Congress that just will not say—they say yes to everything and no to nothing, and we end up with these huge deficits which is literally going to bankrupt this Nation and future generations including my four grandchildren.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Mr. Speaker, I do not have too much time, but I am going to yield to the gentleman.

Mr. FRANK of Massachusetts. I will get an extra minute, if I can.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I ask the gentleman from Massachusetts to yield 1 minute to me.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. FRANK] is recognized for 2 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, first I was interested to hear my friend say that he was going to vote on this contrary to his philosophy. That is a precedent in his case I would urge him to follow more often. I think that would have a good effect on the body. But beyond that he made an interesting point. His view is that the President, as he sees it now, is less committed to budget balancing than Members of Congress. I differ with him factually, but let me make a point.

The President is term limited and we are not. So the gentleman's point is that the term limited President is not as committed to balancing the budget as the nonterm limited Congress, and I do not think that is a great argument from his standpoint for term limits.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Columbus, OH [Ms. PRYCE], a very, very valuable member of the Committee on Rules and a former judge.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the distinguished chairman of the Committee on Rules for yielding me this time, and I rise in support of this very, very fair rule.

While some may suggest that we lack the votes to pass a term limits amendment, the issue itself is here to stay and is gaining momentum across the country. Twenty-three States have passed their own term limits initiatives, and I believe an overwhelming majority of Americans support them. In my view, Congress still needs reform, and one very effective way we can bring change to this institution is to prevent the continued return to this body and to the other body of career politicians.

Some of my colleagues have argued very articulately against term limits, and there are valid arguments on both sides. But I remain convinced that limits are not only beneficial, they are essential to making Congress more effective, productive and accountable.

The Congress was meant to be a citizen legislature. The Founding Fathers and those that followed after them were laymen, not career politicians. Just think of the many benefits that would come from term limits: a regular influx of new ideas, fresh motivated Members, a Congress closer to the people and the issues facing them out there in the real world, a greater emphasis on merit rather than seniority and a better chance to guard against legislative gridlock as all Members achieve a higher level of political courage knowing that their life's work is not here in Washington and that there is life after service here.

□ 1100

I expect this to be a very interesting debate. The mere fact that we are having this debate at all after our first attempt in 1995 is testimony to just how much Congress has changed in recent years. Under this rule, Members will have a chance to consider all of the major issues involved in this historic debate, including retroactivity and allowing States to set lower limits.

Mr. Speaker, term limits is a serious endeavor, one that goes to the very heart of our goal to end the status quo in Washington. So first, I urge my colleagues to listen very carefully to what the American people are asking us to do, and then to support this fair rule so that we can have honest, full debate on the issue of term limits.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time at this time, and I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida [Mrs. FOWLER], a very valuable Member of this body and one of the real leaders in this effort to implement term limitations.

Mrs. FOWLER. Mr. Speaker, I rise in support of this rule. While this is not the rule those of us on the term limits task force had hoped for, it unfortunately is a rule we must have. I am pleased that this rule allows a vote on my bill, which calls for 8-year limits on House Members and 12-year limits on Senators. I want to thank the gentleman from New York [Mr. SOLOMON] and the other members of the Committee on Rules for making my amendment in order.

I will address the specifics of my amendment later when it is considered, but I rise now to talk for just a minute about this rule and why it is structured the way it is.

Mr. Speaker, we are preparing to embark on a drawn out, confusing debate on a number of term limits amendments. As has been mentioned, the reason is an initiative effort in the States by U.S. Term Limits. U.S. Term Limits calls their initiative the informed voter law. They say all they are doing is informing voters which Members support term limits and which do not. It is ironic at best and disingenuous at worst that these are called informed voter laws, because voters are anything but informed as a result of their efforts.

Let me read you what appeared on the Maine ballot: "Do you want Maine to require candidates and elected officials to show support for term Congressional limits or have their refusal printed on the ballot?" No mention of forcing Members to support only a 6-year limit. No mention of forcing Members to vote against any other version of term limits.

Then you have the issue of the ballot designation, or what has been called the scarlet letter. Let us say you are from Missouri, a State that passed an 8-year limit for Representatives back in 1992. If you vote for the 6-year bill as required in the initiative and you also vote for my 8-year bill, your voters will be told that you do not support term limits on the next ballot.

Let me make this perfectly clear. A term limit supporter, someone who votes for term limits, could be designated a term limits opponent on the Federal ballot. Those of us who support term limits may not agree completely on the exact language of an amendment, but we all agree that U.S. Term Limits' latest strategy is ill-conceived and ill-advised. I urge all my colleagues to read George Will's column in this week's Newsweek for more insight into this initiative and its ramifications.

We all hope that the courts will strike down this extremely dangerous and misleading manipulation of the Federal ballot. In the meantime, our Members must vote today without a definitive legal opinion. That is why this rule has been fashioned to give term limit supporters every opportunity to avoid the misleading ballot designation. I urge my colleagues to support the rule.

Mr. Speaker, I include for the RECORD the materials referred to earlier.

STATEWIDE REFERENDUM RESULTS FOR THE ELECTION HELD ON NOV. 5, 1996

Question	Question Type	Question	Yes	No
1	Citizen initiative	Do you want Maine to require candidates and elected officials to show support for Congressional term limits or have their refusal printed on the ballot?	318,119	225,620
2A	Citizen initiative	2A: Citizen Initiative: Do you want Maine to ban clearcutting and set other new logging standards?	175,078	N/A
2B	Competing measure	2B: Competing Measure: Do you want the Compact for Maine's Forests to become law to promote sustainable forest management practices throughout the State?	282,620	N/A
2C	Against A and B	2C: Against A and B: Against both the Citizen Initiative and the Competing Measure	139,176	N/A
3	Citizen initiative	Do you want Maine to adopt new campaign finance laws and give public funding to candidates for state office who agree to spending limits?	320,755	250,185
4	Bond issue	Do you favor a $3,000,000 bond issue to make capital improvements at state parks and historic sites?	342,116	234,023
5	Bond issue	Do you favor a $16,500,000 bond issue for the following purposes: (1) $2,500,000 to investigate, abate and clean up threats to the public health and the environment from hazardous substance discharges; (2) $5,000,000 to protect the public health, safety and the environment by providing funds for the cleanup of tire stockpiles; and (3) $9,000,000 to protect the State's drinking water resources by granting funds to cities and towns for the closure and cleanup of their solid waste landfills?	352,924	221,542
6	Bond issue	Do you favor a $11,000,000 bond issue to encourage job growth and economic vitality by providing access to capital for agricultural enterprises and small businesses with a significant potential for growth and job creation?	370,978	202,432

STATEWIDE REFERENDUM RESULTS FOR THE ELECTION HELD ON NOV. 5, 1996—Continued

Question	Question Type	Question	Yes	No
7	Constitutional amendment	Do you favor a $10,000,000 bond issue for the following purposes: (1) $8,000,000 to construct water pollution control facilities, providing the state match for $10,000,000 in federal funds; and (2) $2,000,000 to address environmental health deficiencies in drinking water supplies?	360,888	209,300
8	Constitutional amendment	Do you favor amending the Constitution of Maine to require that a direct initiative petition be submitted to local officials earlier than is presently required in order to allow 5 working days rather than 2 days for local officials to certify the petitions?	367,994	187,428

Question 1: Citizen Initiative: Do you want Maine to require candidates and elected officials to show support for Congressional term limits or have their refusal printed on the ballot?

STATE OF MAINE

"An Act to Seek Congressional Term Limits"

Preamble. The People of the State of Maine want to amend the United States Constitution to establish Term Limits on Congress that will ensure representation in Congress by true citizen lawmakers. The President of the United States is limited by the XXII Amendment to two terms in office. Governors in forty (40) states are limited to two terms or less. Voters have established Term Limits for over 2,000 state legislators as well as over 17,000 local officials across the country.

Nevertheless, Congress has ignored our desire for Term Limits not only by proposing excessively long terms for its own members but also by utterly refusing to pass an amendment for genuine congressional term limits. Congress has a clear conflict of interest in proposing a term limits amendment to the United States Constitution. A majority of both Republicans and Democrats in the United States House of Representatives during the 104th Congress voted against a constitutional amendment containing the Term Limits passed by a wide margin of Maine voters.

The people, not Congress should set Term Limits. We hereby establish as the official position of the Citizens and State of Maine that our elected officials should enact by Constitutional Amendment congressional term limits no longer than three (3) terms in the United States House of Representatives, not longer than two (2) terms in the United States Senate.

The career politicians dominating Congress have a conflict of interest that prevents Congress from being what the Founders intended, the branch of government closest to the people. The politicians have refused to heed the will of the people for Term Limits; they have voted to dramatically raise their own pay; they have provided lavish million dollar pensions for themselves; and they have granted themselves numerous other privileges at the expense of the people. Most importantly, members of Congress have enriched themselves while running up huge deficits to support their spending. They have put the government nearly $5,000,000,000,000.00 (five trillion dollars) in debt, gravely threatening the future of our children and grandchildren.

The corruption and appearance of corruption brought about by political careerism is destructive to the proper functioning of the first branch of our representative government Congress has grown increasingly distant from the People of the States. The People have the sovereign right and a compelling interest in creating a citizen Congress that will more effectively protect our freedom and prosperity. This interest and right may not effectively be served in any way other than that proposed by this initiative.

The foresight of our Founders provided the People with a path around congressional self-interest under Article 5 of the Constitution. Pursuant to Article 5, the People may seek a convention to propose amendments to the Constitution when two-thirds of the States (34) apply for such a convention. Amendments proposed by a convention would become part of the Constitution upon the ratification of three-fourths of the states (38). Therefore, the state of Maine, hereby amends its Compiled Laws pursuant to our power under the state constitution.

We hereby state our intention that this law lead to the adoption of the following Constitutional Amendment:

CONGRESSIONAL TERM LIMITS AMENDMENT

Section A. No person shall serve in the office of the United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of the United States Representative or who then holds the office shall serve for more than two additional terms.

Section B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

Section C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures or Conventions of three-fourths of the several States.

Therefore, We the People of the State of Maine, have chosen to amend the Compiled State Laws to create legislation that will inform voters regarding incumbent and non-incumbent federal candidates' support for the above proposed CONGRESSIONAL TERM LIMITS AMENDMENT and incumbent and non-incumbent state legislators' support for the following proposed application to Congress:

We, the People and Legislature of the State of Maine, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article V, to call an Article V Convention.

Be it enacted by the People of the State of Maine as follows:

Sec. 1.21-A MRSA c. 9, sub-c. I-A is enacted to read:

SUBCHAPTER I-A—CONGRESSIONAL TERM LIMITS ACT OF 1996

§ 641. Short Title

This subchapter may be known and cited as the "Congressional Term Limits Act of 1996."

§ 642. Definitions

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings:

1. Application. "Application" means an application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the United States Constitution to limit to 3 terms the service of members of the United States House of Representatives and to 2 terms the service of the United States Senate.

2. Proposed amendment, "Proposed amendment" means the following proposed amendment to the United States Constitution set forth in The Congressional Term Limit Act of 1996:

CONGRESSIONAL TERM LIMITS AMENDMENT

Section A. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

Section C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures or Conventions of three-fourths of the several States.

§ 643. Ballot for incumbent Legislator

1. Notation of violation of voter instruction. Except as provided in subsection 2, the Secretary of State shall print on all primary, general and special election ballots "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of any Legislator who during the current term of office failed to:

A. Vote in favor of the application when brought to a vote in any setting in which the Legislator served, including, but not limited to, either legislative body, a committee, a subcommittee or the legislative council;

B. Second the application if it lacked for a second in any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council;

C. Vote in favor of all votes bringing the application before any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council;

D. Propose, sponsor or otherwise bring to a vote of the full legislative body the application if it otherwise lacked a legislator who so proposed or brought to a vote of the full legislative body the application;

E. Vote against any attempts to delay, table, rerefer to committee or otherwise prevent a vote by the full legislative body of the application;

F. Vote in favor of any requests for the yeas and nays on all votes on the application;

G. Request the yeas and nays on all votes on the application if it otherwise lacked a Legislator who so requested;

H. Vote against any change, addition, amendment or modification to the application in any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council;

I. Either be present and voting during any consideration of the application in any setting in which the Legislator served including, but not limited to, either legislative body, a committee, a subcommittee or the legislative council, or, if absent during any consideration of the application in any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council, be recorded in favor of the application via pairing or other absentee provision;

J. Vote against any proposed repeal of or amendment to this Act;

K. Vote against any legislation that would supplement or alter this Act;

L. Vote in favor of the proposed amendment when it is sent to the states for ratification, in any setting in which the Legislator served, including, but not limited to, either legislative body, a committee, a subcommittee or the legislative council; or

M. Vote against any amendment to the United States Constitution with longer limits than those specified in the proposed amendment if any such amendment is sent to the states for ratification.

2. Exceptions. The language "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" may not be printed adjacent to the name of a Legislator if:

A. Notwithstanding subsection 1, paragraphs A to K, the State has made application for the purpose of proposing the proposed amendment and that application has not been withdrawn or the proposed amendment has been submitted to the States for ratification;

B. Notwithstanding subsection 1, paragraphs L and M, the State has ratified the proposed amendment; or

C. Notwithstanding subsection 1, the proposed amendment has become part of the Constitution of the United States.

3. Determination. The Secretary of State shall determine whether to print "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of a Legislator in accordance with this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

4. Challenge of determination. The determination made by the Secretary of State may be challenged under the same process that exists for challenging petition certification under sections 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80–8. In this action, the Secretary of State shall be responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

§644. Ballot for incumbent Governor

1. Notation of violation of voter instruction. Except as provided in subsection 2, the Secretary of State shall print on all primary, general and special election ballots "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of any Governor who during the current term of office failed to:

A. Veto any attempt to amend or repeal this Act; or

B. Veto any legislation that would supplement, alter or effect this Act in any way.

2. Exception. The language "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" may not be printed adjacent to the name of a Governor as required by subsection 1, if the proposed amendment has been submitted to the States for ratification and ratified by this State or the proposed amendment has become part of the United States Constitution.

3. Determination. The Secretary of State shall determine whether to print "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of a Governor in accordance with this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

4. Challenge of determination. The determination made by the Secretary of State may be challenged under the same process that exists for challenging petition certification under sections 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80–B. In this action, the Secretary of State shall be responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

§645. Ballot for incumbent members of Congress

1. Notation of violation of voter instruction. Except as provided in subsection 2, the Secretary of State shall print on all primary, general and special election ballots "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of any United States Senator or Representative who during the current term of office;

A. Failed to vote in favor of the proposed amendment when brought to a vote in any setting in which the congressional member served including, but not limited to, either legislative body, a committee, a subcommittee or a legislative council;

B. Failed to second the proposed amendment if it lacked for a second before any proceeding of the legislative body including, but no limited to, either legislative body, a committee, a subcommittee or a legislative council;

C. Failed to propose, sponsor or otherwise bring to a vote of the full legislative body the proposed amendment if it otherwise lacked a congressional member who so proposed;

D. Failed to vote in favor of all votes bringing the proposed amendment before any committee, subcommittee or in any other setting of the respective house upon which the congressional member served including, but not limited to, either legislative body, a committee, a subcommittee or a legislative council;

E. In any other settings of the respective house in which the congressional member served, including, but no limited to, either legislative body, a committee, a subcommittee or a legislative council, failed to reject any attempt to delay, table, rerefer to committee or otherwise postpone or prevent a vote by the full legislative body on the proposed amendment;

F. Failed to vote against any proposed constitutional amendment that would increase term limits beyond those in the proposed amendment regardless of any other actions in support of the proposed amendment;

G. Sponsored or cosponsored any proposed constitutional amendment or law that would increase term limits beyond those in the proposed amendment;

H. Failed to vote in favor of any requests for the yeas and nays on all votes on the proposed amendment;

I. Failed to sign any discharge petition that would cause the proposed amendment to be considered by the full legislative body;

J. Failed to either be present and voting during any consideration of the proposed amendment in any setting in which the congressional member served including, but not limited to, either legislative body, a committee or subcommittee or, if absent during any consideration of the proposed amendment in any setting in which the congressional member served, including, but not limited to, either legislative body, a committee or subcommittee, be recorded in favor of the proposed amendment; by means of pairing, proxy voting or other absentee provision.

2. Exception. The language "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" may not be printed adjacent to the name of any member of Congress as required by subsection 1 if the proposed amendment has been submitted to the states for ratification or has become part of the United States Constitution.

3. Determination. The Secretary of State shall determine whether to print "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of any member of Congress in accordance with this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

4. Challenge of determination. The determination made by the Secretary of State may be challenged under the same process that exists for challenging petition certification under sections 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80–B. In this action, the Secretary of State shall be responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

§646. Pledge to support term limits.

1. Pledge requirement. Until the proposed amendment becomes part of the United States Constitution, the Secretary of State shall offer to candidates for the Congress of the United States, Governor, the Maine Senate and the Maine House of Representatives the term limits pledge set forth in subsection 3. The Secretary of State shall provide pledge forms to the candidates. The candidates must sign and file with the Secretary of State the pledge forms before the commencement of petitioning for ballot access. Except as provided in subsection 2, for a candidate who refuses to take the term limit pledge, the Secretary of State shall print "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS" printed adjacent to the candidate's name on every primary, general and special election ballot.

2. Exception. The language "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS" may not be printed adjacent to the candidate's name on every primary, general and special election ballot when, pursuant to section 643, 644 or 645, the notation "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" shall appear adjacent to the candidate's name.

3. Term limits pledge. The Secretary of State shall offer the following term limits pledge;

A. For all candidates for the United States Senate and the United States House of Representatives;

"I support term limits and pledge to use all my legislative powers to enact the proposed amendments to the United States Constitution set forth in the Congressional Term Limits Act of 1996. If elected, I pledge to act in such a way that the designation "VIOLATED VOTER INSTRUCTION ON TERM

LIMITS" will not appear adjacent to my name.

____

Signature for Candidate"

B. For all candidates for Governor:

"I support Term Limits and pledge, if elected, to use all my delegated powers to enact the proposed Constitution Amendment set forth in the Congressional Term Limits Act of 1996. I pledge to use all my delegated powers to cause the Legislature to make application under the United States Constitution, Article V, to the Congress of the United States as set forth in the Congressional Term Limits Act of 1996. I pledge to veto any attempt to amend or repeal the Congressional Term Limits Act of 1996. I pledge to veto any legislation that would supplement, alter or affect the Congressional Term Limits Act of 1996 in any way.

____

Signature of Candidate"

C. For all candidates for the Maine Senate, the Maine House of Representatives:

"I support term limits and pledge to use all my legislative powers to cause the Legislature of the State of Maine to make application to the Congress of the United States for a constitutional convention under Article V of the United States Constitution, and to enact the proposed amendment to the United States Constitution set forth in the Congressional Term Limits Act of 1996. If elected, I pledge to act in such a way that the designation "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" will not appear adjacent to my name.

____

Signature of Candidate"

4. Determination. The Secretary of State shall determine whether to print "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS" adjacent to the name of candidate in accordance with this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

5. Challenge of determination. The determination made by the Secretary of State may be challenged under the same process that currently exists for challenging petition certification under sections 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure. Rule 30-B. In this action, the Secretary of State shall be responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

Sec. 2. Legislators directed to make application to Congress. Each member of the Maine Senate and the Maine House of Representatives shall use all of that Legislator's delegated powers to make the following application under the United States Constitution, Article V, to the Congress of the United States:

"We, the People and Legislature of the State of Maine, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article V, to call an Article V Convention."

Sec. 3. Governor directed to aid an application and ratification. The Governor shall use all of the Governor's delegated powers to aid the Legislature in making the application specified in Sec. 2 to the Congress of the United States under Article V of the United States Constitution.

Sec. 4. Congressional delegation directed to propose congressional term limits amendment. Each member of the state's congressional delegation shall use all of that member's delegated powers to propose and vote for the following amendment to the United States Constitution:

CONGRESSIONAL TERM LIMITS AMENDMENT

Section A. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of the amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

Section C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures or Conventions of three-fourths of the several States.

Sec. 5. Jurisdiction. Any legal challenge to this Act shall be filed as an original action before the Supreme Court of this state.

Sec. 6. Severability. If any portion, clause, or phrase of this initiative is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and phrases may not be affected, but shall remain in full force and effect.

STATEMENT OF FACT

This bill accomplishes the following:

1. It requires the Secretary of State to offer to all candidates for the Legislature, Governor and Congress a pledge to support congressional term limits and requires that, if a candidate refuses to sign the pledge, the Secretary of State print adjacent to that candidate's name on the ballot the words "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS."

2. It requires that the Secretary of State print adjacent to the candidate's name on the ballot the words "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" if an incumbent candidate for Governor, Congress or Legislature fails to vote in the manner specified in the bill.

3. It directs the Legislature to make application to Congress calling for a constitutional convention to propose an amendment to the federal constitution to require congressional term limits and directs the Governor to aid in such application. It also directs the State's congressional delegation to work to propose such an amendment to the federal constitution.

INTENT AND CONTENT

This initiated legislation seeks to impose term limits of 3 terms (6 years) for the United States House of Representatives and 2 terms (12 years) for the United States Senate in five ways:

1. It would direct the Main Legislature to apply to the United States Congress to call a constitutional convention, pursuant to Article V of the United States Constitution, for the purpose of enacting an amendment to the United States Constitution imposing Congressional term limits.

2. It would direct each member of Maine's Congressional delegation to vote for a constitutional amendment establishing Congressional term limits.

3. It would require the Secretary of State to print on any election ballot the phrase "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" next to the name of any member of the Maine Legislature or any Governor who fails to use all of his or her powers to secure passage of an application to the United States Congress for a constitutional convention to establish Congressional term limits.

4. It would require the Secretary of State to print on any election ballot the phrase "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" next to the name of any member of the Maine Congressional delegation who fails to use all of his or her legislative powers to cause the United States Congress to pass an amendment to the United States Constitution imposing Congressional term limits.

5. It would require the Secretary of State to print on any election ballot the phrase "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS" next to the name of any candidate for Governor, the Maine Legislature or the United States Congress who fails to sign a form pledging to use all of his or her powers to secure passage of an amendment to the United States Constitution imposing Congressional term limits.

A "YES" vote approves the initiative.

A "NO" vote disapproves the initiative.

[From Newsweek, Feb. 17, 1997]

Save Us From the Purists—Some Supporters of Term Limits Have Devised a Tactic at Odds With the Best Reason for Limits

(By George F. Will)

Since the apple incident in Eden, the human race has been disappointing. Hence term limits for Congress may become one of the few exceptions to the rule that when Americans want something, and want it intensely and protractedly, they get it. Only the political class can enact limits, and limits would be unnecessary if that class were susceptible to self-restraint.

That is a structural problem of politics with which supporters of term limits must cope. But the organization U.S. Term Limits is an unnecessary impediment to term limits. As the House votes this week on the issue, consider what happens when a reform movement's bandwagon is boarded by people ignorant of, or indifferent to, the principal rationale for the reform.

USTL is a bellicose advocate of term limits, and, like fanatics through the ages, it fancies itself the sole legitimate keeper of the flame of moral purity. However, it has actually become the career politician's best friend. That is why it was opponents of term limits who invited a USTL spokesman to testify at recent House hearings on the subject. Opponents understand that USTL's obscurantism, dogmatism and bullying embarrass the cause.

The primary argument for term limits is not that, absent limits, there will be a permanent class of entrenched incumbents shielded from challenges by advantages of office. Although incumbents who choose to seek re-election still are remarkably safe—91 percent of them won in the turbulence of 1994 and 94 percent won in 1996—most members of Congress arrived there in this decade. (This rotation in office has been produced partly by something the nation does not wish to rely on—revulsion arising from scandals and other malfeasance.) And the primary argument for term limits is not that Congress is insufficiently "responsive" and hence must be made "closer to the people." Rather, the primary argument is that we need "constitutional space" (the phrase is from Harvard's Harvey Mansfield) between representatives and the represented.

Term limits are a simple, surgical, Madisonian reform. By removing careerism—a relatively modern phenomenon—as a motive for entering politics and for behavior in office, term limits can produce deliberative bodies disposed to think of the next generation rather than the next election. This is the argument favored by those who favor term limits not because of hostility toward Congress, but as an affectionate measure to restore Congress to its rightful role as the First Branch of government. This would put the presidency where it belongs (and usually was during the Republic's first 150 years), which is more toward the margin of political life.

Intelligent people of good will differ about whether term limits are a good idea, and supporters of limits differ concerning the appropriate maximum length of legislative careers. Most supporters consider six House and two Senate terms a temperate solution. It is symmetrical (12 years in each chamber) and allows enough time for professional learning, yet removes the careerism that produces officeholders who make only risk-averse decisions while in office. USTL is not merely eccentric but preposterous and antithetical to dignified democracy because it insists that three House terms is the only permissible option.

If USTL merely espoused this position, it could simply be disregarded as a collection of cranks. What makes it deeply subversive of the term limits movement is its attempt to enforce its three-House-terms fetish by using a device that degrades what the movement seeks to dignify—the principle of deliberative representation. Last November in nine states with 30 House members (19 of them Republicans, whose party platform endorses term limits) USTL sponsored successful campaigns to pass pernicious initiatives. These stipulate precisely the sort of term limits measures for which those states' members should vote, and further stipulate that unless those members vote for them and only for them, then when those members seek re-election there must appear next to their names on the ballot this statement: "Violated voter instruction on term limits."

More than 70 percent of Americans favor the principle of term limits without having fixed, let alone fierce, preferences about details. But USTL, tendentiously presenting meretricious "evidence," baldly and farcically asserts that Americans believe that term limitation involving six House terms is not worth having. Because of USTL's coercive device of "instruction," there may have to be a dozen votes this week on various term limits amendments to the Constitution. And USTL's ham-handedness probably will produce a decline in votes for the most popular proposal—six House and two Senate terms. No measure is yet going to receive the 290 House votes or 67 Senate votes needed to send an amendment to the states for ratification debates. However, USTL's rule-or-ruin mischief will splinter the voting bloc that last year produced 227 votes for a 12-years-for-each-chamber amendment.

The thinking person's reason for supporting term limits is to produce something that USTL's "instruction" of members mocks—independent judgment. USTL, which thinks of itself as serving conservatism, should think again. It should think of that noble fountain of conservatism. Edmund Burke. In 1774, having been elected to Parliament by Bristol voters, Burke delivered to them an admirably austere speech of thanks, in which he rejected the notion that a representative should allow "instructions" from voters to obviate his independent judgment. He said "government and legislation are matters of reason and judgment" and asked: "What sort of reason is that in which the determination precedes the discussion?"

In the 1850s some Abolitionists were interested less in effectiveness than in narcissistic moral display, interested less in ending slavery than in parading their purity. The abolition of slavery required someone (Lincoln) who was anathema to fanatical abolitionists. Similarly, restoration of deliberative democracy will require patient people, not USTL's exhibitionists.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to my dear friend, the gentleman from California [Mr. DREIER].

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER].

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 7 minutes.

Mr. DREIER. Mr. Speaker, I thank my friends from Massachusetts and New York for yielding me this time.

Let me say that I rise in strong support of the rule, and my friend from Massachusetts might not like what I am going to say at the outset here, but I suspect he will like what I say a little later.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, maybe I should yield the gentleman 1 minute at a time then.

Mr. DREIER. Mr. Speaker, I would say to my friend that he will begin to enjoy what I have to say as I persevere closer to the 5 minutes. He will not like the first minute.

Let me say that for years many of us tried to get the issue of term limits brought to the House floor for debate, and there was an inclination by the chairman of the Committee on the Judiciary, Mr. BROOKS of Texas, to keep that measure bottled up in committee. So I joined with other opponents of term limits in signing a discharge petition to try and get it moved to the House floor because keeping it bottled up in committee did in fact really, I believe, circumvent the will of the American people and the will of many Members of this institution. So that is why I congratulate my party for coming into the majority and bringing this issue to a full debate.

I think that this rule, which the gentleman from New York [Mr. SOLOMON] and the Committee on Rules have crafted, does allow for a wide range of provisions to be considered, but having said that, I do strongly oppose term limits. In fact, I remember, and I would say to the gentleman from New York [Mr. SOLOMON], very vividly when 8 years ago last month Ronald Reagan turned over the reins of the Presidency to George Bush, and at that time President Reagan said, "My number one priority in leaving Washington will be the repeal of the 22d amendment to the Constitution."

The 22d amendment to the Constitution was passed by Republicans, pushed by Republicans, because of a very high level of frustration over the fact that Franklin Delano Roosevelt was continually reelected by the American people, and now Democrats and Republicans alike recognize that Franklin Roosevelt was in fact one of the great Presidents of this century.

It seems to me that repeal of the 22d amendment should be a top priority, and so I just introduced a few minutes ago House Joint Resolution 51, which will in fact repeal the 22d amendment of the Constitution, doing what Ronald Reagan said was his top priority upon leaving this town. And that, I believe, underscores the very, very important reason, following Ronald Reagan's direction here, underscores the very important reason for us not to amend the Constitution to impose term limits.

Now, I understand that the gentleman from Massachusetts [Mr. MOAKLEY], although I did not hear it in his opening remarks, talked about the turnover that has taken place over the past several years. It is my understanding that during the decade of the 1990's, we have seen a turnover of 62 percent of the membership of this institution. New ideas are obviously flowing in and they have flowed in based in large part on the fact that the American people have, to the shock of many in this institution, been perceptive enough to change their Representatives in Congress.

I mentioned a few moments ago the former chairman of the House Committee on the Judiciary. He is one of the three reasons that I voted against term limits last time. Well, there were many more, but among the three, and they were Jack Brooks, Dan Rostenkowski, and Tom Foley. Those three incumbents, the Speaker, two very powerful committee chairmen obviously had all the resources needed to be reelected. And they had loads of campaign contributions, the power of incumbency, the power of their chairmanships, and yet, while many people argued for years and years and years, the voters in those districts would never have the intelligence to replace Rostenkowski, Brooks, and Foley. Well, the fact of the matter is, in uphill struggles, we had challengers who defeated those three people. For the first time since the 1860's a sitting Speaker of the House was defeated, and it was done without amending the U.S. Constitution.

So it seems to me that if we look at that fact, and interestingly enough, and it saddens me, two of the three victors in that 1994 election were defeated in the 1996 election. The gentleman from Washington [Mr. NETHERCUTT], who defeated Tom Foley, is the only one remaining in this institution, so a turnover is taking place there.

Mr. Speaker, if we look at the fact that a natural turnover has taken place, it seems to me that we should be very careful in moving ahead with an amendment to the Constitution. So I think that the arguments of staff having too much power; we all revere the staff around here, but the fact of the matter is, with term limits I think staff would get too much power.

If we look at the fact that many people say that whenever we deal with a legislative challenge around here, what we should do is amend the U.S. Constitution. I think that that was an inspired document, and I think that the Founding Fathers were inspired when they decided not to impose term limits on the President of the United States, and they were equally inspired when they established three qualifications for service in the U.S. House of Representatives: 25 years of age, an American citizen, and a resident of the State one hopes to represent. We should allow the people to work their will in making the kind of decision that is better for them in their representation here.

So I support the rule, urge my colleagues to vote in favor of the rule, but I will vote no on all of the provisions that call for imposing constraints on the voters of this Nation.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts for his kindness, and certainly to the ranking member on the Committee on the Judiciary for the hard work, and the gentleman from Illinois [Mr. HYDE] for the generosity of spirit in his beliefs that the American people speak every 2 years, and that is our term limits. Chairman HYDE was generous in allowing this debate to come to the floor of the House.

Mr. Speaker, I rise today to speak against this rule, and quite to the contrary, I am saddened by the fact that we could not find it in the minds and hearts of the Committee on Rules to have an open rule on this so-called very important issue.

Interestingly enough, I might add that when I go home to the district, and as I have spoken to many of my colleagues, rarely do I hear as a biting issue of the day term limits. Questions arise every day about education and the environment; they arise about our ability to be civil and to work in a bipartisan spirit to emphasize the importance of a budget that carries us forward, firm, balanced, but yet fair to all of the American people; sometimes talks about tax relief and reforming the welfare reform to be just in its treatment of all of those who are inside the boundaries of the United States of America. I hear issues about social justice and women's rights, but never this question called term limits.

So I am saddened to be able to say to the American people that the first legislative item that comes before this body is really bound in political gimmickry. Interestingly enough, more than 54 percent of the Members of the House in the 105th Congress have been elected in the last 5 years. I might imagine that over a number of years in the future, we will find quite a bit of turnover. In fact, we are finding younger and younger ranking members and chairmen of committees. This is good, this is energy, this is how the people speak. They have spoken in the House of Representatives and, yes, they have spoken in the U.S. Senate.

Yes, I realize that nine States, Alaska, Arkansas, Colorado, Idaho, Maine, Missouri, Nebraska, Nevada, and South Dakota have passed the so-called scarlet letter initiatives. So be it, their people have spoken.

□ 1115

How unfortunate, however, that in passing such an initiative they would label their Members by the label on the ballot that says, this particular person disregarded our voter instruction on term limits. They do not talk about how the Member voted on education and the environment, how the Member will address the national defense or crime. They are concerned and they want to label someone on that basis.

My response? So be it; the people have spoken. But just because of those nine States, I do not believe that we have any place in the U.S. Congress to assess and to deny the American people their right to elect or unelect their Representative every 2 years. The Founding Fathers—and as I always say, no mothers were present, although Abigail Adams said to John Adams, "Don't forget the ladies,"—framed the Constitution to allow those who participate in this process to elect Members of the House of Representatives every 2 years, and those in the U.S. Senate every 6 years.

Why then are we stalling around this issue that already has an answer in the American public's mind: that is, their vote every 2 years. They have voted. In 1994 and 1996 they let their voices be heard, changing the majority in 1994 and emphasizing a bipartisan approach in 1996.

I am disappointed that the Committee on Rules did not see fit to add the two amendments that I proposed, I think pure amendments. Interestingly enough, out of the 11 amendments, only 2 come from the Democratic Party. I would say that if Members are serious about term limits, they would have supported the term limit amendment that I had, that said, leave it to the States.

If the States want to put no years of limitation, 20 years, 30 years, or 5 years, then if Members believe in the people speaking, why not have allowed for us to vote on an amendment that says the States can choose any sort of term limits that they desire? Would it have been disruptive? Nothing is disruptive when the people speak. But yet that was not received or allowed to be debated on the floor of the House.

I wonder about the seriousness of this issue. If Members think the people should speak back in Florida or Texas or California, then allow those people to design for themselves how long they want their legislators to be in the U.S. Congress.

Then I might add that in order to be even closer to the people, I added an amendment or offered an amendment that we should do it by convention. What does that mean? That is a procedure in the U.S. Congress or Constitution that allows for conventions to be held in States by delegates, people who would then vote for term limits or not for term limits.

Mr. Speaker, this is a fraud on the American people. We can vote for our elected officials and the Congress every 2 years. Let us uphold the Constitution, Mr. Speaker. Let us do the right thing.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I noticed in one of the reviews of the various amendments that the amendment that is in order that I will be presenting has been inadvertently mistaken in its terms. That review mistakenly suggested that my amendment would limit the House Members to 3 terms, or 6 years for Members of the House.

This is an error. In fact my amendment, like most others, sets a limit of 6 terms or 12 years for the House. My amendment is identical to the McCollum substitute, except for the fact that it allows States to set a shorter limit if they desire than those in the underlying resolution. It does nothing else. It is identical, except for the fact it allows the States an option to go lower.

For those reviews that have suggested otherwise, they are in error. Today's Congressional Quarterly review is accurate in its description.

Mr. Speaker, I support the rule and oppose the underlying bill, without the amendment.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, the gentleman from Virginia [Mr. SCOTT] was correct in his analysis of the substitute.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 47 and rule

XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 2.

The Chair designates the gentleman from Washington [Mr. HASTINGS] as Chairman of the Committee of the Whole, and requests the gentleman from North Carolina [Mr. JONES] to assume the Chair temporarily.

☐ 1120

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, with Mr. JONES (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the joint resolution is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. CANADY] and the gentleman from Michigan [Mr. CONYERS] each will control 1 hour.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today for the second time in its history the House of Representatives will debate and vote on the issue of limiting the terms of Members of Congress. The first debate and vote on term limits occurred less than 2 years ago, in March 1995.

At that time, although a majority of the Members of the House voted in favor of the proposed amendment to the Constitution limiting the terms of Members of the House and Senate, the vote fell short of the two-thirds majority required for proposing constitutional amendments under article V of our Constitution.

Today we renew the debate and attempt once more to give the legislatures of the States an opportunity to address this important issue. Since the House considered this issue in 1995, it has become clear beyond any doubt that amending the U.S. Constitution is the only means of enacting term limits for Members of Congress. The Supreme Court has struck down State-enacted measures to limit congressional terms, and made clear that nothing short of an amendment to the U.S. Constitution will be successful in establishing term limits.

Some advocates of term limits have again focused their efforts on the State level. This last election, the voters of nine States adopted initiatives to require their Federal representatives to give their exclusive support to a 6-year term limit in the House and a 12-year term limit in the Senate, or face a notation next to their name at the next election that the representative disregarded voter instructions on term limits.

Time and experience will demonstrate whether this strategy is effective in advancing the term limits cause. While these initiatives have been criticized on various grounds, the Members of this House should neither scorn nor ignore these expressions of the will of the American people. The continuing grass roots effort in support of term limits shows that this is an issue that will not quietly fade away. In State after State, the American people have spoken directly and unequivocally in favor of term limits. That is why we are here today.

It is clear that the voters want a significant change in the structure of the Congress. They want representation, which is both more deliberative and more responsive to the interests of the Nation. In 1776, in his Thoughts on Government, John Adams wrote that "A representative assembly should be in miniature an exact portrait of the people at large. It should think, feel, reason, and act like them."

This concept of representation is at the heart of the movement for term limits. The American people want representatives who think, feel, reason, and act like the American people. Does the current system produce a Congress that thinks, feels, reasons, and acts like the American people, or does it produce a Congress that in many respects is insulated and isolated from the people?

The American people are convinced that the current system does not produce the kind of representation that meets the standard articulated by Adams. The people are convinced that a limitation on the terms of Members of Congress is necessary to create an environment in which those they elect and send to Congress will continue to think and feel as the American people think and feel, and to reason and act as the American people reason and act.

Congress has become too much like a permanent class of professional legislators who use the powers of the Federal Government to perpetuate their own careers. There are many incentives which combine to turn Members of Congress into career legislators. Term limits will break the power of entrenched incumbency. It will give us representatives who put serving the interests of the people and advancing the good of the Nation ahead of perpetuating their own legislative careers. With term limits, Members of Congress will come to Washington with their eyes firmly set on the goal of working for the good of the Nation, rather than on the objective of permanently maintaining themselves in office.

Some argue that term limits will undermine effective and responsible government, that term limits in effect will turn the Congress over to a gang of amateurs.

I believe that these critics misunderstand the true meaning of representation in a democracy such as ours. Their arguments are eloquently refuted by Daniel Boorstin, historian and former librarian of Congress, in an essay entitled "The Amateur Spirit and Its Enemies."

> The true leader is an amateur in the proper, original sense of the word. The amateur, from the Latin word for love, does something for the love of it. He pursues his enterprise not for money, not to please the crowd, not for professional prestige or for assured promotion and retirement at the end, but because he loves it.
>
> Aristocracies are governed by people born to govern, totalitarian societies by people who make ruling their profession, but our representative government must be led by people never born to govern, temporarily drawn from the community and sooner or later sent back home.

Mr. Boorstin goes on to conclude,

> The more complex and gigantic our government, the more essential that the layman's point of view have eloquent voices. The amateur spirit is a distinctive virtue of democracy. Every year, as professions and bureaucracies increase in power, it becomes more difficult, yet more urgent, to keep that spirit alive.

By enacting term limits, we will be doing our part to keep alive this distinctive virtue of democracy. We will help make certain that those who come to Washington as representatives of the people will think, feel, reason, and act like the people, and that Congress is, in the words of Adams, "a portrait of the people at large."

That is what the people of this country want. That is the kind of system they yearn for. That is the kind of system they deserve.

As Members of this House, it is our responsibility to listen to the American people. This is their government. They pay the taxes. They fight the wars. How can we in good conscience turn a deaf ear to their demand for term limits? How can we ignore the unequivocal message that comes to us from all across this great land?

How can we stand in the way of the change that overwhelming majorities have supported in State after State?

The issue before this House today is this: Will we or will we not listen to the people of the United States?

I urge my colleagues to listen to the people and to support the constitutional amendment limiting congressional terms.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, one of our more distinguished members on the Committee on the Judiciary, a future chairperson.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from

Michigan [Mr. CONYERS] for his persistent defending of the Constitution. I appreciate the gentleman from Florida [Mr. CANADY] and his remarks on the value of this document that now has served this Nation for centuries as we move into the most highly cited new century, the 21st century.

I happen to be from the thinking of the sacredness and preciousness of the document, albeit that I could argue now, standing in the well, that I and those who come from the representative community that has a racial definition was not recognized as a full human being by the Constitution in its makings. I then would probably be in good standing to reject this document called the Constitution, and say that it did not protect me in the first place.

But I stand now in the well of the House as we all do, as an American, having great confidence in the understanding and intellect and the appreciation that the American people have for the Constitution.

□ 1130

I even cite quite frequently the Declaration of Independence that says, in part, we all are created equal with certain inalienable rights of life and liberty and the pursuit of happiness.

I noted earlier that I was disappointed that although the ranking member, the gentleman from Massachusetts [Mr. MOAKLEY], raised and the Democrats raised the amendments that I thought would bring this matter closer to the people, it was rejected by the majority and so my amendments dealing with letting the States do it, pure States decision, no matter what limit they would have, was rejected and also to allow the people in a convention to vote on it was rejected.

But now we have 11 amendments and a term limits amendment on the floor of the House, and it is characterized as allowing the people to speak.

I would ask the question of the 11 amendments and the term amendment, whether we could ever get any sort of consensus on any of them. That means the people will not speak because we have provided so much, we have had so many limitations. We have got anything from 6- to 12-years to eliminating everyone in the U.S. Congress. And I know there are some who would look this evening on the 6:00 news and say, great, they have passed an amendment that would have everyone leaving the floor of the House and the Senate right now. They are termed out.

I know, however, the body of the American people are wiser, far more sensible and far more appreciative of this democratic process than that. So in actuality, we have a mockery here today. None of these amendments would garner the majority of support of the American people. There is no documentation, no data. We have 50 States. There are only nine States that have put in provisions that have suggested they want to have term limits.

What do term limits do? They take away the voice of the people. You take away the history and the understanding of the process. You take away the wisdom that is garnered by working and understanding the issues. You leave it to those who have no stake in the democratic process.

I respect individuals who are in the hierarchy of the Federal Government who are unelected. I know they are public servants as well, but there is no affirmation year after year of them by the American public. So if you limit those who are then voted upon, those who are pro-life, those who are pro-choice, they lose their voice. Those who want more of the environmental concerns and consideration versus those who heighten the property ownership issues lose their voice. Those who are proponents of social justice and want to rid us of the death penalty versus those who understand that victims have rights lose their voice.

Term limits is, again, a frivolity. It is a blight on this democratic process. It is to reject that we have already had 54 percent of those in the House of Representatives alone change out.

Sadly, though we have not come here to separate us, I always sit sometimes quietly and wonder, as this House becomes more diverse, African Americans and Hispanics and Asians and women, I would hate to think that there is a silent commentary, now is the time to have term limits. Now is the time to throw the bums out.

I want accountability. I want reasonable campaign finance reform. I want ethics in government. I want a fair utilization of your dollar. I want a recognition that we are here to do the people's business. But I am saddened that we are taking the hours of the people's business to talk about term limits when each of us have within our power and the people have to say it to us, you are termed out. We can personally say it. Some Members have. I applaud them. That is their personal choice. And others have responded to the call of the public.

I would not have taken this amount of time, Mr. Chairman, had it not been a serious issue for me. For whenever we tamper with the Constitution, a document that has been admired by the world public as a hearty document, as a document of justice, I am concerned with the potential quagmire of limiting the people's right to select one person who has been good for them, who voices their concerns, who captures the history of this Nation, who are leaders like a Sam Rayburn or a Jack Brooks, Tip O'Neill, Speakers and others who have reflected on the dignity of this House. When shame is brought upon this House, I would be the first to tell Members that we must rid ourselves of the shame. But term limits is a myth. It is a fraud. It is not democracy. It is carrying forth a political promise.

I implore my colleagues on the other side of the aisle and others who believe that they are compelled to support this that, yes, I think they should vote your conscience. I certainly think they should vote the way they think the representative body should want them to do, but I would ask them in a moment of calmness, in a moment of thoughtfulness, to analyze the basic values of the Constitution of the United States of America. It is for me to allow the people to speak.

I would hope that maybe I will have the opportunity to address that by submitting, again, my amendment that the States be allowed to do as they choose but only in the context of supporting the fact that we in America believe in allowing the people to speak.

Mr. Chairman, I rise in opposition to House Joint Resolution 2; an amendment to the Constitution of the United States limiting the terms of Members of Congress.

As an elected Member of Congress, I, along with each member, took an oath to defend and protect the Constitution of the United States of America. This oath and commitment I do not take lightly, even if I alone must defend the Constitution against the very people with whom I took that oath and with whom I stand today.

The Constitution is a sacred document which must not be changed based on the reactionary whims of Congressional members. We are not above the Constitution, we are included in the Constitution and each of us have sworn to serve as defenders and protectors of the Constitution.

The issue of term limits is one that threatens the power of the American people to exercise a basic right granted by the Founding Fathers of our great country—the right to vote for the representative of their choice. This resolution shatters the core principle of freedom and seeks to spoil a right that many sacrificed, fought and died for—the right to vote for whom they choose.

Article I, sections 2 and 3 of the Constitution, outlines the requirements and terms of Members of Congress, which include qualifications of age, citizenship, and residency.

Section 2 states that "the House of Representatives shall be composed of Members chosen every second year by the people of the several States * * *" This language of the Constitution is clear in that every 2 years, the people are to choose who will represent them, not current Members of Congress.

Section 2 of the Constitution further states that "no person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

This language says nothing about the ability of current Members of Congress choosing who may not represent the people of a particular district by virtue of a Member's previous service.

Additionally, section 3 of article I of the Constitution states that "the Senate of the United

States shall be composed of two Senators of each State chosen by the legislature thereof, for six years * * *;" but the American people, in choosing to adopt the 17th amendment, saw fit to reserve the power of who will represent the people in the Senate for themselves.

The pertinent part of the 17th amendment states that "the Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years. * * *"

I submit to you that if the Founding Fathers and writers of our Constitution wanted to include a provision that limited the number of years that an individual could serve as a representative of a group of constituents, they most certainly would have done so. However, they did not. We are wise to follow their wisdom.

If passed, this amendment would only serve to severely limit the ability of voters across our country to take part in a process that is as old as the Constitution itself.

I must state that as an African-American Member of Congress, I am rather skeptical of any effort to change or alter the ability of citizens to vote for the Member of their choice. For members of the African-American community are well aware of the dangers and consequences of limited access and limited choices.

Supporters of this resolution aver that term limits will first, decrease the influence that special interest groups have on legislation; second, allow for fresh ideas to be brought to Congress; and third, permit greater access to Members for constituents.

Let me be the first to say that the constituents of the historic 18th Congressional District—the district of Barbara Jordan and Mickey Leland—will always demand and share unlimited access to their Congressperson and their congressional office. This office is not my office. It is the office of the people of the 18th Congressional District whom I have the privilege of representing.

The residents of the 18th Congressional District influence legislation each and every day. The office is inundated with letters and phone calls from our faithful constituents.

I submit that the arguments of the supporters of term limits are disingenuous. If Members were genuinely concerned about the undue influence on legislation that special interest groups may have on particular Members, they only have to listen more to the voices of their constituents and combine with our commitment to the greater good; this will solve any problem with the alleged negative impact of any special interest group.

Furthermore, the supporters of this resolution should include a provision which makes prior service to the House of Representatives and election to office a factor when considering eligibility for future service. Currently, this resolution does not do that. It is prospective in nature and does not apply to Members of Congress retroactively. This is a sham to the American public.

Additionally, a constitutional amendment limiting the terms of congressional Members is duplicitous and redundant in nature. Currently, the American people may vote or not vote for whom they choose. They most recently made their choices known in the last election. This was accomplished by the people exercising their right already granted by the very Constitution which some seek to unnecessarily amend. The will of the people was accomplished without an amendment to the Constitution. The voters spoke and America listened.

I hope that we can all agree that the constitutional decision of who should represent the residents of a particular district are the voters of that district, not those of us sitting here today. To suggest otherwise is to arrogantly place ourselves above the Constitution.

We are wise to be wary of too much Government intrusion into the lives of our citizens. How arrogant would it be to say to the eligible voters of America that we know what is best for you when it comes to choosing who will represent you. Let us put an end to this nonsense and get on with the business that the people of America sent us here to do.

I am not in favor of deciding for the American people exactly who will be available to serve as a Member of Congress and who will not be by virtue of their previous service.

This issue borders on the absurd. This resolution has the effect of penalizing a Member because he has the experience of representing the people of his district.

Make no mistake. By seeking to limit the terms of the representatives of the people, you are actually limiting the will of the people.

Mr. Chairman, allow me to make a simple analogy. Term limits equals forced terms.

By offering this resolution, you are not only seeking to limit the terms of elected Representatives. You are seeking to force the terms under which a citizen may vote for his or her representative. You are forcing citizens to accept terms and conditions that are unacceptable. You are dictating to the voting population that these are the terms by which we think you should elect someone else to represent your concerns in Congress.

The voice of the American people is heard when the vote of the American people is cast. Let us not muffle the resounding voice of the American people by limiting the vote of the American people. I urge my colleagues to reject this resolution.

Mr. CANADY of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I would ask my friends not to ask me to yield because I have a lot to say and a limited time within which to say it.

The popularity of term limits is a measure of the low esteem our citizens have for politics and politicians. Some of my colleagues may think that is fine. I think it is dangerous. Of course the way we attack each other and the way we demean this institution in every campaign, it is no wonder we are held in contempt. But before we leap off the cliff, before we amend the Constitution, we might give some passing deference to our Founding Fathers who over 200 years ago rejected term limits for Congress as they fashioned for us a representative democracy.

I can remember the time when cynicism was a pathology, not the rule, when it was an honor to be elected to public office. As our Nation hurtles forward into an evermore complicated world, how self-destructive it is to jettison our most capable leaders when we need their wisdom, we need their judgment so terribly much.

Freedom is always in crisis. America has need of its giants with their sense of the past and their vision of the future. To adopt term limits is to play Russian roulette with the future. Since it is a constitutional amendment we are asked to adopt, it is reasonable to ask its proponents just what they want, what they seek to accomplish.

Now it gets a little confusing, a little murky. One faction insists that Congress is too remote and unresponsive and is more interested in reelection than in serving the people. We will call this the Bob Novak wing because he is its most zealous advocate. But the other faction, led by George Will, says we are too close, too responsive to the people, and term limits will put some needed constitutional distance between us and a too demanding constituency. I ask, which is it, fever or frostbite? Are we too distant or are we too close?

It appears to me term limits supporters are standing on two stools and as they separate, they are in danger of getting a constitutional hernia. It is a mighty strange rationale to amend our Constitution when its staunchest advocates cannot agree on its consequences.

Speaking of journalistic anomalies, syndicated, columnist and talk show celebrity Bob Novak also publishes a newsletter with his partner Rollie Evans. No one this side of the editorial page of the Wall Street Journal is more vigorously committed to term limits than Bob Novak. But I received in the mail the other day an advertisement for the Evans and Novak political report and believe me, it is a symphony to experience.

In fact on page 4 it makes a memorable claim, and I quote:

> Between the two of us, Rowland Evans and I have been reporting on Washington and national politics for a combined total of 90 years.

I guess if you put their years of reporting end to end, they would have started when the senior Senator from South Carolina was 4 years old.

Should we adopt a three-term limit version, enormous superclasses will enter the House in 6-year cycles and developing effective leaders will be a roll of the dice. A revolving door membership means a revolving door leadership with no continuity, no stability, and certainly no historical memory.

Imagine telling these statesmen they cannot serve any longer, their 6 years are up or their 12 years are up: John Quincy Adams, Henry Clay, Arthur Vandenberg, Everett Dirksen, Sam Ervin, Hubert Humphrey, Henry Scoop Jackson, Barry Goldwater, Bob Dole, ROBERT BYRD, Bill Natcher, LEE HAMILTON. Would we survive as a free Nation as strong as we are without these people?

Implicit in the argument for term limits is a premise that serving in Congress is not a particularly difficult job. Scholars say that 200 years ago Tom Jefferson knew everything that was worth knowing. Well, today that is hardly possible. Just think of the range and the depth of knowledge necessary to deal with just a few of the issues that confront us:

Electric power deregulation, a $208 billion industry with countless competing interests; States rights; monopoly power; environmental safety. No easy answers here.

Well, Superfund reauthorization, plagued by litigation and delay; we need solutions regarding retroactive liability; a stable and fair funding stream. An easy task? I do not think so.

Encryption of electronic communications; reconciling the needs of commerce with the needs of defending this country from terrorists and law enforcement. Not too easy. Medicare and Social Security reform, the effect of the baby boom retirements on all our social insurance programs, ABM defense, China, human rights versus trading with the most populous country in the world.

I have not scratched the surface. But this is no place for amateurism. A Congressman who makes a career of public service, who is willing to make the sacrifice and the commitment develops a record, a standard of comparison to be judged by from election to election, and he is accountable for the long-term consequences of his action. No hobbyist legislator, no part-time lame duck legislator can share that kind of motivation.

Term limits will encourage early exits. An attractive job offer comes along, you take it when it comes along because it might not be there when your term is up and you have to leave.

Term limits will reduce competition for office. Why run this year when the seat will be vacant in 2 years? A system that does not reward effectiveness and seniority will discourage the most capable, the very people we desperately need. Term limits diminishes the opportunities to develop strong ties with your constituencies, with your communities. It diminishes the incentives and the opportunities, and this is no virtue.

Term limits hands off power to the bureaucrats, the lobbyists, the executives and the other body, thus debilitating democracy in this Chamber. Under term limits this Chamber will be peopled by young men and women starting their careers, plus the few older people who will lose nothing by serving a term or two in Congress. But missing will be those in mid-life who must give up careers in law or business for a career of public service. We need them all, the young, the old, and those in the prime of life. Such a rich and varied mix makes this place a real House of Representatives.

When we amend the Constitution, we should expand liberty, not diminish it, not contract the voters' choice. This amendment is not conservative. It is reactionary. It echoes the 1960's theme, "never trust anybody over 30."

The last time we debated this issue, we opponents were accused of arrogance, that we were the only ones who were qualified to govern. On the contrary, the beginning of wisdom is knowing how much you do not know. And if there is any arrogance here, it is among those who have no idea how difficult it is to draw the line between liberty and order and would deny the voters the right to choose whom they will to help draw that line.

□ 1145

In a very sad way, this amendment demeans public service as a corrupting influence. It reeks of cynicism and pessimism.

Let me tell my colleagues a story. On March 15, 1783, in Newburgh, NY, some officers in the Revolutionary Army met to plot an insurrection. They were furious at an uncaring Congress, one that had not paid them or their hungry troops in a long time.

Suddenly in their midst General Washington appeared and asked leave to address the group. Out of respect for him, they let him speak. At the end, Washington wanted to read a letter from a Congressman explaining why there were no funds to pay the troops.

General Washington searched for his spectacles because he could not read the letter. When he found them, he said, "You will permit me to put on my spectacles, for I have grown blind in the service of my country."

Now, there are no General Washington's among us, but there are a few whose long and faithful service deserves admiration and respect, not oblivion.

Public service is like climbing a mountain. The view from halfway up is better than the view from the bottom. And the higher one climbs, the more the horizon expands, and near the top one can see sights one never knew existed.

The right to vote is the heart and the soul, it is the essence of democracy. Do not artificially restrict the choices available to the voters on election day. If the consent of the governed means anything to my colleagues, then our task today is to defend the consent of the governed, not to assault it. Do not give up on democracy. Trust the people.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

My colleagues, I think we have heard from one of the most thoughtful of our Members. The chairman of the Committee on the Judiciary sets an example of the kind of comity that he talks about, because he has reported out a bill that he may not agree with. He has done it expeditiously and on time. He has neither incurred the wrath nor stimulated the rancor of any member of the Committee on the Judiciary, and I think that the RECORD should reflect it from those of us who serve on the committee.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK], the distinguished ranking member of the subcommittee.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the ranking member for yielding me this time and I am honored to follow the chairman, who appropriately discussed this issue in its philosophical context because we are talking here about as fundamental a question as can be addressed in the body of elected officials.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman.

I made an error in my remarks. I referred to the senior Senator from South Dakota, whom I have no interest in mentioning, but I meant the senior Senator from South Carolina; and I wish to correct that in the RECORD.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, the gentleman is correct, and I think in the future just refer to him as the senior Senator from the Earth and that would probably make it clear to people to whom the gentleman is referring.

Mr. Chairman, there are a number of lesser arguments that can be made on this which counter the arguments in favor. One argument has been, well, it is too hard to defeat incumbents. We know of course that that is simply no longer factually true. There was a period in our politics when incumbents seemed to be hard to defeat.

I was always puzzled by that argument, still am. We must be the only profession in the world in which an indication that your employers are very satisfied with your work is taken as a sign that something is terribly wrong.

If anyone in any other business maintains a good relationship with those who decide whether or not to continue to use the services, that is considered a good thing. A doctor, a lawyer, a grocery store manager, a shoe repair person, a teacher, anyone whose employers say, "Great job, keep at it," anyone to whom people keep returning for their custom is generally considered to be very good at their job.

But in our case being approved of on a regular basis by those to whom we owe primary allegiance has been considered by some to be a bad sign. But even by that, it seems to me a wholly flawed measure. The arguments for this amendment have decreased. People know how to throw out of office those who they do not feel are serving them well. Members here have been defeated, Members have been turned out.

In fact, let us be very clear. The underlying amendment here, the 12-year amendment, we will get back to this when we get the amendment from the dean of the House, the gentleman from Michigan, [Mr. DINGELL]. The unknown amendment which would add 14 years to what everybody now here serves would apply to less than 20 percent of the House. In fact, 12 years is already an upper limit for many, many Members.

We also heard the deficit argument. And the people said, well, the deficit was caused by all these people trying to get reelected. I will return to that argument because that is the core, it seems to me, of the flaw, namely that the people are a bad influence in this place and if we can somehow diminish their influence, we would be better off.

But even that argument is flawed. There was a period in American history during the 1980's when conservatives, liberals, Republicans, and Democrats resolved their differences by agreeing to each other's deficit-enhancing proposals. So we wound up with more domestic spending, more military spending, with tax cuts, and the result was a ballooning of the deficit in which all parties were somehow complicit.

But we have now seen a very drastic public shift. People are now driven to reduce that deficit by the very public influence that the proponents of this amendment want to kick out. It is the worst example of cultural lag seen in a long time because it builds on a temporary period in American history.

And it was, if we look at this, and I am sure historians will conclude this, the term-limit movement was a specific response to people frustrated not with the system of American government but with the results that were being produced by that system at a particular period in history, and that is no longer there.

But even if I did not agree on those two points, even if I did not agree that the amendment has been weakened on those two points, I would be fundamentally opposed to this amendment because, as the gentleman from Illinois pointed out, this essentially seeks to alter democracy, to reduce the choices of the voters. It is at bottom a view, as the gentleman from Illinois has consistently and courageously articulated, it is at bottom a view that says we cannot trust the voters.

The voters are, according to the proponents of this amendment, too easily seduced. The voters must be put in some kind of fetters. Because we leave to the voters of America, unconstrained, the choice every 2 years of who should represent them in the House of Representatives and every 6 years who should represent them in the Senate, two fairly profound choices, and this amendment says leave to the unconstrained choice of the American people who they wish to have represent them every 2 years and every 6 years and the results will be bad.

What else can that be but a negative judgment on the competence of the voters? What else is it but a notion that the voters are too easily bamboozled? We would be in a terrible situation if that were the case.

We have a sad problem in parts of the world. Algeria was an example. What do we do when we bring democracy to a voting public and it votes to end democracy? That is a fundamental philosophical problem for those of us who believe profoundly in democracy as a guarantor of the basic rights of human beings.

We do not believe in democracy because it is fun to sit up on election night. We believe, given the inherent nature of human beings, when we give one set of human beings consistently power over another, we better give those over whom the power is offered some self-defense weapons, because people have a tendency to abuse power and wield it to their own interest.

The ability to vote for or against them on a periodic basis is that fundamental guarantor, the nearest we can come, in this imperfect world, to fairness on the part of the voters.

So we get this amendment, which says that does not work, and let us restrict what the public can do. Let us tell the public that there is one set of choices they can make.

And, by the way, people have said, well, what about the Presidency? First, I do think we can make a somewhat stronger argument for limiting an executive than a legislator, but I oppose both.

In 1985 our former colleague, Mr. Vander Jagt, of Michigan, introduced a constitutional amendment to repeal the limiting amendment on the President. He wanted to allow Ronald Reagan to run for a third term. I cosponsored that amendment, although I will confess that if my colleagues polled me, I probably would have come out leaning against a third term for Mr. Reagan, but I thought democracy meant people had a right to do something even if I was not going to approve of the outcome, and I have consistently supported a repeal of that.

But there is even a stronger argument for doing this with a legislator. One might argue an executive accretes too much power. I do not agree that that is a reason to overcome democracy, but it is an argument that cannot be made. There has not been a single legislator in the history of this country who can be deemed to have accumulated the power in foreign policy, in committing troops to war, in appointing Federal judges that any President has if he is there for a year. There is a great disproportion.

Indeed, that is another reason to be against this amendment. One is the constraint on democracy. The other is this amendment would do more to alter the balance in favor of the executive and against the legislature than any other single action we could take, with the possible exception of the legislative veto.

And it is interesting, I read in The Hill this morning that some of the Republicans who were all for the legislative veto are now worried about how it might enhance Bill Clinton's power too much and are thinking of ways to restrict the use of it. That is an entirely reasonable fear. But this one would enhance the executive even more.

No one is proposing, nor would anyone, I think, propose term limits for the bureaucracy. We certainly do not want to say that nuclear engineers, medical research supervisors, prosecutors, other very important specialists in this Government, people who are expert in fission, people who are expert in foreign policy, no one is proposing that every 12 years they have to leave.

I do not use the term "bureaucracy" in a negative sense. Some of my close relatives are bureaucrats. I have an enormous respect for those who work for this Federal Government because, in many cases, particularly in these areas of expertise, they are very, very talented people working for far less compensation than they would get in the private sector.

We are lucky that we have lawyers willing to work as prosecutors for a small percentage of what they would get if they were out there in the private sector. We are lucky there are dedicated scientists working purely to try to find ways to combat illnesses when they could make more in the private sector.

But one of the jobs that we have, as we all know, is to intervene on behalf of our constituents, whether they be individuals or municipalities or businesses or labor unions. We intervene on behalf of individuals when they have been unfairly treated. And there are no perfect institutions in this world. Bureaucrats, as much as I admire them, will from time to time treat people unfairly. That happens to everybody.

My ability to intervene on behalf of my constituents, my staff and I, is enhanced by the experience we have. I will tell my colleagues that now I am a better advocate for those in my constituency who may have been treated unfairly than I was in my first and second and third term. It may level off after a while, but if we adopt a 12-year term limit, and this is, of course, a fortiori if we do a 4-year or a 6-year term limit, we then have to figure most people will not serve up to the limit.

People will begin to see, as the gentleman from Illinois pointed out, they will begin to see the term limit approaching and they will start taking alternative jobs. No one will wait until the minute they have to go out the door to do alternative planning. So they will start leaving. They will live for the private sector and other public jobs. The median service in this place will go down very substantially.

What that will mean will be that the institutional memory in this city will be almost exclusively an executive branch institutional memory. We will have experienced, dedicated executive branch appointees and executive branch personnel dealing with relatively inexperienced legislators and staff.

I am not one who thinks this will help the legislative staff. Legislative staffs tend to go with the Members, particularly the personal staff, those who do a lot of the constituency intervention work. We will greatly enhance the power of the executive, even a term-limited President. Because it is not the President's policies we are often dealing with when we intervene on behalf of our constituents, it is the ongoing bureaucracy, and a bureaucracy that must be ongoing in our interest. Well-intentioned, the best bureaucracy in the world will make those mistakes.

So two streams come together. First, this is an amendment that says the American experiment in giving the people unrestrained power to decide who should represent them every 2 years was a mistake. That was not, of course, the experiment, as the gentlewoman from Texas pointed out, of 1787.

□ 1200

That did not become American practice until the 1920's. And in fact probably not even until the 1960's. It was not until after the passage of the Voting Rights Act and the other constitutional amendments dealing with other restrictions until we got rid of literacy tests and poll taxes of a discriminatory kind. But we have had now in America, I believe, as unconstrained a democracy as it is possible to have in a modern complex urban society.

Can we not be proud of that? Can we not be proud of the fact that in America there are fewer formal restrictions on the ability of citizens to vote for their Representatives than I believe in any other society with which I am familiar. Have the results really been that bad? I do not think so. I think America still is a place of great envy in the world. We certainly still are from the immigration standpoint, from the problem that everybody wants to come here.

Our economy, the state of our liberty, all of us can find flaws, but all of us I think would acknowledge that they are in pretty good shape. And the mechanism for improving on them must be self-correction. I do not want to add further. Add term limits to the line-item veto and the first President to serve during that era of term limits with a line-item veto, I guarantee you will be the most powerful President in the history of the United States, because the legislature will have put one more shackle on itself and ended a two centuries old tradition in America of expanding the freedom of the voters. We did it with direct election of Senators, with doing away with property rights, with empowering African-Americans, with letting women vote, with reducing the vote to 18.

With the exception of the 22d amendment, which I think was obviously just fear of FDR coming back again, with that exception, every time we have amended the American Constitution regarding our system, we have expanded democracy. This would be the most significant reactionary act, as the gentleman from Illinois correctly labeled it.

Let us not tell the American people that we have decided after 200 plus years of successful and expanding democracy that the fundamental premise that we can trust the voters, unconstrained, to make the best decisions in their own interests was a mistake, and passing an amendment that so severely limits them, the most severe limitation on the right of the voters to have been put forward in the history of this country. Do not undo the very proud democratic history of this country. Let us continue to be a beacon to the world of what representative government, electoral freedom, unconstrained, can produce.

Mr. Chairman, I thank the gentleman for indulging me in the time.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. LoBiondo].

Mr. LoBIONDO. Mr. Chairman, one thing I wanted to start off with is I often hear where a great American, one of our Founding Fathers, is quoted in this great body of ours. We refer to him often, sometimes when it is more convenient than others, and that is Thomas Jefferson, who in 1787, soon after formulating our Constitution, this is what he had to say: "The second feature I dislike—about the new Constitution—and greatly dislike, is the abandonment in every instance of the necessity of rotation in office."

This is Thomas Jefferson, one of the people we put a great deal of faith and trust in. Before I came to Congress, I believed in term limits and after having served here for 2 years, I feel stronger than ever before that this is absolutely the right way to go. I think that term limits are needed so that we can maintain the energy level necessary to keep up with what is necessary to give 150 percent, and I think it is somewhat questionable if you can do that after 25 years, or less than that.

I think it is necessary to make sure that Members stay in touch with their district, the real world. While this is where we work and vote, the real world is back in our districts. That is what we need to keep the link with. I think we need to make sure that Members stay rooted in what their constituents feel strongly about, what they feel passionately about, what is on their minds. In my belief, term limits will help us do that. Creating a healthy turnover among Members will make our Federal Government less responsive to the needs of special interest groups and more responsive to the needs of everyday Americans that we are entrusted to represent.

I do not imagine, and I cannot conceive, that our Founding Fathers ever would have envisioned elected officials making a career out of politics.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. Scott], a distinguished colleague of mine from the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, the gentleman from Illinois has outlined the reason why we have to have experience and the necessity of having experience and the value of democracy. We also have to look at the fact that people have already used their power to vote. There has been significant turnover in the House in the last few years. The voters have voted out old and young alike. They have discovered that some of the newer Members are totally out of touch, some of the more veteran Members are in fact more in touch and need to be returned, and they have used that power.

Mr. Chairman, we should not trivialize the Constitution with amendments that are not necessary. We have before us so many variations on that amendment that it is so clear that we have not studied this sufficiently to know which version is the correct version. In fact, we have not even decided what the problem is.

As the gentleman from Illinois indicated, some have said that voters need to be closer to the people, that Congressmen need to be closer to the people. Others have said if this passes we will be further away from the people. It is like snake oil. Whatever you want, this will cure.

We also have a question of how close legislators ought to be to special interests. In fact, in your first term, you are more beholden to special interests than you are when you have served a number of terms. That is because after you have established yourself, you can raise your own money and you can get your own votes without having to rely on the special interests. People want Congressmen to be more interested in the people's business.

As the gentleman from Massachusetts pointed out, when each Representative comes and has to look towards the next job instead of a career where you are required to attend to the people's business, you will find that legislators as soon as they arrive will be looking towards that next job, many of which may be employed by the various special interests that we may be voting on their interests.

Mr. Chairman, we have a situation in Congress where we are very contentious and we want to improve the atmosphere in Congress. But if you think about that, are we more likely to be courteous to those that we are going to have to spend an indefinite amount of time with or those we know we will not see after next year?

And then finally we find an interest to listen to the people. The people have expressed their interest in term limits, and we find this very resolution will overrule the specific expressions of many States who have said that 6-year term limits are preferable, not 12. So if we listen to the people, we should reject House Joint Resolution 2 because it would not allow the shorter limit that people have spoken to. In fact, some States do not want term limits at all. We should have adopted as in order the amendment of the gentlewoman from Texas [Ms. JACKSON-LEE] which would give the States the option if we are going to have any term limits at all.

Mr. Chairman, we have not determined which version is appropriate. We have not even determined what problem we are trying to solve. Term limits may sound like a catchy idea, but the existing limits, called elections, are the best way to go.

I ask Members to vote "no" on House Joint Resolution 2.

Mr. CANADY of Florida. Mr. Chairman, I yield 7 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. I thank the gentleman for yielding me the time. I appreciate the opportunity to have this debate on the floor of the House today and to have this historic vote on term limits, the second in the history of the country.

Let me start by thanking the chairman of the Committee on the Judiciary who spoke very eloquently before, against term limits, but to thank HENRY HYDE for being willing to let this come through his committee and for being willing to let there be this debate on the floor of the House so that the American people can hear the debate and know that their voices are being heard. It speaks very well for the chairman to allow that to happen, and it also speaks well for the leadership of this House.

Speaker GINGRICH promised that when we failed in the Contract With America to get enough votes to propose a constitutional amendment here in the House, he promised that this would be the first substantive vote of the new Congress if he were still Speaker. Here we are at the first substantive vote of this new Congress, promises made, promises kept, I very much appreciate the integrity of the leadership for seeing that happen.

So with thanks to the leadership and thanks to Chairman HYDE for allowing this to come through the committee, I would start by saying, Mr. Chairman, that the issue of term limits is one that the American people understand to be the best reform we could bring to the institution of Congress. There has been a lot of discussion about whether we need term limits in order to get rid of experienced people.

The chairman of the Committee on the Judiciary particularly spoke to that. I would differ slightly with that. I do not think that is really necessarily the goal of term limits, to throw out people with experience. Because in fact we have no objection in the term limits effort if HENRY HYDE wanted to run for President, I would be one of the first to sign on to the HENRY HYDE for President committee. We do not have a problem with that kind of experience.

What we do have a problem with is a Congress made up of incumbents who are virtually safe in their House districts, such that there is almost no way for them to be defeated. As evidence of that, let me present some statistics about the reelection rate of House incumbents, starting in 1990.

In 1990, of those incumbents who wanted to come back, in other words, some people retire, some people get indicted, I suppose, some people do whatever and leave this House. But of those who wanted to come back, 96 percent came back in 1990. In 1992, the year that I came here, 88 percent of incumbents, those who stood for reelection, who wanted to come back to serve in the House, came back—88 percent rate of reelection. Then in 1994, the rate of reelection was 90 percent. That is interesting, because a lot of people assumed that in 1994 we had major change, significant change here in the House, and we did get some change. A lot of that change came from open seats. Very little change came from actual losses by incumbents to challengers—90 percent were reelected in 1994. And in 1996 we were back up to a 94-percent rate of reelection. In other words, 94 percent of us who wanted to come back, came back as a result of the 1996 election.

This does not indicate that the American people are terribly satisfied, I do not think, however. Some would use these statistics to say, "Well, that is because they love me. That is why they keep sending me back." I do not think that is exactly it. I think it is mostly that there are tremendous advantages of incumbency. The biggest one is fundraising. Of course the way we have got the campaign finance system set up, the PAC system rewards incumbents. It protects incumbents from voters. It makes it so that incumbents become virtual shoo-ins for their reelection.

Some would say, therefore, that is an argument not for term limits, that is an argument for campaign finance reform. I would agree that it is a good argument for campaign finance reform, but even if we get campaign finance reform, and I certainly hope we do, there are still tremendous advantages to incumbency.

In 1992, I was one of these folks who was running in a challenge race. During the course of the 1992 campaign, just as a very small illustration of what I am talking about, about the other nonfundraising advantages of incumbency. I was invited on precisely one plant tour. I got that one opportunity to tour a plant because one of my partners prevailed upon his client who owned the plant and begged my way in to tour his plant. One plant tour. Everybody that is a Member of Congress, I am sure, sitting here, has had the same experience.

Now, as an incumbent, there is a list of people who would be happy to have me come tour their plant. Generally what happens is people sort of stop production, they gather people around, and it turns into a town meeting. It is a wonderful opportunity for them, and a way to hear about their Government, and I appreciate that, and it really is a very valid thing about going there and doing the plant meeting and having that opportunity. But it is also a significant advantage to incumbency, not just in fundraising but in these other things.

Then when you consider the fact that you have the opportunity to be in the media quite frequently in your local district, the result is, particularly here in the House, significant advantages to incumbency. What we see is that Members are able to create virtually safe seats in cozy House districts.

☐ 1215

Term limits would change that, and some would criticize and say, well, then in the term limit effort it would be inconsistent to allow, say, HENRY HYDE to run for President. I do not think so. I think that it would be wonderful if the gentleman from Illinois [Mr. HYDE] wanted to run for President; I would again sign on.

Not many people in the term limit effort had much of an objection, for example, to Governor Reagan running to be President Reagan. We do not lose the talent that everybody is talking about losing out of this body; we just redirect it. The talented Member of Congress can run for Governor, and the talented Senator can run for President, and between President and Governor there are dozens of other positions for those folks to fill very capably and to continue making a contribution to public service.

We do not want to discourage public service in term limits. What we want to do is bring in some fresh folks.

Now of course the argument is that a clear majority of the people in this House have been here for less than the term limit that we are proposing, which the one that will get the most votes, of course, will be the 12-year proposal. That may be true. But what we have to look at is the number of people in the senior positions in the Congress and have they been here longer than that term limit. The answer is "yes," they have been here. So while we get change in this body, it is typically at the lower levels of the body, not in the leadership roles. It is critical to get that kind of change even at the higher levels.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds, and I ask my distinguished colleague from South Carolina, who serves on the Committee on the Judiciary, has he considered the proposition of self-limiting terms of Members? I think he is an example of that.

Mr. INGLIS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from South Carolina.

Mr. INGLIS of South Carolina. Mr. Chairman, I think that term limits, it is wonderful if somebody will apply the limit to themselves, but we need universal limits, I believe, across the board.

Mr. CONYERS. Mr. Chairman, I have a growing list of people who are self-limiting their term, and I do not say the gentleman started this, but there are others that are doing it. We might want to consider this in the mix of proposals.

Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT], a distinguished member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] for yielding time for this purpose and appreciate the opportunity to debate this important issue.

I believe in support of democracy of the people, by the people and for the people.

Now we are going to hear some people on the other side who will probably say they are the ones that are in support of democracy of the people, by the people and for the people, but I think we can make the only evaluation of that.

I rise in opposition to this proposed amendment, and I plan to vote in opposition to all of the proposals that will come to the floor today. I think term limits, first of all, a bad idea, and I will run through quickly the reasons; a lot of those reasons have been mentioned here today.

I think term limits would have the effect of turning our democracy over to the experienced staff people who staff the committees. Those people do not answer to any electorate out there, but they are going to be here regardless of whether I leave or do not leave, and they end up setting the policy.

I think term limits significantly would alter the balance between the legislative and executive branch, and my colleague, the gentleman from Massachusetts [Mr. FRANK] has ably talked about that; so, I think it is a bad idea for that reason.

I think term limits would probably significantly reduce voter turnout, and I cannot prove this by any statistical study, but it just seems to me that we are already having trouble getting people to turn out to vote. Limit terms to 2 years or 4 years or 6 years; people have even less inducement to go out and vote because the person is going to be reelected for that period of time and they are going to be gone after that period of time, so why bother to go out and vote?

And contrary to the arguments that many of my supporters of this amendment will assert, I think term limits have the effect of increasing the influence of special interests because the minute one gets elected to serve in this body they stop looking for a position to land in after they are no longer here, whether it is the U.S. Senate or whether it is some corporate position. I think it has the effect of increasing the influence of special interests.

But those are my bad-idea reasons for being opposed to this amendment. I want to talk a little bit about the constitutional aspects of this because I agree with the chairman of our committee, the gentleman from Illinois [Mr. HYDE], who said that this proposal is not a conservative idea, it is a reactionary idea, and I said that over and over again because many of my colleagues have heard me say on the floor that I actually think I am the most conservative Member of this body. I am the one who comes to the floor consistently and fights for the Constitution of the United States as it is currently written, and as my conservative colleagues, who are always claiming to be conservative, who keep running these constitutional amendments at us: the term limits amendment, the balanced budget amendment, the line item veto amendment, the school prayer amendment—this amendment, that amendment—an unprecedented number of proposed amendments to the Constitution of the United States were offered in the last quote unquote conservative term of Congress by my conservative colleagues, this one perhaps is the most arrogant one of them.

There is the sense of arrogance that goes with the notion, I think, on the part of my colleagues that they can do a better job of writing the Constitution than the Founding Fathers of this country did. They are smarter than Madison and the people who were writing the Constitution back at that time, even though this Constitution has survived all of these years and has worked so well for our democracy. The arrogance of these people is particularly evident in this proposed amendment, because we have got all kinds of different variations of it. We have got nine different proposals that we are going to vote on today to amend the Constitution.

We got one that would give us 2-year terms and the senators two 6-year terms, the so-called Arkansas version. We have got one that they call the Colorado version. We have got one that they call the Idaho version. We got one they call the Missouri version. We have got a Nebraska version, a Nevada version, a South Dakota version, and all of these people are coming in here saying, I am the conservative. We even got a group out there, so-called term limits—what is that group, U.S. Term Limits—who is saying, "If you put any version of this bill on the ballot other than the version that I support, then we are going to write you up, and you are required to put something on the ballot to say you did not support my version of the term limits."

That is arrogance. That is arrogance on the part of my colleagues who say, oh, no, I am conservative. If they got some conservative philosophy, at least it ought to be consistent. There ought not be 9 different versions of conservatism, each one of which is parading itself in this body as being the conservative version. That is arrogance, my colleagues.

Finally, let me caution us against this idea that we ought to be writing a Constitution based on polling information. Let me caution us against that. For those of my colleagues who follow this body, they will remember that I was the person who came to the floor last term of Congress on a crime bill and offered the specific language of the fourth amendment as an amendment to the bill because my colleagues kept arguing to me no, we are not altering the fourth amendment to the Constitution by doing this, we are not doing anything.

Well, I say what is wrong with the language of the fourth amendment? Why not support that? And it was my colleagues here who overwhelmingly voted down the specific provisions of the fourth amendment.

In the context of preparing to offer that amendment, I did a little looking around, and I found that if we polled the American people, a substantial majority of them would say: I do not support the 1st amendment, the 2d amendment, the 3d amendment, the 4th amendment, the 14th amendment, and on and on and on. The Constitution was written as the framework for democracy to withstand the kinds of attacks that evidenced themselves in popular polls.

And in the testimony before our committee, in the testimony before the Committee on the Judiciary, I was just flabbergasted to hear an intellectual conservative come before our body, and I am not supposed to name names so I am not going to call the name, and say I support term limits because this provision is not relevant to today's society. And I say, well now. Is the first amendment relevant to today's society? Our debate has gotten shrill, our debate has gotten very partisan and mean-spirited in many cases. Does that mean we ought to rewrite the first amendment to the Constitution also? I guess not relevant to today's society.

What about the fourth amendment to the Constitution? There is a lot of crime out there on the streets. Does that mean we ought to turn over to the Government and the police the authority to kick in our doors, and search our homes, and tap our phones, in an unlimited way? Maybe the fourth amendment is not relevant to today's society.

My colleagues, this framework was based on democracy and government of the people, by the people and for the people. It is the people who vote every 2 years to send us back here or not send us back here. And the notion that we ought to say to them, "Oh no, we have got to distance ourselves from you, we do not want you to have this kind of influence in our system;" my colleagues, it is dangerous and counterdemocratic.

I encourage my colleagues to support the principle of democracy and representative government that says it is the people who control our democracy, allow the people to continue to speak. Do not restrict them. Please do not restricted them.

□ 1230

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, I was just wondering, in listening to the gentleman about the right of the people to determine what may or may not go into the Constitution, how did the gentleman feel, although he was not a Member of Congress at the time, nor was I——

Mr. WATT of North Carolina. Mr. Chairman, I suspect the gentleman is getting ready to ask me about some amendment.

Mr. GEKAS. If I could just inquire, how did the gentleman feel about the limitation of the term of presidency to two terms?

Mr. WATT of North Carolina. Mr. Chairman, reclaiming my time, we are not debating that. I was not here then. I probably would have voted against it if I had been here because I would have thought that it was a significant alteration. But that is not what we are here to talk about today. I did not go back and vote then. I was not even a Member of Congress then.

Mr. GEKAS. Mr. Chairman, if the gentleman would yield further, in that case, like in any constitutional amendment, we do defer to the right of the people to make that final judgment by the State legislatures that have to adopt the amendment.

Mr. WATT of North Carolina. I am sure that is true, and I am sure that is true of this amendment too. That does not defeat the purpose for which I rise today, and I hope my colleague does not think it does.

I thank the gentleman for yielding me time, and I hope my colleagues will listen to their chairman of the Committee on the Judiciary, in this case Chairman HYDE.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise in support of the constitutional amendment for uniform national term limits: 12 years for a Member of the House, 12 years for a Member of the Senate.

The only way to establish term limit parity among all States is to pass the amendment. The one we are voting on creates uniform national term limits, placing no State at a disadvantage. I am committed to that prospect.

Some support a 6-year term limit for Members of the House, allowing Senators, however, to serve 12 years. They call it 3 terms versus 2, but it is 6 years and 12 years. That is lopsided. If Senators could serve twice as long in the Congress as Representatives could, it means more power for the Senate and less for the House. Is that what we want?

Senators only face the voters once every 6 years. Members of the House face the voters once every 2 years. Which one is more responsive to the voters?

We want uniform service by those who are most responsive, not placing them at a disadvantage by saying they can only serve twice as long.

Now, some who promote term limits in fact are promoting a shift of power. We believe in the principle of term limits. We have it on Presidents. We have it in State legislatures. We have it in city governments. We have it on many governors. The proposition has already been established in this country. It is dominantly supported by the people. The real and proper question is to ask, what is the right way to go about it?

If the voters want to change a President, they can only do so every 4 years. If they wish to change a Senator, they can only do it once every 6 years. A Federal judge is there for a lifetime. A professional bureaucrat is there for who knows how long. A Member of the House serves every 2 years and is held accountable every 2 years. Why would we say we want them to be the weakest among all of the elected persons in Washington? It makes no sense. I support 12 and 12, uniform national term limits, and urge their adoption.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF], a member of the committee.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, term limits is a policy issue. There is not one single right answer or wrong answer as to whether term limits should be adopted or not. It is a question of what policy do we wish for the Congress of the United States.

There are a number of reasons in favor of passing term limits, and I believe that they have been and will continue to be adequately presented here. There are a number of reasons to oppose term limits, which again I think have been very well voiced here today and will continue to be.

I am going to support the term limits amendment for this reason: I believe that we here in the Congress who are most affected by this decision should share this decision with the people of the United States through their legislatures. In other words, I can think of no reason why we should withhold this policy decision within the Congress. I believe that we should share it with the State legislatures by voting in favor of a constitutional amendment.

The State legislatures then can adopt this amendment or not adopt this amendment, but that will be the final decision. The final decision is not made in the House of Representatives or in the other body, in the U.S. Congress.

I have to say, however, I feel very strongly that if we are going to propose a constitutional amendment, we propose it on an equal basis for a number of years, whatever that number of years is, between the House and the other body. There is absolutely no real reason why the number of years that is a maximum cap on service should be different between the two Houses of Congress. That would serve to make only one House essentially more powerful than the other House, which is contrary to the intentions of the Framers of the Constitution, I believe. So I will vote against those amendments which propose to offer different maximums between the two Houses.

I will, however, vote in favor of an amendment offered by the gentleman from Virginia [Mr. SCOTT] which says the States may choose to do that if they want to for the delegations within their State. I will vote for the amendment that says States may set a lesser amount of time within that State's delegation. Therefore, if they want to set, for example, less time for the House than the Senate, they can do so. I think it is a bad idea, myself, but I think the States should have that authority.

Finally, I intend to support the Dingell-Barton amendment that will be offered that says that the idea of term limits, the maximum time to be considered for term limits, is considered retroactively. In other words, it will apply to all of us in this Chamber today. If term limits is in fact a good enough idea that we support it or that we invite the States to support it, then it is a good idea to start immediately and not to start on some day in the future.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I intend to support the gentleman from Florida [Mr. McCOLLUM] and his bill, because it is uniform: 12 years for the House, 12 years for the Senate. I would like to give my colleagues my views of some of the things that have been mentioned.

Bureaucrats and term limits: The argument is if we rotate people through this body too quickly, we empower the bureaucratic side of government. My limited experience of 2 years tells me that the most cozy relationship in the world in Washington is senior bureaucrats with senior people in Congress serving on committees, because one knows how to take care of the other, and the biggest fear most bureaucrats have is new people asking new questions. So I do not buy that one bit.

What do the people think? I would challenge my colleagues to go out and ask people on the street, and they will find out that 70 percent of them support term limits in some fashion, but if we had a national referendum there would be no doubt in my mind that there would be overwhelming public support for term limits on this body. That does not mean the people who occupy the jobs are evil, it just means people paying the taxes want change in their government.

What would that change be? It would fundamentally change the way we view our job in Congress. The issues of the day, like Social Security, Medicare, they are complicated but they are not beyond the grasp of everyday people to understand.

I know why Social Security has a problem. We are borrowing money from the Social Security trust fund and spending it to run the Government and we need to stop it. I know why Medicare has grown 22 percent since 1980. It did not take me a career to figure that out. I am willing to do something about it, and I have not planned my life around staying up here. I want to do a good job while I am here, and I want to go home and be part of my community.

I think term limits would change the Government for the better, undoubtedly so, and 70 percent of the public, if had a chance to vote on it, I think would agree with me and disagree with the opponents.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I would inquire of the gentleman if he has heard about the concept of self-limitation of terms that Members are beginning to impose upon themselves?

Mr. GRAHAM. Mr. Chairman, if I may respond, yes. And I have limited myself to 12 years because I think that is a reasonable period of time, sir.

Mr. CONYERS. I thank the gentleman.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. HULSHOF].

Mr. HULSHOF. Mr. Chairman, I have here in my hand a copy of the Constitution, about which there has been much debate here today. I believe that the Founders created this document which outlined the principles by which we have been governed and continue to be governed, but they also provided, through article V, a means by which we can add to this document.

That is why we are here today, to determine whether, under article V, Congress shall deem it necessary to enact term limits, and I am in favor of a constitutional amendment subject to ratification by the States.

We are a government of the people, not a government of a select few. Our Founders fled the shores of England to come to this great country to escape a tyrannical leader and a government of elitists.

The fact is, Mr. Chairman, I am a newly elected Member here, and there has been some discussion about the word "arrogance." Let me give my colleagues an example of arrogance.

During the waning weeks of the 1996 campaign, the former Congressman from my district, a 10-term incumbent career politician, exhorted the voters in my district to repudiate my candidacy with the words, "a freshman cannot accomplish anything in Congress". That arrogant attitude with which that statement was uttered is somewhat the same self-important attitude that is the subject of this debate and drives some in the opposition. They say we cannot trivialize the Constitution, as I have heard mentioned.

Mr. Chairman, this is a living document, and it is time for us to enact the will of the people. Let the one among us who believes himself to be irreplaceable in this Chamber, let him cast the first vote "no." But as for me, Mr. Chairman, I intend to enact the will of the people.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute and 15 seconds to inquire of my new freshman colleague, the gentleman from Missouri [Mr. HULSHOF], whose statement we welcome and whose presence we welcome to the Congress. Some arrogant career politicians said a freshman cannot accomplish anything in Congress. I presume that the gentleman has something to accomplish in this noble body, correct?

Mr. HULSHOF. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Missouri.

Mr. HULSHOF. Mr. Chairman, it will be incumbent upon me in the next couple of months to prove that declaration to be false, yes.

Mr. CONYERS. Reclaiming my time, Mr. Chairman, the people in Missouri believe the gentleman, that he can do it, and we will be watching and waiting.

Now, does the gentleman plan to impose self limits on his term of office? How does the gentleman look at this, regardless of what the body does here today?

Mr. HULSHOF. Mr. Chairman, I have pledged to the people back home in the 9th Congressional District that I do not intend to make a career out of politics.

Mr. CONYERS. Well, wait a minute. That is wonderful, but does the gentleman plan to limit the number of terms he intends to serve?

Mr. HULSHOF. Mr. Chairman, I have made that statement public, yes.

Mr. CONYERS. Mr. Chairman, can the gentleman divulge to us, just between us, how many he plans to serve?

Mr. HULSHOF. Absolutely, I would be happy to. Of course that is dependent upon the good people of my district, but when I ran for this seat back in 1994 unsuccessfully, and again here in this last election, 12 and 12 as proposed by the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, our Constitution is a document that has stood the test of time for over 2 centuries, and I think every person in this Chamber should admit that the Founding Fathers got it right and vote down these term-limit amendments.

The Founding Fathers established term limits when they wrote the Constitution. They are called elections, to quote my friend and the chairman of the House Committee on the Judiciary, Mr. HYDE. Yet here we are today engaged in this debate primarily because the majority of the American people, fueled by radio talk shows and pollsters, support limits. I believe their concerns are right, but their answer and their solution is wrong.

We do need congressional turnover and fresh ideas, but we need those ideas to be combined with the balance of experience and expertise.

Mr. Chairman, there is a learning curve for every job and the same is true for Members of Congress. To impose automatic term limits would greatly increase, and I think this is very important, greatly increase the power of paid congressional staff, lobbyists, government bureaucrats, and I might add all of those other elected government regulators. The general public does not understand that. If they did, they would recognize how ill-advised these automatic term limits really are.

□ 1245

I do not have time to go into the revolving door syndrome, where Members would spend their time making sure they had a good, soft job with the special interest groups they were working with when they were in Congress. After all, you have to have a job after you leave. I will not go into that.

But I do say that the widespread public concern should now be directed to campaign financing reform. I think what we need is the level playing field between Members and challengers, so the challengers can have the means whereby they can get their message out to the voters.

The answer is genuine campaign financing reform. We have that legislation before us, from Senators McCAIN, FEINGOLD, the gentleman from Connecticut [Mr. SHAYS] the gentleman from Massachusetts [Mr. MEEHAN] and myself. It is a bipartisan effort.

Mr. Chairman, we do need reform, but term limits are not the solution. I say term limits, no; genuine campaign financing reform, yes.

Mr. McCOLLUM. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Utah [Mr. COOK].

Mr. COOK. Mr. Chairman, for years I have worked to make term limitation a reality. I launched and led the term-limitation initiative drive in the State of Utah, because the people of the State of Utah, indeed the people of America, want term limits. I did not believe that we could get it through the legislature. I was very skeptical that we could get it through the Congress of the United States.

Quite honestly, I think with respect to this issue, the arrogance is reserved for those who absolutely insist they know better than the people, and refuse to listen to the will of the people. I am supporting the McCollum 12-year amendment, because I think that amendment is one that balances the importance of having experienced Members, but it stops where we run into the risk of having career politicians.

Mr. Chairman, I think George Washington set the example. When there was obvious near-unanimous consent for him to approach a third term, he stepped down because, he said, people needed that opportunity.

Finally, I think we just simply have to realize as we work on legislation, as we propose it, and as we vote on it each day, that we need to feel that we have to go back and live under the laws that we helped create. I am strongly in support of the 12-year-term limitation amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, term limits is an idea whose time has come and gone. It is a feel-good constitutional amendment that does not belong in that cherished document. Term limits is a simplistic solution to the complex challenge of making our Federal Government work more effectively. It is a bad idea, an idea that limits the rights of citizens to vote for or against whomever they choose.

We all know this issue is going to be defeated today, so would it not be better if we moved on to the issues that truly affect the daily lives of average working families in America, issues such as balancing the budget and welfare reform and crime and education for their children, health care?

How absurd and how dangerous it would be to have the Committee on National Security, which oversees a $250 billion annual budget and literally makes life and death decisions over the lives of young men and women in uniform serving this country, to have that committee arbitrarily chaired by someone who might have been in this House only 4 years. It just simply does not make sense, and it would not be right for our military personnel or for the future of this country.

Mr. Chairman, the passage of an arbitrary term-limits amendment would create a Washington Mardi Gras for District of Columbia lobbyists, staff, and bureaucrats, people over whom average Americans have little or no control. The fact is, Americans are exercising the concept of term limits envisioned by our Founding Fathers. It is called voting. It is called an election.

The fact is that over 60 percent of House Members in this body have been elected since 1990. Mr. Chairman, I respect those who genuinely believe in term limits, but I hope the national media or someone might create a "hall of hypocrisy" for those who believe it should be a crime to serve in this Congress for more than 6 or 12 years but they continue to serve here 7 or 13 or 20 or 30 years. If someone truly believes it is morally wrong to serve here more than 6 or 12 years, then they should exercise the courage of their convictions and not serve one day longer than the term limit they vote for today.

The fundamental question before us, Mr. Chairman, is whether in our democracy we should put trust in the citizen's right to vote. I choose to trust the people of this great country, and not some arbitrary feel-good, press-release, sound-bite constitutional amendment that will do damage to the rights of the American citizens.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I want to thank the gentleman from Pennsylvania [Mr. GEKAS], a member of the committee, for his courtesy in yielding to me first. I am about to go lead the House welcome for the Speaker of the Polish Parliament.

Several years ago, my State twice passed term limits by large margins, only to have those actions invalidated by the courts. But the first legislative day after the voters of my home State expressed their support for term limits, I cosponsored legislation to institute a 12-and-12 constitutional amendment to limit terms of service for the two houses of Congress. I think it is a close call whether or not it is in the national interest and necessary to institute term limits. Nevertheless, I bowed to the views of my constituents and the people of my State.

However, it is very clear to this Member that I could support a constitutional term limitation only if such limitations were in the form of an amendment to the Constitution so that the congressional delegations of all States would be equally affected, and if such limitations were reasonable in length and identical for both the House and Senate.

The organization that is referred to as U.S. Term Limits has, with extraordinary funding, largely out-of-State funding, and paid circulators who frequently misinform voters, pushed their ridiculous legislation to require only a 6-year term limit for Members of the House of Representatives, while providing for a 12-year limit on the Senate.

This Member simply cannot in good conscience support such a 6-year term limit, as it is clearly contrary to the national interest. I might have a scarlet letter next to my name on the ballot next year. So be it. I am not going to vote against the national interest. I have never knowingly done it, and I am not going to start at this time. Despite such political threats as the proposed notation on the ballot, this Member will not do something that is damaging to the national interest.

First, 6 years is a totally inadequate length of time for citizens elected to the House of Representatives to gain the maximum expertise in the legislative process in the House, and to gain sufficient experience to be more likely to consistently make informed decisions that our Founding Fathers expected from the House of Representatives.

While over the years people have served in the House of Representatives for less than 6 years, it is foolhardy to expect the House to adequately perform its duties in this modern age when all representatives are limited to a maximum term limit of 6 years. Such an arrangement simply denies the country the crucial experience, good judgment, and informed action that our Nation and its citizens deserve. The House is now confronted by far more complex issues than in the early years of the Republic, and a 6-year term limit flies in the face of that increasingly complex agenda.

Second, providing a 6-year term limit for the House and a 12-year term limit for the Senate disturbs the delicate balance of power between the House and Senate, as established by our U.S. Constitution. The implications of this imbalance would probably only become apparent over a period of years, but it clearly will lead to an ever more serious erosion of power in the House of Representatives vis-a-vis the Senate. This Member has yet to hear one good argument for setting different limits on total years of service in the House and Senate.

When one tampers with this delicate system, one shatters not only the balance of power between the House and Senate, but also the balance of power between the legislative, executive, and judicial branches of our Federal Government.

Finally, Mr. Chairman, a 6-year term limit, by reducing the experience and influence of elected Members of the House, will dramatically increase the power of nonelected congressional staff over the legislative process, not to mention special interests. While this Member would be the first to agree that the power of the nonelected congressional staff is already an issue of concern, the 6-year term limit on the House will only compound that problem.

Mr. Chairman, I urge the Members to consider voting for only one approach, if any. That is the McCollum proposal for a 12-year limit on both houses of Congress.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. Hastings].

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from Massachusetts for yielding time to me.

A gimmick, Mr. Chairman; this Chamber is using our precious time on a gimmick. While schoolhouses are falling down around this country and the homeless are going without shelter and the infirm are going without proper medical care, the House will spend its business today debating an amendment to the Constitution that would limit the people's choice to who shall represent them.

Do not just take my word for it, Mr. Chairman. We have the most imminent Americans over the past 220 years who have opposed plans such as the one we are debating today. Alexander Hamilton made it clear that the proponents of term limits were shortsighted thinkers. Term limits, Hamilton argued, could deprive the Nation of the experience and wisdom gained by an incumbent, perhaps just when that experience is needed most.

Mr. Chairman, it is worth noting that much of the greatest legislation of our Nation's history was introduced and passed by Congresspersons late in their tenure as Members of Congress. Term limits would have unseated Daniel Webster and Henry Clay 10 years before they forged the 1850 compromise. John Sherman introduced his landmark Antitrust Act in his 29th year in Congress. Paul Douglas introduced the Voting Rights Act in his 16th year in Congress, and the list goes on.

I will continue further to enlighten our colleagues about the detriments of term limits, but we have already spent too much time discussing this unnecessary and thoughtless amendment. I urge my colleagues to reject this amendment.

I close by quoting Robert Livingston, not our colleague, but a delegate to the New York State Convention to ratify the U.S. Constitution in 1788.

He said:

> The people are the best judges of who ought to represent them. To dictate and control them, to tell them whom they shall not elect, is to abridge their natural rights. This is an absurd species of ostracism—a mode of prescribing eminent merit, and banishing from stations of trust those who have filled them with the greatest faithfulness.

I suggest 60 percent has been the turnover. I say to the chairman of the subcommittee, the gentleman from Florida [Mr. McCollum] and the ranking member, the gentleman from Michigan [Mr. Conyers], I want these Members to know that less than 5 percent of all of the legislation we have passed in the last 6 years has come from those 60 percent. I defy the chairman and the ranking member to tell the people of America, and I will go look up their records, how much legislation they passed in their first 6 years.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. Gekas].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, during the last campaign I engaged in a series of debates with my opponent, and during the final one, a question from the audience was the very one we are debating here today: How do the two candidates, the incumbent and the challenger, feel about term limits?

Immediately, of course, the challenger indicated he was in favor of it. Surprisingly, the incumbent said that he supports term limits, and that the very fact that he was an incumbent and was in a campaign demonstrated that he was for term limits, because if the people of the district decided to do so, they could end the term of the incumbent; namely, me.

Then I went on to say that although I believe that already in the Constitution, by virtue of how we elect Members to the House and to the Senate, there do appear unspoken term limits, nevertheless, I would vote for some version of term limits when I returned to the Congress if my term was not ended by the term limits of the 2-year campaign in which we were then engaged.

I did so, and I stated that assertion on the basis that I had conducted, myself, in my best informal way, a survey of my people to determine their overwhelming sentiment, which it turned out to be was in favor of term limits.

□ 1300

So I am caught in a dilemma. I say to them, you already have term limits and you can limit my term if you want to right now, but you indicate that you want term limits embedded in the Constitution or somehow brought into the law of the land.

So where are we? I have to allow my people back in the district to vote again on this issue, to have another voice. I will vote for the 12-year limitation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. Klink].

Mr. KLINK. Mr. Chairman, I thank the gentleman for yielding me. I just came from a telecommunications subcommittee hearing. We are taking up the whole idea of spectrum, which to a lot of you may not sound like much, but it is the frequencies upon which we broadcast all our radios and our televisions.

We are moving in this day and age toward a digital high-definition television which will enable everyone in this country to receive a movie quality picture at the same time they will have sound like you have never heard before. We had a great exhibition of that today.

My point in all of this is that this discussion to move toward this new industry, which will render 250 million television sets in this Nation completely obsolete probably sometime over the next decade, began back in the 1980's. And even though I had 24 years as a broadcaster before I came to this Congress, I had not dealt with the specifics of spectrum law. And so I am very dependent upon those Members who have served here, who have been through these debates so that they can help to guide me as to where we have been in this Nation and where we are headed.

Likewise in matters of defense, I had a Member tell me that when he was on the Committee on National Security, he is retired now, but when he was here in Congress and on the Committee on

National Security, he said a general came up and talked about this very expensive weapons system and the need for this system. He said it sounded great. I was ready to vote for it, until a grizzled old veteran who had been here in Congress for 20 some years stood up and said, general, when you were here 10 years ago you were talking against that system. You wanted another system. What happened?

My point is that we need institutional memory and that memory must be the elected Members of Congress who are chosen by the people who live in their districts, not some phony baloney rewrite of the Constitution because we want to dictate to Members of a congressional district who they can and cannot send to represent them in this Congress.

I happen to live in a district in southwestern Pennsylvania where there were 150-some-thousand industrial workers displaced. They decided after 10 years that they wanted to vote out one Democrat and vote in another Democrat. The gentleman from Missouri was here a few moments ago. He spoke about the fact that he defeated a 10-term incumbent. That is amazing. The system works.

The bottom line is that the 102d Congress, this was the election held in 1990, saw 44 new congressional Representatives elected to this institution. That is a 10-percent turnover rate. The 103d Congress, the election held back in 1992, in which I came in, was one of the largest classes in the modern era; 110 new Members came in, 25-percent turnover rate. The 104th Congress, 1994, saw 86 new congressional Representatives and the very first time in 40 years the Republicans were in control of the House. The people of this Nation did that. That was a 20-percent turnover rate.

The 105th Congress, 1996, saw 74 new Members of Congress being elected. That is a 17-percent turnover rate. Term limits at the ballot box are working. We do not need this amendment. Overall, of the 435 Members in this Congress who are serving in the 105th Congress, 315 of us have served 10 years or less.

This is a waste of time. It is a fraud being perpetrated upon the American public. Member after Member gets up and says, well, the public wants this. When you constantly run and beat up this institution, the public does not have a good image of us. They do not undestand that we are people who have walked away in many instances from good law practices, my job in broadcasting to come here to serve. I cannot guarantee you that my wife and I would have agreed 6 years ago or 5 years ago to run such a campaign, to run a campaign for Congress if I knew that I could only be here for 6 years or 8 years or 10 years or 12 years, rather. I do not know how long I will be here. I do not know how long the people of the Fourth District of Pennsylvania will send me back here. But that is between me and them. It should be so between the other 434 Members of this House and the people of their district.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I rise today in support of term limits for Congress. They are necessary to reestablish the citizen legislature, to better respond to the needs of citizens in our community, and to end what has become an arrogance of incumbency by some who have turned public service in this body into a lifetime occupation.

Being in Washington is not all it is cracked up to be, I can tell Members that. But it is vital that if Congress is going to serve the American people well, its Members not become stale and immune to the will of the people.

Term limits do not limit the ability to serve the public in all manner of ways. By serving here, we can ensure Washington mindset does not become the law of the land. Term limits will embolden Members to deal with the difficult long-term issues like reforms of Medicare, Social Security, rather than wield them for their political advantage. This behavior serves neither the interest nor benefit of our constituents.

Term limits, some contend, restrict the will of the public. The fact is, Americans across the country overwhelmingly support limiting the number of terms a Member of Congress can serve. Already 23 States have enacted such limits on their legislators. The people have spoken. We must pass term limits so that Members of Congress will no longer be tempted to protect their political careers at the expenses of their constituents, or the Nation's, best interest.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to term limits. Maybe I have spent too much time reviewing the thinking of James Madison and Thomas Jefferson but I find the arguments for term limits a bit hard to follow.

Term-limit proponents say they are trying to strengthen democracy. Yet in limiting the voters' choices, they are exhibiting a profound distrust of democracy. Term-limit proponents say they are populists who are trying to return power to the people. Yet term limits take away power from the people.

Term-limit proponents say they are trying to make the Congress more responsive. Yet by forcing Members into lame-duck status, term limits eliminate the greatest incentive to abide by the public's wishes.

Term-limit proponents say they are trying to limit the power of special interests. Yet by forcing Members to consider their next job rather than concentrating on their present one, term limits can only increase potential conflicts of interest.

Term-limit proponents say they are trying to make the Congress a more effective institution. Yet by robbing the Congress of institutional memory and experience, term limits weaken Congress and strengthen the role of less representative branches of Government.

Term-limit proponents say that the current system has failed us and has created an unchanging and unchangeable Congress. Yet more than half of the Members of the House, here serving today, were elected in 1992 or later.

The contradictions go on and on. Term limits are an attempt to solve a problem that does not exist. And they cannot conceivably accomplish what their proponents promise. That is why American leaders as far back as Madison and Jefferson have rejected term limits.

Let us show our faith in the Constitution, the American people, and the democratic process. Government should expand our options, not limit our choices. I say reject term limits. Support the choice of the American people.

Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair concerning the amount of time remaining on each side?

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] has 13½ minutes remaining, and the gentleman from Massachusetts [Mr. FRANK] has 5½ minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to this proposition. I am tempted to just follow the gentleman from Illinois, HENRY HYDE, and just say, me too, but I owe my constituents an explanation why I will not vote for a constitutional amendment to change the current limit of terms of service.

Yes, there already is a term limit written into the Constitution. Article I, section 2 states that the House of Representatives shall be composed of Members chosen every second year by the people of the several States. After that 2-year term, the Member is officially retired. If, and only if, that Member is selected again by his or her constituents can that Member return to this august body.

We all know the procedures and the process but it helps to be reminded from time to time. I appreciate the passion with which my Republican colleagues have fought for this amendment. They believe that carrerism has ruined this House. I think we took care of that and addressed it by limiting the terms of our Speaker and our chairmen. That is appropriate.

I agree that if Members of the House willfully ignore the wishes of the American people on issues that are important to the future of this Nation, they should be removed. But I submit that the system works. Sometimes slower than we like, sometimes messier than we would prefer, but the system works.

Look at the success of the 104th Congress. We showed that reform is possible, that change can happen, that the American people do have the ability to work their will. In the 105th Congress, we have 235 Members who have been here less than 3 terms. By my count that is a majority.

The system works to give us new blood, new ideas and new enthusiasm, but it also provides us with the wisdom honed by experience. When Members like HENRY HYDE and JOHN MURTHA and JERRY SOLOMON and LEE HAMILTON share their insights, we would be unwise not to listen.

Retiring Members of Congress for no other reason than an artificial time limit seems very shortsighted to me. In the final analysis, I believe we should have faith in the voters to do the right thing. Term limits takes the constitutional choice away from the voters and in my view we could do no more damage to the intent of our system of government.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me the time and for his fine work on this legislation. I rise in strong support of the term limits amendment to the U.S. Constitution offered by the gentleman from Florida [Mr. MCCOLLUM].

I have tremendous respect for the gentleman from Texas, the majority whip, but I would say to him and those who say that we do not need to do this because we can pass the internal reforms to accomplish this, yes, but how temporary in nature are they and how does that conflict with the very same argument that the opponents of a balanced budget amendment, that we are going to take up in this Chamber very soon, offer, that we do not need a balanced budget amendment. We can balance the budget anyway. Yes, we can and this Congress has shown the determination to do that, but how often has that occurred in the last several decades and how often has this Congress shown the determination to reform itself.

Term limits brings about those reforms. More importantly, it does other things, too. It makes this body more deliberative. If you know you only have a certain amount of time here before your time will be done, you are going to focus more clearly and more enthusiastically and more forcefully on getting the job done rather than the way things work in most Congresses, which is, we can always put it off until tomorrow or next month or next year or the next Congress. Term limits lets Members know, if you are here to get something done for your constituents, you have got to do it and got to do it promptly.

It alters the seniority system so badly needed to make sure that we do not elevate Members to positions of leadership and power in this Congress simply based upon how long they have been warming a seat but, rather, based upon merit and ability. And term limits, again, focuses us on that job as well.

Finally term limits creates a more level playing field for those Members who want to serve in this Congress by reducing the ultimate benefit that Members of Congress have, the benefit of incumbency in election.

I urge my colleagues to support the term limits amendment to the Constitution and let us show the American people that we truly do know how to reform this Congress.

Mr. CANADY of Florida. Mr. Chairman, I yield myself 1 minute.

Today we have heard many of the Founding Fathers names invoked. Earlier the name of George Washington was invoked.

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Now, Washington is looking down on the Chamber from his portrait there, and I think it is appropriate that we consider the example of George Washington as we deliberate on the issue of term limits.

It was George Washington who established the example for the Presidency of term limits. It was George Washington who, two centuries ago next month, left office as the first President of the United States. Now, if there was ever anyone in the history of our country who could accurately be called the indispensable man, it was George Washington, but he himself recognized that no one in public office is indispensable.

I would suggest that the Members of this body reflect on the example of George Washington, the example which he has set for leaving office and for limiting terms.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume to say to my colleague from Florida that I join in saying we should follow the example of George Washington, who did not advocate term limits for Members of Congress.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Michigan [Ms. KILPATRICK], for our concluding remarks.

The CHAIRMAN. The Chair recognizes the gentlewoman from Michigan [Ms. KILPATRICK] for 5½ minutes.

Ms. KILPATRICK. Mr. Chairman, I thank the distinguished gentleman from Massachusetts for yielding me this time and allowing me this opportunity.

Mr. Chairman, I wanted to join the chorus of many of my colleagues who stand opposed to this amendment. As has been said before I arose today, by many Members who came before this forum and to this microphone, term limits denigrate people, the people of this country. We give the people the ability to make those decisions, and as has been seen by several Congresses, and here recently in the last 2 or 3 years, the people do have the wisdom and the intelligence to make the correct choices in their elected Representatives.

I want to point out what might not have been said today, and that is that the legislative body of the three branches of Government is the avenue that the people have. They cannot get in on the executive, be it through the President or their Governor and the President, in this instance, and his department heads; through the judiciary they have less of an opportunity to participate in the Government.

It is through the legislative body, to the House and the U.S. Senate, that the people can elect or not elect the Representatives of their choice and thereby let their voices be heard. So I think we do a horrible disadvantage and denigrate the responsibility and intelligence of the people of this country when we place a term limit for their elected officials.

Additionally, I think it does not reward the many Members who have served this institution, who have the institutional knowledge, and are able from that institutional knowledge and hard work to prepare, in a bipartisan way, the best public policy that our children need.

I believe the November 5 election states more profoundly than anything we have heard that the people want this Congress to govern. They want us to talk about a "families first agenda" in a bipartisan way. They want us to talk about good jobs. They want us to talk about opportunity for their children, security for our seniors.

I believe if this amendment is defeated it would be in the best interest of this country. I believe that we allow the people to determine who their Representatives are, and that they ask us to bring those issues that are most important to them. I contend, again, that those are jobs, they are education; it is environmental quality; it is opportunity for our children, security for our seniors.

As a first-termer, I am a little disheartened that we have not gone to those issues; that this is the first issue before the Congress. And I understand that the Speaker did make that promise and that it is here before us. But I think people want adequate education. I think children want opportunity. I think it is good jobs this 105th Congress must concern ourselves with.

This amendment that would limit the terms of the Members of the Congress, the Members of this Congress, is not a good one, and I would ask that my colleagues on both sides of the aisle put aside this redundant policy. We have heard it over and over again, and we did have a vote in the 104th Congress and it was defeated. I suspect today as we vote later on it will not receive the two-thirds majority as required by the Constitution.

We have serious work in this 105th Congress, and I hope that we would get about it in a bipartisan way. Therefore, I raise my voice and my vote with others who have spoken before me today to defeat this amendment and let us get to work in the 105th Congress.

Mr. CANADY of Florida. Mr. Chairman, may I inquire concerning the amount of time remaining on each side?

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] has 8½ minutes remaining; the time of the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. CANADY of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. McCOLLUM].

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] is recognized for 8½ minutes.

Mr. McCOLLUM. Mr. Chairman, I certainly appreciate the opportunity to speak today on this amendment that I have authored, the underlying one, House Joint Resolution 2, to limit the terms of Members of the House and Senate to 12 years. It is an amendment proposal that garnered 227 votes in the last Congress, the first time in history we ever had a vote on the floor of the House on a constitutional amendment to limit terms.

It reached in that vote a majority, a clear distinct majority, 218 is a majority in this House, but it did not get the two-thirds required to pass a constitutional amendment, the 290; and it has yet to see the light of day in a vote in the Senate, where it will take 67 votes, another super majority.

In the last Congress it was, however, by far and away the constitutional amendment proposal for term limits that received the most votes, and I think will be clearly demonstrated today continues to have the most support and the best chance any time in the foreseeable future of receiving the 290 votes it takes to pass a constitutional amendment in this body and get it to the States for ratification.

I think there are two basic reasons why those of us who are for term limits, even if we dispute the number of years that there should be in those limits, why we are for the term limits. Two critical reasons.

The first is that I believe, and I think all of us do who support term limits, that it is time to end the careerism that exists and has existed in Congress for the last few years. By that I mean the tendency of too many of our Members to tend to vote for every interest group that comes along because they want to get reelected. The desire is overwhelming in many cases to be reelected again and again and again.

I think that syndicated columnist George Will said it best in his column that appears in the current issue of Newsweek magazine that is on the stands today, when he said:

> Term limits are a simple surgical Madisonian reform. By removing careerism, a relatively modern phenomenon as a motive for entering politics and for behavior in office, term limits can produce deliberative bodies disposed to think of the next generation rather than the next election.
>
> This is the argument favored by those who favor term limits not because of hostility toward Congress but as an affectionate measure to restore Congress to its rightful role as the branch of government.

It is true as well that there is a second reason. In fact, there are several smaller reasons why term limits are important, but the second one is pretty darned important. That is because we can have all of the rotation we want in the numbers of Members here, three-quarters of the body, somebody said, have turned over in the last couple of congressional elections, and we can still have the power vested in the hands of the few who do stay here and who are not term limited in any way. They are the committee chairmen, they are the powers in the leadership, they are the ones who control this place, and that is not right.

We need term limits for the same reason that we need to end careerism and special interest considerations when it comes to those few Members who do stay here.

Let there be no mistake, better than 90 percent of those who seek reelection to the House of Representatives year after year are reelected. No amount of campaign finance reform will take away the inherent powers, that incumbents have to have an advantage in seeking reelection to this institution.

There are those who will say why do I not leave, or why do not some of the others of us lead by example and just walk away? Well, I will tell my colleagues that voluntary efforts to lead the term limits movement will not succeed because there will continue to be Members in those States who choose, who do not have term limits, to stay here and have the power and be the chairman. And, unfortunately, until we have term limits, if someone walks away in 5 or 6 years or whatever, they never have a chance to be chairman of the key committees of this body or to exercise those things that the members of their district and their constituency sent them here to exercise in many instances.

That is not to say a freshman cannot be influential, that is not to say legislation cannot be passed, but it is to say as long as a seniority system of some sort exists, and it has historically in every legislative body and it will for the foreseeable future in this body, there will have to be a term limit in order to be able to be fair in that process and, I think, to restore the basic interest of this Government.

Now, let me say that in addition to this, I am particularly concerned about what we are voting on in the next couple of hours with respect to the type of term limits that are out here. I have proposed limiting the terms in the House and Senate in an equal uniform fashion, 12 years in the House, 12 years in the Senate, six 2-year terms in the House, two 6-year terms in the Senate.

The underlying premise of this is that the power of the two bodies should continue to be in balance. We do not want to see, and I do not think anybody should see the imbalance that would result in a 6-year or an 8-year term in the House while we have 12 years in the Senate, in conference committees and elsewhere.

I also think if we are talking about 12 versus 6 that we are talking about the lack of experience that some of the critics of term limits themselves talk about. It seems to me fundamentally, from having been here and the experience I have observed, that one needs to be here for several years before they are ready for being the chairman of some of the major committees, not any subcommittee. The gentleman from Florida [Mr. CANADY], is chairman of a subcommittee now, just in his second term; I think may have been even in his first. But when we start talking about the longer overview of the Congress and the leadership, I think that being here longer than 6 years is very important to the running of this body. Twelve years is an appropriate, fair length of time to limit both bodies to.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Massachusetts, just for a moment, yes.

Mr. FRANK of Massachusetts. Mr. Chairman, I do not mean to accuse the gentleman of inconsistency in not leaving, because he has articulated correctly that view of it, that we should not unilaterally disarm. But I would ask him this:

He and I came here together 17 years ago. He points to the problems of careerism and undue vulnerability to special interests if we are here too long. Has the gentleman himself succumbed to those problems? If not, what in his experience has allowed him to overcome them?

Because if these things hit us after we have been here for 12 years, have they hit the gentleman? If not, can the gentleman tell the rest of us how to avoid those problems?

Mr. McCOLLUM. Mr. Chairman, reclaiming my time, I want to believe they have not hit me. It is possible they have. But I would say there are exceptions to every rule.

The gentleman from Massachusetts [Mr. FRANK] and the gentleman from Illinois [Mr. HYDE] are probably examples I would point to of people who have been here longer that may not have been hit with the afflictions I have described. But I believe the generic rule, the general order of things on average is that careerism does afflict all too many Members of Congress and it influences the vote, to vote for the interests that are required to get them reelected.

I would be remiss in not commenting on why we are here today voting on so many variations on term limits. It would be far preferable to vote on a couple and be done with it, but we are voting on these multiple numbers because there is an internecine warfare going on between some of us who support term limits, and that is not healthy.

Those of us who want to get to the end of this game and get the 290 votes necessary to send a constitutional amendment to the States should be behind the one proposal, and that is the 12-year proposal in the House and Senate, that has the chance of passage in this body, and work toward getting there either this Congress or the next.

But U.S. Term Limits in particular has developed a strategy of opposing and proposing these initiatives around the States that has been very misleading. They have gotten us to the point where there are several different variations, and they say that if we do not vote as a Member of Congress from one of those States for precisely their version of a 6-year limit, their version or none other, then we will get a scarlet letter by our name that will say in the next election, "Disregarded or violated voter instruction on term limits."

Therefore, there will be Members of this body today who will not vote for the 12-year or 12 in both bodies that I have proposed, and will only vote for that peculiar little niche that has been carved out by their States. If we keep on this path, we will wind up with initiatives in several more States, cannot be in all of them because all States do not have initiatives, and there will be multiple choices that are here for us to vote on where Members will be locked in and feel compelled to vote only for their peculiar State's initiative version, and we will never get to term limits. We will be gridlocked and the people opposed to term limits will prevail.

That is what amazes me about this organization called U.S. Term Limits and why they cannot see that they are on a suicidal mission of destruction of the term limits cause by their efforts in this regard. I continue to be amazed by it.

In Idaho alone, one of the States that has this initiative process, the text ran 2,286 words. That is four pages of single spaced typewritten face. All that appeared on the ballot was 207 words. The full text could only be acquired by special request from the Secretary of State. Most importantly, the clever wording on the ballot, that is, the short title, read only "Initiative instructing candidates for State legislature and U.S. Congress to support congressional term limits. Requires statement indicating nonsupport on ballot."

It is a very broad statement anybody would support, and 70 percent of the American people do. It said nothing about 6 years. If U.S. Term Limits were sincere in their drive for the 6-year limit, and it is their way or none, they say, why did they not declare up front in the title of the initiative that it requires support for only 6 years?

I urge "no" votes on all these amendments out here today. I urge my colleagues to vote not for some of these devious methods designed to defeat term limits, but to vote for the 12-year limit on both the House and Senate. That is the McCollum amendment. That is the underlying bill.

Mr. BUNNING. Mr. Chairman, I personally have mixed feeling about term limits. The high rate of congressional turnover in the past 10 years indicates that term limits are not really necessary. The votes have been doing a good job of limiting congressional careers the way it is. And I am concerned that term limits could reduce the congressional influence of small States like Kentucky.

However, there is such widespread public support for the idea that I am willing to let the people work their will on the issue through the ratification process at the State level. For that reason, I did cosponsor, House Joint Resolution 2, the term limits resolution which limits service in the U.S. Senate to two terms or 12 years and which limits service in the House of Representatives to six terms or 12 years. I do intend to vote for this version of term limits today and I urge my colleagues to join me in supporting this resolution because it is the fairest and most reasonable choice available to us.

Mr. Chairman, article 1, section 2 of our Constitution reads, "The House of Representatives shall be composed of Members chosen by the People of the several States * * *"

When the Founding Fathers drafted the document that became the framework for our Nation they had in mind one of the key principals of democracy, the peoples right to choose.

I have listened to the debate on this issue, I have heard my colleagues decry, "let's give government back to the people * * *" and "let's put an end to career politicians * * *" Why don't we stop the rhetoric. If you want to give the Government back to the people we don't need term limits—we need campaign finance reform because democracy is its own best term limiter.

The Founding Fathers rejected the concept of term limits and that is why term limits were not included in the Constitution. Their intention was to let democracy take its natural course. I agree with them and reject the concept of term limits. If we want fresh ideas and if we want to return the Government to the people, let's stop all of the rhetoric and put an end to the special interest money that pours into political campaigns and level the playing field with real campaign finance reform. Then we won't need term limits because the democratic process will work as the Founding Fathers intended.

Mr. ROEMER. Mr. Chairman, I rise in firm opposition to term limits for Members of Congress.

Since I was elected to Congress, I have been a leading advocate for congressional reform. I have supported scheduling reform, cuts to committees and staff, and simplifying the operations of the House. But we do not need term limits to make changes in Congress.

The last three elections clearly demonstrate the power of the ballot. Almost 80 percent of this body, including myself, was elected after 1990. Today, 190 Members are serving their first or second terms.

That is, 43 percent of the House has been elected since 1994. Why should we enact constitutionally imposed term limits when a near majority of this Chamber does not know what it was like to serve under democratic rule? Within my delegation alone, 7 of 10 Members—including myself—have been elected to represent Indiana in the 1990's.

Mr. Chairman, real term limits are at the ballot box, and that is where they should stay. The people are the best judge of who ought to represent them and they can be trusted to choose their representatives without government stepping in to arbitrarily regulate their choice. We should not block the prerogative of the American people.

It is unfortunate that term limits ignore the need for experience in Congress. Rather, they will ensure that unelected staff members will flourish in an environment where they are more seasoned than their employers—those who are directly and singularly accountable to their constituents.

Surely, we do not want to send the wrong message to our Nation's brightest and most qualified aspiring public servants who might be discouraged from serving their constituencies if firmly imposed term limits are in place. Certainly, we do not want to write this disincentive into our Constitution.

The future of this Nation depends on the integrity and caliber of the men and women leading it. Important and substantive areas of legislation rely on individuals with the wisdom and judgment that comes only from experience. We cannot afford to disqualify those who are fit to handle the increasingly demanding tasks of elected office.

Mr. Chairman, the Founding Fathers used the same arguments against term limits during the Constitutional Convention. In Federalist Paper No. 53, James Madison wrote that a few Members of Congress will possess superior talents and will become masters of public business. The greater the proportion of new Members, Madison wrote, "the more apt they will be to fall into the snares that may be laid for them."

Similarly, Alexander Hamilton argued against the concept of delegate rotation in Federalist Paper No. 71, asserting that denying the citizen's right to choose their officials would "deprive the new government of experienced officials and reduce the incentives for political accountability."

Certainly, term limits are not an appropriate or effective solution to the problems facing our political system. They would undermine a cornerstone of our democracy—the right to vote. And for these reasons, I urge my colleagues to vote against the ensuing term limit proposals.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to House Joint Resolution 2, the term limits constitutional amendment. We cannot and should not shirk our responsibility to act in the best interest of the American people by disrespecting the founding document of this Nation—the U.S. Constitution. This shortsighted legislation will not only fail to ensure better representation of the American people in Congress, but will cruelly snatch from all Americans their ability to express their will through the ballot box.

The bill before us today, the term limits constitutional amendment, attempts to curtail the ability of the American public to choose their Representative. It also weakens this Republic by subverting some of the most important constitutional principles that represent the foundation of this Nation, the electoral process and representative government. Such an abdication of congressional responsibility will certainly undermine many of our most important efforts to enhance voting rights, civil rights, and our democratic system that is the envy of the world.

Mr. Speaker, the stated purpose of this legislation is to amend the U.S. Constitution by imposing a lifetime limit of six terms—12 years—of service and a lifetime limit on Senators of two terms—12 years—of service. The measure would be applied prospectively, with only elections and service occurring after the constitutional amendment's ratification.

While I agree that Congress should continue to make significant strides to enhance service to the people we represent, this proposed measure goes well beyond the legitimate objective of making the Government more representative. The power the American people have to select and elect Representatives to Congress has been granted exclusively to the people by the U.S. Constitution and should not be abridged.

Mr. Speaker, a term limits amendment to the U.S. Constitution is unnecessary. The fact is, term limits already exist. Under the current Constitution the people already have the right to limit the term of anyone they elect to public office. Every 2 years each Member of the House must run for re-election. He or she must then be judged by the voters who elected them. It is then that the voters will determine whether to end that Representative's term of office or permit them to continue to serve. The imposition of this arbitrary term of 12 years deprives voters of an elected official who has, in their opinion, served their best interests well.

Establishing an arbitrary 12-year length of service for Members of the House and Senate is contrary to the democratic principles upon which this Nation is based. So cherished by the American people is the right to vote and participate in our representative form of government that five historical constitutional amendments have been enacted by the Congress to ensure that all Americans have the right to select their Representatives in Congress. The 15th amendment, 1870, prohibited States from denying the right to vote on account of "race, color, or previous condition of servitude;" the 19th amendment, 1920, enfranchised women; the 24th amendment, 1964, banned poll taxes; the 26th amendment, 1971, directed States to allow qualified citizens who were age 18 or older to vote; and finally, the equal protection and due process clauses of the 14th amendment, 1868, came to be read as preventing States from enacting suffrage laws that conflict with fundamental principles of fairness, liberty, and self-government.

Term limits will upset the delicate balance of powers crafted in the U.S. Constitution. In addition to taking power from the American people the term limits constitutional amendment will transfer a significant portion of this constitutional power to the President and the judiciary. The weakening of Congress by arbitrarily prohibiting our most experienced legislators from serving this Nation in the Congress is unwise and tips the balance of powers against the legislature of this Nation.

The great constitutional significance of the separation of powers cannot be questioned. In his famous *Myers* versus *United States*, 272 U.S. 52, 1926, dissent, Justice Louis D. Brandeis said:

> The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.

Mr. Speaker, I must also stress that the benefits of term limits are greatly exaggerated. Without any term limit constitutional amendment Congress receives regular transfusions of "new blood." If we look beyond the re-election rates on a Congress-by-Congress basis, we see that over 60 percent of the current House Members were initially elected in 1990 or later. If term limits of 12 years in the House and Senate were in place, nearly half of the current Congress would have been ineligible to serve when the 105th Congress convened.

The devaluation of experience in the Congress would not only be ill advised, it would be irresponsible. We cannot and should not experiment with the Constitution, Americans' right to vote, or the stability and security of this Nation to satisfy a campaign promise.

I would also like to add that the historical record for term limitations is not supported by a review of constitutional history, either. It is clear that the Founding Fathers of this Nation believed that term limits were neither necessary or appropriate, and those who did seek such limits expressed a belief that the Constitution itself needed to be fundamentally changed also.

This lack of historical support for term limitations can also be found in the Founders' transition from the Articles of Confederation to the Constitution as we know it today. Although term limits were included in the Articles of Confederation, they were wisely specifically excluded by the Founders of this Nation from the Constitution. The historical record simply does not support the incorporation of term limits into the U.S. Constitution.

Mr. Speaker, this legislation is unsurpassed in its compromise of the people's right to representative government and the balance of powers in our Nation. With very little opportunity for open hearing in the 105th Congress, and with limited debate, this measure has been placed before us. A measure of this kind requires detailed analysis of the impact it may have on the American people, and the greatest pillars of the American Republic: The voting franchise and the separation of powers—but no such review has, or will, take place. In the current rush to force this bill through the House, the will of the American people and the Constitution I have sworn to uphold will certainly be compromised. I urge my colleagues to join with me and vote against this bill.

Mr. CONYERS. Mr. Chairman, it's with great disappointment that we start the 105th Congress with an ill-conceived amendment to the Constitution to limit congressional terms. Term limits does nothing to create more jobs, nothing to increase our standard of living, and nothing to clean up the campaign finance laws. If Republicans were really interested in dealing with the advantages of incumbency, we would be voting on campaign finance reform, not term limits, as the very first measure we consider this Congress.

I don't believe the proponents are as eager to pass this measure as they would have us believe. Although many Members advocate term limits, they oppose applying the limits immediately to themselves. As Chairman HYDE has so eloquently stated, this is like "the famous prayer of St. Augustine who said, 'Dear God, make me pure, but not now." When 94-year-old, 8-term Senator STROM THURMOND can claim to support term limits, you know we have a serious credibility gap on this issue within the Republican Party.

And while this may be a radical idea, I continue to have faith in the scheme of Government laid out in our Constitution when the Founding Fathers rejected term limits. Alexander Hamilton got it right when he wrote term limits "would be a diminution of the inducements to good behavior * * * [and deprive] the community of the advantages of * * * experience gained in office."

I also continue to have faith in the fundamental good judgment of the American voters, who already have the power to impose term limits. Congressmen must face the voters every 2 years and Senators every 6 years.

Denying these voters the right to elect the person they think best represents their interests turns the very principal of democracy on its head.

I would also remind those who support term limits that the notion of a career Congress which they decry so vehemently is an absolute myth. Recent congressional turnover has been incredibly high, more than one-half of the current Members of the House were elected within the last 4 years.

The best safeguard we have against rampant special interest abuse are Members who have been around long enough to know the ropes and know where the bodies are buried. If the voters understood that the effect of term limits would be massive transfer of power to congressional and executive branch staff as well as corporate and foreign lobbyist, they wouldn't be quite so enamored of the idea. Given a choice between an elected official beholden to the voters and an unelected bureaucrat or lobbyist, I think the voters would prefer to place their trust in the elected official every time.

House Joint Resolution 2 trivializes the Constitution and belittles those who would serve their country by belonging to this body. I urge the Members to oppose this short-sighted constitutional amendment.

I am attaching an article I have written recently describing my concern with term limits and other proposed amendments to the Constitution we are expected to vote on this Congress.

[From the Nation; Feb. 24, 1997]

MAKE NO AMENDS

(By John Conyers, Jr.)

The 105th Congress is expected to consider as many as seven separate constitutional amendments, including proposals to prohibit flag burning, provide for victims' rights, eliminate automatic birthright citizenship, balance the budget, require a supermajority vote to increase taxes, limit Congressional terms and permit school prayer.

Amending the Constitution is the most serious—and irreversible—action Congress can take. Before approving any constitutional revision, we should assure ourselves that the amendment is fully justified; will not have adverse, unintended consequences; is fully enforceable; and is consistent with our constitutional values. Unfortunately, the amendments being considered in this Congress are motivated more by partisan politics than by sound policy considerations.

Advocates of a flag desecration amendment cannot point to outbreak of disrespect for the flag warranting constitutional action. Studies indicate that in all of American history, from the adoption of the U.S. flag in 1777 through the Supreme Court's first flag desecration decision in 1989, there have been fewer than forty-five reported incidents of flag burning. By propounding a constitutional amendment under these circumstances, we succeed only in trivializing the Constitution.

Similarly, given that twenty-nine states have already amended their Constitutions to protect crime victims, there is no compelling justification for a federal victims' rights amendment. Although victims' rights groups argue that a constitutional remedy is necessary to overcome a supposed conflict between these state laws and a defendant's right to due process, to date no federal appellate court has found such inconsistency to exist.

Repealing the Fourteenth Amendment's birthright citizenship clause illustrates the problem of unintended consequences. Tying the citizenship status of children to their parents creates a permanent underclass of people having no national allegiance; those born in the United States would be unable to report legal abuses for fear of deportation. It's no wonder that in her last official speech as chairwoman of the Immigration Commission, the late Barbara Jordan declared, "To deny birthright citizenship would derail [the] engine of American liberty."

Constitutional amendments requiring a balanced budget and two-thirds majority to increase taxes threaten to create constitutional "rights" with no meaningful remedy. It's impossible to identify which branch of government, if any, would be empowered to enforce the amendments. The amendments' meaning is also opaque: Would they apply to bills reducing tax revenues in some years but increasing them in others? What's the meaning of the supermajority tax amendment's exception for "de minimis" tax increases?

The term limits amendment contradicts what is perhaps our most fundamental constitutional principle: majority rule. There is little difference between forcing citizens to vote for a particular candidate and denying them the ability to vote for that same person. Instead of giving us more responsive "citizen legislators," term limits are more likely to result in a transfer of power from elected representatives to unelected Congressional staff, federal bureaucrats and corporate lobbyists.

Finally, the school prayer amendment directly undermines the First Amendment's establishment clause. Although the amendment purports to prevent states from compelling students to join in prayer, it wouldn't limit the authority of the schools or teachers themselves, who could begin every day with the delivery of a sectarian prayer before a captive audience of children. Any student gathering could become a competitive ground for students to organize and protest their religious views, irreparably blurring the separation of church and state.

Given these clear-cut policy problems, why is Congress contemplating the most far-reaching constitutional overhaul since the very first Congress approved the Bill of Rights? Proponents can only fall back on a series of polls indicating public support for these dubious propositions. But the polls inevitably fail to highlight the many difficulties inherent in the amendments.

For example, support for a balanced budget amendment drops precipitously when the public is informed it will jeopardize our commitment to Social Security. And flag burning and school prayer amendments are far less popular when voters realize they would result in a first-ever modification of the First Amendment. At a time when a majority of the public believes Newt Gingrich should step down as Speaker, polls would seem to be a thin reed to justify these radical constitutional changes.

Bumper-sticker politics aside, now is not the time to substitute poll-driven constitutional amendments for serious legislative deliberation. Nothing in any of the amendments being considered in this Congress would create a single job, prevent a single crime, educate a single child or clean up a single environmental waste site. The Constitution has provided us with the most enduring and successful democracy in history, and unless we're absolutely convinced of the need for change, we ought to give our current political system the benefit of the doubt.

Mr. YOUNG of Alaska. Mr. Speaker, due to a family emergency, I am forced to return home to Alaska. During my absence the House will again take up the important issue of term limits. On two occasions, Alaskan voters voiced and voted their support for term limits. In the November 1996 election, a majority of Alaskan voters passed a ballot initiative requiring Congress and the State legislature to support a very specific term limit measure.

In response to previous calls for term limits by Alaskans, I supported a term limits amendment to the Constitution when it came to the House floor in the 104th Congress. House Joint Resolution 73, offered by Congressman MCCOLLUM would have limited congressional term limits. I followed the wishes of my fellow Alaskans by supporting House Joint Resolution 73. I had planned to again follow the wishes of my constituents by supporting a term limits proposal this week. However, due to this family emergency, I will be at home in Alaska when this vote takes place.

Mr. GILMAN. Mr. Speaker, I rise today in opposition to any attempt to limit the terms of Members of Congress. Some of the most well-meaning, thoughtful, and patriotic individuals of our day are strongly in support of term limits, inside and outside of this body. We are reminded that some polls tell us a majority of our fellow citizens, at least in principle, support term limits.

Nevertheless, it is our responsibility, as guardians of the people's liberties, to oppose such undemocratic and self-destructive steps backward.

I believe that the concept of limiting the number of terms that elected officials may serve is against the spirit and intent of our form of Government. Our Founding Fathers debated the issue of including term limits in our original Constitution, but rejected the idea as undemocratic. It is just as undemocratic now as it was 210 years ago.

American history bears out the wisdom of that decision at our constitutional convention. Some of the giants during the formulative years of our Republic devoted their lives to public service because they were not encumbered by term limitations. Henry Clay, excepting those periods that he served in the cabinet, served in both Houses of Congress from 1810 until his death in 1852—a period of over 40 years. Daniel Webster, Thomas Hart Benton, and John Quincy Adams are just a few other great Americans whose greatest contributions would have been lost to all of us had they been forced to retire due to term limits.

Most people would agree that excluding women, blacks, Jews, or Catholics from the right to seek office would be unacceptable. Wouldn't disqualifying Americans from seeking office simply because they were previously elected equally discriminatory? Term limits also discriminate against citizens who wish to vote for whoever they choose.

Supporters of term limits contend that such an innovation would make elected officials less concerned about the wishes of the people. I believe that this would be highly undesirable and contrary to our form of government. The House of Representatives is supposed to be Representative—the people's house. Conversely, public officials would be far more likely to cater to special interests—and potential employers—if they did not have to worry about justifying their actions and votes to their constituency. Experience in office helps legislators to discern self-serving arguments of special interests as well as the validity of constituent concerns. Bureaucrats, the unelected arm of the government, would become even more powerful and arrogant, knowing full well that they would still be around after the limit of those elected to represent the people is passed.

It seems to me that those who argue in favor of term limits believe in the proposition that the American people are simply not smart enough to determine when an elected official has outlived his or her usefulness, or to determine when an official has ceased to be representative.

I strongly believe that this is not the case, as evidenced by the Members of Congress who were defeated, not just in last year's elections but in every election, in many cases by challengers who spent far less money than they. I continue to believe that, in the vast majority of cases, the people know perfectly well what is best for them and are fully competent to act accordingly.

Some contend that more outstanding candidates could be recruited if term limits were put into effect. I believe the opposite is true. I have been opposed in each and every election in which I was a candidate since I first entered public Life. However, what would be the point in opposing an incumbent if his or her terms were limited? It would be difficult to recruit outstanding candidates to run for limited terms, and why bother running against Democrats if you know their days are numbered? More likely, all incumbents would be unopposed until their limit is reached.

I believe that the issues brought up during the course of a campaign debate are an essential part of representative government and that limiting terms would discourage, rather than encourage, new people from participating in these campaigns. I also question how many outstanding persons would be willing to give up their career to run for public office if they are aware that their term in public life would be limited.

The need for term limits to bring new blood into public life is a bogus argument. In fact, less than 20 percent of today's Congress has been serving for more than 10 years, and less than 10 percent for more than 20. Would you invest in a company whose executive board had that great a turnover? wouldn't you consider that experience counts?

Over 40 years ago, a constitutional amendment was ratified which limited our President to 2 terms. many of the same arguments used in favor of term limitations today were used then to support limiting a President to two terms. It was contended that limiting terms would free our Presidents from political concerns and decrease the influence of special interest groups.

After 40 years of experience, can anyone honestly argue that President Eisenhower, President Reagan, or President Nixon performed better in their second term than in their first? Remember that it was in Reagan's second term that the Iran-Contra scandal took place, and it was in Nixon's second term that he was forced to resign under threat of impeachment. Incidentally, prior to his retirement, President Reagan stated that he had come to the conclusion that the 22d amendment was a mistake; not because he coveted a third term for himself, but because he had come to the conclusion that the people should have the right to choose whether or not to retire a President on election day.

Personally, I am gravely concerned that the day may come when our Nation is in the midst of a dire emergency and we may find ourselves forced to change Presidents at an inappropriate time. I believe that the 22d amendment to the Constitution, limiting Presidents to two terms, should be abolished.

With over half the electorate sitting at home on election day, I believe we should be more concerned about educating and encouraging the public to vote intelligently and putting into effect genuine election reform to encourage more qualified people to become involved in the political process, to participate in primary elections, and to make informed intelligent decisions on election day. Then we wouldn't need any artificial reforms like term limitations to do the job.

Today, we are being asked to turn back the clock on 210 years of progress. After 2 centuries of expanding the electorate and the rights of citizens, these amendments being proposed would restrict the rights of Americans to make free and open choices regarding their representatives, and which would absolve them of the responsibility of remaining alert and active.

Mr. Speaker, term limits are more than just a bad idea. They are a threat to our great system of a representative government. Let us reject these amendments and get on with the business of governing.

Mr. CRANE. Mr. Chairman, I rise in strong support of a constitutional amendment to establish congressional term limits. I have been a long-time advocate for term limits, in fact, long before the movement became popular. I would also like to mention a word of appreciation for perhaps the most effective voice for term limits in this Chamber, my friend from Florida, BILL MCCOLLUM. BILL has been a leader of the modern-day effort to limit terms of service for Members of Congress.

In 1985, I introduced my first proposed amendment to limit congressional service to 6 years in the House and 6 years in the Senate and I reintroduced that proposal biennially through the 104th Congress. I know that some other popular term limit proposals promote a 6-year limit, but I believe that it is important to maintain an equal number of years of service in both Houses of Congress, lest the other body gain an inordinate amount of power. However, during consideration of term limits in the last Congress, my version was not made in order by the Committee on Rules. Given that fact, and the number of proposals by members of the committee with jurisdiction, I decided not to reintroduce my term limits proposal this year.

The proliferation of term limit constitutional amendment proposals, combined with the many State initiatives, has certainly not made for a uniformly-applied term limits proposal. We can end the debate on the best way to enact term limits by marshaling all of our resources to pass a constitutional amendment.

I appreciate that honest men will have legitimate differences on this issue. Some of our colleagues oppose term limits. However, the lack of success of term limits is not the result of the battle with term limit opponents. Instead, the fratricidal battles among term limit supporters have prevented the success of the cause. Sadly, it has been the actions of one term limits group in particular, US Term Limits, which, through their stubborn and often irrational attacks on term limit supporters, have done significant harm to the movement. Indeed, given the fact that we could not gain a two-thirds majority in the last Congress, it made no sense for this group to vilify term limits supporters, when it was more important to gain more supporters.

While I have preferred the 6 and 6 proposal, I voted for many different versions of term limits last year. I believe that the goal should be to gain the necessary majority in support of some form of term limits whether it is the one I prefer or not. The consensus version may not be the favorite of all supporters, however, even a 12-year limit is obviously better than current law.

In closing, I urge my colleagues to support House Joint Resolution 2 so that the States may debate and ratify this proposed amendment.

The CHAIRMAN. All time for debate has expired.

Pursuant to the rule, the joint resolution is considered read for amendment under the 5-minute rule.

The text of House Joint Resolution 2 is as follows:

H.J. RES. 2

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"SECTION 1. No person who has been elected for a full term to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected for a full term to the House of Representatives six times shall be eligible for election to the House of Representatives.

"SECTION 2. No person who has served as a Senator for more than three years of a term to which some other person was elected shall subsequently be eligible for election to the Senate more than once. No person who has served as a Representative for more than one year shall subsequently be eligible for election to the House of Representatives more than five times.

"SECTION 3. This article shall be inoperative unless it shall have been ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

"SECTION 4. No election or service occurring before this article becomes operative shall be taken into account when determining eligibility for election under this article.".

The CHAIRMAN. No amendments shall be in order except those specified in House Report 105-4, which shall be considered in the order specified, may be offered only by a Member designated in the report, may be considered notwithstanding the adoption of a previous amendment in the nature of a substitute, shall be considered read, shall be debatable for the time specified, equally divided and controlled by a proponent and an opponent, and shall not be subject to amendment. If more than one amendment is adopted, only the one receiving the greater number of affirmative votes shall be considered as finally adopted. In the case of a tie for the greater number of affirmative votes, only the last amendment to receive that number of affirmative votes shall be considered as finally adopted.

□ 1330

The Chairman of the Committee of the Whole may, one, postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and, two, reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

The Chair would remind the Members that it is the intention of the Chair, should a rollcall be demanded and sustained, that the Chair will cluster the vote on these amendments. At the present time that cluster is three, three, and three.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Chairman, I want to make sure I understood. So if rollcalls are requested on every one of these, and since the purpose of having them in there is so Members can be recorded, one assumes that there will be rollcalls, it is the Chair's intention to call the first set of rollcalls after the first three amendments?

The CHAIRMAN. That is the present intention, after the first three.

Mr. FRANK of Massachusetts. I thank the Chairman.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 105-4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. HUTCHINSON:

Strike all after the resolving clause and insert the following: That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"CONGRESSIONAL TERM LIMITS AMENDMENT

"SECTION A. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of the Congressional Term Limits Amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

"SECTION B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of the Congressional Term Limits Amendment no person who has held the office of United States Senator or who then holds the office shall serve more than one additional term.

"SECTION C. This article shall have no time limit within which it must be ratified by the legislatures of three-fourths of the several states.".

The CHAIRMAN. Pursuant to House Resolution 47, the gentleman from Arkansas [Mr. HUTCHINSON] and a Member opposed will each control 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I would claim the time in opposition.

The CHAIRMAN. The gentleman from Massachusetts will control 5 minutes.

The Chair recognizes the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my State of Arkansas is one of the 9 States that adopted ballot initiatives dealing with term limits this past November. On November 5 of last year, the voters of Arkansas overwhelmingly approved a ballot initiative setting forth the exact text of a proposed constitutional amendment limiting Members of Congress to three 2-year terms, for a total of 6 years, and members of the Senate to two 6-year terms for a total of 12 years.

Under this initiative a Member of Congress from Arkansas is instructed to support the exact provisions spelled out in the initiative and to vote against any inconsistent proposal. During the Committee on the Judiciary markup of House Joint Resolution 2, I offered the exact language of the Arkansas ballot initiative. Unfortunately, the amendment that I offered did not receive a majority of votes. The voters of Arkansas have specifically detailed the constitutional amendment they want, and out of respect for the people of Arkansas I am offering this substitute amendment, and out of respect for them I will also vote against any version that does not comply with the Arkansas language.

Therefore, I will vote against the bill of the gentleman from Florida [Mr. McCOLLUM], not because I am opposed to term limits but because this particular resolution does not comply with the term limit instructions approved by the voters and the people of Arkansas. I will also vote against the other versions offered on the floor today because they too violate the Arkansas language.

As a longtime supporter of the concept of term limits, it was my intent as a new Member of this body to support and vote for all term limit measures including 6-year, 8-year, and 12-year limits so as to maximize the prospects for meaningful term limits becoming law. However, I am instructed by the Arkansas law and will vote accordingly.

Mr. Chairman, I yield 30 seconds to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. I thank the gentleman from Arkansas [Mr. HUTCHINSON] for yielding me the time.

Mr. Chairman, as long as I have been here, I have supported term limits. I have never once voted against term limits at any time.

Today I have to rise in support of the Hutchinson term limits substitute and tell my constituents and this body that I am going to vote against some of the term limits. The Hutchinson amendment is the exact language that passed as an amendment to the Arkansas State Constitution in the general election this past fall, and so I am duty bound to support this. I therefore urge my colleagues to vote in favor of the Hutchinson amendment.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. Inglis], a longtime and ardent supporter of congressional term limits. The gentleman from South Carolina has worked tirelessly on this issue and deserves this body's appreciation for his efforts.

Mr. INGLIS of South Carolina. I thank the gentleman for yielding me the time, and I appreciate the opportunity to stand in support of this measure.

Mr. Chairman, I think the gentleman from Arkansas has a good bill that requires a limit of three 2-year terms and really is the preferable approach. I will be taking a slightly different approach than what he just described, in that I will be voting for every term limit bill that is on the floor today because I think that if we are not successful in getting a three 2-year term limit, it is rational then to go forward and try to get the TILLIE FOWLER 8-year limit, and if we fail on that, then we should go forward to try to get the BILL McCOLLUM 12-year limit in the House and 12-year limit in the Senate. That is the approach that I will be taking. But I should point out that most of the American people seem to believe that 6 years would be the preferable limit.

As you can see here, based on surveys of the American people, three terms, three 2-year terms, 6 years, is supported by 82 percent of the American people. Six terms, or 12 years, is supported by 14 percent of the American people. So the three 2-year term bills and the various ones that will be on the floor today I think are preferable.

However, I think it is very important to point out that the goal here is to get term limits. So if we do not vote for three 2-year terms, we should then vote for Tillie Fowler's bill that calls for four 2-year terms. And if we are not successful there, then we fall back to the next position, which is Bill McCollum's bill calling for six 2-year terms. It seems to me that the most rational approach is to attempt to get term limits and to move through the process to see which one can garner the most votes.

I certainly hope by the end of the day that we have risen above the 227 votes that we got last time and demonstrate momentum in this matter. If we have not, then I think there is a lesson for us in the term limit effort to try to figure out how to come together on this rather than splinter and thereby divide up our vote. I rise in support of Mr. HUTCHINSON's bill. I think it would be a very preferable approach, and I certainly hope that it passes.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a new experience for us. I have seen many rules in the 17 years I have, I blush to admit, served in this body, sinking no doubt deeper into the morass of special interestism with each passing year, but I have never before seen a rule where the governing principle was alphabetical order. We are being presented with amendments today, as one of the members of our staff said, it is the rollcall of the States. The order, if Members will look at it, you are getting it in alphabetical order. When the majority has to resort to alphabetical order to bring some structure to the chaos they have brought to the floor, I think that is an indication of some intellectual weakness.

I also have a proposal, I am tempted but probably prohibited by the germaneness rule to offer a recommittal motion, which says that there will be a test for the Members on the seven amendments issued by each State to see what the differences are. I have to say that asking people what are the real differences among the seven separate amendments is of such arcane proportions that it would probably be ruled inappropriate to put on the Scholastic Aptitude Test as too trivial. We are going to be taking the time of the House to vote on seven variants.

People talk about term limits as an antidote to incumbent protection. Here we have term limits as a form of incumbent protection. Every State's Members get to vote on their State's term limits so they make them feel better and they do not get the scarlet letter.

I think this is a problem which indicates the fundamental weakness at the core of this. Where you have a principle that rises to the level of constitutional relevance, you do not have to do it in alphabetical order. You do not have to bend over backwards so people will know the difference between you and Hester Prynne. You do not have to introduce into the House a degree of parliamentary flip-flops and hair splitting that is unbecoming.

But there is also a fundamental intellectual problem here for the supporters of term limits. Some are going to vote for 6 and not 12, some are going to vote for 12 and not 8, some are going to vote for 8 and not 6. I do have a parenthetical question, Mr. Chairman: Whatever happened to 10? We have 6 and we have 8 and we have 12. Apparently there is some numerological fettish on the majority side which makes 10 terra infirma because we get 6 and we get 8 and we get 12. I cannot find any logical principle to overlook 10.

But there is this dilemma. Members on the majority side who favor this and some on the minority side who favor it have invoked the referendum. What they have said is you must be for this because there is a referendum. But we have all these different referenda and if you live by the referendum, you die by the referendum. If in fact we are as a body to be governed by the referendum, then this fails, because there is no 38-State mandate. That is your problem.

There is also one other problem with the referendum that I want to address now, although I will have a chance to address it when variant plus-and-minus and up-and-down and when we get into the B's and the C's and the D's and the S's. The problem we have is this. What about the argument that while it is a democratic right to elect your Representatives, in some States the people have voted to do away with a democratic right?

I think the answer is very clear. My right as a citizen to go to the polls every 2, 4, and 6 years and have my vote counted is my right and it is not at the service of some majority that is willing to do less. Voters, and we have the paradox, as I said we had it in Algeria, we have had it elsewhere, where majorities may be prepared to vote away their rights. The majority has no right to vote to diminish the democratic ballot right of any individual. My right as a citizen and, more importantly, the people in my district and elsewhere who as citizens want the unrestricted freedom to vote for whoever they think is best every 2 years, no matter what, ought not to be constrained because the majority do not want to exercise that right. If you in the majority do not want to exercise your right, do not exercise it. But it is not democratic theory to empower a majority to vote to diminish the votes of a minority.

The right of the people every 2 years for the House, every 6 years for the Senate, to go to the polls and pick the individual that they wish to see elected ought to be unconstrained. I do have to say in closing, Mr. Chairman, that I am struck, and I appreciated my friend from Florida, who as I said is a man of remarkable consistency and has been for a 12-year term limit in each of the 17 years he has served here. Of course, he is not up to the gentleman from South Carolina in the other body who for 50 some odd years has been for a 12-year term limit, I gather, or maybe he is for a 6-year term limit. Maybe he is showing his fealty to the principle nine times over, because the Senator from South Carolina is now in his ninth 6-year term limit.

I think we ought to, Mr. Chairman, vote all these down so the right of the voters to untrammeled democracy remains unchallenged.

Mr. HUTCHINSON. Mr. Chairman, may I inquire concerning time remaining?

The CHAIRMAN. The gentleman from Arkansas [Mr. HUTCHINSON] has 30 seconds remaining, and the time of the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in response to the gentleman from Massachusetts, I believe that what the Arkansas voters have done is the essence of democracy. They have demonstrated themselves at the ballot box, they have indicated they want to instruct their congressional leaders in this regard, and my vote today and my actions today are not because of any supposed scarlet letter, but my actions are out of respect for the voters of Arkansas who have given these instructions, and for that reason I have offered this amendment and will cast my vote today.

Mr. CONYERS. Mr. Chairman, I rise in opposition to efforts to limit Representatives to a mere 6 years—or three terms—in office. The proposal, like all of the other State-inspired substitutes, would make it impossible to run this institution in an orderly and intelligent fashion.

If a 6-year limit had been law, none of the leaders selected by the Republican Party—not Majority Leader ARMEY, not Speaker GINGRICH, and indeed not a single Republican committee chair—would have been eligible for office, let alone to assume their leadership roles this Congress.

And if 6-year limits are such a good idea, why didn't the Republicans choose any committee chairs from among those Members serving in their first three terms? I think the answer is obvious—a 6-year term limit does not make sense. It would severely distort and disfigure the legislative process and recast our two-century-old Constitution so significantly that its authors would no longer recognize the first branch of Government. The jockeying for power that would occur in this place under a three-term cap would be unprecedented.

A six-year limit would create a Congress of lame ducks and lead to an even greater proliferation of wealthy candidates who could afford to abandon their business careers for a few years. And the few Members who were not independently wealthy would be forced to spend most of their time currying favor with special interests so that they could further their postcongressional career opportunities.

This proposal would severely limit the Members' opportunity to garner the experience needed to master the many important substantive areas of Federal legislation. Issues relating to civil rights, intellectual property, Federal procurement, communications, intelligence, labor, and income tax policy—to name a few—are all highly complex and sensitive. A 6-year term limit would significantly diminish the ability and incentives for Members to understand and positively influence legislation in these areas.

The Members would have no choice but to turn to career staffers and bureaucrats. The result would be a massive shift of power from elected officials to unelected legislative and executive branch staffers and lobbyists.

I urge the Members to reject this ill-considered proposal.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Arkansas [Mr. HUTCHINSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HUTCHINSON. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 47, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Arkansas [Mr. HUTCHINSON] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 2 printed in House Report 105–4.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRANK of Massachusetts. Would it be in order for the Chair to explain the difference between amendment No. 1 and amendment No. 2?

The CHAIRMAN. That is not a proper parliamentary inquiry. The Chair does not interpret the substance of amendments and would advise the gentleman to listen to the debate.

□ 1345

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCINNIS

Mr. McINNIS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. McINNIS:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"SECTION 1: No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

"SECTION 2: No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve for more than one additional term.

"SECTION 3: This amendment shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several States.".

The CHAIRMAN. Pursuant to House Resolution 47 the gentleman from Colorado [Mr. McINNIS] and a Member in opposition, the gentleman from Massachusetts [Mr. FRANK], will each control 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. McINNIS]

Mr. McINNIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, from the State of Colorado and in alphabetical order on November 5, 1996, the voters of Colorado approved a ballot initiative which signified their support for an exact, and I stress the word exact, that is in the constitutional amendment congressional term limit amendment; they wanted to see added to the State of Colorado's constitution and then in subsequent steps to the U.S. Constitution. Furthermore, voters, Colorado voters, stated unequivocally; that is, the voters, the majority of the voters that voted, that if a Member of Congress from Colorado failed to vote against any change; any change is the words used; addition or modification to the exact congressional term limit amendment, that the Secretary of State should determine that that Member of Congress had disregarded voters' instruction on term limit. Following Colorado voters' call to action, i.e., those voters who voted and those voters who voted in the majority, I am offering an amendment which mirrors the exact text of the Colorado congressional term limits amendment.

Mr. Chairman, I insert for the RECORD the language of the Colorado ballot initiative as well as a letter dated February 12, 1997, from the attorney general of the State of Colorado a paragraph of which in particular is pertinent which says:

Our opinion is that amendment No. 12, speaking of this particular amendment, does not allow our delegation, speaking of the Colorado delegation, to vote for minor modifications, nor does it allow for a, quote, substantial compliance, unquote. Section 1 of amendment 12 states that, quote, the exact language for addition to the U.S. Constitution follows, unquote. The terms, quote, exact language, unquote, are seldom used in constitutional or statutory drafting. They unambiguously require strict compliance.

So, with that, I submit both of these documents for the RECORD.

The documents referred to are as follows:

STATE OF COLORADO, DEPARTMENT OF LAW, OFFICE OF THE ATTORNEY GENERAL,
Denver, CO, February 12, 1997.

Re Colorado's "Amendment 12," Colorado Voter Instructions on Term Limits.

Hon. DAN SCHAEFER,
Rayburn House Office Bldg.,
Washington, DC.
Hon. SCOTT McINNIS,
Cannon House Office Bldg.,
Washington, DC.
Hon. BOB SCHAFFER,
Cannon House Office Bldg.,
Washington, DC.

DEAR CONGRESSMEN:I understand there has been some disagreement over the interpretation of Colo. Const. art. XVIII, §12 ("Amendment 12"), Colorado's voter instructions to state and federal legislators concerning a federal constitutional amendment on term limits. Specifically, the issue is whether our congressional delegation can vote for "minor" modifications to the "Congressional Term Limits Amendment" contained in section 1 of Amendment 12 and avoid the designation "Disregarded Voter Instruction Term Limits."

Our opinion is that Amendment 12 does not allow our delegation to vote for minor modifications, nor does it allow for "substantial compliance." Section 1 of Amendment 12 states that "[t]he exact language for addition to the United States Constitution follows. . . ." The terms "exact language" are seldom used in constitutional or statutory drafting. They unambiguously require strict compliance.

In addition, Section 5(b) establishes the mechanism by which "[n]on-compliance with voter instruction is demonstrated." Among other things, non-compliance occurs if a member of our delegation "fails to vote against any change, addition or modification." Again, this language unambiguously requires strict compliance.

Lastly, Section 5(a) demonstrates that strict compliance is required by effectively creating a presumption that the "Disregarded Voter Instruction Term Limits" "shall appear" unless compliance is established by "clear and convincing evidence."

While Attorney General Norton and I are strong supporters of term limits, it is our opinion that Amendment 12 requires strict adherence and that substantial compliance is unacceptable.

If you have any other questions, please do not hesitate to call me.

Sincerely,

RICHARD A. WESTFALL,
Solicitor General.

STATE OF COLORADO, DEPARTMENT
OF LAW, OFFICE OF THE ATTORNEY
GENERAL,
Denver, CO, February 12, 1997.

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Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, in the spirit of bipartisanship, I yield 1 minute to the gentleman from Florida [Mr. CANADY], the Chairman of the subcommittee.

Mr. CANADY of Florida. I thank the gentleman from Massachusetts for yielding this time to me.

There is one point I want to bring out about this amendment and all of the first eight amendments that we will be considering. That is that they have no time limit on the period for ratification. All of the first seven amendments provide explicitly that there is no time limit within which the States must ratify them.

Throughout this century there has been a practice of establishing a 7-year time limit for the ratification of amendments on the theory that there should be a contemporaneous approval of an amendment to the Constitution from the States, and something should as a general rule not be allowed to be proposed to the States and remain there accumulating States over the centuries.

Now I think that it would be a very bad precedent for this Congress to propose an amendment to the State for no time limits, and I would simply bring that to the Members' attention.

Mr. McINNIS. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Colorado [Mr. BOB SCHAFFER], my colleague.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, Thomas Jefferson, who is quoted an awful lot today in describing his devotion to the will of the people, was fond of saying the voice of the people is the voice of God. Except in the late 1770's and early 1780's he was more eloquent and more romantic; he said: "Vox Populi, Vox Dei."

In Colorado the people have spoken clearly. In fact they spoke first and forcefully on the matter of term limits. Their proposal is before us now, embodied in the amendment that the gentleman from Colorado [Mr. McINNIS] and I were instructed, by those same people, at the polls, to offer for your consideration today.

Mr. Chairman, I urge my colleagues' support for this proposal, and in doing so ask that they consider one more factor that has yet to be featured in today's debate.

By this vote, we impose nothing, no term limits, we impose nothing. Instead, we are considering whether to refer a measure back to our State legislatures for their consideration in 50 States, other elected officials who are perhaps more skilled than we are to define their relationship in their State with the Federal Government.

More than any other configuration, three terms in the House, two terms in the Senate, has been suggested by the States. That is something I think we ought to take firm note of here today, that, yes, it is correct, those who have said that there has been no clear mandate as to what the proper period of time ought to be more than any other configuration, three terms in the House, two terms in the Senate has been suggested by more States.

It is entirely appropriate for us to adopt this amendment, turn the question back over to the States, as we ought to and have been requested to do, and allow the States to decide what our terms ought to be here. Three terms in the House, two terms in the Senate is sufficient time to get the work done here in the U.S. Congress.

Mr. McINNIS. Mr. Chairman, I reserve the balance of my time. I only have one speaker remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I have the right to close, and I only have one speaker remaining.

The CHAIRMAN. The gentleman from Colorado is recognized for 1 minute.

Mr. McINNIS. Mr. Chairman, I just want to go over very briefly what this requires us to do in Colorado.

If we follow the requirement of the Colorado proposition, that amendment in Colorado, it requires that we vote on the exact language that the Colorado voters, the people that voted and those who voted in the majority required. That language includes in part a restriction that we cannot vote on any other type of language regarding term limits. So even if we have the ideal term limit bill sitting in front of us, and frankly I have been a strong supporter of national term limits, uniform term limits across the country for all States, not one State standing alone but all States, and I think we got some good propositions to vote for, but this specific language requires that I vote against that. The only vote that I can make in the affirmative today under the requirements of this provision as forwarded by U.S. Term Limits is a vote in favor of this amendment.

In regard to that and in due respect to the voters who voted, I will follow those instructions.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. McINNIS] has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was instructed by the second speaker who said the voice of the people is the voice of God. Well apparently God speaks with a different voice in Colorado, from Nebraska, from Nevada. Apparently we are not just amending the Constitution here, we are amending the Bible, and polytheism is now coming in. I mean if it is Vox Populi, Vox Dei, why do we have a different "vox" when you cross the river between Nebraska and Colorado? I must say so circumscribing it, and it is one thing to circumscribe the right of the people, but when you begin to circumscribe the jurisdiction of the Almighty, it seems to me there is an overreach.

Now, I do not want to think we are using the time of the House very well, so I looked at the differences. I mean, why one amendment not the other? Why do we have to do them? Well, there are some very important differences here.

One might think that it is unimportant that they are exactly the same substantively, they both have the same limits. But for instance in Arkansas it is section A, B and C, whereas in Colorado it is section 1, 2 and 3. Certainly the gentleman from Colorado would not want to betray the voice of God in Colorado by adopting the voice of God in Arkansas because apparently God says A, B, C in Arkansas and God says 1, 2, 3 in Colorado. Now, religious wars have been fought over less, so I understand the gentleman's scrupulosity of instruction.

There are also some other differences. For instance, in Arkansas the voice of God says of the congressional term limits amendment, but in Colorado, in a major theological difference—maybe we will get a new religion out of this or at least a new synagogue in my tradition—it does not say of the congressional term limits; it says of this amendment. And certainly we would not want to confuse the people that God meant of the amendment in the one place and the congressional term limits in another.

In another place he says four more than one additional term in Colorado, but he just says more than one additional term in Arkansas.

Now understand Members are coming before us, and they are saying I invoke the most powerful doctrines around democracy and the voice of God to say that I cannot vote for A, B, C because I am committed to vote for 1, 2, 3. Never mind that 1, 2, 3 means exactly the same thing as A, B, C in most places.

Mr. Chairman, I have not previously talked about trivialization. I do not think this trivializes the Constitution. I think the fundamental principle restricts the Constitution in a nontrivial way. But when Members come here and say I am honor bound to vote for 1, 2, 3, and I ask my colleagues to join me in rejecting A, B, C, I think we have reached a level that is inappropriate for the House to be spending a lot of time on. And to make my contribution towards diminishing that, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Colorado [Mr. MCINNIS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MCINNIS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 47 further proceedings on the amendment offered by the gentleman from Colorado (Mr. MCINNIS) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 3 printed in House Report No. 105–4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CRAPO

Mr. CRAPO. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CRAPO:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"SECTION A. No person shall serve in the office of the United States Representative for more than three (3) terms, but upon ratification no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

"SECTION B. No person shall serve in the office of the United States Senator for more than two (2) terms, but upon ratification, no person who has held the office of the United States Senator or who then holds the office shall serve for more than one additional term.

"SECTION C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several States.".

The CHAIRMAN. Pursuant to House Resolution 47, the gentleman from Idaho [Mr. CRAPO] and a Member in opposition will each control 5 minutes.

The Chair recognizes the gentleman from Idaho [Mr. CRAPO] for 5 minutes

Mr. CRAPO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the opportunity to stand with my colleague from Idaho [Mrs. CHENOWETH] to offer this amendment, which has been an amendment that is required by the vote of the people of Idaho in the last election.

This amendment is in the exact language as passed by the people of Idaho in the State initiative on the ballot in November of 1996. The amendment sets the terms for Members in the House of Representatives at three and Members in the Senate at two. These limits are not retroactive. The amendment does not require a constitutional convention, and it does not set a year limit for ratification.

In the past I have supported a different term limits measure, one which had a 12-year term limit for the House and a 12-year term limit for the Senate. However, the voting by the people of Idaho as passed this year has declared their will that we as their Representatives in Congress put forward this amendment and the gentlewoman from Idaho [Mrs. CHENOWETH] and I are doing as instructed by the law of the State of Idaho.

Last Congress I supported the McCollum term limits bill that, as I said, supported a 12-year term limit. However, in this Congress I must oppose this bill because of the initiative passed by the people of the State of Idaho which requires me to oppose any term limits measure that does not have the same set of term limit conditions that are included in the initiative that was passed in the State.

I am concerned that that might ultimately result in less votes for a term limit measure that may pass the House, and I am concerned and hopeful that the people of not only the State of Idaho but across the Nation will focus on the differences that may be present among us now because of different term limits measures and initiatives that are passed. Hopefully, this problem may not be something that will cause more difficulty for enacting term limits in this Congress.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the 5 minutes in opposition, and I have only one speaker, Mr. Chairman, because God has not spoken to us so we only have one. So I will reserve my right to close.

Mr. CRAPO. Mr. Chairman, I yield the balance of my time to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I would like to thank my colleague, the gentleman from Idaho [Mr. CRAPO] for yielding this time to me.

Mr. Chairman, term limits are what we need to give government back to the people. Limiting the service of Members of Congress will result in new people with better and more innovative ideas who have been out in the real world working hard and providing for their families. I believe so strongly in the value of citizen legislators over career politicians that I have imposed a three-term term limit on myself. And I mean it.

□ 1400

It is important to know that many of our Founding Fathers extolled the virtues of a limited Government service. In the Federalist Papers, James Madison wrote, "It is essential to such a Government that it be derived from the great body of the society and not from an inconsiderable proportion or a favored class of it."

I believe that the best way to achieve this goal of a citizen-led Government is to draw from the citizenry on a very regular basis, and the way to create more opportunities for citizen legislators is to discourage people from building careers out of public service.

When our Founding Fathers initiated our system of Government, they did not intend to create career politicians. A constitutional amendment for term limits will stop career politicians by restoring the power to the people of this great country. Thomas Jefferson said, "We must chain the government and free the people," and I believe now, more than ever, that this must happen at this time.

Unbridled, personal political ambition ultimately enslaves the citizens of this country. The amendment that the gentleman from Idaho [Mr. CRAPO] and I are offering will put an end to career politicians by limiting Members of the House of Representatives to three terms, and if a Member is in House when this amendment is ratified, they are allowed to serve two more additional terms.

The amendment also limits Senators to two terms and allows Senators to serve only one more additional term if they hold office at the time of ratification. Finally, no time limit is placed upon when the amendment must be ratified.

Mr. Chairman, term limits for Members of Congress are what we need to bring in fresh, new ideas and to put an end to out-of-touch politicians, regardless of whether they are conservative or liberal, Democrat or Republican. The citizens of the State of Idaho and America have spoken, and they want term limits. Please let us respect their wishes today by passing a meaningful term limits constitutional amendment.

Mr. Chairman, I urge passage of this substitute.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I bring reassurance. As I said before, there was a therological difference in that the first amendment talked about A, B; no C, I correct myself; and this one is 1, 2, and 3. The people of the letters who fear that they had been abandoned by the Almighty for the doctrine of numbers can take heart, because the A, B, C variants have returned.

So the difference is the first amendment was A and B; the second one was 2 and 3; and the third one was A, B and C. Of such triviality I suppose our careers are construct.

Now, when we talk about careers, the gentleman from Idaho [Mr. CRAPO] has made a variant of the striking historical point that the Founding Fathers were great supporters of term limits, even though they rejected the concept. The notion that the Founding Fathers forgot to put term limits in the Constitution is rather more unkind than I think they deserve. They not only rejected term limits; they were, many of them, career politicians.

James Madison, whom the gentlewoman just cited, was one of the most distinguished career politicians in America, and I ask the gentlewoman to look up the career of James Madison, look up the career of James Monroe, look up the career of Benjamin Franklin, of Thomas Jefferson himself. Tammany Hall goes back, the Democratic Party goes back, Thomas Jefferson and James Madison go back to the leaders of Tammany. They were part of a political deal. They were people who were very political.

It was through John Adams, one of the most distinguished of them, who wrote a famous passage in which he said, I have to be a career politician. I hope we will have so solved the problems. He said, I studied politics in war, and he saw depression so that his great, great grandchildren could deal with painting and the fine arts. But he was a career politician, he acknowledged that, and he said he had to be a career politician because these were difficult times. He thought allowing people of the first rank to abandon a career in politics was a luxury to be left to later times when the Nation was more strongly developed.

Now, I think it is admirable to talk about the Founding Fathers, but it would be equally admirable to read what they said and read about them. Anyone who reads about Benjamin Franklin and Thomas Jefferson, et cetera, and does not see in them career politicians is missing the point.

George Washington I did not mention. George Washington was much more reluctant a public servant. George Washington can legitimately be cited as someone whose preference was not for public life, but Franklin and Madison and Jefferson, and then to go on, as others have said, Webster and Clay, John C. Calhoun, these were not people who spent most of their time in what someone referred to as the real world.

I must say, until recently, I would reject the notion that there was something unreal about our world. But I will have to concede, when we are debating A, B versus 1, 2, 3 versus A, B, C, and invoking God's authority to tell us to pick one or the other, then I suppose an element of unreality has come in, but I do not think those who have rejected the unreality are entitled to cite it. I think that there is a rule of equity that ought to be abided by here.

Let me close with this, Mr. Chairman. The notion that a continuation in public service is corrupting can only mean one thing, that you think the public constitutes a bad influence on politicians, because what differentiates a career-elected official from someone else? It is that the career public official has decided to dedicate himself or herself to constant scrutiny of the public. That career is dependent on a renewal of the approval of the public.

What my colleagues must be saying is it is the only logical explanation when you denigrate people who make a career out of public service, the voters are on the whole a bad influence, and the way to improve things is in fact substantially diminished by amending the Constitution and changing what the Founding Fathers thought, substantially diminishing the extent to which the public can be such a bad influence.

I do not think that is a good idea, and I hope, once again, that all of these amendments are defeated in all of their various numerological, graphological, and other permutations.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Idaho [Mr. CRAPO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CRAPO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 47, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Idaho [Mr. CRAPO] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 47, proceedings will now resume on those amendments in the nature of a substitute on which further proceedings were postponed in the following order: Amendment No. 1 in the nature of substitute offered by the gentleman from Arkansas [Mr. HUTCHINSON]; amendment No. 2 in the nature of a substitute offered by the gentleman from Colorado [Mr. McINNIS]; and amendment No. 3 in the nature of a substitute offered by the gentleman from Idaho [Mr. CRAPO].

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HUTCHINSON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Arkansas [Mr. HUTCHINSON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 85, noes 341, not voting 7, as follows:

[Roll No. 11]

AYES—85

Armey
Baldacci
Barcia
Bartlett
Bass
Bilbray
Blunt
Bono
Bryant
Burr
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Danner
DeFazio
Deutsch
Dickey
Dunn
Emerson
Ensign
Forbes
Fox
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goode
Gordon
Goss
Graham
Hall (TX)
Harman
Herger
Hill
Hilleary
Hutchinson
Inglis
Jones
Kim
Klug
Largent
Lewis (KY)
LoBiondo
Lucas
Maloney (CT)
McCarthy (MO)
McCrery
McIntosh
McNulty
Meehan
Metcalf
Minge
Myrick
Neumann
Ney
Paul
Peterson (MN)
Riley
Rohrabacher
Royce
Salmon
Sanford
Shadegg
Smith (MI)
Spence
Talent
Tauzin
Thornberry
Thune
Wamp
Watts (OK)
Weldon (FL)
Whitfield

NOES—341

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chambliss
Clayton
Clement
Clyburn
Collins
Conyers
Costello
Cox
Coyne
Cummings
Cunningham
Davis (FL)

Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—7

Carson
Clay
Kanjorski
Obey
Richardson
Scarborough
Young (AK)

☐ 1427

Messrs. Greenwood, Boehner, Barton of Texas, Nadler, and Dan Schaefer of Colorado changed their vote from "aye" to "no."

Messrs. Deutsch, Hall of Texas, Combest, Goss, Tauzin, and Bartlett of Maryland changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCINNIS

The CHAIRMAN. The pending business is the request for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Colorado [Mr. McInnis] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 87, noes 339, not voting 7, as follows:

[Roll No. 12]

AYES—87

Armey
Baldacci
Barcia
Bartlett
Bass
Bilbray
Blunt
Bono
Bryant
Burr
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Danner
DeFazio
Deutsch
Dickey
Dunn
Emerson
Ensign
Forbes
Fox
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goode
Goss
Graham
Hall (TX)
Harman
Hefley
Herger
Hill
Hilleary
Inglis
Jones
Kim
Klug
Largent
Lewis (KY)
LoBiondo
Lucas
Maloney (CT)
McCarthy (MO)
McCrery
McInnis
McIntosh
McNulty
Meehan
Metcalf
Minge
Myrick
Neumann
Ney
Paul
Peterson (MN)
Petri
Riley
Rohrabacher
Royce
Salmon
Sanford
Schaefer, Dan
Schaffer, Bob
Shadegg
Smith (MI)
Talent
Tauzin
Thornberry
Thune
Wamp
Watts (OK)
Weldon (FL)
Whitfield

NOES—339

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chambliss
Clayton
Clement
Clyburn
Collins
Conyers
Costello
Cox
Coyne
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thurman
Tiahrt

Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—7

Carson
Clay
Obey
Richardson
Scarborough
Spratt
Young (AK)

☐ 1437

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CRAPO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Idaho [Mr. CRAPO] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 85, noes 339, not voting 9, as follows:

[Roll No. 13]

AYES—85

Armey
Baldacci
Barcia
Bartlett
Bass
Bilbray
Blunt
Bono
Bryant
Burr
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Danner
DeFazio
Deutsch
Dickey
Dunn
Emerson
Ensign
Forbes
Fox
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goode
Goss
Graham
Hall (TX)
Harman
Herger
Hill
Hilleary
Inglis
Jones
Kim
Klug
Largent
Lewis (KY)
LoBiondo
Lucas
Maloney (CT)
McCarthy (MO)
McCrery
McIntosh
McNulty
Meehan
Metcalf
Minge
Myrick
Neumann
Ney
Paul
Peterson (MN)
Reyes
Riggs
Riley
Rohrabacher
Royce
Salmon
Sanford
Shadegg
Smith (MI)
Talent
Tauzin
Thornberry
Thune
Wamp
Watts (OK)
Weldon (FL)
White
Whitfield

NOES—339

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chambliss
Clayton
Clement
Clyburn
Collins
Conyers
Costello
Cox
Coyne
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weldon (PA)
Weller
Weygand
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—9

Carson
Clay
Meek
Obey
Richardson
Scarborough
Towns
Wexler
Young (AK)

☐ 1548

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 105–4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BLUNT

Mr. BLUNT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. BLUNT:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"(a) No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

"(b) No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

"(c) Any state may enact by state constitutional amendment longer or shorter limits than those specified in section 'a' or 'b' herein.

"(d) This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several States.".

The CHAIRMAN. Pursuant to House Resolution 47, the gentleman from Missouri [Mr. BLUNT] will be recognized for 5 minutes in support of the amendment, and a Member in opposition to the amendment, the gentleman from Virginia [Mr. SCOTT], will be recognized for 5 minutes.

The Chair now recognizes the gentleman from Missouri [Mr. BLUNT].

Mr. BLUNT. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to have the opportunity to offer an amendment to House Joint

Resolution 2. I want to express my appreciation to the gentleman from Florida, [Mr. McCOLLUM], for his commitment to term limits and for the amendment that he has offered and his consistent stand for term limits over the years.

As the Secretary of State in Missouri a number of years ago, I was the first State official in our State to support term limits and, in fact, our State, 10 years ago, adopted term limits as an amendment to our constitution. We were one of the first States to do that. As we know, Mr. Chairman, eventually 23 States adopted term limits as part of their State constitution, and the Supreme Court, by a 5 to 4 vote, determined that States on their own did not have the ability to establish that requirement for membership in the Congress.

In the last election, Missourians again voted to adopt an amendment to our constitution that called for even a stricter limit on the terms a person can serve in the House. Our first amendment was 8 years in the House and 12 years in the Senate, with the caveat that half of the States would have to have term limits before our term limits would come to pass.

In the last election, Missourians again showed that they were in the mainstream of thinking in the country, where 80 percent of the voters in the country consistently, and generally voters who do not agree on any other topic, agreed that term limits is a reform that would be a beneficial reform for the Congress and would ensure a different kind of decisionmaking in the Congress; would assure that people come more frequently and from different perspectives as to what the government needs to do.

We also, in our amendment and in the amendment that I am proposing today, gave leeway to the States that I think is unique in this debate. What the amendment that I am proposing does, Mr. Chairman, is it establishes a maximum amount of time that can be spent in the House of three terms, a maximum amount of time that can be spent in the Senate of two terms, but allows the States on their own to change their constitution in ways different than that if they choose to do so.

I think this differs from a proposal that would just say let us leave this totally up to the States, because it does set a limit if a State has not chosen to deal with this on its own. It also allows the States at a later time, and as the thinking on this concept of term limits would mature and develop over time, to, on a one-by-one basis, decide that a different limit other than 6 years in the House and 12 years in the Senate had merit.

Certainly I can see a scenario where people might decide that 6 years was not quite enough, but they would then by an individual State basis have the ability to go to 8 years or 10 years or even 12 years in the House, or more.

It also, conversely, would allow voters in States that had decided that 6 years was just right to also decide that 6 years was just right for the Senate and to adopt a limit for the Senate of only one term.

So we are proposing, I and others of my colleagues from Missouri, in exact compliance with the express direction of Missouri voters in the last election, that the Constitution be amended to allow a limit of 6 years in the House, a limit of 12 years in the Senate, but to give the States flexibility as to how they would deal with that in the future.

I appreciate the opportunity that has been provided to offer certain amendments to House Joint Resolution 2.

I request your support for an amendment that I have offered for consideration by the House. For purposes of clarification and identification, I will refer to it as the Missouri Amendment.

It is my belief that term limits must reflect the desire of the American public to change the system under which this institution operates. Clearly, the public holds the opinion that fewer terms are better than more. Recent polling confirms that an overwhelming majority of voters believe that six terms for a member of the House is too long. Over 80 percent of the voting public prefers a three-term limit.

As a former county elections official and as the former chief election officer for the State of Missouri, I have studied this issue and listened to the voters. The voters of Missouri have twice had the opportunity for a statewide vote relative to term limits. They have made their viewpoint known.

Consistent with those views and my own, I was the first Missouri statewide official to endorse term limits. I have offered a bill, House Joint Resolution 42, to limit terms to three in the House and two in the Senate.

In November 1996, state constitutional amendments were passed in nine States, including Missouri, as a result of grassroot initiative efforts.

Those State constitutional amendments instruct members of the State's congressional delegation to work for the adoption of a U.S. Constitutional amendment establishing Congressional term limits. The initiatives also included very specific voter instructions to incumbents and candidates. Failure to comply with these instructions trigger language to be placed by the name of candidates on future ballots which read either "Disregarded Voters' Instruction on Term Limits" or "Declined to Support Term Limits." Thus, becoming known as the scarlet letter provision.

Many members of Congress support the adoption of term limits. As you are aware, there is much debate over the specific number of terms to be adopted. The situation now occurs which a member of one of the nine States who supports term limits but votes for House Joint Resolution 2, may fail the test and have triggered the scarlet letter provision.

In the nine States, the final determination as to whether or not a member followed voter instructions rests with the Secretary of State. The Secretary of State may determine that, in order to avoid failing the "Voter Instruction" test, a member may be required to vote for language that is absolutely identical and verbatim to that which passed in his or her home State. Therefore, it may be necessary for each of those nine States' delegation to have an opportunity to vote for term limit language unique to their State. House Leadership has expressed concern that such an opportunity be made available.

To that end, to ensure that members of the Missouri delegation have the ability to vote for language that meets a verbatim test of Missouri Amendment 9, I am offering the Missouri amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, of all of the amendments, this is the least bad, but not good, so I still oppose it. However, it does allow the States the option, if one State finds itself with a horrible delegation, of wiping it clean with some term limits, but the other States would not be so affected.

So although it is the least bad, it is still not good and I have to oppose it. But I thank the gentleman for offering us this opportunity.

Mr. Chairman, I reserve the balance of my time.

Mr. BLUNT. Mr. Chairman, I yield myself such time as I may consume.

I want to say I think this is an idea whose time will come. It may not come today, but I believe that term limits will be a reform that comes in this House. I think it can come with some flexibility.

I appreciate my colleague from Virginia at least recognizing my amendment as the least bad of the amendments that has been offered today.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas, Ms. SHELIA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank my colleague for his leadership and for yielding me this time.

It would appear that my position in this House is to try to be as consistent and as pure and as well focused on the issues as one could possibly be. I have already made the statement that this Constitution is secure and that the people can ratify those of us who run for this office every 2 years. But I must say to the gentleman from Missouri [Mr. BLUNT] that I am interested in his particular amendment inasmuch as it tracks, albeit in a limited fashion, my commitment to States' rights on this issue.

□ 1500

I am hearing all of the discord and discussion about the people speaking. At least Mr. BLUNT's amendment has a provision that suggests that if the States do not act or if they do not act, it then falls to three terms for the House and two terms for the Senate, but that it has a provision that the States can act, and that means that Indiana can act, that Texas can act, that New York can act, that Virginia can act on their accord as the people would so speak.

So I would simply raise this amendment up for its consideration. I speak to it so that I can be consistent on my persistent point that this belongs, if anywhere, with the States, not with those of us in the U.S. Congress that would do damage to the Constitution that has been framed very well, that allows the people to speak every 2 years.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I think that many of the problems in America today are not necessarily going to be solved by people in Washington today. As we debate term limits here, saying that term limits are going to solve problems, to finance the budget, to change Washington, to invest in our children, I think that is absolutely the wrong approach to take.

The answers to America lie within the American people. If we can encourage people to vote in our home constituencies, if we can encourage people to be responsible citizens and act through the ballot box, then we will solve so many of the problems that are bothering this great and wealthy Nation today.

In Indiana, where I am from, we have seven Members that are new to our delegation since 1990. Seven out of ten are new, and we do not have term limits. The people of Indiana are voting to send new people to Washington, D.C.

When we look at amending the Constitution, I think it is very important to read what some of the Federalist Papers have said to us. They have said, by Alexander Hamilton in Paper No. 71, "Deprive the new government of experienced officials and reduce the incentives for political accountability."

James Madison in No. 53 writes, "The greater the proportion of new Members, the more apt they will be to fall into the snares that might be laid for them."

I was a new Member, and I think we need fresh faces and new ideas here, but they should come from our individual constituencies and from our people voting, not from a gimmick like term limits.

Finally, Mr. Chairman, let me just say that I feel very strongly about this. I feel that we can inspire people to vote, and we need to run positive campaigns and not mud sling at one another. We need to run bipartisan legislation here. We need to reform our campaign laws. That will encourage people to vote.

Mr. SCOTT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Missouri [Mr. BLUNT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLUNT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 47, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Missouri [Mr. BLUNT] will be postponed.

It is now in order to consider Amendment No. 5 printed in House Report 105–4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CHRISTENSEN

Mr. CHRISTENSEN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CHRISTENSEN:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"SECTION 1. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

"SECTION 2. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who holds the office shall serve more than one additional term.

"SECTION 3. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several states.".

The CHAIRMAN. Pursuant to House Resolution 47, the gentleman from Nebraska [Mr. CHRISTENSEN] and the gentleman from Virginia [Mr. SCOTT] will each control 5 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, I yield myself such time as I may consume.

I thank the Chairman for allowing me to speak on an issue that is so important to the majority of Americans, and that is the issue of term limits. Americans unequivocally support the concept of term limits. Poll after poll will reflect this. But this past fall, voters across the country approved term limit amendments to their State constitutions, giving further credence to what we already know to be true.

Americans are demanding term limits. The people of my State have now spoken three times on this issue. In 1992, Nebraskans passed a term-limits amendment to our State constitution, only to have it thrown out by the State supreme court on a ballot requirement technicality. Undaunted, the voters of Nebraska passed another term-limits amendment by an even greater margin 2 years ago. This amendment was later invalidated by the U.S. Supreme Court.

This past November, Nebraska and eight other States adopted term-limit amendments to their respective constitutions by overwhelming margins; 61 percent of the voters in my district approved term limits last fall. Nebraskans feel very strongly that term limits are a necessary step in returning our Government to the people.

I do agree with my friend from Indiana that the answers to America's problems do not lie in Washington, but I believe until we fully get to that step, we need to continue toward what the people want. The people of Nebraska ask strongly, and with a 61-percent approval, to make sure that we had an opportunity to offer this today.

During my first campaign for Congress, I pledged I would serve no more than four terms. That was in accordance with Nebraska term-limits law at the time. I did so because I believed that a citizen legislature, a citizen Congress, that was originally founded by our Founding Fathers, was what their intent was to be, and to follow that direction. But yet America has gone away from that, and I believe that there are too many people that are making this into a career.

I ask you today how anyone who spends over 30 years here, how they can identify with that farmer, that entrepreneur, that individual who is out there each day in the working world trying to make a living. I believe that people here in Congress should be sent and are sent to represent and not rule over the people.

Mr. Chairman, it is clear that what we need to do today is to enact term limits so that Nebraskans and other States like Nebraska who have overwhelmingly asked for this type of initiative, be put into law. I ask Members therefore to join me today in supporting the Christensen amendment, which is a 6-year, 12-year type of approach with a beginning of this year.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the legislation.

Mr. Chairman, there is an old congressional adage that all that needs to be said has already been said but all that need to say it have not already said it.

This substitute is virtually identical to several that have been defeated previously by margins of greater than 3 to 1. This amendment refers to the legislation as an amendment and has a perfecting paragraph; the Arkansas amendment refers to legislation as the congressional term-limits amendment; the Colorado amendment referred to it as an amendment; the Idaho amendment referred to it as an article; the Missouri amendment referred to it as an amendment; the next amendment we will consider refers to it as an amendment, but substantively they are all identical. So we will just incorporate by reference all of the arguments against this amendment that have previously been made and have been very successful in defeating it.

Mr. Chairman, I reserve the balance of my time.

Mr. CHRISTENSEN. Mr. Chairman, I yield myself such time as I may consume. This amendment does parallel exactly word for word the ballot initiative 409 in the State of Nebraska. I greatly respect my friend from Virginia.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Nebraska [Mr. CHRISTENSEN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHRISTENSEN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 47, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Nebraska [Mr. CHRISTENSEN] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 6 printed in House Report 105–4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ENSIGN

Mr. ENSIGN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. ENSIGN:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"CONGRESSIONAL TERM LIMITS AMENDMENT

"SECTION 1. No person shall serve in the office of the United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

"SECTION 2. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve for more than one additional term.

"SECTION 3. This article shall have no time limit within which it must be ratified by the legislatures of three-fourths of the several States.".

The CHAIRMAN. Pursuant to House Resolution 47, the gentleman from Nevada [Mr. ENSIGN] and the gentleman from Virginia [Mr. SCOTT] will each control 5 minutes.

The Chair recognizes the gentleman from Nevada [Mr. Ensign].

Mr. ENSIGN. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. I thank the gentleman from Nevada [Mr. ENSIGN] for yielding me this time.

Mr. Chairman, I am a strong believer in term limits for Members of Congress. I am very excited that as a freshman Member and a Representative, I have taken an active involvement in such an important debate.

As my colleague the gentleman from Nevada [Mr. ENSIGN] has stated, a majority of Nevada voters have mandated that we support three two-year terms for Representatives and two 6-year terms for Senators. Our amendment reflects these limits and sets no time limit for ratification. Our amendment also does not apply to terms retroactively. It just states that upon ratification, incumbent Representatives may serve no more than 2 additional terms and incumbent Senators no more than 1 additional term.

If I may characterize, Mr. Chairman, the reasons that the question of term limits was put on the 1996 Nevada ballot was that the voters, and I feel across America as well as in Nevada, are deeply troubled by Congress and their continuing disregard for their desire for term limits. The voters are concerned that there is a conflict of interest whereby Congress has ignored the voice of the people and failed to pass term limits. They are concerned that without term limits, the effort to get reelected seriously dilutes the effectiveness of Congress. They are concerned that career politicians will perpetuate their dominion over Congress. But most of all they are concerned that the lack of term limits denies the will of our Founding Fathers, that this branch of government remain closest to the people.

Nevada has joined the ranks of 23 other States which support term limits. By the terms of the Nevada constitution, the State amendment initiative to support term limits must be approved by the voters in two general elections. Although neither Representative ENSIGN nor I are standing before you today for any other reason, we are representing the spirit of our voters.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

We have heard previous speakers talk about trivializing the constitution. I think the exercise we are going through now points out how trivial some of this exercise is. This amendment is virtually identical to several that we have previously defeated, as I said, by margins of 3, almost 4 to 1. There is a difference in this one. The title of the thing is Congressional Term Limits Amendment. The title listed in others was, quote, Article. We use 1, 2, and 3 to designate the sections rather than A, B, and C. It is substantively identical to several we have already considered. Again, we will incorporate by reference the arguments that had those other amendments defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. ENSIGN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to address a few of the points that have been brought up here today on the House floor. First of all, yes, we are pretty assured that we are not going to win this term limits battle today. But it is important that we do have this vote, for the will of the American people is to have term limits and the only way that they know whether or not their Member represents them the way that they want is to have recorded votes. That is why I applaud the leadership in the House of Representatives for not only bringing this to the floor today but also in the last Congress. The reason that I believe so strongly in term limits are several reasons. One is the power of incumbency. People say, "Well, you have term limits at the ballot booth." Mr. Chairman, nothing could be further from the truth simply because of the power of incumbency. Challengers in no way can have the same kind of name recognition unless they raise so much money or have incredible personal wealth, because incumbents get on the radio whenever they want, they get on television whenever they want, they go to our plants whenever they want, and these same opportunities are not afforded to challengers.

□ 1515

The other things that have been brought up on the floor today address turnover. We have had a tremendous turn over the last few years. Well, those have been extraordinary circumstances. One is we had a campaign finance reform bill where Members of Congress had to retire if they wanted to take their campaign money with them. We look at several of the other things that have happened: There have been extraordinary circumstances of why we have had tremendous turnover. This is not normal. We also look at the statistics: Incumbents have a huge advantage on being reelected, and a lot of good people do not run for office because if one is faced with a 20 or 30 to 1 chance of winning against an incumbent, they do not want to have their family's name drug through the mud, they do not want their own good name drug through the mud after a successful career, and a lot of good people are not coming to this body in America because of the power of incumbency.

I believe very strongly that we need a blend of fresh ideas coming in constantly with some wisdom that is built up, and the only way to do that is with term limits.

We also hear a lot about campaign finance reform, and frankly I think that the prospects for that this year are pretty dim myself, just talking with the competing forces. I hope it comes about. I think we desperately need it. But there is no better campaign finance reform than term limits. The power of the incumbency can only be negated by term limits.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Nevada [Mr. ENSIGN].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. ENSIGN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 47, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Nevada [Mr. ENSIGN] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 47, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 4 offered by the gentleman from Missouri [Mr. BLUNT], amendment No. 5 offered by the gentleman from Nebraska [Mr. CHRISTENSEN], and amendment No. 6 offered by the gentleman from Nevada [Mr. ENSIGN].

AMENDMENT NO. 4 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BLUNT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Missouri [Mr. BLUNT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 72, noes 353, not voting 8, as follows:

[Roll No 14]

AYES—72

Armey
Baldacci
Barcia
Bartlett
Bass
Bilbray
Blunt
Bono
Bryant
Burr
Cannon
Chabot
Clement
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Danner
DeFazio
Deutsch
Dunn
Emerson
Ensign
Forbes
Fox
Franks (NJ)
Ganske
Gibbons
Gillmor
Goode
Goss
Graham
Hall (TX)
Harman
Herger
Hill
Hilleary
Inglis
Jackson-Lee (TX)
Jones
Kim
Klug
Largent
Lewis (KY)
LoBiondo
Maloney (CT)
McCarthy (MO)
McIntosh
McNulty
Meehan
Metcalf
Minge
Myrick
Neumann
Ney
Paul
Peterson (MN)
Rohrabacher
Royce
Salmon
Sanford
Shadegg
Smith (MI)
Talent
Thornberry
Wamp
Watts (OK)
Whitfield

NOES—353

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chambliss
Chenoweth
Christensen
Clayton
Clyburn
Collins
Conyers
Costello
Cox
Coyne
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—8

Carson
Clay
Obey
Pickering
Richardson
Scarborough
Smith (NJ)
Young (AK)

□ 1536

Messrs. Thune, Torres, and White changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PICKERING. Mr. Chairman, on roll call no. 14, I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. SMITH of New Jersey. Mr. Chairman, on roll call no. 14, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 5 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CHRISTENSEN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Nebraska [Mr. CHRISTENSEN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 83, noes 342, not voting 8, as follows:

[Roll No. 15]

AYES—83

Armey
Baldacci
Barcia
Bartlett
Bass
Bilbray
Blunt
Bryant
Burr
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Danner
DeFazio
Deutsch
Dickey
Dunn
Emerson
English
Ensign
Forbes
Fox
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goode
Goss
Graham
Hall (TX)
Harman
Herger
Hill
Hilleary
Inglis
Jones
Kim
Klug
Largent
Lewis (KY)
LoBiondo
Lucas
Maloney (CT)
McCarthy (MO)
McCrery
McIntosh
McNulty
Meehan
Metcalf
Minge
Myrick
Neumann
Ney
Paul
Peterson (MN)
Petri
Riley
Rohrabacher
Royce
Salmon
Sanford
Shadegg
Smith (MI)
Talent
Tauzin
Thornberry
Thune
Wamp
Watts (OK)
Weldon (FL)
Whitfield

NOES—342

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chambliss
Clayton
Clement
Clyburn
Collins
Conyers
Costello
Cox
Coyne
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—8

Bono
Carson
Clay
Obey
Richardson
Scarborough
Smith (NJ)
Young (AK)

☐ 1548

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BONO. Mr. Chairman, on rollcall No. 15, I was unavoidably detained. Had I been present, I would have voted "yes".

PERSONAL EXPLANATION

Mr. SMITH of New Jersey. Mr. Chairman, on rollcall No. 15, I was unavoidably detained. Had I been present, I would have voted "no".

AMENDMENT NO. 6 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ENSIGN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Nevada [Mr. ENSIGN], on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 85, noes 339, not voting 9, as follows:

[Roll No. 16]

AYES—85

Armey
Baldacci
Barcia
Bartlett
Bass
Bilbray
Blunt
Bono
Bryant
Burr
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Danner
Davis (VA)
DeFazio
Deutsch
Dickey
Dunn
Emerson
English
Ensign
Forbes
Fox
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goode
Goss
Graham
Hall (TX)
Harman
Herger
Hill
Hilleary
Inglis
Jones
Kim
Klug
Largent
Lewis (KY)
LoBiondo
Lucas
Maloney (CT)
McCarthy (MO)
McCrery
McIntosh
McNulty
Meehan
Metcalf
Minge
Myrick
Neumann
Ney
Paul
Peterson (MN)
Radanovich
Riley
Rohrabacher
Royce
Salmon
Sanford
Shadegg
Smith (MI)
Talent
Tauzin
Thornberry
Thune
Wamp
Watts (OK)
Weldon (FL)
Whitfield

NOES—339

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chambliss
Clayton
Clement
Clyburn
Collins
Conyers
Costello
Cox
Coyne

Cummings
Cunningham
Davis (FL)
Davis (IL)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—9

Carson
Clay
LaTourette
Obey
Richardson
Scarborough
Smith (NJ)
Taylor (NC)
Young (AK)

☐ 1557

Mrs. Kennelly changed her vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of New Jersey. Mr. Chairman, on roll call no. 16, I was unavoidably detained. Had I been present, I would have voted No.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 105–4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. THUNE

Mr. THUNE. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. THUNE:

Strike all after the resolving clause and insert the following: That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"(a) No person shall serve in the office of the United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

"(b) No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve more than one additional term.

"(c) This article shall have no time limit within which it must be ratified by the legislatures of three-fourths of the several states.".

Mr. CHAIRMAN. Pursuant to House Resolution 47, the gentleman from South Dakota [Mr. THUNE] and the gentleman from Virginia [Mr. SCOTT] each will control 5 minutes.

The Chair recognizes the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the opportunity to address this issue today. I want to add to the menu of options that is available for those who support term limits. I would like today, Mr. Chairman, to vote in favor of the McCollum amendment, the Fowler amendment, but frankly the voters of South Dakota have spoken as well. We have a specific provision in our law now, and I must rise to offer an amendment which is consistent with that provision.

Frankly, it has been my long-held belief that our country and this Congress would be well served by term limits. So I have consistently throughout the last year as I have campaigned across the State of South Dakota supported term limits.

In fact, I have committed to support the most restrictive version that would be enacted by the House of Representatives. But today the amendment that I offer would comply with the State law, and the State of South Dakota has been clear in the message that they have sent to us, in 1992. Over 63 percent of the voters in our State approved an amendment to the State Constitution that restricted the service of South Dakota's congressional delegation and of the State legislature.

While a decision of the U.S. Supreme Court rendered the law invalid as it applies to Members of Congress, South Dakotans still believe strongly in limiting congressional service. A more recent vote affirmed that belief. That last November almost 68 percent of the voters approved another term limits measure. The measure, now part of South Dakota codified law, provides that any Member of Congress representing the State of South Dakota must work to enact a constitutional term limits amendment.

The law explicitly enumerates what actions a Member of the U.S. House or U.S. Senate may take in order to enact the measure. The law also explicitly defines a term limits amendment to the U.S. Constitution. Those terms are outlined verbatim in my version of the amendment. If a Member of the South Dakota delegation fails to follow the directions of that law, a notation stating "disregarded voters' instructions on term limits" would appear next to that person's name on the ballot.

To say the least, that notation would be undesirable to any candidate. As a strong proponent of term limits, that statement would not accurately reflect my position on this issue.

The amendment I offer today would conform with South Dakota law. The Thune amendment allows for no more than three terms in the U.S. House of Representatives and no more than two terms in the U.S. Senate.

Upon ratification, an individual holding office of either House may serve no more than two terms in that respective House. I respectfully request my colleagues to vote in favor of the amendment I am offering. At the same time, I realize there are similar measures that would work toward the same purpose.

In fact, I was an original cosponsor of the McCollum resolution, House Joint Resolution 2. While my cosponsorship did not change my self-imposed three term limit commitment, I realized that cosponsoring that resolution likely would have forced a negative message next to my name on the 1998 ballot.

Therefore, on February 4, I had my name removed as a cosponsor of House Joint Resolution 2.

Because I am so committed to the concepts of term limits, I would urge my colleagues to vote in favor of some amendment today, some version, some approach that we can put on the ballot and get a serious vote. Frankly, I would hate to see this issue go down because we continually use a shotgun approach and give us a range of options rather than dealing with one particular version that could be enacted and passed by the two-thirds that are necessary in the House and the Senate.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from the State of South Carolina [Mr. SANFORD].

Mr. SANFORD. Mr. Chairman, I rise in support of this amendment because it seems to me that fewer years yields more in the way of benefits when it comes to term limits. I say that for a couple of different reasons.

First, it is consistently what I hear about from my constituents back home. They do not say more or longer terms. They say shorter terms.

Second, it seems to be the will of the Founding Fathers, when they talked about our Congress, this institution, they talked about a citizens Congress, and fewer years would yield that.

Last, I think that fewer years would yield more in the way of benefit in terms of cutting our Nation's debt and deficit. The National Taxpayers Union did a study. What they found was that there was direct correlation between the length of time in office and propensity to spend taxpayer money. This amendment would make a difference on that front. For that reason, I support it.

Mr. THUNE. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

As I understand this amendment, it provides for three House terms, two Senate terms and is substantively identical to five earlier versions that we have considered. It is my understanding that the only difference between this amendment and other amendments is the fact that the sections are numbered 1, 2 and 3. And instead of using 1, 2 and 3 and capital A and capital B and capital C, this one designates the sections using small A, small B, and small C.

Mr. Chairman, I would yield to the sponsor of the amendment to explain to me if there are any other differences between this and other amendments that we have been defeating by margins of three and four to one. If there are any differences other than the designation 1, 2, 3, capital A, B and C and the small letters A, B and C, I yield to the gentleman to respond.

Mr. THUNE. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from South Dakota.

Mr. THUNE. Mr. Chairman, I thank the gentleman from Virginia for the question.

There are no substantive material differences between this and other proposals that have been voted on here today. However, in fairness to the people, the voters of our State, we chose to have the exact language as adopted verbatim by the voters of South Dakota as an option to vote on this afternoon.

Mr. SCOTT. Mr. Chairman, we have already spoken about the trivializing of the Constitution. Obviously this process suggests that we are involved in a very trivial situation right now, voting on separate amendments where the only difference is whether sections are 1, 2, 3, capital A, B and C or small A, B and C and taking separate votes on each one. I will incorporate by reference the substantive arguments that have been made heretofore that have resulted in the defeat of amendments by margins of three and four to one or worse.

Mr. Chairman, I yield back the balance of my time.

Mr. THUNE. Mr. Chairman, I yield myself such time as I may consume.

I would simply respond to the gentleman from Virginia by saying that I think most on the floor this afternoon who have suggested that it is trivializing to have these different amendments available probably come from States who have not been directed by their voters to have that. I think it is very important to all of us who have offered such amendments, as a result of such language being adopted by the voters of their State. In compliance with and at the direction of their will, we have the opportunity to vote on these amendments.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from South Dakota [Mr. THUNE].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. THUNE. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 47, further proceedings on the amendment in the nature of a substitute offered by the gentleman from South Dakota [Mr. THUNE] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 8 printed in House Report 105-4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. FOWLER

Mrs. FOWLER. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mrs. FOWLER:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE—

"No person may serve more than four consecutive terms as Representative or two consecutive terms as Senator, not counting any term that began before the adoption of this article of amendment."

The CHAIRMAN. Pursuant to House Resolution 47, the gentlewoman from Florida [Mrs. FOWLER] and the gentleman from Virginia [Mr. SCOTT] each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very simple. No bells, no whistles, no hidden meaning, just straight term limits, eight consecutive years for House Members, 12 consecutive years for Senators.

It is the only one offered today that is not a lifetime ban. My amendment is based on the initiative passed by my State's voters in 1992. The Eight is Enough term limits initiative garnered 77 percent of the vote in Florida, the highest percentage for term limits in any State.

Although the Supreme Court decision struck down those term limits for Members of Congress, they are still in effect by our State legislature and State cabinet officers. Like many other States, our Governor was already term limited. Six, eight, twelve, there is really no magic number when it comes to term limits. Those of us who really support term limits do so because we subscribe to the notion that rotation in office is a good thing. It keeps officeholders close to the people.

I think these goals are realized with any term limits, 12 years or under. That is why I will support the will of the House and vote for final passage no matter which version makes it.

Because there is no magic number, I urge all my fellow term limit supporters to vote for my amendment. About 2 years ago, a certain unyielding term limits group started shifting the debate from distinguishing between term limits supporters and term limits opponents to distinguishing between supporters of 6-year limits and supporters of 12-year limits. That is when I nicknamed my bill the Goldilocks bill. If you think 6 years is too short and you think 12 years is too long, then you might think 8 years is just right, just like the porridge in that famous nursery tale. I think an 8-year limit is an effective compromise that accomplishes all the goals we espouse as term limits advocates.

Prior to the Supreme Court decision in 1995, Florida, Ohio, Massachusetts, and Missouri had passed 8-year term limits; 8-year term limits were supported by 9 million voters in those States. I urge my colleagues to join those citizens in saying eight is enough and vote for passage of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

This one has an actual substantive difference from some of the others we have considered, having a lifetime of 8 years. With 8 years, it is 2 years less worse than the rest we have considered, which were defeated by margins of 4 to 1.

Obviously, the fact that this is on the floor suggests that the committee did not offer any arguments as to why this is any better or worse than any of the others we have considered. I think the Goldilocks rationale probably is about the most substantive rationale for this that I have seen.

Mr. Chairman, I would respectfully ask that the committee treat this the same way they have treated the others. Without prolonging the triviality, Mr. Chairman, I would just refer to the arguments that have resulted in defeat of the others.

Mr. Chairman, I yield back the balance of my time.

Mrs. FOWLER. Mr. Chairman, I yield myself such time as I may consume.

I would like to make one final point today. My amendment is the only one that limits consecutive service in either body. It is not a lifetime ban. This last election we have elected several former Members of Congress back to Congress. I think they really bring a unique perspective to this institution. I would urge my colleagues to support my amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentlewoman from Florida [Mrs. FOWLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. FOWLER. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to resolution 47, further proceedings on the amendment in the nature of a substitute offered by gentlewoman from Florida [Mrs. FOWLER] will be postponed.

The point of no quorum is considered withdrawn.

☐ 1615

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 105-4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the Nature of a Substitute Offered by Mr. SCOTT.

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"SECTION 1. No person who has been elected for a full term to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected for a full term to the House of Representatives six times shall be eligible for election to the House of Representatives.

"SECTION 2. No person who has served as a Senator for more than three years of a term to which some other person was elected shall subsequently be eligible for election to the Senate more than once. No person who has served as a Representative for more than one year shall subsequently be eligible for election to the House of Representatives more than five times.

"SECTION 3. This article shall be inoperative unless it shall have been ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

"SECTION 4. No election or service occurring before this article becomes operative shall be taken into account when determining eligibility for election under this article.

"SECTION 5. A State may enact a term limit less than that provided in this article.".

The CHAIRMAN. Pursuant to House Resolution 47, the gentleman from Virginia [Mr. SCOTT] and the gentleman from Florida [Mr. MCCOLLUM] will each control 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the Subcommittee on the Constitution heard with term limits, we heard testimony that several States have either enacted or are considering enacting term limits of less than 12 years. If we are going to have term limits, I believe, Mr. Chairman, that the States ought to have that option.

As I have said, personally I think it is unnecessary and unwise to limit the terms. The voters can limit those terms when they see fit. Judging from the turnover in Congress in recent years, more than 70 percent of the House has turned over since 1990. So the voters seem to be doing a pretty good job.

Mr. Chairman, if this resolution passes without my amendment, it would have the incredible effect of setting aside the expressed representations of many States. It is obvious from this exercise that we have been going through that many States expect to be heard in this debate. So if we are to ever have any finality on this, we have to allow States to express their views and adopt limits less than 12 years.

Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

I have to rise in opposition to this amendment because what it does is to create havoc out there and a hodgepodge system. If it were to be adopted, every State could adopt whatever it wants in the way of term limits up to the 12 years. We would wind up with some States having 12 years, I am sure forever, and other States having 4, 6, 8, who knows, for the House, and who knows for the Senate?

The net result of that, I think, would be bad government for our country. There would not be any uniformity. All the power would flow to those States that were the 12-year States.

The proponents of this say that is fine; it is the problem of the States, if they make that decision, who choose the lesser number. But I would suggest it is easier to say that than in practice to live it.

In reality, many residents of those States that do not choose to maintain the higher limits, the 12 years, which is the number of years for the House and Senate in the underlying bill I have offered, are going to suffer. They are going to suffer because the structure in some of those States, by initiative process and so forth, is such that they may never overcome or repeal or change those initiatives once they have adopted them for the lesser number of years.

I do not think that is good. I do not think our Founding Fathers, as much as they overlooked the term limits issue itself, would ever want that much lack of symmetry.

They envisioned a House and Senate that were pretty equally balanced in power; the States being represented by the Senators, who had the ability to take care of the small States because they were two from every State, regardless, and the House, which was more of a populace-based body. They did not envision this breakdown into compartments that I have described, that would allow power to flow to States for other types of reasons, reasons that are far beyond the scope of the original creators and founders of this Nation.

So I believe this is a very bad amendment. It is disingenuous. I know that the gentleman from Virginia, Mr. SCOTT, believes in offering it for the reasons he has stated. I do not want to derogate his personal views on this but, generally speaking, those who do not favor term limits would be the ones who most likely would want to support this amendment. Those who favor it, and want to really get term limits out of here ultimately and have it passed, ought to be supporting the underlying bill and should let us go forward and get to that vote after we finish voting on all the variations of the 6 and 8 years.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

I would point out that the exercise that we have been through would suggest that if an amendment ever passed that did not allow the States to reduce the time, we would be back here year after year after year.

We have seen amendments presented where if we did not accept exactly the State language, not only the State language but the State designation of the sections, using a capital "A" rather than a small "a" or a number 1 rather than an A or a B, that they will be back. So if we want any finality to this, this amendment is absolutely essential.

Mr. Chairman, I yield back the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of my time, and I urge in the strongest of terms a "no" vote on the Scott amendment.

I believe it is a very ingenious amendment, but it is very destructive to the term-limits process for those who support term-limits. If it were to pass, it would be much more difficult for us to ever achieve a term limits passage through this body and through the Senate.

So for those of us who support term limits, and many of us do in some form or another, this vote should be "no" on the Scott amendment regardless of our views on other matters.

Mr. Chairman, I yield back the balance of my time.

Mr. HILLEARY. Mr. Chairman, I rise in strong support of the Scott Amendment.

Thousands of dedicated individuals gathered signatures on petitions in parking lots across the country. Twenty-five million people have cast ballots in favor of imposing term limits on Members of Congress from the States.

This amendment is very similar to the Hilleary Amendment which was voted on in the 104th Congress. My version recognized the Federal term limits statutes that had passed in several States. My amendment was the only one which clearly protected the hard work and wishes of these people.

Unfortunately, after the vote on the Hilleary Amendment, the U.S. Supreme Court struck down all of those State laws as unconstitutional.

While the Scott Amendment will not bring those State laws back to life, it will allow those States to have the opportunity to enact term limits that they feel is right for their federally elected officials.

I support States' rights and I support the Scott Amendment.

I urge all of my colleagues to support final passage.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Virginia [Mr. SCOTT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 47, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Virginia [Mr. SCOTT] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 47, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 7 offered by the gentleman from South Dakota [Mr. THUNE]; amendment No. 8 offered by the gentlewoman from Florida [Ms. FOWLER]; and amendment No. 9 offered by the gentleman from Virginia [Mr. SCOTT].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 7 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. THUNE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from South Dakota [Mr. THUNE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 83, noes 342, not voting 8, as follows:

[Roll No. 17]

AYES—83

Armey
Baldacci
Barcia
Bartlett
Bilbray
Blunt
Bono
Bryant
Burr
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Danner
Davis (VA)
DeFazio
Deutsch
Dickey
Dunn
Emerson
Ensign
Forbes
Fox
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goode
Goss
Graham
Hall (TX)
Harman
Herger
Hill
Hilleary
Inglis
Jones
Kim
Klug
Largent
Lewis (KY)
LoBiondo
Lucas
Maloney (CT)
McCarthy (MO)
McCrery
McIntosh
McNulty
Meehan
Metcalf
Minge
Myrick
Neumann
Ney
Paul
Peterson (MN)
Radanovich
Riley
Rohrabacher
Royce
Salmon
Sanford
Shadegg
Smith (MI)
Talent
Tauzin
Thornberry
Thune
Wamp
Watts (OK)
Weldon (FL)
Whitfield

NOES—342

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chambliss
Clayton
Clement
Clyburn
Collins
Conyers
Costello
Cox
Coyne
Cummings
Cunningham
Davis (FL)
Davis (IL)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodlatte
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor

Paxon
Payne
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—8

Carson
Clay
Goodling
Obey
Pelosi
Richardson
Scarborough
Young (AK)

Messrs. SAXTON, HEFNER, and LATHAM changed their vote from "aye" to "no."

Mr. JONES changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. FOWLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentlewoman from Florida [Mrs. FOWLER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 91, noes 335, not voting 7, as follows:

[Roll No. 18]

AYES—91

Armey
Barcia
Bartlett
Bass
Bilbray
Bilirakis
Blagojevich
Bonilla
Bono
Bryant
Burr
Callahan
Canady
Cannon
Chabot
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Cubin
Danner
Davis (VA)
Deutsch
Dunn
Emerson
English
Ensign
Foley
Forbes
Fowler
Fox
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goode
Goss
Graham
Hall (TX)
Harman
Herger
Hilleary
John
Jones
Kim
Klug
Largent
LaTourette
Lewis (KY)
LoBiondo
Lucas
Maloney (CT)
McNulty
Meehan
Metcalf
Minge
Myrick
Nethercutt
Neumann
Ney
Norwood
Paul
Peterson (MN)
Pryce (OH)
Radanovich
Reyes
Riggs
Riley
Rohrabacher
Ros-Lehtinen
Royce
Sanford
Shadegg
Shaw
Sherman
Smith (MI)
Smith, Linda
Talent
Taylor (NC)
Thornberry
Traficant
Wamp
Weldon (FL)
White
Whitfield
Young (FL)

NOES—335

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Calvert
Camp
Campbell
Capps
Cardin
Castle
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Collins
Conyers
Costello
Cox
Coyne
Crapo
Cummings
Cunningham
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Rivers
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—7

Carson
Clay
Duncan
Obey
Richardson
Scarborough
Young (AK)

☐ 1649

Mr. INGLIS of South Carolina and Mrs. CHENOWETH changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SCOTT

The CHAIRMAN. The pending business is a demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Virginia [Mr. SCOTT] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 97, noes 329, not voting 7, as follows:

[Roll No. 19]

AYES—97

Armey
Barcia
Bartlett
Barton
Bilbray
Bilirakis
Blagojevich
Brady
Bryant
Burr
Calvert
Canady
Cannon
Chabot
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Danner
Davis (VA)
Deal
DeFazio
Deutsch
Dunn
Emerson
English
Ensign
Etheridge
Forbes
Fowler
Fox
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Hall (TX)
Harman
Hayworth
Herger
Hill
Hilleary
Inglis
Jones
Kim
Kind (WI)
Largent
Lazio
Lewis (KY)
LoBiondo
Luther
Maloney (CT)
Manzullo
McIntosh
McKeon
McNulty
Meehan
Metcalf
Minge
Moran (VA)
Myrick
Neumann
Ney
Paul
Peterson (MN)
Poshard
Pryce (OH)
Radanovich
Ramstad
Riggs
Rogan
Rohrabacher
Royce
Salmon
Sanford
Schiff
Scott
Shadegg
Sherman
Smith (MI)
Smith, Linda
Talent
Thornberry
Tiahrt
Wamp
Weller
White
Whitfield
Young (FL)

NOES—329

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Callahan
Camp
Campbell
Capps
Cardin
Castle
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Conyers
Costello
Cox
Coyne
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodling
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Regula
Reyes
Riley
Rivers
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Wicker
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—7

Carson
Clay
Obey
Rangel
Richardson
Scarborough
Young (AK)

□ 1658

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 105–4.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. BARTON of Texas:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. No person who has been elected to the Senate two times shall be eligible for election or appointment to the Senate. No person who has been elected to the House of Representatives six times shall be eligible for election to the House of Representatives.

"SECTION 2. This article shall be inoperative unless it shall have been ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

"SECTION 3. Election as a Senator or Representative before this Article is ratified shall be taken into account for purposes of section 1.".

The CHAIRMAN. Pursuant to House Resolution 47, the gentleman from Texas [Mr. BARTON] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] and myself, who are proponents of the amendment, each control 7½ minutes, and the gentleman from Florida [Mr. CANADY] and a Member of the minority party in opposition, control their 15 minutes and be permitted to yield blocks of time.

Mr. CANADY of Florida. Mr. Chairman, reserving the right to object, I will claim the time in opposition to the amendment, and I will be happy to yield to those who wish to participate. I have no objection to the allocation of the time between the two proponents.

Mr. BARTON of Texas. Mr. Chairman, if the gentleman would yield, I am more than willing to yield all the time in opposition for the gentleman to control. I thought perhaps there might be a member of the minority that also wanted to control some of that time, but if obviously there is not, it is his time.

The CHAIRMAN. Does the gentleman from Texas want to revise his unanimous-consent request?

Mr. BARTON of Texas. Yes, Mr. Chairman. I would revise my unanimous-consent request and ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] control 7½ minutes and yield as he sees fit; that I control 7½ minutes in support of the amendment and yield as I see fit; and that the gentleman from Florida [Mr. CANADY] control the 15 minutes in opposition.

The CHAIRMAN. The gentleman from Florida already has his time.

Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Mr. Chairman, prior to yielding myself time, I would inquire who is it that has the right, under the rule, to close?

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] has the right to close.

Mr. DINGELL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, if Members believe in term limits, this is the amendment for them. Our existing system of term limits works splendidly. They are called elections and have resulted in a 75-percent turnover since 1990.

With the Committee on the Judiciary reporting House Joint Resolution 2 without recommendation, it is clear that there is no consensus as to how we should amend the Constitution, but a number of people, inside and outside the Congress, are in a desperate rush to see that such is done.

The House, under their fiat, shall amend the Constitution, do so quickly, without regard to the wide differences which exist amongst even the supporters of term limits.

There is a gigantic quibble taking place amongst the traditional supporters of term limits. They cannot decide whether it should be 6, 8, or 12 years for Members of the House. Should it be uniform amongst the States, or should the States choose for themselves? Should it include partial terms? Most importantly, should term limits count the service of those who have already served in Congress?

I would think that we should count current and past service. That is why I have offered a bipartisan amendment with my good friend, the gentleman from Texas [Mr. BARTON]. I want to salute him and commend him as not only a loyal friend, but as a vigorous and able proponent of this amendment.

The amendment would apply term limits immediately; not retroactively, but immediately, with regard to the service which Members have committed, and it would count every partial election. It would ensure that the turnover desired by term-limit proponents is given them now.

If this amendment is not passed, the proposal before us assures that the 7 years which it takes for ratification, plus the 12 years which is in the proposal, will give each Member 19 additional years, enough to qualify for their pension.

Now, why make term limits immediate? If the American people are angry at legislators, they are angry at today's legislators, not tomorrow's, and changing House Resolution 2 to make term limits immediate should make sure that we are not going to hold future legislators to higher standards than those to which we hold ourselves.

Our existing system of term limits all ready works quite well. They are called elections, which have resulted in a 75-percent turnover rate since 1990.

With the Judiciary Committee reporting House Joint Resolution 2 without recommendation, it is clear that there is no clear consensus on how to amend the Constitution to put term limits in place. Instead this effort seems driven by outside forces—which have determined that the House shall vote to amend the Constitution, do so quickly, and without regard to the wide differences that exist even among supporters of term limits.

There is a gigantic quibble taking place between the traditional proponents of term limits * * * shall they be 6 years, 8 years, or 12 years? Should they be uniform among all States, or should we let the States choose for themselves? Should they count partial terms?

And, most importantly, should term limits count the service of those of us who have already served in Congress?

I think we should count current and past service. That's why I have offered a bipartisan amendment with the gentleman from Texas that would:

Apply term limits immediately, not in a couple of decades.

Count every partial election.

Ensure that the turnover desired by term limits proponents is given to them now, not in as long as two decades.

Why make term limits immediate?

The American people are angry at today's legislators, not tomorrow's. Changing House Joint Resolution 2 to make term limits immediate will make sure that we do not hold future legislators to a higher standard than ourselves.

Opponents of immediate term limits say they fear the massive turnover. I suspect what they really fear is being part of that massive turnover. In fact, if term limits were effective for the 106th Congress, at least 123 Members would automatically be disqualified from service.

Among this list of 123—besides myself—are 19 cosponsors of House Joint Resolution 2, who themselves will have served an average of 18 years—50 percent longer than they would allow future legislators to stay.

Without immediate term limits, all current Members can serve almost 20 more years, when you include up to 7 years for ratification by the States.

If we are for term limits, let's have them now. Vote "yes" on Dingell-Barton.

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

As currently drafted, House Joint Resolution 2 is prospective only. That is, service occurring prior to ratification of the amendment is not counted toward the 6-term limit. It is ironic that for the most part this amendment is held more dear by opponents of term limits than by supporters of term limits.

The gentleman from Michigan and the gentleman from Texas have been very candid in expressing their opposition to the concept of term limits. I appreciate their candor on this. But anyone who supports term limits should understand that this amendment is being offered by those who are opposed to term limits. I would ask the Members to consider that fact and to make their judgment accordingly.

With this amendment, we are far less likely to have an orderly process of transition in which people can adjust their expectations and move forward. In fact, this amendment that is being offered by the gentleman from Texas and the gentleman from Michigan has the prospect for causing enormous confusion.

Now, personally, the adoption of this amendment would not affect me in the least. I have imposed a limit on myself, and I will be gone from here in 4 years. While I am here, however, I am committed to passing term limits and moving to final passage on the measure that I believe can garner the most votes and that can be adopted by the States.

The amendment that is now before the House is being offered as an amendment that would detract from that effort. It is an amendment that is offered I think quite clearly with the purpose of derailing the effort to establish term limits for Members of Congress.

Now, it is instructive in weighing this amendment to examine how this issue has been dealt with by the 23 States that have imposed term limits on their congressional delegations prior to the Supreme Court decision in U.S. Term Limits versus Thornton. None, none of those laws counted service in Congress prior to the effective date of the State law in determining the number of additional terms that a Member could serve.

In 1991, the voters of Washington State defeated a ballot initiative that included a retroactive term limits provision. But in 1992, they approved a new term limits measure that would not apply retroactively.

Congress and the courts generally oppose retroactive legislation because it tends to create instability. It tends to deprive individuals and parties of reasonable notice and protection for their reasonable expectations.

The Constitution reflects this bias against retroactive laws by prohibiting both the Congress and the States from enacting any ex post facto laws. We need to keep in mind that we are amending the document which sets forth the basic framework of our government. History teaches us that ratifications become a permanent part of that document.

Under the Constitution, I think it is also important for us to understand, and under this proposal that is being considered now, 7 years is a maximum time period for ratification by the States. That is contained within the gentleman's proposal. Once the amendment is approved by the Congress and sent to the States, ratification may take place as little as 2 years from now, or it may never be ratified at all. Conceivably, it could be ratified in less than 2 years. Once ratified by the States, the amendment goes into effect and the 12-year clock begins to particular.

In other words, the time limit in the underlying text, like the time limit in all of the State-passed time provisions prior to the Thornton decision takes effect upon enactment. If it is ratified by the States in 2 years, it takes effect in 2 years. If it is ratified in 5 years, it takes effect in 5 years, and so on.

The argument that has been made here assumes that the full 7-year period that is allowed in the underlying amendment will be utilized. Well, that could happen, but that is not necessarily the case.

Mr. Chairman, I would urge Members to oppose this amendment and would again point out to all of the Members, if you are for term limits, you should not vote for this amendment. This is an amendment that is designed to derail the effort to enact meaningful term limits.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentleman from Florida mischaracterizes my position. I am not an opponent of term limits. I have opposed the provisions that restrict the House to three 2-year terms. I am a proponent of six 2-year terms, and I am also a proponent of letting the States take different positions, but I am not an opponent of the six 2-year terms. So he mischaracterizes my position. I would not be a supporter of this amendment if I did not believe in term limits.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. CONYERS], my good friend, the ranking minority member of the committee.

Mr. CONYERS. Mr. Chairman, we have now come to a very curious part in the proceedings for today. All the term limits have been voted down overwhelmingly, and now this one is now presented by the Dean of the House, and we are told now that if Members are for term limits, then vote this one down too.

The gentleman says, this one should go down because it is retroactive, but if I heard Chairman DINGELL correctly, he said that it took effect immediately and is not retroactive. So I think that we should get this terminology straight now.

Now, why is this amendment derailing to the process of the people that support term limits? Can somebody explain that to me? That because the Dingell amendment suggests that it take effect immediately, that that is thought to be in bad faith? Why?

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Perhaps, Mr. Chairman, the reason that the gentleman from Florida [Mr. CANADY] suggests that this is a derailing amendment is that many of the people who are supporting the base amendment, their time will have expired. Is that the reason we are accusing this amendment as being in bad faith? I do not quite follow this.

This amendment is, I think, issued in good faith. The only difference is that term limits would begin immediately, and not prospectively. I urge the Members' careful thinking and consideration.

Mr. DINGELL. Mr. Chairman, I yield myself 30 seconds, just to respond to what the gentleman from Florida had to say.

Mr. Chairman, term limits; if Members are for term limits and they really mean it and they want it to take effect immediately, this amendment is for them. If Members want term limits to take place in 19 years, 7 years for ratification, 12 years following, so that they can have a secure and happy career in this institution, then by all means oppose the amendment and by all means support the resolution as it is drawn.

Mr. Chairman, this is a real test of the sincerity of those who say they are for term limits. If Members are sincere, support the amendment. If they are not, oppose it.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just point out the gentleman's amendment, the amendment we are considering now, might not be ratified for 7 years. So the idea that if we pass this here and they pass it in the Senate, all of a sudden we are going to have term limits, that is not so. It could take 7 years for that. That is just part of the process.

I have a question, Mr. Chairman. Let me ask the gentleman this. If the House and Senate propose this and send it to the States in the form the Members are suggesting, and the States are considering it, and then on September 1 in the year 2000, when the 38th State ratifies your amendment, what would happen? What would happen?

We would have a situation in which elections had been taking place, primaries had gone on, qualifying and close, in the vast majority of the States, and candidates would be running for office. Your amendment would come into effect and there would be absolute chaos. Can the gentlemen tell me why that is not a prospect of what would happen under this amendment?

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, first I would point out to the gentleman that under our amendment, retroactivity means that whenever—

Mr. CANADY of Florida. Reclaiming my time, Mr. Chairman, I would be happy to yield to the gentleman to explain the scenario I have just outlined and why that is not a problem. If he has a response on that, I am happy to yield to him.

Mr. BARTON of Texas. If the gentleman will yield, I will give him an explicit response. The term they are then serving would count, plus any prior terms would count. If that term you were in plus prior terms equaled six terms, you would not be eligible for reelection. You would be able to serve out that term.

Mr. CANADY of Florida. So, under that scenario, Mr. Chairman, individuals who had qualified under the laws of their States, individuals who had been nominated by their parties to stand for election, would stand disqualified as of that date, and there would be a wild scramble all over the country to fill in those slots. I do not think that is an orderly way to go about business. That is a flaw in the amendment that I suggest has not been adequately considered.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan [Mr. DINGELL]. I have taught history and government, and I have, perhaps, a different perspective on the stance of our forefathers. I believe when we take into consideration the totality of their beliefs, they unquestionably believed in the concept of the citizen legislator. I believe they felt we should train ourselves for a profession, we should leave that profession for a time and serve in the national assembly, and then we should exit here, allowing other people with different backgrounds, different experiences, different problem-solving skills, to bring that experience to the problem-solving of the Nation.

Because I believe in this concept so strongly, in 1988 when I ran for Congress, I said to those whom I sought to serve, if I am fortunate enough to be elected for five terms in the national assembly, I will at that point in time quit. This is my last term in the national assembly. I am thankful to have served here for five times.

But let me deal with this idea of experience, because I have heard it mentioned here on the floor several times today. Experience one gains here as a Member of this august body is certainly important, but the experience one brings here from one's chosen profession and experience is equally important. It is the latter experience that perhaps needs to be infused into this assembly on a more frequent basis than our present system allows.

Notwithstanding the wisdom of the author of this amendment and the great contribution that he has made to this assembly because of his experience, I believe, on balance, that our Government would better be served by a reasonable limit upon our service here, along the same lines we have chosen to limit other offices at both the State and Federal levels.

Mr. Chairman, I rise in support of the legislation before us to limit the terms of Members of the U.S. House and Senate.

I know this position puts me at odds with many of the very distinguished Members of this body, Members whose service has been very meaningful for our Nation. But as a former civics teacher who spent hours at the blackboard talking with my students about our system of government, I am convinced that our Founding Fathers had a citizen-legislature in mind when they designed our system. And they meant for us to be citizen-legislators, who would leave our profession for a time to serve in the national body, then return home as someone else made their contribution.

When I first decided to run for Congress, I decided that if the people of Illinois were willing to allow me to serve for five terms, or 10 years, that would be the limit of my service. I established a self-imposed 10-year term limit, and I will be leaving the Congress at the end of this session. I will miss serving the people here in Congress, but I am absolutely convinced it is the right decision for me, and the right decision for our system.

We need to make sure the system is open to teachers, small business owners, police officers, and retired folks who want to run for office and make a difference. Currently, with our fatally flawed system of financing campaigns, and with the advantages of incumbency, we draw from a very narrow pool of people who can realistically make a run for office. You either have to spend years working in the party structure, or else have a lot of your own money to spend, if you are serious about making a run for office. That is not the way it was meant to be.

Limiting the terms of Members will help us restore the concept of a citizen-legislature. Reforming our campaign finance system will be another step in returning the process to the people. Done in tandem, we just might be able to reverse the growing trend of cynicism regarding this great and honorable institution.

Voluntary term limits works for me, and I would encourage my colleagues to take a look at how that notion works within their own thoughts regarding service in the Congress. But until that becomes the rule rather than the exception, I believe we must act to constitutionally limit our terms.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. BLUMENAUER].

Mr. BLUMENAUER. Mr. Chairman, I strongly object to the characterization of this bill as an effort to derail term limits. My goodness, nobody could derail term limits more than the so-called proponents have done today. Item after item after item has bit the dust. This is the one chance to pass a piece of legislation that will in fact provide term limits.

There will be no chaos. We will have 2, 3, 4, 5, 7 years before it goes into effect, and then it will only impact people who have been here a dozen years, plenty of time for grown-ups to manage a transition. What this is about is to avoid the game playing that we have seen.

If Members believe in term limits, come forward with the distinguished gentleman from Michigan, vote for this, put it out, get rid of the professional politicians, and find out if that is what the American people want, find out if that is what the people here want. But for heaven's sakes, stop the game playing. Vote for the antihypocrisy amendment that is before us now. I strongly urge Members' support.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I rise today in support of the Dingell-Barton amendment, not as an ardent supporter of term limits, but as a supporter of fairness and truth and honesty. If we are going to pass a constitutional amendment on term limits for future Members of Congress, let us make sure it also covers current Members. Let it be immediate.

Some of my colleagues here in the House have had the opportunity to serve this body for 20 years or more. Many of them will be voting for a term limits amendment today, but not the Dingell-Barton amendment. Mr. Chairman, I ask these long-serving Members, if they believe in term limits why have they served for so long? Why do they not want this to apply to them? Why do you want it to apply only to the next generation?

Many proponents of other term limits amendments describe those of us who did not support those amendments with words such as "arrogance" and "hypocrisy." I would say to them that the true arrogance is in support of term limits which are not applied immediately, and will allow them to serve 12 or 19 extra years on top of the 20 or so they have already served. If six terms is appropriate for future Members, then it must be applicable to those of us who are currently serving.

If we are to limit the fundamental rights of all Americans to elect their representatives, we should do it without a hint of the hypocrisy that suggests that term limits are good, but not now, and only for the next generation of Congress Members.

Mr. BARTON of Texas. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am a little bit puzzled, as we get into this debate, about the use of the word "hypocrisy." I am a sincere supporter of term limits. I think the Dingell-Barton amendment is the closest to the spirit of the people. In my town meetings and in my public meetings with constituents, they are very adamant that the problem they are attempting to solve is the problem of entrenched incumbency, especially Congressmen and Congresswomen who serve a long tenure in Washington and are out of touch with their constituencies.

The way to address that is through a retroactivity clause. Members can argue whether they want three 2-year terms in the House or six 2-year terms, or two 4-year terms, but I do not think they can argue this. If they support term limits, they should support that they be retroactive, so we can go at the problem immediately, which is incumbents who are out of touch. The Dingell-Barton amendment does that.

If it were to pass and be ratified, whenever it was ratified, anybody who had served 6 years prior to their current term or were in their sixth term would not be eligible for reelection immediately. It is that simple. It is a sincere attempt to address the problem the people want addressed, which is removing an entrenched incumbency that is out of touch in Washington, DC.

I believe that this amendment has an excellent chance to get a majority. I would encourage all my Republican friends who voted for the other term limit amendments to vote for this one, and I would encourage my friends on the Democratic side to support the dean of the delegation of the House of Representatives, the gentleman from Michigan [Mr. DINGELL] and support this.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, two things. First of all, the gentleman from Florida characterized this amendment as being antiterm limit. To the 2 million people who live in the city of Houston, the fourth largest city in our Nation, retroactive term limits or term limits which are effective immediately are term limits. That is what they voted for in 1991. We have not seen the city of Houston fall into chaos as a result of it. The city of Houston is getting along just fine, thank you.

Second of all, if we look at the facts of the situation, the American people are already utilizing what is available to them. More than half of the Members of the House have served 6 years or less. Less than half of the Members have served more than 6 years, and a third of the Members have served more than 12 years, so every other bill we have voted on today would give Members a minimum of 13 years more. That is subterfuge. That is a fraud on the

American people. This is the only bill that says we will have real term limits, that we will have them right now. That is what we ought to vote for.

If Members are for term limits, vote for the Barton-Dingell bill. If they are against term limits, then Members can vote for all the other bills.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute of my remaining 2 minutes to my distinguished friend and colleague, the gentleman from the great State of Texas and the city of Houston [Mr. GENE GREEN].

Mr. CHRISTIAN-GREEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am proud to support this bipartisan amendment. I served 20 years in the legislature in Texas and only 13 in the State house and 7 as a State senator, but every election since I have been in Congress I have had an opponent, so I am not going to stand here and say that I think term limits are something that are that important, because I think the voters have a shot at us every time.

But if we are going to do it, let us be intellectually honest and say it ought to cover GENE GREEN on my 2 terms I have already served. If 12 years is a magic number, then I should only be able to serve 8 more years, if the voters continue to send me back.

☐ 1730

That is why I think the Barton-Dingell substitute is the only one that is really intellectually honest, Mr. Chairman.

I would hope that a lot of Members would recognize that, along with the people out in the countryside who feel like term limits are necessary, that they would say, if 12 years is magic, in 12 years you should go home and do your job, something else, then that should apply to those of us who have served here 2 terms, three terms or 10 terms, and that way it would cover it. That is why I am proud to support the Barton-Dingell amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to show my respects to the gentleman from Illinois [Mr. HYDE], the full committee chairman, and to the gentleman from Florida [Mr. CANADY], subcommittee chairman, for their efforts to bring some focus to this debate. I recognize the gentleman from Michigan [Mr. DINGELL], my good friend, for cosponsoring the amendment.

There is nothing magic about this. It is pretty straightforward. Term limits main purpose is to get entrenched incumbents out of office as quickly as possible so that there is turnover.

There is one better way to do that. That is to support retroactivity. If my colleagues support what their people support, vote for Dingell-Barton retroactive term limits and let us send it to the States for ratification, if the Senate goes along and sends it out with a two-thirds vote and the House of Representatives.

This is not a sham amendment. It is a serious amendment. It is a chance to get a majority vote, to be the vote on final passage. We need everybody who is for term limits to vote for it, and then we will beat the requirement for two-thirds on final passage.

I want to thank the Chair for his excellent handling of the proceedings in this part of the debate, also, the gentleman from Nebraska.

Mr. DINGELL. Mr. Chairman, I yield myself 1½ minutes.

I want to utter great respect for the distinguished gentleman from Florida who has handled this bill. I want to express my personal sorrow that he finds so few who are ready to stand with him in opposition to this amendment.

The amendment is very simple. It says that term limits take place immediately upon ratification of the States, not 19 years later. I believe that that is the way it should be. If we are really for term limits, then let us have term limits immediately. Let us not allow ours to remain around here in some cynicism, building our seniority, collecting seniority and eligibility for pensions. Let us just simply say that, if the people wanted term limits and they wanted them now, they should have them now.

I think that there is some arrogance on the part of any Member to go home and say how he is for term limits when in fact he is for term limits 19 years in the future, as it is under the legislation before us. Let us have term limits immediately. Let us not debase the proposition of term limits by deceiving the people that in fact there is going to be term limits but at some distant and indefinable future time. Let us have it immediately.

If term limits are good, they should in fact go into effect at the earliest possible time. That is the proper and the responsible vote. Vote for term limits now. Do not vote for term limits in the future. If we are really for term limits, let us have them now, not at some distant and obscure time in the foggy future.

Mr. CANADY of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I will not utilize all the time because I think we have exhausted this. I will note that there have not been many Members who have spoken against this amendment, but there were 287 Members who voted against this amendment in the last Congress. I fully expect that we will have about that many voting against it. We will find out in a few moments. The vote on the amendment in the last Congress was 135 in favor and 287 against. I think that is some indication that this may not be the most viable means for actually moving forward with term limits.

It might be desirable to move up the effective date, concede that argument to the gentleman. I do not think that is necessarily true. Certainly the way this amendment is formulated it will cause great, potentially great confusion because we could have a situation in which the amendment was ratified and became effective right in the middle of an election cycle when candidates who had already been nominated for office when qualifying had closed, those candidates would be thrown out as candidates, the whole electoral system would be up in the air.

That has happened to a certain extent in certain States because of things Federal courts have done. I do not think that is the kind of confusion that we should allow for in a constitutional amendment. I think that is a serious flaw of this amendment.

Mr. BENTSEN. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Texas.

Mr. BENTSEN. Mr. Chairman, let me assure the gentleman that he can survive the confusion when the courts do it.

Mr. CANADY of Florida. Reclaiming my time, Mr. Chairman, the other point that I will make is that, when the people in the States have dealt with this issue, they have not seen fit to impose this sort of requirement that the sponsors of this amendment seek to impose. As a matter of fact, as I said earlier, when this issue was dealt with by the 23 States that imposed term limits on their congressional delegations prior to the Supreme Court decision in U.S. Term Limits versus Thornton, none of those States counted service in Congress prior to the effective date of the State law in determining the number of additional terms that a Member could serve.

The fact that the people in those States did not view this as such an overwhelming issue, I think, is instructive to us. I think the people in their wisdom understood that it would take some time to make adjustments and to not disrupt the legitimate expectations of people so that we could have an orderly process of transition. That is what the people have done.

I would simply suggest again that, although I respect the intention of the gentlemen who are offering this amendment, I think it is unfortunate that the word "hypocrisy" has been bandied about out here. That is not a word I would use with respect to any proposal or certainly any Member. I think the intention of the gentleman from Michigan and the gentleman from Texas is very honorable. But I believe that the way we are going to move forward with enacting term limits is not through this amendment.

I believe that the adoption of this amendment would effectively derail this effort. The fact of the matter is, that is shown by the vote in the House 2 years ago when only 135 Members supported this amendment. So if Members are serious about term limits, they should focus on these facts and seriously consider what will be effective and what will work.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, is the gentleman suggesting in his recent discourse that most of the voters that want term limits would be unhappy with the immediacy provision that the Dingell amendment provides?

Mr. CANADY of Florida. Reclaiming my time, Mr. Chairman, I think that the voters would not be pleased with the potential disruption and disorder that could be caused by the adoption of this amendment. Again, I point to the experience in the States where, in the initiative process, where the people were deciding in many cases the form of the amendment that they would place on the ballot in those individual States, they did not provide for the sort of retroactivity that is provided for in this amendment.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I thank the gentleman for yielding. He has been very gracious in conducting a very fine debate here.

I would just observe that during the time that the States prepared their ratification, Members could, of course, prepare for the consequences of the amendment on which we are now voting. In other words, if it took 7 years for the States to ratify, Members could have 7 years during which they could run, during which they could make arrangements to seek other office, during which they could make arrangements for their retirement. There is no disorder here. We have the period between the time that the House and the Senate passed the legislation and the time that it is ratified by the States.

Mr. CANADY of Florida. Reclaiming my time, Mr. Chairman, I will acknowledge that Members could adjust their expectations based on the possible adoption of the amendment. The fact of the matter is, this amendment could be ratified in the middle of an election season and cause disruption because if it went to the States, the disposition in the States would remain uncertain for a period of time, I would expect. Once ratified, it would become effective immediately and candidates who had been nominated, who had qualified, were standing for office, would be thrown out of contention for office and the whole electoral process could be thrown up into question.

Quite frankly, I do not think that is the sort of result that the gentleman from Michigan would intend, but the amendment is not drafted in a way that takes that possibility into account. I think it is flawed in that regard. But, again, I make the point that when the people have considered this issue in the various States, they have not adopted a provision such as that as suggested today. I believe that the purpose of advancing term limits will be advanced by the rejection of this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, my friend from Florida, who has been very responsible here, has one error in his reasoning. He keeps averring to the fact that the public in their referenda rejected this. But the public in their referenda have generally voted for 6 years so the gentleman, if he is going to invoke the moral influence of the referenda, then he cannot argue for his 12-year position. It is true, referenda have said, do not make it retroactive, but they have also said overwhelmingly 6 years. What is the referendum, something you can turn on and off like a faucet?

Mr. CANADY of Florida. Reclaiming my time, Mr. Chairman, the States have adopted different limits in different States. In my own State of Florida it was 8 years and 12 years. I voted for it. I voted for the 8 year and the 12 year. I have supported that throughout the process.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, he is speaking in favor of a 12-year limit.

Mr. CANADY of Florida. Reclaiming my time, Mr. Chairman, I think it is apparent that this is not an amendment that is going to be effective in advancing the movement to establish term limits. I will not talk about Members' motivation. I think that the effect of this is what we should be concerned about. That effect is obvious.

Mr. FRANK of Massachusetts. Mr. Chairman, if the criterion is who is being ineffective in advancing term limits, the gentleman's side wins.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, the bottom line is that a vote for this amendment is going to get us less votes on final passage for term limits. It is going to set back the cause of term limits. There are going to be fewer Members voting for it and a no vote is what we should have.

Ms. JACKSON-LEE of Texas. Mr. Chairman, earlier today we heard arguments from Members of Congress from Arkansas, from Colorado, from Idaho, from Missouri, from Nebraska, from Nevada, and from South Dakota. Each of the Members from these States made passionate arguments of why we should adopt their individual States' versions of term limits.

They each asked us to adopt these individual versions so that they would not have to go back to their States and tell their constituents that they did not support the version of term limits that the people of their State required them to support.

It is evident that we can not adopt all of these different versions of an amendment to the Constitution.

Mr. Chairman, I have a compromise that will not only satisfy the concerns of Arkansas, Colorado, Idaho, Missouri, Nebraska, Nevada, and South Dakota. My compromise amendment speaks to the concerns of all Americans who either support or do not support term limits.

We can send to the States a single amendment in the form of a resolution which would satisfy the concerns of each of the States.

Mr. Chairman, this motion to recommit, House Joint Resolution 2, allows each State of the people thereof, to proscribe the maximum number of terms to which a person may be elected to the Senate or House of Representatives.

It is an amendment which gives power to the States from which each of us comes, to decide for themselves whether they want to limit the number of terms that a Member of Congress may serve and if so, what the maximum number of terms the States want to prescribe.

There is no doubt that we should not be in the business of limiting the choice of the American people. We should be inclusive and not place limitations on the ability of the American people to vote for the Congressperson of their choice.

However, if there is to be a decision as to who will prescribe the maximum number of terms which a person from a particular State may serve in the House or Senate, then the States are in a better position to make this decision on behalf of the residents of that State. The States must decide for themselves the maximum number of terms that a Member of Congress from that particular State should serve, not Congress. This fundamental change in the framework of the Constitution must come from the individual States that combine to make the United States of America. Our "more perfect Union" is a Union of the States, not a Union of the Congress.

The Supreme Court, in U.S. Term Limits, Inc. versus Thorton, has made it clear that, without an amendment to the Constitution, the States do not have the authority to impose term limits on Members of Congress. Consequently, now that we are in the amendment phase of crafting a solution to the issue of term limits, the argument can be made that this is a power that should be given to the States because of the inherent local interest of the people in a particular State to have effective representation.

Currently, the States are prepared to make this decision. No less than 23 States passed proposals affecting the terms of Members. It is evident that the people of these States know what the best course of action for their State.

If we are to have an amendment which limits the terms of Members of Congress, then we should allow the States to be equal partners in that decisionmaking process. While we are a body of national sovereignty, the sovereignty of the States must not be ignored. We must not dictate to the States the parameters by which elected officials in each State will serve their constituency. The sovereignty of each individual State cries out to be included in this fundamental process of representation.

I urge my colleagues to support this amendment in the nature of a substitute to House Joint Resolution 2 and allow the States to decide the maximum number of terms that a Member in the House or Senate may serve.

Mr. PORTER. Mr. Speaker, I rise in opposition to the resolution and the amendments thereto.

I do so because I believe that term limits are a poor substitute for real solutions to the problem of noncompetitive elections. I support a number of initiatives to achieve the same goals as the amendment without limiting voters' ability to support the candidate of their choice.

I strongly support limiting the amount of time a Member may serve as a committee or subcommittee chair. I believe that congressional gridlock, porkbarrel spending, and logrolling is largely rooted in the inner power circles of the institution and the domination of the legislative process by entrenched committee and subcommittee chairmen. In the past, certain individuals have served as the head of a particular committee or subcommittee or subcommittee for decades.

At the beginning of the 103d Congress, I succeeded in having a 6-year committee and subcommittee chairmanship limitation included in the substitute House rules package proposed by the then minority Republicans. Unfortunately, this substitute was defeated on a largely party-line vote.

On the first day of the 104th Congress, however, the House passed this limitation and included an 8-year limit on the tenure of the Speaker. This rule also applies in the 105th Congress as it was retained in the package we adopted on January 7. By preventing any one individual from controlling a committee for more than 6 years, this important reform will have much the same effect as an overall term limit provision. And it has been adopted and is in effect now without amending the Constitution. It will go far to take the weight out of seniority and ensure that the committees are continually energized with new leaders and fresh ideas.

This provision will affect me personally. I became chairman of the Appropriations Subcommittee on Labor, Health and Human Services and Education at the beginning of the 104th Congress, but I will be ineligible to serve in that capacity after the 106th Congress.

In my opinion, we must also reexamine the method by which we draw congressional districts in order to solve the problem of noncompetitive elections. Congressional districts are frequently drawn in order to be politically safe for one party or the other. That is, they are drawn so that they are overwhelmingly populated by either Democrats or Republicans. As a result, it is difficult for a challenger from the other party to get elected. In my opinion, our election laws should better take into account the need to encourage competitive districts.

This issue, and other problems with the electoral process, must be considered by Congress as part of a legislative and election reform package. I strongly supported the effort to enact campaign finance reform legislation during the 104th Congress and was disappointed by the failure of Congress to adopt such legislation.

Many elections have become big business for political consultants who market candidates in a way which ignores important issues and turns off large segments of the electorate. I support the enactment of legislation to curtail contributions from political action committees [PAC's], promote small instate contributions, and close numerous loopholes in current law which allow independent expenditures and the use of so-called soft money. I also believe we should strongly consider establishing campaign spending limits that are low enough to squeeze the professional marketers out of our election process and force candidates to return to elections characterized by active personal campaigning, volunteer participation, and attention to the issues.

Even in the absence of term limits, turnover in the House remains fairly high. In the past 10 years, about two-thirds of all Members of Congress have been replaced, and over half the Members of the House have served less than 5 years. I support measures to level the playing field for challengers without changing the Constitution or limiting the choices available to American voters.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. BARTON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARTON of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 274, not voting 7, as follows:

[Roll No. 20]

AYES—152

Armey
Barcia
Barrett (WI)
Bartlett
Barton
Bentsen
Berman
Bilbray
Blagojevich
Blumenauer
Bonilla
Bonior
Boswell
Boucher
Brady
Brown (OH)
Bryant
Burr
Calvert
Campbell
Cannon
Chabot
Clyburn
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
Delahunt
DeLay
Deutsch
Dingell
Doggett
Ehlers
Emerson
Engel
Ensign
Eshoo
Etheridge
Farr
Fattah
Forbes
Fox
Frank (MA)
Franks (NJ)
Furse
Ganske
Gekas
Gibbons
Goode
Graham
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hefner
Hill
Hinchey
Hoekstra
Holden
Hoyer
Jackson-Lee (TX)
Johnson, E. B.
Jones
Kilpatrick
Kim
Kind (WI)
Kleczka
Klug
LaFalce
Lampson
Lantos
Largent
LaTourette
Lewis (KY)
LoBiondo
Lofgren
Luther
Maloney (CT)
Manzullo
Markey
McCrery
McHugh
McIntosh
McIntyre
McNulty
Meehan
Minge
Moakley
Moran (KS)
Moran (VA)
Myrick
Neal
Neumann
Ney
Olver
Pascrell
Paul
Peterson (MN)
Petri
Pomeroy
Poshard
Pryce (OH)
Radanovich
Reyes
Rogan
Royce
Sabo
Sanchez
Sandlin
Sanford
Schiff
Scott
Sensenbrenner
Shadegg
Sherman
Shimkus
Sisisky
Slaughter
Smith (MI)
Smith, Adam
Souder
Spratt
Stearns
Stupak
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thornberry
Thurman
Tiahrt
Tierney
Towns
Turner
Upton
Waxman
Weldon (FL)
Weller
Wexler
Whitfield
Wise

NOES—274

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bass
Bateman
Becerra
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Boyd
Brown (CA)
Brown (FL)
Bunning
Burton
Buyer
Callahan
Camp
Canady
Capps
Cardin
Castle
Chambliss
Chenoweth
Christensen
Clayton
Clement
Collins
Conyers
Costello
Coyne
Crapo
Cubin
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
English
Evans
Everett
Ewing
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Greenwood
Gutknecht
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
LaHood
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lowey
Lucas
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McInnis
McKeon
McKinney
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Molinari
Mollohan
Morella
Murtha
Nadler
Nethercutt
Northup
Norwood
Nussle
Oberstar
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Pickering
Pickett
Pitts
Pombo

Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Riggs
Riley
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Salmon
Sanders
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Serrano
Sessions
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Spence
Stabenow
Stark
Stenholm
Stokes
Strickland
Stump
Sununu
Tauscher
Tauzin
Thomas
Thompson
Thune
Torres
Traficant
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Weygand
White
Wicker
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—7

Carson
Clay
Obey
Richardson
Scarborough
Solomon
Young (AK)

□ 1800

Mr. HERGER changed his vote from "aye" to "no."

Mr. COX of California and Mr. WAXMAN changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. McCOLLUM. Mr. Chairman, in order to shorten the time that we have in here, I ask unanimous consent that the gentleman from Michigan [Mr. CONYERS] and I both be permitted to strike the last word one time.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I hope the Speaker is satisfied now. He promised that the first thing we would vote on would be this constitutional amendment. I trust he is satisfied that he has made us do that.

And so now we gather here this evening, the only thing left is the McCollum amendment which would allow all of us to serve for almost two decades before it would take effect. And in an amazing act of inconsistency, the term limits supporters have just voted down the Dingell amendment, the only substitute, and with that vote said that term limits should not apply to any sitting Member for about 19 years. Great work.

As it has been said eloquently so much by the chairman of Judiciary, like the famous prayer of St. Augustine who said, "Dear God, make me pure, but not now." When an eight-term Member of the other body can claim to support term limits, I think we have a little problem about credibility. The proponents of this measure want it, but do not want it to apply to themselves.

So we voted down, with the highest vote of the day, by 152 votes, the one unhypocritical amendment on this subject. But we have also voted down seven of the almost same identical amendments all day long. We have made a mockery of this process.

The problem is that term limits are no longer an issue to the public. Do you not get it? Two-thirds of the Members here have not been here three terms. That is why it is not working here. That is why nobody is worried about it anywhere that used to be worried about it. In the last 6 years, we have had a nearly two-third turnover in the House. There is simply no remaining rationale for term limits.

But term limits does not create jobs, increase our standard of living, deal with the campaign finance scandal. And so if the majority, if the Speaker were really interested in dealing with the advantages of incumbency, as he says he is, we would be voting on campaign finance reform, not term limits, as the very first measure that we consider in the Congress.

I have not quoted Robert Novak recently, but he states that, you read it, "This reveals the hypocrisy underscoring the avowed support of term limits by congressional Republicans. Like their Democratic counterparts who frankly and honestly oppose the limits, the Republicans are professional politicians who enjoy the good life in Washington." That is a quote.

I am still bipartisan. This proposal has not been sincere from the beginning, with supporters of it not wanting to apply it as late as the year 2016 rather than right now.

Now, me, I oppose hypocritical term limits and unhypocritical term limits. I oppose all term limits. And so I would ask that all of us here at the close of this debate join in finally rejecting the base bill that will now be voted on offered by my friend the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I move to strike the last word.

I would like to address the body about where we are at this moment. We are about to take a vote on final passage of the underlying bill, House Joint Resolution 2, and the way that is going to happen is that I am not going to offer the amendment that I have, the substitute amendment, because no amendment that was proposed today received the 218 votes to supplant the underlying bill or to require us to offer the underlying bill as an amendment. And so this is the last debate we are going to have today on the question of term limits.

What we are talking about voting upon in a moment is the one proposition that for the foreseeable future has any chance of ever becoming a part of the Constitution of the United States to limit Members of the House and Senate. It will be only the second time Members will get to cast a vote in the history of this country on term limits and have it mean something.

In the last Congress, we had this vote on this precise 12 years in the House, 12 years in the Senate, and there were 227 Members of the House who voted for it. I am a little fearful today we may not get 227 because of the State initiatives that were on the ballot in 9 States that we know resulted in a series of 7 extra votes here today.

But I think we should point out a couple of things at this point in time. Not a single proposal today on the floor of the House for 6 years or 8 years or allowing the States the option of deciding the number of years that we would have for term limits received 100 votes. Not a one got 100 votes. I believe there are far more than 200 Members, I think there are far more than 227 Members in this body who are for term limits, and if they had their free will and did not have the scarlet letters to be put beside their name in these 9 States if they voted for this 12-year proposal on final passage, they would vote for this and we would have well over the 227, though we would fall short of the 290 supermajority required to pass a constitutional amendment.

Why is this important? It is very important because term limits is important, because better than 70 percent of the American people still believe, as they have for years, that we ought to limit the length of time Members of the House and Senate serve. It is important because they understand, as we should, that only by voting for this term limits proposal today and in the future getting it into the Constitution can we ever alter the problem that besets this body and the other of too many of our Members too often, too frequently voting because they are concerned about being reelected and because of the interests they are trying to please rather than for the deliberative process and the good of the country as a whole, which I think most of us come here with that in mind to do. It is not an affliction of each and every vote, but it is an affliction all too often.

I think it has been best described in The Last Word column that I commend to all Members to read in this week's Newsweek Magazine by George Will. It is an excellent column both on the reason why we need term limits and also on the reason why the U.S. Term Limits effort in these States' initiatives is going to cause indigestion and probable defeat for this for a long time to come if they get their way.

It is also important to respond to the critics who say, well, there are some of us who do not ever want to really see it, or we have had a lot of turnover anyway; three-quarters of the body have turned over in the last couple of years.

It is true, we have had good turnover, but the problem is that for those who stay here, the power rests with them. We all know we will always have some version of a seniority system in every legislative body and those who stay here and do not turn over are the ones who have the power as chairmen of committees and the leadership. The only way that we can limit that power, the only way that we can end the careerism that is the orientation of all too many Members who come here is by passing a constitutional amendment to limit the terms of Congressmen. And the only one that has the power and a chance of passage in this body and the other body any time into the foreseeable future is the one that I am proposing today that we are about to vote on. That is 12 years in the House and 12 years in the Senate, six 2-year terms in the House, two 6-year terms in the Senate.

□ 1815

Mr. Chairman, in the strongest of terms, if in my colleagues' conscience they can get away with it in any way to avoid those State initiatives for anyone who supports term limits, I urge them to vote for it. This should not be the last vote on term limits. History should not record that we only had two Congresses, the 104th and the 105th, that voted on it. History should record that we made progress with every Congress through the 104th, the 105th, the 106th and whatever is necessary until that 290 votes were reached in the House and 67 in the Senate and that ultimately this body and that body of the other body passed a term limits constitutional amendment and sent it to the States for ratification. It is what the public wants, it is the right thing to do, it is what our Founding Fathers, if they were here today, would want us to do to keep balance proper in this country and to let us vote our consciences the right way as the greatest deliberative body in the world.

So I urge my colleagues to vote for the term limits, 12-year provision, the underlying bill, on final passage.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. UPTON] having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the House Joint Resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, pursuant to House Resolution 47, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. McCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 211, not voting 6, as follows:

[Roll No. 21]

YEAS—217

Aderholt
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Berry
Bilbray
Bilirakis
Blagojevich
Boehner
Bonilla
Bono
Boswell
Brady
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
Deutsch
Diaz-Balart
Doolittle
Doyle
Dunn
Ehlers
Emerson
English
Ensign
Eshoo
Everett
Ewing
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Houghton
Hulshof
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kind (WI)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
LoBiondo
Lucas
Luther
Maloney (CT)
Manzullo
Mascara
McCollum
McCrery
McIntosh
McIntyre
McKeon
McNulty
Meehan
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Packard
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Schiff
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wolf
Young (FL)

NAYS—211

Abercrombie
Ackerman
Allen
Andrews
Archer
Baesler
Baldacci
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Capps
Cardin
Chenoweth
Christensen
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crapo
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
DeLay
Dellums
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Duncan
Edwards
Ehrlich
Engel
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hooley
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lofgren
Lowey
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McKinney
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Molinari
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Oberstar
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Parker
Pastor
Payne
Pelosi
Petri
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Rivers
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thune
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Wicker
Wise
Woolsey
Wynn
Yates

NOT VOTING—6

Carson
Clay
Obey
Richardson
Scarborough
Young (AK)

Mr. CAMP changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof), the joint resolution was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 2.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON SMALL BUSINESS

Mr. CANADY of Florida. Mr. Speaker, I offer a resolution (H. Res. 52) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 52

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives: Committee on Small Business: Mr. Hill, and Mr. Sununu.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CAMPAIGN FINANCE REFORM SHOULD BE A TOP PRIORITY

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, in this past election season spending levels for Federal elections shattered all previous records, at nearly $2 billion. The President and our leadership met yesterday and agreed on five priority items for this Congress, but guess what was missing? Campaign finance reform.

Let me make a suggestion. As David Broder noted in today's Washington Post, the reason campaigns are so expensive is because television advertising costs so much. That is why I have reintroduced H.R. 84, the Fairness in Political Advertising Act. It would reduce the cost of elections by requiring television stations to make free time available to both candidates as a condition of the stations renewing their licenses, and I urge my colleagues to join me on this bill.

I challenge the leadership to make campaign finance reform a priority and to enact the Fairness in Political Advertising Act. Democracy should not cost $2 billion.

Mr. Speaker, I am submitting the article referred to earlier for inclusion in the RECORD:

[From the Washington Post, Feb. 12, 1997]

A TV TIME BANK FOR CANDIDATES

(By David S. Broder)

When you're trying to figure out one of those interlocking wooden puzzles, sometimes it helps to turn it upside down. That is what happened to me one morning recently when I had breakfast with Reed Hundt, the chairman of the Federal Communications Commission.

The topic was campaign finance legislation—or so I thought. But when I remarked that the history of campaign finance laws and regulations was fraught with unintended consequences, Hundt immediately corrected me. "We're not talking about campaign finance legislation," he said. "We're talking about giving candidates and voters more access, and these measures have almost always succeeded. The Voting Rights Act has been a success. The provisions that allowed presidential debates have worked."

Hundt's point was this: For decades, the campaign finance debate has focused on the source and volume of funds—the supply side of the problem. Government has attempted to regulate who could give (and who could not), the size of their contributions and, to the extent the courts allowed, the amount candidates could spend.

Hundt suggested that we turn the problem around by asking where the money goes and whether that cost can be reduced, i.e., examine the demand side of the equation.

The answer is obvious. Most of the money goes into buying television ad time. Campaigns are expensive because television costs so much.

In 1996, Hundt encouraged former Washington Post reporter Paul Taylor's foundation-financed campaign to persuade television and cable operators to make small blocks of free time available to the presidential candidates. Taylor had some success, but never got the broadcasters to agree on a single time when all viewers would find the candidates talking directly to them.

Now Hundt is promoting a radical expansion of Taylor's "free time" proposal. He thinks broadcasters should be required to donate almost $2 billion worth of commercial time to a "political time bank" that would be available free to candidates for federal and state office.

That sounds like a huge burden to impose, but Hundt points out that the estimated $1.8 billion of paid political ads in the 1995–96 election cycle was only 2.5 percent of the television ad revenue in that period.

He also noted that, under a law passed last year, the government is about to hand broadcasters a gift of incalculable value in the form of a new spectrum of digital TV channels which can be used for movie theater-quarterly programs or for a wide variety of other high-fidelity communications.

Last week, Hundt's longtime friend, Vice President Al Gore, made that point a matter of administration policy—without endorsing Hundt's specific proposal. "Digital technology," Gore said, "will greatly enhance the opportunities available to broadcasters to utilize multiple channels. The public interest obligations should be commensurate with these opportunities."

Hundt has found one ally high up in the broadcasting industry. Barry Diller, who has been a key player for years and now heads his own company that controls a number of TV stations and the Home Shopping Network, told an industry convention in New Orleans last month that in return for the gift of the new digital TV spectrum, "I propose that we take sole responsibility for the cost of airing all political advertising messages for all government candidates and to use this lever as the impetus to abolish all forms of the current system of political contributions."

Diller conceded that it "would cost us over a billion dollars in lost revenue" in the peak year of each election cycle. "But," he added, "it would also radically change the nature of our rotten political fund-raising system."

Advocates of some campaign finance bills are considering a way to incorporate the "free time bank" into their proposals. Taylor will hold a conference on the subject in Washington next month. But he and Hundt both concede this is not a panacea.

Important policy and administrative issues would remain: Could independent groups buy time for "education" or "independent expenditure" campaigns? Who would divvy up the "time bank" among the thousands of Democratic and Republican candidates in each election? If the national parties controlled the time, how would dissident or maverick Democrats and Republicans fare? And how would minor parties be protected in the allocation of time?

These are all important questions. But this proposal offers a way to reduce the costs of campaigns drastically by eliminating or greatly slashing the expense of television advertising. It deserves to be part of the coming debate.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO JANE CLAYTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PAPPAS] is recognized for 5 minutes.

Mr. PAPPAS. Mr. Speaker, for the past 16 years, the residents of Monmouth County, NJ, have had the great fortune to have Jane Clayton serving as their county clerk. Day in and day out Jane has brought the highest degree of professionalism to this office. Jane's community service and involvement spans over 3 decades and has touched too many people to count. Aside from her service as county clerk, she had been a county freeholder and served on numerous boards and counsels.

It would take hours to list the numerous activities that Jane has given her time to over the past 30 years, so while I will attempt to touch upon just a few. She has served on the Monmouth County Criminal Justice Coordinating Council, County Detention Center's board, County Planning Board, County Election Commission, board of directors of the County Council of Girl Scouts, and the board of directors of the county United Way, to name just a few.

The businesslike approach to government that we in Congress strive to bring to the Federal Government, Jane Clayton has brought to the office of county clerk. To Jane, the people of the county are customers and her goal has been to bring the highest degree of service to these customers. She treats the taxpayers' money as she would her own. She has rooted out waste in her office and, by all accounts, has made it a model for others to follow. Washington could learn a lot from Jane Clayton.

Today, the public's perception of public servants has become tarnished due to scandals and back-door deals. If everyone in public office had the professionalism and high ethical standards that Jane Clayton does, I am sure that public office holders would be held with only the highest regard. She is admired and respected both as a public servant and person.

The quality of Jane's work has not gone unnoticed over the years. Several organizations have recognized her outstanding service and efforts by choosing her as their woman of the year. The March of Dimes, Zonta International, Association of Retarded Citizens, Big Brothers/Big Sisters, the County Council of Girl Scouts and the Monmouth County Fireman's Association are just a few of the groups that have recognized what so many of us see on a daily basis.

During my time as a county freeholder, I remember that Jane used to send around calendars with the history of the U.S. flag. Jane has an unyielding desire to share her knowledge with others and this was just one small example.

More than a public servant, Jane has been a devoted mother and grandmother. I often wonder how she finds all the time while doing everything so well. Often it is said that you cannot be everything to everyone, but if there was someone who came close, it would be Jane Clayton.

The legacy of Jane Clayton will not go forgotten. How appropriate that the archive record retention center in Manalapan Township which she helped create will serve as the ideal place to record her own years of service as well as the service of so many others in the county of Monmouth.

We are sad to lose Jane in the clerk's office and wish her well. The standard that she has set over the past decade and a half will be the bar for all future clerks to reach for.

I guess the greatest accomplishment that anyone in public service can have said about them is that they have made a difference. Jane, you have made a difference, in our county and in our lives.

I join the people of Monmouth County in thanking the Honorable Jane Clayton, my friend and colleague, for her service.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to honor a good friend and great public servant—Monmouth County Clerk Jane Clayton—who just recently retired from her position after 16 years of dedicated service.

Monmouth County, NJ, has had the great benefit of having Mrs. Jane Clayton as our county clerk from 1980 to just a few weeks ago. Jane took that office and transformed it into the fiscally conservative success that it is today—all the while ensuring that our rich history and record of efficient services remains intact for our children, grandchildren, and their children to enjoy.

Before serving Monmouth County as clerk, Jane was a county freeholder in the late 1970's. She has held a variety of offices before county clerk—including serving on the boards of the County Criminal Justice Coordinating Council, the County Detention Center, the County Planning Board, and the Monmouth Museum Board of Trustees.

Over the years, Jane and I have worked on countless projects together. Particularly momentous to both Jane and me was the unique effort between the county and Federal levels of government to acquire an absolutely beautiful mural of the Battle of Monmouth for the headquarters of the Monmouth County Library. This project was especially important, as the Federal Government rarely works with an individual county to provide them with such things as the artwork that we now have in Monmouth County.

Jane has also been successful in getting modern technology to improve the records system for the county archives. As Monmouth County was host to Revolutionary War Battles—such as the Battle of Monmouth—we have a wealth of history that needs to continue to be available for all who wish to learn more about our great area.

Jane has been given countless awards for her numerous years of service—including honors from the March of Dimes, the Monmouth County Fireman's Association, and the Monmouth Council of Boy Scouts and Girl Scouts. Jane has a record of excellence that many in central New Jersey are thankful for.

Monmouth County is a great area with many different communities and neighborhoods. From our part of the Jersey Shore, to towns like Millstone and Allentown, Jane pleased nearly everyone in her service as county clerk.

I'm already missing Jane Clayton, as she retired on December 31, 1996 after many years of hard work. I respect Jane for not only her topnotch performance as county clerk—but also her knowledge and involvement in Monmouth County.

We have a lot to be thankful for in Monmouth County: Great little towns, good roads, great services, excellent land management, good businesses, and a county clerk second-to-none.

Thanks again, Jane, for everything you've contributed to Monmouth County. I look forward to seeing you back home—because I know that you'll still be a staple of the Fourth District. From all of us in the Fourth District and Monmouth County—Jane—best wishes and know that your hard work is and will always be deeply appreciated.

□ 1845

REBUILDING AMERICA'S INFRASTRUCTURE THROUGH PUBLIC-PRIVATE PARTNERSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, today I introduced four bills that I hope will add to the dialogue about the Federal Government's role in establishing public-private partnerships to leverage both public and private investment in America's infrastructure.

Congress has recognized that our Nation simply does not have the resources to fix and rebuild all of our schools, our highways, mass transit facilities, environmental infrastructure, ports and airports and other infrastructure facilities. Public-private partnerships hold great potential in helping to fill this estimated $30 billion to $80 billion in annual Federal investment, a shortfall in America's infrastructure. In the process we have the opportunity to create hundreds of thousands of new jobs.

Congress started to address the idea of leveraging both public and private investments in infrastructure during the debate over the Intermodal Surface Transportation Efficiency Act of 1991. In addition to promoting discussion about innovative financing tools, the legislation granted to States the authority to establish something called a State infrastructure bank, or an SIB, in cooperation with the Department of Transportation.

The Department of Transportation has now enabled 10 States to establish the State infrastructure banks, which are intended to attract both public and private investment in transportation infrastructure. These entities, the State infrastructure banks, are funded using an allotment from the States' Federal transportation apportionments.

The success of the newly created SIB's is limited by undercapitalization and an inability to leverage projects other than highway and mass transit infrastructure. The bills that I offered today will try to provide several solutions for addressing these weaknesses in a constructive and cost-effective manner.

Building on the effectiveness of the financial mechanisms created by these State infrastructure banks, I introduced four bills that will greatly expand the role of these kinds of entities and are related to public-private partnerships.

The first bill is the State Infrastructure Bank Expansion Act, which works by studying ways to expand the use of, and to increase the capital, the money, for these State infrastructure banks.

The second bill, the National Infrastructure Development Corporation Act, creates a Federal entity that functions much like these State creations.

The third bill, the Public Benefit Bonds Innovative Financing Act, creates a new form of infrastructure bond that can be purchased by institutional investors.

The last bill, the National Infrastructure Development Act, ties the two latter vehicles together as a comprehensive approach to leveraging public and private investments in infrastructure.

The first bill, the State Infrastructure Bank Expansion Act, directs the Secretary of the Treasury, in cooperation with heads of other Federal departments, to study the way in which the State Infrastructure Banks can be expanded. The purpose of the study is to determine whether the State banks could be used to finance projects outside of the realm of transportation, so that we can include other areas that could be utilized by the State bank.

I also reintroduced the National Infrastructure Development Act. This bill uses two financing mechanisms to attract private capital. First, the National Infrastructure Development Act creates a new category of a revenue-neutral bond called a public benefit bond. These are tax-exempt bonds which can be used by investors to attract capital for infrastructure development.

The act would also create a Government-sponsored corporation that would have the same kinds of functions as a State Infrastructure Bank, but with expanded authority. The lending corporation would eventually become fully privatized once it has the capital it needs by way of returns on its infrastructure investments.

What I want to do with these bills is to open up a bipartisan discussion about the ways in which we can create the most effective financing tools for rebuilding America's infrastructure. In the era of declining Federal budgets, what we need to do in an effort to try to create jobs, we need to create these jobs and at the same time to try to save the Federal Government money. We need to have private financing tools, private investment, in investing in America's infrastructure.

Today there are many, many American corporations who are investing in infrastructure in Third World countries. What we want to do is to try to capture some of those investment funds and have them invested right here in the United States, where we can rebuild our schools, our roads, our bridges, our mass transit system, our rail system, our airports, our environmental facilities, and in the process, create hundreds of thousands of new jobs.

I urge my colleagues to study the bills over the coming weeks and months. I hope they will be able to demonstrate their support for these kinds of public-private partnerships. I thank the Members for their consideration.

HOW DO WE KEEP SOCIAL SECURITY SOLVENT?

The SPEAKER pro tempore (Mr. SNOWBARGER). Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, this is Ryan Hemker from Quincy, MI, coming in from my Michigan Seventh Congressional District as a page, so Ryan is going to help me flip these charts.

Social Security is developing into an issue which more and more people are realizing has very serious consequences. We are talking about the question now of should we continue to dip into the Social Security trust fund to use for current other Government spending. What I want to talk about is how do we keep Social Security solvent, and is there a currently a real problem with Social Security?

As we see by this first chart, Social Security is now the largest spending item in the Federal budget. This past year it was $347 billion larger than the defense bill, larger than the other 12 discretionary spending bills, of course larger than Medicaid or Medicare or the other entitlements. Interest on the public debt, and that interest includes the money that has been borrowed from the Social Security trust fund, now takes up 15 percent of the Federal budget.

Let us go to the next chart. The next chart shows part of the problem. Our birth rate is going down and people are living longer, and that means that the expense that we are paying into the cost of Social Security is going up.

Since those figures in billions are so huge, I brought it down to a minute out of every day. Right now we are spending $661,000 a minute, $661,000 a minute to pay Social Security benefits. But spending per minute in the year 2030 is going to be $5,717,000. It is going from $600,000 to over $6 million in these next few years.

That is because more and more people are living longer, the birth rate is going down, and as the next chart shows, we are seeing that for Americans, when Social Security started in 1935, the average age of death was 63 years old. Now the average age of death is 74 years old, but if you happen to reach 65 and start collecting those benefits, then the average age of death for that person that reaches 65 years old goes up to 84 years old.

As people live longer and the baby boomers retire to expand that senior population, we see the increase on this chart, that seniors are increasing at the rate of 108 percent between now and 2040, where workers that are paying in to pay for those benefits with their Social Security taxes are only increasing at the rate of 23 percent.

Let me stop and pause here a minute to stress the fact that this is a pay-as-you-go program. Current workers pay their taxes to pay the benefits for current retirees. That is the way it is now. That is the way it always has been. There is no savings account. We talk about the trust fund, but the trust fund is only the surplus in every month when those Social Security taxes come in. If you subtract the benefits that are paid out, you have a little surplus, especially since we started increasing the Social Security taxes in the last 15 years. That surplus is what goes into the Social Security trust fund. Now there is $540 billion in that trust fund, and it is a problem, because we are even using that money for other Government expenditures.

I have proposed legislation that stops the Government from using that surplus money. That is a start. As we see on the number of people, the number of workers that are working, that are paying in their taxes to support each retiree, in 1950 we had 17 workers paying in their taxes to support each retiree. In 1996 we had three workers. By the year 2029, we are only going to have two workers that are going to be asked to pay enough taxes to support each retiree.

Look, anybody under 55 years old had better seriously look at changing the Social Security system. It needs changing. Politicians can no longer bury their heads in the sand and pretend the problem does not exist.

Just let me flip through these charts. Right now we expect to take in less tax revenues than is required for the payout in 2011. However, Dorcas Hardy suggests that it could happen, and we could essentially be in bankruptcy or having less money than required for the payouts as early as 2005. We cannot wait to solve this problem. After that, the red part shows how huge the deficits are going to be, up to $400 billion a year in today's dollars.

So far we have relied on tax increases to cover the problems of Social Security, so we have gone from 2 percent of the person's payroll, and now we are up to over 12 percent. In fact, if we look at the tax increases since 1970, we have had tax increases 36 times. There has to be a change. I ask everybody to take a look at my bill. It is not the perfect solution. Let us take it up the flagpole, start shooting at it, but let us no longer ignore the real problem with Social Security.

GENERAL LEAVE

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the special order given today by the gentleman from New Jersey [Mr. PAPPAS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE PRESIDENT'S OBSESSION WITH EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GREEN] is recognized for 5 minutes.

Mr. CHRISTIAN-GREEN. Mr. Speaker, earlier this week the Washington Times reported on President Clinton's obsession with education, when he was at the Maryland State Assembly earlier this week. I am happy to note that he is also obsessed with a competitive America in the future, and obsessed with giving children the opportunity for an education.

Although the Times, I think, meant it as an insult, I would be glad to accept this characterization with honor. I would hope that all Members of Congress, including my Republican colleagues, would be obsessed with education.

During the State of the Union, President Clinton set the tone for the second term by indicating that education will be his top priority. The President's education agenda is ambitious, but I believe we are up to the challenge. Two key elements of the President's plan are already part of the Democrat's family first agenda, the $10,000 tax deduction for tuition and training, and the 2-year $1,500 HOPE scholarship. I will continue to work with the President to ensure that college will be made more affordable for working families.

The President also stressed the importance of every child reading independently by the third grade and every child knowing algebra by the eighth grade. Ensuring that these goals are met requires more attention and resources focused on early childhood training and childhood education.

The President puts his money where his mouth is by proposing to expand Head Start to cover 1 million children by the year 2002. The President also recognizes the need to give disadvantaged children the help they need in order to succeed in school. Part of that effort is the President's budget would allow for $7.5 billion in requested aid for title I funding for elementary and secondary schools. This is an increase of over $347 million over the funding for 1997.

Title I supplements local school efforts to improve reading and math skills of students who are at risk of school failure. This program serves 6.8 million disadvantaged children annually, and helped the students in my 29th district, that I am honored to represent, to improve their basic skills performance.

In fact, Monday of this week, I was at a school in Galena Park School District and talked with the principal and the teachers and the students about the importance of title I funding at that particular elementary school.

Title I is successful, and even my Republican colleagues on the Committee on the Budget agree. In their analysis of the President's budget, the Committee on the Budget reports the following about title I, the Title I Program. This program, title I basic grants, is one of the most important Federal programs for local schools. I hope my colleagues remember this statement during the appropriations process.

I am especially proud that the President has chosen to use the formula that we developed in the 103d Congress to improve the way title I grants are distributed.

□ 1900

Our formula provides greater funding levels to counties with high numbers or percentages of children who are living in poverty. Texas and States like ours that have a large population of disadvantaged children will benefit from this formula.

On Tuesday, Secretary of Education Richard Riley will give his state of American education address. I am proud to participate in Houston as a host of the satellite uplink of the Secretary's speech. The fact that we will be able to watch the address via satellite at Channelview High School is a testament to the benefits of one of President Clinton's 10 points he outlined in the State of the Union Address, the value of bringing technology into our schools.

Channelview Independent School District has built a state-of-the-art high school to educate children for the 21st century. That money was local money that they voted themselves to build a state-of-the-art high school for their children to be educated for the next century.

As Americans, we are leading the way in showing how our global classroom is a better educated classroom. The Internet and satellite communications expand learning beyond the classroom, the classroom setting. In Channelview High School they have that. Every school, every room is capable of having Internet capabilities in Channelview High School.

The value of technology is best appreciated when it builds on the foundation of essential skills. I am looking forward to hearing Secretary Riley's state of the America education address and look forward to working to improve our schools based on standards of excellence to help States and school districts cope with the growing elementary and secondary enrollments and to modernize our schools for the 21st century.

Yes, we should all be obsessed with education.

EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I want to spend some time discussing the topic of education in the 105th Congress. I just heard my colleague from Texas and the emphasis he put on education, and obviously the President has stressed it as his No. 1 priority. He did so in the State of the Union Address just last week. The Democrats, of course, as part of their families first agenda that they put forth in the last Congress have continued to prioritize education as an issue that the Congress must address that in particular should be addressed as soon as possible.

The President and congressional Democrats have basically developed a very sweeping plan to make investments in every level of the Nation's education. And in so doing, Democrats have also filled the void that I think has existed since the opening days of this session.

I should say by contrast that so far we have seen very little in terms of specifics from the Republican side of the aisle. We really have no indication of whether they are going to be receptive to the President's or the Democrats' education agenda. I was certainly disappointed today when, rather than spend time on a substantive issue such as education, the Republican leadership brought forward votes on the term limits. We spent the entire day arguing over term limits.

I would say that there are many people in Congress that think term limits are important and certainly it deserves to be debated on the House floor. But I think it borders on irresponsibility to waste time examining term limits when there are issues of true importance awaiting consideration such as the President's education agenda. Term limits do not teach children to read. They are not going to help repair our decaying schools or meet the rising cost of college.

I would also point out that hopefully we are beyond the situation that we faced in the last Congress where the Republicans were attacking Federal education with unprecedented vehemence upon assuming the majority for the first time in 40 years. Two years ago, the Speaker proposed the largest education cuts in history and voted to slash, basically put forward an agenda to slash education programs by 15 percent or $3.6 billion. Local school districts across the country braced for and eventually suffered the worst pursuant to that GOP agenda in the last Congress. They actually forced Government shutdowns that delayed the ability of school boards to plan for the coming academic year. Among the billions of dollars that the Republicans wanted to cut from longstanding and successful Federal programs in the last

Congress was a $1.2 billion cut in title I, basic grants.

They of course started to receive a lot of objection from the public about those cuts. Eventually they were restored after, I think, they realized that the American people did not want, did not want to see the kinds of cuts in the title I basic grants program. I thought it was rather interesting that just recently Chairman KASICH's Committee on the Budget praised the very program it advocated gutting in 1996, noting that title I is, quote, "One of the most important Federal programs for local schools."

I guess we have to say at least we are happy that now we see the Republican leadership saying that these education programs are important, and hopefully the kind of cuts and the shutdowns that we saw in the last Congress are behind us.

Let me just say that the President's budget puts forth or the President puts forth a 10-point plan to invest in education, the one that he detailed in his State of the Union Address. It really looks at every aspect of education, whether it is preschool, whether it is secondary school education or college education and the cost of college education.

The new education plan essentially addresses most of the, or many of the pressing problems that face the country today in terms of our educational system. Because some 40 percent of the Nation's fourth graders are reading below the basic level, the President has proposed the America reads challenge to ensure every child can read independently by third grade. Because some 60 percent of the Nation's schools are in need of major repair or outright replacement, the President has proposed a school construction initiative. And because the cost of college continues to outpace the rate of inflation, Democrats have proposed tax breaks to help parents and students pay college tuition.

So if we look at this 10-point plan, which I will develop a little more as we go on this evening, we can see that it is an effort really to address education needs at every level.

Again, I hope that we see the Republican side of the aisle recognize that these initiatives are important, that they can make a difference and that we move forward with this education agenda. Instead, as you know, last, in the last session of Congress, we saw the GOP leadership going so far as to actually not only talk about massive cuts in education and voted for them but even talk about dismantling the Department of Education. Again, I hope that the effort to say that we do not need a Federal Department of Education goes the way of all these massive cuts that they were proposing in the last term. Instead we see some real progress in trying to move on some of these education initiatives.

I would like now, if I could, to yield to the gentleman from Massachusetts, one of the new Members from Massachusetts. I know he is very concerned about the education issue.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MCGOVERN].

Mr. MCGOVERN. Mr. Speaker, I want to commend the gentleman from New Jersey for his leadership and for his passion on this issue of education and for arranging this special order today. There is no issue more important facing this country than the issue of education.

I believe, as I know the gentleman from New Jersey believes, and I hope every Member of this House believes that every child in America deserves to have access to a quality education, an education that must be affordable.

Every child in America deserves to go to school in buildings that are regularly maintained and every family needs to know that when their child graduates from the third grade, he or she will be able to read. I commend the President for setting that national standard.

Every family needs to know that when their child graduates from the 8th grade, he or she will be able to do advanced math like algebra. In today's world, every child deserves to go to a school that is hooked up to the internet and has access to electronic information resources.

We are in a global economy. There is no way we are going to be the economic superpower of the 21st century unless we have a well-trained work force. That requires that we have a work force that is literate in computer technology.

Every family needs to know that when their son or daughter graduates from high school, they will be able to afford the rising costs associated with the next stage of their education.

Our President proposed real solutions to each of these challenges in his State of the Union address last week. I strongly support the President's education agenda, and I will fight, along with the gentleman from New Jersey and so many others on our side of the aisle, we will fight tooth and nail to ensure that this Congress makes that agenda its number one priority.

I want to share with you this evening why I feel so passionately about these education priorities. Education is an issue that touches me on a very personal level. My two sisters are teachers in the Worcester public school system. Through them, I have come to understand the selfless dedication that our Nation's teachers demonstrate every day of the week. I know from watching my sisters how extraordinarily hard our teachers work to keep students engaged and interested in complex subjects and how utterly devoted they are to making sure their students make the grade.

But from traveling throughout my district, I also understand that teachers and students are working against tremendous odds. I have seen teachers working to bring their students into the information age under conditions that are much closer to the stone age.

One morning I asked a teacher in my district what he could do with 20 computers in his classroom. He raised his eyebrows and turned around and looked at me and quietly pointed to the fact that he only had one electric socket in his entire classroom. Buildings in my district and buildings throughout this Nation need significant rehabilitation and in some cases complete rebuilding before our students can hope to be launched into the information superhighway.

This is one of the reasons I was so pleased to hear President Clinton announce his proposal for $5 billion in subsidies to leverage $20 billion in school construction. Every Member of this Congress knows firsthand how badly our local school districts need help in bringing our public school buildings up to power.

We cannot ask great things from our students without providing them a safe, stable environment in which to learn and grow. I want you to know that the third district of Massachusetts is blessed with many fine institutions of higher learning. We have some of the finest colleges and universities in the world located in my district. They are the greatest natural resource for both educational and economic renewal that I can imagine.

The key is to make these institutions accessible and affordable to every hard-working family in central and southern Massachusetts and throughout the country. As I have spent time talking to families throughout my district, I have come to realize the rich diversity of our area. Families of all backgrounds and all incomes, young people with every interest and talent each face a similar challenge, how do I pay for college.

Some families seek to send their kids to a four-year university, others a community college, still others a vocational or technical school. Every family I meet is gravely concerned about the skyrocketing cost of college tuition, the shrinking amount of funds available for student aid and the intense pressure to balance the need for a college education with a host of other pressing economic needs.

I am proud to say that our President, President Clinton, must have listened to the families across this Nation because his call for action on education speaks directly to the needs I hear from the residents of Worcester and Fall River and Attleboro and Medway and Franklin and so many towns throughout my district. As I talk to Members in this Chamber, they are hearing the same message from their districts.

The President has asked Congress to increase both the number and the level of Pell grant funds and to provide tax relief to families with kids in college, either through a tax credit or a tax deduction.

Mr. Speaker, education is a very personal issue for me. It is a critically important issue in my district, and it is now a national priority of the highest order. For our children's future and for the future economic well-being of our Nation, I hope that every Member of this House, regardless of party affiliation, will support the President's call to action on education. We owe it to ourselves, we owe it to our country, and most important, we owe it to our children.

I thank the gentleman from New Jersey again for his leadership on this issue.

Mr. PALLONE. Mr. Speaker, I just want to commend the gentleman for particularly making reference to the higher education initiative that the President has put forward. Because as much as I think that all parts of his 10-point plan are significant, the higher education initiative I think is particularly important because all we hear constantly or at least I do, and I am sure you do, from our constituents is how difficult it is to afford to send their children to college, whether it is public or private school or whether it is two years or four years or a graduate or professional school.

Basically what the President is proposing here is building on existing programs like the Pell Grant Program, like the Work Study Program, like the Direct Student Loan Program, and trying to make those programs more accessible to more people, but at the same time coming up with new initiatives in terms of the tax deductions and the Hope Scholarship Program so that there are even more, if you will, opportunities, expanded opportunities to pay for higher education.

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I know that certainly in his first term, in his first 4 years as President, and obviously with the cooperation of the Congress, he was already able to make some expanded opportunities available with the AmeriCorps program, basically allowing students to work to pay back their student loans. And even with that, we constantly hear the need for more expanded opportunities for higher education.

Right now that is the education issue that I hear the most about, even though the others, I am sure, are just as important.

Mr. McGOVERN. Mr. Speaker, if the gentleman will yield, I could not agree with him more. The reality of the economy that we are faced with now is it is a global economy. We are going to need to have a work force that is well educated, that is able to take advantage of higher education, and in that spirit we must make it affordable to families and to young people and to adults who want to further their education.

I was particularly excited about the President's State of the Union Address because he said education is his No. 1 priority. Well, it is my No. 1 priority, and should be the No. 1 priority of everyone in this Congress. We will not be the economic superpower in the 21st century unless we have a well educated work force. We will not effectively combat problems like crime, we will not effectively deal with issues like welfare reform, unless we deal more effectively with the issue of education.

I think if this President's legacy is that he goes down in history as the education President, truly the education President, where he expands educational opportunities for our young people, where he improves the quality of schools at our elementary and secondary level, I think he will go down in history as one of the greatest Presidents we have had. So I am excited about his agenda.

I agree with the gentleman especially on higher education. I have talked to countless families who say to me that they have a couple of kids of college age who are looking at various colleges, and they are looking at the costs of tuition and the cost of board and the cost of books, and they cannot figure how they are going to finance it.

The gentleman knows know as well as I do there are a lot of families out there now that are just basically surviving, people working two or three jobs just to make ends meet, who do not have much of a savings, and they welcome this kind of tax relief, the grants the President has proposed. They welcome it because it will open up opportunities for their kids.

I think every parent wants the very best for their children. I think if we enact the President's agenda here, we will help a lot of families realize that dream for their kids.

Mr. PALLONE. The other two issues that I hear so much about, again from constituents, one is with regard to school construction and modernization, because there are so many schools now that really do not have the funds or they have to raise property taxes or whatever in order to pay for new construction or modernization.

We know that it is very difficult to learn if one is in a building where the infrastructure is such that the ceiling is leaking or it is not properly ventilated or whatever it happens to be. I think that the President brought forward the need for that in ways that maybe a lot of us on the Federal level have not really been aware.

Essentially what he is proposing, from what I understand, is sort of a Federal-State-local partnership so more of that modernization can be done. But I know even in my district, which is pretty much a suburban district, there are a lot of schools that have the need for upgrading and modernization and the school boards simply do not have the funds to pay for it.

Mr. McGOVERN. Absolutely. I agree with the gentleman. The fact of the matter is that when I go around talking to schools, they welcome any Federal assistance to help them recognize some of their goals, whether it be bettering the quality of the classrooms or trying to hook the schools up to the information superhighway.

I gave an example in my opening remarks of talking to a teacher who, when I asked, "Would you like 20 computers? What would you do with them?" he said, "I could not use them. I do not have enough electric sockets in my classroom to be able to utilize them."

Part of the problem is making sure we have the computer technology available so that our young people can take advantage of it, but the other part of the problem is making sure that the school building, the infrastructure, can handle it. Computers without plugs do not make much sense.

So, again, I agree with the gentleman. I think the President is doing the right thing here and, again, I do not know of a single school district in this country who would not welcome that kind of Federal assistance. It is a wise investment.

I hear a lot of people say, about investing in education, that we are trying to balance the budget; we cannot invest any more in education. Well, I say every time we have invested in education this country has been better off. Look at history. Go back to the GI Bill of Rights. It cost us a little up front to launch that program, but I do not know of a single person today who would say, well, the GI Bill of Rights was a bad idea; we should not have invested in the education of a whole generation of young people.

Likewise, I think the investments we make today, 10, 20 years from now we will look back and people will say that was a wise thing to do, that our country is going to be stronger and better off as a result of it.

Mr. PALLONE. The other thing that surprises me is we have already received some criticisms to the President's suggestion of national standards. One of the 10 points, in fact, I think it is the first of his 10 points, that we set rigorous national standards, with national tests in 4th grade reading and 8th grade math to make sure our children master the basics, this has been criticized already, that it is a bad thing to establish Federal standards.

I think the President made it clear he was not mandating these standards. He was basically saying the Federal Government can establish these standards and create incentives, if you will, to have the schools meet those standards. Again, that is the way I see the Federal role. The Federal role can well be, let us establish the standards and then the various school districts in the States on a voluntary basis try to meet them.

I was kind of shocked to see some of our colleagues on the other side suggest that somehow that that was interference and that was a bad way to go. I really believe that, as much as the decisions about education will continue to be made and should continue to be made by the local school boards, there is nothing wrong with the Federal Government trying to help out and provide some kind of a basic standard.

Mr. MCGOVERN. I agree with the gentleman. The fact of the matter is the President is not advocating the Federal Government take over the role that has historically been a local role with regard to education. He is not saying that by any means, but he is utilizing the bully pulpit, he is utilizing his position to challenge school districts, schools all across this country, to meet certain minimum standards.

I do not know how anybody could object to a national standard that by third grade every young boy and every young girl has to be able to read and write. That is certainly not a controversial goal, I think, to be set. I think it is something that we should applaud.

It should shock us all that so many of our young kids at that age cannot read or write. The President has set that goal out there, he has challenged us to meet it, and we need to find ways to meet it.

Part of his call to voluntarism is that to the extent that people can, that they volunteer to help tutor young kids so they can read or write by the time they are in third grade. This is a part of the solution, again, and I applaud that.

It is important that we do set some sort of national standards and some sort of national goals, again, not to interfere with local jurisdictions or State jurisdictions, but as a Nation we should want these things. So I applaud the President on those things.

Mr. PALLONE. If we look again at every one of the initiatives in his 10-point plan, every one of them basically is organized so that the Federal Government is basically providing an incentive to local school boards.

It is not only the national standards we talked about, but the idea of a talented and dedicated teacher in every classroom, the 100,000 master teachers through some sort of national certification, a teacher for every student to read independently and well by the end of the third grade, expand Head Start.

Head Start, I hope, has gotten to the point now where everybody on both sides of the aisle recognizes its value, but I guess like everything else it is a question of how much we will provide for it. In my district—again, I have been to many of the Head Start programs—most of them have waiting lists. Most of them have a lot of kids that really cannot take advantage of the program, and it works very well. We need to expand it.

What he is basically saying is that his budget would expand Head Start to cover one million children by 2002 so that essentially every child who is eligible would have the opportunity to participate in Head Start.

Mr. MCGOVERN. And I would just add that these proposals, while I welcome them and applaud them, one could argue they are modest in some respects. Some of us wish they would go farther.

On the Pell grants, the President, to his credit, advocates increasing the maximum award to $3,000. I think they should be increased to $5,000 to reflect inflation over the years since the Pell grants were first initiated. We must make sure there are opportunities for those who are from lower income families so that they can take advantage of a college education as well. These are reasonable, modest proposals.

I want to tell you, what the President has outlined is going to test whether this Congress is truly committed to making education its No. 1 priority or whether this Congress is not. It is that simple.

I hope, anyway, that we can have some bipartisan cooperation here. The President said that education should be a nonpartisan issue. I agree with him. I hope that all of us here can join together and enact all of these proposals. Maybe we can make them a little bolder, because I think that is what is needed.

If we truly want to see this country be the economic superpower into the next century, if we truly want to make sure we are dealing with all these other social and economic problems that we debate here on this floor every single day, then education has to be a priority and we are going to have to invest in education.

So, again, I am going to do what I can to try to advance his agenda forward. I know the gentleman from New Jersey is going to do the same thing. Clearly, education is the number one priority, and the President deserves a great deal of credit for drawing the lines in his State of the Union address.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman, and I also want to say that obviously, for both of us, this is the beginning of our effort to try to continue to bring our colleagues' attention to the fact that the President's education program needs to be enacted, and that we need to move on it as quickly as possible.

Obviously, we feel very strongly that that is the case. Most of what is in the President's program was basically put forward with the Democrats' family first agenda last year. I think it is really crucial that we keep making the point that we need to move on it; that we cannot waste any time, because it really can make a difference in terms of investing in our future and that bridge that we keep talking about to the next century.

So I thank the gentleman again and yield back the balance of my time.

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PEACE FOR AFGHANISTAN

The SPEAKER pro tempore (Mr. SNOWBARGER). Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, as I ran back and forth today trying to cast my votes on this very important issue of term limits, I was visited by four individuals who have trekked halfway around the world in order to visit this capital of the United States of America in an attempt to bring peace to their own country. Those individuals represent one of the factions that continue to struggle in Afghanistan. Those individuals 10 years ago were engaged in a struggle to defeat the most powerful enemy and the most powerful dictatorship in the world, the Soviet Union. The people of Afghanistan rose up against their invaders and it was their courage and their determination that helped bring an end to the cold war. Yes, it was the little Mujahedin 110-pound man with a turban on his head and a beard who jumped from behind a rock and faced a Soviet tank and said: You shall not impose your will on Afghanistan. You will not destroy our faith in God. You will stop here. You will not control my country. I will die before you succeed.

It was that bravery and that courage of that perhaps uneducated man from Afghanistan who was willing to give everything that eventually brought the expansion of the Soviet empire to an end and reversed the course of the cold war. The United States has a lot to be grateful and all the people of the free world have a lot to be grateful for to the people of Afghanistan. Yet the struggle goes on. For the last 3 hours, I have been speaking with these gentlemen who have trekked halfway around the world in order to find peace for their country, in order to find a peace for Afghanistan. The American people owe a great debt of gratitude to Afghanistan. We would still be in a cold war today. There would still be nuclear missiles aimed at the United States of America by a belligerent power from the Soviet Union had not the people of Afghanistan risked everything in order to defeat the Soviet empire and to defeat the Communist thrust into their country. For this, the entire world and the people of the United States owe the people of Afghanistan a great debt. Yet right after the Soviet Union collapsed, the United States ran at a quick pace away from Afghanistan and never looked back. And every day, even to this day, young people in Afghanistan, children, are blown apart by land mines, some of which were provided by the United States of America. We have not done our best to try to bring peace to a country and to a people to whom we owe so much. It is my hope that, in Afghanistan, the leaders of the Taliban movement who now control much of that country and the leaders of other factions who control the northernmost regions of that country can come to an understanding that will bring peace and will bring free elections to that strife-torn country and will provide for the people of that country, those brave people of Afghanistan, who stood against Soviet tyranny and Soviet armor, will bring them at last to a time when they can rebuild their water ducts, they can rebuild their villages and mosques, they can rebuild their schools and they can begin again to have a country devoted to Islam, their religion, devoted to their families and to their honor. The United States owes it to the people of Afghanistan to do what we can to help bring peace to that country.

Tonight, as I say, I have spoken to these leaders who have trekked halfway around the world trying to seek help from the United States in bringing peace to their country. I personally believe that the King of Afghanistan represents an option that could unify all of the people of Afghanistan because they know that he will soon die, he is over 80 years old, and will pass away and thus is not a threat in the long run to any one faction. The King of Afghanistan would like to bring democracy to his country. What we have learned, if we have learned anything in these last 50 years, is that free elections bring peace. It is democracy that will bring peace to the world. When Ronald Reagan confronted the Soviet empire, he stressed our belief in freedom and the support for those who struggle for freedom around the world, and that is what changed the world and has made this a more peaceful world. Let us hope that in the years ahead, there will be a more peaceful Afghanistan and the people there can live in dignity and honor and prosperity that they have earned with their blood and their honor.

AMERICANS FOR DEMOCRATIC ACTION: 50 YEARS OF DEDICATED SERVICE TO PROGRESSIVE IDEALS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. FILNER] is recognized for 60 minutes.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the topic of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Mr. Speaker, I rise today, and many of my colleagues will submit statements to the RECORD to support this special order, to commemorate the 50th anniversary of a great organization called Americans for Democratic Action, an organization we fondly call ADA, an organization that has worked tirelessly for 5 decades to improve American society.

It was on January 3, 1947, that 130 people gathered at the Willard Hotel in Washington, DC, to form Americans for Democratic Action. Included were political activists, academics, housewives, labor union leaders, and former New Dealers. They were idealists, the well-known and the unknown, all dedicated to the basic principle that government has a positive role to play in the lives of its citizens in promoting individual liberty and economic justice.

Among the founders of ADA were such well-known figures as Eleanor Roosevelt, John Kenneth Galbraith, Walter Reuther, David Dubinsky, Arthur Schlesinger, Jr., Reinhold Niebuhr, Joseph L. Rauh, Jr., and Hubert Humphrey. And because I had the opportunity to work for Senator Humphrey back in the 1970's, I was able to learn from him firsthand about the importance of the role of ADA. I truly value my membership and my current position as a member of the board.

The contributions of ADA have been many. In 1948, ADA's efforts led to the adoption of a strong civil rights plank in the Democratic Party platform which has defined our party's commitment to civil rights for over a generation. In subsequent decades, ADA has taken early principled stands on civil rights and civil liberties, nuclear arms control, apartheid in South Africa, workers rights, women's issues, and the Federal budget and tax policy. ADA was the first national organization to call for an end to the Vietnam war and the impeachment of Richard Nixon. The Humphrey-Hawkins full employment bill saw its genesis at an ADA convention.

The values and ideals of ADA members are just as relevant today. For example, the increase in the minimum wage, preservation of Medicare and the passage of health care portability can all be traced directly to the influence of the members of ADA and similarly thoughtful people. Today ADA continues to be dedicated to building a better world with rising standards of living for all. Its members, in Congress and out, work for the values of promoting basic human rights at home and abroad, ending all forms of discrimination, ensuring full employment and balanced growth and more equitably distributing our resources.

During the 105th Congress, ADA will continue to press for a national commitment to full employment, comprehensive campaign finance reform, universal and quality health care, access to a full range of reproductive health care for all, an end to discrimination, full access to quality education, a safe and healthy environment, and national economic priorities that reflect today's social and defense needs.

It is quite a list, it is quite an agenda, it is quite a full plate. But it is normal for the members of ADA to take a comprehensive approach to the problems and opportunities that we see in American society.

So I want to take this opportunity, as do many of my colleagues, to sincerely recognize and thank ADA and its members. The influence that ADA has exerted over national policy has led to several defining moments in our Nation's history. I welcome its participation in the debates of the future and wish for ADA a continued commitment and involvement worthy of its great founders.

Mrs. MALONEY of New York. Mr. Speaker, it was Eleanor Roosevelt who said, "You gain strength, courage and confidence by every experience in which you really stop to look fear in the face * * * You must do the thing you think you cannot do." The Americans for Democratic Action has for 50 years been an organization that has looked the sometimes cold and heartless agenda of some in this Congress and fought it head on with its more just and compassionate ideals. The Democratic agenda has long been rooted in the principles that the ADA espouses and we are pleased that this organization reminds us of our responsibility to be tough in the face of injustice.

I rise tonight as a proud member of the Board of the Americans for Democratic Action. I am particularly privileged to stand here as a New Yorker as the ADA has an extraordinary history in the Big Apple. Founded in 1947, by David Dubinsky and the ever remarkable Eleanor Roosevelt, the ADA began as part of a labor movement and since then has developed a progressive agenda that spans from equal rights to jobs to economic justice to education. The ADA has been a strong voice for those whose voices are drowned by words of intolerance and fear.

We are truly fortunate that the ADA has not only been completely dedicated to justice within U.S. borders, but has also been instrumental in advancing human rights throughout the world. From Vietnam to Sarejevo, in its support of the United Nations, in its struggle to promote simple human dignity in the smallest villages to the most thriving cities, the ADA has reminded us that it is essential that the

United States lead with more than just its own interests in mind.

The ADA is a proud and vigilant conscience of progressive causes during a time when being called a liberal is sometimes the harshest political epithet that can be hurled. There is no way to adequately thank the ADA for its 50-year fight for peace and justice. I can only say thank you for allowing me to be part of your dynamic organization and I look forward to being a part of the next 50.

Mr. NADLER. Mr. Speaker, for 50 years, Americans for Democratic Action has been a proud defender of liberal values in America, so it is with great pleasure that I rise to praise this fine organization.

As an officer of ADA and a great admirer of its president, Jack Sheinkman, I know well the long history and tremendous accomplishments of ADA.

Founded with the help of Eleanor Roosevelt, ADA, has for decades, actively championed liberal policies that work. ADA has been a powerful force for good in Washington—fighting to increase the minimum wage, protect workers, and support valuable programs like Medicare and Medicaid. ADA has led the difficult fight on behalf of this needy; fighting to ensure that the Federal budget does not neglect those who are often overlooked or blatantly ignored.

From the beginning, ADA has been among the Nation's leaders in the fight for civil rights and racial justice. ADA members successfully worked to integrate strong civil rights protections into the 1948 Democratic platform. Working in the South in the 1950's and 1960's, ADA challenged the President and others to more closely live up to the ideals of this great Nation, to respect the rights of all people, and to tear down the segregationist laws that continued to oppress millions of Americans.

ADA has also led the way in promoting a humanitarian foreign policy. From opposing the Vietnam war to pursuing an end to apartheid in South Africa, ADA has been willing to tackle difficult issues and mobilize public opinion in extraordinary ways. ADA has fought long and hard for nuclear arms control and continues to advocate for lower levels of military spending and more restrictions on international arms sales.

ADA has often advocated ideas that were once seen as radical. From promoting civil rights, to opposing the Vietnam war, to ending segregation, ADA has often been the first to voice opinions that many, at the time, considered radical, but with hard work and active citizen education, move to become the prevailing wisdom. ADA's voice in Washington often shines like a beacon of light that cuts through a fog of misinformation that fills the air on Capitol Hill.

Through bold leadership and the strength that comes from speaking the truth, ADA has achieved enormous victories and improved the lives of people everywhere. To promote active citizen involvement in the fight for equality, justice, and peace—this is the mission that ADA has chosen, and I, for one, believe that they have succeeded tremendously in their efforts.

Now, more than ever, we see the need for grassroots activists empowered by ADA to continue to let their Representatives know what's important to them: protecting working families; helping the needy; and fighting injustice. I welcome their support in the upcoming battles of the 105th Congress, and I know that the American people appreciate their efforts to help create a more perfect Union.

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentleman from California, Congressman BOB FILNER, for reserving this special order. We gather today to recognize the 50th anniversary of Americans for Democratic Action [ADA]. As a fellow ADA vice president, I take special pride in joining my colleagues as we mark the anniversary of an organization which has played an integral role in shaping the social and political landscape of our Nation.

Americans for Democratic Action is an independent liberal political organization founded in 1947 and committed to economic and social justice. The organization's founders include Eleanor Roosevelt, labor leader Walter Reuther, economist John Kenneth Galbraith, historian Arthur Schlesinger, Jr., theologian Reinhold Niebuhr, and former Vice-President Hubert Humphrey.

Americans for Democratic Action currently boats a membership of 30,000, the ranks of which includes members of the business community, professionals, and our Nation's labor and political leaders. ADA seeks to formulate liberal domestic and foreign policies based on the changing needs of the country.

Mr. Speaker, I am proud to note that throughout its history, Americans for Democratic Action has taken solid stands on the issues confronting our Nation. We recall that in 1948, ADA's efforts resulted in the adoption of a strong civil rights plank in the Democratic Party platform. This action has helped to define our party's commitment to civil rights for over a generation. Americans for Democratic Action was equally vocal with regard to the Vietnam war, the impeachment of President Richard Nixon, and the issue of apartheid in South Africa. In subsequent decades, ADA has led by advocating workers' rights, civil and equal rights, increases in the minimum wage, and Federal spending priorities.

Today, as I reflect upon the history of ADA, I recall my close friendship with Joseph L. Rauh, Jr., a great civil liberties attorney who was affiliated with the organization. I also recall that when my brother, the late Carl B. Stokes, sought to become the first black mayor of Cleveland, OH, Americans for Democratic Action was one of the first organizations to host a fundraiser in his behalf. This was done despite the fact that during this time, it was not popular for major organizations to support African-American candidates. With ADA's support, Carl went on to become the first black mayor of a major American city. Like many of my colleagues gathered today, I also take special pride in my annual ADA legislative voting tally.

Mr. Speaker, as Americans for Democratic Action marks 50 years of progress, I applaud the organization for its strong commitment and leadership. I am proud of my close association with ADA and I join many others in saluting its progress.

Mr. DELLUMS. Mr. Speaker, today I rise in recognition of the 50th anniversary of the Americans for Democratic Action [ADA].

Over the past 50 years, the ADA has been a champion of a liberal agenda in local and national politics for American citizens. As the base of its strong foundation, the ADA seeks economic freedom, greater individual participation in government, and constitutional, political, and administrative reforms in order to promote a stronger nation and democracy. I embrace their values which support first and foremost liberty, equality, and opportunity for individuals. The ADA believes the Constitution created a national government to serve the common good, and that the Bill of Rights should protect the freedoms of ordinary citizens. The organization is proud of President Franklin D. Roosevelt's legacy, the New Deal, which espoused dedication to economic security for all Americans, and the need for American leadership within an international community.

The ADA will continue its commitment and urges a progressive advance in the 105th Congress. It hopes to set forth a vision in the 21st century to strengthen human rights and human welfare and to assure peace and security at home and abroad for America. Throughout the tenure of the 105th Congress, the ADA will remind the general public, the Clinton administration, and the Congress that there is an indispensable rule for government in advancing the cause of freedom, dignity, and human welfare. The ADA will call for job creation leading to economic expansion so that the United States can achieve its full economic growth potential providing for a better life for the American people.

Key priorities for the ADA in 1997 include: Expansion of international human rights; opposition of any balanced budget amendments to the Constitution; protection of Medicare, Medicaid, and Social Security from privatization and cuts; jobs for all at decent pay; restoration of cuts in the food stamps program; protection of civil rights, civil liberties, and reproductive choice; protection of workers rights and pensions; protection of the environment; and campaign finance reform leading to public financing of all Federal elections.

These are the mission and goals of the Americans for Democratic Action. On the occasion of their 50th anniversary, I am proud to publicly recognize this political organization and its tireless advocacy of political freedom and constitutional guarantees on behalf of all of us.

Ms. WOOLSEY. Mr. Speaker, it is my privilege to join with my colleagues in celebrating the 50th anniversary of Americans for Democratic Action [ADA].

Americans for Democratic Action was established 50 years ago by some of the most important progressive leaders of this century including Hubert Humphrey, John Kenneth Galbraith, and one of my great role models, Eleanor Roosevelt. These great Americans came together because they believed it was time for a political action and lobbying group that looked out for the interests of the forgotten, the disenfranchised, and the most vulnerable in our society. Fifty years later, I am proud to say that Americans for Democratic Action has lived up to those noble intentions.

Americans for Democratic Action was a leader in the civil rights movement and helped define the Democratic Party's commitment to civil rights and social justice. In fact, ADA has been at the forefront of every progressive cause for the past half century, including stopping the Vietnam war, increasing public awareness of Watergate, fighting for nuclear arms control, workers' and women's rights, and ending apartheid.

As a current vice president of Americans With Democratic Action, I am awed by ADA's past accomplishments. Working with my colleagues in Congress and Americans for Democratic Action, we must follow in the footsteps of Roosevelt and Humphrey and continue to move this Nation forward without leaving anyone behind.

Mr. ENGEL. Mr. Speaker, I rise today to commemorate an important event in American political history, which may have been overlooked by many of my colleagues. On January 3, 1997, Americans for Democratic Action celebrated its 50th anniversary.

ADA has a history of which all its members can be proud. In 1947, a group of activists gathered at the Willard Hotel and pledged themselves to a liberalism which moves with the times. As an ADA vice president, I can say with certainty that ADA has lived up to its vision.

Since that day in 1947, ADA has been at the forefront of political discourse. In fact, ADA was the first national organization to call for the impeachment of Richard Nixon during the Watergate scandal. ADA has also been a leader in opposition to issues such as the Vietnam war and apartheid in South Africa.

ADA provides insightful analysis on a myriad of current issues including workers' rights, student opportunities, women's issues, health care, civil rights, the Federal budget, and defense spending. ADA's political advice and members in the field are an invaluable source of information for me and many other Members of Congress.

I am especially pleased that ADA's two top officers, Henry Berger, who chairs the national executive committee, and Jack Sheinkman, our president, are both fellow New Yorkers. ADA's New York City chapter is one of the largest and most active in the Nation.

ADA is not only one of the longest lived political organizations in this country, it also has a rich history on which it continues to build a vision for the future. I am proud to be an ADA member and look forward to working with this remarkable organization for the next 50 years.

Mr. COYNE. Mr. Speaker, I rise today to join in the special order organized by Congressman FILNER to pay tribute to the Americans for Democratic Action on this organization's 50th anniversary.

The ADA was formed at a time when this country had just emerged from a devastating depression and an all-engaging world war, and when we faced a number of wracking social changes at home and a series of demanding international challenges abroad. Notable figures like Eleanor Roosevelt, Reinhold Niebuhr, Arthur Schlesinger, Jr., John Kenneth Galbraith, Walter Reuther, Paul Douglas, and Hubert Humphrey created the ADA to provide a forum for progressives to debate pressing public policy issues and to articulate a progressive agenda for national action.

Fifty years later, we can say with some perspective that the ADA has done just that. The ADA has taken bold, principled stands on issues as diverse as civil rights and international affairs—and the organization has been the object of unfair attack and invective by some of its political enemies—but throughout it all the ADA has remained true to the ideals of a compassionate society, an activist Democratic government, and the greatest possible personal freedom and opportunity for all of the members of our society.

I want to congratulate the ADA for 50 years of contributions to a more informed public debate, and I look forward to the contributions that the ADA will make in the next 50 years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska (at the request of Mr. ARMEY), for today and the balance of the week, on account of a death in the family.)

Mr. SCARBOROUGH (at the request of Mr. ARMEY), for today and the balance of the week, on account of illness in the family.

Mrs. CARSON (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of illness.

Mr. OBEY (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of recovering from surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous material:)

Mr. GREEN, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

(The following Members (at the request of Mr. BOB SCHAEFER of Colorado) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes each day, today and February 13.

Mr. FOLEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ROHRABACHER for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

Mr. TRAFICANT.
Mr. ROEMER.
Mr. RANGEL.
Mr. DELLUMS.
Mr. SKELTON.
Mr. KILDEE.
Mr. LANTOS.
Mr. BERMAN.
Mr. HAMILTON.
Mrs. MINK of Hawaii.
Mr. STOKES.
Mr. SCHUMER.
Mr. WEYGAND.
Mr. YATES.
Mr. ROTHMAN.
Mr. STARK.
Mrs. MEEK of Florida.
Mr. TORRES.
Mr. COYNE.
Ms. HARMAN.
Mr. BECERRA.
Mr. RAHALL.
Mr. SERRANO.

(The following Members (at the request of Mr. BOB SCHAFFER of Colorado) and to include extraneous matter:)

Mr. BLUNT.
Mr. ROGERS.
Mr. GINGRICH.
Mr. MCINNIS.
Mr. CRANE.
Mr. PAUL.
Mr. DUNCAN.
Mr. WELLER.
Mr. PITTS.
Mr. KNOLLENBERG in two instances.
Mr. CANADAY of Florida in two instances.
Mr. GILMAN in two instances.
Mr. SHUSTER.
Mrs. CUBIN.
Mr. INGLIS OF SOUTH CAROLINA.
Mr. LUCAS OF OKLAHOMA.
Mr. YOUNG OF ALASKA.
Mr. STUMP.
Mr. SPENCE.
Mr. GOODLATTE.
Mr. BUNNING.
Mr. ROGAN.
Ms. ROS-LEHTINEN.

(The following Member (at the request of Mr. FILNER) and to revise and extend her remarks:)

Ms. WOOLSEY.

ADJOURNMENT

Mr. FILNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Thursday, February 13, 1997, at 10 a.m.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. JOHNSON of Connecticut (for herself, Mr. SOLOMON, Ms. PRYCE of Ohio, Mr. SHAW, Mr. HERGER, Mr. MCCRERY, Ms. DUNN of Washington, Mr. SAM JOHNSON, Mr. PORTMAN, Mr. ENSIGN, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. HAYWORTH, and Mr. FOLEY):

H.R. 693. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on Social Security benefits; to the Committee on Ways and Means.

By Mr. LATOURETTE:

H.R. 694. A bill to provide for a change with respect to the requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. GOODLATTE (for himself, Ms. LOFGREN, Mr. DELAY, Mr. BOEHNER, Mr. COBLE, Mr. SENSENBRENNER, Mr. BONO, Mr. PEASE, Mr. CANNON, Mr. CONYERS, Mr. BOUCHER, Mr. GEKAS, Mr. SMITH of Texas, Mr. INGLIS of South Carolina, Mr. BRYANT, Mr. CHABOT, Mr. BARR of Georgia, Ms. JACKSON-LEE, Ms. WATERS, Mr. ACKERMAN, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. CAMPBELL, Mr. CHAMBLISS, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DICKEY, Mr. DOOLITTLE, Mr. EHLERS, Mr. ENGEL, Ms. ESHOO, Mr. EVERETT, Mr. EWING, Mr. FARR of California, Mr. GEJDENSON, Mr. GILLMOR, Mr. GOODE, Ms. NORTON, Mr. HORN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON, Mr. KOLBE, Mr. MCINTOSH, Mr. MCKEON, Mr. MANZULLO, Mr. MATSUI, Mr. MICA, Mr. MINGE, Mr. MOAKLEY, Mr. NETHERCUTT, Mr. PACKARD, Mr. SESSIONS, Mr. UPTON, Mr. WHITE, and Ms. WOOLSEY):

H.R. 695. A bill to amend title 18, United States Code, to affirm the rights of U.S. persons to use and sell encryption and to relax export controls on encryption; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN:

H.R. 696. A bill to amend the Animal Welfare Act to require humane living conditions for calves raised for the production of veal; to the Committee on Agriculture.

By Mr. BILIRAKIS (for himself, Mrs. THURMAN, and Mrs. FOWLER):

H.R. 697. A bill to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organization; to the Committee on Commerce.

By Mr. BLUNT:

H.R. 698. A bill to designate the U.S. Post Office Building located at Bennett and Kansas Avenue in Springfield, MO, as the "John Griesemer Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. BONILLA (for himself and Mr. SAM JOHNSON):

H.R. 699. A bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections; to the Committee on House Oversight, and in addition to the Committees on Veterans' Affairs, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONO (for himself and Mr. KILDEE):

H.R. 700. A bill to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians; to the Committee on Resources.

By Mr. BORSKI:

H.R. 701. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for personal exemptions in determining alternative minimum taxable income; to the Committee on Ways and Means.

By Mr. BRYANT (for himself, Mr. BARR of Georgia, Mr. BONO, Mr. CANADY of Florida, Mr. GOODLATTE, Mr. HOSTETTLER, Mr. MCCOLLUM, Mr. SCHUMER, Mr. SENSENBRENNER, Mr. SMITH of Texas, and Mr. DUNCAN):

H.R. 702. A bill to amend section 372 of title 28, United States Code, to provide that proceedings on complaints filed with respect to conduct of a judge or magistrate judge of a court be held by a circuit other than the circuit within which the judge serves, and for other purposes; to the Committee on the Judiciary.

By Mr. BUNNING of Kentucky:

H.R. 703. A bill to refocus the mission of the Federal Reserve System on stabilization of the currency and provide greater public scrutiny of the operations of the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BUNNING of Kentucky (for himself and Mr. CONYERS):

H.R. 704. A bill to require the general application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

By Mr. BUNNING of Kentucky:

H.R. 705. A bill to amend the Internal Revenue Code of 1986 to modify the application of the passive loss limitations to equine activities; to the Committee on Ways and Means.

By Mr. CAMPBELL (for himself and Mr. LEWIS of Georgia):

H.R. 706. A bill to provide off-budget treatment for one-half of the receipts and disbursements of the land and water conservation fund; to the Committee on the Budget, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Ms. DUNN of Washington, and Mr. MCDERMOTT):

H.R. 707. A bill to amend the Internal Revenue Code of 1986 to provide tax treatment for foreign investment through a U.S. regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 708. A bill to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, WY, and to extend temporarily certain grazing privileges; to the Committee on Resources.

By Mrs. CUBIN (for herself and Mr. GIBBONS):

H.R. 709. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself and Mrs. MEEK of Florida):

H.R. 710. A bill to amend the National Highway System Designation Act of 1995 to direct the Secretary of Transportation to conduct a study of the feasibility of expanding the types of projects eligible for assistance from State infrastructure banks; to the Committee on Transportation and Infrastructure.

By Ms. DELAURO:

H.R. 711. A bill to amend the Internal Revenue Code of 1986 concerning the tax treatment of distributions from qualified retirement plans investing in public benefit bonds; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. GEPHARDT, Mr. BONIOR, Mr. FAZIO of California, Ms. PELOSI, and Mr. BORSKI):

H.R. 712. A bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Corporation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO:

H.R. 713. A bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Corporation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committees concerned.

By Mr. DOYLE:

H.R. 714. A bill to designate the Department of Veterans Affairs nursing care center at the Department of Veterans Affairs medical center in Aspinwall, PA, as the "H. John Heinz III Department of Veterans Affairs Nursing Care Center"; to the Committee on Veterans' Affairs.

By Mr. DUNCAN (for himself, Mr. SCHUMER, Mr. SHAYS, Mr. MEEHAN, Mr. QUINN, Mr. GREENWOOD, Mr. HILLEARY, Mr. FOLEY, Mr. FATTAH, Mr. KLUG, Mr. MARKEY, Mr. FOX of Pennsylvania, Mr. MCHALE, Mr. LIPINSKI, Mr. HASTINGS of Florida, Mr. MATSUI, Mr. PAYNE, and Mr. ANDREWS):

H.R. 715. A bill to amend the Higher Education Act of 1965 to revise the campus security reporting provisions to provide for a more complete, timely, and accurate disclosure of crime reports and statistics, and to provide for specific methods of enforcement of the campus security provisions of such Act; to the Committee on Education and the Workforce.

By Mr. DUNCAN (for himself, Mr. SHAYS, Mr. HAYWORTH, Mr. ROHRABACHER, Mr. PORTER, Mr. STEARNS, Mr. CANADY of Florida, and Mr. HERGER):

H.R. 716. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 717. A bill to amend the Higher Education Act of 1965 to continue the exemption of certain institutions of higher education serving minorities from default-based ineligibility for student loan programs; to the Committee on Education and the Workforce.

By Mr. FOLEY (for himself, Mr. Franks of New Jersey, Mr. Hoekstra, Mr. Klug, Mr. Meehan, Mr. Rohrabacher, Mr. Scarborough, and Mr. Solomon):

H.R. 718. A bill to privatize certain Federal power generation and transmission assets, and for other purposes; to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 719. A bill to amend the Elementary and Secondary Education Act of 1965 to allow children who meet certain criteria to attend a school that receives funds under part A of title I of such act; to the Committee on Education and the Workforce.

H.R. 720. A bill to terminate the international military education and training [IMET] program for Indonesia; to the Committee on International Relations.

H.R. 721. A bill to amend the Internal Revenue Code of 1986 to correct the treatment of tax-exempt financing of professional sports facilities; to the Committee on Ways and Means.

By Mr. HASTINGS of Washington (for himself, Mr. Talent, Mr. Nethercutt, Mr. Manzullo, Mrs. Kelly, Mr. Combest, Mr. Cunningham, Mr. Hoekstra, Mrs. Linda Smith of Washington, Mr. Goodling, Mr. Chabot, Mr. McHugh, Mr. Bartlett of Maryland, Mr. McIntosh, Mr. Barr of Georgia, Mr. Scarborough, Mr. Gillmor, Mr. Condit, Mr. Snowbarger, Mrs. Emerson, Mr. Moran of Kansas, Mr. Watkins, Mr. Cooksey, and Ms. Harman):

H.R. 722. A bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the required use of the electronic fund transfer system for depository taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. HOSTETTLER:

H.R. 723. A bill to require the U.S. Trade Representative to determine whether the European Union has failed to implement satisfactorily its obligations under certain trade agreements relating to U.S. meat and pork exporting facilities, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself and Mr. Fox of Pennsylvania):

H.R. 724. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of interest on student loans; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself, Mr. Crapo, Mr. Bunning of Kentucky, Mr. Nethercutt, Mr. Chambliss, Mr. Canady of Florida, Mr. Hostettler, Mr. LaHood, Mr. Latham, Mr. Hefner, Mr. Leach, Mr. Holden, Mrs. Chenoweth, Mr. Ewing, Mr. Barrett of Nebraska, Mr. Ney, Mr. Evans, Mr. Poshard, and Mr. Pastor):

H.R. 725. A bill to amend the Competitive, Special, and Facilities Research Grant Act to provide increased emphasis on competitive grants to promote agricultural research projects regarding precision agriculture and to provide for the dissemination of the results of such research projects; to the Committee on Agriculture.

By Mrs. MALONEY of New York (for herself, Mr. Bonior, Mrs. Carson, Ms. Christian-Green, Mr. Clyburn, Mr. Dellums, Mr. Evans, Mr. Fattah, Mr. Foglietta, Mr. Frost, Mr. Gutierrez, Ms. Jackson-Lee, Mr. Kildee, Mr. Lewis of Georgia, Mr. Nadler, Ms. Norton, Mr. Owens, Mr. Rush, Mr. Serrano, and Mr. Towns):

H.R. 726. A bill to authorize the Secretary of Housing and Urban Development to make grants to nonprofit community organizations for the development of open space on municipally owned vacant lots in urban areas; to the Committee on Banking and Financial Services.

By Ms. MOLINARI:

H.R. 727. A bill to amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. OBERSTAR:

H.R. 728. A bill to amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes; to the Committee on Government Reform and Oversight.

By Mr. PITTS:

H.R. 729. A bill to amend certain provisions of title 5, United States Code, relating to the treatment of Members of Congress and congressional employees for retirement purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POSHARD:

H.R. 730. A bill to prohibit Members of the House of Representatives from using official funds for the production or mailing of newsletters, to reduce by 50 percent the amount which may be made available for the official mail allowance of any such Member, and for other purposes; to the Committee on House Oversight.

By Mr. POSHARD (for himself and Mr. Goode):

H.R. 731. A bill to amend the Internal Revenue Code of 1986 to permit the interest on water, waste, and essential community facilities loans guaranteed by the Secretary of Agriculture to be tax exempt; to the Committee on Ways and Means.

By Mr. RICHARDSON:

H.R. 732. A bill to authorize an appropriation for the construction of a public museum located in, and relating to the history of, the State of New Mexico; to the Committee on Resources.

By Ms. RIVERS:

H.R. 733. A bill to direct the Administrator of the Environmental Protection Agency to provide for a review of a decision concerning a construction grant for the Ypsilanti Wastewater Treatment Plant is Washtenaw County, MI; to the Committee on Transportation and Infrastructure.

By Mr. STARK:

H.R. 734. A bill to amend titles XVIII and XIX of the Social Security Act to require hospitals participating in the Medicare or Medicaid Program to provide notice of availability of Medicare and Medicaid providers as part of discharge planning and to maintain and disclose information on certain referrals; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 735. A bill to amend the Internal Revenue Code of 1986 and title XVIII of the Social Security Act to establish a program of assistance for essential community providers of health care services, to establish a program to update and maintain the infrastructure requirements of safety net hospitals, and to require States to develop plans for the allocation and review of expenditures for the capital-related costs of health care services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP (for himself and Mr. Fox of Pennsylvania);

H.R. 736. A bill to repeal the Federal estate and gift taxes; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Mr. Snowbarger, Mr. Moran of Kansas, and Mr. Ryun):

H.R. 737. A bill to amend the International Air Transportation Competition Act of 1979; to the Committee on Transportation and Infrastructure.

By Mr. TRAFICANT:

H.R. 738. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act with respect to myelogram-related arachnoiditis; to the Committee on Commerce.

H.R. 739. A bill to amend the Public Health Service Act with respect to increasing the number of health professionals who practice in the United States in a field of primary health care; to the Committee on Commerce.

By Mr. WELLER (for himself, Mr. Davis of Illinois, and Mr. Shimkus):

H.R. 740. A bill to designate the national cemetery established at the former site of the Joliet Arsenal, IL, as the "Abraham Lincoln National Cemetery"; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska (for himself, Mr. Tanner, and Mr. Stearns):

H.R. 741. A bill to clarify hunting prohibitions and provide for wildlife habitat under the Migratory Bird Treaty Act; to the Committee on Resources.

By Mr. DREIER:

H.J. Res. 51. Joint resolution proposing an amendment to the Constitution of the United States to repeal the 22d amendment relating to Presidential term limitations; to the Committee on the Judiciary.

By Mr. BARTON of Texas (for himself, Mr. Hall of Texas, Mr. Shadegg, Mr. Taylor of Mississippi, Mr. Saxton, Mr. Condit, Mr. Crane, Mr. Andrews, Mr. Hunter, Mr. Goode, Mr. Aderholt, Mr. Armey, Mr. Bachus, Mr. Ballenger, Mr. Barr of Georgia, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Bass, Mr. Bilbray, Mr. Bliley, Mr. Blunt, Mr. Boehner, Mr. Bonilla, Mr. Bono, Mr. Brady, Mr. Bryant, Mr. Bunning, Mr. Burr of North Carolina, Mr. Burton of Indiana, Mr. Callahan, Mr. Camp, Mr. Cannon, Mr. Chabot, Mr. Chambliss, Mrs. Chenoweth, Mr. Christensen, Mr. Coble, Mr. Coburn, Mr. Collins, Mr. Combest, Mr. Cook, Mr. Cooksey, Mr. Cox of California, Mr. Crapo, Mrs. Cubin, Mr. Cunningham, Mr. Deal of Georgia, Mr. DeLay, Mr. Doolittle, Mrs. Emerson, Mr. English of Pennsylvania, Mr. Ensign, Mr. Ewing, Mr. Foley, Mrs. Fowler, Mr. Fox of Pennsylvania, Mr. Gibbons, Mr. Gingrich, Mr. Goodlatte, Mr. Goodling, Mr. Goss, Mr. Graham, Ms. Granger, Mr. Greenwood, Mr. Hansen, Mr. Hastert, Mr. Hayworth, Mr. Hefley, Mr. Herger, Mr. Hilleary, Mr. Hoekstra, Mr. Horn, Mr. Hulshof, Mr. Inglis of South Carolina, Mr. Istook, Mr. Sam Johnson, Mr. Jones, Mr. Kasich, Mrs. Kelly, Mr. Kingston, Mr. Kolbe, Mr. LaHood, Mr. Largent, Mr. Latham, Mr. LaTourette, Mr. Lewis of California, Mr. Lewis of Kentucky, Mr. Linder, Mr. LoBiondo, Mr. Lucas of Oklahoma, Mr. Manzullo, Mr. McCollum, Mr. McCrery, Mr. McHugh, Mr. McIntosh, Mr. McKeon, Mr. Metcalf, Mr. Mica, Mr. Miller of Florida, Ms. Molinari, Mr. Ney, Mr. Norwood, Mr. Oxley, Mr. Packard, Mr. Peterson of Pennsylvania, Mr. Pickering, Mr. Ramstad, Mr. Riggs, Mr. Rogan, Mr. Rohrabacher, Mr. Royce, Mr. Salmon, Mr. Sanford, Mr. Scarborough, Mr. Bob Schaffer, Mr. Sessions, Mr. Shimkus, Mr. Skeen, Mr. Smith of New Jersey, Mr. Smith of Texas, Mrs. Linda Smith of Washington, Mr. Smith of Michigan, Mr. Snowbarger, Mr. Solomon, Mr. Souder, Mr. Stearns, Mr. Stump, Mr. Talent, Mr. Tauzin, Mr. Taylor of North Carolina, Mr. Thornberry, Mr. Tiahrt, Mr. Wamp, Mr. Watkins, Mr. Watts of Oklahoma, Mr. Weldon of Florida, Mr. Weldon of Pennsylvania, Mr. Young of Alaska, Mr. Klug, and Mr. Spence):

H.J. Res. 52. Joint resolution proposing an amendment to the Constitution of the United States with respect to tax limitations and the balanced budget; to the Committee on the Judiciary.

By Mr. POSHARD:

H.J. Res. 53. Joint Resolution proposing an amendment to the Constitution of the United States relating to a Federal balanced budget; to the Committee on the Judiciary.

By Mr. DOYLE:

H. Con. Res. 20. Concurrent resolution expressing the sense of the Congress that the President should award a Medal of Honor to Wayne T. Alderson in recognition of acts performed at the risk of his life and beyond the call of duty while serving in the U.S. Army during World War II; to the Committee on National Security.

By Mr. HYDE:

H.J. Res. 51. Resolution providing amounts for the expenses of the Committee on the Judiciary in the 105th Congress; to the Committee on House Oversight.

By Mr. CANADY of Florida:

H.J. Res. 52. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mrs. MALONEY of New York (for herself, Ms. Christian-Green, Mr. Cummings, Mr. Farr of California, Mr. Fattah, Ms. McKinney, Mr. Miller of California, Ms. Norton, Mr. Olver, Mr. Payne, Ms. Pelosi, Mr. Sanders, and Ms. Jackson-Lee):

H.J. Res. 53. Resolution amending the Rules of the House of Representatives to require that committee reports accompanying reported bills and joint resolutions contain a detailed analysis of the impact of the bill or joint resolution on children; to the Committee on Rules.

By Mr. TALENT:

H.J. Res. 54. Resolution providing amounts for the expenses of the Committee on Small Business in the 105th Congress; to the Committee on House Oversight.

By Mr. THOMAS:

H.J. Res. 55. Resolution providing amounts for the expenses of the Committee on House Oversight in the 105th Congress; to the Committee on House Oversight.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRYANT:

H.R. 742. A bill for the relief of Florence Barrett Cox; to the Committee on the Judiciary.

By Mr. DOYLE:

H.R. 743. A bill for the relief of Wayne T. Alderson; to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. Houghton, Ms. Dunn of Washington, Ms. Molinari, Mr. Cunningham, Mr. English of Pennsylvania, Mr. Ney, Mr. Coburn, Mr. Fox of Pennsylvania, Mr. Portman, Ms. Pryce of Ohio, Mr. Gallegly, Mr. Burr of North Carolina, Mr. Foley, Mr. Graham, Mrs. Kelly, Mr. Ramstad, Mr. Horn, Mr. Upton, Mr. Shaw, Mr. Camp, Mr. Smith of New Jersey, Mr. Walsh, Mr. Stearns, Mr. Hastert, Mr. Ganske, Mr. Serrano, Mr. McDermott, Mr. Hall of Ohio, Mr. Coyne, Mr. Dellums, Mr. Frost, Mr. Stark, Mr. Matsui, Mrs. Meek of Florida, Mr. Olver, Mr. Borski, Mr. Delahunt, Mrs. Thurman, Mr. Price of North Carolina, Mr. Wise, Mr. Cummings, Mr. Holden, Ms. Furse, Mr. Neal of Massachusetts, and Mr. Wexler.

H.R. 18: Mr. McHale, Mr. Oberstar, Mr. Sanders, Mr. Stump, Mr. Costello, Mr. Frost, Mr. Martinez, Mr. Skelton, Ms. Lofgren, Mr. Schiff, Mr. Gejdenson, Ms. Rivers, Mr. Lewis of Kentucky, Mr. Filner, Mr. Moran of Kansas, Mr. McHugh, Mr. Evans, and Mr. LaFalce.

H.R. 27: Mr. McIntosh, Mr. Sessions, Mrs. Emerson, Mr. Graham, Mr. Lewis of Kentucky, and Mr. Goode.

H.R. 34: Mrs. Myrick and Mr. Packard.

H.R. 58: Mr. Solomon, Mr. Payne, Mrs. Tauscher, Mr. Maloney of Connecticut, Mr. Flake, Mr. Weldon of Florida, Mr. Smith of New Jersey, Mr. Pitts, Mr. Ehlers, and Mr. Goodlatte.

H.R. 59: Mr. Paul, Mr. Dreier, Mr. Hefley, Mr. Christensen, and Mr. Sam Johnson.

H.R. 86: Mr. Bonilla and Ms. Kaptur.

H.R. 96: Mr. Callahan and Mr. Bereuter.

H.R. 145: Mr. King of New York and Mr. Serrano.

H.R. 192: Mr. Foley, Mr. Porter, Mr. Conyers, Mrs. Thurman, Mr. Bilbray, Ms. Lofgren, Mrs. Lowey, Mr. Flake, and Mr. Gilchrest.

H.R. 203: Ms. Furse.

H.R. 213: Mr. Fattah, Mr. Blagojevich, Mr. Towns, and Mr. Foglietta.

H.R. 248: Mr. Pickering, Mr. McGovern, Mrs. Myrick, Mr. Lipinski, Mr. Gibbons, and Ms. Rivers.

H.R. 249: Mr. Watts of Oklahoma, Mr. Pickering, Mrs. Myrick, and Mr. Inglis of South Carolina.

H.R. 258: Mr. Olver.

H.R. 272: Mr. Inglis of South Carolina.

H.R. 291: Mr. Manton.

H.R. 339: Mr. Taylor of Mississippi, Mr. Sessions, Mrs. Cubin, and Mr. Stump.

H.R. 343: Mr. Poshard.

H.R. 345: Mrs. Cubin, Mr. Jones, Mr. Hefley, Mr. Sessions, Mr. McKeon, Mr. Cooksey, Mr. Ensign, Mr. Herger, Mr. Ehlers, Mr. Hunter, Mr. Bateman, Mr. Bunning of Kentucky, Mr. Coble, Mr. Pickett, Mr. Inglis of South Carolina, Mr. Talent, Mr. Horn, Mr. Stearns, Mr. Hostettler, Mr. McCollum, Mr. Linder, Mr. Collins, Mr. Rogers, Mr. Sam Johnson, and Mr. Everett.

H.R. 347: Mrs. Cubin, Mr. Herger, Mr. McKeon, Mr. Packard, Mr. Solomon, and Mr. Taylor of Mississippi.

H.R. 366: Mr. Clyburn.

H.R. 371: Mr. Bonior, Mr. Foglietta, Mr. Dellums, Mr. Underwood, and Mrs. Mink of Hawaii.

H.R. 373: Mr. Foglietta, Mr. Fattah, and Mr. Ackerman.

H.R. 382: Mr. Coburn, Ms. Jackson-Lee, Ms. Stabenow, and Mr. Wexler.

H.R. 383: Mr. Dellums, Mr. Martinez, and Mr. DeFazio.

H.R. 411: Mr. Ackerman, Mr. McDermott, Mr. Bentsen, and Mrs. Johnson of Connecticut.

H.R. 414: Mr. Foley, Mr. Porter, Mr. Conyers, Mrs. Thurman, Mr. Bilbray, Ms. Lofgren, Mrs. Lowey, Ms. Pryce of Ohio, and Mr. Gilchrest.

H.R. 444: Mr. Evans and Mr. Foglietta.

H.R. 446: Mr. Sensenbrenner, Mr. Kolbe, Mr. Moran of Kansas, Mr. Ackerman, Mr. Ewing, Mr. Kleczka, and Mr. Sandlin.

H.R. 450: Mr. Hilleary, Mrs. Kennelly of Connecticut, Mrs. Northup, and Mr. Gordon.

H.R. 452: Mr. Filner and Mr. Dellums.

H.R. 453: Mr. Pallone, Ms. Molinari, Mrs. Maloney of New York, Mr. Neal of Massachusetts, Mr. Manton, Mr. Hinchey, Mr. Cummings, Ms. Furse, Mrs. Lowey, Mr. Porter, Ms. Jackson-Lee, and Mr. Gallegly.

H.R. 455: Mr. Gejdenson.

H.R. 474: Mr. Hastert, Mr. Gejdenson, Mrs. Kelly, Mr. Gonzalez, Mr. Bryant, Mr. Cunningham, Mr. Gillmor, Mr. Ney, Mr. DeFazio, Mr. Kim, and Mr. Fattah.

H.R. 475: Mr. Borski and Mr. Stupak.

H.R. 476: Mr. Owens, Mr. Sherman, Ms. Furse, Mr. Conyers, Mr. Ford, Mr. Wexler, Mr. Payne, and Mr. Thompson.

H.R. 491: Ms. Rivers, Mrs. Morella, Mr. Packard, Mr. Underwood, Mr. Foley, and Mr. Fox of Pennsylvania.

H.R. 493: Mr. Moran of Virginia.

H.R. 500: Mr. Rush.

H.R. 521: Mr. McHugh, Mr. Walsh, Ms. Lofgren, Ms. Jackson-Lee, and Ms. Rivers.

H.R. 528: Mr. Horn and Mr. Gonzalez.

H.R. 551: Mrs. Morella.

H.R. 553: Mr. Ford, Ms. Pelosi, Mrs. Clayton, Mr. Fattah, Mr. Boucher, Mr. Watt of North Carolina, and Mr. Gonzalez.

H.R. 554: Mr. Bass.

H.R. 564: Mr. Dellums.

H.R. 586: Mr. Boswell, Mrs. Fowler, Mr. Gilchrest, Mr. Hefner, Mr. Hilleary, Mr. Holden, Ms. Jackson-Lee, and Mr. Smith of Michigan.

H.R. 588: Mr. Porter, Mr. Dellums, Mr. Waxman, Mr. Lantos, Mr. Gilchrest, and Mr. Weldon of Pennsylvania.

H.R. 607: Mr. PACKARD and Mr. LUTHER.

H.R. 612: Mr. BOSWELL, Mrs. TAUSCHER, Mr. SABO, Mr. BERRY, and Mr. RICHARDSON.

H.R. 621: Mr. ACKERMAN, Mr. CLYBURN, Mr. EVANS, Mr. FATTAH, Ms. LOFGREN, Ms. PELOSI, Mr. SANDERS, and Mr. WAXMAN.

H.R. 622: Mr. CRANE, Mr. ROYCE, Mr. ARCHER, Mr. GANSKE, Mr. KNOLLENBERG, Mr. WICKER, and Mr. KING of New York.

H.R. 630: Mr. CONDIT.

H.R. 640: Mr. BRYANT, Mrs. EMERSON, Mr. ROHRABACHER, and Mr. WHITFIELD.

H.R. 645: Mr. SENSENBRENNER and Mr. KLUG.

H.R. 646: Mr. SENSENBRENNER and Mr. KLUG.

H.R. 659: Mr. LAHOOD, Mr. GILLMOR, Mr. SOLOMON, Mrs. LINDA SMITH of Washington, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. PETRI, and Mr. BRYANT.

H.R. 665: Mr. LEACH.

H.R. 674: Mr. BISHOP, Mr. BARR of Georgia, Mrs. THURMAN, Mr. SHAW, and Mr. ROGERS.

H.R. 688: Mr. BALLENGER, Mr. HEFNER, Mr. ADERHOLT, Mr. PRICE of North Carolina, and Mrs. CUBIN.

H.J. Res. 1: Mr. NETHERCUTT, Mr. RADANOVICH, and Mr. BOEHLERT.

H.J. Res. 26: Mr. SENSENBRENNER and Mr. WELDON of Florida.

H.J. Res. 27: Mr. FOLEY.

H.J. Res. 47: Mr. FROST, Mr. MCGOVERN, and Mr. LIPINSKI.

H. Con. Res. 2: Mr. RUSH, Mrs. MALONEY of New York, Mr. HILLIARD, Mr. ADAM SMITH of Washington, Mr. RANGEL, and Mr. SERRANO.

H. Con. Res. 4: Mr. MCDERMOTT.

H. Con. Res. 13: Mr. STEARNS, Mr. CONDIT, Mrs. KELLY, Mr. MCDADE, Mr. TOWNS, Mr. TAYLOR of Mississippi, Mr. DEFAZIO, Mr. NEY, Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. BROWN of California, Mr. ACKERMAN, Mr. SMITH of New Jersey, Mr. MATSUI, Mr. HOYER, Mr. SKELTON, Mrs. MEEK of Florida, Ms. PELOSI, Mr. MCDERMOTT, Mr. GONZALEZ, Mr. MCGOVERN, Mr. BATEMAN, Mr. GILCHRIST, Mr. PICKETT, Mr. FILNER, Mr. GALLEGLY, and Mr. BALDACCI.

H. Res. 30: Mr. TIAHRT and Mr. SCARBOROUGH.

H. Res. 38: Mr. HILLIARD, Mr. BARTLETT of Maryland, Mr. FROST, Ms. RIVERS, Mr. LAMPSON, Mr. ANDREWS, Mr. MCDERMOTT, Mr. MEEHAN, and Mr. BENTSEN.

H. Res. 48: Mr. WALSH, Mr. GALLEGLY, Mr. CONYERS, Mr. MCHUGH, Mr. ENGLISH of Pennsylvania, and Mr. LATHAM.

EXTENSIONS OF REMARKS

ACHIEVING A CIVIL SOCIETY IN THE UNITED STATES

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. GINGRICH. Mr. Speaker, I want to encourage my colleagues to read the following report, "Achieving a Civil Society in the U.S." which was written by a nonprofit roundtable that I set up in my district to study the need to reform and improve the nonprofit sector.

Our Nation is the leading country on the planet, with both a successful economy and the greatest opportunities for success. However, our civilization is at the risk of decay. Poverty, crime, and drugs threaten the lives of countless citizens on a daily basis. Our mission must be to create an opportunity society where nonprofit organizations, businesses, and government work together to ensure everyone in this country can pursue the American dream of life, liberty, and the pursuit of happiness. All it takes to make a difference in the lives of those less fortunate, is to give a couple of hours, even just once a month. Such a commitment would make a tremendous difference in the quality of life of all Americans.

The report follows:

ACHIEVING A CIVIL SOCIETY IN THE UNITED STATES—JULY 5, 1996

Since September 1995, a group of executive directors and volunteer leaders from a cross-section of nonprofit organizations primarily in the Atlanta, Georgia, area with participation from Augusta, Dalton and Tifton, Georgia have been meeting periodically with the Speaker of the U.S. House, Rep. Newt Gingrich. The purpose of these meetings has been to begin a dialog about the role of the nonprofit sector in creating a civil society and the potential impact of federal policy on this sector.

Through the course of several meetings, Rep. Gingrich charged the group with the task of defining their vision for a transformational society, an ideal view of the future of America from the nonprofit standpoint.

A vision of a civil society is one on which most Americans can agree. It describes a country where the three sectors of society, nonprofit, business, government, cooperate to meet the needs of its citizens. In this ideal country, neighbors help neighbors, and the general populace is fed, housed, clothed, educated, and healed. In this civil society all citizens are actively engaged in their communities, dedicated to improving the quality of life for all.

The true challenge comes in trying to create a more concrete statement from this vision: a system by which individuals and their institutions—nonprofits, business and government—collaborate to create a civil society with the capacity to continually transform and reinvent itself as population needs change and new challenges arise.

Through a facilitated meeting, the group of nonprofit representatives developed several broad principles and recommendations on which to build such a system. This is only a start; there is much work and discussion left. This document represents a beginning; it also represents a consensus in regard to the conditions necessary to create a society that works for all Americans and gives individuals and families the power to create the communities they want.

HOW DO WE GET THERE: GROUNDWORK FOR ACHIEVING A CIVIL SOCIETY

1. Create a shared vision of the roles and responsibilities of each sector in building strong communities.

We are all in this together. Each of the three sectors-business, government and nonprofits—must understand our respective roles and responsibilities in keeping the "three legged stool" of a civil society upright. Our interdependence must be acknowledged, celebrated and undergirded through public policy, public relations, financing mechanisms and program development. Agreeing on relative roles and responsibilities of each sector is essential to achieving a civil society. And each sector must recognize and support the roles of the others in this society.

The nonprofit sector's unique role in the community is to be a model builder and pioneer for new social forms and human services. The flexible and entrepreneurial spirit which birthed most nonprofits is the appropriate environment in which experiments and innovative programs can be developed.

ACTION ITEMS/GUIDING PRINCIPLES

Nonprofit organizations working on the front lines of issues must clearly define and articulate best practices and develop new models of impact.

Nonprofits must take responsibility for being the voice of their constituents to all aspects of the organization's work and to the public policy table.

The federal government must take responsibility for accomplishing welfare reform in a way that does not leave behind or punish our country's most vulnerable citizens. It must also recognize that the private sector cannot fill the gap in funding currently proposed by Congress.

All three sectors must share the risks of change and work to communicate the shared vision to the general public. Public discussion should focus on a tripartite model which clearly articulates the civil sector's role as an equal partner in the creation of a new vision of our society.

We must develop a shared definition of healthy communities that allows for local flexibility at the same time identifies common benchmarks against which to measure impact.

In developing power from the federal to local governments, Washington must take responsibility and leadership for managing the change and measuring the impact of devolution on communities, nonprofits and state and local governments.

Privatization efforts must take into account the role of private nonprofits in accomplishing the task of delivering high-quality, cost efficient services.

Nonprofits must have a voice in government and in the planning of our future as a nation. It is especially essential that they have a fair say with regards to issues and legislation that directly affects them.

Business must bear its responsibility, as corporate citizens of its communities, for supporting the creation of healthy communities and civil society by providing funding, leadership and volunteers.

2. Together, define short- and long-term needs of communities and create plans to meet them.

As a society, with all sectors at the table, we must assess where we share a collective vision for creating a civil society which will transcend separate purposes of each sector, and create plans and policies needed to structure a civil society.

ACTION ITEMS/GUIDING PRINCIPLES

Nonprofits must move from a deficit-model approach to one that builds on existing strengths and assets in communities.

Government policy makers must look beyond this budget year or election year in planning for the future.

Nonprofits must develop long-term strategies that are focused on prevention and solutions while ensuring that basic human needs are met.

Nonprofits must learn to adopt the best practices of the corporate sector to sustain their community mission. They must know how to cost their services and bring greater efficiencies into their operations.

Funding sources—government and private—must allow for long-term solutions to be developed and implemented.

Government and nonprofits must work together to ensure that the process for transformation takes into account that this will be a time of great transition and develop ways to protect the most vulnerable in society during that time.

Planning must take place from a thorough understanding of past successes and failures.

3. Establish and promote true collaborations and partnerships within and among the sectors to work toward a civil society.

No single sector has the capacity, by itself to implement a vision for a civil society. No agency or business or department of government can bring about significant change unless it works with partners within its sector and the other two. Our success in transforming our society is dependent upon the three sectors working together. Collaboration must move beyond rhetoric to substantial action and must draw upon mutual respect, use of each sector's strengths and broad expertise.

ACTION ITEMS/GUIDING PRINCIPLES

Nonprofits must work together to define problems and bring best practices to light in their respective fields.

Nonprofits should strive to create high-quality, cost effective integrated service delivery systems across the human services continuum.

Funding sources—government and private—should recognize and fund costs associated with collaborative efforts among nonprofits.

Government should recognize and support partnerships with nonprofits as a desirable

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

method of providing services in the community.

Business must recognize that return on investment in the community through partnerships affects the corporate bottom line and the quality of life of its employees.

Each sector must actively seek partnerships to implement the shared vision.

4. Evaluate and implement financial reforms and incentives to support the shared vision. Provide revenue sources necessary to support the new vision.

Undergirding the creation of civil society are a number of economic factors. Transformation must include financial reforms and appropriate incentives for government, business and the nonprofit sector. Incentivized strategies will allow for the most creative and unencumbered approaches toward development of a civil society. Resources are each sector's investment in the shared vision.

ACTION ITEMS/GUIDING PRINCIPLES

Congress must protect the current tax-exempt status of nonprofits and expand the charitable deduction to non-itemizers.

Business must encourage employees to give both money and time to their communities.

Congress should develop tax incentives for business to become more involved in their communities.

Business should seek ways to partner with nonprofit organizations to leverage human and financial capital for community needs.

Nonprofits should seek ways for their constituents to invest in their services to create new revenue streams as they are available.

Business and government should create incentives for displaced workers to join in creating a civil society by working in nonprofit causes.

5. Establish requirements and measurement systems that will ensure mutual accountability for community outcomes.

The focus of accountability and regulation must go beyond cost-effectiveness and highlight outcomes leading the realization of our vision. Currently, in both the nonprofit and government sectors, accountability often relates only to process. The ultimate accountability questions in a civil society are: "What impact did we have in the community? What benefits, and at what cost?"

ACTION ITEMS/GUIDING PRINCIPLES

Impact measurements should be developed using common benchmarks among all three sectors, by which progress and success may be measured and all involved may be held accountable for their work.

A system to measure efficiency and impact should be developed specifically for nonprofit organizations.

Government regulations of the nonprofit sector should be focused on outcomes rather than on processes. Government should be especially sensitive to the effect of regulations on small, grassroots organizations and the tradeoff of impact for efficiency that burdensome regulations can cause. There should be a balance of regulation that brings about meaningful accountability without sacrificing the ability of nonprofits to have significant impact.

Intermediate sanctions should be developed to allow the IRS to impose targeted and proportionate measures on a public charity's officers, directors or other individuals in cases of abuse in nonprofits.

The emerging field of business ethics and accountability should align itself with community outcomes for the shared vision.

COMPUTER MODERNIZATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, January 8, 1997 into the CONGRESSIONAL RECORD.

COMPUTER MODERNIZATION IN THE FEDERAL GOVERNMENT

During the past several months, President Clinton urged Americans to work together to provide computers and an Internet link-up for every school and library in the country. The idea is to give every school child, indeed, every citizen, across the country the same access to information of every conceivable sort. This promises to expand greatly the educational and employment opportunities for all Americans. The President is surely right to focus on information technology as a key to education and opportunity in the 21st Century.

The federal government, however, has not been a model of successful computerization. The "reinventing government" effort has already resulted in a federal government that is smaller and cheaper in terms of proportion of our GDP than at any time since the early 1960's, but it has been hindered by the failure of the government to modernize its computer technology. While some agencies are doing a good job government cannot "work smarter" unless it has the best and most modern information tools.

Outdated Technology: The federal government spends about $30 billion per year on information technology, but sometimes it is hard to see the benefits. A recent report by the General Accounting Office, Congress' investigative arm, documented failures in government acquisition and management of information technology. This report criticized in particular two agencies that have direct impact on all Americans: the Federal Aviation Administration (FAA) and the Internal Revenue Service (IRS).

The FAA began a comprehensive modernization of the nationwide air traffic control system in 1981. Today, 16 years and several billion dollars later, air traffic controllers are still using 1960's-vintage equipment. The men and women responsible for the safety of passenger airliners depend upon equipment using vacuum tubes so antiquated that replacements have to be imported from Poland. As might be expected, this equipment is prone to frequent breakdowns. Experts say that several fatal airplane accidents could have been prevented by better computers. The good news is that air traffic controllers will finally begin to receive new and more reliable equipment this year. But it has taken too long, and cost too much.

The IRS has spent vast sums on new computers—some $4 billion to date—with only limited results. Most returns are still processed the old fashioned way, by hand, with error rates of as much as 16%. This waste is compounded by the fact that obsolete technology lets many tax cheats off the hook. The IRS itself has estimated that in 1995 it failed to collect $170 billion owed the government. If better computers allowed the IRS to collect even a fraction of that amount, it would go a long way toward balancing the federal budget.

Roots of the Problem: Why has the government spent so much money but fallen so far behind in information technology? One reason is the complexity of tasks we ask the federal government to do for us. For instance, keeping track of dozens or hundreds of aircraft flying through a particular sector, or managing the tax returns for a nation of 260 million people, are tasks which overwhelm most sophisticated supercomputers. Faced with "downsized" staffs and increased workload, the FAA and IRS attempted to leap to "new generation" computer systems. Unfortunately, they did not have the proper management or technical skills to oversee creation of this advanced technology.

A lack of management expertise has hindered attempts to automate operations throughout the government. The political appointees who run our agencies serve for a few years at most (an average Cabinet Secretary, for example, serves about 2 years), and do not possess the specialized skills necessary to oversee a multi-year technology project. The departure of many top managers from the government to the corporate sector makes a tough job even more difficult. The government, of course, cannot compete with the salaries offered by private companies. This loss of talent has been worsened in recent years by anti-government rhetoric, culminating in last winter's government shutdowns. This has hurt morale throughout the career civil service and prompted many of the best government professionals to seek other careers.

There are other reasons for the poor government track record on computer modernization. Congress, for example, has in some cases simply slashed budgets for technology, without providing alternative means for agencies to replace obsolete technology. In addition, government procurement rules have often impeded modernization efforts. These regulations were aimed at preventing waste and ensuring fairness in the purchasing of goods and services, but have often proved too restrictive and too cumbersome.

Moving Toward Reform: Fortunately, the situation is improving. In the past few years, Congress has passed new laws to improve procurement and the management of information, and to eliminate red tape. These new laws, drawing upon private sector models, have decentralized decision-making and made it easier for government agencies to act like private companies in negotiating the best deals when buying computers and other items. They have also mandated that agencies give higher priority to information technology modernization.

Early indications are that agencies are using their new administrative freedom well and making real gains. For instance, after implementing a new computer system, the Social Security Administration was ranked as offering the best telephone customer service in the nation. Also, the U.S. Postal Service, thanks to increased automation, achieved record on-time mail delivery in 1996. Congress must keep the pressure on so that we see more progress in the years ahead.

Conclusion: Hoosiers want government to work better and cost less. But as we ask government to do more with less by "working smarter", we have to make sure it has the proper tools to do the job. Congress and the President must work together to ensure that the federal government has the necessary management expertise and administrative flexibility to procure and effectively to use the best information technology. Only then can the government serve its customers better.

MEXICAN BAILOUT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. PAUL. Mr. Speaker, President Clinton, in his State of the Union Address, proudly announced that "We should all be proud that America led the effort to rescue our neighbor, Mexico, from its economic crisis. And we should all be proud that Mexico repaid the United States—3 full years ahead of schedule—with half a billion dollar profit to us." The reporting of this payback and the State of the Union Address was all favorable, highly praising the administration. The bailout was bipartisan so leaders of both parties were pleased with the announcement. International finance, just as it is with international military operations, is rarely hindered by inter-party fights that get so much attention. But there are several reasons why we should not be too quick to congratulate the money manipulators.

First, they merely celebrate the postponement of the day of reckoning of their financial Ponzi scheme. It took $50 billion in United States dollars to save creditors who had unwisely invested in Mexico prior to the crisis of 2 years ago. Much of this $50 billion also included U.S. credit extended through the IMF, the World Bank, and the Bank of International Settlements, much of which is yet to be repaid.

Second, foreign government welfare, and there is no better name for it, takes money out of the productive sectors of the economy—the paychecks of middle-class Americans—to reward economic mismanagement and political corruption. Such welfare exacerbates Mexico's suffering: social disruption, economic stagnation, debt crises, and declines in real incomes.

Third, a new fund set up under the IMF will serve to bail out the next Mexico in trouble. The plan calls for the establishment of a $25 billion credit fund with the United States ponying up $3.5 billion. This fund is in addition to the IMF funds already available for such crises. Mexico has also received help from the Inter-American Development Fund; again, indirectly supported by United States taxpayers. These funds indirectly guarantee the newly-issued Mexican Government bonds and undermine the normal incentive for investors to police governments.

As such, more confidence is now being placed in new Mexican bonds enabling Mexico to refinance its old loans. Of course, it is at slightly lower interest rates, but they are more than doubling the time of repayment. All investments involve some risks. The rewards of such risk-taking are appropriately realized by investors as loans are repaid. American taxpayers should not, however, be forced to subsidize the Wall Street financier any time such entrepreneurial ventures are unprofitable. The true test of the professed confidence in Mexico will come from the level of private investment into the productive sectors of the economy.

Fourth, the Fed is allowed to hold Mexican bonds and use them as collateral for our own Federal Reserve Notes. It does so, even though it will not admit it, and refuses to reveal just how much it holds. It is quite possible that the newly issued Mexican bonds will find their way into the Fed's holdings. How far down the road we have traveled from constitutional money when we are backing the dollar not with gold but with Mexican bonds!

Fifth, a likely motivation for this fanfare regarding the repayment of the loans, and the so-called profits engendered, is to get the United States Congress to go along with using this money to pay our back dues to the United Nations. How about paying our so-called U.N. back dues with our Mexican bond holdings?

The use of the Exchange Stabilization Fund to bail out the peso was illegal and unconstitutional, and yet now we have a precedent not only established but praised for its great success. This precedent encourages political currency manipulation over sound fiscal and monetary policies as well as establishes the United States as lender of last resort for all governments with bad policies.

President Clinton claims that "We stand at another moment of change and choice—and another time to be farsighted, to bring America 50 more years of security and prosperity." He earlier told us the "era of big government is over," but calls for full burden sharing through the IMF in a multilateral way with the Mexico agreement. We need to end this shell game of masking economic mismanagement by circumventing both the Constitution and Congress.

We must stand firm in our opposition to the establishment of new extra-governmental agreements that will reward governments with irresponsible policies which, at the same time, punish their own people and erode U.S. sovereignty. Such policies take us one step further from a constitutional rule of law, and institutionalize the United States as the world's lender of last resort—all at the expense of the American taxpayer.

Political and economic factors can override, only in the short run, the subtle reality that the fiat nature of the dollar guarantees its inherent weakness and steady depreciation. This new easy credit scheme that the Government creates by fiat only expands the World Dollar Base leading to U.S. dollar depreciation and reduced buying power.

In essence, the bailout of Mexico and the financing of the payback with interest, to the sheer delight of the politicians and their Wall Street constituents, were done on the back of the United States dollar and the United States taxpayer. The real consequence, however, will not be felt until dollar confidence is lost which will surely come and be accompanied by rapid inflation and high interest rates.

INVESTMENT COMPETITIVENESS ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. CRANE. Mr. Speaker, today I am introducing the Investment Competitiveness Act along with my colleagues, Ms. DUNN and Mr. MCDERMOTT. In a nutshell, this legislation is designed to encourage additional foreign investment in the United States by eliminating a tax that we impose on foreigners only when they invest in the United States through a U.S. mutual fund. As chairman of the Ways and Means Subcommittee on Trade, I view this tax issue from the trade perspective—we ought not be setting up artificial barriers to trade or investment, particularly when others do not require the same of us. Such a policy is not only contrary to basic free market principles, but leaves us with a tax policy that discourages foreign investment in the United States through mutual funds—meaning the money goes elsewhere. Our ability to encourage foreign investment in U.S. securities will help lower capital costs and interest rates here at home. That means that money will be more easily available for entrepreneurs to create and expand business opportunities, meaning more job creation in the United States.

Under present law, most kinds of interest and short-term capital gains received directly by a foreign investor or received through a foreign mutual fund are not subject to the 30 percent withholding tax on investment income. However, interest and short-term capital gain income, when received through a U.S. mutual fund, are subject to the withholding tax. Without getting into too much detail on the technical aspects of the bill at this time, I would simply say that this legislation would modify the tax treatment of income received by a foreign investor through a U.S. mutual fund so as to make it generally comparable to the tax treatment of the same income when received directly or through a foreign mutual fund.

Mr. Speaker, I believe this legislation makes good sense both from a tax and trade policy perspective, and I urge my colleagues to lend their support.

TRIBUTE TO THE HONORABLE FRANK TEJEDA

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SPENCE. Mr. Speaker: It is with great sadness that I rise today to honor my friend and colleague, Frank Tejeda, who served our Nation in the House of Representatives for the last 4 years of his life. I wholeheartedly support H.R. 499, legislation which designates a U.S. Postal building in San Antonio to be named the "Frank M. Tejeda Post Office Building". Though this is a small gesture with which to recognize Frank's life work, this monument will serve as a testimonial to Frank's heroic public service in his hometown of San Antonio and for our Nation at large.

Frank's career as a dedicated public servant is highlighted by his ongoing commitment to our national defense. He joined the Marines when he was only 17 years of age. While serving in Vietnam, he earned the Bronze Star for valor and the Purple Heart for sustaining wounds during an enemy ambush. Frank was also awarded the Commandment's Trophy, the Marine Corps Association Award, and the Silver Star.

After returning from Vietnam, Frank attended Marine Officers Candidate School and attained the highest grades in the history of the school. He continued on to earn his bachelor's degree in government from St. Mary's College. After graduating from college, Frank went on to earn several high academic degrees from our country's most prestigious schools: a juris doctor from the University of California at Berkeley, a masters degree in public administration from Harvard, and a master of laws degree from Yale.

Prior to being elected to Congress, Frank served 16 years in the Texas legislature: 10 years in the Texas House of Representatives and 6 years in the Texas Senate. Throughout this time, Frank championed veterans' issues and especially, veterans' housing and medical care.

Frank was a valued member of the House National Security Committee for the duration of his career in Congress. I and the other members of the committee will miss him and the high ideals that he brought to his work. As a member of the National Security Committee, Frank fought against defense spending cuts and base closures that would have negatively affected the Nation.

Frank Tejeda was an exceptional politician and a patriotic American. I am thankful to have known him and to have worked alongside him. His leadership, intellect, and friendship will be greatly missed by us all.

PRE-NEED FUNERAL TRUST BILL

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I recently introduced legislation (H.R. 684) to relieve the tax burden for individuals who have purchased preneed funeral trusts. A preneed funeral trust is one in which monies are set aside for future funeral costs, in order to alleviate funeral expenses that may abruptly saddle remaining family members with tremendous and even unexpected financial burden. Individuals usually enter into a contract and purchase preneed funeral trusts with funeral or burial service providers, deciding at that time on final arrangements for themselves and/or family members.

H.R. 684 would remedy a bureaucratic inequity related to preneed funeral trusts which was created by a January 29, 1988 Internal Revenue Ruling (87–127). Under this IRS ruling, individuals purchasing preneed funeral trusts are required to report money in these trusts on their 1040 income tax forms and pay taxes on the interest income earned by these trusts, despite the fact that this interest is not returned to the purchaser. This has created confusion on the part of the purchasers who believe it unfair that they be assessed this tax on interest they never receive nor benefit from.

The ruling also established two classes of taxpayers with disproportionate tax treatment. Trusts purchased before the effective date of the ruling were subject to a grandfather clause, establishing a significant inequity between trusts purchased before and after the effective date.

H.R. 684 would require providers of preneed funeral trusts—funeral homes or cemeteries—to pay the tax on interest earned on the trusts, unless the interest is returned to the purchaser.

A related provision from the Ways and Means Committee was included in the vetoed Balanced Budget Act of 1995 that would have allowed providers of preneed funeral trusts to elect to pay the tax on interest earned on these trusts.

I urge my colleagues to support H.R. 684 to relieve families from unwarranted taxes.

RETIREMENT OF MAJ. GEN. RAYMOND PENDERGRASS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SKELTON. Mr. Speaker, Raymond Pendergrass prepares to retire more than 48 years after first donning a uniform. A native of Boonesville, AR, he first joined the Armed Forces as a member of the Air Force Reserves in September, 1948, then joined his hometown Army National Guard unit, the 217th Medical Collecting Company, a litter bearer unit. The unit was called to active service in August 1950 and deployed to Korea, where General Pendergrass served with them through June 1952.

By the time he moved to Missouri, General Pendergrass had been commissioned and served with signal and armor units. Locating in Rolla, MO, he joined the 1438th Engineer Company, and later would command the company.

He moved through the ranks, and at the time of his retirement as a colonel in February, 1986 was deputy commander of the 35th Engineer Brigade. His time in the retired ranks lasted 7 years almost to the day. Missouri Gov. Mel Carnahan recalled him to duty and he became Missouri's adjutant general in February 1993.

Immediately General Pendergrass had to deal with difficult reorganization decisions facing the National Guard as a result of the post-cold war reductions being made to the Army and Air Forces. But in only 4 months a more acute challenge faced him, the great flood of 1993.

Beginning in July 1993 and for the next 2 months, General Pendergrass led the men and women of the Missouri National Guard in its largest State emergency mission ever as both the Missouri and Mississippi Rivers overran their banks and everything in front of them.

General Pendergrass and the men and women of the Missouri National Guard worked with scores of State and Federal agencies to provide a response capability unequaled anywhere during that massive multi-State disaster.

General Pendergrass applied his leadership skills to ensure that the forces of the Missouri National Guard were equally accessible for Federal missions. During his tenure as adjutant general, units and individuals from the Missouri National Guard have served with distinction from Germany to the Balkans in Operation Joint Endeavor, and earlier in Somalia, Haiti, and Rwanda. During the same period his units led our nation-building efforts in Latin America, building roads and schools and providing medical care to families in isolated rural areas from Belize to Panama.

Through all his years of service to our Nation, Raymond Pendergrass has been more than a military leader, more than a man who knows that leading involves teaching. He has served as a gentlewoman willing to answer the call time after time, even returning from well-earned retirement. He is more than one of the last to remain in uniform with a Korean War combat patch on his right shoulder. He is a leader whose distinguished career is surely in the finest tradition of the American citizen soldier.

UNITED STATES-INDONESIAN RELATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. HAMILTON. Mr. Speaker, I ask permission to include in the RECORD an exchange of letters with the State Department regarding United States relations with Indonesia.

Mr. Speaker, Indonesia, which is the world's fourth largest country in terms of population, will almost certainly play an important role in Asia in the 21st century. An effective American presence in Asia will be far more likely if our relations with Indonesia are on a sound footing. Unfortunately, there are a number of issues—most notably, East Timor, human rights, and labor rights—that at present limit our ability to develop strong across-the-board ties with Indonesia.

Given the actual, and even more the potential, importance of this bilateral relationship, I encourage my colleagues to read the enclosed exchange of letters.

COMMITTEE ON INTERNATIONAL RELATIONS,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 20, 1996.

Hon. WARREN M. CHRISTOPHER,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: I write in order to share with you some of my thoughts on the U.S. relationship with Indonesia.

I believe it is very much in the U.S. interest to have a fundamentally sound relationship with Indonesia. Unfortunately, I fear that we are reaching a point where it may be impossible to sustain political support in the Congress for such a relationship. Certainly a repetition of the events associated with the Jakarta riot last July, and the government's subsequent crackdown on its critics, would undermine congressional support for solid relations with Indonesia.

For this reason, I would urge you and other senior administration officials to make certain that President Suharto understands that the maintenance of a cordial U.S.-Indonesian relationship depends upon the avoidance of any further upheavals in either East Timor or the rest of Indonesia.

Given the importance of the East Timor issue to many Members of Congress, you might suggest specific steps Jakarta could take to ease tensions in East Timor and assuage congressional concern in Washington. Reducing the number of Indonesian troops and police in East Timor would be an invaluable first step. In addition, you might encourage the Indonesian government to:

Continue and accelerate Indonesia's dialogue with Portugal regarding East Timor.

Recognize the importance of bringing the East Timorese themselves into a dialogue regarding the future of the province.

Grant increased access by international human rights organizations to all areas of Indonesia, including East Timor.

Provide for a full accounting for those who have been killed or "disappeared" in recent years.

Ensure that if the security forces do commit abuses, punishments are carried out in a manner that will act as a deterrent to future abuses,

Finally, Mr. Secretary, I would urge you and your colleagues in the administration to pay particular attention in the coming months to the need for informing Members of Congress of the many ways in which a constructive relationship with Indonesia serves U.S. interests. Many Members of Congress think of Indonesia almost exclusively in terms of either East Timor or worker rights issues. Certainly these are important issues, but they are not the only issues which ought to drive U.S. policy toward what is, after all, the world's fourth largest state. I would urge the administration to give a higher priority to the need for articulating the case for a cooperative relationship between the United States and Indonesia.

I believe that the President's reelection two weeks ago gives us a crucial opportunity to lay the groundwork for an effective American presence in Asia well into the 21st century. Indonesia will almost certainly play a leading role in Asia in the years to come, and I look forward to working closely with the administration over the next four years to strengthen our ties with this important country.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC, January 30, 1997.

DEAR MR. HAMILTON: Thank your for your letter of November 20 in which you commented on the U.S.-Indonesia relationship.

We appreciate your thoughtful comments. We share your concerns, both about human rights violations in Indonesia and the continued tension in East Timor, and the problems these issues could pose as we work to preserve Congressional support for a relationship that has contributed so much to the stability of the Southeast Asia region and has proven so beneficial to U.S. security and economic interests.

Indonesia is entering a protracted period of political transition that will determine the country's future in the post-Soeharto period. The widespread arrests of political dissidents that occurred in the aftermath of the July 27 riots in Jakarta are particularly troubling. Although it is the Indonesian people and government who ultimately will shape their nation's future, we believe we can and should help encourage the development of civil society in Indonesia. To this end, we have worked to promote a greater respect for human rights and democratic principles of governance.

We concur with your view that we must ensure as well that the Indonesian Government understands that sound U.S.-Indonesia relations depend on improvements in the human rights situation and progress toward resolution of the East Timor question. Secretary Albright, Acting Assistant Secretary Kartman, and Ambassador Roy have and will continue to underscore at every opportunity that our bilateral relationship is important but cannot reach its full potential until Indonesia's human rights performance improves.

With regard to East Timor, we strongly support the ongoing UN-sponsored talks between Indonesia and Portugal and the intro-Timorese discussions. We have consistently urged the Indonesian Government to implement tension reduction measures and will continue to do so, drawing on the excellent advice include in your letter. These initiatives as well as a growing realization that the world is watching seem to have had a positive effect in East Timor, as the Indonesian authorities recently have maintained considerable restraint in the face of large demonstrations in support of Bishop Belo.

Recently, the Indonesian military has taken steps to try to correct its human rights shortcomings. Abuses by troops, for example, have been followed up by courts martial and in some cases by prison sentences. Furthermore, in some instances the military honor boards have been headed by graduates of U.S. International Military Education and Training (IMET) programs. These same officers also have helped incorporate human rights materials in Indonesian military training courses and, in the province Irian Jaya, have been responsible for issuing new rules of engagement manuals that include human rights principles.

Your suggestion that we should continue to pay special attention to informing Members of Congress of the benefits the U.S. derives from our relationship with Indonesia is well-taken. In this regard, we have and will continue to press the Indonesian government to authorize Congressional travel to East Timor so that members can assess first-hand the human rights situation and economic development there.

Although the Administration is strongly committed to advancing the cause of human rights in Indonesia, we must also craft our initiatives in a balanced manner that preserves and promotes the cooperative relationship from which both countries derive important benefits. To accomplish this and to enhance our limited influence on internal developments in Indonesia, we will have to approach the Indonesian first as a friend—a nation which recognizes their contributions and can, therefore, speak frankly about what further progress is needed to allow the relationship to reach its full potential.

We greatly value your counsel on the challenges we face and look forward to working with you to pursue a course that advances the full range of interests that characterize our bilateral relationship with Indonesia.

Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

TRIBUTE TO WILLA J. HAWKINS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. KILDEE. Mr. Speaker, it is truly an honor to rise before you today to pay tribute to an individual who exemplifies the very best in civic pride and responsibility, and who has shown how gifted a woman she is by her actions and spirit. On Saturday, February 15, 1997, a luncheon will be held to honor Willa Junior Hawkins for her distinguished service to the citizens of Flint, MI, in her roles as educator, administrator, activist, and community leader.

Willa Hawkins, a resident of Flint, MI since the age of 6, graduated from Northern High School, and received degrees from Michigan State University and Eastern Michigan University in the field of education. She took those degrees and put them to use as a teacher in the Flint Public School system for 15 years, and as a principal for 17 years.

In addition to helping cultivate our most precious natural resource, our Nation's children, Mrs. Hawkins developed an interest in politics, beginning in the 1960's with her participation in the civil rights march in Washington, DC. She continued her involvement by working on various campaigns, including serving as campaign manager for 12 years for County Commissioner Sylvester Broome. Upon Commissioner Broome's death in 1991, Ms. Hawkins made the transition from campaigner to candidate as she was appointed commissioner and was later elected to the position, holding it until December 21, 1996.

Because of Ms. Hawkins' stellar reputation as a writer, planner, and organizer, she has served on numerous Genesee County boards including Community Mental Health, Community Action Agency, and Parks and Recreation Commission. She has also served with the Valley Area Agency on Aging, New Paths, Food Bank of Eastern Michigan, and Transition House board of directors.

Mr. Speaker, it is with a tremendous amount of pride that I appear before you today to recognize my colleague, my constituent, and my friend, Willa J. Hawkins. In the time I have known her, she has been a person who cannot help but make a lasting impact on everyone she comes in contact with. I ask you, Mr. Speaker, and my fellow members of the 105th Congress to join me in recognizing Mrs. Willa J. Hawkins.

TRIBUTE TO LOCKWOOD GREENE

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. INGLIS of South Carolina. Mr. Speaker, I would like to recognize Lockwood Greene, one of the country's largest design-build consulting firms and a fine company located in Spartanburg, SC, in my district. On February 19, Lockwood Greene will donate more than 5,000 original engineering drawings to the Smithsonian's National Museum of American History so they may be preserved for all to enjoy.

The works date to the mid-1800's and provide a historical look at how America evolved as new technologies were invented. Included in the collection are drawings, depicting how power was transmitted through a factory before the introduction of electricity; drawings recording the emergence of water as a form of power; and designs for radio stations that were built shortly after World War II. Lockwood Greene has a long history of contributions to engineering, beginning with its founding in New England in 1832 and continuing today with its headquarters in South Carolina.

I commend Lockwood Greene and its chairman, Donald R. Luger, for their tremendous gift to the Smithsonian and for preserving these wonderful designs, which lend so much insight into the history of both American engineering and our cultural development. I am pleased to represent the employees of Lockwood Greene.

TRIBUTE TO JO KAPLAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Jo Kaplan, who has devoted her legal career to representing the poor, the underprivileged, and children. As both a member of the Los Angeles County Public Defenders Office and a lawyer in private practice, Jo has dedicated herself to helping those members of society who are desperately in need of help. Through her tireless efforts and selfless ways, she has made life better for so many.

Jo's husband, Larry Feldman, is a close friend of mine, and I know how proud he is of his wife's accomplishments. There is so much to tell. For example, since graduating from UCLA Law School in 1968, Jo has been a leader in getting more humane treatment for juvenile prisoners. She began by working in the public defenders office and later with then-Los Angeles County Supervisor Jim Hayes on ways to improve the lot of children held in detention. This included advocating a right to treatment for incarcerated youths, meaning the State had an obligation to try to give them ameliorative treatment while they were in custody.

After leaving the public defenders office, Jo established her own practice, quickly becoming a recognized expert in juvenile law in Los Angeles County. During this period she continued to work for better conditions for juveniles housed in mental hospitals, camps, group homes, and local county-run detention facilities. In recent years, Jo has broadened her area of advocacy to include reasons why children turn to crime. She concluded that almost all her clients started out as abandoned, abused, and/or neglected children. She has represented both parents and children in Los Angeles County Dependency Court with the idea that the parties need help, not punishment.

Since 1990, Jo has been head of one of the law firms of Dependency Court Legal Services. Currently, her firm represents over 10,000 children, ranging from infants born with drugs in their system to legally orphaned 19-year-olds who have been raised in our foster care system.

I ask my colleagues to join me today in saluting Jo Kaplan, whose dedication to the rights and well-being of children is an inspiration to us all.

IN HONOR OF WARD CONNERLY

HON. CHARLES T. CANADY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. CANADY of Florida. Mr. Speaker, I rise today in commendation of Ward Connerly for his singular contributions to the fight for equal opportunity for all Americans. Ward Connerly has fought tirelessly to bring an end to the discriminatory practice of giving preferential treatment to individuals based on race or gender. His accomplishments in the cause of equality are a tribute to his strong will and character.

As a member of the University of California Board of Regents, Ward Connerly successfully led the fight to end the university's practice of using race as a factor in admissions. His example should be a beacon to national academic institutions, illuminating a brighter path toward policies which truly reflect the American understanding of equal opportunity.

Ward Connerly continued his struggle against preferences as the leader of the grassroots movement that brought the California civil rights initiative to fruition. Through his efforts, more than 1 million signatures were obtained in support of CCRI, which was placed on the November ballot. After a vicious campaign of distortions waged by its opponents, the initiative received 54 percent of the vote: The people of California let it be known that they wanted an end to the unjust policy of race and gender preferences in hiring, contracting, and college admissions.

Today, Ward Connerly is chairman of the American Civil Rights Institute. This new civil rights organization is dedicated to educating the American public about race and gender preferences. Through the institute, Mr. Connerly will again be at the forefront of this debate, carrying the banner of equal opportunity throughout the Nation and to Washington. I know of few other people who can shoulder such a burden with the exemplary combination of determination and grace that Mr. Connerly has demonstrated.

In a world where rhetoric rarely matches action, Ward Connerly practices what he preaches. As a young man, he did not stand outside the ring, waiting for an invitation to enter. He climbed in, fighting difficult odds. Through hard work and sacrifice, he paid his way through college. Then, he would not let the color of his skin hold him back; now, he refuses to let it win him favor.

Ward Connerly fights for the belief in fairness that lies at the heart of the American spirit. What lessons are we teaching our children if, on the one hand we say discrimination is wrong, yet on the other, practice the very discrimination we denounce? Our actions must reflect our principles. We simply cannot build a colorblind society by requiring that people be colorcoded. The examples we set for our children should reflect the principles of equal treatment that this great Nation embodies.

Ward Connerly is living proof of what we can accomplish through hard work and devotion to principle. When others have shied away, he has stood his ground. When others have quit, he has presevered. And where others have failed, he has succeeded. Today, despite the worst kind of personal attacks, Ward Connerly maintains his dignity and courage. It is people like Ward Connerly, who are determined to unite America—not fragment it along racial, ethnic, or gender lines—that will lead this Nation into the 21st century. Indeed, Ward Connerly is worthy of our praise and admiration.

LEGISLATION TO BAN THE USE OF PANTOPAQUE IN MYELOGRAMS

HON. JAMES A. TRAFICANT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. TRAFICANT. Mr. Speaker, arachnoiditis easily qualifies as a disease of the nineties. It has been described as "the greatest enigma in the field of spinal surgery" with few surgeons ever having seen it, and even fewer knowing how to treat it. In simple terms, arachnoiditis means "inflammation of the arachnoid," and is characterized by chronic inflammation and thickening of the arachnoid matter, the middle of the three membranes that cover and protect the brain and spinal cord.

Arachnoiditis may develop up to several years after an episode of meningitis or subarachnoid hemorrhage—bleeding beneath the arachnoid. It may be a feature in diseases and disorders such as syphilis or it may result from trauma during a diagnostic procedure known as a myelogram. According to the Arachnoiditis Information and Support Network, more than 300,000 myelograms are performed in this country every year. Of the 12 million Americans who suffer from arachnoiditis, the cases resulting from myelograms could have been avoided.

In a myelogram, a radiopaque dye is injected into the spinal subarachnoid space. After the x-ray examination, as much of the oil as possible is withdrawn; however, a small amount is left behind and is slowly absorbed. Studies have implicated the iodized oil contrast medium, Pantopaque, in arachnoiditis. Water-soluble dyes such as Amipaque, Omipaque, and Isovue were once thought to be safer for use, however, recent evidence proves they also cause arachnoiditis. In fact, Harry Feffer, Professor of Orthopedic Surgery at George Washington University states that patients who have had two or more myelograms stand a 50-percent chance of developing arachnoiditis. Numerous studies on animals have confirmed these findings.

Symptoms of arachnoiditis include chronic severe pain and a burning sensation which may attack the back, groin, leg, knee, or foot and can result in loss of movement to almost total disability. Other symptoms include bladder, bowel, thyroid, and sexual disfunction, as well as headaches, epileptic seizures, blindness, and progressive spastic paralysis affecting the legs and arms.

In the past few years, arachnoiditis sufferers and Members of Congress alike have repeatedly asked the FDA to recall the use of Pantopaque. The FDA has clearly not reviewed the safety of Pantopaque—oil-based—as well as waterbased dyes, in spite of medical evidence. As a result, I have introduced a bill to ban myelograms involving the use of Pantopaque, Amipaque, Omipaque, or Isovue.

This legislation is not a new idea. Since 1990, Britain and Sweden have banned the use of Pantopaque in myelograms. In fact, a class action suit is still pending in Britain consisting of 25,000 people, 1,500 of which are nurses. In 1986, Kodak, the company that makes Pantopaque, voluntarily stopped distributing the drug in the United States, due to public pressure. Pantopaque has a 5-year shelf life. The last batch was due to expire April 1, 1991. However, the use of Pantopaque has continued, with the Arachnoiditis Information and Support Network having documented a case in September 1993 and hospitals stocking the dye as recently as April 1994. Undocumented cases of use continue.

A large number of medical professionals do not know how to diagnose myelogram-related arachnoiditis, and when they do, they cannot treat it. Medical journals and case studies from around the world document the connection between radiopaque dyes and arachnoiditis. Despite this documentation, the medical profession as a whole has not been effectively informed and still persists in its use. Moreover, the lack of information prevents the physician from recognizing the disease or side effects of the residual dyes after the fact. The time has come for thorough research to study this painful, disabling condition. The legislation I have introduced today will direct the National Institute of Neurological Disorders and Stroke to estimate the number of Americans suffering from myelogram-related arachnoiditis and determine the extent of this relationship.

Every year, chronic back pain is responsible for billions of dollars in lost revenues and millions more in health care costs. The American Journal reports that chronic low-back pain is estimated to cost $16 billion annually in the United States. Occupational research finds that back injuries, pain, and complications cost an average of $15,000 per incident. According to The Power of Pain by Shirley Kraus, 100 million Americans are either permanently disabled or are less productive due to back pain. Those who do work lose about 5 work days per year, a productivity loss of $55 billion. Interestingly enough, these figures only refer to chronic back pain patients. Almost all arachnoiditis sufferers eventually become totally disabled, becoming permanent fixtures on the rolls of social security, disability, welfare, and medicaid.

Arachnoiditis sufferers want to become functioning, contributing members of society again. The Traficant legislation will provide research for treatments for arachnoiditis sufferers, including treatments to manage pain. Pain-management treatments would enable sufferers to once again become active, working members of society.

It's time to protect unsuspecting Americans from this debilitating and preventable condition. I ask Members of Congress to join me by cosponsoring my legislation.

SALUTE TO BLACK HISTORY MONTH

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SCHUMER. Mr. Speaker, I urge my colleagues to join me this February in celebrating Black History Month. I would like to take a moment to reflect on the courageous leadership and civic duty that has shaped the communities of New York throughout this decade. As we approach a new century, New Yorkers of all ethnic backgrounds will face a new set of economic, social, and political challenges. If we stop and recognize the perseverance of African-Americans in times of change, their record of commitment to the pursuit of prosperity, integrity and opportunity for their families and friends speaks for itself.

The tireless work of community and religious leaders in guiding African-American communities have done much to improve the quality of life in our city. I am proud to honor this important occasion where African-Americans join hands to acknowledge their accomplishments and their unique contributions to our society and the world.

The level of civic participation in today's culture is depressingly low among average American citizens. However, I am always inspired by the surge of community spirit and leadership from African-Americans in New York. Our society would be a better place if more Americans emulated the civic duty and moral strength of their African-American counterparts. I hope that Black History Month is recognized and honored by citizens of all backgrounds. I honor the work and vision of my African-American colleagues in Congress and throughout New York. May our city continue to be blessed with their leadership.

PERSONAL EXPLANATION

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. ROEMER. Mr. Speaker, on February 5, 1997, I was not present for rollcall votes No. 9 and No. 10 due to the birth of my daughter Sarah Kathryn Roemer.

Had I been present, I would have voted "yea" for rollcall vote No. 9 and I would have voted "yea" for rollcall vote No. 10.

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25 YEARS OF GLORY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor a person special to Livonia, MI: Father George Shalhoub.

For the last 25 years, Fr. George has been a spiritual leader, church builder, educator, loyal husband, and father. He was the driving force that built St. Mary Antiochian Orthodox Church, making the church what it is today.

Born in Lebanon, George Shalhoub immigrated to America and in 1972 he married his wife, Nouhad, was ordained as a priest, and assigned to the newly established St. Mary Orthodox Church within 2 weeks.

After the birth of their first child the following year, St. Mary's broke ground for the new church and fellowship building. In March 1976, the congregation, led by Fr. Shalhoub, celebrated its first divine liturgy in their own church.

After years of building, growth, and progress, tragedy struck in April 1996, testing the strength of the Fr. Shalhoub and the entire St. Mary's family. Their church was destroyed by fire.

But just 6 months later, thanks to the hard work, leadership, and dedication of Fr. Shalhoub, St. Mary's was resurrected from the flames like the phoenix.

This week George, Nina, their four children, and the entire St. Mary's congregation celebrate 25 years of strength, dedication, commitment, and faith. I extend my heartiest congratulations on their special anniversary.

LET'S SHOW THE PUBLIC WE'RE SERIOUS ABOUT REDUCING THE SIZE OF FEDERAL SPENDING: REFORM OUR CONGRESSIONAL PENSION SYSTEM

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. PITTS. Mr. Speaker, today I introduced a bill to reform the pension system for Members of Congress and their staff. My bill, the Congressional Pension Reform Act, will make the pension benefits for Members of Congress the same as other Federal employees.

The Congressional Pension Reform Act of 1997 reduces the pension accrual rates for Members of Congress and their staff members. A pension accrual rate is the percentage of pre-retirement pay earned in pension benefits for each year of service. Under my bill, those congressional Members and staff who entered Federal service before 1984 will have their accrual rates reduced from 2.5 percent to between 1.5 and 2 percent, depending on how long a person has worked for the Federal Government. For Members and staff who began Federal service after 1984, their accrual rates are reduced from 1.7 percent to 1 or 1.1 percent. These changes will save the taxpayers about $9 million over 6 years.

As a member of the House Budget Committee, I realize that we as legislators have to make tough decisions which limit the size of our Federal Government. We need to shift responsibilities from a bloated Federal bureaucracy to families and local communities. I want to demonstrate to the people of Lancaster and Chester Counties that I will impose sacrifices upon myself and the rest of Congress which are similar to those we ask others to make.

Mr. Speaker, I believe that Members of Congress should be treated like every other Federal employee. By reforming our own pension plan, we can reduce the perks of elected office which have no place in our Federal Government and which shake the public's confidence.

On January 30, I wrote to Budget Chairman JOHN KASICH to urge that my provisions on congressional pension reform be included in the majority's balanced budget package. Further, I plan to have my bill included in the budget reconciliation bill so that our shared goals of reducing Government spending and reviving the public's trust in this body can become a reality. I thank the Speaker, and look forward to working with him to reform our pension system.

THE STATE OF THE UNION ADDRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 12, 1997, into the CONGRESSIONAL RECORD.

THE STATE OF THE UNION ADDRESS

Declaring that we have no imminent threat and that the enemy of our time is inaction, President Clinton issued a call to action in his State of the Union address. It was a call to keep our economy and our democracy strong, to strengthen education and harness technology, to build stronger families and communities, and to keep America the world's strongest force for peace, freedom, and prosperity. The President used more of the "bully pulpit" in the speech, often using rhetoric and challenges to the American people rather than urging new federal programs.

In many ways, the address distilled the President's thinking about what is needed to prepare the American people for the 21st century. He said we need to "take the tough decisions in the next four years that will carry our country through the next fifty years".

ROLE OF GOVERNMENT

The President sought to define himself, his agenda, and his presidency for the American people, and he certainly summed up his view of government. He said we must be committed to "a new kind of government—not to solve all our problems for us, but to give all our people the tools they need to make the most of their own lives".

The President clearly focused on small, incremental proposals rather than the sweeping federal initiatives he proposed when he first took office, such as health care reform. Even when the President promises to focus time, energy, and money on an issue—like education—he proposes something less than an all-out federal assault. Overall, he brought together many proposals from his recent speeches in an effort to frame a program that seems significant but would cost relatively little.

DOMESTIC PRIORITIES

His discussion of his domestic priorities was by far the most detailed portion of his speech. Often he spoke about problems that the nation's governors have been talking about, such as education and crime.

The President spoke crisply, and with conviction. He showed genuine passion as he talked about his number one priority for the next four years—ensuring that Americans have the best education in the world. Recognizing widespread concerns about education, he called it "one of the critical national security issues for our future". He then dealt in rapid-fire fashion with most of the policy areas on the nation's agenda. He wants to expand Head Start, extend the family and medical leave law, expand medical research and technology, mount a full-scale assault on juvenile crime, and clean up 500 toxic waste sites. He wants low-tax empowerment zones in urban areas to encourage revitalization.

His education proposals call for a 40 percent increase in federal spending on education by the year 2002. He set out a ten-point plan to renew education at all levels; especially noteworthy for me was his emphasis on teachers. So much of the discussion on reforming education has omitted the key importance of teachers. More controversial was his call for education standards. Most everybody is demanding improvement in the quality of education, recognizing the wide variety in what schools teach and students learn among the states and the counties. Most past efforts to create national education standards have been either ignored or diluted, and the U.S. is one of the few industrialized countries without specific national requirements for what students should know. The challenge here is to help students and teachers to know what to strive for in class without creating more federal intrusion into the schools.

The most moving portion of the speech came at the end when he called for one America, emphasizing that diversity is our strength, not a weakness, and that we must all be "repairers of the breach". Even after a long speech, the audience was clearly moved by the president's conclusions and plea for unity amidst diversity.

His bluntest statements were in opposition to the balanced budget amendment to the constitution, even as he made a strong plea to balance the budget. He stated that a constitutional amendment would cripple the country in time of crisis and force unwanted results upon the country. I strongly applauded his call for bipartisan campaign finance reform, and I was not surprised to see him make a plea for improving welfare reform. And I liked his challenge to employers to make the new welfare system work by giving someone on welfare the chance to work.

The most dramatic change in the President's thinking is on health care. He has clearly abandoned his plans for sweeping changes, and is now proposing more incremental steps by extending insurance to at least half of the ten million children in our country who have no health insurance.

WORLD LEADERSHIP

The President gave major emphasis to keeping American leadership in the world strong. He spoke for some time and in considerable detail about what that means. He wants an undivided democratic Europe and an America that looks to the East no less than the West. He also wants an America that prospers in a global economy, free to conclude new trade agreements that open new markets to our goods and services, even as we preserve our values. He expressed his confidence that with the best workers and the best products, we can out-compete anybody in the world in a truly open market. The President made a very strong and direct appeal to Congress to approve the chemical weapons convention, and to support the necessary resources to carry on our diplomacy. He urged Congress to take the steps to keep America strong, secure, and prosperous for another fifty years.

CONCLUSION

I thought the State of the Union address was one of the President's better speeches. It gave a very clear indication of his priorities. The President hit the right themes of improving education and better preparing our nation for the future, but he spent very little time discussing the tough decisions and shared sacrifices that will be needed to tackle the problems of balancing the budget, shoring up Social Security and Medicare, and reforming the campaign finance system.

The President tried to convey a sense of decisive and coherent action by setting out the agenda for the next four years but without proposing ambitious new federal programs. He was clearly aware throughout the speech of the limits imposed by the fiscal realities. The President still speaks of offering opportunity, demanding responsibility, and preparing us for the 21st century, but his proposals reveal a diminished means for accomplishing those goals.

CONGRATULATIONS TO TRICIA PATTERSON

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. WELLER. Mr. Speaker, today I rise to bring to the House's attention the good work of a valued community organization in my district, the Italian American Commercial Club, and their efforts to assist outstanding young people to further their education.

This year the Italian American Commercial Club of Joliet's 1996 scholarship recipient is Tricia Patterson. Tricia is an outstanding young lady and is an honors student at Joliet West High School. While maintaining a full load of honors classes, Tricia still manages active involvement in the National Honors Society, the French National Honors Society, French Club, and Peer Helpers. On top of this, she works part-time at Dominic's.

Tricia is proud of her family and credits her family with teaching her the basic values that have helped her succeed.

This outstanding Joliet West High School student has worked hard to succeed, especially when it comes to academics. Tricia plans to attend college and has already been accepted to two outstanding colleges, Northern Illinois University and the University of Illinois to study accounting.

I'm proud to represent outstanding young people like Tricia Patterson and commend community groups like the Italian American Commercial Club for their contribution to helping young people.

I ask the House to join me in congratulating Tricia Patterson.

HONORING PAMELA Y. LOVING

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. KILDEE. Mr. Speaker, I rise today to honor an individual who is strong and positive force within the community, and who by her actions has shown that the rewards from such dedication are immeasurable. On Thursday, February 6, 1997, the Flint, MI Pan-Hellenic Council will honor Ms. Pamela Y. Loving as a part of their Seventh Annual Salute to African-American Elected Officials. The awards dinner is chaired by Mr. James B. Franklin III, and the honorary chair is Dr. Alan Arnold.

Pamela Loving, a resident of Flint MI, has blessed the city with a professional career that spans 35 years, beginning at Lippincott Market as a sweeper, a butcher and a cashier. Ms. Loving has also held positions at Hurley Medical Center and served as the public health nurse for the city of Flint. She has also served as president of Whole Village, Inc. and then began a 23 year tenure at GMI Engineering and Management Institute. These accomplishments have ultimately led to her current position as acting president of Jobs Central, Inc., proving that hard work and perseverance are prime factors for success.

Armed with an associates degree from C.S. Mott Community College, a bachelor's degree from the University of Detroit and a graduate-level curriculum from such schools as Central Michigan, Purdue, Wisconsin, Michigan State, and Harvard, Ms. Loving decided to pursue a more active role in the community of winning a seat on the Flint Board of Education in 1989, where she still serves as treasurer. In addition to the board, Ms. Loving possesses a host of affiliations including the Flint Cultural Center, Hurley Medical Center Board of Directors, Alzheimer's Association and Forum Magazine Advisory Board, to name a few.

This year's dinner will also honor the Honorable Valdemar Washington with the distinguished Floyd J. McCree Memorial Leadership Award. Additionally, the Community Service Award will be given to Ailene Butler, Joann Owens-Reed, and Ali Saaba. All of these individuals represent the very best in civic and social responsibility, and are more than deserving of the highest respect and admiration.

Mr. Speaker, it is with great pride and honor that I appear before you today to recognize Ms. Pamela Loving. As evidenced by her personal motto that "Learning is a lifelong process," she has been and shall continue to be a solid inspiration to not only me, but to all those she comes in contact with. I ask you, Mr. Speaker, and my fellow members of the 105th Congress to join me in recognizing this outstanding individual, Ms. Pamela Y. Loving.

TRIBUTE TO HONOR JACKIE ROBINSON MARKING THE 50TH ANNIVERSARY OF THE DESEGREGATION OF MAJOR LEAGUE BASEBALL

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SCHUMER. Mr. Speaker, I rise today to pay special tribute to a talented man, Mr. Jackie Robinson, and to the 50th anniversary of the desegregation of major league baseball. Not only did Jackie's efforts gain entrance for African-Americans into professional baseball, but they paved the way for African-American participation in all professional sports.

Fifty years ago, as the United States fought racism in World War II, America's national pastime remained a white-only sport. On April 10, 1947, Jackie Robinson broke the color barrier in major league baseball, ending 71 years of exclusion for African-American athletes, when he was signed by Brooklyn Dodger president Branch Rickey.

Jackie's path breaking career in professional baseball began on October 23, 1945, when he was signed to the Montreal Royals, the Dodger's Triple-A farm team, as the first African-American player in the minor leagues. In his first game, Jackie led the Royals to a 14–1 victory over Jersey City Giants winning the respect and admiration of Montreal and Jersey City fans alike. As he remembered, "the crowd just mobbed me. Kids were chasing me * * * to get my autograph and grown people were patting me on the back * * * I was convinced that American sports fans are truly democratic * * * that they would accept me—they didn't care what color a player was."

Jackie went on to play as first baseman for the Brooklyn Dodgers in April 1947 and was named National League Rookie of the Year. During his 10 years on the Dodgers the team won the pennant six times and the World Series in 1955. When Jackie retired in 1957 he had played every position but pitcher and catcher, and boasted a .311 lifetime major-league average, with 1,518 hits, 947 runs, 273 doubles, and 734 RBI's. He was named the National League's Most Valued Player in 1949 and to the Baseball Hall of Fame at the first election he was eligible on July 6, 1962.

In this, the golden anniversary of major league baseball's desegregation, I ask Members to join me in honoring Mr. Jackie Robinson and the American ideals of opportunity and equality which make our Nation great.

25 YEARS OF SERVICE TO SOUTH LYON

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor a loyal and dedicated officer to the community of South Lyon in Oakland County, MI. David LaFond celebrated his 25th year on the South Lyon police force on January 26, 1997.

David began his career in law enforcement on August 11, 1963, with the city of Northville. He transferred to South Lyon in 1972 and has served 25 dedicated years since.

He was promoted to sergeant in 1977 and in 1990, became the first lieutenant in South Lyon police history. Currently, David serves as the second in command of the South Lyon department and, for the past 12 years, has been the officer in charge of all department investigations.

Mr. LaFond has been awarded many citations and letters of commendation during his years of service. He has acted as director of public safety and served on the West Oakland major crime team since its inception. In 1994, he was elected the team coordinator.

The dedication of David LaFond exemplifies his commitment to making South Lyon a safer place for our families. He is a loyal public servant who deserves the recognition, honors, and accolades he receives.

REPEAL THE ESTATE TAX

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. STUMP. Mr. Speaker, among the taxes the Internal Revenue Service collects, the estate tax ranks as one of the most unfair. With top rates reaching as high as 55 percent, the estate tax can and does force the sale of family businesses, farms, and ranches to satisfy the tax collectors.

Mr. Speaker, I think it's safe to say that most people work for themselves and their families. They do not spend long hours and many years building a successful business or family farm so that when they die, the Government can step in and take the fruits of their labors. Yet, that is exactly what the estate tax allows.

Though they account for only 1 percent of Federal revenues, estate taxes have forced the sale of thousands of farms, ranches, and businesses throughout this country. We can only guess at the jobs and economic potential lost through this process. One study concluded that one-third of all small business owners will have to sell all or part of their businesses to pay estate taxes—70 percent of that group will have to cut their work force.

Estate taxes hit the agricultural sector particularly hard. American agriculture is filled with farmers who are rich only on paper. These "paper millionaires" know that the value of their farms is not in the IRS valuation of their equipment and land, but in the farm's ability to produce agricultural products. Farmers make their living growing food and fiber, not speculating in land and equipment.

Mr. Speaker, I am today introducing legislation to repeal the estate tax. After a lifetime of hard work and sacrifice, the family business owner, farmer, and rancher should not be faced with the prospect of losing it all to the tax man.

IN CELEBRATION OF BLACK HISTORY MONTH

SPEECH OF

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. DELLUMS. Mr. Speaker, I rise today in commemoration of Black History Month. The observation of Black History Month dates back to 1926 when African-American historian and scholar Dr. Carter G. Woodson introduced "Negro History Week," traditionally observed during the second week of February to coincide with the birthdays of Abraham Lincoln and Frederick Douglass, a personal hero. In 1976, this was expanded to include the entire month of February. In many communities, this has also been expanded with celebrations beginning with Kwanzaa in late December, continuing in January with the birthday celebration of Dr. Martin Luther King, Jr. through February, culminating in May with the birthday of Malcolm X. Of course, it goes without saying that black history is relevant everyday especially in the United States since it is inextricably linked to the history and development of this Nation.

I would like to take this opportunity to highlight one celebration that resonates personally. This past Sunday, February 9, the Pullman Blues Whistle Stop Tour departed Jack London Square in my hometown of Oakland, CA. This tour was created to coincide with a February 16 celebration by the Historic Pullman Foundation in honor of the thousands of African-American men and women who provided the Pullman Co. and the railroads of America with over a century of faithful service on the passenger trains of railroad's Golden Age.

My uncle, C.L. Dellums, for whom the Amtrak station at London Square is named, was a Pullman car porter. He was a colleague and comrade of A. Philip Randolph in the struggle to bring dignity to the jobs that were being performed by railroad workers. Their pioneering struggle that resulted in the creation of the first largely African-American trade union was a harbinger not only of future victories for worker rights—but it was a catalyst that led to some of the important and more general civil rights victories in our society. It is no small wonder that this movement succeeded, given the towering vision and the charismatic intellectual leadership of people like A. Philip Randolph and C.L. Dellums.

This cross country whistle stop tour via two private railroad cars began in Oakland, stopping over at Los Angeles, Kansas City, St. Louis, Chicago, and will end in the historic town of Pullman, IL. Cosponsors of this event include the A. Philip Randolph Institute, the NAACP, Amtrak, Twayne Publishers, and various private and union sponsors throughout the country.

Their efforts to highlight the work of thousands of African-American men and women in the railroad industry is an important and moving contribution to our continuing struggle to bring about equality of opportunity and an end to bigotry and intolerance in our Nation. We have so far to go to achieve equality, and we desperately need to remain engaged in this struggle—not just because the goal is so terribly important but because we need urgently to persuade our children that we continue to fight and struggle for their future as well.

I applaud their efforts and wish them the very best in their celebration.

SPECIAL TRIBUTE TO BENTLEY KASSAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. RANGEL. Mr. Speaker, and my colleagues of the House, I would like to take this opportunity to bring to your attention a very special person who is about to celebrate his 80th birthday on February 28, 1997.

I am speaking about Justice Bentley Kassal who has faithfully served the people of the State of New York for over 40 years. Bentley Kassal was born in New York City on February 28, 1917, to Pauline Nirenberg and Hyman Kassal, who arrived from Poland in 1914. He attended New York City public schools. He graduated from Townsend Harris High School and was a member of the varsity soccer and baseball teams. He was elected to the Townsend Harris hall of fame in April 1991 and received its Life Achievement Award in October 1989.

He is a graduate of the University of Pennsylvania [1937, B.A.] and Harvard Law School [1940, J.D.]. Justice Kassel enlisted and served for 4 years in World War II and was awarded a Bronze Star Medal, three bronze arrowheads for participating in three D-day invasions, Sicily, Salerno, and Southern France and seven battle stars for his service in the African, Italian, and European theaters of war.

In 1956, Justice Kassal was the first reform Democrat legislator elected to the New York State Legislature. He served from 1957 to 1963 in the New York State Assembly. In 1960, he authored a bill establishing the first arts council in the United States—the New York State Council on the Arts.

He was elected to the New York State civil court on January 1, 1970, and later to the New York State supreme court in 1976, and designated as an associate justice of the appellate division where he served until his mandatory retirement by reason of the constitutional age limitation on December 31, 1993. As a supreme court justice, he authored 334 published opinions.

Justice Kassal served as chairman of the New York State Chapter of Americans for Democratic Action from 1964 to 1966 and was a member of ADA's national board. He is also a trustee at large of the Federation of Jewish Philanthropies and the United Jewish Appeal, as well as a director of the city of New York Supreme Court Justices Association, the Helsinki Watch Committee, and several other organizations.

In addition, he worked as a pro bono photographer for Save the Children Federation, UNICEF, Helsinki Watch Committee, Foster Parents Plan, Joint Distribution Committee, International Rescue Committee, World Monuments Fund, and numerous other charities, traveling throughout the world, covering 147 countries on 65 photo assignments.

Justice Kassal is listed in 14 different "Who's Who" directories and is married to Barbara Joan Wax. New York is blessed to have this wonderful and devoted justice, and I am proud and fortunate to be able to call him my friend.

TRIBUTE TO HONOR GEORGE ALEXANDER OF BROOKLYN, NY ON HIS CENTENNIAL

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SCHUMER. Mr. Speaker, I rise today to honor a dedicated and honorable citizen of Brooklyn, NY, upon his 100th birthday. Throughout his long and full life, Mr. Alexander has possessed a passion for the sea. In hopes of seeing the world, Mr. Alexander left his native Barbados at the early age of 13 as a deck boy aboard an Argentine flag vessel. Mr. Alexander realized his hopes and sailed around the world working on many foreign flag vessels. One notable vessel being the TSS *Van Dyke,* which was the largest passenger ship in the world at the time. The *Van Dyke* took Mr. Alexander to ports of call such as his native Barbados, St. Lucia, and Rio de Janeiro, as well as many ports throughout Europe.

A naturalized citizen, Mr. Alexander answered his call to duty during both World Wars. Serving as a merchant marine, Mr. Alexander transported supplies and ammunition over the treacherous war-time seas to our troops aboard.

As tribute to his dedication to seamanship, Mr. Alexander became a charter member of the Seafarers International Union [SIU] in 1938. He served brilliantly in the SIU until his retirement in April 1970.

For the last 12 years of his seagoing career, Mr. Alexander ascended to the rank of port steward. Serving as port steward for Calmar Lines was Mr. Alexander's last assignment with the SIU before his retirement. Mr. Alexander has remained visible within his beloved union and after 27 years of retirement, still visits the Brooklyn union hall to short the breeze with some of his old ship mates weekly.

Mr. Alexander's outstanding career demonstrates the values of dedication, commitment, and hard work that all Americans value. I urge my colleagues to recognize and honor this distinguished sailor.

RECOGNIZING FRANK DEL OLMO FOR 25 YEARS OF DISTINGUISHED JOURNALISM

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. TORRES. Mr. Speaker,I rise today to honor Mr. Frank Del Olmo, a good friend and distinguished journalist. Tomorrow night, Frank's colleagues, family, and friends will gather to pay tribute to him for his 25 years of distinguished journalism at the Los Angeles Times.

During his tenure at the Times, Frank has earned respect and admiration of his colleagues in journalism. He thoroughly and objectively covered such national stories as Watergate, and the civil wars in El Salvador and Nicaragua. In addition to working as a field reporter, Frank has worked as an editorial writer, a commentator, and an editor.

Throughout his career, Frank has received numerous awards for his contributions to print media. He was a member of a team of Times reporters who won the coveted Pulitzer Gold Medal for Meritorious Public Service for a series of articles on southern California's Latino community. In 1976, he won a Emmy for Distinguished Achievement in Writing for a KNBC–TV documentary.

Because of his notable body of work, Frank is a well known and highly respected voice in the Latino community. He has frequently covered such subjects as affirmative action, bilingual education, immigration, and Latin America. Currently working as assistant to the editor, Frank writes a weekly column, often focusing his attention on the pulse of Los Angeles' Latino community, for the Sunday Times Opinion section.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a distinguished journalist and friend, Mr. Frank Del Olmo. His presence at the Los Angeles Times is invaluable to our community, and it is fitting that he will be honored for his 25 years of contributions to print media, and to the community at large.

ACCURACY IN CAMPUS CRIME REPORTING ACT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. DUNCAN. Mr. Speaker, Congressman CHARLES SCHUMER and I have introduced today the Accuracy in Campus Crime Reporting Act of 1997. This bill will close some of the loopholes that have allowed many colleges and universities to not report many instances of criminal activity on their campuses.

Last year, the House of Representatives passed House Resolution 470, which expressed the sense of the Congress that the Department of Education was not adequately monitoring and enforcing compliance with the current campus security law. This resolution passed the House by a vote of 413 to 0 on September 11, 1996.

The Accuracy in Campus Crime Reporting Act will supplement the Campus Security Act of 1990. Specifically, it will instruct colleges and universities, which receive Federal funding, to make available to their students in a timely fashion information on all crimes reported to campus police departments, security agencies, and other campus officials to whom crimes are reported. Such crime logs would be open to public inspection on a daily basis.

Similar laws are already in effect in seven States: Tennessee, Massachusetts, Oklahoma, California, West Virginia, and Minnesota.

The Accuracy in Campus Crime Reporting Act will also change Federal educational privacy laws that have shielded students who have been charged with criminal acts because of a definition that considers such charges as part of an individual student's private academic record.

The current law lists only a few crimes that are required to be reported annually and these crimes are to be determined at the discretion of college administrators. Some college administrations do not comply with the spirit of the law because they would simply like to avoid bad publicity.

The Accuracy in Campus Crime Reporting Act of 1997 will allow students and their parents to have a greater awareness of patterns of crimes that occur on campuses all too frequently. The bill will also make it possible to have independent confirmation of the accuracy of the annual statistics that colleges submit. I believe that this bill will help make colleges and universities much safer places.

PRIMARY CARE EDUCATION ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. TRAFICANT. Mr. Speaker, it's a well known fact that America's growing emphasis on specialization in the physician work force has driven up the costs of health care and fragmented access to medical services. What is not widely known is that America will have a shortage of 35,000 primary care physicians by the year 2000 and a projected surplus of 115,000 specialists—Dept. of Health and Human Services. To reverse current trends in medical education and lower the rate of inflation on health care costs, I have introduced the Primary Health Care Education Act.

In the past year, two separate Government-funded studies have produced substantial evidence that medical schools must respond now to compensate for our primary care needs of the 21st century. The Primary Health Care Education Act is based on the findings and recommendations to the Congress found in both reports. These reports include: first, the General Accounting Office's [GAO] October 1994 report to congressional requesters entitled, "Medical Education: Curriculum and Financing Strategies, Need to Encourage Primary Care," and second, the Council on Graduate Medical Education's [COGME] eighth report to Congress and the Department of Health and Human Services called Patient Care Physician Supply and Requirements: Testing COGME Recommendations.

I would like to briefly summarize the GAO's findings. Medical career decisions are usually made at three specific times during a student's education: first, at the end of college when students typically apply to medical school, second, during the fourth year of medical school when students choose the area of medicine to pursue and enter residency training, and third, at the end of residency training when residents decide to enter practice or to train further for a subspecialty. The Primary Health Care Education Act attempts to encourage primary care as a career choice at all points in a student's academic career.

The choice of career paths in medicine is found to be significantly influenced by the curriculum and training opportunities students receive during their medical education. Foremost among these factors was whether the medical school had a family practice department. Students attending schools with family practice departments were 57 percent more likely to pursue primary care than those attending schools without family practice departments. Second, the higher the ratio of funding of a family practice department in relation to the number of students, the higher the percentage of students choosing to enter primary care. Students attending medical schools with highly funded departments were 18 percent more likely to pursue primary care than students attending schools with lower funding. A third factor was whether a family practice clerkship was required before career decisions were made in the fourth year. Students attending schools which required a third-year clerkship were 18 percent more likely to pursue primary care. Fourth, a significant correlation was found between residents who were exposed to primary care faculty, exposed to hospital rounds taught by primary care faculty, and exposed to rotations which required training in primary care—and residents who were not—in choosing to enter general practice.

Given the health care needs of the 21st century, COGME recommends we attain the following physician work force goals by the year 2000. First year residency positions should be limited to the number of 1993 U.S. medical school graduates, plus 10 percent. At least 50 percent of residency graduates should enter practice as primary care physicians. By comparison, current projections show that America will have a mix of 31 percent generalists and 69 percent specialists by 2000—under the status quo.

To reverse the current trends toward specialization, the Traficant Primary Care Education Act directs the Secretary of Health and Human Services to give preference to medical schools which have established programs that: first, emphasize training in primary care, and second, encourage students to choose primary care. Under the act, the Secretary must consider the GAO's findings when establishing the conditions a medical school must meet to receive preference.

The Secretary, however, is by no means limited to the GAO's findings. The Primary Health Care Education Act was designed to give the Department of Health and Human Services the authority to shift the current trends in medical education to meet existing and future needs. It does this by giving preference, or awarding grants and contracts to schools which have designed curriculum that has been proven to increase primary care. The Traficant bill, however, by no means dictates, to the administering agency or medical schools, the best way to achieve the desired results. The Traficant bill, in fact, follows the intent of language of the Public Health Service amendments of 1992, which was passed only by this body. It is my hope that HHS, as the expert agency on this issue, in consultation with medical schools, GAO, and COGME, will attain the health care and physician work force needs of the 21st century.

The Primary Health Care Education Act has been endorsed by the American Osteopathic Association and the American Association of Colleges of Osteopathic Medicine. If you support improved access to services and lower health care costs, I urge you to cosponsor the Primary Care Education Act.

BLACK HISTORY MONTH TRIBUTE TO REV. LEON H. SULLIVAN

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. RAHALL. Mr. Speaker, today we take the time to observe Black History Month and pay tribute to those individuals who have made significant contributions to history and to our society. One such individual is Rev. Leon Howard Sullivan, a clergyman and civil rights activist, from Charleston, WV.

Leon H. Sullivan was born on October 16, 1922. Growing up, he lived in an environment that was severely limited both economically and socially. In spite of his circumstances, Sullivan focused his after school energies on religion and sports. At the remarkably early age of 17, he was ordained a Baptist minister, and soon thereafter, he entered West Virginia State College, a historically black college, on an athletic scholarship. His contribution to society and to West Virginia State College led to the construction of Sullivan Hall in 1970. Sullivan Hall houses the women students at West Virginia State College and the West Virginia Graduate Studies Administrative and College Offices.

In 1942, Sullivan met former U.S. Representative, Adam Clayton-Powell who was visiting West Virginia. Sullivan so deeply impressed Powell that at Powell's suggestion, Sullivan moved to New York City to study theology at the Union Theological Seminary and sociology at Columbia University.

After completing his studies, Sullivan became the pastor of the Zion Baptist Church in Philadelphia from 1950 to 1988. In the 38 years he served at the Zion Baptist Church in Philadelphia, the congregation increased from 600 to 6,000 members. Sullivan expanded the church's activities to include a daycare center, a credit union, an employment agency, a community center for youth and adults, adult education reading classes, athletic teams, choral groups, and family counseling services.

In an effort to provide opportunities for African-American business ventures, in 1962 Sullivan established the Zion Investment Association in Philadelphia. He has constantly fought the war against racist hiring practices and organized protests and economic boycotts. In 1964, he demonstrated another act of courage on behalf of justice and equality when he established the Opportunities Industrialization Center [OIC], the first organization of its kind in the United States dedicated to providing comprehensive employment training and placement for disadvantaged, unemployed, and unskilled Americans of all races. Today, there are more than 70 OIC centers across the United States and 28 centers in countries such as Africa, Poland, Central America, England, and the Philippines.

Reverend Sullivan's concerns regarding housing for the poor and the elderly resulted in the construction of more than 1,000 housing units in major cities including Philadelphia, Kansas City, Oklahoma City, and Indianapolis. His OIC training programs have trained more than 2 million people for better job opportunities in America and Africa.

He is the recipient of more than 100 national and international awards, and in 1992, President George Bush presented Reverend Sullivan with The Presidential Medal of Freedom. He serves on the board of directors of numerous companies such as Mellon Bank and is the director emeritus of General Motors Corp. where he was the first African-American to sit on the GM board.

This is but a thumbnail sketch of the many achievements of Rev. Leon H. Sullivan. With a mind full of ideas and the motto "We help ourselves," Rev. Leon H. Sullivan has contributed immensely to the advancement of African-Americans and to society as a whole. He is a man of great wisdom with many hopes and dreams for his fellow Americans and is an inspiration to us all.

TRIBUTE TO LOUIS MARCHESE

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. YATES. Mr. Speaker, on Sunday, February 9, 1997, Mr. Louis Marchese, 65, died at his home in Arlington Heights, IL. I rise today to pay tribute to this fine man.

A prominent lawyer in Illinois, with an extensive background in contract and distribution law, Mr. Marchese was a senior partner with the Chicago law firm of Halfpenny, Hahn, Roche & Marchese. He was nationally recognized for his expertise in association law, antitrust law, contract law, trade regulation, employment law, product liability, interstate taxation, and government regulatory law. In addition to his significant legal contributions, Mr. Marchese also lectured at the Executive Development Centers of both the University of Illinois at Chicago and Northwestern University. He also is credited with writing several books and articles related to his legal work and experience.

Mr. Marchese was a member of the Chicago Bar Association, the American Trial Lawyers Association, and the legal section of the American Society of Association Executives. He received his law degree from the DePaul University School of Law in Chicago and was an Army veteran of the Korean war.

His son, Steven, is my talented and effective legislative assistant.

Besides Steven, Mr. Marchese is survived by his wife, Margaret; son, John; daughters, Mary Ellen Baker, Ann Griffin, and Meg Marchese; his mother, Anna; brother, Jerry; and five grandchildren.

A TRIBUTE TO GWENDOLYN BROOKS, A LEADING VOICE IN AMERICA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. DELLUMS. Mr. Speaker, I rise today to pay tribute to Ms. Gwendolyn Brooks, who is being honored for her distinguished career on February 14, 1997, by the Department of English and the Moorland Spingarn Research Center of Howard University. I ask my colleagues to join me in paying tribute to a special person who has touched millions of people throughout the world with her words.

Gwendolyn Brooks was born in Topeka, KS, in 1917 and then moved to Chicago early in her life. She has long been recognized as a leading voice in modern American letters. For more than 50 years, she has undertaken as her life's work a composite portrait of African-Americans acknowledging within the universe of her poems their nobility and enduring spirit. For five decades, she has interpreted their stories within the context of America, commemorating in works such as "A Street in Bronzeville," "Annie Allen," "The Bean Eaters," "In the Mecca," "Family Pictures," "Riot," "Aloneness," "Beckonings," "To Disembark," "Maud Martha," and "Blacks," those of us adjudged the leastwise of the land. With prophetic insight, eloquence, and passion she has written of her people's joys; their triumphs, their follies, and their despair. But through the sustaining power of her love and the depth of her commitment, her people live and may yet prevail.

Gwendolyn Brooks, distinguished poet of our time, distinguished poet laureate of Illinois, distinguished consultant-in-poetry to the Library of Congress, distinguished Pulitzer Prize winner, teacher, mentor, true lover of the poor, poet of the people, we honor and salute you.

TRIBUTE TO THOMAS ALVA EDISON

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. ROGAN. Mr. Speaker, I ask my colleagues to join me in paying tribute to Thomas Alva Edison, the greatest inventor, whose 150th birthday was February 11. He was a man whose vision transformed America from an agrarian nation into an urban-industrial power. He almost single-handedly ushered the world from the age of steam into the age of electricity. Thomas Edison embodies everything noble about our great country.

He was born to Canadian immigrants Samuel and Nancy Edison in Milan, OH, on February 11, 1847. As a young, inquisitive boy he was actually expelled from elementary school for asking too many questions. Instead, he was taught at home by his mother and by his own intellect and curiosity. Despite these difficulties, he became one of the most prolific inventors in history.

There are few Americans who can claim that their vision, their creativity, their hard work and their entrepreneurial imagination have positively benefited the lives of virtually every human being on the planet for the last century.

Thomas Edison is one such person. He received a record 1,093 patents. These were for inventions such as the electric light bulb, the phonograph, and the motion picture camera. He also revolutionized the electric power generation and distribution systems, marking the true beginnings of the world's electric utility industry.

California has particularly benefited from this great man's genius. He created our film and recording industries which now employ over half-a-million people and exceed more than $40 billion in annual worldwide revenues. Even today, one of the world's largest energy companies based in California, still bears his name: Edison International.

Perhaps Edison's greatest contribution to the science community was establishing the world's first research laboratory. His lab in West Orange, NJ, is now designated as the Edison National Historic Site.

I ask my colleagues to join me in recognizing Thomas Alva Edison for his contributions to all mankind. He is an American we can proudly point to as a role model for our youth and as an inspiration to our future.

REGARDING CONGRESSIONAL REVIEW OF THE ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT PROGRAM REVISIONS

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SHUSTER. Mr. Speaker, I rise today to call the attention of the House to an issue which has recently arisen regarding the implementation of the Congressional Review Act [CRA], Public Law No. 104–121, subtitle E, title II, 110 Stat. 847, 868–74 (1996). I particularly want to thank the Honorable H. Martin Lancaster, Assistant Secretary of the Army for Civil Works, and Maj. Gen. Russell Fuhrman, Director of Civil Works, for the spirit of bipartisan cooperation with which they and their staff worked with the Transportation and Infrastructure Committee and staff of the Government Reform and Oversight Committee. Because, however, the issue is one which is likely to recur, I bring it to the attention of my colleagues for their consideration.

As many of you are aware, in December 1996, the Army Corps of Engineers issued its "Final Notice of Issuance, Reissuance and Modification of Nationwide Permits," (61 Fed. Reg. 65874 (Dec. 13, 1996)), which will significantly alter wetlands permitting in the United States. That regulation took effect yesterday, February 11, 1997.

Initially, the corps refused to submit the nationwide permit final rule to Congress because the agency maintained that the CRA did not apply. The corps argued that the nationwide permit regulations were not a rule within the meaning of the act for various reasons relating to, among other things, the permit-like nature of the regulations and their optional—rather than mandatory—use by permittees.

I disagree with that view. In my judgment, the corps' nationwide permit regulation was a rule within the meaning of the CRA and section 551 of the Administrative Procedure Act. My view was supported by an earlier opinion of the general counsel of the General Accounting Office who reached a similar conclusion on analogous facts last year. The general counsel considered the Secretary of Agriculture's issuance of an agency memorandum concerning the implementation of the Emergency Salvage Timer Sale Program. See B–274505, Letter from Robert Murphy, General Counsel, to Senator Larry E. Craig (Sept. 16, 1996). Even though that implementing memorandum was not a formal notice and comment rule, GAO nonetheless concluded that the memorandum met the much broader definition of a "rule" used in the CRA and was required by that act to be submitted to Congress for review. Given the nature of the Corps' Nationwide Permit Program proposal, I concluded that failure to submit the proposal to Congress would also violate the CRA, in light of the analysis and criteria used by GAO.

I was even more concerned with the potential that failure to submit the nationwide permit proposal for review could have rendered the entire, reissued program invalid based solely on procedural grounds. The CRA, 5 U.S.C. 801(a)(1), provides that before a rule may become effective, the agency promulgating the rule must submit it to each House of Congress for review. The corps' initial inclination not to submit the nationwide permit final notice to Congress ran the risk that a Federal court might subsequently determine that the failure to do so violated the requirements of §801(a)(1). Were that determination to be made, the nationwide permit rule might be deemed without effect and all permits issued thereunder subsequent to February 11, 1997, deemed null and void ab initio.

In light of this uncertainty, I urged the corps to rethink its position and accept the congressional review process adopted in the 104th Congress. To its credit, the corps did so—although with reluctance. Though the corps continues to believe that submission of the nationwide permit rule was unnecessary, the corps agreed to submit the rule for review under the congressional review process and did so yesterday. We have both agreed that in doing so the corps remains free to argue its position both to Congress in connection with any further submissions under the CRA and in the Federal courts.

While the corps submitted the rule in the interest of comity, I remain concerned about the agency's determination that the rule is not a major rule triggering the special moratorium and review provisions of §801. I am also concerned that the level of consultation with, and analysis by, the Office of Management and Budget—as required by CRA—was minimal. Even so, I appreciate the corps' willingness to work with us in the spirit of bipartisan cooperation so as to move beyond the initial issue of submission to Congress under the CRA.

With this procedural issue set aside, we can now focus on the substance of these significant changes to the Nationwide Permit Program. The leadership of the Transportation and Infrastructure Committee and its Water Resources and Environment Subcommittee looks forward to reviewing the modifications, particularly to Nationwide Permit No. 26, and the overall impact of the January 23, 1997, Federal court ruling—American Mining Congress versus Army Corps of Engineers—invalidating the corps' so-called excavation rule. Congressional review of these recent developments should help in the overall effort to reauthorize and improve the Clean Water Act, including the wetlands permitting program.

HONORING THE NORTH PARK MIDDLE SCHOOL BAND OF PICO RIVERA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. TORRES. Mr. Speaker, I rise today to honor the members of Pico Rivera's North Park Middle School marching band. On Wednesday, January 1, 1997, this group of talented young individuals participated in the 108th Annual Tournament of Roses Parade in Pasadena, CA, as the first group of middle school students to perform in this event in over 45 years. As I watched the North Park Middle School band on television, I was filled with pride that this group of talented youth from my congressional district was representing my community. It is through their dedication, hard work, and perseverance that the band members earned this distinct privilege, and they are to be commended.

On Monday, May 24, 1993, I stood before my colleagues in the House and honored this same group of young people for their commitment to excellence. I spoke of the band members and their parents who faced the board of education to demand that North Park Middle School's music program not be abolished. As a result, funding was continued, and the band was bestowed with one of the greatest honors possible: the opportunity to perform before millions of viewers in the 1997 Rose Parade.

The outstanding performance demonstrated by each of the band members is testimony to the leadership and guidance that the band's director, Mr. Ron Wakefield, has provided over the years. Because of Ron's dedication and belief in his young musicians, the band never gave up its dream of one day performing in the Rose Parade. Helping Ron were assistant director, Jose Diaz, parade coordinator, Lou Diaz, and Rhonda Cheat, colorguard adviser. I would also like to recognize North Park Middle School principal, Robert Martinez, vice principal, Dwight Jones, and the parents of the bandmembers for their support of the band's efforts.

Mr. Speaker, I stand before you today in recognition of the young members of the North Park Middle School band for their tireless efforts and outstanding achievements. This talented group of musicians has made the Pico Rivera community proud. I, too, am proud to represent such fine young men and women, and I ask my colleagues to join me in honoring them for their hard work and accomplishments.

THANK YOU, PETER KING

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Ms. McCARTHY of Missouri. Mr. Speaker, I would like to take this opportunity to recognize Congressman PETER KING for his tireless and diligent work on behalf of the Irish people.

Congressman KING, who serves as the cochairman of the Congressional Ad Hoc Committee on Irish Affairs, was awarded the Heart of America International Peace Award by the Ancient Order of Hibernians, Padriac Pearse Division I, Jackson County, MO, on February 1, 1997. This honor was for his strong opposition to British oppression of the Irish people. Mr. KING was only the third leader to receive this prestigious honor. Previous winners of this award include Jerry Adams and Bernadette Devlin. All three have distinguished themselves through exemplary leadership in the area of human rights equalization in Northern Ireland. He was recently presented this award by the Ancient Order of Hibernians in my district.

Congressman PETER KING has traveled to the six occupied counties in Northern Ireland on 15 different occasions and is recognized as the leader in Congress on issues facing Ireland. He has been honored by the Ancient Order of Hibernians, the Knights of Columbus, the Irish-American Fenian Society, the Irish National Caucus, and the Irish Northern Aid Committee.

His travels to Northern Ireland enabled him to witness hunger strikes, the Diplock Courts, and other monumental events. He accompanied President Clinton on the President's historic peace mission to Belfast and Derry in 1995.

Thank you, PETER KING, for your outstanding service to the Congress, the Irish-American community throughout our great Nation, and the Irish nationalist community abroad. I applaud your efforts and salute you as the 1997 Heart of America International Peace Award recipient.

HONORING FRANK VISAGGIO

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. ROTHMAN. Mr. Speaker, I rise today to honor Frank Visaggio, who was selected to represent the United States in Taekwon Do's 1997 World Championships.

A team of six men and six women will compete against over 30 countries this July in St. Petersburg, Russia. The team competition includes four events: sparring, breaking, patterns, and team patterns.

Mr. Visaggio of Seacaucus, NJ, has been training in Taekwon Do for 15 years. He is the New Jersey State director of the International Taekwon Do Association, and is owner and head instructor of the Meadowlands Academy of Martial Arts.

Mr. Speaker, I urge you and all of our colleagues to join me in commending Frank Visaggio on all of his worthy accomplishments. I wish Frank and his teammates the best of luck in this summer's competition.

THE INDEPENDENT COUNSEL LAW

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 5, 1997, into the CONGRESSIONAL RECORD.

REFORMING THE INDEPENDENT COUNSEL LAW

Congress enacted the independent counsel law in 1978 in response to Watergate and the seeming inability of the executive branch to investigate and prosecute crimes by senior administration officials. The independent counsel, appointed by federal judges and working outside the executive branch, was intended to handle such cases in an impartial manner, thus restoring public confidence in the process.

Since the law's enactment there have been 17 independent counsel investigations at an estimated total cost of over $115 million. Of those 10 ended with no indictments. Four others, including the Whitewater investigation of the President, are ongoing. There were several convictions in the Iran-contra investigation, although some were overturned on appeal.

Even though the law is not up for review until 1999, Congress is already considering proposals to reform the measure. A House subcommittee held hearings on the law last year, and numerous articles have been written on the issue, particularly in light of the ongoing Whitewater investigation. Some argue that the act has worked reasonably well, while others say it has led to costly and unending investigations and should be overhauled or scrapped.

HOW THE LAW WORKS

The independent counsel law generally applies to high ranking officials in the executive branch, including the President, Vice President, senior White House staff, and Cabinet members as well as members of Congress. The Attorney General can seek an independent counsel on her own initiative or on receipt of information alleging a violation of federal criminal law.

The Attorney General conducts an initial review of the matter. If she reasonably believes further investigation is warranted, she applies to a special three-judge panel appointed by the Chief Justice of the Supreme Court, requesting that the panel appoint an independent counsel. The panel selects the independent counsel, and defines the scope of the investigation. The independent counsel has the full range of investigatory and prosecutorial powers and functions of the Attorney General.

There is no specific term of appointment for independent counsels. They have unlimited budgets, serve as long as it takes to complete their duties, and may seek to expand the scope of their investigation. An independent counsel may only be removed by the Attorney General for good cause. Likewise, the special three-judge panel may terminate the work of the independent counsel if the counsel's work is deemed completed.

ARGUMENTS PRO AND CON

Supporters of the independent counsel law contend that it is necessary to investigate allegations of high-level misconduct in the executive branch. Only an independent counsel, chosen by a panel of judges, can provide the best assurance of a thorough and impartial investigation followed by a fair-minded prosecution or public dismissal of the charges. The Attorney General, in contrast, is a political appointee of the President, and might not be counted on to conduct an impartial review of allegations of misconduct by the President or his appointees.

Opponents respond that the law is too easily abused. Congress enacted the independent counsel statute to address those occasions, as with Watergate, where there is serious evidence of criminal misconduct by the President or high level government officials. An independent counsel operates with broad powers and an unlimited budget, outside the standard constraints of executive branch accountability, and should be rarely appointed. The Iran-contra affair and Watergate might justify appointment of a special counsel, but determining whether a Department Secretary told an FBI background reviewer the total amount of money he gave his former mistress does not. Such a case could be handled by the Justice Department.

REFORM PROPOSALS

There is a wide range of proposals for reforming the independent counsel law. Some favor outright repeal. They say that career Justice Department prosecutors can impartially investigate and prosecute cases of executive branch misconduct, and that the political process will hold the President accountable for prosecutorial abuse. After all, they observe, the Watergate cases were investigated and prosecuted without an independent counsel law.

Others support incremental changes to the law. One set of reforms would limit the circumstances when an independent counsel would be appointed. For example, the law could be limited to allegations of misconduct at the highest levels of government, such as the President, Vice President, and Attorney General, and to crimes committed in office. Likewise, the law could be amended to raise the threshold at which the Attorney General must ask the three-judge panel to name a special prosecutor.

Another set of reforms would place some checks on the powers of an independent counsel. The law, for example, could be amended to fix a time limit on the investigation, subject to extension by the appointing court if there has been an indictment or if the independent counsel has the evidence to justify further inquiry. The law could also be changed to limit the ability of the independent counsel to expand the scope of an investigation. Some have also proposed constraining spending on investigations by making them subject to annual congressional appropriations.

A third set of reforms would improve the integrity of the independent counsel process. One such proposal would make the job of independent counsel full time, permitting no representation of other clients. This reform would enhance public confidence in the impartiality of the investigation, and help expedite the proceedings.

CONCLUSION

I have consistently supported the independent counsel law, and approved of the appointment of a special prosecutor in the Iran-contra and Whitewater cases. I believe, however, that the process should be used more sparingly and subject to more contraints. Public confidence in the process has diminished as investigations drag on for years, at great expense.

The independent counsel law expires in 1999. We should use the next two years to review the current law, and consider reforms that would improve public confidence in the process, including limiting the use of the independent counsel law and making the process, when invoked, move more swiftly and less expensively.

HOORAY FOR THE LADY BULLDOGS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. ROGERS. Mr. Speaker, on Sunday, February 3, 1997, the Lady Bulldogs of Hazard High School in Hazard, KY, made a dream come true. That was the night they won the Al

"A" State Tournament by beating Lexington Catholic 53 to 45.

This was the fourth time in history that Hazard High School had a team in a basketball State championship. In fact, the Lady Bulldogs of 1996–97 had a lot to live up to—every Hazard team that had gone to the State championships before had won. Were they up to the challenge?

In their opening game of the tournament, the Lady Bulldogs beat the defending All "A" champions from Louisville Holy Cross 61 to 34. This was a sign of great things to come. After two more games, the Lady Bulldogs faced Lexington Catholic—and the rest is history. With effective offense, tenacious defense, skillful shooting, and tremendous coaching, the Lady Bulldogs claimed victory for their own.

Today, the 1996–97 Lady Bulldogs—Jaime Steele, Dee Sammons, Leah Cornett, Betsy Boggs, Charlotte Sizemore, Lori Graves, Carolyn Alexander, Tracy Kershaw, Nea Rogers, Christy Dunigan, and Jennifer Sharp—are walking tall. Each one a dedicated, hard-working young lady. Each one with the character and perseverance of a champion, not because she won a State tourney, but because she dared to pursue the dream.

The victory, however, is not theirs alone. Their coach, William "Bill" Fannin, began to lay the groundwork over a decade ago. In 1985, he took on the coaching job, and with patience, understanding, hard work, and love in his heart, he helped show the Lady Bulldogs what it takes to be winners—not just on the court, but also in school and their community.

Of course, Coach Fannin had a little help. Coach "Cos" Hugh Cosimini; coach Frieda Fannin, Bill's wife; and coach Candi Fannin, Bill's daughter, put a lot of time, energy, and heart into building the Lady Bulldog team we know today.

The community of Hazard also deserves some of the credit for their staunch support of the team. And, I would be leaving out an important part of the team if I didn't mention the Hazard cheerleaders, whose spirit at the games helped rally the Lady Bulldogs to victory. In fact, both the Lady Bulldog cheerleaders and the Hazard boy's team cheerleaders won first place in their competitions during the All "A" Tournament.

We all know that it's not whether you win or lose—it's how you play the game. Certainly, these Lady Bulldogs played fairly, with dignity and pride. But it sure is a great feeling to actually win the game. Today, I congratulate the Hazard Lady Bulldogs and their coaches. Good work on a job well done.

CONGRESSMAN FRANK LUCAS HONORS EIGHT OKLAHOMANS WHO HAVE BEEN HONORED AS "CIVIL RIGHTS TRAILBLAZERS"

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. LUCAS. Mr. Speaker, I rise today to honor eight Oklahomans who were recently honored as "Civil Rights Trailblazers." The Oklahoma Historical Society's Black Heritage Committee acknowledged the commitment to civil rights that these leaders have made. The following were honored on February 6, 1997.

Former Oklahoma Representative Hannah Diggs Atkins was a State representative for 12 years and served as a delegate to the United Nations General Assembly under President Jimmy Carter. She is also a member of the Oklahoma Women's Hall of Fame and the Afro-American Hall of Fame.

David Boren is a former Governor and Senator from Oklahoma. Among other things, he chaired the Senate Select Committee on Intelligence and was a cochair of the 1993 Joint Committee on the Organization of Congress. He currently serves as president of the University of Oklahoma.

Rev. W.K. Jackson currently preaches at the Oklahoma City St. John Baptist Church. He has served as president of the Baptist Ministers Union, the Progressive Oklahoma Baptists State Convention, and the Coalition of Civic Leadership.

Ms. Rubye Hall is the current chair of the Oklahoma Historical Society's Black Heritage Committee. She is a life-long educator who is an emeritus member of the Oklahoma Historical Society Board of Directors.

Mr. John Kirkpatrick formed the Kirkpatrick Foundation in the 1970's and has been honored by the Oklahoma City Federation of Colored Women's Clubs with an Achievement Award in 1992. He and his wife Eleanor have been very active philanthropists.

Ms. Clara Luper was an active civil rights leader in the 1960's who led a number of lunch counter sit-ins in Oklahoma City to break down Jim Crowe Laws.

George Nigh is a former Governor, Lieutenant Governor, and State representative of Oklahoma and currently serves as president of the University of Central Oklahoma. In addition, he is a member of the Oklahoma Hall of Fame and was inducted into the U.S. Jaycees Ten Outstanding Young Americans Hall of Leadership.

Ms. Ursula Sanders is the current president of the Baptist Ministers Wives of the National Baptist Congress of Christian Education and served for 16 years as president of the Women's Christian Temperance Union in Oklahoma.

I want to personally salute these leaders and thank them for the progress that has been made in the area of civil rights as a result of their efforts. It is my hope that their examples will be followed by the next generation of leaders as all of us confront the continuing problems regarding race relations in the United States. We would be well served to do so.

SALUTING STEVE D. BULLOCK—BLACK PROFESSIONAL OF THE YEAR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. STOKES. Mr. Speaker, I am proud to salute an outstanding individual from my congressional district who is being recognized for a very special honor. On February 15, 1997, the Black Professionals Association Charitable Foundation will bestow the 1997 Black Professional of the Year Award upon Mr. Steve Delano Bullock. I rise to pay tribute to Mr. Bullock upon this important occasion. I want to share with my colleagues and the Nation some information regarding the honoree.

Mr. Bullock has enjoyed a distinguished career with the American Red Cross. He was named chief executive officer and chapter manager of the Greater Cleveland Chapter in 1982. Prior to assuming this position, he worked for the Red Cross in military installations in the United States, Europe, and Southeast Asia. Mr. Bullock also previously served as executive director of the agency's St. Paul, MN chapter.

Mr. Speaker, in 1988, Steve Bullock was named chairman of the president's advisory committee, a group of senior Red Cross field executives which counsels top management on issues facing the organization. Another highlight of his career occurred in 1995 when Mr. Bullock was appointed to head the 1996 national American Red Cross campaign.

Mr. Bullock is also an active member of the Greater Cleveland community. His board memberships include the Greater Cleveland Roundtable, the Cleveland Campaign, and Leadership Cleveland. He is the chairman of the Mandel Center for Non-Profit Organizations, Case Western Reserve University Executive Advisory Network, and is the past president of the Council of United Way Services Agency Executives.

Mr. Bullock received a Bachelor of Arts Degree in History and Sociology at Virginia Union University and a Master's Degree in Business Administration at the College of St. Thomas. He has also done graduate work in urban administration; attended the American Red Cross Executive Development Institute; and is a graduate of Leadership Cleveland. Mr. Bullock and his wife, Doris, reside in University Heights. They are active members of Antioch Baptist Church in Cleveland.

Mr. Speaker, Steve Bullock will be the 17th individual to receive of the prestigious Black Professional of the Year Award. As a past recipient of this honor, I take special pride in saluting him on this occasion. I join his family, friends, and colleagues in stating that he is more than deserving of the award. I also take this opportunity to applaud the Black Professionals Association for its strong leadership and commitment. I wish Mr. Bullock and the association much continued success.

JOHN GRIESEMER POST OFFICE BUILDING

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. BLUNT. Mr. Speaker, I rise today to introduce a bill to designate the U.S. Post Office Building located at Bennett and Kansas Avenue in Springfield, MO, as the John Griesemer Post Office Building.

John Griesemer was born in Mount Vernon, MO, and grew up on a dairy farm in Billings, MO. He graduated from Billings High School in 1948 and he earned a bachelor of science degree in Civil Engineering from the University of Missouri, Columbia in 1953. He served as a first lieutenant, Engineering Officer in the U.S. Air Force from 1954 until 1956.

After his discharge from the Air Force, John returned to southwest Missouri to work for his family's business, Greisemer Stone Co. He served there as president and as a director until his death in 1993.

In defiance of conventional wisdom, John Griesemer balanced a successful career with family life and a dedication to community service. He and his wife, Kathleen, raised five children on a small farm just east of Springfield, MO. John was active in his church, having served as chairman of the annual Diocesan Development fund drive, member of the Financial Advisory Committee and co-trustee of the Heer-Andres Trust of the Catholic diocese of Springfield-Cape Girardeau, MO. He also served as co-chairman of the Margin for Excellence fund drive to establish an endowment and build a new Catholic High School in Springfield. John was an Eagle Scout, a Scout Master and, in later years, served on the Board of the Ozarks Council of the Boy Scouts of America. He was also involved with the Junior Achievement program.

In addition to his work with Griesemer Stone Co., John founded Joplin Stone Co. and Missouri Commercial Transportation Co., and served as president of Springfield Ready Mix Co. He was a director of Boatmen's National Bank and, in 1991 was president of the Springfield Development Council, a nonprofit subsidiary corporation of the Springfield Chamber of Commerce.

In 1984, John was named by President Reagan to serve on the U.S. Postal Service Board of Governors, which oversees the Postal Service. He was elected chairman of that Board in 1987 and 1988 and served for 3 years as its vice chairman.

In spite of his many personal achievements, John's favorite story about himself was one of personal failure. When he was 8 years old he got a job picking strawberries; at the end of the first day he had failed to meet his quota, so he was fired. In the words of his wife Kathleen, "that shows that failure is not forever." His example is one that all Americans can live by.

John Griesemer passed away in 1993, survived by his wife and five children. His legacy is one of service to his God, his country and to his fellowman through dedication to family, business and community. I ask that my colleagues join me in honoring that legacy by passing the legislation that I have offered today.

CANCER

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, January 1, 1997 into the CONGRESSIONAL RECORD.

PROGRESS IN THE WAR ON CANCER

Twenty five years ago this month President Richard Nixon declared a national war on cancer. One of the frequent questions put to me by constituents is, "How goes the war?" It is not an easy question to answer. Despite the glut of information on cancer these days much of the news seems destined to confuse us. The statistics pour out from the doctors and hospitals across the country but there is wide disagreement about what they really mean.

There is much good news to report. The cancer death rate fell by nearly 3% between 1991 and 1995, the first sustained drop since national record keeping was begun in the 1930s. The 1990s may well be remembered as the decade when we measurably turned the tide against cancer. Cancer certainly remains among the worst fears of Americans, but it is not the death sentence that it once was. Of more than 10 million Americans who are cancer survivors, 7 million are long term survivors having had cancer diagnosed more than five years ago.

There is, however, reason for concern. After billions of dollars in research, we still don't have a cure for cancer, and some researchers doubt we will develop a single cure. The fear of cancer is obvious. Over 40% of us will develop cancer, and over 20% of us will die from the disease. Within five years cancer will be the leading cause of death in the United States, responsible for over 6 million years of life prematurely lost each year and an annual cost to the economy of over $100 billion.

While we may not have a cure for cancer, our cancer research efforts, led by the National Cancer Institute in conjunction with private research efforts, have produced significant incremental successes. We have a better understanding of how a normal cell changes into a cancerous one. Some forms of cancer have actually been reduced. Better treatment methods with fewer side effects are now available. Less disfiguring surgeries are being performed. The quality of life for cancer survivors has been enhanced substantially. These successes give us cause for optimism in the fight against cancer.

WHAT CAUSES CANCER?

The most striking progress we have made in cancer research over the last quarter century is our understanding of the biology of cancer, that is, how a good cell goes haywire and divides continuously. Cancer occurs when our cells divide uncontrollably resulting in the formation of a mass of tissue, otherwise known as a malignant tumor. The tumor destroys nearby tissues and organs as it grows.

We now know that cancer is linked to human genes. Scientists have discovered that altered genes or altered gene activity cause a cell to divide continuously. A person may inherit altered or abnormal genes, or acquire them through chemical or physical damage or the effects of viruses. Scientists have already discovered over 20 genes linked to cancer that run in the family. They have discovered that a particular gene, the p52 gene, can stop tumors before they grow and that this gene, if damaged, is involved in some 60% of cancers.

CANCER DETECTION, TREATMENT, AND PREVENTION

Our increased knowledge about cancer has led to dramatic improvements in screening, detection, treatment, and prevention. We are seeing a reduction in some cancer types directly resulting from these improvements. Doctors are able to routinely screen patients for cancers like breast, cervical, prostate and colorectal cancer. These tests help detect cancer in the earlier stages of development when the likelihood of successful treatment is best.

We are also seeing progress in the effectiveness of standard cancer treatments. Most cancers are treated first with surgical removal of the tumor and surrounding tissue, followed by radiation or chemotherapy to control spreading to other parts of the body. Less damaging surgical procedures are now an option; radiation can now be administered in a precise, pinpoint fashion; and the side effects of chemotherapy are now more tolerable thanks to new medicines that combat nausea, anemia, and immune suppression. More targeted therapies are also emerging. There are some experimental anticancer drugs, for example, which are better equipped to target a malignant tumor and kill the cancer cells while avoiding the healthy ones.

Researchers also stress the importance of prevention and education in reducing the number of cancer cases. Changes in lifestyle and eating habits as well as reduced exposure to chemicals in the work place have contributed to declining cancer rates. Cancer awareness has also paid off. People are much more conscious of cancer's early warning signs and when to seek treatment.

BUILDING ON OUR SUCCESSES

Much work remains to be done in our fight against cancer. While we are experiencing the first sustained decline in cancer mortality since the 1930's, several types of cancer are staying at the same levels or increasing, such as non-Hodgkin's lymphoma, melanoma, and brain and kidney cancers.

We must continue to strengthen our national investment in cancer research. One reason we have not made great strides in halting cancer deaths is that cancer is perhaps a hundred different diseases. It is just extraordinarily complex to deal with. The National Cancer Institute, the lead Federal cancer research body, will continue to focus its research efforts on understanding the genetic basis of cancer, improving early detection techniques, and developing better treatment methods.

CONCLUSION

The struggle against cancer has been long and hard and has produced very few dramatic breakthroughs, but the doctors and the scientists are slowly gaining ground. We have not found the magic bullet capable of eradicating cancer and may never find it, but what we are seeing is a succession of small incremental improvements that show great promise in controlling the spread of cancer, reducing the death rate and improving the quality of life for cancer survivors. As one doctor said, "We're running a marathon, not a sprint."

Note: The National Cancer Institute provides help directly to patients, their families, and health care professionals through its cancer information toll-free telephone service at 1-800-4-CANCER.

THE SPRINT—LA CONEXION FAMILIAR AFFAIR: JUSTICE DELAYED, AND DELAYED AGAIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. LANTOS. Mr. Speaker, almost 3 years ago, on July 14, 1994, a great injustice was committed by one of the most powerful corporations in America—Sprint—against some the least powerful among us. A union representation election was underway at a Sprint subsidiary which employed 177 Hispanic telemarketers who sold Sprint's long distance services to Spanish-speaking customers. Nearly all the workers at the San Francisco Sprint subsidiary, known as La Conexion Familiar "The Family Connection" [LCF], were women who had immigrated to the United States from Mexico and Central and South America. Many of them spoke only Spanish, which was no handicap in their specialized marketing jobs.

When it became clear to Sprint that the La Conexion Familiar workers would vote to be represented by the Communications Workers of America, Sprint suddenly shut the office—just 8 days before their union election. The announcement was made over the PA system during the workday, and the workers were gathered together to be searched by guards and sent out the door. The women were so shocked and upset that paramedics had to be called to the scene, and one worker was even admitted to a hospital.

The dreams of these workers were shattered and their jobs were summarily eliminated, simply because they wanted a union, and because they believed that in the United States, our labor laws would guarantee workplace democracy and the right to organize. One young woman described her ordeal this way at a public hearing on the shutdown held last year in San Francisco: "For me, everything fell apart that day. I couldn't face being out of work. I started abusing alcohol. I was so depressed. I fought with my fiancé and I yelled at my children. After 2 years, I have another job now, but my experience at Sprint changed everything for me. I will always carry around the fear that I'll suddenly be fired for no reason."

Mr. Speaker, more than 2½ years later, the National Labor Relations Board [NLRB] finally declared that the LCF closing was an illegal action and ordered Sprint to rehire the workers to comparable jobs with full back pay. Sprint immediately appealed the decision. It is expected that it will take between 1 and 2 years for the NLRB to hear the appeal and issue a final ruling. Of course, pending the appeal, none of the former LCF workers will receive the back pay or the jobs to which they are entitled according to the NLRB ruling. By dragging out this case and refusing to take responsibility for its actions, Sprint adds another chapter in a long and unfortunate tale of abuses against the LCF workers.

It was Sprint's discriminatory treatment of the LCF workers, along with sweatshop working conditions, that first drove the workers to try to seek representation. This Hispanic LCF workers were kept in a second-class status at Sprint—earning $7 an hour as compared to $11 an hour for regular Sprint telemarketers. The payment of commissions was arbitrary and discriminatory, and the workers complained. And Sprint managers restricted their visits to the bathroom, telling the workers to drink less water so they wouldn't have to go as frequently. When the workers started organizing for union representation, Sprint managers engaged in such blatantly illegal behavior to harass and intimidate union supporters that even the NLRB's investigators—investigators who have seen it all—expressed shock when they later reviewed the evidence.

During the long and drawn out legal proceedings in this case, the NLRB proved—and Sprint ultimately admitted to—scores of charges of illegal threats to close the office if workers voted for a union, of coercing workers to spy on other workers, and of interrogating and browbeating union supporters. Sprint's treatment of the LCF workers has been condemned by the Board of Supervisors of San Francisco, by dozens of my colleagues in the Congress, including the Hispanic caucus, and by government and labor officials in Mexico and Canada as well as in Germany, where Sprint is involved in a partnership with Deutsche Telekom.

Mr. Speaker, through its action, Sprint has gained itself an international reputation as a violator of our Nation's labor laws. Sprint should know that pursuing endless legal appeals is an unacceptable business practice. Unfortunately, this is a trend that is growing. I would like to include in the RECORD for the benefit of my colleagues a column by the distinguished president of the Communications Workers of America [CWA], Morton Bahr, which was published in the CWA News of February 1997. President Bahr's column, entitled "Breaking the Law, Business as Usual," provides documentation of increasing labor—specifically the growing use of plant closing threats—by American corporations to defeat union organizing drives.

The column follows:

BREAKING THE LAW, BUSINESS AS USUAL

(By Morton Bahr)

As philosophers and pundits ponder the breakdown of morality, social values and respect for law and order in America, maybe they should look at the example being set by elements of corporate America, such as the Sprint Corp.

The workers at Sprint/La Conexion Familiar in San Francisco were determined to organize a union. Working in what came to be exposed as an "electronic sweatshop," these Spanish-language telemarketing workers were so determined, in fact, to change their conditions that they were unfazed by Sprint's fierce, and illegal, campaign of threats and intimidation.

Their support for the union seemingly only grew stronger as Sprint's management team stepped up its campaign of illegal coercion. Finally, Sprint did the only thing it could do to crush the first incursion by a union in its long distance operations. It simply shut the doors at La Conexion Familiar on July 14, 1994, eight days before the union representation election.

About two-and-a-half years later, this past December 27th, the National Labor Relations Board ruled that the closing violated federal law and ordered Sprint to rehire the workers with full back pay.

Sprint immediately filed an appeal of the ruling to a U.S. Appeals Court. That will keep the case spinning around the legal system for at least another year and a half, and a Sprint spokesman already has predicted a further appeal to the Supreme Court if the company loses this round.

A remarkable aspect of this case is that Sprint openly, unashamedly, admitted to more than 50 illegal violations of the La Conexion workers' rights at an earlier trial before an administrative law judge.

Knowing that it would receive no more than a wrist slap for its union-busting activities—creating an atmosphere of surveillance of union supporters, having managers interrogate workers one-on-one about the union campaign, openly threatening to shut the office if they voted for the union—Sprint's lawyer brigade brushed off these charges and focused only on the issue of Sprint's motive for the closing. That was the one issue that could provide a real, costly, remedy for the workers.

And sure enough, a slap on the wrist it was for the 50 violations. The administrative law judge's order amounted almost to a sick joke: Sprint was required to write a letter to the workers, after their office was closed for good, stating that it would not in the future violate their rights to organize a union.

Now, finally, a meaningful remedy has been ordered, but Sprint is determined to see that justice is delayed for as long as it takes. Perhaps the company hopes that some of the workers will be dead, and others scattered to the winds no longer to be found, by the time its legal appeals have been exhausted.

Clearly for Sprint, routinely violating labor laws is viewed simply as a smart strategy to enforce its acknowledged objective of remaining "union free." And its associated legal bills are merely a cost of doing business.

This attitude is not unique in the corporate world—in fact, it's becoming the norm today.

A recent study by researchers at Cornell University was inspired by the Sprint/La Conexion Familiar case. It was the first study specifically of the impact of the threat of plant and office closings on worker union drives.

The study found that in fully one-half of all organizing campaigns, as well as in 18 percent of first contract negotiations, employers today threaten to close their facilities. And employers follow through on the threat 12 percent of the time.

This represented an increase in shutdown threats from 30 percent, as found in earlier studies by the same researchers, to 50 percent today.

The result, Cornell reported, is that worker organizing success rates are cut from about 60 percent to 40 percent when the employer threatens to close the facility.

No wonder. What more devastating weapon could an employer use to kill a union drive than to declare—"vote for the union and you lose your job?" The answer is, shut the office down even before the union election, which is what has made the La Conexion Familiar affair stand out as a case that's being closely watched around the world.

It's somewhat ironic—and certainly must seem so to Sprint—that the La Conexion Familiar workers have emerged as martyrs on the workers' rights battleground.

Sprint clearly thought that a group of mostly immigrant, mostly female workers who spoke only Spanish could be easily intimidated and turned away from their union campaign.

But they weren't intimidated, and I later learned why at a public hearing on the La Conexion affair in 1995 conducted by the Labor Department. One of the workers, a woman from Peru, had testified and was subsequently asked by a news reporter: "If you knew you could lose your job, why did you keep supporting the union?"

The young woman replied: "What does risking a job matter? In my country, workers have risked their lives to have a union."

CONTEST WINNING ESSAY

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. WEYGAND. Mr. Speaker, I was pleased to have Mr. Matthew Arundale, a student from Warwick, RI, who is currently attending Marymount University in Virginia join me in attending President Clinton's State of the Union Address last Tuesday.

Matt was the winner of a contest my office held that asked interested Rhode Islanders attending college in the Washington, DC, area to prepare an essay on why they wanted to attend the State of the Union Address.

While I received many entries, all of fine quality, Matt's was particularly creative. For that reason, I asked him to watch the President's address from the House gallery.

I commend Mr. Arundale's essay to all my colleagues.

I am a sophomore Political Science and Biology double major at Marymount University in Arlington, Virginia. While many students are bitten by the political bug and decide to major in political science, few decide to also pursue a career in medicine. But I have.

While this double-major may seem a bit odd, it really is not. I have always loved politics and the idea that men can work together and effect change for all. But I have also loved the idea of helping people in a more direct way: through medicine. After examining the two pursuits, one can see that they are not all that dissimilar.

Take a politician or government official. They are doctors. Their patient is not one person with one illness. Rather, their patient is a group of people with a variety of illnesses (crime, poverty, education, to name a few).

The politician's x-rays are opinion polls and late-night phone calls from his constituents. His nurses are called legislative aides and political advisors. Legislation are his prescriptions.

Every politician, whether they realize it or not, has been charged with the duties of a doctor. While one may get references from friends before they choose a doctor, the patients of politics look at debates, news conferences, and press releases before they make their choice. A two party system (quickly giving way to third party candidates) ensures that people will always have the opportunity to get a second opinion before trusting themselves to any one doctor. In the end, they hope their choice was correct.

One such political doctor is President Bill Clinton. Last November, he was charged with the duties of continuing his role as "Chief Doctor of the Nation." He has read the public opinion polls, had conferences with his advisors, and listened to peoples' grumps and groans. Now, on this Tuesday, he has to report back to the patient. President Clinton must tell a concerned nation what is wrong and what he plans to do to change it. The patient(s) will be listening, wondering if he heard their complaints correctly. They will also be analyzing the President's suggested treatments. Then, just as the patient with high blood pressure is not sure if he is willing to quit smoking to get healthy, the nation will decide if it is willing to make the sacrifices necessary to fix its problems.

In short, I would love to be present for this report. The President is renowned for his speaking ability, so his bedside manner is unquestionable. But to see the culmination of the political triage process come together would be a momentous experience for a student who hopes to one day become a doctor, too.

Furthermore, as President of my Sophomore Class, I have been asked by FOX TV to participate in an interview on the effect of President Clinton's educational incentive plans on college students. I can think of no better way to garnish first-hand information for this interview than to be in the House of Representatives while Clinton outlines his proposals.

Finally, I know I can never take your wife's place, but, I voted for you!!

THE PATIENT FREEDOM OF CHOICE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. STARK. Mr. Speaker, I am pleased to introduce the Patient Freedom of Choice Act of 1997.

Previously, I have sponsored legislation that restricts physicians from self-referral because this practice leads to overutilization and increased health care expenses. This legislation is designed to rectify a similar problem.

Today, nonprofit hospitals, forprofit hospitals, and large health care conglomerates have acquired their own posthospital entities such as home health care agencies, durable medical equipment businesses and skilled nursing facilities so as to refer discharged patients exclusively to their own services. As a result, many nonhospital based entities have seen inflows of new patients completely halted once a hospital acquires an agency in their service area.

The effects of this self-referral trend are harmful. Hospitals that refer patients exclusively to their own entities eliminate competition in the market and thereby remove incentives to improve quality and decrease costs. Further, hospitals are able to selectively refer patients that require more profitable services to their own entity while sending the less profitable cases to the nonhospital based entities. The nonhospital entity is forced to either raise prices or leave the market. Worst of all, patients have no voice in deciding which entity provides the services.

This legislation remedies the problem by leveling the playing field. First, hospitals will be required to provide those patients being discharged for post-hospital services with a list of all participating providers in the service area so that the patient may choose their provider.

Second, hospitals must disclose all financial interest in post hospital service entities to the Secretary of Health and Human Services. In addition, they must report to the Secretary the percentage of post hospital referrals that are made to their self-owned entities as well as to other eligible entities. A hospital that fails to comply with the bill's requirements would be subject to a civil money penalty of $10,000 for each violation.

This legislation does not hinder a hospital's ability to offer its own services. It merely guarantees that all providers will have an opportunity to compete in the market. Most importantly, it guarantees that patients will have choice when selecting their provider.

I am drafting a similar bill for introduction later this year which would require that all providers—not just hospitals—give freedom of choice to Medicare and Medicaid beneficiaries. I see no reason why a patient should be held captive to a provider's preference for referral—it should be the patient's choice. For example, home health agencies who refer clients to nursing homes should provide the beneficiary with a complete list of all Medicare-Medicaid certified nursing homes in the area in which the patient resides. This requirement would ensure that all Medicare and Medicaid beneficiaries are given a choice of provider regardless of referral source.

Additionally, I will add to the next bill a third party cause of action which would allow these providers to bring suit against hospitals for failing to adhere to the proper discharge planning process.

Attached is a letter that typifies the current problem in the home health services market.

VISITING NURSE ASSOCIATION
OF GREATER PHILADELPHIA,
December 1, 1995.

Re *United States* v. *Heartland Health Systems Inc*. Civil Action No. 95-6171-CV-SJ-6.

MS. GAIL KURSH,
Chief, Professions & Intellectual Property Section/Health Care Task Force Antitrust Division, U.S. Department of Justice, Washington, DC.

DEAR MS. KURSH: I am writing to urge that the Justice Department not consent to the proposed final judgment in the above-referenced case, because the "Referral Policy" regarding provision of home health care does not adequately protect patient choice and fair competition.

The VNA of Greater Philadelphia is the largest home health agency in Pennsylvania. We are a non-profit, community-based agency which has served communities in southeastern Pennsylvania, including the City of Philadelphia, for 110 years. We provide home health services to approximately 2,000 patients a day, many of whom are Medicare and/or Medicaid patients referred for care directly following an episode of hospitalization.

Patient choice and fair competition are protected by both Medicare and Medicaid law and by antitrust provisions. The proposed Heartland referral policy undermines these protections. Heartland would have no obligation to provide reasonable information about other home health providers in the community for patients who have expressed no provider preference. Telling a hospitalized patient that there are other providers listed in the telephone book and then giving the patient "time to investigate", all in the context of the Heartland representative extolling the virtues of its home health service, clearly encourages steering patients to the hospital-owned agency. Further, a policy of stonewalling patient's requests for information about other providers, places the discharge planning staff in the position of denying knowledge that they actually have about alternate providers. This clearly undermines continuity of care for patients.

Although the Heartland consent decree may have no formal precedential impact, in practice this decree could have far-reaching, negative impact on patients and on independent providers, including visiting nurse associations, because it would send a clear signal that anti-trust and patient choice protections are no longer to be taken seriously.

We urge that you require a more aggressive policy to assure that vulnerable, hospitalized patients truly have access to the information they need to make an informed choice of their home health provider.

Sincerely,

STEPHEN W. HOLT.

THE INAUGURAL ADDRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, January 29, 1997 into the CONGRESSIONAL RECORD.

PRESIDENT CLINTON'S INAUGURAL ADDRESS

The inauguration of a President is one of the great rituals of American democracy. It shows our country's peaceful transition of power every four years, and it is a time for our nation to unite after the divisions of the previous term. A President's inaugural address is important because it sets the tone of his administration. Several themes stood out to me as President Clinton took the oath of office in the last presidential inauguration of the 20th century.

OPTIMISM

One theme was optimism about the future. The President said that the nation stands "on the edge of a bright new prospect in human affairs". He has hopeful visions of a "new century in a new millennium", and said we should "shape the hope of this day into the noblest chapter in our history". It is clear that he sees his presidency as an opportunity to guide America through the challenges of the next few years into a "land of new promise" in the next century.

Moving into the "land of new promise" was highlighted several times, almost as his central, unifying theme for his second term. I have been impressed by how much the President's attention is in the year 2000 and the new century. President Clinton is very much focussed on the history books. He sees the country as being at a turning point, and he remembers that the great turn-of-the-century Presidents—Thomas Jefferson and Theodore Roosevelt—governed a country undergoing profound changes and created opportunities that altered the course of history.

He wants to do the same. He wants to lead the country through the transition into the next century, all the time keeping the American dream of opportunity alive. He called for a new spirit for a new century, with Americans working together to build "a nation ever moving forward, toward realizing the full potential of all its citizens." He clearly believes America has a lot of assets for its leadership role for the rest of the world. He referred to America as the "indispensable nation", with the strongest economy on earth and building stronger families and thriving communities.

The President's clear sense of optimism dominated the address, and it was important to hear. But I think the President missed an opportunity to educate the American people about the tough choices that must be made preparing for the future.

RECONCILIATION

Another major theme in his address was reconciliation. The President urged Americans to bury racial and political divisions and urged a new spirit of community. The inauguration's coming on Martin Luther King Jr. Day added strength to the President's appeal for racial healing. He spoke of the divide of race as being "America's constant curse".

He also appealed for an end to the partisan squabbling in Congress, and that sentiment was very well received by Americans who are weary of the constant bickering. The President quoted the late Cardinal Bernadin saying, "It is wrong to waste the precious gift of time on acrimony and division." In perhaps the most memorable line in the address, he reminded us that "America demands and deserves big things from us, and nothing big ever came from being small".

The President believes that if the country can come together and put the divisions aside, it can work together toward unparalleled prosperity and freedom for ourselves and for the rest of the world. The President's theme of reconciliation is the right one, but I do wish he had done more to challenge Americans to care more and do more for those less fortunate. We have a time of remarkable prosperity in the country, but there are very wide disparities. I think it is appropriate for the President to urge that more of us think about the common good and contribute to it.

ROLE OF GOVERNMENT

Another theme was the role of government. I was struck by the sentence in his address that "we have resolved for our time a great debate over the role of government". Since the beginning of our republic, the great question of American democracy has been over the role of government in the country. The President updated former President Ronald Reagan's declaration sixteen years ago that "government is not the solution to our problem, government is the problem". President Clinton challenged that by saying, "Today we can declare government is not the problem, and government is not the solution. We, the American people, we are the solution." Here he reflected the view that most politicians have picked up recently from their constituents, that government is something more than the enemy of the people.

The President's view of government is that it should not attempt to solve people's problems for them nor should it leave them alone to fend for themselves. He wants a government that gives people the tools to solve their own problems and to make the most of their own lives. Like most Americans, he likes the idea of a government that is smaller, lives within its means, and tries to do more with less.

I wonder whether the President is overly optimistic in believing that his first term largely settled the debate over the role of government. My sense is that this is the central issue of American politics and it is not going to go away. His formulation of the role of government in his address was broad enough and vague enough to get most everyone's approval, but it may be too broad and vague to resolve a variety of questions about the role of government.

CONCLUSION

I think President Clinton worked very hard to state the essence of his convictions and his purpose as President. His desire to lead the country in its transition into the new century and the "land of new promise" was clear to all who heard his address.

Perhaps some were looking for sweeping policy initiatives or bold new programs, but the President really has little choice at this point. There is a shortage of federal funds; the American people do not want new taxes; and the major problems of government in recent years have been to restrain spending on current programs. Some criticize the address for not grappling with the tough problems that face the nation, like campaign finance reform, bringing entitlement spending under control, and improving the educational system. The President offered very few specifics, but I am not at all sure that such detailed proposals belong in an inaugural address. Those items are better left for the State of the Union address and other presidential speeches. The President wanted to use his second inaugural address to spell out his broad vision for our nation's future.

HONORING DR. SOLOMON STINSON FOR 36 YEARS OF OUTSTANDING AND CONTINUED SERVICE TO DADE COUNTY PUBLIC SCHOOLS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mrs. MEEK of Florida. Mr. Speaker, on February 26, Van E. Blanton Elementary School will honor Dr. Solomon Stinson, Chairman of the Dade County School Board, as a "Living Legend." It is my great pleasure to join Dr. Stinson's family, friends, coworkers, and students in recognizing his 36 years of outstanding and continued service to our community. I know my colleagues will join me in congratulating Dr. Stinson for his dedication as an educator, a role model, and a mentor who helped shape thousands of children in my district.

Dr. Stinson earned a Bachelor's degree in social studies, mathematics, and science certification from Alabama State University, a master's degree in school administration and supervision from the University of Iowa, and a doctoral degree in school administration from the University of Iowa. He also received a certification in elementary education from the University of Miami and a certification in adult education from Florida State University.

Dr. Stinson began his career by teaching at Holmes Elementary School. He quickly advanced to become the assistant principal at Rainbow Park and North Grade Elementary Schools, and later principal at North Grade and Lake Steven Elementary Schools. Dr. Stinson distinguished himself as an outstanding administrator in the position of assistant superintendent of the Bureau of Business Services with the Dade County school system. He served in several other important positions in the Dade County public school system, including area superintendent of the north central district; associate superintendent and later senior associate superintendent of the bureau of school operations; and deputy superintendent of school operations for Dade County public schools. Today, Dr. Stinson continues his outstanding record as a school board member for District 2 and Dade County school board chairman. We are fortunate that Dr. Stinson devoted his life to ensuring quality education for all our children.

In addition to his many years as an educator, Dr. Stinson has been extremely active in other areas of our community. He is a member of Mount Tabor Baptist Church, where he serves as chairman of the board of trustees for the last 6 years. He also chaired the Hurricane Trust Fund and the Red Cross Committee. Dr. Stinson is a member of the board of directors of jobs for Miami, and a committee member and council advisory board member of the Boy Scouts of America. His exceptional, notable service, and commitment to Dade County has included dozens of positions in numerous organizations, earning more awards than I can list here.

Dr. Solomon Stinson has proven to be a "Living Legend," and an excellent role model for our children. Mr. Speaker, on behalf of my entire community and as a former educator myself, I offer him my deepest thanks for his many years of dedicated service, and our best wishes for his continued success.

GEORGE FELDENKREIS AND FAMILY TO BE HONORED

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to join with The Simon Weisenthal Center in recognizing the achievements of Mr. George Feldenkreis and his family.

On Sunday, March 16, 1997, the Simon Weisenthal Center will be celebrating this family's remarkable story. Thirty-six years ago, George Feldenkreis escaped the Castro dictatorship to come to the United States. With him were his one-year-old son, Oscar, and a daughter, Fanny, on the way.

Like the thousands of refugees from oppression who came before them, all the Feldenkreis family members brought with them was a capacity for hard work and the desire to realize the American dream. Years of struggle were rewarded by success in the business world and the respect of his peers. George Feldenkreis, as head of Supreme International, is a leader in the American apparel industry. Additionally, he heads Carfel Inc., which deals with the importation and distribution of auto parts.

George Feldenkreis chose to give back to his community by lending his considerable talent and energy to civic causes. He served as a leader for Temple Menorah and the Hispanic Heritage Committee, as well as president of the Cuban Hebrew Division of the Greater Miami Jewish Federation for 7 years. He currently serves as a vice president of the federation.

In addition to giving their father six grandchildren, both of George Feldenkreis's two children, together with their spouses, contribute to the success of the family enterprises. Oscar serves as president and CEO and Fanny and her husband, Salomon Hanono, also serve in prominent positions in the firm. Oscar and his wife, Ellen, together with Fanny and her husband also carry forward the family tradition of service. Fanny and Salomon give their time to the Michael Ann Russell Jewish Community Center and the Samuel Hillel Community Day School. Oscar and Ellen work on behalf of Temple Menorah, the Lehrman Day School and Israel Bonds.

Mr. Speaker I ask the House to join with me and The Simon Weisenthal Center in recognizing a family whose achievements have realized the American dream.

TRIBUTE TO CONGRESSMAN FRANK TEJEDA

SPEECH OF

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 1997

Mr. SERRANO. Mr. Speaker, it is always difficult to say goodbye to dear friends, to those who have given so much and so unselfishly to their communities and to our Nation.

Our colleague Frank Tejeda was one of those men who are born to carry the torch for others to follow. His life is a testimony of courage, service, generosity, and integrity.

Throughout his life he stood up against adversity. After dropping out of high school, he enlisted in the Marines. His exceptional military training and courage served him well in Vietnam; he was awarded with the Bronze Star and Purple Heart, and most recently the Silver Star.

After 4 years of military service, Frank completed a bachelor's degree at St. Mary's University in San Antonio. He continued his education at the University of California at Berkeley, where he obtained a law degree. His desire to improve himself and to be of service to the best of his abilities encouraged him to obtain two masters degrees, one in public administration from Harvard University and a second one in law from Yale University.

As a lawyer serving in the Texas House and later in its Senate, he defended the rights of the most vulnerable. He fought for worker's compensation reform and for other initiatives for minorities.

His hard work and his understanding of his community in San Antonio, TX, gained him their overwhelming support to represent them in the U.S. House of Representatives. As a Member of Congress and of the Congressional Hispanic Caucus, Frank works relentlessly to secure veterans' rights and access to education and health care for the poor.

Frank always stayed close to the people he loved: his family, friends, and his community back home. In his later years, he fought his terminal illness with the same courage and dignity that exemplified his life.

To Frank Tejeda's family and friends, I would like to extend my deepest sympathy in this trying time. I would like to join all who had the privilege of knowing him in paying tribute to our American hero, Frank Tejeda, for serving his community, his State, and his Nation with the courage, generosity, and dignity of great men of history.

WYOMING GRAZING PRIVILEGES

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mrs. CUBIN. Mr. Speaker, Jackson Hole, WY, is one of the most beautiful and unique areas of our Nation. Over 3 million visitors per year come to hike, camp, ski, and sightsee amidst the grandeur of the Teton Range and the winding Snake River in Grand Teton National Park and the greater Yellowstone area beyond. Many wildlife species such as moose, bear, eagles, and trumpeter swan make the valley their home, while the largest elk herd in the lower 48 States annually migrates through it to winter on the wildlife refuge at its southern end.

While much of the valley is protected for perpetuity in Federal ownership, some of the most valuable wildlife habitat, migration routes, and scenic vistas remain in private ownership as working ranch lands. Conservation groups in Jackson Hole and around the country have worked for years to help protect these ranches from development through the use of scenic easements and other means and are to be commended for their good work.

Unfortunately, we now face a situation where some of the most scenic and valuable ranch lands adjacent to the park could be forced to sell and subdivide. In 1950, the law establishing Grand Teton National Park allowed local grazing permittees whose livestock had historically used the new park lands for summer range to continue that grazing for the life of the permittees' designated heirs. As a result, 14,000 acres were set aside, irrigated, and fenced for the benefit of these permit holders who, in turn, paid grazing fees at the required rate.

Since that time, development pressures have grown enormously. One of these permit holders has already sold his ranch, which became a major subdivision of middle-class houses. Meanwhile real estate prices continue to skyrocket and intense development pressure has focused on the remaining permit holders.

In June of last year, a dear friend of mine, Mary Mead, died in a tragic accident doing what she loved best: working on her cherished ranch. Mary was the designated heir to her family's grazing permit on the Grand Teton National Park. Legally, with Mary's death, the grazing permit would be terminated. However, without this permit the Mead family, along with former U.S. Senator Cliff Hansen—father of Mary—would no longer be able to maintain their cattle operation and ranch. Without the park's summer range on which all of their cattle depend, the family would almost certainly be forced to sell their livestock and the ranch, which would in all likelihood be immediately subdivided and developed. This tragic loss would not only destroy open space and scenic vistas but could also adversely impact wildlife habitat and migration patterns as well as the integrity of the park's greater ecosystem.

For these reasons, the family has requested consideration of an extension of their grazing privilege. In return, they are committed to working with the National Park Service and others to actively explore options to preserve their ranch lands. I, too, am dedicated to maintaining the highly valuable open space and ranching culture in this vicinity of the park. An extension of grazing privileges would allow time to explore a network of relationships and avoid the indiscriminate development that could occur on these pastoral lands.

The legislation I am introducing today, written in cooperation with Superintendent Jack Neckles of Grand Teton National Park, authorizes a study which will determine the significance of ranching and the pastoral character of the land, including open vistas, wildlife habitat, and other public benefits. It calls for the Secretary of the Interior to work with the Secretary of Agriculture, the Governor of Wyoming, the Tenon County commissioners, affected land owners, and other interested members of the public, to submit a report to Congress that contains the findings of the study.

With the participation of the interested parties I am hopeful that the study will find open spaces to be an essential dynamic for wildlife in and around the greater Grand Teton National Park system and for all of us who live and desire the wide open spaces.

I commend this legislation to my colleagues and urge their support for its prompt enactment.

TV RATINGS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, January 22, 1997 into the CONGRESSIONAL RECORD.

THE NEW TV RATINGS

The television industry is now implementing a voluntary plan to rate TV programs. Concern about violent and vulgar programming is broad and well-founded: studies have indicated that over half of all television shows contain violence which can encourage children to behave violently.

But there is far less agreement on how to best limit children's exposure to violent programming. I think it is important to alert parents to sensitive material that they may not want their children to view. My hope is that a good rating system coupled with technological advances will help parents monitor their children's television viewing.

The rating system: With my support, Congress last year enacted a law which gave broadcasters until February 8, 1997 to establish a voluntary rating system. The law also requires all newly manufactured TVs with 13-inch or larger screens to include a "v-chip." A TV program's rating could then be electronically transmitted to the v-chip, allowing parents to program their television sets to block certain shows. The Federal Communications Commission (FCC) must develop regulations to implement the v-chip requirement.

The TV rating system, developed by the broadcast and cable networks, is modeled on the motion picture rating system, and includes six different ratings: two for programs designed for children, and four for other programs:

TV–Y: Programs with this rating are considered suitable for children of all ages and specifically designed for a very young audience, like "Barney and Friends."

TV–Y7: Designed for children age 7 and above, whose developmental skills generally enable them to distinguish between make-believe and reality, these programs could include mild physical or comedic violence. An example could be "Mighty Morphin' Power Rangers."

TV–G: This rating is intended for programs not specifically designed for children, but which most parents would find suitable for all ages. Programs contain little or no violence, no strong language, and little or no sexual dialogue or situations. Example: "Dr. Quinn, Medicine Woman."

TV–PG: Parental guidance is suggested for programs with this rating. The programs could contain some suggestive sexual dialogue and situations. Many situation comedies might fit into this category.

TV–14: Parents are strongly cautioned against letting children under the age of 14 watch these programs unattended. These programs may contain sophisticated themes, sexual content, strong language and more intense violence, like "ER" or "NYPD Blue."

TV–M: These programs are suited for adult audiences only, due to mature themes, profane language, graphic violence and explicit sexual content. Unedited R-rated movies, which run on some cable premium channels, would likely get this rating.

The ratings apply to all programs except sports and news, shown on broadcast or cable channels. Each episode of a TV series is rated separately. Ratings appear in the upper-left hand corner of the television screen at the beginning of a program is more than an hour in length. The television industry has requested that newspapers and TV Guide include the ratings in their TV listings.

One of the greatest challenges in implementing the new ratings is the volume of programming. Motion pictures are rated by an independent board which reviews about two films per day. In contrast, TV ratings must be assigned to 2,000 hours of programming each day. For this reason, television networks, producers, and distributors are responsible for assigning ratings to their programs. An oversight board will review the application of the ratings for uniformity and consistency. The board will also solicit comments from the public.

Potential pitfalls: The new rating system has been criticized on several fronts. Some fear that advertisers will be leery of sponsoring programs that receive certain ratings, thereby driving some critically acclaimed programs off of the air. Others argue that the rating system will lead producers to show even less restraint than they do now.

Some critics favor a more detailed rating which would indicate the levels of sex, violence, or foul language contained in a program, using a scale of 0 through 5. Under this system, a program might receive a rating of S–2, V–1, L–3. Supporters of this system contend that it would give parents more useful information, and offer as examples Showtime and HBO, two premium pay cable channels which offer similar ratings. However, supporters of the current rating system counter that the S–V–L system is logistically impossible, given the volume of programming, and also more difficult to apply consistently. They also argue that paralleling the familiar movie-rating system assures that parents will understand the ratings, and note that Canada recently abandoned S–V–L ratings because they were too complex.

Commercials will not be covered by the new ratings system, though critics point out that even children watching "family friendly" shows can be inappropriately exposed to advertisements for violent movies or alcohol. Some critics also believe the TV industry is incapable of rating its own programs fairly.

Assessment: Given the pervasive influence of television, I think we should do what we can to make that influence positive for children. The proposed system is far from perfect. My guess is that parents are going to need more information; the age-based format of the ratings simply will not alert parents sufficiently to the specific violent or sexual content of TV programs. But I do think the new rating system represents at least a good first step, and it should be tested. It is far more desirable for the industry to devise the rating system than have government censorship.

Monitoring children's television viewing is no small task. After all, most parents want not only to steer their kids away from harmful programming—which ratings can help them do—but towards programming that is educational and meaningful. And television represents only one piece of the puzzle—parents still have to contend with music, video games, Internet sites, and movies which may be inappropriate for kids.

I think our goal should be to make available whatever information and technology is helpful to parents. Neither a rating system nor government regulations can—or should—substitute for the good judgment of parents.

TRIBUTE TO HAROLD G. HALL

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. COYNE. Mr. Speaker, on Wednesday, February 19, 1997, Harold G. Hall will receive the prestigious Metcalf Award at the 113th Annual Banquet of the Engineers' Society of Western Pennsylvania. The award is named for William Metcalf, ESWP's first president (1880–81) and is presented each year to an individual who has made significant lifetime contributions in the field of engineering.

Harold G. Hall was born and raised in Pittsburgh, PA. He entered Penn State University to pursue a degree in ceramic engineering, but left college to enter the U.S. Army Air Force where he became a pilot in the Alaskan theater. After 3 years in the service, he returned to Pittsburgh and earned his degree as a mechanical engineer at Carnegie Tech (now Carnegie-Mellon University).

Mr. Hall founded Hall Industries in the 1960's. His interest in manufacturing led him to help other small manufacturers who were devastated by the crash of the steel industry in Pittsburgh, and Hall Industries became a collaboration of 11 small companies which had been struggling to stay in business.

Today, Hall Industries has three facilities in western Pennsylvania and one in Greenville, SC. Its 120 employees serve national markets in the aviation and rapid transit industries, and they also produce precision industrial parts. Hall Industries has also been coordinating engineering studies by Lockheed Martin, the Pennsylvania Maglev Corp., Sargent Electric, Union Switch and Signal, P.J. Dick Corp., and Mackin Engineering that are part of an initiative to develop a magnetic levitation transportation system in Pittsburgh.

Mr. Hall continues to contribute his expertise to Hall Industries and to other companies. His next project is the evaluation of a machine facility in Beijing, China.

Harold G. Hall joins a large, distinguished group of previous Metcalf Award winners. He is an individual of gifted insight, imagination, and special abilities. He is richly deserving of this award. I commend him on the occasion of this notable achievement.

ESSENTIAL HEALTH FACILITIES INVESTMENT ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. STARK. Mr. Speaker, today I am introducing the Essential Health Facilities Investment Act of 1997. This legislation will provide a financial helping hand to those hospitals and health centers that are in the front lines of dealing with our national health care crisis. This legislation allows for the expansion of community health services and the capital needs of safety-net health care facilities while at the same time attempting to limit the further duplication of unnecessary high technology services.

This bill is similar to legislation that was introduced in the 103rd and 104th Congresses and which was included in the national health reform legislation that was approved by the Ways and Means Committee. It is my hope that this new Congress will work toward passage of this bill.

At a time when we are faced with continually shrinking budgets and fiscal austerity, it is more important than ever to appropriate Federal moneys in the most cost-effective manner available while providing the most benefit to all our citizens. In terms of health care, this includes establishing and expanding community health programs designed to provide low-cost primary care to underserved populations to avoid subsequent high-cost emergency room visits. In addition, we must help to support those not-for-profit and public hospitals that deal with a disproportionate number of uninsured patients. In one comparative analysis, urban public hospitals averaged over 19,000 admissions, 242,000 outpatient visits, and nearly 4,000 live births per hospital. The urban private hospitals in the same areas registered just 7,000 admissions, 50,000 outpatient visits, and 760 live births. These safety-net facilities—the public and not-for-profit hospitals that serve a disproportionate share of uninsured and low-income patients—are in essence the family doctor for many in our country. Though it would be far better to incorporate the uninsured into our national insurance pools and give them access to any health care facility they choose to visit, the stark reality is that they are dependent upon these safety-net hospitals for any and all of their health care.

But the importance and benefits associated with public hospitals do not end there. In addition to caring for our Nation's most vulnerable populations, these hospitals provide a great deal of specialty care to their communities. Services such as trauma, burn units, and neonatal intensive care units are frequently found in these hospitals. Many of these services are too costly for other hospitals to provide.

These hospitals are expected to provide quality care under extraordinary circumstances. As an example, they are frequently confronted with tragedies associated with our Nation's obsession with guns. Roughly half of all urban safety-net hospitals are equipped with a trauma center and serve as the first-line treatment facilities for victims of gun violence. The Federal Centers for Disease Control and Prevention predict that, by the year 2003, gunfire will have surpassed auto accidents as the leading cause of injury and death in the United States. Unlike victims of auto accidents who are almost always privately insured, 4 out of 5 gunshot victims are on public assistance. More than 60 urban trauma centers have already closed in the past 10 years. This means that less than one-quarter of the Nation's population resides near a trauma center. Gunshot wounds account for fewer than 1 percent of injuries in hospitals nationwide, yet account for roughly 9 percent of injury treatment costs. It is estimated that for every 1 of the 40,000 patients who die from a gunshot wound annually, 3 others suffer injuries serious enough to require hospitalization.

Serving as a safety-net hospital and community provider places public hospitals at great financial risk. With threatened cutbacks and changes in the Medicare and Medicaid programs, coupled with tightened local budgets, public hospitals face an erosion of traditional sources of funding. Additionally, changes in the health care market, particularly the evolution of managed care and increased competition among providers, have further added to the financial pressures faced by these hospitals. Managed care's ability to attract tougher competition to the health care sector has decreased the urban safety-net hospital's ability to cost-shift some of the heavy losses incurred while providing uncompensated care. As a result, according to a June 1996, Prospective Payment Assessment Commission [ProPAC] report, hospitals in urban areas with high managed care penetration saw their payment-to-cost ratio decrease by 2 percent from 1992 to 1994. Declining margins have resulted in many urban hospitals cutting their level of charity care. In fact, ProPAC found that uncompensated care fell by 4.5 percent during the same time period. This represents clear evidence that more and more of the burden for providing charity care is being shifted to the public safety-net hospitals.

As safety-net providers, public hospitals have historically provided large amounts of uncompensated care. In 1995, for instance, 67 of the member hospitals of the National Association of Public Hospitals [NAPH] provided $5.7 billion in bad debt and charity care, averaging $85,060,641 per hospital. Additionally, bad debt and charity care charges represented 25 percent of gross charges at these hospitals in the same year. According to data from the American Hospital Association [AHA], $28.1 billion in bad debt and charity care was provided nationwide. The NAPH member hospitals represent less than 2 percent of hospitals in the U.S., yet provide over 20 percent of bad debt and charity care nationally.

During the last 15 years, public hospitals have been shouldering a greater portion of the uncompensated care burden. Additionally, private hospitals have begun competing for Medicaid patients which further erodes support for the public providers. Public hospitals rely heavily on payments from Medicare and Medicaid patients to cross-subsidize care for the indigent. As dollars from these programs move from the public to the private hospitals, the ability to function as a safety-net provider is severely tested.

OUTLINE OF THE ESSENTIAL HEALTH FACILITIES INVESTMENT ACT OF 1997

In title I of this legislation, Medicare's Essential Access Community Hospital Program [EACH] would be expanded to all States and a new urban Essential Community Provider Program [ECP] would be created. Funding would be provided for the creation of hospital and community health clinic networks that improve the organization, delivery, and access to preventive, primary, and acute care services for underserved populations.

In title II, financial assistance for capital needs would be provided by the Secretary of HHS to safety-net facilities which serve a disproportionate share of uninsured and low-income patients. Funds for this legislation would be provided by a one-half percent on hospital gross receipts tax.

In title III, financial and technical assistance would be provided to States engaged in review of capital expenditures for health care facilities and high technology equipment. Consideration of alternative, less costly, and existing services would be considered before any funds would be distributed.

REBUILDING THE URBAN SAFETY NET

Even though these essential access facilities fulfill a pivotal role in our Nation's health care system, their infrastructure suffers from gross neglect and under-investment. The buildings and systems that comprise the safety net are often antiquated. Without future reinvestment, the inequities in this system will continue to grow, causing even more of America's underprivileged population to be medically abandoned.

The average age of the physical plant of urban, public hospitals is nearly 27 years, compared to a national average for all hospitals of 7 years. The average capital expenditure for urban hospitals is $12,800 per bed compared to a national average expenditure for all hospitals of $23,700.

A national survey of the Nation's safety-net hospitals found that lack of available hospital beds is resulting in severe overcrowding. Hospital corridors surrounding emergency rooms have begun to resemble triage units seen at the height of military campaigns. A recent study showed that approximately 50 percent of the hospitals in the three most severely impacted areas, Los Angeles, Detroit, and New York were forced to restrict emergency department access over 25 percent of the time. This is occurring despite the fact that occupancy rates of all hospitals have steadily declined during the last decade and are now barely above 60 percent. The average occupancy rate for safety-net hospitals is roughly 82 percent, with some reporting 100 percent occupancy, while private urban hospitals averaged just 67 percent. At any given time, approximately one-third of America's 924,000 hospital beds are empty. Our national priorities have created an excess of beds in areas where need doesn't exist. Likewise, a severe shortage has been created in areas where demand is overwhelming. This bill attempts to address and alleviate some of the pressure built up within the safety-net system.

Historically, health care institutions have found it difficult to secure sufficient financing for capital renovation and expansion products. The financing exists within the market, yet the level of debt service required is often too burdensome for public institutions to manage. Even when revenue bonds are supported by local means, the bond ratings are frequently too low and interest rates too high. After all, these safety-net hospitals treat a high proportion of low-income patients which results in lower operating margins. These ratings have little to do with the ability of hospital administrators to manage their facilities. Rather, market analysts often consider the local appropriations sustaining these facilities to be too uncertain. Thus, the facility is simply prohibited from securing necessary capital.

For facilities facing the greatest demand in our inner-city and rural areas, the traditional method of financing through Federal funding is no longer available. Many of these facilities were originally built with grants or loans under the Hill-Burton Program. These funds have not been available for years. The lack of Federal dollars available to repair and rebuild these facilities, combined with the strain on the resources of local governments, means that the capital needs of safety-net facilities have gone unmet.

This legislation does not propose that the Federal Government take on a massive rebuilding program like the Hill-Burton Program. Nor does it propose that the Federal Government take sole responsibility to solve this problem. However, this legislation is designed to support State and local efforts to upgrade the capacity of these facilities. In drafting this bill, we recognized that the Federal Government has limited resources it can tap for this purpose. Therefore, funding for this program would be achieved through a 0.5 percent—one-half of 1 percent—tax which would be levied against the gross revenues of all hospitals. Hospital revenues received from Medicaid would be exempt from the tax.

Revenue from this relatively modest trust fund would be used by those inner-city and rural facilities across America with the greatest need for assistance. Eligible facilities would include those designated as essential access community hospitals, rural primary care hospitals, large urban hospitals, and qualified health clinics that are members of community health networks.

Assistance from the capital financing trust fund would be provided in the form of loan guarantees, interest rate subsidies, direct matching loans, and in the case of urgent life and safety needs, direct grants. The Federal assistance would be used to leverage State and local government and private sector financing. Repayment would be made back to the trust fund.

For fiscal years through 2002, $995 million will be made available each year through the capital financing trust fund for these safety-net facilities.

With relatively limited resources available to meet the significant health facility infrastructure needs across the Nation, decisions to finance the reconstruction, replacement, or acquisition of facilities and equipment must be made only after first considering whether existing service capacities could be tapped to meet the needs of the underserved more effectively. The next section of this bill is designed to ensure that the capital expenditure decisions supported by this legislation are considered within the context of the entire community's needs and capacities.

MAXIMIZING CAPITAL RESOURCES

Many communities, especially those in rural and inner-city areas, lack the facilities and equipment necessary to adequately meet the needs of their residents at the same time that other hospitals are experiencing a capital oversupply. This oversupply leads to inflationary price pressure. The Essential Health Facilities Investment Act of 1997 will expand medical services to those in need only if the planning authorities feel that the current local medical facilities are unable to meet the needs of the community. In addition, this bill specifically states that only projects that will lead to an increase in the quality of care rendered will be funded. In other words, requests for frivolous, redundant facilities will be denied funding.

One area of oversupply is hospital beds. According to the "Dartmouth Atlas of Health Care," published by the Dartmouth Medical School in 1996, there were more than 827,000 acute care hospital beds in the United States in 1993. The average number of beds per thousand residents was 3.3. Following adjustments for demographic differences, the number of hospital beds per thousand persons varied by a factor of 2.8 across the Nation. The range was from fewer than 2 beds per thousand residents to more than 5 beds per residents. Some of the hospitals with this excess capacity could be closed, or at the very least, denied additional public capital improvement funds. Still, we must also make every effort to ensure that every geographic and community area receives adequate hospital services. In order to avoid exacerbating the current oversupply of hospital beds, we must establish and satisfy safeguards and criteria for the allocation of Capital Financing Trust Fund, EACH, and ECP funds.

Redundancies and inefficiencies with hospital facilities and services are well known. A study in the Annals of Internal Medicine showed that even though America had 10,000 mammography machines at the time of the report, we essentially used only 2,600 of them. This same study asserts that even if every woman in America had a mammography every time the American Cancer Association suggested it was appropriate, we would use only 5,000 of the 10,000 functioning mammography machines.

In addition to a vast waste of valuable resources, this excess capacity can be considered detrimental to the health of patients. Applying the guidelines endorsed by the American Hospital Association and the American College of Cardiologists, 35 percent of the open-heart surgery centers in California perform less than the minimum number of procedures required to achieve an acceptable level of competency and quality. We should not reward those hospitals that insist upon maintaining high cost, redundant, tertiary care services that fail to maintain a minimum level of quality. Admittedly, the availability of reliable outcome studies covering high technology procedures is limited, but there exists reputable data concerning hip replacement surgery and coronary artery bypass surgery [CABS] success factors. The October 25, 1995 issue of the Journal of the American Medical Association cites a study titled "Regionalization of Cardiac Surgery in the United States and Canada" which shows that:

> In California, age and sex-adjusted mortality rates in hospitals performing 500 or more CABS operations per year were 49% lower than in hospitals performing fewer than 100 CABS operations * * *
>
> Hip replacement surgery data and this coronary artery bypass surgery study effectively demonstrate a direct correlation between the volume of procedures performed and the resulting success rates.

I propose that in order to be considered for Medicare reimbursement, a coronary artery bypass surgery hospital must meet the minimum criteria for quality outlined by the Secretary in the Medicare Centers of Excellence for CABS operations. Expanding on this idea, I suggest that any hospital wishing to improve a tertiary care service using resources in excess of $1 million from the Capital Financing Trust Fund must not only demonstrate that they are indeed a safety-net health care provider, but also meet standards of quality for that particular service outlined by the Secretary. As additional reliable outcome studies for other expensive, capital-intensive services become available, disbursement of Capital Financing Trust Funds for improvements will be dependent upon demonstration of adequate quality performance as measured by HCFA's quality outcome measurement.

EXPANDING THE EACH PROGRAM

A third provision of this legislation is designed to facilitate the organization, delivery, and access to primary, preventive, and acute care services for medically underserved populations by fostering networks of essential community providers.

The Essential Access Community Hospital Program was enacted in 1989. This Medicare initiatives provides a unique Federal-State partnership to assure the availability of primary care, emergency services, and limited acute inpatient services in rural areas. The EACH Program was created to maximize resources available to rural residents by establishing regional networks of full-service hospitals [EACH's] connected to limited-service rural primary care hospitals [RPCH's]. Since 1991, over $17 million has been awarded in seven participating States.

In a March 1993 report by the Alpha Center, the strengths of the EACH Program were clearly articulated. They stated:

> The EACH Program has released an enormous amount of creative energy focused on the development of regional networks that link health care providers in remote areas with those in more densely populated communities.

A letter from the project directors of the seven EACH States contained the following comment.

> We believe the EACH concept will assist policymakers, regulators and changemakers in the long process of refocusing rural health care delivery.

I am confident that the EACH Program provides a framework for greatly improving the quality and efficiency of primary care, emergency services, and acute inpatient services in rural areas across the country. As a result, this legislation contains language that would extend the EACH Program to all States.

In addition, creating a new urban Essential Community Provider Program [ECP] would carry the network concept to our Nation's inner cities. While different from the rural EACH Program, the urban ECP Program would concentrate on networking hospitals with primary care service centers, particularly federally qualified health centers. In addition, ECP networks could combine with rural networks.

A report by the General Accounting Office found that "more than 40 percent of emergency department patients and illnesses or injuries categorized as nonurgent conditions." The growth in the number of patients with nonurgent conditions visiting emergency departments is greatest among patients with little or no health insurance coverage—exactly those populations served by essential community providers. Networks of essential community provider hospitals and clinics will help steer patients to more appropriate clinical settings and, as a result, maximize the resources available in both emergency and nonemergency settings.

The concept of inner-city provider networks designed to ease access and improve continuity of care is not new. Initiatives are currently being pursued in urban areas across this country to do just that. This legislation would boost these efforts through critical financial and structured technical assistance.

Funding under the ECP Program would be available for the expansion of primary care sites, development of information, billing and reporting systems, planning and needs assessment, and health promotion outreach to underserved populations in the service area. Facilities eligible to participate in the ECP networks—those designated as "essential community providers"—include Medicare disproportionate share hospitals, rural primary care hospitals, essential access community hospitals, and federally qualified health centers [FQHC] or those clinics which otherwise fulfill the requirements for FQHC status except for board membership requirements.

In order to facilitate integration of hospitals and clinics into these community health networks, physicians at network clinic sites would be provided admitting privileges at network hospitals. In addition, the placement of residents at network-affiliated FQHC's would be counted in the total number of residency positions when determining the indirect medical education [IME] reimbursement to hospitals under Medicare. The authorized funding level for rural EACH and urban ECP would be increased tenfold, from the current level of $25 to $250 million annually.

I am introducing the Essential Health Facilities Investment Act of 1997 because I believe this legislation is an important and necessary component of the effort to reform our Nation's health care delivery system. The initiatives in this bill are essential to ensuring access to high quality and efficient services for everyone in our communities.

TRIBUTE TO THE SOUTH BRONX JOBS CORPS CENTER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SERRANO. Mr. Speaker, recently I had the opportunity to visit the South Bronx Jobs Corps Center, which has been successful at helping disadvantaged youngsters acquire the educational and professional skills they need to succeed in the workplace.

Established 11 years ago in my South Bronx congressional district, the South Bronx Jobs Corps Center is proud of the 500 Bronx youngsters it serves annually. The center provides students with guidance and training, tailored to their individual needs. At the center, younsters have the opportunity to obtain a high school equivalency diploma and to learn a variety of trades including, office assistant with knowledge of word processing, accounting clerk, nurse assistant, and building maintenance technician.

In addition, the center encourages students to participate in community service. Every year students partake in antigraffiti campaigns and in beautifying buildings in our community. They also host meetings of Community Board No. 5 and the 46th Precinct Council, which students are encouraged to attend and participate in.

The South Bronx Jobs Corps Center fosters a family-oriented environment to help youngsters overcome their challenges. It houses 200 youngsters and provides day care services to students' children ages 3 months to 3 years. The social component of the center's training includes parenting classes for students.

In 1964, President Lyndon B. Johnson proposed the establishment of the Jobs Corps as an initiative to fight poverty. The South Bronx Jobs Corps Center is 1 of 100 centers nationwide and in Puerto Rico, serving youngsters ages 16 to 24.

Supported by President Clinton, the Jobs Corps continues to be an effective program to assist at-risk youngsters in completing their education, increasing their self-esteem, developing a sense of belonging to the community, and preparing for a productive adulthood.

This May 100 students will graduate from the South Bronx Jobs Corps Center. Seventeen of the center's 100 employees are South Bronx Jobs Corps graduates. Many others after completing the program have pursued a college education and secured part-time or full-time jobs.

The most famous graduate from one of the centers in the Nation is heavyweight champion George Foreman. Mr. Foreman, who also authored a cookbook, visited the South Bronx Jobs Corps Center recently to talk about the importance that the Jobs Corps program has had in his overall career.

Mr. Speaker, I ask my colleagues to join me recognizing the staff and students of the South Bronx Jobs Corps Center for their outstanding achievements and in wishing them continued success.

TERM LIMITS

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mrs. SMITH of Washington. Mr. Chairman, today I will vote against the seven term limits amendments to the U.S. Constitution which were offered by Members of Congress who represent States which have passed term limits referendums. According to these so-called scarlet letter proposals, if a Member of Congress from one of these States failed to vote in favor of the exact term limit proposal approved in the referendum, the phrase "violated voter instruction on term limits" would be printed next to the Member's name on future ballots.

I am a strong supporter of term limits. I cosponsored House Joint Resolution 3 in the 104th and 105th Congress which would limit terms in the House to three terms and two terms in the Senate.

Nevertheless, I opposed the scarlet letter proposals because the way these referendums are drafted, they preclude Members of Congress in scarlet letter ballot States from voting for any other version than the one approved by the voters. While I respect the voters' will to impose term limits and return to a citizen legislature, I believe the scarlet letter initiative is ill-conceived. By dictating the exact language of the amendment rather than providing the desired general terms, the referendum precludes Members from voting for amendments which would accomplish the same thing.

Today I supported three different proposals including: First the McCollum base bill which sets a lifetime limit of six terms in the House and two terms in the Senate; second, the Fowler amendment which sets four consecutive terms in the House and two consecutive terms in the Senate; and third, the Scott amendment which sets a lifetime limit of six terms in the House and two terms in the Senate while also giving States the right to enact shorter terms. I believe these are each viable and reasonable proposals.

We need legislators in Washington, DC, more concerned about the well-being of the Nation than building their own political empire. Term limits will eliminate career politicians who, through the benefits of incumbency and cozy relationships with special interests, have stacked the deck against challengers.

While term limitations are a blunt instrument, I hope they will help bring to Congress citizen legislators interested in serving their country for a limited time and returning to private life where they too must live by the laws they have created.

TRIBUTE TO ELLIOTT P. LAWS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Ms. HARMAN. Mr. Speaker, I rise today to honor Elliott P. Laws, who is stepping down from his position as EPA's Assistant Administrator for Solid Waste and Emergency Response at the end of this week.

In my view, no member of the Clinton administration has been more effective in serving the American people. Like many, Elliott possesses the necessary intelligence, creativity, and patience. But what has made Elliott truly special is that he is a caring and compassionate person—qualities which pervade every aspect of his work.

With his vast experience not only in the Federal Government, but also in the private sector and at the State level, it is no wonder that Elliott has not tolerated business as usual at the EPA. Elliott embodies the notion of reinventing government.

For more than 2 years, Elliott and I have worked together to help constituents of mine who have the misfortune of living between two Superfund sites—a former DDT manufacturing plant and toxic waste pits. Before Elliott got involved, EPA seemed content to stick with the old way of doing business and planned to temporarily move residents, remove toxic DDT from their homes, and then return them to their neighborhood—notwithstanding the waste pits which loomed nearby.

Once I called on Elliott for help, he made it clear that the old way was not acceptable, and that an innovative solution had to be found. To begin with, Elliott came to California to meet with residents in their own backyards to learn the scope of the problem from them. Elliott used his persuasiveness to get local residents and potential responsible parties to sit down with a mediator to discuss ways to permanently relocate those at the site. Months and months of hard work by everyone involved has apparently paid off and a buyout plan will hopefully be ratified in the next few weeks. Residents will be permanently relocated, and can finally move on with their lives.

Mr. Speaker, the Federal Government needs more public servants like Elliott Laws. I wish him well in all of his future endeavors.

INTRODUCTION OF THE MIGRATORY BIRD TREATY REFORM ACT OF 1997

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce today, along with the cochairman of the Congressional Sportsmen's Caucus, JOHN TANNER, and our colleague, CLIFF STEARNS, the Migratory Bird Treaty Reform Act of 1997. This measure is basically identical to legislation I proposed at the end of the previous Congress.

It has been nearly 80 years since the Congress enacted the Migratory Bird Treaty Act [MBTA]. Since that time, there have been numerous congressional hearings and a distinguished Law Enforcement Advisory Commission was constituted to review the application of the MBTA regulations. Although these efforts clearly indicated serious problems, there has been no meaningful effort to change the statute or modify the regulations. Due to administrative inaction and the clear evidence of inconsistent application of regulations and confusing court decisions, it is time for the Congress to legislatively change certain provisions that have, and will continue to penalize many law-abiding citizens. I assure my colleagues, as well as landowners, farmers, hunters, and concerned citizens, that this legislation in no way undermines the fundamental goal of protecting migratory bird resources.

Before explaining this legislation, I would like to provide my colleagues with some background on this issue. In 1918, Congress enacted the Migratory Bird Treaty Act, that implemented the 1916 Convention for the Protection of Migratory Birds between Great Britain—for Canada—and the United States. Since that time, there have been similar agreements signed between the United States, Mexico, and the former Soviet Union. The convention and the act are designed to protect and manage migratory birds as well as regulate the taking of that renewable resource.

In an effort to accomplish these goals, over the years certain restrictions have been imposed by regulation on the taking of migratory birds by hunters. Many of these restrictions were recommended by sportsmen who felt that they were necessary management measures to protect and conserve renewable migratory bird populations. Those regulations have clearly had a positive impact, and viable migratory bird populations have been maintained despite the loss of natural habitat because of agricultural, industrial, and urban activities.

Since the passage of the MBTA and the development of the regulatory scheme, various legal issues have been raised and most have been successfully resolved. However, one restriction that prohibits hunting migratory birds by the aid of baiting, or on or over any baited area has generated tremendous controversy, and it has not been satisfactorily resolved. The reasons for this controversy are twofold:

First, a doctrine has developed in Federal courts whereby the actual guilt or innocence of an individual hunting migratory birds on a baited field is not an issue. If it is determined that bait is present, and the hunter is there, he is guilty under the doctrine of strict liability, regardless of whether there was knowledge or intent. Courts have ruled that it is not relevant that the hunter did not know or could not have reasonably known bait was present. Understandably, there has been much concern over the injustice of this doctrine that is contrary to the basic tenet of our criminal justice system: that a person is presumed innocent until proven guilty, where intent is a necessary element of that guilt.

A second point of controversy is the related issue of the zone of influence doctrine developed by the courts relating to the luring or attracting of migratory birds to the hunting venue. Currently, courts hold that if the bait could have acted as an effective lure, a hunter will be found guilty, regardless of the amount of the alleged bait or other factors that may have influenced the migratory birds to be present at the hunting site. Again, a number of hunters have been unfairly prosecuted by the blanket application of this doctrine.

In addition, under the current regulations, grains scattered as a result of agricultural pursuits are not considered bait as the term is used. The courts and the U.S. Fish and Wildlife Service, however, disagree on what constitutes normal agricultural planting or harvesting or what activity is the result of bona fide agricultural operations.

During the past three decades, Congress has addressed various aspects of the baiting issue. It has also been addressed by a Law Enforcement Advisory Commission appointed by the Fish and Wildlife Service. Sadly, nothing has resulted from these examinations and the problems still persist. As a consequence, landowners, farmers, wildlife managers, sportsmen, and law enforcement officials are understandably confused.

On May 15, 1996, the House Resources Committee, which I chair, conducted an oversight hearing to review the problems associated with the MBTA regulations, their enforcement, and the appropriate judicial rulings. It was abundantly clear from the testimony at this hearing, as well as previous hearings, that the time has come for the Congress to address these problems through comprehensive legislation. From a historical review, it is obvious that regulatory deficiencies promulgated pursuant to the Migratory Bird Treaty Act will not be corrected, either administratively or by future judicial rulings.

Since there is inconsistent interpretation of the regulations under MBTA that the executive and judicial branches of Government have failed to correct, the Congress has an obligation to eliminate the confusion and, indeed, the injustices that now exist. It is also important that Congress provide guidance to law enforcement officials who are charged with the responsibility of enforcing the law and the accompanying regulations.

It must be underscored that sportsmen, law enforcement officials and, indeed, Members of Congress all strongly support the basic intent of the Migratory Bird Treaty Act that our migratory bird resources must be protected from overexploitation. Sportsmen have consistently demonstrated their commitment to the wise use of renewable wildlife resources through reasoned management and enforcement of appropriate regulations.

Over the years, various prohibitions on the manner and methods of taking migratory birds have been embodied in regulations. Many of these prohibitions are decades old and have the support of all persons concerned with protecting migratory birds. In my judgment, it would be appropriate to incorporate these regulations in statutory law, and my proposed bill accomplishes that objective. This provision does not, however, restrict or alter the Secretary of the Interior's annual responsibilities to establish bag limits or duration of seasons. Nor does it prevent additional prohibitions, including hunting methods of migratory birds, from being implemented.

Second, a fundamental goal of the Migratory Bird Treaty Reform Act of 1997 is to address the baiting issue. Under my proposed legislation, no person may take migratory birds by the aid of bait, or on or over bait, where that person knew or should have known the bait was present. The provision removes the strict liability interpretation made first by a Federal court in Kentucky in 1939, and presently followed by a majority of Federal courts. With this provision, uniformity in the application of the prohibition is established.

As important, however, is the establishment of a standard that permits a determination of the actual guilt of the defendant. If the facts demonstrate that the hunter knew or should have known of the alleged bait, liability—which includes fines and potential incarceration—will be imposed. If by the evidence, however, the hunter could not have reasonably known that the alleged bait was present, liability would not be imposed and penalties would not be assessed. This would be a question of fact to be determined by the court based on the totality of the evidence presented.

Furthermore, the exceptions to baiting prohibitions contained in Federal regulations have been amended to permit exemption for grains found on a hunting site as a result of normal agricultural planting and harvesting as well as normal agricultural operations. This proposed change will establish reasonable guidelines for both the hunter and the law enforcement official.

To determine what is a normal agricultural operation in a given region, the U.S. Fish and Wildlife Service will be required to annually publish, in the Federal Register, a notice for public comment defining what is a normal agricultural operation for that particular geographic area. This determination is to be made only after meaningful consultation with relevant State and Federal agencies and an opportunity for public comment. Again, the goal of this effort is to provide uniformity and clarity for landowners, farmers, wildlife managers, law enforcement officials, and hunters so they know what a normal agricultural operation is for their region.

In addition, the proposed legislation permits the scattering of various substances like grains and seeds, which are currently considered bait, if it is done to feed farm animals and is a normal agricultural operation in a given area, as recognized by the Fish and Wildlife Service and published in the Federal Register.

Finally, the term bait is defined as the intentional placing of the offending grain, salt, or other feed. This concept removes from violation the accidental appearance of bait at or near the hunting venue. There have been cases where hunters have been charged with violating baiting regulations as a result of grain being unintentionally spilled on a public road, where foreign grain was inadvertently mixed in with other seed by the seller and later found at a hunting site, and where foreign grain was deposited by animals or running water. These are examples of actual cases where citations were given to individuals for violations of the baiting regulations.

Under my proposed legislation, the hunter would also be permitted to introduce evidence at trail on what degree the alleged bait acted as the lure or attraction for the migratory birds in a given area. In cases where 13 kernels of corn were found in a pond in the middle of a 300-acre field planted in corn or where 34 kernels of corn were found in a wheat field next to a freshwater river, the bait was clearly not the reason migratory birds were in the hunting area. First, it was not intentionally placed there and, second, it could not be considered an effective lure or attraction under the factual circumstances. These are questions of fact to be determined in a court of law. Currently, however, evidence of these matters is entirely excluded as irrelevant under the strict liability doctrine.

In 1934, Congress enacted the Migratory Bird Conservation Act as a mechanism to provide badly needed funds to purchase suitable habitat for migratory birds. Today, that need still exists, and my legislation will require that all fines and penalties collected under the MBTA be deposited into the Migratory Bird Conservation Fund. These funds are essential to the long-term survival of our migratory bird populations.

Finally, this measure proposes that personal property that is seized can be returned to the owner by way of a bond or other surety, prior to trial, at the discretion of the court.

Mr. Speaker, the purpose of the proposed Migratory Bird Treaty Reform Act is to provide clear guidance to landowners, farmers, wildlife managers, hunters, law enforcement officials, and the courts on what are the restrictions on the taking of migratory birds. The conflict within the Federal judicial system and the inconsistent application of enforcement within the U.S. Fish and Wildlife Service must be resolved. The proposed legislation accomplishes that objective without, in any manner, weakening the intent of current restrictions on the method and manner of taking migratory birds; nor do the proposed provisions weaken protection of the resource. Finally, the proposed legislation does not alter or restrict the Secretary of the Interior's ability to promulgate annual regulations nor inhibit the issuance of further restrictions on the taking of migratory birds.

Mr. Speaker, I urge my colleagues to carefully review the Migratory Bird Treaty Reform Act of 1997. It is a long overdue solution to several ongoing problems that regrettably continue to unfairly penalize many law-abiding hunters in this country.

TRIBUTE TO MONTEFIORE MEDICAL CENTER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Montefiore Medical Center for 50 years of caring in our Bronx community.

Mr. Speaker, this year, 1997, marks the 50th anniversary of the Montefiore Home Health Agency. Since its inception as the first hospital-based home health agency in the United States, Montefiore has cared for tens of thousands of patients.

Montefiore offers a variety of programs. The long term home health care program, provides a continuum of care at home to the chronically ill, who would otherwise require nursing home placement. The TeleCare program provides 24-hour access to emergency assistance in the home. The certified home health agency provides short-term care to patients in the post-hospital period. Such programs have been vital to patients recovery and recuperation.

I would like to highlight the staff's devotion and energy in tending to the individual needs of each patient. Medical social workers provide unique and personal care. They teach patients how to use a variety of assistance devices. From nurses to occupational and physical therapists, these fine professionals are there when needed.

Montefiore and its home health care staff stand out in their field. Montefiore succeeds in dramatically improving patients' quality of life.

Mr. Speaker, let us join in the celebration of this milestone and acknowledge this outstanding agency for 50 years of accomplishment and service.

THE INTRODUCTION OF THE SECURITY AND FREEDOM THROUGH ENCRYPTION [SAFE] ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

Mr. GOODLATTE. Mr. Speaker, today I am pleased, along with 54 of my colleagues, to introduce the Security And Freedom through Encryption [SAFE] Act of 1997.

This much-needed, bipartisan legislation accomplishes several important goals. First, it aids law enforcement by preventing piracy and white-collar crime on the Internet. If an ounce of prevention is worth a pound of cure, then an ounce of encryption is worth a pound of subpoenas. With the speed of transactions and communications on the Internet, law enforcement cannot possibly deal with pirates and criminal hackers by waiting to react until after the fact.

Only by allowing the use of strong encryption, not only domestically but internationally as well, can we hope to make the Internet a safe and secure environment. As the National Research Council's Committee on National Cryptography Policy concluded:

> If cryptography can protect the trade secrets and proprietary information of businesses and thereby reduce economic espionage (which it can), it also supports in a most important manner the job of law enforcement. If cryptography can help protect national critical information systems and networks against unauthorized penetration (which it can), it also supports the national security of the United States.

Second, if the Global Information Infrastructure is to reach its true potential, citizens and companies alike must have the confidence that their communications and transactions will be secure. The SAFE Act, by allowing all Americans to use the highest technology and strongest security available, will provide them with that confidence.

Third, with the availability of strong encryption overseas and on the Internet, our current export controls only serve to tie the hands of American business. According to an economic study released in December 1995 by the Computer Systems Policy Project, failure to remove these export controls by the year 2000—just 3 short years from now—will cost our economy $60 billion and 200,000 jobs.

The SAFE Act remedies this situation by allowing the unencumbered export of generally available software and hardware if a product with comparable security features is commercially available from foreign suppliers. Removing these export barriers will free U.S. industry to remain the world leader in software, hardware, and Internet development. And by allowing the U.S. computer industry to use and export the highest technology available with the strongest security features available, America will be leading the way into the 21st century information age and beyond.

This bipartisan legislation enjoys the support of members and organizations across the spectrum of all ideological and political beliefs. Groups as varied as the American Civil Liberties Union, National Rifle Association, Americans for Tax Reform, Netscape, Microsoft, Novell, Lotus, Adobe, Software Publishers Association, Information Technology Association of America, Citizens for a Sound Economy, Competitive Enterprise Institute, Business Leadership Council, IBM, Small Business Survival Committee, Sybase, RSA Data Security, Semiconductor Industry Association, Telecommunications Industry Association, and National Association of Manufacturers strongly support this legislation, to name just a few.

The SAFE Act enjoys this support not only because it is a commonsense approach to solving a very immediate problem, but also because ordinary Americans' personal privacy and computer security is being assaulted by this administration. Amazingly enough, the administration wants to mandate a back door into peoples' computer systems in order to access their private information and confidential communications. In fact the administration has said that if private citizens and companies do not voluntarily create this back door, it will seek legislation forcing Americans to give the Government access to their information by means of a key escrow system requiring computer users to put the keys to decode their encrypted communications into a central data bank. This is the technological equivalent of mandating that the Federal Government be given a key to every home in America.

The SAFE Act, on the other hand, will prevent the administration from placing roadblocks on the information superhighway by prohibiting the Government from mandating a back door into the computer systems of private citizens and businesses. Additionally, the SAFE Act ensures that all Americans have the right to choose any security system to protect their confidential information.

Mr. Speaker, with the millions of communications, transmissions, and transactions that occur on the Internet every day, American citizens and businesses must have the confidence that their private information and communications are safe and secure. That is precisely what the SAFE Act will ensure. I urge each of my colleagues to join and support this bipartisan effort.

The original cosponsors are Representatives LOFGREN, DELAY, BOEHNER, COBLE, SENSENBRENNER, BONO, PEASE, CANNON, CONYERS, BOUCHER, GEKAS, SMITH (TX), INGLIS, BRYANT (TN), CHABOT, BARR, JACKSON-LEE, WATERS, ACKERMAN, BAKER (NC), BARTLETT, CAMPBELL, CHAMBLISS, CUNNINGHAM, DAVIS (VA), DICKEY, DOOLITTLE, EHLERS, ENGEL, ESHOO, EVERETT, EWING, FARR, GEJDENSON, GILLMOR, GOODE, Delegate HOLMES-NORTON, Representatives HORN, Mrs. EDDIE BERNICE JOHNSON (TX), Mr. SAM JOHNSON (TX), KOLBE, MCINTOSH, MCKEON, MANZULLO, MATSUI, MICA, MINGE, MOAKLEY, NETHERCUTT, PACKARD, SESSIONS, UPTON, WHITE, and WOOLSEY.

Mr. Speaker, I would like the text of this legislation reprinted in the RECORD.

H.R.—

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Security and Freedom Through Encryption (SAFE) Act".

SEC. 2. SALE AND USE OF ENCRYPTION.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 121 the following new chapter:

"CHAPTER 122—ENCRYPTED WIRE AND ELECTRONIC INFORMATION

"2801. Definitions.
"2802. Freedom to use encryption.
"2803. Freedom to sell encryption.
"2804. Prohibition on mandatory key escrow.
"2805. Unlawful use of encryption in furtherance of a criminal act.

§ 2801. Definitions

"As used in this chapter—

"(1) the terms 'person', 'State', 'wire communication', 'electronic communication', 'investigative or law enforcement officer', 'judge of competent jurisdiction', and 'electronic storage' have the meanings given those terms in section 2510 of this title;

"(2) the terms 'encrypt' and 'encryption' refer to the scrambling of wire or electronic information using mathematical formulas or algorithms in order to preserve the confidentiality, integrity, or authenticity of, and prevent unauthorized recipients from accessing or altering, such information;

"(3) the term 'key' means the variable information used in a mathematical formula, code, or algorithm, or any component thereof, used to decrypt wire or electronic information that has been encrypted; and

"(4) the term 'United States person' means—

"(A) any United States citizen;

"(B) any other person organized under the laws of any State, the District of Columbia, or any commonwealth, territory, or possession of the United States; and

"(C) any person organized under the laws of any foreign country who is owned or controlled by individuals or persons described in subparagraphs (A) and (B).

"§ 2802. Freedom to use encryption

"Subject to section 2805, it shall be lawful for any person within any State, and for any United States person in a foreign country, to use any encryption, regardless of the encryption algorithm selected, encryption key length chosen, or implementation technique or medium used.

"§ 2803. Freedom to sell encryption

"Subject to section 2805, it shall be lawful for any person within any State to sell in interstate commerce any encryption, regardless of the encryption algorithm selected, encryption key length chosen, or implementation technique or medium used.

"§ 2804. Prohibition on mandatory key escrow

"(a) PROHIBITION.—No person in lawful possession of a key to encrypted information may be required by Federal or State law to relinquish to another person control of that key.

"(B) EXCEPTION FOR ACCESS FOR LAW ENFORCEMENT PURPOSES.—Subsection (a) shall not affect the authority of any investigative or law enforcement officer, acting under any law in effect on the effective date of this chapter, to gain access to encrypted information.

"§ 2805. Unlawful use of encryption in furtherance of a criminal act

"Any person who willfully uses encryption in furtherance of the commission of a criminal offense for which the person may be prosecuted in a court of competent jurisdiction—

"(1) in the case of a first offense under this section, shall be imprisoned for not more than 5 years, or fined in the amount set forth in this title, or both; and

"(2) in the case of a second or subsequent offense under this section, shall be imprisoned for not more than 10 years, or fined in the amount set forth in this title, or both.".

(b) CONFORMING AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 33 of the following new item:

"122. Encrypted wire and electronic information .... 2801".

SEC. 3. EXPORTS OF ENCRYPTION.

(a) AMENDMENT TO EXPORT ADMINISTRATION ACT OF 1979.—Section 17 of the Export Administration Act of 1979 (50 U.S.C. App. 2416) is amended by adding at the end thereof the following new subsection:

"(g) COMPUTERS AND RELATED EQUIPMENT.—

"(1) GENERAL RULE.—Subject to paragraphs (2), (3), and (4), the Secretary shall have exclusive authority to control exports of all computer hardware, software, and technology for information security (including encryption), except that which is specifically designed or modified for military use, including command, control, and intelligence applications.

"(2) ITEMS NOT REQUIRING LICENSES.—No validated license may be required, except pursuant to the Trading With the Enemy Act or the International Emergency Economic Powers Act (but only to the extent that the authority of such Act is not exercised to extend controls imposed under this Act), for the export or reexport of—

"(A) any software, including software with encryption capabilities—

"(i) that is generally available, as is, and is designed for installation by the purchaser; or

"(ii) that is in the public domain for which copyright or other protection is not available under title 17, United States Code, or that is available to the public because it is generally accessible to the interested public in any form; or

"(B) any computing device solely because it incorporates or employs in any form software (including software with encryption capabilities) exempted from any requirement for a validated license under subparagraph (A).

"(3) SOFTWARE WITH ENCRYPTION CAPABILITIES.—The Secretary shall authorize the export or reexport of software with encryption capabilities for nonmilitary end uses in any country to which exports of software of similar capability are permitted for use by financial institutions not controlled in fact by

United States persons, unless there is substantial evidence that such software will be—

"(A) diverted to a military end use or an end use supporting international terrorism;

"(B) modified for military or terrorist end use; or

"(C) reexported without any authorization by the United States that may be required under this Act.

"(4) Hardware with Encryption Capabilities.—The Secretary shall authorize the export or reexport of computer hardware with encryption capabilities if the Secretary determines that a product offering comparable security is commercially available outside the United States from a foreign supplier, without effective restrictions.

"(5) Definitions.—As used in this subsection—

"(A) the term 'encryption' means the scrambling of wire or electronic information using mathematical formulas or algorithms in order to preserve the confidentiality, integrity, or authenticity of, and prevent unauthorized recipients from accessing or altering, such information;

"(B) the term 'generally available' means, in the case of software (including software with encryption capabilities), software that is offered for sale, license, or transfer to any person without restriction, whether or not for consideration, including, but not limited to, over-the-counter retail sales, mail order transactions, phone order transactions, electronic distribution, or sale on approval;

"(C) the term 'as is' means, in the case of software (including software with encryption capabilities), a software program that is not designed, developed, or tailored by the software publisher for specific purchasers, except that such purchasers may supply certain installation parameters needed by the software program to function properly with the purchaser's system and may customize the software program by choosing among options contained in the software program;

"(D) the term 'is designed for installation by the purchaser' means, in the case of software (including software with encryption capabilities) that—

"(i) the software publisher intends for the purchaser (including any licensee or transferee), who may not be the actual program user, to install the software program on a computing device and has supplied the necessary instructions to do so, except that the publisher may also provide telephone help line services for software installation, electronic transmission, or basic operations; and

"(ii) the software program is designed for installation by the purchaser without further substantial support by the supplier;

"(E) the term 'computing device' means a device which incorporates one or more microprocessor-based central processing units that can accept, store, process, or provide output of data; and

"(F) the term 'computer hardware', when used in conjunction with information security, includes, but is not limited to, computer systems, equipment, application-specific assemblies, modules, and integrated circuits.".

(b) Continuation of Export Administration Act.—For purposes of carrying out the amendment made by subsection (a), the Export Administration Act of 1979 shall be deemed to be in effect.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 13, 1997, may be found in the Daily Digest of today's Record.

MEETINGS SCHEDULED

FEBRUARY 25

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the impact of estate taxes on farmers.
SR–332

9:30 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1998 for the Department of the Interior and Forest Service.
SD–366

FEBRUARY 26

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the impact of capital gains taxes on farmers.
SR–332

9:30 a.m.
Energy and Natural Resources
Business meeting, to mark up S. 104, to amend the Nuclear Waste Policy Act of 1982, and to consider the nomination of Federico Pena, of Colorado, to be Secretary of Energy, and other pending calendar business.
SD–366

Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act.
SD–406

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

Small Business
To hold hearings on the President's budget request for fiscal year 1998 for the Small Business Administration.
SR–428A

Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1998 for the Bureau of Indian Affairs and the Indian Health Service.
SR–485

10:00 a.m.
Joint Economic
To hold hearings to examine the economic and budget outlook.
Room to be announced

FEBRUARY 27

9:30 a.m.
Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD–430

10:00 a.m.
Armed Services
To hold hearings concerning the Department of Defense actions pertaining to Persian Gulf illnesses.
SD–106

Commerce, Science, and Transportation
To hold hearings to examine violence in television programming.
SR–253

MARCH 4

9:30 a.m.
Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
To hold hearings on proposals relating to liability and resource issues associated with the cleanup and redevelopment of abandoned or underutilized industrial and commercial properties.
SD–406

MARCH 5

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the Department of Agriculture's business plan and reorganization management proposals.
SR–332

9:30 a.m.
Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
To hold hearings on S. 8, to authorize funds for and reform the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (Superfund).
SD–406

MARCH 6

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine issues with regard to competitive change in the electric power industry.
SH–216

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Retired Officers Association, the Association of the U.S. Army, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, and the Blinded Veterans Association.
345 Cannon Building

MARCH 11

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation authorizing funds for agricultural research.
SR–332

10:00 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1998 for the Department of Energy and the Federal Energy Regulatory Commission.
SD-366

MARCH 12

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine universal telephone service.
SR-253

Environment and Public Works
To hold hearings on proposals to authorize state and local governments to enact flow control laws and to regulate the interstate transportation of solid waste.
SD-406

MARCH 13

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR-332

9:30 a.m.
Energy and Natural Resources
To resume hearings to examine issues with regard to competitive change in the electric power industry.
SD-G50

MARCH 18

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR-332

MARCH 19

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

MARCH 20

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR-332

9:30 a.m.
Energy and Natural Resources
To resume hearings to examine issues with regard to competitive change in the electric power industry.
SH-216

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Veterans of World War I, and the Vietnam Veterans of America.
345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, February 13, 1997*

The House met at 10 a.m.

The Reverend Michael E. Osborne, Grace Presbyterian Church, Ocala, FL, offered the following prayer:

Let us pray. Almighty God, You tell us in Your Word that You live in a high and holy place; that You are the King of all the Earth, before whom the nations tremble, and who will one day judge every person in righteousness.

Yet O Lord, You have also said You dwell with the one who is contrite and lowly in spirit and that You came to seek and to save that which was lost.

So we come before You, Lord, as very needy people, asking You to forgive our sins. We pray for mercy upon this land and these leaders; for peace among the nations; for wisdom as we carry on our work this day; and for humility, that we might grow in our commitment to You and to one another.

We pray this in Your matchless name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia [Mr. BARR] come forward and lead the House in the Pledge of Allegiance.

Mr. BARR of Georgia led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT AS MEMBERS OF HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER. Pursuant to section 127 of Public Law 97–377 (2 U.S.C. 88b–3), the Chair appoints as members of the House of Representatives Page Board the following Members of the House: Mrs. FOWLER of Florida and Mr. KOLBE of Arizona.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER. Pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), the Chair appoints as members of the Board of Trustees of the John F. Kennedy Center for the Performing Arts the following Members of the House: Mr. GINGRICH of Georgia and Mr. MCDADE of Pennsylvania.

APPOINTMENT AS MEMBERS OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of sections 5580 and 5581 of the revised statutes (20 U.S.C. 42–43) the Chair appoints as members of the Board of Regents of the Smithsonian Institution the following Members of the House: Mr. LIVINGSTON of Louisiana and Mr. SAM JOHNSON of Texas.

APPOINTMENT AS MEMBERS OF U.S. HOLOCAUST MEMORIAL COUNCIL

The SPEAKER. Pursuant to the provisions of Public Law 96–388, as amended by Public Law 97–84 (36 U.S.C. 1402(a)), the Chair appoints the following Members of the House to the U.S. Holocaust Memorial Council: Mr. GILMAN of New York, Mr. REGULA of Ohio, Mr. LATOURETTE of Ohio and Mr. FOX of Pennsylvania.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. AIR FORCE ACADEMY

The SPEAKER. Pursuant to the provisions of section 9355(a) of title 10, U.S. Code, the Chair appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members of the House: Mr. HEFLEY of Colorado and Mr. YOUNG of Florida.

APPOINTMENT AS MEMBER OF BOARD OF VISITORS TO U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of section 194(a) of title 14, United States Code, the Chair appoints as a member of the Board of Visitors to the U.S. Coast Guard Academy the following Member of the House: Mrs. JOHNSON of Connecticut.

APPOINTMENT AS MEMBER OF BOARD OF VISITORS TO U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of section 1295 b(h) of title 46, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Member of the House: Mr. KING of New York.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of section 4355(a) of title 10, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Military Academy the following Members of the House: Mrs. KELLY of New York and Mr. TAYLOR of North Carolina.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of section 6968(a) of title 10, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members of the House: Mr. GILCHREST of Maryland and Mr. SKEEN of New Mexico.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

The SPEAKER. Pursuant to the provisions of section 1505 of Public Law 99-498 (20 U.S.C. 4412), the Chair appoints to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development the following Member of the House: Mr. YOUNG of Alaska.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize five Members on each side for 1 minute.

WELCOMING REV. MICHAEL OSBORNE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, let me thank you for the opportunity to welcome my pastor from Ocala, FL. He is a minister and pastor from Grace Presbyterian Church. He comes by way of

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Covenant Presbyterian Church in South Carolina and knows the gentleman from South Carolina [Mr. INGLIS] and the gentleman from Missouri [Mr. TALENT] well.

I want to welcome him, and of course I also want to tell him how important it is to have him here today. He came up with part of the National Pastors Policy Group that Dr. Jerry Falwell has brought here to Washington as an attempt to establish the restoration of the Judeo-Christian ethic here in America. They are looking for spiritual revival.

Last night we learned from Dr. Falwell and Mike Osborne had the opportunity to listen to him and meet him. I wanted to welcome him here and particularly tell him and Members of this House, this great body, that we can pass all the laws we want here in Washington. Of course, we have a crime bill almost every year, but the real hard work is back in each of our congressional districts by pastors such as Mike Osborne.

If he will preach the gospel and talk about the Judeo-Christian ethic, we will restore what is right to this country and we will not need to pass more and more laws. I request that all of us will pray for him and pray for our pastors back in the district that they might have the ability to transform all this in our values because the legislation we pass will not do it as quickly and as mightily as he does in the pulpit every Sunday.

So, Mike Osborne, I welcome you to this great body. And I thank the Chair for this opportunity.

BALANCED BUDGET AMENDMENT

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, a tremendous amount of energy has been put into the balanced budget amendment movement. The whole debate has perversely served to distract from the important key issue of the level of government expenditures. A balanced budget achieved at $1.7 trillion offers no benefit whatsoever and a great deal of harm compared to a $1 trillion budget out of balance. This whole debate over the balanced budget amendment has coopted the important issue of the proper size of government.

If Social Security funds are used to balance the budget, the support for this project will quickly fade. What is generally forgotten in this debate is that the national debt last year rose $261 billion, a far cry from the much talked about $107 billion deficit. The math is less clear than alleged.

The deficit problem is a lot more than an accounting problem. Balancing the books or pretending to do so will not solve the problem inherent in a welfare state manipulated by a majority vote for the benefit of the special interests.

NEIGHBORHOOD PROSECUTION

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute.)

Mr. BLAGOJEVICH. Mr. Speaker, there is no doubt that community policing works. That is why I am here today to recommend the next logical step in grassroots law enforcement: Neighborhood prosecution.

As a former prosecutor, I am proud to introduce a bill that would create a $10 million pilot program to put prosecutors on the streets of America. These new prosecutors would expand their duties beyond the courtroom and work with residents to spot the causes of crime and aggressively root them out.

One might ask, why should prosecutors care about broken windows, graffiti, dark alleys, and abandoned buildings? Simply put, these conditions breed crime. Studies have shown that a broken window is the first step toward graffiti, which is the first step toward loitering, which is the first step toward gang activity. My plan says, fix the broken window; stop the cycle of crime.

THE 100th ANNIVERSARY OF THE PTA

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, our Nation continues to benefit from one of the greatest educational systems on the face of the earth due largely to the efforts of two groups of very special people. I speak not of Washington bureaucrats but rather of the parents and teachers in our local communities who work together tirelessly on behalf of our children.

I proudly commend Parent and Teacher Assoc. across America for their efforts to fight for schools that are safe and in which our children are taught values and knowledge that we hope will last them a lifetime.

I am also proud because Cobb County, GA, in the seventh District of Georgia is the birthplace of Alice McClellan Birney, the original founder of the PTA, which on February 17 celebrates its 100th anniversary. A special service will be held next Monday at Marietta High School in Marietta, GA, commemorating Alice McClellan Birney, and the millions of parents, teachers, and students whose lives she has touched.

On this 100th anniversary of the PTA, I urge my colleagues to join me in honoring Alice McClellan Birney and the millions of men and women of today's PTA's for the commitment and foresight they have exhibited to launch and continue this vital institution, an enduring living legacy to better education in America.

TUITION CREDITS

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute.)

Ms. HOOLEY of Oregon. Mr. Speaker, we have a golden opportunity to pass a measure that will help working families and their children secure the education and job training they need to get ahead. In the next few months we will debate a proposal that will provide up to $10,000 a year in tax deductions to working families so they can send their children to college or vocational school.

Under the plan, parents could also improve their lives through career training. As a former teacher, I know that education is the best way for people to help themselves and for families to improve their lives. Global marketplaces and rapidly developing technologies make it hard to compete with just a high school diploma. In fact, the Census Bureau reports that college graduates earn an average of $17,000 more than high school graduates every year. Figures like these show what we already know: Educational opportunities translate directly into economic security.

That is why I promised the working families and young people of my district that I would fight to get this tuition deduction passed through this Congress. Please join me in supporting this important initiative.

THE TRUTH ABOUT A TYRANT

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, President Clinton recently rolled out the red carpet for one of the most repugnant figures of our time, Chinese Defense Minister Chi Haotian, better known as the butcher of Tiananmen Square. General Chi ordered the slaughter of hundreds, perhaps thousands of brave Chinese students who were demonstrating for freedom.

The picture of General Chi's tanks rolling in to crush the democracy movement remains etched in our minds forever. It was almost incomprehensible, then, to learn that our President would honor Chi at the White House. I am not sure whether coffee was served but sickeningly our military was ordered to give the butcher a 19-gun salute. Meanwhile Chi denied that the Tiananmen Square massacre ever occurred.

I do believe that we can improve human rights in China by increasing our presence there and promoting

American values. Increased contacts with China can help but only if we follow the course set by President Ronald Reagan in speaking the truth about evil. We must not shrink from calling evil by its name, and we must not paper over truth about tyrants such as Chi, no matter what positions they occupy or what ties we are seeking.

LUCASVILLE PRISON

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, after a 1993 riot at Lucasville Prison, Ohio taxpayers spent $353 million to straighten it out. If that is not enough to bust your parakeet, check this out:

To settle a lawsuit filed by the prisoners, the inmates in this prison, Ohio taxpayers must now pay another $4 million for punitive damages and property damages of these prisoners. Unbelievable, $4 million to rapists, armed robbers, and murderers.

This Lucasville ordeal is a classic example of how we treat crime in America. The law turns its back on the victims of rapists and murderers, then turns around and compensates rapists and murderers in prison who burned the place down and destroyed it. Beam me up. If there is any sense left, someone explain it to me in writing.

I yield back the balance of any more punitive or property damages.

□ 1015

REINTRODUCING THE RICKY RAY HEMOPHILIA RELIEF ACT

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, shortly I will reintroduce the Ricky Ray Hemophilia Relief Fund Act, which gained 249 cosponsors in the last Congress. This bill responds to the tragedy of hemophilia-associated AIDS. In the 1980's nearly half of the hemophilia community became infected with the AIDS virus through the use of tainted blood products. About half of those, approximately 7,200 people, many of whom were children, have already died.

As they did last Congress, students from Robinson Secondary School in Fairfax, VA, have visited Members' offices to lobby for this bill. These bright and articulate students belong to the Distributive Education Clubs of America, an association of high school students enrolled in marketing education courses and committed to the free enterprise system.

Their efforts on behalf of the Ricky Ray bill have been impressive. I hope my colleagues will lend them an ear, cosponsor this bill, and help bring compassionate assistance to hurting victims of the hemophilia community.

HOW BEST TO HONOR OUR FLAG

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, respect and honor for the flag is a subject again before this House. How best do we do it?

As a Marine veteran, I cherish the symbol of our country's freedoms to which we pledged allegiance just a few minutes ago. But should we amend the Bill of Rights for the first time in our Nation's history? Should we eat into the guarantee of free speech that is the essence of this country in order to protect the flag? The answer is no.

Let us not fall into the mistake of elevating the symbol of our freedoms above our freedoms themselves. This country is strong enough to withstand dissent, even dissent expressed so offensively that it involves the desecration of the flag.

For those who want to reaffirm their love of country and flag, the gentleman from Arizona [Mr. KOLBE] and I are introducing a resolution today that does that but does not amend the Constitution.

Honor the flag? Absolutely. We honor it best by keeping the Constitution as it is. Honoring the freedom that we stand for best honors our flag.

TRIBUTE TO STEVE KORPF

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I rise today to pay tribute to a very special man, a man who loves his family and loves his country, my friend Steve Korpf.

Steve Korpf and I have been friends for about 10 years. He exemplifies what all of us cherish: faith, character, and courage. During our 10-year friendship Steve has been battling various forms of cancer. He is now in a fight that the doctors tell him he is not going to win.

His friends in Mankato, MN, are organizing a tribute and benefit on February 22 to help defray the cost of his long battle. I am pleased to support their efforts and will hopefully be able to be present that evening to honor a truly special American.

My prayers are with Steve and his wife Dorothy as well as his family. I know that my life has been enriched for having known him. Thank you, Steve, for being one of my heroes.

IN REMEMBRANCE OF THE LATE HONORABLE PAMELA HARRIMAN, UNITED STATES AMBASSADOR TO FRANCE

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, as Congress convenes this morning, official and diplomatic Washington is gathering at the National Cathedral to honor and give thanks for the life of our Ambassador to France, Pamela Harriman. Many of us would like to be there but our official duties prevent us from doing so.

As is demonstrated by this portrait of Lafayette in our gallery, along with the only other portrait, that of George Washington, our relationship with France is a very special one, and indeed we sent as our Ambassador our very best.

I know it is a source of great pride to Pamela's family that the President of France eulogized her as well as bestowed upon her France's highest honor. I know it is also a source of pride that the President of the United States and the First Lady will eulogize her today and mourn her passing. I hope it is a comfort to Ambassador Harriman's family that so many people in this House, and indeed so many Americans, join our First Family in mourning this great loss.

Pamela's last weekend, before she took ill and then died during the week, was spent attending the christening of her great-grandchild, her Churchill great-grandchild. What a perfect end to a great life.

I know I speak for many here when I say to Pamela, adieu, and thank you.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. KINGSTON) laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 1997.

Hon. NEWT GINGRICH,
Capitol, Washington, DC.

DEAR SPEAKER GINGRICH: I hereby resign my congressional seat effective immediately so that I can assume my post in the President's Cabinet as Ambassador to the United Nations.

It has been an honor to serve in the United States Congress as New Mexico's third district representative for the past 14 years. I have been especially proud to represent the people of New Mexico whose kindnesses towards me and my family have been equalled only by the unmatched beauty of the state itself.

Sincerely,

BILL RICHARDSON,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 1997.
Hon. STEPHANIE GONZALES,
Secretary of State, State Capitol, Santa Fe, NM.

DEAR STEPHANIE: I hereby resign my congressional seat effective immediately so that I can assume my post in the President's Cabinet as Ambassador to the United Nations.

It has been an honor to serve in the United States Congress as New Mexico's third district representative for the past 14 years. I have been especially proud to represent the people of New Mexico whose kindnesses towards me and my family have been equalled only by the unmatched beauty of the state itself.

Sincerely,
BILL RICHARDSON,
Member of Congress.

The SPEAKER pro tempore. Without objection, a copy of the official letter of resignation from the gentleman of New Mexico, Mr. RICHARDSON, will be submitted to the Secretary of State of New Mexico on this date and will be inserted into the RECORD and the Journal at this point.

There was no objection.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 36 and that I may be allowed to include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

APPROVING THE PRESIDENTIAL FINDING REGARDING THE POPULATION PLANNING PROGRAM

Mr. LIVINGSTON. Mr. Speaker, pursuant to the provisions of section 518(A)(e) of an act making appropriations for foreign operations, export financing, and related programs for fiscal year 1997 (Public Law 104-208), I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 36) approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana [Mr. LIVINGSTON].

The motion was agreed to.

□ 1022

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Joint Resolution 36 with Mr. DREIER in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the joint resolution was considered as having been read the first time.

The text of House Joint Resolution 36 is as follows:

H.J. RES. 36

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the House of Representatives and Senate approve the Presidential finding, submitted to the Congress on January 31, 1997, that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

The CHAIRMAN. Pursuant to section 518A(e) of the Foreign Operations Appropriations Act for 1997, the gentleman from Louisiana [Mr. LIVINGSTON] will control 1 hour in opposition to the joint resolution, and the gentlewoman from California [Ms. PELOSI] will control 1 hour in favor of the joint resolution.

Ms. PELOSI. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD] and I ask unanimous consent that he be allowed to yield to other Members.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are considering a resolution which would endorse a finding by the President that the delay until July 1, 1997, in the obligation of funds for international family planning "is having a negative impact on the proper functioning" of the program. This resolution is being considered under expedited procedures as called for in section 518A of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997.

The decision to delay obligations for international family planning funds until July 1, but to require a vote to release the funds by March 1 of this year pursuant to a finding by the President, is the result of a compromise struck by the House leadership and the White House during negotiations on the Omnibus Consolidated Appropriations Act of 1997. The agreement also calls for a total funding level of $385 million for international family planning, instead of $356 million as provided in fiscal year 1996. In addition, funds are apportioned on a monthly basis of not more than 8 percent.

We are not dealing directly in this resolution with the so-called Mexico City policy, because the House has been unable to get the Senate and the White House to agree to it for the past 2 years. The Senate only voted once directly on the policy in the past Congress. On November 1, 1995, by a vote of 53 to 44, it rejected the Mexico City provisions included in the House version of the fiscal year 1996 Foreign Operations Appropriations Act. In addition, the White House threatened to veto such appropriations acts if Mexico City language was included.

The chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, the gentleman from Alabama [Mr. CALLAHAN], offered a compromise last year which would have allowed organizations that refused to agree to abide by the Mexico City policy to receive family planning funds, but at a level not to exceed 50 percent of the total provided to each such organization in 1995. Organizations that agreed to abide by the Mexico City policy would not have been capped.

That compromise was endorsed by the House but rejected by the administration. Had it been accepted, we would not be here today and international family planning funds would be flowing without delay in obligations.

This is the second year that the obligation of funds for international family planning has been delayed. As I stated earlier, the House could not reach a compromise with the administration or the Senate on the Mexico City policy as part of the fiscal year 1996 appropriations act and, as a result, delayed obligations until July 1 of that year as well.

However, the obligation delay was explicitly intended to encourage the authorizing committee to address this issue as part of the pending authorization bill for foreign affairs. As passed by the House, the 1995 foreign aid authorization bill included Mexico City policy language. Unable to work out a compromise with the Senate and the administration, all language was dropped in the final conference report on the bill.

Mr. Chairman, I hope that this changes this year. I hope that we do not have to debate this anymore. Policy issues surrounding international family planning should be addressed by the Committee on International Relations, not the Committee on Appropriations. I urge the authorization committee to resolve this issue so that legislative language on the Mexico City policy does not continue to have a negative impact on the proper functioning of the appropriations process.

Mr. Chairman, I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of House Joint Resolution 36, the Presidential finding on international family planning funds. As I call on my colleagues to vote for this resolution, I want to remind us all why this vote is occurring.

Our distinguished chairman of the Committee on Appropriations, Mr. LIVINGSTON, has presented a long version of it and I will do a brief one. But, first, I want to commend him for the spirit of fairness in which he has enabled this resolution to come to the floor, which is in keeping with his great leadership as chair of our committee.

I also want to recognize the gentleman from New Jersey [Mr. SMITH], who is in opposition to this resolution, has his own resolution on the floor today. I do not think I have ever served with a finer Member of Congress. He is a great champion for child survival issues and human rights issues throughout the world. I have great respect for him. Unfortunately, I disagree with him on this issue, but I want to pay homage to his commitment to child survival issues.

Mr. Chairman, we are here today because of an agreement, as our chairman mentioned, that was entered into in the fall. In order to break an impasse, President Clinton and the House of Representatives, the Republican leadership, entered into an agreement on the foreign aid bill and, indeed, the entire and continuing resolution for fiscal year 1997.

Under the agreement President Clinton agreed to a reduced level of funding for population of $38.5 million and to a 4-month delay in any obligation to have the funds. The funds would go forward now or March 1 if the President certified to Congress that the delay is having an adverse impact on international family planning programs and the House and Senate vote to approve the President's finding.

Indeed, the President's certification states that further delay will cause serious, irreversible and avoidable harm to the lives and well-being of many thousands of poor women and children throughout the world.

□ 1030

Indeed, the delay undermines U.S. efforts to promote child survival and actually increases the number of abortions worldwide. Evidence from all regions of the world show increased contraceptive use by reducing unintended pregnancies plays a major role in reducing abortions.

I join with many well-known development organizations, such as CARE, World Vision, Save the Children, and some church-related groups such as Church World Service, Lutheran World Relief, and the National Council of Churches, to name a few, in urging my colleagues to vote yes in accepting the presidential finding.

Mr. Chairman, I want to take the balance of my time to make three points. What do the population funds do, how are they used; second, what they do not do, they do not promote abortions, and how do we monitor that.

U.S. support for international family planning programs emphasizes voluntary family planning as a part of an integrated approach to population and development that includes complementary activities to promote health, the status of women, child survival, and strong families.

The goals of U.S. leadership in global population are: To promote the rights of couples to determine freely and responsibly the number and spacing of their children, improving individual reproductive health, and reducing population growth rates to the levels consistent with sustainable development.

I will put more in the RECORD about the work of our international family planning efforts. Time does not permit me to go into more detail here. However, I will say that gains made from the delivery of services such as immunization, diarrheal control, and nutrition programs for children are most effective and sustainable when combined with programs for women on child spacing, maternal health services, and access to contraceptives.

In fact, in most instances throughout the developing world by sheer necessity the delivery of these programs takes place simultaneously. Inaction today not to accept the President's finding would disrupt child survival and family planning services and will end up costing us dearly both in human and financial terms.

What the population funds do not do: AID's funds are not used for abortion. As this chart indicates very clearly, since 1973, with the enactment of the Helms amendment, AID's population program has been legally prohibited from supporting or encouraging abortion as a method of family planning. I will state these prohibitions specifically, and I have the actual statutes with me at the desk if any one of our colleagues wishes to inspect them.

No USAID funds can be used to pay for the performance of abortions as a method of family planning or to motivate a person to have an abortion. No funds can be used to lobby for or against abortion. No funds can be used to purchase or distribute commodities or equipment for the purpose of inducing abortions as a method of family planning, and no funds can be used to support any biomedical research which relates in whole or in part to methods of or the performance of abortions as methods of family planning.

Strict procedures assure that no AID funds are used by contractors for abortions, and these procedures in place to ensure that no funds are used include, and I have another chart on that, legally binding contracts that include standard clauses specifically listing prohibited activities. Violators are subject to heavy fines and loss of future funding.

It also includes close technical monitoring for requiring detailed annual work plans, regular independent audits according to Federal acquisition regulations of both contractors and subcontractors.

There have been claims that all population funds will be dispersed without pro-life safeguards if this resolution passes. This is simply not so. It is essential to restart funding for these international family planning programs to promote the health and well-being of millions of families throughout the world.

Mr. Chairman, I do not hesitate to characterize this vote, based on the exploding population growth we are experiencing, as vital to the future of our planet, and one that is first and foremost about providing families with the real means to lift themselves from poverty, provide for their children and live with dignity. We must not hold the poor children of the world hostage to congressional politics. Let us take a step forward today, not backward. Vote "yes" on the resolution.

Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE], the very distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. I thank the gentleman from Louisiana [Mr. LIVINGSTON] for yielding me this time.

Mr. Chairman, the debate really is not about family planning, although we will hear that term a lot. This is about abortion. Family planning, properly defined, is the matter of getting pregnant or not getting pregnant. It has nothing to do with abortion. True, abortion will hold down the population gain because you are eliminating people, you are killing them, you are exterminating them. But that has not been the policy of our Government and our country. And even now we give lip service to the fact that none of these funds can be used to pay for abortions. But what happens is the money goes to an organization, or organizations, that perform abortions, that counsel for abortions, that lobby for abortions in countries as a means of family planning.

Now, that wall between abortion and family planning should remain in place. Under the legislation of the gentleman from New Jersey [Mr. SMITH] every penny of family planning money goes to organizations engaged in family planning, properly defined. It will only be withheld from those organizations that counsel, perform, and promote abortions.

Now, the idea that none of this money can be spent for abortions, I just wish frankly people would understand that we understand money is fungible. And if you provide money for purposes A and B, you are freeing up other money for C and D. So that really is not an argument.

The Mexico City policy, which was the policy until this President assumed office—and 2 days after he was in office, he reversed it—provides that we will support lavishly and generously family planning. I am not objecting to that. But not subsidize—indirectly, or directly, in any way—abortions, and not subsidize organizations that perform abortions. That was the policy. Three hundred fifty foreign organizations agreed to its terms, including the International Planned Parenthood Federation. And they have affiliates in 57 countries. The only one that did not agree, and that is what we are fighting about here, is International Planned Parenthood Federation of London.

So I just suggest, if you think abortions are a good idea, and I do not know anybody that will admit to that, but I do know a lot of policymaking activities that amount to supporting abortion. I hope Members will vote "no" on the President's finding.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. Lowey], a member of the Foreign Operations Subcommittee of the Committee on Appropriations and, more importantly, a leader in our country on international family planning issues.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the privileged resolution to release the funds for international family planning programs on March 1. I have personally visited clinics supported by this aid, and I have seen firsthand the very critical work they are doing for our families, for women, for children, for infants.

Each year approximately 600,000 women worldwide die of pregnancy-related causes, leaving 1 million children without mothers. These are unnecessary, tragic deaths that could be avoided through access to family planning services.

Recently several of my colleagues on the Subcommittee on Foreign Operations and I visited Misr El Kadima, a maternal and child health center in Cairo, Egypt. This center is a success story and is one of the many successful facilities supported by USAID worldwide.

Family planning is just one of the basic health care services provided at the center. The doctors, nurses, laboratory technicians who spoke with us provide immunizations for children, routine prenatal care, treatment for common diseases, general outpatient care, not abortion.

Some of these clinics in Egypt are 5 miles from the nearest city. If these clinics are shut down, as would happen if these funds do not go forth, what are these women going to do for these vital services? In Cairo and in the rest of the developing world, family planning services are literally a matter of life and death.

In Egypt, largely due to USAID support, contraceptive use has doubled in the last 15 years and the increase has been directly linked to decreases in infant mortality and maternal death. Over the last decade, as the rate of contraceptive use in Egypt rose, the infant mortality rate dropped 42 percent. As the doctors explained, family planning services allow families to plan and space the birth of their children.

If the funds at issue are withheld until July 1, USAID's main contract in Egypt will be suspended. This disruption would force clinics like the one that I visited to stop providing these life-savings services, and would have a devastating impact on thousands of men, women and children. So let's be clear—a "no" vote closes clinics that save lives.

I urge you to remember what this vote is really about. This vote isn't about abortion—the clinic that I visited in Egypt does not provide abortions nor do any United States funds go to abortion services. This vote is about releasing funds for medical services that save the lives of mothers and babies worldwide. Vote for these families. Vote for the resolution.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. Molinari].

Ms. MOLINARI. Mr. Chairman, family planning has clearly proven to save the lives of women and infants. Sadly, 1,600 women die every day, 1 woman every minute, of pregnancy-related causes because they do not have access to reproductive health services, including family planning. Nearly half of the women today who die from maternity-related causes would still be alive today if they could have prevented unwanted pregnancy in the first place. Nearly all would be saved if they had access to reproductive health care. By giving women the access to health services they so desperately need during their childbearing years, we will help prevent thousands of maternal deaths. The World Bank estimates improved access to family planning can reduce the number of maternal deaths that occur annually by 20 percent. In addition to that, family planning programs have also helped stop the spread of sexually transmitted diseases, including HIV. Access to contraception is not only crucial in avoiding unwanted pregnancies but in fighting the spread of the ever-growing HIV virus, and we all know these sexually transmitted diseases do not stay within borders and impose immense risk to the overall population. To delay the release of funds until July will result in increased abortions, unintended pregnancies, the further spread of AIDS, and the deaths of thousands of women. Seventeen of the 95 programs will have to be shut down, denying millions of women access to effective contraceptive services. Doctors and nurses will lose access to obstetrical care, and the treatment of sexually transmitted diseases and community health workers who teach important health intervention, including immunizations and pre- and postnatal care, will be eliminated.

Mr. Chairman, let us give women and their children more control over their childbearing and health-related decisions and families the self-sufficiency they want, the health and the hope that they deserve.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. Bunning].

Mr. BUNNING. I thank the gentleman for yielding me this time.

Mr. Chairman, the question before us today is not whether we should support international family planning and educational programs. The question today is whether or not this Nation or this body supports the use of abortion as a means of family planning.

As far as I am concerned, the terms "family" and "abortion" are totally incompatible. This Nation and this Congress cannot and should not subsidize an organization which advocates abortion or which lobbies for the legalization or expansion of abortion as a means of limiting population growth. We should not allow abortion to become our next major export.

It is true that the Helms amendment prevents the direct use of U.S. funds to pay for abortion procedures. But it does not prevent indirect funds of programs that promote the legalization or expansion of access to abortion as a means of birth control in developing nations. To do that, we must defeat this resolution and reinstate the Mexico City policy.

Mr. Chairman, I urge my colleagues to defeat this resolution. Help us reinstate the Mexico City policy and show the world that we are willing to support education and other family practices, but not at the expense of the innocent unborn. Vote "no" on this resolution and vote "yes" on the Smith-Hyde-Oberstar substitute.

□ 1045

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Torres], a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs and a leader on this issue.

Mr. TORRES. Mr. Chairman, I rise today in support of this resolution to release on March 1 the funds that we have already agreed to provide for international planning programs.

This is not a vote on abortion. No U.S. funds can be used to lobby or perform abortions; that is already prohibited by law as so well explained by the gentlewoman from California [Ms. Pelosi].

This is not a vote to increase funding for family planning programs. The fiscal year 1997 funding level is already set. We did that last year as part of the foreign operations appropriations bill. This vote is merely to decide when to release the funds. We are already 5 months in arrears in providing for this money. Not a single dime has been appropriated.

Mr. Chairman, I say to my colleagues that this is a pro-family vote, a vote for women's health and survival. To continue to delay in funding will cost, simply, many, many lives. A UNICEF report has found that just meeting the existing demand for family planning in the developing world would reduce unintended pregnancies by one-fifth, thus reducing the 600,000 annual maternal deaths at least by the same amount.

The counterproductive effects of the delay on international family planning programs are detailed in the President's finding. There are country programs here in this hemisphere for which the funding delay would be especially harmful.

In Mexico some nongovernmental organization clinics will potentially close including those in Chiapas, one of the states in Mexico which has tremendous unmet needs for family planning services. Currently, USAID is supporting programs that serve 70,000 people there annually.

In Haiti this May, there will be staff layoffs of thousands of staff people that would help to service men and women who without family planning would have devastating effects.

I urge, I urge a yes vote on this resolution.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, the question before us today deals with a just and absolutely essential need in the world. I think my colleagues have made this clear. But one colleague in particular, my dear friend and a man for whom I have a great deal of respect, the gentleman from Illinois, said that abortion and family planning are not related; and of course that is right. Nobody wants abortion as a means of family planning. But that ignores one very important point, and it is true from anybody who has visited family planning centers in the United States.

Many, many women come to a family planning center because they think they are pregnant, and their first exposure to family planning is because they think they are pregnant. That is the truth in the United States; it is demonstrably even more so in the Third World. USAID has done studies on this.

In particular, in Tanzania they found that, when women came in for a legal abortion, only 19 percent had had any education exposure to, or experience with, family planning. And USAID found in Egypt that, when women came in, if they had an abortion, they left, 98 percent of them, aware of family planning. The other study is in Turkey where the realization of family planning doubled.

So if we say family planning and abortion are not related, we are really missing an important point: the woman who comes to seek assistance most often is going to a place where she believes that she can get an abortion, if that is what she needs, if that is what is legal in her country, but leaves, God willing, never to have another abortion. And that is just blocked with the Mexico City policy because the place where she would go to get the abortion counseling or the abortion services would no longer be there to offer the family planning assistance either.

So that point, I think, has been missed in the debate.

I conclude simply by saying this. My wife and I traveled to India within the last couple of months at our own expense. And we just saw a country, with 40 percent of the world's poor, 17 percent of the world's population. We are our brother's keeper, we are our sister's keeper.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the very distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN], a member of the Committee on International Relations.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition of H.J. Res. 36, for this is a thinly veiled attempt to manipulate the Members of this Chamber into releasing population control funding 4 months prior to the date stipulated in the appropriations bill. The Clinton administration seems to be under the impression that it can invoke waivers on any law or make findings such as these with no concrete evidence to support its contentions, just rhetoric. It is simply an attempt to justify breaking the compromise reached during last year's debate.

Supporters of these programs would have us believe that their objective is to save lives, that these programs are needed because the countries in Latin America and other regions are unable to sustain population growth. However, if they are truly concerned about the well-being of the people of these countries, then why do not they take the $385 million they want released and apply them toward vaccination programs or better medication to improve child survival rates or better nutrition programs?

The future of all nations is in the hands of today's children who, if given an opportunity, will become the leaders of tomorrow. Yet these population programs are directly and purposefully advocating abortion as a form of birth control, and by doing so they are helping to deprive these countries of their potential.

Abortion should never be promoted as family planning.

The United States commits a grave mistake in always assuming that it knows what is best for others. Are we to be so patronizing of our neighbors in the hemisphere and other regions to think that we know what their society needs better than they do?

It seems that the Clinton administration is not content with increasing government intervention in the affairs of U.S. citizens. Apparently, it now feels the need to run the lives of individuals in other countries, dictating what is best for women whose social, cultural, and religious backgrounds differ greatly from those of the United States.

But the problem goes beyond this argument and the promotion of abortion. These population control programs are also being interpreted as licenses to conduct widespread sterilization of women in Latin America, in the Caribbean, and in other regions. We have received numerous accounts from Central America, for example, of women who have been asked general questions about their families, their economic situation, and then about whether or not they want more children. This then is translated by those involved with the population control programs as a request for sterilization without the express consent or full knowledge of the women, and these procedures are performed. By the time these women realize what has taken place, it is far too late.

How can we possibly release the funds for such activities?

In summary: This bill is unjust, offensive, and should not be passed. I urge my colleagues to defeat this measure.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in support of the resolution.

I do so for one overriding reason: it will save lives. In fact, it's rare that we get to cast a vote that will result in such direct, immediate, tangible and unarguable benefits.

International family planning agencies depend on this money—money which, remember, we have already appropriated.

The work of these agencies saves the lives of women not only by enabling them to prevent life-threatening pregnancies, but by providing basic health care services. Their work also helps save the lives of children who are born into such grinding poverty that they literally cannot survive. And their work helps eliminate misery by stemming the over-population that makes life unbearable in so many parts of the world.

Indeed, UNICEF has noted that "family planning could bring more benefits to more people at less cost than any other single technology now available to the human race." That's an extraordinary statement, and it is no exaggeration.

Family planning also prevents abortions. The World Health Organization estimates that 40 percent of unintended pregnancies end in abortion—40 percent.

Anyone who wants to prevent abortions—and I think that includes those of us who are pro-choice—should vote for this resolution. None of the funds being released can be used to perform abortions, and the services provided with these funds eliminate the demand for abortions. In no way can a "yes" vote be reasonably characterized as a pro-abortion or anti-life vote.

Indeed, we in Congress are given few such clear opportunities to be so affirmatively and truly pro-life. Vote for this resolution and give the gift of life.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO] a member of the Committee on Appropriations and another champion for international family planning.

Ms. DELAURO. Mr. Chairman, today I am asking my colleagues to support House Joint Resolution 36, which releases funds which support family planning programs all around the world.

This vote is not about supporting abortion. Not $1 of our family planning funds can be used to perform abortions anywhere in the world. This vote is about preventing abortion. This vote is about improving the health of women and children. This vote is about saving lives. U.S. family planning aid saves the lives of women, and each year around the world 600,000 women die in childbirth.

If we fail to pass this resolution today, family planning and health clinics across the developing world will close. That means that a CARE program giving rural Bolivian women their first-ever pap smears will have to shut its doors. Cervical cancer is curable, but it must be caught early. I am a cancer survivor. I understand the importance of this kind of preventive health care. Women in this region of Bolivia do not have any other health care options. If the family planning clinic closes, more mothers will die from curable diseases such as cervical cancer.

For 30 years the United States has been an international leader in reducing the number of maternal and child deaths through its support for family planning. Today we must renew our commitment to these important priorities. We must keep the promise that was made to the President and release the funds without any qualifications or alterations.

Today's vote does not add more dollars to our family planning budget, but by voting yes to this resolution, we vote to add more days to the life of a poor mother in the Philippines, we vote for fewer unwanted pregnancies in Tajakistan. We vote for fewer abortions across the world.

Support women's health, support children's health, support family health by voting "yes" on this resolution.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. DICKEY], a member of the Committee on Appropriations.

Mr. DICKEY. Mr. Chairman, I rise in opposition to the President's resolution on international population control funding, House Joint Resolution 36.

Federal funds, except to save the life of the mother, are prohibited to be used to kill unborn children in our country. We do this because of the millions of children who are killed each year attacks our consciences. It is an attack on our morality. Such killings increase infant mortality. We need to stop this form of infant mortality.

I have had a colleague who stated that we are our brother's keeper. From the same source that he brought that to us it says that how we treat the least of God's creations we treat him. And that is what I am standing here for, is to defend those infants, the defenseless, unprotected infants in that respect and for that reason.

Now, if we do this in our country, we should have no difficulty in doing this for the rest of the globe. Even though they are not American children, unborn children, who are being killed by abortion, they still are children, they are still creations of God. The sanctity of life is what needs protecting.

Americans should not be deceived. This vote on this resolution is not about family planning. This resolution is a manipulative maneuver to try and overturn the 1973 Helms amendment which prohibits the use of foreign aid funds to pay directly for abortions. House Joint Resolution 36 will make an additional $123 million available for organizations that perform and promote abortions.

Opponents of this resolution, of which I am included, are not against foreign aid to developing countries. We will have a chance to vote on that later. The United States should not be in the business of handing out cash to foreign countries to kill babies to get their population numbers in line.

This is not altruism; this is genocide.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 2\1/4\ minutes to the gentleman from Michigan [Mr. LEVIN], who probably knows more about this issue than any of us in the Congress.

Mr. LEVIN. Mr. Chairman, the vote is not about whether we are pro-choice or pro-life on abortion. This vote is whether life for hundreds of thousands of families who choose to plan their families will include a real chance to do so, not whether or not abortion will be available to that family.

Some today will vote for both the privileged resolution and for the Smith resolution. What Mr. SMITH is saying to them is that, without the Smith resolution being part of the law, a vote for the privileged resolution is a vote for spending U.S. dollars on abortion-related activities. That is not—not—correct.

□ 1100

Since 1973, the Helms amendment has prohibited the use of U.S. dollars to perform, support, or encourage abortions overseas, and that mandate has been followed in good faith by the U.S. Government. Indeed, in order to ensure its implementation, and sensitive to the argument about the fungibility of moneys, when I was assistant administrator of AID, we instituted in the late 1970's a rigorous system to separate out U.S. moneys from other funds spent by organizations receiving American funds.

This practice has been followed assiduously by every administration of AID, as indicated by audits certifying that not $1 of American funds is being used for abortion-related activities overseas.

Further, the organizations which have received American funds and have been the subject of most controversy, in practice use either no funds from any source or in any case a negligible amount for any programs related to abortion.

So this is the question, really: When the United States is fully abiding by the Helms amendment, when the Government has taken every possible step to separate American funds so no American money is being used for abortion-related activities, and when there is no real fungibility as to U.S. dollars, do we want to stop the availability of critical funds for family planning, for voluntary family planning programs desired by millions of families in fast-growing developing countries?

Mr. Chairman, I urge that the answer for each of us is to vote for the privileged resolution.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong support of the resolution.

Mr. Chairman, I rise in strong support of the release of international family planning funds on March 1, 1997.

We need to clear up the confusion on this issue and focus on the importance of family planning programs. International family planning programs save the lives of thousands of women and children across the world, prevent unwanted and dangerous pregnancies and reduce the number of abortions worldwide.

Representatives from the Russian Family Planning Association recently shared information on the successes of their program. In this developing country, they are using these valuable dollars to increase access to quality family planning information and services. As a result of this program, contraceptive use has risen from 19 to 24 percent among women in just 4 years. And, between 1990 and 1994, total abortions fell from 3.6 million to 2.8 million.

Yesterday, Secretary Albright testified before our Appropriations Subcommittee. She stated:

> Our voluntary family planning programs serve our broader interests by elevating the status of women, reducing the flow of refugees, protecting the environment, and promoting economic growth. As the President has determined, a further delay will cause a tragic rise in unintended pregnancies, abortions, and maternal and child deaths."

And, let us be clear—support for family planning programs has, to this day, been bipartisan. This program was created in 1969 by President Richard Nixon.

Let me also address some concerns that have been raised by individuals who do not want their tax dollars being used for family planning overseas. Of the two resolutions that we will vote on today, this resolution actually provides less money than does an alternative proposal that will be offered later today.

Finally, let me again reiterate that this is not an abortion issue. Current law prohibits any of these funds from being used for abortion.

I hope that today the House will continue its longstanding and bipartisan support of family planning.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. CHABOT], a distinguished member of the Committee on International Relations.

Mr. CHABOT. Mr. Chairman, the Clinton administration has embarked on what is no less than a worldwide crusade promoting abortion on demand at any time for any reason anywhere. I cannot condemn that policy in words strong enough.

So let me just make a quick point in the short time that I have to speak here this morning. Contrary to what some of those on the other side have said, this vote is indeed about abortion. It has always been about abortion. We simply say to foreign nongovernmental organizations, unless you agree not to perform abortions and not to violate the laws or lobby to change the laws of other countries with respect to abortion, then do not come to this country asking for tax dollars. That is what we are all saying. That is what it is all about.

I have only been in Congress for a little over 2 years now, yet I am voting today for the eighth time on the restoration of the Mexico City policy. A simple, straightforward pro-life policy initiated by President Reagan, carried on by President Bush and eagerly decimated by President Clinton in his first days in office.

Mr. Chairman, I hope that this year the Congress will finally do the right thing and stop the international abortion.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this vote is so important, and it is about family planning and it is against abortion. I would say to my colleagues, to reduce abortions we must increase access to family planning. I hear that this is an abortion vote. There is no logic to it. So let me just try to set the Record straight by quoting some statistics.

We know from UNICEF that almost 600,000 women die annually during pregnancy and childbirth, including 75,000 due to unsafe abortions. We know that family planning services will improve the health and the status of women and it will help children.

We know that population experts estimate that the 35-percent cut in our family planning programs has led to an additional 4 million unintended pregnancies and 2 million additional abortions, 2 million additional abortions, as well as 134,000 more infant deaths.

The World Health Organization estimates that 40 percent of unintended pregnancies end in abortion. The World Bank estimates that improved access to family planning can reduce the number of maternal deaths annually by 20 percent. What statistics, and that is only part of it.

We had a group here from Russia, and the testimony we had was that, with United States help in Russia, contraceptive use has increased from 19 to 24 percent between 1990 and 1994, and the abortion rate has dropped 25 percent. That means the number of abortions annually has dropped by 800,000.

So I would submit that if you want to reduce abortions and you want to help children and you want to help families that you vote for this resolution.

Mr. Chairman, I also want to say, we must keep the promise that we made. So I hope that this body will vote for the resolution.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, many of my colleagues know of Oregon's Republican Senator Mark Hatfield. He was known and is always known as a man of integrity. He never said anything he did not believe in and he always researched his information, and that is why it is important for Members to hear his words, particularly those who oppose abortion.

In a letter to Representative SMITH, Senator Hatfield said,

> I have reviewed the materials you have sent to my office in response to my request that you provide proof that U.S. funds are being spent on abortion. I do not see anything in these materials to back up your assertion.

Senator Hatfield goes on in the letter to say,

> Chris, you are contributing to an increase of abortions worldwide because of the funding restrictions you have placed. It is a proven fact that when contraceptive services are not available to women throughout the world, abortion rates increase.

He says, "This is unacceptable to me as one who strongly opposes abortion."

Mr. Chairman, I ask my colleagues to vote for the resolution.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I would say to the gentlewoman that the materials that we provided to Senator Hatfield clearly showed that the organizations were promoting, performing abortions on demand in these developing countries. No one is suggesting that they were doing it with U.S. tax dollars.

The issue here is fungibility. The money that we give to an organization frees up other money that then can be used to lobby for abortion in the developing world. Let me remind everybody in this Chamber that approximately 100 countries around the world protect the lives of their unborn children.

The International Planned Parenthood Federation has made it their mission, their goal explicitly to bring down every one of those pro-life laws. When we give to these organizations, we then empower them to be the super lobby to bring down the laws in Brazil, Peru. Poland recently flip-flopped and went from a pro-life country to a pro-abortion country.

In early February, a new law went into effect in South Africa, again a flip-flop from pro-life to pro-abortion. It is the organizations that are mounting this offensive against the unborn child. When we contribute to them, we are facilitating abortion overseas.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], the chairman of the Appropriations Subcommittee on Health, Human Services and Labor.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding.

First, let me say that there is absolutely no abortion issue or no abortion money involved in this debate. I have always been a supporter of the Hyde amendment. I have never supported public funding of abortion in any way. Abortion is not a legitimate family planning method. We outlawed that in 1973. In audit after audit, it has been certified that not one U.S. dollar has gone to fund abortions. Some people believe that there is fungibility, of these funds. The same argument could be used for any health services funded by U.S. money, such as child immunization or family check-up programs. Do we want to end those? Of course not. Continuing a delay in funding will effectively cut U.S. support for voluntary family planning and contraception.

Now, the Smith bill, if it is passed here, in the House is going nowhere in the Senate. Some may feel that by supporting this bill, they are simply saying that they are against abortion for organizations who use their own money for that purpose in countries where it is legal. But, in actual fact, are these people saying no to voluntary family planning, no to maternal and child health in countries that are the poorest on Earth, no to contraceptives and preventing unwanted pregnancies. The truth, unfortunately, Mr. Chairman, is that they will be saying yes, to more abortions, because the voluntary family planning services will not be there that these countries so desperately need.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Maine [Mr. ALLEN], a Member of the freshman class.

Mr. ALLEN. Mr. Chairman, I rise today in support of House Resolution 36 in the hope that this House will recognize that international family planning funds are a good investment for America. These funds reduce unintended pregnancies, they reduce the number of maternal and infant deaths, they reduce the number of abortions.

All we are asking is that much-needed funds be released on March 1 instead of July 1. Three months. It seems like a small matter, but it is not. It is not to the women and children around the globe whose lives will be changed by our vote today.

Opponents say this is a vote to fund abortions. That is not true. This resolution preserves the existing ban on the use of Federal funds for abortions overseas. These funds have already been appropriated by this Congress. We seek no additional funds. We ask only that the gap in services not be extended.

As David Broder wrote recently, "The women and children around the world who have the most at stake will not have a vote." We do. We should use it wisely.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Kentucky [Mr. LEWIS], a member of the Committee on Agriculture.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today to speak in opposition to President Clinton's request for the early release of family planning funds, and I urge my colleagues to instead support H.R. 581.

Let me begin by noting that H.R. 581, the proposal by the gentleman from New Jersey [Mr. SMITH], the gentleman from Minnesota [Mr. OBERSTAR], and the gentleman from Illinois [Mr. HYDE], would still allow early release of these funds, but in a much better way. For more than a decade, we had a system regarding family planning funds that worked. H.R. 581 would restore that system.

Under H.R. 581, the organizations receiving these grants must again agree to not perform abortions or undermine the laws of their host countries. I will remind my colleagues that these grants are tax dollars taken from the pockets of hard-working American families. Known as the Mexico City policy, these short set of conditions worked for a decade and was agreed to by all but 2 of the more than 300 agencies which received family planning grants. There were two exceptions: Planned Parenthood Federation of America and the International Planned Parenthood Federation.

Mr. Chairman, the International Planned Parenthood Foundation's official policy statement includes these goals: Advocate for changes in restrictive national laws, policies, practices and traditions, and campaign for policy and legislative changes to remove restrictions against safe abortions. The IPPF even advises its affiliates to operate right up to the edge of what is legal and sometimes even beyond.

So today's vote is also a test of whether we respect the sovereignty and customs of these nations. Using American tax dollars to fund organizations overseas that in some manner promote abortions not only horrifies those of us who are pro-life, it should also concern every American taxpayer and those of us in this body who believe we should respect our friends in other nations.

Sending tax dollars taken from our hard-working citizens to groups that promote abortions in foreign nations is wrong in all of these ways. President Clinton dropped the Mexico City policy 4 years ago. I believe it was a mistake, and I urge my colleagues on both sides of the aisle to oppose the President's resolution and support H.R. 581.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I rise in strong support of House Joint Resolution 36.

Mr. Chairman, I rise in support of House Joint Resolution 36 to approve the Presidential finding regarding international population planning programs. At issue is whether the money will be released on March 1, or whether it will be further delayed by 4 months, until July.

It is my determination that a delay will cause serious irreversible and unavoidable harm. In balance are the lives and the well-being of many thousands of women and children, and American credibility as the leader in family planning programs around the world.

The logic behind delaying the release of the funds as agreed to last year is convoluted to me and many of my colleagues. Wouldn't the delay in support for family planning, even by 4 months, deny safe and effective contraception to couples who depend on these programs? Has it not been documented that we will surely see a rise in unintended pregnancies and maternal deaths, and could we see a return to unsafe and unsanitary methods to terminate those pregnancies?

It seems illogical that those groups and members who oppose the proper release of these funds would indeed believe that we are actually promoting or funding abortion. We are not, and have been prohibited by law since 1973 from doing so. The fact is that a delay in funding will have the exact opposite effect of what those who would restrict these funds would have you believe. The delay in releasing these funds will result in increased abortions, increased overpopulation, and an adverse impact on the environment and our resources.

I urge this body to go about our business of releasing these important family planning funds now, as agreed to in last year's legislation.

□ 1115

Mr. GREENWOOD. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Chairman, I rise in support of House Joint Resolution 36.

Mr. Chairman, I rise today in support of the privileged resolution, House Joint Resolution 36 and I ask that all Members do the same. Why? Because the health of women and children worldwide depends on this vote.

At issue here is maternal and infant mortality. International family planning promotes preventive health care, such as prenatal care. It is easy for us to take the availability of health care in the United States for granted, but for sake of this argument we must remember that women and children in developing countries are not so fortunate.

Furthermore, international family planning educates women and their families about sexually transmitted diseases, as well as about the dangers of HIV/AIDS. It is our obligation to humanity to use our financial support and medical knowledge to prevent the spread of these deadly diseases—diseases that often are brought into our own country and threaten our own children.

Some members of Congress will have you believe that international family planning results in abortions, but the truth is that only a lack of family planning can result in such an unfortunate conclusion. Without family planning, we abandon the world's poorest women and force them to rely on abortion as their primary method of birth control.

Let's be clear—current law prohibits the use of any U.S. foreign aid funds for abortion services, including lobbying efforts for abortion, abortion counseling, and the purchase or distribution of commodities for the purpose of inducing abortions as a method of family planning.

Obviously, this vote is not about abortion. It is about health, plain and simple—not misguided and erroneous political statements. Please support this resolution and release the already appropriated international family planning funds on March 1.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am pleased to rise in strong support for the international family planning resolution, House Joint Resolution 36.

Mr. Chairman, at the current rate, the world's population will double from 5.8 to 11 billion people during our lifetime. Excluding China, 21 million of childbearing age in the developing world are added each year, equal to the total number of women of childbearing age in California, Texas, New York, and Florida combined.

President Nixon launched our international family planning program in 1969. That program improves the health of mothers and their children by increasing the time between births while reducing unintended pregnancies and abortion. After 30 years, this program helped reduce the average number of children in families in the developing world from 6 to 4.

Contraceptive use has climbed from 10 percent to 35 percent, and family planning helps reduce abortion. As contraceptive use in countries such as Russia rose from 19 to 24 percent, abortion rates fell from 109 per thousand women to 76. The population council estimates that without family planning programs, there would have been 500 million more people in the world today, almost twice the population of our own Nation.

If the resolution required by the law is not passed, the Agency for International Development will have to cut vital programs in Mexico, in Haiti, Guatemala, El Salvador, the Dominican Republic, Egypt, Russia, the Ukraine, Jordan, the Philippines, Turkey, Mozambique, Uganda, and Zimbabwe. AID would also have to cut jobs with its contractors in Alabama, Michigan, New Jersey, New York, and Pennsylvania.

Accordingly, I urge my colleagues to support this resolution.

While another bill, H.R. 581, will be offered, House Joint Resolution 36 is the only measure that will be given expedited consideration in the Senate, requiring and ensuring that this vital program can continue to operate.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1\1/2\ minutes to the gentleman from California [Mr. SAM FARR], a great environmentalist.

Mr. FARR of California. Mr. Chairman, I rise in these hallowed Halls to remind us that the debate about this money really does not affect us, but it does affect the developing countries of this world.

I have lived in one of those countries. I lived in one of the poorest barrios on earth, without any running water, without any electricity, where the birth rate was an average of 15 children per household. I was a Peace Corps volunteer in Latin America, in one of the most Catholic countries on the earth.

The women in that barrio, I was working with CARE as a Peace Corps volunteer, were requesting every day for information about family planning. They wanted to know about how to raise children and how to have a proper number of children.

I also rise today as a father. I think the learned gentleman from New York [Mr. GILMAN] just pointed out that we are as parents whose children will be growing up in a population that will double in our lifetime, reaching the world's maximum carrying capacity, maximum carrying capacity of this globe.

If we do not provide information, just information to people about how they can properly have children, not too many, we are putting our children into a situation in a globe that is unbearable. We will not be here arguing about family planning money, we will be here arguing about Fortress America, how we will wall ourselves off from the rest of the world as supplies diminish.

Please support this resolution.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. OBERSTAR], the very distinguished ranking minority member of the Committee on Transportation.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding time to me.

Proponents of this resolution have framed the issue as simply a vote on family planning, or a vote about closing family planning clinics overseas. That is not the case. It is a vote on using one-half billion dollars of U.S. taxpayer money to subsidize and to promote abortions, and to promote efforts to overturn legal and cultural barriers in countries overseas and to promote abortion in foreign countries.

The position of this House historically has been a position out of respect to the millions of women and men who in conscience are opposed to abortion, to ensure that our tax dollars do not subsidize or promote abortion.

We have repeatedly demonstrated a willingness to approve funds for family planning, but we have also ensured safeguards against the use of those family planning dollars to promote or encourage in any way or advocate abortion.

In international affairs from 1984 to 1993, 350 foreign organizations signed contracts for U.S. family planning funds, which included restrictions on the use of those funds, against using them for abortion. Only two turned down the funds, because they would not accept the House restrictions on abortion subsidy and abortion promotion.

We should not approve this resolution which will open the door once again for use of U.S. taxpayer dollars to promote abortions overseas.

I have heard the arguments. I have lived in Haiti. I have seen the face of poverty. I have seen the pain in those poor households, if you can call them households; little huts.

I think family planning advice is fair. We should support such activities. But we should not allow U.S. taxpayer dollars to be used to promote abortion, to change the laws of countries that are against abortion. We should be neutral on that issue. That is what the resolution of the gentleman from New Jersey [Mr. SMITH] and I will offer subsequent to this action does, is to provide $713 million, $170 million more than the bill before us, for international family planning, with the historic House pro-life language.

If all these groups are so committed to instructing women on reproductive freedom, control of futures, control of their family life, then they should be willing to agree that they will not promote abortion.

Ms. PELOSI. Mr. Chairman, I yield 1\1/2\ minutes to the gentleman from North Carolina (Mr. [PRICE]), a member of the Committee on Appropriations.

Mr. PRICE of North Carolina. Mr. Chairman, this vote presents us with three choices: We can choose between improving and worsening women's health; we can choose between increasing and decreasing child mortality; and we can choose between preventing and causing more abortions.

International family planning programs provide the only medical care many women around the world ever receive. This year those services will help prevent the deaths of as many as 8,000 mothers who die because of the complications in their pregnancies or in childbirth. Family planning services provide health care for children which dramatically increases the chances children will grow up healthy. Having children about 2 years apart in birth date can increase the survival rate by nearly 30 percent.

Finally, preventing abortions. With U.S. funding, family planning programs could prevent as many as 4 million unplanned pregnancies this year, which could prevent up to 1.6 million abortions resulting from those pregnancies. Recent studies clearly link providing family planning services and declining abortion rates in Mexico, Colombia, Hungary, Russia, the Central Asian republics.

Our job today is to sort through the information and the misinformation and all the ideological pressures surrounding this issue, and to do what we were elected to do, to do the right thing. With this vote we can improve women's health, we can improve children's lives, and we can reduce the number of abortions.

Mr. Chairman, there are not too many votes of which we can say that. This is clearly a vote of principle. We must do the right thing. Vote to release the family planning funds.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Indiana (Mr. HOSTETTLER), a member of the Committee on National Security.

Mr. HOSTETTLER. Mr. Chairman, I rise in strong opposition to this resolution. The Supreme Court has opined in Roe versus Wade, and its erroneous prodigy, that we have to allow the killing of preborn children. Clearly, this was a misread of the Constitution by the Court. I think this is a good example of a Court more bent on legislating than on adjudicating; that is, the Court, in Roe, was more concerned with setting public policy than in construing the Constitution.

In any event, even the Supreme Court has not opined that our Government has an obligation to provide for or encourage abortion here in America or in any other land. We should not take to this course by our own will. Mr. Chairman, can we really call abortion family planning? Can we really say that terminating life creates strong families? Can we say that by using taxpayer dollars to finance abortion we are contributing to American interests abroad?

This is not a vote about family planning. This resolution would obligate the U.S. taxpayer to promote abortion services and facilities in foreign lands. It is this obligation that I believe the House should soundly reject. If this resolution passes, there is no question about the President's actions. He will sign it into law.

Before we release any more funds to him for so-called family planning, we must see to it that we do not do so without restrictions at least as solidly respectful of human life as those enjoyed between 1984 and 1993. The sanctity of life transcends international boundaries. It is time to say no to a careless export; that is, the notion that abortion is acceptable as a means of family planning. I urge a "no" vote on this resolution.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Colorado [Mr. SKAGGS], a member of the Committee on Appropriations.

Mr. SKAGGS. Mr. Chairman, we have to pass this resolution. I do not care how many times it is repeated, the assertion that this is about making the U.S. taxpayer money available for abortion, to promote abortion, or anything close to it, is simply not true. That is against the law, a law that is strenuously enforced.

Does anyone really believe that the way to have fewer abortions is to have more unwanted pregnancies? All evidence, all logic, is to the contrary. Let us just look at what we have been able to get done in Russia over the last several years, in which there has been roughly a one-quarter decrease in the incidence of abortion, as there has been a one-quarter increase in the availability of funds for contraception and family planning. Does anybody think there is not a connection between the two? The connection between the two has come because of our American family planning assistance program.

Mr. Chairman, fewer pregnancies come from considered family planning decisions made available with these funds and with contraception, fewer pregnancies and fewer abortions. Let us get the logic straight.

Mr. LIVINGSTON. Mr. Chairman, I am happy to yield 3 minutes to the distinguished gentleman from Texas [Mr. SAM JOHNSON], a member of the Committee on Ways and Means.

□ 1130

Mr. SAM JOHNSON of Texas. Mr. Chairman, I am strongly opposed to the President's resolution to make millions of taxpayer dollars available for international organizations to promote abortion, in spite of what they are saying.

Frankly, I am disappointed that we are taking the vote on the resolution because of a last-minute compromise in the omnibus appropriations bill. Do you know what, it was a last minute sellout at the expense of the values of the American people. But I am further outraged that the Clinton administration has been doing everything in its power to make sure that the American taxpayer dollars are made available on the international arena for abortions.

There are no monetary differences in these two measures. Both bills release funds earlier than previous. The difference is that one prohibits funding to organizations that perform or promote abortions. The other does not.

The funds are supposed to be spent on international family planning. I cannot believe that anyone in the administration or any Member of this House, for that matter, would list abortion as a method of family planning. We should know that in 1996 the White House administration rejected a compromise which would have provided even more money for international family planning. Why did they reject it? Because it included pro-life language.

I urge this body to stand firm against the funding of abortions overseas and to vote no on this resolution.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY], who has worked very hard on this issue.

Mrs. MALONEY of New York. Mr. Chairman, everyone knows that family planning is about saving lives, not ending them. Almost 600,000 women die every year because they are having too many children too close together. Not only are women dying, the world population is exploding. By the year 2000, there will be 800 million teenagers on this planet, one-seventh of the entire current world population. That is 800 million people who need family planning information, or the world's population growth will literally affect the survival of the planet.

Again, let me be clear, any family planning is about saving lives. This is not a vote for abortion. It is a means of preventing abortion. While family planning sounds like a domestic issue, its impact is as far-reaching as world peace. Overpopulation leads to unrest.

Recently I met with Ambassador Wisner to India, and I asked him what is the single most important thing we could do to improve relations between our two countries. He said release this family planning money. Women are lined up for days just to receive information. It is an important vote. Vote for family planning.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Kansas [Mr. TIAHRT], a great member of the Committee on Appropriations.

Mr. TIAHRT. Mr. Chairman, I rise in opposition to this legislation, House Joint Resolution 36. I rise for a couple of reasons. First, I think it is morally wrong for us to export abortion under the guise of family planning. We have an option that will come up later, the Smith–Oberstar-Hyde amendment, that will allow us to have actual family planning without exporting abortions. Occasionally the Federal Government is wrong. I think it is wrong to do that.

Second, I think it is improper for us to take tax dollars from Americans, borrowed money. We are still running a deficit, so it is borrowing money from future taxpayers to send overseas to fund abortions. Again, I think the Federal Government is wrong.

If we go back in history and look at the past when we have had incorrect decisions, such as the Dred Scott decision, who of my colleagues in this Chamber would say that that was a correct decision, that African-Americans are not created equal by our Creator. No one. That was an incorrect decision by those representing our Federal Government.

In reading the history of the English-speaking peoples by Winston Churchill, I came across an incident that occurred in Boston about the same time, not long after the Dred Scott decision, where it said a Boston mob attempted to rescue a fugitive slave whose name was Anthony Burns. It took the Federal Government and a battalion of artillery, four platoons of marines, a sheriff's posse and 22 companies of the militia to line the streets so that our Government could return Anthony Burns, a slave, to the South. Who of you here agrees with that Federal decision that we made at that time? It was morally wrong. It was incorrect to take American tax dollars to support the institution of slavery.

Once again, we have a situation where the Federal Government is morally wrong, exporting abortion under the guise of family planning. I think it is very important that we vote against House Joint Resolution 36 because of the morality, because of misusing taxpayer dollars, borrowed dollars that our children will have to pay back. When you borrow a dollar today to export abortion, it takes at least $3 to pay that dollar back, 3 future dollars that our children have to use to pay back just the interest, let alone the usage and the loss because of inflation. Every dollar. That is also wrong.

So I want to encourage my colleagues to vote against this resolution and to support Smith–Oberstar-Hyde.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN], a member of the Committee on Appropriations.

Mr. MORAN of Virginia. Mr. Chairman, I cannot understand how we as the leaders of the most powerful, prosperous Nation on Earth can vote to deny the poorest people on Earth their ability to control their own lives, to have some hope of one day rising out of the poverty that destroys their dreams and severely limits the lives of their children.

We will leave today for home or for travel, comfortable in the fact that we have control over our lives. We can express our love for our spouses without the fear that it might cause even more suffering and deprivation of our families and their future. Surely we all understand that overpopulation is the most serious crisis facing the 21st century, that it is the principal cause of child labor, of the sexual exploitation of young girls in Third World countries around the world, of the cheapening of human lives. We can empower these lives, give those destitute mothers reason to dream that there may one day be hope for their children, especially for their daughters.

Not to release these funds is unconscionable when we have the ability to relieve suffering by providing voluntary information, information that will substantially reduce the number of abortions performed and will reduce the exploitation of powerless people. It is our responsibility to know the cause of poverty, to care, and, when we have the ability, to do something responsible about it. This is the right thing to do. Vote to release these funds today.

Mr. Chairman, the question before us today is not whether we should act today to release family planning funds, but whether or not we can conscientiously fail to do so.

I rise today in strong support of the President's resolution to release funds to USAID for international family planning programs. Time and time again, research shows that family planning programs work. The bottom line is that they decrease poverty and improve quality of life for families in developing countries.

We all agree that there should be fewer abortions. This is exactly what the President's proposal accomplishes. Not surprisingly, delaying the release of this money has resulted in an increase in the number of unplanned pregnancies. This will lead to an increase in the number of abortions.

Of the 585,000 maternal deaths which occur each year, 13 percent are attributed to unwanted pregnancy and illegal and unsafe abortions. According to the Population Institution, of the 22,000 children who die every day, many are the result of inadequate family planning, and insufficient time between pregnancies. The tragedy in these deaths is that they can so easily be prevented with the adequate resources to teach men and women how to prevent unwanted and unhealthy pregnancies.

A poignant example of the impacts this delay in funds has had, is seen in Haiti. Haiti is currently in the process of integrating its family planning programs into the CARE, the child health and maternal care program. If we continue to deny release of these funds this program integration will cease. By May of this year, just 3 months away, the nongovernment organizations funded by USAID will be forced to begin laying off workers leaving thousands of Haitian men and women without access to family planning, threatening their health and the health of their children.

Mr. Chairman, let's vote in the only responsible manner we can to release funds for international family planning funds, and against any attempts to apply unnecessary restrictions on their use.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. WELDON], a very distinguished doctor and a member of the Committee on Banking and Financial Services.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in opposition to House Resolution 36, which is the resolution supported by the President, and urge my colleagues to vote "no" on that and to vote "yes" on House Resolution 581, the resolution introduced by the distinguished gentleman from New Jersey [Mr. SMITH].

Both of these bills, the bill supported by the gentleman from New Jersey [Mr. SMITH] and the one supported by the President, will release funds for family planning. So what is the debate about? It is about one simple issue. Will U.S. tax dollars go to organizations that encourage or provide abortions as a means of birth control? In spite of the rhetoric, this is the issue before us.

To those who support the President's plan, I would ask, why are you against language that says that none of these funds can be used to perform abortions as a means of birth control; do you find abortion an acceptable means of birth control? Why do you oppose language that would stipulate that these funds cannot be used to violate the laws of any foreign country with respect to abortion? Do you support using tax dollars, U.S. tax dollars to subvert the abortion laws of foreign countries?

Those who vote "yes" on President Clinton's bill are voting to give tax dollars to organizations that promote or provide abortion as a means of birth control. Those who vote "no" on President Clinton's bill and "yes" on Mr. SMITH's bill are saying, U.S. tax dollars can go for family planning but they cannot go to organizations that promote abortion as an acceptable means of birth control.

To spend tax dollars on international family planning is an issue for debate. However, taking money out of the pockets of hard-working Americans to pay for abortions overseas is totally unacceptable. Again, I urge my colleagues to vote "no" on the President's plan and vote "yes" on the plan of [Mr. SMITH].

Mr. GREENWOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, as a member of the Committee on the Budget, I know we are trying to get our country's financial house in order and balance the country's budget. We are also trying to save our trust funds for future and present generations and we are looking to transform the social and corporate and agricultural welfare state into a truly caring opportunity society. I can get really immersed in those issues, but as big as those issues are, they pale in comparison to the fact that one mouth can eat, two mouths can share, four mouths will sometimes go hungry, and eight mouths starve.

In the Book of Psalms, it said I had fainted unless I believed to see the goodness of the Lord in the land of the living. What kind of world are we seeing; what kind of world is truly living? We have too many people, too many children born into abject poverty, young children living on the streets begging, robbing, stealing, killing, being killed. Young girls and boys sold into sex slavery rings because their parents cannot keep them, they cannot care for them. The rich are getting richer and richer, and the poor are getting poorer and poorer and poorer and poorer and sicker and sicker.

As a Peace Corps volunteer, I know that some countries have grown. Their economies grow but their population outstrips their economies and they are truly becoming poorer. Indigenous Indians in this country said when they looked at the beautiful lake, it was a smile of the Great Spirit. We are losing that smile. I hope and pray we wake up. Release family planning funds now. Allow kids to have a future.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS], a member of the Committee on Appropriations.

Mr. EDWARDS. Mr. Chairman, I oppose public funding of abortion, but I strongly support House Joint Resolution 36 because this is not about funding abortions. That is prohibited, clearly, in the law. This issue is about saving children. Sadly, there are millions of children across the world that wake up hungry every morning. There are millions more that live at the very edge of survival.

For one moment, just one moment, I wish every parent in this House would imagine how you would feel if you awoke this morning not knowing whether you could feed your child or children. Imagine you lived in a country that had no welfare and there were more people than jobs. For one moment imagine the emotional agony of watching your children crying from hunger or malnutrition. Imagine yourself with just enough money or resources to barely feed the children you love and that you have already brought into this world.

For millions of parents around the world, Mr. Chairman, they do not have to imagine this scenario. It is an everyday reality.

□ 1145

Regardless of the intentions, I think it would be unfair and inhumane to deny family planning services now to those parents who desperately want to feed and nurture the children that they love, just as you and I love our children.

For millions of parents, family planning is the difference between providing adequate care and food for the children they have and facing the desperation of watching all their children go hungry. Today we can make a difference for millions of children.

This issue is about protecting children, children that are struggling to survive and parents that are struggling to support and nurture those special children. I urge support of the President's resolution.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas, [Mr. PAUL], a distinguished physician and a member of the Committee on Banking and Financial Services.

Mr. PAUL. Mr. Chairman, I rise today in opposition to H.R. 36. It is very clear to me that we should be doing nothing in the way of funding international birth control and family planning. If one were to look for the authority for this, it would be very difficult to find it written in the Constitution that that would be a proper function for U.S. taxpayers to be obligated to participate in such a program. So, very clearly, a "no" vote on H.R. 36 would be a correct and proper vote.

I have more problems with the second vote on H.R. 581 because if one is concerned about being a fiscal conservative and following the rules of the Constitution, one might ask how many more dollars of taxpayers' money will be used if H.R. 581 passes? The best answer I can come up with is that instead of the $215 million that the President would get if he has his way, we would add that and have $385 million. In contrast, if we did nothing, if we voted down both of these proposals, it is my opinion that then the spending would be limited to $92 million.

The question arises here, well, what is a couple of dollars doing in some program that is unconstitutional if we can get some language in there that might do some good? Being a strong right-to-life Member, member of the right-to-life caucus, I am very much aware of that and very concerned about it.

Quite frankly, if we did not spend the money we would not be arguing over whether or not the prohibition will do any good. Quite frankly, I do not believe the prohibition language accomplishes what it really intends to accomplish.

For instance, in the wording of this message it is in there that if those who receive the funds do not spend it until the next fiscal year, they would not have the restraints on it. Besides, these organizations so often are international, they are huge in scope, and if they do not use the funds for abortion these funds get shifted around.

Basically, it is very clear to me that the program should not exist. We should vote down the appropriation or keep the appropriation as low as possible. And quadrupling it, from where we are today, if we do nothing, we spend $92 million; if we pass H.R. 581, with the attempt to try to curtail the abortions, we actually quadruple it.

Quite frankly, I do not believe the language is strong enough to really prevent any of this money getting into the hands of the abortionists.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey, [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong support of the release of international family planning funds on March 1 of this year. We need to clear up the confusion on this issue and focus on the importance of family planning programs.

International family planning programs save the lives of thousands of women and children across the world, prevent unwanted and dangerous pregnancies, and reduce the number of abortions worldwide.

Representatives from the Russian family planning association recently shared information on the successes of their program. In Russia they are using these valuable dollars to increase access to quality family planning information and services. As a result of this program, contraceptive use has risen from 19 to 24 percent among women in just 4 years. And between 1990 and 1994, total abortions fell from 3.6 to 2.8 million.

Yesterday Secretary of State Madeleine Albright testified before our appropriations Subcommittee on Foreign Operations, Export Financing and Related Programs. She stated:

> Our voluntary family planning programs serve our broader interests by elevating the status of women, reducing the flow of refugees, protecting the environment, and promoting economic growth. As the President has determined, a further delay will cause a tragic rise in unintended pregnancies, abortions and maternal and child deaths.

Let us be clear: Support for family planning programs has, to this day, been bipartisan. This program was created in 1969 by President Richard Nixon.

Let me also address some concerns that have been raised by individuals who do not want their tax dollars being used for family planning services overseas. Of the two resolutions that we will vote on today, this resolution actually provides less money than does the alternative proposal that will be offered later.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the very distinguished gentlewoman from Wyoming, Mrs. CUBIN, a member of the Committee on Commerce.

Mrs. CUBIN. Mr. Chairman, I rise in opposition to the resolution on the President's findings on family planning and I ask that my colleagues support the Smith-Hyde bill.

It was stated earlier, and I completely agree, that in the past international family planning has been a bipartisan issue. I suggest to my colleagues that it absolutely remains that way today.

I am pro-life but I am also very much in favor of sex education and birth control and family planning. In my opinion, it is a contradiction to be opposed to abortions and yet be opposed to birth control and family planning, and that is why I support the Smith-Hyde bill. The Smith-Hyde bill supports international family planning programs in foreign countries, but not like the President's proposal to promote abortions.

I do not believe abortion is nor should it ever be promoted as a method of family planning or for birth control. The Smith-Hyde bill is a bipartisan bill, an alternative approach to the President's shortsighted and irresponsible plan, and it actually increases funding for international family planning even beyond the President's resolution.

Now, let me repeat that. The Smith-Hyde bill will spend more money for international family planning than the President's proposal, and the Smith-Hyde bill will not allow any public money to be spent for abortions.

There are many in this Chamber like me who support family planning programs. This debate is simply not about family planning, but it is a debate about abortion being used as a method of family planning or birth control.

As I said, I am strongly pro-life and I believe that abortion is not acceptable for purposes of sex selection, birth control, or convenience. Frankly, people must begin accepting responsibility for their actions, both domestically and overseas. That is why we must have an honest debate about the use of contraceptives and sex education as responsible methods of family planning. It is time to take the issue of abortion out of the family planning debate.

The resolution on the President's finding ignores this Congress' desire to keep pro-life safeguards in place when providing international family planning funds. Let us send a clear message to the President that we do not want to send taxpayers' money to foreign countries to fund abortions.

I urge my colleagues to vote to permit a rule on a Smith-Oberstar vote and against the resolution supporting the President's finding.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Chairman, I wanted to take this moment to thank the gentlewoman from

California [Ms. PELOSI], for her leadership on this issue, and note that she had to forego going to her dear friend Ambassador Pamela Harriman's funeral, so she could carry out her duties in relation to this program this morning, and I thank the gentlewoman.

Mr. Chairman, I also rise in strong support for this resolution for release of funds for the Nation's international family planning programs.

Make no mistake about it, no matter what we hear on this floor, despite attempts by opponents to say differently, today's vote is about international family planning. More than that, it is a vote to release funds that have already been appropriated to a program that has already been authorized. It is also an agreement we are talking about today that has already been approved by the majority and the minority.

International family planning programs work. They work to promote sustainable development. As Secretary of State Madeleine Albright said just this week, and as the gentleman from New Jersey [Mr. FRELINGHUYSEN] just mentioned, I too was struck by Secretary Albright's words when she noted that these efforts concerning family planning further promote U.S. foreign policy objectives by improving the status of women, reducing the flow of immigration, protecting our environment and, finally, promoting economic growth, which this is very much about.

I would add, too, that these family planning efforts truly do save lives, lives that otherwise might be lost to infection and to starvation, and we have to say it, yes, to abortion. To pretend otherwise is to ignore reality.

I urge my colleagues today, whatever thoughts on other debates where we do disagree, to vote today for the President's resolution.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF], the very distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. WOLF. Mr. Chairman, I rise in very strong opposition to the first resolution and in strong support of the Smith-Oberstar-Hyde resolution.

Second, I want to make clear to people who are listening, I strongly support family planning. I am not one, there may be some who are opposed to family planning, I strongly support family planning and think it is very important.

Third, the Smith-Hyde resolution moves the money out faster and, in some respects, actually more, because by moving it out faster the level is actually higher.

Fourth, I will tell the people that are undecided on this issue there are more than enough groups in this country and in this world who are strong proponents and supporters of family planning who can use not only the money in this bill but double or triple the amount. So there are enough family planning groups that can take the money that are not connected with abortion and are not involved in controversial activities.

We went through the same thing in Romania several years ago when this battle came and the House then sided for family planning but not for family planning groups that are involved in abortion. So I will say that the Smith resolution puts more money out faster, and there are more than enough family planning groups that are strong proponents of family planning who are not involved in abortion, to use the money under Smith-Hyde but to use double that money.

Had my will been done, I would have increased the amount of money for family planning in the Smith-Hyde thing, although we were prohibited from doing that because family planning is important but not family planning to groups who are connected with abortion, which in many respects in China is one of the most criminal violations of human rights.

□ 1200

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I rise today in support of releasing the already appropriated funds for family planning on March 1.

With the growing program of overpopulation around the world, access to international family planning is crucial. About 1.3 billion people subsist on $1 a day, 1.5 billion people lack access to clean drinking water, 120 million people are actively looking for work, and 700 million people are classified as underemployed, working long hours in jobs that often fail to come close to supporting their basic needs. For many of these people, health care is neither affordable nor even available.

It is clearly in our national interest to address these changes and to contribute to international stability and economic growth. It is a more cost effective investment to address these problems proactively rather than later when they erupt into an international crisis.

For health reasons alone, quality family planning deserves our full support. Only through the use of family planning funds have women and couples in poor countries had access to contraceptives, prenatal care, and a link to modern health care services. International family planning has improved women's health and allowed generations of children to grow in safer, more suitable environments.

Mr. Chairman, I insert for the RECORD two articles which appeared in the Houston Chronicle in support of this motion.

[From the Houston (TX) Chronicle, Feb. 7, 1997]

CONGRESS SHOULD RELEASE WORLD FAMILY PLANNING FUNDS

Most American couples take for granted their ability to delay starting their families after marriage. They decide when or whether to have more children after a baby's arrival. Or a couple may choose to have no children at all. These are choices that many parents in the developing world do not have.

The link between access to contraception and healthier babies, better educated children, wealthier families, and population control is a solid one. Recognizing this connection, the United States has a long tradition of providing poor people the world over with the means of controlling the size of their families and appropriately spacing their children. American family planning aid is credited with reducing birth rates in 60 countries and lowering the average number of children per family from six to three.

Now, conservative legislators, persuaded by anti-abortion lobbyists, have tied these highly successful programs to the abortion debate. Charging—mistakenly—during last year's budget debate that U.S. family planning aid helps support abortion services abroad, abortion opponents cut the programs' funding by 35 percent and mandated that 1997 funds could not be spent until July, nine months into the fiscal year. After that, spending is restricted to only 8 percent per month of the remaining $385 million allocation.

These funds, by law, cannot be used to provide or promote abortions, and they should be released immediately. Abortion opponents are working at cross purposes here since a lack of contraception undoubtedly will increase unintended pregnancies, which logically could result in an increase in abortions.

Furthermore, the action has hurt family planning programs without regard to a country's position on abortion.

For example, in Trinidad and Tobago, where abortion is illegal, U.S. planning funding has dried up.

Access to reliable contraception and family counseling services act as deterrents to abortion. Meanwhile, poor parents who can direct the destinies of their families have the ability to improve the quality of life for the children they do have. Congress should act now to mitigate the damage that this funding disruption has already caused.

[From the Houston (TX) Chronicle, Jan. 31, 1997]

CONGRESS IGNORING SERIOUS POPULATION PROBLEM

(By Werner Fornos)

For those who question that the world has an overpopulation problem—and yes, there are a few—here are a few facts to keep in mind.

1.3 billion people subsist on about one dollar a day. 1.5 billion people lack access to clean drinking water. 120 million people are actively looking for work. 700 million people are classified as underemployed, working long hours, often at back breaking jobs that fail to even come close to meeting their most basic needs.

These facts are just the beginning.

In 1993, some 16.5 million people died from infectious diseases. That was one-third of all deaths worldwide that year, or slightly more than all deaths from cancer and heart disease combined.

A recent report concluded that a resurgence of diseases once thought to have been eradicated stems from a deadly mix of exploding populations, rampant poverty, severe environmental degradation, inadequate health care and misuse of antibiotics.

And still there are skeptics, people who insist that there's no world population problem. Unfortunately, some of those skeptics are in the U.S. Congress, and they have more than little influence. Not enough influence to terminate the U.S. international family planning program, or at least not yet. But, enough to place that program in serious jeopardy.

The 104th Congress last year appropriated $385 million for population assistance, but the skeptics added a few bizarre twists: None of it can be spent until July 1—nine months into the fiscal year that began last Oct. 1—and then at a rate of 8 percent of the total per month. For the 1997 fiscal year, which ends Sept. 30, this would result in a 76 percent reduction.

That's not exactly the way appropriations are made in Washington. But it clearly indicates that some of our lawmakers with sufficient clout have made up their minds to do away with U.S. population spending overseas.

And that is just about the most untimely notion the national legislature of the last remaining superpower could possibly have. World population is closing in on 5.9 billion and it is growing at nearly 90 million a year. Virtually all of that growth is in the poorest countries of the world, and it is seriously hampering any reasonable chance many of them will have for emerging from a cycle of poverty, malnutrition, unemployment and social discrimination.

An escape hatch was built into the 1997 international population budget. The President will submit findings to Congress to show that the nine-month moratorium will be harmful to family planning efforts for developing countries. If his findings are accepted by both houses of Congress, the appropriation will be released as early as March 1, rather than July 1.

As this century draws to a close, there is sufficient technology to vastly reduce world population growth. It is possible to insure that world population stabilizes at 8 billion or even less, rather than 12 billion and possibly more.

Virtually every developing country with a problem of rapid population growth recognizes that fact and wants to reduce it. Virtually every industrialized country is trying to do its part to help. But the Congress of the United States, the last remaining superpower has enough recalcitrants to place its present and future overseas population efforts in doubt.

It is a situation the new 105th Congress can correct by voting in February to disperse international family planning funds by March 1. Then the United States can take its rightful place in the forefront of stabilizing world population in helping to lead our global neighbors toward a 21st century of progress, peace and prosperity.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana [Mr. SOUDER], a member of the Committee on Education and the Workforce.

Mr. SOUDER. Mr. Chairman, I want to first say, as the gentleman from Virginia [Mr. WOLF] said, that I believe there is a role for international family planning, and as we look around the world we can see that need.

I strongly have concerns about the fungibility and the maneuverability of funds not only directly but indirectly from fund-raising concerns on abortion, and I have a deep heartfelt concern that American dollars should not be used to kill innocent little children around the world. But also this bill is based on a false premise, and those Members and the general public who are still trying to make up their minds on this bill should realize that Congress has been very generous to international population programs.

Let us get some of the facts straight. The amount the administration already has to spend in fiscal year 1997 in international population programs, even if this resolution does not pass, is over $400 million. Not $1 million, not $10 million, not $100 million, not $200 million, over $400 million.

This is about 25 percent of the entire U.S. budget for developmental assistance to poor countries around the world. It is substantially more than the $300 million we spend on child survival programs which pay for vaccinations and medicines and save hundreds of thousands of children from dying from easily treatable diseases.

The money we spend on international population control is about twice as much as the $200 million we spend on assistance for narcotics control. It is about 4 times the amount we spend for microcredit programs, which empower poor people, mostly women, by allowing them to start small businesses.

In this $400 million for population control is literally hundreds of times more than we contribute to other urgent needs such as the U.N. Fund for Torture Victims. Yet the administration still tries to make us think that population programs are underfunded.

They do this by constantly pointing to the fact that under the funding compromise adopted last year, only about $92 million of the fiscal year 1997 population funding can be spent in this fiscal year beginning in July. But they refuse to talk about the additional $284 million in the carryover funds from fiscal year 1996 which is still available in fiscal year 1997, and they somehow forget to mention the additional $43 million Congress has appropriated for contributions to the U.N. Population Fund.

Mr. Chairman, this is a total of $420 million. If we reject this resolution, the total stays at $420 million. Population programs will still have one of their best years in history. Not only is a no vote on the Clinton resolution the right vote for those who respect life, it is also the only vote consistent with fiscal responsibility and a balance of priorities and how we approach international funding.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MCGOVERN], a member of the freshman class.

Mr. MCGOVERN. Mr. Chairman, throughout my district in Massachusetts, I have spoken out quite clearly that one of my top priorities is protecting the health and the lives of children, mothers, and pregnant women. But, Mr. Chairman, my concern for the health of women and children does not stop at the borders of my district. It extends to all women and all children around the globe.

Over the past 30 years, U.S. support for international family planning has been one of the great success stories of our development programs. What do U.S. international family planning programs do? They protect the health, welfare, and survival of women and children. They reduce the spread of sexually transmitted diseases like HIV/AIDS. They reduce poverty. They reduce the pressure of human population on the environment. And they dramatically reduce the rate of abortion worldwide.

Mr. Chairman, the cuts and delays in releasing current U.S. funds have already caused harm to many of these programs. I urge all my colleagues to support the President's finding and to release these desperately needed funds now.

Mr. Chairman, USAID international family planning programs have earned the support and respect from a broad spectrum of U.S. and international nongovernmental organizations [NGOs], along with such international agencies as UNICEF.

The NGOs represent a diverse array of interests, such as religious institutions, environmental groups, population and development organizations, legal and educational associations, and women's and children's advocates. From the National Audubon Society to the Religious Action Center on Reformed Judaism, from CARE to the Emory University School of Public Health, all have urged the release of these already appropriated USAID funds for international family planning.

The issues that bring together such an annual coalition of interests reflect how successful U.S. international family planning programs have been over the past three decades. It also reflects how very real is the harm to women's and children's lives that has already been caused by recent cuts in funding levels and the current delay in releasing appropriated moneys for these programs.

For example, in Bolivia, a CARE program designed to give rural Bolivian women access to pap smears for the first time ever will be terminated if funding is delayed any further. When diagnosed early, cervical cancer can usually be treated effectively. Bolivia is plagued with the highest maternal mortality rate of any country in Latin America. Without the benefits of early detection through pap smears, rates of women's deaths in Bolivia will likely remain high.

In the Philippines, the USAID program in natural family planning, which is carried out by the Georgetown University Institute for Reproductive Health, would come to an abrupt halt in the Philippines. Because the contract is up for renewal in June 1997, the funding delay would close this project down completely.

In Zambia, more than 100,000 women in Lusaka, Zambia's capital, receive family planning support through USAID. Should funding be delayed to this project, key reproductive health care training will be scaled back dramatically, meaning that condom distribution in this country will be reduced significantly. As a result, hundreds of new HIV cases will occur in this urban capital that already suffers from a high HIV infection rate. The cutbacks in service training will also cause thousands of couples to lose family planning information services. This in turn will increase the incidence of unwanted pregnancies and ultimately abortions in Zambia. Sadly, unsafe abortion has been among the top causes of hospital admission in Lusaka.

As these cases only begin to illustrate, family planning programs are truly development success stories. And by making widespread the use of contraceptives, they are also one of the most successful means of reducing abortion rates worldwide. Indeed, making family services available to all who want them should be the common ground on which both sides of the abortion debate can agree.

Mr. Chairman, I include for the RECORD the following two attachments from the U.S. Agency for International Development, dated January 31, 1997, which outline some of the impacts of the fiscal year 1997 funding delay on specific country programs.

THE IMPACT OF THE FISCAL YEAR 1997 FUNDING DELAY ON COUNTRY PROGRAMS

The following country programs are among those that would be most severely affected by not being able to receive FY97 population funds until July 1 or later:

Bolivia—Defer ongoing population assistance to the National Social Security Medical System, jeopardizing services to 20 percent of Bolivia's population. Reduce support to local organizations providing family planning services to 30 percent of Bolivia's rural population.

Haiti—Layoff staff of NGOs serving thousands of poor Haitian couples. Delay and possibly cancel integration of family planning into CARE's maternal and child health care program.

Mexico—Curtail USAID-funded training of family planning service providers in the public sector and potentially close some NGO clinics, including in Chiapas, one of Mexico's poorest states.

Guatemala—Reduce services of largest private family planning provider and close rural health promoter program.

El Salvador—Continue cutbacks and downgrading of services of the leading NGO family planning provider.

Dominican Republic—Reduce services of leading NGO family planning providers and lose opportunities for initiatives to increase male involvement in family planning.

Russia—Suspend funding for two of the largest organizations providing assistance, jeopardizing programs to train family planning service providers and provide 1.7 million couples with access to modern family planning services as an alternative to abortion.

Ukraine—Suspend planned extension to major cities of training for service providers in clinical reproductive health, contraceptive counseling and prevention of sexually transmitted diseases.

The Philippines—Defer a number of programs to train health personnel in natural family planning, introduce voluntary surgical contraception at 200 sites, and work with the commercial sector on provision of oral contraceptives.

Egypt—Suspend USAID's principal mechanism to provide technical and financial support for the national family planning program, a disruption that would affect thousands of clients now served.

Jordan—Suspend establishment of model family planning centers and information campaigns on availability of family planning, affecting 500,000 couples who are current and expected users.

Turkey—Suspend training of nurses and midwives, increasing the shortage of trained providers of family planning and related health services.

Mozambique—Reduce training and other family planning service delivery activities in four focus provinces with a combined population of over 6 million.

Uganda—Suspend or curtail a number of training and family planning service delivery programs.

Zimbabwe—Suspend deliveries of USAID-funded contraceptives, resulting in stockouts for clinics and community-based distributors.

THE IMPACT OF THE FISCAL YEAR 1997 FUNDING DELAY ON USAID TECHNICAL LEADERSHIP THROUGH WORLDWIDE PROGRAMS

The following worldwide programs are among those that would be most severely affected if FY97 population funding is not available until July 1 or later:

Service delivery—Critical service delivery programs supported through US-based private voluntary organizations (PVOs), including CARE, Pathfinder International, and AVSC, would have to suspend or even shut down key activities. AVSC, for example, would shut 70 percent of the family planning service sites it supports in Nepal

Natural family planning—USAID's planned new agreement with Georgetown University could not begin soon enough to prevent suspension of programs serving over 700,000 annually, including in Bolivia, the Philippines, and Ecuador.

Contraceptive supplies—There could be serious contraceptive shortages in a number of countries in FY98—Up to 50 million condom, 4.8 million cycles of oral pills, and 500,000 intra-uterine devices (IUDs)—as well as loss of U.S. jobs.

Training—Training of over 4,500 family planning service providers in 10 or more countries would be deferred indefinitely.

Information and communications—Information campaigns on family planning and maternal and child health designed to reach millions of couples in Bolivia, Ukraine, the Philippines, Kenya, and other countries would be slowed.

Research—Initiation of a large-scale clinical trial for a new female-controlled barrier method would be deferred, and work on other current contraceptive leads would be slowed, delaying introduction of new and improved methods.

Mr. LIVINGSTON. Mr. Chairman, I reserve the balance of my time.

Mr. GREENWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Rockefeller Foundation recently published this report. It is called High Stakes: The United States Global Population and Our Common Future. It is important that we consider what the stakes are in this debate because the stakes are indeed high.

Mr. Chairman, the stakes are about women dying. They are about mothers dying. Every day 1,600 women die of pregnancy-related causes because they do not have access to reproductive health services, including family planning. Around the world, 250 women will die for lack of family planning services during the course of this debate; 585,000 women die for these reasons every year around the world.

What they die of is called most frequently postpartum hemorrhage. It happens most frequently when poor women have undergone many closely spaced births, and when these women die, they die because when they have their pregnancies they are too young, they are too old, their children come too closely together or they have too many children, and when they die they leave behind vulnerable orphans. It is indeed a tragedy.

The stakes are about children dying. Every year 7 million infants die on this planet because their mothers were not healthy enough for their pregnancies, or they lacked obstetric care. The children most likely to die are those children who are born too closely spaced together, into families that are too poor and to women who lack access to family planning services.

We have heard a lot of talk this morning in this debate about abortion, and speaker after speaker on the other side of this debate has walked to the podium and talked about this program as if it enhances the number of abortions in the world. Nothing, nothing, could be further from the truth. Each year in this world 50 million women have abortions performed; 20 million of those abortions are in unsafe conditions. It is for the lack of family planning services—not because of them—that this figure is so high.

Mr. Chairman, when I decided to speak out on this issue, I felt I needed to understand how this program works and to see it operating on the ground. A few weeks ago I traveled to La Paz, Bolivia, a country in which abortion has never been legal and a country until just recently, because of this program, family planning services were not available at all. I went into the Andean Mountains and I met with the Aymara Indians. I met with them in little clinics and hospitals around the country, and I spoke to them about their efforts to go out and talk to their neighbors, door to door, using these funds, meager funds, to promote family planning services.

What I found out is that just 8 years ago, the health ministry of Bolivia did a survey for health planning purposes. They did not have in mind a study about abortion or family planning services. They just wanted to know how their hospitals were being utilized. What they discovered, to everyone's amazement, is that 50 percent, half, of the beds in the country—the poorest country in the Western Hemisphere next to Haiti, in Bolivia, 50 percent of the beds were occupied by women who were suffering the results of botched and illegal abortions.

Abortion is not legal there. What has changed that, what has reduced the number of abortions in poor countries like Bolivia and in poor countries all over the world has been this program. This family planning program is what reduces abortions. And not one penny, let us say this over and over again, not one penny, not one dime of these funds are used to perform abortions, to counsel that abortion is an option, to promote abortion, not one penny of this money is used for that.

In those few instances where these funds are provided to an organization, a hospital, a government organization, a nongovernment organization that does exist and operate in a country where abortion is legal, these funds are strictly segregated. These organizations sign contracts that they will use none of this money for abortion-related services, and, in fact, they do not. We are here to prevent abortions.

We can define our interest in this issue in terms of the humanitarian issues I have just talked about: Women dying and children dying and preventing abortion, or we can think of our more narrow national interest, the interest of the United States.

It took 10,000 generations for the world's population to reach 2 billion, and that happened just about when I was born, in 1950. Yet in the second half of this century, the population has increased from 2 billion to 5.5 billion. Look where it is headed. It is headed above 10 billion world population by midway through the next century.

The population in the industrialized countries has stabilized. But in countries that are underdeveloped, and the poorest nations, India, Bangladesh, sub-Saharan Africa, the Middle East, Mexico, the population is exploding and it is exploding out of control.

Unsustainable population growth leads to increased demands for energy. In the Third World that energy is produced by burning coal, dirty coal. Our scientists are clear about the fact that world population explosion means much more greenhouse gases being distributed to the atmosphere, it means global warming. Unchecked population growth in the Third World means depletion of water resources. It means famine, it means suffering. It pushes populations to clear rain forests. It pushes populations to go out and graze on land that cannot sustain cattle, and that leads to expansion of the deserts worldwide.

We all have a stake in the global environment.

When population explosion results in crushing poverty, people will work for next to nothing. What this chart illustrates is the growth in job seekers, the labor force in the industrialized countries, which is relatively stable, versus developing countries. What you see is an exponential growth rate in countries that are undeveloped and nonindustrialized. And so what happens?

What happens is what we have seen happen in the last decade or two. American workers are competing to produce products that are made overseas by people who will work for 25 cents a day or a dollar a day, and we cannot compete for those jobs. So in our very narrow self-interest, for the workers of this country, for the future workers of this country, it is our job to prevent this great economic leveler, population explosion, from making us economically uncompetitive.

When the local economies cannot provide jobs, poor people migrate. They migrate to the industrial nations. Legal and illegal migration to this country is coming from Latin America, Asia, and Africa. Whether we define our interests as humanitarians committed to saving women and children from dying, or whether we define them more narrowly as protecting our Nation from global environmental degradation and job loss, or from a wave of migration, legal and illegal, this resolution is the right thing to do.

Mr. Chairman, I urge my colleagues to support it.

□ 1215

Ms. PELOSI. Mr. Chairman, I yield myself 30 seconds in order to commend the gentleman from Pennsylvania [Mr. GREENWOOD] for his very comprehensive statement, indeed a definitive statement, on what is at stake here on the floor today. It is about family planning, it is about the individual lives of poor women and children and families throughout the world, it is about population and our environment, it is about the economies of the world, and I commend the gentleman for his courageous leadership and on his clear presentation for us.

I wanted to make a couple comments about what I have heard—is my time up?

Mr. Chairman, I will have to seek more time, but first I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER], a member of the Committee on Appropriations.

Mr. OLVER. Mr. Chairman, I thank the gentlewoman from California [Ms. PELOSI] for yielding this time to me.

Mr. Chairman, I rise in strong support of the President's recommendation to release the already appropriated international family planning funds. Mr. Chairman, America's family planning program reduces unintended pregnancies in developing countries; 40 percent of those unintended pregnancies end in abortion. So, crippling our family planning program clearly leads to more abortions.

America's family planning dollars help poor women to protect themselves from deadly disease, to regulate childbearing when they want to do so. So indeed the release of these funds saves the lives of women and children. But this decision is about more, because unchecked global population growth affects all us in many ways.

Population pressures cause irreparable environmental degradation in fragile areas, and the growing numbers of the unemployed in developing nations threaten the economic and political stability of the entire globe.

So I urge my colleagues in the House to vote for the President's resolution to release the funds on March 1.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia [Ms. NORTON] who is co-chair of the Congressional Caucus on Women's Issues.

Ms. NORTON. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

Mr. Chairman, progress in family planning is one of the great success stories of the world. It is where we are making progress throughout the developing world. I am proud of the role my country has played in this progress. This is one of the bright stars of American foreign policy.

I respect the conscientious and religious objections of those who oppose abortion, but I cannot imagine what the world thinks of this debate that drags abortion into a family planning matter. We must not see abortion in issues that allow us to cut off our noses to spite our faces. Family planning and contraception in the developing world impact three issues of awesome importance: maternal health, children's health and AIDS.

In the early century, graveyards showed more women dying at an earlier age than men. We have turned that around almost exclusively because of family planning. Let us do for the world what we have done for our country. Let this money go.

Mr. LIVINGSTON. Mr. Chairman, I yield 4 minutes to the distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, the very distinguished gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman from Louisiana [Mr. LIVINGSTON] for yielding this time to me.

I had decided that I would not come to the microphone today to speak on this issue. This is an issue that has been cast upon my subcommittee, that is not an entitlement of ours. It is the responsibility of the Committee on International Relations to handle this issue. But in the absence of a bill being passed through the House and through the Senate and signed by the President, it has become the responsibility of my subcommittee to handle it.

Last year during the process, we went to great lengths to try to compromise, which is what this body is all about, a body of compromise. I am pro-life, and I do not apologize for that. But at the same time I recognized what the pro-choice people were talking about.

In an attempt to make this issue go away, to make it fair, to give both sides a half-full glass, we adopted what was perceived as the Callahan amendment, and I spoke to many of my colleagues about this, and I even took the liberty of calling to my office with the assistance of a former Member of ours, Charlie Wilson, the leaders of the family planning community.

Mr. Chairman, they could not find one thing wrong with the Callahan amendment and they would not accept it because the right-to-life side had accepted it. Had they accepted it, they would have more money available, not for abortions, but for family planning. But they did not want to accept it because of the fact that the other side did accept it. That is the only reason they ever gave, the only logical explanation.

So in a desperate attempt, I talked with Secretary of State Christopher, and he agreed that it sounded fair to him. But nevertheless, the President sent messages that he was going to veto the entire foreign operations bill if the language we had proposed was in there.

So I put in a call to the President of the United States to ask for the opportunity to come to him and ask him to find one thing that was wrong with it. And the President, whereas in the past when he needed me, on situations like Bosnia, on situations like Haiti, when he summoned me to the White House and begged for my support and I ultimately gave it to him, refused to return my call.

And as a result of my inability to explain to the President to remove his veto threat and solve this issue for a long period of time, and to provide funding for family planning and at the same time to recognize the rights of the unborn, we are here today.

So we reconstructed the language at the insistence of Mr. Panetta, even though Mr. Panetta agreed that maybe I was right. But in order to allow the government to continue to operate in order to get the Government running and pass the bill that we had to pass, we agreed to this, knowing it would come back.

So as a result of that, I intend to vote "no" on the request of the President, and I intend to vote "yes" on the Chris Smith amendment.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise in strong support of the measure before us.

Rapid population growth and movement are the primary causes of worldwide environmental degradation, dwindling natural resources, urban poverty, malnutrition, and social unrest that in too many cases leads directly to conflict approaching the level of war. At the same time, more than 90 percent of the annual population increase of 100 million people is in the developing world.

This debate is really about giving the people of the world the information and resources that Americans take for granted. As the Houston Chronicle has pointed out, most Americans make responsible and informed choices about when and whether to have children. These are choices that many parents in the developing world do not realize they have.

The number of people added to the world's population each year is increasing, especially in the world's poorest countries that are least equipped to deal with this growth. It is in our national interest and in the global interest to support voluntary international family planning. Efforts to slow population growth, elevate the status of women, reduce poverty, and promote sustainable development will lead to a more stable world.

Ms. PELOSI. Mr. Chairman I yield myself 1½ minutes.

Mr. Chairman, I would just like to make some points of clarification because I think there is some confusion among Members about certain points.

Let me make it clear the President's resolution does not subsidize, promote, allow, perform, or in any way condone abortion.

Second of all, there is no more money in the Smith resolution. The money is the same in the Smith resolution as it is in the President's proposal. The money is the same.

Third of all, I once again want to call to our colleagues' attention that all I have said first about this resolution not promoting or having anything to do with abortion is a matter of U.S. law according to the Helms amendment.

I have the provisions for our colleagues to see, blown up on a bulletin board or in handouts, on the very statutes; and also I have for them the safeguards to prove and demonstrate how this law is implemented.

In closing I want to say one thing, and I say this with the greatest respect for the gentleman from Alabama [Mr. CALLAHAN], the chair of our subcommittee on which I am ranking. The President has acted in good faith on this issue. He entered into an agreement, he entered into an agreement which called for less money, delayed the funding, in order to be able to have this House vote at this time up or down, to accept his certification that this delay in funding, et cetera, was a hindrance to promoting our international family planning goals.

In further proof of the President's good faith, I call to our attention a statement by the President in May 1996 where he accepted the Congress' request to strike from legislation, provisions that would have allowed the President to go forth with this spending with his own certification and without a vote of Congress. Congress said, we put that in by mistake; the President said, okay, I will take it out and then we will proceed.

So I urge our colleagues to look carefully at these provisions which safeguard any ideals that they have about abortion, but also uphold our principle of promoting family planning internationally.

Mr. Chairman, I yield the remainder of our time to the gentleman from Ohio [Mr. HALL], whose credentials are unsurpassed in the area of child survival. He truly lives and acts by the words of the gospel of Matthew, rendering to the least of our brethren as if he were rendering to God.

Mr. HALL of Ohio. Mr. Chairman, I want to thank the gentlewoman from California [Ms. PELOSI] for yielding this time to me and for her very kind remarks.

There is probably nobody more pro-life in the Democratic Party than I am. If my voting record is not 100 percent, then it has got to be pretty close. I was the author of the conscience clause on abortion which was included in the Democratic platform, and I spoke of that issue at the convention.

I feel myself in a position today that is unusual for me, for I find myself opposing the views of the pro-life position. I support Mexico City policy, but I believe that the pro-life forces have gone too far in their effort to make the release of funds a pro-life issue, and this vote would hurt millions of women and children. Because of massive cuts to international family planning and very restrictive language that has held up other funds related to it, the pro-life forces have caused great damage, in my opinion, to poor communities all over the world.

I am for family planning, which is prenatal care and education to women, and breast-feeding and proper nutrition, and spacing of children and other child survival activities. I am against abortion. And there is a difference between family planning and abortion, but sometimes around here we do not separate the two of them from the discussion.

In quoting a letter from CARE and Save the Children, they have again stated current law, and I quote: "In keeping with the Helms amendment, no U.S. funds are used to pay for abortion, nor do our organizations use private money to pay for abortions." That is the law and has been for some time.

World Vision, an organization that I have great respect for, is for releasing these funds. World Vision is a Christian organization, and they are pro-life.

□ 1230

I have traveled with them in many parts of the world to visit the poor, I have seen their work, and I have always been very inspired. When they speak on this issue, I listen.

Along with CARE, Save the Children, World Vision, they wrote to many of us, and I am quoting from a letter that they wrote to me:

> Based upon our knowledge and operational experience, we can assure you that this is not an ideological or partisan issue, but a serious health concern for women, children and families. In addition to more maternal and child deaths, reduced access to family planning services will result in more unintended pregnancies, leading to more, rather than fewer, abortions. By voting to release already limited family planning funds, you will be voting to prevent more of these tragedies from happening.

I agree with them. In our effort to legislate around here, sometimes we become extreme and we become purists, and we hurt the people we are trying to help. This should not be an issue between pro-choice and pro-life forces. Rather, this is an issue of justice and fairness, in my opinion. Vote "yes" on this resolution.

Mr. LIVINGSTON. Mr. Chairman, if I could inquire, am I correct that there is no more time other than the time that remains to my side?

The CHAIRMAN. The gentleman from Louisiana has 12 minutes remaining; the gentlewoman from California has yielded the balance of her time to the gentleman from Ohio, and that time has expired, so the gentleman from Louisiana has 12 minutes remaining.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, could I inquire, do we have any more time left?

The CHAIRMAN. The Chair was in error. The gentlewoman from California has 30 seconds remaining and the gentleman from Louisiana has 12 minutes remaining.

Mr. LIVINGSTON. Mr. Chairman, I reserve the right to close and would certainly ask the gentlewoman to expend her time.

Ms. PELOSI. Mr. Chairman, I want to thank the gentleman from Ohio [Mr. HALL] for his leadership and for his fine statement from the heart and from the head to our colleagues. I want to thank Members on both sides of the aisle for what I believe is the fine tenor of the debate today.

International family planning is an issue of grave importance, and once again I appeal to our colleagues not to hold the poor children of the world hostage to the politics of the House of Representatives. Let us take a step forward and vote "yes" on the privileged resolution and approve the President's findings regarding international family planning.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume. In sharing the expression by the gentlewoman from California about the tenor of the debate, I think it has been a fine debate.

Mr. Chairman, I am happy to yield the balance of my time to the distinguished gentleman from New Jersey [Mr. SMITH], a member of the Committee on International Relations and an outstanding expert on this issue.

Mr. SMITH of New Jersey. I thank my very good friend [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, for yielding.

Mr. Chairman, just to respond briefly, nobody is holding any funds or money hostage. This is all about fundamental human rights and protecting the precious unborn children while simultaneously providing family planning.

Mr. Chairman, I want to make it very clear that the House will today consider two diametrically opposed pieces of legislation on family planning. While each is designed to release fiscal year 1997 family planning funds by March 1, that is where the similarity ends.

The Clinton resolution, introduced by request by the gentleman from Texas [Mr. ARMEY]—and I would note for the RECORD that Mr. ARMEY does not support the resolution—is strongly pro-abortion in its effect. Make no mistake about it, the consequence of approving the Clinton resolution is a fat payday for abortion providers. So please be fully aware of the unavoidable fact that if you vote for House Joint Resolution 36, you further empower, strengthen, and tangibly aid and abet the abortion industry overseas.

Know that a "yes" vote on House Joint Resolution 36 pours hundreds of millions of U.S. taxpayer dollars into organizations that have made the toppling of pro-life laws and policies in the developing countries their mission and their explicit goal. And know that once that they have succeeded in overturning those laws that protect the unborn child, once they have eviscerated the constitutional protections that are currently in place, these are the same folks who jump in with both feet to set up the abortion mills.

Who we subsidize, Mr. Chairman, not just what we subsidize, but who we subsidize does matter. It should matter greatly to each of us not just what an organization does with our specific donation, but the rest of their agenda as well. It is a package deal. This is especially important because money is fungible. What we give to a group immediately frees up other non-U.S. funds that can be used and in this case are used for performing and aggressively promoting abortion.

In recent months the Clinton administration has said that it does not promote abortion overseas. Oh, if that were only true. During Mr. Clinton's first term, my colleagues know and I know that his office pushed hard for an international right to abortion. At the 1994 U.N. Population Conference in Cairo, and especially at the preparatory meetings, known as PrepComs, leading up to the conference, the administration mounted a full court press for an international right to abortion.

A State Department March 1994 action cable sent to every U.S. ambassador and mission abroad prior to that meeting instructed our envoys to lobby their host governments with these instructions:

> The United States believes that access to abortion is a fundamental right. The United States delegation will be working for stronger language on the importance of access to abortion services overseas.

In a speech at the second PrepCom for the Cairo Conference, Tim Wirth said much the same thing, how they were going to be pushing abortion. And in a keynote address at the 1994 meeting of the Population Cooperating Agencies, Brian Atwood, the administrator of AID, said, and I quote,

> While obstacles cannot be removed overnight, this administration will continue to stand for the principle of reproductive choice, including access to abortion.

I say to my colleagues of the House, those so-called obstacles that Mr. Atwood was referring to are right-to-life laws and constitutional provisions that protect unborn children in approximately 100 countries in the developing world. Virtually all of Central and South America protect their kids from abortion. These are construed by the administration to be obstacles.

These abortion power plays, these overt pro-abortion initiatives, so far have been largely repudiated by the developing world, but they have had some successes. Poland and South Africa recently flip-flopped and went from pro-life to pro-abortion. So there is now a dual strategy: When the overt strategy failed, another strategy was employed.

For the last 4 years the administration has relied on a parallel track, a more sophisticated covert means designed to accomplish that end. They have used surrogates, nongovernmental organizations like the International Planned Parenthood Federation based in London, and the Pathfinder Fund and others to do the lion's share of the dirty work to nullify pro-life laws and to set up abortion mills the world over.

This past Tuesday I asked our very distinguished Secretary of State, Madeleine Albright, an official for whom I have great respect, whether she was aware of the 1992 International Planned Parenthood Federation abortion manifesto called Vision 2000, a global strategic plan that Planned Parenthood adopted and have been implementing ever since to promote abortion in every corner of the world. The Secretary, known for her candor, admitted she never heard of it.

IPPF, by the way, has received more than $70 million from the U.S. taxpayers, courtesy of this administration, so it seems to me that the Secretary of State and all of us should know what IPPF is all about. Again, it is not just what they do with "our" money, it is what their agenda is all about.

I urge Members to look at this document. This is their marching orders in the developing world. Do not just say our money is not going to be used. Other money then gets used to bring down these right-to-life laws. Let me just quote briefly from it.

The Vision 2000 strategic plan says, and I quote, that they will "bring pressure on governments and campaign for policy and legislative change to remove restrictions against abortion." Can anything be more clear? Pressure governments. Campaign for abortion on demand. And we are providing many, many millions of dollars to this group.

Fred Sai, who is the former chairman of International Planned Parenthood, put it very succinctly when they passed this IPPF strategic plan. He said,

> Now, for the first time, the IPPF strategic plan, Vision 2000, which was unanimously adopted at the Members' Assembly in Delhi, outlines activities at both the Secretariat and FPA level to further IPPF's explicit goal of increasing the right of access to abortion.

Who we support and subsidize does matter.

IPPF has an elaborate plan and plans of action, as they call them, to promote abortion in every country of the world, including Central and South America where, again, they protect their unborn children. They have plans to decimate the pro-life laws in Africa, the Muslim countries in the Middle East, and several Asian countries who also legally protect their children from the abortionist's knife.

A vote for the Clinton resolution empowers the abortion industry to continue and expand these efforts to eradicate pro-life laws. Eliminate a law in Poland and a whole generation of kids are put at risk. Eliminate a law that protects them in South Africa or any other country, and an entire generation of kids are put at risk of abortion on demand.

I would respectfully submit that the only responsible pro-life action today is a "no" vote on the Clinton resolution and a "yes" vote on H.R. 581, the Smith-Oberstar-Hyde bill.

I truly believe that if we stand on the human rights principle of safeguarding human life today, the administration will ultimately do the right thing, provide family planning money, but do so with pro-life safeguards.

I was very encouraged by the statement made this past December by Phyllis Oakley, assistant secretary for population, when she appeared before my subcommittee. I chair the International Operations and Human Rights Subcommittee. Secretary Oakley, who is the point person for population for the administration said, and I quote:

> The United States does not promote abortion and does not support the performance of abortion. She said, That is clear. We have stated it over and over again. I can assure you that remains our fundamental policy.

I therefore respectfully submit that the competing resolutions before the House today put Secretary Oakley's statement concerning this fundamental policy to the test. If the administration persists in promoting abortion by way of surrogates, the Clinton denials of promoting abortion will be exposed as wholly disingenuous and untrue.

Mr. Chairman, I urge a "yes" vote on H.R. 581 as introduced by the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Illinois [Mr. HYDE] and myself. This pro-life, pro-family planning bill releases the entire $385 million appropriated for fiscal year 1997 on March 1 for family planning, but, again, it does it with the pro-life safeguards.

As a matter of fact, in fiscal year 1997 the administration will have significantly more to spend on family planning with our bill, not with the bill before you or the resolution, but with our bill.

Total cash on hand for population in fiscal year 1997, as this chart shows you, with carryover funds from 1996, will be $713 million with our bill. It will be only $543 million with the Clinton resolution. That is clear; that is undeniable. Yes, the money will be spent eventually, but the issue that the Clinton administration is making is that money delayed is money denied. We will frontload the whole thing, giving you the entire pot of money for family planning, but do so with pro-life safeguards.

I think it is very, very significant for Members to know that these safeguards are nothing new; they were in effect. People have talked about the Helms amendment today. The Helms amendment in the 1980's was found to be infirm. Yes, it stopped direct funding, but there were loopholes. The pro-abortion groups simply took their own money, which was freed up by our contributions, and used it for abortion promotion.

Let me just again say that the pro-life safeguards of the Mexico City policy were in effect during the Reagan and Bush years as a way to fully fund family planning without promoting abortion. The Mexico City policy is both pro-family planning—and we make it clear in our bill—and pro-life.

Specifically, the safeguards say this: We will condition funds only to those organizations that will not perform abortions except in the cases of rape, incest, and life of the mother. We restrict funds to those organizations that will not lobby, that will not become the network in Peru or Brazil or any of these other countries bringing down their pro-life laws.

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Mr. Chairman, they are extensions of U.S. foreign policy. We give money to them. When they are talking to a legislator in one of these countries they do not say, "Are you doing that with U.S. money or are you doing that with your own money?" They are an extension of our policy. Since we are the megacontributors and donators to them, what they do reflects directly upon us here in the United States.

If Members want to promote abortions, say it. This Mexico City policy makes it very clear that there ought to be a wall of separation between the two.

Let me also point out that during the years that the policy was in place, in excess of 350 family planning organizations, including Planned Parenthood affiliates in 57 States or countries, accepted the conditions. Some of the more extreme pro-abortionists in IPPF went ballistic over that, and even censured IPPF Western Hemisphere for doing that. But I believe they showed that they wanted to do family planning. They did not want to be part of this big push for abortion. Vote "no" on the Clinton resolution, and please vote "yes" on H.R. 581.

Ms. PELOSI. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, the world's population is growing by 90 million every year—that is the equivalent of adding the entire population of Mexico every year. Family planning is critical for the survival of the planet and the people on it. Overpopulation leads to the suffering of women and innocent children, poverty, and war.

There is an unfortunate tendency in this country to reduce important debates concerning reproductive issues to the labels "pro-choice" and "pro-life." We will ill serve the citizens of this country and the world if we allow this vote today to fall victim to these labels.

First, there is evidence that without family planning, the number of abortions increases.

And second, today what we are really doing is voting to ensure that there will continue to be humane and responsible efforts through voluntary family planning services so that the people who live on this planet can live with decency and dignity.

The United States has a moral obligation to lead the effort to control population responsibly. And I believe, therefore, that the moral vote today is a vote for the President's resolution.

Ms. PELOSI. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I want to add my voice to those that have spoken today in support of international family planning.

Mr. Chairman, there is no question that funding for family planning has promoted the health and survival of women and children in developing nations. The United States has taken a leading role in promoting child survival in the world, decreasing maternal and infant mortality, and ending the spread of deadly disease, including the AIDS virus. And, yes, Mr. Speaker, we have helped reduce the practice of abortion through this program. Today, abortion is widespread in many nations—Russian women have on average 7 to 8 abortions in a lifetime. Family planning is helping to reverse this epidemic—to end the trend, not to begin it.

We have heard it said on this floor today, and I will say it again: not one penny of family planning aid goes to support abortions. Not one penny. This vote is not about supporting abortions abroad—it is about ending them. It is about about saving the lives of women and children. It is about saving the lives of women who, in many cases, are children.

Family planning is helping to end the spread of the AIDS disease—a disease who knows no borders. It is helping couples in developing nations reduce the size of their families so they can stay out of poverty, become educated, survive, and thrive. Family planning has limited the number of births in the developing world on average from 6 to 3.

And to my colleagues who suggest that family planning funds will support abortions, let me say, and let me beg of you—there is enough misinformation about family planning in the world today. There is enough disease. Enough people have died. Enough women and children have suffered. Family planning from the United States is provided for one purpose and one purpose only: to end the spread of misinformation about family planning—to end the death, poverty, and disease that comes from the spread of myths and lies.

Family planning does not support abortions, It saves lives. I urge my colleagues to support the release of family planning funds—funding which has already been appropriated and approved. Do it now. Do it today. The lives of women and children depend upon it.

Ms. DUNN. Mr. Chairman, I thank you for the opportunity to reiterate my position on what has been referred to as the Mexico City policy—a policy regarding the appropriation of taxpayer funds for the population assistance activities of any foreign private, nongovernmental, or multilateral organization.

My position on taxpayer-financed family planning has been well established over the course of the previous two Congresses. I believe in family planning programs. I believe they help women and children. I also believe, however, in placing restrictions on how taxpayer dollars are used in pursuit of family planning. Simply put, I believe that the use of taxpayer dollars to pay for or promote abortion is inappropriate, except under circumstances of rape or incest, or to protect the life of the mother.

The Mexico City policy—that taxpayer funds intended for international family planning should not be directed to organizations that perform or promote abortion, except in the instances of rape, incest, or to protect the life of the mother—has been raised several times in recent years. I continue to support the main thrust of that policy, and I continue to hold to the view that our government ought to be neutral on the difficult question of abortion. I take the libertarian view that government ought not to be involved in this most difficult and personal of decisions, and will continue to support legislation which is consistent with that view.

Mr. CHABOT. Mr. Chairman, the Clinton administration has embarked on what is no less than a worldwide crusade promoting abortion on demand at any time for any reason anywhere. I cannot condemn that policy in words strong enough.

So let me just make a quick point in the short time that I have to speak this morning. Contrary to what some of those on the other side have said, this vote is indeed about abortion. It has always been about abortion. We simply say to foreign nongovernmental organizations: Unless you agree not to perform abortions, and not to violate the laws, and lobby to change the laws, of other countries with respect to abortion, then don't come to this country asking for tax dollars. That is all we are saying.

I have only been in Congress for a little more than two years yet I am voting today for the eighth time on the restoration of the Mexico City policy—a simple, straight-forward pro-life policy initiated by President Reagan carried on by President Bush and eagerly decimated by President Clinton in his first days in office. I hope that this year, the Congress will finally bring this debate to an end and do the right thing Let's stop the international abortion crusade today.

Mr. FAZIO of California. Mr. Chairman, I rise in strong support of the Gephardt-Armey resolution and support the administration in releasing family planning funds immediately.

Family planning works, it is a proven policy that has helped to stabilize the world's population.

There are only two ways to reduce unwanted pregnancies: sexual abstinence and safe and effective contraception.

By not releasing these funds now and by continuing to keep delaying the funds, which the administration has already certified is causing irreparable harm to family planning efforts around the world, we are harming efforts to get that message out and are, in turn, contributing to the increase of unsafe abortions rather than reducing them.

In fact, the former chairman of the Senate Appropriations Committee, Senator Hatfield, a strong pro-life advocate, unequivocally disagreed with the proponents of the Smith resolution and said that there was no evidence to support the claim that U.S. funding was being used to provide or promote abortion. The distinguished Senator went on to say that efforts to impede the release of family planning funds was not reducing abortions, rather it would increase and contribute to unsafe abortions.

This vote is not about abortion, U.S. law already prohibits the funding of and promotion of abortion.

We have already accepted a 35-percent cut in family planning funding which in of itself is a significant hit. But it was a bipartisan agreement and now we must all honor that agreement.

By releasing the family planning funds now, millions of women and family will have access to family planning counseling prenatal care and preventative health care.

Mr. Speaker, I call on my colleagues to support the Armey-Gephardt resolution and vote to immediately release these critical funds.

Mr. BUNNING. Mr. Chairman, I rise in strong opposition to the President's request to release $123 million in foreign aid to support an international pro-abortion agenda.

I have one question for my colleagues today. Why in the world should we ask the American taxpayer to provide funding for abortions administered overseas when we don't provide Federal funding for abortions in the United States? It makes no sense at all.

We know that in many areas of the world, the population is growing out of control and that something must be done to control this massive problem. However, a "no" vote on the Presidents resolution will not jeopardize our status as a world leader in this area. It will simply confirm that abortion is not an acceptable form of birth control.

This body has made it clear on several occasions that we are willing to provide funds for international family planning programs if the participants will simply promise not to use abortion or lobby for the use of abortion.

Many of the international organizations that benefit from this funding are taking part in highly questionable practices.

We know that the International Planned Parenthood Federation in London has a history of cooperating with the one-child abortion policies in China. This organization has also been involved in active lobbying to convince developing nations in Africa, Asia and the Americas to overturn their abortion laws. Is this something we need to pay for? I don't think so.

The question before us today is not whether we should support international family planning and education programs.

The question today is whether or not this nation, and this body, supports the use of abortion as a means of family planning.

As far as I am concerned, the term "family" and "abortion" are totally incompatible.

This Nation and this Congress cannot and should not subsidize programs and organizations which advocate abortion or which lobby for the legalization or expansion of abortion as a means of limiting population growth.

We should not allow abortion to become the next major U.S. export.

It is true that the Helms amendment prevents the direct use of U.S. funds to pay for abortion procedures, but it does not prevent indirect funding of programs that promote the legalization or expansion of access to abortion as a means of birth control in developing nations. To do that we must defeat the resolution and reinstate the Mexico City policy.

I urge my colleagues to defeat this resolution; help us reinstate the Mexico City policy and show the world that we are willing to support education and other family planning practices but not at the expense of the innocent unborn.

Vote "no" on this resolution and vote "yes" on Smith-Hyde-Oberstar.

Mr. SMITH of Washington. Mr. Chairman, I strongly support House Joint Resolution 36 to endorse the Presidential finding and release international family planning funds on March 1.

Family planning programs are common sense. Democrats and Republicans ought to put partisan differences aside and come together to support population assistance. Mr. GEPHARDT and Mr. ARMEY have set an excellent example of bipartisanship by cosponsoring this important bill.

U.S. population assistance aid is critical to our world's future. The high rates of population growth in developing countries affect Americans through its impact on the environment, immigration, and the economy. Unintended pregnancies threaten the society of developing countries as well: it can put economic development at risk, it damages the health and economic status of families, and increases the abortion rate.

Mr. Chairman, I urge this Congress to support family planning services. It is not a pro-choice or pro-life issue; it is a pro-family issue. This vote today is very important. If we don't vote to release the funds on March 1, we will reduce this year's total population assistance program funding by $123 million. At least 17 worldwide programs will need to defer, suspend, or terminate family planning health care services. The consequences of the delay would be enormous; there would be more unintended pregnancies, more abortions, and more maternal and infant deaths, and more economic and environmental strain on families and societies.

Opponents of this legislation argue that we should place extreme restrictions on health care providers who receive U.S. aid. I oppose this draconian policy: denying families the right to plan their childbearing is wrong. Access to birth control is good for children, good for families, good for the environment, and good for the society. I urge my colleagues to vote to support House Joint Resolution 36 and release the previously appropriated family planning assistance funds on March 1.

Mrs. EMERSON. Mr. Chairman, I rise today to state my absolute opposition to the President's proposal to send taxpayer dollars overseas to promote abortions. We simply cannot allow the administration to continue its policy of ignoring the fundamental rights of the unborn.

The argument has been made that family planning funds serve to decrease the number of abortions performed in developing countries. If this is the case and if we are to ensure that family planning programs respect the basic right to life, then the President should not object to the pro-life safeguards on four separate occasions in the last Congress, standing up emphatically for the rights of the unborn. The President's refusal to accept these reasonable safeguards is proof of the underlying abortion agenda of this administration and the international groups which support a similar position.

I urge this body to say no to a plan that exports abortion policies to developing countries. The right thing to do is to support the alternative resolution, offered by Representative CHRIS SMITH, which reinstates the Reagan-Bush Mexico City policy protecting the unborn.

Ms. HARMAN. Mr. Chairman, I rise today in strong support of House Joint Resolution 36, which approves the President's finding that withholding family planning funds has a negative impact on international population programs.

These funds are crucial to the health of women worldwide, and represent the single most effective means our country uses to reduce the worldwide rate of abortion.

A recent Rockefeller Foundation report amply demonstrates the importance and success of America's three-decade commitment to family planning programs: in countries where such programs are active, contraceptive usage rates among women have increased from 10 to 50 percent. This has resulted in lowering the average number of children borne by women in these nations from six to three, helping millions of women evade poverty and maintain their health. According to a UNICEF report, family planning programs, by helping women avoid risky pregnancies, can prevent up to 100,000 of the 600,000 annual maternal deaths. It's no wonder organizations like CARE and Save the Children strongly support this resolution.

I also stand in firm opposition to the Smith-Oberstar alternative resolution, which would reinstate the Mexico City gag order and delay the release of already appropriated family planning funds 4 additional months. I hope my colleagues will not be fooled by this antifamily planning resolution. Under current law, no U.S. funds can be used to perform or lobby for abortions. For the past 24 years, no one has produced any evidence that one penny of this funding has ever been used for abortion. In fact, the Smith bill will, in the words of passionate abortion opponent Senator Mark Hatfield, "contribute to an increase of abortions worldwide." By some estimates, the Smith bill could result in an additional 1.6 million abortions worldwide.

Furthermore, this resolution, if approved, will merely release funds which have already been appropriated—it will not, as opponents of family planning have suggested, add a single penny to our foreign aid spending.

Mr. Speaker, this bill doesn't provide any new spending. It will help save the lives and health of millions of women and keep many more children from becoming orphans. And it will decrease the number of abortions performed worldwide. I strongly urge my colleagues to pass this pro-family, pro-woman resolution.

Mrs. SMITH of Washington. Mr. Chairman, I rise today in opposition to House Joint Resolution 36, approving President Clinton's findings regarding international population planning programs and instead urge my colleagues to join me in supporting House Resolution 581, the Family Planning Facilitation and Abortion Funding Restriction Act. House Joint Resolution 36 would not just allow for the early release of an additional $123 million in fiscal year 1997 for international family planning organizations. It would also allow these groups to perform abortions and promote and lobby for abortion as a family planning option within their home country.

As an alternative, I join Congressmen SMITH, HYDE, and OBERSTAR in supporting international family planning while also ensuring that organizations that use Americans' tax dollars agree not to either promote or perform abortions overseas. Simply put, abortion is not a method of family planning.

Behind the smoke and mirrors of today's debate is the fact that supporting the President's resolution (H.J. Res. 36) will result in the promotion and performance of abortions overseas. As an alternative, I ask my colleagues to join me instead in supporting a bipartisan alternative, the Smith-Oberstar-Hyde bill (H.R. 581) that will release an additional $292.6 million in U.S. funds for international family planning programs in fiscal year 1997—bringing the total fiscal year 1997 spending on these programs to $713 million. But more important, the bill will ensure that foreign nongovernmental organizations receiving U.S. funds are not performing or promoting abortions in developing countries except in the cases of rape, incest, or when the life of the mother is in danger.

The restrictions on abortion in the Smith-Hyde-Oberstar alternative are not without precedent. The 1994 International Conference on Population and Development held in Cairo reiterated that "in no case should abortion be promoted as a method of family planning." Furthermore, from 1984 to 1993, the United States Government supported international family planning programs with these pro-life measures known as the Mexico City policy. Under this policy, over 350 family-planning groups received funding. We should renew our commitment by voting for House Resolution 581.

I urge my colleagues to join with me in supporting true family planning and not abortion. Vote for the Family Planning Facilitation and Abortion Funding Restriction Act. Voting for the President's resolution is not just agreeing with his finding that delaying family planning dollars has had a negative effect. It also gives the green light to the promotion and performance of abortions overseas.

Mr. ABERCROMBIE. Mr. Chairman, today I rise to speak in support of House Joint Resolution 36 which allows for the early release of international family assistance funding. As my colleagues know, the administration and the Republican leadership made an agreement last September to allow the funding for international family assistance to go forward in July, with the possibility of release of the funds in March if the President certifies to Congress that the delay is having an adverse impact on the family planning program and both Chambers pass legislation to approve the early release. Last week, the President sent his certification to us.

According to the President's report, delaying the release of funds undermines U.S. efforts to promote child survival and actually increases the number of abortions worldwide. Evidence from all regions of the world shows that increased contraceptive use, by reducing unintended pregnancies, plays a major role in reducing abortions. Reductions in the rate of abortion as a result of increased contraceptive use have been documented in countries such as Russia, the central Asian republics, Mexico, and Colombia. In Russia alone, an increase of only 5 percent in contraceptive use over 4 years led to a decrease of 30 percent in the annual abortion rate. Why turn back this progress?

One would think that abortion opponents would rush to support family planning assistance since it reduces the number of abortions. Unfortunately, this is not the case, considering the permission by the Rules Committee to include consideration of House Resolution 581 which would allow early release of funds with unnecessary and onerous restrictions on the assistance. Contrary to what the supporters of House Resolution 581 claim, current law prohibits the use of any foreign aid funds for abortion or for motivating anyone to seek an abortion. The U.S. agency for international development has followed this policy for years and has strict procedures in place to ensure compliance.

Family planning has proven effective in preventing abortions, maternal and child deaths. If we delay support for family planning by even 4 months, denying safe and effective contraception to couples who depend on these programs, we will see a rise in unintended pregnancies and maternal deaths and a tragic recourse to unsafe and unsanitary methods to terminate those pregnancies.

This vote is about family planning and releasing delayed fiscal year 1997 funds; no new or additional funds are involved. This vote directly affects the life prospects of countless women and children in developing nations. I strongly urge my colleagues to support House Joint Resolution 36 and vote "no" on House Resolution 581.

Mr. NADLER. Mr. Chairman. I rise to support the release of family planning funds, that have been held hostage to unwarranted anti-choice forces in the Congress for more than 4 months now.

We here today are on a rescue mission. For if we fail to pass this resolution, the funds will be held hostage until July 1, 9 months into the fiscal year. This is unacceptable.

This is not about spending more money or new money. It is about the previously allocated international family planning funds that have not been released. The President has certified that this delay is harming our efforts to reduce unintended pregnancies abroad. These funds must be released now.

Releasing these funds will improve women's health, reduce poverty, and protect our global environment.

International family planning promotes preventive health care such as prenatal care, helps women to plan and space their pregnancies farther apart, and prevents unintended pregnancies that may threaten women's health and the health of their babies.

Do our programs work? As David Broder commented in the Washington Post, "the success of the program is undeniable." Studies have shown for the past three decades the percentage of women using contraception in foreign countries that receive this type of assistance has risen from 10 percent to 50 percent, and the average number of children they have borne has been reduced from six to three.

Some say that our international family planning efforts increase abortion. This is absolutely false. No U.S. dollars are used to provide abortion services either in the United States or abroad. In fact, it has been illegal to use U.S. funds to provide abortion services abroad since 1973. I happen to disagree with this policy, but it is the policy nonetheless.

Family planning does not increase abortions, it reduces them. Senator Mark Hatfield recognizes this, World Vision recognizes this, and I believe that even most people in this Chamber recognize this. But you cannot claim to support family planning and vote against this resolution. Only passage of this resolution will lead to release of the international family planning funds.

Let there be no mistake about it, this is a vote about choice, but it is not a vote about abortion.

It is about a choice between supporting family planning or opposing it.

It is about a choice between protecting women's lives or harming them.

In fact, this is about a choice between right and wrong, and quite seriously about a choice between life and death.

I urge my colleagues to choose wisely, to protect women's lives, and to support this resolution.

Mr. BEREUTER. Mr. Chairman, today I voted in support of House Joint Resolution 36, a resolution to release funds for international family planning on March 1, 1997, which passed the House of Representatives by a vote of 220–209 on February 13, 1997. I made this decision after careful consideration and deliberation. Former U.S. Senator Mark Hatfield of Oregon, who is pro-life, sent a letter last fall to Representative CHRIS SMITH expressing his concern about the detrimental effect of the delay in funding for these programs.

> * * * Chris [Smith (R–NJ), author of H.R. 581], you are contributing to an increase of abortions worldwide because of the funding restrictions on which you insisted in last year's funding bill. It is a proven fact that when contraceptive services are not available to women throughout the world, abortion rates increase. We have seen it in the former Soviet Union where women had no access to family planning and relied on abortion as their primary birth control method. Some women had between eight and twelve abortions during their lifetimes. This is unacceptable to me as someone who is strongly opposed to abortion.

Based on this statement and other information from pro-life Members of Congress, including Representative TONY HALL, I voted in support of House Joint Resolution 36, a resolution to release international family planning funds on March 1, 1997. Since it is my objective to decrease the number of abortions, this pro-life vote is the only vote I could conscientiously cast. Those Agency for International Development [AID] international family planning funds are prohibited by law from being used for abortion services. This prohibition is carefully monitored by AID and by independent audits.

In closing, Mr. Chairman, I also voted in support of H.R. 581, the CHRIS SMITH resolution, which would release funds as early as March 1 as long as recipients abide by the Mexico City policy, which prohibits these funds from going to organizations that also provide abortion services. I have been a long time supporter of the Mexico City policy. I also support family planning which reduces abortion—and oppose the use of Federal funds for abortion except to save the life of an indigent mother. However, since President Clinton waits for H.R. 581 with his veto pen thus giving the legislation virtually no chance of becoming law, I had to support House Joint Resolution 36 in order to provide funding for family planning services that are proven to prevent abortion.

Mr. KLECZKA. Mr. Chairman, I rise today in support of the resolution, House Joint Resolution 36, to release international family planning funds beginning March 1, as recommended by the President, and to oppose H.R. 581, which would place restrictions on international family programs that already exist in Federal law.

The release of funds contained in House Joint Resolution 36 has been delayed 5 months, and a report by the administration states that further delay will cause serious, irreversible, and avoidable harm to family planning programs. The report further indicates that a delay of 4 months will increase the incidence of unintended pregnancies, maternal and child deaths, and abortions.

Those who oppose this family planning program assert that U.S. funds are being used for abortions. Nothing could be further from the truth. Current Federal law prohibits the use of U.S. funds for abortions or abortion counseling. The Agency for International Development, which administers these funds, has strict procedures to assure no U.S. funds are used for abortion. These procedures include legally binding contract provisions forbidding such activity, staff monitoring, and regular audits by nationally recognized accounting firms.

Even a highly respected pro-life advocate, former Senator Mark Hatfield, has found no evidence to suggest U.S. family planning funds are used to fund abortions in other countries. In a September 24, 1996, letter to Representative CHRIS SMITH, who is offering H.R. 581, Senator Hatfield said:

> I have reviewed the materials you recently sent to my office in response to my request that you provide proof that U.S. funds are being spent on abortion through AID's voluntary international family planning program. Unfortunately, I do not see anything in these materials to back up your assertion.

I have received no evidence to contradict Senator Hatfield's belief.

Those who say providing funds to family planning agencies increases abortions need to review the evidence to the contrary. Here are some examples:

Russia: From 1990 to 1994, contraceptive use increased by 5 percent, and the total number of abortions fell by 800,000.

Hungary: A dramatic increase in contraceptive use from the late 1960's to 1986 resulted in a drop in abortion rates from 80 per 1,000 women to about 30 per 1,000 women.

Chile: From 1960 to 1990, an increase in contraceptive use resulted in a drop in abortion rates from 77 per 1,000 women to 45 per 1,000.

By supporting the expedited release of these family planning funds, we in fact will decrease the incidence of abortions internationally. In a letter to congressional leadership, Reverend Leo O'Donovan, president of Georgetown University, said,

> Your vote to release these funds on March 1, 1997 rather than delaying until July 1, 1997 will make a tremendous difference to countless families. Our program and international efforts in natural family planning are dependent on these federal resources.

The Smith bill, H.R. 581, would unnecessarily restate the existing abortion prohibition and would restrict the expenditure of family planning organizations' own funds. We have the right and the responsibility to place conditions on U.S. taxpayer moneys, but not on all the resources of these groups.

I urge my colleagues to vote in favor of House Joint Resolution 36 and to oppose the Smith bill at this time. We will have numerous opportunities in this 105th Congress to cast votes on real abortion issues. Although H.R. 581 is cast as one, it fails the test.

Ms. LOFGREN. Mr. Chairman, I encourage my colleagues to support the Presidential finding that family planning appropriations should be released on March 1 because any further delay would seriously impact this very important program.

Congress should support family planning programs because they are a crucial tool in international efforts to curb global overpopulation. At current growth rates, we will add more humans in the next 50 years than in all previous 500,000 years of human history. In the next decade alone, world population will increase by 1 billion people. This growth means more than longer lines at Safeway or at the local drug store. Unrestrained population growth devastates environmental resources, exacerbates immigration pressures, and raises the specter of worldwide malnutrition and the spread of infectious diseases.

I also support family planning funds because I support healthy families. Numerous studies have documented that mortality rates for women and children are highest when births are too close together, when women have many children, and when women give birth at very young and old ages. These family planning funds will enable mothers and fathers around the world to raise the healthiest children they can.

In addition, U.S. family planning aid often goes to families that have no other recourse. It is estimated that 77 percent of the couples using contraceptives in developing countries, excluding China, depend on publicly financed family planning programs.

We only need to look to Mexico for indices of the success of family planning. Due in part to foreign family planning assistance, the average Mexican woman now has 2.7 children, a dramatic reduction from the average of 6.7 children in 1970. Family planning is about thinking ahead. It's about giving families, especially poor families, the chance to make choices for their future. Let's not make the choice for them.

Ms. ESHOO. Mr. Chairman, I rise today in strong support of House Joint Resolution 36, which provides for the release of U.S. contributions to international family planning programs.

For over 30 years America has been a supporter of international family planning. These programs have improved the health of millions of women and children, eased the environmental impact of rapid population growth, and prevented millions of unwanted pregnancies.

But in the past 2 years, Congress has withheld, cut or placed arbitrary restrictions on these programs.

Approximately 4 million women, who do not have access to modern contraception, medical advice or prenatal care, will have an unwanted or dangerous pregnancy, resulting in nearly 2 million more abortions or miscarriages. Funding restrictions only add to these numbers.

Unless we vote today to release the funds already appropriated, we will create even greater obstacles to common sense family planning. If this resolution is defeated there will be an increase in maternal death, there will be an increase in abortions, and there will be an increase in malnutrition.

The support of the United States for international family planning has helped families space out the birth of their children and has increased the odds that there will be enough food and other essentials to be shared among all family members. We've enabled women to bear children when they are physically strong and can breast-feed normally—increasing child survival by as much as 20 percent.

These funds have not sponsored or supported abortion. For 20 years, the U.S. Agency for International Development has prevented any money distributed by the Federal Government from being used to perform abortions or motivate anyone to have one. This is current law, and nothing in this resolution will change it.

Mr. Speaker, for three decades Republications and Democrats, pro-life and pro-choice, have supported a significant American role in international family planning. I urge my colleagues to reaffirm that support today by voting in favor of House Joint Resolution 36.

The CHAIRMAN. All time for debate has expired. Pursuant to section 581A(e) of the Foreign Operations Appropriations Act for 1997, no amendment is in order and the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. SENSENBRENNER] having assumed the chair, Mr. INGLIS of South Carolina, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 36) approving the Presidential finding that the limitation on obligations imposed by section 581A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program, he reported the bill back to the House.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The CHAIRMAN. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LIVINGSTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 220, nays 209, not voting 4, as follows:

[Roll No. 22]

YEAS—220

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Castle
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Lampson
Lantos
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran (VA)
Morella
Murtha
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Reyes
Rivers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schiff
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NAYS—209

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart

Dickey
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Forbes
Gallegly
Gillmor
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kildee
Kim
King (NY)
Kingston
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Mollohan
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Quinn
Radanovich
Rahall
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—4

Carson
Clay
Obey
Young (AK)

□ 1303

Mr. JEFFERSON, and Mr. OWENS changed their vote from "nay" to "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SENSENBRENNER). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval is in violation of the rules of the House.

So the joint resolution was passed.

The result of the vote was announced as above recorded.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE FROM FEBRUARY 13, 1997, TO FEBRUARY 25, 1997, AND FOR AN ADJOURNMENT OR RECESS OF THE SENATE FROM FEBRUARY 13, 1997, TO FEBRUARY 24, 1997

Mr. GOSS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 21) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 21

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 13, 1997, it stand adjourned until 12:30 p.m. on Tuesday, February 25, 1997, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns or recesses at the close of business on Thursday, February 13, 1997, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until 11:30 a.m. on Monday, February 24, 1997, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FAMILY PLANNING FACILITATION AND ABORTION FUNDING RESTRICTION ACT OF 1997

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 46 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 46

Resolved, That upon the adoption of this resolution, it shall be in order to consider in the House the bill (H.R. 581) to amend Public Law 104–208 to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions. The bill shall be debatable for one hour equally divided and controlled by Representative Smith of New Jersey or his designee and a Member opposed to the bill. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, as we know from the previous debate, we are here today as a result of an agreement reached last year between the Congress and the White House concerning international family planning assistance. The agreement signed into law stated that no family planning funds would be released until July 1997 unless the President determined that the delay was having a negative impact on the program.

We have now debated and voted on a privileged resolution to release those funds as the law calls for. Having considered the Armey-Gephardt resolution, we have another option to expedite this funding. That is H.R. 5881, the Smith resolution, as it is called. The rule for the Smith bill is very straightforward. It is a closed rule with 1 hour of debate equally divided between proponents and opponents of the bill. The rule also provides for one motion to recommit with or without instructions.

While the rule is closed, it was the opinion of the Committee on Rules that a closed rule was appropriate for this alternative to the Armey-Gephardt resolution, which was completely unamendable. I think we all agree on the need for a U.S. role in promoting legitimate family planning services. There are strong humanitarian, economic, and environmental reasons for this. How taxpayer dollars will be utilized to support these programs, however, is where the controversy lies.

I tend to agree with many Members who feel that it makes sense regardless of your view on the issue of abortion, to ensure that precious U.S. taxpayer dollars are not used either directly or indirectly to promote or perform abortions. The Smith resolution would expedite the release of the family planning funds, just like the Armey-Gephardt resolution. In addition, it would reinstate the Mexico City policy, as we call it, which worked honorably for 12 years during the Reagan and Bush administrations.

This policy, as my colleagues will recall, simply states that U.S. funds will not, repeat, not go to nongovernmental organizations that either promote or perform abortions. That is the issue. I would urge my colleagues to support this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong opposition to the rule. The legislation that is made in order by this rule is just another transparent attempt to tack abortion restrictions onto legislation which is peripheral at best to the issue of abortion. We are talking today about family planning programs, family planning, not abortion. This is a critical distinction because effective family planning greatly reduces or even eliminates the demand for abortion.

Anyone who opposes abortion should be an ardent supporter of family planning. The bill we will consider on this rule proposes to reinstate the Mexico City policy and deny critical family planning funding to international organizations that reserve the right to provide abortions or abortion counseling with their own funds.

□ 1315

No one is suggesting that U.S. funding will go toward abortions in other nations. We have had these prohibitions against such use of U.S. funds in place since 1973.

The bill proposes to restrict access to family planning in order to reduce abortions. If reduction is the goal, this bill will be an utter failure because studies have proved, time and time again, that access to family planning reduces abortion.

In Russia, where for decades abortion was the primary form of birth control, contraception first became widely available in 1991. Between 1989 and 1995, abortions in Russia dropped from 4.43 million a year to 2.7 million a year, a 60 percent decrease. That should be compelling to anyone.

Why would anyone who wants to decrease abortions want to restrict access to family planning? How can they justify probably defunding organizations like the one in Russia? These statistics are repeated all over the world, in South Korea, Chile, and Hungary.

Family planning has a wide range of other benefits as well. By spacing births, women and families can improve infant survival and ensure that they have the resources to support their children. Spacing births at least 2 years apart could prevent an average of one in four infant deaths.

Finally, someone must speak for the millions of women around the world who desperately want access to family planning. Pregnancy and childbirth are still a very risky proposition for women in many parts of the globe that often lack electricity, hot running water, medical equipment, or trained personnel.

In Africa, women have a 1-in-16 chance of death from pregnancy and childbirth during their lifetime, and over 585,000 women in this world die every year from complications of pregnancy and birth. For each woman who dies, 100 others suffer from associated illnesses and permanent disabilities, including sterility.

If we could meet just the existing demands for family planning services, we could reduce the number of maternal deaths and injuries in the world by up to 20 percent. Many of these are women with families, who leave their children motherless. We cannot, in conscience, abandon them by cutting off what may be their only access to birth control information.

This bill would impose personal beliefs on family planning organizations throughout the world. How dare we, blessed as we are with practically information overload, the best health care system in the world, attempt to deny the only source of information services to families in the developing world?

Who are we to dictate the terms under which these groups provide essential services across the globe? We would be outraged, and rightly so, if the legislative body of any nation had the audacity to impose its will over organizations operating legally in our country by dictating the terms under which they would continue to receive the financial support they need to operate.

It is inhumane to restrict access to family planning in areas where it is desperately needed. We must not expose more women and families to the risks associated with unintended pregnancies. I urge my colleagues to vote against the rule and against the Smith bill.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York for her kindness and her leadership and the gentlewoman from California.

Although I did not want to rise to the floor of the House today to say that this is one more vote on abortion, I simply have to say that, because for 30 years the United States led an international effort to reduce the toll of maternal deaths and unwanted pregnancies by providing money and pregnancy assistance for family planning throughout the international arena. It did it quietly and effectively. This was a vote for poor women across the Nation.

Now we come to legislation and the closed rule, which I rise to oppose, as well as the actual resolution, that would interfere with that quiet diplomacy helping women internationally have the safety and security of being able to protect themselves and their children.

The National Council for International Health estimates that cuts in 1996 family planning funds will result in approximately 8,000 women dying during pregnancy and childbirth and 134,000 infants dying from an increased number of high-risk births.

Do my colleagues realize in this coming year there will be an estimated 4 million unwanted pregnancies without family planning that will result in 1.6 million abortions?

This is not a discussion or a vote on abortion for those of us who believe in family planning. It is for those who constantly want to remind us that this is a decisive issue. I ask them to consider the poor women of this world, those women who, unlike those in America who also suffer sometimes from lack of good services, cannot even access the information to understand how to protect their children that are there with them and yet their unborn children.

I would ask that we understand that what we did just prior to this particular rule is the right way to go, to vote for family planning, unscrambled, unattacked, and ready to be presented, as America has always done, in a kind and loving way. Let us stand up for the women across the world. Let us oppose this rule and oppose the resolution.

Mr. Speaker, I am providing for the RECORD a copy of my complete statement.

Mr. Speaker, I rise in opposition to the rule and to H.R. 581. I support release of the already appropriated international family planning funds at the earliest possible date.

Family planning helps to improve the health and increase the survival rate of women and children during pregnancy, in childbirth, and in the years after The National Council for International Health estimates that cuts in 1996 family planning funds will result in approximately 8,000 women dying during pregnancy and childbirth and 134,000 infants dying from an increased number of high risk births.

Family planning allows parents to control the number of children that they have and the timing of those births. And in so doing it allows women the opportunity to reach beyond the walls of their homes, to get an education, and to work outside of the family. A recent report of the Rockefeller Foundation argued that devoting less time to bearing children, reducing family size, and improving the health and survival of women and children results in better economic prospects in developing countries.

Representative SMITH and his supporters have attempted to mischaracterize this vote. They have misguidedly tried to recast a vote for international family planning as a vote for abortion.

What Representative SMITH neglects to consider is the fact that not a penny of these funds will be spent to either perform or promote abortion. That is against the law.

What Representative SMITH does not realize is that withholding these funds will reduce access to contraception and in so doing increase unintended and unwanted pregnancies. Experience demonstrates that as unintended pregnancies increase, so does the abortion rate.

The National Council for International Health estimates that the reduced funding will result in approximately 7 million couples in developing countries losing access to birth control methods. They estimate that 4 million unwanted pregnancies will result and that this could lead to as many as 1.6 million abortions.

What Representative SMITH does not discuss is the fact that withholding family planning funds, denies moneys to all countries even those such as Trinidad and Tobago where abortion is illegal.

My colleagues, this is not a vote on abortion. This is a vote to provide more options and opportunities for the people of developing nations around the world.

Representative SMITH's bill is not only ill advised, but it stands in violation of the spirit, if not the letter, of the compromise on international family planning funds that my Republican colleagues made with President Clinton last year.

For these reasons, I call upon each Member to signal their support for the health and welfare of women, children, and families in voting for House Joint Resolution 36 and against H.R. 581.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York, [Ms. VEĹZQUEZ].

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong opposition to this rule and this bill for one basic reason: It is antiwoman and it is antifamily.

It is not enough for our women here in the United States to be harassed and intimidated and to have family clinics bombed and burned; now we are considering restricting the human rights of women in other countries to control their bodies.

International family planning assistance has been responsible for reducing maternal deaths and unwanted pregnancies. Contrary to what antiabortion forces tell you, these Federal funds cannot be used to pay for abortions. If we truly want to decrease abortions, then we should release this assistance now without restrictions.

Two hundred twenty-five million women worldwide need family planning services to allow them to make informed decisions. We should be striving to empower poor women around the world, not denying families living in poverty this survival assistance.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me this time.

This is a vote on the rule to allow H.R. 581 to be considered by the House. This is legislation that would provide additional monies beginning March 1 for family planning, and it would frontload $385 million, metering, which is an 8-percent-per-month payout that is in the current law, and would be continued even if the Clinton resolution is adopted by the Senate. This gets rid of metering completely. So all of the money would be available.

Importantly, this legislation will also provide important pro-life safeguards so that the entities and the organizations that we contribute to do not continue their crusade with our money in one pocket and their money in the other pocket to bring down the right-to-life laws in the various countries.

Let me again remind Members that almost 100 countries around the world protect their unborn babies from the cruelty of abortion on demand. And let me remind Members again, abortion takes the life of a baby, whether it be suction abortions or dismemberment, where the babies' arms and legs are torn off. These are unpleasant realities, but they are the reality of what abortion does to unborn babies.

We have to make the world abortion free, not provide free abortion. The pro-abortion organizations, like the International Planned Parenthood Federation, based in London, and others, are absolutely vociferously committed to providing abortion overseas on demand. It is against the cultural values and the moral values of these countries. That does not matter. Their own literature is replete with admonishments, and it pushes and promotes their organizations to try to bring down these laws regardless of what the local populace thinks.

It is the ugly American all over again when we are part of that, trying to impose our cultural values upon these particular people. Human rights ought to be for the unborn and for all people.

It seems to me that birth is an event that happens to all of us. It is not the beginning of life. Human rights are indivisible. Life is a continuum. To say that everyone after birth has human rights and those before do not is contrary to reality and science. And again, these organizations are trying to promote an antithetical view with regard to human rights.

Let me also remind my colleagues that the Organization of American States has a human rights document that recognizes the right to life from the moment of conception. These organizations are working against that basic human right, and I think we should be very careful about to whom we contribute.

This rule allows H.R. 581 to come up for a vote. It is fair. Then we can have our debate on the merits. I think that is as it should be. Vote for the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume to take a moment to respond to the gentleman from New Jersey.

Frankly, I think the cruelest form of birth control is the fact that 600,000 women die in the world every year from complications, not understanding how to space their families. And it does not happen to all of us, it happens to the women in the world.

It is very important, if we want the emerging world, the developing world, to have a chance to be able to feed, to take care, to provide health care for their population. Part of that equation, without any doubt, is the ability to space and plan one's family.

To take that essential right away from the women of the world because we may believe that some organizations do not always believe what we think is the proper thing, we nonetheless know in this House that those organizations are prohibited from using any of these funds for abortion information or abortions.

What more can we say? Nobody has accused them of going ahead and using it. The fact of the matter is, what we are trying to do is save lives. It is as important as that.

Mr. Speaker, I yield 2 minutes to the gentleman from Maine, [Mr. BALDACCI].

Mr. BALDACCI. Mr. Speaker, I rise today in strong opposition to the closed rule we are considering that would provide for consideration of H.R. 581 introduced by the gentleman from New Jersey [Mr. SMITH].

I believe that consideration of this legislation breaks the agreement that was reached between the President and Congress last year with respect to international family planning.

That agreement provided for a clean up or down vote on release of funds beginning on March 1 if President Clinton notified Congress that the delay in releasing the funds was having a negative impact on international family planning funds.

The agreement has resulted in a nearly 5-month delay in the release of international family planning funds and, as President Clinton has determined, has had a detrimental effect around the world.

The legislation introduced by the gentleman from New Jersey [Mr. SMITH] continues to draw a mistaken connection between international family planning and abortion.

As we have already heard countless times on this floor today, current U.S. law prohibits use of any U.S. funds to pay for an abortion in international family planning. Regular independent audits of USAID have found absolutely no evidence that a single penny of U.S. money has ever been misused.

The only way to reduce the number of abortions around the world is to reduce the number of unintended and unwanted pregnancies. The best way to do that is to continue to fund voluntary family planning initiatives worldwide.

One study has shown that the reduction in funds for international family planning for fiscal year 1995 to fiscal year 1997 will deny 7 million couples in developing countries access to modern contraceptive methods. This will result in 4 million unintended pregnancies. Based on historic patterns, this will lead to almost 2 million more unplanned births and 1.6 million more abortions than would have occurred already.

Mr. Speaker, I urge my colleagues to oppose the rule and vote against H.R. 581.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume to say that certainly we do not want to get the rule mixed up with the controversy of the debate.

This is a good rule to bring the debate forward, and I would hope we would all support this rule.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. WELDON], my colleague and friend.

□ 1330

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me the time, and I rise in support of the rule and in support of the legislation introduced by the gentleman from New Jersey [Mr. SMITH].

Mr. Speaker, I think there has been a certain amount of confusion introduced regarding the real debate that we are discussing here. The legislation of the gentleman from New Jersey [Mr. SMITH] actually increases the amount of money for family planning and makes it available earlier. It simply places some restrictions in there that are consistent with the Mexico City restrictions, restrictions that do not allow organizations that actively promote abortion services to have access to the funds.

One of the organizations that the President of the United States would like to distribute this money to, the International Planned Parenthood Federation, has a Vision 2000 document that they have made available, and I do not know if my colleagues on the other side of the aisle have read this thing, but not only do they want to promote the availability of abortion services, they actually want to work to advocate the overturning of existing law in these countries that do not make abortion available.

I do not think it is wise use of the U.S. taxpayers' dollars to take taxpayers' money to go and give it to an organization that is going to essentially lobby to have abortion laws overturned in foreign countries. I have people in my district who have trouble making ends meet. I have people in my district who have no health insurance. We shouldn't be taking their tax dollars and giving it to an organization that is pursuing this kind of an agenda.

So we have a very reasonable rule here and a very reasonable bill that it supports, that says you can have even more family planning money but we are just not going to give it to these certain groups that pursue this certain radical, left-wing, pro-abortion agenda.

Mr. Speaker, I highly encourage all my colleagues on both sides of the aisle to support the rule and to support the legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise today in strong opposition to this rule. The need for family planning services in developing countries is urgent and the aid we provide is both valuable and worthwhile.

Our international family planning programs promote economic and social development, improve basic standards of health and actually reduce the number of abortions worldwide. Nevertheless, securing funding for these critical programs continues to be a battle. In an effort to resolve this issue and pass the omnibus appropriations bill last year, the White House and the Republican leadership reached an agreement to hold a clean vote this month on the resolution that we just passed, fortunately.

We agreed to release these funds 5 months into the fiscal year instead of 9 months. Alternate legislation was never a part of this agreement. We never agreed to give opponents of family planning one last opportunity to gut these programs. But if H.R. 581 is considered by the House today, that is exactly what will happen. Allowing consideration of this bill will raise serious concerns about our ability to negotiate in good faith during this year's budget process.

That is really the key. An agreement was made. Promises made should be promises kept. In the spirit of bipartisanship, I urge Members to defeat this rule.

The restrictions on population funds in H.R. 581 are not new to us. We have faced these program gutting provisions several times before and we will undoubtedly face them again.

Today's vote should be the one vote we just took on the resolution and that one only. Anything else is a deal breaker. Again, promises made should be promises kept. In the spirit of bipartisanship, I urge Members to defeat this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I would like to take just a minute if I could to say that if I had my druthers, this bill would not go forward. This is an unreported bill and a closed rule, and I find that fairly egregious, particularly given the fact that we have just voted to support the President's privileged resolution.

However, we will not be calling for a vote. I simply want to voice my objection to the process by which this has happened. We are just beginning this process, and we hope we will not see it again.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to point out that the reason we are here is because of deliberative democracy, a representative form of government that we have. I think that indeed instead of breaking promises, we are living up to promises here, promises to all parties who are interested in the full measure of this debate.

It is remembered, of course, that the previous item that we dealt with, that was brought forward earlier today, was unamendable, it was closed, and to round out this issue it was necessary to come forward with a second piece of legislation. This rule I think does it in a way that is entirely fair, and I believe it is in the best interests of deliberative democracy that we do this. I would also point out that there is a motion to recommit attached to it, so we have given an extra measure of fairness, we believe.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SMITH of New Jersey. Mr. Speaker, pursuant to House Resolution 46, I call up the bill (H.R. 581) to amend Public Law 104–208 to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 581 is as follows:

H.R. 581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) SHORT TITLE.—This Act may be cited as the "Family Planning Facilitation and Abortion Funding Restriction Act of 1997".

(b) AMENDMENTS TO PUBLIC LAW 104–208.—Section 518A of subsection 101(c) of Public Law 104–208 is amended—

(1) in subsection (a), by deleting, "July 1, 1997" and inserting "March 1, 1997";

(2) in subsection (c), by deleting "Such funds may be apportioned only on a monthly basis, and such monthly apportionments may not exceed 8 percent of the total available for such activities." and inserting "Subjects to the provision of subsection (b), such funds may be made available in such amounts as the President shall determine to be most conducive to the proper functioning of the population planning program."; and

(3) by adding the following new subsection:

"(f) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

"(1) PERFORMANCE OF ABORTIONS.—

"(A) Notwithstanding any provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

"(B) Paragraph (a) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

"(2) LOBBYING ACTIVITIES.—

"(A) Notwithstanding any provisions of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which is permitted, regulated, or prohibited.

"(B) Paragraph (a) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

"(3) The prohibitions of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the required certifications apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.".

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to House Resolution 46, the gentleman from New Jersey [Mr. SMITH] and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the last session of Congress, the House voted six times to restrict aid to foreign organizations that perform or promote abortions overseas. We also voted to restrict aid to the U.N. Population Fund unless the UNFPA, the U.N. Population Fund, ended its participation in the forced abortion program in the People's Republic of China.

Mr. Speaker, there is evidence, I think, looking at today's vote and talking to a large number of Members, that there still are a large number of Members who are still committed to the sanctity and preciousness of human life and said that they would vote yes—yes.

I happen to disagree that that was the way to go, but we now have H.R. 581 on the floor and there is an opportunity to manifest ourselves and put on the record very clearly and unambiguously that we want to release the funds for family planning, we want to release the $385 million that otherwise would wait until July 1, but we want to do it with principle. We want to make sure that the money only goes to those organizations that will erect a wall of separation between family planning, which is preventive, and abortion, which takes the life of a baby.

Mr. Speaker, I think more and more Members in the partial birth abortion debate that we had last year began what I truly believe to be an awakening about the gruesomeness of abortion. Abortion takes the life of a baby, whether it be dismemberment of an unborn child's body or chemical poisoning by way of injection or the suction machines which decimate the infant, abortion is violence. It kills babies. Whether it be illegal or legal abortions, the net effect on the child is always the same, one dead baby.

I think our aim in Congress and our aim in humanitarian efforts ought to be to eradicate abortion, to make the world abortion free. Family planning certainly plays a part in that. That is why my legislation and Mr. OBERSTAR's legislation and Mr. HYDE's legislation, H.R. 581, makes it very clear that we front-load the family planning money.

There is no waiting for it. The Clinton administration can have every dime, $385 million, and that is a lot of money, to be used for family planning on March 1. The President will actually get more in our legislation, not more in the cycle of the appropriations, but more quicker as a result of this legislation if he accepts this rather than the resolution just passed.

What is the Mexico City policy? Just let me remind my colleagues that yes, there is such an amendment known as the Helms amendment. It says that we will not directly fund abortion overseas. But we found in the early 1980's, and I have been here for 17 years, I would remind my colleagues, we found in the early 1980's that that law was not preventing the promotion and performance overseas of abortion by these international organizations. They very simply took our money which we were providing, put it in one pocket, provided an accounting saying that if they did not spend it, then it freed up megadollars in their other pocket to be used for the performance of abortion.

Paper and accounting tricks does not, if you are talking about human life being destroyed, really does not cut it. We are fooling ourselves if we think we are mitigating the promotion of abortion with this approach. It has not worked. It is only half a loaf. We need, if we are serious about making the world abortion free and not promoting abortion, take that other step and reestablish the Mexico City policy.

In sum, what the Mexico City policy will do is say we will not contribute to those organizations that perform abortion except in cases of rape, incest, and life of the mother. It also says that we will not provide moneys to those organizations that lobby for or against abortion. It is abortion neutral in that regard.

If you are doing family planning, you should not also be wearing that other hat of being the abortionist organization in that given country. This is very, very significant, Mr. Chairman, in light of what these groups are actually doing on the ground day in and day out.

In the last debate I pointed out that there is a document, and this is one of many, but this document in particular is the abortion manifesto of the family planning groups. It is called Vision 2000: A Strategic Plan. This Vision 2000, adopted in 1992 and agreed to by the 140 Planned Parenthood affiliates around the world, states, and I quote, and it says it throughout the document but this is one direct quote: The IPPF will "bring pressure on governments and campaign for policy and legislative change to remove restrictions against abortions."

This is the abortion lobby in the developing world. We ought to be very careful about to whom we contribute if that is what they are doing, if we care about abortion promotion. If we do not care about it, if we think that is fine and dandy, then you should not be for our bill but if you do care about abortion promotion, look at the consequences: giving money to these organizations means that, yes, they provide family planning, but they also promote abortion very, very aggressively.

Let me also point out that this particular policy, known as the Mexico City policy—where did it get its name, at a conference on population at Mexico City in 1984—has worked, and worked extremely well. During the 9 years that it was in operation, more than 350 family planning organizations and providers accepted the Mexico City clauses and said that they would divest themselves of abortion and be exclusively family planners.

That is what we are all about here: honesty, transparency, no hidden agendas. If family planning is your game, that is what you get the money for, that is what your organization should be all about. But these organizations like to fudge that line of demarcation and say that abortion is just family planning after a conception has occurred and they try again to make no distinction, or very little distinction, between the two.

I urge Members, because this will be the beginning of a long fight in the 105th Congress on this. Yes, the Clinton resolution passed today. That will not be the end of it, I can assure you. We will be back on the authorizing bills, we will be back on the appropriations bills when the fiscal 1998 and the 1999 funds come up, and again we are going to continue with this 1997 effort as well. I hope that by the end of this Congress, every Member of this Chamber, whether they are pro-abortion or pro-life, will be fully aware of what these organizations are doing.

The Trojan horse is this: They say they are all about family planning, they get into the country, they start networking, their real agenda is abortion. They say it in Vision 2000. I urge Members to become acquainted with it intimately so that they know to whom we are giving. They are acting as surrogates for the Clinton administration in bringing down the right-to-life laws.

We need to stand up for those innocent children in these developing countries, provide humanitarian aid. And I take a back seat to no one on providing child survival aid and all kinds of other aid. I offered the amendments in the mid-1980's to provide money for immunizations, oral dehydration, and other kinds of help. That is what it is all about. Family planning is a part of that, but not when it is linked with abortion.

Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I rise in opposition to the bill.

The SPEAKER pro tempore. The gentlewoman from California [Ms. PELOSI] is recognized for 30 minutes.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the bill but with the highest respect for the maker of the legislation. I want to reiterate what I said earlier on the debate on the privileged resolution, that I have the highest regard for the gentleman from New Jersey [Mr. SMITH], and he is quite correct. He takes a back seat to no one on child survival issues in this Congress.

□ 1345

In fact he and the gentleman from Ohio [Mr. HALL] have been the champions for poor children throughout the world. On this issue, though, of whether the Mexico City language should apply to international family planning, I respectfully disagree with him, and I emphasize the word "respectfully."

With that, Mr. Speaker, I will take some time later to make my remarks.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. WATERS], the chair of the Congressional Black Caucus, and the fact is that Ms. MAXINE WATERS is a great leader on these international family planning issues.

Ms. WATERS. I thank the gentlewoman from California [Ms. PELOSI] for yielding time to me on this very important issue.

Mr. Speaker, today I rise in strong opposition to H.R. 581.

This bill would reinstate a gag rule on foreign organizations that receive U.S. family planning funds. It would forbid them from discussing abortion with women even if the procedure is legal in their own country and if the organization uses its own money, not U.S. funds, to provide counseling.

If this bill were to pass, countries which immensely benefit from U.S. planning aid, such as India, Bolivia, Jordan, and South Africa—where abortion is legal, by the way—could be disqualified from obtaining U.S. funds for contraceptives simply for complying with their own country's law on abortion.

Thus, an Indian or South African woman seeking advice on family planning would not be told of all of her options.

This is unacceptable.

Further, there is no evidence that the so-called Mexico City policy has decreased abortion at all.

The real issue at stake here is maternal and child health. If the United States continues to decrease international family planning funding, money which has been slashed and whose disbursement has been delayed, we will be hurting millions of men and women who seek or rely on modern contraception to delay or postpone childbirth. We are punishing responsible people.

In funding year 1996, funds were effectively cut by 85 percent, and this is at a time when, internationally, 1 in 6 women of reproductive age are still in need of contraception to postpone or avoid future childbearing. Almost 600,000 women die during pregnancy and childbirth each year; 75 percent of these women die from attempting to abort an unwanted pregnancy themselves.

That is why family planning is so crucial. It saves lives.

Mr. Speaker, it is time for us to stop pretending that restricting discussion on abortion will stop it altogether. We need to continue to work with people to prevent unwanted and unsafe pregnancies in the first place.

I ask my colleagues to please reject the Smith bill.

Ms. PELOSI. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to the Smith resolution.

The Mexico City restrictions which this bill would impose will have a devastating impact on international family planning services throughout the world.

Here we go again. Every time we discuss international family planning, Mr. SMITH offers these restrictions. I certainly respect his views, and we have worked on many other issues together; however, his insistence on imposing these restrictions held up the foreign operations appropriations bill last year and could derail our efforts to get lifesaving family planning money released this year.

The gentleman from New Jersey [Mr. SMITH] claims this resolution is not anti-family planning, just anti-abortion. That just does not make sense. Currently no U.S. dollars are spent on abortion services overseas. In fact it has been illegal since 1973. These restrictions are stringently enforced by USAID.

In addition, as has been stated today on this floor time and time again, family planning services reduce the number of abortions worldwide. The Smith resolution will not stop abortions. It will only increase them.

One of the most important forms of aid that we provide to other countries is family planning assistance. We have heard countless stories today about the critical work done throughout the world by international family planning programs. These programs improve the health and well-being of men, women, and children, they strengthen the economy, protect the environment, enhance the quality of life in developing nations, and most importantly, save lives.

The Smith resolution is dangerous and extreme. It would defund family planning organizations that perform legal abortions with their own money, not United States money. It would also impose a gag rule on U.S. based organizations and nongovernmental organizations that provide U.S. family planning overseas.

I would like to explain that to my colleagues. Doctors from USAID have told me personally about the horribly chilling effect of the gag rule. They have interviewed doctors in small villages who turned away women from botched illegal abortions bleeding to death, and they were afraid to refer this woman. They did so because they feared losing their U.S. funding if they helped the women or even gave her the name of another doctor.

I urge my colleagues to oppose the Smith resolution. It is an extreme piece of legislation that no matter how it is disguised, it is ultimately intended to end U.S. family planning overseas.

A vote for the Smith resolution is a vote against sensible, cost effective family planning programs. My colleagues, it is a vote against lifesaving services.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just let me remind Members that, when Mr. Clinton sent up his 1994 rewrite of the Foreign Assistance Act, he intended and it was in the bill to absolutely repeal the Helms amendment so that direct funding would be used to pay for abortions overseas. So the administration on numerous occasions has signaled that they are every bit in favor of promoting abortion overseas.

As I said earlier in debate when they failed in that effort, we did not do plan 2, and that was to enlist the support of surrogates, namely groups like International Planned Parenthood Federation, based in London, and others to promote abortion for that under this subterfuge of saying that it is not our money. Well, we are giving to a group that is again promoting aggressively the abortion on demand.

And just to show how far down it gets, we recently came across a manual that was put out in the Dominican Republic by the affiliate of the IPPF, which is based in London, and it said this. It is called the Sex Education Manual, and the chapter on abortion makes it clear to the teachers at the end of the lesson that the students should, quote, become aware of the need to change the Dominican Republic's legislation on abortion.

So not only do they lobby legislators and governments and health officials again, and we empowered this group to be the bully on the block, but they also get into the schools and try to indoctrinate these children to bring down their right-to-life laws, and this is being replicated in every one of these countries.

Mr. Speaker, I have a copy of the manual if anybody wants to see it.

Let me also point out and use this chart to do so that the legislation that is pending before the House will provide more family planning money than the resolution just passed, not more over the cycle of an appropriations, but more up front. And that is very important. The Clinton finding earlier this month essentially said that, if the money does not come now, it is money denied, and that means terrible things will happen.

Mr. Speaker, if that be true, then the more up front the better. Our legislation, the Smith-Oberstar bill, provides $410 million in fiscal year 1997 for family planning. Three hundred and eighty-five is for the family planning account, 25 for the United Nations Population Fund. The administration's request, 240 in fiscal year 1997. So we push out the door with our legislation more money for family planning. It is in the bill.

Please, I urge Members and friends just to read it.

The previous speaker said that the intent of what we are trying to do is to defund family planning. Nothing could be further from the truth. The plain language of the bill makes it clear we are putting more money, not less.

The argument was made back in 1984; I will never forget it, when the Mexico City policy was first put into effect, that the nongovernmental organizations, the NGO's, would never accept it. Well, friends, 350 and upward of 380 family planning organizations signed on the dotted line and said they would divest themselves from abortion and just do family planning. Only the International Planned Parenthood Federation of London and only Planned Parenthood Federation of America stood out and said we are so committed, so obsessed with promotion abortion overseas that we would loose the money rather than take the money and divest themselves of abortion.

So this will be a vote on abortion today. It is pro-family planning, and it is indeed both pro-life and pro-family planning.

Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise to oppose this bill, which would seriously harm our international family planning programs. I strongly support family planning. I voted for the previous resolution that will release the funds for family planning without condition because I believe that these funds will improve women's health, reduce poverty, and protect our global environment. But I will not vote for this bill.

The supporters of this bill claim that our family planning efforts increase the number of abortions. This is simply not true. By law and by practice, U.S. funds cannot be used to provide abortion services either in the United States or abroad. AID has implemented procedures that carefully monitor the spending of these funds, and independent audits confirm that not $1 of U.S. funds is used to perform abortions.

I disagree personally with this policy, but it is the policy and the law nonetheless.

The real problem with this bill is that, by saying to clinics that they may not use other funds to perform abortions, it will force many health clinics which will not accept such conditions to close for lack of funding. These closed clinics will no longer help women receive prenatal care, will no longer prevent more women from dying during childbirth, will no longer help prevent unintended pregnancies and therefore will no longer help reduce the number of abortions. The number of abortions will increase, not decrease, if this bill were to pass.

So if my colleagues support family planning and want these clinics to remain open, then they must oppose this completely unnecessary bill and vote against it.

This bill is really about family planning, about closing family planning clinics and not about preventing the use of Federal funds from being spent on abortions, which is already against the law, which does not happen. This is an unnecessary, pernicious, and harmful bill that will simply result in more unwanted pregnancies, more fatalities among women, and more abortions.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, I come forward today to express my strong support for a bipartisan alternative to President Clinton's resolution. The President's resolution will release an additional $123 million for population control programs for fiscal year 1997 without any pro-life safeguards, and that is what our debate is all about. We need pro-life safeguards.

My colleagues, we object to giving the administration more money to spend this year unless the White House agrees to ensure that these family planning funds will not support organizations which perform or promote abortion.

Mr. Speaker, abortion should not and need not be interjected into the population assistance program as the Clinton administration has done. The President's resolution does not increase funding for international family planning. Rather, what it does is permit the U.S. Agency for International Development to begin spending certain appropriated funds for population control at a date earlier than was established by law last fall. This will result in the promotion and performance of abortion overseas.

□ 1400

I urge my colleagues to support the Smith bill, which will provide international family planning funds with pro-life safeguards. The Smith bill will increase U.S. spending for international family planning programs in 1997, which is what we all want, by nearly $300 million, bringing the total 1997 spending on these programs to $713 million. It will ensure that foreign nongovernmental organizations receiving U.S. funds are not performing or promoting abortions in developing countries, except in cases of rape, incest, or the eminent endangerment of the mother's life.

Mr. Speaker, I cannot be fooled, and none of us can be fooled, by the false claims of many international population groups who state that this is not an abortion issue. It is.

We must be firm and stipulate that no population funds will go to foreign, nongovernmental organizations that, No. 1, perform abortions except in the case of rape, incest, or the imminent endangerment of the mother's physical health; No. 2, violate the laws of any foreign country with respect to abortion; No. 3, engage in any activity or effort to alter the laws or governmental policies of any foreign country with respect to abortion.

My position on abortion has been clear and consistent. I oppose it, except in certain very specific cases. The White House privileged resolution will debase the whole medical profession, it debases our system of law, and indeed it debases our very notion of the concept of life.

Our system of laws, our American heritage, is based on the idea that people have certain God-given rights. Those rights are life, liberty, and the pursuit of happiness.

Those rights existed before laws were established. In fact, it is because those rights existed that laws were established in order to protect those rights.

First and foremost among those rights is the right to life.

As lawmakers we have a responsibility to protect the lives of our citizens, in this case, the very youngest, most vulnerable of American citizens. We must also protect those sacred lives in foreign countries where we are having a direct impact on their international family planning programs.

I urge my colleagues to do the right thing. I urge my colleagues to stand against this hideous, repugnant practice.

If President Clinton believes, as he says, that abortion should not be promoted as family planning and that international family planning programs need more funding this year, he should abandon the rigid stance he has taken in negotiations to date and accept the terms by Congress.

Let us stand up for a good principle and support additional international family planning dollars which will go to organizations which will not perform or promote abortion as a method of family planning.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CAPPS], a Member of the freshman class.

Mr. CAPPS. Mr. Speaker, I thank the gentlewoman from California [Ms. PELOSI] for yielding.

Mr. Speaker, I come to the United States as a former teacher of religion, and I want to speak plainly about H.R. 581. Religious people representing a variety of traditions and denominations have very strong feelings on this subject. They know that the number of unwanted pregnancies is too high. They also know that the estimated 25 billion unsafe and illegal abortions annually is a moral issue that must be addressed. Therefore, there is a strong consensus that there should be voluntary access to family planning services. The evidence confirms that family planning prevents unwanted pregnancies.

Mr. Speaker, people of faith affirm that human life, human reproduction are intended by God to be a blessing for the world. Responsible stewardship of human reproduction dictates that each child is a blessing for that child, his or her family and the world. Giving people the tools to take responsibility for their own reproductive health is vital to achieving this goal.

H.R. 581 will devastate these programs. This bill will severely inhibit comprehensive reproductive health services by shutting down many foreign NGO's that provide these services. Because of this the Mexico City-H.R. 581 restrictions will result in more abortions around the world, not fewer.

This bill also runs contrary to a fundamental sense of stewardship. As retired Senator Mark Hatfield from Oregon said, I quote, "Anti-abortion speech will not reduce the number of unintended pregnancies as swiftly or as surely as our support for voluntary family planning."

Fully supporting international family planning programs is one of the most humane, moral, and ethical positions that we as a Nation can take. I vote "no" on H.R. 581.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. ADERHOLT].

Mr. ADERHOLT. Mr. Speaker, I rise today in support of H.R. 581, a bill that would literally save the lives of countless children throughout the world. I commend my colleague from New Jersey [Mr. SMITH] for introducing this important bill which would prevent international family planning funds from being used for abortion.

I want to make this point very clear. Abortion is not family planning. I have heard many of my colleagues say that this debate is not about abortion, but rather about saving lives. How ironic. We have heard many say that this funding for family planning is essential. Congressman SMITH's bill allows even more funding for family planning, so long as the funds are not used to promote abortion.

The question we will vote on in a few minutes is quite simply whether you oppose taxpayers' funds being used to promote abortion in foreign countries or whether you oppose it, pure and simple. I am proud to stand today with those who oppose it and to support life.

Mr. Speaker, I urge my colleagues to support the Smith bill.

Ms. PELOSI. Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from California [Mr. SHERMAN], also a Member of the freshman class.

Mr. SHERMAN. Mr. Speaker, my predecessor, Congressman Tony Beilenson, served here for 20 years, and was one of the leading advocates of international family planning. In recognition of his legacy, my first speech on this floor is again in favor of international family planning, and in opposition to unwarranted restrictions on family planning that would be imposed by this proposal.

International family planning brings together so many things that both I and many of my colleagues, and I think the vast majority of those in my district, care about. We care about the environment, and unless we do something to control the international population explosion, virtually all of our other environmental controls will simply be like taking a few buckets out of the ocean. We care about the dignity of women. Women in Third World countries acquire additional status, dignity and rights when they gain control of their own bodies and are afforded a full range of reproductive freedom.

The other side has made this a debate on the choice issue. I do not think that it is. But to the extent that a no vote is an opportunity to say that we believe in a woman's right to choose, we have another good reason to vote lgainst this proposal.

This vote is a chance for us to stand for peace and development in the Third World, which can occur only if we deal with the population explosion which so tragically affects so many underdeveloped countries. It is a chance for us to deal with the illegal immigration problem. With our support, Mexico has been able to cut its population growth rate by over one-third through effective international family planning assistance. We need to continue that effort.

Finally, it is important that this Government operate as efficiently as possible. We need to contract with the international family planning agencies that are most effected. We should not impose some sort of political correctness test and say that we will not contract with this agency or that agency, and end up instead going to a less effective family planning organization.

So whether it is control of illegal immigration, enhancing our environment, working toward government efficiency, defending a woman's right to choose, promoting the dignity of women, or seeking peace and prosperity for the underdeveloped portion of the world, a vote against this alternative is called for.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of H.R. 581, and I congratulate the sponsors, and especially the gentleman from New Jersey [Mr. SMITH], for leading the effort on this bill, for presenting us with a responsible and viable alternative to House Joint Resolution 36.

H.R. 581 allows AID to begin spending international family planning funds on March 1, and the bill deletes the restriction which releases these funds only on a monthly basis. Proponents of the previous bill would certainly support those provisions.

So the debate is on the reinstatement of the Mexico City policy that this bill mandates. The Mexico City language is straightforward, and I quote: "No funds appropriated for population planning activities may be made available for any foreign, private, nongovernmental or multilateral organization until the organization certifies it will not perform abortions in any foreign country except where the life of the mother would be endangered or in cases of forcible rape or incest."

From 1985 to 1993, this language protected the American taxpayer from having their tax payments spent on abortion. For 8 years this language assured our great Nation would not directly or indirectly support or promote abortion as a method of family planning throughout the world. With all of the world's great crying needs, we should not be spending our scarce foreign aid dollars to subsidize and promote abortions.

The world looks to America for moral leadership. The world looks to America for justice for the weak and the disenfranchised. We should respond to this call for leadership, not by promoting abortion in the poorest nations of the world, but by helping them develop the economic and political infrastructure that encourages development and progress. Abortion does neither.

Mr. Speaker, I urge a "yes" vote on H.R. 581.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I urge my colleagues to vote against the Smith legislation. Since 1973, no U.S. dollars for international family planning programs have been used for abortions. Not one. And it is not true that the Smith amendment will not impact women seeking family planning services, although the money provided is the same in both resolutions. Cutting off certain clinics because of how they use their own money does impact women.

In rural parts of the world it is not like Washington. There is only one health clinic. There is only one choice. Women there are lucky to have in fact one health clinic providing family planning services. They do not have a choice of clinics.

This vote is not about abortion, it is about family planning. By any measure, increased access to family planning decreases the number of abortions. The use of effective contraception has increased markedly throughout the world in the last 30 years. The percentage of couples in developing nations using family planning has increased from 10 to 50 percent, but we still have a long way to go. Nearly 230 million women worldwide, roughly one in six of reproductive age, are still in need of modern contraceptive methods in order to plan their families.

As the 20th century draws to a close, by the year 2000, some 800 million people, one-seventh of the world's population, will be teenagers in 4 years. While this reflects the incredible achievement of cutting down child mortality by half since 1950, it also has enormous implications for future population growth.

The U.N. predicts that in the next 50 years, world population, in just 50 years, will grow by 3.6 billion, the current population of Asia. Providing women with the power to control the number of children they have and to space them apart is good for women and children and for our world, and I urge opposition to the Smith amendment.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Speaker, I rise today in opposition to the Smith resolution, H.R. 581, which would reinstate the so-called Mexico City policy. I find the restrictive resolution to be superfluous.

We all know that in the 1973 Helms amendment, which prohibits any U.S. funds for abortion in international family planning, it is part of the permanent foreign aid statute. Furthermore, there is no evidence that any recipient of the U.S. funds has ever violated the terms of this Helms amendment.

This unnecessary layering of already restrictive law can only work to harm women and children worldwide by denying them the various health services provided by international family planning organizations.

The effects of the Mexico City policy are far-reaching and negative. According to UNICEF, every year 600,000 women die of pregnancy-related causes; 75,000 of these deaths are associated with self-induced, unsafe abortion. Is this the result we want?

In addition, the Mexico City policy serves as a threat, a gag order, that results in failure to assist women in need. For example, if a woman is suffering from a life threatening infection that is the consequence of a self-induced abortion, members of an international family planning organization might fear that treating such a woman would result in loss of funds. Is this the result we want?

To say that family planning is abortion is to trivialize a complex and critical issue. Family planning is prenatal care. Family planning is child nutrition. Family planning is followup and preventive care, and the education provided by family planning is often what enables children to survive their first year and what enables women to survive their pregnancy.

□ 1415

Do not impose this gag order. Provide the world with family planning education that works to eliminate the need for abortion. Let us defeat the Smith resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN], chairman of the Subcommittee on International Economic Policy and Trade of the Committee on International Relations.

Ms. ROS-LEHTINEN. Mr. Speaker, the Clinton administration keeps telling us that we do not need to worry about how many hundreds of millions of dollars go to organizations that perform abortion overseas or that lobby for pro-abortion laws, because we already have laws on the books that forbid these organizations from using the actual U.S. taxpayer dollars to pay for the abortions or for the pro-abortion lobbying.

But this simply ignores the fact that money is fungible. When we give these pro-abortion organizations $1 million, we instantly free up other money that they are free to use for whatever they want, including more abortions and more abortion lobbying. None of us would run our personal lives the way the Clinton administration wants us to run our government.

If one of us had a friend who was doing something of which we deeply disapproved, perhaps this friend had a drug habit, and asked us to give or lend him $100 a month to buy drugs, of course, we would have to refuse. But then suppose that friend said, all right, I understand that you disapprove of drugs, but suppose you give me $100 a month to help pay my rent. I promise not to use your $100 for the drugs. I will apply your $100 toward my rent, and that will free up my $100 to buy drugs. We would still have to refuse, of course, because we would know that by giving the $100 we would be enabling and empowering the friend to buy drugs.

Mr. Speaker, this is exactly the same way that the groups that perform and promote abortions go about their ways. If we give them an extra $123 million and they remain in the abortion business, it does not make any difference whether they give us a piece of paper that says "We used your money to buy contraceptives and our money to perform abortions." By subsidizing and enabling and empowering these groups, we subsidize, empower, and enable all of their activities, including abortions.

The Clinton administration is, in effect, urging Congress to spend U.S. taxpayers' money and not worry too much about the consequences. But we cannot ignore the way the world works. I urge my colleagues to support the Smith amendment.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I just want to make one point. In the earlier debate it was pointed out that World Vision wants to release these funds. I think it should be made very clear, World Vision is a group that I strongly support. They are into helping to alleviate suffering brought about by famine.

Let me read a letter dated February 7 from the president of World Vision, and it reads as follows: "Our organization supports the release of funds with the so-called Mexico City policy, which prevents U.S. Government funding from subsidizing foreign organizations which perform or promote abortion as a method of family planning, and lobbying to ease or diminish anti-abortion laws—either in the United States or in foreign countries."

"We believe," the World Vision letter goes on to say, and it is signed by Robert Seiple, "We believe these pro-life safeguards are important to protect the integrity of our efforts and those of many other humanitarian aid organizations."

Mr. Speaker, I ask that the full letter be made part of the RECORD, but I would point out that World Vision supports this legislation, they support the Mexico city policy.

The letter referred to is as follows:

WORLD VISION,
Washington, DC, February 7, 1997.

Hon. JOSEPH R. PITTS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE PITTS: World Vision has not changed its position on abortion. I am writing to reiterate our position to you and other members of Congress following a January 31 letter regarding the release of funding for international family planning services. I signed the letter, along with the presidents of CARE and Save the Children.

Since it was established in 1950, World Vision has always and will continue to oppose abortion as a means of birth control. Abortion runs contrary to our core beliefs as a

Christian organization. All of World Vision's efforts, both in the United States and in more than 100 countries around the world, seek to save, extend and enhance life. Toward our goals of enhancing and extending life, World Vision supports programs in developing nations to save children's lives. These programs include immunizations, disease prevention and treatment and efforts to improve nutrition. In addition, we encourage efforts to educate parents about maternal health, to avoid high-risk pregnancies and to advocate birth spacing.

These strategies help to avoid risky and unplanned pregnancies both to protect the life of the mother and to prevent women from resorting to abortion as a means of birth control. As President of World Vision, I have visited many of the programs in some of the most difficult places in the world. I have met with women in Africa, Asia and Latin America and other regions of the world who personally have benefited from these services.

We believe these pro-life safeguards are important to protect the integrity of our efforts and those of many other humanitarian aid organizations. Serious health concerns for women, children and families are at stake, including unintended pregnancies which will likely increase, not reduce, the number of abortions performed on women in developing nations.

Should you have any questions on this issue, or on World Vision's position on abortion, please contact Ken Casey, Senior Vice President, in Seattle at 206-815-1000.

Sincerely,

ROBERT A. SEIPLE,
President.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota [Mr. OBERSTAR], a cosponsor of our legislation, H.R. 581.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this is put-up-or-shut-up time for those who are advocating funding for family planning without abortions. This resolution reinstates a policy that has been in effect for the past nearly a decade. Three hundred fifty organizations worldwide have accepted funds from our Government with the restrictions on abortion that we have included, the gentleman from New Jersey [Mr. SMITH] and I have included in this language, which is the so-called Mexico City policy.

To be very clear and very simple in stating the case, in order to receive U.S. population control funds, foreign nongovernmental organizations must agree not to perform abortion, except in cases of rape, incest, or where the life of the mother is in danger; second, not to violate the laws of any foreign country with respect to abortion; or, third, not to engage in any activity or effort to alter the laws or governmental policies of any foreign country with respect to abortion.

If they really believe what they say, that they do not use abortion as a method of family planning, they do not advocate abortion, they do not perform abortions as a method of family planning, then why can they simply not agree to that language? It is straightforward, it is simple, very clear, makes a wall of separation between the reprehensible practice of abortion and, on the other hand, helping women who are in difficult circumstances in any part of the world, particularly in third world countries, to gain some measure of control over their lives.

Mr. Speaker, we have for years demonstrated the willingness of this Congress to approve funds for family planning, provided that none of those funds are used to perform abortion. In the international arena we have followed the same policy. This language that we include in our legislation, H.R. 581, makes it very clear that family planning funds may be available, but that they cannot be used to perform abortion.

There are organizations that are very intent on using abortion, counseling for abortion, working to change the laws of foreign countries on abortion. We should not use U.S. taxpayer dollars for that purpose.

I hear the arguments on the other side about the need for women to have access to family planning information, plan their lives and plan their pregnancies. That is fine. But it should not go hand in hand with abortion.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I appreciate very much my colleague yielding. I think, as he knows, I have long been a vote in this House interested in preserving life. I feel very strongly that we ought to do all that we can to see that abortion is not used as a tool.

But could either the gentleman or our chairman answer this question for me: We do provide, from Federal coffers, a sizeable number of dollars across the country to the several States in the United States that has to do with family planning. Does the gentleman know if we require similar language and limitation upon those funds that flow to the several States of the United States?

Mr. OBERSTAR. Mr. Speaker, I would say to the gentleman, yes.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, foreign nongovernmental organizations are not governed by the same laws that domestic nongovernmental organizations are.

Mr. LEWIS of California. I understand that.

Mr. SMITH of New Jersey. The Mexico City provisions were litigated. Planned Parenthood brought a suit, and they were found to be completely constitutional. Let me make a point.

Mr. LEWIS of California. Mr. Speaker, does that answer my question? Does it say that we do not allow—

Mr. SMITH of New Jersey. No, we do not, because it would be construed to be unconstitutional. Otherwise, we would like to do it.

Mr. LEWIS of California. So we are essentially saying to foreign countries, you will follow a line of logic that is unconstitutional?

Mr. SMITH of New Jersey. We are saying where we can protect an unborn child and a generation of unborn children from aggressive lobbying by a non-governmental organization, we are going to do it. If we cannot save all of the kids, we try to save some.

To say we have to have some kind of equal policy, just because we like to say everything is the same everywhere, that to me is not productive. When we can save a child in Kenya or we can save a child in Central or South America from an assault on the law that protects them, we ought to do it.

Let me also point out to the gentleman, if the gentleman from Minnesota will continue yielding, we are talking about discretionary funding. This is not entitlement funding. We in this Congress appropriate every year certain amounts of money to be used for this purpose. It should not be the NGOs to dictate to us that, we will not take your money unless we do this, that, and the other thing. We should put simple conditions and say, do family planning; do not permit abortions.

Mr. LEWIS of California. If the gentleman will continue to yield further, I would suggest for those who are concerned about life that we might very well consider similar limitations upon discretionary monies in this country that flow to States if they are not responding similarly, if we are serious about those limitations. I appreciate my colleague yielding to me.

Mr. OBERSTAR. As the gentleman well knows, under the Medicaid language for years that we have debated on this floor, we have had several dozen votes, maybe several hundred votes on this issue over the last 22 years that I have served here, we have imposed this restrictive language that none of the funds may be used to perform abortions.

Mr. LEWIS of California. The gentleman's last comment raises just one more point. I would certainly hope that those of us who are concerned about the life question would know that sometimes we defeat our purpose by having several hundred votes, it seems, a session, on this same issue. Many Members are reacting very strongly to that, including this Member.

Mr. SMITH of New Jersey. If the gentleman from Minnesota will continue to yield, the only way, because if language is silent on the Labor-HHS bill or the Federal employees health benefits program or any other program, it pays for abortion. It is incumbent upon us, those of us who do not want our tax dollars being used to subsidize abortion or the performance of it, to offer amendments. Otherwise it is used to pay for it. There is no blanket prohibition.

Mr. LEWIS of California. As my colleague can see by the vote today, sometimes that is self-defeating.

Mr. SMITH of New Jersey. We will be back.

Mr. OBERSTAR. To further respond to my dear friend, the gentleman from California, we would not have dozens or hundreds of votes on this subject if, in initiating programs, those who advocate family planning would stick to their last, and stick to what they believe in, and say these funds are only used for counseling, they are not used for changing people's minds about abortion, performing abortion, or advocating abortion. That is all we are asking.

Mr. LEWIS of California. I appreciate my colleague.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California, [Mr. LEWIS] was quite correct in his line of questioning. Indeed, the Mexico City language, if it were applied in the United States, would be unconstitutional. What we are saying with this Mexico City language, otherwise known as the gag rule, is that we will apply unconstitutional prohibitions to organizations which receive international family planning funds from the United States.

Let me be clear: No funds, and I am going to read them, because this is the existing law, and for Members who voted for the President's finding in the previous resolution, I want them to understand very clearly why the Mexico City language indeed is a gag rule, indeed is unconstitutional, and as other Members of this body have said earlier, is unnecessary.

First of all, I direct the Members' attention to the chart. Current prohibitions on use of AID funds for abortion-related activities cannot be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any other person to have an abortion.

USAID funds cannot be used to lobby for or against abortion.

These funds cannot be used to purchase or distribute commodities or equipment for the purpose of inducing abortion as a method of family planning, and these funds cannot be used to support any biomedical research which relates, in whole or in part, to methods of or the performance of abortion as a method of family planning.

To make sure that this Helms language is enforced, there are very stringent safeguards in place which again I want to call to our colleagues' attention.

Strict procedures assure that no USAID funds are used for abortions, including legally binding contracts. USAID funds are provided in the context of legally binding contracts and grant agreements that include standard clauses, specifically listing prohibited activities. Violators are subject to heavy fines and loss of future AID funding.

USAID closely monitors how its funds are used through requiring detailed annual work plans, numerous detailed reports on all project activities, site visits, management reviews, and review and concurrence on project publications, and regular audits. Contracts and agreements with foreign or private organizations are subject to regular, independent audits, as defined by the Federal acquisition regulation system. USAID grantees are required to maintain extensive documentation of expenditures of foreign subcontractors who are subject to audit.

I go into this level of detail to emphasize once again that what we have proposed here today and what this House approved has nothing to do with abortion, and that the Mexico City language again would be unconstitutional in the United States. Why should we subject our grantees abroad to that gag rule, which as I say again, is unconstitutional in our country.

A couple of more points that I want to make, because comments that were made here on the floor beg for clarification.

□ 1430

It has been repeated over and over again, certain critics of the International Planned Parenthood Federation and of government funding of international family planning programs have recently, they are stepping up this campaign citing IPPF, International Planned Parenthood Federation, as promoting abortion around the world. Let me state, the International Planned Parenthood Federation does not accept or promote abortion as a method of family planning. IPPF believes that contraception is the first line of defense against unwanted pregnancy. Access to family planning service is the most effective way to reduce abortions and the mortality caused by them. I have more information on that if Members have questions about that.

Another point that I want to reference the Smith bill, again with the greatest respect for the gentleman, in his bill, the Mexico City language, the gag rule, states that, notwithstanding any provisions of the bill, no funds appropriated for population planning activities may be used by an organization to engage in any activity or effort to alter the laws or governmental policies of any foreign countries governing the circumstances under which is permitted, regulated or prohibited.

Among other things, that is what this language does, which would change current law if it were passed and signed into law, which the President will not sign. So we have an exercise in futility at this hour of the day, and I will try to be brief. But I believe that it is necessary to protect the vote of our Members who voted in favor of the President's finding earlier.

Why are we subjecting organizations engaged in family planning internationally to conditions and standards which first of all are unconstitutional in the United States but do not apply here either? Our colleagues used the termed fungibility. If you give your money for this, it frees up your other money to do that. That is exactly what happens every time we grant a contract or a grant.

Are we subjecting the defense community to the scrutiny of its spending on what it does with its own money because they receive defense contracts from the Federal Government? The list could go on and on. It just does not seem fair to me that we should gag organizations from using their own funds for their own purposes. And if that includes making information available to women, it has nothing to do with the Federal funds that we vote in this body, and it does nothing with the constitutional approach that we take to our grantees in the United States.

What is further at issue here is this subjects that same scrutiny to the subcontractors, to these international family planning organizations. So all of this presents a gag, a hindrance, an unnecessary encumbrance. I urge our colleagues to follow this issue closely and to reject it on this vote today, as I have said over and over again. The highest regard for the maker of the motion, this gag rule has no place in our country. It should not have any place in our funding for international family planning.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman from New Jersey [Mr. SMITH] has 2½ minutes remaining, and the gentlewoman from California [Ms. PELOSI] has 6 minutes remaining. The gentleman from New Jersey [Mr. SMITH] reserves the balance of his time and reserves the right to close.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I rise to oppose this legislation, which would kill American support for the international family planning programs.

I oppose this bill for several reasons. First, it is a bill to correct a problem which does not exist. Right now, no American aid, I repeat, no American aid pays for abortions overseas.

Since 1973, Mr. Speaker, it has been illegal for American aid dollars to support abortion services in any way.

I also oppose this bill because the attempt to reinstate the Mexico City policy will have a chilling effect on family planning services. We know that the other body will not pass this legislation, and the President has vowed to veto it. This bill will only continue the current delay in services which will lead to real human misery and environmental degradation.

I want to make it clear, Mr. Speaker, that to delay is to devastate. Listen to what the National Council for International Health has had to say on this matter. They say: Last year's reduced aid for family planning is resulting in 7 million couples losing contraceptive services.

That is 7 million couples.

This will result in 4 million unwanted pregnancies. It could mean 1.6 million abortions and 8,000 maternal deaths. Passage of the Smith bill would make this worse.

Oppose this bill. Oppose further restrictions to family planning. Let us release urgently needed American aid.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, I thank the gentlewoman for yielding me the time.

If the other Members of the body are like myself, they are receiving calls from their constituents who are, regrettably, very confused about this issue. They are calling and saying, do not vote for the President's resolution because it promotes abortion and vote for this Smith bill because it stops abortion.

And of course nothing could be further from the truth. What this is about is very simple. This is about the fact that somewhere in sub-Saharan Africa where the population rates are just crushingly explosive, there is a little clinic somewhere and that little clinic is attached to a hospital. And the clinic provides birth control so that women do not become pregnant and do not have to have abortions. But maybe 100 miles away from that hospital, where abortion is legal, a woman comes in with her own money—not with American taxpayers' money—and might avail herself, for whatever her reasons, of a legal abortion.

My friend, the gentleman from New Jersey [Mr. SMITH] wants to say, then let us not give that hospital any money even to run its family planning clinic. The result of that is very, very straightforward. That little clinic out in the hinterland somewhere will not have any IUDs, will not have any birth control pills. More women by the thousands will become pregnant. And where will they end up? They will end up back at that hospital, which will be doing more abortions there than ever before.

It is time we got logical about this issue. If you are against abortion, if you want to see the number of abortions on this planet decrease, then you have to be for family planning and you have to trust the women of the world to make the right decisions.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, Mexico City is nothing more than an international form of gag rule on providers, severely restricting the way legitimate helpful organizations use their own funds. Restricting use of money will not decrease the number of abortions performed in developing countries. Rather, lack of access to family planning facilities will likely lead to an increase in unwanted pregnancies and therefore more abortions.

We have seen in our own country how simple family planning education can work to solve problems of overpopulation and reduce the number of unplanned pregnancies. Again, family planning means education. It is not a means of doling out abortion dollars across the globe.

This gag rule has no place in this debate, and I urge my colleagues not to give in to these tactics. I urge a vote against the Smith bill.

Ms. PELOSI. Mr. Speaker, I yield myself the balance of my time, to thank our colleagues on both sides of the aisle and both sides of the issue for this, I think, productive debate this afternoon. All of the participation, the full participation of Members, I think, has been very helpful to us. But I want to use my remaining moments to thank and acknowledge the staff for their hard work on this issue. From the staff of the gentlewoman from New York [Mrs. LOWEY], Matt Traub and Sharon Levin; Lissa Topel from the staff of the gentlewoman from Connecticut [Ms. DELAURO]; Kara Haas, Judy Borger, Mark Kirk, Terri McCullough, Leslie Patykewich, from my own staff, Carolyn Bartholomew; and from the subcommittee, Mark Murray, Scott Lilley. As always the staff is the great untold story of Congress. They are a tremendous resource to us. They work so hard, and I wanted to give them this recognition on a day when we are debating this very, very important legislation.

Mr. Speaker, I just say once again, let us not hold the children, the poor children of the world hostage to congressional politics. Vote "no" on the Smith amendment.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me just say again, nobody is holding this policy or family planning hostage to congressional politics. This has everything to do with the deep-seated and very strongly held belief that every human life is precious, born and unborn. We cannot and should never facilitate a policy that puts the unborn at risk of being killed by abortion on demand.

Let me also make the point, a clarification: We have heard on the other side how this is somehow a gag rule. The gag rule is a word that was coined during the title X debate dealing with abortion counseling. Abortion counseling is not covered by the Mexico City policy. It was not during the years that it was in effect, and I am amazed how that disinformation continues to persist both in the media as well as by Members who have been offering up positions on the other side of this issue.

Let me also point out, we do not concede that Mexico City policy would be unconstitutional if applied to United States domestic organizations. But a decision was made in the Reagan administration years ago, and it was fully litigated, that foreign nongovernmental organizations would be the ones that would be affected, and it was upheld by the U.S. Supreme Court.

Finally, let me say that H.R. 581 is pro-life but it is also pro-family planning. One of the speakers on the other side was bemoaning the delay. OK, let us end the delay. Let us get all $385 million plus the 25 million for the UNFPA out the door by March 1. Only the Smith-Oberstar-Hyde bill does that. So if money delayed is money denied, our bill gets the money there sooner rather than later. But it does so in a principled way. It says that we are for family planning but we are not for abortion.

Let me also point out again who we subsidize does matter. We should not compartmentalize our view and say if they do this with our money that is OK and who gives a darn what else they do with the rest of their money. Abortion is child abuse. It kills babies. It is a violent act. Let us face that reality.

The partial birth abortion ban fight last year at least began forcing all of us to look at abortion for what it truly is and at the methods of abortion for the cruelty that they represent toward children.

Who we subsidize does matter. The IPPF based in London, International Planned Parenthood Federation, has a strategic plan. They make no bones about it. It is right here in black and white. They want abortion on demand in every country of the world. They have action plans for every country of the world. Vote yes on H.R. 581.

Mr. UNDERWOOD. Mr. Chairman, I rise today in support of H.R. 581, a resolution which would prevent American international family planning funds from being used to actively support abortion as a preferred method of family planning.

The majority of my constituents and I believe that the taking of a life is totally unacceptable, and we do not support funding for organizations which support abortion services. Taking a life is a deplorable act, one which carries grave consequences in our justice system. How do we reconcile our system of punishing murderers with providing funding to foreign organizations which support abortion?

H.R. 581 also includes provisions which would ensure that American aid will not support organizations which work to modify existing policies regarding abortion in foreign nations, as well as organizations which disobey foreign nations' laws relating to abortion.

Family planning is the goal of these funds, and there are alternate methods of family planning which do not condemn a life. By supporting H.R. 581, the United States can still be at the vanguard of family planning programs without advocating abortion as an option.

I urge my colleagues to lend their support for H.R. 581. Everyone knows that the taking of a life is wrong, let us not show the world that the United States not only accepts murder as a form of family planning but actively funds organizations who support it.

Mr. PACKARD. Mr. Chairman, I rise today to support Congressman SMITH's bill to make sure that agencies receiving international family planning funds do not use these funds to promote abortion. Many Americans believe that their taxes do not support abortion overseas, but they have been terribly misled. Their money is distributed generously to groups who actively encourage abortion, seek to overturn foreign countries abortion laws, and support programs which are tainted by forced abortion and sterilization of women policies.

Although I do question the necessity of releasing these funds early, what is really at issue here is how the Clinton administration chooses to distribute these funds. In 1993, President Clinton overturned the Reagan-Bush era policy which prohibited U.S. financial support for international organizations that either promote or perform abortions as a means of birth control. I find it morally unjust to require U.S. taxpayers to support the global proliferation of abortion.

Instead of filling clinics overseas with abortion-related equipment, the United States should stock the shelves with lifesaving drugs which will help to save the 2.1 million children—according to UNICEF—who die each year from vaccine-preventable diseases.

The Smith legislation would allow the release of family planning funds early, as the administration has requested. However, it would stop rewarding international organizations that promote and perform abortions with American taxpayer dollars—which is exactly why the President has threatened to veto the Smith bill and thereby eliminate any possibility of an early release of these funds.

Yes, the administration has never hidden its support for both international family-planning services and abortion. The two are clearly not the same. I urge my colleagues to support the Smith bill and make that distinction absolutely clear.

Mr. ROEMER. Mr. Chairman, as a strong supporter of family planning initiatives, I would like to emphasize my support for the U.S. International Family Planning Program. This program has been extremely effective in protecting the health and lives of women and children in underdeveloped and developing countries throughout the world.

Today, I will be voting for H.R. 581 which was introduced by Representative CHRIS SMITH. For those who claim to be true supporters of our family planning efforts overseas, I believe this is the correct vote to cast. H.R. 581 will release the full $385 million in international family planning money on March 1, 1997—bringing the total fiscal year 1997 spending on these programs to $713 million. In other words, this bill will provide nearly $200 million more in funding than the resolution which was passed by the House earlier today (H.J. Res. 36). In addition, it will ensure that this Federal funding is used only for contraceptive family planning and health care services, not abortion.

As a supporter of family planning, whether it be international or national initiatives, I believe we need to examine how the United States can best support true family planning efforts. Clearly, if we are talking only about family planning and contraception, rather than abortion, then the Smith bill before us would provide substantially more funding for health care services and have a greater impact on low-income women and children abroad. Supporting H.R. 581 will ensure that we provide the maximum amount of international family planning money available, while at the same time ensuring that U.S. tax dollars are not used to provide or promote abortion.

I encourage my colleagues to join me in voting "yes" on this important legislation.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 46, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SMITH of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 231, nays 194, not voting 7, as follows:

[Roll No. 23]

YEAS—231

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fowler
Fox
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Poshard
Quinn
Radanovich
Rahall
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wolf
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Castle
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn

Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kleczka
Klug
Kolbe
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Molinari
Moran (VA)
Morella
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schiff
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
White
Wise
Woolsey
Wynn
Yates

NOT VOTING—7

Carson
Clay
LaFalce
Mink
Nussle
Obey
Young (AK)

□ 1502

The Clerk announced the following pair:

Mr. LaFalce for with Mrs. Carson against.

Mr. JACKSON of Illinois changed his vote from "yea" to "nay."

Messrs. BOB SCHAFFER of Colorado, HUNTER, McDADE and EHRLICH changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING APPRECIATION FOR THE LIFE AND SERVICE OF AMBASSADOR PAMELA C. HARRIMAN

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 49) expressing appreciation for the life and service of Ambassador Pamela C. Harriman, and I ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. McINNIS). Is there objection to the request of the gentleman from New York?

Mr. HAMILTON. Mr. Speaker, reserving the right to object, and I do not intend to object, I yield to the gentleman from New York [Mr. Gilman] for an explanation of the resolution.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Indiana for yielding. I have just been informed by the leadership that there will be no further votes today.

Mr. Speaker, it is with both sadness and gratefulness that I ask the House to adopt this resolution concerning the recent passing away of a great American, Ambassador Pamela C. Harriman. Her sudden death last week left all Americans bereft of a truly dedicated public servant, a woman of wide learning and interest and a great patriot. It is only fitting that on this day that our Nation pays tribute to Ambassador Harriman, that we too mark her passing and remember her life.

Mr. Speaker, I hope that all of our Members will join with the gentleman from Indiana [Mr. Hamilton], the gentleman from Illinois [Mr. Manzullo] and myself, acting on behalf of our Committee on International Relations, in putting the House of Representatives on record in appreciation of Ambassador Pamela Harriman's life.

We should bear in mind that as a wife she provided her wisdom and solace during the last years of his life to one of the great statesmen of this century, New York's Governor Averell Harriman. We should also take note of her contribution to the Allied victory over Nazism in Europe through her earliest exploits in the field of diplomacy, helping to unite as allies the nations of France, Great Britain, and the United States. In her capacity as a United States Ambassador Extraordinary and Plenipotentiary to France, Pamela Harriman gave the last measure of her life to serving our Nation, her adopted country. She brought to this task all of her skills and experience in keeping the ties between our Nation and France strong despite many troublesome disagreements between our nations. She was very much a hands-on Ambassador, working long hours, devoting substantial energy to this task.

Although this resolution has not been formally considered in our Committee on International Relations, we did have a discussion on the matter on February 4 at our committee's organizational meeting which happened to occur on the day of Ambassador Harriman's passing away. At that meeting, our committee agreed to a unanimous consent request propounded by the gentleman from Illinois [Mr. Manzullo] setting out essentially the wording and noting our support for moving a resolution noting such sentiments on the floor. I wish to commend the gentleman from Illinois for his strong interest in making certain that this matter was considered in a timely and an appropriate manner.

Mr. Speaker, for all of these reasons, I believe that support of this resolution is merited, and I hope that all of the Members will join with us in recognizing Pamela Harriman as a distinguished stateswoman and a great American.

Mr. HAMILTON. Mr. Speaker, further reserving the right to object, I want to join the distinguished chairman of the House International Relations Committee in expressing appreciation for the life of a great public servant, Ambassador Pamela C. Harriman.

She became an American by choice and devoted herself to the betterment of her adopted country. As the Ambassador of the United States to France, she worked tirelessly to build closer relations between the United States and its oldest ally. She was a renowned woman of grace, wit, charm, intellect, and boundless energy.

On this day of a memorial service at the National Cathedral for Ambassador Harriman, it is altogether fitting that the House of Representatives take up and pass this resolution commemorating a great American. I join the chairman in congratulating the distinguished gentleman from Illinois for sponsoring this resolution.

Mr. MANZULLO. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. Further reserving the right to object, I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Speaker, I thank the gentleman from Indiana [Mr. Hamilton] for yielding.

Mr. Speaker, I rise today to honor a great American Ambassador, Pamela C. Harriman. Sadly, Ambassador Harriman passed away earlier this month in Paris. Throughout her life she worked tirelessly in service to her adopted country, the United States. Most recently she served as U.S. Ambassador to France, from 1993 to early 1997, where she helped strengthen Franco-American ties while expertly handling such difficult and complex issues as NATO expansion, the Middle East peace process, the role of the U.N. and multilateral trade.

How appropriate for Ambassador Harriman's career to take her to Paris, for as a young woman she endeavored to strengthen ties between Great Britain, the United States and France in the Allies fight against Nazi aggression. Before assuming her diplomatic duties in Paris, Pamela Harriman sought to enrich the lives of all Americans through her many efforts in the fields of politics and arts. She was also the wife and friend of Governor Averell Harriman, one of our country's great statesmen.

Mr. Speaker, I urge all my colleagues to join with me in supporting House Resolution 49 to express our heartfelt thanks for the life and service of Pamela Harriman and to convey our condolences and deepest sympathies to the Harriman family.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. Further reserving the right to object, I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman for yielding. We all appreciate his leadership in the international role that this country plays.

To Ambassador Harriman, I am delighted to be able to say that she chose America. She chose America. She is certainly an international figure and a child of the world.

□ 1515

We are delighted in her multicultural background, that she chose to adopt this country as her native land. She had her own values, but I can believe that she truly is one that believed in democracy, for in all of her activities she was involved in creating greater opportunities for democracy. She believed in diversity. She helped all of those who wanted to have a piece of the pie, and certainly, as she rose to the Ambassadorship of France, appointed by President William Clinton, she made Americans proud. And not only did she make us proud, she provided us and encouraged us to engage in peace.

My hat is off, my heart goes out to the family of Ambassador Harriman, and what I will say is that we will truly miss her but she is a grand lady, and she is truly a great American.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding this time to me.

I too want to rise to pay tribute to Ambassador to France Pamela Harriman. As I said earlier today, many of us in this body would love to have been at her funeral service today to give thanksgiving and to celebrate her great life, but duty called and we had to be on the floor for our legislation. Pamela would have understood that, committed to duty as she was.

I said in my 1 minute this morning, and I will repeat now, that in this body we have only two portraits. One is of George Washington, the father of our country; the other is of the Marquis de Lafayette, a friend of our independence, demonstrating our closeness to France. It was fitting then that we sent France our finest in the person of Pamela Harriman as our Ambassador.

I know it is a source of great pride to her family that she was eulogized by the President of France and given by him the highest honor that country can bestow. I know it was a source of great pride that she was eulogized by the President of the United States and mourned by the First Family. I hope it is a comfort to Pamela's family that many in this body and in our great country mourn their loss, our loss.

To Pamela: Adieu, thank you and love.

Mr. HAMILTON. Mr. Speaker, I urge the adoption of the resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCINNIS). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 49

Whereas Pamela C. Harriman served her country ably as United States Ambassador to France from 1993 to early 1997;

Whereas during her tenure as ambassador Pamela Harriman worked tirelessly to bring closer together as strong allies and friends the United States and France;

Whereas Pamela Harriman worked throughout her adult life in the fields of politics and the arts, enriching the lives of all who knew her and all Americans;

Whereas during the Second World War Pamela Harriman endeavored to solidify relations among Britain, the United States, and France, contributing her knowledge and her efforts to making the alliance against Nazism a success;

Whereas as a wife and friend she gave strength and wise counsel to one of the great United States statesmen of this century, Governor Averell Harriman; and

Whereas until the very end of her life she was renowned as a woman of grace, wit, and charm: Now, therefore, be it

Resolved, That the Members of the House of Representatives—

(1) are grateful for the life and service of this great American; and

(2) join in conveying their condolences and deepest sympathies to the members of the family of Ambassador Pamela C. Harriman.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, by direction of the Democratic caucus, I offer a privileged resolution (H. Res. 58) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 58

Resolved, That the following-named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Commerce: Frank Pallone of New Jersey to rank directly above Sherrod Brown of Ohio.

To the Committee on Resources: Ron Kind of Wisconsin.

To the Committee on Science: Ralph Hall, Texas; Bart Gordon, Tennessee; James A. Traficant, Jr., Ohio; Tim Roemer, Indiana; Robert E. (Bud) Cramer, Jr., Alabama; James A. Barcia, Michigan; Paul McHale, Pennsylvania; Eddie Bernice Johnson, Texas; Alcee Hastings, Florida; Lynn Rivers, Michigan; Zoe Lofgren, California; Lloyd Doggett, Texas; Michael Doyle, Pennsylvania; Sheila Jackson-Lee, Texas; Bill Luther, Minnesota; Walter Capps, California; Debbie Stabenow, Michigan; Bob Etheridge, North Carolina; Nick Lampson, Texas; Darlene Hooley, Oregon.

Mr. FAZIO of California (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, FEBRUARY 27, 1997, TO RECEIVE HIS EXCELLENCY EDUARDO FREI, PRESIDENT OF THE REPUBLIC OF CHILE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that it may be in order anytime on Thursday, February 27, 1997, for the Speaker to declare a recess, subject to the call of the chair, for the purpose of receiving in joint meeting his Excellency, Eduardo Frei, President of the Republic of Chile.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HOUR OF MEETING ON THURSDAY, FEBRUARY 28, 1997

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, February 26, 1997, it adjourn to meet at 9 a.m. on Thursday, February 27.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND THEIR REMARKS IN CONGRESSIONAL RECORD TODAY

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that for today all Members be permitted to extend their remarks and to include extraneous material in the section of the RECORD entitled "Extension of Remarks."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, February 25, 1997, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION FOR SPEAKER TO APPOINT MEMBERS TO REPRESENT THE HOUSE OF REPRESENTATIVES AT CEREMONIES FOR THE OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint 2 Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Thursday, February 20, 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DESIGNATION OF THE HON. CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 25, 1997.

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 1997.

I hereby designate the Honorable Constance A. Morella to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 25, 1997.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO DR. TIMOTHY WINTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, colleagues, I rise today in celebration of Black History Month and to recognize a truly remarkable leader from my 50th Congressional District in San Diego.

In the Rev. Dr. Timothy Winters, we find a man who has dedicated his life to the spiritual well-being of many of our neighborhoods in San Diego. In addition to being pastor of the Bayview Baptist Church, one of the largest churches in San Diego, he also holds the position as president of the Baptist Ministers Union. While in this position, Dr. Winters is shown to be a very capable leader in guiding his church and a ministerial organization to success and high achievement. He was instrumental in building of the Martin Luther King School, complete with meeting halls and banquet facilities.

Dr. Winters is also an accomplished speaker, often called to speak on various problems and concerns of the African-American community and the city at large. He lectures frequently on the matters of consumer awareness and debt-free living. His workshops and finance seminars, which he often conducts from various churches, have helped to improve the lives of literally thousands who have heeded his advice and counsel.

I am also proud of the many fair lending agreements that Dr. Winters assisted in forging with the many banks and financial institutions in our city.

The accolades for Dr. Winters go far beyond the African-American community. His writings and teachings are celebrated nationwide. And, at a gala evening of celebration, the city of San Diego will honor this individual of such energy. He has often been a great inspiration to me, and I look forward to working with Dr. Winters to raise the quality of life in our community.

Please join me in celebrating the great contributions and achievement made to the constituents of the 50th Congressional District by Dr. Timothy Winters.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, it was interesting in the Committee on the Budget this morning that Dr. June O'Neill, the Director of the Congressional Budget Office, came with their analysis of the President's budget. One of the conclusions of the CBO was that the President's budget is not going to be in the surplus by the year 2002, but under their projections will run a $50 billion deficit in the year 2002. So I would ask that we make a humble, respectful request to the President to resubmit a budget that balances by the Congressional Budget Office scoring.

Another thing that Dr. O'Neill said was that if we continue spending the way we are today, we need an immediate 50-percent increase in income tax rates to keep the budget in balance. If we put off any decision until the year 2017, we would have to have an 87-percent increase in the income tax. That means that families' take-home pay would be cut in half, and what they can spend on health care and on clothes and on food and on transportation would end up being cut in half.

I want to quickly give a presentation of what is happening in what has become the largest spending item, and that is Social Security. As you see by this chart, Social Security now takes up 22 percent of the Federal budget. And what has happened is Congress, I would suggest, made a mistake by requiring everybody to contribute to Social Security, and not putting any of that money in savings and investment. Instead, since it started in 1935, Social Security has been a pay-as-you-go program where existing workers pay in their taxes to support the benefits of existing retirees.

If I get my charts correct, this shows what is going to happen to Social Security if we make no changes, and that is that there is going to be less money coming in in this pay-as-you-go program. In 2011, Dorcas Hardy, a former commissioner, says there is going to be less tax money coming into Social Security than is required for the payouts as early as 2005. That's not very far in the future. So if we are going to preserve Social Security not only for future retirees but for existing retirees, we simply got to start taking our heads out of the sand and be willing to face this very tough question on what we're going to do to preserve Social Security, to preserve Medicare, to preserve some of the important programs that Government has developed to help people, and not put the burden on future generations and ask them to pay an 87-percent increase in their taxes.

Here is the problem on Social Security. It was developed as a pay-as-you-go system where existing workers pay for existing retirees. But what has happened is there are fewer workers paying for the support of that retiree.

In 1950, we had 17 workers earning money, paying their taxes to support each retiree. Today, there are three workers. In another 35 years there are going to be only two workers working and paying the taxes to support each retiree.

Now here is what the average retired couple has already gotten back: Over four times what they and their employer put into the Social Security taxes, plus compound interest. This chart shows that if you happened to retire in 1940, it took just 2 months to get everything back that you and your employer put into Social Security taxes. If you retired in 1960, it took 2 years.

Look what is going to happen to the workers that are starting to retire today, to the workers that are 35 and 45 and 50 years old. They are going to have to work 26 years after retirement. They are going to have to live 26 years after retirement in order to collect the benefits that they and their employer put into Social Security. We have got to have a change.

I have developed a proposal that I think we should run up the flagpole in order to start coming up with solutions to save Social Security. My proposal allows some private investment, but at the same time does not take away benefits from anybody over 58 years old.

□ 1530

So I think we have to tell people ahead of time what is happening. Part of the solution is a private investment. Part of the solution is slowing down benefits for the higher income recipients.

Mr. Speaker, I ask that we deal with these serious problems as soon as possible and not put it off for another decade.

SPECIAL ATTENTION TO THE CAPITAL OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor today first and foremost to thank the leadership of this country for the priority they have placed upon the capital of the United States, to thank President Bill Clinton, majority leader of the Senate TRENT LOTT, and our own Speaker, NEWT GINGRICH, who have agreed that among the five priorities for this session of Congress should be special attention to the capital of the United States. There is there the kind of bipartisanship that one would expect from a great country for its great capital.

Why this priority for the capital of the United States? Well, I suppose its name tells it all. It is the capital of the United States, and there is in this body and this country a fiduciary obligation to its own capital. It is self-evident. The District of Columbia is a financial orphan under our Constitution. It is not a part of any State. It cannot even tax people who come here from other regions, use our services and go home without leaving any, not even one thin dime of tax money here.

Why has the city come to this state of affairs now? Well, all of the cities are in great trouble, but they have States. There is not a big city in the United States that would not be flat on its back if it were not for its State. Cities are increasingly clusters of the poor, with the middle class having fled.

This chart tells the story of the death-dealing crisis of your capital city. We are on line to lose three times as many people in the 1990's as we lost in the 1980's. If we mean to have a capital, now is the time to move in. This is the session of Congress to move in to help the city.

The reason this has not been as apparent as it should be is that the District Government has been historically poorly managed. That hides the poor performance of the Congress and of the country. The poor performance of the city should not give rise to the abandonment of the capital by our country.

And what about the performance of the Congress, which offloaded $5 billion in pension liability built up before home rule? What about a Congress that says to a city in this day and time, hey, you pay for State functions, prisons, Medicaid, courts, all by yourself with no help from anyone else? It cannot be done, my good colleagues. And yet there are no sure and fast answers to the problems of the District.

I went this week to the funeral of a brave young officer, Officer Brian Gibson, executed, and I come back the day of his funeral to find a Member of the other body wanting to put the death penalty on the District of Columbia. This is 4 years after the District faced this issue and voted that it would be among the jurisdictions not to have the death penalty.

The top killing States in the United States all have the death penalty. We do not see the death penalty as the answer to the crime problems of the District of Columbia. We do note that the American Bar Association says that the death penalty is so inequitably applied that there should be a moratorium on it.

We ask the help of our country. We are prepared to make, and are making, excruciating sacrifices that no city which has gotten into trouble has had to make, that New York and that Philadelphia, which all became insolvent years before the District, none had to make, because there was a State.

We are asking for the help of our country. We believe that the half-million people who live in the District deserve the help of our country. But please do not impose on us matters that we ourselves have not approved. This is yet a free country, and this is the Congress that boasts that it is devolving power back to the localities, not usurping power from the localities.

I welcome the help of my colleagues. I look forward to working with the President, with the majority leader of the Senate, with the Speaker of the House, and with my own leadership to make the capital of the Unites States a city that we truly can all be proud of.

THE COMMON SENSE CAMPAIGN FINANCE REFORM ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. KNOLLENBERG] is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, the fundraising scandals of the 1996 Presidential election have moved campaign finance reform to the front burner of the agenda for the 105th Congress. Things like the ever-expanding influence of special and large contributions from non-U.S. citizens have eroded the public's confidence in our democratic process and left far too many Americans demoralized and in fact disenfranchised.

At the same time, while the level of attention has increased significantly in just the last few months, most observers agree that the chances of passing a comprehensive overhaul of our campaign finance system in this Congress remain very, very slim. I happen to agree with that assessment.

Currently, we have a Democrat in the White House, we have the Republicans in control of both Houses. Asking us to pass a comprehensive bill now would be like asking two football teams to overhaul the rules of the game while it is being played.

Instead, I believe that we should take a series of incremental steps toward reform and correcting the most glaring and immediate problems of the current system, while leaving the larger issues to a time when the chances of passing a comprehensive bill are more realistic.

I rise today to introduce what I believe should be the first step: the Common Sense Campaign Finance Reform Act of 1997. This bill is designed to remedy the most pressing problems, and I say again, the most pressing problems of our current system, namely, the influx of special interest and foreign money into the Nation's campaign coffers.

First, and this chart I think says it all very well, my bill would require that House and Senate candidates limit their PAC contributions to 35 percent, as represented by this graph.

Second, there is a limit on outside donors. Candidates can raise no more than 35 percent of their individual contributions, I am talking about individual contributions, from donors who live outside their districts for House Members or outside the State for Senators. Then finally, limit foreign money. Candidates may not accept contributions from people who are ineligible to vote. So one, two, three; it is very simple.

This would address the concerns raised by the amount of money that came from non-U.S. citizens during the 1996 election, and it would also, I think, crack down on efforts to circumvent individual contribution limits by funneling money through the children of rich donors.

Mr. Speaker, I firmly believe that if we try to swallow campaign finance reform whole instead of taking smaller bites, we ultimately choke. Instead, we should adopt what I believe this is, a more realistic and commonsense approach to focus on getting the job done. That is what I think the American people want, and that is what my bill offers. Again, three steps, if the camera can pick this up, one, two, and three, that is all there is to it, but it goes a long way, I believe, toward commonsense reform, reform we can do now. I urge my colleagues to become cosponsors.

THE HONG KONG REVERSION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, in less than 5 months nearly a century of British rule will end and Hong Kong will become a special administrative region of China. Nobody knows exactly what will happen in Hong Kong on that night or in ensuing months and years. This reversion is unprecedented in its complexity.

Hong Kong, one of the world's most efficient economies, will become part of an emerging giant that has yet to integrate itself fully into the world economy and the international community and which has only begun to experiment with democracy at the village level.

The United Kingdom and the People's Republic of China have largely agreed upon the basic rules for Hong Kong's reversion in the Sino-British Joint Declaration of 1984. For its part, China has agreed to grant Hong Kong more autonomy than international law requires.

In Hong Kong's Constitution, the basic law of 1989, the National People's Congress unveiled a one-country, two-system arrangement for 50 years. During that time, Hong Kong is supposed to enjoy a high degree of autonomy, except in the areas of foreign affairs and defense.

It is rumored that over 7,000 journalists from around the world will be on hand at midnight on June 30, 1997, to witness the official handover. Presumably those journalists will be there to observe whether the transition goes smoothly. Already the press coverage in Hong Kong has become intense.

In large part, the attention focused on Hong Kong by the international press has been fueled by misguided or heavy-handed efforts by the Chinese Government to disband the current legislative council and replace it with the provisional legislature, to alter civil rights protections in Hong Kong, and to improperly influence the extremely efficient and extraordinarily important civil service of Hong Kong.

Today, with a number of colleagues, I am introducing the Hong Kong Reversion Act that will aid Congress in wading through all of the important issues and this complex transition by building on the Hong Kong Policy Act of 1992. It will require assessments and reports by the Secretary of State in very specific areas so that the President can determine whether to maintain current United States law and policies involving Hong Kong.

In addition, I am especially pleased to report that a team of specialists from the Library of Congress, led by Kerry Dumbaugh, has, at my request, just completed an excellent comprehensive report entitled "Hong Kong's Reversion to China: Implications for the United States." This excellent report will also greatly assist the Congress in this important task, so I am allowing the Library of Congress to make this report publicly available today.

Mr. Speaker, this Member invites the cosponsorship and support of this legislation by any and all of my colleagues. Original cosponsors include the gentleman from New York [Mr. GILMAN], the gentleman from Indiana [Mr. HAMILTON], the gentleman from California [Mr. BERMAN], the gentleman from New York [Mr. SOLOMON], the gentleman from Nebraska [Mr. BARRETT], the gentleman from California [Mr. DREIER], the gentleman from American Samoa [Mr. FALEOMAVAEGA], the gentleman from Illinois [Mr. CRANE], the gentleman from Arizona [Mr. KOLBE], and the gentleman from California [Mr. COX].

TRIBUTE TO THE PEOPLE OF LITHUANIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois [Mr. SHIMKUS] is recognized for 60 minutes as the designee of the majority leader.

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the people of Lithuania, who, through tireless perseverance, are celebrating their independence on Sunday, February 16.

Referred to as the crossroads of Europe, with the geographical center of Europe just to the north of the capital of Vilnius, Lithuania is a fascinating and diverse country rich in history and tradition. I am proud to be a descendent of a Lithuanian immigrant to the United States. My great grandfather, Casper Shimkus, came to this country in hopes of finding the American Dream. It is my pleasure to carry on his name and his Lithuanian heritage, a heritage strong in work ethic, personal responsibility, and the ability to overcome adversity.

As Americans, there are certain rights we take for granted, all of which can be found in our Bill of Rights. Lithuanians have struggled for these rights, a struggle which has expanded the centuries.

Since the founding of the first Lithuanian state in 1236, Lithuania has been occupied by czarist Russia for a majority of the time, an occupation which lasted continuously from 1795 to 1915. During that time, the people of Lithuania were subjected to many hardships, including being unable to use the Latin alphabet, lack of religious freedom, and desecration of their cultural identity.

With the collapse of czarist Russia at the end of World War I, Lithuanians took advantage of the opportunity to regain their independence. On February 16, 1918, the Lithuanian National Council met and declared the restoration of Lithuania's independence. After defending itself against foreign armies traveling across the territory after the war, by the early 1920's Lithuania was a free nation rebuilding its own political culture and economic life.

This freedom was short-lived for the Lithuanian people. On August 23, 1939, the Soviet Union and Nazi Germany entered into a pact which placed Lithuania in the Soviets' sphere of influence. On June 15, 1940, in violation of international law, the Soviet Union invaded Lithuania. The occupation by the Soviet Union lasted for about 1 year until Nazi Germany forced the Soviets out and then occupied this country.

□ 1545

It was during the next 3 years of Nazi occupation that most of Lithuania's 200,000 Jewish citizens were murdered. After the fall of Nazi Germany, the Soviets stepped in and again occupied Lithuania. However, the idea of an independent Lithuania never died. In the late 1980's, as changes were taking place throughout the Soviet Union, Lithuanians organized a powerful independence movement.

After four decades of suppression of their culture and heritage, the Lithuanian people rose up in peaceful protest. The continued protest and push for independence finally culminated in 1990, with proindependence candidates winning a clear majority in elections to the Parliament of the Lithuanian Soviet Socialist Republic. On March 11, 1990, the reestablishment of an independent Lithuanian State was proclaimed. After a final, unsuccessful coup attempt by a few Soviet military units in 1991, Lithuania took its rightful place in the international community as a vibrant, independent country.

Now led by a parliamentary democracy, the determined Lithuanian people are beginning to feel the full benefits of freedom, religious freedom, a taste of democracy, and movement toward an effective free market economy. The United States must lend its full support to not only Lithuania, but to all the Baltic States now. This is not the time for our administration to waver on its position toward the Baltics.

With the instability of the political situation in Russia, it is in the long-term interest of the United States to promote democracy and free markets in the region, in hopes that it may counteract possible instability. It is now time for the United States to recognize the struggle the Lithuanians have had for freedom and democracy, and support these brave people for their determination and moral principles they exemplify, rather than sidestep the issue so that we do not jeopardize our relationship with Russia.

At this time, Lithuania is looking for an invitation for at least one Baltic country in the first round of NATO enlargement at the Madrid summit this July. This invitation would promote an alliance between Western ideas and the Baltic region, providing security so that the Baltic States may continue with their pro-Democratic reforms.

As Americans in the post-cold-war era, we all should be trying to promote peace, democracy, and free-market enterprise in the region, which could be achieved with the NATO expansion, including part of the Baltic States. It is for these reasons that I am a strong supporter of the concurrent resolution offered by the gentleman from New York [Mr. SOLOMON], recommending the integration of Estonia, Latvia, and Lithuania into NATO.

Most of all, Mr. Speaker, I would like to congratulate all Lithuanians on their independence, and ask that my colleagues join in supporting this proud Nation. The fate of their liberty now rests on the determination of the Lithuanian people to preserve and protect a democratic government. As Americans, we should not only congratulate this country for their newly emerging democracy, but support their efforts to become a member of NATO.

Mr. Speaker, I yield to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, I am proud to join with my colleague, the gentleman from Illinois, and with my other colleagues in the U.S. House of Representatives, in recognizing Lithuanian Independence Day this Sunday.

Lithuanian independence, of course, is not something that the people of Lithuania and the people of the free world won from the Soviet Union. It is something that Lithuania declared for itself 79 years ago, in 1918. What Lithuania did in my lifetime, and something in which I am proud to have participated, was to reassert successfully that independence, to do so at a time when the Soviet Union was not so vulnerable as looking back in history it might appear to us it was.

At the end of the 21st century, it now must appear obvious to everyone that the Soviet Union was inevitably going to collapse of its own weight. But the Red army was very strong in the 1980's, and the Black Berets were very strong and intimidating in the 1980's.

The truth is that even under those policies of glasnost and perestroika, that Mikhail Gorbachev advanced with such public relations flare throughout the rest of the world, the boot of the Red army was heavy and brutal indeed.

I traveled to Lithuania just after what now is known by history as Bloody Sunday, and the Black Berets murdered so many Lithuanians who were working toward reestablishment of their independence that we will celebrate once again on Sunday.

The truth is that the free people, now the free people of Lithuania—and Freedom House has just rated Lithuania as a free nation objectively, using the standards they used to measure relative freedom throughout the world—the free people of Lithuania did something far more than establish their own independence, their own civil rights, their own civil liberties, their own human rights and personal liberties.

They did something for all of us. They helped tip the balance at that very, very key moment in history against communism, against the Soviet Empire; and Lithuania, more than any other people, is responsible for helping topple the Soviet Empire. Lithuania was part of that empire, unwillingly, of course. It was a captive nation.

Lithuania, Latvia, and Estonia have enjoyed a special neighborly bond over a period of many, many years. This Sunday, on Lithuanian Independence Day, there will be hoisted in Vilnius not just the standard of the Lithuanian nation, but also its Baltic neighbors, Latvia and Estonia, to show Baltic solidarity. Lithuania wants very much to hasten its integration, its reintegration, into the community of Europe.

As my colleague, the gentleman from Illinois [Mr. SHIMKUS] has so properly pointed out, that should include Europe's security arrangements, and it should include NATO. He and I and many of our colleagues in this body, Democrats and Republicans, have been urging that this 1999 date be accelerated, that we not prolong a process that should be taking place much more quickly, and that Hungary and Poland and the Czech Republic, for starters, be admitted to NATO on a much more rapid timetable, and that the Baltics very soon afterward be admitted as well.

Thinking back to the key events that led to the reassertion of Lithuania's independence, it is remarkable more than anything else to me to think of who was the unlikely general that led that battle against the Red army.

The most inspiring image for me is that of a piano teacher, a piano teacher at the Conservatory of Music in Vilnius. His name is Doctor, because he is that, of course, by his educational training, Vytautus Landsbergis. Vytautus Landsbergis headed up Sajudis, fighting for human rights, fighting for freedom, fighting for democracy, well before the successful reestablishment of Lithuanian independence.

I had a chance early on, after I got elected to Congress in 1989, to work with him in that fight. I had a chance to be with him on election night when he was elected President of Lithuania. It was a very, very inspiring thing. But it was not very easy for me to get into Lithuania, because I and the handful of congressional colleagues, that attempted to travel to Lithuania with me as observers of this election, were kept out by the Soviet Union.

This was not some casual bureaucratic dismissal of the travel plans of some Members of Congress, this was a decision taken at the highest level by Edward Shevardnadze, who is the Foreign Minister of the Soviet Union, and by the Supreme Soviet, which voted to keep us out.

We were held in East Berlin for a prolonged period, until finally, around midnight on election night, we were able to get in, and President-elect Landsbergis and all of the Sajudis leaders who were with him met us on the tarmac in the middle of the night, and we embraced. It was very, very emotional. It was a thrill for the reason that I mentioned earlier, not just because there had been a free election in Lithuania, and because the people finally had spoken after so many years of being made slaves by their Communist overlords, but because here was the official commencement of the collapse of the Soviet Empire.

The rest of the world started to awaken to the fact that the Soviet Union was finished on that night. It has not been easy for Lithuania in the wake of that very emotional success.

Lithuania has had to work hard to reestablish the rule of law and the fundamentals of free enterprise that make human prosperity possible. They have been doing a good job of it, but they can do a better job, and in future elections I think we will see the forces of democracy and the forces of free enterprise doing even better.

Integration into NATO, in my view, is a way to institutionalize that movement. It is very important for us to keep raising that point, because in 1997, that is one of the significant ways that our foreign policy and the foreign policy of Europe and the foreign policy of the Baltics intersect.

I will just remark to my colleague, the gentleman from Illinois, how proud I am to be here with a member of Lithuanian ancestry, direct Lithuanian ancestry, because it has been my privilege to be made an honorary Lithuanian. I have not done this by birth. But I am so proud of the associations that I have with Lithuanian-Americans and the people in Lithuania that I have met on my multiple trips there. I want to thank the gentleman very much, and offer my good wishes to him as he continues to be a leader on this subject in the Congress.

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman.

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

INTRODUCING LEGISLATION TO RENAME THE SOUTHERN PIEDMONT CONSERVATION RESEARCH CENTER AS THE J. PHIL CAMPBELL SENIOR NATURAL RESOURCE CONSERVATION CENTER

The SPEAKER pro tempore [Mr. MCINNIS]. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. NORWOOD] is recognized for the balance of the time as the designee of the majority leader.

Mr. NORWOOD. Today, Mr. Speaker, I again rise to introduce legislation to rename the Southern Piedmont Conservation Research Center in Watkinsville, GA, after a great pioneer in Georgia agriculture, J. Phil Campbell, Sr.

When I introduced this legislation in the 104th Congress, my good friend, the honorable gentleman from Georgia [JOHN LINDER] was the only cosponsor, but today I introduced this legislation with the support of eight of my Georgia colleagues, in hopes of recognizing Mr. Campbell for his many contributions to Georgia farmers.

I want to thank my colleagues, as well as Mr. COVERDELL and Mr. CLELAND in the Senate, for introducing this legislation in that body.

J. Phil Campbell, Sr. lived for only 66 years, but in that time he gave more to men and women of this country than can be measured. His contributions to agriculture, not only in the Southeast but throughout the Nation, are well known and widely recognized. James Philander Campbell was born in Dallas, GA, just northeast of Atlanta, on March 2, 1878.

He grew up on a farm, and at the age of 17, began teaching school. At a young age, J. Phil Campbell, Sr. fought for and helped to secure legislation to authorize agricultural instruction in Georgia's rural schools. In 1907 he spent 6 months traveling throughout our State, advocating for the creation of district agricultural schools and a State college of agriculture.

All of this was done before he turned 30. Between 1908 and 1910, Mr. Campbell served as the first farm extension supervisor to the Southeast region. This was done before the passage of the Smith-Lever Act in 1915, which created the Federal Extension Service.

In 1910, he began a career as the Georgia State agent for the U.S. Department of Agriculture. He also served on the staff of Georgia State University's College of Agriculture.

During his tenure, he organized nearly 13,000 children in corn and canning clubs, and 5,000 Georgia farmers into farming demonstration work. These efforts were done under the supervision of Dr. Seaman Knapp at the U.S. Department of Agriculture.

□ 1600

During this time, Mr. Campbell also served as the director of extension work in agriculture and home economics. In 1933, he took a leave of absence to assist the Agriculture Adjustment Administration in its cotton belt crop replenishment division. After 1935, he was elevated to a Federal position in the Roosevelt Administration as assistant chief of the Soil Conservation Service in USDA. He served in that capacity until he died in December, 1944.

In addition to his clear record of accomplishments in education, Mr. Campbell was also extremely interested in agricultural research and maintained close ties with the agriculture experiment stations in Georgia. He was integral in the creation of the Southern Piedmont Conservation Research Center and in choosing its site just outside of Athens and the University of Georgia.

When funding for the center was threatened in its first year, Phil Campbell fought to keep the center open and secure its line of funding. It exists to this day on Experimental Station Road in Watkinsville, GA.

I again introduce this legislation to recognize Mr. Campbell's contributions to agriculture and to the communities and the Nation he served so ably.

Fortunately, Mr. Campbell's contributions were also recognized during his lifetime. Mr. Campbell was recognized in the Who's Who in America collection in the 1940s. Likewise in the mid 1930s, Dean Paul Chapman, the first dean of the University of Georgia's College of Agriculture said and I quote, "J. Phil Campbell and I were pioneers in promoting professional agricultural work and in the establishing of agencies to carry on such work. With little professional training ourselves, we were plowing new ground to create such training."

Later in a ceremony honoring Mr. Campbell after he had departed Washington, Dean Chapman stated that "no one had as many friends in Georgia as did J. Phil Campbell."

Mr. Speaker, I am proud to again introduce this legislation. In a 1996 letter from the USDA, Secretary of Agriculture Dan Glickman stated that while the USDA generally discourages the naming of its laboratories after any one individual, given the department's admiration and appreciation of "the great service Mr. Campbell has rendered to agriculture and the Nation," the USDA has no objection to the enactment of this legislation.

I also received assurances from CBO that enactment of this bill will result in no significant cost to the Federal Government and does not include any intergovernmental or private sector mandates.

Given this, I again urge my colleagues to join with me this year to recognize Mr. Campbell's many contributions in supporting passage of this legislation.

I would like to say that my friend J. Campbell, III, we know that he is recuperating in the hospital and we wish him a hasty recovery. And we and all Georgians are very proud of his grandfather.

Mr. Speaker, I include a statement by the gentleman from Georgia [JOHN LINDER] in the RECORD:

Mr. LINDER. Mr. Speaker, as a Georgian, I am proud to cosponsor this bill to rename the Southern Piedmont Conservation Research Center in Watkinsville, GA as the J. Phil Campbell, Senior Natural Resource Conservation Center.

For those who may not be familiar with Mr. Campbell and his contributions to Georgia and the Nation, let me give you a brief history of this great man. Born in Dallas, GA in 1878, J. Phil Campbell became a teacher of men at the early age of 17. By age 26, he had worked his way up to assistant superintendent at the first demonstration school in Georgia.

In 1913, Mr. Campbell began working with the Department of Agriculture's Extension Service Demonstration Projects. Demonstrating his zeal for teaching and his enthusiasm for agriculture, J. Phil Campbell, in

1915, became Georgia's first Farm Extension Service Director, a position that he maintained until the 1930's.

He then gave his educational efforts a national focus. After serving as a consultant to President Roosevelt's Department of Agriculture, Mr. Campbell was appointed as the Assistant Chief of the Soil Conservation Service, a position in which he proudly served until his death in 1944.

Not only did J. Phil Campbell act as a catalyst to begin and sustain the farm education effort in Georgia, he focused the Nation's attention in this direction. Among other accomplishments, his efforts resulted in the establishment of the Southern Piedmont Conservation Center in Watkinsville. Though only a small gesture in comparison to Mr. Campbell's life work, renaming the Conservation Center to honor him is an act that I am proud to support.

Though his work ended just over 50 years ago, the impact that J. Phil Campbell had on Georgia and the Nation is everlasting. Let the J. Phil Campbell, Senior Natural Resource Conservation Center be a constant reminder of our gratitude.

RULES OF PROCEDURE FOR THE COMMITTEE ON NATIONAL SECURITY, 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. SPENCE] is recognized for 5 minutes.

Mr. SPENCE. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on National Security for the 105th Congress and ask that they be printed in the RECORD at this point. The committee rules were agreed to by a unanimous voice vote of the committee on February 5, 1997, a quorum being present.

RULES OF THE COMMITTEE ON NATIONAL SECURITY—104TH CONGRESS

RULE 1. APPLICATION OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on National Security (hereafter referred to in these rules as the "Committee") and its subcommittees so far as applicable.

RULE 2. FULL COMMITTEE MEETING DATE

(a) The Committee shall meet every Tuesday at 10:00 a.m., and at such other times as may be fixed by the chairman of the Committee (hereafter referred to in these rules as the "Chairman"), or by written request of members of the Committee pursuant to clause 2(c) of rule XI of the Rules of the House of Representatives.

(b) A Tuesday meeting of the committee may be dispensed with by the Chairman, but such action may be reversed by a written request of a majority of the members of the Committee.

RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. A subcommittee chairman shall set meeting dates after consultation with the Chairman and the other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

RULE 4. SUBCOMMITTEES

The Committee shall be organized to consist of five standing subcommittees with the following jurisdictions:

Subcommittee on Military Installations and Facilities: military construction; real estate acquisitions and disposals; housing and support; base closure; and related legislative oversight.

Subcommittee on Military Personnel: military forces and authorized strengths; integration of active and reserve components; military personnel policy; compensation and other benefits; and related legislative oversight.

Subcommittee on Military Procurement: the annual authorization for procurement of military weapon systems and components thereof, including full scale development and systems transition; military application of nuclear energy; and related legislative oversight.

Subcommittee on Military Readiness: the annual authorization for operation and maintenance; the readiness and preparedness requirements of the defense establishment; and related legislative oversight.

Subcommittee on Military Research and Development: the annual authorization for military research and development and related legislative oversight.

RULE 5. COMMITTEE PANELS

(a) The Chairman may designate a panel of the Committee drawn from members of the committee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(b) No panel so appointed shall continue in existence for more than six months. A panel so appointed may, upon the expiration of six months, be reappointed by the Chairman.

(c) No panel so appointed shall have legislative jurisdiction.

RULE 6. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORTS

(a) The Chairman shall refer legislation and other matters to the appropriate subcommittee or to the full Committee.

(b) Legislation shall to taken up for hearing only when called by the Chairman of the Committee or subcommittee, as appropriate, or by a majority of those present and voting.

(c) The Chairman, with approval of a majority vote of a quorum of the Committee, shall have authority to discharge a subcommittee from consideration of any measure or matter referred thereto and have such measure or matter considered by the Committee.

(d) Reports and recommendations of a subcommittee may not be considered by the Committee until after the intervention of 3 calendar days from the time the report is approved by the subcommittee and available to the members of the Committee, except that this rule may be waived by a majority vote of a quorum of the Committee.

RULE 7. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS

Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee or of any subcommittee or panel shall make public announcement of the date, place, and subject matter of any committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the Chairman of the Committee or of any subcommittee or panel, with the concurrence of the ranking minority member of the Committee or of any subcommittee or panel, determines that there is good cause to begin the hearing sooner, or if the Committee subcommittee or panel so determines by majority vote, a quorum being present for the transaction of business, such chairman shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Resources.

RULE 8. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Clause 3(f) of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each hearing and meeting for the transaction of business, including the markup of legislation, conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority being present, determines by rollcall vote that all or part of the remainder of that hearing or meeting on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the committee or subcommittee, may vote to close a hearing or meeting for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. If the decision is to close, the vote must be by rollcall vote and in open session, there being a majority of the Committee or subcommittee present.

(b) Whenever it is asserted that the evidence or testimony at a hearing or meeting may tend to defame, degrade, or incriminate any person, and notwithstanding the requirements of (a) and the provisions of clause 2(g)(2) of rule XI of the Rules of the House of Representatives, such evidence or testimony shall be presented in closed session, if by a majority vote of those present, there being in attendance no less than two members of the Committee or subcommittee, the Committee or subcommittee determines that such evidence may tend to defame, degrade or incriminate any person. A majority of those present, there being in attendance no less than two members of the Committee or subcommittee, may also vote to close the hearing or meeting for the sole purpose discussing whether evidence or testimony to be received would tend to defame, degrade or incriminate any person. The Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee or subcommittee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade or incriminate any person.

(c) Notwithstanding the foregoing, and with the approval of the Chairman, each member of the Committee may designate by letter to the Chairman, a member of that member's personal staff with Top Secret security clearance to attend hearings of the Committee, or that member's subcommittee(s) which have been closed under the provisions of rule 9(a) above for national security purposes for the taking of testimony: Provided, That such staff member's attendance at such hearings is subject to the approval of the Committee or subcommittee as dictated by national security requirements at the time: Provided further, That this paragraph addresses hearings only and not briefings or meetings held under the provisions of paragraph (a) of this rule; and Provided further, That the attainment of any security clearances involved is the responsibility of individual members.

(d) Pursuant to clause 2(g)(2) of rule XI of the Rules of the House of Representatives, no member may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedures designated in this rule for closing hearings to the public: Provided, however, That the Committee or the subcommittee may by the same procedure vote to close up to 5 additional consecutive days of hearings.

RULE 10. QUORUM

(a) For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

(b) One-third of the Members of the Committee or subcommittee shall constitute a quorum for taking any action, with the following exceptions, in which case a majority of the Committee or subcommittee shall constitute a quorum:

(1) Reporting a measure or recommendation;

(2) Closing committee or subcommittee meetings and hearings to the public; and

(3) Authorizing the issuance of subpoenas.

(c) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

RULE 11. THE FIVE-MINUTE RULE

(a) The time any one member may address the Committee or subcommittee on any measure or matter under consideration shall not exceed 5 minutes and then only when the member has been recognized by the Chairman or subcommittee chairman, as appropriate, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not to exceed 5 minutes to address the Committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution. The 5 minute limitation shall not apply to the Chairman and ranking minority member of the committee or subcommittee.

(b) Members present at a hearing of the Committee or subcommittee when a hearing is originally convened will be recognized by the Chairman or subcommittee chairman, as appropriate, in order of seniority. Those members arriving subsequently will be recognized in order of their arrival. Notwithstanding the foregoing, the Chairman and the ranking minority member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(c) No person other than Members of Congress and committee staff may be seated in or behind the dais area during committee, subcommittee, or panel hearings or meetings.

RULE 12. SUBPOENA AUTHORITY

(a) For the purpose of carrying out any of its functions and duties under rules X and XI of the Rules of the House of Representatives, the Committee and any subcommittee is authorized (subject to subparagraph (b)(1) of this paragraph):

(1) to sit and at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

(2) to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as it deems necessary. The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(b)(1) A subpoena may be authorized and issued by the Committee, or any subcommittee with the concurrence of the full Committee Chairman, under subparagraph (a)(2) in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority of the Committee or subcommittee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman.

(2) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, compliance with any subpoena issued by the Committee or any subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

(c) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

RULE 13. WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the Committee or a subcommittee shall be submitted to the Committee or subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the Committee or subcommittee at least 24 hours in advance of presentation. A copy of any such prepared statement shall also be submitted to the committee in electronic form contemporaneously with submission of the prepared written statement. If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the Committee rooms to all members of the Committee or subcommittee at least 24 hours in advance of presentation; however, no such statement shall be removed from the Committee officers. The requirement of this rule may be waived by a majority vote of a quorum of the Committee or subcommittee, as appropriate.

(b) The Committee and each subcommittee shall require each witness who is to appear before it to file with the Committee in advance of his or her appearance a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

RULE 14. ADMINISTERING OATHS TO WITNESSES

(a) The Chairman, or any member designated by the Chairman, may administer oaths to any witness.

(b) Witnesses, when sworn, shall subscribe to the following oath:

Do you solemnly swear (or affirm) that the testimony you will give before this Committee (or subcommittee) in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?

RULE 15. QUESTIONING OF WITNESSES

(a) When a witness is before the Committee or a subcommittee, members of the Committee or subcommittee may put questions to the witness only when they have been recognized by the Chairman or subcommittee chairman, as appropriate, for that purpose.

(b) Members of the Committee or subcommittee who so desire shall have not to exceed 5 minutes to interrogate each witness until such time as each member has had an opportunity to interrogate such witness; thereafter, additional rounds for questioning witnesses by members are discretionary with the Chairman or subcommittee chairman, as appropriate.

(c) Questions put to witnesses before the Committee or subcommittee shall be pertinent to the measure or matter that may be before the Committee or subcommittee for consideration.

RULE 16. PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

The transcripts of those hearings and mark-ups conducted by the Committee or a subcommittee which are decided by the Chairman to be officially published will be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Any requests to correct any errors, other than those in transcription, or disputed errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted.

RULE 17. VOTING AND ROLLCALLS

(a) Voting on a measure or matter may be by rollcall vote, division vote, voice vote, or unanimous consent.

(b) A rollcall of the members may be had upon the request of one-fifth of those present.

(c) No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

(d) In the event of a vote or votes, when a member is in attendance at any other Committee, subcommittee, or conference committee meeting during that time, the necessary absence of that member shall be so recorded in the rollcall record, upon timely notification to the Chairman by that member.

RULE 18. COMMITTEE REPORTS

(a) If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives timely notice of intention to file supplemental, minority, additional or dissenting views, that member shall be entitled to not less than 2 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the staff director of the Committee. All such views so filed by one or more members of the

Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter.

(b) With respect to each rollcall vote on a motion to report any measure or matter, and on any amendment offered to the measure or matter, the total number of votes cast for and against, the names of those voting for and against, and a brief description of the question, shall be included in the committee report on the measure or matter.

RULE 19. POINTS OF ORDER

No point of order shall lie with respect to any measure reported by the Committee or any subcommittee on the ground that hearings on such measure were not conducted in accordance with the provisions of the rules of the Committee; except that a point of order on that ground may be made by any member of the Committee or subcommittee which reported the measure if, in the Committee or subcommittee, such point of order was (a) timely made and (b) improperly overruled or not properly considered.

RULE 20. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS

The result of each rollcall in any meeting of the Committee shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition and the names of those members present but not voting.

RULE 21. PROTECTION OF NATIONAL SECURITY INFORMATION

(a) Except as provided in clause 2(g) of Rule XI of the Rules of the House of Representatives, all national security information bearing a classification of secret or higher which has been received by the Committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The Chairman of the Committee shall, with the approval of a majority of the Committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information received classified as secret or higher. Such procedures shall, however, ensure access to this information by any member of the Committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

RULE 22. COMMITTEE STAFFING

The staffing of the Committee and the standing subcommittee shall be subject to the rules of the House of Representatives.

RULE 23. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule XXXVI, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

RULE 24. INVESTIGATIVE HEARING PROCEDURES

Clause 2(k) of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULES OF PROCEDURE FOR THE COMMITTEE ON SMALL BUSINESS 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. TALENT] is recognized for 5 minutes.

Mr. TALENT. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Small Business for the 105th Congress and ask that they be printed in the RECORD at this point. These rules were adopted by the committee on February 13, 1997.

RULES AND PROCEDURES OF THE COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, 105TH CONGRESS

1. GENERAL PROVISIONS

The Rules of the House of Representatives, and in particular the committee rules enumerated in rule XI, are the rules of the Committee on Small Business to the extent applicable and by this reference are incorporated. Each subcommittee of the Committee on Small Business (hereinafter referred to as the "committee") is a part of the committee and is subject to the authority and direction of the committee, and to its rules to the extent applicable.

2. REFERRAL OF BILLS BY CHAIRMAN

Unless retained for consideration by the full committee, all legislation and other matters referred to the committee shall be referred by the Chairman to the subcommittee of appropriate jurisdiction within 2 weeks. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdictions, the Chairman shall refer the matter as he may deem advisable.

3. DATE OF MEETING

The regular meeting date of the committee shall be the *second Thursday* of every month when the House is in session. A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman, there is no need for the meeting. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with clause 2(c) of rule XI of the House.

At least 3 days' notice of such an additional meeting shall be given unless the Chairman determines that there is good cause to call the meeting on less notice.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to clause 2(c) of rule XI of the House.

A regularly scheduled meeting need not be held if there is no business to be considered or, upon at least 3 days' notice, it may be set for a different date.

4. ANNOUNCEMENT OF HEARINGS

Unless the Chairman, with the concurrence of the ranking minority member, or the committee by majority vote, determines that there is good cause to begin a hearing at an earlier date, public announcement shall be made of the date, place and subject matter of any hearing to be conducted by the committee at least 1 week before the commencement of that hearing.

5. MEETINGS AND HEARING OPEN TO THE PUBLIC

(A) MEETINGS

Each meeting of the committee or its subcommittees for the transaction of business, including the markup of legislation, shall be open to the public, including to radio, television and still photography coverage, except as provided by clause 3(f)(2) of rule XI of the House, except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House: *Provided*, however, That no person other than members of the committee, and such congressional staff and such executive branch representatives as they may authorize, shall be present in any business meeting or markup session which has been closed to the public.

(B) HEARINGS

Each hearing conducted by the committee or its subcommittees shall be open to the public, including radio, television and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House: *Provided, however*, That the committee or subcommittee may be the same procedure vote to close one subsequent day of hearings. Notwithstanding the requirements of the preceding sentence a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, (i) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate clause 2(k)(5) of rule XI of the House; or (ii) may vote to close the hearing, as provided in clause 2(k)(5) of rule XI of the House.

No member of the House may be excluded for nonparticipatory attendance at any hearing of the committee or any subcommittee, unless the House of Representatives shall by majority vote authorize the committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearing to members by the same procedures designated for closing hearings to the public.

6. WITNESSES

(A) STATEMENT OF WITNESSES

Each witness shall file with the committee, 48 hours in advance of his or her appearance, 50 copies of his or her written statement of proposed testimony, and shall limit the oral presentation at such appearance to a brief summary of his or her views.

The committee will provide public access to its printed materials, including the proposed testimony of witnesses, in electronic form.

(B) INTERROGATION OF WITNESSES

The right to interrogate witnesses before the committee or any of its subcommittees shall alternate between the majority members and the minority members. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority and minority members present.

7. Subpoenas

A subpoena may be authorized and issued by the Chairman of the committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witness and the production of such books, records, correspondence, memoranda, papers and documents as he deems necessary. The ranking minority member shall be promptly notified of the issuance of such a subpoena.

Such a subpoena may be authorized and issued by the chairman of a subcommittee with the approval of a majority of the members of the subcommittee and the approval of the Chairman of the committee.

8. Quorum

No measure or recommendation shall be reported unless a majority of the committee was actually present. For purposes of taking testimony or receiving evidence, two members shall constitute a quorum. For all other purposes, one-third of the members shall constitute a quorum.

9. Amendments During Markup

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the Chairman shall allow an appropriate period for the provision thereof.

10. Proxies

No vote by any member of the committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

11. Number and Jurisdiction of Subcommittees

There will be four subcommittees as follows:

Empowerment (six Republicans and five Democrats).

Government Programs and Oversight (six Republicans and five Democrats).

Regulatory Reform and Paperwork Reduction (six Republicans and five Democrats).

Tax, Finance and Exports (six Republicans and five Democrats).

During the 105th Congress, the Chairman and ranking minority member shall be *ex officio* members of all subcommittees, without vote, and the full committee shall have the authority to conduct oversight of all areas of the committee's jurisdiction:

In addition to conducting oversight in the area of their respective jurisdiction, each subcommittee shall have the following jurisdiction:

Empowerment

Promotion of business growth and opportunities in economically depressed areas.

Oversight and investigative authority over regulations and licensing policies that impact small businesses located in high risk communities.

General oversight of programs targeted toward urban relief.

General promotion of business opportunities.

Government Programs and Oversight

Small Business Act, Small Business Investment Act, and related legislation.

Federal Government programs that are designed to assist business generally.

Small Business Innovation and Research Program.

Participation of small business in Federal procurement and Government contracts.

Opportunities for minority and women-owned businesses, including the SBA's 8(a) program.

Oversight and investigative authority generally.

Regulatory Reform and Paperwork Reduction

Oversight and investigative authority over the regulatory and paperwork policies of all Federal departments and agencies.

Regulatory Flexibility Act.

Paperwork Reduction Act.

Competition policy generally.

Tax, Finance and Exports

Tax policy and its impact on small business.

Access to capital and finance issues generally.

Export opportunities and promotion.

12. Committee Staff

(A) MAJORITY STAFF

The employees of the committee, except those assigned to the minority as provided below, shall be appointed and assigned, and may be removed by the Chairman. Their remuneration shall be fixed by the Chairman, and they shall be under the general supervision and direction of the Chairman.

(B) MINORITY STAFF

The employees of the committee assigned to the minority shall be appointed and assigned, and their remuneration determined, as the ranking minority member of the committee shall determine.

(C) SUBCOMMITTEE STAFF

The Chairman and ranking minority member of the full committee shall endeavor to ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the committee.

13. Powers and Duties of Subcommittees

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set meeting and hearing dates after consultation with the Chairman of the full committee. Meetings and hearings of subcommittees shall not be scheduled to occur simultaneously with meetings or hearings of the full committee.

14. Subcommittee Reports

(A) INVESTIGATIVE HEARINGS

The report of any subcommittee on a matter which was the topic of a study or investigation shall include a statement concerning the subject of the study or investigation, the findings and conclusions, and recommendations for corrective action, if any, together with such other material as the subcommittee deems appropriate.

Such proposed reports shall first be approved by a majority of the subcommittee members. After such approval has been secured, the proposed report shall be sent to each member of the full committee for his or her supplemental, minority, or additional views.

Any such views shall be in writing and signed by the member and filed with the clerk of the full committee within 5 calendar days (excluding Saturdays, Sundays, and legal holidays) from the date of the transmittal of the proposed report to the members. Transmittal of the proposed report to members shall be by hand delivery to the members' offices.

After the expiration of such 5 calendar days, the report may be filed as a House report.

(B) END OF CONGRESS

Each subcommittee shall submit to the full committee, not later than November 15 of each even-numbered year, a report on the activities of the subcommittee during the Congress.

15. Records

The committee shall keep a complete record of all actions which shall include a record of the votes of any question on which a rollcall vote is demanded. The result of each subcommittee rollcall vote, together with a description of the matter voted upon, shall promptly be made available to the full committee. A record of such votes shall be made available for inspection by the public at reasonable times in the offices of the committee.

The committee shall keep a complete record of all committee and subcommittee activity which, in the case of any meeting or hearing transcript, shall include a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

The records of the committee at the National Archives and Records Administration shall be made available in accordance with rule XXXVI of the Rules of the House. The Chairman of the full committee shall notify the ranking minority member of the full committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule XXXVI of the House, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination of the written request of any member of the committee.

16. Access to Classified or Sensitive Information

Access to classified or sensitive information supplied to the committee and attendance at closed sessions of the committee or its subcommittees shall be limited to members and necessary committee staff and stenographic reporters who have appropriate security clearance when the Chairman determines that such access or attendance is essential to the functioning of the committee.

The procedures to be followed in granting access to those hearings, records, data, charts, and files of the committee which involve classified information or information deemed to be sensitive shall be as follows:

(a) Only Members of the House of Representatives and specifically designated committee staff of the Committee on Small Business may have access to such information.

(b) Members who desire to read materials that are in the possession of the committee should notify the clerk of the committee or the subcommittee possessing the materials.

(c) The clerk will maintain an accurate access log which identifies the circumstances surrounding access to the information, without revealing the material examined.

(d) If the material desired to be reviewed is material which the committee or subcommittee deems to be sensitive enough to require special handling, before receiving access to such information, individuals will be required to sign an access information sheet acknowledging such access and that the individual has read and understands the procedures under which access is being granted.

(e) Material provided for review under this rule shall not be removed from a specified room within the committee offices.

(f) Individuals reviewing materials under this rule shall make certain that the materials are returned to the proper custodian.

(g) No reproductions or recordings may be made of any portion of such materials.

(h) The contents of such information shall not be divulged to any person in any way, form, shape or manner, and shall not be discussed with any person who has not received the information in an authorized manner.

(i) When not being examined in the manner described herein, such information will be kept in secure safes or locked file cabinets in the committee offices.

(j) These procedures only address access to information the committee or a subcommittee deems to be sensitive enough to require special treatment.

(k) If a Member of the House of Representatives believes that certain sensitive information should not be restricted as to dissemination or use, the Member may petition the committee or subcommittee to so rule. With respect to information and materials provided to the committee by the executive branch, the classification of information and materials as determined by the executive branch shall prevail unless affirmatively changed by the committee or the subcommittee involved, after consultation with the appropriate executive agencies.

(l) Other materials in the possession of the committee are to be handled in accordance with the normal practices and traditions of the committee.

17. Other Procedures

The Chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

The committee may not be committed to any expense whatever without the prior approval of the Chairman of the full committee.

18. Amendments To Committee Rules

The rules of the committee may be modified, amended or repealed by a majority of the members, at a meeting specifically called for such purpose, but only if written notice of the proposed change has been provided to each such member at least 3 days before the time of the meeting.

RULES OF PROCEDURE FOR THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, pursuant to the requirement of clause 2(a) or rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Government Reform and Oversight for the 105th Congress and ask that they be printed in the RECORD at this point. These rules were adopted by the committee on February 12, 1997.

I. Rules of the Committee on Government Reform and Oversight

RULE 1. APPLICATION OF RULES

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Government Reform and Oversight and its subcommittees as well as to the respective chairmen. [See House Rule XI, 1.]

RULE 2. MEETINGS

The regular meetings of the full Committee shall be held on the second Tuesday of each month at 10:00 a.m., when the House is in session. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee following the provisions of House Rule XI, 2(c)2. Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days before each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be responsible for providing the same information on witnesses whom the minority may request. [See House Rule XI, 2(b).]

RULE 3. QUORUMS

A majority of the members of the committee shall form a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall form a quorum for taking any action other than the reporting of a measure or recommendation. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting. [See House Rule XI, 2(h).]

RULE 4. COMMITTEE REPORTS

Bills and resolutions approved by the committee shall be reported by the chairman following House Rule XI, 2(l).

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed following House Rule XI, 2(l)(5). The time allowed for filing such views shall be three calendar days, beginning on the day of notice but excluding Saturday, Sundays, and legal holidays (unless the House is in session on such a day), unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) before consideration of such proposed report in subcommittee or full committee. An investigative report or oversight report will be considered as read if available, to the members, at least 24 hours before consideration, excluding Saturdays, Sundays and legal holidays unless the House is in session on such days. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee before the consideration of the proposed report in such subcommittee or full committee. An investigative or oversight report may be filed after sine die adjournment of the last regular session of the Congress, provided that if a member gives timely notice of intention to file supplemental, minority or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

Only those reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

RULE 5. PROXY VOTES

In accordance with the Rules of the House of Representatives, members may not vote by proxy on any measure or matter before the committee or any subcommittee. [See House Rule XI, 2(f).]

RULE 6. ROLL CALLS

A roll call of the members may be had upon the request of any member upon approval of a one-fifth vote. [See House Rule XI, 2(e).]

RULE 7. RECORD OF COMMITTEE ACTIONS

The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement. [See House Rule XI, 2(e).]

RULE 8. SUBCOMMITTEES; REFERRALS

There shall be seven subcommittees with appropriate party ratios that shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgement, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee. [See House Rule XI, 1(a)(2).]

RULE 9. EX OFFICIO MEMBERS

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

RULE 10. STAFF

Except as otherwise provided by House Rule XI, 5 and 6, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees.

RULE 11. STAFF DIRECTION

Except as otherwise provided by House Rule XI, 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

RULE 12. HEARING DATES AND WITNESSES

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week before the commencement of any hearings, unless he determines, with the concurrence of the ranking minority member, or the committee determines by a vote, that there is good cause to begin such hearings sooner. So that the chairman of the full committee may coordinate the committee facilities and hearings plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks before the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall so far as practicable, submit written statements at least 24 hours before their appearance and, when appearing in a non-governmental capacity, provide a curriculum vitae and a listing of any Federal Government grants and contracts received in the previous fiscal year. [See House Rules XI, 2(g)(3), (g)(4), (j), and (k).]

RULE 13. OPEN MEETINGS

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives. [See House Rules XI. 2 (g) and (k).]

RULE 14. FIVE-MINUTE RULE

(1) A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

(2) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(3) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(4) Nothing in paragraph (2) or (3) affects the rights of a Member (other than a Member designated under paragraph (2)) to question a witness for 5 minutes in accordance with paragraph (1) after the questioning permitted under paragraph (2) or (3). In any extended questioning permitted under paragraph (2) or (3), the Chairman shall determine how to allocate the time permitted for extended questioning by majority members or majority committee staff and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or minority committee staff. The Chairman or the ranking minority member, as applicable, may allocate the time for any extended questioning permitted to staff under paragraph (3) to members.

RULE 15. INVESTIGATIVE HEARINGS; PROCEDURE

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witnesses.

RULE 16. STENOGRAPHIC RECORD

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE 17. TV, RADIO, AND PHOTOGRAPHS

An open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, unless closed subject to the provisions of House Rule XI, 3.

RULE 18. ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, 4(g), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee;

(e) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities;

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent; and

(g) Will designate a Vice Chairman from the majority party.

RULE 19. COMMEMORATIVE STAMPS

The committee has adopted the policy that the determination of the subject matter of commemorative stamps properly is for consideration by the Postmaster General and that the committee will not give consideration to legislative proposals for the issuance of commemorative stamps. It is suggested that recommendations for the issuance of commemorative stamps be submitted to the Postmaster General.

AFRICAN-AMERICAN HISTORY MONTH AND RACE ENTERTAINMENT

The SPEAKER pro tempore (Mr. MCINNIS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois [Mr. JACKSON] is recognized for 60 minutes as the designee of the minority leader.

Mr. JACKSON of Illinois. Mr. Speaker, I am particularly honored on this occasion to welcome the distinguished gentleman from Illinois [Mr. SHIMKUS] to the 105th Congress. I know he gave his first special order just a few moments ago. He, like I, when I first became a Member of this institution, was quite nervous, and we talked about it just before he began. But I wanted to take this opportunity to welcome him to the 105th Congress and indicate to him how much I look forward to serving with him in this institution.

Today for the better part of this special order I want to talk about a subject that is near and dear to my heart, that is near and dear to 39 Members of this institution, the Congressional Black Caucus. This is African-American History Month. We find ourselves this February confronting some challenges as a nation.

We have heard our Speaker talk about racial reconciliation. We have heard our President address the issue of racial reconciliation. And I thought what a better start we could have if we could just begin an honest dialogue about racial reconciliation in the context of Black History Month.

Carter G. Woodson is known as the father of black history. Originally it was designated to be just one week long, and then it eventually became a month. He knew that the African-American experience was unique and that the chronologizing of the African-American history and the chronologists of American history did not, would not and could not acknowledge the contributions that African-Americans have made.

Recently racial reconciliation has become a widely talked about issue. The O.J. case has forced us to face the wide gap separating white and black Americans in their views of our criminal justice system. How can people have such different perspectives of the same case according to the color of their skin? It becomes obvious that blacks and whites are not speaking from the same page because both groups are looking at the case through the lens of their own experiences, in this case, the experiences of whites versus the experiences of people of color with the criminal justice system.

The first step in a process of racial reconciliation is to build understanding between the races. We cannot have an effective conversation about racial reconciliation, which is one of the Speaker's goals, which is certainly one of the President's goals, if we do not try to understand the other group and their experiences. This is what Carter G. Woodson was thinking about and reflecting about when he wanted us as a Nation to pause during the month of February to acknowledge the contribution of African-Americans.

The purpose of this special order today is to take that first step, a serious dialogue about race issues, by beginning to explain the historical experience of African-Americans and by explaining the history of obstacles and advances which have allowed me to stand in this room and speak to you today as the 91st African-American Member of Congress.

To talk about the history of blacks in America, one cannot avoid the story of the struggle against discrimination in America. The two are intertwined. It is hard for many people to sit down and listen to a history full of discrimination. Many people do not want to relive it. Others do not feel like, they feel more like they are being blamed, but the history has to be told because many people are not aware of the full history, Mr. Speaker.

To build bridges, we have to build awareness. One of the greatest problems in race relations is the lack of awareness about discrimination. The discrimination that many blacks experience every day as common knowledge is the same discrimination that many whites do not experience and do not realize even exists. As a Member of this institution, I found myself in the 104th Congress, since I do not wear the identification pin that most Members of Congress tend to wear, late at night standing out in front of the Capitol of the United States trying to catch a taxi.

Why can I not catch a taxi late at night in Washington, DC? I do not know. But I have some assumptions. That young African-American males in America trying to catch a cab late at night, where the cab driver is white or black, brings certain prejudices to the whole notion of catching a cab. For example, they may think that I am going to rob them. They may think that I am going to take something from them when the reality is nothing could be further from the truth. Discrimination exists even for Members of this institution as Members of Congress whether we talk about it in our daily lives on the floor of this Congress or not.

The purpose of this speech today is not to blame or create guilt over black history. It is to build an understanding, to begin to explain the experiences of African-Americans. A better understanding, I genuinely believe, will help us move past the guilt to create positive change.

So I must ask each and every one, particularly the Members who are in their offices today to do just one thing: Put aside your opinions for now and try to imagine with me for a moment what it is like to be an African-American. I ask those of you who are not African-Americans to imagine that you are experiencing the history as being an African-American, that is the history of your people in this country, the history of your sisters, your brothers, your parents and your grandparents. I ask you to imagine what it would feel like had you had to have that certain outlook on the world.

I ask if you are an African-American to listen to this story as if you were white, as if this was the first time you heard some of these accounts. How would you react?

My first special order, one of five special orders I plan to have this month, is entitled, "O.J. and Race Entertainment." The noted historian John Hope Franklin in his book, "The Color Line," 1993, said perhaps the very first thing we need to do as a nation and as individual members of society is to confront our past and to see it for what it is. If we do that, he says, whites will discover that African-Americans possess the same human qualities that other Americans possess, and African-Americans will discover that white Americans are capable of the most sublime expressions of human conduct of which all human beings are capable.

Then he suggests we need to do everything possible to emphasize the positive qualities that all of us have, qualities that we have never had to utilize to the fullest but which remain, but which we must utilize if we are to solve the problem of the color line in the 21st century.

America is a Nation that is in dire need of entertainment. And the media, Mr. Speaker, knows how to provide it. You want movie entertainment, go see Independence Day. You go see a movie that does what no Democrats or Republicans could ever do, watch the aliens blow up Capitol Hill, not the deficit or the debt, but aliens. Watch them blow up the White House, watch them destroy Wall Street. If you want good movie entertainment, go see Independence Day.

If you want sports entertainment, you have the best, Michael Jordan, and, some could arguably say, the worst, Dennis Rodman on the same team. Why is that? Because Dennis Rodman—multicolored hair, many tatoos, more earrings on his body than a fishing lure—he understands entertainment. You want race entertainment and you do not want to have a serious dialog about race, about injustice in America. Here is O.J.

In fact, race entertainment is becoming increasingly popular. Name another subject that could give Geraldo Rivera the same television viewer ratings or Rush Limbaugh the same radio listenership. O.J. Simpson has given virtual rise to a new entertainment network, race entertainment television.

It is not substantive discussion about understandings from African-Americans, Asian-Americans, native Americans, women in our society or people who are working upward in the society to make a difference for their families. No, that is not O.J. entertainment or race entertainment. You want race entertainment, nonsensical dialog about moving the society forward, engage in it.

Talking about race and racial reconciliation is clearly becoming the in thing. It is the politically acceptable thing. The Nation responded positively to President Clinton's discussion of racial diversity in his inaugural address on Martin Luther King, Jr.'s holiday and again in his State of the Union Address. Speaker GINGRICH followed with a call on race ignorance and drugs.

Nobody in the media wants to just talk about the O.J. Simpson verdict. They wanted to talk about the O.J. Simpson verdict and what it is revealing about the current state of race relations in America. The fact that the O.J. Simpson trial is being viewed and used as a news hook to talk about race in this country is a sign of just how far off the point the media truly is. If we are going to have an honest conversation about this, we have to ask ourselves the question, why do African-Americans and white Americans see the justice system so differently?

☐ 1615

Let us look at some of the historical chronology, and then we will come back to O.J.

In 1705, a Massachusetts law provided that any African-American or mulatto who struck a white person be severely whipped, at the discretion of the justices before whom the offender was convicted.

In 1708, a Connecticut law imposed a penalty riot exceeding lashes for any African-American who disturbed the peace or attempted to strike a white person.

In 1718, a Rhode Island law was enacted that said to the States if a slave is found in a free black's home, both should be whipped.

In 1730, a Connecticut law provided for penalty of 40 lashes for any black, native American, or mulatto who attempted to defame a white person.

Of particular importance to O.J., and I have not heard this in any of the analysis, in 1816 a Louisiana State law prohibited slaves from testifying against whites and free blacks except in cases where free blacks were allegedly involved in slave uprisings.

In 1827, from my State, the State of Illinois, a law decreed that blacks and native Americans and mulattos were incompetent to testify in court against whites.

In 1831, here is a real case study, Ohio said that African-Americans were prohibited from serving on juries as a matter of law.

In 1848, Ohio's black laws were then reversed, giving blacks legal standing in the courts.

In 1849, Ohio lifted its ban on testimony by blacks in courts.

In 1855, black Bostonians protested the absence of black jurors and called for equal judicial rights.

In 1860, two blacks in Worcester, MA, were named jurors, the first black jurors in Massachusetts's history.

In 1862, California African-Americans were granted the right to testify in cases for the first time where white men were defendants.

In 1865, the first interracial jury in the United States indicted Jefferson Davis for treason. The case was set for trial in 1868.

In 1880, in Stauder versus West Virginia, the U.S. Supreme Court ruled that the exclusion of blacks from the jury was unconstitutional. And the way around the Stauder case, many prosecutors have now used preemptory strikes to accomplish what the Constitution has already eliminated as unconstitutional.

In 1919, in State versus Young, the West Virginia Supreme Court ruled that a black man sentenced to life in prison was denied equal protection under the law because his jury had no black members. The State subsequently admitted black jury members.

In 1926, Violette N. Anderson was the first black woman attorney to present a case before the U.S. Supreme Court.

In 1930, President Hoover nominated Judge John J. Parker of North Carolina, a known Klansman, to the U.S. Supreme Court. The NAACP led a successful campaign against Mr. Parker's confirmation.

In 1947, be patient with me, I am coming up to 1997, Rosa Lee Ingram, a Georgia tenant farmer, and two of her husbands were convicted and sentenced to death for the murder of a white man whom Ingram alleged assaulted her. The case spurred a national defense and an amnesty program that resulted in her pardon in 1959.

On the mind of every African-American still living today, 1955, Emmett Till, a 14-year-old black youth, was murdered in Mississippi by white men. The murder was so brutal and the child's body was beaten so badly that at first he could only be identified by the ring that he was wearing.

The reason for his murder: A Chicago native, on a dare from his friends, on a dare from his friends, whistled at a white woman. The two white men arrested for the crime were acquitted by an all-white jury.

The particularly graphic picture of Emmett Till's body appeared in Jet magazine and is freshly etched in the minds of every African-American.

In 1959, Mack Charles Parker was lynched in Poplarville, MS. A grand jury received evidence in the case but refused to acknowledge that a lynching had even occurred.

In 1961, on an integrated bus in Alabama, there were routinely arrests in Mississippi, and, as they routinely arrested people in Mississippi, a Federal judge had to issue an injunction against the police to get them to protect the Freedom Riders.

Later, evidence surfaces that local police in Birmingham and Montgomery were involved in the violence and that an FBI employee participated in the Ku Klux Klan's strategy sessions. The FBI did nothing to stop the violence it knew was planned.

These are accounts that my grandmother, who is still living, and my great-grandmother, God rest her soul, she is still living and in a coma, often used to tell us about. She used to tell us in 1963 about Medgar Evers, the civil rights activist and field secretary for the NAACP. He was shot in the back.

The rifle bore the fingerprints of Byron de la Beckwith, a vocal member of a local white supremacist group. Despite overwhelming evidence against Mr. Beckwith, including an earlier statement that he wanted to kill Mr. Evers, Beckwith was set free after two trials with all-white juries.

In 1989, evidence surfaced suggesting that juries had been tampered with. Beckwith was not convicted for the murder until over 26 years after he had committed the crime.

Just 2 years ago this case was resolved, and there is presently a movie at the theater starring Whoopi Goldberg to illustrate how recent and current the history is that many African-Americans have with juries.

The FBI files referred to Dr. King as the most dangerous Negro leader in the Nation from the standpoint of communism, the Negro, and the national security. The FBI began high surveillance of this civil rights leader and those close to him in an attempt to expose, disrupt, discredit, and otherwise neutralize them. Attorney General Robert F. Kennedy authorized the FBI to tap Dr. King's phones.

An FBI letter referring to Dr. King and other civil rights leaders that it would "be unrealistic to limit ourselves, as we have been doing, to legalistic proofs or definitely conclusive evidence that would stand up in the court or before congressional committees."

In an attempt to replace King with a manageable black leader, the FBI, under the direction of J. Edgar Hoover, began an extended character assault against Dr. King, labeling him a Communist sympathizer and an adulterer.

The O.J. Simpson verdicts themselves are really, Mr. Speaker, not that complicated. Assuming the rules of the judicial system in Los Angeles and Santa Monica were fair and followed, and only the appellate process will determine that, we must accept both verdicts if we are to live in a nation of laws and not men and women. Personal views are just that, personal views, to which everyone is entitled. They are irrelevant, however, with respect to being in a nation of laws.

The principle should not be difficult to accept. All of us want to live and work in a nation of laws, in a society where equal protection of the laws is respected and accepted. This really, Mr. Speaker, should be all there is to O.J. Simpson. Guilty, not guilty, and guilty. That is over and done with.

But how do we get from O.J. Simpson's verdicts to race relations and to race entertainment? I would suggest, Mr. Speaker, we arrive at this conclusion by dealing with symbols over substance and talk over action.

President Clinton stood on the steps of the Capitol, looking west toward the Lincoln Memorial, the spot where Dr. King gave his famous 1963 speech. When he gave his Inaugural speech and paid tribute to Dr. King's dream, President Clinton spoke to the poetic symbolism of Dr. King's dream but not to its economic substance.

Dr. King stood on the steps of the Lincoln Memorial, looking east toward the Capitol and the Congress, and he spoke to them about our Nation's budget priorities, about economic justice as the path to racial justice as the substance of his speech. He talked about a promissory note, about a check that had bounced, that had been returned, that had been marked "Insufficient funds."

But Dr. King refused to believe that the bank of justice was bankrupt, and he said that there would neither be rest nor tranquility in America until the promissory note was made good.

Today, the White House and both Democrats and Republicans discussed that same promissory note, that same bounced check, and that same bank of justice, using different terms. Now the false bankruptcy is called a balanced budget or balanced budget amendment.

Assessing the state of the Union depends on one's vantage point. You see one thing if you are on the top looking down. It was a great speech for those of us who were on the top looking down. You see quite another thing if you are a worker or you are poor or you are economically insecure and you are looking up.

If you are well educated, if you are employed full time at basically a job of your choosing, if you are making a decent salary, if you and your family have good health and an insurance plan, if you are living in a relatively safe and affordable house, then the state of the Union is pretty much what President Clinton said it was in his State of the Union Address. Then we, as a nation, have a decent shot clearly, at that level, at making racial progress.

But you may be 1 of the 15 to 20 million Americans who are unemployed, underemployed, working part time when you want to be working full time, have never had a job, gave up looking for a job so that you are not even counted among the unemployed, or with corporate or government downsizing you are worried that you may be soon in one of these categories.

In that economic climate, does anyone think that the American people can really hear and really understand a conversation about race and racial reconciliation?

If you are 1 of the 40 million Americans without health insurance, another 40 million with inadequate health insurance, a worker who is being asked to pay more for less medical care, is anyone who is ill-insured or has no insurance, is anyone really convinced that racial reconciliation is high atop that individual's priorities and agenda?

If you are not living in safe, sanitary, and affordable housing, then you have a personal housing crisis. But much of the country lives that way, so America has a housing crisis.

In the late sixties, a White House Conference on Housing called for 26 million housing starts over the next 10 years, with 6 million federally subsidized. That translates into 2,600,000 each year, 600,000 federally subsidized housing over 10 years.

The Nation has never approximated that goal, and currently we are over 1.5 million in new housing starts. And the population has grown, so the crisis is worse today than it was three decades ago. Thus, we now need more housing than ever, for America is ill-housed. How can we expect people to be sensitive about race and about racial reconciliation when there is a housing crisis?

Our education system is in crisis. Not all of our children are being educated for work and life in the 21st century. Certainly, one can say that the President made a huge effort in his State of the Union Address to improve our educational system and make it more accessible to more people through the various initiatives he spelled out in his speech in the form of tax breaks, tuition grants, and scholarships. For that, he is to be commended.

While the effort was there, and I agreed with that, for quality of education is an entitlement of every American, one cannot be as sure about the effectiveness of these programs for the students who have the greatest need, those who are the least well off. While many will benefit from the President's plan, it appears that most of the money will go to students who plan to attend college anyway.

It is a kind of "Democrats for the leisure class" approach of giving tax relief to the middle class in the guise of education reform; a tinkering, top-down, talented, and technocratic approach to solving a very real problem.

In my district, I have cities that do not have tax bases at all, not one job in the town, not enough money, Mr. Speaker, to raise revenue to pay their firemen, to pay their police officers. In this particular context, high school students are in school districts where there are no resources on a regular basis, a consistent basis, to pay teachers what they deserve. Can we really move systematically toward solving our race problem when we cannot provide a quality education for all of America's children?

On the watch of a current Democrat President and a Republican Congress, the United States has become the most economically unequal industrialized democracy in the world in terms of wealth and income. While taxes have probably never been totally fair for the average American, tax unfairness was dramatically escalated under the Reagan tax program of 1981. Thus, we do not need a more benevolent and less extreme tax plan than Ronald Reagan's, we need a reversal of that plan.

We do not need tax cuts for the middle class as much as we need fair taxes for everybody. Inherent in fair taxes for all is a reduction in taxes for the middle class, the working class, and the poor. How does one get racial justice in America in the context of economic injustice?

□ 1630

The reality is you cannot. The more likely outcome and one which we are currently witnessing is the dynamic scapegoating of people of color and the poor in a mean spirit. The logical result of this current economic climate is the passage of proposition 187, immigrant bashing in California and other xenophobic measures.

The current racial climate engenders scapegoating by blaming the lack of jobs on affirmative action for women and people of color. In this current climate it is the politically weakest and most vulnerable among us who are being economically assaulted in the name of welfare reform.

The reality is, Mr. Speaker, there can only be anecdotal racial reconciliation under the present circumstances of economic inequality and insecurity. Thus, to talk about race and racial reconciliation without acting to bring about a full employment peacetime economy, without universal and comprehensive health care system, without adequate, safe and affordable housing for every American, without quality education for every American child, without economic fairness in wealth and income, is talk that can only lead to more hostility, frustration and racial animosity. To deal with the American people on the matter of race in such a manner is to play games with them. It is engaging in race entertainment.

Frustration at the inability to make racial progress will lead to increased racial tensions, witnessed daily on television or experienced every day by average black, white, red, yellow, brown people. Or in the extreme, it can even lead to a racial explosion, as we witnessed in the aftermath of the Rodney King trial.

The other alternative, Mr. Speaker, is to think that you are contributing to racial progress merely by talking about it privately. I am reminded about former Senator Bill Bradley's poignant statement, "When is the last time you sat down with a person of another race and had a frank discussion about race?"

Yes, dialog undoubtedly helps break down barriers and contributes to understanding, but enhanced personal interactions, without economic progress, will never achieve the goal of racial reconciliation. One might wonder why I appear to be downplaying the importance of educating the American people about race through public dialog.

My point is that merely talking about or reporting on race relations through the media, especially television, is subject to the same limitations as in the case of individual dialog. Ted Koppel and Nightline have done some wonderful and important shows on race, but unless in the long term it is reported in the context of a comprehensive economic approach, it will not markedly improve race relations in America. In fact, in an unintended way, it may even add to the frustrations and to the tensions by reflecting a lack of progress on the racial front.

The problem is that we cannot make real progress on the race question in economic isolation. The race problem must be solved in the context of providing employment, health care, housing, education, and a fair share of wealth and income to all of America's people.

If we attempt to deal with the race question outside of the economic context, we are engaging in entertainment, because we cannot make systematic progress in race relations under these conditions. What often happens is that television ends up, since the networks must be concerned with ratings, not educating people about race but using race to entertain them instead, and unfortunately this is often done in the most sensational manner.

That is why I say that the O.J. Simpson trials have basically been about race entertainment, not about racial education or racial reconciliation. What could be more sensational and off the point than substantively dealing with the state of current race relations in America than the O.J. Simpson trials? Star black male athlete alleged to have murdered his beautiful blonde white wife.

There is more racial understanding and racial reconciliation possible in 1 year, Mr. Speaker, of full employment than there is in three decades of talking about race on television, no matter how well-intentioned, how well done or how well researched.

Sensationalizing race in the current economic climate can only increase tension, add to frustration, increase cynicism, and eventually contribute to drug use and scapegoating, where people implode and turn on each other rather than to each other.

Racial justice is not the same as economic justice. There would still be racism in a full employment economy. But systematic and steady racial progress can only be achieved in the context of a full employment economy, and it would only be achieved to the degree that we as a nation make progress on economic issues.

Thus, Mr. Speaker, that is why I always say the Federal Reserve Board and the Federal Reserve System must become part of the racial justice dialog. Every time unemployment dips below 5 percent, Chairman Greenspan uses employment growth to say that the economy is overheating and as a rationale to raise interest rates, slow the economy and raise unemployment.

I oppose the Democratic welfare reform bill. I oppose the Republican welfare reform bill. I thought it was horrible when the President of the United States said that he was going to support the welfare reform bill and 98 Democrats voted for it and 98 Democrats voted against it. But let us assume, since it is a matter of law now, and it is a horrible bill that still needs correction by this body, let us assume for a moment that we are going to move people genuinely from welfare to work.

Who is on welfare? People who are unemployed or people who are underemployed? Let us assume that they are part of the 5 percent, the very bottom of our Nation's economy, those with whom the social safety net of this country was designed to protect. Two years and you are off, we say in the bill. But let us say for the very first time because the Dow Jones industrial average is now above the 6,000 mark, that the economy is now beginning to reach the unemployed and the underemployed for the very first time. Let us say that the opportunities that the President talks about in his State of the Union Address, 10 million new jobs, now at 11 million new jobs, let us say that those jobs are finally beginning to reach the unemployed and the underemployed for the first time. As soon as unemployment in our Nation dips beneath 5 percent, the Federal Reserve and its chairman has a press conference, and the very first thing they say is, "The economy is overheating, we've got to slow the economy down, we've got to jack up interest rates, we've got to slow the economy down," and, therefore, this institution, along with the Federal Reserve, creates a permanent class of poverty in our Nation without any more government assistance.

Shame on us, Mr. Speaker. Shame on Democrats and Republicans who do not recognize and will not acknowledge that the Federal Reserve Board has a unique and an integral role to play in racial reconciliation, because jobs that have never been and have been eliminated from a generation of people are not reaching them.

Even definitions must become part of the racial justice dialog. That is why we need Presidential leadership. The politically motivated movement to redefine the Consumer Price Index, lowering the Consumer Price Index in order to reduce the budget deficit, will have a negative effect on the lives of real Americans, but disproportionately on the lives of people of color. It will impact race relations. It is not a conversation for just Wall Street or a bunch of economists. This is serious business.

Similarly, Mr. Speaker, even the way we define full employment affects race relations. "Oh, Jesse," Members on the other side walk up to me all the time, Democrats walk up to me all the time, shake my hand, "Hey, Jesse, I marched with your dad"; "Hey, Jesse, been there with you"; "You're so right, friend," but constantly vote against everything I am for.

It does not make sense, Mr. Speaker. It sure feels good, but we are not making any progress. In 1971, when Richard Nixon was President, unemployment had risen to just over 5 percent. At that time, our Nation defined 3 percent as full employment. He thought, Mr. Nixon, that 5 percent might cost him the election in 1972, so what did he do in August of 1971? He took an action traditionally attributed to Democratic officials and imposed wage-and-price controls. He jawboned the Federal Reserve to lower interest rates, and it worked. By November of 1972, the economy was booming, employment had dramatically risen, and he was overwhelmingly reelected.

They accused George McGovern of losing the election because he was too liberal. The fact of the matter is Richard Nixon won reelection because he was the liberal. He challenged the Federal Reserve, and he moved unemployment back to a number that was more acceptable by the American people.

In 1997, however, we are no longer at 3 percent. We are at 5 percent. And every time finally the underemployed get an opportunity, they jawbone the economy and start moving the economy in an opposite direction.

We must challenge, Mr. Speaker, the media, political, labor, and other leaders to transform the national discussion and debate from mere racial justice for minorities to greater racial justice for minorities in the context of greater economic justice for all Americans.

Dr. King's dream was poetic and it was symbolic. Dr. King's substance was a nonviolent, activist, economic strategy to combat racism and bring about racial reconciliation. That is why he moved from just talking about racial justice to talking about racial reconciliation in the context of an economic justice movement.

In 1968 when he was killed, he was not fighting for civil rights. That bill was passed in 1964, and he was not sleeping for 4 years. What was he doing in 1968? He was leading a poor people's campaign that paralleled the national Presidential campaign because he wanted the Nation's priorities to reflect raising boats that were stuck at the bottom.

In a nation with the economic ability and the technological capability of providing every American with a decent life, it is an outrage and it is a scandal that there should be such social misery in our country.

What do we say to the American poor and to the victims of racism and sexism and classism in America? Do we tell them, Mr. Speaker, that you are better off than the Russian poor? You are better off than the Bosnian poor? You are better off than the Asian poor, the African poor, the Latin poor? This, Mr. Speaker, has got to be close to cruel and insensitive and immoral.

No, we must tell them that such injustice is intolerable. That no American should be institutionally and systematically maimed in body and in spirit when our country has the means of doing better. The standard is not a comparison of how much worse things could be, but how much better things should be if we had only the political leadership and the development of the political will to change.

We are a nation, Mr. Speaker, of enormous national wealth that is tragically suffering from an anemia of national will to do what we know is just. It is time to end race entertainment, and it is time to start down the sure path of economic and racial justice.

RECESS

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 43 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DICKEY) at 5 p.m.

COMMEMORATING BLACK HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from California [Ms. MILLENDER-MCDONALD] is recognized for 60 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, let me first thank our chairwoman, Congressman MAXINE WATERS, the gentlewoman from California, for her leadership and tenacity in moving forthwith on critical issues of importance, not only to African-Americans, but to all Americans, and to our revered and preeminent leader, the gentleman from Ohio, Congressman LOUIS STOKES, for the guidance in advising those of us who have come recently to this House to do the people's business. My thanks to both of my colleagues for allowing me these moments to reflect.

Mr. Speaker, I rise today as a proud African American to acknowledge this month as African American History Month and to recognize the vast contributions made by distinguished citizens of this Nation who are of African descent.

As we hold our forbearers to high esteem for their courage, perseverance, morality and faith, we salute them for their relentless efforts in fighting to remove the legal and political disabilities that were imposed upon us.

While I represent California's 37th Congressional District with pride, my birth State is Alabama, and I am reminded of the first African American from Alabama who was elected to the 42d Congress and who advocated even then the importance of education, Benjamin Sterling Turner.

Education has been the cornerstone in the African American community. My father, Rev. Shelley Millender, Sr., knew the importance of education. He and my mother, Mrs. Evelena Deutsche Millender advocated a quality education and gave us a value system that is part and parcel of the true spirit of African American families. We recognize that a good education is the key to success and should open the door of opportunity.

I am further reminded of my father's teachings when he said, never subordinate to race-bashing; respect yourself and others, even though you have differences of opinion, but hold firm to your convictions.

Let us not forget one who had strong convictions in the name of Wiley Branton, now deceased, but who was a great American and a great leader in the early civil rights movements. He was born and reared in Pine Bluff, AR, became a lawyer, and began practicing law in his hometown. His earliest achievements, however, was of national interest, as he represented the Little Rock Nine in 1958. He later became the Assistant Attorney General for Civil Rights, being appointed by the President, then Lyndon Johnson. He served as the dean of Howard University School of Law until his death. Convictions like that and convictions like Branton is but one of the various teachings of commitment and dedication that the African American family instills in their children.

As I listened very closely to the President's State of the Union Address, as he spoke of education as a No. 1 priority, building strong families and communities, and humanitarian efforts in the assistance of the underprivileged through volunteerism, I stand tonight to lift up some of my constituents who are role models and great citizens that the President talked about. Their names will never be in lights nor on billboards, but they are the unsung heroes of my community. They helped in the education of our children, they built strong families and engaging communities, and they taught us to have a strong value system. Let me share with you these outstanding African American individuals.

Theresa LaVerne Harris who passed away in November 1996 was a dedicated educator. Throughout her life Theresa LaVerne touched all of us who had the pleasure of knowing her with her humor, her strength and, perhaps most importantly, her dignity. But she never forgot that education was the key, and therefore she became an educator and an administrator with the Los Angeles Unified School District. She spent her early youth in Louisiana and Mississippi until her family moved to California in 1943. She attended the Los Angeles unified schools and graduated from John Francis Polytechnic High School with honors. But it was during her college days at UCLA that she decided to become this educator.

Theresa LaVerne began a long distinguished life educating the young kids from the inner city. She excelled in her career as an educator. Though she raised three outstanding children, she was a loving and supportive wife, and in spite of all of this, she went on to earn a master's degree in personnel administration from Pepperdine University.

But both as an educator and an administrator within a public school system, Theresa LaVerne worked hard to ensure that students under her charge had the very best of education available to them. While she was deservedly proud of her mark as a personal and academic woman of achievements, she was more interested in using her talents and her strength to help children to become better educated and to ensure their mark in the future in mainstreaming them into the world of work.

Those of us who worked around her saw that she was a very strong disciplinarian in her efforts to make sure that education stayed the primary responsibility of those teachers and administrators who worked under her watch.

Mr. Speaker, I worked with Theresa LaVerne Harris and had the privilege of knowing her and her family for decades. She was a devoted wife, a wonderful and nurturing mother, a role model not only for our children, but for all of us who had the opportunity to know her. She will be sorely missed, and as I said a moment ago, she was one who was a person who did extraordinary work in the field of education and educating our children.

The next person I will speak of is Carolyn Ann Richardson Cheney, a woman of immense talents. Carolyn passed away in December 1996, and she too was a devoted family and community leader. She had a generosity of spirit in giving all that she could to the community and to inspire those who worked around her. Those of us who knew her knew that she spent her early days as a youth in El Paso, TX, before moving to California. After graduating from high school she obtained a dental assistance credential and began working in Los Angeles. Her further thirst for education prompted her to go on to Compton College, where she earned her associate arts degree and on to California State University, Dominquez Hills where she finished her bachelor's degree with honors.

What do these two people have in common? In spite of being mothers and in spite of being wives, they obtained their education and went on to help others outside of their children. Carolyn's ambition, strength, and motivation found expressions in her entrepreneurial and managerial talents. For 13 years she worked in Sears & Roebuck during off times to help with the family finances.

In 1980, she opened her own insurance agency, and it became one of the top agencies in southern California, and despite all of this she found time to serve her community and her church, reaching out to teenage mothers, reaching out to the desolate, reaching out to those who were the homeless. She volunteered in the Los Angeles probation department in the chaplain's office. Carolyn received the Paul Harris Fellowship by the Rotary International in appreciation for her efforts and assistance in the furtherance of better understanding and friendly relationships among peoples throughout the world.

Though she was a loving and devoted mother of 4 children, through words and deeds, she instilled in them the principle of honesty, integrity, hard work, perseverance, and self-sacrifice. And these are the values that help to make our Nation great and our people strong. Her attributes are a testament to the unending strength of motherhood. Carolyn will be sorely missed by all of those and all of us who knew her for her nurturing, her leadership, and her strength. She indeed was an inspiration to all of us throughout the community.

I pay homage to Mr. Sam Littleton, who passed away January 31 of this year. Mr. Littleton went to work early as a mail carrier in the cities of Los Angeles and Compton until he was stricken with disability. But his disability did not dissuade him to go on in his middle age to college, having received an AA degree from Compton College and a bachelor's degree from

Los Angeles University of Los Angeles. But he was still motivated for higher education and he applied and was accepted to the graduate program of social work at UCLA.

When he became a social worker, he started work at the new then-Martin Luther King, Jr., Medical Center. He elected to not work as a social worker in the daytime, but he elected to work as a social worker at night so that those who worked during the day, parents, single parents, and those who could not get off at work could come and talk with him, and he counseled them. He was the only social worker in the State of California who took an evening shift. He was a positive and unique role model for the community. He served and assisted with the bereaved and grieving families; he assisted many homeless persons in finding shelter; he counseled many with abuse problems and substance abuse as well, and he even counseled women who were victims of rape. The elderly grew to know him as a person whom they could depend upon because he would make home visits to make sure that they felt safe in their homes and that their needs were met even though they could not come out from their homes.

Yes, his 18 years of service as an evening social worker endeared him to not only his family, but to employees and coworkers and the community around him. He will be sorely missed, but his legacy remains.

I salute Mr. Sam Littleton for an outstanding record of public and community service, a record that has touched so many lives throughout the community. He was truly an inspiration to all of us. His community commitment, his dedication to human services, his social services and service to the community through volunteerism were indeed the life and the high regard that was given to him at the time of his funeral on January 31.

Another person who is not deceased yet, of course, is Maxie Filer, who has given 45 years of public service to the community. Mr. Filer is in the Guiness Book of Records because he took the law exam 45 times before he passed. Perseverance. He was indeed a role model and is a role model to the community.

While he has 7 children, 3 of whom are attorneys and one is a judge, Mr. Filer knew the importance of public service. He was a resident of Compton for over 40-some years. He served in presidential campaigns; he was the president of the Compton Democratic Club in 1952. He was labor and industry community chairman. He was even with Martin King on the march on Washington in 1963, and he became the president of the Compton NAACP from 1964 to 1970. Mr. Filer served as a Compton city council member from 1976 through 1989.

His commitment, though, to the youth, the African-American males, is one indication of a man who knew outside of being a father to his 7 children, along with his wife, Glendell, that he had to help young African-American males to see the right way, to move into a mainstream of life and to divert from gangs and drugs.

He is still serving in the community as an attorney and does a lot of pro bono work for those in the community who are unable to pay for legal service. Maxie Filer is one who now recognizes volunteerism is an important component. He will serve as my chairperson for my volunteerism task force that I am convening.

□ 1715

Mr. Speaker, as new trailblazers emerge to chart new paths, and they commence agendas to promote African-Americans and invest in future generations, let us never forget the spirit of those who I have mentioned, and our forebears.

Let us also recognize the ones whose names do not ripple in neon lights, whose distinctiveness has yet to be embedded on printed pages. Because for all that we are and hope to be, it is because of them. For all of the songs that they sang over stovetops and beside washtubs that went unscored, for all the poems that they scribbled on matchboxes and matchbox covers and on dinner napkins that went unpublished and unnoticed, for the many discovered roles that they played in unrecorded and then unforgotten movies, and for all that they did for us, we are all the better because of them.

We want them to know that they will not go unnoticed, because each time we sign our names, we know that it is for the thousand like them who cannot hold a pen, but instead, held us, and tucked us in gently, as they sang the many rhythms and rhymes of the old African spirituals.

Mr. Speaker, I have come tonight because I wanted to recognize not just those of us who perhaps in the eyes of others have succeeded, but for the many who perhaps will not ever work in this Chamber, will not ever have an opportunity to run campaigns, but they, too, have given so much to this Nation and to this world.

As we celebrate African-American History Month, let us not forget those who toiled in order that we would have a place in this House.

RECESS

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 19 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1806

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 6 o'clock and 6 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 21. Concurrent Resolution providing for an adjournment of both Houses.

The message also announced that the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: JOHN WARNER; THAD COCHRAN; MITCH MCCONNELL; WENDELL H. FORD; and DANIEL L. INOUYE.

Joint Committee on the Library of Congress: TED STEVENS; JOHN WARNER; THAD COCHRAN; DANIEL PATRICK MOYNIHAN; and DIANNE FEINSTEIN.

The message also announced that pursuant to sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Delaware [Mr. ROTH] as chairman of the Senate Delegation to the North Atlantic Assembly during the One Hundred Fifth Congress.

The message also announced that pursuant to Public Law 94–304, as amended by Public Law 99–7, the Chair, on behalf of the Vice President, appoints the Senator from New York [Mr. D'AMATO] as chairman of the Commission on Security and Cooperation in Europe.

The message also announced that pursuant to Public Law 102–138, the Chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader, appoints the Senator from Alaska [Mr. STEVENS] as chairman of the Senate Delegation to the British-American Interparliamentary Group during the One Hundred Fifth Congress.

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Alaska [Mr. MURKOWSKI] as chairman of the Senate Delegation to the Canada-United States Interparliamentary Group during the One Hundred Fifth Congress.

The message also announced that pursuant to sections 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Texas [Mrs. HUTCHISON] as chairman of the Senate Delegation to the Mexico-United States Interparliamentary Group during the One Hundred Fifth Congress.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. KNOLLENBERG, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KLECZKA, and to include therein extraneous material, notwithstanding the fact that it exceeds five pages of the RECORD and is estimated by the Public Printer to cost $1,152.

ADJOURNMENT

Mr. HASTERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 21, 105th Congress, the House stands adjourned until 12:30 p.m. on Tuesday, February 25, 1997, for morning hour debate.

Thereupon (at 6 o'clock and 7 minutes p.m.), pursuant to House Concurrent Resolution 21, the House adjourned until Tuesday, February 25, 1997, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1747. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Walnuts Grown in California; Assessment Rate [Docket No. FV96–984–1 FIR] received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1748. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Reports by Large Traders; Cash Position Reports in Grains (Including Soybeans) and Cotton [17 CFR Parts 15, 18, and 19] received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1749. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerances for Emergency Exemptions [OPP–300452; FRL–5585–1] (RIN: 2070–AB78) received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1750. A letter from the Administrator, Farm Service Agency, transmitting the Agency's "Major" final rule—Conservation Reserve Program—Long-Term Policy [7 CFR Part 704] (RIN: 0560–AE95) received February 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1751. A letter from the Administrator, Rural Utilities Service, transmitting the Service's final rule—Pre-Loan Procedures for Electric Loans (RIN: 0572–AB30) received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1752. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting the report to Congress for Department of Defense purchases from foreign entities in fiscal year 1996, pursuant to Public Law 104–201, section 827 (110 Stat. 2611); to the Committee on National Security.

1753. A letter from the General Counsel, Department of Defense, transmitting the Department's report on the efficacy of court-martial sentence enhancement based on the status of victims; to the Committee on National Security.

1754. A letter from the Director of the Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Expanded Examination Cycle for Certain Small Insured Institutions [12 CFR Part 337] (RIN: 3064–AB90) received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1755. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Identification and Mapping of Special Flood Hazard Areas, Procedures for Map Correction, and Procedures and Fees for Processing Map Changes (RIN: 3067–AC53) received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1756. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Technical Amendment to Definition of Deposits in Banks or Trust Companies [No. 97–3] received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1757. A letter from the Chairman of the Board, National Credit Union Administration, transmitting the Administration's pay structure for 1997, pursuant to Public Law 101–73, section 1206 (103 Stat. 523); to the Committee on Banking and Financial Services.

1758. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Expanded Examination Cycle for Certain Small Insured Institutions [Docket No. 97–02] (RIN: 1557–AB56) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1759. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumption for Valuing Benefits [29 CFR Part 4044] received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1760. A letter from the Secretary of Health and Human Services, transmitting the Department's report on the pension counseling demonstration program, pursuant to 42 U.S.C. 3035r(f)(2); to the Committee on Education and the Workforce.

1761. A letter from the Secretary of Energy, transmitting the Department's report entitled "Process-Oriented Industrial Energy Efficiency and Industrial Insulation and Audit Guidelines", pursuant to Public Law 102–486, section 132(d) (106 Stat. 2839); to the Committee on Commerce.

1762. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—Acquisition Regulation: Technical Amendments (RIN: 1991–AB34) received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1763. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Military Munitions Rule: Hazardous Waste Identification and Management; Explosives Emergencies; Manifest Exemption for Transport of Hazardous Waste on Right-of-ways on Contiguous Properties [EPA 530–Z–95–013; FRL–5686–4] (RIN: 2050–AD90) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1764. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulations of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the Phoenix, Arizona Moderate Ozone Nonattainment Area [FRL–5689–2] received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1765. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Promulgation of Extension of Attainment Date for the Pittsburgh-Beaver Valley, Pennsylvania Moderate Ozone Nonattainment Area; and Determination of Valid Ozone Air Quality Data Indicating the Reading, Pennsylvania and Richmond, Virginia Moderate Ozone Nonattainment Areas Have Attained the Nation Ambient Air Quality Standard for Ozone [PA 034–4054a; FRL–5688–7] received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1766. A letter from the Administrator, Environmental Protection Agency, transmitting a copy of the Agency's report entitled "Status of the State Small Business Stationary Source Technical and Environmental Compliance Assistance Programs [SBTCP] for the Reporting Period, January—December 1995," pursuant to section 507(d) of the Clean Air Act Amendments of 1990; to the Committee on Commerce.

1767. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Regulation of International Accounting Rates [Docket No. CC 90–337, Part II] received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1768. A letter from the Chair, Federal Energy Regulatory Commission, transmitting a report on the status of all extensions authorized by Congress of the hydropower construction deadlines of section 13 of the Federal Power Act, pursuant to section 1701(c)(5) of the Energy Policy Act of 1992; to the Committee on Commerce.

1769. A letter from the Director, Regulations Policy Management Staff, Office of

Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: saccharin and Its Salts; Retail Establishment Notice [Docket No. 95P-0337] received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1770. A letter from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—USEC Privatization Act [10 CFR Parts 2, 40, 70, and 76] (RIN: 3150–AF56) received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1771. A letter from the Secretary of Health and Human Services, transmitting a report on the National Practitioner Data Bank [NPDB] malpractice reporting requirements, pursuant to Public Law 99–660, section 421(d); to the Committee on Commerce.

1772. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Reporting Requirements for Brokers or Dealers Under the Securities Exchange Act of 1934 [Release No. 34–38245; File No. S7–21–93] (RIN: 3235–AF91) received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1773. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Net Capital Rule [Release No. 34–38248; File No. S7–7–94] (RIN: 3235–AG14) received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1774. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Israel (Transmittal No. MC–DTC–23–97], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1775. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Israel and the United Kingdom (Transmittal No. DTC–24–97], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1776. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–21–97], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1777. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–22–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1778. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Germany (transmittal No. DTC–17–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1779. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Turkey (Transmittal No. DTC–8–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1780. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

1781. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1782. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the progress made toward opening the United States Embassy in Jerusalem, pursuant to Public Law 104–45, section 6 (109 Stat. 400); to the Committee on International Relations.

1783. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Commerce Control List: Exports of Mixtures Containing Trace Quantities of Precursor Chemicals; ECCNs 1C350 and 1C995 [Docket No. 961206342–6342–01] (RIN: 0694–AB46) received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1784. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Export Administration Regulations: Addition of the Republic of South Korea to Australia Group (AG), Clarification to the Sample Shipments Exemption in ECCN 1C350, and Correction to the Commerce Country Chart [Docket No. 961219362–6362–01] (RIN: 0694–AB52) received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1785. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft of proposed legislation to authorize payment of arrears to the United Nations, U.N. specialized agencies, and other international organizations; to the Committee on International Relations.

1786. A letter from the Acting Comptroller General, General Accounting Office, transmitting the Comptroller General's 1996 annual report, pursuant to 31 U.S.C. 719(a); to the Committee on Government Reform and Oversight.

1787. A letter from the Director, Operations and Finance, American Battle Monuments Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

1788. A letter from the Manager, Benefits Communications, Ninth Farm Credit District Trust Committee, transmitting the annual report for the plan year ended December 31, 1995, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

1789. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

1790. A letter from the Director, Office of Personnel Mangement, transmitting the Office's final rule—Funding of Administrative Law Judge Examination [5 CFR Part 930] (RIN: 3206–AH31) received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1791. A letter from the Associate Director for Management, Peace Corps, transmitting a notice of an amendment to the system of records, pursuant to 5 U.S.C. 552a; to the Committee on Government Reform and Oversight.

1792. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds; Supplemental [50 CFR Part 20] (RIN: 1018–AD69) received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1793. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Importation of Polar Bear Trophies from Canada under the 1994 Amendments to the Marine Mammal Protection Act (RIN: 1018–AD04) received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1794. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 [Docket No. 961126333–6333–01; I.D. 020597A] received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1795. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Suberea of the Bering Sea and Aleutian Islands [Docket No. 961114318–6318–01; I.D. 02397F] received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1796. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Closure in Registration Area E [Docket No. 960502124–6190–02; I.D. 012497B] received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1797. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 [Docket No. 961126333–6333–01; I.D. 020297D] received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1798. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration final rule—North Atlantic Right Whale Protection [Docket No. 960730211–7020–02; I.D. 072296B] received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1799. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Civil Monetary Penalty Inflation Adjustment (National Highway Traffic Safety Administration) [Docket No. 97–2; Notice 1] (RIN: 2105–AC63) received February 10, 1997, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1800. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Research [BOP–1008–F] (RIN: 1120–AA14) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1801. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Inmate Legal Activities and Inmate Personal Property [BOP 1063–F] (RIN: 1120–AA58) received February 10, 1997, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on the Judiciary.

1802. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft of proposed legislation to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States; to the Committee on the Judiciary.

1803. A letter from the Acting Administrator, Federal Aviation Administration,, transmitting a copy of the updated aviation system capital investment plan [CIP] pursuant to 49 U.S.C. app. 2203 (b) (1); to the Committee on Transportation and Infrastructure.

1804. A letter from the Director of Civil Works, Department of the Army, transmitting the Department's final rule—Final Notice of Issuance, Reissuance, and Modification of Nationwide Permits—received February 10, 1997, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

1805. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–233–AD; Amdt. 39–9916; AD 97–03–11] (RIN: 2120–AA64) received February 10, 1997, pursuant to 5 U.S.C. 801 (a) (1) (A); to the Committee on Transportation and Infrastructure.

1806. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9 and Model DC–9–80 Series Airplanes, Model MD–88 Airplanes, and C–9 (Military) Series Airplanes Equipped with BF Goodrich Evacuation Slides (Federal Aviation Administration) [Docket No. 96–NM–124–AD; Amdt. 39–9920; AD 97–03–15] (RIN: 2120–AA64) received February 10, 1997, pursuant to 5 U.S.C. 801 (a) (1) (A); to the Committee on Transportation and Infrastructure.

1807. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96–NM–97–AD; Amdt. 39–9917; AD 96–03–12] (RIN: 2120–AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1(A); to the Committee on Transportation and Infrastructure.

1808. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directive; McDonnell Douglas Model MD–11 and MD–11F Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–218–AD; Amdt. 39–9921; AD 96–03–16] (RIN: 2120–AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1809. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–226–AD; Amdt. 39–9924; AD 97–03–19] (RIN: 2120–AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1810. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directive; Construcciones Aeronauticas S.A. (CASA), Model C–1212 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–890–AD; Amdt. 39–9918; AD 97–03–13] (RIN: 2120–AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1811. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 and 757 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–57–AD; Amdt. 39–9922; AD 97–03–17] (RIN: 2120–AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1812. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–300 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–148–AD; Amdt. 39–9919; AD 97–03–14] (RIN: 2120–AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1813. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211–535E4 and –535E4–B Series Turbofan Engines (Federal Aviation Administration) [Docket No. 96–ANE–09; Amdt. 39–9897; AD 97–02–12] (RIN: 2120–AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1814. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 96–ANE–33; Admt. 39–9896; AD 97–02–11] (RIN: 2120–AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1815. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JFTD12A Series and T73 Series Turboshaft Engines (Federal Aviation Administration) [Docket No. 94–ANE–49; Amdt. 39–9898; AD 97–02–13] (RIN: 2120–AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1816. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lebanon, NH (Federal Aviation Administration) [Airspace Docket No. 96–ANE–28] (RIN: 2120–AA66) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1817. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Old Town, ME (Federal Aviation Administration) [Airspace Docket No. 96–ANE–29] (RIN: 2120–AA66) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1818. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; New Haven, CT (Federal Aviation Administration) [Airspace Docket No. 97–ANE–02] (RIN: 2120–AA66) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1819. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—International Data Submissions by Large Air Carriers (Form 41 Schedules T–100, T–100(f), and P–1.2) [Docket No. OST–96–1049; Notice 96–2] (RIN: 2105–AC34) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1820. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Value Engineering (Federal Highway Administration) [FHWA Docket No. 94–12] (RIN: 2125–AD33) received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1821. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aid Project Agreement and Contract Procedures (Federal Highway Administration) [FHWA Docket No. 96–3] (RIN: 2125–AD58) received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1822. A letter from the Commandant, United States Coast Guard, transmitting the Coast Guard's report entitled "International Private-Sector Tug-of-Opportunity System for the Waters of the Olympic Coast National Marine Sanctuary and the Strait of Juan de Fuca," pursuant to Public Law 104–58, section 401(a) (109 Stat. 566); to the Committee on Transportation and Infrastructure.

1823. A letter from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—VA Homeless Providers Grant and Per Diem Program Clarification of Per Diem Eligibility (RIN: 2900–AH89) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1824. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters [Rev. Proc. 97–17] received February 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1825. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's "Major" final rule—Supplemental Security Income; Determining Disability for a Child Under Age 18; Interim Final Rules With Request for Comments [Regulations Nos. 4 and 16] (RIN: 0960–AE57) received February 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1826. A letter from the Comptroller, Department of Defense, transmitting a report on the amount of any contribution accepted for relocation of U.S. Armed Forces within that nation and the specific use of those contributions, pursuant to Public Law 104–106, section 1332(a)(1) (110 Stat. 483); jointly, to the Committees on National Security and International Relations.

1827. A letter from the Secretary of Energy, transmitting the semiannual report regarding programs for the protection, control, and accountability of fissile materials in the countries of the former Soviet Union, pursuant to Public Law 104–106, section 3131(b) (110 Stat. 617); jointly, to the Committees on National Security and International Relations.

1828. A letter from the General Counsel, Department of Defense, transmitting a notification that the advisory committee appointed to study the appropriate forum for criminal law jurisdiction over civilians accompanying the Armed Forces in the field outside the United States in time of armed conflict has been unable to finish its report prior to the statutory deadline, pursuant to Public Law 104–106, section 1151(d)(2) (110 Stat. 468); jointly, to the Committees on National Security and the Judiciary.

1829. A letter from the Chief of Staff, The White House, transmitting certification that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug Free Workplace Plan are themselves subject to a program of individual random drug testing, pursuant to 5 U.S.C. 7301 note; jointly, to the Committees on Government Reform and Oversight and Appropriations.

1830. A letter from the Acting Comptroller General, General Accounting Office, transmitting a report on the two General Accounting Office employees detailed to congressional committees as of January 17, 1997; jointly, to the Committees on Government Reform and Oversight and Appropriations.

1831. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting a report on the agency's steady progress in meeting the challenge of the new Safe Drinking Water Act Amendments of 1996; jointly, to the Committees on Commerce, Transportation and Infrastructure, and Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 668. A bill to amend the Internal Revenue Code of 1986 to reinstate the airport and airway trust fund excise taxes, and for other purposes (Rept. 105–5). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McGOVERN:

H.R. 744. A bill to amend the Higher Education Act of 1965 to increase the maximum Pell Grant; to the Committee on Education and the Workforce.

By Mr. DeFAZIO (for himself, Mr. PETRI, Mr. MILLER of California, Mr. MEEHAN, Mr. PORTER, Mr. ROYCE, Mr. SENSENBRENNER, Mr. FOLEY, Mr. EVANS, Mr. SANDERS, Ms. LOFGREN, Mr. DOYLE, Mrs. MALONEY of New York, Mr. BLUMENAUER, Mr. MARKEY, Mr. HINCHEY, and Mr. LEVIN):

H.R. 745. A bill to deauthorize the Animas-La Plata Federal reclamation project, and to direct the Secretary of the Interior to enter into negotiations to satisfy, in a manner consistent with all Federal laws, the water rights interests of the Ute Mountain Ute Indian Tribe and the Southern Ute Indian Tribe; to the Committee on Resources.

By Mr. DeFAZIO (for himself, Mr. BARTON of Texas, Mr. KILDEE, Mr. ABERCROMBIE, Mr. DELLUMS, Mr. SANDERS, Mr. EVANS, Mr. HINCHEY, Mr. PICKETT, Mr. HAYWORTH, Mr. STUMP, Ms. NORTON, Mr. ARCHER, Mr. OWENS, Mrs. CHENOWETH, Mr. CLEMENT, Mr. CONDIT, Mr. CAMPBELL, Mr. RAHALL, Mr. McGOVERN, Mr. McDERMOTT, Mr. ROHRABACHER, Mr. MORAN of Virginia, Mr. ANDREWS, Mr. FOGLIETTA, Mr. HEFLEY, Ms. WOOLSEY, Mr. COX of California, Mr. PALLONE, Ms. FURSE, Mr. ACKERMAN, Mr. DREIER, Mr. FALEOMAVAEGA, Ms. JACKSON-LEE, Mr. GRAHAM, Mr. RUSH, Mr. TALENT, Mr. WYNN, Mr. FILNER, Mr. DEUTSCH, and Mr. BURTON of Indiana):

H.R. 746. A bill to allow patients to receive any medical treatment they want under certain conditions, and for other purposes; to the Committee on Commerce.

By Mr. McCOLLUM (for himself, Mr. DEUTSCH, and Mr. ROMERO-BARCELO):

H.R. 747. A bill to require notification of the interstate relocation of a witness by State engaging in that relocation, and for other purposes; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself and Mr. SCHUMER):

H.R. 748. A bill to amend the prohibition of title 18, United States Code, against financial transactions with terrorists; to the Committee on the Judiciary.

By Mr. ABERCROMBIE (for himself and Mr. FALEOMAVAEGA):

H.R. 749. A bill to amend the Native American Graves Protection and Repatriation Act to provide for improved notification and consent, and for other purposes; to the Committee on Resources.

By Mr. BEREUTER (for himself, Mr. GILMAN, Mr. HAMILTON, Mr. BERMAN, Mr. SOLOMON, Mr. BARRETT of Nebraska, Mr. DREIER, Mr. FALEOMAVAEGA, Mr. CRANE, Mr. SALMON, Mr. KOLBE, and Mr. COX of California):

H.R. 750. A bill to support the autonomous governance of Hong Kong after its reversion to the People's Republic of China; to the Committee on International Relations.

By Mr. CHABOT (for himself, Mr. PORTMAN, Mr. BUNNING of Kentucky, Mr. BOEHNER, Mr. CUNNINGHAM, Mr. ACKERMAN, Mr. TOWNS, Mr. GONZALEZ, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Ms. NORTON, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. LIPINSKI, Mr. OLVER, Mr. RAHALL, Mrs. MEEK of Florida, Mr. ENGLISH of Pennsylvania, and Ms. JACKSON-LEE):

H.R. 751. A bill to amend the Public Health Service Act to provide for research on the disease known as lymphangioleiomyomatosis, (commonly known as LAM); to the Committee on Commerce.

By Mrs. CHENOWETH (for herself, Mr. YOUNG of Alaska, Mr. SMITH of Oregon, Mr. POMBO, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. CRAPO, Mr. BARTLETT of Maryland, Mr. TAUZIN, Mr. RIGGS, Mr. BONO, Mr. CUNNINGHAM, Mr. HANSEN, Mr. SAM JOHNSON, Mr. ROHRABACHER, Mr. KOLBE, Mr. STUMP, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. McINTOSH, Mr. GIBBONS, Mr. HERGER, Mr. BARTON of Texas, Mr. BUNNING of Kentucky, Mr. HOSTETTLER, Mr. SNOWBARGER, Mr. DICKEY, Mr. BURTON of Indiana, Mr. CANNON, Mr. ISTOOK, Mr. ADERHOLT, Mr. COMBEST, Mr. NEUMANN, Mr. HILL, Mr. SOLOMON, Mr. METCALF, Mrs. CUBIN, Mr. CRANE, Mr. BARR of Georgia, Mr. COOKSEY, Mr. NEY, Mr. DeLAY, Mr. HUNTER, Mr. PETERSON of Pennsylvania, Mr. BONILLA, and Mr. McKEON):

H.R. 752. A bill to amend the Endangered Species Act of 1973 to ensure that persons that suffer or are threatened with injury resulting from a violation of the Act or a failure of the Secretary to act in accordance with the Act have standing to commence a civil suit on their own behalf; to the Committee on Resources.

By Mr. CONYERS (for himself, Mr. MILLER of California, Mr. DELLUMS, Mr. OBERSTAR, Mr. BONIOR, Mr. FARR of California, Ms. PELOSI, Mr. STARK, Ms. RIVERS, Mr. GUTIERREZ, Mr. HINCHEY, Mr. BLUMENAUER, Mr. FILNER, Mr. DeFAZIO, Ms. SLAUGHTER, Mr. NADLER, Ms. McKINNEY, Mr. WATT of North Carolina, Mr. YATES, Mrs. LOWEY, Mr. OLVER, Ms. ESHOO, Mr. PASTOR, and Ms. VELÁZQUEZ):

H.R. 753. A bill to require a separate, unclassified statement of the aggregate amount of budget outlays for intelligence activities; to the Committee on the Budget, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DeFAZIO (for himself, Mr. SHAYS, Mr. CONYERS, Mr. HINCHEY, Mr. FILNER, Mrs. MORELLA, Mr. ABERCROMBIE, Mr. NADLER, Mr. EVANS, Mr. HORN, Ms. WOOLSEY, Mr. BLAGOJEVICH, Ms. NORTON, Ms. JACKSON-LEE, Mr. RAHALL, Mrs. CARSON, Mrs. MALONEY of New York, Mr. MASCARA, Mr. FLAKE, Mr. GONZALEZ, Mrs. CLAYTON, Mr. LANTOS, Ms. PELOSI, and Mr. DAN SCHAEFER of Colorado):

H.R. 754. A bill to amend title 49, United States Code, to require the use of child safety restraint systems approved by the Secretary of Transportation on commercial aircraft; to the Committee on Transportation and Infrastructure.

By Mr. DUNCAN (for himself, Mr. HAYWORTH, Mr. HEFLEY, Ms. RIVERS, Mr. ROMERO-BARCELÓ, Mr. GORDON, Mr. CALVERT, Mr. NETHERCUTT, Mr. BARTLETT of Maryland, Mr. BAKER, Mr. WAMP, Ms. NORTON, Mr. SPRATT, Ms. MOLINARI, Mr. PAYNE, Mr. LaTOURETTE, Ms. LOFGREN, Mr. REGULA, Mr. HANSEN, Mr. GALLEGLY, Mr. LIPINSKI, Mr. DAN SCHAEFER of Colorado, Mr. HOLDEN, Mr. STEARNS, Mr. FALEOMAVAEGA, Mr. EHLERS, Mrs. LINDA SMITH of Washington, Mr. FRELINGHUYSEN, Mr. GEJDENSON, Mr. BEREUTER, and Mr. JENKINS):

H.R. 755. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate any portion of their income tax overpayments, and to make other contributions, for the benefit of units of the National Park System; to the Committee on Ways and Means, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHRLICH:

H.R. 756. A bill to establish a National Physical Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes; to the Committee on Education and the Work force.

By Mr. FALEOMAVAEGA:

H.R. 757. A bill to develop the economy of American Samoa; to the Committee on Resources.

By Mr. FAWELL (for himself, Mr. Ballenger, Mr. Barrett of Nebraska, Mr. McKeon, Mr. Sam Johnson, Mr. Knollenberg, Mr. Riggs, Mr. Graham, Mr. Souder, Mr. McIntosh, Mr. Norwood, Mr. Deal of Georgia, Mr. Boehner, Mr. Christensen, Mr. Dickey, Mr. Ehrlich, Mr. Bunning of Kentucky, Mr. Hayworth, Mr. Inglis of South Carolina, Mr. Weldon of Florida, Mr. Herger, Mr. Bryant, Mr. Miller of Florida, Mr. Wicker, Mr. Chambliss, Mr. Snowbarger, Mr. Hefley, Mr. Linder, Mr. Bereuter, Mr. Sessions, Mr. Cunningham, Mr. Paxon, Mr. Pitts, Mr. Bob Schaffer of Colorado, Mr. Canady of Florida, Mr. Hill, Mr. Hutchinson, and Mr. Nethercutt):

H.R. 758. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Education and the Workforce.

By Mr. FILNER:

H.R. 759. A bill to amend title 38, United States Code, to increase certain rates of educational assistance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FOX of Pennsylvania (for himself, Mrs. Carson, Ms. Jackson-Lee, and Mr. Romero-Barcelo):

H.R. 760. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for screening mammography and pap smears; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 761. A bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to extend the 1-year transition from disqualification for a current welfare recipient while the recipient's naturalization application is pending; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN (for himself, Mr. Meehan, Mr. Ehlers, Ms. Furse, Mr. McInnis, and Mr. Kennedy of Massachusetts):

H.R. 762. A bill to restrict the advertising and promotion of tobacco products; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself and Mr. Rangel):

H.R. 763. A bill to establish for certain employees of international organizations an estate tax credit equivalent to the limited marital deduction; to the Committee on Ways and Means.

By Mr. HYDE (for himself, Mr. Gekas, and Mr. McCollum):

H.R. 764. A bill to make technical corrections to title 11, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES:

H.R. 765. A bill to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore; to the Committee on Resources.

By Mrs. KENNELLY of Connecticut (for herself, Ms. Brown of Florida, Mrs. Carson, Ms. Jackson-Lee, Ms. Kaptur, Mrs. Lowey, Mrs. Maloney of New York, Mrs. Meek of Florida, Ms. Millender-McDonald, Ms. Sanchez, Mrs. Morella, and Ms. Furse):

H.R. 766. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women: to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Transportation and Infrastructure, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG:

H.R. 767. A bill to amend the Federal Election Campaign Act to 1971 to require candidates for election for the House of Representatives or the Senate to raise at least 65 percent of their contributions from individuals residing in the district or State involved, to limit the amount of contributions such candidates may accept from multicandidate political committees, and to prohibit individuals who are ineligible to register to vote in Federal elections from making contributions to candidates or political parties; to the Committee on House Oversight.

By Mr. LaHOOD (for himself, Mr. Ehrlich, and Mr. Martinez):

H.R. 768. A bill to restrict the Food and Drug Administration from penalizing retailers for face-to-face tobacco sales that are in accordance with State law; to the Committee on Commerce.

By Mr. LANTOS (for himself and Mr. Shays):

H.R. 769. A bill to amend the Federal Property and Administrative Services Act to 1949 to ensure proper classification as employees and independent contractors of persons awarded Federal procurement contracts; to the Committee on Government Reform and Oversight.

H.R. 770. A bill to amend title 10, United States Code, to ensure proper classification as employees and independent contractors of persons awarded Federal procurement contracts; to the Committee on National Security.

H.R. 771. A bill to amend the Internal Revenue Code of 1986 and the Revenue Act of 1978 to revise the procedures applicable to the determination of employment status; to the Committee on Ways and Means.

By Mr. LAZIO of New York (for himself, Mr. Ackerman, and Mr. Forbes):

H.R. 772. A bill to authorize the Director of the Federal Emergency Management Agency to reimburse certain State and local jurisdictions for expenses incurred in support of Federal rescue and salvage operations in connection with the crash of Trans World Airlines Flight 800; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Georgia (for himself, Mr. Ackerman, Mr. Barrett of Wisconsin, Mr. Bentsen, Mr. Bonior, Ms. Brown of Florida, Mr. Brown of California, Ms. Christian-Green, Mrs. Clayton, Mr. Clyburn, Mr. Conyers, Mr. Cummings, Mr. Davis of Illinois, Mr. Dellums, Mr. Dixon, Mr. Engel, Mr. English of Pennsylvania, Mr. Faleomavaega, Mr. Fattah, Mr. Filner, Mr. Flake, Mr. Foglietta, Mr. Ford, Mr. Frost, Ms. Furse, Mr. Gonzalez, Mr. Green, Mr. Hastings of Florida, Mr. Hilliard, Mr. Hinchey, Mr. Jackson, Ms. Jackson-Lee, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Mr. McDermott, Mr. McGovern, Ms. McKinney, Mrs. Meek of Florida, Mr. Miller of California, Mrs. Mink of Hawaii, Mr. Neal of Massachusetts, Ms. Norton, Mr. Olver, Mr. Owens, Mr. Pallone, Mr. Payne, Ms. Pelosi, Mr. Quinn, Mr. Rangel, Ms. Rivers, Mr. Romero-Barcelo, Mr. Rush, Mr. Scott, Mr. Shays, Ms. Slaughter, Mr. Stark, Mr. Stokes, Mr. Thompson, Mr. Torres, Mr. Towns, Mr. Traficant, Mr. Underwood, Ms. Waters, Mr. Watt of North Carolina, Mr. Wynn, Mr. Watts of Oklahoma, Ms. Millender-McDonald, and Ms. Kilpatrick):

H.R. 773. A bill to authorize the establishment of the National African-American Museum within the Smithsonian Institution; to the Committee on House Oversight, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN:

H.R. 774. A bill to amend the Communications Act of 1934 to restore freedom of speech to the Internet and to protect children from unsuitable online material; to the Committee on Commerce.

By Ms. McKINNEY (for herself, Mr. Bonior, Mr. Borski, Mr. Brown of Ohio, Mrs. Clayton, Mr. Conyers, Mr. Cummings, Mr. Davis of Illinois, Mr. Dellums, Mr. Evans, Mr. Fattah, Mr. Filner, Mr. Foglietta, Mr. Hilliard, Ms. Jackson-Lee, Ms. Eddie Bernice Johnson of Texas, Mr. Lipinski, Mrs. Meek of Florida, Ms. Norton, Mr. Owens, Mr. Rush, Mr. Stupak, Mr. Towns, Mr. Watt of North Carolina, and Mr. Wynn):

H.R. 775. A bill to amend the Internal Revenue Code of 1986 to discourage American businesses from moving jobs overseas and to encourage the creating of new jobs in the United States, and for other purposes; to the Committee on Ways and Means.

By Mrs. MEEK of Florida (for herself, Mr. Ackerman, Mr. Bishop, Mr. Blumenauer, Ms. Brown of Florida, Mr. Brown of California, Mrs. Carson, Ms. Christian-Green, Mr. Clay, Mrs. Clayton, Mr. Clyburn, Mr. Conyers, Mr. Cummings, Mr. Davis of Illinois, Mr. Dellums, Mr. Diaz-Balart, Mr. Dixon, Mr. Fattah, Mr. Filner, Mr. Flake, Mr. Foglietta, Mr. Ford, Mr. Frank of Massachusetts, Mr. Frost, Mr. Green, Mr.

HASTINGS of Florida, Mr. HILLIARD, Mr. JACKSON, Ms. JACKSON-LEE, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Mr. LAFALCE, Mr. LANTOS, Mr. LEWIS of Georgia, Ms. LOFGREN, Ms. MCKINNEY, Mrs. MALONEY of New York, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. MILLER of California, Mrs. MINK of Hawaii, Ms. NORTON, Mr. OWENS, Mr. PASTOR, Mr. PAYNE, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SCOTT, Mr. STARK, Mr. STOKES, Mr. THOMPSON, Mrs. THURMAN, Mr. TORRES, Mr. TOWNS, Ms. WATERS, Mr. WATT of North Carolina, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN):

H.R. 776. A bill to provide for greater accuracy in the 2000 decennial census of population, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. FATTAH (for himself, Mr. CLAY, and Mr. KILDEE):

H.R. 777. A bill to amend the Higher Education Act of 1965 to establish a 21st Century Scholars Program; to the Committee on Education and the Workforce.

By Mr. MILLER of California (for himself and Mr. RAHALL):

H.R. 778. A bill to ensure that Federal taxpayers receive a fair return for the extraction of locatable minerals on public domain lands, and for other purposes; to the Committee on Resources.

H.R. 779. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines; to the Committee on Ways and Means.

H.R. 780. A bill to provide for the reclamation of abandoned hardrock mines, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 781. A bill to ensure that crop losses resulting from plant viruses and other plant diseases are covered by crop insurance and the noninsured crop assistance program and that agricultural producers who suffer such losses are eligible for emergency loans; to the Committee on Agriculture.

H.R. 782. A bill to provide for the use of private delivery services in filing documents with Federal agencies; to the Committee on Government Reform and Oversight.

H.R. 783. A bill to amend the Federal Election Campaign Act of 1971 to prohibit candidates for election for Federal office from accepting unsecured loans from depository institutions regulated under Federal law, and for other purposes; to the Committee on House Oversight.

By Mrs. MORELLA (for herself, Mr. HOYER, Mr. UNDERWOOD, Mr. FROST, and Mr. GONZALEZ):

H.R. 784. A bill to save lives and prevent injuries to children in motor vehicles through improved national, State, and local child passenger protection program; to the Committee on Transportation and Infrastructure.

By Mr. NORWOOD (for himself, Mr. LINDER, Mr. CHAMBLISS, Mr. KINGSTON, Ms. MCKINNEY, Mr. COLLINS, Mr. BISHOP, Mr. BARR of Georgia, and Mr. DEAL of Georgia):

H.R. 785. A bill to designate the J. Phil Campbell, Senior, Natural Resource Conservation Center; to the Committee on Agriculture.

By Mr. NORWOOD (for himself, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BISHOP, Mr. BOYD, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. CALLAHAN, Mr. CLYBURN, Mr. CHAMBLISS, Mr. COLLINS, Mr. COOKSEY, Mr. DEAL of Georgia, Mr. EVERETT, Mr. FOLEY, Mr. GRAHAM, Mr. HEFNER, Mr. KINGSTON, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIVINGSTON, Mr. MCCRERY, Mr. PICKERING, Mr. SPENCE, Mr. SOLOMON, Mr. TAUZIN, Mr. WICKER, and Mr. JOHN):

H.R. 786. A bill to amend the Agricultural Adjustment Act to restore the effectiveness of certain provisions regulating Federal milk marketing orders; to the Committee on Agriculture.

By Mr. OWENS:

H.R. 787. A bill to prohibit the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition, with certain exceptions; to the Committee on the Judiciary.

By Mr. OWENS (for himself, Mr. SCHUMER, and Mr. HASTINGS of Florida):

H.R. 788. A bill to expand the powers of the Secretary of the Treasury and the Bureau of Alcohol, Tobacco, and Firearms to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Bureau to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself, Mr. BURR of North Carolina, Mr. CUNNINGHAM, Mr. GILLMOR, Mr. NORWOOD, Mr. MCHUGH, Mr. ANDREWS, Mr. ENSIGN, Mr. MASCARA, Mr. HERGER, Mr. LEWIS of California, Mr. BURTON of Indiana, Mr. PETRI, Mr. SMITH of New Jersey, Mr. PARKER, Mr. MCDERMOTT, Mr. THORNBERRY, Mr. CHRISTENSEN, Mr. INGLIS of South Carolina, Mr. DAVIS of Virginia, Mr. LATOURETTE, Mr. EHLERS, Mr. EHRLICH, Mr. HOEKSTRA, Ms. JACKSON-LEE, Mr. PETERSON of Minnesota, Mr. LOBIONDO, Mrs. LINDA SMITH of Washington, Mr. HOLDEN, Mr. SCHIFF, Mr. STUMP, Mr. WYNN, Mr. CALVERT, Mr. BARTON of Texas, Mr. LEWIS of Kentucky, Mr. BAESLER, Mr. SAXTON, Mr. WOLF, Mr. DOYLE, Mr. SPRATT, Mr. SKEEN, Mrs. CUBIN, Mr. KNOLLENBERG, Mr. PORTER, Mr. BACHUS, Mr. HASTERT, Mr. COLLINS, Mr. PICKETT, Mr. DUNCAN, Mr. UPTON, Mr. WELLER, Mr. POSHARD, Mr. CRANE, Mr. METCALF, Ms. PRYCE of Ohio, Mr. SALMON, Mrs. EMERSON, Mr. YOUNG of Alaska, Mr. MCHALE, Mr. HORN, Mr. KLUG, Mr. LATHAM, Mr. TALENT, Mr. FRANKS of New Jersey, Mr. BARCIA of Michigan, Mr. CHAMBLISS, Mr. BARTLETT of Maryland, Mr. MCINNIS, Mr. OBERSTAR, Mr. TIAHRT, Mr. PACKARD, Mr. BONILLA, Mr. SKELTON, Mr. KOLBE, Mr. MANZULLO, Mr. STEARNS, Mr. GEKAS, Mr. LIPINSKI, Mr. COMBEST, Mr. QUINN, Mr. WALSH, Mr. SAM JOHNSON, Mr. GILCHREST, Mr. DICKEY, Mr. STENHOLM, Mr. SESSIONS, and Mr. HOBSON):

H.R. 789. A bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes; to the Committee on the Judiciary.

By Mr. POMEROY:

H.R. 790. A bill to amend the Federal Crop Insurance Act to ensure the continued availability of affordable crop insurance for producers whose farms are located in counties designated as Federal disaster areas because of weather-related conditions; to the Committee on Agriculture.

By Mr. POMEROY (for himself; Mr. OBERSTAR, Mr. HILL, Mr. PETERSON of Minnesota, and Mr. STENHOLM):

H.R. 791. A bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions; to the Committee on Ways and Means.

By Ms. PRYCE of Ohio (for herself, Mr. CHABOT, Mr. HERGER, Ms. MOLINARI, Mr. BARR of Georgia, Mr. NEY, Mr. KINGSTON, and Mr. FOLEY):

H.R. 792. A bill to amend title 18, United States Code, to prevent Federal prisoners from engaging in activities to increase their strength or fighting ability while in prison; to the Committee on the Judiciary.

By Mr. RAHALL:

H.R. 793. A bill to provide for permanent resident status for certain Persian Gulf evacuees; to the Committee on the Judiciary.

By Mr. SABO:

H.R. 794. A bill to amend the Internal Revenue Code of 1986 and the Federal Election Campaign Act of 1971 to provide for public financing of House of Representatives general election campaigns, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:

H.R. 795. A bill to amend the Electronic Fund Transfer Act to prohibit the imposition of certain additional fees on consumers in connection with any electronic fund transfer which is initiated by the consumer from an electronic terminal operated by a person other than the financial institution holding the consumer's account and which utilizes a national or regional communication network; to the Committee on Banking and Financial Services.

By Mr. SANFORD:

H.R. 796. A bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Resources.

By Mr. SCHIFF:

H.R. 797. A bill to amend the Federal Election Campaign Act of 1971 to reduce the amount that a multicandidate political committee may contribute to a House of Representatives candidate, and for other purposes; to the Committee on House Oversight.

By Mr. SMITH of Michigan (for himself, Mr. NEUMANN, and Mr. BARTLETT of Maryland):

H.R. 798. A bill to prohibit the issuance of new public debt obligations after December 31, 2001; to the Committee on Ways and Means.

By Mr. SMITH of Oregon:

H.R. 799. A bill to require the Secretary of Agriculture to make a minor adjustment in the exterior boundary of the Hells Canyon Wilderness in the States of Oregon and Idaho to exclude an established Forest Service road inadvertently included in the wilderness; to the Committee on Resources.

By Mr. STARK:

H.R. 800. A bill to amend title XVIII of the Social Security Act to require the governing boards of Medicare national accrediting entities have public representation and have public meetings as a condition of recognizing their accreditation under the Medicare Program; to the Committee on Ways and Means.

By Mr. THORNBERRY:

H.R. 801. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to permit the interstate distribution of State-inspected meat and poultry when the Secretary determines that State inspection requirements are at least equal to Federal inspection standards and such requirements are consistently enforced; to the Committee on Agriculture.

H.R. 802. A bill to amend the Internal Revenue Code of 1986 to repeal the estate and gift taxes; to the Committee on Ways and Means.

By Mr. THUNE (for himself, Mr. SMITH of Michigan, Mr. HILL, Mr. LATHAM, Mr. BARRETT of Nebraska, Mrs. EMERSON, and Mr. POMEROY):

H.R. 803. A bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 804. A bill to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that Federal funds made available to hire or rehire law enforcement officers are used in a manner that produces a net gain of the number of law enforcement officers who perform nonadministrative public safety services; to the Committee on the Judiciary.

By Mr. TRAFICANT (for himself and Mr. HUNTER):

H.R. 805. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to assign Department of Defense personnel to assist the Immigration and Naturalization Service and the U.S. Customs Service in the performance of their border protection functions; to the Committee on National Security.

By Mr. VISCLOSKY (for himself, Ms. KAPTUR, Mr. LIPINSKI, and Mrs. LOWEY):

H.R. 806. A bill to amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in that fund to carry out projects to restore and recover waters of the United States from damages resulting from violations of that act, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WICKER (for himself, Mr. SHAYS, Mr. DAVIS of Virginia, Ms. MOLINARI, Mr. GEJDENSON, Mr. BORSKI, Mr. LAHOOD, Mr. KING of New York, Mrs. CLAYTON, Mr. SCHIFF, Mrs. MEEK of Florida, Ms. LOFGREN, Mr. HYDE, Mr. ENGLISH of Pennsylvania, Mr. GEKAS, Mr. FRANK of Massachusetts, Mr. SKEEN, Mr. ACKERMAN, Mr. MINGE, Mr. BRYANT, and Mr. GRAHAM):

H.R. 807. A bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, and for other purposes; to the Committee on the Judiciary.

By Mr. SOLOMON (for himself, Mr. LIPINSKI, Mr. ANDREWS, Mr. ARCHER, Mr. BACHUS, Mr. BAKER, Mr. BALDACCI, Mr. BALLENGER, Mr. BARCIA, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BASS, Mr. BATEMAN, Mr. BEREUTER, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP, Mr. BLILEY, Mr. BLUNT, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONO, Mr. BOSWELL, Mr. BRYANT, Mr. BUNNING, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CAMP, Mr. CANADY of Florida, Mr. CANNON, Mr. CHABOT, Mr. CHRISTENSEN, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. COX of California, Mr. CRAMER, Mr. CRANE, Mr. CRAPO, Mrs. CUBIN, Mr. CUNNINGHAM, Ms. DANNER, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DELAY, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DOOLEY of California, Mr. DOYLE, Mr. DUNCAN, Mr. EDWARDS, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EHRLICH, Mr. EVERETT, Mr. EWING, Mr. FOLEY, Mr. FORBES, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GALLEGLY, Mr. GANSKE, Mr. GIBBONS, Mr. GILLMOR, Mr. GOODE, Mr. GOODLATTE, Mr. GOSS, Mr. GRAHAM, Ms. GRANGER, Mr. GREEN, Mr. GUTKNECHT, Mr. HALL of Texas, Mr. HAMILTON, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILL, Mr. HILLEARY, Mr. HINOJOSA, Mr. HOLDEN, Mr. HORN, Mr. HOSTETTLER, Mr. HULSHOF, Mr. HUNTER, Mr. HUTCHINSON, Mr. HYDE, Mr. JEFFERSON, Mr. JENKINS, Mr. JOHN, Mr. SAM JOHNSON of Texas, Mrs. KELLY, Mrs. KENNELLY of Connecticut, Mr. KIM, Mr. KING, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LINDER, Mr. LIVINGSTON, Mr. LOBIONDO, Mr. LUCAS of Oklahoma, Mr. MALONEY of Connecticut, Mr. MANTON, Mr. MANZULLO, Mr. MARTINEZ, Mr. MASCARA, Mr. McCOLLUM, Mr. McCRERY, Mr. McDADE, Mr. McHUGH, Mr. McINNIS, Mr. McINTOSH, Mr. McKEON, Mr. McNULTY, Mr. MENENDEZ, Mr. METCALF, Ms. MOLINARI, Mr. MURTHA, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NEY, Mr. NORWOOD, Mr. NUSSLE, Mr. ORTIZ, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PAPPAS, Mr. PARKER, Mr. PAXON, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. PICKETT, Mr. PITTS, Mr. QUINN, Mr. RADANOVICH, Mr. RAHALL, Mr. RAMSTAD, Mr. REYES, Mr. RIGGS, Mr. RILEY, Mr. ROEMER, Mr. ROGAN, Mr. ROGERS, Mr. ROYCE, Mr. ROTHMAN, Mr. SANDLIN, Mr. SAXTON, Mr. DAN SCHAEFER of Colorado, Mr. BOB SCHAFFER of Colorado, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SHIMKUS, Mr. SHUSTER, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Oregon, Mrs. SMITH of Washington, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STENHOLM, Mr. STUMP, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. THOMAS, Mrs. THURMAN, Mr. TIAHRT, Mr. TOWNS, Mr. TRAFICANT, Mr. TURNER, Mr. WALSH, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WHITFIELD, Mr. WISE, Mr. WOLF, Mr. WYNN, Mr. YOUNG of Alaska, and Mr. YOUNG of Florida):

H.J. Res. 54. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. STEARNS (for himself, Mr. HALL of Texas, and Mr. WATTS of Oklahoma):

H.J. Res. 55. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary prayer in public schools; to the Committee on the Judiciary.

By Mr. GOSS:

H. Con. Res. 21. Concurrent resolution providing for an adjournment of the two Houses; considered and agreed to.

By Mr. PAYNE (for himself, Ms. SLAUGHTER, Mr. PASTOR, Mr. BECERRA, Ms. McKINNEY, and Mr. NEY):

H. Con. Res. 22. Concurrent resolution expressing the sense of the Congress with respect to the discrimination by the German Government against members of minority religious groups, particularly the continued and increasing discrimination by the German Government against performers, entertainers, and other artists from the United States associated with Scientology; to the Committee on International Relations.

By Mr. SKAGGS (for himself and Mr. KOLBE):

H. Con. Res. 23. Concurrent resolution expressing respect and affection for the flag of the United States; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.J. Res. 56. Resolution providing amounts for the expenses of the Committee on Resources in the 105th Congress; to the Committee on House Oversight.

By Mr. SPENCE (for himself and Mr. DELLUMS):

H.J. Res. 57. Resolution providing amounts for the expenses of the Committee on National Security in the 105th Congress; to the Committee on House Oversight.

By Mr. FAZIO of California:

H.J. Res. 58. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. GOSS:

H.J. Res. 59. Resolution providing amounts for the expenses of the Committee on Intelligence in the 105th Congress; to the Committee on House Oversight.

By Mr. STUMP (for himself and Mr. EVANS):

H.J. Res. 60. Resolution providing amounts for the expenses of the Committee on Veterans' Affairs in the 105th Congress; to the Committee on House Oversight.

By Mr. HAMILTON (for himself and Mr. DREIER):

H.J. Res. 61. Resolution to provide for independent investigations and factfinding for ethics investigations; to the Committee on Rules.

By Mr. HANSEN (for himself and Mr. BERMAN):

H.J. Res. 62. Resolution providing amounts for the expenses of the Committee on Standards of Official Conduct in the 105th Congress; to the Committee on House Oversight.

By Mr. ARCHER:

H.J. Res. 63. Resolution providing amounts for the expenses of the Committee on Ways and Means in the 105th Congress; to the Committee on House Oversight.

By Mr. BARRETT of Wisconsin (for himself and Mr. LUTHER, and Mr. McHALE):

H.J. Res. 64. Resolution requiring that travel awards that accrue by reason of official travel of a Member, officer, or employee of the House of Representatives be used only with respect to official travel; to the Committee on House Oversight.

By Mr. BURTON of Indiana:

H.J. Res. 65. Resolution providing amounts for the expenses of the Committee on Government Reform and Oversight in the 105th Congress; to the Committee on House Oversight.

By Mr. GILMAN:

H.J. Res. 66. Resolution providing amounts for the expenses of the Committee on International Relations in the 105th Congress; to the Committee on House Oversight.

By Ms. GRANGER (for herself, Mr. Armey, Mr. Frost, Mr. DeLay, Mr. Sam Johnson, Ms. Eddie Bernice Johnson of Texas, Mr. Sessions, and Mr. Brady):

H.J. Res. 67. Resolution to express the sense of the House of Representatives concerning actions that the President of the United States should take to resolve the dispute between the Allied Pilots Associations and American Airlines: to the Committee on Transportation and Infrastructure.

By Mr. HAMILTON (for himself, Mr. Bereuter, and Mr. Berman):

H.J. Res. 68. Resolution stating the sense of the House of Representatives that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan, and the nations of the Asia-Pacific region, and that the people of Okinawa deserve recognition for their contributions toward ensuring the treaty's implementation; to the Committee on International Relations.

By Mr. LEACH:

H.J. Res. 69. Resolution providing amounts for the expenses of the Committee on Banking and Financial Services in the 105th Congress; to the Committee on House Oversight.

By Ms. MILLENDER-McDONALD:

H.J. Res. 70. Resolution to establish a select committee to investigate CIA involvement in the financing, distribution, and promulgation of crack cocaine and the use of any proceeds to support the Contras; to the Committee on Rules.

By Mr. SHUSTER;

H.J. Res. 71. Resolution providing amounts for the expenses of the Committee on Transportation and Infrastructure in the 105th Congress; to the Committee on House Oversight.

By Mr. SMITH of Oregon:

H.J. Res. 72. Resolution providing amounts for the expenses of the Committee on Agriculture in the 105th Congress; to the Committee on House Oversight.

By Mr. SOLOMON (for himself and Mr. Moakley):

H.J. Res. 73. Resolution providing amounts for the expenses of the Committee on Rules in the 105th Congress; to the Committee on House Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

18. By the SPEAKER: Memorial of the House of Representatives of the State of Washington, relative to House Joint Memorial 4006 encouraging greater Federal funding of research into finding the cause, prevention, and cure for breast cancer; to the Committee on Commerce.

19. Also, memorial of the Senate of the State of Washington, relative to Senate Joint Resolution 8005 petitioning for use of the Fast Flux Test Facility to meet critical national needs; to the Committee on Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALVERT:

H.R. 808. A bill for the relief of John M. Ragsdale; to the Committee on the Judiciary.

By Mr. KENNEDY of Massachusetts:

H.R. 809. A bill for the relief of Frank J. Notrem; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Ms. Jackson-Lee, Mr. Dan Schaefer of Colorado, Mr. Radanovich, Mr. Baker, and Mr. Talent.

H.R. 2: Mr. Ney, Mr. Castle, and Mr. Barr of Georgia.

H.R.18: Mr. Klug, Mr. Watts of Oklahoma, and Mr. Latham.

H.R. 26: Mr. Collins and Mr. Chambliss.

H.R. 38: Ms. Dunn of Washington, Mr. Stearns, Mr. Davis of Virginia, and Mr. Gonzalez.

H.R. 45: Mr. Frank of Massachusetts and Mr. Rahall.

H.R. 54: Mr. Ney.

H.R. 65: Ms. Dunn of Washington, Mr. Gilman, Mr. Canady of Florida, Mr. DeFazio, Mr. Scarborough, Mr. Bereuter, Mr. Taylor of Mississippi, Mr. Stearns, Mr. English of Pennsylvania, Mr. Towns, Mr. Davis of Virginia, Mr. Frank of Massachusetts, Mr. Hefner, Ms. Woolsey, Mr. Evans, Mrs. Lowey, Ms. Rivers, Mr. Watts of Oklahoma, Mr. Kildee, Mr. Gonzalez, Mr. Olver, Mr. Young of Alaska, Mr. Mascara, Mr. Wynn, Mr. Lewis of Kentucky, Mrs. Mink of Hawaii, Mr. Wolf, Mr. Greenwood, and Mr. Abercrombie.

H.R. 66: Mr. Smith of New Jersey, Mr. Ganske, Mr. Baesler, Mr. Borski, Mr. Gilchrest, Mr. Ehlers, Mr. Stupak, and Mrs. Thurman.

H.R. 74: Mr. Owens, Ms. Eddie Bernice Johnson of Texas, Mr. Dellums, Mr. Vento, Mr. Watt of North Carolina, Ms. Jackson-Lee, Mrs. Carson, Ms. Slaughter, Mr. Bonior, Mr. Cummings, and Mr. McDermott.

H.R. 80: Mr. Smith of New Jersey, Mr. Pomeroy, Ms. Kaptur, Mr. Stearns, Ms. Rivers, and Mr. Goodling.

H.R. 91: Mr. Mica.

H.R. 107: Mrs. Lowey, Mr. Stearns, Mr. Ackerman, Mr. McCollum, Mr. Underwood, Mrs. Meek of Florida, Mr. Bartlett of Maryland, Mr. Menendez, Mr. Watts of Oklahoma, and Mr. Frank of Massachusetts.

H.R. 108: Mr. Frost and Mr. Solomon.

H.R. 123: Mr. Bateman, Mr. Shuster, Mr. Inglis of South Carolina, Ms. Danner, Mr. Tiahrt, Mr. Baker, Mr. Dan Schaefer of Colorado, and Mr. Pombo.

H.R. 126: Mr. Goodling.

H.R. 143: Mr. McNulty, Mrs. Johnson of Connecticut, Mr. Watkins, Mr. Houghton, Mr. Nethercutt, Mr. Cunningham, Mr. Kolbe, Mr. Canady of Florida, Mr. Becerra, Mr. Adam Smith of Washington, Mr. Hulshof, Mr. Camp, Mr. Manzullo, Mrs. Linda Smith of Washington. Mr. Dreier, Mr. Bunning of Kentucky, Mr. Metcalf, Mr. Hastings of Washington, Mr. Sam Johnson, Mr. Fattah, Mr. Dicks, Mr. Ramstad, Mr. White, Mr. Smith of Oregon, Mr. Hayworth, Mr. Shaw, Mr. Kennedy of Massachusetts, Mr. Moakley, Mr. Cardin, and Mr. Collins.

H.R. 144: Mr. Minge, Mr. Pease, and Mr. Pitts.

H.R. 146: Mr. Taylor of North Carolina.

H.R. 147: Mr. Lipinski, Mr. Frost, Ms. Eddie Bernice Johnson of Texas, Mr. Rangel, Mr. Foglietta, Mr. Dellums, and Mr. Kildee.

H.R. 148: Mr. Borski.

H.R. 150: Mr. Rothman.

H.R. 155: Mr. Ford, Mr. Martinez, Mr. English of Pennsylvania, Mr. Filner, Ms. Norton, and Mrs. Carson.

H.R. 178: Mr. Delahunt and Mr. Engel.

H.R. 181: Mr. Poshard.

H.R. 216: Mr. Wexler, Mr. McHale, Mr. Kleczka, and Mr. Matsui.

H.R. 217: Mr. Castle, Mr. Bereuter, and Mr. Barr of Georgia.

H.R. 219: Mr. Solomon, Mr. Castle, Mr. Ackerman, Mr. Fox of Pennsylvania, Mr. Campbell, Mr. Christensen, Mr. Fattah, Ms. Lofgren, Mr. Bilbray, Ms. Christian-Green, and Mr. Davis of Virginia.

H.R. 234: Mr. Hastings of Florida, Mr. McGovern, and Mr. Filner.

H.R. 240: Mr. Frelinghuysen, Mr. Davis of Virginia, Mr. Calvert, Mr. Filner, Mr. Ramstad, Mr. Holden, Mr. Evans, Mr. Buyer, Mrs. Kelly, Mr. Klug, Mr. Coyne, Mr. Rahall, and Mr. Lipinski.

H.R. 241: Mr. Martinez.

H.R. 242: Mr. Martinez, Mr. English of Pennsylvania, and Mr. Foley.

H.R. 250: Mr. Romero-Barceló.

H.R. 251: Mr. Canady of Florida.

H.R. 279: Mr. Conyers, Mrs. Kelly, Ms. Christian-Green, Mr. King of New York, Mr. Davis of Virginia, Mr. Ney, Mr. Quinn, Mr. McIntosh, Mr. Pallone, Mr. Skeen, Mr. Sandlin, Mrs. Maloney of New York, Mr. Foley, Mr. Ford, Mr. Walsh, Mr. Sisisky, Mr. Gibbons, Mr. Herger, Mr. Burton of Indiana, Mr. Peterson of Minnesota, Mr. Sam Johnson, Mr. Ackerman, Mr. Weldon of Pennsylvania, Mr. Becerra, and Mr. Rogan.

H.R. 299: Mr. Evans.

H.R. 303: Ms. Dunn of Washington, Mr. Gilman, Mr. Canady of Florida, Mr. DeFazio, Mr. Scarborough, Mr. Bereuter, Mr. Taylor of Mississippi, Mr. Stearns, Mr. English of Pennsylvania, Mr. Towns, Mr. Davis of Virginia, Mr. Frank of Masssachusetts, Mr. Hefner, Ms. Woolsey, Mr. Evans, Mrs. Lowey, Ms. Rivers, Mr. Watts of Oklahoma, Mr. Kildee, Mr. Gonzalez, Mr. Olver, Mr. Young of Alaska, Mr. Mascara, Mr. Wynn, Mr. Lewis of Kentucky, Mrs. Mink of Hawaii, Mr. Wolf, Mr. Greenwood, and Mr. Abercrombie.

H.R. 304: Mrs. Meek of Florida, Mr. Frost, and Ms. Jackson-Lee.

H.R. 312: Mr. Barr of Georgia, Mr. Hostettler, and Mr. Pitts.

H.R. 314: Mr. Mica.

H.R. 336: Mr. Gillmor.

H.R. 399: Mr. Hyde, Mr. Bachus, Mr. Ackerman, Mr. Evans, and Mr. Bereuter.

H.R. 400: Mr. Horn, Mr. Sensenbrenner, and Mr. Towns.

H.R. 404: Mr. Berman, Ms. Lofgren, Mr. Frost, Mr. McHugh, Mr. Bono, Mr. Baldacci, and Mr. Weldon of Pennsylvania.

H.R. 407: Mr. Lantos, Mr. Green, Ms. Jackson-Lee, Mr. Condit, Mr. Serrano, Ms. Lofgren, Mr. Farr of California, and Mrs. Maloney of New York.

H.R. 416: Mr. Rangel, Ms. Jackson-Lee, and Mr. Green.

H.R. 417: Mr. EVANS, Mr. FALEOMAVAEGA, Mr. GREEN, Ms. RIVERS, Ms. JACKSON-LEE, Mr. TOWNS, Mrs. THURMAN, Mr. RANGEL, Mr. BENTSEN, Mr. DELAHUNT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SLAUGHTER, Mr. TRAFICANT, Mr. BAKER, Ms. LOFGREN, Mr. TORRES, Mr. HEFNER, Mr. FAZIO of California, Mr. WEXLER, and Mr. COOKSEY.

H.R. 418: Mr. CLEMENT, Mr. EHLERS, Mr. ACKERMAN, Mr. BORSKI, Mr. GEJDENSON, Mr. LoBIONDO, Mr. BEREUTER, Mr. FILNER, Mr. FOX of Pennsylvania, Mr. LIPINSKI, and Mr. FAZIO of California.

H.R. 423: Mr. STENHOLM.

H.R. 426: Mr. SENSENBRENNER, Mr. GOODLING, Mr. JOHN, Mr. BUNNING of Kentucky, and Mr. PICKERING.

H.R. 446: Mr. CALVERT, Mr. LIPINSKI, and Mr. ADAM SMITH of Washington.

H.R. 459: Mr. SMITH of New Jersey.

H.R. 471: Mr. CANADY of Florida, Mr. FOLEY, and Mr. DEAL of Georgia.

H.R. 484: Mr. SHADEGG.

H.R. 498: Mr. BARRETT of Wisconsin.

H.R. 505: Mrs. KENNELLY of Connecticut, Mr. KLECZKA, Mr. ACKERMAN, Ms. NORTON, Mr. WATT of North Carolina, and Mr. STARK.

H.R. 519: Mr. PORTER.

H.R. 525: Mr. CHRISTENSEN, Mr. BUNNING of Kentucky, Mr. HAYWORTH, Mr. ENGLISH of Pennsylvania, and Mr. SHAW.

H.R. 539: Mr. ACKERMAN.

H.R. 543: Mr. LAMPSON, Mr. WELDON of Pennsylvania, Mr. NEY, and Mr. BURTON of Indiana.

H.R. 544: Mrs. LOWEY.

H.R. 546: Mr. FROST, Mrs. LOWEY, Mr. HINCHEY, and Mr. CONYERS.

H.R. 551: Mrs. MEEK of Florida.

H.R. 552: Mr. GILCHREST and Ms. LOFGREN.

H.R. 556: Mr. TRAFICANT and Mr. McDERMOTT.

H.R. 562: Mr. CAMPBELL.

H.R. 574: Ms. ESHOO, Mr. BONIOR, and Mr. FOGLIETTA.

H.R. 586: Mrs. CHENOWETH, Mrs. CUBIN, Mr. HYDE, and Mr. MANZULLO.

H.R. 590: Ms. NORTON, Mr. ENGLISH of Pennsylvania, Mrs. LINDA SMITH of Washington, Mr. SHAYS, Mr. McDERMOTT, and Mr. MILLER of California.

H.R. 600: Mrs. CLAYTON, Mr. DICKS, Mr. GUTIERREZ, Mrs. KENNELLY of Connecticut, Mr. MARKEY, Ms. McKINNEY, Mr. NADLER, Mr. PASTOR, Ms. ROYBAL-ALLARD, Mr. SCHUMER, Mr. SERRANO, and Ms. SLAUGHTER.

H.R. 604: Mr. CANADY of Florida, Mr. SHERMAN, Mr. SAM JOHNSON, Mr. BRYANT, and Mr. ROGAN.

H.R. 607: Mr. McDERMOTT and Mr. ROHRABACHER.

H.R. 610: Mr. LIPINSKI.

H.R. 614: Mr. KLUG, Mr. FOLEY, Mr. GOODLING, Mr. WELDON of Pennsylvania, Ms. ROS-LEHTINEN, and Mr. MINGE.

H.R. 615: Mr. ENGLISH of Pennsylvania.

H.R. 617: Mrs. LOWEY, Ms. JACKSON-LEE, Mrs. CARSON, Mr. SANDERS, Mr. KENNEDY of Rhode Island, and Mr. ACKERMAN.

H.R. 641: Mrs. CHENOWETH, Mr. LARGENT, and Mr. PACKARD.

H.R. 643: Mr. DELLUMS, Mr. NEY, Mr. PACKARD, Mr. FOGLIETTA, Mr. EVANS, Mr. ACKERMAN, and Mr. THOMPSON.

H.R. 644: Mr. NEY.

H.R. 680: Ms. DANNER, Mr. LAFALCE, Mr. GEJDENSON, Mrs. MEEK of Florida, Mr. McDERMOTT, Mr. BROWN of California, Mr. FROST, Mr. SERRANO, Mr. MILLER of California, Mr. CLYBURN, Mr. ROMERO-BARCELÓ, Mr. OLVER, Mr. MARTINEZ, Ms. LOFGREN, Mr. SANDERS, Mr. ACKERMAN, Mr. COYNE, Mr. TORRES, Mr. BENTSEN, Mr. POSHARD, Mr. INGLIS of South Carolina, Mrs. CARSON, Mr. LIPINSKI, Mr. KILDEE, Mr. MASCARA, Mr. ROEMER, and Mr. BALDACCI.

H.R. 687: Mr. BARRETT of Wisconsin, Mr. FRANK of Massachusetts, Mr. ENGLISH of Pennsylvania, and Mr. LIPINSKI.

H.R. 688: Mr. GREENWOOD.

H.R. 694: Mr. STUPAK and Mr. TRAFICANT.

H.R. 710: Mr. ADAM SMITH of Washington.

H.R. 716: Mr. BALLENGER, Mr. KLUG, Mr. TALENT, and Mr. CUNNINGHAM.

H.R. 727: Mr. QUINN.

H.J. Res. 1: Mr. EVERETT, Mr. KINGSTON, and Mr. FOX of Pennsylvania.

H.J. Res. 6: Mr. GOODLATTE, Mrs. MYRICK, and Mr. BURR of North Carolina.

H.J. Res. 10: Mr. LEWIS of Kentucky and Mr. FOLEY.

H.J. Res. 14: Mr. BEREUTER.

H.J. Res. 16: Mrs. MYRICK.

H.J. Res. 17: Mr. ABERCROMBIE, Mr. FROST, and Mr. LAFALCE.

H.J. Res. 28: Mr. BOUCHER.

H.J. Res. 45: Mr. FATTAH and Mr. WATT of North Carolina.

H. Con. Res. 6: Mrs. THURMAN, Mr. KENNEDY of Rhode Island, and Mr. EVANS.

H. Con. Res. 10: Mr. HASTINGS of Washington and Mr. SHIMKUS.

H. Res. 28: Mr. SKEEN.

H. Res. 39: Mr. CAMPBELL, Mr. FROST, and Mr. BOEHLERT.

H. Res. 40: Mr. DINGELL, Mr. BROWN of Ohio, Mr. OBERSTAR, Ms. McKINNEY, Ms. JACKSON-LEE, Ms. STABENOW, Mr. SANDERS, and Ms. NORTON.

H. Res. 48: Mr. ROMERO-BARCELO, Mr. GREEN, and Mr. SOLOMON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6. By the SPEAKER: Petition of the Puerto Rico Bar Association board of directors, relative to opposition to the death penalty being imposed on Puerto Ricans; to the Committee on the Judiciary.

7. Also, petition of the municipality of Mayaguez, Commonwealth of Puerto Rico, relative to the death penalty; to the Committee on the Judiciary.

SENATE—*Thursday, February 13, 1997*

The Senate met at 11 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, before we press on with the demands of today, we need to open our minds to You. We say with the psalmist, "Truly my soul silently waits for God."—Psalm 62:1. So often we rush off in all directions before we know what You want us to be and do. Sometimes the communication lines with You get jammed by our flow of words to You without listening to what You have to say to us. Prayer becomes like a telephone conversation in which we hang up on You before You have a chance to respond to the questions and the needs that we have spread out before You. Today we want to keep the lines open and really listen to You. Give us the patience to wait for Your creative insight about how to solve problems and grasp the potentials You arrange for us. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. Thank you very much, Mr. President.

SCHEDULE

Mr. LOTT. Today the Senate will be in a period of morning business until the hour of 3 p.m. this afternoon. This will accommodate a number of Senators who have requested time to speak on various matters.

Following morning business today, there will be a number of items that are possible for Senate consideration. Due to several scheduling conflicts, I am uncertain at this time exactly whether or not we will be able to make further progress on Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget. But it is my hope that at some time today the Democratic leader and I will reach an understanding as to the number of amendments that are expected to Senate Joint Resolution 1 as well as an indication as to when we might be able to complete action on this important constitutional amendment.

We have worked very hard at trying to accommodate all Senators' schedules, and, of course, this morning we have a funeral service for Ambassador Harriman and other problems in that area we tried to accommodate. We have taken up a few amendments and voted, but earlier my conversations with the Democratic leader were that he did not see—I believe this is a fair statement—any reason why we could not complete this work by the end of this month. So we have today and then 5 days when we come back after the Presidents' Day recess. I hope we can get a list that would have a reasonable amount of serious amendments and then get an agreement on a time to complete that action.

We want to make sure we have a full debate, everybody feels that they have been treated fairly, but there needs to be a limit on how long this goes on. We have been acting so far this year in good faith. We have been trying to accommodate each other's schedules, but when we come back we are going to have to move these amendments through the process and get a final vote because we do have other work we would like to bring to the floor.

I remind my colleagues that we have scheduled a rollcall vote on the pending amendment offered by Senator BYRD. That vote will occur at 5:30 p.m. on Monday, February 24, the day we come back. It is also possible the Senate will vote today on a resolution submitted by Senator SPECTER regarding milk prices. If an agreement can be reached, we will have a short period of debate on that resolution followed by a rollcall vote.

We are also still attempting to clear consideration of a resolution relating to the American Airlines strike which was submitted by Senator HUTCHISON. This is timely, obviously. We are looking at the possibility of a strike which could cripple that airline and impact jobs in the thousands all over the country. So I am hoping that we could pass a resolution expressing our concern and urging the President to use his powers to find a way to avoid this threatened strike.

Finally, there are a couple of nominations that were reported from committee yesterday. We may be able to clear those nominations for action. I am not sure that they would even require a vote, but we will have to work through it here in the next 3 or 4 hours. This is the last day of the session prior to the Presidents' Day recess, so I thank my colleagues for their cooperation as we try to finish business at a reasonable hour today. We will notify all the Senators when we may have actual rollcall votes. And, again, we have had good cooperation, but we have not had a lot of pressure in terms of schedule, and when we come back we really have to begin to make some progress on these amendments, and I hope we will be able to do that.

I yield the floor, Mr. President.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, there will now be a period for the transaction of morning business until 3 p.m. The time between 11 and 12 noon shall be under the control of Senator THOMAS or his designee.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I believe we have special order time scheduled from 11 to 12 noon. I would designate the time allocated to Senator THOMAS to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. ENZI. Mr. President, we will have several more of my colleagues here to discuss how the balanced budget amendment benefits children.

I will begin by saying that as a new Senator, I am in awe of these surroundings. Every day I reflect on the history that has taken place in this Chamber. I think of the people who have been here before me and hear them referred to in speeches on a daily basis.

Much of the history of this great Nation has been shaped in this Chamber. Every day we are in session history is being made. Right now we are debating the balanced budget constitutional amendment. That may be the most important piece of legislation to be debated during my lifetime because of the implications it has for the future of our country.

A new revolution may be taking place in this country. A few years ago, I was given a book by my pastor to read. It was a scholarly review of social cycles in the history of the United States. The baby boomers were one of those cycles. I am part of that. They were concerned primarily for themselves but also for others as long as there was something in it for them. It revealed how in the history of the United States there have been three recurring cycles. But following each period when we tried to be sure we took care of ourselves and instituted programs to make sure others were taken care of, provided we were included, that generation was followed by a reactionary generation, and the reactionary generation took away the "gifts" of the previous generation.

In last week's balanced budget debate, we heard a lot of comments about

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Social Security. I am mentioning this reactionary generation because I want to make sure we protect Social Security not just today but for the time to come. All of us here are concerned about Social Security, and to say otherwise is just political hogwash. But the only way to protect Social Security is to include it in the balanced budget constitutional amendment. That is why the President's budget proposal and every budget prior to that included Social Security in the budget. We cannot continue to ignore the interests of our children and grandchildren—members of that reactionary agenda.

What does the incredible debt that we have built up have to do with future generations? The Federal debt is $5.3 trillion. None of us understand how much $5.3 trillion is. But the reactionary generation that follows will learn, and they will learn all too soon. As they become saddled with tremendous debt, they will realize what the magnitude of how much $5.3 trillion really is.

Already this reactionary generation says that they have a better chance of seeing an unidentified flying object than they have of seeing $1 of their Social Security money when they retire. They see no hope for the future, and they look forward to a lifetime of putting in 7.45 percent or more of their paycheck and having that matched by their employer with another 7.45 percent. That is 15 percent that could have been their earnings, that could have been money in their pockets or in their own retirement accounts. When they realize that they will not receive a dollar of that money, what do you suppose their reaction will be? Will they protect Social Security for those already in the program? Will they care? Will there be a legislative revolution?

As an accountant, I am fascinated with the budget discussion because we are talking about numbers, and that is exciting. We are talking about balancing budgets. We are talking about formats that will provide us with the most information possible, and we are doing it in the context of a real budget dealing with real people. We are doing it in the context of a history where we have only balanced the budget once in 40 years—and that was 28 years ago.

Some very valid accounting concerns have been raised here in debate by opponents of the balanced budget constitutional amendment. I have heard reference to the need for capital budgeting. I have heard reference to a need for Social Security to be off budget. I have heard reference to the need to take care of accounting problems that happen during recessions. As an accountant, I applaud this insight into the need for new accounting methods.

Not only am I an accountant but I used to be the mayor of Gillette, WY, as it went through a boom and increased in population about two and a half times. I know from having been through both kinds of economic cycles that growth presents many of the same problems that recession causes. Under both situations a capital budget is required. We really do need Federal capital budgets and cash-flow management budgets. We need to list all of the capital purchases, vehicles, buildings, etc., that this Government needs to buy for the next 1 year, 2 years, 5 years, 10 years, 50 years. I have found out that many agencies or departments have no idea how much capital they have. We need to have cash-flow budgets so that as the cash arrives the purchases can be made without extensive deficits. That is good business.

When I heard the Democratic leader speaking about capital budgets last week, I got excited. That is the kind of accounting that we should have already had. But, this kind of accounting has nothing to do with passing the balanced budget constitutional amendment. It is just good business. Whether we have a capital budget or not, we need a balanced budget amendment.

Last week I heard a lot of debate about the need to take Social Security off budget. Off budget is a fascinating accounting term. In fact in my accounting references I could not even find that term. And I have to say from listening to the discussions that there does not seem to be a lot of consensus as to what off budget really means.

It looks like we found a catch word that scares senior citizens and makes everyone think this will save Social Security. As one who daily approaches being a senior, I want to see us get the rhetoric out of that term. We give the impression that Social Security has enough money at the moment. We talk about the surpluses going into Social Security and being used in the budget.

Accountants frown at the word "surplus" revenue. Surplus implies more than what is needed. That is not the case with the Social Security trust fund. We give the impression that money is being put aside in a special account for our seniors so that when they retire there will be money to be drawn out in their names. That is not even close to what actually happens.

In order for the money that people are paying into Social Security today to be available for them when they retire, the system must be actuarially sound. That means that the money going in now at the rate of investment allowed on that fund has to generate enough revenue so there will be a payout for the period of time promised. We have promised to pay out money for the remainder of a person's life at not only the rate that he or she is entitled to at the time they retire, but also with cost-of-living allowances.

We have already passed laws in this country that force businesses doing pension funds to make their funds actuarially sound. They have to build a fund that at the time of retirement will have enough money in it that can pay the benefits for that person for the promised amount of time which is usually the balance of his lifetime. That is the law. Businesses are in the process of meeting that at an extreme cost to themselves. If we force businesses to keep their promises, then why do we not fulfill our promise to the same people and keep our accounts sound?

At the present time Social Security is at least $9.3 trillion away from being actuarially sound. Do we have a way to generate that money? No. We have to perpetuate the current system. That is why we cannot privatize the system. We would bankrupt the system immediately if we allowed younger generations to take their money and put it in their own fund instead of putting it in to be paid out to our seniors immediately.

We need to have a system where we can see how far in debt we are. And we need to do that not just for Social Security but for every single trust fund that we have. We either have to change the accounting system to account for the funds honestly and show how much of a deficit there is, or rename them so that they are not trust funds. Perhaps we should do both.

OK, we agreed to do a system of pay in and pay out trying to build up some surpluses to take care of the coming influx of people going into retirement. But, when the baby boomers reach full retirement, the Social Security surplus will decline at a dramatic rate, eventually going broke by the year 2012.

Yes, we need a new accounting system for Social Security. Yes, we need that system now. No, it is not a part of the balanced budget constitutional amendment. It is a part of a good government proposition and we need to grapple with it and get it under control. The issue of what accounting system to use should not determine if we vote for or against a balanced budget amendment. A new accounting system is needed, but the balanced budget amendment is essential.

The only hope for Social Security is a balanced budget, then switch to an accounting system that will realistically deal with the actuarial needs of Social Security so that we can protect it for future generations. Otherwise we will have a revolution that will take away seniors' Social Security.

Last week I also saw many copies of the pocket Constitution of the United States being held up and explained. I too, carry my own copy of the Constitution of the United States. It was given to me some years ago by a district judge when I was in the State legislature.

When I was mayor, on Constitution Day, I used to give all members of the city council a copy of the Constitution and encourage them to read it. Sometimes we read it as a part of the proceedings of the city council meeting. This document is an astonishing document. The insight by our forefathers was incredible. But this debate has also raised some constitutional issues.

I have heard discussion that some people in this body consider this to be a draft. It fascinates me, that, with the exception of one single provision, the Founders of this Constitution considered it to be a draft. In article 5, instructions are given on how a change in the Constitution can be made. They made it difficult, but possible to change. The balanced budget constitutional amendment has to pass by a two-thirds vote in each House and then it must be ratified by three-fourths of the States.

I think those people who are opposing a balanced budget constitutional amendment know in their hearts that this time it will pass and will also have swift ratification by the States. If we did not believe it would be ratified by the States, this would be an easy debate. But we know the people of the States want it and the States will respond. If just those States with one or more Senators opposing the balanced budget constitutional amendment did not ratify the constitutional amendment, it would never become a constitutional amendment.

Why will there be swift ratification? First, most of the States already have a balanced budget requirement in their Constitution. They work under the requirement and know the requirement works. They know their limitations and the types of challenges that develop from it. They understand that the challenges are not a detriment to the United States having a balanced budget constitutional amendment.

People understand from their own experience that you cannot spend more than you take in. Almost every school child above the third grade is able to explain to me that if you spend more money than you take in you go broke. It has been said that we can learn much from children. Children focus on problems in more simple terms. Congress has not yet learned what the children know. The voters want us to stop spending their money they have not even earned yet. Our children and grandchildren plead with us to balance the budget and quit cosigning on their behalf for this mountain of debt.

Another argument that I have heard in this debate is the need to adjust changes or, using a new term, glitches in the economy. $5.3 trillion worth of debt has turned people into unbelievers about the paternal role of Government in our lives. We have already wrestled with the $5.3 trillion worth of experiments that wound up with these glitches in the economy. Where has it taken us? What do we have to show for it? The people know the Government has little control over the economy.

I have heard the argument that families do not balance their budgets because they borrow for future such situations, and they do not pay the debt off each year. I agree, they do not. But I do hasten to point out that they at least pay off a little bit of the debt every year. Right now we should not only balance the budget, we should include in that balanced budget an enabling legislation provision to pay off the national debt.

If you went to your banker and said, "I want to borrow money to buy a house, but I don't want to have to pay anything but the interest for the rest of my life," would you get the loan? No, you would not. But that is what Government is doing. The Government is saying, we want you, the American people, to be our bankers, but all we want to do is pay the interest. I can foresee a time when the interest may amount to more than all of the other spending programs, so it will be tough to even pay the interest, and we still will not be paying a nickel on the national debt. Will the next generation be reactionary if they pay exorbitant taxes and cannot buy anything but interest?

This does not begin to mention who finances our debts. We are fiscally controlled to a limited degree by foreign interests because of the large increase in their securities holdings. This weakens our economy and independence because the money is taken out of the United States. The interest on the Federal debt increased from 9 percent of total outlays in fiscal year 1980 to 15 percent in fiscal year 1995.

The Federal Government has not been good about limiting or disciplining itself in any way. We understand how happy constituents get when we throw money at them and their wants. We also understand how disappointed and a little bit angry they sometimes get when they are not given things.

I was in the Wyoming Legislature for 10 years. Halfway through that time, I moved from the house to the senate. At that time the State senate imposed a new rule on itself. We have a very limited time for meeting in Wyoming. We meet for 20 days in a budget session, which is every other year, and 40 days in a regular session. Now we save 2 of those days each time in case the Governor were to veto something, we could call ourselves back into session and override it. So we spend 18 days one year and 38 days the next, and we avoid all special sessions.

In recent years one thing has happened that has helped, and that is a rule that we imposed on ourselves to limit the number of bills that any one Senator can introduce in a session. We said that in a budget year, a Senator could only introduce three bills, and in a regular session a Senator could only introduce seven bills. We spent a lot of hours talking about limiting our own right to submit bills. Those who spoke most vehemently against it were the ones who turned in the most bills. It was not unusual for anybody to turn in 30 bills in a regular session. We passed a rule in spite of the opposition. Today the biggest supporters of that rule are the ones who before the rule turned in the most bills.

Why the change? The ones who turned in the most bills discovered two things. First, their constituents were more pleased with the bill that passed than one that was merely introduced. Introducing and working a few bills resulted in a higher percentage of bills that passed. Second, maybe most importantly, it was much easier to say no to a constituent for a new bill if there was a prohibition against the number of bills allowed to be introduced.

How does that relate to a constitutional amendment for a balanced budget? I am suggesting that, if we limit ourselves by a balanced budget constitutional amendment, we will concentrate more on what we really do well, and the things that we choose to do we will do well. We can have the America of our dreams. We will have more people participating, we will have less people expecting Government to do things for them, we will have more care and concern for our elders, and we will have more concentration on our children's and our grandchildren's welfare.

We have an opportunity now to show that we can care for our parents and our grandparents and will provide for our children and our grandchildren. We can move to an honest system of accounting so we can end the deficits and pay down the debt to show that we really believe that the future of America is upon us now. We can preserve this as a land of opportunity for future generations. The challenge is now. Do we have the courage or do we need a revolt from the reactionary generation? Please help me to pass the constitutional amendment to balance the budget. I will urge all Americans to write and call your Representatives and Senators and tell them to pass the balanced budget constitutional amendment. Passing it 5 years from now will not suffice. We need action now.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Thank you.

Mr. President, after listening to the Chaplain's prayer this morning, I was reminded of the old saying, "Everybody wants to go to Heaven, but not everybody wants to do what is necessary to get there."

In his State of the Union Message, the President said he wanted to balance the budget by the year 2002, but he then went on to express opposition to the balanced budget amendment. Without the discipline of a constitutional balanced budget amendment, neither Congress nor the President will ever have the courage to pass one.

The President has submitted a budget that is technically in balance by the year 2002. But let us look at it. If you check the fine print, you will find that 75 percent of the savings proposed by the President are postponed until the last 2 years of the 5-year plan, the years after President Clinton's term has ended. That is the problem.

Just to cite the statistics, Mr. President, the budget deficit this year is about $107 billion. You would think if you are going to zero in the year 2002, and we are at $107 billion this year, we would reduce it a little each year until we got to zero. But actually the budget deficit goes up in fiscal year 1997, and the President's policies would boost it another $1.1 billion in fiscal year 1998 from where it would otherwise have been. In fact, in the last year—the year that we are supposed to be at zero—the savings required to achieve balance will be $117 billion. So the Congress will have to do more in savings in the very last year of this 5-year plan than we would have had to do to wipe out the deficit in its entirety this year. So $107 billion this year; we are going down to zero in the last year, and that last increment of savings is $117 billion.

This is like the person who says, "I'm going to go on a diet. I've got to lose 30 pounds. And I'm going to give myself 6 months to do it. But I think I'll eat real high off the hog for the first 5 months and 2 weeks, maybe gain another 25 pounds or so, so that in the last 2 weeks I'll lose 55 pounds." That is what the President's budget is suggesting. It is precisely why we need a constitutional amendment, to force the President and the Congress to make the tough choices to balance the budget; otherwise, it is the same old thing, just put it off until later. We all want to lose the weight, but we do not want to make the tough choices to lose it.

Putting off tough choices for as long as possible is typical of just about every budget plan that we have had in the last several years, including the plan that Congress approved 1½ years ago. It is why the Gramm-Rudman-Hollings deficit reduction law failed in the 1980's.

After all the easy choices have been made in the first few years, progress toward a balanced budget stops dead in its tracks. No one wants to make the tough choices needed to achieve the larger savings scheduled down the road. So the deadline for the balance is always pushed off just a few more years.

President Clinton's budget postpones most of the savings, as I said.

Congress will no doubt come up with a budget that will do the same. That is what always happens. That is why the national debt continues to grow.

Mr. President, 2 years ago when the balanced budget amendment lost by one vote, the national debt was approaching $4.9 trillion. Today, the debt is over $5.3 trillion—an increase of about $400 billion. That amounts to about $1,600—$1,600—for every man, woman and child in America. With that increase, each American's share of the national debt now totals about $20,000. That is about what the average Arizonan earns in a year.

Two years ago opponents of the balanced budget amendment said a constitutional amendment is not necessary. All we need to do is muster the courage to do it ourselves. That is what our constituents sent us here to do, make these tough choices. But we do not make the tough choices. That is the way it always happens.

We actually did pass a balanced budget in the Congress of the United States in 1995. In that year it was the President who vetoed the balanced budget. So, Mr. President, it demonstrates that it is both the Congress and the President. When we muster the courage, the President is the one who apparently lacks it.

Since that time, 2 years ago, Congress has had to add tens of billions of dollars to the budget just to get the President to sign the funding bills into law and keep the Government operating. Just last September, Congress had to add $6.5 billion that it would not have otherwise spent. And that is on top of an increase of about $25 billion the Congress had already built into the year's spending legislation.

Desire and good intentions are not enough to ensure that balance will ever be achieved. Unless we are bound by the Constitution, Members of Congress and the President will always find some reason to spend more or to put off for another year the savings that are needed.

The former Democratic Senator from Massachusetts, the late Paul Tsongas, explained it this way in testimony before the Judiciary Committee 2 years ago: "There are a lot of votes in deficit spending. There are no votes in fiscal discipline. What you have here is a sad case of pursuit of self as opposed to pursuit of what is in the national interest."

Senator Tsongas went on to say this: "The fact that our generation could have conceived of having a consumptive lifestyle in leaving all that debt behind can only happen if we do not go home at night and look at our kids and grandkids and feel something."

Mr. President, it seems to me that our departed colleague really hit the nail on the head. The balanced budget amendment is about our children and our grandchildren and what kind of country we are going to leave them.

For most of our Nation's history, each generation has worked hard and saved and invested so the next generation would be a little better off. Only in the last 40 years has that changed. Now Government cannot seem to live within its means no matter how much it collects in taxes. It has, quite literally, mortgaged the homes and businesses our children will not buy or build for decades to come.

My second granddaughter was born just about a year ago and she already owes, as her share of the national debt, $20,000. In fact, she can expect to pay more than $187,000 in taxes during her lifetime just to pay the interest on the debt. What will be left from her income to care for her children? How will the Government care for the needy of tomorrow when almost every dollar in individual income tax revenue is devoted just to interest on the national debt?

Mr. President, a balance budgeted offers hope. Yes, it will require the Congress to prioritize spending so the most important programs are not jeopardized, and wasteful programs will have to be eliminated. Some of the luxuries will have to be postponed. A balanced budget will require heavy lifting, but offers hope and opportunity to Americans today and our children tomorrow.

The Congressional Budget Office predicts that a balanced budget would facilitate a reduction in long-term real interest rates of between 1 and 2 percent. That means that more Americans will have a chance to live the American dream—to own their own home. A 2-percent reduction on a typical 30-year mortgage of $80,000 would save homeowners $107 every month. That is $1,284 a year, or over $38,000 over the life of the mortgage. That is money in their pockets. A 2-percent reduction in interest rates on a typical $15,000 car loan would save buyers $676. The savings would accrue on student loans, and credit cards, and loans to businesses that want to expand or create new jobs. Reducing interest rates is probably one of the most important things that we can do to help people across this country.

I know there are those who have doubts. Some will say that balancing the budget may make sense in good economic times, but it is too rigid and will prevent us from responding to economic emergencies or other hardship when that occurs.

I think it is important first to point out that deficit spending is so ingrained in the Federal Government that we have been running deficits in good economic times as well as bad during the last 40 years. Deficits have not been run solely to rescue the economy from hardship. If they were, we would not be having this debate today.

Second, it is important to remember that the balanced budget amendment could be waived in times of true emergency. To ensure such waivers were not invoked routinely or without good cause, three-fifths of the House and Senate would have to agree. That should not be difficult in the case of real emergency.

For example, when Congress extended unemployment compensation in response to economic problems in 1975, 1980, 1982, and 1991, it usually did so by a three-fifths majority. So the amendment leaves enough flexibility to respond to real emergencies.

Mr. President, there is now general consensus that balancing the budget is the right thing to do. The President says he is for it, and the Republican majority in Congress says it is for it. We may be able to reach an agreement with the President and pass a plan this year to balance the budget by the year 2002. But without a balanced budget amendment, Congress or the President will no doubt find some reason to backtrack from the plan, if not next year, then in the year 2000 or 2001, whenever the going gets tough.

If we are serious about balancing the budget, we must support the balanced budget constitutional amendment. For our children's sake, we must do it now.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to make a few remarks on the balanced budget constitutional amendment being considered before us today. In the House of Representatives, I was fortunate enough to have been involved with the passage of this amendment during the 104th Congress and I am honored to be active once again in our efforts to pass this important amendment, and to help secure the American dream for future generations.

Now, proposing an amendment to our national charter is not something to be taken lightly. It should be undertaken only for the most important of causes. The Constitution has guaranteed and protected the freedom of the American people. But it can only continue to defend those freedoms if we give it the ability to defend them. An amendment to balance the budget will give our Constitution the strength it needs to continue protecting and defending the freedoms that so many Americans enjoy.

A balanced budget promises hope for the future, not fear as the naysayers will tell you. It promises to draw down interest rates, spur new investment decisions and increase our gross domestic product. It promises lower unemployment and more take home pay. And very importantly it promises to help protect our Social Security system.

Without it our economic security is threatened. One of the most insidious aspects of our budget deficit is that it amounts to a hidden tax on our income, and on our children's future income. This hidden tax is felt by everyone who has taken a loan to pay for school, buy a car, or purchase a home. Higher interest rates are the taxes levied by a government that has not the courage to live responsibly or even honestly. We must balance the budget and thereby eliminate this hidden tax.

The Joint Economic Committee estimates, and you have heard the estimates before, but I think they bear repeating, that yearly savings on an $80,000 home mortgage would amount to $1,272 by balancing the budget and that a student fresh out of school paying back a student loan would save about $180 per year because of the lower interest rates. These are not illusory effects or empty promises; they are rather the assurances of a responsible Government that balances its budget year after year and pays down the debt.

But the Keynesian apostles will tell you the economy will collapse in tough times with a balanced budget amendment because it could force Congress to take actions that could exacerbate a recession. They are wrong.

Opponents of the amendment before us argue that deficit spending is sometimes necessary to offset the negative effects of a recession, natural disaster, or war and to ease the flow of the business cycle. Now, they would argue that during tough times the Government should deficit spend and borrow against future prosperity. But this is simply the wrong approach. Future prosperity is our children's prosperity, and it should never be leveraged to provide for the consumptive desires of big Government.

This amendment would not force Congress to raise taxes during a recession.

Our fiscal policy over the last 40 years has hinged on the desire to deficit spend during times of both recession and expansion. So those who claim this amendment would place a straitjacket on our Nation's fiscal policies are correct. It would place a straitjacket on bad fiscal policies by placing emphasis on less Government spending rather than more.

Deficit spending exacerbates the Federal debt, crowds out private investment decisions that bolster the economy, and leverages the country out of future economic growth and prosperity.

We must balance the budget by cutting taxes, the right taxes, and Government spending, cutting that.

So why are the opponents of this measure trying to stop the balanced budget amendment?

Because, as a matter of economic policy this amendment means an end to the tax and spend economics that has given us our bloated, centralized Federal Government. What it boils down to is this: This amendment will help us put our fiscal house in order by ending faulty Keynesian policy and freeing up private enterprise and encouraging entrepreneurship. What works in America is the individual creativity and ingenuity of our people. This amendment will give us the tool to help realize that truth.

Unfortunately, the fear-mongering attempts by the administration have been focused on transforming this debate from a debate about hope and future prosperity to a debate about an imagined fiscal doomsday. They want to continue following the failed Keynesian policies that have produced the most massive peacetime debt in our Nation's history and they know that this amendment will not allow them to do that.

Now, I have a chart of what has happened to our Nation's debt over the course of our country's short history. I think it is pretty interesting and telling. You can tell that in earlier times we would hold a major debt during times of war, such as during the Revolutionary War, when we had a high debt in this country. During the Civil War, we had a high debt. Certainly, during World War I and World War II, we had a high debt in this country. But then when you look at between the times of war, we virtually didn't have any debt at all, or we pushed it down—up until the past 30 years. Instead, during this period of time, we have increased our debt into the massive debt that we have today.

Mr. President, there is no reason for this debt that exists today. It has been fiscally irresponsible, morally irresponsible. It is a debt, a burden, a mortgage on America that our children will have to pay off. It is morally wrong of us to do that. This balanced budget amendment will keep this from happening in the future, so that future generations, future children coming into this country, won't be burdened with this tax on them, a tax which they never even voted on.

Yesterday morning, when I walked into my office, the national debt was $5,325,298,771,668.63. This morning, when I walked into the office, the national debt was calculated at $5,325,967,417,901.67. Now, that means that, while America worked yesterday, its commitment to paying off the debt increased by almost $670 million.

Mr. President, that was actually a cheap day for what we are running here lately. Every day that the Senate debates this issue, the average increase in our debt has been $694 million. So we actually had a good day yesterday. But it's still a $694 million increase per day. Every day we debate this issue, the debt of our Federal Government grows.

Wait, let's talk about it in real terms, per person. Statistics compiled by the Tax Foundation indicate that the median dual-income family pays a little over $15,000 in Federal taxes each year. That means that over 46,000 families will have to work the entire year just to pay for the time we spend debating this amendment today alone. That is money that could have been spent to send a child to college, or to make a downpayment on a home.

I want to talk about it in more personal terms, about Bud Hentzen of Wichita, KS, and his family and what they are going to owe for interest on the national debt. Bud is a proud family man. He has 10 children. He also has 30 grandchildren. He did a calculation, and he was a little nervous about this. He is proud of his children and grandchildren, as well. He wants to leave them a better and brighter future. He has worked hard all his life to provide for his children and for their future. He wants his country to be strong for them in the future. While he personally has been responsible for providing for those children and educating them, he looks at his Federal Government and calculates that his 10 children collectively owe over $700,000, and his 30 grandchildren collectively owe over $4.8 million for a total of over $5.5 million just to pay the interest on the debt for the Bud Hentzen family.

That is not right. That is not what we are sent here to do. That is certainly not what Bud Hentzen would want us to do. He told me that the only thing he could tell them about the national debt was, "I am sorry we left you this debt." Well, so am I. We ought to be more than sorry—we should be ashamed.

This story makes it clear that this debate is about our children and their future. And it is about the immorality of our present system and whether or not we have the courage to change it for the better.

Yet, opponents also claim that Congress does not need a balanced budget constitutional amendment in order to achieve balance. It simply needs courage. Well, our recent history proves that this claim is false. This argument is dubious because it admits that opponents of this amendment are motivated by political expediency, not true reform. For should the importance of a balanced budget disappear from the mind of America, the pressure to balance the budget would likely disappear from the minds of Members of Congress and the Senate. We are here to debate an issue of national importance that the march of time cannot and should not erode. This debate is not about the political whim of the day, it is about the economic future of our country. Let us then bind ourselves not by the political culture of the day, but by the resolve to complete the work we have started.

The time to act is now. We must not betray our duty to our children and grandchildren, to Bud Hentzen's children and grandchildren, by failing to act on an issue that is so important.

It is a moral imperative that we balance the budget and that we further give ourselves the tools we will need. How will future generations judge us if we have not the strength to end this practice of spending our children's inheritance for the sake of big Government? No doubt, when the pages of history have spoken, the debate we are herein engaged will be remembered not by the shrillness of the rhetoric, but by the consequences of our action. May those consequences enrich our Constitution, defend our freedoms, and protect our children.

Thank you, Mr. President.

The PRESIDING OFFICER. Who seeks time?

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I rise today to, again, voice my strong support for Senate Joint Resolution 1, the balanced budget amendment. I might add that there are many "Bud Hentzens" in Nebraska, just as my distinguished colleague from Kansas so eloquently stated. The numbers are real. I would like to pick up on my distinguished colleagues' remarks with the following statement:

During this debate, we have heard a number of arguments from both sides on the effects of a balanced budget amendment. I believe this debate comes down to one question: Is the balanced budget amendment in the best interest of our children, their children, and the future of America? My answer is "yes."

Balancing our Federal budget is critical to ensuring that the American dream lives for our future generations. The real issue behind balancing the budget is our national debt. Mr. President, our national debt has risen to proportions that are virtually unimaginable to most of us. Numbers like $5.3 trillion in present debt, or $7 trillion in debt by the year 2002 are so far beyond the range of the daily lives of most persons that these numbers are easily dismissed. But these numbers cannot be dismissed. These are not just numbers. Each and every dime of our debt represents a burden we are placing squarely on the shoulders of our children. It is our children—our children—whose incomes will be taxed to pay off this debt. It is our children who will have to deal with a limited-growth-in-job-opportunity world because the debt has so constricted this economy that opportunities and possibilities will be severely limited for our children. It is our children who may never be able to purchase their own homes, or send their children to college, because their incomes will be consumed with high taxes to pay for an oppressive Government and make payments on the enormous debt that we have run up for them.

The balanced budget amendment is no cure-all. Passing it will not save us from the hard choices required to balance this budget. But it will help us get there. It will force Congress to deal with the budget honestly. It will force Congress down a different path than the one it has traveled for 36 of the last 37 years. It will force Congress to balance the budget. Most importantly, it will force Congress to keep the balanced budget—to keep the balanced budget. It will give our future generations the hope and opportunities so that they can determine their own futures and the futures of their children, rather than being held hostage by an undisciplined Congress and an undisciplined Government deciding their futures for them by mortgaging their futures.

Creating the kinds of opportunities for our children that we have enjoyed will require the kind of economic growth that should be America's legacy for the 21st century. It will require bold, strong, and imaginative leadership. To get there, we must cut Government spending, cut taxes, and cut regulations. We need to cut the size and scope of Government and allow private and personal initiative to soar. We must bring Government back to the people, where it is accountable. Balancing the budget is critical to this effort.

Our children deserve better than a balanced budget based on "ifs," "buts," "maybes," conditional tax cuts, and conditional spending cuts. They deserve the security of knowing Congress is required to balance the budget every year. They deserve to know that Congress will not continue to add to the national debt. They deserve to know that we are not playing shell games and numbers games and word games with their futures.

Either we are going to balance the budget or we are not. Let us be honest. Let us be honest with our children and our grandchildren. Let us be honest with this country. Our children deserve better than the hocus-pocus that we have been giving them. Where is our leadership? Where is the leadership in this Congress? Where is the leadership in this body? Where is the courage in this body? And where is the outrage? Where is the outrage in the U.S. Congress for what we are doing and what we have done to the children of this country?

We must get control of the Federal budget and America's fiscal policy. We must enforce lasting fiscal discipline on the Congress of the United States. A balanced budget amendment ensures that we will balance the budget for years to come. Regardless of who is President, regardless of which party controls the Congress, the balanced budget amendment would be a nonpartisan enforcer of controlled Federal spending and responsible fiscal policy.

We owe our children no less. We owe our children more than flimsy promises and optimistic assumptions. We owe it to them to make a lasting commitment to balance the budget of the United States for years to come. They deserve no less than the same opportunities that were afforded each of us. In fact, Mr. President, they deserve greater opportunities to succeed just as our opportunities exceeded those of our parents. That has been the legacy of every

American generation. That is the magic of America. That is the greatness of America.

The only way to ensure this commitment to our children, the only way to make sure our promises are not undone, is to pass the balanced budget amendment to the Constitution.

Mr. President, thank you, and I yield my time.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, thank you,

Mr. President, I have been watching this debate over the last few days, and I heard some of the opponents to a balanced budget amendment talk in a very eloquent way, as I have heard throughout the years. It seems like the arguments never change. So what I have done is picked up a few of these, and I would like to respond to some of these arguments.

The other day one of the Members who has argued against a balanced budget amendment to the Constitution for as long as I can remember made the comment that proponents want to treat children like children, hiding the hard truth from them, and then went on to elaborate about all of the things that are going to happen if we don't fully disclose what is going on with the proposition of a balanced budget amendment to the Constitution.

I can remember so well back when my No. 2 child was learning to ride a bicycle back in Oklahoma. I can remember when he got on. He was wobbling. Maybe, Mr. President, you have gone through the same thing. I finally got him so that he was able to go in a straight, narrow line. Then he made his first trip around the neighborhood. He is a hand surgeon today. He came back, and he said something to me that is very profound. He said, "You know, daddy, I wish the whole world were downhill."

I think what we need to do is be fully honest with everyone and let them know that it is not going to be easy if we pass a balanced budget amendment to the Constitution because, in fact, the whole world is not downhill. It is going to take some sacrifices. We have demonstrated very clearly what is going to happen if we do not do it.

I heard the other day opponents saying they are tired of Washington telling people what to do and the Washington-knows-best mentality, that the balanced budget amendment is the ultimate Washington mandate. I suggest to you that just the reverse is true. We can talk about this all we want, but what we are saying to the American people when we deny them the opportunity to have ultimately a balanced budget is we want to keep control of all of these things in Washington.

Reference was made yesterday to the Governors who are talking about how they are cutting taxes in their States and the successes that they have had and suggested that the budget balancing amendment, if passed, would force the States to have massive tax increases. Let me tell you. That just isn't true. The problem that we have right now is there is a mentality that I think prevails in both bodies of Congress, or did at least up until 1994, and certainly does today in the White House; that is this direct relationship between taxation and the deficit.

I can remember when this President was sworn into office and he appointed Laura Tyson to be the chief financial adviser to the administration. She said—and this is a direct quote—in direct contradiction to 12 years of Republican ideology, "There is no relationship between the level of taxes a nation pays and its economic performance." To me this is really the key to the whole thing—somebody who actually believed that. If you carry it on to its logical conclusion, you would say that all you have to do is have a taxation level of 100 percent, and everyone is going to be motivated the same and our revenues would go up. We know, obviously, that is not true. There are many Democrats who knew that wasn't true back when President Kennedy was President. He came out and said that we have to raise revenues, that we have needs, and that the best way to raise revenues is to reduce taxes. He did, and it happened. Of course, we look throughout history and we see it has happened over and over again.

In the case of all those who are critical of the administration and say that back during the 10 years or the decade of the Republican administrations in the White House, the tax increases, or the deficit increases, came they say as a result of the tax decreases when in fact the total revenues that came into the Federal Government in 1980 was $517 billion. In 1990 it was $1.031 trillion, exactly doubled. That happened during a decade of the greatest tax reduction in the history of this country.

Mr. President, I know that we are coming up toward the end of the time. But I would like to respond to just two more of the statements that have been made.

First of all, they said that the balanced budget amendment will give politicians the "license to cut and slash needed programs."

The Heritage Foundation not too long ago came out—and they have updated it since then—with a study that came to the conclusion that if we took all of the Federal programs and had a built-in increase of 1 percent, or 1.5 percent, or 2 percent, you could actually balance the budget, that you could eliminate the deficit without cutting one Federal program. The problem is that programs come in—and we have seen it happen over the years—historically, they will come in and say this is going to meet a problem that we have, the problem goes away, and the program stays on.

I am always reminded of one of the great speeches made in our time called a "rendezvous with destiny" when Ronald Reagan made that speech long before he was in public office. He said, "There is nothing closer to immortality on the face of this Earth than a government program once formed." That is what we have seen over and over again. This has been going on for a long time.

I can remember when there was a very prominent Senator from Nebraska, Carl Curtis. Carl Curtis back in 1975 had a bright idea. He said, "We are going to have to do something about this debt." I think the whole debt was less than $400 billion at that time. He said, "In order to do something about this, we are going to have to show that the States want it and that the people want it." So he decided to come and ratify an amendment to the Constitution in advance. I remember when he came to Oklahoma. I happened to be in the State senate at that time and introduced a preratification resolution where we ratified it in advance. Then all of the rest of the States came in.

I would suggest to you that there is a great groundswell out there of people who want this to happen, and they recognize that it is not going to happen otherwise. We listen to people stand on the floor. I have not heard one person stand up here and say, "We want larger deficits. We want to increase the debt." They don't say that. They say, "We will do the responsible thing. We need to make the hard decisions."

The problem is that for the last 40 years we have not made the right decisions, and we have not made the tough decisions. Now that we have an opportunity, a rare opportunity, one that is realistic, it could actually happen, because we only missed it by one vote a year ago.

Let me finally conclude by saying that one Senator stood on the floor the other day. This is a quote. He said, "The budget balancing amendment is nothing more than a vague and empty promise. Most Senators who support it will not even be here in the year 2002 when it will take effect."

Let me suggest to you that as a result of the vote, it is very likely that there will be a lot of Senators who will not be here. I will make a statement that sounds a little bit extreme. But I have to make it.

If you look back at the voting behavior of those U.S. Senators who do not want a balanced budget amendment to the Constitution, you will find that those are the ones who are the liberals. By "liberals," I am talking about individuals who vote for greater tax increases, who want more Government involvement in our lives. I have a chart here that shows that. Those who voted against the balanced budget amendment last year—and there were 33 of them—of those 33, all of them, 100 percent of them, voted for the largest—this is called the tax stimulus program—the largest tax increase that we had in 1994. And all of them have either a D or an F rating by the National Taxpayers Union.

A lot of people forget that we don't have to guess how people perform up here because there are all kinds of organizations that are giving us ratings. How is that going to affect some of the other elections? If you look back and you look at the Members of Congress that were defeated or retired in 1994, in the Senate there are 11, and 8 of them fell ihto this same spending class. In other words, those individuals who are getting defeated now in the polls are individuals who are big spenders and individuals who are for tax increases as opposed to cutting the size of Government.

So I think there are some very real ramifications to this that are political ramifications. I suggest to you, Mr. President, that there are a lot of Members in here who, if they vote against our effort—it is a genuine effort for a balanced budget amendment to the Constitution—will have to pay the political price for that.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Rhode Island is recognized for 30 minutes.

Mr. REED. Thank you, Mr. President.

OUR EDUCATIONAL IMPERATIVE

Mr. REED. I rise today to speak about an issue that is critical to our country and critical to our future, and that issue is education.

Education has always been crucial to our country. Indeed, one of the greatest triumphs of our Nation has been the creation of public education through high school and in the postwar years the expansion of access to higher education.

Our ancestors grasped a fundamental truth. Education is the engine that powers our economy, and it is the force that sustains our over 200-year experiment in democracy. "Yankee ingenuity," groomed in the schoolrooms of New England and transported across the continent, spurred an era of invention that catapulted America to economic leadership. But education is more than just economic progress. Education has allowed us to keep faith with the basic tenet of our country. At the core of American experience is the commitment to equal opportunity, and education is the greatest source of opportunity in a free society. It can transcend the circumstances of income, region, race, and gender to reaffirm the enduring belief that an individual through effort can achieve his or her fullest potential in America.

Throughout our history, education has always been an important part of the American experience. Today, it is rapidly becoming the essential component of our national life. The combination of extraordinary progress in technology, particularly information technology, and the unprecedented growth of international commerce has made education the key to our leadership in the world and our prosperity here at home.

As we pass from the industrial age to the information age, the work of the future demands skills which only can be obtained through lifetime learning. And as we move into an era of global competition, we find ourselves pitted against workers and students around the world. What might have been adequate for America in the age of the Model T in a more insular world is plainly inadequate in the age of the Pentium processor and in a world in which the boundaries of business seldom conform to the boundaries of nations.

As Norman Augustine, vice chairman and CEO of Lockheed-Martin, said, "More and more, we see that competition in the international market place is in reality a battle of the classrooms."

The American people recognize that we can and we must do much more to improve the quality of education. Studies comparing American students with their foreign contemporaries in the "battle of the classrooms," as referred to by Mr. Augustine, show that American students are not first in the world. In fact, they are only about average. The third international mathematics and science study, TIMSS for short, the largest international science and math study ever undertaken, was released last fall.

The study found that U.S. eighth graders scored barely above the world average in science and below the world average in mathematics. Being "average" will not sustain the United States in a world where technology and trade demand excellence.

Just last month, Education Week, in collaboration with the Pew Charitable Trust, released a report card on the condition of public schools in the 50 States. The report characterized public education in the United States as "riddled with excellence but rife with mediocrity." With respect to the bottom line, student performance, the conclusion of the report is sobering. "We did not give States a letter grade. If we had, all would have failed. Nationally, only 28 percent of 4th graders tested in 1994 were able to read at or above the proficient level and only 21 percent of 8th graders tested in 1992 were proficient or better in math."

The American people recognize these shortcomings and the compelling need to enhance education in the United States. They also want the Federal Government to play an appropriate role in this process of educational reform. Last month, a survey was released by the Coalition for America's Children, and it found that 76 percent of those polled favored increases in Federal spending for education.

However, spending alone will not reinvigorate education in the United States. At every level of Government—Federal, State, and local—calling on parents, teachers, business and community leaders, the great civic core of America, we must all work together to make education come alive in the lives of our children. Our task is twofold: To improve the quality of public education and to enhance access to higher education.

Now, when we consider elementary and secondary education, we immediately must recognize the central role played by the States. Historically, States have been the leaders in public education from grades K through 12. And when we boast of the extraordinary success of public education in the United States throughout our history, we are paying tribute to the foresight and wisdom of State and local leaders who invested in education. But it is not without some irony that today, as we talk about devolution of more and more social programs and policies to the States, we at the same time point to the disturbing signs of educational malaise. The "devolutionists" frequently prescribe the States as the all-purpose remedy for every social problem, forgetting that the States like the Feds are political institutions awash in conflicting interests and afflicted with lapses of political will. That is not to suggest that the role of education in the States has been overtaken. It should suggest, however, that States alone have not and cannot cut through the tangle of financial difficulties, political interests and emerging problems that beset public education as we approach the next century. There is a real opportunity and need for Federal leadership as a catalyst for reform.

In confronting the challenge of public education, we cannot confine ourselves to just the schools. We must reach out beyond the schools to the children. The first goal of Goals 2000 is that all children will start school ready to learn. And as we discover more and more about childhood development, this goal becomes increasingly more important. It also becomes increasingly more obvious that our efforts must encompass the youngest children as well as those children just ready to enter school. Scientific evidence points to the critical years from birth to age 3 in the development of intellectual and emotional abilities. As such, child care is an essential part of any strategy for the long-term improvement of education. Good prenatal care, pediatric health care, and quality day care are all components of educational reform. In fact, an emphasis on early intervention may save scarce educational dollars in the long run. Research indicates that children who attend quality child care programs are less likely to be placed in special education or to be retained in grade.

It is here in the area of child care that the Federal Government has long played an important roll. With the creation of the Head Start program in 1965, the Federal Government embarked on an ambitious attempt to reach low-income children. Over the past several decades, Head Start has gained widespread and bipartisan support. But despite this support, the program still only serves one out of three eligible children. More must be done to reach a larger population of eligible children. Moreover, we must consciously develop programs that involve very young children.

If we are serious about having all children ready to learn when they enter school, then we must commit ourselves to ensuring that every child has affordable access to quality health care and day care. We cannot and should not usurp the role of parents. As such, our strategies should be just as much about enabling parents to be better parents, with the time and income to do their part, as it is to reach out and teach the children.

While we summon the will and the resources to prepare children for school, we cannot ignore the urgent need to reform our schools. The recent study by Education Week revealed that on average less than one-third of fourth graders were proficient in reading and less than one-third of eighth graders were proficient in math. In a comparison of cut-off points on employer tests to student scores on national standardized exams, researchers, Richard Murnane and Frank Levy, found that "close to half of all 17-year-olds cannot read or do math at the level needed to get a job in a modern automobile plant." And consistent with these findings, the TIMSS report revealed that American students were not leading the world but were about average in a world economy that increasingly demands excellence, not mediocrity.

In evaluating this lackluster performance, the TIMSS report surprisingly did not blame the usual suspects—too much TV, not enough class time, not enough homework. It turns out that American eighth graders spend more hours per year in math and science classes than their Japanese and German counterparts. American teachers assign more homework and spend more class time discussing it than teachers in Germany and Japan. And, it turns out that heavy TV watching is as common among Japanese eighth graders as it is among American eighth graders. What then is the problem? The TIMSS report strongly suggests that American students receive a "less-advanced curriculum, which is also less focused." At the heart of this disappointing performance is the content and rigor of what is taught and the techniques used to teach it. In short, content and instructional standards are not adequate.

We will not materially improve public education in the United States until we adopt challenging standards, assess the performance of children with regard to these standards, and hold schools accountable for these standards. Standards, assessment, accountability: the keys to reinvigorating public education.

A few years back, there was a popular book entitled All I Really Need to Know I Learned in Kindergarten. I guess I was a little slow because I'm tempted to say I learned a great deal in the Army and that was many years after kindergarten. One of the great lessons of my Army experience is the transforming power of high quality standards, realistic assessments, and accountability. In the wake of the Vietnam war, a demoralized and publicly scorned military began to reinvent itself and, over the last 2 decades, has become one of the most effective institutions in the country. Many factors can be cited: the development of an all volunteer force, the leadership of an extraordinary group of professionals who served in Vietnam and went on to senior positions in the Pentagon. But, a critical, and sometimes overlooked, factor was the development of training doctrine that rested on detailed standards and realistic assessments.

As a company grade officer, I saw the transition from unimaginative field manuals couched in general terms to materials that broke down missions into constituent tasks, stressed the mastery of these tasks, and, then, the careful merging of individual tasks into group effort. At every stage, clear standards of performance were identified and evaluated. Complementing these doctrinal changes was a renewed emphasis on "training the trainer". Professional development was stressed not only for officers but throughout the ranks, particularly non-commissioned officers who are the backbone of the military. Finally, accountability, always a hallmark of the military service, could be refocused from the mundane, "did the troops look good", to the critical, could the unit accomplish its mission in the most realistic circumstances. American education, today, seems to be at a similar crossroads as the post-Vietnam military. And, the lesson of standards, assessments, and accountability seems equally compelling, for education today.

American students are graded from the moment they enter school. They repeatedly take tests. But, seldom are they measured against agreed upon content standards. As such, school is less about understanding a core body of knowledge and using that knowledge than it is about attendance. For too many students, the only "standard" that counts is showing up frequently enough to get a high school diploma. Thus, it is no surprise that half of high school graduates would have a difficult time getting a job in a modern automobile plant.

In a recent survey by a national nonprofit group, Public Agenda, reported in the Washington Post, high school students expressed their criticism of school. At the top of their list was the observation that their classes are not challenging enough. A typical response from a student is revealing. "'I didn't do one piece of homework last year in math' he said. 'I just took the tests. I'd get A's on the tests, not do the homework, and I got a B in class. There's just lots of ways to get around it.'" This sobering comment was found throughout this discussion in the report, but, the researchers were encouraged to find "strong support among students for having tougher standards in class. Three-fourths of them said they believed they would learn more, and school would seem more meaningful, if they were pushed harder by better teachers." As Deborah Wadsworth, the executive director of Public Agenda, declared, "The students seem to be crying out for the adults in their lives to take a stand and inspire them to do more."

Standards are about excellence, but they are also about equality of opportunity. Diane Ravitch, a professor at Columbia and a former official in President Bush's education department, wrote,

> "[n]ations that establish national standards do so to ensure equality of education as well as higher achievement . . . they make explicit what they expect children to learn to insure that all children have access to the same educational opportunities." Until we establish effective standards and evaluate children according to those standards, we will continue to ignore disparities in the educational experience of children throughout the United States.

In keeping with the critical role of standards as benchmarks for excellence and equality of opportunity, it is exciting to note President Clinton's proposal to develop voluntary national assessments for reading at the fourth grade and math at the eighth grade level. These assessments could truly be the bridge between standards and accountability; the bridge to a renewal of public education, in the United States.

Recognizing the critical role that standards can play in the reformation of public education, Congress in 1994 adopted the Goals 2000: Educate America Act. Goals 2000 sought to place voluntary national standards at the center of national debate about educational reform.

As a member of the Education and Labor Committee in the other body, I was an active participant in the drafting of Goals 2000. I vigorously pressed to ensure that standards were a key component of the strategy for educational reform, and that there would be accountability for these standards. One of the persistent failures of educational reform is the failure to follow through. We all are aware of repeated studies that chronicle the problems of public education and propose credible reforms, but never seemed to go anyplace. All of these studies seem to languish, gathering dust on the shelves. Even if the diagnosis is right, no mechanism is put in place to translate plans into results.

As such, I thought that, along with standards, the Goals 2000 process should require the state and local educational authorities to answer a fundamental question: what will you do when a school or a school system fails to meet the standards established for its students? Failure to answer this question and to act accordingly will doom meaningful educational reform.

I was pleased that a provision encompassing this question was included as a requirement of the state plan pursuant to Goals 2000. In the spirit of the voluntary nature of Goals 2000, the Federal Government did not mandate any particular approach to failing schools, but, in the process of developing standards-based reform, it would prompt states to ask this fundamental question. This provision is still on the books. However, the overall importance of the state plan has been diminished. Tucked into the budget signed by President Clinton in April of 1996 is language that removes the requirement for these State plans to be submitted to the Secretary of Education.

This unraveling of the minimal requirements of Goals 2000 does not bode well for ultimately tackling the tough issues of reform at the local level. Without the "seriousness" engendered by preparing a submission for Secretarial review, these plans might become another specimen on the dusty shelf of accumulated plans for educational reform. Moreover, despite the protests of many local elected leaders, many local educational leaders will concede that requirements in Washington frequently help them to cut through the tangle of local interests that impede effective local reform.

Nevertheless, Goals 2000 is a milestone in emphasizing voluntary national standards and hopefully will continue to serve as a springboard for educational reform. Standards are critical, but without good teaching these standards will also languish.

IMPROVED TEACHING

Challenging content standards must be matched by effective teachers. Continuous professional development is no longer a luxury and can no longer be incidental to teaching. The exponential growth in knowledge and constantly changing insights on teaching techniques require continual reeducation of teachers. Regrettably, such constant professional development is the exception today. Resources for professional development at the local, State, and Federal levels are constrained. But, more than resources are necessary. There must be a renewed commitment by all concerned parties. In particular, teachers and their unions must be at the forefront of this effort for professional development.

Teacher unions are powerful forces. They must become powerful forces to raise the capability and expertise of their members. Too often, teacher unions are perceived as interested only in the benefits of their members and not the in improvement of education. I do not believe this to be the case, but this perception is widely held and must be reversed. Teacher unions should be seen as champions for raising the quality of teaching in the United States. That means challenging their members to be better teachers, helping them to meet that important challenge and, in the small number of cases where individual teachers are not up to the challenge, working with local authorities to remove that teacher from the classroom. It also means being full partners in local reform efforts and viewing this reform effort in terms of what it adds to the quality of education rather than what it may subtract from the current status quo. This mission should not be viewed as something extra that the union does as a courtesy to the public. It must be at the very core of their activities and increasingly the dominant rationale for their existence.

At the Federal level, we must encourage this renewal of teaching. I am delighted with President Clinton's efforts to support enhanced teaching. Under the President's budget, 100,000 more teachers will be able to seek certification from the National Board for Professional Teaching Standards. The National Board has worked hard to establish nationally accepted credentials for excellence in teachers. Their certification of "master teacher," akin to the board certification of physician specialist, raises the standards for teachers and creates a pool of mentors who can assist other teachers to excel. President Clinton has increased funding for other professional development programs like the Eisenhower Professional Development Program and the National Science Foundation's Teacher Enhancement Program. The President has proposed a series of technology initiatives which will also assist teachers. The President's Technology Challenge Grant Program supports private-public sector partnerships to develop models for using technology in education, such as providing electronic field trips for new teachers to learn from expert teachers and mentors around the country. The President's technology literacy challenge Fund will leverage public funds to target school districts and schools committed to helping teachers integrate technology into the classroom. Finally, the administration's 21st century teachers initiative will recruit thousands of technologically literate teachers to upgrade their knowledge and help at least five of their colleagues to master the use of technology in the classroom.

We have talked about elementary and secondary education. But, frankly, excellent public education at the elementary and secondary grades today is simply a prelude to lifetime learning. As we work to provide students with the skills necessary to achieve and compete in this information age, it is essential that we also expand access to postsecondary education.

Indeed, according to the National Bureau of Labor Statistics, 60 percent of all new jobs created between 1992 and the year 2005 will require education beyond high school. A college education is also the key to higher wages, as college graduates, on average, earn 50 percent more than high school graduates.

For too many families, however, a college education for their children is growing increasingly out of reach. College costs rose by 126 percent between 1980 and 1990, while family income increased by only 73 percent. This situation has been coupled with a shift in the source of Federal aid also. In 1975, 80 percent of student aid came in the form of grants and 20 percent in the form of loans. Now the opposite is true. As a result, students and families are going deeper into debt as they attempt to pay for the costs of a college education. The average student loan debt burden is expected to reach $21,000 by next year.

Steps must be taken to make college more accessible and affordable in order to address these trends. I am pleased by the President's many proposals in this area. His call to provide assistance to middle-class families in the form of a $1,500 tax credit for the first 2 years of college will cover the costs of most community colleges and provide a significant downpayment for a 4-year college. It would certainly be a tremendous development in our history if for the first time we can guarantee at least 2 years of postsecondary education as we now guarantee 12 years of elementary and secondary education.

Families would also be able to choose a $10,000 tax deduction for college, for graduate school, community college, and certified training programs. These proposals are a common sense approach to help students enter and remain in college, lessen their reliance on loans, and provide an avenue for lifelong learning.

Our efforts to increase access to college cannot include tax relief alone. We must also provide a boost to the Pell grants created and named after my predecessor, Senator Claiborne Pell. The Pell grant is the foundation of student financial aid for low- to moderate-income families.

Over the past 20 years, however, we have witnessed the steady decline of the purchasing power of the maximum Pell grant. According to a 1996 college board report, the Pell grant covers only one-third of the cost at public universities, down from one-half in the mid-1980's, and about 10 percent of the cost at private institutions, down from about 20 percent in the mid-1980's.

The task before us is to restore the purchasing power of the Pell grant. The President has recognized this fact by seeking to increase the maximum Pell grant from $2,700 to $3,000. This is a good start. But I believe more should be done so we can fulfill the Pell grant's promise of providing a substantial and consistent grant to low-income students.

America's future is being forged today in America's classrooms. It is our task to ensure that this great work of education is built on the solid foundation of challenging standards, realistic assessments, and thorough accountability. It is also our task to ensure that education is a life-long process and that affordable higher education must be available to all.

Our economy demands educated workers. Our democracy requires informed and responsible citizens. As we renew public education and open the doors to higher education, we will propel America into the next century powered by knowledge, tempered by experience, and committed to justice. We can do no less.

I yield back my time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING SENATOR REED

Mr. FEINGOLD. Mr. President, before the Senator from Rhode Island leaves, I want to be the first proud Senator to congratulate him on his first speech in the Senate. It is very appropriate that the speech was about a topic that he knows a great deal about, education, and, of course, in so doing he follows in the footsteps of his predecessor, Senator Claiborne Pell. I just want to say on behalf of my colleagues how delighted we are that he has joined us here. I look forward to learning from him and working with him, particularly on the subject of education, Mr. President.

Mr. REED. I thank the distinguished Senator, Mr. President.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. FEINGOLD. Mr. President, I rise today to use the morning business time to further the debate on the balanced budget amendment and to indicate that I oppose the proposed amendment to our Constitution.

During the 103d Congress, Mr. President, this body wisely rejected the proposed amendment. It did so again during the 104th Congress, a Congress which, perhaps unlike any other in our recent history, seemed intent on finding different ways to amend the U.S. Constitution, actually voting on more amendments to the Constitution than any of its recent predecessors.

Mr. President, some of us believe there are many reasons to oppose this constitutional amendment, and we have been hearing a lot of them. A number of respected authorities have raised several significant points of concern, including problems related to the role of the courts and the power it might confer on unelected judges to set our national budget policies and priorities.

Another serious concern that we have heard a lot about and we will hear even more about is the damage this proposal could do to the Social Security Program. There may also be unintended changes to Presidential impoundment authority arising out of the constitutional amendment.

I believe that the constitutional amendment, in addition, will lead to unnecessary and possibly dislocating restrictions on our ability to establish capital or investment budgets, to even have the kind of flexibility that States have or municipalities have when they happen to have a balanced budget requirement.

Finally, Mr. President, I think the balanced budget amendment leads to an effective prohibition on developing a fiscally responsible budget structure that could include a surplus fund, a rainy day fund, a fund that could be tapped for emergencies, such as national disasters or military conflicts. The way it is drafted, we would not be able to plan for or project even a small surplus that could actually be used to solve an emergency.

Mr. President, during the next several days as we consider the amendment, I, along with many others, will comment on some of those concerns in more detail as we debate amendments designed to address those defects that I have just listed. For now, Mr. President, I want to focus on the underlying assumption behind the proposed amendment, namely that without making this change to our Constitution, the Congress and the President will not balance the budget, that it just will not happen. It is a fair issue, it is a fair question, a fair premise for this whole debate,

Mr. President, the assumption that that job will not be done by this Congress and this President is not necessarily right. We have brought the unified budget deficit down since 1992 by about 60 percent. Yet, all the rhetoric on the floor has not changed one bit. It has not changed one iota to reflect the fact that real and significant progress has been made in the past 4 years. All of the naysaying about "it can't be done, it will never be done, Congress and the President will never get together and do this," has at least got to be questioned a little bit by the advocates of the balanced budget amendment when they look at the record of the last 4 years. We have seen several plans offered by both sides that will bring the unified budget into balance by the year 2002. We have seen that from Democrats, we have seen it from Republicans, and we have seen it in a bipartisan package.

Mr. President, I recall when some of the Republican Members were pushing for a 7-year balanced budget by the year 2002 using CBO numbers, and the President was not sure he wanted to go with that. But, I agreed with the Republicans. I felt they were right, that we needed to have that timeframe and have a clear commitment. I still stand by that. Today we have a President and a Congress in agreement that the date we should be going for is the year 2002.

In fact, nearly every Member of this body voted for a unified budget plan that reached balance by 2002 at some time during the 104th Congress, and I really think working together this year, understanding that neither party is running the whole show here, that we can come together in a bipartisan package that will, in fact, finish the good work we have done and balance the budget by the year 2002.

Mr. President, all the budget plans I mentioned, all the votes we took, all the progress we have made in the past 4 years, was done without a constitutional mandate. In fact, it was done without a constitutional amendment floating out among the States, while we wonder whether the States will ratify it or by when they will ratify it. In fact, Mr. President, I firmly believe that if we had adopted a constitutional amendment in 1993, 1994, or 1995, and sent it to the States for ratification, that many of those balanced budget plans would not have been forthcoming in this Congress, that they would not have even been proposed, because people in both Houses would have been looking to a future date when the hammer would come down, instead of believing that the hammer is coming down now, where we here have been elected to do the job now and not wait for the States to decide whether to ratify a constitutional amendment.

Mr. President, without the ability to hide behind a lengthy ratification process, Congress in the last few years has been forced to live up to its rhetoric at least in part. A Member cannot go back home and say, "Listen, I am very eager to cut spending in Washington. I don't know exactly what we ought to cut, but once we get that balanced budget amendment ratified, then we will get back to work on it." That excuse is not available now. People in an audience for such a Senator or Member of Congress would say back to that person, "Why don't you just do the job now? You were elected to do it now." That is, in fact, what we were elected to do.

Mr. President, I do not think the American public realizes that even if Congress approves the proposed amendment, it could be another 9 years—9 years—before the balanced budget mandate begins to bite. If the proposal languishes with State legislatures, we might not be forced to reach balance in 2002, but until the year 2006. The States get 7 years to ratify, and the provision calls for the amendment to really take its effect, to have its bite, 2 years after that. So it could be the year 2006 if we wait for a constitutional amendment.

Mr. President, there is strong reason to believe the States will not act quickly. We have already heard some loud second thoughts from many State policymakers about the impact of the proposed amendment on their State and local budgets. This proposal may not, in effect, Mr. President, then be the so-called slam-dunk ratification that some people claim it will be.

Ironically, some who voiced their support for a constitutional amendment may not really care. I do not think this is true of everyone, by any means. Some do care. Some are genuinely frustrated and turn only to this constitutional amendment alternative as a last resort. I can think of a great example, the previous Senator from Illinois, Senator Simon, who I know only turned to this alternative, I am sure, out of sheer frustration with the process. He turned to that alternative prior to the progress we made in 1992 through 1996.

I am afraid for others who pushed this amendment, the agenda is not so much a balanced budget but some political advantage. During the debate, we will have an opportunity to see who really wants to reduce the deficit and who is a little more interested in political posturing. I am going to offer an amendment, for example, that would reduce the time for ratification from 7 years to 3 years to prevent unnecessary delay by the States and ensuring Congress does not hide behind a protracted ratification process during which Members could say, "Well, we are going to get to this balancing of the budget later, after the States get done doing their job."

Mr. President, if this amendment is more than just a political exercise, my proposal, my modification of going from 7 years to 3 years for ratification should sail through the U.S. Senate.

I have to say I have some doubts about it because the proposed amendment to our Constitution is, at its core, really political. We should not be shocked by that. Congress, by its nature, is a political beast. What is disturbing, though, is the growing willingness on the part of some to place in jeopardy our Constitution in this manner to get some momentary political advantage.

Sadly, using our Constitution as a political foil is becoming increasingly popular. The so-called balanced budget amendment is only one of many proposed changes to our Constitution. During the last Congress alone, over 130 changes were proposed to the U.S. Constitution. Many of them, I am afraid, were offered for political ends. Many of them are entirely unnecessary. In fact, I say virtually all of them are entirely unnecessary to solve the problems at which they are directed.

One of them, an amendment to require a supermajority to raise taxes, was brought to the other body's floor solely because it was tax day, April 15, so the proponents could stand up on tax day and make some speeches about it. I am troubled by that use of the constitutional amendment process. The thought that an amendment to our Constitution could be offered because it presents the opportunity for a really timely sound bite is indefensible. Many of the advocates of a balanced budget amendment may be sincere in their support for the proposal, but their sincerity does not address the practical problems with the amendment with a fundamental flaw underlying a constitutional approach.

The Constitution, Mr. President, will not solve our budget problems. That says it all. The Constitution cannot solve our year-to-year and day-to-day budgeting problems. It will not give us the courage or the answers we need to balance our books.

As President Clinton said in his State of the Union Address, all that is needed to balance the budget is our vote and his signature. The President's budget is a good starting place. I look forward to working with my colleagues on the Budget Committee to build on the President's budget and move beyond to reach balance, without using the Social Security surplus. We don't have to amend the Constitution to do that.

As I noted on the Senate floor last year, for over 200 years, the Constitution has served this Nation very, very well. It is essential to the continuing development of our young Nation that the Constitution remains a statement of general principles, not a budgeting document.

In charting a different course, one which allows the Constitution to serve as a method of addressing each difficult challenge we face in this Nation, inevitably, Mr. President, we will sacrifice the integrity of the most fundamental document of our Nation. This process will sacrifice the integrity of our Constitution.

We must guard against the U.S. Constitution becoming what James Madison feared would be, in his words, "little more than a list of special provisos."

Mr. President, the Constitution remains the cornerstone of our freedom. Its power is its brilliant simplicity. The spate of constitutional amendments offered over the past few years are at odds with the fundamental notion that our Constitution establishes the framework or great outlines of our society. By seeking to use that document to address specific problems, no matter how severe, the Constitution will become something much less than it was intended to be and that it has been.

Although our Nation faces many problems—and I think the issue of balancing the budget may be our most important problem—no problem can really be attributed purely to a constitutional deficiency. We should quell our desire to amend this great document and, instead, address the problems that confront this Nation.

Mr. President, I suggest, after the process of the balanced budget amendment debate is over, that we get, as fast as we can, to the real work of balancing the budget and leave the Constitution alone.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the time between 12 and 1 p.m. is divided between the Senator from Rhode Island and the Senator from Massachusetts.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Chair. As I understand it, the time reverts, at 1 o'clock, back to the proponents of the amendment, am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I ask unanimous consent to be able to proceed until 1 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY

Mr. KENNEDY. The Social Security program is America's time-honored commitment to our senior citizens that we will care for them in their golden years. It says to our seniors that you have worked hard and faithfully paid into Social Security for all those years of labor, and when you finally retire, Social Security will be there for you. It will help you pay the rent, buy your groceries, and maintain a reasonable standard of living throughout your retirement.

But under the proposed balanced budget constitutional amendment, the Social Security contract with America's senior citizens is broken. If this amendment is added to our Constitution, then no one can assure you of a Social Security check every month.

The Rock of Gibraltar, on which our Nation's senior citizens have depended for the past 62 years would be reduced to shifting sand.

The Reid amendment, which will be considered later this month, prevents this unacceptable outcome by protecting Social Security from the proposed constitutional amendment.

The Reid amendment is needed because millions of the Nation's retired citizens live from check to check. They need that check to arrive on time at the beginning of each month to pay their bills.

Martha McSteen, who headed the Social Security Administration during the Reagan administration, and now is president of the National Committee to Preserve Social Security and Medicare, said recently,

> Keeping Social Security safe from budget tampering is frankly a matter of life and death for millions of Americans. For 10 million Social Security beneficiaries age 65 and older, their monthly Social Security check amounts to 90 percent or more of their income. Those checks keep 40 percent of America's seniors out of poverty.

But under the proposed constitutional amendment, if Government revenues fall unexpectedly or Government expenses go up, payment on Social Security checks could stop.

If the balanced budget constitutional amendment is enacted, senior citizens may well find that the check is not in the mail after all.

Three months ago, in November 1996, the House sponsors of the balanced budget constitutional amendment agreed that this could happen. As Congressman DAN SCHAEFER and Congressman CHARLES STENHOLM said, under the proposed constitutional amendment "the President would be bound, at the point at which the Government runs out of money, to stop issuing checks."

And now we learned just this week that this unwise constitutional amendment could deny the Social Security program access to the trust funds in the future. American workers have contributed their payroll taxes to build up the trust so that when the baby boomers retire, there will be enough money there to pay for their Social Security. But now we learn from the experts in the Congressional Research Service that the proposed constitutional amendment could place the trust fund off limits. The money will be sitting there, and the Social Security program will need it to write Social Security checks. But if the balanced budget amendment is adopted, the Constitution will just say no.

Here is what the Congressional Research Service concluded in an analysis provided to Senator DASCHLE on February 5:

> Because the balanced budget amendment requires that the required balance be between outlays for that year and receipts for that year, the moneys that constitute the Social Security surpluses would not be available for the payments of benefits.

Clearly, Social Security benefits are at risk under the proposed constitutional amendment.

There are those on the other side who don't want America's seniors to know that this proposed constitutional amendment puts Social Security on the budget chopping block. They say that our concern about Social Security is a scare tactic.

But economists say there is a 50–50 chance in any given year that the budget projections will be wrong and that under this constitutional amendment, the Government will run out of money. Economic forecasting is not an exact science. The projections of budget experts could be off by only 1 percent. But under this constitutional amendment, that is enough to throw the budget out of balance and put Social Security checks at risk.

Senator HATCH, the chairman of the Judiciary Committee, agrees. When the committee was debating this constitutional amendment on January 30, he said that under the proposed constitutional amendment, "Social Security would have to fight its way, just like every other program."

Senator HATCH went on to say that he believes Social Security "has the easiest of all arguments to fight its way."

I don't believe we should take that gamble when the future of the Social Security program is at stake.

There is nothing—nothing—to assure our seniors that their Social Security checks will survive the budget battles that lie ahead.

Senior citizens deserve more than speeches of good will by supporters of the constitutional amendment. If those who support this unwise constitutional amendment are committed to protecting Social Security, they should write that protection into their proposal and adopt the Reid amendment.

President Clinton wrote to the Senate Democratic leader on January 28 about the risk to Social Security. He said to Senator DASCHLE:

> I am very concerned that Senate Joint Resolution 1, the constitutional amendment to balance the budget, could pose grave risks to the Social Security System. In the event of an impasse in which the budget requirements can neither be waived nor met, disbursements or unelected judges could reduce benefits to comply with this constitutional mandate. No subsequent implementing legislation could protect Social Security with certainty because a constitutional amendment overrides statutory law.

In the State of the Union Address, President Clinton added:

> I believe it is both unnecessary and unwise to adopt a balanced budget amendment that could cripple our country in time of economic crisis and force unwanted results such as judges halting Social Security checks or increasing taxes.

But supporters of the balanced budget amendment are ready to cast Social Security to the winds. They say to the Nation's senior citizens, "We are going to toss your retirement, your safety net into the rough seas of Federal budgeting and see if it can stay afloat."

We cannot let that happen.

The balanced budget constitutional amendment turns its back on almost a decade and a half of bipartisan progress in protecting Social Security.

In 1983, the Greenspan Commission recommended that we should place Social Security outside the Federal budget. The Commission said we need to build up a sufficient surplus in the trust funds to have enough money to provide checks to baby boomers when they begin to retire. And we can't do that if Social Security is subjected to the same ups and downs as the rest of the Federal budget.

Both Democrats and Republicans supported this proposal. The Commission's recommendations were introduced as bill S. 1 sponsored by Senator Dole and Senator MOYNIHAN. That bill required Social Security to be placed off-budget within 10 years. A bipartisan 58-to-14 vote, including 32 Republicans and 26 Democrats adopted the conference report.

In 1985, Congress accelerated the process of placing Social Security outside the rest of the Federal budget. The Deficit Control Act of 1985—the so-called Gramm-Rudman-Hollings law—exempted Social Security from across-the-board cuts or sequestration.

Even more important, the Gramm-Rudman-Hollings law said Social Security could no longer be included in the unified budget of the U.S. Government.

As Senator GRAMM of Texas emphasized during the Senate debate on the Gramm-Rudman-Hollings proposal:

> This bill takes Social Security off budget. So if you want to debate Social Security, go to the museum, because that debate is over. . . . The President cannot submit a budget that says anything about Social Security. It is not in order for the Budget Committee to bring a budget to the floor that does anything to Social Security. Social Security is off-budget and is a free-standing trust fund.

From that point on, when Congress has adopted the annual Federal budget resolutions, Social Security is not included. The last time the Congress of the United States voted on a budget that included Social Security was 1985.

Congress supported this change by wide bipartisan majorities. The Gramm-Rudman-Hollings law was approved by a 61–31 vote in the Senate and a 271 to 154 vote in the House of Representatives.

In 1990, some Members of Congress proposed to put Social Security back into the Federal budget. But Senator HOLLINGS and Senator Heinz rejected this unwise suggestion. They insisted that Social Security remain off budget, and the Senate approved an amendment to protect Social Security by a 98 to 2 vote. In fact, the final Budget Enforcement Act of 1990 speaks forcefully of Congress's intentions to continue to protect Social Security. In section 13301 of that act, the title reads, "Exclusion of Social Security From All Budgets." It says plainly that Social Security,

> . . . shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—
>
> (1) the budget of the United States Government as submitted by the President,
>
> (2) the congressional budget, or
>
> (3) the Balanced Budget and Emergency Deficit Control Act of 1985.

Again in 1995, section 22 of the congressional budget resolution amended the budget act even further to protect Social Security. In a provision entitled the "Social Security Fire Wall Point of Order," it said that any effort to include changes in Social Security in the Federal budget were subject to a 60-vote point of order in the Senate.

The proposed balanced budget constitutional amendment would reverse these years of progress in protecting Social Security. These efforts to protect Social Security and insulate it from the annual battles over the Federal budget were started by the Greenspan Commission. Senator Dole sponsored the bill in 1983 that got us started. And Democrats and Republicans alike rallied to preserve the Nation's Social Security system.

But now, supporters of the balanced budget amendment are prepared to turn their backs on this important history.

For almost 15 years, they joined Democrats in arguing that Social Security should be protected. But now they have decided that Social Security should be left to its own in the budget battles that lie ahead.

Some argue that if we fail to include Social Security in the proposed constitutional amendment, it will cause even steeper cuts than necessary in other programs like education or health care or highways. They say that even President Clinton's balanced budget—while holding Social Security outside the overall Federal budget—still counts the Social Security surplus to bring the overall Federal budget into balance.

But under current law, Social Security is protected, whereas under a constitutional amendment it is not.

Under current law, even when the President counts Social Security in calculating whether the budget is balanced, neither he nor Congress nor the courts can use the budget process to change Social Security. Even if Republicans tried to use the Federal budget to cut Social Security, they could not under current law.

A balanced budget constitutional amendment would end these protections. Including the Social Security trust funds on the Government's balance sheet may be a useful way to reach a balanced budget today. But what about the year 2020 or 2030, when baby boomers retire and trust funds decline? If Social Security is not off-budget, we would have only three choices. First, we could cut Social Security benefits. Second, we could raise taxes. Or third, we could cut billions of dollars from education, health, national defense, and other priorities to keep the Social Security checks flowing.

We must—and we will—balance the budget. We must—and we will—take steps to ensure the solvency of Social Security well into the future. But it makes no sense to jeopardize Social Security by subjecting it to the requirements of this blunderbuss constitutional amendment.

I urge my colleagues to protect Social Security by supporting the Reid amendment.

So, Mr. President, I am going to look forward, in the next few days—certainly before the end of the month—to join with my colleague and friend, Senator REID, and other Members of the Senate, in urging support for the amendment that Senator REID will propose, which will effectively remove the Social Security trust funds from the balanced budget amendment.

I offered that amendment in the Judiciary Committee. We ended up with a tie vote, 9 to 9. We had the support of a Republican on that amendment. But the Judiciary Committee was virtually evenly divided on that issue, virtually evenly divided.

What we hear from our friends and colleagues in the House of Representatives is there is increasing recognition of the importance of separating the Social Security trust funds from the consideration of the balanced budget amendment, I think that is wise. I believe, hopefully, that the Senate will reach that conclusion.

Mr. President, we can ask ourselves, is the Social Security trust fund of such special importance that we ought to consider it separately from the overall budget considerations? I suggest that it is, and not just because it is a lifeline for our senior citizens, and has been depended on for over 60 years by those who reach their golden years to be able to live in peace, dignity, and security. I think that would be a compelling enough reason to separate out the Social Security.

But, Mr. President, for another very important reason, which has been understood by Republicans and Democrats alike, since the report of the Greenspan Commission in 1983 where, virtually unanimously, the members of that commission recommended that Social Security be separated from various budget considerations, and it was only a year or so after that that a bipartisan leadership amendment was offered and supported overwhelmingly by Republicans and Democrats alike, that they would put this off budget for a period of some 10 years. Later, in 1985, under Gramm-Rudman measures, Republicans and Democrats—if you read the history of that debate, one of the prime reasons that that particular proposal was passed was because Social Security would be removed from the considerations of the budget, and that was, again, the position that was accepted in the U.S. Senate by a vote of 98 to 2 back in 1990. So we have the recommendations of the Social Security Commission, you have the action that has been taken by the Senate, and in a bipartisan way, in 1984–85, and repeated in 1990.

Now, why do the Members of this body believe that that fund ought to be different? Well, I say that it is a very different fund, for a number of reasons. The most powerful one is because, as I mentioned before, of that contract that will be out there and exists between the seniors and the Federal Government, when it was established that there would be a guarantee that those funds would be there as long as people paid in. That was the contract. People understood it. The elderly understood it.

But, now, under the balanced budget amendment, by including the Social Security trust funds in that—and if that amendment were to pass and be ratified by the States—that would be at risk like all the other spending would be at risk, because of the language of the balanced budget amendment. And that is recognized by the floor manager of the bill, Senator HATCH. It was recognized by those that were the principal spokesmen. Mr. Miller ,formerly of OMB, recognized that that would be part of the spending limitation. Now we receive assurances from those that propose the balanced budget amendment, "well, that is going to be OK because there will be more support for Social Security, so we really don't have to worry about it."

Well, Mr. President, all we have to do is look at the assaults on Social Security in the last Congress by many of our good Republican friends. Look at the period of the 1980's. I was here on the floor of the Senate when there were other assaults on Social Security. I am not one that is prepared to say, well, we are going to just let the dice roll and see whether this continues to remain in the balanced budget amendment and the trigger is pulled on the balanced budget amendment, that Social Security will be out there trying to do the best it can in terms of the spending limitations. Look at what happened in the last Congress—increased funding for defense over what was recommended by the Joint Chiefs of Staff, and assaults in terms of the Social Security trust system. That was the record, Mr. President.

I don't think the seniors ought to have to be put in the position where their futures, their livelihoods, their whole security is going to be put at risk, based upon what action is going to be taken here. I don't believe that should be the case for a very important reason, Mr. President, which is that unlike other spending proposals in the budget, the fact is that this is the one aspect of the budget where people pay in, with the agreement that they will be able to receive.

Nobody battles stronger than I do in terms of trying to make education more accessible and available. No one will struggle more in terms of fighting and helping and assisting academic accomplishments or teacher training in the schools in my State of Massachusetts or in the country. The fact of the matter is that those students didn't pay into this fund. They didn't contribute to this fund. We recognize, as a matter of national policy, the importance of enhancing education opportunity and access for the young people of this country, because it is vitally important for our Nation to be able to compete in the world, and it is vitally important in terms of our social responsibilities to the young people of this country, in terms of their future.

But, Mr. President, they didn't contribute. But Social Security did. Social Security did. The beneficiaries of the NIH research didn't contribute either. I am all for NIH and for investing in that research. But Social Security recipients paid in. Big difference. Major difference. Major difference. Why are we going to treat both of the different groups the same? That is wrong. It is wrong on the face of it. Most important, it is a basic and fundamental potential violation of a very fundamental contract made between the President of the United States, the Congress of the United States, and the American people. That was a contract, not just between two individuals; it was made by a Nation, establishing that system that said if you pay in during your working years, you are at least going to be able to live out of poverty during the time of your retirement. That is a solemn commitment that we have made year after year after year. And, yet, those who are promoting the balanced budget amendment are saying, "well, that is all fine and all well and good, but we want to make sure we put Social Security on because, if we do not, maybe our economy is going to deteriorate, and it will threaten somehow the Social Security recipients."

The problem for our economy is not our senior citizens. Sure we have to deal with what is going to happen after the year 2029 in terms of Social Security. Although the fact remains that for the next 40 years after that, three-quarters of the benefits could be paid without any changes in it, I want to make sure those recipients are going to get the full benefits. So I am going to work to try to make sure that we are going to do that.

But the problem in terms of 2003, 2004, and 2005, during that period of time, is not Social Security. It may be another factor. But why hold our Social Security recipients hostage to that factor? Why hold them hostage? That is basically the issue that is included in this amendment. I believe that the American people wisely are understanding the significance and the importance of this effort by Senator REID and other sponsors, the importance of this debate and this discussion.

Now we will hear from our colleagues on the other side. "Well, it is very nice of you to point that out, Senator KENNEDY, but look at what the President has done. The President has put Social Security into his budget when he makes that recommendation, and, therefore, don't you think that we ought to do that?"

Well, Mr. President, it is an entirely different system. We have what we call the walls that exist under the Federal budget that have been put there since 1990. So you cannot violate the funding of the Social Security system. Those walls exist, and they exist by statute. But you pass a constitutional amendment and, as every Member of this body understands, a constitutional amendment supersedes those statutes. They are off. It is an entirely different situation.

So, Mr. President, I have listened over the period of the last days to those—Senator REID, Senator DORGAN, and others—who have taken the floor and supported this. I have listened to the responses and find them woefully inadequate in terms of the power of this particular argument.

I think both in terms of fairness, in terms of justice, in terms of decency, and in terms of our commitment to our seniors that this amendment, which is going to remove the Social Security trust funds from the balanced budget amendment, is absolutely essential if we are going to maintain our commitment to our senior citizens. And I am going to welcome the opportunity to be a part of this debate that will take place in these next several days and toward the latter part of February because I think this is really one of the very, very most important, if not the most important, amendments that we will have on the balanced budget amendment.

Mr. President, I see my time is almost up.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may proceed in morning business for a period of up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF ANTHONY LAKE

Mr. SPECTER. Mr. President, there has been considerable discussion in the public media and otherwise about the pending nomination of the Director of the CIA with the President having submitted the name of National Security Adviser Anthony Lake.

Last year the Senate Intelligence Committee did an extensive inquiry into a matter involving the sale of Iranian arms to Bosnia which involved Mr. Lake. I have written a "Dear Colleague" letter which I would like to read into the RECORD, and I ask unanimous consent that, at the conclusion of my statement, the Intelligence Committee report, a bipartisan report although there were some dissents, be printed in the RECORD.

We are checking to see how much of that may be printed in the RECORD under the rules.

The "Dear Colleague" letter which I am submitting today is as follows:

DEAR COLLEAGUE: Since the media is filled with commentary about National Security Adviser Anthony Lake's nomination to be CIA Director and a pro-Lake "Dear Colleague" letter has been circulated, I consider it important to give my fellow senators and others my thinking from last year's Intelligence Committee hearings, which I chaired, on his activities in connection with the sale of Iranian arms to Bosnia.

In my opinion, an indispensable qualification to be CIA Director is a mindset to keep Congress fully and currently informed on intelligence matters. Mr. Lake acknowledges he was a part of a plan by officials of the State Department and National Security Council to conceal from Congress and other key Executive branch officials a new Administration policy to give a "green light" on the sale of Iranian arms to Bosnia when a U.S. and UN embargo prohibited it.

Secretary of Defense William J. Perry, Chairman of the Joint Chiefs of Staff John M. Shalikashvili and CIA Director R. James Woolsey told the Senate Intelligence Committee they knew nothing about that "green light" or the change in U.S. policy.

In concluding that Congress should have been informed about this matter, the bipartisan Intelligence Committee report stated:

"By keeping from Congress the full truth about U.S. policy, the Executive branch effectively limited Congress's ability to responsibly debate and legislate on the Bosnia issue."

Rejecting the argument that the matter involved traditional diplomatic activity, the bipartisan Intelligence Committee report stated:

"But it was not traditional diplomatic activity to: (1) give a response to a foreign head of state which effectively contradicted stated U.S. policy on isolating a country, in this case Iran, against which U.S. law imposed sanctions; (2) implicity turn a blind eye to activity that violated a United Nations Security Council resolution which the United States had supported and was obligated to obey; and (3) direct a U.S. Ambassador not to make a written report of a conversation with a foreign head of state."

Even though I heard Mr. Lake's version during the Intelligence Committee's proceedings and have talked to him in a private meeting since his nomination, I believe he is entitled to be heard at his confirmation hearing before a final judgment is made on his nomination.

I strongly disagree with the practice of abandoning nominees like Lani Guinier, Douglas Ginsburg and Zoe Baird or reaching a conclusion on their nominations until they have had their day in court. If we are to persuade able people to come into government, nominees are entitled to state their case in Senate hearings so that the charges will not stand alone without an appropriate opportunity to respond.

It is beside the point that the Department of Justice concluded Mr. Lake did not commit perjury or obstruction of justice in the inquiries on the sale of Iranian arms to Bosnia. There never was any basis, in my opinion, for the referral by the House Committee on those issues.

Nor am I concerned about the ancient history of Mr. Lake's so-called leftist activities which have drawn considerable attention. I had thought the stock sale issue was of lesser importance until he agreed to pay a $5,000 fine, so that issue calls for an inquiry; and it may be that other questions merit investigation such as the recent report that a member of his staff engaged in fundraising.

There is no doubt that Mr. Lake is a man of considerable ability, and I do not question the sincerity of his motives in acting in what he considered to be in the national interest on the Bosnia issue. But the critical question remains as to whether Mr. Lake can be counted upon to keep the Congress currently and fully informed.

The Congress must have positive assurance on that issue in the light of a half century's experience with the CIA including the Iran Contra Affair.

And this "Dear Colleague" letter is signed by me and circulated to my colleagues.

In order to have a complete understanding of this issue, which as I say I consider to be central to whether Mr. Lake ought to be confirmed as Director of the CIA, it is necessary to review in some detail and in some depth the bipartisan report filed by the Intelligence Committee. I advise my colleagues that the report is available from the Intelligence Committee, and encourage all Senators to read it.

I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized to speak for up to 10 minutes.

Mr. MURKOWSKI. Mr. President, I have several things I want to discuss this morning. I have some charts, and I want to proceed as the charts are put up.

TRIBUTE TO U.S. COAST GUARDSMEN

Mr. MURKOWSKI. Mr. President, I believe I have the unique distinction of being the only current Member of this body who has served in the U.S. Coast Guard, so as a consequence I rise today to pay tribute to three brave young men who perished early yesterday off the coast of Washington State.

Petty Officer 2d Class David Bosley of Coronado, CA; Petty Officer 3d Class Matthew Schlimme of Whitewater, MO; and Seaman Clinton Miniken of Snohomish, WA, were serving aboard a 44-foot motor lifeboat stationed on the Pacific Ocean coast of Washington State's Olympic Peninsula.

Early yesterday morning they took their vessel out to answer a distress call from two people aboard a sailboat in trouble in heavy seas. Tragically, the 44-footer capsized and three brave men died. Only one crewman, Seaman Apprentice Benjamin Wingo of Bremerton, WA, survived to reach the rocky shoreline and safety.

Some of my colleagues have heard me address this body in the past to give tribute to successful rescues made by Coast Guard personnel in dangerous situations where they themselves were placed in serious jeopardy by their effort to save others. Most such rescues end happily. This one—tragically—did not.

We pay formal tribute to those members of the military who fall in the line of duty while fighting our Nation's enemies. I hope the Members of this body will take just a moment to reflect on the sacrifice of these three young Coast Guardsmen. They, too, perished in the line of duty, fighting to protect human life.

The Coast Guard motto, "Semper Paratus," means "Always Prepared." Sometimes, it means being prepared to make the ultimate sacrifice.

INTERIM STORAGE OF RADIOACTIVE WASTE

Mr. MURKOWSKI. Mr. President, a very serious situation exists in our Nation that I would like to discuss with my colleagues today. It concerns the storage of nuclear waste that has been generated in conjunction with the operation of nuclear reactors that provide this Nation with about 22 percent of the power generation that we currently enjoy. Without this contribution from the nuclear industry, we would have to depend on some other form of generation to contribute that 22 percent. We would probably use more coal, perhaps more natural gas. The potential for developing more hydro is somewhat limited, based on the costs and the fact that most of the potential hydro sites have already been developed. I happen to be chairman of the Energy and Natural Resources Committee, which has the obligation to oversee our country's electricity industry. It is an industry that most Americans take for granted. We are used to plugging in the iron, plugging in the coffee pot, and having them work. We do not recognize and we do not really reflect on what is behind it—the people, the men and women working in the power generating business, the business of transmitting the electric energy, distributing it and making sure it works.

In any event, in connection with the tremendous dependence we have on nuclear energy in this country—I might add, we are the largest consumers of nuclear generated energy of any nation in the world—I was staggered to read that the Senate-White House meeting which was held yesterday resulted in agreement on some issues, but no agreement to address the question of what to do with the nuclear waste generated by our power reactors.

I think a headline should have read, "The Clinton Administration Simply Wants to Keep the Status Quo." Keeping nuclear waste in the neighborhoods of our country, and the consequences of that, deserve some examination. This examination could start in your town, in your State, in your neighborhood. That is where it is being stored. High-level radioactive materials are piling up in 80 locations in 41 of our States. Onsite storage is filling up, and the States which control the ability of utilities to store nuclear waste on the reactor sites will have to address whether they want to increase onsite storage at the nuclear reactors, or whether they will give in to pressure to simply not allow any further storage beyond the limited amount of existing storage.

Some see this as a way to shut down the nuclear industry in this country. By objecting to any increase in authority to store onsite, the reactors can be forced to shut down because there is no place to put the spent fuel.

I have a chart which I am going to spend a few minutes on, because it shows the crucial nature of the problem. When the administration says, "We will just leave it where it is," I suggest to you, Mr. President, that this is an unrealistic and unworkable alternative. By 1998, 23 reactors in 14 States will run out of storage space. What we have here are plants with adequate storage, and they are indicated in the light blue. You can see most of them are on the eastern seaboard. But in purple are plants requiring additional storage by the year 2010. These States all have plants in purple: California, Arizona, Florida, Georgia, North and South Carolina, and all up and down the east coast. These plants do not have adequate storage to hold waste within the areas immediately adjacent to the reactors, and are going to have to petition the States to increase the authorization for nuclear energy waste allowed to be stored at those sites. In the green are plants requiring additional storage by the year 2015. They are primarily on the eastern seaboard and the Midwestern States, such as Illinois.

So the point of this chart is to highlight that additional nuclear waste storage is needed in this country now. The bill we have introduced in our committee, S. 104, would provide a real solution to this crisis that is coming down the track. It is a train wreck that is coming. We have this material at 80 locations in 41 States. The Federal Government entered into a contractual commitment with America's ratepayers who depend on nuclear energy and the nuclear generation industry. In return for over $12 billion ratepayer dollars, the Government committed to take this waste by the year 1998. This is less than 1 year away; it is about 10 months away. The Federal Government has no place to put this waste and will default on its contractual commitment in 1998, when it is obligated to take the waste.

There has been an effort to provide this Nation with a permanent repository. The government has a study program under way at Yucca Mountain, NV. We have spent $6 billion on this effort, but that facility will not be ready for 15 years, at the earliest. Secretary O'Leary said it may be 20 years. It may be longer. But the point is, we are looking at somewhere in the area of 2015 or thereabouts, and where in the world are we going to be able to accommodate this waste? Because we are not going to have a permanent repository then. We may never have a permanent repository, and I will talk about that a little later.

S. 104 is a bill that got 63 votes in this body last year. The bill would provide for construction of a temporary storage facility, either at the Nevada test site or another site chosen by the President and Congress, until such time as we have a permanent repository constructed.

Why the Nevada test site? The geologists tell us it is the best site that has been identified for a permanent repository. Furthermore, it is a site where for over 50 years we have tested our nuclear weapons. It is a site that is monitored and secured. It is a site that is well known. And it is the most appropriate site that has been identified.

Now, the bottom line with this whole issue, Mr. President, is nobody wants nuclear waste. But you cannot throw it up in the air. It will come down somewhere. So the question is, what do you do with it? Again, last year, 63 Members of this body indicated that they approved of the construction of a temporary repository at the Nevada test site because it would allow us to proceed with the permanent repository, and when the permanent repository was done and certified and licensed, the waste could go in there.

The point is, next year the Government has to take the waste or face liability and the damages associated with the failure to meet its obligation. Mr. President, this is the most important environmental bill before this Congress.

This administration has said, "Leave it where it is." When this issue was brought up at Tuesday's meeting, it is my understanding the Vice President said, "Look, we're going to talk about the things we can agree on. We can't agree on the issue of nuclear waste." Whether that is a fair characterization, I can only depend on the news reports. But the administration's position seems to be to leave the nuclear waste where it is until we have a permanent place to put it.

Let me tell you a little bit about the possibility of a permanent repository at Yucca Mountain. We do not know whether Yucca Mountain may ever be ready. We have spent $6 billion already. It is estimated that it will cost a total of $30 billion by the time we are through with it. The Department of Energy says it has a 50–50 chance of actually being licensed.

The theory here is that the scientists have to go through this process to determine whether Yucca can contain nuclear waste for thousands of years.

Mr. President, if I may have another 6 or 7 minutes, I would appreciate it, and I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, the difficulty we have here with Yucca Mountain is not knowing whether we will ever get it licensed because it has to withstand a scientific analysis regarding any possible source of exposure—earthquake, volcanic activity, any leeching into the ground—for approximately 10,000 years. We do not know whether science can come up with that kind of certification.

But, in any event, in order to try to make this case we have to proceed with the tunneling, and spend the money. However, we simply do not know whether it will ever be a permanent repository. But the idea of moving this waste from 41 States, 80 sites, to a place where we have had extensively studied certainly seems to make sense. If Yucca Mountain is determined to be permanent, we will have the waste there and ready to put in a permanent repository. If Yucca Mountain is not the permanent repository site, it will be dozens of years before another permanent repository site can be located and studied, and a central interim storage facility will still be needed.

It is my understanding that the Vice President apparently was saying two things. The administration no longer supports any form of centralized interim storage. In the meantime, we can only conclude that their policy is, "Leave it where it is." Leave it where it is. Ignore the problem. Put off the decision. Act like an ostrich—put your head in the sand. Let nuclear waste build up in 41 States, near the homes, near the schools. This is the administration's irresponsible and dangerous policy on nuclear waste storage.

As I said, the Federal Government has a 1998 deadline. Taxpayers have paid billions of dollars only to have the Vice President say, "Leave it where it is."

I have another chart that I will refer to very briefly. These are the States where ratepayers have paid into the Federal Government's nuclear waste fund to provide for nuclear waste storage. The Federal Government did not hold this money in escrow. They put it in the general fund. They have spent it.

The point is, there is $12 billion that has been paid in by the ratepayers for the Federal Government to take this waste in 1998. Virtually every State has bought nuclear power and paid into the fund. That is where the Government's contractual commitments really lay.

Why is the administration simply saying no to any form of interim storage when Yucca Mountain has only a 50–50 chance of opening? Some who are on the fringes of the environmental movement think that this sort of foot dragging may help them close down the entire nuclear industry. Those people apparently have no responsibility for replacing that 22 percent of our power that we will lose. Twenty-two percent of our electricity, Mr. President, is generated by nuclear power. Even if all of the reactors shut down, we would be stuck with the utility waste and the defense waste still. We would not have an answer for what to do with it. If they shut down the industry, we still have the waste to dispose of.

Mr. President, we won the cold war with the help of our nuclear deterrent. Now we have an obligation to clean up the mess. We can win the war on nuclear waste. Leaving it where it is is not an option, and 41 States are watching us.

In addition to the nuclear waste of our power generators, we have nuclear waste that resulted from nuclear weapons development. I was at Hanford 2 weeks ago and went through the old plants that developed the plutonium to make the Hiroshima bomb, and those that made advanced nuclear devices. One must seriously consider what those facilities contributed to humanity and the burden they left. It is a responsibility that we must bear. Nuclear weapons brought the Second World War to an early close. There were lives lost; there were lives saved. The same thing is true regarding the collapse of the Soviet Union.

No matter what your opinion regarding these matters, we have a legacy of nuclear waste. We have to address it. The responsible way to address it is to meet head on the obligations we have made. Under a contractual commitment, we have collected $12 billion from ratepayers and are committed to take that waste by 1998.

The Government is not prepared to take the waste. This case is going to be litigated, and it will become a full employment act for the lawyers beginning in 1998. We have proposed in S. 104 to address it now by providing for the siting of an interim storage site, in the Nevada desert, or somewhere else the President and Congress may choose, until we have a permanent repository.

Mr. President, we have to have a temporary central storage facility in this country. There is absolutely no question about it. But this administration chooses to ignore it. They want this problem to go away. They do not want to address it on their watch. I suggest, Mr. President, that this is irresponsible. I thank the President and wish him a good day and yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized to speak for up to 20 minutes.

Mr. GRAMS. Thank you very much, Mr. President. I appreciate that.

(The remarks of Mr. GRAMS, Mr. KOHL, and Mr. FEINGOLD pertaining to the introduction of S. 322 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 323 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana [Mr. COATS] is recognized to speak for up to 10 minutes.

COMPUTER PORNOGRAPHY

Mr. COATS. Mr. President, I come before my colleagues today to discuss an issue which is not pleasant. It is tragically controversial, and it is an unsavory topic. The issue is computer pornography.

I have a copy of the February 10, 1997 U.S. News & World Report magazine. The cover story indicates, America is by far the world's leading producer of porn, churning out hard core videos at the astonishing rate of about 150 new titles per week. The magazine provides an inside look at the industry.

Within this U.S. News & World Report edition is a lengthy article discussing the porn industry in the United States, shamefully pronouncing the United States as the world's leading producer of pornography. There is much in this article to shock, to disappoint, and to be ashamed of. But I am going to limit my remarks specifically to the issue of computer pornography.

As a backdrop, let me quote from the article just to give us an idea of the scope of the problem. "Last year," the article states, "Americans spent more than $8 billion on hard-core videos, peep shows, live sex acts, adult cable programming, sexual devices, computer porn, and sex magazines—an amount larger than Hollywood's domestic box office receipts and larger than all of the revenues generated by rock and country music recordings. Americans now spend more money at strip clubs than at Broadway, off-Broadway, regional, and nonprofit theaters; at the opera, the ballet, and jazz and classical music performances . . . combined."

That is the scope of the problem. It is a staggering statistic, one that ought to shock us all.

The article also discusses the role of the Internet and the role of computer pornography in driving the technology that we have all become so aware of in just the last year or so. Let me again quote from the magazine:

> In much the same way that hard-core films on videocassette were largely responsible for the rapid introduction of the VCR, porn CD-ROM and on the Internet has hastened the acceptance of these new technologies. Interactive adult CD-ROMs, such as Virtual Valerie and the Penthouse Photo Shoot, create interest in multimedia equipment among male computer buyers.

According to the article. It goes on to say, and I quote:

> The availability of sexually explicit material through computer bulletin board systems has drawn many users to the Internet. Porn companies have established elaborate web sites to lure customers.

For instance, "Playboy's web site, which offers free glimpses of its Playmates, now averages about 5 million hits a day." Five million times someone is logging into the Playboy web site every day.

The article then goes on to quote a seeming cult figure of the anything goes set in America, Larry Flynt:

> Larry Flynt imagines a future in which the TV and the personal computer have merged. Americans will lie in bed, cruising the Internet with their remote controls and ordering hard-core films at the punch of a button. The Internet promises to combine the video store's diversity of choices with the secrecy of purchases through the mail.

Why do I bring this up, Mr. President? Because in the last Congress, the 104th Congress, this Senate adopted the Exon-Coats amendment, known as the Communications Decency Act, as part of the telecommunications reform legislation. I bring this up not to point out what Americans should or should not do in the privacy of their bedroom. I bring this up to ask the question as to whether or not we have a responsibility to protect our children from the negative impact of pornography. The Communications Decency Act simply extends the same protections that are currently in place, for children from pornography, that exists in every other means of communication but has not caught up with computer communication. The Internet has exploded on the scene and, yet, the same restrictions and protections for children, regarding the distribution of pornography that we have built into telephone technology, television technology, VCR technology, and others, has not been extended to computer technology, until the Communications Decency Act.

As U.S. News reports, "The Nation's obscenity laws and the Communications Decency Act are the greatest impediments to Flynt's brave new world of porn." The article said that, "Even he [Larry Flynt] is shocked by some of the material he has obtained through the Internet."

Let me quote him. "Some of the stuff on there, I mean, I wouldn't even publish it."

Anybody familiar with Mr. Flynt's record in terms of extending the boundaries of publication of pornographic material have to be stunned by this statement. Basically what he is saying is that some of the material that is available on the Internet without any protections for children, is so shocking even he wouldn't publish it in his magazines, which are only sold to adults, or are only supposed to be sold to adults.

Opponents of the Communications Decency Act, companies like America On-Line, the ACLU, the American Library Association, have argued that there should be no role for government in protecting children, that the Internet can regulate itself. The primary solution that they have offered is a system called PICs, Platform for Internet Content Selection. It is a type of self-rating system. This would allow the publisher of the material, the pornographer, to rate his own home page on the Web, and browsers, the tools that are used to search the Internet, would then respond to these ratings.

Mr. President, I suggest that it is a ludicrous proposition to allow the pornographer to rate their own material. There is no incentive for compliance.

PC Week magazine, a prominent voice in the computer industry recently published an editorial entitled "Web Site Ratings—Shame on Most of Us." The column discusses the lack of voluntary compliance by content providers. The article states,

> We and many others in the computer industry and press have decried the Communications Decency Act and other government attempts to regulate the content of the Web. Instead, we've all argued, the government should let the Web rate and regulate its own content. Page ratings and browsers that respond to those ratings, not legislation, are the answers we've offered.

But then the article goes on to say:

> The argument has been effective. With the CDA still wrapped up in the Courts, the general feeling seems to be that we, the good guys, carried the day on this one.

"Too bad we left the field before the game was over," the article says. "We who work around the Web have done little to rate our content." The article goes on to say that, in search of the Web, they found "few rated sites." And even those rated sites were an "exception to the rule." In other words, the PICs don't work. Of course they don't work. They don't work because you are asking the producer who is trying to sell the material to rate the material in a way that it will not be accessed as many people as it otherwise would. There is no incentive for pornographers to comply.

So what are the ramifications to our children? A member of my staff went on Lexis/Nexis and searched for articles containing the words: Computer and pornography and Internet and looked for articles dated after the first of the year. And we came up with 139 separate stories. "Internet pornography at library concerns parents", "Parents want BPL (Boston Public Library) to block porn on Internet", articles entitled, "Kids see porn via the Internet." "Mother sues America On-Line over cyber porn," and on and on.

At a time when the President and the Vice President are calling for every classroom in America to be wired to the Internet, when Larry Flynt is shocked by some of the material he finds there, the ACLU and congressional opponents of the Communications Decency Act claim that the Government has no right to protect our children from this pornographic material. Fortunately, the Senate spoke on a vote of 84 to 16, and the Congress as a whole spoke overwhelmingly in favor of the CDA.

Mr. President, the Supreme Court will soon hear arguments on the constitutionality of the CDA. I have a copy of the amicus brief, filed on behalf of Members of Congress, which reaffirms the voice of Congress on this important issue. I thank my colleagues who took a stand with me in this brief and ask unanimous consent that the content of the cover of the brief be printed and referenced in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[In the Supreme Court of the United States, October Term, 1996]

Janet Reno, Attorney General of the United States, et al., appellants *v.* American Civil Liberties Union, et al., appellees

On Appeal from the United States District Court for the Eastern District of Pennsylvania

Brief of Members of Congress

Senators Dan Coats, James Exon, Jesse Helms, Charles Grassley, Christopher Bond, James Inhofe, Rick Santorum, Rod Grams; and

Representatives Henry J. Hyde, Bob Goodlatte, F. James Sensenbrenner, Jr., Steven Schiff, William L. Jenkins, Asa Hutchinson, Chris Smith, Duncan Hunter, Roscoe Bartlett, Walter B. Jones, Jr., Sherwood Boehlert, Mark Souder, Steve Largent, Jim Ryun, Tony Hall, Dave Weldon, Frank R. Wolf as amici curiae in support of appellants.

Mr. COATS. Mr. President, I know my time is up, I intend to take additional time later to talk about the constitutionality of the Communications Decency Act, and to restate the case for why I believe it will pass constitutional muster.

Mr. President, this is something that we have to be vigilant on because clearly we have an interest, and a responsibility to protect our children from this kind of material.

Mr. President, I thank you for the time.

I yield the floor.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I thank the Chair.

(The remarks of Mrs. Murray pertaining to the introduction of S. 324 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER (Mr. Hutchinson). The Senator from Wisconsin.

Mr. KOHL. I thank the Chair.

DEADBEAT PARENTS PUNISHMENT ACT AND SUNSHINE IN LITIGATION ACT

Mr. KOHL. Mr. President, 2 weeks ago, I introduced two bills, the Deadbeat Parents Punishment Act of 1997, and the Sunshine in Litigation Act of 1997. Both address issues that are of enormous importance to our communities and country.

First, Senator DeWine and I introduced a measure to toughen the original Child Support Recovery Act of 1992 to ensure that more serious crimes receive more serious punishment. Our new proposal sends a clear message to deadbeat parents: Pay up or go to jail.

Current law already makes it a Federal offense to willfully fail to pay child support obligations to a child in another State if the obligation has remained unpaid for longer than a year or is greater than $5,000. However, current law provides for a maximum of just 6 months in prison for a first offense and a maximum of 2 years for a second offense. A first offense, however, no matter how egregious, is not a felony under current law.

Police officers and prosecutors have used the current law effectively, but they have found that current misdemeanor penalties do not adequately deal with more serious cases, those cases in which parents move from State to State to intentionally evade child support penalties or fail to pay child support obligations for more than 2 years—serious cases that deserve serious felony punishment.

In response to these concerns, President Clinton drafted legislation that would address this problem, and we dropped it in last month.

This new effort builds on past successes. In the 4 years since the original deadbeat parents legislation was signed into law by President Bush, collections have increased by nearly 50 percent, from $8 billion to $11.8 billion, and we should be proud of that increase. Moreover, a new national database has helped identify 60,000 delinquent fathers, over half of whom owed money to women on welfare.

Nevertheless, there is much more that we can do. It is estimated that if delinquent parents fully paid up their child support, approximately 800,000 women and children could be taken off the welfare rolls. So our new legislation cracks down on the worst violators and makes clear that intentional or long-term evasion of child support responsibilities will not receive a slap on the wrist. In so doing, it will help us continue to fight to ensure that every child receives the parental support they deserve.

With this bill, we have a chance to make a difference in the lives of families across our entire country. I look forward to working with my colleagues to give police and prosecutors the tools they need to effectively pursue individuals who seek to avoid their family obligations.

The second bill I introduced 2 weeks ago was the Sunshine in Litigation Act of 1997, a measure that addresses the growing abuse of secrecy orders issued by Federal courts. All too often, our Federal courts will allow vital information that is discovered in litigation and which directly bears on public health and safety to be covered up, to be shielded from people whose lives are potentially at stake and from the public officials we have asked to protect our health and safety.

All of this happens because of the so-called protective orders, which are really gag orders issued by courts—and designed to keep information discovered in the course of litigation secret and undisclosed. Typically, injured victims agree to a defendant's request to keep lawsuit information secret. They agree because defendants threaten that, without secrecy, they will refuse to pay a settlement. Victims cannot afford to take such chances. And while courts in these situations actually have the legal authority to deny requests for secrecy, typically they do not because both sides have agreed and judges have other matters they prefer to attend to. So judges are regularly and frequently entering these protective orders using the power of the Federal Government to keep people in the dark about the dangers they face.

This measure will bring crucial information out of the darkness and into the light. The measure amends rule 26 of the Federal Rules of Civil Procedure to require that judges weigh the impact on public health and safety before approving these secrecy orders. It is simple, effective, and straightforward. It essentially codifies what is already the best practices of the best judges. In cases that do not affect the public health and safety, existing practice would continue, and courts can still use protective orders as they do today. But in cases affecting public health and safety, courts would apply a balancing test. They could permit secrecy only if the need for privacy outweighs the public's need to know about potential public health and safety hazards. Moreover, courts could not, under this measure, issue protective orders that would prevent disclosures to regulatory agencies.

I do want to mention that identical legislation was reported out of the Judiciary Committee last year by a bipartisan, 11-to-7 majority. I do want to remind people that this issue is not going away: A number of States are currently considering antisecrecy measures; the Justice Department itself has drafted its own antisecrecy proposal—one that in many ways goes further than my own. The grassroots support for antisecrecy legislation will continue and grow, as long as information remains held under lock and key.

So, Mr. President, I look forward to working with my colleagues on a bipartisan basis to do more to combat deadbeat parents and limit court secrecy.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized to speak for up to 10 minutes.

SCHOOL CONSTRUCTION, TRANSPORTATION, AND ENVIRONMENTAL INITIATIVE

Mr. GRAHAM. Mr. President, I speak to my colleagues and to the American public today about a quiet crisis that is occurring in our Nation. This is the crisis that has resulted from our failure to adequately invest in the basic services that will render our Nation economically productive, with a strong national security, and prepare the next generation of our citizens to meet their responsibilities. All over our Nation, from the largest cities to the smallest rural communities, we are seeing a deterioration of our basic public support system. Our schools, our bridges, our highways, our water and sewer systems are deteriorating.

In areas of growth, we do not have enough resources to meet the needs of an expanding population. Too many children are learning in overcrowded and unsafe classrooms. Too many motorists are driving on inadequate roads and highways. Too many communities are being forced to make do with inadequate water, sewer, and environmental systems.

Our ability to compete in the economy of the future, and to maintain and enhance the quality of life of our citizens, will, in large part, hinge on whether and how we correct those problems.

As we enter the 21st century, we must build and rebuild the foundations which will serve our people and their needs for years to come. In the near future, I intend to continue the efforts that are underway with my Republican and Democratic colleagues who have expressed similar concerns. Out of this will come legislation which will assist States and local communities to build the schools, roads, and water systems that they need now and in the future.

The numbers tell the story. A recent General Accounting Office report says that one-third of our Nation's school districts have buildings in need of immediate and extensive repair. The same report states that 25 million students go to schools with poor lighting and heating, bad ventilation or air quality, or a lack of physical security; 25 million boys and girls attend schools with those deteriorating conditions. It has been estimated that $150 billion will be needed to remedy this situation. That dollar amount does not include the cost to meet new school construction for expanding populations.

This affects my State. It affects all of the States of the Nation. The school facility crisis is estimated, for instance, in the State of North Dakota, to cost $450 million to remedy; $5 billion is needed in Texas, $7.5 billion in Florida, $15 billion in New York State, and $20 billion in the State of California. In Louisiana, 88 percent of the 1,500 public schools are in need of repair; 77 percent of Connecticut's more than 1,000 schools need some rehabilitation. In Illinois, 89 percent of more than 4,000 schools need improvement.

I firmly believe the administration of elementary and secondary education is the responsibility of State and local communities. It is not a Federal responsibility. The Federal Government should restrain itself from interfering with curriculum, personnel and other educational policies. But I believe there is a role for the Federal Government in helping increasingly underfunded and overburdened school districts in the construction of badly needed new schools and the renovation of existing schools. That is a role in which the Federal Government has had some history.

I recently spent a day working in a rehabilitation project on Opa-Locka Elementary School in Dade County, FL. I was impressed when I looked at the plaque on the wall of Opa-Locka Elementary School, a school which is 60 years old this year. It was built by the U.S. Public Works Administration as a Depression-era job-creation project. The Federal Government has a history of assisting school districts in meeting their capital needs and has done so without the criticism of inappropriate Federal intrusion.

Mr. President, I applaud the President's proposed school construction initiative. It was one of the 10 points in the education program that he presented to the Nation during his State of the Union Address. He has opened the door to an important Federal-State-local partnership, and we must walk through that door. However, I believe the door needs to be widened.

Our school construction needs are much greater than the President's proposal would address. States and local school districts need to have a wider range of policy and fiscal options to meet their needs. We must aggressively build on the President's plan so that States and local governments can solve their tremendous needs.

School construction is obviously not the only capital issue facing States and local governments. For example, the United States has 39 million miles of roads and 574,000 bridges. Recent estimates show that 60 percent of our roads and a third of our bridges are substandard and in need of repair. The U.S. Department of Transportation estimates that we currently invest $35 billion annually in highway construction. This is $15 billion less than is needed to keep up with deterioration and $33 billion less than the amount estimated to keep ahead of growth, change, and congestion.

Nationally, our water and sewer management investment needs are in excess of $138 billion.

The key question for us and for America is, how will we face these problems? We must address these problems in a way that is responsible, both to our commitment to a balanced budget and to the needs of States and local communities. It is vital that we find a funding source that is limited, stable and viable over an extended period of time.

I suggest that some of the principles of this new partnership of the Federal Government with State and local communities in meeting their education, transportation and environmental infrastructure needs would include these: We must form an expanded and long-term partnership. It must be a partnership built on a basic respect for the responsibilities of State and local government to make the key policy decisions.

It must also be built on a requirement that it be a true partnership with the States and as a condition of participation that they provide a matching source of funds to that which will come from the Federal Government and that they maintain their current level of effort so that this will truly be an additional effort toward meeting our unmet needs, not a substitution for current effort, and that there be maximum flexibility to the States in the form in which they choose to meet those needs and the priorities which they establish.

I am going to suggest, Mr. President, as we develop these concepts into legislation, that one of the most appealing ways in which to provide that stable and sustainable revenue source in order to be able to form this partnership is to utilize the 4.3 cents per gallon of motor fuels tax which was enacted in 1993 and which goes directly to the Federal Treasury, not as does most other federally imposed motor fuels tax into a highway trust fund. This revenue source is currently generating in excess of $6 billion.

If States and local communities are willing to provide a substantial match to these funds—and I will suggest that that match should be in the ratio of one-third State and local to two-thirds Federal—the total effect of this Federal contribution for educational, transportation, environmental needs over the next 5 to 10 years could be in excess of $200 billion, if these funds were used as the basis of innovative financing methods.

Mr. President, this will have the potential of tremendous positive impact on our Nation's economy. Clearly, the economy will benefit by having children who are educated in appropriate environments. The country will benefit by having a transportation system that can meet our current and future needs that will not impose excessive costs due to congestion and inadequacy of facilities. Our Nation will be enhanced by having quality environmental systems that will protect our water and our air and our natural resources.

Those are some of the benefits. But in addition to those, a program of this scale will provide employment for literally hundreds of thousands of people, as we strive to construct these facilities that will have such positive long-term benefits.

Mr. President, in the next weeks I expect to continue to work with my colleagues in developing this into specific legislative proposals.

Our motorists and our Nation's commercial interests need safe, modern, and reliable highways. Our communities deserve responsible water and sewer and other environmental systems. Our children will require the best quality of educational facilities in order to achieve world-class standards of educational performance. We can wait no longer to meet the needs of this quiet crisis of deteriorating infrastructure in America. Now is the time to act. Thank you, Mr. President.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to proceed for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas is recognized.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 325, S. 326, and S. 327 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. HOLLINGS. The distinguished Senator from Arkansas is right on target, it is the king of corporate welfare. The Senator from Arkansas has been at this for years trying to save the conscience of this particular body. I have been most interested in his factual, in-depth study and report to the Congress, and particularly here to us in the Senate. It is just astounding to me that it continues.

As he said, the public can hardly believe what he says. I want to turn to a subject that the public cannot believe, and that is what we say, because we have a funny way of talking about deficits. Specifically, if you look, Mr. President, at the budget message of the President in the budget green book, fiscal year 1998, on page 2, and you want to see what the deficit is after the fifth year out, it says on page 2 at the bottom, "Surplus deficit." Why doublespeak? You would not get that from your accountant.

Do not, by gosh, make your income tax statement in April on the basis of surplus deficit, on budget/off budget, unified budget, unified deficit. But you will see here that they show a $17 billion surplus on page 2. However, Mr. President, if you turn to page 331, buried in the back, you will find table S-16, "Federal Government Financing and Debt." All one needs do to ever determine a deficit is to just look at the increase, if you please, of the debt each year. If the debt stays the same, you have a balanced budget. If the debt goes down, then you have a surplus. But, if the debt goes up, as it says on page 331, clearly you have a deficit. You can see that the debt in 2002 is $6.6525 trillion on the line which says "Total gross Federal debt." Then, if you subtract the previous year's debt of $6.4852 in 2001 from the 2002 figure of $6.6525 trillion, you will get, of course, a $167.3-billion deficit. This is not a surplus as you find on page 2, but a deficit, as it states on page 331. That is the real world, and it should be our real world. It should be our real world, Mr. President, because, otherwise, the discipline has broken here in this body. Specifically, if you are going to use some offset borrowing, it is like going to the bank and the teller says, "Well, HOLLINGS, you don't have any money left," and I say, "Well, let me borrow from the next fellow's account over there and put it in mine."

So what we do for the unified budget is borrow from Social Security and highway trust funds. Let me give you the list, Mr. President. This chart lists each President since Harry Truman in 1945, the U.S. budget, the trust funds that are used, the real deficit, the gross Federal debt, and then the gross interest costs.

I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

President/Year	U.S. budget (outlays) (in billions)	Trust funds	Real deficit	Annual deficit change	Gross Federal debt (billions)	Gross interest
Truman:						
1945	92.7	5.4			260.1	
1946	55.2	3.9	−10.9		271.0	
1947	34.5	3.4	+13.9		257.1	
1948	29.8	3.0	+5.1		252.0	
1949	38.8	2.4	−0.6		252.6	
1950	42.6	−0.1	−4.3		256.9	
1951	45.5	3.7	+1.6		255.3	
1952	67.7	3.5	−3.8		259.1	
1953	76.1	3.4	−6.9		266.0	
Eisenhower:						
1954	70.9	2.0	−4.8		270.8	
1955	68.4	1.2	−3.6		274.4	
1956	70.6	2.6	+1.7		272.7	
1957	76.6	1.8	+0.4		272.3	
1958	82.4	0.2	−7.4		279.7	
1959	92.1	−1.6	−7.8		287.5	
1960	92.2	−0.5	−3.0		290.5	
1961	97.7	0.9	−2.1		292.6	

President/Year	U.S. budget (outlays) (in billions)	Trust funds	Real deficit	Annual deficit change	Gross Federal debt (billions)	Gross interest
Kennedy:						
1962	106.8	−0.3	−10.3	....	302.9	9.1
1963	111.3	1.9	−7.4	....	310.3	9.9
Johnson:						
1964	118.5	2.7	−5.8	....	316.1	10.7
1965	118.2	2.5	−6.2	....	322.3	11.3
1966	134.5	1.5	−6.2	....	328.5	12.0
1967	157.5	7.1	−11.9	....	340.4	13.4
1968	178.1	3.1	−28.3	....	368.7	14.6
1969	183.6	−0.3	+2.9	....	365.8	16.6
Nixon:						
1970	195.6	12.3	−15.1	....	380.9	19.3
1971	210.2	4.3	−27.3	....	408.2	21.0
1972	230.7	4.3	−27.7	....	435.9	21.8
1973	245.7	15.5	−30.4	....	466.3	24.2
1974	269.4	11.5	−17.6	....	483.9	29.3
Ford:						
1975	332.3	4.8	−58.0	....	541.9	32.7
1976	371.8	13.4	−87.1	....	629.0	37.1
Carter:						
1977	409.2	23.7	−77.4	....	706.4	41.9
1978	458.7	11.0	−70.2	....	776.6	48.7
1979	503.5	12.2	−52.9	....	829.5	59.9
1980	590.9	5.8	−79.6	....	909.1	74.8
Reagan:						
1981	678.2	6.7	−85.7	[−6.1]	994.8	95.5
1982	745.8	14.5	−142.5	[−56.8]	1,137.3	117.2
1983	808.4	26.6	−234.4	[−91.9]	1,371.7	128.7
1984	851.8	7.6	−193.0	[+41.4]	1,564.7	153.9
1985	946.4	40.6	−252.9	[−59.9]	1,817.6	178.9
1986	990.3	81.8	−303.0	[−50.1]	2,120.6	190.3
1987	1,003.9	75.7	−225.5	[+77.5]	2,346.1	195.3
1988	1,064.1	100.0	−255.2	[−29.7]	2,601.3	214.1
Bush:						
1989	1,143.2	114.2	−266.7	[−11.5]	2,868.0	240.9
1990	1,252.7	117.2	−338.6	[−71.9]	3,206.6	264.7
1991	1,323.8	122.7	−391.9	[−53.3]	3,598.5	285.5
1992	1,380.9	113.2	−403.6	[−11.7]	4,002.1	292.3
Clinton:						
1993	1,408.2	94.2	−349.3	[+54.3]	4,351.4	292.5
1994	1,460.6	89.1	−292.3	[+57.0]	4,643.7	296.3
1995	1,514.4	113.4	−277.3	[+15.0]	4,921.0	332.4
1996	1,560.0	154.0	−261.0	[+16.3]	5,182.0	344.0
1997	1,632.0	130.0	−254.0	[+7.0]	5,436.0	360.0

Source: Historical Tables, "Budget of the U.S. Government FY 1996": Beginning in 1962 CBO's "1995 Economic and Budget Outlook."

Mr. HOLLINGS. Mr. President, you go down each year and—incidentally, when I got here, in 1966, there wasn't any unified budget, or unified deficit, or unified surplus. There wasn't anything unified. There wasn't any in 1967, 1968, and 1969. When they started that under President Johnson, they said President Johnson started it as a gimmick. If you look at these figures, you will find out that President Johnson did have a surplus and a balanced budget—I voted for it; I was here then—and it did not use Social Security or any of the other trust funds.

Then, Mr. President, as I was saying, there is a table here of the different amounts used in this so-called unified budget, or deficit. In the year 1997, there was $78 billion in Social Security moneys to reduce the size of that deficit; in 1998, $81 billion; in 1999, $88 billion; in 2000, $94 billion; in the year 2001, $98 billion; and in 2002, $104 billion. That is a total of $543 billion.

Now, I am a budgeteer. I am on the Budget Committee. I go in the room and I say: Well, now, are we going to really look at the debt and see if we've got this Government on a pay-as-you-go program, or are we going to play the gamesmanship? Oh, they have reporters running all around the world, to China, to find out whether or not they made a contribution in the Presidential election. But they don't have the integrity to report the facts, truth in budgeting. The discipline is broken. I go in as a budgeteer and you say: Wait a minute, you have $543 billion, a half trillion bucks, over the next 6 years, and if I don't spend it for what I want, that fellow over there is going to spend it on defense; this one over here is going to spend it on foreign aid; the next one is going to spend it on the national parks. I might as well get my money to take back home. There is no discipline. There is no trust.

Obviously, the public has heard us talk ad nauseam about deficits and balancing budgets. And like old Tennessee Ernie sang, "Another day older and deeper in debt." We have these polls taken to see whether or not they trust us. I hope they don't because we are not giving them the truth in budgeting. I am trying my dead-level best here to list these amounts.

I ask unanimous consent that this particular table be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Gross debt 1996	5182	Gross debt 1997	5436
Gross debt 1995	4921	Gross debt 1996	5182
Difference	261	Difference	254

	1996	1997
Deficit	107	124
Trust funds:		
Social Security	66	78
Medicare HI [1]	−4	−10
Medicare SMI	13	−5
Military Retirement	5	9
Civilian Retirement	28	28
Unemployment	6	7
Highways	3	3
Airports	−3	−4
Other	1	3
Additional borrowing:		
Banking	16	10
Treasury loans	23	11
Total trust funds and additional borrowing	154	130
Real deficit	261	254
Gross interest	344	360

[1] The HI part of Medicare is projected to go broke by 2001. Based on numbers reported by the Treasury Department.

Mr. HOLLINGS. You will find that in the 1997 budget we use $78 billion from Social Security; military retirement, $9 billion; civilian retirement, $28 billion; unemployment compensation fund, $7 billion; highways, $3 billion; additional borrowings from banking, $10 billion; Treasury loans, another $11 billion.

So you can see the tremendous amounts that we do to obscure the size of that deficit. And this has been quite a problem for this particular Senator, because I have been trying to get one vocabulary, if you please, so when we go into the Budget Committee we all talk the same language. Then, we can have "slush" funds instead of "trust" funds. We, very lightly, make a motion and say the money is there and we will use it there, and we will use the CPI and pick up a trillion dollars over 10 years. Oh, there are all kinds of gimmicks to use. I got an initiative in the formal statutory law, which was called a gimmick less than 24 hours ago by the distinguished chairman of the Budget Committee. I don't think the law is a gimmick.

I want to talk seriously about that, Mr. President, because we can go back to the National Commission on Social Security Reform in January 1983. You will find, under section 21, a majority of the national commission recommends that the operations of OASI, DI, HI, and SMI—the trust funds, Social Security trust funds—should be removed from the unified budget. In the operations, the Social Security trust funds have been included in the unified budget. However, by including Social Security trust funds in the annual budget process, it gives a false impression to the American public. The national commission believed that changes in the Social Security program should be made only for programmatic reasons and not for balancing the budget.

Then, they projected as the reason for removing it from the unified budget was to take Social Security from a pay-as-you-go program to building up surpluses—tremendous reserves—to take care of the baby boomers in the next century. They use the year 2056 in one instance and talk about protecting the fund for 75 years in another. Now, in all the litany from these reports and emergency committees that go around studying this, they are coming back in and saying it will be broke in the year 2029, not 2056 or 75 years out as the Greenspan Commission reported.

What should we do? We should reduce benefits and increase taxes. But do you know what happens? The trust fund surpluses created by the tax increases are spent on other programs. The Social Security taxes that we passed in 1983 were formally declared as revenues for Social Security surpluses, a trust fund for the baby boomers in the next century. They were certainly not to be used for defense, or foreign aid, or housing, or any of these other endeavors. But we are spending it for any and all purposes except Social Security. It is a dirty shame what is going on. You cannot get it reported. And the effect is on us immediately, not in the next century. The effect is this particular minute. We are running up these horrendous deficits and debt to the tune now—as you can see from the table that I put in—of $1 billion a day in interest costs. It was only about $1 billion a week when President Reagan came to town. He was going to balance the budget in 1 year. I can show you the talk. He came to town and he says, "Oops. This is the way it works. I am going to balance it in 3 years." He came in with "Reaganomics." Brother, I can tell you the debt just went soaring through the ceiling. We had 210 years of history with the cost of all the wars, the Revolution, the War of 1812, the Civil War, the Spanish American War, the Mexican War, World War I, World War II, Korea, Vietnam—we had the cost of all the wars; we had 38 Presidents, Republican and Democrat; and we never got to a $1 trillion debt. Yet, without the cost of a war in 15 years, we now have $5.3 trillion in debt. That is the crowd around here talking about they are concerned about deficits and the next fellow is not.

When the Greenspan commission made this recommendation I was on the Budget Committee. I cosponsored and worked in a bipartisan fashion on Gramm-Rudman-Hollings. Then I went to work on really stopping this debt from soaring that nobody knew was soaring because we were using billions from the Social Security trust fund. And it took me until 1990, Mr. President, to do just exactly that. And in July of 1990, as a member of the Budget Committee, I made the motion that we do as the Greenspan commission had recommended and put it off budget; build up an accounting surplus. And the vote was 20 to 1.

I ask unanimous consent to include the vote in the RECORD at this particular point.

There being no objection, the matter was ordered to be printed in the RECORD as follows:

HOLLINGS MOTION TO REPORT THE SOCIAL SECURITY PRESERVATION ACT

The Committee agreed to the Hollings motion to report the Social Security Preservation Act by a vote of 20 yeas to 1 nay.

Yeas: Mr. Sasser, Mr. Hollings, Mr. Johnston, Mr. Riegle, Mr. Exon, Mr. Lautenberg, Mr. Simon, Mr. Sanford, Mr. Wirth, Mr. Fowler, Mr. Conrad, Mr. Dodd, Mr. Robb, Mr. Domenici, Mr. Boschwitz, Mr. Symms, Mr. Grassley, Mr. Kasten, Mr. Nickles, and Mr. Bond.

Nays: Mr. Gramm.

Mr. HOLLINGS. Mr. President, thereafter we had a vote on the floor of the U.S. Senate.

I ask unanimous consent to include in the RECORD that particular vote.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROLLCALL VOTE NO. 283—OMNIBUS BUDGET RECONCILIATION

(Social Security Trust Funds)

YEAS (98):

Democrats (55 or 100%): Adams, Akaka, Baucus, Bentsen, Biden, Bingaman, Boren, Bradley, Breaux, Bryan, Bumpers, Burdick, Byrd, Conrad, Cranston, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Gore, Graham, Harkin, Heflin, Hollings, Inouye, Johnston, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Pryor, Reid, Riegle, Robb, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, and Wirth.

Republicans (43 or 96%): Bond, Boschwitz, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Garn, Gorton, Gramm, Grassley, Hatch, Hatfield, Heinz, Helms, Humphrey, Jeffords, Kassebaum, Kasten, Lott, Lugar, Mack, McCain, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Roth, Rudman, Simpson, Specter, Stevens, Symms, Thurmond, Warner, and Wilson.

NAYS (2):

Democrats (0 or 0%).

Republicans (2 or 4%): Armstrong and Wallop.

NOT VOTING (0):

Democrats (0).

Republicans (0).

Mr. HOLLINGS. Mr. President, 98 Senators in the U.S. Senate agreed with me. I will tell you, Mr. President, it was really interesting because I have never seen such a thing occur. We all went home in those campaigns and we talked about how we had finally put it into law. It was on November 5, 1990, that George Herbert Walker Bush signed that into law. That is the formal section of the Budget Act, section 13301. It says, "Thou shalt not use Social Security surpluses to obscure the size of the deficit." We wanted to have truth in budgeting. When I say 98 Senators, I counted up about 33 that are still here in the U.S. Senate that were there in 1990 voting for this.

Right to the point, here is the provision in the statute. It says:

> Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old Age and Survivors Insurance trust fund shall not be counted as new budget authority, or as outlays, or as receipts, or deficits, or surplus for the purpose of the budget of the U.S. Government as submitted by the President, or for the purposes of the congressional budget, or for the purposes of the Balanced Budget and Emergency Deficit Control Act.

When we passed that, the distinguished Senator—and there is no one I have greater respect for, and he is my friend, and I am his friend—came on the floor yesterday, the chairman, the Senator from New Mexico, Senator DOMENICI, and he came on the floor yesterday late in the evening, and it is one of the things that prompted my appearance here this afternoon. Let me quote from page S. 1294 of the CONGRESSIONAL RECORD of February 12:

> Frankly, I want to make sure that everybody knows that the best use of the word gimmick for anything going on on this floor has to do with the gimmick that some on that side of the aisle are using when they speak of taking Social Security off budget so you will assure Social Security's solvency and the checks. That is a gimmick of the highest order. For you do that, and there is no assurance that Congress will not spend the trust funds surpluses for anything they want. It is no longer subject to any budget discipline. It is out there by itself.

Senator DOMENICI is totally mistaken.

Let me quote the real Senator DOMENICI. Here is the report, and I refer to the Social Security Preservation Act of July 10, 1990, and the additional views of Mr. DOMENICI.

I ask unanimous consent that the entirety be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Additional Views of Mr. Domenici

It is somewhat ironic that the first legislative mark-up in the 16 year history of the Senate Budget Committee produced a bill that does not do what its authors suggest and, more importantly, weakens the fiscal discipline inherent in the Gramm-Rudmann-Hollings budget law.

I voted for Senator Hollings' proposal because I support the concept of taking Social Security out of the budget deficit calculation. But I cast this vote with reservations.

The best way to protect Social Security is to reduce the Federal budget deficit. We need to balance our non-Social Security budget so that the Social Security trust fund surpluses can be invested (by lowering our national debt) instead of used to pay for other Federal operating costs. We could move toward this goal without changing the unified budget, a concept which has served us well for over twenty years now.

Changes in our accounting rules without real deficit reduction will not make Social Security more sound. In fact, we could make matters worse by opening up the trust funds to unrestrained spending. Under current law, the trust funds are protected by the budget process. Congress cannot spend the trust fund reserves without new spending cuts or revenue increases in the rest of the budget to meet Gramm-Rudman-Hollings deficit reduction requirements. If we take Social Security out of GRH without any new protection for the trust funds, Congress could spend the reserves without facing new spending cuts or revenue increases in other programs. And if we spend the trust fund reserves today, we will threaten the solvency of the Social Security program, putting at risk the benefits we have promised to today's workers.

Of course, I also understand that we might be able to restore some public trust by taking Social Security out of the deficit calculation. Trust that we in Congress are not "masking the budget deficit" with Social Security. That is why I believe we should take Social Security out of the deficit, but only if we provide strong protection against spending the trust fund reserves. We need a "firewell" around those trust funds to make sure the reserves are there to pay Social Security benefits in the next century. Without a "firewall" or the discipline of budget constraints, the trust funds would be unprotected and could be spent on any number of costly programs.

Unfortunately, the Hollings bill does not protect Social Security, which is why Senator Nickles and I offered our "firewall" amendment, defeated by a vote of 8 to 13. The amendment, drafted over the last six months by my self and Senators Heinz, Rudman, Gramm, and Deconcini, included: a 60 vote point of order against legislation which would reduce the 75 year acturial balance of the Social Security trust funds; additional Gramm-Rudman-Hollings deficit reduction requirements in all years in which legislation lowered the Social Security surpluses; and notification to Social Security taxpayers on the Personal Earnings and Benefit Estimate Statements (PEBES) each time Congress lowered the reserves available to pay benefits to future retirees.

With just one exception, the others side of the aisle voted against this protection for Social Security beneficiaries.

Furthermore, the Hollings bill says nothing about how or when we will achieve balance in the non-Social Security budget. The bill simply takes Social Security out of the deficit calculation. If enacted, the Hollings bill would require $173 billion in deficit reduction in 1991 to meet the statutory GRH target (see attached table). Obviously, that is not going to happen.

I believe we need to extend Gramm-Rudman—Hollings to ensure we have the discipline to achieve balance in the non-Social Security portion of the budget. The Budget Summit negotiators are discussing a goal of $450 to $500 billion in deficit reduction over the next five years. Once we reach an agreement, that plan should be the framework for extending the GRH law.

I offered a Sense of the Congress amendment during the mark-up expressing this view. I offered this to put the Hollings bill in some context.

But the Democratic members of the Committee refused to consider even an amendment acknowledging the facts about our budget situation, rejecting my proposal by another 8 to 13 vote. In fact, the Chairman indicated that there was some concern on his side of the aisle about extending the Gramm-Rudman-Hollings discipline. One might infer that, for some, this mark-up was really an effort to kill Gramm-Rudman-Hollings.

I am not sure what we accomplished in reporting out a bill with no protection for Social Security and with no suggestion of what we think should happen regarding the deficit targets. I, for one, do not want to do anything which could endanger Social Security or Gramm-Rudman-Hollings budget discipline. At a minimum, I will offer the "firewall" amendment to protect Social Security should the reported bill be considered by the full Senate.

Mr. HOLLINGS. I quote:

> We need to balance our non Social Security budget so that the Social Security trust funds surpluses can be invested by lowering our national debt instead of using it to pay for other Federal operating costs. If we take Social Security without any new protection for the trust funds, Congress could spend the reserves without facing new spending cuts or revenue increases in other programs, and, if we spend the trust fund reserves today, we will threaten the solvency of the Social Security program putting at risk the benefits we have promised to today's workers.

Then the Senator goes on to submit firewall protection. He said this particular statute is not enough. Here he is adamant about this statute, says it is necessary, says it has to be done so you can't use the money for anything else. Yet he insists now using the money for anything else as just hunky-dory, and the law itself is a gimmick.

Let me make sure so they don't have to look it up, subtitle C, section 1301.

I ask unanimous consent to include it in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Excerpt From Public Law 101–508

Subtitle C—Social Security

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) Exclusion of Social Security From All Budgets.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Exclusion of Social Security From Congressional Budget.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title.".

Mr. HOLLINGS. Mr. President, that is pretty serious business when the distinguished chairman of your own Budget Committee, who is supposed to lead the discipline, leads the nondiscipline.

I have laid it on the line. When you spend these moneys to obscure the size of the deficit, thereupon that discipline is broken because you are spending it. We have already spent about $570 billion, at this particular point, Mr. President, and by the year 2002 we will owe over $1 trillion. In any of these budgets that will be debated here this year, we will use over $1 trillion of Social Security trust funds to balance the budget.

(Mr. FRIST assumed the chair.)

Mr. HOLLINGS. I stood here with the distinguished Senator from New Mexico, the chairman of our Budget Committee, 2 years ago and said if you can give me a balanced budget by the year 2002, without increasing taxes, I will jump off the Capitol dome.

Right to the point, we have tried our best, Senator Dorgan, myself and others—there are five of us—and I ask unanimous consent to include in the Record a letter dated March 1, 1995, where five of us said just reiterate the law rather than repeal the law.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, March 1, 1995.

Hon. Robert J. Dole,
Majority Leader, U.S. Senate,
Washington, DC.

Dear Mr. Leader: We have received from Senator Domenici's office a proposal to address our concerns about using the Social Security trust funds to balance the Federal budget. We have reviewed this proposal, and after consultations with legal counsel, believe that this statutory approach does not adequately protect Social Security. Specifically, Constitutional experts from the Congressional Research Service advise us that the Constitutional language of the amendment will supersede any statutory constraint.

We want you to know that all of us have voted for, and are prepared to vote for again, a balanced budget amendment. In that spirit, we have attached a version of the balanced budget amendment that we believe can resolve the impasse over the Social Security issue.

To us, the fundamental question is whether the Federal Government will be able to raid the Social Security trust funds. Our proposal modifies those put forth by Senators

Reid and Feinstein to address objections raised by some Members of the Majority. Specifically, our proposal prevents the Social Security trust funds from being used for deficit reduction, while still allowing Congress to make any warranted changes to protect the solvency of the funds. The prior language of the Reid and Feinstein amendments was not explicit that adjustments could be made to ensure the soundness of the trust funds.

If the Majority Party can support this solution, then we are confident that the Senate can pass the balanced budget amendment with more than 70 votes. If not, then we see no reason to delay further the vote on final passage of the amendment.

Sincerely,

BYRON L. DORGAN,
ERNEST F. HOLLINGS,
WENDELL H. FORD,
HARRY M. REID,
DIANNE FEINSTEIN.

Mr. HOLLINGS. That is why I ask unanimous consent also in addition to the letter that we include Senate Joint Resolution 1.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE 1A—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

Mr. President, it is impossible for they on the other side of the aisle, or anybody else, to provide a budget that would be balanced in the year 2002 without increasing taxes. That is not a daring statement to make because all you have to look at is the chart that I included, and you see the gross interest cost for the fiscal year in 1997, the year we are in, is estimated to be at $360 billion. That is $1 billion a day. No one has in mind over that 5-year period of cutting $360 billion. Nor do I recommend, necessarily, that you cut that amount, but it is going to have to be a combination of cuts, freezes, and increased taxes if we are to reach the balanced budget—and perhaps foregoing some new programs.

When they all talk about these tax cuts that they have in mind for families here and families there and students here and everything else, there are no taxes to cut. We are operating and have been operating in deficit mode in such a disastrous fashion, as in a downward spiral. The spending is on automatic pilot that must occur for interest costs on the national debt faster than we can possibly raise any revenues or cut any spending. That ought to be clearly understood.

The best way to raise taxes is to continue on this course because you continue to raise interest costs. When you raise the debt, you raise the interest costs, which is added, of course, to the debt, which increases the debt, which increases the interest costs that must be paid just like taxes.

So the surreptitious way in order to raise taxes is to continue on this particular path. That is why I have called for truth in budgeting so that everyone would understand that it is not a gimmick when we come up here and talk about the 1990 law. There is no criminal penalty for violating it, but maybe we will have to get some court injunctions or something of that kind to forego this reporting of a unified budget for the simple reason that there is no basis in law for that. There is only the basis in law that we must report the deficit without the use of Social Security trust funds in order to show the true deficit. Now, that is the law today, but they continue to call it a gimmick.

Now, what happens here in Senate Joint Resolution 1, if you see section 7, Mr. President, it says, "Total receipts shall include all receipts of the U.S. Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except those for the repayment of debt principal."

That particular section 7 thereby repeals section 13301, the Social Security protection. The trust fund is immediately made a slush fund constitutionally. And then, Mr. President, the way the particular Senate Joint Resolution 1 reads in section 1, "Total outlays for any fiscal year shall not exceed total receipts for that fiscal year."

Now, Mr. President, that being the case, you have to get a three-fifths vote to succeed. If total outlays shall not exceed total receipts, you cannot use the Social Security trust fund surpluses. You can get what you would ordinarily call a balanced budget, but you have to either cut spending or increase taxes in order to pay the Social Security recipients. You can't use the surplus.

Now, that is pointed out, Mr. President, in a very dramatic fashion, by the Center on Budget and Policy Priorities back in January, which I included in the RECORD at that particular time. Let me read this paragraph.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BALANCED BUDGET AMENDMENT AND SOCIAL SECURITY

In recent years, Congress has considered two versions of the balanced budget amendment. The version supported by the Republican Congressional leadership (herein termed the "Leadership version") requires the "unified budget" to be balanced each year, including Social Security. The other version, which Senators Wyden, Feinstein, Dorgan and others introduced in the last Congress, requires the budget exclusive of Social Security to be in balance.

The version that includes Social Security in the unified budget poses serious dangers for the Social Security system. It also is inequitable to younger generations, as it would likely cause those who are children today to be saddled with too heavy a tax load when they reach their peak earnings years. The Wyden/Feinstein version does not pose those problems.

BACKGROUND

In coming decades, Social Security faces a demographic bulge. The baby boomers are so numerous that when they retire, the ratio of workers of retirees will fall to a low level.

This poses a problem because Social Security has traditionally operated on a "pay-as-you-go" basis. The payroll taxes contributed by today's workers finance the benefits of today's retirees. Because there will be so many retirees when the baby boomers grow old, however, it will be difficult for workers of that period to carry the load without large increases in payroll taxes.

The acclaimed 1983 bipartisan Social Security commission headed by Alan Greenspan recognized this problem. It moved Social Security from a pure "pay-as-you-go" system to one under which the baby boomers would contribute more toward their own retirement. As a result, the Social Security system is now building up surpluses. By 2019, these surpluses will equal $3 trillion. After that, as the bulk of the baby boom generation moves into retirement, the system will draw down the surpluses. This is akin to what families do in saving for retirement during their working years and drawing down their savings when they retire.

This approach has important merits. It promotes generational equity by keeping the burden on younger generations from becoming too high. In addition, if the Social Security surpluses were to be used in the next two decades to increase national saving rather than to offset the deficit in the rest of the budget, that would likely result in stronger economic growth, which in turn would better enable the country to afford to support the baby boomers when they reach their twilight years.

To pursue this approach, the tasks ahead are to reduce significantly or eliminate the deficit in the non-Social Security budget so that the surpluses in the Social Security trust funds contribute in whole or large part to national saving, and to institute further reforms in Social Security to restore long-term actuarial balance to the Social Security system. Restoring long-term balance will almost certainly entail a combination of building the surpluses to somewhat higher levels and reducing somewhat the benefits paid out when the boomers retire.

THE LEADERSHIP BBA AND SOCIAL SECURITY

Unfortunately, the balanced budget amendment pushed by the Leadership would undermine this approach to protecting Social Security and promoting generational equity. Under this version of the BBA, total government expenditures in any year—including expenditures for Social Security benefits—could not exceed total revenues collected in the same year. The implications of this requirement for Social Security are profound. It would mean that the Social Security surpluses could not be used to cover the benefit costs of the baby boom generation when it retires. The benefits for the baby boom generation would instead have to be financed in full by the taxes of those working in those years. The Leadership version thus would eviscerate the central achievement of the Greenspan commission.

The reason the Leadership version would have this effect is that even though the Social Security trust funds would have been accumulating large balances, drawing down those balances when the baby boomers retire would mean that the trust funds were spending more in benefits in those years than they were taking in in taxes. Under the Leadership version, that would result in impermissible deficit spending.

By precluding use of the Social Security surpluses in the manner that the 1983 legislation intended, the Leadership version would be virtually certain to precipitate a massive crisis in Social Security about 20 years from now, even if legislation had been passed in the meantime putting Social Security in long-term actuarial balance. Since the $3 trillion surplus could not be used to help pay the benefits of the baby boom generation, the nation would face an excruciating choice between much deeper cuts in Social Security benefits than were needed to make Social Security solvent and much larger increases in payroll taxes than would otherwise be required. The third and only other allowable alternative would be to finance Social Security deficits in those years not by drawing down the Social Security surplus but instead by slashing the rest of government so severely that it failed to provide adequately for basic services, potentially including the national defense.

Given the numbers of baby boomers who will be retired or on the verge of retirement in those years, deep cuts in Social Security benefits are not likely at that time. Thus, under the leadership BBA, it is almost inevitable that younger generations will face a combination of sharp payroll tax increases and deep reductions in basic government services.

For these reasons, the Leadership BBA is highly inequitable to younger generations. Aggravating this problem, the Leadership version would undermine efforts to pass Social Security reforms in the near future. Why should Congress and the President bother to make hard choices now in Social Security that would build the surpluses to more ample levels if these surpluses can't be used when the boomers retire? Under the leadership BBA, there is no longer any reason to act now rather than to let Social Security's financing problems fester.

LEADERSHIP BBA ALSO POSES OTHER PROBLEMS FOR SOCIAL SECURITY

Under the Leadership version, reductions in Social Security could be used to help Congress and the President balance the budget when they faced a budget crunch. This could lead to too little being done to reduce or eliminate deficits in the non-Social Security part of the budget and unnecessary benefit cutbacks in Social Security.

At first blush, that may sound implausible politically. But the balanced budget amendment is likely to lead to periodic mid-year crises, when budgets thought to be balanced at the start of a fiscal year fall out of balance during the year, as a result of factors such as slower-than-expected economic growth. When sizable deficits emerge with only part of the year remaining, they will often be very difficult to address. Congress and the President may be unable to agree on a package of budget cuts of the magnitude needed to restore balance in the remaining months of the year. Congress also may be unable to amass three-fifths majorities in both chambers to raise the debt limit and allow a deficit.

In such circumstances, the President or possibly the courts may feel compelled to act to uphold the Constitutional requirement for budget balance. In documents circulated in November 1996 explaining how the amendment would work, the House co-authors of the amendment—Reps. Dan Schaefer and Charles Stenholm—write that in such circumstances, "The President would be bound, at the point at which the 'Government runs out of money' to stop issuing checks." This would place Social Security benefits at risk.

THE WYDEN/FEINSTEIN APPROACH

The Wyden/Feinstein approach resolves the problems the Leadership version creates in the Social Security area. It reinforces the 1983 Social Security legislation rather than undermining that legislation. It does so both by requiring that the surpluses in the Social Security system contribute to national saving rather than be used to finance deficits in the rest of the budget and by enabling the surpluses to be drawn down when the baby boomers retire.

The Wyden/Feinstein amendment thus improves intergenerational equity rather than undermining it. It ensures the surpluses will be intact when they are needed, rather than lent to the government for other purposes in the interim.

The amendment also ensures that Social Security benefits will not be cut—and Social Security checks not placed in jeopardy—if the balanced budget amendment leads to future budget crises and showdowns. However those crises would be resolved, Social Security would not be involved, because cuts in Social Security would not count toward achieving budget balance.

Mr. HOLLINGS. Quoting on page 2:

Under this version of the balanced budget amendment, total Government expenditures in any year, including expenditures for Social Security benefits, could not exceed total revenues collected in the same year. The implications of this requirement for Social Security are profound. It would mean that Social Security surpluses could not be used to cover the benefit costs of the baby-boom generation when it retires. The benefits for the baby-boom generation would, instead, have to be financed in full by the taxes of those working in those years.

Continuing to quote:

The leadership version, thus, would eviscerate the central achievement of the Greenspan Commission.

Mr. President, that is followed up, finally, here, of course, with the Congressional Research Service, which on February 5, came out with a report from the American Law Division.

I ask unanimous consent that this CRS report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 12, 1997.

To: ____________.
From: American Law Division.
Subject: Treatment of Outlays from Social Security Surpluses under BBA.

This memorandum is in response to your inquiry with respect to the affect on the Social Security Trust Funds of the pending Balanced Budget Amendment (BBA). Under S.J. Res. 1 as it is now before the Senate, §1 would mandate that "[t]otal outlays for any fiscal year shall not exceed total receipts for that fiscal year . . . ." Outlays and receipts are defined in §7 as practically all inclusive, with two exceptions that are irrelevant here.

At some point, the receipts into the Social Security Trust Funds will not balance the outlays from those Funds. Under present law, then, the surpluses being built up in the Funds, at least as an accounting practice, will be utilized to pay benefits to the extent receipts for each year do not equal the outlays in that year. Simply stated, the federal securities held by the Trust Funds will be drawn down to cover the Social Security deficit in that year, and the Treasury will have to make good on those securities with whatever moneys it has available.

However, §1 of the pending BBA requires that total outlays for any fiscal year not exceed total receipts for that fiscal year. Thus, the amount drawn from the Social Security Trust Funds could not be counted in the calculation of the balance between total federal outlays and receipts. We are not concluding that the Trust Funds surpluses could not be drawn down to pay beneficiaries. The BBA would not require that result. What it would mandate is that, inasmuch as the United States has a unified budget, other receipts into the Treasury would have to be counted to balance the outlays from the Trust Funds and those receipts would not be otherwise available to the Government for that year. Only if no other receipts in any particular year could be found would the possibility of a limitation on drawing down the Trust Funds arise. Even in this eventuality, however, Congress would retain authority under the BBA to raise revenues or to reduce expenditures to obtain the necessary moneys to make good on the liquidation of securities from the Social Security Trust Funds.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 5, 1997.

To: Honorable Thomas A. Daschle, Attention: Jonathan Adelstein.
From: American Law Division.
Subject: Treatment of Outlays form Social Security Surpluses under Balanced Budget Amendment.

This memorandum is in response to your inquiry for an evaluation of an argument made in connection with interpretation of the proposed Balanced Budget Amendment (BBA), now pending in the Senate as S.J. Res. 1. Briefly stated, the contention is that the terms of the proposal, if proposed and ratified, would preclude, at a future time when Social Security outlays in a particular year begin to exceed Social Security receipts in that particular year, the use of surpluses built up in the Social Security trust funds to pay out benefits.

At the present time, surpluses are being accumulated in the Social Security trusts funds, at least as an accounting practice, as a result of changes made in 1983. It is expected that when the receipts into the funds fall below the amount being paid out that moneys from the surpluses will be used to make up the differences.

The BBA would have its impact on this legislated plan because under §1 of the proposal "[t]otal outlays for any fiscal year shall not exceed total receipts for that fiscal year, ..." Under §7 of the BBA, the two terms are defined thusly: "Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal."

Therefore, under the BBA's language, there is mandated a balance in each year of the outlays that year and the receipts that year. Payments out of the balances of the Social Security trust funds would not be counted as Government receipts under the BBA, when in the year 2019, or whenever the time occurs, the receipts in those particular years into the Social Security funds are not adequate to cover he outlays in those years. That is, payments out of the trust fund surpluses could not be counted in the calculation of the balance between total federal outlays and receipts. Because the BBA requires that the required balance be between outlays for that year and receipts for that year, the moneys that constitute the Social Security surpluses would not be available as a balance for the payments of benefits.

Now, of course, this does not mean that Social Security benefits could not be paid. If the rest of the receipts into the Treasury for a particular year exceed outlays, this amount could be used to offset the Social Security deficit. And, again of course, tax or expenditure provisions, or both, could be altered to create a new balance.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

Mr. HOLLINGS. I quote from this:

> Because a balanced budget amendment requires that the required balance be between outlays for that year and receipts for that year, the moneys that constitute the Social Security surpluses would not be available as a balance for the payment of the benefits.

Now, Mr. President, we are talking about serious matters—the American Law Division, the priorities on budgets. You have a very serious matter which has been called by the chairman of the Budget Committee a "gimmick."

I ask unanimous consent that at this particular time the letter of the distinguished Senator from New Mexico, dated January 13, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 13, 1997.

DEAR REPUBLICAN COLLEAGUE: We are likely to debate early in the 105th Congress the Constitutional amendment to require a balanced federal budget. When that debate begins, some Senators will push to remove Social Security from the balanced budget requirement.

I have always believed this effort to exempt Social Security from the Constitutional amendment was more of a diversion than anything else. It is raised to confuse the debate and provide a rationale for some to oppose the effort.

Nonetheless, in preparation for debate in the Senate, I thought it was important to review with you the consequences of such a proposal so that we can all effectively debate it using facts.

One of the arguments made by those who push for excluding Social Security from the balanced budget amendment is that excluding Social Security will force us to "save" the Social Security surpluses and therefore enhance fiscal responsibility.

This is only a very small part of the story.

It is true that Social Security is currently running surpluses, and these surpluses offset deficit spending in the rest of the budget. If the balanced budget requirement excludes Social Security, we would be required by the Constitution to achieve balance in the "on-budget" portion of the federal government—which is everything except Social Security. The total or unified budget—which is the sum of the "on-budget" programs and Social Security—would therefore be in surpluses in amounts equal to the Social Security surpluses. Between 2002 and 2018, these surpluses would total $1.2 trillion in 1996 dollars.

It should go without saying that, when we are amending the Constitution—now into its third century—we should take the long view. And in the long run, these near term Social security surpluses will be overwhelmed by massive, long-term Social Security deficits.

These deficits are projected to total $9.3 trillion in 1996 dollars between 2019 and 2050, with a deficit of about $630 billion in 2050 alone, again in constant 1996 dollars.

If it is true that excluding Social Security from the balanced budget amendment would force us to "save" the short-term surpluses, it is equally true that excluding Social Security would allow us to run massive budget deficits equal to the deficits that are projected to occur in the Social Security trust funds beginning in 2019.

These deficits would be real deficits—just like the deficits we are experiencing today. And they would have the same negative economic consequences: lower national savings, higher interests rates, lower investment and productivity, and sluggish growth. The only difference is that these deficits would be much larger than anything we have ever experienced, and therefore the consequences would be much worse.

Ironically, these massive and unprecedented deficits would be specifically sanctioned by an amendment to the Constitution calling for "balanced budgets" excluding Social Security. Congress could continue to pass so-called "balanced budgets" while running up massive new debt which would tremendously burden our economy.

The attachment chart shows graphically what I have just described. "On-budget" would show a zero deficit throughout the time period, as required by the Constitution. The total budget which includes Social Security would show surpluses for two decades or so followed by massive and unprecedented deficits.

It should be obvious from this analysis that, contrary to assertions by some who want to exclude Social Security, such a move will weaken fiscal responsibility, not strengthen it.

Sincerely,

PETE V. DOMENICI.

Mr. HOLLINGS. Mr. President, I read on the first page of that letter the last line:

> It is equally true that excluding Social Security would allow us to run massive budget deficits equal to the deficits that are projected to occur in the Social Security trust funds beginning in 2019. These deficits would be real deficits.

That is what I am talking about, real deficits, not gimmicks. When you borrow from one to minimize the size of the other; namely, the deficit itself, then you really mislead the real deficit; you misreport it. Again, on yesterday, the distinguished leader for the balanced budget amendment to the Constitution, the distinguished Senator from Utah [Mr. HATCH], said on page S1336:

> The 1990 Budget Act basically stated in one section to take Social Security out of budget. It said in another section to leave it in.

That is not the case. Only one law passed in 1990. It is not a different section. He said:

> This is confusing:

Well, the statement made by the distinguished Senator from Utah is what is confusing.

> But both Congress and the President have construed the Budget Act of 1990 to allow Social Security to be included within the unitary budget.

How? This is in violation of the 1990 law. If we had an enterprising free press, a media who would go for truth in budgeting so that the public would be properly and accurately informed, the Members themselves would begin to command discipline rather than broken discipline when deficits are misreported. Mr. President, you can see what we really have here.

Now, they come, of course, and say that what really has occurred is that this is a vote for the senior citizens. Not at all. I readily acknowledge that Social Security is the senior citizens' program and they are vitally interested in it. But between Medicare and Social Security, the present-day recipients have yet to be heard from. I haven't heard from them. I have asked why not. Of course, the obvious reason, Mr. President, is they are going to get their money. They know they are going to be paid right now. So they are putting all their efforts on saving Medicare and health costs and could care less about the baby-boom generation. In contrast, the baby-boom generation are being told they are not going to get it, so why should they show any kind of interest in the thing that they say is not going to be there for them anyway?

And the politicians sometimes say: Why should we concern ourselves about the baby-boom generation? Why should we not look to the next election rather than the next generation? Of course, that occurs. They look just to the next election.

This particular initiative—the amendment that will be presented by the distinguished Senator from Nevada, Senator REID—is not a gimmick. It is based in law. It is one worked on by the Senator from Utah, who voted for it, the Senator from New Mexico, who voted for it and said it has serious purpose. He did not call it a gimmick in 1990. We thought we had it all down and understood. But that's what happens when they go out to Andrews Air Force Base. They went out there in 1990 and they repealed the targets of Gramm-Rudman-Hollings. So often, having been a principal cosponsor, I am asked, "Senator, what about Gramm-Rudman-Hollings?" Oh, no, Gramm-Rudman-Hollings was working. We had an automatic cut across the board, and they eliminated it. I made the point of order at 1:15 in the morning on October 21, 1990, that is exactly what they were doing. They voted that point of order down. So don't come to me and say Gramm-Rudman-Hollings didn't work. It worked and would have continued to work had they not repealed it in 1990.

My final statement is to the effect that the distinguished President of the United States, for 10 years prior to his arrival here for his first term in 1993, spent 10 years balancing budgets down in Arkansas. He is the only President since Lyndon Baines Johnson balanced this budget in 1968 and 1969 to reduce the deficit 4 consecutive years. President Clinton is the only President who has come to Washington and lowered the deficit. Listen to that statement.

He has lowered it each year and every year. Yet, there is a crowd here on the Senate floor which keeps running around in a circle like the President is a tax-and-spend liberal Democrat when they are the ones that tripled—excuse me, quadrupled—excuse me, quintupled the Federal debt. Five times $1 trillion is $5 trillion. It was less than $1 trillion when Ronald Reagan came to town. Now it is $5.3 trillion. They are the ones, not President Clinton, that ran up this horrendous debt that is causing us to spend $1 billion a day in interest costs which increases taxes $1 billion a day. Because you add it to the debt, you have to pay for it, and it is a subtle way of increasing taxes. And running around fussing at the President saying, "Where is his balanced budget? And he has not balanced it." Where is their budget? I am looking for one. I am on the Budget Committee. I attend meetings. I look around. They don't have a budget.

It is wheeling and dealing, and all these other things going on. If that is what we are going to have, let us get rid of the Budget Committee so we can put our effort and time somewhere else. But that is the gamesmanship that is being played. They don't want to put up a budget because they know that budget will show massive tax cuts in that 5-year period being offset by cuts in Medicare. And on up and up and away the deficit goes.

So I think the gamesmanship as we go on our break here in February ought to conclude. Let us get their budget. Let us compare the two budgets like we do in the regular sense of the word, reconcile the differences, and go forward with the work of the American people.

Mr. President, I thank the distinguished Senator from North Dakota.

I yield the floor.

I yield back the remainder of my time.

Mr. HATCH. Mr. President, I would like to take this time to briefly respond to Senator HOLLINGS concerning his remarks claiming that passage and ratification of the balanced budget amendment would harm the Social Security Program. As did Senators DORGAN, REID, and CONRAD at a press conference held yesterday, Senator HOLLINGS claimed that a one-page memorandum, dated February 5, 1997, from the Congressional Research Service—which was inaccurately termed a "study"—was characterized as proof that passage and ratification of the balanced budget amendment will harm Social Security. This is alleged to be true because the balanced budget amendment would not allow the present day surplus to be used in the future when the program goes into the red to pay benefits. The problem is that the CRS memorandum did not conclude that at all.

All the CRS memorandum concluded was that Social Security existing surpluses after 2019—the year the program no longer produces surpluses because of the retirement of the baby boomers—could not be used to fund the program unless benefit expenditures were offset by revenue or budget cuts. Of course this is technically true. That's what a balanced budget does. It balances outlays and receipts in a given year, and expenditure of any part of the budget is an outlay. Despite what Senator HOLLINGS alleges today, and Senators CONRAD, DORGAN, and REID claimed yesterday at their press conference, under current law, assets of the Federal Treasury could be drawn upon to ensure payments to beneficiaries today and when the system starts running annual deficits.

To clear-up the confusion that the Conrad-Dorgan-Reid press conference created about the February 5 CRS memorandum, which Senator HOLLINGS has apparently bought into, CRS produced another memorandum at Senator DOMENICI's request. I want to thank Senator DOMENICI for requesting this new CRS memorandum—dated February 12, 1997. This memorandum clearly states—and I quote—"We [that is CRS] are not concluding that the trust fund surpluses could not be drawn down to pay beneficiaries. The balanced budget amendment would not require that result."

Senator HOLLINGS and the other critics of the balanced budget fail to mention a few things. They fail to mention that CRS in the memorandum also concluded that the present day surpluses are merely "an accounting practice." Past CRS studies clearly demonstrate that the Social Security trust funds are indeed an accounting measure. There is no separate Federal vault where Social Security receipts are stored. There exists no separate Social Security trust fund separate from the budget. Social Security taxes—called FICA taxes—are simply deposited with all other Federal revenues. The moneys attributed to Social Security are tracked as bookkeeping entries so that we can determine how well the program operates. As soon as the amounts attributed to FICA taxes are entered on the books, Federal interest bearing bonds are electronically entered as being purchased. This is the safest investment that exists.

This country has a unified budget. This means that the proceeds from Social Security Taxes are part of the Treasury—of general revenue. CRS has recognized this. Moreover, I might add, without including the present day surpluses, the budget cannot be balanced. That is why President Clinton has included the Social Security funds in every one of his budgets. Did Senators HOLLINGS, CONRAD, DORGAN, and REID oppose this?

Senator HOLLINGS also denies that we have a unitary budget. He says that the 1990 Budget Enforcement Act [BEA] placed Social Security off-budget. That, in fact, we have two budgets—one for Social Security and one for the rest of the Nation. Let me expand on the remarks I made yesterday concerning the 1990 Budget Enforcement Act and explain why Senator HOLLINGS position is false. Under section 13301(a) of the act, the receipts and outlays of the Social Security trust funds are indeed not counted in both the President and Congress' budgets. So it is off-budget, but for only certain specific reasons. The primary purpose for this exclusion was to exempt Social Security from sequestration by the President under the Gramm-Rudman-Hollings procedures and from the act's pay-as-you-go requirement. In addition, as added protections, sections

13302 and 13303 of the BEA also created firewall point-of-order protections for the Social Security trust funds in both the House and Senate. Nevertheless, this does not preclude both Congress and the President from formulating a unitary budget—that includes Social Security trust funds—for national fiscal purposes.

Look, I recognize that Social Security is in danger. But the problem is not the inclusion Social Security funds in the budget. The problem is that with the retirement of baby boomers, there will not be enough FICA taxes to fund their retirement. CRS, in an other study, concluded that the present day surpluses would not be sufficient to resolve this problem. These Senators never mention that. CRS also concluded that the Social Security Program needs to be fixed.

Indeed, not including Social Security in the budget would harm the program. Congress would rename social programs—as they have done before—as Social Security and use the FICA taxes to fund these programs. Then you'll really see the program raided.

My colleagues problem—in reality—is not with the balanced budget amendment, but with the problems the Social Security Program faces. We need to fix that and adopting the balanced budget amendment is a good start.

ORDER OF PROCEDURE

The PRESIDING OFFICER [Mr. COATS]. The Senator from South Carolina will be advised that the time for morning business has expired.

Mr. HOLLINGS. No; I was told otherwise. When he took the 8 minutes, I was told that the Chair had given me past 3. It was from 2:30 to 3:15, 45 minutes.

Mr. LOTT. Mr. President, will the Senator from South Carolina yield to allow me to address it? If I could get him to allow me to get consent with regard to the milk resolution, I would like to ask unanimous consent that following the resolution of this issue, the Senator from South Carolina resume his discussion at that time.

Mr. HOLLINGS. Right.

Mr. LOTT. So I propound that unanimous-consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I ask unanimous consent that the Senate now proceed to the consideration of a Senate resolution submitted by Senator SPECTER regarding milk prices. I further ask consent there be 15 minutes for debate divided as follows, Senator SPECTER allocated 5 minutes, Senator KOHL allotted 5 minutes, and Senator FEINGOLD 5 minutes. I ask that following the expiration or yielding back of that time the Senate proceed to vote on adoption of the resolution all without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Pro forma, and I shall not, we have colleagues about to catch the plane so I would ask, if the distinguished majority leader considers it appropriate, to vote and argue immediately after the vote or immediately following Senator HOLLINGS' reserved time.

Mr. LOTT. I think in order to do that we need to get Senator KOHL to agree and he is literally on his way, so we cannot actually reach him. If we go ahead and get started, we can have debate time and have a vote and accommodate Members who have commitments, if the Senator would allow us.

Mr. SPECTER. Mr. President, I would be glad to follow the suggestion of the distinguished majority leader, and I shall begin to speak to the issue for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I would ask for that expedited schedule, if our colleague will yield.

Mr. HOLLINGS. All right.

Mr. LOTT. I yield the floor.

ADDRESSING THE DECLINE IN MILK PRICES

Mr. SPECTER. Mr. President, I send a substitute or amended resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 55) expressing the sense of the Senate regarding the need to address immediately the decline in milk prices.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this resolution is being submitted on behalf of Senators SANTORUM, FEINGOLD, KOHL, JEFFORDS, LEAHY, WELLSTONE, SNOWE, and COLLINS.

It follows activity which Senator SANTORUM and I had undertaken in our State where the farmers have been very hard hit by low milk prices and rising costs of production, so that many, many farmers are near bankruptcy.

It is my understanding that this is a national problem, not only a problem in Pennsylvania. On Monday of this week, Secretary of Agriculture Dan Glickman went to northeastern Pennsylvania and heard from a large assembly of farmers, estimated at some 500, and heard firsthand the plight of those farmers, again, as I say representative of the Nation.

We all know that we rely upon the farmers for our supply of food. We know how important milk is in that supply. And we have a large group of farmers who laid it on the line in very emphatic and dramatic terms about their impending bankruptcy, the hard times they were facing because the price of milk had dropped so precipitously from $15.37 per hundredweight in September to $11.34 cents per hundredweight in December 1996, all the time costs going up.

In our inquiry on this issue, we found that a key ingredient on the pricing of milk was the price of cheese, and that the price of cheese had been established by the Green Bay Cheese Exchange, and that the price on the Green Bay Cheese Exchange might not be realistic of the accurate market price. If the price of cheese is raised by 10 cents, it means there would be a rise in the price of milk $1 per hundredweight.

I do believe that the Secretary of Agriculture is sympathetic to this issue and would like to ascertain the accurate price of cheese.

It is my thought, Mr. President, from all that I know, and it has to be verified, that the price of cheese is priced unreasonably low at this time by the Green Bay Exchange; therefore, the Green Bay Exchange's price of cheese is really not the price of cheese.

This resolution maintains that it is the sense of the Senate that the Secretary of Agriculture should consider acting immediately pursuant to his legal authority to modify the basic formula price for dairy by replacing the national cheese exchange as a factor to be considered in setting the basic formula price.

This resolution has been filed pursuant to the leadership initiated by my colleague, Senator SANTORUM, who traveled to northeastern Pennsylvania several weeks ago. I went this past Monday. And I think it will put us on a track to show that something can be done immediately. When I say immediately, within the course of the next several weeks.

It had been my hope that we might have been able to make some modification in the price of cheese to have even faster action by the Secretary of Agriculture. But considering the fact that this resolution was drafted on Monday morning and has gone through considerable analysis by a number of Members of the Senate—and I thank my colleagues for their prompt attention to this issue—we are moving now very, very rapidly.

In conclusion, Mr. President, let me point out that there was an extensive study of the Green Bay Cheese Exchange made at the request of the Secretary of Agriculture of the State of

Wisconsin, and there were some indications there that because of the limited amount of cheese which was traded there, there was an opportunity to have a price established which was not genuinely a market price. The amount of cheese traded at Green Bay was less than one-half of 1 percent, and where you have such a limited exchange rate and with people at the scene who have a considerable interest in having a lower price of cheese, that result may not have represented the accurate market price of cheese.

The Secretary of Agriculture has the authority unilaterally to make a modification on the price of cheese if he develops an evidentiary base from other transactions which lead him to conclude that is not the fair market price of cheese, and I believe that to be the case. The Secretary of Agriculture had previously initiated the process on informal rulemaking, which would take some considerable period of time. But he does have the authority.

If we may vote at this time, Mr. President, I will conclude.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KOHL. Mr. President, I want to thank the Senator from Pennsylvania for his efforts on this issue.

The Cheese Exchange is of great concern to all dairy farmers nationwide, because it is a market that is very thinly traded, completely unregulated, and has a great deal of influence on the prices that farmers are paid for their milk.

That's why my colleague from Wisconsin, Senator FEINGOLD and I have been working to reduce the influence of the Cheese Exchange. Both Senator FEINGOLD and I introduced legislation on this matter last week. Ultimately, what we need to do is find an alternative price discovery mechanism that is more reflective of market conditions, and less subject to manipulation.

And we have two initiatives underway that could form the basis for new price discovery mechanisms.

First, we've worked with Secretary Glickman to start a new cheese price survey, to survey cheese plants nationwide, to get a better view of prices paid for cheese. If done right, this could be very useful as a price discovery mechanism. But there's still some issues that need to be ironed out.

And second, we've asked other exchanges such as the Coffee, Sugar, Cocoa Exchange to explore the possibility of creating a new cash market for cheese. Again, if this is done right, it could be very useful as a new price discovery mechanism.

But in the short term, the Senator from Pennsylvania is right, we need to delink the National Cheese Exchange from the farmers' milk prices, and we need to do that as soon as possible. Two weeks ago, the Secretary of Agriculture announced a 60-day comment period on that exact proposal. The trick will be to find a new equivalent price mechanism, to take it's place. We need to find a new mechanism that is credible, or we'll merely make matters worse.

So I thank the Senator from Pennsylvania, and I look forward to working with him on this issue, which has been a longstanding concern of mine. As far as I'm concerned, the more Senators become aware of this problem and join our efforts, the better.

Mr. FEINGOLD. Mr. President, I am pleased to join the Senator from Pennsylvania, Senator SPECTER, in submitting the Sense of the Senate Resolution directing the Secretary of Agriculture to take action to delink the National Cheese Exchange from the basic formula price established by USDA under Federal Milk Marketing Orders.

Dairy farmers have been concerned for many years about the role of the National Cheese Exchange, located in Green Bay, WI, in determining the price they receive for their milk. While the exchange has had an indirect influence on milk prices for many years, it also directly affects milk prices through USDA's basic formula price, established by regulation in 1995. For years, Wisconsin farmers have been concerned that the characteristics of the Exchange, outlined in this resolution, make it vulnerable to price manipulation. Those fears were confirmed by a March 1996 report by the University of Wisconsin Department of Agricultural Economics which found evidence supporting the allegations of manipulations. The concerns about manipulation and the influence of the exchange on milk prices nationally, were further heightened by the dramatic and unprecedented decline in cheese prices on the exchange last fall which led to a 26 percent decline in farm milk prices.

The senior Senator from Wisconsin Senator KOHL and I have been working to address the concerns of the UW report for the last 10 months and have introduced legislation to address the short- and long-term problems associated with the Cheese Exchange. The directive of the resolution introduced by the Senator from Pennsylvania is also included in my bill S. 258, the Milk Price Discovery Improvement Act of 1997 which I introduced last week. My legislation goes beyond the directive in the resolution by seeking additional long term solutions to the lack of price discovery in milk markets and by establishing improved USDA oversight of the National Cheese Exchange. S. 256, introduced by the senior Senator from Wisconsin Senator KOHL, which I have cosponsored, would enhance the role of the Commodity Futures Trading Commission in National Cheese Exchange oversight as well.

The resolution we are introducing today, however, emphasizes the importance of quick action on this problem by the Secretary of Agriculture and I am pleased to welcome the Senator from Pennsylvania to our efforts to resolve this very difficult problem. Farmers have a right to expect that milk prices are determined fairly and without manipulation. The resolution introduced today is a step toward reducing the influence of the exchange on farm-level milk prices.

I urge my colleagues to support this resolution and to work with us toward the enactment of S. 258 and S. 256 as well.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Is the Senator from Pennsylvania propounding a unanimous consent request?

Mr. SPECTER. Mr. President, I am advised that I do have the authority to yield back the time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] is necessarily absent.

I also announce that the Senator from Vermont [Mr. LEAHY] is absent attending a family funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 83, nays 15, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—83

Abraham
Akaka
Ashcroft
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Burns
Byrd
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—15

Allard
Bennett
Bond
Brownback
Campbell
Coats
Craig
Enzi
Hatch
Kempthorne
Kyl
Lautenberg
Mack
Roberts
Thomas

NOT VOTING—2

Breaux
Leahy

The resolution (S. Res. 55) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 55

Whereas, during the last few months farm milk prices have experienced substantial volatility, dropping precipitously from $15.37 per hundredweight in September, 1996 to $11.34 per hundredweight in December, 1996;

Whereas, the price of cheese at the National Cheese Exchange in Green Bay, Wisconsin influences milk prices paid to farmers because of its use in the Department of Agriculture's Basic Formula Price under Federal Milk Marketing Orders;

Whereas, less than one percent of the cheese produced in the United States is sold on the National Cheese Exchange and the Exchange acts as a reference price for as much as 95 percent of the commercial bulk cheese sales in the nation; Now, therefore, be it

Resolved, That it is the Sense of the Senate of the United States that the Secretary of Agriculture should consider acting immediately pursuant to his legal authority to modify the Basic Formula Price for dairy by replacing the National Cheese Exchange as a factor to be considered in setting the Basic Formula Price.

The PRESIDING OFFICER. The majority leader is recognized.

EXTENSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that upon the conclusion of Senator HOLLINGS' remarks, the period for morning business be extended with Senators permitted to speak therein for 5 minutes each, except Senator DORGAN for 30 minutes, Senator KERREY for 15 minutes, Senator DOMENICI for up to 30 minutes, and Senator GRAMM for up to 15 minutes.

I want to emphasize that Senator HOLLINGS goes forward with his remarks. I want to thank Members again for your cooperation in getting this vote done, and I want to confirm, as we have already notified Members as they come in, this is the last vote this week. There will be a vote at 5:30 on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

(By unanimous consent, the remarks of Mr. HOLLINGS appear at an earlier point of today's RECORD.)

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Under the previous order, the Senator from North Dakota has 30 minutes reserved.

The Senator from North Dakota is recognized.

(The remarks of Mr. DORGAN, and Mr. KERRY pertaining to the introduction of S. 331 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Texas is recognized.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. GRAMM. Mr. President, we have seen the specter this week of our colleagues on the Democratic side of the aisle proposing to exempt additional programs from the balanced budget amendment to the Constitution: Social Security, emergency spending, veterans programs, housing programs, education, health and welfare programs, college aid and training programs, law enforcement programs, the Tennessee Valley Authority, highways, bridges, dams, roads, buildings, and it goes on and on. Given how far afield we have gone in this debate, I wanted to very briefly try to remind the Senate and those who are following this debate what this debate is about. This debate is about families making hard decisions at their kitchen table, trying to make ends meet. So I thought I would look today, at 28 years ago, the last year that we had a balanced budget in America.

The last time we had a balanced budget was in 1969. If you look at the front page of the Washington Post for Thursday, February 13, 1969, you can see that not very much happened in the world 28 years ago today when we had a balanced budget. But there was some very exciting news that day. The very exciting news was not on the front page; the very exciting news was in the want ads. I would like just to review what America looked like the last time we had a balanced budget.

Dale City is a city 25 miles south of Washington. It is sort of a middle-class neighborhood. In Dale City, 28 years ago today, when we had a balanced budget, they were advertising new homes that were selling between $18,600 and $38,000 apiece. In the richest county in America, Montgomery County, 28 years ago, when we had our last balanced budget, they were advertising new homes in Walnut Hill for $32,500.

And 28 years of deficit spending later, they are still running want ads. They ran them today. The want ads today show that houses in the suburbs of Northern Virginia are selling between $230,000 and $340,000 apiece, and in Montgomery County they are selling for $270,000 a piece.

The newspaper of 28 years ago today did not have any news on the front page worthy of being remembered, but it had want ads worthy of being remembered.

A Chevrolet Impala could be bought for $51 a month, and you had it paid off in 3 years. That was 28 years ago today, the last time we had a balanced budget. Today, to buy a Chevrolet Cavalier, it costs you $194 a month, and you have to pay for 6 years to pay it off.

There was not much exciting news on the front page of the paper 28 years ago today, when we had a balanced budget, but there was exciting news in the want ads. You could buy a new Goodyear tire for $8.75 apiece. Now, in fact, there is an ad today for $24.99. But my guess is, 28 years ago and today, if you went out to get the $8 tires then or the $24 tires today, you would find that they did not fit your car. But look at what has happened to the base tire in terms of expenses.

Twenty-eight years ago today, the public was buying pork. And our Government was beginning to go on a binge of pork that would last 28 years. Pork chops at Giant 28 years ago today were 89 cents a pound. Pork chops at A&P 28 years ago today, as advertised in the Post, were 89 cents a pound. Pork chops at Safeway 28 years ago today, when we had a balanced budget, were 89 cents a pound. Today, in the Washington Post, Safeway boneless pork chops are $3.99 a pound. Mr. President, 28 years ago there was not a big headline in the paper, but there should have been. The big headline in the paper should have been, "Budget Balanced This Year for the Last Year in 28 Years."

Our colleagues say: Well, things are going great. It's wonderful. We ought to exempt the budget from itself. There's no reason to quit spending. But I think anybody who looks at what was in the paper 28 years ago today and what is in the paper today has to conclude that there have been a lot of changes in the 28 years since we have had a balanced budget and that many of those changes are not trends that we want to continue.

Finally, tomorrow is Valentine's Day. Twenty-eight years ago today you could buy this Whitman deluxe red foil heart assortment, 1 pound of candy, for $2.66. After 28 years of deficit spending here in Washington, it costs $8.79.

Mr. President, maybe some of our colleagues on the Democratic side of the aisle could say: Well, don't worry about housing costs up from $18,000 to $230,000 and don't worry about automobile costs up from a monthly payment of $51 to a monthly payment of $248. Maybe they could say: Don't worry about the price of tires and don't worry about pork. But when the cost of love is exploding, the time has come to stop deficit spending. That is what this debate is about. I wanted to remind my colleagues before we all left for our work period at home.

THE CHEMICAL WEAPONS CONVENTION

Mr. KERRY. Mr. President, I want to talk about an issue of enormous importance to our national security and express my hope that during the course of the next week, while the U.S. Senate is out of session, Senators will focus on and think hard about our responsibilities with respect to the Chemical Weapons Convention. More than 100 years of international efforts to ban chemical weapons, 100 years of effort, culminated January 13, 1993, in the final days of the Bush administration when the United States of America signed the Chemical Weapons Convention as one of the original signatories.

I hope my colleagues on the other side of the aisle will focus closely on the efforts of former President Bush, former National Security Adviser General Scowcroft, former Chairman of the Joint Chiefs of Staff General Powell, and so many other people whose bona fides with respect to issues of national security I do not believe have ever been at issue. They all worked hard and fought hard to bring this Convention to a successful conclusion.

Since the time the United States signed it as one of the original signatories, 160 other nations have joined in signing it. That is 161, I might say, out of a total of 190 independent states that compose the world community of nations.

Immediately after the signing, the process of ratification by the signatories began. The convention was submitted to the U.S. Senate for its advice and consent in November 1993, and multiple hearings have been held by the Senate Foreign Relations Committee, the Armed Services Committee, the Intelligence Committee, and the Judiciary Committee during both the 103d and the 104th Congresses. As of January 27, 1997, 68 nations have already ratified the Convention, but not the United States of America that helped lead the effort of its creation.

This Convention provides that it will take force and its provisions will become applicable to party nations 180 days following its ratification by the 65th nation. The 65th ratification occurred late last year, so the clock is now ticking toward the date on which it enters into force. The Convention will enter into force on April 29 of this year, just a little more than 2 months after we return from the recess period that begins later today.

It is important to understand the provisions of the Convention, especially when measured against that date. The Convention bans the development, production, stockpiling, and use of chemical weapons by its signatories. It also requires the destruction of virtually all chemical weapons and production facilities.

This treaty also provides the most extensive, most intrusive verification regime of any arms control treaty yet negotiated, extending its coverage not only to governmental and military but also to civilian facilities.

The fact is that this verification package provides, in the end, increased security to the United States. That verification package includes instrument monitoring, both routine and random inspections, and challenge inspections for sites that are suspected of chemical weapons storage or production. The Convention also requires export controls and reporting requirements on chemicals that can be used as warfare agents and their precursors.

In order to implement its provisions and to administer them on an ongoing basis, the Convention establishes the Organization for Prohibition of Chemical Weapons, or the OPCW. This organization is permanently charged with ensuring compliance with the Convention's requirements and with monitoring the chemical industry and the chemical production throughout the world. The Convention's preparatory commission, which is located in The Hague, is currently determining precisely how the permanent organization is going to be structured and how the Convention is going to be implemented.

Every State that ratifies that Convention has to complete the destruction of chemical weapons agents, munitions and production facilities within 10 years of the Convention's entry into force, or its date of ratification, whichever comes earlier.

I would like to describe what the treaty accomplishes in terms of control of chemicals and their precursors and monitoring and tracking of those chemicals and precursors.

The Convention establishes three lists, or schedules as they are called, of chemical warfare agents and their precursor chemicals. These are arranged in the order of their importance to chemical weapons production and the extent of their legitimate peaceful or commercial uses.

The OPCW Technical Secretariat will update those schedules as needed and as circumstances change. And the production, the use, or the transfer of any chemicals on these schedules above set minimal amounts must be projected prospectively by the manufacturers and subsequently reported annually to the OPCW.

Any facility that makes use of or is capable of producing scheduled chemicals has to register with the OPCW, as do facilities that produce over 30 metric tons annually of a discrete chemical containing phosphorous, sulphur or fluorine.

So, Mr. President, what we gain here is a mechanism for knowing globally who produces what chemicals, how much they produce, and where these chemicals are going.

The inspections of chemical facilities provided by the Convention will vary according to the nature of the chemicals. Those declared as producing, storing, or destroying chemical weapons are subject to systematic on-site inspection and continuous instrument monitoring. Those chemical facilities declared as nonchemical weapons facilities are subject to routine or random inspections, depending on the schedule or schedules on which the chemicals they produce or handle are listed. All other facilities that produce or handle or are suspected of producing or handling chemicals are subject to on-site challenge inspections upon the request of a signatory nation.

So, I reiterate, under the terms of the Convention we will achieve for the first time the ability to know who is producing what chemicals, how much they produce, and where these chemicals are moving, and we obtain the ability to inspect any of those chemical production or handling entities.

Signatory nations agree not to export the most troublesome chemicals, those listed in schedule 1, to any nonsignatory nation. Schedule 2 chemicals may be traded with nonsignatory nations for only 3 years after the Convention enters into force, and schedule 3 chemicals, which are the least troublesome and most widely used commercially, can be freely traded for 5 years after the Convention comes into force so long as end-use certification is provided. Five years after the Convention comes into force, additional controls will be considered and may be required.

Now, Mr. President, one might reasonably expect that all those in this institution would by their study of history be aware of the occasions when chemical weapons have been used in conflicts and the horrifying effects that they can have and have had on both combatants and noncombatants, and one would think those with such an awareness would warmly embrace and applaud the successful negotiation and apparent widespread acceptance of this Convention among the nations of the world. The images, both visual and verbal, of the effects of chemical weapons have seared themselves into our minds.

We know the effects of mustard gas in the trenches of Europe in World War I. We know of the terrible effect of chemicals employed in the Iran-Iraq War. Americans have witnessed the anguish of those who served in the gulf war who are suffering from maladies that may have resulted from some exposure to chemical weapons amassed by Saddam Hussein in Iraq. Civilized people everywhere have been repelled by the effects of these horrible weapons. Indeed, that is what propelled us under a Republican administration to negotiate and then to sign this Convention.

One might reasonably anticipate, therefore, that the United States, which led the way for so many years in seeking allies among the community of nations in the effort to outlaw these weapons and their use, and which was the driving force behind the negotiations that produced the Chemical Weapons Convention, would see virtually universal support for the ratification of this critical treaty. But that is not the case, as my colleagues know.

Most unfortunately, a small group of Senators, primarily within one segment of the Republican Party, and nourished by a group of committed cold warriors whose reflexive behavior is to see catastrophe for the United States in any arms control agreement, has dedicated itself to preventing the Senate from approving ratification of this Convention. They have found shadows behind the trees, and express great fear that United States participation could somehow weaken our Nation militarily and leave us vulnerable to a reemergent Russia or to some rogue nation that refuses to abide by the Convention's requirements.

I want to emphasize that while I believe those conclusions are entirely unwarranted, I take no issue with anybody who wants to proceed cautiously here. I take no issue with anybody who asserts that conceivably there is some downside to the Convention, and it is appropriate for us to have legitimate debate about that. But legitimate debate and legitimate expressions of caution are different from standing in the way of the U.S. Senate being able to resolve this issue in a vote on the floor of the Senate and allowing the Senate to perform its critical constitutional responsibilities of advise and consent.

I agree it would be a mistake for this Nation to blindly assume that simply as a result of the disappearance of the Soviet Union we will never again face a serious threat from Russia or from some other nation whose interests conflict with our own. That, of course, is why we spend $250-plus billion on defense every year.

But the vehemence with which these Senators oppose the Convention, and their rationales for so doing, persuade me that the principal problem is not the Convention itself or its terms, but the fact that it is simply not a perfect treaty, that it is not 100 percent leakproof or 100 percent verifiable.

We cannot establish such a standard, Mr. President, for by so doing, we effectively would say that no arms control treaty could ever be in our national interest.

Mr. President, I reject the notion that there is no such thing as a good arms control treaty, a treaty that advances the interests of the United States effectively. I specifically reject the notion that the Chemical Weapons Convention does anything to diminish the national security of our Nation, or that it is not in our national interest. To the contrary, I believe that our Nation and our people will be safer and more secure and, in fact, will be the entire world community of nations, if the United States joins the other nations which have ratified it.

More importantly, Mr. President, that is not just my belief. It is the belief of former Presidents of the United States. It is the belief of the Chairman and Members of the Joint Chiefs of Staff, the belief of the current and immediate past Directors of Central Intelligence, the current and immediate past Secretaries of Defense, Gen. Norman Schwarzkopf and a host of others whose credentials as national security experts are sterling.

So let us address the specific concerns that are raised by those who would rather see the United States not participate in this convention, and who would deprive the Senate of the opportunity to debate the convention on the floor and vote on the resolution of ratification as the American people should be able to expect.

The opponents claim that the Chemical Weapons Convention will not be effective because it fails to ban or control possession of all chemicals that could be used for lethal purposes, specifically including two agents used with deadly effect in World War I, phosgene and hydrogen cyanide. The reality is that the CWC does cover all toxic chemicals and their precursors "except where intended for purposes not prohibited under this Convention * * *" Phosgene and hydrogen cyanide are explicitly listed in schedule 3 of the convention.

The convention also contains a provision to expand the list of chemicals subject to declaration and verification as new CW agents are developed and identified.

The opponents claim that the CWC is not global, since many dangerous nations—for example, Iran, Syria, North Korea, and Libya—have not agreed to join the treaty regime. The reality, however, is that of the approximately 20 nations believed to have or to be seeking a chemical weapons program, more than two-thirds have already signed the convention. The failure of the United States to ratify the treaty is unlikely to spur these countries to become signatories and relinquish any determination they may have to develop chemical weapons. And, indeed, our failure to ratify will actually give to those recalcitrant countries political cover for their failure to join.

If the United States does not join, why should they care about it? If the United States, which initially sought it and long worked for it, now finds something wrong with the convention, then they have justification to also assert something is wrong with it. Further, several of the Convention's key provisions are targeted directly at nonparticipating nations. Some of the most threatening chemicals cannot be sold to nonparticipating nations by signatories and chemical trade with the nonsignatories will be impeded in other ways. In this important respect the treaty is, indeed, global in its reach.

In effect, those who claim to be defending the interests of the United States are, I believe, unwittingly—and I know not purposefully—aiding those countries that would continue to be rebellious nonparticipants in the work of removing chemical weapons from the earth.

If the opponents mean to point out that all convention provisions do not apply to all nations, OK, they are correct. Not all provisions apply to those 30 or fewer nations that have not yet signed the convention and may choose never to sign or ratify. But there is no way that one sovereign nation can force another to enter into a treaty. But you can, through a treaty, isolate those nations that choose not to sign, and, indeed, make it extraordinarily difficult for them to pursue their nefarious objectives.

This treaty will, very definitely, according to the Joint Chiefs of Staff, the intelligence community, and many others in our defense establishment whose judgment and expertise I respect in their specialties, have significant constraining effects even on nonsignatories. It will be far more difficult for a nonsignatory to proceed to develop a chemical weapons program and to produce chemical weapons, and it will be much more likely—not 100 percent certain but much more likely—that we will know if they do so.

The opponents claim that the CWC is not verifiable, Mr. President. Well, the reality is that the intelligence community and the Department of Defense have testified that the convention, while not being perfectly verifiable to be sure, will facilitate the ability of our intelligence agencies to detect significant violations in a timely manner, because it provides additional tools to do the job of tracking the spread of chemical weapons—a job that we would have to do anyway, with or without the Chemical Weapons Convention and its tools.

In fact, it is the acknowledged difficulty of detecting chemical weapons and their production, frankly, that makes the CWC all the more important. Our intelligence community needs all the additional tools and advantages it can get to make it more likely that such weapons and production will be identified, and identified as early as possible. The CWC provides critical tools and advantages, and the intelligence community and Defense Department have urged the Senate to approve its ratification.

The opponents claim that the convention will be toothless in application and that violations, once identified, will go unsanctioned. This, of course, is totally conjectural, and nothing in the verbiage of any treaty can absolutely guarantee that every provision will be enforced or every violation effectively sanctioned. But recent experience with the North Korean nuclear program demonstrates that governments can and will respond to evidence of noncompliance and will act to uphold the integrity of an arms control agreement—in this case, the Non-Proliferation Treaty.

I am of the opinion, personally, that violations of the Chemical Weapons Convention will result in a strong reaction by the community of nations that is participating in it—but that is my opinion. The only demonstrable fact, in response to the fear expressed by opponents, is that with the Chemical Weapons Convention, there is a multilateral mechanism to define objectionable actions and the basis on which to organize an international response. Those are both advantages that do not exist today.

The opponents claim that the Chemical Weapons Convention will create a massive new United Nations-type international inspection bureaucracy, which will result in costs to our taxpayers of as much as $200 million per year. The reality is that the nonpartisan Congressional Budget Office has estimated the U.S. costs to comply with declaration, inspection, and verification procedures of the CWC will average $33 million per year, an amount which includes our annual assessment to the OPCW of $25 million. That is considerably less than $200 million.

The active involvement of our negotiators in developing the treaty requirements applying to the OPCW ensures that it will undertake only essential tasks, and will do so efficiently. After the trillions of dollars our taxpayers spent defending our Nation during the cold war, and in the face of the terrible threats of chemical weapons, I believe—and this is shared by the President, the intelligence community, and the defense community—that an expenditure of $33 million a year for U.S. costs of participating in the CWC, and for guaranteeing for the first time intrusive tracking of chemical agents and precursors, is a very, very good buy for the taxpayers.

The opponents claim that the Convention will jeopardize our citizens' constitutional rights by requiring the U.S. Government to permit searches without either warrants or probable cause. Mr. President, that is not true. The reality is that most firms that will be subjected to CWC inspections will voluntarily grant access for that purpose. And it is important to note here that the vast majority of the chemical industry of the United States is supportive of this treaty. The strong support of that industry and its active involvement during the CWC negotiations strengthen the belief that, in fact, most of the firms subject to inspection will not object to the inspections. But if a firm does exercise its constitutional right to object, then, Mr. President, the U.S. Government is committed to fully complying with our constitutional requirements. In such a case the Government will obtain a search warrant prior to an inspection to ensure that the constitutional rights of any citizen are fully protected.

The opponents claim that the Convention will subject as many as 8,000 companies across the Nation to new reporting requirements, entailing uncompensated annual compliance costs that could reach hundreds of thousands of dollars for each. The reality is that it will not affect 8,000, it will affect only about 2,000 companies. Approximately 1,800 of those 2,000 companies will not have to do anything more onerous than check a box on a form regarding production range. They will not even be required to specify which chemicals they produce. Most of the firms for which compliance activities will be more extensive are supporters of the treaty, and directly, or through their industry association, were consulted as the CWC provisions affecting commercial facilities were negotiated. The Convention's opponents generally fail to mention the fact that the biggest cost to the U.S. chemical industry is likely to come as a result of the United States failing to ratify the Convention. According to the Chemical Manufacturers Association, the trade restrictions on export of chemicals that will apply to nonparticipating nations will place at risk $600 million in annual export sales for U.S. companies.

It is a very material fact that the Chemical Weapons Convention is primarily about increasing the safety of the United States, of our troops, and our citizens from the chemical weapons of other nations.

During the Bush administration, the decision was made for the United States to leave the chemical weapons business and to destroy the vast majority of our stockpile of chemical weapons—all those that the CWC would require to be destroyed. It is very important that we understand this. The Bush administration has already embarked this Nation on a course that will result in the destruction of our stockpile of chemical weapons. That process already is underway, and it will continue whether or not we ratify the Convention.

Does it not make sense, then, if we are stripping ourselves of these weapons anyway, for us to take steps to increase the likelihood that other nations will do the same, and that we will know if some nations choose to manufacture and stockpile such weapons?

There certainly is no reason for the United States to refuse to ratify the CWC because it in some way would impede the maintenance or production of weapons deemed important to our national security. The decision to destroy our chemical weapons was made years ago, during the Bush administration. It is not a decision that any of our defense leadership suggests should be reversed.

Last fall, after the Senate Foreign Relations Committee had favorably reported the resolution of ratification for the convention on a strong bipartisan vote, the convention was caught up, most unfortunately, in Presidential politics. Mr. President, as the ranking member of a subcommittee with jurisdiction over other matters that Foreign Relations Committee Chairman HELMS had linked to action on the Convention, I had worked hard with Senator HELMS and others to get an agreement to bring the ratification resolution to the floor. While he was majority leader, Senator Dole agreed that we should have a vote on that resolution, and we secured a unanimous consent agreement that ensured the Senate would consider and vote on the resolution of ratification before the end of the 105th Congress. But then, in the heat of Presidential politics, although President Clinton strongly supported ratification of the convention, Senator Dole, as the Republican nominee for President, suddenly announced opposition to the CWC. That called into question whether the necessary two-thirds majority vote for ratification could be secured. So we delayed action on the resolution.

Mr. President, the time for action on this convention has arrived. It is now. We are beyond the complications of a Presidential election. We have held the hearings, many hearings, in four separate Senate committees. We know the facts. The support of the defense and intelligence communities and leaders is strong and clear.

And now there is one more very important reason for expeditious action to approve the resolution of ratification. If the United States has not ratified this convention by the time it takes effect on April 29, by its terms U.S. citizens will be ineligible for appointment to the OPCW administrative staff and corps of international inspectors, and, therefore, we will forfeit the opportunity to influence its decisions, its budget, and inspection practices that our negotiators led the way to secure. To be sure, if the United States later ratifies, Mr. President, American citizens will become eligible for such posts but only as they become vacant at some point in the future. Our Nation will have irrevocably lost out in the vitally important initial formative policy making and procedure development.

As scores of newspaper editorials around the country have said, those who believe the threat of chemical weapons is real, and who realize that our intelligence and defense organizations need all the help they can get to identify where chemical weapons are being manufactured and stockpiled, must not let a small group of Senators prevent the U.S. Senate from acting on this important treaty.

I urge the majority leader to act in the interest of our country and our people and, in the interest of our institution and its constitutional right and duty to advise and consent to treaties, to permit the Senate to act on this treaty, which I believe a significant majority of this body supports.

We cannot permit the perfect to become the enemy of the good. We must not permit those who make that mistake to prevent us from acting in the best interests of our Nation and its people. And we cannot allow some cloudy objections to obviate the facts and prevent this institution from discharging its responsibilities.

I believe it would be a grave mistake to deprive our Nation, our Armed Forces, and our citizens of the additional protections from the threat of chemical weapons that the Chemical Weapons Convention offers. And I think it would be foolish for the United States to relinquish the influence it will gain in implementing this critical treaty if it fails to ratify the Convention by April 29.

Mr. President, I thank the distinguished Senator from New Mexico for his forbearance.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for up to 30 minutes.

Mr. DOMENICI. Mr. President, first let me ask. Is my 30 minutes the last business before the Senate today?

The PRESIDING OFFICER. There are 15 minutes reserved for the Senator from Nebraska, Senator KERREY.

Mr. DOMENICI. Might I say, as much as I would like to use my 30 minutes, I do not want to delay the Senate indefinitely tonight. If Senator KERREY intends to use time, let me suggest I could probably finish in 15 minutes.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. DOMENICI. Mr. President, might I first say that it is a pleasure to address this issue with the senior Senator from the State of Washington in the chair. I don't know that what the Senator from New Mexico is going to speak to today is needed to edify the occupant of the chair, but I think it is imperative that, after an awful lot of talk about a constitutional balanced budget and its potential effect on the Social Security trust fund, that some of us state what we think this whole scare about the Social Security trust fund is all about.

So let me first say to the senior citizens that I gather now that you know the emotional ramping up by frightening senior citizens is beginning to take place out there in our States and communities. Let me, to the extent that I can, say to the seniors who are listening to those who would like to make you believe that they are really here arguing to save Social Security, suggest to you that what they are really arguing about is that they don't want a constitutional amendment to balance the budget and they have now hit on what I perceive to be a risky gimmick in an effort to frighten seniors and by that approach defeat a constitutional balanced budget amendment.

I might say to the seniors of this country, it is now the almost universal consensus of those who look at the next 25 years that the most important thing for senior citizens and the best effect on the trust fund is that this economy grow and grow and grow and that we have low inflation and sustained economic growth. Those who have worked for decades, looking at what is going to happen to Social Security and putting into that all of the mix that goes into it to see what they can project, without exception they testify here and everywhere, do not forget that you must have a sustained and growing economy for these numbers to be believable about the validity of this trust fund in the future.

Having said that, it would appear that balancing the American budget and keeping it balanced is probably in and of itself the single most important factor—not the only factor, but the single most important factor—to productivity, growth, and prosperity when you already have a $5 trillion accumulated series of deficits which now equal the debt.

So let nobody be fooled, for those who want to inject Social Security and are trying to take it off the budget of the United States, the risk is we will never get a balanced budget. It is my honest opinion that it was not an overstatement of the case when 29 budgets were piled up here. In fact, I didn't have time to ask somebody, but how many times in those 29 budgets can Presidents say, "I am giving you a balanced budget?" How many times after they were presented did Congresses of the United States say, "Oh, we are going to do better, we are giving you a balanced budget"? It never happened. And it will not happen. In fact, we are all dedicated to getting it balanced by 2002. But I am suggesting, as one who is as dedicated to that mission as anyone here, that you are far more apt to get it and keep it with the organic law of this land saying that is the way it is going to be, it is the law of the land.

Having said that, let me see if I can convince senior citizens and those in this body who are worried about the issue of should you have Social Security on budget or off budget.

First, just from the standpoint of a budget, you know Social Security is now the largest program in America. The tax for it is the largest single tax on America and Americans of all the entourage and litany of taxes we have. Literally 55 to 60 percent of the public pay more in Social Security and Medicare taxes, I say to my friend occupying the chair, pay more in that tax than they pay in income taxes.

Just from the standpoint of a budget, doesn't it seem kind of strange that you would say Americans should have a budget and it should be balanced, but, oh, let us take all of that big program that I have just described and all of those taxes and let us just take them off the budget?

So it is rather ironic that we speak of budgets and leave all of that which is so important to our future, so important to our young people who have jobs—because the taxes there must be compared with what? With the taxes that the rest of society imposes on us. You cannot leave those taxes and those payments out there untouched, unrelated as if they have nothing to do with the corporate income tax and the individual income tax and the State taxes. They are all related, and they should all be part of our budget as we look at it.

Now, I am not sufficiently versed in economics, but I have learned something because New Mexicans have sent me here long enough that, if nothing else, by osmosis I learn something about it because I sit there with my colleagues most of the time and they talk and I listen. Frankly, the United States made a decision that to be real about its budget, you ought to use a unified budget. We decided that more than two decades ago. And it serves us very well in trying to look at the effect of taxes and expenditures on the American economy and our people.

Therefore, point No. 1. For those who are talking about gimmicks to frighten us into not passing the constitutional amendment, the first thing that is happening that is very, very dangerous is they are denying senior citizens the most significant tool to assure the success of Social Security.

Now, a second point.

Since Social Security is on budget now and it has a surplus now and the surplus will go away at some point in the future and we will be starting to spend that, there are some now who are saying to seniors we better take it off budget so they cannot spend it. Get it. Take it off budget so they cannot spend it. Take it off budget so you cannot borrow from it.

Listen for a minute. You take the Social Security trust fund. It is defined by statute law. It is not going to be in the Constitution. Who defines statute law? Who defines statute law? Congress. Congress defines statute law. So you take off a huge amount of money and a huge amount of taxes and you say it is no longer in this budget because we do not want anybody to spend it or borrow it.

Friends, in particular senior citizens, do you believe your trust fund is protected by being out there all alone, running up huge surpluses, subject to whom? Who can spend it? Who can spend that surplus? Oh, the same Congress that has been creating all these deficits.

You mean they cannot spend it? somebody is going to stand up and ask. Of course, they can. All they have to do is pass a statute and spend that surplus. On what? On what? Right now you have to invest it in Treasury bills of the United States. But I say to our friend from Michigan, over the next 20 years as that surplus is there and as Congress feels the pinch of not having money to spend over here and perhaps a Medicare system that is really hurting; 6 years from now we have not helped it very much, or 8, and it is hurting for money to pay the bills, what do you think is going to happen? Congress is going to say, well, it is all seniors, right? Let us spend $48 billion for what we need for the next 6 months for Medicare. Let us take it out of the trust fund.

Mr. GORTON. Will the Senator from New Mexico yield for a question?

Mr. DOMENICI. Of course,

Mr. GORTON. Is that not exactly one of the forms of risky gimmicks that the Senator spoke of should we adopt this amendment?

Mr. DOMENICI. My friend, it is the biggest potential gimmick I have ever seen. And let me tell you, if there are those who say this cannot happen, I will give you one. The President in this year's budget decided that another trust fund, the Medicare trust fund—in this case it was running out of money, but the President decided I am going to tell Congress to just take out $82 billion of the expenditures that are in that trust fund, right, by fiat, by law. Who is going to do that? Congress is going to pass a law, he says, take out the $82 billion and let somebody else pay for it.

Now, if you can do that, you can take a trust fund that is very solvent and do the exact same thing. A President says, well, look, it is going to take us 5 more years to fix this Medicare mess so why not just borrow from that trust fund. It is sitting out there. It is all alone, right, and we do not want to count it over here on our budget because we thought it was really going to be protected if we took it out there, and lo and behold, that budget could have that very same thing in it. That is the real kind of gimmick that is going to be used.

Mr. GORTON. Will the Senator from New Mexico yield to another more general question?

Mr. DOMENICI. Sure.

Mr. GORTON. Am I not correct in remembering that we went through exactly this same debate 2 years ago at the time at which the balanced budget constitutional amendment ultimately was defeated by one vote in the Chamber of the Senate?

Mr. DOMENICI. Absolutely.

Mr. GORTON. And we heard all of the same alarms from those who ultimately opposed the balanced budget amendment about the future of Social Security at that point?

Mr. DOMENICI. No question about it.

Mr. GORTON. Now, perhaps my friend from New Mexico, who is the chairman of the Budget Committee, and who has totally immersed himself in these problems, has a better memory than I have, but does the Senator from New Mexico remember any proposal after the defeat of the constitutional amendment last time by those who opposed it that would buttress or build up the Social Security trust fund, any changes in eligibility, any increases in the payroll tax or not? I remember no attempts in this last 2 years to do anything about this imminent or future insolvency of the Social Security trust fund. Does my friend from New Mexico?

Mr. DOMENICI. I think the Senator is absolutely correct.

Mr. GORTON. So is it the net result of the defeat of the constitutional amendment 2 years ago that we are simply 2 years closer to the insolvency of the Social Security trust fund and the Medicare hospital insurance trust fund?

Mr. DOMENICI. Absolutely right, without a question.

Mr. GORTON. Is it not also true that all of those, almost all of those who opposed the balanced budget constitutional amendment 2 years ago told us all that was required to balance the budget was courage and dedication on the part of the Congress itself? Is that not pretty much the message that we constantly get from them?

Mr. DOMENICI. That is absolutely right.

Mr. GORTON. And did we not take them up on that proposal and did we not, in fact, pass through the Congress of the United States a budget that would have been balanced by the year specified in the constitutional amendment and would have postponed for an extended period of time the insolvency of the Medicare hospital insurance trust fund?

Mr. DOMENICI. Absolutely.

Mr. GORTON. And was that not opposed by all of the people who opposed the constitutional amendment with the single exception of the then Senator from Oregon and vetoed by the President of the United States?

Mr. DOMENICI. I think that is right. I might also say to the Senator I am going to give myself enough latitude so that I know I am right, but I think that same balanced budget to which the Senator alludes, if carried out and all of the changes made in it and projected it out beyond that time, would be balanced 3 years, no longer than 3 years thereafter without using the Social Security trust fund.

So what I am saying, you put yourself on a trend line by entitlement reform to where you cannot get to balance without the Social Security trust fund in the process of accomplishing your major goal of getting it balanced within the unified budget with everything on budget.

Mr. GORTON. And is it not also true that whether this constitutional amendment passed or not, there would be no impact on the actual total spending of the Government of the United States or the total receipts of the United States; we would simply pretend that the largest single spending and social program were not a part of a budget or of balancing the budget?

Mr. DOMENICI. That is exactly right.

Mr. GORTON. And then in several years, in a few years when the Social Security trust fund is paying out more money than it is taking in, Congress would be able to pretend that the budget was balanced when, in fact, we were running a huge deficit in the Social Security trust fund. And, in fact, the Social Security trust fund could go absolutely bankrupt, could it not, and yet under that proposal the budget would still be balanced?

Mr. DOMENICI. The Senator is correct. In fact, I did not bring to the floor a chart showing that, but it is one of the wonderful, factual presentations about how, after a few years, what they have been talking about down here, about "the Social Security fund ought to be off budget so we can handle our matters within the rest of the budget and how we can protect its solvency," it turns out that down the line a little—and if we do a constitutional amendment, it is going to be down the line for a long time, it should be here forever—when the Social Security fund starts to spend out and go in the red, guess what we can do? We can let it go right on in the red and spend. But over here on the rest of the budget, which we call the unified budget less Social Security, you can spend so much money in that budget and still be in balance because you are not charged with the deficit in Social Security. It is billions, about 18 or 20 years from now. You are going to be able to spend on this unified budget, less Social Security, something like $7 trillion more than you are currently expecting to spend, and be in balance, because you let this other big deficit occur and you do not do anything about it.

I want to add one thing. You could have asked me, "Senator, when you have this trust fund sitting out here all by itself and it starts to go in the red, because we did not have the guts to fix it, and over here is the rest of this budget, it has been kind of wallowing around, now, Congress gets together and says, 'How do we fix that Social Security?'" Guess what, they can borrow money without being subject to the constitutional amendment and put it in that trust fund. They could borrow $5 trillion. And guess what we would be doing? We would be getting ourselves right back in the mess of borrowing to pay deficits.

Mr. GORTON. That $5 trillion figure, you did not pull that out of thin air, did you? That is what the indicators show we would have?

Mr. DOMENICI. That is correct. And, frankly, I have to say, in all honesty—I had a group of seniors I talked to today. They said to me, "You may be right, and you may be more right than them." But then they said, "Can't Congress, if you take it off budget, can't you just pass a law so none of these terrible things will happen to this wonderful trust fund?"

And I said, "By asking me if we could pass a law, you have just answered your own question. Of course we could." But Congress makes the laws and Congress changes the laws. Consequently, we could protect it by statute and then, when it got in trouble, we could unprotect it by statute. But if you insist that it be counted in the unified budget, then what you are saying is when money is spent out of it, it counts. And you have to find, within a budget, some cuts to make up for it. And that is especially the case when Social Security starts to go in the red, if it does, and probably at some period in its history it will for awhile.

Mr. GORTON. In summary, then, I ask my friend from New Mexico, that is just one of the reasons that this proposed change in the balanced budget constitutional amendment is a risky gimmick, and the risk is to Social Security and its beneficiaries themselves; is that not correct?

Mr. DOMENICI. That is absolutely right.

Mr. GORTON. I thank my colleague.

Mr. DOMENICI. So I want to wrap up my few minutes. I thank the Senator for his questions which made my presentation far more understandable than had I gone on rambling for 15 minutes.

But essentially the truth of the matter is, if the risky gimmick being offered by some defeats the constitutional amendment, that will inure to the detriment of senior citizens, for we will probably never have a sustained and long-term balanced budget, and that is what Social Security needs more than anything else.

Second, the risky gimmick is to take it off budget and subject the entire trust fund to the will and whim of Congress and Presidents, without any of the discipline that would come from the spending and borrowing that you must account for within a unified budget.

I have a couple of graphs that explicitly show what I have been showing. I am going to have them printed in the RECORD, especially with respect to what happens when Social Security starts to spend out more than it has taken in, the future amount of money that is then available on budget to spend without having any effect on the budget.

I yield the floor and thank the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are. The Senator is authorized to speak for up to 5 minutes.

Mr. DORGAN. Mr. President, the Senator from New Mexico is one of those I admire most in this Chamber. He is one of the brightest and most interesting Members to serve with. He has demonstrated over many years and many disciplines a great knowledge and great intellect. I have always enjoyed serving with him.

With great respect, I think he is so wrong on this issue, but I say that with the greatest respect.

Mr. DOMENICI. I thank the Senator for his kind remarks.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. DORGAN. Mr. President, I want to give the other side of exactly the issue the Senator from New Mexico has just spent some time describing. I say this not because I believe my side is right and therefore he is here doing something untoward. That is not the case. I think we have a disagreement here about this issue that is very substantial, and it is very important. I do not suggest that someone who does not agree with me on this position is out here deciding to play games or to take a position for anything other than a noble purpose. But, by the same token, I feel so strongly that the discussion I just heard is wrong, I feel compelled to correct it, at least from my perspective.

Let me describe what we have. We have a proposal to change the Constitution of the United States. Some refer to it repeatedly as a proposal to balance the budget. It will not do that, and no one who understands the difference between a statute and a constitutional change should refer to it as balancing the budget. You can change the Constitution 2 minutes from now, and 3 minutes from now you will not have altered by one penny the Federal debt or the Federal deficit, and there is not anyone in here who would stand up and contest that, I would judge. So this is not about balancing the budget. It is about altering the Constitution.

I am prepared to alter the Constitution under certain circumstances, but I will not—repeat, not—support an approach that changes the Constitution of the United States in a manner that I think will create more problems than it solves.

We have, and will vote for, a constitutional amendment to balance the budget. We will all be required to vote on a couple of versions of that, one, the version proposed by the majority, one, a version that I will introduce as a substitute amendment. So we will have an opportunity to vote on a constitutional amendment to balance the budget. The version proposed by the majority says this. It says that revenues and expenditures in future years must be relatively equal so that you are not running a deficit. And that includes counting all of the revenues and all of the expenditures. Period. End of description—I think a fair description of what the majority is proposing.

The problem with that is this. We have a separate program in Government, one of the largest programs, called the Social Security system. It has been a very successful program. But we have a demographic problem with our Social Security system. We have a group of babies born who represented the largest group of babies born in our history, and when they hit the retirement rolls, we are going to have a significant strain on that system. And so, a decision was made some years ago to save for that purpose, and therefore this year, and last year, and next year, to run a surplus, a very significant budget surplus in the Social Security accounts, only in those accounts, in order to have that available to save for the future.

The amendment that is being offered by the majority is an amendment that would say: Let's not distinguish between one dollar and another dollar. Yes, we're running a surplus in Social Security, but it doesn't matter. We can use the surplus of Social Security to just pay for other spending elsewhere.

Well, I do not think that is the way we say to those with whom we have decided that we are going to provide for their future and have a Social Security trust fund, I do not think that is the way for us to say to them we are meeting our responsibilities. That is not meeting our responsibilities. What that is doing is allowing us to say we have balanced the budget when we have not. We have taken trust funds that we said would be used for only one purpose and brought it to say, now we have balanced the budget.

I am waiting—and I will ask the question again; there is only one other Member on the floor—but I would ask the question again, and I have not yet heard an answer: If under this constitutional amendment and a budget plan that is proposed to meet this constitutional amendment of balancing the budget, if in the year in which they claim they have balanced the budget the Federal debt limit must be increased by $130 billion, how do you claim you have balanced the budget?

If you have balanced your family budget, do you have to borrow more money? I would not think so. If you have balanced your business budget, would you have to borrow more money? I do not think so. Why, in this plan, in the year in which they say they balance the budget, does the Congressional Budget Office tell us in that very year they have to increase the Federal debt limit by $130 billion? Why? Can anybody tell me? They have not told me for a couple weeks because there is not an answer to that. There is not an answer.

The answer, if everyone here were honest, would be that this is not truly balancing the budget. The budget will be called in balance, they will describe it as in balance, and the Federal debt will continue to increase. So the folks who moved the Federal debt clock around that shows how the Federal debt is increasing will still have a clock that keeps ticking. The Federal debt will keep rising. I do not understand that.

I would like us to balance the Federal budget. I think there is a compelling reason for us to balance the Federal budget. In fact, the budget deficit is down 60 percent in the last 4 years in part because some of us have had the courage to cast hard votes, votes that were not popular. I am glad I did it. They were not very popular votes, but we cast the votes to bring the budget deficit down.

But the job is not done. The job is half done. We need to finish the job. We can alter the Constitution, but that will not finish the job. The only way this job gets finished is if individual men and women in the U.S. Senate make spending and taxing decisions that say we want to balance the budget. When they say to their constituents, "We've balanced the budget," and then must confess to their bankers back home, "But, yes, we increased the Federal debt by $130 billion," no one here can claim that with a straight face, unless they have no sense of humor, that they have done what they promised back home they are doing.

That is the point I am making. If we are going to alter the Constitution, let us make those changes in the Constitution in a careful, measured way that does not create more problems than it solves.

My time is up. I will be on the floor for a few minutes and perhaps have some other discussion. I know another Senator is waiting to discuss this. But, Mr. President, this is an important issue. We are finally talking about what we ought to talk about. And I hope we can have some exchange of views in the coming days on this very subject because this is not a nuisance issue. This is not a nettlesome issue or some tiny, little issue. This is a trillion-dollar issue that deals with people who earn paychecks and pay taxes, expecting certain results from them, and a trillion-dollar issue that deals with senior citizens on Social Security who expect something from that program as well.

Mr. President, I yield the floor.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The remarks of Mr. HUTCHINSON pertaining to the introduction of S. 328 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE CHEMICAL WEAPONS CONVENTION

Mr. LEVIN. Mr. President, I rise today to speak on an issue of great importance to our national security: the Chemical Weapons Convention.

This convention, which is commonly known as the CWC, has been a high priority for the past three administrations, and is a perfect example of a bipartisan foreign and security policy issue. It was negotiated beginning under President Reagan, it was signed under President Bush, and the Clinton administration is now seeking Senate advice and consent to its ratification.

The United States has always taken the lead on negotiating the CWC, and we should soon have before us an opportunity to improve the security of our Nation and of the world by ratifying this convention. Some 160 countries have already signed the CWC, and more than 65 have ratified it—including all our major NATO allies and China. It will enter into force on April 29 of this year, whether or not we ratify it. But our ratification will make a big difference in the effect the treaty has on us and on the effectiveness of the treaty worldwide.

Mr. President, let me summarize what the Chemical Weapons Convention will do: it will drastically reduce the stockpiles of chemical weapons; require the destruction of chemical weapon production facilities; provide for the most intrusive verification procedures ever negotiated—including challenge on-site inspections; improve our intelligence of foreign chemical weapon activities; require domestic laws that will permit nations to investigate and prosecute chemical weapon activities; and, perhaps most importantly, make it much more difficult for rogue nations or terrorists to make or acquire chemical weapons.

As the Defense Department leadership and the Joint Chiefs of Staff have testified on numerous occasions over several years: this convention is in our national security interest, and we should ratify it as soon as possible.

Mr. President, on January 22 the Senate Armed Services Committee held a nomination hearing for our former colleague, Senator Bill Cohen, to be the Secretary of Defense. That afternoon the Senate voted unanimously to confirm him by a vote of 99–0. He is now the new Secretary of Defense, and I am looking forward to working with him on the many important and challenging national security issues that will come before the Armed Services Committee and before the Senate.

I want to share with my colleagues the comments of then Secretary-designate Cohen about the CWC, because it is important that we consider the views of the President's chief defense adviser.

At his nomination hearing, Senator Cohen made three important points about the CWC.

First, he told the Committee "whether we ratify it or not, we are engaged in the unilateral disarmament of chemical weapons. We are eliminating all our stocks of chemical weapons, and they will be completely gone by the year 2004. That was initiated under the administration of Ronald Reagan. So, whether we sign it or not, we are getting rid of ours."

Second, he told us that whether we sign it or not, the convention will go into effect. Given that fact, it makes sense for us to ratify the treaty and to take part in making the rules by which it will be implemented, as well as having our own inspectors on the inspection teams.

Third, he told the Committee that the American chemical industry stands to lose up to $600 million in sales if we do not ratify because of sanctions which were intended for rogue nations but which will apply to our industry and prevent it from selling precursor chemicals to signatory nations.

Secretary-designate Cohen concluded that it is in our national interest to ratify the CWC because we are already getting rid of our chemical weapons, and by ratifying we can help assure that other countries which ratify the CWC will get rid of theirs. Those are three points I hope our colleagues will keep in mind as the Senate considers the Chemical Weapons Convention.

Prior to his confirmation hearing before the Armed Services Committee, Secretary-designate Cohen had an opportunity to provide a more comprehensive explanation of his support for the CWC. I would like to share those views with our colleagues because they clearly enumerate why the CWC is in our national security interests.

Here is the committee's question and Senator Cohen's answer:

Question. The President has made ratification of the Chemical Weapons Convention a very high priority for early Senate action.

The Convention will enter into force on April 29, 1997, and ratification must occur prior to that date for the U.S. to be an original party.

Do you agree that ratification of the CWC is very much in our national security interest and do you support the goal of ratification prior to the April 29 deadline?

Answer. Yes. The CWC, as both a disarmament and nonproliferation treaty, is very much in our national security interests because it establishes an international mandate for the destruction of chemical weapons (CW) stockpiles. Congress has mandated that the Army, as executive agent for CW destruction, eliminate its unitary CW, which constitute the bulk of its CW stockpile, by 31 December 2004. That destruction process is well under way at the CW destruction facilities at JOHNSTON Atoll and Tooele, UT. The CWC mandates that state parties destroy, under a strict verification regime, their entire CW stockpiles within 10 years after the Convention enters into force (April 2007). Given that the U.S. does not need CW for its security, and given that we are currently legally committed to eliminating unilaterally the vast majority of our CW stockpile, common sense suggests that it would be preferable to secure a commitment from other nations to do the same; prohibits the development, retention, storage, preparations for use, and use of CW. These expansive prohibitions establish a broadly accepted international norm that will form a basis for international action against those states parties that violate the CWC. Unlike the 1925 Geneva Protocol, which only bans the use of CW in war, the CWC: includes a verification regime; restricts the export of certain dual-use CW precursor chemicals to non-state parties; prohibits assisting other states, organizations, or personnel in acquiring CW; and requires state parties to implement legislation prohibiting its citizens and organizations from engaging in activities prohibited by the Convention. The CWC also contains mechanisms for recommending multilateral sanctions, including recourse to the UN Security Council; increases the probability of detecting militarily significant violations of the CWC. While no treaty is 100% verifiable, the CWC contains complementary and overlapping declaration and inspection requirements. These requirements increase the probability of detecting militarily significant violations of the Convention. While detecting illicit production of small quantities of CW will be extremely difficult, it is easier to detect large scale production, filling and stockpiling of chemical weapons. Over time, through declaration, routine inspections, fact-finding, consultation, and challenge inspection mechanisms, the CWC's verification regime should prove effective in providing information on significant CW programs that would not otherwise be available; hinders the development of clandestine CW stockpiles. Through systematic on-site verification, routine declarations and trade restrictions, the Convention makes it more difficult for would-be proliferators to acquire, from CWC state parties precursor chemicals required for developing chemical weapons. The mutually supportive trade restrictions and verification provisions of the Convention increase the transparency of CW-relevant activities. These provisions will provide the U.S. with otherwise unavailable information that will facilitate U.S. detection and monitoring of illicit CW activities.

I strongly support the Chemical Weapons Convention and the goal of U.S. ratification of the Convention by 29 April 1997, and I understand that the Department of Defense shares that view. U.S. ratification of the CWC prior to this date will ensure that the U.S. receives one of the 41 seats on the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW), the international organization that will oversee CWC implementation. Early ratification will also ensure that U.S. citizens will fill key positions within the OPCW and act as inspectors for the Organization. Direct U.S. involvement and leadership will ensure the efficacy and efficiency of the OPCW during the critical early stages of the Convention's implementation. The U.S., upon ratification and implementation of the CWC, will also receive CW-related information from other state parties. As a state party and a member of the Executive Council, the U.S. will be in the best position to assure the effective implementation of the Convention's verification provisions.

Mr. President, this is a very strong and persuasive statement of support for the Chemical Weapons Convention. I urge my colleagues to consider Secretary Cohen's views. We should take up the CWC for advice and consent to ratification without delay.

Mr. President, I want to provide an additional item for the record, and will ask unanimous consent at the conclusion of my remarks that it be printed in the RECORD.

The additional item is a letter from Dr. Lori Esposito Murray, Special Adviser to the President and ACDA Director on the Chemical Weapons Convention, to this Senator dated January 14, 1997. This letter provided a review of a number of issues concerning the CWC where there was some confusion during our consideration last September. I think this letter is a useful contribution to the Senate debate.

Mr. President, I hope the Senate will take up the Chemical Weapons Convention early enough to permit ratification before the April 29 deadline. I hope the Senate leadership can make sure the Senate has an opportunity to exercise its unique constitutional responsibility for advice and consent to treaty ratification.

I ask unanimous consent that the item I referred to previously be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. ARMS CONTROL AND,
DISARMAMENT AGENCY,
Washington, DC, January 14, 1997.

DEAR SENATOR LEVIN: We understand that the Center for Security Policy recently recirculated to you a letter on the Chemical Weapons Convention (CWC) dated September 6, 1996 that had originally been sent to Majority Leader Lott. The letter urges Senator Lott to reject ratification of the CWC "unless it is made genuinely global, effective, and verifiable." Since the letter contains significant misinformation about the Convention, we thought the following information might be helpful as you assess this vital treaty.

Misstatement: "The CWC is not effective because it does not ban or control possession of all chemicals that could be used for lethal purposes. For example, it does not prohibit two chemical agents that were employed with deadly effect in World War I—phosgene and hydrogen cyanide."

Fact: Phosgene and hydrogen cyanide are covered by the Convention and are explicitly listed on the Schedule of Chemicals (Schedule 3). Moreover, the CWC definition of a chemical weapon covers all toxic chemicals and their precursors "except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes." Furthermore, the CWC also includes provisions to expand the lists of chemicals subject to declaration and verification as new CW agents are identified and to improve verification procedures and equipment as technology and experience improve.

Misstatement: "The CWC is not global since many dangerous nations (for example, Iran, Syria, North Korea, and Libya) have not agreed to join the treaty regime."

Fact: Of the approximately twenty countries believed to have or to be seeking a CW program, more than two thirds already have signed the CWC. It is unlikely that those outside the regime would join if the United States also remained outside, giving them political cover. Additionally, the CWC goes further than any other multilateral agreement to date in applying pressure on nonsignatories to join the regime.

Along with the political and diplomatic muscle that a multilateral arms control agreement provides against rogue states, the CWC explicitly applies trade restrictions to states that are not Parties to the CWC. The Non-Proliferation Treaty, which relied solely on diplomatic pressure to encourage states to join, went from 43 State Parties in 1970 to 184 in 1997. The CWC already has 67 State Parties and 160 signatories, Iran among them. Most recently, China's Parliament approved the CWC and the Russian Duma passed its CW destruction plan. Without the CWC, these rogue states would proceed, business as usual, in their efforts to acquire chemical weapons. With the CWC, not only will we know more about what they are doing, but it will be harder for them to do it, and it will cost them—even if they hold off on joining.

Misstatement: "The CWC is not verifiable as the U.S. intelligence community has repeatedly acknowledged in congressional testimony."

Fact: The Clinton Administration has determined that the CWC is effectively verifiable because, among other things, it will facilitate the ability of our Intelligence Community to detect significant violations in a timely manner. The Intelligence Community has emphasized in its testimony that the CWC provides additional tools to do a job we would have to do anyway with or without the CWC—track and control the spread of chemical weapons worldwide.

Misstatement: ". . . governments tend to look the other way at evidence of non-compliance rather than jeopardize a treaty regime."

Fact: Our recent experience with the North Korean nuclear program demonstrates that governments can and will respond to evidence of non-compliance and rally to uphold the integrity of an arms control agreement, in this case the Non-Proliferation Treaty. Indeed, the very existence of multilateral arms control agreements provides a legal and political basis for taking action against proliferators.

Misstatement: "The CWC will create a massive new, UN-style international inspection bureaucracy (which will help the total cost of this treaty to U.S. taxpayers amount to as much as $200 million per year)."

Fact: The Congressional Budget Office estimates that the costs to the U.S. taxpayer to comply with the declaration, inspection, and verification procedures of the CWC would average $33 million per year, not $200 million. These activities would include paying our $25 million assessment to the CWC implementing organization. The United States has worked diligently to ensure that the organization contains only those elements essential to the completion of the task. This contribution is certainly worth the investment in reducing the risk that our troops will face poison gas on the battlefield.

Misstatement: "The CWC will jeopardize U.S. citizens' constitutional rights by requiring the U.S. Government to permit searches without either warrants or probable cause."

Fact: The Administration expects that access to private facilities will be granted voluntarily for the vast majority of inspections under the CWC. If this is not the case, the United States Government will obtain a search warrant prior to an inspection in order to ensure that there will be no trampling of constitutional rights.

Misstatement: "As many as 8,000 companies across the country may be subjected to new reporting requirements entailing uncompensated annual costs between thousands to hundreds of thousands of dollars per year to comply."

Fact: The CWC will affect approximately 2,000 not 8,000 companies. Approximately 1,800 of these companies will not have to do anything more than check a box regarding production range. They will not even be required to specify which chemicals they produce. No information will be required regarding imports, exports, or domestic shipments. The CWC provisions covering commercial facilities were developed with the active participation of industry representatives. The chemical industry has long supported the CWC. In fact, the biggest expense to industry could come as the result of the United States not ratifying the CWC. The CWC's trade restrictions for non-Parties will apply to the United States if we have not ratified the Convention by entry into force in April 1997. According to the Chemical Manufacturer's Association, these trade restrictions could place at risk $600 million in export sales.

The Chemical Weapons Convention will enhance U.S. security. No one disputes that the spread of weapons of mass destruction to rogue states and terrorists is among the gravest security challenges we face in the post Cold War era. We will need every available tool to respond to it successfully. The CWC is just such a tool. As Secretary of Defense Perry and Attorney General Reno have stated, "To increase the battlefield safety of our troops and to fight terror here and around the globe, the Senate should ratify the Chemical Weapons Convention now." General Shalikashvili, Chairman of the Joint Chiefs of Staff, has also testified, "The non-proliferation aspect of the Convention will retard the spread of chemical weapons and in so doing reduce the probability that U.S. forces may encounter chemical weapons in a regional conflict."

The Chemical Weapons Convention is mainly about other countries' chemical weapons, not our own. The United States has already made the decision to get out of the chemical weapons business. In fact, we are currently destroying the vase majority of our chemical weapons stockpile, and the Chemical Weapons Convention will require other countries to do the same.

As noted above, the Chemical Weapons Convention has the strong support of industry. The impact on small business, in particular, will be negligible. But should the United States fail to ratify the CWC, trade restrictions originally intended to put pressure on rogue states would be imposed on U.S. chemical companies.

The United States has been a consistent and strong world leader in the 25-year effort to ban these horrific and indiscriminate weapons. This effort, which culminated in President Bush's success in concluding the CWC, has had strong bipartisan support over the years.

I urge your support for this Convention and hope the Senate will act promptly and favorably so that the United States can be among the original parties to the Convention when it comes into force on April 29, 1997.

Sincerely,

LORI ESPOSITO MURRAY,
Special Adviser to the President.

REGULATIONS REGARDING STAFF ACCESS TO THE SENATE FLOOR

Mr. WARNER. Mr. President, yesterday, the Rules Committee approved an amendment to the Regulations Controlling the Admission of Employees of Senators and Senate Committees to the Senate Floor.

The amendment to the regulations regarding staff floor access provides full floor access for leadership staff and committee staff directors and chief counsels.

I ask unanimous consent that a letter from Senators LOTT and DASCHLE to Ranking Member FORD and myself be printed in the RECORD along with the amended Regulations Controlling the Admission of Employees of Senators and Senate Committees to the Senate Floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 3, 1997.

Hon. JOHN WARNER,
Chairman.
Hon. WENDELL H. FORD,
Ranking Member, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR FORD: Senator Byrd wrote us a thoughtful letter last December that dealt with what he characterized as "a small but important matter: decorum in the Senate." We share Senator Byrd's view "of the importance of maintaining proper order in the Senate at all times" and wish to encourage the Committee on Rules and Administration to recommend a method for better management of staff access to the Chamber. We understand the Sergeant at Arms has developed such a proposal which has merit and is deserving of a rapid review by the Committee.

Senators often require their staff to assist them in the Senate Chamber, and Senators must continue to have access to their staff when they determine it is necessary. We would in no way wish to limit Senators' rights in this regard. Indeed, Senators may at any time request unanimous consent to grant a staff member the privileges of the Floor, and we would not support limiting that right in any way. Door keepers in the Chamber should urge staff to use the seating provided rather than lean against the walls.

We feel confident that the Committee proposal will protect the important balance between Senators' individual rights and the needs of the larger body.

Sincerely,

TRENT LOTT.
TOM DASCHLE.

REGULATIONS CONTROLLING THE ADMISSION OF EMPLOYEES OF SENATORS AND SENATE COMMITTEES TO THE SENATE FLOOR

1. Of those persons entitled to the privilege of the Senate Floor, under Rule XXIII of the Standing Rules of the Senate, card admissions *henceforth* will apply solely to employees of Senators and Committees. *All cards for admission to the Senate Floor, currently in possession of Senators or officers and employees of the Senate under previous rules, shall be withdrawn by the Sergeant at Arms.*

2. Senators and Committee Chairman are requested to prepare and forward to the Sergeant at Arms a list of those staff and Committee employees who may have reason to apply for a Floor Pass in the actual discharge of their official duties. These provisions will not deprive any employee of the privilege of the Senate Floor if he is entitled thereto under Rule XXIII. They will, however, permit closer supervision over employees admitted to the Senate Floor.

3. Serially numbered cards, referred to as Floor Passes, will be retained at an admission table in the foyer of the Vice President's Entrance to the Senate Floor. This table will be manned by a representative of the Sergeant at Arms of the Senate from one-half hour before each daily session until one-half hour after recess or adjournment. When the actual discharge of their official duties requires their presence on the Senate Floor, employees of Senators and Committees, otherwise entitled to admittance under Rule XXIII, will apply to the attendant at the designated table for a Floor Pass.

4. Admission cards under the system will be available at the admission table in quantities as follows:

All Committees of the Senate, Including Joint Committees—4 cards to each Committee having jurisdiction of pending legislation.

All Committees of the Senate, including Joint Committees—2 cards to each Committee for official duties, with a 15-minute limitation.

Staffs of individual Senators—2 cards for each Senator and the Vice President.

Although two admission cards are provided for the qualified staff personnel of each Senator, only one member of a Senator's staff shall be allowed in the Senate Chamber itself at any given time, with a time limitation of 15 minutes if the individual Senator is not present. The other card (of different color) may be used by an additional member of the Senator's staff only to gain admittance to the Senate Lobby (but not the Senate Chamber) for the sole purpose of conferring with the Senator.

Each Committee may request two 15 minute Floor passes to be used for the transaction of official business.

Should the occasion arise when an individual Senator desires the assistance on the Senate Floor of personnel additional to the number permitted under the above allocations, he should request unanimous consent to augment the maximum number allowed herein.

5. When an eligible employee presents [himself] *his Senate identification (ID) card* at

the admission table, the attendant in charge there, as the representative of the Sergeant at Arms, will satisfy himself of the applicant's identity and eligibility before issuing a Floor Pass. He will then note, on a special roster prepared for the purpose, the name of the employee, his office, the nature of his official business, and the serial number of the card issued to him. When the employee leaves the floor he will return the card to the above attendant. The latter will replace the card in its appropriate place in the rack, after noting its return on the roster. If, after completion of his business on the Floor, a person to whom a Floor Pass was issued fails to return the Pass or loses it, that person shall not be admitted to the Floor until the Floor Pass is returned or its loss is satisfactorily explained to the Sergeant at Arms.

6. In no case shall any Doorkeeper admit to the Senate Floor any office employee of a Senator or a Committee staff member without a proper and correct visual presentation of a Floor Pass. An employee admitted to the Senate Floor under these regulations shall remain there only as long as necessary for the transaction of his official business and shall, at all times, while so present, have in his possession *his Senate ID card and* the Floor Pass issued to him. While on the Senate Floor, an employee shall in no way encroach upon the areas and privileges reserved for Senator's only. When an employee's objective is solely to follow the course of a pertinent discussion or vote but not to render any actual assistance otherwise to his Chairman or Senator, he should, under normal circumstances, observe the proceedings from an appropriate place in the Senate Galleries.

7. At the beginning of all roll-call votes the Sergeant at Arms will clear the Senate Floor and the lobby of all staff members except Senate clerks for whom unanimous consent has previously been granted and except the staff personnel of the Committee or Committees associated with the issue involved in the roll-call vote shall be permitted to enter or remain in the lobby for such purposes.

8. In addition to the Floor Passes discussed above, the Sergeant at Arms of the U.S. Senate shall issue to both the Majority and Minority Leaders, fourteen Full Floor Access Passes for their distribution to and use by their leadership staff. These passes will be valid for the duration of the Congress. The Sergeant at Arms shall also hold at the admission table an additional twenty similar committee staff Full Floor Access Passes, ten reserved for use by majority party committee staff directors and chief counsels and ten reserved for use by minority staff directors and chief counsels. The Majority and Minority Leader and Committee Chairman are requested to prepare and forward to the Sergeant at Arms a list of those eligible staff who are authorized to use a Full Floor Access Pass. A full Floor Access Pass shall entitle eligible staff identified on such lists to access the Senate Floor from any door. Committee staff Full Floor Access Passes *are issued on a daily basis beginning one-half hour before each session and must be returned to the admission table no later than one-half hour after recess or adjournment. If a person to whom a Committee staff Full Floor Access Pass has been issued, fails to return the pass or loses it, that person shall not be admitted to the floor until the pass is returned or its loss is satisfactorily explained to the Sergeant at Arms.*

9. The Sergeant at Arms will be responsible for the enforcement of these regulations. He shall report to the Chairman of the Committee on Rules and Administration the name of any employee who, in the opinion of the Sergeant at Arms, is guilty of abusing these regulations.

10. It is not the desire or intention of the Committee on Rules and Administration to limit assistance by staff personnel to Senators on the floor. On the contrary, the Committee believes that these regulations will insure adequate opportunity for such assistance and, at the same time, prevent the distraction to orderly proceedings attendant upon the presence of superfluous employees in the Senate Chamber. All Senators are asked to acquaint their employees with the scope and purposes of these regulations.

11. Rules are effective in direct proportion to the vigor of their enforcement and the cooperation demonstrated in compliance. The Senators generally have expressed themselves in full accord with efforts to diminish disorder and confusion caused by the presence of unnecessary personnel on the Senate Floor. It is hoped that all Senators, especially when serving as the Presiding Officer of the Senate, will cooperate with the Sergeant at Arms and the Committee on Rules and Administration in this endeavor to control the problem.

TRIBUTE TO WILLIAM L. HODSON

Mr. HATCH. Mr. President, I am pleased to join with many others in Utah who have expressed their appreciation to Bill Hodson, director of the Salt Lake City Veterans Medical Center.

Bill recently retired after many years of faithful service to our Nation's veterans from New Jersey to Arizona, including the last 11 years in Salt Lake City. These years have been ones of great accomplishment, not just for Bill personally, but for the VA. We have all, in one way or another, benefited from his innovation and determination. In 1992, Bill received the Secretary's Award for advancement in nursing programs.

But, we in Utah owe Bill a particular debt of gratitude for his stewardship of our Salt Lake VA Medical Center. Bill Hodson led the way on a $30 million project to renovate the main building of the VA Medical Center for patient areas and ambulatory care clinics, successful management of a dynamic heart transplant program, and expanded research and training programs. The buildings and services that Bill has built will be a lasting legacy of Bill's leadership and commitment to public service.

There can be no question that Bill was a highly able administrator; but, more importantly, his compassion and concern for others has earned him a special place in the hearts of veterans—and indeed all the citizens of Utah.

Bill Hodson has been active in our community, particularly in the Greater Salt Lake Council of the Boy Scouts of America. This involvement clearly shows that he not only honors those citizens who have already contributed to our country, but also that he believes in our youth and their capacity for contributing to our future. We will miss him at the head of the Salt Lake VA Medical Center, but look forward to his continuing involvement in our community.

I hope that as he reads this tribute, Bill is already sitting on a nice warm beach and enjoying the first well deserved fruits of retirement. I wish him all the best and hope my colleagues will join me in recognizing an exemplary public servant.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 12, the Federal debt stood at $5,308,979,863,712.08.

One year ago, February 12, 1996, the Federal debt stood at $4,988,100,000,000.

Five years ago, February 12, 1992, the Federal debt stood at $3,799,009,000,000.

Ten years ago, February 12, 1987, the Federal debt stood at $2,227,183,000,000.

Fifteen years ago, February 12, 1982, the Federal debt stood at $1,036,402,000,000 which reflects a debt increase of more than $4 trillion ($4,272,577,863,712.08) during the past 15 years.

HERE'S WEEKLY BOX SCORE ON U.S. FOREIGN OIL CONSUMPTION

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending February 7, the U.S. imported 7,894,000 barrels of oil each day, 942,000 barrels more than the 6,952,000 imported during the same week a year ago.

Americans relied on foreign oil for 54.9 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,894,000 barrels a day.

HONORING THE BREDEHOEFTS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Mildred and Eldred Bredehoeft of Concordia, MO, who on April 6, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Mildred and Eldred's commitment to the principles and values of their marriage deserves to be saluted and recognized.

TERM LIMITS

Mr. ALLARD. Mr. President, first I would like to thank my colleague from Missouri for taking the lead on this important issue of term-limits. Term-limits has been a concern of the people of Colorado for many years. They have said time and time again that the hour has come for Congressional term-limits and I share this belief. That is why I am a proud sponsor of Senate Joint Resolution 16, the Ashcroft-Thompson Term Limitation bill which limits Representatives to 6 years in the House and Senators to 12 years in the Senate.

In 1990 with 71 percent of the vote, the State of Colorado was the first State to pass a constitutional amendment limiting the number of years for Congressional Members—12 years in the House of Representatives and 12 years in the Senate. Four years later, Colorado passed a more restrictive term limit initiative of 6 years in the House and 12 years in the Senate. Since 1990, 22 other States passed some form of term-limits with the support of over 25 million Americans. However, in 1995, the Supreme Court ruled that State set term-limits for Federal officials were unconstitutional. With the Supreme Court's decision in mind, Colorado voters passed amendment 12 in 1996. The Term Limits Initiative calls for Colorado's elected officials to introduce term-limit legislation, vote in favor of the Congressional Term Limits Amendment, and states that if a member of the congressional delegation does not vote in favor of the amendment then the designation of disregarded voter instruction on term-limits next to their name on the ballot.

Mr. President, at this time I ask unanimous consent to insert into the RECORD a copy of the amendment 12 language at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLARD. Mr. President, while I believe that States should have the opportunity to set limits for their elected officials, as Colorado has done on a number of occasions, the Supreme Court's decision has left this important decision up to us. Some have argued that there is little chance that Members of Congress will ever limit their own terms and thereby limit their power. While there is some merit to this argument, I must say that this gives us a great opportunity to show that we, as elected officials, can heed the will of the people and impose term-limits on ourselves.

I began fighting for term-limits while in the State Senate of Colorado and was one of four State senators to stand-up on the Colorado Senate floor in favor of them. As a Member of the House of Representatives, I introduced and co-sponsored numerous pieces of term-limit legislation. I was very proud to be a part of the 104th Congress where we voted for the first time in history on a term-limit constitutional amendment.

I have always believed that our elected officials should be citizen legislators. Citizens from all walks of life with new ideas, thoughts and private work experience fresh in their memory should have a chance to serve. Term-limits will ensure that lawmakers do not become too far-removed from their constituents and will allow more citizens the opportunity to serve. Our legislatures will have a better understanding of main street and how their laws and actions affect the everyday lives of working men and women.

We find the concept of a citizen legislature in the very foundation of this country. In Article 57 of the Federalist Papers, my most admired historical figure, James Madison wrote:

> The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of society; and in the next place, to take the most effectual precautions for keeping them virtuous whilest they continue to hold their public trust. The elective mode of obtaining rulers is the characteristic policy of republican government. The means relied on in this form of government for preventing their degeneracy are numerous and various. The most effectual one is such a limitation of the term of appointments as will maintain a proper responsibility to the people.

Mr. President, I wholehearted agree with Mr. Madison and his assessment. Despite the large classes in 1994 and 1996, incumbent re-election rates still exceed 90 percent. Term-limits at the State and local levels have made our elections more open and competitive thereby opening the doors to all Americans and allowing for a more diverse legislature. Federal elections would be re-energized by opening-up politics to many people who have been excluded by career incumbents. If people call for more representation by women and minorities, then they should be strong supporters of term-limits. In 1992, 22 of the 24 new women elected to the U.S. House of Representatives were elected in open seats, but only 2 of the 42 women candidates who challenged an incumbent were successful.

While I agree with many who call for campaign finance reform, only term-limits will truly change the incentives for seeking office. They are a positive tool to break the cycle of excluding those citizens who want to run for election to Federal office but cannot overcome the largest obstacle of all—incumbency and name identification—regardless of the campaign laws and the amount spent on a campaign.

I have also heard that if the Framers believed term-limits were so important, they would have placed them in the Constitution from the outset. This is the same argument I hear concerning the balanced budget amendment. My belief is that the Framers never thought persistent deficits or spending one's career in political office would be a problem. They believed that serving would always be a brief period in one's life and would never be seen as a career. However, it is now clear that only a Constitutional amendment getting term-limits will ensure that the citizen legislator is reestablished as envisioned by the Framers of the Constitution.

I am pleased to carry on the tradition and hard work of my predecessor Senator Hank Brown. Senator Brown was a leader in this body for term-limits and I am proud to serve in a like manner and continue to fight for term-limits and the will of the people of Colorado.

Mr. President, early in this session, we will have an opportunity to make good on our campaign promises on term-limits. We must bring business-as-usual to an end and return the power back to the people. I urge all my colleagues to join this fight and begin to make true changes in the way this Congress operates. It is time to bring back the citizen legislator and reconnect our elected officials to the people whom they serve.

EXHIBIT 1

PROPOSAL OF TEXT OF AMENDMENT 12—TERM LIMITS

Be it Enacted by the People of the State of Colorado:

Article XVIII, section 12.

(1) CONGRESSIONAL TERM LIMITS AMENDMENT.

The exact language for addition to the United States Constitution follows:

Section 1: No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section 2: No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve for more than one additional term.

Section 3: This amendment shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several states.

(2) VOTER INSTRUCTION TO STATE LEGISLATORS.

(a) The voters instruct each state legislator to vote to apply for an amendment-proposing convention under Article V of the United States Constitution and to ratify the Congressional Term Limits Amendment when referred to the states.

(b) All election ballots shall have "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" designated next to the name of each state legislator who fails to comply with the terms of subsection (5)(b).

(c) Said ballot designation shall not appear after the Colorado legislature has made an Article V application that has not been withdrawn and has ratified the Congressional Term Limits Amendment, when proposed.

(3) VOTER INSTRUCTION TO MEMBERS OF CONGRESS.

(a) The voters instruct each member of the congressional delegation to approve the Congressional Term Limits Amendment.

(b) All election ballots shall have "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" designated next to the name of each member of Congress who fails to comply with the terms of subsection (5)(b).

(c) Said ballot designation shall not appear after the Congressional Term Limits Amendment is before the states for ratification.

(4) VOTER INSTRUCTION TO NON-INCUMBENTS.

The words "DECLINED TO TAKE PLEDGE TO SUPPORT TERM LIMITS" shall be designated on all primary and general election ballots next to the names of non-incumbent candidates for United States senator, United States representative, state senator, and state representative who have not signed the pledge to support term limits unless the Colorado legislature has ratified the Congressional Term Limits Amendment.

The pledge shall read:

I pledge to use all my legislative powers to enact the proposed Congressional Term Limits Amendment set forth in Article XVIII, section 12. If elected, I pledge to vote in such a way that the designation "DISREGARDED VOTER INSTRUCTION TERM LIMITS" will not appear next to my name.

Signature of Candidate:

(5) DESIGNATION PROCESS.

(a) The Colorado secretary of state shall determine these ballot designations. The ballot designation shall appear unless clear and convincing evidence establishes that the candidate has honored voter instructions or signed the pledge in this subsection (4). Challenges to designation or lack of designation shall be filed with the Colorado supreme court within 5 days of the determination and shall be decided within 21 days after filing. Determinations shall be made public 30 days or more before the Colorado secretary of state certifies the ballot.

(b) Non-compliance with voter instruction is demonstrated by any of the following actions with respect to the application or ratification by state legislators, and in the case of members of Congress referring the Congressional Term Limits Amendment for ratification, if the legislator:

(i) fails to vote in favor when brought to a vote;

(ii) fails to second if it lacks one;

(iii) fails to vote in favor of all votes bringing the measure before any committee in which he or she serves;

(iv) fails to propose or otherwise bring to a vote of the full legislative body, if necessary;

(v) fails to vote against any attempt to delay, table or otherwise prevent a vote by the full legislative body or committee;

(vi) fails in any way to ensure that all votes are recorded and made available to the public;

(vii) fails to vote against any change, addition or modification; or

(viii) fails to vote against any amendment with longer limits than the Congressional Term Limits Amendment.

(6) ENFORCEMENT.

Any legal challenge to this section 12 shall be an original action filed with the Colorado supreme court. All terms of this section 12 are severable.

Mr. THURMOND. Mr. President, I rise to discuss the pending nomination of Mr. Federico Peña, who has been nominated to serve as Secretary of Energy. The Armed Services Committee recently held a hearing to receive testimony from Mr. Peña on his views and positions relative to Department of Energy Programs that fall within the jurisdiction of the Armed Services Committee.

The purpose of the hearing was to explore Mr. Peña's proposals for the Department's critical national security programs and to allow him the opportunity to establish a coherent record of his views regarding these programs. The Committee felt such a record needed to be established, because Mr. Peña has no background in national security matters and, prior to last week's hearing, he had no identifiable position on defense issues that Senators could use to assess his suitability to manage the Department's diverse national security activities.

I want to state very clearly that the purpose of this hearing was to provide Mr. Peña with an opportunity to discuss his views. It was never our intent to delay his nomination or to interfere with the customary reporting process for his nomination in any way. I worked very closely with Senator MURKOWSKI to ensure that this hearing focused only on the Department's defense missions and did not infringe on the Energy Committee's jurisdiction. Senator MURKOWSKI was exceptionally helpful in coordinating the activities of our two committees and I applaud his leadership in this matter.

Regarding Mr. Peña's qualifications, let me say that I find him to be intelligent, thoughtful, and a quick study. If confirmed, I believe he will bring much-needed management ability to the Department—something that has been lacking for the past 4 years. However, the members of the Armed Services Committee take the Department of Energy's national security and defense environmental cleanup missions very seriously. It is our responsibility to thoroughly assess the qualifications of those nominated to head this agency and make public our findings and concerns.

Mr. President, for some time now, the Armed Services Committee has expressed its concern regarding the Department's approach to maintaining the reliability and safety of the Nation's enduring nuclear weapons stockpile. We are concerned that the Department's proposed Science-based Stockpile Stewardship and Management Plan may unnecessarily put our enduring nuclear forces at risk—both in terms of safety and reliability. We are concerned that the Department's plan to restore tritium production capabilities are not realistic and won't deliver the required quantities of tritium in the timeframe needed by the Department of Defense. We are further concerned that the pace of cleanup at former nuclear defense facilities may not be aggressive enough to meet the Department's stated 10-year cleanup goal.

We discussed these issues and others with Mr. Peña and generally found his responses to be informed and reasoned. Unfortunately, on at least two critical issues, Mr. Peña's testimony caused some level of concern.

When asked what action he would take in a hypothetical situation where he was informed by all three DOE weapons laboratory directors that a significant safety problem existed in a nuclear weapon in the U.S. stockpile and that the only feasible way to fix that problem was to conduct an underground nuclear test, Mr. Peña stated that he would present the relevant information to the President, but steadfastly refused to acknowledge his responsibility to make a test or don't test recommendation to the President. I found his response troubling.

Mr. President, as the U.S. nuclear stockpile ages, the hypothetical situation I just described is not only plausible, but one that we could face in the very near future. Unfortunately, Mr. Peña's response was less than forthright. We expect every Cabinet Secretary to present all the relevant information to the President, but in this hypothetical, the Secretary would be required to do more than that. This situation requires that the Secretary of Energy make a recommendation to the President. Mr. Peña's refusal to commit to making such a recommendation raised considerable doubt regarding his understanding of the role that the Secretary of Energy plays in advising the President on nuclear matters and leads me to question his willingness to carry out the responsibilities of the Secretary of Energy.

My fear is that Mr. Peña does not recognize that our current confidence in the U.S. nuclear stockpile could diminish rapidly in the near future. The next Secretary of Energy must understand this reality and demonstrate a commitment to take all actions necessary to maintain the safety and reliability of our enduring nuclear deterrent. If he is confirmed, I hope to work closely with Mr. Peña to ensure the Department does not back away from its obligations in this area.

I also found Mr. Peña's commitment to restore U.S. tritium production less than satisfactory.

For my colleagues who do not know, tritium is a radioactive gas that is required in all modern nuclear weapons in the U.S. stockpile. Without tritium, our nuclear weapons cannot function. Because tritium decays at a rate of 5 and 5½ percent per year, it must be replaced in weapons at regular intervals. The U.S. stopped producing tritium in 1988 and current supplies are being exhausted.

The Department has pursued nearly a dozen different technical options for tritium production—at great cost to the taxpayers—and we are still no closer to restoring tritium production today than we were almost a decade ago. Meanwhile, our supply of tritium continues to degrade and our nuclear deterrent, which has served to protect this Nation for over 50 years, becomes incrementally less effective with each passing year.

Congress has consistently directed the Department to move more quickly to restore tritium production. In fact, the fiscal year 1997 Defense Authorization Act required DOE to make a decision on tritium this fiscal year. However, Mr. Peña endorsed the Department's current dual track strategy—which will not result in the selection of a preferred option until fiscal year 1999—but, he also stated his intent to explore a new, third option. This is a recipe for disaster that will result in further delays and even more wasted taxpayer dollars.

The Department should stop studying this issue and move forward with a decision. I believe that such a decision can and should be made this fiscal year and I will look toward the next Secretary of Energy to provide leadership in this area.

These are two issues of deep concern to me and other members of the Armed Services Committee. I am looking for Mr. Peña to provide the Senate a clear answer on nuclear testing and demonstrate that he is willing to move more quickly on restoring tritium. It will be difficult for me to fully support Mr. Peña's nomination unless these issues are addressed.

Let me state that while I am very concerned about these issues, I remain openminded regarding Mr. Peña's nomination. I have made available in room 228 of the Russell Building a copy of the hearing transcript and Mr. Peña's responses to advance policy questions and posthearing questions. I encourage my colleagues to review these materials. I am certain that they will find them highly useful in making an informed determination on Mr. Peña's pending nomination.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 36. Joint resolution approving the Presidential finding that the limitation on obligations imposed by section 518(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the populations planning program.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 21. Concurrent resolution providing for an adjournment of both Houses.

The message further announced that pursuant to the provisions of section 1295b(h) of title 46 App., United States Code, the Speaker appoints the following Member on the part of the House to the Board of Visitors to the U.S. Merchant Marine Academy: Mr. KING.

The message also announced that pursuant to section 127 of Public Law 97–377 (2 U.S.C. 88b–3), the Speaker appoints the following Members on the part of the House to the Page Board: Mrs. FOWLER and Mr. KOLBE.

The message further announced that pursuant to the provisions of section 194(a) of title 14, United States Code, the Speaker appoints the following Member on the part of the House to the Board of Visitors to the U.S. Coast Guard Academy: Mrs. JOHNSON of Connecticut.

The message also announced that pursuant to the provisions of section 9355(a) of title 10, United States Code, the Speaker appoints the following Members on the part of the House to the Board of Visitors to the U.S. Air Force Academy: Mr. HEFLEY and Mr. YOUNG of Florida.

The message further announced that pursuant to the provisions of Public Law 96–388, as amended by Public Law 97–84 (36 U.S.C. 1402(a)), the Speaker appoints the following Members on the part of the House to the U.S. Holocaust Memorial Council: Mr. GILMAN, Mr. REGULA, Mr. LATOURETTE, and Mr. FOX.

The message also announced that pursuant to the provisions of sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42–43) the Speaker appoints the following Members on the part of the House to the Board of Regents of the Smithsonian Institution: Mr. LIVINGSTON and Mr. SAM JOHNSON of Texas.

The message further announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), the Speaker appoints the following Members on the part of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Mr. GINGRICH and Mr. MCDADE.

The message also announced that pursuant to the provisions of section 1505 of Public Law 99–498 (20 U.S.C. 4412), the Speaker appoints the following Member on the part of the House to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development: Mr. YOUNG of Alaska.

The message further announced that pursuant to the provisions of section 6968(a) of title 10, United States Code, the Speaker appoints the following Members on the part of the House to the Board of Visitors to the U.S. Naval Academy: Mr. GILCHREST and Mr. SKEEN.

The message also announced that pursuant to the provisions of section 4355(a) of title 10, United States Code, the Speaker appoints the following Members on the part of the House to the Board of Visitors to the U.S. Military Academy: Mrs. KELLY and Mr. TAYLOR of North Carolina.

At 5:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 581. An act to amend Public Law 104–208 to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.J. Res. 36. Joint resolution approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 581. An act to amend Public Law 104–208 to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1092. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a report relative to criminal law jurisdiction; to the Committee on Armed Services.

EC–1093. A communication from the Chairman and Finance Committee Chairman of the Federal Election Commission, transmitting, pursuant to law, a supplemental request for funds for fiscal year 1997; to the Committee on Rules and Administration.

EC–1094. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Revenue Procedure 97–17 received on February 11, 1997; to the Committee on Finance.

EC–1095. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Walnuts Grown in California" (FV96–984–1) received on February 11, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1096. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of an intention concerning the allocation of funds; to the Committee on Foreign Relations.

EC–1097. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on economic policy and trade practices; to the Committee on Foreign Relations.

EC–1098. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report on the rule relative to international accounting rates, received on February 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1099. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to whale protection, (0648–AJ03) received on February 12, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1100. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule regarding the USEC Privatization Act (received on February 12, 1997); to the Committee on Environment and Public Works.

EC–1101. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule regarding Fissile Material Shipments (received on February 6, 1997); to the Committee on Environment and Public Works.

EC–1102. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule relative to pesticide tolerance for emergency exemptions, (FRL–5585–1), received on February 12, 1997; to the Committee on Environment and Public Works.

EC–1103. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule relative to single-employer plans, received on February 11, 1997; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–32. A resolution adopted by the Sevierville, Tennessee Board of Mayor and Alderman relative to the Pigeon River; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MOSELEY-BRAUN (for herself and Mrs. Murray):

S. 320. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women; to the Committee on Finance.

By Mr. GREGG:

S. 321. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide for personal investment plans funded by employee social security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Finance.

By Mr. GRAMS (for himself, Mr. Feingold, Mr. Abraham, Mr. Conrad, Mr. Dorgan, Mr. Kerrey, Mr. Kohl, Mr. Kyl, Mr. Levin, Ms. Moseley-Braun, Mr. Hagel, and Mr. Wellstone):

S. 322. A bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provisions; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SHELBY (for himself, Mr. Byrd, Mr. Coverdell, Mr. Craig, Mr. Faircloth, Mr. Gregg, Mr. Helms, Mr. Hutchinson, Mr. Inhofe, Mr. Lugar, Mr. Santorum, Mr. Thurmond, Mr. Sessions, Mr. Cochran, Mr. Murkowski, Mr. Enzi, and Mr. Hagel):

S. 323. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Governmental Affairs.

By Mrs. MURRAY (for herself and Mr. Campbell):

S. 324. A bill to amend title 32, United States Code, to provide that performance of honor guard functions at funerals for veterans by members of the National Guard may be recognized as a Federal function for National Guard purposes; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. Feingold, Mr. Leahy, and Mr. Kohl):

S. 325. A bill to repeal the percentage depletion allowance for certain hardrock mines; the Committee on Finance.

By Mr. BUMPERS (for himself, Mr. Leahy, and Mr. Kohl):

S. 326. A bill to provide for the reclamation of abandoned and hardrock mines, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BUMPERS (for himself, Mr. Akaka, Mr. Leahy, Mr. Feingold, and Mr. Kohl):

S. 327. A bill to ensure that federal taxpayers receive a fair return for the extraction of locatable minerals on public domain lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON (for himself, Mr. Nickles, Mr. Warner, Mr. Mack, Mr. Kyl, Mr. Brownback, Mr. Cochran, Mr. Roberts, Mr. Hatch, Mr. Gorton, Mr. Enzi, Mr. Gregg, Mr. Allard, Mr. Lott, Mr. Sessions, Mr. Faircloth):

S. 328. A bill to amend the National Labor Relations Act to protect employer rights, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM:

S. 329. A bill to provide that pay for Members of Congress shall be reduced whenever total expenditures of the Federal Government exceed total receipts in any fiscal year, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BREAUX (for himself and Mr. Shelby):

S. 330. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. Kempthorne, Mr. Bingaman, Mr. Conrad, Mr. Craig, Mr. Domenici, Mr. Thomas, and Mr. Daschle):

S. 331. A bill to amend title 23, United States Code, to provide a minimum allocation of highway funds for States that have low population densities and comprise large geographic areas; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself, Mr. Conrad, Mr. Kennedy, Mr. Dorgan, Ms. Mikulski, and Mr. Levin):

S. 332. A bill to prohibit the importation of goods produced abroad with child labor, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 333. A bill to increase the period of availability of certain emergency relief funds allocated under section 125 of title 23, United States Code, to carry out a project to repair or reconstruct a portion of a Federal-aid primary route in San Mateo, California.

By Mr. MOYNIHAN:

S. 334. A bill to amend section 541 of the National Housing Act with respect to the partial payment of claims on health care facilities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself, Mr. Graham, Mr. Hollings, Mr. Faircloth, Mr. Lugar, Mr. Ford, Mrs. Hutchison, Mr. Inhofe, Mr. Nickles, Mr. Breaux, Mr. Helms, Mr. Coats, Mr. McConnell, Mr. Shelby, Mr. Bond, Mr. Thurmond, Mr. Sessions, Mr. Hutchinson, Mr. Gramm, Mr. Robb, Mr. Coverdell, Mr. Cleland, and Mr. Grams):

S. 335. A bill to authorize funds for construction of highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SARBANES:

S. 336. A bill to convert certain excepted service positions in the United States Fire Administration to competitive service positions, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HUTCHINSON (for himself, Mr. HAGEL, Mr. ABRAHAM, Mr. NICKLES, and Mr. HELMS):

S. 337. A bill to amend the Foreign Assistance Act of 1961 to restrict assistance to foreign organizations that perform or actively promote abortions; to the Committee on Foreign Relations.

Mr. COVERDELL (for himself and Mr. CLELAND):

S. 338. A bill to designate the J. Phil Campbell, Senior Natural Resource Conservation Center; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. HELMS, and Mr. ROBB):

S. 339. A bill to amend title 18, United States Code, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. CONRAD Mr. KENNEDY, Mr. DORGAN, Ms. MIKULSKI, and Mr. LEVIN):

S. 340. A bill to prohibit the importation of goods produced abroad with child labor, and for other purposes; to the Committee on Finance.

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 341. A bill to establish a bipartisan commission to study and provide recommendations on restoring the financial integrity of the medicare program under title XVIII of the Social Security Act; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. FEINGOLD, Mr. KOHL, Mr. JEFFORDS, Mr. LEAHY, Mr. WELLSTONE, Ms. SNOWE, Ms. COLLINS, and Mr. GRAMS):

S. Res. 55. A resolution expressing the sense of the Senate regarding the need to address immediately the decline in milk prices; considered and agreed to.

By Mr. SPECTER (for himself, Mr. SANTORUM, Ms. SNOWE, Mr. WARNER, Mr. GRASSLEY, Mr. SHELBY, Mr. THURMOND, Mr. ROTH, Mr. D'AMATO, Mr. COCHRAN, Mr. DOMENICI, Mr. GREGG, Mr. ABRAHAM, Mr. JEFFORDS, Mr. FAIRCLOTH, Mr. THOMPSON, Mr. COVERDELL, Mr. CHAFEE, Mr. KENNEDY, Mr. DURBIN, Mr. GLENN, Mr. KOHL, Mr. GRAHAM, Mr. BIDEN, Mr. ROBB, Mr. REID, Ms. MOSELEY-BRAUN, Mr. KERRY, Ms. MIKULSKI, Mr. REED, Mr. LEVIN, Mr. HOLLINGS, Mr. INOUYE, Mr. LIEBERMAN, Mrs. BOXER, Mr. MOYNIHAN, Mrs. FEINSTEIN, Mr. WYDEN, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BYRD, Mr. SARBANES, Mr. DODD, and Mr. TORRICELLI):

S. Res. 56. A resolution designating March 25, 1997, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. BOND, Mr. BURNS, Mr. CONRAD, Mr. COCHRAN, Mr. CRAIG, Mr. DASCHLE, Mr. GORTON, Mr. KERREY, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. SMITH, and Mr. REID):

S. Res. 57. A resolution to support the commemoration of the bicentennial of the Lewis and Clark Expedition; to the Committee on Energy and Natural Resources.

By Mr. ROTH (for himself, Mr. THOMAS, Mr. MACK, and Mr. ROCKEFELLER):

S. Res. 58. A resolution to state the sense of the Senate that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan, and the countries of the Asia-Pacific region, and that the people of Okinawa deserve recognition for their contributions toward ensuring the Treaty's implementation; to the Committee on Foreign Relations.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN (for herself and Mrs. MURRAY):

S. 320. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women; to the Committee on Finance.

THE COMPREHENSIVE WOMEN'S PENSION PROTECTION ACT OF 1997

Ms. MOSELEY-BRAUN. Mr. President, I introduce the Comprehensive Women's Pension Protection Act of 1997. At the end of the 104th Congress, Congresswoman KENNELLY and I introduced the Comprehensive Women's Pension Protection Act of 1996. When we introduced that legislation at the end of the last Congress we made a commitment to reintroduce this legislation at the beginning of the 105th Congress and to make women's retirement security a priority in the 105th Congress. Today we are keeping that promise.

The Comprehensive Women's Pension Protection Act of 1997 combines some of the best ideas on women's pension legislation that have come before the House or the Senate and new proposals to increase the security, equity, and accessibility of our pension system.

Many of America's women are facing a retirement without economic security. The majority of the elderly in this country are, and will continue to be, women, and our retirement system is failing them.

Younger women are not earning sufficient pension benefits to provide for their secure retirement. Due to the demands of child rearing and elder care, which often take women out of the workforce for a time, and to lower lifetime earnings due to continuing wage inequities, the average 35-year-old woman with a $50,000 salary must have accumulated retirement savings of $35,000 in order to have a comfortable retirement. A man need only have saved $3,000 by the time he is 35.

Many older women worked in the home or took time off to raise families, and when they worked outside the home were paid less than male counterparts resulting in little or no pension benefits of their own. For many older women too, widowhood or divorce can rob them of their part of their husband's pension benefits. To ensure that the golden years are not the disposable years women need to take charge of their own retirement, but Congress must ensure that the Nation's retirement system enables them to do so.

On May 14, of last year I introduced, and many of my colleagues cosponsored, the Women's Pension Equity Act of 1996, to begin to address one of the leading causes of poverty for the elderly—little or no pension benefits. Less than a third of all female retirees have pensions, and the majority of those that do earn less than $5,000 a year. The lack of pension benefits for many women means the difference between a comfortable retirment and a difficult one. Three of the six provisions of that bill are now law.

This legislation is a continuation of my effort to enact real pension reforms that will allow women to achieve a secure retirement. Since introducing the first of my women's pension equity bills, I have heard from hundreds of women from States across the country about the need for pension policy that allows women to retire with dignity.

Addressing pension issues is an integral part of the solution to women's economic insecurity. In addition, pension issues are critical to our Nation as a whole. In light of the demographic trends facing America, retirement security is increasingly important to the quality of life of all of our citizens. Social Security is the focus of much discussion and debate in Congress and throughout the Nation, and it should be. However, addressing the problems facing Social Security alone will not provide women, or any American, with the tools to create a secure retirement. The intent, from its inception, was that Social Security would provide a floor—a minimum amount of resources for retirement. The average retiree will only have about 40 percent of his or her wages replaced by Social Security.

Clearly, women must take charge of their own retirement and not just rely on Social Security. I have advocated that every woman create her own "pension eight" checklist to prepare for economic security. The 8 items that should be on any woman's checklist include: (1) finding out if she is earning or has ever earned a pension; (2) learning if her employer has a pension plan, and how to be eligible for the plan; (3)

contributing to a pension plan if she has the chance; (4) not spending pension earnings if given a one-time payment when leaving a job: (5) if married, finding out if her husband has a pension; (6) not signing away a future right to her husband's pension if he dies; (7) during a divorce, considering the pension as a valuable, jointly earned asset to be divided; and (8) finding out about pension rights and fighting for them.

Even when women take charge of their own retirement, however, they can face a brick wall of pension law that prevents them from investing enough for their future. Pension laws were not written to reflect the patterns of women's work or women's lives. Women are more likely to move in and out of the workforce, work at home, earn less for the work they do, and work in low paying industries. These factors limit our ability to access or accrue pension benefits. Women are also more likely to be widowed or divorced, live alone, and live longer in their retirement years, leaving them without adequate coverage.

This bill, which is also being introduced in the House of Representatives today by Congresswoman KENNELLY, a long-time champion of women's pension rights, addresses the range of concerns that women face as they consider retirement.

This legislation preserves women's pensions by ending the practice of integration by the year 2004, the practice whereby pension benefits are reduced by a portion of Social Security benefits. It provides for the automatic division of pensions upon divorce if the divorce decree is silent on pension benefits. It allows a widow or divorced widow to collect her husband's civil service pension if he leaves his job and dies before collecting benefits. And it continue the payment of court ordered Tier II railroad retirement benefits to a divorced widow.

This legislation protects women's pensions by prohibiting 401(k) plans, the fastest growing type of plans in the country, from investing employee contributions in the company's own stock. It requires annual benefits statements for plan participants. And it applies spousal consent rules governing pension fund withdrawals to 401(k) plans.

This legislation helps prepare women for retirement by creating a women's pension hotline, providing a real opportunity for women to get answers to their questions.

By preserving and protecting women's pensions, we in Congress can provide women with the tools they need to prepare for their own retirement. By reintroducing this legislation today we are giving notice that pension policy will be at the top of the agenda for the 105th Congress.

Pension policy decisions will determine, in no small part, the kind of life Americans will live in their older years. With a baby boomer turning 50 every 9 seconds, we cannot ignore the problems facing people as they grow older. Now, more than ever, all Americans need to consider the role that pensions play in determining the kind of life every American will lead. We look forward to being joined, on a bipartisan basis, by all of our colleagues in the fight for pension equity.

Senator MURRAY joins me today in introducing the Comprehensive Women's Pension Protection Act of 1997. Mr. President, I ask unanimous consent that a summary of the bill and a copy of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Women's Pension Protection Act of 1997".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title.

TITLE I—PENSION REFORM

Sec. 101. Pension integration rules.
Sec. 102. Application of minimum coverage requirements with respect to separate lines of business.
Sec. 103. Division of pension benefits upon divorce.
Sec. 104. Clarification of continued availability of remedies relating to matters treated in domestic relations orders entered before 1985.
Sec. 105. Entitlement of divorced spouses to railroad retirement annuities independent of actual entitlement of employee.
Sec. 106. Effective dates.

TITLE II—PROTECTION OF RIGHTS OF FORMER SPOUSES TO PENSION BENEFITS UNDER CERTAIN GOVERNMENT AND GOVERNMENT-SPONSORED RETIREMENT PROGRAMS

Sec. 201. Extension of tier II railroad retirement benefits to surviving former spouses pursuant to divorce agreements.
Sec. 202. Survivor annuities for widows, widowers, and former spouses of Federal employees who die before attaining age for deferred annuity under civil service retirement system.
Sec. 203. Court orders relating to Federal retirement benefits for former spouses of Federal employees.

TITLE III—REFORMS RELATED TO 401(K) PLANS

Sec. 301. Requirement of annual, detailed investment reports applied to certain 401(k) plans.
Sec. 302. Section 401(k) investment protection.

TITLE IV—MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS

Sec. 401. Modifications of joint and survivor annuity requirements.

TITLE V—SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(K) PLANS

Sec. 501. Spousal consent required for distributions from section 401(k) plans.

TITLE VI—WOMEN'S PENSION TOLL-FREE PHONE NUMBER

Sec. 601. Women's pension toll-free phone number.

TITLE VII—PERIODIC PENSION BENEFITS STATEMENTS

Sec. 701. Periodic pension benefits statements.

TITLE I—PENSION REFORM

SEC. 101. PENSION INTEGRATION RULES.

(a) APPLICABILITY OF NEW INTEGRATION RULES EXTENDED TO ALL EXISTING ACCRUED BENEFITS.—Notwithstanding subsection (c)(1) of section 1111 of the Tax Reform Act of 1986 (relating to effective date of application of nondiscrimination rules to integrated plans) (100 Stat. 2440), effective for plan years beginning after the date of the enactment of this Act, the amendments made by subsection (a) of such section 1111 shall also apply to benefits attributable to plan years beginning on or before December 31, 1988.

(b) INTEGRATION DISALLOWED FOR SIMPLIFIED EMPLOYEE PENSIONS.—

(1) IN GENERAL.—Subparagraph (D) of section 408(k)(3) of the Internal Revenue Code of 1986 (relating to permitted disparity under rules limiting discrimination under simplified employee pensions) is repealed.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of such section 408(k)(3) is amended by striking "and except as provided in subparagraph (D),".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to taxable years beginning on or after January 1, 1998.

(c) EVENTUAL REPEAL OF INTEGRATION RULES.—Effective for plan years beginning on or after January 1, 2004—

(1) subparagraphs (C) and (D) of section 401(a)(5) of the Internal Revenue Code of 1986 (relating to pension integration exceptions under nondiscrimination requirements for qualification) are repealed, and subparagraph (E) of such section 401(a)(5) is redesignated as subparagraph (C); and

(2) subsection (*l*) of section 401 of such Code (relating to nondiscriminatory coordination of defined contribution plans with OASDI) is repealed.

SEC. 102. APPLICATION OF MINIMUM COVERAGE REQUIREMENTS WITH RESPECT TO SEPARATE LINES OF BUSINESS.

(a) IN GENERAL.—Subsection (b) of section 410 of the Internal Revenue Code of 1986 (relating to minimum coverage requirements) is amended—

(1) in paragraph (1), by striking "A trust" and inserting "In any case in which the employer with respect to a plan is treated, under section 414(r), as operating separate lines of business for a plan year, a trust", and by inserting "for such plan year" after "requirements"; and

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively and by inserting after paragraph (2) the following new paragraph:

"(3) SPECIAL RULE WHERE EMPLOYER OPERATES SINGLE LINE OF BUSINESS.—In any case in which the employer with respect to a plan is not treated, under section 414(r), as operating separate lines of business for a plan year, a trust shall not constitute a qualified trust under section 401(a) unless such trust is designated by the employer as part of a plan which benefits all employees of the employer.".

(b) LIMITATION ON LINE OF BUSINESS EXCEPTION.—Paragraph (6) of section 410(b) of such Code (as redesignated by subsection (a)(2) of this section) is amended by inserting "other than paragraph (1)(A)" after "this subsection".

SEC. 103. DIVISION OF PENSION BENEFITS UPON DIVORCE.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (1) of section 414(p) of the Internal Revenue Code of 1986 (relating to qualified domestic relations order defined) is amended by adding at the end the following new subparagraph:

"(C) DEEMED DOMESTIC RELATIONS ORDER UPON DIVORCE.—

"(i) IN GENERAL.—Except as provided in clause (iv), a domestic relations order with respect to a marriage of at least 5 years duration between the participant and the former spouse (including an annulment or other order of marital dissolution) shall, if the former spouse, within 60 days after the receipt of notice under paragraph (6)(B)(i)(II), so elects, be deemed by the plan to be a domestic relations order that specifies that 50 percent of the marital share of the participant's accrued benefit is to be provided to such former spouse.

"(ii) MARITAL SHARE.—The marital share shall be the accrued benefit of the participant under the plan as of the date of the first payment under the plan (to the extent such accrued benefit is vested at the date of the divorce or any later date) multiplied by a fraction, the numerator of which is the period of participation by the participant under the plan starting with the date of marriage and ending with the date of divorce, and the denominator of which is the total period of participation by the participant under the plan.

"(iii) INTERPRETATION AS QUALIFIED DOMESTIC RELATIONS ORDER.—Each plan shall establish reasonable rules for determining how any such deemed domestic relations order is to be interpreted under the plan so as to constitute a qualified domestic relations order that satisfies paragraphs (2) through (4) (and a copy of such rules shall be provided to such former spouse promptly after delivery of the divorce decree). Such rules—

"(I) may delay the effect of such an order until the earlier of the date the participant is fully vested or has terminated employment,

"(II) may allow the former spouse to be paid out immediately,

"(III) shall permit the former spouse to be paid not later than the earliest retirement age under the plan or the participant's death,

"(IV) may require the submitter of the divorce decree to present a marriage certificate or other evidence of the marriage date to assist in benefit calculations, and

"(V) may conform to the rules applicable to qualified domestic relations orders regarding form or type of benefit.

"(iv) APPLICATION.—This subparagraph shall not apply—

"(I) if the domestic relations order states that pension benefits were considered by the parties and no division is intended, or

"(II) to the extent that a qualified domestic relations order issued in connection with such divorce provides otherwise.".

(2) NOTIFICATION PROCEDURES.—Section 414(p)(6) of such Code (relating to plan procedures with respect to orders) is amended by striking subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting before subparagraph (C) (as so redesignated) the following new subparagraphs:

"(A) NOTICE AND DETERMINATION BY ADMINISTRATOR.—In the case of any domestic relations order received by a plan, including such an order received under subparagraph (B) or section 4980B(f)(6)(C)—

"(i) within 14 days after receipt of such order, the plan administrator shall—

"(I) notify the participant and each alternate payee of the receipt of such order and the plan's procedures for determining the qualified status of domestic relation orders, and

"(II) notify the former spouse of such former spouse's rights under paragraph (1)(C), and

"(ii) within a reasonable period after receipt of such order, the plan administrator shall determine whether such order is a qualified domestic relations order and notify the participant and each alternate payee of such determination.

"(B) NOTIFICATION OF PLAN ADMINISTRATOR.—In the case of a domestic relations order which is not a qualified domestic relations order, each plan—

"(i) shall require that each participant is responsible for notifying the plan administrator of the occurrence of a divorce of the participant from the former spouse and for delivery to the plan administrator of the domestic relations order along with the information required by paragraph (2)(A) within 60 days after the date of the divorce, and

"(ii) shall allow a former spouse to so notify the plan administrator and deliver to the plan administrator the domestic relations order within 60 days after the date of the divorce.".

(b) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subsection (d)(3)(B) of section 206 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056) is amended—

(A) by striking "this paragraph—" and inserting "this paragraph:",

(B) in clause (i)—

(i) by striking "the term" and inserting "The term", and

(ii) by striking "met, and" and inserting "met.",

(C) in clause (ii), by striking "the term" and inserting "The term", and

(D) by adding at the end the following new clause:

"(iii)(I) Except as provided on subclause (IV), a domestic relations order with respect to a marriage of at least 5 years duration between the participant and the former spouse (including an annulment or other order of marital dissolution) shall, if the former spouse, within 60 days after the receipt of notice under subparagraph (G)(ii)(I)(bb), so elects, be deemed by the plan to be a domestic relations order that specifies that 50 percent of the marital share of the participant's accrued benefit is to be provided to such former spouse.

"(II) The marital share shall be the accrued benefit of the participant under the plan as of the date of the first payment under the plan (to the extent such accrued benefit is vested at the date of the divorce or any later date) multiplied by a fraction, the numerator of which is the period of participation by the participant under the plan starting with the date of marriage and ending with the date of divorce, and the denominator of which is the total period of participation by the participant under the plan.

"(III) Each plan shall establish reasonable rules for determining how any such deemed domestic relations order is to be interpreted under the plan so as to constitute a qualified domestic relations order that satisfies subparagraphs (C) through (E) (and a copy of such rules shall be provided to such former spouse promptly after delivery of the divorce decree). Such rules—

"(aa) may delay the effect of such an order until the earlier of the date the participant is fully vested or has terminated employment,

"(bb) may allow the former spouse to be paid out immediately,

"(cc) shall permit the spouse to be paid not later than the earliest retirement age under the plan or the participant's death,

"(dd) may require the submitter of the divorce decree to present a marriage certificate or other evidence of the marriage date to assist in benefit calculations, and

"(ee) may conform to the rules applicable to qualified domestic relations orders regarding form or type of benefit.

"(IV) This clause shall not apply—

"(aa) if the domestic relations order states that pension benefits were considered by the parties and no division is intended, or

"(bb) to the extent that a qualified domestic relations order issued in connection with such divorce provides otherwise.".

(2) NOTIFICATION PROCEDURES.—Section 206(d)(3)(G) of such Act (29 U.S.C. 1056(d)(3)(G)) is amended by striking all matter before clause (ii), by redesignating clause (ii) as clause (iii), and by inserting before clause (iii) (as so redesignated) the following:

"(G)(i) In the case of any domestic relations order received by a plan, including such an order received under clause (ii) or section 606(a)(3)—

"(I) within 14 days after receipt of such order, the plan administrator shall—

"(aa) notify the participant and each alternate payee of the receipt of such order and the plan's procedures for determining the qualified status of domestic relation orders, and

"(bb) notify the former spouse of such former spouse's rights under subparagraph (B)(iii), and

"(II) within a reasonable period after receipt of such order, the plan administrator shall determine whether such order is a qualified domestic relations order and notify the participant and each alternate payee of such determination.

"(ii) In the case of a domestic relations order which is not a qualified domestic relations order, each plan—

"(I) shall require that each participant is responsible for notifying the plan administrator of the occurrence of a divorce of the participant from the former spouse and for delivery to the plan administrator of the domestic relations order along with the information required by subparagraph (C)(i) within 60 days after the date of the divorce, and

"(II) shall allow a former spouse to so notify the plan administrator and deliver to the plan administrator the domestic relations order within 60 days after the date of the divorce.".

SEC. 104. CLARIFICATION OF CONTINUED AVAILABILITY OF REMEDIES RELATING TO MATTERS TREATED IN DOMESTIC RELATIONS ORDERS ENTERED BEFORE 1985.

(a) IN GENERAL.—In any case in which—

(1) under a prior domestic relations order entered before January 1, 1985, in an action for divorce—

(A) the right of a spouse under a pension plan to an accrued benefit under such plan was not divided between spouses,

(B) any right of a spouse with respect to such an accrued benefit was waived without the informed consent of such spouse, or

(C) the right of a spouse as a participant under a pension plan to an accrued benefit under such plan was divided so that the other spouse received less than such other spouse's pro rata share of the accrued benefit under the plan, or

(2) a court of competent jurisdiction determines that any further action is appropriate with respect to any matter to which a prior domestic relations order entered before such date applies,

nothing in the provisions of section 104, 204, or 303 of the Retirement Equity Act of 1984 (Public Law 98–397) or the amendments made thereby shall be construed to require or permit the treatment, for purposes of such provisions, of a domestic relations order, which is entered on or after the date of the enactment of this Act and which supersedes, amends the terms of, or otherwise affects such prior domestic relations order, as other than a qualified domestic relations order solely because such prior domestic relations order was entered before January 1, 1985.

(b) DEFINITIONS.—For purposes of this section—

(1) IN GENERAL.—Terms used in this section which are defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) shall have the meanings provided such terms by such section.

(2) PRO RATA SHARE.—The term "pro rata share" of a spouse means, in connection with an accrued benefit under a pension plan, 50 percent of the product derived by multiplying—

(A) the actuarial present value of the accrued benefit, by

(B) a fraction—

(i) the numerator of which is the period of time, during the marriage between the spouse and the participant in the plan, which constitutes creditable service by the participant under the plan, and

(ii) the denominator of which is the total period of time which constitutes creditable service by the participant under the plan.

(3) PLAN.—All pension plans in which a person has been a participant shall be treated as one plan with respect to such person.

SEC. 105. ENTITLEMENT OF DIVORCED SPOUSES TO RAILROAD RETIREMENT ANNUITIES INDEPENDENT OF ACTUAL ENTITLEMENT OF EMPLOYEE.

Section 2 of the Railroad Retirement Act of 1974 (45 U.S.C. 231a) is amended—

(1) in subsection (c)(4)(i), by striking "(A) is entitled to an annuity under subsection (a)(1) and (B)"; and

(2) in subsection (e)(5), by striking "or divorced wife" the second place it appears.

SEC. 106. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title, other than section 101, shall apply with respect to plan years beginning on or after January 1, 1998, and the amendments made by section 103 shall apply only with respect to divorces becoming final in such plan years.

(b) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, subsection (a) shall be applied to benefits pursuant to, and individuals covered by, any such agreement by substituting for "January 1, 1998" the date of the commencement of the first plan year beginning on or after the earlier of—

(1) the later of—

(A) January 1, 1999, or

(B) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(2) January 1, 2000.

(c) PLAN AMENDMENTS.—If any amendment made by this title requires an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after January 1, 2000, if—

(1) during the period after such amendment made by this title takes effect and before such first plan year, the plan is operated in accordance with the requirements of such amendment made by this title, and

(2) such plan amendment applies retroactively to the period after such amendment made by this title takes effect and such first plan year.

A plan shall not be treated as failing to provide definitely determinable benefits or contributions, or to be operated in accordance with the provisions of the plan, merely because it operates in accordance with this subsection.

TITLE II—PROTECTION OF RIGHTS OF FORMER SPOUSES TO PENSION BENEFITS UNDER CERTAIN GOVERNMENT AND GOVERNMENT-SPONSORED RETIREMENT PROGRAMS

SEC. 201. EXTENSION OF TIER II RAILROAD RETIREMENT BENEFITS TO SURVIVING FORMER SPOUSES PURSUANT TO DIVORCE AGREEMENTS.

(a) IN GENERAL.—Section 5 of the Railroad Retirement Act of 1974 (45 U.S.C. 231d) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of law, the payment of any portion of an annuity computed under section 3(b) to a surviving former spouse in accordance with a court decree of divorce, annulment, or legal separation or the terms of any court-approved property settlement incident to any such court decree shall not be terminated upon the death of the individual who performed the service with respect to which such annuity is so computed unless such termination is otherwise required by the terms of such court decree.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 202. SURVIVOR ANNUITIES FOR WIDOWS, WIDOWERS, AND FORMER SPOUSES OF FEDERAL EMPLOYEES WHO DIE BEFORE ATTAINING AGE FOR DEFERRED ANNUITY UNDER CIVIL SERVICE RETIREMENT SYSTEM.

(a) BENEFITS FOR WIDOW OR WIDOWER.—Section 8341(f) of title 5, United States Code, is amended—

(1) in the matter preceding paragraph (1) by—

(A) by inserting "a former employee separated from the service with title to deferred annuity from the Fund dies before having established a valid claim for annuity and is survived by a spouse, or if" before "a Member"; and

(B) by inserting "of such former employee or Member" after "the surviving spouse";

(2) in paragraph (1)—

(A) by inserting "former employee or" before "Member commencing"; and

(B) by inserting "former employee or" before "Member dies"; and

(3) in the undesignated sentence following paragraph (2)—

(A) in the matter preceding subparagraph (A) by inserting "former employee or" before "Member"; and

(B) in subparagraph (B) by inserting "former employee or" before "Member".

(b) BENEFITS FOR FORMER SPOUSE.—Section 8341(h) of title 5, United States Code, is amended—

(1) in paragraph (1) by adding after the first sentence "Subject to paragraphs (2) through (5) of this subsection, a former spouse of a former employee who dies after having separated from the service with title to a deferred annuity under section 8338(a) but before having established a valid claim for annuity is entitled to a survivor annuity under this subsection, if and to the extent expressly provided for in an election under section 8339(j)(3) of this title, or in the terms of any decree of divorce or annulment or any court order or court-approved property settlement agreement incident to such decree."; and

(2) in paragraph (2)—

(A) in subparagraph (A)(ii) by striking "or annuitant," and inserting "annuitant, or former employee"; and

(B) in subparagraph (B)(iii) by inserting "former employee or" before "Member".

(c) PROTECTION OF SURVIVOR BENEFIT RIGHTS.—Section 8339(j)(3) of title 5, United States Code, is amended by inserting at the end the following:

"The Office shall provide by regulation for the application of this subsection to the widow, widower, or surviving former spouse of a former employee who dies after having separated from the service with title to a deferred annuity under section 8338(a) but before having established a valid claim for annuity.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply only in the case of a former employee who dies on or after such date.

SEC. 203. COURT ORDERS RELATING TO FEDERAL RETIREMENT BENEFITS FOR FORMER SPOUSES OF FEDERAL EMPLOYEES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IN GENERAL.—Section 8345(j) of title 5, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) Payment to a person under a court decree, court order, property settlement, or similar process referred to under paragraph (1) shall include payment to a former spouse of the employee, Member, or annuitant.".

(2) LUMP-SUM BENEFITS.—Section 8342 of title 5, United States Code, is amended—

(A) in subsection (c) by striking "Lump-sum benefits" and inserting "Subject to subsection (j), lump-sum benefits"; and

(B) in subsection (j)(1) by striking "the lump-sum credit under subsection (a) of this section" and inserting "any lump-sum credit or lump-sum benefit under this section".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8467 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) Payment to a person under a court decree, court order, property settlement, or similar process referred to under subsection (a) shall include payment to a former spouse of the employee, Member, or annuitant.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE III—REFORMS RELATED TO 401(K) PLANS

SEC. 301. REQUIREMENT OF ANNUAL, DETAILED INVESTMENT REPORTS APPLIED TO CERTAIN 401(k) PLANS.

(a) IN GENERAL.—Section 104(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B)(i) If a plan includes a qualified cash or deferred arrangement (as defined in section 401(k)(2) of the Internal Revenue Code of 1986) and is maintained by an employer with less than 100 participants, the administrators shall furnish to each participant and to each beneficiary receiving benefits under the plan an annual investment report detailing such information as the Secretary by regulation shall require.

"(ii) Clause (i) shall not apply with respect to any participant described in section 404(c).".

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Labor, in prescribing regulations required under section 104(b)(3)(B)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(b)(3)(B)(i)), as added by subsection (a), shall consider including in the information required in an annual investment report the following:

(A) Total plan assets and liabilities as of the beginning and ending of the plan year.

(B) Plan income and expenses and contributions made and benefits paid for the plan year.

(C) Any transaction between the plan and the employer, any fiduciary, or any 10-percent owner during the plan year, including the acquisition of any employer security or employer real property.

(D) Any noncash contributions made to or purchases of nonpublicly traded securities made by the plan during the plan year without an appraisal by an independent third party.

(2) ELECTRONIC TRANSFER.—The Secretary of Labor in prescribing such regulations shall also make provision for the electronic transfer of the required annual investment report by a plan administrator to plan participants and beneficiaries.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 302. SECTION 401(k) INVESTMENT PROTECTION.

(a) LIMITATIONS ON INVESTMENT IN EMPLOYER SECURITIES AND EMPLOYER REAL PROPERTY BY CASH OR DEFERRED ARRANGEMENTS.—Paragraph (3) of section 407(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)) is amended by adding at the end the following new subparagraph:

"(D) The term 'eligible individual account plan' does not include that portion of an individual account plan that consists of elective deferrals (as defined in section 402(g)(3) of the Internal Revenue Code of 1986) pursuant to a qualified cash or deferred arrangement as defined in section 401(k) of the Internal Revenue Code of 1986 (and earnings thereon), if such elective deferrals (or earnings thereon) are required to be invested in qualifying employer securities or qualifying employer real property or both pursuant to the documents and instruments governing the plan or at the direction of a person other than the participant (or the participant's beneficiary) on whose behalf such elective deferrals are made to the plan. For the purposes of subsection (a), such portion shall be treated as a separate plan. This subparagraph shall not apply to an individual account plan if the fair market value of the assets of all individual account plans maintained by the employer equals not more than 10 percent of the fair market value of the assets of all pension plans maintained by the employer.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSITION RULE FOR PLANS HOLDING EXCESS SECURITIES OR PROPERTY.—

(A) IN GENERAL.—In the case of a plan which on the date of the enactment of this Act, has holdings of employer securities and employer real property (as defined in section 407(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)) in excess of the amount specified in such section 407, the amendment made by this section applies to any acquisition of such securities and property on or after such date, but does not apply to the specific holdings which constitute such excess during the period of such excess.

(B) SPECIAL RULE FOR CERTAIN ACQUISITIONS.—Employer securities and employer real property acquired pursuant to a binding written contract to acquire such securities and real property entered into and in effect on the date of the enactment of this Act, shall be treated as acquired immediately before such date.

TITLE IV—MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS

SEC. 401. MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS.

(a) AMENDMENTS TO ERISA.—

(1) AMOUNT OF ANNUITY.—

(A) IN GENERAL.—Paragraph (1) of section 205(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(a)) is amended by inserting "or, at the election of the participant, shall be provided in the form of a qualified joint and ⅔ survivor annuity" after "survivor annuity,".

(B) DEFINITION.—Subsection (d) of section 205 of such Act (29 U.S.C. 1055) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by inserting "(1)" after "(d)", and

(iii) by adding at the end the following new paragraph:

"(2) For purposes of this section, the term "qualified joint and ⅔ survivor annuity" means an annuity—

"(A) for the participant while both the participant and the spouse are alive with a survivor annuity for the life of surviving individual (either the participant or the spouse) equal to 67 percent of the amount of the annuity which is payable to the participant while both the participant and the spouse are alive,

"(B) which is the actuarial equivalent of a single annuity for the life of the participant, and

"(C) which, for all other purposes of this Act, is treated as a qualified joint and survivor annuity.".

(2) ILLUSTRATION REQUIREMENT.—Clause (i) of section 205(c)(3)(A) of such Act (29 U.S.C. 1055(c)(3)(A)) is amended to read as follows:

"(i) the terms and conditions of each qualified joint and survivor annuity and qualified joint and ⅔ survivor annuity offered, accompanied by an illustration of the benefits under each such annuity for the particular participant and spouse and an acknowledgement form to be signed by the participant and the spouse that they have read and considered the illustration before any form of retirement benefit is chosen,".

(b) AMENDMENTS TO INTERNAL REVENUE CODE.—

(1) AMOUNT OF ANNUITY.—

(A) IN GENERAL.—Clause (i) of section 401(a)(11)(A) of the Internal Revenue Code of 1986 (relating to requirement of joint and survivor annuity and preretirement survivor annuity) is amended by inserting "or, at the election of the participant, shall be provided in the form of a qualified joint and ⅔ survivor annuity" after "survivor annuity,".

(B) DEFINITION.—Section 417 of such Code (relating to definitions and special rules for purposes of minimum survivor annuity requirements) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DEFINITION OF QUALIFIED JOINT AND ⅔ SURVIVOR ANNUITY.—For purposes of this section and section 401(a)(11), the term "qualified joint and ⅔ survivor annuity" means an annuity—

"(1) for the participant while both the participant and the spouse are alive with a survivor annuity for the life of surviving individual (either the participant or the spouse) equal to 67 percent of the amount of the annuity which is payable to the participant while both the participant and the spouse are alive,

"(2) which is the actuarial equivalent of a single annuity for the life of the participant, and

"(3) which, for all other purposes of this title, is treated as a qualified joint and survivor annuity.".

(2) ILLUSTRATION REQUIREMENT.—Clause (i) of section 417(a)(3)(A) of such Code (relating to explanation of joint and survivor annuity) is amended to read as follows:

"(i) the terms and conditions of each qualified joint and survivor annuity and qualified joint and ⅔ survivor annuity offered, accompanied by an illustration of the benefits under each such annuity for the particular participant and spouse and an acknowledgement form to be signed by the participant and the spouse that they have read and considered the illustration before any form of retirement benefit is chosen,".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning on or after January 1, 1998.

(2) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of enactment of this Act, the amendments made by this section shall apply to the first plan year beginning on or after the earlier of—

(A) the later of—

(i) January 1, 1999, or

(ii) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after the date of enactment of this Act), or

(B) January 1, 2000.

(3) PLAN AMENDMENTS.—If any amendment made by this section requires an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after January 1, 2000, if—

(A) during the period after such amendment made by this section takes effect and before such first plan year, the plan is operated in accordance with the requirements of such amendment made by this section, and

(B) such plan amendment applies retroactively to the period after such amendment made by this section takes effect and such first plan year.

A plan shall not be treated as failing to provide definitely determinable benefits or contributions, or to be operated in accordance with the provisions of the plan, merely because it operates in accordance with this paragraph.

TITLE V—SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(k) PLANS

SEC. 501. SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(k) PLANS.

(a) In General.—Paragraph (2) of section 401(k) of the Internal Revenue Code of 1986 (defining qualified cash or deferred arrangement) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) which provides that no distribution may be made unless—

"(i) the spouse of the employee (if any) consents in writing (during the 90-day period ending on the date of the distribution) to such distribution, and

"(ii) requirements comparable to the requirements of section 417(a)(2) are met with respect to such consent."

(b) Effective Date.—The amendments made by this section shall apply to distributions in plan years beginning on or after January 1, 1998.

TITLE VI—WOMEN'S PENSION TOLL-FREE PHONE NUMBER

SEC. 601. WOMEN'S PENSION TOLL-FREE PHONE NUMBER.

(a) In General.—The Secretary of Labor shall contract with an independent organization to create a women's pension toll-free telephone number and contact to serve as—

(1) a resource for women on pension questions and issues;

(2) a source for referrals to appropriate agencies; and

(3) a source for printed information.

(b) Authorization of Appropriations.—There are authorized to be appropriated $500,000 for each of the fiscal years 1998, 1998, 2000, and 2001 to carry out subsection (a).

TITLE VII—PERIODIC PENSION BENEFITS STATEMENTS

SEC. 701. PERIODIC PENSION BENEFITS STATEMENTS.

(a) In General.—Subsection (a) of section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking "shall furnish to any plan participant or beneficiary who so requests in writing," and inserting "shall furnish at least once every 3 years, in the case of a defined benefit plan, and annually, in the case of a defined contribution plan, to each plan participant, and shall furnish to any plan participant or beneficiary who so requests,".

(b) Rule for Multiemployer Plans.—Subsection (d) of section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended to read as follows:

"(d) Each administrator of a plan to which more than 1 unaffiliated employer is required to contribute shall furnish to any plan participant or beneficiary who so requests in writing, a statement described in subsection (a).".

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after the earlier of—

(1) the date of issuance by the Secretary of Labor of regulations providing guidance for simplifying defined benefit plan calculations with respect to the information required under section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025), or

(2) December 31, 1997.

COMPREHENSIVE WOMEN'S PENSION PROTECTION ACT OF 1997

SECTION-BY-SECTION SUMMARY

SECTION 101—INTEGRATION

Problem—Social Security integration is a little known, but potentially devastating mechanism whereby employers can reduce a portion of employer-provided pension benefits by the amount of Social Security to which an employee is entitled. The Tax Reform Act of 1986 limited integration so as to guarantee a minimum level of benefits, but the formula only applied to benefits accrued in plan years beginning after December 31, 1998. Low wage workers are disproportionately affected by integration and are often left with minimal benefits.

Solution—Apply the integration limitations of Tax Reform Act of 1986 to all plan years prior to 1988, thereby minimizing integration for low and moderate wage workers. In addition, eliminate integration entirely for plan years beginning on or after January 1, 2004. The lag between enactment and 2004 is designed to be a transition period for employers. No integration would be permissible for Simplied Employee Pensions for taxable years beginning after January 1, 1998.

SECTION 102—APPLICATION OF MINIMUM COVERAGE REQUIREMENTS WITH RESPECT TO SEPARATE LINES OF BUSINESS

Problem—Current law allows companies with several lines of business to deny a substantial percentage of employees pension coverage. The employees denied coverage are disproportionately low-wage workers.

Solution—Requires that all employees within a single line of business be provided pension coverage to the extent the employer provides coverage and the employee meets other statutory requirements such as minimum age and hours.

SECTION 103—DIVISION OF PENSION BENEFITS UPON DIVORCE

Problem—Pension assets are often overlooked in divorce even though they can be a couple's most valuable asset.

Solution—Using COBRA as a model for the process, provide for an automatic division of defined benefit pension benefits earned during the marriage upon divorce, provided that the couple has been married for five years. The employee would notify his or her employer of a divorce. The employer would then send a letter to the ex-spouse informing him or her that he or she may be entitled to half of the pension earned while the couple was married. The ex-spouse would then have 60 days, as under COBRA, to contact the employer and determine eligibility. If a Qualified Domestic Relations Order (QDRO) dealt with the pension benefits, then this provision would not apply.

SECTION 104—CLARIFICATION OF CONTINUED AVAILABILITY OF REMEDIES RELATING TO MATTERS TREATED IN DOMESTIC RELATIONS ORDERS ENTERED INTO BEFORE 1985

Problem—In response to both the greater propensity of women to spend their retirement years in poverty and the fact that women were much less likely to earn private pension rights based on their own work history, the Retirement Equity Act of 1984 gave the wife the right to a share of her husband's pension assets in the case of divorce. This law only applied to divorces entered into after January 1, 1985.

Solution—Where a divorce occurred prior to 1985, allow the Qualified Domestic Relations Order (QDRO) to be reopened to provide for the division of pension assets pursuant to a court order.

SECTION 105—ENTITLEMENT OF DIVORCED SPOUSES TO RAILROAD RETIREMENT ANNUITIES INDEPENDENT OF ACTUAL ENTITLEMENT OF EMPLOYEE

Problem—Under the Railroad Retirement System a divorced wife is automatically entitled to 50% of her husband's pension under Tier I benefits as long as four conditions are met: 1) the divorced wife and her husband must both be at least 62 years old; 2) the couple must have been married for at least 10 consecutive years; 3) she must not have remarried when she applies; and 4) her former husband must have started collecting his own railroad retirement benefits. There have been situations where a former husband has delayed collection of benefits so as to deny the former wife benefits.

Solution—Eliminate the requirement that the former husband has started collecting his own railroad retirement benefits.

SECTION 201—EXTENSION OF TIER II RAILROAD RETIREMENT BENEFITS TO SURVIVING FORMER SPOUSES PURSUANT TO DIVORCE AGREEMENTS

Problem—The Tier I benefits under the Railroad Retirement Board take the place of social security. The Tier II benefits take the place of a private pension. Under current law, a divorced widow loses any court ordered Tier II benefits she may have been receiving while her ex-husband was alive, leaving her with only a Tier I annuity.

Solution—All payment of a Tier II survivor annuity after divorce.

SECTION 202—COURT ORDERS RELATING TO FEDERAL RETIREMENT BENEFITS FOR FORMER SPOUSES OF FEDERAL EMPLOYEES

Problem—Currently, under CSRS, if the husband dies after leaving the government (either before or after retirement age) and before starting to collect retirement benefits, no retirement or survivor benefits are payable to the spouse or former spouse.

Solution—Make widow or divorced widow benefits payable no matter when the ex-husband dies or starts collecting his benefits.

SECTION 203—SURVIVOR ANNUITIES FOR WIDOWS, WIDOWERS, AND FORMER SPOUSES OF FEDERAL EMPLOYEES WHO DIE BEFORE ATTAINING AGE FOR DEFERRED ANNUITY UNDER CSRS

Problem—In the case of a husband dying before collecting benefits, his contributions to the Civil Service Retirement System are paid to the person named as the "beneficiary." The employee may name anyone as the beneficiary. A divorce court cannot order him to name his former spouse as the beneficiary to receive a refund of contributions upon his death, even if she was to receive a portion of his pension.

Solution—Authorize courts to order the ex-husband to name his former wife as the beneficiary of all or a portion of any refunded contributions.

SECTION 301—SMALL 401(K) PLANS REQUIRED TO PROVIDE ANNUAL INVESTMENT REPORTS TO PARTICIPANTS

Problem—Current law requires that pension plans file an annual detailed investment report with the Treasury Department and make it available to any participant upon request. Pension plans, including 401(k)s, with fewer than 100 participants and beneficiaries are not required to file or make detailed investment reports available to participants. 401(k)s, unlike traditional pension plans, do not have the plan sponsor guaranteeing their pension benefits nor do they have PBGC pension insurance. Consequently small 401(k) participants bear the investment risks, but are not told what the investments are.

Solution—The Secretary of Labor must issue regulations requiring small 401(k) plans to provide each participant with an annual investment report. The details of the report are left to the Secretary.

SECTION 302—SECTION 401(K) INVESTMENT PROTECTION

Problem—Under federal law, a traditional defined benefit pension plan may not invest more than 10 percent of its assets in the company sponsoring the plan. The purpose of the limitation is to protect employees from losing their jobs and pensions at the same time. The 10 percent limitation does not apply to 401(k) plans, despite their having become the predominant form of pension plan, enrolling 23 million employees and investing more than $675 billion.

Solution—Apply the 10 percent limit to employee contributions to 401(k) plans—unless the participants, not the company sponsoring the plan, make the investment decisions.

SECTION 401—MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS

Problem—Under current federal law, traditional defined benefit pension plans can offer unequal survivor benefit options. That option can pay the surviving spouse (most often the wife) only half the survivor's benefit paid to the spouse who participated in the plan. Plans may, but are not required, to offer more equitable options. Current law also requires that pension plans disclose retirement benefit options to one spouse, the spouse who participated in the plan. This leaves the other spouse (usually the wife) uninformed about an irrevocable decision that affects her income for the rest of her life.

Solution—Require that pension plans offer an additional option that provides either surviving spouse with two-thirds of the benefit received while both were alive. Require that both spouses be given a illustration of benefits before any benefit can be chosen.

SECTION 501—SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(K) PLANS

Problem—Under current federal law, in order for a plan participant to take a lump sum distribution from a defined benefit plan, the participant must have the consent of his or her spouse. This is not true of a 401(k) plan. This means that a participant can, at any time, drain his or her pension plan and leave the spouse with no access to retirement savings.

Solution—Require that 401(k) plans be covered by the same spousal consent protections as defined benefit plans when it comes to lump-sum distributions.

SECTION 601—WOMEN'S PENSION TOLL-FREE PHONE NUMBER

Problem—One of the key obstacles to women's pension security is lack of information. Too many women do not know whether or not they are eligible for retirement income, the implications of the decisions they are asked to make regarding divorce and survivor benefits, the steps they should take to provide for a secure retirement, or even how to gather the necessary information.

Solution—Create a women's pension hotline that can provide basic information to women regarding pension law and their options under that law.

SECTION 701—PERIODIC PENSION BENEFITS STATEMENTS

Problem—Under federal law, pension plans are required to provide a benefits statement annually, upon request by the employee. Many employees, especially young employees, do not consider pension income or do not feel secure requesting information from their employer. Thus, many employees do not know the amount of their accrued benefits, or payout upon retirement. In addition, there are numerous instances of defined contribution plans misappropriating money by failing to place funds in the employee's account. Unless an employee asks for a statement, he or she does not have a clear idea of the state of his or her retirement security, or if the funds are being properly placed.

Solution—Require that 401(k) plans provide benefits statements automatically at least once a year. For defined benefit plans, due to the more complicated calculations required to produce an accurate future benefits statement be automatically provided every three years.

By Mr. GRAMS (for himself, Mr. FEINGOLD, Mr. ABRAHAM, Mr. CONRAD, Mr. DORGAN, Mr. KERREY, Mr. KOHL, Mr. KYL, Mr. LEVIN, Ms. MOSELEY-BRAUN, Mr. HAGEL, and Mr. WELLSTONE):

S. 322. A bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision; to the Committee on Agriculture, Nutrition, and Forestry.

THE NORTHEAST INTERSTATE DAIRY COMPACT REPEAL ACT OF 1997

Mr. GRAMS. Mr. President, I rise today, along with my colleague from Wisconsin, Senator FEINGOLD, to introduce the Dairy Fairness Act. In short, this bill repeals the provision in the 1996 farm bill creating the so-called Northeast Interstate Dairy Compact.

Senator FEINGOLD and I offer this legislation with 10 other colleagues, both Democrats and Republicans, for two basic reasons: Fair process and sound policy. The compact sets a very dangerous precedent by violating both. Let me be specific, first regarding process.

Back in the 103d Congress—to give history—the Senate Judiciary Committee held a business meeting to consider the compact, without the benefit of a prior public hearing, and reported the bill to the floor. The full Senate never considered it. A House Judiciary subcommittee held a hearing on the proposal, but eventually sent it to full committee without a recommendation because the vote was evenly divided for and against the compact. The bill died in full committee. It is important to note that the official Department of Agriculture witness at the House hearing stated the administration had no position and twice stated that, we believe this is a matter that warrants further review and consideration.

In the 104th Congress, the compact was the subject of not one single hearing in either the Judiciary Committee or the Agriculture Committee of the Senate. Nor was it the topic of a single hearing in counterpart committees in the House. The importance of all this is that veteran lawmakers knew, at best, that the Department of Agriculture was not sure about the compact. And, 11 freshmen senators and 87 House freshmen knew little-to-nothing about the compact because of the lack of any public record.

Despite this, the compact was exhumed from its crypt and found its way into the Senate's version of the farm bill. Fortunately, many of my colleagues and I led a successful bipartisan effort to strip the compact from the farm bill. The House had never included the compact in its version.

Now, here is the kicker. The compact never had ample consideration in the 103d Congress. It never had a single hearing in the 104th. The compact was not included in the House version of the farm bill. And, it was stripped out of the Senate's version. But the compact came back to life in conference. It was included in the 1996 farm bill and, due to time constraints on passage of farm legislation, as we know, the compact became law.

Now, my purpose in reciting this litany of events is not to disparage the respective committees for not considering the compact. They have their priorities. Nor do I mean to disparage those in the conference committee for agreeing to the compact.

They worked hard to present a timely and—aside from the compact—excellent farm bill for farmers who were already making planting decisions, if not already planting at the time the bill was passed.

Now my point is best summarized by the late Justice Oliver Wendell Holmes who said that "the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes can be carried out."

I would like to think that my colleagues in what's been called the most deliberative body in the world would want nothing less for the compact or any other proposal. Unfortunately, the compact never faced the test and, as a consequence it has never been accepted.

Mr. President, there is no doubt about it, the compact circumvented a very important process.

In regard to policy, the scenario does not improve. In a nutshell, the compact would permit a six-State compact commission to fix prices for that region's dairy producers. Yet, simple economics tells us that the higher minimum price set by the commission will result in even more milk production in the six-State region—which is great news for producers in those six States. But the overproduction will undoubtedly further depress producer income for every other region of the country.

Unfortunately, as many of my colleagues know, producer income nationally is already so depressed that the Secretary announced some emergency steps to correct the problem including the purchase of $5 million in cheese and advanced cheese purchases for the School Lunch Program. In the Midwest, it's reported to be so bad that small- and mid-sized producers aren't even recovering the cost of production. But despite all this, the compact will drive national dairy prices down even further in 44 States in order to boost producer income in 6, even though the 6 have traditionally received higher class I prices in the first place.

The compact is patently unfair. The inequity it creates for dairy farmers in 44 States is exactly the problem the Framers of the Constitution thought Congress would protect against in providing us with the power to regulate commerce among the States.

Now, I understand that even more States are pondering the idea of a compact of their own. I cannot underscore how destructive this course is: using government-condoned, anticompetitive programs to the disadvantage of other domestic producers in other regions of the country. In an era of freer and fairer trade, I find it very troubling that what we don't want to do with our foreign competitors, we're now doing to ourselves. That's no way to encourage a national industry and that's no way to compete abroad.

Of course, it is not just dairy producers who are hurt by the compact. According to Public Voice, a leading consumer advocacy group, the compact will cost New England consumers over $300 million in just 3 years, especially affecting the region's poor, and drive up the cost of Federal, State, and local food nutrition programs. Indeed, the St. Paul Pioneer Press, the Washington Post, the New York Times, and the Boston Herald—whose employees as New Englanders are ostensibly served by the compact—have called it "noxious," "absurd," an "ugly precedent," and the "OPEC of milk."

The compact is being challenged in Federal court. In fact, last week, the court issued an order allowing the Secretary of Agriculture 45 days to bolster his arguments for the compact before the case proceeds any further. But what was most telling was the tenor of the order and I'll offer just an excerpt. The order reads:

> As the Court tried to make plain in its December 11, 1996 Opinion, [the court] could not even tell whether anyone at the Department of Agriculture had read all the comments in the administrative record or just counted them since the only expressed reason . . . for his finding of compelling public interest . . . was that 95 percent of the comments . . . supported the implementation of the Compact. But, a simple head count will not do . . . particularly in view of the numerous concerns the Secretary himself expressed [about the Compact]. Those concerns, expressed in four paragraphs, overshadow the four reasons, expressed in two sentences, that the Secretary gave for finding a compelling public interest.

I ask unanimous consent to have the order printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, CIVIL ACTION NO. 96-2027 (PLF)]

MILK INDUSTRY FOUNDATION, PLAINTIFF, *v.* DANIEL R. GLICKMAN, SECRETARY, U.S. DEPARTMENT OF AGRICULTURE, DEFENDANT, AND NORTHEAST DAIRY COMPACT COMMISSION, DEFENDANT-INTERVENOR

ORDER

This matter is before the Court on defendant's motion for a stay of proceedings in this case to allow the Secretary of Agriculture 45 days to provide what defendant characterizes as "an Amplified Decision on its finding that there is compelling public interest in the compact region for the Northeast Interstate Dairy Compact." Plaintiff opposes the motion for a variety of reasons, while defendant-intervenor supports it.

The parties to this case are all aware that Congress placed a particular condition on its consent to the Compact—that the Secretary make a finding of compelling public interest. As the Court tried to make plain in its December 11, 1996 Opinion, it could not even tell whether anyone at the Department of Agriculture had read all the comments in the administrative record or just counted them, since the only expressed reason the secretary gave for his finding of compelling public interest (other than congressional consent and state approval) was that 95 percent of the comments the Department received supported implementation of the Compact. Opinion at 8, 24–25. But "a simple head count will not do," *id.* at 24, particularly in view of the numerous concerns the Secretary himself expressed about the potential adverse effects the Compact might have, concerns presumably based on material in the record. *Id.* at 9–10, 25. "Those concerns, expressed in four paragraphs, overshadow the four reasons, expressed in two sentences, that the Secretary gave for finding a compelling public interest." *Id.* at 25.

If the Secretary wants time now "to amplify" his decision, he must make sure that the entire administrative record, including the comments submitted, is thoroughly reviewed and analyzed and approached from a fresh perspective. It is not open to the Secretary under this Court's Opinion of December 11, 1996, to approach his task with a preconceived view that a compelling public interest exists. His job is not merely to cull out from the favorable comments reasons to support a pre-determined decision. His responsibility is to review the quality of the comments in the record and to decide whether his earlier finding is justified at all.

The Court is prepared to grant the stay requested by the defendant, so long as the Secretary of Agriculture and his counsel understand what is required over the course of the next 45 days. The Court agrees with plaintiff that if a stay is granted the Secretary's responsibility is much broader than he and defendant-intervenor suggest. The Secretary must now be as open to reaching a finding of no public interest as he is to concluding that there is one. Regardless of which conclusion he reaches, he must articulate his reasons in accordance with the Administrative Procedure Act and the case law. With the foregoing in mind, it is hereby

Ordered that all proceedings in this case are stayed until March 20, 1997, during which time the Secretary of Agriculture shall review the Administrative Record in this case, reach a conclusion with respect to the existence of a compelling public interest, and provide a reasoned explanation for that decision in accordance with this Court's Opinion of December 11, 1996, and today's order, it is

Further ordered that the stay does not preclude plaintiff from renewing its motion for a preliminary injunction should the Compact attempt to move forward and impose higher milk prices or for any other appropriate reason; it is

Further ordered that the briefing and argument schedule set forth in this Court's Order of December 11, 1996, is rescinded; and it is

Further ordered that the parties shall jointly propose within ten days from the date of this Order a revised briefing and argument schedule.

So ordered.

PAUL L. FRIEDMAN,
United States District Judge.

Mr. GRAMS. Mr. President, in short, a Federal judge cannot even find the merit behind the compact. But, despite earlier misgivings, the Department seems resigned to embarking on what appears to be the herculean task of making some sense out of the compact in order to save it from a court.

Now, Mr. President, I believe this Congress has a unique opportunity to save an overcrowded court some time, help the Department focus its energies on the consolidation and reform of milk marketing orders, and do it all while guaranteeing New England consumers and dairy producers in 44 States a little fairness. We can do this by passing the Dairy Fairness Act.

I urge my colleagues to support this important legislation.

I see some of my other colleagues who have helped sponsor this legislation, including Senator KOHL and Senator FEINGOLD, are on the floor, and I yield some time to them if they would like to add their support to this bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise to express my continued opposition to the Northeast Dairy Compact. As I have said many times in the past, it does not make me happy to oppose efforts by dairy farmers in other parts of the country to reap a higher price for their milk. For years, I have worked with many of the proponents of the compact in efforts to help farmers get a better price for their product. But in the past, these efforts have been national. And I believe we should continue with national efforts to bring farmers together, instead of regional efforts that pit farmer against farmer.

The Northeast Compact is an effort by six Northeastern States to establish a regional cartel, to guarantee the farmers in that region alone get a higher price for their milk, to the detriment of the consumers in the Northeast, and farmers in other parts of the country, including Wisconsin. In my view, it is the exact opposite of what we should be doing; which is establishing a fair and reasonable national dairy policy that gives farmers in all regions an opportunity to prosper, free of structural impediments from the Federal Government.

In my region of the country, the discriminatory nature of the current milk pricing system has contributed to a dangerous erosion of our farm economy. In Wisconsin alone, we have lost 12,000 dairy farms in the last 10 years. And I believe that the Northeast Compact will worsen the regional inequities that exist today, and be detrimental to farmers in regions outside the Northeast.

To those outside the upper Midwest, who have not witnessed the destruction caused by the current milk pricing system, it may be difficult to understand how pricing schemes in one region could affect other regions of the country. But we cannot ignore that dairy markets are national, and any effort to artificially boost prices in one region alone will have effects throughout the national system. History has proven that point time and time again, and unfortunately, Wisconsin is the proving ground of that destruction.

And even prior to its implementation, the evidence is beginning to build proving that the Northeast Dairy Compact sets a dangerous precedent in U.S. economic policy. Recently, the secretaries of agriculture from 15 southeastern States announced that they would be seeking to establish a Southeastern Dairy Compact, citing the precedent established by the Northeast Compact. So we must ask ourselves, where does it stop? A 6-State dairy cartel in the Northeast, a 15-State dairy cartel in the Southeast. This disintegration of our national economic unity does not come without cost. We may not be able to predict where this new regional cartel movement will stop, but it is clearly dangerous.

So I join my colleagues in introducing this legislation that would repeal the section of the 1996 farm bill that gives the Secretary of Agriculture authority to approve the Northeast Compact. Whether it is stopped legislatively, or by the Secretary of Agriculture, to whom it has been returned by a Federal judge for reconsideration, I believe it should be stopped. And I urge my colleagues to join us in opposing this dangerous precedent for U.S. economic policy.

The PRESIDING OFFICER. The Chair recognizes the junior Senator from Wisconsin under time controlled by the Senator from Minnesota.

Mr. FEINGOLD. Thank you, Mr. President. I, too, am pleased to rise in support of the legislation introduced by the Senator from Minnesota, and also by my friend and colleague, the senior Senator from Wisconsin, Senator KOHL.

I was prepared to give a longer speech but I am informed that the mother-in-law of the Senator from Vermont, Mr. LEAHY, has passed away, and he is not able to be here today because of that. For that reason, I simply associate my remarks with the Senator from Minnesota, and the senior Senator from Wisconsin so we can take this debate up on another day when Senator LEAHY is able to respond. He is very able to respond himself. We have a strong disagreement on this issue, but I am a great friend of his and I believe he is a fine Senator and prefer at this point to wait.

Mr. President, I rise in support of the legislation introduced by the Senator from Minnesota, Senator GRAMS, to repeal the Northeast Interstate Dairy Compact. The Northeast Dairy Compact was included in the 1996 farm bill during conference negotiations after it had been struck from the Senate version of the farm bill during floor consideration of the farm bill early last year.

Mr. President, the Northeast Interstate Dairy Compact establishes a commission for six Northeastern States—Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut—empowered to set minimum prices for fluid milk above those established under Federal Milk Marketing Orders. Ironically, the Federal milk marketing order system already provides farmers in the designated compact region with minimum milk prices higher than those received by most other dairy farmers throughout the nation. The compact not only allows the six States to set artificially high fluid milk prices for their producers, it also allows those States to keep out lower priced milk from producers in competing States and provides processors within the region with a subsidy to export their higher priced milk to noncompact States.

Mr. President, the arguments against this type of price-fixing scheme are numerous: It interferes with interstate commerce by erecting barriers around one region of the Nation; It provides preferential price treatment for farmers in the Northeast at the expense of farmers nationally; It encourages excess milk production in one region without establishing effective supply control which may drive down milk prices for producers throughout the country; It imposes higher costs on the millions of consumers in the Compact region; It imposes higher costs to taxpayers who pay for nutrition programs such as food stamps and the national school lunch programs which provide for milk and other dairy products in their programs; and as a price-fixing compact it is unprecedented in the history of this Nation.

Most important to my home State of Wisconsin, Mr. President, is that the Northeast Dairy Compact exacerbates the inequities within the Federal milk marketing orders system that already discriminates against dairy farmers in Wisconsin and throughout the upper Midwest. Federal orders provide higher fluid milk prices to producers the further they are located from Eau Claire, WI, for markets east of the Rocky Mountains.

Wisconsin farmers have complained for many years that this inherently discriminatory system provides other regions, such as the Northeast, the Southeast, and the Southwest with milk prices that encourage excess production in those regions. Of course, that excess production drives down prices throughout the Nation and results in excessive production of cheese, butter, and dry milk. Cheese and other manufactured dairy products constitute the pillar of our dairy industry in Wisconsin. Competition for the production and sale of these products by other regions spurred on by artificial incentives under milk marketing orders has eroded our markets for cheese and other products.

Mr. President, my State of Wisconsin loses more than 1,000 dairy farms per year either through bankruptcy or attrition. The number of manufacturing plants has declined from 400 in 1985 to less than 230 in 1996. These losses are due in part, to the systematic discrimination and market distortions created by Federal dairy policies that provide artificial regional advantages that cannot be justified on any rational economic grounds.

Mr. President, my colleague from Minnesota, Senator GRAMS and I are on the floor today offering this legislation because the Northeast Dairy Compact reinforces the discrimination that has so damaged the dairy industry in our States. We have fought to change Federal milk marketing orders and we will fight to prevent the Northeast Dairy Compact from ever going into effect.

Less damaging but more insulting to Wisconsin dairy farmers than the increase in regional inequities is the inherent assumption of the compact proponents that either the financial distress of Northeast dairy farmers is worse than that experienced by farmers in other regions or that farmers in the Northeast are more important than farmers elsewhere. Either assumption is ludicrous.

As all Senators are aware, when milk prices plummet, as they did last fall by 26 percent in 3 months, the financial pain is felt by farmers throughout the Nation, no worse and no less by any particular region.

And yet the Northeast Compact provides price protection for dairy farmers in six States, insulating them from market conditions which noncompact farmers must confront and to which they must adjust. Compact proponents have never been able to explain how conditions in the Northeast merit greater protection from market price fluctuations than other regions of the country. The fact that there are no compelling arguments made in favor of the compact that justified special treatment for the Northeast was emphasized by a vote in the full Senate to strike the compact from the 1996 farm bill. It was the only recorded vote on approval or disapproval of the Northeast Dairy Compact—and it killed the compact in the Senate. The way in which the compact was ultimately included in the 1996 farm bill also illustrates the weak justification and the lack of support for its approval. It was never included in a House version of the farm bill and yet emerged as part of the bill after a closed door Conference negotiation. Legislation which is difficult to defend must frequently be negotiated behind closed doors rather than in the light of day.

The 1996 farm bill provided authority to approve the compact to the Secretary of Agriculture if he found a compelling public interest for the compact in the Northeast. Congress, still unwilling to accept responsibility for what I believe to be an unjustifiable compact, delegated their authority to the Secretary. The Secretary approved the compact last August but even he, with his teams of economists and marketing specialists, was unable to come up with an economic justification for the compact. The Secretary's finding of "compelling public interest" justifying his approval of the compact was so weak and unsupported by the public record that a suit was filed by compact opponents in Federal court charging that the Secretary violated the Administrative Procedures Act. Last December, a Federal District Court judge found that, in fact, the plaintiffs in that suit were likely to prevail on their claim that the Secretary's decision was arbitrary and capricious. More recently, the same Federal judge told USDA to review the public record and determine whether in fact that compact should have been approved.

Mr. President, the Northeast Dairy compact can't be justified because it is just plain bad policy. It is bad public policy because it increases costs to taxpayers nationally and consumers in the Northeast to benefit few. It is bad dairy policy because it exacerbates regional discrimination of existing Federal milk marketing orders by providing artificial advantages to a small group of producers at the expense of all others. And it is bad economic policy because it establishes barriers to interstate trade—barriers of the type the United States has been working hard to eliminate in international markets.

Mr. President, Congress should never have provided Secretary Glickman with authority to approve the compact. That in my view, was an improper and potentially unconstitutional delegation of our authority and it was irresponsible. It is the role of Congress to approve interstate compacts and we irresponsibly abrogated our responsibility in this matter. It is time to make it right.

I hope the Secretary rescinds his earlier decision to approve the compact in the additional time the courts have provided him. If he does not, I hope the courts strike down the compact both on the grounds that it violated the APA and on constitutional grounds. However, in any event, it is incumbent upon Congress to undo the mistake it made in the 1996 farm bill. Congress can and should act independently of both the administrative and judicial process to repeal the Northeast Interstate Dairy compact. As the other branches of Government are doing their jobs, we must continue to do ours.

I urge my colleagues to support this legislation.

By Mr. SHELBY (for himself, Mr. BYRD, Mr. COVERDELL, Mr. CRAIG, Mr. FAIRCLOTH, Mr. GREGG, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. LUGAR, Mr. SANTORUM, Mr. THURMOND, Mr. SESSIONS, Mr. COCHRAN, Mr. MURKOWSKI, Mr. ENZI, and Mr. HAGEL):

S. 323. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Governmental Affairs.

THE LANGUAGE OF GOVERNMENT ACT OF 1997

Mr. SHELBY. Mr. President, I rise today to introduce what I consider to be one of the most important pieces of legislation that will be offered this year. It is the Language of Government Act of 1997, which designates English as the official language of the U.S. Government. I have as original cosponsors on that legislation Senators BYRD, COVERDELL, CRAIG, FAIRCLOTH, GREGG, HELMS, HUTCHINSON of Arkansas, INHOFE, LUGAR, SANTORUM, THURMOND, COCHRAN, and SESSIONS.

Mr. President, language, as we all know, is a powerful factor in society. As de Tocqueville observed more than a hundred years ago, "The tie of language is perhaps the strongest and the most durable that can unite mankind." That was true then, and it is true today.

Just as surely as language has the power to unite us, it has the power to divide us. One year after French-speaking Quebec rejected by a razor-thin margin the referendum to secede from Canada, our neighbor to the north is still grappling with the repercussions of the vote. English-speaking residents of Quebec have threatened to secede if Quebec proceeds with another referendum. There are many examples in the world of what happens to nations that are divided among language and ethnic lines. Bosnia, as we all know, has been decimated by ethnic strife. The countries of the former Soviet Union are in constant internal conflict and turmoil.

Today, more than 320 different languages are spoken in our country. We should respect each of these languages and those individuals who speak them. But in order to assimilate the various cultures and ethnic groups that comprise our great Nation, I believe we must use English. Furthermore, the Federal Government should not, in my opinion, be expected to administer its official business in all of these languages. Yet, the Federal Government continues to expand the number and types of services that it administers in foreign languages.

Layers of bureaucracy have been added as these governmental agencies have evolved into permanent multi-language service providers. In light of this fact, Mr. President, I believe it is imperative that we establish in America a responsible, coherent language policy for all of us.

The legislation that I offer today, on behalf of myself and the colleagues I mentioned earlier, is simple and straightforward. It designates English as the language of the Federal Government and requires that most Government functions be performed in English. There are exceptions to that rule, Mr. President, for safety, emergencies, and health-related services.

I want to emphasize that "official English" is directed at the Federal Government and its agents, but does not cover private citizens. In no way, Mr. President, does the bill limit an individual's use of his or her native language in home, church, community, or other private communications.

Mr. President, since last December, the Nation has engaged in a heated debate over using "ebonics" in public schools. We are all familiar with that. I do not intend to join that debate today. Instead, I raise this in order to mention a fundamental point. In the words of Maya Angelo, "The very idea * * * can be very threatening, because it can encourage young men and women not to learn standard English." Without mastering English, our children and grandchildren cannot succeed. Indeed, as so many Americans know from their own experiences, proficiency in English propelled them from a life of poverty to a future full of opportunity.

A substantial body of evidence supports that notion and confirms that there is a direct correlation between an individual's ability to speak English in America and that person's economic fortunes.

A recent Ohio University study concluded that if immigrant knowledge of English were raised to that of native-born Americans, their income levels would increase by $63 billion annually. In 1994, the Texas Office of Immigration and Refugee Affairs published a study of Southeast Asian refugees in Texas. It conclusively demonstrated that in that population, individuals proficient in English earned over 20 times the annual income of those who could not speak English. Analysis of 1990 census data shows that immigrants' incomes rise 30 percent as a result of being able to communicate in English.

So, without question, fluency in the English language will do more to empower people coming to America than all Federal Government services combined. The Federal Government, however, is offering more services and producing more publications in a multitude of foreign languages, at a cost of $14 billion annually. Conducting official Government functions in a foreign language supposedly facilitates assimilation into our society. What began in a piecemeal fashion to facilitate assimilation has mutated into institutionalized and permanent multilingual programs and services.

The effect, Mr. President, is that it destroys the incentive to learn English, which undermines one of the key objectives of integration in this country. As I stated earlier, the plain truth is that immigrants who do not develop proficiency in English will almost always be relegated to a lower rung on the economic ladder, often far below their earnings potential.

By designating English as the official language of our Government, we send a clear and unmistakable message that English is a necessary part of life in America. But it is not just a symbolic gesture. If most communication with the Federal Government is conducted in English, it encourages fluency in English. At the same time, establishing a language policy will stop the frivolous expenditure of printing Government documents in foreign languages. There is no justification for the money wasted to produce, for example, "The Reproductive Behavior of Young People in the City of Sao Paulo" in Portuguese or publication on the U.S. Mint in Chinese. The money squandered on those documents would be better spent teaching English to those who cannot speak it. My bill states that the savings from this initiative be used to teach English in America.

Mr. President, national polling indicates that 86 percent of Americans support making English the official language of this country. In fact, Mr. President, 8 out of 10 first-generation immigrants in America support this legislation. As our Nation becomes more diverse, it becomes more and more important for Congress to deal with the establishment of an official language policy. Our consideration of this bill shows that we take our national heritage and democracy seriously.

By Mrs. MURRAY (for herself and Mr. CAMPBELL):

S. 324. A bill to amend title 32, United States Code, to provide that performance of honor guard functions at funerals for veterans by members of the National Guard may be recognized as a Federal function for National Guard purposes; to the Committee on Armed Services.

NATIONAL GUARD LEGISLATION

Mrs. MURRAY. Mr President, I come to the floor today to introduce a common sense piece of legislation of great importance to the veterans of our country.

Let me begin by thanking the veterans of my State for bringing this important issue to my attention. I particularly want to thank Mr. Fran Agnes, past national chairman, with the Former Prisoners of War veterans service organization. Fran is a champion for the veterans of my State and he never lets an opportunity pass to share with me the views of Washington State veterans.

My State is home to nearly 700,000 veterans, and one of the few States with a growing veterans population. Washington State vets are active; virtually every veterans service organization has chapters, posts, and members all across my State. At the State level, Washington veterans are also blessed with a team of dedicated veterans' advocates. For me, this means I have a statewide "unofficial" advisory team to provide me with regular information about the issues of importance to veterans. I hear from Washington vets in the classroom, in the grocery store, at VA facilities, on the street, in my office and through the mail. My service on the Veterans' Affairs Committee is a genuine partnership with the veterans of my State.

The bill I am introducing today is a direct result of this partnership. Simply stated, my bill proposes to allow the performance of honor guard functions by members of the National Guard at funerals for veterans.

It may shock my colleagues to know why this legislation is so important. Sadly, decorated U.S. veterans are being laid to rest all across this country without the appropriate military honors.

For years, military installations trained personnel to provide color guard services at the funerals of veterans. Oftentimes, as many as 10 active duty personnel were made available by local military installations to provide funeral services for a compatriot and his or her grieving family. These services were immensely important to the veterans community. It allowed veterans to see fellow veterans treated with the appropriate respect and admiration they deserved, and to know that they would also be afforded a dignified service.

As the military has downsized in recent years, many installations are no longer able to provide personnel to perform color guard services and aid the veteran's family. Some installations do provide limited assistance if the deceased served in that branch of the military. In my State, that means very little to the Navy family who loses a loved one near the Air Force or Army installations nearby. And we all know, when a family member passes away there is little time or emotional capacity to plan a funeral. Too often, the result for a veteran is a funeral service without the requested and the deserved military honors. This must change.

Veterans' service organizations have stepped in and tried to provide the color guard services for fellow deceased veterans. By most accounts, they do a very good job. But VSO's cannot meet the need for color guard services. By their own admission, they often lack the crispness and the precision of trained military personnel. Our veterans population is getting older, and we cannot expect a group of older veterans to provide these services day in and day out for their military peers. We are simply asking too much of a generation that has already given so much.

My bill is an important first step toward ensuring that every veteran receives a funeral worthy of the valiant service he or she has given to our country. I believe every single Member of Congress believes our veterans deserve to be remembered with the appropriate military honors during a funeral service. By passing my legislation, the Congress can send a message to veterans that their service to us all will never be forgotten. I urge my colleagues to join me in this effort to pass this legislation at the earliest opportunity.

Mr. President, I also want to thank Senator and Korean war veteran BEN NIGHTHORSE CAMPBELL for joining me in this effort. Senator CAMPBELL also serves on the Veterans' Affairs Committee and I know personally of his great commitment to the veterans of our country. And I'd also like to thank Congressman PAUL KANJORSKI, who has previously introduced this legislation on the House side. As I understand it, his constituents in Pennsylvania originally asked him to get involved in this effort. I look forward to working closely with both Senator CAMPBELL and Congressman KANJORSKI in support of this legislation.

By Mr. BUMPERS (for himself, Mr. FEINGOLD, Mr. LEAHY, and Mr. KOHL):

S. 325. A bill to repeal the percentage depletion allowance for certain hardrock mines; to the Committee on Finance.

By Mr. BUMPERS (for himself, Mr. LEAHY, and Mr. KOHL):

S. 326. A bill to provide for the reclamation of abandoned hardrock mines, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BUMPERS (for himself, Mr. AKAKA, Mr. LEAHY, Mr. FEINGOLD, and Mr. KOHL):

S. 327. A bill to ensure that Federal taxpayers receive a fair return for the extraction of locatable minerals on public domain lands, and for other purposes; to the Committee on Labor and Human Resources.

HARDROCK MINING REFORM LEGISLATION

Mr. BUMPERS. Mr. President, I rise today to introduce three bills which are intended to reform hardrock mining on public land and recover, for taxpayers, lost revenues resulting from the patenting process under the 1872 mining law.

The 1872 mining law was signed into law by President Ulysses S. Grant during a time when our national policy was to encourage the settlement of the West with the enticement of free land and minerals. However, 124 years have now passed and the mining law has become a relic. Rather than serve the interests of the public, the mining law gives away billions of dollars worth of land and minerals to mining companies for practically nothing.

While there are many flaws with the 1872 law, some of the most outrageous include: allowing the sale of public lands and minerals for $2.50 to $5.00 per acre; allowing the mining of valuable minerals without a dime in royalty payments to the taxpayers for those minerals; allowing patented land bought for $2.50 an acre to be resold at market prices—sometimes thousands of dollars per acre; and not adequately protecting the environment.

Our attitudes toward public resources have changed since the 19th century and so have most of our public policies. While the mining law has been amended indirectly over the years, its basic provisions remain unchanged and are in dire need of reform. Over the years numerous private, government and congressional studies have recommended either revising the mining law or repealing it completely. One of the most thorough modern studies of the mining law was conducted by the Public Land Law Review Commission during the 1960's. The commission's work formed the basis for the Federal Land Policy and Management Act of 1976 [FLPMA]. In "One Third of the Nation's Land—A Report to Congress and the President" the commission stated:

> The general mining law of 1872 has been abused, but even without that abuse, it has many deficiencies. Individuals whose primary interest is not in mineral development and production have attempted, under the guise of that law, to obtain use of public lands for various other purposes. The 1872 law offers no means by which the Government can effectively control environmental impacts.

While the Public Land Review Commission and many others have called for comprehensive mining law reform for some time now, Congress has failed to respond. At a time when the public is clamoring for a more efficient government and a government that treats the taxpayers with dignity and respect, the 1872 mining law instead condones the giveaway of public lands and valuable minerals worth billions of dollars for practically nothing and which permits long-term environmental degradation of our public lands.

In the last four Congresses I introduced legislation which would have comprehensively reformed the mining law. On each occasion the mining industry went to great lengths to successfully ensure that the 1872 mining law would not be comprehensively reformed. However, Mr. President, as we continue to strive to balance the Federal budget, the day of reckoning for beneficiaries of corporate welfare is getting closer. Eventually, Congress is going to enact real mining law reform.

The legislation I am introducing today is an effort to seek to protect the interests of the very people that Members of Congress purport to represent—the American people. One hundred twenty-four years after Ulysses Grant signed the mining law the time has come to bring our Nation's mineral policy into the present.

As always, I am willing to work with people on all sides of this issue in an attempt to develop a solution amenable to all. However, I will not be a party to the efforts of those who, in an effort to end debate on the subject, attempt to enact "sham reform" legislation drafted by the mining industry.

The problems of the mining law and the proposed solutions contained in the three bills I am introducing today are described more fully below.

Under the existing mining law, a patent-fee simple title—to a mining claim on Federal lands may be obtained for the purchase price of $2.50 an acre for a placer claim—or $5 an acre for a lode claim—a price which has not changed since 1872. During the last 124 years, the Government has sold more than 3.2 million acres of land under the patent provision of the 1872 mining law, an area similar to the size of the State of Connecticut. This is a giveaway—pure and simple—and is directly contrary to the national policy enunciated in the Federal Land Policy and Management Act—that, in most cases, public lands should be retained in public ownership.

It doesn't take a rocket scientist to figure out that $5 an acre is far less than the fair market value of the patented land and the minerals thereon. In 1994 we witnessed one of the biggest taxpayer ripoffs in the history of the mining law when the Federal Government was forced to grant patents to a subsidiary of a Canadian-owned mining company. In exchange for 1,800 acres of land in Nevada containing more than $10 billion in gold, the Federal Government received the princely sum of less than $10,000. Mr. President, believe it or not, the taxpayers stand to do worse in the very near future. The Stillwater Mining Co., which is jointly owned by Chevron and Manville, has applied for patents on approximately 2,000 acres of Forest Service land in Montana. In exchange for $10,000, the company will receive fee title to land containing, according to Stillwater's own reserve estimates, $35 billion worth of platinum and palladium.

Congress finally took action in 1994 by imposing a 1-year moratorium on the processing of new patent applications and those applications that were still in the early stages of processing. This moratorium has been renewed the last 2 years, albeit after an effort was made by Senators from the West to repeal it.

Under the Hardrock Mining Royalty Act of 1997, which I am introducing today, mining claim holders would no longer be able to patent their claims. The sale of Federal lands for $2.50 or $5.00 an acre would be permanently halted.

In addition to allowing the sale of lands for far less than fair market value, the mining law also permits corporations to mine valuable minerals from public domain lands without paying a nickel in royalties to the landowner—the taxpayers. While oil, gas, and coal producers all pay royalties to the U.S. Treasury for production on Federal lands, the Government doesn't receive anything for hardrock minerals produced on Federal lands subject to the 1872 mining law.

The hardrock mining companies contend that they would be forced to shut down operations if they were required to pay royalties to the Federal Government. However, these same companies find themselves able to pay royalties for mining operations on State and private lands. In fact, the Newmont Mining Co. pays an 18 percent royalty on land acquired from private interests on a portion of its gold quarry mine in Nevada's Carlin Trend. Ironically, a hardrock miner operating on acquired Federal lands pays a royalty to the Federal Government while his counterpart on lands subject to the mining law pays nothing. There is no justifiable reason for this difference.

Billions of dollars' worth of hardrock minerals are extracted from the public lands. It is absolutely unfair to the taxpayers of this country to permit hardrock mining companies to enjoy the same tax breaks as others, while failing to adequately compensate the public landowners. The legislation I am introducing today seeks to remedy this result. First, the Hardrock Mining Royalty Act of 1997 would require the payment of a royalty of 5 percent of the net smelter return from mineral production on public lands. Because the royalty would not apply to minerals extracted on lands already patented under the mining law, the Abandoned Mines Reclamation Act of 1997 would required mining companies operating on patented land to pay a net-income-based reclamation fee. Finally, because it makes absolutely no sense to permit mining companies to take advantage of a mineral depletion allowance when they are using taxpayer land without compensating the taxpayers, the elimination of double subsidies for the Hardrock Mining Industry Act of 1997 would repeal the depletion allowance for mining operations on land subject to the 1872 mining law.

Originally, the mining law required claimants to certify that they performed 100 dollars' worth of work on their mining claims each year in order to maintain their claims. Because many claimants were not serious about mining their claims, Congress replaced the work requirement with a $100 per claim maintenance fee. In conjunction with the administration's proposal the Hardrock Mining Royalty Act increases the fee for new claims to $125.

Mr. President, past mining activities have left a legacy of unreclaimed lands, acid mine drainage, and hazardous waste. More than 50 abandoned hardrock mining sites are currently on the Superfund national priority list. Some estimate that it could cost taxpayers upward of $70 billion to clean all the abandoned mining sites.

The legislation I am introducing today would create an abandoned mine reclamation fund to help reclaim the many hardrock mining sites which have been abandoned. Money for the fund would come from the royalties and holding fees collected under the Hardrock Mining Royalty Act of 1997 and the reclamation fees collected under the Abandoned Hardrock Mining Reclamation Act of 1997.

Mr. President, the mining industry knows that the public is slowly learning about the 1872 mining law and the associated atrocities and believe me, the industry is worried. As they have done in the past, I suspect the mining industry will once again raise a smokescreen by proposing so-called reforms. For instance, the mining industry has proposed that instead of paying $2.50 or $5.00 an acre for patents, that instead they pay the fair market value of the surface, regardless of the value of the minerals located on the land. While the concept of fair market value is certainly a good one, it is absurd to argue that the Stillwater Mining Co. would really be paying fair market value if they paid for the surface—probably worth less than $100 an acre—and ignored the value of the platinum and palladium—estimated to be $35 billion. Mr. President, if you or I ran a company which sold land for such fair market value, we would be fired in a New York minute. Mr. President, I urge my colleagues to beware of such sham reform.

Mr. President and colleagues, I urge you to support the long overdue reform of the 1872 mining law and to cosponsor my three bills. Both Republicans and Democrats are always talking about change and the need to end business as usual in Washington. My legislation is intended to end business as usual and bring the 1872 mining law into the 20th century. I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Elimination of Double Subsidies for the Hardrock Mining Industry Act of 1997."

SEC. 2. REPEAL OF DEPLETION ALLOWANCE FOR CERTAIN HARDROCK MINES.

(a) IN GENERAL.—The first sentence of section 611(a) of the Internal Revenue Code of 1986, 26 U.S.C. 611(a), is amended by inserting immediately after "mines" the following: "(except for hardrock mines located on land currently subject to the general mining laws or on land patented under the general mining laws)".

(b) DEFINITIONS.—Section 611 of the Internal Revenue Code of 1986 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) DEFINITIONS.—For purposes of subsection (a)—

"(1) 'general mining laws' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to taxable years beginning after December 31, 1996.

S. 326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abandoned Hardrock Mines Reclamation Act of 1997".

SEC. 2. RECLAMATION FEE.

(a) RESERVATION OF RECLAMATION FEE.—Any person producing hardrock minerals from a mine that was within a mining claim that has subsequently been patented under the general mining laws shall pay a reclamation fee to the Secretary under this section. The amount of such fee shall be equal to a percentage of the net proceeds from such mine. The percentage shall be based upon the ratio of the net proceeds to the gross proceeds related to such production in accordance with the following table:

Net Proceeds as Percentage of Gross Proceeds	Rate of Fee as Percentage of Net Proceeds
Less than 10	2.00
10 or more but less than 18	2.50
18 or more but less than 26	3.00
26 or more but less than 34	3.50
34 or more but less than 42	4.00
42 or more but less than 50	4.50
50 or more	5.00

(b) EXEMPTION.—Gross proceeds of less than $500,000 from minerals produced in any calendar year shall be exempt from the reclamation fee under this section for that year if such proceeds are from one or more mines located in a single patented claim or on two or more contiguous patented claims.

(c) PAYMENT.—The amount of all fees payable under this section for any calendar year shall be paid to the Secretary within 60 days after the end of such year.

(d) DISBURSEMENT OF REVENUES.—The receipts from the fee collected under this section shall be paid into an Abandoned Minerals Mine Reclamation Fund.

(e) EFFECTIVE DATE.—This section shall take effect with respect to hardrock minerals produced in calendar years after December 31, 1996.

SEC. 3. ABANDONED MINERALS MINE RECLAMATION FUND.

(a) ESTABLISHMENT.—

(1) There is established on the books of the Treasury of the United States an interest-bearing fund to be known as the Abandoned Minerals Mine Reclamation Fund (hereinafter referred to in this section as the "Fund"). The Fund shall be administered by the Secretary.

(2) The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in his judgment, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities. The income on such investments shall be credited to, and from a part of, the Fund.

(b) USE AND OBJECTIVES OF THE FUND.—The Secretary is, subject to appropriations, authorized to use moneys in the Fund for the reclamation and restoration of land and water resources adversely affected by past mineral (other than coal and fluid minerals) and mineral material mining, including but not limited to, any of the following:

(1) Reclamation and restoration of abandoned surface mined areas.

(2) Reclamation and restoration of abandoned milling and processing areas.

(3) Sealing, filling, and grading abandoned deep mine entries.

(4) Planting of land adversely affected by past mining to prevent erosion and sedimentation.

(5) Prevention, abatement, treatment and control of water pollution created by abandoned mine drainage.

(6) Control of surface subsidence due to abandoned deep mines.

(7) Such expenses as may be necessary to accomplish the purposes of this section.

(c) ELIGIBLE AREAS.—

(1) Land and waters eligible for reclamation expenditures under this section shall be those within the boundaries of States that have lands subject to the general mining laws—

(A) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status prior to the date of enactment of this title;

(B) for which the Secretary makes a determination that there is no continuing reclamation responsibility under State or Federal laws; and

(C) for which it can be established that such lands do not contain minerals which could economically be extracted through the reprocessing or remining of such lands.

(2) Sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 and following) or which have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 and following) shall not be eligible for expenditures from the Fund under this section.

SEC. 4. DEFINITIONS.

As sued in this Act:

(1) The term "gross proceeds" means the value of any extracted hardrock mineral which was:

(A) solid;

(B) exchanged for any thing or service;

(C) removed from the country in a form ready for use of sale; or

(D) initially used in a manufacturing process or in providing a service.

(2) The term "net proceeds" means gross proceeds less the sum of the following deductions:

(A) The actual cost of extracting the mineral.

(B) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(C) The actual cost of reduction, refining and sale.

(D) The actual cost of marketing and delivering the mineral and the conversion of the mineral into money.

(E) The actual cost of maintenance and repairs of:

(i) All machinery, equipment, apparatus and facilities used in the mine.

(ii) All milling, refining, smelting and reduction works, plants and facilities.

(iii) All facilities and equipment for transportation.

(F) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in subseciton (E).

(G) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(H) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.

(I) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit.

(J) All royalties and severance taxes paid to the Federal government or State governments.

(3) The term "hardrock minerals" means any mineral other than a mineral that would be subject to disposition under any of the following if located on land subject to the general mining laws:

(A) the Mineral Leasing Act (30 U.S.C. 181 and following);

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following);

(C) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following); or

(D) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following).

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "patented mining claim" means an interest in land which has been obtained pursuant to sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36 and 37) for placer claims, or section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims.

(6) The term "general mining laws" means those Acts which generally comprise Chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.

S. 327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hardrock Mining Royalty Act of 1997".

SEC. 2. ROYALTY.

(a) RESERVATION OF ROYALTY.—Each person producing locatable minerals (including associated minerals) from any mining claim located under the general mining laws, or mineral concentrates derived from locatable minerals produced from any mining claim located under the general mining laws, as the case may be, shall pay a royalty of 5 percent of the net smelter return from the production of such locatable minerals or concentrates, as the case may be .

(b) ROYALTY PAYMENTS.—Each person responsible for making royalty payments under this section shall make such payments to the Secretary not later than 30 days after the end of the calendar month in which the mineral or mineral concentrates are produced and first placed in marketable condition, consistent with prevailing practices in the industry.

(c) REPORTING REQUIREMENTS.—All persons holding mining claims located under the general mining laws shall provide to the Secretary such information as determined necessary by the Secretary to ensure compliance with this section, including, but not limited to, quarterly reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, and amount of all minerals extracted from the mining claim.

(d) AUDITS.—The Secretary is authorized to conduct such audits of all persons holding mining claims located under the general mining laws as he deems necessary for the purposes of ensuring compliance with the requirements of this section.

(e) DISPOSITION OF RECEIPTS.—All receipts from royalties collected pursuant to this section shall be deposited into the Fund established under section 3.

(f) COMPLIANCE.—Any person holding mining claims located under the general mining laws who knowingly or willfully prepares, maintains, or submits false, inaccurate, or misleading information required by this section, or fails or refuses to submit such information, shall be subject to a penalty imposed by the Secretary.

(g) EFFECTIVE DATE.—This section shall take effect with respect to minerals produced from a mining claim in calendar months beginning after enactment of this Act.

SEC. 3. ABANDONED MINERALS MINE RECLAMATION FUND.

(a) ESTABLISHMENT.—

(1) There is established on the books of the Treasury of the United States a trust fund to be known as the Abandoned Minerals Mine Reclamation Fund (hereinafter referred to as the "Fund"). The Fund shall be administered by the Secretary.

(2) The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in his judgement, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities and maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities. The income on such investments shall be credited to, and from a part of, the Fund.

(b) AMOUNTS.—The following amounts shall be credited to the Fund for the purposes of this Act:

(1) All moneys received from royalties under section 1 of this Act and the mining claim maintenance fee under section 4 of this Act.

(2) All donations by persons, corporations, associations, and foundations for the purposes of this title.

(c) USE AND OBJECTIVES OF THE FUND.—The Secretary is, subject to appropriations, authorized to use moneys in the Fund for the reclamation and restoration of land and water resources adversely affected by past mineral (other than coal and fluid minerals) and mineral material mining, including but not limited to, any of the following:

(1) Reclamation and restoration of abandoned surface mined areas.

(2) Reclamation and restoration of abandoned milling and processing areas.

(3) Sealing, filling, and grading abandoned deep mine entries.

(4) Planting of land adversely affected by past mining to prevent erosion and sedimentation.

(5) Prevention, abatement, treatment and control of water pollution created by abandoned mine drainage.

(6) Control of surface subsidence due to abandoned deep mines.

(7) Such expenses as may be necessary to accomplish the purposes of this section.

(d) ELIGIBLE AREAS.—

(1) Land and waters eligible for reclamation expenditures under this section shall be those within the boundaries of States that have lands subject to the general mining laws—

(A) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status prior to the date of enactment of this Act;

(B) for which the Secretary makes a determination that there is no continuing reclamation responsibility under State or Federal laws; and

(C) for which it can be established that such lands do not contain minerals which could economically be extracted through the reprocessing or remining of such lands.

(2) Notwithstanding paragraph (1), sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 and following) or which have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 and following) shall not be eligible for expenditures from the Fund under this section.

(e) FUND EXPENDITURES.—Moneys available from the Fund may be expended directly by the Director, Bureau of Land Management.

The Director may also make such money available through grants made to the Chief of the United States Forest Service, and the Director of the National Park Service.

(f) Authorization of Appropriations.—Amounts credited to the Fund are authorized to be appropriated for the purpose of this title without fiscal year limitation.

SEC. 4. LIMITATION ON PATENT ISSUANCE.

No patents shall be issued by the United States for any mining or mill site claim located under the general mining laws unless the Secretary determines that, for the claim concerned a patent application was filed with the Secretary on or before September 30, 1994, and all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36 and 37) for place claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

SEC. 5. MINING CLAIM MAINTENANCE REQUIREMENTS.

(a) In General.—

(1) Effective October 1, 1998, the holder of each mining claim located under the general mining laws prior to the date of enactment shall pay to the Secretary an annual claim maintenance fee of $100 per claim per calendar year.

(2) The holder of each mining claim located under the general mining laws subsequent to the date of enactment shall pay to the Secretary an annual claim maintenance fee of $125 per claim per calendar year.

(b) Purchasing Power Adjustment.—The Secretary shall adjust the amount of the claim maintenance fee payable pursuant to subsection (a) for changes in the purchasing power of the dollar after the calendar year 1993, employing the Consumer Price Index for all urban consumers published by the Department of Labor as the basis for adjustment, and rounding according to the adjustment process of conditions of the Federal Civil Penalties Inflation Adjustment Act of 1990.

(c) Time of Payment.—Each claim holder shall pay the claim maintenance fee payable under subsection (a) for any year on or before August 31 of each year, except that for the initial calendar year in which the location is made, the initial claim maintenance fee shall be paid at the time the location notice is recorded with the Bureau of Land Management.

(d) Oil Shale Claims Subject to Claim Maintenance Fees Under Energy Policy Act of 1992.—The section shall not apply to any oil shale claims for which a fee is required to be paid under section 2511(e)(2) of the Energy Policy Act of 1992 (30 U.S.C. 242(e)(2))

(e) Claim Maintenance Fees Payable Under 1993 Act.—The claim maintenance fees payable under this section for any period with respect to any claim shall be reduced by the amount of the claim maintenance fees paid under section 10101 of the Omnibus Budget Reconciliation Act of 1993 with respect to that claim and with respect to the same period.

(f) Waiver.—

(1) The claim maintenance fee required under this section may be waived for a claim holder who certifies in writing to the Secretary that on the date the payment was due, the claim holder and all related parties held not more than 10 mining claims on land open to location. Such certification shall be made on or before the date on which payment is due.

(2) For purposes of this subsection, with respect to any claim holder, the term "related party" means each of the following:

(A) The spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the claim holder.

(B) Any affiliate of the claim holder.

(g) Co-ownership.—Upon the failure of any one or more of several co-owners to contribute such co-owner or owners' portion of the fee under this section, any co-owner who has paid such fee may, after the payment due date, give the delinquent co-owner or owners notice of such failure in writing (or by publication in the newspaper nearest the claim for at least once a week for at least 90 days). If at the expiration of 90 days after such notice in writing or by publication, any delinquent co-owner fails or refused to contribute his portion, his interest, in the claim shall become the property of the co-owners who have paid the required fee.

SEC. 6. DEFINITIONS.

As used in this Act:

(1) The term "affiliate" means with respect to any person, each of the following:

(A) Any partner of such person.

(B) Any person owning at least 10 percent of the voting shares of such person.

(C) Any person who controls, is controlled by, or is under common control with such person.

(2) The term "locatable minerals" means minerals not subject to disposition under any of the following:

(A) the Mineral Leasing Act (30 U.S.C. 181 and following);

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following);

(C) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following); or

(D) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following).

(3) The term "net smelter return" has the same meaning provided in section 613 of the Internal Revenue Code of 1986 (26 U.S.C. 613) for "gross income from mining".

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "general mining laws" means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30, United States Code.

By Mr. HUTCHINSON (for himself, Mr. Nickles, Mr. Warner, Mr. Mack, Mr. Kyl, Mr. Brownback, Mr. Cochran, Mr. Roberts, Mr. Hatch, Mr. Gorton, Mr. Enzi, Mr. Gregg, Mr. Allard, Mr. Lott, Mr. Sessions, and Mr. Faircloth):

S. 328. A bill to amend the National Labor Relations Act to protect employer rights, and for other purposes; to the Committee on Labor and Human Resources.

TRUTH IN EMPLOYMENT ACT OF 1997

Mr. HUTCHINSON. Mr. President, I am pleased to introduce today an important piece of legislation which will enable thousands of businesses in my home State of Arkansas, and across the Nation, to avoid an unscrupulous practice which is literally crippling business.

The Truth in Employment Act will protect these businesses and curtail the destructive union tactic known as salting. It may not be in the same magnitude of issues as the balanced budget amendment, which I am deeply concerned about and in which we have had prolonged debate, but it is nonetheless a very, very significant issue that is affecting the economic well-being of thousands of businesses across America. So I am glad to be able to introduce this today with 14 cosponsors joining me on S. 328.

Salting is the calculated practice of placing trained union professional organizers and agents in a nonunion workplace whose sole purpose is to harass or disrupt company operations, apply economic pressure, increase operating and legal costs, and ultimately the purpose of putting that company out of business. The objectives of these union agents are accomplished through filing frivolous and unfair labor practice complaints or discrimination charges against the employer with the National Labor Relations Board [NLRB], the Occupational Safety and Health Administration [OSHA], and the Equal Employment Opportunity Commission [EEOC]. Salting campaigns have been used successfully to cause economic harm to construction companies and are quickly expanding into other industries across the country as well.

To my colleagues I would say, Mr. President, the average cost to the employer to defend himself or defend herself against this practice runs upwards of $5,000 per case.

Salting is not merely a union organizing tool. It has become an instrument of economic destruction aimed at nonunion companies. This is what happens. Unions send their agents into nonunion workplaces under the guise of seeking employment. Hiding behind the shield of the National Labor Relations Act, these salts use its provisions offensively to bring hardship on their employers. They deliberately increase the operating costs of their employers through actions such as sabotage and frivolous discrimination complaints.

In the 1995 Town & Country decision, the U.S. Supreme Court held that paid union organizers are employees within the meaning of the National Labor Relations Act. Because of their broad interpretation of this act, employers who refuse to hire paid union employees or their agents violate the act if they are shown to have discriminated against the union salts.

This leaves employers in a precarious and vulnerable situation. If employers refuse to hire union salts, they will file frivolous charges and accuse the employer of discrimination. Yet if salts are employed, they will create internal disruption through a pattern of dissension and harassment. They are not there to work—only to disrupt. For many small businesses this means that whenever hiring decisions are made, the future of the company may actually be at stake. A wrong decision can mean frivolous charges, legal fees, and lost time, which may threaten the very existence of their business.

I have received many accounts from across the Nation of how salting is affecting small businesses. In Carmel, IN, John Gaylor, of Gaylor Electric, is a favorite target of the local International Brotherhood of Electrical Workers. Mr. Gaylor has to budget almost $200,000 annually to defend himself against frivolous charges. In fact, Gaylor has been forced to defend himself against at least 80 unfair labor practice complaints. However, in each case the charges against him were dismissed as frivolous. Nonetheless, he is bound to pay hundreds of thousands of dollars to attorneys to defend himself.

In a classic example of salting tactics, Gaylor had to fire one employee after his refusal to wear his hardhat on his head. This employee would strap the hardhat to his knee and then dare Gaylor, his boss, to fire him because he said the employee manual stated only that he had to wear the hardhat, it did not state where he had to wear it.

Another common salting practice is for salts to actually create Occupational Safety and Health Administration [OSHA] violations and then report those violations to OSHA. When the employer terminates these individuals, they file frivolous unfair labor practice violations against the employer. This results in wasted time and money, as well as bad publicity for the company.

These are just a few of the many examples of how devastating this practice can be to small businesses. What makes this practice even more appalling is how organized labor openly advocates its use. According to the group, "Workplaces against Salting Abuse," the labor unions are even advocating this practice in their manuals.

The Union Organizing Manual of the International Brotherhood of Electrical Workers explains why salts are used. Their purpose is to gather information that will

> * * * shape the strategy the organizer will use later in the campaign to threaten or actually apply the economic pressure necessary to cause the employer to * * * raise his prices to recoup additional costs, scale back his business, leave the union's jurisdiction, go out of business, * * *

The International Vice President of the United Food and Commercial Workers Union has been quoted as saying that:

> If we can't organize them, the best thing to do is erode their business as much as possible.

That is what we are facing. The balance of rights must be restored between employers, employees, and labor organizations. The Truth in Employment Act seeks to do this by inserting a provision in the National Labor Relations Act establishing that an employer is not required to employ a person seeking employment for the primary purpose of furthering the objectives of an organization other than that employer. Furthermore, this legislation will continue to allow employees to organize and engage in activities designed to be protected by the National Labor Relations Act.

This measure is not intended to undermine those legitimate rights or protections that employees have had. Employers will gain no ability to discriminate against union membership or activities. This bill only seeks to stop the destructive practice of salting. Salting abuses must be curtailed if we are to protect the small business owners of this Nation. This legislation will ensure these protections are possible.

I am glad that Senator NICKLES, Senator WARNER, Senator MACK, Senator KYL, Senator BROWNBACK, Senator COCHRAN, Senator ROBERTS, Senator HATCH, Senator GORTON, Senator ENZI, Senator GREGG, Senator ALLARD, Senator SESSIONS, Senator FAIRCLOTH, and the majority leader, Senator LOTT, have joined as original cosponsors of this legislation.

It is for these reasons I am introducing the Truth in Employment Act. I ask more of my colleagues to support this bill and restore fairness to the American workplace.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Employment Act of 1997".

SEC. 2 FINDINGS.

Congress finds the following:

(1) An atmosphere of trust and civility in labor-management relationships is essential to a productive workplace and a healthy economy.

(2) The tactic of using professional union organizers and agents to infiltrate a targeted employer's workplace (a practice commonly referred to as "salting") has evolved into an aggressive form of harassment not contemplated when the National Labor Relations Act (29 U.S.C. 151 et seq.) was enacted and threatens the balance of rights that is fundamental to the collective bargaining system of the United States.

(3) Increasingly, union organizers are seeking employment with nonunion employers not because of a desire to work for such employers but primarily to organize the employees of such employers or to inflict economic harm specifically designed to put nonunion competitors out of business.

(4) While no employer may discriminate against employees based upon the views of the employees concerning collective bargaining, an employer should have the right to expect job applicants to be primarily interested in utilizing the skills of the applicants to further the goals of the business of the employer.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to preserve the balance of rights between employers, employees, and labor organizations that is fundamental to a system of collective bargaining;

(2) to preserve the rights of employees to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act; and

(3) to alleviate pressure on employers to hire individuals who seek or gain employment in order to disrupt the workplace of the employer or otherwise inflict economic harm designed to put the employer out of business.

SEC. 4. PROTECTION OF EMPLOYER RIGHTS.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended by adding at the end the following flush sentence:

"Nothing in this subsection shall be construed as requiring an employer to employ any person who seeks or has sought employment with the employer in furtherance of the objectives of an organization other than the employer.".

By Mr. ABRAHAM:

S. 329. A bill to provide that pay for Members of Congress shall be reduced whenever total expenditures of the Federal Government exceed total receipts in any fiscal year, and for other purposes; to the Committee on Governmental Affairs.

● Mr.ABRAHAM. Mr. President, today I am introducing legislation to reduce the salaries of Members of Congress by 10 percent for every year that the budget remains out of balance or Congress fails to enact a balanced budget amendment to the Constitution. Since the Senate is currently debating a balanced budget to the Constitution, I think it is an appropriate time to renew this legislation.

Mr. President, the Federal budget has been out of balance since 1969. If you exclude trust fund surpluses—as some argue we should—then the Federal Government has not had a surplus since the Kennedy administration. Since that time, the on-budget deficit has risen from $4 billion in 1961 to $26 billion in 1971, $74 billion in 1981, and $321 billion in 1991. According to the CBO, despite recent improvements, the deficit will continue to be a problem—over $200 billion per year out into the future.

Uninterrupted deficits mean rising debt and debt service costs. The gross debt right now is over $5 trillion. By 2002, it will be over $6 trillion. At that time, as we all have been warned, interest payments on the debt will be the largest single portion of the Federal budget. A child born today faces close to $200,000 in extra taxes over his/her lifetime just to pay interest on the Federal debt.

In other words, Mr. President, after 35 years of uninterrupted presence, I think we can call the Federal deficit an institution here in Washington and admit that there's an institutional bias toward operating in the red. The legislation I am reintroducing today would create an institutional bias in the other direction—toward balance.

Specifically, the bill provides that the salary of Members of Congress be reduced by 10 percent whenever the Federal Government is unable to balance the budget at the close of a fiscal year. It further provides that such a reduced salary level remain in effect until the Government is successful in achieving a balanced budget. The bill's requirements would sunset, however, upon passage of a balanced budget constitutional amendment by both Houses of the Congress.

Mr. President, I believe it is a fundamental responsibility of Government to live within its means. Yet, Members of Congress find it tempting to spend more money than they are willing to take from taxpayers. On the one hand, they reap the benefits by pleasing their constituents. On the other hand, they avoid displeasing the taxpayers who have to foot the bill. In the end, it is future generations of taxpayers who will pick up the tab.

Last Congress, we came close to reversing this destructive trend. We came within one vote of adopting a balanced budget amendment to the Constitution, and we came within one Presidential veto of instituting a plan to reduce spending, cut taxes, and balance the budget by the year 2002. As we all know, however, close does not count, and the debt we impose upon our children continues to rise.

For that reason, I will continue to fight for a balanced budget constitutional amendment and I will continue to work as a member of the Budget Committee to enact a balanced budget plan. Until either of these initiatives is adopted, however, I will continue to propose holding Members collectively responsible for year-end deficits by reducing their pay.

Mr. President, as I said last year, the Congressional Fiscal Policy Act of 1997 is not a panacea for our current fiscal problems. However, until such time as a balanced budget amendment is placed into the Constitution, it would effect a small but potentially important step toward more responsible Government.●

By Mr. DORGAN (for himself, Mr. KEMPTHORNE, Mr. BINGAMAN, Mr. CONRAD, Mr. CRAIG, Mr. DOMENICI, Mr. THOMAS and Mr. DASCHLE):

S. 331. A bill to amend title 23, United States Code, to provide a minimum allocation of highway funds for States that have low population densities and comprise large geographic areas; to the Committee on Environment and Public Works.

Mr. DORGAN. Mr. President, I come to the floor today to introduce a piece of legislation on behalf of myself, Senator KEMPTHORNE, Senator BINGAMAN, Senator CONRAD, Senator CRAIG, Senator DOMENICI, Senator THOMAS, and Senator DASCHLE.

At the conclusion of my remarks I will send a copy of the bill and the statement to the desk.

Mr. President, we will have in this Congress a lot of debates about a lot of issues. One of them that will be very interesting and have great consequence will be the issue of reauthorizing the highway bill. And the question of how much money is available to which States and under what conditions will the money be available to build, to construct, and to maintain highways, roads, and bridges across our country. And to some that may seem like kind of a dull uninteresting subject. But the development, the building, and the maintenance of highways and bridges is critically important to regions of our country. It determines where people live, and where people can travel. It determines economic development, jobs and opportunity.

I come from a rural State. I recognize that there will be a formula fight, as there always is—a formula fight about how to apportion the highway dollars, and who gets what. I do not intend to take sides between one big State and another big State. But I come from a State that is rather large in geography but small in population simply to say that when all of the fighting is over we want to make certain that States like North Dakota and others, where you have large expanses of territory and relatively few people living in those States, are not left out of this process.

Some may not understand the frame of reference to North Dakota. Let me describe it, if I might, as I begin talking about this bill.

I come from southwestern North Dakota, a town of 300 people, and graduated from a high school class of 9. The county I come from is called Hettinger County. The county next to Hettinger is Slope County, a wonderful territory. Southwestern North Dakota is ranching country with wonderful people. Slope County has fewer than 1,000 people. It is a land mass the size the State of Rhode Island. Slope County is the size of the State of Rhode Island but has fewer than 1,000 people.

There were a lot of births in Slope County last year. There were 7,900 calves born. There were 2,500 pigs born. There were about 1,500 lambs born. And there were seven children born in Slope County; seven children born in Slope County, a land expanse the size of the State of Rhode Island.

I have said—and I do it just I guess because it is obvious—that there is not a lot of childbearing going on in the Medicare years. The fact is that the average age of the population in counties like Slope County, a rural county, is increasing, and there just are not a lot of children born in those counties. In North Dakota, we have 11 counties that are growing and 42 counties that are shrinking. Slope County is an example of that.

I mention all of this to you for one reason. Roads are important. How hard do you think it is to support road building or road maintenance in a county that size with so few people? I can say the same thing about Hettinger County not only in North Dakota, but in South Dakota, New Mexico, Wyoming, Montana, and other States as well. It is very hard with a small population base and a lot of miles of road to support them with our current circumstance.

As we have a fight about highway funding here in the Congress—and the fight is a big-stakes fight over billions and tens of billions of dollars to be sliced up and divided between 50 States, and the big States have an enormous amount of money at stake, New York, Florida, California, and others—an enormous amount of money is at stake for these States. I am going to be someone who helps move this along by saying that I think highway building, highway maintenance, highway construction, and bridge repair is very important for our country's future. We must rebuild our country's infrastructure. We must pay attention to these kinds of things. All you have to do is go to some less-developed country and drive the first mile and understand how important infrastructure is and what we have here versus what they have in many other areas of the world.

But much of our infrastructure is in trouble, and we must reauthorize a highway funding bill that gives us the resources across this country to rebuild our infrastructure.

How do we divide up the money? Well, that then becomes part of this formula fight. How much does one State get versus another?

There are about eight States in this country where you have a large land mass, and only a few people. That makes it very difficult for the few people living in those States to maintain the network of highways necessary. Why is it necessary? It is necessary for the country. It is necessary for an entire transportation system.

You can imagine perhaps President Eisenhower sitting at the White House probably having Speaker Rayburn down to talk about his idea of an Interstate Highway System across our country connecting various parts of our country. And, if someone in that meeting when they talked about building an interstate highway program had said, "Well, gee, how could you conceivably support building a four-lane, expensive interstate highway that goes among other places from Fargo, ND, in the east and exits at Beach, ND, in the west as it enters Montana, for the number of people it serves in North Dakota, how on Earth could this country justify that investment in the interstate highway program?" The answer was simple. It was a national program. And the fact that you build a highway across a State with low populations such as North Dakota means that frozen fish and fresh fruit move from Boston to Seattle, not across gravel roads in the center of the country because there are only a few people living there, but across an interstate highway system that is part of a national network of highways and roads that are important for our entire country. That is the purpose of all of it this.

Those of us that come from the less-densely populated States drive a lot. Gas taxes mean a lot to us. The price of gasoline means a lot to us. In North Dakota, for example, we drive exactly twice as much per person as they do in New York.

Why? Well, if you are going to go someplace in North Dakota, it is not two blocks to the hospital. It might be 50 miles to the hospital. It might not be a block and a half to a movie. It might be 10 miles or 15 miles from the farmstead to the small town with a theater.

The fact is we drive just almost exactly twice as much in North Dakota per person as they do in New York City. Therefore, per person we pay twice as much in highway taxes as they do, for example, in New York City or the State of New York. Is that unfair, unfortunate? Probably unfortunate. We do not like that necessarily, but we choose where we live.

The point I am making with that is that in terms of burden, we have a very substantial burden with respect to highway taxes. Our burden is much higher than the burden per person in other States.

The contribution to the Federal highway trust fund in terms of gas taxes by the average North Dakotan is $116 a year; the average Florida resident, $73; Massachusetts, $61; Rhode Island, $55, and the list goes down. We are fourth from the top in per person contribution to the Federal highway trust fund.

Some will come to this floor in all of this fight about money and they will say, well, there are donor States and donee States, and the donor States are the ones that pay more into the highway trust fund than they get back and that ought to change; it is unfair. The donee States are the recipient States and they are the ones that get more back than they paid in and they ought not to.

That is one way of looking at it. I suppose if you want to look at that in the context of funding the Coast Guard, we do not have any coast to guard up in North Dakota so whatever our taxpayers in North Dakota are paying into the Federal Government for the purpose of running a Coast Guard, I suppose we are a donor State. We are a donor State for the Coast Guard. But so what. That is not the way you ought to measure this, nor should you measure it that way from a highway funding standpoint. Measure it in terms of what citizens are having to contribute to the highway trust funds relative to the amount of driving they are doing and the amount of tax they are having to pay, and what you will see is a State such as North Dakota is right near the top.

A group of us who come from States similarly situated, States with very large expanses of land and not as many people, and therefore not having the tax base to raise the funds necessary to meet the needs of road maintenance and road building and bridge making, and so on, want to be a part of this debate on the reauthorization of ISTEA or the highway reauthorization bill in a manner that says the following. We want at the end of this discussion for these eight States that are situated in this manner not to be a part of the juggling between the formula fights that will go on on this floor from time to time this year on highway funding, but instead to be a part of a solution that says with respect to those States with unique circumstances, we will provide a guarantee that those States will receive what they have received in the past in terms of the percentage of the highway funds that have gone to these eight States with large expanses of land, many miles of highway to maintain and a lower population base, and in addition to that we will have a highway preservation fund of 1 percent—1 percent out of 100 percent of the money that is available—to be put in a pool to be distributed back to those eight States on a need basis to preserve those highways, roads and bridges, build and maintain and preserve that infrastructure in those eight States that face this unique challenge and face these unique circumstances.

That is all we say in this legislation—two things. One, North Dakota's share, for example, of the current formula is about .62 of 1 percent. North Dakota and the other seven States would be guaranteed that allocation at the end of the reauthorization bill for the coming years, plus we would be the recipients on a need basis of a pool equal to 1 percent of the highway fund that would then be reallocated on a need basis to the eight States that face these special and unique challenges.

There are a number of us, 16 Senators specifically that come from these 8 States, who have already cosponsored this legislation. I hope others will. And when we do, I hope we will be able to make a case to the rest of the Congress that we want to be helpful to others. We want to be helpful to all of those who believe there ought to be a robust highway funding program, that funding for it ought to be certain, that funding for it ought to be adequate to meet the needs in this country and we are prepared to support that. But that when the larger formula fights are completed, those eight States, uniquely situated, the eight States which include North Dakota, situated in a circumstance where their population base does not allow them to raise the resources to meet their infrastructure and transportation needs, they will be dealt with in a fair and equitable way. That is what our legislation does. It is what it would provide. And we hope that when this is over at the end of this Congress, we will look back and say we did something that was important for our States.

I want to mention one additional point. Some say let us not have a Federal highway program anymore. Let us abolish the Federal gas tax, and then say to the States, you go ahead and raise your own money. All that I have been discussing so far describes the unique problem we have raising our own money with a large road network to deal with and a smaller population base. If we were required under a program like that, a devolution of the highway program, saying we will not have a Federal program, let us let the States do it, and therefore a State like North Dakota, we were told, you go ahead and raise this yourself, just to meet the current revenue stream we now have from the Federal highway program in North Dakota, we would be required to raise the current State gas tax by 27 cents per gallon simply to replace the revenue the State currently receives. Other States would not fare the same way. Other States would be able to decide they could raise their gas tax at the State level by a very small amount of money.

For example, Florida would have to raise their State gas tax 11 cents to raise the amount of money they now have under their road program. So when you take a look at the impact and the burden on taxpayers here, that approach, the devolution approach, saying let us not have a Federal highway program, let us tell the States raise your own money by your own gas tax, would say to Florida, you raise your gas tax by 11 cents, and would say to North Dakota, you raise yours by 27 cents.

That is the inequity of it. That moves us away from the notion that highways represent a national need, that transportation is a national system and is part of a unifying force in this country that we have always felt should work to meet our country's universal needs, and that includes especially the area of transportation.

Mr. President, this year the Congress will be debating the reauthorization of the Intermodal Surface Transportation Efficiency Act [ISTEA]. Some have focused the debate around the question of the ratio between how much States receive in highway funding related to what they pay in. However, framing the debate around the donor verses donee State concept fails to address the real issues in the reauthorization of ISTEA: that is, how do we allocate resources to maintain a national transportation system and ensure that all States have the necessary resources to participate in that system. If the heavily populated States want to ship their frozen fish and fresh fruit from coast to coast in trucking convoys, they don't want to be shipping it on gravel roads in parts of the country where the local tax base is not sufficient to maintain a national network of good roads. It is in the interest of all Americans to have a national network. That is why the donor verses donee formula fights are so counterproductive.

If we are interested in maintaining a national transportation system, the question should be how do we allocate resources to meet all the Nation's highway needs. This includes meeting the unique needs of rural States with low-density populations and large geographic areas. If there is a national need, there's a national responsibility and we ought not to have formula fights in ways that hurt small population States with large networks of highways to maintain.

I am not a bit uncomfortable that North Dakota receives more money back in highway funding than it sends into the highway trust fund through gas taxes. In fact, if measured on a per capita basis, North Dakota is actually one of the highest contributors to the Federal highway trust fund. Some of the so-called "donor States" contribute as much in gas taxes per capita than many of the "donee States" contribute. That happens because we have a small population and are required to maintain a large highway system on a small local tax base. Without a Federal program to make up for scarce local resources in low-density States, we could not have a national network of highways.

Those who frame the debate as one between donor or donee States beg the question as to why does this notion only apply to highway funding. Should we treat all transportation programs the same way? Why single out only highway funding? Why not apply the same "return to the states" approach for mass transit, disaster relief for hurricanes and earthquakes, or the Airport Improvement Program? Should the same principle be applied to funding the Coast Guard and the Maritime Administration whose services are almost entirely used by coastal States? We don't have much of a Coast Guard in North Dakota, but our taxpayers still help pay for it. Thus, North Dakota is a donor State when it comes to these programs. Why should landlocked States support these programs?

The reason is simple—we have a national economy, not a State-by-State economy. If such approaches were adopted, it would represent a dramatic abandonment from the basic principle that has been vital to our national economic and social well being: a quality national transportation system. And that is why the debate about the reauthorization of ISTEA must meet the unique needs of rural States.

A network of efficient and well-maintained roads in rural areas is just as important to densely population urban centers that export products across the country as the roads are to middle America.

We need a national transportation system that reflects a commitment to all regions of the Nation as the principle priority. To do this, highway funding formulas must provide for the unique needs of every region. Currently, the needs of States with small populations but that maintain highways for large geographic areas are not reflected under ISTEA formulas and this ought to be changed. ISTEA formulas need to reflect the needs of the national system and the unique circumstances of various geographic regions. While major urban areas need support for relieving congestion and heavy traffic loads, rural States with low populations need additional assistance to maintain long stretches of roads with smaller local tax bases.

Mr. President, I am introducing legislation to ensure that rural States with low-density populations and large geographic land areas get an adequate share of Federal support under the Federal Aid to Highways Program. There are two major provisions under this legislation. First, low-density States with large geographic land areas will be held harmless under the same percentage distribution of total highway funds as they received under ISTEA. In addition, these same States would qualify for a rural State adjustment, which would be established by setting aside 1 percent of the total highway program for rural States. These funds would be distributed by a formula that takes into account the number of National Highway System [NHS] miles of road in a qualifying State and the number of NHS vehicle miles traveled in that State. Certainly, this legislation does not resolve the matter as to how Federal highway funds will be distributed to all States. Rather, this bill only focuses on one aspect of the picture—that is, it emphasizes the unique circumstances of a small number of States that ought to have their needs recognized in the final formula.

Those of us from rural States are not suggesting that all we care about is meeting our unique needs. Much to the contrary. We desire to work cooperatively with all our colleagues to develop a strong and effective highway bill that meets the needs of all regions. Our objective is to have a fair formula that ensures that our Nation maintains a truly national system. To that end, we pledge our good faith and determination to develop the best reauthorization of ISTEA possible.

I urge my colleagues to join Senator KEMPTHORNE, Senator CONRAD, and I in supporting this legislation. It is our hope that the Congress will succeed this year in passing a strong reauthorization of ISTEA and hopefully, that legislation will reflect the concerns raised in the bill we are introducing today.

So, Mr. President, I am sending the legislation to the desk, and I hope in the coming week or so to add cosponsors to the legislation. I hope when the debate occurs on the reauthorization of the highway program, the ideas embodied in this bipartisan piece of legislation will be ideas that we will see incorporated in the final legislation passed by this Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural States Highway Preservation Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) a national surface transportation system that includes a national network of highways and that provides for efficient and safe interstate travel in every State is vital to the economic and social wellbeing of the United States;

(2) Federal policy for allocating resources to maintain an efficient and safe national surface transportation system should reflect the unique needs and circumstances of each State's ability to participate in the transportation system;

(3) low-density States that comprise large geographic land areas—

(A) bear unique financial burdens in maintaining their share of the national surface transportation system; and

(B) typically support higher per-mile costs of maintaining highways and contribute more per capita to the Highway Trust Fund than other States;

(4) many rural States have to maintain large highway systems, which provide interstate access between major population centers, but have small local populations to support their highways;

(5) since the approval and implementation of the North American Free Trade Agreement, many rural States along the northern border of the United States have experienced increased use of, and demands on, their share of the national surface transportation system due to increased international trade activities;

(6) Federal funding for surface transportation should include adjustments that reflect reasonable and appropriate resource allocations to ensure that rural, low-density States that comprise large geographic land areas can adequately participate in the national surface transportation system; and

(7) contributions from all States permit the Federal Government to provide support for essential intermodal national priorities, such as a national system of highways, mass transit, maritime activities, airports and air service, and passenger rail service.

SEC. 3. MINIMUM HIGHWAY FUNDING ALLOCATION FOR CERTAIN TYPES OF STATES.

Section 157(a)(4) of title 23, United States Code, is amended—

(1) by striking "In fiscal" and inserting the following:

"(A) IN GENERAL.—In fiscal"; and

(2) by adding at the end the following:

"(B) LOW-DENSITY, LARGE-GEOGRAPHIC-AREA STATES.—

"(i) DEFINITION OF ELIGIBLE STATE.—In this subparagraph, the term 'eligible State' means a State that—

"(I) has a population density of less than 20 individuals per square mile; and

"(II) comprises a land area of 10,000 square miles or more.

"(ii) HISTORICAL APPORTIONMENTS.—Notwithstanding any other provision of law, for fiscal year 1998 and each fiscal year thereafter, the Secretary shall increase the amount of funds that, but for this clause, would be apportioned to an eligible State under section 104(b)(3) so that each eligible State receives not less of the apportioned and allocated funds described in section 1015(a)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943) (as in effect on October 1, 1996) than the percentage listed for the State in section 1015(a)(2) of that Act (as in effect on October 1, 1996).

"(iii) SET-ASIDE.—Notwithstanding any other provision of law, on October 1 of fiscal year 1998 and each fiscal year thereafter, the Secretary shall—

"(I) before making any funds available out of the Highway Trust Fund (other than the Mass Transit Account) for the fiscal year, set aside from the amounts authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the fiscal year an amount equal to 1 percent of the funds that were made available out of the Highway Trust Fund (other than the Mass Transit Account) for the preceding fiscal year;

"(II) after making any increase for an eligible State necessary to carry out clause (ii), allocate 50 percent of the amount set aside under subclause (I) among eligible States in the ratio that—

"(aa) the number of miles of highways on the National Highway System in the eligible State; bears to

"(bb) the number of miles of highways on the National Highway System in all eligible States; and

"(III) after making any increase for an eligible State necessary to carry out clause (ii), allocate 50 percent of the amount set aside under subclause (I) among eligible States in the ratio that—

"(aa) the number of vehicle miles traveled on the National Highway System in the eligible State during the latest 1-year-period for which data are available; bears to

"(bb) the number of vehicle miles traveled on the National Highway System in all eligible States during the latest 1-year-period for which data are available.".

Mr. KERRY. Mr. President, I might say to my friend from North Dakota that he raises a most important issue, and it is obviously one that we are going to have a tremendous tug-of-war on around here. It is my hope, representing a State with very old infrastructure and with enormous public works projects, a very large population in an urban area, that as we approach this we are not going to get dragged into a fractionalized, regionalized, State-versus-State, haves-versus-have-nots issue. But, rather, that we are going to think this through in terms of the overall needs of the Nation which he has appropriately addressed with respect to his State and his region. I think the key here is to make sure we come out with an adequate amount of infrastructure investment for the country as a whole and with an appropriate division of that. I certainly intend to work with him and others, but I think we need to guarantee that.

• Mr. BINGAMAN. Mr. President, I rise to speak briefly about the Rural States Highway Preservation Act. This is an act that would ensure fairness in the distribution of funds from the Highway Trust Fund. But more importantly, Mr. President, this bill ensures that we continue our commitment to maintain a national transportation system, that in doing so, we meet all the Nation's transportation needs and, just as importantly, the unique needs of our States that have small populations and very large geographic areas, States such as New Mexico, North Dakota, South Dakota, Idaho, Alaska, Nevada, Montana, and Wyoming.

My home State of New Mexico has only 14 people per square mile and its total land area is 121,335 square miles. Residents of large, rural States like New Mexico pay more per person in gas taxes because of the long driving distances. It is not uncommon for New Mexicans to travel 50 or more miles to their nearest large town or country seat, where they have to go to get essential supplies, health care, school, or interact with their government. To maintain this infrastructure, New Mexicans currently pay one of the highest per capita State taxes to maintain the same highways used by interstate trucks or the tourists who visit our beautiful State. Under any eventual ISTEA reauthorization that does not address these unique characteristics, New Mexico and similar States would lose highway funding that it could never recover. Under devolution, for example, New Mexico would have to impose at least a 17.8-cent gas tax just to generate the same revenue as it received from the Highway Trust Fund in 1995. Such a proposal would be devastating not only for our residents, but for the many trucks that cross our State, and for the increasing traffic between Mexico and the United States. Such a proposal would impair new Mexico's highways, but because we are but one part of a national transportation system, it would impair our national system.

The Rural States Highway Preservation Act would ensure that transportation funds that will be distributed under a reauthorized ISTEA will be done fairly, with consideration to the uniqueness of States with low population density and high geographic area, and with our national transportation needs as a priority.

Thank you, Mr. President.•

By Mr. HARKIN (for himself, Mr. CONRAD, Mr. KENNEDY, Mr. DORGAN, Ms. MIKULSKI, and Mr. LEVIN):

S. 332. A bill to prohibit the importation of goods produced abroad with child labor, and for other purposes; to the Committee on Finance.

THE CHILD LABOR DETERRENCE ACT OF 1997

• Mr. HARKIN. Mr. President, I introduce the Child Labor Deterrence Act of 1997. The bill I am introducing today prohibits the importation of any product made, whole or in part, by children under the age of 15 who are employed in manufacturing or mining. This is the fourth time I have come to the floor of the Senate to introduce this bill, and I will continue to introduce it until it becomes law.

Mr. President, recently, the International Labor Organization [ILO] released a very grim report about the number of children who toil away in abhorrent conditions. The ILO estimates that over 200 million children worldwide under the age of 15 are working instead of receiving a basic education. Many of these children begin working in factories at the age of 6 or 7, some even younger. They are poor, malnourished, and often forced to work 60-hour weeks for little or no pay.

Child labor is most prevalent in countries with high unemployment rates. According to the ILO, some 61 percent of child workers, nearly 153 million children, are found in Asia; 32 percent, or 80 million, are in Africa and 7 percent, or 17.5 million, live in Latin America. Adult unemployment rates in some nations runs over 20 percent. In Latin America, for example, about 1 in every 10 children are workers. Furthermore, in many nations where child labor is prevalent, more money is spent and allocated for military expenditures than for education and health services.

The situation is as deplorable as it is enormous. In many developing countries children represent a substantial part of the work force and can be found in such industries as rugs, toys, textiles, mining, and sports equipment manufacturing.

For instance, it is estimated that 65 percent of the wearing apparel that Americans purchase is assembled or manufactured abroad, therefore, increasing the chance that these items were made by abusive and exploitative child labor. In the rug industry, Indian and Pakistan produce 95 percent of their rugs for export. Some of the worst abuses of child labor have been documented in these countries, including bonded and slave labor.

Venezuela and Colombia exported $6,084,705 and $1,385,669 worth of mined products respectively to the United States in 1995. Both were documented by the Department of Labor as using child labor in mining. Mining hazards for children include exposure to harmful dusts, gases, and fumes that cause respiratory diseases that can develop into silicosis, pulmonary fibrosis, asbestosis and emphysema after some years of exposure. Child miners also suffer from physical strain, fatigue and musculoskeletal disorders, as well as serious injuries from falling objects.

Children may also be crippled physically by being forced to work too early in life. For example, a large scale ILO survey in the Philippines found that more than 60 percent of working children were exposed to chemical and biological hazards, and that 40 percent experienced serious injuries or illnesses.

These practices are often underground, but the ILO report points out that children are still being sold outright for a sum of money. Other times, landlords buy child workers from their tenants, or labor contractors pay rural families in advance in order to take their children away to work in carpet weaving, glass manufacturing or prostitution. Child slavery of this type has long been reported in South Asia, South East Asia and West Africa, despite vigorous official denial of its existence.

Additionally, children are increasingly being bought and sold across national borders by organized networks. The ILO report states that at least five such international networks trafficking in children exist: from Latin America to Europe and the Middle East; from South and South East Asia to northern Europe and the Middle East; a European regional market; an associated Arab regional market; and, a West African export market in girls.

In Pakistan, the ILO reported in 1991 that an estimated half of the 50,000 children working as bonded labor in Pakistan's carpet-weaving industry will never reach the age of 12—victims of disease and malnutrition.

I have press reports from India of children freed from virtual slavery in the carpet factories of northern India. Twelve-year-old Charitra Chowdhary recounted his story—he said, "If we moved slowly we were beaten on our backs with a stick. We wanted to run away but the doors were always locked."

Mr. President, that's what this bill is about, children, whose dreams and childhood are being sold for a pittance—to factory owners and in markets around the globe.

It is about protecting children around the globe and their future. It is about eliminating a major form of child abuse in our world. It is about breaking the cycle of poverty by getting these kids out of factories and into schools. It is about raising the standard of living in the Third World so we can compete on the quality of goods instead of the misery and suffering of those who make them. It is about assisting Third World governments to enforce their laws by ending the role of the United States in providing a lucrative market for goods made by abusive and exploitative child labor and encouraging other nations to do the same.

Mr. President, unless the economic exploitation of children is eliminated, the potential and creative capacity of future generations will forever be lost to the factory floor.

Mr. President, the Child Labor Deterrence Act of 1997 is intended to strengthen existing U.S. trade laws and help Third World countries enforce their child labor laws. The bill directs the U.S. Secretary of Labor to compile and maintain a list of foreign industries and their respective host countries that use child labor in the production of exports to the United States. Once the Secretary of Labor identifies a foreign industry, the Secretary of the Treasury is instructed to prohibit the importation of a product from an identified industry. The entry ban would not apply if a U.S. importer signs a certificate of origin affirming that they took reasonable steps to ensure that products imported from identified industries are not made by child labor. In addition, the President is urged to seek an agreement with other governments to secure an international ban on trade in the products of child labor. Further, any company or individual who would intentionally violate the law would face both civil and criminal penalties.

This legislation is not about imposing our standards on the developing world. It's about preventing those manufacturers in the developing world who exploit child labor from imposing their standards on the United States. They are forewarned. If manufacturers and importers insist on investing in child labor, instead of investing in the future of children, I will work to assure that their products are barred from entering the United States.

Mr. President, as I said when I first introduced this bill 4 years ago, it is time to end this human tragedy and our participation in it. It is time for greater government and corporate responsibility. No longer can officials in the Third World or U.S. importers turn a blind eye to the suffering and misery of the world's children. No longer do American consumers want to provide a market for goods produced by the sweat and toil of children. By providing a market for goods produced by child labor, U.S. importers have become part of the problem by perpetuating the impoverishment of poor families. Through this legislation, importers now have the opportunity to become part of the solution by ending this abominable practice.

Mr. President, countries do not have to wait until poverty is eradicated or they are fully developed before eliminating the economic exploitation of children. In fact, the path to development is to eliminate child labor and increase expenditures on children such as primary education. In far too many countries, governments spend millions on military expenditures and fail to provide basic educational opportunities to its citizens. As a result, over 130 million children are not in primary school.

In conclusion, Mr. President, my bill places no undue burden on U.S. importers. I know of no importer, company, or department store that would willingly promote the exploitation of children. I know of no importer, company, or department store that would want their products and image tainted by having their products produced by child labor. And I know that no American consumer would knowingly purchase something made with abusive and exploitative child labor. These entities take reasonable steps to ensure the quality of their goods; they should also be willing to take reasonable steps to ensure that their goods are not produced by child labor.

Mr. President, I urge my colleagues to support this legislation.●

By Mrs. BOXER:

S. 333. A bill to increase the period of availability of certain emergency relief funds allocated under section 125 of title 23, United States Code, to carry out a project to repair or reconstruct a portion of a Federal-aid primary route in San Mateo, CA.

THE DEVIL'S SLIDE TUNNEL ACT

● Mrs. BOXER. Mr. President, today I am introducing the Devil's Slide Tunnel Act to allow previously appropriated funds to be used for a tunnel project in San Mateo County, CA. This bill is essentially a technical change to a 1984 emergency spending bill to provide relief for heavy winter storms that occurred during the winter of 1982–83. These rains caused a mountain mud slide to block the use of California Highway 1, a key coastal highway linking San Mateo County to San Francisco.

This section of highway has become known as Devil's Slide because it crosses a sea cliff 600 feet above the Pacific Ocean surf about 12 miles south of San Francisco. Perennial closures because of mud slides have cut off coastal communities, particularly access to emergency services during disasters as well as to local businesses. Congress approved the supplemental appropriations for permanent repair after exhaustive study, including field hearings by the House Surface Transportation Subcommittee.

The California Department of Transportation [Caltrans] made temporary repairs and proposed a bypass construction. The bypass was opposed by environmental interests and construction was blocked in court for years. This battle fortunately ended in November when voters overwhelming approved a referendum calling for construction of a mile-long tunnel as a project alternative.

Congressman TOM LANTOS has introduced legislation in the House to carry out the voters' request. I am introducing an identical bill. Our legislation simply amends the law to allow for previously appropriated funds to be used for a project alternative and that the amount is available until expended.

It is time that we fix this dangerous highway section that threatens many people's lives and livelihoods. I urge my colleagues to join me and take swift action to allow the project alternative to proceed.

I ask unanimous consent that the legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Devil's Slide Tunnel Act".

SEC. 2. PERIOD OF AVAILABILITY.

Section 6 of the Act entitled "An Act to apportion certain funds for construction of the National System of Interstate and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes", approved March 9, 1984 (98 Stat. 55), is amended—

(1) by inserting "(a) In General.—" before "A project"; and

(2) by adding at the end the following:

"(b) Availability of Funds.—Notwithstanding any other provision of law, sums that are allocated under section 3 for any project alternative selected under this section before, on, or after the date of enactment of this subsection shall remain available until expended.".●

By Mr. MOYNIHAN:

S. 334. A bill to amend section 541 of the National Housing Act with respect to the partial payment of claims on health care facilities; to the Committee on Banking, Housing, and Urban Affairs.

PARTIAL PAYMENT OF CLAIMS LEGISLATION

● Mr. MOYNIHAN. Mr. President, I introduce a bill that makes a small but significant change in the hospital mortgage program and the nursing home mortgage program administered by the Department of Housing and Urban Development. The Section 242 Program, as it is known, enables HUD to guarantee to private lenders that they will not lose money on a construction loan to a hospital. If the hospital cannot make its payments, HUD will assume the mortgage. The program insures loans for renovation, modernization, and new construction, and also covers the refinancing of existing mortgages. The Section 232 program does the same for nursing home projects.

In August, 1995 the portfolio included 100 projects in 18 States. It is particularly important in New York where State regulations require hospitals to secure such insurance and where construction costs are high. Further, because New York is deregulating its hospitals, in the next few years the hospitals need as much flexibility as possible, including the ability to refinance existing debt. The program will be more important than ever.

Ensuring hospital mortgages may seem to be a risky venture, but this program is successful. Since 1969 it has made a net contribution to the government of $221 million through fees it charges the hospitals, and in only three years has it had a negative net cash flow. The most recent was 1991.

The bill I am offering today would strengthen the program by giving HUD partial payment of claims authority. Currently, if a hospital or nursing home cannot make a mortgage payment, HUD must assume the entire mortgage at considerable cost and administrative effort. Partial payment of claims would prevent this. If, for example, a hospital owes a $10 million payment and only has $6 million available, HUD would simply provide the $4 million shortfall. There would be no requirement nor necessity of assuming the mortgage.

HUD already has partial payment of claims authority in most of its other mortgage insurance programs, such as the multifamily housing program, and it works well. There is no reason for the Agency not to have this authority in the hospital and the nursing home program, and in fact it makes eminent sense.

My friend and colleague, Senator D'Amato, joins me as a cosponsor of this bill. I ask my other colleagues to join us in supporting this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARTIAL PAYMENT OF CLAIMS ON HEALTH CARE FACILITIES.

Section 541(a) of the National Housing Act (12 U.S.C. 1735f–19) is amended—

(1) in the section heading, by adding "AND HEALTH CARE FACILITIES" at the end; and

(2) in subsection (a)—

(A) by inserting "or a health care facility (including a nursing home, intermediate care facility, or board and care home (as those terms are defined in section 232)), a hospital (as that term is defined in section 242), or a group practice facility (as that term is defined in section 1106))" after "1978"; and

(B) by inserting "or for keeping the health care facility operational to serve community needs," after "character of the project,".●

By Mr. WARNER (for himself, Mr. Graham, Mr. Hollings, Mr. Faircloth, Mr. Lugar, Mr. Ford, Mrs. Hutchison, Mr. Inhofe, Mr. Nickles, Mr. Breaux, Mr. Helms, Mr. Coats, Mr. McConnell, Mr. Shelby, Mr. Bond, Mr. Thurmond, Mr. Sessions, Mr. Hutchinson, Mr. Gramm, Mr. Robb, Mr. Coverdell, Mr. Cleland and Mr. Grams):

S. 335. A bill to authorize funds for construction of highways, and for other purposes; to the Committee on Environment and Public Works.

THE STEP–21 ISTEA INTEGRITY RESTORATION ACT

● Mr. WARNER. Mr. President, I am pleased to be joined today by Senator Bob Graham and so many of my colleagues in introducing the STEP–21, ISTEA Integrity Restoration Act, to reauthorize our Nation's surface transportation programs.

The current legislation—commonly known as ISTEA—expires on September 30 of this year. New legislation must be passed for our States and local governments to receive any transportation funds on the beginning of the new fiscal year on October 1.

Mr President, my bill presents a regionally balanced, multimodal approach for establishing a new transportation policy that will successfully carry us into the 21st century.

STEP–21 is a 5-year authorization bill that maintains a strong Federal role in transportation. It responds to the mobility and accessibility needs of all Americans to a modern and safe transportation system. It provides the resources and policies necessary for our American products to compete in a global marketplace. And, we continue the guiding principles of ISTEA committed to a system that is economically efficient and environmentally sound.

Our STEP–21 proposal is grounded in two fundamental principles—funding equity and a streamlined program.

Already much attention has focused on the regional disparities in the funding distribution formulas. But, our legislation recognizes that all regions of the Nation have important transportation needs. We are committed to devising a program that—for the first time—responds to our transportation demands using current needs information. In doing so, we provide a program that acknowledges that sparsely populated States with large land areas or States with small populations cannot go it alone. We are committed to continuing a national transportation system—to provide effective connections among the States. I believe the needs of these States must be addressed and we do so in our legislation.

STEP–21 has a much broader focus than just the single issue of funding distribution.

STEP–21 moves us beyond the advances of ISTEA with further streamlining of the current bureaucratic maze of Federal programs. We reduce the number of program categories, thus increasing the flexibility permitted for our State and local partners to determine their own transportation priorities.

STEP–21 also continues and builds upon the many successes of ISTEA.

Mr. President, this legislation maintains our national focus on multimodal solutions to moving people and goods efficiently.

We continue the flexibility of State and local decisionmakers to invest their resources in nonhighway alternatives—such as transit or commuter rail options.

We continue the important role of metropolitan planning organizations and their need to have an identified funding source.

We recognize a full and open planning process that stimulates public participation at both the State and local level will foster transportation solutions that respond to larger community goals.

We provide a program that is environmentally sound, recognizing that transportation plays an important part in our national goal to improve the quality of the air we breathe. States can continue to invest in those transportation choices that move people and goods without degrading air quality. The enhancements program that invests in alternative forms of transportation—bike paths and pedestrian walkways—and mitigates the impacts of past transportation choices on our communities quality of life will be continued.

In brief, STEP–21 ensures that we have a national multimodal transportation policy that is ready to meet the economic demands of a global marketplace. It provides solutions to the regional disparities of the current program and the Federal second-guessing of State and local transportation choices. It does not retreat from the principles of ISTEA to provide for an open decisionmaking process permitting States and localities to invest in different modes of transportation.•

By Mr. SARBANES:

S. 336. A bill to convert certain excepted service positions in the United States Fire Administration to competitive service positions, and for other purposes; to the Committee on Governmental Affairs.

U.S. FIRE ADMINISTRATION LEGISLATION

• Mr. SARBANES. Mr. President, today I am introducing legislation to convert eight remaining excepted service positions at the U.S. Fire Administration to competitive service status.

During its first few years of operation, the Federal Emergency Management Agency used an excepted service authority provided under the Fire Prevention and Control Act of 1974 in order to quickly staff the National Fire Academy with personnel who were uniquely qualified in fire education.

In the early 1980's, after the Academy's original vacancies had been filled and the Academy was up and running, it became FEMA's policy to fill openings at the NFA through a competitive civil service hiring system. Today, 91 of the NFA's 99 employees are under the general schedule with only eight employees who were hired in the 1970's and early eighties remaining in excepted service status. As a result, these remaining eight are subject to significant limitations within the USFA. Although they each average over 17 years of Federal service and were hired solely because of their strong backgrounds and unique qualifications in fire education, they are legally barred from competing for management positions within the Fire Administration. The remaining eight excepted service employees are not even allowed to serve on details to competitive service jobs—even within their own organization—without an official waiver from the Office of Personnel Management.

Mr. President, I am proposing to remedy this situation. The legislation which I am introducing will enable the Director of the Federal Emergency Management Agency and the Director of the Office of Personnel Management to convert any employees appointed to the Fire Administration under the Federal Fire Protection and Control Act, to competitive service—without any break in service, diminution of service, reduction of cumulative years of service, or requirement to serve any additional probationary period with the Administration. Those converted under this legislation shall also remain in the Civil Service Retirement System and retain their seniority. This practice is consistent with other federally supported training academies. The Congressional Budget Office has indicated that there would be no cost for this conversion, and I urge my colleagues to join me in support of this legislation.•

By Mr. HUTCHINSON (for himself, Mr. HAGEL, Mr. ABRAHAM, Mr. NICKLES, and Mr. HELMS):

S. 337. A bill to amend the Foreign Assistance Act of 1961 to restrict assistance to foreign organizations that perform or actively promote abortions; to the Committee on Foreign Relations.

THE FOREIGN ASSISTANCE ACT OF 1961 AMENDMENT ACT OF 1997

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.

(a) IN GENERAL.—Section 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b) is amended by adding at the end the following new subsection:

"(h) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

"(1) PERFORMANCE OF ABORTIONS.—

"(A) RESTRICTION.—Notwithstanding any other provision of law, no funds appropriated for population planning activities under subsection (b) or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies to the President that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

"(B) STATUTORY CONSTRUCTION.—Nothing in subparagraph (A) may be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

"(2) LOBBYING ACTIVITIES.—

"(A) RESTRICTION.—Notwithstanding any other provision of law, no funds appropriated for population planning activities under subsection (b) or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies to the President that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, except as provided in subparagraph (B).

"(B) EXCEPTION.—Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

"(3) APPLICATION TO SUBCONTRACTORS AND SUBGRANTEES.—The prohibitions of this subsection shall apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the certifications required by this subsection shall apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.".

(b) APPROPRIATIONS COVERED.—The amendment made by subsection (a) shall apply to appropriations made before, on, or after the date of enactment of this Act.

Mr. ABRAHAM, Mr. President: I rise to join my colleague, Senator HUTCHINSON, as an original cosponsor of S. 337, his amendment to the Foreign Assistance Act of 1961.

This legislation, Mr. President, will subject our nation's funding of international population control programs to appropriate restrictions, seeing to it that American monies are not used to promote or perform abortions.

In adopting this amendment we will continue our country's long established policy of opposing the use of our taxpayer's money to fund controversial procedures. First, this bill prohibits funding to any foreign organization, whether nongovernmental, multilateral or private, that performs or actively promotes abortion. Second, it prohibits organizations receiving U.S. funds from violating any of the host country's laws concerning abortion and from engaging in efforts to alter the host country's abortion laws. There is an exception for activities in opposition to coercive abortions or involuntary sterilizations. Third, this legislation extends these prohibitions to subcontractors and subgrantees of foreign organizations which receive funding under the population assistance program.

I strongly support this legislation because I believe that it will be insure that U.S.-funded population planning programs are administered in an appropriate manner. By this I mean that they will abide by the guidelines Congress laid down for 10 years, under both the Reagan and the Bush administrations. S. 337 will continue our established practice of protecting taxpayers from misuse of their funds and protecting unborn children around the world. It is a worthy piece of legislation. I urge my colleagues to support it.

By Mr. LEVIN (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. HELMS and Mr. ROBB:)

S. 339. A bill to amend title 18, United States Code, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT

• Mr. LEVIN. Mr. President, I am pleased to introduce the Federal Prison Industries Competition in Contracting Act. This bill, which is cosponsored by Senators ABRAHAM, AKAKA, HELMS, and ROBB, would implement the recommendation of the National Performance Review that we should "require [Federal Prison Industries] to compete commercially for federal agencies' business" instead of having a legally protected monopoly. Our bill would ensure that the taxpayers get the best possible value for their Federal procurement dollars. If a Federal agency could get a better product at a lower price from the private sector, it would be permitted to do so—and the taxpayers would get the savings.

Mr. President, many in both Government and industry believe that FPI products are frequently overpriced, inferior in quality, or both. For example, I understand that the Veterans Administration has sought repeal of FPI's mandatory preference on several occasions, on the grounds that FPI pricing for textiles, furniture, and other products are routinely higher than identical items purchased from commercial sources. Most recently, VA officials estimated that the repeal of the preference would save $18 million over a 4-year period for their agency alone, making that money available for veterans services.

Similarly, the Deputy Commander of the Defense Logistics Agency, wrote in a May 3, 1996, letter to Members of the House that FPI has had a 42 percent delinquency rate in its clothing and textile deliveries, compared to a 6 percent rate for commercial industry. For this record of poor performance, FPI has charged prices that were an average of 13 percent higher than commercial prices.

On July 30, 1996, the master chief petty officer of the Navy testified before the House National Security Committee that the FPI monopoly on Government furniture contracts has undermined the Navy's ability to improve living conditions for its sailors. Master Chief Petty Officer John Hagan stated, and I quote:

> In order to efficiently use our scarce resources, we need congressional assistance in changing the Title 18 statute that requires all the Services to obtain a waiver for each and every furniture order not placed with the Federal Prison Industry/UNICOR. * * * Speaking frankly, the FPI/UNICOR product is inferior, costs more, and takes longer to procure. UNICOR has, in my opinion, exploited their special status instead of making changes which would make them more efficient and competitive. The Navy and other Services need your support to change the law and have FPI compete with GSA furniture manufacturers. Without this change, we will not be serving Sailors or taxpayers in the most effective and efficient way.

In the last Congress this bill was supported by the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Federation of Independent Business, the Business and Industrial Furniture Manufacturers' Association, the American Apparel Manufacturers' Association, the Industrial Fabrics Association International, and the Competition in Contracting Act Coalition. It has also received support from hundreds of small businesses from Michigan and around the country that have seen FPI take jobs away from their businesses and give them to FPI with a guaranteed purchase—regardless of price and quality.

We all want to do what we can to ensure that we make constructive work available for Federal prisoners, but the way we are doing it is wrong. As one small businessman in the furniture industry put it in emotional testimony at a House hearing last year:

> Is it justice that Federal Prison Industries would step in and take business away from a disabled Vietnam veteran who was twice wounded fighting for our country and give that work to criminals who have trampled on honest citizens' rights, therefore effectively destroying and bankrupting that hero's business which the Veteran's Administration suggested he enter?

At the end of the last Congress, I received a letter indicating the Administration's agreement that the process by which Federal agencies purchase products from Federal Prison Industries needs to be reformed. That letter states:

> The Administration favors reform of Federal Prison Industries to improve its customer service, pricing, and delivery while not endangering its work program for Federal inmates. * * * The Administration will present reform proposals for the House and Senate Judiciary Committees in the next session of Congress.

With this letter, the administration has promised to join us in a serious reevaluation of the process by which Federal Prison Industries sells its products to other Federal agencies. The heart of that process is, of course, FPI's mandatory source status. The administration has made a commitment to work with us on reforming the Federal Prison Industries procurement process in this Congress, and I intend to hold the administration to that commitment.

Mr. President, our bill would not require FPI to close any of its facilities, force FPI to eliminate any jobs for Federal prisoners, or undermine FPI's ability to ensure that inmates are productively occupied. It would simply require FPI to compete for Federal contracts on the same terms as all other Federal contractors. That is simple justice to the hard-working citizens in the private sector, with whom FPI would be required to compete.

Mr. President, I am a supporter of the idea of putting Federal inmates to work. A strong prison work program not only reduces inmate idleness and prison disruption, but can also help build a work ethic, provide job skills, and enable prisoners to return to productive society upon their release.

However, I believe that a prison work program must be conducted in a manner that does not unfairly eliminate the jobs of hard-working citizens who have not committed crimes. FPI will be able to achieve this result only if it diversifies its product lines and avoids the temptation to build its work force by continuing to displace private sector jobs in its traditional lines of work. We need to have jobs for prisoners, but it is unfair and wasteful to allow FPI to designate whose jobs it will take, and when it will take them. Competition will be better for FPI, better for the taxpayer, and better for working men and women around the country.

I had hoped to get a vote on this bill last year, but the parliamentary situation at the end of the Congress made that impossible. However, this issue is not going to go away. The issue is too important to the taxpayers, and too important to the many small businesses adversely affected by unfair competition from Federal Prison Industries, to be ignored. I look forward to working with my colleagues to make reform of the Federal Prison Industries procurement process a reality in this Congress.•

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 341. A bill to establish a bipartisan commission to study and provide recommendations on restoring the financial integrity of the Medicare Program under title XVIII of the Social Security Act; to the Committee on Finance.

THE NATIONAL BIPARTISAN COMMISSION ON THE FUTURE OF MEDICARE

Mr. ROTH. Mr. President, I rise today with my distinguished colleague, Senator MOYNIHAN, the ranking member of the Senate Committee on Finance, to introduce legislation establishing a National Commission on the Future of Medicare.

This Medicare Commission will serve as an essential catalyst to congressional action, and ultimately lead to a solution that will preserve and protect the Medicare Program for current beneficiaries, their children, grandchildren, and great-grandchildren.

Mr. President, we have two immense challenges presented by the Medicare crisis. First, we have the short-term problem, the looming insolvency date of 2001. Second, in the not distant future, the vast numbers of baby boomers will challenge the long-term viability of Medicare. Congress must take action immediately on the short-term bankruptcy crisis, where the Commission will help us solve the longer term problem.

I am encouraged that President Clinton has moved in our direction by offering in his budget package a $100 billion reduction in Medicare spending growth over the next 5 years. I must admit, however, that I was somewhat concerned when the President, in his State of the Union Address last week, devoted only one sentence to discussing his plans for Medicare. And half of that sentence was devoted to expanding the program.

The President stated that his plan extends the life of the Medicare trust fund until 2007. However, in order to achieve this, the President's budget resorts to a budgetary sleight of hand. If we truly are to consider taking steps to preserve and protect the Medicare Program as a whole for future generations, shifting money from one trust fund account to the other does nothing for its long-term health. It only buys us a little extra time. Instead, we should take steps to extend the short-term solvency without budget accounting gimmicks.

Relying on a gimmick like the home health transfer has a certain appeal—it buys us some time by extending the short-term life of the Medicare hospital insurance, HI or part A, trust fund which is headed for bankruptcy in 2001. Quite simply, Medicare is spending more than it collects from all sources of revenues. Transferring the majority of the outlays for home health care extends the life of the HI trust fund without having to make any real decisions.

Gail Wilsnsky, a well-known health economist, stated recently "[t]he terms of the transfer of 480 billion of home care should be considered carefully because of the precedent it sets in transferring an obligation into what effectively is the general revenue of the Treasury. Normally, when an expense is brought into part B, a portion of the total spending becomes part of the premium paid by the elderly and the expense itself is subjected to a 20 percent coinsurance charge. This is not being done for the home health care transfer. While an argument can be made that the separation of Medicare into parts A and B, with two separate streams of funding is an archaic holdover from Medicare's inception, removing the limited cost constraints that now exist without reforming the entire program is very risky."

The anticipated bankruptcy of the trust fund in 2001 means there will not be money to pay the hospital, skilled nursing care, home health care, and hospice care bills of our senior citizens and disabled individuals who reply on Medicare. If we change current law, Medicare trends will continue on a collision course.

In 1995, expenditures out of the HI trust fund exceeded all sources of revenues into the trust fund. The Congressional Budget Office predicts that in 2001 Medicare will out spend its revenues and spend down its current surplus, becoming insolvent with a $4.5 billion shortfall. This shortfall grows rapidly to over one half trillion dollars—$556 billion—in 2007. And, this is before the baby-boomers begin to retire in 2010.

In the long-term, demographic trends will continue to increase financial pressure on the trust fund, challenging its ability to maintain our promise to beneficiaries. Today, there are less than 40 million Americans who qualify to receive Medicare. By the year 2010, the number will be approaching 50 million, and by 2020, it will be over 60 million. While these numbers are increasing, the number of workers supporting retirees will decrease. Today, there are almost four workers per retiree, but in 2030 there will be only about two per retiree.

The supplemental medical insurance [SMI] trust fund does not have the same solvency problem, as it has an unlimited claim on the U.S. Treasury. The SMI trust fund is financed by a monthly premium paid by beneficiaries, which covers 25 percent of the cost of Medicare part B. The remaining costs are paid by general revenues. The SMI trust fund is solvent because the Federal Government is obligated to make up the difference between beneficiary premium amounts and part B costs.

Spending for the SMI trust Fund is unsustainable. According to CBO, SMI spending is expected to increase at an annual rate of 9.1 percent between 1997 and 2007, while its premium receipts will grow by only 4.5 percent a year. Under current law, the percentage of costs paid from general revenues will steadily increase. In recent testimony, Joseph Antos, the Assistant Director for Health and Human Resources at CBO, described this situation precisely, "The SMI program is no more financially sound than the HI program, in the sense that both components of Medicare are growing more rapidly than the economy's capacity to finance them."

The Commission should also consider that since Medicare's enactment in 1965, there has been a great deal of change in the private health care system in the United States, yet Medicare has remained fundamentally unchanged. Indeed, Medicare beneficiaries do not enjoy the same benefits private sector plans often offer their enrollees. This rigid 31-year-old program is unable to offer the private sector improvements in alternative systems of delivery of care or many technological advances. If Medicare were a television, it would be a 30-year-old, 12-inch black and white model.

Mr. President, the legislation I am introducing today is modeled after two well-known previous bipartisan, bicameral national commissions.

First, the mission of the Commission is similar to the 1983 National Commission on Social Security Reform, established by President Reagan by Presidential Executive Order, December 16, 1981. As was the charge to this 1983 Blue Ribbon Commission, the Medicare Commission is directed to thoroughly review Medicare and make appropriate recommendations. The Medicare Commission will review and analyze the long-term financial condition of both the Federal hospital insurance, HI or Part A, trust fund and the Federal supplementary medical insurance, SMI or Part B, trust fund.

Second, the structure of the 15-member Medicare Commission follows more closely the model established by the 1990 U.S. Bipartisan Commission on Comprehensive Health Care, known as the Pepper commission. The Pepper commission was chaired by Senator ROCKEFELLER and issued a report making recommendations on comprehensive health care reform.

The Medicare Commission will facilitate our ability to address the Medicare crisis. Ultimately, I hope to see the Medicare Commission put forward a proposal after thoroughly analyzing the options that will truly preserve and protect the Medicare Program, not just through the next 5 years, but for the next generation so that we can leave a legacy of a robust Medicare Program for our children and our grandchildren.

Mr. President, now is the time to put partisanship aside. Time is running short, and we need to work together to avert the crisis.

Given the very short time that Medicare will remain solvent, and given the demographic facts of the American population, we cannot afford more delay. We need to preserve and protect the Medicare Program. We need to make sure we leave a solid legacy for the next generations. It is no longer time for rhetoric, but time for action. Playing politics with Medicare is simply wrong. Putting off what needs to be done is the cruelest tactic.

I encourage my colleagues to join us in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF LEGISLATION ESTABLISHING THE NATIONAL BIPARTISAN COMMISSION ON THE FUTURE OF MEDICARE

Establishes a 15 member commission.

Based on the membership structure of the 1990 US Bipartisan Commission on Comprehensive Health Care (also known as The Pepper Commission), the 15 members are appointed in the following manner: 3 by the President; 6 by the House of Representatives (not more than 4 from the same political party); 6 by the Senate (not more than 4 from the same political party); and the Chairman is designated by the joint agreement of the Speaker of the House of Representatives and the Majority Leader of the Senate.

Duties are similar to the 1983 National Commission on Social Security Reform:

1. review and analyze the long-term financial condition of both Medicare Trust Funds;
2. identify problems that threaten the financial integrity;
3. analyze potential solutions that ensure the financial integrity and the provision of appropriate benefits;
4. make recommendations to restore solvency of the HI Trust Fund and the financial integrity of the SMI Trust Fund;
5. make recommendations for establishing the appropriate financial structure of the program as a whole;
6. make recommendations for establishing the appropriate balance of benefits covered and beneficiary contributions; and
7. make recommendations for the time periods during which the Commission recommendations should be implemented.

Must submit a report to the President and Congress no later than 12 months from the date of enactment.

Commission terminates 30 days after report is submitted.

Funding authorized to be appropriated from both Medicare Trust Funds.

Mr. MOYNIHAN. Mr. President, I rise to join my colleague, the chairman of the Senate Committee on Finance, in introducing a bill that would establish a commission to address the long term problems confronting the Medicare Program.

In 1983, I joined with then-Senator Bob Dole as a member of the Greenspan Commission, which proposed a series of reforms and improvements in the Social Security program. Congress' ability to resolve the complex and controversial issues facing Social Security at that time were in doubt up until the last minute. In the end, it was the bipartisan nature of the Greenspan Commission that allowed Congress to agree on a solution.

This year, combined tax income to the Medicare and OASDI trust funds has been less than the amount paid out of these trust funds. The trustees of the Federal hospital insurance trust fund, the independent actuaries at the Health Care Financing Administration [HCFA] and the Congressional Budget Office all agree that the HI trust fund will run out of money in the year 2001.

Near-term insolvency can be resolved by reducing the rate of growth in the Medicare Program in legislation implementing the federal budget for fiscal year 1998. Yet current proposals do not address the demographic and structural factors that threaten the solvency of the Medicare Program over the longer term. Approaching changes in our Nation's demographics are well known. The so-called "baby boom," consisting of individuals born between 1946 and 1964, will begin turning 65 in the year 2011. The sheer number of people in this demographic bulge will be overwhelming to the Medicare Program.

At the same time, the number of people in the generations that follow is significantly smaller, such that by the year 2030 there will be only 2.2 workers for each individual over 65, and thus eligible for Medicare. In 1995 there were 3.9 workers per beneficiary. These demographic changes, combined with projected growth in program costs under its current structure, guarantee an imbalance between the amount of money we will have to pay for the program and the cost of the benefits that it is expected to cover.

During the recent Presidential campaign, the Republican candidate, Bob Dole, asked if I would sit on a Medicare Commission that he wanted to set up if he were elected President. I responded that I would be happy to serve on any such commission, regardless of which candidate won the White House. In the meantime, President Clinton has also called for a bipartisan process to address the long term difficulties facing Medicare. The President's most recent call for such a process came in his State of the Union Address last week.

The bipartisan bill we are introducing today will begin this process. We urge our colleagues to join this important effort.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. FEINGOLD, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 98

At the request of Mr. HUTCHINSON, the names of the Senator from Ohio [Mr. DEWINE] and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 98, a bill to amend the Internal Revenue Code of 1986 to provide a family tax credit.

S. 197

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 197, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 239

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 239, a bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions.

S. 261

At the request of Mr. DOMENICI, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 261, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 263

At the request of Mr. MCCONNELL, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 278

At the request of Mr. GRAMM, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 278, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the names of the Senator from Texas [Mr. GRAMM] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE JOINT RESOLUTION 16

At the request of Mr. ASHCROFT, the names of the Senator from Oklahoma [Mr. INHOFE] and the Senator from Georgia [Mr. CLELAND] were added as cosponsors of Senate Joint Resolution 16, a joint resolution proposing a constitutional amendment to limit congressional terms.

At the request of Mr. ASHCROFT, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Alaska [Mr. MURKOWSKI] were withdrawn as cosponsors of Senate Joint Resolution 16, supra.

SENATE RESOLUTION 53

At the request of Mr. CAMPBELL, his name was added as a cosponsor of Senate Resolution 53, a resolution to express the sense of the Senate concerning actions that the President of the United States should take to resolve the dispute between the Allied Pilots Association and American Airlines.

SENATE RESOLUTION 55—RELATIVE TO MILK PRICES

Mr. SPECTER (for himself, Mr. SANTORUM, Mr. FEINGOLD, Mr. KOHL, Mr. JEFFORDS, Mr. LEAHY, Mr. WELLSTONE, Ms. SNOWE, Ms. COLLINS, and Mr. GRAMS) submitted the following resolution; which was considered and agreed to:

S. RES. 55

Whereas, during the last few months farm milk prices have experienced substantial volatility, dropping precipitously from $15.37 per hundredweight in September, 1996 to $11.34 per hundredweight in December, 1996;

Whereas, the price of cheese at the National Cheese Exchange in Green Bay, Wisconsin influences milk prices paid to farmers because of its use in the Department of Agriculture's Basic Formula Price under Federal Milk Marketing Orders;

Whereas, less than one percent of the cheese produced in the United States is sold on the National Cheese Exchange and the Exchange acts as a reference price for as much as 95 percent of the commercial bulk cheese sales in the nation: Now, therefore, be it

Resolved, That it is the Sense of the Senate of the United States that the Secretary of Agriculture should consider acting immediately pursuant to his legal authority to modify the Basic Formula Price for dairy by replacing the National Cheese Exchange as a factor to be considered in setting the Basic Formula Price.

SENATE RESOLUTION 56—RELATIVE TO A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

Mr. SPECTER (for himself, Mr. SANTORUM, Ms. SNOWE, Mr. WARNER, Mr. GRASSLEY, Mr. SHELBY, Mr. THURMOND, Mr. ROTH, Mr. D'AMATO, Mr. COCHRAN, Mr. DOMENICI, Mr. GREGG, Mr. ABRAHAM, Mr. JEFFORDS, Mr. FAIRCLOTH, Mr. THOMPSON, Mr. COVERDELL, Mr. CHAFEE, Mr. KENNEDY, Mr. DURBIN, Mr. GLENN, Mr. KOHL, Mr. GRAHAM, Mr. BIDEN, Mr. ROBB, Mr. REID, Ms. MOSELEY-BRAUN, Mr. KERRY, Ms. MIKULSKI, Mr. REED, Mr. LEVIN, Mr. HOLLINGS, Mr. INOUYE, Mr. LIEBERMAN, Mrs. BOXER, Mr. MOYNIHAN, Mrs. FEINSTEIN, Mr. WYDEN, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BYRD, Mr. SARBANES, Mr. DODD, and Mr. TORRICELLI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 56

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the founders of the modern Greek state modeled their government after that of the United States in an effort to best imitate their ancient democracy;

Whereas Greece is one of the only three nations in the world, beyond the former British Empire, that has been allied with the Untied States in every major international conflict this century;

Whereas the heroism displayed in the historic World War II Battle of Crete epitomized Greece's sacrifice for freedom and democracy as it presented the Axis land war with its first major setback and set off a chain of events which significantly affected the outcome of World War II.

Whereas these and other ideals have forged a close bond between our two nations and their peoples;

Whereas March 25, 1997 marks the 176th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations were born: Now, therefore, be it

Resolved, That March 25, 1997 is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The President is requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. SPECTER. Mr. President, today I am pleased to submit a resolution along with 43 of my colleagues to designate March 25, 1977, as "Greek Independence Day: A Celebration of Greek and American Democracy."

The Greeks began the revolution 176 years ago, that would free them from the Ottoman Empire and return Greece to its democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. Thomas Jefferson proclaimed that, "to the ancient Greeks * * * we are all indebted for the light which led ourselves our of Gothic darkness." It is fitting, then, that we should recognize the anniversary of the beginning of their efforts to return to that democratic tradition.

The democratic form of government is only one of the most obvious of the many benefits we have gained from the Greek people. The ancient Greeks contributed a great deal to the modern world, particularly to the United States of America, in the areas of art, philosophy, science, and law. Today, Greek-Americans continue to enrich our culture and make valuable contributions to American society, business, and government.

It is my hope that strong support for this resolution in the Senate will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Similar resolutions have been signed into law each of the past several years, with overwhelming support in both the House of Representatives and the Senate. Accordingly, I urge my Senate colleagues to join me in supporting this important resolution.

SENATE RESOLUTION 57—CONCERNING THE BICENTENNIAL OF THE LEWIS AND CLARK EXPEDITION

Mr. DORGAN (for himself, Mr. BOND, Mr. BURNS, Mr. CONRAD, Mr. COCHRAN, Mr. CRAIG, Mr. DASCHLE, Mr. GORTON, Mr. KERREY, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. SMITH of Oregon, and Mr. REID): submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 57

Whereas the Expedition commanded by Meriwether Lewis and William Clark, which came to be called "The Corps of Discovery", was one of the most remarkable and productive scientific and military exploring expeditions in all American history;

Whereas President Thomas Jefferson gave Lewis and Clark the mission to ". . . explore the Missouri River & such principal stream of it, as, by its course and communication with the waters of the Pacific ocean, whether the Columbia, Oregon, Colorado or any other river may offer the most direct & practicable water communication across this continent for the purposes of commerce. . .";

Whereas the Expedition, in response to President Jefferson's directive, greatly advanced our geographical knowledge of the continent and prepared the way for the extension of the American fur trade with Indian tribes throughout the area;

Whereas President Jefferson directed the explorers to take note of and carefully record the natural resources of the newly acquired territory known as Louisiana, as well as diligently report on the native inhabitants of the land;

Whereas Lewis and Clark and their companions began their historic journey to explore the uncharted wilderness west of the Mississippi River at Wood River, Illinois on May 14, 1804, and followed the Missouri River westward from its mouth on the Mississippi to its headwaters in the Rocky Mountains;

Whereas the Expedition spent its first winter at Fort Mandan, North Dakota, crossed the Rocky Mountains by horseback in August 1805, reached the Pacific Ocean at the mouth of the Columbia River in mid-November of that year, and wintered at Fort Clatsop, near the present city of Astoria, Oregon;

Whereas the Expedition returned to St. Louis, Missouri, on September 23, 1806, after a 28-month journey covering 8,000 miles during which it traversed 11 future States: Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington, and Oregon;

Whereas the explorers faithfully followed the President's directives and dutifully recorded their observations in their detailed journals;

Whereas these journals describe many plant and animal species, some completely unknown to the world of science or never before encountered in North America, and added greatly to scientific knowledge about the flora and fauna of the United States;

Whereas accounts from the journals of Lewis and Clark and the detailed maps that were prepared by the Expedition enhanced knowledge of the western continent and routes for commerce;

Whereas the journals of Lewis and Clark documented diverse American Indian languages, customs, religious beliefs, and ceremonies; as Lewis and Clark are important figures in American history, so too are Black Buffalo, Cameahwait, Sacajawea, Sheheke and Watkueis;

Whereas the Expedition significantly enhanced amicable relations between the United States and the autonomous Indian nations, and the friendship and respect fostered between the Indian tribes and the Expedition represents the best of diplomacy and relationships between divergent nations and cultures;

Whereas the Native American Indian tribes of the Northern Plains and the Pacific Northwest played an essential role in the survival and the success of the Expedition;

Whereas the Lewis and Clark Expedition has been called the most perfect Expedition of its kind in the history of the world and paved the way for the United States to become a great world power;

Whereas the President and the Congress have previously recognized the importance of the Expedition by establishing a 5-year commission in 1964 to study its history and the route it followed, and again in 1978 by designating the route as the Lewis and Clark National Historic Trail administered by the Secretary of the Interior through the National Park Service; and

Whereas the National Park Service, along with other Federal, State, and local agencies and many other interested groups are preparing commemorative activities to celebrate the bicentennial of the Expedition beginning in 2003: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support for the work of the National Lewis and Clark Bicentennial Council and all the Federal, State, and local entities as well as other interested groups that are preparing bicentennial activities to celebrate the 200th anniversary of the Lewis and Clark Expedition during the years 2004 through 2006;

(2) expresses its support for the events to be held in observance of the Expedition at St. Louis, Missouri in 2004 and Bismarck, North Dakota in 2005, and many other cities during the bicentennial observance; and

(3) calls upon the President, the Secretary of the Interior, the Director of the National Park Service, American Indian tribes, other public officials, and the citizens of the United States to support, promote, and participate in the many bicentennial activities being planned to commemorate the Lewis and Clark Expedition.

BICENTENNIAL OF THE LEWIS AND CLARK EXPEDITION

• Mr. DORGAN. Mr. President, today I am submitting a Senate resolution to focus national attention to the Bicentennial of the Lewis and Clark Expedition which will be celebrated during the years 2003–2005. I am pleased that Senators BOND, BURNS, CONRAD, COCHRAN, CRAIG, DASCHLE, GORTON, JEFFORDS, KERREY, MOSELEY-BRAUN, MURRAY, GORDON SMITH, and REID have joined me as cosponsors of this resolution.

The Lewis and Clark Expedition is one of the most remarkable events in our history. In the words of historian Paul Cutright, "the Lewis and Clark Expedition stands, incomparably, as the transcendent achievement of its kind in this hemisphere, if not the entire world." Known as the Corps of Discovery, the expedition traversed a vast expanse of largely unknown territory that was just added to the United States through the Louisiana Purchase.

The expedition was conceived by Thomas Jefferson at his home in Monticello, VA. His primary motivation was to find a water route to the Pacific Ocean for commercial reasons. But President Jefferson was interested in far more than trade routes. He was equally interested in expanding the Nation's knowledge of the flora, fauna, geology, geography, and the native peoples who inhabited this vast expanse of unexplored territory that was recently added to the United States. He specifically instructed Lewis and Clark to carefully record what they found. The historic Lewis and Clark Journals were the result of that Presidential directive. The journals, maps, drawings, and specimens which Lewis and Clark produced vastly enhanced the Nation's scientific knowledge and created a lasting cultural legacy for the Nation.

During their 28-month journey, the expedition crossed 11 future States. All along the route—from St. Louis, MO, to Mandan, ND, to Fort Clatsop, OR—preparations are already underway to celebrate this epic exploration. The National Lewis and Clark Bicentennial Council was formed to stimulate and coordinate bicentennial activities across the Nation. Its mission is "to commemorate that journey, rekindle its spirit of discovery, and acclaim the contributions and goodwill of the native peoples." In cooperation with, Federal, State, tribal, and local governments as well as other interested groups, the council will undertake educational programs, re-enactments of historical events, essay competitions, symposia, athletic events, and other commemorative activities in observances of the bicentennial of this historic journey.

I hope this resolution will help to focus public attention on this great American adventure and its remarkable achievements.•

SENATE RESOLUTION 58—RELATIVE TO THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES AND JAPAN

Mr. ROTH (for himself, Mr. THOMAS, Mr. MACK, and Mr. ROCKEFELLER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 58

Whereas, the Senate finds that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is critical to the security interests of the United States, Japan and the countries of the Asian Pacific region;

Whereas, the security relationship between the United States and Japan is the foundation for the security strategy of the United States in the Asia-Pacific region;

Whereas, strong security ties between the two countries provide a key stabilizing influence in an uncertain post-Cold War world;

Whereas, this bilateral security relationship makes it possible for the United States and Japan to preserve their interests in the Asia-Pacific region;

Whereas, forward-deployed forces of the United States are welcomed by allies of the United States in the region because such forces are critical for maintaining stability in the Asia-Pacific region;

Whereas, regional stability has undergirded economic growth and prosperity in the Asia-Pacific region;

Whereas, the recognition by allies of the United States of the importance of United States armed forces for security in the Asia-Pacific region confers on the United States irreplaceable good will and diplomatic influence in that region;

Whereas, Japan's host nation support is a key element in the ability of the United States to maintain forward-deployed forces in that country;

Whereas, the Governments of the United States and Japan, in the Special Action Committee on Okinawa Final Report issued by the U.S.-Japan Security Consultative Committee estalished by the two countries, have made commitments to reducing the burdens of United States forces on the people of Okinawa;

Whereas, such commitments will maintain the operational capability and readiness of United States forces;

Whereas, the people of Okinawa have borne a disproportionate share of the burdens of United States military bases in Japan; and

Whereas, gaining the understanding and support of the people of Okinawa in fulfilling these commitments is crucial to effective implementation of the Treaty;

Now, therefore, it is the sense of the Senate that:

(1) the Treaty of Mutual Cooperation and Security Between the United States of America and Japan remains vital to the security interests of the United States and Japan, as well as the security interests of the countries of the Asia-Pacific region; and

(2) the people of Okinawa deserve special recognition and gratitude for their contributions toward ensuring the Treaty's implementation and regional peace and stability.

• Mr. ROTH. Mr. President, I rise today on behalf of myself and Senators THOMAS, MACK, and ROCKEFELLER to submit a sense-of-the-Senate resolution expressing our gratitude to the Okinawan people for their contributions toward ensuring the viability of the Treaty of Mutual Cooperation and Security between the United States of America and Japan. My friend and colleague, Rep. LEE HAMILTON, is submitting a similar resolution in the House of Representatives today.

Mr. President, the Security Treaty forms the core of our bilateral security arrangements with Japan and of our overall security strategy for the Asia Pacific region. Those arrangements have helped provide the peace and stability that have undergirded the region's economic success—from which the United States has benefitted directly.

To help ensure the viability of the Treaty, this past December, the United States and Japan agreed on terms to return roughly 20 percent of the land used by the American military. The Special Action Committee on Okinawa Final Report issued by the United States–Japan Security Consultative Committee sets out timetables for the return of the land. It also calls for training and operational procedures aimed at lessening the intrusiveness of American forces in Okinawa and improvements in certain procedures of the Status of Forces Agreement.

Even with the coming changes, Japan will continue to provide our forces based in that country with significant amounts of host nation support. And no one in Japan shoulders a more disproportionate share of that burden than the people of Okinawa.

For their many contributions to the United States-Japan relationship and the peace and stability of all the Asia Pacific region, the Okinawan people justly deserve our recognition and our sincerest thanks. That is precisely what this resolution does. But it also goes further: the resolution makes it clear that the continued support of the Okinawan people is crucial if we are to maintain a bilateral relationship that serves both our countries' interests, as well as those of the Asia Pacific and the entire world.

In light of the need for the support and understanding of the Okinawan people, and of the prefecture's continuing economic problems, I hope the Government of Japan gives serious consideration to some of the ideas that have been circulating on making the prefecture into a bastion of free trade and investment. The surest cure for Okinawa's economic ills is a dose of fundamental market reform.

Mr. President, I submitted a similar resolution at the end of the 104th Congress. While that resolution was cleared for passage, Congress adjourned before we could take the measure up for final consideration. Because of the importance of the United States–Japan relationship, I urge all my colleagues to join me in making passage of this resolution possible this year.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President I would like to announce for the information of the Senate and the public that a series of five workshops have been scheduled before the Subcommittee on Forests and Public Land Management to exchange ideas and suggestions on the proposed "Public Land Management Responsibility and Accountability Restoration Act."

The first workshop will take place on Tuesday, February 25, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building. The topic for this workshop will be titles I (part A), III, and V focusing on how we would restructure the resource management planning, eco-region planning, and Resource Planning Act systems.

The second workshop will take place on Wednesday, February 26, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building. The topic for this workshop will be subpart B, title II which addresses changes to administrative appeals and judicial review procedures.

The third workshop will take place on Wednesday, March 5, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building. The topic for this workshop will deal with administrative and related provisions of title IV.

The fourth workshop will take place on Thursday, March 6, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building. The topic of this workshop will be mechanisms for transfer of management responsibility of Federal lands to the States in Title VI.

The fifth and final workshop will take place on Tuesday, March 25, in the State of Idaho. The exact time and place have not been determined, but will be announced in a subsequent notice. This workshop will deal with title II, which addresses coordination and compliance with other environmental laws.

Testimony at these workshops is by invitation only. They are open to the public and the press. For further information please write to the Subcommittee on Forests and Public Land Management, U.S. Senate, Washington, D.C. 20510 or call Mark Rey or Judy Brown of the subcommittee staff at (202)–224–6170.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing on February 27, 1997, entitled "S. 208, The HUBZone Act of 1997." The hearing will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, February 13, 1997, at 9 a.m. in SR–328A to discuss reform to the Commodity Exchange Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Thursday, February 13, 1997, in open session, to receive testimony on the Defense authorization request for the fiscal year 1998 and the future years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, February 13, at 1:45 p.m. for a business meeting, for the purpose of considering issuance of subpoenas.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, February 13, at 2 p.m. for a hearing on S. 207, the Corporate Subsidy Reform Commission Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the full Committee on Finance be permitted to meet to conduct a hearing on Thursday, February 13, 1997, beginning at 10 a.m. in room 215–Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Finance Committee be permitted to meet to conduct a hearing on Thursday, February 13, 1997, beginning at 1 p.m. in room 215–Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 13, 1997, at 8 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session on Thursday, February 13, 1997 at 9:30 a.m. in SR–301 to mark up the recurring budgets contained in the Omnibus

Committee Funding Resolution for 1997 and 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INTRASTRUCTURE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Thursday, February 13, at 2 p.m., hearing room (SD–406), on the Intermodal Surface Transportation Efficiency Act and Transportation trends, infrastructure funding requirements, and transportation's impact on the economy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

EULOGY TO PRESIDENT WASHINGTON

• Mr. CRAIG. Mr. President, I ask that a eulogy written in honor of President George Washington be printed in the RECORD in recognition of President's Day on Monday, February 17. My constituents from Cocolalla, ID, brought this piece to my attention, and I believe it is an appropriate tribute to our first President.

The eulogy follows:

Washington,
The Defender of his Country,
The Founder of Liberty,
The Friend of Man
History and Tradition are explored in vain
For a Parallel to his Character.
In the Annals of Modern Greatness
He stands alone,
And the noblest Names of Antiquity
Lose their Lustre in his Presence.
Born the Benefactor of Mankind,
He was signally Endowed with all the Qualities
Appropriate to his Illustrious Career,
Nature made him great,
And, Heaven-directed,
He made himself Virtuous.
Called by his Country to the Defence of her Soil,
And the Vindication of her Liberties,
He led to the Field
Her Patriot Armies;
And, displaying in rapid and brilliant succession
The United Powers
Of Consummate Prudence and Heroic Valor,
He triumphed in Arms
Over the most powerful Nation of Modern Europe;
His Sword giving Freedom to America,
His Counsels breathing Peace to the World.
After a short repose
From the tumultuous Vicissitudes
Of a sanguinary War,
The astounding Energies of
Washington
Were again destined to a New Course
Of Glory and Usefulness.
The Civic Wreath
Was spontaneously placed
By the Gratitude of the Nation
On the Brow of the Deliverer of his Country.
He was twice solemnly invested
With the Powers of Supreme Magistracy,
By the Unanimous Voice of
A Free People;
And in his Exalted and Arduous Station,
His Wisdom in the Cabinet
Transcended the Glories of the Field.
The Destinies of Washington
Were now complete.
Having passed the Meridian of a Devoted Life,
Having founded on the Pillars
Of National Independence
The Splendid Fabric
Of a Great Republic,
And having firmly Established
The Empire of the West,
He solemnly deposited on the Altar of his Country
His Laurels and his Sword,
And retired to the Shades
Of Private Life.
A Spectacle so New and so Sublime,
Was contemplated by Mankind
With the Profoundest Admiration;
And the Name of Washington,
Adding new Lustre to Humanity,
Resounded
To the remotest Regions of the Earth.
Magnanimous in Youth,
Glorious through Life,
Great in Death,
His highest Ambition
The Happiness of Mankind,
His noblest Victory
The Conquest of Himself.
Bequeathing to America
The Inheritance of his Fame,
And building his Monument
In the Hearts of his Countrymen,
He Lived,
The Ornament of the Eighteenth Century;
He Died,
Lamented by a Mourning World.•

HONORING GWENDOLYN BROOKS

• Ms. MOSELEY-BRAUN. Mr. President, tomorrow evening, Howard University will be honoring and celebrating one of our Nation's most treasured poets, Gwendolyn Brooks. There, they will highlight her lifetime of accomplishment: Many awards, over 70 honorary degrees, and her status both as the first black Pulitzer Prize winner and Poet Laureate of Illinois. I would like to take a moment to add a few words of my own to the many that will be saluting her tomorrow.

Like myself, Miss Brooks grew up on the south side of Chicago and attended Chicago public schools. Her parents loved literature and nurtured her early talent. She published her first poem when she was 11, and the world of poetry was forever changed. Her work gave voice to an entire class of people who had not yet been heard, and who had so much to say.

Her poetry has a soul of its own, sometimes whimsical, sometimes mournful, but always full of truth, and beauty. She writes of love and life and loss and liberty and lunacy and laceration. Her work is often provocative, and always inspirational. One of her most clever poems challenges its readers, shaking them out of complacence, preventing them from passively enjoying her art:

A poem doesn't do everything for you.
You are supposed to go on with your thinking.
You are supposed to enrich the other person's poem with your extensions,
your uniquely personal understandings,
thus making the poem serve you.

However, Gwendolyn Brooks doesn't merely challenge readers, she challenges writers. For more than half a century, she has dedicated herself to nurturing the talent of young writers through her teaching. She sponsors annual poetry contests, using her own money for cash prizes. She is as generous with her time as her money, dispensing advice and answering questions posed by aspiring writers.

Gwendolyn Brooks is not only one of America's greatest poets and a living legend, but an inspiration to many, myself included. One of the highlights of the day I was sworn in as a Senator 4 years ago was her reading of Aurora to me. Her words from that day live on in me as they do in anyone who has ever heard her speak.•

FEDERAL SURPLUS PROPERTY DONATION ACT

• Mr. MCCONNELL. Mr. President, I wish to speak about S. 307, the Federal Surplus Property Donations Act introduced earlier in the week by Senators LUGAR, HARKIN, LEAHY, and myself.

This legislation will enable food banks and other charities, which primarily serve low-income persons, to receive surplus Federal property such as computers, office furniture, copiers, warehouse equipment, and trucks. Items like these are often not available because of their expense. Such equipment can contribute to efficient and effective food bank operations.

I want to thank Second Harvest, Habitat for Humanity, and other major charities which serve needy families and children every day for their support of this legislation and their commitment in responding to hunger in our communities.

Mr. President, Second Harvest and Habitat for Humanity work with food banks serving all 50 States and Puerto Rico. In my home State of Kentucky, this legislation will assist Dare to Care Food Bank in Louisville, God's Pantry Food Bank in Lexington, and Kentucky Food Bank in Elizabethtown in accessing Federal surplus property.

This is a modest but important bill. It can make a real difference in the lives of those who are served by these valuable programs.

I urge my colleagues to support both this legislation and the food banks across the country that serve needy families and children.•

GAO'S REPORT ON THE IMPACT OF THE YEAR 2000 PROBLEM

• Mr. MOYNIHAN. Mr. President, we are now at the height of a contentious debate on whether or not Social Security payments will be made in the 21st century if we pass the balanced budget amendment. The question is moot.

According to a report released yesterday by the General Accounting Office [GAO], come January 1, 2000, the "Year 2000 Computer Problem" will render all Social Security funds impounded. On the first day of the new millennium thousands of computer systems at the Social Security Administration as well as all the other Federal Agencies—Defense included—could malfunction.

It is February 13, 1997; we have 1,051 days remaining until January 1, 2000. Not only does the Year 2000 Computer Problem render our balanced budget debate moot, but its extent and impact will have consequences unseen in history. I have introduced a bill, S. 22, that would set up a commission to address the problem. This issue should be the No. 1 priority of the Governmental Affairs Committee, and of the 105th Congress.

If this matter lingers unaddressed, I can only imagine what else besides Social Security will fail in our computer-dependent society.•

TRIBUTE TO UTAH'S MOTHER OF THE YEAR

• Mr. BENNETT. Mr. President, I rise today to pay tribute to Sybil Shumway Stewart, Utah's 1996 Mother of the Year. I want to recognize her for the decades of service to her community, her church, and her family. We have been proud to have her represent our State this past year.

Sybil Shumway was born in Trenton, UT, on April 1, 1920, the youngest of four daughters, raised under the most humble of circumstances during the Great Depression. Sybil's father was a schoolteacher who taught in Cache County schools and was respected throughout the community. From the earliest age, her parents instilled in her the fundamental values of hard work, honesty and integrity, sacrifice and service.

As a student in junior high school, Sybil recalls her civics teacher detailing the rise of Hitler and Nazi Germany and subsequently learned to cherish and value the freedoms many of us often take for granted. She committed herself at that time to serving her community and country. She also recognized the importance that she teach her own children to cherish these same values.

Sybil graduated from Logan High School and Utah State University in 1942. Her desire to give something back to her community led her to pursue an occupation as a schoolteacher. While she only taught for a short while, she sees many of her students today. Her students never fail to express their appreciation for the skills they learned in her home economics class.

On Valentine's Day 1943, Sybil Shumway received an engagement ring in the mail from a young Army Air Corps lieutenant named Boyd Stewart, whom she had dated in college. They were married on May 21, 1943, while Boyd was home on weekend leave. They embarked on their life together and left that night for Randolph Field in Texas where Boyd was stationed as a flight instructor. After 20-plus years of Air Force duty and more than 30 years of running two farms, their marriage is still going strong almost 54 years later.

Sybil and Boyd raised 10 children; 6 boys and 4 girls. They taught their children the value of hard work and service to their fellow men. They instilled in each of them a love of God, country, community, and family. Sybil and Boyd's children went on to become schoolteachers, government administrators, successful business owners, elected officials, community activists, farmers, Scout leaders, a published author, and a world record holder. Five of their six sons served in our Nation's Armed Forces. Four of those sons served as missionaries for their church. Most important, following the example of their mother, those 10 children are now devoted parents to 41 grandchildren and 8 great-grandchildren. Indeed, Sybil's legacy and example will live on for generations to come.

In our world today, success is unfortunately often measured by great wealth, an expensive education, and the recognition and honors of men. Sybil Stewart has proven that the greatest success one can have is within the walls of their own home. I congratulate her on the completion of her term as Utah's 1996 Mother of the Year. I know that to her family however, she will always be the Mother of the Year.•

AUDITOR RESPONSIBILITIES UNDER THE 1995 PRIVATE SECURITIES LITIGATION REFORM ACT

• Mr. WYDEN. Mr. President, when a certified public accountant provides an opinion on a company's financial statements, investors and consumers rely on that statement. This role is vital to the efficient workings of our capital markets, which are the envy of the world. To keep our markets the best, investors must have confidence in them. That is why I have worked over the years for stronger rules to protect investors from corporate fraud.

In recent years, corporate fraud has been perpetrated in the health care arena, military contracting and in the savings and loan fiasco, costing taxpayers billions of dollars. As a Member of the House and as a new Senator, I have worked to put in place clear procedures for early detection of fraud and illegal acts so as to protect the public from huge losses of their hard-earned tax dollars.

To strengthen the fight against fraud, I worked as part of a bipartisan coalition that was successful in adding a new Section 10A to the Securities Exchange Act of 1934. I wish to take a moment today to update my colleagues on the status of that section's implementation.

Since the enactment of this law in December 1995, I have been interested in how the Securities and Exchange Commission (SEC) and the accounting industry would respond to the new requirements and the spirit of the law. I am pleased that both the industry and the Securities and Exchange Commission have taken positive steps to assure that both the letter and the spirit of the law are fully adhered to. Within the industry, I would note that the American Institute of Certified Public Accountants (AICPA) last year issued a revised statement of Auditing Standards (SAS) Number 82 "Consideration of Fraud in a Financial Statement Audit." The new SAS supersedes Statement of Auditing Standards (SAS) Number 53 relating to "The Auditor's Responsibility to Detect and Report Errors and Irregularities." The previous AICPA Statement of Auditing Standards Number 53 required auditors to report errors and irregularities. The new SAS takes an important step forward by making clear for the first time an auditor's responsibility to detect material fraud in financial statements and by offering various fraud risk factors to be considered in planning and performing all audits. The new revised SAS, read in conjunction with the AICPA's SAS Number 54 relating to an auditor's responsibility to detect illegal acts, is not only consistent with Section 10A but also promotes the intent of that provision to put procedures in place to help detect fraud early.

To date, the SEC has only limited experience with Section 10A because it becomes effective in two stages. For companies that file selected quarterly financial data with the SEC, Section 10A applies to annual reports for fiscal years beginning on or after January 1, 1996. For companies that do not file these reports, the provision applies to annual reports for fiscal years beginning on or after January 1, 1997. Many financial reports are filed at the end of the calendar year, meaning that most company audits for the 1996 fiscal year have not yet been completed. The SEC has assured me that it will evaluate and report on its experience with implementation of Section 10A in a timely manner.

In addition, I wrote SEC Chairman Arthur Levitt seeking his views on whether the AICPA's new SAS Number 82 and existing SAS 54 relating to illegal acts are consistent with the purpose and intent of Section 10A. In his reply, Chairman Levitt states: "We believe that both these standards improve the ability of auditors to detect management fraud and are consistent with the purposes of Section 10A."

Mr. President, the vast majority of accountants are honest, capable professionals. The number of audit failures is actually quite low compared to the amount of work they do. The AICPA's new revised SAS No. 82 and section 10A are added protection for investors and corporations against such failures.

I am pleased with both the work of the AICPA in clarifying the role of auditors in detecting fraudulent acts and with Chairman Levitt's reply assuring us that the SEC and AICPA procedures should work well together to promote the early detection of corporate fraud.

I submit for the RECORD my letter to SEC Chairman Levitt and his reply of January 31, 1997, and ask that they be printed.

The material follows:

U.S. SENATE,
Washington, DC, January 10, 1997.

Hon. ARTHUR LEVITT, Jr.,
Chairman, Securities and Exchange Commission, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to seek your views as Chairman of the Securities and Exchange Commission on the status of implementation of Section 10A of the Private Securities Litigation Reform Act of 1995 and particularly the relationship between Section 10A and the American Institute of Certified public Accountants' (AICPA) revised Statement of Auditing Standards (SAS) Number 53 relating to fraud.

As the sponsor of Section 10A of the legislation, my goal was to clarify the auditor's role in detecting fraud in financial statements and to put in place clear procedures for early detection of fraud and illegal acts so as to avoid the need for strike suits in the first place. I would appreciate your views on whether the AICPA's revised SAS 53 and existing SAS 54 relating to illegal acts are consistent with the purpose and intent of Section 10A in seeking early detection of illegal acts that are material to the financial statements being audited. I would also appreciate knowing whether you have encountered any problems in implementing and enforcing the requirements of new Section 10A.

I look forward to your prompt response to this request.

Sincerely,

RON WYDEN,
U.S. Senator.

SECURITIES AND
EXCHANGE COMMISSION,
Washington, DC, January 31, 1997.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: Thank you for your letter seeking information on the implementation of section 10A of the Securities Exchange Act of 1934, which was adopted as Title III of the Private Securities Litigation Reform Act of 1995.

In connection with this legislation, the American Institute of Certified Public Accountants (AICPA) revised SAS No. 53, entitled "The Auditor's Responsibility to Detect and Report Errors and Irregularities." To implement the reporting provisions of section 10A(b), the Commission issued proposed rules, a copy of which are enclosed. Final action is expected soon.

The AICPA's revised standard clearly requires auditors to assess the risk of material misstatements in financial statements due to fraud. In discharging this duty, auditors must consider various fraud risk factors in planning and performing the audit. It also requires that working papers document both the auditor's assessment of those risk factors and any responsive action taken.

Additional guidance for auditors discharging their responsibilities under section 10A(a) is found in existing SAS No. 54, since this standard is not limited to fraudulent conduct. SAS No. 54, as you know, served as a template in drafting certain provisions of section 10A. We believe that both these standards improve the ability of auditors to detect management fraud and are consistent with the purposes of section 10A.

The Commission's experiences under section 10A have been limited due to the provision's relatively recent effectiveness.[1] Section 10A becomes effective in two stages, depending on whether a company files selected quarterly financial data with the SEC. For those companies who file this information, the provision applies to annual reports for fiscal years beginning on or after January 1, 1996. For companies who do not file these reports, the provision applies to annual reports for fiscal years beginning on or after January 1, 1997. Since most companies file at calendar year-end, the audit for the 1996 fiscal year for most companies has not yet been completed.

After we have had time to evaluate our experiences for this period, we would be pleased to furnish you with additional information. Thank you again for your continuing interest in these important issues.

Sincerely,

ARTHUR LEVITT.•

ROGERS H. CLARK

Mr. FAIRCLOTH. Mr. President, I rise today to congratulate Mr. Rogers H. Clark, the president of Sampson-Bladen Oil Co., Inc., on his recent election as president of the Petroleum Marketers Association of America [PMAA]. Rogers is a true leader who will bring decades of experience and insight to this important position, all to the benefit of our Nation's independent petroleum marketers, whose interests the PMAA represent.

Rogers graduated from East Carolina University with a degree in business education. He joined the U.S. Army National Guard, contributing his spare time to our community and State until he retired. He was a Sunday schoolteacher and was a chairman of the Board of Deacons in the First Baptist Church. He is also a past president of the Clinton [NC] Rotary Club, and a recipient of the Silver Beaver Award from the Boy Scouts of America. He served on the advisory boards of several local financial institutions, and he presently serves on the board of trustees for Meredith College in Raleigh.

In addition to running the Sampson-Bladen Oil Co. in Clinton, Rogers is the president and CEO of Waccamaw Transport, which brings petroleum products to the people of Virginia and the Carolinas.

Rogers is not new to PMAA. He has just completed a term as the association's senior vice president. He also served as president of the North Carolina Petroleum Marketers Association and received that group's esteemed Will Parker Memorial Award.

I am pleased to offer this tribute to my friend and fellow citizen of Clinton. I am sure that his family is very proud of this latest of so many accomplishments.

ENHANCING THE COMPETITIVENESS OF CHICAGO FUTURES EXCHANGES: IMPORTANT FOR ILLINOIS AND AMERICA

• Ms. MOSELEY-BRAUN. Mr. President, the Monday, February 10, 1997, Chicago Tribune contained an editorial entitled: "Nurturing Chicago's Exchanges." The editorial, talking about the Chicago Board of Trade, the Chicago Mercantile Exchange, and the Chicago Board of Options Exchange, made the point that:

> the Chicago exchanges' global market share in future and options plunged from 60 percent in 1987 to 31 percent in 1995. The business is going overseas, where regulatory costs are lower, and off exchanges, where banks and other companies can engineer innovative contracts in a day or two without government approval.

The Tribune had it exactly right. As in so many other areas of financial policy, the law has not kept up with economic reality. The world has changed. There is a revolution underway in finance, and, if the United States sits back and ignores the new realities of the marketplace, the result will be to seriously damage American financial marketplaces vis-a-vis their global competition, and to increasingly warp and distort the competition between and among various American financial markets.

We must respond; we must respond vigorously; and we must respond now. Chicago's future and option exchanges are an American treasure; their innovations literally created this industry and are in no small part responsible for American leadership in finance. And the creativity of the Chicago exchanges has had a huge pay off for the Chicago area. As the Tribune editorial pointed out:

> the commodities and securities businesses have been strong job machines here, accounting for 50,000 direct jobs and total employment of 151,500, up 31 percent from a decade ago. The industry also keeps about $35 billion in Chicago banks.

It is imperative, therefore, that we act quickly to reauthorize the Commodity Futures Trading Act as quickly as possible, and that we do so in a way that enhances the ability of the American futures and options industry to meet both their less regulated competition here in the United States, and their evermore formidable competition abroad. I intend to work for quick enactment of the legislation put forward by the distinguished chairman of the Senate Agriculture Committee, Senator LUGAR. I urge my colleagues to join me, and to ensure that a procompetitive, commonsense approach that allows the futures exchanges to meet and compete with all comers passes this body before the snow melts in Illinois.

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[1] During an enforcement investigation, however, an accounting firm provided certain information and requested that it be deemed to be submitted under section 10A.

Mr. President, I ask that the full text of the Tribune editorial be printed in the RECORD.

The editorial follows:

[From the Chicago Tribune Feb. 10, 1997]

NURTURING CHICAGO'S EXCHANGES

The Chicago Board of Trade will soon inaugurate a new $182 million trading floor, which will triple its space and seemingly prepare the nation's oldest futures exchange for continued growth into the 21st Century.

Instead of celebrating, however, Board of Trade honchos are bemoaning their inability to compete against foreign exchanges and bankers who sell customized financial products in largely unregulated, off-exchange markets.

Indeed, unless the CBOT can create innovative products and lower costs to attract new customers, and unless it can get fair regulatory treatment from Washington, the new floor may turn out to be a monument to the past, not a springboard to the future.

CBOT leaders are confident they can invent new contracts and a joint committee of the Board of Trade and the Chicago Mercantile Exchange is working on cutting costs. (That group should push for consolidation of the two exchanges' clearing operations.)

But Congress also needs to update the Commodity Exchange Act to reflect the realities of today's financial markets. If it doesn't, Chicago will quickly lose its place as the world's center for managing financial risk.

That would be a severe blow to the city. According to a recent study the commodities and securities businesses have been strong job machines here, accounting for 50,000 direct jobs and total employment of 151,500 up 38 percent from a decade ago. The industry also keeps about $35 billion in Chicago banks.

Despite all that, the Chicago exchanges' global market share in futures and options plunged from 60 percent in 1987 to 31 percent in 1995. The business is going overseas, where regulatory costs are lower, and off exchanges, where banks and other companies can engineer innovative contracts in a day or two without government approval. The Board of Trade must wait six months to get a new contract approved.

That and other rules were enacted years ago, when most customers of the exchanges were farmers using futures to hedge against swings in crop prices. Today 95 percent of the trades are between large financial institutions and professional investors, who are interested in efficiency, not government protection.

Senate Agriculture Committee Chairman Richard Lugar of Indiana has introduced a bill to speed approval of new contracts and require regulators to do cost-benefit analyses before imposing new rules. It also would continue to deny commodity regulators authority to oversee off-exchange trades—a step the Treasury Department strongly supports.

But Lugar's bill would give the Chicago exchanges a chance to compete on an equal footing in the "professional" markets by allowing unregulated products for institutional customers to be developed while still insisting on protection for small retail customers.

It carefully balances the need to safeguard individual investors with the need to free the exchanges to compete in global markets. A similar House bill has been proposed by Rep. Tom Ewing (R-Ill.). Congress must debate these measures, reconcile and then pass them if Chicago is to have the chance to preserve its global leadership in financial risk management.●

LOCKWOOD GREENE DONATES RARE ARCHITECTURAL DRAWINGS TO THE SMITHSONIAN

● Mr. HOLLINGS. Mr. President, today I recognize Lockwood Greene, and its chairman, Donald R. Lugar, for the company's donation of 5,000 original engineering drawings to the Smithsonian's National Museum of American History.

The Lockwood Greene Collection dates to the mid-1800's and is the largest single holding of early American engineering and architectural drawings. The drawings offer a window into the U.S. industrial history and the changes that occurred with the harnessing of electricity and the invention of the automobile.

The donated drawings, mostly on linen using India ink and still in mint condition, reveal the skills and talent of 19th and early 20th century draftsmen. They document information unrecorded elsewhere such as: The first application of electric drive to an 1893 manufacturing operation in Columbia, SC; modifications providing for the transition from horse and buggy to automobile to the important east west route, the Lincoln Highway in Lake County, IN; designs for WWII era radio stations; and drawings of the Androscoggin textile mill in Lewiston, ME, from the 1890's depicting power transmission through the factory prior to the introduction of electricity.

The official ceremony for the donation will take place at the Smithsonian's Ceremonial Court Hall on February 19, 1997. Museum officials are delighted by the gift and they have begun compiling a computerized index of them.

I congratulate Lockwood Greene's generous decision to make this priceless gift to the Smithsonian Institution, thus securing it for future generations. Lockwood Greene, one of the country's most prominent consulting, design, and construction firms, was founded in New England in 1832 and is now headquartered in Spartanburg, SC.●

NEED FOR CHILD SAFETY LOCKS ON AMERICAN-MADE HANDGUNS

● Mrs. BOXER. Mr. President, I wish to call to the attention of the Senate a terrible tragedy that occurred yesterday in Bridgeport, CT. The death of 8-year-old Tynisha Gathers demonstrates once again the need for child safety locks on American-made handguns.

Yesterday, Tynisha was playing at her grandmother's house when one of her friends found a small 38-caliber handgun. In the course of acting out a scene from a popular movie, Tynisha was shot in the forehead and killed. Her 10-year-old playmate has been charged with manslaughter. If the handgun used to kill Tynisha Gathers included adequate safety features, this tragedy could have been prevented.

I have introduced legislation to require all American-made handguns to meet the same quality and safety standards currently required of imports. President Clinton has recognized this crisis, calling in his State of the Union Address for Congress to pass legislation requiring "child safety locks on handguns to prevent unauthorized use."

Mr. President, I urge all Senators to read this Associated Press story about the tragic death of Tynisha Gathers and consider cosponsoring S. 70.

I ask that the Associated Press article be printed at this point in the RECORD.

The article follows:

POLICE SAY MOVIE LINKED TO FATAL SHOOTING OF YOUNG GIRL

(By Brigitte Greenberg)

BRIDGEPORT, CT.—A movie that authorities have linked to shootings in California and Missouri apparently instigated a fatal shooting of an 8-year-old girl here, police said.

Tynisha Gathers was shot in the forehead as she and other children imitated scenes from the movie "Set It Off," police said Wednesday. The little girl was shot by one of three other children playing with a small pistol a .380-caliber semiautomatic handgun, police said.

Detectives were investigating how the children got access to the weapon, said police Capt. John Donovan. A 10-year-old girl was taken into custody and charged with manslaughter.

The shooting occurred after the four children watched a videotape of the movie Tuesday evening, police said. Donovan said the tape apparently was a bootleg copy; the film, which arrived in theaters in November, is not yet in video stores.

The children said they were replaying a scene from the movie, said police Lt. Frank Resta.

The suspect was taken to a juvenile detention center, Resta said.

Donovan was circumspect about the movie's impact on the children.

"I'll leave that to the sociologists. We have charges lodged against a 10-year-old," he said.

Police said the shooting occurred in the victim's grandmother's house; the grandmother was home at the time but was not in the room.

The R-rated "Set It Off," which features rap star Queen Latifah, is about four desperate women who go on a bank robbery spree.

Authorities in California and Missouri have linked the movie to several shootings. The film was canceled at an Independence, Mo., theater after a moviegoer fired a gun inside a theater.

In Torrance, Calif., one man was killed outside a theater showing the movie and two teen-agers were wounded. In Los Angeles, three people were injured during a shootout between rival gangs inside a theater where the film was playing.•

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

• Mr. CAMPBELL. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On January 8, 1997, the Committee on Indian Affairs held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the committee. Consistent with Standing Rule XXVI, today I am submitting for printing in the CONGRESSIONAL RECORD a copy of the rules of the Senate Committee on Indian Affairs.

The rules follow:

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

COMMITTEE RULES

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Acts are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the first Tuesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Committee by a majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the Committee shall file with the Committee, at least 48 hours in advance of the hearing, an original and 50 copies of his or her written testimony.

(c). Each Member shall be limited to five (5) minutes in questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the Ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for such inclusion have been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subjects on the Committee agenda in the absence of such request.

(b). Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

QUORUMS

Rule 6(a). Except as provided in subsections (b) and (c), eight (8) Members shall constitute a quorum for the conduct of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). A measure may be ordered reported from the Committee unless an objection is made by a Member, in which case a recorded vote of the Members shall be required.

(c). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only on the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in committee hearings may be required to give testimony under oath whenever the Chairman or vice chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness, shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part by way of summary, unless authorized by a majority of the members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 12. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee: *Provided*, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.•

RULES OF THE COMMITTEE ON FINANCE

• Mr. ROTH. Mr. President, in accordance with rule XXVI of the Standing Rules of the Senate, I hereby submit for publication in the RECORD the rules of the Committee on Finance.

The rules follow:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

(Adopted January 28, 1997)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations.*—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 17. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.●

RULES OF PROCEDURE—U.S. SENATE COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, today I report to the Senate the rules adopted by the Committee on the Judiciary as provided for in rule 26.2 of the Standing Rules of the Senate. These rules were unanimously adopted by the committee in open session on January 23, 1997, and I ask that they be printed in the RECORD.

The rules follow:

COMMITTEE ON THE JUDICIARY

JURISDICTION

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(1) Committee on the Judiciary, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Apportionment of Representatives.
2. Bankruptcy, mutiny, espionage, and counterfeiting.
3. Civil liberties.
4. Constitutional amendments.
5. Federal courts and judges.
6. Government information.
7. Holidays and celebrations.
8. Immigration and naturalization.
9. Interstate compacts generally.
10. Judicial proceedings, civil and criminal, generally.
11. Local courts in the territories and possessions.
12. Measures relating to claims against the United States.
13. National penitentiaries.
14. Patent Office.
15. Patents, copyrights, and trademarks.
16. Protection of trade and commerce against unlawful restraints and monopolies.
17. Revision and codification of the statutes of the United States.
18. States and territorial boundary lines.

RULES OF PROCEDURE

139 Cong. Rec. S1645 (daily ed. Feb. 16, 1993)

I. Meetings of the Committee

1. Meetings may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. On the request of any Member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. Quorums

1. Ten Members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. Proxies

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a Member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

IV. Bringing a Matter to a Vote

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. Subcommittees

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless he is a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

VI. Attendance Rules

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and ranking Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.●

PROVIDING FOR ADJOURNMENT OF BOTH HOUSES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 21, the adjournment resolution.

I further ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 21) providing for an adjournment of both Houses.

Mr. WELLSTONE. Mr. President, reserving the right to object, I shall not object, I just wanted to bring up two quick questions with the majority leader.

Last time after the swearing-in ceremony, the majority leader will remember that I said I might object and I asked the majority leader whether I could get some kind of a commitment for a clear timeframe for taking up comprehensive campaign finance reform. I do not know whether the majority leader is prepared to make that commitment tonight, but I do want to be clear that if by March when we come back there has been no commitment made as to when we will have a bill on the floor and how we will move forward on it—because otherwise I fear delay and delay and delay, much like we did with gift ban—I will start to take amendments, campaign finance reform amendments, and attach those amendments to other bills because I believe we have to move this discussion forward. I think people want action.

I am interested in the response of the majority leader. I want to make clear to colleagues, because I think you need to give people a warning, that when we come to our next recess it may be the case that I will not agree to a unanimous consent. So I am using the model the majority leader and I worked out together at the end on gift ban and we came up with reform. I am using that model, and I think it is important for Senators to be out here on the floor really pushing very hard for this. I wonder whether the majority leader could tell me whether he has any plan now, whether we could get a specific time when we could have a bill—again, I am not trying to predetermine what the piece of legislation would be—on this floor.

Mr. LOTT. Mr. President, if I could respond to the Senator's question. First of all, it is very hard to pick a date, to say by a date certain we will get something done. For instance, on the matter that has been pending before the Senate, Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget, we had hoped we could have a reasonable and fair debate and amendments being offered—I believe the Senator from Minnesota has had three or so and maybe he had some more—and that by the end of the month we would have a vote on that after having had a good, fair debate and amendments being offered.

But now we are having trouble getting amendments up and getting a time agreed to. Now I understand we may have, I do not know, 20 or 25 amendments lurking around out there. So now I have to begin to consider filing cloture on something that—we do not want to start the cloture wars this year. So I try to take into consideration everybody's needs, and we have problems we have to take into consideration, like funerals of relatives or the Ambassador today. So it is very hard to say a time certain.

Another example is, before we have reform, I think we ought to find out, first of all, what laws have been violated already on the books. Today we have in the paper that China is working, perhaps, on trying to get some foreign contributions, illegal contributions in the Presidential campaign. There seems to be an article every day—every day.

Before we start trying to reform a law, I think we ought to see a law that is already on the books that I voted for back in 1973 or 1974 that is being used or abused. Yet we are seeing an all-out fight to stop the funding for the Governmental Affairs Committee to begin its work to find out what happened so we will know what laws have been violated, so we will know what kind of reform we may or may not need. Unfortunately, as it is being delayed and the appearance of obstruction in getting that hearing started, that has an impact on when we might get to a vote on legislation here in the Senate.

The next thing is we would like to have hearings on this issue in the Rules Committee. In fact, we will have. And yet the Rules Committee has been tied up for almost 2 weeks on trying to get the committee funding resolution and the resolution of the question with regard to the alleged illegal contributions in the Presidential campaign in 1996.

Then, also, I have to say to the Senator, are we ready now to begin to work on a bill that maybe both sides can agree to, or will it be one where you want to stick it to our side? Are you ready now to begin to get some language in there that would say that we must have paycheck equity? In other words, when I talk to my friends in my hometown, union members, some of which I used to represent when I practiced law, and my father was one, they get irate that their dues are being used for campaign purposes across this country without their approval or designation.

So, there is not going to be a campaign finance bill that does not address a question like that. So, is the Senator ready to include something like that in the legislation?

Mr. WELLSTONE. I am pleased to respond to the majority leader. I did not know we would have quite this debate but I understand——

Mr. LOTT. Do I have the floor?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. I try to be calm and respond gently, but when the Senator pricks me a little bit, I have to try to respond in a way that explains why I can't just say, "April 15 on tax day we are going to take this bill up." I need help. I need cooperation on your side. We have done that.

The Senator from Minnesota knows that last year I worked with him, I kept my word to him even one time when there was a little misunderstanding, but we worked through it and got it done. I am willing to do that, but you have to keep in mind what we are trying to accomplish here on a number of issues that do interrelate.

I am happy to yield for a response to that.

Mr. WELLSTONE. I shall be brief, Mr. President. The majority leader, I appreciate his graciousness. I actually like his passion. It does not trouble me at all.

Mr. President, I actually made it very clear that I am not trying to—he has his own ideas about what should be in a bill. I did not insist on a particular piece of legislation. We have the McCain-Feingold bill that has been much talked about and could be a vehicle that people could work with.

My point is I learned through the gift ban we only finally took action when we just started putting that piece of legislation on other bills. The majority leader is, after all, the majority leader, and, yes, we are now on the constitutional amendment to balance the budget, but the majority leader, I think, can be a real leader on this if we can get a commitment that says, look, we will not have delay and delay and delay. We will have a bill on the floor and resolve this by July 4 or whatever date the majority leader picks out, and that makes it clear to people in the country that we are not going to just stall and stall.

The majority leader is talking about today's piece in the Washington Post, but the point is we do not really need to find out that there are problems in the way campaigns are financed. This has been going on for a long time. There is plenty to be fixed. People in the country are experts at what they do not like. There is no reason whatever that we cannot move forward with a bill. I just would like to get a commitment. I take it from what the majority leader has said today and the way he said it that he is not ready to make such a commitment. That is fine, but I want to be clear that if that is the case come March, I think the majority leader can expect to see at least on my part as a Senator from Minnesota, some different parts of campaign finance reform as amendments on other bills. I want colleagues to know that this time I am not objecting to the UC for recess. But, come next spring—and this is plenty of warning—that may very well happen.

Mr. LOTT. Mr. President, I reclaim my time. I understand. As I have said earlier this year, and again here today, every Senator is within his or her rights to offer amendments. I know, as we go forward, there will be disagreements, and I know that the Senator from Minnesota is going to pursue this issue. He is entitled to do that. I appreciate his comments today and that he is not going to object. We will have to see how it moves forward in the future.

The PRESIDING OFFICER. If there is no objection, the resolution is agreed to.

The concurrent resolution (H. Con. Res. 21) was agreed to, as follows:

H. CON. RES. 21

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 13, 1997, it stand adjourned until 12:30 p.m. on Tuesday, February 25, 1997, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns or recesses at the close of business on Thursday, February 13, 1997, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until 11:30 a.m. on Monday, February 24, 1997, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the

Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

UNANIMOUS-CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 36

Mr. LOTT. Mr. President, I ask unanimous consent that at 1:30 on Monday, February 24, the Senate begin consideration of House Joint Resolution 36 under the statutory limitations. I further ask that following the expiration or yielding back of the 2-hour debate limit, the resolution be considered read the third time and set aside; and, finally, beginning at 2:10, Tuesday, February 25, there be 5 minutes of debate, equally divided in the usual form, prior to a vote on the resolution, which would begin at 2:15 on Tuesday, February 25, with no further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, this is the population planning language. In our continuing resolution, last year, we included statutory language that would require a vote before funds could be released. This is dealing with that issue. Therefore, there will be a vote around 2:15 on Tuesday on that population planning issue.

UNANIMOUS-CONSENT AGREEMENT—SENATE JOINT RESOLUTION 1

Mr. LOTT. Mr. President, I ask unanimous consent that on Monday, February 24, immediately following the vote on or in relation to the Byrd amendment, Senator REID be recognized to offer an amendment relative to Social Security. I further ask unanimous consent that when the Senate convenes on Tuesday, February 25, the time between 9 a.m. and 12:30 p.m. be equally divided in the usual form on the Reid amendment.

I also ask unanimous consent that following the vote at 2:15 on Tuesday, February 25, the Senate resume debate on the Reid amendment until 6 p.m., with a vote occurring on or in relation to the Reid amendment beginning at 6 p.m. on Tuesday, February 25.

I finally ask that on Wednesday, February 26, Senator FEINSTEIN be recognized at 9 a.m. to offer an amendment, with the time between 9 a.m. and 11 a.m. divided equally in the usual form for debate on the Feinstein amendment; and, finally, a vote to occur on or in relation to the Feinstein amendment at 11 a.m. on the 26th.

I also ask that no amendments be in order to Reid or Feinstein or any language proposed to be stricken.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, that means we will have a vote on the Byrd amendment around 5:30 on Monday. We will come in at 9 on Tuesday, the week of the 24th and 25th, and we will have debate during the morning of Tuesday on the Reid amendment. We will recess for the policy luncheons then and come in at 2:15 for a vote on the population planning issue. We will continue to debate the Reid amendment after that, with a vote at 6 o'clock on Tuesday, the 25th. We will come in at 9 o'clock on Wednesday and begin the debate on the Feinstein amendment and vote at 11 o'clock.

I thank the Democratic leader for his cooperation in getting these three amendments to the constitutional amendment for a balanced budget scheduled. Because of that cooperation, I did not file a cloture motion this afternoon. That is somewhat risky, because if we don't get good cooperation, if we don't work through these amendments with time agreements, that will mean that I could not file a cloture motion and require a vote until Wednesday of that week. But if the Members will work with us in good faith, on both sides, if we make progress and we move toward completion of the constitutional amendment that first week that we are back, ending the 28th, then maybe a cloture motion will not be necessary. But we must have cooperation on these amendments to either get the ones that are not serious dispensed with, or to get a vote scheduled quickly on Wednesday of that week.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 581

Mr. COVERDELL. Mr. President, I understand that H.R. 581 has arrived from the House. I would ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

> A bill (H.R. 581) to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions.

Mr. COVERDELL. Mr. President, I would now ask for its second reading and object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. The bill will be read for a second time on the next legislative day.

OMNIBUS COMMITTEE FUNDING RESOLUTION FOR 1997 AND 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 16, Senate Resolution 54.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 54) authorizing biennial expenditures by committees of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. COVERDELL. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 54) was agreed to, as follows:

S. RES. 54

Resolved,

SHORT TITLE

SECTION 1. This resolution may be cited as the "Omnibus Committee Funding Resolution for 1997 and 1998.".

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1997, through September 30, 1998, in the aggregate of $50,569,779 and for the period March 1, 1998, through February 28, 1999, in the aggregate of $51,903,888 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, for the Committee on Indian Affairs, the Special Committee on Aging, and the Select Committee on Intelligence.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1998, and February 28, 1999, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, (2) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, Department of Telecommunications, (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, (4) for payments to the Postmaster, United

States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1997, through September 30, 1998, and March 1, 1998, through February 28, 1999, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,747,544, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,792,747, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,953,132, of which amount (1) not to exceed $175,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $5,082,521, of which amount (1) not to exceed $175,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,704,397.

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,776,389.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,853,725, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,928,278, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $3,105,190, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $3,188,897, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science and Transportation is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $3,448,034, of which amount (1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $3,539,226, of which amount (1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,637,966.

(c) For the period of March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,707,696.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,431,871, of which amount (1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,494,014, of which amount (1) not to exceed $8,000, be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $3,028,328, of which amount (1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $3,106,591, of which amount (1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,710,573, of which amount (1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,782,749, of which amount not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,533,600, of which amount (1) not to exceed $375,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $4,653,386, of which amount (1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relationships or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly —mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental –relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate–statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and –other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this subsection, the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1997, through February 28, 1999, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the session, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 73 of the One Hundred Fourth Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

Sec. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,362,646, of which amount (1) not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $4,480,028, of which amount (1) not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

Sec. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,113,888, of which amount not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $4,223,533, of which amount not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

Sec. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed

$1,339,106, of which amount (1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,375,472, of which amount (1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,084,471, of which amount (1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,112,732, of which amount (1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,123,430, of which amount (1) not to exceed $250,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and (2)not to exceed $3,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202 (j) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,153,263, of which amount (1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and (2) not to exceed $3,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202 (j) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977, (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,133,674 of which amount not to exceed $15,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,162,865 of which amount not to exceed $15,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,114,489, of which amount not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,171,507, of which amount not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Committee on Indian Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,143,715.

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,171,994.

SPECIAL RESERVES

SEC. 22. (a) Of the funds authorized for the Senate committees listed in sections 3 through 21 by Senate Resolution 73, agreed to February 13, 1995 (104th Congress), for the funding period ending on the last day of February 1997, any unexpended balances remaining shall be transferred to a special reserve which shall, on the basis of a special need and at the request of a Chairman and Ranking Member of any such committee, and with the approval of the Chairman and Ranking Member of the Committee on Rules and Administration, be available to any committee for the purposes provided in subsection (b). During March 1997, obligations incurred but not paid by February 28, 1997, shall be paid from the unexpended balances of committees before transfer to the special reserves and any obligations so paid shall be deducted from the unexpended balances of committees before transferred to the special reserves.

(b) The reserves established in subsection (a) shall be available for the period commencing March 1, 1997, and ending with the close of September 30, 1997, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1997, and which were not deducted from the unexpended balances under subsection (a), and (2) meeting expenses incurred after such last day and prior to the close of September 30, 1997.

SPACE ASSIGNMENTS

SEC. 23. The space assigned to the respective committees of the Senate covered by this resolution shall be reduced commensurate with the staff reductions funded herein and under S. Res. 73, 104th Congress. The Committee on Rules and Administration is expected to recover such space for the purpose of equalizing Senators offices to the extent possible, and to consolidate the space for Senate committees in order to reduce the cost of support equipment, office furniture, and office accessories.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 26 and 27. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Janet L. Yellen, of California, to be a Member of the Council of Economic Advisers.

SMALL BUSINESS ADMINISTRATION

Aida Alvarez, of New York, to be Administrator of the Small Business Administration.

NOMINATION OF JANET YELLEN

Mr. D'AMATO. Mr. President, I urge the Senate to approve Dr. Janet Yellen, the distinguished nominee, for the position of the Chairman of the Council of Economic Advisers. The nomination was approved by the Banking Committee by a vote of 17–0.

Dr. Yellen last appeared before the Senate nearly 3 years ago when she was nominated and confirmed to serve on the Board of Governors of the Federal Reserve System. While on the board of governors, Dr. Yellen focused on the important issues of consumer credit and small business lending and provided useful congressional testimony on these topics.

Prior to her tenure at the Federal Reserve Board, Dr. Yellen was the Bernard T. Rocca Jr. Professor of International Business and Trade at the Haas School of Business of the University of California at Berkeley where she taught since 1980. Dr. Yellen has also served as a senior adviser to the Brookings Panel on Economic Activity and as a member of the Economics Panel of the Congressional Budget Office.

Dr. Yellen has written on a wide variety of macroeconomic issues, including the causes and implications of unemployment. She is also a recognized scholar in international economics, recently focusing on the trade balance and reforms in Eastern Europe.

Dr. Yellen has distinguished herself in academia and at the Federal reserve. She will bring to this position competence and a record of excellence. I believe the administration and the Congress will both benefit from her wise counsel.

I am pleased to support this nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MEASURE INDEFINITELY POSTPONED

Mr. COVERDELL. Mr. President, I ask unanimous consent that Senate Resolution 52 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. COVERDELL. Mr. President, I ask unanimous consent that committees have from the hours of 10 a.m. to 2 p.m. on Tuesday, February 18, to file any legislative or executive matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Connecticut [Mr. DODD] as vice chairman of the Senate delegation to the Mexico-United States Interparliamentary Group during the 105th Congress.

The Chair, on behalf of the Vice President, pursuant to the provision of Public Law 99–661, appoints the Senator from Michigan [Mr. LEVIN] as a member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation, vice the former Senator from Georgia, Mr. Nunn.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84, appoints the following Senators to the U.S. Holocaust Memorial Council: The Senator from California [Mrs. BOXER], vice the former Senator from Rhode Island, Mr. Pell, and the Senator from New Jersey [Mr. LAUTENBERG].

The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84, reappoints the following Senators to the U.S. Holocaust Memorial Council: The Senator from Utah [Mr. HATCH], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Alaska [Mr. MURKOWSKI].

ORDERS FOR MONDAY, FEBRUARY 24, 1997

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate adjourns under the provisions of House Concurrent Resolution 21 until the hour of 11:30 a.m. on Monday, February 24, that immediately following the prayer, Senator FRIST be recognized to read George Washington's Farewell Address, under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. I further ask that following the address, the various routine requests through the morning hour be granted and the Senate then proceed to a period of morning business until the hour of 1:30 p.m., with the time equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Mr. President, for the information of all Senators, at 1:30 p.m., the Senate will begin 2 hours of consideration on House Joint Resolution 36, dealing with the U.N. population measure. At 3:30 p.m., the Senate will resume consideration of the balanced budget constitutional amendment and the Byrd amendment for 2 hours of debate. At 5:30 p.m., the Senate will conduct a rollcall vote with respect to the Byrd amendment, and immediately following that 5:30 Monday vote, the Senate will begin debate on the Reid Social Security amendment.

Under a previous order, a rollcall vote will occur at 2:15 p.m. on Tuesday on passage of the U.N. population measure, and a second vote will occur at 6 p.m. on Tuesday with respect to the Reid Social Security amendment.

Also, at 11 a.m. on Wednesday, the Senate will conduct a rollcall vote with respect to the Feinstein amendment.

Therefore, Members should be aware of the 5:30 p.m. Monday vote and the two votes on Tuesday and the early Wednesday vote.

I thank all Members in advance for their continued cooperation.

ADJOURNMENT UNTIL 11:30 A.M., MONDAY, FEBRUARY 24, 1997

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the provisions of House Concurrent Resolution 21 until 11:30 a.m. on Monday, February 24.

There being no objection, the Senate, at 6:11 p.m., adjourned until Monday, February 24, 1997, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 13, 1997:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH E. HURD, 5386.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

KATHLEEN THERESE AUSTIN, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JOHN WESLEY HARRISON, OF VIRGINIA
CAROL R. KALIN, OF NEW YORK
KAREN EASTMAN KLEMP, OF ILLINOIS
RONNA SHARP PAZDRAL, OF CALIFORNIA
ROBERT WALTER PONS, OF NEW JERSEY

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

BRIAN D. GOGGIN, OF VIRGINIA

DEPARTMENT OF STATE

GREGORY JON ADAMSON, OF CALIFORNIA
CHERRIE SARAH DANIELS, OF TEXAS
MARTHA J. HAAS, OF TEXAS
PAUL HOROWITZ, OF OREGON
JOHN KEVIN MADDEN, OF ARKANSAS
DEBORAH RUTLEDGE MENNUTI, OF TEXAS
MANISH KUMAR MISHRA, OF PENNSYLVANIA
WILLIAM E. MOELLER III, OF FLORIDA
WILLIAM E. SHEA, OF FLORIDA
MARCO AURELIO RIBEIRO SIMS, OF THE DISTRICT OF COLUMIBA
MARK L. STREGE, OF FLORIDA
JONI ALICIA TREVISS, OF MASSACHUSETTS
DAVID H.L. VAN CLEVE, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, EFFECTIVE JULY 12, 1994:

U.S. INFORMATION AGENCY

SUSAN ZIADEH, OF WASHINGTON

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITD STATES OF AMERICA:

JAMES ROBERT ADDISON, OF VIRGINIA
AMY MARIE ALLEN, OF ARIZONA
EMILY JANE ALLT, OF CONNECTICUT
GREGORY R. ALSTON, OF VIRGINIA
MARGARET JANE ARMSTRONG, OF VIRGINIA
WILLIAM H. AVERY, OF FLORIDA
CHARLES R. BANKS, OF VIRGINIA
STEPHEN B. BANKS, OF VIRGINIA
STEPHEN A. BARNEBY, OF NEVADA
WILLIAM G. BASIL, OF MARYLAND
STEPHAN BERWICK, OF VIRGINIA
MARK W. BLAIR, OF VIRGINIA
JOSHUA BLAU, OF CALIFORNIA
CHRISTOPHER J. BORT, OF MARYLAND
BRIDGET A. BRINK, OF MICHIGAN
JENNIFER CHINTANA BULLOCK, OF PENNSYLVANIA
DAVID W. CAREY, OF VIRGINIA
PAUL M. CARTER, JR., OF MARYLAND
JOSEPH F. CHERNESKY, OF VIRGINIA
RACHEL M. COLL, OF VIRGINIA
COLIN THOMAS ROBERT CROSBY, OF OHIO
ROBERT CLINTON DEWITT, OF TEXAS
ALI DIBA, OF VIRGINIA
JOSEPH A. DOGONNIUCK, OF VIRGINIA
FRED D. ENOCHS, OF FLORIDA
NAOMI CATHERINE FELLOWS, OF CALIFORNIA
BARBARA J. FLESHMAN, OF VIRGINIA
MARY ANNE FLAUTA FRANCISCO, OF VIRGINIA
ROBERT R. GABOR, OF CALIFORNIA
JEFFREY E. GALVIN, OF COLORADO
KATHERINE GAMBOA, OF VIRGINIA
ROGER Z. GEORGE, OF VIRGINIA
LISA M. GRASSO, OF VIRGINIA
GREGORY S. GROTH, OF CALIFORNIA
EDWARD G. GRULICH, OF TEXAS
DOUGLAS E. HAAS, OF VIRGINIA
MARK W. JACKSON, OF VIRGINIA
KIPLING VAN KAHLER, OF TEXAS
CRAIG K. KAKUDA, OF VIRGINIA
YURI KIM, OF GUAM
JENNIFER A. KOELLA, OF VIRGINIA
HENRY P. KOHN, JR., OF VIRGINIA
PAULA J. LABUDA, OF VIRGINIA
JOHN T. LANCIA, OF PENNSYLVANIA
JENNIFER M. LEE, OF VIRGINIA
GLENN A. LITTLE, OF VIRGINIA
GREGORY MICHAEL MARCHESE, OF CALIFORNIA
WILLIAM M. MARSHALL III, OF VIRGINIA
ROBERT B. MOONEY, OF CALIFORNIA
KEVIN L. O'DONOVAN, OF VIRGINIA
ANN A. OMERZO, OF PENNSYLVANIA
ROBERT ANTHONY PITRE, OF WASHINGTON
JENNIFER L. SAVAGE, OF VIRGINIA
BRANDON P. SCHEID, OF VIRGINIA
CARMEN A. SELTZER, OF VIRGINIA
RUSSELL SCHIEBEL, OF TEXAS
MICAELA A. SCHWEITZER, OF THE DISTRICT OF COLUMBIA
STEFANO G.J. SERAFINI, OF THE DISTRICT OF COLUMBIA
ROBERT E. SETLOW, OF WASHINGTON
ANDREW SHAW, OF NEW YORK
SCOTT A. SHAW, OF ILLINOIS
DAVID WILLIAM SIMONS, OF COLORADO
JAMES DOUGLAS SMITH III, OF VIRGINIA
MATTHEW ALEXANDER SPIVAK, OF CALIFORNIA
DAISY D. SPRINGS, OF VIRGINIA
CHERYL S. STEELE, OF MASSACHUSETTS
HECTOR J. TAVERA, OF THE DISTRICT OF COLUMBIA
MARTINA ANNA TKADLEC, OF TEXAS
BONNIE J. TOEPER, OF VIRGINIA
BRYANT P. TRICK, OF CALIFORNIA
MARK E. TWAMBLY, OF VIRGINIA
PATRICK TIMOTHY WALL, OF ALABAMA
MARK A. WEAVER, OF WASHINGTON
MICHAEL EDWARD WIDENER, OF VIRGINIA
CHRISTINE WILLIAMS, OF VIRGINIA
THOMAS A. WITECKI, OF VIRGINIA
WILLIAM H. S. WRIGHT, OF VIRGINIA
RONDA S. ZANDER, OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE U.S. INFORMATION AGENCY FOR THE PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER

KENTON W. KEITH, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

GEORGE FREDERIC BEASLEY, OF MARYLAND
JOHN P. DWYER, OF CONNECTICUT
HARRIET LEE ELAM, OF MARYLAND
MARY ELEANOR GAWRONSKI, OF NEW YORK
DAVID P. GOOD, OF NEW YORK
TERRANCE H. KNEEBONE, OF UTAH
JOHN K. MENZIES, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE U.S. INFORMATION AGENCY FOR THE PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JOHN H. BROWN, OF THE DISTRICT OF COLUMBIA
GUY BURTON, OF NEW YORK
HELENA KANE FINN, OF NEW YORK
STEDMAN D. HOWARD, OF FLORIDA
GERALD E. HUCHEL, OF VIRGINIA
MARILYN E. HULBERT, OF FLORIDA
MARK B. KRISCHIK, OF FLORIDA
NICHOLAS ROBERTSON, OF CALIFORNIA
CHARLES N. SILVER, OF VIRGINIA
MARCELLE M. WAHBA, OF CALIFORNIA
LAURENCE D. WOHLERS, OF WASHINGTON
MARY CARLIN YATES, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

TERRENCE W. SULLIVAN, OF NEW YORK

THE FOLLOWING-NAMES CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR THE PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

DANIEL B. CONABLE, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER-COUNSELOR:

WILLIAM L. BRANT, II, OF OKLAHOMA
WARREN J. CHILD, OF MARYLAND
MATTIE R. SHARPLESS, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR THE PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

NORVAL E. FRANCIS, OF VIRGINIA
FRANCIS J. TARRANT, OF VIRGINIA

CONFIRMATIONS

Executive nominations confirmed by the Senate February 13, 1997:

EXECUTIVE OFFICER OF THE PRESIDENT

JANET L. YELLEN, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

SMALL BUSINESS ADMINISTRATION

AIDA ALVAREZ, OF NEW YORK, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

HONOR THE FLAG AND THE CONSTITUTION

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SKAGGS. Mr. Speaker, as a veteran and an American, I am proud to introduce on behalf of myself and the gentleman from Arizona [Mr. KOLBE], a resolution expressing the strong support of the Members of Congress and the American people for what the flag represents: freedom, tolerance, and the right to dissent.

Mr. Speaker, the overwhelming majority of our fellow citizens agree that the American flag, as the symbol of our Nation's values and ideals, commands the deepest respect from all Americans. The flag commands that respect because it stands for a people and a Government strong enough to tolerate diversity and to protect the rights even of those expressing unpopular views. Our strong commitment to these values, not the colors and design of our flag, is what makes our country unique and an international model for freedom.

Mr. Speaker, this resolution reaffirms the place of honor the American flag rightly holds in our country and states that respect for the flag should not be mandated, especially at the expense of the first amendment guarantee of free speech.

Mr. Speaker, I urge my colleagues to join me in honoring our flag and the Constitution by cosponsoring this resolution.

INTRODUCTION OF LEGISLATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. TRAFICANT. Mr. Speaker, today I am reintroducing legislation to ensure that Federal grants for the hiring of local police officers actually result in a net increase in the number of "cops on the beat." I invite all of my colleagues to become a cosponsor of this important legislation.

As a former sheriff, I know that in too many instances Federal law enforcement grants result in the hiring of numerous generals but not enough foot soldiers at the local level. In other words, policing grant funds are often spent hiring clerks and dispatchers instead of hiring uniformed officers to patrol the streets. Specifically, my bill amends the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that Federal funds made available to hire or rehire law enforcement officers are used to produce a net gain in the number of law enforcement officers who perform nonadministrative public safety services—i.e. street cops. This legislation will ensure that Federal police grants will result in a real increase in the number of street officers on the street fighting crime.

My bill is identical to an amendment I successfully attached to legislation in the 104th Congress, H.R. 728, the "Local Government Law Enforcement Block Grants Act," which was passed by the House in February 1995, and the fiscal year 1996 Commerce, Justice, and State appropriations bill. Unfortunately, both bills were vetoed by the President. By reintroducing that amendment in bill form, an important crime-fighting measure can be debated without the politics associated with an all-encompassing bill.

Mr. Speaker, let's help give our communities a fighting chance against crime by putting more police officers on the street than more clerks behind desks. I ask that all members take a look at my bill and give it their full support.

SUPPORT HOUSE JOINT RESOLUTION 36: PROTECT THE LIVES AND WOMEN AND CHILDREN WORLD-WIDE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. CONYERS. Mr. Speaker, I rise today in support of House Joint Resolution 36, The International Family Planning Funds Release. This Resolution will right a wrong which Congress created in the high-politics of the fiscal year 1997 Omnibus Appropriations Act. It will also unquestionably help to save the lives of countless women and children world-wide. We have no choice but to support it. This resolution does nothing more than move forward the release date of international family planning funds from July 1, 1997 to March 1, 1997. This resolution does nothing less than save lives.

Unfortunately, there are some among us who have chosen to turn this humble proposal into a battle-ground for one of the most controversial of all policy issues—abortion. It is true that abortion has a role in this resolution. That role can be found in the fact that family planning unequivocally reduces the use of abortion world-wide. The use of abortion is closely associated with the unmet need for contraception and with reliance on less effective methods. Therefore, abortion rates are lower in countries where more effective modern methods of contraception are used than in countries where less effective methods predominate. International family planning funds are used to provide women with access to these much needed alternatives. When women are provided with alternatives to abortion, they use abortion less. This fact has been shown again and again world-wide. In addition, as I am sure all of my colleagues are well-aware, the 1973 Helms amendment of the Foreign Assistance Act prohibits the use of any U.S. funds for abortion, or to motivate or coerce any person to practice abortion. Therefore, this resolution is about the reduction of abortion, not its funding.

Most importantly, however, this resolution is about saving the lives of women and children through-out the developing world. According to CARE, family planning is as essential to saving the lives of infants as their programs in immunization, respiratory disease, diarrheal disease, and nutrition. They have also found the scientific evidence to be overwhelming that a woman's ability to space births and avoid births at the extremes of the reproductive years is critical to ensuring child survival. In fact, in many countries, birth spacing alone could prevent one in five infant deaths.

Nearly 600,000 women die each year from pregnancy-related causes—leaving thousand of motherless children behind. Another 18 million women suffer long-term reproductive health complications that are excruciatingly painful and often result in life-long disabilities. According to UNICEF, just meeting the existing demand for family planning in the developing world would reduce unintended pregnancies by one-fifth, which would be expected to prevent at least 100,000 of the 600,000 annual maternal deaths. Put simply, family planning saves lives. Therefore, I urge my colleagues to be on the side of life and vote in favor of House Joint Resolution 36. I can not imagine a better use of this institution's time. Thank you.

IS THE INS MAKING CRIMINALS OUT OF BOATERS ON THE GREAT LAKES?

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. LATOURETTE. Mr. Speaker, I rise today to introduce legislation to correct what are well intentioned, but misguided efforts by the United States Immigration Service to protect our northern border against United States citizens who seek to reenter their own country after a recreational boating trip to Canada.

In what appears to be a federally sanctioned game of waterway robbery, the Immigration Service is willing to forego its legal obligation to inspect all vessels returning to a United States port from Canada, if boaters are willing to pay a $16 per-person per-year fee to purchase what is known as the I–68 Canadian border boat landing permit. The I–68 permit program was established in 1963 but was not implemented nationally until a few years ago when Congress directed Federal agencies to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

begin charging a fee for some Federal programs. I have no problem with the fee-for-service approach, but where is the service? The I–68 program would have the boating public paying the INS for the convenience of not inspecting their boats. Its difficult to see how this approach would stem the tide of illegal immigration from Canada on recreational boats, a problem that is not well documented by the INS—if it exists at all. We do know, however, that the number of United States boaters visiting Canada from the Great Lakes Region fell 15 percent in the 1996 boating season to just under 40,000. This translates to a loss of over $2 million in destination spending on the Canadian side and it can be assumed that similar losses were felt on the United States side.

It is unfortunate that the recreational boating community has been on the receiving end of some bad Government programs in recent years. We all remember the ill-conceived boat luxury tax, the FCC radio license fee and, most recently, the marine diesel fuel tax. Fortunately, all of these programs have been repealed by Congress as detrimental to boater safety and the recreational boating economy. However, once again, we are making it harder and more expensive for law-abiding boaters to enjoy their chosen form of recreation.

I must confess that with all the complex issues to address during my first term in Congress, somehow the news of illegal immigrants cruising across the Great Lakes in power and sailboats got by me. Ever mindful of the problems experienced on our southern borders and with images of illegal aliens coming into Florida, California, and Texas burned into my memory. I rushed down to one of the many marinas in my congressional district, the Ashtabula Yacht Club. That Sunday afternoon was a sight to behold. Sure enough I witnessed 40 some sailboats boldly entering the harbor.

At this point the threat became clear to me. Men, women, and children of United States and Canadian descent docked their sailboats and came ashore illegally. They were barely clothed, sunburned, and the worst among them were telling lies.

While I expected the illegal aliens to soon depart to taste freedom in the interior of our great country—they did not. In fact, the next morning I watched as all of the Canadian boats returned to Port Stanley, ON. Soon after, I spoke to the Commodore of the Yacht Club to see how long this problem has been going on. He informed me that it was the 25th year of the Lake Erie International Sailboat Race between Ashtabula, OH and Port Stanley, ON, and that he hoped to expect the same type of trouble next season. I use this example to illustrate that things are not always as they appear. The cash registers of our local harbor district depend on this annual visit from our Canadian friends to help one of our most promising growth industries—recreational boating.

Mr. Speaker, my bill would not eliminate the I–68 program, but would simply allow recreational boaters the option of using their U.S. passport in lieu of the I–68 permit in order to reenter the United States after returning from Canadian shores. It seems to me that if a U.S. passport is good enough for all other international travel purposes, that boaters traveling between two friendly countries should also be afforded this option.

I would like to thank Representative STUPAK and my colleague from Ohio, Representative TRAFICANT for being original cosponsors of this simple yet important piece of legislation. I look forward to enthusiastic support from all Members of Congress bordering the Great Lakes.

JAMES GILMORE NAMED 1997 PERSON OF THE YEAR BY THE COUNCIL OF SOUTH SIDE ADVANCEMENT ASSOCIATIONS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to congratulate my friend, Mr. James Gilmore, on being named one of the 1997 Persons of the Year by the Council of South Side Advancement Associations.

In selecting Jim, the Council of South Side Advancement is honoring a man who has done much to maintain and improve the quality of life of Milwaukee's south side. Through his 25 years of service to the south side of Milwaukee, Jim has made a direct impact on the lives of many people in our community.

Over the years Jim Gilmore has shown his dedication to his neighborhood through his involvement in several community organizations. In addition, to serving on the board of directors for the Council of South Side Advancement, Jim is also involved in the Bay View Business Association, the South Side Scholarship Foundation, and St. Veronica's Parish. His involvement in these organizations demonstrates his desire to help his fellow neighbor in any way he can.

Jim Gilmore has clearly set an example for our entire community. I join the Council of South Side Advancement Associations in commending him on his outstanding dedication to the south side of Milwaukee, and I congratulate him on being named one of the 1997 Persons of the Year.

THE ACCREDITATION ACCOUNTABILITY ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. STARK. Mr. Speaker, today I am introducing a bill that requires all Medicare-accrediting organizations to hold public meetings and to ensure that at least a third of the governing board consists of members of the public.

Healthcare facilities must comply with certain conditions in order to participate in the Medicare Program. Through a process termed "deemed status," the Health Care Financing Administration relies on accrediting organizations to assure that Healthcare facilities are providing quality services to Medicare beneficiaries. The Joint Commission on Accreditation of Healthcare Organizations is one such organization. If a facility is accredited by the joint commission, for example, it is deemed to meet Medicare's conditions of participation.

When facilities are wrongly accredited, Medicare beneficiaries suffer. A 1988 Wall Street Journal investigation found that "accreditation masks serious failings in possibly hundreds of the 5,100 hospitals in America that are inspected and approved by the joint commission." The Journal also reported that many patients died as a result of receiving substandard care in hospitals that were considered "marginal" and that "many accredited hospitals had actually failed inspections but remained accredited for months, even years, as they sought to correct their problems."

At a 1990 hearing, witnesses agreed on the need to improve the hospital accreditation process. Participants reported that accrediting organizations' survey standards lacked compatibility with Medicare's conditions of participation and that follow-up with noncompliant facilities was lacking.

Today, I am focusing on the importance of an accrediting organization's accountability to the public. Accrediting bodies should be managed and directed by a balanced combination of healthcare professionals and community representatives and consumers. Currently, many accrediting bodies are directed solely by leaders of the same organizations which they accredit. This is nothing more than the fox watching the chicken house.

The joint commission has attempted to increase its commitment to the public. Currently, 6 of its 28 accrediting board members are members of the public. Although a good start, it is not enough.

We should reconsider the dependence of accrediting organizations on funding and direction from the same healthcare organizations which they survey and accredit. A July 1996 report from the public citizen health research group charged that the joint commission is "a captive of the industry whose quality of service it purports to measure."

Further, the group concluded that the joint commission "fails to recognize the often conflicting interests of hospitals and the public" and puts the interest of healthcare institutions first when conflicts arise. I question the credibility of accrediting bodies, because their income currently depends on the facilities they are supposed to be monitoring. Until a balance of representation is brought to the boards which lead accrediting organizations, we cannot assure the interests of the public are truly being considered.

As the number of accrediting organizations increases, so does the need for public accountability. For this reason, I am introducing a bill that requires all Medicare-accrediting organizations to hold public meetings and to ensure that at least a third of the governing board consists of members of the public.

This bill is a first step in assuring quality of care for our Nation's Medicare beneficiaries through the accreditation process. I am currently working on a more comprehensive bill that will make accrediting organizations more accountable—accountable to the public as well as to the health care financing administration. The upcoming bill will require the following:

Accrediting organizations must release the status of all accredited facilities to the general public within a reasonable time frame.

HCFA must scrutinize all advertising claims which use data from accrediting organizations, and must deny accreditation to all healthcare organizations which falsify accreditation-related information.

Accrediting organizations must allow employees of healthcare organizations to meet with survey teams off-premises, must accept confidential testimony from healthcare workers during surveys, and must provide whistleblower protection for workers who report violations of accreditation rules.

Accrediting organizations must publicly disclose all payments received from organizations that are being accredited.

HCFA must work with accrediting organizations to develop a comprehensive crosswalk between the organization's and Medicare's standards and must resolve any differences.

Accrediting organizations must notify HCFA when facilities are found to be noncompliant and must work with HCFA to assure that hospitals promptly correct identified problems and that HCFA is immediately informed of these actions.

Some accrediting organizations are attempting to increase public accountability. For example, the joint commission publicly releases information about the performance of specific health care organizations so that beneficiaries are able to make educated decisions concerning their health care providers. the commission also has a site on the World Wide Web through which the public will be able to access status information about specific organizations by late this year. However, the joint commission is only one of the many organizations that accredits Medicare facilities.

The goal of the bill I am introducing today is to begin the debate . . . accrediting organizations must be accountable to the public. We must guarantee that the public voice is represented in the organizations responsible for safety and quality in Medicare's healthcare facilities. When this is achieved, we can begin to assure beneficiaries that they will receive high quality treatment in all Medicare-approved facilities.

REV. THEODORE CARL MELINATE; SPREADING JOY ALONG THE WAY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a man who has blessed us all with his commitment and generosity to our Nation's children, the Reverend Theodore Carl Melinat. Reverend Melinat epitomizes the qualities of selflessness, dedication, and devotion that all members of our Society should aspire to.

On Saturday, February 22, The Lutheran Child and Family Services of Michigan will hold its annual meeting, "Joy Along the Way," and honor Rev. Theodore Carl Melinat for his 30 years of dedication to Lutheran Child and Family Services and the people of Michigan. Reverend Melinat joined the Lutheran Child and Family Services of Michigan in 1967 when it was still called the Lutheran Children's Friend Society of Michigan and served as its executive assistant until 1971. In 1972, Reverend Melinat became the executive director of the agency, a post he continues to hold. In 1981, under the Reverend's directorship, the agency switched to its current name, the Lutheran Child and Family Service of Michigan.

Ted Melinat was born in Crockston, MN and attended Concordia College, Concordia Seminary, and the University of Michigan before becoming a Missionary-at-Large for the Michigan District of LC–MS in northwest Grand Rapids. During his long and varied career, Theodore Carl Melinat has been the first pastor of Zion Lutheran Church in Comstock Park, MI, the vacancy pastor at Grace Lutheran Church in Auburn, MI, and served as an advisory pastoral delegate for the Convention of Lutheran Church-Missouri Synod in Anaheim, CA. Always willing to give of himself, Reverend Melinat over the years has served on numerous boards of directors for Michigan Children associations such as the Michigan Federation of Private Child and Family Agencies.

Never seeking the limelight, Reverend Melinat has quietly contributed his time and energy to a wide variety of charitable causes for the sake of our children. Causes such as the Child Welfare League of America and the Governor's Task Force on Children's Issues have been fortunate enough to have the Reverend working tirelessly on behalf of their organization. Through the years, the Reverend has served on numerous boards to assist the Lutheran Church in their outreach efforts in Michigan. Reverend Melinat is a humble, decent citizen who has embodied the Christian work ethic throughout three decades of dedicated public service.

Mr. Speaker, moral courage and dedication to service are only two of the myriad of admirable qualities that Theodore Carl Melinat teaches us by example every day. For three decades Michigan's children and you and I have been fortunate enough to have him as an advocate. For these reasons, I ask you and the rest of our colleagues to join me in congratulating Reverend Melinat for 30 years of dedicated service to the people, and most importantly the children, of Michigan.

IT IS TIME FOR AN AFRICAN-AMERICAN MUSEUM

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. LEWIS of Georgia. Mr. Speaker, once again I am introducing a bill to establish an African-American Museum on the Mall in Washington, DC as part of the Smithsonian. I submit this bill during Black History Month to highlight the significance, urgency and importance of such a museum.

The story of black people in America has yet to be told in its entirety. African-American history is an integral part of our country, yet the richness and variety of that history is little-known and little-understood. As tourists from all over the world come to visit our Nation's Capital, they will not be able to learn the full history of black people in America. This museum presents a great opportunity—to showcase our history in its diversity and breadth, and to make the understanding of American history more complete.

Did you know that Dr. Daniel Hale Williams was a pioneering heart surgeon that played a vital role in the discovery of open-heart surgery? And that Ernest Everett Just, Percy Julian, and George Washington Carver were all outstanding scientists? Educators such as W.E.B. DuBois and Benjamin E. Mays left an indelible mark on this country. The Harlem Renaissance produced poets, writers, and musicians like Countee Cullen, Langston Hughes, and Duke Ellington. The civil rights movement changed the face of this country and inspired movements toward democracy and justice all over the world producing great leaders like Martin Luther King, Jr., and Whitney Young. Too few people know that Benjamin Benneker, an outstanding mathematician, along with Pierre L' Enfant, designed the District of Columbia. There are many more and their stories must be told.

Until we understand the African-American story in its fullness and complexity, we cannot understand ourselves as a nation. We must know we are and where we have come from so that we may move forward together. And we recognize the importance of all our people and all of our history. The establishment of this museum would be one important step toward achieving greater understanding as a nation and as a people.

It is my hope and prayer that as we preserve these important moments in history, we will inspire future generations to dream, to write, to march and to teach. As they are able to look back at all that has been accomplished, they will be able to look forward and believe in the future of our great country.

I am pleased and delighted that many of my colleagues have joined me in cosponsoring this bill. I urge all my colleagues of the 105th Congress to support this worthwhile and important legislation.

IMMIGRATION REFORM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. TRAFICANT. Mr. Speaker, in the last Congress, excellent progress was made on immigration reform. I was proud to be an active participant. However, we did not go far enough. Much more needs to be done to stem the ever increasing tide of illegal aliens flowing across the U.S.-Mexico border. That's why today I am introducing legislation which would authorize the use of Department of Defense personnel to assist the U.S. Border Patrol and other Federal law enforcement agencies working to stop illegal immigration.

With current estimates reporting thousands of illegal immigrants entering our country each day, Congress has an obligation to make available to Federal law enforcement agencies all possible resources in securing our borders.

My bill authorizes the Secretary of Defense to assign Department of Defense personnel to assist the Immigration and Naturalization Service and the United States Customs Service in patrolling the borders and stopping illegal immigration. The bill does not mandate the use of troops on our border. It simply authorizes the Pentagon to supply troops at the request of the Attorney General or the Secretary of the Treasury. In addition, if employed, the troops would only provide support to law enforcement. They would have no arrest powers.

For the last 8 years, the Department of Defense has rapidly and dramatically expanded its role in the "war on drugs." Today's military is well-equipped to handle law enforcement functions. The military's role in combating drug smuggling along our southern border is a perfect example. Given the continuing problem we have with illegal immigrants, Federal law enforcement officials should be given the option of using the military to support their efforts.

I would urge my colleagues to support my legislation. It is a positive step in closing the door on illegal immigration.

AN EVENING HONORING ANDREW P. POTOS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to Andrew P. Potos as he retires from WITI–TV in Milwaukee, WI, after a successful career that spans over three decades.

Andy was born and raised in Milwaukee, and throughout his career he has demonstrated a love for our community through his active role in making Milwaukee a better place to live. Before he began his career at WITI–TV, Andy served his community as a history and English teacher at Washington High School in Milwaukee. He then went on to join WITI in 1961, the beginning of a 36 year commitment to making WITI a topnotch news organization.

When Andy Potos joined channel 6 in 1961 as an account executive, he decided that someday he would serve as General Manager. As it turns out, that goal would be met in 1981, and he would serve as one of Milwaukee's longest tenured television general managers. Even when his career path took him to Chicago or New York, he knew he would some day be back in Milwaukee. Since 1981, Andy has been at the helm of WITI and has made it one of the best television stations in the country. His leadership and managerial skills are second to none.

However, there is much more to Andy than just television. He is as committed to Milwaukee as anyone I know. Over the years he has taken a proactive role in improving our community at all levels. He has served as a board member of Junior Achievement of Southeast Wisconsin, the Wisconsin Heart Association, the Muscular Dystrophy Association, and the Milwaukee Chapter of the NAACP just to name a few. Whether it was managing a television station, or raising funds for charity, Andy Potos has been there for Milwaukee.

I would like to join everyone at WITI–TV in saying that Andy will surely be missed by all. May you enjoy a very healthy, happy retirement, and all the best in your future endeavors.

TRIBUTE TO KNOX PRESBYTERIAN CHURCH

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. DIXON. Mr. Speaker, I rise today to salute the Knox Presbyterian Church on the occasion of its 100th anniversary of providing outstanding ministry and spiritual leadership to the people of the city of Los Angeles. On February 2, I had the distinct pleasure of attending the church's 100th anniversary service.

The Knox Church is exceptional in its service to the community in many ways, providing spiritual leadership to an ethnically diverse parish and congregation. Embedded in its mission statement is a commitment to utilizing our existing diversity to attract, welcome and retain persons of various backgrounds who are accepting of ethnic diversity. The Knox Church truly fulfills the ideals of the Christian faith in its welcoming embrace of all peoples. I personally bore witness to this at the 100th anniversary service. The congregation is comprised of people of all ethnicities coming together in the glory of God. In this way, the Knox Church is a praiseworthy example of coexistence and mutual support for the city of Los Angeles, the Nation, and the world.

Rev. Mark F. Buchanan is the current pastor of the Knox Presbyterian Church. He is a graduate of Princeton Theological Seminary and has brought to Knox youth, enthusiasm, and a strong vision of the future. Under his guidance Knox has developed and is implementing its new long range plan that will take the church into the new millennium.

The Knox Church takes great pride in the quality and scope of its music program. The program is led by music director Glenn Riske, who has served as music director for over 26 years. The church's handbell choir is one of the many highlights of the music program. It has performed all over southern California, including at the Easter sunrise service at the Hollywood Bowl and the televised Christmas program at the Music Center Los Angeles. In recognition of the Knox church's century of exemplary service to the community, I would like to take this opportunity to share with my colleagues the historical retrospective of this great church.

On November 8, 1896, a small group of people came together for a worship service held in Cutler Hall in what is now downtown Los Angeles. They were led by Rev. William Stewart Young, a pioneer of Presbyterianism in southern California. The church soon moved to a new location at the Southgate Masonic Hall at Main Street and 30th Street. The Knox Presbyterian Church was formally organized at this location on Sunday, January 10, 1897. Reverend Young was officially installed as the first pastor on November 25, 1902. During his tenure the Reverend Young increased the church's membership and oversaw the erection of its first home on 30th Street. This location was officially dedicated on January 12, 1902. Reverend Young continued to lead the Knox Church until 1907. The Reverend Young was succeeded by the Reverend Edward J. Harper who served Knox from January 13, 1907, until June 1910.

The Reverend Henderson C. Shoemaker was called as supply pastor on July 7, 1910, and was officially installed as pastor on March 2, 1911. During Rev. Shoemaker's tenure, the Knox congregation moved to a new location at the corner of Figueroa and 43d Streets. The building was completed and formally dedicated on November 30, 1913. The Reverend Harry Hillard followed Reverend Shoemaker serving as pastor from July 19, 1914, through September 25, 1918. During Reverend Hillard's pastorate, Knox membership rose to 300.

On March 9, 1919, Rev. Leslie Logue Boyd was called to Knox and on April 27, 1919, was installed. Under his leadership Knox celebrated its 25th anniversary. He was followed by Rev. William Hiram Manshardt, who was installed as the rector on February 24, 1924. It was during his ministry that the church debts were cleared and a manse was purchased at 557 West 46th Street. Pastor Manshardt served Knox for 15 years.

The Reverend Chester M. Buley was installed as pastor on January 29, 1939. On that same day the congregation heard, for the first time, the Dr. William and Sarah Young Memorial Organ. Rev. Calvin A. Duncan took over leadership of the Knox Church in May 1944. He presided over the church's 50th anniversary on February 2, 1947. On May 23, 1954, Rev. Arthur P. Rech was installed. Under his 25 years tutelage the Knox Church moved to its current location in Ladera Heights and all of the facilities as they now exist were constructed. During this period numerous projects, which continue to flourish today, were instituted. Among them are the LAX Food Pantry, Masters Mates and Laderians. Rev. Rech stepped down as pastor on December 2, 1979.

On June 28, 1981, Rev. James E. Kenney was installed as pastor and served for 10 years. Interim pastors, Rev. Jack Peters, Rev. Gary Wilburn, and Rev. John Dean, served until the February 20, 1994, installation of Rev. Mark F. Buchanan.

Few would argue about the increasingly important correlation that exists between the church and a healthy community. For over a century, the Knox Presbyterian Church has contributed to that prosperity by offering a ministry that nurtures the soul and empowers the mind. By providing spiritual empowerment to the community it continues to shine as a beacon of hope for the future. I am proud to recognize and commend Rev. Mark Buchanan and the congregation of the Knox Presbyterian Church for their ministry and leadership to the Los Angeles community. Please join me in extending our profound best wishes for continued success in the future.

THE TRUTH IN EMPLOYMENT ACT OF 1997

HON. HARRIS FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. FAWELL. Mr. Speaker, I have no doubt that many of our colleagues have now heard of the union organizing tactic known as salting. I am equally sure that most of them have been greatly disturbed by what they have heard; and, for good reason. In recent years, salting has evolved into an abusive practice which, sadly, has little to do with legitimate union organizing. Instead, salting has become a tool—or perhaps better stated; a weapon—for putting nonunion companies out of business.

This unfortunate fact was made clear during the 104th Congress, when the Committee on Economic and Educational Opportunities held three hearings which highlighted the problems associated with union salting. The testimony from those hearings included stories about union organizers and agents who had sought or gained employment with a nonunion employer when, in fact, they had little, if any, intention of truly working for that company. In many cases, the organizers and agents were there simply to disrupt the employer's workplace or to increase the cost of doing business by forcing the employer to defend itself against frivolous charges filed with the National Labor Relations Board [NLRB]. For most of these companies—many of which were small businesses—the economic harm inflicted by the union's salting campaigns was devastating.

Equally troubling, Mr. Speaker, is the brazen manner in which union salts go about their business of inflicting economic harm on nonunion employers. Indeed, most union salts make clear when they apply for a job that their loyalties lie elsewhere and that they have no interest in working to promote the interests of the company.

One might ask why an employer would hire an individual that he knows is there to hurt his company. The complicated answer to this question, Mr. Speaker, lies in broad interpretations of who is covered by provisions of the National Labor Relations Act [NLRA], which prohibits employers from discriminating against employees because of their union interests or activities. These interpretations have had the practical effect of presenting employers with a Hobson's choice: either hire the union salt who is sure to disrupt your workplace and file frivolous charges resulting in costly litigation; or, deny the salt employment and risk being sued for discrimination under the NLRA. Either way the employer is faced with a hiring decision that may threaten the very survival of his or her business.

In an effort to remedy this situation, Mr. Speaker, last year I introduced the Truth in Employment Act of 1996. And, while I was disappointed that we concluded the 2d session of the 104th Congress without addressing the problems of union salting, I was pleased that a significant number of our colleagues were also sufficiently concerned to join me as cosponsors of that legislation.

Unfortunately, Mr. Speaker, the problems of abusive salting persist today; and, they continue to take a heavy toll on employers in the form of costly litigation, lost productivity, and destroyed property. For those reasons, I am today reintroducing for consideration by the 105th Congress the Truth in Employment Act of 1997. This legislation is virtually identical to the bill I introduced during the last Congress. In short, the bill would amend section 8 of the National Labor Relations Act to make clear that an employer is not required to hire any person who seeks a job in order to promote the interests of another employer or organization for whom that person is acting as an agent. When enacted, the bill will help restore of the balance of rights that salting upsets and that is fundamental to our system of collective bargaining.

I want to again make clear, Mr. Speaker, as I did during the last Congress, that this bill is in no way intended to infringe upon any rights or protections otherwise accorded employees under the NLRA. Employees will continue to enjoy their right to organize or engage in other concerted activities protected under the act. And, employers will still be prohibited from discriminating against employees on the basis of union membership or union activism. The bill merely seeks to alleviate the legal pressures imposed upon employers to hire individuals whose real purpose for seeking the job is to disrupt the employer's workplace or otherwise inflict economic harm designed to put the employer out of business.

Mr. Speaker, at its core, the National Labor Relations Act—indeed, our entire collective bargaining system—is about balancing the rights and protections of both employers and the men and women who work for them. At its worst, salting upsets that balance in a way not contemplated when the NLRA was enacted. Surely, Congress could not have intended the NLRA to be used as the legal shield that union salts now commonly invoke in defense of their abusive behavior. Moreover, common sense tells us that employers should be entitled to some measure of confidence when making hiring decisions that the job applicants they consider are motivated by their desire for work and promote the interests of that employer—not another organization bent on disrupting or putting that company out of business.

The Truth in Employment Act will help restore that confidence, Mr. Speaker, while at the same time protecting the rights of employees and their union representatives. Once again, I urge my colleagues to support its passage.

CONGRATULATIONS TO THE USCG AIR STATION, SAVANNAH, GA, FOR A JOB WELL DONE

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. KINGSTON. Mr. Speaker, when no one else was able to help, U.S. Coast Guard helicopter 6573, based at the USCG Air Station in Savannah, GA, swung into action to carry a 3-year-old burn victim from Statesboro, GA to much needed treatment in Savannah, GA. The air station staff's heroic actions are detailed in the following letter from Bulloch Co. EMS/Rescue Director Lee Eckles:

BULLOCH COUNTY EMS/RESCUE,
Statesboro, Ga, October 27, 1996.

Adm. ROBERT E. KRAMEK,
Commandant, U.S. Coast Guard, Washington, DC.

DEAR ADMIRAL KRAMEK, I realize how busy you must be, but when it comes to expressing ones thanks for saving the life of a child, I felt like you just might have a few minutes to read this letter.

On September 25, 1996, our department was dispatched to respond to a "burn patient" some ten (10) miles away from our station. With no other information available, we responded. Arriving at the scene our staff found a three year old female with second and third degree burns covering over seventy percent of her body. Within twenty-five minutes of our dispatch time, the child was receiving primary care treatment at our local hospital.

It was clear from first observations that this three year old would need the specialized care of the "Burn Center" ninety miles to our west, in order to have any chance of survival. Due to the extent and severity of the burns and the fact that she had suffered extensive airway burns, transport time to the burn center would have a significant impact on her survival. Air transport was the only option. The regional Trauma Center in Savannah, fifty miles to our east has the only civilian medivac helicopter available in all of South Georgia. Upon making the request, I was notified that their helicopter was out of service for maintance. They did however, quickly refer us to the military M.A.S.T. helicopter unit at Fort Stewart. As I dialed the phone, I remembered from my military tour of duty with the Coast Guard (1978–1981), the bureaucratic process that would have to be overcome in order for a military aircraft to be approved for use on a civilian medivac mission. The desk sergeant quickly transferred my call to the duty officer. My first comment to the Major was to apologize for my sense of urgency, but a child's life was on the line. Simply stated, I ask if his M.A.S.T. Helicopter could be airborne in five minutes or less for a medivac flight. His response was brief and very direct "It will take me at least thirty minutes to find someone who is capable of giving authorization," I thanked him for his time, and hung up the phone.

I realized at that point we were out of options. One of my staff members, feeling helpless said "why don't you call the Coast Guard, I know they have a helicopter." With nothing but the cost of a phone call to lose, I called the Coast Guard Air Station in Savannah Georgia. One again, I explained the urgency of my request. This time however, the response was different. With-in five minutes, USCG 6573 was airborne and enroute to the Statesboro Municipal Airport. To make a long story short, the Coast Guard answered the call for help when no one else was available. The medivac mission was carried out without a hitch. Our every request was quickly accommodated.

Every one involved, from the pilots and air crew to the individuals operating the telephone played an extremely crucial role in the critical care transport of Stacie Martin. At this point in time, I am not certain about Stacie's outcome because of the extent and severity of her injuries. One thing I certainly know, is the role played by All Coast Guard

Personnel involved will be credited with every positive milestone that Stacie overcomes on her long road to recovery.

For four years, stationed at USCG Group Charleston, being a SAR small boat coxswain, the Coast Guard Motto, Semper Paratus, seldom took on a very significant meaning. However, on Wednesday, September 25, 1996, being "Always ready" had a much greater meaning than each and every day of my brief Coast Guard career. On that Wednesday, it seemed that the bureaucracy worked against Stacie, until Coast Guard assistance was requested. No bureaucracy, no delay, no excuses, simply immediate response, few questions, and extraordinary execution of duty and responsibility by all USCG personnel involved. I have always been proud of the many roles that I was involved in while a member of the Coast Guard, but never as impressed as I was on Wednesday the 25th.

I realize how truly insignificant our language and my own vocabulary really is when trying to express my sincere gratitude and thanks to everybody at the Coast Guard Air Station in Savannah, and to the personnel at the District Office in Miami. This is truly a case of one of the most outstanding humanitarian missions ever undertaken by my former branch of service.

There were probably many people who were involved whose names I did not have a chance to document, but those names I do have are as follows:

Captain Clark—OSR Miami.
Captain Thomas W. Sechler—OIC, Coast Guard Air Station Savannah.
Lieutenant Richard Craig—Pilot.
Lieutenant Thomas Gaffney—Pilot.
Glenn Boggs—AD1.
William (Bill) DeCamp—ASM2.
Lieutenant Pat Ryan.
Rob Jerger—AM3.
Mike Forchette—AE1.

I know these people and all others involved in this mission were only doing their job, but, speaking in behalf, of the family of Stacie Martin, the Bulloch County Department of Public Safety, Bulloch County EMS/RESCUE, and our entire community, I wish again to express a very heartfelt thanks. The entire United States Coast Guard came through in our time of need. It was truly an answered prayer.

I know we at EMS/RESCUE in Bulloch County will never be able to repay all those involved, but, if you ever have any need here in our community, please don't hesitate to call.

Very Sincerely,

LEE ECHIES,
Director.

UNITED STATES-JAPAN SECURITY RELATIONS AND OKINAWA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. HAMILTON. Mr. Speaker, I am pleased on behalf of myself and Representatives BEREUTER, and BERMAN, to introduce a resolution recognizing the vital role of the Treaty of Mutual Cooperation and Security between the United States and Japan in ensuring the peace and prosperity of the Asia Pacific region, and expressing gratitude to the people of Okinawa for the special role they have played in ensuring the implementation of this treaty.

My friend and colleague, WILLIAM V. ROTH, Jr., is introducing a similar resolution in the other body today.

I agree with former Member of this House, and former U.S. Ambassador to Japan, Mike Mansfield, who called the relationship between the United States and Japan "the most important bilateral relationship in the world, bar none." The end of the cold war and resulting instability in Asia has only reinforced the fundamental importance of this relationship to our two nations, the Asia-Pacific region, and the world as a whole.

Indeed, as Secretary of State Madeline Albright stated to the House International Relations Committee this week, "our alliance with a democratic and prosperous Japan is one of the great successes of the postwar era." Our security alliance has endured over the years, and remains strong today, because the United States and Japan are united not by a common enemy, but rather, by common interests.

In the formulation of former Assistant Secretary of Defense Joseph S. Nye, security is like oxygen. You tend not to notice it until you begin to lose it. Once you lose it, you would pay any price to have it back.

The alliance between the United States and Japan provides the oxygen which allows the economies and societies of the Asia-Pacific region to thrive. It rightly remains the foundation of American security strategy for the Asia-Pacific region. The United States, as a Pacific power, and world's leading exporter, gains more than any nation from the region's peace and prosperity.

The Treaty of Mutual Cooperation and Security encapsulates the terms of the bilateral alliance. This past December, the United States and Japan agreed to measures to renew our security relationship in the Special Action Committee on Okinawa [SACO] Final Report issued by the United States-Japan Security Consultative Committee. This report set forth a timetable for return to Japanese control of one-fifth of the land used by the U.S. military in Okinawa. This island prefecture, as host to over half of the forward-deployed troops of the United States in Japan, has long borne a major share of the burdens of maintaining regional security.

The SACO Final Report therefore also provided for changes in operational and training procedures and in the Status of Forces Agreement which will maintain the operational capability and readiness of forward-deployed U.S. forces while lessening the impact of the U.S. military presence on the daily life of the Okinawan people.

For centuries Okinawa has been known as the Land of Courtesy. The Okinawan people deserve our gratitude for their many contributions to the United States-Japan relationship, and to the peace and security of the region. Their continued understanding and support are vital to the successful implementation of the SACO Final Report, and the Mutual Security Treaty.

Mr. Speaker, the resolution I introduce today reaffirms that the Treaty of Mutual Cooperation and Security remains vital to the security interests of the United States, Japan, and the countries of the Asia-Pacific region. It acknowledges the achievement of the United States and Japanese Governments in reinvigorating the alliance through the SACO Final Report. It also recognizes the special contributions of the people of Okinawa, to the implementation of the Treaty.

Mr. Speaker, in view of the critical importance to the United States of our relationship with Japan, I urge my colleagues to join me in passing this resolution.

THE SECRET LIFE OF THE SANDINISTAS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BURTON. Mr. Speaker, I would like to bring to the attention of the 105th Congress the newly released book entitled, "The Secret Life of the Sandinistas." This book written by Roberto Arguello, outlines the last decade of Sandinista activity.

Mr. Arguello writes material published in as many as 140 newspapers in Latin America and is a member of the U.S. Senate's Hispanic task force. This latest work is a capstone to his efforts for advocating free enterprise and fighting for the elimination of totalitarian oppression.

Mr. Arguello's, "The Secret Life of the Sandinistas," will be available in the near future through the Library of Congress. I would encourage all of my colleagues who have either a general interest in international affairs or a specific interest in Nicaragua to review this excellent book.

RAYMOND "TIM" GORECKI NAMED 1997 PERSON OF THE YEAR BY THE COUNCIL OF SOUTH SIDE ADVANCEMENT ASSOCIATIONS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to congratulate Mr. Raymond "Tim" Gorecki, on being named one of the 1997 Persons of the Year by the Council of South Side Advancement Associations.

By honoring Tim, the Council of South Side Advancement is recognizing a man who has served Milwaukee's south side for over 20 years. In that time, he has had a direct impact on the lives of many Milwaukeeans.

Tim Gorecki has shown his dedication to his community through his involvement in several organizations. In addition to serving on the Board of Directors for the Council of South Side Advancement Associations, Tim also served as the Sergeant at Arms for the Milwaukee County Council of the American Legion, and is a member of the South Side Business Club and the George Washington Legion. Tim's involvement in these organizations demonstrates his commitment to Milwaukee.

Tim Gorecki has clearly set an example for all of us to follow. I join the Council of South Side Advancement Associations in commending Tim Gorecki on his outstanding dedication to the south side of Milwaukee, and I congratulate him on being named one of the 1997 Persons of the Years.

IN SUPPORT OF TRIO PROGRAMS

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. HILLIARD. Mr. Speaker, I rise today in support of one of the best educational and welfare reform tools available today in the United States, our TRIO programs. The TRIO program is designed to identify students in need and provide them with information on academics; financial aid; tutoring support; and other needed services so they may have a chance to enter and graduate from a postsecondary institution. I can think of no better use of our precious fiscal resources than providing someone with the tools to earn their own way in this world.

I also wish to applaud the efforts of the TRIO program at Stillman College in Tuscaloosa, AL. Under the direction of Stillman's president, Dr. Cordell Wynn, and the director of their TRIO program, Mr. Vernon Freeman, I feel we have one of the more forward reaching programs in the country. In closing, I wish to offer a special commendation to the parents of our TRIO students for the encouragement, participation and love which they have shown to their children. For after all, one of the greatest legacies which we may leave our children, is a sound education in which they may build their future.

REFORM OF THE 1872 MINING LAW

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. MILLER of California. Mr. Speaker, in the long and expensive history of corporate welfare, no law has evaded reform more successfully than the mining law of 1872. For 125 years, since the administration of Ulysses S. Grant, this law has governed hard rock mining in America. And throughout those 125 years, as billions of dollars in public gold, silver, and other valuable resources have been mined, the taxpayers have not received one dime in royalties.

We don't treat any other resource that way—not coal, not water, not oil or gas. No State allows mining on its land without some royalty. No private landowner tolerates it. No foreign nation. "Only in America," as they say, would we give away billions of dollars in gold and ask nothing for the taxpayers who own it.

But it isn't fair to say we get nothing from the mining activity. The mining industry has left behind a legacy of environmental destruction—including hundreds of thousands of abandoned, toxic and contaminated minesites, that threaten our environment, our public health and our public lands and wildlife.

Fifty-nine sites on the Superfund list are the result of hardrock mining. According to the Environmental Protection Agency, mine wastes have polluted more than 12,000 miles of our Nation's waterways and 180,000 acres of lakes and reservoirs. At least 50 billion tons of untreated, unreclaimed mining wastes—including arsenic, cadmium, copper, cyanide, iron, lead, mercury, sulphur, and zinc-contaminate public and private lands. The costs of cleanup is in the tens of billions of dollars.

Those of us who represent western States know there are special problems resulting from past mining activity.

In California, the inactive Iron Mountain mine discharges one-fourth of the entire national discharge of copper and zinc to surface waters from industrial and municipal sources, according to the EPA. The city of Redding can no longer use the Sacramento River for drinking water because of the contamination levels.

In Colorado, a father and son were riding their motorbikes cross-county when they plunged into an unmarked abandoned mine. The son was killed.

In Nevada, long-abandoned Comstock Lode gold and silver mines are leaching heavy metals into the Carson River, not far from Lake Tahoe.

In Montana, windblown heavy metal particulates from old mine tailings forced official to replace high-school baseball fields around Butte.

In Idaho, EPA found lead levels in the area downwind from the abandoned Bunker Hill silver mine to be 30 times higher than the maximum levels deemed "safe." Nearly all of the 179 children living within 1 mile of the site have potentially brain-impairing lead levels in their blood.

This is the legacy—not only of an antiquated mining program that let mining companies run amok, but of a Congress that has ignored the mounting cost to taxpayers, to the environment, and to public health. It has to end.

The bills Senator DALE BUMPERS and I are introducing today will raise $1.5 billion directly from the industry that has profited from the mining program in order to clean-up the legacy of the mining program. Our bills will: Impose a 5-percent net smelter return royalty on all hard rock minerals mined from public lands to that taxpayers will—finally—receive a fair return on the extraction of hard rock minerals from public lands; impose a reclamation fee on all hard rock minerals mined from lands patented under the 1872 mining law; and close the depletion allowance loophole so that mining operators can no longer take a tax credit for depleting taxpayers' mineral wealth.

Overhaul of the mining law is long overdue. Powerful special interests, with the help of a few members of Congress, have literally lined their pockets with gold. And the taxpayer and the environment have paid the price. These bills will finally begin to give a fair return to the taxpayer and restore despoiled public lands.

Why might we succeed in 1997 were we have failed before? Because, I believe, the public is demanding an end to the multi-billion dollar orgy of corporate welfare that swells our deficit every year. Because the Clinton administration has targeted the mining program for reform in its 1998 budget. Because we are winning bipartisan support for ending outdated and expensive Federal subsidies. And because, even in the mining States of the West, four out of five Americans support mining reform.

It is a disgrace that on the eve of the 21st century, taxpayers and the environment continue to be ripped off by an antiquated law from the 19th century. If Congress is serious about reducing wasteful and unjustified corporate welfare, we should begin by reforming the mining law of 1872.

NOT WHOM YOU TELL, BUT HOW YOU KNOW

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. DICKS. Mr. Speaker, several Members of the House of Representatives, including the chairman of the Republican Congressional Campaign Committee, have made some rather hasty public statements concerning the recorded cellular telephone call involving Speaker GINGRICH and all of its legal ramifications. Many claims have been made about the laws that are applicable to disclosure of confidential information, but I am concerned there has been insufficient legal research into the statutes involved and into the legal precedents in existence. In this regard, Mr. Speaker, I am submitting for the RECORD an analysis that was printed in this week's National Law Journal by an expert first amendment lawyer whose practice involved areas of newsgathering, publishing, and broadcasting. In this article, Victor A. Kovner takes issue with an assertion made by allies of Speaker GINGRICH who were involved in the recorded conversation. Specifically, the charge was made that forwarding and publishing information from such a conversation was a felony. In this article, Mr. Kovner explores the Federal wiretap statute (18 U.S.C. 2510 et seq.) as it pertains to recorded conversations and concludes that "there is scant authority for finding a criminal violation based on mere disclosure by a person who had no role in the underlying recording."

I urge my colleagues to carefully consider Mr. Kovner's compelling reasoning as presented in the National Law Journal.

[From the National Law Journal, Feb. 10, 1997]

NOT WHOM YOU TELL, BUT HOW YOU KNOW

(By Victor A. Kovner)

Congressman Jim McDermott has "committed a felony," New York Rep. Bill Paxon charged at his initial press conference, referring to the alleged delivery by Mr. McDermott, D-Wash., of the tape of the Newt Gingrich strategy conference to the New York Times and Atlanta Journal-Constitution. It is sad to see a fine career "disintegrate," said Mr. Paxon.

Strong words, coming as they did from the chair of the Republican Congressional Campaign Committee and a participant in the taped conversation in which, as later found by Special Counsel James M. Cole, Speaker Gingrich violated his promise to the Ethics Committee not to orchestrate an effort to minimize the charges brought against him.

But was there any basis for such a serious charge by Mr. Paxon? Perhaps the Florida couple who overheard the conversation on their police scanner (equipment that has been for years widely and lawfully available at retail outlets around the country) may have technically violated the Federal Wiretap Statute, 18 U.S.C. 2510 et seq., which was amended in recent years to cover interception of cellular and cordless calls, as well as regular phone calls. Congress apparently intended to provide for an expectation of privacy with the amendments, and the 8th U.S. Circuit Court of Appeals agreed that cordless phone calls made before the amendments did not have a justifiable expectation of privacy. *Tyler v. Berodt*, 877 F.2d 705 (8th Cir. 1989), cert. denied, 110 S. Ct. 723 (1990).

What about the role of Mr. McDermott, who reportedly sent copies to the newspapers? Assuming those reports are accurate (he has declined to define the role, if any, he played), the Paxon theory goes, Mr. McDermott violated the portion of the statute that bars disclosure of an illegal tape or its contents.

This theory proves too much, for if Mr. McDermott's alleged conduct was criminal, why not that of the New York Times or the Atlanta Journal-Constitution? The statute in question makes unlawful not only the unauthorized interception or recording, but also disclosure "knowing or having reason to know" that the recording was unlawful. 18 U.S.C. 2511(1)(c). Why Bill Paxon presumed that Jim McDermott had such knowledge while the newspapers, which examined the tape carefully and transcribed it in its entirety, did not, is unclear. Notably, Mr. Paxon did not charge either newspaper with criminal conduct.

Though, in the context of civil claims for damages, courts have taken various views of the statute's reach, there is scant authority for finding a criminal violation based on mere disclosure by a person who had no role in the underlying recording. In 1993 a number of people associated with Sen. Charles Robb, D-Va., were fined for distributing illegal tapes of personal calls of then-Lt. Gov. Douglas Wilder. Unlike the serendipitous recording of the Gingrich strategy conference, the Wilder tapes were made by a person who had systemically and unlawfully recorded hundreds of cellular calls.

PROTECTIVE PRECEDENT

But any attempt to prosecute people who had no involvement in or knowledge of the unlawful recording, such as Mr. McDermott or the newspapers—neither of whom had any prior association of any kind with the Florida couple—would face serious constitutional problems. In *Landmark Communications* v. *Virginia*, 435 U.S. 829 (1978), the Supreme Court held that the First Amendment prohibits criminal punishment for disclosure of confidential judicial disciplinary proceedings by nonparticipants in the proceedings. The mere publication of truthful information, even though confidential by law, was found protected.

In dismissing a claim for invasion of privacy by a rape victim whose identity had been inadvertently but unlawfully released to a reporter by an employee of a sheriff's office, the Supreme Court later noted, "We hold only that where a newspaper publishes truthful information which it has lawfully obtained, punishment may lawfully be imposed, if at all, only when narrowly tailored to a state interest of the highest order." *Florida Star* v. *B.J.F.*, 490 U.S. 524, 109 S. Ct. 2603 (1989).

Given the extraordinary newsworthiness of Speaker Gingrich's violation of a commitment he had just made as part of his plea bargain, it is hard to imagine the presence of a state interest of the "highest order" warranting the institution of criminal proceedings against Mr. McDermott or the newspapers.

In a case similar to Landmark Communications, a California appellate court has written, "[S]tate law cannot impose criminal or civil liability upon a nonparticipant for breach of the confidentiality required by [law]." *Nicholson* v. *McClatchy Newspapers*, 177 Cal. App. 3d 509,223 Cal. Rptr. 58 (Cal. App. 3d Dist. 1986).

As a matter of common sense, the participants in the recorded conversation plainly had a diminished expectation of privacy when Rep. John A. Boehner, R-Ohio, joined the conversation on his car phone. Surely the others were aware that he was on a car phone. Surely they were aware that cellular phones may be recorded by nonparticipants with equipment that has been sold lawfully in thousands of stores throughout the country. If Speaker Gingrich was aware he was participating in a nonsecure communication and was then caught violating his commitments to the Ethics Committee, he and Ohio Republican Representative Boehner are principally to blame. Under these circumstances, any claim that the conduct of Jim McDermott (or the newspapers) was felonious would be reckless and irresponsible.

INTRODUCTION OF THE NATIONAL CLEAN WATER TRUST FUND ACT OF 1997

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. VISCLOSKY. Mr. Speaker, today, I am introducing legislation to expedite the cleanup of our Nation's waters. This bill, the National Clean Water Trust Fund Act of 1997, would create a trust fund established from fines, penalties, and other moneys collected through enforcement of the Clean Water Act to help alleviate the problems for which the enforcement actions were taken. This legislation is identical to a measure I introduced with bipartisan support in the last Congress, and it was the model for an amendment that received 156 votes in 1995 during House consideration of legislation to reauthorize the Clean Water Act.

Currently, there is no guarantee that fines or other moneys that result from violations of the Clean Water Act will be used to correct water quality problems. Instead, some of the money goes into the general fund of the U.S. Treasury without any provision that it be used to improve the quality of our Nation's waters.

I am concerned that Environmental Protection Agency [EPA] enforcement activities are extracting large sums of money from industry and others through enforcement of the Clean Water Act, while we ignore the fundamental issue of how to pay for the cleanup of the water pollution problems for which the penalties were levied. If we are really serious about ensuring the successful implementation of the Clean Water Act, we should put these enforcement funds to work and actually clean up our Nation's waters. It does not make sense for scarce resources to go into the bottomless pit of the Treasury's general fund, especially if we fail to solve our serious water quality problems due to lack of funds.

Specifically, my bill would establish a national clean water trust fund within the U.S. Treasury for fines, penalties, and other moneys, including consent decrees, obtained through enforcement of the clean Water Act that would otherwise be placed into Treasury's general fund. Under my proposal, the EPA Administrator would be authorized to prioritize and carry out projects to restore and recover waters of the United States using the funds collected from violations of the Clean Water Act. However, this legislation would not preempt citizen suits or in any way preclude EPA's authority to undertake and complete supplemental environmental projects [SEP's] as part of settlements related to violations of the Clean Water Act and/or other legislation.

For example, in 1993, Inland Steel announced a $54.5 million multimedia consent decree, which included a $26 million SEP and a $3.5 million cash payment to the U.S. Treasury. I strongly support the use of SEP's to facilitate the cleanup of serious environmental problems, which are particularly prevalent in my congressional district. However, my bill would dedicate the cash payment to the Treasury to the clean water trust fund. The bill further specifies that remedial projects be within the same EPA region where enforcement action was taken. Northwest Indiana is in EPA region 5, and there are 10 EPA regions throughout the United States. Under my proposal, any funds collected from enforcement of the Clean Water Act in region 5 would go into the national clean water trust fund and, ideally, be used to clean up environmental impacts associated with the problem for which the fine was levied.

To illustrate how a national clean water trust fund would be effective in cleaning up our Nation's waters, I would like to highlight the magnitude of the fines that have been levied through enforcement of the Clean Water Act. Nationwide, in fiscal year 1996, EPA assessed $85 million in penalties for violations of the Clean Water Act.

My bill also instructs EPA to coordinate its efforts with the States in prioritizing specific cleanup projects. Finally, to monitor the implementation of the national clean water trust fund, I have included a reporting requirement in my legislation. One year after enactment, and every 2 years thereafter, the EPA Administrator would make a report to Congress regarding the establishment of the trust fund.

My legislation has garnered the endorsement of several environmental organizations in northwest Indiana, including the Grand Calumet Task Force, the Indiana Division of the Izaak Walton League, and the Save the Dunes Council. Further, I am encouraged by the support within the national environmental community and the Northeast-Midwest Congressional Coalition for the concept of a National Clean Water Trust Fund. I would also like to point out that, in a 1992 report to Congress on the Clean Water Act enforcement mechanisms, and EPA workgroup recommended amending the Clean Water Act to establish a national clean water trust fund.

In reauthorizing the Clean Water Act, we have a unique opportunity to improve the quality of our Nation's waters. The establishment of a national clean water trust fund is an innovative step in that direction. By targeting funds accrued through enforcement of the Clean Water Act—that would otherwise go into the Treasury Department's general fund—we can put scarce resources to work and facilitate the cleanup of problem areas throughout the Great Lakes and across this country. I urge my colleagues to support this important legislation.

ADDRESS TO THE PARLIAMENT OF THE NAGORNO-KARABAGH REPUBLIC

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. PALLONE. Mr. Speaker, as the cochair of the Congressional Caucus on Armenian Issues, I traveled to the Republics of Armenia and Nagorno-Karabagh in late January to learn more about the courageous struggle of the Armenian people as they try to build self-sustaining economies and protect their land and freedom.

In Armenia, I met with government officials to discuss the role of the United States and Armenia in preserving the security and economic viability of Nagorno-Karabagh, where peace is threatened by the territorial aggression of Azerbaijan.

Earlier in the week, on January 27, I was most honored to be the first Member of Congress from the United States to speak before the Nagorno-Karabagh Parliament. I am providing my colleagues with a text of the speech in hopes that it will help educate them to the serious problems faced by the Armenian people and enable Members to cast votes in the future that could ease the suffering in that troubled part of the world.

Mr. President, Mr. Foreign Minister, Mr. Chairman and ladies and gentlemen.

It is a great honor for me to address the elected legislature of the Republic of Nagorno-Karabagh. As an elected legislator myself, I see you as my colleagues and friends, fellow-Parliamentarians and fellow-democrats. Yet, to my deep regret, your service to your homeland is not generally granted the same recognition and respect that my status as an elected official of my country grants me around the world. This situation must change. You have earned the right to be accorded the respect of the international community as the legitimate representatives of your land and your people.

I hope that my visit to Karabagh, and especially my presence in your legislative chamber today, will contribute in some small way to a growing international recognition that the Republic of Nagorno-Karabagh is a reality.

Just about one year ago today, I had the privilege of meeting with President Kocharian and Foreign Minister Ghoukasian during their visit to Washington. While the President and Foreign Minister were accorded meetings with Members of Congress, I regret that they were not accorded the type of official welcome from the U.S. Administration that they deserve. Despite the lack of official recognition, the visit of the President and Foreign Minister did a great deal to advance the cause of the Republic of Nagorno-Karabagh, solidifying support among the Armenian-American community, educating many U.S. foreign policy leaders, and forging new bonds of friendship and understanding. When we met, the President expressed his hope that he would be able to return the hospitality that was shown to him by friends of Karabagh during his visit to the U.S. last year. I am proud to accept that offer now. I appreciate the hospitality that has been shown to me, and I look forward to reporting back to the American people about the courageous struggle of the people of Karabagh to defend their land, their independence and their freedom.

Before I outline some of my ideas and hopes for how our two peoples can grow closer in friendship and partnership, let me tell you a little bit about myself and why I have come here to your seat of government. I represent the Sixth Congressional District of the State of New Jersey. The densely populated, ethnically diverse State I represent includes a significant number of Americans of Armenian descent. Survivors of one of history's most monstrous crimes, the Genocide perpetrated against the Armenian people by the Ottoman Turkish Empire, thousands of Armenians came to America in search of a new life. Many arrived with little more than the shirts on their backs. Yet these immigrants, these survivors, and their sons and daughters, grandsons and grandaughters, have flourished and thrived, becoming one of America's most successful, well-educated and affluent ethnic groups.

While there has for many years been widespread support for the Armenian people among U.S. lawmakers, I felt that these efforts lacked a certain focus and cohesion. So, two years ago, I founded an organization within the Congress of the United States known as the Congressional Caucus on Armenian Issues. I invited my colleague, Congressman John Porter of the State of Illinois to serve with me as co-chairman. Although I am a Democrat and Mr. Porter is a Republican, we put aside our partisan differences to work for common approaches to support the Armenian people. In just two years' time, the membership of the Caucus increased to 54—Democrats and Republicans, from all regions of the vast United States of America. Always there to support our efforts is the Armenian Assembly, whose support has made my visit here possible.

The Caucus has provided a forum to educate Congress and the public about developments in the Republics of Armenia and Nagorno-Karabagh, and a vehicle to advocate in support of the interests of the Armenian people.

From the time of the collapse of the Soviet Union, Americans have demonstrated their solidarity with the Armenian people—in the Diaspora, as well as in the Republics of Armenia and Nagorno-Karabagh. America has sought to provide support for the people of the newly declared Republic of Armenia, through humanitarian assistance, development aid, the leveraging of capital investment and the facilitation of cultural and educational contacts. The Freedom Support Act of 1992 contains many important provisions intended to engage the U.S. with the Republics of the former U.S.S.R. One provision of that law has made it possible for hundreds of Armenian students to visit the U.S., stay with families, go to schools and even come to Capitol Hill in Washington. Meeting with these bright young people, talking about democracy and hopes for the future, has been one of the real pleasures of my job.

Another very serious and significant provision of that landmark law, Section 907, prohibits direct U.S. Government assistance to the Government of the Republic of Azerbaijan until that country lifts its blockade of Armenia and Nagorno-Karabagh.

Preserving this law has been one of the major goals of the Congressional Caucus on Armenian Issues. We have had to withstand very strong opposition from the well-financed Azerbaijan lobbying campaign. In the summer of 1995, during the debate on the Foreign Operations Appropriations bill, the legislation that provides for America to honor its commitments and protect its interests overseas, Congressional friends of Armenia were successful in maintaining the law. I want to pay particular tribute to my friend and colleague, Congressman Pete Visclosky of the State of Indiana, a member of the Armenian Issues Caucus, for his leadership in maintaining the ban on aid to Azerbaijan.

While I support diplomatic solutions, blockades not sanctioned by International bodies must be regarded as illegal. Current law prohibiting direct non-humanitarian U.S. government assistance to the Government of Azerbaijan is the correct policy. I will continue to lead the opposition to all attempts to weaken these sanctions until and unless Azerbaijan stops strangling Armenia and Karabagh.

I regret to report to date that the U.S. Government has not provided any direct humanitarian assistance to the people of Karabagh. As many of you are aware, in 1996 the House of Representatives overwhelmingly approved legislation that would have authorized direct U.S. humanitarian assistance to Karabagh. Unfortunately, the final version of the legislation that was signed into law did not allow for U.S. humanitarian assistance to be provided to Karabagh.

This was a mistake for several reasons. First, the fact that the final political status of Nagorno-Karabagh has not yet been determined should not be an obstacle to providing humanitarian assistance. The objective of humanitarian assistance is to save lives and is not intended to bestow political status or challenge the sovereignty of a state. Whatever the nature of a conflict, humanitarian operations must be clearly, distinguished from political and military efforts to achieve peace. Second, humanitarian assistance should be provided on the basis of need anywhere in the world. And I know that there are serious needs that are not being met in Karabagh. Third, in order to be an honest and impartial broker, the United States should provide humanitarian aid to all in the region who need it. Such a policy would send a strong message that the United States is dealing fairly with all sides. The unimpeded, unencumbered flow of humanitarian assistance is a universal principle. I will work in the coming year to ensure that U.S. humanitarian aid to Karabagh is provided on the basis of expected needs.

While on the subject of the delivery of humanitarian assistance, I wanted to point out another major initiative of the Congressional Caucus on Armenian Issues: passage of the Humanitarian Aid Corridor Act. This law states quite simply that countries which block the delivery of U.S. humanitarian assistance to another country will themselves be ineligible for receiving humanitarian assistance. While the legislation does not single out any country, it would clearly include the Republic of Turkey. Turkey is a recipient of huge amounts of U.S. military and civilian aid. Yet this country is engaged in the unconscionable blockading of the Republic of Armenia. The Corridor Act has become a matter of law. Unfortunately, a waiver provision in the law has made enforcement less effective. Our task is to step up enforcement, to keep the pressure on Turkey to do the right thing and lift the blockade. Removal of the blockade would go a long way toward relieving the suffering of the people of Armenia and Karabagh, and would form the first major confidence building measure to bring peace, stability and, ultimately, economic prosperity to the Caucasus region.

My friends, in America we have an expression that our differences amongst ourselves must end at the water's edge. Travelling as both a citizen and an elected representative of the United States of America, I am conscious of a certain obligation to defend the policies and positions that my country holds. Yet, as a citizen of a democracy, I believe in the need to speak out against those policies and positions with which I disagree. More than 20 years ago, when I was studying international law and diplomacy, I learned that there are two major guiding principles in resolving disputes: territorial integrity and self-determination. In the case of Karabagh, I am concerned that U.S. policy, and that of other nations, leans too heavily on the side of territorial integrity—even though the borders were drawn by the dictator Stalin to divide the historically Armenian region of Karabagh from the rest of the Armenian nation, and despite the fact that the Helsinki Final Act allots equal value to self-determination and territorial integrity. Of course, the economic clout of oil interests seeking to curry favor with Azerbaijan is a very strong factor influencing policy in the region. I am not opposed, in fact, I specifically support the exportation of Caspian Sea oil across Armenia—but not at the expense of the freedom and independence of the people of Karabagh. Indeed, upon my return home, it is my intention to meet with our new Secretary of State, the Honorable Madeleine Albright, to report on my findings and to urge greater support for the interests and needs of the people of Armenia and Nagorno-Karabagh. I have met on several occasions with the U.S. Special Negotiator for Karabagh, who recognizes that the situation in Karabagh is essentially without precedent and will require creative diplomacy to solve. I intend to maintain that dialogue. People of good will can have principled differences, yet continue to work toward a common ground. America truly wants to play a helpful role in resolving this dispute—and I mean an honorable resolution, not a solution dictated upon the people of Karabagh.

We must see to it that the people of Karabagh are guaranteed their security and right to self-determination. Never again should the Armenian people be subjected to the pogroms, massacres and deportations that occurred in Azerbaijan in 1988. It is my belief that if the question of Karabagh were settled on the basis of principles proposed by Azerbaijan, the people of Nagorno-Karabagh would be in constant fear of genocide, deportation and massacre. It seems to me that the only way to promote long-term peace and stability is to respect the right of self-determination for the people of Nagorno-Karabagh. Unfortunately, the international community almost categorically rejects all self-determination claims. This approach is not only ineffective, but it often can prolong conflicts. A blanket rejection of all self-determination claims does not take into account that self-determination movements, such as the Karabagh movement, are not all alike and therefore ought to be treated differently. With respect to the negotiations, the OSCE Minsk Group's mandate makes clear that the final status of Nagorno-Karagagh's status is to be negotiated. I believe that any predetermination by the negotiators jeopardizes prospects for a peaceful and negotiated settlement.

Furthermore, no substantial progress can be made in negotiations without the direct participation of Nagorno-Karabagh. Clearly, Azerbaijan's refusal to recognize Nagorno-Karabagh as a direct party to the conflict defies logic and precludes serious negotiations. Currently, a cease-fire is in effect, and I hope it holds for the foreseeable future. Azerbaijan and Karabagh have exchanged prisoners of war and accomplished other agreements. Yet this cease-fire is fragile, and does not constitute the basis for a permanent solution. Azerbaijan's current refusal to recognize Nagorno-Karabagh as the second party to the dispute is neither constructive nor realistic. To the extent that the positions taken by the U.S. and the international community are contributing to Azerbaijan's intransigence, we must reassess those policies in light of the effect they might be having.

The Republic of Armenia must play a special role in the peace process. I am spending most of this week in Yerevan in meetings with government officials, and discussions over Armenia's future role as guarantor of Nagorno-Karabagh's security and economic viability, pursuant to international agreements.

The people of Armenia and Nagorno-Karabagh have turned adversity and devastation into advancement, economic progress and the hope for a future based on long-term peace. Surrounded by hostile neighbors, Armenia and Nagorno-Karabagh look to the United States and the international community for support in their commitment to democratic principles and a market economy. As the co-chair of the Congressional Caucus on Armenian Issues, I am here to learn more abut the plight of the Karabagh people and to promote a peaceful solution to the conflict.

Clearly, the people of Karabagh have shown their courage and determination to fight for their homeland—to die for it, if necessary. Nagorno-Karabagh's Army of Defense has shown the ability to control strategic territory. Your sovereignty is not just a matter of future discussion or negotiation—it is a matter of fact. In establishing an independent homeland, you have won the war. My goal and my pledge is to help you win the peace.

HONORING VIKTOR CHERNOMYRDIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BERMAN. Mr. Speaker, last week an extraordinary event took place here in the United States. The Prime Minister of the Russian Federation, Viktor Chernomyrdin, was the special guest of a dinner hosted by the Russian Jewish Congress and attended by business and political Jewish leaders all across America. During the ceremony, Prime Minister Chernomyrdin was presented an award from the president of the Russian Jewish Congress, Mr. Vladimir Goussinsky, in recognition of his commitment and efforts to insure religious freedom and liberty in today's Russia, particularly the 1.5 million Jewish citizens now living in that country.

Many of my colleagues in the Senate and House also attended the dinner. Congressman TOM LANTOS who moderated and offered some poignant remarks about his own experience as a survivor of the Holocaust, was also presented an award along with former U.S. Senator Sam Nunn.

For many of us in Congress who attended the event and have been actively involved in Soviet Jewry over the years, this was a long-awaited and richly satisfying moment. It was not expected in our lifetime to see the establishment of a Russian Jewish Congress in Moscow, nor did we ever expect to see a Russian Prime Minister on our soil proclaiming support for the fundamental rights of the Jewish inhabitants of that country.

Mr. Speaker, the Russian people and their leaders are coping with the challenges and even hardships inherent in forming a democracy and market economy. It is not a pretty picture, to be sure, by what we see in the daily press. We know democracy is in its infant stage and largely untested as is the economy, which is undergoing a painful transformation and still lacks full public support. However, Russia has made surprising strides in respecting the inalienable rights of its citizens. Where once there was suppression of religious beliefs, we now see churches and synagogues being restored. The old state prohibition on immigration has been replaced with relative freedom of movement both inside and outside Russia.

The Russian Jewish Congress choose to publicly recognize Mr. Chernomyrdin's record in full view of United States Congressmen and high ranking officials and business and organizational leaders and present an award to him for his public commitment to preserving Jewish culture and rights in that country.

In presenting the special award, Mr. Goussinsky made reference to a recent event which took place at a sacred Site, which is the burial place for the millions who perished in what is in Russia called the Great Patriotic War. At this place a new synagogue has been built and at the commemoration ceremony, Prime Minister Chernomyrdin laid the first stone and concluded his remarks with the word "Shalom." Mr. Goussinsky also noted that in today's Russia there are still different opinions and attitudes and the fact that Prime Minister Chyernomyrdin would make such an appearance carried historic importance.

Mr. Speaker, I would like to add a second historic event, which is the establishment of the Russian Jewish Congress in January 1996. At the urging of Jewish leaders in the United States and Israel, Mr. Vladimir Goussinsky assumed the leadership for its formation and is now serving as its first president. As such, it is the first attempt to unite the country's foremost Jewish business, public, religious, political, academic and cultural leaders and will also give identity and purpose to the Jewish culture, which has so long been repressed in that nation. The congress has approximately forty branches throughout the Russian Federation that contribute to their own communities.

During 1966, the congress launched the construction of a Holocaust memorial synagogue as part of the national World War II Memorial Park in Moscow. The Congress held the ground-breaking ceremony for the Holocaust memorial synagogue in October of 1996, which was attended by Viktor Chernomyrdin. It was the first Jewish event in Russian history attended by a Russian Prime Minister.

I applaud Mr. Goussinsky, Rabbi Pinchas Goldschmidt and other leaders in Russia for their efforts to create self sustaining, proud and independent Jewish communities in Russia, just as they exist all over the world.

ETHICS PROCESS REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. HAMILTON. Mr. Speaker, today I am introducing, along with Representative DAVID DREIER, a resolution to reform the House ethics process by having private citizens help investigate charges of Member misconduct.

It has been clear for some time that the process under which the House considers disciplinary action against Members is in need of serious reform. Major breakdowns in the process over the last several months may mean that the House is finally ready to make the needed changes.

The reform that Representative DREIER and I are urging was develop during our work on the Joint Committee on the Organization of Congress, which we led during the 103d Congress. The joint committee was charged with considering and recommending institutional changes that would make Congress more effective and help restore public confidence in the institution. Ethics process reform was a major focus of the joint committee, and we considered it at length. The proposal that the joint committee recommended with broad, bipartisan support is the one we are introducing today.

Our proposal would help restore the integrity of the House ethics process by involving outsiders in the investigation of ethics complaints against Members. The Speaker and the minority leader would jointly appoint a pool of 20 independent factfinders to be called on by the Standards Committee for ethics investigations as needed, on a case-by-case basis. These individuals would be private citizens, and might include, for example, former Members or retired judges. Lobbyists and other individuals with business before the House would not be eligible. In a particular case, the Standards Committee could call upon four or six of these independent factfinders to investigate charges of misconduct against a Member. They could question witnesses, collect and examine evidence, and then report their findings of fact and recommendations to the full committee. The committee would then make recommendations to the full House, and the full House would make the final decision on whether sanctions are appropriate.

This proposal still retains an appropriate role for the Standards Committee and it does not remove from the House its constitutional responsibility to police its Members for official misconduct. It simply turns over the investigatory phase of the ethics process to private citizens. Involving outsiders in the process in a meaningful way has several advantages. First, it will help restore public confidence in the process by reducing the inherent conflicts of interest involved when Members judge fellow Members—either that they are protecting a friend and colleague or are misusing the ethics process to attack an opponent. Second, it will help ensure that ethics complaints are acted on by the House more quickly. The addition of ordinary citizens to the process would force action on cases that could be held up indefinitely under the current system. Third, it will alleviate the enormous time burdens on Members who serve on the Standards Committee, and will make serving on the committee much less onerous. Various other professions are increasingly calling on outsiders to help them police their membership; the House should too.

Our reform, as I mentioned, received strong bipartisan support on the Joint Committee on the Organization of Congress, and it is strongly supported by congressional scholars including Norm Ornstein of the American Enterprise Institute, Tom Mann of the Brookings Institution, and Dennis Thompson, director of the program in ethics and the professions at Harvard.

Mr. Speaker, it is essential that complaints of unethical conduct by a Member of Congress be investigated fully, impartially, and promptly. We owe that to the accused Member and we also owe that to the institution of the House. I believe that this reform will help insulate the ethics process from the partisan rancor which sometimes exists in the House, and will make the process fairer and more credible to the public. It is an important step in making the House more effective and in restoring public confidence in the institution.

COMPREHENSIVE WOMEN'S PROTECTION ACT OF 1997

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to introduce the Comprehensive Women's Protection Act of 1997.

Senator MOSELEY-BRAUN and I introduced this legislation last year and were extremely gratified that several provisions were enacted. We hope to build on those successes because there is much more work to be done, particularly for the women of America.

For instance, less than one-third of all women retirees over age 55 receive pension benefits compared to 55 percent of male retirees. Yet the typical American woman who retires can expect to live approximately 19 years. Sadly, over one-third of elderly women living alone live below the poverty line and three-fifths live within 150 percent of the poverty line. Women's pension benefits depend on several factors including: participation in the work force, lifetime earnings relative to those of current or former husbands, and marital history.

There has been a long-term trend toward greater labor market participation by women. In 1940, only 28 percent of all women worked and less than 15 percent of married women worked. By 1993, almost 60 percent of all women worked and married women were slightly more likely than other women to be working. The growth of women in the work force is even more pronounced for women in their prime earning years—ages 25–54. The labor force participation rate for these women increased from 42 percent in 1960 to 75 percent in 1993. For married women in this age bracket labor force participation increased from 35 percent in 1960 to 72 percent in 1993.

Not only are more women working, they are staying in the work force longer. For instance, 19 percent of married women with children under age 6 worked in 1960; by 1993 60 percent of these women were in the work force. Similarly, 39 percent of married women with children between the ages of 6 and 17 were in the work force in 1960 and by 1993, fully 75 percent of these women were in the work force.

Women's median year-round, full-time covered earnings were a relatively constant 60 percent of men's earnings until about 1980. Since that time, women's earnings have risen to roughly 70 percent of men's. This increase will, in time, increase pension benefits for women although this change will be slow because benefits are based on average earnings over a lifetime.

A woman's marital status at retirement is also a critical factor in determining benefits. The Social Security Administration projects that the proportion of women aged 65 to 69 who are married will remain relatively constant over the next 25 years, and that the proportion who are divorced will more than double over this period. There are tremendous inequities in the law with respect to the pension of a widow or divorced spouse. For instance, only about 54 percent of married private pension plan recipients have selected a joint and survivor option, which, in the event of their death, will continue to provide benefits to their spouse.

The face of women in America today has changed; it's time our pension laws recognize those changes. The bill before us today does just that. Representatives CONNIE MORELLA, ELIZABETH FURSE, CORRINE BROWN, JULIA CARSON, SHEILA JACKSON-LEE, MARCY KAPTUR, NITA LOWEY, CAROLYN MALONEY, CARRIE MEEK, JUANITA MILLENDER-MCDONALD, and LORETTA SANCHEZ have agreed to be original cosponsors. We would welcome others. A section by section follows. Thank you.

SECTION-BY-SECTION SUMMARY

SECTION 101—INTEGRATION

Problem—Social Security integration is a little known, but potentially devastating mechanism whereby employers can reduce a portion of employer-provided pension benefits by the amount of Social Security to which an employee is entitled. The Tax Reform Act of 1986 limited integration so as to guarantee a minimum level of benefits, but the formula only applied to benefits accrued in plan years beginning after December 31, 1988. Low wage workers are disproportionately affected by integration and are often left with minimal benefits.

Solution—Apply the integration limitations of Tax Reform Act of 1986 to all plan years prior to 1988, thereby minimizing integration for low and moderate wage workers.

In addition, eliminate integration entirely for plan years beginning on or after January 1, 2004. The lag between enactment and 2004 is designed to be a transition period for employers. No integration would be permissible for Simplified Employee Pensions for taxable years beginning after January 1, 1998.

SECTION 102—APPLICATION OF MINIMUM COVERAGE REQUIREMENTS WITH RESPECT TO SEPARATE LINES OF BUSINESS

Problem—Current law allows companies with several lines of business to deny a substantial percentage of employees pension coverage. The employees denied coverage are disproportionately low-wage workers.

Solution—Require that all employees within a single line of business be provided pension coverage to the extent the employer provides coverage and the employee meets other statutory requirements such as minimum age and hours.

SECTION 103—DIVISION OF PENSION BENEFITS UPON DIVORCE

Problem—Pension assets are often overlooked in divorce even though they can be a couple's most valuable asset.

Solution—Using COBRA as a model for the process, provide for an automatic division of defined benefit pension benefits earned during the marriage upon divorce, provided that the couple has been married for five years. The employee would notify his or her employer of a divorce. The employer would then send a letter to the ex-spouse informing him or her that he or she may be entitled to half of the pension earned while the couple was married. The ex-spouse would then have 60 days, as under COBRA, to contact the employer and determine eligibility. If a Qualified Domestic Relations Order (QDRO) dealt with the pension benefits, then this provision would not apply.

SECTION 104—CLARIFICATION OF CONTINUED AVAILABILITY OF REMEDIES RELATING TO MATTERS TREATED IN DOMESTIC RELATIONS ORDERS ENTERED INTO BEFORE 1985

Problem—In response to both the greater propensity of women to spend their retirement years in poverty and the fact that women were much less likely to earn private pension rights based on their own work history, the Retirement Equity Act of 1984 gave the wife the right to a share of her husband's pension assets in the case of divorce. This law only applied to divorces entered into after January 1, 1985.

Solution—Where a divorce occurred prior to 1985, allow the Qualified Domestic Relations Order (QDRO) to be reopened to provide for the division of pension assets pursuant to a court order.

SECTION 105—ENTITLEMENT OF DIVORCED SPOUSES TO RAILROAD RETIREMENT ANNUITIES INDEPENDENT OF ACTUAL ENTITLEMENT OF EMPLOYEE

Problem—Under the Railroad Retirement System a divorced wife is automatically entitled to 50% of her husband's pension under Tier I benefits as long as four conditions are met: 1) the divorced wife and her husband must both be a least 62 years old; 2) the couple must have been married for at least 10 consecutive years; 3) she must not have remarried when she applies; and 4) her former husband must have started collecting his own railroad retirement benefits. There have been situations where a former husband has delayed collection of benefits so as to deny the former wife benefits.

Solution—Eliminate the requirement that the former husband has started collecting his own railroad retirement benefits.

SECTION 201—EXTENSION OF TIER II RAILROAD RETIREMENT BENEFITS TO SURVIVING FORMER SPOUSES PURSUANT TO DIVORCE AGREEMENTS

Problem—The Tier I benefits under the Railroad Retirement Board take the place of social security. The Tier II benefits take the place of a private pension. Under current law, a divorced widow loses any court ordered Tier II benefits she may have been receiving while her ex-husband was alive, leaving her with only a Tier I annuity.

Solution—Allow payment of a Tier II survivor annuity after divorce.

SECTION 202—SURVIVOR ANNUITIES FOR WIDOWS, WIDOWERS, AND FORMER SPOUSES OF FEDERAL EMPLOYEES WHO DIE BEFORE ATTAINING AGE FOR DEFERRED ANNUITY UNDER CSRS

Problem—In the case of a husband dying before collecting benefits, his contributions to the Civil Service Retirement System are paid to the person named as the "beneficiary." The employee may name anyone as the beneficiary. A divorce court cannot order him to name his former spouse as the beneficiary to receive a refund of contributions upon his death, even if she was to receive a portion of his pension.

Solution—Authorize courts to order the ex-husband to name his former wife as the beneficiary of all or a portion of any refunded contributions.

SECTION 203—COURT ORDERS RELATING TO FEDERAL RETIREMENT BENEFITS FOR FORMER SPOUSES OF FEDERAL EMPLOYEES

Problem—Currently, under CSRS, if the husband dies after leaving the government (either before or after retirement age) and before starting to collect retirement benefits, no retirement or survivor benefits are payable to the spouse or former spouse.

Solution—Make widow or divorced widow benefits payable no matter when the ex-husband dies or starts collecting his benefits.

SECTION 301—SMALL 401(K) PLANS REQUIRED TO PROVIDE ANNUAL INVESTMENT REPORTS TO PARTICIPANTS

Problem—Current law requires that pension plans file an annual detailed investment report with the Treasury Department and make it available to any participant upon request. Pension plans, including 401(k)s, with fewer than 100 participants and beneficiaries are not required to file or make detailed investment reports available to participants. 401(k)s, unlike traditional pension plans, do not have the plan sponsor guaranteeing their pension benefits nor do they have PBGC pension insurance. Consequently small 401(k) participants bear the investment risks, but are not told what the investments are.

Solution—The Secretary of Labor must issue regulations requiring small 401(k) plans to provide each participant with an annual investment report. The details of the report are left to the Secretary.

SECTION 302—SECTION 401(K) INVESTMENT PROTECTION

Problem—Under federal law, a traditional defined benefit pension plan may not invest more than 10% of its assets in the company sponsoring the plan. The purpose of the limitation is to protect employees from losing their jobs and pensions at the same time. The 10% limitation does not apply to 401(k) plans, despite their having become the predominant form of pension plan, enrolling 23 million employees and investing more than $675 billion.

Solution—Apply the 10% limit to employee contributions to 401(k) plans—unless the participants, not the company sponsoring the plan, make the investment decisions.

SECTION 401—MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS

Problem—Under current federal law, traditional defined benefit pension plans can offer unequal survivor benefit options. That option can pay the surviving spouse (most often the wife) only half the survivor's benefit paid to the spouse who participated in the plan. Plans may, but are not required, to offer more equitable options. Current law also requires that pension plans disclose retirement benefit options to one spouse, the spouse who participated in the plan. This leaves the other spouse (usually the wife) uninformed about an irrevocable decision that affects her income for the rest of her life.

Solution—Require that pension plans offer an additional option that provides either surviving spouse with two-thirds of the benefit received while both were alive. Require that both spouses be given a illustration of benefits before any benefit can be chosen.

SECTION 501—SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(K) PLANS

Problem—Under current federal law, in order for a plan participant to take a lump sum distribution from a defined benefit plan, the participant must have the consent of his or her spouse. This is not true of a 401(k) plan.This means that a participant can, at any time, drain his or her pension plan and leave the spouse with no access to retirement savings.

Solution—Require that 401(k) plans be covered by the same spousal consent protections as defined plans when it comes to lump-sum distributions.

SECTION 601—WOMEN'S PENSION TOLL-FREE PHONE NUMBER

Problem—One of the key obstacles to women's pension security is lack of information. Too many women do not know whether or not they are eligible for retirement income, the implications of the decisions they are asked to make regarding divorce and survivor benefits, the steps they should take to provide for a secure retirement, or even how to gather the necessary information.

Solution—Create a women's pension hotline that can provide basic information to women regarding pension law and their options under that law.

SECTION 701—PERIODIC PENSION BENEFITS STATEMENTS

Problem—Under federal law, pension plans are required to provide a benefits statement annually, upon request by the employee. Many employees, especially young employees, do not consider pension income or do not feel secure requesting information from their employer. Thus, many employees do not know the amount of their accrued benefits, or payout upon retirement. In addition, there are numerous instances of defined contribution plans misappropriating money by failing to place funds in the employee's account. Unless an employee asks for a statement, he or she does not have a clear idea of the state of his or her retirement security, or if the funds are being properly placed.

Solution—Require that 401(k) plans provide benefits statements automatically at least once year. For defined benefit plans, due to the more complicated calculation required to produce an accurate future benefits statement, require that a statement be automatically provided every three years.

UPON THE INTRODUCTION OF THE "DEPOSITORY INSTITUTION AFFILIATION ACT"

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. LAFALCE. Mr. Speaker, I am pleased to be the chief Democratic cosponsor of H.R. 669, the Depository Institution Affiliation Act, introduced by Chairman RICHARD BAKER. The goal of modernizing our financial services industry has been a longstanding objective of mine and many other Members of Congress, as well as many in the financial services industry. Unfortunately, that goal has eluded us to date.

The purpose of any financial modernization legislation should be to encourage the development of a competitive and efficient financial services system. Such a system should provide consumers with financial services at the lowest possible cost, while at the same time ensuring safety and soundness. In fact, a competitive industry providing a broader range of services enhances the safety and soundness of the industry, rather than reducing it. Indeed, it is the narrowness and rigidity of the bank charter that has been responsible for the banking industry's loss of market share over the past several decades.

There are several different approaches to financial modernization being discussed in this Congress, as has been the case in all previous debates. Of all of these, Chairman BAKER's legislation—which is the companion to Senator D'AMATO's bill in the Seante—is the broadest, and therefore I believe offers the best opportunity for Congress to debate the full range of issues related to modernization. It is expected that the administration will soon present its own proposal to Congress, and I believe it also will be broad in scope. In order to get the job done, it is critical that we work on a bipartisan basis and in close cooperation with the Senate and the administration.

If we are to seriously take up the modernization issue, we must not restrict ourselves to considering only delimited legislation which addresses a very finite array of issues. Such legislation is necessary too narrow in scope to reflect the rapidly changing financial services market. Nor should we assume that legislation passed by the Banking Committee in previous years is a model for reform today. As the financial marketplace evolves, Congress must explore that evolution. We must attempt to understand its implications, ask critical questions about the most effective means of regulating new developments, and only then consider the most effective legislative vehicle for achieving reform.

Despite our previous failures to pass legislation, the debate in Congress over financial modernization has been progressing along with the evolution in the marketplace. Indeed, issues on which there was major disagreement in past debates are now a matter of near consensus. For example, many now agree that the total separation between commercial and investment banking is artificial in today's financial world.

No bill before this House has yet found the perfect resolution of the many issues we must address, including this one. But our bill has the advantage of raising the full range of issues we must study if we are to legislate intelligently. First, we need to understand more fully the appropriate relationship between banking and commerce. The affiliation of banks with commercial firms is an issue with a long and controversial history, and one on which many have strong and often contradictory opinions. However, very few of us adequately understand the rationale for allowing affiliations between banking and nonbanking or commercial firms. It is difficult to even agree on the meaning of the word "commercial."

The proposal to allow banks to affiliate with commercial firms should not be an ideological issue requiring one to take sides. There are beneficial aspects to linkages between banking and commercial firms, as well as some very legitimate concerns which should be addressed. I believe it is possible to strike a balance. We can place appropriate limitations on the affiliations between banks and commercial firms, while retaining the benefits of such affiliations and recognizing that companies in which some mix of banking and commerce already exists have posed no harm and done much good.

We also need to recognize that there are a broad range of nonbanking activities that some might consider "commercial." Some of these are clearly financial in nature and have a close relationship to banking. Other nonbanking activities are technological in nature, making them crucial to the ability of banking organizations to compete with nonbank firms offering similar technology-based financial products. Other nonbanking activities involve making passive equity investments in commercial firms.

Before making any definitive decisions about the combination of banking and commercial firms, we need to understand more fully some of the complexities involved. This bill will contribute to that debate.

Second, we need to gain a better understanding of holding company regulation—whether it is needed, and what is its proper scope. In particular, we need to explore the question of whether a holding company is the most effective means of promoting competitiveness in the financial services market. In short, we need to understand the benefits as well as the disadvantages of a holding company structure.

Third, we need a more thorough understanding of how functional regulation would operate in reality. The basic concept is simple, but its application is not. The current regulatory structure mirrors to some degree the truncated system it regulates. A new system cannot so readily be forced back into an old framework.

On all these questions, our goal should be to maintain an openmind, and explore the issues fully. I encourage my colleagues to engage in as far-reaching a debate as possible, because that process will result in a superior legislative product.

I congratulate Chairman BAKER for his ongoing contribution to the vital goal of financial services modernization and pledge my support to work for a bill that addresses the issues in the most comprehensive way possible.

THE CITIZENS' CHOICE ACT

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SABO. Mr. Speaker. It has been clear for many years that our campaign finance system must be reformed. Recent events have raised public awareness of this need, and I am glad that the issue is now near the top of our agenda.

Reforming our campaign finance system is one of the most difficult problems before Congress. In the past, sweeping comprehensive reform has yielded a multitude of unintended consequences. Our campaign system is complex, and it will not yield to easy solutions or quick fixes. That is why I am introducing legislation that takes a small but important step in the right direction—toward limiting campaign spending and leveling the playing field between challengers and incumbents.

My bill, the Citizens' Choice Act, creates a voluntary system of publicly financed general elections to the U.S. House of Representatives. Under my bill, a House of Representatives general election trust fund would be funded by a voluntary $5 check-off on income tax returns, and would consist of one account per political party in every congressional district. Candidates who accepted money from this fund must agree to spend no more than $600,000 on their campaigns. The spending limit would be waived if a candidate's opponent refuses to participate in the public funding and raises at least $100,000. My bill also includes a blanket prohibition on all House general election candidates from loaning more than $500,000 to their own campaigns.

My bill addresses the most common criticism of public financing proposals: that taxpayers should not subsidize the campaigns of candidates they oppose. That is why I would allow people to choose which party would receive their tax dollars. This eliminates the problem, while creating greater opportunity for citizens to get involved in the electoral process.

Mr. Speaker, some Members are too ready to believe that citizens strongly oppose public financing. I believe it is time for Congress to take another look at public financing of campaigns. Widespread frustration with our current system has grown to the point that Americans demand new solutions. People want fair campaigns, and I believe the American people will understand that an appropriate combination of public financing and spending limits is an effective way to govern our campaign system. I also feel that citizens will welcome the opportunity to support our political system through my proposed check-off.

I urge my colleagues to look beyond any preconceived notions they may have about public financing of campaigns, and support legislation that gives citizens a choice in financing our electoral process.

THE DIAMOND ROAR OF THE BAY CITY LION'S CLUB

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BARCIA. Mr. Speaker, in addition to keeping full-time jobs, volunteers spend long and tireless hours helping others while in return they are not paid and receive no financial gain. A truly dedicated and committed group of volunteers, the Lions Club of Bay City, will celebrate its 75th anniversary on February 22, 1997. The Lions Club of Bay City has made an indisputable difference for the citizens of Bay City.

Chartered on December 8, 1921, the club has had more than 1,205 members during its 75 years in existence. Thirty-five local community-spirited men who were committed to improving their community founded the club. They established the club's motto: "We Serve," and serve they did. The club continues their legacy, serving the citizens of Bay City with a dedicated spirit and wholehearted devotion.

The Lions Club of Bay City has raised more than $1 million which they have used to improve the lives of many citizens. Under the capable leadership of the club's president, Leonard Kaczorwoski, the 238 members have completed many incredible projects throughout Bay City, including providing services for vision and hearing impaired individuals. The club also built and developed a park pavilion while at the same time completing work on a playground in Bigelow Park.

The club should be proud of its accomplishments and of its impressive membership numbers. The Bay City chapter is the largest Lions Club in Michigan, the 5th largest in the United States, and the 15th largest in the world.

The loyal volunteers represent the spirit of volunteerism and community service that has made our country one of the greatest Nations in the world. I ask my colleagues to join me in wishing the Bay City Lions Club a hearty congratulations for 75 years of success.

IN HONOR OF ALEX SMITH ON HIS 90TH BIRTHDAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to bring to the attention of my colleagues the great achievements of Alex Smith and the East Side Peace Action Committee. This outstanding organization in my district has worked for 40 years on world peace and nuclear disarmament issues.

The East Side Peace Action Committee, which has been led by Mr. Smith for 40 years, was born out of the Committee for a Sane Nuclear Policy in 1957. It was established in a time when Americans first felt fear over the threat of nuclear war. Early on, the members of the East Side chapter recognized the dangers of stockpiling nuclear weapons and banded together to work on ending "mutually assured destruction," or MAD, as a national campaign. Participants in this cause have included Eleanor Roosevelt, Dr. Benjamin Spock, Senator Wayne Morse, Norman Cousins, and many others.

The East Side chapter would not have been so successful if it were not for Mr. Alex Smith, a long time resident of the 14th Congressional District. Mr. Smith has spearheaded the East Side chapter and served our community since 1957. He is a remarkable leader and organizer and has received widespread recognition for his work on peace issues and for ending the threat of nuclear annihilation. His labor and struggle has truly made our world a safer place, especially now that the chances of nuclear war has greatly diminished.

Alex Smith, for the past 40 years, has been an advocate for eliminating nuclear weapons and has provided leadership for the East Side Peace Action Committee. It is for these reasons and many more that I would like to recognize Mr. Smith on his 90th birthday.

SALUTE TO AN OUTSTANDING MILWAUKEEAN

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. KLECZKA. Mr. Speaker, I want to take this opportunity to salute one of Milwaukee's outstanding citizens, Bonnie Szortyka Peterson.

Ms. Peterson is featured in February's Milwaukee Magazine in a story called "One Woman's War." It's an appropriate title for a remarkable woman. The article calls Ms. Peterson "the State's staunchest advocate for the blind" and "the toughest critic of the system built to help them." I'm sure those who read the article will agree.

I ask that the article be included in the RECORD.

ONE WOMAN'S WAR

(By Mary Van de Kamp Nohl)

The state's staunchest advocate for the blind is the toughest critic of the system built to help them. How Bonnie Peterson became a rebel, "the blind bitch" and the last hope for those who are about to give up hope.

Long after the other teens at the sleepover party had stopped talking about the job fair at New Berlin High School and dozed off, 15-year-old Bonnie Szortyka lay awake. It was 1968, and Bonnie had dreamt of becoming an airline stewardess, but now the dream was dead. A stewardess had to have perfect vision.

She thought of becoming a teacher, but no, a teacher had to see a student with his hand raised and Bonnie could see a hand only if it was held a foot from her face. A teacher had to keep up with all of the paperwork and Bonnie could not.

As hard as she had worked to hide her blindness, the truth was catching up with her. Her Herculean effort to eke out passing grades by putting in three times the hours her classmates did, writing with her nose scraping across a page until the headaches became intolerable, the endless hours spent with her mother reading schoolwork to her—all of it was for naught.

Visions of careers, husbands and children filled the heads of the slumbering teens around her, but as dawn approached, Bonnie could not imagine any job that would allow her to leave home and have a life of her own. Just taking up space and air and food without giving anything back, she thought, was no life at all.

The next night, knowing that it was a sin that would send her straight to hell and disgrace her family, but unable to pretend anymore, Bonnie Szortyka chocked down the contents of a giant economy bottle of aspirin. She went to bed and waited to die.

Her body began to shake uncontrollably, but it was the sudden deathly silence, the nothingness of death that terrified her and she dragged herself to the living room where her parents were watching TV. Bonnie didn't die, but the girl released from West Allis Memorial Hospital the next day to her sobbing father had changed. She didn't want to die anymore; she wanted to fight.

Born of despair and nurtured by anger, the seed planted that night would grow into a lifetime crusade. Today, at age 44, Bonnie Szortyka Peterson, an adjunct public speaking professor at the University of Wisconsin-Parkside and president of the National Federation of the Blind of Wisconsin (NFB), battles negative attitudes toward blindness and the low expectations and wasted lives that grow out of them.

Yet those negative attitudes—held by both the sighted and the blind—are the bedrock of the system Wisconsin has built to help this state's 50,000 legally blind individuals, Peterson ways, "a system that makes the disabled more dependent instead of independent."

Says Peterson: "What happens to blind people in Wisconsin today is just like what happened to the black slaves. We're being kept in our place . . . kept from reading, writing and connecting, from moving up."

Peterson's personal war has taken her to testify before the state Legislature and U.S. Congress. It has made her an enemy of the state teachers' union and a critic of Wisconsin's school for the blind. She has targeted the state's vocational training programs and battled sheltered workshops for the disabled. Her candor has made her both villain and hero. Civil servants call her "the blind bitch"; members of the blind community call her their "last hope."

It's said that blindness and death are the things people fear most, but Peterson ways blindness need not be any more limiting than shortness or obesity. "It just requires alternative ways of doing things: Braille instead of print, a cane instead of using your eyes to get around." With her long white cane, she navigates the maze of state offices with such finesse that less skilled visually impaired civil servants suggest she is faking her blindness. "It is so hard for them to imagine a successful blind person, they have to think that," she says.

A person is legally blind when his vision is 20/200; that is, he has one-tenth the visual acuity of a normal sighted person. Medical records show Peterson's vision, at 20/300, is worse than that. There are 6.4 million visually impaired individuals in the United States: Twenty-seven percent are legally blind like Peterson. Only 6 percent have no vision at all. For most, blindness is not a black-and-white issue, but a shade of gray.

Like the country's revolutionary founders, Peterson believes that an overbearing government eats out the substance of a man. Last fall, when state agencies staged a seminar for rehabilitation workers and their clients, one session was called "Sexuality and

Disabilities." Says Peterson: "Most people have sex with their eyes closed anyway, but these people think we're so helpless we can't even make love without them helping us. It makes me want to cry."

But Peterson doesn't want compassion. When an area charity offered to raise money for the Federation by showing helpless blind children in order to "tug at the heart-strings and loosen donors' purse strings," she turned it down. "We don't need more pictures of pathetic blind people."

Peterson vowed to fight her war without them. But she is fighting a battle against entrenched special interests. She is battling bureaucratic arrogance and incompetence at a time when the public has become so numb to government scandal it may barely notice. But none of this will make Bonnie Peterson stop fighting.

BIRTH OF A REBEL

Bonnie Szortyka was only a few months old when her parents, Chet and Adelaine, realized that their baby's eyes did not follow them when they moved. When Bonnie was 3 years old, a doctor at Mayo Clinic gave them no hope. " 'You have to consider her totally blind and send her away to a school for the blind. Period. That's it,' " her mother recalls the doctor saying. The Szortykas could not bear to send the eldest of their three children away. They raised her the only way they knew, like a normal child who just happened to have very bad vision.

It was the 1950s and Milwaukee Public Schools faced an epidemic of blind children. Most, like Bonnie, had been born prematurely. The oxygen that had helped their underdeveloped lungs function was blamed for destroying their fragile optic nerves. Bonnie was legally blind, but she had enough vision to keep her from getting into MPS' school for blind children immediately. At age 5, she was on a three-year waiting list.

Adelaine worried about what her daughter's future would be if she didn't get a proper education. "Is there a Braille class I can take to teach her?" she asked MPS officials. "They said, 'Not here, maybe in Iowa.' "

The Milwaukee Catholic Archdiocese's schools had no special-education classes, but the nuns at St. Stanislaus School were willing to help. By second grade, Bonnie was reading with a book pressed to her face, focusing laboriously on one word, then the next. Bonnie drank gallons of carrot juice; she visited a faith healer. Doctor after doctor told her parents, " 'I've never seen a girl with this bad of vision [who is] this well-adjusted. She doesn't act like a blind person,' " her mother recalls.

Bonnie was the great pretender. On the Polish South Side of Milwaukee, First Communion Day was a family event. The Szortyka's living room was crowded with relatives when an aunt insisted that Bonnie read her Communion cards aloud. But when Bonnie held the card to her eye to see it, the aunt berated her, "Don't make fun of people like that!" Bonnie burst into tears. Alone in her room, she thought, "I am one of those people. Why don't they know that?"

By sixth grade, severe eye strain caused constant headaches. "I didn't even know that everyone didn't have this pain until I was 30 years old," she says. Eye strain led to nystagmus, a continuous jerky involuntary movement of Bonnie's eye muscles, making reading even more daunting. Bonnie slept with her nose pressed into the pillow, hoping to flatten it and thus get closer to her books.

When Bonnie was 12, a Milwaukee doctor told her parents he could make a special pair of eye glasses. Bonnie eagerly donned the thick lenses and began to read the eye chart. Her mother was ecstatic. The doctor seemed delighted, but then, as she read further, his voice changed. "What's wrong?" her mother asked. "She's memorized the chart," the doctor said.

"My mother was so mad at me. I was only trying to make her happy. She was always so sad when the doctors couldn't help," Bonnie remembers. "I said, 'Why can't you just love me like I am now?' "

Her father said there would be no more eye exams. Still, Bonnie was expected to do chores like everyone else. She scrubbed the floor, and if she missed a spot, her mother would say, " 'You missed something. Rub your hand over the floor to find the spot or wash it all over again until it's done,' " Bonnie remembers. "You don't find excuses, you find a way to get it done right. . . . My mother told me, 'You can do anything you make up your mind to do.' "

But at school, that wasn't enough. "They'd praise me for being able to write my name—that's how low their expectations were for me," she says. "The other kids knew I was getting praise for things every one did. They called me 'blindy.' " The only way to get her teachers to demand as much of her as they did from her sighted peers, Peterson says now, was to "get them mad." By eighth grade, she was a master at that.

Remembers her teacher, the former Sister Dorothy Roache: "We had constant terrible, I mean really terrible, arguments. I told Bonnie she needed to learn Braille. She wouldn't consider it. She wanted to be like everyone else and she insisted on keeping up with the class, earning good grades in spite of herself."

In high school, Bonnie made friends, dated boys, won gold medals for her singing. She was a finalist in the Miss West Allis pageant. A girlfriend who sold makeup taught her how to apply it. "That girl didn't have any special training in teaching the blind * * * but no one ever told her blind people can't use makeup." Bonnie soon sold Vivian Woodard cosmetics, too. "I couldn't tell people what colors looked good on them, so I said, 'You can experiment.' It turned out no one like being told what to do, and I sold so much I kept winning sales awards," she says.

But as well-adjusted as Bonnie appeared outside, the suicide attempt left her parents with lingering fears. During the summer of 1971, a counselor from the Wisconsin Department of Vocational Rehabilitation (DVR) told the Szortykas that Bonnie needed to attend a three-week residential college prep program at the century-old Wisconsin School for the Visually Handicapped (WSVH) in Janesville. The counselor was blind himself. "I could hear him writing Braille as fast as my mother could talk, and for the first time, I thought, 'I might want to learn this,' " Bonnie remembers.

But when the Szortykas arrived at the school, "students were groping around, making weird undignified gestures, bumping into things," says Bonnie. Her mother didn't want her to stay, but Bonnie shouted over her shoulder, "These are my people now."

Bonnie asked about Braille but was told she didn't need it. Many of the students at the school for the blind were doubly disabled. Coddled by their parents and teachers they had never been expected to observe even rudimentary rules of decorum. The boy across the table from Bonnie ate with his hands, making loud slurping sounds. "Can't you teach him to use silverware?" Bonnie demanded. "He was a smart guy, but how was he going to have any friends at college if he ate like that?"

Bonnie noticed another dichotomy. There were two "classes" of students: the "partials," who had some sight, and the "totals," who were completely blind. The "partials" had more freedom; they were the leaders. "Totals," like a woman Bonnie befriended named Pat, spent their days in their rooms. "They only led her out to eat, just like a dog," she says.

"All they cared about was how much people could see, not how much they could learn," says Bonnie, who refused to let anyone know just how bad her vision was. She couldn't see the steps in front of her, but she marched up the staircase with the "totals" hanging onto each other behind her. She carried serving dishes to the dinner table, where one of the "totals" banged her fork on her plate, demanding Bonnie serve her some peas. "I couldn't believe it," she says. "These were adults and they were treating them like babies, then sending them out in the world. No wonder they can't make it."

Bonnie's college prep classes turned out to be "easy pseudo college stuff." She decided to get a suntan instead. No one complained. "I had never even thought of skipping a class before," she says, but expectations and standards were different at WSVH.

Students warned Bonnie that the principal liked to get girls alone in his office. "They said he had sex with them," she says now. "I thought it was a joke or a scare tactic until the house mother and the nurse warned me, too. It didn't make sense that he would still be there if everybody knew." But one day, he cornered her. "He was talking about how pretty I was * * * trying to rub himself against me," says Bonnie. "I said, 'If you touch me, I'll have your job.' He moved away and said he could see me in 10 years, with a baby in my arms and two tugging at my skirt, implying that I'd never move up. I said, 'Well, at least they won't be yours', and I hurried out of there." (Years later, the principal was charged with sexually assaulting another 17-year-old student, then acquitted.)

Bonnie told another student about her encounter and the two of them took a cab to a liquor store and bought the biggest bottle of Mogan David wine they could find. That night, on the schoolyard grounds, they drank it all. "I had never had a drink before . . . but I was scared I'd end up being led around like these people, without a job, without any purpose in life, I had more doubts about my future than I had ever had," Bonnie says. "I knew then I would never let anyone know I was blind and have people talk down to me like I was a moron. I'd die first."

The police found the pair drunk and returned them to the school. The summer program was drawing to a close, Bonnie recalls, and "they told us to leave and never come back."

BLIND AMBITION

In the summer of 1972, after her freshman year as a music major at (the now-defunct) Milton College near Janesville, Bonnie fell in love with a 23-year-old Milwaukee police aide named Joel Peterson. Bonnie didn't want to go back to college, but if she stayed home, her father said, she had to have a job. She had 24 hours. Bonnie phoned the DVR counselor. He landed her a job assembling pens at Industries for the Blind. Congress had established sheltered workshops like this in 1939 as a stepping stone for the disabled. Because they offer "training," workshops are allowed to pay less than minimum wage and they get priority on government contracts. But the truth is, few of the blind ever leave sheltered workshops for better jobs. Even today, most spend their entire working lives at substandard wages.

Industries for the Blind was a union shop so the pay was better than most workshops and more than minimum wage. Bonnie married Peterson the next year. By 1979, she was determined not to spend the rest of her life "in a job where management treated me in the same condescending tone I heard at the school for the blind." She told her DVR counselor she wanted to go to Alverno College and major in professional communications. He laughed.

"Then he told Bonnie, 'You're not dealing with your visual impairment,'" remembers Joel, now a Milwaukee police detective. "And he said Bonnie should go to MATC and learn how to keep house first." That prompted Joel to stand up, displaying the full girth of his 6-foot-4-inch frame, and he asked, "Do I look like a guy who hasn't been fed well?" Bonnie baked homemade bread and made fresh pasta, trading some of it for rides and bartering the services of readers who would record printed matter for her.

The counselor told Peterson the DVR would send her to the University of Wisconsin-Milwaukee because it had services for disabled students. "I said I was going to Alverno [even] if I had to work or get school loans to pay for it, and I would major in communication," she says now, "but deep inside, I wondered whether he was right, that maybe I couldn't do it."

For three years, Peterson boarded a city bus five days a week at 5:30 a.m. to go to her 40-hour-a-week job to earn money for college. At night and on weekends, she was a full-time student at Alverno. She spent her lunchtimes at Industries for the Blind studying on the floor of the women's restroom, her co-workers' guide dogs helping themselves to the lunch beside her.

On the day her first daughter, Candice, was born, Peterson worked for eight and a half hours, took an exam, then went home and wrote a paper. "I made a deal with the baby that she wouldn't come until I finished," says Bonnie, who made it to the hospital just in time for a nurse to deliver the baby.

Bonnie graduated from Alverno in December 1983. By then, she had worked at Industries in every position on the pen and pencil line, including quality control, so when the plant superintendent retired and his job was split into two positions, production manager and sales manager, Peterson applied. "The president of the company said, 'We'll call you.'"

No one did. Two white non-handicapped males got the jobs. One was the son of the inspector who approved the workshop's government work. In its 32-year history, the $18-million-a-year 112-employee Industries for the Blind had never employed a handicapped individual in any supervisory, managerial or even clerical position, Peterson discovered. "Maybe I'm not qualified," said Peterson, "but certainly someone in all those years was qualified to be a janitor, a secretary or something besides a laborer."

Peterson hired an attorney and filed a complaint with the federal government, but she was becoming a pariah. Rumors circulated that because of what she'd done, blind people would lose their jobs. Peterson re-read the recommendations her Alverno professors had written, testimonials to her problem-solving abilities, communication skills and "spirited determination," but she was losing faith.

"I think Bonnie believed that if she filed that suit, they'd wake up and give her a chance at that job. We all thought she'd be great at it, but they just ignored her," recalls Carol Farina, a supervisor at Industries.

Peterson knew she was in over her head and turned to the two national organizations that advocate for the blind. An attorney with The American Council for the Blind phoned, asking for Peterson's attorney's name, and sent a letter indicating modest support. The National Federation of the Blind responded with boxes of documentation involving similar cases and asked Bonnie to testify before Congress on the lack of upward mobility for the disabled in the workshops intended to help them.

In January 1985, the U.S. Department of Labor found that Industries for the Blind had violated federal affirmative action rules by failing to recruit and advance women and blind people. It found no evidence that the firm had discriminated against Peterson personally.

Within a year, Peterson left Industries. She earned a master's degree in organizational communication from Marquette University, formed a production company and created the first cable access television show produced by an entirely blind crew. But the newest challenge would come from her own daughter.

THE "BLIND BITCH"

Candice wanted her mother to read Dumbo, but when Bonnie held the book to her eye, then showed the picture to Candice, the 3-year-old pulled the book away, saying, "No, Daddy read."

"I still remember what I heard in her words. It was, 'You are stupid. . . .' It hurt so bad. I didn't care what all those professionals who were trying to help me kept telling me," Peterson says. "I knew I had to learn Braille."

It took only two months with the help of the National Federation of the Blind, which had already taught her to travel with a cane. "It was a turning point," she says. "I learned to be proud of being blind once I had something to be proud of." Peterson's confidence was growing, and in 1986, she was elected president of the Wisconsin NFB. Appointments to the state advisory Council on Blindness and other boards followed, and Peterson became an advocate for others.

For six years, a teacher of the visually impaired had worked with a 9-year-old Burlington girl whose vision was 20/400 and deteriorating, but the girl was falling further and further behind. Peterson and the child's mother sat on one side of the table, the special-education experts on the other. When the woman said she wanted her daughter to learn Braille, the vision teacher shook her fist in the mother's face. "'It's almost like you want your child to be blind!'" the mother remembers the teacher saying. "'Don't you know? Blindness is like a cancer! It's the worst thing that can happen to you.'"

The teacher's remark took Peterson's breath away. "No. No," she said, "the worst thing that can happen to a child is for them to be uneducated." Bonnie remembered the incident years later when Sandy Guerra phoned with a similar case. A Racine School District teacher of the visually impaired had worked with Guerra's 12-year-old daughter, Melissa McCabe, since she was 3. Yet the teacher had never taught the girl Braille.

"She kept trying to make Melissa see. If she stares a long time, five minutes on a word, Melissa can see almost anything, but for only a few seconds and it hurts her eyes so bad, she gets terrible migraines," Guerra says. Melissa was already two and a half years behind her fifth-grade classmates. The vision teacher had read standardized exams to Melissa, helping her get the right answers, so her test scores never revealed just how far behind she was—until Melissa's regular fifth-grade teacher ended the charade. "In good conscience, I could not pass Melissa on to sixth grade," says the teacher, Rose Mikaelian.

Up until then, no one had ever expected much of Melissa. She was given half the class' spelling words, though when Mikaelian recruited a volunteer tutor, the girl could do them all. By middle school, the tutor was gone and Melissa was getting Fs again. Her new vision teacher suggested giving Melissa "10 free bonus points on everything to make her feel better."

At a meeting with school officials, Bonnie urged that the girl be taught Braille. "You'd have thought the district would have thought of that," says Mikaelian. "No one challenged Bonnie. She was always in charge." But Peterson could not guarantee that Melissa would be taught Braille, and there are many others like her.

In 1965, 48 percent of Wisconsin's blind children could read Braille, but by 1993, the literacy rate had plummeted to 4 percent, less than half the national average. No wonder, thought Peterson, that the unemployment rate for legally blind individuals between the ages of 21 and 64 in Wisconsin was 74.4 percent, the worst of any minority group. And nearly half of those working were underemployed. "When sighted people can't get around independently, can't read or have poor social skills, we know that's poor training. When the blind can't get around independently, can't read or have poor social skills, we think that's the way blind people are," she says.

With the rush to embrace new technology, like giant magnifiers and machines that can read a printed page, there was a philosophical shift and many teachers felt children could manage without Braille, says Marsha Valance, librarian at the Wisconsin Regional Library for the Blind and Handicapped. "Unfortunately, that was not always true."

The NFB had looked into the illiteracy of the blind and concluded that many teachers didn't know Braille well enough to teach it. So Peterson asked state Rep. Fred Riser (D-Madison) to introduce a bill requiring all teachers of the visually impaired to pass a test proving they knew Braille. Risser expected it to be a cakewalk. State Sen. Alberta Darling (R-River Hills), a former teacher herself, called it "common sense." But the Braille Bill ran into a blitzkrieg.

The Wisconsin Association for the Education and Rehabilitation of the Blind and Visually Handicapped and the larger state teachers' union had myriad arguments against it: It discriminated against teachers of the visually impaired because other teachers did not have to prove their competence; they didn't like the Library of Congress' National Braille Literacy Test; kids don't like learning Braille; and it's difficult to teach.

The unions insisted the state's 825 teachers of the visually impaired had already learned Braille in college. "Asking teachers of the visually impaired to take courses in Braille is like asking teachers of the sighted to take courses in the alphabet," scoffs Charles Siemers, an MPS teacher of the visually impaired who fought the bill. He calls Peterson "the blind bitch" and says she "slandered me and my profession by saying we're poorly prepared. Besides," insists Siemers, who is legally blind himself, "if we can get people to use what vision they have, it's always much, much better."

It might be easier for the teachers, Peterson says, but not for kids who, being functionally blind, cannot hope to compete with their sighted peers, even working endless hours and straining what little sight they have.

The Department of Public Instruction, under whose watch blind literacy sank so low, hired an outside firm to evaluate the proposed legislation. "The bureaucrats wanted it their way or no way, and Bonnie Peterson wouldn't budge," says Andrew Papineau, administrator of DPI's visually impaired programs. "So I brought in a neutral person."

The "so-called 'independent' consultant had some interesting findings," says Sen. Darling. They argued that children are "better off with an aide and a computer than to be able to use a $5.50 slate and stylus [the plastic ruler-sized implement and point that allows the user to punch out a code of raised dots that can be read using the fingertips]. "If you give people fish," says Darling, "they have food for a day. If you give them a fishing rod, they have food for life. That's Braille. But they told me kids shouldn't learn Braille because then they'd 'look blind,'" Darling remembers, "and they said a lot of kids had multiple disabilities so they couldn't learn Braille." The blind, deaf and mute Helen Keller must have been spinning in her grave.

Peterson told the Legislature: "If only 4 percent of sighted children could read print, no one would dispute the severity of the problem." Opponents of the Braille Bill stumbled and tripped on their way up to the podium to testify. Siemers had broken his glasses and couldn't read his speech. "Those who were in favor of the bill walked to the podium perfectly with their canes, and they had their notes in Braille—nothing could stop them," says Darling.

Few legislators missed the little irony that had been played out before them. The bill passed, but the bill's opponents lobbied DPI and undercut it. Only new teachers would have to pass the test. Existing teachers could take a Braille refresher course or attend a teachers' convention instead. There was one victory. Now, when a legally blind child is not taught Braille in Wisconsin, the school district must put the reason in writing.

But Peterson had made enemies. Says Siemers, who took early retirement last year: "Bonnie Peterson and her Federation members are like dogs who bit the hands that feed them, the professionals who try to help them." Ironically, it was that attitude—"How dare you question me when I'm here to help you"—that Peterson had set out to eradicate.

RETURN TO THE SCHOOL FOR THE BLIND

Even before the Braille Bill took effect in 1995, Peterson was engaged on another battlefront. In the all of 1994, Wisconsin's school for the blind, WSVH, faced the budget cuts affecting all of state government, but the school's staff was painting a picture of suffering blind children. In truth, the school would only have to close one of its under-utilized cafeterias and put younger children in the same half-used educational building with other students.

The school had come under fire before; the preceding June, the Legislative Audit Bureau pointed out that WSVH maintained a staff/student ratio of almost one to three—even when students were sleeping. The school was operating at less than 40 percent capacity, with a staff of 110 to care for just 80 students. (Enrollment is now 75.)

While picketers prepared signs saying the governor didn't care about poor blind kids, Peterson and the NFB cut through their sad refrain. "What does WSVH offer that's worth paying 10 times more per student than school districts spend?" Peterson asked. "You could hire a private tutor for each of these kids for $68,200."

The Federation didn't want the school to close—parents needed options, Peterson said—but it had to operate more effectively. Too many of its graduates end up unemployed or underemployed and "socialized for dependency," she said, describing WSVH graduates as "fodder for government-supported workshops."

William S. Koehler, the school's superintendent, accused Peterson of trying to destroy WSVH, complaining, "She takes direct shots at the school without ever being here." Peterson admits she has not been at the school since Koehler took office in 1992. "I don't need to, I have all kinds of parents and children who have been there. They're my eyes and ears." Peterson relies on people like the mother of a 7-year-old boy, left with 20/2200 vision after surgery to remove a tumor, who withdrew her son because WSVH insisted he use a magnifier instead of teaching him Braille.

Koehler says the school did an "extensive" telephone survey in 1993 that proves its graduates are successful, but when Milwaukee Magazine asked for a copy, repeatedly, from Koehler, his assistant and even from DPI, it was promised but never forthcoming. "If WSVH is doing such a great job making kids independent, why does the state pay tens of thousands of dollars to send so many of its graduates to programs to help them adjust to their blindness?" Peterson asks.

Milwaukee Magazine's won investigation included extensive interviews with parents and students and a day-long visit to WSVH, which revealed some students learning Braille but more struggling to read, some with giant magnifiers. Koehler offered a score of excuses why kids can't or don't want to learn Braille or use a cane, but no ideas on how to get students motivated and excited about learning.

He stressed that the school's goal was producing independent graduates, but subtle signs gave a different message. In classroom after classroom, students waited to be helped. In the first- to third-grade classroom, for example, three staff members supervised just seven students who were painting a rubber fish and pressing it onto a T-shirt to make an impression. Yet the students spent most of their time waiting to be helped, teacher's hand over their hand, instead of learning to do the project themselves.

Koehler supplied the names of two graduates who, he said, would demonstrate just how well WSVH prepares its students. One was Steve Hessen, the school's 1996 valedictorian. But Hessen was hardly the model of an independent blind person. He had just dropped out of the University of Wisconsin-Whitewater because he couldn't manage the financial aide application process. Without the money, Hessen, whose vision is 20/1500, could not hire the tutor he needed nor rent equipment like a talking Braille calculator. He had fallen hopelessly behind. Worse yet, the scholarship he'd won required him to enroll last fall or it would be canceled. Hessen had asked a WSVH counselor to argue that it should carry over to next year.

The school's previous valedictorian was Shannon Gates, now a student at Northcentral Technical College in Wausau. Gates, who was born without optic nerves in her eyes, reads Braille at 250 words per minute, but she dropped courses this year because she couldn't get Braille texts.

State taxpayers pay Northcentral's Visually Impaired Program (VIP) to help students like Gates. The program supplied her with audio tapes of textbooks and hired tutors, but "I can't get a Braille text. It's like asking a print reader not to use print," she says. "I threw a fit the first year, but the VIP says, 'It's easier to use tapes or large print.' Maybe it's easier for them. . . but if I had Braille texts, I wouldn't need tutors. I could take a full class load."

Gates was at WSVH for 10 years, under three different administrators. In the end, she says, "There were so many rules, you had to do what you were told and not ask questions. I wasn't even allowed to cross the street alone. . . . The school doesn't encourage independence, that's for sure . . . they were dragging me down."

Twenty-year-old Brian Brown attended WSVH in 1991 and 1992, then returned to his local school and now runs his own business. "They say they strive to make the students independent, but they don't allow you to do anything alone. The bathroom stalls don't even have doors on them in the education building. The house parent enters your room without knocking . . . they walk right in to verify you're in the shower. . . .

"There are two castes at WSVH," he says, "kids who still want to be somebody and have a life and those who've given up and would rather be told what to do. I was lucky. I left before that happened to me."

Milwaukee Magazine talked to 10 WSVH alums. All gave anecdotes substantiating Peterson's claim that students are "conditioned to be even more dependent."

Observes Peterson: "Like most of these professionals for the blind, they run a program into the ground, then move on. In Koehler's case, he's already applied for the position of superintendent of the New Mexico School for the Blind, but he didn't get it."

BRAD DUNSE'S LIBERATION

Peterson had a long history of dissatisfaction with the state's two post-high school vocational training programs for the blind: the Visually Impaired Programs (VIP) at Northcentral and Milwaukee Area Technical College (MATC). She prompted a state audit of the Milwaukee program by leading picketers protesting its "low standards" and curriculum focused "on housekeeping and grooming skills" instead of on the skills needed to live independently, "like Braille and independent travel." (The state is currently looking for proposals to run that program.)

In 1990, she had fought to get DVR to send a blind man named Bob Raisbeck to a program started by the Federation in Minneapolis called Blindness Learning in New Dimensions (BLIND Inc.). Newspapers there described BLIND Inc.—one of only three programs of its type in the country—as the "Harvard of rehabilitation" and a "boot camp" where the blind learned "to believe in themselves and to be truly independent."

Taxpayers had already sent Raisbeck to the VIP at Northcentral three times and to MATC once, but he still had no job skills. Peterson lobbied legislators. The Madison Capitol Times reported on Raisbeck's story, and still DVR refused. Eventually, Raisbeck moved to Minnesota and that state sent him to BLIND Inc. He found a job and never returned.

All of this was history when Peterson received a phone call in early 1995 from Brad Dunse, who had expected to inherit his father's roofing business until rhetinitus pigmentosa left him legally blind. DVR helped Dunse set up a home business, but for five years, he sat in his Green Bay home, terrified of using the power woodworking equipment DVR had given him.

Finally, in 1994, DVR sent Dunse to a program to help him "adjust" to his blindness. He moved into a motel in Wausau where his meals were prepared for him and he was bused to Northcentral's VIP. "It was like an expo where you'd just wander around. But I didn't know what I needed. I've never been blind before," he says.

Dunse sat in on a Braille class, but at the end of two weeks, he didn't even know what a slate and stylus were; the teacher in the computer class was too busy to answer his questions. Says Dunse: "He kidded one man about being there as much as he was. . . . The VIP teaches you just enough to get by, but then this guy's vision would get worse and he'd have to come back. There were a lot of people like that."

Dunse didn't want to spend the rest of his life as a repeat customer, dependent on the state. He called the Federation, asking, "Isn't there something better?" Peterson told him about BLIND Inc. Dunse and his wife, Brenda, went for a visit. He was impressed, he says, by the confidence of the blind travel instructor whose students were so well trained they could be left blindfolded (so they could not rely on any residual vision) five miles from the school and get back on their own.

"At the VIP, they do stuff for you; at BLIND Inc., you do things for yourself," Dunse told a supervisor, but DVR was not convinced. Peterson helped Dunse petition for a special hearing. Remembers Peterson: "The DVR supervisor said, 'I can't understand why anyone would want to go to a school run by the blind. That's like the mentally retarded asking the mentally retarded for help.'"

The tone of the meeting was "very condescending," adds Dunse. "It was me telling them why I wanted to go, and they were telling me all the reasons I didn't."

With his petition rejected, Peterson told Dunse he had only one option. Dunse kissed his wife and two young sons goodbye, gave up his Wisconsin residency and moved to Minneapolis for five months of training. When he graduated from BLIND Inc., he had higher aspirations than a home woodworking business that would never get him off of Social Security Disability Income. He continued his education and took over a vending machine business.

The cost of BLIND Inc. is "a little more than the VIP—a few hundred dollars," says Joe Mileczarek, who runs Northcentral's VIP program. Tuition at BLIND Inc. runs $2,495 per month, plus $32.50 per day for housing in an apartment where students prepare their own meals, then travel to classes on their own. For Northcentral's program, hotel, prepared meals and transportation costs another $50 per day. DVR will spend an average $2,333 in tuition per student sent to Northcentral this year, though many of those students will stay just one day. "A lot of people don't want to be away from their families that long," says Mileczarek, noting that DVR recently signed a $280,000 contract to send up to 120 more clients to Northcentral.

Peterson says Wisconsin taxpayers aren't getting their money's worth. But Ole Brackey, supervisor of the Milwaukee District DVR office insists, "You can't measure the effectiveness of VIP programs. There are so many variables, so much is going on in these people's lives." Yet Brackey insists that "out-of-state programs [like BLIND Inc.] have to prove they work."

In 1993, Peterson bet John Conway, director of DVR's Bureau of Sensory Disabilities, $100 that BLIND Inc. provided better training than either MATC or NTC's adjustment-to-blindness programs. Using a study of the Wisconsin programs prepared by the DVR's own Office for the Blind and another conducted by the state of Minnesota, Peterson showed that 86 percent of Blind Inc.'s graduates said they could "do what sighted people do." None of the MATC's grads answered the same question affirmatively and only three of those from Northcentral did. Without that kind of confidence, Peterson argues, blind individuals can't succeed.

Still, Conway says, it's more important that 35 percent of Northcentral's VIP grads were employed; only 14 percent of those from BLIND Inc. (and MATC) were. Peterson argues that many of those jobs are in sheltered workshops. In contrast, graduates of the 10-year-old BLIND Inc. are more than twice as likely to pursue higher education than VIP graduates, she argues.

Peterson fired off a searing letter when Conway refused to see her point and welched on the bet. It said, "Give your past record for honesty, I have always believed you would renege . . . In the unlikely event that you have acquired a conscience . . . I shall give you my terms of payment. I do not accept food stamps. . . ." It might have worked in grade school, but this time, getting someone mad did not produce the desired result. Conway ignored Peterson's offer to have an impartial investigator analyze the reports on the three programs and dropped the matter.

Peterson says Northcentral's VIP doesn't get scrutinized because "the people advising the state on how it should allocate funds to help the blind are the main beneficiaries of that spending." Mileczarek is chairman of the Governor's Committee for People With Disabilities. Asked whether that is a conflict of interest, Mileczarek says, "Geez, I hope not. Everyone on the committee has something to do with disabilities."

As for proof his program works, Mileczarek says, "It's not a researchable thing . . . besides, Bonnie Peterson is like a John Bircher. Real conservative . . . she believes there's only one way to do things and that's with a real structured program. . . . The Federation believes some ridiculous things—like that you can have a totally blind mobility instructor."

Most rehabilitation programs work on a medical model, where goals are set and the program is designed to achieve them, he says. "But people don't want to be told you're going to be proficient in this when you leave, like it or not," says Mileczarek, who describes his program as "more like a smorgasbord."

Copies of Peterson's inflammatory letter circulated throughout the disabled community, bringing calls from more desperate individuals. One, Lisa Mann, had been legally blind since birth. She had spent her entire school life at WSVH, except for two years as an MPS high school student. Her MPS teacher (an opponent of the Braille Bill later) decided Mann didn't need Braille. Especially, he says, since the attractive black girl was "more interested in fashion and boys."

Mann could not meet MPS's graduation standards so she returned to WSVH and graduated in 1992. DVR then sent her to MATC's VIP program. "They told me I'd never be able to travel alone," says Mann. When MATC failed to provide the skills needed for an independent life, Mann wasn't surprised, she says. "I met one girl there who was going through the program for the fifth time."

Next, DVR sent Mann to Northcentral's VIP, then to Western Wisconsin Technical College in La Crosse where, using large-type texts, she was slowed down so much, she says, she couldn't even earn Cs. When a DVR counselor told Mann about BLIND Inc., she visited the school. But when she said she wanted to go there, DVR sent her to Waukesha County Technical College instead.

Peterson enlisted Rep. Leon Young's (D-Milwaukee) office to help Mann get copies of her DVR records, and she accompanied Mann when she filed an appeal. "Before I met Bonnie Peterson," says Mann, "I was ready to give up hope." In November, 23-year-old Lisa Mann, who had never walked around her Sherman Park block alone because she didn't believe a blind person could do that, arrived at BLIND Inc. One week later, she took a bus across Wisconsin and found her way to the state Federation's annual meeting—and she did it alone.

Says DVR supervisor Brackey: "Lisa Mann's case is an anomaly." Says the DVR's top administrator, Judy Norman Nunnery: "If there was anything wrong in Lisa Mann's case, it was that we tried too hard to help her." The fact that DVR eventually sent Mann to BLIND, Inc. "has nothing to do with Bonnie Peterson" says Nunnery. "She uses the tactics of the civil rights and women's movements. . . . She says blind people were being treated like the slaves. As an Afro American, that offends me. . . . She doesn't have credibility with this office."

BLIND ALLEY

When DVR moved into new offices in November 1995, the sign on the door to the department's Office for the Blind read "Blind Alley." It might have been "the first case of truth in labeling" on DVR's part, says Peterson. DVR chief Nunnery laughs off the sign, saying, "It was just one of those silly things."

"How out of touch do they have to be not to know that would be offensive?" Peterson asks, repeating her frequent call for a separate office overseeing all state services for the blind. Federal law provides for as much, and many states, including Minnesota and Michigan, have them, but disrupting the status quo will be difficult.

Pat Brown, director of Badger Association of the Blind, the state contingent of the American Council for the Blind, says Peterson is "a role model for all people—not just the blind—because of her convictions and diligence. She doesn't let obstacles get in her way." But, he adds, "The Council doesn't approve of the Federal's methods—it believes you should work through the system."

But Milwaukee Mayor John Norquist praises Peterson. "Bureaucrats don't like her," he says, "but she has credibility, absolutely, with my office." Says Sen. Darling: "Bonnie Peterson appears to have a hard edge because anger gives her energy, but it is the same kind of energy that fueled the civil rights movement and the American Revolution. I wish there were more people like her."

When the phone rings now in Peterson's office at the South Side bungalow she shares with her husband and daughters, Candice, now 16, and 9-year-old Lindsay, the answering machine says, "This is the National Federation of the Blind of Wisconsin, where we're changing what it means to be blind." Already, Peterson has brought about a revolutionary change, making it impossible for people to say "a blind person don't do that."

Over and over again, she has proved otherwise.

(Reprinted with the permission of Milwaukee Magazine, February 1997.)

INTRODUCTION OF BILL TO BAN ATM SURCHARGE BY ATM OWNERS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SANDERS. Mr. Speaker, I rise today to introduce the Electronic Fund Transfer Fees Act of 1997. This legislation addresses the growing practice of automated teller machine [ATM] operators assessing a surcharge on consumers who use their machines. Specifically, my bill prohibits an ATM operator from imposing an additional surcharge on customers for accessing their bank accounts through the operator's ATM.

On April 1, 1996, the national communication networks for ATM's—Cirrus and Plus—terminated their policy which prohibited ATM owners from surcharging consumers for using their machines. As a result of this policy change, customers may now be charged twice for accessing funds from the customer's own bank account if the customer uses an ATM which is not owned by the bank; the first fee is charged by the customer's bank for using a nonbank ATM and the second fee is charged by the ATM operator.

At the time of this policy change, experts estimated that within the first 18 months, 80 percent of ATM owners would impose a surcharge. In actuality only 6 months after the policy change 71 percent of ATM owners were assessing surcharges in North Carolina, 69 percent in Arizona, 60 percent in Virginia, and 48 percent in Maryland. While the nationwide figure has only reached 23 percent a recent study of banking practices in Texas indicates that the percentage will continue to grow; Texas' largest 10 banks have been allowed to surcharge since 1987 and all 10 banks now assess a surcharge for noncustomer ATM withdrawals.

In practice, banks enjoy tremendous savings by conducting consumer transactions through ATM's because ATM transactions are less costly to a bank then teller transactions. An ATM withdrawal on a nonowned machine may cost a large bank between $.50 and $.60. By contrast, a teller transaction with a customer costs the large bank between $.90 and $1.15. A study by the Consumer Finance Project indicates that in 1995, banks avoided 2.6 billion teller transactions because consumers used ATM's. Because the banks are actually saving money by using ATM's, consumer groups view it as extremely unfair to charge a consumer multiple fees for withdrawing his/her own funds through ATM's. Consumer groups such as U.S. Public Interest Research Group [US PIRG] and the Consumer Federation of America support this legislation.

Mr. Speaker, it is now typical in many parts of the country for a consumer to be charged between $1.50 and $2.50 just to access money on the consumer's own accounts. Whatever costs may be incurred by a bank when a customer uses a nonbank ATM, banks do manage to recover; on average, customers pay $1.18 to their bank for the convenience of using ATM's which are not owned by the bank.

I am especially concerned because, unlike the banks that hold our accounts, the machine owner has no incentive to keep his/her fees reasonable because no relationship exists between the ATM owner and the customer. As such, the more remote the ATM machine, the less incentive for reasonable fees, and the more captive the bank customer.

Mr. Speaker, at a time when banks are making record profits and one-third of those profits—tens of billions of dollars a year—come from fees, it is outrageous that these same banks and other ATM owners are charging consumers even more to access the consumers' money. We must eliminate these additional surcharges and help protect the consumer from another needless expense.

ACKNOWLEDGING AFRICAN-AMERICAN HISTORY MONTH

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Ms. MILLENDER-MC DONALD. Mr. Speaker, let me first thank our chairwoman of the CBC, Congresswoman MAXINE WATERS, the gentlewoman from California, for her leadership and tenacity in moving forthwith on critical issues of importance not only to African-Americans but to all Americans. And to our revered and preeminent leader, the gentleman of Ohio, Congressman LOUIS STOKES for his guidance in advising those of us who have come recently to this great House to do the people's business. My thanks to both my colleagues for allowing us these extended moments to reflect.

Mr. Speaker, I rise today as a proud African-American to acknowledge this month as African-American History Month and to recognize the vast contributions made by distinguished citizens of this Nation who are of African descent.

And as we hold our forbearers in high esteem for their courage, perseverance, morality and faith, we salute them for their relentless efforts in fighting to remove the legal and political disabilities that were imposed upon us. While I represent California's 37th Congressional District with pride, my birth State is Alabama, and I am reminded of the first African-American from Alabama, who was elected to the 42d Congress and who advocated even then the importance of education, Benjamin Sterling Turner. Education has been a cornerstone in the African-American community.

My father, Rev. Shelly Millender, Sr. knew the importance of education. He and my mother, Mrs. Everlina Dortch Millender, advocated a quality education and, gave us a value system that is part and parcel of the true spirit of African-American families. We recognize that a good education is the key to success and should open the doors to opportunity. I am further reminded of my father's teaching when he would say: never subordinate to race bashing, respect yourself and others even though you have differences of opinion, but hold firm to your convictions. These are the teachings of numerous African-American families. And as I listened closely to the President's State of the Union Address as he spoke of education as a No. 1 priority; building strong families and communities; and humanitarian efforts in the assistance of the underpriveledged through volunteerism, I stand tonight to lift up some of my constituents who are role models and great citizens that the President talked about. Their names were never in lights nor on billboards, but they are the unsung heroes of my community. They helped in the education of our children, they built strong families and engaging communities. And they taught us to have a strong value system. Let me share with you these outstanding African-American individuals.

THERESA LAVERNE HARRIS

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Ms. MILLENDER-McDONALD. Mr. Speaker, the first days of the 105th Congress are clearly historic and momentous days as a new Congress begins to address the myriad of problems that face our Nation. At the same time, however, I would urge all of us to take a moment to reflect on some of the major events which have taken place over the past few months and perhaps more importantly on the millions of strengths that have made us, and this Nation, what we are today.

An example of one of these strengths is Theresa La Verne Harris, who passed away on November 21, 1996. Throughout her life, Theresa LaVerne touched all of us who had the pleasure of knowing her with her humor, her strength, and perhaps most importantly her dignity.

Born in Beaumont, TX, to Armand Rodney and Geraldine Phillips Richard, Theresa LaVerne was the oldest of three children. She spent her early youth in Louisiana and Mississippi until her family moved to California in 1943. She lived in California for the rest of her life, attending Los Angeles public schools and graduating from John H. Francis Polytechnic High School with honor, in 1947.

It was during her college year at UCLA, where she majored in English, that she met and married her husband of 45 years, Robert E. Harris. Together they had three sons, Michael, Vincent, and Trevor.

Following her graduation from UCLA in 1953, Theresa LaVerne began a long distinguished career with the Los Angeles Unified School District [LAUSD] as an educator and personnel administrator. Over the next 16 years, she excelled at her career; she raised three outstanding children; she was a loving and supportive wife; and she went on to earn a master of arts degree in personnel administration from Pepperdine University.

During this time Theresa LaVerne served the LAUSD in a variety of administrative capacities before taking a 2-year leave of absence to serve as assistant superintendent for personnel services for the Compton Unified School District in 1983. She retired from LAUSD in 1989.

As both an educator and an administrator within the public school system, Theresa LaVerne worked hard to ensure that the students under her charge had the best education available to them. While she was deservedly proud of her personal and academic achievements, she was more interested in using her strengths and her assets to elicit the best from those around her.

In passing, Theresa LaVerne Harris is survived by her husband; Robert Emery Harris, her three sons and their wives: Michael and Anita of Fresno, Vincent and Celeste of Oakland, and Trevor and Kamela of Fresno; her father Armand Rodney Richard of Los Angeles; her brother, Dr. Rodney A. Richard of Pasadena; her sister, Geraldine Constance Speed of Carson; her three grandchildren, Ahmad, Mazisi and Jamila; a great granddaughter, Maya; two aunts, and an uncle; and a host of nieces, nephews, cousins, and extended family.

She is also survived by the thousands of people whose lives she touched and invariably improved, some of whom knew her well and others who simply benefited from her efforts.

Mr. Speaker, I worked with Theresa LaVerne Harris and have had the privilege of knowing her and her family for decades. Theresa LaVerne was a devoted wife, a wonderful and nurturing mother, and a role model for all of us who had the opportunity to know her. She will be sorely missed.

As I said earlier, however, it is up to us to remember people like Theresa LaVerne and to build on their strengths and their legacies. It is people like her who should be our role models.

CAROLYN ANN RICHARDSON CHENEY

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Ms. MILLENDER-MC DONALD. Mr. Speaker, in these early days of the 105th Congress, we face many of the same challenges of governance and public policy development our predecessors had to address as we confront the problems and opportunities before our great nation. As we look forward, we should pause to reflect on the contributions, both large and small, our citizenry, collectively and individually, have made to the development of our great nation.

In doing so, we cannot help but take notice of Carolyn Ann Richardson Cheney, who passed away on December 13, 1996. Carolyn's devotion to family and community service, as well as her generosity, spirituality and faith, served as an inspiration to all who knew her.

Born in Dallas, TX, to Oda Lee Blair and Howard Richardson, she spent her early youth in El Paso, TX, before moving to Tulare, CA. After graduating from Tulare Union High School, she obtained credentials as a dental assistant and began working in Los Angeles. She moved to Compton, CA, where her love of learning, thirst for knowledge and pursuit of higher education continued at Compton Community College. She earned her associate of arts degree and, upon graduation, matriculated to California State University Dominguez Hills. As an honor student, she earned a bachelor's degree in public administration. In 1977, she gained admission to the University of Southern California's master's program in public policy and judicial science. Until health challenges forced her to postpone her graduation, she maintained a 4.0 grade point average as a personal expression of her high standards and expectations for those whom she nurtured and set an example.

Carolyn's ambition, strength, and motivation found expression in her entrepreneurial and managerial talents. For 15 years, she worked at Sears and Roebuck, during which time she was promoted from sales clerk to floor manager for the home furnishings and interiors department. In 1980, she opened her own insurance agency under the auspices of Allstate Insurance Co., where her firm became one of the top agencies in southern California. Despite her busy schedule, Carolyn found time to serve others through her church and community service activities. Throughout her life, Carolyn's leadership and organizational skills found expression in a wide variety of organizations. She served as president of the Compton Rotary Club; director of evangelism and coordinator of the Angel Tree Program at Tower of Faith Evangelistic Church in Compton; and as a teacher at Union Rescue Mission in Los Angeles. She was a member of the Torrance/Lomita Rotary Club; served on the advisory board for the California Women's Commission on Alcohol and Drug Dependencies/Black Women's Media Project as well as the board of trustees of Light of the World Community Church. She volunteered in the Los Angeles Probation Department Chaplain's Office.

Carolyn was named a Paul Harris Fellow by Rotary International in appreciation of her efforts and assistance in the furtherance of better understanding and friendly relations among peoples of the world.

Carolyn was a loving and devoted mother of four children: Vernon, Giselle, Darrell, and Marcus. Through words and deeds, she instilled in them the principals of honesty, integrity, hard work, perseverance, and self sacrifice. These are the values that helped to make our Nation great and our people strong. The attributes and her example are testaments to the enduring strength of motherhood.

Carolyn Ann Richardson Cheney is survived by her sons, Pastor Vernon Lee Ward of Hawthorne, CA; Darrell Delaune Cheney of Dominguez Hills, CA; Marcus Sebastian Mason of Washington, DC; one daughter, Giselle Faune Cheney of Hawthorne, CA; seven grandchildren, including Shelly Fion, Vernisha Leshaun, Fallon Veron, Deijanae Zaire, Delaune Marcus, Jazmin Ayana, and Taelor Chanel; daughters-in-law, Debra Ann Ward and Dionne Patric Cheney; daughter-in-law, Chanel Nicole Troy of Los Angeles, CA; aunts, Mattie Bernice Owens and Elizabeth Anthony and a host of extended family and friends. She is also survived by a loving stepfather, Coyal James Marlin.

Mr. Speaker, Carolyn Ann Richardson Cheney will be sorely missed by all who looked to her for nurturing, leadership and strength. Her example should inspire us all to make the most out of our lives and opportunities.

TRIBUTE TO PRISCILLA LYON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. TOWNS. Mr. Speaker, Mrs. Priscilla Lyon is a diligent worker on behalf of the First Baptist Church of Brownsville, where she organized the first Vacation Bible School. She functioned as director of that position for 5 years. Additionally, she has taught the youth Sunday School, supervised the youth choir, and provided services to the youth missionaries.

Presently, she serves as the chairperson of the Women's Ministry, is the director of the Feeding Ministry, serves as the director of the Shekina & Praise Dancers, and is the instructor of the Senior Missionary Circle. Priscilla Lyon also finds time to perform liaison work for the Women's Fellowship.

Born in South Hampton County VA, she is the third of six children. Her hobbies are sewing, crocheting, drafting, millinery, and decorating. Respected and adored by her fellow church members, she was honored at the Henry House in September 1996. She is a mother, grandmother, and great-grandmother. It is my privilege to highlight her achievements and contributions.

CHAMPIONS OF THE PRAIRIE

HON. JOHN THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. THUNE. Mr. Speaker, lately, football fans across the Nation are talking about the Green Bay Packers. Today, I'd like to inform my colleagues about an outstanding championship team that hasn't received much national attention. They are the NAIA Division II National Football Champions—The University of Sioux Falls Cougars. With their victory in the championship playoff game in December, the Cougars became the first South Dakota college team to win a national football title.

This group of young men had a remarkable season—an exclamation point to their emergence as a football powerhouse. Many of the players spent the last 4 years playing together. While each of these seasons has been significant, the Cougars 2–8 record in 1993, didn't even foreshadow the greatness just around the corner. Head Coach Bob Young was concerned he'd lose many of his talented freshmen. Instead of dwelling on past disappointments, the young players and their coach pulled together and focused on a winning future. They have proven that commitment, loyalty, and hard work can and do pay off. In the three seasons since that disappointing 1993 season, the Cougars compiled and impressive 32–4 record, made three straight playoff appearances, and won the

1996 National Championship. For the last 2 years, the South Dakota Sports Writers Association have selected the Cougar Football Team as the Men's College Team of the Year.

The sportscaster who coined the expression "this is the one for the record books" had no idea how fitting it would be for the 1996 Cougars. Nearly half of the school's individual records were set by that team.

Quarterback Kurtiss Riggs completed the regular season without throwing an interception. He set a national collegiate record 290 pass attempts without an interception. He also holds the NAIA division record for most touchdowns in a season with 55. Yet, when he was asked about his personal records, Kurtiss said he'd give them all up for the national championship. Fortunately, he didn't have to make that sacrifice.

Senior wide receiver Kalen DeBoer finished the year with 17 touchdowns, 99 receptions, and 1,372 yards, including 182 in one game. Sophomore running back David Ruter had 19 touchdowns and 1,726 yards rushing, including 315 in one game. When you have that kind of offensive trio achieving those kind of stats, it means you have an equally impressive offensive line doing the job up front. The Cougar defense led by Phil Porter, Larry Wilson, Chuck Morrell, Travis Dumke, and Ray Smith were ranked in the top 10 nationally both in scoring and rushing defense.

As a team, the undefeated Cougars recorded the 19th best season scoring total in collegiate history with 636 points. They achieved this record by averaging 45 points per game and defeated their opponents by an average of 30 points. These figures are even more impressive considering one game was played in a blizzard and Coach Young's practice of benching the first string players once the game was in hand. It wasn't unusual for starters to play only half the game, giving younger players valuable game experience. With such an overwhelming offense, some may have been tempted to run up the score. But Coach Young's success is grounded in good sportsmanship and an eye toward the future. The Cougars also marched to the record books without much home cooking. They had the home field advantage for only two games this season.

When the Cougars took the field for the Championship game in Tennessee on December 21, they faced Western Washington, a team with a school enrollment 10 times that of University of Sioux Falls. It was a modern-day version of David and Goliath. The outcome was the same as the Biblical tale—Sioux Falls slew Western Washington with a decisive 47-to-25 victory.

The University of Sioux Falls never was ranked No. 1, but the Cougars won their championship on the field, not in the polls. And for his leadership, Coach Bob Young was named the NAIA Division II Football National Coach of the Year.

I also want to pay tribute to the character of the players and the entire coaching staff, which was shown at the end of each game when the entire team would huddle on the field and give thanks to God for their success. This weekly demonstration of faith is a stark and moving contrast to the typical bravado we see sometimes during professional games.

Faith, loyalty, commitment, and teamwork. In a day when many look to sports for heroes, the 1996 University of Sioux Falls Cougar football team have earned two titles: local heroes and national champions. They are champions of the prairie. On behalf of the city of Sioux Falls and the State of South Dakota, I am pleased to say congratulations, Cougars We're proud of you.

ADOPT A FARM FAMILY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. EMERSON. Mr. Speaker, I rise today to pay special tribute to an organization that is working hard to bring about economic and spiritual renewal in rural America. Headquartered in Sikeston, MO in my congressional district, the Adopt a Farm Family of America organization has been a tremendous force for good in southern Missouri and throughout the country. The volunteers and coordinators of Adopt a Farm Family are sponsoring a rural restoration conference in Sikeston next week, continuing their tradition of spiritual outreach and support for farm families.

America's farmers and ranchers are the best in the world, but they face an increasingly complex set of challenges. Uncertain markets, changing environmental conditions, and new government policies all contribute to the challenge of operating a farm in rural America. The job calls for long hours, old-fashioned values, and a strong faith in God. Adopt a Farm Family has stood by our Nation's farmers since its inception in 1988. Today, it continues to provide the kind of assistance and expertise that makes a real difference in the lives of thousands of Americans.

At next week's rural restoration conference, from Sunday February 16 to Tuesday February 18, Adopt a Farm Family will invite farmers to come together as a group to discuss methods of improving farm life. The entire Sikeston community, many of whom are providing financial and other support to the conference, is participating in a concerted effort to make the event educational and rewarding. Seminars and speakers will address a broad variety of topics, including farm finances, soil nutrition, marketing techniques, and family issues. I should also note that I have the high honor of speaking at the conference, and I am looking forward to contributing to the special purpose of the occasion.

Mr. Speaker, Adopt a Farm Family of America is one of the best examples in America of a group of people determined to help, and who then make it happen. You can see it in founder and current director of ministry, Mrs. Mary W. Myers, in her husband and current President Peter, and in the many folks who play a part in Adopt a Farm Family programs—the belief in the idea that through hard work and faith in God, good things are possible. I commend the people who are part of the Adopt a Farm Family of America organization, and express the hope that we can help them fulfill their mission of fighting to keep farm and ranch families on the land.

RECOGNITION OF MAYOR KIERAN O'HANLON

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SCHUMER. Mr. Speaker. I rise today in recognition of the accomplishments of Kieran O'Hanlon, the mayor of Limerick City, Ireland. The mayor has been invited to Queens for the celebration of St. Patrick's Day and to commemorate the 800th anniversary of the signing of the Charter of Limerick City, thereby making it the oldest chartered city in Europe.

As the founding member of the Progressive Democrats in Ireland, Mayor O'Hanlon has served as an inspiration to the members of his party as well as to the rest of the world. Having only entered the formal political arena in 1991, Mr. O'Hanlon has already made an indelible mark on politics in Ireland.

The anniversary of Limerick should remind us of the importance of maintaining the integrity of our own communities. Mr. Speaker, I hope all of my colleagues will join me in wishing Mayor O'Hanlon all the luck in the future. When we look to the future we look for the charisma and political perseverance which is characteristic of Mr. O'Hanlon's leadership.

CONGRATULATIONS TO THE 1997 WESTINGHOUSE SCIENCE TALENT FINALISTS

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to Long Cai, Daniel James Durand, Jonathan William Plaue, and Katheryn Joanna Potenza, all of Long Island, NY. Competing against the most talented young scientific minds that America has to offer, these outstanding high school scholars from Eastern Long Island have all been recognized as Finalists in the 1997 Westinghouse Science Talent Search.

With the guidance of their teachers, the love and support of their parents and each with their own talent and work ethic, these four students have successfully conducted breakthrough scientific experiments while just in high school. Those experiments so impressed the judges at the Westinghouse Science Talent Search that they named Long, Daniel, Jonathan, and Katheryn one of 40 finalists, among 1,652 entrants nationwide.

Three of these students—Long Cai, Jonathan Williams Plaue, and Katheryn Joanna Potenza—attend Ward Melville High School in Setauket, Long Island, where the demanding and competitive WestPrep research program produces Westinghouse science scholars on a yearly basis. Daniel James Durand attends Shoreham-Wading River High School, just a few miles east of Setauket along Long Island's North Shore.

For his Westinghouse project in biotechnology, Daniel Durand of Shoreham, Long Island developed what could be a more effective and cost-efficient method for extracting radioactive uranium from contaminated soil. A 4-

year varsity wrestler and the vice president of the Physical Fitness Club at Shoreham-Wading River, Daniel plans to study biomedical engineering at Rice University.

Long Cai, of East Setauket, deduced that there are mathematical relationships that describe the effects of rotating Fresnel Zone Plates, magnifying glass lenses, on x-ray focusing, which will help scientists understand the effects of misaligned plates. Born in China, 16-year-old Long mastered the English in just the ninth-grade. He plans to study biomedical engineering at the Massachusetts Institute of Technology.

Jonathan Plaue, of Stony Brook, collected materials and services worth more than $125,000 to create his environmental studies project. Landfilling is no longer a permissible waste disposal method on Long Island, so waste-to-energy incineration has become more prominent. Jonathan devised an effective method for replacing sand and gravel with incinerator ash in the manufacture of asphalt, which he calls ASHphalt. Jonathan hopes to attend Massachusetts Institute of Technology, to study chemical engineering.

Katheryn Potenza, of Setauket, examined the effects of parents' marriages and mothers' socialization practices on the romantic relationships of adolescents for her Westinghouse project in psychology. Katheryn collected data from 57 mother-adolescent pairs, then completed her research at the nearby State University of New York at Stony Brook. She hopes to pursue studies in psychology at the University of Virginia.

During the week of March 5, all of the Westinghouse finalists will visit Washington, DC, where they will compete for $205,000 in scholarships. I ask my colleagues in the U.S. House of Representatives to extend their congratulations to all of the 1997 Westinghouse Science Talent Search finalists.

TRIBUTE TO GWENDOLYN BROOKS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. RUSH. Mr. Speaker, it is with great honor and reverence that I offer this tribute to a fellow Chicagoan, Poetess Gwendolyn Brooks.

Her writings have painted the picture of African-American people. A picture that is often filled with deep emotion, resounding character, and gallant triumphs. The depth of her talent has allowed her writings to reveal the character and experiences of America as a whole.

The quality and importance of her poetry to this Nation is evidenced by the fact that in 1950 she became the first African-American to win the Pulitzer Prize for poetry. As further evidence of her contribution to American letters she has been awarded two Guggenheim Fellowships, has served as a poetry consultant to the Library of Congress, and currently serves as State of Illinois poet laureate.

My words of praise cannot convey the depth of my gratitude for her contribution to her community and her Nation. The writings of Gwendolyn Brooks have the quality of a hand that rocks a baby's cradle. For the hand that soothes a baby by rocking it to and fro is also the same hand that disciplines the child—both done with love. Her style of writing welcomes and embraces. It is this characteristic of her work that allows her to address difficult if not disturbing issues we have addressed as individuals, as a people, and a nation without being haughty or magnanimous.

Gwendolyn Brooks is an American treasure. A treasure whose brilliance will never fade. It is with deep affection that I offer this tribute.

WORLD NEEDS FAMILY PLANNING FUNDS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues the following editorial regarding funds for international family planning which appeared in the Omaha World Herald on February 5, 1997.

WORLD NEEDS FAMILY-PLANNING FUNDS

The United States government's commitment to population control and support for family-planning services around the world is headed for another test in Congress. Anti-abortion forces have slowed and reduced the U.S. role in the past. We hope they don't do so again.

A vote is approaching on whether to release $385 million to provide family-planning services to women in the world's poorest countries. The funds were allocated last year but tied up by anti-abortion congressmen who demanded stronger restrictions on using the money to promote abortion.

U.S. funding for family-planning programs around the world hit a record $547 million in 1995 but was slashed by 35 percent last year. Ironically, the cut demanded by anti-abortion leaders, which denied access to modern contraceptives to seven million couples, resulted in an estimated 1.6 million more abortions, the Alan Guttmacher Institute has said. The U.S. Agency for International Development, which handles the family-planning programs, said the funding delays have "resulted in programmatic disruption, inefficiencies" and an estimated $1 million in extra administrative costs.

President Clinton has submitted a report to Congress summarizing the negative impact the lack of funding is having. The report notes the unintended consequences of more abortions and more infant and maternal mortality Congress must act on that report sometime this month, either reaffirming its decision to delay the money or allowing it to be paid out.

Since 1973, Congress has forbidden the use of U.S. tax dollars for abortions or abortion-related services overseas. Money sent to the United Nations for family planning and contraceptive services is clearly and unequivocally segregated from any abortion-related expenditures.

But anti-abortion forces have demanded that Clinton return to what is known as the Mexico City policy of the Reagan and Bush administrations. That policy barred funding for any organization that performs or promotes abortion as a means of family planning, even though U.S. money would not be used for those activities. Clinton canceled the policy when he took office.

Werner Fornos, president of the Population Institute, has suggested that the wider availability of family-planning services in developing nations could actually reduce abortions, which now number 32 million a year.

Further delays in family-planning funding would result in even more unintended pregnancies and more abortions. Anti-abortion forces will have caused the very thing they say they abhor most if they continue to delay the release of family-planning money.

Population control is vital. Fast population growth underpins most of the worst problems facing the world—pollution, erosion and soil depletion, loss of the rain forests and a growing shortage of fresh water for domestic and agricultural use. Modern, easily available family-planning services can make a big difference. Congress ought to release the funds needed to keep the international programs going.

INDEPENDENT FACT FINDERS NEEDED TO STRENGTHEN HOUSE ETHICS PROCESS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. DREIER. Mr. Speaker, I am pleased today to join my distinguished colleague, Representative LEE HAMILTON, in introducing House Resolution 61. This resolution would for the first time give private citizens a meaningful role in the House's ethics process. Our fundamental goals are to further enhance the openness of the House to make this institution more responsive to the public, and to bolster citizen confidence in Congress.

LEE HAMILTON and I developed this proposal during our service as House co-chairmen of the 1993 Joint Committee on the Organization of Congress. Our resolution is based on the testimony of many Members and outside experts about the strengths and weaknesses of the current ethics process.

Let me first make a comment about LEE HAMILTON's recent announcement that this will be his last term in Congress. LEE's retirement will be a big loss to this institution and the American people. He has been a model legislator for us all, and I wish him all the best in whatever activity he chooses to pursue when he leaves the House. In the meantime, I am delighted to join with LEE once again in our mutual interest to improve the work and reputation of the legislative branch.

Specifically, House Resolution 61 would make several important changes in the House ethics process. First, it would authorize the Speaker and minority leader to appoint jointly 20 independent fact finders at the beginning of each Congress. These private citizens could then be called upon to conduct ethics investigations for the Standards of Official Conduct Committee. The definition of private citizens includes, among others, former Members, staff aides, and officers of Congress, but not lobbyists.

Second House Resolution 61 grants discretionary authority to the Ethics Committee to decide, on a case-by-case basis, when to request that private citizens be used to conduct investigations involving allegations of ethical misconduct. Our resolution provides that an even number of fact finders—four or six—shall be appointed jointly from the standby pool by the chairman and ranking minority member of the Standards Committee. Daily pay, travel, and per diem costs are provided the fact finders when they are engaged in ethics investigative work. Staff aides of the Standards Committee are authorized to assist the fact finders in carrying out their responsibilities.

Third, the job of the fact finders is to conduct a preliminary review of the ethical complaint. They are to make the detailed inquiries, accumulate relevant background materials, gather pertinent evidence, and so on—all activities that usually consume enormous amounts of time. A benefit that inheres in the Hamilton-Dreier approach to ethics reform is that it will alleviate time burdens on members who will not have to do this pick and shovel investigative work. Another benefit is to increase public confidence that allegations of ethical misconduct are being fully and independently explored.

Fourth, after the preliminary review of the ethics complaint has been completed, the private citizens would report their finds and recommendations to the full Ethics Committee. If the fact finders determine that their findings justify further formal action by the Ethics Committee, they may, by majority vote, transmit a statement of alleged violations to the ethics panel.

Finally, in the event that a statement of alleged violations is sent to the Ethics Committee, that panel will then act as an adjudicatory subcommittee as provided in the Committee's rules. The full Ethics Committee will then conduct its own review of the information transmitted to it by the fact finders, including, if required, the convening of public hearings.

In our judgment, House Resolution 61 provides an innovative and flexible approach to revamping the House's ethics process. On those high profile and complex cases, the Ethics Committee can turn to a pool of private citizens to conduct the investigations. For ethics complaints that appear minor, the committee can continue to appoint its own subcommittee to conduct the preliminary inquiry.

Everyone who serves in Congress understands that public trust in the legislative branch is not especially high. To be sure, many factors have contributed to this development, such as heightened cynicism in the body politic, but public misgivings about how Congress handles ethical charges against its own Members also contribute to the lack of citizen confidence. This institution must devote more time and attention to congressional ethics, which is why I strongly endorse the recent establishment of a bipartisan House ethics task force to revise and improve our ethics process. This initiative by our Republican and Democratic leaders deserves everyone's support and encouragement.

Members and citizens alike have a large stake in an improved ethics process. The strength of representative government rests fundamentally on public confidence in the integrity of our proceedings. In our view, there is an inherent conflict-of-interest when only members are involved in evaluating ethics complaints against their peers. House Resolution 61 will address this issue by allowing private citizens to assist in ethics investigations on a case-by-case basis. Adoption of our resolution will further demonstrate that the House and its Members care deeply about improving and strengthening their ethical processes and responsibilities.

FOR THE RELIEF OF FRANK NOTREM

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to ask the assistance of all my colleagues in aiding a constituent in my district, Mr. Frank Notrem.

Mr. Notrem is now 82 years old. Before World War II he was in the National Guard; when the war broke out he went to Europe to fight. In all, he served in the Army for 40 years.

In civilian life he has dedicated his life to his community, serving as a member of the Chelsea Fire Department for 32 years.

Seventeen years ago, Mr. Notrem was injured on the job, breaking both his legs. He was forced to retire due to those injuries.

At that time, Mr. Notrem's wife, concerned about the hospital bills that would soon come due, hid 10 of Mr. Notrem's veteran's checks, totaling $8,242.20. She hid them so well that she forgot where they were. It was only recently that they were discovered after Mrs. Notrem passed away and her children were cleaning up the house.

Though the money is owed, the checks are no longer valid. Nonetheless, I believe this Nation owes Mr. Notrem a debt of gratitude for his service. Therefore, I have introduced legislation requiring the Treasury Department to pay Mr. Notrem the $8,242.20 he is owed.

Please join me in meeting our obligations to Mr. Notrem.

SAN DIEGO HOSPICE: 20 YEARS OF EXEMPLARY SERVICE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. FILNER. Mr. Speaker and colleagues, I rise today to pay tribute to San Diego Hospice. In 1977, local citizens, clergy members, and medical professionals, motivated by a shared concern for the plight of terminally ill patients, joined together to create the San Diego Hospice.

As one of the first hospice programs in the country, San Diego Hospice set the standard by which we provide care for the terminally ill and their families. Now caring for more than 1,600 people a year, San Diego Hospice is not only an integral part of our regional health care system, it is an innovator, constantly working to better its outreach and care.

San Diego Hospice has effectively employed San Diego's large medical community to foster education, and it was the first hospice to bring palliative medicine into the curriculum of a medical school—the University of California, San Diego, School of Medicine.

San Diego Hospice continues to develop cutting edge programs that serve as an example to other hospices. These include the Acute Care Center, the Center for Palliative Studies, and exceptional programs in pediatrics and bereavement support.

Mr. Speaker, each and every day the San Diego Hospice brightens the lives of terminally ill patients and their loved ones. San Diego has been blessed by the care provided by the San Diego Hospice, and I am sure that it will continue to serve as an excellent model of people helping people and working together for the betterment of their shared community.

SALUTING BEVERLY BRITTON FRASER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. TOWNS. Mr. Speaker, it is with great pleasure that I rise today to recognize the many years of invaluable community service of Beverly Britton Fraser, Esq. Ms. Britton Fraser, an attorney, has committed her life to winning justice for the poor. Despite numerous opportunities offered by corporate law firms and government agencies, Ms. Britton Fraser, a University of Buffalo School of Law graduate, has zealously worked as a trial attorney for the Legal Aid Society.

This native Brooklynite was also a "Partner in Education." As such, she visited inner-city schools and talked with students of all ages about her profession, substance abuse avoidance, and attaining personal goals through education. As a person who has always been influenced by an intense desire to give back to her community, Ms. Britton Fraser has wholeheartedly pursued her goals.

In 1992, in the course of her career as a lawyer, Ms. Britton Fraser met and married Errol Fraser, a certified public accountant. The couple currently resides in Brooklyn where she is a court attorney for Judge Bernard Fuchs of the New York City Civil Court. She continues to pursue that the belief that "justice is being served for all," but particularly for those who are poor and downtrodden in our community.

For these reasons, it gives me great pleasure to Salute Ms. Beverly Britton Fraser, a community hero. I ask my colleagues to join me in saluting Ms. Britton Fraser.

LET THE CHILDREN PRAY

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. STEARNS. Mr. Speaker, prayer in schools has moved to the front burner in American politics, and for good reason. Today, in many communities across the country, children are forbidden to pray in schools. Not just forbidden to participate in organized prayer, which most constitutional scholars believe would violate the U.S. Constitution, but forbidden to pray voluntarily, which is well within every child's constitutional rights.

For this reason, I have introduced a resolution in the House of Representatives that would amend the Constitution to make it perfectly clear that voluntary school prayer is a fundamental right that all school children enjoy. The amendment, which is just 33 words, simply states:

> Nothing in this Constitution shall prohibit the inclusion of voluntary prayer in any public school program or activity. Neither the United States nor any State shall prescribe the content of any such prayer.

It is a sad commentary on the state of American jurisprudence that such an amendment is necessary. It should be obvious to all that the Government has no business, and no right, to prohibit voluntary prayer by anyone. Nevertheless, liberal activists have succeeded in propagating the idea that any school prayer violates the separation of church and state.

Nothing could be further from the truth. If anything, my amendment would restore a proper understanding of the church-state separation issue. School children would be permitted to pray voluntarily, but no Government entity could determine the content of such prayer—which is as it should be.

There are those in America who would like to see not only prayer, but all other religious expression banished from public life altogether. They will not succeed. Our Nation was founded on Judeo-Christian principles and values that have just as much right to expression in the public arena as the culture relativism so fashionable today.

It is amazing that in a time when civility seems to be breaking down all around us that school prayer could be regarded as a threat. On the contrary, it is the removal of moral influences from public life that has contributed to our Nation's social ills. By introducing a constitutional amendment to ensure the rights of school children to voluntary pray in school, I hope I have made a small contribution toward a restoration of the legitimate place of religion in society.

BILL TO PROVIDE FOR PERMANENT RESIDENT STATUS FOR CERTAIN PERSIAN GULF EVACUEES

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. RAHALL. Mr. Speaker, I rise today to introduce a bill to provide for the permanent resident status for certain Persian Gulf War Evacuees.

During the Persian Gulf War, the United States decided to evacuate some 200 families, approximately 2,000 individuals, the majority of whom are stateless Palestinians, who had been living in Kuwait. The United States Government evacuated these families to the United States after Iraq's invasion of Kuwait but before the United States military intervention in that conflict, because the families all had American children and some had harbored American citizens during Iraq's occupation.

The families initially were given temporary protected status, and before President Bush left office he approved deferred enforced departure [DED] for the families. This status was continued each year thereafter by President Clinton. However, on December 31, 1996, the White House did not continue the DED status. Once in the United States, these families began making a life, including having additional children. The majority of the families have received permanent residency status. However, approximately 47 families have not received permanent residency status and have now suddenly found themselves faced with deportation. Kuwait will not accept them back into the country. Most of the parents hold Jordanian passports, but are not necessarily Jordanian citizens. Even if Jordan could accept them, Jordan is already burdened with tens of thousands of Palestinians who left Kuwait during the War. In addition, in Jordan the families will have no economic assistance, no jobs in an economy that is already burdened with unemployed people, and no health care for their children. This will all work to create severe hardship on the children who are American citizens and essentially will sentence them to a life of impoverishment.

These families are principally composed of professionals and technical people who are dependent upon no one for their support in the United States except by their own labor. They have maintained an excellent record of citizens training. They are a definite asset to this country.

Mr. Speaker, going through with the deportation would be an act of great injustice for a small group of people who did not ask to be evacuated here in the first place. But now that they are here, fairness would require that they be permitted to adjust their status so that they may continue to raise their American citizen children in this society.

Mr. Speaker, I call upon my colleagues to join me in cosponsoring this legislation to allow this small group to adjust their status to permanent residents [immigrants]. Many of the families placed themselves at grave risk by harboring American citizens during Iraq's occupation of Kuwait—keeping them safe until they could leave or until American intervention could drive the Iraqi's out.

Deporting these few [47] families with American-born children is not the way for a grateful Nation to show its thanks. Enacting this bill, granting them permanent immigrant status, is.

CALIFORNIA CIVIL RIGHTS INITIATIVE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. GINGRICH. Mr. Speaker, I am pleased to submit into the CONGRESSIONAL RECORD the remarks of five citizens given last night in a tribute to Ward Connerly, the chairman of the recent campaign for the California Civil Rights Initiative. These five people shared with us their own personal experiences dealing with racial preferences. I would like to recognize them for their courage in speaking out on such a divisive issue.

REMARKS BY JANICE CAMARENA

Good evening ladies and gentlemen. My name is Janice Camarena, and I am glad to be here to honor Ward Connerly.

The first time I called Ward's office, I wanted to find out how I could get involved in proposition 209, and I was very nervous. Here I was, talking to a man who was not only a University of California regent, but also the chairman of an initiative that would have a great effect on the future of my children. Later, after I met Ward for the first time, I just had to hug him—he probably thought I was crazy, but that was okay with me * * *

Over the last year and a half, Ward has gone from being someone I was nervous about talking with, to being a great speaker whom I respect, to being my mentor, my friend and a hero.

I met Ward at a very difficult time in my life. I was in the middle of a lawsuit I had filed against the State of California, challenging the racially segregated programs in our community college system. I had been kicked out of an English 101 class after meeting every requirement except one—my skin was the wrong color.

On the first day of class, the teacher told me and one other white female student that there was a problem, that there were a couple of students who did not belong, that the class was for African-American students, and that we would have to leave. I later learned that this class was part of something called the "Black Bridge Program" designed for black students only.

What happened at school affected not only me, but my two daughters as well. My first daughter was born when I was sixteen and her father is white. The following year, I married a Mexican man; he died two weeks after my second daughter was born. From the beginning, I taught my daughters that most people are basically good, that most people will judge them by who they are as individuals, and not by their color.

But when I walked into that federally-funded English class and was ordered to walk out of it, I realized that I had misled my children. I realized that my daughters would not be treated equally—not by their government, their public education system, their teachers or their counselors. And I wondered what kind of future this country held for my multi-racial children.

My daughters had asked me if discrimination is wrong, and I had always said yes, it is always wrong. After I was kicked out of class because of my color, my daughters had new questions—if discrimination is wrong, they asked, how come your school doesn't know that? If discrimination is wrong, they asked, how come our government doesn't know that? I told my daughters that I did not have the answers, but that I would find out.

The following semester, I enrolled in a non-segregated English class and decided to write my research paper on segregated programs. I found that we had two different segregated programs in our community colleges—the "Black Bridge Program" I mentioned before, and the "Puente Program" for Mexican-Americans. These programs were closed to everyone except black or Mexican-American students. I thought: About nine years from now, both of my daughters could be going to this same school, but one will be eligible for a special program and one will not—and only because my daughters have different colors.

I filed my lawsuit, and later I came to meet Ward Connerly and work on the CCRI campaign. On November 6, 1996 I got to tell my children what I had been longing to tell them for two and one-half years. I got to tell them that big people make mistakes, and that race-based policies were a really bad mistake on our government's part * * * but because as Americans we had stood and fought together, I told them, now their government, their public education system, their teachers and counselors had to treat them as they were created, * * * equally.

I owe a big part of that to Ward. If it were not for his courage and love for the human race as a whole, I would not have been able to tell my children that.

In the very short time I have known him, I have learned many things from Ward Connerly. I have learned the meaning of dignity and integrity. I have learned the value of freedom and equality. And I have learned never to take life, liberty and justice for granted. Most importantly, I have learned about the kind of person I would like to be someday.

To a man who has chosen to take up the fight and bear the burden for the sake of our children, for the sake of my children, I say: You have touched our lives and our hearts in a tremendous way. And you will always, always be a hero to me.

REMARKS BY DAVID ROGERS

Ward Connerly often speaks with reverence about early civil rights heroes, including Rosa Parks and Martin Luther King, Jr., and it is right that he does so. Indeed, it is Mr. Connerly's frequent invocation of Rosa Parks that most captures my imagination, because she has long been a particular hero of mine.

Like Mrs. Parks, my friend Cheryl Hopwood, I and others were forced to sit in the back of the bus, and forced to sit there by deliberate, malicious and unconstitutional state action. The bus in question was the admissions process at the University of Texas at Austin Law School, and it was on this bus that I—not unlike many others here and all around the country—became a victim of affirmative action in the virulent form of racism.

In her struggle to integrate the buses of Montgomery, Mrs. Parks had the help of the National Association for the Advancement of Colored People. To its eternal discredit, the NAACP did not see fit to help me. Fortunately I had another, equally tenacious ally. His name is Steve Smith, and he is the determined, idealistic and extraordinarily competent young lawyer who took the place of the NAACP for me and my co-plaintiffs. Steve uncovered the secret machinations at the University of Texas that constituted what I have come to call affirmative racism.

Unlike the old segregationism, affirmative racism—the selective inclusion or exclusion of people on the basis of assigned race or ethnic group membership—operates behind a veil of secrecy, halftruths and even lies. In the law school admissions case, we plaintiffs were able to expose the race preferences of the Texas system, although we were not able to achieve appropriate monetary redress—or admission to the UT Law School according to individual qualifications based on merit rather than accidents of birth. Sadly, following a ruling in our favor in the fifth circuit, the university's appeal to the U.S. Supreme Court resulted in a vague statement of "no genuine controversy." Meanwhile, the UT Law School replaced its affirmatively racist admissions process with one that has no objective standards whatsoever. So affirmative racism can still proceed under the cloak of vagueness.

Our exposure-without-victory experience demonstrates why initiatives like proposition 209—the California civil rights initiative—are so important to this nation's future. While all of us stand upon the shoulders of the giants who dismantled America's original racism, and are proud to do so, not a few invoke the legacy of Rosa Parks and Martin King to justify a perfidious agenda of deliberate race discrimination. Ward Connerly stands with the giants, and against the corrupt—and we should all stand with him against the corrupt, until even the University of Texas is colorblind.

REMARKS BY VALERY PECH

Good evening, I am glad to be with you.

In August 1989, the small family business that my husband Randy and I started lost yet another Federal highway subcontract on which we had submitted the lowest bid. We didn't like it, and we fought the decision. Six year later, in June 1995, the Supreme Court ruled against the quota-based decision-making used against us.

We celebrated our victory in Adarand vs. Pena, not least by recalling that above the entrance to the Air Force Academy near our home in Colorado Springs appear the words, "Bring me men to match my mountains." Always blessed, America has been blessed most of all because it has always had men to match her mountains—men like William Pendley at Mountain States Legal Foundation, who argued our case, and men like Ward Connerly, who matches every peak of the majestic Rockies.

Randy and I are so thankful for what Ward Connerly has done—not just because he had the courage to take the discrimination issue to the people of California, but because of the manner in which he did it. I don't know what is the most impressive: The success at the ballot box, the victory over the politics of hatred and division, or Ward Connerly's mastery of the language in explaining it all. I don't know, so you take your pick. I will say only that the Bible teaches that if we speak without love we are only "a clanging cymbal." Ward Connerly's words were always of love, even in an often hateful, vicious campaign.

Randy and I know what it is like to conduct such a campaign. During our long fight, the most insulting thing was the portrayal of Randy as a "angry white man"—and not just because Randy is the most gracious, even-tempered and genuinely nice guy I ever met, although that's why I married him! The "angry white male" slogan was insulting because this battle was not Randy's alone. It never was and isn't now. It is our battle, all of us.

When we started our company in 1976, we had more women than men owners, all family except one close friend. We were told many times that we should be certified as a "WBE", a women-business-enterprise, and so qualify for our piece of the quota pie. We refused to do that because we believe quotas are wrong.

We didn't and don't want to be judged by the sex or race of the owners or operators of our company. We did and do want to be judged on the basis of the quality and timeliness of our work, and the reasonableness of its cost. A good highway guardrail is a good highway guardrail, regardless of the race or sex of its builder—that's what we believe.

The battle we fought was Randy's and my battle for yet another reason. Men, being men, bear the injuries and insults of the business world stoically. Women are not so similarly inclined. We women have seen the pain suffered when our sons and husbands are judged not by who they are and what they can do, but instead by their race—and we don't like it one bit.

If anyone is angry, it is we mothers and wives. As Ward Connerly has explained, the so-called political equation of people-of-color-plus-white-women, versus white-men, just doesn't add up.

In my heart I believe that the greater sisterhood of women of all colors rejects and repudiates racism, whatever its course, on behalf of husbands, sons, and daughters as well. As a mother, I am grateful to Ward Connerly for another reason. I paraphrase Mr. Connerly in saying that we will not pass racial guilt along like a baton, from our generation to the next. We will not do so because we have the example of how Ward Connerly conducted the CCRI campaign, and its success with the youth of California. Remember, in a mock ballot held before last November's election, California's high school students voted 60-40 in favor of CCRI. What a wonderful message of hope for this great country.

Mr. Connerly, you fostered that message of hope. Randy and I salute you, and we thank you on behalf of our children, Kendra and Ted. God bless you.

REMARKS BY STANLEY DEA

Mr. Connerly, ladies and gentlemen, good evening.

My grandfather came to Chinatown, San Francisco, from southern China in the 1890's. Later he moved to Arizona, where he was followed by my father in 1914 and my mother in 1939. Those early Chinese immigrants all encountered discrimination and bad treatment. However, my forebears believed that America's bright hope for opportunity and freedom far outweighed any setbacks and they had no thought of expecting—much less relying on—racial preferences or quotas to make their way. Despite ill treatment, in two generations my family caught up with everyone else, due to hard work, sacrifice and perseverance.

My family did not believe that equal opportunity means equal results. I grew up in a Chinese home, went through university, received a Ph.D. in engineering, and became a professional engineer. In 1977 I accepted an executive position with the Washington Suburban Sanitary Commission, or WSSC, a public water and wastewater utility in the Maryland suburbs. From 1977 to 1990, I was director of WSSC's bureau of planning and design, where I supervised approximately 250 employees. I saw WSSC's personnel and contracting policies escalate into preferences and quotas. I took an uncompromising stand for the principles of merit and equal opportunity for all.

In 1989, my department offered a promotion to a white female, the highest ranking candidate. She declined, and my superiors denied my request to re-advertise the position, to broaden the pool of candidates. When I then offered the position to the second-highest ranked candidate, a white male, I was suspended without pay for five days for alleged "gross insubordination" in not hiring a minority and not supporting the so-called affirmative action plan. After a hearing, the charge was reduced to mere "insubordination," but WSSC did not change any of its discriminatory policies.

In 1990, I attempted to fill another opening, determining that the three most-qualified candidates were white males. Because I failed to recommend a minority or female, I was demoted. WSSC took away my office, secretary, company car and all supervisory responsibilities. I was moved to a specially created staff position, banished to the equivalent of corporate Siberia, solely because I refused to discriminate by using race and sex as the primary selection criteria.

In 1993, I filed a civil rights suit against WSSC, represented *pro bono* by the Institute for Justice and a private attorney, Douglas Herbert. I will always be profoundly grateful to Chip Mellor, the institute's president, to Clint Bolick, its litigation director, and to Douglas Herbert for the magnificent job done in representing my case, not only in Federal court, but also in the court of public opinion. The lawsuit alleges that WSSC's retaliation against me violated the Civil Rights Act of 1964 and infringed upon my first amendment free speech rights. It seeks an end to WSSC's quota system as well as reinstatement and damages. The suit is believed to be the first challenge to Government actions that punish opposition to quotas. The case was tried in September 1995; sixteen months later, a verdict is still pending.

Tonight we gather to honor an individual who has worked tirelessly to dismantle the machinery spawned by the false premise that we should use discrimination to cure discrimination—a man who knows that spoils systems based on race and sex imply that those favored are inferior and thus stigmatize competent people as incompetent. Ward Connerly knows that affirmative action doesn't work, that it is morally wrong, and that it must be abolished. He stands on the ledge of allegiance to "liberty and justice for all," and on the principle of the Declaration of Independence, that "all men are created equal." Because of his vision, heroic courage and leadership on proposition 209, he has endured and persevered against vicious *ad hominem* attacks. I am inspired and greatly honored to offer tribute to Ward Connerly tonight.

REMARKS BY LOU ANN MULLEN

Good evening. I want to share the story of our family because it shows how wrong it is when the government uses race to classify individuals.

My family is a so-called multi-racial family. We are often described that way, but I don't think of us that way. To me, we are just my family. It's government that highlights racial differences to keep families like mine apart. That is wrong.

In 1992 we are blessed with our little boy Matthew. When he was nine days old, the Department of Protective and Regulatory Services put him in our foster care, and each day we grew to love him more.

Matthew was, as they say, something else. He would look out the window and smile so big at his beautiful world, as if it were there for him alone to view. He made all our lives matter a little more than they had before. We told the social worker from the department that we wanted Matthew in our lives forever, but she quickly said: "No, don't even think about it. He is black and he will go to a black home." The words still echo in my mind.

For the two years we had Matthew, the social worker and the department searched for a black home. At that time, Matthew's brother, Joseph, was in another foster home, In 1994 the state finally found a black home for both boys, a family that seemed to come from nowhere.

I'll never forget the day that Matthew had to leave. He took the world we had come to love with him that day, except for one treasured memory: His soft little handprint, which had graced his window so many times when he'd look out at his world from our home, the world he had come to know. That little handprint was all I had to hold on to, and I wouldn't let anyone wash it away.

Our family tried to return to our old life, but it wasn't the same without Matthew. After two and one-half months of grieving and wondering what he must be going through, our phone rang. It was the department, calling to say that Matthew's and Joseph's adoptive placement had broken up. The family didn't want Matthew and Joseph anymore, so the department put them back in foster care—but not with us!

We asked once more, "Please! Let us adopt! Let us have Joseph, too!" We were told: "No, it would be in the best interest of the children to have a same-race home." If a same-race home weren't found, they said, they'd put Matthew and Joseph in a group home.

My pain was greater than any I had ever experienced in my life. I prayed and asked God to please make it stop. God answered, and led us to the Institute for Justice, which helped us stand up to the Department and made them consider us as an adoptive family. The department said they had to quote-review-unquote for application, but hopes grew really dim when we saw the boys on TV and in a newspaper ad stating "Brothers need a loving home." The department advertised even though they knew we could give Matthew and Joseph a loving home.

The the foster family fell apart. The department needed a place to put the boys, and they called us . . . but they said they would place Matthew and Joseph only as a foster placement, not an adoptive one. We were happy to have the boys, but we knew that department was looking again for a same-race family. We held on to each day with the boys, fearing each would be the last. It was such a harsh punishment for simply wanting to be a family.

In April 1995, the Institute for Justice filed suit. Only then—finally—did the department agree to let us adopt.

I thank God every night for giving me the honor to be Matthew's and Joseph's mother, and for the people at the Institute for Justice. They gave a voice to our boys so that other children might one day look through their windows with a smile, secure that they have a family and love in all the colors of the world.

I am honored to be here tonight, and I am proud to honor a man who sees beyond color and who fights so that all of us can be heard as individuals. God bless you, Ward Connerly.

THE CHILD PASSENGER SAFETY ACT OF 1997

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. HOYER. Mr. Speaker, it gives me great pleasure to rise today to introduce the Child Passenger Safety Act of 1997 with my colleague from Maryland, Mrs. MORELLA. This legislation, put simply, seeks to save the lives of thousands of children across the country. Every day, parents, grandparents, and concerned citizens take the time and responsibility to place young children in child safety seats. Unfortunately, the National Highway Traffic Safety Administration [NHTSA] estimates that nearly two-thirds of all child safety restraints are misused.

Because of this alarmingly high rate of misuse and the benefits that can be seen by the proper use of child safety seats, NHTSA commissioned a blue ribbon panel in 1995 to study this issue and make recommendations on ways to solve the problem of misuse. Impressively, safety experts, Government agencies, safety seat manufacturers, and several auto manufacturers sat down together with a common interest and concern, and explored options for communicating the issues of compatibility and proper and secure installation of child restraint systems.

Representing thousands of conscientious and responsible parents who place their children in safety seats every day, unaware of the risks and dangers that their children may face, I took great interest in this issue. I have worked closely with Congresswoman MORELLA for the past 2 years to raise awareness of the issue, encourage and support the auto manufacturers' voluntary efforts, and participate in education drives. In fact, I have attended two child safety seat check events in my district and the turnout by the public was most encouraging and impressive. I also attended the signing ceremony of a partnership between General Motors and the National Safe Kids Campaign last year which created a major, national grass roots campaign to educate parents about child passenger safety issues. General Motors, and now Chrysler, have voluntarily committed millions of dollars and considerable manpower to this cause and are to be commended for their efforts.

However, Mr. Speaker, resources are scarce and all of the concerned child safety organizations and consumer groups are stretched for dollars to sponsor safety seat check events. Therefore, this legislation would provide $7.5 million in fiscal years 1998 and 1999 to the Secretary of Transportation for the purpose of awarding education and training program grants to agencies and associated organizations on the local, State, and national level.

Mr. Speaker, NHTSA is to be commended for their leadership on this issue. We must support their efforts as they continue to develop guidelines under which there would be a single, uniform attachment system. In the meantime, we must commit the necessary funding to ensure that we inform and educate the public on how to best protect their children.

The number of children who die each year in motor vehicle crashes is truly devastating. However, this number is made all the more egregious because so many young children die as a result of unknown misuse of these devices.

Mr. Speaker, I strongly urge my colleagues to cosponsor this very important legislation in the days and weeks ahead. And, as Child Passenger safety awareness week, and all of the attention it has received, winds down, we must not relinquish our zeal to ensure that all parents, grandparents, and concerned adults receive any and all of the information and educational tools necessary to protect our Nation's children. Thank you.

INTRODUCTION OF LEGISLATION

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. LAZIO. Mr. Speaker. The aftermath of the tragic crash of TWA Flight 800 has placed an enormous burden on the resources of the people of New York. Today my colleagues GARY ACKERMAN and MIKE FORBES join me in introducing legislation directing FEMA to reimburse Suffolk County, Nassau County, the city and the State of New York for the expenses they incurred as a result of the crash. These expenses include the State and local costs for salvage operations, investigation of the crash and identification of the victims.

State officials break down the costs as follows: New York State, $5 million; Suffolk County, $5.8 million; Nassau County, $325,000; and New York City, $1.1 million, totaling over $12.4 million. New York, especially my home county, Suffolk County, has been at the forefront of the efforts to find the answers to this catastrophe for the victims families and for the American people. State and local governments provided a strong foundation and infrastructure to enable the Federal agencies involved to operate effectively and efficiently. State and local officials provided a number of helicopters and support personnel, divers, housing for Federal officials, morgue services, mental health and crisis counseling for the victims' families. All of which placed a tremendous strain on State and local budgets. It also has taken its toll on the dedicated men and women who have devoted long hours to the salvage operation sometimes under dangerous conditions. Our legislation will ensure that these efforts do not translate into cuts in other needed State and county services.

The cause of the crash remains unknown, and since it happened over the ocean, finding out why it occurred has been extremely difficult. It is not known whether the crash is the result of terrorism—if so, the Federal Government will bear the costs, negligence—then those at fault are responsible for paying, the action of a private party, or something else. Nevertheless, simply because the cause of the crash is inconclusive, the financial burden of the recovery, investigation and identification of the victims should not fall unfairly upon the residents of the State of New York and the County of Suffolk. President Clinton recognized the unusual circumstances surrounding the crash, personally visited the site and pledged his support.

Last September, I asked the President to reimburse New York for the costs it incurred from the disaster. Further, Governor Pataki and other New York Republicans have formally requested the Federal assistance. Our legislation will ensure that the people of New York will receive the financial relief they deserve, and I ask all members of this chamber to support this important bill.

IN RECOGNITION OF THE CENTER FOR AIDS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Center for AIDS upon the dedication of its new location in Houston on Friday, February 14, 1997. This larger, better-equipped center will ensure that HIV/AIDS patients and physicians have comprehensive and up-to-date information about AIDS treatment and research. I wish to thank and congratulate the founders of the center, L. Joel Martinez, Chris Kerr, and Michael Peranteau, for their life-saving leadership.

With tremendous medical advances such as protease inhibitors, AIDS is becoming more and more a treatable and survivable disease. But successful treatment depends on obtaining the right medical information as quickly as possible. That is what the Center for AIDS is all about.

This new center will provide critical sources of information, including a publicly accessible computer to search the Internet free-of-charge; a collection of medical and scientific journals specifically targeting HIV/AIDS; and a daily bulletin board on HIV/AIDS treatment options that patients can review. Through the work of its founders, the Center for AIDS created a newsletter called Research Initiative Treatment Action [RITA] to distribute to patients and advocates on a weekly basis. Each week, advocates, patients, and medical professionals receive the latest information about world-wide research and treatment options.

The center also provides free literature from AIDS organizations and pharmaceutical companies about various treatment options. With this information, patients and their doctors can make better decisions about their health and be better consumers of health care services. This will save lives and reduce treatment costs.

The center will also serve as a gathering place for community forums and monthly treatment meetings. With more space, the center will be able to serve more clients and help more people.

The Center for AIDS was founded in 1995 by three dedicated individuals, L. Joel Martinez, Chris Kerr, and Michael Peranteau. Both Michael and Joel are HIV positive. These individuals recognized that there was a need for accurate, up-to-date information about HIV and AIDS treatment. The center was created to fill this void. The center currently has a budget of $238,000 all of which is privately funded.

Mr. L. Joel Martinez, a founder of the center, serves as the scientific and medical expert who analyzes and gathers relevant medical information about HIV/AIDS. Mr. Martinez also works with local medical professionals to ensure that HIV/AIDS patients are included in research protocols at the Texas Medical Center.

I commend the founders, staff, and volunteers of the Center for AIDS for their life-saving work. They are a vital link in our increasingly successful fight against AIDS.

MAKING CHANGES TO THE COASTAL BARRIER RESOURCES ACT

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SANFORD. Mr. Speaker, I strongly support the intent of the Coastal Barrier Resources Act [CBRA] to remove Federal incentives for new construction on undeveloped coastal barriers. However, we should not deny Federal flood insurance to individuals who purchased property in developed communities. One example is Huntington Marsh, SC, which was erroneously included in the 1990 Coastal Barrier Improvement Act. For this reason, I am introducing a bill to make technical corrections to maps relating to the Coastal Barrier Resources System.

In 1988, the Department of Interior issued a report to Congress recommending coastal property for inclusion in the Coastal Barrier Resources System. In a letter I received from Noreen Clough with the Fish and Wildlife Service [FWS], she stated: "The service [FWS] did not recommend inclusion of Huntington Marsh area into the CBRS (report to Congress in 1988)." There is no information indicating why Huntington Marsh or the surrounding area known as SC–03 was included in the final map approved by Congress.

According to her letter, "Neither the Department nor the service contacted individual landowners that were potentially affected." Had this community been allowed the opportunity to voice objection, they would not have been included in the act because the property qualified as a developed rather than an undeveloped area. Under the description of the bill, developed communities are exempt from inclusion in the act. A community is considered undeveloped if it contains less than one structure per 5 acres. In 1990, more than 10 homes were built on the 20 acres located in the Huntington Marsh subdivision and many other property owners had plans for construction of homes on their property. This illustrates that the community would have been considered developed under the law.

Adding or removing areas from a CBRA unit requires an act of Congress. This bill does not amend the CBRA, it merely redraws the boundary to omit the 20 acres of Huntington Marsh from the restrictions under the act. This change will only affect property on the southwestern edge of SC–03 along Highway 17 that was erroneously included in the first place. I urge your support for this legislation.

BLACK HISTORY MONTH

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. McNULTY. Mr. Speaker, because I was unable to participate in Tuesday's Special Order commemorating Black History Month, I respectfully submit this extension of remarks on behalf of Sgt. Henry Johnson's candidacy for the Congressional Medal of Honor.

Sgt. Henry Johnson, an African-American soldier from Albany, NY, performed extraordinary acts of bravery during World War I. However, he has yet to receive the honor and recognition he deserves from the Nation he so heroically served.

According to the Department of the Army, on the night of May 15, 1918, near Verdun, France, then Private Johnson, a member of the all-Black 369th Infantry Regiment, gallantly fought off an attack from an enemy patrol of at least 12 German soldiers. On that night, Johnson killed four German soldiers, wounded numerous others, rescued a wounded comrade, and captured a stockpile of weapons. He accomplished this feat by using grenades, rifle fire, and engaging in hand-to-hand combat with both the butt of his rifle and his French bolo knife. In the midst of the fighting, Johnson was severely wounded.

To acknowledge and reward this act of valor, the French Government honored Johnson on May 24, 1918—just 9 days after the engagement. Citing "his magnificent example of courage and energy," it awarded Johnson with the Croix de Guerre, for all intents and purposes the highest strictly military honor a foreign soldier can receive. Last year, 78 years after the fact, the Department of Defense finally awarded Henry Johnson the Purple Heart. Mr. Speaker, he deserves the Congressional Medal of Honor.

During this celebration of African-American History, I need not remind you of the great injustices that took place in our Nation during the years of legalized racial segregation. No one disputes that the values for which American stands were undermined during that period. I simply urge that those who bravely fought for those values, in spite of the then-existing practices of American society, receive their just reward.

The fact is that Sergeant Johnson and many other African-American soldiers performed heroic service during World War I. To date, only one of these men has received the Medal of Honor—and that was awarded 73 years after his death on the battlefield. This is wrong. We must correct this blemish on our history.

If we as a Nation are going to realize, as President Clinton noted in his State of the Union, that our "diversity is our greatest strength," we must settle the errors of our past. If we are going to "give all of our citizens, whatever their background, an opportunity to achieve their greatness," we must honor those who have already earned great distinction.

To be sure, as our colleague, the gentleman from Oklahoma, reminded us just a week ago, "Government can't ease all the pain" of racial division. But when Government can effectively act, it should; when Government has been part of the problem, it must be part of the solution. I therefore urge all the Members of this House to do justice to the memory of St. Henry Johnson and support the effort to award him the Congressional Medal of Honor.

DISASTER ASSISTANCE LOANS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mrs. MINK of Hawaii. Mr. Speaker, today I am introducing legislation that will help our Nation's farmers survive disastrous outbreaks of plant viruses and diseases which virtually wipe out entire crops. This bill would ensure that crop losses resulting from plant viruses and other devastating plan diseases are included under the crop insurance program as well as the noninsured crop assistance programs and that agriculture producers who suffer these losses are eligible for emergency loans.

The current U.S. Department of Agriculture crop insurance and noninsured assistance programs do not specify which crops are eligible for insurance. This makes our farmers very vulnerable to administrative reviews on whether a particular crop is eligible for assistance usually with negative results.

Under current law, crop diseases are not eligible for low-interest emergency loans. Agriculture producers can only qualify for emergency loans when crop damages are caused by adverse weather conditions and other natural phenomena which have caused severe physical property damage or production losses. Since the USDA does not consider plant disease-virus a natural disaster, farmers are limited to USDA funds-resources which are due to weather as causing production or physical losses.

In Hawaii, nearly 300 farmers are suffering from the disastrous effects of the Papaya Ringspot Virus [PRV]. The disease produces lumpy, tasteless fruit and severely reduces production and eventually kills the plants. Papaya farmers estimate that they will incur $27 million of losses due to the loss of these PRV-infested trees.

A similar situation is taking place in the Southwest and Southeast United States where wheat producers are battling the Karnal bunt fungus. This disease gives a fishy odor and taste of flour made from affected wheat. In one State alone, producers have already lost an estimated $25 million.

Mr. Speaker, our Nation's farmers are the envy of the world. They provide us with the highest quality food and ensure that we will always have a stable food supply. We need to provide financial assistance when they are hit by disaster, natural or disease. I strongly urge my colleagues to support this legislation and help our farmers survive these natural borne disasters.

COMMEMORATION OF MALIBU CHILDHOOD CANCER AWARENESS DAY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to commemorate February 14 as Childhood Cancer Awareness Day in the city of Malibu, CA. I would also ask that you join me in honoring the American Cancer Fund for Children and its founder Steve Firestein for their diligent work helping children. The tireless work of this organization has not only highlighted the issue of childhood cancer in the United States, but has provided a positive influence on hundreds of young lives effected with cancer. I am pleased to offer my highest congratulations for the deep sense of community the American Cancer Fund for Children has given to the city of Malibu. I would also like to commend the city of Malibu as it adds itself to the growing number of communities who have adopted a Childhood Cancer Awareness Day in the Los Angeles area. I am very proud to have community-based efforts of this caliber in my district, and am thrilled to have the opportunity to bring such accomplishments to the attention of this body.

Each year approximately 10,000 more American children will be diagnosed with cancer, making cancer the leading cause of death by disease among children in the United States. Motivated by these losses the American Cancer Fund for Children has worked tirelessly to heighten community awareness of childhood cancer. All too often the costs incurred in the treatment of cancer far exceeds the average family's financial resources. The American Cancer Fund for Children has established itself to provide financial assistance to such families who find themselves experiencing financial hardship with a child undergoing a bone marrow transplant. The organization understands the importance of communities coming together to provide social services to those families in need, not wanting one child in need of treatment to be turned away because their families could not afford them. As the demands for cancer treatment grow each year, the organization has also taken on greater challenges to meet the demand for patient and family services to help ensure the quality of care to better promote the chances of survival. These services have provided an assortment of patient psychosocial services designed to nurture self-esteem, encourage peer interaction and better generate special patient communication. The Main Street Children's Services Program has received praise from across the United States for their efforts in providing gifts via visits for the emotional support of the children. These efforts have lifted the spirits of children nationwide through the simple gift of giving with a human touch.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the accomplishments of the American Cancer Fund for Children in cooperation with the city of Malibu, in highlighting childhood cancer with the establishment of a Childhood Cancer Awareness Day.

"TOWNSHIP OF THE YEAR" BESTOWED ON MAINE TOWNSHIP

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. HYDE. Mr. Speaker, please permit me to share with my colleagues the recent news that Maine Township, IL was named our State's "Township of the Year."

Bestowed annually by the Illinois Township Association, the award was presented to Maine Township for its very innovative programs for senior citizens. The award follows a similar one awarded to the township last year for its programs for youths.

Maine Township's Adult and Senior Services Department was created in 1985. Today, the department provides a wide range of programs and services for the estimated 40,000 adults over the age of 55 who live in Maine Township. In addition to a wide array of social activities, the township also sponsors the Senior Citizen Information and Assistance Service. The service provides a comprehensive guide to available resources including senior housing, medical services, social and mental health services, nutrition, home delivered meals, employment, energy assistance, social activities, and tax information.

In recent years the township has also placed growing emphasis on intergenerational programs that bring together seniors, children and young adults in numerous educational activities.

No programs as comprehensive as those offered to Maine's seniors could exist without the dedication of many great people. Permit me to offer a note of congratulations to the many hard-working and dedicated township officials including Supervisor Mark Thompson; Trustees Robert Provenzano, Willard "Bill" Bell, Regan D. Ebert and Carol A. Teschky; Clerk Gary K. Warner; Assessor Thomas E. Rueckert; Collector Anita D. Rifkind; and Highway Commissioner Bill Fraser.

THE AMERICAN FLAG—A TRIBUTE TO THE SYMBOL OF AMERICA'S FREEDOM

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the great symbol of freedom in these United States, the American flag. The American flag is nationally and internationally recognized as the symbol of the United States and all that it stands for. Today, my colleague, Congressman GERALD SOLOMON and I introduced a resolution to amend the Constitution in order to prohibit the physical desecration of the U.S. flag. I am proud to say that as of today more than 200 of my colleagues have agreed to cosponsor this important and historic piece of legislation.

For more than 200 years the American flag was the proud symbol of our great Nation. Most important, the flag was protected by law from any type of desecration. Today, though it still serves as the symbol, it is no longer protected by law. In 1989, the Supreme Court ruled in Texas versus Johnson, that the violent and destructive act of burning and spitting, and trampling on the U.S. flag was a form of expression which is protected by the freedom of speech. In the time since that ruling more than 49 States, including my home State of Illinois, have passed memorializing resolutions which request that Congress ratify a constitutional amendment protecting the flag. Clearly, this body has been called upon to protect the flag from any further desecration by voting for a constitutional amendment. Deliberate desecration of the American flag is truly an insult to those who fought and died to preserve and protect the rights of all Americans. Deliberate desecration of the flag should no longer be tolerated. That is what we seek to accomplish by introducing this important amendment.

During times of war, the flag became more than a symbol of the United States, it provided comfort and encouragement to our soldiers abroad. Though they were miles away from home, the flag reminded them of the great land and freedom that they were fighting for. The sight of the flag reinforced their strength of belief in the war they were fighting. American soldiers were reminded of the basic rights that they were protecting. The rights that don't exist in other countries; rights that make America the land of freedom that it is today.

Congressman SOLOMON and I are both committed to fighting this fight. My colleague and I, believe that this amendment, which has received bipartisan support is long overdue. Americans all over the world recognize the American flag as the symbol of freedom, fairness, and equality. We must do everything in our power to have the law protect the flag from desecration. I am proud to join Congressman SOLOMON in bringing this amendment before the Congress. I hope that all of my colleagues will join Congressman SOLOMON and I, in passing this historic and important amendment.

SALUTING SALENA GLENN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. TOWNS. Mr. Speaker, I rise today to salute the accomplishments of Ms. Salena Glenn who has dedicated her life to public service. For numerous years, she has strived to ensure that Brooklyn resident's concerns are heard. As chief of staff for Enoch Williams, Ms. Glenn oversees the daily operations of his office and attends community meetings of school boards, district service cabinets, and community precinct councils.

In addition to her work as chief of staff, Ms. Glenn coordinates various community projects throughout Brooklyn. Born in Orangeburg County, SC, she enjoys a reputation as a community leader. As president of the Unity Democratic Club, Ms. Glenn has worked to enlighten the central Brooklyn community about the advantages of participating in the political process.

Ms. Glenn truly serves as a shining beacon of hope for the Brooklyn community. A resident of Bedford-Stuyvesant, Ms. Glenn has a daughter Delores, and a son, Nathaniel. She also enjoys a reputation as an outstanding soloist in the Antioch Baptist Church Choir.

Mr. Speaker, it is with great pleasure that I rise today to recognize the many years of invaluable assistance she has provided youth and the community-at-large. I ask my colleagues to join me in saluting Salena Glenn.

CHILDHOOD CANCER AWARENESS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. WAXMAN. Mr. Speaker, Los Angeles County has designated the week of February 24, 1997 as "Childhood Cancer Awareness Week." In honor of this proclaimation, I ask my colleagues to join me in calling attention to the tragedy of childhood cancer and in working to to defeat this debilitating enemy of our children.

Cancer is the leading cause of death in the United States today. Each year, approximately 10,000 American children are diagnosed with cancer. Moreover, it is the leading cause of death by disease among children in our country. While great strides are made each year in research, treatment, and prevention of childhood cancer, we must remain vigilant in our efforts to search for cures and more effective treatments.

I ask my colleagues to reaffirm their dedication to eliminating childhood cancer and to take a moment to express their appreciation to the devoted individuals working in the fight against this dreaded disease.

INVOLUNTARY LIVESTOCK CONVERSION RELIEF ACT

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. THUNE. Mr. Speaker, today I am introducing legislation to give farmers and ranchers tax relief when they need it most. I thank my colleagues, Representatives Smith, Latham, Hill, Barrett, Emerson, and Pomeroy for joining me in this effort.

As you may know, extremely harsh storms have pounded the upper Great Plains this winter. As a result, I have been flooded with calls from South Dakotans who want to know what we can do in Washington to help them deal with this horrid winter. The agricultural producers—farmers and ranchers—have been hit the hardest of all. To date, cattle losses are estimated to exceed 100,000 head. With the prospect of spring flooding eminent, further losses seem certain. While producers in the Midwest qualify for some assistance, additional relief is still needed.

The tremendous amount of snow has blocked access to feed and has limited space in livestock yards. As a result, some producers would like to sell some of their stock now. The result would be a stiff tax liability at a time when they can not afford it.

The Involuntary Livestock Conversion Relief Act will allow income derived from the sale of livestock to be deferred up to 1 year. The bill will also allow a producer to sell livestock and, within 2 years, repurchase similar livestock without realizing a gain as a result of the sale. Livestock producers must show that such a sale is not a usual business practice but is a result of floods or blizzards. The conditions have to be severe enough to trigger Federal assistance in relief of that condition.

Under current tax law a producer can do this only in drought conditions. This is why I propose changing the wording of the code to include "flood or other weather-related conditions."

I believe it is time we give ranchers some options in how they do business during a time of need. This bill represents a common-sense approach to lending our dedicated livestock producers a hand when they need it. Instead of a cash payment, the Federal Government can provide a capital gains tax break. I realize this legislation may not help all in need, but it is an important piece of the relief puzzle.

I hope my colleagues will join me in their support of this bill. If they do, they will be joining several others concerned with the economic viability of the Nation's heartland.

TRIBUTE TO LITHUANIA

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the country of Lithuania. In just a few days, on February 16, Lithuania will celebrate its sixth year as a truly free and independent country. Since proclaiming its independence Lithuania has implemented a Democratic policy. Democracy, for this country, is a vast change from its previous 50 years of forced annexation by the former Soviet Union.

Although it has been, to some degree, a struggling progression, the overall picture is a steady one with greater potential on the horizon. In the past 6 years, Lithuania has seen monumental revision from drafting its own constitution, holding elections for its own Parliament and President, to developing a market economy.

The old Soviet methodology and regularity of bureaucracy has dwindled almost to the point of extinction as privatization has taken a strong hold. Because of their privatization priority policy, 85 percent of state-owned enterprises have been transmitted to the private sector. In addition the development of a western-oriented program of reform regarding trade and banking has led to an increase in trade with western countries, gaining from just 15.3 percent in 1990 to over 60 percent in 1995.

Another indication of Lithuania's progression toward Democracy and a market economy is that about two-thirds of the economic product is now industrial. There has also been so much growth potential emerging that foreign interest and investment has increased substantially.

Just before the collapse of the Soviet regime in 1991 Soviet troops attacked Lithuania's capital city, Vilnius. During the initial invasion several Lithuanians were wounded, some resulting in fatalities. For those who perished, they will be remembered as the "Defenders of Freedom." I stand before you today to commend these defenders and all of Lithuania for what has become their common goal so eloquently stated by President Algiras Brazaukas, "Now all people have a common goal: to live in an independent and free country."

REFORM TERM LIMITS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mrs. EMERSON. Mr. Speaker, term limit supporters across Missouri—like me—are rightfully disappointed that the vote on congressional term limits is doomed to failure. I am a cosponsor of a constitutional amendment calling for tough, 12-year term limits for Senators and Representatives, alike. It had been my hope that a united stand for term limits would finally lead to real limits with teeth. On Wednesday, the House of Representatives will vote on term limits and it appears my vote in favor will be for naught, thanks to a problem that has grown out of control—division among conservative ranks.

Last November, voters in Missouri and eight other States approved so-called scarlet letter constitutional amendments. These scarlet letter amendments require Members of Congress from Missouri and the other affected States to vote for term limits of 6 years in the House and 12 in the Senate. If Members don't vote for these particular limits, or if Members vote for different limits, the phrase "disregarded voter instruction on term limits" will appear next to their names on the next ballot if they choose to seek re-election. Disregarding for a moment the fact that ballots will soon be cluttered with inaccurate information, this sounds like a good idea. Why not put a little muscle behind the campaign to enact term limits which, after all, are supported by 70 percent of Americans, ourselves included.

A not-so-funny thing happened on the way to the vote on term limits. As sure as the Mississippi flows south, the vote on term limits today will fail. It won't fail for lack of general term limit support, but will fail because of the handcuffs placed on the 30 Members of Congress who come from States where the scarlet letter initiative passed. Each State constitutional amendment—they are all different—requires that Members from those States vote for different versions of term limits. Even though term limit supporters garnered 227 votes in the last Congress (it takes two-thirds of Congress, or 290 votes, to pass a constitutional amendment) and even though more supporters of term limits were elected to Congress last November, there's no chance that tough, commonsense congressional limits can not pass. Missouri's scarlet letter amendment has joined with similar, but different, amendments in other States and backfired against the shared goal of conservatives to enact tough term limits.

So how did this mess come to be? Most Missouri voters will probably be surprised to learn that the scarlet letter amendment, when it appeared on the ballot in the voting booth, deceptively asked if voters support term limits, but did not state that Members would be prohibited from supporting other term limit bills if the three term limit fails. In fact, the fine print of this amendment explicitly instructs Members to vote against all other term limit bills. Put simply, the amendment reburies limits of three terms in the House, or nothing at all.

With that in mind, I intend to vote for every single reasonable measure that would limit congressional terms to either 6, 8, 10 or 12 years when the House considers term limit legislation. I campaigned in support of term limits and intend to carry through on that commitment.

Term limit supporters should consider this farce. The scarlet letter will likely be invoked even if I vote for the 6-year term limit, which is certain to fail despite my support. The scarlet letter will be invoked simply because I later vote for a different term limit bill that has a realistic chance of passing.

As if that weren't enough, different versions of the scarlet letter laws passed in each of the nine States. Thus, if Members from those States precisely follow those instructions, they must all vote for a different version of term limits—and against any others. It's the equivalent of asking the offensive line of the St. Louis Rams to sack their own quarterback each time they take to the field.

In the end, I will vote in favor of each and every serious term limit amendment brought before the House this week. If that means I invoke a misleading scarlet letter, then so be it. Those of us charged with the responsibility of dealing with the legislative agenda of the people on a practical basis are duty-bound to deliver what is feasible, and that includes term limits that stand a chance of passing Congress. We will never succeed in passing real term limits as long as outside groups continue to divide conservatives who support them. In our efforts to pass term limits with teeth, we should remember that when united, we win, when divided, we fail.

THE CROP INSURANCE IMPROVEMENT ACT OF 1997

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. POMEROY. Mr. Speaker I rise today to introduce a desperately needed piece of legislation, the Crop Insurance Improvement Act. This bill will restore fairness to the crop insurance system and make crop insurance a reasonable risk management tool for producers in North Dakota.

In my State farmers have suffered through three successive seasons of disastrous crop production and the fourth is already on its way. Abnormally high rainfall and wet conditions have prevented farmers from planting crops and have ruined crops that were planted. Through no fault of their own, these farmers have seen their crops destroyed and livelihood threatened year after year.

Now producers are being told that they will have to pay higher premiums for lower coverage as a result of these losses. Many producers are now faced with unaffordable insurance bills that provide little coverage. Nothing could be more unfair to the farmers of my State or any farmers who have suffered crop losses due to natural disasters.

Last year 172 producers in North Dakota were placed on the nonstandard classification list following 3 years of successive losses. Nonstandard classification results in higher premiums and lower coverage. This year, hundreds more producers face a similar situation because of the continued disaster. Even if the flooding and wet conditions were to stop today, many farmers would not be able to afford the crop insurance they need because of losses in previous disaster years.

My bill would ease this situation and restore some fairness and sanity to the crop insurance program. The Crop Insurance Improvement Act would provide exceptions for producers farming in areas declared a disaster by the President or the Secretary of Agriculture. It would prevent the listing of producers on the nonstandard classification list if they had losses related to a major declared disaster.

This bill would also prevent FCIC from counting losses in disaster years in the calculation of insurable yields. Poor yields in years of natural disaster should not affect a producer's future insurance. Disasters represent abnormal, uncontrollable forces of nature and should not cripple a farmer for years to come with higher insurance premiums and inadequate coverage.

The ultimate goal of the bill is to keep crop insurance as a viable risk management tool for our Nation's farmers. If producers cannot afford crop insurance, or if the insurance will not cover a reasonable yield, then we have left them without a safety net.

Participation in crop insurance has increased since Congress reformed the program in 1994. Farmers have taken more responsibility for their risk management and will have to take even more now that the price safety net has been removed by the 1996 farm bill. Now it is time to improve the program so that we are not slamming the door on a valuable tool responsible producers use to manage their risk. I encourage my colleagues to support this necessary and commonsense improvement in the crop insurance program.

"FOUR POINTS OF THE COMPASS" BALINT VAZSONYI'S DIRECTION FOR AMERICA

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. RADANOVICH. Mr. Speaker, my friend and adviser, Dr. Balint Vazsonyi, delivered a lecture today at the Heritage Foundation, which was entitled "Four Points of the Compass: Restoring America's Sense of Direction." The lecture drew a wide cross section of men and women who are in the forefront of Americans concerned about our constitutional underpinnings. Those taking part included Senator ROD GRAMS of Minnesota, who delivered an insightful evaluation of Dr. Vazsonyi's lecture, Matthew Spalding of the Heritage Foundation, and Daniel McDonald of the Potomac Foundation.

As many of our colleagues know, Dr. Vazsonyi's thesis is one to which I strongly subscribe. Indeed, I am pleased to acknowledge the significant role he has played in helping advance new America, the vision expression that we launched last year. That vision is about restoring civil society through structural reform that focuses on revitalizing society's nongovernment institutions—family, business, religious/civic.

Mr. Speaker, Balint Vazsonyi's lecture is recommended reading for all who are working to assure that government's grasp doesn't exceed its constitutional reach. I am pleased to make it part of the CONGRESSIONAL RECORD at this point.

FOUR POINTS OF THE COMPASS: RESTORING AMERICA'S SENSE OF DIRECTION

Although the press appeared not to notice, President Clinton, in his Inaugural Address, called for a new Constitution. He borrowed language from the Declaration of Independence where in 1776 Thomas Jefferson presented the argument for new government. On January 20th, 1997, Mr. Clinton proclaimed, "We need a new government for a new century." He proceeded to set forth all the things this new government would give the American people.

Today, I come before you to argue that we need just the opposite. We, at the Center for the American Founding, believe that a tool is necessary to guide us back to the path of our existing Constitution. We offer this tool to the decision makers, legislators and judges of America and ask all of you to help us develop it to its full potential. Because it points the way, we think of it as a compass.

What kind of country will exert its best efforts for the benefit of all mankind? Or engage in war without expectation of gain? What kind of country makes it possible that a person who did not grow up in it feel sufficiently at home to step forward with a major initiative? What kind of country has longtime professionals come together to hear a relative novice with a foreign accent speak on national issues? What kind of country? A country which is one of a kind.

As we contemplate the future, it is essential that we keep in mind that America, indeed, is one of a kind. Some believe with all their heart that people, and their aspirations, are the same everywhere. This may be so. But the nation established here more than two hundred years ago has neither precedent nor a parallel in the known history of this planet. Not its capacity for success; not its capacity for strength; not its capacity for goodness. It is one of a kind.

One-of-a-kind. A big word. You hear it and think of Shakespeare. Or Beethoven. Or George Washington. We look at their work and try to understand what makes it so. It is a hopeless endeavor. But with America, there are definite ingredients we can identify quite easily: the rule of law, individual rights, guaranteed property and so forth. A funny thing, ingredients. We acknowledge their importance in all sorts of scenarios, yet ignore them when it comes to matters of life and death. If we eat something memorable, we want the recipe. With food, we know without the shadow of a doubt that the ingredients make the thing.

Chocolate ice cream, for example, takes chocolate, cream and sugar. If, instead, you use ground beef, mustard and "A1" sauce, you don't expect chocolate ice cream to come out of the process. Whatever else it will be, chocolate ice cream it will not be. Ice creams come in many varieties. America is one of a kind. Do we honestly expect it to remain America if the ingredients are changed?

Over the past decades, the Rule of Law has been displaced by something called "social justice." Group rights and arbitrary privileges make a mockery of the constitutional rights of the individual. Where not so long ago all Americans could feel secure in their right to acquire and hold property, government today is no longer discussing whether—only how much of it to confiscate, and how to redistribute it. As you see, the ingredients have already undergone drastic change. Is it reasonable to hope that America will nevertheless remain America?

And the greatest variety of assaults is launched against something I have come to refer to as "national identity." Now, I realize that some people might have a reaction to that phrase because the term has been used by others as a wedge. I use it as a magnet. As such, it is a necessity. Something needs to bind people together, especially when they have converged, and continue to converge upon a place from every corner of the globe.

Identity is about being similar or being different. Since our differences have been amply provided for by nature, we have to agree about those aspects of our lives which will make us similar. For the shared history which other nations have, Americans have successfully substituted a shared belief in, and adherence to, certain principles. A common language took the place of a shared culture. No state religion was established, but a Bible-based morality taken for granted. Add to this a certain work ethic, an expectation of competence in your field of work (whether you split the atom or sweep the floor), a spirit of voluntary cooperation, insistence on choice, a fierce sense of independence—and you have the ingredients of the American identity. And, if you prefer to call it American character or, as George Washington, "national character," it will serve our purpose so long as we remain agreed about the ingredients. For it is these ingredients that have distinguished us from other societies, and enabled those who sweep the floor today to split the atom tomorrow.

Today, our nation's leaders are engaged in choosing a path to pursue. Yet, all along, we have had a path to follow. It is clearly pointed in the Declaration of Independence and our founders complemented it with a superb road map they called the Constitution of the United States. Add to this the glossary we know as The Federalist Papers and it is hard to see why and how we could have lost our sense of direction. But lost it we have. That is why we need a compass—the compass in the title of these remarks.

Between 1776 and 1791, our compass was calibrated to keep us on the path of betterment—as individuals and as a nation. We even had a kind of "North Star," a magnetic North, in what we call the Rule of Law. But instead, we now have rule by the lawmaker. Every member of the Executive, every member of the Judiciary has become a potential lawmaker and in most cases they use the potential to the hilt.

Yet the Rule of Law stands for the exact opposite. As its basic property, it places the fundamental tenets beyond the reach of politics and politicians. Whereas it confers legitimacy upon subsequent laws that spring from its eternal well, it denies legitimacy to all legislative maneuvers that corrupt its purpose. It holds the makers, executants and adjudicators of the law accountable at all times. Above all, it demands equal application to every man, woman and child. Within its own framework, a prescribed majority may amend the law. But as the law stands in any given moment, it must be applied equally. If accomplished, nothing in the history of human societies can match the significance and magnificence of equality before the law.

The aspiration for equality before the law began with the Magna Carta or even earlier, in King Arthur's court, where knights sat at a round table. But it took Thomas Jefferson to etch the concept in the minds of freedom-loving people everywhere, more permanently than posterity could have etched the words in the marble of the Jefferson Memorial. And even then, after those immortal words of the Declaration of Independence had been written, it took most of two centuries before America, land of the many miracles, almost made it a reality for the first time ever.

But it was not to be. The rule of law, our only alternative to the law of the jungle, came under attack just as it was about to triumph. The attacker displayed the irresistable charm of the temptress, the armament of the enraged avenger, dressed itself in intoxicating clichés, and wore the insigniae of the highest institutions of learning. It called itself "social justice."

Let me make it clear: I do not speak of social conscience. That is a frame of mind, a noble sentiment, a measure of civilization. Precisely for that reason, while it has everything to do with our conduct, it has nothing whatever to do with laws. "Social justice," on the other hand, aims at the heart of our legal system by setting an unattainable goal, by fueling discontent, by insinuating a permanent state of hopelessness.

But above all, social justice is unacceptable as the basis for a stable society because, unlike the Law, it is what anyone says it is on any given day. We need only to move back a few years, or travel a few thousand miles, and one is certain to find an entirely different definition of social justice. At the end of the day, it is nothing more than an empty slogan, to be filled by power-hungry political activists so as to enlist the participation of well-intentioned people.

The Rule of Law and a world according to "Social Justice" are mutually exclusive. One cannot have it both ways.

What have the Rule of Law and the pursuit of "social justice" respectively spawned over time? The Rule of Law gave birth to a series of individual rights. In other words, rights vested solely in individuals. Only individuals are capable of having rights, just as only individuals can be free. We say a society is free if the individuals who make up that society are free. For individuals to be free, they must have certain unalienable rights, and others upon which they had agreed with one another.

Social justice has spawned an aberration called group rights. Group rights are the negation of individual rights. Group rights say in effect, "you cannot and do not have rights as an individual—only as the member of a certain group." The Rule of Law knows nothing about groups, therefore it could not provide for, or legitimize rights of groups. Groups have no standing in the eyes of the Law. And, since their so-called rights are invariably created and conferred by persons of temporary authority, they are "subject to change without notice," as the saying goes, just like the definition of social justice itself.

Individual rights recognize and promote similarity. Group rights promote differences and stereotypes. Individual rights and group rights are mutually exclusive. One cannot have it both ways.

Among our individual rights, the right to acquire and hold property has a special place. If ever a concept came to be developed to protect the weak against the strong, to balance inborn gifts with the fruits of sheer diligence and industry, property inviolate is its name. But who am I to speak, after John Locke, Thomas Jefferson and James Madison have pronounced on this topic. They held that civilized society is predicated upon the sanctity of private property, and that to guarantee it is government's primary function. Without absolute property there is no incentive. Without absolute property there is no security. Without absolute property there is no liberty. The freedom to enter into contract, the freedom to keep what is mine, the freedom to dispose of what is mine underlies all our liberties.

Neither the search for "social justice" nor so-called group rights recognize, or respect, private property. They look upon flesh-and-blood individuals as faceless members of a multitude who, together, create a certain amount of goods. These goods belong to what they call "The Community." Then certain people decide who needs what and, being privy to some higher wisdom, distribute—actually redistribute—the goods. Redistribution is pursuant to group rights expressed in something called entitlement. Entitlements are based neither on law nor on accomplishment. Entitlements are based on membership in a certain group, and we have seen that groups are designated by persons of temporary authority, rather than the law.

The right to property and entitlements through redistribution are mutually exclusive. One cannot have it both ways.

We have been ordered by the prophets of social justice to replace our national identity with something they call "multiculturalism." I will confess that some time in the past, I might have shared the allergic reaction some of you experience in the face of "national" and "identity." But then I noticed the enormous importance the social-justice crowd attaches to the destruction of the American identity. Just think: bi-lingual education and multi-lingual ballots. Removal of the founding documents from our schools. Anti-American history standards. Exiling the Ten Commandments. Replacing American competence with generic "self-esteem." Replacing voluntarism with coercion. Encouraging vast numbers of new immigrants to ignore the very reasons which brought them here in the first place. The list goes on, and sooner or later will affect national defense, if it hasn't already.

And for those who would point to Yugoslavia as proof of the tragedy nationalism can cause, let me say that a healthy national identity is utterly distinct from nationalism. Like the United States, Yugoslavia was created. But unlike in the case of the United States, ingredients for a national identity were not provided, and Yugoslavia imploded at the first opportunity precisely for that reason. Had it not done so, it would have succumbed to the first external attack, for no Croat would lay down his life for the good of Serbs or Bosnians. Will Americans lay down their lives if America is nothing but a patchwork of countless group identities?

Will the Armed Forces of the United States fight to uphold, defend, and advance the cause of Multi-Culturalism?

This is not a frivolous question.

The questions before us are serious, and legion. We are virtually drowning in what we call "issues," and they are becoming increasingly difficult to sort out. How do we find our position? And, once we find our position, how do we argue its merit? Above all, how do we avoid the plague of serious matters turning into bogus soap operas?

We asked you to hear me today, because the Center for the American Founding has a proposal to submit. We call it "Four Points of the Compass" because these points provide direction, because—in a manner of speaking—they constitute a re-calibration of our compass which the events of the past thirty years have distorted. They are the Rule of Law, Individual Rights, the Sanctity of Property, and the sense of National Identity. As you have seen, they are interconnected, they literally flow from one another, just as the false compass-points which have come to displace them—social justice, group rights, redistribution and multiculturalism—are interconnected and flow from one another. What is multi-culturalism if not a redistribution of cultural "goods?" What is redistribution if not a group right? What is a group right if not the implementation of some political activist's version of "social justice?"

For thirty years, we have acquiesced in a steady erosion of America's founding principles. The time has come to reverse the movement. Rather than contending with countless individual issues, all we need to do is take the debate down a few notches, closer to the core. Let me repeat: we need to take the debate down a few notches, close to the core. We submit that all future policy and legislative initiatives be tested against the four points of the compass. Does the proposed bill negate the Rule of Law? Does it violate individual rights? Does it interfere with the sanctity of Property? Does it constitute an assault on National Identity? Only if the answer is "No" in each case, would the proposal proceed. In other words:

Only if the answers are NO is the bill a GO.

A few items need tidying up. How do we know what the Rule of Law can accommodate, and how far do we take individual rights? The answer, in both cases, comes from Article VI of the Constitution. "This Constitution, and the laws of the United States which shall be made in Pursuance thereof * * * shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby * * *" It is as uncomplicated as that.

In the coming months, we intend to approach the citizens of this great nation and their representatives at all levels with a call to consider adopting this approach. We will hold panel discussions and town meetings so as to invite, engage and incorporate the wisdom and experience of Americans everywhere. There will be retreats and, by year's end, there will be a book with all the details. We do not underrate the magnitude of the step we are proposing, but we honestly believe that it will make life a great deal easier. With a simple stroke, it will become clear that one cannot take an oath upon the Constitution and support group rights. One cannot take an oath upon the Constitution and support the confiscation of property without compensation. One cannot take an oath upon the Constitution and support measures which are clearly at odds with the mandate for national defense.

We cannot have it both ways. We have to choose our compass and remember the four points. They are, as we have seen, inseparable. Therefore: Only if the answers are NO is the bill a GO.

I do not believe that last November the people of this country voted for the lukewarm bath of bi-partisanship. I believe the people of this country said: If you don't give us a real choice, we won't give you a real election. Yes, people probably have grown tired of the "issues," but they are, I am certain, eager to partake in an effort to choose either a return to our original path, or a clean and honest break with the past.

Those who feel that the time has come to change the supreme law of the land should come forward, say so, and engage in an open debate. But let us not continue a pattern of self-delusion. We are heirs to a remarkable group of men who, two hundred plus years ago, had every reason to feel similarly overwhelmed by the number of decisions they had to make. Their response was to make very few laws, for they knew that the fewer the laws, the broader the agreement. They knew people find it hard to agree on everything. So they sought agreement on core principles they held to be non-negotiable.

Today, we propose the four that ought to be non-negotiable. They are, as we have seen, inseparable. We call them the four points of the compass. Together, they can and will restore America's sense of direction.

HONORING MORRIS TISCHLER

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. CARDIN. Mr. Speaker, it is extremely fitting that in honor of Valentine's Day tomorrow I rise to honor the work and outstanding record of achievement of Morris Tischler. As the inventor of the cardiac pacemaker, Mr. Tischler has done more than any other individual to keep the human heart ticking throughout the world.

Morris Tischler, who we are fortunate to have as a resident of the great city of Baltimore, has made medical history. In addition to his pioneering work in developing the pacemaker, he has been instrumental in designing instrumentation for heart surgery, monitoring systems, a nerve stimulator, a blood analyzing monitor, among other innovations.

As a teacher, consultant innovator, inventor, and businessman, Mr. Tischler has charted new territory in the field of medical electronics. In his desire to save lives, he has been generous in sharing his knowledge and expertise with the medical community around the world through lectures and visits.

Born in Newark, NJ, Mr. Tischler attended the Johns Hopkins University and graduated from the University of Maryland. An outgrowth of his research at Johns Hopkins University and the University of Maryland has been his pioneering work in science education. He has used his talents to develop and design educational materials and training programs that have been used in teaching science and electronics in elementary and secondary schools, colleges, universities, and technical schools. He has succeeded in his goal of simplifying very complex systems as an aid to teaching.

I urge my colleagues to join me in congratulating Morris Tischler, a true Renaissance Man, on his outstanding career as inventor, teacher, innovator. His energy and creativity have made medical history and helped save millions of lives around the world. His contribution to the field of medical science has set an example of dedication and caring that is hard to match.

THE NATIONAL PARKS CHECKOFF ACT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. DUNCAN. Mr. Speaker, I have reintroduced the National Parks Checkoff Act today.

The National Parks Checkoff Act will amend the Internal Revenue Code to require the IRS to place a line on income tax forms which will allow taxpayers to donate one or more dollars toward the care of our national parks. This legislation will provide more money for the care of our national parks at no cost to the Federal Government.

I introduced this bill during the 104th Congress, and I heard from a number of people and organizations from around the country who supported this legislation.

In addition, this bill had bipartisan support and it was also backed by the National Parks and Conservation Association, the American Hiking Society, the National Tour Association, American Outdoors and other organizations.

A study released by the National Parks and Conservation Association indicated that nearly 8 out every 10 people surveyed would be willing to increase their tax contribution by $1 to benefit the National Park System.

A similar checkoff for Presidential campaigns has raised over $200 million in the last 3 years. I believe that our national parks are far more popular than Presidential campaigns. Therefore, I think we could raise hundreds of millions of dollars for our national parks through this type of checkoff on income tax forms.

I believe there is at least one easy choice that can be made which will provide our parks with additional funding—the choice to allow taxpayers the opportunity to donate money for the care of our national parks.

I hope that my colleagues will join me in supporting this legislation which will help us improve the quality of our national parks.

TRIBUTE TO LYDIA MALDONADO DIAZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. TOWNS. Mr. Speaker, I want to introduce my colleagues to Lydia Maldonado Diaz. Ms. Diaz reflects the type of community commitment and civic duty that our society desperately needs.

After residing in New York City for 32 years, she and her husband moved to the community of Cypress Hills, Brooklyn, where she was confronted with a host of illegal activities. Lydia joined the local block association and began to make a difference.

Today, Lydia is actively involved in the Community Coalition to Restructure P.S. 76, an abandoned school building on her block, and she has presided as the chairman of that organization.

For 24 years she worked for the Cornell University Cooperative Extension as a community educator; a position from which she retired in April 1995. Throughout her personal and professional pursuits, Lydia has been guided by her strong spiritual convictions. She is the proud mother of four adult children, and the grandmother of six. I am pleased to recognize her positive contributions to the Brooklyn community of Cypress Hills.

INTRODUCTION OF THE CHILD PASSENGER PROTECTION ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mrs. MORELLA. Mr. Speaker, today I am reintroducing the Child Passenger Protection Act which would prevent injuries to children in motor vehicles and ultimately save lives through improved child passenger education safety programs. This bill would provide grants to experienced child passenger safety organizations to carry out effective child restraint education programs.

With more than 50 different kinds of child restraint designs and numerous seat belt configurations, putting children in properly-used safety seats can be a complex process. As a result, over half of parents who are conscientious and careful enough to use child restraints are unaware that they have made installation errors, putting their young children at risk.

So many combinations of seats and car models exist that parents cannot easily figure out what is safe. A seat that works well in one car may not work well in another. Consequently, too many children riding in child restraint seats are at risk.

I have been working on initiatives to educate families across the country about the safety seat incompatibility problem. I have been working with the National Highway Transportation Safety Administration (NHTSA) in getting the word out about the proper installation of safety seats to parents, grandparents, and anyone who transports a young child. One of my goals is to provide NHTSA with enough money to fully carry out its child passenger safety program.

I also have been working with the D.A.N.A. (Drivers' Appeal for National Awareness) foundation and its founder, Mr. Joseph Colella. D.A.N.A. was "established in memory of Dana Hutchinson, age 3, who died in an automobile accident while secured in a child safety seat."

It was a rainy day in the fall of 1994 when Dana's mother strapped her into her child-safety seat for a trip to her grandmother's house. As always, Dana's father checked to make sure that the seat was held tightly, sure that he was doing everything possible to keep his little girl safe.

Dana's mother was driving; the roads were slick and slippery. Their car collided with a pick-up truck. Dana's car seat pitched forward and her head struck the dashboard. The police report stated an opinion that her child safety restraint was improperly secured.

Dana's father, looking for an answer, called his local dealership and was told that everything he did was correct. Then he looked in his owner's manual. After pages of information he found the answer: the seatbelt system in their car was incompatible with their child safety seat.

Joe Colella is Dana's uncle, and it is through his tireless work and the establishment of the D.A.N.A. foundation that efforts are being made to alert the public about the compatibility and misuse problems that exist between child restraints and vehicle seat belt systems.

I am pleased to introduce the Child Passenger Protection Act, which I call "Dana's bill," and I am committed to continue working with Joe Colella and with NHTSA to encourage parents to properly use child restraints to protect our Nation's children.

ANNIVERSARY OF AMERICANS FOR DEMOCRATIC ACTION

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. OLVER. Mr. Speaker, we are here today to honor the 50th anniversary of Americans for Democratic Action.

Fifty years ago, just after the end of the Second World War, Eleanor Roosevelt gathered with some of America's top leaders and thinkers to discuss the state of liberty, equality, and opportunity in America. From that meeting, Americans for Democratic Action—or ADA—was born.

Some people may not be aware of ADA. They may not be able to recall the succession of ADA's leaders. But every American has seen the results of dedicated ADA work.

In 1948—less than a year after it was founded—ADA was instrumental in including a civil rights plank in the 1948 National Democratic Party platform.

At that 1948 convention, then Minneapolis Mayor Hubert Humphrey and later a distinguished U.S. Senator and Vice President—an ADA founder and vice chairman—called for "the Democratic Party to get out of the shadows of States' rights and walk forthrightly into the bright sunshine of human rights."

While we are still walking toward that bright sunshine of human rights, we are all safe in the knowledge that it was the 1948 Democratic platform—and the work of ADA—that helped put national politics on the path of civil rights achievements.

ADA built upon that achievement, demanding action from President Kennedy after dogs and hoses were used on peaceful marchers in Brimingham, AL, in 1963. Soon, Rev. Martin Luther King's march on Washington captured the entire Nation's attention. And, in 1964, the Civil Rights Act was passed.

ADA's work has not been limited to civil rights. Americans for Democratic Action has long been the champion of what is fair and what is just.

In 1965, ADA was the first major national organization to publicly oppose the Vietnam war. Beholden to no political party, Americans for Democratic action stood up to President Johnson and called for an end to the war. Unfortunately, it took the Nation more than 8 years and thousands of lives to finally put an end to the fighting in Southeast Asia.

In 1973, as much of the Nation was still discovering just how serious the Watergate coverup was, ADA was the first national organization to call for the impeachment of President Richard Nixon—reaching out to restore the bonds of trust between the White House and Main Street America.

These are just a small sampling of the specific issues that ADA has been a leading force in. The ADA's sphere of involvement and activism goes even deeper into the everyday lives of modern America.

Americans for Democratic Action has been a leading force in areas such as full employment, women's rights, and protecting the rights of workers.

ADA has also reached across the seas, fighting for justice throughout the world. Hardworking people have led the fight for arms control and foreign policy decisions rooted in international human rights. And ADA was a leader in opposing apartheid in South Africa.

When debate on these issues first began, ADA's positions were initially turned away. But over time, our Nation's leaders—be they Democrat or Republican—have come to recognize that Americans for Democratic Action has been at the forefront of promoting liberty, equality, and opportunity.

That is why we are gathered here today. I, for one, wish to applaud Americans for Democratic Action for its tireless work during the last half century. ADA is not the flashiest group—not the first group out there jockeying for political headlines or demanding instantaneous credit.

Instead, ADA is out there fighting for American principles. ADA is promoting the very basic American ideas of life, liberty, and equality. And it is reminding those in power that the Constitution created a national Government to act for the common good.

Those core beliefs are the foundation of this Nation. And they are the high principles that Americans for Democratic Action was founded on and designed to protect.

I congratulate ADA for 50 years of work for this Nation. I look forward to even more productive years as we work toward a century of distinguished service.

TRIBUTE TO JOANNE MATEER WEAVER

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to pay tribute to an outstanding leader in my congressional district, Joanne Mateer Weaver. I make these remarks in conjunction with the retirement of Joanne from the Abington Township School District, after 40 years as a teacher, administrator, and principal.

Joanne Weaver is known throughout Montgomery County and across the Commonwealth of Pennsylvania for her dedication to her friends and family, her commitment to the improvement of her community and the way she cares for the children in her charge.

She was born on May 21, 1930, the first child of Kenneth Hall Mateer and Jean Weakley Mateer. Joanne's family was full of teachers and educators. Her grandmother on her mother's side was a teacher. Her uncle was a teacher, coach, and principal. And as a child, Joanne spent 1 full year in school with her mother as her teacher and her father as her principal.

Despite a childhood plagued by extremely poor vision, Joanne worked hard in school. As a result, she was consistently a top ranked student, while also active in varsity sports and school clubs.

Joanne's greatest influence throughout her life was her parents, and in particular, her father, the late Kenneth Hall Mateer. Born to a family of working poor steelworkers, Ken Mateer's ability to achieve in both sports and academics brought him statewide acclaim. At the high school in Coatesville, PA, he earned as many as five varsity sports letters each year, and captained the baseball, football, and basketball teams. In one basketball game, Mateer scored 54 points—a feat unheard of at that time. Mateer was also an outstanding scholar. He went on to earn a bachelor's degree from Shippensburg State Teachers College—Now Shippensburg University—and a master's degree from the University of Pennsylvania.

Ken Mateer went on to become a teacher and a high school coach. When Joanne was a child, Mateer's football teams won national recognition. But his heart was that of an educator. He rose to become a career principal, and later, a school superintendent. At the peak of his career, he planned and founded what is now the Great Valley School District in the western suburbs of Philadelphia.

Joanne's mother, the late Jean Weakley Mateer, was also a central figure in Joanne's life. Jean Mateer was a wife, mother, and a teacher when few women were able to balance a career and a family. Although a quiet counterpoint to the more outgoing Ken Mateer, Jean was a strong and supportive parent to Joanne. Joanne's only sibling was a younger sister, Sarah Jane Mateer, known to the family as Sally.

Joanne Weaver earned a Pennsylvania State senate scholarship to the University of Pennsylvania—an education which her family could not afford on its own. At Penn, Joanne studied hard and earned superior grades—all while working part time to defray her expenses. She also was active in her sorority and other extracurricular activities. At one point, Joanne was coeditor of the University of Pennsylvania yearbook, along with a young man who is now the senior U.S. Senator from Pennsylvania, ARLEN SPECTER.

After graduating with a bachelor's degree in education, Joanne began her teaching career in Ridgewood, NJ, a suburb of New York City. In 1955, she married Robert E. Weaver. During their marriage, Joanne and Robert had three children: Karen Elizabeth, May 25, 1958; Mark Robert, January 9, 1961; and Laurie Ann, May 2, 1964.

In the late 1950's, Joanne and her family settled in the Roslyn section of Abington Township, a northern suburb of Philadelphia. She began teaching at the Ardsley Elementary

School. By that time, she had earned a master's degree in reading from Temple University and was teaching mostly reading.

Joanne's leadership skills were quickly noticed and she gained administrative responsibilities early in her career. In the late 1960's, Joanne was promoted to curriculum specialist, this time at North Hills Elementary School. She served in this position until the mid-1970's, when she was elevated to a district-wide position, as coordinator of the district's Human Development Program—an ombudsman-type position which was used to educate staff, teachers, and students about conflict resolution, interpersonal communications, and other related issues.

Around that time, Joanne suffered two personal tragedies. Her marriage to Robert ended in divorce and her sister Sally committed suicide. These two events truly tested Joanne's character. But like so many other times in her life, she summoned the inner strength to carry on. Her resilience was a positive example to her three young children—as well as the two daughters Sally left behind. In nearly every way, Joanne became a surrogate mother to her two nieces and took it upon herself to watch out for them as they matured.

Following these difficulties in her personal life, Joanne faced significant challenges in her professional life, as coordinator of Abington School District's Human Development Program. This post—which Joanne helped create and was the first to hold—came into great importance in the 1970's. Abington High School experienced racial strife due to two unrelated deaths of Abington High School students. The district's high school campus was in an uproar and racial conflict was feared. As coordinator of the Human Development Program, Joanne led the district's response, including conducting inservice and assembly programs aimed at quelling the rumors and unrest. Her efforts were successful, and a crisis was averted. She was credited by many for helping to solve the problem.

It was shortly after this incident that Abington Township officials approached Joanne about starting a township commission to deal with potential race, religious, and ethnic strife in Abington. As a result, Joanne was appointed by the board of commissioners as the first—and to this date the only—chairman of the Abington Township Community Relations Commission, a position she still holds today.

One of the first crises Joanne dealt with in her new position was a racially motivated firebombing in the community. Acting as a mediator and working with law enforcement officials, Joanne helped calm the community while the offenders were brought to justice.

Since that incident, Joanne and her commission have intervened, investigators, and mediated in dozens of racial, religious, and ethnic incidents, Joanne has been recognized for her leadership and achievements in this area by local judges, community groups, Abington Township, and the commonwealth of Pennsylvania.

During her tenure as a administrator, Joanne found the time to teach graduate school under the auspices of Marywood College. During weekends and evenings, Joanne taught other educators the skills she honed throughout her career. Somehow, Joanne also found the time to enroll in further graduate education herself—this time to earn her elementary and secondary principal's certificate.

By 1980, Joanne had finally taken the same path as her father, she became an elementary school principal, when she was appointed to lead the Rydal Elementary School.

Located in a more upscale section of Abington, Rydal Elementary School presented Joanne with unique challenges. Parents demanded excellence in every aspect of the school and Joanne didn't disappoint. After 8 years as principal at Rydal Elementary School, Joanne sought a new challenge. At her own request, she was transferred to Willow Hill Elementary School, located in a working class section of Abington. Joanne knew that this assignment would present completely different challenges. Joanne found that Willow Hill students were every bit as able as those from Rydal, but needed different motivation. She worked hard and helped students at her new school score record high test scores, and she improved the overall learning environment.

Last year, after 8 years at Willow Hill and 40 years as an educator, Joanne Weaver retired. Her career spanned four decades and she personally educated three different generations—in many cases Joanne taught children who grew up, got married, and had children who were also educated by Joanne.

While concentrating on education, athletics, and citizenship as her father did, Joanne taught her own children to do the same. Despite her busy professional schedule, Joanne was a warm, loving, and involved parent. Divorced in 1971, she made her role as a single parent her top priority. And her dedication shows in the lives and successes of her three children.

Her eldest, Karen, was an outstanding athlete at Abington High School, playing lacrosse and field hockey. She was an all-American field hockey player and a member of the 1980 national squad. She went on to earn bachelor's and master's degrees in physical education. Karen was also one of the first women in the United States to win an athletic scholarship.

In 1986, the college field hockey team Karen coached went undefeated and won the national championship. That same year, USA Today named her "Coach of the Year." For the next 10 years, Karen as was head field hockey coach at the Ohio State University. She is currently an NCAA scholarship consultant, helping high school players and coaches learn more about the college athletic scholarship process.

Joanne's middle child—and only son—is Mark. At Abington High School Mark played lacrosse and soccer. He went on to earn bachelor's and master's degrees in public administration from Kutztown University in Pennsylvania. For 4 years, Mark served as a communications director with the Republican Caucus of the Pennsylvania House of Representatives. At night, he studied law at the Widener University School of Law, graduating and becoming a member of the bar in 1989. He received a White House appointment as Assistant Director of Public Affairs for the U.S. Department of Justice. After that, he became vice president and general counsel for a Washington, DC media consulting firm.

In 1995, Mark was appointed as the deputy attorney general of Ohio, a position he still holds today. In that job, he helps the attorney general manage a 1,200 person legal office which represents the State of Ohio in all legal matters. Mark and his wife Lori have two children—Joanne's only grandchildren—Jamieson Lindsay Weaver, January 27, 1995, and Mark Robert Weaver, Jr., June 18, 1996.

Joanne's youngest child is Laurie. Another athlete, Laurie played softball throughout her time at Abington High School. She continues to play softball in the Abington area, often leading her team into the championships. For several years, Laurie served as operations director for a successful parking company. In this role, she helped the company grow from a basement operation to one with 75 employees and a $500,000 annual budget. She now manages a doctor's office while pursuing a full-time career as a real estate agent.

Joanne Weaver's life has been one dedicated to helping others, with little thought for herself. As a child, she spent summers living with and helping older relatives while many of her friends went to summer camp or the seashore. As a college student, she was a tireless student leader and sorority organizer. As a teacher, she spent long hours after school tutoring students who needed extra attention.

In her community, Joanne has been involved in far too many activities to chronicle. To name just a few: Antidrug programs—DARE and We Can Say No; adult education programs—Parent effectiveness training, teacher effectiveness training; African-American civic groups; police and community groups, and many others. Joanne has also been active in her church, Abington Presbyterian Church. For several years, she served as a ruling elder and she still assists with the serving of communion.

Joanne now enjoys the beach, traveling, her three cats, and spending time with her fiancé, Rudy.

Mr. Speaker, on the occasion of Joanne Weaver's retirement, I ask the members of the U.S. House of Representatives to join me in congratulating and honoring her service. I yield back the balance of my time.

HOOSIER HERO'S—ANDERSON COMMUNITY RESOURCES SUMMIT

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. MC INTOSH. Mr. Speaker, I rise today to give my report from Indiana. All across Indiana, my wife Ruthie and I have met so many wonderful, kind, and caring people. These are people who strive day and night to make a difference. In my book, these individuals are Hoosier heros. Heros in every sense of the word, because of their commitment to others.

Picture if you will, concerned citizens rolling up their sleeves and taking the responsibility to make their community a better place to live.

Today, I commend each and everyone involved with the community resources summit, in Anderson, IN. People like, Rudy Porter, from Mayor Lawler's office, Bill Raymore of the Urban League, Lennon Brown, Bill Watson, and Ollie Dixon have rolled up their sleeves and got involved. These are special people.

Over a year ago, citizens who were concerned about the problems in the black community in Anderson, IN, came together to identify the concerns that plague their streets, harm their people, and impact their neighborhoods. These citizens of Anderson identified 86 areas of concern.

At a later summit meeting, those concerns were consolidated to a little more than 20 action areas. Important issues ranging from crime, violence, race, the environment, care of the elderly, safety, and education.

Citizens were asked to do more than pay lip service, but do something to solve the problems. And I'm proud to say that my staff and I joined in their effort.

We signed up for care of the elderly, and we held over 83 senior outreach meetings across the second district. We held more than 33 senior outreach meetings in Madison County.

At each meeting we answered questions and addressed concerns about Medicare and Social Security. At leadership meetings individuals signed their names to concern areas. Then they were asked to come back months later and deliver a progress report on their efforts.

What transpired, was truly amazing. The responsibility was taken seriously. Commitments were made to help others, solve problems, and clean up the streets from crime, drugs, and violence. So many special people worked day and night to help those less fortunate in Anderson.

So many wonderful people like James Burgess and Dr. William O'Neill, the assistant superintendent of Anderson community schools, have taken the responsibility to make our community a better place.

So today let me commend a few of the lead coordinators; Larry Burns with Concerned Citizens, Bruce Walker, and Rev. Louis Burgess, Jr., for their valuable time, prayers, strength, and efforts.

Everyone who participated in the community resources summit are Hoosier heros. Mr. Speaker, that concludes my report from Indiana.

COMMENDING WESLEY, BROWN & BARTLE'S FINDINGS ON MINORITY EMPLOYMENT PRACTICES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mrs. MALONEY of New York. Mr. Speaker, despite the heated controversy and, at times, unfortunate rhetoric surrounding the plight of women and minorities who must strive for career advancement, I am pleased to report that Wesley, Brown and Bartle finds America's leading corporations continue to maintain diversity employment practices.

Almost 2 in every 3 Fortune 100 companies (62 percent) responding to a survey by Wesley, Brown and Bartle Company, Inc. have hiring programs dedicated to diversity and 15 percent of them tie portions of executive compensation to achieving diversity leadership goals. A year ago, when WB and B first surveyed these companies, 64 percent said they maintained such programs and 17 percent said they included compensation incentives. These percentages were almost identical to the survey results of a year ago, despite the political assault on affirmative action programs in the intervening months.

WB&B founder Wes Poriotis notes the influence of a widely circulated study by the Hudson Institute on the effects of the marketplace to changing demographics in the United States. The study concluded that in the near future, companies with workforces that mirror the demography of their customers will prevail over competitors whose workforces do not. In short, diversity hiring is good business.

Wesley, Brown & Bartle is the oldest minority-partnered international search firm. It provides senior and middle management executive recruitment for major corporations and Federal agencies. Their innovative systems for identifying and maintaining contact with managers and professionals have been utilized by many of the Nation's leading corporations, including AT and T, DuPont, Northrop Grumman, The Prudential, Toy's R US, and Union Pacific.

Wesley, Brown and Bartle is to be commended for having been in the forefront of advancing quality executives from the ranks of the Nation's women and minorities for almost a quarter of a century. I salute this firm in my district and the truly inspirational results of their quarter-century of significant and innovative achievement.

TRIBUTE TO JOHN SCHARER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's most dedicated and caring public servants, John Scharer, who recently retired after more than 2 decades of public service.

John has served the city of Petaluma, CA for more than 24 years as an accountant, finance director, and, for the past 16 years, as city manager. His courage and creativity have helped to turn the city's economy around and prepare Petalumans to meet the challenges of the 21st century. Under John's leadership, the city built a beautiful 24,000 square foot community center, developed a wonderful marina and municipal airport, and converted a mortuary into a state-of-the-art police facility.

I was fortunate to have served on the Petaluma City Council for 8 years during John's tenure as city manager. Although we seldom disagreed on important issues, when we did, I never questioned John's commitment to the people of Petaluma. Through John's efforts, projects such as the Factory Outlet Village, the Auto Mall Plaza, and new industrial parks have allowed Petaluma to grow without losing its small-town charm. He also brought a Santa´ Rosa Junior College campus to Petaluma and came up with the successful plan to turn an empty agricultural experimentation center into a shelter for homeless families.

Mr. Speaker, it is my great pleasure to pay tribute to John Scharer this evening. It would be difficult to find a person as committed to the future of Petaluma as John. Petalumans owe a great deal of gratitude to him for his tireless efforts on their behalf. He will certainly be missed.

EXPLANATION OF MINK PRIVATE DELIVERY SERVICE BILL

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I have introduced legislation to provide consumers access and ease of transmission to Federal agencies where time of receipt is required to preserve a right or to meet a filing deadline. Currently, in many instances, documents required to be received by Federal agencies within a certain deadline are recognized as arriving on time by the date of postmark affixed by the U.S. Postal Service [USPS]. Such documents include grant applications, court notices, sealed bids, and several other types of official documents.

My legislation would provide the same recognition to the date affixed on such items delivered by private delivery services, such as Federal Express or United Parcel Service.

My bill uses the same definition of designated private delivery services as is used by the Taxpayer Bill of Rights II, Public Law 104-168, section 1210, which was passed by the last Congress and signed into law on July 30, 1996. This timely-mailing-as-timely-filing rule applied to filing of income tax returns has been adopted by my bill and extended to all documents filed with Federal agencies.

The date of receipt or date otherwise recorded on the item by the delivery company will constitute date of receipt by the Federal agency same as filing of Federal income taxes is deemed received by the postmark placed on the parcel or letter by USPS. With expanded delivery services now available, this procedure should be deemed applicable to these services as well.

I urge my colleagues to support my bill, to provide greater ease of compliance by our constituents in meeting filing deadlines.

HELLS CANYON NATIONAL RECREATION AREA

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SMITH of Oregon. Mr. Speaker, today I have introduced legislation to clarify the eastern boundary of the Hell's Canyon National Recreation Area [HCNRA]. This legislation is necessary to correct an oversight that has lead to the closure of an important access route. The bill will enhance the public enjoyment of the Hells Canyon region, while preserving the ecological value of the wilderness area itself.

In 1975, Congress created the HCNRA. The recreation area abuts the eastern border of the Hells Canyon Wilderness Area, and overlooks the Snake River and the Oregon-Idaho border. A road, Forest Service Road 3965, lies along the western rim of Hells Canyon. Most of this rim road lies within the recreation area. It provides access to several hiking trails, and to the most scenic overlooks of Hells Canyon itself. Unfortunately, a 6.5-mile stretch of the rim road is now closed. Despite the clear intent of Congress, and the long-standing practice of the Forest Service, an inaccuracy in the boundary definition has led to the inadvertent inclusion of Forest Service Road 3965 within the Hells Canyon Wilderness Area itself, forcing the road's closure.

The legislative history of the 1975 recreation area legislation evinces a clear congressional intent to maintain Forest Service Road 3965, the area's most prominent scenic route. Section eight of the original HCNRA Act requires the Secretary of Agriculture to evaluate scenic roads within the recreation area. During Senate consideration of the bill, it was stated that "in no case [would Recreation Area lands] go back to the rim of the gorge."

In 1978, Rep. Al Ullman (OR) successfully sponsored legislation that changed the recreation area's eastern boundary by tying it to the Canyon's hydrologic divide. For 11 years, Road 3965 remained open to motorized vehicles. Then, in October 1989, during scoping for a proposed fire salvage timber sale, it was discovered that portions of a 7-mile stretch of the road were located on the Snake River side of the hydrologic divide. Despite longstanding practice, and the well-established intent of Congress, the Forest Service was compelled to close the road. After a thorough review of this issue in 1996, Jack Ward Thomas, then the Chief of the U.S. Forest Service, wrote a letter in which he addressed the assertion that the road closure was inadvertent. He concluded that "all indications are that this is the case."

For decades, Oregon residents have traveled Road 3965 to experience the natural beauty of Hells Canyon. Congress established the HCNRA to enhance and preserve public enjoyment of this valuable resource—not to cut off access to the area. This bill will restore Congress' original intent, facilitating public access to the recreation area while preserving the sanctity of Hells Canyon itself. I urge my colleagues to support this sensible legislation.

RECOGNITION OF REVEREND FINLEY SCHAEFER

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SCHUMER, Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to publicly acknowledge outstanding individuals of our Nation.

I rise today to honor Reverend Finley Schaefer for his forty years of dedication and leadership within the Methodist religion. For over 25 years, Reverend Schaefer has served as Minister for the Park Slope United Methodist Church. Through his tireless efforts and the highest dedication to his religion, Reverend Schaefer has worked to create the most solid form of bond between all those within his congregation. The example of his high standard of commitment to the people within his church and to the people touched by his religious message is an inspiration to us all.

Mr. Speaker, I would like to take this moment to ask my colleagues in the U.S. House of Representatives to join me in wishing Reverend Schaefer all the best in his retirement from the ministry of the United Methodist Church. Even as Reverend Shaefer leaves the formal church behind him, there can be no doubt as to the joyous life which lies ahead for him and all those who cross his path.

TRIBUTE TO THE PERFORMANCE CLUSTER CHOIR

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. RUSH. Mr. Speaker, I rise today in honor of the Performance Cluster Choir and their 72nd observance of Black History Month.

The Chicago Post Office Choir reorganized in September 1994 under the direction of Carolyn Y. McQuerter. During this period of reconstruction, the choir was renamed the Performance Cluster Choir. The choir represents employees from all crafts, and includes a husband and wife, four sisters, and numerous cousins and friends.

The talent and tremendous sound of this choir has enabled them to perform at the installation of Rufus F. Porter, the District Manager/Postmaster in Chicago, and for Etta J. Williams, Postmaster in Oak Forest, IL. This gifted choir has also performed at the Annual Picnics of Alderman John O. Steele, and for the 1st anniversary of the Million Man March, celebrated at DuSable Museum.

Mr. Speaker, this choir has truly been a blessing to the Chicago District Post Office, and to the African-American community in the city of Chicago as well. I am proud to enter these words of recognition into the RECORD.

TRIBUTE TO VALDEMAR DELGADO AND BEN HOWARD FOR THEIR BRAVERY OF SERVICE TO THE CICERO POLICE DEPARTMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to honor and commend Valdemar Delgado and Ben Howard, two outstanding individuals from my district. It was on January 8, 1997, that two Cicero police officers, Andre Van Vegten and Matthew Koman, were in need of immediate assistance and Mr. Delgado and Mr. Howard stopped to aid in rescuing the two officers from a burning vehicle.

While responding to a call of a man with a gun at 44th Street near Cicero Avenue, the officers were involved in an accident that caused flames which protruded through the hood of the patrol vehicle. At the time, Delgado and Howard were passing by and saw the flames. Without any hesitation or regard for their own safety, they immediately attended to the two officers inside the burning vehicle.

With much bravery and commendation, Delgado and Howard attempted to pry open the door of the patrol vehicle with a crowbar without success. After many attempts Delgado was able to break the window and pull Officer Koman out to safety. At the same time, Howard was able to remove Officer Van Vegten from the vehicle.

Because of their quick response and thinking, Delgado and Howard were successfully able to remove both Officers Van Vegten and Koman from fatal harm. Both officers were then taken to area hospitals for life-saving treatment. Valdemar Delgado and Ben Howard were congratulated and honored on January 14, 1997, for their heroism and bravery by the mayor and City of Chicago Council.

Mr. Speaker, I congratulate and commend these two fine individuals for their bravery and selfless act. I am very proud and honored to have people like Valdemar Delgado and Ben Howard who give so much to help with the safety of our community.

TRIBUTE TO RAUL A. BESTEIRO, JR.

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. ORTIZ. Mr. Speaker, I rise today to ask my colleagues to join me in commending Mr. Raul A. Besteiro, Jr., an adjunct professor with the alternative certification program at the University of Texas-Brownsville, for his recent election to the presidency of the Southern Association of Colleges and Schools [SACS]. He was elected to this position at SACS' annual gathering in Nashville, TN, in December, after 38 years of membership.

SACS is a voluntary agency, one of six regional accrediting organizations in the United States. It boasts a membership of more than 11,000 accredited public and private educational institutions, from colleges and universities to elementary schools. The organization was founded in 1895, and works with schools across the South from Virginia to Texas.

As president of this prestigious organization, Mr. Besteiro will lead the formulation of policy for accreditation of the region's member schools and colleges. He was chosen to lead this association by virtue of his hard work on behalf of schools, children, and education over the years. He has been actively involved with the association's process of ensuring that member institutions meet established standards.

There is no one who can do a better job with this great responsibility than Raul

Besteiro. Mr. B., as he is affectionately known throughout south Texas, has spent his adult life dedicated to the excellence of schools in Brownsville and to the cause of education in general. Mr. B. was an integral part of the Brownville Independent School District from 1958 to 1989, as a teacher, an administrator, and a superintendent.

He has proven himself to be a unique educator for the community of Brownsville with the example of his life's work. That dedication to education continues within the realm of his new position. In the 101 year history of SACS, Raul Besteiro is both the first Texan—and the first Hispanic—to lead the organization.

I ask my colleagues to join me in thanking Raul for his life's work in the field of education. I hope you will join me in wishing him well as he furthers the cause of education as the president of SACS.

AMERICAN SAMOA DEVELOPMENT ACT OF 1997

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce the American Samoa Development Act of 1997.

Over the past several months, I have had the opportunity to discuss with American Samoa's new Governor, the Honorable Tauese P.F. Sunia, the current economic status of American Samoa, and the direction he would like to move the territory's economy.

It is no secret that of all the U.S. insular areas, American Samoa has the weakest economy. The growing population coupled with its limited industrial base has hastened an economic downward spiral which if not checked, could result in the financial collapse of the local government. This would not be in the interests of the residents of American Samoa, the local government, or the United States.

American Samoa currently receives annual Federal assistance for both the operations of its government and for the construction of capital assets. Every elected Governor of American Samoa has attempted to develop a larger and broader economy for Samoa, but each has met with limited or no success because of Samoa's remote location, its limited transportation, and its devastating hurricanes.

To his credit, former Gov. A.P. Lutali negotiated a mutually beneficial agreement with an apparel company during his most recent term in office, and that company is now in operation and employing hundreds of American Samoans. The addition of this company gives American Samoa a total of three major businesses operating in the territory. I am concerned that with the termination of section 936 of the Internal Revenue Code, the implementation of the North American Free Trade Agreement, and the phase out of tariffs under the General Agreement on Tariffs and Trade, the few trade incentives the United States has given American Samoa and the other insular areas are rapidly losing their value.

As of today, no new businesses in American Samoa, or any other insular area for that matter, can obtain the benefits of section 936. Should Federal law concerning the importation of canned tuna into the United States under the dolphin safe label be amended as proposed, I do not believe the two tuna canning plants in American Samoa will remain in Samoa beyond the end of this century. Should they leave, and I expect them to be forced to do so because of changes in the economics of international production of canned tuna, Samoa will lose fully one-third of its total economy. This will be devastating.

This legislation is a start toward addressing this problem. The commission established will be directed to examine, among other things, recent changes in trade law and the current and future impact these changes will have on American Samoa.

A TRIBUTE TO CONCORD COLLEGE, ATHENS, WV, 125 YEARS OF EDUCATIONAL EXCELLENCE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. RAHALL. Mr. Speaker, on May 10, 1875, 70 students arrived at a rough frame building for the first session of classes, under the leadership of Capt. James Harvey French as princiapal—a result of action taken by the West Virginia Legislature to establish a branch of the State Normal School at Concord in the county of Mercer.

On February 28, 1997 Concord College will observe its 125th anniversary—celebrating one and one-quarter centuries of excellence.

This expansion of higher education was motivated by the educational reform movement of the 1870's and the need for producing qualified teachers for elementary and secondary schools. The enabling legislation provided that no State funds were to be used in the construction of the school building. Residents of the town raised over $1,700 by subscription to erect the first building on land donated by William Harvey Martin, at the site of the present Athens Elementary School.

By 1885, the State Legislature, impressed by the service given to the State by the school, appropriated $5,000 for a new brick building, which was completed in June 1887.

But fire was to claim the downtown location of the Normal School in November 1910, rousing a determined faculty and students to hold classes the very next day wherever they could find space throughout town. The current campus was selected as the new site, and it was purchased by the people of Athens from the Vermillion family for that purpose, only to have a second fire in 1912 that was even more damaging than the first—but again, a determined faculty and residents of the local community banded together to rebuild and rededicate Concord School.

The college awarded its first baccalaureate degree to three graduates in June 1923, and in 1931 the institutions' name changed to Concord State Teachers College.

Today, under the current leadership of President Jerry Beasley, Concord has grown to a comprehensive State college of 2,400 students studying in Athens, Beckley, and other southern West Virginia locations. The town in which is has always been located even changed its name to Athens in 1896 in recognition of Concord's role as a center of education.

Concord College, under previous Presidents such as Cap. James Harvey French, whose early title was "Principal," to President Joseph Franklin Marsh, to President Meredith Freeman, to the excellent administration of its current President Jerry Beasley, has expanded far beyond its original teacher preparation mission—with programs of study offered in business, social work, the arts and sciences and the other pre-professional fields.

The college believes strongly in the advantages that a broad liberal arts education can add to the job preparation skills which the public now demands. In an era in which job change and career shifts are on the rise, the value of this fundamental education—learning how to learn for a lifetime—is even more pronounced.

Mr. Speaker, it is my high honor to represent the people who live in southern West Virginia—the State's third Congressional District—where Concord College was established and where it is now a thriving campus.

I take this opportunity to pay tribute to Concord College, to its faculty, students and to its many friends as it celebrates its 125th anniversary on February 28, 1997. At 11 a.m. on that date, a full academic processional will enter the Alexander Fine/Arts Center of the Athens campus for a program commemorating the college's beginning—and its future.

I join with the officials of Concord College, the newly elected Governor Cecil Underwood, the State College System board of Directors, the local delegation to the West Virginia Legislature and representatives of Concord's constituent and support groups, in congratulating Concord College for this enormous success in serving family and student needs in Athens and surrounding areas.

Mr. Speaker, it is through these kinds of lasting efforts continued down through centuries and more, that we continue to be able to improve and enhance higher education for all our people. From its inception, the local people of Athens, the students and faculty, and the enormously talented Presidents named above who served Concord from 1872 to 1997, all sharing their ideas and their ideals and acting upon them for the common good—have culminated in the highly respected and greatly loved Concord College that we pay tribute to today.

BLACK HISTORY MONTH: RECOGNITION, RESPECT, AND RELIANCE

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. McINTYRE, Mr. Speaker, as the Members know, February is Black History Month, which our Nation has devoted to recognizing and honoring the contributions and accomplishments African-Americans have made to this country. Across our great Nation, schools, businesses, churches, and civic organizations are making a special effort to proclaim the importance of African-Americans to this Nation's progress and success.

We make this special effort for two fundamentally important reasons. First, black people of this Nation have suffered unfairly through generations of slavery and oppression. Today, I am grateful that we are working together to ensure that all people are treated equally, both in word and deed. The second reason we mark this time with Black History Month is that African-Americans have made substantive and vitally important contributions to this Nation's progress and success. Quite simply, we would be much diminished as a nation if it were not for the hard work, insight, activism, leadership, and excellence found within the African-American community.

Today, I want to focus on the pattern of black history that begins with our Nation's earliest days and ends in a future that is brighter for all of us. That pattern has three fundamental components: Recognition, Respect, and Reliance. I believe that we must recognize African-Americans for their contributions. I believe that respect for African-Americans flows out of our recognition of their importance in America. Finally, recognition and respect creates a healthy reliance on African-Americans that crosses all racial and economic groups. I stand here today in order to help move forward our efforts to recognize Black historical accomplishments, to urge respect for our African-American neighbors, and to promote a cross-racial reliance that fosters a more perfect Union.

Recognition begins with an understanding that African-Americans have made substantive and vitally important contributions to the cultural, economic, athletic, scientific, and spiritual advancement of the United States. They have been a positive factor in nearly all major events in American history and have both influenced and changed American life and culture. Unfortunately, many contributions made by African-Americans remain unknown among most Americans.

We could spend many hours exploring African-American contributions to American life. Today, I urge you to take some time and explore the remarkable achievements of African-Americans on your own. When we recognize the continuous and important impact they have had on our nation, we will agree that a future full of African-American accomplishments is a good one.

Consider the impact African-Americans have had in politics and civil rights. Of course, Blacks have always been politically active. Today, we should call special attention to Blacks who serve their nation and communities in ways unimaginable one hundred years or even fifty years ago. Blacks now serve in unprecedented numbers in elected and appointed positions at all levels of government. Mayors David Dinkins, Tom Bradley, Coleman Young, and others have had a positive impact on some of our most important cities. Douglass Wilder served as governor of my neighbor state of Virginia. In my home district, several black leaders have served on the city council, school board, board of county commissioners, community college board members, state board of transportation, numerous other state boards and commissions, state legislature, and in government positions at all levels, including Congress, for many years with distinction. The civil rights advances in our nation could not have been made without these fine citizens. We must recognize the importance Blacks have in shaping our political lives.

We should also recognize Blacks for their contributions to advancing American science and technology. Blacks have been vitally important inventors and scientists from our nation's earliest days. Did you know that Onesimus, a black slave, was experimenting with smallpox vaccines in the 1720s? This pioneer of modern medicine was followed by others such as Dr. Charles Drew, who engineered blood transfusions; and Samual Kountz, who made kidney transplants more successful. In technology, Blacks have invented the incandescent light bulb, truck refrigeration, polymer fabrics, and automated manufacturing machines used in making shoes, telephones, and other items essential to our daily lives. In space, Lt. Colonel Guion Bluford was the first Black to fly in space. Hoping to advance human services, astronaut Ronald McNair tragically died in the Challenger shuttle explosion. These individuals and many many other African-Americans must be fully recognized for their contributions to American life.

Once we recognize African-Americans for their accomplishments, we must respect them as valuable contributors to American society. In my home state of North Carolina, the African-American community emerged from the shadows of slavery to quickly take positions in government, education, entertainment, and media. The progress has not always been easy or free of hardship and danger, but the results for North Carolina include a vibrant and diverse sense of community that benefits every citizen.

Take, for example, two North Carolinians who should have our respect. First, in the early 1900's Dr. Charlotte Hawkins Brown founded a school for African-American children. Although she was attacked and oppressed with Jim Crow laws, her faith in God and her commitment to her community gave her the strength to ensure that her school, known as the Palmer Institute, educated Black children in the sciences, language, and culture. She received many honors, and was a friend of Eleanor Roosevelt, W.E.B. DuBouis, Booker T. Washington, and other leaders of the day. I have nothing but respect for people like Dr. Hawkins, who spend their lives committed to God and community.

There is one more person who exemplifies the sort of success that we should respect. Hiram Rhoades Revels is especially significant to me for three reasons. First, he committed his life to God and proclaiming the truth of the Christian Gospel. Second, he was born in Fayetteville, North Carolina, only 30 miles from where I was born. Third, he was the first Black member of the United States Congress. It is remarkable that his adult life spanned the Civil War, Reconstruction, and ended in 1901 during the Progressive Era. He was a true pioneer of American political life.

All the people I have mentioned today—the scientists, teachers, politicans, and every African-American—should be respected members of our Nation.

Finally, we should consider America's future in light of the recognition and respect due African-Americans. America works best when every American can act responsibly, work well, and live in a safe community. When Black History Months ends, we must not end the recognition and respect earned by African-Americans. Our recognition and respect for African- Americans leads to a reliance on African-Americans for their valuable contributions to American life.

Today, there are nearly 400,000 African-American children in the North Carolina public schools. We must work together to ensure that their future is full of success and opportunity. Through the efforts of their forebearers, this Nation has come closer to fully understanding our Declaration of Independence: That all men are created equal under God and are entitled to the opportunity for life, liberty, and the pursuit of happiness. For many years, these words rang hollow to African-Americans. Let us be wise enough to now recognize their accomplishments, respect their value to society, and rely on them to be equal members in the great work of this Nation.

And may we remember the words of Adlai Stevenson, who was the Democratic nominee for President in 1956, this year I was born, when he said:

> Trust the people, trust their good sense, their decency, their faith. Trust them with the facts; trust them with the great decisions; and fix as our guiding star the passion to create a society in which no American is held down by his race or color, by worldly condition or social status from earning that which his character earns him as an American citizen, as a human being as a child of God.

TRIBUTE TO DANYCE HOLGATE-WILKINS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. TOWNS. Mr. Speaker, the Borough of Brooklyn is blessed with a tremendous resource of talented citizens who are dedicated to improving their community and making it a better place to live. Danyce Holgate-Wilkins is one of those dedicated citizens. She was born and raised in Brooklyn, and received her undergraduate degree from Stonybrook University, and her law degree from Howard University School of Law.

Since obtaining her law degree, Danyce has worked in a variety of capacities, including a clerkship with the Honorable Judge Bruce Wright, in addition to working in the law firm of Gaston and Snow in Boston, MA. She also has worked as an assistant corporation counsel for the city of New York.

Danyce is involved in a host of local political endeavors, in addition to serving on the board of the Association of Black Woman Attorneys. Additionally, she is a member of the board of the Tri-Community Development Corporation, and the Parent Teacher's Association.

Danyce is married to William Scott Wilkins and is blessed with two wonderful children, twin girls, Danah and Danielle.

TRIBUTE TO FRANK DEL OLMO

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BECERRA. Mr. Speaker, it is with utmost pride that I rise today to recognize and honor one of this country's finest journalists—Mr. Frank del Olmo—as he celebrates 25 years of service at *The Los Angeles Times*.

For over two decades, Frank has written for Los Angeles' awardwinning daily and has delivered more than just a story and a byline.

Frank began his career at *The Los Angeles Times* as an intern in 1971 and was hired as a reporter upon completion of his apprenticeship. After spending a year reporting local news, he soon became a staff writer specializing in Latin American affairs—a stint which lasted nearly 10 years and distinguished him as one of the best writers at his hometown paper.

Frank rose to the rank of editorial writer and held the position for 9 years before beginning his 6-year tenure as deputy editor of the editorial pages. Today, Frank is assistant to the editor at *The Los Angeles Times*. He holds the highest position of any Latino at the newspaper, and he continues to be one of the few high-ranking Latinos in newspaper management in the country.

Frank has earned a reputation for being a journalist with integrity—a risk-taker who knows how to thread the needle—a man confidently anchored as much in his words as by his deeds.

Perhaps one of the most defining moments in Frank's career was born in a dissenting opinion he wrote a few years ago while deputy editor of the editorial pages. When *The Times* issued a gubernatorial endorsement with which he strongly disagreed, Frank put his pen to work despite the brewing tension that many believed might lead to his permanent departure from the paper. For Frank, expressing his opinions publicly was a matter of conscience. He could not sit back while the official *Times* opinion so offended California's ethnic and immigrant communities. His efforts brought him greater respect from journalists in the newsroom; and management fully realized the talents and crucial voice that Frank brings to its pages.

As assistant to the editor, Frank continues to write an insightful column for Sunday's opinion page, and he has greater input in what the paper will run each day. Frank earned this responsibility because he worked hard, because he was vigilant on behalf of his paper and his principles. He earned it because he dared to speak his mind—legitimately, constructively.

The quality of Frank's work over the years has earned him public acclaim. In 1991, he was a co-winner of *The Los Angeles Times* "Editorial Award" for pieces written on the Rodney King/LAPD/Darryl Gates case. In 1984, Frank received the prestigious "Pulitzer Gold Medal for Meritous Public Service" for a series of articles on Southern California's Latino community.

While Frank is highly regarded in the Los Angeles newsroom where the has worked for over 20 years, the story is no different outside the newsroom.

Frank, the highest-ranking Latino at The Los Angeles Times, serves as a role model for Latinos and other minorities, especially young aspiring journalists. His commitment to advancing the lives of young people and desire to see more Latinos blaze the journalist path inspired him to join with his colleagues to establish the California Chicano News Media Association (CCNMA) nearly 25 years ago.

Today, the 500-member organization serves as a valuable resource for working journalists and aspiring journalists alike. Frank was a principal architect in the designing of the summer high school journalism workshops that are synonymous with CCNMA. The workshops allow participating students to acquire—through one-on-one training with professional journalists in actual newsrooms—the necessary tools to report the world.

From covering the local beat as a rookie reporter, to reporting the violence and bloodshed of civil disturbance in Central America, to writing commentaries and helping students, Frank has surpassed the expectations and standards of a journalist. In a time when so many take liberty to belittle and bash members of the media, it is with great pleasure that I honor Frank today and share a piece of his life with you.

Mr. Speaker, as friends and associates gather to congratulate Frank for his 25 years of outstanding work, I ask that my colleagues and my country join me in saluting this exceptional individual—An individual who is a tremendous journalist and an active community leader—an individual who, until I memorialize it in writing, may never understand just how proud he makes so many of us feel.

Mr. Speaker, Frank del Olmo is a humble and thoughtful man who carefully conceals the passsion and determination of a warrior. He is most deserving of our words of tribute. How I only wish that my pen would sing like his.

CONGRESSIONAL TERM LIMITS AMENDMENT

SPEECH OF

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill joint resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives:

Mr. RILEY. Mr. Chairman, I rise today to express my support for term limits.

When our Founding Fathers drafted the Constitution, they envisioned a citizen legislature of the people, not a lifeline for career politicians.

Congress ought to be an institution that encourages individuals to come to Washington for a short period of time and subsequently return back to their local communities.

By enacting term limits we will return the power of Government back to the people, which is exactly where it belongs.

In my opinion, our current system fosters a class of professional politicians who entrench themselves in office by utilizing the powers of incumbency.

Let's put politics and bickering aside for a day and pass meaningful term limits legislation on a bipartisan basis.

Seventy-five percent of all Americans support term limits. Twenty-four States have approved term limit measures.

It's time for us to put the people back in charge and restore our constituents faith in Congress as an institution.

We can do this by sending a clear signal that the House of Representatives and the U.S. Senate will no longer be home to the out of town and the out of touch.

I urge my colleagues to vote in favor of term limits today.

TRIBUTE TO EVELYN DUBROW ON THE OCCASION OF HER RETIREMENT AFTER 40 YEARS OF SERVICE ON BEHALF OF AMERICA'S WORKING FAMILIES

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay special tribute to Evelyn Dubrow, whose ceaseless advocacy on behalf of the American worker has spanned four decades and has been a catalyst for positive change in American society.

Evy Dubrow began her adult life as a journalist but soon became one of the leading voices in the labor movement. After serving as secretary of the New Jersey chapter of the American Newspaper Guild during the 1940's, Evy was hired by the International Ladies Garment Worker's Union [ILGWU] in 1956. Shortly thereafter, Evy was sent to Washington by the ILGWU where she lobbied for passage of many progressive initiatives. Through the Sixties, Seventies, and Eighties she worked closely with the leadership of both parties in support of a more labor-friendly agenda. In the Seventies, in honor of her tireless dedication, then-Speaker Tip O'Neill assigned Evy her own chair outside the House Chamber doors.

Evy Dubrow came to Washington a diminutive political novice, but will leave behind a legacy of the greatest stature. During her tenure on the Hill, Evy pressed for greater access to health care, family and medical leave, raising the minimum wage, and "Buy American," long before they became fashionable causes. Over the years her intelligence, gentility and charm have allowed her to gain access to a veritable Who's Who of the Congress. Never one to threaten or cajole, Evy trusted her firm grasp of the issues and friendly disposition to get her point across.

When Evy arrived in Washington there were only three other women lobbyists on the Hill and Dwight Eisenhower was in the White House. Over the span of her long career, Evy has received more honors than time permits me to list here today. Although she is retiring from her official post as vice president and legislative director of the ILGWU, her love for our institution and her enduring legacy will live on in the Halls of Congress. Mr. Speaker, in recognition of Evelyn Dubrow's dedication to improving the lives of America's working families, and her contribution to the culture of politics, I ask that my colleagues join me today in honoring this truly deserving woman.

LOU GAMBACCINI; DEPARTURE FROM SEPTA

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BORSKI. Mr. Speaker, I rise in honor of my good friend Mr. Lou Gambaccini, as he retires from his position of general manager of SEPTA. For 8 years, longer than any other general manager, Lou Gambaccini served SEPTA with dedication and distinction.

Lou Gambaccini inherited a system in 1988 wrought with numerous problems that required quick and decisive action. He rose to this challenge and set forth to combat an aging infrastructure system. Lou provided the necessary guidance to move SEPTA in a positive direction. Due to his accomplishments, Lou is held in high regard within the national transportation community. He is one of the Nation's most renowned proponents of increasing our Federal commitment to mass transit.

SEPTA quickly moved into the area of infrastructure renewal and repair under Lou's tutelage. Projects were prioritized so that scarce resources were not unwisely depleted. Efficiency was the key element to these projects, reducing time and money spent. Beginning in 1988, SEPTA has engaged in numerous reconstruction projects, including the Frankford Elevated Reconstruction Project [FERC], RailWorks, Norristown High Speed Line, Overbrook Rail Maintenance Facility, Midvale Bus Depot, and the purchase of 400 new buses and 220 new cars for the Market-Frankford line.

The work completed on the Frankford Elevated Reconstruction Project is an amazing demonstration of Lou's leadership and insight. Lou managed this $750 million reconstruction without any major disruption of service for the community. Thanks to his efforts, the Frankford El is a vital resource for the constituency of northeast Philadelphia.

Lou moved SEPTA into a new era in which critical dedicated funding could be counted on by organizing the Southeastern Pennsylvania Area Coalition for Transportation [ACT]. ACT is a group of 70 leaders from both traditional and nontraditional transit proponents, representing various constituencies. This group has become a model throughout the Nation for other transit supporters.

Frequently faced by inadequate operating budgets, Lou Gambaccini streamlined operations to cover million dollar gaps and increasing costs. Reacting to budget crises with creative solutions and proactive programs, he succeeded in meeting budget demands with the least amount of disruption possible.

Under Lou's guidance, SEPTA employees have become focused on creating a system that is service-friendly and propelled by its customers. During his tenure, service has improved tremendously with resourceful new need-based routes, as well as a major decline in violent crime on the system.

Serving as a leader to the Nation and the industry, Lou Gambaccini demanded that SEPTA become an agency where real equal opportunity exists. The upper management affirmative action initiative has achieved its goal of producing a middle and senior management workforce more balanced in its representation of females and minorities.

In his unprecedented term of 8 years as general manager of SEPTA, Lou Gambaccini has turned SEPTA around and sent it into the future on the right track. He has displayed perseverance and ingenuity when challenged. SEPTA is now in a position where it will have the ability to continue improving in the future and adapting to the changing needs of the community.

As general manager at SEPTA, Lou Gambaccini displayed the type of commitment and insight necessary for success, and he will be missed and remembered. I wish him the best of luck in the coming years.

PROMOTING A TRADE PARTNERSHIP WITH THE CARIBBEAN BASIN REGION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. CRANE. Mr. Speaker, I want to draw my colleagues' attention to two articles on United States/Caribbean relations that have appeared in the New York Times over the past few months.

The articles document a gradual erosion of the United States/Caribbean economic and trade partnership. Over the past few years, in focusing our attention on domestic issues and on other foreign policy matters, we have inadvertently neglected an area of the world that remains critically important to our own strategic and commercial interests.

The Caribbean Basin is our 10th largest export market and one of the few regions in the world where our firms consistently post a trade surplus. As home to the Panama Canal and to the major access routes for ships entering the Gulf of Mexico, the Caribbean is a vital gateway for many agricultural and manufactured goods. Finally, sitting astride the major transit routes of illicit narcotics from South America to our shores, the Caribbean serves as the front line in our defense against drug traffickers. As we have seen too many times—even in the last decade—destabilization and economic loss in the Caribbean often echoes loudly in the United States.

In recognition of the strategic importance of this region, I expect to reintroduce legislation that will aim to restore the vital United States/Caribbean economic partnership that was fostered through the Caribbean Basin initiative. That legislation will ensure that the United States/Caribbean economic relationship is not inadvertently diminished by the relationship we are now fostering with Mexico under the NAFTA. Moreover, the legislation will provide a roadmap to help prepare our Caribbean partners for the challenges in the next century, including membership in the planned Free Trade Agreement of the Americas (FTAA).

In the meantime, I would ask my colleagues to take a few moments to read these articles to gain a better appreciation of the current state of United States/Caribbean relations and a more thorough understanding of a substantial problem that the United States must address.

[From the New York Times, Jan. 30, 1997]

BACKLASH FROM NAFTA BATTERS ECONOMIES OF THE CARRIBBEAN

(By Larry Rohter)

KINGSTON, JAMAICA.__ Three years after the United States, Canada and Mexico agreed to become a single market as part of the North American Free Trade Agreement, their exports to each other are booming. But here in the Carribbean, the economies of America's much smaller neighbors are reeling from the impact of that success and finding it nearly impossible to compete.

From the apparel plants of Jamaica to the sugar-cane fields of Trinidad, Nafta has already resulted in the loss of jobs, markets and income for the vulnerable island nations of the region. The capital and investment projects that are vitally needed for future growth, officials say, are increasingly flowing out of the Caribbean Basin and into Mexico.

"The stark reality is that Mexico can now export its products to the United states free of duty, which makes it more profitable for producers to operate from there," Seymour Mullings, Jamaica's Minister of Foreign Affairs and Foreign Trade, said in an interview here. "Putting it very simply, if that is not stemmed, it could do untold damage to our manufacturing sector and economy as a whole."

Nafta's devastating effect on the Caribbean was widely forecast before the treaty's passage in 1993 and Washington suggested it would cushion the blow by extending similar trade preferences to the island nations.

However, the Clinton Administration's proposals to give the Caribbean "Nafta parity" have twice foundered in Congress in election years and now face an uncertain future in a new Congress that has decidedly mixed feelings about the benefits of free-trade agreements.

The Caribbean now exports more than $12.5 billion worth of goods to the United States annually, and a recent study by the World Bank estimates that more than one-third of that total could be shifted to Mexico if the existing trade rules remain in effect.

The region's once-flourishing apparel sector has been hard hit, officials say. In the last two years, more than 150 apparel plants closed in the Caribbean and 123,000 jobs have been lost "as a direct result of trade and investment diversion to Mexico," according to the Caribbean Textile and Apparel Institute, which is located here.

Textile manufacturing had been one of the Caribbean's few economic bright spots. Between 1980 and 1995, Jamaica's garment exports, primarily underwear and hosiery, rose from less than $10 million a year to nearly $600 million annually, an average annual growth rate of 28 percent.

Since Nafta took effect in 1994, Mexican textile exports have grown at a rate three times those of the Caribbean as a whole. In 1996, the Caribbean Textile and Apparel Institute estimates, Jamaica's garment exports fell by 7 percent, with 7,000 jobs eliminated.

Similar or even larger decreases were recorded in Guyana, Belize and tiny St. Lucia.

More than 600 people, about 95 percent of them women, felt the effects of Nafta when the Youngone Garment factory on Marcus Garvey Drive here closed just before Christmas. The plant had been making T-shirts for export to the United States. But a Mexican factory took the business away with a lower bid, prompting the Korean company to shut down operations in Jamaica and send its employees home. The company then shipped its equipment off to Bangladesh.

"I lost my job back in '95 and haven't been able to find another one since," said Beryl Davidson, 26, a former textile worker and single mother of three small children. "I couldn't pay my rent, and I couldn't feed my kids, so I've had to move back in with my parents to survive."

"But my cousin in Brooklyn tells me there's plenty of work there, so maybe I will join her," she said.

Since Nafta went in effect, the creation of new jobs in this nation of 2.3 million people has stopped altogether and overall unemployment has risen to 16 percent from 9.5 percent, according to the Statistical Institute of Jamaica. Among women working in the apparel sector, the unemployment rate is now more than 33 percent.

Worse yet, the loss of jobs and American support occurs as the pro-American Government here, with an election due sometime in the next year, is completing an economic retrenchment that had been strongly urged by Washington. Over the past decade, Jamaica has sold off state companies, reduced the budget deficit and increased foreign reserves, but at a high social cost.

"We have no safety net here, no welfare, no Medicare," said Anthony Gomes, director of a large trading company. "So when people go to the street, it has a serious ripple effect. The way things are going, jobs are very difficult to get, and that is not helping our crime rate.

American officials, however, argue that Jamaica and other Caribbean nations are blaming Nafta for deeper-rooted economic difficulties that will remain even if trade rules are eventually eased. In the case of Jamaica, they maintain, those include a revaluation of the currency that increased its value by 12.5 percent last year, making the country's products more expensive, and a host of regulatory obstacles.

"The main problem here is government bureaucracy," one official said. "It is darn near impossible to collect the licenses and approvals you need to get a business off the ground."

Ironically, Jamaica's initial export surge was the result of another American program, the Caribbean Basin Initiative, which the Reagan Administration put in place 15 years ago. A package of aid, trade and investment incentives aimed at the private sector, the program was intended to introduce the Caribbean to what Mr. Reagan called "the magic of the marketplace," and had Jamaica as its centerpiece.

But that arrangement has also benefited the United States. American exports to the region rose 160 percent in the decade ending in 1995, to more than $15 billion a year. The Caribbean is the only part of the world where Washington recorded a favorable balance of trade every year during that time.

The Caribbean Basin Initiative still exists, but places either duties or quotas on those products in which Caribbean nations enjoy a competitive advantage, such as sugar, textiles and footwear.

"All we are asking is to be put on a level playing field with Mexico," said Paul Robertson, this country's Minister of Industry, Investment and Commerce. "We are not seeking a handout, but only the opportunity not to be prevented from taking full advantage of the North American market."

[From the New York Times, Oct. 24, 1996]

CARIBBEAN NATIONS FIND LITTLE PROFIT IN AIDING U.S. DRUG WAR

(By Larry Rohter)

BRIDGETOWN, BARBADOS.—Hoping for American gratitude and assistance, the English-speaking countries of the eastern Caribbean have in recent years devoted larger portions of their meager budgets to fighting drug trafficking. But now, to the dismay of many in the region, the United States is responding with a policy of economic retrenchment.

Legislation to give Caribbean countries the same free-trade benefits as Mexico and Canada has been shelved in Congress, and a little-noticed provision of the minimum-wage bill that President Clinton signed in August eliminates Federal tax incentives to encourage low-interest loans to the region. Also, the two sides are in a bitter dispute over export quotas for bananas, the back-bone of most economies in the area.

"What is the message being sent?" Keith Mitchell, the Prime Minister of Grenada, asked. "It is that our friends are abandoning us, that the rug is being pulled from under us, that we are being told we must sink or float on our own."

The scaling back of Washington's economic commitment comes with the region's re-emergence as a favorite transit zone for cocaine and heroin traffickers. Caribbean countries are largely cooperating with anti-drug efforts, United States officials say, and their leaders are clearly rankled by what they see as a lack of American economic support.

"We've surrendered our sovereignty," James Mitchell, Prime Minister of St. Vincent and the Grenadines, said at a recent meeting of the Caribbean Americas Business Network in Miami. "We've given the U.S. all the cooperation in the world. What else do they want?"

American officials acknowledge some of the complaints, but they also say that eastern Caribbean nations have passed up opportunities through membership in regional lending institutions to ease their economic dependence on Washington.

For their part, leaders of the 14 nations making up the Caribbean Community, a regional economic association known as Caricom, have been urging the Clinton Administration to grant them trade parity with Mexico and Canada, the United States' partners in the North American Free Trade Agreement.

But Congress adjourned this month without taking action on the measure, which was intended to supplement the largely moribund Caribbean Basin Initiative created by the Reagan Administration.

In a report last month, the Council on Hemispheric Affairs, a Washington-based research group, attributed the delay in action to "partisan and special interest opposition" in Congress. The council said American legislators were wary of offending fruit lobbyists.

Caricom leaders say they need access to free trade to help compensate for a drop of nearly 90 percent in American economic assistance to the region over the last decade, from $225 million to $26 million. In August, a provision in the new minimum-wage law ended tax breaks for American corporations doing business in Puerto Rico.

At the same time, Washington is challenging the traditional system of trade preferences that allows many Caricom nations to export their products to European nations either duty free or at vastly reduced tariff rates. One such proposal, which Caribbean leaders say could cripple the region's banana industry, is now before the World Trade Organization.

"It seems shortsighted and baffling," said Frank Alleyne of the Institute for Social and Economic Research at the University of the West Indies. "What about the cost in social unrest? If they succeed, drug cultivation will increase, mark my word. Farmers must find another crop, and that crop is marijuana."

RECOGNIZING JUNETEENTH INDEPENDENCE DAY

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. WATTS of Oklahoma. Mr. Speaker, today, I am introducing legislation recognizing the Juneteenth holiday as the day of celebrating the end of slavery in the United States. Although slavery was officially abolished by the Emancipation Proclamation in 1863, it took over 2 years for news of freedom to reach all the slaves. On June 19, 1865, Gen. Gordon Granger rode into Galveston, TX, and announced that the State's 200,000 slaves were free. Vowing never to forget the date, the former slaves coined a nickname for their celebration—a blend of the words "June" and "Nineteenth." Though Juneteenth celebrations originated in the Southwest, they soon spread throughout the South and are now celebrated throughout the Nation.

As we celebrate Black History Month, it is appropriate to recognize this significant moment in American history. Juneteenth Independence Day is an important and enriching part of our Nation's history and heritage and provides an opportunity for all Americans to learn more about our common past.

TRIBUTE TO GEN. BILLY J. BOLES

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BURR of North Carolina. Mr. Speaker, I rise today to honor Gen. Billy J. Boles for his long and distinguished service to his country in the U.S. Air Force. I always consider it a great privilege to have the opportunity to recognize the achievements of a member of the U.S. armed services. These Americans dedicate their lives to the protection and preservation of our freedom, and all too often, we neglect to adequately express our gratitude to them for the sacrifices they and their families gladly make for the sake of our Nation. I take particular joy in this occasion because General Boles is a native son of King, NC in my district.

On April 1 of this year, General Boles ends a 35-year career replete with honors and distinctions that took him through posts in Mississippi, Texas, Washington, DC, and Vietnam. During the majority of his tenure, the Air Force assigned to him one of the most challenging and important duties in the armed services—recruiting and accessing Air Force personnel and training them to become the best pilots in the world. In a very real sense, the Air Force entrusted General Boles with its future.

After receiving his Bachelor of Science degree at N.C. State University in 1961, General Boles completed his military training at the Squadron Officer School at Maxwell AFB in Alabama, the Armed Forces Staff College in Norfolk, VA, and the National War College at Fort Lesley J. McNair here in Washington DC. He then went to his first post at Keesler AFB in Mississippi. In September 1962, he began his career as a military educator when he became an instructor and assistant course supervisor in the Personnel Officer Course at Greenville AFB in Mississippi. General Boles' service also includes two assignments in Vietnam. First, from July 1965 through October 1965 he served with the 6250th Combat Support Group and from October 1966 through June 1967 he served at the 7th Air Force Headquarters both at Tan Son Nhut Air Base in South Vietnam. General Boles' career then took him through several important positions including Director of Personnel Programs at the U.S. Air Force Headquarters here in Washington, DC from June 1987 through June 1988 and Vice Commander of the Air Education and Training Command Headquarters at Randolph AFB in Texas from April 1995 through June 1995.

On July 1, 1995, the Air Force promoted Billy Boles to general and made him Commander of the Air Education and Training Command Headquarters where he has served ever since. His command consists of 13 bases, 43,000 active duty members, and 14,000 civilians and includes two numbered Air Forces, Air University, Air Force Recruiting Service, and Wilford Hall Medical Center. In addition to the tremendous responsibilities General Boles fulfilled over his career, he also found time for his family which includes his wife, Kay, and their son, David, who also serves in the Air Force as a lieutenant.

Over his 35 years in the Air Force, General Boles earned many major awards and decorations including the Distinguished Service Medal, the Legion of Merit with oak leaf cluster, the Bronze Star Medal, the Meritorious Service Medal with two oak leaf clusters, the Air Force Commendation Medal, the Air Force Outstanding Unit Award, the Air Force Organizational Excellence Award with four oak leaf clusters, the National Defense Service Medal with service star, and the Vietnam Service Medal with four service stars.

All of his life, General Boles dedicated himself to excellence in every task he undertook. Born to a tobacco farming family in the Mount Olive Church community of King, NC in Stokes County on July 27, 1938, young Billy Boles grew up in an environment that stressed hard work and dedication. By age 14, he grew his first tobacco crop on his own. While working hard on the farm, he also found time to participate in scouting through his membership in Boy Scout Troop 102. Religion also played an important role in his career, and he became a member of Mount Olive Baptist Church by baptism on October 10, 1948.

During his school years, Billy Boles never rejected an opportunity to work or to learn. He attended North Carolina Boys State at UNC Chapel Hill in 1955, and in addition to going to school and farming, he worked for the U.S. Department of Agriculture as a tobacco acreage measurer. At King High School, Bill Boles' activities included Glee Club, Junior Marshall, Vice President junior and senior year, and salutatorian. Originally planning to work for R. J. Reynolds Tobacco Co. after graduation, encouragement from teachers and friends prompted him to apply to and attend N.C. State University where he enrolled in the ROTC program that launched him on his distinguished military career.

While I feel a small amount of sorrow that the young men and women in our Armed Forces will lose a great leader like General Boles, I also feel confident that his great accomplishments as an educator and trainer have helped ensure the future of the Air Force for years to come. Mr. Speaker, I would like to express my personal gratitude to Gen. Billy Boles for the great sacrifices and service he gave to his country over his long and distinguished career. Finally, on behalf of my colleagues here in the U.S. House of Representatives as well as a grateful nation, General Boles, we say thank you.

CONGRESSIONAL TERM LIMITS AMENDMENT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill joint resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to speak in opposition to the rule on House Joint Resolution 2, reported out of the Rules Committee on yesterday. There were a total of 19 amendments that were considered by the Rules Committee: 14 by Republicans and 5 by Democrats. This unequivocally points out the division in the House on this issue; not just between Republicans and Democrats, but between Republicans who support term limits and a good number of those who do not.

I must point out that even the chairman of the Judiciary Committee, Congressman HYDE, does not support this amendment.

Mr. Speaker, I am not in favor of Members of Congress deciding who the American people should and should not vote for.

However, it is my position that if we are to have a constitutional amendment on term limits, it should be the people who make that individual choice. It will be the people who are most affected by this amendment to the Constitution, so why not let the people decide if they want term limits.

Mr. Speaker, the two amendments that I proposed would have done just that. The first would have given the States the power to prescribe the maximum number of terms for a particular State. This would have allowed a State to tailor its limits to the needs and the will of the people of that State.

It was a compromise amendment which allowed the States that wanted term limits to have them and the States that did not want term limits to reject them.

It is evident that we can not adopt different versions of an amendment to the Constitution. But we can allow the States to adopt their own versions of term limits.

The Supreme Court, in U.S. Term Limits versus Thorton, has made it clear that, without an amendment to the Constitution, the States do not have the authority to impose them limits on Members of Congress.

Consequently, now that we are in the amendment phase of creating a solution for the issue of term limits, the argument can be made that this is a power that should be given to the States. The legislatures of each State have an inherent local interest in developing a term limits solution for their particular State.

The States are now prepared to make a decision of term limits. Twenty three States have passed proposals affecting Members' terms of office. These States legislatures are now poised to take action. Why not let them take action on an amendment that would give them the power to decide the maximum number of terms for their Members.

My second amendment went one step further than State action empowerment. It gave the power of ratifying a term-limits amendment to the people of the individual States.

It allowed the individual voters of each State to come together using the convention process to vote on whether they wanted to ratify this constitutional amendment.

In keeping with the spirit of the Founding Fathers of our great country, this amendment lets the American people decide who will represent them in the Congress of the United States and for exactly how long.

Article V. of the U.S. constitution prescribes the ratification methods that may be used in ratifying an amendment to the Constitution. It may either be by the legislatures of three-fourths of the States or by conventions in three-fourth thereof.

The Founding Fathers granted Congress the power to decide which mode of ratification of an amendment to the Constitution may be used.

Mr. Speaker, there is a time such as this, in deciding an issue which will fundamentally change the nature of the Congress, that it would behoove us to consult with and defer to the American people.

The convention process allows us this opportunity. It allows for the American people to speak to an issue and to participate in the shaping and defining of that issue.

There is no doubt that in this democracy, the ratification of an amendment to the U.S. Constitution, utilizing the convention method, is by far the most democratic. The people of the United States would have the opportunity to participate in a process that is fundamental to the American way of openness and inclusion. The voters of America would have the opportunity to unquestionably validate this amendment to the Constitution of the United States.

In doing so, this will not be the first time that an amendment to the Constitution was ratified by conventions in three-fourths of the several States. The 21st amendment to the U.S. Constitution, in section 3, provides for ratification by conventions in the several States. Section 3 of the 21st amendment states:

> This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of submission hereof to the States by the Congress.

This 21st amendment, which repealed the 18 amendment prohibition of intoxicating liquors was ratified on December 5, 1933. Delegates in 25 States were elected in statewide at-large elections, delegates in 14 States were elected by congressional districts and 4 States used a combination of the two.

Laws providing for ratifying conventions were passed in 43 States and 16 of these States passed permanent statutes for future referrals of amendments. Clearly, this was a democratic effort by the people of the United States.

I must note that the very Constitution by which we have authority to sit and do the business of the American people was ratified by the convention method. Article VII, of the U.S. Constitution states:

> The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

If the convention method of ratification was good enough for the ratification of our great Constitution, then the convention method of ratification must be good enough for amending this same Constitution.

If the supporters of term limits were genuine about the concerns of the American people, they would have voted for these two amendments.

I submit to you, Mr. Speaker, that they are not genuine. The rejection of these two amendments, each of which would have given the decisionmaking authority to the States and to the voters, reveals that the people who are trying to push term limits down the throats of the American people only are genuine about taking power away from the voters of America.

Consequently, I urge my colleagues not to vote in favor of this rule.

FLAG PROTECTION AMENDMENT REINTRODUCED TODAY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SOLOMON. Mr. Speaker, along with the other sponsors of the constitutional amendment to prohibit the burning and desecration of the American flag, I am so proud that today we are reintroducing the flag protection amendment. This continues the grassroots effort to once and for all put an end to the disrespect and desecration of the symbol of our country—Old Glory.

With the support of fellow Members of Congress on both sides of the aisle, the dedicated members of the Citizens Flag Alliance—consisting of over 100 veterans and civic organizations, many of whom are represented here today—and 49 State legislatures, we are confident we will finally be able to restore the long overdue protection to Old Glory we see flying above us today.

Ever since that tragic day in 1989 when 5 men in black robes said it was OK to burn and destroy our blessed flag, we have attempted to amend the U.S. Constitution to prohibit such desecration but have fallen short of the necessary two-thirds vote in both the House and Senate. But now we are within reach of that goal, and today marks the beginning of the grassroots push to get at least 290 Representatives and 67 Senators to sponsor our legislation which will guarantee its passage.

There are still those who will maintain that burning the very symbol of our Nation is simply an expression of speech. I for one, as well as all of you, take such an expression much more seriously. Such an act is purely a denouncement of the very spirit, principles, and system of government under which we enjoy our freedoms and opportunities. After all, the flag, being the very symbol of American freedoms and ideals, ought to be protected with the same vigor with which we protect the very freedoms and rights it represents. To that end, burning this blessed symbol is purely a crime against the State.

In our opinion, we ought to view the flag as a national monument and treat it with the same degree of reverence. As we look around ourselves today, we are surrounded by symbols of our freedom and the system of government so many have fought to protect. Standing here we gaze upon the Washington Monument, a beacon honoring the wisdom and dedication of our Founding Fathers. Beyond that lies the Lincoln Memorial and behind me, the U.S. Capitol, recognized throughout the world as the very symbol of democracy. In fact, throughout this city there are countless representations of our culture and ideals. However, no single one embodies America, or what it is to be an American, like this lone glorious symbol. Yet, vandalizing these monuments would be unconscionable and considered a disgraceful crime, as well it should. Therefore, it is only appropriate our flag receive the same exceptional consideration.

For those who doubt the symbolism of the American flag, we need only look throughout the world, at where it is and where it has been, to understand its significance. Right now, our distinguished flag acts as an ambassador of freedom and opportunity to those who suffer under oppressive regimes such as the ones found in Cuba, North Korea, and the People's Republic of China. For others who have seen their freedom usurped and continue to be threatened by overly ambitious dictators, like the people of Kuwait and Taiwan, the American flag stands as a reminder of a compassionate ally.

Why is Old Glory of such significance to people throughout the world? We need only reflect upon where our flag has been to understand why this symbol is held in such high regard worldwide. For instance, an early version was carried at the Battle of Saratoga in my district, the turning point of the Revolutionary War, and the beginning of our flags association with the rights of free people over authoritarian regimes.

It was flying over the *U.S.S. Arizona* that infamous day when it was so tragically blownup and destroyed at Pearl Harbor. Later, that same war, it was raised triumphantly over the island of Iwo Jima, a scene which undeniably represents the supremacy of freedom and democracy over oppression and tyranny. Furthermore, it marks the graves of brave soldiers of freedom like those just across the Potomac in Arlington, to the overlooking the beaches of Normandy on the other side of the Atlantic, to those halfway around the world on the Philippine islands. What better reason to protect this symbol of America.

All that is required now, is for each of us to draw upon this patriotic fire and do all we can to effect this demanded change to our Constitution. It is only appropriate that this, our most sacred document, include within its boundaries, a protection of the flag, our most sacred and beloved national symbol.

An active grassroots campaign is already in place under the tireless efforts of the members of the Citizens Flag Alliance. However, we need to get the message to all Americans to contact their Congressman and urge support of this resolution. Outside the beltway, 49 State legislatures, including my home State of New York, have already passed resolutions urging Congress to pass this constitutional amendment. In the 104th Congress, the House of Representatives overwhelmingly passed a similar amendment by a vote of 312 to 120. That same amendment fell just three votes short of passage in the Senate.

Today, we are introducing an amendment to empower Congress—instead of Congress and the States, as we did in the last Congress—to prohibit the physical desecration of the American flag. This represents an effort to broaden the support for this amendment. It is also entirely appropriate that Congress be the sole legislative body responsible for protecting our national flag.

Addressing the despicable maltreatment of our national symbol is close at hand ladies and gentlemen. All it takes is a little more hard work to get the message to your Congressman and ignite the American spirit lying within all of us.

SENATE—*Monday, February 24, 1997*

The Senate met at 11:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Our prayer today is George Washington's "Prayer for the United States of America," as it is preserved on the chapel wall at Valley Forge. Let us pray.

"Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to the government, and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things, we can never hope to be a happy Nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord. Amen."

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Pursuant to the order of the Senate of January 24, 1901, as modified on February 12, 1997, the Senator from Tennessee, Mr. FRIST, shall now read Washington's Farewell Address.

Mr. FRIST, at the rostrum, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern—Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enable to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, or privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that is must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfuenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. KYL). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1:30, with the time equally divided between the two leaders.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

SCHEDULE

Mr. DEWINE. Mr. President, on behalf of the leader, I wish to announce that today the Senate will be in a period of morning business until the hour of 1:30 p.m., with the time equally divided between the two leaders.

At 1:30 today, the Senate will resume consideration of House Joint Resolution 36 regarding U.N. population funding. Following 2 hours of debate on that resolution, the resolution will be temporarily set aside and the Senate will then resume consideration of Senate Joint Resolution 1, the constitutional balanced budget amendment.

From 3:30 today to 5:30 today, the Senate will debate Senator BYRD's amendment relating to section 6 of the balanced budget amendment. All Senators should be reminded that at 5:30 this afternoon there will be a rollcall vote in relation to the pending Byrd amendment.

Following that vote this afternoon, Senator REID will be recognized to offer his amendment regarding Social

Security. The Senate will continue debating that amendment tomorrow morning and afternoon, with a vote occurring on or in relation to that amendment at 6 p.m. on Tuesday.

Also, I remind our colleagues that we will be voting on the U.N. population funding resolution at 2:15 on Tuesday afternoon immediately following the weekly policy conferences. Following the vote on Senator REID's amendment to Senate Joint Resolution 1, Senator FEINSTEIN will offer an amendment. We will debate that amendment from 9 a.m. to 11 a.m. on Wednesday, with the vote occurring at 11 a.m. on that amendment.

The majority leader thanks his colleagues for their cooperation in allowing the Senate to move forward on both of these matters.

I further remind all Senators that the leadership hopes to complete action on the balanced budget amendment as soon as possible, and the leader will continue to update all of us as we make progress on this issue.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR JOHN GLENN'S ANNOUNCED RETIREMENT

Mr. DEWINE. Mr. President, I rise today to commemorate a very important milestone in the history of the State of Ohio and in the history of this body on this, the first day the Senate has met since my colleague Senator JOHN GLENN announced that he was retiring from this body. On behalf of the people of Ohio and on behalf of the U.S. Senate, I have the privilege of paying respects to Senator GLENN, to pay respects to my senior Senator, our friend and our colleague, on the occasion of the announcement of his retirement from the U.S. Senate. Senator GLENN has served Ohio and the Senate for a longer consecutive period than any other individual in the history of our State. When he leaves office 2 years from now, he will have served in this body for 24 consecutive years. Over this almost quarter of a century of service, Senator GLENN has established a reputation as a man who knows the importance of details. Senator GLENN realizes that the most important work done in this Chamber is not the sound bites, not the press conferences, but the nitty-gritty of making this complicated legislative process work for the people who sent us here.

Despite the fact that I have only been in the Senate for a little over 2 years, in many ways I feel I know Senator GLENN better than many who have served with him for a lot longer period of time. This is true, in part at least, I suspect, because he and I fought a very tough campaign against each other in 1992. It was a tough, hard-fought campaign. Let no one doubt—I can say this from personal experience—let no one doubt that behind JOHN GLENN's kind, grandfatherly exterior beats the heart of a true marine, a man who is willing to fight very hard for what he believes is right. That has been something that has really been the hallmark of JOHN GLENN's life of service to this country, from his service in World War II and Korea to his service in the military to his work in the space program to this very day, as he continues his service to this country in the U.S. Senate.

Two years after that campaign, I was elected to the Senate, and it became important, then, for Senator GLENN and me to build a relationship, to build a relationship to benefit all Ohioans. I think we have done that. In the 2 years since then, I have found that Senator GLENN's attitude to the work of the Senate really should serve as a model for all the rest of us. In a campaign, you fight hard, but when you are in the Senate, when you are one of the 100 Members of the U.S. Senate drawn from all over this country, there is a different kind of work to be done. I have worked with Senator GLENN on the floor, worked with him on different issues, and he has unfailingly put the interests of Ohio and the interests of this country first.

I am sure we will continue to disagree on some issues, but our disagreements are buried whenever we have a chance to accomplish something for Ohioans by working together. Some may say that Senator GLENN's style of leadership is too bipartisan for modern politics, too bipartisan for this day and age, too bipartisan for this town. If that is true, it is a shame, because the dedication to bipartisanship exemplified by JOHN GLENN, through his service in the Senate, I think should serve as an example for all of us.

It was significant that Senator GLENN chose the 35th anniversary of his three orbits around the Earth to make his announcement that he was leaving the Senate.

I think as an Ohioan, it was also significant to see where he made that announcement. He went back home to Muskingum College, New Concord, OH, a town where he had been raised, where he grew up, a town where there is now a high school named after him, the John Glenn High School. He went home to make this announcement to the people of the State of Ohio.

I think it was also significant that he made the announcement in front of an audience of primarily young people. JOHN GLENN has always been someone who has thought about the future. How many times have we heard him come to the floor and talk about young people, talk about investment in young people, talk about what we have to do to prepare them and us for the next century? So it was significant that he went home to make this speech and significant that he was talking to young people when he did it.

I was reminded, as I think many Americans were, when I heard the official news that JOHN GLENN was going to retire, where I was 35 years ago—at least those of us who are old enough to remember—when he made that historic flight. My future wife and I were freshmen at Yellow Springs High School, Yellow Springs, OH. On the particular moment that he took off, I happened to be in Ed Wingard's science class and remember listening on the radio, and watching on TV later in the day, as we followed his progress for the next few hours. JOHN GLENN, on that date, captured the hearts of Americans, and he guaranteed his place in the history of this country and the history of this world.

We took a great deal of pride, those of us from Ohio, in what our native son was doing on that date. It was clear that NASA had selected the right person to make the trip, not just because of his nerves of steel, not just because of his technical ability, but it was also clear why they picked JOHN GLENN when he came back. It was clear that this was a person who young people across the country could look up to, that this was someone who should be considered a national hero and a national treasure.

We should not talk today as if JOHN GLENN will not be with us. JOHN GLENN is going to be with us for 2 more years in this body. We are going to argue about some things, agree on some things, but JOHN GLENN will continue for the next 2 years to do what he has done throughout his lifetime, and that is serve the people of the State of Ohio and serve this great country that he loves so very much.

So let me, on behalf of the people of the State of Ohio, again say thank you to JOHN GLENN for his service to his country, for his service to the State of Ohio, and thank him for being a role model for all of us 35 years ago and for continuing to be a role model today.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAFETY OF OUR CHILDREN

Mr. DEWINE. Mr. President, I rise today to thank President Clinton for lending his voice to one of the most important efforts underway in this Congress. On February 14, the President unveiled a proposal that would help provide children with safe homes and loving families, something that every child deserves. This is a victory for America's children, and I believe a victory for good common sense. It recognizes that the safety of our children must always be our most important consideration.

Mr. President, let no one doubt how important this issue is and why action by this Congress is so necessary. On a number of occasions over the last year, I have come to the floor of the Senate to discuss a provision in Federal law, that has tragedy in it, which has proven dangerous to the safety of America's children. I have on those occasions discussed the fact that too many children are spending their most important, most formative years in a legal limbo, a legal limbo that denies them their chance to be adopted, that denies them what all children should have: the chance to be loved and cared for by parents.

Mr. President, we are sending too many children back to dangerous and abusive homes. We are sending them back to the custody of people who have already abused them, already tortured them, and we do it, tragically, knowing that that has already taken place.

The statistics are frightening. Every day in this country, three children actually die of abuse and neglect at the hands of their own parents or caretakers. That is over 1,200 children per year. Almost half of these children—almost half of them—are killed after their tragic circumstances have already come to the attention of local authorities. That means 600 children die every year in cases where we, as a society, already know that they have been abused, already know that they may have been tortured, already know that they really should never go back into that home again.

Mr. President, some of the tragedies in the child welfare system are the unintended consequence of a small part of a law passed by the U.S. Congress in 1980—basically, Mr. President, a good law. Under the Federal Child Welfare Act—the law I am referring to—for a State to be eligible for Federal matching funds for foster care expenditures, the State must have a plan for the provision of child welfare services approved by the Secretary of HHS. The State plan must provide—here I quote from statute—"that, in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home."

In other words, Mr. President, no matter what the particular circumstances of a household may be, a State must make reasonable efforts to keep it together, and to put it back together if it has fallen apart.

There is strong evidence, Mr. President, strong evidence to suggest that, in practice, reasonable efforts have become extraordinary efforts, efforts to keep families together at all costs, efforts, I might add, to keep families together that are families in name only and to put children back in homes that are homes in name only.

As a result of this, Mr. President, children have died. That law simply has to be changed. One of my first legislative acts of the Congress was to introduce a bill that would accomplish this.

My bill would change the law to make it absolutely clear that the best interests of the child have to come first. Pretty basic, pretty simple—best interests of the child, safety of a child. You would not think we would have to clarify that.

I tell you, Mr. President, based on my experience in talking to judges, prosecutors, in talking to children service advocates, children service caseworkers across the State of Ohio, and from talking to some of my colleagues from other States, and from hearing testimony in our committee, it is abundantly clear to me that we have to spell this out, that it is being misinterpreted, that reasonable efforts to put families back together many times take precedence over the best interests of the child and the safety of the child.

As I said, Mr. President, my bill would change the law to make it clear that the best interests of the child must come first. We do this by enacting the following simple, straightforward amendment to the Child Welfare Act. And this is what language I would add, not taking anything away, just add this:

> In determining reasonable efforts, the best interests of the child, including the child's health and safety, shall be of primary concern.

Pretty simple, Mr. President, pretty straightforward, pretty basic, but darn important.

In November, Mr. President, I chaired a hearing of the Senate Labor and Human Resources Committee on this issue. I assembled some of America's chief experts on child welfare. And I was encouraged by what they had to say.

Peter Digre, the director of Los Angeles County's Department of Children and Family Services—an unbelievably huge department, and a man who has to deal with gut-wrenching problems and decisions every single day of his life—this is what Peter Digre said. He said that "we should emphasize child safety as our first priority."

Dr. Digre's department has about 73,000 children under its protection—73,000. He sees the real-life consequence of unreasonable attempts to reunite families that are families in name only.

But, Mr. President, I believe our most eloquent testimony that day came from Sharon Aulton, a grandmother in Annapolis, MD. Sharon Aulton had warned the local children services that her daughter was neglecting her children, her grandchildren, but the officials failed to intervene. Sharon Aulton's daughter ended up blockading her children in a room and setting the room on fire. Both these beautiful young children died.

Mr. President, this happens too often in this country. Last August a 4-year-old girl named Nadine was found starved to death in her mother's apartment in New York. The mother had kept Nadine in a crib covered by a blanket so she did not have to see her. She did not feed the child regularly for the year preceding her death. In the last few months before the child's death, she did not seek medical help despite the fact that the child could not walk, could not stand, could not even sit up.

Apparently, Mr. President, city social workers had visited the apartment in May 1995 after an anonymous complaint about the little girl's treatment. The commissioner of the Administration for Children Services was unable to provide any information as to the conditions found in the apartment or what action was taken at that time by the city. However, the commissioner did say the city investigators found enough credible evidence of neglect to open an investigation after they visited the apartment, but yet the case was closed 5 months later. Nadine only weighed 15 pounds at the time of her death—a week before her 5th birthday.

Mr. President, I have a daughter who is almost 5, my daughter Anna. Those of us who have children, those of us who care about kids, have to be heartsick and shocked by the recounting of this poor little child's death. According to the ambulance workers, Mr. President, Nadine was found in the crib, dirty, with arms as thin as a half-dollar, her eyes sunken, her hair in patches, her ribs protruding. Her mother at that time, when the emergency folks responded, was sitting on a bed near the crib eating a hot dog. That is how they found the mother when the medics arrived at the home.

The New York Daily News obtained secret documents which indicate how city child welfare workers and public school officials repeatedly ignored warning signals in Nadine's case. That is from the New York Daily News.

School officials never turned in Nadine's mother for not showing up for school, nor did anyone report the fact she did not show up for medical appointments. Officials did not notify the State child abuse hotline when Nadine's siblings were out of school for long periods of time.

In May 1995, the anonymous caller I mentioned earlier reported to the State child abuse hotline that Nadine was, in fact, starving.

Mr. President, tragically, Nadine is far from alone in falling through the cracks in our system. In December, a 10-month-old girl named Delores died after savagely being beaten by her mother's boyfriend; ten weeks earlier, child welfare officials had been warned that she and her siblings were in danger.

Mr. President, let me be very clear—I cannot stress enough that I am not trying to lay the blame on children's services officials in these cases. I worked with children services officials for many years, going back in time to when I was an assistant county prosecutor in 1973. These are good people, people who try to do their job. They generally are overworked and have too many cases and have many challenges to face.

I think it is clear as we look at these cases of abuse, as we recount the fact that we lose at least three kids every day to child abuse in this country—and those are just the kids who die, let alone the other ones who are savagely beaten or abused—I think it is clear that there is one part of this problem that Congress can fix. We cannot fix it all by passing legislation. We can try. But one part of the problem can be fixed, and that is to move forward in fixing, in clarifying the 1980 law that I refer to, to make it clear that we want these professionals, children's service workers, to have the flexibility to do what we all want done, and what they want to do, and that is to save the kids first, save the children, to set as a priority the best interests of the child and the safety of the child, and that priority has to take precedence over everything else.

These case workers work very hard to meet, many times, conflicting mandates. We should make their job a little easier and say to them that Federal law from now on will be abundantly clear, that the primary mission should always be to save the children.

Mr. President, some families are families in name only, and simply should not, should not be reunited. Mr. President, my proposed legislation would change the law to make this the key goal. I think Washington Post columnist Mary McGrory made the case in a very compelling way in her column of February 9. I ask unanimous consent that column be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Sessions). Without objection, it is so ordered.

(See exhibit 1.)

Mr. DeWine. Mr. President, let me conclude by saying once again how pleased I am that the President has joined our efforts. I am confident that his proposal will help us speed up the adoption process in this country and bring us closer to the day when every child in America will be cared for by a loving family. Mr. President, I will continue to come to the floor and talk about this issue until we make that change in Federal law. It is a change that is urgently needed.

I simply conclude by saying what I have said many times on this floor, and that is that it was never, I am sure, the intent of the authors of the 1980 law—which has done a great deal of good in this country—it was never their intention to in any way tell case workers who are making life and death decisions every day in this country that anything other than the best interests of the child, anything other than the safety of children should be their primary concern. But it is also abundantly clear to me, I have traveled through Ohio and talked to people from other States, that this law is being misinterpreted day after day after day. We should clarify it. We should make the job of a case worker simpler, and by doing that, I believe we will save some children.

Exhibit 1

[From the Washington Post, Feb. 9, 1997]

Save the Kids, Not the Mom

(By Mary McGrory)

Richard Gelles, an authority on child welfare, is boldly intervening in a custody case that may be without parallel in the sorry annals of the Family Reunification Act. Latrena D. Pixley, a District mother who, at 19, killed her 6-week-old baby, is asking to be reunited with two of her three other children—a boy of 6 and another of 1 year. Gelles is volunteering to come at his own expense from Rhode Island—where he is director of the Family Violence Research Program of the state university—to offer his view that a woman who has committed infanticide is not a fit mother.

"In these cases, we're often too late," says Gelles, who wrote "The Book of David," the story of a baby who was murdered by a mother who had abused an older child. Social workers had a watchful eye on the mother all along. "This time, I'd like to be early. Most of the time the children are dead or greviously injured by the time I get involved."

The Pixley case has already attracted major attention because it could answer the question of what limits, if any, there are to the Family Reunification Act, which puts preservation of the family over the protection of children. It could also provide a measure of how far our culture has advanced in victimhood: Can a mother who kills her baby succeed in portraying herself as a victim?

Gelles knows what it's like to get involved in the Pixley case and with the District bureaucracy. Last year, at the request of Jerome Miller, the receiver in charge of the D.C. Department of Human Services, Gelles did a study of Pixley. He told Miller that he did not think she could then or at "any foreseeable date" provide adequate care for her children. He says he was not paid for his work; the receipt of his report was never acknowledged.

Miller is one of several figures in the Pixley case who believe in her. He hired her as a clerk while she was serving her sentence for infanticide. Social workers were indignant, and Pixley abused his trust by engaging in credit card fraud, but Miller remains a fan. She's still in jail for fraud (not murder). He told the weekly City Paper this week, "I'll take her back in a minute." Social workers who are critical of him, he says, are "probably lousy social workers."

Striking as Miller's tolerance is, it pales beside the mercy shown by Superior Court Judge George W. Mitchell, who seems stricken with sympathy. He accepted Pixley's attorney's plea that she killed 6-week-old Nakya in 1992 as a result of postpartum depression. Pixley has testified that, after she had suffocated the crying baby under a blanket, she stuffed the body in a dumpster and went off to a barbecue with her boyfriend.

Social workers and therapists speak well of Pixley's cooperativeness and progress. Her lawyer told Judge Mitchell that, apart from the smothering, Pixley had been a good mother to the infant. Gelles observed that she was a quiet, "compliant" person but "seriously damaged." Mitchell, in imposing his feather-light sentence—weekends in jail for three years—said he wanted to give Pixley's plea as much respect as that of "some high society woman."

The judge is sending Pixley to a halfway house where she will be joined in time by 1-year-old Cornilius, who is in the care of an acquaintance of is mother. She will be taught "parenting" and could eventually get custody of 6-year-old Edward, whom, Gelles thinks, should be made eligible for adoption.

Gelles says he has no choice but to volunteer as a "complaining witness' for the two little boys whose lives he feels are in danger. He finds it ironic that this test of the Family Reunification Act comes at a time when so many are trying to undo it. Both the president and the First Lady have held White House conferences about it. Sen. Michael DeWine (R-Ohio) has introduced a bill making the safety of the child the prime consideration—a concept sinking out of sight in our addled, victim-struck culture.

TRIBUTE TO LAWRENCE GRESSETTE, JR.

Mr. THURMOND. Mr. President, in any State, there is a core group of businessmen and women who help promote and guide development and economic success. These are the people who serve as the leaders of the private sector, individuals who work in concert with elected officials to create jobs, opportunity, and growth. Lawrence Gressette, Jr., has been one such leader in South Carolina, and I rise today to pay tribute to him and the many contributions he has made in helping South Carolina become one of the fastest growing centers for commerce and industry anywhere in the Nation.

Though Lawrence Gressette presides over one of the biggest corporations in our State, he did not begin his professional career with ambitions to become a captain of industry. As a matter of fact, Mr. Gressette started out as a country lawyer, which is about as far away from corporate America as one can get.

Born in rural St. Matthews, SC, Lawrence Gressette, Jr. was the son of a well-respected attorney who also served as one of the Palmetto State's most influential elected officials, State Senator L. Marion Gressette, Sr. Early on in life, Lawrence learned the importance of being a man of integrity and dedication, and he approached all his tasks with a keen sense of purpose. These characteristics have helped shape Lawrence's life and are a direct correlation to the many successes he has enjoyed. Whether it was during his days at Clemson, where he played football for the Tigers on scholarship and served as student body president; graduating first in his class at the School of Law at the University of South Carolina; building a successful practice as an attorney; or rising to the position of chairman and chief executive officer of the SCANA Corp., it was a commitment to hard work and honesty that paved the way for Lawrence Gressette to become one of the most influential and respected citizens of South Carolina.

While he did not follow his father's footsteps into public service, Lawrence Gressette, Jr. has certainly been a public spirited person, and he has repeatedly lent his time, name, and efforts to many causes, all of which had the goal of making the Palmetto State an even better place to call home. A devoted family man, he served his Nation as an infantry officer in the U.S. Army, he serves on several boards and committees throughout the State, and he is very active in his community. For his efforts, he has been recognized on several occasions with awards and commendations, and most significantly, he has been awarded two honorary degrees from colleges and universities in South Carolina.

Mr. President, Lawrence Gressette, Jr., is about to step down as the head of the SCANA Corp. We are grateful for all his hard work and leadership in running not only one of our State's most important organizations, but for his commitment to helping make South Carolina one of the Nation's most economically dynamic States. We wish him great health and happiness in the years to come, as well as continued success in whatever endeavors he chooses to undertake.

TRIBUTE TO DR. JAY PHILIP SANFORD

Mr. THURMOND. Mr. President, perhaps one of the best kept secrets in the American medical community can be found not far from this Chamber, the Uniformed Services University of the Health Sciences [USUHS], located in Bethesda, MD. For more than the past 20 years, this institution has trained in excess of 2,000 doctors who have gone on to serve our Nation either in one of the branches of the military, or in the Public Health Service. Without question, this university has greatly benefited the people and military personnel of the United States, and a tremendous debt is owed to the man who is known as the founding dean of this institution, Dr. Jay Philip Sanford. Unfortunately and sadly, Dr. Sanford passed away in October of last year.

To those who willingly risk their lives in order to ensure the security of the United States, there is probably no more comforting thought than to know that should they be wounded, they will receive excellent medical care. Indeed, advances in military medicine have helped to ensure that our service personnel will have access to the very best possible treatment and care no matter where they are located or what the conditions in which they are carrying out their duties. Whether it be the rugged and frigid mountains of Bosnia, or the harsh and hot deserts of Kuwait and Iraq, American military personnel do not want for the most advanced and competent medical care available. Without question, the corps of military medical professionals who have graduated from the Uniformed Services University of the Health Sciences, and the research conducted at that facility, have a great deal to do with that success.

The success of USUHS is directly attributable to the guidance and hard work of Dr. Sanford, who truly molded that university into the respected institution it has become. Established in 1972 at the direction of Congress, USUHS was to become a school that would prepare men and women for medical service careers in the Armed Forces and the U.S. Public Health Service. Not only creating a reliable source for military doctors, the university was to stress the instruction of the highly specialized fields of military medicine, preventive medicine, tropical medicine, and disaster medicine. It was the responsibility of Dr. Sanford to help build the university from the ground up, establishing curriculum, securing the necessary books and equipment required of a first-rate medical school, and ensuring that the first class of doctors would graduate from that school in 1980, as required by law. Dr. Sanford rose to the daunting challenge presented him, and in the finest traditions of the military, succeeded in achieving his mission and opening the doors of USUHS on schedule.

For his many impressive achievements, as a doctor, a researcher, and an educator, Dr. Sanford was awarded no shortage of tributes and recognitions. Regrettably, space does not permit a complete recitation of all the accolades he was granted in his life, but I think my colleagues would be interested to know that his alma mater, the University of Texas Southwestern Medical School established the Jay P. Sanford Lectureship in Infectious Diseases, and the Jay P. Sanford Professorship; and, USUHS established the Sanford Chair in Tropical Medicine, as well as creating the Jay P. Sanford Distinguished Alumnus Award. Furthermore, in addition to serving as the third president of USUHS, Dr. Sanford was awarded the doctor of military medicine degree [Honoris Causa], the USUHS Distinguished Service Medal, and the Department of Defense Civilian Service Medal.

Despite all these recognitions, one cannot help but think that the distinction of which Dr. Sanford was most proud would be the creation and success of the Uniformed Services University of the Health Sciences. In the years since the first class of doctors graduated from that school, USUHS trained physicians have supported American military operations throughout the world as well as have made many important contributions to the country through the Public Health Service. There is perhaps no greater legacy Dr. Sanford could have left than this institution which is dedicated to helping others. I do not exaggerate when I say that Dr. Sanford was a man who gave his all to our Nation and has left the United States a better place for his service. He will certainly be missed by all those who knew him, and his family has my deepest sympathies.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Morning business is now closed.

APPROVING THE PRESIDENTIAL FINDING REGARDING THE POPULATION PLANNING PROGRAM

The PRESIDING OFFICER. Under the previous order, the hour of 1:30 p.m. having arrived, the Senate will now proceed to the consideration of House Joint Resolution 36, which the clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 36) approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. There will now be 2 hours of debate evenly divided.

Mr. LEAHY. I suggest the absence of a quorum equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I rise in opposition to the resolution that the President has submitted requesting the early release of population planning funds.

Last fall, in the waning hours of Congress, an agreement was reached by the White House and the leadership to make $385 million available for family planning at a rate of 8 percent a month beginning in July. That date was agreed to so there would be no overlap of 1996 and 1997 funds.

The effect of the resolution before the Senate would be to virtually double the amount made available for population planning for 4 months this year. If the Senate passes the President's resolution, $123 million more in funding will be available for organizations that support abortions and lobby to undermine laws which protect the unborn.

There are those who would like to suggest that this is merely a question of shifting dates. We are not arguing over whether money becomes available but when, so the argument goes. In fact, this debate centers on how much will be available, to which groups, and under what circumstances.

I believe those of us who support the pro-life position made significant concessions during the negotiations over the omnibus resolution. Not only did we agree to raise the overall level of funding from $356 million in 1996 to $385 million, the disbursal rate was increased from roughly 6 percent to 8 percent a month. Now the President wants to move up the date when disbursal begins.

Very few of us actually oppose making family planning funds available. There is general consensus that a responsible family planning policy has a positive impact on a nation's development. Everyone appreciates the consequences exploding population rates have on every aspect of a nation's wellbeing, from the availability of education, food and jobs, to the condition of the environment.

So let us all agree that there is no question that U.S. family planning funds are extremely helpful in the developing world. But there is also absolutely no question that when the United States decided to provide resources only to organizations that agreed not—not—to perform abortions and agreed not to lobby to legalize abortions, we were still the single largest global donor of family planning funds. This understanding is the heart of the so-called Mexico City policy, a policy that resulted in steady increases in responsible U.S. family planning support, a policy that at the end of the Bush administration meant the United States contributed 45 percent of all family planning funds made available around the world.

There is a deep irony to this debate. On the one hand, the administration argues that the population program is in dire straits and beginning the funding in July will cause the closeout or reduction of at least 17 projects. Virtually all of those programs could be fully funded because they are carried out by organizations which meet the criteria of not supporting abortion or efforts to legalize abortion. In the misguided interest of protecting a few organizations, the administration is withholding support for the many willing to provide family planning services consistent with the Mexico City guidelines. They complain about the negative impact of cuts on funding yet are willing to forego an increase if it is linked to Mexico City. It does not make sense.

I support family planning, but I cannot and will not vote to provide funds to organizations which in the name of family planning take the lives of innocent, unborn children. I urge my colleagues to vote against this resolution.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, there are several people on this side of this issue who will speak, and so I will be brief to retain time for them, and I will yield myself now such time as I need.

All Senators should understand what this vote is. It is really whether to approve the President's finding. The President's finding is that withholding until July 1 the release of the funds that Congress appropriated last September for international family planning would result in more unwanted pregnancies and abortions and harm programs to protect the health of women and children.

This is not whether you are for abortions or against abortions, whether you are for family planning or against it. We know in many parts of the world family planning is abortion because we do not have everything from birth control devices to training, so people rely on abortion. What this would do would really give alternatives to it. In a misguided effort by some foes of abortion last year, the funds were held up until now and, if anything, will result in more abortions, not less.

What I would like to see us do is release the funds for family planning and give people an alternative to abortion as a form of family planning. In fact, 2 weeks ago the House voted by a substantial margin to uphold the President's finding. That meant that Republicans and Democrats voted to uphold the President's finding, and the Senate is going to vote tomorrow.

Some say that approving the President's finding would result in spending an additional $123 million on abortion. Of course, that is false, totally, patently false. This vote will not change the amount spent on family planning by one dime. And, none of this money can be spent on abortion or to promote abortion. Our law prohibits that.

This is an extremely important vote, and there should be no confusion about what it is about. So let me first talk about what this is not, so all Senators, no matter on which side of the abortion issue he or she is, will understand why they can support this resolution. This vote is not about how much we are going to spend on international family planning. We already decided that. We decided that, I believe, last September when we passed the foreign aid bill. That bill contained $385 million for family planning, and if we pass this resolution that amount is not going to change at all. If the resolution is defeated, the amount still will not change. So nobody should think we are voting to add or take away money.

The vote will also not affect how we spend the $385 million. It will not affect, for instance, which family planning organizations receive the funds. So, no matter which way we vote today, we do not determine which groups receive the funds. It does not affect that. Nor will this vote decide in any way, no matter which way we vote, if the funds can be used for abortion or to promote abortion.

This vote will decide only one thing. All this vote decides is, what date do we start spending the $385 million that we appropriated last year in the last Congress? It does not decide whether to spend it or how to spend it or what to spend it on, only whether we start spending the funds on July 1, 9 months after the start of the fiscal year, or March 1, 5 months after the start of the fiscal year.

You may ask, what difference does 4 months make, March 1, July 1, so what? If it did not make any difference, we would not even be here. But the difference is, there are tens of millions of people who will not have access to family planning services during those 4 months. We are talking about modern contraceptives, as well as condoms that protect against AIDS. This vote is about whether we should withhold family planning services to couples who desperately want to limit the size of their families or space the births of their children so their children survive past infancy.

We are not talking about money in a wealthy country like the United

States. We are talking about money in the poorest of poor countries. We are talking about money so people might be able to space their children so they do not see, what so many of these countries do, children that die in the first year. In fact, a number of these countries do not even list a birth until the child is several months old, or even years old, because of the high number of infant deaths.

There is no more effective, practical way to reduce the number of abortions than family planning. I could cite many examples. Here is one. Before 1990, a Russian woman averaged at least three abortions in her lifetime. From 1990 to 1994, with support from USAID, contraceptive use in Russia grew from 19 to about 24 percent. Just that 5-percent increase in the use of contraceptives resulted in a decrease in the number of abortions during that period by 800,000 abortions.

I would ask, how many of those who opposed that family planning money back during those years because somehow it might be used for abortion, how many of them are willing to stand up and say, "Because we spent it, we stopped 800,000 abortions in one country alone"? That should be the beginning and the end of this debate. If you are against abortion—and a number of Senators on this floor have voted for family planning money because, and primarily because, they are opposed to abortion, because they know this provides alternatives to abortion, just as we proved it did in Russia—just that 6 percent increase in contraceptive use cut the number of abortions by 800,000.

I ask unanimous consent a letter from Senator Mark Hatfield to Representative CHRIS SMITH be printed in the RECORD at end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. I mention this because Senator Hatfield was ardently, consistently pro-life for all his years here in the Senate. But I also know he is equally passionate about his support for family planning. He fully understood that when you limit access to family planning, the result is more abortions.

The other side will argue that since a tiny fraction of these funds may go to private organizations that provide abortions in countries like the United States where abortion is legal, the resolution should be defeated. There is no logic in that. What if the tables were turned and I argued that no family planning organization should receive U.S. Government funds unless they do use their own funds for abortion? There would be a big outcry, "It's big Government. How dare you tell these private groups what to do with their money?" That is not a road we want to go down. AID requires every dime to be kept in a separate account. We know how every dime of our money is spent. There has never been any evidence that any of these funds have been used for abortion. If there were, you can be sure we would have heard about it.

So let us start spending the money that we appropriated 5 months ago so it can do some good. The longer we wait, the more we add to the costs of administering the program, the more damage we cause to the health of women and children, the more unwanted pregnancies and abortions will result. It is that simple.

I would also say, this has become more of a political argument than an argument based on reality. I do not hear any of the advocates of this position, of withholding this money, stand up and say, "Let's not send any of our foreign aid to any country that may use some of their money, their money in that country, to pay for abortions." I challenge those who oppose this resolution, if you want to prove that you are really sincere, if you want to prove you are not doing this because of some other agenda, then pass a law that says that no money, none of our foreign aid money, can go to any country that uses any of its money for abortion. That make no more sense than voting against this resolution.

Mr. President, I retain the remainder of my time.

EXHIBIT 1

U.S. SENATE,
Washington, DC, September 24, 1996.

Hon. CHRISTOPHER H. SMITH,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHRIS: I have reviewed the materials you recently sent to my office in response to my request that you provide proof that U.S. funds are being spent on abortion through AID's voluntary international family planning program. Unfortunately, I do not see anything in these materials to back up your assertion.

AID has a rigorous process to make sure that the current prohibition on the use of U.S. funds is adhered to and that no U.S. funds are spent on abortion services. First, all agreements into which AID enters (grants, contracts, and cooperative agreements) include a legally binding and enforcement clause prohibiting the contractee from using the funds for abortion services. Second, AID staff monitor all agreements as they are implemented in the field to ensure that the agreements terms are being met. And finally, all grants with non-governmental organizations require a "Circular A-133 Audit" every one to two years. This audit looks not only at the financial aspects of the agreement, but reviews compliance with all terms of the agreement including the prohibition on the use of U.S. funds. The audit is done by an outside Big 8 accounting firm, not AID. According to AID, compliance with the funding prohibition has not been a problem.

In the meantime, Chris, you are contributing to an increase of abortions worldwide because of the funding restrictions on which you insisted in last year's funding bill. It is a proven fact that when contraceptive services are not available to women throughout the world, abortion rates increase. We have seen it in the former Soviet Union where women had no access to family planning and relied on abortion as their primary birth control method. Some women had between eight and twelve abortions during their lifetimes. This is unacceptable to me as someone who is strongly opposed to abortion.

It is my hope that we can work together to resolve this issue before AID's international family planning program is destroyed.

Kind regards.

Sincerely,

MARK O. HATFIELD,
U.S. Senator.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 44 minutes and 24 seconds.

Mr. McCONNELL. Mr. President, I yield 15 minutes to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. I thank the Senator from Kentucky for yielding.

Mr. President, I rise today in total support of sound policies which advance and uphold the sanctity of life and family, but in opposition to House Resolution 36. The issue, I believe, in fact, is not one of family planning but is, in fact, one of funding for abortion, organizations which promote and provide for abortions and lobby to change pro-life laws in countries where our foreign aid money goes.

First and foremost, allow me to recognize the importance of the two votes that took place in the House of Representatives on February 13. The Clinton resolution, which we will be voting on tomorrow—which unwisely, I believe, fails to include a ban on American taxpayer funding of organizations which provide and promote abortion—was successful by a vote of 220 to 209. But there was a second vote that occurred that day. The second vote, on H.R. 581, legislation of Congressman CHRIS SMITH, of New Jersey, reinstituting the successful Mexico City policy and requiring foreign nongovernmental organizations receiving U.S. funds to agree not to violate the laws, or lobby to change the laws, of other countries with respect to abortion, or to perform abortions in those countries except in cases of rape, incest, or where the mother's life is in danger, that resolution by Congressman SMITH was passed by an even larger majority of 231 to 194. So I remind Senators that the Smith pro-life resolution passed by a far greater margin than did the Clinton resolution.

This vote certainly illustrates the simple fact that one can be for family planning programs while standing for life.

As the Members of this body might recall, I am the only legislator in Congress to have served in the Arkansas

House of Representatives when President Clinton was Governor of Arkansas.

In October 1990, in response to written questions submitted by the Associated Press, the President, then Governor of Arkansas, said:

> Under the present Arkansas law, abortion is illegal when the unborn child can live outside its mother's womb, I support that . . . I have supported restrictions on public funding and a parental notification requirement for minors.

I believe the President was absolutely correct when he took that position about funding for abortion, and that is the issue before us today. Despite President Clinton's repeated sentiments in wanting to lower the number of abortions performed, his actions, since he took office 4 years ago, has spoken louder than his words.

In fact, President Clinton has actively fought to lift any and all restrictions on taxpayer-funded abortions, not with congressional approval but by the broad use of the Executive order. Besides refusing to reinstate the Mexico City policy, which had been working very successfully for a decade before he repealed it, he has also attempted to delete the ban on taxpayer funding of abortions and the ban on the use of funds to counsel persons on the practice of abortion. Similarly, his annual budgets have also proposed striking this pro-life language from the foreign operations appropriations bill.

We all know that congressional appropriations for U.S. population assistance have been delayed by the debate over the issue of U.S. funding for abortion and coercive birth control measures practiced by foreign countries.

Mr. President, at the second annual U.N. International Conference on Population in Mexico City in 1984, the Reagan administration announced that it would discontinue U.S. population aid to those nongovernmental organizations that were directly involved in voluntary abortion activities.

The Mexico City policy went a step beyond previous legislation that had been passed in the 1970's that specifically banned direct funding of abortions and involuntary sterilizations. The Mexico City policy banned funding to nongovernmental organizations that were indirectly involved in abortion-related activities.

Furthermore, the Reagan administration established a requirement that the U.N. Family Planning Agency provide "concrete assurances that it is not engaged in, or does not provide funding for abortion or coercive family planning assistance programs."

Mr. President, I ask unanimous consent that the original Mexico City policy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POLICY STATEMENT: INTERNATIONAL CONFERENCE ON POPULATION

INTRODUCTION

For many years, the United States has supported, and helped to finance, programs of family planning, particularly in developing countries. This Administration has continued that support but has placed it within a policy context different from that of the past. It is sufficiently evident that the current exponential growth in global population cannot continue indefinitely. There is no question of the ultimate need to achieve a condition of population equilibrium. The differences that do exist concern the choice of strategies and methods for the achievement of that goal. The experience of the last two decades not only makes possible but requires a sharper focus for our population policy. It requires a more refined approach to problems which appear today in quite a different light than they did twenty years ago.

First and most important, population growth is, of itself, a neutral phenomenon. It is not necessarily good or ill. It becomes an asset or a problem only in conjunction with other factors, such as economic policy, social constraints, need for manpower, and so forth. The relationship between population growth and economic development is not necessarily a negative one. More people do not necessarily mean less growth. Indeed, in the economic history of many nations, population growth has been an essential element in economic progress.

Before the advent of governmental population programs, several factors had combined to create an unprecedented surge in population over most of the world. Although population levels in many industrialized nations had reached or were approaching equilibrium in the period before the Second World War, the baby boom that followed in its wake resulted in a dramatic, but temporary, population "tilt" toward youth. The disproportionate number of infants, children, teenagers, and eventually young adults did strain the social infrastructure of schools, health facilities, law enforcement and so forth. However, it also helped sustain strong economic growth, despite occasionally counterproductive government policies.

Among the developing nations, a coincidental population increase was caused by entirely different factors. A tremendous expansion of health services—from simple inoculations to sophisticated surgery—saved millions of lives every year. Emergency relief, facilitated by modern transport, helped millions to survive flood, famine, and drought. The sharing of technology, the teaching of agriculture and engineering, and improvements in educational standards generally, all helped to reduce mortality rates, especially infant mortality, and to lengthen life spans.

This demonstrated not poor planning or bad policy but human progress in a new era of international assistance, technological advance, and human compassion. The population boom was a challenge; it need not have been a crisis. Seen in its broader context, it required a measured, modulated response. It provoked an overreaction by some, largely because it coincided with two negative factors which, together, hindered families and nations in adapting to their changing circumstances.

The first of these factors was governmental control of economies, a development which effectively constrained economic growth. The post-war experience consistently demonstrated that, as economic decision-making was concentrated in the hands of planners and public officials, the ability of average men and women to work towards a better future was impaired, and sometimes crippled. In many cases, agriculture was devastated by government price fixing that wiped out rewards for labor. Job creation in infant industries was hampered by confiscatory taxes. Personal industry and thrift were penalized, while dependence upon the state was encouraged. Political considerations made it difficult for an economy to adjust to changes in supply and demand or to disruptions in world trade and finance. Under such circumstances, population growth changed from an asset in the development of economic potential to a peril.

One of the consequences of this "economic statism" was that it disrupted the natural mechanism for slowing population growth in problem areas. The world's more affluent nations have reached a population equilibrium without compulsion and, in most cases, even before it was government policy to achieve it. The controlling factor in these cases has been the adjustment, by individual families, of reproductive behavior to economic opportunity and aspiration. Historically, as opportunities and the standard of living rise, the birth rate falls. In many countries, economic freedom has led to economically rational behavior.

That pattern might be well under way in many nations where population growth is today a problem, if counterproductive government policies had not disrupted economic incentives, rewards, and advancement. In this regard, localized crises of population growth are, in part, evidence of too much government control and planning, rather than too little.

The second factor that turned the population boom into a crisis was confined to the western world. It was an outbreak of an anti-intellectualism, which attacked science, technology, and the very concept of material progress. Joined to a commendable and long overdue concern for the environment, it was more a reflection of anxiety about unsettled times and an uncertain future. In its disregard of human experience and scientific sophistication, it was not unlike other waves of cultural anxiety that have swept through western civilization during times of social stress and scientific exploration.

The combination of these two factors—counterproductive economic policies in poor and struggling nations, and a pessimism among the more advanced—led to a demographic overreaction in the 1960's and 1970's. Scientific forecasts were required to compete with unsound, extremist scenarios, and too many governments pursued population control measures without sound economic policies that create the rise in living standards historically associated with decline in fertility rates. This approach has not worked, primarily because it has focused on a symptom and neglected the underlying ailments. For the last three years, this Administration has sought to reverse that approach. We recognize that in, some cases, immediate population pressures may require short-term efforts to ameliorate them. But population control programs alone cannot substitute for the economic reforms that put a society on the road toward growth and, as an aftereffect, toward slower population increases as well.

Nor can population control substitute for the rapid and responsible development of natural resources. In commenting on the Global 2000 report, this Administration in 1981 disagreed with its call "for more government supervision and control," stating that:

"Historically, that has tended to restrict the availability of resources and to hamper the development of technology, rather than to assist it. Recognizing the seriousness of environmental and economic problems, and their relationship to social and political pressures, especially in the developing nations, the Administration places a priority upon technologically advance and economic expansion, which hold out the hope of prosperity and stability of a rapidly changing world. That hope can be realized, of course, only to the extent that government's response to problems, whether economic or ecological, respects and enhances individual freedom, which makes true progress possible and worthwhile."

Those principles underlie this country's approach to the International Conference on Population to be held in Mexico City in August.

POLICY OBJECTIVES

The world's rapid population growth is a recent phenomenon. Only several decades ago, the population of developing countries was relatively stable, the result of a balance between high fertility and high mortality. There are now 4.5 billion people in the world, and six billion are projected by the year 2000. Such rapid growth places tremendous pressures on governments without concomitant economic growth.

The International Conference on Population offers the U.S. an opportunity to strengthen the international consensus on the interrelationships between economic development and population which has emerged since the last such conference in Bucharest in 1974. Our primary objective will be to encourage developing countries to adopt sound economic policies and, where appropriate, population policies consistent with respect for human dignity and family values. As President Reagan stated, in his message to the Mexico City Conference:

"We believe population programs can and must be truly voluntary, cognizant of the rights and responsibilities of individuals and families, and respectful of religious and cultural values. When they are, such programs can make an important contribution to economic and social development, to the health of mothers and children, and to the stability of the family and of society."

U.S. support for family planning programs is based on respect for human life, enhancement of human dignity, and strengthening of the family. Attempts to use abortion, involuntary sterilization, or other coercive measures in family planning must be shunned, whether exercised against families within a society or against nations within the family of man. The United Nations Declaration of the Rights of the Child (1959) calls for legal protection for children before birth as well as after birth. In keeping with this obligation, the United States does not consider abortion an acceptable element of family planning programs and will no longer contribute to those of which it is a part. Accordingly, when dealing with nations which support abortion with funds not provided by the United States Government, the United States will contribute to such nations through segregated accounts which cannot be used for abortion. Moreover, the United States will no longer contribute to separate non-governmental organizations which perform or actively promote abortion as a method of family planning in other nations. With regard to the United Nations Fund for Population Activities (UNFPA), the U.S. will insist that no part of its contribution be used for abortion. The U.S. will also call for concrete assurances that the UNFPA is not engaged in, or does not provide funding for, abortion or coercive family planning programs; if such assurances are not forthcoming, the U.S. will redirect the amount of its contribution to other, non-UNFPA family planning programs.

In addition, when efforts to lower population growth are deemed advisable, U.S. policy considers it imperative that such efforts respect the religious beliefs and culture of each society, and the right of couples to determine the size of their own families. Accordingly, the U.S. will not provide family planning funds to any nation which engages in forcible coercion to achieve population growth objectives.

U.S. Government authorities will immediately begin negotiations to implement the above policies with the appropriate governments and organizations.

It is time to put additional emphasis upon those root problems which frequently exacerbate population pressures, but which have too often been given scant attention. By focusing upon real remedies for underdeveloped economies, the International Conference on Population can reduce demographic issues to their proper place. It is an important place, but not the controlling one. It requires our continuing attention within the broader context of economic growth and of the economic freedom that is its prerequisite.

POPULATION, DEVELOPMENT, AND ECONOMIC POLICIES

Conservative projections indicate that, in the sixty years from 1950 to 2010, many Third World countries will experience four, five or even sixfold increases in the size of their populations. Even under the assumption of gradual declines in birth rates, the unusually high proportion of youth in the Third World means that the annual population growth in many of these countries will continue to increase for the next several decades.

Sound economic policies and a market economy are of fundamental importance to the process of economic development. Rising standards of living contributed in a major way to the demographic transition from high to low rates of population growth which occurred in the U.S. and other industrialized countries over the last century.

The current situation of many developing countries, however, differs in certain ways from conditions in 19th century Europe and the U.S. The rates and dimensions of population growth are much higher now, the pressures on land, water, and resources are greater, the safety-valve of migration is more restricted, and, perhaps most important, time is not on their side because of the momentum of demographic change.

Rapid population growth compounds already serious problems faced by both public and private sectors in accommodating changing social and economic demands. It diverts resources from needed investment, and increases the costs and difficulties of economic development. Slowing population growth is not a panacea for the problems of social and economic development. It is not offered as a substitute for sound and comprehensive development policies. Without other development efforts and sound economic policies which encourage a vital private sector, it cannot solve problems of hunger, unemployment, crowding or social disorder.

Population assistance is an ingredient of a comprehensive program that focuses on the root causes of development failures. The U.S. program as a whole, including population assistance, lays the basis for well grounded, step-by-step initiatives to improve the well-being of people in developing countries and to make their own efforts, particularly through expanded private sector initiatives, a key building block of development programs.

Fortunately, a broad international consensus has emerged since the 1974 Bucharest World Population Conference that economic development and population policies are mutually reinforcing.

By helping developing countries slow their population growth through support for effective voluntary family planning programs, in conjunction with sound economic policies, U.S. population assistance contributes to stronger saving and investment rates, speeds the development of effective markets and related employment opportunities, reduces the potential resource requirements of programs to improve the health and education of the people, and hastens the achievement of each country's graduation from the need for external assistance.

The United States will continue its longstanding commitment to development assistance, of which population programs are a part. We recognize the importance of providing our assistance within the cultural, economic and political context of the countries we are assisting, and in keeping with our own values.

HEALTH AND HUMANITARIAN CONCERNS

Perhaps the most poignant consequence of rapid population growth is its effect on the health of mothers and children. Especially in poor countries, the health and nutrition status of women and children is linked to family size. Maternal and infant mortality rises with the number of births and with births too closely spaced. In countries as different as Turkey, Peru, and Nepal, a child born less than two years after its sibling is twice as likely to die before it reaches the age of five, than if there were an interval of at least four years between the births. Complications of pregnancy are more frequent among women who are very young or near the end of their reproductive years. In societies with widespread malnutrition and inadequate health conditions, these problems are reinforced; numerous and closely spaced births lead to even greater malnutrition of mothers and infants.

It is an unfortunate reality that in many countries, abortion is used as a means of terminating unwanted pregnancies. This is unnecessary and repugnant; voluntary family assistance programs can provide a humane alternative to abortion for couples who wish to regulate the size of their family, and evidence from some developing countries indicates a decline in abortion as such services become available.

The basic objective of all U.S. assistance, including population programs, is the betterment of the human condition—improving the quality of life of mothers and children, of families, and of communities for generations to come. For we recognize that people are the ultimate resource—but this means happy and healthy children, growing up with education, finding productive work as young adults, and able to develop their full mental and physical potential.

U.S. aid is designed to promote economic progress in developing countries through encouraging sound economic policies and freeing of individual initiative. Thus, the U.S. supports a broad range of activities in various sectors, including agriculture, private enterprise, science and technology, health, population, and education. Population assistance amounts to about ten percent of total development assistance.

TECHNOLOGY AS A KEY TO DEVELOPMENT

The transfer, adaptation, and improvement of modern know-how is central to U.S. development assistance. People with greater know-how are people better able to improve their lives. Population assistance ensures that a wide range of modern demographic technology is made available to developing countries and that technological improvements critical for successful development receive support.

The efficient collection, processing, and analysis of data derived from census, survey, and vital statistics programs contributes to better planning in both the public and private sectors.

THE U.S. AT MEXICO CITY

In conjunction with the above statements of policy, the following principles should be drawn upon to guide the U.S. delegation at the International Conference on Population:

No. 1. Respect for human life is basic, and any attempt to use abortion, involuntary sterilization, or other coercive measures in family planning must be rejected.

No. 2. Population policies and programs should be fully integrated into, and reinforce, appropriate, market-oriented development policies; their objective should be clearly seen as an improvement in the human condition, and not merely an exercise in limiting births.

No. 3. Access to family education and services needs to be broadened, especially in the context of maternal/child health programs, in order to enable couples to exercise responsible parenthood. Consistent with values and customs, the U.S. favors offering couples a variety of medically approved methods.

No. 4. Though population factors merit serious consideration in development strategy, they are not a substitute for sound economic policies which liberate individual initiative through the market mechanism.

No. 5. There should be higher international priority for biomedical research into safer and better methods of fertility regulation, especially natural family planning, and for operations research into more effective service delivery and program management.

No. 6. Issues of migration should be handled in ways consistent with both human rights and national sovereignty.

No. 7. The U.S., in cooperation with other concerned countries, should resist intrusion of polemical or non-germane issues into Conference deliberations.

Mr. HUTCHINSON. Mr. President, 2 days after his 1993 swearing-in ceremony, President Clinton submitted an Executive order repealing the Mexico City policy. This repeal now allows American taxpayer funds to be given to the United Nations planning agency in support of coercive abortions and involuntary sterilization, commonly practiced in places like China, a position which is completely contrary to the desires of the American people.

I sincerely consider these practices of involuntary sterilization and coercive abortion to be well outside the boundaries of what can be legitimately called family planning.

Most organizations agreed to the terms of the Mexico City policy, even giving up their pro-abortion activities in some cases, in order to receive U.S. funds. It did not decrease by even 1 penny the amount of funding for international population control assistance programs. Rather, it ensured that family planning dollars were sent to organizations which neither promoted nor performed abortion as a method of family planning.

Furthermore, since 1973, when Congress passed the Helms amendment to the Foreign Assistance Act, Federal law has prohibited direct payment of most abortion procedures with U.S. foreign aid funds. The Helms language was also included in the annual foreign operations appropriations bill last year.

For most of the years it has been in effect, the Helms amendment has not been challenged either in the Foreign Assistance Act or in the foreign operations appropriations bill. However, since President Clinton has been in office, he has continually sought to repeal the Helms amendment ban on foreign abortion funding, thereby subverting the will of the vast majority of Americans.

The American people overwhelmingly oppose the use of taxpayer funds to perform or promote abortion. And at one time, I might add, so did President Clinton. On September 26, 1986, then Governor Clinton wrote the following letter to the Arkansas Right to Life:

> I am opposed to abortion and to Government funding of abortions. We should not spend State funds on abortions because so many people believe abortion is wrong.

And the logic of the President, then Governor Clinton, was exactly right. I ask unanimous consent that the letter to the Arkansas Right to Life dated September 26, 1986 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ARKANSAS RIGHT TO LIFE,
OFFICE OF THE GOVERNOR,
Little Rock, AR, September 26, 1986.

Earlene Windsor,
Arkansas Right to Life,
Little Rock, AR.

DEAR MRS. WINDSOR: Thank you for giving me the opportunity to respond to the Arkansas Right to Life Questionnaire. However, most of the questions address federal issues outside the authority of a governor or the state.

Because many of the questions do concern the issue of abortion, I would like for your members to be informed of my position on the state's responsibility in that area. I am opposed to abortion and to government funding of abortions. We should not spend state funds on abortions because so many people believe abortion is wrong. I do support the concept of the proposed Arkansas Constitutional Amendment 65 and agree with its stated purpose. As I have said, I am concerned that some questions about the amendment's impact appear to remain unanswered.

Again, thank you for allowing me to share my position on this important issue.

Sincerely,

BILL CLINTON.

Mr. HUTCHINSON. Mr. President, because of the concerns of the Clinton administration's population assistance policy, this Congress added language that requires any amount that the United Nations population fund spends on family planning programs in China be deducted from its total United States appropriation.

Communist China has one of the worst human rights records in the world, promoting forced abortions and sterilizations to limit births. It is a country which has little regard for human life and, in particular, the lives of little baby girls. Press reports are filled with accounts of beautiful female children who are abandoned by their families because under China's one-child-per-family rule, male children are considered more desirable. This policy is and should be offensive to all civilized people.

If the administration's resolution is passed by the Senate tomorrow, the American taxpayer will become an unwilling participant in China's outrageous practices because some of the $25 million designated for United Nations population fund will go to China.

Without the Mexico City policy, the United States will be giving money to such countries and organizations which blatantly promote and support pro-abortion policies and procedures. This should be unacceptable to all of us.

While I believe the United States can provide meaningful assistance to countries attempting to control their population growth, I adamantly oppose American taxpayer funding for abortion both home and abroad.

While I will continue to support continued U.S. population assistance programs, I also believe that the United States should encourage the development of market economies which improve the standard of living for growing populations.

This resolution came about because of the Clinton administration's refusal to accept pro-life language preventing AID grantees from using foreign aid dollars to promote abortion.

Mr. President, please remember at the end of the last Congress, White House negotiator and former Chief of Staff, Leon Panetta, adamantly rejected a proposal which would have allowed AID to spend as much as $713 million for international family planning by the end of the fiscal year. This takes into account $303 million carried over from fiscal year 1996.

The proposal provided $385 million for population control programs, in addition to $25 million for the U.N. Family Planning Agency. If an organization did not agree to the terms of the Mexico City policy, it would only receive up to 50 percent of the population funds it received in fiscal year 1995. All the fiscal year 1997 funds would be available in fiscal year 1997.

The administration rejected this proposal because of the nominal pro-life conditions on the fiscal year 1997 funds. Even without the other evidence of the

Clinton administration's abortion activities, this stand by the administration is a clear admission that family planning funds are used to establish, sustain, and build up abortion providers and pro-abortion lobbying in developing countries, and the ability of AID grantees to perform and promote abortion in developing countries is the real priority of the administration.

It is obvious that this battle will be renewed each year on the foreign operations appropriations bill until the pro-life position prevails, as it has ultimately prevailed on the Hyde amendment, the ban on Federal employees health benefits coverage of abortions, the prohibition on abortions in military hospitals, and all other pro-life amendments which became law over the President's opposition.

I cannot stand here today and believe the Clinton administration's claim that it wants to reduce the number of abortions when United States dollars are given to organizations which actually perform abortions and which lobby to legalize abortions in countries like Latin America, Africa, and other regions of the world which recognize the humanity and the value of the lives of unborn children.

The Clinton administration continues to emphasize that no U.S. funding goes directly to abortion practices. However U.S. funding is allocated to organizations like International Planned Parenthood Federation, which receives $70 million from the United States. The IPPF makes no secret of their pro-abortion commitment, which is apparent in their "Vision 2000 Strategic Plan."

With millions of U.S. dollars each year providing funding for the IPPF's lobbying campaigns, overhead, and utilities, how can we then say that American taxpayer dollars are not being used to fund abortions? I believe they certainly obviously are.

Mr. President, we must end this practice of the IPPF and similar groups exploiting the hard-earned dollars of every taxpaying citizen across this great Nation.

The will of the American people is being subverted by this policy. Americans do not want Federal tax dollars being used for abortions. This applies to our foreign aid policies as well as our domestic agenda.

Mr. President, I will leave you today with a quote from Mother Teresa of Calcutta. Mother Teresa made this comment on February 3, 1994, at the National Prayer Breakfast. Many of us were in attendance that day. I was there and so was the President. I believe that this statement speaks volumes. She said:

> But I feel that the greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of the innocent child.

The issues in this debate are not just family planning, whether millions of pro-life American taxpayers will be required to help foot the bill for a practice they find morally reprehensible; but also ceding control of taxpayer dollars to foreign governments over which we have no control. I believe that is unacceptable. I think it is wrong to ask pro-life American taxpayers to foot the bill for that which they find morally offensive and morally wrong. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the distinguished Senator from Wisconsin is on the floor. How much time does he wish?

Mr. FEINGOLD. Eight minutes.

Mr. LEAHY. I yield 8 minutes to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President.

I rise today in support of House Joint Res. 36 to uphold a Presidential finding regarding the provision of international family planning assistance.

I thank the senior Senator from Vermont for his leadership on this issue.

Let me just briefly clarify a point with regard to the remarks of the junior Senator from Arkansas, who indicated his belief that this resolution would impact the UNFPA program. My understanding is that the resolution is not related to that program at all, that the resolution in question today has to do with USAID funds. If there is any error in that regard, I would be happy to be corrected, but my understanding is that what we are dealing with here is USAID money. So the arguments concerning funding for UNFPA do not relate to the topic we are discussing today.

Mr. President, by voting to uphold this resolution, the Senate will express agreement with the President that further delays in the disbursement of funds in the population account will cause undue hardship for the organizations that carry out U.S. international population programs. In fact, President Clinton has said that "a delay will cause serious, irreversible and unavoidable harm" to these programs.

U.S. assistance to voluntary family planning supports a broad array of products and services for maternal and child health—including family planning education, clinical services, and birth control. These programs have proved enormously effective—not only in improving the health of hundreds of thousands of women and children, but also in reducing the pressures that rapid population growth places on food and water, on housing and education, and on forests and trees in developing countries.

Perhaps most importantly, studies indicate that international family planning programs can have a tremendous impact on limiting the number of unintended pregnancies throughout the world, which—ultimately—greatly decreases the perceived need or demand for abortions.

Now let me reiterate this point, because it is extremely important. This vote actually will have the effect of limiting the number of abortions conducted worldwide.

This vote also is a referendum on how the Senate views family planning. Does the Senate support the provision of family planning services to women and men in the developing world, or does it not?

I know that several Senators will speak today about the awful consequences that will result if we fail to uphold the Presidential certification. Each one of us will highlight some area of the world, or the provision of some service, that will suffer from a further delay in the disbursement of these funds.

As the ranking Democrat on the Africa Subcommittee, I would like to focus on Africa, where the United States international family planning program has made a tremendous impact.

In fiscal year 1996, United States population assistance funds were distributed in 21 countries in sub-Saharan Africa, with a combined population of 426 million people. These countries are overwhelmingly poor, yet have among the highest fertility rates in the world.

The United States population assistance program is one of the most important things that the United States Agency for International Development does in Africa.

As elsewhere, USAID supports a comprehensive program of voluntary family planning and closely related health efforts in several sub-Saharan African countries. It has trained hundreds of nurses and midwives in Uganda. In Mozambique, a country whose entire infrastructure was destroyed by 17 years of civil war, USAID helps deliver family planning and maternal-child health services in four provinces with a combined population of more than 6 million people. And it contributes to the distribution of modern contraceptive products in Zimbabwe, where 42 percent of women are now demanding such products.

Now what will happen if the resolution that we will vote on tomorrow fails?

First, many of the nongovernmental organizations that currently administer these programs will be forced to close key activities. To give a compelling example, CARE, an NGO that has 50 years of experience helping poor families, already is considering shutting down its family planning program in Uganda because of the funding restrictions imposed by the United States Congress. After investing some $2 million of USAID funds in this program over 4 years, CARE has trained more than 1,000 community-based health workers, launched family planning services in 71 clinics, and increased the percentage of couples using contraception in the program target area from 1 percent to 10 percent.

If this resolution fails tomorrow, CARE's network of trained volunteers will no longer be able to serve their communities to educate women and men about family planning and other health care.

Second, even those programs that do not close their doors will be negatively affected if we delay our support. The distribution of key family planning and health products will be seriously disrupted.

In Lusaka, the capital of Zambia and a city with one of the highest rates of HIV infection, condom distribution would have to be reduced significantly, greatly increasing the chances of a rapid spread of the HIV virus.

In Kenya, USAID-funded programs that have spent years teaching women about health and family planning, and have helped create a demand for contraceptive services, may no longer be able to offer birth control pills or other products to the men and women who now depend on them.

A third consequence of a negative vote tomorrow is that information campaigns on family planning and maternal and child health will also be cut back dramatically. These campaigns have been successful at reaching millions of couples worldwide, helping to educate them about birth spacing, natural family planning and other family planning methods.

Finally, as one Member of the Senate who is careful about how and where we spend U.S. taxpayer money, I am concerned that a negative vote today will waste thousands—if not millions—of dollars in unnecessary administrative costs that will be incurred if the disbursement of funds for the international family planning program is delayed any further.

AVSC International, the second largest-funded agency that works in partnership with USAID on international family planning, estimates that because of previous congressional restrictions and metering, it already has spent $2 million in staff time and associated administrative costs in order to manage the impact of delayed funding. What this means, according to an AVSC report, is that "for every dollar intended to provide access to these services last year, a smaller quantity of services was actually provided."

I find this type of expense, which wastes valuable taxpayer dollars, absolutely unconscionable.

If the Senate fails to uphold the Presidential finding, more and more organizations will be faced with similar, equally ridiculous costs.

In other words, Mr. President, a further delay in the disbursement of these funds would be inefficient.

It would be disruptive.

And it would be costly.

Opponents of House Joint Resolution 36 will have you believe that U.S. tax dollars are used to pay for abortion, even though they are well aware that such a practice has been illegal for more than two decades.

Mr. President, this vote, as we always have to point out on this issue but it bears constant repetition, this vote is not about abortion. It is about whether the United States will continue to support efforts to educate both men and women about modern methods of birth control, about the importance for health and financial well-being of spacing one's children, and about obtaining adequate pre- and post-natal care.

Mr. President, it frankly boggles the mind that these logical, commonsense activities, which promote sensible family planning in order to prevent or delay pregnancies until they are wanted, can be thought of as promoting abortion. These funds help prevent pregnancies, not end them. Without these funds, abortion rates will undoubtedly increase.

This vote is about helping empower individuals to make the most basic and personal decisions a person can make. It is about helping empower individuals to make choices about how many children to bring into this world and when to have them. It is about helping empower individuals to safely prevent pregnancy, and when they choose to give birth, to deliver and care for their children to maximize health. This is an issue of fundamental freedom. Our support of these programs represents a longstanding commitment from which our Nation, founded on the principles of liberty and democracy, must not back away.

Mr. President, I urge all of my colleagues who care about women and their children, who care about health and the eradication of disease, who care about access to food and water, who care about the environment and the effect of global warming, who care about Africa or Latin America or Asia, who care about responsible spending, or who care about preventing the demand for abortion, I urge all of my colleagues to uphold the Presidential determination and to vote in favor of this resolution.

Mr. President, I thank not only the Senator from Vermont but my colleagues who gave me the courtesy of letting me speak at this point. I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. We are going to go from side to side, Mr. President.

Mr. LEAHY. If you would like.

Mr. McCONNELL. Mr. President, we have sort of an informal agreement here to rotate sides. Senator HELMS is here and would like to speak on my side of this issue. I would like to yield him 8 minutes.

Mr. HELMS. That will be fine, or less.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Chair and I thank the distinguished managers of the bill.

Mr. President, I am grateful to the distinguished Senator from Arkansas Mr. [HUTCHINSON], for offering S. 337, which is the bill to restrict U.S. assistance to foreign organizations that perform or actively promote abortion. I am an original cosponsor of that bill. I believe it is safe to assume it will receive careful consideration in the Foreign Relations Committee.

Mr. President, if S. 337 were law, Congress would not be tied in the existing knot regarding international population control funding that now exists.

With regard to the pending business, I was astonished to learn that there were 21 mentions of the so-called Helms amendment during the February 13 House debate on House Joint Resolution 36. The references to the Helms amendment were prompted by the purpose of my resolution, which prohibits using foreign aid funds for performing abortions as a method of family planning.

Mr. President, I ask unanimous consent the text of section 104(f) of the Foreign Assistance Act, known as the Helms amendment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 104—FOREIGN ASSISTANCE ACT OF 1961
(P.L. 87–195)

(f) PROHIBITION ON USE OF FUNDS FOR ABORTIONS AND INVOLUNTARY STERILIZATIONS.—(1) None of the funds made available to carry out this part may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions.

Mr. HELMS. Mr. President, since the Helms amendment, so-called, is referenced in the administration's talking points, it may be that Senators will be referring to it from time to time in this debate, and therefore I feel obliged as the author of the Foreign Assistance Act to offer a few comments about what section 104(f) does and what it does not do.

The Helms amendment has been permanent law since 1973, the year after I came to the Senate. It is a narrow restriction on how funds provided by the American taxpayers can be used. It is not a restriction on the actions of private groups—for example, International Planned Parenthood Federation—that receive funding provided by the taxpayers of this country.

A group may use Federal funds for administrative expenses, distributions of condoms, or to pay for, if you can believe it, family planning radio soap operas and gender analysis tool kits, whatever they are. Simultaneously, funds available to these same groups from other sources can and often do pay for abortion or pro-abortion lobbying efforts. It goes without saying when the U.S. Government pays for administrative and other expenses of these groups, funds from other sources are freed up for activities that otherwise would be a violation of U.S. law.

Which is precisely why the Reagan administration came up with the Mexico City policy—so that funds provided by the American taxpayers would not be misused to underwrite, directly or indirectly, the pro-abortion dogma of the International Planned Parenthood Federation and other similar pro-abortion foreign organizations. President Clinton, who agrees with the pro-abortion doctrine, reversed President Reagan's Mexico City policy and other pro-life protections on the second day that Mr. Clinton was in office back in 1993.

So the administration has, therefore, once again masterfully obfuscated the real issue, which is, does the 105th Congress today agree with underwriting, directly or indirectly, organizations that make a callous business out of performing abortions and browbeating those poor Third World governments into reviewing and reversing their long-held beliefs and pro-life laws.

I cannot condone what these organizations set out to do and I refuse to be a part of a scheme leading to the deliberate destruction of the lives of the most innocent and most helpless human beings imaginable, and those are unborn babies.

I will vote against the pending resolution, because, as my father so often told me many years ago, he said "Son, you become a part of what you condone," and I cannot condone this.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. Kyl). Who yields time?

Mr. LEAHY. Mr. President, I know the distinguished senior Senator from Maine wishes to speak, and I yield to her such time as she may require.

Ms. SNOWE. Mr. President, and Members of the Senate, I rise in strong support of this resolution to expedite the release of already appropriated funds for international family planning. This resolution essentially reaffirms the President's certification that the delaying of these funds which were appropriated last year will cause serious and irreparable harm to family planning programs around the world.

The life and health of women and children should transcend politics and party lines. The United States has traditionally been a leader in family planning assistance around the world for more than 30 years. It has enjoyed strong bipartisan support for such leadership. It has had unrivaled influence worldwide in setting standards for these programs.

These family planning assistance programs fund voluntary family planning services, contraceptive research, maternal health programs and child health programs. An estimated 50 million families in over 60 developing countries, with a combined population of 2.7 billion people across the world, use family planning as a direct result of U.S. population assistance programs.

There is no question that our support and our assistance over the last 30 years in developing countries has been enormously successful. The average family size in countries that receive our assistance has decreased from six children to three children. The Agency for International Development has increased the use of contraceptives in developing countries from 10 percent of married couples in the 1970's to 50 to 60 percent today.

Yet, there is still a great need for additional family planning assistance. In developing countries, maternal mortality is the single leading killer of women in their reproductive years, with 600,000 women dying annually from pregnancy-related complications. Family planning could reduce the deaths by one-fifth. It is estimated one out of five infant deaths could be averted if all children were spaced at an interval of at least 2 years.

Unfortunately, the passage of the omnibus appropriations bill last year came at a heavy price for U.S. family planning assistance programs. As we all know, fiscal year 1997 funds cannot be spent until July 1, and at only 70 percent of the 1995 level, and on a monthly basis of 8 percent over the next 12½ months.

As a result, family planning assistance by our Government will be reduced from $547 million in 1995 to only $385 million during 1997. This translates into a 30 to 35 percent cut of $162 million. If we delay the funding for these programs until July 1, we are talking about delay in funding of another $123 million.

We agreed to these cuts and restrictions only because we wanted to avoid a Government shutdown given that there was a difference between the House and the Senate on this issue. The Senate rightfully took the position that we should fund these programs without the Mexico City language. But in order to protect these programs, we inserted language requiring a vote on the President's certification that is before us today.

I can assure Members that the failure to release these funds now will have a devastating impact on women, children, and families all over the globe, and particularly in developing countries. Countless programs have already been suspended or halted, as mentioned by the Senator from Wisconsin, and if the funds are released in July rather than now, dozens of programs may be forced to permanently close their doors, including programs in Peru, Bolivia, Mexico, the Philippines, and elsewhere. These programs are critical in preventing unplanned pregnancies, reducing infant mortality, reducing rates of HIV infection, and promoting maternal and child health.

So there is no question, as the President has indicated, there will be irreparable harm to these programs. More than that, the Alan Guttmacher Institute and other research institutions predict as a result of just the funding cuts alone, not even the delay in funding, but just in the funding cuts alone, 7 million couples in developing countries who would have used modern contraceptives will be left without access to family planning. Four million more women will experience unintended pregnancies.

Now, according to the World Health Organization, 40 percent of unintended pregnancies result in abortions. So we can expect 1.6 million more abortions and countless miscarriages; 1.9 million more unplanned births, often to families, as we know, living in terrible poverty conditions and who cannot afford another child; 8,000 more women dying in pregnancy and childbirth, and 134,000 infant deaths. These figures relate to the funding cuts alone. They do not even take into account the effect of the metering out, on a monthly basis for 12½ months, of this funding, or, most importantly, the significant delay in funding.

Make no mistake about it, a vote against this resolution is a vote for more abortions, more women dying, more children dying. That is what I think is inconceivable in this debate—that those individuals who are against abortion are also against family planning. That is the bottom line in this debate. I have been debating this issue since 1985. Time and time again there hasn't been one single shred of evidence to suggest that U.S. population assistance funding is going for abortions or abortion-related activities in other countries.

Senator Leahy was absolutely correct when he discussed the implications of the fungibility argument if applied to our assistance to foreign governments. We give assistance to foreign governments who allow abortions in their countries, according to their laws. We don't impose the requirement that if they use their money for abortion-related activities, we will not provide them foreign assistance. But this is a standard we are using for private organizations who have been instrumental in reducing the incidence of abortion worldwide. That should be of interest to all of us, given the enormous implications of population growth in the future.

So I suggest that some are trying to bury their heads in the sand, taking an ostrich-like approach to this entire issue, to suggest that somehow if we don't provide family planning assistance, we will have fewer abortions in the world. The statistics do not bear that out.

I hope that the Senate will overwhelmingly support this resolution, because I think that there is no question that it is in America's interest and it is in the world's interest. The United States has traditionally taken a leadership role for more than 30 years on international family planning. In fact, the first Presidential message was issued by a Republican President, President Nixon, back in 1969, saying that population growth was a world problem. America has always shown an inclination for humanitarianism through population assistance funding. We should be predisposed to doing the same thing in this body here today. To do less will impose serious hardship on women and children in developing countries. We know the strain it is going to impose. We know there will be millions fewer couples who have access to family planning assistance because we are undercutting our support. If we undercut our support, I can assure you that other countries will follow suit and it will affect an already fragile international family planning system program worldwide.

When you think about the future, we should be concerned because it will provide an enormous strain on economic and social stability all around the world. In the next decade, the number of women of reproductive age will increase from 185 million to 900 million women. That is 10 times the size of Mexico. So I know there will be grave consequences of this incremental decrease in U.S. support for international family planning year after year. How can we incrementally undercut our family planning assistance to those organizations who have been the most effective, the most instrumental in preventing unplanned pregnancies and improving maternal and child health?

I can assure you of one other point: Not one dime has been spent—and it bears repeating here today, and let there be no misunderstanding—there has not been one U.S. dollar that supports abortion or abortion-related activities in other countries. We have had that prohibition in law since 1973. The fact of the matter is, those funds are maintained separately, and there is monitoring and independent reviews on an annual basis. That is why I believe that former Senator Mark Hatfield, who was a pro-life Senator for many years in the U.S. Senate, wrote a letter to a colleague in the House of Representatives, saying that there is no evidence to suggest that our funding has ever gone for abortion or abortion-related activities in other countries through our family planning assistance programs. In fact, he goes on to say that we are contributing to the increase in abortions worldwide by our failure to provide this assistance.

So I hope, Mr. President, for these and many other reasons I have highlighted, that my colleagues will support this resolution. It is in our interest and in the world's interest. As the Senate votes tomorrow on this resolution, I hope that these facts will not be forgotten.

I yield the floor.

Mr. LEAHY. Mr. President, I want to commend the senior Senator from Maine for her statement. It demonstrates, as we have said before, that this is not a partisan issue. This is an issue of good sense. Whether people believe that abortion should be legal or whether people believe there should not be abortion, it makes no difference. We should be trying to join together in this to avoid all abortion. If you have family planning, that, to me, is a far greater alternative than using abortion as family planning.

As we also showed in this, in Russia, where just increasing our foreign aid over a relatively short period of time and increasing the availability of contraceptives by about 5 percent, that cut out 800,000 abortions. I mean, the fact of the matter is, if we hold the money back for family planning, abortions go up. If we release the money for family planning, abortions go down. Holding back the money, just because it may make some feel like they are being a purist on the abortion issue, flies in the face of reality. It is rhetoric over reality. The reality is, spend money for family planning and you reduce abortions.

I see the distinguished senior Senator from Massachusetts. I yield to him.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I know there are others who want to speak on the resolution. But at the outset of this discussion, I want to pay tribute to Senator LEAHY and Senator SNOWE for their bipartisan leadership on this issue. I think that working together bodes well not only for this issue but for other matters that will come before the Senate. I congratulate them for their leadership on this important resolution, which affects millions of families around the world—people whose names we will never know, as they will not know ours. Nonetheless, with the release of these resources, which we expect as a result of this vote, lives will be enhanced.

I just want to again underline what Senator LEAHY and Senator SNOWE mentioned about what this bill is and is not. This is not legislation to promote abortion. They have laid out very clearly that this is about providing resources that will be used to support family planning and avoid unwanted pregnancies and subsequent abortions. That case has been made by Senator LEAHY, Senator SNOWE, and our former colleague Senator Mark Hatfield, who is a strong opponent of abortion. Senator Hatfield rejected the argument that family planning is a back-door means of supporting abortion services. He reviewed the alleged evidence that family planning funds were being used to provide abortions and, in a letter to Representative CHRIS SMITH, said, "I do not see anything in these materials to back up your assertion that U.S. funds are being spent on abortion."

This is not only the understanding of those of us here today but also the clear understanding of the President. I think those that support this action have been justified in challenging those that are opposed to it to produce information or evidence to the contrary.

As President Clinton has said very clearly, "The United States provides family planning support where it is wanted and needed. We are prohibited from law from ever funding abortion—and we abide faithfully by that law. Indeed, the work we have funded in developing countries has been supportive of families, helping them to flourish."

One of the extraordinary examples of this work is the lifesaving efforts of CARE. In many different parts of the world I have had the opportunity to see the extraordinary work of many nongovernmental organizations, and I have enormous respect for the dedication of the men and women who are so selfless in volunteering for these organizations.

All we have to do is read the newspapers of the past weeks and months to recognize the enormous threat to their lives. Red Cross and other NGO workers in Chechnya, Uganda, Rwanda, and other parts of the world have actually lost their lives because of their work.

CARE, long respected for its efforts to meet the basic health needs of poor families around the world, has used U.S. funds to enhance the lives of large numbers of women and children.

In Uganda, over the last 4 years, CARE has trained over 1,000 community-based health workers, launched family planning services in 71 clinics, and increased the number of couples using contraception from 1 percent to 10 percent. But, that project in Uganda—as well as projects in Bangladesh, Niger, and Togo—will be shut down if these United States funds are not forthcoming.

That is the story all across the Third World. Without U.S. aid, millions of people would not have access to gynecological examinations, postnatal care, and family planning services. The funds appropriated by Congress decrease the instances of female genital mutilation and prevent the spread of sexually transmitted diseases, such as HIV and AIDS.

So, for all of these reasons, Mr. President, this is an extremely important vote. It is really about children, and it is about struggling families in foreign and distant parts of the world that are trying to take care of their families and ensure a future with a greater sense of hope and health. It is really about life—not about other factors. That is the underlying purpose of this bill. That is what the record has demonstrated.

That is why I think this vote is so important, and why I commend the Senator from Vermont and the Senator from Maine for their leadership.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. The distinguished Senator from Vermont is on the floor. How much time does he need?

I yield 3 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that William Jackson of my staff be granted privilege of the floor for the duration of the consideration of the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I rise today in support of House Joint Resolution 36, which would approve the President's finding that the congressionally imposed delay in disbursement of international population funding is having a negative impact on the effectiveness of our population planning programs overseas.

I have been a strong supporter of international family planning assistance and see this measure now before us as an important test of our Government's commitment to these important, lifesaving programs.

Claims that this resolution somehow promotes abortion are completely unfounded. This resolution is about the health of women and children in the desperately poor corners of the world, and, if anything, it is about preventing abortion.

At issue here is whether to begin releasing funds March 1, or delay the disbursement for another 4 months, until July 1. The 1997 fiscal year began October 1, but under the terms of the fiscal year 1997 Omnibus Appropriations Act, funding for this particular program was delayed for 9 months. Regardless of the outcome of this vote, a total of $385 million will be spent on bilateral family planning programs. In other words, we are not debating if these funds will be spent, but when they will begin to be released—July 1 or March 1.

I would like to point out that an additional 4-month delay in funding would result in an actual reduction of $123 million in funds available for programming during fiscal year 1997. The President's finding states that at least 17 bilateral and worldwide programs will have urgent funding needs in the March–June period which cannot be met by remaining fiscal year 1996 funds. If fiscal year 1997 funds are withheld until July 1, these programs would need to suspend, defer, or terminate family planning services and other critical supporting activities.

The continued disruption and possible termination of family planning services would have a devastating impact on the health of women, children, and their families in many parts of the world. Medical research shows that women who are able to space their children in at least 2-year intervals have children that are less likely to die at a very early age. Children born less than 2 years apart are more likely to have a low birth weight, making them more vulnerable to disease and illness. Moreover, births too close together affect older children in the family as well. Infection, malnutrition, and dehydration result from premature discontinuation of breast-feeding. The inadequate nutrition, sanitation, and crowded living conditions often found in poor countries, increase the likelihood that already vulnerable children will succumb to illness. For the health of their families, women in these circumstances turn to family planning services, when they can get them.

UNICEF estimates that each year 600,000 women die of pregnancy-related causes, and 75,000 of these deaths are the result of self-induced, unsafe abortion. UNICEF also estimates that these women leave behind at least 1 million motherless children. In short, to continue to obstruct and delay family planning assistance is to contribute to the deaths of women and young children. Why would we delay the release of funds until July 1 when we could prevent more needless, tragic deaths by releasing funds March 1?

Mr. President, no Senator in this body wants to promote policies that increase the incidence of abortion overseas. But by continuing to delay funding to clinics in the poorest countries in the world, that's exactly what we are doing—shutting off women from the only possibility they have of obtaining family planning services and contraception and forcing them to consider abortion as a last, desperate option.

Very simply, to vote against this resolution is to vote against the health of women and children, and to force more women to have abortions. I do not believe this is the true intention of the Senate and I urge my colleagues to support this measure.

Mrs. BOXER. Mr. President, I rise in support of House Joint Resolution 36.

This is a vote solely to determine whether funds already appropriated for fiscal year 1997 will be released 5 months late or 9 months late.

Currently at least one woman dies every minute from causes related to pregnancy and childbirth. In developing countries, maternal mortality is the leading cause of death for women in reproductive age. The World Bank estimates a 20-percent reduction in maternal death would result from improved access to family planning.

In parts of sub-Saharan Africa, there are more than 1,500 maternal deaths for every 100,000 live births; in the United States, this ratio is 12 deaths per 100,000 live births. By being able to plan their pregnancies, mothers are able to ensure they bear their children at their healthiest times and that pregnancies do not occur too close together. This reduces the risks to the lives of both the mother and her children.

Babies born less than 2 years after their next oldest sibling are twice as likely to die in the first year as those born after an interval of at least 2 years. Analysis of data from 25 developing countries shows that, on average, infant mortality would be reduced by one-quarter if all births were spaced at least 2 years apart.

Family planning education also helps prevent the spread of sexually transmitted diseases, including AIDS.

At least 76,000 women die every year from the consequences of unsafe abortions. Thousands more suffer serious complications that can result in chronic pain and infertility. A U.S. study found that for every $1 increase in public funds for family planning, there is a decrease of 1 abortion per 1,000 women.

According to the Rockefeller Foundation, in just 1 year, cuts and severe restrictions of Federal funding for family planning programs will result in an additional 4 million unplanned pregnancies and 1.6 million of those will end in abortion; 8,000 of those women will die in pregnancy and childbirth. These are conservative estimates.

Pathfinder International is one organization whose 30-year partnership with USAID has delivered high-quality family planning, reproductive health services, and information to some of the poorest countries in the world. The delays in Federal funding have jeopardized a significant portion of Pathfinder's programs.

One woman who has benefited from Pathfinder's programs is a 27-year-old Bangladeshi woman named Ferdousi Begum. She was married when she was 14 years old. Ferdousi and her husband, Mahmud, are poor and their lives are hard. Mahmud works 12 to 14 hours a day and Ferdousi works as a part-time domestic in addition to tending the home and being a mother. But they are happy—family planning has given them hope for a better future.

Ferdousi and Mahmud received counseling to postpone having children until she was 18 and her body was more developed. After having two daughters spaced several years apart, they decided not to have any more children.

Mahmud speaks proudly of his daughters. He speaks of having dreams of his older daughter, Salma, becoming a doctor after winning a prize in a science competition.

However, after years of using family planning in order to provide a better life for her family, Ferdousi is at risk of becoming pregnant again. Without the necessary funding, many local affiliates are unable to restock their contraceptive supplies. An additional 4 month delay will have severe repercussions on Ferdousi, her family, and millions of other families like theirs in Bangladesh and around the world.

In 1960 in Chile, less than 3 percent of married women were practicing family planning and the abortion rate was 77 abortions per 1,000 married women of reproductive age. By 1990, use of family planning had increased to 56 percent of married women, and the abortion rate had dropped to 45 per 1,000.

Data from Bogota, Columbia showed a one-third increase in contraceptive use between 1976 and 1986, accompanied by a 45-percent decrease in the abortion rate during the same period.

In Mexico City use of contraception increased by about 24 percent between 1987 and 1992, while the abortion rate fell 39 percent.

In Almaty, Kazakstan, the United States population program has provided funding to train doctors and nurses and to increase contraceptive supplies for 28 clinics. Between 1993 and 1994, the number of people provided contraceptives by the clinics increased by 59 percent, while the number of abortions fell by 41 percent.

In Russia, contraceptive use has increased from 19 percent to 24 after an affiliate of the International Planned Parenthood Federation opened in 1991. During that period, the abortion rate dropped from 109 per 1,000 in 1990 to 76 in 1994. The total number of abortions fell from 3.6 million in 1990 to 2.8 million in 1994. For years, the average Russian woman had 7 to 8 abortions.

In Hungary, a dramatic drop in abortion rates from a peak of 80 per 1,000 women in the late 1960's to just over 30 per 1,000 women in 1986 is due in part to an increase in contraceptive use.

The numbers are incredible, but what is truly important and who we can't forget are the women and their families represented in these numbers.

One such woman is 30-year-old Maria Elena Absalon Ramirez in Mexico. Her husband earns just $80 per month to support Maria and their 4 children. They cannot afford contraceptives and rely on USAID. These are Maria's words: "What I fear most is becoming pregnant again. One more child would completely change our life; it would be our ruin."

Mr. President, I urge my colleagues to support the resolution and release the international family planning funds.

Mr. LEAHY. Mr. President, I yield to the distinguished Senator from Oregon such time as he may desire.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Thank you, Mr. President. I would also like to thank Senator LEAHY.

Mr. President, I rise today to speak on an issue that is both very controversial and personal; therefore, I do not have a prepared speech, but wish to speak from the heart.

Much has been said here today about Senator Mark Hatfield's leadership on the issue of international family planning. In fact, I occupy the seat that Mark Hatfield sat in for more than 30 years. Like Mark Hatfield, I am prolife. As a State Senator, I advanced pro-life legislation in the Oregon State senate, and have never been afraid to stand up for the principles of the sanctity of life.

As a candidate in two races for the U.S. Senate in one calendar year, no other issue was brought up more frequently than the issue of abortion. As I have stated throughout my career as a legislator, I intend to continue my support of pro-life issues and to work constructively with Members on both sides of the aisle on legislation to reduce the incidence of abortion on a national and international level.

For these reasons, I rise today to encourage my colleagues to join in my support of Senate Joint Resolution 14. While the debate on this resolution has centered on the issues relating to abortion, the underlying question is whether the $385 million that has already been appropriated for international family planning will be released on March 1, 1997 or whether it will be released on July 1, 1997. Regardless of the outcome of this vote, the money will be released.

According to research conducted by the Guttmacher Institute, the World Health Organization, and other independent researchers, the release of these funds on March 1, 1997, will significantly reduce the incidence of abortion in developing countries that receive assistance through USAID. Therefore, as a pro-life Member of this body, I encourage my colleagues to vote yea.

I understand and share the concerns of those who have suggested that this money is being spent for abortion services. This concerns me greatly, particularly as the law of the United States prohibits the use of Federal funds for abortion services. To address these concerns, I reviewed the USAID audits and am assured that this funding is in fact being used for family planning services, not abortion. For this reason, I also encourage a yea vote.

In addition to sharing my support for this resolution, I would also like to take a moment to express my frustration on this issue. While I certainly respect, those who may not support my pro-life position, I am so often disappointed that there is little effort to educate about the options to abortion and ways to make abortion less frequent. The focus is often on the legal and the safe but never the rare. Similar frustration stems from those who advocate for life. It is unfortunate that the effort to advocate and encourage family planning does not equal the effort to discourage abortion. Today, we have the opportunity to address this inequity and to encourage and protect family planning both nationally and internationally. This is a vote to support life, and tomorrow I will vote as my predecessor Mark Hatfield, in favor of this resolution.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

For the benefit of the bill managers, the time of the distinguished Senator from Vermont remaining is 14 minutes and the time of the Senator from Kentucky is about 35 minutes.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, when the House of Representatives passed the resolution, House Joint Resolution 36, which allowed for the releasing of funds, $30 million per month for 4 months, 4 months earlier than under current law—after they passed that resolution they also passed another resolution. It is called the Smith-Oberstar-Hyde Resolution, H.R. 581. H.R. 581 actually releases more money for international family planning, but it does have restrictions to make sure that none of that money would be used for abortion purposes.

Since the House has already passed H.R. 581 and these are related issues, I would like now, at this point, to ask unanimous consent that the Senate vote on final passage on H.R. 581 at a time not later than Friday of this week.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, reserving the right to object, and I tell the distinguished majority whip that I will object and explain why, I understand that there are people who wish to be consulted, I believe on both sides of the aisle, on this. Therefore, I do object and suggest perhaps we could run a hotline on both sides. We may be able to work out a time agreement.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, I thank my colleague from Vermont. I ask his assistance. Hopefully we can get to a vote in the Senate on this other resolution. It is a different idea. Let me just compare the two so all our colleagues can see exactly what we are talking about.

This is the current law. It says, basically, we are going to spend $420 million on international family planning funds. Under the administration's resolution, that will increase by $120 million. For 4 months there will be $30 million more per month.

This is a convoluted way to do this. I was not involved in coming up with the consent agreement that arranged this. My sympathies go to my colleague from Vermont and the Senator from Kentucky, because they wrestled with this for a long time. I know Mr. Panetta was involved in this. We had a real impasse.

Maybe I will give a little background in between, so our colleagues might remember, but there is a difference in philosophy on what we should do with international family planning money. The House felt very strongly we should continue the Mexico City restrictions, the Mexico City restrictions being restrictions that these moneys could not be used by an organization, international family planning organization, if they had involvement with abortion. Not only could they not use the U.S. taxpayer funds, but they could not use their own funds for abortion services, and they also could not promote changes in a country's laws dealing with abortions. Those are the two main restrictions known as the Mexico City policy, which was the policy in the United States from 1984 through, I believe, 1993. It was changed by the Clinton administration. So, it was the law of the land for 10 years.

I might mention also that, under that policy, a significant number of organizations followed that policy. From 1984 to 1993 we had 350 foreign organizations that complied with the Mexico City policy. In other words, they accepted the money. They said the money will be used for family planning but not for abortions. They would not use our money, U.S. taxpayers' money, they would not use their own money, and they also would not advocate changing laws in other countries.

Unfortunately, this was repealed by the Clinton administration shortly after he took office. The House of Representatives felt strongly it should be reinstated. After the House had a change of leadership in 1994, they reinstated the Mexico City policy. The Senate did not go along. So we had, if I remember, 10, 11, maybe even 12 votes in the last Congress over this issue, the Senate basically saying we want to reinstate our position of no prohibition on how the international family planning organizations use their money. If they want to use their money for abortion, they can use it for abortion. If they want to use their own money to advocate changing laws in other countries dealing with abortion—because a lot of countries have laws restricting abortions that this administration does not agree with and, frankly, the International Planned Parenthood Federation does not agree with, and they want to change it. So the Senate was concurring with the administration and the International Planned Parenthood Federation. The House was saying no, we should stay with the Mexico City policy.

So we had a dozen votes, both sides insisting on maintaining their own positions. The net result was we came up with this terrible arrangement which basically said we will continue this policy at 35-percent less money—which, incidentally, I might mention we had a 35-percent reduction overall in the bill. Mr. Panetta said, let's have it the same way, and then we will dole the money out on a monthly basis and then we will have a vote in the next Congress over when that money will be released. That is what we are going to be voting on tomorrow.

So, if we maintain current law, the amount of money will be $420 million. If we adopt the administration's resolution, it will be $543 million. Under these provisions there is no restriction on abortion in this and no restriction on organizations' lobbying capability. The House passed H.R. 531, the Smith-Oberstar-Hyde resolution that had a couple of million dollars more, about $170 million more. But the money had restrictions. The money has those restrictions that were, in effect, the law of the land from 1984 to 1993, that said these groups cannot use the money for abortion, they could not use the money for lobbying other governments to change their policies.

I happen to think the Mexico City policy was right. If we are going to be giving money to international family planning organizations, it should be for family planning. It should not be for abortions.

Somebody said, "You are not using U.S. taxpayer dollars for abortions. They are using their own money." Some of these groups, like the London-based International Planned Parenthood Federation, are advocates of abortion. If we give them so much money, U.S. money, they can say, we do not use a dime of that for abortion. Sure, we will use some of our other money for abortion. And sure we will use some of our other money to advocate changes in other countries' laws that we don't agree with. So, really, you have U.S. taxpayer dollars subsidizing international organizations that are, in effect, lobbying other countries to change their laws because they deem them too restrictive on abortion.

That is kind of offensive. It is not just these international groups that are doing it; it is the administration as well. I will just make a couple of comments.

Donald Warwick of the Harvard Institute of International Development has written that the International Planned Parenthood Federation "has in word and deed been one of the foremost lobbyists for abortion in developing countries." They are promoting abortion in developing countries, even to the extent of changing their laws.

The International Planned Parenthood Federation has made it clear that legalizing abortion and expansion of abortion networks is one of its primary goals. Their 1992 mission statement Strategic Plan—Vision 2000 repeatedly and unambiguously instructs its 140 national affiliate organizations to work to legalize abortion as part of a mandate to "advocate for changes in restrictive national laws, policies, practices and traditions."

So, we are supporting and giving money to the International Planned Parenthood Federation so they can use that money, or other money, to lobby, to tell some countries that happen to have pro-life laws that they have to change their law. That bothers me. What makes us so self-righteous that we know that other countries should be changing their laws dealing with abortion? How can we be so self-righteous?

Then we find out it is not only some International Planned Parenthood organization, but we see it from our own State Department. On March 16, 1994, through Secretary of State Warren Christopher in a classified action cable to all overseas diplomatic posts, the State Department announced, "The United States believes access to safe, legal and voluntary abortion is a fundamental right of all women," and called for "senior level diplomatic intervention" to garner support for the U.S. position at the September U.N. conference on population in Cairo.

On May 12, 1993, Under Secretary of State Tim Wirth expounded the policy in a detailed speech at the United Nations, stating, "A government which is violating basic human rights should not hide behind the defense of sovereignty * * * Our position is to support reproductive choice, including access to safe abortion."

Why in the world would we have the Under Secretary of State make a speech to the United Nations telling other countries we think we know better, you should change your laws. We think you should have pro-choice laws in countries such as El Salvador or other countries that have maybe a predominantly Catholic population and have pro-life laws or laws restricting abortions? Why in the world would we be so self-righteous or sanctimonious that we should be telling those countries, We know best. Change your laws. We think you should have legal abortion. Maybe we think you should subsidize it.

That, to me, is offensive, to think that the Secretary of State or Under Secretary of State would have that position.

April 1, 1993, White House Deputy Press Secretary Dee Dee Myers noted the administration regards abortion as "part of the overall approach to population control."

And if we don't enact H.R. 581, the Smith-Oberstar-Hyde language, then what we are doing is giving this administration a blank check to give money to international organizations that have no restrictions whatsoever on how they use their money on abortion or changing laws in other countries. I think that is wrong.

So for my colleagues, just to summarize, we have a couple of options. We can accelerate the money with no restrictions whatsoever or, if you happen to be in favor of more family planning money, if you want more family planning money to go out internationally and you think that might reduce the incidents of abortion, you can do that, you can support the Smith-Oberstar-Hyde language.

We are going to try to get a vote on it. The House already passed it. Tomorrow it will be pending at the Senate desk. We hope to get a time agreement. I understand some people say, "We want to filibuster that." Why? What is the matter with having a vote? Let's find out where the votes are.

There is more money. This has $713 million for family planning. House Joint Resolution 36, which will be voted on tomorrow, has $543 million. There is $170 million more money for international family planning, but it has restrictions. You will not be able to use that money or your money for abortion. So, if you want less abortions, you should support the Smith-Oberstar-Hyde language, and if you think it is wrong for our country to be advocating that other countries change their laws dealing with abortions, then you need to support that resolution as well.

So I urge my colleagues to vote no on the resolution we will have pending tomorrow, House Joint Resolution 36. Vote "no" on that and then vote in favor of H.R. 581, the Smith-Oberstar-Hyde language, which will have more money for international family planning and no money for abortion and no money for advocating changes in other countries' abortion laws.

I yield the floor, and I thank my colleague from Vermont.

Mr. LEAHY. How much time is remaining to the Senator from Vermont?

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Vermont has 14 minutes.

Mr. LEAHY. Madam President, I will take one moment for myself and then yield to the Senator from California.

I will note for my colleagues that we are here because of an agreement entered into in good faith by Republicans and Democrats, by those who supported the money for family planning and those who opposed it last year. Unfortunately, like in the House, we have a request for another vote because some of the people who made that agreement last year do not now want to live up to it.

I have spent 22 years in the Senate. If I give my word on something, if I make an agreement on something, I carry it out. I am surprised that there have been some in the other body, and elsewhere, who are not willing to honor the spirit of an agreement made.

I mention this only because there are aspects to this agreement that I was not happy with, and there are other votes I would have liked to have had. But the agreement was that both sides would have this vote and that would be it.

When I came here 22 years ago, the distinguished majority leader, Senator Mansfield, and the distinguished Republican leader, Senator Scott, said the same thing to every Member of the Senate: "Whatever you do here, keep your word."

Senators I have dealt with on this issue have. I am concerned some in the other body have not, and it is unfortunate.

I note that contrary to what some on the other side have said this afternoon, this vote is not about the early release of family planning funds. If we approve this resolution, it still means the funds are going to be 5 months late.

It has been said that this vote will provide $123 million more to organizations that fund abortions. That is totally false. This vote will not increase or decrease the amount we appropriated last year at all.

It is said this vote will increase from $356 million to $385 million the funds for family planning. Yes, but that is a $130 million cut from 2 years ago.

We also agreed what this vote would be about, and what it would not be about.

And we heard that this is about funding abortion. Of course not. If anything, the facts show that where we have given money to provide family planning, the number of abortions have gone down, not up, and gone down very substantially, and when we withheld the money for family planning, abortions have gone up.

I yield to the Senator from California 8 minutes.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you, Madam President, and I thank the distinguished Senator from Vermont.

I rise to support his arguments, to indicate my support for House Joint Resolution 36. Madam President, I recently returned from a few days in Nepal. If you go to Nepal, you will see that about 35 percent of the children die before the age of 5, and they die before the age of 5 because they are impoverished. They don't have enough food, and they die. This is true in many areas, particularly undeveloped countries, all around the world.

I think that one of the most important and effective components of U.S. foreign assistance has been our family planning programs. I believe these programs reduce poverty, I believe they improve health, I believe they raise living standards around the world, and they enhance, certainly, the ability of couples and individuals to determine the number and spacing of their children.

I think many of us in this country take that opportunity for granted. Most of us have had the freedom to make choices about how we live our lives by planning the size of our families. But in poorer countries where contraceptive options are not available, women have much higher birth rates, and the more children they have, the higher the poverty rates. Children are malnourished, many get sick, many die.

UNICEF estimates that 34,000 children under the age of 5 die every day—every day—in developing countries. And it is not just children. UNICEF further estimates that 600,000 women die of pregnancy-related causes each year and that unsafe abortions are responsible for 75,000 of these deaths. By giving women the opportunity to plan their pregnancies, lives are saved—the lives of women and their children.

So the need for these family planning programs could hardly be clearer. Unfortunately, because of this dispute between the House and the Senate last year, the compromise the Senator from Vermont referred to was reached, but that delayed the release of family planning funds until July 1, or March 1, if the President found the delay was harming these programs and Congress agreed.

The President has made the finding, arguing, I think, persuasively that the delay thus far has forced many programs to suspend or defer their operations and that further delay, until July, could cause them to shut down.

Already, programs serving over 700,000 people annually in Bolivia, the Philippines, Ecuador, and elsewhere, have been suspended.

Two weeks ago, the House voted 220 to 209 to agree with the President's finding. So the vote in the Senate is crucial.

If we concur with the President and the House, we can release these lifesaving funds only 5 months late instead of 9 months late. The difference is critical.

Some have tried to draw a connection between our family planning programs and abortion. But no connection exists. Since 1973, U.S. law has prohibited any USAID funds from being used to pay for abortions as a method of family planning or to coerce any person to have an abortion. All our programs are voluntary and they involve contraception, not abortion. Programs are rigorously monitored to ensure strict compliance.

So the argument that these programs cause an increase in abortion is simply a red herring. It is actually worse than a red herring in a sense because it is patently and demonstrably false. In fact, it stands the truth on its head. It is the delay in our family planning programs that is actually causing an increase in abortions.

The evidence is clear. When family planning options are available, fewer unintended pregnancies occur, and abortions decline.

In Russia where the average Russian woman used to have a stunning seven or eight abortions in her lifetime, family planning has made a huge difference. With United States assistance, organizations like the Russian Family Planning Association have raised the rate of contraceptive use from 19 percent to 24 percent from 1990 to 1994. Even that modest increase produced results. In the same period, the Russian Department of Health reported that the total number of abortions performed dropped from 3.6 million to 2.8 million. That is 800,000 fewer abortions. This is specific, irrefutable, documented, statistical proof that family planning moneys drop and lower the rate of abortion.

The story repeats itself over and over. In Mexico, in Colombia, wherever USAID has funded family planning, this is the case.

So facts are facts. And the link is clear. As our esteemed former colleague, Mark Hatfield, who was and is a proudly pro-life Senator, reminded us each time we voted on this issue, family planning assistance prevents abortion.

So this vote is about one thing and one thing only—it is about giving women in the developing world a chance to make their lives and the lives of their children better, safer, healthier, and more fulfilling.

I believe we have every reason and every interest to give them that chance. I hope every Member of this body does as well. So I urge my colleagues to support this resolution. I thank the Chair. I thank the Senator from Vermont.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. How much time is remaining for the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 3 minutes, 34 seconds remaining.

Mr. LEAHY. Madam President, with the exception of a few self-appointed experts who have apparently never been to Beijing, Mexico City or Calcutta, it is widely understood that stabilizing the Earth's population is the foremost challenge of our time.

This vote is as important as any vote we are going to cast this year. But I do not think we should confuse with something it is not. There are other votes for or against abortion, but as the distinguished Senator from California has said, that is not what this vote is. There seems to be no end to the number of times we will fight the fight on abortion. But that is not what this vote is about, despite what some would try to suggest.

This vote is about a program that is absolutely crucial if we are going to stabilize the Earth's population in the 21st century. The number of people born in the next decade are going to decide that question.

A quarter of the Earth's people live in poverty. They have no jobs. They have nothing resembling adequate shelter and medical care. They drink from the streams they and their animals bathe in. They live from hand to mouth in filth and in despair. We can do something to help.

Our family planning program gives those people a chance to get out from under the crushing weight of more and more hungry mouths to feed. Some argue that by giving them that chance, we impose our values on them. The people who make that argument should ask those people, as I have. They should ask them if they feel we are imposing our values on them. What they will hear, as I have, is that there are hundreds of millions of couples who want access to family planning and cannot get it or cannot afford it. They desperately want to be able to decide when to have children and how many to have. They do not see that as us imposing our will on them, but giving them the chance to make their own decisions. Then they will decide.

The only question is whether they will decide with family planning, or with abortion or by having more children who die in infancy of hunger and disease. If we ask those people if they want to have the technology, and the knowledge, so they can make the choice of when to have children and how many to have, or if they would rather rely on abortion or have more children who will die of disease or hunger, the answer is very simple. They want control over their own lives. And by passing this resolution, as the House did 2 weeks ago, we give those people safe alternatives to abortion now, not 4 months from now when for many of them it will already be too late.

Madam President, it is the height of arrogance for us to stand on this floor and say, because of a few single-issue groups in the United States, we will not give families in other countries the chance to make the decisions that any one of us could do in our own family or in our children's families because we live in a nation where family planning is readily available and all of us make the kind of income where it is not a problem for us.

But we stand here and say, so somebody can put a notch on the wall, that they voted politically correctly for which single-issue group or some fundraising letter has gone out, and we turn our backs on millions of people who want our help.

Again, I would remind my colleagues of the facts in the record here. In 4 years time in Russia, where we made available family planning services, where we increased just one simple thing, the use of contraceptives by just 4 or 5 percent, the number of abortions went down by 800,000.

But some of the same people stand on the floor of the Senate today and the floor of the House, and say that they are against providing these services because somehow they are following a right-to-life or antiabortion agenda, and they voted against the money that was used in Russia. And that same money helped reduce the number of abortions by 800,000.

We have Members in this body and the other body who say they have to be so dependent on single-issue groups that they cannot vote for this money. They cannot vote for this money because somebody somewhere in that country, some private organization, might use money of their own, not ours, for abortion, so we should not give them any money for family planning. Fortunately, a majority of the House was wise enough to stand up to the single-issue groups, and vote for this resolution.

Let us stop the hypocrisy and stop the pandering to single-issue groups. I do not care whether they are to the right or to the left. Let us do what is right. How can we stand here and say, "Oh, we can do this because we're rich and we know better, but, boy, we're going to show you. We can't help you because somewhere somebody will send out newsletters to somebody will say they didn't stick to the agenda that our group asked them to do." Let us stop the hypocrisy and do what is right; and let's vote for this resolution.

I ask unanimous consent a letter by the distinguished Secretary of State Madeleine Albright be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, February 21, 1997.

Hon. THOMAS A. DASCHLE,
Minority Leader,
U.S. Senate.

DEAR SENATOR DASCHLE: I am writing to urge your support on the upcoming vote to release already-delayed international family planning funds in March instead of July of this year. Given the negative consequences to women and men in developing countries, as well as the administrative costs associated with further constraints on these funds, I am confident that you will agree that a March release date is justified and that no identifiable purpose is served by further delay.

In his January 31 report to the Congress, the President made it unmistakably clear that "a delay will cause serious, irreversible and avoidable harm." At least 17 separate programs, administered by the U.S. Agency for International Development and amounting to at least $35 million, would be seriously impacted by the funding delay. As a result, unintended pregnancies will rise, maternal and infant deaths will be more numerous, and abortions will increase. Clearly, family planning saves lives, enhances the health and well-being of women and their children, and prevents the tragic recourse to abortion.

International family planning also serves important U.S. foreign policy interests; elevating the status of women, and reducing the flow of refugees, protecting the global environment, and promoting sustainable development which leads to greater economic growth and trade opportunities for our businesses. Efforts to slow population growth, reduce poverty, promote economic progress, and empower women are mutually reinforcing. The proof is not found in arcane studies, but in vigorous economic development in countries like South Korea and Thailand.

The President and I are committed to building bipartisan support for a foreign policy that will serve our national interests into the 21st century. International family planning programs have a successful track record and have garnered bipartisan support for the past 30 years; we must rebuild this support for the next 30 and beyond. Unhappily, international family planning programs have often been misunderstood, creating unnecessary rancor. Let me be clear—the United States does not, has not, and will not promote or provide abortion services as a method of family planing in developing countries. These programs are carefully executed and monitored to ensure that U.S. funds are not used for illegal purposes. The upcoming vote is not about abortion. It is, in fact, just the opposite: the release of family planning funds now will reduce the incidence of unintended pregnancy and abortion.

On the other hand, it is an indisputable fact that family planning does reduce abortion, as best evidenced by significant declines in abortion as family planning services are becoming available in Russia and Central and Eastern Europe. The argument is also made that by providing support for family planning services, the United States may unwittingly enable organizations to use some of their private funds to provide legal abortion services. Carried to its logical conclusion, of course, the United States would not provide support for child survival or any other health programs in countries where legal abortion services are supported by national health systems.

The Congress has a real opportunity to correct a problem with funding set in place last fall. In so doing, you can help advance our interest in improving the status of women, protecting the environment, and encouraging robust economic progress around the world. This progress will make the difference for hundreds of thousands of citizens abroad. Most important, voluntary international family planning programs are in the interest of our own citizens. I urge your support for S.J. Res. 14.

Sincerely,

MADELEINE K. ALBRIGHT.

Mr. LEAHY. Madam President, the distinguished Senator from Kentucky and I discussed earlier. I ask unanimous consent, understanding, of course, that I will yield immediately to the Senator from Kentucky if he or his representative comes to the floor, that I be allowed to continue without the time going beyond the time we would begin the Byrd amendment at 3:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, it is so frustrating. Every year we have this debate, time after time. We have written into our law that not one cent of our money for family planning can be used for abortion, and none of it has been. Yet we hear the argument, "But we can't send money to some private groups because they may use some of their money for abortion." We do not hear anybody stand on the floor and say we cannot send foreign aid to this or that government because they may use some of their money for abortion. That is never done, nor will it ever be done, nor should it be done. But it points out the illogic of their argument.

This has become a litmus test vote for some pressure groups in this country. The same pressure groups are wise enough to not to advocate withholding foreign aid from governments that allow legal abortion or that uses their funds for abortion. I am not suggesting that nor have I heard anybody suggest that. However, the hypocrisy is obvious.

Let us not legislate for single-issue groups, on the right or the left, Democrat or Republican, Conservative or Liberal. Let us instead legislate what is in the best interests of the country. Now, maybe we will offend the right one day and the next day the left, maybe we will offend this single-issue group one day and that single-issue group the next day, maybe we will upset somebody's special-interest newsletter this day and somebody else's the next day. But do you know what, Madam President? In the long run the American people will be far more respectful of the U.S. Senate if we do that.

On this issue it is very simple. We have already appropriated the money. What we are doing now is withholding the money so that it cannot be spent. As long as it is not spent, instead of people having access to family planning, instead of people being able to make the decision themselves of how many children they will have and when, the number of abortions will start going up again. As we have shown over and over again, when family planning is available, the number of abortions go down, and when family planning withheld, the number of abortions go up. It was that way long before any one of us served in this body. It will be that way long after we leave.

So we should stop the rhetoric for the fundraising letters, but instead do what is right. We want to help countries determine what they may or may not do on the question of overpopulation, on the use of their own resources, being given not the tools of abortion but the tools of family planning, and tell the special interest groups that say no, that maybe they have gone a bit too far.

I have nothing but respect for my colleagues who are opposed to abortion. I wish there would never be another abortion in this world. But I am also a realist enough to know that simply withholding family planning money or passing laws does not stop abortion. Giving people alternatives to abortions, modern contraceptives, that does cut down on abortions.

As I say, I have nothing but the greatest respect for those who have moral opposition to abortion. But we should be realistic. It is like the old days when we passed laws against abortion and the back-room abortionists thrived, as they did in my State. When abortion was legal, people made the choice.

This is not necessarily directly on point in this debate, but I remember and I remind people who think simply passing a law determines what is a very difficult question for any woman to ask, what happened in my State in days when I was a young prosecutor. I got a call at 3 o'clock one morning to go to our medical center where a young woman lay nearly dying, hemorrhaging from an illegal abortion. As part of the investigation I instituted that 3 a.m. in the morning, we found out that a number of women, some college students, had gone to one person in our community to seek abortions. He would arrange illegal abortions for them. Abortions were performed by a man who had learned how to perform abortions while working for the SS at Auschwitz. The women would be sent to Canada, the abortions would be performed. They were basically the darning needle type of abortion, and subsequently he would blackmail these women for money or sex. They had no other place to go. This is where they went. This one young woman nearly died, did not die but ended up sterile as a result. If she had not nearly died, I never would have found out about it. This man would never have been prosecuted. I prosecuted him. As a result of that, we ended up with another case, which I was very proud of, called Leahy versus Beecham, a predecessor to Roe versus Wade, which made clear that abortions within a medical context would be legal. Then the difficult question that any woman would have to make would be her decision, whatever consequences would be hers, not the manipulations of a back-room abortionist.

In a way, we do almost the same thing here. We say we will withhold safe and legal alternatives to abortion, family planning, because we are against abortion. The abortions will go up. Abortions will go up and people will die. Instead, we should give families, from the largess of the United States, money to plan their families.

Madam President, I yield back all time on both sides.

The PRESIDING OFFICER. All time is yielded back.

Mr. LEAHY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the hour of 3:30 p.m. having arrived, the Senate will now resume consideration of Senate Joint Resolution 1, which the clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate resumed consideration of the joint resolution.

> Pending:
>
> Byrd amendment No. 6, to strike the reliance on estimates and receipts.

The PRESIDING OFFICER. The pending question is amendment No. 6, offered by the Senator from West Virginia [Mr. BYRD].

The debate on the amendment is limited to 2 hours, equally divided and controlled in the usual form.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. BYRD] is recognized.

AMENDMENT NO. 6, AS MODIFIED

Mr. BYRD. Madam President, I ask unanimous consent to modify my amendment and send the modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is so modified.

The amendment (No. 6), as modified, is as follows:

> On page 3, strike lines 12 through 14 and insert the following:
>
> "SECTION 6. The Congress shall implement this article by law.

Mr. BYRD. I thank the Chair and I thank the manager of the resolution, Mr. HATCH, and I thank all Senators.

Madam President, the proponents of the proposed constitutional amendment now before the Senate would have the American people believe that if their proposal is adopted by Congress and ratified by three-fourths of the States, the Federal budget will then be constitutionally required to be balanced every year, unless supermajorities of both Houses pass waivers. But let us all remember that "the devil himself can quote Scriptures for his purpose." My purpose here is to strip away the hype and the rhetoric and examine the manner in which this constitutional amendment will actually work.

Section 1 of the article states, "Total outlays for any fiscal year shall not exceed total receipts for that fiscal year * * *." That is pretty plain. That seems quite straightforward and very clear. There appears to be no room for any misplay or misunderstanding. The entire Federal budget must be balanced each and every year, right down to the bottom dollar. Unlike State and local governments or businesses, where borrowing is frequently used for the purchase of capital investments—or, in the case of family budgets, where debt is incurred for the purchase of homes and automobiles and to pay for college tuition costs—the Federal unified budget will not be allowed to incur debt for any reason under this amendment. Instead, the Federal Government's investments in military weaponry, highways, bridges, waterways, and all other capital items will have to be paid for, in full—cash on the barrel head—as they are purchased. Total spending for any year for any purpose will have to be no greater than the income to the Treasury for that same year if this amendment is adopted.

But, the question arises, just how are we mere mortals to ensure that total outlays do not indeed exceed receipts, and how will that constitutional requirement be enforced?

How, indeed, given that the Federal budget deficit, its total receipts and its total outlays, unlike the family budget, is based entirely on estimates? Granted, these estimates of total outlays and total receipts are prepared by some of the finest statistical wizards in this country—the men and women who work for the nonpartisan Congressional Budget Office.

Once the amount of the deficit is set in the annual Congressional Budget Resolution, then the Congressional Budget Office, CBO, monitors the performance of the economy throughout the year and keeps Congress informed as to whether the outlay estimate and the revenue estimate and the deficit estimate are going to be correct. But remember, these are all estimates—educated guesses, if you will. I can produce one. You can produce one. It is an educated guess. But we live up to the educated guesses, or at least we are guided by the educated guesses of the Congressional Budget Office. These are estimates of many factors in the public and private sectors which are totally outside of the control of any mortal human—totally outside the control of any human being.

We are told, just don't worry about that section 1. Don't lose any sleep over that section. The authors of the amendment have solved the problem. We need only to look at section 6 of their proposal to find the answer to the dilemma of how to ensure that the budget is balanced in every fiscal year, despite our having to rely on nothing more than estimates. Well, I want Senators, and I want the American people who are watching what is being said and what is being done here, to understand what they would be buying into here. What are you getting here now? Is it just what you see? Is that what you get? We all need to thoroughly understand that crucially important section—section 6—of the resolution.

Section 6 of the resolution reads as follows:

> The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

" * * * which may rely on estimates of outlays and receipts."

So there you have it.

Congress may enforce balanced budgets by relying on "estimates of outlays and receipts." We don't need to really balance the budget. We don't need to comply with section 1, which requires the balancing of the outlays, or the spending with the receipts, or the income right down to the bottom dollar, as I said earlier. We don't need to do that. All we have to do is balance the estimates.

So the American people need to understand this. They are being told that if this constitutional amendment to balance the budget is adopted by the Congress and ratified by the States, that the budget will be balanced. That is what article I says, no if's, and's, and but's about it.

The American people need to understand this. Unlike their family budget, which is relatively stable as far as income and expenses are concerned—most families know how much income they will have with which to purchase their needs from month to month and from week to week as those individuals who receive salaries know from week to week and month to month how much those salaries will amount to. So they know how much income they can count upon. But the Federal budget is far from being that stable. The Federal budget is based on myriad estimates that are compiled in advance of each fiscal year by the CBO, the Congressional Budget Office. These estimates have to include such factors as corporate profits and how much revenues the Treasury will receive from corporate and individual income taxes; what the unemployment rate will be; what the rate of inflation will be; what interest rates will be 6 months from now or 9 months from now; and a whole host of other factors which we do not have to consider as we attempt to keep our own family finances in order.

The fact is that when it comes to the Federal budget, we never know whether the budget for any fiscal year is balanced until well after that fiscal year is over—the clock has run its course and the calendar has been exhausted—and the Treasury Department has had time to finalize its tally of receipts and expenditures. And this usually occurs 3 or 4 weeks after the end of the fiscal year. So we really do not know whether or not the budget is in balance; and if not, how high the deficit is. We really don't know what the final figures are until 3 or 4 weeks after the end of the fiscal year. So, in truth, therein lies the Achilles' heel of this amendment: In no year can we know for sure that the budget is balanced until sometime after that year is over.

The proponents point to section 6 and say we can balance the budget by relying on estimates of outlays and receipts. Madam President, it is disingenuous at best, and, at worst, it is a deliberate hornswoggle to lead the American people to believe that we can even come close to balancing the actual budget by relying on estimates.

In fact, as I will now demonstrate in a series of charts, these estimates vary by billions of dollars—that is billions, not millions, "b," not "m," billions, not millions—from the actual results in nearly every year.

Before turning to the specifics of these charts, let me emphasize that the data presented in them come from the independent, nonpartisan CBO, the Congressional Budget Office. It is independent. It is neither Democrat nor Republican. It is nonpartisan. These data are hot off the presses of the Congressional Budget Office and are taken from CBO's most recent publication, entitled "The Economic and Budget Outlook: Fiscal Years 1998–2007."

And here it is. This is the document that I am talking about.

I highly recommend that Senators, our colleagues here, read this publication. I highly recommend the publication to the American public. It contains an entire chapter, namely chapter 3, which explains the uncertainties in budget projections and how these uncertainties in the economy and in technical factors can greatly affect deficit projections.

In that chapter, when referring to its latest deficit estimates, the Congressional Budget Office makes these statements, and I quote:

> . . . considerable uncertainty surrounds those estimates because the U.S. economy and the Federal budget are highly complex and are affected by many factors, none of which can be projected with full confidence.

That is the Congressional Budget Office talking, the nonpartisan Congressional Budget Office.

Another quotation from that book:

> Growth in potential gross domestic product (GDP) that was half a percentage point higher or lower would decrease or raise the deficit by $50 billion in fiscal year 2002.

Continuing to quote from that document:

> Similarly, a fairly typical swing in the business cycle would increase or decrease the deficit by more than $100 billion in a given year.

Madam President, those are just two examples of changes in economic factors which the Congressional Budget Office says could cause huge changes in deficits for any fiscal year.

The Congressional Budget Office also says, and I quote:

> An increase of 2 percentage points in the annual rate of growth of Medicare and Medicaid alone could boost spending for those two programs by about $50 billion in fiscal year 2002. If such technical errors (those not attributed to the performance of the economy or legislation) pushed the deficit in the same direction as economic errors in a particular fiscal year, the deficit could swing by very large amounts.

That is the Congressional Budget Office talking. There you have it, Madam President. The very office which has the responsibility for providing Congress with these annual deficit estimates tells us that their own calculations can be off by very large amounts.

In fact, as this chart shows, the difference between revenues, as estimated in the congressional budget resolution for each of fiscal years 1980 through 1996, versus what revenues actually turned out to be for each of those years, varied greatly.

Let me first point out that the green horizontal line on the chart represents a zero difference between estimated and actual revenues—no difference whatsoever. That is what the green line is for any particular year. There is no bar above or below the green line. That means that the Congressional Budget Office hit it right on the head. The green line means that the CBO got it right on the nose. The black numbers above the green line depict years in which actual revenues exceeded the estimates—that occurred in six of these 17 years: 1980, 1987, 1989, 1994, 1995, and 1996—when revenues were $36 billion greater than CBO estimated they would be.

For 11 of those 17 years, actual revenues were less than CBO estimated they would be, and in a number of those years the revenue shortfalls were large. In 1983, for example, the shortfall was $65 billion; and for 1992, Federal revenues were actually $78 billion less than they were estimated to be by the Congressional Budget Office for that year.

In all, over these 17 years, revenues never matched the estimate for any year—not one. On average, actual revenues collected by the Federal Treasury were off, in one direction or the other, by $29 billion. That is a pretty big disparity.

The next chart shows for the same 17 year period, 1980 through 1996, the differences between the estimated outlays and what actual outlays turned out to be. For those in our viewing audience, the term "outlays" is a very fancy word for spending. Total outlays means total spending by the Federal Government for a given year.

Starting again on the left of the chart, the green horizontal line represents a bull's-eye for the CBO. They hit it right in the eye. But you notice there is always a variation from the green line.

That green line represents a zero difference between CBO's estimates of what outlays were expected to be and what actual outlays turned out to be for each year. Again, as was the case with revenues, in no year—not one—did actual Federal outlays, or spending, exactly equal the estimate. For 11 of the 17 years, actual spending was greater than the CBO estimate. In 1990, for example, outlays actually exceeded CBO's estimate by $85 billion. They were off $85 billion. Outlays, in 1993, were $92 billion less than they were estimated to be.

So the point I am making is that the estimates are always wrong—always.

On average, over this 17-year period, CBO missed hitting the bull's-eye by $36 billion per year—per year. A pretty big "goof," by most folks' standards, I would say.

These first two charts have shown that at no time—no time—over the last 17 years have either revenues, or income, or outlays, or spending, equaled the estimate for any year. About the only thing that we can ever be sure of when we talk about these estimates is that they will always—always—be wrong. In fact, the whole point of these charts is to graphically demonstrate that these best guesses by the best experts are consistently, always wrong. And yet, despite knowing that the estimates we must work with have always been wrong and will inevitably continue to be wrong, they are exactly what this section, section 6 of this resolution says Congress may rely on.

It is ludicrous to think that just because we adopt this constitutional amendment—hear me out there—ludicrous to think that just because we adopt this constitutional amendment to balance the budget, somehow we will magically have accurate estimates every year in the future. It just will not happen, unless, of course, someone comes up with a crystal ball that can accurately tell us at the beginning now, at the beginning—that is what it says. That is what the amendment says, at the beginning—at the beginning of each fiscal year what the gross domestic product will be for that year, or what the unemployment rate will be for that year, or what the inflation rate will be for that year, or what interest rates will be for that year, or any of a number of other economic and technical factors. It just cannot be done.

In fact, during the debate on Senate Joint Resolution 1 on Wednesday, February 12, the distinguished manager of the measure, Senator HATCH, and I debated this problem of the inaccuracy of estimates at some length and during our debate the able manager made the following statement. We took it down, and I quote:

> Let us be honest. There is no way anybody can absolutely, accurately tell what the outlays and receipts are going to be in advance.

There it is, statement by the manager.

> When we say "total outlays of any fiscal year shall not exceed," it has to be written that way because that is the force that says, Congress, your estimates better be good, a lot better than these statutory estimates we have had in the past, because then we will be under a constraint to balance the budget, or vote by a supermajority vote not to balance it. That is the difference.

That is the end of my quotation of my esteemed colleague, Mr. HATCH.

The point is there is no difference. There is nothing in the pending measure that will make these estimates any more accurate in the future than they are right now. I have already laid in the RECORD the statements by CBO that their estimates of deficits can be off by tens of billions of dollars for reasons totally beyond any human being's control. We will not do any better because we cannot do any better. The only "difference," if we put this hoptoad into the Constitution, will be that we are out of sync with the Constitution of the United States if the real budget does not balance at the end of the year.

What are we in Congress to do then? How do we address an unbalanced Federal budget that we are unaware of until the very last minute, or 2 or 3 or 4 weeks after the very last minute? The very last minute the old fiscal year has come and gone, and then 3 weeks later we find out, or possibly even 4, from the Treasury Department what the actual figures were, how much the estimates were off, how much the deficits are. So how do we address an unbalanced Federal budget at that point? How do we square ourselves with the new constitutional dictate for balance?

What happens when it becomes known that, in fact, there has been a deficit for a year that has ended, even though Congress did not vote to waive the balanced budget requirement of section 1? Will the President decide that he is obligated to impound sufficient funds to make up the difference, make up the deficit? Or failing any action by the President, will the courts step in to ensure compliance with the Constitution, albeit after the year in question has ended? Pretty farfetched. But the President's impoundment of funds, that is not so farfetched. It seems possible that one or both of these actions could occur. Remember, the President and the courts will have their own responsibilities to ensure that the constitutional requirements for a balanced budget are met. We are not going to be tinkering around with a simple statute, you know. This is not just a simple statute that can be repealed the next day or the next month or the next year. We will be in violation of the basic, fundamental, organic law of this great Nation.

One thing is certain. Under this resolution, even if deficits are unintended, if they are allowed to stand, they will cause an increase in debt and therefore will ultimately force a vote under section 2 to increase the debt limit. And what does section 2 say? That section requires a supermajority vote of three-fifths of the whole number of each House of Congress and the President's signature in order to increase the limit on U.S. debt held by the public.

What happens if this three-fifths vote cannot be achieved? A financial crisis could be upon us because, at the point when the debt limit is reached and not raised, no more bills can be paid until that debt limit is raised. Virtually all Federal payments would be subject to being withheld—I am not saying they would all be withheld, but they would all be subject to being withheld—Social Security checks, veterans' pensions, payments on Medicare and Medicaid, payments to contractors.

Pretty dire stuff to comprehend, may I say to my colleagues. But, lo and behold—lo and behold—ah, now we have it, section 6. There it is. Section 6 provides an escape hatch. It is not going to be so hard to do after all. Section 6 provides a way out. Whoopee. I am thankful for the proponents having foreseen that we would need a way out of this dilemma so that we won't be caught hoisted by our own petard.

It is almost as if someone who had something to do with writing this amendment realized that we could never actually balance the real budget in the real world, so they dreamed up the Houdini section. This is the Houdini section, section 6. Take a good look at it. The Houdini section. Take a good look. The Houdini section lets us go ahead and use estimates, even though they are invariably going to be inaccurate; therefore, it should be obvious to everyone that the Congress will not be chained, bound or gagged by this constitutional amendment. We will just bring back some of our old friends like Rosy, Rosy Scenario, or resort to some of our well-known magic tricks with smoke and mirrors and, lo and behold, just like Houdini, escape—gone. How sweet it is.

I am perplexed as to how section 6 is intended to work. Will someone help me here? The distinguished manager is on the floor; perhaps he will help me. I ask the manager of the pending resolution how and when do you intend to put section 6 into effect? Let us see what it says. Section 6, "The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts." Will we have to carry out this section 6 annually? Will we have a kind of floating definition of what the deficit will be every year? Or will we just declare that a discrepancy of, say, 1.4 percent of GDP is "negligible" for one year, and 1.5 percent is "negligible" for the next year?

Also, sections 1, 2, 4 and 5 use the terms—this is an interesting observation. I hope the audience and especially my colleagues will pay close attention. Sections 1, 2, 4 and 5 use the terms "provided by law," "provided by law," "shall become law," "which becomes law." Yet, section 6 uses a different term. It says, "by appropriate legislation." Why the difference? Section 1, which requires the budget to be balanced, which says, "Total outlays for any fiscal year shall not exceed total receipts for that fiscal year. . ." it goes on to say, ". . . unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote." So, there is the ironclad language referring to law in section 1, in section 2, in section 4 and section 5, but lo and behold, the Houdini section, section 6, does not say anything about law. So what does it mean by the term "appropriate legislation?" Does this mean that we in Congress can "enforce and implement" the article in each year's budget resolution? If so, would it not be possible for Congress to simply estimate that the budget will be in balance, in the budget resolution each year, or, to describe a deficit as "negligible" in the budget resolution and then pretend that we have met the balanced budget requirement of section 1? What would stop the President from stepping in and finishing the job in years where Congress allowed "negligible" deficits? The President of the United States may not want to go along with satisfying the requirements of this amendment by calling a particular amount of deficit a negligible amount.

I think it is obvious that section 6 shows this amendment to be unworkable. It is contradictory to the absolute requirement in section 1 that the budget be balanced each year unless waived, and it invites continued deficits, which, if allowed, will likely create an automatic crisis by forcing supermajority votes to raise the debt in order to pay for those continuing deficits.

My amendment to section 6 is quite simple. It would modify section 6 to read: "The Congress shall implement this article by law." Not by "appropriate legislation" but "by law."

This language will disallow the use of estimates, which I have shown are always inaccurate. It will require Congress simply to comply with section 1. It will eliminate all the gimmicks that section 6 currently allows. My amendment is to keep them honest. My amendment is the "keep us honest" amendment. Keep us honest. It requires "truth in budget balancing." Do it by law.

Without my amendment, the American people can expect to see all of the budgeting tricks that are presently allowed by this committee report to be, by implication—not literally, but by implication—inserted into the Constitution. Rather than rely on my own imagination, Mr. President, let me read to you a few ideas for ingenious obfuscation which come from the Judiciary Committee's own report that accompanies this resolution.

What does section 6 mean? On page 23 of that report, Senate Report 105–3, it is stated that "This provision," meaning section 6, "gives Congress an appropriate degree of flexibility * * *." That is what the committee report says, "flexibility." Right there it is. There is the word—"flexibility."

> It gives Congress—

I am quoting from the report—

> It gives Congress an appropriate degree of flexibility in fashioning necessary implementing legislation.

What is meant by "flexibility"? Does anybody still use a dictionary around here? The Random House Dictionary defines flexibility as "capable of being bent," like a flexible piece of rubber hose. I think that is probably a pretty accurate definition when it comes to this amendment. It is going to be flexible, capable of being bent.

The report of the committee continues:

> For example, Congress could use estimates of receipts or outlays at the beginning of the fiscal year to determine whether the balanced budget requirement of section 1 would be satisfied, so long as the estimates were reasonable and made in good faith.

Who is to be the judge? Does this mean that if we pass a budget that is balanced only on paper we need not worry, if the budget becomes unbalanced during the course of the year, as long as we were reasonable and exercised good faith? Who knows whether we are acting in good faith? We could say so. In arriving at the estimates, does that make anything we pass hunky-dory? Is that the ideal we are supposed to include in our implementing legislation? If that is what the sponsors of this amendment have in mind, I suspect that it is very different from what the American people are expecting from a constitutional amendment to balance the budget.

The next sentence states:

> In addition, Congress could decide that a deficit caused by a temporary, self-correcting drop in receipts or increase in outlays during the fiscal year would not violate the article.

Now, will someone explain to me how one can know in advance that a deficit will be self-correcting? And what about the word "temporary"? Well, there is a word one could really get his teeth into.

Mr. President, what that sentence says to me is that at the same time the proponents of the amendment are telling the American people that a constitutional amendment will bring about balanced budgets, they are telling the Congress we don't have to practice what we preach.

Reading again from the report, the next sentence states:

> Similarly, Congress could state that very small or negligible deviations from a balanced budget would not represent a violation of section 1.

Here we have the suggestion that the Congress could just stand up and declare that certain amounts of deficit, as long as we determined it will be "negligible," were not in violation of the amendment. We are told, for example, that the deficit for 1996 of $107 billion equaled only 1.4 percent of the Nation's $7.5 trillion gross domestic product. Could we declare that future deficits of not to exceed 1.4 percent of the GDP would be "negligible"? Just $107 billion, that's not much, just 1.4 percent. I suppose that is the kind of thing the proponents of this resolution have in mind. But if we were to constitutionalize the mandate in section 1, that outlays shall not exceed receipts, any congressional attempt to deviate from that requirement would bring the moral authority of the entire Constitution into question. If we could violate this amendment with impunity, then what other amendments of the Constitution could be put at risk?

And finally, the last sentence in this paragraph of the committee report states:

> If an excess of outlays over receipts were to occur, Congress can require that any shortfall must be made up during the following fiscal year.

Now, that is a loophole that, if adopted by the Congress as part of its implementing legislation, would be big enough for Hannibal to take his 46,000 men and his 37 elephants, with which he crossed the Rhone River in 218 B.C., through. Of course, he had 80 elephants at the Battle of Zama in the year 202 B.C. But you could just take all those elephants, all 80 of them, through the loopholes created by those words.

What the sponsors of the amendment are telling us is that if we cannot figure out what to do, if we run into options too difficult to swallow, we can just require that the shortfall be made up the next year, just roll it over, just put it off until next year. The American people, are they listening to what the committee report is telling us about this constitutional amendment and how the strictures may be avoided? They are right there in the print of the committee report. What kind of fiscal shenanigan is this? Just put it off till next year?

The American people think that budget is going to be balanced every year, but that is not what the committee report says. That is not what section 6, the Houdini section of the constitutional amendment, will allow. It won't be balanced, need not be balanced. So much for holding our feet to the fire. One can tell from these clever little suggestions in the committee report that Congress has no intention of having its feet held to the fire and getting burned by this amendment.

Let me emphasize again, these little gems about how to deal with the deficit under a balanced budget amendment come from the committee's report on Senate Joint Resolution 1. As such, they would not become part of the underlying resolution if it were to pass. They would not have the force of law in any respect, but, nevertheless, they ought to give the American people some idea of the kinds of gimmicks and evasions that the American people can expect to see if this amendment is passed by the Congress of the United States and ratified by the States.

The American people are being sold a bag of tricks. They are not being told about the realities of actually balancing the Federal budget each and every year. As I listen to those who speak in favor of a balanced budget amendment, I do not hear them telling the people that to comply with this mandate, we really intend just to roll the deficit for a given year over into the following year. Won't that just compound the problem the next year? We will end up with "rolling deficits," another term. I do not hear the proponents of this amendment telling the public that the Congress could just state, "Oh, well, the deficit is negligible and so nothing will need to be done this year about it." I do not hear the proponents telling the public that if this constitutional amendment is passed and ratified, the implementing legislation will only require that the budget be balanced on paper at the beginning of the year. That is not what the American people are being told.

Mr. President, how much confidence have even the authors of this amendment, if, as is evident right in the committee report, they have already started figuring out ways to weasel around, slip around, get around the amendment? No, Mr. President, this proposal is not worthy of being enshrined in the Constitution of the United States. It is little more than political pandering thrown up to screen the real difficulty of getting to budget balance each and every year. And I do not think that we should perpetrate this charade upon the American people. If it were simply a joke, which it is, if it were simply a political dodge, which it is, it would be regrettable and unwise to adopt. But it is much, much worse than those things.

This proposal is potentially dangerous. Within its murky appeal and unsound formula for budget balance lie the seeds for the further, rampant diminishment of the trust of the American people in their Government and in their rulers whom they elect. The legislative branch can ill-afford any more cynicism and loss of trust. And I worry as much about the trust deficit as I do about the fiscal deficit. The American people do not trust their politicians now.

Often Members believe that doing what seems to be the safe, popular thing will prove also to be the right thing. Political correctness is the supposed order of the day for many people. Not for me. I believe that endorsing this balanced budget amendment has taken on the aura of a politically sacred act. It has become a litmus test of sorts—the right choice to make the political meter register 100 percent in one's favor.

But whether or not we amend the Constitution in this damaging way—and I am not against amending the Constitution per se, because the Constitution itself provides for its own amendment—but I am unalterably opposed to amending the Constitution in this way. The American people must be made to understand that once one takes a closer look at this idea it is far from what it seems. I hope that each Senator will carefully study this amendment before voting on it. Of course, most of them have already made up their minds. Many are committed and probably feel that they cannot break out of the chains of their commitments. I believe that close and open minded scrutiny of this proposal shreds it, reveals its many shortcomings and unmasks its benign countenance to reveal the sinister seeds of a constitutional crisis in the making or a Constitution in the ruining.

Mr. President, we are told in the Bible that Ezekiel felt the hand of the Lord upon him and he was carried down into the midst of a valley which was full of dry bones. He was told by the Lord to prophesy upon the bones and to say that the Lord God would cause breath to enter into the bones and they would be covered with sinews and flesh and skin and that they would be filled with breath and that the bones would come together, bone to bone, and that they would live and stand upon their feet and become an exceeding great army.

Do not believe, however, that flesh will grow upon the dry bones of this constitutional amendment. The breath of life cannot be breathed into that carcass. It will never stand upon its feet. It is but dry bones and it will remain in the valley of dry bones.

Anyone who believes that this constitutional amendment will work is really living in a fool's paradise—a state of illusive bliss, suspended in a limbo of hypocrisy, double-speak, double-shuffle, vanity, and nonsense. Surely we will not travel this road if we are fully aware of where it may lead. In the days ahead, let us be very sure of just what it is we propose to do to our country and to our Constitution before we act. Mr. President, I reserve the balance of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Utah.

Mr. HATCH. Mr. President, as always, I enjoyed the distinguished senior Senator from West Virginia. He is always colorful. He always uses a great number of metaphors that are very interesting. He is intelligent. He is competent. And he is formidable, one of the most formidable Senators in history. So it is very difficult for the Senator from Utah to be as formidable. But I can say this. If we are going to talk about Ezekiel and bones, dry bones, here is 28 years of it, 28 years of dry bones lying over everywhere with no sinews and no possibility of any sinews, in other words, resurrection, unless we do something to countermand this philosophy of taxing and spending the American people blind.

My friend talks about Hannibal crossing the Alps. If my historical background is correct, the discussion of Hannibal in the Alps was by Livy, who wrote the "History of Rome". I think it was a little unfair to bring in 37 elephants. Actually, as I recall the estimate was at least 100 donkeys who, if Hannibal was alive today, would probably, as the good Democrat that he was, be trampling all over the balanced budget amendment with all of those donkeys—not elephants. I think the elephants would be nudging him forward to try to do what is right.

What the distinguished Senator from West Virginia seems to be saying to me, and to the world at large, in his comments here today is that the estimates that we use in the budget system today are faulty. They have never been right. He does not take into account the fact that Congress has continually changed the rules in the bills and the spending practices throughout each year. And that is one of the reasons why the estimates have not been even close to being right in most cases.

Therefore, he seems to be making this syllogism. We use faulty estimates now. It appears to him that we will not be able to prevent the use of faulty estimates if the balanced budget amendment is passed. Therefore, rather than do something that might put some discipline into the budgetary process, let us retain the current faulty system.

His amendment does not address the problem he is raising. So the distinguished Senator seems to be arguing for the current unsatisfactory system, no change whatsoever. I have to add, these unbalanced budgets are higher than I am, I guess, or pretty close to it. The Senator argues for no change of the continuation of unbalanced budget after unbalanced budget, because there will not be any incentives to get the estimates right, will not be any incentives to stop Congress from continuing to spend and raise new spending programs every year that we are in this budget process. The balanced budget amendment would give us incentives to get things right.

If there is a charade, if there is a joke, if there is a dodge, it is during each of these 28 years. I have been here 21 of them, and I am ashamed to say that every one of my 21 years in the Senate, we have had an unbalanced budget. The reason is because we do not have a good system, we do not have a constitutional mandate to force us to do what is right. That is what this amendment will do.

Now, my friend says Americans do not trust their politicians. I think that is right. I think his points are well taken. The fact of the matter is, the reason they do not trust us is because they have seen 28 straight years of this, and for 58 of the last 66 years, we have had these kinds of unbalanced budgets.

Now, is that a good argument for keeping the status quo, for continuing what we are doing and mortgaging the future of our children? I do not think so. I do not know anybody who looks at it carefully who would think so.

There are hoptoads all over the current system, whatever a hoptoad is, but they are all over the current system. The system is not working. The reason it is not working is because there is no incentive to make it work other than to tax and to spend more. You get more credit for spending around here than you do for standing up and saying, "Hey, where will the money come from?" Some of my colleagues of the more liberal persuasion have been here longer than I have, and I have yet to hear some of them say, "Where do we get the money for that program?" No, they go ahead and spend away our children's future, spend away our grandchildren's future. Do not worry, have a good time now and let them pay for it.

We have reached a point where every living man, woman, and child in this country owes about $20,000 as their share of the national debt right now, as we stand here. Yet, some are arguing for the status quo, a system that is not working, a system that will go on as a broken system, a system where there is no discipline. We have tried five different statutory plans since 1978 and none of them have worked.

Now, I have to say if it was up to my friend from West Virginia and myself, I think we could get together.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. On your time, I am happy to yield to the Senator, and if you need extra time, I am happy to yield.

Mr. BYRD. I thank the Senator.

The Senator continues to refer to the present system; he says that the Senator from West Virginia apparently prefers the present system.

Mr. HATCH. Did I say that? I am implying that.

Mr. BYRD. You did not say that exactly.

Mr. HATCH. I am strongly suspicious that the Senate may prevail over the balanced budget amendment.

Mr. BYRD. Tell me, Mr. President, may I ask the Senator, and I am one who believes we ought to do what we can to balance the budget——

Mr. HATCH. I acknowledge that.

Mr. BYRD. And to reduce the deficits, but I do not think we ought to go about it by way of a constitutional amendment. But the Senator from Utah continues to talk about the present system, the weaknesses of the present system.

Section 6 is in the constitutional amendment. That is the present system. That continues the present system of working with estimates of outlays and receipts.

So there is nothing different, except the Constitution of the United States will be trivialized. There will be nothing different in what we are talking about balancing the budget for real after the Constitution has been amended than from what the situation at present is.

Reading section 6:

> The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

Now, I have been talking all afternoon, or for almost 1 hour, about estimates of outlays and receipts and the fact that they are never, never accurate.

I hope the Senator from Utah, when he refers to the present system, he scores, he excoriates, and I do not blame him for that, the "present system"—the "present system." He wants to get away from the present system. Well, he is not doing it in section 6, because under section 6 we are told, this is the Houdini section, the section that tells Congress it can do it, it can balance the budget, it can carry out the mandate under the constitutional amendment by relying on estimates of outlays and receipts. So the Senator from Utah is not getting away from the present system when he falls back on section 6.

May I ask the Senator this question: What is meant in this section 6 by "appropriate legislation"? What does that mean?

Mr. HATCH. The same thing that is meant in every constitutional amendment since the Civil War.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. Let me answer the question.

In addition, and I will take back my time, in addition to the fact that we have no strong incentives under the current system to stay within either the estimates or the budget that is under the current system, Congress often compounds the problems inherent in using estimates by making changes in policy that the estimates did not foresee. There is no disincentive under the current system for doing this without great concern about the effect on compliance with the budget plan.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. If I could finish. I want to answer your question, and it will take me a second because it is an interesting question, and then I will be happy to yield.

Under Senate Joint Resolution 1, Congress will, by necessity, need to be more careful about its decisions through the year in order to comply with the constitutional directive of the other sections. For instance, section 6 simply recognizes that to be reasonable and workable, we will need to rely on estimates throughout the fiscal year in complying with the balanced budget amendment rule.

Mr. BYRD. That is the present system.

Mr. HATCH. Let me finish. If there is a minor or negligible drop below balance at the end of the year, and we find out that has occurred after the fiscal year has ended, we can avoid constitutional problems for minor deviations. However, we still have an incentive to get the budget back in line because section 2's debt ceiling provision does not rely on estimates.

That is where the distinguished Senator is missing the point of this amendment. Section 2 does not rely on estimates. It requires that we not increase the debt without a three-fifths vote, and to avoid hitting the debt ceiling we have every incentive to stay at or above balance and to ensure that small deviations are actually made up.

All of this is substantially better than the current system, which is not working. The current system is where we make our estimates and then we immediately forget about them and pass whatever legislation we want to, and that is why they are always out of balance. It has given us 28 straight years of unbalanced budgets, and deficits for 58 of the last 66 years—enough to drive anybody who is fiscally responsible wild.

To argue that this current way of doing things is better than having fiscal discipline written into the Constitution, I think completely misses the point. Senate Joint Resolution 1 is a necessary step to give us the incentives to do something about this mess of unbalanced budgets that are going to continue unless we have something like this.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. I am happy to yield to the Senator.

Mr. BYRD. The Senator has not answered my question. What is meant by the words "appropriate legislation" in section 6? I want to point out the big hole that section 6 provides for the Congress, so that Congress can avoid section 1 of the amendment, which requires a dollar-for-dollar match between spending and income. What is meant by "appropriate legislation"?

May I say as a predicate to asking the question, as I pointed out earlier, in section 1 reference is made to the word "law." Section 1 is really a binding section if you just stood it out there alone: "Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law."

Section 1 says Congress must "provide by law." Section 2 says: "The limit on the debt shall not be increased * * * unless three-fifths of the whole number of each House shall provide by law." Section 4 refers to increases in revenue which shall become law. Section 5 refers, and uses the words, "which becomes law."

Why is it, Mr. Manager of the bill, my dear colleague, Senator HATCH, why is it that section 6 uses the words "appropriate legislation"? It does not say that Congress shall enforce and implement this article by law, which may rely on estimates of outlays and receipts. It says by "appropriate legislation." What is meant? Does that mean a simple resolution? Does that mean a concurrent resolution? Does that mean a joint resolution? Does that mean a bill? What is meant by "appropriate legislation"? Why is the change made there? It is perfectly obvious that there must be some reason lurking behind this change in the word "law" in other areas of the constitutional amendment, but in section 6 it uses the words "appropriate legislation." "The Congress shall enforce and implement this article by appropriate legislation." What does that mean?

Mr. HATCH. I will answer the Senator. First, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Utah has 49 minutes. The Senator from West Virginia has 3½ minutes.

Mr. HATCH. All right. I thank the Chair. The term "by law," used in the Senate Joint Resolution 1, sections 1 and 2 is used there in order to make clear that Congress cannot imbalance the budget or raise the debt limit by an internal rule. Why? The President must sign a bill for it to become a "law." The President is not involved in the adoption of rules in the Senate or House.

The term "by appropriate legislation" is used in Senate Joint Resolution 1, section 6, because that is the standard term used in all other enforcement clauses in the Constitution since the Civil War. So we have followed that which has been used. And I believe it will be interpreted similarly to the word "law." But be that as it may, it has not been a problem since the Civil War, and I don't believe it will be a problem now.

Specifically, "appropriate legislation" means that it satisfies article 1, passed by both Houses and is signed by the President. But the language actually mirrors all enforcement clauses in the Constitution since the Civil War. So I don't quite see the problem that the distinguished Senator from West Virginia does, and I don't think anybody else will.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. I will be happy to.

Mr. BYRD. There is a massive problem here. For some reason—and I think the distinguished manager has put his finger on it—the constitutional amendment refers to actions by the Congress that constitute laws—until we get down to section 6. Section 6 is an alternative to section 1. Section 1 is a rather binding section, which says, "Total outlays for any fiscal year shall not exceed total receipts * * *"—"shall" not, not "may" not, not "ought" not, but "shall" not exceed—"* * * for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law. * * *"

That is pretty binding. If that section stood by itself, it would be pretty hard to get around it. But, lo and behold, the authors of the amendment have come along with the Houdini section—section 6—which as much as says you don't have to do it by law, and you can do it by relying on estimates of outlays and receipts.

Now, if you had to do it by law, under section 7 of Article I of the Constitution, which is the presentment clause, whatever we do in section 6 would have to be presented to the President of the United States. He could veto it. But we have a way out here. Section 6 allows us, by "appropriate legislation," to avoid section 1. And appropriate legislation can be a concurrent resolution between the two Houses. It is kind of an agreement or an understanding, or a "shake hands" deal between the two Houses. It doesn't go to the President. It isn't presented to the President under section 7, the presentment clause. He has no voice in the matter—none. He can't veto. And so section 6 allows Congress, in the concurrent resolution on the budget, to put in whatever standards it wants. It can write into the resolution that so long as the deficits do not exceed, say, 1.5 percent of the gross—it used to be gross national product, but now it is gross domestic product—as long as it doesn't exceed 1.5 percent or 1.4 percent. To some, that would be considered negligible. But, as we have seen, with a $7.5 trillion GDP, 1.4 or 1.5 percent can amount to over $100 billion. But the President won't have any voice in that. It won't have to go across his desk. He can't veto this little Houdini section. What we do there is all that we will do, but we don't have to do——

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. HATCH. Does the Senator need more time?

Mr. BYRD. I will finish my sentence. I thank the Senator from Utah for his usual courtesy. We will not be bound by section 1. We can do it by way of section 6, which does not require a three-fifths vote for a waiver. And we will be complying with section 6 if we do it in a simple resolution, which is only an action by the Senate concerning the Senate, or on a concurrent resolution, which is an action between the Houses and which doesn't have to go to the President for signature.

I thank the distinguished Senator from Utah. It seems to me that the words in section 6 should give Senators pause. I am sure they would give the American people pause if they understood what Congress can do under that section.

Mr. HATCH. Mr. President, I don't want to spend a lot of time on this because I don't think that is a good point. Ever since the Civil War, the 13th, 14th, 15th, 19th, 24th, and 26th amendments have used the language "appropriate legislation," which, under the Chadha decision of the Supreme Court, is interpreted as a law as signed by the President. It has to be submitted to the President.

Mr. BYRD. Will the Senator yield briefly?

Mr. HATCH. Sure.

Mr. BYRD. Has Congress ever passed any civil rights statutes by concurrent resolution, or by a simple resolution?

Mr. HATCH. Not that I know of.

Mr. BYRD. No, indeed, but by a joint resolution or a bill, which have the force of law and go to the President for signature.

Mr. HATCH. Under the Supreme Court decision in Chadha, appropriate legislation has to go to the President and become a law. I think it is a moot point, to be honest with you. Frankly, we are using the language of the Constitution itself, and appropriately so, in my opinion.

I notice the distinguished Senator from Wyoming is here. He would like to speak for 8 minutes. I yield to him, and then I would like to have the time back so I can finish my statement. I want to respond to my dear colleague's thoughtful comments. They are intelligent comments, and I always enjoy listening to him as one of the true experts in this body. I mean every word I am saying, as well. I don't agree with him on much of what he is saying here today, but so what. The fact is, I respect him.

I yield 8 minutes to the Senator from Wyoming.

PRIVILEGE OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that the new counsel on my committee staff, Brian Jones, be granted floor privileges for the remainder of the day on the balanced budget constitutional amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank the Senator from Utah for granting me this time.

Mr. President, I rise in opposition to the amendment that is sponsored by my distinguished colleague from West Virginia, Senator BYRD. The amendment would strike the language from section 6 of the balanced budget constitutional amendment that permits Congress to rely on budget estimates when drafting the implementing language pursuant to the ratification of the amendment.

As the only accountant in the U.S. Senate, I know that no budget can be predicted to the penny more than a year in advance. I would like to see that extended out to 2 years in advance. If we demand better estimates, we will get better estimates. If more is riding on the estimates, the estimates will be better. The estimators' performance and ours will be judged. The very heart of budgeting means making estimates before the money is spent. There is no way to do it after the money is spent. You have to do it in advance. Advance means estimates. Without the use of the estimates of future outlays and receipts, we will be unable to draft implementing legislation that keeps us within the boundaries of the balanced budget amendment.

As an accountant, I am fascinated with the budget discussion because we are talking about numbers. We are talking about balancing budgets. We are talking about formats that will provide us with the most information possible. And we are doing it in the context of a real budget, dealing with real people. We are doing it in the context of a history where we have only had one balanced budget in 40 years. We have not balanced the budget in 28 years.

Some very valid accounting concerns have been raised here in the debate by opponents of the balanced budget constitutional amendment. I have heard reference to the need for capital budgets. I have heard reference to a need for Social Security to be off budget. I have heard reference to the need to take care of accounting problems that happen during recessions. As an accountant, I applaud this insight into the need for new accounting methods. We need to have cash flow budgets so that as cash arrives the purchases can be made without extensive deficits. It is just good business. A balanced budget amendment will force us to have a better accounting system and to even have better estimates.

I have heard debate about the concern with the Judiciary Committee's definitions for estimates. The committee stated that estimates, for example, "means good faith, responsible and reasonable estimates made with an honest intent to implement section 1." I would add that generally accepted principles would also ask that they be conservative estimates. We all know that there is no way to be absolutely accurate about estimates. We have to do the best we can to estimate outlays and receipts and do it routinely at the same day each year.

If we really want to talk about problems with definitions, "off budget" is a fascinating accounting term. In fact, in my accounting references I couldn't even find that term. I have to say from listening to discussions that there doesn't seem to be a lot of consensus on what that really means.

It looks like we found another catchword that scares senior citizens and scares people and gives us a hook not to vote on this. As one who daily approaches being a senior I want to see us get that rhetoric out of that term. We give the impression that Social Security has enough money at the moment. We talk about the surpluses going into Social Security and being used in the budget. Without estimates of outlays and receipts, it would be impossible to gauge the problems that currently affect the very existence of the Social Security system.

Let's talk a little bit more about definitions. I think that accountants frown on the Federal term "surplus" revenue. Surplus implies more than what is needed. That is definitely not the case with Social Security. Social Security is a trust fund. But we give the impression that that money is being set aside in a special account for seniors so that when they retire there will be money to be drawn out in their name. That is not even close to what actually happens.

We don't have a crystal ball, only reasonable estimates from which to work. The President and Congress currently use estimates and budget planning. The Congressional Budget Office and the Office of Management and Budget already give budget estimates each year. It has been pointed out how accurate they are. One is more conservative than the other. They correct the estimate twice during the year to ensure their accuracy. Congress ultimately decides how to balance the difference between the estimates.

We need to have a system where we can see how far in debt we are. And we need to do that not just for Social Security but for every single trust fund that we have, and the budget. We either have to change the accounting system, account for funds honestly and show how much deficit there is, or rename them so that they are not called trust funds. Perhaps we should do both.

We are not snake oil salesmen here. Meeting the requirements of the balanced budget constitutional amendment will require Congress to go about their business with a great level of accountability. Spending and borrowing decisions must be deliberate because every decision will impact the requirement of this balanced budget constitutional amendment.

I think those people who are opposing the balanced budget constitutional amendment know in their hearts that this one will pass and will also have more swift ratification by the States than most of the other amendments to the Constitution.

Why will that happen? First, most of the States already have a balanced budget constitutional amendment. They work under them, and they know that they work. And, incidentally, those work with estimates. They know their limitation and the type of problems that develop from it. The States understand that problems are not a detriment to the United States having a balanced budget constitutional amendment.

The concern of the inaccuracy of the estimates is overblown. The data that are often used are generated months to over a year in advance to the end of the fiscal year. In fact, the Federal Reserve uses its own estimates to help set its own policy. It also makes mistakes. For example, in the July 1996 Humphrey-Hawkins banking deregulation hearing, Chairman Alan Greenspan predicted the GDP would grow at about 2.5 to 2.75 percent. Instead, it grew by about 3.4 percent. Quite a difference; billions in difference. Is that to say that the Fed should not use estimates because they do no more than identify the economic trends and provide decisionmakers with useful information? Yes, an estimate is an educated guess. Where else would we start? Where else would the Fed start in determining its policy?

I think that most people in this body realize that a constitutional amendment will pass and get ratified by the States. If we didn't believe that it would be ratified by the States, this would be a real easy debate. But we know that the people of the States want it and the States will respond. If just those States with one or more Senators opposing the balanced budget constitutional amendment did not ratify the constitutional amendment, it would never become a constitutional amendment. So if those Senators' States did not ratify it where one or more Senators were opposing it, we wouldn't have the constitutional amendment. If we did not have appropriate legislation, those people in those States would not have to raise the confusion that we are having raised right here today; that is, to get a hook so that they can explain a vote that is very difficult to explain back home.

The people understand from their own experience that you can't spend more than you take in. Almost every school kid above third grade is able to explain that to me—that, if you spend more money than you take in, you go broke. By third grade they have already had enough experience to realize this fact of life. It has been said that we can learn much from children. Children focus on problems in more simple terms. There is a difference between being simplistic and being simple.

If you went to your banker and said, "I want to borrow money to buy a house, and I don't want to have to pay anything but the interest for the rest of my life," do you think you would get that loan? No, you wouldn't. But that is what we are doing right now with the national debt. By not balancing the budget, the Federal Government has not been good about limiting or disciplining itself in any way.

How does this relate to the constitutional amendment? I am suggesting that, if we limit ourselves by a balanced budget constitutional amendment, we will concentrate more on what we really do well. We will have more people participating and less people expecting Government to do things for them, more caring concern for our elders, and more concentration on our children's and grandchildren's welfare, if we have a balanced budget amendment.

Thank you.

Mr. HATCH. Mr. President, I am going to try to reserve some time out of my time for the Senator from West Virginia to make closing remarks here today. If that is all right, I will reserve some time for the distinguished Senator from West Virginia to make closing remarks out of my time.

Mr. BYRD. Mr. President, the Senator is very kind and generous. It is most characteristic of him.

Mr. HATCH. How much time would the distinguished Senator like to have to close out at the end?

Mr. BYRD. Two or three minutes.

Mr. HATCH. Let me reserve 5 minutes for the distinguished Senator.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. HATCH. I thank my colleague. I have great respect for him, as I have said. I have been around here a long time, and I have seen Senators come and go. This Senator is one of the greatest of all time, and I have respect for him. I do not agree with him here today, but I do have respect for him. And I want his amendment to be given every consideration.

Mr. President, today we begin our third week of debate on the balanced budget amendment. Our national budget as of right now is going to $5.4 trillion. That is about $20,000 for every man, woman, and child in America.

Believe me, when we are talking about the debt we are placing on the backs of our children and grandchildren, we are truly playing with fire, and we have been getting burned for 28 years, the 28 years represented by these unbalanced budgets—these stacks are obscene, and yet that is what we face ad infinitum if we do not have this balanced budget amendment. These stacks will reach all the way to the ceiling of this Chamber. And it is time to do something. We have been getting burned for 28 years now—actually, 58 of the last 66 years. That is what those two towers of debt mean. There is only one way to scale this tower of debt and only one way we will ever reach and remain at a balanced budget. There is only one cure that I can think of for this addiction that we have for debt. That is this balanced budget constitutional amendment.

Everybody knows it is a bipartisan amendment. Everybody knows it has been worked out with Democrats and Republicans. Everybody knows it is the only one that has a chance of passage. Everybody knows we have to keep amendments off or we lose Senators here or Senators there. Everybody knows it is the best possible language we can arrive at and still have it be bipartisan.

There are Senators over here who want to have a three-fifths vote to increase taxes. We cannot do that and have it bipartisan, even though the Senator from Utah may have some sympathy for that attitude. We have Senators on the other side who wish that we did not have a constitutional majority to raise taxes, and that certainly they would like us not to have a three-fifths majority to increase the debt. But in order to have a bipartisan amendment and satisfy people on this side of the aisle—and, by the way, people on the other side—we have come to this conclusion. So anybody who says that they have to have their one little amendment or they cannot vote for this, they are for balanced budgets and they are for a balanced budget amendment but they cannot vote for this, they may be sincere, but, in most cases, they are obfuscating. The fact is, they knew at the beginning of this debate if we cannot pass this amendment as it is, there will never be a balanced budget amendment and there will never be, at least I do not think there will ever be, a fiscal mechanism put into the Constitution that will require us to at least do what is right here.

This afternoon we are resuming the consideration of the Byrd amendment, which would remove the ability of the Congress to rely on estimates in implementing the balanced budget amendment.

Let me just say a few things about this proposal, keeping in mind I want to reserve some time for my colleague on the other side. If there are any Republicans who want to speak, I hope they will get over here soon, because I am going to reserve the last 5 minutes for my colleague from West Virginia.

Estimates are a necessary tool to be used by a more vigilant Federal Government living under current law or under the balanced budget amendment. The very first step in the perennial budgeting process is the presentation of the budget estimates of OMB and the CBO, the Office of Management and Budget and the Congressional Budget Office.

We have just seen this process in action this last month as the President proposed his budget and the Congressional Budget Office came out with its latest deficit predictions, predicting that even though the President is trying to balance the budget—of course, 75 percent of the cuts are in the last 2 years after he has left office—even at that, it is $49 billion in debt come the year 2002.

This process has not been the subject of intense scrutiny or recriminations. I do not understand why, if it is satisfactory now, some have argued it is insufficient under the balanced budget amendment.

Now, we all know that no budget can be predicted to the penny more than a year and a half in advance, particularly not the $1.6 or $1.7 trillion Federal budget. Even I am amazed at how high it is now. The bottom line is that we have no crystal ball, only reasonable estimates upon which to work. The President and the Congress use estimates now in budget planning. They are a necessary part of the process. They will continue whether this passes or not. But there will be some incentives to be more careful if the balanced budget amendment passes. The balanced budget amendment accepts the plain truth that the President and Congress use estimates in the budget process and that they are a necessary part of the process and that they will have to have continued use.

The difference is that the balanced budget amendment provides new incentives for Congress to be more vigilant in actually getting to balance or being more deliberate and accountable in our spending and borrowing decisions. In the past, estimates have been off target at least in part because there was no incentive to get them right in the first place and no real sanction for getting them wrong or failing to live within them. It is ultimately up to Congress to determine the estimates that we use, and, more importantly, it is up to Congress whether they will work to stay within Congress' projected budget or the estimates' projected budget.

Under current practice, once the Congress passes a budget resolution, it never looks back at these predictions with an eye to adjusting its behavior to accommodate new information. Whether the estimates were in fact right or wrong, high or low, Congress is never held accountable under the current system for the accuracy of its estimates or its failure to stay within the stated budget based on those estimates. Under the balanced budget amendment, we would have to be much more vigilant. If the estimates are incorrect, then we, the Congress, will have to set things right to get back on track. Failure to do so would force the Congress to muster a three-fifths vote to approve the deficit and announce to the American people that we have failed to do our job. That is what it will mean. In other words, Congress will be held accountable for its own predictions. This incentive can only help us make more realistic projections and to work to abide by our stated budget goals.

Further, we have only heard part of the story on the accuracy of estimates. The statistics most often cited to show that the CBO is frequently off target when trying to predict the budget are the earliest estimates that the CBO compiles, often a full 20 months before the end of the fiscal year they are predicting. But there are many other sources of updated information throughout the year. Both OMB, the President's Office of Management and Budget, and the CBO, the Congressional Budget Office, update their budget statistics for the current year and their estimates for the next year every February and every August. Further, the Treasury Department issues monthly statements showing detailed information on receipts, outlays, and borrowing. These multiple reports and any additional ones we might require under the balanced budget amendment give the Congress increasingly accurate information, providing the ability to anticipate a trend towards a deficit and to make appropriate adjustments to the budget.

Let us also recognize that the early estimates are often distorted by the subsequent volitional acts of the Government. Life under a balanced budget amendment can use estimates more effectively than they are now. The first thing the Congress and the President will do is pass a budget resolution laying out the general scenario for outlays and receipts in the fiscal year. This resolution will be based on estimates, as is now the case.

At this stage, the wisest policy is to shoot for a budget which is in surplus, which would be a very wonderful thing compared to what it has been over the last 66 years, shoot for a budget that is in surplus to provide a margin for error in case outlays are in fact greater or revenues less than expected during the year. That would become the norm rather than to not do anything, which is the norm today.

Over the course of the fiscal year, the Congress will need to monitor outlays and receipts. While it is not required that the budget remain in balance during every moment of the year, Congress must work to get its budget back in balance by the end of the year unless it votes, by a three-fifths vote, to authorize a specific deficit. If a trend towards an unintended deficit is observed, Congress should adjust its budget in order to rectify the problem. Indeed, the reconciliation process was originally created for the purpose of adjusting outlays and receipts, if necessary, before the end of each fiscal year.

Should it be determined that circumstances are serious enough to warrant deficit spending, the Congress could approve an appropriate deficit and raise the debt ceiling, if necessary, as provided for in the balanced budget amendment.

As the fiscal year comes to a close, Congress will have a very good idea of whether the budget is likely to be out of balance or out of line. This is where Congress will be held accountable for the accuracy of the estimates it adopted earlier. Sloppy estimates will require more work to keep the budget in balance. Realizing this potential difficulty will keep Congress honest in its budget estimates.

If the budget is balanced or is in surplus, the country will have prospered from disciplined fiscal policy. On the other hand, if it appears that there may be an unintended deficit due to unexpected economic conditions or events, a deficit could be approved but it would take a three-fifths vote to do it. Even if the precise size of the deficit is unknown at the close of the fiscal year, budget forecasts will certainly provide a range in which the deficit will fall. In order to anticipate all contingencies, the Congress would simply approve a deficit at the high end of the projections. That way, the Government would continue proper operations even in the worst case scenario.

So you see, the Federal budget process can work smoothly and efficiently under the terms of the balanced budget amendment. Further, it will provide the strong incentives towards fiscal responsibility, reasonable budget forecasts, and, most important, a balanced budget. The reality is that under a balanced budget amendment, the Government will have increased accountability for its decisions and increased incentives to act responsibly throughout the year to get to a balanced budget at the end of the year. This is a real change from the system we now have that has given us an unbroken chain of unbalanced budgets for each of the past 28 years.

Each of the past 28 years—I don't care who you are, you have to be shocked by that. I am so afraid of knocking these over for fear I will crush somebody, but literally, these stacks really tell it all. There is just no real argument against this, other than the argument that you want to spend more, you want to tax more, and that old argument, let us just have the will to do what's right. Come on, give me a break. We haven't had the will for 28 years, we are not going to have it for 28 more if we don't put some fiscal discipline into the Constitution. It is about time to end this game and do what's right.

And, yes, I have to admit I am very loathe to amend the Constitution. It is, to me, an inspired document. Those Founding Fathers never thought for a minute, they never thought for a minute that we would have 28 straight unbalanced budgets and 58 out of 66 years of unbalanced budgets. They never thought that for one minute. They thought the only way you would ever have an unbalanced budget is during time of war or serious, real serious economic distress, and they could understand that. But you would immediately get in balance once the economy picked up or you got out of war. The Founding Fathers knew that, and nobody ever thought in their wildest imaginations that we would be brought to the pitiful, or should I say pitiable, position that we are in today.

Nonetheless, some proponents of the Byrd amendment contend that the reliance on estimates somehow turns the balanced budget amendment into a gimmick. That claim is simply untrue. And, to paraphrase the distinguished senior Senator from Maine, basically she said, "I'll tell you this, if a balanced budget amendment were a gimmick, Congress would have passed it long ago."

I think that says it all. "If the balanced budget were a gimmick, we would have passed it a long time ago," because we love gimmicks around here, the biggest of which, and the biggest hoax of which, is saying that you have to take the largest item in the Federal budget, Social Security, out of the purview of the balanced budget and then let it sit out there all naked so it can be attacked, manipulated, poked at, taken apart.

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. HATCH. I will be happy to.

Mr. LEAHY. Will the Senator acknowledge that the deficit has come down, now, 4 years in a row and the projected budget will for a 5 year?

Mr. HATCH. Of course I will. And I will also acknowledge it is still $107 billion in debt. If I can just finish, it is amazing to me—I give credit for that. We had what some think is the largest tax increase in history and the deficit has come down. But the fact of the matter is, only in Washington would people say that a $107 billion deficit is making real headway.

Mr. LEAHY. Mr. President, as I recall, the tax bill actually lowered taxes for the vast majority of Americans. I can understand some concern for some who may have had it higher, those who serve in this Chamber, because they are in the highest income bracket anyway. They may have felt their taxes go up slightly. But the vast majority of people we represent saw their taxes go down.

I raise this, however, the fact that without all the rhetoric that we have been hearing for years, rhetoric about balancing the budget at a time when the national debt was tripled in the two previous administrations, we have had a President who has brought down, with very tough votes and very tough action, brought the deficit down 4 years in a row. I would only suggest to my good friend and colleague from Utah, the President laid it out very well in the State of the Union message. He said all that's needed for a balanced budget: We vote it, he signs it.

The Republicans are in the majority in the Senate. The Republicans are in the majority in the House. All they have to do is bring up the various spending bills, entitlement bills or anything else. They should have the votes.

Mr. HATCH. Let me just respond. I guess I will do it again. I will stand behind these two stacks of unbalanced budgets for the last 28 years and I will just repeat what the Senator said, the distinguished Senator from Vermont. All you have to do is sign the bill and send it to the President, but we have not been able to do it for 28 years, or 58 out of the last 66. And, by the way, I will give the President credit for bringing down the deficit from around $170 billion to $107 billion, but in each of the next 4 years, according to his budget, the deficit goes up until we are almost back to where we were until you reach 2001 and 2002, after he leaves office, when 75 percent of the cuts are going to take place. And everybody knows that is impossible. I should also mention that there were a lot of factors that helped lower the deficit that had nothing to do with the President. So he deserves some credit, but certainly not all of it.

So, the same game is still going on, saying all you have to do is present the budget to him and he will sign it. If you believe that, you don't believe that these are real. Anybody who makes that argument just does not know what has gone on for 28 years and they just don't believe these books are real. I am telling you they are real. This is America, this is where we are going. We are in a fiscal deficit like you cannot believe and only in Washington, DC do people believe that a $107 billion deficit for a fiscal year is wonderful.

And, by the way, even the poor are paying more under the so-called tax cuts that the distinguished Senator is talking about. When you look at the Social Security tax they are paying, they pay more in Social Security taxes than they do income taxes; user fees, various user fees; they are paying more for pharmaceutical products because of user fees. I was not very happy with it at the time. They are paying higher gas taxes, at least 4 cents or 5 cents a gallon more. That hits the poor harder than anything else. You can go right on down the line. There are an awful lot of extra taxes that people are paying that we hide around here every year because we don't have to be responsible under the current system.

We have shared responsibility for our debt. I am not just blaming colleagues on the other side. There are colleagues on our side—all of us are responsible for it. And we have shared responsibility for our recent gains because some of the cutbacks in programs and restraint of growth occurred from this side of the aisle.

The tax increase did occur from that side of the aisle. We did not support that.

I think we should stop the partisan bickering and do what we need to do. I think what we need to do is adopt Senate Joint Resolution 1, the balanced budget amendment, and if we do that, I really believe we will be able to make real headway in a joint effort and in a bipartisan way to solve the problems of this country, especially the fiscal problems.

As I have pointed out, common-sense reliance on estimates is the best way to apply the balanced budget rule. Further, the opponents' claim focuses only on the deficit vote in section 1 of the balanced budget amendment, but ignores the debt ceiling vote that is required in section 2.

Under the balanced budget amendment, if we want to raise the limit on the debt, we need a three-fifths vote of both Houses of Congress. The debt is not an estimate. It is the real, cold, hard fact. The bottom line is, regardless of what the estimates say, under the balanced budget amendment, our children cannot be saddled with more debt unless there is a vote under the appropriate provision, and, in this case, it is section 2.

There are no loopholes here. Reliance on estimates is both reasonable and sound. If we did not permit a reliance on estimates, someone on the other side would be arguing that the balanced budget amendment would be unworkable because it does not let us rely on estimates. You can just bank on it. Indeed, on the one hand, some opponents argue that the balanced budget amendment would be a straitjacket, while this proposal by my friend from West Virginia argues that it is not stringent enough. If this pending amendment of the distinguished Senator from West Virginia were adopted, this balanced budget amendment would be much harder to work with, and you could bet that we would hear from the critics then.

Mr. President, this balanced budget amendment that we are debating is the real thing, and that is why so much noise is being made about it. If it wasn't important, there would not be this colossal fight every time we bring it up. It would shake things up in Washington, and there are some who are afraid of that. Personally, I think this town could use a good shaking by its neck. I am not one of those who is afraid of what the balanced budget amendment would do. I am not willing to add many more books to this pile. Even if we pass the balanced budget amendment and it is ratified by 38 States, or three-quarters of the States, we will still have another 5 years leading up to a balanced budget, but at least we know the game is over; we will have to get there.

I am not willing to ruin this country's economy, and I am most certainly not willing to increase that $20,000 in debt that every man, woman, and child in America currently owes as their share of the national debt. I hope our colleagues will defeat the pending amendment and move on to passing Senate Joint Resolution 1, the balanced budget amendment.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Utah has about 6½ minutes.

Mr. HATCH. I yield 5 minutes to the distinguished Senator from West Virginia. I will reserve 1 minute.

Mr. BYRD. Mr. President, I thank my friend.

Mr. President, section 1 of the constitutional amendment to balance the budget lays it out in a very straightforward way. It says in plain English that outgo shall not exceed income. "Spending shall not exceed income in any fiscal year unless three-fifths of the whole number of each House of Congress shall provide by law for such an excess of outlays over income."

Now, that is a pretty tough section to comply with, and Congress, I think, would be in great difficulty if it sought to follow that mandate. But Congress, by this constitutional amendment, has provided a way around section 1, so that we really don't have to comply with section 1.

Section 6 says that "The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts." So, Congress, as anyone will know, because it is plain as the nose on one's face, Congress is just going to forget section 1, that will be too hard to comply with. Congress will choose section 6 as a way out, because then it does not have to balance dollar for dollar, it does not have to have a three-fifths vote, as section 1 would require, for a specific excess of outlays over receipts. It can forget about that. No real balancing of the budget. No three-fifths vote. Just doing it by appropriate legislation, which could be a simple resolution or concurrent resolution. So this is the way out, this is the dishonest way out—section 6. That is the Houdini section.

What would I do? My amendment strikes the last words in section 6. My amendment says: "The Congress shall implement this article by law." Period. You can't get around that.

What does it mean when we say the Congress shall implement this article by law? It means that Congress will do by law what it says it will do in section 1; namely, it will have to balance the budget dollar for dollar, and the only way it can get out of doing that then will be to have the three-fifths vote to waive the requirement.

So in order to keep us honest, in order to keep the proponents honest, and I include myself—I am not a proponent—in order to keep all of us honest in Congress, we strike out this Houdini language, which allows Congress to weasel around and avoid the impact of the amendment, and we say "the Congress shall implement this article," which means section 1, balance the budget, and it has to do it by law.

So this is the "to keep them honest" amendment, Mr. President, and I hope Members of the Senate will support my amendment.

The American people have a pretty low estimate of politicians. They don't believe us. They don't believe that we mean what we say. They don't have much faith in Congress. It isn't just Congress, but we are talking about Congress now because Congress has to enforce this article. They don't have faith in Congress, and we are going to confirm their lack of faith in Congress by enacting this article in the Constitution and, more specifically, by including in it section 6, which provides the loopholes by which we can avoid the strictures and the commandment of the language of section 1. We are merely going to compound and add to and solidify and fortify the American people's low estimate of Congress and of politicians in general.

So that is why I am offering this amendment. Let's clean up section 6 to say, "No, no, we are not going to have this sleight of hand." Congress will enforce this article, and Congress will have to do it by law.

Unless we approve my amendment, this section 6 will allow Congress to avoid the three-fifths vote, which is required if outlays are going to exceed income in any fiscal year, and will allow Congress to use estimates, sleight-of-hand estimates, in order to fool the American people.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. BYRD. I thank the Chair, and I thank Senator HATCH.

Mr. HATCH. Mr. President, I say in relation to section 6, the term "appropriate legislation" has appeared in every enforcement clause that has been adopted since the Civil War. But in order for appropriate legislation to become a law, it must be passed by both

Houses of Congress, presented to the President, and signed by him into law. I do not think there is any question about it. I yield back the balance of my time. I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Byrd amendment No. 6, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Oklahoma [Mr. INHOFE], and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 34, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—61

Abraham
Allard
Ashcroft
Baucus
Biden
Bond
Brownback
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Feinstein
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Reid
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—34

Akaka
Bingaman
Boxer
Breaux
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Ford
Glenn
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Rockefeller
Sarbanes
Torricelli
Wellstone

NOT VOTING—5

Bennett
Faircloth
Inhofe
Inouye
Specter

The motion to lay on the table the amendment (No. 6), as modified, was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is recognized to offer an amendment.

Mr. REID. Will the Chair bring order to the Chamber, please.

The PRESIDING OFFICER. The Senate will be in order.

AMENDMENT NO. 8

(Purpose: To require that the outlay and receipt totals of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds not be included as a part of the budget totals)

Mr. REID. Mr. President, I send an amendment on behalf of myself and Senators DORGAN, DASCHLE, KENNEDY, FEINSTEIN, CONRAD, FORD, HOLLINGS, and WYDEN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 8.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 19, after the period inset "The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds (as and if modified to preserve the solvency of the Funds) used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.".

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that on Wednesday, February 26, immediately following the vote on Senator FEINSTEIN's amendment, Senator TORRICELLI be recognized to offer an amendment relating to capital budgeting. I further ask consent that there be 3 hours for debate, equally divided in the usual form, with no amendments in order to the amendment. I finally ask that following the expiration or yielding back of the time, the Senate proceed to a vote on or in relation to the Torricelli amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, in the early 1930's, this country faced what was called the Great Depression. That was a time that in the history books is even hard to understand. But banks had their doors locked and depositors could not get into the bank to get their money. Banks were formally closed and informally closed. Factories were either slowed down or stopped completely. Homes were foreclosed upon. Families moved in with each other. You had brothers living with brothers and everyone living with each other. It was such that books were written about what was taking place. It was the "Grapes of Wrath," as indicated in the book by John Steinbeck, where the State of California, to stop people from migrating to California, actually tried to close its borders, as people were fleeing from the economic hardship they found in the States east of California.

We were a rich nation. We are a rich nation. But the rich nation we knew had collapsed. Mines were closed. Farms became dust bowls. Trees were not cut in our forests. It was the stuff of which songs were written. The troubadour of the Depression, Woody Guthrie, wrote many songs dealing with the Depression—"Dust Bowl Blues," "End of the Line," "Hey, Buddy, Have You Got a Dime." These are a few of the songs Woody Guthrie wrote.

There was much written, Mr. President, that capitalism had failed, and maybe even democracy was failing. We had soup kitchens, bread lines, people scavenged the dumps to find the bare necessities of life. The rules and laws that said kids should go to school were not enforced. Some say that up to 25 percent of children were malnourished. We have terms that were originated during the Depression, such as "tramps," "bums," "hitchhikers," and "railriders." More than 30 percent of the people were out of jobs. Those with jobs, many times, wished they had no jobs because they worked endless hours, for almost no pay. Only about 15 percent of the people of that day had pensions. It was during this time of calamity, this time of depression, that people said we have to do something else.

Mr. President, one of the things that was done was, we adopted during the Great Depression in 1935 a program we call Social Security. It was a noble experiment. It has come to be the finest social program in the history of the world. What was said during that debate 60 years ago or more? Among other things, President Roosevelt said, on August 14, 1935, when he signed the bill:

Today, a hope of many years standing is, in large part, fulfilled. The civilization of the past 100 years, with its startling industrial changes, has tended more and more to make life insecure. Young people have come to wonder what would be their lot when they came to old age. The man with a job has wondered how long that job would last. The Social Security measure gives us at least some protection, and protection to as many as 30 million of our citizens who will reap direct benefits through unemployment compensation, old-age pension, and through increased services for the protection of children of the prevention of ill health.

We can never ensure 100 percent of the population 100 percent of the vicissitudes of life. But we have tried to frame a law which will give some measure of protection to the average citizen and to his family against the loss of a job and against poverty-ridden old age.

He went on to say:

If the Senate and the House of Representatives in this long, arduous session. . .

Remember, Mr. President, this was in the throes of the Great Depression.

If the Senate and House of Representatives in its long, arduous session have done nothing more than pass this bill, the session will be regarded as historic for all time.

Said President Franklin Roosevelt.

Mr. President, at that time we lived by the radio—not TV, but by radio. The

President gave a radio address where, among other things, he said, on August 15, on the fifth anniversary of Social Security:

> Five years ago the term "Social Security" was new to American ears. Today it has significance for more than 40 million men and women workers whose application for old age insurance accounts have been received. This system is designed to ensure them an income for life after old age retires them from their jobs.

He went on to say in this same address to the American public:

> The millions of today want and have a right to the same security their forefathers sought—the assurance that with the health and willingness to work they will find a place for themselves in the social and economic system for the time. Because it is becoming increasingly difficult for individuals to build their own security singlehanded, Government must now step in to help them lay the foundation stones. Just as Government in the past has helped lay the foundation of business and industry, we must face the fact that in this country we have a rich man's security and a poor man's security, and that the Government owes equal obligations to both. National security is not half and half. It is all or none. The Social Security Act offers to all our citizens a workable and working method of meeting urgent present needs and future needs. It utilizes the familiar machinery of a Federal-State government to promote the commonwealth and the economic stability of the Nation. The act does not offer anyone, either individual or collectively, an easy life, nor was it ever intended to do so. None of the sums of money paid out to the individual in assistance or insurance will spell anything approaching abundance, but they will furnish that minimum necessary to keep a foothold, and that is the kind of protection Americans want.

Mr. President, these were some statements made by Franklin Roosevelt. These statements that he made were visionary because we have established in this country a program that people depend on.

I received a letter in my office today from one Helen Collins who lives in Las Vegas. I wrote her a letter to talk about the balanced budget. She wanted to know about it. So I answered her request.

She wrote on the bottom of my letter a handwritten note dated February 18, 1997.

> Dear Senator REID: Thank you for the update and for supporting a balanced budget amendment which expressly exempts the Social Security trust fund. I have been a widow since age 21. I never considered applying for any kind of welfare assistance. I worked, and raised and educated my son. He got a master's degree. Sad to say, at age 71, I am totally on my own on quite a limited budget. By being very careful, I get by. However, I do worry about getting more seriously ill and losing Social Security. For many of us, these are not the golden years. But I, for one, thank God that good people like you are helping us maintain our dignity and independence. Sincerely, Helen M. Collins.

Mr. President, this is what the President of the United States said more than 60 years ago. He said, "The act does not offer anyone"—not Helen Collins or anyone else—"either individually or collectively, an easy life, nor was it ever intended to do so * * * but they will furnish the minimum necessary to keep a foothold, and that is the kind of protection Americans want."

I repeat, the most successful social program in the history of the world is Social Security. This amendment is an effort to save Social Security.

I have listened to the arguments for the last several years about this balanced budget amendment and why it is important. I agree. But I agree, Mr. President, that the balanced budget amendment should pass only if it exempts Social Security.

I think we should have a balanced budget the hard way, the right way. Why should we use $80 billion this year, as an example, in surplus in Social Security to help disguise and offset the budget? We should not.

When I first started this matter a number of years ago—3 years ago, to be exact—I was a lone voice crying in the wilderness. That is not the way it is anymore. We have gained support. In the last year we gained support from people like courageous Republican Congressmen in the House of Representatives who have said they will support a balanced budget amendment, but they want the opportunity to exclude Social Security because they believe also that, if we are going to balance the budget, it should be done honestly. It should be done the hard way.

This Social Security Program that was set up 60-plus years ago was a fairly simple and principled experiment. They said what we will do is have the employer and the employee pay into a trust fund those moneys that will be saved so that people when they retire can have some money. Remember, Mr. President, we are talking about a Social Security trust fund.

Before coming to Congress, I was a practicing lawyer. I represented people who had problems and needed guidance. In some of the work that I did, I dealt with my clients' money. I established in my office trust accounts for my clients. And in this trust account, I would put my clients' money. If I took any part of that money, $10, $100, $1,000, $10,000, any portion of it for personal use, to buy my wife a coat, to make a car payment, to make a house payment, or to go to dinner, I would be subject to disbarment. They could take my license to practice law. Not only could they do that, but if the activities that I had committed were egregious enough, I could be prosecuted criminally. I do not see why the Social Security trust fund should be any different. What right do we have to pilfer those trust funds?

I have heard arguments made here on the floor of the Senate by people saying, "Well, that is what we have been doing in the past." Well, isn't that great? Does that mean we should place in the Constitution or enshrine in the Constitution of the United States the fact that we have been taking money wrongly in the past from Social Security? It is an easy way to balance the budget. It adds billions, coming to trillions of dollars by the year 2029 to balance that. It is an easy way to balance the budget. No wonder there is a rush to balance the budget when you are going to violate and take money out of the Social Security trust fund.

I have heard people say, "Well, there may be a little confusion here with Social Security. What we will do after we pass the constitutional amendment is we will then come back and pass a statute that says you can't use Social Security." That is really stretching, because we all know you can't pass a statute to override an expressed provision in the Constitution. A promise like that is really meaningless. Proponents know the calamity of passing it. I say if we want to pass a constitutional amendment to balance the budget, just exclude Social Security. This would pass with 85 votes in the Senate and probably at least 350 votes in the House. Social Security is not a giveaway. It is not an entitlement program. It is a program, though, that requires sacrifice by an employer and employee, and because of that I believe we should do everything within our power to make sure that Social Security remains strong for the foreseeable future.

There are some who say that if we have this amendment, then people can claim everything as Social Security. You can claim that building highways is Social Security. That is so fallacious and wrong. Social Security is enshrined in the law. We know what Social Security is. The underlying amendment diverts Social Security revenues for other uses. It could force future Social Security cuts to resolve frequent budget crunches, and I think more positively would force future Social Security cuts to resolve frequent budget crunches. It will force Social Security into an early funding crisis.

Also, this is a little off the point, but I have heard arguments today saying, well, States balance their budgets; why don't we? I have been a constitutional officeholder in the State of Nevada, served three legislative sessions. People go around saying Nevada has a balanced budget, just like most States. They do not have a balanced budget. What they do is put capital expenditures off budget. They bond for that. There is no balanced budget in the State of Nevada or most other States. But I am willing to go for a balanced budget. I am saying we will keep the capital expenditures off. All I want is to exclude Social Security. My amendment seeks a balanced budget that protects Social Security. It keeps Social

Security revenues in the trust fund. It protects Social Security from cuts. It preserves the 1983 long-term rescue of Social Security. It protects Social Security.

In 1983, Tip O'Neil, Ronald Reagan, Claude Pepper, and a number of others got together to determine what they could do to fund Social Security in the foreseeable future. Social Security was in a time of crisis. They got together in a bipartisan fashion and funded Social Security, they thought at the time, to go to the year 2060. We know now that fund will likely go to the year 2029 or thereabouts. But they did excellent work. In 1983, they reformed Social Security to preserve it for future generations. We can preserve it long after 2029 with some minor adjustments. I served as a member of the entitlement commission where we studied this and other issues for more than a year.

So to finance Social Security benefits, low- and middle-income wage earners now pay a heavier payroll tax than wealthier Americans. The largest single tax that people pay is Social Security. It would seem to me that it would be logical and fair to do what we can to secure those benefits.

The underlying amendment would abandon our commitment to future retirees. No funds could be reserved for future use. The constitutional amendment would supersede the statutory transfer of bonds into the Social Security trust fund. If we adopt the current underlying balanced budget amendment, we remove the obligation to eventually use the Social Security surpluses to pay benefits.

The underlying amendment would force Social Security cuts. It will force crisis. It will encourage deadlock.

In a letter to Tom DASCHLE from the President of the United States, January 20 of this year, the President said:

> In the event of an impasse in which the budget requirements can neither be waived nor met, disbursement of Social Security collections would cease or unelected judges could reduce benefits to comply with this constitutional mandate. No subsequent implementing legislation would protect Social Security with certainty because a constitutional amendment would override statutory law.

That is pretty specific. Would there be a crisis? Of course there would be a crisis. We would have three alternatives: have deep cuts in Social Security or deep cuts in other programs we have already cut to the bone. Alternatively, we could have massive tax increases. I think any one of those is not something I look forward to. I think we should pass my amendment and then pass a real constitutional amendment to balance the budget. The Democratic alternative, the one that I am offering, would allow the trust fund to spend surpluses, keeping Social Security viable for many years.

We have heard a lot in this past week about the need to protect Social Security. It is important to recognize in a little more detail the history of Social Security and appreciate why some of us are fighting so hard for this express exemption. I have said and I believe that Social Security is the most successful social program in the history of the world. It was enacted on August 14, 1935, at a time this country was in the throes of the greatest depression this country has ever felt and perhaps the greatest worldwide depression ever. It was enacted to provide for the general welfare by establishing a system of Federal old age benefits and by enabling the several States to make more adequate provision for its old.

The real significance of this act is that it was this country's first major Federal program to deal directly with the economic security of its citizens.

Before then, this matter was handled by States and private sources. In those days we had what were called poorhouses. Each county had a poorhouse where they woul put poor people They were not pleasant. Some were better than others. There were no standards. Whatever the counties could provide with State assistance is where people went.

Social Security took away county poorhouses. Federal action became necessary because neither the States nor private charities had the financial resources to cope with the growing need during the depression years. The balanced budget amendment now before this body radically alters in one fell swoop this program. It shifts the burden for ensuring the economic security of our Nation's senior citizens. It puts us on the course of turning this responsibility back to individual States and private charities, and it does so, in my opinion, in a very deceitful way.

Balancing the budget is very hard. It is made significantly easier by having these Social Security surpluses. If those surpluses were not available, we would really have to bite the bullet. We would have to make some significant changes, but we would at least have an honest balanced budget. This is not an honest balanced budget. And there is no wonder that the Helen Collinses of the world write and say, "We are afraid of our little security you are going to take away from us." They have reason to be afraid.

I have talked on this Senate floor a number of times about my grandmother. The first time I ever heard of Social Security was from my grandmother. I never knew my grandmother as a young woman. I knew my grandmother as short and somewhat heavy. She did not get around very well. She had eight children. She lived in a very rural part of Nevada, in a very depressed place, but my grandmother had dignity because she was able every month to get her old age pension check, and she was proud of that. It gave her dignity and independence from her eight children. She did not have to be a ward to her family, and she was one of the lucky ones because she had a family. Think of how much more insecure a person who had no family would feel.

So Social Security is an important program. People like Helen Collins should be worried, because if this amendment passes, Social Security as we know it is gone. It will be destroyed.

What is the recent history of Social Security? We have talked about it a little bit. We have talked about what happened in 1983 in this bipartisan commission. But we have also had a current commission. Included were former majority leader Dole and current Federal Reserve Chairman Greenspan, a notable opponent of the balanced budget amendment. But these people studied what should take place. The panel charted a course to long-term solvency. This contract that we have, the Social Security contract, is really a Contract With America, the first Contract With America, one that means something to people on the street. People on the street may not understand the importance to them individually of term limits, of line-item veto, of prayer in school. But they do understand the importance of getting a Social Security check. Separate and apart from the merits that I have just spoken of, Social Security is a Contract With America.

So, in short, we must protect what happened in 1935 and how it was again protected in 1983. The only way to do that is to pass this amendment.

In 1990, there was an amendment offered on this floor. It was an amendment offered by Senator HOLLINGS. It became known as the section 13301 amendment. The effect of this amendment was that it took Social Security off budget. It passed overwhelmingly out of committee. All but one person voted for it out of committee. All but two Senators voted for it in the Senate. It got 98 votes. The author of this amendment has spoken on this floor eloquently on a number of occasions. The junior Senator from South Carolina said he offered this amendment for the purpose of protecting the integrity of the trust funds of the Social Security system. The purpose of the Hollings amendment was to separate Social Security from the unified budget.

After we established the payroll tax we wanted to ensure the money was excluded from the unified budget. It passed by a vote of 98 to 2. It was a strong statement of congressional intent to protect Social Security.

The balanced budget amendment now before this body repeals something we passed 98 to 2. The plain language of S. J. Res. 1, the underlying amendment here, makes it clear that Social Security should be treated as part of the unified budget and should be used to bring down the deficit. It is ironic that some would suggest that this should occur after we voted just a few years ago by a vote of 98 to 2 to pass the Hollings amendment. The real inconsistency is that voting in 1990 to remove Social Security from the budget and then voting in 1997 to again include it.

I do not think there are many people in this body who would say that the senior Senator from New Mexico does not understand budgetary matters. In fact, I think he has had a wide ranging experience, not only serving on the Budget Committee but serving on the Appropriations Committee, where I have had the pleasure of serving with him during my tenure in the Senate. The senior Senator from New Mexico, during the time that the debate took place on the Hollings amendment, said, among other things, "I voted for Senator HOLLINGS' proposal because I support"—this is a direct quote—"I support the concept of taking Social Security out of the budget deficit calculation. But I cast this vote with reservations."

Now, listen to his reservation:

> The best way to protect Social Security is to reduce the Federal budget deficit. We need to balance our non-Social Security budget so that the Social Security trust fund surpluses can be invested . . . instead of used to pay for other Federal operating costs. We could move toward this goal without changing the unified budget, a concept which has served us well for over 20 years now.

So what the chairman of the Budget Committee today said back in 1990 is that we have to support the Hollings amendment. And he voted for it. The only reason he did not like it is it was not strong enough.

Again:

> I voted for Senator Hollings' proposal [this is the senior Senator from New Mexico talking] because I support the concept of taking Social Security out of the budget deficit calculations. But I cast this vote with reservations.

And here I say, what are his reservations? It was that the provision, the Hollings amendment, was not strong enough. He wanted to build a firewall. He, Senator DOMENICI, went on to say:

> We need a firewall around those trust funds to make sure those reserves are there to pay benefits in the next century. Without a firewall or the discipline of budget constraints, the trust funds would be unprotected and could be spent on any number of costly programs.

Now, please, someone tell me how we can go forward now, 7 years later, after the chairman of the Budget Committee said this in 1990? I mean, is this misspeak?

Many of us spent a great deal of time reviewing the recent report by the Advisory Council on Social Security, and I mean within the past few months. This panel of experts was charged with providing recommendations to Congress on the long-term solvency of the trust funds. There were 13 members from all walks of life, chaired by a professor from a university in Michigan. They were not unanimous, but all 13 said that Social Security trust fund moneys should be invested in some fashion; part of them. Six felt one way, five another way, one another way, but they all felt these moneys should be partially invested in the private sector.

Now we are saying, if this amendment passes, that this 13-member commission, their work would go for naught, because you cannot invest moneys if there aren't any. And there would be no moneys if this amendment passed because the surpluses would be used to offset the deficit. So, should we now vote to utilize the trust funds for balancing the budget that will place at risk our ability to pursue these proposals suggested by the 13-member commission just a matter of few months ago? One proposal calls for investing a portion of the current trust fund in the equities market. You cannot invest in the equities market unless there is some money left over, so you could not do that.

We need to understand the importance of the mission of the advisory panel. We paid this group of experts to find solutions that will bring about long-term solvency of the funds. By including Social Security in a balanced budget amendment, we are, in fact, admitting that we care not about the long-term solvency of the trust fund. What we are really saying is that the short-term goal of balancing the budget is all that matters.

I am saying the American public wants us to stop playing games back here. If we are going to have a balanced budget amendment, let us do it the right way, let us do it the honest way: Exclude Social Security and not use those huge surpluses that will be going on for the next 30-plus years.

We are not simply negating their findings by passing this underlying amendment. In fact, we are negating the whole reason we organized this Commission in the first place. And we are negating the need for Social Security.

There are some people who do not want Social Security. I believe that there are people who would rather Social Security fail. I need look no further. I pull this out. I carry this with me all the time. This is a quote from the majority leader of the House of Representatives, House Majority Leader DICK ARMEY:

> Social Security is a rotten trick. I think we are going to have to bite the bullet on Social Security and phase it out over time.

Does that sound like somebody who wants to save Social Security? I think not.

Mr. President, there is a need for an express exemption of Social Security. It is Congress' obligation to ensure both parties perform their obligations under the terms of the contract we have with the people of America. This will not be possible if the underlying balanced budget amendment passes. It can only happen if we exempt Social Security.

Social Security is a program that is working. It is a Government program that works. The poverty rate for today's seniors is about 10 percent, the lowest in the history of this country. What was it prior to the adoption of Social Security? It is obvious that someone like Helen Collins would be in one of those poor houses. A widow since age 21, who struggled and worked to put her only child through college, now is pleading with us: "All I have is Social Security. I have never had to go to welfare. Social Security is not a welfare program. Can't you do something to make sure you protect Social Security?"

That is all we are asking. Adopt this amendment and then go ahead and pass a balanced budget amendment. But I say to my friends, please, don't pass the underlying amendment unless we exclude Social Security. The poverty rate today for seniors is 10.5 percent, the lowest in the history of this country. We don't need poorhouses anymore. We don't need people, like my friend who wrote me this handwritten note, in a poorhouse.

Why don't we have poorhouses? Why do we have a poverty rate of seniors at 10.5 percent? We have it because of one reason, and that is Social Security.

Are we concerned about the raiding of this surplus by those intent on enforcing the balanced budget amendment? Maybe so. This is not a Democrat or Republican issue, I hope. I hope my colleagues on the other side of the aisle would recognize that Social Security is a program that is important to both Democrats and Republicans. We need Republican support to adopt this amendment, and I plead with my friends, adopt this amendment. We have some courageous Members in the House of Representatives, sophomore Republican Members of the House, who are leading the fight over there to exclude Social Security from a balanced budget amendment. I think we should all be proud of them. We need some Republican Senators to join with them.

What we can't support is an attempt to use Social Security as a means of achieving this short-term goal. To do so would be a breach of our obligation under the terms of the Social Security contract with America that we have. In short, people pay into the Social Security trust fund through a lifetime of their employment in the labor force with the guarantee that they will get their money back upon retirement. It is a simple contract to understand. Today's workers support today's retirees, and tomorrow's workers support tomorrow's retirees. This simplicity belies the high regard and faith that the

American worker has for this guarantee.

So, at a time when so many are attacking this institution, questioning their faith in the system, it is imperative we provide Americans with the guarantee that while we all will sacrifice to balance the budget, we will all sacrifice equally, we won't do it on the back of Social Security, because to do so would just be another gimmick, another thing that was referred to as smoke and mirrors.

This amendment should receive the support of everybody supporting the balanced budget amendment. While some have given assurances Social Security will not be touched in the enforcement of a balanced budget amendment, this amendment will put teeth into that assurance. If people on the other side of the aisle say, "We agree with the Senator, we don't think Social Security should be touched either; in fact, we will pass a resolution, we will even tell you we will pass a statute after this becomes effective," well, it is wasteful, it will be meaningless. The only way that it will work is if it is included in this amendment. Let's exclude Social Security.

Our amendment gives all an opportunity to, in effect, step up to the proverbial plate and take a swing at what is the right thing to do, and that is to exlude Social Security so that it is protected. If they don't wish to protect Social Security, they should not support our amendment. Promises not to raid the Social Security system are insufficient and really unenforceable. We need a binding commitment, and this amendment will do just that.

Social Security affects all of us. There are proposals that include investing this money in the private market. This cannot be done unless we exempt the trust funds to ensure those funds are available for investment. By not exempting Social Security, we not only hurt today's senior citizens but are compromising the future of tomorrow's retirees as well. This is not an amendment that helps people with white hair only. This is an amendment that helps their children and their children's children.

As I indicated, Mr. President, when I started this 3 years ago, I had very little support and help. But the message is resonating to the American people. Within the past 10 days, there have been two comprehensive nationwide polls. Hart-Teeter—now, remember, these are Republican pollsters. They poll for Republicans running for office. They also do work in the markets. They did a poll for NBC, National Broadcasting Co., and the Wall Street Journal. Mr. President, 71 percent of the people polled said they will not support a balanced budget amendment unless Social Security is excluded. A similar poll was conducted a few days later by the New York Times. Like numbers. Almost 75 percent of the American people say, "Do not balance the budget if Social Security is included." They say, "Balance the budget, but exclude Social Security."

We have a number of think tanks that have taken a very close look at this. I served on the Entitlement Commission with the Director of the Center on Budget and Policy Priorities, Mr. Greenstein. The Center on Budget and Policy Priorities told us that by the year 2020, the second decade of the next century, Social Security reserves will be in the trillions of dollars.

They say:

> If Social Security surpluses were to be used in the next two decades to increase national saving rather than to offset the deficit and the rest of the budget, that will likely result in stronger economic growth.

So what the Center on Budget and Policy Priorities says is if you take these moneys to mask the deficit, it doesn't help. But if you take the Social Security reserves and make them truly reserves, it will result in greater savings and will cause more economic growth in our great country.

Here is what the Center on Budget and Policy Priorities says about the underlying amendment. Among other things, they say:

> Unfortunately, the balanced budget amendment—

The underlying amendment—

> would undercut the approach to bolstering Social Security. The implications of this requirement on Social Security are very significant. First, the budget would be considered balanced when the deficit outside Social Security exactly offset the surplus inside Social Security. But when that occurred, the objective of accumulating Social Security surplus, partly to build the Nation's capital stock and productive capacity so we can better afford to pay for the baby boomers' retirement, would be stymied. Second, the benefits of the baby boomers would likely have to be financed in full by the taxes of those working in the years the baby boomers retire.

Very simple. So everyone understands what the Center on Budget and Policy Priorities says, for example, if in the private sector you pay into a fund all your life so that when you reach age 65 you can retire, and you go to your employer and say, "Well, I'm 65. I want to draw my retirement," they say, "Fine. You can go ahead and draw your retirement, but every penny you draw out for retirement you have to put that much money in." And the person says, "Would you repeat that?" And so the boss would repeat it. The boss would say, "Sure. You paid money into the fund all of your lifetime while you worked here, but we've used the money for something else. So if you want to draw money out, you have to put it back in the second time." That is in effect what is—not in effect —that is literally what is happening in here.

> If the underlying balanced budget amendment passes, Social Security recipients will have to pay twice if they want their benefits. This version of the balanced budget amendment would thus undercut the central achievements of the 1980 Social Security reforms.

That is pretty direct. The Center on Budget and Policy Priorities further says:

> Under the amendment, reductions in Social Security could be used to help Congress and the President balance the budget if they are faced with a budget crunch. The balanced budget amendment is likely to lead to periodic midyear crisis when budgets, thought to be balanced at the start of a fiscal year, fall out of balance at the fiscal year, such as factors of slowing economic growth. When sizable deficits emerge with only part of the year remaining, they will often be very difficult to address.

Among other things, they can, under this amendment, raise the debt if they get a three-fifths vote; raise taxes, another supervote. In such circumstances, the Policy Priority Institute says:

> The President or the courts may feel compelled to act to uphold the constitutional requirements for a budget balance.

In documents circulated in November 1996, explaining how the amendment worked, the House coauthors of the amendment—listen to this—wrote:

> In such circumstances the President would be bound at the point at which the Government runs out of money to stop issuing checks. This would appear to include Social Security checks.

Mr. President, this is not something I made up. These are direct words from the sponsors of the amendment in the House of Representatives. They put in writing—I quote—

> . . . the President would be bound at the point at which the Government runs out of money to stop issuing checks.

So, ladies and gentlemen, the underlying amendment clearly will destroy Social Security.

The major difference between the two versions of the balanced budget amendment—mine and the underlying amendment—is that the version which excludes Social Security allows the Nation to draw on its Social Security savings during the period when the baby-boom generation is in its peak retirement years and requires the Nation to save more in advance to help cover the cost of the baby-boom generation. Pretty clear.

We have here a great institution, part of the Library of Congress, called the Congressional Research Service. When a Member of Congress has a question about an issue, you can call. You may want to know about how much lumber our forests are producing. You may want to know how many miles of roads there are in Nevada, Iowa, or Colorado. Any kind of information they can get information for us.

One of the things they were asked to comment on is, What about this underlying amendment? What about the amendment that is now before this body? What will it do? They said, among other things:

> The amendment would preclude, at a future time when Social Security outlays in a particular year begin to exceed Social Security receipts in that particular year, the use of the Social Security funds to pay out benefits.

So what they said is the same thing Greenstein said, that when you have surpluses built up they would go to offset the deficit. They go on to say:

> Therefore, under the balanced budget amendment's language, there is mandated a balance in each year for the outlays that year and the receipts that year. Payments out of the balance of the Social Security trust funds would not be counted as Government receipts under the balanced budget amendment when in the year 2019, or whenever the time occurs, the receipts in those particular years and the Social Security trust funds are not adequate to cover the outlays in those years. That is, payments out of the trust fund surpluses could not be counted in the calculation of the balance between total Federal outlays and receipts. Because the balanced budget amendment requires that required balance be between outlays for that year and receipts for that year, the moneys that constitute the Social Security surpluses would not be available as a balance for the payment of benefits.

That again is very clear. It is again from another source saying that the underlying amendment will destroy Social Security.

Some people tried to get the Congressional Reference Service to change their mind, to write another report. And they wrote another report that said the same thing. Shorter, but says the same thing.

> Thus, the pending balanced budget amendment requires outlays for any fiscal year not to exceed total receipts for that year.

What they are saying is you would not have to use Social Security surpluses. What you can do is borrow more money or cut more services or raise more taxes. Of course, remember, when you have surpluses running as high as they are, the one place you are going to go is where the surpluses are.

To support what CRS has said we again come back at a later time with the subsequent report by the Center on Budget and Policy Priorities where they say:

> Under the balanced budget amendment, the Social Security surplus could not be tapped and interest earnings on the surplus could not be used unless it was offsetting surplus in the rest of the budget.

Again, it is very clear what CRS said, what the Center on Budget and Policy Priorities said.

Mr. President, there are numerous organizations that oppose the balanced budget amendment for various reasons. There are also organizations that do not support the passage of the balanced budget amendment because of what it does to Social Security.

One such organization is the esteemed National Committee to Preserve Social Security and Medicare with about 6 million members. Mr. President, they, just a few days ago, wrote a letter to me where they said, among other things:

> Your amendment would preserve the integrity of the Social Security trust fund under a balanced budget constitutional amendment.

They did not equivocate. They did not say, "Offer this amendment at the right time." They say, the amendment that is now before this body will preserve the integrity of the Social Security trust fund under a balanced budget constitutional amendment. They go on to say:

> The issue is clear-cut. As drafted, S.J. Res. 1 overturns the 1990 law taking Social Security off budget and allows Social Security to be raided to reduce the deficit. Statutory measures to protect Social Security from such a result are not adequate because of the supremacy of the Constitution and because future Congresses are free to change such statutory measures while the provision to place Social Security on budget will remain in the United States Constitution. Borrowing from the reserve to finance current consumption will place a heavy burden on future generations because the debt to the trust fund must be paid with interest.

Mr. President, there certainly has to be consideration given to what will happen if the underlying balanced budget amendment passes. It will not only throw the Social Security trust fund out of kilter, it will be a cheap and very deceitful way to attempt to balance the budget. As a result of that, we have a letter written January 28 from President Bill Clinton to Leader Daschle where he says in the paragraph in the middle of page 1:

> I am very concerned that Senate Joint Resolution 1, the Constitutional amendment to balance the budget, could pose grave risks to the Social Security system. In the event of passage, in which the budget requirements can neither be waived nor met, disbursement of Social Security checks could cease or unelected judges could reduce benefits to comply with this constitutional mandate. No subsequent implementing legislation could protect Social Security with certainty because a constitutional amendment overrides statutory law.

Mr. President, we have offered this amendment. The Senator from Nevada has offered it, along with Senators Dorgan, Daschle, Kennedy, Feinstein, Wyden, Conrad, Ford and Hollings.

Mr. President, I say stop and look at what is happening. If you take a look at what is the state of the economy today, last year was the 4th year in a row we had a declining deficit, the first time since before the Civil War we have had 4 years in a row with a declining deficit. Lowest unemployment, lowest inflation for 40 years, highest economic growth in 40 years, 300,000 fewer Federal employees today than 4 years ago, excluding the cuts in the military. Our Federal Government today is about the same size as when President Kennedy was President. Home building during the last 2 years, the largest number of homes built in any comparable 2-year period.

The economy is doing well. I do not think this underlying amendment which would throw Social Security in reverse will do anything to help the economy. In fact, it will hurt the economy and certainly hurt the Helen Collinses of the world, people who have their dignity as a result of the Social Security system.

Mr. President, I talked about why Social Security was passed. I talked about banks shutting their doors. I talked about factories slowing down and stopping. I talked about homes being foreclosed upon, farms being foreclosed upon, people being evacuated from their businesses because they did not pay their bills, families living together, "The Grapes of Wrath"—we do not need "The Grapes of Wrath" revisited. We are a rich nation. We have an obligation to provide for people in their senior years, especially when they provided for themselves, and that is all Social Security does. Social Security is not a gift. It is not welfare. It is a program, Mr. President, that gives people dignity like my grandmother and like Helen Collins.

We need to understand that this underlying amendment is not fair. If everyone acknowledges that they want to take care of Social Security and protect Social Security, then why not accept my amendment? I hope people of good will on both sides of the aisle will think about this amendment, will understand where we have come in the 3 years since I first offered it.

I was a lone voice crying in the wilderness 3 years ago. Now, Mr. President, we have support. The American public supports what we are attempting to do. They are supporting it because they know the importance of Social Security, and they know that if we do not expressly exclude Social Security from a balanced budget amendment, it will be destroyed. That is why I will only support a balanced budget amendment that expressly exempts Social Security.

Mr. HATCH. Mr. President, I am hoping we can conclude debate for this evening. I will say a few words and hope that our leadership will be ready to end the session for today. I give warning that I am prepared to close down the Senate if the Senate is prepared to be closed down.

Let me just say a few words about my friend's amendment. My friend, Senator Reid, and others seek to remove Social Security from the protections of the balanced budget amendment. I look forward to a lengthy debate tomorrow on this subject and this issue. But while I respect these critics, and I certainly do, the truth of the matter is that the Reid amendment is merely a diversion from what should be the real focus of this debate: whether the Constitution should be amended to require a balanced budget amendment except in exigent circumstances.

When I say that, I again look at these 28 years of unbalanced budgets. This is the real issue. Everybody knows that if the Reid amendment passes, this is going to only get worse. The fact of the matter is, if we are going to do anything about this, we have to pass the underlying balanced budget amendment without the Reid amendment on it. Exempting Social Security from the balanced budget amendment will create an overwhelming incentive to do just what these critics fear.

Let me point out this chart here. Social Security—don't leave it out. The budget is protected by the balanced budget amendment. If Social Security is left out, special interests will eat Social Security surpluses like cheese. There is no question about it. This exemption would focus budget pressures on the Social Security trust fund that could destroy the viability of the Social Security trust fund itself. It is a risky gimmick, and it has no real relationship to the goals sought.

Taking Social Security off budget will subject its funds to Washington's special interest scavengers. When you have rats in your home, you need to plug up all the holes. If you do not, they will find a way in. If we leave Social Security off budget, new and old special interest spending initiatives which cannot survive or make their way in under a balanced budget plan will smell out the scent of Social Security and simply devour, just like these rats that are devouring the Social Security cheese. You need to leave it in because the budget will be protected by the balanced budget amendment. Do not take it out.

Furthermore, exempting the trust funds is simply unjustified. There already exists an elaborate scheme of firewalls that protect the trust funds from Presidential and congressional tampering. Nothing in the balanced budget amendment is inconsistent with the statutory firewall scheme. The truth is that the passage of Senate Joint Resolution 1 is the best way to preserve Social Security benefits.

Mr. President, I must emphasize another reason why the Reid amendment is unnecessary. The proposal to remove Social Security from the protections of the balanced budget amendment does nothing to respond to the concern that Social Security benefits will be reduced. This is the language of the Reid amendment. Nothing in the exemption would protect Social Security recipients from either benefit cuts or tax increases. Just look at the message there. In fact, the Reid amendment could weaken the financial integrity of the Social Security System.

Under current projections, Social Security will have exhausted the trust funds and will be running deficits by the year 2029. Many of us believe they will run deficits before then. By 2070, as shown on the chart, Social Security will face a startling $7 trillion shortfall. Just look at these deficits—by 2070, a $7 trillion shortfall.

Excluding Social Security ignores this problem and places the whole system in dire jeopardy. Including Social Security in the budget calculation forces Congress to address the pending crisis in a responsible manner before it becomes too late. Why? Because exempting Social Security creates two budgets, one which must be balanced because receipts must equal outlays, and the other, a Social Security trust budget which will contain the current trust fund's surplus. This second budget presents the political branches of Government with a powerful incentive to redefine costly spending programs as Social Security and pay for them through what would become a giant loophole in any attempt to balance the budget.

There is no telling where these games might lead. Imagine the christening of the SS Social Security battleship, or the creation of the Social Security National Park, which will probably, of course, be located in Utah if this administration has anything to say about it. Thus, this loophole would make it easy to balance the budget on paper without changing anything except accounting methods. And, in perhaps the ultimate paradox, Congress could use the loophole to seem to eliminate the deficit without a single spending cut.

According to Wall Street analyst David Malpass, who recently testified before the Judiciary Committee, "Financial markets would react negatively to a budget concept that ignores Social Security." By passing a balanced budget that excludes Social Security, Congress would, according to him, and I think anybody else who looks at it objectively, "game" the system, saying, in effect, that it does not intend to balance the consolidated unitary Federal budget. For Malpass and other market analysts, "This would be a decidedly negative signal for financial markets leading to higher interest rates." That would hurt every citizen in this country, but most of all the poor.

Furthermore, Wall Street's support for the balanced budget amendment was made evident today in a full-page advertisement that Merrill Lynch placed in Roll Call. The ad was entitled "Why the Balanced Budget Amendment Makes Sense."

I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY THE BALANCED BUDGET AMENDMENT MAKES SENSE

During the next month, Congress will debate whether to add a balanced budget amendment to the Constitution.

Many arguments have been raised against a balanced budget amendment. Chief among them is that the amendment would aggravate an economic downturn by forcing budget cuts and tax increases.

This is a legitimate concern. There is widespread agreement that tax increases and spending cuts in times of economic contraction would only exacerbate a downturn.

But the balanced budget amendment would not put members of Congress in straitjackets. The language of the amendment clearly allows for flexibility on this score and it is certainly plausible that three-fifths of the House and Senate would waive the requirement during economic slowdowns.

Concern about the impact of a balanced budget amendment should be linked to where the economy is headed if fiscal policy remains on its present course.

Any budget agreement reached this year will strive to balance the budget by 2002. But this year's budget agreement will do little to address the long-term fiscal problems this country faces.

As the Congressional Budget Office has shown, our long-term fiscal outlook is unsustainable. According to CBO.

Entitlement and interest spending will skyrocket after 2010—from 12 percent of GDP today to between 22 percent and 30 percent by 2025.

The spending explosion will create enormous future deficits. By 2030, the deficit could range between 12 percent and 37 percent of GDP—compared to 1.4 percent in 1996.

In addition, economists project that current spending and tax policies will ultimately levy a crushing 84 percent lifetime net tax rate on future generations of Americans.

Clearly, measured in terms of deficits, debt levels, or future tax rates, our current fiscal path will soon become unaffordable. As a nation, we have made promises that we simply cannot keep without endangering our economic future and that of our children.

That's why we support a balanced budget amendment. The amendment itself will not reduce the deficit by a dime. But it could create a political climate that makes the hard choices we face a little easier and lend political support to the long-term pursuit of fiscal prudence.

Mr. HATCH. Mr. President, I believe that this gamesmanship is exactly what must be avoided. The way to avoid it is to reject such exemptions. The best way to protect retirees of future generations is to adopt a clean and strong balanced budget amendment, free of loopholes. Significantly, critics of Senate Joint Resolution 1, who wish to exempt Social Security, have not demonstrated in the least how they would balance the budget without including the present Social Security trust fund surpluses, which, as I stated, is only temporary. Presumably, without including the present surpluses in budget calculations, other programs would have to suffer greater cuts.

It is ironic that many of those who argue that a balanced budget constitutional amendment would cause cuts in social programs are themselves calling for the exemption of Social Security, advocating draconian cuts in their most favorite programs. Let me give you an example. Between the years 2002 and 2007, without including the surplus, the deficit will appear to be $700 billion larger than it is. This means either a mammoth tax hike on all American families—almost $1,100 per year per household—or devastating cuts in important programs like Medicare, cancer, and other disease research, Head Start, and environmental cleanup. I might add that Treasury Secretary Rubin, at a January 17 balanced budget constitutional amendment hearing, testified that the trust fund surplus will be included in the Presidential budget, and that this view of budget policy reflects the view of the President and the Congress.

Indeed, President Clinton, in a recent press conference, while opposing the balanced budget constitutional amendment, admitted he could not balance the budget without counting the present Social Security surpluses. In the words of the President, "Neither the Republicans nor I could produce a balanced budget tomorrow that could pass if Social Security funds could not be counted." In fact, all the budgets the President has submitted to Congress have contained the Social Security surplus. Some would think it hypocritical to not argue that it should not be included. I would never go that far, but it is a game that is being played by the White House and, frankly, it is time for the games to end.

The President knows that not including the present day surpluses would require draconian cuts to other worthwhile Federal programs. By the way, contrary to what Senator REID has alleged, CRS did not—let me emphasize this—conclude in any of its memoranda that the balanced budget amendment requirement and the Social Security program would prohibit the use of surpluses or other receipts to finance benefits in succeeding years. In fact, today, the nonpartisan Concord Coalition—a nonpartisan group founded by a Democrat, Paul Tsongas, and a Republican, Warren Rudman—revealed a study that clearly demonstrates that the best way to protect Social Security is to adopt this clean, unamended balanced budget constitutional amendment.

I want to point out that the Concord Coalition has been cited by both sides as a responsible group trying to do the best to bring about good budgetary matters in this country. I also want to point out that these amendments that are attacking this balanced budget amendment would, for the first time, place a statutory reference in the Constitution. The constitutional effect of this is unclear and likely to engender much confusion that could be destructive in both balanced budgets and Social Security. In fact, former Assistant and Acting Attorney General Stuart Gerson, and attorney Alan Morrison, a liberal attorney, as witnesses for the majority and minority, respectively, in a recent hearing on Senate Joint Resolution 1, the balanced budget constitutional amendment, agreed that exempting Social Security from the balanced budget amendment is a bad, bad idea.

According to Alan Morrison, a litigator with the Public Citizen, who opposes the balanced budget amendment and who testified for the minority:

> Given the size of Social Security, to allow it to run at a deficit would undermine the whole concept of a balanced budget. Moreover, there is no definition of Social Security in the Constitution, and it would be extremely unwise and productive of litigation and political maneuvering to try to write one. If there is to be a balanced budget constitutional amendment, there should be no exceptions.

He is a liberal and is affiliated with the Ralph Nader group. But he is a competent constitutional expert. Normally, he is advocating the most liberal constitutional principles. But even he said there should be no exemptions like the Reid amendment to this balanced budget amendment.

Mr. President, I am eager for the debate tomorrow over the Social Security exemption. I am confident that when the dust settles, the Reid amendment will go down to defeat because it will be shown to be not only unnecessary, but also harmful to the very thing it sought to safeguard, Social Security.

I have stated that the debate on the Reid amendment is really a diversion from the real underlying issue—whether this Nation has the will to avert a common fiscal crisis. Mr. President, the absolute biggest threat to Social Security is our growing debt and concomitant interest payments. Debt-related inflation hits hard those on fixed incomes, and the Government's use of capital to fund debt slows productivity and income growth and siphons off needed money for worthwhile programs. The way to protect Social Security benefits is to pass Senate Joint Resolution 1. The proposal to exempt Social Security will not only destroy the balanced budget amendment, but, in all probability, will also cause the Social Security trust funds to run out of money sooner than they would have without an exemption, risking the viability of the Social Security program itself.

Finally, the Senator from Nevada has raised the specter that the balanced budget amendment may cause the Social Security trust funds to be "raided," because the amounts of the present day surplus will be included in budget calculations. This contention is erroneous for several reasons.

The argument to exempt Social Security surpluses disregards the fact that the United States has a unified budget, and not including the present trust fund surpluses will make the budget very difficult to balance and threatens the vitality of other Federal programs.

The Social Security trust funds are, in actuality, nothing more than an accounting device. Let's consider this chart on how the system works. Social Security tax receipts are not kept in some sort of isolated bank vault. Instead, Social Security taxes are deposited into accounts maintained by the Federal Government with various financial institutions. Social Security taxes, along with other deposited receipts, become part of the U.S. Treasury. FICA tax receipts go to the Social Security Administration, and they are passed on from there to the Treasury, where all FICA tax proceeds are commingled with the general funds. In return, the Treasury invests in Treasury bonds which will be redeemed later. These bonds are, incidentally, the most important and stable securities in the world.

All the Treasury moneys are indistinguishable from other deposited moneys. But the Social Security revenues are accounted for separately through the issuance of Federal securities to trust funds. The trust funds do not hold the moneys. They are simply bookkeeping accounts.

Thus, as part of unified budget, any surplus derived from the trust funds, much like other revenues, is used to finance the operations of the Federal Government. Like all of us, the Federal Government has one budget. Listing categories of spending in discrete bookkeeping entries does not reduce the size of what we owe or spend.

Moreover the surplus Social Security taxes being collected today will not cover the future cost of the system. Most of current Social Security taxes are currently used to cover benefit payments to present retirees.

Outlays will exceed receipts of the system, and the year that it is suspected to do that is the year 2019. The guarantee of future benefits, therefore, will depend on the Federal Government's future ability to levy taxes, the size and the amount of the benefits, and the overall health of the economy, not the balances or "surpluses" of the trust funds.

To characterize the use of the surplus as "raiding" the trust funds is, therefore, erroneous and absolutely wrong. Furthermore, the exclusion of the present-day surpluses in the budget will make it extraordinarily difficult to balance the budget by the year 2002, the date Senate Joint Resolution 1 mandates balancing the budget. Between now and the year 2002, the surplus is estimated to be over $500 billion in current dollars. Ten years from now, the year 2007, the value of trust fund surpluses is expected to be $1.067 trillion. This is an annual surplus average of approximately $100 billion.

According to current budgetary figures, $100 billion per year is more than our current annual expenditure on education, the environment, and transportation and infrastructure. Mr. President, $1.067 trillion is in fact more than our expenditure this year on Medicare, education, veterans' benefits, the environment, national defense, Social Security, transportation and infrastructure, and natural resources combined.

Where will we come up with the money to fund these programs if we exclude Social Security surpluses from the unified budget? Federal programs would have to be cut, or taxes raised by this amount to reach the balanced budget goal. Ironically, it appears that those who yell the loudest to exempt Social Security are the very same people who wish to increase the very social welfare programs that are being put at risk by this exemption. They are the ones that are really screaming about wanting to spend more on social programs, which will have to be cut if this amendment becomes law.

The real issue is where are we going to get the money to redeem the Federal securities that make up the Social Security trust funds?

Let's put that other chart up. Where will we come up with this $1.067 trillion shortfall if Social Security is exempted from the balanced budget amendment?

The trust funds are not being raided. We owe the money to the Social Security trust fund, and we will have to pay. But if Social Security is exempted from the balanced budget amendment it will be mortally wounded. Either other programs will be relabeled "Social Security" so that they take away from the luster of Social Security and the willingness of people to support it like it should be. Either programs will be relabeled "Social Security"—as we have done in the past—and the present surpluses will be spent, or the surplus will be used to pay down our national debt. And thereafter we will keep spending until we have reached the debt ceiling. Either way, the surplus will be used up.

Well, frankly, it is the Reid exemption and the Reid amendment that will ultimately destroy Social Security. The best way to face the coming problems with the Social Security System is through a unified budget. We all have to work together within constraints to redeem those securities, and not allow any other programs to be relabeled Social Security or affect the Social Security trust funds. But if we don't, if we take Social Security outside the unified budget, the rats will come and eat it away. Inside, Social Security competes better than any other issue for budgetary markets. So, it is penny-wise and pound-foolish to take it out and risk having to reduce all of these other good social welfare programs. Head Start, education, environment, highways and infrastructure—all of these programs that are so important would have to be cut to reach a balanced budget by the year 2002 if Social Security is exempted.

We show that by the year 2019—on this chart, the green part is the surpluses—surpluses drop, and huge deficits will be as high as $7 trillion a year by the year 2007. Without the balanced budget amendment, that is where we are headed.

We would not get this balanced budget if the Reid amendment happened to pass. And, if it did pass, it would put us at tremendous risk as we try to reach a balanced budget by the year 2002. We would have to cut almost every social program that we have more than we should. Naturally we are going to have to find restraint in growth, and we are going to have to find ways of cutting without cutting to the bone.

Taking Social Security out. I have to tell you, it will still be the same system. The only difference is we will still be investing in the bonds which I was showing—these Federal Government securities. The only difference is our colleagues who want to spend more will be spending those surpluses for more social welfare programs without reaching a balanced budget.

The fact is that this country will be doomed. We have to pass this amendment. Frankly, it is the only thing I know to stop the rats from raiding all of our budgetary assets. And this will start us on the the pathway of getting things in order.

Look. We know that we cannot keep up the same system. We cannot keep doing this. We just can't keep doing this. And the only chance to put an end to these types of unbalanced budgets year after year is to pass this balanced budget amendment, and to pass it intact without these amendments, as sincere as they may be.

Mr. President, I am prepared to move on this side of the Senate, if we can.

Mr. REID. Mr. President, I have just a few more comments which I would like to make in response to my friend, my western friend from the State of Utah, for whom I have the greatest respect. But I would say to him and those listening that we are all beginning to see where some of the special interest scavengers are and who the rats are that will be looking for the cheese. And I think if you look at the Wall Street Journal today you will look at a full-page ad. You would find that those are the people who are the rats and those are the people looking for cheese. The Helen Collins of the world who are trying to survive on Social Security can't run a full-page ad in the Wall Street Journal. The cheese is the surplus from Social Security. That is what the rats are eating. They have been doing it all along.

For my friend from Utah to say that President Clinton has said he has been using it in his calculations, that doesn't make it right. That is my whole point. Let's do it the right way. Why would we enshrine in the Constitution something we have been doing wrong for 15 years now? The surpluses of Social Security should not go toward balancing the budget. Everybody says it will be hard to do. You have that right. It will be hard to do. But when we do it it will be honest. It will be done the right way. When we say we have a balanced budget we will really have done it. We don't have one now.

My friend, prior to coming to this body, was a trial lawyer, and a good lawyer. I say to him and to anyone within the sound of my voice that you can't have Social Security. It is statutorily defined. You can't include a national park in that, and other programs. It is statutorily defined.

Now, people may say that you look in the Wall Street Journal; Merrill Lynch and others, which I have not seen—I am sure it is a full-page ad—they run this full-page ad. I repeat, the Helen Collinses of the world and almost 75 percent of the American public do not support a constitutional amendment to balance the budget unless Social Security is excluded. They cannot run a full-page ad in the Wall Street Journal. But those that are running full-page ads know where the cheese is, and the cheese is the surpluses for Social Security that they will use to balance the budget.

And people say, why? The same answer I guess is the answer that Willie Sutton gave when they asked him, after he was put in prison, "Willie, why did you rob all those banks?" He said, "That's where the money was." Well, the reason they are going after the Social Security surpluses is that is the only place we have surplus money now.

I repeat, why enshrine in the Constitution something that we have been doing that is wrong?

Now, my friend from Utah has said, well, the CRS really did not mean what they said, and if they said what they mean they really did not say it that way. I read from the Center on Budget Policy Priorities just a few paragraphs. In fact, I know the time is late. I will read one paragraph. They say there are three memos, two from CRS and one from them.

> All three memos explain that under the Hatch and Schaefer-Stenholm versions—

This underlying amendment—

> outlays in any year—including outlays for benefits paid from the Social Security trust fund—may not exceed receipts in that year. All three memos note that any funds drawn down from the accumulated Social Security surpluses to help pay for the Social Security benefits of retired baby boomers would not count as receipts in those years.

Very clear. That is what they have said.

Now, they have said there is no exception as to war. Of course, there is exception in the Constitution as to war. So this amendment is not as pure as some would like us to believe.

I also say for emphasis that my friend said it would be difficult to balance the budget. Democrats and Republicans say it would be difficult to balance the budget unless you use Social Security trust fund moneys, but it is not a fair balance.

Mr. President, I will close tonight—I know everyone is anxious to go. We will take this debate up tomorrow. We have a series of speakers lined up, as does my friend from Utah.

Congressman DAVID MCINTOSH, a sophomore Republican Congressman from Indiana, says, and I quote:

> Republicans cannot allow ourselves to be defined as cutting Social Security even as we move forward with the balanced budget amendment.

Now, this man, Mr. MCINTOSH, is no left-wing socialist. He is noted as being one of the most conservative Members in the entire House of Representatives. He was part of the Republican revolution, but he, sophomore Republican, has said, I want to be able to vote on the Reid amendment; I want to be able to vote to exclude Social Security. Why? Because it is the right thing to do. It is the honest way to balance the budget.

Mr. HATCH. Mr. President, I do not want to prolong the debate tonight, but I have to say no matter what you do, those funds are going to be invested in bonds, U.S. securities. That is what is statutorily required.

The fact is, if you set Social Security outside of the budget, if Social Security is defined by statute, it can be redefined by statute. So we have accounting surpluses in Social Security. I am just using bizarre examples, but what about Medicare? People around here are not willing to reform Medicare. They are not willing to pay the price to get it done. They just want to find some other revenue source to pay for it. It would be easy to shove it into Social Security and make the surplus pay for it rather than facing the music which the balanced budget amendment would make us do.

And it is not just that. It is all social spending they want to do. They will use that surplus for that rather than using it for what it needs to be used for, and that is to balance the budget. And the only way you are going to get the payment for that Social Security surplus in the future is if the United States can redeem its bonds. And the only way the United States can redeem its bonds in the year 2020 is if we do what is right today and we pass a balanced budget amendment.

That is the only way, because every dime of it, if there is a surplus up to the year 2020, every dime will be invested in Federal Government bonds, every dime, just like it is today.

The question is, will we be using those dollars, every dime in those dollars, to balance the budget or will it just be another big spending spree by those who want to spend us blind and who have done so for 28 straight years?

I do not mean to sound rabid about this, but this is important stuff. And when we start talking about putting Social Security outside the balanced budget amendment, we're really talking about milking that program to death. You cannot get away with it if it is all on budget. If it is a unified budget, you cannot get away with it. And these people say it is currently raided. Everyone knows that every single nickel of that money is going to go into Federal Government bonds. The question is whether that money is going to be used to reduce the deficit and get us to a balanced budget by the year 2002 or whether we are going to have people raiding it and using it to pay for other additional social spending programs because it is not subject to balanced budget requisites.

This is a pretty serious issue. I have here a wonderful article by Stephen Chapman in Sunday's Washington Times entitled "Balanced Budget Shell Game."

He says:

> Opponents of a simple balanced budget amendment, which include President Clinton, say it would harm retirees by allowing Social Security surpluses to be used to offset deficits elsewhere in the budget.
>
> North Dakota's Democratic Sen. Byron Dorgan says such a "misuse" would violate "a solemn promise:"

How is that, since all that money is going to be invested in Federal Government bonds? The question is, what is it going to be used for, once the Government gets the money? Is it going to be used to balance the budget or used for more spending, which is going to happen if the Reid amendment passes?

> This tax taken from your paycheck goes into a trust fund to be used for only one purpose, and that is to fund the Social Security system. The critics say the amendment would encourage Congress to cut retirement benefits to pay for tax cuts and other programs at the expense of the elderly.
>
> They propose an alternative version that excludes Social Security from deficit calculations. For many Members of Congress, this option has an extra attraction: It has no chance of enactment, since it would force Congress to come up with another $465 billion in spending cuts or tax increases between now and the year 2002. So there will be no need to make the unpleasant choices that our lawmakers have been dodging for an entire generation.

As they have passed these 28 unbalanced budgets and 58 of the last 66.

> The opponents have found a clever way to gull voters into accepting a continued tide of red ink.
>
> But the public shouldn't be fooled. The opponents are playing a shell game, hoping voters won't be able to detect their sleight of hand. The fears they have for Social Security are unfounded and their solution would protect only fiscal indiscipline.

Indiscipline, not discipline.

> First of all, excluding Social Security would create a loophole big enough to drive a $300 billion deficit through. If Social Security is exempt from the balanced-budget requirement, everything will be Social Security. Any program with any remote benefit to the elderly can easily be renamed. "Housing, national health care, highways will be treated as Social Security," says Heritage Foundation budget expert Daniel Mitchell. We would end up with a "balanced" budget that drives us ever deeper into debt.
>
> The exclusion is billed as a way to prevent looting of the trust fund, but its actual effect would be zero. Right now, the retirement fund is running a surplus every year. The surplus is "invested" in government bonds—in other words, it is lent to the Treasury, which uses the borrowed money to pay for other government programs. Once it is excluded from the budget, the surplus will still be lent to the Treasury. Mr. Dorgan says Social Security taxes should never be used except to pay Social Security benefits. But his proposal does nothing to prevent that.
>
> The ostensible reason we are running a surplus is to build up a reserve that can be used to pay benefits when the Baby-Boom generation retires. Dorgan and Co. say the original balanced-budget amendment would deplete that reserve, seriously endangering future benefits. Nonsense. The "reserve" consists of government bonds. These are nothing more than IOUs, which cannot be repaid unless future taxpayers are willing. When the Baby Boomers retire, taxes will have to rise to pay their benefits. That's true whether Social Security runs a surplus today or not.
>
> The opponents insist that excluding Social Security from the amendment would shield it from politicians eager to starve Grandma so they can hand out goodies to special interests. Since Congress wouldn't be able to reduce the deficit by cutting Social Security benefits, those benefits would be as safe as the gold in Fort Knox.
>
> This argument is neat, simple and hopelessly naive. What it overlooks is that if Congress can't use the surplus to balance the budget, it can always get rid of the surplus by cutting payroll taxes—then raise taxes an equivalent amount elsewhere to pay for the programs it wants. It could also cut benefits to allow even deeper cuts in the payroll tax, which would permit additional tax increases to finance spending that doesn't help the elderly. The protection for Social Security would soon turn out to be no protection at all.
>
> The opponents of the original amendment take the politically easy position of saying that the Constitution shouldn't require the budget to be balanced at the expense of the elderly. What they mean is that the Constitution shouldn't require the budget to be balanced at the expense of anyone.

The fact is, the same funds will be invested in the same bonds, and the credit of the United States will have to take care of those bonds in the future or people on Social Security will not have the money. You saw the deficits expected in Social Security during the next century.

The fact is, unless we balance this budget, unless we get fiscal discipline into the Constitution, I guarantee we are not going to do what is necessary to solve our fiscal problems. We are certainly not going to have the funds to take care of Social Security in the future.

So, passing the balanced budget amendment in its current form, in the form that we have here, the only one that has a chance of passage, is our only hope to get spending under control.

Mr. President, I am prepared to turn the floor over to the majority leader.

Mr. REID. Mr. President, I see the leader here. I have just a couple of more comments. I have about 5 more minutes, Mr. Leader?

Mr. LOTT. That will be fine.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I would first of all say I don't know who this man is from the Washington Times, but having read that before coming here I know why he writes for that newspaper. I think he would have trouble getting a job anyplace else with the logic he uses in that.

As far as I am concerned, he is perpetuating the myth that Social Security proceeds will and should be used to balance the budget. I think that is wrong. Remember, the commission that just reported to us in the last few months said that some of those trust fund moneys should be invested in private securities. We cannot do that if all the money goes to balancing the budget, as will happen with the underlying amendment.

My friend from Utah said all through this debate that Social Security is the only way, using the excesses, the surplus from Social Security, that you can balance the budget. That does not make it right. That is wrong. If you told a future Social Security recipient the money you are paying in and your employer is paying in is going to be used to balance the budget, it is going to pay for foreign aid and other type things, I don't think they would be too happy.

Senator DOMENICI said it about as well as we could in 1990 when he said,

> I voted for the Hollings proposal because I support the concept of taking Social Security out of the budget deficit calculations. We need a firewall around those funds to make sure the reserves are there to pay Social Security benefits in the next century.

The Reid amendment is the firewall that the chairman of the Budget Committee called for 6 years ago. We should pass it. It can be done with my amendment.

I further say that the President of the United States, in his radio address this past Saturday said:

> It would prevent us from responding to foreign challenges abroad or economic trouble at home, if to do so resulted in even a minor budget deficit. And because it would write a specific economic policy into our Constitution, it could force the Secretary of the Treasury to cut Social Security, or drive the budget into courts of law when a deficit occurred when Congress was not working on the budget. In a court of law, judges could be forced to halt Social Security checks or to raise taxes just to meet the demands of the constitutional amendment.

It is wrong to balance the budget using Social Security surpluses. That is what Congressman DAVID MCINTOSH, Republican from the State of Indiana, said when he stated, "Republicans cannot allow ourselves to be defined as cutting Social Security." They will. Anyone voting for the underlying amendment and not for the Reid amendment will be deemed as cutting Social Security because that, in fact, is what would occur.

The PRESIDING OFFICER. The Senator from Mississippi.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—H.R. 581

Mr. LOTT. Mr. President, I understand there is a bill due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 581) to amend Public Law 104–208 to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions.

Mr. LOTT. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar pursuant to rule 14.

UNANIMOUS CONSENT REQUEST—H.R. 581

Mr. LOTT. Mr. President, the bill that was just placed on the calendar is the so-called Smith–Oberstar U.N. population funding bill.

I now ask unanimous consent the Senate turn to H.R. 581 by the close of business on Thursday, February 27, and there be 30 minutes for debate, equally divided in the usual form, with no amendments in order, and that following the conclusion or yielding back of the time, the bill be read a third time and the Senate proceed to a vote on passage of H.R. 581 with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, on behalf of the Democratic leadership, I object.

The PRESIDING OFFICER. Objection is heard.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 581. An act to amend Public Law 104–208 to provide that the President may make funds appropriated for population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1104. A communication from the Secretary of Health and Human Services, transmitting, the report on administration on aging pension counseling demonstration program; to the Committee on Labor and Human Resources.

EC–1105. A communication from the Assistant Secretary for Occupational Safety and Health, Department of Labor, transmitting, pursuant to law, the report of a rule relative to injury and illness survey, received on February 11, 1997; to the Committee on Labor and Human Resources.

EC–1106. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to migratory bird hunting, (RIN1018–AD69) received on February 11, 1997; to the Committee on Environment and Public Works.

EC–1107. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "VA Homeless Providers Grant and Per Diem" (RIN2900–AH89) received on February 12, 1997; to the Committee on Veterans' Affairs.

EC–1108. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative Conservation Reserve Long-Term Policy, (RIN0560–AE95) received on February 12, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1109. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to electric loans, (RIN0572–AB30) received on February 13, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1110. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of rule relative to tomatoes, received on February 14, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1111. A communication from the Secretary of Defense, transmitting, a report of a retirement; to the Committee on Armed Services.

EC–1112. A communication from the Secretary of Defense, transmitting, a report of a retirement; to the Committee on Armed Services.

EC–1113. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report entitled "Vision 21: The Plan for 21st Century Laboratories and Test and Evaluation Centers of the Department of Defense''; to the Committee on Armed Services.

EC–1114. A communication from the General Counsel, Department of Defense, transmitting, pursuant to law, a report relative to court-martial sentence enhancement; to the Committee on Armed Services.

EC–1115. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report on purchases from foreign entities for fiscal year 1996; to the Committee on Armed Services.

EC–1116. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a property transfer report; to the Committee on Armed Services.

EC–1117. A communication from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to recordkeeping, received on February 14, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1118. A communication from the Acting General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule relative to special flood hazard areas, (RIN3067–AC53) received on February 14, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1119. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule relative to deposits in banks or trust companies, received on February 12, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1120. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–1121. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule with respect to bank holding companies, received on February 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1122. A communication from the Secretary from the Securities and Exchange Commission, transmitting, pursuant to law, the report entitled ''Exemption of Investment in Certain Nonutility Companies''; to the Committee on Banking, Housing, and Urban Affairs.

EC–1123. A communication from the Major General, Director of Civil Works, U.S. Army Corps of Engineers, Department of the Army, transmitting, pursuant to law, the report of a rule relative to nationwide permits, received on February 12, 1997; to the Committee on Environment and Public Works.

EC–1124. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report under the Architectural Barriers Act for fiscal year 1996; to the Committee on Environment and Public Works.

EC–1125. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to polar bear trophies, (RIN1018–AD04) received on February 13, 1997; to the Committee on Environment and Public Works.

EC–1126. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules including one rule relative to the Clean Air Act, (FRL–5688–7, 5689–2) received on February 12, 1997; to the Committee on Environment and Public Works.

EC–1127. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of one rule relative to approval and promulgation of air quality plans, (FRL–5690–4) received on February 14, 1997; to the Committee on Environment and Public Works.

EC–1128. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules including one rule relative to the Clean Air Act, (FRL–5688–2, 5689–6, 5690–9) received on February 14, 1997; to the Committee on Environment and Public Works.

EC–1129. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules including one rule relative to approval and promulgation of plans, (FRL–5680–3, 5688–5) received on February 19, 1997; to the Committee on Environment and Public Works.

EC–1131. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report entitled ''Status of the State Small Business Stationary Source Technical and Environmental Compliance Assistance Programs (SBTCP)''; to the Committee on Environment and Public Works.

EC–1132. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of a rule relative to value engineering, (RIN2125–AD33) received on February 13, 1997; to the Committee on Environment and Public Works.

EC–1133. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95–02; to the Committee on Appropriations.

EC–1134. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1135. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a budget request and justification for fiscal year 1998; to the Committee on Rules and Administration.

EC–1136. A communication from the Acting Secretary of Energy, transmitting, pursuant to law, a report relative to natural gas; to the Committee on Energy and Natural Resources.

EC–1137. A communication from the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a rule entitled ''Standards for Business Practices'' received on February 19, 1997; to the Committee on Energy and Natural Resources.

EC–1138. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report on U.S. contributions to international organizations; to the Committee on Foreign Relations.

EC–1139. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to Nonproliferation and Disarmament Fund activities; to the Committee on Foreign Relations.

EC–1140. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on emergy communications during fiscal year 1996; to the Committee on Labor and Human Resources.

EC–1141. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule concerning iron-containing supplements and drugs received on February 18, 1997; to the Committee on Labor and Human Resources.

EC–1142. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on the notice of final funding priorities received on February 18, 1997; to the Committee on Labor and Human Services.

EC–1143. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report of the justification of budget estimates for fiscal year 1998; to the Committee on Labor and Human Services.

EC–1144. A communication from the Assistant Secretary of Labor for Employment Standards, transmitting, pursuant to law, a rule entitled ''Technical Amendments of Rules Relating to Labor-Management Programs'' (RIN1215–AB16) received on February 19, 1997; to the Committee on Labor and Human Resources.

EC–1145. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report relative to fee for fiscal year 1995; to the Committee on Labor and Human Resources.

EC–1146. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated February 1, 1997; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Special Report entitled ''Report on Legislative Activities of the Committee on Labor and Human Resources During the 104th Congress'' (Rept. No. 105–5).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THOMAS (for himself and Mr. ROBB):

S. 342. A bill to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices; to the Committee on Foreign Relations.

S. 343. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Mongolia; to the Committee on Finance.

By Mrs. BOXER:

S. 344. A bill to require the relocation of a National Weather Service radar tower which is on Sulphur Mountain near Ojai, California; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBB:

S. 345. A bill to amend chapter 57 of title 5, United States Code, to provide for the payment to Federal employees of meal expenses required while serving on a security detail in the protection of a Federal officer, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WELLSTONE:

S. 346. A bill to assure fairness and assistance to patients and health care providers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CLELAND (for himself, Mr. COVERDELL, Ms. MOSELEY-BRAUN, Mr. REID, Mr. HOLLINGS, Mr. BINGAMAN, Mr. FORD, Mr. AKAKA, Mr. LEVIN, Mr. KERRY, Mr. CONRAD, Mr. BREAUX, Mr. LUGAR, Mr. HAGEL, Mr. NICKLES, Mr. ROCKEFELLER, Mr. COCHRAN, Mr. LEAHY, Mr. THURMOND, Mr. BUMPERS, Mr. LIEBERMAN, Mr. WARNER, Mrs. HUTCHISON, and Mr. HUTCHINSON):

S. 347. A bill to designate the Federal building located at 100 Alabama Street NW, in Altanta, Georgia, as the "Sam Nunn Federal Center"; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself and Mr. ROBB):

S. 342. A bill to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices; to the Committee on Foreign Relations.

HONG KONG ECONOMIC AND TRADE OFFICES LEGISLATION

Mr. THOMAS. Mr. President, I rise as chairman of the Subcommittee on East Asian and Pacific Affairs to introduce S. 342, a bill to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices located in the United States. I am pleased to be joined by Senator ROBB as an original cosponsor.

The Hong Kong Government maintains Economic and Trade Offices in several countries to represent the Colony's economic and trade interests abroad; there are three such Offices in the United States—San Francisco, New York, and Washington. As my colleagues are aware, at midnight on June 30, 1997, Hong Kong will revert to the jurisdiction of the People's Republic of China as the Hong Kong Special Administrative Region [HKSAR]. The HKSAR will purportedly, under agreements reached between the PRC and the United Kingdom, enjoy a high degree of autonomy from the central government in Beijing except in the areas of foreign policy and defense. That autonomy includes the right to maintain economic and trade ties with third countries independent of Beijing.

The Hong Kong Policy Act of 1992 provided, inter alia, that the United States should invite Hong Kong to maintain its Economic and Trade Offices after June 30. The reasoning was not only to continue to facilitate our trade relationship with our ninth biggest trading partner; in addition, the move was meant to underscore our commitment to an autonomous Hong Kong after 1997.

This bill would extend to these offices and employees the provisions of the International Organizations Immunities Act and the Agreement on State and local Taxation of Foreign Employees of Public International Organizations, thereby assuring that these offices are treated in the same manner as others similarly situated—such as the Taipei Economic and Cultural Representative Offices, Taiwan's representative in the United States.

Identical legislation passed the Senate unanimously late last year, but was not considered by the House before we adjourned sine die. Because the June deadline looms so near, I hope that we can move this bill quickly and without amendment through both Houses before the July 1 reversion of Hong Kong to China's jurisdiction.

By Mr. THOMAS (for himself and Mr. ROBB):

S. 343. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Mongolia; to the Committee on Finance.

MONGOLIA MFN LEGISLATION

Mr. THOMAS. Mr. President, I rise as chairman of the Subcommittee on East Asian and Pacific Affairs to introduce S. 343, a bill to authorize the extension of nondiscriminatory treatment—formerly known as "most-favored nation status"—to the products of Mongolia. I am pleased to be joined by Senator ROBB and Senator MCCAIN as original cosponsors.

Mongolia has undergone a series of remarkable and dramatic changes over the last few years. Sandwiched between the former Soviet Union and China, it was one of the first countries in the world to become Communist after the Russian Revolution. After 70 years of Communist rule, though, the Mongolian people have recently made great progress in establishing a democratic political system and creating a free-market economy. Just last year, the country held its third election under its new constitution, resulting in a parliamentary majority for the coalition of democratic opposition parties. Rather than attempt to maintain its hold on power, the former government peaceably—and commendably—transferred power to the new government.

Mongolia has demonstrated a strong desire to build a friendly and cooperative relationship with the United States on trade and related matters since its turn towards democracy. We concluded a bilateral trade treaty with that country in 1991, and a bilateral investment treaty in 1994. Mongolia has received nondiscriminatory trading status since 1991, and has been found to be in full compliance with the freedom of emigration requirements of title IV of the Trade Act of 1974. In addition, it has acceded to the agreement establishing the World Trade Organization.

Mr. President, Mongolia has clearly demonstrated that it is fully deserving of joining the ranks of those countries to which we extend nondiscriminatory trade status. The extension of that status would not only serve to commend the Mongolians on their impressive progress, but would also enable the United States to avail itself of all its rights under the WTO with respect to Mongolia.

I have another, more parochial, reason for being interested in MFN status for Mongolia. Mongolia and my home State of Wyoming are sister States; a strong relationship between the two has developed over the last 4 years. Many of Mongolia's provincial governors have visited the State, and the two governments have established partnerships in education, agriculture, and livestock management. Like Wyoming, Mongolia is a high plateau with mountains on the northwest border, where many of the residents make their living by raising livestock. I am pleased to see the development of this mutually beneficial relationship, and am sure that the extension of nondiscriminatory trade status will serve to strengthen it further.

Mr. President, I introduced an identical bill in the last Congress at the very end of the legislative year, as did Congressman BEREUTER in the House. We both realized that it was too late in the year to move the legislation forward before we adjourned sine die, but we hoped that by introducing the bill then that it would serve as a catalyst to serious discussion of the issue in this Congress. I was very appreciative that last year the distinguished chairman of the Finance Committee, Senator ROTH, indicated his willingness to favorably consider the legislation early in this Congress, and look forward to working with him.

By Mrs. BOXER:

S. 344. A bill to require the relocation of a National Weather Service radar tower which is on Sulphur Mountain near Ojai, CA; to the Committee on Commerce, Science, and Transportation.

NATIONAL WEATHER SERVICE LEGISLATION

• Mrs. BOXER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELOCATION OF RADAR TOWER.

(a) REQUIREMENT TO RELOCATE RADAR TOWER.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall relocate the National Weather Service radar tower which is located on Sulphur Mountain near Ojai, California, to a site which complies with the criteria listed in subsection (b).

(b) CRITERIA FOR NEW SITE.—The new site for the radar tower referred to in subsection (a) shall be selected so that the relocation—

(1) will not result in degradation of service; and

(2) will minimize the negative impact of the radar tower on residential areas.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit a report to Congress that includes—

(1) an identification of the new site selected for the radar tower; and

(2) evidence which was considered in reaching the conclusion that relocation of the radar tower to the site selected meets the criteria listed in subsection (b).

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term "degradation of service" means any decrease in or failure to maintain the quality and type of weather services provided by the National Weather Service to the public; and

(2) the term "Secretary" means the Secretary of Commerce.●

By Mr. ROBB:

S. 345. A bill to amend chapter 57 of title 5, United States Code, to provide for the payment to Federal employees of meal expenses required while serving on a security detail in the protection of a Federal officer, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEE LEGISLATION

● Mr. ROBB. Mr. President, today I introduce legislation to right an obvious wrong. As I was reading the Washington Post on January 6, 1997, I ran across a brief mention that employees of the CIA who are assigned to protect the Director of Central Intelligence must pay their own way when they are forced to buy meals because of their assigned protection duties.

Evidently these Federal employees are required to keep a line of sight on the Director 24 hours a day, which sometimes entails following him to restaurants. These restaurants in turn refuse to let the protection detail occupy a table without purchasing a meal. While this may sound trivial, I do not believe it is fair to require a Federal employee to buy an expensive meal as part of their job. I am sure you'll agree that if a person is going to spend that kind of money on a meal, they should be enjoying it with a good friend or loved one, not watching their boss across the room.

For that reason, I am introducing this bill, which would authorize any Federal agency to pay the meal expenses for cases like this one for an employee who is serving on a 24-hour-a-day security detail which requires the employee to remain in the line of sight of the person being protected. I understand that certain agencies already have this authority, but it clearly should be extended to all Federal agencies. I hope that this noncontroversial measure can be examined by the appropriate committee and quickly passed. The existing situation is blatantly unfair and needs to be changed.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOOKS UNLIKE AMERICA

(By Al Kamen)

Even some of the Clinton administration diversity policy were embarrassed by President Clinton's strong-arming Transportation Secretary Federico Peña into accepting a nomination to be energy secretary—a job for which he is notably lacking in credentials.

But the ethno-gender contortions were deemed, in the best inside-the-Beltway political wisdom, essential to pay off the Hispanic vote with two Cabinet seats.

Yet, after so much effort expended on Cabinet diversity, the Clinton White House itself remains a comfortable, mostly white boys club, with hardly an African American, Latino or Asian American in any senior job.

With the anticipated departure of public liaison office director Alexis M. Herman, the only minority in the top 25 or so senior staff members is first lady Hillary Rodham Clinton's chief of staff, Margaret A. Williams—and she may leave soon.

New Chief of Staff Erskine B. Bowles has three openings—and may have more—at that assistant to the president level: a political affairs director to replace Douglas Sosnik, who moved up to be "counselor"; a replacement for Herman; and one for outgoing White House counsel Jack Quinn.

Administration officials say to keep an eye on former representative Alan Wheat (D-Mo.) and the Labor Department's wage and hour division chief Maria Echaveste, both mentioned for Cabinet jobs.

But "Look Like America"? Not the senior staff.

IN LIKE QUINN?

Speaking of Quinn, the search goes on for a replacement, and the list doesn't appear too long. The problem, as one senior administration official put it, is "finding someone who's smart enough to do it and yet dumb enough to take it."

The most prominently mentioned name for the job is former U.S. attorney Charles F.C. Ruff, who had been under consideration for the attorney generalship after Zoe E. Baird went down in flames until it was discovered he had a nanny problem himself. Ruff is public-service minded, so he might be persuaded. And he's been a partner at Covington & Burling, so he presumably would have enough savings to cover his legal fees.

CAREER COUNSELOR

Job alert. There are lots of openings in the counsel's office.

Associate White House counsel Elena Kagan, a tenured constitutional law professor on leave from the University of Chicago, had two going-away parties, the movers ready to go and a class waiting for her today. But the students will have to wait. New domestic policy chief Bruce Reed persuaded her to stick around and be his top deputy.

Another associate counsel, David B. Fein, however, stuck with his original plan and has gone to private practice in Connecticut. Even before Quinn threw in the towel, he was looking for staff. Shortly after the election, Quinn asked U.S. attorney Eric H. Holder Jr. to "make referrals and recommendations to him about individuals who might be interested in moving to the White House Counsel's Office in the new administration," according to a memo Holder sent his assistants.

"So that I can be responsive to Quinn," Holder said, "I would like to gather the names of those interested in this opportunity and will then personally forward them to Quinn. . . . (And don't worry, I won't hold it against you for expressing interest in this opportunity—I think it's a great one!)"

DINNER DUTY

Browsing on the General Accounting Office World Wide Web page (we obviously need to get out more), we came across the Ebenezer Scrooge Memorial Memo of 1996. The Dec. 30 GAO decision memo involves a CIA request to reimburse members of the director's security detail for meals they were obliged to buy on duty.

"According to the CIA," the memo says, the security folks traveling with the director or deputy are to "remain in the line of sight of the official they are protecting. On occasion [they] must accompany one of the officials" to area restaurants and sit at nearby tables so as to be unobtrusive but in the line of sight. "Some restaurants require that members of the detail order meals while sitting at these tables. The cost of these meals, often substantial, has been borne by the individual members of the detail," the memo said, adding that the agency thinks it, not the overworked security people, should pick up the tab.

Tough luck, the GAO said. The law says no government employee can get a free meal while at "a normal duty station," except for "extreme emergency situations," and this isn't one of them. Congress can and has overridden the restriction for some agencies, but not for the CIA. So until Congress acts, the security detail pays.

STARRING ROLES

John D. Bates, deputy independent counsel in charge of the Washington operation for Kenneth W. Starr, is resuming his responsibilities at the end of this month as head of the civil division in the U.S. Attorney's Office here. Bates had been on a six-month leave that somehow stretched two years. But he'll continue to oversee some matters at Starr's shop for some time. Assistant U.S. attorney Eric A. Dubelier, who had been working on White House travel office matters for Starr, also has returned to run the terrorism section of the criminal division, while continuing to do some work in the counsel operation. Should we read something into this? Probably not.

LIFE AFTER LEGISLATURE

Retiring Sen. Sam Nunn (D-Ga.), who chaired the Armed Services Committee back when Democrats were in the majority, has signed on as a partner in King & Spaulding's Atlanta office, with a second office here.

Outgoing Rep. Robert S. Walker (R-Pa.), who chaired the Science Committee and the House Republican Leadership, is off to be president of the Wexler Group.●

By Mr. WELLSTONE:

S. 346. A bill to assure fairness and assistance to patients and health care providers, and for other purposes; to the Committee on Labor and Human Resources.

THE PATIENT PROTECTION ACT OF 1997

• Mr. WELLSTONE. Mr. President, I introduce the Patient Protection Act of 1997. This bill addresses the issue of fairness in health care today.

Mr. President, the last few years have seen an enormous growth in managed care health plans. Now, more than 50 percent of Americans are enrolled in some kind of managed care arrangement. We have learned a lot in the past several years about what works and what doesn't in managed care, in all kinds of health insurance for that matter.

And, let me be clear that I recognize that there are things that are working well in managed care and other types of plans. We have seen a decrease in the rate of increase in healthcare costs. Health plans are emphasizing prevention and early intervention. Health plans are largely moving from managing costs to managing care to managing health.

All of this is good, but enough time has gone by that we have found the problems, the glitches, the occasions and circumstances where patient and providers are not equal stakeholders in the systems and where they are treated unfairly, where their voices are either silent or disregarded. I am deeply concerned about the lack of availability of protections for patients and providers participating in all forms of health plans. This includes not only managed care plans in their various forms, but also point-of-service and traditional—fee-for-service—plans as well. The inclusion of self-insured plans, MEWA's multiple employer welfare agreements—and association plans is an important component of this act because it extends provisions to some of those consumers who most need the protections.

Many States are currently developing and moving similar bills through their legislatures and assemblies. There is a clear cry for these corrections and protections. However, even if all 50 States were to pass patient protection acts, not all Americans would benefit from these protections. I believe that now more than ever, Federal standards are needed to ensure that consumers are protected in our rapidly changing health care delivery environment. Almost 50 percent of Americans, those who belong to health plans regulated by the Federal Government, are excluded from State based protections. According to a report released by the GAO in July 1995, 44 million Americans are covered under exempt plans. There are an additional 70 million who are covered by other employer plans that may also be outside of the realm of State authority. In addition, self-funded plans are becoming more common, especially in smaller businesses. The standards that I am proposing should assure fairness for consumers and providers, while still encouraging health plans to pursue innovative approaches to providing high quality, cost-effective care. I am sure, Mr. President, that each of us is committed to fairness and understands the need for the Federal Government to work cooperatively with the States on this issue.

My Patient Protection Act of 1997 will do several things that will ease the confusion so often present for consumers and providers in the health care system. It will assist them with their rights as participants in health plans.

The act will award a grant to each State to establish an office of consumer education counseling, and assistance with health care. This will help consumers choose among the many plans available to them, understand their rights for appeals if care that their provider advises is denied, and receive support if they undertake a grievance procedure. These offices will be modeled after the successful ones in the Medicare Program, staffed largely by volunteers, that have helped seniors find their way through what might be for many an overwhelming situation.

The act will require that health plans disclose certain information so that consumers and providers are better informed. Information that must be disclosed ranges from the financial health of the plan to its internal review process and criteria used in making decisions about treatment. No longer will there be a black hole in health plans into which very personal information about a patient goes, something unknown happens and out comes a decision to treat or not treat the problem. That simply is not the way to provide health care in a democracy.

The act will require that plans ensure timely access to services and specialized treatment expertise, when clinically indicated.

The act will require the development of health plan standards, including utilization review activities and handling of grievances of consumers or providers. Providers and consumers will be involved in the development of these processes.

The act will protect providers by requiring mechanisms for due process and disallowing dismissal of providers from the panel of a health plan without cause. It adds antigag clause and whistle-blower protection in order to ensure that consumers receive information that they need about health care options and quality of health care.

In a country where many are either uninsured or underinsured, it is especially important that attempts to control costs be accompanied by clear legal rights for consumers and providers. With a competitive insurance market lacking adequate consumer protections and a health care system that says it's OK to leave some people out, what's to prevent plans from discriminating against patients who are likely to need expensive clinical services?

Mr. President, these are not anti-managed care provisions. As a matter of fact, they are not anti anything. They are positive steps that will restore a better balance between health plans, consumers, and providers. Responsible health plans already comply with the standards that the Patient Protection Act would establish. But the Patient Protection Act would ensure that all patients and providers are guaranteed at least a baseline of protection.

We are currently seeing attempts to regulate health care on a disease-by-disease basis. This is not the best way to protect consumers and providers. We need to focus on maintaining the unique relationship between health care providers and their patients, so that optimal care is available. Congress should not be in the business of deciding how long a patient needs to stay in the hospital for treatment of a specific condition, or whether a specific technology should be offered to a specific patient. We should instead make certain that health care providers can take into account the uniqueness of each of their patients in developing a rational and appropriate plan of care that can be followed. We can do this by ensuring that consumers and providers are included in the utilization review and decisionmaking process. The framework provided by the Patient Protection Act of 1997 will allow this to occur.

These issues will become increasingly important as managed care arrangements proliferate, competition increases, more and more Americans and children lose their health insurance coverage, and costs continue to escalate. Until we are willing to make the hard choices and deal with the underlying problems in our current system, the very least we should do is enact some sensible protections that safeguard patients' and providers' rights.

Mr. President, many people are fond of saying that health care reform is happening now—employers are managing their costs by enrolling increasing numbers of employees in managed care plans and new provider networks are emerging daily. But with so much attention being paid to the cost and business of health care, the providers and patients are losing substantial control over decisions affecting patients' health. It is therefore all the more important that we provide patient and provider protections. The Patient Protection Act of 1997 will go a long way toward doing that.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Patient Protection Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act are as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—OFFICE FOR CONSUMER INFORMATION, COUNSELING AND ASSISTANCE WITH HEALTH CARE

Sec. 101. Establishment.

TITLE II—UTILIZATION MANAGEMENT

Sec. 201. Definitions.
Sec. 202. Requirement for utilization review program.
Sec. 203. Standards for utilization review.

TITLE III—HEALTH PLAN STANDARDS

Sec. 301. Health plan standards.
Sec. 302. Minimum solvency requirements.
Sec. 303. Information on terms of plan.
Sec. 304. Access.
Sec. 305. Credentialing for health providers.
Sec. 306. Grievance procedures.
Sec. 307. Confidentiality standards.
Sec. 308. Discrimination.
Sec. 309. Prohibition on selective marketing.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Enforcement.
Sec. 402. Effective date.
Sec. 403. Preemption.

SEC. 2. DEFINITIONS.

Unless specifically provided otherwise, as used in this Act:

(1) CARRIER.—The term "carrier" means a licensed insurance company, a hospital or medical service corporation (including an existing Blue Cross or Blue Shield organization, within the meaning of section 833(c)(2) of Internal Revenue Code of 1986 as in effect before the date of the enactment of this Act), a health maintenance organization, or other entity licensed or certified by the State to provide health insurance or health benefits.

(2) COVERED INDIVIDUAL.—The term "covered individual" means a member, enrollee, subscriber, covered life, patient or other individual eligible to receive benefits under a health plan.

(3) EMERGENCY SERVICES.—The term "emergency services" means those health care services that are provided to a patient after the sudden onset of a health condition that manifests itself by symptoms of sufficient severity, including severe pain, and the absence of such immediate health care attention could reasonably be expected, to result in—

(A) placing the patient's health in serious jeopardy;

(B) serious impairment to bodily function; or

(C) serious dysfunction of any bodily organ or part.

(4) HEALTH PLAN.—The term "health plan" includes any organization that seeks to arrange for, or provide for the financing and coordinated delivery of, health care services directly or through a contracted health provider panel, and shall include health maintenance organizations, preferred provider organizations, single service health maintenance organizations, single service preferred provider organizations, other entities such as provider-hospital or hospital-provider organizations, employee welfare benefit plans (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)), and multiple employer welfare plans or other association plans, as well as carriers.

(5) HEALTH PROVIDER.—The term "health provider" means an individual who is licensed or certified under State law to provide health care services and who is operating within the scope of such licensure or certification.

(6) MANAGED CARE PLAN.—

(A) IN GENERAL.—The term "managed care plan" means a plan operated by a managed care entity (as defined in subparagraph (B)), that provides for the financing and delivery of health care services to persons enrolled in such plan through—

(i) arrangements with selected providers to furnish health care services;

(ii) explicit standards for the selection of participating providers;

(iii) organizational arrangements for ongoing quality assurance, utilization review programs, and dispute resolution; and

(iv) financial incentives for persons enrolled in the plan to use the participating providers and procedures provided for by the plan.

(B) MANAGED CARE ENTITY.—The term "managed care entity" includes a licensed insurance company, hospital or medical service plan (including provider and provider-hospital networks), health maintenance organization, an employer or employee organization, or a managed care contractor (as defined in subparagraph (C)), that operates a managed care plan.

(C) MANAGED CARE CONTRACTOR.—The term "managed care contractor" means a person that—

(i) establishes, operates, or maintains a network of participating providers;

(ii) conducts or arranges for utilization review activities; and

(iii) contracts with an insurance company, a hospital or health service plan, an employer, an employee organization, or any other entity providing coverage for health care services to operate a managed care plan.

(7) PROVIDER NETWORK.—The term "provider network" means, with respect to a health plan that restricts access, those providers who have entered into a contract or agreement with the plan under which such providers are obligated to provide items and services under the plan to eligible individuals enrolled in the plan, or have an agreement to provide services on a fee-for-service basis.

(8) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services unless specifically provided otherwise .

(9) SPECIALIZED TREATMENT EXPERTISE.—The term "specialized treatment expertise" means expertise in diagnosing and treating unusual diseases and conditions, diagnosing and treating diseases and conditions that are usually difficult to diagnose or treat, and providing other specialized health care.

(10) SPONSOR.—The term "sponsor" means a carrier or employer that provides a health plan.

(11) UTILIZATION REVIEW.—The term "utilization review" means a set of formal techniques designed to monitor and evaluate the clinical necessity, appropriateness and efficiency of health care services, procedures, providers and facilities. Techniques may include ambulatory review, prospective review, second opinion, certification, concurrent review, case management, discharge planning, and retrospective review.

TITLE I—OFFICE FOR CONSUMER INFORMATION, COUNSELING AND ASSISTANCE WITH HEALTH CARE

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—The Secretary shall award a grant to each State and each State shall use amounts received under the grant to establish an Office for Consumer Information, Counseling and Assistance with Health Care (referred to in this section as the "Office"). Each such Office shall perform public outreach and provide education and assistance concerning consumer rights with respect to health insurance and benefits as provided for in subsection (d).

(b) USE OF GRANT.—

(1) IN GENERAL.—A State shall use a grant under this section—

(A) to administer the Office and carry out the duties described in subsection (d);

(B) to solicit and award contracts to private, nonprofit organizations applying to the State to administer the Office and carry out the duties described in subsection (d); or

(C) in the case of a State operating a consumer information counseling and assistance program on the date of enactment of this Act, to expand and improve such program.

(2) CONTRACTS.—With respect to the contract described in paragraph (1)(B), the contract period shall be not less than 2 years and not more than 4 years.

(c) STAFF.—A State shall ensure that the Office has sufficient staff (including volunteers) and local offices throughout the State to carry out its duties under this section and a demonstrated ability to represent and work with a broad spectrum of consumers, including vulnerable and underserved populations.

(d) DUTIES.—An Office established under this section shall—

(1) establish a State-wide toll-free hotline to enable consumers to contact the Office;

(2) have the ability to provide culturally appropriate assistance that as far as practicable takes into consideration under this subsection language needs;

(3) develop outreach programs to provide health insurance and health benefits information, counseling, and assistance;

(4) provide outreach and education relating to consumer rights and responsibilities under this Act, including the rights and services available through the Office;

(5) provide individuals with assistance in enrolling in health plans (including providing plan comparisons), or in obtaining services or reimbursements from health plans;

(6) provide individuals with assistance in filing applications for appropriate State health plan premium assistance programs;

(7) provide individuals with information and advocacy concerning existing grievance procedures and institute systems of referral to appropriate Federal or State departments or agencies for assistance with problems related to insurance coverage (including legal problems);

(8) ensure that regular and timely access is provided to the services available through the Office;

(9) implement training programs for staff members (including volunteer staff members) and collect and disseminate timely and accurate health care information to staff members;

(10) not less than once each year, conduct public hearings to identify and address community health care needs;

(11) coordinate its activities with the staff of the appropriate departments and agencies of the State government and other appropriate entities within the State; and

(12) carry out any other activities determined appropriate by the Secretary.

(e) STATE DUTIES.—

(1) ACCESS TO INFORMATION.—The State shall ensure that, for purposes of carrying out the duties of the Office, the Office has appropriate access to relevant information, subject to the application of procedures to ensure confidentiality of enrollee and proprietary health plan information.

(2) REPORTING AND EVALUATION REQUIREMENTS.—

(A) REPORT.—The Office shall annually prepare and submit to the State a report on the nature and patterns of consumer complaints received by the Office during the year for which the report is prepared. Such report shall contain any policy, regulatory, and legislative recommendations for improvements in the activities of the Office together with a record of the activities of the Office.

(B) EVALUATION.—The State shall annually evaluate the quality and effectiveness of the Office in carrying out the activities described in subsection (d).

(3) CONFLICTS OF INTEREST.—The State shall ensure that no individual involved in selecting the entity with which to enter into a contract under subsection (b)(1)(B), or involved in the operation of the Office, or any delegate of the Office, is subject to a conflict of interest.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE II—UTILIZATION MANAGEMENT

SEC. 201. DEFINITIONS.

As used in this title:

(1) ADVERSE DETERMINATION.—The term "adverse determination" means a determination that an admission to or continued stay at a hospital or that another health care service that is required has been reviewed and, based upon the information provided, does not meet the requirements for clinical necessity, appropriateness, level of care, or effectiveness.

(2) AMBULATORY REVIEW.—The term "ambulatory review" means utilization review of health care services performed or provided in an outpatient setting.

(3) APPEALS PROCEDURE.—The term "appeals procedure" means a formal process under which a covered individual (or an individual acting on behalf of a covered individual), attending provider or facility may appeal an adverse utilization review decision rendered by the health plan or its designee utilization review organization.

(4) CARE COORDINATOR.—The term "care coordinator" means a health provider who performs case management functions in consultation with the interdisciplinary health care team, the patient, family, and community.

(5) CASE MANAGEMENT.—The term "case management" means a coordinated set of activities conducted for the individual patient management of serious, complicated, protracted or chronic health conditions that provides cost-effective and benefit-maximizing treatments for extremely resource-intensive conditions.

(6) CLINICAL REVIEW CRITERIA.—The term "clinical review criteria" means the recorded (written or otherwise) screening procedures, decision abstracts, clinical protocols and practice guidelines used by the health plan to determine necessity and appropriateness of health care services.

(7) COMPARABLE.—The term "comparable" means a health provider who is licensed or certified in a manner that permits the provider to authorize the equipment, services, or procedures that are the subject of a review.

(8) CONCURRENT REVIEW.—The term "concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(9) DISCHARGE PLANNING.—The term "discharge planning" means the formal process for determining, coordinating and managing the care a patient receives following the discharge of the patient from a facility.

(10) FACILITY.—The term "facility" means an institution or health care setting providing the prescribed health care services under review. Such term includes hospitals and other licensed inpatient facilities, ambulatory surgical or treatment centers, skilled nursing facilities, residential treatment centers, diagnostic, laboratory and imaging centers and rehabilitation and other therapeutic health care settings.

(11) PROSPECTIVE REVIEW.—The term "prospective review" means utilization review conducted prior to an admission or a course of treatment.

(12) RETROSPECTIVE REVIEW.—The term "retrospective review" means utilization review conducted after health care services have been provided to a patient. Such term does not include the retrospective review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding and adjudication for payment.

(13) SECOND OPINION.—The term "second opinion" means an opportunity or requirement to obtain a clinical evaluation by a provider other than the provider originally making a recommendation for a proposed health service to assess the clinical necessity and appropriateness of the initial proposed health service.

(14) UTILIZATION REVIEW ORGANIZATION.—The term "utilization review organization" means an entity that conducts utilization review.

SEC. 202. REQUIREMENT FOR UTILIZATION REVIEW PROGRAM.

A health plan shall have in place a utilization review program that meets the requirements of this title and that is certified by the State.

SEC. 203. STANDARDS FOR UTILIZATION REVIEW.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services, in consultation with the Secretary of Labor (referred to in this title as the "Secretaries"), shall establish standards for the establishment, operation, and certification and periodic recertification of health plan utilization review programs.

(b) ALTERNATIVE STANDARDS.—

(1) IN GENERAL.—A State may certify a health plan as meeting the standards established under subsection (a) if the State determines that the health plan has met the utilization standards required for accreditation as applied by a nationally recognized, independent, nonprofit accreditation entity.

(2) REVIEW BY STATE.—A State that makes a determination under paragraph (1) shall periodically review the standards used by the private accreditation entity to ensure that such standards meet or exceed the standards established by the Secretaries under this title.

(c) UTILIZATION REVIEW PROGRAM REQUIREMENTS.—The standards developed by the Secretaries under subsection (a) shall require that utilization review programs comply with the following:

(1) DOCUMENTATION.—A health plan shall provide a written description of the utilization review program of the plan, including a description of—

(A) any activities assigned from the health plan to other entities;

(B) the policies and procedures used under the program to evaluate clinical necessity; and

(C) the clinical review criteria, information sources, and the process used to review and approve the provision of health care services under the program.

(2) PROHIBITION.—With respect to the administration of the utilization review program, a health plan may not employ utilization reviewers or contract with a utilization management organization if the conditions of employment or the contract terms include financial incentives to reduce or limit the provision of clinically necessary or appropriate services to covered individuals.

(3) REVIEW AND MODIFICATION.—A health plan shall develop procedures for periodically reviewing and modifying the utilization review of the plan. Such procedures shall provide for the participation of providers and consumers in the health plan in the development and review of utilization review policies and procedures.

(4) DECISION PROTOCOLS.—

(A) IN GENERAL.—A utilization review program shall develop and apply recorded (written or otherwise) utilization review decision protocols. Such protocols shall be based on sound health care evidence.

(B) PROTOCOL CRITERIA.—The clinical review criteria used under the utilization review decision protocols to assess the appropriateness of health care services shall be clearly documented and available to participating health providers upon request. Such protocols shall include a mechanism for assessing the consistency of the application of the criteria used under the protocols across reviewers, and a mechanism for periodically updating such criteria.

(5) REVIEW AND DECISIONS.—

(A) REVIEW.—The procedures applied under a utilization review program with respect to the preauthorization and concurrent review of the necessity and appropriateness of health care devices, services or procedures, shall require that qualified, comparable health care providers supervise review decisions. With respect to a decision to deny the provision of health care devices, services or procedures, a comparable provider shall conduct a subsequent review to determine the clinical appropriateness of such a denial. Comparable health providers from the appropriate specialty area shall be utilized in the review process.

(B) DECISIONS.—All utilization review decisions shall be made in a timely manner, as determined appropriate when considering the urgency of the situation.

(C) ADVERSE DETERMINATIONS.—With respect to utilization review, an adverse determination or noncertification of an admission, continued stay, or service shall be clearly documented, including the specific clinical or other reason for the adverse determination or noncertification, and be available to the covered individual and the affected provider or facility. A health plan may not deny or limit coverage with respect to a service that the enrollee has already received solely on the basis of lack of prior authorization or second opinion, to the extent that the service would have otherwise been covered by the plan had such prior authorization or a second opinion been obtained.

(D) NOTIFICATION OF DENIAL.—A health plan shall provide a covered individual with timely notice of an adverse determination or noncertification of an admission, continued stay, or service. Such a notification shall include information concerning the utilization review program appeals procedure as well as the telephone number for the Office.

(6) REQUESTS FOR AUTHORIZATION.—A health plan utilization review program shall ensure that requests by covered individuals or providers for prior authorization of a nonemergency service shall be answered in a timely manner after such request is received. If utilization review personnel are not available in a timely fashion, any health care services provided shall be considered approved.

(7) NEW TECHNOLOGIES.—A utilization review program shall implement policies and procedures to evaluate the appropriate use of new health care technologies or new applications of established technologies, including health care procedures, drugs, and devices. The program shall ensure that appropriate providers participate in the development of technology evaluation criteria.

(8) SPECIAL RULE.—Where prior authorization for a service or other covered item is obtained under a program under this section, the service shall be considered to be covered unless there was intentional fraud or intentionally incorrect information provided at the time such prior authorization was obtained. If a provider intentionally supplied the incorrect information that led to the authorization of clinically unnecessary care, the provider shall be prohibited from collecting payment directly from the enrollee, and shall reimburse the plan and subscriber for any payments or copayments the provider may have received.

(d) HEALTH PLAN REQUIREMENTS.—

(1) DISCLOSURE OF INFORMATION.—

(A) PROSPECTIVE COVERED INDIVIDUALS.—A health plan shall, with respect to any materials distributed to prospective covered individuals, include a summary of the utilization review procedures of the plan.

(B) COVERED INDIVIDUALS.—A health plan shall, with respect to any materials distributed to newly covered individuals, include a clear and comprehensive description of utilization review procedures of the plan and a statement of patient rights and responsibilities with respect to such procedures.

(C) STATE OFFICIALS.—

(i) IN GENERAL.—A health plan shall disclose to the State insurance commissioner, or other designated State official, the health plan utilization review program policies, procedures, and reports required by the State for certification.

(ii) STREAMLINING OF PROCEDURES.—To the extent practicable, a State shall implement procedures to streamline the process by which a health plan documents compliance with the requirements of this Act, including procedures to condense the number of documents filed with the State concerning such compliance.

(2) TOLL-FREE NUMBER.—A health plan shall have a membership card which shall have printed on the card the toll-free telephone number that a covered individual should call to receive precertification utilization review decisions.

(3) EVALUATION.—A health plan shall establish mechanisms to evaluate the effects of the utilization review program of the plan through the use of member satisfaction data or through other appropriate means.

(e) EMERGENCY CARE.—

(1) EMERGENCY MEDICAL CONDITION.—For purposes of this section the term "emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson (including the parent of a minor child or the guardian of a disabled individual), who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

(A) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy,

(B) serious impairment to bodily functions, or

(C) serious dysfunction of any bodily organ or part.

(2) PREAUTHORIZATION.—With respect to emergency services furnished in a hospital emergency department, a health plan shall not require prior authorization for the provision of such services if the enrollee arrived at the emergency department with symptoms that reasonably suggested an emergency medical condition based on the judgment of a prudent layperson, regardless of whether the hospital was affiliated with the health plan. All procedures performed during the evaluation and treatment of an emergency medical condition shall be covered under the health plan.

TITLE III—HEALTH PLAN STANDARDS

SEC. 301. HEALTH PLAN STANDARDS.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services, in conjunction with the Secretary of Labor (referred to in this title as the "Secretaries"), shall establish standards for the certification and periodic recertification of health plans, including standards which require plans to meet the requirements of this title.

(b) STATE CERTIFICATION.—

(1) IN GENERAL.—A State shall provide for the certification of health plans if the certifying authority designated by the State determines that the plan meets the applicable requirements of this Act.

(2) REQUIREMENT.—Effective on January 1, 1999, a health plan sponsor may only offer a health plan in a State if such plan is certified by the State under paragraph (1).

(c) CONSTRUCTION.—Whenever in this title a requirement or standard is imposed on a health plan, the requirement or standard is deemed to have been imposed on the sponsor of the plan in relation to that plan.

SEC. 302. MINIMUM SOLVENCY REQUIREMENTS.

(a) IN GENERAL.—Except as provided in subsection (b), each State shall apply minimum solvency requirements to all health plans offered or operating within the State to ensure the fiscal integrity of such plans. A health plan shall meet the financial reserve requirements that are established by the State to assure proper payment for health care services provided under the plan. Such requirements may include plan participation in a mechanism to provide for indemnification of plan failures even if a plan has met the reserve requirements.

(b) FEDERAL STANDARDS.—The Secretaries shall establish minimum solvency standards that shall apply to all self-insured health plans. Such standards shall at least meet the solvency requirements established by the National Association of Insurance Commissioners.

SEC. 303. INFORMATION ON TERMS OF PLAN.

(a) IN GENERAL.—A health plan shall provide prospective covered individuals with written information concerning the terms and conditions of the health plan to enable such individuals to make informed decisions with respect to a certain system of health care delivery. Such information shall be standardized so that prospective covered individuals may compare the attributes of all such plans offered within the coverage area.

(b) UNDERSTANDABILITY.—Information provided under this section, whether written or oral shall be easily understandable, truthful, linguistically appropriate and objective with respect to the terms used. Descriptions provided in such information shall be consistent with standards developed for supplemental insurance coverage under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(c) REQUIRED INFORMATION.—Information required under this section shall include information concerning—

(1) coverage provisions, benefits, and any exclusions by category of service or product;

(2) plan loss ratios with an explanation that such ratios reflect the percentage of the premiums expended for health services;

(3) prior authorization or other review requirements including preauthorization review, concurrent review, post-service review, post-payment review and procedures that may lead the patient to be denied coverage for, or not be provided, a particular service or product;

(4) an explanation of how plan design impacts enrollees, including information on the financial responsibility of covered individuals for payment for coinsurance or other out-of-plan services;

(5) covered individual satisfaction statistics, including disenrollment statistics and satisfaction statistics from those who disenroll;

(6) advance directives and organ donation;

(7) the characteristics and availability of health care providers and institutions participating in the plan, including descriptions of the financial arrangements or contractual provisions with hospitals, utilization review organizations, physicians, or any other provider of health care services that would affect the services offered, referral or treatment options, or provider's fiduciary responsibility to patients, including financial incentives regarding the provision of services; and

(8) quality indicators for the plan and for participating health providers under the plan, including population-based statistics such as immunization rates and performance measures such as survival after surgery, adjusted for case mix.

SEC. 304. ACCESS.

(a) IN GENERAL.—A health plan shall demonstrate that the plan has a sufficient number, distribution, and variety of qualified health care providers to ensure that all covered health care services will be available and accessible in a timely manner to adults, infants, children, and individuals with disabilities enrolled in the plan. Plans shall make reasonable efforts to address issues of cultural competence and appropriateness with respect to providers.

(b) AVAILABILITY OF SERVICES.—A health plan shall ensure that services covered under the plan are available in a timely manner that ensures a continuity of care, are accessible within a reasonable proximity to the residences of the enrollees, are available within reasonable hours of operation, and include emergency and urgent care services when clinically necessary and available which shall be accessible within the service area 24-hours a day, seven days a week.

(c) SPECIALIZED TREATMENT.—A health plan shall demonstrate that plan enrollees have meaningful access, when clinically indicated in the judgment of the treating health provider, to specialized treatment expertise.

(d) CHRONIC CONDITIONS.—

(1) In general.—Any process established by a health plan to coordinate care and control costs may not impose an undue burden on enrollees with chronic health conditions. The plan shall ensure a continuity of care and shall, when clinically indicated in the judgment of the treating health provider, ensure ongoing direct access to relevant specialists for continued care.

(2) Care coordinator.—In the case of an enrollee who has a severe, complex, or chronic condition, the health plan shall determine, based on the judgment of the treating health provider, whether it is clinically necessary or appropriate to use a care coordinator from an interdisciplinary team.

(e) Requirement.—

(1) In general.—The requirements of this section may not be waived and shall be met in all areas where the health plan has enrollees, including rural areas. With respect to children, such services shall include pediatric and pediatric specialty services.

(2) Out-of-network services.—If a health plan fails to meet the requirements of this section, the plan shall arrange for the provision of out-of-network services to enrollees in a manner that provides enrollees with access to services in accordance with the principles and parameters set forth in this section.

SEC. 305. CREDENTIALING FOR HEALTH PROVIDERS.

(a) In General.—A health plan shall credential health providers furnishing health care services under the plan.

(b) Credentialing Process.—

(1) In general.—A health plan shall establish a credentialing process. Such process shall ensure that a health provider is credentialed prior to that provider being listed as a health provider in the health plan's marketing materials, in accordance with recorded (written or otherwise) policies and procedures.

(2) Responsibility chief health care officer.—The chief health care officer of the health plan, or another designated health provider, shall have responsibility for the credentialing of health providers under the plan.

(3) Uniform applications.—A State shall develop a basic uniform application that shall be used by all health plans in the State for credentialing purposes.

(4) Standards.—

(A) In general.—Credentialing decisions under a health plan shall be based on objective standards with input from health providers credentialed under the plan. Information concerning all application and credentialing policies and procedures shall be made available for review by the health providers involved upon written request.

(B) Right to review information.—A health provider who undergoes the credentialing process shall have the right to review the basis information, including the sources of that information, that was used to meet the designated credentialing criteria.

SEC. 306. GRIEVANCE PROCEDURES.

(a) In General.—A health plan shall adopt a timely and organized system for resolving complaints and formal grievances filed by covered individuals. Such system shall include—

(1) recorded (written or otherwise) procedures for registering and responding to complaints and grievances in a timely manner;

(2) documentation concerning the substance of complaints, grievances, and actions taken concerning such complaints and grievances, which shall be in writing, and be available upon request to the Office for Consumer Information, Counseling and Assistance with Health Care;

(3) procedures to ensure a resolution of a complaint or grievance;

(4) the compilation and analysis of complaint and grievance data;

(5) procedures to expedite the complaint process if the complaint involves a dispute about the coverage of an immediately and urgently needed service; and

(6) procedures to ensure that if an enrollee orally notifies a health plan about a complaint, the plan (if requested) must send the enrollee a complaint form that includes the telephone numbers and addresses of member services, a description of the plan's grievance procedure, and the telephone number of the Officer for Consumer Information, Counseling and Assistance with Health Care where enrollees may register complaints.

(b) Appeal Process.—A health plan shall adopt an appeals process to enable covered individuals and providers to appeal decisions that are adverse to the covered individuals. Such a process shall include—

(1) the right to a review by a grievance panel;

(2) the right to a second review with a different panel, independent from the health plan; and

(3) an expedited process for review in emergency cases.

The Secretaries shall develop guidelines for the structure and requirements applicable to the independent review panel.

(c) Notification.—With respect to the complaint, grievance, and appeals processes required under this section, a health plan shall, upon the request of a covered individual, provide the individual a written decision concerning a complaint, grievance, or appeal in a timely fashion.

(d) Non-Impediment to Benefits.—The complaint, grievance, and appeals processes established in accordance with this section may not be used in any fashion to discourage, prevent, or deny a covered individual from receiving clinically necessary care in a timely manner.

(e) Due Process With Respect to Credentialing.—

(1) Receipt of information.—A health provider who is subject to credentialing under section 305 shall, upon written request, receive from the health plan any information obtained by the plan during the credentialing process that, as determined by the credentialing committee, does not meet the credentialing standards of the plan, or that varies substantially from the information provided to the health plan by the health provider.

(2) Submission of corrections.—A health plan shall have a formal, recorded (written or otherwise) process by which a health provider may submit supplemental information to the credentialing committee if the health provider determines that erroneous or misleading information has been previously submitted. The health provider may request that such information be reconsidered in the evaluation for credentialing purposes.

(3) No entitlement.—

(A) In general.—A health provider is not entitled to be selected or retained by a health plan as a participating or contracting provider whether or not such provider meets the credentialing standards established under section 305.

(B) Economic considerations.—If economic considerations, including the health care provider's patterns of expenditure per patient, are part of a selection decision, objective criteria shall be used in examining such considerations and a written description of such criteria shall be provided to applicants, participating health providers, and enrollees. Any economic profiling of health providers must be adjusted to recognize case mix, severity of illness, and the age and gender of patients of a health provider's practice that may account for higher or lower than expected costs, to the extent appropriate data in this regard is available to the health plan.

(4) Termination, reduction or withdrawal.—

(A) Procedures.—A health plan shall develop and implement procedures for the reporting, to appropriate authorities, of serious quality deficiencies that result in the suspension or termination of a contract with a health provider.

(B) Review.—A health plan shall develop and implement policies and procedures under which the plan reviews the contract privileges of health providers who—

(i) have seriously violated policies and procedures of the health plan;

(ii) have lost their privilege to practice with a contracting institutional provider; or

(iii) otherwise pose a threat to the quality of service and care provided to the enrollees of the health plan.

At a minimum, the policies and procedures implemented under this subparagraph shall meet the requirements of the Health Care Quality Improvement Act of 1986.

(C) Communication.—Health plans shall not restrict nor inhibit communication between providers and patients or penalize a provider making public the failure of the health plan to comply with the provisions of this Act.

(D) Liability.—A health plan shall not require a provider to sign any type of hold-harmless agreement as a requirement for participation in the health plan.

(E) Due process.—The policies and procedures implemented under subparagraph (B) shall include requirements for the timely notification of the affected health provider of the reasons for the reduction, withdrawal, or termination of privileges, and shall provide the health provider with the right to appeal initially to the health plan and subsequently, upon failure to resolve a dispute, to an independent entity, the determination of reduction, withdrawal, or termination. No reduction, withdrawal or termination of privileges shall be made without cause.

(F) Availability.—A written copy of the policies and procedures implemented under this paragraph shall be made available to a health provider on request prior to the time at which the health provider contracts to provide services under the plan.

SEC. 307. CONFIDENTIALITY STANDARDS.

(a) In General.—A health plan shall ensure that the confidentiality of specified enrollee patient information and records is protected.

(b) Policies and Procedures.—A health plan shall have written confidentiality policies and procedures. Such policies and procedures shall, at a minimum—

(1) protect the confidentiality of enrollee patient information within the administrative structure of the health plan with special attention to sensitive health conditions and history;

(2) protect health care record information;

(3) protect claim information;

(4) establish requirements for the release of information; and

(5) inform health plan employees of the confidentiality policies and procedures and enforce compliance with such policies and procedures.

(c) Patient Care Providers and Facilities.—A health plan shall ensure that providers, offices and facilities responsible for providing covered items or services to plan enrollees have implemented policies and procedures to prevent the unauthorized or inadvertent disclosure of confidential patient information to individuals who should not have access to such information.

(d) Release of Information.—An enrollee in a health plan shall have the opportunity to approve or disapprove the release of identifiable personal patient information by the health plan, except where such release is required under applicable law.

SEC. 308. DISCRIMINATION.

(a) Enrollees.—A health plan (network or non-network) may not discriminate or engage (directly or through contractual arrangements) in any activity, including the selection of service area, that has the effect of discriminating against an individual on the basis of race, culture, national origin, gender, language, socio-economic status, age, disability, health status including genetic information, or anticipated utilization of health services.

(b) Providers.—A health plan may not discriminate in the selection of members of the health provider or provider network (and in establishing the terms and conditions for membership in the network) of the plan based on—

(1) the race, national origin, culture, age or disability of the health provider; or

(2) the socio-economic status, disability, health status, or anticipated utilization of health services of the patients of the health provider.

SEC. 309. PROHIBITION ON SELECTIVE MARKETING.

A health plan may not engage in marketing or other practices intended to discourage or limit the issuance of health plans to individuals on the basis of health condition, geographic area, industry, or other risk factors.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. ENFORCEMENT.

(a) In General.—A State shall prohibit the offering or issuance of any health plan in such State if such plan does not—

(1) have in place a utilization review program that is certified by the State as meeting the requirements of title II;

(2) comply with the standards developed under title III;

(3) have in place a credentialing program that meets the requirements of section 305;

(4) comply with the requirements of title IV; and

(5) meet any other requirements determined appropriate by the Secretary.

(b) Self-Insured Plans.—The Secretary of Labor may take corrective action to terminate or disqualify a self-insured plan that does not meet the standards developed under this subsection.

SEC. 402. EFFECTIVE DATE.

(a) In General.—Except as otherwise provided in this section, this Act shall take effect on the date of enactment of this Act.

(b) Standards.—The standards and programs required under this Act shall apply to health plans beginning on January 1, 1999.

(c) Office for Consumer Information, Counseling and Assistance with Health Care.—A State shall have in place the Office required under section 101 on January 1, 1999. The Secretary may award grants for the establishment of such Offices beginning on the date of enactment of this Act.

(d) Other Requirements.—The requirements of title IV shall apply to health plans beginning on January 1, 1999.

(e) Regulations.—The Secretaries described in section 301(a) may promulgate regulations to carry out this Act.

SEC. 403. PREEMPTION.

Nothing in this Act shall be construed to preempt any State law, or the implementation of such a State law, that provides protections for individuals that are equivalent to or stricter than the provisions of this Act.●

By Mr. CLELAND (for himself, Mr. COVERDELL, Ms. MOSELEY-BRAUN, Mr. REID, Mr. HOLLINGS, Mr. BINGAMAN, Mr. FORD, Mr. AKAKA, Mr. LEVIN, Mr. KERRY, Mr. CONRAD, Mr. BREAUX, Mr. LUGAR, Mr. HAGEL, Mr. NICKLES, Mr. ROCKEFELLER, Mr. COCHRAN, Mr. LEAHY, Mr. THURMOND, Mr. BUMPERS, Mr. LIEBERMAN, Mr. WARNER, Mrs. HUTCHISON, and Mr. HUTCHINSON):

S. 347. A bill to designate the Federal building located at 100 Alabama Street NW, in Atlanta, GA, as the "Sam Nunn Federal Center"; to the Committee on Environment and Public Works.

SAM NUNN FEDERAL CENTER LEGISLATION

● Mr. CLELAND. Mr. President, today, I honor Senator SAM NUNN, my friend, and one of America's most outstanding public servants. In recognition of the exceptional service Senator SAM NUNN has given to Georgia, the Senate, and the United States, I believe it would be fitting that the new Federal building in Atlanta be designated the "Sam Nunn Federal Center."

Senator NUNN has provided exemplary bipartisan leadership over the past 24 years, serving in a variety of leadership positions including both chairman and ranking member of the Senate Armed Services Committee and the chairman and ranking member on the Senate's Permanent Subcommittee on Investigations. In his years in the U.S. Senate, Senator NUNN earned the reputation as an internationally recognized expert on economic policy, defense, and national security.

Respected and honored by both his colleagues and constituents, it has been said of Senator NUNN, "Unlike some who gained prominence in the nation's capital, Nunn has not done so at the expense of his home base * * * Public events shift and change, but SAM NUNN keeps right on being SAM NUNN." First elected to the Senate in 1972, SAM NUNN has been one of the most admired and respected Members of the U.S. Senate and has consistently been ranked among the most effective Senators in surveys of journalists and congressional staffers.

Senator NUNN has recently ended his many years of service as a U.S. Senator and I am deeply honored to now occupy his seat. I believe that naming the Federal building in Atlanta after Senator NUNN would be a permanent way in which we can appropriately recognize Senator NUNN's contributions to the Nation. I urge my fellow colleagues to join me in honoring my friend, and one of America's most admired public servants, and support the passage of the bill to designate the "Sam Nunn Federal Center." In conclusion, I would like to have Senator BYRD's September 27 floor statement made in tribute to Senator NUNN re-entered in the RECORD.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Congressional Record, Sept. 27, 1996]

TRIBUTE TO SENATOR SAM NUNN

Mr. BYRD. Mr. President, we are rapidly approaching that season when we shall witness the departure of many of our colleagues who have elected not to serve beyond this Congress.

Mr. President, I was the 1,579th Senator of 1,826 men and women who have served in the U.S. Senate from the beginning. I have seen many fine Senators come and go. As I think back over the years, something good might well have been said about most, if not all, of these Senators. We are prone, of course, to deliver heartfelt eulogies, speeches declaring our regrets that our colleagues choose to leave the service of this body.

About all of these Senators whom I have seen depart the Senate, some good could be said, unlike Lucius Aelius Aurelius Commodus, the Roman emperor who served from 180 to 192 A.D., one of the few Roman emperors about whom nothing good could be said.

I don't think that any of the Senators that I can recall at the moment who voluntarily retired with honor from this body were Senators about whom nothing good could be said. But shortly, we will witness the departure of one of the truly outstanding United States Senators of our time, and when I say "of our time," I mean my time as a Member of Congress for 44 years, a Member of this body for 38 years. The departure of SAM NUNN will be an irreparable loss. Someone might be able to take his place over a period of years.

I remember the death of Senator Russell, Richard Russell of Georgia, on January 21, 1971, 25 years ago. In the course of those 25 years, one-quarter of a century, I have to say that I have not seen the likeness of Richard Russell, except in Senator SAMUEL AUGUSTUS NUNN.

So it may be another 25 years, it may be 50 years before we see the likeness of Senator NUNN.

I pay tribute to this distinguished colleague who is retiring from the Senate after 24 years—illustrious years. There are many things that one can say about SAM NUNN, as he has been consistently productive, growing in stature year by year to become, without doubt, the leading Senate voice on national defense security and alliance issues—the leading voice. His accomplishments, of which there are many, are notable and derive from an approach to his work which is unfailingly thorough and well-focused. He is blessed with an exceptional intellect, and in Senator NUNN's case that sharp intellect combines with a much rarer talent for harnessing creative visions to practical techniques. SAM NUNN has been especially successful as a legislator in this body because of his ability to reduce complicated issues to an understandable scope, while avoiding oversimplification. Then he works patiently and persistently to build bipartisan support.

Indeed, his many ideas and initiatives are often shared and supported by his colleagues across the aisle. In a day when bipartisanship is as rare as platinum and gold and rubies, and certainly as valuable, SAM NUNN epitomizes that for which so many of us strive, and often fail to achieve—bipartisan consensus which the people so desire and which fuels large majorities behind legislative endeavors. The ingredients of vision coupled with practicality, and balance between liberal and conservative views, mark his spectacularly successful career as a Senator and are textbook examples for the younger Members of this body and the newer Members of this body in the years to come to heed and to emulate.

SAM NUNN hails from Georgia, where commitment to the Nation's defense runs deeply, and from whence some of our greatest legislators on national defense have emerged. He has upheld the great Georgia tradition so ably begun by his granduncle Representative Carl Vinson, with whom I served in the House of Representatives before coming to the Senate, and his predecessor, Senator Richard B. Russell.

While Senator NUNN has only served as the chairman or ranking member of the Armed Services Committee for 12 years, his record of achievement and the reverence in which he is held in this body are comparable to that—and I know—comparable to that of the great Russell. This is a feat of enormous distinction. The State of Georgia has to be extremely proud to have given such talented sons to our Republic, men who have so well borne the mantle of responsibility to protect the defense of our Nation and promote its fighting forces.

Now, if you ask SAM NUNN what he regards as the most important of his many, many achievements in affecting and directing U.S. policy in the national defense arena, I doubt—and I have never asked him this question—but I doubt that he would mention the more widely publicized of his achievements, such as his role in developing the Stealth fighter; or the many initiatives he authored to reduce the dangers of war in the Russian-American relationship; or the meaningful measures enacted to reduce and make safer the world's inventories of nuclear weapons and fissile materials; or even his role in broadening and deepening American leadership in NATO, in Bosnia, in the Persian Gulf, or in Haiti. It is in the less heralded, less glamorous but critically important area of the morale and welfare of our men and women in uniform that is at the top of the list that SAM NUNN might himself cite as his most noteworthy achievement in the defense area.

Senator NUNN was the key player in meeting the needs of the All Volunteer Force so that we could attract and retain the kind of men and women who could effectively manage and lead our forces across the globe in all environments. He constructed a benefits package for the men and women who fought so well in the Kuwait Desert in Operation Desert Storm. He crafted the post-cold war transition measures that address the needs of our military personnel as they make their way from the front lines of the cold war back into American civilian society.

He has worked tirelessly to instill a sense of pride and loyalty in our uniformed men and women that is of such great value to the Nation. As Edmund Burke said on March 22, 1775, "It is the love of the people; it is their attachment to their government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and navy, and infuses in both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber."

Now I have been privileged to serve with SAM NUNN as a member of the Armed Services Committee and with SAM NUNN as its leader. Senators are not renowned for their managerial skills, but the Armed Services Committee under SAM NUNN's leadership has been superbly managed.

In my 44 years in Congress, I have yet to see a chairman of any committee who excelled SAM NUNN. In my humble judgment, he is the best committee chairman that I have ever seen in these 44 years in Congress, including myself. I worked hard at being a good chairman. But Senator NUNN, to me, represents the ideal, the model, the paragon of excellence as a chairman.

Unusual among authorization committees in the Senate, he produced, from 1987 through 1994, eight straight authorization acts, each of which continued major initiatives to build a better managed, sounder Department of Defense. He was the key figure behind the so-called Goldwater-Nichols Reorganization Act, which decentralized power in the armed services, giving more on-the-ground authority to our unified commanders in the geographic areas where they had to prepare forces to fight in various contingencies. He developed the legislation which produced the Defense Base Closure and Realignment Commission, which cut through the political snarls involved in closing bases, and has been a most effective tool in downsizing the DOD establishment in a fair and orderly way.

Over the years our uniformed leaders have consistently looked to SAM NUNN as their champion, as a strong but sensitive force, who empathized with their special needs and could be counted on to take the kind of action appropriate to best enhance the morale of the men under their command. He did not fail them.

Perhaps some of the most creative ideas that SAM NUNN willed into reality came in the knotty area of reducing the quantum of danger in the Russian-American relationship. He championed, together with JOHN WARNER, programs to increase communication between the American and Russian leadership, and thus reduce the possibilities of tragic, accidental nuclear war. Together with RICHARD LUGAR, he crafted a successful program to dismantle nuclear weapons possessed by the states of the former Soviet Union. He led the Senate Arms Control Observer Group for many years, as my appointee to that group when I was Majority Leader, traveling frequently to Geneva, leading delegations of Senators to ensure that progress on the INF and START Treaties had the knowledge and support of the United States Senate. He traveled extensively to Russia, and in turn Russian legislative leaders traveled to the United States, to exchange views and develop cooperative solutions to problems, thereby increasing the level of confidence and understanding between these two superpowers. Lately he has developed additional initiatives, again with a leading Republican counterpart, Senator DOMENICI, to tackle the problem of terrorist actions against the United States. All in all, SAM NUNN, when he leaves this Chamber and walks out of this door for the last time as a Member of this body, can take immense pride in his long, intense and patient efforts in the superpower relations arena. Those hard-won initiatives have had a substantial impact on the measure of safety in our world. It is indeed no exaggeration to say that the world today is a safer place in part because of the monumental efforts of one man, the senior Senator from the State of Georgia—SAM NUNN.

These achievements and the quality of his dedication and work on defense, alliance and international issues, ranging from NATO to arms control and reduction, anti-terrorism, and joint U.S.-Russian threat reduction and communications measures have propelled his glorious reputation far beyond the Senate. He is known internationally and he is viewed universally as an expert in the defense field. He is well known in official circles around the globe and is widely sought for his wise counsel.

Is it not remarkable that in my time there would have been two chairmen of the Senate Armed Services Committee, two "tall men, who lived above the fog in public duty and in private thinking"—Senator Richard Russell and Senator SAMUEL NUNN—both experts in the field of national defense. Both of whom sought for their wise counsel,—sought out on this floor,—sought out before the bar of the Senate, in the well, sought out in foreign capitals for their wise counsel.

It is not an overstatement to say SAM NUNN's reach and impact have been international and characterized by workable, sound proposals and brilliant judgment. The global scope of his work has set him apart from the vast majority of men who have served in this body and is a testimony to his dedication to the addressing of the burning issues of sanity and order in our world today.

While SAM NUNN will undoubtedly be remembered for his Senate service in the area of national defense, as if that were not enough, his energy and creativity have also been evident in many other areas. The range of his thinking and his talents as a legislator and policy maker encompass everything from health care, to student loans, to insurance industry reform. In his farewell address, announcing his retirement, in Georgia on October 9, 1995, he dwelled extensively on the need for America to put our youth first, to work on protecting our children from street violence and drugs. He spoke eloquently of the need to reverse the saturation of our TV airwaves with programs of sex and violence. He focused on the need to reinvigorate our educational system in order to reincorporate great numbers of American citizens back into the working culture of our nation. He has developed successful legislation to lay the groundwork for a nationwide "civilian service corps" by offering education benefits in exchange for public service. As the co-chairman of the Strengthening of America Commission, a bipartisan group of business, educational, labor and academic leaders, he has proposed an impressive plan to make radical changes in the income tax code to refocus our economy on savings and investment and away from consumption.

Most importantly, and as my fellow Senators well know, SAM NUNN's success is in large part attributable to his hard rock integrity.

A religious man, he does not go around wearing his religion on his sleeve; he does not go around making a big whoop-de-do about his religion, but he is a religious man, a moral man. SAM NUNN is known as a man whose judgment can be trusted. How many times have I heard Senators come to the Senate floor to vote on a measure and ask:

“How is SAM voting on this one?” He is a leader in this body, in spite of the fact that he has not especially sought to lead. He has not been elected to a leadership position, but he has grown into a leadership position. He is a natural leader. His is the best type of leadership, because it is a leadership that is born of strong character. Horace Greeley said: “Fame is a vapor; popularity an accident; riches take wings. Those who cheer today, may curse tomorrow. Only one thing endures: character.”

SAM NUNN epitomizes that great trait, character. The Senate will feel the loss of SAM NUNN and feel it deeply. His legacy and achievements certainly will grow with time. I am personally deeply sorry that he has chosen to go. He will leave an empty place in the Senate.

Napoleon rejoiced that the “bravest of the brave;” Marshal Ney, had escaped and had returned across the Dnieper River, even though he had lost all of his cannons. Napoleon ordered that there be a salute to celebrate the escape and the return of Ney. And he said, “I have more than 400 million francs in the cellar of the Tuileries in Paris, and I would have gladly given them all for the ransom of my old companion in arms.”

Had SAM NUNN been an officer in the Grand Army of France, Napoleon would have given everything he possessed for another SAM NUNN.

His great natural talents will continue to bring him to the forefront of the national policy discussion, and he will, I know, continue to achieve great things in a variety of new settings.

I have never really felt about a man in the Senate—other than Senator Richard Russell—as I have felt about SAM NUNN. I was the majority whip in the Senate when SAM NUNN came to the Senate, and I urged that he be placed on the Senate Armed Services Committee. As a member of the Steering Committee, I cast my vote to put SAM NUNN on that committee. That is where he wanted to serve. I watched him grow. I have had some differences, from time to time—minor, of course—with SAM on some issues. That is not the point. SAM has fulfilled my idea of what a Senator ought to be.

There were 74 delegates chosen to attend the Constitutional Convention. The Convention met behind closed doors from May 25 to September 17, 1787. Fifty-five of those 74 delegates who were chosen participated, and 39 of the 74 signed the Constitution of the United States. I can see in my mind's eye a SAM NUNN in that gallery. I might well imagine that, as they met from day to day, if SAM NUNN had been a participant, they would have come, as they come here when Members of this body gather in the well, and asked, “What does SAM NUNN think about this?” I have no difficulty in imagining that. In such an august gathering as was that Convention, which sat in 1787, with George Washington, the Commander in Chief at Valley Forge and the soon-to-be first President of the United States, I can imagine that it would have been the same there. They would have said, “What does SAM NUNN think? How is he going to vote?”

The First Congress was to have convened on March 4, 1789. And only 8 Senators—less than a quorum—of the 22 were there on March 4, 1789. Five States were represented—New Hampshire, Connecticut, Massachusetts, Pennsylvania, and Georgia. And the Senator from Georgia who attended that day was William Few.

It could very well have been SAM NUNN as a Member of that first Senate, serving with Oliver Ellsworth, Maclay and Morris, and others. And as they met to blaze the pioneer paths of this new legislative body, the U.S. Senate, I have no problem in imagining that, often, those men would have turned to SAM NUNN and said, “How are you going to vote, SAM?” “How is SAM going to vote?”

I think every Member of this body shares with me that feeling about SAM NUNN. He could have been an outstanding U.S. Senator at any time in the history of this Republic—not this democracy. When the Convention completed its work, a lady approached Benjamin Franklin and said, “Dr. Franklin, what have you given us?” He didn't answer, “A democracy, Madam.” He said, “A republic, Madam, if you can keep it.”

Now, what is there about SAM NUNN that makes him this kind of man? He is not the typical politician that one conjures up in his mind when thinking about Senators and other politicians. Senator NUNN is not glib. He doesn't jump to hasty conclusions.

He does not rush to be ahead of all of the other Senators so that he will get the first headline. He thinks about the problem, and he logically, methodically, and systematically arrives at a decision. Then he carefully prepares to put that decision into action.

I suppose that had he lived at the time of Socrates, who lived during the chaos of the great Peloponnesian wars, SAM would have been out there in the marketplace debating with Socrates, about whom Cicero said he “brought down philosophy from Heaven to Earth.” SAM would have been a hard man for Socrates to put down because he has that talent, that knack of thinking, an organized thinking, and the consideration of a matter logically, carefully, and thoroughly. He is truly a man for all seasons. His wisdom, his judgment, and his statesmanship have reflected well on the profession of public service at a time when fierce “take-no-prisoners politics” has embroiled the Nation to alarming degrees.

Napoleon did not elect to go into Spain, and Wellington was concerned that Napoleon himself might lead. Wellington later told Earl Stanhope that Napoleon was superior to all of his marshals and that his presence on the field was like 40,000 men in the balance. SAM NUNN, the 1,668th Senator to appear on this legislative field of battle, is like having a great number in array against or for your position.

I was looking just this morning over the names of those Senators who are leaving, and examining their votes on what is called pejoratively the Legislative Line-Item Veto Act of 1995. Of those Senators who are leaving, seven voted against that colossal monstrosity, for which many of those who voted will come to be sorry. If this President is reelected, he will have it within his power to make them sorry. He is just the man who might do it.

Among the departing Senators, SAM NUNN is one of those who opposed that bill. Senator HEFLIN, Senator JOHNSTON, Senator PELL, Senator PRYOR, Senator COHEN, Senator HATFIELD, and Senator NUNN voted, to their everlasting honor, against that miserable piece of junk.

Just wait until this President exercises that veto and see how they come to heel—h-e-e-l. They will rue the day. But SAM NUNN voted against it.

For the outstanding quality of his character as well as for the brilliance of his service, this Senate and the Nation are eternally in his debt. He will always command, in my heart and in my memory, a place with Senator Richard Russell.

God, give us men. A time like this demands
Strong minds, great hearts, true faith, and
ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagog
And damn his treacherous flatteries without
winking.
Tall men, sun-crowned, who live above the
fog
In public duty and in private thinking;
For while the rabble, with their thumb-worn
creeds,
Their large professions and their little deeds,
Mingle in selfish strife, lo. Freedom weeps,
Wrong rules the land and waiting justice
sleeps.
God give us men.
Men who serve not for selfish booty,
But real men, courageous, who flinch not at
duty.
Men of dependable character; men of sterling
worth.
Then wrongs will be redressed and right will
rule the earth.
God, give us men.

Men like SAMUEL AUGUSTUS NUNN.●

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. COVERDELL, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1, a bill to provide for safe and affordable schools.

S. 25

At the request of Mr. MCCAIN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 28

At the request of Mr. THURMOND, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 29

At the request of Mr. LUGAR, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 29, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 30

At the request of Mr. LUGAR, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 30, a bill to increase the unified estate and gift tax credit to exempt small businesses and farmers from inheritance taxes.

S. 31

At the request of Mr. LUGAR, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 31, a bill to phase- out and repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 104

At the request of Mr. MURKOWSKI, the names of the Senator from Wyoming

[Mr. ENZI] and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 104, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 121

At the request of Mr. MOYNIHAN, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 121, a bill to amend the Internal Revenue Code of 1986 to provide for 501(c)(3) bonds a tax treatment similar to governmental bonds, and for other purposes.

S. 127

At the request of Mr. MOYNIHAN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 127, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 221

At the request of Mr. GREGG, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 221, a bill to amend the Social Security Act to require the Commissioner of Social Security to submit specific legislative recommendations to ensure the solvency of the social security trust funds.

S. 251

At the request of Mr. SHELBY, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 251, a bill to amend the Internal Revenue Code of 1986 to allow farmers to income average over 2 years.

S. 257

At the request of Mr. LUGAR, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Kansas [Mr. ROBERTS] were added as cosponsors of S. 257, a bill to amend the Commodity Exchange Act to improve the act, and for other purposes.

S. 261

At the request of Mr. DOMENICI, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 261, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 278

At the request of Mr. GRAMM, the names of the Senator from Nebraska [Mr. HAGEL] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 278, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

S. 294

At the request of Mrs. HUTCHISON, the names of the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Virginia [Mr. WARNER], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 294, a bill to amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, and for other purposes.

S. 305

At the request of Mr. D'AMATO, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 305, a bill to authorize the President to award a gold medal on behalf of the Congress to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes.

S. 314

At the request of Mr. THOMAS, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 317

At the request of Mr. CRAIG, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 317, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 318

At the request of Mr. D'AMATO, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 318, a bill to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, and for other purposes.

S. 325

At the request of Mr. BUMPERS, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 325, a bill to repeal the percentage depletion allowance for certain hardrock mines.

S. 326

At the request of Mr. BUMPERS, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 326, a bill to provide for the reclamation of abandoned hardrock mines, and for other purposes.

S. 327

At the request of Mr. BUMPERS, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 327, a bill to ensure that Federal taxpayers receive a fair return for the extraction of locatable minerals on public domain lands, and for other purposes.

AMENDMENTS SUBMITTED

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

GRAHAM AMENDMENT NO. 7

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to proposed by him to the joint resolution, Senate Joint Resolution 1, proposing an amendment to the Constitution of the United States to require a balanced budget; as follows:

On page 2, line 17, strike "held by the public".

REID AMENDMENT NO. 8

Mr. REID proposed an amendment to the joint resolution, Senate Joint Resolution 1, supra; as follows:

On page 3, line 19, after the proposed insert "The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds (as and if modified to preserve the solvency of the Funds) used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.".

NOTICE OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Tuesday, February 25, 1997, at 9 a.m. in SR–328A. The purpose of the hearing will be to discuss the impact of estate taxes on farmers.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Wednesday, February 26, 1997, at 9 a.m. in SR–328A. The purpose of the hearing will be to discuss the impact of capital gains taxes on farmers.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an Executive Session of the Senate Committee on Labor and Human Resources will be held on Wednesday, February 26, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The following are on the agenda to be considered.

1. S. 295, Teamwork for Employees and Managers [TEAM] Act.
2. S. 4, The Family Friendly Workplace Act.
3. Presidential nominations.

For further information, please call the committee, 202/224-5375.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet to conduct an oversight hearing during the session of the Senate on Wednesday, February 26, 1997, at 9:30 a.m. on the President's budget request for fiscal year 1998 for the Bureau of Indian Affairs [BIA] and Indian Health Service [IHS]. The hearing will be held in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Thursday, February 27, 1997, at 9:30 a.m. to approve the letter to the Committee on the Budget concerning the Committee's budget views and estimates for fiscal year 1998 for Indian programs. The meeting will be held in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, February 27, 1997, 10 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is Reauthorization of Higher Education Act. For further information, please call the committee, 202/224-5375.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Tuesday, March 4, 1997, at 10 a.m. in SD-G50. The purpose of the hearing will be to receive testimony regarding the school lunch and school breakfast programs.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Wednesday, March 5, 1997, at 9 a.m. in SR-328A. The purpose of the hearing will be to review the U.S. Department of Agriculture's business plan and reorganization management.

ADDITIONAL STATEMENTS

TRIP TO SINGAPORE

• Mr. GRASSLEY. Mr. President, I rise today to report to the Senate on an official trip I took with a House Ways and Means Committee delegation in December 1996 to Hong Kong, Beijing, and Singapore. I was privileged to be the only United States Senator to serve as an official delegate to the first ministerial meeting of the World Trade Organization.

The WTO was formed by the Uruguay Round Agreement, ratified by Congress in 1994, and is the successor to the General Agreements on Tariffs and Trade. It serves as a forum for multilateral trade negotiations and a dispute settlement body. The first ministerial was called to measure progress on the implementation of Uruguay round commitments and seek further liberalization in selected areas of trade. Although I discuss the various meetings of the delegation in Hong Kong and Beijing, this report will focus on our meetings in Singapore.

FRIDAY, DECEMBER 6, 1996

Upon arriving in Hong Kong, the delegation met with U.S. Consul General Richard Boucher and several Hong Kong business and government officials. The primary topic of discussion was Hong Kong's transition to Chinese control on July 1, 1997.

SATURDAY, DECEMBER 7, 1996

On Saturday, the delegation met with representatives of the American Chamber of Commerce of Hong Kong. The upcoming transition was again discussed as was the annual debate in the Congress on China's most-favored-nation status.

MONDAY, DECEMBER 9, 1996

On the first day of the ministerial, the delegation was briefed by Acting U.S. Trade Representative Charlene Barshefsky and Federal Communications Commission Chairman Reed Hunt. Ms. Barshefsky stressed the importance of completing negotiations on the Information Technology Agreement while in Singapore. She believed that an agreement was imminent but sought our support when discussing the ITA with other countries, delegations.

The delegation asked Ms. Barshefsky about the negotiations to bring China into the WTO. I stressed the need for China to open its markets for U.S. agricultural products and to reduce the authority of its state trading enterprises. Ms. Barshefsky stressed three points relating to China's entry into the WTO. First, China must remedy its bilateral problems with the United States, especially on agriculture and intellectual property rights. China must increase market access to U.S. agricultural exports. Finally, China must abide by the decisions and policies of a rules-based system, the WTO.

Mr. Hunt briefed the delegation on the telecommunications negotiations. Mr. Hunt said that the focus in these talks will be on deregulation in order to open the global communications industry to foreign competition. Since the United States has one of the most open markets, our companies have the most to gain by liberalizing trade in this area.

TUESDAY DECEMBER 10, 1996

On Tuesday morning, I broke from the delegation for breakfast with Deputy Secretary Richard Rominger and the Administrator of the Foreign Agriculture Service, Gus Schumacher, both with the United States Department of Agriculture. We discussed our current bilateral trade disputes with the European Union, primarily with Bt corn and the veterinary equivalency standards.

At the time, the EU was deciding whether to accept Bt corn, a genetically modified organism, exported from the U.S. Failure to accept this product would have jeopardized all of our corn exports to Europe. Subsequent to the Singapore meeting, the EU decided to allow Bt corn into its markets.

The second issue, unfortunately, has yet to be resolved. The EU has failed to certify most U.S. meat packing plants for export to Europe. This failure will jeopardize current exports, such as pet food, as well as potential sales of beef and pork. The issue was to be resolved in December but a decision has now been delayed until April.

Because of the EU's actions, I have introduced a bill with the minority leader, Senator DASCHLE, to address the situation. S. 220 requires the U.S. Trade Representative to determine whether the European Union's action violates any trade agreements, including the 1992 meat agreement and the sanitary/phytosanitary provisions of the Uruguay Round Agreement. If agreements have been breached, USTR is required to take some action, which could include unilateral sanctions. I urge the European Union to remedy this situation before sanctions are necessary.

I rejoined the delegation to meet with Singapore Minister of Trade and Industry Yeo Cheow Tong. The delegation thanked the minister for his nation's hospitality and leadership at the ministerial. We impressed upon him the need to consummate the Information Technology Agreement in order to make the ministerial a success. I urged Minister Yeo, in his leadership role at the conference, to assist the United States in resolving the veterinary equivalency issue with the Europeans. This was appropriate because Singapore recognizes the equivalency of the United States meat inspection system as it transships United States meat to other Asian nations.

We also met with the Canadian delegation. Talks focused on several bilateral issues with our two nations, including the recent NAFTA panel on dairy and poultry and the U.S. sugar program. I also asked the Canadians opinion on two issues: China's accession to the WTO and the dispute on veterinary equivalency between the United States and the EU. The Canadian delegation agreed fully with my position on China. Specifically, they said that WTO members should not lower entry standards for China and that market access and subsidy issue must be addressed before China is admitted.

Regarding the veterinary equivalency issue, the Canadian delegation agreed that sanitary and phytosanitary provisions of trade agreements must be upheld in order to maintain the grassroots support of farmers for free trade agreements.

On Tuesday, the delegation also met with delegations from Taiwan and the European Parliament, and had the opportunity to express our gratitude to the Prime Minister of Singapore for his nation's hospitality.

The Taiwanese expressed their strong desire to join the WTO. Chairman PHIL CRANE, speaking for the delegation, agreed that Taiwan was close to meeting the requirements for joining the WTO. But he urged Taiwan to be patient while the United States worked through some of its problems with China. I cautioned the Taiwanese that further progress must be made on reducing barriers for agricultural products, such as beef, pork, and poultry. The leader of the Taiwan Parliament, Mr. Vincent Siew, responded that he did not "see any problem" with making the necessary agricultural reforms.

The discussions with the European Parliamentary delegation focused on three issues: Bt corn, veterinary equivalency, and allowing China into the WTO. I raised questions about the EU's potentially keeping Bt corn and other genetically modified organisms from their markets. The European delegation argued that their citizens have an intense distrust of the scientific evidence and government policy because of the recent BSE—mad cow disease—crisis in Europe.

They pointed out that 80 percent of their consumers are against bringing Bt corn into their country and they would consider keeping all U.S. corn out in order to protect their consumers. At least, the Europeans argued, they would require separation and labeling of Bt corn. As I stated earlier, this issue has since been resolved and Bt corn grown in the United States has been accepted in the European markets.

The European delegation promised to look into the veterinary equivalency problem and thought we could make progress in certifying United States meat packing plants. On China, I argued that if the Europeans are truly concerned with their farmers, they should insist that China enter the WTO only on commercially meaningful terms. The European delegation agreed, saying that China must meet all requirements, including those on market access, before joining the WTO.

WEDNESDAY, DECEMBER 11, 1996

On Wednesday, the delegation received a full briefing from acting USTR Charlene Barshefsky. She discussed the Statement on Agriculture, outstanding bilateral issues with the European Union, and China's desire to enter the WTO. I pointed out that the terms of China's accession will determine whether China becomes our largest export market for agriculture products or our toughest competitor. To emphasize the importance of agriculture to trade agreements, I also noted that one-half of the nongovernmental observers at the ministerial were from the agriculture sector.

The delegation also met with United States Ambassador to Singapore, Mr. Chorba, and Singapore Foreign Minister Jayakumar. I asked Minister Jayakumar to help bring the other Asian nations on board with the Information Technology Agreement. The minister replied that they shared the United States interest in completing the ITA in Singapore and they would do what they can to accomplish that.

THURSDAY, DECEMBER 12, 1996

On Thursday, the delegation met with United States Assistant Secretary of State Alan Larson to discuss the recent trip of Secretary of State Christopher to China. This meeting was to prepare the delegation, for its meetings in Beijing.

FRIDAY, DECEMBER 13, 1996

In Beijing, the delegation received a briefing from the United States Embassy on the Chinese economy and trade situation. Later that day we met with Vice Minister Sun Zhenyu, the American Chamber of Commerce, State Planning Commission Vice Chairman Gan Ziyu, and Vice Premier Zhu Ronghi, member of the standing committee. Several issues were discussed including trade relations between the two countries.•

TRIBUTE TO THE NEVADA TAXPAYERS ASSOCIATION

• Mr. REID. Mr. President, I rise today to pay tribute to the Nevada Taxpayers Association. On February 25, 1997, the association will celebrate 75 years of service to the citizens of Nevada. It is my honor to salute the organization for its diligent efforts to inform and serve the public on tax policy issues.

The Nevada Taxpayers Association is the only tax policy and analysis organization of its kind in Nevada. The mission of this preeminent organization is to protect and preserve sensible fiscal policy that is beneficial to Nevada's citizens, and to enhance fiscal policies that impact our State, county, and city governments.

Since 1922, the Nevada Taxpayers Association has represented the interests of the citizens of Nevada, as well as business and industry, to create a fair and equitable revenue system. For the past 75 years, Nevada's past and current Governors have worked cooperatively with the Nevada Taxpayers Association to ensure the best tax structure possible for the State.

This year, the State of Nevada will celebrate Nevada Taxpayers Association Day on February 25. I applaud the Nevada Taxpayers Association for the integral role it has played, and continues to play, in fiscal policy analysis and research in Nevada. On behalf of all taxpayers in Nevada who have benefited from the association's many publications, reports, and analyses, I wholeheartedly thank them for their invaluable service. It is my pleasure to speak on behalf of the Nevada Taxpayers Association, and I commend the organization for its unwavering support of the rights of taxpayers.•

TRIBUTE TO DAN LACROIX ON BEING NAMED 1997 ROCHESTER CITIZEN OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Dan LaCroix, honorary member of Gonic PTA, on being named the 1997 Rochester "Citizen of the Year" by the Rochester Chamber of Commerce. I commend his outstanding community commitment and congratulate him on this well-deserved honor.

Dan's community involvements are numerous. He participated in the juvenile diversion program, the substance abuse prevention task force, and he is a current member of the red ribbon program. Dan is a coach of the Rochester Youth Soccer Association, vice-president of the Rochester girls softball, and chairperson of the community relations girls softball.

Dan is known to many as always willing to take responsibility, whether to chair a committee, organize fairs, trips, and dances, or to help people in need. Whatever activity he commits to, he always gets the job done.

Dan has dedicated his time, talent and energy to serving the residents of Rochester in an exemplary way. I am proud to honor Dan LaCroix's outstanding community commitment, which is so important to the future and prosperity of Rochester. We are indeed indebted to him for his efforts. Congratulations to Dan for this distinguished recognition. I am honored to represent him in the U.S. Senate.•

CAFE STANDARDS

• Mr. ABRAHAM. Mr. President, I rise today to speak once again on the matter of corporate average fuel economy standards. Recently, a number of colleagues from both sides of the aisle joined with me to introduce Senate bill 286, legislation to freeze CAFE standards at current levels unless changed by Congress.

There are a host of reasons why this legislation should be adopted, Mr. President. Chief among these: CAFE standards should be frozen so that we may put a stop to the highly inappropriate practice of allowing unelected bureaucrats to set far-reaching policies that have significant effects on the safety and economic well-being of the American people. I believe that such responsibility should lie with this legislature, the body entrusted by our Constitution with the duty to determine whether any proposed policy change is in the best interests of the American people.

Mr. President, in today's Washington Times commentary section, Bruce Bartlett, a senior fellow with the National Center for Policy Analysis, outlines several serious problems with increased CAFE standards. Mr. Bartlett's article illustrates clearly the need for Congress to regain control of CAFE standards and I ask that this article be printed in the RECORD.

The article follows:

[From the Washington Times, Feb. 24, 1997]

HIDDEN COSTS OF THE CAFE CAPER

(By Bruce Bartlett)

In 1975, at the height of the energy crisis, Congress passed legislation mandating auto manufacturers to meet corporate average fuel economy (CAFE) standards. Each auto company was expected to ensure that the average fuel efficiency for all its new car sales would be at least 18 mpg by 1978. The standard was raised in steps to 27.5 mpg by 1990, where it remains currently. However, the Clinton administration has signaled a desire to raise the CAFE standard, despite mounting evidence that the whole program has been a failure.

The biggest problem with CAFE is that there is virtually no evidence it has reduced aggregate gasoline consumption. It is true that auto fuel efficiency has risen 70 percent since 1973, from 13.3 mpg on average to 22.56 mpg in 1995. However, as the figure indicates, the higher fuel efficiency has simply encouraged people to drive more. The average number of miles driven per year has risen 24 percent since 1980, from 9,141 miles to 11,329 in 1995. Thus, even though the average use now uses just 502 gallons of gasoline per year, compared to 771 gallons in 1973, total fuel consumption has continued to rise.

Another problem with CAFE is that it has led to a loss of auto jobs in the U.S. The reason is that there are separate CAFE standards for domestic and imported autos. This has encouraged domestic auto companies to increase the percentage of foreign parts used in some of their models in order to reclassify them as foreign-made. For example, in 1989 Ford turned two of its least fuel efficiency cars, the Crown Victoria and the Grand Marquis, into "imported" cars by reducing their domestic content from 90 percent to less than 75 percent. This allowed Ford to increase the average fuel economy of its domestically produced cars, where it was having a problem meeting the new CAFE standard, while lowering the average for its imported models, where it had room to spare.

Finally, there is growing evidence that CAFE has been detrimental to safety. To increase fuel efficiency, auto companies have had to produce smaller, lighter cars that are less safe than larger, heavier cars. And auto companies have often had to heavily discount these smaller models in order to increase their sales and lower their average corporate fuel economy. Thus a 1989 study estimated that CAFE standards would cost 2,200 to 3,900 lives over the next 10 years.

Virtually all economists agree that higher gasoline taxes would do a far better job of reducing gasoline consumption than CAFE—assuming there is any real need to do so. At a minimum, there should be no further increase in CAFE standards.●

TRIBUTE TO COLIN RIZZIO FOR REVEALING A SAT ERROR

● **Mr. SMITH of New Hampshire.** Mr. President, I rise today to pay tribute to Colin Rizzio for his outstanding math expertise, which led him to uncover an error on the SAT exams. His quick insight has gained much national recognition in the last few weeks including an appearance on "Good Morning America" and on the "Today" show. Colin is a 17-year-old senior at Contoocook Valley Regional High School in New Hampshire. He is an above-average student who kept a cool head under testing conditions. Colin discovered an error which had been overlooked by internal and external math specialists while he was taking the SAT last Columbus Day. He took the time to consider different possibilities the math question offered and revealed the error. Thanks to Colin, the test will now be rescored and students' scores will go up nationwide as the flawed math question has been tossed out.

As a former teacher, I am always heartened by stories of students who go the extra mile for educational integrity. Colin is the type of student who asks "What if?" In this case, his inquisitive nature gained him much notoriety.

It is students like Colin that contribute to the future of the Granite State and I am proud to be his Senator. I congratulate Colin on his outstanding achievement and I wish this exemplary student all the best for his future educational endeavors.●

NARCOTICS CERTIFICATION

● **Mr. BIDEN.** Mr. President, I wish to discuss an important decision facing the President this week in the fight against drug trafficking: Whether to certify that Mexico and Colombia have taken sufficient steps in the past year in combating the narcotics trade. The choice is important not merely because it affects our bilateral relations with these countries, but also because it will send a broader signal about our seriousness of purpose in the war on drugs.

Of course, there will be other nations whose performance on counter narcotics will be assessed by the President this week. But when it comes to the narcotics trade, Mexico and Colombia are in a league by themselves—Colombia, as the leading source country for cocaine, and a major source of heroin, and Mexico, as the leading transit country for cocaine, and as a significant source for heroin, methamphetamines, and marijuana. And it is because of their predominance in the narcotics trade that the President's decision becomes a barometer of the U.S. commitment to this effort.

Before discussing my specific views on the Colombian and Mexican cases, however, I want to briefly offer some general observations about the drug certification process.

Just over 10 years ago, in the 1986 omnibus drug bill, the United States began a process of annually certifying the performance of countries which were either a major source of narcotics, or a major transit route for narcotics trafficking. Decertification does not merely carry a stamp of political disapproval. By law, nations decertified are ineligible for most U.S. foreign aid, and the United States is required to vote against loans for such nations in international financial institutions such as the World Bank.

The President has three choices: First, he can certify that a country is fully cooperating with the United States, or is taking adequate steps on its own, to combat the narcotics trade. Second, he can decertify a country—a statement that it has not met that standard. Finally, he can provide a national interest waiver—a statement that the country has not met the standards of the law, but that the U.S. national interest lies in continuing the assistance programs.

Not surprisingly, the nations subject to the scrutiny of the decertification process have not been thrilled with the honor. Indeed, many nations have protested that the United States has no right to challenge their performance on counternarcotics—given that the large demand in this country helps to generate the supply. Other nations perceive the certification process as an effort to shift the blame for our drug problem.

I firmly reject such arguments.

First, while I concede that the demand in the United States for narcotics has contributed to the explosive growth of the drug trade in Latin America in the last two decades, the dramatic increase in the power of the narcotics cartels—particularly in Colombia and Mexico—cannot be blamed upon the United States alone. The nations themselves must bear responsibility for their own neglect—for failing to take effective action against vast criminal enterprises which arose before their eyes.

Of course, the United States must do its part to combat the drug problem.

Over the past decade, we have. For example, we have steadily increased both our financial resources and our political commitment to combating the narcotics trade. We now spend $16 billion annually on our national drug program, as compared to $4.7 billion a decade ago. We have devised a national strategy, written by a drug czar who coordinates national policy from the White House. We have increased sentences at the Federal level for narcotics traffickers. We have strengthened controls on money laundering and the trade in precursor chemicals. There is more to be done. But by any objective measure, the United States continues to do its part.

Second, I strongly disagree with the suggestion that the United States has no business assessing the performance of other nations in the drug war. The decision by the United States to maintain a partnership with another government—any government—must be based on an assessment of whether the cooperation between the two sides advances American interests. This is hardly a radical concept; rather, it is the daily practice of diplomacy.

The people of the United States should expect nothing less. How else can we justify providing the full benefits of partnership—including foreign assistance and special trade preferences—unless we are satisfied that the other nation is doing its part on issues of great concern to us?

After a decade of experience with the certification law, we can reach a conclusion about its utility—and whether it is worth preserving. I believe a strong case can be made that it should be.

In the first few years after enactment of the law, the certification process, it is fair to say, was less than effective. It was the custom of the Reagan and Bush administrations to only decertify those nations with which our relations were already badly damaged. In other words, the primary focus was not on narcotics performance but on geopolitics.

Thus, in the late 1980's, the nations regularly decertified were Syria and Iran—both on the list of state sponsors of terrorism; Afghanistan, then a satellite of the Soviet Union; and Panama, then under the control of General Noriega. In the Bush administration, after the U.S invasion ousted Noriega, Panama again was certified, and the nation of Burma—by then under the control of despotic generals—was added to this list of usual suspects. But not once did either President Reagan or Bush decertify a democratic ally.

The message of this action was clear: Maintaining normal diplomatic relations took precedence over our antinarcotics interests. As a result, most nations that were major drug trafficking centers came to expect that certification would be the norm—and that for all the talk and supposed pressure from Washington, they would not pay a price if they failed to meet our expectations.

Under President Clinton, that approach has changed for the better—and for that change much credit must go not only to the President, but also to the previous Secretary of State, Warren Christopher. Most significantly, last year President Clinton decertified Colombia—a democratic nation which had, for much of the 1990's, been a close partner in the war on drugs. But when it became clear that the President of Colombia had taken campaign contributions from drug dealers—a matter that I will discuss shortly—and that his government lacked the political will to confront the drug trade, President Clinton stated plainly that Colombia had not met the standard of the law.

That decision has profound implications elsewhere. Nations everywhere took notice—and are now on notice that the United States would make its decision on certification based on the standards of the law, not on the dictates of diplomacy. That, in turn, has greatly empowered the State Department and the law enforcement agencies—which now have greater leverage in holding our foreign partners to their counternarcotics commitments.

In sum, because of the "truth-in-certification" which we now practice, I believe that the process has become a useful tool in our ongoing effort to procure the assistance of other nations in the war on drugs. Any effort to repeal the law or alter it significantly would be misguided.

That is not to say the law is perfect—few laws are. During consideration of the foreign assistance legislation in the Foreign Relations Committee, I will be open to exploring ways of improving the certification process—to assure that the law advances our common objective: of ensuring that all nations join us in fighting the scourge of drugs.

But that question is for another day. Today our primary attention must be devoted to the issue at hand: whether to certify that Colombia and Mexico have met the standard of the law. I renew my call—which I also made last year—to decertify Colombia and to not fully certify Mexico, but instead grant a national interest waiver.

As has been widely reported, credible evidence suggests that Colombian President Ernesto Samper accepted millions of dollars in campaign contributions from the Cali cartel during the 1994 Presidential campaign. An investigation by the Colombian Congress—an investigation which our State Department has described as a "patently flawed process"—absolved Samper. But the conclusion of the Congress is not surprising, because many members of that body are also under investigation for accepting bribes from the cartel.

President Samper might have overcome the stain of these allegations by taking concrete action to combat the drug trade. In fact, Samper had pledged such action in a letter to many members of this body in July 1994. But Samper's pledge proved to be, in large part, an empty gesture.

For example, long-promised reform of the sentencing system—which provides inadequate penalties for drug trafficking—has not been enacted, although the Colombian Congress is just now taking up the issue. The inadequacy of the current system was amply demonstrated last month, when two noted leaders of the Cali cartel were sentenced to relatively light sentences—10½ years in one case, 9 years in another. They were fined just $2 million. None of their assets were forfeited. Under the sentencing system in effect, the actual time served may be reduced by half. Worse still, the evidence is strong that they continue to operate their empires from prison—operations which the Colombian Government has done little to prevent.

Other measures, such as reconsideration of extradition or strengthening the Colombian money laundering statute, might have permitted the certification of Colombia. But extradition is not on the table; and the money laundering statute is only now being considered in a special session—a transparent last-ditch effort to head off decertification.

I say all this in full knowledge that there are thousands of dedicated officials in the Colombian National Police, and millions of ordinary Colombian citizens, who abhor the destructive nature of the drug trade on their own society, and are fully committed to combating it. I admire their courage and determination to fight on, despite the dangers of confronting the drug lords, who have no respect for human life.

But how can we be assured of the Government's commitment against drug trafficking when the President of the country himself almost surely benefited from the drug trade?

This must be an essential consideration in any certification decision: whether there exists corruption at high levels of government. We cannot demand perfection in implementation of policy. We cannot impose impossibly high burdens. But we can demand that the highest levels of government remain free from suspicion.

Colombia has failed that test. Stated plainly, the corruption at the top in Bogotá is the single most glaring failure in Colombia's performance—and the overriding reason that I recommend decertification.

Mr. President, there is no joy in this conclusion. But we cannot overlook the corruption involving President Samper and the Congress, and we cannot avoid the conclusion that Colombia has not done enough to combat the drug trade.

The story for Mexico is different than Colombia's. The key difference is the commitment of the President of Mexico, who I believe is steadfast in his determination to root out corruption in the Mexican police system. Unfortunately, his personal commitment has, thus far, been insufficient to cleanse a police system that is rotten to the core.

The examples of police corruption in Mexico abound. The most troubling example was revealed just last week. A veteran general of the Mexican Army, a man hired just 3 months ago to head Mexico's antinarcotics agency—precisely because he was believed to be incorruptible—was fired after being accused of taking payments from one of Mexico's leading drug barons.

The arrest of General Gutierrez raises several important questions about the United States-Mexican relationship in fighting the drug war. First, why did Mexico fail to alert us when it first suspected General Gutierrez some 2 weeks before his arrest? As a consequence, how much intelligence did the United States share in that 2-week period with Mexico that has now been compromised? Additionally, why did our intelligence assets fail to learn that the general had been placed under investigation? Finally, will we be able, in the short term, to continue cooperative law enforcement efforts—or will we have to step back and reassess the level and scope of our joint programs?

Mr. President, we must have answers to these questions—both from our Government and from the Mexican Government.

But until we get those answers, and until we see follow through by the Mexican Government on certain promises, I do not believe that we should certify that Mexico has provided full cooperation in the war on drugs. Instead, however, I do believe that the President would be justified in granting Mexico a vital national interest waiver. That decision—less than full certification—would send a strong political signal to the Mexican Government that its performance last year was inadequate, without causing a total disruption in our joint efforts.

In making this recommendation, I should note that Mexico has made some progress in its effort to combat the narcotics trade. Last year, at our urging, it enacted several important anticrime laws—an organized crime law, a money laundering statute, and a chemical diversion statute. It has agreed to extradite, under exceptional circumstances, Mexican nationals. It has agreed to set up organized crime task forces in key locations in northern and western Mexico.

All this is important. But, as the saying goes, the proof is in the pudding. We have seen only a handful of extraditions. We await implementation of the new anticrime laws. And we await full funding and adequate support for the task forces.

Most important, we must see institutional changes to root out corruption—for that remains the largest obstacle to combating the drug cartels. All the laws, all the promises, all the task forces will be insufficient if Mexico cannot rectify the systemic corruption in its law enforcement agencies. Mexico's efforts to confront corruption, ultimately, will be the test of whether it is serious in combating the narcotics trade.

Let me reiterate that I believe that, in contrast to the case of Colombia, Mexico has a President who is on our side. President Zedillo has demonstrated great courage in advancing an agenda of institutional reform and in trying to weed out corrupt actors in his government. We must stand with him in this effort. But we must also be honest about the situation as we now see it —and honesty compels the conclusion that Mexico should not be fully certified.

But I do not believe that we should take the step of decertifying Mexico. President Zedillo's demonstrated leadership amid the growing drug threat is the fundamental reason I propose a national interest waiver for Mexico. A full decertification of Mexico could have long-lasting, damaging repercussions that we cannot now predict. At a minimum, it could inhibit the political space that President Zedillo has to press forward with his agenda of reform. And if we destroy the President's political ability resolve to combat the drug traffickers, we will have achieved nothing—and we may well lose the gains that we have recently achieved.

Even as I recommend decertification for Colombia, and a national interest waiver for Mexico, I should emphasize that this issue can—under the law—be revisited during the coming year as to Colombia. The law permits the President to provide a national interest waiver during the course of the year provided there has been a fundamental change in government, or a fundamental change in the conditions that led to not providing a full certification in the first instance.

In this regard, I encourage the Clinton Administration to spell out benchmarks for Colombia to achieve in the coming months —benchmarks that, if achieved, would permit the President to move forward with a national interest waiver.

Mr. President, I do not underestimate the difficulties facing Colombia and Mexico in combating the power of the drug barons. But the difficulty of the challenge cannot be an excuse for insufficient action. Given the massive scourge of drugs confronting us, we must continue to raise the level of expectations and attention given to the drug trade by our southern neighbors. This is what the certification process calls for, and this is what our nation must do.●

REGULATIONS REGARDING DISCLOSURE OF CERTAIN PRO BONO LEGAL SERVICES

● Mr. SMITH of New Hampshire. Mr. President, consistent with the provisions of Senate Resolution 321, adopted October 3, 1996, I ask that the "Regulations Regarding Disclosure of Certain Pro Bono Legal Services," adopted by the Senate Select Committee on Ethics on February 13, 1997, be printed in the CONGRESSIONAL RECORD of the 105th Congress.

The regulations follow:

SENATE SELECT COMMITTEE ON ETHICS REGULATIONS

On October 3, 1996, the Senate agreed to S. Res. 321, which provides:

Resolved, That (a) notwithstanding the provisions of the Standing Rules of the Senate or Senate Resolution 508, adopted by the Senate on September 4, 1980, pro bono legal services provided to a Member of the Senate with respect to a civil action challenging the validity of a Federal statute that expressly authorizes a Member to file an action: (1) Shall not be deemed a gift to the Member; (2) shall not be deemed to be a contribution to the office account of the Member; and (3) shall not require the establishment of a legal expense trust fund.

(b) The Select Committee on Ethics shall establish regulations providing for the public disclosure of information relating to pro bono legal services performed as authorized by this resolution.

The following regulations, adopted on and effective as of February 13, 1997, are promulgated by the Select Committee on Ethics pursuant to S. Res. 321, and are applicable to Members to the United States Senate during the time of their service in or to the Senate.

REGULATIONS REGARDING DISCLOSURE OF CERTAIN PRO BONO LEGAL SERVICES

A Member who accepts pro bono legal services with respect to a civil action challenging the validity of a Federal statute as authorized by S. Res. 321 shall submit a report to the Office of Public Records of the Secretary of the Senate and the Senate Select Committee on Ethics within 30 days of the date on which an attorney or law firm begins performance of the pro bono services for the Member (or, for such services provided to a Member prior to the publication of these regulations, within 30 days of the publication of these regulations in the Congressional Record).

All reports filed pursuant to these Regulations shall include the following information: (1) A description of the nature of the civil action, including the Federal statute to be challenged; (2) the caption of the case and the cause number, as well as the court in which the action is pending, if the civil action has been filed in court; and (3) the name and address of each attorney who performed pro bono services for the Member with respect to the civil action, as well as the name and the address of the firm, if any, with which the attorney is affiliated.

All documents filed pursuant to these regulations shall be available at the Office of Public Records of the Secretary of the Senate for public inspection and copying within two business days following receipt of the documents by that office.

Any person requesting a copy of such documents shall be required to pay a reasonable fee to cover the cost of reproduction.

REMINDER REGARDING AMICUS CURIAE

The disclosure requirements for accepting certain pro bono legal services pursuant to S. Res. 321 do not affect the ability of a Member to accept pro bono legal services to appear in a legal proceeding by amicus curiae brief without necessity of a Legal Expense Trust Fund and without disclosure or reporting. See, Committee Interpretative Ruling 442 (4/15/92), and Committee Regulations Governing Trust Funds (9/30/80, amended 8/10/88).•

FIVE POINT PLAN TO BRING FREEDOM AND DEMOCRACY TO CUBA

• Mr. MACK. Mr. President, 1 year ago today, Fidel Castro brutally murdered Armando Alejandre, Jr., Mario de la Peña, Carlos Costa, and Pablo Morales—three Americans and one a legal U.S. resident. These men were shot down while flying on a humanitarian mission over international waters between the United States and Cuba.

This incident was the latest in Fidel Castro's reign of tyranny over the people of Cuba. The unjustified downing of the two brothers to the rescue planes came shortly after Fidel Castro had stopped a prodemocracy and human rights meeting in Havana. Dozens of prodemocracy Cubans were arrested, detained, and harassed. Just the year before, on March 13, 1994, a tugboat brimming with freedom-seeking Cubans headed for America was rammed by Castro's government ships until it sank. Some 40 people died, only because they yearned to be free. Year after year, Fidel Castro's Cuba tightens the stranglehold it has on basic political and economic freedom.

To those who believe in the cause of Cuban freedom—in libertad—it is unfortunate that it took an act of such callous disregard for human life and freedom to get the world to pay attention to Fidel Castro's repression of the Cuban people.

As we honor the memory of the downed pilots today, we should take time to reflect upon the current state of United States policy toward Cuba. We must ask ourselves—are we doing everything we can to isolate Fidel and to save the Cuban people from the jaws of tyranny? I believe the answer is, unequivocally, no.

After the attack on the American pilots, President Clinton appeared to reverse his policy of appeasement toward Fidel Castro by signing the Helms-Burton legislation. Unfortunately, the administration's actions since the signing have been weaker than the President's rhetoric.

First, the President has failed to stand firm in the defense of freedom—not once, but twice. He has chosen to protect the interests of foreign companies over the cause of Cuban freedom by postponing implementation of a key part of the Helms-Burton law. He has unilaterally placed a moratorium on the right of U.S. citizens to sue foreign companies that profit from property those citizens owned before Fidel Castro stole it.

Second, after the downing of the brothers to the rescue aircraft, President Clinton promised compensation to the families of the victims and criminal indictments against those in Cuba responsible for the murders. On March 7, 1996, then-Senate Majority Leader Bob Dole, along with myself and Representatives LINCOLN DIAZ-BALART and ILEANA ROS-LEHTINEN sent a letter to President Clinton urging him to "immediately direct the Attorney General to seek the indictment of all those responsible for the heinous crime of February 24, 1996." Now a year later, the families still have not been fully compensated and the Cuban officials who committed these murders are still free.

For the sake of the people of Cuba, Mr. President, the United States cannot waiver in its commitment to bringing an end to Castro's rule. If we demand of other nations that they not do business with the Castro government, then we must demand of ourselves a steadfast policy of concrete action, not just empty words.

America must do everything we can to bring freedom and democracy to Cuba—not just for the benefit of Cubans, but to protect the security of Americans.

Mr. President, it is with this commitment to action that I offer the following five points to bring freedom and democracy to Cuba, and I call on the President to take these steps without delay.

First, Fidel Castro must be exposed for what he really is—an authoritarian dictator worried only about maintaining power at any expense. The Cuban people have a word for this called desenmascarar, which means to remove the mask. We need to remove the mask of Fidel Castro as a romantic and cigar-smoking friend; he is a murderer and drug trafficker; and he tortures and imprisons political dissidents.

Second, we must reverse our policy since 1995 of returning freedom-seeking Cuban refugees and political dissidents to Cuba, and promote the same level of compassion among our allies and friends around the world. At a time when our own State Department classifies Cuba as one of the greatest violators of human rights in the world, it is unconscionable for the President to order the return of these brave people back into the hands of their oppressor. In addition, we should encourage our friends and allies to exhibit the same level of compassion in dealing with the suffering Cuban people. We should further promote the efforts of the United Nations and the International Committee for the Red Cross in gaining access to Cuba.

Third, we must increase our efforts to support and encourage Cuba's budding civil society. This is best accomplished by increasing support for pro-freedom and democracy groups through the National Endowment for Democracy and other effective groups dedicated to democratic reforms.

Fourth, military and nuclear subsidies to Cuba must be halted. Fidel currently benefits economically from the presence of the Russian intelligence facility at Lourdes, Cuba. In addition, International Atomic Energy Agency money is being spent to maintain the Juragua nuclear power plant, in contradiction to current United States policy.

Fifth, stop the flow of drugs from Cuba. For the past several decades, Cuba has served as a transhipment point for narcotics entering the United States. Castro uses this drug flow as a means of acquiring much needed cash and as a weapon against the United States. High-ranking members of the Castro government benefit from this source of revenue and several are currently under indictment in the United States on drug trafficking charges.

If we implement these specific actions identified in my five points and insist upon executing the strategy mandated by Congress in Helms-Burton of isolating Castro and supporting the Cuban people, we can hope for a free and democratic Cuba.

Mr. President, I would conclude my remarks with a plea to those who would appease Fidel Castro. Castro heads a government which denies basic freedoms to 11 million people. Fidel Castro will not change. His only interest is the perpetuation of his totalitarianism. He continues to force his people to work for slave wages; he denies them the freedom to read and speak freely, to associate freely, and to work hard and profit from their effort and intellect so that their children can live better lives.

Over the years I have consistently said that freedom is the core of all human progress. Mr. President, on the anniversary of the downing of the brothers to the rescue pilots, let us honor their memory by fulfilling their commitment—and our American commitment—to a free and democratic Cuba.•

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON ETHICS

• Mr. SMITH of New Hampshire. Mr. President, in accordance with rule XXVI(2) of the Standing Rules of the Senate, I ask that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised May 1993, be printed in the CONGRESSIONAL RECORD for the 105th Congress.

The rules follow:

SELECT COMMITTEE ON ETHICS—RULES OF PROCEDURE

RULE 1. GENERAL PROCEDURES

(a) Officers: The Committee shall select a Chairman and a Vice Chairman from among its Members. In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee Member designated by the Chairman.

(b) Procedural Rules: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) Meetings:

(1) The regular meeting of the Committee shall be the first Thursday of each month while Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all Members. If all Members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any Member of the Committee desires that a special meeting of the Committee be called, the Member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested meeting, to be held within seven calendar days after the filing of the request, any three of the Members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all Members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) Quorum:

(1) A majority of the Members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three Members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one Member of the quorum is a Member of the majority Party and one Member of the quorum is a Member of the minority Party. During the transaction of routine business any Member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the Members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 6 and any deposition taken outside the presence of a Member under Rule 7, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the majority Party and the Vice Chairman has designated a Member of the minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) Order of Business: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) Hearing Announcements: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) Open and Closed Committee Meetings: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5 (b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the Members and the staff of the Committee. On the motion of any Member, and with the approval of a majority of the Committee Members present, other individuals may be admitted to an executive session meeting for a specified period or purpose.

(h) Record of Testimony and Committee Action: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness' testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 6 on Procedures for Conducting Hearings.)

(i) Secrecy of Executive Testimony and Action and of Complaint Proceedings:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a sworn complaint shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) Release of Reports to Public: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each Member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) Ineligibility or Disqualification of Members and Staff:

(1) A Member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) The Member's own conduct;

(B) The conduct of any employee or officer that the Member supervises, as defined in paragraph [12] of Rule XXXVII of the Standing Rules of the Senate;

(C) The conduct of any employee or any officer that the Member supervises; or

(D) A complaint, sworn or unsworn, that was filed by a Member, or by any employee or officer that the Member supervises.

(2) If any Committee proceeding appears to relate to a Member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the Member may be ineligible, the Member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the Member may be ineligible to participate in it. If the Member agrees that he or she is ineligible, the Member shall so notify the Chairman or Vice Chairman. If the Member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the Member is not ineligible, the Member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the Member is ineligible, while the Member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The Member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a Member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the Member in question not participating.

(3) A Member may also disqualify himself from participating in a Committee proceeding in other circumstances not listed in subparagraph (k)(1).

(4) The President of the Senate shall be given written notice of the ineligibility or disqualification of any Member from any initial review, investigation, or other proceeding requiring the appointment of another Member in accordance with subparagraph (k)(5).

(5) Whenever a Member of the Committee is ineligible to participate in or disqualifies himself from participating in any initial review, investigation, or other substantial Committee proceeding, another Member of the Senate who is of the same party shall be appointed by the Senate in accordance with the provisions of paragraph 1 of Rule XXIV

of the Standing Rules of the Senate, to serve as a Member of the Committee solely for the purposes of that proceeding.

(6) A Member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff Member's own conduct;

(B) the conduct of any employee that the staff Member supervises;

(C) the conduct of any Member, officer or employee for whom the staff Member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff Member. At the direction or with the consent of the staff director or outside counsel, a staff Member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) Recorded Votes: Any Member may require a recorded vote on any matter.

(m) Proxies; Recording Votes of Absent Members:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of an initial review or an investigation, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent Member's vote may be announced solely for the purpose of recording the Member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee Member has been informed of the matter on which the vote occurs and has affirmatively requested the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) Approval of Blind Trusts and Foreign Travel Requests Between Sessions and During Extended Recesses: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV, and to approve or disapprove foreign travel requests which require immediate resolution.

(o) Committee Use of Services or Employees of Other Agencies and Departments: With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR SWORN COMPLAINTS

(a) Sworn Complaints: Any person may file a sworn complaint with the Committee, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate.

(b) Form and content of Complaints: A complaint filed under paragraph (a) shall be in writing and under oath, and shall set forth in simple, concise and direct statements:

(1) The name and legal address of the party filing the complaint (hereinafter, the complainant);

(2) The name and position or title of each Member, officer, or employee of the Senate who is specifically alleged to have engaged in the improper conduct or committed the violation (hereinafter, the respondent);

(3) The nature of the alleged improper conduct or violation, including, if possible, the specific provision of the Senate Code of Official Conduct or other law, rule, or regulation alleged to have been violated.

(4)(A) A statement of the facts within the personal knowledge of the complainant that are alleged to constitute the improper conduct or violation.

(B) The term "personal knowledge" is not intended to and does not limit the complainant's statement to situations that he or she personally witnessed or to activities in which the complainant was a participant.

(C) Where allegations in the sworn complaint are made upon the information and belief of the complainant, the complaint shall so state, and shall set forth the basis for such information and belief.

(5) The complainant must swear that all of the information contained in the complaint either (a) is true, or (b) was obtained under circumstances such that the complainant has sufficient personal knowledge of the source of the information reasonably to believe that it is true. The complainant may so swear either by oath or by solemn affirmation before a notary public or other authorized official.

(6) All documents in the possession of the complainant relevant to or in support of his or her allegations may be appended to the complaint.

(c) Processing of Sworn Complaints:

(1) When the Committee receives a sworn complaint against a Member, officer or employee of the Senate, it shall determine by majority vote whether the complaint is in substantial compliance with paragraph (b) of this rule.

(2) If it is determined by the Committee that a sworn complaint does not substantially comply with the requirements of paragraph (b), the complaint shall be returned promptly to the complainant, with a statement explaining how the complaint fails to comply and a copy of the rules for filing sworn complaints. The complainant may resubmit the complaint in the proper form. If the complaint is not revised so that it substantially complies with the stated requirements, the Committee may in its discretion process the complaint in accordance with Rule 3.

(3) A sworn complaint against any Member, officer, or employee of the Senate that is determined by the Committee to be in substantial compliance shall be transmitted to the respondent within five days of that determination. The transmittal notice shall include the date upon which the complaint was received, a statement that the complaint conforms to the applicable rules, a statement that the Committee will immediately begin an initial review of the complaint, and a statement inviting the respondent to provide any information relevant to the complaint to the Committee. A copy of the Rules of the Committee shall be supplied with the notice.

RULE 3: PROCEDURES ON RECEIPT OF ALLEGATIONS OTHER THAN A SWORN COMPLAINT; PRELIMINARY INQUIRY

(a) Unsworn Allegations or Information: Any Member or staff Member of the Committee shall report to the Committee, and any other person may report to the Committee, any credible information available to him or her that indicates that any named or unnamed Member, officer or employee of the Senate may have—

(1) violated the Senate Code of Official Conduct;

(2) violated a law;

(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate; or

(4) engaged in improper conduct which may reflect upon the Senate. Such allegations or information may be reported to the Chairman, the Vice Chairman, a Committee Member, or a Committee staff Member.

(b) Sources of Unsworn Allegations or Information: The information to be reported to the Committee under paragraph (a), may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints that do not satisfy all of the requirements of Rule 2;

(2) anonymous or informal complaints, whether or not satisfying the requirements of Rule 2;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) Preliminary Inquiry:

(1) When information is presented to the Committee pursuant to paragraph (a), it shall immediately be transmitted to the Chairman and the Vice Chairman, for one of the following actions:

(A) The Chairman and Vice Chairman, acting jointly, may conduct or may direct the Committee staff to conduct, a preliminary inquiry.

(B) The Chairman and Vice Chairman, acting jointly, may present the allegations or information received directly to the Committee for it to determine whether an initial review should be undertaken. (See paragraph (d).)

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, and subpoenas that the Chairman and Vice Chairman deem appropriate to obtain information upon which to make any determination provided for by this Rule.

(3) At the conclusion of a preliminary inquiry, the Chairman and Vice Chairman shall receive a full report of its findings. The Chairman and Vice Chairman, acting jointly, shall then determine what further action, if any, is appropriate in the particular case, including any of the following:

(A) No further action is appropriate, because the alleged improper conduct or violation is clearly not within the jurisdiction of the Committee;

(B) No further action is appropriate, because there is no reason to believe that the alleged improper conduct or violation may have occurred; or

(C) The unsworn allegations or information, and a report on the preliminary inquiry, should be referred to the Committee, to determine whether an initial review should be undertaken. (See paragraph (d).)

(4) If the Chairman and the Vice Chairman are unable to agree on a determination at the conclusion of a preliminary inquiry, then they shall refer the allegations or information to the Committee, with a report on the preliminary inquiry, for the Committee to determine whether an initial review should be undertaken. (See paragraph (d).)

(5) A preliminary inquiry shall be completed within sixty days after the unsworn allegations or information were received by the Chairman and Vice Chairman. The sixty day period may be extended for a specified period by the Chairman and Vice Chairman, acting jointly. A preliminary inquiry is completed when the Chairman and the Vice Chairman have made the determination required by subparagraphs (3) and (4) of this paragraph.

(d) Determination Whether to Conduct an Initial Review: When information or allegations are presented to the Committee by the Chairman and the Vice Chairman, the Committee shall determine whether an initial review should be undertaken.

(1) An initial review shall be undertaken when—

(A) there is reason to believe on the basis of the information before the Committee that the possible improper conduct or violation may be within the jurisdiction of the Committee; and

(B) there is reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred.

(2) The determination whether to undertake an initial review shall be made by recorded vote within thirty days following the Committee's receipt of the unsworn allegations or information from the Chairman or Vice Chairman, or at the first meeting of the Committee thereafter if none occurs within thirty days, unless this time is extended for a specified period by the Committee.

(3) The Committee may determine that an initial review is not warranted because (a) there is no reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred, or (b) the improper conduct or violation, even if proven, is not within the jurisdiction of the Committee.

(A) If the Committee determines that an initial review is not warranted, it shall promptly notify the complainant, if any, and any known respondent.

(B) If there is a complainant, he or she may also be invited to submit additional information, and notified of the procedures for filing a sworn complaint. If the complainant later provides additional information, not in the form of a sworn complaint, it shall be handled as a new allegation in accordance with the procedures of Rule 3. If he or she submits a sworn complaint, it shall be handled in accordance with Rule 2.

(4)(A) The Committee may determine that there is reason to believe on the basis of the information before it that the improper conduct or violation may have occurred and may be within the jurisdiction of the Committee, and that an initial review must therefore be conducted.

(B) If the Committee determines that an initial review will be conducted, it shall promptly notify the complainant, if any, and the respondent, if any.

(C) The notice required under subparagraph (B) shall include a general statement of the information or allegations before the Committee and a statement that the Committee will immediately begin an initial review of the complaint. A copy of the rules of the Committee shall be supplied with the notice.

(5) If a Member of the Committee believes that the preliminary inquiry has provided sufficient information for the Committee to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Member may move that the Committee dispense with the initial review and move directly to the determinations described in Rule 4(f). The Committee may adopt such a motion by majority vote of the full Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN INITIAL REVIEW

(a) Basis for Initial Review: The Committee shall promptly commence an initial review whenever it has received either (1) a sworn complaint that the Committee has determined is in substantial compliance with the requirements of Rule 2, or (2) unsworn allegations or information that have caused the Committee to determine in accordance with Rule 3 that an initial review must be conducted.

(b) Scope of Initial Review:

(1) The initial review shall be of such duration and scope as may be necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(2) An initial review may include any inquiries, interviews, sworn statements, depositions, and subpoenas that the Committee deems appropriate to obtain information upon which to make any determination provided for by this rule.

(c) Opportunity for Response: An initial review may include an opportunity for any known respondent or his designated representative, to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(d) Status Reports: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(e) Final Report: When the initial review is completed, the staff or outside counsel shall make a confidential report to the Committee on findings and recommendations.

(f) Committee Action: As soon as practicable following submission of the report on the initial review, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence. In this case, the Committee shall report its determination to the complainant, if any, and to the respondent, together with an explanation of the basis for the determination. The explanation may be as detailed as the Committee desires, but it is not required to include a complete discussion of the evidence collected in the initial review.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In this case, the Committee may attempt to correct or to prevent such violation by informal methods. The Committee's final determination in this matter shall be reported to the complainant, if any, and to the respondent, if any.

(3) The Committee may determine that there is such substantial credible evidence, but that the alleged violation, if proven, although not of a de minimis nature, would not be sufficiently serious to justify the severe disciplinary actions specified in Senate Resolution 338, 88th Congress, as amended (i.e., for a Member, censure, expulsion, or recommendation to the appropriate party conference regarding the Member's seniority or positions of responsibility; of for an officer or employee, suspension or dismissal). In this case, the Committee, by the recorded affirmative vote of at least four Members, may propose a remedy that it deems appropriate. If the respondent agrees to the proposed remedy, a summary of the Committee's conclusions and the remedy proposed and agreed to shall be filed as a public record with the Secretary of the Senate and a notice of the filing shall be printed in the Congressional Record.

(4) The Committee may determine, by recorded affirmative vote of at least four Members, that there is such substantial credible evidence, and also either:

(A) that the violation, if proved, would be sufficiently serious to warrant imposition of one of the severe disciplinary actions listed in paragraph (3); of

(B) that the violation, if proven, is less serious, but was not resolved pursuant to the procedure in paragraph (3). In either case, the Committee shall order that an investigation promptly be conducted in accordance with Rule 5.

RULE 5: PROCEDURES FOR CONDUCTING AN INVESTIGATION

(a) Definition of Investigation: An "investigation" is a proceeding undertaken by the Committee, by recorded affirmative vote of at least four Members, after a finding on the basis of an initial review that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within its jurisdiction has occurred.

(b) Scope of Investigation: When the Committee decides to conduct an investigation, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. In the course of the investigation, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct inquiries or interviews, take sworn statements, use compulsory process as described in Rule 7, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make this determination.

(c) Notice to Respondent: The Committee shall give written notice to any known respondent who is the subject of an investigation. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an investigation. The notice shall include a statement of the nature of the possible violation, and a description of the evidence indicating that a possible violation occurred. The Committee shall offer the respondent an opportunity to present a statement or to respond to questions from Members of the Committee, the Committee staff, or outside counsel.

(d) Right to a Hearing: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate.

(e) Progress Reports to Committee: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the investigation. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) Report of Investigation:

(1) Upon completion of an investigation, including any hearings held pursuant to Rule 6, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the investigation and which may recommend disciplinary action, if appropriate. Findings of fact of the investigation shall be detailed in this report whether or not disciplinary action is recommended.

(2) The Committee shall consider the report of the staff or outside counsel promptly following its submission. The Committee shall prepare and submit a report to the Senate, including a recommendation to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No recommendation or resolution of the Committee concerning the investigation of a Member, officer or employee of the Senate may be approved except by the affirmative recorded vote of not less than four Members of the Committee.

(3) Promptly, after the conclusion of the investigation, the Committee's report and recommendation shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation shall be printed and made public, unless the Committee determines by majority vote that it should remain confidential.

RULE 6: PROCEDURES FOR HEARINGS

(a) Right to Hearing: The Committee may hold a public or executive hearing in any inquiry, initial review, investigation, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate. (See Rule 5(d).)

(b) Non-Public Hearings: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) Adjudicatory Hearings: The Committee may, by majority vote, designate any public or executive hearing as an adjudicatory hearing; and, any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) Subpoena Power: The Committee may require, but subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 7.)

(e) Notice of Hearings: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) Presiding Officer: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee Member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee Member.

(g) Witnesses:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by a majority vote, rule that no Member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness' scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) Right To Testify: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee Member, staff Member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) Conduct of Witnesses and Other Attendees: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) Adjudicator Hearing Procedures:

(1) Notice of hearings: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) Preparation for adjudicatory hearings:

(A) At least five working days prior to the commencement of an adjudicatory hearing the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) Swearing of witnesses: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that witness does not have to be sworn.

(4) Right to counsel: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) Right to cross-examine and call witnesses:

(A) In adjudicatory hearings, any respondent who is the subject of an investigation, and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness' scheduled appearance, a witness or a witness' counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any Member of the Committee, or by any Committee staff member if directed by a Committee Member. The witness or witness' counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) Admissibility of evidence:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the

Committee. Such rulings shall be final unless reversed or modified by a majority vote of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, by a Member, officer, or employee within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a determination of a majority of the Members of the full Committee that the interests of justice require that such evidence be admitted.

(7) Supplementary hearing procedures: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any Member of the public.

(k) Transcripts:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any Member of the Committee, Committee staff Member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the Member, staff Member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any Member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the Member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a Member or witness if they determine that such Member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness' testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 7: SUBPOENAS AND DEPOSITIONS

(a) Subpoenas:

(1) Authorization for Issuance: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time before a preliminary inquiry, for the purpose of obtaining information to evaluate unsworn allegations or information, or at any time during a preliminary inquiry, initial review, investigation, or other proceeding.

(2) Signature and Service: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) Withdrawal of Subpoena: The Committee, by majority vote, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) Depositions:

(1) Persons Authorized To Take Depositions: Depositions may be taken by any Member of the Committee, designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) Deposition Notices: Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff Member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time before a preliminary inquiry, for the purpose of obtaining information to evaluate unsworn allegations or information, or at any time during a preliminary inquiry, initial review, investigation, or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) Counsel at Depositions: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) Deposition Procedure: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any Member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any Member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no Member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) Filing of Depositions: Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

RULE 8: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) Violations of Law: Whenever the Committee determines by majority vote that there is reason to believe that a violation of law may have occurred, it shall report such possible violation to the proper state and federal authorities.

(b) Perjury: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) Legislative Recommendations: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in an initial review, investigation, or other proceeding.

(d) Applicable Rules and Standards of Conduct:

(1) No initial review or investigation shall be made of an alleged violation of any law, rule, regulation, or provision of the Senate Code of Official Conduct which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to, or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may conduct an initial review or investigation of an alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 9: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) Procedures for Handling Committee Sensitive Materials:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusation of such conduct; to any resulting preliminary inquiry, initial review, or investigation by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff Member.

(b) Procedures for Handling Classified Materials:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff Member cleared for access to classified information.

(3) Each Member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff Members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) Procedures for Handling Committee Sensitive and Classified Documents:

(1) Committee Sensitive and classified documents and materials shall be segregated in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each Member of the Committee shall have access to all materials in the Committee's possession. The staffs of Members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be taken by a Member of the Committee staff to the office of a Member of the Committee for his or her examination, but the Committee staff Member shall remain with the Committee Sensitive or classified documents or materials at all times except as specifically authorized by the Chairman or Vice Chairman.

(3) Any Member of the Senate who is not a Member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(4) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a Member of the Committee, or to a staff person of a Committee Member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) Non-Disclosure Policy and Agreement:

(1) Except as provided in the last sentence of this paragraph, no Member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No Member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the nondisclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 10: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by majority vote that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee Members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 11: PROCEDURES FOR ADVISORY OPINIONS

(a) When Advisory Opinions Are Rendered:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) Form of Request: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) Opportunity for Comment:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) Issuance of an Advisory Opinion:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the Members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) Reliance on Advisory Opinions:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 12: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) Basis for Interpretative Rulings: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining and rule or regulation of the Select Committee on Ethics.

(b) Request for Ruling: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) Adoption of Ruling:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the Members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) Publication of Rulings: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) Reliance on Rulings: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) Rulings by Committee Staff: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 13: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) Authority To Receive Complaints: The Committee is directed by section 6(b) of Public Law 9309191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) Disposition of Complaints:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an initial review or investigation, must be summarized, together with the disposition, in a notice promptly transmitted for publication in the Congressional Record.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) Advisory Opinions and Interpretative Rulings: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 11 and 12.

RULE 14: PROCEDURES FOR WAIVERS

(a) Authority for Waivers: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) Requests for Waivers: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) Ruling: The Committee shall rule on a waiver request by recorded vote, with a majority of those voting affirming the decision.

(d) Availability of Waiver Determinations: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 15: DEFINITION OF "OFFICER OR EMPLOYEE"

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A Member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 16: COMMITTEE STAFF

(a) Committee Policy:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each Member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each Member of the staff shall perform all official duties in a nonpartisan manner.

(4) No Member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No Member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No Member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) Appointment of Staff:

(1) The appointment of all staff Members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff Members, including a staff recommended by a special counsel, for the purpose of a particular initial review, investigation, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel if necessary or appropriate for any action regarding any complaint or allegation, initial review, investigation, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any investigation undertaken after an initial review of a sworn complaint, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) Dismissal of Staff: A staff Member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee Membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff Member.

(d) Staff Works for Committee as Whole: All staff employed by the committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) Notice of Summons To Testify: Each Member of the Committee staff shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 17: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) Adoption of Changes in Supplementary Rules: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a majority vote of the entire Membership taken at a meeting called with due notice when prior written notice of the proposed change has been provided each Member of the Committee.

(b) Publication: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.●

ORDERS FOR TUESDAY, FEBRUARY 25, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. on Tuesday, February 25, I further ask unanimous consent that immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate recess from the hours of 12:30 to 2:10 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. So, now, for the information of all Senators, tomorrow morning the Senate will be resuming debate on the pending Reid amendment to the balanced budget resolution. At 2:10 p.m. tomorrow the Senate will begin 5 minutes of closing remarks followed by a rollcall vote on adoption of House Joint Resolution 36, the resolution regarding U.N. population funding.

Following that vote, the Senate then will resume debate on the Reid amendment, with a vote occurring on or in relation to the amendment at 6 p.m. on Tuesday afternoon.

As a reminder, the Senate will debate Senator Feinstein's amendment on Wednesday morning, from the hours of 9 a.m. to 11 a.m. Following the vote at 11 on or in relation to the Feinstein amendment, Senator TORRICELLI will be recognized to offer an amendment relating to capital budgeting. That amendment is limited to 3 hours for debate.

I thank my colleagues for their cooperation in allowing us to schedule these votes, and I hope we can continue to make progress on this important matter. It is my understanding that just prior to our weekly party conferences, the Democratic leader and I will be able to consult, and hopefully he will be in a position to enter into an agreement outlining the remaining amendments in order to the constitutional amendment. Once that agreement is reached, then we will be in a better position to notify our Members with respect to votes during the remainder of this week.

It is my intention at this time to have votes on Friday on amendments, if necessary, unless we can get an agreement to the contrary. We should know about this tomorrow, and we will let the Members know for sure about votes on Friday and/or Monday.

We want to have, and we have had, a full and fair debate on this very important constitutional amendment, and there have been amendments to that language that have been fully discussed. We continue to reach agreements on those amendments, including a Feinstein amendment, the Reid amendment, and for the Torricelli amendment. But I do think there is a point, at some time, when we need to come to closure on the amendments that are in order, have those debated and voted on if necessary, and then get to final passage. I hope we can get that worked out in the next couple of days.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. LOTT. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:39 p.m, adjourned until Tuesday, February 25, 1997, at 9 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 25, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 26

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the impact of capital gains taxes on farmers.
SR-332

9:30 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act.
SD-406

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Small Business
To hold hearings on the President's budget request for fiscal year 1998 for the Small Business Administration.
SR-428A

Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 1998 for the Bureau of Indian Affairs and the Indian Health Service.
SR-485

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to review the Federal Reserve's monetary policy report to Congress.
SD-106

Joint Economic
To hold hearings to examine the economic and budget outlook. 2318 Rayburn Building

2:00 p.m.
Armed Services
To continue hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program.
SR-222

Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the Agency for International Development (AID).
SD-419

Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1998 for veterans programs.
SR-418

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To continue hearings on the proposed Public Land Management Responsibility and Accountability Restoration Act.
SD-366

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

FEBRUARY 27

9:30 a.m.
Armed Services
To hold hearings concerning the Department of Defense actions pertaining to Persian Gulf illnesses.
SD-106

Small Business
To hold hearings on S. 208, to provide Federal contracting opportunities for small business concerns located in historically underutilized business zones.
SR-428A

Indian Affairs
Business meeting, to consider pending committee business relating to the Committee's budget views and estimates on the fiscal year 1998 request for Indian programs.
SR-485

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Agriculture.
SD-124

Commerce, Science, and Transportation
To hold hearings to examine violence in television programming.
SR-253

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the United States Agency for International Development (USAID) and to review bilateral economic assistance programs.
SD-138

11:00 a.m.
Finance
To hold hearings on views of congressional advisory commissions on the Administration's fiscal year 1998 Medicare budget proposal.
SD-215

2:00 p.m.
Finance
Health Care Subcommittee
To resume hearings to examine the financial soundness of the Medicare program.
SD-215

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

MARCH 4

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Corporation for National and Community Service, the American Battle Monuments Commission, the Court of Veterans Appeals, the Selective Service System, and Army Cemeterial Expenses.
SD-138

Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
To hold hearings on proposals relating to liability and resource issues associated with the cleanup and redevelopment of abandoned or underutilized industrial and commercial properties.
SD-406

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Food Safety and Inspection Service, Marketing and Regulatory programs, Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD-124

Commerce, Science, and Transportation
To hold hearings to examine proposed legislation to reform product liability.
SR-253

10:30 a.m.
Finance
To hold hearings to examine estimates of the President's fiscal year 1998 budget

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

request for Medicare, Medicaid, and welfare.

SD-215

MARCH 5

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the Department of Agriculture's business plan and reorganization management proposals.

SR-332

9:30 a.m.

Environment and Public Works

Superfund, Waste Control, and Risk Assessment Subcommittee

To hold hearings on S. 8, to authorize funds for and reform the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (Superfund).

SD-406

Rules and Administration

To hold oversight hearings on the operation of the offices of the Secretary of the Senate, the Sergeant at Arms, and the Architect of the Capitol.

SR-301

10:00 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine aviation safety, focusing on the work of the Gore Commission.

SR-253

Governmental Affairs

To hold hearings to examine issues relating to the General Accounting Office high-risk series.

SD-342

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To resume hearings on the proposed Public Land Management Responsibility and Accountability Restoration Act.

SD-366

MARCH 6

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine issues with regard to competitive change in the electric power industry.

SH-216

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act and innovative transportation financing, technology, construction and design practices.

SD-406

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Retired Officers Association, the Association of the U.S. Army, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, and the Blinded Veterans Association.

345 Cannon Building

2:30 p.m.

Commerce, Science, and Transportation

Consumer Affairs, Foreign Commerce, and Tourism Subcommittee

To hold hearings to examine product liability reform, focusing on the implementation of the General Aviation Revitilization Act.

SR-253

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To continue hearings on the proposed Public Land Management Responsibility and Accountability Restoration Act.

SD-366

MARCH 11

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation authorizing funds for agricultural research.

SR-332

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.

SD-138

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for Food and Consumer Service, Department of Agriculture.

SD-124

Energy and Natural Resources

To hold hearings on the President's proposed budget request for fiscal year 1998 for the Department of Energy and the Federal Energy Regulatory Commission.

SD-366

Governmental Affairs

To hold hearings to examine issues relating to the census in the year 2000.

SD-342

MARCH 12

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine universal telephone service.

SR-253

MARCH 13

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR-332

9:30 a.m.

Energy and Natural Resources

To resume hearings to examine issues with regard to competitive change in the electric power industry.

SD-G50

MARCH 18

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR-332

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Emergency Management Agency.

Room to be announced

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for energy research programs of the Department of Energy.

SD-124

Environment and Public Works

To hold hearings on proposals to authorize state and local governments to enact flow control laws and to regulate the interstate transportation of solid waste.

SD-406

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Natural Resources Conservation Service, Department of Agriculture.

SD-138

MARCH 19

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Disabled American Veterans.

345 Cannon Building

MARCH 20

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR-332

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for atomic energy defense activities of the Department of Energy.

SD-124

Energy and Natural Resources

To resume hearings to examine issues with regard to competitive change in the electric power industry.

SH-216

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Veterans of World War I, and the Vietnam Veterans of America.

345 Cannon Building

APRIL 8

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Protection Agency.

SD-138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Farm Service Agency, the Foreign Agricultural Service, and the Risk Management Agency, Department of Agriculture.
SD–124

APRIL 15

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Housing and Urban Development.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Rural Utilities Service, the Rural Housing Service, the Rural Business-Cooperative Service, and the Alternative Agricultural Research and Commercialization Center, all of the Department of Agriculture.
SD–124

APRIL 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Science Foundation and the Office of Science and Technology Policy.
SD–192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Management Program of the Department of Energy.
SD–124

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Agricultural Research Service, the Cooperative State Research, Education, and Extension Service, the Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

APRIL 24

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Corp of Engineers and the Bureau of Reclamation, Department of the Interior.
SD–124

APRIL 29

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Commodity Futures Trading Commission, and the Food and Drug Administration, Department of Health and Human Resources.
SD–124

MAY 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.
SD–138

CANCELLATIONS

FEBRUARY 26

9:30 a.m.
Energy and Natural Resources
Business meeting, to mark up S. 104, to amend the Nuclear Waste Policy Act of 1982, and to consider the nomination of Federico Peña, of Colorado, to be Secretary of Energy, and other pending calendar business.
SD–366

POSTPONEMENTS

FEBRUARY 25

10:00 a.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine U.S. law enforcement interests in Hong Kong.
SD–419

HOUSE OF REPRESENTATIVES—*Tuesday, February 25, 1997*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. CHAMBLISS].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> HOUSE OF REPRESENTATIVES,
> *Washington, DC, February 25, 1997.*
>
> I hereby designate the Honorable SAXBY CHAMBLISS to act as Speaker pro tempore on this day.
>
> NEWT GINGRICH,
> *Speaker of the House of Representatives.*

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PALLONE] for 5 minutes.

EDUCATION IN AMERICA

Mr. PALLONE. Mr. Speaker, over the last several weeks I have been coming down here to the House floor to discuss the topic of education in America. As most Americans know by now, the President and congressional Democrats have developed a comprehensive plan to address the Nation's most pressing education needs. To date, the Republicans in Congress have given very little indication of their thoughts on the President's plan. Despite indications from the American people that education is indeed one of the most important issues facing Congress today, Republican leaders have ignored Democratic calls to immediately begin examining our proposal to strengthen education in America. Nor have they offered any plan of their own to address the varieties of challenges confronting our education system.

Today, Mr. Speaker, I want to focus on how the President's plan will affect the lives of people from my home district, New Jersey's Sixth Congressional District, which comprises part of Monmouth and Middlesex Counties. I want to do this by sharing two letters, one from each county of my district, that touch on two prevalent education problems which the President and congressional Democrats have developed plans to confront.

The first of these problems concerns the difficult time many parents are encountering while trying to meet the runaway costs of college education. Not too long ago, Mrs. Barbara A. Pflug of West Keansburg wrote to me trying to make sense of the challenges she and her husband are trying to overcome. She writes in a letter to me:

> Dear Congressman PALLONE: Please try to help me understand what is happening. My oldest son has just finished his freshman year at Rutgers University. We are both teachers and have worked continually for the past 25 years. We had planned to save money for our boys' college expenses but never had that leftover money to invest. We do not have an expensive life-style. The cost of living in this area has continually gone up. We do not spend our money foolishly. We did not take a vacation and cannot afford a new car. Our properties and other taxes are sky high and we know we pay extra for things like automobile insurance and hospitalization to help people who cannot afford it. We are told that Social Security may not be there when we need it and to start saving for our retirements. We need three lifetimes of working to do all of these things. We should be saving now for our retirement, but that is out of the question with three boys who need to be college educated. The bulk of responsibility is on the parents and we cannot even claim this expense on our income tax. It is an overwhelming hardship. I just do not get it. Please tell us what we are doing wrong.

That is from their letter.

Well, I want to say that Mrs. Pflug and her husband are doing nothing wrong. Like millions of parents across the country, they are working hard to make ends meet, sacrificing so that their children will lead better lives. As Mrs. Pflug explains: The bulk of the responsibility is on the parents when we cannot even claim this expense on our income tax. It is an overwhelming hardship.

Mr. Speaker, the President and congressional Democrats realize that, as Mrs. Pflug put it, the overwhelming hardship of paying for college is indeed an expense that every American family ought to be able to claim on their income tax. To that end, we proposed a $1500 refundable tax credit for all students in their first year of college and another $1500 in the second year if they stay off drugs and earn a B average in the second year. We are also proposing a $10,000 tax deduction for any year a family has education expenses.

I would say to Mrs. Pflug that the Democrats have recognized the need for education tax breaks and have developed a plan. I would also encourage Mrs. Pflug to encourage her family to keep working hard. Democrats in Congress are working hard for families like hers; we are waiting for Republicans to join us in making education tax breaks for the working family available so their lives will be just a little better and a little easier.

The other letter, Mr. Speaker, I want to read from today concerns the dire need many schools across the country have for repair or outright replacement:

"Dear FRANK," writes Ms. Ann Ricciardi of Edison, the largest town in my district, "I look to anyone willing to speak for children and their parents for help in resolving a critical problem affecting most children in our State. Our buildings are deteriorating to the point where we are sacrificing the health and safety of our children and teachers."

And Mrs. Ricciardi continues to write:

> Almost every roof in our schools needs repair. Of 17 schools, 11 require significant repair. Schoolchildren sit next to buckets and garbage cans catching rainwater in bad weather. We rely on substandard classrooms and trailers to address increasing enrollment.
>
> Our son is in second grade and has almost his entire education in front of him. With no hope in sight for change, we will be forced to consider leaving for his future success. Many of our friends and neighbors are discussing the same issue. School financing, charter schools and the introduction of technology are the most significant problems for most families today.

Mr. Speaker, Ms. Ricciardi's situation and concerns mirror those of millions of parents around the country. And she could not be more right. Something absolutely needs to be done. That is why the President has proposed the school construction initiative to repair the Nation's ailing school infrastructure. Under the President's plan, the Federal Government will provide a $5 billion jump start for the necessary investments in the Nation's school buildings.

I want to thank you, Mr. Speaker. I say that these letters just indicate remotely the magnitudes of the educational problem. The problem needs to be addressed. It is a real problem that the average American faces.

INVESTMENT REVITALIZATION ACT OF 1997

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from New Jersey [Mr. SAXTON] is recognized during morning hour debates for 5 minutes.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. SAXTON. Mr. Speaker, I rise today to announce that on Thursday I will introduce a bill designated to increase incentives to save and invest for middle class taxpayers. The bill, known as the Investment Revitalization Act, or the IRA, of 1997, would greatly increase the deduction ceilings for IRA contributions, increase the income caps which currently prevent many middle class taxpayers from using IRA's and expand opportunities for penalty free withdrawals from IRA accounts. By increasing the incentives to save, this legislation would boost long term economic growth and help middle class taxpayers help themselves in addressing a wide variety of economic contingencies that might otherwise lead to expanded government activity.

For many years policymakers from across the spectrum have complained about inadequate levels of personal savings and investment. There have also been concerns expressed about the economic vulnerability of families to unemployment and other setbacks, the exposure of families to medical and other emergencies, the great difficulty in coping with increased education costs, the heavier family tax burdens over the last three decades, and the looming problems associated with the retirement of the baby boom generation.

Most of these problems are related to the fact that our income tax is systematically biased against personal savings and this makes it much harder for families to accumulate resources to successfully address their needs as they arise.

The IRA bill which I will introduce on Thursday will go a long way toward removing the bias against savings and investment in the current Tax Code. This bill is intended to suggest a new direction and to guide tax policy into the next century. The basic idea is to expand IRA's enough to strip away much of the multiple taxation of personal savings and investment in the United States for the vast majority, particularly of middle class taxpayers.

The flexibility of this approach would give families the financial ability to successfully address their needs as they see fit. This IRA bill increases the current $2,000 IRA deduction ceiling by $500 every year for 10 years. At the end of this period, the deduction cap would be $7,000 each year.

Second, the bill would increase the income ceiling $10,000 each year for 6 years so that taxpayers filing joint returns up to $110,000 of adjusted gross income could take advantage of IRA deductions.

Third and finally, the penalty free withdrawals would be permitted for medical care, education, employment, and for first-time homeownership. When a career setback or unexpected medical problem occurs, they would have the sufficient assets to fall back on. Some would save aggressively for children's college education, expenses or some other reason, attracted by the deduction, but also knowing that earnings compound even faster without a tax bite. Others might solely focus on retirement.

In my view, the adoption of this legislation would largely reverse the current discrimination against personal savings and investment, thus boosting long-term economic growth. The economic benefits of this concept would be significant. Government policy has undermined middle class savings incentives for too long. If we are concerned about inadequate personal savings and related problems, it is time for U.S. tax policy to become less counterproductive.

We cannot maintain a Tax Code that systematically discriminates against personal savings and investment and then be surprised when people fail to save, creating serious problems for public policy. A fundamentally different approach to the tax treatment of personal savings is urgently needed. Let us reduce the multiple taxation on middle class savings.

GOVERNORS HAVE RESPONSIBILITY TO IMPLEMENT WELFARE REFORM LAW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from California [Mr. MILLER] is recognized during morning hour debates for 5 minutes.

Mr. MILLER of California. Mr. Speaker, many of this Nation's governors are amazing. For the last 2 years they have been coming to Washington and telling anyone who would listen that they could reform the welfare system with one hand behind their back. They said they could do more for less, better than the Federal Government ever thought it could.

They went from Meet the Press, to committee hearings, to Nightline, saying to whoever would listen that they were the only ones who knew how to reform the system and had the courage to make the tough decisions. When asked about legal immigrants and about moving people to work, about a safety net for children, their answer was always the same: Leave it to us. The States are the great laboratories of the 1990's.

Well, the ink is barely dry on the Welfare Reform Act and now the Governors are back here whining about the welfare bill that they designed. Why do these Governors remind me of Riddick Bowe? They have spent less time living with the welfare reform law than Riddick Bowe did with the U.S. Marines. Riddick said his problem was the lack of flexibility. The Governors are suggesting that their problem is too much flexibility. They are responsible for too much of the welfare caseload.

Excuse me, we gave them the block grant that they asked for, calculated on the high welfare years of 1994. Many are already taking credit, along with the President, for causing the number of welfare recipients to drop by over 2 million. So why do they not take some of the savings and help provide for legal immigrants, to put some people to work, provide job training and child care for those single mothers who want to go to work? Rather than doing that, they are back to Washington asking for a Federal bailout.

Who do they think we are: The tax collectors for the State welfare state? The Governors have a responsibility to do what they have asked for the authority to do, to move people from welfare to work and to do it now. It means education, job training, child care, and health care in support of those people who want to go to work.

As problems occur, after all the sectors have made a good faith effort, then Congress can consider suggestions for change. But now they have the revenue in the first few years to carry out welfare reform if the economy stays healthy. They should follow the lead of the President and get the private sector to go where it has never gone before, making the free enterprise system accountable for providing livable wages for all of America's families.

AGAINST LATEST TAX INCREASE PROPOSAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Florida [Mr. SCARBOROUGH] is recognized during morning hour debates for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, throughout the long march of history, the story of civilization is replete with examples of how individuals have been burdened by an overbearing Government whose onerous tax systems have destroyed individuals, communities and, indeed, entire civilizations.

□ 1245

Yet in the midst of such oppression, individuals have fought back to defend their right to keep a significant portion of what they earned by their own toil.

We know about the peasants' revolts in the Middle Ages, where peasants revolted against a system that required them to give one-third of what they raised in the fields to their landlords. Of course all Americans know about the Boston Tea Party, where American revolutionaries said no taxation without representation. That led to a glorious American Revolution led by such men as Thomas Jefferson and George Washington, who talked about the power of the individual over the power of the State.

Indeed, for the entire 20th century, this battle has continued. It has continued against those that believe in the free enterprise system and those that believe that the scourge of socialism should sweep across the world. It is a battle that America has been fighting and a battle that we thought we won. But unfortunately we turn around to find out, in 1997, that we may not have been as successful as we thought. For while the peasants were revolting against paying one-third of everything they earned to their landlords, we turn around and find out, in 1997, from the National Taxpayers Union and other independent groups, that the average American pays 50.2 percent of everything they earn to the Government.

Mr. Speaker, that is obscene and that is as un-American as anything that I have ever heard. Yet the same radicals that stormed the streets in the 1960s advocating that America lurks toward socialism, attacked those of us who came in 1994 from their positions of authority when we tried to pass tax relief on to the American people. They called it, in classic class warfare, socialistic lingo, tax cuts for the rich. But that was OK. This Congress passed tax cuts, 90 percent of which would go to American families earning less than $70,000. Ninety percent. I was proud to be part of an institution, proud to be part of a party that would stand up against the march of socialism in America and say enough is enough, let Americans keep more of what they earn. Yet when I returned to Washington yesterday, I found out regrettably that this very Congress who had the courage 2 years ago to stand up against the big taxers in Washington, DC, are actually trying to pass a $3 billion tax increase on to the American people, and it is wrong.

Americans are already paying 50.2 percent to the Government. That means, when you go to work on Monday morning, you are going to work for the Government, and everything you earn on Monday goes to the Federal Government. And when you work on Tuesday, the same thing occurs. You work all day Tuesday, and all of your earnings go to the Government. In fact, it is not until you return from work on Wednesday each workweek that you can start putting aside money for yourself, for your family, for your children's education, for your own retirement, and possibly even for your own mortgage payment. So how we can justify another $3 billion tax increase is beyond me.

It is not tax cuts for the rich that we were advocating. It was tax cuts for middle-class Americans. And how shocking it is for me to hear some of the very same Democrats who 2 years ago were calling our tax cuts tax cuts for the rich, now coming up and discussing tax cuts for middle-class Americans for the issue of education, when these tax cuts go roughly to the same people that they called the rich 2 years ago.

I will oppose the tax increase that we are supposed to vote on tomorrow because a lot of my fellow conservative friends and people like the National Taxpayers Union and Citizens Against Government Waste call it a tax increase plain and simple. So I ask other Members to go to the Republican leadership and say no to this tax increase.

INTRODUCTION OF LEGISLATION ESTABLISHING NATIONAL COMMISSION ON ALCOHOLISM

The SPEAKER pro tempore (Mr. CHAMBLISS). Under the Speaker's announced policy of January 21, 1997 the gentleman from Minnesota [Mr. RAMSTAD] is recognized during morning hour debates for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, since first coming to Congress, I have worked closely with our former colleagues Bill Emerson and former Senator Harold Hughes and many other current Members to address the epidemic of alcoholism and substance addiction in our country.

During the last session of Congress, I introduced legislation, which actually was prepared by former Senator Hughes and our colleague Bill Emerson, to establish a National Commission on Alcoholism to develop a pragmatic, comprehensive and effective strategy to deal with this fatal and insidious disease. That effort continues this year, although as our colleagues all know, Bill Emerson went to be with his higher power, as did former Senator Hughes last year, but I know that those two great men are smiling down from heaven on us as we continue this very, very important effort.

Next week I will introduce a bill to establish this National Commission on Alcoholism, a volunteer 2-year commission, to be narrowly focused, to streamline and better coordinate existing Government programs, treatment programs, prevention programs and education programs, to increase public and private sector cooperation, to evaluate the cost-effectiveness of treatment, and to improve alcoholism research and medical school training on this pressing public health epidemic.

Instead of trying to find one big picture solution to alcoholism, Mr. Speaker, like we have done in the past, this commission will develop specific cost-effective and practical recommendations and then disband in 2 years. So unlike Federal commissions of the past that have met periodically to hold sparsely attended meetings and have given us reports that nobody reads, this commission on alcoholism will meet for a finite period, consist exclusively of volunteers, and will submit a final report to the President and the Congress of their recommendations.

As policymakers at the Federal level, Mr. Speaker, we must address alcoholism as a possible health issue. On the average, untreated alcoholics incur health care costs that are 100 percent higher than nonalcoholics. At the same time there are no Federal and few, if any, State requirements to even study alcoholism in our medical schools.

Members of this commission, Mr. Speaker, as I said, all volunteers, will include treatment and other health care professionals, educators, NIH officials, academics and also recovering people to give this commission and to give us in Congress a real-world perspective.

We must address alcoholism as a public safety issue as well. According to the Justice Department, 36 percent of convicted murderers were under the influence of alcohol at the time of their homicide, while 13 percent used alcohol with another drug.

Mr. Speaker, in addition, and I say this as a grateful recovering alcoholic myself of some 15½ years, I know that alcoholism must be addressed as the painful private struggle it is, with the staggering public cost. Last year alone, alcoholism killed more Americans than all illegal drugs combined, ripped apart families across this land, and the financial cost, Mr. Speaker, of alcoholism last year alone, 1996, 1 year, the financial cost, $85.8 billion.

I am very grateful, Mr. Speaker, for the bipartisan support that this legislation received last year when I introduced it. We tried to lay the groundwork for passage this year. And so now it is my hope that we can pass this into law, get the National Commission on Alcoholism established, develop that comprehensive national strategy to deal with this costly, deadly disease. I urge my colleagues, Mr. Speaker, to join me, join our bipartisan effort in cosponsoring this critically important legislation.

TRIO MUST CONTINUE TO MAKE A DIFFERENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Tennessee [Mr. FORD] is recognized during morning hour debates for 5 minutes.

Mr. FORD. Mr. Speaker, 31 years ago Congress established the TRIO Programs as part of the Higher Education Act. Since that time it has been instrumental in helping millions of students overcome barriers to postsecondary education.

TRIO is effective because it directs resources where they are needed the most. It is based on a Jeffersonian principle that education should be available to those who have an ability to learn rather than an ability to pay. Two-thirds of TRIO students come from families with incomes under $24,000 a year.

My vision for education and for TRIO and for all Americans is TRIO's vision, a commitment to foster the ideals of equal educational opportunity regardless of background.

TRIO is the heir to several successful education programs supported by the Federal Government over the past 200 years. From the Ordinance of 1785, which set aside lands in western territories for schools, to land grant legislation in the 19th century which established State universities, to the G.I. bill after World War II, to legislation creating historically black colleges and universities, the Federal role in education has moved countless Americans into the middle class, making our economy the most dynamic in the world.

In 1983, a Nation At Risk, a report commissioned by the Secretary of Education, sent a wakeup call to the Nation: The condition of our educational system, the report said, was threatening our position as an unrivaled economic, technological and scientific power in the world. The report stated:

> We report to the American people that while we can take justifiable pride in what our schools and colleges have historically accomplished and contributed to the United States and the well-being of its people, the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people. What was unimaginable a generation ago has begun to occur—others are matching and surpassing our educational achievements.

After this seminal report, which, Mr. Speaker, I would say still has relevance and truth today, the Nation again dedicated itself to improving education. States across the Nation have undertaken ambitious educational reform. Congress passed Goals 2000 and targeted more Federal resources to elementary and secondary education, especially to low income school districts. Congress expanded and improved Federal higher educational assistance, making postsecondary education accessible to many more young people.

Our rededication, Mr. Speaker, to education is working. The Department of Education reports that more students are spending time on their homework than they did in the 1970s. SAT and National Assessment of Education Process scores are increasing.

Mr. Speaker, it is so critical at this juncture in American history that we do not abandon the American student, the American school or the American teacher. Students in the TRIO Upward Bound Program are 4 times more likely to earn an undergraduate degree than their counterparts who did not participate in TRIO.

Postsecondary education, Mr. Speaker, pays off. The Department of Education reports that every year of formal education is associated with a 5 to 15 percent increase in annual earnings later in life.

Passage of welfare reform requires us to provide more education and training opportunities for those who will make the transition from welfare to work. TRIO Programs are well positioned to do this. TRIO can provide the support services to help welfare recipients earn a high school degree and participate in postsecondary education programs.

The President's budget contains a 13.5 percent increase in spending in TRIO over 1996. A 30 percent increase in 1998 will enable TRIO to serve more than 186,000 more young people.

Mr. Speaker, I urge all of my colleagues to take a close look at how TRIO is making a difference in their districts and to remember their commitment to the millions of young Americans who will benefit from this successful program.

BURDEN OF AMERICAN TAXPAYER TO INCREASE WITH PASSAGE OF AIRPORT TRUST FUND TAX

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Tennessee [Mr. HILLEARY] is recognized during morning hour debates for 5 minutes.

Mr. HILLEARY. Mr. Speaker, I rise in strong support today of the American taxpayer. There are many of us, and it is a bipartisan feeling up here, there are many of us that feel for those folks back home, those families where both spouses have to work, they both get out there, sometimes they have to work two jobs just to keep up with the tax monster, that 50-point-something percent that our friend from Florida talked about earlier that goes to the government. They get out there and they work hard. These are not folks who are not trying to make ends meet. They are out there obeying the rules and doing what they are supposed to. But we keep on increasing their burden by one more tax here, one more tax there, one more program here, one more program there. We feel for those folks. They are not seeing their wages go up. Wages are probably not going to go up that much for the near term because so many jobs are going overseas and that tends to have a deflationary effect on wages. But what we can do to improve their livelihood and to improve their lives is to let them keep more of what they earn.

This afternoon we are going to debate a bill, H.R. 668, the Airport and Airway Trust Fund tax increase. This is yet another slice out of their livelihood.

When we got out of here last fall, we were asked to vote for billions of dollars in more spending. The liberals knew that we basically had to do that. We were being pounded back home on TV saying we were mean-spirited for doing this and for doing that, and we were stuck here in Washington and could not defend ourselves.

So sometimes you have to take a step backwards before you can take two steps forward, and that is what we did. We voted for increased spending against our wishes to get out of town and defend ourselves, and we won. We lost that battle that day, but we won the battle on election day so we could come back this year and start again.

We have the opportunity to take a step forward today, but it looks like we are going to be asked to take a step backwards. The first substantive act of the 105th Congress, if this happens, will be a $2.7, nearly $3 billion tax increase on people once again. This goes to fund airline safety. Everybody is for airline safety. No one would be against airline safety. There is a trust fund in place that has funds available now and it will have funds available for the rest of the fiscal year. If we do not vote for this tax increase that we are going to be asked to vote for tomorrow, we are going to debate it this afternoon, if we do not vote for this, airplanes are not going to fall out of the sky, the operational safety will still be there.

But let us not vote on this without an offsetting tax cut. No one is against a user fee, which is basically what this is. If you got to have a tax, let us make it a user fee. Let us make the folks who are using that service pay for that service. No one disagrees with that idea. But let us not do it without an offsetting tax cut.

I have dropped a bill today that will do just that. That does not have to be my idea, to have an offsetting tax cut; does not have to be the one I came up with. But the one that I came up with would suspend President Clinton's 4.3-cent-a-gallon tax increase at the gas pump. It is a perfect match, as much as anything up here is perfect. The same amount of revenue that we would save taxpayers is the amount of revenue that this tax increase would bring in.

So it does not have to be that one, but it also does another thing. It also tends to shift the burden away from those folks who are on fixed incomes that live from paycheck to paycheck. You know, everybody has to pay that tax at the gas pump, not just those folks that are making a lot of money; everybody does. And so this solution would also shift that burden away from them.

I do not have any pride of authorship; it does not have to be that offsetting tax cut, it can be anything.

But, folks, let us not as our first act, a conservative Congress—that is what we call ourselves, a conservative Congress—let us not as our first substantive act of this 105th Congress push through a $2.7 billion tax increase.

The National Taxpayers Union agrees with me and opposes this bill; Citizens For a Sound Economy opposes this bill; many groups, grassroots groups, will be opposing this bill; let us put one in for the taxpayer, not for another tax increase. Let us do the right thing, let us be clearheaded about this, let us come up with an offsetting tax cut.

SLOW-MOTION PEARL HARBOR ON AMERICA'S WELL-BEING

The SPEAKER pro tempore (Mr. CHAMBLISS) Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. ROHRABACHER] is recognized during morning business for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, Congress this year will pass legislation that will determine the technological status of the United States of America in the 21st century.

Let us put this in perspective. America has had the most productive work force and provided a higher standard of living for the average person and met every challenge to our national security and our economic prosperity. Why? Because we were technologically superior. That is what gave us the edge; we were technologically superior. Why were we technologically superior? We were technologically superior because we have the strongest patent system in the world. It did not just happen that we had this American miracle, that our standard of living here increased, that the average person had opportunities never dreamed of in other countries. It happened because we were producing the wealth because we had the technology, because written into our law, into the very Constitution of the United States, is patent protection as a right of the American people. We traditionally have had the strongest patent protection of any country of the world.

Well, now, unbeknownst to most Americans, our patent system, the one that has kept our country No. 1, is being destroyed, and the patent rights of the American people are being greatly diminished, this in a very low-key effort that very few Americans know about. In fact most Members of Congress know nothing about this.

I have documents detailing why this has happened, because you may say why would anyone want to destroy the very basic patent system that has been so important to the United States of America? I have a document that I will put into the CONGRESSIONAL RECORD detailing an agreement between Mr. Bruce Lehman, the head of our Patent Office, and his counterpart in Japan to harmonize American patent law with that of Japan's; and I hate to tell you, but we are not bringing up their weak patent system to become strong like the patent protection in America. Their harmonization process is weakening the rights of the American people, so it will be the same as the Japanese.

This is an absolute catastrophe in the making, a slow-motion Pearl Harbor on America's well-being.

This agreement to harmonize patent law between the United States and Japan by making our patent law weaker will do nothing but destroy America's leadership in the years ahead, and again at a very slow pace, so that future Americans will never know what hit them.

H.R. 400 is the legislation aimed at implementing this hoard agreement with the Japanese. I call it the Steal American Technologies Act. Among other things, it reconfirms that the guaranteed patent term, which we have always had, no matter how long it took you to get your patent issued, you knew you were guaranteed 17 years of patent protection. That is out the window; that is gone. It reconfirms that.

It also mandates—now get this—all American patents, if you make an application, even before those patent applications are issued—so someone does not have a patent yet, it is going to be published for the whole world to see after 18 months. So inventors will have every secret that they have got, all the work they put into building new technologies will be given to America's competitors to beat us economically.

And of course the third part of H.R. 400, the Steal American Technologies Act, would be eliminating the Patent Office, just obliterating it. That is right; we are going to obliterate the patent system, as we have got it, and we have had it since the founding of our country, and we are going to restructure it as a corporatized entity. A corporatized entity? Who is in charge? These people at the Patent Office, these diligent patent examiners trying their best to do a diligent job because they know their decision means billions of dollars in jobs for America, they are going to be turned over. They are now going to be employees of a corporatized structure and who is going to be in charge of that? Lord only knows.

H.R. 400 is an abomination. It has to be defeated. But the American people know little about it. Yet the lobbyists and the power structure in this town are pushing this bill through. There will be a hearing tomorrow on it in the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary.

H.R. 400, the Steal American Technologies Act, will be defeated or it will destroy the well-being of the American people. I am dropping legislation today which will take us in exactly the opposite direction. It guarantees the patent term that has been part of our rights since our country was founded. It brings back the right of confidentiality. We are not going to give up and publish everything after 18 months so the thieves in the world will steal all of our new ideas

No, it remains confidential, the way it has always been confidential since our country's founding. We have a right of confidentiality, if you have a new idea, until you are granted that patent.

And No. 3, my bill will bolster and strengthen and make more efficient the current patent system.

I ask my colleagues to join me in supporting my legislation, and I ask that they oppose the Steal American Technologies Act, H.R. 400.

The document I referred to is as follows:

MUTUAL UNDERSTANDING BETWEEN THE JAPANESE PATENT OFFICE AND THE UNITED STATES PATENT AND TRADEMARK OFFICE, JANUARY 20, 1994

Actions to be taken by Japan:

1. By July 1, 1995, the Japanese Patent Office (JPO) will permit foreign nationals to file patent applications in the English language, with a translation into Japanese to follow within two months.

2. Prior to the grant of a patent, the JPO will permit the correction of translation errors up to the time allowed for the reply to the first substantive communication from the JPO.

3. After the grant of a patent, the JPO will permit the correction of translation errors to the extent that the correction does not substantially extend the scope of protection.

4. Appropriate fees may be charged by the JPO for the above procedures.

Actions to be taken by the U.S.:

1. By June 1, 1994, the United States Patent and Trademark Office (USPTO) will introduce legislation to amend U.S. patent law to change the term of patents from 17 years from the date of grant of a patent for an invention to 20 years from the date of filing of the first complete application.,

2. The legislation that the USPTO will introduce shall take effect six months from the date of enactment and shall apply to all applications filed in the United States thereafter.

3. Paragraph 2 requires that the term of all continuing applications (continuations, continuations-in-part and divisionals), filed six months after enactment of the above legislation, be counted from the filing date of the earliest-filed of any applications invoked under 35 U.S.C. 120.

WATARU ASOU,
Commissioner, Japanese Patent Office.
BRUCE A. LEHMAN,
Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 1 o'clock and 9 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we look to our days, O God, we sense that there is so much to achieve and accomplish that we can become perplexed by our ability to fulfill what we want to do. It is our petition, O gracious God, that we would hear your still small voice which reminds us that Your Spirit dwells in our hearts and gives us that peace that others cannot give. We are grateful that in a world filled with the busy rhythms of time and the demands of the day, we can be confident in Your presence and in Your blessings that hold us, support us, and renew us. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. ETHERIDGE] come forward and lead the House in the Pledge of Allegiance.

Mr. ETHERIDGE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESIGNATION AS MEMBER OF COMMITTEE ON BANKING AND FINANCIAL SERVICES

The SPEAKER laid before the House the following resignation as a member of the Committee on Banking and Financial Services.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 24, 1997.

Hon. NEWT GINGRICH,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby resign from the House Committee on Banking and Financial Services. Due to the time constraints on my new assignment on the Committee on Transportation and Infrastructure, I will not be able to continue serving on the Committee on Banking.

Sincerely,

FRANK A. LOBIONDO,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RECONSTITUTION OF REVIEW PANEL OF OFFICE OF FAIR EMPLOYMENT PRACTICE

The SPEAKER. In order to provide for the completion of ongoing proceedings in accordance with section 506 of the Congressional Accountability Act of 1995 (Public Law 104–1) the Review Panel of the Office of Fair Employment Practices is, without objection, and with the concurrence of each appointing authority, reconstituted in the 105th Congress in the same form as at the end of the 104th Congress.

The Clerk will read the names of appointees.

The Clerk read as follows:

By the Speaker: Mr. Randy Johnson and Mr. Alan F. Coffey, Jr.

By the minority leader: Ms. Karen Nelson and Ms. Marda Robillard.

By the chairman of the Committee on House Oversight: Representative DIAZ-BALART of Florida, Chairman and Representative NEY of Ohio.

By the ranking minority member of the Committee on House Oversight: Representative JEFFERSON of Louisiana and Representative PASTOR of Arizona.

There was no objection.

ANNOUNCEMENT OF APPOINTMENT TO NATIONAL GAMBLING IMPACT AND POLICY COMMISSION

The SPEAKER. Pursuant to the provisions of section 3(b)(1)(B) of Public Law 104–169 and the order of the House of Thursday, February 13, 1997 authorizing the Speaker, majority leader and minority leader to accept resignations and to make appointments authorized by law or by the House, and upon consultation with the minority leader, the Chair, on February 13, 1997, appointed Mr. John Wilhelm of Washington, DC to the National Gambling Impact and Policy Commission on the part of the House.

APPOINTMENT AS MEMBER OF BOARD OF VISITORS TO U.S. AIR FORCE ACADEMY

The SPEAKER. Pursuant to the provisions of section 9355(a) of title 10, United States Code, the Chair appoints the following Members of the House to the Board of Visitors to the U.S. Air Force Academy: Mr. DICKS of Washington and Mr. TANNER of Tennessee.

APPOINTMENT AS MEMBER OF BOARD OF VISITORS TO U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of section 194(a) of title 14, United States Code, the Chair appoints the following Member of the House to the Board of Visitors to the U.S. Coast Guard Academy: Mr. GEJDENSON of Connecticut.

APPOINTMENT AS MEMBER OF BOARD OF VISITORS TO U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of section 1295b(h) of title 46, United States Code, the Chair appoints the following Member of the House to the Board of Visitors to the U.S. Merchant Marine Academy: Mr. MANTON of New York.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of section 4355(a) of title 10, United States Code, the Chair appoints the following Members of the House to the Board of Visitors to the U.S. Military Academy: Mr. HEFNER of North Carolina and Mr. SKELTON of Missouri.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of section 6968(a) of title 10, United States Code, the Chair appoints the following Members of the House to the Board of Visitors to the U.S. Naval Academy: Mr. HOYER of Maryland and Mr. MCHALE of Pennsylvania.

APPOINTMENT AS MEMBER OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of sections 5580 and 5581 of the revised statutes (20 U.S.C. 42–43) the Chair appoints the following Member of the House to the Board of Regents of the Smithsonian Institution: Mr. TORRES of California.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER. Pursuant to section 103, Public Law 99–371 (20 U.S.C. 4303), the Chair appoints the following Member of the House to the Board of Trustees of Gallaudet University: Mr. BONIOR of Michigan.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER. Pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), the Chair appoints the following Member of the House to the John F. Kennedy Center for the Performing Arts: Mr. YATES of Illinois.

COMMUNICATION FROM THE HONORABLE RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES.
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, February 12, 1997.
Hon. NEWT GINGRICH,
Speaker of the House,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 127 of Public Law 97–377 (2 U.S.C. 88b–3), I hereby appoint the following Member to the House of Representatives Page Board: Mr. KILDEE of Michigan.

Yours very truly,
RICHARD A. GEPHARDT.

FREEDOM WORKS AWARD PRESENTED TO EMMIT SMITH

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, this past week in my district I had the privilege and the opportunity to present the first-ever Freedom Works Award to Emmit Smith, runningback for the Dallas Cowboys. It was a great privilege for me to do that in that in my initial discussions with Emmit about the opportunity to receive this award, which was created to acknowledge and recognize individuals for their personal service in their communities, that Emmit Smith insisted that, if the award were to be given, that it should be about neither football nor politics but about service. I applauded him for his point of view and said that he was exactly right.

Emmit Smith is a person that has done exemplary service in his community in a quiet way through Emmit Smith Charities. He has followed up on his initial expression of service and appreciation by keeping his promise to his mother, and in his off-season, even though he obviously has no economic need to do so, Emmit Smith went back and completed his college education and received his degree as a tribute to his mother and the promise that he made.

In addition to that, through Emmit Smith Charities he has personally provided over 9,000 meals to distressed families in the community during holiday seasons and using that as an opportunity to express his conviction that freedom works best when it is expressed in service to people other than yourself.

What really touches me most about Emmit Smith and his work in the community is that he actively seeks out through Emmit Smith Charities distressed children in distressed communities in distressed homes and provides for them his personal encouragement; that if you will attend to your studies and if you will keep yourself clean of drugs, violence, and crime, and if you will do your work in your home and in your own community, that Emmit Smith himself will pay for their college education.

What better illustration of an individual who does not need to but feels compelled, out of his own commitment, to serve, to look after the needs of other people? I was proud to have that time with Emmit Smith. I hope that his receiving of this award will stand as an example to others to put freedom first through service to others.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1

Ms. NORTON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the Working Families Flexibility Act of 1997, H.R. 1.

The SPEAKER. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

HELP REPAIR OUR PUBLIC SCHOOLS

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. McGOVERN. Mr. Speaker, to prepare our children for the 21st century, our public schools must be safe and modern places to learn. Up-to-date schools send every student in America a clear message: You are important to us. We take your education seriously.

A recent GAO report shows one-third of our Nation's schools need a major repair or outright replacement. To keep our children from growing up in schools that are falling down, President Clinton has proposed $5 billion to help communities finance $20 billion in needed school construction over the next 4 years.

Many of our schools were built over 50 years ago. They are rundown, overcrowded, and lack even the basic electrical wiring to support modern technology. In my own district, kids are going to schools that were built when Ulysses S. Grant was President of the United States.

We have high expectations for our students, teachers, and schools, but we cannot expect our children and our teachers to build strong lives on a crumbling foundation.

Mr. Speaker, this is a matter of real urgency. Support the President's proposal on school construction and modernization.

END GOVERNMENT SHUTDOWNS FOREVER

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, everyone will recall that the government shutdown last term and all the ramifications that followed. Many can make the case that it was the President who was at fault because he could have signed the appropriations bills that would have let government go on and he could have said, as he did on the welfare bill, well, there are some things wrong here but we will fix them later. But he chose to veto that bill.

Others can make the case that the Congress failed because they did not produce an appropriations bill to the liking of the President. And so what happened? The government shut down.

I have introduced legislation for several terms now which can end government shutdowns forever. I implore the Members of the House on both sides to join in cosponsorship and support of this legislation. It would mean that at the end of a fiscal year, if no budget has been enacted by the time the clock chimes in for the next budget year, that there would be an automatic instant replay of some percentage of the last year's budget so that government can go on while the negotiators proceed with producing a new budget for the new fiscal year.

We will hear more about this as the time goes on and even today under special orders.

EDUCATION OF OUR CHILDREN

(Mr. WEYGAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEYGAND. Mr. Speaker, I rise this afternoon to address the most important issue that we could ever address, and that is the education of our children.

We have, and the President as well as Members from both sides of the aisle, have talked about education as being a high priority. In Rhode Island just last week I began to address that not with just teachers or parents or administrators but with the greatest consumers of education, our children. What I did was I brought together a roundtable of high school students and asked them, what about education, what about the issues that we have been talking about, teacher preparedness, drug abuse in the school systems, mastering the basics, computers in schools, what about fixing our schools?

I was impressed with their knowledge, their understanding and what they felt was right to do about education. They agree wholeheartedly with our President's plan and with our plan to revise education. But more importantly, what they were saying is they felt that they were gifted; they had the opportunity for computers in schools; families that participated; they had good schools and teacher preparedness. They were concerned about their fellow students who did not have those same opportunities.

Mr. Speaker, I implore my colleagues, we should be working to make sure that all students have that opportunity, not just a few. I urge the Members of the House to conduct and to support legislation in that way.

ORCA WHALE PODS

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, I rise today to express my deep concern over the recent capture of orca whales off the coast of Japan. Earlier this month five orca whales were netted and separated from their whale family, called a pod. A whale pod, like a human family unit, is vital for the survival of orcas. These captured orcas are scheduled to be sold to marine amusement parks and a whale museum.

The capture of orcas was allowed under a permit to gather them for research purposes. Clearly, the use of whales for business and entertainment purposes blatantly violates the conditions of the permit.

It is my understanding that orca pods appear very infrequently in Japanese waters. Destroying even one orca pod can cause great harm to the small orca population in that area.

The captured orca pod will certainly suffer as a result of so many of its members being separated, and could even cause the pod's complete disintegration. I cannot condone this act and will do whatever I can to see that the five whales are released immediately.

□ 1415

GIVE TEACHERS A BREAK

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute.)

Mr. ETHERIDGE. Mr. Speaker, there is a lot of talk in Washington these days about education. The President is talking about education. Business people are talking about education. At just about every level someone is talking about education, and every politician I bump into wants to talk about education.

But as a former two-term State superintendent of schools, I can tell you talk is cheap, ladies and gentlemen. That is why last week I went into the classroom and began a program I call Give Teachers a Break. I took over a history and political science class and taught a group of students in Lee County High School in Sanford, NC in an effort to really give a teacher a break.

This program puts Congressmen in the classroom where children are so they can understand what is happening day in and day out with a teacher, the problems they face, the difficulties of education, so we can learn from what is happening and we can look into the face of the next generation and have a reminder of what is at stake.

I am proud that a number of my colleagues in this House have already decided to join in this program, and I challenge every Member of the U.S. Congress to do it. Mr. Speaker, it is no great feat to talk the talk on education. Today I challenge every Member to walk the walk and give a teacher a break.

MAKE COLLEGE DEGREES ACCESSIBLE

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute.)

Mr. BLAGOJEVICH. Mr. Speaker, in today's America the price of the American dream comes attached to a college tuition bill. Yet rising college costs are steadily making that dream a mirage for many working families. In all too many cases, parents face the awful choice between deep debt and telling their child something they could never have imagined: "We'd like to send you to college, but, we're sorry, we simply can't afford it."

One of our Nation's great poets once asked, "What happens to a dream deferred?" If college tuitions remain out of reach for average American families, we will find the answer to that question in a lost generation of our children.

Mr. Speaker, we must make the American dream a reality again before college degrees become the exclusive possession of the privileged. We must make it a reality again so college degrees can serve as pathways to a lifetime of opportunity.

The best way to start is for this Congress to pass President Clinton's plan to increase the Pell Grant Program. We all know that a college degree is not a right and the American dream is not an entitlement, but it is our duty to make college degrees accessible, and by doing so we can make the American dream a reality for millions of people who want nothing more than a chance to get ahead.

AMERICANS WITHOUT HEALTH INSURANCE ON THE RISE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I just wanted to draw attention today to an article that was on the front page of the New York Times that found through a recent survey that the number of uninsured in New York City is dramatically on the rise. I am talking about the national crisis of health insurance and the fact that increasingly more and more Americans have no health insurance. This of course was in New York City, but it has implications nationwide.

Interestingly enough, the biggest problem is with children, children that have no health insurance. We know that the President has put forward a proposal to expand health insurance options for children so that more and more children are insured, and I think that this report, which I will call more attention to in the next few weeks, really explains why that is important.

It says right here that most uninsured families in the city make between $15,000 and $45,000 a year. These are working people. And the report found the number of children without insurance has gone up twice as fast as the number of adults. This was a report that was put out by the New York City public advocate Mark Green, and in his report it also finds that the proportion of children who have no health insurance rose to almost 20 percent in 1995, up from 14 percent in 1990.

The report is very informative because it really throws aside a lot of the myths that we have about who is not getting the health insurance. It is the working people, it is the children, it is the people that have a lot to contribute to this society, and we need to address it in this Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SOLOMON). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken on Wednesday, February 26, 1997.

AIRPORT AND AIRWAY TRUST FUND TAX REINSTATEMENT ACT OF 1997

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 668) to amend the Internal Revenue Code of 1986 to reinstate the Airport and Airway Trust Fund excise taxes, and for other purposes.

The Clerk read as follows:

H.R. 668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Airport and Airway Trust Fund Tax Reinstatement Act of 1997".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. REINSTATEMENT OF AIRPORT AND AIRWAY TRUST FUND EXCISE TAXES.

(a) FUEL TAXES.—

(1) AVIATION FUEL.—Subparagraph (A) of section 4091(b)(3) is amended to read as follows:

"(A) The rate of tax specified in paragraph (1) shall be 4.3 cents per gallon—

"(i) after December 31, 1996, and before the date which is 7 days after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997, and

"(ii) after September 30, 1997."

(2) AVIATION GASOLINE.—Subsection (d) of section 4081 is amended by striking the paragraph (3) added by section 1609(a) of the Small Business Job Protection Act of 1996 and by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) IN GENERAL.—The rates of tax specified in clauses (i) and (iii) of subsection (a)(2)(A) shall be 4.3 cents per gallon after September 30, 1999.

"(2) AVIATION GASOLINE.—The rate of tax specified in subsection (a)(2)(A)(ii) shall be 4.3 cents per gallon—

"(A) after December 31, 1996, and before the date which is 7 days after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997, and

"(B) after September 30, 1997."

(3) NONCOMMERCIAL AVIATION.—Paragraph (3) of section 4041(c) is amended to read as follows:

"(3) TERMINATION.—The rate of the taxes imposed by paragraph (1) shall be 4.3 cents per gallon—

"(A) after December 31, 1996, and before the date which is 7 days after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997, and

"(B) after September 30, 1997."

(b) TICKET TAXES.—

(1) PERSONS.—Subsection (g) of section 4261 is amended to read as follows:

"(g) APPLICATION OF TAXES.—

"(1) IN GENERAL.—The taxes imposed by this section shall apply to—

"(A) transportation beginning during the period—

"(i) beginning on the 7th day after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997, and

"(ii) ending on September 30, 1997, and

"(B) amounts paid during such period for transportation beginning after such period.

"(2) REFUNDS.—If, as of the date any transportation begins, the taxes imposed by this section would not have applied to such transportation if paid for on such date, any tax paid under paragraph (1)(B) with respect to such transportation shall be treated as an overpayment."

(2) PROPERTY.—Subsection (d) of section 4271 is amended to read as follows:

"(d) APPLICATION OF TAX.—

"(1) IN GENERAL.—The tax imposed by subsection (a) shall apply to—

"(A) transportation beginning during the period—

"(i) beginning on the 7th day after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997, and

"(ii) ending on September 30, 1997, and

"(B) amounts paid during such period for transportation beginning after such period.

"(2) REFUNDS.—If, as of the date any transportation begins, the taxes imposed by this section would not have applied to such transportation if paid for on such date, any tax paid under paragraph (1)(B) with respect to such transportation shall be treated as an overpayment."

(c) TRANSFERS TO AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Subsection (b) of section 9502 is amended to read as follows:

"(b) TRANSFERS TO AIRPORT AND AIRWAY TRUST FUND.—There are hereby appropriated to the Airport and Airway Trust Fund amounts equivalent to—

"(1) the taxes received in the Treasury under—

"(A) subsections (c) and (e) of section 4041 (relating to aviation fuels),

"(B) sections 4261 and 4271 (relating to transportation by air),

"(C) section 4081 (relating to gasoline) with respect to aviation gasoline (to the extent that the rate of the tax on such gasoline exceeds 4.3 cents per gallon), and

"(D) section 4091 (relating to aviation fuel) to the extent attributable to the Airport and Airway Trust Fund financing rate, and

"(2) the amounts determined by the Secretary of the Treasury to be equivalent to the amounts of civil penalties collected under section 47107(n) of title 49, United States Code."

(2) TERMINATION OF FINANCING RATE.—Paragraph (3) of section 9502(f) is amended to read as follows:

"(3) TERMINATION.—Notwithstanding the preceding provisions of this subsection, the Airport and Airway Trust Fund financing rate shall be zero with respect to taxes imposed during any period that the rate of the tax imposed by section 4091(b)(1) is 4.3 cents per gallon."

(d) FLOOR STOCKS TAXES ON AVIATION GASOLINE AND AVIATION FUEL.—

(1) IMPOSITION OF TAX.—In the case of any aviation liquid on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 before the tax effective date and which is held on such date by any person, there is hereby imposed a floor stocks tax of—

(A) 15 cents per gallon in the case of aviation gasoline, and

(B) 17.5 cents per gallon in the case of aviation fuel.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding, on the tax effective date, any aviation liquid to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before the first day of the 5th month beginning after the tax effective date.

(3) DEFINITIONS.—For purposes of this subsection—

(A) TAX EFFECTIVE DATE.—The term "tax effective date" means the date which is 7 days after the date of the enactment of this Act.

(B) AVIATION LIQUID.—The term "aviation liquid" means aviation gasoline and aviation fuel.

(C) AVIATION GASOLINE.—The term "aviation gasoline" has the meaning given such term in section 4081 of such Code.

(D) AVIATION FUEL.—The term "aviation fuel" has the meaning given such term by section 4093 of such Code.

(E) HELD BY A PERSON.—Aviation liquid shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(F) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(4) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to—

(A) aviation liquid held by any person on the tax effective date exclusively for any use for which a credit or refund of the entire tax imposed by section 4081 or 4091 of such Code (as the case may be) is allowable for such liquid purchased on or after such tax effective date for such use, or

(B) aviation fuel held by any person on the tax effective date exclusively for any use described in section 4092(b) of such Code.

(5) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation liquid held on the tax effective date by any person if the aggregate amount of such liquid (determined separately for aviation gasoline and aviation fuel) held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(B) EXEMPT FUEL.—Any liquid to which the tax imposed by paragraph (1) does not apply by reason of paragraph (4) shall not be taken into account under subparagraph (A).

(C) CONTROLLED GROUPS.—For purposes of this paragraph—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term "controlled group" has the meaning given such term by subsection (a) of section 1563 of such Code; except that for such purposes, the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of clause (i) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(6) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 or 4091 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stocks taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 4081 or 4091, as the case may be.

(e) EFFECTIVE DATES.—

(1) FUEL TAXES.—The amendments made by subsection (a) shall apply to periods beginning on or after the 7th day after the date of the enactment of this Act.

(2) TICKET TAXES.—

(A) IN GENERAL.—The amendments made by subsection (b) shall apply to transportation beginning on or after such 7th day.

(B) EXCEPTION FOR CERTAIN PAYMENTS.—Except as provided in subparagraph (C), the amendments made by subsection (b) shall not apply to any amount paid before such 7th day.

(C) PAYMENTS OF PROPERTY TRANSPORTATION TAX WITHIN CONTROLLED GROUP.—In the case of the tax imposed by section 4271 of the Internal Revenue Code of 1986, subparagraph (B) shall not apply to any amount paid by 1 member of a controlled group for transportation furnished by another member of such group. For purposes of the preceding sentence, all persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as members of a controlled group.

(f) APPLICATION OF LOOK-BACK SAFE HARBOR FOR DEPOSITS.—Nothing in the look-back safe harbor prescribed in Treasury Regulation section 40.6302(c)–1(c)(2) shall be construed to permit such safe harbor to be used with respect to any tax unless such tax was imposed throughout the look-back period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. ARCHER] and the gentleman from New York [Mr. RANGEL] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. HILLEARY. Mr. Speaker, I have a parliamentary inquiry. Is either the gentleman from Texas or the gentleman from New York opposed to the bill? If not, I would like to request the time in opposition.

The SPEAKER pro tempore. Is the gentleman from New York opposed to the motion?

Mr. RANGEL. No, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman from Tennessee opposed?

Mr. HILLEARY. Yes, I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The gentleman from New York [Mr. RANGEL] does not qualify as opposed. The Chair will recognize the gentleman from Tennessee [Mr. HILLEARY] to manage the 20 minutes in opposition.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Mr. Speaker, may the chairman of the full committee advance time to the minority?

The SPEAKER pro tempore. The gentleman from Texas may yield time by the minute or he may yield the gentleman such time as he may consume.

Mr. ARCHER. Mr. Speaker, I was prepared for the inquiry by the gentleman from Tennessee and I ask unanimous consent to yield 10 minutes of my time to the gentleman from New York [Mr. RANGEL] to assign as he may see fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. ARCHER].

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 668.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I bring before the House a bill, H.R. 668, the Airport and Airway Trust Fund Tax Reinstatement Act of 1997. This bipartisan legislation was requested by the administration and is urged by airport authorities and operators across the country to restore funding to the Airport and Airway Trust Fund.

It is critical that the House pass H.R. 668 without delay or change. Absent the additional trust fund revenues this bill provides, essential aviation capital programs, including safety enhancements, will not proceed beyond the end of February.

H.R. 668 corrects a $1.2 billion shortfall in the trust fund and reinforces the trust fund finances by restoring temporarily, through September 30, 1997, the 10-percent passenger ticket tax and other Airport and Airway Trust Fund excise taxes which lapse after 1996. In addition, the bill renews expired authority for the transfer of aviation taxes from general revenues into the trust fund.

I cannot overstate the importance of moving this bill swiftly. Within 5 days the FAA will start sending out notices canceling or suspending contracts which involve safety expenditures and airport improvements. We do not have the luxury of time to deliberate alternatives which carry no guarantee of speedy consideration in this Chamber or in the Senate. Rather, an informal Committee Transportation Task Force is examining in depth the issue of long-term financing for our Federal aviation system so that this kind of crisis does not occur again.

So that my colleagues have a clear understanding of the consequences of delay or inaction, the Federal Aviation Administration has informed me that some 850 airports located in every State, Guam, and Puerto Rico will be impacted. Furthermore, of the $1.3 billion total at risk, more than half is attributable to small- and medium-sized airports.

In summary, this bill addresses the safety concerns of the airports, pilots, and air travelers in every State. The House should also be aware that the Senate Finance Committee has already acted upon identical legislation to expedite Senate floor consideration of this measure and expected White House approval.

Again, I urge my colleagues to allow this bill to move forward immediately. A delay will only jeopardize important air safety improvements and, worse, cast doubt on Congress's ability to act responsibly and effectively where essential Government safety programs face sudden financial disruptions.

Mr. Speaker, for the benefit of all of our Members, this is not a tax increase. This is a reinstitution of an expired provision. These funds are used for only one purpose, and that is our airports and airways. Passengers deserve to know that when they fly, they will fly safely, and this bill is essential in that regard.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume, and I rise to support our chairman in this bill.

Mr. Speaker, this bill expired because of an attempt at budgetary gimmickry that has almost jeopardized the safety of our airports and our passengers and our pilots, but that is behind us, and I think we have learned a lesson, and in order to ensure the safe operation of the Nation's air transportation system, I join with the chairman in sharing the urgency with which we act, and that is why this matter is on the suspension calendar.

This bill will extend a ticket tax through the end of September, 1997, which will give the Congress and our committee an opportunity to come up with a long-term funding plan because, as pointed out by the chairman of the committee, this is merely the reinstitution of an existing tax that nobody challenges is necessary if we are going to safeguard our airways.

The bill also extends the Treasury Department authority to transfer tax revenue to the Airport and Airway Trust Fund, which is a critical issue for the Federal Aviation Administration. Without the necessary transfer of tax revenue, the FAA will be unable to commit to capital projects as early as March, and March is, of course, just a couple of days away.

We have to make certain that there is confidence felt by Americans, and we have the responsibility to provide that for Americans who fly for work or for pleasure. As a matter of fact, it impedes the efficiency of our commerce, as we have to transfer our goods and services to all parts of our country and to the world.

I think it is very important that this tax be extended to give the committee an opportunity to assure this Congress and the Nation that this will not happen again and that we are going to work it out in such a way that it cannot happen again. I certainly know that Members on our side are prepared to work with the majority party and with the President in making certain that we come up with a proper solution of this very serious problem.

If it has not been said, I think the Congress should know that this bill passed out of the Committee on Ways and Means on a voice vote without objection.

Mr. Speaker, I reserve the balance of my time.

Mr. HILLEARY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 668, the Airport and Airway Trust Fund Tax Reinstatement Act. I oppose the bill in its present form precisely because, as its title indicates, it is a tax increase, a $2.7 billion tax increase.

We will probably hear debate from supporters about how reasonable and sensible this tax increase is. We have already heard it is a user fee, and that it is. We may hear about how this is simply putting a tax back that has been in existence for many years. We may hear about how this is only a temporary extension of an old tax. We may hear about how there is a plan to make this an even better tax or user fee in the next fall. But one fact remains, Mr. Speaker. To quote a letter I received Monday from the National Taxpayers Union, quote, "This bill standing alone indisputably raises taxes."

□ 1430

To quote a letter I received Monday from Americans for Tax Reform, quote, "ATR does not support renewing this tax," unquote.

To quote a letter I received this morning from Citizens Against Government Waste, quote, "We are greatly concerned that one of the first substantive pieces of legislation considered by the 105th Congress is one that will raise taxes. That is exactly what H.R. 668, the Airport and Airway Trust Fund Tax Reinstatement Act, will do, raise taxes on American travelers," unquote.

To quote another letter I received this morning, quote, "Citizens for a Sound Economy strongly oppose H.R. 668, the Airport and Airway Trust Fund Tax Reinstatement Act of 1997. This tax will cost U.S. taxpayers $2.7 billion," unquote.

And just as I came to the floor someone handed me yet another letter from the American Conservative Union, and I will quote part of it:

"As it stands now, this legislation will have the effect of raising taxes on American consumers by another $2.7 billion between now and the end of September 1997. We find it unconscionable that such legislation should be allowed to come to the floor of the House without an offsetting tax cut provision."

I know we can call this tax by many different names. We can call it an excise tax, we can call it a user fee, we can call it an assessment on air travelers, we can call it revenue enhancement. But you know, back home in Tennessee that old story about if it looks like a duck, walks like a duck, talks like a duck, it is probably a duck. That is what we say back home, and that is what a lot of people say.

You can call this tax whatever you want. You can dress the tax up however you want. But it still quacks like a duck. It is not just me and the people of Tennessee calling this a tax, but the National Taxpayers Union, American Conservative Union, the Counsel for Citizens Against Government Waste, Citizens for a Sound Economy, and the Americans for Tax Reform also call it a tax.

Mr. Speaker, this year the Federal Government is expected to spend $1 trillion 631 billion. The problem here is that we are not taxing Americans too little, but the Federal Government continues to spend too much.

Mr. Speaker, I do not understand what all the rush is about to raise this tax. The report filed by the Committee on Ways and Means clearly states the current balance in the trust fund is sufficient to fund the FAA's operating expenses to the end of the 1997 fiscal year. As I understand that, planes will continue to fly, flight controllers will continue to remain in their towers, and they will continue to provide safe and efficient air travel for Americans.

If the problem is that we will run out of funding for capital improvement projects at airports, that can be solved very quickly without any tax increase. I have been advised that if we pass simple transfer authority to the Treasury, capital projects will be able to continue for several months while we figure out how to get an agreement on a revenue-neutral bill to pass.

More than $1 billion in excise taxes have been collected by the airlines last fall, but they do not send the check to the Treasury until the end of this week. The problem we have is that the Treasury has no legal authority to transfer the money to the airport trust fund. We could pass a simple bill giving the Treasury the authority it needs to transfer the money to the airport trust fund. Then we can figure out how to give the American taxpayers a break, or at least not give them another black eye.

There is no reason why we need to be steamrolling taxpayers just to continue paving runways. Instead we should try to give them a break.

Mr. Speaker, I urge my colleagues to oppose this tax increase.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. RAMSTAD], a member of the committee.

Mr. RAMSTAD. Mr. Speaker, I am happy to report that this legislation before us today represents a bipartisan and unanimous effort on the part of the Committee on Ways and Means to find an immediate solution to the very real crisis threatening the solvency of the airport and airway trust fund.

In my home State of Minnesota, the Metropolitan Airports Commission was seriously concerned when the trust fund was expected to run out of money in June or July of this year. Now that we know the expected date of insolvency is March, there is absolutely no time for delay. And I just want to say, Mr. Speaker, as the No. 1 ranked Member of Congress last session by the National Taxpayers Union, I take a back seat to nobody when it comes to protecting American taxpayers. And as this letter I have, which I will submit for the RECORD, from Grover Norquist of Americans for Tax Reform clearly states, this is not a tax increase, as the chairman also stated. It is the reinstatement of an existing and necessary tax.

Mr. Speaker, it is also worth noting that this is a temporary measure. A transportation task force, in fact, of the Committee on Ways and Means is working hard right now in developing fair alternatives to the present excise tax, and I hope a fair funding mechanism will be developed later this year in the context of FAA funding and our larger budget negotiations.

But while we consider the equities of reforming the system, it is absolutely crucial for national air safety that we temporarily and immediately restore the aviation excise taxes. Our Nation's safety depends on this action, and it is too important, Mr. Speaker, to fall victim to political posturing or political grandstanding.

I urge my colleagues to do the right thing for Americans who travel by air, and support this bill.

The letter referred to is as follows:

AMERICANS FOR TAX REFORM,
Washington, DC, February 24, 1997.

Congressman JOHN BOEHNER,
House Republican Conference.

DEAR JOHN: I sincerely appreciate your commitment to the Pledge and all of the work that you have done to uphold and strengthen it. You have been one of the leaders in the House of Representatives concerning the Pledge, and I wanted you to know that your efforts are recognized.

I would also like to thank you for your question regarding the pledge and the air ticket tax. Although ATR does not support renewing this tax, voting for it will not violate the Federal Taxpayer Protection Pledge, because it does not "increase the marginal income tax rates for individuals and/or businesses," and it does not "reduc[e] or eliminat[e] deductions and credits." In addition, ATR will not include this vote in our next rating of Congress.

If you have any further questions or concerns, please do not hesitate to contact me.

Thanks again for all of your help!

Sincerely,

GROVER G. NORQUIST,
President.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. NEAL] a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, today we are debating a very serious piece of legislation. This legislation reinstates Federal aviation taxes which expired at the end of the year. Due to our failure to reach a budget agreement and only the willingness to enact short-term extensions, we are now faced with this serious situation.

The House Committee on Ways and Means and the Senate Finance Committee, acting in a bipartisan manner, moved quickly on this legislation, and we have indeed offered what I think is a correction. But unfortunately there are those who will have people believe that this is a tax increase. This is an extension of a tax that expired because of the Congress' inability to promptly renew the tax.

I do not think any of us here are in favor of raising taxes, and what we must remember is that this is not a new tax. One of the criticisms frequently leveled in this institution of tax increases as they are proposed is that they contribute to unnecessary spending and that there is no accounting of how indeed those dollars are spent.

Well, that is certainly untrue of Federal aviation taxes. Revenue from these taxes are placed in the airport and airway trust fund, and I underscore the term trust fund. The fund provides 100 percent of the Federal funding for airport improvements, facilities, equipment, research, engineering, planning, and development projects and about 75 percent of the Federal Aviation Administration's operating funds. This fund is solely based upon aviation excise tax revenue. We ought to act promptly.

Last week the FAA stopped all fiscal 1997 airport improvement grants, and in my State of Massachusetts this affects 14 projects.

The extension of this Federal aviation tax is an issue which impacts all of our constituents, as we know, from time to time based upon a headline that grips all of us. We all benefit from safe and effective air transport.

I have a letter from Chairman Saltmarsh of the Massachusetts Aeronautics Commission and I think a line from this letter succinctly summarizes this debate.

> If the aviation excise taxes are not reinstated quickly, the FAA fiscal crisis could result in a degradation of air transportation safety.

We should heed this message and enact the reinstatement of the aviation ticket taxes. The extension through the end of this fiscal year serves all of our constituents well, and I currently serve on a task force which is reviewing all of these excise tax proposals.

I urge my colleagues today to let common sense prevail. It is our responsibility to reinstate these aviation taxes. These taxes are of necessary purpose and provide a purpose and service which benefits all of us.

I also think it is interesting that a year ago we were in the midst of a stalemate in this institution over how much authority the Secretary of the Treasury ought to have. Today the suggestion is being made in one quarter that we ought to refrain from action on this aviation tax proposal, and instead turn the authority for this issue over to the Treasury Secretary so that he might assemble a solution. That is not the role of the executive branch in this instance.

Mr. HILLEARY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. Mr. Speaker, if I could be convinced that this piece of legislation was truly the honoring of a user fee, I believe I could give it some support. I believe user fees and trust funds may be a way to go in many of the areas of our system that overtaxes and overspends. But I have come to the conclusion that this so-called reinstatement is a tax increase. Not only would I not be satisfied with even maintaining a tax, I would like to see taxes go down. The fact that there will be $2.7 billion more extracted from the American taxpayers, I feel compelled to oppose this piece of legislation.

But at the same time, I would like to put in a good word for the trust funds. Truly, if we would follow our commitment to the trust funds and not use these trust funds for spending in the general revenues, I think we would all be better off. Whether it is the Social Security trust fund or whether it is the highway trust fund or the airport trust fund or the port trust fund, I think it would be much better if they were true user fees, and since I conclude that this is not a true user fee and it is an actual increase of taxes going into the general revenues, I feel compelled to oppose this piece of legislation.

I urge my colleagues to vote no on H.R. 668.

Mr. ARCHER. Mr. Speaker, I yield 1½ minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I rise in support of the reinstatement of the 10 percent ticket tax. I want to commend the gentleman from Texas [Mr. ARCHER] for his leadership on this issue. Chairman Archer is chairman of the Committee on Ways and Means, has never supported an increase in taxes, and neither have I.

We have the safest and most efficient aviation system in the world, but it is growing by leaps and bounds due to great increases in both air passenger and air cargo traffic. We simply cannot operate a safe, efficient, rapidly growing system for free. We have to spend money on it, and this means either some type of tax or some type of user fee or some combination of both.

Speaker GINGRICH has asked the Subcommittee on Aviation, which I chair, to look into a user fee system. We have already held 2 days of hearings on this and have heard from many outstanding witnesses, but we are still a long way from reaching any type of consensus on this. In the meantime while we consider user fees or other types of taxes, we need to reinstate the 10 percent ticket tax.

Aviation is one of the few major fields in which the United States still leads the world, but we need to support Chairman ARCHER and take this very necessary step today to make sure that we maintain a safe and efficient aviation system.

I urge my colleagues to support the gentleman from Texas [Mr. ARCHER] and the Committee on Ways and Means and reinstate this tax. This is not a tax increase and we need to take this step at this time.

Mr. HILLEARY. Mr. Speaker, how much time is remaining on my side?

The SPEAKER pro tempore (Mr. SOLOMON). The gentleman from Tennessee has 12 minutes remaining, the gentleman from Texas has 3 minutes remaining, and the gentleman from New York has 4 minutes remaining. So the gentleman from Tennessee has substantial time ahead of them.

Mr. HILLEARY. Mr. Speaker, would the gentleman from New York wish to speak again on this before we wind up?

The SPEAKER pro tempore. Does the gentleman from Tennessee have no further speakers at this point?

Mr. HILLEARY. I have no further speakers other than myself.

Mr. RANGEL. Mr. Speaker, I will leave it up to you how we handle this. I have one more speaker and I assume we want to end it all together, so if the gentleman intends to use all of his time, I think it is important to know that.

The SPEAKER pro tempore. The gentleman from Texas has the right to close, and the gentleman from Tennessee has the right to speak just before the gentleman from Texas.

Mr. RANGEL. I only have one more speaker.

Mr. HILLEARY. I will be speaking and I will be consuming the rest of my time and then yielding back.

The SPEAKER pro tempore. Does the gentleman from Texas have no further speakers except himself to close?

Mr. ARCHER. Mr. Speaker, I have no further requests for time other than my closing speech.

The SPEAKER pro tempore. In that case, the Chair will recognize the gentleman from New York to close for his side.

Mr. RANGEL. Mr. Speaker, I have one speaker. I did want to make some closing comments.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. OBERSTAR], who is the ranking senior member on the Committee on Transportation and Infrastructure.

□ 1445

Mr. OBERSTAR. Mr. Speaker, I thank our Democratic leader on the committee for yielding.

Mr. Speaker, to characterize this bill as a tax increase is a disservice to truth, to history, and to aviation. The truth simply is that this bill represents the reinstatement of a fee. It is called a tax, but it has been treated as a fee, a fee that was the unintended victim of the budgetary train wreck that we engaged in at the end of 1995 and the beginning of 1996. Nobody intended that this fee, that these funds should lapse. It is only fair, it is only fair to air travelers that we reinstate this fee and these funds into the Aviation Trust Fund.

The history that we would be disserving is that in 1970 air travelers of this country, through the Congress, agreed to impose a fee to be deposited in a trust fund like the Highway Trust Fund for the purposes of aviation, to serve the needs of a growing sector of our economy, which sector today represents $600 billion, 10 percent of our gross domestic product in the United States.

To allow this fee to lapse and the funding that goes into the Aviation Trust Fund to lapse would be a disservice to aviation. It would mean that there would be no money for airport construction unless we are prepared to appropriate funds out of the general revenues, which, in effect, would be a real tax increase on the rest of the American economy. There would be no funds for airport improvement projects, runways, taxiways, overlays, parking aprons on the side of airports.

There would be no funds to continue the modernization of the air traffic control system, the $32 billion modernization program which we get a monthly report on the status; 87 to 90 percent of a $32 billion program is already in place and we are making progress toward finishing the job by the end of this decade; and air traffic controllers would not be paid.

All of us in this body who travel on weekends would find our travel schedules grinding to a halt unless we are prepared to appropriate funds from some other source. Again, air travelers agreed to impose this fee on themselves in 1970. For 27 years this revenue stream has funded the needs of aviation.

As the former chairman of the Subcommittee on Aviation, I say those funds are wisely invested in stimulating the most dynamic sector of the Nation's economy, which in international affairs generates for the United States a huge surplus balance of payments in aviation trade, in cargo and passengers with the Pacific Rim and the European Community, and we ought not to do such a disservice to aviation, to that important economic sector, by allowing this fee to expire.

So I commend the chairman of the committee for undertaking this initiative, and our Democratic leader for moving it forward. We look forward to working with the committee on developing an alternative means of financing air traffic control in the coming months.

Mr. Speaker, I am in strong support of this measure, and I appreciate it being scheduled in an expeditious manner. With this bill, the aviation trust fund will not go broke a month from now. If the bill is not passed, there will be a forced curtailment of about three-fourths of our planned and already appropriated aviation capital development spending for the balance of this fiscal year.

We are responding to a crisis created when the taxes expired at the end of last December and the airline industry, legally, did not remit the taxes collected last fall until this week. But traveling public needs to understand that this is a created crises, not one that just happened.

Rather than provide a steady stream of revenues to fund most of the Federal Government's aviation safety and security programs and the operation of the air traffic control system, the Congress allowed the aviation taxes to expire twice in the past 14 months, and with this bill, there is the distinct possibility that the taxes will expire again 7 months from now.

We have fallen into the mode of funding long-term capital improvements and the day-in-and-day-out operations of the Federal Aviation Administration in a hand-to-mouth fashion. This is no way to proceed.

We should be establishing a long-term source of funding for the Nation's aviation programs, so that we are not in what has grown to become a perpetual funding crisis. The reason we are not doing so is clear: Our budget scorekeeping rules will permit these expired taxes to be counted as new revenue when they are reinstated, and hence, under our budget scorekeeping rules, the Congress can forgo, much more easily, tough budget and tax choices later. This is a neat trick; a cute gimmick; but it plays games with our Nation's aviation system.

There is no choice but to support this bill, but we should be doing something for a much longer term. And if we need to change our system of funding our aviation programs when we get recommendations from the National Civil Aviation Review Commission later this year, let us do so. But we should not have to do so in the artificially created crisis atmosphere that we will find ourselves at the end of this fiscal year.

Mr. HILLEARY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I would like to thank the gentleman from Tennessee for yielding me this time.

Let me say first of all that as a father of two children, ages 9 and 6, as somebody that goes up in the air two times a week, three times a week, every time I step onto an airplane I obviously am concerned, because I do not want my boys growing up without a father. The more I travel, the more I realize I am taking my life into my own hands.

Despite that fact, I think that we have come to a point as a country where we are taxing our citizens 50.2 percent of every dollar they earn. This is another $3 billion tax increase, any way you want to put it, that is not being offset right now.

Let me say that on any tax policy, I trust the chairman of the Ways and Means Committee more than anybody else, and if the gentleman from Texas [Mr. ARCHER] had his way over the past 2 years, America would be on its way to tax reform in such a way that would save the United States of America and make us the strongest Nation in the world.

I would vote for the gentleman from Texas [Mr. ARCHER] for President 2000, but he is not the man who is going to be making the final decisions on whether we can offset the $3 billion that we need to offset. That man is on the other side of Pennsylvania Avenue. He has demagogued the tax issue for 2 years, and we cannot trust the administration to play straight.

So I refuse to take part in voting for any bill that will make Americans pay more than the 50.2 percent of every dollar that they earn in the future. I hope that we can vote down this bill and that Chairman ARCHER can be given the leeway he needs to go ahead and find the $3 billion to offset the tax increase, because I will tell my colleagues this: Neither Chairman ARCHER, neither the gentleman from Tennessee [Mr. HILLEARY] nor myself came up to Washington to raise taxes any more than what the other side of the aisle has been doing for the past 30 years. So I respectfully will vote against this bill and would ask other conservatives to do the same.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to compliment the gentleman from Tennessee [Mr. HILLEARY] for proving that any issue coming before this House can be debated and that there are two sides to every story. However, the gentleman should know that as a result of this tax expiring, it has not been of any lesser cost to the traveler, and so the airports are collecting this money and it is not being transferred for the purposes that the Congress intended.

So my colleague may get caught in a catch-22 that in your effort to reduce the cost to passengers, that is not happening, and at the same time you are not providing the service which this Congress has an obligation to provide. So I would hope that the Members take that into consideration in supporting this bill.

Mr. HILLEARY. Mr. Speaker, I yield myself the remainder of my time.

Let me just finish up this debate on my side by commending the chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER]. I would echo what the gentleman from Florida said. I know that he is not for tax increases; everybody knows that, and I know he has worked hard on this. I am going to support an increase in funding for the FAA and airline safety. That is not really at issue.

I just want to say, though, that this has been a tax that we have reinstated before. This is reinstating it this time, it has been reinstated before. The last time we reinstated it, we did so with a corresponding tax cut so that it was not really a net tax increase. That is all we are asking for this time, is a corresponding tax cut.

I do not really care what we call it. We can call it a tax increase, we can call it a user fee increase, we can call it whatever we want. I do not think that is a big issue; it is really a mute issue. I think a lot has been said about airline safety. That is a mute issue. Everybody is for that, and they are not in danger of losing funding that would bring their operations below any kind of safety standards. But this is a big issue to me, and it kind of goes to the essence of what I think we are as conservatives.

Mr. Speaker, when we left this town last fall, we were asked to vote for billions of dollars of new spending that was going to eventually go on the backs of our grandchildren, and we had to do that because we were being beaten up back home politically and we had to get back to defend ourselves. Sometimes you have to do those things. Sometimes you have to take a step backward so you can live to fight again another day, and we did live in the elections and we are here to fight another day. This is that other day. We took that step backward last fall so we could take two steps forward in the 105th Congress.

Well, this is the first substantive bill that we are going to be voting on, and it is a $2.7 billion increase in revenue, however you characterize it. Is this what the conservative 105th Congress is going to stand for, if the first substantive bill we vote on is a tax increase?

It goes to the very essence of what we are as conservatives. We are for balancing the budget and shrinking the Federal Government so that those folks back in Tennessee or Florida, or wherever, that are working two jobs just trying to make ends meet, both spouses working two jobs, do not have yet another program that they have to pay for.

Mr. Speaker, this is a tax on people who buy jet fuel and it is a tax on people who buy tickets from airlines, but these are real people, ordinary people; these are not high income people, all of them. I had a lady a couple of years ago, about a year-and-a-half ago call me, and her son was being sent off to Bosnia and he had been in the Army and he had been in Korea, and he had just come back, was in California, and then he got orders to go to Bosnia. She could not afford to go out to California to see him and she was distraught. She could not afford that ticket, at whatever cost it was. I managed to find her a way to get out there to see him, but there are other folks. The grandmother who wants to go out and see that grandchild that has just been born, she has never seen that grandchild.

These are not all high income people. These are regular folks. This is another increase on their backs, call it a user fee, call it a tax, call it whatever we want. This is not really something that I oppose, the increase of this user fee/tax. But we must have an offsetting tax cut so it is not yet another tax increase, so that this very bond, this very cord that bonds all conservatives.

Mr. Speaker, we disagree on abortion and this and that and the other, but one thing that we all agree on is that we do not want to feed the Federal Government, that monster, any more money in any form. That is the one thing we can all agree on, and the first thing that we are being asked to vote on of substance in the 105th Congress is an enhancement or increase of that fee or that tax or whatever you want to call it.

That is why I rise in opposition to this bill as it is presently formed. I would move to support it if it had an offsetting tax decrease.

Mr. Speaker, I yield back the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I understand the position of the gentleman from Tennessee [Mr. HILLEARY]; but I must say that the funds that will be raised from this tax go for a very special purpose, and they are limited to go for that very special purpose, and that is to provide safety for the air travelers.

I wish that we could have tickets sold all over this country without a tax in it so that we could have lower air fares for every passenger, but it takes money to build a safety infrastructure, and if we do not pass this bill, many improvements in safety infrastructure will not occur.

Antiquated radar systems that have already had repairs will not be replaced with modern radar systems. I would not want to be on that plane that does not get that infrastructure as a result of failing to pass this tax. Deicing capabilities in airports across this country that need to be available will not be done, and on and on and on and on.

Yes, the air traffic controllers will be there, but what kind of computer backup, what kind of technology are they going to have? Will we continue to depend upon computers that still use the old vacuum tube, which none are made in the U.S. today? We have to go to Poland to buy the replacement, repair parts, because we have not updated those computers, and that now will be put on the sidelines if we do not pass this bill.

The Americans for Tax Reform, and I have a letter here signed by Grover Farquist, the president, says that they support this bill, that this is not an increase in the personal or corporate income tax. Members should know that.

I am sure the gentleman from Tennessee did not intentionally misrepresent their position. But this is a good bill, it is a needed bill. It is a bill that will pass sometime this year if it does not pass now, and in the meantime, if we do not pass it now, we are potentially jeopardizing improvements in the safety infrastructure that is essential to all of us as air travelers.

Mr. Speaker, I urge the passage of the bill.

Mr. FORD. Mr. Speaker, I rise in support of H.R. 668. This measure is critical to ensure that funds will continue to flow to the aviation trust fund. The Memphis and Shelby County airport authority, which is located in my congressional district is due to receive approximately $11,000,000 in airport improvement grants this fiscal year to construct a new third parallel runway at Memphis International Airport. The airport authority is also expecting an additional $4,000,000 for the Noise Compatibility Program.

Mr. Speaker, my congressional district is one of the Nation's top distribution centers in part because the largest cargo airline in the world operates from our international airport. H.R. 668 is essential to commerce not only in the Ninth Congressional District but throughout the Nation and the world. I urge my colleagues to vote for H.R. 668.

Mr. GINGRICH. Mr. Speaker, I rise in support of a short-term reimposition of the aviation excise taxes through the end of the current fiscal year. I want to take this opportunity to reiterate my strong support of the work underway by Chairman BILL ARCHER's Ways and Means Committee Transportation Tax Task Force, led by Congressman MAC COLLINS, to examine alternative means of assessing aviation costs. The short-term renewal which we are considering today in no way diminishes the efforts of the task force to identify a long-term solution to FAA financing. This extension will provide the task force with the time needed to study the issues and make recommendations to Chairman Archer.

I commend Chairman ARCHER and Representative COLLINS for the fair, thorough and deliberative manner in which the task force is conducting its review, and I look forward to reviewing the task force's report.

Aviation is a vital sector of our national economy. If we are to maintain our preeminent aviation status in the world, we must ensure that the FAA has the resources to procure state-of-the-art equipment and employ the most efficient processes. At the same time, we must determine an equitable and efficient way possible to charge users for aviation services and cover the costs of the FAA.

This short-term extension will give FAA the necessary resources to perform its important duties as we examine and develop possible alternative methods of financing the FAA. I urge my colleagues to support the short-term extension and the long-term effort to reform FAA operations and financing.

Mr. LEVIN. Mr. Speaker, I join Chairman Archer and the ranking member in strong support of H.R. 668. It is vital that the House take action today to reinforce funding for the airport and airway trust fund.

H.R. 668 temporarily restores the 10 percent passenger ticket tax and other airport and airway trust fund excise taxes which lapsed last December 31. This legislation extends these excise taxes through September 30, 1997. Prompt enactment of this legislation is essential to our Nation's air transportation system. Failure to do so would result in the airport trust fund having inadequate revenues to support airport capital improvements and safety enhancements beyond March 1997.

While H.R. 668 addresses the short-term solvency of the airport and airway trust fund, Congress must do a better job of ensuring a dependable revenue stream to support our Nation's air transportation system.

The excise taxes supporting the airport trust fund first expired at midnight on December 31, 1995. Despite pleas from some of us for immediate action, Congress sat on its hands for nearly 9 months before reinstating the excise taxes on August 27, 1996. Then, 5 months later, Congress let the excise taxes lapse again. Now, once again, we're temporarily extending the taxes until September 30.

Certainly, there's a lot of interest in restructuring the ticket taxes that support the airport trust fund. I personally believe the current excise tax is inequitable and should be restructured so that the financial cost of maintaining our Nation's air transportation system is more fairly spread among those who use the system. Congress should explore all the options to make the ticket tax as fair as possible. I hope my colleagues will agree that we should resolve this matter promptly so this debate will never again disrupt the air transportation system.

Mr. GANSKE. Mr. Speaker, I rise today in support of extending the user fees that fund our airports and airways. Extending this program renews our commitment to providing our constituents with safe and modern air travel without breaking our commitment against new taxes.

The surcharge on airline tickets has been in place for more than a quarter of a century and is a critical step in ensuring that those who use the airway infrastructure contribute to its maintenance and improvement.

The ticket tax expired at the end of last year. At the time, Congress chose to delay action on extension of the tax. Congress and the administration agreed that there was sufficient money in the trust funds to cover expenses between then and the start of fiscal year 1998. It was thought that during the intervening months, Congress could consider changes to the ways in which money is collected for the trust funds and include those reforms in a broader budget bill.

Unfortunately, however, the need for immediate action has become apparent. If the surcharge on airline tickets is not immediately extended, there could be significant shortfalls in these critical accounts, delaying needed airport improvement programs such as those going on in Des Moines today.

More importantly, a depletion of the trust fund poses a very real and very serious safety threat to our already strained air traffic infrastructure. I believe that we will be gambling with public safety if we fail to act promptly to extend the ticket tax.

The ticket tax has been a regular feature of airline travel since 1970. Although it lapsed at the end of last year, passage of this bill is not a new tax. It is an extension of an existing one which has expired.

Mr. Speaker, I urge my colleagues to vote in favor of this important legislation.

□ 1500

The SPEAKER pro tempore (Mr. SOLOMON). The question is on the motion offered by the gentleman from Texas [Mr. ARCHER] that the House suspend the rules and pass the bill, H.R. 668.

The question was taken.

Mr. HILLEARY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

PERMISSION FOR SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, FEBRUARY 26, 1997

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that on Wednesday, February 26, 1997, the Speaker be authorized to entertain motions to suspend the rules and pass the following two bills: H.R. 624, the Armored Car Reciprocity Amendments of 1997; and H.R. 497, to repeal the Federal charter of group hospitalization and medical services.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO INSERT PROGRAM AND REMARKS OF MEMBER REPRESENTING THE HOUSE AT GEORGE WASHINGTON'S BIRTHDAY CEREMONIES

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that the program and the remarks of the gentlewoman from Maryland [Mrs. MORELLA], the Member representing the House of Representatives at the wreath-laying ceremony at the Washington Monument for the observance of George Washington's birthday on Thursday, February 20, 1997, be inserted in today's CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

A TRIBUTE TO GEORGE WASHINGTON

(By Congresswoman Connie Morella)

Honored guests, ladies and gentlemen.

We gather here today at this monument in this great federal city of Washington to honor George Washington, the father and founder of our country. He was a soldier, a nation builder, and a statesman—and, thanks to that mythmaker Parson Weems, a man who could never tell a lie.

As every school child knows, along with that cherry tree tale, Washington was Commander-in-Chief of the Continental Armies, and led the American colonies in their war of revolution against the British Crown.

For eight long years, through many defeats and hardships, Washington led his army of farmers, shopkeepers, and backwoodsmen against the mighty forces of King George III. Many doubted he would succeed, but he stayed the course, never wavering until finally the British were defeated and American independence was won.

(As an aside, I have to remind all the Virginians present that Maryland too has a certain connection to Washington. Monumentally and personally.)

I would like to point out that most of the marble facing for the monument came from Maryland—with a little help from Massachusetts!

As a Marylander, I am very proud to also point out that General Washington, after saying goodbye to his officers in New York City, traveled to Annapolis, Maryland, where the Congress was sitting. Two days before Christmas in 1783, Washington resigned as Commander-in-chief "with satisfaction the Appointment I accepted with diffidence. . . Having now finished the work assigned me, I now retire from the great theater of Action."

Or so he thought.

Washington hoped to return to his beloved Mount Vernon, there to resume his life as a country gentleman and farmer. But, as we all know, our struggling young country needed him again, and again he answered the call to serve: to ensure our newly won independence, to help transform the government of the new nation from the Articles of Confederation to the Constitution, and then to led the new republic through its earliest days as its President.

Incidentally, a few of our Founding Fathers were rather smitten by royalty. In fact, John Adams proposed that we call our chief executive "High Royal Highness, the President of the United States, and the Protector of the Liberties of the States." How's that for a title? Fortunately, Washington prevailed, and the title became simply "Mr. President"!

Today, we search for role models, for leaders whose steadfastness, character, and selflessness will inspire our children to be good citizens, to use their talents in the service of their communities and country. My friends, we serve our children and grandchildren well when we celebrate the life and career of George Washington.

In 1814, fifteen years after Washington's death, Thomas Jefferson reflected upon his friend, our Friend President:

"His mind was great and powerful, . . . no judgment was ever sounder. . . . Perhaps the strongest feature in his character was prudence, never acting until every circumstance, every consideration, was maturely weighed, refraining if he saw a doubt, but, when once decided, going through with his purpose. . . . His integrity was most pure, his justice the most inflexible I have ever known. . . . He was indeed, in every sense of the words, a wise, a good, and a great man."

Ladies and gentlemen, I can add nothing more.

PRESIDENT GEORGE WASHINGTON

265TH BIRTHDAY OBSERVANCE

Thursday, February 20, 1997, 11:00 am,
Washington Monument, Washington, DC.

PROGRAM

Opening: Arnold Goldstein, Superintendent, National Capital Parks Central.

Presentation of Colors: Joint Armed Services Color Guard.

To the Colors: Old Guard Fife and Drum Corps.

Pledge of Allegiance: Cub Scout Stephen Strenio, Cub Scout Pack 461, Bethesda, Maryland.

Welcome: Superintendent Goldstein.

Musical Selection: Old Guard Fife and Drum Corps.

Remarks: Russell Train, First Vice President, Washington National Monument Society.

Remarks: Terry Carlstrom, Acting Regional Director, National Capital Region, National Park Service.

Remarks: Honorable Constance Morella, Maryland Eighth District, U.S. House of Representatives.

Presentation of the Wreaths: The Wreath of the U.S. House of Representatives, Honorable Constance Morella. The Wreath of the Washington National Monument Society, Russell Train. The Wreath of the National Park Service, Terry Carlstrom.

TAPS

RETIRING OF THE COLORS

SPECIAL ORDERS

The SPEAKER pro tempore. Mr. GEKAS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WITHDRAWAL OF REQUEST FOR SPECIAL ORDER

The SPEAKER pro tempore (Mr. GEKAS). The gentleman from Pennsylvania [Mr. GEKAS] withdraws his request for a special order.

THE ISSUE OF EDUCATION AND THE AFRICAN-AMERICAN COMMUNITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we are again quite pleased to observe that the bipartisan consensus on education is rolling forward. I heard this morning a colleague speak of a new initiative to get Congressmen to go into the classrooms.

We have had such initiatives in New York, where they want you to be a principal or teacher for a day, for some time. These kinds of initiatives are minuscule in terms of the overall problem of improving education, but they are important. It is important to have as much contact as possible.

I understand over the weekend there was a special conference held in Chicago on education as it impacts upon the black community. Nowhere is it more important than in the black community that we take a close look at what is happening with education. The crisis in education is very much the number one crisis in the African-American community.

Anybody who takes any look at what is happening there, any proposals that are put forward, any new initiatives related to the mobilization of the institutions within the African-American community to deal with education, is doing a great service. It ought to be a priority for all of our churches, it ought to be a priority for all of our civil rights institutions, our fraternities, our local community-based organizations.

Nothing is more important in the African-American community than education. Nothing is more important in America as a whole right now than education, but there is a particular crisis in the African-American community, because the great majority of African-American children live in the inner city communities of America.

The inner city communities have had a situation where the education effort has been devastated over and over again. I speak of the education effort in New York City, I speak of the education effort in Chicago and Philadelphia, in Los Angeles. All over, where you have the greatest concentration of African-Americans and minorities, you are going to have a major crisis, and it is related to power and politics.

The people who have the power, the people who make the decisions about education funding, have moved out of the cities. They live in the suburbs. They live outside of cities. They run the State government and they run the municipal government. Even when they live outside of municipal areas or city areas, they control the institutions. They are the heads of the organizations. They have the political action funding. They are in charge of cities.

Cities are not ruled by the people who live there, they are ruled by people that have power, and the people who have power have residency in the suburbs, but they have the power base still, they control the power base in the city.

Of course, State governments are primarily responsible for the funding of education. State governments have the primary responsibility for education. City governments only exist at the pleasure of State governments. The role of city governments, municipal governments, in education is a role that is worked out with the State. The State has the last word. State governments are primarily controlled by people who are concerned about suburban and other than urban communities.

Right across the country we have had for years a situation where State governments have systematically swindled city governments out of education money. Education funding has been based on a formula that has been repeated from one place to another. In the city of Chicago, in the city of New York, in the city of Philadelphia they are confronted by a situation where the State government rules that money for education shall be distributed on the basis of attendance.

A simple formula like that swindles the city, because large numbers of youngsters in the inner city communities come from poor homes, and people in poverty, wherever they are, regardless of what group they are in, go to school less. They are likely to be absent for one reason or another: The kid did not have a decent pair of shoes, the mother was sick and he had to stay home to take care of the mother, the little brother was sick and the mother wanted him to stay home because she had to go somewhere; all kinds of problems happen in families that are under pressure.

There is a correlation between attendance at school and poverty, a direct correlation. The States know this but they take advantage of it by insisting that the formula for the distribution of dollars is based on attendance, not enrollment. If you changed that little formula, and the distribution of money to the school systems in the States was based on enrollment instead of attendance, you would automatically get an increase in the replacement of funds available from State governments to city governments. But that is a swindle well known. That is why it has been a pattern right across the country. They all do it.

So the power lies somewhere else. Unfortunately, and it is a bit of a barbaric observation, the concern with children goes with the power. They are not as concerned with the children who are not theirs. The people making the decisions are not as concerned, and you have a distribution of resources that follows this pattern.

The schools in the surrounding suburbs in New York City are schools of tomorrow. You can find some of the best schools in the country in the suburbs of New York City. But just across the border in the city limits you will find the worst schools in the Nation in New York City. Probably the pattern is repeated in California, too.

I have two examples I would like to discuss briefly here this morning, or this afternoon. I want to do this because, despite the fact that we have a great deal of agreement that education should be a high priority, despite the fact that I am optimistic about both Republicans and Democrats going forward in this session of Congress to grapple with problems related to education as we have never done before, Federal aid is not the answer, of course, but Federal aid is an important part of the problem. Federal involvement, Federal advice, Federal influence, is very important.

Federal influence will never dominate the process. We do not have to worry about that. Education in America is local. Right now the Federal Government's total expenditure on education is about 8 percent of the total, 8 percent. A large part of that 8 percent of the expenditure by the Federal Government goes to higher education. So local education gets a very small percentage of its funds from the Federal Government. Education is primarily a State and local function. There is no danger that the Federal

Government is ever going to take over education.

There is a need that they participate more. Let us move from the 8 percent funding to at least 25 percent. If we had 25 percent funding, giving help to States and cities that are distressed and stretched out, they cannot find anymore sources for education funding, if we had that kind of funding it would not result in more Federal control. Or if you measure control by dollars, OK, maybe we would have 25 percent of control if we give them 25 percent of the funding, but they still have 75 percent of the control. State government would still have 75 percent of the control.

So this bogeyman that States and local governments are in some way threatened by the Federal Government in this bipartisan session of Congress, a Congress with a bipartisan spirit, let us get rid of that bogeyman and understand that the local school systems for the State control of education will not in any way be harmed by more Federal dollars or more Federal participation, more Federal advice, more Federal research, shared by the Federal Government with the States and with the local governments. It is not a problem. We must understand that as we go forward in our bipartisan effort, that we need to stick to substance and not be content with photo opportunities and headlines.

I started by saying that initiatives in Chicago on the African-American heritage this weekend, initiatives proposed by my colleague on the floor that Congressmen go to classrooms and any other initiative that you might take—and each fall, in October or November, I belong to an organization called the National Commission for African-American Education, and we sponsor an education funding support day. It is a major initiative to get laymen involved, to get public officials involved, so we cannot have too much of that. We cannot have too much involvement.

However, if we allow the involvement on a surface level, the photo opportunities, the headlines, the teacher for a day, the principal for a day, to go forward without any substance underneath it, then we are doing a great disservice. We are corrupting a process.

It is important that we have finally gotten the attention of the elected officials, from the President on down. Hurrah. The President is proposing an increase in education which is about a 20-percent increase. That is getting close to the Congressional Black Caucus budget, which last year proposed a 25 percent increase, so hurrah. We are going in the right direction.

But let us not just propose it and then not fight for it in the budget. Let us deliver on those funds. Let us not let the public think they are going to get a 20-percent increase and it never happens. It is just announced and it is headlines, but it is not delivered. We want to deliver. Let us not get involved with photo opportunities and headlines and forget that there are concrete problems that are still unresolved.

The two examples that I want to give, in California and New York we have a problem where headlines are predominating over substance. In New York we had a situation where the State did its assessment of all the schools in the State and they announced that New York City schools have declined drastically in the last 10 years. Whereas the problem in New York City used to be its low-income neighborhoods, New York City is a city of 8 million people, there are 60,000 teachers, there are a million children in schools. So you are talking about a lot of different situations when you talk about education in New York.

□ 1515

The problem has always been the portion of the youngsters attending school in low income communities. It has always been related to poverty, where the scores of the youngsters in the poverty, the schools that have the greatest amount of poverty, were the lowest scores. And they were struggling to get up to the average.

We have always had high performing schools in the other parts of the city. Some of the highest performing schools in the State have been in New York City. Some of the best performing schools, high schools in the country have been in New York City in terms of the Westinghouse science projects, anything related to national competition. We have schools traditionally in New York that have excelled across the Nation and beat out their competitors across the entire Nation.

What they found in the last evaluation is that the quality of all of the schools in New York City have dropped. It is not poverty related anymore. The decline in the performance is not poverty related. All of the schools in New York City were beginning to perform at a rate, at a level below the schools in the suburbs and the rest of the State. Let me repeat that. All of the schools, the high performing schools in the higher income areas were also lower than their counterparts in the rest of the State.

Now, what happened? While you have lip service being given to the effort to improve education, in New York you had a dastardly plot to drain funds out of education and put them somewhere else. It was not such a secretive plot because the elements were clear as to what was going on all the time. We had a chancellor named Cortinez who proposed a number of reforms and had the schools moving in the positive direction. But one of the reforms he proposed was not necessarily reform. It was a basic foundation item. He proposed that we have a building plan which would renovate the schools that are unsafe, and it could be renovated and build new schools because the statistics showed that there would be a population jump in the school system in the next 5, 6 years.

He laid it all out in a multi-billion-dollar plan, the multi-billion-dollar plan went all the way from putting gas heat in coal-burning schools. We have some schools in New York that burn coal. In spite of all the environmental regulations, all the knowledge we have about what it does to the lungs of people especially children, we still have coal-burning schools. Let us not talk about industry polluting the air. We still have schools that pollute the air right near where the children are attending school. Is it any wonder that we also have one of the highest asthma rates in the Nation? Children with asthma problems are higher in New York City than anywhere else in the Nation. There is a correlation.

But Cortinez proposed a building plan that would get rid of the safety hazards like coal-burning furnaces. It would get rid of the last asbestos problem. We still have problems with asbestos. Three years ago we had a photo opportunity, headline-grabbing effort to get rid of all asbestos. The schools opened 2 weeks late. They opened 2 weeks late because of asbestos contamination problems.

All the schools were just about closed down because so many had problems. They just closed the whole system down, and it opened 2 weeks late. They declared that the asbestos problem was resolved, but the asbestos problem is still there because the Governor announced September 21, 1996, just this past fall, that there would be a NetDay. Many of you heard the NetDay across the country. NetDay is a day the Clinton administration developed, the whole approach to volunteers, wiring schools for telecommunications so that there is a NetDay operation which is nationally operating.

They get the equipment, the wires and the gadgets, and they buy them in bulk. And you can get for $500 enough of what you need in terms of equipment and supplies to wire a school. The definition of wiring a school is you have to wire five classrooms and the library of the school. Then we consider the school wired according to the NetDay definition. This all started in California.

They did a massive job in California. On a Saturday volunteers go out, and they wire the schools using this $500 worth of equipment and supplies. And we had NetDay in New York because many Governors across the country picked up on what had been done in California, and they all wanted the headlines and the photo opportunities. And some of course seriously pursued the objective of wiring the schools. It was a photo opportunity, headline-grabbing situation in New York because the Governor, even before the day began, announced that 3000 schools in New York State had been wired. I have not been able to get a count of what the number of schools were wired outside of New York City. I have not been able to get a count to find out how many were wired in the rural parts of New York State or in the suburbs.

I cannot dispute part of that 3000, but New York City has 1000 schools, 1000 of the schools in New York State are in New York City. In my district, I have 75 elementary schools and 10 high schools. Only one of those schools was wired. Two were scheduled and one was supposedly wired. The one that was not wired was not wired because it has asbestos problems. The asbestos problem raises its head when you start drilling holes. Simple holes to put the wires through will result in asbestos contamination if the asbestos is still there in the walls and the insulation, whatever.

I later learned that many of the schools in New York City that had been scheduled to be wired on NetDay were stricken from the list because they have an asbestos problem. We still have the need for the plan that Mr. Cortinez developed which would get rid of the asbestos contamination, the coal-burning furnaces. There is a lead problem in some of the old school pipes. We are subjecting children to unsafe conditions.

But what happened to Mr. Cortinez and his multi-billion-dollar plan over a 5- to 7-year period? He conflicted with the mayor, and he was driven out of town. I mean, he resigned but he was constantly put under pressure by the mayor, ridiculed by the mayor. Finally he gave up. He left town. The following fall, after Mr. Cortinez was driven out of town, we had a situation where, on the opening of school, 91,000 children did not have a safe place to sit; 91,000, it said, were not properly taken care of. That was the situation.

The mayor, pursuing his policy of headlines and photo opportunities, immediately seized upon the need to have parochial schools and private schools come to the aid of the city. And he is still doing that. There is still a running discussion of the fact that the mayor is going to find places for 1,000 youngsters in parochial schools. A foundation has been set up to provide tuition for 1,000 youngsters at parochial schools. The obvious question that any sophomore or even a kindergarten kid would ask is, if you are taking care of 1,000, what is happening to the other 90,000? What is happening to the other 90,000? What has happened to the other 90,000?

In the schools which have been evaluated by the State board to be going down, declining, what has happened to the safe place for 90,000 children? Well, when you go to inquire now as to what is happening with 90,000, you get an answer like this: That was just a statistical formation. That was a statistical metaphor. We did not really have seats for 91,000 youngsters. We merely looked at the capacity of our schools, and we compared that with the total enrollment.

When you look at the capacity of the schools in bulk and you compare that with the total enrollment, you find that you do not have a place for 91,000. That was just a statistical analysis. Well, my question then is, What is wrong with that statistical analysis? It is pretty sound. If your overall system has a capacity and you have an enrollment, you compare your enrollment with your capacity, and you conclude that you are over capacity by 91,000. That is pretty sound reasoning. You do not have to go into calculus or differential equations to figure that one out.

It is pretty simple. What you were saying was true. No, they said no, school by school that is not the situation. If you go school by school, you will not find that you can count up 90,000 that do not have seats. All right, we said. Let us go look at the empirical evidence. Let us go team by team to visit some schools. I belong to an organization. I founded an organization which serves as my education advisory committee called the Central Brooklyn Martin Luther King Commission. Members of the Central Brooklyn Martin Luther King Commission went out to look at some schools to talk to some principals.

One principal said, no, you have heard that my school has twice as many youngsters as it was built for. The school has about 1,500 youngsters. It was really built for 800. He is right. It has twice as many. He said, no, it has that, but we have places for all but 250. We only have a problem with 250 kids. The same schools I visited before, and I found out that the young people, the students go to lunch. They have three lunch periods. Students are forced to go to lunch at 10:30, that is the first lunch period. And then they are still in the lunch room until 2:00. The last students are in the lunch room at 2:00. So you have three lunch periods.

If you are not over capacity, Mr. Principal, I said, why do you have three lunch periods? Obviously something is wrong here. Why do you make children eat lunch at 10:30? I think that is child abuse, and I intend to pursue that; but it is kind of hard to pursue because many schools in New York City have regimens which make youngsters eat lunch at 10:30. They just had breakfast. I am not a health specialist, a nutritionist specialist, but surely there is something wrong with pouring everything into your system on top of each other and then there is going to be this big gap between lunch and dinner at home.

How many children of Congressmen go to schools where they are forced to eat lunch at 10:30 in the morning? Why is it that this condition will be accepted by a principal as normal and he is saying, we do not have a problem, we do not have an overcapacity problem except for 250 youngsters. That is a large number. If you are from the outside, you know that many schools do not have 500 or 600 youngsters in elementary schools. So a problem with 250 is still a large problem. That is the admitted problem. But if you have lunch periods which started at 10:30, you know there is another problem there.

The United Federation of Teachers brought a suit against the board of education in the city on overcrowding in individual classrooms. They had thousands of grievances where individual classrooms were overcrowded, and they also have situations where young people, children are being educated in closets, supply closets in hallways, in the cafeteria and the auditorium. They do not have places to study which are conducive to study, and in many cases they do not have places to study, to learn, which are safe.

There is one thing, safety is what every child should be guaranteed. Safety is what the New York City Department of Health, the fire department, they should be concerned about the way we have conditions in schools which would never be tolerated anywhere else. This is part of the collapse, just a physical provision of safe space and space conducive to learning. That is first.

Second, is that in the mayor's drive to cut the budget of the Department of Education, at least 10,000 teachers and administrators were seduced into taking early retirement. We provided incentives for the most experienced people to take early retirement. That saves money, and of course corporations downsize, but I doubt if any corporation in the process of downsizing commits suicide. They do not leave it wide open and tell everybody, here is the package, very attractive package that you can retire and get this bonus if you just get out of the system. We want you out of the system because you are making the highest salaries. They wanted the teachers that have been in the longest, who have, on the stairstep of increments, begun to make the highest amount of money.

Corporations do not behave that way in private industry. The last people to be downsized are the people who make the most money because corporations attach value to people who make the most money. The CEO, the CEO in every corporation has the greatest value attached to him. Then his subordinates have great value attached to them. The CEO, we know in America, we have the highest paid CEO's. In Germany, Japan, the chief executive officers make something like one-tenth of the amount paid to the average chief executive officer in America.

□ 1530

We pay millions of dollars to CEO's. We give them stock options and insurance and all kinds of benefits. So they are the last people that get laid off. The officers of corporations are the last people laid off. I imagine key people in the finance department, middle management, they do not lay off people at random in corporations. If a downsizing takes place, I assure you it has been carefully done to minimize the harm done to the corporation's ability to function.

But in New York City, when we offer downsizing to the teachers and the board of education, it was maximizing the benefits for the people who had the most experience, the most know-how, the greatest skills in teaching, and in many cases the most dedication.

So what did we do? We pulled them out of the system. Is it any wonder that we would have a situation where the State evaluation now shows that our schools have declined; that even the best schools are not up to par? They are worse than their counterparts in the rest of the State. Can you pull out the best teachers, your principals and assistant principals, all the best, can you pull them out and expect not to have a collapse in the system?

So what we have is a collapse. The efforts to improve the system in New York City has collapsed because the political apparatus, the power brokers, starting with the mayor, have decided the most important thing is to save money.

If you have as your main objective to save money then are you surprised when the collapse takes place? When the evaluators come in and say the schools are declining, all of them, middle income neighborhoods as well as low income neighborhoods, can you not see what everybody else knew; that your best teachers were in your better income neighborhoods?

Because teachers have seniority. After they get through their 3-year periods and have tenure, they always want to transfer to the best neighborhoods, with the least problems with the children and the greatest benefits in terms of parking, in terms of less worry about crime. So the best teachers were transferred into the highest income neighborhoods. Is it any wonder that they would suffer great losses if you pull out the best teachers, the best principals, the best assistant principals? They are going to come out of the best schools in terms of performance.

But the headline grabbing, photo opportunity politicians, the mayor of the city, have accepted this collapse of the system by continuing to emphasize the fact that he is going to find places for 1,000 youngsters in parochial schools. And the newspapers, who love him, continue to write up the stories about how they are getting it together, the foundations have the money now and the children will get money and they will start going to parochial schools in the fall.

The big question now is how do you select the children? They are talking random lotteries and all kinds of things because they have many more applicants for the 1,000 places than they have places.

The question is still what about the other 90,000 young people? What about the other 90,000 students? The New York City school system has collapsed and we have to put it back together again and we need the President's initiatives, we need all the help we can get from every level.

Across the country, in California, a similar situation has happened also, and big city schools in California, of course, are the ones who suffer the most. Always the inner city schools where you have the least amount of power will get the most disadvantage out of policies and legislation developed by people in power who do not live in those cities and do not care about all the children in the State.

They make a great mistake. We have to care about all the children in the State. We have to care about all the children in the Nation. We are making a great mistake by continuing to pursue policies geared to those who do come out and vote, those who do have involvement in the political system. That is very good for those who needed rewards.

Some of the President's policies in terms of higher education funding will go to middle class families that do need help and should get help, but the greatest need is in the lower class families who need an opportunity to get into college. Middle class families will get there. They will get help in paying tuition and costs, and they should have that, but at the same time we need to boost the amount of opportunity available for low-income people because the whole Nation needs as much education as possible.

The Nation has to understand the value-added theory of education. Everybody who gets an education has value added to them and they add value to the function of our Nation. It is not the airline pilot you have to worry about when you get on a plane. The airline pilot gets the best training in the world. They pay more to train airline pilots than they do any other sector of the work force. Airline pilots get good training, but we need to worry about the mechanic who tightened the bolts and the nuts and the guy who put the fuel in and a whole lot of other people who needed to have training and education so that they will have value added to them and do their jobs very well.

In our complex society all those pieces have to be in place. Unfortunately, we have some news recently about the people who design airplanes and we have a major design flaw in the 737's. It is quietly kept, but it is out there. The 737's have a design flaw in the rudder system. We probably would have avoided that if we had more engineers, more geniuses, even at that level of people who design these complex aircraft who do the work. If there were more of them, maybe we would have fewer mistakes in these complex aircraft.

We should stake our future as a civilization on the people who are educated. The number of people who are educated will drive our civilization. A nation that will be predominant will be the nation that decides it wants to educate all of its citizens to the maximum and also finds ways to do that, to implement it.

We just had a discovery in Australia, I think it is, Australia or New Zealand, anyway a discovery which for years has been debated and discussed and many scientists concluded was impossible: Cloning, where you can clone, take a part of a living being, a living thing, and you can clone from that part, from that part you can clone an individual, a thing which is the same as the thing you cloned it from. That was science fiction stuff 50 years ago, 25 years ago, even 10 years ago when the discussion was a little more advanced and people who had the right kind of degrees and credentials were willing to discuss it. But now it is a reality. They have cloned a sheep. A sheep has been cloned in Australia or New Zealand, wherever, by a scientist, and the sheep is exactly the same as the pieces of the sheep from which the pieces of living matter were taken.

What are the implications of that? We know it is a reality. It is like the discovery of electricity took place a long time before we ever had the light bulb. It was discovered you had these magnetic forces that could generate electricity. It took thousands of years to work it all out to the point where you could get a light bulb and you could transmit energy, electrical energy, over long distances. All that took a long time because at that time the information was not being passed around rapidly about electricity and you did not have a place, an organized educated society, that could pick up on a discovery like that and go in terms of the application of it.

Nowadays we have the possibility of taking a discovery and picking up on it and working through all of the possible positive applications, and some negative applications, too. Nuclear energy and Einstein's formula, all that was very theoretical until it was decided it had a function in war, it could be used in war, and we raced to beat the Germans to the point where we could implement the theories of Einstein through the explosion of a bomb. Because we were worried about them and because we wanted to maximize our weaponry, we put the people to work to do it. Oppenheimer and all the best scientists in the country were supported by technicians who were supported by people under them who had education. All kinds of educated people were brought together to make the atom bomb happen rapidly.

And that is the way the world should go from now on. Whenever we want to make something happen, hopefully positive, then the people ought to be there and available to do it. But we need educated people to do it. We do not know exactly when or where we will need them, but assume that everybody ought to be educated who can be educated. Our maximum resource on the face of the Earth are human beings. Before we start exploring space, before we put colonists in space, which is almost inevitable, too, let us get the maximum resources moving on Earth. We have a job to do on Earth before we get to outer space.

The cloning of a sheep means that we can clone maybe parts of the body. We can take a piece of somebody's heart and clone it so that we can replace a defective heart with a heart that will not be rejected by the rest of the body because it came from the same body. The cloning of the sheep means that maybe we can clone an arm of a person that loses an arm and you can clone the part and put it back on them. All kinds of possibilities are opened up in terms of the reality that cloning is possible. They did not just clone a bacteria, they did not just clone a mouse, they cloned a mammal. They cloned a sheep.

The step from a sheep to a human is inevitable. Do not let anybody say God will never permit that. We do not know what God has designed. God likes to play with us and likes to see what we can do. I think he enjoys watching us fulfill our potential. If we are made in his image, then he knows so much more he does not have to worry about our knowing more than he does, but he must rejoice in our discovery of all there is to be discovered. I am sure God is not unhappy if we learn how to clone human beings. He will not be unhappy. He is unhappy because we are so far behind in our social sciences, in our relationships with each other and our ability to make laws and our ability to be merciful and compassionate toward each other.

I am sure God must spend a lot of days weeping when he looks down on us, especially Americans. In America we have a nation which for the first time has full stomachs basically. We have a little piece of heaven on this continent. America is as close to heaven as you will ever get on Earth. We have all kinds of luxuries, all kinds of benefits. Even poor people live better than most of the people in the rest of the world. But we still have this insistence that we are going to hate each other, we will put barriers in people's places, we will oppress welfare mothers while we let the people in the CIA continue to earn high salaries while they steal secrets from us.

We cut the budget of welfare when the CIA has a budget of $28 billion or more, and we knew nothing about that. We add $13 million to the President's military budget while we try to cut the budget for school lunches. Our social sciences, our welfare is way behind our physical science and our understanding of the universe. So God must spend a lot of time weeping when he beholds the way we behave.

God will not be afraid of cloning, but if we are going to go forward and take advantage of cloning or any other scientific advances, and genetics is already into a situation where it is only a matter of time and work. My daughter is a geneticist. She is in the field of genetics and works for a firm, and the process they are going through is almost routine. They know the outcome that they are going to discover more and more. They will have an opportunity to apply the benefits of genetic engineering to more and more situations. It is just inevitable. It is going forward by leaps and bounds.

It is possible for some people to begin to live almost forever. It is possible that they will reach that point in my lifetime where we will have the facilities, the tools available to almost guarantee some people can live together or live far beyond the kinds of time span expected. They can stop the aging of our organs. All that is possible. All that is possible, but it will not happen unless we have a vast array of educated people involved.

In addition to the scientists and the technicians who are involved directly in that, we need a vast array of people who are lawyers, lawmakers, who can keep our society from exploding in upon itself. Look at the Soviet Union and how they were way ahead in science. There was no problem in science in the Soviet Union, science, engineering, astronomy. They put a person in space long before we did. They were way ahead in many ways, but the system, the political system, the stupidity of a control and command system, where they thought a group of people who had all power could run the society, was stupid. It was monumental stupidity, and the monumental stupidity came crashing down on them so that all their science systems have been rendered a bit ridiculous.

The head of the nuclear energy program in Russia recently committed suicide. A couple months ago he got a gun and shot himself because the system has collapsed and the people in his institute were not paid for 3 months, and when the money came for their pay it was only a month's pay. It was the last straw. He took a gun and shot himself. But that is symbolic of where Russia is. Not Russia, but the former Soviet Union, where science and scientists, highly educated people are in that society. Because the social science infrastructure, the political science infrastructure, economic infrastructure was based on stupid assumptions and they failed. So we need educated people right across the board.

□ 1545

I have talked a little bit about New York's collapse, how our system collapsed in New York.

Let me just mention California. I am reading from a publication called Editorial Notebook. It is opinion on the editorial page by Brent Staples of the New York Times.

Staples on Monday, February 10 wrote this article which I submit in its entirety for the RECORD, Mr. Speaker.

[From the New York Times, Feb. 10, 1997]

HOW CALIFORNIA BETRAYED ITS SCHOOLS—STARVED THEM OF CASH, THEN FED THEM FADS

(By Brent Staples)

Through most of this century, California served as a symbol of boundless promise and possibility. At the close of the 1960's, a breathless Time magazine described it as "El Dorado" and a "mirror of America as it will become." The promise turned dismal with the tax revolt of the 70's. It fractured the civic structure and savaged support for California's universities, libraries, children's programs and, most tragically, its public schools.

Teeming with new Immigrants, California's classrooms were suddenly among the most crowded and neediest in the country. States with similar problems increased spending, but California stood pat. It now ranks 43d nationally in education spending—well behind such states as Texas, New York and Pennsylvania—and spends about $30,000 less per classroom per year than the national average.

Penury has taken a toll. In 1995, the United States Department of Education ranked California's fourth graders at the very bottom, tied with Louisiana's, in reading skills. Gov. Pete Wilson and the Legislature have pushed through laws aimed at easing overcrowding and strengthening both teacher training and reading instruction. Still, it could take 25 years or more to reverse the damage of the tax revolt—if it can be done at all. Governor Wilson's reading initiatives are for the most part excellent. But the class-size measure lacks money and was poorly thought out.

In April of 1995, the federally sponsored National Assessment of Educational Progress painted a distressing portrait. Reading scores were stagnant in the lower grades and had declined for high school seniors nationwide. In California, about 60 percent of fourth graders fell below the minimum reading level, compared with 44 percent nationally. Typical were the fourth graders at Abraham Lincoln Elementary School in Sacramento, some of whom could not decode even the instructions to a simple vocabulary test. The instructions read: "Write a definition for each term." For these children, reading a book is out of the question.

Many Californians sought to blame Mexican immigrants for the poor test scores. But

> Asians, Latinos, blacks and whites all scored near the bottom when compared with the same groups nationally. Even the children of college graduates—a group that generally scores well—placed near the bottom when compared with the same students in other states.
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> Funding cuts set the stage for this tragedy, but educational fads played a role as well. In the 1980's, most California schools ceased to issue grades in primary school and gave up on standardized tests. These were replaced by touchy-feely performance descriptions that avoided the question of whether or not the children were learning. Most destructive of all was a reading curriculum that abandoned the phonics, spelling and vocabulary development that many children need, turning to fashionable but unproven methods like "creative spelling." After a politically tinged feud known as "the Reading Wars," the state revamped reading guidelines. Teachers are being retrained, and the colleges that educate them are being prodded toward change. The colleges are resisting and the state may eventually force the issue.
>
> The new training and reading strategies are long overdue. But California's plan for reducing class size is likely to backfire. The law encourages schools to shrink classes in the early grades, but makes no provisions for new classrooms. Classes are being held two to a room. Computer labs and libraries are being sacrificed. To create smaller classes in the lower grades, the schools must strip money from the upper grades, where victims of the past are struggling to catch up.
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> The new initiative has increased the demand for teachers without increasing the teacher supply. Inner-city systems that have trouble attracting qualified teachers are likely to suffer more as applicants flock to jobs in affluent districts. Some even suspect Governor Wilson of wanting public schools to fail—to make way for a voucher system that would offer private school education at public expense.
>
> California offers a warning for states that would bleed public education for short-term gain. The schools are easy to destroy, but costly and devilishly difficult to rebuild.

In addition, I will read some parts of it. It begins as follows: How California Betrayed Its Schools, Starved Them of Cash, Then Fed Them Fads.

Through most of this century, California served as a symbol of boundless promise and possibility. At the close of the 1960's, a breathless Time magazine described it as "El Dorado" and a "mirror of America as it will become." The promise turned dismal with the tax revolt of the seventies. It fractured the civic structure and savaged support for California's universities, libraries, children's programs, and, most tragically, its public schools.

Let me just read one part of that: "It fractured the civic structure." The tax revolt of the seventies fractured the civic structure. It did not affect the physics professors or the chemistry professors or the laws of nature, but the civic structure was fractured. They took a wrong turn. As a result they have wrecked the schools, the public schools of California.

I resume quoting from the article:

Teeming with new immigrants, California's classrooms were suddenly among the most crowded and neediest in the country. States with similar problems increased spending, but California stood pat. It now ranks 43rd nationally in education spending, well behind such states as Texas, New York, and Pennsylvania, and spends about $30,000 less per classroom per year than the national average.

This is California, that was described in the 1960's as being in the leadership in America in areas related to education.

Resuming the quote from the article:

Penury has taken a toll. In 1995, the United States Department of Education ranked California's fourth graders at the very bottom, tied with Louisiana's, in reading skills. Governor Pete Wilson and the Legislature have pushed through laws aimed at easing overcrowding and strengthening both teacher training and reading instruction. Still, it could take 25 years or more to reverse the damage of the tax revolt, if it can be done at all. Governor Wilson's reading initiatives are for the most part excellent. But the class-size measure lacks money and was poorly thought out.

In April 1995, the federally sponsored National Assessment of Educational Progress painted a distressing portrait. Readers scores were stagnant in the lower grades and had declined for high school seniors nationwide. In California, about 60 percent of fourth graders fell below the minimum reading level, compared with 44 percent nationally. Typical were the fourth graders at Abraham Lincoln Elementary School in Sacramento, some of whom could not decode even the instructions to a simple vocabulary test. The instructions read: "Write a definition for each term." For these children, reading a book is out of the question.

Many Californians sought to blame Mexican immigrants for the poor test scores. But Asians, Latinos, blacks, and whites all scored near the bottom when compared with the same groups nationally.

Resuming the quotes from the article:

Even the children of college graduates, a group that generally scores well, placed near the bottom when compared with the same students in other States.

If you are shortsighted, if you are mean-spirited, if you are powermongers who are determined to help only those that can keep you in power, here is the kind of society you create. You bring it down for everybody. No man is an island and this applies in particular to your children. Your children cannot exist in a society which is based on elitist assumptions that you can take care of a small part of the population of a certain age and not take care of the rest.

Resuming the quotes from the article:

Funding cuts set the stage for this tragedy, but educational fads played a role as well. Funding cuts set the stage for this tragedy, but educational fads played a role as well. In the 1980's, most California schools ceased to issue grades in primary school and gave up on standardized tests. These were replaced by touchy-feely performance descriptions that avoided the question of whether or not the children were learning. Most destructive of all was a reading curriculum that abandoned the phonics, spelling, and vocabulary development that many children need, turning to fashionable but unproven methods like creative spelling. After a politically tinged feud known as the Reading Wars, the State revamped reading guidelines. Teachers are being retrained, and the colleges that educate them are being prodded toward change. The colleges are resisting and the State may eventually force the issue.

The new training and reading strategies are long overdue. But California's plan for reducing class size is likely to backfire. The law encourages schools to shrink classes in the early grades, but makes no provisions for new classrooms. Classes are being held two to a room. Computer labs and libraries are being sacrificed. To create smaller classes in the lower grades, the schools must strip money from the upper grades, where victims of the past are struggling to catch up.

Let me repeat: "To create smaller classes in the lower grades, the schools must strip money from the upper grades, where victims of the past are struggling to catch up."

One of the findings in New York City when they did a review of the budget of schools, school by school, one of the findings was that the expenditure for high schools was lower than expenditures for elementary schools. We have had our attempts at photo opportunities and headlines by doing certain things at the lower grade levels. We have also had a situation where the decentralization of the school system in New York means that every community has a community school board. There are 32 community school boards. The community school boards have fought budget cuts with more zeal than the central board which controls all high schools. The central board which controls high schools has acquiesced to the mayor's demands for budget cuts so you have less expenditures for high school students per pupil than you have for elementary schools.

Everywhere else in the country, in places where high school students are graduating at a high rate, with a better education, they spend more on high school students per pupil than they spend on elementary school students. California follows the same pattern. When you turn it loose, the politicians, the demagogues, the tax cut in California was not the product of the politicians. It was a product of lay demagogues. Laymen took over. People who were not politicians, had no experience, took advantage, and they whipped up mass hysteria and they cut the budget. So what you are doing is destroying institutions in the process. The public schools are not the only institution being destroyed, but the public schools probably are the most vital institution and they are being destroyed as a result of political decisions.

Who were the voters who went out and voted for the proposition? Many different, confused reasons resulted in that vote but nobody has had the guts to turn it around. Everybody in New York City thinks it is a great idea that we are reducing taxes. They think the Board of Education should have less funding. But the result is that in every neighborhood, low income, high income, everywhere, there is a decline in the performance of the students. You cannot take away the best teachers, you cannot take away the best administrators, downsizing, saving money, you cannot refuse to build decent classrooms, safe classrooms, and it not have an impact on education.

Finally, I want to read the last paragraph: "The new initiative has increased the demand for teachers."

This is called the Band-Aid approach, patching. The problem with President Clinton's plan is that we are glad we got his attention, we are glad the public opinion polls showing that education was a high priority got his attention and got the attention of the Republican leadership, it got the attention of the Democrat leadership. All the politicians are focused on education, but if you have this approach, where you are going to have a great reading program here, every kid is going to learn to read by the third grade and over here you are going to give tax cuts, tax credits to people going to college, patching it up is better than nothing, but unless you have an all-out effort to improve the schools, the new initiatives are going to create problems in other places.

There are people in the education area, there are people on the Education Committee here in this Congress who know what a comprehensive, broad approach is like and what is needed. If the headlines push them out, then you are going to have a lot of photo opportunities and headlines but no progress.

Continuing the quotes from the article:

The new initiative has increased the demand for teachers without increasing the teacher supply. Inner-city systems in California that have trouble attracting qualified teachers are likely to suffer more as applicants flock to jobs in affluent districts. Some even suspect Governor Wilson of wanting public schools to fail. I am quoting from the New York Times op-ed piece on Monday, February 10, 1997. Some even suspect Governor Wilson of wanting public schools to fail, to make way for a voucher system that would offer private school education at public expense.

California offers a warning for States that would bleed public education for short-term gain. The schools are easy to destroy, but costly and devilishly difficult to rebuild. The schools are easy to destroy, but costly and devilishly difficult to rebuild.

I am in favor of experimentation, with charter schools and a number of other initiatives. I think we should try a variety of approaches, but beware. If we go the route of headlines and photo opportunities, we will destroy schools that we cannot rebuild. We will destroy systems that we cannot rebuild, and the entire society is going to suffer, not just the people on the bottom.

I want to end by paying tribute to Albert Shanker who died a few years ago at age 68. Mr. Shanker was the leader of the American Federation of Teachers. Before that he was the leader of the United Federation of Teachers in New York City. Mr. Shanker and I had some great disagreements in the early part of his career, and there were disagreements on methods, style, not the ultimate goal. Mr. Shanker was a dedicated educator who wanted the schools to educate all the children. Mr. Shanker was a dedicated educator who knew you cannot have teachers in an oppressive atmosphere where dictatorial administrators and managers disregard the priorities and imperatives of education. Mr. Shanker knew that school power, teacher power, meant getting the balance where you force the whole system, the policymakers and the administrators, to listen, to work out situations. Mr. Shanker got the first union contract in the country for teachers. There are many teachers who still do not like the idea of unions. They belong to an association which acts just like a union. The American Federation of Teachers, the National Education Association, they are pretty much similar right now in terms of they are the leading advocates for children. They are the leading advocates for education. Their interests are closest to the interests of children and parents. It is to their credit that they were singled out for criticism by the Republican candidate for President because he felt the power that they are beginning to exert and the influence. It will all balance out. Shanker made it possible. Albert Shanker made it possible for the teachers union to be recognized on a national level as a force. Most of us feel it is a force for good. It is a force for education and a force for children. The United Federation of Teachers in New York City, founded by Albert Shanker, brought a court case against the Board of Education and the city recently to force them to reduce class sizes and deal with overcrowding in schools. Some of the facts that they have discovered, some of the cases that they brought have been very enlightening as to how bad the situation is. But it is a union operating on behalf of the children for education.

The United Federation of Teachers has nurtured power professionals, people out of the low-income areas who go into the classrooms as assistants without a college education and later on, after a long period of going to college part-time, become teachers. That is a program that has been nurtured by the United Federation of Teachers. There are numerous things that they are doing and have been doing that puts education in the city of New York in a better position. But they, like the rest of us, are now under great pressure from a Governor and a mayor that have indicated that they are not particularly concerned about doing all that has to be done to educate the children of New York City.

□ 1600

At the national level, the American Federation of Teachers, certainly, that also was captained by Albert Shanker during his last years, has also been a very vital force. They have done all kinds of positive things pushing to get education reform that is meaningful.

I think teachers and teachers' unions will be the first to tell you that there is a danger in having a great deal of attention focused on education if the people who are supplying that attention have a great deal of power and they are only concerned about headlines and photo opportunities. They can make a mess. Things can get worse.

It is our hope that things will not get worse, that we will not have fads substituting for substance, as there will be a real attempt to move forward and grapple with the need to improve education in America all across-the-board: suburbs, rural areas, inner cities; but most of all, education improvement has to come to the aid of the desperate children of the inner cities of America and do it soon.

It is a desperate situation. We need opportunities to learn. Across-the-board we need a commitment, we need the resources, we need politicians, decisionmakers, powerful people who care about children because only in caring about children will you improve America and guarantee that our society will live up to its full potential. There is an unlimited world out there, and we need educated people to go forward to realize that world of unlimited possibilities.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

DIRECTION OF THE COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas [Mr. PAUL] is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, many Americans are not happy with the direction in which this country is going nor with the efforts that Congress has made to solve our problems.

By superficial analysis and as measured by Government statistics, our leaders would have us believe that the state of the union is strong. Yet with casual observation, one detects smoldering discontent among the people. In looking for solutions, Congress engages in political grandstanding that produces few answers for that growing number of Americans not confident about their future. Even many of those who are who are well off worry that their own futures, and certainly their children's futures, are not secure.

Mr. Speaker, it is estimated that throughout the world, 1.5 billion people live in deep poverty. These are not just people in developing countries, but some even live here in the United States. They do not go unnoticed and contribute to the anxiety of the times. Approximately 3 million children in this country are abused each year, and this does not count abortion.

Violent crime in the United States is a serious problem, with killers getting younger every year. From 1965 to 1992 the number of murders doubled while the percentage of murders solved has fallen.

For many Americans, the standard of living has dropped over the past 25 years. Nominal wages have soared but real income has fallen for low- and middle-income families due to dollar appreciation. Even with two family members working, keeping up has been difficult. Less parental supervision has contributed to the juvenile crime problem.

Generational conflicts are real. The demands of the elderly seem endless. Knowing that they have a greater tax burden to bear and expecting no returns at retirement frustrates the under-40 taxpayer. This resentment is not likely to fade any time soon, and will likely get worse.

Confidence in the future is far from robust. The balanced budget amendment, the line-item veto, term limits; they will not solve our economic and social problems. Cynicism flourishes throughout the land and especially here in the Congress. Frustration over how to solve our problems has led to rude behavior that once was rare in the House. Civility classes only address the symptoms and will not solve the philosophic conflicts nor address the economic limitations that are the source of the impasse the welfare state now encounters.

The radical political correctness movement undermines the first amendment and contributes to the anger expressed by various groups. Intimidation and ridicule of unpopular ideas are hardly a way to bring different social groups together. The same individuals that demand censures of those who do not use politically correct language condemn voluntary prayer as a violation of the first amendment. A consistent position on free speech will go a long way toward softening the growing resentment that strains our relationships with each other.

Our welfare state is now broke. We cannot meet our future obligations, now estimated to be over $17 trillion. We must one day admit this fact. There are just not enough young victims left to tax to continue the process. We can and are limping along by continuing to rob Peter to pay Paul. This can last for a while longer but eventually we will have to admit that borrowing, taxing and inflating will not suffice.

These techniques pursued over the past 60 years cannot replace working, producing, saving, investing as the real source of wealth and prosperity. Government is incapable of producing wealth. Productivity growth, according to the Wall Street Journal, is now .3 percent per year. This is similar to preindustrial revolution days. If this continues, it will take 10 generations for a person to double one's income.

Inflation has eaten away at the seemingly huge welfare payments that we no longer can afford. The average welfare check in 1970 was worth twice that of 1996.

More of the same, though, cannot address the problem of productivity and savings. Only good economic policy and sound political theory can do that.

We must realize we are not yet facing what other western developed nations are. Japan is in the doldrums, and even interest rates of less than 1 percent have not revitalized their economy. Where will they be when the United States quits buying Japanese products in our next recession? France and Germany are further ahead than we are in confronting the failure of the welfare state. Germany admits to an unemployment rate of more than 12 percent, the highest since the Depression. French unemployment is over 10 percent.

The U.S. will not be able to meet its welfare needs while continuing to keep Europe and Japan afloat by our extravagant purchases from them. That will come to an end in one way or another. A new European currency will not address the basic flaws of the welfare state.

The central banks of Europe are selling off gold to raise cash to appear financially strong enough to enter the European currency union. This schizophrenic attitude prevails in all the world's central banks. The whole plan for a universal European fiat currency is a nonstarter, and its failure will eventually put more pressure on us to address the entire issue of our welfare system.

Corporate downsizing has compensated remarkably for the ills of malinvestment inherent in a fiat monetary system. It has eliminated many good jobs while temporarily improving corporate earnings. Not only have good jobs been lost, downsizing has created an atmosphere of distrust and fear of the economic future unlike anything we have ever experienced.

Stockholders have benefitted by inflated stock prices, but those individuals interested in dividends are now receiving an historic low return of less than 2 percent. Today's stock and bond market valuations are not a reflection of a healthy capitalist society, but reflect the excesses inherent in a welfare state financed by Government borrowing and the Federal Reserve credit creation system. Evidence is readily available that the inevitable decline of the middle class that comes from depreciating a currency to finance welfare is already here.

There is no reason to expect reversal of this trend without major policy changes. Block grants to the States hardly offer the solution to a failed welfare state.

The principle that underpins the welfare state must be challenged. Anything short of that will cause the demise of welfare to smolder for decades, with the offer of more poverty to many more Americans. Under those circumstances, the role and the size of the Government will continue to grow, despite the current favorable rhetoric. In recessions, expanding welfare is irresistible, and the next one will be no different. There is a growing consensus that something is seriously wrong with our economy and political system, and that is a start.

Too often, though, answers are given before the right questions are asked. Fixing the current system occupies the attention of those sincerely worried about the future welfare of the country. Budget, tax, education, regulatory reforms are promoted as solutions to our mess. Rarely do we hear that the system itself is flawed and the unintended consequences were not at all unexpected.

The collapse of the Soviet-styled socialism would have hardly surprised the late great Austrian economist Mises, since he predicted its failure.

The line-item veto, heralded by many as a tool needed to rein in spending, will prove the opposite, while, unfortunately, delivering more power to the executive branch of Government.

Technical gimmicks outside a philosophic approach to Government will not solve problems, even if well-intended.

Deceptively recalculating the CPI to cut spending and raise taxes will only fuel the conflict already present between the generations. It is true that the standard of living must go down as we confront our bankruptcy. Straightforward tax increases and benefit cuts will never be acceptable for political reasons. Even this back-door attempt to raise taxes and lower benefits through an arbitrary recalculation of the CPI will probably not fly once the entitlement recipients realize what is happening. Real benefits however will go down through dollar depreciation. The checks will continue but inflation, that evil declared dead by our money managers, will eat up purchasing power faster than even the COLA's can keep pace. If the CPI is not recalculated soon, it will not happen later since the people will rebel against the Government's rhetoric claiming inflation is essentially nonexistent.

It is a losing battle. The cost of Government is growing 3 times faster than the CPI and now takes more than 40 percent of our income, and of course it is not even counted in the CPI. No wonder the people are more upset than the Government thinks they should be considering a subdued CPI, high employment and a soaring stock market. No sales tax, flat tax, value-added tax, lower capital gains tax, or even dynamic scoring will bring about the miracle that will allow the immoral redistribution of wealth inherent in a welfare system to persist without a serious attack on our standard of living and our personal freedoms.

A tremendous amount of energy has been put into the balanced budget amendment movement. The whole balanced budget amendment debate has served perversely to distract from the important and key issue of the level of Government expenditures. A balanced budget achieved at $1.7 trillion offers no benefit whatsoever and a great deal of harm compared to a trillion dollar budget out of balance.

This whole debate over the balanced budget amendment has co-opted the important issue of the proper size of Government. The deficits have exploded ever since welfare benefits became equivalent to an entitlement and a right. Removing any restraint on the Federal Reserve to monetize the debt, by severing the last link of the dollar to gold, was not a coincidence and conveniently accommodated congressional deficit spending. It was necessary to delay the inherently failed financing that must always accompany a welfare state.

Dwelling on changing the Constitution to make Congress act responsibly begs the question: If Congress ignores the Constitution in so many other ways, why would one expect Congress to become obedient to this one new amendment? The escape clauses will permit the deficits to continue if the amendment passes. With or without the amendment, we are still forced eventually to ask the serious question as to what the Government is permitted to do if we return to the rule of law. That is the Constitution. Without respect for the doctrine of enumerated powers, for which there is currently little concern in the Congress, another constitutional restraint placed on Congress will do little more than pacify a few vocal groups. If we use Social Security funds to balance the budget, the support for this project will quickly fade.

The deficit problem is a lot more than an accounting problem. Balancing the books, or pretending to do so, will not solve the problems inherent in a welfare state manipulated by a majority vote to the benefit of the special interests. Tax changes, budget compromises, borrowing and inflating all help in buying time for a withering welfare state.

□ 1615

A wealthy country like the United States can survive for a long period of time with adjustments of this sort. Freedom creates great prosperity and trust. Our credit is still good, the dollar is trusted and there is still plenty of wealth to redistribute. Many Americans are still willing to sacrifice even more of their freedoms for the promise of Government benevolence, but even wealthy countries go bankrupt if they continue to hinder their productive capacity.

Our Tax Code encourages exporting of capital, our regulatory system sends businesses overseas, and our corporate welfare state subsidizes overseas investments over domestic ones. At the same time, we welcome millions of illegal immigrants with free health care, education and housing. None of this makes sense. It only drives us more quickly to the day of reckoning. My guess is that that day is not far off and that we have in real terms consumed a lot of our capital and sacrificed many of our freedoms.

The concept of complete self-reliance and personal responsibility absent of Government programs is foreign to most Americans. Individual bankruptcy is preceded by a call from a banker refusing the next loan to pay for the last one. Suddenly, conditions change and that individual accustomed to a high standard of living paid for with borrowed money has a sharp setback to his standard of living. A nation never gets that call from a banker, since it serves as its own banker. The crisis comes when confidence is lost in the money. Confidence may erode gradually, but dramatic changes will also occur.

We saw signs of things to come with the breakdown of the Bretton Woods agreement when gold was still $35 an ounce. Again, confidence was shaken in the dollar in 1979 when gold shot up to $800 an ounce. The Mexican devaluation demonstrated how chronic currency debasement leads to sudden and painful adjustments, always hurting the innocent poor while the politicians and the bankers escape unscathed.

For good reasons, the Mexican people did not celebrate the so-called early payback to the United States of the loans made 2 years ago. The peasants suffer while the bankers and their political allies brag of great deeds never performed. Much of the time, gold for the U.S. economy was bought at the expense of the U.S. dollar.

Our $17 trillion obligations to the welfare recipients of the future and the dollars sent overseas for the past decade or so have allowed us to become the largest foreign debtor in the history of the world. Our foreign debt is now more than $1 trillion. Foreign central banks, at the urging of our own Treasury Department, are willing to accept our Treasury debt at a rate of over $100 billion per year. It may help the dollar on the short run, but eventually those dollars will return in spite of central bank collusion to keep the system afloat.

Foreign central banks are willing, for now, to soak up our inflated dollars, allowing us to export our inflation and live beyond our means. They do it since they need us to buy their products, because their own economies are internally weak. They cannot, however, become wealthy by selling us goods in return for our paper.

Our temporarily strong dollar makes foreign purchases extremely attractive and produces our negative trade and current account balance. With the dollar holding its own, foreigners are willing to hold them as they gladly ring up paper profits with their sales to the United States. The fact that the dollar serves as the reserve currency of the world contributes to the confidence that otherwise would not be there if we were on an international gold standard.

Our interest payments to foreigners is a major contributing item in our current account deficit. The amount is rising steadily as it compounds, just as our interest on our own $5.2 trillion national debt. The wonderful illusion of trust bestowed on the U.S. dollar allows us a standard of living far beyond anything we currently earn. It is such a good deal, we can be certain that our central bank money managers will do nothing to change it; economic law will. When is the only question. Our political party leaders are not even talking about it, but we in the Congress surely should.

The 20th century has not been good for honoring standards. The Constitution has certainly suffered as a standard for our law. Respect for the doctrine of enumerated powers has been undermined by grotesque interstate commerce laws and general welfare clause interpretation that mocks the Founders' attempt to strictly limit Government power.

Probably the most important standard lost in the 20th century has been that for life. Our laws permit men to become wealthy through killing the unborn any time prior to birth and yet we imprison and threaten youngsters who throw away their minute-old newborns with death sentences. The only debate is whether we should pay the abortionist or call the police if someone performs a partial birth abortion. If we are not able to set a standard for life any better than this, we cannot be optimistic about our future.

Those who expressed concerns about this 20 years ago received ridicule when they suggested it would lead to euthanasia. Medical care is now an economic function of the state, and the current standards for life have deteriorated. I fear the trend for economic justification for killing the elderly and the infirm will continue.

Without a strict adherence to a standard for life, we cannot expect much respect for liberty and property. Privacy seems to be a thing of the past, and confiscation of property without due process of law is a common, everyday occurrence.

Since 1971, we have had no standard for our money, and in spite of the dollar's serving as the world reserve currency, it does so at great peril to all Americans. A monetary unit without definition, endlessly created by a secret central bank, will play havoc someday with the world financial system. Time will tell.

The age of relative ethics and central planning of our entire educational system has produced a generation of youngsters unable to read or spell. More Goals 2000 will do nothing to help our children. Centralized control over education always enhances the power of the state and undermines liberty.

One of the most important standards lost in this century has been that for liberty. The acceptance that liberty is composed of two separate elements, economic and personal, has done untold harm to our system. The fact that commercial speech receives no first amendment protection is baffling. Some of the best defenders of the first amendment are the greatest enemies of economic liberty and voluntary contracts. It is now strange to propose that voluntary economic transactions deserve the same protection under the law as personal, social, and religious associations. The divorce between economic and personal liberty must be reconciled if we ever expect to make a strong stand for a free society.

The welfare ethic has replaced the work ethic. This applies to corporate America, middle-class America, and the poor. Respect for work, savings, and investments and no government hindrance is required to have once again strong economic growth and a rising standard of living for all Americans.

Centralizing power and consistently expanding the role of the Government require an army of bureaucrats and a taxing authority upon which a police state thrives. There are over 100 laws on the books permitting private property seizure without due process of law. We have made it easy to seize any property by absurdly claiming the property itself committed the crime. The RICO mentality relating to law enforcement permits even the casual bystander to suffer severely from the police state mentality.

The drug war hysteria and the war on gun ownership started by Roosevelt in 1934 have expanded Federal police power to the point that more than 10 percent of all of our police are Federal. The Constitution names but three Federal crimes, so where is the justification? Talk about swarms of officers to harass our people and eat out their substance. We have hovering over us daily the Federal police from the EPA, OSHA, FBI, CIA, DEA, EEOC, ADA, F&WL, INS, BATF, and worst of all, the IRS. Even criticizing the IRS makes me cringe that it might precipitate an audit. It seems that all administrations, to some degree, used the power of the agencies to reward or punish financial backers or political enemies.

So much that had its origin in the 1930's, it was then that the FBI's role changed from friendly investigator helping local authorities to that of national police force.

We live in an age where the fear of an IRS registered letter bearing news of an audit surpasses the fear of a street mugging. The police are supposed to be our friend and the Federal Government the guarantor of our liberties. Ask the blacks in the inner city of Los Angeles if they trust the police and revere the FBI and the CIA. We should not have to cringe when a Federal agent appears at the door of our business. We should not even see them there.

A Congress sworn to uphold the Constitution ought to be protecting our right to our property, not confiscating it. Congress ought to protect our right to own a weapon of self-defense, not systematically and viciously attacking that right. Congress ought to guarantee all voluntary association, not regulate and dictate every economic transaction. We should not allow Congress to give credence to inane politically correct rules generated by egalitarian misfits. Setting quotas ought to insult each of us.

We need no more centralized police efforts. We need no more wiretaps that have become epidemic in this last decade. We have had enough Wacos and Ruby Ridges.

The foreign policy resulting from the philosophy that promotes welfarism is one of militarism and foreign interventionism. The Constitution does not permit the use of force to mold the internal affairs of other nations and involve ourselves in all worldwide conflicts. Creating a weapons industry and subsidizing international sales are not only forms of welfare, they distort the entire notion of providing for the national defense. It should surprise no one that our foreign policy is up for sale at election time. Our 20th century intervention in foreign policy supported by blind bipartisanship and based on the principle of using force in dealing with other nations threatens our security and challenges U.S. sovereignty.

The march toward internationalism endorses both unilateral and multilateral use of foreign aid. Now we find bipartisan agreement on the three legs upon which the New World Order stand: the World Bank, the IMF, and the newly created World Trade Organization. Many believe we are rushing toward the dream of the 20th century internationalists who earnestly seek a single-world government.

The demise of the Soviet Union system has permitted astounding advances for the promoters of internationalism. But the smooth sailing they all had hoped for is not yet evident. The expansion of NATO into Eastern Europe is being met with strong Russian objections. This will prove to be less significant due to Russia's military and economic decline than what it does to the current rapidly expanding Islamic fundamentalist movement. Islamic nations are gaining access to Soviet conventional and nuclear weapons, a fact frequently ignored by the media and our political leaders.

A huge void occurred with the demise of the Soviet system and is being rapidly filled by NATO moving east, and Islamic fundamentalism moving north.

Although our pro-Israel policy is designed to thwart any Arab challenge in the Middle East, Islamic fundamentalism is a far different animal than secular Arab nations friendly to the West.

□ 1630

Our policy has actually worked perversely, fueling the rise of Islamic fundamentalism, undermining moderate secularism, and in the long term, may possibly even jeopardize Israel's security. The rise of Islamic fundamentalism in Turkey, Algeria, and Saudi Arabia as well as many other nations in the Middle East cannot be ignored.

A recent major revelation should alert us to grave danger in the region. Iran, acting as an economic ally to Iraq, defied United States and U.N. sanctions by selling Iraq's oil. This signals the possibility of a reconciliation between the two countries, and in the next Persian Gulf conflict it will make United States intervention much more costly.

Some would argue that as the chance of major military conflict grows over Mideast oil, it justifies even more U.S.

involvement. It should be clear to those who study the issue, though, that the United States' policies have incited the anti-Western sentiment of the radicals.

The sooner we establish a policy of neutrality, advocated by the founders of this country as well as the political parties and Presidents prior to the 20th century, the better. It would be a lot wiser policy than the one we are following today.

The Islamic people have long memories, and it is not only the U.S. they resent. Virtually thousands of years of European interference is clearly on their minds. The sooner we mind our own business, the better. The last Persian Gulf conflict now turns out to be much more costly than first believed, considering evidence of thousands suffering from the Persian Gulf war syndrome. It will look cheap, though, compared to the costs of the next conflict.

Our interventionist foreign policy, like our domestic welfare policy, rests on a flawed philosophy of government. It will contribute significantly to our financial bankruptcy and, tragically, at the same time, expose us to war we do not need nor can we afford.

If there is no fundamental philosophic change in the role of government, we will continue on a course not favorable for liberty and detrimental to our prosperity. Domestic and foreign deficits will continue to increase. Trade wars will ensue as GATT and WTO expand their role as the special agents in trade warfare. Inflation will accelerate, and the standard of living of all Americans will decline. The moderate friction we all feel now will spread and political frustration will not go away.

Dividing a shrinking economic pie will not occur with grace and tolerance. The vultures will become more aggressive, and the efficient lobbyists will become a hot commodity as the carcass of free-market capitalism gives way to the uncontrolled demands of welfarism and militarism. The conventional ethics problems that engage the Congress will worsen while we ignore the real ethics problem of welfare redistribution through force.

A lot of good intentions have brought us to our bankruptcy, but more good intentions cannot hide deceitful and immoral principles of government. The aggressive nature of welfarism must be exposed for what it is, if we expect to answer the question of what to do when the welfare state crumbles. Claiming theft is benevolent if done through the tax code has brought us to today's impending crisis. A clearer moral understanding of the nature of welfare must surface.

Bad ideas cannot become worthwhile by good intentions. The pragmatism of interventionism cannot replace the rule of law that the Constitution gives us. Respect, once again, must be given to the limitation of government power that permeates this document.

Good intentions do a great deal of harm because they soften the opposition and make the proposals appear humanitarian. With man's imperfection, mistakes inevitably happen, making bureaucratic and political decisions dangerous to the many instead of the few. Planners cannot know the personal desires of the people. Governments cannot protect citizens from themselves without enslaving the whole Nation.

Planning requires government force, backed by government guns, and by its very nature is inefficient, wasteful, breeds fraud, and precipitates anger. Lobbying and campaign reform will not solve the conflict-of-interest problem. It will only drive the evildoers underground. The real problem with political corruption is that government has so much power and influence in every aspect of our economic lives, and it does pay to influence government officials.

If we do have problems, how serious are they and what should we do about them? Few will agree we have no problems at all. For those who do, they can just ignore the entire situation. Most of us who find ourselves in the Congress get here talking about conditions that are unsatisfactory and need changing. No correct answers can be given if the pertinent questions are not asked.

First, are our problems due to mismanagement, waste and fraud, or do they stem from a flawed notion about what the role for government ought to be? I believe our problems are a result of a flawed notion regarding government. The waste and fraud argument only distracts from the serious consideration about what the proper role for government ought to be.

Our founders profoundly believed government's role was to protect liberty, and the Constitution explains precisely the powers the people granted to the Government. The counter-revolution to this noble experiment, unlike most counter-revolutions, did not immediately follow our establishing independence from Britain. It occurred this century, gradually and without military conflict. The evolution of the welfare state subtly and steadily undermined the principle of private property, free markets, and sound money, and has brought us to the brink of bankruptcy.

Most Americans, if asked, would agree they would prefer to live in a free society over a socialist or a planned society, yet most continue to endorse the principle of government intervention in personal and economic affairs, a principle that has become acceptable this century, while replacing the principle of a free society the Constitution was designed to protect.

Many Americans want to have it both ways, forgetting intervention requires sacrifice of liberty, breeds waste and fraud, invites debt, diminishes productivity, encourages unfulfilled commitments, and ultimately precipitates bankruptcy.

We will be forced to recommit ourselves to a different philosophy of government if we want to live in a free society. Perpetuating a bankrupt welfare state requires more and more authoritarianism with no chance of paying the bills and with a continuing erosion of our standard of living. The looming financial crisis will not quietly go away.

Soviet socialism disintegrated after years of poor economic conditions and a tyrannical government. We need not put ourselves through that. The duration of a diminishing standard of living and a growing police state could go on for a long time if we do not recommit ourselves to the fundamental principles upon which freedom depends. If the prevailing principle that now is generally accepted by the majority in the U.S. Congress is not challenged, reversal of today's trend is impossible.

The prevailing moral principle of the 20th century that stole the revolution is simply: The government has been granted the arbitrary use of force to bring about social and economic changes.

Knowing the full meaning of this reveals a monstrous notion. It is this idea that permits today's programs of taxing, spending, regulating, confiscating, militarizing, harassing, policing, instructing, controlling, borrowing, inflating, moralizing, and meddling, while integrating government into every aspect of our lives; all done, of course, in the name of doing good. If the founders of this country are watching, they are surely embarrassed. What they fought for we have frittered away.

I am optimistic, though, enough to believe that most Americans truly want to live in a free society. The numbers are rapidly growing, especially since the handwriting is on the wall and the government largesse is coming to an end. The message of liberty appeals especially to the younger generations, since they increasingly see themselves as the victims of a bankrupt welfare state that may smoulder for a long time.

What principle must we accept if the welfare principle is to be replaced? The same one the founders followed in writing the Constitution: The Government does not have the moral authority to use force to mold society or the economy, nor does any person have this authority.

Government's role is to restrain force when individuals violate the rights of others, which means no robbing or killing and breaking of one's contract. Molding behavior and regulating the economy, even if well-motivated, are not permissible in a free society. The problem with the idea that a little socialism or a little welfare is needed is that once the moral principle upon which welfare depends is conceded to any degree, there is no moral argument for limitations. Politicians trading votes and lobbyists earning a top-notch living will then determine the limits. Limitations will only come when the funds disappear, precipitating anger, frustration, and sacrifice of personal liberty.

It has been said that the art of politics is compromise, and on the important issues, bipartisanship is crucial. If one group wants $30 billion for a welfare program and the other wants $20 billion, both will settle for $25 billion. That is no compromise, that is a total victory for those who endorse force and taxation to redistribute wealth. Those arguing for less achieve nothing because they concede the authority to the State to rob Peter to pay Paul. Yes, a little less, but so what. If we come up short before the fiscal year end, a supplemental appropriation will pass to make up the difference. That is compromise?

Compromise has a good name, but there are and must be political absolutes regarding the role for government. Otherwise there are no limits to spending and deficits. Some argue there are only gray areas in politics, and only compromise will permit workable solutions. Surely there should be no compromise on murder, theft, and fraud. These should be either illegal or not.

The promoters of welfare endlessly use the compromise argument to soften the opposition. Compromise sounds so gentlemanly and compassionate. In reality, those arguing for slightly less have conceded the entire argument to the welfarists that government has the authority in the first place to promote forced redistribution. Right and wrong should be argued, just as right and wrong are argued on murder and theft.

The record is clear that the compromise approach has been very successful for the welfare state. The spending is endless and deficits persist, while demands continue to grow.

Simply put, government, even through congressional legislation, has no moral right to steal. It is wrong and the Constitution prohibits it. Compromise with welfare proposals will be no more successful than the Missouri Compromise was in solving the slavery question.

A society that condones government violence and forced redistribution of wealth while attacking the right of its citizens to defend themselves against violence must by its very nature accept authoritarianism as a way of life. This will lead to severe unwanted violence on a grand scale, since the use of violence has been accepted as a proper government function. Tragically, the only defense eventually will be for the people to counter it with their own force.

The purpose of politics is simple but profound: It is to achieve liberty, unless one wants authoritarianism. Why should we have liberty? A society honoring individual liberty permits the best hope for mankind to achieve progress in all that we do. Achieving excellence, virtue, happiness, spiritual well-being, economic security, and mental satisfaction can best be accomplished through voluntary means, available only in a free society.

We must agree on the ground rules that the people have established with the Government. The Constitution, although now generally dismissed, provides that contract between the people and the Government. Although imperfect without the agreement, and that is essentially what we have today, we see the anarchy of special interest government in a desperate effort to satisfy their demand as bankruptcy draws near. Street muggings to transfer wealth are morally comparable to an IRS mugging used to separate a citizen from his hard-earned cash. Splitting the difference on an appropriations bill will do nothing to solve our problems. It will only make them worse by perpetuating an immoral system.

The key to the Constitution working is our acceptance of the premise laid down by Jefferson: "All men are endowed by their Creator with certain unalienable rights." Rights, being natural or God-given, are the only moral alternative to the secular humanists who finds violence a proper tool to promote the authoritarian agenda through government monopoly education.

As our national bankruptcy unravels and we lose confidence in the dollar, more and more Americans want real answers to our problems. We will not find these answers in tinkering with the present system. That will only delay the inevitable and further inflate the financial bubble.

As this becomes more evident, expect more Americans to look toward liberty and away from tyranny. A growing army of Americans is once again being introduced to the principles of liberty, and they like what they see. America can remain the bastion of liberty and peace, and it need not be a painful decision. Freedom requires no sacrifice. If any suffering comes, it must be laid at the doorstep of those who have excessively spent, regulated, and taxed.

Restoring liberty, eliminating taxes, releasing our creative energy from the chains of big government bureaucrats, and permitting people to keep their earnings guarantee a prosperity and security not yet known to man. Self-respect and natural pride would follow.

The liberty bridge to the 20th century is the bridge I hope we use, not the one offered to us and built by the status quo. I plan, with many others, to work to build the liberty bridge.

A FAIR HEARING ON GUAM

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes.

Mr. UNDERWOOD. Mr. Speaker, I take this opportunity to tell a story about Guam and its quest for political dignity in the context of recent stories about fundraising, some trends in the Asian region regarding the strategic utilization of Guam and the aspirations of the people that I so proudly represent.

In President Clinton's State of the Union Address he called on Congress to look to the East no less than to the West, and this demonstrates the growing perspective shift which is taking hold in this country recognizing the Asian Pacific region's importance to global affairs and recognizing the trend that the United States is indeed a Nation not just with interests in the Pacific but is indeed a Pacific Nation.

The United States commitment to the Asia-Pacific region provides the framework for the stable conditions which in turn promote trade and commerce. The resulting trade and commerce then provide the basis upon which there are further advancements in the peaceful relations of the region. And as the Department of Defense continues with the Quadrennial Defense Review, the QDR, it is imperative that the Department of Defense act on Secretary Cohen's belief that any force structure changes be strategy driven and not budget driven.

The future dynamics of the Asia-Pacific region require that the United States examine its role in the region. One key element of U.S. policy will be a forward deployed military presence. And in this analysis, Guam is uniquely situated to play a major role in the forward presence of this country in this vital region. Guam, as many of you know, is 9,000 miles away from here, some 1,800 miles south of Japan, approximately 4 to 5 flying hours to most parts of the Asian mainland.

The strategic uses of Guam have been heightened recently. There is this week, I believe tomorrow Guam time, arriving on Guam the USS *Independence*, which is a carrier home ported in Japan, and it marks the first time that a carrier has visited Guam in over 30 years. This highlights our strategic importance in supporting the 7th fleet as well as the mobility of the 7th fleet. I believe it also sends a message to the entire Pacific region about Guam's role in that and also the general mobility of American forces.

Guam is also being studied in the context of some Marine Corps activities in line. Considering some of the problems that the Marines have in Okinawa, there is serious consideration today of perhaps deploying a unit of marines on Guam.

This general strategic use of Guam is entirely in concert with its geographical location, but much more important than that, I believe, is its relationship to this country as an American territory. One of the reasons why it becomes vital to the overall deployment of forces in Asia is because if securing base rights in other countries and Southeast Asia or perhaps even Australia prove difficult or undesirable or problematic in some way, Guam, as an American territory, provides basing opportunities within the region. And also, because of its status as an American territory, it was of enormous value in the placement of Kurdish refugees during Operation Pacific Haven dealing with the Kurds that came out of northern Iraq, and also in fact during the air strikes in Iraq itself. Air Force B–52 bombers landed on Guam prior to continuing their mission in the Persian Gulf. This was facilitated by the fact that there were no air space requirements that had to be dealt with.

Admiral Prueher, the U.S. Commander in Chief of the Pacific, CINCPAC, uses the term "cooperative engagement" to describe United States strategy in the Asia Pacific region. The three-part strategy includes peacetime involvement, crisis response, and maintaining fighting ability. All of these elements can be accomplished with Guam as a partner in this strategic initiative.

I think it is important, in line with this cooperative engagement theme, that it is important now, I think, for the Federal Government to ensure some cooperative engagement with Guam in its aspirations for greater political autonomy. We need to do this in order, I believe, to continue to count on Guam as an important part of America's forward deployed forces and to fulfill its security role.

The Federal Government must also address the political aspirations of the people of Guam as well as some of their economic concerns. One of the main items that is of importance to the people of Guam is that land no longer needed by the U.S. military should be returned to Guam. And by most estimates, including the military's own estimates, the acreage, the amount of acreage held by the military is roughly double that which they really need to use, even in the severest contingency.

In addition, the legitimate political aspirations of the people of Guam are connected to the military utilization of the island. After all, the U.S. presence on Guam is not an accident of history but a result of the island's strategic location. To the extent that military planners can see a connection between forward deployment and the democratization of the Asian region, we must also be able to envision how it would work in microcosm form on a small island within the American family.

The pursuit of commonwealth status remains the single most important political issue for the people of Guam. The Draft Guam Commonwealth Act clarifies and strengthens the relationship with the Federal Government, places the island on a full path to full self-government, and frees the island from many Federal restraints on our economic development. For almost 100 years since Guam became a possession of the United States as a result of the Spanish-American War, the people of Guam have been waiting for the full measure of rights guaranteed to other American citizens. Our current status is unsatisfactory, and we are seeking an improved relationship which we believe will be mutually beneficial to both Guam and the Federal Government.

Since 1987, the leadership of Guam, through the Guam Commission on Self-Determination and the Office of the Guam Delegate to the U.S. House, have been engaged in the pursuit of commonwealth for Guam. On numerous occasions I have spoken on the House floor to try to tell the Guam story and to explain what Guam wants in our quest for commonwealth.

One of the most important provisions of the Guam Commonwealth Act is the mutual consent provision. What this means is that we are hoping that once the Federal territorial negotiations are completed, the provisions of the act would not be changed by either the Federal Government or the Government of Guam without some mutual action. This is a key element in the act because I believe that it symbolizes the ability of the people of Guam to govern themselves rather than be governed from afar.

In addition, the Guam Commonwealth Act would create a joint commission on U.S. and Commonwealth of Guam relations. This joint commission would be used for regular consultations and will be central to the maintenance of the commonwealth. It ensures that the integrity of this special relationship between the United States and Guam will be protected and respected.

These provisions raise constitutional issues in the minds of many, and we on Guam recognize this. But if we are to perfect the meaning of American citizenship for people who are not, who do not and realistically cannot have the aspirations for statehood, we must push the envelope, think outside the box and engage these issues in a meaningful way.

Another crucial element of the draft commonwealth proposal is Guam's desire to control its own immigration. It is the historical and contemporary application of U.S. immigration standards to Guam which drives our need to modify and manage the flow of people who migrate to Guam to make either their voluntary residence or their place of employment.

This brings me to what is clearly a painful and uncomfortable topic, and that is recent media reports linking the Clinton administration position on commonwealth and campaign contributions by people of Guam to the Democratic Party. What disappoints me most about these reports is how they have blurred the lines between Guam's contributions and foreign contributions. Guam has been a U.S. territory since 1898, and its residents have been citizens since 1950. To include Guam in lists of foreign countries allegedly making campaign contributions is not only misleading, it reveals a lack of understanding about Guam's participation as an American community.

These are contributions by fellow Americans, not foreigners. Last week the Los Angeles Times quoted a Member of the other body as saying, "Allegations have been made about Cuba, Indonesia, even Guam. And this is the first time since we reformed campaign financing 23 years ago that there's been allegations of foreign involvement in American political campaigns."

Clearly, this Member is making Guam out to be a foreign contributor instead of the active American community that we are. I wonder what the people of his home State would have thought if that Member had spoken of allegations made about Cuba, Indonesia and even Arizona.

It is important to make this distinction between foreign contributions and American contributions in the context of these discussions because it seems that it rubs Guam in a negative way in both directions.

To the extent that the people of Guam cannot vote for President of the United States, the one way that perhaps they can provide evidence of their support for the candidacy of an individual running for President is to make a campaign donation. And now that very campaign donation has many doubts cast upon it, and its utility has been besmirched and run through the media mud.

These reports have also failed to point out that the President committed to appointing a special White House representative and moving forward with the commonwealth negotiations during a meeting that I participated in in 1993, and in which I made a request for the President and in which he agreed that he would appoint a special negotiator. This was well before any campaign contributions were made. To link this process to political contributions delegitimizes the very legitimate efforts of the people of Guam to attain a fuller measure of political dignity through a commonwealth.

The article printed in the Washington Post last week alleged a quid pro quo policy shift based on campaign contributions from the people of Guam. The quid pro quo alleged by the article simply has not occurred.

While there have been serious discussions with the administration since

1993, about Guam's quest for commonwealth, to date there has been no specific policy shift. What has changed is the context in which our desires for the local control of immigration have been portrayed. This distortion has been suggested by members of the Federal bureaucracy whom we from Guam are very familiar with because we have negotiated rather unsuccessfully with them over the years.

It is also important to note that, when we look at it in terms of from Guam, we are wondering how we are portrayed in the national media. I heard in the radio this morning a reporter for one of the national magazines making again the claim, and this has been repeated in a number of media interviews, that our policy toward Guam had shifted as a result of campaign negotiations.

It is the extension of the meaning of the word "our" and the portrayal of the people of Guam as being foreign, out there. I doubt if our policy toward Arizona or our policy toward Montana would be portrayed in that way because the pronoun our is used in that context in the terms of foreign policy. It seems that certainly to the people of Guam that for military purposes we are treated very domestically. But apparently for fundraising purposes, we are quite foreign.

The type of immigration control that Guam desires is not unusual in the context of territorial relations. In the past the National Government has designated territorial leaders to issue passports and administer other functions normally reserved for Federal agencies, and these are parts of the organic acts or the organizing acts for many territories.

Today two territories control immigration locally, American Samoa and the Commonwealth of the Northern Marianas. Our desire for immigration control is also consistent, we believe, with the national trend toward the shift of power from the National Government to local government. We on Guam strongly support and even accept and support existing U.S. statutes with respect to fair labor standards, the protection of workers rights, safety and health, and the U.S. minimum wage system. They have become inherent in the way we operate daily in our offices, in our businesses, in our commercial enterprises on Guam. What we seek is economic relief through the ability to procure workers on a temporary basis while continuing to administer these standards ourselves and not their abandonment, as some would suggest.

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We also want to rectify the negative social impact caused by existing Federal immigration law. Guam proposes a standard-driven process whereby the government of Guam will earn the gradual assumption of control congruent with its direct administration of these standards. This has been the tenets of the process of negotiation that we have had with the administration, not the kind of farfetched portrayal that has been made in the media.

What allegedly goes on in other areas is not the desire of the people of Guam. We are not only mindful of the accusation of labor abuses elsewhere in the Pacific region, we too are greatly concerned about them. What the leaders of Guam hear most is not the sound of money changing hands, but the cries and the aspirations of the people about serious policy concerns.

Guam contributes enormously to the strength of our country and Asia and we deserve to be heard on the merits of our arguments. The extension of democracy should have no price.

America's rationale for a strong defense is not only to provide security but to provide the basis to increase the democratization of the Asian Pacific region. If the Federal Government is not willing to deal with Guam's concerns, this rationale is made empty and degraded. If the United States is to increase and stand for democracy in Asia, it must start at home and even when that home is some 9,000 miles away from Washington.

The call of the people of Guam is a call to open-mindedness. We call on the administration to continue the negotiations to their final conclusion and we ask this Congress to give the people of Guam a fair hearing. We not only desire it, we deserve it, and for the past 100 years, in reality, this is all that we have been asking for.

SUPPLEMENTARY AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOVERMENT OF UNITED STATES AND GOVERNMENT OF UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 105–47)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Supplementary Agreement Amending the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Social Security (the Supplementary Agreement), which consists of two separate instruments: a principal agreement and an administrative arrangement. The Supplementary Agreement, signed at London on June 6, 1996, is intended to modify certain provisions of the original United States-United Kingdom Social Security Agreement signed at London February 13, 1984.

The United States-United Kingdom Social Security Agreement is similar in objective to the social security agreements with Austria, Belgium, Canada, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, and Switzerland. Such bilateral agreements provide for limited coordination between the U.S. and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

The Supplementary Agreement, which would amend the 1984 Agreement to update and clarify several of its provisions, is necessitated by changes that have occurred in U.S. and English law in recent years. Among other things, the Supplementary Agreement removes certain restrictions in the original agreement concerning payment of UK disability benefits to residents of the United States. The Supplementary Agreement will also make a number of minor revisions in the Agreement to take account of other changes in U.S. and English law that have occurred in recent years.

The United States-United Kingdom Social Security Agreement, as amended, would continue to contain all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the provisions of section 233, pursuant to section 233(c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Supplementary Agreement, along with a paragraph-by-paragraph explanation of the effect of the amendments on the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Act on the effect of the Agreement, as amended, on income and expenditures of the U.S. Social Security program and the number of individuals affected by the amended Agreement. The Department of State and the Social Security Administration have recommended the Supplementary Agreement and related documents to me.

I commend the United States-United Kingdom Social Security Agreement and related documents.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 25, 1997.*

1997 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary, the Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Education and the Workforce, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on National Security, the Committee on Resources, the Committee on Transportation and Infrastructure, the Committee on Veterans' Affairs and the Committee on Ways and Means:

To the Congress of the United States:

I am pleased to transmit the *1997 National Drug Control Strategy* to the Congress. This strategy renews our bipartisan commitment to reducing drug abuse and its destructive consequences. It reflects the combined and coordinated Federal effort that is directed by National Drug Control Policy Director Barry McCaffrey and includes every department and over 50 agencies. It enlists all State and local leaders from across the country who must share in the responsibility to protect our children and all citizens from the scourge of illegal drugs.

In the *1996 National Drug Control Strategy*, we set forth the basis of a coherent, rational, long-term national effort to reduce illicit drug use and its consequences. Building upon that framework, the *1997 National Drug Control Strategy* adopts a 10-year national drug-control strategy that includes quantifiable measures of effectiveness. The use of a long-term strategy, with annual reports to the Congress and consistent outreach to the American people on our progress, will allow us to execute a dynamic, comprehensive plan for the Nation and will help us to achieve our goals.

We know from the past decade of Federal drug control efforts that progress in achieving our goals will not occur overnight. But our success in reducing casual drug use over the last decade demonstrates that drug abuse is not an incurable social ill. Thanks to the bipartisan efforts of the Congress and the past three administrations, combined with broad-based efforts of citizens and communities throughout the United States, we have made tremendous progress since the 1970's in reducing drug use.

Nonetheless, we are deeply concerned about the rising trend of drug use by young Americans. While overall use of drugs in the United States has fallen dramatically—by half in 15 years—adolescent drug abuse continues to rise. That is why the number one goal of our strategy is to motivate America's youth to reject illegal drugs and substance abuse.

Our strategy contains programs that will help youth to recognize the terrible risks associated with the use of illegal substances. The cornerstone of this effort will be our national media campaign that will target our youth with a consistent anti-drug message. But government cannot do this job alone. We challenge the national media and entertainment industry to join us—by renouncing the glamorization of drug abuse and realistically portraying its consequences.

All Americans must accept responsibility to teach young people that drugs are wrong, drugs are illegal, and drugs are deadly. We must renew our commitment to the drug prevention strategies that deter first-time drug use and halt the progression from alcohol and tobacco use to illicit drugs.

While we continue to teach our children the dangers of drugs, we must also increase the safety of our citizens by substantially reducing drug-related crime and violence. At the beginning of my Administration, we set out to change this country's approach to crime by putting more police officers on our streets, taking guns out of the hands of criminals and juveniles, and breaking the back of violent street gangs. We are making a difference. For the fifth year in a row serious crime in this country has declined. This is the longest period of decline in over 25 years. But our work is far from done and we must continue to move in the right direction.

More than half of all individuals brought into the Nation's criminal justice systems have substance abuse problems. Unless we also break the cycle of drugs and violence, criminal addicts will end up back on the street, committing more crimes, and back in the criminal justice system, still hooked on drugs. The criminal justice system should reduce drug demand—not prolong or tolerate it. Our strategy implements testing and sanctions through coerced abstinence as a way to reduce the level of drug use in the population of offenders under criminal justice supervision, and thereby reduce the level of other criminal behavior.

Our strategy supports the expansion of drug-free workplaces, which have proven so successful and we will continue to seek more effective, efficient, and accessible drug treatment to ensure that we are responsive to emerging drug-abuse trends.

We must continue to shield America's air, land, and sea frontiers from the drug threat. By devoting more resources to protecting the Southwest border than ever before, we are increasing drug seizures, stopping drug smugglers, and disrupting major drug trafficking operations. We must continue our interdiction efforts, which have greatly disrupted the trafficking patterns of cocaine smugglers and have blocked the free flow of cocaine through the western Caribbean into Florida and the Southeast.

Our comprehensive effort to reduce the drug flow cannot be limited to seizing drugs as they enter the United States. We must persist in our efforts to break foreign and domestic sources of supply. We know that by working with source and transit nations, we can greatly reduce foreign supply. International criminal narcotics organizations are a threat to our national security. But if we target these networks, we can dismantle them—as we did the Cali Cartel.

We will continue to oppose all calls for the legalization of illicit drugs. Our vigilance is needed now more than ever. We will continue to ensure that all Americans have access to safe and effective medicine. However, the current drug legalization movement sends the wrong message to our children. It undermines the concerted efforts of parents, educators, businesses, elected leaders, community groups, and others to achieve a healthy, drug-free society.

I am confident that the national challenge of drug abuse can be met by extending our strategic vision into the future, educating citizens, treating addiction, and seizing the initiative in dealing with criminals who traffic not only in illegal drugs but in human misery and lost lives.

Every year drug abuse kills 14,000 Americans and costs taxpayers nearly $70 billion. Drug abuse fuels spouse and child abuse, property and violent crime, the incarceration of young men and women, the spread of AIDS, workplace and motor vehicle accidents, and absenteeism in the work force.

For our children's sake and the sake of this Nation, this menace must be confronted through a rational, coherent, cooperative, and long-range strategy. I ask the Congress to join me in a partnership to carry out this national strategy to reduce illegal drug use and its devastating impact on America.

WILLIAM J. CLINTON

THE WHITE HOUSE, *February 25, 1997.*

INTRODUCTION OF LEGISLATION TO RESTORE PATENT RIGHTS TO THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. ROHRABACHER] is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, today I have submitted to Congress legislation which will restore to the American people the patent rights that have been protected by law in our country since the ratification of our Constitution.

Now, I say restore to the American people because unbeknownst to our population, and I might say unbeknownst to many Members of Congress, over these last few years our patent rights have been under attack and that attack has already greatly diminished the patent protection, the rights that our people have had in the area of intellectual property rights for their inventions, to control their products and their genius, the protection they have had since the founding of our country. This has been, already, as I say, let me repeat, greatly diminished.

To be specific, we as a people have already lost our right to a guaranteed patent term. Now, that may sound a bit innocuous, because most Americans do not know what I am talking about. A guaranteed patent term? Yes, Americans, from the founding of our country until just 2 years ago, had a right to a guaranteed term where they would control and own their inventions. Every generation of Americans has been confident that no matter how long after filing for a patent, no matter how long it took the patent to be issued, the owner of the patent, once it was issued, would have a guaranteed term of 17 years of ownership from which to benefit from his or her invention.

Now, this may seem a bit obscure, it may seem a bit innocuous in terms of why would someone be so concerned about this little part of the law? Well, American investors and American inventors have had, since our country's founding, the strongest protection of any people of the world. That counts for something. And it does not just count for the well-being of inventors and investors.

Now, some people believe the American miracle is a result of the vast resources of the United States of America. They look at our oil and our gold and our minerals and our lakes and our streams, and they look at the trees, and they look at all of the vast expanses of territory and say that must be the basis of America's well-being, of its economic strength. Well, that is not the basis of our strength. What has given us a higher standard of living and produced a country where opportunity has been unlimited compared to other countries of the world is that we produced more wealth than other societies. Thus, the wealth that we produced pushed up the standard of living of the average person and opened doors of opportunity never seen or even dreamed of before in other countries.

We produced more wealth not because we worked harder. It is almost a cliche to say that Americans work very hard. Well, I know many people around the world who work very hard, and I know many nations around the world who worked very hard throughout history and that got nowhere. Their people did not benefit or profit. It was not an uplifting of the human experience for them to work hard.

Our people worked hard but it was coupled with two things: It was coupled with freedom, which was vitally important, but it was also coupled with the fact that the United States was always on the cutting edge of technology. The work of our people was magnified over and over again by the fact that our people were using the best and the latest equipment and technology to get their job done, which made our people more productive and more competitive than the vast numbers of people and the huge multitude of populations throughout the world who worked just as hard and had just as much muscle and got up in the morning perhaps even earlier than Americans. But that their labor was not magnified by the technology that produced much more wealth per hour worked.

Our Founding Fathers believed in this. They understood it. In fact, they made sure that it was written into our Constitution. And the laws that we passed concerning the ownership of technology was based on the idea that if we encourage people to own the things that they developed, that more things would be invented here and that the lifestyle of our people would be improved by the genius of our people because people would seek to create new inventions that would build the wealth and raise the standard of living. We know that. We are very proud of that as Americans.

In fact, one of the things Americans are most proud of is the fact that we were the people who invented some of the most important inventions in the history of mankind. Samuel Morris, who invented the telegraph; Robert Fulton. These were not rich people who just managed to buy their way into some invention. They were common ordinary people that invented things that changed the world forever.

Thomas Edison. Here I sit under electric lights and I wonder what this body must have done before there was electricity; how we were able to function without electricity. Certainly how can we have a democracy when we do not have the radio technology or the television technology or the printing technology that permits the huge number of citizens to participate in their open government?

Alexander Graham Bell; another person who came from great adversity in order to invent something that changed the face of the planet and has magnified the amount of wealth available to the common man beyond anything that was ever believed before.

The Wright brothers. The Wrights' first flight down in North Carolina, which I recently visited. These two young men who worked in a bicycle shop, whose education was limited but whose imagination and tenacity and intelligence was superior. They pushed and they pushed, and they knew that if they had their invention, if they could conquer the secrets that would lead mankind to flight, they would own that technology for 17 years. They knew it would be their property. That is the same with all the inventors I just mentioned.

Our technology laws brought us through cold wars and hot wars, it brought us through times of great peril and it brought us through times of great development in our Nation. We were the most undeveloped nation of the world and we became an industrial power, and also a power in which economic activity was so diversified and spread throughout the population that all people of all backgrounds were able to have opportunities that were never dreamed of, as I say, in other countries.

This was a result of our laws. It did not just happen. It did not just happen. It happened because we had the strongest patent protection of any country of the world and, thus, we benefited more than any country of the world from the development of new technology and new inventions.

Well, 3 years ago, I sadly say, a plan was put into motion to change that fundamental protection that Americans enjoyed for so long. The American inventor and the American investor, who before were certain that they would have a guaranteed patent term no matter how long it took them once they had applied for the patent, no matter how long it took them to get that through the patent process after they had filed, and Alexander Graham Bell and Thomas Edison fought for decades at times to try to get their patents through, they knew at the end of that time there would be 17 years in which they would own their technology and be able to benefit from it. Thus, the investors were able to come through with the money that was necessary to do the work and the research necessary to change the condition of mankind.

In its little way the electric light, what a little way, it changed mankind. Just that little electric light changed all of humankind forever. That did not just happen. It took people to invest in research facilities and to pay salaries and to make sure the job got done. But they knew if they invested they would have 17 years of guaranteed patent protection to get that money back.

Already, as I have stated, that right has been eliminated and, actually, the patent protection offered by the law has been significantly diminished. The American people do not even know that. The guaranteed patent term, was quietly, almost secretly replaced by an uncertain patent term.

Now, what is this uncertain patent term? It looks very innocuous. What it says is 20 years from filing, when you file, 20 years later you have no more patent protection. What that means is if it takes you 10 or 15 years to get your patent, which has been the case with major breakthrough technologies, well, you just do not have any time left. You do not benefit at all.

That was a tremendous change in our fundamental patent law, our fundamental law of ownership of technology. As we enter an era of technology and ideas and global competition, we have changed that fundamental law that guided us through. Why did we do that? How did they do that? That law was changed by putting in a small provision into the GATT implementation legislation that most of the Members of this Congress did not know was in that legislation.

□ 1715

This fundamental change in our law that is so important to the development of technology that will keep America strong, so our people can have a higher standard of living and can beat the foreign competition, that was just changed. It was put in there in the GATT implementation legislation. This Congressman struggled to find out if it would be included and was not told, it was kept secret from me until the last minutes before the GATT was sent to this body as to whether or not they were going to include this provision.

Interestingly enough, the provision I am talking about was not required by GATT. To let someone know what GATT is, GATT is called the General Agreement on Trades and Tariffs. What it was was an agreement negotiated over a number of years between the countries of the world in which they generally agreed to what the rules of the game of trading would be.

Our Congress decided that we would give what we call fast track authority to our Federal Government, to the President, to negotiate with these other countries and fast track means that he can come back and present us one piece of legislation that encompassed all the understandings that they reached with the GATT implementation, or with the GATT agreement. So this General Agreement on Trades and Tariffs could be presented to us in one package and we would vote up or we would vote down on that one package.

We gave away our rights to amend and to question this bill in parts in exchange for an agreement that we would have 50 days to look at the bill and that the only thing that would be put into this implementation legislation would be that which was required by GATT itself. So if the General Agreement on Trade and Tariff did not include the provision, it was not to be put in. That was part of our agreement with the administration.

Well, I am here to say today that this body, this Congress, was betrayed by the executive branch and this provision, which was not required by the GATT agreements, by the General Agreement on Trades and Tariffs, it did not require this provision. This provision was quietly put into place in hopes that it would just flow right on by and the American inventor and investor and, in the long run, the American people would never know what hit them.

Furthermore, of course, if you remember, the GATT implementation legislation was given us just like a few days before we were to adjourn. We would not even have the 50 days that were required of us, and we raised such a stink that a special session was called for us to vote on GATT. It was a lame duck session. But even then it was admitted to me that this provision was not required, but that if I agreed to just go along with it, if our people would vote for it, that they would have a chance to correct it later on.

So our right of a guaranteed patent term has already been eliminated. It has been eliminated. It is gone. It is replaced by this 20 years from filing, which means you have no guaranteed term and if it takes you 10 years to get your patent or 15 years, so what. And basically it is gone. It has happened. Why am I bringing it up, then, if it has already happened?

We are bringing it up because we are trying to restore that right to the American people and that is part of the legislation I have introduced today. But one might ask themselves, why is it that that law was changed in the first place? Who was behind this? What motivated people to want to change this guaranteed patent or eliminate it when it had done so much to benefit the American people? When as the greatest innovators and inventors in the world, we had so much to be proud of and that has to have something to do with our patent laws, who would want to change the law then? Who the heck would make this effort to sort of maneuver this thing through the system like that?

I am submitting for the RECORD a copy of an agreement that I have in my hands. It is a copy of an agreement between Bruce Lehman, who was the head of the American Patent Office, and his Japanese counterpart, in which Bruce Lehman agrees to, quote, harmonize, end of quote, American law with that of Japan. This is dated 3 years ago. He is going to harmonize American law with Japan.

Well, let us look at what harmonize means. If we have the strongest patent protection of the world, which is what gave us the strength to outcompete our opposition, and Japan had a weaker system, do you think that I would be up here today if the agreement was being implemented by bringing the Japanese system and making it stronger protection for their citizens, so that Japan now had stronger protection for their own citizens? I would not be complaining about that. Why I am here today is because Bruce Lehman, the head of our Patent Office, and those people he has mobilized in the American Government and those people who are lobbying this bill, this issue, through the United States Congress have decided that harmonization of patent law means that the strongest patent protection of the world, of the United States of America, will be harmonized by bringing it down to the level of Japan.

Does that not make everyone feel nice and comfy, that our rights now are going to be diminished in order to make them the same as the Japanese? The Japanese of course are well-known for their creativity. They are well-known for all of their inventions. They are well-known for the innovations that have made their country the leader, in which everyone wants to copy.

What? What? No way. The Japanese are known, yes, as hard-working people. The Japanese are known basically as honest people. But they are not innovators. They are not inventors. They are not creative thinkers. In fact, they are just the opposite. They are people who do not invent things. They are people who copy things.

One of the reasons why they copy things and they do not invent things in Japan is because they have had a patent system which is like the one that we now have had foisted upon us. They have had the 20 years. What it is, they have a system that the inventor files and after 20 years the inventor no longer has any more property rights. No matter if it takes 15 or 18 years to get something through the system, the inventor, he or she, could lose all of their patent rights, but after 20 years they have got no more rights, in total contradiction and contrary to the American system which has been a guaranteed patent term of 17 years.

So in Japan, how has it served their people? If someone comes up with a new idea, they file for a patent, and within a short period of time they are surrounded by powerful economic interests who beat them into submission and destroy their incentive to invent and take away what they have created and use it for their own benefit. These economic thugs in Japan will not countenance any type of threat by some creative inventor.

In the United States we herald our creative thinkers. We think they are wonderful. We understand the value they are to our society. Now, we have changed our system to replicate that of Japan. What is going on here? And especially you must think about what is going on here when you realize by changing our law, we are permitting those same economic thugs in Japan to do the same thing to American inventors that they have been doing to their own people. This is an absolute outrage. Yet it has happened very quietly.

Not many people have noticed. You might say it is a Pearl Harbor in slow motion. Years from now, people will not even know why the United States seems to be lagging behind when we were always up front. No, that is not what we are going to let happen.

The bill I dropped today will, first and foremost, restore to the United States and to the people of the United States a guaranteed patent term. A guaranteed patent term. I would hope that my colleagues will join me in cosponsoring and voting for and supporting vocally and otherwise my legislation. Thirty-eight of my colleagues have already joined me in cosponsoring this bill, to restore to the American people this right that was given up as part of a promise made to the head of the Japanese patent office, for Pete's sake.

And what else is going on? What else was in this agreement? I think it is fascinating for us to look at the agreement. The first part of the agreement is for us to change our patent law so that we no longer have a guaranteed patent term. That is gone, and now I am trying to restore it. But the second part of this is they want us to agree, and the head of our Patent Office has agreed to do this, to publish every detail of American patent applications so the whole world can see every one of our technological secrets and new ideas 18 months after the application has been filed, whether or not the patent has been issued.

What does that mean? That means that every one of our inventors who files, even if he has not had the patent issued to him, every thief and copycat on the entire planet will know every detail. Now if you think that is too outrageous to believe, no one would be dumb enough, no one would ever be dumb enough to do this, maybe some official would be dumb enough to do that. You know, some official, they might just sign away and try never to implement this. It is like the Japanese. They make an agreement, then they wait for you to do everything you have agreed to and then they may or may not follow through on what they have agreed to. No, we would not be that stupid.

Well, there is a bill now before Congress, H.R. 400, which will be going through the Intellectual Property Rights Committee of Judiciary tomorrow. That bill, surprise, surprise, is the second shoe falling on this agreement. They have eliminated the guaranteed patent term. Now they want to, what? Publish all the inventors' applications in 18 months whether or not the patent has been issued. There is a piece of legislation, I call it the Steal American Technologies Act. They have submitted the bill, and it is being pushed through the process right now, right now as we speak. Tomorrow there is going to be a hearing, and I will be speaking about it at the hearing. I believe, and I do not think it takes anyone with a superior intelligence to realize, this is a giveaway of America's standard of living to the people who would cheat and steal and lie and copy all of our ideas.

There was a man involved in the solar energy industry last year when a similar bill was being pushed through the system, and when I told him about this provision, his face reddened, he clenched his fists and he said, Congressman, let me tell you what will happen if this becomes law. When I apply for a patent, my Japanese and Chinese competitors will have the information about my inventions even before I have my patent issued. They will be in production, they will be making money, and they will use that money that they have made on my inventions to destroy me economically. There will be nothing I can do to fight it. They will use money made from my invention to hire their lawyers to prevent me from having those property rights. This is what we are condemning our own business to by passing the Steal American Technologies Act, H.R. 400.

The bill that I submitted today, in direct contrast to H.R. 400, reconfirms the right of Americans, which has been another right American inventors have had, the right of confidentiality; that when an inventor steps forward and files for a patent, that that inventor has been guaranteed, by law, that his information will be kept secret and, if it is revealed, criminal penalties can be filed against those people who reveal that information. That has been the right of the American inventor, until now. Those advocates of H.R. 400, the Steal American Technologies Act, those advocates of this incredible agreement with the Japanese, would have us eliminate the guaranteed patent term and, number two, eliminate the right of confidentiality.

What will happen is those powerful interest groups overseas will know exactly who is trying to get a patent for what. They will be here with their lawyers pressuring people just like they do in their own country. What makes anybody think our people will be able to stand up to this type of beating and this type of coercion any more than the people of those countries have been able to stand up to their economic oppressors?

□ 1730

We are talking about countries that do not have the same idea of fair play that we have in the United States of America, but what we are trying to do now is give us the same legal protections, minor legal protections that they have had, rather than the strong legal protections we have had traditionally.

My bill, in contrast to H.R. 400, guarantees the patent term, restores confidentiality. And finally, this bill, H.R. 400, which will be discussed tomorrow in the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, that bill does something else. I just thought I would drop this idea in on everybody. How about the idea of obliterating the entire patent system of the United States of America? I mean people say, this Congressman is just way off base. What is he talking about? Obliterating the patent system? Right. He is just fooling us now.

No, H.R. 400 would eliminate the patent office as we know it and as it has been in place in our country since the founding of our country. Since the U.S. Constitution, we have had a patent office. Since the U.S. Constitution, there have been patent rights for our people. And do you know what? H.R. 400 would eliminate the patent office, and turn it into what? Turn it into a corporatized entity. Corporatized? What does it mean? Who is going to be in control of this corporation? Are foreigners going to be allowed to be on the board of directors? What are the rights of the people who work for the patent office, this new corporatized entity? Who knows? Who knows?

Now if you have a bill that contains such nonsense as publishing our secrets so that our adversaries are going to have every detail of our new technology secrets, and that is in the bill, you got to wonder if they have much more sense when they are talking about recorporatizing this patent office.

Now, by the way, I happen to be a conservative Republican. I believe in free enterprise, and I believe in limited government, and I believe basically in privatization. People come up with privatization ideas, and I am always all ears for that. But I would not think about privatizing the court system, for Pete's sake. There are certain core functions of government which our Founding Fathers wanted. We would not want our judicial rights to be just put forth into some corporation that we did not know who was going to run it.

You know part of this corporate power that they have got in H.R. 400 grants this new corporate entity the right to borrow money in which, by the way, we taxpayers would be responsible to borrow money from the Federal Treasury in order to build buildings and anything else they want. We do not have the right to prevent that from happening.

I mean who is going to be in power and, by the way, what we have done then is what? The patent examiners make decisions. We have had patent examiners for 200 years in our country's history. The patent examiners have to make the judicial-like decisions as to who owns what. Well, instead of being government employees with a protection of government employees to prevent them from being influenced by the outside, under the new corporate entity they will not have the same protections, they will not have the patent, the patent examiners will not have the same protections as they have had, so how do we know that they are going to have the same diligence? How do we know that there would not be pressure on them from the outside?

H.R. 400, the Steal American Technologies Act, puts America in jeopardy. It puts the lifestyles of our children in jeopardy because our children 50 years from now, or the next generation or the generation after that, can wake up and say: My goodness, did not America use to be the technological leader? Something has happened.

Yes, something will have happened. It will have gone through in the GATT implementation legislation. There will be, you know, little known agreements made with the Japanese to make our system like theirs, and all of a sudden we will be different, things will change.

Let me ask you this. If the Wright brothers would not have had the protection that they had, and all of a sudden Mitsubishi showed up on their doorstep and said, our lawyers are suing you for $10 million because we have a patent that looks a little bit like yours, that in fact we—certainly we filed it, and we got it before you were issued yours, and we find out, of course, the Japanese got all the blueprints because it was published 18 months after they filed, and that was actually before they were issued the patent. So we have a huge company, a foreign company on the doorstep of the Wright brothers.

Now, what difference does that make? Well, I will tell you if anybody has any aerospace workers in their district, I will tell you what difference it makes. It makes the difference of hundreds of thousands of high-paying jobs in the United States of America today versus those jobs in Japan. That is the difference it makes. It means a standard of living for those people having decent lives, taking care of their families, building the churches and the schools in our communities versus not having those jobs because that technology now belongs to Japan and we have to buy our technology from them.

These are the choices we are making now. It is economic surrender in slow motion, and it is done by people who are very well-meaning, and let me say that those people who are advocating this in Congress basically are people who believe that the United States has to do its part to form a global economy, and that is one of the driving forces that we are talking about here today, the creation of a global economy. These people believe that it is all right to diminish the rights of the American people in order to achieve a global marketplace that will benefit all of mankind, including the American people.

Well, that is something, that is a motivating force that moves people along; and I strongly, strongly disagree with those who promote that concept. Many times they will not come right out and tell you, but that is what it is all about, the globalization. They call it harmonization with Japan, and really it is globalization.

Now, there is all kinds of things that we will be told, that actually our motive is to solve this or that problem. No.

After a year and a half of hard work last year, I happened to be on the floor when Congresswoman Pat Schroeder was on the floor, and I gave a speech similar to this speech about patent rights, and she was aghast because I was saying how bad it would be and what bad results it will have, and after a year of having the people advocating this bill claiming that the real purpose was to correct this or that problem; they call it submarine patenting, is a problem they claim to want to solve which in fact is nothing but a front, nothing but a front in order to basically advocate something that is going to have some very strong results in another area and submarine patent problem can easily be solved, and it is a minor problem that can easily be solved, but they were saying that was the real purpose why we have to destroy the whole system.

Well, in fact Mrs. Schroeder, who was not ready for a debate, just came right out and said what her real intent was. That bill, H.R. 3460, the Moorhead-Schroeder bill, which is their H.R. 400 last year, is about making our patent office uniform with both the one in Europe and the one in Japan. She came right out and said it. That is the first time anyone did come out and say it because that had not been the party line up until that point. But no matter what people give you as their reasoning, there are very detrimental things that are going to result from changing the fundamental patent rights of the American people.

The multinational corporations whose loyalty is I do not know where, are solidly behind H.R. 400 because they want to create the global marketplace, even if it means that American people are going to suffer. My bill, which I turned in today, the legislation I turned in today, puts the rights of the American people first. We should not think about harmonizing our law with other countries by diminishing the rights of our people. I do not care if it is freedom of speech or freedom of religion or whatever it is.

This will be a hard-fought issue in Congress. Basically major universities, capital—and basically people who invest in new inventions, the venture capitalists and the small inventors are working with me on legislation, on my legislation, to make sure the rights of the American people are restored and protected and that the patent office remains an efficient and well run part of the U.S. Government and that those people, those patent examiners, are protected from outside influences and are guaranteed their civil service protections.

On the other hand, you have people in the electronics industry who basically do not believe—they think that things are moving so fast anymore, the patent system has just become a big pain, and they do not really like it anymore, and they are stealing from each other right and left, and the American electronics industry is doing everything they can to eliminate the guaranteed patent term, and those are the major big companies that are supporting H.R. 400. There are also some major biotech companies that are supporting my legislation, like Amgem and some biotech companies on the other side that have felt the pressure from international corporations in other countries.

We have some people on the other side who honestly believe, as I say, in globalization. These major corporations basically believe that if we have a global economy, they will be able to do business. Our universities, our inventors and our venture capitalists are on the other side of this battle. It will be fought and it will be fierce.

The factor that will make the difference is whether or not the American people get involved themselves. If it is left up to the lobbyists who are hired by the international corporations and by other countries, the lobbyists that flood through these halls in order to try to push Congress in one direction or the other, the American people will see this right diminished, and they will see other rights in the near future and in the time ahead will also be jeopardized if they do not get involved.

But Congress is still listening to the American people. The American people need to have their opinion on a strong patent system. They need to know, the Congressmen need to know, that they should support the Rohrabacher patent bill, the Patent Restoration Act, and oppose the Steal American Technologies Act, H.R. 400. If the American people speak up, their voice will be heard louder and more clearly than those of the paid lobbyists. But if people do not contact their Congressmen, this issue will be lost, and future generations will never know what hit them. They will never know that for 200 years America had the strongest patent protection in the world and we were the technological leaders of the world and then somebody sort of changed the rules of the game, a change that we did not even notice was going on, and slowly but surely we were no longer the technological leaders of the world and America was not No. 1, but America began to decline.

Is that not what happened? I can hear people saying it right now. I can hear our grandchildren and their children saying: Did we not used to invent everything? Did not that give America the leverage we needed? Why is it that our standard of living was going down when it was always going up before?

Changing these laws will have dramatic consequences. We cannot expect this Congress just to come to this decision on its own because the lobbyists will be pushing in the wrong direction. The American people must—their voice must be heard. H.R. 400, the Steal American Technologies Act, must be eliminated, it must be defeated, and the Patent Term Restoration Act, my bill, Congressman ROHRABACHER's bill, should pass, and if we do, we can sit and have faith in the future again because we can sit back and know we did our part to ensure that the legal structure which served our country so well for 200 years was maintained and that when there was a brutal attack on that legal structure, we stepped forward to beat back the assault and to protect future generations from loss.

Mr. Speaker, I ask my colleagues to join me in sponsoring my piece of legislation, the Patent Term Restoration Act, and to defeat H.R. 400, the Steal American Technologies Act.

MUTUAL UNDERSTANDING BETWEEN THE JAPANESE PATENT OFFICE AND THE UNITED STATES PATENT AND TRADEMARK OFFICE

Actions to be taken by Japan:

1. By July 1, 1995, the Japanese Patent Office (JPO) will permit foreign nationals to fine patent applications in the English language, with a translation into Japanese to follow within two months.

2. Prior to the grant of a patent, the JPO will permit the correction of translation errors up to the time allowed for the reply to the first substantive communication from the JPO.

3. After the grant of a patent, the JPO will permit the correction of translation errors to the extent that the correction does not substantially extend the scope of protection.

4. Appropriate fees may be charged by the JPO for the above procedures.

Actions to be taken by the U.S.:

1. By June 1, 1994, the United States Patent and Trademark Office (USPTO) will introduce legislation to amend U.S. patent law to change the term of patents from 17 years from the date of grant of a patent for an invention to 20 years from the date of filing of the first complete application.

2. The legislation that the USPTO will introduce shall take effect six months from the date of enactment and shall apply to all applications filed in the United States thereafter.

3. Paragraph 2 requires that the term of all continuing applications (continuations, continuations-in-part and divisionals), filed six months after enactment of the above legislation, be counted from the filing date of the earliest-filed of any applications invoked under 35 U.S.C. 120.

WATARU ASOU,
Commissioner, Japanese Patent Office.
BRUCE A. LEHMAN,
Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, United States Patent and Trademark Office.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HILLEARY) to revise and extend their remarks and include extraneous material:)

Mr. PAPPAS, for 5 minutes, on February 26.

Mr. SESSIONS, for 5 minutes, on February 26.

Mr. GEKAS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RANGEL) and to include extraneous matter:)

Mr. BONIOR.
Mr. BERRY.
Mr. STOKES.
Mr. CONDIT.
Mr. UNDERWOOD.
Mr. DEUTSCH.
Mrs. MALONEY of New York.
Mr. BENTSEN.
Mr. SKELTON.
Mr. CLAY.
Mr. FRANK of Massachusetts.
Mrs. MEEK of Florida.
Mr. TOWNS.
Mr. FATTAH.
Mr. LIPINSKI.
Mr. DELLUMS.
Mr. FILNER.
Mr. CARDIN.
Mr. HOYER.
Mr. KILDEE.
Mr. STARK.
Mr. KUCINICH.

(The following Members (at the request of Mr. HILLEARY) and to include extraneous matter:)

Mr. DEAL of Georgia.
Mr. PETRI.
Mr. RADANOVICH.
Mr. SESSIONS.
Mr. FORBES.
Mr. CRANE.
Mrs. MORELLA.
Mr. BILBRAY.
Mr. CANADY of Florida.
Mr. PORTER.
Mr. DAVIS of Virginia.
Mr. SOLOMON.
Mr. PACKARD.
Mr. SCARBOROUGH.
Mr. MILLER of Florida.

(The following Members (at the request of Mr. ROHRABACHER) and to include extraneous matter:)

Mr. STEARNS.
Mr. BONIOR.
Mr. CONYERS.
Mr. CLEMENT.
Mr. BERMAN.
Mr. GINGRICH.
Mr. BLUMENAUER.
Mrs. MINK of Hawaii.
Ms. NORTON.
Mr. WAXMAN.
Mr. POSHARD.
Mr. FORD.
Mr. STARK.
Mrs. THURMAN.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 26, 1997, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1832. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tomatoes Grown in Florida; Assessment Rate [Docket No. FV96-966-1 FIR] received February 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1833. A letter from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Air Force violation, case number 95-02, which totaled $43,170, occurred in the fiscal year 1988 military construction, Air National Guard appropriation, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1834. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of February 1, 1997, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 105-46); to the Committee on Appropriations and ordered to be printed.

1835. A letter from the Principal Assistant Deputy Under Secretary (Industrial Affairs and Installations), Department of Defense, transmitting the Commission's final report on alternative utilization of military facilities, pursuant to Public Law 100-456, section 2819(b)(4) (102 Stat. 2120); to the Committee on National Security.

1836. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's "Major" final rule—Bank Holding Companies and Change in Bank Control (Regulation Y) [Docket Nos. R-0935; R-0936] received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1837. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year, if any, and the budget year provided by House Joint Resolution 25, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-578); to the Committee on the Budget.

1838. A letter from the Assistant Secretary, Department of Education, transmitting

Final Regulations—Research and Demonstration Project and Rehabilitation Research and Training Center, pursuant to 20 U.S.C. 1232(f) GEPA, section 437(f); to the Committee on Education and the Workforce.

1839. A letter from the Assistant Secretary, Department of Education, transmitting Final Regulations—Projects With Industry, pursuant to 20 U.S.C. 1232(f) GEPA, section 437(f); to the Committee on Education and the Workforce.

1840. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the notice of final funding priorities for the research and demonstration project and the rehabilitation research and training centers, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

1841. A letter from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting the Department's final rule—Class Exemption for the Receipt of Certain Investment Services by Individuals for Whose Benefit Individual Retirement Accounts or Retirement Plans for Self-Employed Individuals Have Been Established or Maintained [Prohibited Transaction Exemption 97- ; Application D-09707] received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1842. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Technical Amendments of Rules Relating to Labor-Management Programs, Labor-Management Standards, and Standards of Conduct for Federal Sector Labor Organizations (RIN: 1215-AB16) received February 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1843. A letter from the Acting Secretary of Energy, transmitting a report on the progress made in carrying out a 5-year program on the cofiring of natural gas with coal in utility and industrial boilers, pursuant to Public Law 102-486, section 2013(c) (106 Stat. 3060); to the Committee on Commerce.

1844. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Exemption from Import and Export Requirements for Personal Use (Drug Enforcement Administration) [DEA Number 146I] (RIN: 1117-AA38) received January 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1845. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District and Yolo-Solano Air Quality Management District [CA-13-0027a; FRL-5688-2] received February 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1846. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Interim Approval of Operating Permits Program; Delegation of Section 112 Standards; State of Maine [AD-FRL-5689-6] received February 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1847. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries [AD-FRL-5690-9] (RIN: 2060-AD94) received February 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1848. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania Source-Specific VOC and NOx RACT Determinations, and 1990 Base Year Emissions for One Source; Correction [PA 083-4036a, PA 083-4037a, PA 069-4035a; FRL-5690-4] received February 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1849. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Oregon [OR34-1-6136a, OR51-7266a, OR58-7273a; FRL-5680-3] received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1850. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions from Open Fires, "Once-in, Always-in," and Definition for the Term "Annual" [MD040-3010a and MD048-3011a; FRL-5688-5] received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1851. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Washington [WA50-7123a; FRL-5692-8] received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1852. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Telecommunication Act of 1996: Telemessaging, Electronic Publishing, and Alarm Monitoring Services [CC Docket No. 96-152] received February 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1853. A letter from the Chair, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Standards for Business Practices of Interstate Natural Gas Pipelines [Docket No. RM96-1-003; Order No. 587-B] received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1854. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Iron-Containing Supplements and Drugs: Label Warning Statements and Unit-Dose Packaging Requirements [Docket Nos. 91P-0186 and 93P-0306] received February 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1855. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption of Acquisition by Registered Public-Utility Holding Companies of Securities of Nonutility Companies Engaged in Certain Energy-Related and Gas-Related Activities; Exemption of Capital Contributions and Advances to Such Companies [Release No. 35-26667; File No. S7-12-95] (RIN: 3235-AG46) received February 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1856. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the Taipei Economic and Cultural Representative Office [TECRO] in the United States for defense articles and services (Transmittal No. 97-09), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1857. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fiscal year 1996 report on implementation of the support for East European Democracy Act [SEED] Program, pursuant to 22 U.S.C. 5474; to the Committee on International Relations.

1858. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Removal of Commercial Communications Satellites and Hot Section Technology from State's USML for Transfer to Commerce's CCL [Public Notice] received February 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1859. A letter from the Acting Comptroller General of the United States, transmitting a list of all reports issued or released in January 1997, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

1860. A letter from the General Counsel, Administrative Conference of the United States, transmitting a report of activities under the Freedom of Information Act for the calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

1861. A letter from the Chair, Architectural and Transportation Barriers Compliance Board, transmitting the Board's consolidated semiannual report on activities of the inspector general, and the annual report under the Federal Managers' Financial Integrity Act [FEMA] of 1982, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1862. A letter from the Director, Federal Mediation and Conciliation Service, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1863. A letter from FOIA Administrator, Office of the General Counsel, Legal Services Corporation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

1864. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on activities of the inspector general for the period April 1, 1996, through September 30, 1996, and the semiannual management report on the status of audit followup for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1865. A letter from the Director, Office of Management and Budget, transmitting an accounting statement covering Federal stewardship property, investments, and responsibilities that was recently recommended by the Federal Accounting Standards Advisory Board [FASAB] and approved in its entirety by the Secretary of the Treasury, the Director of the Office of Management and Budget [OMB], and the Comptroller General, pursuant to Public Law 101-576, section 307 (104

Stat. 2855); to the Committee on Government Reform and Oversight.

1866. A letter from the Director, Selective Service System, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

1867. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Civil Monetary Penalty Inflation Adjustment [OST Docket No. OST-97-2116] (RIN: 2105-AC63) received February 20, 1997, pursuant to 5 U.S.C.; to the Committee on the Judiciary.

1868. A letter from the Director, Office of Government Relations, Smithsonian Institution, transmitting a copy of the annual Proceedings of the 105th Continental Congress of the National Society of the Daughters of the American Revolution, pursuant to 36 U.S.C. 18b; to the Committee on the Judiciary.

1869. A letter from the Clerk, U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit (No. 95-7189—United States of America, ex rel. D.J. Findley versus FPC—Boron Employees' Club, et al.); to the Committee on the Judiciary.

1870. A letter from the Clerk, U.S. Court of Appeals, District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit (No. 96-3014—United States of America versus Rasheed Adeshina Idowu); to the Committee on the Judiciary.

1871. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation [Amtrak], transmitting the Corporation's 1996 annual report, and fiscal year 1998 legislative report and grant request, pursuant to 45 U.S.C. 548(a); to the Committee on Transportation and Infrastructure.

1872. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Cargo Tank Motor Vehicles in Liquefied Compressed Gas Service; Interim Final Rule (Research and Special Programs Administration) [Docket No. RSPA-97-2133 (HM-225)] (RIN: 2137-AC97) received February 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1873. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42-3000 and ATR42-320 Series Airplanes (Federal Aviation Administration [Docket No. 97-NM-24-AD; Amdt. 39-9933; AD 97-04-09] (RIN: 2120-AA64) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1874. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company (formerly Beech Aircraft Corporation) Models 1900, 1900C, and 1900D Airplanes (Federal Aviation Administration) [Docket No. 97-CE-06-AD; Amdt. 39-9937; AD 97-04-02] (RIN: 2120-AA64) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1875. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mitsubishi Heavy Industries, Ltd., MU-2B Series Airplanes (Federal Aviation Administration) [Docket No. 96-CE-45-AD; Amdt. 39-9938; AD 97-04-13] (RIN: 2120-AA64) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1876. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96-NM-97-AD; Amdt. 39-9917; AD 97-03-12] (RIN: 2120-AA64) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1877. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Air Tractor, Inc. Models AT-802 and AT-802A Airplanes (Federal Aviation Administration) [Docket No. 96-CE-48-AD; Amdt. 39-9935; AD 97-04-11] (RIN: 2120-AA64) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1878. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-02-AD; Amdt. 39-9915; AD 97-03-09] (RIN: 2120-AA64) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1879. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A, SAAB 340B, and SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-69-AD; Amdt. 39-9923; AD 97-03-18] (RIN: 2120-AA64) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1880. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Time of Designation for Restricted Area R-4305, Lake Superior, MN (Federal Aviation Administration) [Airspace Docket No. 96-AGL-16] (RIN: 2120-AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1881. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Big Rapids, MI, Roben-Hood Airport [Airspace Docket No. 96-AGL-25] (RIN: 2120-AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1882. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Pinckneyville, IL, Pinckneyville-Du Quoin Airport (Federal Aviation Administration) [Airspace Docket No. 96-AGL-26] (RIN: 2120-AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1883. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Monticello, IN, White County Airport (Federal Aviation Administration) [Airspace Docket No. 96-AGL-21] (RIN: 2120-AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1884. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Apalachicola, FL (Federal Aviation Administration) [Airspace Docket No. 96-ASO-35] (RIN: 2120-AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1885. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Mount Clemens, MI (Federal Aviation Administration) [Airspace Docket No. 97-AGL-1] (RIN: 2120-AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1886. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Minot, ND (Federal Aviation Administration) [Airspace Docket No. 97-AGL-3] (RIN: 2120-AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1887. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Shreveport Downtown Airport, LA (Federal Aviation Administration) [Airspace Docket No. 97-ASW-01] (RIN: 2120-AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1888. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace; Blytheville, AR (Federal Aviation Administration) [Airspace Docket No. 96-ASW-29] (RIN: 2120-AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1889. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28804; Amdt. No. 1782] (RIN: 2120-AA65) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1890. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28805; Amdt. No. 1783] (RIN: 2120-AA65) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1891. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28803; Amdt. No. 1781] (RIN: 2120-AA65) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1892. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Hazard, KY (Federal Aviation Administration) [Airspace Docket No. 96-ASO-36] (RIN: 2120-AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1893. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Canadaigua, NY (Federal Aviation Administration) [Airspace Docket No. 96–AEA–14] (RIN: 2120–AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1894. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Johnstown, NY (Federal Aviation Administration) [Airspace Docket No. 96–AEA–16] (RIN: 2120–AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1895. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Stuart, VA (Federal Aviation Administration) [Airspace Docket No. 96–AEA–15] (RIN: 2120–AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1896. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Sonora, TX (Federal Aviation Administration) [Airspace Docket No. 96–ASW–05] (RIN: 2120–AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1897. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Rolla, ND, Rolla Municipal Airport (Federal Aviation Administration) [Airspace Docket No. 96–AGL–23] (RIN: 2120–AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1898. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Carrington, ND, Carrington Municipal Airport (Federal Aviation Administration) [Airspace Docket No. 96–AGL–20] (RIN: 2120–AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1899. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; New Lisbon, WI, Mauston-New Lisbon Union Airport (Federal Aviation Administration) [Airspace Docket No. 96–AGL–22] (RIN: 2120–AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1900. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Eglin AFB, FL (Federal Aviation Administration) [Airspace Docket No. 96–ASO–34] (RIN: 2120–AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1901. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Deland, FL (Federal Aviation Administration) [Airspace Docket No. 96–ASO–30] (RIN: 2120–AA66) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1902. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Passaic River, New Jersey (U.S. Coast Guard) [CGD01–95–171] (RIN: 2115–AE47) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1903. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Lifesaving Equipment (U.S. Coast Guard) [CGD 84–069] (RIN: 2115–AB72) received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1904. A letter from the Commissioner of Social Security, Social Security Administration, transmitting the Administration's final report on demonstration projects with respect to alternative methods of promoting vocational rehabilitation [VR] and helping Social Security disability insurance [DI] beneficiaries return to work, pursuant to 42 U.S.C. 1310 note; to the Committee on Ways and Means.

1905. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Medical, Dental, Etc. Expenses [Rev. Rul. 97–9] received February 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1906. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Estate and Gift Tax Marital Deduction [TD 8714] (RIN: 1545–AU81) received February 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1907. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Estate and Gift Tax Marital Deduction [REG–209830–96] (RIN: 1545–AU27) received February 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1908. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in Accounting Period and In Methods of Accounting [Rev. Proc. 97–18] received February 20, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1909. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's "Major" final rule—Cycling Payment of Social Security Benefits [20 CFR Part 404] (RIN: 0960–AE31) received February 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1910. A letter from the Secretary of the Interior, transmitting the Department's report entitled "Certification of Lands to Which Indian Water Rights Are Appurtenant That Are Participating in the Uintah Unit of the Central Utah Project," pursuant to Public Law 102–575, section 211 (106 Stat. 4625); jointly, to the Committees on Appropriations and Resources.

1911. A letter from the Director, Congressional Budget Office, transmitting the Office's report on "Unauthorized Appropriations and Expiring Authorizations" by the Congressional Budget Office as of January 15, 1997, pursuant to 2 U.S.C. 602(f)(3); jointly, to the Committees on the Budget and Appropriations.

1912. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on allocation of funds the executive branch intends to make available from funding levels established in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as enacted in Public Law 104–208, pursuant to 22 U.S.C. 2413(a); jointly, to the Committees on International Relations and Appropriations.

1913. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled "Military Beneficiaries Medicare Reimbursement Model Project Act of 1997"; jointly, to the Committees on Ways and Means, National Security, and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 624. A bill to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce (Rept. 105–6). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SCHUMER (by request):

H.R. 810. A bill to deter and punish serious gang and violent crime, promote accountability in the juvenile justice system, prevent juvenile and youth crime, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself, Ms. KAPTUR, Mr. CAMPBELL, Mr. HUNTER, Mr. FORBES, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BURTON of Indiana, Mr. CALVERT, Mrs. CHENOWETH, Mr. CONDIT, Mr. COX of California, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DELLUMS, Mr. DOOLITTLE, Mr. DUNCAN, Mr. FOLEY, Mr. GILLMOR, Mr. GRAHAM, Mr. HANSEN, Mr. HAYWORTH, Mr. LARGENT, Mr. MASCARA, Mr. NEY, Mr. NORWOOD, Mr. PAUL, Mr. ROYCE, Mr. SANFORD, Mr. SCHIFF, Mr. SMITH of Michigan, Mr. STEARNS, Mr. TIAHRT, Mr. TRAFICANT, Mr. WALSH, Mr. WAMP, and Ms. WATERS):

H.R. 811. A bill to restore the term of patents and to provide for the publication of patent applications; to the Committee on the Judiciary.

By Mr. HUNTER (for himself, Mr. ROHRABACHER, and Mr. TRAFICANT):

H.R. 812. A bill to amend title 35, United States Code, to enable the Patent and Trademark Office to improve the integrity of the U.S. patent system and to further ensure the validity of U.S. patents, and for other purposes; to the Committee on the Judiciary.

By Mr. BACHUS (for himself, Mr. SHUSTER, Mr. RILEY, Mr. CLEMENT, Mr. EVERETT, and Mr. STUMP):

H.R. 813. A bill to amend the National Highway System Designation Act of 1995 to prohibit the Secretary of Transportation from requiring States to use the metric system with respect to designing, advertising, or preparing documents for Federal-aid highway projects; to the Committee on Transportation and Infrastructure.

By Mr. BLUMENAUER:

H.R. 814. A bill to prevent children from injuring themselves with firearms; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Mrs. Roukema, Mr. Dingell, Mr. Shays, Mr. Stark, Mr. Davis of Virginia, Mr. Waxman, Mr. Condit, Mr. Brown of Ohio, Mr. Kennedy of Rhode Island, Mr. Pomeroy, Mrs. Thurman, Mr. Gejdenson, Mrs. Meek of Florida, Mr. Clement, Mr. Doyle, Mr. Norwood, Mr. Levin, Mr. Evans, Mr. McDermott, Mr. Frost, Mr. Campbell, Mr. Conyers, Mr. Rahall, Mr. McGovern, and Mr. Ganske):

H.R. 815. A bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and titles XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the Medicare and Medicaid programs; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 816. A bill to prohibit the use of Federal funds for certain amenities and personal comforts in the Federal prison system; to the Committee on the Judiciary.

By Mrs. CHENOWETH (for herself, Mr. Young of Alaska, Mr. Bob Schaffer, Mr. Doolittle, Mr. Peterson of Pennsylvania, Mr. Hill, and Mr. Radanovich):

H.R. 817. A bill to require the appointment of the Chief of the Forest Service by the President, by and with the advice and consent of the Senate; to the Committee on Agriculture.

By Mr. CONDIT (for himself, Mr. McDermott, and Mr. Foglietta):

H.R. 818. A bill to require that employees who participate in cash or deferred arrangements are free to determine whether to be invested in employer real property and employer securities, and if not, to protect such employees by applying the same prohibited transaction rules that apply to traditional defined benefit pension plans, and for other purposes; to the Committee on Education and the Workforce.

H.R. 819. A bill to require annual, detailed investment reports by plans with qualified cash or deferred arrangements, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DINGELL:

H.R. 820. A bill to amend title XXVII of the Public Health Service Act to establish standards for protection of consumers in managed care plans and other health insurance coverage; to the Committee on Commerce.

By Mr. FRANK of Massachusetts:

H.R. 821. A bill to provide for an increase in the supplemental security insurance benefit standard for long-term care recipients based on the cost of living adjustment; to the Committee on Ways and Means.

By Mr. HASTINGS of Washington:

H.R. 822. A bill to facilitate a land exchange involving private land within the exterior boundaries of Wenatchee National Forest in Chelan County, WA; to the Committee on Resources.

By Mr. HILLEARY:

H.R. 823. A bill to amend the Internal Revenue Code of 1986 to reinstate the airport and airway trust fund excise taxes and to suspend the 4.3-cent general revenue portion of such taxes during the reinstatement period; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 824. A bill to redesignate the Federal building located at 717 Madison Place, NW., in the District of Columbia, as the "Howard T. Markey National Courts Building"; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY of New York (for herself, Mr. LaFalce, Mr. Conyers, Mr. Frost, Mr. Stark, Mr. Ackerman, Mr. Meehan, Mr. Abercrombie, Ms. Pelosi, Ms. Kilpatrick, Mr. Romero-Barceló, and Mr. Jefferson):

H.R. 825. A bill to require the Attorney General to promulgate regulations relating to gender-related persecution, including female genital mutilation, for use in determining an alien's eligibility for asylum or withholding of deportation; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. Oxley, Mr. Barr of Georgia, Mr. Baker, Mr. Riggs, Mr. LoBiondo, Mr. Traficant, Mr. Hobson, and Mr. Fox of Pennsylvania):

H.R. 826. A bill to amend title 18, United States Code, to provide specific penalties for taking a firearm from a Federal law enforcement officer; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 827. A bill to provide for nuclear disarmament and economic conversion in accordance with the District of Columbia Initiative Measure No. 37 of 1993; to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 828. A bill to require States to equalize funding for education throughout the State; to the Committee on Education and the Workforce.

By Mr. OLVER:

H.R. 829. A bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit executive agencies from awarding contracts that contain a provision allowing for the acquisition by the contractor, at Government expense, of certain equipment or facilities to carry out the contract, if the principal purpose of such provision is to increase competition by establishing an alternative source of supply for property or services; to the Committee on Government reform and Oversight.

By Mr. PETRI:

H.R. 830. A bill to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to require that collections of information that ask a respondent to specify a racial classification or ethnic classification from among a list of classifications shall provide an opportunity for the respondent to specify, respectively, "multiracial" or "multiethnic"; to the Committee on Government Reform and Oversight.

By Mr. REGULA (for himself, Mr. Shays, Mr. Rohrabacher, and Mr. Hansen):

H.R. 831. A bill to provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 832. A bill to amend the Public Health Service Act to provide for a program of research and education regarding menopause and related conditions; to the Committee on Commerce.

H.R. 833. A bill to require the Secretary of the Interior to conduct a study regarding Fort King, FL; to the Committee on Resources.

By Mr. TAYLOR of North Carolina:

H.R. 834. A bill to permit the current refunding of certain tax-exempt bonds; to the Committee on Ways and Means.

By Mrs. THURMAN (for herself, Mrs. Meek of Florida, Ms. Brown of Florida, Mr. Goss, Mr. Deutsch, Mr. Boyd, Mr. Foley, Mrs. Fowler, Mr. Wexler, Mr. Canady of Florida, and Mr. McCollum):

H.R. 835. A bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid Program, and for other purposes; to the Committee on Commerce.

By Mr. FORBES:

H. Con. Res. 24. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued in recognition of the services rendered by this Nation's volunteer firefighters; to the Committee on Government Reform and Oversight.

By Mr. DAN SCHAEFER of Colorado (for himself, Mr. Hefley, Mr. McInnis, and Mr. Bob Schaffer):

H. Con. Res. 25. Concurrent resolution providing for acceptance of a statute of Jack Swigert, presented by the State of Colorado, for placement in National Statuary Hall, and for other purposes; to the Committee on House Oversight.

By Mr. SHIMKUS:

H. Con. Res. 26. Concurrent resolution relating to the treatment of Social Security under any constitutional amendment requiring a balanced budget; to the Committee on Rules.

By Mr. BLILEY:

H.J. Res. 74. Resolution providing amounts for the expenses of the Committee on Commerce in the 105th Congress; to the Committee on House Oversight.

By Mr. GOODLING:

H.J. Res. 75. Resolution providing amounts for the expenses of the Committee on Education and the Workforce in the 105th Congress; to the Committee on House Oversight.

By Mr. PORTER:

H.J. Res. 76. Resolution expressing the sense of the House of Representatives concerning the human rights situation in the People's Republic of China as it relates to China's position in the international community and encouraging the United States, in conjunction with other members of the U.N. Commission on Human Rights, to work with China to promote the improvement of human rights; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

20. By the SPEAKER: Memorial of the Senate of the State of New Hampshire, relative

to Senate Resolution No. 1: recognizing the contributions and accomplishments of Paul E. Tsongas, former U.S. Senator; to the Committee on Government Reform and Oversight.

21. Also, memorial of the Senate of the State of South Dakota, relative to Senate Resolution No. 2: urging the passage of a balanced budget amendment to the U.S. Constitution; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. LATHAM, Mr. SKELTON, Mr. GRAHAM, and Mr. LUCAS of Oklahoma.

H.R. 17: Mr. ACKERMAN and Ms. JACKSON-LEE.

H.R. 18: Ms. JACKSON-LEE, Mr. FORBES, Ms. DEGETTE, Mr. BARR of Georgia, Mr. MURTHA, Mr. MCCOLLUM, Mr. ROHRABACHER, Mr. ANDREWS, Mr. FAZIO of California, and Mr. TALENT.

H.R. 21: Mr. BUNNING of Kentucky, Mr. BLUMENAUER, Ms. NORTON, and Mr. CAMPBELL.

H.R. 40: Mr. SERRANO and Mr. THOMPSON.

H.R. 41: Mr. BAKER, Mr. LIPINSKI, Mr. FOX of Pennsylvania, and Mr. CANADY of Florida.

H.R. 45: Mr. NADLER and Mr. ANDREWS.

H.R. 54: Mr. MILLER of California, Mr. CALVERT, Mr. BROWN of California, and Mr. HEFLEY.

H.R. 58: Mr. CASTLE, Mr. LUCAS of Oklahoma, Mr. GRAHAM, Mr. ROMERO-BARCELO, Mr. MINGE, Mr. SKELTON, Mr. VENTO, Mr. DELLUMS, Mr. PEASE, and Mr. GUTIERREZ.

H.R. 69: Mr. MARTINEZ, Ms. NORTON, and Mr. OWENS.

H.R. 96: Mr. EVERETT and Mr. DOYLE.

H.R. 127: Mr. MASCARA, Mr. SKAGGS, Mr. WELLER, Mr. PICKETT, Mr. BENTSEN, Mr. EHRLICH, Ms. STABENOW, Mr. MARTINEZ, Mr. HOSTETTLER, and Mrs. FOWLER.

H.R. 141: Mr. DELLUMS and Ms. MCCARTHY of Missouri.

H.R. 165: Mr. OLVER, Mr. HALL of Texas, Mr. BILBRAY, Mr. GILMAN, Mr. HORN, Mr. FROST, Mrs. MEEK of Florida, and Mr. JEFFERSON.

H.R. 166: Mr. RANGEL, Mr. EVANS, Mr. OBERSTAR, and Mr. ROMERO-BARCELO.

H.R. 167: Mr. RANGEL, Mr. EVANS, Mr. OBERSTAR, and Mr. ROMERO-BARCELO.

H.R. 168: Mr. RANGEL, Mr. EVANS, Mr. OBERSTAR, and Mr. ROMERO-BARCELO.

H.R. 180: Ms. BROWN of Florida.

H.R. 218: Mr. BAKER, Mr. FOLEY, and Mr. FOX of Pennsylvania.

H.R. 235: Mrs. MORELLA, Mr. PORTER, Mr. RANGEL, Mr. ACKERMAN, Mr. STARK, Mr. BARRETT of Nebraska, and Mr. SAXTON.

H.R. 292: Mr. HOEKSTRA, Mr. COBLE, Mr. PAUL, Mr. LARGENT, Mr. CALVERT, Mr. BARTON of Texas, Mr. DICKEY, Mr. BONO, Mr. BEREUTER, and Mr. HEFLEY.

H.R. 297: Mr. FATTAH, Mr. DELLUMS, Mr. ENGEL, Ms. PELOSI, and Mr. FROST.

H.R. 298: Mr. POMBO.

H.R. 301: Mr. DELLUMS, Mr. ENGEL, Ms. PELOSI, Mr. LIPINSKI, and Mr. FROST.

H.R. 304: Ms. BROWN of Florida, Ms. FURSE, Mrs. CLAYTON, and Mr. JEFFERSON.

H.R. 338: Mr. NORWOOD.

H.R. 339: Mr. SANDLIN and Mr. PICKERING.

H.R. 367: Mr. GREEN, Mr. KILDEE, Mr. GILLMOR, and Mr. BURTON of Indiana.

H.R. 400: Mr. HYDE, Mr. SMITH of Oregon, Mr. LAHOOD, and Ms. DEGETTE.

H.R. 407: Mr. FILNER, Mrs. MORELLA, Mr. FROST, Mr. MCNULTY, Ms. SANCHEZ, Mr. COBURN, Mr. DINGELL, Mr. WATT of North Carolina, Mr. BROWN of Ohio, Mr. STARK, Ms. ESHOO, Mr. OLVER, Mr. MCHALE, and Mr. CONYERS.

H.R. 426: Mrs. LINDA SMITH of Washington, Mr. DINGELL, Mr. COBURN, Mr. KINGSTON, Mr. PEASE, and Mr. FARR of California.

H.R. 437: Mr. MILLER of California, Mr. DEUTSCH, Mr. PICKETT, Mr. PALLONE, Ms. RIVERS, Mr. MANTON, Mr. LAZIO of New York, Mr. GILCHREST, Mr. HINCHEY, Ms. KAPTUR, Mr. DELAHUNT, Mr. FROST, Mr. MCHUGH, Mr. LAFALCE, Mrs. THURMAN, Mr. RIGGS, Mr. WALSH, Mrs. MORELLA, Mr. GREEN, Mrs. MINK of Hawaii, Mr. MCDERMOTT, Mr. KENNEDY of Rhode Island, Mr. FRANK of Massachusetts, Mr. FALEOMAVAEGA, Mr. TRAFICANT, Mr. QUINN, Mr. KLUG, Mrs. KELLY, Mr. CLYBURN, Mr. GEJDENSON, Mrs. LOWEY, Mr. BATEMAN, Mr. BILBRAY, Mr. GOSS, Mr. EHLERS, Mr. FRANKS of New Jersey, Mr. BAKER, Mr. HORN, Mr. FOLEY, Mr. WELDON of Pennsylvania, Mr. CANADY of Florida, Mr. KENNEDY of Massachusetts, Mr. SPENCE, Ms. JACKSON-LEE, Mrs. MEEK of Florida, and Mr. LATOURETTE.

H.R. 446: Mr. METCALF, Ms. PRYCE of Ohio, Ms. NORTON, Mr. GREENWOOD, and Mr. MORAN of Virginia.

H.R. 469: Mr. EVANS.

H.R. 475: Mrs. JOHNSON of Connecticut.

H.R. 491: Mr. FRELINGHUYSEN, Mr. SENSENBRENNER, Ms. CHRISTIAN-GREEN, Mr. KENNEDY of Massachusetts, Mr. BEREUTER, Mr. CANADY of Florida, and Mr. ENGLISH of Pennsylvania.

H.R. 493: Mr. FRANKS of New Jersey.

H.R. 498: Mr. THOMPSON and Mr. COYNE.

H.R. 500: Mr. MCNULTY, Ms. RIVERS, and Mrs. KELLY.

H.R. 551: Mr. VENTO, Ms. PELOSI, Mr. SABO, and Mr. HINCHEY.

H.R. 552: Mr. ADAM SMITH of Washington, Mr. BORSKI, Mr. FILNER, Mrs. MORELLA, and Mr. HINCHEY.

H.R. 553: Mr. WALSH, Mr. FILNER, Mr. HEFNER, Mr. MCINTYRE, Mr. KIND of Wisconsin, and Mr. ABERCROMBIE.

H.R. 556: Mr. RUSH, Ms. NORTON, Mrs. MORELLA, Mr. FROST, and Mr. MCGOVERN.

H.R. 558: Mrs. MALONEY of New York.

H.R. 586: Mr. ANDREWS, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BEREUTER, Mr. CALVERT, Mr. CASTLE, Ms. CHRISTIAN-GREEN, Ms. DEGETTE, Mr. EVERETT, Mr. GUTIERREZ, Mr. INGLIS of South Carolina, Mr. MATSUI, Mr. METCALF, Mr. PALLONE, Ms. RIVERS, Mr. SCHUMER, Mr. SHIMKUS, Mr. SNYDER, Mr. TAYLOR of North Carolina, and Mr. THOMPSON.

H.R. 600: Ms. LOFGREN, Mr. SABO, and Mr. MILLER of California.

H.R. 616: Ms. LOFGREN, Mr. GANSKE, Mr. FORD, Mr. NEY, Ms. BROWN of Florida, Mr. CONDIT, Ms. JACKSON-LEE, Mr. PRICE of North Carolina, Mr. ROMERO-BARCELO, Mr. GREEN, and Mr. KLECZKA.

H.R. 635: Ms. LOFGREN, Mr. KLECZKA, and Ms. NORTON.

H.R. 651: Ms. DUNN of Washington.

H.R. 652: Ms. DUNN of Washington.

H.R. 673: Ms. LOFGREN.

H.R. 676: Ms. PELOSI, Mr. LAFALCE, Ms. CHRISTIAN-GREEN, and Ms. WATERS.

H.R. 680: Mr. LUTHER.

H.R. 685: Mr. BERMAN, Mr. COYNE, Mr. FATTAH, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. RUSH, and Mr. WATT of North Carolina.

H.R. 688: Mr. LAHOOD, Mr. UPTON, Mr. FRELINGHUYSEN, Mr. HAMILTON, Mr. JONES, Mr. SMITH of Michigan, Mr. CAMP, and Mr. RUSH.

H.R. 748: Mr. SAXTON.

H.R. 756: Mr. KASICH, Mr. WATTS of Oklahoma, Mr. SAWYER, Mr. SERRANO, Mr. CALLAHAN, Mr. KILDEE, Mrs. MORELLA, Mr. GEKAS, Mr. WELDON of Pennsylvania, Mr. QUINN, Mr. GILCHREST, Mr. SANDERS, Mr. ROMERO-BARCELÓ, Mr. SCHUMER, Mr. BAKER, Mr. JEFFERSON, and Mr. RAHALL.

H.R. 758: Mr. CASTLE, Mr. TALENT, Mr. PAUL, Mr. PETERSON of Pennsylvania, Mr. MCCOLLUM, Mr. GANSKE, Mr. RAMSTAD, Mr. BRADY, Mr. CANNON, Mr. WATKINS, and Mr. HASTINGS of Washington.

H.R. 786: Mr. WHITFIELD, Mr. JONES, Mr. INGLIS of South Carolina, Mr. ETHERIDGE, Mr. HILLIARD, Mr. COBLE, and Mr. LEWIS of Georgia.

H.R. 789: Mr. KLECZKA.

H.R. 790: Mr. PICKERING.

H.R. 791: Mr. BOSWELL.

H.R. 799: Mrs. CHENOWETH.

H.J. Res. 1: Mr. GINGRICH, Mr. COMBEST, Mr. COLLINS, Mr. GILCHREST, Mr. GOODLING, Mr. HOBSON, and Mr. SMITH of Texas.

H.J. Res. 9: Ms. DELAURO.

H.J. Res. 54: Mr. BRADY, Mr. CLEMENT, Mr. KENNEDY of Massachusetts, Mr. LAZIO of New York, Mr. MILLER of Florida, Mr. POMEROY, Mr. PORTMAN, Mr. STUPAK, Mr. SUNUNU, and Mr. THUNE.

H.J. Res. 55: Mr. MCINTOSH and Mr. HILLEARY.

H. Con. Res. 8: Mr. MILLER of California, Mr. ROHRABACHER, Mr. FRELINGHUYSEN, Mrs. KELLY, Mr. HORN, Mr. EVANS, Mr. CANADY of Florida, Mr. BILBRAY, Mr. MICA, Mr. FOLEY, Mr. KLUG, Mr. ROGAN, Mr. GREENWOOD, Mr. PORTMAN, Ms. CHRISTIAN-GREEN, Mr. ROMERO-BARCELO, Mr. MARKEY, Ms. LOFGREN, Mr. GILCHREST, and Mr. DEUTSCH.

H. Con. Res. 13: Mr. FAZIO of California, Mr. GOODE, Mr. DICKS, Mr. HALL of Ohio, Mr. HOLDEN, Mr. MANTON, Ms. CHRISTIAN-GREEN, Mr. EVANS, Mr. BARTLETT of Maryland, Mr. HAMILTON, Mr. GREEN, Mr. KLECZKA, Mrs. MALONEY of New York, Mr. SCHUMER, Mr. SANDLIN, Mr. LUCAS of Oklahoma, Mr. WATTS of Oklahoma, Mr. MCINTYRE, Mr. MURTHA, Mrs. MINK of Hawaii, Mr. WALSH, Mr. POSHARD, Mr. KENNEDY of Rhode Island, Mr. FALEOMAVAEGA, Mr. BILBRAY, Mr. ADAM SMITH of Washington, Mr. BEREUTER, and Ms. VELAZQUEZ.

H. Res. 22: Mrs. CLAYTON, Mr. DELLUMS, Mr. HORN, and Mr. BARRETT of Wisconsin.

H. Res. 23: Mr. METCALF.

H. Res. 48: Mr. BALDACCI and Mr. DAVIS of Virginia.

H. Res. 64: Mr. PETRI and Mr. MINGE.

SENATE—*Tuesday, February 25, 1997*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have told us that to whom much is given, much shall be required. Today we thank You that You also have shown us that from whom much is required, much will be given. You never ask us to do more than You will provide the strength to accomplish. That's really good news, Father. Today is filled with problems to be solved and issues to be resolved. It is awesome to realize that You seek to do Your work through us. Help us to remember that this is Your Nation, and that we are here to serve You. Grant the Senators a special measure of Your wisdom for the challenges of this day. May they experience Your presence and receive Your guidance. Invade their minds with reignited conviction that they are chosen and called by You and fill their hearts with renewed courage to lead with vision and boldness. This is Your day Lord; show the way. Amen.

Mr. HATCH addressed the Chair.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able chairman of the Judiciary Committee is recognized.

SCHEDULE

Mr. HATCH. Mr. President, on behalf of the majority leader, I announce today that the Senate will resume consideration of Senator REID's amendment to Senate Joint Resolution 1, the balanced budget amendment. Debate is expected throughout the day on this amendment, with the vote occurring on or in relation to the Reid amendment at 6 p.m. today.

By previous agreement, at 2:10 p.m. today, the Senate will begin 5 minutes of closing remarks, followed by a rollcall vote on adoption of House Joint Resolution 36, the resolution regarding U.N. population control.

On Wednesday, the 26th, the Senate will debate Senator FEINSTEIN's amendment from 9 a.m. to 11 a.m. Following the vote at 11 a.m. on or in relation to the Feinstein amendment, Senator TORRICELLI will be recognized to offer an amendment relating to capital budgeting. Senator TORRICELLI's amendment is limited to 3 hours of debate.

I also remind Senators that on Thursday, February 27, at 10 a.m., there will be a joint meeting of Congress for an address by His Excellency Eduardo Frei, President of Chile. Members are asked to meet in the Senate Chamber at 9:40 a.m. to proceed as a group to the joint meeting.

I thank my colleagues for their attention.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDENT pro tempore. The clerk will report the unfinished business.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate resumed consideration of the joint resolution.

Pending:

Reid amendment No. 8, to require that the outlay and receipt totals of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds not be included as a part of the budget totals.

AMENDMENT NO. 8

The PRESIDING OFFICER (Mr. HUTCHINSON). The pending question is amendment No. 8, offered by the Senator from Nevada [Mr. REID]. The time between now and 12:30 is equally divided and controlled in the usual form.

Who yields time?

Mr. REID. Mr. President, unless my friend from Utah feels differently, I ask unanimous consent that we initiate a quorum call and the time be charged equally against the two managers.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I ask unanimous consent I be allowed to speak for a few minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REID. If I could interrupt my friend from Wyoming, I ask that the time of my friend from Wyoming be charged against the manager of the underlying amendment.

The PRESIDING OFFICER. That is the regular order.

The Senator is recognized.

Mr. THOMAS. I shall be brief.

Continuing with this important discussion on the balanced budget amendment, I specifically, as was the case with most of us, spent last week in our home districts. I spent last week in Wyoming at town meetings in places like Sheridan, Buffalo, and Casper, to talk about what people think about what is happening here.

Of course, the balanced budget was one of the prime issues there, and continues to be. I think people are increasingly concerned about our lack of financial fiscal responsibility, of having 28 years without balancing the budget, of continuing to have a government that grows in size, continuing to spend more than we take in. I was persuaded, certainly from those who came to my town meetings, from those I talked to who say, "Look, you need to get this job done." They say, "You all collectively in Washington have been saying every year, yes, we will balance the budget, I want to balance the budget. You have not done it. You have not done it." Now they continue to say, "Well, we do not need a constitutional amendment. We just need to balance the budget." We have not done it. Even those who have been here for a very long time and have gone through this whole thing have not balanced the budget.

The idea you do not need to do something rings a bit hollow to people at home. The Wyoming Legislature is currently meeting. Wyoming has a constitutional requirement that the legislature not spend more than it takes in. It works very well. We will have, I think, certainly a series of amendments, all of which are designed to simply detract from what we are seeking to do, all of which are designed to give an option and an opportunity to not vote for a constitutional amendment, to say, "Well, I am for it, but—" We have been through that before. We will see that again today. "I am for it, but . . ." ". . . but we do not want Social Security included."

Now, we like the President's budget, we are moving toward it. Is Social Security in there? You bet it is. You bet it is. And it would not balance without. It does not balance as it is. So we are moving toward continuing to have an unbalanced budget in this President's proposal.

I feel even renewed, Mr. President, in my quest for a balanced budget amendment, having been home, having talked to people who say, "We do not want more and more spending. We do not want more and more of a central government." Really, when it comes down to it, that is the decision. That is really what it is. Those who want to see Government continue to grow larger, obviously are not for a balanced budget

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

amendment. Those of us who think that the real message over the last number of years from home has been, look, we want less central Government, we want less spending, we want less taxes, those kinds of activities that can, should be moved to the States, and that is really the core issue. That is really what it is all about.

I am hopeful we will continue this debate this week and have a chance to finally vote, have a chance to pass a constitutional amendment, have a chance to have the discipline that is required to do the things that everybody says they want to do and have it done.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REID. Would my friend withhold his call for a quorum?

Mr. THOMAS. Sure.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the record is quite clear. The issue on the balanced budget amendment is quite narrow. The issue is whether or not we should balance the budget using the Social Security surplus.

The arguments always are, "Well, we have been doing it in the past." That is my whole premise. Why should we continue to do it in the future and enshrine it in the Constitution? I say no. I say if we are going to balance the budget, we should do it the right way, the hard way, the honest way, and not include in the calculations to arrive at a balanced budget the Social Security surpluses.

We have a number of amendments, and just speaking for this Senator, I have not supported any of the other amendments to the underlying amendment. I want my focus to be very clear. Even though I think when statements are made, as was made by my friend from Wyoming, that my State balances its budget, the fact is they really do not. The fact is that States have their capital expenditures off budget, through their bonding process. The State of Nevada does this, as do the vast majority of the other States. That is how they balance their budget. They simply exclude the costs of building construction and other long-term capital expenditures. Even though there will be an attempt to amend the underlying matter now before this body with a capital expenditure budget, even though I think that makes some sense, I will not support that. My emphasis, my concerns are about the permanent misuse of the Social Security trust fund if my amendment is defeated. I have made that very clear.

As I spoke yesterday, Social Security is a program we have had for 60-plus years. It was a program for dealing with old age, principally. It was not a giveaway. It was not a handout. It is a program that is given to people when they reach age 62 or 65, whatever eligibility might be for that particular person. It is done without any means testing. Why? Because people have paid into a Social Security trust fund for purposes of having those moneys set aside when they get old. An employer pays in, an employee pays in. It is now about 13 percent of every dollar they earn that is paid into the trust fund for their future years.

As I indicated, trust funds, whether handled by an insurance fiduciary or a lawyer, must be treated very carefully. There are definitions in any dictionary about what a trust fund is. It is "assured reliance on the character, ability, strength or truth of someone or something; one in which confidence is placed; reliance on future payment for property held by one for the benefit of another; something committed or entrusted for one to be used or cared for in the interest of another." This is how Webster defines it. That being the case, Mr. President, it seems to me it is unfair that we use Social Security trust fund moneys for purposes other than for which they were collected.

It is a trust. It is an agreement between the Federal Government of the United States and its workers. We hold these moneys in trust in the interest of the American people. They should not be used for some other purpose. They should not be used for foreign aid. They should not be used for any other purpose. They should be used only for the old-age recipients. I believe Social Security is a binding contract between the U.S. Government and the American people. We should not violate that.

The fact that we have been using those moneys in the past for other purposes does not mean we should continue to do it. I think we should balance the budget, but we should do it in the right way, the fair way, the honest way, by excluding the Social Security trust fund moneys.

In 1983, a commission headed by Alan Greenspan advised raising payroll taxes, with the end of achieving long-term actuarial balance, and hence to ensure that we are prepared for the retirement of the baby boomers. Congress voted to raise the payroll contribution made by workers because these funds are not ordinary taxes but are rather unique moneys contributed to the trust fund that deserve our special consideration and protection.

In 1990, the Senate, understanding the need to protect these Social Security funds, voted 98–2 to pull it out of the unified budget, showing our interest in protecting Social Security trust funds from misuse. The present chairman of the Budget Committee, the senior Senator from New Mexico, said at that time that he reluctantly voted for this amendment, and his reluctance was that it wasn't strong enough. He felt that these moneys should be set aside and not used to offset the deficit.

I appeal to everyone to review the statement made by a person that I believe understands money about as well as anybody in this body. The underlying balanced budget amendment would effectively overturn the 1990 decision to place Social Security off budget and would undermine what then the senior Senator from New Mexico said.

Last year, this body went on record again with a huge vote, pledging we would not raise or cut Social Security in order to balance the budget. Did that vote mean anything? It didn't mean much, because we are in the process now of using surpluses this year to again balance the budget. These votes, the one in 1990 and the one last year, demonstrate the unique position Social Security holds, as well as our commitment to the American people to protect this trust fund that we have set up. It is our obligation to do everything in our power to protect the Social Security trust fund.

It is no different than when any attorney in the United States takes a client's money and puts it into a fund. They cannot use that money for any purpose other than for the client. We can't pay personal expenses. To do so would cause the attorney to lose his or her license. The balanced budget amendment, without an express exemption, places Social Security in serious danger.

So, Mr. President, I believe that we need to step back and understand what a simple message this is. My amendment would simply disallow Social Security trust fund moneys from being used to offset the deficit. That seems fair. If we want to balance the budget, let's do it the right way. The easy way is to use the Social Security moneys. People are running around pounding their chests about what strong people they are for taking Social Security money to balance the budget. That is the easy way. If you really want to balance the budget in 2002, have a real, honest balanced budget, do it the hard way, not the easy way, and take—this year, $80 billion—that money to mask the deficit. People ask, what would we do? We would have to either cut expenses or raise taxes. That is the only way it can be done—not to circumvent what I think is the clear intent of the Social Security law, that we should not use Social Security surpluses to balance the budget.

So, in short, Mr. President, I think we should pass a balanced budget that isn't a gimmick. It should be a straight on, tough, hard procedure. We should balance the budget without using these huge surpluses in Social Security. We have the President of the United States, among others, including the Congressional Research Service and the Center for Budget and Policy Review, who say that if this underlying amendment passes, the courts will be deciding what should be cut and whether Social Security gets paid.

So the constitutionally permitted raiding of the trust fund would be devastating to current and future beneficiaries and would undermine confidence in this Nation's most successful Government program. I believe Social Security must be viewed as one leg of a three-legged stool, Mr. President. You should have, in addition to Social Security, private pensions and savings. However, 50 percent of all Americans do not have pension protection. Hence, they rely on Social Security checks as the mainstay of their income in their later years. Letters come in to me daily from seniors in Nevada saying that, without Social Security checks, they would be destitute. They plead with me—and I am sure with others—to protect Social Security. Current polls have shown that young people are concerned about Social Security, and well they should be when people are trying to use their moneys to mask the deficit.

A nationwide poll showed that almost 75 percent of the American public do not want a balanced budget if Social Security surpluses are used to balance the budget. Misuse of Social Security trust funds moneys must stop. If we are going to balance the budget, let's do it the right way. Let's protect Social Security trust funds, as well as the trust of the American worker. In the language of the honorable senior Senator from New Mexico on June 10, 1990, "We need a firewall around those trust funds to make sure that the reserves are there to pay Social Security benefits in the next century."

It could not be said better, because this amendment I have offered does provide that firewall that my friend, the senior Senator from New Mexico, the present chairman of the Budget Committee, said was necessary.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. THOMAS] is recognized.

Mr. THOMAS. Mr. President, I think it is useful for us to talk a little bit about the relatively little debate that goes on here. I think it is appropriate to talk a little about that. I know my friend from Nevada, whom I respect greatly, is sincere in his view. But I don't agree with what he has had to say. That is what this is all about. So I think we ought to talk about a combined budget, and talk a little bit about off-budget kinds of things. Again, my experience comes from Wyoming. The Wyoming Legislature has control over about 30 percent of the budget. All the rest of it is earmarked off to other things. I don't think that is a good idea or a good way to legislate.

Let me, first of all, say that, naturally, if you want to sell a point, you try and get some kind of an emotional thing to say like "save Social Security." There is not a soul in this place that doesn't want to protect Social Security. We are not talking about protecting Social Security. We are talking about the best way to protect Social Security. Two years from now, when the Social Security revenues have changed substantially, you are going to have it more protected by having it as part of the budget than you will by having it sit off by itself.

Let me talk about this idea of spending it somewhere else. I presume my friend from Nevada would want to invest those surplus dollars so they would have some return to the Social Security fund. They are invested. They are invested in Government securities. They are invested where the law requires they be invested. It is not a matter of spending Social Security funds for other things. The fact is, when we have a deficit in the operating fund of the Government, we have to sell securities. They can sell them to Social Security, to Japan, to me, or to you. Nevertheless, we are using borrowed money. It is borrowed from the Social Security fund. This idea that you are spending it on something else is absolutely false. They are invested. They are protected.

Now, he wants to balance the budget without it. All that takes is $700 billion of new money. Impossible. You can't do that. You just can't do that. We ought to have a combined budget, and will we be responsible for Social Security? Of course. Those funds get paid in for that purpose. They will be repaid. They have to be repaid to somebody.

So this is a difference of view, and I understand that. But the idea that we take this off budget and set it aside and pass the balanced budget amendment is, of course, just not the case. The courts will decide. Again, we have lots and lots of States that have a balanced budget amendment. Do the courts decide? No, of course not. If the courts are going to come into play, they say to the legislative body, "You have overspent, and you have to find a way to reduce it." And there is nothing particularly wrong with that.

So, Mr. President, I just want to say again this sort of scare tactic that somehow if you are included in there, you are going to forget having it, not think it is important to have Social Security protected, is a fallacy, simply a fallacy. And I just think that we ought to challenge those kinds of comments. It is a little like what happened last year in the election, that the Republicans were going to do away with Medicare. Well, that is not true. The fact is if you do not make some changes in these programs, they will not exist. Just to say leave your hands off of it, leave it alone, is sure death for these kinds of programs.

So we have a dilemma, and we solve it. We have talked about it for a very long time. It is time we move forward and make some decisions that will put us in a financially strong position, that will make us financially responsible and will include in a combined budget all those things that are there.

I guess we ought to take the highway trust fund off; we ought to take the airport trust fund off; we ought to take off everything that has a designation.

No, we are not going to do that. We are going to use the emotional issue of Social Security to seek to kill an amendment to the Constitution which says the Congress ought to exercise the kind of responsibility that it ought to exercise anyway and has not.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. My only statement to my friend from Wyoming—I am happy to see my western representative friend in the Chamber—is if we have a unified budget, why did we vote on more than one occasion to take it off budget? Social Security is not part of the unified budget. And because we have violated that, what we have done here on the Senate floor and in the House does not make it right. I believe the highway trust fund should be taken off budget. I have offered legislation on this floor—it is pending right now—saying we ought to spend money in the highway trust fund.

The reason we are talking about the Social Security trust fund is just like Willie Sutton; when he was asked why he robbed banks, he said, "That's where the money is." Social Security is where the bucks are. There is very little money in the highway trust fund on a comparable basis to Social Security. So that is why we are protecting Social Security.

Emotional? Yes, it is emotional. It is emotional because people like my friend, Helen Collins, from Nevada said:

> I have been a widow since age 21. I never considered applying for any kind of welfare assistance. I worked and raised and educated my son. He got a master's degree. Sad to say, at age 71 I am totally on my own on quite a limited budget. By being very careful, I get by. However, I do worry about getting more seriously ill and losing Social Security. For many of us, these are not the golden years. But I, for one, thank God that good people like you are helping us maintain our dignity and independence.

The underlined word, Mr. President, is "independence."

So there are people who do consider Social Security an emotional issue because it is emotional.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I yield such time as may be consumed to my friend, the Senator from North Dakota.

Mr. DORGAN. Mr. President, I would like to begin by inquiring of the Senator from Nevada, Mr. REID, about his perfecting amendment. My understanding of the perfecting amendment as opposed to a substitute here—this is a perfecting amendment—is that he would amend the constitutional amendment to balance the budget in a way that prevents the counting of Social Security receipts and expenditures in that constitutional amendment to balance the budget. Is that correct?

Mr. REID. That is absolutely true. It is this Senator's feeling, as well as the sponsors, of which my friend from North Dakota is one, that it is unfair to balance the budget the easy way, and that is to use these huge Social Security surpluses that we have had in the past and that we will have in the near future to offset the deficit. It is not fair.

Mr. DORGAN. I ask the Senator from Nevada one additional question. Why Social Security? I suppose some would say, well, there other areas that ought to be excluded. The Social Security area is one of the largest areas of public spending and has had accrued surpluses now available, needed to be available for meeting the time when the baby boom generation will retire. So are there other programs like it? Or is this the major issue that will have a distorted impact if this constitutional amendment as currently worded would be enacted by Congress?

Mr. REID. While my friend was coming to the floor, I made an analogy. Willie Sutton, probably the most famous bank robber of all time, after he was apprehended and in jail, was interviewed, and they said—I do not know if they called him "Willie" or "Mr. Sutton," but they said, "Why did you rob banks?" He was very succinct and to the point. "Because that's where the money was."

And that is why they are doing what they are doing here, I say to my friend. They are going after Social Security because that is where the money is. There are huge surpluses in the Social Security trust fund. There are other trust funds but they are dribbles and drabs compared with the $80 billion this year alone. So they are going after this money because that is where it is.

Mr. DORGAN. Mr. President, I appreciate the answer the Senator from Nevada has provided. He and I have worked on this issue for some long while, and I want to try to frame this a little differently.

This debate is not about whether the budget is balanced. This debate is about whether the Constitution is altered. This is a question of shall we change the Constitution of the United States? I am prepared to change the Constitution of the United States under certain conditions.

We have had a lot of goofy proposals over time in this country to change the Constitution. We have had proposals in which there would be a President from the North followed by a President from the South. That was one proposal. Let us make sure that the Presidency goes from the northern part of the country to the southern part of the country on a rotating basis. That is one. Sound a little strange today? Yes, I think so. There have been thousands of proposals to amend the Constitution.

We have a bunch of folks around here who think that somehow they are better than Madison, Mason, Franklin, George Washington, and, yes, even Thomas Jefferson, although Jefferson was not in Philadelphia at the writing of the Constitution. He was in Europe at the time but contributed mightily to the Bill of Rights, and especially the first amendment. But we have folks who think the Constitution is a rough draft and that they ought to get a pencil and eraser and every day make little changes in the Constitution.

In the last session of Congress in 1 month we had three proposals which came driving through here to change the Constitution of the United States by in some cases or in most cases people who call themselves conservatives. It is strange to me that those who call themselves conservatives would be so quick to alter the Constitution of the United States but nonetheless there are plenty of proposals to do so. This is one.

Is there merit in altering the Constitution to require a balanced budget? I think so. I think the demonstration of the lack of fiscal discipline is sufficient over the last especially decade and a half that there is merit in doing so. If there is merit in doing so, why should we not support any proposals that come to the floor of the Senate to change the Constitution? The answer is because if we are going to alter the Constitution let's do it in the right way. Let's solve problems—not create problems.

This constitutional amendment to balance the budget is enormously flawed especially in one area as described by the Senator from Nevada, and that is the area of Social Security. One of the largest programs in the Federal Government is Social Security. It is not contributing one penny to the Federal deficit. In fact, this year it will have $70 to $80 billion more collected in the program than is necessary to be spent. Why? Because one of the few sober things which was done in Washington in the 1980's, in my judgment, was the creation of a Social Security commission which created recommendations which the Congress enacted which resulted in the accrual of substantial savings year by year to be used when the baby boomers retire after the turn of the century.

If this constitutional amendment is enacted by Congress and ratified by the States, what will the impact be of that on the Social Security savings that we now have that are necessary to meet the needs of the baby boomers after the turn of the century? The impact will be that they will be used as offsets against other revenues, and you will not have the savings. And in any event, the Congressional Research Service says that after the turn of the century if you have the savings you couldn't use them unless you raised other taxes, or cut other spending in a commensurate amount.

The noise on the floor of the Senate is interesting. We have folks who rush to the floor to hold up this piece of paper, or that piece of paper. On the floor of the Senate, because we have a doctrine of free speech and unlimited speech, and recognition here that when someone is recognized, even the newest Member, they can be recognized and stand and hold the floor until they are mentally and physically exhausted. No one can take it from them. The Senate has worked that way since its inception for a couple of hundred years. It is a wonderful institution but allows anybody to come and say anything—anything on the floor of the Senate. You can hold up this piece of paper and say, "I have in my hand a purple piece of paper. Notice this green piece of paper. Notice this 8,000-page document." It doesn't matter. You can say whatever you like. And that is part of the problem that we face with a stack of books sitting on a desk over here being used to demonstrate budgets that have been out of balance.

People say, "Well, everyone else has to balance their budgets. So should the Government." The Government should balance its budget. But it is not true that everybody else balances their budgets. We have $21 trillion in debt in this country. We have nearly as much corporate debt as we have Federal Government debt. We have a substantial amount of consumer debt. We have a substantial amount, and it is growing at an alarming rate with credit card debt. We have debt all around this country. And it is a problem. It is a problem with the Federal Government, and it is a problem for the entire country.

We ought to have, in my judgment, a different kind of budget in our country. We certainly ought to have a capital budget. But I have not hinged my vote on a constitutional amendment to balance the budget on that point. But it is interesting. Most of the State Governors who come here pull out their suspenders and trumpet to anyone who will listen within a reasonable distance that they have to balance their constitutional budgets. They have a constitutional amendment to balance their budgets, and their States have a constitutional amendment requiring that they balance their budget. Those States are worried about their credit ratings. Why? Because they are borrowing more? Why, if they are balancing their budgets? Because they have capital budgets. And they amortize over a longer period of time the amount of money they are spending on roads and other things instead of as in the Federal Government expensing it in the very year in which you do anything. If you build an aircraft carrier that is going to last 30 years, expense it all in 1 year. Roads, the same way.

So we ought to have a capital budget. But I have not leveraged my support for a constitutional amendment on that basis.

The question, however, today is: Shall we put in the Constitution this proposal, or shall we put in the Constitution a proposal that is modified in this case by the suggestion of the Senator from Nevada, which I support? And, if a constitutional amendment is modified with that provision, I intend to vote for and support the constitutional amendment. If it is not, I will not vote for it, and will not support it. I will offer a substitute following this vote, if this vote is defeated. I will offer a substitute constitutional amendment to balance the budget that is identical to the one on the floor that includes the provision offered by the Senator from Nevada as a substitute constitutional amendment to balance the budget. I will vote for that. If that passes—and I would say to those on the other side of the aisle that support that, they would have sufficient votes on this side of the aisle to perhaps pass it with 75 votes—then we would be done with this question. Are we going to alter the Constitution of the United States? Then we would be on to something that is important. I am not suggesting altering the Constitution isn't important. I am saying that the issue here is balancing the budget. And you could alter the Constitution at 10 minutes to 10 in the morning. Two minutes from now you can alter the Constitution to require a balanced budget, and at 10 o'clock—2 minutes from now—you will not have made 1 penny of difference in balancing the budget. The only way we will balance the budget is if men and women in the Senate on a budget document that describes the specific spending and taxing issues are willing to cast hard votes to do that.

I found it interesting that the people who stand the highest and seem to speak the loudest on this issue about altering the Constitution were not around on the floor of the Senate in 1993 except to predict that if we pass the Deficit Reduction Act of 1993—something I voted for—if we pass that we would throw the country into a recession; that, if we pass that, there would be cataclysmic results in impacts on the country, and the country will be going down the wrong road.

So a group of us by one vote in 1993 passed a bill called the Deficit Reduction Act, and the deficit has been reduced by 60 percent; 60 percent. Was it a smart thing to do to vote for that? No, not at all. Was it a smart political thing to do? No, not at all. The smart and the easy political thing to do was to go out that door and say to anybody who would listen about how they are doing dumb things in there. But they are actually casting tough votes to reduce the budget deficit. If enough of us did that, it would pass by one vote.

That is dealing with the budget deficit. This is altering the Constitution. And after you alter the Constitution, someone here still has to decide how we are going to spend the money, where we are going to cut spending, how are we going to raise the revenue, and how we balance the budget. And that is the tough part. The easy part is braying, trumpeting, shouting, and doing all the things that make a lot of noise that doesn't do anything about reducing the budget deficit. The tough thing is the quiet negotiations and the quiet agreements that are necessary to agree on budget cuts, spending cuts, and revenue needs to balance the Federal budget.

We have had a number of people here on the floor of the Senate who say that the Social Security issue that has been raised is specious; it is an irrelevant issue. Those who ought to be concerned about the Social Security trust fund and the Social Security fund itself would be better off supporting a balanced budget because the only way to really guarantee Social Security benefits will be to balance the budget. Let me respond to that for just a moment.

If we pass this constitutional amendment to balance the budget as it is currently written the savings that are now accrued in the Social Security trust fund to be available after the turn of the century will not be able to be used unless somebody comes along and raises taxes, or cuts other spending in order to use them. And I do not understand when folks say, "Well, the best way to assure the long-term health of the Social Security system is to pass this amendment." I do not understand that in passing this amendment we are creating a circumstance where it will prevent the very use of the Social Security funds we are now collecting to be used after the turn of the century when it is needed. I mean, that just stands logic on its head. I guess, again, in a debate forum like this, when you are able to say whatever you want to say at any time about anything, you can say that. But I am wondering how many people are willing to believe that. If you tell taxpayers we are going to take money out of your paychecks, we are going to put it in a trust fund, and we promise you we will save it and use it for Social Security, but then use it for something else—I wonder how many people out there in the country think that is an honest way to behave.

I would like—and I am still waiting, incidentally—I would like one Member of the U.S. Senate, just one, to stand up, and maybe this week we can find one who will, stand up and say this: "I support telling those who are going to work and working every day that we want to take your money from your paycheck, we want to have a little box there on your paycheck that says we have taken $1,000 out of your paycheck and we have called it taxing for Social Security, and we promise you we are going to put it in a trust fund, and then we are going to take the trust fund and move it over here and use that as other revenue so we can now say we have balanced the budget." I want one Member of the Senate to stand up and tell me that is a proposal he or she makes to their constituents. There is not one Member of the Senate, I think, that would vote for that, yet that is exactly what we have. It is exactly what we have in this country in our fiscal policy.

And this proposal wants to enshrine it in the Constitution of the United States. This proposal wants to enshrine it forever in the Constitution of the United States, and it makes no sense at all. As an affirmative proposition to misuse these trust funds makes no sense at all. I do not know of anybody who will say, "That is my position. Let me go ahead and push this. That is what I believe in." Yet, that is exactly what will be written in the Constitution of the United States.

This is the Constitution of the United States, in the rules and the manual of the U.S. Senate. That has the Constitution in it. The Constitution is actually not a very lengthy document, as most folks know. The 18th amendment to the Constitution was passed:

> After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territories subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

That is prohibition. The 18th amendment to the Constitution, prohibition. Just to demonstrate that in this country we have a right to make a mistake, the 21st amendment, three amendments later, says the following:

> The 18th article of amendment to the Constitution of the United States is hereby repealed.

It is a wonderful thing about democracy, we have a right to be wrong. We have a right to make mistakes. We can even do it in the Constitution. But we ought to be enormously careful about what we do with the Constitution because it is very hard to correct. We corrected the 18th by passing the 21st amendment to the Constitution. Let us not create a circumstance where we amend the Constitution and are required to correct it again. That is not, in my judgment, the sort of thing we ought to do with the Constitution of the United States.

Let me emphasize this one more time. The Senator from South Carolina has now come to the floor, Senator HOLLINGS, who has been involved in this discussion for some while on Social Security. Those who come to this floor to say this is a specious argument were not in the room in 1983 when we passed the Social Security Reform Act. I was part of the originating committee that did it, the Ways and Means Committee of the U.S. House of Representatives. I was part of those, that group of people who originally debated this in the Ways and Means Committee in the House of Representatives. And the day it was marked up, I was the one person in the committee who offered the amendment. That is 14 years ago. I offered an amendment, on the very day this was considered, to say if you do not take this money, this Social Security money that we are going to accrue to be used after the turn of the century, and set it aside so it is not part of a budget that somebody else can use, if you do not do it, it is going to be misused. I was defeated that day with the amendment I offered.

So, when people write to the Washington Post, as someone did last week, or people come to the floor of the Senate and pop up here and talk about what they know and what they do not know, I was part of the group in 1983 that decided to create a surplus in Social Security to be used when the baby boomers retire and they need it. This constitutional amendment will enshrine in the Constitution the practice of misusing that Social Security trust fund, and there is no question about it.

As I said, people can come and protest and hold up purple sheets or green sheets all day long and it will not alter the facts. If we are going to amend this Constitution, and I am willing to do that, if we are deciding to say there is merit in requiring a balanced budget, and I think there is, then we ought to do it right, not do it wrong. We ought to do it even if it is hard to do. We ought to do it the right way, rather than to do it the easy way and misuse $1 trillion in 10 years of Social Security trust funds. That is what this debate is about. That is what the perfecting amendment by the Senator from Nevada is about.

I would say to the majority side, if you accept this perfecting amendment, you will pass this with 75 votes. You want a balanced budget amendment to the Constitution? You will get it. Accept this perfecting amendment and you will have it. If you do not get it, it is your fault because you have decided that you want to do something that, in my judgment, would not be allowed anywhere in the private sector. But you want to get away with it in the public sector.

The Senator from North Dakota, Senator CONRAD, has said before—and I will say it before he says it again this morning—if you tried this in the private sector as an employer, and say to the folks in your business, "You know I have been losing money, so what I decided to do, even though I have been losing money in my business, I will take your pension funds and bring them into the business, claim I have not lost money, and use your pension funds to do it,"you would be on your way to 2 years in a minimum security prison somewhere in this country, because it is against the law to do that. You cannot do that.

That is exactly the budget practice of the Government of the United States. It is wrong, and it ought to be stopped. The last thing that ought to happen is that we enshrine it in the Constitution of the United States.

If you accept this proposal, this perfecting amendment by the Senator from Nevada, then you will pass this amendment; don't, and you may not. But if you don't, the failure of passing the constitutional amendment is on the shoulders of those who failed to perfect the amendment in a way that means something to the American people.

One final point, and I will take 30 seconds. The demonstration of the naked truth of the bankruptcy of this proposed use of the Social Security trust funds is this. When the majority party has claimed to have balanced its budget, the Federal debt will have to be increased by $130 billion the very year in which they have claimed to balance the budget. Ask anybody—a fifth grader, seventh grader, high school sophomore—why, if you balanced the budget, would you have to increase the Federal defendant limit? The answer: Because it is a scam. The budget is not balanced. Plain and simple. That is the naked truth, and that is what exposes this balanced budget amendment for what it is.

Amend it with the perfecting amendment offered by the Senator from Nevada, and you will have my vote. It is not a bluff. You will have my vote. Do not amend it with that and you will not have my vote, because it is the wrong way to alter the Constitution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to commend the Senator from North Dakota, and I see the other Senator from North Dakota here about to speak. I will yield immediately to him.

You know what this debate has shown? The two Senators from North Dakota have been in the forefront in discussing this, as was the senior Senator from West Virginia, in describing his own amendment yesterday, and will be in his discussion in the week coming up. It describes what would seem to be a very simple concept: have a constitutional amendment to balance the budget. If you do a poll on this, "Are you in favor of a balanced budget," everybody says, "Sure, of course we are."

Then comes the question: Do we amend the Constitution? It has only been amended 17 times since the Bill of Rights—only 17 times. Now, we have another issue. If we are going to do that, do we do it for something that looks good on a bumper sticker for a slogan, or do we do it thinking about what we are doing?

Just remember, this Senate has only been involved in successful amending of the Constitution 17 times since the Bill of Rights. That means a lot of our predecessors had to think long and hard about thousands of proposals to amend the Constitution, about what would they do. The Senators from North Dakota, the Senator from West Virginia, the Senator from Nevada, and others who have spoken do us service by saying, "Just what is it we are buying with this? Is it a balanced budget?" No, it is a very, very dangerous monkey wrench in the Constitution that will cost our children and our children's children a great deal. It will cost our Social Security recipients, and it will not do what the President said in the State of the Union Message what can be done: Do you want to balance the budget? All we have to do is vote to do that, and he signs it. It is as simple as that. We don't need to amend the Constitution.

I am delighted to yield to my good friend and colleague, the senior Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Senator from Vermont, and I thank him for his devotion on this issue, spending hours and hours on the floor to try to make certain people have heard both sides of the story before a vote is cast in this Chamber.

Mr. President, I come at this issue with a deficiency, and that deficiency is I have a financial background. My education is in finance and business. My career was as a tax administrator, somebody who dealt with finances and budgets on a routine basis. And I must say, when I hear talk about the need to balance the budget, nobody could agree more than I do with that concept. I am absolutely in support of balancing the budget of the United States.

It is imperative that we do that, because we are in a special circumstance. We are on the eve of the baby-boom generation starting to retire, and that will put enormous stress on the budget of the United States if we fail to get our fiscal house in order.

In fact, I think I can say, without fear of contradiction, no Senator has offered more specific plans to balance the budget than I have. So I don't take a back seat to anyone with respect to a desire and a commitment to balance the budget. But when I see the balanced budget amendment to the Constitution that is before us now, I have to say what I believe to be the absolute truth. This is a giant hoax. To call this a balanced budget wouldn't pass the laugh test in any corporation in America.

If anybody told a corporate board of directors that they were going to balance the budget by taking the retirement funds of the employees and throwing those into the pot, they would be in violation of Federal law, because that is fraudulent. It is fraudulent to take retirement funds of employees and use those to balance the operating budget of a corporation. That is not permitted under Federal law. And yet that is precisely what this so-called balanced budget amendment to the Constitution contemplates. They are going to take every penny of the Social Security trust fund surplus and throw those into the pot to claim that they have balanced the budget.

(Ms. SNOWE assumed the chair.)

Mr. CONRAD. Madam President, they don't just take every penny of the Social Security trust fund, they take every penny of every trust fund and throw it into the pot and say they have balanced the budget.

It is like the story of the emperor who has no clothes and everybody is afraid to stand up and say it. But that is precisely what is going on here. When our colleagues come home and say to you, "We are for a balanced budget amendment to the Constitution," I urge you to ask them this simple question: What budget is being balanced?

Boy, that sounds awfully elementary, doesn't it? You would think this is a question that could be easily answered. Unfortunately, when you examine what is going on here, what you find out is that it is at great variance from the claims that are being made. Those who beat their chest and say they are for balancing the budget and that this balanced budget amendment to the Constitution will do that are engaged in an enormous hoax.

Let's look at the language. It comes from section 7, and it says:

> Total receipts shall include all of the receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

Very simple concepts. What they are saying is they are going to put all of the revenue of the Federal Government in the pot, and they are going to look at all of the expenditures of the Federal Government, and that will be a balanced budget. What is wrong with that concept is that they are including all of the receipts from the trust funds and using those, every penny of them, to claim that they have balanced the budget.

Let me just show it in a different way. When I was growing up in our State, people would keep money in a pot. A farm wife would keep cash in a pot. I have this teapot to kind of show what is going on here, because into the teapot goes all of the taxes, all of the corporate taxes, all of the other taxes, but in this balanced budget amendment, they are also including all of the Social Security taxes—all of them, every penny goes into the pot. And then they are going to balance with what is being spent. All of the items that the money goes for in the Federal budget: Social Security is about 22 percent of the money; interest on the debt, 16 percent; defense, 16 percent; Medicare, 14 percent; Medicaid, 7 percent; all other Federal spending, 25 percent.

Can you imagine that they are trying to claim that this is a balanced budget, and what they are doing is they are taking trust fund income, trust funds that are in surplus now, designed to be built up to be used when the baby boomers retire, and they are using the trust fund surpluses to claim they have balanced the operating budget. What a hoax; what a fraud. That is not a balanced budget.

A balanced budget would be if you were saving your trust fund surpluses for the purposes intended and you are balancing your operating budget. That would be a balanced budget. This is not a balanced budget.

Let me demonstrate how massive this hoax is, because it is really quite stunning in its breathtaking willingness to loot every trust fund of the United States of every penny. That is what is going on here, make no mistake, because if this thing is passed and is implemented, we are going to wake up and find there is no money in any trust fund; every surplus nickel has been taken.

Look at what is happening. Some will say, "Senator, that is what is going on now, that is precisely what is being done." That is true, that is what is happening, and it ought to be stopped, and it ought to be stopped now, because we are entering the period when those surpluses explode—they explode—because the baby boomers are getting closer to retirement, and so the surpluses are being built up for the purpose of being ready for them when they retire.

Look at how massive these surpluses are. In 1998, $81 billion in that year alone. By 1999, in just those 2 years, it is up to $169 billion, and between now and the year 2002, when they are going to claim they have balanced the budget, they will have used $465 billion of Social Security trust fund surpluses and claim they have balanced the budget. Again, if any private company tried to do this, tried to take the retirement funds of their employees to balance the operating budget of the company, they would be in violation of Federal law. They would be headed for a Federal facility, and it would not be Congress. They would be headed for a prison.

Yet this is what we are talking about putting in the Constitution of the United States. We are going to put in the organic law of our country the definition of a balanced budget, that if a private company were doing it, would be a violation of Federal law. I do not think so. Not with this Senator's vote. I would not vote, ever, to put that in the Constitution of the United States, the basic law of our country that has made this the greatest Nation in human history, the definition of a balanced budget that is so fraudulent that if any private company tried to do it, it would be a violation of Federal law.

Now, that is a fact of the balanced budget amendment that is before the Senate. When I say that is breathtaking, breathtaking in what they are trying to put in the Constitution of the United States, I meant just that. The Social Security surpluses I indicated are increasing dramatically. Indeed, they are. From 1998 to 2013, we will have surpluses in Social Security, surpluses over and above what the expenditures are during that period, of $1.8 trillion. The folks who are advocating this balanced budget—I call it a so-called balanced budget amendment because this is not a balanced budget, no way. There is no serious definition of balance that would include this so-called balanced budget amendment because the fact is if you passed it, you implement it, the debt would continue to increase. They claim they have balanced the budget. What a fraud. They are going to take $1.8 trillion of Social Security surpluses, throw those into the pot, and claim they have balanced the budget.

It is very interesting if you look at this in another way and try to determine who is telling it straight here, who is telling it straight, just looking at the growth of the Federal debt of the United States. If they are being straight with the American people and they are really balancing the budget, would that not tell you that in the year 2002, the year in which we will have claimed balance because that will be an amendment to the Constitution of the United States, that the debt would stop increasing? Would that not be a logical conclusion? If we are going to balance the budget in the year 2002, would you not expect, then, that the debt of the United States would no longer increase? You would no longer be running deficits because you would have balanced the budget.

Well, testing that proposition, this chart shows the gross Federal debt of the United States. It shows what would happen if this so-called balanced budget amendment to the Constitution were passed and became effective by 2002. You can see this is the year 2002, the year in which it claims balance; this line shows what happens to the Federal debt. It keeps right on going up. The Federal debt keeps right on increasing. If we look at it another way, we can see just what a fraud and a hoax this really is. They call it a balanced budget amendment to the Constitution. They put this definition into the Constitution of the United States and let's see what would happen in the year 2002. They are claiming the deficit would be zero. But look what happens to the budget deficit in that year. When you look at Social Security and the postal service funds, the so-called on-budget deficit, what you see is not a zero. The budget is not balanced. The deficit is increasing $103 billion. If you look at the broadest measure of debt and deficit, you include all of the trust funds. What you find is that the debt and the deficit will increase in that year by $110 billion.

Yet they are calling it a balanced budget, and they are putting it in the Constitution of the United States that this is a balanced budget. Who are they kidding? There is nobody that has had fifth grade arithmetic that cannot figure this out. There is nobody. My daughter, when she was 7 years old, and she was very good at math, I admit that, she would have been able to figure this out. Just because you are calling something a balanced budget does not make it one. That is like the old story in North Dakota, you call the pig a cow, it does not make it a cow. This is a balanced budget, they claim it is a balanced budget, but it is not one. The deficit keeps going up, debt keeps going up, they have looted every penny of every trust fund in sight and claimed they balanced the budget and put that definition in the Constitution of the United States. It does not belong there.

If we want to do this as an amendment to the Constitution we ought to do it right. This amendment does not pass the laugh test. This amendment is not a balanced budget, No. 1. No. 2, it is fatally flawed in other ways, as well, because it does not provide enough protection in the case of a national economic emergency. In addition to that, it would put us in a circumstance in which the courts could write the budget of the United States. That was never contemplated by our forefathers, to have the members of the Supreme Court—and I can look through the doors there and almost see the Supreme Court of the United States—I tell you, our Founding Fathers did not have in mind that the Justices of the Supreme Court would sit around a table and write the budget for the United States. That is what would happen under the amendment that is before the Senate.

Let me just say the amendment by the Senator from Nevada, Senator REID, addresses the first problem with the balanced budget amendment that is before the Senate. He would not permit the looting of $450 billion of Social Security surplus between now and the year 2002, to claim they balanced the budget. He would not permit the raiding of $1.8 trillion of Social Security surpluses between now and about the year 2019 and take all those moneys and throw them in the pot and claim they have balanced the budget. It is a substantial improvement over the so-called balanced budget amendment that is before the Senate now. On that basis, Senator REID's amendment deserves support, because it would begin to address the fatal flaws in this amendment.

I just end where I began. I really wonder what our forefathers who wrote the Constitution would be thinking about a Congress meeting in 1997 that has so little regard for the organic law of our country that they would put an amendment into that document that defines a balanced budget in a way that raids every trust fund surplus in the Federal budget, to claim that they had balanced the budget. America is a better country than that. We are a greater country than that, to put in our Constitution a definition of a balanced budget that is totally without merit, it is fraudulent, it is fake, it is false, it is not honest.

We should not be putting that in the Constitution of the United States. When I took the oath of office, I swore to uphold and defend the Constitution of the United States. I took that pledge very seriously. I think it is the most serious thing we do as a Member of this body—swear to uphold and defend the Constitution of the United States. Well, I believe one responsibility in meeting that affirmative pledge is to protect the Constitution from amendments that are unworthy of that great document.

I will ask any of my colleagues to read the amendment before us in the context of the Constitution. Get out your Constitution and then put this amendment down and read the two together and see how it fits, see how it reads, see if it makes any sense to you to have this constitutional amendment that is before us grafted onto the Constitution of the United States. It doesn't fit. It sticks out like a sore thumb. And it is, at its base, utterly fraudulent. It is wrong to put that amendment into our Constitution.

I thank the Chair and yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, this is an important amendment, but it is not as important as the proponents think. The fact of the matter is that Social Security is much better protected within the purview of the unified budget than it will be out there standing all by itself where they can add anything to it, or take anything away from it that they want to, and where it will become a spending loophole device that I think will be to the detriment of the senior citizens.

To say that the trust funds are raided is the biggest charade I have heard in all my time in the Senate. First of all, when the FICA funds come in, they are immediately invested into U.S. Government bonds, the best securities anywhere in the world. Those bonds are kept. There is no great big trust fund or a big place where they keep all this money. They are bonds due and owing by the American people some time in the future. The only way we are going to be able to pay back those bonds is if we get spending under control and get our economy under control. The only way we are going to do that, after looking at 28 straight years of unbalanced budgets—those 28 straight years of unbalanced budgets are represented by these actual unbalanced budgets, since 1969—the only way we are going to do that is to pass a balanced budget constitutional amendment.

Some say, well, we want another type of an amendment. The fact is that this is a bipartisan amendment that has been put together over 21 years. I know because I have participated in every word of it with my bipartisan colleagues in the House and Senate, on the Democratic side as well as the Republican side. This is the only amendment that has a chance of passage, the only thing that actually will give a real sense of protection and actual protection to those people who are on Social Security now.

For people to come on this floor and say, They are raiding the trust funds, because literally they are exchanging bonds for the funds and helping to balance the budget with whatever surplus exists now, is not only a charade; it is absolutely false. I get a little tired of people saying they are raiding the trust funds, not treating the trust funds right. The fact is, if you take Social Security out of the purview of the balanced budget amendment—if this amendment passed and we take it outside the purview of the balanced budget amendment, first of all, this amendment won't do what they say it will do. It is very poorly drafted. Even if it does do what they say it would do—and I will, just for the sake of discussion this morning, argue within that context, that it will do what they say it will—and you take Social Security out of the budget, the surpluses that will occur between now and 2008 will be invested in Federal Government bonds, which is exactly what they are doing now. The only difference is that the moneys they have then may be used for social spending programs other than Social Security, and that means another ability to spend more without making the reforms that have to be made in programs like Medicaid, Medicare, and so many others in our society, which are running out of control today. And the people who are going to be hurt the most are going to be those people who are counting on the Social Security funds being there some day, because we will not get Federal spending under control without this balanced budget amendment. We will continue to have these tremendous stacks of unbalanced budgets that will go all the way to the ceiling.

When people come to the floor and say, "Let's just have the will to do it"—and I have heard it from opponents of the balanced budget amendment now for 21 years of unbalanced budgets—they ought to look at this stack and realize it is going up every year, and there is no will to do it. It is too easy to spend, too easy to spend the taxpayers' money. It is too easy to just act irresponsibly. Putting Social Security outside of the purview of the unified budget and outside the purview of this balanced budget amendment would be one of the most reckless things we could do. It would be the most risky gimmick you could have. I think it is not only a risky gimmick, it would be a riverboat gamble, where you are almost guaranteed to lose. Social Security would become a football to be kicked back and forth by those who want to play games with the budget, because there would be no fiscal discipline involved in that particular issue. They want to take the largest item in the budget out of the unified budget.

Now, to show how ridiculous it is to take that riverboat gamble, put it out there where it is all by itself, where it could be attacked by anybody, instead of keeping it within the budget, I ask this one thing. Why do that when Social Security is the one item in the whole budget that everybody, every person sitting in the Congress today, be they Republican or Democrat, would support, would help, would keep viable? It is the largest item in the budget. I have to tell you that it can compete better than any other single budgetary issue. So where is the issue? Where is the meat here?

The fact is that those who are bringing these amendments to the floor, by and large—and I am not talking about the distinguished Senator from Nevada; he is very sincere in this amendment, and he believes this. I don't know why he believes this, if you look at the facts of the 28 years, and at what all of us have done throughout the years. But most of the others who are bringing this to the floor and arguing for this are people who would not want a balanced budget constitutional amendment in the Constitution for any reason, or for a variety of reasons, some very sincere and some because they want to spend and tax more with ease, and they want to do it with voice votes so they don't have to come here and stand up and let people know how they voted. I have to tell you, they want to defeat the balanced budget amendment. Now, that might be all right to have this out there if it were a better system, but it would not be. You would be exposing Social Security to direct attack and to direct manipulation over and over.

Madam President, I will have more to say in a few minutes on this. I notice the distinguished Senator from Michigan is here. He came to speak.

I yield such time as he needs.

The PRESIDING OFFICER. Senator from Michigan is recognized.

Mr. ABRAHAM. Madam President, I expect to speak more than once on this issue today. I would like to begin, however, by reiterating some of the points I made in previous speeches on the amendment, because I think as we immerse ourselves in the debates on these various subtopics, we often lose sight of why we are here.

The reason we are here is because of what that pile of unbalanced budgets reflects—that this country has gone a full generation without once balancing the budget. It has not balanced it using Social Security or excluding it. It has not been balanced at all. Therefore, we have been piling up more and more debt and responsibility, not just on ourselves but, more importantly, on our children.

Last week, I was looking at what we call the national debt clock. Some people have questioned the rate at which the clock grows. They ask, "Whose calculation are you using?" It doesn't matter. Even the slowest calculation of that debt clock suggests that the deficit is going up to the tune of about $6,374 per second. That is an awful lot of spending beyond our means. What it has done is—and I think most Americans understand, even if not most of us in Washington—it has placed enormous burdens on families of this country, enormous burdens on enterprise in this country, and, most importantly, enormous burdens on the children and future children of America.

In terms of its effect on families, this ever rising deficit and the need of a Federal Government to borrow money to meet its payments has forced interest rates up dramatically in this country. Interest rates are estimated to be 2 percent higher because of the deficit. That means the average price of a new home is $37,000 more because we can't balance the budget. A student loan is estimated to be some $2,000 more expensive because we can't balance the budget. A new car, an average-priced new car, is estimated to be $1,000 more expensive because we can't balance the budget. For all of the talk that this could be done if we only had the will and if the White House and the Congress would only get together, the fact is for 28 years we have not reached the finish line.

But it is not just families who are paying more. People are paying more in other ways as well. To the extent the Federal Government borrows money, it means there is less capital available to create new businesses, to expand existing businesses, to pay better wages. So our workers are hurt. Our free enterprise system is hurt. Our chronic budget deficits mean lower economic growth, fewer jobs, and lower wages.

Finally, at the top of the list of victims of our budget deficits are the children of this country. My family was blessed 5 months ago with a new child. When our son was born, at the very moment that he was born, he automatically inherited responsibility to support the debt previous generations have imposed upon him. Over his lifetime, he will be forced to pay $187,000 in tax payments just to cover the interest on this debt. If we do not try to bring this under control and do it soon rather than later, this burden will only get worse for future generations.

So that is why we are here. We should not lose sight of why we are here. Our goal is to come to the finish line on an amendment that has the opportunity and the ability to bring this kind of deficit spending under control.

At the moment we are discussing a proposal with respect to Social Security. The distinguished Senator from Utah has referred to this proposal as a risky gimmick, because it has many consequences that have not, to my knowledge, been fleshed out in any debate either in the Judiciary Committee when it was first brought up here or here on the floor. Most importantly, in terms of the risk involved, is the fact that as I read this proposal, the Reid amendment, and I have read it several times, I do not see that additional protection for the benefits of Social Security are provided. After all, that is really what this comes down to. Are the beneficiaries going to be protected. The Reid amendment, in my judgment, doesn't do that at all. It does something else, though, which I think every Member of this Chamber should be aware of and have a responsibility to address. That is, it requires a substantially increased amount of Federal spending to be either reduced or Federal revenues to be generated in order to meet the terms of this amendment.

According to calculations of the Congressional Budget Office, during the years 2002 to 2007, if the Reid amendment were adopted and ratified, we would have to come up with an additional $706 billion in either new taxes or spending cuts over and above everything else we will have to do to keep the budget in balance during those years.

In addition, the Senate Budget Committee has estimated that we will have to come up with $181 billion more on top of the first $706 billion in order to reach balance in the year 2002. Those $181 billion would have to be found during the years between now and 2002. That is a total of $887 billion beyond all of the other things that we are trying to do to bring spending under control that would have to be saved if this amendment went into effect. I think it is important for people who are advocating this amendment to come to this floor and explain where those dollars are going to come from, because $800 billion on top of all of the other things required here, to me at least, does not seem plausible.

Let me put it in perspective. We would be talking about in addition to all of the other reductions in spending, in addition to all of the other taxes the Federal Government currently collects, coming up with a sum of $800 billion. This sum is more than the 1993 tax hike, the largest tax hike in history, plus the reductions in Medicare proposed in last year's budget that was passed by the Congress, plus the reduction in discretionary spending that was in last year's budget passed by the Congress.

When the tax increase in 1993 was passed, many of us on the Republican side said that was too much of a tax burden to place on the American people. We argued that it was far too great. It was the largest in history. When Republicans brought to the floor a budget with a discretionary spending cuts and reforms in Medicare last year, we were told by the other side that those were reductions that were too great, that that those savings were unacceptable, and that is why the President refused to go along and sign the various bills that would have effectuated that budget. Now we are talking about doing all of the things required to bring the budget into balance in 2002, and then on top of that, if this amendment went into effect, replicating the process one more time—in fact, more than what we have done—in order to meet the terms of this amendment.

I do not believe there is anybody in the Senate who is capable of, or prepared to produce any sort of plan that would even remotely accomplish those objectives. For that reason, Madam President, I cannot support this amendment. I have no idea how it could be effectuated, and I have not heard one Member on either side come forward and explain that to me.

Moreover, even if we went through an exercise to accomplish it, why we would be doing it? The terms of the amendment would not in any way protect the benefits of Social Security even if we did raise taxes $800 billion more dollars, or cut spending on programs like education, law enforcement, or infrastructure by $800 billion more.

In short, the amendment doesn't accomplish the goals for which it is being proposed, but the pain complying with its requirements would be enormous.

So, for those reasons, Madam President, I cannot support this amendment. I would be happy, and will watch the debate today, to see if someone comes to the floor with a proposal of how to bring about these reductions that could give some assurance that they could be accomplished. I hope someone will. But during the debate in committee and in the discussions since —and certainly this has been something discussed very publicly in the last few weeks—no one has offered a plan, or even anything close to a plan, that could accomplish this. While I think and I am confident that advocates of the amendment are sincere in their advocacy, I just do not believe this is an amendment that could ever been effectuated by this Congress, or any future Congress. I do not believe it would be feasible to do it because I do not think, as I say, anyone has brought forth any solution or plan or proposal that would live up to the terms of the amendment.

For those reasons, I certainly have no intention of supporting it. But maybe before the end of the day we will hear a response that explains where the spending cuts are going to come from or how the taxes are going to be increased or provide some insight into how this really would protect Social Security benefits later on when the trust fund begins to run a deficit, because as I read the terms of this, it in no way does that, either.

So, Madam President, at this time, I yield the floor. I expect later, as the day goes on, that I will be back to speak a little bit more on this. But I thank the Presiding Officer and yield the floor.

Mr. HATCH. I suggest the absence of a quorum, with the time equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I know the distinguished Senator from South Carolina [Mr. HOLLINGS] will be here soon, as will the distinguished Senator from Nevada [Mr. REID]. They are involved in another discussion of the issue that is pending in the Chamber.

Again, I will say, as I said over and over again, we have to separate the difference between a balanced budget amendment to the Constitution and a balanced budget. There is nothing to stop us today, this moment, right now, from bringing about a balanced budget. It could be done. It could be done very easily. We could vote for it. The President could sign it.

A balanced budget amendment to the Constitution means that we amend the Constitution for only 18 times since the Bill of Rights. Now, thousands of amendments have been proposed to the Constitution during that time. The Senate and the House and the States have been wise enough to reject them. Otherwise, had they not, we would have a Constitution about 5 or 6 or 7 or 8 times bigger than it is today. We would not have the bulwark of the most powerful Nation known in history. But we also would not have just reflected the passing fancy of the moment, and that is what this is. Not a balanced budget. We can do that. All we need is the courage for it.

After watching the Reagan administration and the Bush administration and the nearly quadrupling of our national debt as they spoke of having a balanced budget, two administrations that took all the debt of this Nation for 200 years and tripled, quadrupled it in a matter of 12 years, all the time talking about the need for a balanced budget, that was the easy way. Talk about it and increase the deficit.

What has happened under President Clinton for the first time in my lifetime is that the deficit has come down 4 years in a row. It has meant some very tough votes. Members of the House and Senate have lost their seats in these bodies because of these tough votes. But what they did was the right thing. They left a legacy for their children and their children's children.

Let us stop the sloganeering. Let us talk about the tough votes. As I recall, in the first two efforts, first two successful efforts to bring down the deficit, most of the people now talking about the need for a balanced budget amendment did not even cast a vote to bring it down. Let us go for reality, not rhetoric.

I see the distinguished Senator from Nevada and the distinguished Senator from South Carolina in the Chamber, and I will yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I yield whatever time the Senator from South Carolina consumes.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, this crowd on the other side of the aisle has no shame. Let me make it absolutely clear. They come here and use the floor of the Senate for these demonstrations. What that pile of books over there on the other side of the aisle says is any time that you can flash on C–SPAN, that side of the aisle is for cutting spending, reducing deficits, and balancing the budget, and this side of the aisle is for spending—you know, tax and spend, liberal Democrats.

Let us find out what the record is. I believe it is too much, but let us just say my pile of books is about one-tenth of that pile over there. If you take the average real deficit—and I put a table on everyone's desk so you can verify the CBO figures, Madam President—in the 36 years from Harry Truman up until President Reagan—ah, those were a tough 36 years; we had to pay for World War II; we had to pay for Korea; we had to pay for Vietnam; and we had to pay for the Great Society that Lyndon Johnson started. During that 36 years, the actual average of real deficits is $20.41 billion.

Now, in the last 16 years, from 1982 to 1997, without the cost of a single war or the Great Society, the average deficit is $277.58 billion. We have gone from $20 billion deficits with the cost of all the wars to the Republican initiative of growth, growth, growth. My friend, Steve Forbes, is running around again saying, "Hope, growth and opportunity."

What a charade. What a farce. They ought to be ashamed of themselves—the unmitigated gall to put those books up there and try to demonstrate that they are for cutting spending, that those are the deficits that we piled up casually. The truth is we balanced the budget under President Lyndon Baines Johnson, and the reason this growth started was that silly Reaganomics, which Howard Baker, who sat in that chair as the Republican leader, called a riverboat gamble, and which then Vice President George Herbert Walker Bush called voodoo. But there is no historical memory under these youngsters who come here to the Senate floor and try to demonstrate, with a pictorial thing here, with a pile of books: Now, we are concerned about these deficits, and the other side does not have any regard for them. They are the ones who caused it.

That is the Reagan-Bush memorial deficit pile right there. That is what it is. In fact, Madam President, you can go back to 1776 and take 38 Presidents, 205 years of history, the cost of the Revolution and all the other wars, and we never got to a $1 trillion debt. When President Reagan took over, it was $909 billion, still not a $1 trillion debt. Now, under Reagan-Bush, President Reagan and President Bush, they have gone to $5.3 trillion. And do not blame President Clinton. Gosh knows, he did not know how to take credit. He went down there to Texas. I guess we all make mistakes running for office, but I think he overspoke. He said he raised taxes too much. But that did not take away from my vote.

In 1993, we had a budget plan, and the budget plan was to reduce the deficit by $500 billion. It was to raise taxes on gasoline, and, yes, Social Security. And over on that side they said, pointing at us, you raise taxes on Social Security, they will be hunting you down like dogs in the street and shooting you. They said, "We are going to have a recession." Ah, not even a recession, but a depression. Instead, the stock market is going through the roof. Inflation is down, jobs are up, and now they want to manufacture a problem.

I say that is their problem. We did not get a single Republican vote in the Senate, we did not get a single Republican vote in the House of Representatives to do anything. We passed it by ourselves. And President William Jefferson Clinton is the only President since Lyndon Johnson to reduce the deficit. He spent 10 years as Governor down in Arkansas, each with a balanced budget. Then he comes to Washington and he changes the direction of increased deficits. You can see the real deficit under the last year of President Bush exceeded $400 billion. Madam President, $400 billion. The exact CBO figure for 1992 was $403.6 billion. That is where the spending comes from. And they get up here and put on these silly shows of piling up books and everything else to appear on C–SPAN and make the most extravagant statements you have ever heard, really totally out of whole cloth.

Where is the spending? Interestingly, Madam President—and I wish someone would give my table of spending in real and unified deficits to our distinguished Presiding Officer so this can be followed. Madam President, I ask unanimous consent that this table be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BUDGET REALITIES

[In trillions of dollars]

President and year	U.S. Budget	Unified deficit	Trust funds	Real deficit	Gross Federal debt	Gross interest
Truman:						
1945	92.7	−47.6	5.4	....	260.1	....
1946	55.2	−15.9	−5.0	−10.9	271.0	....
1947	34.5	4.0	−9.9	+13.9	257.1	....
1948	29.8	11.8	6.7	+5.1	252.0	....
1949	38.8	0.6	1.2	−0.6	252.6	....
1950	42.6	−3.1	1.2	−4.3	256.9	....
1951	45.5	6.1	4.5	+1.6	255.3	....
1952	67.7	−1.5	2.3	−3.8	259.1	....
1953	76.1	−6.5	0.4	−6.9	266.0	....
Eisenhower:						
1954	70.9	−1.2	3.6	−4.8	270.8	....
1955	68.4	−3.0	0.6	−3.6	274.4	....
1956	70.6	3.9	2.2	+1.7	272.7	....
1957	76.6	3.4	3.0	+0.4	272.3	....
1958	82.4	−2.8	4.6	−7.4	279.7	....
1959	92.1	−12.8	−5.0	−7.8	287.5	....
1960	92.2	0.3	3.3	−3.0	290.5	....
1961	97.7	−3.3	−1.2	−2.1	292.6	....
Kennedy:						
1962	106.8	−7.1	3.2	−10.3	302.9	9.1
1963	111.3	−4.8	2.6	−7.4	310.3	9.9
Johnson:						
1964	118.5	−5.9	−0.1	−5.8	316.1	10.7
1965	118.2	−1.4	4.8	−6.2	322.3	11.3
1966	134.5	−3.7	2.5	−6.2	328.5	12.0
1967	157.5	−8.6	3.3	−11.9	340.4	13.4
1968	178.1	−25.2	3.1	−28.3	368.7	14.6
1969	183.6	3.2	0.3	+2.9	365.8	16.6
Nixon:						
1970	195.6	−2.8	12.3	−15.1	380.9	19.3
1971	210.2	−23.0	4.3	−27.3	408.2	21.0
1972	230.7	−23.4	4.3	−27.7	435.9	21.8
1973	245.7	−14.9	15.5	−30.4	466.3	24.2
Ford:						
1974	269.4	−6.1	11.5	−17.6	483.9	29.3
1975	332.3	−53.2	4.8	−58.0	541.9	32.7
1976	371.8	−73.7	13.4	−87.1	629.0	37.1
Carter:						
1977	409.2	−53.7	23.7	−77.4	706.4	41.9
1978	458.7	−59.2	11.0	−70.2	776.6	48.7
1979	503.5	−40.7	12.2	−52.9	829.5	59.9
1980	590.9	−73.8	5.8	−79.6	909.1	74.8
Reagan:						
1981	678.2	−79.0	6.7	−85.7	994.8	95.5
1982	745.8	−128.0	14.5	−142.5	1,137.3	117.2
1983	808.4	−207.8	26.6	−234.4	1,371.7	128.7

BUDGET REALITIES—Continued

[In trillions of dollars]

President and year	U.S. Budget	Unified deficit	Trust funds	Real deficit	Gross Federal debt	Gross interest
1984	851.8	−185.4	7.6	−193.0	1,564.7	153.9
1985	946.4	−212.3	40.5	−252.8	1,817.5	178.9
1986	990.3	−221.2	81.9	−303.1	2,120.6	190.3
1987	1,003.9	−149.8	75.7	−225.5	2,346.1	195.3
1988	1,064.1	−155.2	100.0	−255.2	2,601.3	214.1
Bush:						
1989	1,143.2	−152.5	114.2	−266.7	2,868.0	240.9
1990	1,252.7	−221.2	117.4	−338.6	3,206.6	264.7
1991	1,323.8	−269.4	122.5	−391.9	3,598.5	285.5
1992	1,380.9	−290.4	113.2	−403.6	4,002.1	292.3
Clinton:						
1993	1.408.2	−255.0	94.3	−349.3	4,351.4	292.5
1994	1,460.6	−203.1	89.2	−292.3	4,643.7	296.3
1995	1,514.4	−163.9	113.4	−277.3	4,921.0	332.4
1996	1,560.0	−107.0	154.0	−261.0	5,182.0	344.0
1997	1,632.0	−124.0	130.0	−254.0	5,436.0	360.0

Source: Historical tables, "Budget of the U.S. Government, FY 1998;" Beginning in 1962 CBO's "1997 Economic and Budget Outlook."

Mr. HOLLINGS. Madam President, if you look back to 1968–69, back when we used to have budgets from July 1 around the clock to June 30. We have changed now the fiscal year, so October 1 is the beginning of the fiscal year.

But under that last year of President Johnson, let us credit him, you can see going right straight across the board we had a surplus of $2.9 billion. Trust funds were only $300 million—but dispel from your mind that President Johnson used trust funds because even using trust funds he would have had a surplus. So, here comes President Lyndon Baines Johnson with a surplus that year, and all he had to spend was $16.6 billion on interest costs.

Now, Madam President, do you see today's interest costs of $360 billion at the bottom of the page—$360 billion? This is how we have increased spending. The Grace Commission, upon which I served, came to town to do away with waste, fraud, and abuse. The biggest waste is spending money for nothing, just for extravagance. The biggest waste is the past profligacy of not paying the bills and actually increasing spending on interest payments by some $344 billion during that period of time for absolutely nothing.

President Clinton is working on it. He has slowed it down. But they are the ones who increased it with Reaganomics, "hope, growth and opportunity," and television buzz words they can buy up. But let us get to the truth. That is why I put this table here, so we can look at the unified deficit, the real deficit, and gross interest, Madam President, which is forced spending, just like taxes.

It is an insidious way to raise taxes. We have $360 billion to be expended this year on interest costs. Because these interest costs continue to grow, the debt goes up, up and away. This year, it is estimated that the debt will go from $5.182 trillion to $5.436 trillion, an increase of $254 billion. So, while we are increasing the debt, we are spending $1 billion a day in interest. In essence, we are increasing taxes $1 billion a day. Because, like taxes, it has to be paid. It has to be paid. So the crowd against taxes is insidiously increasing taxes $1 billion a day. That is where the spending is.

Let me get back up here where my file is, Madam President, and get to the proposition and join issue, if you please, with the statements made by the distinguished chairman of the Budget Committee, the Senator from New Mexico, Senator DOMENICI. Again yesterday, and he continues this wherever he goes, he referred to the Concord Coalition report as evidence that the matter of Social Security, again, was a gimmick, that is was just all nonsense.

I had hoped we could really avoid that, because I have tried my best to counsel the Concord Coalition. To justify the sincerity of my remarks, let me go back and show that I am not just saying so today. I will read into the RECORD part of my letter of August 16, 1996 to the Concord Coalition.

(Mr. SMITH of Oregon assumed the Chair.)

Mr. HOLLINGS. Mr. President, this is addressed to the Honorable Warren B. Rudman and the Honorable late Paul Tsongas. We lost Paul. I have the greatest respect for these gentlemen. They are the best of the best. I say here in this letter:

> DEAR WARREN AND PAUL: You two friends should be ashamed of yourselves. I have just received the Concord Coalition Social Security mailout, and in four pages and in a 13-item questionnaire, there is no mention of the willful bankrupting of the Social Security trust fund in violation of section 13301 of the Budget Act. Mind you me, I support such coalition initiatives as the age increase for retirement to help strengthen the trust fund, and I have voted three times, now, for the Danforth-Kerrey recommendations. But back in 1983, the Greenspan Commission recommended that Social Security be put off budget so that we could take care of the baby boomers through the fiscal year 2056. President Bush signed this provision, making it illegal to borrow from the fund or use Social Security moneys to obscure the size of the deficit. Now we know both the President and the Congress violated this. We know both parties violated this. But if we cannot get the truth out of esteemed colleagues like you two, instead of being fiscally in balance until the year 2029 we will be fiscally bankrupt by the year 2002.

Mr. President, I ask that my letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
WASHINGTON, DC,
August 2, 1996.

Hon. WARREN B. RUDMAN,
Hon. PAUL TSONGAS,
The Concord Coalition, Washington, DC.

DEAR WARREN AND PAUL: You two friends should be ashamed of yourselves. I have just received The Concord Coalition Social Security mail-out and in four pages and a 13-item questionnaire, there is no mention of the willful bankrupting of the Social Security trust fund in violation of Section 13301 of the Budget Act. Mind you me, I support such Coalition initiatives as the age increase for retirement to help strengthen the trust fund and I have voted three times now for the Danforth-Kerrey recommendations. But back in 1983, the Greenspan Commission recommended that Social Security be put off-budget so that we could take care of the baby boomers through FY 2056. Responding in interim steps, the Congress did this in 1990 when President Bush signed the provision making it illegal to borrow from the fund or use Social Security moneys to obscure the size of the deficit. Now we know both the President and the Congress violated this, we know both parties violated this but if we can't get the truth out of esteemed colleagues like you two, instead of being fiscally in balance until the year 2029, we will have it fiscally bankrupt by the year 2002.

At the moment, Social Security is paid for and has a surplus of $531 billion. What is not paid for, what is causing the deficit and debt are the general functions of government such as defense, housing, law enforcement, education, etc. Working against the deficit and debt, the Coalition would better gain the public's attention and support on this immediate problem rather than worrying about the next century. In "Breaking the News," James Fallows outlines how the people in a democracy will do the right thing if properly engaged. The reason this cancerous nonsense continues in Washington is that the responsible Rudmans and Tsongases are afraid to tell the people the truth.

Sincerely,

ERNEST F. HOLLINGS.

Mr. HOLLINGS. I have the greatest respect for our friends there in the Concord Coalition, the former Secretary of Commerce, Secretary Pete Peterson—I worked with him way back under the initial days of President Reagan when I opposed Reaganomics. We got Senator Mathias, the distinguished Republican Senator from

Maryland, to go along with us. But there were only 11 of us here that were fighting at that particular time against this. What you do is you cut all your revenues and the money because, "The people back home will know better than the politicians in Washington and they will have so much money, there will be so much spending, there will be so much income tax and sales tax that, my heavens, we will have growth and we will grow out of this."

Go ask the mayor of a city to cut his revenues 25 percent. Go ask a Governor to cut his revenues some 25 percent. They work with common sense because they cannot print money like us up here in Washington. They have to have a credit rating. They have to be able to keep interest rates down and get the investments in their communities and in their States. But we come to Washington and lose all common sense. We engage in a tremendous charade up here about piling up books, and how sincere we are, when we disregard the Greenspan Commission and we disregard the law.

I have here the report of the National Commission on Social Security Reform dated January 1983. From that report I read, "A majority of the members of the national commission recommends that the operation of these"—these are fancy words, but "Social Security trust funds"—they use the word "trust funds,"—this is a study commission—"should be removed from the unified budget."

They go right on down, "The national commission believes the changes in the Social Security Program should be made only for programmatic reasons and not for the purposes of balancing the budget."

So, pursuant to taking it out of the unified budget and building up the surplus funds, that is how we got the votes. If we had said at that particular time, "Look, we are going to use this money for foreign aid, we are going to use this money for welfare, food stamps, anything else of that kind," you could not have gotten the votes.

We had a horrendous tax increase in 1983, in a conscientious fashion, to build up surpluses to the year 2056. I can show you that right here in the 75-year period. But don't depend on just what the Senator from South Carolina says. Let's get back to the vote and the actions at that time of my distinguished colleague, the now chairman of the Budget Committee.

At that particular time, the Senator from New Mexico—and I refer now to the committee report, Calendar No. 781, Committee on the Budget, U.S. Senate, dated July 10, 1990, on page 29. I ask unanimous consent to have printed in the RECORD the additional views of Mr. DOMENICI.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDITIONAL VIEWS OF MR. DOMENICI

It is somewhat ironic that the first legislative mark-up in the 16 year history of the Senate Budget Committee produced a bill that does not do what its authors suggest and, more importantly, weakens the fiscal discipline inherent in the Gramm-Rudman-Hollings budget law.

I voted for Senator Hollings' proposal because I support the concept of taking Social Security out of the budget deficit calculation. But I cast this vote with reservations.

The best way to protect Social Security is to reduce the Federal budget deficit. We need to balance our non-Social Security budget so that the Social Security trust fund surpluses can be invested (by lowering our national debt) instead of used to pay for other Federal operating costs. We could move toward this goal without changing the unified budget, a concept which has served us well for over twenty years now.

Changes in our accounting rules without real deficit reduction will not make Social Security more sound. In fact, we could make matters worse by opening up the trust funds to unrestrained spending. Under current law, the trust funds are protected by the budget process. Congress cannot spend the trust fund reserves without new spending cuts or revenue increases in the rest of the budget to meet Gramm-Rudman-Hollings deficit reduction requirements. If we take Social Security out of GRH without any new protection for the trust funds. Congress could spend the reserves without facing new spending cuts or revenue increases in other programs. And if we spend the trust fund reserves today, we will threaten the solvency of the Social Security program, putting at risk the benefits we have promised to today's workers.

Of course, I also understand that we might be able to restore some public trust by taking Social Security out of the deficit calculation. Trust that we in Congress are not "masking the budget deficit" with Social Security. That is why I believe we should take Social Security out of the deficit, but only if we provide strong protection against spending the trust fund reserves. We need a "firewall" around those trust funds to make sure the reserves are there to pay Social Security benefits in the next century. Without a "firewall" or the discipline of budget constraints, the trust funds would be unprotected and could be spent on any number of costly programs.

Unfortunately, the Hollings bill does not protect Social Security, which is why Senator Nickles and I offered our "firewall" amendment, defeated by a vote of 8 to 13. The amendment, drafted over the last six months by myself and Senators Heinz, Rudman, Gramm, and DeConcini, included: a 60 vote point of order against legislation which would reduce the 75 year actuarial balance of the Social Security trust funds; additional Gramm-Rudman-Hollings deficit reduction requirements in all years in which legislation lowered the Social Security surpluses; and notification to Social Security taxpayer on the Personal Earnings and Benefit Estimate Statements (PEBES) each time Congress lowered the reserves available to pay benefits to future retirees.

With just one exception, the other side of the aisle voted against this protection for Social Security beneficiaries.

Furthermore, the Hollings bill says nothing about how or when we will achieve balance in the non-Social Security budget. The bill simply takes Social Security out of the deficit calculation. If enacted, the Hollings bill would require $173 billion in deficit reduction in 1991 to meet the statutory GRH target (see attached table). Obviously, that is not going to happen.

I believe we need to extend Gramm-Rudman-Hollings to ensure we have the discipline to achieve balance in the non-Social Security portion of the budget. The Budget Summit negotiators are discussing a goal of $450 to $500 billion in deficit reduction over the next five years. Once we reach an agreement, that plan should be the framework for extending the GRH law.

I offered a Sense of the Congress amendment during the mark-up expressing this view. I offered this to put the Hollings bill in some context.

But the Democratic members of the Committee refused to consider even an amendment acknowledging the facts about our budget situation, rejecting my proposal by another 8 to 13 vote. In fact, the Chairman indicated that there was some concern on his side of the aisle about extending the Gramm-Rudman-Hollings discipline. One might infer that, for some, this mark-up was really an effort to kill Gramm-Rudman-Hollings.

I am not sure what we accomplished in reporting out a bill with no protection for Social Security and with no suggestion of what we think should happen regarding the deficit targets. I, for one, do not want to do anything which could endanger Social Security or Gramm-Rudman-Hollings budget discipline. At a minimum, I will offer the "firewall" amendment to protect Social Security should the reported bill be considered by the full Senate.

PETE V. DOMENICI.

Mr. HOLLINGS. Mr. President, I moved at that particular time that we comply with the Greenspan commission and we put Social Security off budget, out of the unified deficit, so we could build up these surpluses so that the baby boomers and the next generation could be sure of receiving their money. We have lost trust in Government with the present activity. But here is what the distinguished chairman of the Budget Committee, Senator DOMENICI, stated at that time:

> I voted for Senator Hollings' proposal because I support the concept of taking Social Security out of the budget deficit calculation.

I am going to read that again. Here is what the gentleman calls gimmick, here is what the gentleman called nonsense when referring to the Concord coalition's report yesterday.

Senator DOMENICI:

> I voted for Senator Hollings' proposal because I support the concept of taking Social Security out of the budget deficit calculation.

Then reading further:

> But I cast this vote with reservations.

He says about my particular amendment:

> Unfortunately, the Hollings bill does not protect Social Security sufficiently.

He says further:

> That's why Senator Nickles and I offered our firewall amendment. This amendment, drafted over the last 6 months by myself, Senator Heinz, Senator Rudman, Senator Gramm and Senator DeConcini, included a 60-vote point of order against legislation which would reduce the 75-year actuarial balance of the Social Security trust fund.

There is the Concord coalition, the president, the former Senator Warren Rudman, the best of the best, saying, "Fine, I'm voting for the Hollings amendment to put Social Security off budget, make it a trust fund, build up the surpluses so that the younger generation, who is working and paying their taxes, knows the money is not being frittered away by an irresponsible Congress." And we are going to go even further. We are going to say you have to get a 60-vote majority in order to reduce the 75-year actuarial balance.

Now, they knew at that particular time it was going to be for 75 years, and here is the committee vote on July 10, 20 to 1. The one Senator voting against it at that time was our distinguished colleague from Texas, Senator GRAMM.

I ask unanimous consent to have printed in the RECORD the vote record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hollings Motion To Report the Social Security Preservation Act

The Committee agreed to the Hollings motion to report the Social Security Preservation Act by a vote of 20 yeas to 1 nay.

Yeas: Mr. Sasser, Mr. Hollings, Mr. Johnston, Mr. Riegle, Mr. Exon, Mr. Lautenberg, Mr. Simon, Mr. Sanford, Mr. Wirth, Mr. Fowler, Mr. Conrad, Mr. Dodd, Mr. Robb, Mr. Domenici, Mr. Boschwitz, Mr. Symms, Mr. Grassley, Mr. Kasten, Mr. Nickles, Mr. Bond.

Nays: Mr. Gramm.

Mr. HOLLINGS. Mr. President, that was before the Budget Committee. Again, on the Hollings-Heinz amendment, I got together with my good friend, the late Senator John Heinz, and we worked in a bipartisan fashion, and we got an overwhelming bipartisan vote—98 Senators out of the 100. We missed two of them, Senator Armstrong and Senator Wallop. But we got 98 Senators, and any Senator, Republican or Democrat, who was a Member of this body back in 1990 who votes for the proposed Senate Joint Resolution 1 that would eviscerate the Social Security trust fund, that would turn the trust fund into a slush fund, constitutionally, is breaching the trust that he voted for on October 18, 1990 at 4:41.

I ask unanimous consent to have printed in the RECORD that vote record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hollings—Heinz, et al., Amendment Which Excludes the Social Security Trust Funds From the Budget Deficit Calculation, Beginning in Fiscal Year 1991.

YEAS (98)

Democrats: Adams, Akaka, Baucus, Bentsen, Biden, Bingaman, Boren, Bradley, Breaux, Bryan, Bumpers, Burdick, Byrd, Conrad, Cranston, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Gore, Graham, Harkin, Heflin, Hollings, Inouye, Johnston, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Pryor, Reid, Riegle, Robb, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, Wirth.

Republicans: Bond, Boschwitz, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Garn, Gorton, Gramm, Grassley, Hatch, Hatfield, Heinz, Helms, Humphrey, Jeffords, Kassebaum, Kasten, Lott, Lugar, Mack, McCain, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Roth, Rudman, Simpson, Specter, Stevens, Symms, Thurmond, Warner, Wilson.

NAYS (2)

Democrats: None.

Republicans: Armstrong, Wallop.

Mr. HOLLINGS. Mr. President, here is the former law, section 13301, off-budget status of the Social Security trust fund. I ask unanimous consent to have that statute printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Subtitle C—Social Security

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) Exclusion of Social Security From All budgets.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Exclusion of Social Security From Congressional Budget.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title.".

Mr. HOLLINGS. Mr. President, now we have a complete picture. They are running around here with demonstrations, with piles of books and their pile of books is the quintupling of the national debt under their particular leadership and trust, the 12 years really of Reagan-Bush, because we have reduced the deficit since then under President Clinton. Here is one-tenth that amount for the 205 years of our history, and they have the unmitigated gall to come here and continue with that demonstration. It is the Reagan-Bush memorial deficit pile. They are the ones who ran up the national debt. They are the ones who quintupled the national debt, and we are fighting in order to protect the Social Security trust fund.

I could go into other reports, but I have received a note from my distinguished leader, HARRY REID, of Searchlight, NV. What we are going to do is have a vote for the balanced budget amendment. I have cosponsored one. I have been working in the vineyards for years. I balanced the budget back in the fifties in the State of South Carolina and got for the first time in its history a triple A credit rating. I was the first State from Texas up to Maryland to ever receive that from Moody's and Standard & Poor's.

I voted for a balanced budget. I worked with George Mahon in 1968. I worked in a bipartisan fashion with Senators GRAMM and Rudman in the mideighties to cut deficits, and I am willing to work with them anytime anywhere. This is not a partisan fight. This is a bipartisan fight to keep the trust. The distinguished Senator from Nevada will have a balanced budget amendment to the Constitution that we can support that will protect Social Security, and I intend to vote for it. But I am not voting, Mr. President, to breach the trust to vote against my own bill that I worked so hard for that we got President Bush to sign into law.

Mr. President, here is what really happens. Here is the President's budget, and on page 2—literally on page 2—you will find that in the year 2002, we have a surplus of $17 billion. But if you turn—this is the gamesmanship on both sides, both in the White House and the Congress—but if you turn to page 331, you find a deficit in 2002 of $167.3 billion. Why do we have to borrow $167.3 billion? That is because we increase the debt that amount, and we are going to have to go out and borrow to pay the interest costs. That is the real deficit. It is not a $17 billion surplus.

If you don't protect Social Security, then I come as a budgeteer and say, "Now, wait a minute, the other side is going to have $543 billion," which is how much they will have borrowed from Social Security under this particular budget that we are discussing. If they are going to use $543 billion, some will want to use it on defense, some will want to use it on education, and some will want to use it on highways. If they are going to use and spend the money, I might as well get my projects in there. That is wherein the discipline breaks. If you are going to use Social Security and turn it from a trust fund into a slush fund, you do not have the discipline.

Again, Mr. President, I thank my distinguished colleague for yielding the floor.

Mr. ABRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, could I inquire as to how much time is left?

The PRESIDING OFFICER. The Senator from Michigan has 65 minutes, and the Senator from Nevada has 8 minutes and 34 seconds.

Mr. ABRAHAM. It is my understanding, Mr. President, the Senator from Nevada has one additional speaker who will not be coming for a bit. I think what we will do is the following: I will speak briefly in response to the last comments that were made, and I believe the Senator from Maine wishes to speak, and then we have some additional speakers who will be here, I am told, around 11:30. We will proceed and try to reduce the discrepancies in time between the two sides.

I want to focus this discussion on the amendment before the Senate, but I cannot ignore some of the comments that were made by the previous speaker, the Senator from South Carolina, who was pointing to these budgets and somehow reaching a conclusion based on his experience, that these budgets that are not in balance somehow are primarily the responsibility of Republican Presidents.

Mr. President, I was not here during all these Congresses. In fact, the last budget is the only one where I was present. The Senator from South Carolina was here during all these Congresses when these deficits were accumulated, and I think he knows, as we all know, that the Congress of the United States, specifically the House of Representatives, during this period of time was controlled by the Democratic Party. And, as we all know, all spending bills are required, by the Constitution, to originate in the House.

This is not a case of trying to blame each side. We are here today trying to solve a problem. Indeed, it may be that a lot of the spending that took place was during the 1980's, but the problems were created during the 1960's. The spending kept escalating because the programs were established in a way so that there was no choice but to see the spending programs increased. I do not believe there were a lot of calls for pulling in that spending from either side, but particularly from the Democratic side.

The other thing I wish to comment on is the issue of what took place in the 1980's, and the implication has been frequently made here on the floor that somehow the deficits were created because tax revenues to the Federal Government were starved because we let more people keep more of what they earned during the 1980's. It is true, Mr. President, that tax rates were reduced in the early 1980's. It is also true that after those tax cuts, the economy soared in ways that we could only hope to see continue into the future. It is also the case, Mr. President, that revenues to the Federal Government from the income taxes and other taxes increased dramatically during the 1980's, as well, increased substantially beyond what had been the case in the beginning of that decade.

What increased faster than tax revenues to Washington and what resulted in the deficits that we saw was Federal spending. Federal spending increased, I believe, something in the vicinity of 69 percent. It was not one party's fault. It was not one part of the Government. It was across the board. Whether it was defense spending, discretionary domestic spending, or spending on mandatory entitlement programs, spending went up faster than tax revenues to Washington went up.

So the problem in the 1980's wasn't that we let people keep more of what they earned and somehow punished Washington; it is that we could not tighten the belt at the Federal level, reduce the growth of Federal spending in order to keep the deficits under control. We all are suffering today, as I said in my initial comments. The people suffering the most are families who are paying higher interest rates because of this deficit—2 percent higher rates—which produces higher prices, higher costs to finance the purchase of a new home or a new car, to finance student loans. Wage earners and those who create jobs suffer because of the higher interest rates and crowding out of markets. The Federal Government needs to borrow more. The children suffer because, to the extent that this debt falls on the responsibility of children in America and will continue to fall on them, much more of their working lives will be committed to paying taxes to finance just the interest on this deficit.

So, Mr. President, we have to address the problem now. We can't, today, get into exclusively a question of who is in charge of the Congress and who was the President during all these deficits. The visual we have today for the American people to see is the fact that, without a constitutional amendment, for nearly 30 years we have not been able to balance the budget. In fact, you can go all the way back to 1960 before you find a budget that was balanced without using the Social Security surplus. That is what we ought to address, and that is what I hope to see us accomplish today.

So, as I said earlier, there are a lot of issues involved in the amendment before us. I have raised questions as to how it could possibly be financed because, as I said, without, to my knowledge, any specific additional protections of the benefits of Social Security from the amendment, we will add a burden of some $706 billion between 2002 and 2007, a burden of either additional taxes or reductions in spending on programs like education and law enforcement, which will have to be met to effectuate this amendment. I have not heard from any side a proposal to deal with that $706 billion. I don't believe it is going to be feasible because I don't think we are going to see an alternative proposal today. And because of the absence of that alternative, I cannot support this amendment. I know other Senators here wish to speak. So, at this time, I yield to the Senator from Maine such time as she may need.

The PRESIDING OFFICER. The Senator from Maine [Ms. SNOWE], is recognized.

Ms. SNOWE. Mr. President, I think that it is interesting to hear the debate that has been underway this morning with respect to the constitutional amendment to balance the budget. Frankly, this is probably—and is in many instances—the same debate we have had over and over and over again on this issue. I served 16 years in the House of Representatives, and we debated this issue. We debated this issue 2 years ago here in the U.S. Senate and lost by one vote, regrettably. But we hear the same arguments over and over again. I have been in Congress now for a total of 19 years, in both the House and Senate. We have debated this issue approximately eight times. What we have heard time and time again is, if we only had the will, or the courage, we would not need a constitutional amendment to balance the budget, that we should, as an institution, collectively be able to balance the budget without a constitutional requirement. Even the President stated that fact in his State of the Union Address to the Congress on February 4. He said, "Rewriting the Constitution isn't necessary to balance the budget. All we need is your vote and my signature."

Well, the fact of the matter is, he got our vote in the bill, which was a balanced budget submitted to the President, but we didn't get the President's signature. That's the problem. We don't have a constitutional requirement because there will always be a reason or an excuse as to why we can't balance the budget. Governors can't evade that constitutional requirement. Most Governors in this country today are required by their own constitutions, and they don't avoid that responsibility. The problem here is, there is a significant amount of avoidance because there is not an institutional will, or discipline, to balance the budget because it's difficult to make choices.

So no one is willing to set any priorities. If we don't have a constitutional amendment, we are not required to establish these priorities and we are not willing to exhibit leadership on our own initiative. So Congress has had decades and decades of good intentions. History is replete with good intentions on imposing fiscal discipline. But we have failed in achieving a balanced budget.

Now, we have heard a lot of discussion today about the past. We heard about the last 15 years. They talked about the Reagan Presidency and the

Bush Presidency. But what was omitted from that discussion was the fact that we also had a Congress, and it happened to be a Democratic Congress. Now, does anyone happen to believe that these budgets that are down here, which are unbalanced, didn't have the support of the Democratic Congress? I think we all know the answer to that question. Congress played a very significant role in the adoption of the budget. There is blame to go around on both sides. I think we all recognize that. But to sit here and say that blame for the last 15 years of budget deficits can be placed on the Reagan and Bush Presidencies clearly is ignoring reality, because that is not what happened.

In fact, I can recall back in the early eighties—in fact, I think it was 1983—there was an agreement between President Reagan and the Congress that for every dollar increase in taxes, there would be a $3 reduction in spending. Guess what? We got the dollar increase in taxes, but we didn't get the $3 reduction in spending.

I should also say that there was a budget agreement in 1990 that certainly contributed to the declining deficits that we are experiencing right now, and everybody is referring to the Clinton administration and declining deficits. But what's ironic about those declining deficits—and we know there are serious problems beyond the turn of the century, but for now the deficits are declining compared to previous years—in talking about those declining deficits, the other side fails to mention that they also include the Social Security trust fund surpluses. So they want to sort of have it both ways. Look, the deficits are coming down. Yet, they do include the Social Security trust fund. If we are going to talk about honesty in budgeting, they ought to exclude them to show what the real deficit is.

Every President has used the Social Security trust fund surpluses. There is no question that we have a serious problem beyond the turn of the century when we have the beginning of the baby boomers retiring. We have had an obligation, as we have always shown, since the inception of the Social Security trust funds, to pay those benefits to beneficiaries. That has been and will always be a sacred trust between the Government and the American people.

We want to preserve and protect the Social Security trust fund. What is the best way to do it? It is to balance the budget so that we can rein in spending, so that we will be in a position to pay out the baby boomers' retirement. And that is the issue that is confronting us. If we rein in the debt, we have a better ability to preserve and protect the Social Security trust fund.

I find it interesting that the debate today has centered around the constitutional amendment to balance the budget, not passing the straight face test, because it includes the trust funds of Social Security. What I find interesting about the amendment that has been offered by the Senator from Nevada is that it doesn't take off budget all the other trust funds—the highway trust fund, the aviation trust fund, and the numerous other trust funds that represent billions of dollars. If we are going to talk about honesty in budgeting, they don't include that. In fact, here we have an enormous list of trust funds. If we are talking about truth in budgeting, then we are talking about many other trust funds as well.

The point is that the best way to preserve the Social Security trust fund is to balance the budget. The best way to protect the Social Security beneficiary payment checks is to keep it on budget, because that is the system that we have known. We have known how that system has worked. We have paid the benefits, and when there has been a problem with Social Security, we have addressed it, as was the case in 1983 with the bipartisan commission. But no one has told us on the other side exactly how this trust fund off budget is going to work. We have had no indication of what exactly is going to happen with those surpluses. Will they continue to be invested in Government bonds as they are today to pay off the debt and to write off the deficit, or are they going to be invested in private securities? Because that is also an issue.

It raises a concern for me because I am now asking the question: If you place the Social Security trust fund off budget, what exactly is going to happen to those surpluses? In what way are they going to be used? Are they going to be privatized? I think that is an issue and a consequence that should be addressed, because that does raise some significant concerns. Will they be placed in noninterest-bearing accounts because we cannot buy Government bonds? If the other side says, "Yes, we are going to buy Government bonds with it," that is exactly what we are doing right now. That is precisely the point.

So, then, the amendment really isn't changing what we are doing right now. So essentially the amendment places us full circle in terms of what we are doing with the Social Security trust fund surplus. Because I have not heard how the surpluses are going to be used off budget. How are they going to be invested? That is a significant question.

Two years ago when we had this debate on the constitutional amendment, there was a right-to-know amendment that was offered by the Democratic leader that would have required that Congress provide a detailed budget plan with binding reconciliation instructions before the amendment could even be sent to the States for ratification. And the intent of that amendment was essentially to say that Congress has a right to know how the budget is going to be balanced if this constitutional amendment were to pass and were to be ratified by the States. I think it is an interesting concept.

We did present a balanced budget to the President, as I mentioned earlier. But it was vetoed. The fact is, we have a right to know, as was mentioned earlier by the Senator from Michigan, about exactly how we would accommodate the $295 billion in cuts that would be required in addition to the cuts that would be required in the balanced budget amendment. But $295 billion would have to be cut if we didn't take into account the surpluses in the Social Security trust fund just between now and the year 2002. But no one on the other side has identified exactly how we achieve that goal. That is double the amount of cuts that President Clinton submitted in his plan to the Congress that he declared to be balanced. So there would be $295 billion in cuts over and above the cuts that will be required as well to balance the budget if we could not use the surpluses.

Then the period between the year 2002 and 2007 would require the Congress to come up with an additional $706 billion. And, again, we have not heard from the other side exactly how that would be achieved because that would be over and above what we would be required to do in order to balance the budget without the surpluses.

So we are talking close to $1 trillion—more than $1 trillion—in additional cuts that will be required by Congress over and above what we have presented. These are difficult choices and difficult times. So we have to account for $1 trillion more. And we have yet to hear how that will be accomplished. We have not seen a detailed plan, and we have a right to know, as the other side declared 2 years ago in suggesting that they had the right to know what would be the detailed balanced budget plan to balance the budget if we were to pass a constitutional amendment. They demanded a right to know. We demand a right to know because many have said on the other side that if we pass the Reid amendment, we can vote for the constitutional amendment to balance the budget. But we need to know. What is their plan for coming up with $1 trillion in additional cuts? One trillion dollars is a significant amount over and above what we have already proposed to do. But we have yet to hear the details.

I think, frankly, since they insisted 2 years ago that we apply the standard of right to know, that we should apply the same standard to the Reid amendment today that we have a right to know, because to do otherwise, I think, is failing to meet their responsibility in meeting the standard of honesty in budgeting. The American people have a right to know exactly how that will be accommodated.

We have known that when the Social Security trust fund has been on budget that we have met our obligations, and we will continue to meet our obligations. We also know that by balancing the budget, it will constantly make us aware of our obligation to the Social Security trust fund in what we can anticipate beyond the turn of the century in more people beginning to retire and with the onset of the baby-boomer retirements. We think that it is important to stay with the system that has worked since the inception of the Social Security system. But with the Reid amendment, we are being asked to act in blind faith.

The Social Security trust fund, as we know it, has had proven success. But they have failed to answer the question of what occurs when this trust fund is off budget. What happens to the trust fund? What happens to the surpluses? We have not heard those questions answered. And how will those trust funds be used?

So I think that these are some serious questions that need to be addressed and have certainly broad implications because we certainly should worry that these questions remain unanswered. We understand the trust fund within the context of the budget that we know. We have always met our obligations under the trust fund, and we will continue to meet our obligations under the trust fund. But we need to hear from the proponents of the Reid amendment exactly what is going to happen with this trust fund off budget. Will the surpluses be diverted for other purposes? That is a possibility. The amendment is poorly drafted. Will the surpluses be invested in private securities? It is a major problem. It may have major consequences. That has yet to be thoroughly explored. Will they be invested in Government bonds? That is exactly what is happening here today.

So then I think one could conclude that really this is not necessarily changing what we do today but just making a political point because, unfortunately, there are those who are not committed to a constitutional amendment and do not want to see the reality of such an amendment because of what it would require of this Congress and a President to make certain decisions in reaching a balanced budget.

So I hope that in the course of this debate we will hear some of the answers to these questions because I certainly am troubled by the prospects of some of the issues that this amendment raises.

I am a strong supporter of the Social Security system. I want a strong system. We have known how it has worked on budget, but we have not heard the questions answered about how it is going to work off budget, and I repeat that because that in the final analysis I think underscores the issues before us today. I think it unfortunate that the Social Security issue has been used so many times in the past as a political issue. And from this debate at times we would know there are strong supporters of the Social Security trust fund on this side. I have been a very strong supporter over the years, and I just want to assure senior citizens in America that we will continue to preserve and protect them, and the best way to do it is to contain Federal spending and reduce the interest rates in America so that we can prepare ourselves for the commitments we must make in the 21st century to the younger generations as well as to retirees.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. I would like to yield 15 minutes to my friend from California, but I do not have 15 minutes. I am wondering if my friend, the manager of the bill, could spare me 7 minutes out of their time?

Mr. ABRAHAM. Mr. President, let me, if I could, consult in terms of other speakers coming down here.

Mr. REID. In the meantime, I will have her go ahead.

Mr. ABRAHAM. Yes. I have been told we have some other people who have indicated they are coming, and I would like to find out if that is true before I relinquish any other time.

Mr. REID. Mr. President, I yield such time as I have remaining to the Senator from California.

Mrs. FEINSTEIN. I thank the distinguished Senator from Nevada.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I rise in support of the Reid amendment to the majority resolution to provide a balanced budget constitutional amendment.

As everyone in this body knows, the Reid amendment would exclude Social Security trust funds from the balancing requirement of the proposed constitutional amendment. This exclusion is the only matter in which the Reid amendment differs from the majority's balanced budget amendment. I think the amendment addresses a fundamental question to all of us who are in this body: Will we accept the responsibility to bring the Federal budget in balance without placing at risk the funds our constituents depend on for their retirement?

It must be remembered that every American worker pays 6.2 percent of their paycheck, matched by 6.2 percent from the employer, for a total 12.4 percent, which is paid into Social Security for their retirement.

What has happened is that the Social Security trust fund has been incorporated as part of the unified budget. Therefore, those moneys actually go into balancing the budget, and the majority' amendment would freeze this practice into the Constitution for all time—for all time—so that forever Social Security trust funds are used to pay the salary of a clerk or a lawyer or build a highway or buy a battleship or do any number of the myriad of things the Federal Government does through its operating budget. I believe that this is the soft underbelly of this constitutional amendment. This is the Achilles heel. Even if this amendment passes both of these bodies, I do not for a minute believe that three-quarters of the people of each legislature in our 50 States will ratify this amendment.

This morning we had signatures from 890,000 Social Security recipients, urging our opposition to any balanced budget amendment which does not protect Social Security. Those signatures represent just the current recipients today. People like my daughter, who is in her midthirties, is working and providing that money said to me, "Mother, you know that isn't going to be there when I retire. Why don't you just let me have the money now. There are better things I can do with it. I could use it right now."

Social Security is a sacred trust with the public.

If I may, let me make the picture for not enshrining it into the Constitution with this chart.

What this chart does is show the amount of Social Security surplus—that is all of this—that goes into balancing the budget. Up to 2002 it is in the vicinity of $500 billion.

By 2013, it is $2 trillion that is utilized cumulatively to balance the budget. From 2002 to 2019, the amount that Senate Joint Resolution 1 takes from the trust fund to balance the budget is $1.8 trillion.

Now, what happens after the year around 2019 when the surplus begins to fall? When Social Security revenue drops below Social Security outlays to beneficiaries, according to the Congressional Research Service report, that is when this body will have to raise taxes or cut Social Security payments or cut some other Federal programs and find some way to balance the budget.

Under the majority's proposed constitutional amendment, outlays must match revenue in the fiscal year. If Social Security revenue falls, the revenue needs to be made up through higher taxes or we have to cut spending through reduced Social Security payments or spending reductions elsewhere in the budget.

The majority's amendment is unfair because it enshrines in the Constitution, the principle that Social Security receipts and Social Security payments to beneficiaries are at risk. Because, at some point along the way, push is going to come to shove, expenditures are going to exceed outlays, and then there is going to be a problem.

There are some in this body who will say, "Well, that forces us to reform Social Security." That may be and it may not be, I don't know. But it is not the right thing to do.

In 1990, adopting the Hollings amendment, which Senator HOLLINGS has so eloquently described, this body said we are not going to include Social Security as part of the unified budget anymore. The votes were virtually unanimous. Yet, voila, the Federal Government continues to include Social Security as part of the unified budget. I think that is wrong. That is the soft underbelly, that is the Achilles heel. It is just plain wrong.

I support the Reid amendment. The Reid amendment's only difference from the majority resolution is the exclusion of Social Security from the balancing requirement.

In the event that the Reid amendment is not successful, tomorrow morning I will propose another version, along with Senators CLELAND, TORRICELLI, and DURBIN. This amendment would say: All right, we lost in our effort to take Social Security out of the balancing requirement for the very reason that it is too difficult to achieve balance. We all admit that, that there needs to be some time to adjust to the removal of Social Security from the unified budget. So I will propose an amendment which essentially would do the following. It would say that Social Security will be used up to the year 2002. After the year 2002, when balance is achieved, Social Security will be withdrawn from the unified budget and, therefore, $1.8 trillion will be preserved for retirees. The integrity will be saved. It will not be an IOU. It will be saved. Additionally, my amendment would change extending the debt limit from the three-fifths requirement of the majority balanced budget amendment to a constitutional majority of both bodies. It would also provide an exception for an economic emergency, and that way the stabilizers can function, and it would also clarify that the amendment will not prohibit the enactment of a capital budget as well.

So, I believe that, in the year 2002, Congress would have the opportunity to develop a capital budget. At 2 percent of GDP, that capital budget would be around $160 billion a year. We utilize about $140 billion a year now, so it would make some sense and it would fill the gap.

If there is an interest in having a balanced budget amendment, this might be a way of going about it and correcting some of the problems. The Reid amendment, which I have voted for in past years, indicates that the enshrinement of Social Security into the Constitution of the United States is not something that this body is going to do. We are not going to take those trust funds and use them to buy battleships or provide park services or pay the salaries of 96,000 workers at the Department of Justice, or to provide anything else. It will be invested as trust funds, as it should be, separate and discrete and held for the retirement of every person who pays that FICA tax every year.

I yield the remainder of my time.

Mr. President, may I ask to spend a few minutes as in morning business to introduce a matter?

Mr. ABRAHAM. Mr. President, I think we would be in a position, until the hour of 12 noon, to grant that request.

Mr. REID. Mr. President, the manager of the bill for the majority very graciously extended additional time, if Senator FEINSTEIN needed that time. It was not necessary that she use that time. So, if she goes into morning business that will be charged not against either one of us, is that right?

Mr. ABRAHAM. What I propose is that Senator FEINSTEIN have up to 12 noon to finish her statement or add whatever she would like. I believe we will have another speaker or speakers here by then, and I have additional comments to fill the remainder of our time between what would then be 12 and 12:30. As I understand it, we have 30 minutes, approximately, left then?

The PRESIDING OFFICER. At 12 noon the Senator would have 30 minutes, yes.

Mr. REID. I will say, Mr. President, I would not be in debt to the majority for any time, 2:30, 2:40, whatever it is?

The PRESIDING OFFICER. The Senator is correct.

The Chair recognizes the Senator from California.

DENY CERTIFICATION TO MEXICO

Mrs. FEINSTEIN. Mr. President, I rise to read into the RECORD a letter that I have just sent to the President of the United States, urging decertification of Mexico:

DEAR MR. PRESIDENT: I am writing to urge you to deny certification that Mexico has taken sufficient actions to combat international narcotics trafficking when you report to Congress on the anti-narcotics efforts of major drug producing and drug-transit countries. I believe a reasonable examination of the facts leads to no other decision.

Last year at this time, Senator D'Amato and I compiled a list of actions we considered it necessary for the Mexican government to take to beef up their anti-narcotics efforts. This list is attached. Regrettably, I have concluded that there has been insufficient progress, or no progress, on nearly all of the items on this list. Some of these failures are due to inability; others are due to a lack of political will. But all have set back the urgent effort to end the plague of drugs on our streets.

I want to bring to your attention a number of the most significant examples of Mexico's inability and unwillingness to deal with the drug trafficking problem effectively:

Cartels: There has been little or no effective action taken against the major drug cartels. The two most powerful—the Juarez Cartel run by Amado Carillo Fuentes, and the Tijuana Cartel, run by the Arellano Felix brothers—have hardly been touched by Mexican law enforcement. Those who have been arrested, such as Hector Palma, are given light sentences and allowed to continue to conduct business from jail. As DEA Administrator Constantine says, "The Mexicans are now the single most powerful trafficking groups"—worse than the Colombian cartels.

Money Laundering: Last year, the Mexican parliament passed criminal money laundering laws for the first time, but the new laws are incomplete and have not yet been properly implemented. These laws do not require banks to report large and suspicious currency transactions, or threaten the banks with sanctions if they fail to comply. Promises to enact such regulations—which prosecutors need to identify money-launderers—have so far gone unfulfilled. Mexican officials said that such regulations would be developed by January, but they were not produced. To my knowledge, not a single Mexican bank or exchange house has been forced to change its operations.

Law Enforcement: While there have been increases in the amounts of heroin and marijuana seized by Mexican authorities, cocaine seizures remain low. Although slightly higher than last year's figures, the 23.6 metric tons seized in 1996 is barely half of what was seized in 1993. A modest increase in drug-related arrests brought the total to 11,245 in 1996—less than half of the 1992 figure.

Cooperation with U.S. Law Enforcement: Our own drug enforcement agents report that the situation on the border has never been worse. Last month, the Mexican government forbade U.S. agents to carry weapons on the Mexican side of the border, putting their lives in grave danger. Recent news reports indicate that death threats against U.S. narcotics agents on the border have quadrupled in the past three months. Some U.S. agents believe that all their cooperative efforts are undone almost instantly by the corrupt Mexican agents with whom they work.

Extraditions: Despite the fact that the United States has 52 outstanding extradition request on drug-related charges, not a single Mexican national has ever been extradited to the United States on such charges.

Corruption: Mexico's counternarcotics effort is plagued by corruption in the government and the national police. Among the evidence are the eight Mexican prosecutors and law enforcement officials who have been murdered in Tijuana in recent months. There has been considerable hope that the Mexican armed forces would be able to take a more active role in the counternarcotics effort without the taint of corruption. But the revelation that Gen. Jesus Gutierrez Rebollo, Mexico's top counternarcotics official and a 42-year veteran of the armed forces, had accepted bribes from the Carillo Fuentes cartel, casts grave doubts upon that hope.

Recent news reports indicate that U.S. law enforcement officials suspect judges, prosecutors, Transportation Ministry officials, and Naval officers of corruption, and there is persuasive evidence that two Mexican Governors—Manlio Fabio Beltrones Rivera of Sonora and Jorge Carillo Olea—are actively facilitating the work of drug traffickers in their respective states. The National Autonomous University of Mexico estimates that the drug lords spend $500 million each year to bribe Mexican officials at all levels, and many consider that figure to be a gross under-estimation.

Mr. President, I believe the evidence is overwhelming and can lead to no decision other than the decertification of Mexico. It

> would send a strong signal to Mexico and the world that the United States will not tolerate lack of cooperation in the fight against narcotics, even from our close friends and allies. Accordingly, I urge you to establish a clear set of benchmarks by which you will judge if and when to recertify Mexico for counternarcotics cooperation. These benchmarks must include, but not be limited to: effective action to dismantle the major drug cartels and arrest their leaders; full and ongoing implementation of effective money-laundering legislation; compliance with all outstanding extradition requests by the United States; increased interdiction of narcotics and other controlled substances flowing across the border by land and sea routes; improved cooperation with U.S. law enforcement officials, including allowing U.S. agents to resume carrying weapons on the Mexican side of the border; and a comprehensive program to identify, weed out, and prosecute corrupt officials at all levels of the Mexican government, police, and military.
>
> You may feel that U.S. interests in Mexico, economic and otherwise, are too extensive to risk the fall-out that would result from decertification. That is why Congress included a vital national interest waiver provision in Section 490 of the Foreign Assistance Act. But other vital interests are not a valid reason to certify when certification has not been earned. If you feel that our interests warrant it, I urge you to use this waiver. But an honest assessment of Mexico's cooperation on counternarcotics must fall on the side of decertification.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mrs. FEINSTEIN. If I might be allowed 30 seconds to conclude?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I can only say I believe a strong case can be made to the President to decertify Mexico, to provide a list of specific accomplishments that country should meet to waive decertification, and at any time during this next year that they meet that list of requirements, the President has the ability to certify them. I thank the President. I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

AMENDMENT NO. 8

Mr. ABRAHAM. Mr. President, I want to comment briefly on the amendment before us. We are expecting two more speakers for the remainder of our time. What we may do is yield some time to Senator CHAFEE to speak on another topic until those speakers arrive.

I just want to make a final point with respect to the amendment before us, that I do believe, as I have said twice now in speaking on this amendment, that there are still many unanswered questions, ones which at least I would need to hear answers to before I could feel comfortable voting in support of it. I have raised some of these questions already.

How would we address the $706 billion shortfall that this would produce in 2002 to 2007? This $706 billion is more than the total amount of dollars that were involved in the 1993 tax hike and in the budget proposals passed last year by this Congress in terms of reducing the growth of Medicare and discretionary spending. $706 billion is more than all of that put together. No one has come forward and explained where those dollars would come from to effectuate this amendment.

The second issue I have asked questions about is why is it just this trust fund? There are others in the Federal Government. We are told the trust fund should be taken off budget, yet the amendment only addresses one of them. If, in fact, we are debating the definition of a balanced budget, we can't have some trust funds qualifying and some trust funds not qualifying.

In addition, we haven't had any explanation of what happens if Social Security is cut loose in the process through this amendment, and if it were cut loose and runs out of money, what would be the consequences and how would we address such shortfall if it was not part of a unified budget?

There are all of these questions and others before us, Mr. President. As I say, I have listened this morning and have not heard answers to them. There are others I will be raising later in the day. In the absence of those answers, it is clear to me that trying to effectuate this amendment would be a very high-risk proposal, as I said from the outset, with no evidence in the amendment of protecting the benefits of Social Security any more than they are protected if they are part of the unified budget.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I yield up to 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, over the next few days, we have an opportunity that we want to take advantage of to correct the course of years of unrestrained Government spending. Just like a consumer who has too many credit cards, barely keeping his head above water, particularly because he is paying big interest on his balance, so, too, is the Federal Government sinking under an ocean of debt. This deplorable state of affairs will force the Federal Government to make an annual payment of $248 billion this year alone.

We have already tried to instill fiscal discipline through a lot of other measures that we passed in the last 10 years, including spending caps and deficit control mechanisms. They simply are not working efficiently enough to sustain the level of economic growth that we are now experiencing. If we had the deficit under control and interest rates down, we would be creating many, many more jobs than what have been created by this economy. Without the discipline of a constitutional amendment, we will see our interest payments further drag down the economy. By 2007, interest payments on the national debt will increase to $340 billion.

Just imagine, if we were not paying the interest right now, we would have no budget deficit whatsoever. In fact, we would be running a surplus until the year 2004.

When talking about the balanced budget amendment, one of the first things to do is set the record straight on the issue we have been talking about since last night: the issue of Social Security.

Some of my colleagues, well-meaning but wrong, have signaled that they would be willing to support the balanced budget amendment if Social Security was exempt from the amendment. I say wrong. Why? Because exempting Social Security would create more problems for the program. They argue that a balanced budget amendment threatens the viability of Social Security and would harm vulnerable seniors in the process. If that were true, I would not be supporting this resolution. But that is not true, and unless we get the deficit of the Federal Government under control, this Government and our economy will never be strong enough to ever meet the needs of the baby boomers when they go into retirement just 13 years from now.

Proponents of the Reid amendment apparently still believe that by passing Senate Joint Resolution 1, there would be some sudden groundswell of support for cutting Social Security benefits to reduce outlays. They are wrong. Given the popularity and the need of Social Security for our seniors, because it is part of the social fabric of American society, this Congress would not let that happen. Even if this Congress were inclined to let that happen, the American people would not let that happen. That just isn't going to happen.

I am committed to the idea that balancing the budget is not about cutting Social Security. I voted for a resolution last year which promoted that view, but opponents of the amendment are not satisfied by words—I suppose everybody is cynical about words from Members of Congress—but past experience dictates otherwise. Even though we have submitted budget resolutions which achieve balance in the year 2002 without harming Social Security, the opponents of the balanced budget amendment continue to try to derail this amendment by claiming that those of us who have always fought to protect Social Security will turn around and try to harm Social Security. How could that ever happen, when the experience of the last 60 years to protect Social Security has been just the opposite, the experience of this Congress, the track record of this Congress, has been just the opposite?

Our budget proposal does take into account the Social Security surplus, projected to be about $465 billion cumulative by the year 2002. Requiring a consolidated or unified budget in this constitutional amendment is the right thing to do. First, we must set our policy in accordance with the long-term health of this Nation's economy and the people of this country.

By chance, there is a Social Security surplus today. If we had tried to pass a balanced budget amendment like this in the early 1980's, we would not have to worry about this argument because Social Security had no surplus.

If we waited until the year 2029 to balance the budget, we would not be hearing this argument because there would be no surplus in Social Security at that time. It would be bankrupt. Social Security will be running a very real deficit by the year 2029. Whether Social Security is off or on budget, the decisions made about borrowing will have to take this deficit into account, even though it will look as if we are in full compliance with the Constitution. How can we expect the people to have confidence in Government if this kind of ghost accounting continues to go on?

But this message does not seem to be getting through. Listen to comments of the Federal Reserve Chairman Alan Greenspan. His comments seem to be ignored on the issue of the unified budget. At a hearing of the Senate Budget Committee held 3 weeks ago, Chairman Greenspan testified that "for the purposes of fiscal evaluation of the budget of the United States, the unified budget is the appropriate one * * *"

Chairman Greenspan is right—financial markets take into account all Government activity. It is not segmented out into various trust funds as the sponsors of this amendment on Social Security would want us to believe. If we exempt Social Security we will make our job harder. That could have serious ramifications for the economy, and for other programs in the budget. If we are forced to make up the $295 billion lost from the Social Security surplus, we will have to find places to make further, unnecessary reductions.

I see no compelling reason to exempt Social Security. It is beyond dispute that should Congress scrap the unified budget and exempt Social Security, truly draconian cuts in important social programs would be absolutely necessary to balance the budget.

So, in the spirit of truth in budgeting, I challenge the supporters of scrapping the unified budget to identify what programs will be cut and how large those cuts will be. Prior to the 104th Congress, those who supported the balanced budget were repeatedly asked to provide details of how a balanced budget would be achieved. I believe the same standard should apply to those who propose exempting Social Security. Where is the beef in their proposal?

One final reason I do not support exempting Social Security from the resolution is the possibility that the exemption will turn into a magnet for new spending that is not offset with cuts—all with a simple majority vote. This does not seem too farfetched, Mr. President, at a time when President Clinton is proposing to shift home health care spending from one Medicare trust fund to a second trust fund which is largely funded by the general Treasury.

I believe it is clear that the best way to protect Social Security now as well as in the future is to reject ill-advised efforts to exempt Social Security from the balanced budget amendment. In fact, the respected Robert Myers, a former chief actuary of the Social Security Administration who continues to be a strong supporter of the program of Social Security, is a strong supporter, as well, of this balanced budget amendment as it is written.

Mr. Myers recognizes that continued fiscal irresponsibility on the part of the Federal Government is the greatest threat to Social Security, a program that is part of the social fabric of America, protecting America's seniors in retirement. If we continue to run up the deficit, interest payments will continue to rise. When the time comes for Social Security to start cashing in its bonds, possibly as soon as the year 2012, the Federal Government may find it very difficult to find a creditor when the debt we carry exceeds $8 trillion.

We have another opportunity to rid ourselves of this unsustainable spending. I hope that we can, once and for all, keep our promise to balance the budget without hanging the Social Security noose around the necks of those of us supporting the balanced budget amendment. Contrary to the hue and cry that we hear from the other side, the balanced budget amendment is the best way to continue ensuring a good quality of life for seniors while preserving the American dream for all Americans.

Also Mr. President, I want to correct an incorrect characterization of a memorandum by Congress Daily.

The Congress Daily refers to a CRS analysis which supposedly says that the balanced budget amendment will hurt the Government's ability to pay Social Security benefits.

Let me read from the report: "Now, of course, this does not mean that Social Security benefits could not be paid." I don't know how much clearer you can be on this subject. The balanced budget amendment will not prevent Congress from honoring its commitments to seniors.

Better yet, the same CRS researcher who produced the report which some have mischaracterized has produced yet another clarifying memo. Let me quote from that newest report: "We are not concluding that the trust fund surpluses could not be drawn down to pay beneficiaries." That seems perfectly clear to me. Social Security will not be harmed by the balanced budget amendment.

I think that it's unfortunate that those who oppose the balanced budget amendment are using such deceptive arguments and tactics. We are making important decisions for the future of this great Nation. I wish we could have an honest debate about the balanced budget and not resort to trickery.

The Congress Daily article also quotes several of my Democratic colleagues referring to a report from the Center on Budget and Policy Priorities. As everyone knows, this group is a liberal interest group that opposes the balanced budget amendment. That's what they testified to earlier this year before the Judiciary Committee.

So, in conclusion, this page and a half CRS analysis actually reaffirms what the supporters of the balanced budget amendment have always been saying: the balanced budget amendment will not harm Social Security.

Mr. REID. Mr. President, I ask unanimous consent at the hour of 12:30 Senators JOHN CHAFEE be allowed 12 minutes to speak as in morning business and Senator JOHN KERRY be allowed 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, let me thank my colleague from Iowa for the tremendously important statement he has made. I am amazed at what I think many of us would call gimmickry when it comes to the legitimate and responsible debate over the balanced budget amendment to our Constitution. There is not a Senator on this floor who is not committed to upholding the fiscal integrity and the solvency of the Social Security system of our country. Many of us have voted to do that time and time again, and those votes have produced, in fact, a strong, stable, and secure system to ensure supplemental income for the senior community of our country. But that does not deny us the responsibility of being fiscally responsible.

The amendment of my colleague from Nevada, while I believe he is sincere, is frustrating to me and at times angry, that it appears at this moment, by press conferences recently held, that there is an effort to game this issue, much like the administration attempted to game Medicare in the last election, when this Congress was legitimately and responsibly involved in trying to save and secure our Medicare system, a system that provides a critical need for the senior community of our country.

There is absolutely nothing, in my opinion, in the years I have studied the balanced budget amendment to our Constitution, and I find myself reasonably knowledgeable as it relates to the budget itself, that you should separate any portion of the budget from its responsibility of being balanced under a unified budget.

The week before last, prior to the recess, we saw many of our colleagues on the other side of this issue rush to the floor, claiming that the Congressional Research Service memo confirmed their argument and confirmed their logic that somehow Social Security had to be removed from this amendment, or this proposed amendment. The Congressional Research Service came back with these words: "We have been and are being misrepresented in what we believe to be our findings of the facts and our interpretation."

If this is so, then there is reason to be frustrated and there is reason to be a little angry that some would game the system, actually attempting, in my opinion, to distort what is, in fact, the representation of the Congressional Research Service. While I at times have taken legitimate criticism directed toward the Congressional Research Service, I have not tried to say what they said is not what they said that somebody else said. That, of course, is part of the argument that some are using now with the issue of Social Security.

Oh, it is a way out and it is a way to hide. It is a way to hide from the legitimate vote, up or down, on a constitutional amendment for a balanced budget. Why should you be frightened of it? If you are not for a balanced budget amendment to our Constitution, vote no. If you really do not believe in it, vote no.

If you believe in deficit spending, vote no. But don't try the gimmickry that we have seen. I will repeat the use of that word. We have seen a multitude of amendments come to the floor, and if each one of them had been attached to the constitutional amendment, three-quarters of the Federal budget would be off-budget again, outside of a balanced budget amendment, and able to run free and in deficit for any length of time the Congress so chose. I don't believe that is the intent of the Congress itself.

I do believe we are listening to the American people at this moment. And, again, the President eloquently, and I believe 12 or 13 times, in his State of the Union Address, said he was sending up a balanced budget. We all, quietly, appropriately, and respectfully, waited for his budget to come to the Hill. We got it, but I must say that it is not in balance. It is a $120 billion deficit across the board. Yet, he calls that balanced.

Mr. President, get a new set of glasses. I know you are getting to be middle-aged. You better get bifocals because the fine print says that isn't what you are saying. Of course, after he leaves office, then the tough cuts are made to argue his point of a balanced budget, or the tax relief he has proposed would simply be taken away.

Social Security deserves to be a legitimate and responsible part of the total budget. This job I hold, to which I have sworn an oath of office, also makes me a member of the board of directors of the Social Security system, in essence. The Senator from Nevada and I are dedicated to the long-term stability of the Social Security system. Taking it off budget, allowing it to run deficits, disallowing its responsible and reasonable management through the budget process, does not make a lot of sense. I don't argue separate accounting, I don't argue the legitimate approach that shows or demonstrates to the Social Security recipients what is legitimately his or hers. That is all right and responsible, and we can agree on that. But I suggest that the amendment before us is subterfuge, that it does not resolve the problem.

Social Security officials have continually said, "How do you save Social Security?" You balance the budget. A bankrupt Government is not going to write a check to anybody in any way. It is a Government who is fiscally responsible, a Government whose budgets are balanced, that can write Social Security checks. It is not independent of any portion of the Federal Government, and it must be taken in the whole of the context of that Government.

I am disappointed to have to address what are blatant scare tactics that some groups are using on the balanced budget amendment and Social Security.

Recently, we were hit with a press item that claimed the Congressional Research Service had issued a memo confirming a so-called study by an outside advocacy group—the Center on Budget and Policy Priorities—concerning Social Security and the balanced budget amendment.

This group has always opposed the balanced budget amendment and consistently opposed reducing the deficit with meaningful domestic spending restraint.

I say I am disappointed, but I am also angry. I hate to say it, but what CRS actually said has been misrepresented. I have not read everyone's press releases, so I simply assume it was that outside group that was overreaching.

CRS did not endorse any study or paper by the Center on Budget and Policy Priorities. CRS did not reach the same conclusion that the balanced budget amendment would in any way impair drawing down the Social Security trust fund surpluses to pay promised benefits when the time came.

We've all heard the term "G–I–G–O—garbage in, garbage out." CRS apparently was handed a narrowly written request. They responded, appropriately, with a technically precise memo on February 5. Others released that memo to the press on February 12.

Part of what CFR said was misrepresented and part was left out.

The CRS memo was about accounting. It was about what would and would not be included in the calculations of a budget deficit, surplus, or balance under Senate Joint Resolution 1, the balanced budget amendment to the Constitution.

But the spin from opponents of the balanced budget amendment was that the amendment might cause some Social Security checks to be held up.

The two things have absolutely nothing to do with each other. But the original CRS memo was written in technical language. That made it easy for someone to fabricate a scare story about what it meant.

On February 12, CRS issued a clarifying memo, also technically precise. They told my staff that, clearly, there was what they charitably called "a misunderstanding."

First of all, let's be clear: The first CRS memo talks about the year 2019 and after. Curiously, I have not seen much about that date, 22 years from now, in press reports. We might be tempted to think the intent was to scare today's senior citizens about their Social Security.

Now, what happens in the year 2019? Social Security outlays are projected to start exceeding receipts. Under the balanced budget amendment, the rest of the Government would have to run a surplus to make sure the overall budget is balanced.

That is good—it means that, in the long run, assuming for the moment no other reforms are made in the meantime, the balanced budget amendment would make sure we do not abandon our commitment to Social Security beneficiaries.

The real balanced budget amendment, Senate Joint Resolution 1, requires us to make sure that a non-Social Security surplus covers any Social Security deficit in the future. That is good for seniors, good for Social Security, and good for the economy.

So, it all sounds like scare tactics to me. When you are losing on substance, terrorize the senior citizens.

Let us look at what CRS really said: In its original February 5 memo, CRS said, "(T)his does not mean that Social Security benefits could not be paid, if the rest of receipts into the Treasury for a particular year exceed outlays, this amount could be used to offset the Social Security deficit."

Well, this is exactly what our balanced budget amendment requires—that those other, non-Social Security accounts run a surplus. That would protect seniors.

The February 5, CRS memo continues, "And of course, tax or expenditure provisions, or both, could be altered to create a new balance." Well, that's exactly what the President's Advisory Council, and the minority leader, and others have talked about.

Those are the parts of the original CRS memo that get left out when balanced budget amendment opponents quote that memo.

Now, let us look at the February 12, CRS memo:

> We are not (CRS emphasizes "not") concluding that the Trust Funds surpluses could not be drawn down to pay beneficiaries. The BBA would not require that result. . . .
>
> Only if no other receipts in any particular year could be found would the possibility of a limitation on drawing down the Trust Funds arise.

In other words, if the Federal Government was otherwise totally broke would this possibility arise.

And of course, we know the way to prevent the Government from going totally broke: Pass the balanced budget amendment.

It has been said here on the floor that CRS did not change its original position. That is right. Its original position has been misunderstood and misrepresented.

I see my colleague from Texas has arrived, and I believe he has the time until 12:30 under a unanimous-consent request. My guess is if his comments extend beyond that, he can find the cooperation of some of our colleagues here on the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. How much time do I have left?

The PRESIDING OFFICER. The Senator has 6 minutes, 10 seconds.

Mr. GRAMM. Mr. President, I want to make a very, very simple point, and I think I can do it in 6 minutes. If not, I will come back this afternoon. First of all, everybody knows what is happening to the national debt. It is exploding under both Democrats and Republicans. Nobody tries to argue otherwise. They suggest that we wait until another day to deal with it. But nobody can refute the fact that debt is going up.

Now, the second thing that we have seen throughout this whole debate is that we have had an effort by our Democratic colleagues to exempt the budget from the balanced budget requirement. In fact, if you add up every amendment that has been offered by our Democratic colleagues to the balanced budget amendment to the Constitution, they have now proposed, in terms of amendments offered and submitted on the floor and dealt with in committee, to exempt Social Security, college education, veterans, education, nutrition, health, housing, justice, capital projects, and emergencies, which is 77 percent of the domestic budget, if we are going to require a balanced budget.

I want to talk about the exemption that is before the Senate now. That is exempting Social Security. Now, it is interesting that our colleagues say that if you want to protect Social Security, don't balance the budget. Well, let me first note that it is interesting because in committee, the Democrats propose that we count the Social Security surplus for the next 5 years and, then, thereafter, we exempt Social Security from the budget.

Now, I have a chart here that shows what is happening to Social Security. What it shows, very briefly, is that for the next 20 years, it has a modest surplus, and then when baby boomers turn 65 and retire, it falls off the end of the Earth.

Now, it is interesting to note that our Democratic colleagues say, while you have this surplus, let's count that for 5 years to try to balance the budget, but don't count any of this deficit. I ask you, how can you balance the budget and not count the largest program of the Federal budget, which is Social Security? How can it be anything but a fraud to talk about balancing the budget and exempt the largest program in the budget? But there is a more important point I want to make, and that point has to do with the ability to fund Social Security.

If you get to the heart of this amendment, what our Democratic colleagues are saying is, if you don't balance the budget, you are in a stronger position to fund Social Security. Let me look at this very briefly. We last balanced the budget in 1969—28 years ago. The last day we had a balanced budget, the Federal debt was $366 billion. Today, the debt is $5.2 trillion, which is the gross level of Federal debt. We cheat a little sometimes by talking about debt held externally as if we don't have a debt to the Social Security trust fund.

What has happened since the last day we had a balanced budget is the Federal debt has risen by $4.8 trillion. Since the last day we had a balanced budget, we have indebted every child in America to a debt, at birth, of $20,000. Every baby born in America, every day since 1969, is $20,000 more in debt than they were the last day we balanced the Federal budget. The interest on the debt that we have incurred since 1969 is $320 billion a year, to date. The interest we are paying on the debt we have incurred since the last day we balanced the Federal budget is $320 billion a year.

The Social Security benefits to the elderly are only $304 billion a year. So, by the deficits we have run every day since 1969, we have piled up an interest payment, per year, that is bigger than what we are spending on Social Security benefits for the retired every year.

Now, does anybody believe that, by incurring $4.8 trillion of debt since the last day we balanced the budget, Social Security is more secure today than it was in 1969? Does anybody believe that, because we are paying $320 billion of interest on the debt that we have incurred since the last day we balanced the budget, Social Security is more secure because we are piling up this debt? A baby born in America, if spending continues at the current rate, will, in their working lifetime, if they are born today, pay $187,000 of income taxes in their working lifetime just to pay interest on the public debt. Are they going to be in a better position to provide Social Security benefits for their parents by paying $187,000 in their lifetime on interest? Would they be in a stronger position to provide Social Security if they weren't paying that interest? I think the answer is, clearly, yes.

To end with a simple analogy with what our Democratic colleagues are saying, which could be converted into advice to a family, say that you have a family and they have one child 3 years old. They have one 2 years old. They have one which is 1 year old. They have three children. Our Democratic colleagues are giving them advice about funding the college education of their children. Our Democratic colleagues say, "Look. Don't balance your budget. If you balance your budget, you may not be able to send your children to college." Does anybody believe, if for the next 17 years they run up big debts, that they are going to be in a better position to send those children to college than they would be if they were saving the money now to do it? If you care about your momma, if you care about Social Security, and if you want to balance the Federal budget to stop this debt and this interest from eating up every penny you earn, only then can Social Security be saved. That is why this amendment, if adopted, would be a nail in the coffin of Social Security. If you want to save Social Security, stop the growth in the debt. Stop the growth in interest payments.

I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that all amendments in order to the pending balanced budget constitutional amendment be limited to the following, and that they be first-degree amendments:

Senator BUMPERS' amendment with regard to statutory alternative;

Senator BOXER'S amendment with regard to disaster exemption;

Two relevant amendments for Senator BYRD;

Senator CONRAD, a substitute;

Senator DASCHLE, relevant;

Senator DORGAN substitute, and sense of the Senate;

Senator DURBIN, tax cuts and shutdowns; two different amendments;

Senator FEINGOLD, one amendment on ratification time period, one with regard to surplus, one with regard to enforcement, and one relevant;

Senator FEINSTEIN, substitute;

Senator GRAHAM, public debt;

Senator HOLLINGS, one on campaign finance and one relevant;

Senator KENNEDY, one on judicial review and one on impoundment;

Senator KOHL, capital budget;

Senator LAUTENBERG, implementation language, and one relevant;

Senator LEAHY, debt limit, and one identified as relevant;

Senator LEVIN, implementing legislation;

Senator MOYNIHAN, debt limit;

Senator REID, Social Security;

Senator ROCKEFELLER, Medicare;

Senator TORRICELLI, capital budget;

Senator WELLSTONE, proportionality, children, and sense of the Senate, all identified as one amendment;

Senator LOTT, two relevant amendments;

Senator HATCH, two relevant amendments; and

Senator KEMPTHORNE, Social Security, sense of the Senate.

I further ask that all amendments must be offered no later than 5 p.m. on Wednesday, February 26, and that any amendment not offered by 5 p.m. no longer be in order to the balanced budget constitutional amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, let me say first of all that I appreciate the cooperation of all Senators. This does not mean necessarily that every one of these amendments are going to be offered. In fact, I hope to the contrary that they will not.

I would also like to add, if I could, a clause that no motion to recommit be in order to the unanimous-consent request, if that would be in keeping with the majority leader's intent.

Mr. LOTT. That would not be my intent. I did intend to reserve the right to have that motion to recommit.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, based upon the conversations I have had with the majority leader, I have no objection to the unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank the Democratic leader for that cooperation. We will continue to have discussions and deal honestly and fairly with each other. This is a long list. But as he suggests, I hope they will not all be offered and that we can begin then to identify a time for those amendments to be considered in a regular order and move toward completing action on this debate on this amendment by next Tuesday.

In that regard, Mr. President, for the information of all Senators, having had several discussions with the Democratic leader as to how to bring to a close this important constitutional amendment, it appears that it is the first step toward reaching final passage time by having this list offered now, which I hope would be in the late afternoon of Tuesday, March 4.

All Senators who intend to offer amendments to this constitutional amendment must be included in the list just submitted. Also, the Senator on the list must then offer his or her amendment for consideration prior to 5 p.m. on Wednesday. Following the 5 p.m. deadline on Wednesday, the managers will then be able to determine how much work remains leading up to the final passage vote.

We will be able to identify the amount of time and get some time agreements on the amendments that will be offered. And, of course, we will have adequate closing time for leaders. We should be able to come up with some time late Tuesday afternoon. But we will work through that, and we will keep the Senators informed as to how that will work through.

At this point, until we see these amendments that are offered, we still can't say exactly what will be the situation on Friday or on Monday. It is anticipated that we will, as we have been doing, have a vote or votes on Monday afternoon. But we will work through that very carefully and will keep the Senators informed once we get the list and get some time agreements entered into.

So I thank all of my colleagues for their cooperation. I think we are making some progress by obtaining this list.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 12 minutes.

Mr. CHAFEE. Mr. President, I thank the Chair.

APPROVING THE PRESIDENTIAL FINDING REGARDING THE POPULATION PLANNING PROGRAM

Mr. CHAFEE. Mr. President, I am pleased to speak in favor of the resolution which will be before the Senate which would provide for early release of critical international population funds.

Mr. President, I am deeply distressed by the erosion in the U.S. commitment to international family planning programs. Despite the fact that the United States played a lead role in the U.N. Population Conference in Cairo in 1994, and, indeed, we convinced other nations to increase their contributions to international family planning efforts, in the United States in the past year family planning funds were cut below 35 percent below the previous year, and then additional restrictions were added to that.

So the net effect was the budget, which previously was $547 billion, has now shrunk to $72 billion this year. These cuts are devastating families around the world.

According to a recent report released by the Rockefeller Foundation, in 1 year 7 million couples in developing countries will lose access to modern contraceptives, resulting in 4 million unplanned pregnancies. But here is the important part, Mr. President. As a result of lack of family planning and information in these countries around the world, 1.6 million of those unwanted pregnancies will end in abortion. That is the last thing we want.

Tragically, the international family planning program which we are going to vote on at 2:30 has become bogged down over the debate about abortion. I am perplexed about this, Mr. President. Why should those who oppose family planning also oppose abortion? Or, to put it the other way around, why should those who oppose abortion oppose family planning? Study after study has shown that lack of family planning leads to more unintended pregnancies, which leads to more abortions. If we want to end abortions, reduce the number of abortions, it is clear that we should have greater family planning than we currently have.

Let me illustrate this with an example in two countries. Russia. Russia has very little contraception available and abortion is the primary method of birth control. The average Russian woman has at least four abortions in her lifetime. I am absolutely shocked by that.

Now let us look at Hungary. Hungary has made family planning services widely available and the abortion rate in that country has dropped dramatically.

The impact these programs, that is, our family planning programs, have on the health and well-being of women and children around the world just cannot be denied. But there is another issue here that should not be overlooked, and that is the important role that population programs play in improving global environment or sustaining the environment of this globe which we are all traveling along on.

Listen to these statistics. The Earth now supports 5.7 billion human beings.

In 30 years, it is estimated that the world population will grow from 5.7 billion to 8.3 billion, a 46-percent growth in 30 years—a 46-percent growth in the population of this world. We are growing by 86 million people a year; 90 percent of this increase will be in the so-called developing world.

India, let us take India as an example. India has to feed an additional 16 million people a year, and so many of these additional people that we have in the world are children. And 40 percent of the population of the average less developed nation is under the age of 15.

To say that this population explosion has put pressure on our natural resources is, of course, a terrific understatement. Over the past 50 years, the Earth is estimated to have lost one-fifth of its topsoil and one-fifth of its tropical rain forests, plus tens of thousands of plant and animal species so important to biodiversity. Overfishing in our oceans combined with pollution has resulted in the plundering of two-thirds of the fisheries of the world. Fifty years ago we had these fisheries. Two-thirds of them are now gone.

Let us just take a look at Bangladesh. There are 120 million people in Bangladesh, crammed into a country the size of Wisconsin, and that number is expected to rise in this little country the size of Wisconsin, rise from the current 120 million people to 200 million in the next 30 years—200 million people in a country the size of Wisconsin. Overpopulation in that country of Bangladesh and upstream in the Himalayas has led to severe deforestation. The poor people there have cut down every tree in sight. They have used them for firewood. They have used them for building materials. They have tried to clear for farmland. With no trees to hold the topsoil in place, it simply washes away. Overcrowding has forced thousands of people in Bangladesh to settle on land that is nothing more than washed away topsoil deposits from the Ganges and Bramaputra Rivers. That sorry land of Bangladesh is horribly vulnerable to flooding and storm surges. One flood, in 1988, inundated three-quarters of the country, killing tens of thousands of people.

Now, what can we do about all of this? First, we must focus on education in the developing nations, particularly female literacy. The statistics show absolutely that if we teach young women to read, everything else follows: Greater marriage, greater use of contraception, fewer and healthier children, better maternal health and a smaller likelihood of living in poverty. That is the first thing. Educate these folks, particularly the young women.

Second, the developed nations should do everything they can to influence population growth because that leads to better maternal and child health. Poor health keeps a nation poor and undeveloped. Ironically, poor health even contributes to overpopulation. If parents can be certain that their children will survive, they will invest more in them emotionally and materially and feel less pressure to have additional children.

So that is the second thing. Do everything we can to improve maternal and child health.

Third, and most relevant to the matter before us today, the Cairo Conference stressed the importance of redoubling our efforts to increase access to family planning. In the 28 countries that have received the largest amount of family planning funds, the average family size has decreased 40 percent over the past 30 years—a 40 percent decrease in the average population size because of the family planning funds that have been distributed in those nations.

Mr. President, the United States plays a critical role in providing family planning services abroad. I feel strongly we should continue our leadership role in this area. It is both humane and environmentally sound. I urge my colleagues to support the early release of these family planning funds. In other words, vote for the release of these funds, which we will do shortly after the noon break.

Mr. President, I also hope that we can in future years increase the funding for these critical programs in our appropriations measures.

I thank the Chair.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

AMENDMENT NO. 9

(Purpose: To add a provision proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections)

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Senator from Massachusetts yielding just momentarily. According to the unanimous-consent agreement, I would just call up the amendment at the desk on behalf of myself and Senator BRYAN and ask that the clerk report and then have the amendment set aside.

The PRESIDING OFFICER. If there is no objection, the resolution is set aside. The clerk will report.

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. SPECTER, and Mr. BRYAN, proposes an amendment No. 9.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, beginning on line 3, strike "That the" and all that follows through page 2, line 5, and insert the following: "That the following articles are proposed as amendments to the Constitution, either or both of which articles shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission for ratification:".

On page 3, after line 16, add the following:

"ARTICLE—

"SECTION 1. Congress shall have power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, Federal office.

"SECTION 2. A State shall have power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, State or local office.

"SECTION 3. Congress shall have power to implement and enforce this article by appropriate legislation.".

Mr. HOLLINGS. This is the amendment on the Constitution with respect to campaign finance that was just listed by the majority leader. I thank the distinguished Chair, and I thank the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. If there is no objection, the Hollings amendment is now set aside.

APPROVING THE PRESIDENTIAL FINDING REGARDING THE POPULATION PLANNING PROGRAM

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is now recognized.

Mr. KERRY. I thank the Chair.

Mr. President, as my colleague from Rhode Island has mentioned, this afternoon, when we come out of the caucuses, we will vote on the vitally important issue of the release of funding for international population programs.

I strongly support the President's finding which states that the funding restriction placed on the previously appropriated population funds "is having a negative impact on the proper functioning of the population planning program." I strongly agree with that finding. The delayed funding, combined with the massive cuts are not only doing significant damage to international family planning programs, but quite literally is threatening the lives of thousands of women and children worldwide.

I hope no one here will underestimate the importance of this vote. It is about values—the values we place on the importance of women's health, child survival, and population assistance. The vote is not about increasing or decreasing funds. The damage of large funding cuts unfortunately already has occurred. We will vote now simply on whether we will release previously appropriated funds for population assistance 5 months late into the fiscal year, or 9 months late into the fiscal year. Let me remind my colleagues that these delays have been going on now for a year and a half, and the cumulative effect is extremely enormously negative.

These programs are on the brink of bankruptcy and are close to shutting down because they have already sustained a 35-percent cut since 1995. In dollar figures, this means a cut from $547 million in 1995 to $385 million in 1997, compounded by a year and a half of unprecedented delays in metering out that which has been appropriated at the trickling rate of 8 percent per month.

This should not be a partisan issue. The health and survival of women and children and efforts to reduce infant mortality are not, or should not be, partisan issues. I joined then-Senator Alan Simpson in representing the United States at the 1994 International Conference on Population and Development in Cairo, where the United States was a major leader in galvanizing the international community to action. U.S. leadership was based on bipartisan values about international family planning. The conference brought together people from around the world—of all religious, nationality, and ethnic groups—working together toward responsible methods of family planning, and education, and to establish a platform from which to build toward the availability of these crucial social services in all corners of the globe. However, since the conference in Cairo, some Members of the United States Congress have made it their mission to erode the bipartisan base from which the U.S. pledged to lead by slashing funds and delaying the release of those funds. I think this is punitive, it is indefensible, and it is wrong.

Today we have the opportunity to right at least a small part of this wrong by releasing the previously appropriated funds for population assistance March 1 instead of July 1. In my judgement it is a matter of fundamental responsibility that we approve the Presidential finding that confirms the harm these delays are causing families worldwide, and prevent further delay is making the funds available.

Mr. President, if we do not do this, it means shutting the door to thousands of women and families worldwide who have asked for the opportunity to simply, take control of their lives and their health, and responsibly plan their families. We have succeeded in the difficult task of raising public awareness of the benefits of family planning. As one program coordinator in Nigeria said, "It is one thing to raise public awareness but if there is no access to birth control for poor women, what use is awareness?" We cannot turn our backs now. We must follow through. Let me stress: This vote is not about abortion, as some Senators have tried to argue. Opponents of family planning programs mistakenly believe that funds for these programs enable women to have abortions. That is erroneous emotionalism, Mr. President. We should look at the facts. The fact is that, by law, no U.S. assistance can be used to pay for abortions anywhere in the world. The irony is that the anti-abortion advocates who oppose these programs are actually increasing the incidence of abortions they decry by denying women the means to responsibly space their children. As our former colleague, Senator Mark Hatfield, a well respected prolife leader in support for population funding, articulated in a letter to Representative CHRIS SMITH, * * * "you are contributing to an increase of abortions worldwide because of the funding restrictions on which you insisted * * *. It is a proven fact that when contraceptive services are not available to women throughout the world, abortion rates increase."

I ask my colleagues, whether you are in favor of abortion or not, to approve the Presidential finding and the earlier release of family planning funds. This is assuredly a vote for women's health, because it will determine whether we give or deny women in impoverished countries a critical ingredient they need to lead healthy lives and raise healthy children.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until the hour of 10 minutes past 2.

Thereupon, at 12:54 p.m., the Senate recessed until 2:10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

APPROVING THE PRESIDENTIAL FINDING REGARDING THE POPULATION PLANNING PROGRAM

The PRESIDING OFFICER. Under the previous order, the hour of 2:10 having arrived, the Senate will now resume consideration of House Joint Resolution 36, which the clerk will report.

The bill clerk read as follows:

> A joint resolution (H.J. Res. 36) approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. There will now be 5 minutes for debate equally divided in the usual form with the vote on the joint resolution to occur at 2:15.

Mr. McCONNELL. Mr. President, very briefly, I urge my colleagues to vote against the President's request for early release of population funds. Significant concessions have already been made by those of us who support the pro-life position. We agreed to raise the overall level of funding from $356 million in 1996 to $385 million, and the disbursal rate from 6 percent to 8 percent a month. Now the President wants to move up the date when disbursal begins. This would make $123 million more available for organizations that either support or lobby for the legalization of abortion.

The administration claims that 17 projects will be forced to close down if we delay funding until July. Yet, virtually every one of these programs could be funded because they are willing to abide by Mexico City conditions not to support abortion or lobby to legalize it. To protect a few groups who support abortion, the administration is withholding support from many organizations willing to provide family planning services consistent with the Mexico City guidelines. They complain about a lack of funds, yet are willing to forgo an increase if it is linked to Mexico City.

I support family planning, but I cannot and will not vote to provide funds to organizations which, in the name of family planning, take the lives of innocent unborn children. I hope the resolution will be opposed.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we should understand what we are voting on. We are about to vote on a resolution to decide when, not whether we release funds, but when.

Somebody said yesterday that this vote is about an additional $123 million for groups that fund abortion. That is absolutely false. We have appropriated this money. There is no additional money. In fact, we are voting to spend and release $160 million less than we appropriated 2 years ago. So whether or not this resolution passes this afternoon, the funds are going to be spent anyway. It is just a question of when.

We should also understand that U.S. law, which all of us have supported, says that none of this money can be used to pay for abortions anywhere, and very careful audits have been made of this money, and nobody has shown that a cent of it has ever been used to promote abortion.

Some say we will have another population funding vote maybe later this week. That is not going to happen. This is the only vote on family planning. Do we vote to release the money now, that is March 1, or July 1? That is all it is. But if we delay, we are using the ultimate arrogance. We are saying we know better than you; you cannot have family planning money.

Let me tell you what happens when we spend it. In Russia, abortion was routinely used as a method for family planning. In the 4 years since we started family planning programs there, just by increasing the number of contraceptives by 5 percent, the number of abortions fell 800,000. So when we put family planning money into Russia, abortions came down by 800,000. When we withhold family planning money, abortions then go up. We ought to ask ourselves about that.

The Senator from Maine, Senator SNOWE, spoke so eloquently on this. Senator GORDON SMITH, who is very much a right-to-life Senator, spoke of his opposition to abortion but of his support of family planning.

We should listen to what is really here. We are just saying, let us stop abortions by voting for family planning.

Mr. DASCHLE. Mr. President, today the Senate will consider House Joint Resolution 36, the administration's request to begin releasing voluntary fiscal year 1997 international family planning funds on March 1 rather than July 1 this year. This resolution simply reduces the delay in the funds' release from 9 months to 5 since the fiscal year began October 1, 1996. Although some want to characterize this as an abortion vote, it simply is not. The funds to be released could be used only for voluntary family planning—not for abortion. In fact, today's vote is about whether the Senate will help prevent unintended pregnancies in the first place.

Furthermore, the resolution the Senate is considering does not call for any additional funding for international family planning. Whether these funds are released in March or July, the entire amount of funding appropriated for international family planning in fiscal year 1997 will ultimately be spent.

Passage of this resolution merits the support of all Members of Congress who wish to see improvements in the quality of life for women and families around the world. U.S. contributions to international family planning programs have improved the lives of women in developing countries immeasurably. The ability to plan the size of one's family is essential if women and children are to live longer and healthier lives, and if women are to make the educational and economic gains they and we wish to see.

A majority of our colleagues in the House of Representatives endorsed the President's plan to release funds for voluntary family planning when it passed House Joint Resolution 36 on February 13. Now the Senate must decide. The fiscal year 1997 Foreign Operations Appropriations bill, which Congress passed as part of the Omnibus Appropriations bill last year, includes a provision that prohibits the U.S. Agency for International Development [USAID] from obligating funds for international family planning until July 1, 1997. The provision also states that if the President determines the delay is having a negative impact on USAID's population program, funds may be made available beginning March 1, 1997, if Congress approves the finding.

On January 31, the President certified that the restrictions imposed by Congress are, in fact, having a negative impact on USAID's population planning program. The President argues that family planning service delivery and their supporting activities would be disrupted, costs at all levels for the program would increase, and, most importantly, the health and well-being of women, men, and children who are beneficiaries of U.S. assistance would be severely threatened. As a consequence, increases in unintended pregnancies, infants and maternal deaths and abortions would be inevitable.

The President also suggests that at least 17 bilateral and worldwide programs will have urgent funding needs in the March-June period. By delaying the release of U.S. funds until July these organizations would be forced to suspend, defer, or terminate family planning activities. One program that would be adversely impacted by the delay is the Institute for Reproductive Health at Georgetown University. The institute does research on natural family planning and provides couples with access to family planning methods. In a letter to Congressman DAVID BONIOR earlier this month, the president of Georgetown University, Father Leo J. O'Donovan, stated that if funding for international family planning is delayed until July, the institute would be forced to terminate work that provides services to more than one million families throughout the world.

Delaying U.S. contributions to international family planning programs will also inhibit the progress that many countries have made toward reducing abortions. The Russian Department of Health reports that the use of contraceptives grew from 19 to 24 percent between 1990 and 1994 with the establishment of 50 International Planned Parenthood Federation affiliates across Russia. During that time period, the number of abortions performed dropped from 3.6 million to 2.8 million. According to the administration, if funding for international family planning is delayed until July, two of the largest organizations that receive USAID funds in Russia would be unable to provide 1.7 million couples with access to modern family planning methods as an alternative to abortion.

In Bolivia, USAID provides funding for both government and non-governmental organizations. Since the delivery of family planning services was expanded in the country between 1989 and 1994, the use of family planning in Bolivia increased by 50 percent. The administration argues that if funds for international family planning are delayed until July, USAID would be forced to defer ongoing population assistance in that country. This would jeopardize services for 20 percent of Bolivia's population and reduce support to local organizations providing family planning services to an additional 30 percent of Bolivia's rural population.

Many other developing countries experiencing rapid population growth would face similar setbacks if U.S. contributions were delayed. USAID currently assists more than 60 countries through 95 bilateral and worldwide programs. For more than 30 years, this organization has had a remarkable impact on the daily lives of people around the world. It has helped millions of families determine the number and spacing of their children through voluntary family planning programs. It has reduced high-risk pregnancies and helped save the lives of hundreds of thousands of women. And, again, it has reduced the number of unintended pregnancies and abortions.

USAID has also made a significant contribution to slowing down the world population growth. Due in large part to U.S. leadership and bipartisan support for USAID, global population is now growing at a slower rate. Nonetheless, the world's population could double to over 11 billion by the year 2050 unless further progress is made. Delaying U.S. contributions to family planning an additional 4 months will only exacerbate the numerous social and environmental problems associated with rapid population growth. We simply cannot afford to delay U.S. contributions to family planning programs any longer.

The President has determined that a continued delay in funding for international family planning will cause serious, irreversible and avoidable harm. Just as our colleagues in the House of Representatives did, it is time for the Senate to lend its support to the President's request. I urge my colleagues to support House Joint Resolution 36 and permit the President to begin releasing funds for international family planning on March 1.

Mr. McCAIN. Mr. President, I recognize the important contribution that voluntary family planning programs can make to the effectiveness of U.S. foreign aid programs. Clearly, high rates of population growth are an immense barrier to economic and social change in developing countries.

I also recognize that increased access to population planning programs can help reduce the number of abortions, as I understand has been happening in Russia, for example.

However, we must also recognize why the Congress imposed the funding limitations contained in the fiscal year 1997 foreign operations appropriations bill. It was because of a serious difference of views, within the Congress and between the Congress and the administration, over whether U.S. population planning funds should go to organizations that also provide abortion services.

Like many of my colleagues, I have long supported the Mexico City policy of the Reagan and Bush administrations, which restricted funds for any non-governmental organizations that were involved in any way in abortion activities. Although there is a broad consensus that no U.S. aid funds should be used to fund abortions themselves, it is intellectually dishonest to ignore the fact that dollars are fungible.

Providing funds to an organization for purposes other than abortions can free up funds from other sources that can then be used for abortions. That organization can say, with a straight face, that the U.S. funds did not pay for the abortions, but the practical effect is the same, which is contrary to the intent of the law and the desires of the American people.

I have no desire to hold up the release of funds for population planning programs. And if the administration agrees to return to the Mexico City policy, there will be no future delays in the release of such funds. Funding for population programs may even increase. But if we vote to release the fiscal year 1997 funds early, it will be viewed by the administration as an endorsement of its current policy regarding funding for organizations that provide abortion services.

For this reason, I will vote against the early release of the funds.

Ms. MIKULSKI. Mr. President, I support the release of funds for international family planning. This program is essential to enabling the world's poorest women to improve their lives—and the lives of their families.

Over the past 2 years, Congress has drastically cut funds for international family planning—and has put barriers in the way of implementing the program. We have tied our international family planning program in knots—and are denying health care to the world's poorest women.

Today we will vote to right part of this wrong. We are not voting to increase international family planning. We are simply voting to release the funds—so that our family planning program will no longer be held hostage.

What do the cuts and delays in funding mean for poor women? The Alan Guttmacher Institute estimates that it means that 7 million couples in developing countries will no longer have access to contraceptives. There could be almost 2 million unplanned births. And there could be up to 1.6 million additional abortions.

When we deny a woman the right to choose whether or not to have children, we deny her the right to control and improve her life. We deny her the right to help herself and her family.

Those who oppose international family planning assistance claim to want to reduce the number of abortions. But the effect of our policies is just the opposite. Family planning prevents unwanted pregnancies and abortions. You would think this basic fact would not need to be restated on the floor of the U.S. Senate.

America's international family planning funds are not spent on abortion. So now, some insist on going after basic health care services that prevent pregnancy.

Over 100 million women throughout the world cannot obtain family planning because they are poor, uneducated, or lack access to health care. Twenty million of these women will seek unsafe abortions. Some women will die, some will be disabled. We could prevent some of this needless suffering.

This issue won't go away. I will join my colleagues on both sides of the aisle in fighting against the irrational and cruel effort to end U.S. assistance for international family planning. We will continue the fight to enable the world's poorest women to control and improve their lives.

Mr. HAGEL. Mr. President, I would like to join with so many of my colleagues in opposing this resolution requested by President Clinton. There are several reasons why I believe it would be wrong for the Congress to accelerate funding for international population control programs. It is the wrong thing to do fiscally, and it is the wrong thing to do on its own merits.

For the past 3 weeks, the U.S. Senate has been debating the need for a balanced budget amendment. And now, as one of the Congress' first acts, we are considering spending an additional $123 million in fiscal year 1997 for international population control?

Second, does it make sense for us to be accelerating spending on this extraordinarily controversial program without the kind of sensible protections that existed during the Reagan and Bush administrations?

Mr. President, despite the claims to the contrary by the other side, this is a vote that involves the issue of abortion. That is because this vote involves U.S. taxpayers funding of organizations that perform and promote abortions overseas. During the Reagan and Bush administrations, our international family planning programs were administered under the Mexico City policy, so-named after the 1984 U.N. population conference in Mexico City where this U.S. policy was formulated. Under the Mexico City policy, this program was kept entirely separate from the issue of abortion. This was accomplished by requiring that U.S. family planning programs overseas could only be administered by private groups that do not conduct abortions, or promote abortion as a method of family planning.

Because we all know that money is fungible, funding abortion-promoting groups to conduct family planning programs overseas permitted these groups to extend their international presence, increase their abortion activities, and lobby more aggressively to weaken laws restricting abortion overseas. The Reagan/Bush policies helped protect our international family planning programs from the controversy that inevitably arose through their association with private pro-abortion groups. With the protection of the Mexico City policy, funding for our international family planning programs increased from $251 million in 1987 to $434 million in 1993.

One of President Clinton's first actions after his inauguration in 1993, however, was to rescind the Executive order that put the Mexico City policy in place. Because of the President's action, suddenly this once again became one of our most controversial foreign aid programs.

This Congress has an opportunity to reinstate the sensible family planning policies of Mexico City. I commend my colleague from Arkansas, Senator HUTCHINSON, for his leadership in introducing legislation that would return family-planning funding to the principles set forth by Presidents Reagan and Bush. I am proud to be an original co-sponsor of this important legislation.

There is a reason why last fall's Omnibus Appropriations Act delayed expenditures for this program so that some of the expenditures of the money would not actually be spent until next year. This was the result of a delicate compromise between the Congress and the administration. The administration was offered the choice. The Congress was willing to lift all restrictions on the rate of spending for overseas family planning funds, but only if the administration would refrain from funneling those funds through abortion advocacy groups like the International Planned Parenthood Federation. I would note that the Clinton administration preferred to keep funding restrictions in place so that it could continue administering the program through pro-abortion groups.

Now the administration wants to undo this compromise. The administration wants all funding restrictions lifted. At the same time, they refuse to accept the sensible Reagan/Bush policies that protected this program from the contentious abortion debate.

Groups supporting this resolution have argued that a more rapid expenditure of these funds by groups that perform abortions and lobby aggressively for abortion-on-demand laws would, in the long term, reduce the rate of abortions around the world. This Senator, however, fails to understand the logic of funding pro-abortion groups to advance this pro-life objective. It is a simple fact that the rate of abortions increases dramatically whenever a country legalizes abortion. I do not believe sending more U.S. taxpayer dollars to an international network of clinics run by groups that conduct abortions is likely to reduce the number of abortions worldwide.

Mr. President, the answer to ensuring the long-term health and welfare of women across the world and stabilizing the world's population is not to promote abortion overseas as a population control alternative with U.S. taxpayers' hard-earned dollars. The answer is to promote free markets and individual liberties in underdeveloped countries. Over two-thirds of the world's recent fertility decline can be accounted for by the expansion of economic opportunity and personal freedoms, as women across the world are given access to greater educational and lifetime opportunities. Freer markets, more education and information and more opportunities for the world's women—that's the answer.

Mr. President, I would gladly vote to remove spending restrictions on this program if the administration would agree to protect it from abuse by pro-abortion advocates. But under the legislative procedures we have before us today, that sensible option is not available. Therefore, I cannot support this resolution, and urge its defeat.

Mr. KYL. Mr. President, this week, the Senate will have the opportunity to vote on two measures related to international family planning. One, House Joint Resolution 36, which is supported by the Clinton administration, would release population control funds on March 1, instead of July 1. The funding could not be meted out any faster than 8 percent of the total appropriated for fiscal year 1997 per month—a limitation recommended by the President's Chief of Staff last year. But the funds could be made available to groups that provide abortions or lobby in support of more liberal abortion policies abroad.

The alternative measure—the so-called Smith-Oberstar bill, H.R. 581—would provide for the immediate release of all fiscal year 1997 population control funds, subject to conditions that would preclude their use for abortion-related activities. In other words, Smith-Oberstar would ensure that the funds are used for what we all say is intended here—family planning, not abortion.

I would point out that both measures passed the House of Representatives on February 13. But the Smith-Oberstar bill, which passed that Chamber with more votes than the President's proposal, would make about $170 million more available for the population control program than would President Clinton's plan. And, as I just noted, it would guarantee that the funds are used for their intended purpose—family planning—not for abortion or lobbying in support of more liberal abortion policies abroad. It would reinstate the Mexico City policy, a policy initiated by the Reagan administration at the 1984 U.N. conference in Mexico City, attaching certain conditions to the way foreign organizations can use the American people's hard-earned tax money.

Mr. President, there were two main conditions associated with the Mexico City policy. First, an Agency for International Development [AID] grantee, getting U.S. tax money for family planning overseas, could not be involved in abortion, even with its own resources.

Second, that grantee could not lobby or pressure foreign governments on the abortion issue.

At the crux of this debate is a simple question: Why did President Reagan establish those conditions for receipt of American tax dollars? Once we understand the answer to that question, we can get this debate into its proper focus.

Let us start with this fundamental principle: Any nongovernmental grantee of the United States abroad—which includes, of course, all the organizations that receive U.S. population assistance funds—is, in effect, an agent of the United States.

It does not matter how the group puts its own money to use. What matters is that, when we give them American dollars, we give them our seal of approval, too. An AID grant confers more than just funds. It bestows respectability, standing, and clout. It is, in effect, an official endorsement.

And that is why, for decades, we have always imposed all sorts of restrictions and requirements upon AID grantees. We do so in recognition of the fact that money is fungible. Give a million dollars to an organization, and you free up a million dollars of its own money for other activities.

Far more important though, we all understand that an AID grant marks an organization as acceptable, ideologically and ethically, to the United States.

Back in 1984, President Reagan saw that AID grants to groups involved in abortion overseas presented an ethical dilemma. Yes, it was their own money they were using to perform or promote abortion. But every dollar they got from American taxpayers freed up another dollar for their abortion-related work.

President Reagan understood that the international community viewed those abortion groups as quasi-official agents of the U.S. Government. And for good reason. Private organizations, having the imprimatur of taxpayer funding, could well be viewed by foreign leaders as speaking on behalf of the U.S. Government about abortion-related policies.

In fact, some AID grantees openly ran pro-abortion lobbying campaigns, with their own resources of course, in countries where abortion was not legal.

Their money, freed up by AID grants, gave them access to local media and local officials. In country after country, they ran sophisticated—and effective—campaigns in favor of abortion.

And they are still doing it. The tiny island nation of Mauritius is an example of the worldwide effort being waged by the International Planned Parenthood Federation. This is what IPPF said in its own report on activities in Mauritius:

> As a direct result of the advocacy campaign, the policy climate in Mauritius has changed favourably . . . The MFPA (Mauritius Family Planning Association, a member of the IPPF) is determined to maintain the momentum, and sees its role more stimulating as it contributes to the wave of change.

There is a fundamental issue here: Should funds be earmarked for family planning as intended, or should taxpayers be required to fund lobbying activities with which they might disagree? While there is general consensus in favor of family planning, most people do not believe tax dollars should be used for lobbying activities.

Back in 1984, President Reagan did not like the idea of our grantees pressuring foreign governments—particularly with the appearance of an official endorsement by the government of the United States.

That is why he made a distinction, in his Mexico City white paper, between what foreign governments do with their money, and what our grantees do with their money.

Foreign governments that might be involved in abortion would not be seen as agents of the United States, but AID grantees would be seen in that light.

So in his Mexico City policy, President Reagan gave AID's population grantees a choice. If they wanted to remain eligible for future grants, they would have to promise not to get involved with abortion or abortion lobbying overseas, even with their own money.

And the program worked very effectively with that kind of policy in place. While the Mexico City policy was in effect, the program provided funds to about 400 organizations worldwide, accounting for nearly half of the combined pool of family planning funds made available by donor nations. And as I recall, the amount of money appropriated for international family planning rose considerably during the Reagan-Bush years.

Only two grantees—albeit two very powerful grantees—chose to put abortion advocacy ahead of their commitment to family planning. Their involvement in abortion was apparently so deep that they were willing to cripple the family planning work of even some of their own affiliates that were willing to accept the Mexico City conditions during those years.

So when we are told today that the Mexico City policy—like the provisions of the House-passed Smith-Oberstar bill—would wreck international family planning, we need only look back on past experience to see what effect it really had.

Mr. President, past experience tells us that almost every AID population grantee would put its commitment to family planning head of its involvement in, and lobbying for, abortion. Only one or two would not.

This country's approach to international family planning is seen around the world as part of our foreign policy. And those few grantees that are zealous in their support for abortion should not be allowed to call the shots for what is really an arm of American foreign policy.

So the question the Senate faces this week is not how much money the AID population account will get in March or in July. The question is whether, as a matter of American foreign policy, the prestige of the American Government and the resources of the American people should support family planning on the one hand, or a worldwide campaign for abortion on demand on the other.

If that issue had been better understood when the House of Representatives voted on this matter earlier this month, the President's resolution might not have been approved.

Mr. President, I want to conclude by quoting President Reagan, when he first enunciated the Mexico City policy in the early 1980's. He said:

> The basic objective of all U.S. assistance, including population programs, is the betterment of the human condition—improving the quality of life of mothers and children, of families, and of communities for generations to come. For we recognize that people are the ultimate resources—but this means happy and healthy children, growing up with education, finding productive work as young adults, and able to develop their full mental and physical potential.

That goal should not be held hostage to the Clinton administration's demand that we fund groups involved in abortion and in abortion lobbying. Fortunately, we do have an alternative, as embodied in the Smith-Oberstar bill. That is the legislation the Senate should vote to send to the President this week.

Mr. President, it is a shame that some people seem to care more about promoting abortions and related policy than providing family planning services abroad. I ask unanimous consent that a column by Robert Novak about that be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. If we are going to get back to the old policy—a successful policy that ensured funds were made available promptly and used for population assistance as intended—we need to reinstate limitations similar to the Mexico City policy. When we can be sure that the funds are to be used for their intended purpose—that is, for family planning—I believe we will find a large consensus that will support the program. I, for one, will do so under those circumstances.

EXHIBIT 1

[From the Washington Post, Feb. 13, 1997]

FAMILY PLANNING SHOWDOWN

(By Robert Novak)

President Clinton's strategy for keeping U.S. funding of global population control free of restrictions on abortion was exposed in a remarkable speech delivered by the first lady two months ago in La Paz, Bolivia.

Hillary Rodham Clinton, addressing the Sixth Conference of Wives of Heads of State and Governments of the Americans on Dec. 3, declared: "Some members of the U.S. Congress have voted to limit American support for family planning initiatives. My husband's administration remains committed to encouraging a continuation of these investments."

That left pro-life members of Congress open-mouthed in outrage. The "limit" on contraceptive help to poor countries that Mrs. Clinton deplored was proposed last year not by them but by her husband's chief of staff at the time, Leon Panetta. The Clinton administration's position: better take less birth control money than accept anti-abortion restrictions. The House itself will choose which course in a showdown vote today.

President Clinton, who as governor of Arkansas espoused a moderate pro-life position, is now joined at the hip with extreme abortion rights advocates. From his veto of the partial-birth abortion bill to his current stance on world population control, he will not risk alienating the feminist support that is critical to Democratic success.

The current dispute began in August 1984, when the International Conference on Population held in Mexico City adopted language urged by Reagan-appointed U.S. officials. The nations of the world signed a report urging all governments to "take appropriate steps to help women avoid abortion, which in no case should be promoted as a method of family planning." President Ronald Reagan then issued an executive order applying the Mexico City language to U.S. foreign aid. No longer would Uncle Sam be violating local religious and cultural norms that oppose abortion.

Some 350 foreign organizations complied, but the London-based International Planned Parenthood Federation (IPPF) refused to certify that it would not promote abortion for family planning. Indeed, IPPF's current "Vision 2000" is a battle plan for fighting abortion prohibitions worldwide. Secretary of State Madeleine Albright, who along with other administration officials denies that the United States funds abortions abroad, in House testimony Tuesday said she had never heard of "Vision 2000."

On Jan. 22, 1993, two days after taking office, Clinton signed an executive order repealing the Mexico City language. With Undersecretary of State Timothy Wirth pushing hard, population control money increased dramatically amid overall fiscal restraint. In two years, funding increased by 79 percent to $582.7 million.

Republicans took control of Congress in January 1995 and sought to restore anti-abortion restrictions. To break a deadlock last September, the Republican leadership offered this compromise; Organizations that followed the Mexico City language would receive full funding; those that refused—such as IPPF—would get 50 percent.

No soap, said Panetta, Instead, he made a counter-offer at 6:30 in the morning on Saturday, Sept. 28, after an all-night negotiating session in the Capitol seeking an omnibus spending agreement. Panetta proposed a 35 percent reduction of family planning spending (the same as the rest of the foreign aid budget). In other words, accept less money for population control rather than accept antiabortion restrictions. Abortion has precedence over contraception. Facing another politically ruinous government shutdown, the Republicans had no alternative other than to say yes.

The agreement also mandated a vote in the House (to be held today) on full funding without the Mexico City language. But pro-lifers will also offer an alternative co-sponsored by Republican Rep. Christopher Smith of New Jersey and Democratic Rep. James Oberstar of Minnesota for even fuller funding—$713 million compared with $543.6 million—but including the Mexico City language.

Vice President Al Gore has met privately in a strategy session with abortion-rights advocates, and White House aides have been whipping up public support. They have spread propaganda that the Smith-Oberstar, amendment represents a double cross that undercuts support of family planning. All of this is incorrect.

Even if Smith-Oberstar passes both houses of Congress, a presidential veto is likely. That would cause spending to revert to the present $420.4 million level, with no restrictions on IPPF or other abortion advocates. Here is not a fight about contraception but about abortion.

Ms. MOSELEY-BRAUN. Mr. President, today, the issue before the Senate is whether or not to approve the release of desperately needed international family planning funds 5 months after the start of the fiscal year or 9 months after the start of the fiscal year. This is not a tough decision, we should have released the money months ago; our failure to release the family planning funds has caused unnecessary harm to women, children, and families around the globe. However, since we do not have the ability to go back in time and release the funds at the beginning of the fiscal year, I urge my colleagues to prevent future harm and to support the President's request and release the family planning funds on March 1.

In this increasingly global economy, it is in the United States' best interest to provide international family planning assistance to developing countries around the world. As the Rockefeller Foundation reports, "* * * resource scarcities, often exacerbated by population growth, undermine the quality of life, confidence in government, and threaten to destabilize many parts of the globe * * *. Thus in a world made smaller by global commerce and communication, such scarcities affect us in the United States. Civil unrest can alter the balance of power in key regions, destabilize nations with large populations and extensive resources, or contribute to humanitarian disasters that call for assistance and peacekeeping services." The rate of population growth is often inversely related to the rate of economic growth.

In addition, developing countries provide a significant expanding market for U.S. goods. Unrest and instability can lead to a decrease in exports and thus a decrease in the number jobs here at home. The lack of jobs in a developing country, resulting from the ever expanding work force, can also drive down wages and lead to job loss in this country by forcing U.S. workers to compete with low-wage workers overseas.

Developing nations with increasingly desperate needs for resources have also been known to over use their natural resources to the detriment of the long-term environmental stability of the nation and of the world.

International family planning funds allow women to choose to have fewer and thus healthier children. In turn, studies show that when families can count on healthier children, they are likely to have fewer children. This limits population growth around the globe.

Clearly, there are many other reasons to support international family planning, including the documented decrease in abortions that results from access to family planning assistance and the decrease in infant and maternal mortality. The people of the United States have been outspoken in their support for programs that improve the health and safety of women and their babies and that provide alternatives to abortion as a method of family planning.

Despite the great importance of family planning, not only for individuals and families, but also for the economic well being of many nations including the United States, the last Congress sustained a 35-percent cut in international family planning funds, a cut that was first enacted in fiscal year 1996. This cut was enacted despite the fact that there are still 230 million women worldwide, one out of every six women of childbearing age, that do not have sufficient access to modern contraceptive methods and despite the fact that we will soon have the largest population of women of child bearing age ever.

A study conducted by family planning and population organizations in early 1996 predicted that the 35-percent cut in funding would result in an estimated additional 1.9 million births, 1.6 million abortions, 8,000 maternal deaths in pregnancy and 134,000 infant deaths.

This study did not even consider the effect of the delay in the release of funding that was part of both the fiscal year 1996 and fiscal year 1997 budgets. The fiscal year 1997 budget prevents funds from being released until 9 months into the fiscal year, and even then only a percentage of the funds can be released every month.

An additional 4 month delay in the release of funds would result in a further reduction in international family planning funds in fiscal year 1997 of $123 million, or one-third of the money appropriated. In addition, because the agencies and organizations can only receive the funds in small increments, there is no economy of scale in the purchase of contraceptives, and there is no consistency in the ability to provide needed services.

As part of the agreement that allows these funds to be released at all, there is a provision that allows the President to determine that the funding limitations are having "a negative impact on the proper functioning" of the international family planning program and request early release of the funds. The Congress is required to vote by the end of February on whether or not to release the funds in March. Supporting the early release of funds cannot undo the damage caused by the current delay or by the significant cuts already incurred. It can, however, ensure that 17 bilateral and international organizations are not left in urgent need of funds, that women have access to safe, effective contraceptives in the next few months, and that unintended, unsafe pregnancies are prevented.

The United States has a 30-year commitment to working with organizations and governments around the world to provide women and their families with the ability to decide freely and responsibly the number and spacing of their children, improving maternal and infant health, and improving the security and independence of women's lives.

Some in Congress question the success of these efforts. The U.S. commitment, however, has been a success by every measure. In countries in which the United States has joined in family planning efforts, the average number of children a woman bears has decreased from six to three. The number of women utilizing modern contraceptives has grown from 10 to 50 percent. The U.S. provides people around the world with the opportunity to plan for the safest births and the healthiest children possible.

Unfortunately, international family planning has become tangled up in the debate over the ability of a woman to choose to terminate a pregnancy. There are those who believe that fully funding the international family planning program would lead to increased abortions. In fact, no U.S. international family planning funds are used for abortion or abortion related services. It is already against the law and that law is rigorously enforced. In addition, if women are not able to access safe, modern contraceptives, there will certainly be an increase in abortion, along with maternal and infant deaths.

Part of the appeal of linking international family planning and abortion is that many in the United States are concerned with the amount that we spend overseas and do not want funds to pay for activities that are not funded in the United States, like abortions, or to fund programs that coerce women into not having children. No international family planning money is spent on abortions or related services, or on programs that coerce women into making certain family planning decisions. In addition, just about 1 percent of our entire budget is spent on foreign aid of any sort, and only a fraction of that funding is spent on humanitarian aid, such as family planning.

Last year, Congress agreed to provide family planning funds to communities around the world because the need is there and support for the program exists. Congress should not prevent the funds from being spent by delaying the release for months beyond the start of the fiscal year.

By voting for the immediate release of funds, we will be voting against maternal and infant ill health and death, and against increased abortions worldwide. We will be voting to strengthen the global economy and preserve our environment. We will keep faith with our duty to provide constructive leadership in the world. I urge my colleagues to vote to release the funds now so that women and children around the globe can be safe and healthy.

Mrs. MURRAY. Mr. President, the Senate will soon vote to affirm or reject President Clinton's decision to seek the prompt release of international family planning moneys already appropriated for fiscal year 1997. Let me be crystal clear on this point, the question before the Senate is the release of moneys already agreed to by this body. Virtually every Senator who served in the last Congress has already voted to support international family planning. And it is worth noting that the fiscal year 1997 appropriation for international family planning is significantly reduced from previous years' funding levels; a 35 percent cut from the fiscal year 1996 figure.

Mr. President, I strongly support and I do urge all of my colleagues to support President Clinton's decision to seek the early release of the $385 million appropriated by the 104th Congress for fiscal year 1997. Traditionally, the Senate in bipartisan fashion has supported the President's position on this issue. And I want to commend the House of Representatives for earlier agreeing to the President's request to release the monies for international family planning.

The politics of extremism and misinformation have turned this into a much larger vote than it should be. The American people should watch closely the results of the vote on this issue. They will get an early glimpse of whether the popular rhetoric about working together is real or simply a political ploy to mask the politics of division and confrontation that most agree was denounced in last fall's election by the American people.

Today the world's population has swelled to more than 5 billion people, with nearly 100 million more added each year. Without strong leadership in support of voluntary family planning programs, experts predict that in just over 30 years the world's population is likely to double to more than 10 and possibly as many as 13 billion people. Since the mid-1960's, our country has led the global effort to combat population growth. Currently, the Agency for International Development provides assistance in more than 60 countries through nearly 100 programs.

Importantly, USAID is prohibited by U.S. law from using taxpayer dollars to pay for abortions as a method of family planning or to motivate an individual to seek an abortion. USAID contracts contain legally binding provisions forbidding abortion as family planning and strict procedures including staff monitoring and regular audits are in place to ensure that no U.S. taxpayer moneys go to pay for abortions abroad. Those who argue this issue is about abortion are engaging in a campaign of misinformation and deceit.

Current U.S. international family planning moneys are actually reducing the frequency of abortions abroad. Thus it makes no sense to me that the opponents of abortion have decided to grade legislators on this vote. Rather, they should be supporting these programs with the same vigor they now display in opposition. Consider the recent program example of Russia. Between 1990 and 1994, the use of contraception increased from 19 percent to 24 percent of the population. As a result, the number of abortions in Russia over that period decreased by 800,000. Russian women used to have, on average, two to three abortions each over a lifetime. Family planning programs are already at work offering alternatives to abortion for women and families. All across the former Soviet Union and in countries like Mexico and Columbia, there is a body of evidence that suggests increased contraceptive use actually reduces the number of abortions. If the Senate rejects President Clinton's request to release the 1997 international family planning moneys, the result will be more abortions performed worldwide.

I want to get away from abortion because that is truly not what today's debate is about. I want to focus for a few minutes on what international family planning moneys do accomplish and the importance of continued U.S. leadership in this area. United States international family planning programs are perhaps the most successful foreign aid programs ever supported by U.S. taxpayers.

International family planning is about women's health. Death from pregnancy related conditions is the No. 1 cause of death for women in developing countries. According to Amnesty International, almost 600,000 women per year die because of pregnancy related causes. The death of a mother in the developing world is particularly tragic for a family seeking to escape poverty as these women are usually both the principal care givers for children and a wage earner. U.S. foreign assistance moneys have increased the availability of quality reproductive health care, including women-centered, women-managed services.

International family planning is about child survival. It is estimated that nearly 35,000 children under the age of 5 die every day in the world's developing countries. Allowing families to space the birthing of children will ensure healthier mothers better able to breast feed and care for children. Increased access to family planning, combined with other factors, could reduce child survival in the developing world by 20 percent. Rejecting the President's request for the release of the 1997 moneys will surely set back efforts to reduce the number of children who die each and every day in countries like India, Bangladesh, and Uganda.

International family planning is about helping young girls worldwide. Cultural preferences for sons in the developing world has dire and sometimes deadly results for young girls. Throughout the developing world girls are fed less; girls do not get adequate health care; and girls do not get the opportunity to attend school. And we all know of the documented cases where infanticide is practiced against young girls because of a preference for sons. It is somewhat ironic that many who rail against this treatment of young girls in China and other countries would now seek to further restrict or end United States international family planning programs that do so much to better the lives of young girls.

International family planning programs are fundamental to preserving the endangered natural environment of our planet. We all know of the punishing toll that the world's population takes upon the earth: the air we breath; the clean water we require for healthy and sanitary living; and the arable land available to feed the population. More than one-half of the world's developing population is below the age of 25. And the number of women of reproductive age in the developing world will soon total nearly 1 billion. Our population problems and the ramifications for the United States are growing. The U.S. commitment to combat overpopulation of our planet is shrinking. It is a responsibility I believe we must not shirk.

The Senate has the opportunity to send a message of hope and opportunity to the women of the world today, and particularly those women in the developing world seeking to make a better life for themselves and their families. It is really that simple. I hope my colleagues will join me in voting for the resolution to release this crucial funding.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Vermont has expired. The Senator from Kentucky has 1 minute and 6 seconds remaining.

Mr. McCONNELL. I yield back the time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—53

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Glenn
Graham
Gregg
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Smith (OR)
Snowe
Specter
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—46

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thompson
Thurmond

NOT VOTING—1

Inouye

The joint resolution (H.J. Res. 36) was passed.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. The Senate will now resume consideration of Senate Joint Resolution 1, which the clerk will report.

The bill clerk read as follows:

A joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate continued with the consideration of the joint resolution.

AMENDMENT NO. 8

The PRESIDING OFFICER. The Senate will resume the debate on the Reid amendment No. 8 until the hour of 6 p.m., with the time equally divided in the usual form.

Who yields time?

Mr. REID. Mr. President, I yield 20 minutes to the junior Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 20 minutes.

Mr. DURBIN. Mr. President, first I thank the Senator from Nevada for yielding on this important amendment. It is interesting; if you ask the American people about the balanced budget amendment, they will say in overwhelming numbers it is a great idea. I have to balance my checkbook. Why shouldn't the Federal Government have to balance its books?

But then you say, well, what if in the process of balancing the books the Federal Government jeopardizes the Social Security trust fund? Whoa. Wait a minute. Let us think about this. The people who were overwhelmingly for the balanced budget amendment have second thoughts, as well they should.

The amendment offered by the Senator from Nevada addresses that very real concern. In our pursuit to balance the budget, let us not do it at the expense of Social Security. That is simple. The Senator from Nevada offers this amendment in good faith, asking Members on both sides of the aisle, Republicans and Democrats, to come together and agree on this basic premise: yes, we will balance the budget but not at the expense of Social Security.

Some would say this is a pretty simple proposition. Why are you debating this? Frankly, because there is a very serious difference of opinion, and it gets down to the fundamental flaw in this constitutional amendment. We are debating what is its greatest flaw, the failure of this measure to protect Social Security. The balanced budget amendment includes the Social Security trust fund in the calculation of whether the budget is in balance. That means it uses the Social Security trust fund to balance the rest of the Federal budget in the near term and prevents the proper use of the Social Security trust fund surplus to offset growing benefit payments in the long term. That is not the way to treat Social Security, a program which for 60 years has taken our parents and grandparents and their grandparents before them out of poverty into dignity. That is why I voted, and I will continue to vote, only for versions of the balanced budget amendment that protect Social Security by excluding the Social Security trust fund.

We hear a lot of witnesses. We have them come before us to talk about this balanced budget constitutional amendment, as well we should. I say to those listening, in 205 years of this Nation's history we have only amended that great document, the Constitution, 17 times. Let us be careful. Let us listen to the counsel of those who come to speak to us.

I was particularly struck by the testimony of one gentleman, called by my friend from Utah, the chairman of the committee, as a witness in favor of this balanced budget amendment. This gentleman was a Wall Street financier who holds a senior position in a major investment firm. He didn't see the issue of Social Security quite the same way that I do. He argued that excluding Social Security from the budget calculation—here are his words—"would be like going on a low-calorie diet but not counting chocolate."

I was struck by that analogy, that this man decided that, in the scheme of life, in the scheme of things, in the scheme of those programs and those things that are important to American families, Social Security was like chocolate candy. For 43 million Americans, let me suggest, Social Security is not like candy. It is not a luxury; it is a necessity.

In my home State of Illinois, visit small-town America, find the widows living in town, the senior citizens living in the highrises, and ask them what Social Security means each month. You know what it means. If you have spoken to your parents and grandparents, you know it is the bread of life. It is what sustains so many people. For this witness, called by the majority, called by those who support the balanced budget amendment, to say that it is like chocolate candy really suggests to me that perhaps financiers, or Wall Street, see life a little differently than people who live on Main Street.

The balanced budget amendment before us—and let me get to the heart of this—includes the trust fund in the budget calculation. It invites cuts in Social Security to balance the budget. That has always been my fear: Down the line the economy goes bad, revenues are decreasing, people are paying fewer taxes because they are out of work, and as a consequence here we are, trying to figure out how are we going to balance this budget next year. We do not have enough money coming in because people are unemployed, for example. So where do we turn? Where is there money? This is serious business. We cannot turn around and raise taxes in a recession. It is not popular at any time; it is very unpopular in a recession. Where do you turn?

Lo and behold, where is the mother lode of Federal money? Open the door to the Social Security trust fund, billions of dollars being contributed to the fund today by those of us who are working, including Members of the Senate and House of Representatives, to build a balance so when the day comes that this Senator and those of like age turn up to ask for Social Security, the money will be there. Understood.

Future Congresses should not be allowed to raid the Social Security trust fund, take away the savings that we planned for the rainy day that we know is coming, and use it to balance the budget. That is why the Senator from Nevada offers his amendment. Let us play this game fair. Let us say to the American people, "If you put the money in, in each of your paychecks, for Social Security in hopes it will be there for yourself, for your parents, that it be there." It seems so obvious.

Now let us take a look at Social Security in the long term. Those who want to include Social Security in the budget calculation argue that our proposal to protect Social Security would invite future Congresses to run deficits 32 years from now when the trust fund is exhausted. This concern is unfounded. Current law does not allow the Social Security trust fund to run a deficit. If the trust fund runs out of money, it cannot keep writing checks.

Second, Congress has never authorized the Social Security trust fund to run an extended deficit. For a temporary time, around 1982 when there was a pending bankruptcy in the fund, we got close to that proposition, but only for time enough to develop a bipartisan solution.

Third, the American people are not going to allow the Social Security trust fund to be depleted. This is the single most popular program in America today, not just for seniors but for their children. It gives peace of mind to me to know that my mother, 87 years old, who is living on railroad retirement, an analogous program to Social Security, has a monthly check coming in based on her having worked during the course of her life. And it means, for me and my children, less of a concern about her financial security.

We are not going to turn away from that. We are never going to walk away from that. We are not going to allow the Social Security trust fund to be depleted. But we are not going to stand still and allow this balanced budget amendment to create a raid on Social Security. That is why this amendment is being offered. It just stops me cold to hear those on the other side say, "We'll never touch Social Security. Trust us."

I trust the Senator on the floor. I am not sure I will trust his successor, or his successor's successor, who will be bound by this same constitutional amendment. I don't know who they will be. I don't know what they will face. But at a minimum, let us put in this great document, this Constitution, language which protects our values. The Reid amendment does that.

The Congressional Research Service is an interesting group because it's a professional organization, neither Democrat nor Republican. They are here to work for us, and if we have tough questions, we often turn to them to say, "What's the honest answer here? Don't give me the spin from the Republican National Committee or the Democratic National Committee; give it right down the middle, black and white, as best you can determine." They recently identified a critical reason for supporting Senator REID's amendment. "The balanced budget amendment as currently drafted would prevent the proper use of the trust fund surplus to pay extra benefits that the baby boom generation will have earned but which will exceed revenues when they retire."

Here is what it means. We are paying more in Social Security today, and have since 1983, than we need to pay out. As I said earlier, we are building up a surplus because we know down the line, when baby boomers like myself show up for their Social Security, we are going to have more people knocking on the window asking for checks than wage earners paying in. So we are building up a balance, we of this generation, which will inure to our benefit down the line. So this surplus is being built up in the Social Security trust fund. But, if you read this amendment to the Constitution closely, the amendment offered by the chairman of the committee, you will see there is a problem. The problem is you cannot spend that surplus out of the Social Security trust fund without making up for it somewhere else. That is a major flaw. Let me tell you what it means in practical terms.

Suppose I told you that a number of years from now you will face increasing expenses related to your retirement. You might decide to save up some money now so it will be available when that time comes. You might even decide to put the money in a special account in the bank and say, I am going to keep track of it and I am not going to touch it. I am going to need this when I retire.

Now suppose I told you when the day came and the expenses occurred, you were welcome to spend the money that you have personally saved but, one condition, in order to spend the first dollar out of your savings you have to cut a dollar out of your spending, a dollar that you would otherwise spend for food or clothing or rent or utilities.

You say, "Wait a minute, why did I save all this money if when the time comes when I need it I have to cut other expenditures, dollar for dollar, to use it? That is no good. That is no savings. That does not help me." Let me say to my colleagues, that is exactly what is wrong with this amendment. This amendment says: In future generations, if we pass the balanced budget amendment and want to use the surplus in the Social Security trust fund, we can only do it if we cut other spending, balance it out.

Is this something that this Senator came up with? Is this something that the Democrats dreamed up, an interpretation of the balanced budget amendment? No. What I have just described to you comes directly from the Congressional Research Service. It is a fatal flaw in this balanced budget amendment.

You would think that those who would propose an amendment to the Constitution would be open to the possibility—the possibility—that what they want to put in that Constitution is not right and needs to be corrected and changed. But there has been resistance from the start to any amendments to this balanced budget amendment. These are the tablets of Moses, untouched by humans, brought to us, to this floor, to be accepted as is or else.

I don't like that approach when it comes to amending our Constitution. I certainly don't believe it is fair when we are dealing with the fate of 43 million Americans, and I don't believe that we should allow this flawed version of the balanced budget amendment to go forward.

I think the amendment offered by the Senator from Nevada, Senator REID, makes good sense, and I would predict this: If those who are pushing for this balanced budget amendment would, for a moment, stop, count to 10, perhaps accept a little more humble approach to this whole debate and amend in the protection of the Social Security trust fund, they would find a lot of Members coming forward, Democrats and Republicans, who could support it. To date, they haven't done it. But hope springs eternal.

I will be voting for Senator REID's amendment, and I hope my colleagues on both sides of the aisle who value the importance of a Social Security trust fund to the American family will join us.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, simply put, Senator REID's amendment would exempt Social Security from section 1 of the balanced budget amendment, which requires that "total outlays for any fiscal year not exceed total receipts for that fiscal year," unless three-fifths of each House of Congress concur. Senator REID, and many of those who favor exemption of Social Security, make rhetorical points that "we shouldn't balance the budget on the backs of the elderly," and that "unless exempted, the Social Security trust funds will be raided." Those are direct quotes from those who have spoken on the other side of the aisle.

The primary paradox of this debate, in a debate full of paradoxes, is the fact that removing Social Security from the protection of the balanced budget amendment will create an overwhelming incentive to do exactly what these critics of the amendment fear, for this would focus budget pressures on the Social Security trust funds that could destroy the viability of the Social Security program itself. It is a folly that has no real relationship to the goals sought, which should be the protection of the Social Security trust funds. What they are doing is a risky gimmick; it's a riverboat gamble. Frankly, it's a real mistake should this amendment be adopted.

Furthermore—another paradox—exempting the trust funds is simply unwarranted. There already exists an elaborate statutory scheme of firewalls.

Mr. President, I notice the distinguished Senator from Massachusetts is here. I have a rather extensive statement to make. So what I will do, if he cares to make his statement, I will yield the floor at this time, and then I will finish my statement afterward. I ask unanimous consent I not lose my right to the floor following the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I will forego, so the Senator can have the floor.

Mr. REID. Mr. President, I yield to the senior Senator from Massachusetts 30 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 30 minutes.

Mr. KENNEDY. Mr. President, I thank the Senator from Nevada for yielding this time, and I join with so many of our colleagues in the Senate, hopefully on both sides of the aisle, as well as our senior citizens all over this country in commending him for the leadership he has provided on this extremely important amendment.

I had the chance to offer a similar amendment in the Judiciary Committee's markup, and we debated some of these issues. But I think the eloquence and the force and the presentation that has been made by the Senator from Nevada has been extraordinarily powerful and increasingly appreciated and understood by the American people, and we thank him for his leadership on this issue and so many others.

Mr. President, Social Security is America's time-honored commitment to senior citizens that we will care for them in their golden years. It says to every citizen that if you work hard and pay into Social Security throughout your working life, Social Security will be there for you when you retire. It will help you pay the rent, buy the groceries, and maintain a reasonable standard of life throughout your retirement years.

Social Security is the most successful social program ever enacted. It is among the most solemn obligations that any government can make to its citizens, and Congress should honor it and not undermine it.

The proposed balanced budget constitutional amendment puts the Social Security contract with senior citizens in danger. If this amendment is added to the Constitution, no one can guarantee you a Social Security check every month. The Rock of Gibraltar, on which this Nation's senior citizens have depended for over 60 years, would be gone, replaced by shifting political sands. The Reid amendment prevents this unacceptable change by protecting Social Security from the proposed constitutional amendment—no ifs, ands, or buts.

Millions of retired citizens live from Social Security check to Social Security check. They need it to arrive on time at the beginning of each month to pay their bills. Martha McSteen, who headed the Social Security Administration during the Reagan administration and is now president of the National Committee to Preserve Social Security and Medicare, said recently:

> Keeping Social Security safe from budget tampering is, frankly, a matter of life and death for millions of Americans.
>
> For 10 million Social Security beneficiaries age 65 and older, their monthly Social Security check amounts to 90 percent or more of their income. Those checks keep 40 percent of America's seniors out of poverty.

But under the proposed constitutional amendment, if Government revenues fall unexpectedly, or if Government expenses go up, payment on Social Security checks could stop.

Republicans say, "Trust us." We reply, in the well-known words of President Ronald Reagan, "Trust—but verify," and the way to verify is by adopting the Reid amendment.

Just 3 months ago, in November 1996, the House sponsors of the balanced budget constitutional amendment agreed that Social Security could be in trouble. As Congressmen SCHAEFER and CHARLES STENHOLM said:

> Under the proposed constitutional amendment, "The President would be bound at the point at which the Government runs out of money to stop issuing the checks."

Economists say there is at least a 50-50 chance in any given year that the budget projections will be wrong and that under this constitutional amendment, this Government will run out of money. Economic forecasting is not an exact science. If budget projections are off by as little as 1 percent, this constitutional amendment could put Social Security checks at risk.

Some in this debate have said that the budget that President Clinton just submitted to Congress counts the Social Security surpluses reaching a balanced budget by the year 2002. They said if President Clinton counts Social Security in his budget, then why not count it in the balanced budget constitutional amendment? But the difference between a balanced budget, which we will achieve by 2002, and a permanent constitutional amendment are immense, especially for Social Security.

In the Clinton budget, the laws protecting Social Security from the rest of the budget are still in place. There is nothing that President Clinton or any other President or Congress can do to jeopardize Social Security. Under the current law, President Clinton and future Presidents and Congresses must balance the budget without affecting Social Security. If they want to change Social Security, they have to change the Social Security law directly. The last thing we should do is change it indirectly by a vague constitutional amendment.

In its present form, this balanced budget constitutional amendment undercuts Social Security. Social Security would have to fight its way on an equal basis with highway construction, defense, welfare, education, and every other Federal program. Congresses have worked for many years, ever since the Reagan administration first tried to cut Social Security, to protect the Nation's senior citizens and Social Security from the annual Federal budget wars.

For 15 years, a solid bipartisan coalition of Republicans and Democrats have agreed that Social Security should be safe from that result. In 1983, the Greenspan commission recommended that Congress should place Social Security outside the Federal budget. The commission said that we need to build up a surplus in the trust funds now in order to have enough funds to provide benefits to the current generation when they begin to retire. Both Democrats and Republicans support that result.

The commission's 1983 recommendations were enacted in a law sponsored by Senator Dole and Senator MOYNIHAN, and their bill required Social Security to be placed off budget within 10 years. In 1985, 2 years later, Congress accelerated the process by placing Social Security outside the rest of the Federal budget. The Deficit Control Act of 1985, the so-called Gramm-Rudman-Hollings law, exempted Social Security from across-the-board cuts of sequestration. That law also said that Social Security could never be included in the unified budget of the U.S. Government. Senator GRAMM emphasized during the Senate debate on the Gramm-Rudman-Hollings proposal, "This bill takes Social Security off budget. So if you want to debate Social Security, go to the museum, because that debate is over. The President cannot submit a budget that says anything about Social Security. It is not in order for the Budget Committee to bring a budget to the floor that does anything to Social Security. Social Security is off budget and is a free-standing trust fund."

From that point out, when Congress has adopted the annual Federal budget resolutions, Social Security is not included. The last time Congress voted on a budget that included Social Security was 1985. The Gramm-Rudman-Hollings law was approved by overwhelming majorities, 61-31 in the Senate and a 271 to 154 vote in the House of Representatives.

Then in 1990 some Members of Congress proposed to put Social Security back in the Federal budget, but Senator HOLLINGS and Senator Heinz rejected this unwise suggestion. They insisted that Social Security remain off budget and the Senate approved an amendment to protect Social Security by a 98 to 2 vote. In fact, the Budget Enforcement Act of 1990 speaks forcefully of Congress' intention to continue to protect Social Security.

Section 13-301 of the act reads "Exclusion of Social Security from all budgets"—it says plainly that Social Security shall not be counted as new budget authority, outlays, receipts, deficits, or surplus for the purposes of the budget of the U.S. Government as submitted by the President, the congressional budget, or the balanced budget and Emergency Deficit Control Act of 1985.

In 1995, section 22 of the congressional budget resolution amended the Budget Act even further to protect Social Security in a provision entitled the Social Security Firewall Point of Order. It said that any effort to include changes in Social Security in the Federal budget were subject to a 60-vote point of order in the Senate. The proposed balanced budget constitutional amendment would reverse these 15 years of steady progress in protecting Social Security. It would be turning its back on all of this history and expose Social Security to all the budget battles that lie ahead.

Further, in a major recent study, the Congressional Research Service suggested that the proposed constitutional amendment may actually place the trust funds off limits. The funds will be sitting there and the Social Security Administration will need them to write Social Security checks, but if the balanced budget amendment is adopted the Constitution will say no.

Here is what the Congressional Research Service concluded in its analysis for Senator DASCHLE on February 5:

> Because the balanced budget amendment requires that the required balance between outlays for that year and receipts for that year, the moneys that constitute the Social Security surpluses would not be available for the payment of the benefits.

Therefore, the money that had been set aside, the time when more funds are being paid into the Social Security benefits, at the year 2019 when there will begin to be some deficit between the amounts paid in and the amounts that have to be paid out, what the Congressional Research Service is saying is you will not be able to use the surpluses that have been built in all of these next 20-odd years. We will have to only look at the year that the money comes in and that the money goes out. That is, I think, understandable when you look on page 2 of the amendment and under line 7, it says "total outlays for any fiscal year shall not exceed total receipts for that fiscal year." Those are the operative words which led the Congressional Research Service to that conclusion which puts it in danger not only of the possibility for balancing the budget in terms of any period in the future but risks the surpluses that have been put in place over these next several years.

Now, Republicans asked the Congressional Research Service to clarify its opinion. They hoped, if they asked again, they would get a different answer, but instead the Congressional Research Service reaffirmed the opinion of February 12 that Social Security is at risk under the proposed constitutional amendment. CRS said again that under the proposed constitutional amendment when Social Security payments are estimated to exceed Social Security receipts from payroll withholdings, which is expected to happen beginning in the year 2013, Social Security payments can be made from the trust funds only if spending for other programs is reduced by the same amount. In other words, for each dollar drawn down from the trust fund, a dollar must be cut from education or defense or some other Government program.

Employees have worked hard all of their lives. Social Security has been withheld from their paycheck month after month. They are expecting the money to be available when they retire. But this proposed constitutional amendment suddenly freezes all that money that they had paid in over the years. When this happened, if Social Security is not off budget, we would have only three choices: We could cut Social Security benefits, we could raise taxes, or we can cut billions of dollars from education, health, national defense, other priorities, to keep the Social Security checks flowing. Clearly, Social Security benefits are at risk under the proposed constitutional amendment.

Now, some supporters of the balanced budget constitutional amendment want this result. When the Judiciary Committee was debating this amendment on Social Security, my amendment on January 30, Senator HATCH, the chair of the committee, said that under the constitutional amendment Social Security "would have to fight its way just like every other program." Senator HATCH went on to say that he believed Social Security has the easiest of all arguments to fight its way. But half of the members of the Judiciary Committee rejected that position. I had offered the amendment to protect Social Security during the committee's markup of the proposal. The committee was evenly split on the issue, 9–9. So in the very committee that is responsible for this amendment, half the membership, half of the membership, believed that Social Security is at risk under the proposed constitutional amendment.

Nothing in the proposed constitutional amendment, nothing, assures our senior citizens that their Social Security checks will survive the budget battles that lie ahead. Elderly Americans deserve more than expressions of good will by supporters of the constitutional amendment. If those who favor this unwise constitutional amendment are committed to protecting Social Security, they should write that protection in their proposal and adopt the Reid amendment.

President Clinton wrote to the Senate Democratic leader on January 28 about the risk to Social Security, and said to Senator DASCHLE, "I am very concerned that Senate Joint Resolution 1, the constitutional amendment to the balanced budget, could pose grave risks to the Social Security system." We cannot let that happen. I say we must—and we will, balance the budget. We must—and we will take steps to protect Social Security in the future. We should have that debate openly and honestly, but we should not jeopardize Social Security indirectly by subjecting it to the requirements of this blunderbuss constitutional amendment. I urge my colleagues to protect the Social Security by supporting the Reid amendment.

Mr. President, basically, just to sum up where I believe we are, if we look at the record of the Congress since the recommendation of the Greenspan commission of 1983, Social Security amendments in 1983 to put Social Security in order, and the recommendation, the unanimous recommendation was that Social Security was to be considered off budget, and that the commission itself urged them to do that in the next 10 years. Those recommendations were adopted 58 to 14, with 32 Republicans and 26 Democrats. This was a bipartisan effort to protect the Social Security system.

As I mentioned before, with Social Security, unlike other items in the Federal budget, people pay in in order to be able to receive later. I am a great supporter of education, but the students of this country have not paid in previously in order to receive either a grant or a loan. I am a great supporter of medical and biomedical research, but the researchers have not paid in in order to be able to receive funding. I am a great believer in child care, but the parents have not paid in so that they can receive money for child care.

The one program people have paid into in order to receive is Social Security. That is why, Mr. President, we have the recommendations—unanimous recommendations—of the bipartisan commission, supported by the ranking member of the Finance Committee—by Republicans and Democrats alike—that said we should take the recommendations of the Greenspan commission and, within 10 years, adopt a proposal that would effectively put Social Security off budget. We didn't wait 10 years. We waited 2 years. There was Gramm-Rudman-Hollings in 1985, which was adopted by 61 to 31, with 39 Republicans and 22 Democrats supporting. This is what it said: "Exempt Programs, section 255. Social Security benefits shall be exempt from reduction under any order issued under this part." This is in the Deficit Control Act. What they are saying is that we will not put at risk Social Security. And then a little later in that act, they pointed out that what we had was a sequestration, which meant there was going to be a reduction in various programs and done so on an across-the-board percentage. What happened in the Congress? What was accepted at that time? It said: "The Social Security benefits program shall be exempt from reduction under any order."

So it is saying doubly sure, don't include it, and if somehow it gets in, don't reduce it. This was the overwhelming position. Why? Because, as I stated earlier, it is the solemn pledge and commitment of the United States to our seniors, the lifeline for their lives, their well-being, their ability not to live in poverty, their ability to live with some degree of respect and dignity. These are men and women who have built this country, fought its wars and made it the great Nation that it is.

Then we had the 1990 Budget Enforcement Act, another opportunity to deal with the issues in Social Security. If it was not clear enough previously under the existing amendments, which have been stated, we had an amendment offered by Senators HOLLINGS, adopted 98 to 2. "Exclusion of Social Security from all budgets." There it is again. Recommended in 1983, enacted in 1985, clarified again in 1985 under the sequestration. If there is going to be any question about it, in 1990, here is the amendment, 98 to 2, Republicans and Democrats, to take it off budget. And then, in 1995, we have the firewalls, those walls to try to separate the various functions of Government as to what areas could be cut or shifted, in terms of budget allocations. It was very clear again in 1995—Social Security firewall point of order in the Senate. It points out, once again, "Not only is Social Security off budget, but any budget amendments affecting Social Security are subject to a point of order." This is what they call the pay-go provisions.

Once again, every indication, coming from 1983 all the way up to the present time, Republicans and Democrats alike, when it came to the issues of dealing with budgetary considerations and the challenges that we as a country were facing, said Social Security is different. Social Security is different. The reason that it is different is self-evident for, I think, every Member of this body. It is because it is different that we are going to treat it differently from other general budget expenditures. Sure, we are going to have belt-tightening in some areas that many of us would hope that we would not necessarily have. We will have differences on where we ought to tighten the budget. But Republicans and Democrats have repeated time after time after time after time that we were going to exclude this program and let it be considered on its own, in terms of a trust fund, because it isn't the Social Security trust fund that has brought us to the kinds of deficits we have had over any period of time, and it is not the fault of our senior citizens.

I am not out here today to review what actions we took in 1981 that set us on a path toward the growth of the large deficits. We can debate that at another time. That is not relevant to this. What is relevant are the actions, in a bipartisan way, that have been taken at every single opportunity when this body has addressed the issues of budget. And now we are being asked in the most significant and important request of all to say that when it comes to a constitutional amendment, we are going to make sure that Social Security is going to be included. We are going to make sure it is going to be included.

How do we know that? Because when we ask to take it out, we are told we can't take it out. The primary sponsors of this program have said that Social Security is going to have to fight it out with the other programs, is going to have to fight it out with education, fight it out with national security, fight it out with other kinds of priorities for the Nation. We have to ask ourselves—some of us have very recent memory when we saw the kinds of potential cuts that were being proposed in Social Security-related programs in the last Congress—cuts in the Medicare Program, not unrelated to Social Security, cuts in the program to pay for tax breaks for the wealthiest individuals.

Are we going to say now that we are going to wrap this potential cut in Social Security in this constitutional amendment, and that somewhere down the road it may be used as a piggy bank for trading off other kinds of budgetary requirements? I say, no. We have a chance to prevent that. This body is either serious about what we have done over the last 15 years and what we have stated to be the position of this institution, in a bipartisan way, and say Social Security is out, or we are telling our senior citizens that Social Security is being put at risk.

Now, Mr. President, we have to understand some other items. There are those who have said, well, if we pass the balanced budget, some of this legislation will still be out there, and it might provide some protection for Social Security. Well, they ought to read the Constitution one more time, because the Constitution is what controls statutes. It is the Constitution that is the law of the land. It is the Constitution that will be the driving factor and force on this particular issue, not what we have done in various statutes, not what we have done in budget orders, not actions that have been taken by other Congresses. It will be the Constitution.

So what we are saying, Mr. President, is we are going to put at risk, if the Reid amendment is not accepted, the future in terms of Social Security. All of these actions and protections that have existed there, with strong, overwhelming bipartisan support, not just simple majority—98 to 2—all of that is gone with the wind, all of that is past, all of that is sand, all of those pillars of marble that are out there are now effectively dust, in terms of protection.

Now, Mr. President, I know we will hear those who will say, well, the best we can do for our senior citizens is to have a sound economy. That is fine. We are going to work for a sound economy. But let's not put the senior citizens who have paid into this fund at risk in terms of their future and vital needs. This is a lifeline for our senior citizens. It is a fundamental and basic commitment that we have made over the more than 60 years it has been in effect. It has been reaffirmed and reaffirmed in this body. Without the Reid amendment, we are putting the Social Security system at serious and grave risk. That, I believe, is unwise, unjustified, and wrong. I hope the Reid amendment will be accepted.

I thank the Senator from Nevada again, and I thank my friend from Utah for working out the schedule.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am always happy to work out the schedule for my colleague from Massachusetts and always enjoy hearing my colleague. I think it is good for the acoustics from time to time, and it is also good for all of us who seem to talk at just a normal level. I always enjoy hearing my colleague, and I have enjoyed hearing him on this today, as bad and as dire and stressful as he seems to think things are. But then again, let's go back.

Simply put, Senator REID's amendment would exempt Social Security from section 1 of the balanced budget amendment, which requires that total outlays for any fiscal year not exceed total receipts for that fiscal year unless a three-fifths vote of both Houses concurs. Senator REID, and many of those who favor exemption of Social Security, make the rhetorical points that we should not balance the budget on the backs of the elderly; that the Social Security trust funds will be raided. Poppycock. The fact is, those funds are going to be invested in the very same bonds, no matter whether it is off budget or on.

The question is, what is the best budgetary approach to take? What is in the best interests of our senior citizens? What is in the best interests of our senior citizens is to understand that everybody in Congress will protect Social Security, and it is better off having it in the unified budget where it has always been protected. Show me a time when it wasn't. It has always been protected, at least in all the time I have been here. Put aside whether it is a riverboat gamble or whether it is a risky gimmick; it is pretty pathetic when you stop and think about it.

We have heard a lot of talk about how our uses of surpluses would be criminal conduct if done by business people and done in the private sector. But no one is going to prison around here. The fact is that removing Social Security from the protection of the balanced budget amendment would be the worst thing we could do to senior citizens. Talk about a risky gimmick, a riverboat gamble.

The primary paradox of this debate, as I have said before, in a debate full of paradoxes is the fact that removing Social Security from the protection of the balanced budget amendment would create an overwhelming incentive to do exactly what these critics say they fear. For this would focus budget pressures on the Social Security trust funds that could destroy the very viability of the Social Security program itself. It is a folly that has no real relationship to the goals sought. And that goal should be the protection of the Social Security trust funds.

Furthermore, another paradox that I will mention is that exempting the trust funds is simply unwarranted. There already exists a statutory scheme of firewalls that protect the trust funds from Presidential and congressional tampering. Nothing in the balanced budget amendment is inconsistent with the statutory firewall scheme that would warrant the firewall protections being declared unconstitutional. The truth is, the passage of Senate Joint Resolution 1, the balanced budget amendment, will be the best protection to Social Security that we can get.

Yet another paradox is that the Reid amendment does nothing to respond to the concern that Social Security benefits will be reduced. There is no language in his proposal that would protect Social Security recipients from either further budget cuts or tax increases. In fact, the Reid amendment expressly reserves the right to cut benefits. Get that. It expressly reserves the right to cut benefits.

Removing Social Security from the protection of the balanced budget amendment would weaken the financial integrity of the Social Security system. Presently, the Social Security program is producing annual surpluses because the huge baby boomer generation is still working and paying FICA taxes into the system. But the surpluses will end no later than the year 2019, when most of the baby boomers retire.

Moreover, under current projections, Social Security will have exhausted the trust funds and will be running a huge deficit by the year 2029. By the year 2070, Social Security will face a startling $7 trillion annual shortfall. Excluding Social Security ignores this problem and places this system in dire jeopardy. Including Social Security in the budget calculations forces Congress to address the pending crisis in a responsible manner before it becomes too late.

Let me just explain this in more detail. Let me talk about the Social Security exemption that they are asking for here. This risky gimmick of exempting Social Security would open up a loophole in the amendment and siphon off revenues from the trust funds. Placing the trust funds off budget will harm the Social Security program and make balanced budgets a virtual impossibility. The consequences of this could be very dire indeed. Further, I must emphasize that nothing in the Reid amendment protects recipients from either budget cuts or tax increases.

Under the Reid amendment, we would have two budgets. One would be based on sound principles of solvency and the other, the Social Security budget, would not be. One budget would be required to be in balance unless a supermajority votes to allow a deficit. The other, the Social Security budget, if they have their way, would be raided and bloated with costly unrelated projects. Anybody who doesn't believe that has not watched this outfit for the last 28 years as we unbalanced the budgets in each of the last 28 years.

Social Security—don't leave it out. If you leave it out, you are going to have special interest rats eating all the Social Security cheese, whereas if we leave it in, it is protected by the balanced budget amendment. We protect it because we keep a sound, good economy. We all know who these rats are. They are special interests that come in here and buy their way into influence. Taking Social Security off budget will subject funds to Washington special interest scavengers. When you have rats in your house, you need to plug all of the holes. If you do not, they are going to find a way in.

If we leave Social Security off budget, new and old special interest spending initiatives which cannot survive or make their way if they have to compete against other programs, will smell out the scent of Social Security and destroy it just like these high-class rats are destroying the cheese here on this chart. That is what is going to happen to Social Security. We all know it.

This is a game. The people who are arguing for it, with the exception of a few—certainly, Senator REID is very sincere about this—the people arguing for this hate the balanced budget amendment. It puts the screws to their spending programs, programs that are eating us alive and mortgaging our children's and our grandchildren's future. They want to defeat this amendment at all costs. And, therefore, they use these phony arguments that taking Social Security off budget is going to protect it when everybody knows it will not. This loophole will not only blow a hole in the balanced budget amendment, but it would also seriously harm Social Security.

Senator REID and supporters of the Reid amendment incorrectly contend that including present day Social Security surpluses in the unified budget would "raid" the trust funds. This is a complete misnomer. Here is how it works. The people pay the FICA tax. The Social Security Administration gets it and then sends it to the Treasury. All FICA tax proceeds are commingled with the general funds. The Social Security Administration receives Treasury bonds in recognition of the debt—and those bonds are the greatest redeemable securities in the world, United States bonds. They buy them to be redeemed later. The only way they are going to be redeemed is if we have a sound economy. The only way we are going to have a sound economy is if we live within our means. We clearly are not living within our means.

These documents are just 28 years. If we put the 58 years of the last 66 years, my goodness, what we have done to America is criminal. That is where the real criminals are: people who continue to spend.

The fact is if you are looking for people who have committed wrongs, then look to Congress, and it would be a double wrong if we moved Social Security out the protection of the balanced budget amendment, where it is vulnerable, where it is out there open, where all these special-interest rats can attack it because it is the only thing left to be able to spend and spend and spend. That is exactly what is going to happen here if we do not watch out. The FICA tax, moneys that they get from the bonds of Social Security, are going right now for entitlement spending and discretionary spending. Many of these programs are critical programs. If you take this Social Security off budget in the sense they want to in the Reid amendment, every one of the important social spending programs we have in this country, every one of them is going to be hurt. And in the end Social Security will be hurt because then there will be that much more of a push to go to that nice big second budget there that is not subject to balanced budget requisites and hang all these programs on it. If that happens, mark my word, senior citizens, every one of you are going to be hurt.

Social Security receipts are by law used to purchase interest-bearing securities, as I have said. Nothing in Senate Joint Resolution 1 would change the Social Security program, but if Social Security were removed from the protection of the Senate Joint Resolution 1 balancing requirements, the trust fund really would be raided. Under the Reid amendment, Social Security receipts would not be designated as "receipts" or "outlays," as under the balanced budget amendment. Spending Social Security surpluses, therefore, would not have to be offset by other receipts as it must if there is no exemption. This creates a powerful, yet perverse, incentive for Congress to spend the surpluses by redesigning other programs as Social Security.

That is what they will do to you. You know that. They want it off so they can redesign other programs, call them Social Security and eat up the surpluses and add to the deficit that we are all dying from right now.

Look, it is the biggest con job I have ever seen. Sincere or not, it is a con job. Let me just say this. This would be real raiding because what constitutes "Social Security" will be expanded, with the present day surpluses funding newly relabeled programs, only they will be called Social Security, and they will just continue to spend just like we have been doing for 58 of the last 66 years. This is only 28 of those unbalanced budgets, the last 28.

If projects are not immediately redesignated Social Security as I just discussed, thereby consuming accumulated Social Security surpluses, surplus proceeds would be used in the only possible manner that would avoid section 1's prohibition on outlays exceeding receipts, and that is to make debt repayment.

Normally, this would be wonderful, but, in fact, it creates a dangerous mechanism for the Congress to continue deficit spending if we adopt the Reid amendment. If the surplus is used to pay down the public debt, the total debt level will be reduced, creating a gap between the public debt total and the statutory debt ceiling. As a result, Congress would then be able to increase spending out of Social Security, which is not constrained by a balanced budget rule, without immediately bumping into the statutory debt ceiling. This would in essence allow a future Congress to again increase the Nation's debt without facing the balanced budget amendment's required three-fifths vote. Thus, any surplus generated by Social Security and used to pay off the debt would be squandered because the Congress could simply deficit spend under the Social Security exemption until the statutory debt ceiling is reached. This scenario would not be possible if Social Security was not exempted from the balanced budget amendment.

This secondary loophole constitutes an indirect way of using surplus Social Security receipts.

So, Mr. President, through one loophole or another, the Reid amendment would drain off the Social Security surpluses in the short term and fail to protect Social Security from tremendous deficits in the long term. Consequently, the Reid amendment not only fails to protect Social Security but is a risky gimmick, a riverboat gamble that will endanger the trust funds.

The net effect of the loopholes will be the depletion of the trust funds years early. When the balanced budget amendment does take effect in the year 2002, the trust funds will stop growing as all annual surplus funds would be reallocated for programs that have been redesignated Social Security. So instead of growing from 2002 to 2019, the years the trust funds are estimated to stop growing, the system would become stagnant. Exemption of Social Security from the balanced budget amendment will consequently speed up the system's demise.

If you do not believe that, then you have not watched Congress over the last 28 years. I think there might be some logic to what they say if you really stretched the cord, if you did not have the good old 28 years of unbalanced budgets sitting here, knowing the Congress cannot stop spending unless there is something in the Constitution that says we have to stop; you have to start living within your means; you have to start budgeting; you have to start doing what is right for the American people and especially the future of our children.

Removing Social Security from the protection of Senate Joint Resolution 1 would make balancing the budget virtually impossible. Based on the gimmickry of the past, the most likely scenario Congress will follow is to pass legislation to fund any number of programs off budget through the Social Security trust funds. The budget could be balanced simply by shifting enough programs into the Social Security trust funds. Where would the senior citizens be then? You would be the ones who are being ripped off. You talk about criminal conduct.

Congress could simply add to an exempted Social Security enough budget items to make up any deficit from the official budget. Congress could then eliminate the deficit by simply transferring costly programs to the exempted Social Security program. We would have a balanced budget but on paper only. Talk about a risky gimmick.

FICA taxes have grown significantly over the years. Odds are that the loophole would only accelerate this increase. In fact, all kinds of new "Social Security" taxes would be enacted such as a "Social Security" income tax or a "Social Security" value-added tax. As this process continues, the loophole created by this exemption by the Reid amendment would easily swallow both the spending and taxing provisions of the balanced budget amendment.

The balanced budget amendment will allow the use of Social Security surpluses to fund benefits.

Some Senators have proffered another argument in support of removing Social Security from the protections of Senate Joint Resolution 1. They allege that the very wording of the balanced budget amendment will not allow the use of surpluses in following years. This is so, they claim, because in succeeding years the spending for benefits from the saved surpluses becomes "outlay" under the constitutional amendment. They created quite a storm when they claimed that a CRS memorandum confirmed this. The only problem with their elaborate theory is that it is wrong.

Simply put, Mr. President, I must say once more that passage and ratification of the balanced budget amendment will not harm the Social Security Program. In fact, the very passage of Senate Joint Resolution 1 will help stabilize the program. CRS never concluded that the balanced budget amendment will harm Social Security. I believe that the Congressional Research Service memorandum my friend from Nevada was alluding to was, unfortunately, quoted out of context.

Let me explain. The CRS memorandum, dated February 5, that my colleague was alluding to, did not conclude in any way whatsoever that the balanced budget amendment would harm Social Security. All the CRS memorandum concluded was that, assuming the Social Security surplus survived through to the year 2019, the year Social Security will start running huge annual deficits, this previously accumulated surplus could be used to help pay for future deficits but only if it is offset by revenue or budget cuts.

Now, despite what my good friend asserted, under the balanced budget amendment, assets of the Federal Treasury could be drawn upon to ensure payments to beneficiaries when the system starts running deficits, annual deficits, that is.

To clear up any confusion, the Congressional Research Service produced another memorandum dated February 12, 1997, at Senator DOMENICI's request. This memorandum stated "We," that is, the Congressional Research Service, "are not concluding that the trust fund surpluses could not be drawn down to pay beneficiaries. The balanced budget amendment would not require that result."

So where is the problem? In the near future, when Social Security runs in the red, the Congressional Research Service concluded that under the balanced budget amendment, "The trust funds will be drawn down to cover the Social Security deficit in that year, and the Treasury will have to make good on the securities with whatever moneys it has available."

Senator MACK and I also requested that the Congressional Research Service clear up any confusion concerning the use of the February 5 CRS memorandum. CRS stated, in a letter dated February 14, that its memorandum was quoted out of context, and reiterated that under the balanced budget amendment, Federal receipts, including Social Security surpluses, could be used to pay for Social Security benefits.

I ask unanimous consent that the letter dated February 14, 1987, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 14, 1997.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: This letter is in response to inquiries made by you and Senator Mack about the conclusions CRS was reported to have reached in various responses to requests about the impact of the pending Balanced Budget Amendment (BBA) on the Social Security program. We note that you were engaged in a debate about these responses on the Senate floor on February 12, 1997.

Let me first say that CRS will always seek to respond to the specific needs of the congressional requestor, but will do so in a manner consistent with our obligation to provide research and information that is accurate and nonadvocative. We place the highest importance on these characteristics of our work and make every possible effort to maintain them. I want to assure you that CRS has applied these principles in responding to requests on the question of the BBA's effects on Social Security.

Although the National Journal's "Congress Daily AM" report of February 12, 1997 and other subsequent press accounts suggest that CRS drew a conclusion in a February 5, 1997 memorandum to Senator Daschle that Social Security would be threatened by the enactment of the Balanced Budget Amendment (BBA), we did not.

In fact, we were careful in that memorandum to make sure the reader understood that there was a range of possible outcomes. We realize that considerable attention was drawn to the following statement in the memorandum:

"Because the BBA requires that the required balance be between outlays for that year and receipts for that year, the moneys that constitute the Social Security surpluses would not be available as a balance for the payments of benefits. [The word 'surpluses' here was referring to the accumulated securities held by the Social Security trust funds.]"

The reader, however, only needed to go to the next and final paragraph of the memorandum to know that we were not concluding that this would be a problem for Social Security. It stated:

"Now, of course, this does not mean that Social Security benefits could not be paid. If the rest of the receipts into the treasury for a particular year exceed outlays, this amount could be used to offset the Social Security deficit. And, again of course, tax or expenditure provisions, or both, could be altered to create a new balance."

We came to realize from the immediate Congressional inquiries we received that there was a perception among some Members and staff that the statement, when taken in isolation, meant that if the BBA were enacted, the Social Security trust funds could not be drawn down to pay benefits if in any year the program was running a deficit. The statement in question simply was referring to how the drawdown from the trust funds would be scored under BBA accounting rules, not to what would happen to the program or trust funds. Nevertheless, in responding to subsequent congressional requests, we addressed this perception. In a February 12, 1997 memorandum prepared for Senator Domenici, which he inserted in the Congressional Record the same day, we pointed out first that

"the Trust Funds will be drawn down to cover the Social Security deficit in that year, and that the Treasury will have to make good on those securities with whatever moneys it has available." [Congressional Record, February 12, 1997, pp. S1294, 1295.]

We further pointed out that the earlier statement—that the drawdown from the trust funds would not count as receipts under BBA scoring rules—was not a conclusion by CRS that the trust Funds surpluses could not be drawn down to pay benefits. In fact, we said that the BBA would not require that result.

In both instances, CRS was asked specific questions on the same issues, but from different Members with different perspectives, and we gave consistent answers. I further would point out that in a CRS memorandum for general congressional distribution prepared February 7, 1997 for the purpose of discussing the impact of the BBA on Social Security generally, where we did not have to respond to a specific question from a Member, we made a similar statement about the topic:

"Regardless of whether Social Security is included in calculating the budget, under the intermediate projections [of the 1996 Social Security trustees' report] its outlays must be reduced or its revenues increased to avoid insolvency in 2029. Whether it is more or less likely that these changes would occur if Social Security were or were not included in the Balanced Budget Amendment is a matter of conjecture." [Memorandum entitled "Analysis of effects of the balanced budget amendment on Social Security, including the effect of enactment of H.R. 3636," by Geoffrey Kollmann, February 7, 1997]

With numerous CRS staff from different disciplines responding to questions from many Members and offices with varying perspectives, which is a common occurrence on major legislative issues, we are conscious of the possibility that we could approach and respond to questions about an issue inconsistently. Consequently, we expend considerable effort to coordinate our analyses and responses, particularly through the extensive CRS review process. On this particular issue, I believe we have taken a consistent position on what we do know and don't know about the impact of the BBA on Social Security, both in responses to specific questions from individual Members and in our general products.

In closing, I would emphasize again the importance CRS attaches to its unique role as a source of accurate and balanced research and information. I trust this communication has demonstrated our commitment to preserving the reputation for integrity that we have earned from the Congress over eighty years.

Sincerely,

DANIEL P. MULHOLLAN,
Director.

Mr. HATCH. Furthermore, to nail the point home, the nonpartisan Concord Coalition entered the fray. In a memorandum dated February 18, 1997, the Coalition concluded that the Senate position—that if the balanced budget amendment does not exempt Social Security it will somehow nullify Social Security benefits and prevent payments of benefits to retired baby boomers—is, and I quote, "nonsense." Let me quote further.

"What the balanced budget amendment would do is to raise national savings, and thus make Social Security—along with the myriad other claims on tomorrow's economy—more affordable. It would be ironic indeed if concern about funding Social Security, whether real or pretended, turns out to be the issue that sinks the balanced budget amendment."

"Let us be clear," they go on to say, "The balanced budget amendment would in no way alter the status of the Social Security trust funds."

I ask unanimous consent that an article entitled "Facing Facts, The Truth about Entitlements and the Budget, A Fax Alert from The Concord Coalition," dated February 18, 1997, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Concord Coalition, Feb. 18, 1997]

MORE NONSENSE ON SOCIAL SECURITY AND THE BBA

Last week, Senator Byron Dorgan and several like-minded colleagues held a news conference at which they warned that if the balanced budget amendment (BBA) does not exempt Social Security it will somehow nullify the program's trust-fund surpluses and prevent Congress from paying promised benefits when Boomers retire. This conclusion, they said, has been corroborated by the Congressional Research Service (CRS).

All of this is nonsense. What the BBA would do is to raise national savings and thus make Social Security—along with the myriad other claims on tomorrow's economy—more affordable. It would be ironic indeed if concern about funding Social Security, whether real or pretended, turns out to be the issue that sinks the BBA.

A DEFICIT TIME BOMB

Let's be clear: The BBA would in no way alter the status of the Social Security trust funds. After enactment of the BBA, the Treasury IOUs held in the trust funds would be precisely as meaningless as they are today. With or without the BBA, these "assets" can only be redeemed if Congress hikes taxes, cuts other spending or borrows more from the public to raise the cash. The BBA, by requiring that the unified budget be in balance in every future year, would simply curtail the borrowing option—which, in effect, is all CRS says.

Apparently, what the senators really want is some guarantee that Congress translate Social Security's trust-fund surpluses into genuine economic savings by running unified budget surpluses of equal size. This may be a laudable policy goal—and there is nothing in the BBA to prevent Congress from pursuing it. But embedding trust-fund accounting in the Constitution by exempting Social Security from the BBA is a terrible idea.

Why? While the Social Security trust funds are officially projected to run modest surpluses until 2019, thereafter they are due to run ever-widening deficits. And once the deficits begin, the BBA-cum-exemption would allow Congress to run a unified budget deficit equal to the Social Security trust-fund deficit every year. By 2025, the allowable annual unified budget deficit would rise to $315 billion; by 2040, it would rise to $2.1 trillion. if the economy takes a dip, moreover, deficits could begin much sooner—by 2007, according to the Trustees' high-cost projection. In this case, a BBA that goes into effect in 2002 would guarantee very little near-term addition to national savings—but would allow a Niagara of deficit spending in future years.

And even this assumes that legislators won't redefine "Social Security" that the exemption becomes an immediate highway for any amount of deficit spending. With the White House now proposing to keep Medicare "solvent" by shuffling outlays between its trust funds, such shenanigans hardly seem farfetched.

TIME TO WAKE UP

It's time we focus less on process and more on substantive economic results. Trust-fund accounting is (and always has been) an arbitrary legislative artifact. Whether a trust fund is in surplus or deficit has little economic relevance. What does matter is the net difference between total federal revenues and outlays, otherwise known as the unified budget balance.

The senators should wake up and look around. The principal effect of their exemption would be to allow the nation to run huge unified budget deficits at a time when a massive age wave will be straining the productive capacity of America's younger generations.

Yes, it probably is sound policy to run unified budget surpluses today to boost our lagging savings rate and prepare for the coming demographic transformation of our society. But let's not do so merely to fulfill some narrow trust-fund logic—and especially not as way to justify and allow massive budget deficits in the future.

Right now we find ourselves waist deep in deficit water. The purpose of the BBA is to require Congress to raise the deck above water and keep it there. The Social Security exemption would defeat this purpose. As for running budget surpluses, nothing in the BBA prevents Congress from doing so whenever it so decides.

Mr. HATCH. Even more important, yesterday, the very same Concord Coalition revealed a major analysis studying the effects of exempting Social Security from the unified budget.

This is the Balanced Budget Amendment and Social Security, the Concord Coalition Issue Analysis, 97–1, dated February 24, 1997, as of yesterday. Because of the significance of the analysis, let me quote its major conclusion:

> Trust fund accounting is, and always has been, an arbitrary legislative artifact. Whether a trust fund is in surplus or deficit has little economic relevance. What does matter is the net difference between total Federal revenues and outlays, otherwise known as the unified budget balance.
>
> Although some Senators and Representatives mistakenly believe that exempting Social Security from the balanced budget amendment would protect boomer retirees, it would, in reality, do nothing to guarantee future Social Security benefits, which would remain mere statutory promises, subject to change by Congress at any time.

"Instead," and let me go to this next chart—"Instead," it says:

> . . . legislators should focus on how the balanced budget amendment without an exemption for Social Security would strengthen the Social Security program and the ability of our Nation to finance retirement benefits not only for the baby boom generation, but for succeeding generations as well. The BBA, the balanced budget amendment, would raise national savings and thus make Social Security—along with Medicare and other claims on tomorrow's economy—more affordable.

That's a statement of the Concord Coalition, The Balanced Budget Amendment and Social Security—6, in 1997.

The Concord Coalition is a nonpartisan group made up of Democrats and Republicans, business people and nonbusiness people, people who are concerned about fighting these budget battles in an appropriate way. They do not have any axes to grind except they are leading the fight to try to balance the budget. They are not playing games with the letters from the Congressional Research Service. Which really has occurred in this matter.

"Right now we find ourselves waist deep in deficit water," the Concord Coalition goes on to say.

The purpose of the balanced budget amendment is to require Congress to raise the deck above water and keep it there. The Social Security exemption would defeat this purpose.

I ask unanimous consent to have the Concord Coalition's Issue Analysis 97–1, the Balanced Budget Amendment and Social Security, printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Concord Coalition, Feb. 24, 1997]

THE BALANCED BUDGET AMENDMENT AND SOCIAL SECURITY

ISSUE ANALYSIS 97–1

On February 5, 1997, the American Law Division of the Congressional Research Service (CRS) issued a one-page memorandum (Appendix 1) evaluating whether the proposed balanced budget amendment (S.J. Res. 1) would preclude, at a future time, the use of Social Security trust fund surpluses to pay out benefits. This memorandum was Exhibit One at a press conference held by Senator Byron Dorgan and several like-minded colleagues to warn that the balanced budget amendment to the Constitution (BBA) would somehow nullify the program's trust-fund surpluses and prevent the payment of benefits when the baby boom generation retires.

In fact, the CRS memorandum did not buttress the Senators' point. After explaining that payments from the trust fund would, indeed, count as federal outlays, the CRS memorandum stated explicitly.

". . . this does not mean that Social Security benefits could not be paid. If the rest of the receipts into the Treasury for a particular year exceed outlays, this amount could be used to offset the Social Security deficit."

Because the point of the February 5 memorandum was so widely misreported to say the opposite of what the author intended, CRS issued a second, clarifying memorandum on February 12. (Appendix 2) The second memorandum stated,

"We are *not* concluding that the Trust Funds surpluses could not be drawn down to pay beneficiaries. The BBA would not require that result. What it would mandate is that, in as much as the United States has a unified budget, *other receipts* into the Treasury would have to be counted to balance the outlays form the Trust Funds and those receipts would not be otherwise available to the Government for that year. Only if no other receipts in any particular year could be found would the possibility of a limitation on drawing down the Trust Funds arise. Even in this eventuality, however, Congress would retain authority under the BBA to raise revenues or to reduce expenditures to obtain the necessary moneys to make good on the liquidation of securities from the Social Security Trust Funds."

These two CRS memoranda make clear that the Senators' allegations are nonsense.

A DEFICIT TIME BOMB

Let's be clear: The BBA would in no way alter the status of the Social Security trust fund. After enactment of the BBA, the Treasury IOUs held in the trust fund would be precisely as meaningless as they are today. With or without the BBA, these "assets" can only be redeemed if Congress hikes taxes, cuts other spending, or borrows more from the public to raise the cash. This bears repeating: even if the BBA is never enacted, when the time comes to draw several hundred billion dollars from the Trust Fund in a particular year in order to pay benefits, the money to turn the government bonds held by the Trust Fund into cash will have to be found somewhere, and it will have to be found in that year. These funds can come from only three sources: raising taxes, reducing other spending elsewhere in the budget, or borrowing from the public. The BBA, by requiring that the unified budget be in balance in every future year, would simply curtail the borrowing option—which, in effect, is all the CRS memoranda say.

Apparently, what some Senators and Representatives really want is some kind of guarantee that Congress translate Social Security's short term trust-fund surpluses into genuine economic savings by running unified budget surpluses or equal size. This is a laudable policy goal—and there is nothing in the BBA to prevent Congress from pursuing it. In fact, the Concord Coalition hopes that Congress will run substantial surpluses during extended periods of peacetime prosperity, and we invite Senators and Representatives to work with us on budget plans that not only reach balance by 2002 but contain credible, equitable, and politically realistic policies to achieve annual surpluses shortly thereafter roughly equal to Social Security surpluses.

But embedding trust-fund accounting in the Constitution by exempting Social Security from the BBA is a terrible idea.

Why? While the Social Security trust funds are officially projected to run modest surpluses until 2019, thereafter they are due to run ever-widening deficits. These deficits will not be a temporary phenomenon that will subside once the period of the baby boomers' retirement is over. The boomers' retirement marks the abrupt beginning of what will be a permanent demographic shift. The analogy is not a python trying to swallow a pig; the analogy is a python trying to swallow a telephone pole.

While one might be able to make a case for borrowing money to ride out a temporary crisis, no one can justify trying to borrow our way out of a permanent change. Once the deficit begins, the BBA with the Social Security exemption would allow Congress to run a unified budget deficit equal to the Social Security trust-fund deficit every year. By 2025, the allowable annual unified budget deficit would rise to $315 billion; by 3040, it would rise to $2.1 trillion. If the economy takes a dip, moreover, deficits could begin much sooner—by 2007, according to the Trustees' high-cost projection. In this case, a BBA that exempts Social Security that goes into effect in 2002 would guarantee very little near-term addition to national savings—but would allow a Niagara of deficit spending in future years.

And even this assumes that legislators won't redefine "Social Security" so that the exemption becomes a superhighway for any amount of deficit spending. With the White House now proposing to keep Medicare "solvent" by shuffling outlays between its trust funds, this hardly seems farfetched.

TIME TO WAKE UP

It's time we focus on substantive economic results. Trust-fund accounting is (and always has been) an arbitrary legislative artifact. Whether a trust fund is in surplus or deficit has little economic relevance. What does matter is the net difference between total federal revenues and outlays, otherwise known as the unified budget balance.

Although some Senators and Representatives mistakenly believe that exempting Social Security from the BBA would protect boomer retirees, it would, in reality, do nothing to guarantee future Social Security benefits, which would remain mere statutory promises subject to change by Congress at any time. The principal effect of the exemption would be to allow the nation to run huge unified budget deficits at a time when a massive age wave will be straining the productive capacity of America's younger generations.

Yes, it is sound policy to run unified budget surpluses today to boost our lagging national savings rate and prepare for the coming demographic transformation of our society. But let's not do so merely to fulfill some narrow trust-fund logic—and especially not as a way to allow and justify massive budget deficits in the future.

Instead, legislators should focus on how the BBA without an exemption for Social Security would strengthen the Social Security program and the ability of our nation to finance retirement benefits not only for the baby boom generation, but for succeeding generations as well. The BBA would raise national savings and thus make Social Security—along with Medicare and other claims on tomorrow's economy—more affordable. It would be ironic indeed if concern about funding Social Security, whether real or pretended, turns out to be the issue that sinks the BBA.

Right now we find ourselves waist deep in deficit water. The purpose of the BBA is to require Congress to raise the deck above water and keep it there. The Social Security exemption would defeat this purpose. As for running budget surpluses, nothing in the BBA prevents Congress from doing so whenever it so decides.

APPENDIX 1

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 5, 1997.

To: Hon. Thomas A. Daschle, Attention: Jonathan Adelstein.
From: American Law Division.
Subject: Treatment of Outlays from Social Security Surpluses under Balanced Budget Amendment

This memorandum is in response to your inquiry for an evaluation of an argument made in connection with interpretation of the proposed Balanced Budget Amendment (BBA), now pending in the Senate as S.J. Res. 1. Briefly stated, the contention is that the terms of the proposal, if proposed and ratified, would preclude, at a future time when Social Security outlays in a particular year begin to exceed Social Security receipts in that particular year, the use of surpluses built up in the Social Security trust funds to pay out benefits.

At the present time, surpluses are being accumulated in the Social Security trusts funds, at least as an accounting practice, as a result of changes made in 1983. It is expected that when the receipts into the funds fall below the amount being paid out that moneys from the surpluses will be used to make up the differences.

The BBA would have its impact on this legislated plan because under §1 of the proposal "[t]otal outlays for any fiscal year shall not exceed total receipts for that fiscal year, ..." Under §7 of the BBA, the two terms are defined thusly: "Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal."

Therefore, under the BBA's language, there is mandated a balance in each year of the outlays that year and the receipts that year. Payments out of the balances of the Social Security trust funds would not be counted as Government receipts under the BBA, when in the year 2019, or whenever the time occurs, the receipts in those particular years into the Social Security funds are not adequate to cover the outlays in those years. That is, payments out of the trust fund surpluses could not be counted in the calculation of the balance between total federal outlays and receipts. Because the BBA requires that the required balance be between outlays for that year and receipts for that year, the moneys that constitute the Social Security surpluses would not be available as a balance for the payments of benefits.

Now, of course, this does not mean that Social Security benefits could not be paid. If the rest of the receipts into the Treasury for a particular year exceed outlays, this amount could be used to offset the Social Security deficit. And, again of course, tax or expenditure provisions, or both, could be altered to create a new balance.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

APPENDIX 2

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 12, 1997.

From: American Law Division.
Subject: Treatment of Outlays from Social Security Surpluses under BBA.

This memorandum is in response to your inquiry with respect to the effect on the Social Security Trust Funds of the pending Balanced Budget Amendment (BBA). Under S.J. Res. 1 as it is now before the Senate, & I would mandate that "[t]otal outlays for any fiscal year shall not exceed total receipts for that fiscal year . . . ." Outlays and receipts are defined in §7 as practically all inclusive, with two exceptions that are irrelevant here.

At some point, the receipts into the Social Security Trust Funds will not balance the outlays from those Funds. Under present law, then, the surpluses being built up in the Funds, at least as an accounting practice, will be utilized to pay benefits to the extent receipts for each year do not equal the outlays in that year. Simply stated, the federal securities held by the Trust Funds will be drawn down to cover the Social Security deficit in that year, and the Treasury will have to make good on those securities with whatever moneys it has available.

However, §1 of the pending BBA requires that total outlays for any fiscal year not exceed total receipts for that fiscal year. Thus, the amount drawn from the Social Security Trust Funds could not be counted in the calculation of the balance between total federal outlays and receipts. We are not concluding that the Trust Funds surpluses could not be drawn down to pay beneficiaries. The BBA would not require that result. What it would mandate is that, inasmuch as the United States has a unified budget, other receipts into the Treasury would have to be counted to balance the outlays from the Trust Funds and those receipts would not be otherwise available to the Government for that year. Only if no other receipts in any particular year could be found would the possibility of a limitation on drawing down the Trust Funds arise. Even in this eventuality, however, Congress would retain authority under the BBA to raise revenues or to reduce expenditures to obtain the necessary moneys to make good on the liquidation of securities from the Social Security Trust Funds.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

Mr. HATCH. The Reid amendment will make it harder to balance the budget. And it will harm not only Social Security, but other social programs.

Furthermore, in another paradox, the exclusion of the present-day surpluses in the budget would make it extraordinarily difficult to balance the budget by the year 2002, the date Senate Joint Resolution 1 mandates balancing. Between now and the year 2002, the surplus is estimated to be over $500 billion; over $500 billion. On this chart we have 10 years of the surplus. You will notice at the bottom the surpluses are worth $1.067 trillion, that is 10 years from now. Mr. President, $1.067 trillion is more than our expenditure this year on Medicare, education, veterans' benefits, the environment, national defense, Social Security, transportation, and infrastructure and national resources combined. In fact, between the year 2002 and 2019 when Social Security outlays will exceed receipts, the trust fund is expected to earn more than $1.9 trillion.

Where do supporters of the Reid amendment propose to come up with the money necessary to cover this supposed shortfall? This is an annual surplus average of approximately $100 billion each year. According to current budgetary figures, $100 billion per year is more than our current annual expenditure on education, the environment, transportation and infrastructure. Where will we come up with the money if this goes off budget to fund these programs if we exclude Social Security surpluses from the unified budget, and if we are serious about getting to a balanced budget by the year 2002? Show me the money. We are going to have to come up with $1.067 trillion, and it is going to have to come out of these programs that are critical programs, if you follow this amendment that the distinguished Senator from Nevada has filed here.

Federal programs would have to be cut under his amendment, or taxes raised by that amount to reach the balanced budget goal. If the American people think they are taxed enough now, wait until they have to be taxed to make up part or all of $1.067 trillion in the next 5 years. Keep in mind, the fact of the matter is, Social Security goes from the people to the Social Security Administration, funds go into the Treasury, and then they are invested, the surplus funds are invested in bonds that go back to the Social Security Administration to be redeemed later. They happen to be invested in the most important securities in the world. The only way we are going to be able to pay those bonds is if we have a balanced budget amendment without any gimmickry or games, and especially risky gimmicks at that, that literally help us to have a good enough economy to redeem those bonds.

If we do not do that, then many of these discretionary spending programs such as Head Start, education, entitlement spending programs such as veterans' pensions and benefits are going to be seriously harmed. It is just that simple.

Additionally, I have to point out again, not all of President Clinton's budgets have included the Social Security surpluses in their calculations. Doesn't that bother you, that the President says, "Oh, I think we ought to take Social Security out just like Senator REID does?" Why doesn't he? Why doesn't he take it out? Because he knows he cannot even make a claim to getting close to a balanced budget without those surpluses and he also knows he would have to cut most of the expensive social welfare programs that he and most of us up here would like to keep going in the best interests of people.

Indeed, Secretary Rubin, the Secretary of the Treasury, testified in a recent judiciary hearing, that without including the surpluses in budget calculations, it would be virtually impossible to arrive at a balanced budget. In his recent press conference President Clinton admitted the same when he confessed, and this is what he said, "Neither the Republicans nor I could produce a balanced budget tomorrow that could pass if Social Security funds cannot be counted." And the reason is because those surpluses are now being used to help balance the budget. But the obligation will be the same. The bonds are still going to be there. It will still be invested in bonds, whether the Reid amendment passes or whether we continue the same system. So, to say if we were in the private sector doing this we would all go to jail is not only a misnomer, or a misstatement, the fact is that we are putting them into the securities that are the only great securities in the world.

But they are only as great as this country is. And if this country continues to spend into bankruptcy, we will not have the money to redeem those securities. If we do what the distinguished Senator from Nevada wants done here, we will not have the monies. Then you really will harm those trust funds by putting them out there all alone, not subject to balanced budget requisites, not subject to any reforms that need to take place with regard to the whole budget as a whole, but out there, vulnerable to the special interest rats who come along and eat it like cheese.

The Social Security trust funds consist not of cash but of debt securities, as this chart shows. And they will be, whether this amendment passes, the Reid amendment passes, or not. But these debt securities have to be paid back.

How do you pay them back if you don't get the country's spending under control? If you look at reality—that is these 28 budgets that have been unbalanced since 1968—how are we going to get spending under control so we can pay back those bonds and redeem those bonds and pay back that money to the Social Security fund?

Part of the problem in addressing the Social Security issue in this debate results from the confusing terminology used by our opponents. They complain that the present trust fund surplus will be "raided" if we have a unitary budget that includes Social Security. But the fact is the Social Security trust funds are not a giant wallet of $100 bills or $1,000 bills or gold, for that matter. The FICA tax receipts come from the people to the Social Security Administration, and the bonds are given to the surplus, which are used to balance the budget today, and it will be the same system if the Reid amendment is adopted. The only difference is there is no balanced budget amendment. That is the only difference.

(Mr. GORTON assumed the chair.)

Mr. HATCH. The Social Security FICA tax receipts are used to pay benefits, and any excess is, by law, loaned to the Treasury to pay other Federal obligations in exchange for Treasury bonds. These bonds are interest-bearing bonds. That is all. They are evidence of the debt the Federal Government owes itself.

The most important question for future retirees is whether the Federal Government will be able to pay off its debts. The only way they will be redeemed in the future is if a budget is balanced and we have enough revenue to redeem the securities.

Mr. President, the best protection for Social Security is passing and ratifying Senate Joint Resolution 1. This would create the needed discipline to balance the budget. Payments on debt interest would be substantially reduced. The chance for Government default would be significantly diminished. The economy will grow at a brisker pace, repayment of Social Security obligations will be more secure, and we will end this process of never-ending mounting national debts, which have been continuing since—well, 58 of the last 66 years, but 28 of the last 28 years.

As I stated, the Social Security system is facing a future crisis. By the year 2029, the system will be bankrupt. We will put that chart up and you can see, when you get up to 2029, the system is bankrupt and we go into very serious deficit. Sadly, the Social Security trust fund's board of trustees estimates that by the year 2070, Social Security will be facing a $7 trillion annual deficit. In 1996 dollars, that amounts to more than $1 trillion in deficits each year. Our current total annual Federal budget is only $1.5 trillion. Where will we get the revenue to redeem the Social Security securities, then, unless we plan and budget for it as required under our balanced budget amendment?

The trust fund securities are only a claim on the General Treasury funds with no capital to back up that claim. If the country ever defaults on its debts, the Social Security trust funds will suffer. For this reason alone, Social Security recipients, both current and future and those who are concerned about them, should strongly support the balanced budget amendment—for that reason alone.

The biggest threat to Social Security, therefore, is our growing debt and concomitant interest payments. The Government's use of capital to fund debt slows productivity and income growth and, thereby, lessens the pool of revenues available to fund Social Security. The real way to protect Social Security benefits is to pass Senate Joint Resolution 1. The proposal to exempt Social Security will not only destroy the balanced budget amendment, or any plan to balance the budget, but in all probability will also pose a real risk to the Social Security system.

Section 13301 of the Budget Enforcement Act of 1990 does not require that Social Security be placed "off budget." Supporters of exempting Social Security argue that section 13301 of the 1990 Budget Enforcement Act literally exempts Social Security trust funds from the President's and the Congress' budget calculations. They claim that the balanced budget amendment would change this because it requires a unified budget.

These critics of the balanced budget amendment are wrong on both counts. Under section 13301(a) of the Budget Enforcement Act, the receipts and outlays of the Social Security trust funds are, indeed, not counted in both the President's and Congress' budgets, but only for certain specific purposes. The primary purpose for this exclusion was to exempt Social Security from sequestration by the President under the Gramm-Rudman-Hollings procedures and from the act's pay-as-you-go requirement.

In addition, as added protection, sections 13302 and 13303 of the Budget Enforcement Act also created firewall point of order protections for Social Security trust funds in both the House and the Senate. All this is made clear by the conference report accompanying the 1990 act.

Indeed, the 1990 Budget Enforcement Act does not preclude both Congress and the President from formulating a unitary budget that includes Social Security trust funds for national fiscal purposes. Surely the opponents of the balanced budget amendment are not suggesting that the President of the

United States and the Congress have been flouting the law when they include the Social Security trust funds in their respective budget calculations. Look, we all know that Social Security will need reform if it is to continue to be viable over the long haul. This chart shows that. There is no way that we can continue to go the way we are going without reforming Social Security.

We all know that, but the problem is not the inclusion of Social Security trust funds in the budget. The problem is that at the time of the retirement of baby boomers, there will not be enough FICA taxes to fund their retirement. Moreover, the surplus Social Security taxes being collected today will not cover the future cost of the system. Most of the current Social Security taxes are used to cover benefit payments to present retirees.

Outlays will exceed receipts of the system in about the year 2019, maybe even before. The guarantee of future benefits, therefore, will depend on the Federal Government's future ability to pay benefits.

Not including Social Security in the budget would harm the program. Congress could redesignate programs as part of the exempted Social Security system. The distinguished Senator from Nevada yesterday said Social Security is statutorily defined. Let's understand what that means. When something is statutorily defined, a subsequent statute can change the definition of it, and that only takes a simple majority in both Houses of Congress to do. Anybody who doesn't understand that doesn't understand the legislative process.

Let me tell you, if you don't include Social Security in the budget, the program is going to be harmed. Congress could rename anything "Social Security," as they have done before, by a simple majority vote. If they just name it Social Security and use the FICA taxes to fund these programs, then you will really see the program raided.

The problem that the Reid amendment raises in reality is not with the balanced budget amendment, but with the problems that the Social Security Program faces. We need to fix that, and adopting the balanced budget amendment and getting rid of these unbalanced budgets is a heck of a good start.

The balanced budget amendment does not overturn existing statutory protections for Social Security. In a related argument that seeks to justify the exemption, some have argued the balanced budget amendment will override the existing statutory protections for Social Security. Contrary to this assertion, it is clear that the current statutory protections for Social Security would not be eliminated by the amendment. Of course, the supremacy clause of the Constitution provides that any legislation contrary to a constitutional provision must fail. As the great Chief Justice John Marshall held in the landmark 1803 decision of Marbury versus Madison: An act of the legislature repugnant to the Constitution is void."

But what critics fail to mention is that there is absolutely nothing in the balanced budget constitutional amendment that is inconsistent with current statutory schemes. The Social Security statutory protections are not legislative acts "repugnant to the Constitution" as amended by Senate Joint Resolution 1. Congress, under the balanced budget amendment, can also create statutory protections for the Social Security Program.

Further, the Reid amendment has absolutely no protection against Social Security benefit cuts. The plain fact is that the best thing we can do for Social Security, the best thing we can do for retirees, and the best thing we can do for all Americans is to enact the balanced budget amendment without loopholes, without exemptions, and bring fiscal sanity and a little common sense back to Government.

Opponents of Senate Joint Resolution 1 who argue for a Social Security exemption contend that the balanced budget amendment will not in reality produce a balanced budget because gross debt will still rise. This is clever but it is misleading.

Mr. President, the balanced budget amendment does indeed require a balanced budget. Outlays must not exceed receipts under section 1 of Senate Joint Resolution 1. But it is also true that gross debt may still increase even if the budget is balanced. That is because the Government's exchange of securities for incoming FICA taxes is counted as gross debt. It is merely an accounting or bookkeeping notation of what one agency of Government owes another agency. It is analogous to a corporation buying back its own stock or debentures. Such stock and bonds are considered retired obligations that once paid have no economic or fiscal significance. Thus if we enact the balanced budget amendment the debt the United States owes to everyone but itself will stop growing.

This is very different from obligations owed by the Federal Government to the public. This type of debt—termed net debt or debt held by the public—is legally enforceable and is what is economically significant. If net debt zooms—because of interest payments of debt—which last year amounted to more than $250 billion—budget deficits balloon with all the dire economic consequences. To assure that budgets will be balanced unless extraordinary situations arise, debt held by the public cannot be increased unless three-fifths of the whole number of each House concur.

That net debt is considered to be of far greater economic significance than gross debt is a widely held truism among economists. Indeed, in the study "Analytical Perspectives: Budget of the U.S. Government Fiscal Year 1998," the Clinton administration no less concludes that net debt or "borrowing from the public, whether by the Treasury or by some other Federal agency, has a significant impact on the economy."

On the other hand, the study also maintains that gross debt or debt issued to Government accounts "does not have any of the economic effects of borrowing from the public. It is merely an internal transaction between two accounts, both within the Government itself."

Now, it is true that the balanced budget amendment does not by itself reduce the $5.3 trillion national debt. But what it does do is straighten out our national fiscal house and make it orderly. Passage of Senate Joint Resolution 1 will increase economic growth and allow us to run surpluses. With this, our national debt may be decreased if Congress desires to do so in the interest of national economic stability and prosperity. Without Senate Joint Resolution 1, this would be and will be an impossibility.

The Reid amendment, on the other hand, adds nothing to protect the trust funds from accumulating debt. In fact, by creating this loophole, this risky gimmick, this riverboat gamble, the Reid amendment may cause the trust fund to dry up sooner and run deeper deficits. Thus, the Reid amendment is a risky gimmick that endangers Social Security.

The Reid amendment is confusing and its application is going to harm Social Security. Let me just say, finally, Mr. President, the Reid amendment should be rejected because it is confusing. As I have said, its application may harm the Social Security Program, the very thing the Reid amendment claims to protect. The amendment exempts the Social Security trust funds from the balancing requirement, but it also includes the proviso "as and if modified to preserve the solvency of the Funds."

Explicitly exempting Social Security by placing it in the Constitution may "constitutionalize" the program in perpetuity unless a subsequent constitutional amendment provides for the program to be altered or abolished. As a result of the Reid amendment, do minor technical changes to Social Security every year require amendments to the Constitution? The constitutional amendment process was designed by the Framers to be lengthy, to prevent specious changes to the Constitution. If we must go through this time-consuming process for every change to Social Security because we have written specifically a statutory scheme into the Constitution, a statutory program into the Constitution

—even minor technical alterations—I fear major needed reforms to Social Security will come far too late if at all.

Similarly, does the proviso language mandate the solvency of the Social Security system, or does that language merely allow the Congress to take such steps? If the answer is that Congress must take measures to assure solvency, does this require mandated tax increases or benefit cuts?

Frankly, this proviso language strands us in unchartered territory. We do not know exactly how this language is going to be interpreted. Once it becomes part of the Constitution, assuming this amendment would pass, this language could also very well mean that the scope of Social Security as a constitutional provision could be amended by statute. For instance, in 1965, Social Security was broadened by a statue to include hospital insurance. That is, part A of Medicare. My question is this: If under the Reid amendment Social Security can be variously modified by statute, would we be constitutionalizing a massive loophole through which we could constitutionally enforce spending on any program redesignated as "Social Security?" If, on the other hand, we can only modify Social Security by constitutional amendment, will that not require a two-thirds Senate vote, approval of 37 States, and a 7-year delay to enact even the most minor changes?

All of this demonstrates the danger that the Reid amendment as a whole creates—that Congress ought to be responsible and not amend the Constitution to include specific statutory programs like Social Security. A constitutional amendment should be timeless and reflect a broad consensus and not make narrow policy decisions. We should not place technical language or overly complicated mechanisms in the Constitution and undercut the simplicity and universality of the balanced budget amendment. Explicitly exempting Social Security may constitutionalize the program in perpetuity unless a subsequent amendment provides for the program to be altered or abolished. It would also invite, in the opinion of many, gaming, and I can tell you it will invite gaming and endless litigation as the terms of the program are altered.

Former Assistant and Acting Attorney General Stuart Gerson and attorney Alan Morrison, on different sides of the fence, both have extensive experience litigating constitutional issues and testified in a Judiciary Committee hearing on Senate Joint Resolution 1. Although the two disagree about the wisdom of the balanced budget amendment, they agree that exempting Social Security is a bad idea, and both strongly oppose exempting Social Security from the balanced budget amendment. Stuart Gerson is for the balanced budget amendment. Alan Morrison was against. But both agree Social Security should not be exempted. Nothing should be. It ought be in the unified budget, to approach to intelligently.

According to Alan Morrison, a liberal, against the balanced budget amendment, a litigator with Public Citizen who opposes the balanced budget amendment and testified for the minority:

> Various proposals have been floated to exclude Social Security from the amendment, presumably as a means of attracting additional votes. Given the size of Social Security, to allow it to run at a deficit would undermine the whole concept of a balanced budget. Moreover, there is no definition of Social Security in the Constitution and it would be extremely unwise and productive of litigation and political maneuvering to try to write one. If there is to be a balanced budget constitutional amendment, there should be no exceptions.

That is pretty important testimony given before the Judiciary Committee by a person who, although he hates the balanced budget amendment and does not want it as a liberal, nevertheless believes it would be tremendously detrimental to the Constitution if we put a statutory scheme in the Constitution.

In conclusion, Mr. President, the biggest threat to Social Security is our growing debt and concomitant interest payments. Debt-related inflation hits hardest on those on fixed incomes, and the Government's use of capital to fund debt slows productivity and income growth and siphons off needed money for worthwhile programs. The way to protect Social Security benefits is to pass Senate Joint Resolution 1, get rid of the year after year of unbalanced budgets, get us living within our means. The proposal to exempt Social Security will not only destroy the balanced budget amendment, but in all probability would also cause the Social Security trust funds to run out of money sooner than they would have without an exemption, perhaps mortally wounding the very program the Reid amendment was designed to protect. That would be the paradox indeed.

Let me just finally conclude, anyone who believes Social Security will not be harmed are simply wrong.

The Reid amendment is a risky gimmick. The Reid amendment is a gamble. Special interest scavengers will sniff out Social Security. Before long, we will be using Social Security to fund all sorts of perks like the S.S. Social Security battleship. If we can put that chart up to make the point. We can see it happening. Now, that is bizarre but not nearly as bizarre as what has been done for 28 years, with all these unbalanced budgets. There is nothing in the Reid amendment that protects Social Security. Indeed, the Reid amendment threatens Social Security. It is a risk, it is a gamble, and it should be defeated.

I reserve the remainder of my time.

Mr. LEAHY. Mr. President, will the Senator from Utah entertain a unanimous-consent request? I will explain it. I was going to ask that we lay aside the Reid amendment, call up the Kennedy amendment No. 10, have it considered, then lay that aside and go back to the Reid amendment.

Mr. HATCH. Let me first suggest the absence of a quorum with the time to be divided equally.

I suggest the absence of a quorum and ask unanimous consent that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that the amendment of the distinguished senior Senator from Massachusetts, [Mr. KENNEDY] amendment No. 10, be deemed as qualified and having been brought up, but without altering the order of other amendments in their normal course or by unanimous consent.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 10

(Purpose: To provide that only Congress shall have authority to enforce the provisions of the balanced budget constitutional amendment, unless Congress passes legislation specifically granting enforcement authority to the President or State or Federal courts)

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of Mr. KENNEDY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Vermont [Mr. LEAHY], for Mr. KENNEDY, proposes an amendment numbered 10.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 3, at the end of line 14, insert the following: "Unless specifically otherwise provided by such law, Congress shall have exclusive authority to enforce the provisions of this Article."

AMENDMENT NO. 8

Mr. LEAHY. Mr. President, I yield the floor and the control of the time on the Reid amendment to the distinguished Senator from Wisconsin, [Mr. FEINGOLD].

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the floor manager. I yield myself such time as is necessary.

PRIVILEGE OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Susanne Martinez, Sumner Slichter, Mary Murphy, and Michael O'Leary, of my staff, be granted the privilege of the floor during Senator Joint Resolution 1 and all rollcall votes thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I rise to support the Reid amendment. I want to commend my friend and the distinguished Senator from Nevada for offering it.

Mr. President, Social Security is unlike any other program in the unified budget. In fact, the surpluses generated by Social Security are the principal reason that the unified budget was created in the first place.

Social Security is, fiscally and politically, a special program, and those special traits require us to separate it out from the rest of the budget. Social Security is singular as a public contract between the people of the United States and their elected Government.

What happened here with Social Security, Mr. President, is that the elected Government promised that if workers and their employers paid into the Social Security fund, they would be able to draw upon that fund when they retire—a simple proposition. But the singular nature of Social Security and the special regard in which it is held by the public, Mr. President, does not flow from some fleeting sense of nostalgia. Rather, Social Security has provided real help for millions of seniors.

According to AARP, Social Security keeps 15 million beneficiaries of all ages out of poverty. Today, 13 percent of recipients rely on Social Security for all of their income; 1 in 4 count on it for at least 90 percent of their income; 3 in 5, Mr. President—60 percent—depend on it for at least half of their income.

For those seniors, and for millions of others, the Social Security contract is very real and a vital necessity, and anything other than partitioning Social Security off from the rest of the budget risks a breach of that public contract, Mr. President.

Beyond the issue of our moral obligation to such a contract and keeping our promise, there are critical fiscal reasons for making a special distinction in this new constitutional budget structure.

Most obvious is the enormous temptation Social Security will provide to those who might seek to raid the trust fund to alleviate the deficit. This scenario is not hard to imagine. It is not some kind of a nightmare or a pipe dream. We already do it now. A unified budget masks the true, on-budget deficit. This is not a weakness of one party or one branch of Government. But it is a problem that we need to address, and it is a problem we need to address quickly. If we do not, the Social Security surpluses will be used to distort the true deficit picture, and it will undercut the deficit reduction that needs to be done. In fact, what will happen is we will pretend that we really have a balanced budget. But we will not because we will have used Social Security dollars to make it look in balance.

So, Mr. President, we have to begin to rid ourselves of the addiction to the Social Security trust fund and to begin to learn how to balance the budget without it if we are to fulfill the promise we made to today's workers that the Social Security benefits would be there for them when they retire; that those benefits will be there for them when they need it.

Some may argue that current law provides adequate protection for Social Security; or, many say, that, if the balanced budget amendment is ratified, Social Security can and will be protected though passage of implementing legislation. There are several responses to those claims.

First, let us recall that many of those who make that argument are also the people who maintain that mere statutory mandates are insufficient to move Congress to do what it has to do. The argument, when it comes to the subject of balancing the budget, is that only constitutional authority is sufficient to engender the will necessary to reduce the deficit.

Let's use the reasoning of these supporters. Using their reasoning, the willpower needed to resist the temptation to raid the Social Security "cookie jar" can presumably only come from a constitutional mandate, or, more specifically, a specific reference in this amendment that protects Social Security. Those who oppose giving extra constitutional protection for Social Security often suggest that there is no practical need for the protection because "Social Security will compete very well * * *" with other programs.

I heard the distinguished chairman of the Judiciary Committee reassure us time and again during the committee proceedings of this claim that we don't have to worry; that once we pass the balanced budget amendment Social Security is going to do very well; nothing to worry about.

Mr. President, Social Security should not have to compete with anything. As many have noted, it is a separate program with a dedicated funding source intended to be self-funding.

In addition, any assessment of the political potency of any particular program is going to have to be reappraised if we ever enter the brave new world of the balanced budget amendment.

Mr. President, let us take a look at the current environment to get a clue as to what might happen after the balanced budget amendment is passed, ratified, and implemented. In the current environment, it isn't even Social Security that receives the most preferred treatment. In the last 2 years that status, the greatest preferential status, has been reserved for military budgets that receive billions more than the Pentagon even asks for. That higher status has also been reserved not for Social Security but for corporate tax loopholes which were specifically exempted from the new line-item veto authority that many of us supported and sent on to the President last year.

What is more important, Mr. President, the proposed constitutional amendment imposes a new burden on Social Security that it doesn't even impose on other programs. Not only is Social Security not exempted, or protected, but it has the problem the way this amendment is drafted that other programs don't face. Because outlays cannot exceed receipts in any year, we are effectively barred from drawing on savings built up to fund future outlays. It is the very approach that we have to rely on to fund the expected ballooning of Social Security benefits as generations such as the baby boom generation reach older age.

Mr. President, the surplus of Social Security revenues produced today contribute to the equivalent of a giant savings account which will have to be used to pay for the expected bulge in beneficiaries when the baby boomers begin to retire. By 2002 the combined Social Security trust fund balance will exceed $1 trillion. By 2010, the balance will exceed $2 trillion. And by the year 2020, Mr. President, that figure will approach $3 trillion. All of this money is intended for and is supposed to be for Social Security benefits. And we are going to need it. But the proposed constitutional amendment would impose a three-fifths majority requirement on that financing structure, and no statutory approach would be able to overcome the problem. It will have been enshrined in the Constitution.

So, if we want to address the problem, if we want to be able to use that surplus fund to pay for these benefits in the future, it has to be done as part of the constitutional amendment itself.

So, Mr. President, the bottom line on this proposed constitutional amendment is—that is right—that it does not treat all programs alike. Programs like Social Security which require a buildup of savings into the future somehow have to reach the higher standard and muster a three-fifths majority. But the defense budget, special interest spending done through the Tax Code, and corporate welfare all get a free pass in the brave new world of the balanced budget amendment.

So, Mr. President, unless this is altered along the lines perhaps of the amendment proposed by the Senator from Nevada, the proposed constitutional amendment will not only enshrine the current practice of using Social Security surpluses to disguise the size of the budget deficit, it will actually make it nearly impossible to use those surpluses for Social Security when we need them. It will turn a bookkeeping gimmick into a $3 trillion heist.

Mr. President, I urge my colleague to support the Reid amendment and at least give Social Security the same chance every other program has.

Thank you, Mr. President.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. How much time does the Senator need?

Mr. DOMENICI. I do not recall how much I had.

Mr. HATCH. I yield such time as the Senator needs.

I yield 15 minutes to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, and fellow Senators, I note that my good friend, Senator REID, is on the floor. Let me say that it is with great reluctance that I say to the Social Security recipients across America that the Reid amendment threatens Social Security. Let me repeat. The Reid amendment threatens Social Security. Senator Reid and others have introduced their own version of a balanced budget amendment which would require a balanced budget in 2002 excluding the Social Security trust fund.

It is interesting right off. The President of the United States opposes the constitutional amendment for a balanced budget. One of the reasons he gives is that Social Security ought to be off budget. Everyone should know the President has been touting to all Americans that he has a balanced budget. And he said to the Republicans, "Why don't you work with me, and maybe together we can have a balanced budget by 2002?" Everybody should know that the President does that balanced budget with Social Security on budget—not off budget. He has never once ever said in a budget document that he sends up here that we ought to take Social Security off budget so we will protect Social Security. Never, never, never has he done that.

The people on the other side of the aisle have proposed their own balanced budgets in the past, and I am going to say, since I am not sure of one those budgets, that every single one ever offered included Social Security on budget—not off budget. Isn't it interesting when the time comes that you are really going to insist that the American people are protected in the future from big Government and big deficits that now the excuse is Social Security should not be on budget. It should be off budget.

Those same people argue that Social Security in the balanced budget effectively authorizes the raiding of the Social Security trust fund and the surpluses that are in that trust fund for purposes of balancing the budget.

Mr. President and fellow Senators, I believe the argument that is being made, and this argument in particular and the Reid proposal in particular, is nothing more than a smokescreen. It is intended to divert public attention from the real issue—constitutionally required fiscal discipline. It provides an excuse for some who supported the balanced budget in the past to vote against it now, now that their vote really matters, for this is obviously within one or two votes at the most of leaving the Senate and going to the House, after which there is a real chance it will go to the sovereign States to see if three-fourths of them want constitutionally imposed fiscal restraint.

Let me repeat. Now that the chips are down, that a vote is a real vote, excuses are coming forth from the walls in abundance, and the biggest excuse and risky gimmick is that we should leave the largest program of the Federal Government, into which the largest amount of American taxes are entrusted, that we should not have it on the budget. I believe the American people will ultimately see through this smokescreen because it is obviously a charade. It is not about Social Security. It is about defeating the balanced budget amendment to the Constitution.

It is clear to me that it is their version of a balanced budget that would lead to the so-called raiding of Social Security, while our balanced budget would protect the trust funds. Let me repeat, it is very, very interesting to note that the argument is being made that you must take Social Security off budget or you will harm Social Security when as a matter of fact from what I can tell, and I think I understand budgeting, to take it off is to put it more at risk. Let me see if I can explain why.

Make no bones about it. The Social Security trust fund, who gets paid and how much they get paid, what is subject to the trust fund and what can they pay out of it, is not enshrined in the Constitution. It is totally, purely, Mr. President, legislation. Social Security is defined by whom? It is not defined by God. It is not in the Ten Commandments. It is written by legislators. They define it. They write into that law who can get money, what programs might be within the Social Security trust fund, and here we go.

The Reid amendment says balance the rest of the budget but leave this very large trust fund to float hither and yon on its own, subject to what, Mr. President? Subject to what Congress wants to do with it. Senior citizens, you are being duped, if you are coming here in large numbers telling us to leave it off the budget. Leave it off the budget, for what? For what? So that Congress can do with it what it wants without regard to the budget.

Now, I am not suggesting that any Member of the Senate has that in mind, I say to the Senator from Oklahoma. I am not suggesting that my great friend from the State of Nevada has that in mind, but I am suggesting that when you enshrine in the Constitution a balanced budget that leaves Social Security out of the budget, you then have to ask the question over time, what might happen to that trust fund? I submit, in the past 15 years on at least one occasion that I am aware of, believe it or not, the now bankrupt Medicare fund, a trust fund, had a surplus, I say to my friend from Oklahoma, and Social Security was hurting. So guess what we did under the leadership of the chairman of the Finance Committee, Russell Long. We borrowed money from the Medicare fund and put it in the Social Security fund.

We made up for that later. But now what we are going to do is take Social Security and put it out there all by itself. Guess what is going to happen in the next decade. The Social Security fund has a lot of money in it. It is growing. It has a lot of surplus. And guess what. Its sister fund for hospitalization for seniors is diminishing. We are all running around saying let us keep it from bankruptcy. What if we do not keep it from bankruptcy, I say to my friend, the occupant of the Chair? What if we do not keep Medicare from bankruptcy and in 8 years it is desperately in need of money? Where do you think Congress might look to get the money? This budget that has Medicare on it will be a tough budget because it has to be in balance. So I think it will be as easy and as axiomatic as anything that goes on, like day following night, Congress will say, let us take it out of the trust fund. Then somebody will rise up and say, but what about the balanced budget? Then some will stand up and say, well, we did not put it in that balanced budget because we wanted to protect it. Then somebody will say, protect it? Let us use it. So they will borrow from it. Or in fact make the payments for Medicare out of it saying we will fix it later.

Now, frankly, I truly believe there is a higher probability of that happening than there is the probability that when the Social Security trust fund needs the cash that its reserves represent, that we have borrowed for the Federal Government, there is a higher chance of harming it by taking money out of it than there is the chance we will not have the money when the time comes that the surpluses have to really be turned into cash available.

Then, might I suggest, if the whole purpose of a constitutional amendment—and I do not deny the sincerity of those who propose a constitutional amendment other than ours, than the one we propose. My friend from Nevada probably really wants a constitutional balanced budget, but the truth of the matter is the purpose of that is so that you get to the point in time, fellow Senators, the point in time when you cannot borrow any more money. Right? That is the whole purpose of this constitutional amendment. It is structured in that way and there is no question about it.

Now, I ask you to just take a look at this one chart. I will use no more than this one. You see the black dotted line. That comes down to about 2020. That is the period of time when there will be a surplus that Congress can play with and spend if they would like because it is sitting out there, and in the Reid constitutional amendment it is subject to no limitation.

Now, if the purpose then of the balanced budget amendment that my friend, Senator REID, introduces is to say we are not going to be borrowing more money after we get to balance, then I ask what is going to happen in 2022 when that trust fund starts going in the red and you need to borrow money if you have not fixed the program? That is the red line. If we do not fix Social Security out there in the future, the difference between that green line and that red line, that great big triangle, is the amount of money that would have to be borrowed if we do not fix Social Security.

Now, let us assume that it is sitting out there in 2024. That is not farfetched because the constitutional amendment is supposedly forever, right, for 100, 200 years. Now, here we are. The whole purpose of the Reid constitutional amendment is to put us in the position where you cannot borrow any money after you are in balance.

I ask the Senator from Utah [Mr. HATCH] what happens when Congress says, well, we need $650 million for Social Security; it is going in the red? So somebody proposes, why, America has a great, strong economy. Let us borrow the money. Right?

Mr. HATCH. Right.

Mr. DOMENICI. What will there be in the constitutional amendment, if the Reid amendment became law, that says we cannot borrow that money? Nothing, Senator NICKLES. It can be borrowed. So we have kind of a charade going. You write a constitutional amendment that says when you finally get to balance you cannot borrow any more money, right? But that is only on that budget. On this other budget that is floating over here, there is no limitation on borrowing. I ask, if you are trying to protect the American economy and future generations from borrowed money, is there any difference between the borrowed money that might go into the first budget as compared with borrowed money that might go into the Social Security fund? I think not. I think both have the same negative effect on the future of our children and the growth and prosperity of the Nation.

So, if we want to stop at $5 trillion in deficits, when we finally get to balance under the Hatch constitutional amendment, we are saying we should not borrow any more money. But if the Reid amendment becomes law, we are not saying that. We are saying, for Social Security purposes you can borrow as much as you want. If that isn't a sorry state of affairs, after we have adopted a constitutional amendment if we were to adopt the Reid constitutional amendment, then I have not seen one; a situation which is more dissimilar after the fact than this. For after the fact there is no limitation on borrowing money.

Having said that, I choose, today, not to take up the second part of my comments other than to say we are struggling here today—have I used all my time?

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. DOMENICI. May I have an additional 2 minutes?

Mr. HATCH. I yield 2 minutes.

Mr. DOMENICI. We are struggling today to see if we can make a deal with the President of the United States. We are trying to get a balanced budget by the year 2002. It is hard to do. The President struggled, he said, with putting one together and said how hard it was. We are now looking at how we would do it and we say the President's is not a very good budget, but still we have to get there.

If, in fact, we got a constitutional amendment like the one my friend from Nevada offers, it says you will be balanced in 2002 without Social Security surpluses being counted. I will just tell you what the President would have to add to his budget in order to be in balance under that definition by 2002: $75 billion more in Medicare cuts. We are having trouble, arguing between $120 billion in savings and $160 billion in savings. But you would have to add $75 billion to the President's. Mr. President, $35 billion more in Medicaid; $28 billion more in civil service, military retirement, and other mandatories, and $158 billion more in education, environment, law enforcement and discretionary spending. Mr. President and fellow Senators, we all know that cannot happen. I mean, we cannot even settle on a balanced budget using the unified budget. It is difficult to get done.

So I must submit, in all deference and with as much respect as possible, that the Reid amendment is not intended to become the law of the land. It is not intended to become the constitutional amendment that goes to our sovereign States for ratification. For, if it was, it would have no chance of being ratified, for who would support it under the circumstances I have described?

I thank the Senate and thank Senator HATCH for yielding and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Will the Senator yield me 8 minutes?

Mr. HATCH. I yield 8 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I wish to compliment my colleague, Senator HATCH from Utah, for his leadership in this bill as well as Senator DOMENICI for his excellent statement. I hope our colleagues had a chance to listen to the Senator from New Mexico. He probably knows more about the budget than most all of us. He made an outstanding presentation.

I urge our colleagues to vote against this amendment. I recognize this amendment may be good politics. It sounds kind of good. I have heard some people say, "If you vote for this amendment you are going to protect Social Security." I totally disagree. As a matter of fact, I think it may have just the opposite result, or opposite conclusion. But it looks good. And, if it is reported by the press, "Well this one amendment was trying to protect Social Security," if they write it like that, some people are going to assume that is correct. I think it has just the opposite result.

I think, if we pass a constitutional amendment that says we are going to balance the budget, we are not going to spend any more than we take in but, oh, incidentally, we are going to exempt the largest and most popular program in Government, in other words we want to be in balance except for this very important, popular program, you just gutted the balanced budget amendment. There is no reason to have a balanced budget amendment. The amendment would say we are going to exclude the old age and survivors and Federal disability insurance program. You could include a lot of other things. Why not include Medicare? A lot of people think Medicare is the same thing as Social Security. It is all paid for by a payroll tax. Right now American citizens pay 12.4 percent for Social Security, which includes retirement and disability. And they pay another 2.9 percent in Medicare. There is no reason why we would not include that. You could define that as Social Security.

As a matter of fact, in the President's budget he takes home health care—basically he takes it out of the Medicare trust fund and moves it over from part A to part B, and then says it is all going to be paid for by the Federal Government.

My point is, you can shift around trust funds and I think you would find a multitude of programs running to be defined as Social Security. Let us throw in Medicare. Let us throw in welfare. Let us throw in anything else, and it will all be exempt from the balanced budget amendment requirement. That makes the balanced budget amendment a facade, it makes it a fraud, it makes it worthless.

I am not saying this is from the sponsor of the amendment, but I think a lot of people who are going to vote for the amendment want that to happen. There are a whole lot of people who are going to vote for the amendment of the Senator from Nevada—not that they hope it will pass, they do not support a balanced budget amendment anyway. And I would include President Clinton in this category. He does not support a constitutional amendment to balance the budget. But now he raises the specter of Social Security, maybe to scare people into thinking that is a good way to kill the amendment; to kill the constitutional amendment to balance the budget. I regret that.

I looked at a statement President Clinton made on January 28 at a press conference. He said, dealing with whether or not we should exclude Social Security that we couldn't right now. "Neither the Republicans nor I [and the Congress] could produce a balanced budget amendment tomorrow that could pass if Social Security funds cannot be counted," if you will, as part of the budget.

So the President is saying: Wait a minute, I use Social Security surpluses right now in my budget to get down to zero in the year 2002. So do the Republicans. President Clinton has in every single budget that he has had in the past. So have other Presidents. My point being he is now saying we will try to pass that amendment because he knows it is a killer amendment, not because he believes it is good policy. He knows it is bad policy. I think everybody, if they were asked legitimately, is this good policy, they would say, "No." Is it good politics? They may say, "Well, it may be." It might be good politics but it certainly is bad, bad policy.

You should not have a constitutional amendment that says we are not going to spend any more than we take in and exclude the largest program in Government. You should not open it up to a program that is not really defined by the Constitution, and therefore every other program in Government could be added as part of Social Security. All of which would be excluded from the constitutional requirement.

I think, frankly, when you are talking about the Constitution you should not be trying to write in the Constitution an exclusion for a particular Federal program. That does not fit. Again, it may fit for political purposes but it does not fit in the Constitution. It does not belong in the Constitution.

So, Mr. President, I mention this, I have the greatest respect for my colleague and friend from Nevada. I am afraid a lot of people will be looking at this amendment and saying it has a lot of political appeal but substantively it should not be in the Constitution. We are dealing with serious business. We are right on the throes of having the vote to pass a constitutional amendment to balance the budget. I hope that we will in the next few days. We will not, in my opinion, I will tell my colleagues, we will not if we come up with this amendment.

I have heard some people say if we just agree to this amendment I would vote for it in a minute. I don't think they would, not if they looked at what the results would be, not if they looked at the changes that would have to be made. I don't think that is accurate. This Senator would not vote for it because I think of it as a fraud. I think it would be misleading the American people and I don't want to do that. I think we should be serious in our legislating and I think we should be doubly serious when we are talking about a constitutional amendment in any form, and certainly one to balance the budget.

So, Mr. President, with all respect I urge my colleagues to vote "no" on the Reid amendment and, hopefully, it will go down and then we will be able to pass a constitutional amendment to balance the budget in the next few days.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada has 46 minutes 35 seconds remaining.

Mr. REID. And my friend from Utah?

The PRESIDING OFFICER. Thirteen minutes forty-seven seconds.

Mr. REID. Mr. President, I wrote a letter to a number of people in Nevada, and this is what I said in the last paragraph of the letter:

> There is no question Congress must face up to the tough task of balancing the Federal budget. I'm the first to accept responsibility for this task, but I draw the line on devastating the Social Security trust fund to accomplish this task.

Franklin D. Roosevelt, upon signing the Social Security Act, said,

> We can never insure 100 percent of the population against 100 percent of the hazards and vicissitudes of life, but we have tried to frame a law which will give some measure of protection to the average citizen and to his family against the loss of a job and against poverty-ridden old age.

I received numerous responses after writing this letter, but one response I received, as I mentioned on the floor yesterday, was from Helen Collins who said:

> I have been a widow since age 21. I never considered applying for any kind of welfare assistance. I worked, and raised and educated my son. He got a master's degree. Sad to say, at age 71, I am totally on my own on quite a limited budget. By being very careful, I get by. However, I do worry about getting more seriously ill and losing Social Security. For many of us, these are not the golden years. But I, for one, thank God that good people like you are helping us maintain our dignity and independence.

That is what this debate is all about. It is about the Helen Collinses of the world, not the people who are running full-page ads in the New York Times and the Wall Street Journal. The people on Wall Street want this to pass because it gives them an easy opportunity to balance the budget.

Mr. President, I heard my friend, my good friend, with whom I serve on a subcommittee—I am the ranking member of the subcommittee, and I have served on the Appropriations Committee with him since I have been in the Senate—I heard my friend, the senior Senator from New Mexico, say that what we are trying to do is keep Social Security on its own. That is absolutely true, we are. We are trying to keep Social Security on its own. It is not part of the unified budget. It shouldn't be part of the unified budget. We have passed laws in this body so it would not be part of the unified budget.

Here is what happened over the last decade: The Greenspan commission, where we established, by a majority vote, a bailout of the Social Security system, and it was to last to the year 2060; in 1985, we passed the Deficit Control Act, which further strengthened Social Security; in 1990, we passed the Hollings-Heinz amendment which took Social Security off budget.

What right do we have to suddenly start including it in the unified budget? We don't have any right to do that. Everyone has said you can't balance a budget unless you use Social Security. That is my whole point. If we are going to balance the budget, we should do it the right way, the hard way.

I think the most telling thing, Mr. President, was when my friend from New Mexico came and gave this very well-meaning speech—he is a sincere man, but I think it is glaring that he did not respond to the statements that I have made and the junior Senator from South Carolina has made over the last 2 days about his own words from 1990. These were his own words:

> I voted for Senator Hollings' proposal because I support the concept of taking Social Security out of the budget deficit calculation. But I cast the vote with reservations.

What were his reservations that he came to this floor and did not respond to? His reservations:

> We need a firewall around those trust funds. . . .

That is what this amendment is all about.

> We need a firewall around those trust funds to make sure the reserves are there to pay Social Security benefits in the next century. Without a firewall or without the discipline of budget constraints, the trust fund

> would be unprotected and could be spent on any number of costly programs.

It is here, and that is what my amendment is all about. Social Security should not be used to pay—in the words of the present chairman of the Budget Committee, "the trust funds would be unprotected and could be spent on any number of costly programs." These moneys should be spent on one thing and one thing only: paying old-age benefits.

Silence is golden. My friend from New Mexico did not, in his 20 minutes on the floor, even respond to the statements he gave in 1990. They are in the CONGRESSIONAL RECORD. Not a word.

Mr. President, we received today almost a million signatures from a group of senior citizens who signed these petitions in the last few days. They have a right to do that. Of course they do, because, Mr. President, American seniors are exercising a powerful right to stop a devastating wrong. The right to petition our Government for wrongs is guaranteed in the first amendment of the Constitution. This right is a cornerstone of our democracy and deserves to be enshrined in the Constitution, and it was. Giving Congress and the courts the power to permanently raid Social Security should not be guaranteed by the highest, most powerful legal document in our country.

So, Mr. President, I believe that what is taking place here is a cheap, easy, deceitful way to balance the budget. It is contrary to law to take the Social Security surpluses and use them for other purposes. And even if it weren't law, you shouldn't do it because it is a trust fund, and a trust fund should not be spent for any purpose other than for what the trust fund was established.

My friend from Utah, the chairman of the Judiciary Committee, talked about the Concord Coalition and others who last Congress said we would protect this program through enabling legislation. What they were saying in the last Congress is maybe what we can do is have a statute to preserve Social Security. I am sure they must have checked with somebody who is in their first year of law school who told them that a statute will not override the Constitution. And after having checked with a first-year law student, they came up with a new pitch, and that is, "Let's go along with it. Let's just raid Social Security." And that is what they have said.

Mr. President, my good friend from Utah has also said the Congressional Research Service changed the memo the second time, it doesn't really say what they said it says. The Center on Budget and Policy Priorities disagrees. The Center on Budget and Policy Priorities, among other things, says, all three memos, the two from CRS and theirs, explain that under the Hatch balanced budget amendment, outlays in any year, including outlays for benefits paid from the Social Security trust fund, may not exceed receipts in that year. All three memos note that any funds drawn down from the accumulated Social Security surpluses to help pay for Social Security benefits of retired baby boomers would not count as receipts in those years.

They go on to say:

> Under the balanced budget amendment, the Social Security surplus could not be tapped and interest earnings on the surplus could not be used unless there was offsetting surplus in the rest of the budget.

Mr. President, we have a number of other people saying that, and one person saying it is not a first-year law student but a graduate of one of the finest universities in America today, the person who is in charge of the Office of Management and Budget, a person who has a great reputation, Franklin D. Raines.

Franklin Raines said, in writing this letter to Senator DASCHLE, the minority leader:

> DEAR MR. LEADER: I am writing in response to your inquiry regarding the February 5, 1997, Congressional Research Service memorandum entitled "Treatment of Outlays From Social Security Surpluses Under a Balanced Budget Amendment."
>
> That memorandum noted that the 1983 Social Security reforms called for accumulating those surpluses to allow payments even when annual trust fund income is no longer sufficient to make those payments. It concluded that, under S.J. Res. 1 and without further congressional action, accumulated trust fund surpluses could not be used for the full payment of Social Security benefits in any year when outlays would otherwise exceed receipts. That conclusion is correct.
>
> Under current law, expenditures from trust funds are governed by the amount of funds available in the trust fund balances and by congressional spending authorizations. This general rule applies to the Social Security trust funds. . .
>
> S.J. Res. 1 would require overall federal government cash flow balance on a year-by-year basis. In the event that revenues are projected to fall below outlays for a given year, outlays would need to be adjusted for the remainder of the year. Such a shortfall would most likely occur toward the end of a fiscal year, when only a limited base of discretionary outlays would be available for reduction. Consequently, programs with monthly payments would be unable to avoid exposure to such reductions.
>
> All entitlement expenditures—including Social Security—would be treated as expenditures under S.J. Res. 1 and, thus, would be exposed to reductions. This would mean that, due to operation of the proposed constitutional amendment, the government might not be able to make payments from trust funds with both available balances and full congressional authority to make expenditures from the trust fund. Reductions in entitlement spending would have a particularly perverse effect if the revenue shortfall was caused by a recession, and where payments subject to limitation are part of the automatic stabilizers.

So, Mr. President, it is very clear that the underlying amendment would devastate Social Security. Well, there are some who say, "Why are you trying to protect Social Security, there are other trust funds?" Mr. President, the reason I am trying to protect Social Security is that is where the money is. The other trust funds are pittances. They are bits and kibbles. There really is not much money there. Social Security is the finest social program in the history of the world, and I feel an obligation, a moral obligation, to protect it.

The reason that there has been all this emphasis on Social Security is they are going after the moneys just as Senator DOMENICI in 1990 said we should try to prevent. "We need a firewall around those trust funds," said Senator DOMENICI, "to make sure the reserves are there to pay Social Security benefits in the next century. Without a firewall of the discipline of budget constraints, the trust funds would be unprotected and could be spent on any number of costly programs."

That is a direct quote.

So, Mr. President, I think we have to narrow the focus of what this is all about. The focus is whether or not we are going to allow the Social Security trust fund to be raided on a yearly basis until it runs out of money and then, of course, Social Security would be wiped out.

I say, Mr. President, that I suspect, and I feel that I cannot direct this to anybody in the Senate because I do not know, but there are people in the leadership in the House of Representatives who believe the Social Security program is a bad program. Again, I do not think you have to be real bright to figure out that is how they feel. This is a statement from the majority leader, the present majority leader of the House of Representatives. Again, I quote: "Social Security is a rotten trick. I think we are going to have to bite the bullet on Social Security and phase it out over time."

Now, does that appear to be somebody that is pushing a balanced budget amendment and wanting to protect Social Security? Would you trust someone of that philosophy to try to draft a statute to avoid a constitutional provision? First of all, you cannot. But even if you could, would you trust someone with that philosophy? I think not. There are people supporting this amendment, recognizing that doing so will wipe out Social Security.

I think we should not do that. I think we should look at the Helen Collinses of the world and say the money that she is talking about is just a small amount of money. We have a number of letters here that my staff has brought me. One woman talks about getting 300-some-odd-dollars a month. That gives her a little bit of independence. This amendment protects her interest by excluding Social Security from the calculations of the balanced budget amendment. It protects the interest of the Helen Collinses of the world.

Social Security is, therefore, not at fault for the deficits that have been accumulated. Not a single Social Security recipient is the cause of the deficit. Social Security is not running up deficits. In 1983 we passed legislation to forward fund Social Security. The reason this amendment is so important to some people is that is where the money is. They do not want to balance the budget the hard way.

We heard statements here from President Clinton saying it is going to be real hard to balance the budget if you do not use Social Security. No kidding. I understand that. We all understand that. But if we pass my amendment we would have a true balanced budget and we would also preserve Social Security. I think that is a pretty good deal and I think it is worth the risk.

The Social Security trust fund is being used to mask the size of the deficit. Each time the Government dips into the Social Security trust fund to help pay for the deficit it hurts Social Security. We should stop that.

Because the Constitution will require the Federal Government to balance the budget, Social Security moneys will have to come from one of four places.

I see my friend from Florida. Does he care to make a statement? I am happy to withhold and allow my friend from Florida to make a statement.

Mr. MACK. If you want to take a few more minutes to finish your thought, fine. However I would like to have the opportunity to speak.

Mr. REID. Please go ahead.

Mr. MACK. Mr. President, again, I thank my colleague for allowing me to take this time to address the Senate on the issue of the balanced budget amendment.

I have spoken many times in the past years on this issue, both in the House and here in the Senate. I think it is a vital one. It is truly a debate about whether we are committed to the belief that the era of big Government is over. The reason there is such a debate about this issue is because it really is fundamental to that.

Before I make some additional comments I think I might just make a statement or two with respect to the issue of Social Security. I represent the State of Florida, and therefore I think it is fair to say I am pretty sensitive to the retiree, the elderly vote in my State and their concerns about Social Security. I make the claim that probably the most significant way to protect Social Security is, in fact, to pass a balanced budget constitutional amendment.

My feeling is that, in fact, it is a risky gimmick, I think, to be taking Social Security off budget. For that matter, I think it is to be proposing that a whole series of programs be taken off budget. We need to address the balanced budget constitutional amendment from the standpoint of all the expenditures, all the income and all the expenditures of the Federal Government, not separating them off into different accounts and considering only one group of expenditures at a time. Again, I think it is a risky gimmick to take Social Security off budget.

Mr. President, over the last couple years I had the opportunity to read several books on the Constitution. One written by Catherine Drinker Bowen, and maybe this comes back to my mind after having watched the special on Thomas Jefferson that was on PBS last week. I thought it was a terrific 3-hour presentation and discussion about the roots of our Government, the roots of this Nation. Catherine Drinker Bowen's book, called "Miracle at Philadelphia," was all about the debate about the establishment of the Constitution. I know that some have said, "Well, the Constitution did not have a balanced budget amendment or a balanced budget requirement as part of it." Therefore, people would make the claim if they did not feel it was important then, and they were certainly some of the brightest minds we have ever experienced in Government, who are we to claim that there needs to be an amendment to the Constitution to address this issue, the need for a balance within our expenditures?

I think that the people who make that claim fail to take into consideration how our Constitution has been amended over the years and the fact that the Senate used to be appointed. I believe it was either in 1912 or 1916—I have forgotten the specific date—when the Constitution was changed to require a direct vote on Members of the Senate. Well, there was an intricate balance that the writers of the Constitution came up with that was changed, with the result of the Senate being directly elected by the people. If you will remember, the fear that many had in those days was that the House, directly elected by the people, would be off pursuing many different ideas of great popular support, and that there needed to be some kind of restraint that would be placed on the people's House, and that would come from the Senate. Again, that has been changed. So some of the restraint was built into the system to be able to say, no, we don't think we ought to pursue that particular program or that particular expenditure. That was taken out as a result of the change in the direct election of Members of the U.S. Senate.

I think it is fair to say that we ought to address the particular point that, today, there is a tendency to think of this debate as being a debate about economics. The reality is this is about human behavior and how we are going to control the desire on the part of some people to support all the different initiatives that might come from our constituents. So I think, from a constitutional perspective, one can say that the conditions have changed significantly, to the point where it is completely legitimate to be arguing today that we need an outside restraint on the ability of the Members of the Congress to spend our taxpayers' dollars. I have supported the constitutional amendment since I have entered Congress, which was back in 1982.

I want to take just a moment or two to talk about the benefits that are derived. Again, all too often we find ourselves talking about some very intricate aspect of this debate, and we fail to address what I believe are the important benefits that come from a constitutional amendment to balance the budget, a requirement that we balance the budget. I believe, in the long term, we will end up with lower taxes, higher growth, more jobs, less Government, and lower interest rates.

Again, lower interest rates can, I think, produce some very tangible benefits to our constituents. We have made estimates, for example, that lower interest rates would save the average family $125 a month. Now, some people might say that is not a great deal of money. I say to my colleagues, then go stand out in front of a grocery store and ask the individuals coming out whether they think an extra $125 a month is meaningful. I believe it is. We believe the way they can save that kind of money is, again, because of lower interest rates. Mortgage payments would be lower, automobile loans would be less expensive, student loans would be more affordable. That is a direct benefit that is passed on to our constituents.

Again, I have a tendency to think at this time about the kinds of people that will be affected by what we do. I again ask my colleagues to consider the folks back home—the mother who might have two jobs who is being asked to support funding of all these various programs at the Federal level, the family where the husband and wife both work. In fact, I remember one particular individual coming up to me and explaining that he works all week and comes home and takes care of the children over the weekends while his wife works over the weekend. These are the kinds of people who we are asking to pay taxes to the Federal Government to fund the various programs. I can only think of one way we can finally put some restraint, again, on the Members' ability to spend their money, and that is to pass a balanced budget constitutional amendment.

At this point, Mr. President, I yield the floor.

Mr. REID. Mr. President, I yield 5 minutes to my friend, the Senator from North Dakota.

Mr. DORGAN. Mr. President, I was listening to my friend from Florida, Senator MACK, someone for whom I have great regard and affection. The interesting thing about this debate is that we essentially agree that we ought to balance the budget. There is no disagreement about the goal here. There is a disagreement about the methods of achieving that goal.

Earlier this afternoon, I heard someone come to the floor of the Senate and speak of the Reid amendment. He said that the Reid amendment actually threatens Social Security. Well, that is the most byzantine argument I have heard, perhaps, in all the time I have served in the U.S. Senate—the Reid amendment injures or threatens Social Security. The Reid amendment is designed to make sure that we do two things at once—balance the Federal budget by exacting the discipline needed to do that in the Constitution, but while we do it, keeping our promise to those who we made a promise to with the Social Security system, saying that you are paying taxes into the system, that taxes are dedicated for one purpose, and we are going to honor that. That is what the Reid amendment is about.

Without the Reid amendment, this constitutional amendment doesn't balance the budget. I came here this morning at 9:40 and spoke in favor of this amendment. I asked a question, and I am going to ask the Senator from Nevada, who has been on the floor all day because he has been managing his amendment, whether anybody has come to the floor to respond to that question. I asked this question, and the question itself strips naked the proposition that what is on the floor from the majority party requires a balanced budget. If we passed this proposal, just like that, 20 seconds from now, and if we then passed a proposal to balance the budget, as offered by the majority, just like that, 20 seconds later, and it is the year 2002, why then does the budget require that the Federal Government increase its debt limit by $130 billion in a year in which the proponents claim the budget is balanced? I have not heard anyone respond to that. If the budget is balanced, why is there a requirement to increase the Federal debt limit by $130 billion?

I know the answer, but I am asking it of the other side because I want to hear them say what I know to be the case. The reason you have to increase the debt limit by $130 billion when you claim the budget is in balance is because the budget isn't in balance, precisely because of the kind of thing Senator REID is trying to address. You take, on that side, the Social Security revenues and add them in over here and say, look what we have done, we have balanced the budget, implying somehow there is no obligation over here to use those moneys in Social Security when the baby boomers retire.

The Senator from Nevada offers an amendment that says if we are going to do this, let's do it the honest way. I suspect there are not the votes in the Senate to pass the amendment of the Senator from Nevada. I intend to vote for it. But I suspect it will be defeated so we can have the same old same-old here of claiming to balance the budget when, in fact, the Federal debt limit continues to increase.

I ask the Senator from Nevada, has anybody come and answered the question of why, using this approach, enshrining this practice into the Constitution, when they say they have balanced the budget, why the Federal debt would then increase by $130 billion in the very year they claim they balanced the budget?

Mr. REID. I left breakfast early so I could be here early to hear all the debate. The Senator has asked this question more than one time, and I thought this would be an appropriate time for someone to respond to the question. You have asked it at least a half dozen times. I thought that, with all the power behind this underlying amendment, Senate Joint Resolution 1, someone would come and be prepared to answer your question. There has not been a single word spoken in response to your question.

Mr. DORGAN. I think the reason for that is that this is a giant dance that goes on. The farther they get from the truth, the faster they dance. I am talking about those who are suggesting to us that they have an approach that will balance the budget, even as that balanced budget requires the Federal debt to continue to increase.

There was a hearing on this subject. I went and testified at the hearing. At the hearing they had the debt clock. That is the neon clock with the numbers that keep increasing that shows how the Federal debt is increasing. I made the point that debt clock actually reinforces what I was asking. I said, it is interesting. When you say that you have balanced the budget that debt clock is going to keep increasing. Until you turn the debt clock into a stopwatch you have not balanced the budget and nobody in my home town thinks you are going to balance the budget.

So, if you accept the Reid amendment, which is a perfecting amendment to the underlying constitutional amendment that balances the budget, you will solve that problem. It is not so hard to do. Accept the Reid amendment, and I think we can enact this constitutional amendment to balance the budget with 70 to 75 votes, mine included. But this is important because it relates to the underlying question of are we really about balancing the budget, or are we about altering the Constitution so that we can claim we have done something that we have not in fact done? That is what is at the root of this issue.

Mr. President, we will have an opportunity to vote for a perfecting amendment that Senator Reid is offering. If we lose that, we will have the opportunity to vote for a substitute constitutional amendment which incorporates the Reid amendment that I will offer.

So we will have two votes on this. If those who study this subject decide that they don't want to change it so that we do this in a way that really does balance the budget, which does require a balanced budget, and which does not increase the Federal debt after you have claimed the budget is in balance—if they don't want to do that, then I guess there will not be a constitutional amendment. If they want to do it, all they have to do this afternoon is accept the Reid amendment. This is not just on our side of the aisle. Congressman NEUMANN, Senator SPECTER, and many other folks said the same thing that Senator REID and I are saying. So this is not just a group of folks who are on one side of the political aisle that makes this case. This is a $1 trillion issue over the next 10 years. It is very important to a very important program. It is also important in terms of the question of whether we actually are going to balance the budget and at the same time meet our obligations for Social Security in the years ahead.

I appreciate the Senator from Nevada yielding to me.

Mr. REID. Mr. President, the chairman of the Judiciary Committee and I had an agreement that I would have the last 5 minutes and that he would have 5 minutes prior to that. So will the Chair notify me when I have about 5 minutes left on my side?

The PRESIDING OFFICER (Mr. BROWNBACK). The Chair would be happy to.

Mr. REID. Mr. President, when I yielded to my friend from Florida, I was saying at that time that if it passes it will require the Federal Government to balance the budget and Social Security moneys after that will have to come from four places.

No. 1, raise the payroll taxes in order to cover the difference; No. 2, cut benefits to beneficiaries; No. 3, cut Government expenditures and other needed programs to pay its debt to Social Security; and No. 4, because of the language in the constitutional amendment, to get a three-fifths majority of each House to constitutionally raise the debt.

That is a pretty rough row to hoe.

Also, it is quite clear that because there is no vote required to borrow from the Social Security trust funds that there is a powerful incentive to borrow from those funds to pay for general programs.

So I believe we should pass a balanced budget, which is not a gimmick. It isn't going to make it easy. I acknowledge that. If my amendment passes, it is going to be extremely difficult to balance the budget. But when we do, it will be a fair way to balance the budget. We will not be using the surpluses out of Social Security to balance that budget.

Mr. President, last Saturday the President gave his weekly statement to the American public over the radio. He said in that radio address:

> Over the last several weeks, we've received the full data on our country's economic progress for the last four years. The economy created 11.5 million new jobs, for the first time ever in a single term. That includes a million construction jobs and millions of other good paying jobs.

In fact, Mr. President, 60 percent of the jobs were high-paying jobs.

> Entrepreneurs have started a record number of new businesses, hundreds of thousands of them owned by women and minorities. We've the largest increase in home ownership ever, a big drop in the poverty rate, and a big increase in family income. And just this week, we learned that the combined rate of unemployment and inflation over the last four years is the lowest for a Presidential term since the 1960's.

That is a direct quote from the President's address.

There is more that he said. But, among other things, he said, if this amendment passes, that:

> . . . it could force the Secretary of the Treasury to cut Social Security, or drive the budget into courts of law when a deficit occurred when Congress was not working on the budget. In a court of law, judges could be forced to halt Social Security checks, or raise new taxes just to meet the demands of the constitutional amendment.

I say that isn't very pleasant.

Also, there are millions of people out there young and old who believe that this Senate Joint Resolution 1 is bad. For example, the National Committee to Preserve Social Security stated in a February 11 letter that my amendment will preserve the integrity of the Social Security fund under a balanced budget constitutional amendment. Borrowing from a reserve to finance the current debt will place a heavy burden on future generations because the debt to the trust fund must be repaid with interest.

The American public support my position. Almost 75 percent of the people in the polling data in the last week say we want a constitutional amendment to balance the budget, but not if you include Social Security.

The argument being used by the proponents of this amendment is Orwellian. They are saying that because we have been stealing money from the Social Security trust fund in the past that we should go ahead and stick it in the Constitution. We are saying exempt it. That is what should be done.

I know that my friend, the minority whip, wishes to speak. I am very happy to have him speak. But I want to just say, Mr. President, that this is not a group of Democrats only. Maybe in the Senate. But in the House we have some courageous Republicans—most of them sophomores—who have said we are not going to be taken down the path to destroy Social Security, and we will not vote for a balanced budget amendment unless we can vote on an amendment like Senator REID is propounding.

This is what Congressman DAVID MCINTOSH, a sophomore Republican House Member from Indiana, said, "Republicans cannot allow us to be defined as cutting Social Security even as we move forward with the balanced budget amendment."

I say that Congressman MCINTOSH has it right. We should follow his lead. Some of the people on the other side of the aisle and over here should follow this courageous young man and vote for my amendment.

Mr. President, how much time does this side have?

The PRESIDING OFFICER. Seventeen minutes and thirty seconds.

Mr. REID. I yield 5 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I thank my friend from Nevada for allowing me the time to speak. I compliment him for his courage, for his ability, and for his tenacity. We have seen that before. We have never needed it any more than we do right now.

Mr. President, just before I came up I was going through some letters that came into my office today. You always see something personal which just happened. Here is a fellow—I will not use his name—who said, "I truly am concerned about my future as a citizen of the United States of America." He also adds, "I am worried about my future. Will there be any Social Security money left for me to have and live on after I am retired?" The concern is there. If you want a balanced budget, vote for the Reid amendment.

Tomorrow you will have 70-some-odd votes. Now we are scrambling to get one more trying to pass it and force it down people's throats.

In 1983, I had to cast a very, very hard vote. That is when we increased the taxes on Social Security. We did it so it would be there for the so-called baby boomers. We developed a surplus on purpose so they would be taken care of in the outyears. Now we find that, if this balanced budget amendment is passed as is without the Reid amendment, it will be a piggy bank that will not stand the crowbar of balancing the budget. They will break that piggy bank and use that Social Security money like it is going out of style. And I will not vote for a balanced budget amendment that desecrates the Social Security vote I cast in 1983.

How many would have voted with Senator Dole when he came from that commission if he had told us that someday this money will go for welfare reform, that someday this money will go for foreign aid, and for other programs? I doubt seriously if it would have passed at that time.

No. Here we are now with a balanced budget amendment that says to those that we have committed to—the senior citizens—that we are not going to cut them. But what happens to those that come after those that are on Social Security now? They are almost there. What about your children and my children that are 45 and 48 years old? They have been required to pay higher taxes. Some of them pay more Social Security than they pay withholding taxes. Now we are saying to them that in your older age for Social Security retirement it will not be there if this passes.

There is one thing that ought to make everybody shiver. There is a possibility of the courts telling the legislative bodies to raise taxes and not to issue checks. So then we come subservient, and we are not a three-part Government any longer. Under this amendment the courts can tell a legislative body what to do. If that doesn't send chills up your spine, if that doesn't tell the people of this country that nonelected, appointed-for-life people, are going to tell a legislative body, the Congress, what to do—that ought to send shivers up and down the spine of every American.

We have been here for over 200 years; the best and strongest country in the world. And we are about ready to say the system that brought us to this point is about to be eliminated; the system that brought us to this point today is about to be eliminated because of the possibility of the courts telling the Congress to raise taxes and not to issue checks; things of that nature. Oh, we will hear the crocodile tears, the Reagan-Bush memorial over here on my right, you know. We hear all of that. But I say to my friends that I made a commitment. It is called the Social Security trust fund, and I gave my word, and the trust of the people of this country in this Congress ought to be upheld.

In the last Congress, the Senate voted 83 to 17 to adopt a sense-of-the-Senate amendment stating that Social Security should not be cut in order to balance the budget.

Protecting the Social Security trust fund is not jut a seniors issue, according to this letter from this young person. We have promised not to reduce benefits for current Social Security beneficiaries in order to balance the budget, but what about this young person's concern about whether they will be able to secure Social Security based on what we have in this balanced budget amendment.

Let me just go back to the possibility of what the courts might do. I do not think there is anyone in this body who wants the courts telling us what to do and how to do it. They will interpret whether it is constitutional or not. That is their prerogative. That is the way the system works. But I tell you when we pass an amendment that says the courts have the authority to run this country—unelected, appointed for life—I have some real concerns.

"Will there be any Social Security money left for me when I retire?" this young person writes. "I am truly concerned about my future as a citizen of the United States." I say to that young person, my vote will secure Social Security for her or him or whoever it might be out there, and I want their future as a citizen of the United States to be brighter. We can balance the budget, as the President says, if we cast the vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada has 10 minutes remaining.

Mr. REID. I extend my appreciation to the Senator from Kentucky, a man who not only has served with distinction here in this body but who has balanced a few budgets as Governor of one of the biggest, most populous States in the Nation, the State of Kentucky. We respect his work on budgetary and other matters.

Mr. President, I would ask the Chair to advise me when I have 5 minutes remaining.

The PRESIDING OFFICER. The Chair will so advise.

Mr. REID. Mr. President, my amendment is not one I want to direct to big numbers, even though that is what this body has talked about during these past few days. But I want to draw your attention to small numbers, people who draw Social Security checks on a monthly basis. They do not understand the billions and trillions of dollars we are talking about. They understand the hundreds of dollars they receive on a monthly basis because the check they receive represents the difference between retirement with dignity and retirement in poverty.

The reason President Roosevelt signed the bill in August 1935 was to give seniors dignity, and, Mr. President, that is what Social Security has done. I repeat, it is the most successful social program in the history of the world. And we are about to give everyone an opportunity to see how they stand for Social Security.

We have had people come to this floor and say, well, I am a big supporter of Social Security. I have a lot of seniors in my State.

I have no doubt that is true. But if you want to protect Social Security, exclude it. Why? Because to do otherwise, these funds will continue to be raided and the Social Security trust fund will be a slush fund.

Most, as I have indicated, express public support for continued maintenance of Social Security. But this is the test right now. Vote to support a balanced budget amendment, a true, honest, nondeceptive balanced budget amendment. Those who say they will not use Social Security to balance the budget cannot have it both ways. You cannot say we are not going to use Social Security, we are going to protect Social Security and say that we are going to do it. And I agree with the chairman of the Budget Committee when he said in 1990 there should be a firewall developed to protect Social Security. I want that firewall, and that is what this amendment is.

We have communication from the Congressional Research Service, the President of the United States, the Office of Management and Budget, think tanks, who say if you pass this amendment, you are going to destroy Social Security. Absent an express exemption of the Social Security trust fund, we will place at risk the ability to draw down those reserves when the baby boomers begin to retire. We have both a moral and a fiduciary relationship to prevent this.

We all know that the practice of misusing Social Security trust funds is wrong, so let us stop it. Let us terminate it. This is the chance to do that. About 75 percent of the American public agrees with us. Why do we not do something for a change that the American public thinks is the right thing to do, not continue the smoke and mirrors process that has been going on in this country so long that we have stacks of deficits that big, 4 or 5 feet high as indicated by my friend from Utah. It has been referred to as the Reagan-Bush budget deficit memorial. That is what it is. Huge deficits have accumulated during these years. They must stop. They have gone down in the last 4 years from over $300 billion to a little over $100 billion. We can do better.

My amendment, even as my opponents concede, is the only way to do this. But they say if you do it, it is going to be hard to balance the budget. I am willing to take that chance and make the hard, make the difficult choices because when we do it, it will not be smoke and mirrors. It will not be a gimmick. We will be balancing the budget the right way, the proper way, and we will protect the most important social program in the history of the world.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. REID. I would ask the time run equally against the opponents and proponents of this amendment during the time that I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I ask how much time is remaining?

The PRESIDING OFFICER. Each side has 4 minutes remaining.

Mr. HATCH. Mr. President, it is my fervent hope that during the debate over the proposed exemption of the Social Security funds from the requirements of Senate Joint Resolution 1, I have convinced my colleagues to support the balanced budget amendment. As Justice Brandeis so eloquently wrote in the 1927 case of Whitney versus California, "It is the function of speech to free men from the bondage of irrational fears."

I truly believe that many of my well-meaning colleagues' desires to exempt the Social Security Program is based on unfounded fears.

Look, if we take the largest item in the Federal budget and put it outside of balanced budget purview, we are left with no mechanism at all for its protection. Social Security will be out there all alone, with no protections whatsoever. Whereas, if we keep a unified budget and keep everything in it, Social Security will be protected because everybody in the Congress wants to protect it, and it can compete better than any other Federal program for the available funds. Frankly, I know it would get them. Every one of us would vote for Social Security, for its protection.

But if you agree to the risky gimmick of putting Social Security outside the budget, and everything else is subject to balanced budget amendment requirements but Social Security, then those who want to destroy Social Security or those who want to continue to spend for social programs, all they have to do is statutorily—because that is all Social Security is, a myriad of statutes—statutorily add anything they want to Social Security and go on spending forever more without any budgetary restraint at all. The more provisions they add to the total Social Security bill outside the purview of the budget, the more Social Security will be watered down, diminished, and eaten away. That is the difference here.

We have a unified budget, and with a balanced budget amendment that unified budget is going to have to be balanced by the year 2002 or we are going to have to stand up and vote not to balance it. There is no reason in the world to put the largest item in the budget outside of the purview of the balanced budget amendment, since every dime that comes in from the FICA funds will be invested in Federal Government securities anyway. Whether we keep it in budget or put it out on its own without any budgetary restraints, those surpluses are going to go into Federal Government bonds, and the only way we can pay those bonds off, the absolute, only way, is if we pass this balanced budget amendment intact without excluding any program from its purview.

Last but not least, in this limited time, if you write a statute into the amendment, that means you make it constitutional. Can you change Social Security to reform it or make it better or help people or increase funds without a constitutional amendment? Unfortunately, I am not sure we can answer that today. It might well be the case that it would take a constitutional amendment to do it. If that is so, that would be a tragedy.

I do not think this amendment is well thought through. I hope our colleagues will not support it. Constitutionally, it is the wrong thing to do. Most important, even if you do what the distinguished Senator from Nevada sincerely wants to do here, you are not protecting Social Security because you cannot protect it outside of the budget from suspect spending practices. It is free floating without any of the budgetary restraints that the balanced budget amendment would put on the whole unified budget.

Let us do what budget people really know we have to do, and that is live within the constraints of the unified budget, keep Social Security in there where it will compete better than any other program, and, in the end, I think our country will be so much better off because we will be able to balance the budget, reduce interest rates, and make this country really run properly.

It is always helpful to put this debate in a larger context. Today, the accumulated national debt is nearly $5.4 trillion. Interest payments on this debt consumes $250 billion annually, which the Washington Times recently estimated, is more than the combined budgets of the Departments of Commerce, Agriculture, Education, Energy, Justice, Interior, Housing and Urban Development, Labor, State, and Transportation. This means that the share of the debt for every infant born today is about $20,000.

There is a crying need for sound fiscal reform. Unless we do something, this Nation will continue to have stagnant economic growth with less jobs. Unless we do something, the interest payment on the debt will continue to devour capital that could be otherwise used for investment or Federal programs. Let's not kid ourselves that Washington politicians will remedy this problem; the blunt truth is that no balanced budget deal has worked in the past, that is why we need to amend the Constitution to provide for fiscal sanity.

Yet, opponents of Senate Joint Resolution 1 argue that Social Security should be removed from the protection of the balanced budget amendment. But to do so as they request would be a risky gimmick that would harm Social Security and open a loophole in the constitutional amendment.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Nevada has 4 minutes.

Mr. REID. Mr. President, even the great mind, Justice Scalia, who does not like legislative history, does not like to look at it, even Justice Scalia would recognize we have established in this matter a legislative history that is second to none. We are taking Social Security from the confines of this balanced budget amendment. This is not all alone, floating in the air. It is out on its own, as it was required by law in 1990. All of a sudden we are ignoring this law we passed. Any one of the Senators who voted for this in 1990 and now does not vote for my amendment better check his or her record on inconsistency, because this would probably be at the top of their inconsistency list.

The only way to protect Social Security is the way we are doing it. We are not running full-page ads paid for by the Wall Street brokers and power brokers. We are trying to establish, through petitions signed by a million people that were received today, that what is being done with Senate Joint Resolution 1 is wrong. We are representing the recipients, the beneficiaries of Social Security, not the people who want to raid Social Security so it will be easier to balance the budget.

We are supported by the beneficiaries past and those in the future and those in the present. We are supported by the American public by almost 75 percent in polls taken. We are supported by the National Committee to Save Social Security, by the President, in letter and in radio address. We are supported by the Office of Management and Budget.

Mr. President, we are supported by Republicans in the House of Representatives who have stepped forward courageously to say we are not going to be seen as trying to cut Social Security. I repeat, I hope some of my friends on the other side of the aisle will step forward with the courage shown by Congressman McIntosh, Republican of Indiana.

Mr. President, Franklin Roosevelt, when this legislation was signed, said that he had an obligation not only to protect business interests. I feel that same obligation to protect business interests. I am for reduction in the capital gains tax. I was for the legislation that gave significant incentives to small businesses last year that we passed in conjunction with the minimum wage bill. But as President of the United States, Franklin Roosevelt, said:

> . . . just as Government in the past has helped lay the foundation of business and industry. We must face the fact that in this country we have a rich man's security and a poor man's security and that the Government owes equal obligations to both. National security is not a half and half manner: it is all or none.

We have to help business and we have to help the small person. We are trying to help those people who are trying to survive to maintain their dignity. That is what this amendment is all about. I repeat, anyone who voted in 1990 to take Social Security off budget and now votes against my amendment had better recognize that that is probably about as inconsistent as you can be, legislatively.

I ask my colleagues to support this amendment. It is the right thing to do for the American public.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. I ask for the yeas and nays.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 8, offered by the Senator from Nevada [Mr. REID]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kerrey
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Bancus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—1

Inouye

The motion to lay on the table the amendment (No. 8) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. CRAIG. Mr. President, I move to lay it on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHINDLER'S LIST

Mr. D'AMATO. Mr. President, I hold in my hand a press statement sent to my office and I believe to all of the Senate and House offices from a Congressman from Oklahoma, Congressman TOM COBURN, regarding the showing of "Schindler's List," this past Sunday. I have to tell you, we had to call the office to assert whether or not this was a joke. We thought it was a prank. The Congressman in his press release goes on to raise concerns on behalf of the family caucus, and says that the airing and demonstration of the television program that depicted sex and violence was inappropriate. He complains about the nudity of the program.

I cannot believe, and I am shocked and appalled, that any Member of Congress would put out a statement of this kind that shows those who were imprisoned and being sent to their death—it seems to me that anyone who would make a statement condemning "Schindler's List" is totally out of touch with the importance of this historic film, depicting the monstrous deeds that took place and the heroism that was also displayed.

To equate the nudity of the Holocaust victims in a concentration camp with any sexual connotation is outrageous and offensive. I am shocked and appalled that any Member of Congress would make these kinds of statements. I am particularly embarrassed that they were made by a Member of my own party.

I understand that the Congressman is planning to make a clarification of his statement. While I await them, I think that everyone should seek that clarification. Certainly, this should not be a view expressed by anyone in public office who is right-thinking.

Again, I thought this press release was a prank at first, and it was only when I called that we verified it was not the case. The Congressman should respond quickly and clarify exactly what he meant by this statement.

I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—SENATE JOINT RESOLUTION 1, AMENDMENT NO. 7

Mr. GRAHAM. Mr. President, I recognize we are now in morning business, but I ask unanimous consent that it be in order to offer an amendment at this time, which I previously filed, listed as amendment No. 7 to Senate Joint Resolution 1.

It is my intention that the amendment be taken up and then laid aside for consideration later in the debate on Senate Joint Resolution 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I also ask unanimous consent that Senator ROBB of Virginia be added as a cosponsor of amendment No. 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

When the Senate resumes the business of Senate Joint Resolution 1, amendment No. 7 will be one of several amendments pending to the resolution.

Mrs. MURRAY. Mr. President, I thank the Chair.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 351 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MANAGEMENT FAILINGS IN THE FBI

Mr. GRASSLEY. Mr. President, reports of alleged mismanagement within the Federal Bureau of Investigation have been in the news, recently. Most of the reports reflect issues in the FBI's vaunted crime lab. These allegations of mismanagement come on the heals of FBI management disasters with Waco, Ruby Ridge, Filegate, and Atlanta, as well as others.

The average citizen is wondering if this premiere law enforcement agency is out of control. The deputy director of the FBI, Weldon Kennedy, understands the significance. Two weeks ago, he said the following:

> The single thing most responsible for the success of the FBI is that "people are confident that if they come to the FBI, the matter will be handled professionally and well. If that trust ever breaks down, not only is the FBI in trouble, but the American people are in trouble.

Mr. President, that is the issue. Weldon Kennedy hit the nail squarely on the head.

The issue is trust and confidence in the Nation's No. 1 law enforcement agency. And in the context of other, recent management fiascos at the FBI, skepticism is validly the order of the day.

Indeed, allegations of problems in the FBI lab are troubling. I have been working, parallel to the Justice Department's inspector general, to find out if the allegations are true or not. The IG's report is due for public release on or about March 14.

So far, the FBI has responded to the allegations in a less than credible way. First, they shot the messenger—Dr. Frederic Whitehurst, the lab scientist who first raised the allegations.

Next, the FBI used the typical "everything's okay" strategy to make the public think there was no problem. But that was contradicted by the facts. Weldon Kennedy said the problems in the lab wouldn't compromise any past, present, or future case.

That statement raised a lot of eyebrows. The deputy attorney general, Jamie Gorelick, refused to confirm Mr. Kennedy's wild optimism. Her refusal to do so totally undercut Mr. Kennedy's statement. Mr. Kennedy's credibility came into question. Even Mr. Kennedy had to back off his own statement. On February 6, he admitted, "Maybe I was overstating the case."

But then, in a letter to me dated February 21, Mr. Kennedy went right back to defending his wildly optimistic statement—that no past, present or future case is in danger. In my view, Mr. Kennedy is playing fast and loose with reality, with a purpose to mislead the public, and mislead Congress. The simple fact is, it is much too premature for Mr. Kennedy to be making groundless predictions. For him to do so anyway shows a strategy to mislead.

Third, I have learned that it is not just Dr. Whitehurst who has alleged wrongdoing in the FBI crime lab. Others have as well. So in the near future, I will resume speaking to my colleagues about this issue, Mr. President. At that time, I intend to discuss a very specific case with specific allegations of alleged wrongdoing. Today, however, I intend for my remarks to remain general.

Finally, I fear the FBI has covered up the lab's shortcomings. The FBI has been aware of many of these specific problems for more than 10 years. Yet, there have been few, if any, fixes to the problems. I suspect the reason is that the obvious solution is for the lab to be accredited; but the lab is so poorly configured and maintained that it can't be accredited. So instead, the FBI calculated that it's better to "cover it up" until the new lab is constructed down at Quantico in the year 2000.

If true, Mr. President, this decision by the FBI would be appalling. I am not prepared at this time to conclude that this is the FBI's intent. But if it is, not only is the FBI in trouble, so are the American people, as Mr. Kennedy so aptly put it. Because if this is true, it is not just a problem with the FBI crime lab; it's a problem with the FBI's overall leadership.

As I mentioned, the IG report will be released to the public no sooner than

March 14. Meanwhile, the FBI is out there spinning. In Mr. Kennedy's February 21 letter, he says the IG report, once we all read it, will ultimately reveal no problems. Here's what he says:

> [T]he Department of Justice Office of the Inspector General found no instances of perjury, evidence tampering, evidence fabrication, or failure to report exculpatory information.

That's true, but irrelevant. Mr. President, never in my 16 years of sitting on the Judiciary Committee have I found a more misleading statement by an official of the FBI. It has a designed purpose of making the public think everything is under control at the FBI crime lab.

Well, everything is not under control. The fact of the matter is—and the FBI is well aware of this, which is why Mr. Kennedy made this statement—the IG did not investigate to determine if there were any crimes committed by FBI agents—like, perjury, evidence tampering, evidence fabrication, or failure to report exculpatory information. The IG's charter was to determine management problems and administrative problems—not crimes.

The criminal investigation comes next. Because the IG also has the right the refer issues for possible criminal referral. And I predict, Mr. President, that the FBI will have to back off of that statement as well, when all of this is over.

Mr. President, what we're seeing in the FBI lab issue is systemic. It reflects a culture that says the FBI is more interested in a conviction than they are in the truth. They don't reveal all the facts. Only enough to make their case. This is what I intend to show in a future statement before this body. The issue will be the FBI shaving evidence to get a prosecution.

That's not cricket. It's not American. And it can't be tolerated. I grew up the son of a farmer. My father taught me to be proud of the FBI. Its image was that it could do no wrong. A whole generation of people like me grew up believing the FBI could do no wrong. Now, that confidence, that trust, has been shaken.

Finally, Mr. President, let me send a shot across the bow. There are rumors I'm hearing that the FBI intends to fire Dr. Whitehurst right after the IG report is released. My message today to the Bureau is, "you fire Dr. Whitehurst, and you will cause a protracted battle with the Congress over the integrity of the FBI's leadership."

In the end, it will be shown that the standards of the FBI crime lab have been far short of their vaunted reputation. It will be shown that the FBI was well aware of these problems, but chose to do little, if anything, to fix them. It will also be shown that the problems, would not have been addressed by the IG were it not for the courage of Dr. Whitehurst.

This is a wake-up call to the FBI. The public will not tolerate an arrogant response by the FBI in this matter. Too much is at stake; namely, the integrity of the criminal justice system in America. I intend to keep this issue before the American people. I will make sure they understand they have a choice between an FBI with integrity, and an FBI that plays fast and loose with the truth.

Mr. President, I ask unanimous consent that Weldon Kennedy's February 21 letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, February 21, 1997.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: The Attorney General shared a copy of your February 13th letter with me. While the Department of Justice will respond directly to you, because you suggested that I misled you and the public I am compelled to respond to the inferences which you have raised about my personal integrity.

First, let me state that I share your belief that any public servant who misleads the public or Congress should be held accountable regardless of his rank or position. As not only a career civil servant but a sworn law enforcement officer with more than thirty-five years of service to this Nation, I hold dear not only my personal reputation for integrity but also my duty to uphold and defend the constitution. As one who has been charged with the responsibility to investigate the alleged criminal acts of my fellow citizens, I assure you that I am extremely sensitive to my own responsibility, as well as that of other governmental officials such as you to avoid rash judgments and to devote every effort to insure the accuracy of my conclusions.

I remain convinced everything said during our briefing of you is accurate. I further do not believe what Ms. Gorelick said is inconsistent with our position, a position fully supported by the facts.

If you recall from our briefing, Mr. Maddock explained in great detail about how every allegation with even the slightest potential for *Brady* implications was referred to the appropriate prosecutor to determine if the information should be supplied to the defense counsel. This process has been ongoing for more than a year and was undertaken out of an abundance of caution to ensure there is no doubt we have more than met any legal obligation to disclose even potentially exculpatory information to criminal defendants. The fact that information is provided to defendants ensures their right to a fair trial, but is does not mean that a defendant is not guilty or that a successful prosecution will not or should not be brought. That is the process to which Ms. Gorelick referred and which the FBI fully supported.

What I said during our briefing and to the public was that no prosecutions have been compromised. That remains as accurate today as when I said it. No past or current prosecutions have been compromised and we know of no information that indicates a future case will be compromised. There is no basis to conclude otherwise in spite of journalistic sensationalism which has misled you and the public to believe the contrary.

Through a series of malicious leaks and gross speculation by the press and other uniformed persons, doubt has been cast on the whole of the FBI Laboratory. As I reported to you, after 16 months of intensive investigation, the Department of Justice Office of the Inspector General found no instances of perjury, evidence tampering, evidence fabrication, or failure to report exculpatory evidence. Neither did the inquiry find any support for spurious allegations charging systemic evidence contamination or improper evidence handling.

I believe when you are afforded the opportunity to review the report including our lengthy response, the basis on which I made the statement will be apparent. I also hope this helps you understand why the comments by Ms. Gorelick are not "at odds" with what I said either to you or to the public.

Sincerely yours,
WELDON L. KENNEDY,
Deputy Director.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, February 24, the Federal debt stood at $5,340,989,383,890.18.

Five years ago, February 24, 1992, the Federal debt stood at $3,824,562,000,000.

Ten years ago, February 24, 1987, the Federal debt stood at $2,241,493,000,000.

Fifteen years ago, February 24, 1982, the Federal debt stood at $1,046,755,000,000.

Twenty-five years ago, February 24, 1972, the Federal debt stood $426,341,000,000 which reflects a debt increase of nearly $5 trillion—$4,914,648,000,000—during the past 25 years.

TRIBUTE TO ROY D. NEDROW

Mr. THURMOND. Mr. President, one of the most unsung professions in the United States is law enforcement. It is a dangerous and demanding career field that offers few tangible rewards, yet it is an occupation that attracts men and women of tremendous dedication and determination, individuals who are committed to making a difference in their lives and jobs. Today, I rise to pay tribute to one such person, Roy D. Nedrow, the Director of the Naval Criminal Investigative Service, who is about to end a distinguished career in local and Federal law enforcement after more than 30 years.

Director Nedrow began his service in law enforcement as a street cop in Berkeley, CA, during the turbulent 1960's. As many know, that city is the home to a beautiful University of California campus, but at that time in Berkeley's history, the plazas, walkways, and streets of, and surrounding, Cal became a kind of urban battleground. No doubt, it was in this contentious and frequently violent environment that Officer Nedrow learned some very valuable lessons about law enforcement, people, and managing crises, all which would help him throughout his career.

After 6 years in local law enforcement, Sgt. Roy Nedrow traded the seven-pointed star and khaki uniform of the Berkeley Police Department for a business suit, a set of credentials, and a job as a U.S. Secret Service special agent. For more than the next 20 years, he handled numerous cases involving fraud, counterfeiting, forgery, and protection. In the process, he steadily climbed the command ladder of that agency, holding a number of positions of great responsibility, eventually rising to the office of Deputy Assistant Director of the Office of Investigations, where he was responsible for managing 1,200 special agents in more than 100 field locations throughout the world.

His experience with the U.S. Secret Service gave him invaluable training in managing investigations, people, and budgets, and made him an ideal candidate to head-up a law enforcement agency. When the Naval Criminal Investigative Service was looking for a new director in the early 1990's, they very quickly spotted Roy Nedrow as a desirable candidate to take charge of their agency.

Assuming the helm at NCIS in 1992, Director Nedrow moved swiftly and surely to change the public's perception about this agency which had suffered from several public relations misfortunes, and he made turning NCIS into a more effective and streamlined organization his priority. Managing a Federal agency in this era of shrinking budgets, downsizing, and hiring freezes, is very challenging and Director Nedrow had to find a way to continue to meet the many international missions with which his special agents are tasked, particularly force protection and antiterrorism, with fewer available resources. Not deterred by the size of the task before him, the Director established many successful initiatives, a number of which were particularly effective in making NCIS an even better law enforcement agency.

During his tenure as Director, Roy Nedrow oversaw the establishment of a Cold Case Homicide Squad which has reinvestigated murder cases previously thought unsolvable, bringing closure to 18 cases and earning 13 convictions. Realizing the importance of reigning in fraud and ensuring that the money of the American taxpayer was not wasted, the Director fought to keep the fraud investigation mission at NCIS. Over the past 5 years, his special agents assigned to pursuing such cases have recovered more than $900 million in procurement fraud, fines, and restitution, helping to cut out fiscal waste and abuse, as well as essentially compensating the Government for what it costs to operate NCIS. Another innovative solution discovered by the Director, was to better integrate Navy Reserve personnel into his agency, providing him with the ability to secure a surge of qualified and trained individuals capable of helping NCIS meet its force protection mission in times of national crisis.

Mr. President, anyone who dedicates their life to protecting the people of this Nation from criminal elements is worthy of our thanks, and for 33 years, Roy Nedrow has done just that. He has established an impressive reputation for professionalism and leadership at every level of law enforcement he has worked, and has left the Berkeley Police Department, the U.S. Secret Service, and the Naval Criminal Investigative Service all better places for his efforts. His stewardship as the Director of the Naval Criminal Investigative Service has greatly benefited that agency, and has helped to strengthen the Federal law enforcement community. We are proud of the work he has done, are grateful for his many sacrifices, and wish he and his lovely wife Claudia, much health, happiness, and continued successes in the years to come.

TRIBUTE TO SENATOR JOHN GLENN

Ms. MIKULSKI. Mr. President, today I wish to pay tribute to a friend and colleague; one who has both orbited the Earth and walked the Halls of Congress. Performing either responsibility on its own has been the dream of many. Achieving both has been realized by very few. Senator JOHN GLENN is a truly remarkable man.

So it was with sadness that I received the news of his plans to retire at the end of this Congress. His early announcement will give us some time to try to get used to the idea of a Senate without his calm leadership, his uncommon commitment and dedication, and his tremendous decency and civility.

Senator GLENN has helped make our Space Agency, NASA, what it is today. Senator GLENN's Mercury space mission 34 years ago sparked a national interest in space exploration that continues to this day. JOHN GLENN is a national hero who is the personification of astronaut. Since his daring and heroic mission, children all over the country have dreamt of becoming astronauts.

The environment of Washington is as foreign to many as the Moon. Senator GLENN left the Moon in orbit, while trying to bring Washington more down to Earth—closer and more responsive to the needs of the American people. JOHN GLENN has played a vital role in helping to pass several measures important to reinventing our Government.

Senator GLENN and I share a strong respect for the environment. I was a proud cosponsor of Senator GLENN's Department of the Environment Act, which would have elevated the Environmental Protection Agency to Cabinet-level status. In introducing this important bill, Senator GLENN noted that, having had the rare privilege to view the Earth in all of its beauty and grandeur from space, he was struck by how thin and fragile the environment is that sustains life on our planet. I absolutely agree with him and appreciate what he has done for the environment. Our environment has had a strong ally in the Senate, and we will miss his leadership on these issues.

When this Congress is over, and Senator GLENN touches down in his home State of Ohio, we will remember him as a friend and hero whose achievements have displayed a strong respect for the Earth and its inhabitants.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE SUPPLEMENTARY AGREEMENT BETWEEN THE UNITED STATES AND GREAT BRITAIN—MESSAGE FROM THE PRESIDENT—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

Pursuant to section 233 (e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Supplementary Agreement Amending the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Social Security (the Supplementary Agreement), which consists of two separate instruments: a principal agreement and an administrative arrangement. The Supplementary Agreement, signed at London on June 6, 1996, is intended to modify certain provisions of the original United States-United Kingdom Social Security Agreement signed at London February 13, 1984.

The United States-United Kingdom Social Security Agreement is similar in objective to the social security agreements with Austria, Belgium, Canada, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, and Switzerland. Such bilateral agreements provide for limited coordination between the U.S. and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

The Supplementary Agreement, which would amend the 1984 Agreement to update and clarify several of its provisions, is necessitated by changes that have occurred in U.S. and English law in recent years. Among other things, the Supplementary Agreement removes certain restrictions in the original agreement concerning payment of UK disability benefits to residents of the United States. The Supplementary Agreement will also make a number of minor revisions in the Agreement to take account of other changes in U.S. and English law that have occurred in recent years.

The United States-United Kingdom Social Security Agreement, as amended, would continue to contain all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the provisions of section 233, pursuant to section 233(c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Supplementary Agreement, along with a paragraph-by-paragraph explanation of the effect of the amendments on the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Act on the effect of the Agreement, as amended, on income and expenditures of the U.S. Social Security program and the number of individuals affected by the amended Agreement. The Department of State and the Social Security Administration have recommended the Supplementary Agreement and related documents to me.

I commend the United States-United Kingdom Supplementary Social Security Agreement and related documents.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 25, 1997*.

REPORT OF THE 1997 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT—PM 16

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary.

To the Congress of the United States:

I am pleased to transmit the *1997 National Drug Control Strategy* to the Congress. This strategy renews our bipartisan commitment to reducing drug abuse and its destructive consequences. It reflects the combined and coordinated Federal effort that is directed by National Drug Control Policy Director Barry McCaffrey and includes every department and over 50 agencies. It enlists all State and local leaders from across the country who must share in the responsibility to protect our children and all citizens from the scourge of illegal drugs.

In the *1996 National Drug Control Strategy*, we set forth the basis of a coherent, rational, long-term national effort to reduce illicit drug use and its consequences. Building upon that framework, the *1997 National Drug Control Strategy* adopts a 10-year national drug-control strategy that includes quantifiable measures of effectiveness. The use of a long-term strategy, with annual reports to the Congress and consistent outreach to the American people on our progress, will allow us to execute a dynamic, comprehensive plan for the Nation and will help us to achieve our goals.

We know from the past decade of Federal drug control efforts that progress in achieving our goals will not occur overnight. But our success in reducing casual drug use over the last decade demonstrates that drug abuse is not an incurable social ill. Thanks to the bipartisan efforts of the Congress and the past three administrations, combined with broad-based efforts of citizens and communities throughout the United States, we have made tremendous progress since the 1970's in reducing drug use.

Nonetheless, we are deeply concerned about the rising trend of drug use by young Americans. While overall use of drugs in the United States has fallen dramatically—by half in 15 years—adolescent drug abuse continues to rise. That is why the number one goal of our strategy is to motivate America's youth to reject illegal drugs and substance abuse.

Our strategy contains programs that will help youth to recognize the terrible risks associated with the use of illegal substances. The cornerstone of this effort will be our national media campaign that will target our youth with a consistent anti-drug message. But government cannot do this job alone. We challenge the national media and entertainment industry to join us—by renouncing the glamorization of drug abuse and realistically portraying its consequences.

All Americans must accept responsibility to teach young people that drugs are wrong, drugs are illegal, and drugs are deadly. We must renew our commitment to the drug prevention strategies that deter first-time drug use and halt the progression from alcohol and tobacco use to illicit drugs.

While we continue to teach our children the dangers of drugs, we must also increase the safety of our citizens by substantially reducing drug-related crime and violence. At the beginning of my Administration, we set out to change this country's approach to crime by putting more police officers on our streets, taking guns out of the hands of criminals and juveniles, and breaking the back of violent street gangs. We are making a difference. For the fifth year in a row serious crime in this country has declined. This is the longest period of decline in over 25 years. But our work is far from done and we must continue to move in the right direction.

More than half of all individuals brought into the Nation's criminal justice systems have substance abuse problems. Unless we also break the cycle of drugs and violence, criminal addicts will end up back on the street, committing more crimes, and back in the criminal justice system, still hooked on drugs. The criminal justice system should reduce drug demand—not prolong or tolerate it. Our strategy implements testing and sanctions through coerced abstinence as a way to reduce the level of drug use in the population of offenders under criminal justice supervision, and thereby reduce the level of other criminal behavior.

Our strategy supports the expansion of drug-free workplaces, which have proven so successful and we will continue to seek more effective, efficient, and accessible drug treatment to ensure that we are responsive to emerging drug-abuse trends.

We must continue to shield America's air, land, and sea frontiers from the drug threat. By devoting more resources to protecting the Southwest border than ever before, we are increasing drug seizures, stopping drug smugglers, and disrupting major drug trafficking operations. We must continue our interdiction efforts, which have greatly disrupted the trafficking patterns of cocaine smugglers and have blocked the free flow of cocaine through the western Caribbean into Florida and the Southeast.

Our comprehensive effort to reduce the drug flow cannot be limited to seizing drugs as they enter the United States. We must persist in our efforts to break foreign and domestic sources of supply. We know that by working with source and transit nations, we can greatly reduce foreign supply. International criminal narcotics organizations are a threat to our national security. But if we target these networks, we can dismantle them—as we did the Cali Cartel.

We will continue to oppose all calls for the legalization of illicit drugs. Our vigilance is needed now more than ever. We will continue to ensure that all Americans have access to safe and effective medicine. However, the current drug legalization movement sends the wrong message to our children. It undermines the concerted efforts of parents, educators, businesses, elected leaders, community groups, and others to achieve a healthy, drug-free society.

I am confident that the national challenge of drug abuse can be met by extending our strategic vision into the future, educating citizens, treating addiction, and seizing the initiative in dealing with criminals who traffic not only in illegal drugs but in human misery and lost lives.

Every year drug abuse kills 14,000 Americans and costs taxpayers nearly $70 billion. Drug abuse fuels spouse and child abuse, property and violent crime, the incarceration of young men and women, the spread of AIDS, workplace and motor vehicle accidents, and absenteeism in the work force.

For our children's sake and the sake of this Nation, this menace must be confronted through a rational, coherent, cooperative, and long-range strategy. I ask the Congress to join me in a partnership to carry out this national strategy to reduce illegal drug use and its devastating impact on America.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 25, 1997*.

MESSAGES FROM THE HOUSE

At 6 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 506 of the congressional Accountability Act of 1995 (Public Law 104–1), and to provide for the completion of ongoing proceedings, the Review Panel of the Office of Fair Employment Practices is reconstituted in the 105th Congress in the same form as at the end of the 104th Congress by the following appointing authorities:

By the Speaker: Mr. Randy Johnson and Mr. Alan F. Coffey, Jr., both members from private life.

By the minority leader: Ms. Karen Nelson and Ms. Marda Robillard, both members from private life.

By the chairman of the Committee on House Oversight: Mr. DIAZ-BALART, Chairman, and Mr. NEY.

By the ranking minority member of the Committee on House Oversight: Mr. JEFFERSON and Mr. PASTOR.

The message also announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), the Speaker appoints the following Member on the part of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Mr. YATES.

The message further announced that pursuant to section 103, Public Law 99–371 (20 U.S.C. 4303), the Speaker appoints the following Member to the Board of Trustees of Gallaudet University: Mr. BONIOR.

The message further announced that pursuant to the provisions of sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42–43) the Speaker appoints the following Member on the part of the House to the Board of Regents of the Smithsonian Institution: Mr. TORRES.

The message also announced that pursuant to the provisions of section 6968(a) of title 10, United States Code, the Speaker appoints the following Members on the part of the House to the Board of Visitors to the U.S. Naval Academy: Mr. HOYER and Mr. MCHALE.

The message further announced that pursuant to the provisions of section 4355(a) of title 10, United States Code, the Speaker appoints the following Members on the part of the House to the Board of Visitors to the U.S. Military Academy: Mr. HEFNER and Mr. SKELTON.

The message also announced that pursuant to the provisions of section 194(a) of title 14, United States Code, the Speaker appoints the following Member on the part of the House to the Board of Visitors to the U.S. Coast Guard Academy: Mr. GEJDENSON.

The message further announced that pursuant to the provisions of section 9355(a) of title 10, United States Code, the Speaker appoints the following Members on the part of the House to the Board of Visitors to the U.S. Air Force Academy: Mr. DICKS and Mr. TANNER.

The message also announced that pursuant to the provisions of section 1295(h) of title 46 App., United States Code, the Speaker appoints the following Member on the part of the House to the Board of Visitors to the U.S. Merchant Marine Academy: Mr. MANTON.

The message further announced that pursuant to the provisions of section 3(b)(1)(B) of Public Law 104–169 and the Order of the House of Thursday, February 13, 1997, authorizing the Speaker, majority leader, and minority leader to accept resignations and to make appointments authorized by law or by the House, and upon consultation with the minority leader, the Speaker, on February 13, 1997, appointed as a member from private life on the part of the House to the National Gambling Impact and Policy Commission: Mr. John Wilhelm of Washington, DC.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1147. A communication from the Director of the U.S. Arms Control and Disarmament Agency, transmitting, a draft of proposed legislation to authorize appropriations for fiscal years 1998 and 1999; to the Committee on Foreign Relations.

EC–1148. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on support for east European democracy for fiscal year 1996; to the Committee on Foreign Relations.

EC–1149. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to melons, received on February 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1150. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to domestic dates, received on February 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1151. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to import regulations, received on February 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1152. A communication from the Administrator of the Rural Utilities, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to insured electric loans, received on February 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1153. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule relative to large traders, received on February 12, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1154. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a draft of proposed legislation to resolve an outstanding issue relating to action taken in the Omnibus Appropriation Act of 1996; to the Committee on Appropriations

EC–1155. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a draft of proposed legislation to authorize construction at certain military installations for fiscal year 1998; to the Committee on Armed Services.

EC–1156. A communication from the Director of the Defense and Accounting Service, Department of Defense, transmitting, pursuant to law, a cost comparison study relative to all Depot Maintenance Accounting functions; to the Committee on Armed Services.

EC–1157. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of rule concerning exports to Cuba, (RIN0694–AB43) received on February 24, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1158. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule relative to holding period requirements, received on February 21, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1159. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule non-qualified thrift lenders, received on February 24, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1160. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to harvest specifications of groundfish, (RIN0648–XX69) received on February 24, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1161. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to harvest specifications of groundfish, (RIN0648–XX74) received on February 24, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1162. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to directing fishing for pollock, (RIN0648–XX69) received on February 12, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1163. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to directing fishing for pollock, received on February 24, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1164. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to FM broadcast stations, received on February 21, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1165. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report on the Marine Mammal Protection Act; to the Committee on Environment and Public Works.

EC–1166. A communication from the Chairman of the Migratory Bird Conservation Commission, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Environment and Public Works.

EC–1167. A communication from the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report under the Federal Power Act; to the Committee on Energy and Natural Resources.

EC–1168. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on Metal Casting Competitiveness for fiscal year 1996; to the Committee on Energy and Natural Resources.

EC–1169. A communication from the Director of the Office of Government Relations of the Smithsonian Institution, transmitting, pursuant to law, a report relative to the National Society of the Daughters of the American Revolution; to the Committee on Rules and Administration.

EC–1170. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report of recommendations for legislation action; to the Committee on Rules and Administration.

EC–1171. A communication from the Regulations Unit Chief of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Revenue Ruling 97–9; to the Committee on Finance.

EC–1172. A communication from the Regulations Unit Chief of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Revenue Ruling 97–10; to the Committee on Finance.

EC–1173. A communication from the Regulations Unit Chief of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Estate and Gift Tax Marital Deduction" (RIN1545–AU27) received on February 18, 1997; to the Committee on Finance.

EC–1174. A communication from the Regulations Unit Chief of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Revenue Procedure on S Corporation Bank Accounting Method Change received on February 19, 1997; to the Committee on Finance.

EC–1175. A communication from the Regulations Branch Chief of the U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Entry of Softwood Lumber Shipments From Canada" (RIN1515–AB97) received on February 20, 1997; to the Committee on Finance.

EC–1176. A communication from the Commissioner of Social Security, transmitting, pursuant to law, a report relative to vocational rehabilitation; to the Committee on Finance.

EC–1177. A communication from the Assistant Secretary of Labor for Pension and Welfare Benefits, transmitting, pursuant to law, a rule entitled "Class Exemption" received on February 13, 1997; to the Committee on Finance.

EC–1178. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "The Military Beneficiaries Medicare Reimbursement Model Project Act of 1997"; to the Committee on Finance.

EC–1179. A communication from the Commissioner of Social Security, transmitting, pursuant to law, two rules including a rule entitled "Cycling Payment" (RIN0960–AE31, AE57); to the Committee on Finance.

EC–1180. A communication from the Director of Selective Service, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1181. A communication from the Director of Operations and Finance, the American Battle Monuments Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1182. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1183. A communication from the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1184. A communication from the Office of the General Counsel of the Legal Services Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1185. A communication from the Director of the U.S. Information Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1186. A communication from the Director of Peace Corps, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1187. A communication from the Executive Director of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1188. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a rule entitled "Inmate Legal Activities" (RIN1120–AA58) received on February 12, 1997; to the Committee on the Judiciary.

EC–1189. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a rule entitled "Research" (RIN1120–AA14) received on February 12, 1997; to the Committee on the Judiciary.

EC–1190. A communication from the Marshal of the Supreme Court, transmitting, pursuant to law, the annual report for the period February 15, 1996 through February 15, 1997; to the Committee on the Judiciary.

EC–1191. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of the proceedings of the Judicial Conference of the United States; to the Committee on the Judiciary.

EC–1192. A communication from the President of the National Safety Council, transmitting, pursuant to law, the report of the combined financial statements for the years ended June 30, 1995 and 1996; to the Committee on the Judiciary.

EC–1193. A communication from the Secretary of the Judicial Conference of the United States, transmitting, a draft of proposed legislation to provide salary relief; to the Committee on the Judiciary.

EC–1194. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a rule entitled "Classification of Certain Scientists" (RIN1115–AD33) received on February 18, 1997; to the Committee on the Judiciary.

EC–1195. A communication from the Associate Administrator, Office of Management Service and Human Resources, General Services Administration, transmitting, pursuant to law, the report under the Government Management Reform Act; to the Committee on Governmental Affairs.

EC–1196. A communication from the Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act.

EC–1197. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports and testimony for January 1997; to the Committee on Governmental Affairs.

EC–1198. A communication from the Director of the Program Support Center, Division of Commission Personnel, Department of Health & Human Service, transmitting, pursuant to law, the annual report fully disclosing the financial condition of the pension plan for fiscal year 1995; to the Committee on Governmental Affairs.

EC–1199. A communication from the Chief of Staff of the White House, transmitting, pursuant to law, the report on the President's Drug Free Work Plan; to the Committee on Governmental Affairs.

EC–1200. A communication from the Comptroller General, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Governmental Affairs.

EC–1201. A communication from the Director, Office of Financial Management, General Accounting Office, transmitting, pursuant to law, the 1996 annual report of the

Comptroller General Retirement System; to the Committee on Governmental Affairs.

EC–1202. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of employees detailed to congressional committees; to the Committee on Governmental Affairs.

EC–1203. A communication from the Deputy Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Funding of Administrative Law Judge Examination," (RIN3206–AH31) received on February 12, 1997; to the Committee on Governmental Affairs.

EC–1204. A communication from the Executive Secretary of the National Labor Relations Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for 1996; to the Committee on Governmental Affairs.

EC–1205. A communication from the Manager of the Benefits Communications of the Ninth Farm Credit District Trust Committee, transmitting, pursuant to law, the annual report for the plan year ended December 31, 1995; to the Committee on Governmental Affairs.

EC–1206. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for 1996; to the Committee on Governmental Affairs.

EC–1207. A communication from the Postmaster General, United States Postal Service, transmitting, pursuant to law, the 1996 Comprehensive Statement on Postal Operations; to the Committee on Governmental Affairs.

EC–1208. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the report under the Federal Managers' Financial Intergrity Act; to the Committee on Governmental Affairs.

EC–1209. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–1210. A communication from the Associate Director for Management of the Peace Corps, transmitting, pursuant to law, the report of amendment to system of records; to the Committee on Governmental Affairs.

EC–1211. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the 1996 report under the Freedom of Information Act; to the Committee on Governmental Affairs.

EC–1212. A communication from the Chairman of the Armed Forces Retirement Home Board, transmitting, pursuant to law, the report concerning the Federal Managers Financial Integrity Act for fiscal year 1996; to the Committee on Governmental Affairs.

EC–1213. A communication from the Administrator of the Office of Independent Counsel, transmitting, pursuant to law, the report on audit and investigative activities; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCONNELL (for himself, Mr. BIDEN, and Mr. LEAHY):

S. 348. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. KENNEDY, and Mr. HOLLINGS):

S. 349. A bill to amend the Public Health Service Act to provide for expanding, intensifying, and coordinating activities of the National Heart, Lung, and Blood Institute with respect to heart attack, stroke, and other cardiovascular diseases in women; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 350. A bill to authorize payment of special annuities to surviving spouses of deceased members of the uniformed services who are ineligible for a survivor annuity under transition laws relating to the establishment of the Survivor Benefit Plan under chapter 73 of title 10, United States Code; to the Committee on Armed Services.

By Mrs. MURRAY:

S. 351. A bill to provide for teacher technology training; to the Committee on Labor and Human Resources.

By Mr. BIDEN:

S. 352. A bill to require the United States Sentencing Commission to amend the Federal sentencing guidelines to provide an enhanced penalty for follow-on bombings; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 353. A bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for protection of consumers in managed care plans and other health plans; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 354. A bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit executive agencies from awarding contracts that contain a provision allowing for the acquistion by the contractor, at Government expense, of certain equipment or facilities to carry out the contract if the principal purpose of such provision is to increase competition by establishing an alternative source of supply for property or services; to the Committee on Governmental Affairs.

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. 355. A bill to amend the Internal Revenue Code of 1986 to make the research credit permanent; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. HUTCHINSON, Ms. MIKULSKI, and Mr. CHAFEE):

S. 356. A bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs; to the Committee on Finance.

By Mr. BENNETT (for himself, Mr. HATCH, Mr. MURKOWSKI, Mr. CRAIG, Mr. BURNS, and Mr. THOMAS):

S. 357. A bill to authorize the Bureau of Land Management to manage the Grand Staircase-Escalante National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mr. MACK, Mr. MOYNIHAN, and Mr. D'AMATO):

S. Res. 59. A resolution designating the month of March of each year as "Irish American Heritage Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCONNELL (for himself, Mr. BIDEN, and Mr. LEAHY):

S. 348. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes; to the Committee on the Judiciary.

THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS ACT OF 1997

• Mr. McCONNELL. Mr. President, American families turn on the news every night and get bombarded by the reality that the war against crime and drugs is escalating. No one understands the dangers of this domestic war better than the men and women who serve on the front lines. I'm talking about our Nation's police officers.

These dedicated individuals offer up their lives as an act of service every day. They know the stress and the strain of walking the daily beat, of being caught in the crossfire in a world of gangs and drugs. These officers experience first-hand the casualties of our national epidemic.

As the Washington Post reported this Sunday, seven law enforcement officers right here in the Nation's Capital have been killed—in little more than 2 years. Moreover, the ambush of these "men and women wearing badges [occurred]—even though the officers posed no immediate threat to their attackers."

Our Nation's police officers endure unfathomable pressure every day as they fight to take back our streets. In the words of one officer, "the ultimate sacrifice could occur at any time. * * * [The gangs and criminals] have rewritten the rule book."

To make matters worse, the pressure of crime and drugs—of gangs and thugs—is multiplied by the fear of unjust disciplinary actions. Our law enforcement officers face intrusive investigations into their professional and personal lives—oftentimes at the behest of some recently arrested criminal looking for a payback.

Our officers live in the fear of: being investigated without notice; being interrogated without an attorney; and being dismissed without a hearing.

We must act now to address this situation by guaranteeing our police officers their basic and fundamental rights. So, today, along with Mr. BIDEN and Mr. LEAHY, I proudly introduce the Law Enforcement Officers' Bill of Rights.

This bill protects rights that most of us take for granted. For example, it allows police officers to be involved in, or refrain from, political activity.

The bill also gives significant due process rights to every police officer subject to investigation for noncriminal disciplinary action. Some of these rights include:

The right to be informed of the administrative charges prior to being questioned; the right to be advised of the results of an investigation; the right to a hearing and an opportunity to respond; and the right to be represented by counsel or other representative.

We owe our law enforcement officers a national debt of gratitude for their valiant fight in a battle that must be won. I ask my colleagues to show their appreciation and understanding of the plight of our police force. We must act boldly to equip every officer with basic and fundamental rights.

Finally, I must conclude by explaining that this bill is a product of years of input from the men and women who have experienced these daily pressures, and continue to endure them. This legislation has benefited from the thoughtful ideas and past support of many law enforcement groups, including the Fraternal Order of Police, the National Association of Police Organizations, and the International Brotherhood of Police Officers.

In particular, I am grateful to the contribution made by the Fraternal Order of Police. Over the past 6 years, I have worked closely with the Kentucky FOP to develop and promote this legislation. Seasoned and well-informed officers like Ray Franklin and Mike Hettich, both of whom are National FOP officers from my home State, have worked with me in refining the language of this bill and developing grassroots momentum. I would also like to say a personal word of thanks to Verlin Flaherty, Rick McCubbin, and Martin Scott.

The time has come to protect those who protect us. We must give our law enforcement officers the basic and fundamental rights that they desperately need and deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Officers' Bill of Rights Act of 1997".

SEC. 2. RIGHTS OF LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781 et seq.) is amended by adding at the end the following:

"SEC. 820. RIGHTS OF LAW ENFORCEMENT OFFICERS.

"(a) DEFINITIONS.—In this section:

"(1) DISCIPLINARY ACTION.—The term 'disciplinary action' means the suspension, demotion, reduction in pay or other employment benefit, dismissal, transfer, or similar action taken against a law enforcement officer as punishment for misconduct.

"(2) DISCIPLINARY HEARING.—The term 'disciplinary hearing' means an administrative hearing initiated by a law enforcement agency against a law enforcement officer, based on probable cause to believe that the officer has violated or is violating a rule, regulation, or procedure related to service as an officer and is subject to disciplinary action.

"(3) EMERGENCY SUSPENSION.—The term 'emergency suspension' means temporary action imposed by the head of the law enforcement agency if that official determines that there is probable cause to believe that a law enforcement officer—

"(A) has committed a felony; or

"(B) poses an immediate threat to the safety of the officer or others or the property of others.

"(4) INVESTIGATION.—The term 'investigation'—

"(A) means the action of a law enforcement agency, acting alone or in cooperation with another agency, or a division or unit within an agency, or the action of an individual law enforcement officer, taken with respect to another enforcement officer, if such action is based on reasonable suspicion that the law enforcement officer has violated, is violating, or will in the future violate a statute or ordinance, or administrative rule, regulation, or procedure relating to service as a law enforcement officer; and

"(B) includes—

"(i) asking questions of other law enforcement officers or nonlaw enforcement officers;

"(ii) conducting observations;

"(iii) evaluating reports, records, or other documents; and

"(iv) examining physical evidence.

"(5) LAW ENFORCEMENT AGENCY.—The term 'law enforcement agency' means a State or local public agency charged by law with the duty to prevent or investigate crimes or apprehend or hold in custody persons charged with or convicted of criminal offenses.

"(6) LAW ENFORCEMENT OFFICER.—The terms 'law enforcement officer' and 'officer'—

"(A) mean a member of a law enforcement agency serving in a law enforcement position, which is usually indicated by formal training (regardless of whether the officer has completed or been assigned to such training) and is usually accompanied by the power to make arrests; and

"(B) include—

"(i) a member who serves full-time, whether probationary or nonprobationary, commissioned or noncommissioned, career or noncareer, tenured or nontenured, and merit or nonmerit; and

"(ii) the chief law enforcement officer of a law enforcement agency.

"(7) SUMMARY PUNISHMENT.—The term 'summary punishment' means punishment imposed for a minor violation of a rule, regulation, or procedure of a law enforcement agency that does not result in suspension, demotion, reduction in pay or other employment benefit, dismissal, or transfer.

"(b) APPLICATION OF SECTION.—

"(1) IN GENERAL.—This section sets forth rights that shall be afforded any law enforcement officer who is the subject of an investigation.

"(2) NONAPPLICABILITY.—This section does not apply in the case of—

"(A) a criminal investigation of the conduct of a law enforcement officer; or

"(B) a nondisciplinary action taken in good faith on the basis of the employment related performance of a law enforcement officer.

"(c) POLITICAL ACTIVITY.—Except if on duty or acting in an official capacity, no law enforcement officer shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity.

"(d) RIGHTS OF LAW ENFORCEMENT OFFICERS UNDER INVESTIGATION.—If a law enforcement officer is under investigation that could lead to disciplinary action, each of the following minimum standards shall apply:

"(1) NOTICE OF INVESTIGATION.—A law enforcement officer shall be notified of the investigation within a reasonable time after the commencement of the investigation. Notice shall include the general nature and scope of the investigation and all departmental violations for which reasonable suspicion exists. No investigation based on a complaint from outside the law enforcement agency may commence unless the complainant provides a signed detailed statement. An investigation based on a complaint from outside the agency shall commence not later than 15 days after receipt of the complaint by the agency.

"(2) NOTICE OF INVESTIGATIVE FINDINGS AND RECOMMENDATION FOR DISCIPLINARY ACTION.—At the conclusion of the investigation, the person in charge of the investigation shall inform the law enforcement officer under investigation, in writing, of the investigative findings and any recommendation for disciplinary action that the person intends to make.

"(e) RIGHTS OF LAW ENFORCEMENT OFFICERS BEFORE AND DURING QUESTIONING.—If a law enforcement officer is subjected to questioning that could lead to disciplinary action, each of the following minimum standards shall apply:

"(1) REASONABLE HOURS.—Questioning of a law enforcement officer shall be conducted at a reasonable hour, preferably during the time that the law enforcement officer is on duty, unless exigent circumstances otherwise require.

"(2) PLACE OF QUESTIONING.—Questioning of the law enforcement officer shall take place at the offices of the persons who are conducting the investigation or the place where the law enforcement officer reports for duty, unless the officer consents in writing to being questioned elsewhere.

"(3) IDENTIFICATION OF QUESTIONER.—The law enforcement officer under investigation shall be informed, at the commencement of any questioning, of the name, rank, and command of the officer conducting the questioning.

"(4) Single questioner.—During any single period of questioning of the law enforcement officer, all questions shall be asked by or through a single investigator.

"(5) Notice of nature of investigation.—The law enforcement officer under investigation shall be informed in writing of the nature of the investigation not less than 72 hours before any questioning.

"(6) Reasonable time period.—Any questioning of a law enforcement officer in connection with an investigation shall be for a reasonable period of time and shall allow for reasonable periods for the rest and personal necessities of the law enforcement officer.

"(7) No threats or promises.—Threats against, harassment of, or promise of reward shall not be made in connection with an investigation to induce the answering of any question. No statement given by the officer may be used in a subsequent criminal proceeding unless the officer has received a written grant of use and derivative use immunity or transactional immunity.

"(8) Recordation.—All questioning of any law enforcement officer in connection with the investigation shall be recorded in full, in writing or by electronic device, and a copy of the transcript shall be made available to the officer under investigation.

"(9) Counsel.—The law enforcement officer under investigation shall be entitled to counsel (or any other one person of the officer's choice) during any questioning of the officer, unless the officer consents in writing to being questioned outside the presence of counsel.

"(f) Disciplinary Hearing.—

"(1) Notice of opportunity for hearing.—Except in a case of summary punishment or emergency suspension described in subsection (h), if an investigation of a law enforcement officer results in a recommendation of disciplinary action, the law enforcement agency shall notify the law enforcement officer that the law enforcement officer is entitled to a hearing on the issue by a hearing officer or board before the imposition of any disciplinary action.

"(2) Requirement of determination of violation.—No disciplinary action may be taken unless a hearing officer or board determines, pursuant to a fairly conducted disciplinary hearing, that the law enforcement officer violated a statute, ordinance, or published administrative rule, regulation, or procedure.

"(3) Time limit.—No disciplinary charges may be brought against a law enforcement officer unless filed not later than 90 days after the commencement of an investigation, except for good cause shown.

"(4) Notice of filing of charges.—The law enforcement agency shall provide written, actual notification to the law enforcement officer, not later than 30 days after the filing of disciplinary charges, of the following:

"(A) Date, time, and location of hearing.—The date, time, and location of the disciplinary hearing, which shall take place not sooner than 30 days and not later than 60 days after notification to the law enforcement officer under investigation unless waived in writing by the officer.

"(B) Information relating to hearing officer.—The full name and mailing address of the hearing officer.

"(C) Information relating to prosecutor.—The name, rank, and command of the prosecutor, if a law enforcement officer, or the name, position, and mailing address of the prosecutor, if not a law enforcement officer.

"(5) Representation.—During a disciplinary hearing, an officer shall be entitled to be represented by counsel or other representative.

"(6) Hearing board and procedure.—

"(A) In general.—Subject to subparagraph (B), a State shall determine the composition of a disciplinary hearing board and the procedures for a disciplinary hearing.

"(B) Membership.—A disciplinary hearing board that includes employees of the law enforcement agency of which the officer who is the subject of the hearing is a member shall include not less than 1 law enforcement officer of equal or lesser rank to the officer who is the subject of the hearing.

"(7) Access to evidence.—A law enforcement officer who is brought before a disciplinary hearing board shall be provided access to all transcripts, records, written statements, written reports, analyses, and electronically recorded information pertinent to the case that—

"(A) contain exculpatory information;

"(B) are intended to support any disciplinary action; or

"(C) are to be introduced in the disciplinary hearing.

"(8) Identification of witnesses.—The disciplinary advocate for the law enforcement agency of which the officer who is the subject of the hearing is a member shall notify the law enforcement officer, or his attorney if he is represented by counsel, not later than 15 days before the hearing, of the name and addresses of all witnesses for the law enforcement agency.

"(9) Copy of investigative file.—The disciplinary advocate for the law enforcement agency of which the officer who is the subject of the hearing is a member shall provide to the law enforcement officer, upon the request of the law enforcement officer, not later than 15 days before the hearing, a copy of the investigative file, including all exculpatory and inculpatory information, except that the law enforcement agency may exclude confidential sources, unless the law enforcement officer is entitled to such sources under subparagraph (A), (B), or (C) of paragraph (7).

"(10) Examination of physical evidence.—The disciplinary advocate for the law enforcement agency of which the officer who is the subject of the hearing is a member shall notify the law enforcement officer, at the request of the officer, not later than 15 days before the hearing, of all physical, nondocumentary evidence, and provide reasonable date, time, place, and manner for the officer to examine such evidence not less than 10 days before the hearing.

"(11) Summonses.—The hearing board shall have the power to issue summonses to compel testimony of witnesses and production of documentary evidence. If confronted with a failure to comply with a summons, the hearing officer or board may petition a court to issue an order, with failure to comply being subject to contempt of court.

"(12) Closed hearing.—A disciplinary hearing shall be closed to the public unless the law enforcement officer who is the subject of the hearing requests, in writing, that the hearing be open to specified individuals or the general public.

"(13) Recordation.—All aspects of a disciplinary hearing, including prehearing motions, shall be recorded by audio tape, video tape, or transcription.

"(14) Sequestration of witnesses.—Either side in a disciplinary hearing may move for and be entitled to sequestration of witnesses.

"(15) Testimony under oath.—The hearing officer or board shall administer an oath or affirmation to each witness, who shall testify subject to the applicable laws of perjury.

"(16) Verdict on each charge.—At the conclusion of all the evidence, and after oral argument from both sides, the hearing officer or board shall deliberate and render a verdict on each charge.

"(17) Burden of persuasion.—The burden of persuasion of the prosecutor shall be by clear and convincing evidence as to each charge involving false representation, fraud, dishonesty, deceit, or criminal behavior and by a preponderance of the evidence as to all other charges.

"(18) Finding of not guilty.—If the law enforcement officer is found not guilty of the disciplinary violations, the matter is concluded and no disciplinary action may be taken.

"(19) Finding of guilty.—If the law enforcement officer is found guilty, the hearing officer or board shall make a written recommendation of a penalty. The sentencing authority may not impose greater than the penalty recommended by the hearing officer or board.

"(20) Appeal.—A law enforcement officer may appeal from a final decision of a law enforcement agency to a court to the extent available in any other administrative proceeding, in accordance with the applicable State law.

"(g) Waiver of Rights.—A law enforcement officer may waive any of the rights guaranteed by this section subsequent to the time that the officer has been notified that the officer is under investigation. Such a waiver shall be in writing and signed by the officer.

"(h) Summary Punishment and Emergency Suspension.—

"(1) In general.—This section does not preclude a State from providing for summary punishment or emergency suspension.

"(2) Health benefits.—An emergency suspension shall not affect or infringe on the health benefits of a law enforcement officer or any dependent of the officer.

"(i) Retaliation for Exercising Rights.—There shall be no penalty or threat of penalty against a law enforcement officer for the exercise of the rights of the officer under this section.

"(j) Other Remedies Not Impaired.—Nothing in this section shall be construed to impair any other legal right or remedy that a law enforcement officer may have as a result of a constitution, statute, ordinance, regulation, collective bargaining agreement or other sources of rights.

"(k) Declaratory or Injunctive Relief.—A law enforcement officer who is being denied any right afforded by this section may petition a State court for declaratory or injunctive relief to prohibit the law enforcement agency from violating such right.

"(l) Prohibition of Adverse Material in Officer's File.—A law enforcement agency shall not insert any adverse material into the file of any law enforcement officer, or possess or maintain control over any adverse material in any form within the law enforcement agency, unless the officer has had an opportunity to review and comment in writing on the adverse material.

"(m) Disclosure of Personal Assets.—A law enforcement officer shall not be required or requested to disclose any item of the officer's personal property, income, assets, sources of income, debts, or personal or domestic expenditures (including those of any member of the officer's household), unless—

"(1) the information is necessary to the investigation of a violation of any Federal, State or local law, rule, or regulation with respect to the performance of official duties; and

"(2) such disclosure is required by Federal, State, or local law.

"(n) STATES' RIGHTS.—This section does not preempt State laws in existence on the effective date of this section that confer rights that equal or exceed the rights and coverage afforded by this section. This section shall not be a bar to the enactment of a police officer's bill of rights, or similar legislation, by any State. A State law that confers fewer rights or provides less protection to law enforcement officers than this section shall be preempted by this section.

"(o) MUTUALLY AGREED UPON COLLECTIVE BARGAINING AGREEMENTS.—This section does not preempt any mutually agreed upon collective bargaining agreement in existence on the effective date of this section that is substantially similar to the rights and coverage afforded under this section.

"(p) EFFECTIVE DATE.—This section shall take effect with respect to each State on the earlier of—

"(1) 2 years after the date of enactment of the Law Enforcement Officers' Bill of Rights Act of 1997; or

"(2) upon the conclusion of the second legislative session of the State that begins on or after the date of enactment of the Law Enforcement Officers' Bill of Rights Act of 1997.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. preceding 3701) is amended by inserting after the item relating to section 819 the following:

"Sec. 820. Rights of law enforcement officers.".•

• Mr. BIDEN. Mr. President, today, we renew our call for the congress to pass the "law enforcement officers' bill of rights act." For 6 years, I have been working with Senator MCCONNELL, other Senators, and the Nation's police officers to pass into law a bill protecting the rights of law enforcement officers on the front line of this Nation's fight against violent crime and drug trafficking.

Before addressing the specifics of this legislation, I want to discuss the reality of law enforcement today. The simple fact is that as Federal, State, and local officials push to expand "community" or "problem-solving" policing we are necessarily requiring police officers to move away from standard procedures and towards more creative approaches.

Of course, as we encourage creativity, there is always the need to guarantee the highest standards of police conduct.

Unfortunately, because police department's internal disciplinary procedures vary so widely across the Nation, we are literally moving at cross-purposes. On the one hand, we are calling on police officers to take more creative approaches—which naturally raises the chances of technical violations of department procedures.

While, on the other hand, we subject police officers to varying, often ad hoc, disciplinary procedures which do make clear what specific conduct is appropriate, nor what will happen should the conduct turn out to be a mistake.

In fact, the practices that many departments use to guide internal investigations frequently allow police executives to take arbitrary and unfair actions against innocent police officers, while allowing culpable officers to avoid any punishment at all.

The law enforcement officers' bill of rights is designed to replace the ad hoc nature of many internal police investigations by encouraging States to provide minimum procedural standards to guide such investigations. The standards and protections offered by this bill are modeled on the standards for law enforcement agencies developed by the National Commission on Accreditation for Law Enforcement.

As the preface to the commission's standards on internal affairs notes:

"The internal affairs function is important for the maintenance of professional conduct in a law enforcement agency. The integrity of the agency depends on the personal integrity and discipline of each employee. To a large degree, the pubic image of the agency is determined by the quality of the internal affairs function in responding to allegations of misconduct by the agency or its employees."

The specific standards and rights guaranteed by the law enforcement officers bill of rights are designed to improve and enhance the quality of the internal affairs function, including: The right to be informed by a written statement of the charges brought against an officer; The right to be free from undue coercion or harassment during an investigation; and The right to counsel during an investigation.

The provisions of this bill will take effect at the end of the second full legislative term of each State. After such time, a law enforcement officer whose rights have been abridged may sue in state court for pecuniary and other damages, including full reinstatement.

Although the bill provides certain procedural rights, it gives States considerable discretion in implementing these safeguards, including the flexibility to provide for summary punishment and emergency suspensions of law enforcement officers.

It is also important to note what the bill does not do. The bill explicitly provides that the standards and protections governing internal investigations shall not apply to investigations of criminal misconduct by law enforcement officers. As a result, criminal investigations of law enforcement officers would not be affected by this bill.

Moreover, the protections in this bill do not apply to minor violations of departmental rules or regulations, nor to actions taken on the basis of an officers' employment-related performance.

I would also like to acknowledge the hard work of several of the Nation's leading law enforcement organizations on this important bill. The real leaders behind this effort—and they have been the leaders since the police officers' bill of rights won passage in the Senate in 1991—are the Fraternal Order of Police, the National Association of Police Organizations, the International Brotherhood of Police Officers, and the National Troopers Coalition. No one should be confused about where the force behind the law enforcement officers bill of rights lies—it lies with these organizations.•

• Mr. LEAHY. Mr. President, I join as an original sponsor of the Law Enforcement Officers' Bill of Rights Act of 1997.

Our State and local law enforcement officers are the backbone of our nation's anticrime, antigang and antidrug efforts. Together with local prosecutors and an energized public, our local law enforcement officers are responsible for much of the good news we have had over the last few years, as crime rates across the country have declined. The President's community policing program, which is assisting local law enforcement to add 100,000 additional cops on the beat, is paying off. More police officers are patrolling our neighborhoods, towns, cities, and rural areas, and it is helping communities across America.

On the first day of this Congress, I joined in sponsoring S. 15 with the minority leader and other Democrats. With that bill, we hope to take the next step against crime by redoubling our efforts against youth gangs and drugs. State and local officers are essential participants in these initiatives.

When I was privileged to serve as state's attorney for Chittenden County, I had the good fortune to work alongside a number of dedicated State and local officers. These public servants literally put their lives on the line each day to protect all of us. Since coming to the Senate, I have tried to do my best to support local law enforcement. Their responsibilities require split-second judgment, dedication, timing, and guts. We hold the men and women who serve in law enforcement to the highest standards because public respect for the law is so critical.

This legislation is an effort to spell out what the Constitution's guarantee of due process means to law enforcement officers subjected to administrative disciplinary proceedings. It is our hope that these standards will serve the public by helping specify fair, prompt procedures for determining whether a rule relating to an officer's service has been violated. This measure should make unnecessary prolonged litigation challenging whether disciplinary procedures were sufficient to satisfy officers' constitutional rights to due process. These kinds of fair processes should provide the public and law enforcement officers with confidence in both the outcome of such administrative proceedings as well as the fairness of the procedures used to determine questions of possible misconduct.

When a law enforcement officer engages in wrongdoing, it reflects badly on all law enforcement. No one is harder on those few officers who go bad than fellow law enforcement officers. This bill will do nothing to protect those wrongdoers. Officers under criminal investigation or those subject to immediate suspension because there is probable cause to believe they committed a felony or pose a threat to public safety will find no comfort here. This bill should not affect criminal investigations, nor for that matter, civil lawsuits against officers.

The procedural protections provided by this bill attach in administrative proceedings. They provide officers with a minimum threshold of due process protection by requiring that the officers be informed of charges against them, have a right to a fair hearing, be allowed representation, be advised of the results of internal investigations and be afforded an opportunity to review and comment on adverse actions.

I hope that we can make progress on this bill and look forward to working with representatives of State and local government, police chiefs, sheriffs, troopers, and other interested parties as we proceed. As a cosponsor, I will work to improve this bill. For example, I would like to be able to provide greater privacy protection for officers' medical records as well as for the financial information already included in the bill. At the same time, I remain concerned that disciplinary actions be open to the public. When a hearing is justifiably closed, its results should nonetheless be made public. I am confident that we can work out such details in a consensus, bipartisan effort.

I am convinced that it is worth the effort to reassure those who serve us that we respect their rights and reputations. While no one is above the law, everyone is entitled to be treated fairly.●

By Mrs. BOXER (for herself, Mr. KENNEDY and Mr. HOLLINGS):

S. 349. A bill to amend the Public Health Service Act to provide for expanding, intensifying, and coordinating activities of the National Heart, Lung, and Blood Institute with respect to heart attack, stroke, and other cardiovascular diseases in women; to the Committee on Labor and Human Resources.

THE WOMEN'S CARDIOVASCULAR DISEASES RESEARCH AND PREVENTION ACT

● Mrs. BOXER. Mr. President, today I am introducing the Women's Cardiovascular Diseases Research and Prevention Act, a bill to expand and intensify research and educational outreach programs regarding cardiovascular diseases in women. This bill will aid our Nation's doctors and scientists in developing a coordinated and comprehensive strategy for fighting this terrible disease.

Cardiovascular disease is the No. 1 killer of women in the United States. Over 479,000 women die from cardiovascular disease each year and 1 in 5 women has some form of the disease. Research is our best hope for averting this national tragedy which strikes so many of our grandmothers, mothers, aunts, and daughters.

The Women's Cardiovascular Diseases Research and Prevention Act authorizes $140 million to the National Heart, Lung and Blood Institute to expand and intensify research, prevention, and educational outreach programs for heart attack, stroke, and other cardiovascular diseases in women.

This bill will educate women and doctors about the dire threat heart disease poses to women's health. It will help train doctors to better recognize symptoms of cardiovascular disease which are unique to women. It would also teach women about risk factors, such as smoking, obesity, and physical inactivity, which greatly increase their chances of developing coronary heart disease.

For years, women have been underrepresented in studies conducted on heart disease and stroke. Models and tests for detection have been conducted largely on men. This legislation will help ensure that women are well represented in future heart and stroke research studies.

The Women's Cardiovascular Diseases Research and Prevention Act is being introduced in the House today by Representative MAXINE WATERS.

I urge my colleagues to commit to combating cardiovascular disease by supporting this bill.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Cardiovascular Diseases Research and Prevention Act".

SEC. 2. FINDINGS.

The Congress finds as follows with respect to women in the United States:

(1) Heart attack, stroke, and other cardiovascular diseases are the leading causes of death in women.

(2) Heart attacks and strokes are leading causes of disability in women.

(3) Cardiovascular diseases claim the lives of more women each year than does cancer. Each year more than 479,000 females die of cardiovascular diseases, while approximately 246,000 females die of cancer. Heart attack kills more than 5 times as many females as breast cancer. Stroke kills twice as many females as breast cancer.

(4) One in 5 females has some form of cardiovascular disease. Of females under age 65, each year more than 20,000 die of heart attacks. In the case of African-American women, from ages 35 to 74 the death rate from heart attacks is approximately twice that of white women and 3 times that of women of other races.

(5) Each year since 1984, cardiovascular diseases have claimed the lives of more females than males. In 1992, of the number of individuals who died of such diseases, 52 percent were females and 48 percent were males.

(6) The clinical course of cardiovascular diseases is different in women than in men, and current diagnostic capabilities are less accurate in women than in men. Once a woman develops a cardiovascular disease, she is more likely than a man to have continuing health problems, and she is more likely to die.

(7) Of women who have had a heart attack, approximately 44 percent die within 1 year of the attack. Of men who have had such an attack, 27 percent die within 1 year. At older ages, women who have had a heart attack are twice as likely as men to die from the attack within a few weeks. Women are more likely than men to have a stroke during the first 6 years following a heart attack. More than 60 percent of women who suffer a stroke die within 8 years. Long-term survivorship of stroke is better in women than in men. Of individuals who die from a stroke, each year approximately 61 percent are females. In 1992, 87,124 females died from strokes. Women have unrecognized heart attacks more frequently than men. Of women who died suddenly from heart attack, 63 percent had no previous evidence of disease.

(8) More than half of the annual health care costs that are related to cardiovascular diseases are attributable to the occurrence of the diseases in women, each year costing this Nation hundreds of billions of dollars in health care costs and lost productivity.

SEC. 3. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by inserting after section 424 the following:

"HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN

"SEC. 424A. (a) IN GENERAL.—The Director of the Institute shall expand, intensify, and coordinate research and related activities of the Institute with respect to heart attack, stroke, and other cardiovascular diseases in women.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate activities under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to heart attack, stroke, and other cardiovascular diseases in women.

"(c) CERTAIN PROGRAMS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to develop methods for preventing, cardiovascular diseases in women. Activities under such subsection shall include conducting and supporting the following:

"(1) Research to determine the reasons underlying the prevalence of heart attack, stroke, and other cardiovascular diseases in women, including African-American women and other women who are members of racial or ethnic minority groups.

"(2) Basic research concerning the etiology and causes of cardiovascular diseases in women.

"(3) Epidemiological studies to address the frequency and natural history of such diseases and the differences among men and women, and among racial and ethnic groups, with respect to such diseases.

"(4) The development of safe, efficient, and cost-effective diagnostic approaches to evaluating women with suspected ischemic heart disease.

"(5) Clinical research for the development and evaluation of new treatments for women, including rehabilitation.

"(6) Studies to gain a better understanding of methods of preventing cardiovascular diseases in women, including applications of effective methods for the control of blood pressure, lipids, and obesity.

"(7) Information and education programs for patients and health care providers on risk factors associated with heart attack, stroke, and other cardiovascular diseases in women, and on the importance of the prevention or control of such risk factors and timely referral with appropriate diagnosis and treatment. Such programs shall include information and education on health-related behaviors that can improve such important risk factors as smoking, obesity, high blood cholesterol, and lack of exercise.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $140,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 to 2000. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriations that is available for such purpose.".●

By Mr. THURMOND:

S. 350. A bill to authorize payment of special annuities to surviving spouses of deceased members of the uniformed services who are ineligible for a survivor annuity under transition laws relating to the establishment of the Survivor Benefit Plan under chapter 73 of title 10, United States Code; to the Committee on Armed Services.

ANNUITY LEGISLATION

Mr. THURMOND. Mr. President, I rise today to introduce a bill that would authorize a modest annuity of $165 a month for a group of surviving spouses of former service members who died before March 21, 1974, and were retired from active duty. The bill would also apply to surviving spouses of service members retired from the Reserves between September 21, 1972 and October 1, 1978.

At the time these service members retired from the military, there was no plan to take care of these widows as we have today. The same concerns that moved the Congress to authorize the current survivor benefit plan are true for this group of forgotten widows. The beneficiaries of this plan are all seniors now. For some, this small annuity will make the difference between a life of dependency and a life of dignity and independence. Let us correct this situation and take care of the service members spouses who had the courage to serve their Nation in the troubling time periods of the Korean and Vietnam wars.

I have tried to get this legislation passed in previous Congresses only to be frustrated by budget rules and CBO scoring.

Mr. President, we must not allow bureaucratic rules to stand in our way because, one fact remains true. The longer we delay, the fewer of these widows there are to benefit from the legislation. I do not want to be remembered as one who forgot this group who have become known as the Forgotten Widows. I urge my colleagues to join me and support this important legislation.

By Mrs. MURRAY:

S. 351. A bill to provide for teacher technology training; to the Committee on Labor and Human Resources.

THE TEACHER TECHNOLOGY TRAINING ACT OF 1997

Mrs. MURRAY. Mr. President, technology is changing our world. It affects the way we communicate, the way we conduct commerce, and the way our children learn in school. Young people today are in the midst of a technology explosion that has really opened up limitless possibilities in the classroom. In order for our students to tap into this potential and be prepared for the 21st century, they have to learn how to use technology. But all too often today, teachers are expected to incorporate technology into their instruction without being given the training to do so.

A recent study by the Office of Technology Assessment shows that a majority of teachers feel they need additional training in order to adequately use a personal computer. In fact, school districts across the country spend less than 15 percent of their technology budgets on teacher training. Hardware, software, access to the Internet are only helpful to the educational process if teachers are equipped with the knowledge to use that technology.

That is why I am introducing today the Teacher Technology Training Act of 1997, which will add technology to the areas of professional development and teacher training on the Elementary and Secondary Schools Act of 1994. My legislation will require States to incorporate technology requirements in teacher training content and performance standards. School districts and local educational agencies that receive Federal funding for professional development have to include technology classes in their programs. In addition, institutions of higher education will be strongly encouraged to include technology in their education programs.

There are two parts to providing students access to technology: putting computers into the schools, and training teachers in how to use them. Last year, I authored and we passed two amendments that would allow surplus computers from Government agencies to be made available to educational institutions across this country. In addition, Congress provided the E-rate in the telecommunications legislation we passed last year that will provide Internet connections to schools at discounted rates. I also fought for a fivefold increase in appropriations for new technology and classrooms.

These are steps toward ensuring that all schools have computer technology. Now I want to work to make sure that teachers are properly trained to use these computers.

Recently, the Department of Education reported that only one in five of our Nation's teachers currently use computers in our classrooms—one out of five. Since technology training today focuses primarily on the mechanics of operating equipment, not on integrating technology into the curriculum, this is not surprising.

Washington State, my home State, has become a State synonymous with Microsoft, Boeing, and thousands of other leading high-technology companies. The Information Technology Association of America reports that these information technology companies are short 190,000 employees today. These are employees dependent upon a technology curriculum and trained teachers in our schools.

When I toured my State of Washington last week, I was astounded by the advances made within our classrooms. At Seattle's Nathan Hale High School, I saw a science class that utilized computers to track weather patterns and chart the effects on their region. They have created their own web pages and are able to hourly tap into the National Weather Service. Their final grade was then based on their ability to produce an accurate 5-day weather forecast.

I also saw physically challenged students openly communicate with their teacher through enhanced computer technology. In the city of Bellingham, I spoke with a student-teacher who was concerned that when she and others went out into the field, there would be teachers who did not know how to use the technology. She felt that many of the students are far ahead of the teachers in their ability to use technology. In Grays Harbor County, I toured a facility supported by a public-private partnership. This lifelong learning center takes surplus computers and teaches students how to repair them and maintain their technology. The possibilities for learning are limitless.

Having technology available for instructors does not directly change teaching or learning. What matters is how successfully teachers can incorporate technology into their classrooms.

We know that technology is only one tool the teachers need to be effective in their jobs. My bill seeks to promote technology training. I have received support for this legislation from the National Education Association, the Washington Software and Digital Alliance, University Presidents and Deans, Washington School Principals, and many corporate and educational institutions.

Mr. President, as a former preschool teacher, a parent education instructor, a former school board member, and as a parent, I know the needs of students and teachers have changed dramatically in recent years. My own children have benefitted from the use of technology in their classrooms. But a school full of computers is useless if teachers don't have the necessary training to show students how to use them.

As a member of the Labor and Human Resources Committee, I intend to fight for this legislation in Congress. I urge my colleagues' support for this bill so that we can provide teachers with the tools necessary to teach in today's changing classrooms and tomorrow's work force.

By Mr. BIDEN:

S. 352. A bill to require the United States Sentencing Commission to amend the Federal sentencing guidelines to provide an enhanced penalty for follow-on bombings; to the Committee on the Judiciary.

THE POLICE AND RESCUE SQUAD PROTECTION ACT

• Mr. BIDEN. Mr. President, the bombings in Atlanta over the past 2 months—the second of which occurred last weekend—have marked the opening of yet another unfortunate new chapter in the escalation of domestic terrorism.

While the magnitude of these attacks were far less than the World Trade Center and Oklahoma City bombings, they were noteworthy for the pernicious technique this criminal—or criminal organization—used:

First, the terrorists attracted police, firefighters, and rescue workers to the scene by detonating one bomb,

And then, with the unmistakable intent to injure the public safety officers responding to the first explosion, detonated a second explosive device in the parking lot outside the location of the first bombing.

According to the experts, this tactic is one imported from the hotbed of terrorist activity—the Middle East.

On two occasions last year, follow-on bombs were detonated in Southern Lebanon. One almost killed Israel's northern commander—Maj. Gen. Amiram Levine.

Then this January, only 6 days before the Atlanta abortion clinic bombing, two bombs were detonated only 10 minutes apart near a bus station in Tel Aviv. Thirteen people were injured, including one police officer who came to the scene in response to the first bomb and was wounded by the second.

Last month in Atlanta, the first bomb injured no one, but the "follow-on" bomb wounded seven people, including two FBI agents, one ATF agent, and two local firefighters. Experts have stated that many more rescue workers would have been injured had the force of the second blast not been deflected by a car, which just happened to be parked in the right spot.

Five people were injured by the bomb that exploded in an Atlanta restaurant last Friday, but fortunately, the police found the second bomb and detonated it with a remote-controlled robot.

Of course, all terrorist acts are horrific. But this follow-on bombing tactic is especially henious because the technique is designed to do one thing— kill the police, firefighters, paramedics, and all the other professionals who unhesitatingly rush to the scene of a bombing to provide aid to the wounded.

Mark my words: now that this tactic has been employed in Atlanta, covered by the national media, and probably communicated across the country through the Internet, some other devious, sick, individual, somewhere in the United States, will do it again. Mark my words.

I believe that those who employ tactics aimed exclusively at injuring the police, firefighters, and other public safety officers should be punished above and beyond whatever punishment they would receive for destroying property or causing injury.

That is why today I am introducing the Police and Rescue Squad Protection Act.

The bill will increase the punishment for anyone who plants a follow-on bomb with the intent to injure public safety officers. And it clearly states that anyone who detonates, or attempts to detonate one bomb right after another bomb in the same location is acting with the criminal intent to injure law enforcement and emergency medical officials.

In my view, this legislation will send a strong message that we will not tolerate the grotesque tactics that we've seen in the streets of Tel Aviv, and now, in Atlanta.

More importantly, this legislation honors those who, without fear or hesitation, put themselves in jeopardy at a time of crisis.

If this bill deters one terrorist from planting a follow-on bomb and saves the life of one police officer, firefighter, ambulance driver, or paramedic that rushes to the scene of a crime, then it will have been well worth the energy expended to enact it.

I hope my colleagues will join me in this effort.•

By Mr. KENNEDY:

S. 353. A bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for protection of consumers in managed care plans and other health plans; to the Committee on Labor and Human Resources.

THE HEALTH INSURANCE BILL OF RIGHTS OF 1997

Mr. KENNEDY. Mr. President, I am introducing today the Health Insurance Bill of Rights Act to provide quality assurance and patient protection. Companion legislation is being introduced in the House of Representatives by Congressman DINGELL, Congressman WAXMAN, Congressman CARDIN, and others.

This legislation is a needed response to the surging growth of managed care and the rapid changes taking place in the health insurance market—changes that too often put insurance industry profits ahead of patients' health needs.

Managed care has mushroomed over the past decade. In 1987, only 13 percent of privately insured Americans were enrolled in HMOs. Today, that figure is 75 percent. At its best, managed care offers the opportunity to achieve both greater efficiency and higher quality in health care. In too many cases, however, the pressure for profits leads to lesser care—not better care. Too many managed care firms and other insurance companies have decided that the shortest route to higher profits and a competitive edge is by denying patients the care they need and deserve.

Some of the most flagrant abuses by insurance plans have been documented in recent months:

Just last year Congress enacted legislation to block drive-by deliveries and prevent new mothers and their babies from being evicted from hospitals in less than 48 hours.

Breast cancer patients are being forced to undergo mastectomies on an outpatient basis, when sound medical advice requires a reasonable hospital stay.

Children are being permanently injured or even losing their lives because their parents are forced to drive past the nearest emergency room to a more distant hospital because it has the contract with their health plan.

Doctors are being subjected to gag rules that keep them from giving their patients their best medical advice.

People with rare and dangerous diseases are being denied access to specialists to treat their conditions.

Patients can't get needed pharmaceutical drugs, because the particular drug they need is not on the list of drugs approved for coverage by their insurance plan; sometimes such lists are developed and administered by pharmaceutical companies bent on selling their own drugs and blocking competition.

Patients are being misdiagnosed, sometimes with fatal results, because insurance plans cut corners on diagnostic tests.

Victims of cancer and other serious diseases are being denied participation in quality clinical trials offering the only hope of cure for otherwise incurable conditions.

Children afflicted with serious, chronic conditions are being denied access to the medical centers with the only available expertise to treat their conditions effectively.

These abuses are not typical of most insurance companies. But they are common enough that an overwhelming 80 percent of Americans now believe that their quality of care is often compromised by their insurance plan to save money. It is time to deal with these festering problems. Good business practices can improve health care, but health care must be more than just another business.

The legislation we are introducing today establishes basic standards for insurance plans in six specific areas:

First, access to care, including specialty care, emergency care, and clinical trials.

Second, standards for quality of care.

Third, information that must be available to patients.

Fourth, expeditious and fair appeal procedures when physicians or patients disagree with plan decisions.

Fifth, protection of the doctor-patient relationship, by banning gag rules and objectionable compensation arrangements.

Sixth, a requirement that plan guidelines may not override good medical practice.

These steps will not eliminate every abuse that occurs in the insurance industry, but they will go a long way to addressing the major problems patients confront.

At the most basic level, the legislation establishes a right to needed care. A patient facing a health emergency should not be required to go to a distant emergency room, or to obtain prior authorization for care. Someone suffering from a serious condition requiring specialty care should not be denied that care because an insurance company thinks it is too expensive. Someone with a condition that cannot be addressed by conventional therapies should have a reasonable opportunity to participate in a quality clinical trial that offers the hope of effective treatment. Plans should set up clear, fair, and timely appeal procedures for cases in which the plan fails to fulfill its obligations.

Historically, patients have relied on their personal physician to be the best source of impartial advice on needed care. This legislation maintains that critical role by prohibiting plans from restricting doctor-patient communications or from establishing compensation plans that bribe or penalize doctors into representing the plan's interest at the expense of their patients' health.

To maintain and improve quality of care, all managed care plans will be required to set up a separate unit dedicated to quality, and to collect data to verify that the plan, in fact, is providing care that meets objective quality standards.

Patients will be guaranteed full information about plan coverage, appeal rights, access to primary care doctors and other specialists, and other needed information. Plans will be required to collect and make available standardized data for consumers to compare plans.

These provisions add up to a health insurance bill of rights that will protect millions of Americans.

I look forward to working with a broad range of physician, patient, and industry groups as Congress considers this legislation. Action is essential and overdue to provide these needed protections. The bottom line in health care must be patient needs, not industry profits. Concerned citizens in all parts of the country are demanding action, and Congress owes them a response.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Insurance Bill of Rights Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to the Public Health Service Act.

"PART C—PATIENT PROTECTION STANDARDS

"Sec. 2770. Notice; additional definitions.

"SUBPART 1—ACCESS TO CARE

"Sec. 2771. Access to emergency care.
"Sec. 2772. Access to specialty care.
"Sec. 2773. Continuity of care.
"Sec. 2774. Choice of provider.
"Sec. 2775. Coverage for individuals participating in approved clinical trials.
"Sec. 2776. Access to needed prescription drugs.

"SUBPART 2—QUALITY ASSURANCE

"Sec. 2777. Internal quality assurance program.
"Sec. 2778. Collection of standardized data.
"Sec. 2779. Process for selection of providers.
"Sec. 2780. Drug utilization program.
"Sec. 2781. Standards for utilization review activities.

"SUBPART 3—PATIENT INFORMATION

"Sec. 2782. Patient information.
"Sec. 2783. Protection of patient confidentiality.

"SUBPART 4—GRIEVANCE PROCEDURES

"Sec. 2784. Establishment of complaint and appeals process.
"Sec. 2785. Provisions relating to appeals of utilization review determinations and similar determinations.
"Sec. 2786. State health insurance ombudsmen.

"SUBPART 5—PROTECTION OF PROVIDERS AGAINST INTERFERENCE WITH MEDICAL COMMUNICATIONS AND IMPROPER INCENTIVE ARRANGEMENTS

"Sec. 2787. Prohibition of interference with certain medical communications.
"Sec. 2788. Prohibition against transfer of indemnification or improper incentive arrangements.

"SUBPART 6—PROMOTING GOOD MEDICAL PRACTICE AND PROTECTING THE DOCTOR-PATIENT RELATIONSHIP

"Sec. 2789. Promoting good medical practice.
Sec. 3. Amendments to the Employee Retirement Income Security Act of 1974.
"Sec. 713. Patient protection standards.

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) PATIENT PROTECTION STANDARDS.—Title XXVII of the Public Health Service Act is amended—

(1) by redesignating part C as part D, and

(2) by inserting after part B the following new part:

"PART C—PATIENT PROTECTION STANDARDS

"SEC. 2770. NOTICE; ADDITIONAL DEFINITIONS.

"(a) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this part as if such section applied to such issuer and such issuer were a group health plan.

"(b) ADDITIONAL DEFINITIONS.—For purposes of this part:

"(1) NONPARTICIPATING PHYSICIAN OR PROVIDER.—The term 'nonparticipating physician or provider' means, with respect to health care items and services furnished to an enrollee under health insurance coverage, a physician or provider that is not a participating physician or provider for such services.

"(2) PARTICIPATING PHYSICIAN OR PROVIDER.—The term 'participating physician or provider' means, with respect to health care items and services furnished to an enrollee under health insurance coverage, a physician or provider that furnishes such items and services under a contract or other arrangement with the health insurance issuer offering such coverage.

"SUBPART 1—ACCESS TO CARE

"SEC. 2771. ACCESS TO EMERGENCY CARE.

"(a) PROHIBITION OF CERTAIN RESTRICTIONS ON COVERAGE OF EMERGENCY SERVICES.—

"(1) IN GENERAL.—If health insurance coverage provides any benefits with respect to emergency services (as defined in paragraph (2)(B)), the health insurance issuer offering such coverage shall cover emergency services furnished to an enrollee—

"(A) without the need for any prior authorization determination,

"(B) subject to paragraph (3), whether or not the physician or provider furnishing such services is a participating physician or provider with respect to such services, and

"(C) subject to paragraph (3), without regard to any other term or condition of such coverage (other than an exclusion of benefits, or an affiliation or waiting period, permitted under section 2701).

"(2) EMERGENCY SERVICES; EMERGENCY MEDICAL CONDITION.—For purposes of this section—

"(A) EMERGENCY MEDICAL CONDITION BASED ON PRUDENT LAYPERSON.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

"(i) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy,

"(ii) serious impairment to bodily functions, or

"(iii) serious dysfunction of any bodily organ or part.

"(B) EMERGENCY SERVICES.—The term 'emergency services' means—

"(i) a medical screening examination (as required under section 1867 of the Social Security Act) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department, to evaluate an emergency medical condition (as defined in subparagraph (A)), and

"(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 of the Social Security Act to stabilize the patient.

"(C) TRAUMA AND BURN CENTERS.—The provisions of clause (ii) of subparagraph (B) apply to a trauma or burn center, in a hospital, that—

"(i) is designated by the State, a regional authority of the State, or by the designee of the State, or

"(ii) is in a State that has not made such designations and meets medically recognized national standards.

"(3) APPLICATION OF NETWORK RESTRICTION PERMITTED IN CERTAIN CASES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if a health insurance issuer in relation to health insurance coverage denies, limits, or otherwise differentiates in coverage or payment for benefits other than emergency services on the basis that the physician or provider of such services is a nonparticipating physician or provider, the issuer may deny, limit, or differentiate in coverage or payment for emergency services on such basis.

"(B) NETWORK RESTRICTIONS NOT PERMITTED IN CERTAIN EXCEPTIONAL CASES.—The denial or limitation of, or differentiation in, coverage or payment of benefits for emergency services under subparagraph (A) shall not apply in the following cases:

"(i) CIRCUMSTANCES BEYOND CONTROL OF ENROLLEE.—The enrollee is unable to go to a participating hospital for such services due to circumstances beyond the control of the enrollee (as determined consistent with guidelines and subparagraph (C)).

"(ii) LIKELIHOOD OF AN ADVERSE HEALTH CONSEQUENCE BASED ON LAYPERSON'S JUDGMENT.—A prudent layperson possessing an average knowledge of health and medicine could reasonably believe that, under the circumstances and consistent with guidelines, the time required to go to a participating hospital for such services could result in any of the adverse health consequences described in a clause of subsection (a)(2)(A).

"(iii) PHYSICIAN REFERRAL.—A participating physician or other person authorized by the plan refers the enrollee to an emergency department of a hospital and does not specify an emergency department of a hospital that is a participating hospital with respect to such services.

"(C) APPLICATION OF 'BEYOND CONTROL' STANDARDS.—For purposes of applying subparagraph (B)(i), receipt of emergency services from a nonparticipating hospital shall be treated under the guidelines as being 'due to circumstances beyond the control of the enrollee' if any of the following conditions are met:

"(i) UNCONSCIOUS.—The enrollee was unconscious or in an otherwise altered mental state at the time of initiation of the services.

"(ii) AMBULANCE DELIVERY.—The enrollee was transported by an ambulance or other emergency vehicle directed by a person other than the enrollee to the nonparticipating hospital in which the services were provided.

"(iii) NATURAL DISASTER.—A natural disaster or civil disturbance prevented the enrollee from presenting to a participating hospital for the provision of such services.

"(iv) NO GOOD FAITH EFFORT TO INFORM OF CHANGE IN PARTICIPATION DURING A CONTRACT YEAR.—The status of the hospital changed from a participating hospital to a nonparticipating hospital with respect to emergency services during a contract year and the plan or issuer failed to make a good faith effort to notify the enrollee involved of such change.

"(v) OTHER CONDITIONS.—There were other factors (such as those identified in guidelines) that prevented the enrollee from controlling selection of the hospital in which the services were provided.

"(b) ASSURING COORDINATED COVERAGE OF MAINTENANCE CARE AND POST-STABILIZATION CARE.—

"(1) IN GENERAL.—In the case of an enrollee who is covered under health insurance coverage issued by a health insurance issuer and who has received emergency services pursuant to a screening evaluation conducted (or supervised) by a treating physician at a hospital that is a nonparticipating provider with respect to emergency services, if—

"(A) pursuant to such evaluation, the physician identifies post-stabilization care (as defined in paragraph (3)(B)) that is required by the enrollee,

"(B) the coverage provides benefits with respect to the care so identified and the coverage requires (but for this subsection) an affirmative prior authorization determination as a condition of coverage of such care, and

"(C) the treating physician (or another individual acting on behalf of such physician) initiates, not later than 30 minutes after the time the treating physician determines that the condition of the enrollee is stabilized, a good faith effort to contact a physician or other person authorized by the issuer (by telephone or other means) to obtain an affirmative prior authorization determination with respect to the care,

then, without regard to terms and conditions specified in paragraph (2) the issuer shall cover maintenance care (as defined in paragraph (3)(A)) furnished to the enrollee during the period specified in paragraph (4) and shall cover post-stabilization care furnished to the enrollee during the period beginning under paragraph (5) and ending under paragraph (6).

"(2) TERMS AND CONDITIONS WAIVED.—The terms and conditions (of coverage) described in this paragraph that are waived under paragraph (1) are as follows:

"(A) The need for any prior authorization determination.

"(B) Any limitation on coverage based on whether or not the physician or provider furnishing the care is a participating physician or provider with respect to such care.

"(C) Any other term or condition of the coverage (other than an exclusion of benefits, or an affiliation or waiting period, permitted under section 2701 and other than a requirement relating to medical necessity for coverage of benefits).

"(3) MAINTENANCE CARE AND POST-STABILIZATION CARE DEFINED.—In this subsection:

"(A) MAINTENANCE CARE.—The term 'maintenance care' means, with respect to an individual who is stabilized after provision of emergency services, medically necessary items and services (other than emergency services) that are required by the individual to ensure that the individual remains stabilized during the period described in paragraph (4).

"(B) POST-STABILIZATION CARE.—The term 'post-stabilization care' means, with respect to an individual who is determined to be stable pursuant to a medical screening examination or who is stabilized after provision of emergency services, medically necessary items and services (other than emergency services and other than maintenance care) that are required by the individual.

"(4) PERIOD OF REQUIRED COVERAGE OF MAINTENANCE CARE.—The period of required coverage of maintenance care of an individual under this subsection begins at the time of the request (or the initiation of the good faith effort to make the request) under paragraph (1)(C) and ends when—

"(A) the individual is discharged from the hospital;

"(B) a physician (designated by the issuer involved) and with privileges at the hospital involved arrives at the emergency department of the hospital and assumes responsibility with respect to the treatment of the individual; or

"(C) the treating physician and the issuer agree to another arrangement with respect to the care of the individual.

"(5) WHEN POST-STABILIZATION CARE REQUIRED TO BE COVERED.—

"(A) WHEN TREATING PHYSICIAN UNABLE TO COMMUNICATE REQUEST.—If the treating physician or other individual makes the good faith effort to request authorization under paragraph (1)(C) but is unable to communicate the request directly with an authorized person referred to in such paragraph within 30 minutes after the time of initiating such effort, then post-stabilization care is required to be covered under this subsection beginning at the end of such 30-minute period.

"(B) WHEN ABLE TO COMMUNICATE REQUEST, AND NO TIMELY RESPONSE.—

"(i) IN GENERAL.—If the treating physician or other individual under paragraph (1)(C) is able to communicate the request within the 30-minute period described in subparagraph (A), the post-stabilization care requested is required to be covered under this subsection beginning 30 minutes after the time when the issuer receives the request unless a person authorized by the plan or issuer involved communicates (or makes a good faith effort to communicate) a denial of the request for the prior authorization determination within 30 minutes of the time when the issuer receives the request and the treating physician does not request under clause (ii) to communicate directly with an authorized physician concerning the denial.

"(ii) REQUEST FOR DIRECT PHYSICIAN-TO-PHYSICIAN COMMUNICATION CONCERNING

DENIAL.—If a denial of a request is communicated under clause (i), the treating physician may request to communicate respecting the denial directly with a physician who is authorized by the issuer to deny or affirm such a denial.

"(C) WHEN NO TIMELY RESPONSE TO REQUEST FOR PHYSICIAN-TO-PHYSICIAN COMMUNICATION.—If a request for physician-to-physician communication is made under subparagraph (B)(ii), the post-stabilization care requested is required to be covered under this subsection beginning 30 minutes after the time when the issuer receives the request from a treating physician unless a physician, who is authorized by the issuer to reverse or affirm the initial denial of the care, communicates (or makes a good faith effort to communicate) directly with the treating physician within such 30-minute period.

"(D) DISAGREEMENTS OVER POST-STABILIZATION CARE.—If, after a direct physician-to-physician communication under subparagraph (C), the denial of the request for the post-stabilization care is not reversed and the treating physician communicates to the issuer involved a disagreement with such decision, the post-stabilization care requested is required to be covered under this subsection beginning as follows:

"(i) DELAY TO ALLOW FOR PROMPT ARRIVAL OF PHYSICIAN ASSUMING RESPONSIBILITY.—If the issuer communicates that a physician (designated by the plan or issuer) with privileges at the hospital involved will arrive promptly (as determined under guidelines) at the emergency department of the hospital in order to assume responsibility with respect to the treatment of the enrollee involved, the required coverage of the post-stabilization care begins after the passage of such time period as would allow the prompt arrival of such a physician.

"(ii) OTHER CASES.—If the issuer does not so communicate, the required coverage of the post-stabilization care begins immediately.

"(6) NO REQUIREMENT OF COVERAGE OF POST-STABILIZATION CARE IF ALTERNATE PLAN OF TREATMENT.—

"(A) IN GENERAL.—Coverage of post-stabilization care is not required under this subsection with respect to an individual when—

"(i) subject to subparagraph (B), a physician (designated by the plan or issuer involved) and with privileges at the hospital involved arrives at the emergency department of the hospital and assumes responsibility with respect to the treatment of the individual; or

"(ii) the treating physician and the issuer agree to another arrangement with respect to the post-stabilization care (such as an appropriate transfer of the individual involved to another facility or an appointment for timely followup treatment for the individual).

"(B) SPECIAL RULE WHERE ONCE CARE INITIATED.—Required coverage of requested post-stabilization care shall not end by reason of subparagraph (A)(i) during an episode of care (as determined by guidelines) if the treating physician initiated such care (consistent with a previous paragraph) before the arrival of a physician described in such subparagraph.

"(7) CONSTRUCTION.—Nothing in this subsection shall be construed as—

"(A) preventing an issuer from authorizing coverage of maintenance care or post-stabilization care in advance or at any time; or

"(B) preventing a treating physician or other individual described in paragraph (1)(C) and an issuer from agreeing to modify any of the time periods specified in paragraphs (5) as it relates to cases involving such persons.

"(c) LIMITS ON COST-SHARING FOR SERVICES FURNISHED IN EMERGENCY DEPARTMENTS.—If health insurance coverage provides any benefits with respect to emergency services, the health insurance issuer offering such coverage may impose cost sharing with respect to such services only if the following conditions are met:

"(1) LIMITATIONS ON COST-SHARING DIFFERENTIAL FOR NONPARTICIPATING PROVIDERS.—

"(A) NO DIFFERENTIAL FOR CERTAIN SERVICES.—In the case of services furnished under the circumstances described in clause (i), (ii), or (iii) of subsection (a)(3)(B) (relating to circumstances beyond the control of the enrollee, the likelihood of an adverse health consequence based on layperson's judgment, and physician referral), the cost-sharing for such services provided by a nonparticipating provider or physician does not exceed the cost-sharing for such services provided by a participating provider or physician.

"(B) ONLY REASONABLE DIFFERENTIAL FOR OTHER SERVICES.—In the case of other emergency services, any differential by which the cost-sharing for such services provided by a nonparticipating provider or physician exceeds the cost-sharing for such services provided by a participating provider or physician is reasonable (as determined under guidelines).

"(2) ONLY REASONABLE DIFFERENTIAL BETWEEN EMERGENCY SERVICES AND OTHER SERVICES.—Any differential by which the cost-sharing for services furnished in an emergency department exceeds the cost-sharing for such services furnished in another setting is reasonable (as determined under guidelines).

"(3) CONSTRUCTION.—Nothing in paragraph (1)(B) or (2) shall be construed as authorizing guidelines other than guidelines that establish maximum cost-sharing differentials.

"(d) INFORMATION ON ACCESS TO EMERGENCY SERVICES.—A health insurance issuer, to the extent a health insurance issuer offers health insurance coverage, shall provide education to enrollees on—

"(1) coverage of emergency services (as defined in subsection (a)(2)(B)) by the issuer in accordance with the provisions of this section,

"(2) the appropriate use of emergency services, including use of the 911 telephone system or its local equivalent,

"(3) any cost sharing applicable to emergency services,

"(4) the process and procedures of the plan for obtaining emergency services, and

"(5) the locations of—

"(A) emergency departments, and

"(B) other settings,

in which participating physicians and hospitals provide emergency services and post-stabilization care.

"(e) GENERAL DEFINITIONS.—For purposes of this section:

"(1) COST SHARING.—The term 'cost sharing' means any deductible, coinsurance amount, copayment or other out-of-pocket payment (other than premiums or enrollment fees) that a health insurance issuer offering health insurance issuer imposes on enrollees with respect to the coverage of benefits.

"(2) GOOD FAITH EFFORT.—The term 'good faith effort' has the meaning given such term in guidelines and requires such appropriate documentation as is specified under such guidelines.

"(3) GUIDELINES.—The term 'guidelines' means guidelines established by the Secretary after consultation with an advisory panel that includes individuals representing emergency physicians, health insurance issuers, including at least one health maintenance organization, hospitals, employers, the States, and consumers.

"(4) PRIOR AUTHORIZATION DETERMINATION.—The term 'prior authorization determination' means, with respect to items and services for which coverage may be provided under health insurance coverage, a determination (before the provision of the items and services and as a condition of coverage of the items and services under the coverage) of whether or not such items and services will be covered under the coverage.

"(5) STABILIZE.—The term 'to stabilize' means, with respect to an emergency medical condition, to provide (in complying with section 1867 of the Social Security Act) such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from the facility.

"(6) STABILIZED.—The term 'stabilized' means, with respect to an emergency medical condition, that no material deterioration of the condition is likely, within reasonable medical probability, to result from or occur before an individual can be transferred from the facility, in compliance with the requirements of section 1867 of the Social Security Act.

"(7) TREATING PHYSICIAN.—The term 'treating physician' includes a treating health care professional who is licensed under State law to provide emergency services other than under the supervision of a physician.

"SEC. 2772. ACCESS TO SPECIALTY CARE.

"(a) OBSTETRICAL AND GYNECOLOGICAL CARE.—

"(1) IN GENERAL.—If a health insurance issuer, in connection with the provision of health insurance coverage, requires or provides for an enrollee to designate a participating primary care provider—

"(A) the issuer shall permit a female enrollee to designate a physician who specializes in obstetrics and gynecology as the enrollee's primary care provider; and

"(B) if such an enrollee has not designated such a provider as a primary care provider, the issuer—

"(i) may not require prior authorization by the enrollee's primary care provider or otherwise for coverage of routine gynecological care (such as preventive women's health examinations) and pregnancy-related services provided by a participating physician who specializes in obstetrics and gynecology to the extent such care is otherwise covered, and

"(ii) may treat the ordering of other gynecological care by such a participating physician as the prior authorization of the primary care provider with respect to such care under the coverage.

"(2) CONSTRUCTION.—Nothing in paragraph (1)(B)(ii) shall waive any requirements of coverage relating to medical necessity or appropriateness with respect to coverage of gynecological care so ordered.

"(b) SPECIALTY CARE.—

"(1) REFERRAL TO SPECIALTY CARE FOR ENROLLEES REQUIRING TREATMENT BY SPECIALISTS.—

"(A) IN GENERAL.—In the case of an enrollee who is covered under health insurance coverage offered by a health insurance issuer and who has a condition or disease of sufficient seriousness and complexity to require treatment by a specialist, the issuer shall make or provide for a referral to a specialist who is available and accessible to provide the treatment for such condition or disease.

"(B) SPECIALIST DEFINED.—For purposes of this subsection, the term 'specialist' means, with respect to a condition, a health care practitioner, facility, or center (such as a center of excellence) that has adequate expertise through appropriate training and experience (including, in the case of a child, appropriate pediatric expertise) to provide high quality care in treating the condition.

"(C) CARE UNDER REFERRAL.—Care provided pursuant to such referral under subparagraph (A) shall be—

"(i) pursuant to a treatment plan (if any) developed by the specialist and approved by the issuer, in consultation with the designated primary care provider or specialist and the enrollee (or the enrollee's designee), and

"(ii) in accordance with applicable quality assurance and utilization review standards of the issuer.

Nothing in this subsection shall be construed as preventing such a treatment plan for an enrollee from requiring a specialist to provide the primary care provider with regular updates on the specialty care provided, as well as all necessary medical information.

"(D) REFERRALS TO PARTICIPATING PROVIDERS.—An issuer is not required under subparagraph (A) to provide for a referral to a specialist that is not a participating provider, unless the issuer does not have an appropriate specialist that is available and accessible to treat the enrollee's condition and that is a participating provider with respect to such treatment.

"(E) TREATMENT OF NONPARTICIPATING PROVIDERS.—If an issuer refers an enrollee to a nonparticipating specialist, services provided pursuant to the approved treatment plan shall be provided at no additional cost to the enrollee beyond what the enrollee would otherwise pay for services received by such a specialist that is a participating provider.

"(2) SPECIALISTS AS PRIMARY CARE PROVIDERS.—

"(A) IN GENERAL.—A health insurance issuer, in connection with the provision of health insurance coverage, shall have a procedure by which a new enrollee upon enrollment, or an enrollee upon diagnosis, with an ongoing special condition (as defined in subparagraph (C)) may receive a referral to a specialist for such condition who shall be responsible for and capable of providing and coordinating the enrollee's primary and specialty care. If such an enrollee's care would most appropriately be coordinated by such a specialist, the issuer shall refer the enrollee to such specialist.

"(B) TREATMENT AS PRIMARY CARE PROVIDER.—Such specialist shall be permitted to treat the enrollee without a referral from the enrollee's primary care provider and may authorize such referrals, procedures, tests, and other medical services as the enrollee's primary care provider would otherwise be permitted to provide or authorize, subject to the terms of the treatment plan (referred to in paragraph (1)(C)(i)).

"(C) ONGOING SPECIAL CONDITION DEFINED.—In this paragraph, the term 'special condition' means a condition or disease that—

"(i) is life-threatening, degenerative, or disabling, and

"(ii) requires specialized medical care over a prolonged period of time.

"(D) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) shall apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

"(3) STANDING REFERRALS.—

"(A) IN GENERAL.—A health insurance issuer, in connection with the provision of health insurance coverage, shall have a procedure by which an enrollee who has a condition that requires ongoing care from a specialist may receive a standing referral to such specialist for treatment of such condition. If the issuer, or the primary care provider in consultation with the medical director of the issuer and the specialist (if any), determines that such a standing referral is appropriate, the issuer shall make such a referral to such a specialist.

"(C) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) shall apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

"SEC. 2773. CONTINUITY OF CARE.

"(a) IN GENERAL.—If a contract between a health insurance issuer, in connection with the provision of health insurance coverage, and a health care provider is terminated (other than by the issuer for failure to meet applicable quality standards or for fraud) and an enrollee is undergoing a course of treatment from the provider at the time of such termination, the issuer shall—

"(1) notify the enrollee of such termination, and

"(2) subject to subsection (c), permit the enrollee to continue the course of treatment with the provider during a transitional period (provided under subsection (b)).

"(b) TRANSITIONAL PERIOD.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the transitional period under this subsection shall extend for at least—

"(A) 60 days from the date of the notice to the enrollee of the provider's termination in the case of a primary care provider, or

"(B) 120 days from such date in the case of another provider.

"(2) INSTITUTIONAL CARE.—The transitional period under this subsection for institutional or inpatient care from a provider shall extend until the discharge or termination of the period of institutionalization and shall include reasonable follow-up care related to the institutionalization and shall also include institutional care scheduled prior to the date of termination of the provider status.

"(3) PREGNANCY.—If—

"(A) an enrollee has entered the second trimester of pregnancy at the time of a provider's termination of participation, and

"(B) the provider was treating the pregnancy before date of the termination,

the transitional period under this subsection with respect to provider's treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

"(4) TERMINAL ILLNESS.—

"(A) IN GENERAL.—If—

"(i) an enrollee was determined to be terminally ill (as defined in subparagraph (B)) at the time of a provider's termination of participation, and

"(ii) the provider was treating the terminal illness before the date of termination,

the transitional period under this subsection shall extend for the remainder of the enrollee's life for care directly related to the treatment of the terminal illness.

"(B) DEFINITION.—In subparagraph (A), an enrollee is considered to be 'terminally ill' if the enrollee has a medical prognosis that the enrollee's life expectancy is 6 months or less.

"(c) PERMISSIBLE TERMS AND CONDITIONS.—An issuer may condition coverage of continued treatment by a provider under subsection (a)(2) upon the provider agreeing to the following terms and conditions:

"(1) The provider agrees to continue to accept reimbursement from the issuer at the rates applicable prior to the start of the transitional period as payment in full.

"(2) The provider agrees to adhere to the issuer's quality assurance standards and to provide to the issuer necessary medical information related to the care provided.

"(3) The provider agrees otherwise to adhere to the issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan approved by the issuer.

"SEC. 2774. CHOICE OF PROVIDER.

"(a) PRIMARY CARE.—A health insurance issuer that offers health insurance coverage shall permit each enrollee to receive primary care from any participating primary care provider who is available to accept such enrollee.

"(b) SPECIALISTS.—

"(1) IN GENERAL.—Subject to paragraph (2), a health insurance issuer that offers health insurance coverage shall permit each enrollee to receive medically necessary specialty care, pursuant to appropriate referral procedures, from any qualified participating health care provider who is available to accept such enrollee for such care.

"(2) LIMITATION.—Paragraph (1) shall not apply to speciality care if the issuer clearly informs enrollees of the limitations on choice of participating providers with respect to such care.

"(c) LIST OF PARTICIPATING PROVIDERS.—For disclosure of information about participating primary care and specialty care providers, see section 2782(b)(3).

"SEC. 2775. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CLINICAL TRIALS.

"(a) IN GENERAL.—If a health insurance issuer offers health insurance coverage to a qualified enrollee (as defined in subsection (b)), the issuer—

"(1) may not deny the enrollee participation in the clinical trial referred to in subsection (b)(2);

"(2) subject to subsection (c), may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

"(3) may not discriminate against the enrollee on the basis of the enrollee's participation in such trial.

"(b) QUALIFIED ENROLLEE DEFINED.—For purposes of subsection (a), the term 'qualified enrollee' means an enrollee under health insurance coverage who meets the following conditions:

"(1) The enrollee has a life-threatening or serious illness for which no standard treatment is effective.

"(2) The enrollee is eligible to participate in an approved clinical trial with respect to treatment of such illness.

"(3) The enrollee and the referring physician conclude that the enrollee's participation in such trial would be appropriate.

"(4) The enrollee's participation in the trial offers potential for significant clinical benefit for the enrollee.

"(c) PAYMENT.—

"(1) In general.—Under this section an issuer shall provide for payment for routine patient costs described in subsection (a)(2) but is not required to pay for costs of items and services that are reasonably expected (as determined by the Secretary) to be paid for by the sponsors of an approved clinical trial.

"(2) Payment rate.—In the case of covered items and services provided by—

"(A) a participating provider, the payment rate shall be at the agreed upon rate, or

"(B) a nonparticipating provider, the payment rate shall be at the rate the issuer would normally pay for comparable services under subparagraph (A).

"(d) Approved Clinical Trial Defined.—In this section, the term 'approved clinical trial' means a clinical research study or clinical investigation approved and funded by one or more of the following:

"(1) The National Institutes of Health.

"(2) 'A cooperative group or center of the National Institutes of Health.

"(3) The Department of Veterans Affairs.

"(4) The Department of Defense.

"SEC. 2776. ACCESS TO NEEDED PRESCRIPTION DRUGS.

"If a health insurance issuer offers health insurance coverage that provides benefits with respect to prescription drugs but the coverage limits such benefits to drugs included in a formulary, the issuer shall—

"(1) ensure participation of participating physicians in the development of the formulary;

"(2) disclose the nature of the formulary restrictions; and

"(3) provide for exceptions from the formulary limitation when medical necessity, as determined by the enrollee's physician subject to reasonable review by the issuer, dictates that a non-formulary alternative is indicated.

"Subpart 2—Quality Assurance

"SEC. 2777. INTERNAL QUALITY ASSURANCE PROGRAM.

"(a) Requirement.—A health insurance issuer that offers health insurance coverage shall establish and maintain an ongoing, internal quality assurance and continuous quality improvement program that meets the requirements of subsection (b).

"(b) Program Requirements.—The requirements of this subsection for a quality improvement program of an issuer are as follows:

"(1) Administration.—The issuer has a separate identifiable unit with responsibility for administration of the program.

"(2) Written plan.—The issuer has a written plan for the program that is updated annually and that specifies at least the following:

"(A) The activities to be conducted.

"(B) The organizational structure.

"(C) The duties of the medical director.

"(D) Criteria and procedures for the assessment of quality.

"(E) Systems for ongoing and focussed evaluation activities.

"(3) Systematic review.—The program provides for systematic review of the type of health services provided, consistency of services provided with good medical practice, and patient outcomes.

"(4) Quality criteria.—The program—

"(A) uses criteria that are based on performance and clinical outcomes where feasible and appropriate, and

"(B) includes criteria that are directed specifically at meeting the needs of at-risk populations and enrollees with chronic or severe illnesses.

"(5) System for reporting.—The program has procedures for reporting of possible quality concerns by providers and enrollees and for remedial actions to correct quality problems, including written procedures for responding to concerns and taking appropriate corrective action.

"(6) Data collection.—The program provides for the collection of systematic, scientifically based data to be used in the measure of quality.

"(c) Deeming.—For purposes of subsection (a), the requirements of subsection (b) are deemed to be met with respect to a health insurance issuer if the issuer—

"(1) is a qualified health maintenance organization (as defined in section 1310(d)), or

"(2) is accredited by a national accreditation organization that is certified by the Secretary.

"SEC. 2778. COLLECTION OF STANDARDIZED DATA.

"(a) In General.—A health insurance issuer that offers health insurance coverage shall collect uniform quality data that include—

"(1) a minimum uniform data set described in subsection (b), and

"(2) additional data that are consistent with the requirements of a nationally recognized body identified by the Secretary.

"(b) Minimum Uniform Data Set.—The Secretary shall specify the data required to be included in the minimum uniform data set under subsection (a)(1) and the standard format for such data. Such data shall include at least—

"(1) aggregate utilization data;

"(2) data on the demographic characteristics of enrollees;

"(3) data on disease-specific and age-specific mortality rates of enrollees;

"(4) data on enrollee satisfaction, including data on enrollee disenrollment and grievances; and

"(5) data on quality indicators.

"(c) Availability.—A summary of the data collected under subsection (a) shall be disclosed under section 2782(b)(4).

"SEC. 2779. PROCESS FOR SELECTION OF PROVIDERS.

"(a) In General.—A health insurance issuer that offers health insurance coverage shall have a written process for the selection of participating health care professionals, including minimum professional requirements.

"(b) Verification of Background.—Such process shall include verification of a health care provider's license, a history of suspension or revocation, and liability claim history.

"(c) Restriction.—Such process shall not use a high-risk patient base or location of a provider in an area with residents with poorer health status as a basis for excluding providers from participation.

"SEC. 2780. DRUG UTILIZATION PROGRAM.

"A health insurance issuer that provides health insurance coverage that includes benefits for prescription drugs shall establish and maintain a drug utilization program which—

"(1) encourages appropriate use of prescription drugs by enrollees and providers,

"(2) monitors illnesses arising from improper drug use or from adverse drug reactions or interactions, and

"(3) takes appropriate action to reduce the incidence of improper drug use and adverse drug reactions and interactions.

"SEC. 2781. STANDARDS FOR UTILIZATION REVIEW ACTIVITIES.

"(a) Compliance with Requirements.—

"(1) In general.—A health insurance issuer shall conduct utilization review activities in connection with the provision of health insurance coverage only in accordance with a utilization review program that meets the requirements of this section.

"(2) Use of outside agents.—Nothing in this section shall be construed as preventing a health insurance issuer from arranging through a contract or otherwise for persons or entities to conduct utilization review activities on behalf of the issuer, so long as such activities are conducted in accordance with a utilization review program that meets the requirements of this section.

"(3) Utilization review defined.—For purposes of this section, the terms 'utilization review' and 'utilization review activities' mean procedures used to monitor or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings, and includes ambulatory review, prospective review, concurrent review, second opinions, case management, discharge planning, or retrospective review.

"(b) Written Policies and Criteria.—

"(1) Written policies.—A utilization review program shall be conducted consistent with written policies and procedures that govern all aspects of the program.

"(2) Use of written criteria.—

"(A) In general.—Such a program shall utilize written clinical review criteria developed pursuant to the program with the input of appropriate physicians.

"(B) Continuing use of standards in retrospective review.—If a health care service has been specifically pre-authorized or approved for an enrollee under such a program, the program shall not, pursuant to retrospective review, revise or modify the specific standards, criteria, or procedures used for the utilization review for procedures, treatment, and services delivered to the enrollee during the same course of treatment.

"(C) No adverse determination based on refusal to observe service.—Such a program shall not base an adverse determination on—

"(i) a refusal to consent to observing any health care service, or

"(ii) lack of reasonable access to a health care provider's medical or treatment records, unless the program has provided reasonable notice to the enrollee.

"(c) Conduct of Program Activities.—

"(1) Administration by health care professionals.—A utilization review program shall be administered by qualified health care professionals who shall oversee review decisions. In this subsection, the term 'health care professional' means a physician or other health care practitioner licensed, accredited, or certified to perform specified health services consistent with State law.

"(2) Use of qualified, independent personnel.—

"(A) In general.—A utilization review program shall provide for the conduct of utilization review activities only through personnel who are qualified and, to the extent required, who have received appropriate training in the conduct of such activities under the program.

"(B) Peer review of adverse clinical determinations.—Such a program shall provide that clinical peers shall evaluate the clinical appropriateness of adverse clinical determinations. In this subsection, the term 'clinical peer' means, with respect to a review, a physician or other health care professional who holds a non-restricted license in a State and in the same or similar specialty as typically manages the medical condition, procedure, or treatment under review.

"(C) Prohibition of contingent compensation arrangements.—Such a program shall not, with respect to utilization review activities, permit or provide compensation or anything of value to its employees, agents, or contractors in a manner that—

"(i) provides incentives, direct or indirect, for such persons to make inappropriate review decisions, or

"(ii) is based, directly or indirectly, on the quantity or type of adverse determinations rendered.

"(D) PROHIBITION OF CONFLICTS.—Such a program shall not permit a health care professional who provides health care services to an enrollee to perform utilization review activities in connection with the health care services being provided to the enrollee.

"(3) TOLL-FREE TELEPHONE NUMBER.—Such a program shall provide that—

"(A) appropriate personnel performing utilization review activities under the program are reasonably accessible by toll-free telephone not less than 40 hours per week during normal business hours to discuss patient care and allow response to telephone requests, and

"(B) the program has a telephone system capable of accepting, recording, or providing instruction to incoming telephone calls during other than normal business hours and to ensure response to accepted or recorded messages not less than one business day after the date on which the call was received.

"(4) LIMITS ON FREQUENCY.—Such a program shall not provide for the performance of utilization review activities with respect to a class of services furnished to an enrollee more frequently than is reasonably required to assess whether the services under review are medically necessary.

"(5) LIMITATION ON INFORMATION REQUESTS.—Under such a program, information shall be required to be provided by health care providers only to the extent it is necessary to perform the utilization review activity involved.

"(d) DEADLINE FOR DETERMINATIONS.—

"(1) PRIOR AUTHORIZATION SERVICES.—Except as provided in paragraph (2), in the case of a utilization review activity involving the prior authorization of health care items and services, the utilization review program shall make a determination concerning such authorization, and provide notice of the determination to the enrollee or the enrollee's designee and the enrollee's health care provider by telephone and in writing, as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 3 business days after the date of receipt of the necessary information respecting such determination.

"(2) CONTINUED CARE.—In the case of a utilization review activity involving authorization for continued or extended health care services, or additional services for an enrollee undergoing a course of continued treatment prescribed by a health care provider, the utilization review program shall make a determination concerning such authorization, and provide notice of the determination to the enrollee or the enrollee's designee and the enrollee's health care provider by telephone and in writing, within 1 business day of the date of receipt of the necessary information respecting such determination. Such notice shall include, with respect to continued or extended health care services, the number of extended services approved, the new total of approved services, the date of onset of services, and the next review date.

"(3) PREVIOUSLY PROVIDED SERVICES.—In the case of a utilization review activity involving retrospective review of health care services previously provided, the utilization review program shall make a the determination concerning such services, and provide notice of the determination to the enrollee or the enrollee's designee and the enrollee's health care provider by telephone and in writing, within 30 days of the date of receipt of the necessary information respecting such determination.

"(4) REFERENCE TO SPECIAL RULES FOR EMERGENCY SERVICES, MAINTENANCE CARE, AND POST-STABILIZATION CARE.—For waiver of prior authorization requirements in certain cases involving emergency services and maintenance care and post-stabilization care, see sections 2771(a)(1)(A) and 2771(a)(2)(A), respectively.

"(e) NOTICE OF ADVERSE DETERMINATIONS.—

"(1) IN GENERAL.—Notice of an adverse determination under a utilization review program (including as a result of a reconsideration under subsection (f)) shall be in writing and shall include—

"(A) the reasons for the determination (including the clinical rationale);

"(B) instructions on how to initiate an appeal under section 2785; and

"(C) notice of the availability, upon request of the enrollee (or the enrollee's designee) of the clinical review criteria relied upon to make such determination.

"(2) SPECIFICATION OF ANY ADDITIONAL INFORMATION.—Such a notice shall also specify what (if any) additional necessary information must be provided to, or obtained by, person making the determination in order to make a decision on such an appeal.

"(f) RECONSIDERATION.—

"(1) AT REQUEST OF PROVIDER.—In the event that a utilization review program provides for an adverse determination without attempting to discuss such matter with the enrollee's health care provider who specifically recommended the health care service, procedure, or treatment under review, such health care provider shall have the opportunity to request a reconsideration of the adverse determination under this subsection.

"(2) TIMING AND CONDUCT.—Except in cases of retrospective reviews, such reconsideration shall occur as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 1 business day after the date of receipt of the request and shall be conducted by the enrollee's health care provider and the health care professional making the initial determination or a designated qualified health care professional if the original professional cannot be available.

"(3) NOTICE.—In the event that the adverse determination is upheld after reconsideration, the utilization review program shall provide notice as required under subsection (e).

"(4) CONSTRUCTION.—Nothing in this subsection shall preclude the enrollee from initiating an appeal from an adverse determination under section 2785.

"SUBPART 3—PATIENT INFORMATION

"SEC. 2782. PATIENT INFORMATION.

"(a) DISCLOSURE REQUIREMENT.—A health insurance issuer in connection with the provision of health insurance coverage shall submit to the applicable State authority, provide to enrollees (and prospective enrollees), and make available to the public, in writing the information described in subsection (b).

"(b) INFORMATION.—The information described in this subsection includes the following:

"(1) DESCRIPTION OF COVERAGE.—A description of coverage provisions, including health care benefits, benefit limits, coverage exclusions, coverage of emergency care, and the definition of medical necessity used in determining whether benefits will be covered.

"(2) ENROLLEE FINANCIAL RESPONSIBILITY.—An explanation of an enrollee's financial responsibility for payment of premiums, coinsurance, copayments, deductibles, and any other charges, including limits on such responsibility and responsibility for health care services that are provided by nonparticipating providers or are furnished without meeting applicable utilization review requirements.

"(3) INFORMATION ON PROVIDERS.—A description—

"(A) of procedures for enrollees to select, access, and change participating primary and specialty providers,

"(B) of the rights and procedures for obtaining referrals (including standing referrals) to participating and nonparticipating providers, and

"(C) in the case of each participating provider, of the name, address, and telephone number of the provider, the credentials of the provider, and the provider's availability to accept new patients.

"(4) UTILIZATION REVIEW ACTIVITIES.—A description of procedures used and requirements (including circumstances, time frames, and rights to reconsideration and appeal) under any utilization review program under section 2781 or any drug utilization program under section 2780, as well as a summary of the minimum uniform data collected under section 2778(a)(1).

"(5) GRIEVANCE PROCEDURES.—Information on the grievance procedures under sections 2784 and 2785, including information describing—

"(A) the grievance procedures used by the issuer to process and resolve disputes between the issuer and an enrollee (including method for filing grievances and the time frames and circumstances for acting on grievances);

"(B) written complaints and appeals, by type of complaint or appeal, received by the issuer relating to its coverage; and

"(C) the disposition of such complaints and appeals.

"(6) PAYMENT METHODOLOGY.—A description of the types of methodologies the issuer uses to reimburse different classes of providers and, as specified by the Secretary, the financial arrangements or contractual provisions with providers.

"(7) INFORMATION ON ISSUER.—Notice of appropriate mailing addresses and telephone numbers to be used by enrollees in seeking information or authorization for treatment.

"(8) ASSURING COMMUNICATIONS WITH ENROLLEES.—A description of how the issuer addresses the needs of non-English-speaking enrollees and others with special communications needs, including the provision of information described in this subsection to such enrollees.

"(c) FORM OF DISCLOSURE.—

"(1) UNIFORMITY.—Information required to be disclosed under this section shall be provided in accordance with uniform, national reporting standards specified by the Secretary, after consultation with applicable State authorities, so that prospective enrollees may compare the attributes of different issuers and coverage offered within an area.

"(2) INFORMATION INTO HANDBOOK.—Nothing in this section shall be construed as preventing an issuer from making the information under subsection (b) available to enrollees through an enrollee handbook or similar publication.

"(3) UPDATING.—The information on participating providers described in subsection (a)(3)(C) shall be updated not less frequently than monthly. Nothing in this section shall prevent an issuer from changing or updating other information made available under this section.

"(4) CONSTRUCTION.—Nothing in subsection (a)(6) shall be construed as requiring disclosure of individual contracts or financial arrangements between an issuer and any provider. Nothing in this subsection shall be construed as preventing the information described in subsection (a)(3)(C) from being provided in a separate document.

"SEC. 2783. PROTECTION OF PATIENT CONFIDENTIALITY.

"A health insurance issuer that offers health insurance coverage shall establish appropriate policies and procedures to ensure that all applicable State and Federal laws to protect the confidentiality of individually identifiable medical information are followed.

"SUBPART 4—GRIEVANCE PROCEDURES

"SEC. 2784. ESTABLISHMENT OF COMPLAINT AND APPEALS PROCESS.

"(a) ESTABLISHMENT OF SYSTEM.—A health insurance issuer in connection with the provision of health insurance coverage shall establish and maintain a system to provide for the presentation and resolution of complaints and appeals brought by enrollees, designees of enrollees, or by health care providers acting on behalf of an enrollee and with the enrollee's consent, regarding any aspect of the issuer's health care services, including complaints regarding quality of care, choice and accessibility of providers, network adequacy, and compliance with the requirements of this part.

"(b) COMPONENTS OF SYSTEM.—Such system shall include the following components (which shall be consistent with applicable requirements of section 2785):

"(1) Written notification to all enrollees and providers of the telephone numbers and business addresses of the issuer employees responsible for resolution of complaints and appeals.

"(2) A system to record and document, over a period of at least 3 years, all complaints and appeals made and their status.

"(3) The availability of an enrollee services representative to assist enrollees, as requested, with complaint and appeal procedures.

"(4) Establishment of a specified deadline (not to exceed 30 days after the date of receipt of a complaint or appeal) for the issuer to respond to complaints or appeals.

"(5) A process describing how complaints and appeals are processed and resolved.

"(6) Procedures for follow-up action, including the methods to inform the complainant or appellant of the resolution of a complaint or appeal.

"(7) Notification to the continuous quality improvement program under section 2777(a) of all complaints and appeals relating to quality of care.

"(c) NO REPRISAL FOR EXERCISE OF RIGHTS.—A health insurance issuer shall not take any action with respect to an enrollee or a health care provider that is intended to penalize the enrollee, a designee of the enrollee, or the health care provider for discussing or exercising any rights provided under this part (including the filing of a complaint or appeal pursuant to this section).

"SEC. 2785. PROVISIONS RELATING TO APPEALS OF UTILIZATION REVIEW DETERMINATIONS AND SIMILAR DETERMINATIONS.

"(a) RIGHT OF APPEAL.—

"(1) IN GENERAL.—An enrollee in health insurance coverage offered by a health insurance issuer, and any provider acting on behalf of the enrollee with the enrollee's consent, may appeal any appealable decision (as defined in paragraph (2)) under the procedures described in this section and (to the extent applicable) section 2784. Such enrollees and providers shall be provided with a written explanation of the appeal process upon the conclusion of each stage in the appeal process and as provided in section 2782(a)(5)

"(2) APPEALABLE DECISION DEFINED.—In this section, the term 'appealable decision' means any of the following:

"(A) An adverse determination under a utilization review program under section 2781.

"(B) Denial of access to specialty and other care under section 2772.

"(C) Denial of continuation of care under section 2773.

"(D) Denial of a choice of provider under section 2774.

"(E) Denial of coverage of routine patient costs in connection with an approval clinical trial under section 2775.

"(F) Denial of access to needed drugs under section 2776(3).

"(G) The imposition of a limitation that is prohibited under section 2789.

"(H) Denial of payment for a benefit,

"(b) INFORMAL INTERNAL APPEAL PROCESS (STAGE 1).—

"(1) IN GENERAL.—Each issuer shall establish and maintain an informal internal appeal process (an appeal under such process in this section referred to as a 'stage 1 appeal') under which any enrollee or any provider acting on behalf of an enrollee with the enrollee's consent, who is dissatisfied with any appealable decision has the opportunity to discuss and appeal that decision with the medical director of the issuer or the health care professional who made the decision.

"(2) TIMING.—All appeals under this paragraph shall be concluded as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 72 hours in the case of appeals from decisions regarding urgent care and 5 days in the case of all other appeals.

"(3) FURTHER REVIEW.—If the appeal is not resolved to the satisfaction of the enrollee at this level by the deadline under paragraph (2), the issuer shall provide the enrollee and provider (if any) with a written explanation of the decision and the right to proceed to a stage 2 appeal under subsection (c).

"(c) FORMAL INTERNAL APPEAL PROCESS (STAGE 2).—

"(1) IN GENERAL.—Each issuer shall establish and maintain a formal internal appeal process (an appeal under such process in this section referred to as a 'stage 2 appeal') under which any enrollee or provider acting on behalf of an enrollee with the enrollee's consent, who is dissatisfied with the results of a stage 1 appeal has the opportunity to appeal the results before a panel that includes a physician or other health care professional (or professionals) selected by the issuer who have not been involved in the appealable decision at issue in the appeal.

"(2) AVAILABILITY OF CLINICAL PEERS.—The panel under subparagraph (A) shall have available either clinical peers (as defined in section 2781(c)(2)(B)) who have not been involved in the appealable decision at issue in the appeal or others who are mutually agreed upon by the parties. If requested by the enrollee or enrollee's provider with the enrollee's consent, such a peer shall participate in the panel's review of the case.

"(3) TIMELY ACKNOWLEDGMENT.—The issuer shall acknowledge the enrollee or provider involved of the receipt of a stage 2 appeals upon receipt of the appeal.

"(4) DEADLINE.—

"(A) IN GENERAL.—The issuer shall conclude each stage 2 appeal as soon as possible after the date of the receipt of the appeal in accordance with medical exigencies of the case involved, but in no event later than 72 hours in the case of appeals from decisions regarding urgent care and (except as provided in subparagraph (B)) 20 business days in the case of all other appeals.

"(B) EXTENSION.—An issuer may extend the deadline for an appeal that does not relate to a decision regarding urgent or emergency care up to an additional 20 business days where it can demonstrate to the applicable State authority reasonable cause for the delay beyond its control and where it provides, within the original deadline under subparagraph (A), a written progress report and explanation for the delay to such authority and to the enrollee and provider involved.

"(5) NOTICE.—If an issuer denies a stage 2 appeal, the issuer shall provide the enrollee and provider involved with written notification of the denial and the reasons therefore, together with a written notification of rights to any further appeal

"(d) DIRECT USE OF FURTHER APPEALS.—In the event that the issuer fails to comply with any of the deadlines for completion of appeals under this section or in the event that the issuer for any reason expressly waives its rights to an internal review of an appeal under subsection (b) or (c), the enrollee and provider involved shall be relieved of any obligation to complete the appeal stage involved and may, at the enrollee's or provider's option, proceed directly to seek further appeal through any applicable external appeals process.

"(e) EXTERNAL APPEAL PROCESS IN CASE OF USE OF EXPERIMENTAL TREATMENT TO SAVE LIFE OF PATIENT.—

"(1) IN GENERAL.—In the case of an enrollee described in paragraph (2), the health insurance issuer shall provide for an external independent review process respecting the issuer's decision not to cover the experimental therapy (described in paragraph (2)(B)(ii)).

"(2) ENROLLEE DESCRIBED.—An enrollee described in this paragraph is an enrollee who meets the following requirements:

"(A) The enrollee has a terminal condition that is highly likely to cause death within 2 years.

"(B) The enrollee's physician certifies that—

"(i) there is no standard, medically appropriate therapy for successfully treating such terminal condition, but

"(ii) based on medical and scientific evidence, there is a drug, device, procedure, or therapy (in this section referred to as the 'experimental therapy') that is more beneficial than any available standard therapy.

"(C) The issuer has denied coverage of the experimental therapy on the basis that it is experimental or investigational.

"(3) DESCRIPTION OF PROCESS AND DECISION.—The process under this subsection shall provide for a determination on a timely basis, by a panel of independent, impartial physicians appointed by a State authority or by an independent review organization certified by the State, of the medical appropriateness of the experimental therapy. The decision of the panel shall be in writing and shall be accompanied by an explanation of the basis for the decision. A decision of the panel that is favorable to the enrollee may not be appealed by the issuer except in the case of misrepresentation of a material fact by the enrollee or a provider. A decision of the panel that is not favorable to the enrollee may be appealed by the enrollee.

"(4) ISSUER COVERING PROCESS COSTS.—Direct costs of the process under this subsection shall be borne by the issuer, and not by the enrollee.

"(f) OTHER INDEPENDENT OR EXTERNAL REVIEW.—

"(1) IN GENERAL.—In the case of appealable decision described in paragraph (2), the health insurance issuer shall provide for—

"(A) an external review process for such decisions consistent with the requirements of paragraph (3), or

"(B) an internal independent review process for such decisions consistent with the requirements of paragraph (4).

"(2) APPEALABLE DECISION DESCRIBED.—An appealable decision described in this paragraph is decision that does not involve a decision described in subsection (e)(1) but involves—

"(A) a claim for benefits involving costs over a significant threshold, or

"(B) assuring access to care for a serious condition.

"(3) EXTERNAL REVIEW PROCESS.—The requirements of this subsection for an external review process are as follows:

"(A) The process is established under State law and provides for review of decisions on stage 2 appeals by an independent review organization certified by the State.

"(B) If the process provides that decisions in such process are not binding on issuers, the process must provide for public methods of disclosing frequency of noncompliance with such decisions and for sanctioning issuers that consistently refuse to take appropriate actions in response to such decisions.

"(C) Results of all such reviews under the process are disclosed to the public, along with at least annual disclosure of information on issuer compliance.

"(D) All decisions under the process shall be in writing and shall be accompanied by an explanation of the basis for the decision.

"(E) Direct costs of the process shall be borne by the issuer, and not by the enrollee.

"(F) The issuer shall provide for publication at least annually of information on the numbers of appeals and decisions considered under the process.

"(4) INTERNAL, INDEPENDENT REVIEW PROCESS.—The requirements of this subsection for an internal, independent review process are as follows:

"(A)(i) The process must provide for the participation of persons who are independent of the issuer in conducting reviews and (ii) the Secretary must have found (through reviews conducted no less often than biannually) the process to be fair and impartial.

"(B) If the process provides that decisions in such process are not binding on issuers, the process must provide for public methods of disclosing frequency of noncompliance with such decisions and for sanctioning issuers that consistently refuse to take appropriate actions in response to such decisions.

"(C) Results of all such reviews under the process are disclosed to the public, along with at least annual disclosure of information on issuer compliance.

"(D) All decisions under the process shall be in writing and shall be accompanied by an explanation of the basis for the decision.

"(E) Direct costs of the process shall be borne by the issuer, and not by the enrollee.

"(F) The issuer shall provide for publication at least annually of information on the numbers of appeals and decisions considered under the process.

The Secretary may delegate the authority under subparagraph (A)(ii) to applicable State authorities.

"(5) OVERSIGHT.—The Secretary (and applicable State authorities in the case of delegation of Secretarial authority under paragraph (4)) shall conduct reviews not less often than biannually of the fairness and impartiality issuers who desired to use an internal, independent review process described in paragraph (4) to satisfy the requirement of paragraph (1).

"(6) REPORT.—The Secretary shall provide for periodic reports on the effectiveness of this subsection in assuring fair and impartial reviews of stage 2 appeals. Such reports shall include information on the number of stage 2 appeals (and decisions), for each of the types of review processes described in paragraph (2), by health insurance coverage.

"(g) CONSTRUCTION.—Nothing in this part shall be construed as removing any legal rights of enrollees under State or Federal law, including the right to file judicial actions to enforce rights.

"SEC. 2786. STATE HEALTH INSURANCE OMBUDSMEN.

"(a) IN GENERAL.—Each State that obtains a grant under subsection (c) shall establish and maintain a Health Insurance Ombudsman. Such Ombudsman may be part of a independent, nonprofit entity, and shall be responsible for at least the following:

"(1) To assist consumers in the State in choosing among health insurance coverage.

"(2) To provide counseling and assistance to enrollees dissatisfied with their treatment by health insurance issuers in regard to such coverage and in the filing of complaints and appeals regarding determinations under such coverage.

"(3) To investigate instances of poor quality or improper treatment of enrollees by health insurance issuers in regard to such coverage and to bring such instances to the attention of the applicable State authority.

"(b) FEDERAL ROLE.—In the case of any State that does not establish and maintain such an Ombudsman under subsection (a), the Secretary shall provide for the establishment and maintenance of such an official as will carry out with respect to that State the functions otherwise provided under subsection (a) by a Health Insurance Ombudsman.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such amounts as may be necessary to provide for grants to States to establish and operate Health Insurance Ombudsmen under subsection (a) or for the operation of Ombudsmen under subsection (b).

"SUBPART 5—PROTECTION OF PROVIDERS AGAINST INTERFERENCE WITH MEDICAL COMMUNICATIONS AND IMPROPER INCENTIVE ARRANGEMENTS

"SEC. 2787. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

"(a) PROHIBITION.—

"(1) GENERAL RULE.—The provisions of any contract or agreement, or the operation of any contract or agreement, between a health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of health care providers) shall not prohibit or restrict the provider from engaging in medical communications with the provider's patient.

"(2) NULLIFICATION.—Any contract provision or agreement described in paragraph (1) shall be null and void.

"(3) PROHIBITION ON PROVISIONS.—A contract or agreement described in paragraph (1) shall not include a provision that violates paragraph (1).

"(b) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to prohibit the enforcement, as part of a contract or agreement to which a health care provider is a party, of any mutually agreed upon terms and conditions, including terms and conditions requiring a health care provider to participate in, and cooperate with, all programs, policies, and procedures developed or operated by a health insurance issuer to assure, review, or improve the quality and effective utilization of health care services (if such utilization is according to guidelines or protocols that are based on clinical or scientific evidence and the professional judgment of the provider) but only if the guidelines or protocols under such utilization do not prohibit or restrict medical communications between providers and their patients; or

"(2) to permit a health care provider to misrepresent the scope of benefits covered under health insurance coverage or to otherwise require a health insurance issuer to reimburse providers for benefits not covered under the coverage.

"(c) PROTECTION OF RELIGIOUS OR MORAL EXPRESSION.—

"(1) IN GENERAL.—An health insurance issuer may fully advise—

"(A) licensed or certified health care providers at the time of their employment with the issuer or at any time during such employment, or

"(B) enrollees at the time of their enrollment for health insurance coverage with the issuer or at any time during which such enrollees have such coverage,

of the coverage's limitations on providing particular medical services (including limitations on referrals for care provided outside of the coverage) based on the religious or moral convictions of the issuer.

"(2) HEALTH CARE PROVIDERS.—Nothing in this section shall be construed to alter the rights and duties of a health care provider to determine what medical communications are appropriate with respect to each patient, except as provided for in subsection (a).

"(d) MEDICAL COMMUNICATION DEFINED.—

"(1) IN GENERAL.—In this section, the term 'medical communication' means any communication made by a health care provider with a patient of the health care provider (or the guardian or legal representative of such patient) with respect to—

"(A) the patient's health status, medical care, or treatment options;

"(B) any utilization review requirements that may affect treatment options for the patient; or

"(C) any financial incentives that may affect the treatment of the patient.

"(2) MISREPRESENTATION.—The term 'medical communication' does not include a communication by a health care provider with a patient of the health care provider (or the guardian or legal representative of such patient) if the communication involves a knowing or willful misrepresentation by such provider.

“SEC. 2788. PROHIBITION AGAINST TRANSFER OF INDEMNIFICATION OR IMPROPER INCENTIVE ARRANGEMENTS.

“(a) PROHIBITION OF TRANSFER OF INDEMNIFICATION.—No contract or agreement between a health insurance issuer (or any agent acting on behalf of such an issuer) and a health care provider shall contain any clause purporting to transfer to the health care provider by indemnification or otherwise any liability relating to activities, actions, or omissions of the issuer or agent (as opposed to the provider).

“(b) PROHIBITION OF IMPROPER PHYSICIAN INCENTIVE PLANS.—

“(1) IN GENERAL.—A health insurance issuer offering health insurance coverage may not operate any physician incentive plan unless the following requirements are met:

“(A) No specific payment is made directly or indirectly by the issuer to a physician or physician group as an inducement to reduce or limit medically necessary services provided with respect to a specific individual enrolled with the issuer.

“(B) If the plan places a physician or physician group at substantial financial risk (as determined by the Secretary) for services not provided by the physician or physician group, the issuer—

“(i) provides stop-loss protection for the physician or group that is adequate and appropriate, based on standards developed by the Secretary that take into account the number of physicians placed at such substantial financial risk in the group or under the plan and the number of individuals enrolled with the issuer who receive services from the physician or the physician group, and

“(ii) conducts periodic surveys of both individuals enrolled and individuals previously enrolled with the issuer to determine the degree of access of such individuals to services provided by the issuer and satisfaction with the quality of such services.

“(C) The issuer provides the applicable State authority (or the Secretary if such authority is implementing this section) with descriptive information regarding the plan, sufficient to permit the authority (or the Secretary in such case) to determine whether the plan is in compliance with the requirements of this paragraph.

“(2) PHYSICIAN INCENTIVE PLAN DEFINED.—In this section, the term ‘physician incentive plan’ means any compensation arrangement between a health insurance issuer and a physician or physician group that may directly or indirectly have the effect of reducing or limiting services provided with respect to individuals enrolled with the issuer.

“(3) APPLICATION OF MEDICARE RULES.—The Secretary shall provide for the application of rules under this subsection that are substantially the same as the rules established to carry out section 1876(i)(8) of the Social Security Act.

“SUBPART 6—PROMOTING GOOD MEDICAL PRACTICE AND PROTECTING THE DOCTOR-PATIENT RELATIONSHIP

“SEC. 2789. PROMOTING GOOD MEDICAL PRACTICE.

“(a) PROHIBITING ARBITRARY LIMITATIONS OR CONDITIONS FOR THE PROVISION OF SERVICES.—A health insurance issuer, in connection with the provision of health insurance coverage, may not impose limits on the manner in which particular services are delivered if the services are medically necessary and appropriate for the treatment or diagnosis of an illness or injury to the extent that such treatment or diagnosis is otherwise a covered benefit.

“(b) MEDICAL NECESSITY AND APPROPRIATENESS DEFINED.—In subsection (a), the term ‘medically necessary and appropriate’ means, with respect to a service or benefit, a service or benefit determined by the treating physician participating in the health insurance coverage after consultation with the enrollee, to be required, accordingly to generally accepted principles of good medical practice, for the diagnosis or direct care and treatment of an illness or injury of the enrollee.

“(c) CONSTRUCTION.—Subsection (a) shall not be construed as requiring coverage of particular services the coverage of which is otherwise not covered under the terms of the coverage.”.

(b) APPLICATION TO GROUP HEALTH INSURANCE COVERAGE.—

(1) Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

“SEC. 2706. PATIENT PROTECTION STANDARDS.

“(a) IN GENERAL.—Each health insurance issuer shall comply with patient protection requirements under part C with respect to group health insurance coverage it offers.

“(b) ASSURING COORDINATION.—The Secretary of Health and Human Services and the Secretary of Labor shall ensure, through the execution of an interagency memorandum of understanding between such Secretaries, that—

“(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which such Secretaries have responsibility under part C (and this section) and section 713 of the Employee Retirement Income Security Act of 1974 are administered so as to have the same effect at all times; and

“(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.”.”.

(2) Section 2792 of such Act (42 U.S.C. 300gg–92) is amended by inserting “and section 2706(b)” after “of 1996”.

(c) APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2751 the following new section:

“SEC. 2752. PATIENT PROTECTION STANDARDS.

“Each health insurance issuer shall comply with patient protection requirements under part C with respect to individual health insurance coverage it offers.”.

(d) MODIFICATION OF PREEMPTION STANDARDS.—

(1) GROUP HEALTH INSURANCE COVERAGE.—Section 2723 of such Act (42 U.S.C. 300gg–23) is amended—

(A) in subsection (a)(1), by striking “subsection (b)” and inserting “subsections (b) and (c)”;

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(C) by inserting after subsection (b) the following new subsection:

“(c) SPECIAL RULES IN CASE OF PATIENT PROTECTION REQUIREMENTS.—Subject to subsection (a)(2), the provisions of section 2706 and part C (other than section 2771), and part D insofar as it applies to section 2706 or part C, shall not prevent a State from establishing requirements relating to the subject matter of such provisions (other than section 2771) so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such provisions. Subsection (a) shall apply to the provisions of section 2771 (and section 2706 insofar as it relates to such section).”.

(2) INDIVIDUAL HEALTH INSURANCE COVERAGE.—Section 2762 of such Act (42 U.S.C. 300gg–62), as added by section 605(b)(3)(B) of Public Law 104–204, is amended—

(A) in subsection (a), by striking “subsection (b), nothing in this part” and inserting “subsections (b) and (c)”, and

(B) by adding at the end the following new subsection:

“(c) SPECIAL RULES IN CASE OF MANAGED CARE REQUIREMENTS.—Subject to subsection (b), the provisions of section 2752 and part C (other than section 2771), and part D insofar as it applies to section 2752 or part C, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such section. Subsection (a) shall apply to the provisions of section 2771 (and section 2752 insofar as it relates to such section).”.

(e) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 2723(a)(1) of such Act (42 U.S.C. 300gg–23(a)(1)) is amended by striking “part C” and inserting “parts C and D”.

(2) Section 2762(b)(1) of such Act (42 U.S.C. 300gg–62(b)(1)) is amended by striking “part C” and inserting “part D”.

(f) EFFECTIVE DATES.—(1)(A) Subject to subparagraph (B), the amendments made by subsections (a), (b), (d)(1), and (e) shall apply with respect to group health insurance coverage for group health plan years beginning on or after July 1, 1998 (in this subsection referred to as the “general effective date”) and also shall apply to portions of plan years occurring on and after January 1, 1999.

(B) In the case of group health insurance coverage provided pursuant to a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by subsections (a), (b), (d)(1), and (e) shall not apply to plan years beginning before the later of—

(i) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(ii) the general effective date.

For purposes of clause (i), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by subsection (a) or (b) shall not be treated as a termination of such collective bargaining agreement.

(2) The amendments made by subsections (a), (c), (d)(2), and (e) shall apply with respect to individual health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the general effective date.

SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new section:

“SEC. 713. PATIENT PROTECTION STANDARDS.

“(a) IN GENERAL.—Subject to subsection (b), a group health plan (and a health insurance issuer offering group health insurance coverage in connection with such a plan) shall comply with the requirements of part C (other than section 2786) of title XXVII of the Public Health Service Act.

"(b) APPLICATION.—In applying subsection (a) under this part, any reference in such subpart C—

"(1) to a health insurance issuer and health insurance coverage offered by such an issuer is deemed to include a reference to a group health plan and coverage under such plan, respectively;

"(2) to the Secretary is deemed a reference to the Secretary of Labor;

"(3) to an applicable State authority is deemed a reference to the Secretary of Labor; and

"(4) to an enrollee with respect to health insurance coverage is deemed to include a reference to a participant or beneficiary with respect to a group health plan.

"(c) GROUP HEALTH PLAN OMBUDSMAN.—With respect to group health plans that provide benefits other than through health insurance coverage, the Secretary shall provide for the establishment and maintenance of such a Federal Group Health Plan Ombudsman that will carry out with respect to such plans the functions described in section 2786(a) of the Public Health Service Act with respect to health insurance issuers that offer group health insurance coverage.

"(d) ASSURING COORDINATION.—The Secretary of Health and Human Services and the Secretary of Labor shall ensure, through the execution of an interagency memorandum of understanding between such Secretaries, that—

"(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which such Secretaries have responsibility under such part C (and section 2706 of the Public Health Service Act) and this section are administered so as to have the same effect at all times; and

"(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.".

(b) MODIFICATION OF PREEMPTION STANDARDS.—Section 731 of such Act (42 U.S.C. 1191) is amended—

(1) in subsection (a)(1), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection:

"(c) SPECIAL RULES IN CASE OF PATIENT PROTECTION REQUIREMENTS.—Subject to subsection (a)(2), the provisions of section 713 and part C of title XXVII of the Public Health Service Act (other than section 2771 of such Act), and subpart C insofar as it applies to section 713 or such part, shall not prevent a State from establishing requirements relating to the subject matter of such provisions (other than section 2771 of such Act) so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such provisions. Subsection (a) shall apply to the provisions of section 2771 of such Act (and section 713 of this Act insofar as it relates to such section).".

(c) CONFORMING AMENDMENTS.— (1) Section 732(a) of such Act (29 U.S.C. 1185(a)) is amended by striking "section 711" and inserting "sections 711 and 713".

(2) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Patient protection standards.".

(3) Section 734 of such Act (29 U.S.C. 1187) is amended by inserting "and section 713(d)" after "of 1996".

(d) EFFECTIVE DATE.—(1) Subject to paragraph (2), the amendments made by this section shall apply with respect to group health plans for plan years beginning on or after July 1, 1998 (in this subsection referred to as the "general effective date") and also shall apply to portions of plan years occurring on and after January 1, 1999.

(2) In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) the general effective date.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by subsection (a) shall not be treated as a termination of such collective bargaining agreement.

SUMMARY OF THE QUALITY ASSURANCE AND PATIENT PROTECTION ACT

Subpart 1: Access to care.

Subpart 2: Quality Assurance.

Subpart 3. Patient Information.

Subpart 4: Grievance Procedures.

Subpart 5: Protection of providers against interference with medical communications and improper incentive arrangements.

Subpart 6: Promoting good medical practice and protecting the doctor-patient relationship.

SUBPART 1: ACCESS TO CARE

Emergency care.—A plan may not deny coverage for emergency care assessment and stabilization if a prudent layperson would seek such care given the symptoms experienced. Prior authorization for such care is not required. After assessment and stabilization, further needed care is covered if medically necessary.

Access to specialty care.—Obstetrician/gynecologist care.—If a plan requires patients to designate a primary care physician, women have the right to choose an obstetrician/gynecologist as their primary care provider. In any case, they have the right to direct access to an obstetrician/gynecologist for routine gynecological care and pregnancy services without prior authorization from their primary care provider.

Other specialty care.—Enrollees with life-threatening, chronic, degenerative or other serious conditions which require specialty care must be provided access to the appropriate specialists or centers of excellence capable of providing quality care for the condition. If a plan does not have a participating specialist for a condition covered under the plan, the plan must refer the patient to a non-participating specialist at no additional cost.

A plan must have a procedure to allow individuals with a serious illness and ongoing need for specialty care to receive care from a specialist who will coordinate all care for that individual.

A plan must have a procedure for standing referrals for individuals requiring on-going specialty care if a primary care provider, in consultation with the patient, the medical director of the plan and specialist (if any) determine that a standing referral is needed.

Continuity of Care.—If a plan or provider terminates a contract for reasons other than failure to meet quality requirements, the plan must allow an enrollee continued treatment with the provider for a transitional period. Time frames vary depending upon type of care being provided (e.g. primary, institutional, pregnancy, terminal, etc.)

Participation in clinical trials.—If an enrollee has a serious condition for which there is no effective standard treatment and is eligible for an approved clinical trial that offers the potential for substantial clinical benefit, the plan must pay for the routine patient costs of participation in the trial.

Choice of Provider.—A plan must provide an updated list of all participating providers and their ability to accept additional patients. Enrollees must be permitted to obtain services from any provider within the plan identified in the plan documents as available to the enrollee.

Prescription Drugs.—If a plan provides benefits for prescription drugs within a formulary, the plan must allow physicians to participate in the development of the plan formulary, disclose the nature of formulary restrictions, and provide for exceptions when medically necessary.

SUBPART 2: QUALITY ASSURANCE

Internal quality assurance program.—Every plan is required to establish and maintain a quality assurance and improvement program that uses data based on both performance and patient outcomes.

Collection of standardized data.—Plans must report certain standard information to state agencies and the public. The information must be reported in accordance with uniform national standards to be specified by the Secretary. This information will include at least utilization data, demographic data, mortality rates, disenrollment statistics and satisfaction surveys, and quality indicators.

Selection of providers.—The plan must have a written process for selection of providers including a listing of the professional requirements. The process must include verification of the provider's credentials. Plans may not use a high risk patient base or a provider's location in an area serving residents with poor health status as a basis for exclusion.

Drug utilization program.—If the plan covers prescription medications, it must have a plan to encourage appropriate drug use and monitor and reduce illness arising from improper use.

Standards for utilization review activities.—Utilization review refers to the plan's review of requests for care. It is defined as evaluation of clinical necessity and efficacy. Written clinical review criteria are required. Utilization review must be supervised by a licensed physician. Its activities must be executed by appropriately qualified staff. There can be no incentives to render adverse determinations. Deadlines for response to requests for authorization of care are established. Adverse determinations must be in writing and include the reasons for the determination. Such notices must also include instructions for making an appeal.

SUBPART 3: PATIENT INFORMATION

Patient Information.—Plans must describe and make available to current and prospective enrollees procedures for providing emergency care and care outside normal business hours, for selecting and changing physicians, and for obtaining consultations. They must also list participating providers by category and make clear which members of that list are available to a prospective or current enrollee. The plan must provide information which describes coverage, financial responsibilities of enrollees, methods of obtaining referrals, utilization review processes, and grievance procedures and must include a description of how the plan addresses the needs of non-English speaking enrollees and others with special communication needs. It must describe how providers are paid.

Protection of patient confidentiality.—A program to assure compliance with state and federal confidentiality requirements must be in place.

SUBPART 4: GRIEVANCE PROCEDURES

Provisions relating to appeals of utilization review determination and similar determinations.—A plan must establish and maintain a system to handle and resolve complaints brought against the plan by enrollees and providers. The system should address all aspects of the plan's services, including complaints regarding quality of care, choice and accessibility of providers, and network adequacy. The legislation specifies several components of such a system, including provisions for staffing and staff accessibility, information about appeal procedures, and the time frame within which the plan must respond to complaints. The bill provides for a two stage appeal process, with requirements for a review panel of non-involved providers and consultants employed by the plan in the second phase. Written explanation of each stage of an appeal must be provided. Timely decisions are required. Examples of adverse determinations include denial for emergency care, access to specialists, choice of provider, continuity of care, or payment for routine costs in connection with an approved clinical trial. In the case of experimental therapy to save the life of a patient, an external independent review process with mandatory decision powers is available if the plan chooses not to provide coverage for the treatment. For appeals of other important issues, the plan must either (1) participate in an independent review process established by the state (or the Secretary of Labor for self-insured plans) to make advisory determinations; or (2) establish a third stage of appeal within the plan certified by the Secretary as fair, impartial, and involving independent reviewers to make advisory decisions.

Health Insurance Ombudsman.—A Health Insurance Ombudsman will be established in each state to assist consumers in choosing health insurance, and to provide assistance to patients dissatisfied with their treatment. Assistance includes aiding enrollees in filing complaints and appeals, investigating poor quality or improper treatment, and bringing such instances to the attention of the applicable state authority or, in the case of self-insured insurance plans, to the attention of the Secretary of Labor. The legislation authorizes funds to be appropriated to the Secretary to provide grants to state authorities to establish the program.

SUBPART 5: PROTECTION OF PROVIDERS AGAINST INTERFERENCE WITH MEDICAL COMMUNICATIONS AND IMPROPER INCENTIVES

Prohibition of interference with certain medical communications.—The plan may not prohibit or restrict the provider from engaging in medical communications with the enrollee. Such communications may include discussion of the enrollee's health status, medical care, or treatment options; provisions of the plan's utilization review requirements; or any financial incentives that may affect the treatment of the enrollee.

Ban on improper incentive arrangements.—There may be no incentives to limit medically necessary services. Provider risk is limited. The Secretary shall apply the same rules which apply to the Medicare program. The plan may not have a contract which requires transfer of liability for malpractice caused by the plan from the plan to the provider.

SUBPART 6: PROMOTING GOOD MEDICAL PRACTICE AND PROTECTING THE DOCTOR-PATIENT RELATIONSHIP

Plans are prohibited from denying coverage for medically necessary and appropriate care otherwise covered by the plan, as determined by the treating physician and consistent with generally accepted principles of good medical practice. This provision would prohibit plans from arbitrarily limiting care provided, for example, by requiring that mastectomies be provided on an outpatient basis.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 354. A bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit executive agencies from awarding contracts that contain a provision allowing for the acquisition by the contractor, at Government expense, of certain equipment or facilities to carry out the contract if the principal purpose of such provision is to increase competition by establishing an alternative source of supply for property or services; to the Committee on Governmental Affairs.

THE FAIR COMPETITION IN FEDERAL PROCUREMENT ACT OF 1997

Mr. KENNEDY. Mr. President, Senator KERRY and I are offering legislation today to present a serious injustice in Federal procurement. Congressman JOHN OLVER is introducing identical legislation in the House of Representatives. This issue has come to our attention in the context of the Bureau of Engraving and Printing's contract for U.S. currency paper production, but it could arise in other contexts that would pose similar inequities.

A respected, long-standing family-owned business in Dalton, MA, Crane and Company, has supplied currency paper for the Treasury for the past 117 years. Crane has been a trusted supplier to the Federal Government, providing high quality products on a timely basis. It has negotiated reasonable terms with the Government, keeping its price increases below the rate of inflation. And it has made substantial investments over the years to ensure that it has the sophisticated equipment needed to produce the currency, including the special security features now built into the paper itself.

This year, however, the Bureau of Engraving and Printing has proposed to go to extraordinary lengths to create alternate sources for currency paper production. The Bureau has proposed subsidies to other companies to help them become competitive and buy the state-of-the-art equipment that Crane bought on its own. This is not fair competition. It's a misguided policy that will give other companies an unfair advantage and create an unlevel playing field.

Our legislation is straightforward. It amends section 303 of the Federal Property and Administrative Services Act of 1949 to prohibit nondefense agencies in the executive branch from financing equipment or facilities to help a contractor compete against an existing contractor in Federal procurement. With all the pressures of the deficit, we should not be spending taxpayer money on this sort of sham competition. It's unfair to leading-edge firms like Crane that have invested their own resources to obtain Government contracts, and it's hard to see how any taxpayers will benefit. Crane is in a class by itself. There is no suggestion of antitrust problems. Crane wins these contracts fair and square against potential competitors, and it should not have to compete with Uncle Sam.

I urge the Congress to enact this legislation and prevent an extremely unfair and unwise policy from moving forward at the Treasury Department or other Federal agencies.

By Mr. GRAMM (for himself, and Mrs. HUTCHISON):

S. 355. A bill to amend the Internal Revenue Code of 1986 to make the research credit permanent; to the Committee on Finance.

RESEARCH CREDIT LEGISLATION

• Mr. GRAMM. Mr. President, today Senator HUTCHISON and I are introducing a bill to permanently extend the research and development tax credit. The R&D tax credit was originally enacted as a part of President Reagan's Economic Recovery and Tax Act of 1981 in order to encourage greater private sector investment in research and development. Since its creation, the credit has been extended seven times, and it is currently set to expire on May 31, 1997.

Since its enactment in 1981, the benefits of the R&D credit have been enormous. Studies show that in the short run, every dollar of the R&D credit stimulates a dollar of additional private R&D spending, and in the long run, each dollar of the credit yields up to $2 in additional private R&D spending. Furthermore, the rate of return from R&D spending to society as a whole is estimated to be as high as 60 percent.

Given these facts, we can easily expect that the benefits of the credit will only be enhanced if it is extended permanently. A permanent extension of the R&D credit would encourage companies to take on additional research and development projects by allowing them to be certain that the credit will be in effect during these long-run initiatives. In fact, the ratio of R&D spending to output rose over 40 percent in the 1980's when the R&D credit was in effect for the longest period of time.

The R&D credit is an effective and proven incentive for companies to increase investment in U.S.-based research and development. The continued existence of the R&D credit is particularly important given the substantial tax incentives provided by many of our international competitors to their domestic R&D industries. The jobs created by R&D expenditures are exactly the kind of jobs we all claim to vote for. In my home State of Texas alone, the average high-technology job pays $47,019 a year—almost $20,000 more per year than the average private sector salary of $27,147.

The need to make the credit permanent is only further highlighted by the fact that in 1996, for the first time in its history, the R&D credit was allowed to lapse—there was a gap in the law between July 1, 1995, through July 1, 1996. Haphazard and unpredictable temporary extensions of the credit, combined with this recent lapse, have set a negative precedent for the research community.

Businesses cannot and do not ignore the possibility of future gaps in the R&D credit, and will be understandably driven to scale back new long-term projects if they cannot be certain that the credit will continue. We should permanently extend the R&D tax credit to finally remove this unnecessary barrier to long-term research and development which has been created by the stop-and-go extension process.

Finally, Mr. President, I want to point out that the R&D credit has a long history of bipartisan support. The President has signaled his support for the credit, not only by signing last year's extension as a part of the Small Business Job Protection Act, but also by proposing a further extension as a part of his fiscal year 1998 budget. Unfortunately, his proposal follows the ill-advised precedent of merely temporarily extending the credit.

I believe that this credit must be made permanent, and I am proud to have joined 17 members of the Texas delegation in a letter to Chairman ARCHER and Chairman ROTH calling for a permanent extension of the R&D tax credit. I ask unanimous consent that the text of this letter and the text of the bill be printed in the RECORD at the conclusion of my remarks. The time has come for us to demonstrate our long-term commitment to research and development, and I urge my colleagues to join me and Senator HUTCHISON in sponsoring this bill.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF RESEARCH CREDIT.

(a) CREDIT MADE PERMANENT.—

(1) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 is amended by striking subsection (h).

(2) CONFORMING AMENDMENT.—Section 45C(b)(1) of such Code is amended by striking subparagraph (D).

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after May 31, 1997, in taxable years ending after such date.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 13, 1997.

Hon WILLIAM ROTH,
U.S. Senate, Washington, DC.
Hon. BILL ARCHER,
Washington, DC.

DEAR GENTLEMEN: We want to thank you for your leadership last year in extending the Research and Development (R&D) tax credit, and to solicit your further support. As you know, the R&D credit will expire on May 31, 1997. We would like to express our strong support for a prompt, permanent extension of the credit.

There are a number of excellent reasons why Congress should permanently extend the credit. According to a recent study, each dollar of tax benefits generates as much as two dollars of long-term investment spending by the private sector. Also, the "spillover effects" of R&D are outstanding; the rate of return derived by society generally from R&D spending is estimated to be as much as sixty percent.

The R&D credit enjoys broad, bipartisan support and provides a critical, effective and proven incentive for companies to increase their investment in U.S.-based research and development. The continued encouragement of private sector led R&D is particularly important in light of the substantial tax and other financial incentives offered by many of our major foreign trade competitors. Moreover, targeted almost exclusively at wages and salaries paid to employees engaged in direct U.S.-based research and development, the credit promotes the creation of new, high-skilled jobs.

Texas companies lead the nation in many areas of research and development and the growth of high wage jobs. Continued growth of our economy is closely tied to the ability of our companies to make a sustained commitment to long-term high cost research. Again, thank you for your outstanding effort on Texas' behalf in the past, and we look forward to working with you to continue our shared commitment in research and development.

Sincerely,

PHIL GRAMM
(and 17 other Members).●

By Mr. GRAHAM (for himself, Mr. HUTCHINSON, Ms. MIKULSKI, and Mr. CHAFEE):

S. 356. A bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the Medicare and Medicaid Programs; to the Committee on Finance.

THE ACCESS TO EMERGENCY MEDICAL SERVICES ACT

Ms. MIKULSKI. Mr. President, I am proud to join Senator GRAHAM in introducing the Access to Emergency Medical Services Act of 1997. This bill prohibits health plans from denying coverage and payment for emergency room visits. I support this bill for three reasons. It protects patients and patients' pocketbooks. It respects medical decisions made by doctors and nurses. It gives HMO's the opportunity to do the right thing.

Personal health is not something to take chances with. That's why many people seek emergency assistance when they think something may be seriously wrong with their health. They go to the emergency room thinking their insurance company covers emergency room treatment. But when the problem turns out to be a nonemergency, the insurance company denies payment. This is called retrospective denial. I want to end retrospective denials. No family should have to second guess getting the care they need because they are worried about being stuck with an enormous bill.

Last week my office received a phone call from a woman in Frederick, MD. She was distraught. She had begged her husband not to take her to the emergency room when she complained of serious chest pains. She knew their insurance company wouldn't pay. It had happened before. But her husband insisted she go. He was worried about her and wanted her to see a doctor. She cried all the way to the hospital. A few weeks later she got the notice—her claim was denied. She was stuck with the bill.

She was right to go to the emergency room. There are approximately 200 medical problems that could cause the type of chest pain she experienced ranging from a heart attack to pulmonary emboli to simple indigestion. The point is, no one knows for sure what problem they are having until they get treatment from an emergency room physician.

Maryland already has laws in place to guarantee that HMO's will cover to emergency services. But we can't practice good emergency medicine one patient, one ER room, or one State at a time. That's why we need a national law that ensures that medical decisions are made in the ER room, not the corporate boardroom.

This bill will set a new national definition for the term "emergency" without preempting stronger State laws. The "Prudent Layperson Standard" means that a person with average knowledge of health and medicine can seek emergency treatment when they think they have a serious medical condition. Quite often, patients do not know when they go to an emergency room whether their illness is life-threatening or not. With this standard, they are not required to know—they can use their own best judgment. After all, we can't expect the average person to be able to diagnose like a doctor.

I am proud that the State of Maryland was the first State to enact legislation to counter these unfair practices. They passed their first law in 1993. But it took two follow-up laws to clarify the intent of the first one. Work still needs to be done to make sure the law is enforced. I salute the Maryland emergency physicians who took this issue on, and continue to fight for fair play on behalf of their patients.

I want to see managed care, but I don't want to see doctors managed. There is a fundamental distinction. We have to start getting our priorities straight and decide where we are going to be making our decisions. And in the case of emergencies—I believe the decisions need to be made in the emergency room and not the boardroom.

By Mr. BENNETT (for himself, Mr. HATCH, Mr. MURKOWSKI, Mr. CRAIG, Mr. BURNS, and Mr. THOMAS):

S. 357. A bill to authorize the Bureau of Land Management to manage the Grand Staircase-Escalante National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

THE GRAND STAIRCASE-ESCALANTE RESOURCE PROTECTION ACT

Mr. BENNETT. Mr. President, in the last Congress, by coincidence, on my birthday, President Clinton announced the creation of the Grand Staircase-Escalante National Monument, taking 1.7 million acres in the State of Utah and creating a national monument under the authority of the Antiquities Act of 1906. This, frankly, caught a number of us by complete surprise —well, maybe not complete surprise, because we had seen reports in the newspaper that this might be coming. But whenever we spoke to anybody in the administration about it, we were constantly told that no decision has been made.

Congressman Orton, the Democratic Congressman in the district in which this land was located, was told "nothing is imminent." Even 24 hours before the announcement was made, people in the White House were insisting that nothing was coming down on this particular subject. And then, as I say, on the morning of my birthday, I received a phone call from Leon Panetta, not to wish me happy birthday, but to inform me that the President would indeed be creating a new national monument in Utah under his authority as outlined in the Antiquities Act.

The process by which the monument was put together was entirely closed to any elected official. No one from the State of Utah who holds elected office—not the Governor, neither of the Members of this body, not the Members of the other body, no one—was allowed to make comments or be involved in the process of creating the monument. We now know, however, from press reports that members of what is called the environmental community were involved in writing this proclamation. They had access to the White House, to the Department of Interior, and to administration officials that the rest of us were denied.

Out of this closed process came the national monument and, with it, frankly, Mr. President, considerable antagonism and disappointment on the part of many people in Utah—if polls can be believed, a large majority of the people of Utah—at the way they were treated in this matter. "Not to worry," we were assured by the President at the Grand Canyon. And I was assured personally on the phone by Leon Panetta that there would be protections of the rights of ordinary citizens written into the pattern of the way this monument would be managed.

Mr. Panetta outlined those to me, and I wrote them down. Then, when the President appeared on national television, I followed my list and saw that the President was going down the same list. That is, he made exactly the same promises that Mr. Panetta had made as to the way things would be handled in the monument.

Mr. President, today I am introducing a bill. It will be known as the Grand Staircase-Escalante Resource Protection Act. Its sole purpose is to codify the promises the President made when he created the monument. I said to my staff, "Do not put everything in this bill you think we must have. Just make sure the act is entirely just what the President promised he would do."

Let me give you some examples of what I mean. On this chart we have the President's statement made on September 18 when he said: "Families will be able to use this canyon as they always have. The land will remain open for multiple uses, including hunting, fishing, hiking, camping, and grazing."

Many of the people who have reacted to the creation of the monument have made it clear that there should never be multiple uses on this land. They say that this would be incompatible with its designation as "wilderness." But the President did not designate the land as wilderness. He designated it as a national monument, and he specifically promised—these are his words—that "The land will remain open for multiple use . . ." This was taken off the transcript that was available to us the day the President made his statement.

Another promise the President made is on this chart. It is a little bit longer, but to the people in Utah it may be even more important. He said, "Mining revenues from Federal and State land help to support your schools."

He was speaking to the people of Utah.

> I know the children of Utah have a big stake in school lands located within the boundaries of the monument that I am designating today . . . creating this national monument should not and will not come at the expense of Utah's children.

That is a very important commitment made by the President. It has to do with the fact that almost 200,000 acres in this monument are owned by a trust that administers these lands for the benefit of Utah's schoolchildren. Under the monument designation, conceivably the trust would lose that ownership unless there can be a pattern of swapping out school acres for other acres outside the boundaries of the monument.

These are a few of the President's promises.

There was another one which I do not have on the chart but that struck me personally. The President said, "We will appoint an exchange working group, including Congressman Orton and the two Senators as well as the Governor and others, that will examine this issue of school trust land."

It has now been 6 months since the President made that statement, and no such group has been proposed by anybody. It has been 6 months since the President made that proclamation, and we don't see any indication that he intends to instruct people to follow through on the promise that the people will be able to use the canyon as they always have. And we see no indication that the people in the administration are taking any steps to make Utah's schoolchildren whole for the income that they will lose as a result of the creation of this monument.

If I were to pick up the phone and call the White House today and ask for Leon Panetta to remind him of the pledge he made to me, I would be told, "Mr. Panetta doesn't work here anymore." So I have decided to take the promises that the President made in this speech, which was before the entire country on national television, and write those promises into law. Many people have said, "Oh, you are going to do terrible things if you write those into law. You are going to undo every protection that is important to this monument." To them I say, if you do not like these promises, argue with William Jefferson Clinton. Don't argue with me because they were his pledges; not mine.

Some groups have seized on some language that I have in the bill describing what will be permitted in the monument and say, "You go far beyond the President in the things you allow. Where did you get the idea that mining and timber and those kinds of things should be allowed?" My answer is, I took the definition of "multiple use" that is in the FLPMA handbook produced by the Department of the Interior and reproduced it, neither subtracting nor adding anything. I made no attempt to put my judgment as to what "multiple use" means. I used the manual that is produced by the Department of the Interior to define what "multiple use" means.

By virtue of the introduction of this bill, we will now have hearings. There will be hearings both in the House and the Senate. I am told that a companion bill will be introduced on the other side of the Capitol.

I myself point out that these hearings are open, unlike the process the President followed, which was closed. These hearings will allow those who disagree with me—and I heard from some people this afternoon who disagreed with me quite vehemently—an opportunity to come before the Congress and tell the Congress what they think the President meant when he used these words. These hearings will give the Department of the Interior the opportunity to come before the Congress and tell the Congress what they think the President meant when he used these words. If they can make a plausible case to the Congress, I am perfectly willing to amend the bill and accept changes. The thing I am not willing to do is to accept, as some have said, that "This was merely a campaign speech. The President should not be held to honor any commitment he made in that speech because it was in the heat of the campaign."

We are talking, Mr. President, about 1.7 million acres of land in my State. That is a land mass bigger than some of the States represented by Senators who sit here in this Chamber. We are talking about a major action that impacts the future of the people of southern Utah. That being the case, we must codify what the President said so that these commitments are kept whether they were made in a campaign speech or not.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grand Staircase-Escalante Resource Protection Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the designation of the Grand Staircase-Escalante National Monument applies only to Federal land within the boundary of the Monument;

(2) multiple use has been and continues to be the guiding principle in the management of public land;

(3) in accordance with Proclamation 6920, issued by the President on September 18, 1996 (61 Fed. Reg. 50223 (1996), Federal land within the Monument should remain open for multiple uses;

(4) the United States should not lay claim to Federal water rights in lands within the Monument except in accordance with the substantive and procedural requirements of the State of Utah, and designation of the Monument and enactment of this Act should not impair exercise of water rights by the State of Utah;

(5) mining revenues from Federal and State School and Institutional Trust Lands have generated considerable revenues for Utah schools;

(6) an estimated 176,000 acres of surface land containing significant coal and other resources managed by the School and Institutional Trust Lands Administration for the benefit of Utah's school children are located within the boundary of the Monument;

(7) the creation of the Monument must not come at the expense of Utah's school children;

(8) designation of the Monument will produce a considerable loss of future Federal royalties, State royalties, and school trust royalties resulting in significant revenue loss to Utah's school children; and

(9) the lack of congressional, State, and local consultation prior to designation of the Monument and the failure of the Proclamation to establish a specific boundary for the Monument are certain to give rise to disputes that will require boundary adjustments.

SEC. 3. DEFINITIONS.

In this Act:

(1) Advisory committee.—The term "advisory committee" means the Grand Staircase-Escalante National Monument Advisory Committee established under section 12.

(2) Director.—The term "Director" means the Director of the Bureau of Land Management.

(3) Existing.—The term "existing" means in existence as of September 18, 1996.

(4) Management plan.—The term "management plan" means the management plan for the Monument submitted to Congress under section 9.

(5) Monument.—The term "Monument" means the Grand Staircase-Escalante National Monument established by Proclamation of the President on September 18, 1996.

(6) Multiple use.—The term "multiple use" has the meaning given in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(7) Secretary.—The term "Secretary" means the Secretary of the Interior.

(8) Special management area.—The term "special management area" means an area that is managed by the Secretary in accordance with the principles of multiple use and sustained yield in accordance with this Act.

(9) Sustained yield.—The term "sustained yield" has the meaning given in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

SEC. 4. MANAGEMENT OF THE MONUMENT.

(a) Special Management Area.—

(1) In general.—The Monument shall be managed by the Secretary as a special management area in accordance with this Act.

(2) Multiple use and sustained yield.—The Secretary shall manage the resources within the Monument in accordance with the principles of multiple use and sustained yield (including recreation, range, timber, minerals, oil and gas, watershed, wildlife, fish, and natural scenic, scientific, and historical values), using principles of economic and ecologic sustainability.

(3) Protection of resources.—The Secretary shall provide for the protection, interpretation, and responsible use of Monument resources.

(4) Economic sustainability.—The Secretary shall manage the Monument resources in a way that provides for economic sustainability of local communities.

(b) Management Authority.—

(1) Delegation to the director.—The Secretary shall delegate authority to manage the Monument to the Director.

(2) Lead agency.—The Bureau of Land Management shall be the lead agency in all management decisions concerning the Monument, pursuant to all applicable legal authorities, and shall act in consultation with other Federal agencies, State and local government authorities, and the advisory committee.

(c) Future Action.—Nothing in this Act precludes the revocation of the Proclamation 6920 by Act of Congress or by Executive order, but, so long as land within the Monument remains subject to designation as a national monument under Proclamation 6920, any successor proclamation, or an Act of Congress, the Monument shall be managed in accordance with this Act.

SEC. 5. VALID EXISTING RIGHTS AND USES.

(a) Exercise of Valid Existing Rights.—

(1) In general.—The Secretary shall recognize and give due deference to the exercise of any valid existing right, lease, permit, or authorization under any law, including—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B)(i) sections 2319–28, 2331, 2333-2337, and 2344 of the Revised Statutes (commonly known as the "General Mining Law of 1872") (30 U.S.C. 22-24, 26-28, 29-30, 33-35, 37, 39-42, 47); and

(ii) the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (commonly known as the "Mineral Lands Leasing Act of 1920") (30 U.S.C. 181 et seq.);

(C) section 2477 of the Revised Statutes (43 U.S.C. 932) (to the extent of any rights-of-way existing on October 21, 1976);

(D) the Act of June 28, 1934 (48 Stat. 1269, chapter 865; 43 U.S.C. 315 et seq.) (commonly known as the "Taylor Grazing Act");

(E) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); and

(F) any other applicable law.

(2) No restriction.—Neither designation of the Monument nor adoption and implementation of the applicable management plan shall restrict or prevent the exercise of valid existing rights by persons that exercise those rights in compliance with all applicable laws.

(b) Roads and Rights-of-Way.—The Secretary shall permit routine maintenance and improvement of roads and rights-of-way within Monument boundaries to ensure public safety and a high-quality visitor experience.

(c) Takings.—Any valid existing right determined to be taken as a result of designation of the Monument shall be subject to compensation by the Secretary.

SEC. 6. RANGE MANAGEMENT.

(a) Grazing of Livestock.—Grazing of livestock within the Monument shall continue and shall not be curtailed by reason of designation of the Monument. Designation of the Monument shall not affect existing grazing leases, grazing permits, and levels of livestock grazing within the Monument.

(b) Water Rights.—The Secretary shall not require a grazing permittee or grazing lessee to transfer or relinquish any part of the permittee's or lessee's water right to another person (including the United States) as a condition of granting, renewing, or transferring a grazing permit or grazing lease.

SEC. 7. WITHDRAWALS.

No existing withdrawal, reservation, or appropriation shall be revoked except in accordance with section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

SEC. 8. NO FEDERAL RESERVATION OF WATER RIGHT.

(a) NO FEDERAL RESERVATION.—Nothing in this Act, any other Act, or any action taken under any Act creates an expressed or implied reservation of water rights in the United States for any purpose.

(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER UTAH LAW.—

(1) ACQUISITION.—The United States may acquire such water rights as the Secretary considers to be necessary to carry out responsibilities of the Secretary with respect to any land within the Monument only in accordance with the substantive and procedural requirements of the law of the State of Utah.

(2) EXERCISE.—Any rights to water granted under the law of the State of Utah may be exercised only in accordance with the substantive and procedural requirements of the law of the State of Utah.

(3) EMINENT DOMAIN.—Nothing in this Act authorizes the use of the power of eminent domain by the United States to acquire water rights on land within the Monument.

(c) FACILITIES NOT AFFECTED.—Nothing in this Act or any other Act relating to management of land within the Monument authorizes any action to be taken that may affect the capacity, operation, repair, construction, maintenance, modification, or repair of municipal, agricultural, livestock, or wildlife water facilities within or outside the Monument or water resources that flow through the Monument.

(d) WATER RESOURCE PROJECTS.—Nothing in this Act or any other Act relating to management of land within the Monument limits, or establishes any matter to be taken into consideration in connection with approval or denial by any Federal official of access to, or use of, the Federal land within or outside the Monument for development and operation of water resource projects (including reservoir projects).

SEC. 9. MANAGEMENT PLAN.

(a) MANAGEMENT IN ACCORDANCE WITH FLPMA.—

(1) IN GENERAL.—Not later than September 18, 1999, the Secretary shall submit to Congress a management plan for the Monument.

(2) MULTIPLE USE AND SUSTAINED YIELD.—In the development and revision of the management plan, the Secretary shall use and observe the principles of multiple use and sustained yield and shall use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences.

(b) REQUIREMENTS.—In the management plan, the Secretary shall specifically address—

(1) the multiple uses of all of the resources of the Monument (including recreation, range, timber, mineral, oil and gas, watershed, wildlife, fish, and natural scenic, scientific, and historical resources) in a responsible manner, under all applicable laws and authorities; and

(2) the economic impacts of the Monument on the economies of local communities.

(c) NOTICE AND COMMENT.—The management plan shall be made available for public review and comment as required by law.

(d) UTILIZATION OF MONUMENT RESOURCES.—Development and utilization of resources within the Monument shall be authorized if—

(1) the President or Congress determines it to be in the interests of the United States; or

(2) in case of a national emergency.

(e) INTERIM MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Secretary shall modify any guidelines in existence on the date of enactment of this Act regarding management of the Monument to conform to the requirements of this Act.

(2) PENDING APPLICATIONS.—No lease on land within the Monument with respect to which an application of any kind was pending on September 18, 1996, or is pending on the date of enactment of this Act shall expire if the Secretary has not acted on the application.

SEC. 10. STATE JURISDICTION WITH RESPECT TO FISH AND WILDLIFE.

Nothing in this Act—

(1) affects the jurisdiction or responsibilities of the State of Utah with respect to fish and wildlife management activities (including hunting, fishing, trapping, predator control, and the stocking or transplanting of fish and wildlife); or

(2) precludes the State of Utah from developing water resources for fish and wildlife purposes under State law.

SEC. 11. SCHOOL TRUST LANDS EXCHANGE.

(a) EXPEDITION OF EXCHANGES.—The Secretary shall provide necessary resources to expedite all exchanges of school trust lands within the Monument when sought by the School and Institutional Trust Lands Administration of the State of Utah.

(b) VALUATION.—The Secretary shall value school trust land sections as if surrounding unencumbered Federal lands were available for mineral development, and all reasonable differences in valuation shall be resolved in favor of the school trust.

(c) ANALYSIS OF LOST ROYALTIES.—Not later than 45 days after the date of enactment of this Act, the Secretary shall submit to Congress an analysis of the loss of Federal royalties that can be expected to result from designation of the Monument, based on research compiled by the United States Geological Survey.

(d) ACCESS TO STATE SECTIONS.—The Secretary shall not deny access to school trust lands within the Monument by agencies of the State of Utah and designated permittees of those agencies.

SEC. 12. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish and convene a meeting of an advisory committee to be known as the "Grand Staircase-Escalante National Monument Advisory Committee".

(b) DUTIES AND RESPONSIBILITIES.—The advisory committee shall advise the Secretary, the Director, and the Governor of the State of Utah concerning the development, management, and interpretation of Monument resources and the development, exchange, or disposal of State school trust lands.

(c) MEMBERSHIP.—The advisory committee shall consist of—

(1) the Secretary, the Governor of the State of Utah, the member of the House of Representatives from the third congressional district, and the 2 members of the Senate from the State of Utah; and

(2) 10 members appointed by the Secretary of the Interior from among persons recommended by the Governor of Utah, including—

(A) 1 representative of agricultural interests;

(B) 1 representative of mining and oil and gas interests;

(C) 1 representative of recreational interests;

(D) 1 representative of environmental interests;

(E) 1 representative of the School Institutional Trust Lands Administration of the State of Utah;

(F) 1 representative of the Department of Natural Resources of the State of Utah;

(G) 1 representative of other agencies of the State of Utah;

(H) 1 representative of local communities;

(I) 1 representative of Native Americans; and

(J) 1 representative of the public at large.

(d) TERMS.—A member of the advisory committee shall serve for a term not to exceed 5 years, determined by the Secretary in consultation with the Governor of the State of Utah, and may serve more than 1 term.

(e) VACANCIES.—A vacancy on the advisory committee shall be filled in the same manner as the original appointment is made. A member of the advisory committee may serve until a successor is appointed.

(f) CHAIRPERSON.—The advisory committee shall select 1 member to serve as chairperson.

(g) MEETINGS.—The advisory committee shall meet regularly.

(h) QUORUM.—A majority of members shall constitute a quorum.

(i) COMPENSATION.—Members of the advisory committee shall serve without compensation, except that members shall be entitled to reimbursement of travel expenses including per diem while engaged in the business of the advisory committee, in accordance with section 5703 of title 5, United States Code.

SEC. 13. MONUMENT PLANNING TEAM.

The Secretary shall provide that the Monument planning team formed by the Secretary to prepare the management plan for the Monument includes at least 5 persons appointed by the Governor of the State of Utah to represent the State and local governments.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to—

(1) provide for development and implementation of management plans, protection of Monument resources, visitor services and facilities, law enforcement, public safety, additional payments in lieu of taxes to impacted counties, economic mitigation, and the operation of the Monument advisory committee; and

(2) facilitate the exchange of school trust lands.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. ASHCROFT, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 5, a bill to establish legal standards and procedures for product liability litigation, and for other purposes.

S. 6

At the request of Mr. SANTORUM, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 6, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 191

At the request of Mr. HELMS, the name of the Senator from Oklahoma

[Mr. INHOFE] was added as a cosponsor of S. 191, a bill to throttle criminal use of guns.

S. 197

At the request of Mr. ROTH, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Colorado [Mr. ALLARD], the Senator from Florida [Mr. MACK], the Senator from Missouri [Mr. ASHCROFT], the Senator from Mississippi [Mr. COCHRAN], the Senator from Tennessee [Mr. THOMPSON], the Senator from Nevada [Mr. REID], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 197, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 223

At the request of Mr. THURMOND, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 223, a bill to prohibit the expenditure of Federal funds on activities by Federal agencies to encourage labor union membership, and for other purposes.

S. 242

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 242, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 278

At the request of Mr. GRAMM, the names of the Senator from Oklahoma [Mr. NICKLES] and the Senator from Kansas [Mr. BROWNBACK] were added as cosponsors of S. 278, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

S. 293

At the request of Mr. HATCH, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 305

At the request of Mr. KOHL, his name was withdrawn as a cosponsor of S. 305, a bill to authorize the President to award a gold medal on behalf of the Congress to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes.

S. 306

At the request of Mr. FORD, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 306, a bill to amend the Internal Revenue Code of 1986 to provide a decrease in the maximum rate of tax on capital gains which is based on the length of time the taxpayer held the capital asset.

S. 318

At the request of Mr. D'AMATO, the names of the Senator from Connecticut [Mr. DODD] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 318, a bill to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, and for other purposes.

S. 328

At the request of Mr. HUTCHINSON, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 328, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

SENATE RESOLUTION 56

At the request of Mr. SPECTER, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Idaho [Mr. CRAIG], the Senator from Oklahoma [Mr. INHOFE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. THOMAS], the Senator from Florida [Mr. MACK], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Resolution 56, a resolution designating March 25, 1997, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

AMENDMENT NO. 7

At the request of Mr. GRAHAM the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of amendment No. 7 proposed to Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE RESOLUTION 59—DESIGNATING IRISH AMERICAN HERITAGE MONTH

Mr. KENNEDY (for himself, Mr. MACK, Mr. MOYNIHAN, and Mr. D'AMATO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 59

Whereas by 1776 nearly 300,000 persons had emigrated to the United States from Ireland;

Whereas following the Revolutionary War victory of Washington's troops at Yorktown, a French Major General reported that Congress and America owed its existence, and possibly its preservation, to the support of the Irish;

Whereas at least 8 signers of the Declaration of Independence were of Irish origin;

Whereas more than 200 Irish Americans have been awarded the Congressional Medal of Honor;

Whereas 19 Presidents of the United States proudly claim Irish heritage, including the first President, George Washington;

Whereas 44 million American citizens are of Irish descent; and

Whereas the Irish and their descendants have contributed greatly to the enrichment of all aspects of life in the United States, including military and government service, science, education, art, agriculture, business, industry, and athletics: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of March of each year as "Irish American Heritage Month"; and

(2) requests that the President issue a proclamation designating the month of March of each year as "Irish American Heritage Month" and calling on the people of the United States to observe the month with appropriate ceremonies and activities.

Mr. KENNEDY. Mr. President, on behalf of Senator MACK, Senator MOYNIHAN, Senator D'AMATO, and myself, I am proud to submit a Senate resolution designating the month of March each year as "Irish-American Heritage Month."

Since 1621, when the first Irish settlers arrived on our shores, Americans of Irish descent have made invaluable contributions to all aspects of American life. Between 1840 and 1910, more than 3 million Irish immigrants reached our shores and contributed immensely to the development of our country.

In fact, this year marks the 150th anniversary of the Great Famine in Ireland that led to one of the most tragic migrations in history. The potato crop failed, and hundreds of thousands fled in desperation to the New World. They found hope and opportunity and new lives in America. They powered our industrial revolution. They took jobs as laborers. They dug the canals. They built the railroads that took America to the West. Even today, it is said that under every railroad tie, an Irishman is buried. In a very real sense, their greatest legacy is our modern nation.

Today, over 44 million Americans are of Irish descent. They are proud of America and proud of their Irish heritage, and it is a privilege to introduce this legislation designating the month of March in the years ahead as "Irish-American Heritage Month."

AMENDMENTS SUBMITTED

THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

HOLLINGS (AND OTHERS) AMENDMENT NO. 9

Mr. HOLLINGS (for himself, Mr. SPECTER, Mr. BRYAN, Mr. BIDEN, Mr. REID, Mrs. FEINSTEIN, and Mr. DASCHLE) proposed an amendment to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget; as follows:

On page 1, beginning on line 3, strike "That the" and all that follows through page

2, line 5, and insert the following: "That the following articles are proposed as amendments to the Constitution, either or both of which articles shall be valid to all intents and purposes as part of the Constitution when ratified by the legislators of three-fourths of the several States within 7 years after the date of its submission for ratification:".

On page 3, after line 16, add the following:

"ARTICLE—

"SECTION 1. Congress shall have power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, Federal office.

"SECTION 2. A State shall have power to set reasonable limits on the amount of contributions that maybe accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, State or local office.

"SECTION 3. Congress shall have power to implement and enforce this article by appropriate legislation.".

KENNEDY AMENDMENT NO. 10

Mr. LEAHY (for Mr. KENNEDY) proposed an amendment to the joint resolution, Senate Joint Resolution 1, supra; as follows:

On page 3, at the end of line 14, insert the following: "Unless specifically otherwise provided by such law, Congress shall have exclusive authority to enforce the provisions of this Article."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, February 25, 1997, at 10 a.m. in open session, to receive testimony on the Defense authorization request for fiscal year 1998 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, February 25, 1997, at 9 a.m. in SR–328A to discuss the impact of estate taxes on farmers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 25, 1997, to conduct a hearing on S. 318, the Homeowners Protection Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, February 25, 1997, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider the President's proposed budget for fiscal year 1998 for the Department of the Interior and the Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ABRAHAM. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, February 25, at 10 a.m. for a nomination hearing on David J. Barram, to be Administrator, General Services Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CHILD LABOR DETERRENCE ACT OF 1997

• Mr. HARKIN. Mr. President, I rise to introduce the Child Labor Deterrence Act of 1997. The bill I'm introducing today prohibits the importation of any product made, whole or in part, by children under the age of 15 who are employed in manufacturing or mining. This is the fourth time I have come to the floor of the Senate to introduce this bill, and I will continue to introduce it until it becomes law.

Mr. President, recently, the International Labor Organization [ILO] released a very grim report about the number of children who toil away in abhorrent conditions. The ILO estimates that over 200 million children worldwide under the age of 15 are working instead of receiving a basic education. Many of these children begin working in factories at the age of 6 or 7, some even younger. They are poor, malnourished, and often forced to work 60-hour weeks for little or no pay.

Child labor is most prevalent in countries with high unemployment rates. According to the ILO, some 61 percent of child workers, nearly 153 million children, are found in Asia; 32 percent, or 80 million, are in Africa and 7 percent, or 17.5 million, live in Latin America. Adult unemployment rates in some nations runs over 20 percent. In Latin America, for example, about 1 in every 10 children are workers. Furthermore, in many nations where child labor is prevalent, more money is spent and allocated for military expenditures than for education and health services.

The situation is as deplorable as it is enormous. In many developing countries children represent a substantial part of the work force and can be found in such industries as rugs, toys, textiles, mining, and sports equipment manufacturing.

For instance, it is estimated that 65 percent of the wearing apparel that Americans purchase is assembled or manufactured abroad, therefore, increasing the chance that these items were made by abusive and exploitative child labor. In the rug industry, India and Pakistan produce 95 percent of their rugs for export. Some of the worst abuses of child labor have been documented in these countries, including bonded and slave labor.

Venezuela and Colombia exported $6,084,705 and $1,385,669 worth of mined products respectively to the United States in 1995. Both were documented by the Department of Labor as using child labor in mining. Mining hazards for children include exposure to harmful dusts, gases, and fumes that cause respiratory diseases that can develop into silicosis, pulmonary fibrosis, asbestosis, and emphysema after some years of exposure. Child miners also suffer from physical strain, fatigue, and musculoskeletal disorders, as well as serious injuries from falling objects.

Children may also be crippled physically by being forced to work too early in life. For example, a large-scale ILO survey in the Philippines found that more than 60 percent of working children were exposed to chemical and biological hazards, and that 40 percent experienced serious injuries or illnesses.

These practices are often underground, but the ILO report points out that children are still being sold outright for a sum of money. Other times, landlords buy child workers from their tenants, or labor contractors pay rural families in advance in order to take their children away to work in carpet weaving, glass manufacturing, or prostitution. Child slavery of this type has long been reported in South Asia, Southeast Asia, and West Africa, despite vigorous official denial of its existence.

Additionally, children are increasingly being bought and sold across national borders by organized networks. The ILO report states that at least five such international networks trafficking in children exist: from Latin America to Europe and the Middle East; from South and Southeast Asia to Northern Europe and the Middle East; a European regional market; an associated Arab regional market; and, a West Africa export market in girls.

In Pakistan, the ILO reported in 1991 that an estimated half of the 50,000 children working as bonded labor in Pakistan's carpet-weaving industry will never reach the age of 12—victims of disease and malnutrition.

I have press reports from India of children freed from virtual slavery in the carpet factories of Northern India.

Twelve-year-old Charitra Chowdhary recounted his story—he said, "If we moved slowly we were beaten on our backs with a stick. We wanted to run away but the doors were always locked."

Mr. President, that's what this bill is about, children, whose dreams and childhood are being sold for a pittance to factory owners and in markets around the globe.

It's about protecting children around the globe and their future. It's about eliminating a major form of child abuse in our world. It's about breaking the cycle of poverty by getting these kids out of factories and into schools. It's about raising the standard of living in the Third World so we can compete on the quality of goods instead of the misery and suffering of those who make them. It's about assisting Third World governments to enforce their laws by ending the role of the United States in providing a lucrative market for goods made by abusive and exploitative child labor and encouraging other nations to do the same.

Mr. President, unless the economic exploitation of children is eliminated, the potential and creative capacity of future generations will forever be lost to the factory floor.

Mr. President, the Child Labor Deterrence Act of 1997 is intended to strengthen existing U.S. trade laws and help Third World countries enforce their child labor laws. The bill directs the U.S. Secretary of Labor to compile and maintain a list of foreign industries and their respective host countries that use child labor in the production of exports to the United States. Once the Secretary of Labor identifies a foreign industry, the Secretary of the Treasury is instructed to prohibit the importation of a product from an identified industry. The entry ban would not apply if a U.S. importer signs a certificate of origin affirming that they took reasonable steps to ensure that products imported from identified industries are not made by child labor. In addition, the President is urged to seek an agreement with other governments to secure an international ban on trade in the products of child labor. Further, any company or individual who would intentionally violate the law would face both civil and criminal penalties.

This legislation is not about imposing our standards on the developing world. It's about preventing those manufacturers in the developing world who exploit child labor from imposing their standards on the United States. They are forewarned. If manufacturers and importers insist on investing in child labor, instead of investing in the future of children, I will work to assure that their products are barred from entering the United States.

Mr. President, as I said when I first introduced this bill 4 years ago, it is time to end this human tragedy and our participation in it. It is time for greater government and corporate responsibility. No longer can officials in the Third World or U.S. importers turn a blind eye to the suffering and misery of the world's children. No longer do American consumers want to provide a market for goods produced by the sweat and toil of children. By providing a market for goods produced by child labor, U.S. importers have become part of the problem by perpetuating the impoverishment of poor families. Through this legislation, importers now have the opportunity to become part of the solution by ending this abominable practice.

Mr. President, countries do not have to wait until poverty is eradicated or they are fully developed before eliminating the economic exploitation of children. In fact, the path to development is to eliminate child labor and increase expenditures on children such as primary education. In far too many countries, governments spend millions on military expenditures and fail to provide basic educational opportunities to its citizens. As a result, over 130 million children are not in primary school.

In conclusion, Mr. President, my bill places no undue burden on U.S. importers. I know of no importer, company, or department store that would willingly promote the exploitation of children. I know of no importer, company, or department store that would want their products and image tainted by having their products produced by child labor. And I know that no American consumer would knowingly purchase something made with abusive and exploitative child labor. These entities take reasonable steps to ensure the quality of their goods; they should also be willing to take reasonable steps to ensure that their goods are not produced by child labor.

Mr. President, I urge my colleagues to support this legislation.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Labor Deterrence Act of 1997".

SEC. 2. FINDINGS, PURPOSE, AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Principle 9 of the Declaration of the Rights of the Child proclaimed by the General Assembly of the United Nations on November 20, 1959, states that ". . . the child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental, or moral development . . .".

(2) Article 2 of the International Labor Convention No. 138 Concerning Minimum Age For Admission to Employment states that, "The minimum age specified in pursuance of paragraph 1 of this article shall not be less than the age of compulsory schooling and, in any case, shall not be less than 15 years.".

(3) According to the International Labor Organization, worldwide an estimated 200,000,000 children under the age of 15 are working, many of them in dangerous industries like mining and fireworks.

(4) Children under the age of 15 constitute approximately 11 percent of the workforce in some Asian countries, 17 percent of the workforce in parts of Africa, and a reported 12–26 percent of the workforce in many countries in Latin America.

(5) The number of children under the age of 15 who are working, and the scale of their suffering, increase every year, despite the existence of more than 20 International Labor Organization conventions on child labor and laws in many countries which purportedly prohibit the employment of under age children.

(6) In many countries, children under the age of 15 lack either the legal standing or means to protect themselves from exploitation in the workplace.

(7) The prevalence of child labor in many developing countries is rooted in widespread poverty that is attributable to unemployment and underemployment, precarious incomes, low living standards, and insufficient education and training opportunities among adult workers.

(8) The employment of children under the age of 15 commonly deprives the children of the opportunity for basic education and also denies gainful employment to millions of adults.

(9) The employment of children under the age of 15, often at pitifully low wages, undermines the stability of families and ignores the importance of increasing jobs, aggregated demand, and purchasing power among adults as a catalyst to the development of internal markets and the achievement of broadbased, self-reliant economic development in many developing countries.

(b) PURPOSE.—The purpose of this Act is to curtail the employment of children under the age of 15 in the production of goods for export by—

(1) eliminating the role of the United States in providing a market for foreign products made by under age children;

(2) supporting activities and programs to extend primary education, rehabilitation, and alternative skills training to under age child workers, to improve birth registration, and to improve the scope and quality of statistical information and research on the commercial exploitation of children in the workplace; and

(3) encouraging other nations to join in a ban on trade in products described in paragraph (1) and to support those activities and programs described in paragraph (2).

(c) POLICY.—It is the policy of the United States—

(1) to discourage actively the employment of children under the age of 15 in the production of goods for export or domestic consumption;

(2) to strengthen and supplement international trading rules with a view to renouncing the use of under age children in production as a means of competing in international trade;

(3) to amend United States law to prohibit the entry into commerce of products resulting from the labor of under age children; and

(4) to offer assistance to foreign countries to improve the enforcement of national laws prohibiting the employment of children under the age of 15 and to increase assistance to alleviate the underlying poverty that is often the cause of the commercial exploitation of children under the age of 15.

SEC. 3. UNITED STATES INITIATIVE TO CURTAIL INTERNATIONAL TRADE IN PRODUCTS OF CHILD LABOR.

In pursuit of the policy set forth in this Act, the President is urged to seek an agreement with the government of each country that conducts trade with the United States for the purpose of securing an international ban on trade in products of child labor.

SEC. 4. DEFINITIONS.

In this Act:

(1) CHILD.—The term "child" means—

(A) an individual who has not attained the age of 15, as measured by the Julian calendar; or

(B) an individual who has not attained the age of 14, as measured by the Julian calendar, in the case of a country identified under section 5 whose national laws define a child as such an individual.

(2) EFFECTIVE IDENTIFICATION PERIOD.—The term "effective identification period" means, with respect to a foreign industry or host country, the period that—

(A) begins on the date of that issue of the Federal Register in which the identification of the foreign industry or host country is published under section 5(e)(1)(A); and

(B) terminates on the date of that issue of the Federal Register in which the revocation of the identification referred to in subparagraph (A) is published under section 5(e)(1)(B).

(3) ENTERED.—The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(4) EXTRACTION.—The term "extraction" includes mining, quarrying, pumping, and other means of extraction.

(5) FOREIGN INDUSTRY.—The term "foreign industry" includes any entity that produces, manufactures, assembles, processes, or extracts an article in a host country.

(6) HOST COUNTRY.—The term "host country" means any foreign country and any possession or territory of a foreign country that is administered separately for customs purposes (and includes any designated zone within such country, possession, or territory) in which a foreign industry is located.

(7) MANUFACTURED ARTICLE.—The term "manufactured article" means any good that is fabricated, assembled, or processed. The term also includes any mineral resource (including any mineral fuel) that is entered in a crude state. Any mineral resource that at entry has been subjected to only washing, crushing, grinding, powdering, levigation, sifting, screening, or concentration by flotation, magnetic separation, or other mechanical or physical processes shall be treated as having been processed for the purposes of this Act.

(8) PRODUCTS OF CHILD LABOR.—An article shall be treated as being a product of child labor—

(A) if, with respect to the article, a child was engaged in the manufacture, fabrication, assembly, processing, or extraction, in whole or in part; and

(B) if the labor was performed—

(i) in exchange for remuneration (regardless to whom paid), subsistence, goods, or services, or any combination of the foregoing;

(ii) under circumstances tantamount to involuntary servitude; or

(iii) under exposure to toxic substances or working conditions otherwise posing serious health hazards.

(9) SECRETARY.—The term "Secretary", except for purposes of section 5, means the Secretary of the Treasury.

SEC. 5. IDENTIFICATION OF FOREIGN INDUSTRIES AND THEIR RESPECTIVE HOST COUNTRIES THAT UTILIZE CHILD LABOR IN EXPORT OF GOODS.

(a) IDENTIFICATION OF INDUSTRIES AND HOST COUNTRIES.—

(1) IN GENERAL.—The Secretary of Labor (in this section referred to as the "Secretary") shall undertake periodic reviews using all available information, including information made available by the International Labor Organization and human rights organizations (the first such review to be undertaken not later than 180 days after the date of enactment of this Act), to identify any foreign industry that—

(A) does not comply with applicable national laws prohibiting child labor in the workplace;

(B) utilizes child labor in connection with products that are exported; and

(C) has on a continuing basis exported products of child labor to the United States.

(2) TREATMENT OF IDENTIFICATION.—For purposes of this Act, the identification of a foreign industry shall be treated as also being an identification of the host country.

(b) PETITIONS REQUESTING IDENTIFICATION.—

(1) FILING.—Any person may file a petition with the Secretary requesting that a particular foreign industry and its host country be identified under subsection (a). The petition must set forth the allegations in support of the request.

(2) ACTION ON RECEIPT OF PETITION.—Not later than 90 days after receiving a petition under paragraph (1), the Secretary shall—

(A) decide whether or not the allegations in the petition warrant further action by the Secretary in regard to the foreign industry and its host country under subsection (a); and

(B) notify the petitioner of the decision under subparagraph (A) and the facts and reasons supporting the decision.

(c) CONSULTATION AND COMMENT.—Before identifying a foreign industry and its host country under subsection (a), the Secretary shall—

(1) consult with the United States Trade Representative, the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury regarding such action;

(2) hold at least 1 public hearing within a reasonable time for the receipt of oral comment from the public regarding such a proposed identification;

(3) publish notice in the Federal Register—

(A) that such an identification is being considered;

(B) of the time and place of the hearing scheduled under paragraph (2); and

(C) inviting the submission within a reasonable time of written comment from the public; and

(4) take into account the information obtained under paragraphs (1), (2), and (3).

(d) REVOCATION OF IDENTIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may revoke the identification of any foreign industry and its host country under subsection (a) if information available to the Secretary indicates that such action is appropriate.

(2) REPORT OF SECRETARY.—No revocation under paragraph (1) may take effect earlier than the 60th day after the date on which the Secretary submits to the Congress a written report—

(A) stating that in the opinion of the Secretary the foreign industry and host country concerned do not utilize child labor in connection with products that are exported; and

(B) stating the facts on which such opinion is based and any other reason why the Secretary considers the revocation appropriate.

(3) PROCEDURE.—No revocation under paragraph (1) may take effect unless the Secretary—

(A) publishes notice in the Federal Register that such a revocation is under consideration and inviting the submission within a reasonable time of oral and written comments from the public on the revocation; and

(B) takes into account the information received under subparagraph (A) before preparing the report required under paragraph (2).

(e) PUBLICATION.—The Secretary shall—

(1) promptly publish in the Federal Register—

(A) the name of each foreign industry and its host country identified under subsection (a);

(B) the text of the decision made under subsection (b)(2)(A) and a statement of the facts and reasons supporting the decision; and

(C) the name of each foreign industry and its host country with respect to which an identification has been revoked under subsection (d); and

(2) maintain and publish in the Federal Register a current list of all foreign industries and their respective host countries identified under subsection (a).

SEC. 6. PROHIBITION ON ENTRY.

(a) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), during the effective identification period for a foreign industry and its host country no article that is a product of that foreign industry may be entered into the customs territory of the United States.

(2) EXCEPTION.—Paragraph (1) shall not apply to the entry of an article—

(A) for which a certification that meets the requirements of subsection (b) is provided and the article, or the packaging in which it is offered for sale, contains, in accordance with regulations prescribed by the Secretary, a label stating that the article is not a product of child labor;

(B) that is entered under any subheading in subchapter IV or VI of chapter 98 of the Harmonized Tariff Schedule of the United States (relating to personal exemptions); or

(C) that was exported from the foreign industry and its host country and was en route to the United States before the first day of the effective identification period for such industry and its host country.

(b) CERTIFICATION THAT ARTICLE IS NOT A PRODUCT OF CHILD LABOR.—

(1) FORM AND CONTENT.—The Secretary shall prescribe the form and content of documentation, for submission in connection with the entry of an article, that satisfies the Secretary that the exporter of the article in the host country, and the importer of the article into the customs territory of the United States, have undertaken reasonable steps to ensure, to the extent practicable, that the article is not a product of child labor.

(2) REASONABLE STEPS.—For purposes of paragraph (1), "reasonable steps" include—

(A) in the case of the exporter of an article in the host country—

(i) having entered into a contract, with an organization described in paragraph (4) in that country, providing for the inspection of the foreign industry's facilities for the purpose of certifying that the article is not a product of child labor, and affixing a label, protected under the copyright or trademark laws of the host country, that contains such certification; and

(ii) having affixed to the article a label described in clause (i); and

(B) in the case of the importer of an article into the customs territory of the United States, having required the certification and label described in subparagraph (A) and setting forth the terms and conditions of the acquisition or provision of the imported article.

(3) WRITTEN EVIDENCE.—The documentation required by the Secretary under paragraph (1) shall include written evidence that the reasonable steps set forth in paragraph (2) have been taken.

(4) CERTIFYING ORGANIZATIONS.—

(A) IN GENERAL.—The Secretary shall compile and maintain a list of independent, internationally credible organizations, in each host country identified under section 5, that have been established for the purpose of—

(i) conducting inspections of foreign industries,

(ii) certifying that articles to be exported from that country are not products of child labor, and

(iii) labeling the articles in accordance with paragraph (2)(A).

(B) ORGANIZATION.—Each certifying organization shall consist of representatives of nongovernmental child welfare organizations, manufacturers, exporters, and neutral international organizations.

SEC. 7. PENALTIES.

(a) UNLAWFUL ACTS.—It shall be unlawful, during the effective identification period applicable to a foreign industry and its host country—

(1) to attempt to enter any article that is a product of that industry if the entry is prohibited under section 6(a)(1); or

(2) to violate any regulation prescribed under section 8.

(b) CIVIL PENALTY.—Any person who commits an unlawful act set forth in subsection (a) shall be liable for a civil penalty not to exceed $25,000.

(c) CRIMINAL PENALTY.—In addition to being liable for a civil penalty under subsection (b), any person who intentionally commits an unlawful act set forth in subsection (a) shall be, upon conviction, liable for a fine of not less than $10,000 and not more than $35,000, or imprisonment for 1 year, or both.

(d) CONSTRUCTION.—The violations set forth in subsection (a) shall be treated as violations of the customs laws for purposes of applying the enforcement provisions of the Tariff Act of 1930, including—

(1) the search, seizure, and forfeiture provisions;

(2) section 592 (relating to penalties for entry by fraud, gross negligence, or negligence); and

(3) section 619 (relating to compensation to informers).

SEC. 8. REGULATIONS.

The Secretary shall prescribe regulations to carry out the provisions of this Act.

SEC. 9. UNITED STATES SUPPORT FOR DEVELOPMENTAL ALTERNATIVES FOR UNDER AGE CHILD WORKERS.

In order to carry out section 2(c)(4), there is authorized to be appropriated to the President the sum of—

(1) $10,000,000 for each of fiscal years 1998 through 2002 for the United States contribution to the International Labor Organization for the activities of the International Program on the Elimination of Child Labor; and

(2) $100,000 for fiscal year 1998 for the United States contribution to the United Nations Commission on Human Rights for those activities relating to bonded child labor that are carried out by the Subcommittee and Working Group on Contemporary Forms of Slavery.•

TRIBUTE TO DR. MARTIN LUTHER KING, JR.

• Mr. SANTORUM. Mr. President, the Philadelphia Martin Luther King, Jr. Association for Nonviolence held its 15th Annual King Day Luncheon on January 20. I wanted to take a few minutes of Senate business today and share this very moving experience with my colleagues.

Mr. President, I had the honor and privilege of participating in the King Day celebration. The annual program in Philadelphia is a very moving tribute to Dr. King and is the largest national celebration of this great civil rights leader. Additionally, the program serves as the most ecumenical and multicultural annual gathering for the city of Philadelphia.

In recent years, this program has featured such special guests as Gen. Colin Powell and Vice President AL GORE. The King Association has also honored such dignitaries as Rosa Parks, Bishop Desmond Tutu, Judge Leon Higginbotham, Attorney Bernard Segal, and one of our colleagues in the U.S. Senate, Senator CAROL MOSELEY-BRAUN.

Under the leadership of the Honorable C. DeLores Tucker, the King Association has the unique mission of promoting and implementing the principle of nonviolence throughout the Northeast. The fact that the association serves as the only affiliate of the King Center in Atlanta, commissioned by Coretta Scott King, reflects the importance of the King Association's mission and services.

For allowing me to be a part of this year's King Day Luncheon, I would like to again express my very sincere and genuine gratitude to the King Association president, the Honorable C. DeLores Tucker, and the executive director, Dr. Teta V. Banks. As we honor and recognize Dr. King, there is no greater living tribute than the thousands upon thousands of national community leaders of all ethnic backgrounds who continue working to make Dr. King's dream a reality.

Mr. President, the work done by the King Association in Philadelphia and the Annual King Day Luncheon certainly embody the legacy of Dr. Martin Luther King, Jr.•

THE 220TH ANNIVERSARY OF THE FOUNDING OF THE U.S. CAVALRY

• Mr. DODD. Mr. President, I rise today to recognize the 220th anniversary of the U.S. Cavalry and the contributions the town of Wethersfield, CT, made to the Revolutionary War effort.

In my home State of Connecticut, the town of Wethersfield is proud to be recognized as the first home and training ground for the Continental Army's first cavalry regiment, known as Sheldon's Horse, the Second Continental Light Dragoons. In a time when armies were slow moving, the Second Continental Dragoons were unique for their swiftness and daring. The Second Dragoons were composed of mounted and dismounted men able to quickly advance on the enemy's flank.

By orders of the First Continental Congress and General Washington, the Second Dragoon Regiment was the first cavalry regiment directly organized by the Continental Army. According to the Connecticut Historical Commission, on December 12, 1776, the Continental Congress appointed Elisha Sheldon of Salisbury as lieutenant colonel commandant of a regiment of the Continental Cavalry, the first such unit of the Continental Army. He was ordered to enlist six troops to form his regiment at Wethersfield. Among the first officers chosen by Colonel Sheldon was Wethersfield resident, Maj. Benjamin Tallmadge. In the late winter and early spring of 1977, Major Tallmadge erected a training ground for the training and breaking of horses for the regiment in Wethersfield.

Under Major Tallmadge's direction and leadership, the Second Regiment fought in the battles of Short Hills, Brandywine, Trenton, Saratoga, and White Plains, and during the harsh winter at Valley Forge, the Dragoons patrolled the area for General Washington.

Currently, the U.S. Cavalry is based in Fort Riley, KS, but it will be forever linked to the town of Wethersfield and Connecticut. I applaud the efforts of the people of Wethersfield to celebrate their history and the contributions they have made to ensuring the independence of America.•

GLENN H. ROTTMANN RETIRES FROM THE GOVERNMENT PRINTING OFFICE

• Mr. WARNER. Mr. President, concluding nearly 53 years of Federal service, Glenn H. Rottmann recently retired from the U.S. Government Printing Office [GPO], where he had risen through the ranks from junior offset platemaker to Director of GPO's Production Services with responsibility for all printing performed at GPO, including many of the essential products needed by Congress for its daily operation such as the CONGRESSIONAL RECORD.

Following 14 months of service in the U.S. Army, Mr. Rottmann began his career at the GPO on July 23, 1945, as a junior offset platemaker. In 1971, he was made foreman of the offset plate section, and in 1975 he was named Superintendent of the Offset Division. In 1981, Mr. Rottmann was promoted to production manager with overall responsibility for GPO's inplant production facilities, including the Press Division, the Binding Division, and prepress operations under the Electronic Photocomposition, Graphic Systems Development, and Electronic Systems Development Divisions. In 1993, he was promoted to Director of Production Services following an agencywide reorganization.

As one of the Nation's largest printing plants and the largest manufacturing operation in the District of Columbia, GPO produces a wide variety of products, from essential legislative documents for Congress and critical information such as the U.S. Budget, to other important publications such as the daily Federal Register, U.S. passports and postal cards, and a broad variety of other items. Some publications, such as the CONGRESSIONAL RECORD and the Federal Register, are printed on demanding schedules overnight, each containing as much type as four to six metropolitan daily newspapers. Mr. Rottmann's responsibility was to ensure that this essential Government printing was accomplished with the highest possible quality, in the most timely manner, at the lowest possible cost.

During his tenure, Mr. Rottmann oversaw the upgrading of GPO's inplant production operations with modern graphic communications and electronic information technologies. Under his leadership, GPO completed the conversion from hot metal to electronic photocomposition technology, expanded desktop publishing opportunities on Capitol Hill and in Federal agencies through GPO's dialup composition system and MicroComp software package, began the production of CD–ROM products, acquired and installed state-of-the-art offset press technology, expanded the use of environmentally sensitive products such as recycled paper and vegetable-oil inks, and developed the technology and databases supporting GPO Access, GPO's award winning online information dissemination service. As a result of these changes, citizen access to Government information has been substantially improved, and the productivity increases from new technology have permitted substantial staff downsizing and increased savings to the taxpayers. Beyond these achievements, Mr. Rottmann was widely considered an able administrator and a friend by GPO's employees.

Mr. Rottmann earned numerous GPO awards, served as an apprentice training representative, completed several training programs, and is a graduate of the Federal Executive Institute in Charlottesville, VA.

I extend congratulations and sincere appreciation to Mr. Rottmann for his 53 years of dedicated public service to Congress and the Nation, and I wish him a long and happy retirement.•

HONORING THE 150TH ANNIVERSARY OF BUREAU COUNTY REPUBLICAN

• Ms. MOSELEY-BRAUN. Mr. President, I would like to congratulate the Bureau County Republican on its 150th anniversary.

Since 1847, the people of Princeton and Bureau County have turned to the Republican for accurate news and information. What began as a small, weekly paper dedicated to the abolition of slavery is now known as the primary local morning newspaper in the region.

The Bureau County Republican is a great American success story, and Illinois is proud of its long and distinguished history.

In honor of the paper's sesquicentennial, I ask that an article from the January 2, 1997, edition of the Bureau County Republican be printed at this point in the RECORD.

The article follows:

THE TRADITION OF COMMUNITY PUBLISHING GROWS

The Bureau County Advocate was first published on December 2, 1847 by Ebenezer Higgins.

Justin Olds and J.M. Wilkinson purchased the Advocate in the summer of 1851 and changed its name to the Princeton Post. In 1858, the Princeton Post was changed to the Bureau County Republican. John W. Bailey I purchased the Bureau County Republican in 1863. In the early days, he was identified with the Abolition Party and also with the underground railroad.

According to the "Big Bureau and Bright Prairies" edited by Doris Parr Leonard and published by the Bureau County Board of Supervisors, Bailey, 33, had worked in Ohio, Indiana, Tennessee and Washington, D.C. and was directed to Princeton by Joseph Medill of the Chicago Tribune who had heard that a paper was for sale in the county seat of Bureau County. Ironically both the Bureau County Republican and the Chicago Tribune were founded the same year, 1847.

He continued as head of the Republican for 40 years until his death May 28, 1903. He was succeeded by his son, Harry U. Bailey, who also headed the paper for 40 years until his death Sept. 20, 1943.

Third in the line of Baileys to head the newspaper was John W. Bailey III, son of H. U. Bailey. He was publisher from 1943 until his death May 13, 1946, in a fire in his home. His widow, the former Mary Potter of Henry, whose life he had saved in the fire, subsequently became the publisher and continued that role for 31 years.

John W. Bailey III, a graduate of the University of Wisconsin, had become a junior partner in 1935 and had directed his efforts toward a vigorous program to make the Republican a stronger force, enhancing the potential of Princeton as a mercantile, agricultural and small industrial center.

In June 1963, the newspaper which had been a weekly since its inception, became a semiweekly. Thursday's paper remained the Republican while the newspaper published on Tuesday was called the Bureau County Record.

On May 12, 1977, the BCR/Record was sold to the B.F. Shaw Printing Co., publishers of the Dixon Evening Telegraph.

Illinois Valley Shopping News was purchased in 1982 replacing the Bureau County Advertiser.

In 1987, the Saturday edition was added and in 1992 the BCR converted to an AM newspaper, making it the only local morning newspaper.

The Bureau County Republican won the distinction of being the best weekly newspaper in the state in 1988 and 1991 as judged by the Illinois Press Association in winning the Will Loomis and Harold and Eva White trophies.

Publishers succeeding Mary Bailey have included William DeLost, William Shaw, Vern Brown, Robert Sorenson and Sam R. Fisher, current publisher.

Editors have included Theodore A. Duffield, Scott Caldwell, James Dunn, Ron DeBrock and James F. Troyer, and current editor, Lori Hamer.•

A HIGH PROBABILITY OF FAILURE

• Mr. MOYNIHAN. Mr. President, we now have a consensus that the year 2000 is going to arrive before the Federal Government has prepared its computers for the date.

Yesterday, in a hearing held by my esteemed colleague Representative STEPHEN HORN, officials from the General Accounting Office [GAO] warned that many of the Government's computers will stop working in 2000 because agencies have failed to take the appropriate precautions. Joel Willemsen, GAO's Director of Information Resources Management, warned: "There is a high probability there will be some failures."

Though widely pronounced in small circles for a year now, this fact is now being heralded by the General Accounting Office—Congress' dutiful investigative arm. To its credit GAO has added the year 2000 problem to its list of "High Risk Government Programs;" promised to report periodically on the status of the agencies' responses; asked agencies to focus on their most critical computer systems; and now, has warned that we must be prepared for some amount of failure.

Are we ready for failure? In Medicare payments? In our air traffic control system? In our national defense system? We must act, and place responsibility in a body to ensure compliance. My bill, S. 22, would set up a commission to do just that. I can only hope that my colleagues and the leaders of the executive agencies take heed of GAO's warnings of probable failure.

I ask that an article from today's Washington Post entitled "Double Zero Will Arrive Before the Fix" be printed in the RECORD.

The article follows:

[From the Washington Post, Feb. 25, 1997]

DOUBLE ZERO WILL ARRIVE BEFORE THE FIX

GAO SAYS REPROGRAMMING SOME COMPUTERS FOR 2000 IS RUNNING LATE

(By Rajiv Chandrasekaran)

The General Accounting Office warned for the first time yesterday that some of the government's computers will stop working in 2000 because agencies will not be able to finish reprogramming their equipment to understand years that do not begin with "19."

"There is a high probability there will be some failures," Joel Willemsen, the GAO's director of information resources management, told a House subcommittee. He urged government agencies to focus their efforts on the country's most critical computer systems, including those that handle air traffic control, Medicare and national defense.

Many large computer systems use a two-digit, year-dating system that assumes 1 and 9 are the first two digits of the year. If not reprogrammed, those computers will think the year 2000—or 00—actually is 1900, a glitch that could cripple many systems or lead them to generate erroneous data.

It's a particularly serious problem for the federal government, experts said, because most agencies have older computers that use the two-digit system. Earlier this month, the GAO, the watchdog arm of Congress, added the "Year 2000 problem" to its list of high-risk issues facing the nation.

The GAO does not have any estimates on how many computers—or which systems—might fail in 2000.

Although every Cabinet department has told the Office of Management and Budget that it is aware of the complicated and costly process of fixing its computers, some congressional leaders yesterday questioned whether the agencies were moving fast enough and have allotted enough money to make the changes in time. Some agencies still are studying—and have not yet begun actually reprogramming—their systems, according to a recent OMB report.

"Only a few of them have specific, realistic plans to solve the problem before the stroke of midnight on the last day of 1999," said Rep. Stephen Horn (R-Calif.), chairman of the House subcommittee on government management, information and technology, who oversaw yesterday's hearing before an overflow crowd. Six departmental chief information officers testified before the panel, each trying to describe just how complex the glitch will be to fix.

At the State Department, for example, chief information officer Eliza McClenaghan said there are 141 programs totaling 27.7 million lines of computer code written in 17 programming languages that need to be changed. Almost half of the code cannot be reprogrammed and will have to be replaced, she said.

Others highlighted the fact that many government officials only recently have become aware of the problem.

"I didn't even know there was such a thing as a year 2000 problem until August," said Michael P. Huerta, the acting chief information officer at the Department of Transportation, which last year was given an "F" by Horn for its inattention to the date issue.

Horn and Rep. Thomas M. David III (R-Va.) said they were concerned that some agencies have allotted only six or seven months to test the changes to their computer systems. Yesterday the GAO recommended agencies give themselves at least a year for testing.

"They're pushing the envelope so close to D-Day," Horn said.

The chief information officers, however, promised the subcommittee that their systems would be fixed in time. "You can be confident we'll get the job done," said Emmett Paige Jr., an assistant secretary of defense. He complained that a requirement to report the department's progress regularly to the OMB, the GAO and the subcommittee "stretches our resources [to fix the glitch] a little thinner."

Some computer systems already are experiencing the date problem, said Keith A. Rhodes, a GAO technical director. A Defense Department contractor last month received a 97-year delinquency notice on a three-year contract due to be completed in January 2000, he said.

Horn also questioned the OMB's latest cost estimate for fixing the problem, which it has pegged at about $2.3 billion. After the hearing, Horn called the figure "way too low" because it does not include devices such as elevators that rely on microprocessors that might need to be reprogrammed. The estimate also does not take into account higher labor costs for computer programmers as December 1999 draws closer, he said.

Yesterday, some department officials stood by their estimates, while others took the opportunity to slightly revise projections. The Department of Transportation, for example, added $10 million to its estimate, raising it to about $90 million. At the Defense Department, which faces the largest problem of any federal agency, Paige said its current $1.2 billion price tag is only temporary.

"I submit that as we continue the assessment [of computer systems], that figure will continue to rise," Paige said.●

POPULATION ASSISTANCE

● Mr. HUTCHINSON. Mr. President, I ask that the following background statement be printed in the RECORD.

The statement follows:

[From the National Right to Life Committee, Inc., Jan. 28, 1997]

BACKGROUND ON THE CLINTON ADMINISTRATION'S PROMOTION OF ABORTION THROUGH THE STATE DEPARTMENT AND THE FOREIGN AID PROGRAM FOR "POPULATION ASSISTANCE"

Abortion should not, and need not, be interjected into the "population assistance" program as the Clinton Administration has done. At the end of the Bush Administration, under the pro-life "Mexico City Policy" (described below), the U.S. "population assistance" program provided 45% of the total pool of "family planning" funds contributed by all donor nations. Much of this money went to some 400 private foreign organizations that provided non-abortion services in developing countries.

NRLC takes no position on contraception, or on federal funding of contraceptive services, whether in the U.S. or overseas. Throughout the Reagan and Bush Administration, NRLC testified that it had no objection regarding the increases in "population assistance" funding that were approved during that era, because the Reagan-Bush "Mexico City Policy" governed those funds. The "Mexico City Policy," in effect from 1984 through 1992, provided that U.S. population assistance funds would not support private foreign organizations that perform abortions (except in cases of life endangerment, rape, or incest) or lobby to legalize abortion in foreign nations.

However, President Clinton radically changed the thrust of the program. Upon taking office, he immediately nullified the Mexico City Policy. Subsequently, the Clinton Administration granted massive funding to certain organizations that are heavily involved in promoting the legalization and provision of abortion in foreign nations, chief among these the London-based International Planned Parenthood Federation (IPPF). (IPPF–London had refused to accept U.S. funds under the Mexico City Policy. However, about half [57] of IPPF's national affiliates did accept U.S. funds under the "Mexico City" conditions.)

IPPF–London has often made it clear that the legalization of abortion and the expansion of abortion networks are among its primary goals. The IPPF's 1992 mission statement, Strategic Plan-Vision 2000, repeatedly and unambiguously instructs IPPF's 140 national affiliate organizations to work to legalize abortion as part of a mandate to "advocate for changes in restrictive national laws, policies, practices and traditions." Precise strategies for accomplishing this end are discussed in the summary of IPPF's Mauritius Conference. (See "Promotion of Abortion in the Developing World by the IPPF," Population Research Institute report, 1996) "Progress" toward abortion legalization that IPPF has recently accomplished in specific nations (including Thailand, Nepal, Sri Lanka, and Uruguay) are described in the IPPF Annual Report Supplement in 1994–95.

Donald P. Warwick of the Harvard Institute for International Development has written the IPPF "has in word and deed been one of the foremost lobbyists for abortion in the developing countries." In a 1996 report, the Population Research Institute observed: "No other organization has done more to spread abortion throughout the world than the International Planned Parenthood Federation . . . the IPPF has forcefully and repeatedly stated its intention to assist in the legalization of abortion in every country of the world . . . and has also voiced its willingness to equip abortion centers and provide the expertise required to perform abortions on a massive scale."

The Clinton Administration has pressured foreign governments to get in line with its forcefully declared doctrine that legal "abortion is a fundamental right of all women." Indeed, on March 16, 1994, Secretary of State Warren Christopher sent an "action cable" to all U.S. diplomats and consular posts. The cable called for "senior level diplomatic interventions" to urge host governments to support U.S. priorities for an upcoming U.N. population conference. The cable read: "The priority issues for the U.S. include assuring . . . access to safe abortion. [. . .] The United States believes that access to safe, legal and voluntary abortion is a fundamental right of all women."

In May, 1993, Under Secretary of State Tim Wirth gave a speech on population control in which he proclaimed, "A government which is violating basic human rights should not hide behind the defense of sovereignty . . . Our position is to support reproductive choice, including access to safe abortion." At about the same time, Mr. Wirth said that the Administration goal was to make this "reproductive choice" available to every woman in the world by 2,000 AD. At the 1994 Cairo conference on population control, sponsored by the United Nations Population Fund (UNFPA), and at more recent U.N.-sponsored conferences, the Clinton Administration has zealously promoted this doctrine, and has brought pressures to bear on delegates that resist it.

Groups that support the Administration's abortion doctrine often insist that "U.S. law already prohibits the use of population assistance funds for abortion." This is a red herring. The "existing law" referred to is the 1973 Helms Amendment to the Foreign Assistance Act, it has been construed very narrowly, as barring the direct use of U.S. funds to pay for abortion procedures overseas. But the real issue is not the direct payment for individual abortion procedures, but the Clinton Administration's perversion of the population assistance program to promote the legalization and expansion of access to abortion as a birth control method in developing nations. It is noteworthy that after less than three months in office, the White House urged Congress to repeal the Helms Amendment, declaring abortion to be "part of the overall approach to population control" (White House press security, April 1, 1993).

The Clinton Administration's extrapolations regarding how many abortions U.S. funds supposedly "prevent" completely ignore the abortion-promoting activities of the Administration and those of its taxpayer-funded surrogates such as IPPF. For example, they completely disregard the vast increases in the number of abortions that result when a nation's laws protecting the unborn are removed. As Stanley Henshaw, deputy director of research for the Alan Guttmacher Institute, a pro-abortion advocacy group, acknowledged in a June 16, 1994 document, "In most countries, it is common after abortion is legalized for abortion rates to rise sharply for several years, then stabilize, just as we have seen in the United States."

The Clinton Administration's overseas abortion crusade is on a collision course with the laws, and the cultural and religious values, that predominate in most developing nations, including nearly all of Latin America, most of Africa, and many places in Asia. About 95 U.N. member states have laws that permit abortion only in narrowly defined circumstances. These laws cover 37 percent of the world's population, or over two billion (2,000,000,000) persons. (Under Secretary Wirth has been quoted as saying that all except 17 U.N. countries "permit" abortion, but this is highly misleading, since he refers only to nations with total bans on abortion. Typical abortion laws in developing nations, permitting abortion only to save the life of the mother or in other narrowly defined circumstances, are far removed from the Administration's "fundamental right," abortion-on-demand doctrine.)

ACTION DURING THE 104TH CONGRESS

During 1995, the House of Representatives repeatedly voted in favor of amendments offered by Congressman Chris Smith (R-NJ), the chairman of the House International Relations Subcommittee on International Operations and Human Rights, to restore the Reagan-Bush policy. The Smith language would deny U.S. "population assistance" funds to foreign private organizations that perform abortions (except life of the mother, rape, or incest), that violate foreign abortion laws, or that lobby to change foreign abortion laws. (Note: neither the Mexico City Policy, nor the Smith amendments, placed any restrictions no counseling regarding legal abortions.) However, the White House threatened to veto any bill that contained Rep. Smith's language, which contributed to the defeat of the House-passed language in the Senate.

Finally in January, 1996, in order to disentangle the foreign operations appropriations bill (HR 1868) from this debate, a compromise was reached under which (1) the Smith policy language was dropped, (2) FY 1996 appropriations for population assistance was reduced by 35%, and (3) a formula was adopted to delay USAID's ability to obligate some of the appropriate money, in order to allow Congress further opportunities to curb the Administration's pro-abortion crusade.

During 1996, the House offered a compromise in the form of a far weaker pro-life provision, the "Callahan 50/50 Amendment." Under this provision, organizations that violated the "Mexico City" conditions would have remained eligible for funding, but at only 50% of the FY 1995 level. (This restriction would have applied only to new, FY 1997 funds—not to the $303 million carried over from FY 1996.) In a September conference committee, appropriators coupled the Callahan provision to additional language that would have allowed obligation of an additional $293 million in population-control funding during FY 1997—for a total of as much as $713 million. But White House Chief of Staff Leon Panetta told the appropriators that President Clinton would veto the entire omnibus funding bill rather than accept this proffered compromise.

Because of this veto threat, the final September funding bill [now PL 104-208] contained no new policy language to constrain the Administration's pro-abortion activities—but again set a population-control funding level about one-third lower than the 1995 figure, and placed "metering" limitations on how soon the Administration can obligate those funds.

This episode perfectly illustrated the White House's ideological commitment to keeping abortion as a fundamental component of the program, at all costs—reflecting its close alliance with organizations such as the Planned Parenthood Federation of America (PPFA), an organization that has openly proclaimed its operating "principal" that "reproductive freedom is indivisible" (i.e., that abortion must not be treated differently from other birth control options). Immediately following the episode described above, Gloria Feldt, president of the Planned Parenthood Federation of America, said her side had won "a moral victory in defeating abortion restrictions," but added, "The cost has been enormous."

The September law also guaranteed the White House a chance to substantially increase the amount of money that it can obligate during FY 1997. Under the law, President Clinton must file a "finding" with Congress no later than February 1, stating his opinion regarding the effects of funding cuts on "the proper functioning of the population planning program." The law further requires that, before the end of February, both the House and the Senate must vote on a joint resolution which, if approved, would release an additional $123 million in population-control funds during the current fiscal year—without any restrictions on the use of these funds for the Administration's pro-abortion activities.•

MEXICO AND DRUG CERTIFICATION

• Mrs. BOXER. Mr. President, this week, President Clinton must make an important decision regarding our Nation's fight against illegal drug trafficking. He must decide by March 1 whether to certify that Mexico and Colombia have, in the past year, taken all appropriate and necessary actions in the fight against international narcotics trafficking.

Under the international antidrug law, in order for a country which is either a major source of narcotics or a major drug transit country to continue to receive U.S. aid, the President must certify as adequate the performance of that country in cooperating with the United States or taking its own actions in the drug fight.

The law gives the President three choices. First, he can certify that the country is either fully cooperating with the United States or has taken adequate steps on its own to combat the narcotics trade. Second, he can decertify the country, concluding that the country has failed to meet the requirements of cooperation or action. Third, he can provide a vital national interest waiver—essentially a finding that the country has not met the standards of the law, but that our own national interest is best protected by continuing to provide assistance to the country.

With respect to Colombia, I believe the only appropriate course for the President to follow is to decertify Colombia, just as he did last year. There is too much credible evidence that Colombian President Samper has taken millions in campaign contributions from the Cali Cartel and that he has failed to take the antidrug and anticorruption actions that he pledged to us in 1994.

The question of Mexico is more complicated. Mexico is the leading transit country for cocaine coming into the United States: 50 to 70 percent of all cocaine shipped into the United States comes through Mexico. It is also a significant source of heroin, methamphetamines, and marijuana.

President Zedillo seems to be strongly committed to rid the Mexican law enforcement system of corruption and to fight the Mexican drug cartels. However, the reports and events of the past few weeks have made it clear that corruption in police ranks—even up to the very top ranks—is still rampant in Mexico.

Just last week, it was revealed that the man hired only 3 months ago to be Mexico's drug czar—the head of their antinarcotics agency—was fired abruptly after being accused of taking bribes from one of Mexico's most powerful drug lords. It would be as if our own drug czar, Gen. Barry McCaffrey, were found to be in league with drug gangs in our country.

Why didn't the Mexican Government tell us weeks ago that their man was under investigation? Why did they let our own drug agency brief him and give him important intelligence about our antidrug efforts? That is not cooperation by any standard.

Mexico has also failed in the past year to take its own steps to meet the standards of the certification law. It has not acted boldly to root out corruption in its law enforcement establishment; it has acted to extradite to the United States only a few Mexican nationals suspected of involvement in United States drug activities; it has failed to implement new anticrime laws enacted last year.

Given these facts, I do not believe Mexico should be certified in compliance with the drug law. However, I believe the President would be justified in granting a vital national interest waiver of the requirements of the law. That would send a message to Mexico that its actions in the past year were inadequate; but it would allow the United States to continue joint efforts with President Zedillo and others in his administration who are committed to the drug fight.•

BLACK HISTORY MONTH

• Mr. SARBANES. Mr. President, for more than 70 years, February has been designated as the month in which we honor the achievements and contributions of African-Americans to our history, our culture and our future. One remarkable African-American leader, W.E.B. DuBois, made an observation in 1903 that bears great significance for this celebration. "Herein lies the tragedy of the age," he said, "that men know so little of men." Since 1926, Black History Month has challenged us to mitigate that tragedy, encouraging us to study the lives of both our most noted heroes and those whose stories have remained untold.

As it does each year, the Association for the Study of Afro-American Life and History has selected a theme for this month's celebration. It's theme for 1997, "African-Americans and Civil Rights: A Reappraisal," focuses on the pioneers, leaders, and venues in the civil rights struggle that are often unrecognized. In light of this, I want to pay tribute to an extraordinary group of African-American artists from my State of Maryland who, despite their undeniably significant contributions to our culture, nevertheless remain relatively unknown. Yet, given their landmark accomplishments, these individuals would be important role models for aspiring artists of all backgrounds. By pushing the limits of their artistic mediums, the international respect earned by these artists advanced the struggle for the equal recognition of all people, both in our society and under its laws. I salute the association for selecting a theme that focuses on more of our Nation's unsung heroes.

At the Shakespeare Memorial Theatre in Stratford-upon-Avon, there sits a memorial chair dedicated to Ira Aldridge, one of the greatest Shakespearean tragedians of his day. Born in Baltimore in 1805, Aldridge's performances were so popular with heads of state that he was the first African American to be knighted. He drew praise from New York to Prussia, with a diverse repertoire of roles that included Othello, Macbeth, Shylock, Lear and Richard III. Known as "The Celebrated African Tragedian," Aldridge was called "without doubt the greatest actor that has ever been seen in Europe," by a Viennese critic, and "the most beautiful male artist that one can imagine," by a Prussian. Pioneers like Aldridge made possible careers like those of Sidney Poitier, Lawrence Fishburne and Denzel Washington.

From offstage, inspiring women of every color, we find Frances Ellen Watkins Harper. This poet, writer, and lecturer was the first African-American female novelist to be published in this country. She was born in Baltimore, in 1825, and attended a school for African-Americans on the present site of the Baltimore Convention Center. A writer of paperbacks and pamphlets on topics from abolition to the Bible, her popularity has been well documented. Records show that two of her poetry collections had sold 50,000 copies each by 1878. Her talents and perseverance were such that she was also the first African-American woman to have her work published in the Atlantic Monthly. Without someone like Harper, we may never have seen a Gwendolyn Brooks or an Alice Walker.

Joshua Johnson was the first African-American artist in the United States to earn his living as a professional portrait painter. A freed slave, Johnson worked in Baltimore for more than 30 years and painted more than 80 portraits of Baltimore's sea captains, shopkeepers, and merchants, and their families from 1795 to 1825. Described as a "self-taught genius," Johnson's subjects were mostly white and his style, quite realistic for the age in which he lived. While little is known of Johnson's personal history, the success and historical significance of his professional endeavors are clear. Johnson's portraits are still widely displayed in museums across the Nation, including the Metropolitan Museum of Art in New York and the National Gallery here in Washington.

The Broadway classics, "I'm Just Wild About Harry" and "Memories of You" are the works of another Baltimorean, Eubie Blake. The famous vaudevillian, ragtime pianist and composer of more than 3,000 songs was the cocomposer of the first all African-American Broadway musical, "Shuffle Along." After its 1921 debut on Broadway, "Shuffle Along's" successful 2 year run in New York paved the way for a continued African-American presence on Broadway's brightly-lit strip. "Shuffle Along" also influenced other composers, including Gershwin who, many critics say, might never have written "Porgy and Bess" had Blake never written his musical. At age 86, Blake astonished the entertainment world by coming out of retirement to join the ragtime revival of the 1970's, inspiring a whole new generation of listeners. Two years after receiving the Medal of Freedom from President Reagan in 1981, Blake was honored at galas across the country that marked his 100th birthday with evenings of his own music.

Baltimore is proud to claim another musical legend. Raised as Eleanor Fagen, Billie Holiday rose to outstanding levels of acclaim and popularity for her unique approach to jazz singing: She was as able to alter the rhythm and tone of her voice as the players accompanying her were able to do on their instruments. In the course of her 26-year career, so-called Lady Day recorded with musical giants including Benny Goodman, Count Basie, Artie Shaw and Teddy Wilson. Frequently called the greatest jazz singer ever, she inspired audiences from New York's Cotton Club to Baltimore's Royal theater, with ballads such as "Strange Fruit," a song protesting lynching and discrimination.

Baltimore is also home to the Afro-American newspaper group, the Nation's oldest continuously published African-American newspaper chain. Founded in 1892, the chain has produced as many as 13 editions, and served readers from New Jersey to South Carolina. The pages of the Afro-American have borne the bylines of the paper's many reporters who later became national figures in the struggle for civil rights. One such individual was Clarence Mitchell, Jr., the Baltimore lawyer and activist who ultimately became director of the Washington Bureau of the NAACP. Today, the Afro-American publishes editions in Baltimore and Washington, DC as well as a Wednesday weekly.

First knight, first novelist, first painter, first composer, first lady of jazz, the list goes on and on. Maryland is very proud of these great men and women. In succeeding against enormous odds, only did they inspire us, but they laid the groundwork upon which other African-American actors, painters, writers, and musicians have followed. Like Maryland's history, the history of this country is replete with the contributions of African-Americans, many of which have gone unrecognized. The names I have mentioned today are but a small sample, a reminder that Black History Month is also a time to silently honor those heroes whose names we may never know.

It was another writer who often worked in Maryland, Langston Hughes, who wondered,

> What happens to a dream deferred?
> Does it dry up.
> Like a raisin in the sun?

The accomplishments of the African-Americans I have recognized today prove that some dreams can surmount even the most difficult obstacles. A 100 years ago, who could have imagined the success of writers like Hughes and

Toni Morrison? Who would have dreamed of public servants and leaders such as Maryland's own Parren Mitchell, Thurgood Marshall, and Kweisi Mfume? The achievements of these as well as the outstanding individuals who had the courage to take the very first steps, individuals like Joshua Johnson and Frances Ellen Watkins Harper, challenge us to ensure that today's budding artists and leaders will never have to confront the barriers that faced earlier generations. Given the extraordinary achievements of the artists and activists who did overcome those barriers, one can only imagine the wealth of poems, paintings, and compositions that never made it into our libraries, museums, and concert halls. Let us create an America that is America for all Americans, and let us make our history, our culture, and our future that much richer.●

THE UNIVERSITY OF SOUTH DAKOTA PROFESSIONAL DEVELOPMENT CENTER

● Mr. JOHNSON. Mr. President, I would like you to join me in congratulating the accomplishments of a special program that benefits the students, educators, and communities of South Dakota. In 1993, the University of South Dakota [USD] started the Professional Development Center [PDC] with the hope of strengthening the important relationship between rural economic growth and the professional development of teachers. Even those in the PDC had no idea then that, 4 years later, this program would have impacted the State to such a large degree with unlimited potential for the future.

A career in education is subject to a number of barriers including feelings of isolation as a new teacher and a sense of being stuck in a rut as an experienced teacher. These feelings can influence the overall effectiveness of teachers by not allowing them to achieve their potential as professional educators. The PDC is designed to counter these feelings by pairing first year teachers as interns with more experienced teachers as mentors. In addition, a member of the USD faculty is assigned to each pairing. This arrangement allows for the exchange of ideas, materials, teaching demonstrations, and technologies in a supportive social and professional environment. Interns benefit by learning from talented and experienced peers; mentors are rejuvenated with new ideas; and the university faculty provide both parties with a direct link to the resources and opportunities available at USD.

The impact of this relationship is felt outside the classroom walls. By creating an environment of shared learning within a community, the PDC empowers teachers to come up with creative educational opportunities for their students and, most importantly, to act on these ideas. In the process of enhancing the curriculum, educators enhance their own professional development.

Ultimately, the PDC benefits the children and communities of South Dakota the most. Students receive quality instruction and are challenged to develop their own new ideas from motivated teachers. In addition, students are exposed to positive role models in education, encouraging some to pursue a similar career. For their part, communities reap the rewards of an environment with higher educational standards for students, teachers with a strengthened commitment to their profession, and established links to USD.

Mr. President, the Professional Development Center at the University of South Dakota is a perfect example of a program that enhances communities through education. It is a model for future efforts to improve the overall quality of life in rural America. I invite you to join me in congratulating the following members of the PDC for receiving the Distinguished Program in Teacher Education Award at the recent Association for Teacher Educators conference: University of South Dakota interim president, Dr. Paul Olscamp; dean of the College of Education, Dr. Larry Bright; Dr. Sharon Lee, Dr. Michael Hoadley, Dr. Don Monroe, Dr. Lana Danielson, Dr. Royce Engstrom, Donna Gross, Dr. Sharon Ross, Dr. Rosanne Yost, Dr. Roger Bordeaux, and Mindy Crawford.●

THE URGENT NEED TO OUTLAW POISON GAS

● Mr. BIDEN. Mr. President, today I intend to address one of the most important matters that should come before the Senate in the next several weeks: the Chemical Weapons Convention. This convention—negotiated under Presidents Reagan and Bush—would outlaw poison gas weapons.

The Chemical Weapons Convention represents a significant step forward in our efforts to contend with the greatest immediate threat to our national security—the proliferation of weapons of mass destruction.

The Chemical Weapons Convention will make it illegal under international and domestic laws for a country to use, develop, produce, transfer, or stockpile chemical weapons.

The CWC will help protect our citizens from the use of poison gas weapons by terrorist groups. It will benefit our military by requiring other nations to follow our lead and destroy their chemical weapons. It will improve the ability of our intelligence agencies to monitor chemical weapons threats to our Armed Forces and our Nation. The convention has the strong support of the American chemical industry, which was centrally involved in the negotiation of the CWC. It also takes into account all of the protections afforded Americans under our Constitution.

This is a bipartisan treaty, initiated and negotiated under President Reagan, further negotiated, finalized, and signed under President Bush, and strongly endorsed and submitted for the Senate's advice and consent to ratification by President Clinton.

The costs of the CWC are small, but its benefits are potentially enormous.

At present, international law permits the Libyas and the North Koreas of the world to produce limitless quantities of chemical weapons. That will change when the CWC enters into force.

The CWC will make pariahs out of states that refuse to abide by its provisions. Through the sanctions required by the convention, it will make it more difficult for those pariah states to obtain the precursor chemicals they need to manufacture poison gas. It will create international pressure on these states to sign and ratify the CWC and to abide by its provisions. The CWC will create a standard for good international citizens to meet. It will brand as outlaws those countries that choose to remain outside this regime.

The entry into force of the Chemical Weapons Convention will mark a major milestone in our efforts to enlist greater international support for the important American objective of containing and penalizing rogue states that seek to acquire or transfer weapons of mass destruction.

Ironically, should the Senate fail to give its advice and consent, this milestone will pass with the U.S. On the same side as the rogue states.

CONSEQUENCES OF INACTION

Mr. President, with just over 2 months remaining until entry-into-force, we have reached the eleventh hour.

The convention has been signed by 161 countries and ratified by 68. It will enter into force on April 29 of this year, with or without the participation of the United States. While the United States led the effort to achieve the CWC, the Senate, which received the convention from President Clinton in 1993, has not yet given its advice and consent to ratification.

Our failure to ratify this convention before April 29 will have direct and serious consequences for the security of this country.

First, the CWC mandates trade restrictions that could have a deleterious impact upon the American chemical industry. If the United States has not ratified, American companies will have to supply end-user certificates to purchase certain classes of chemicals from CWC members. After 3 years we will be subject to trade sanctions that will harm American exports and jobs.

Second, an overall governing body known as the Conference of States Parties will meet soon after April 29 to draw up rules governing the implementation of the convention. If we are not a party to the CWC, we will not be a member of that conference. This body with no American input could make rules that have a serious negative impact on the United States.

Third, there will be a standing executive council of 41 members, on which we are assured of a permanent seat from the start because of the size of our chemical industry—that is, if we have ratified the convention by April 29. If we ratify after the council is already constituted, then a decision on whether to order a requested surprise inspection of an American facility may be taken without an American representative evaluating the validity of the request and looking out for the facility's interests.

Fourth, there will be a technical secretariat with about 150 inspectors, many of whom would be American because of the size and sophistication of our chemical industry. If we fail to ratify this convention in the next 2 months, there will be no American inspectors.

Finally, and most importantly in the long term, by failing to ratify we would align ourselves with those rogue actors who have chosen to defy the CWC. This would do irreparable harm to our global leadership on critical arms control and non-proliferation concerns.

Mr. President, I would now like to address some of the benefits we will derive by joining the CWC.

TERRORISM

One clear benefit of the CWC is that it will help protect us against the threat of terrorist groups acquiring poison gas and using it against our citizens at home or our troops abroad. Imagine for a moment if those responsible for the Oklahoma City bombing or last year's attack on our troops in Saudi Arabia had used poison gas instead of conventional devices. How many more Americans would have been killed?

The CWC will make it more difficult for terrorists to get their hands on chemicals that would allow them to blackmail us with the threat of killing thousands of Americans with a single device. This convention will require countries to destroy their stockpiles of chemical weapons, eliminating the risk that these weapons could fall into the wrong hands. It also will control the transfer of those chemicals that can be used to make chemical weapons, thus restricting and improving the monitoring of chemicals that terrorists need to manufacture weapons.

Most importantly, parties to the convention will be required to pass implementing legislation to place the same prohibitions on persons under their jurisdiction that states themselves accept under the convention. This will mean that states will control strictly all toxic chemicals and their precursors. Any prohibited activity under the convention will be criminalized.

That was not the case with the 1995 attack on the Tokyo subway in which lethal sarin gas caused thousands of casualties. At that time, there was no Japanese law against the manufacture and possession of chemical weapons. Following that horrible incident, Japan moved swiftly to enact legislation to criminalize chemical weapons activities of the sort banned by the convention. Under the CWC, all parties must do the same.

In conjunction with the legislation we will introduce in our Congress to implement the CWC, the convention will provide American law enforcement officers the tools they need to investigate terrorist groups that are trying to acquire chemical weapons and improve the prospects for early detection and prosecution.

In short, while it cannot entirely eliminate the threat of chemical terrorism—and I would submit that no treaty can—the CWC will make it much harder for terrorists to obtain poison gas and to use it against Americans.

MILITARY

The CWC also has benefits for our Armed Forces.

Let me make two facts absolutely clear. First, the U.S. has foresworn the use of chemical weapons once the CWC enters into force. Second, the Defense Department is required by law to destroy nearly all U.S. chemical weapons by 2004. Failure to ratify the CWC will not change these two facts.

However, the CWC will require other nations to follow our lead and destroy their chemical weapons.

As the gulf war demonstrated, we do not need chemical weapons to deter potential adversaries like Iraq and Libya from using chemical weapons against our troops. The threat of overwhelming and devastating nonchemical retaliation will serve as a sufficient deterrent. Thus, the Chemical Weapons Convention will enhance, not damage, the capabilities of the U.S. military to carry out its mission.

Several current and former distinguished military officers have spoken to the benefits of this convention.

Gen. Norman Schwarzkopf in his recent testimony before the Senate Veterans' Affairs Committee stated:

> We don't need chemical weapons to fight our future warfares. And frankly, by not ratifying that treaty we align ourselves with nations like Libya and North Korea and I'd just as soon not be associated with those thugs in this particular matter.

Gen. John Shalikashvili, Chairman of the Joint Chiefs of Staff, has stated before the Foreign Relations Committee: "From a military perspective, the Chemical Weapons Convention is clearly in our interest."

Adm. Elmo Zumwalt, former Chief of Naval Operations, wrote last month in the Washington Post:

> This treaty is entirely about eliminating other people's weapons—weapons that may some day be used against Americans. For the American military, U.S. ratification is high gain and low or no pain. In that light, I find it astonishing that any American opposes ratification.

In addition, several prominent veterans and military groups, including the V.F.W. and the R.O.A., have endorsed the CWC. I will ask that Admiral Zumwalt's op-ed and statements by these groups be printed in the RECORD.

The CWC does not diminish our ability and duty to provide our troops with defenses against those that would contemplate the use of chemical weapons against us. Indeed, the administration plans to maintain a robust program of upgrading defenses against chemical weapons. Should chemical weapons be used against us after the CWC is in force, we will be ready.

Furthermore, the CWC will place the weight of world opinion behind us to take whatever action is necessary to respond to or prevent an adversary using chemical weapons.

I emphasize again that the most important aspect of the CWC from a military perspective is that it will place most of the world in the same situation we are in—not relying upon chemical weapons as a part of military doctrine. This can only be considered a positive development for our military.

VERIFICATION

Another great benefit of the Chemical Weapons Convention is that it increases our ability to detect production of poison gas.

Regardless of whether we ratify this convention, regardless of whether another country has ratified this convention, our intelligence agencies will be monitoring the capabilities of other countries to produce and deploy chemical weapons. The CWC will not change that responsibility.

What this convention does, however, is give our intelligence agencies some additional tools to carry out this task. In short, it will make their job easier.

In addition to on-site inspections, the CWC provides a mechanism to track the movement of sensitive chemicals around the world, increasing the likelihood of detection. This mechanism consists of data declarations that require chemical companies to report production of those precursor chemicals needed to produce chemical weapons. This information will make it easier for the intelligence community to monitor these chemicals and to learn when a country has chemical weapons capability.

In testimony before the Senate Foreign Relations Committee in 1994, R. James Woolsey, then Director of Central Intelligence, stated: "In sum, what the Chemical Weapons Convention provides the intelligence community is a new tool to add to our collection tool kit."

Recently, Acting Director of Central Intelligence, George Tenet, re-emphasized this point before the Senate Select Committee on Intelligence. Mr. Tenet stated: "There are tools in this treaty that as intelligence professionals we believe we need to monitor the proliferation of chemical weapons around the world. . . . I think as intelligence professionals we can only gain."

No one has ever asserted that this convention is 100 percent verifiable. It simply is not possible with this or any other treaty to detect every case of cheating. But I would respectfully submit that this is not the standard by which we should judge the convention. Instead, we should recognize that the CWC will enhance our ability to detect clandestine chemical weapons programs. The intelligence community has said that we are better off with the CWC than without it—that is the standard by which to judge the CWC.

Mr. President, having discussed some of the clear benefits of joining the CWC, I now would like to address some of the costs associated with not joining, as well as some of the objections that have been raised to the convention.

INDUSTRY

Perhaps no single aspect of this debate has seen more misinformation than that having to do with the affect the CWC would have on the U.S. chemical industry.

Mr. President, the chemical industry plays a larger role in the economy of the State of Delaware than it does in any other State. Over half of Delaware's industrial output comes from our 47 chemical plants. Their sales represent more than 10 percent of our State's economic output. The chemical industry employs tens of thousands of Delawareans.

The people who own, manage, and work at chemical plants know they have no greater friend than this Senator. If I for one moment thought that the convention would harm the American chemical industry, as some have alleged, I would raise this issue. But the fact of the matter is that the only thing about the Chemical Weapons Convention that would hurt the American chemical industry would be the Senate's failure to give its advice and consent.

In 1995, the American chemical industry exported $60 billion around the world, accounting for fully 10 percent of all American exports and making it the single largest exporting industry. More than 1 million Americans are employed by the U.S. chemical industry.

Should we fail to ratify the CWC, we will put a portion of these exports and these good-paying jobs at risk by leaving our chemical manufacturers open to sanctions, the very sanctions that American negotiators insisted should be a part of this convention as a way to pressure rogue states. In fact, the Chemical Manufacturers Association estimates that failure to ratify the CWC could jeopardize $600 million of our chemical exports.

The charge that the CWC will harm American business appears all the more preposterous when one considers the fact that the convention was negotiated with the unprecedented input of the U.S. chemical industry.

Thanks to their help, the convention contains thresholds and exemptions that protect businesses, small and large alike, from bearing an undue burden. The American chemical industry helped develop the ground rules under which inspections will occur, including provisions for protecting confidential business information. Chemical company representatives also helped design the brief, three-page form that represents the only reporting obligation for 90 percent of the approximately 2,000 companies that will have obligations under the CWC.

I will ask that a statement by Mr. Fred Webber, the president of the Chemical Manufacturers Association, be printed in the RECORD.

To quote from another statement of Mr. Webber's:

> The U.S. Chemical Industry worked hard to help Government negotiators craft a CWC that provides strong protections against future uses of chemical weapons, at a minimum burden and intrusion on commercial chemical facilities. The protection our industry achieved in the CWC can only be realized if the Senate acts quickly to ratify the convention.

U.S. chemical companies recognize that while they produce goods intended for peaceful uses, their products and inputs could be misused for nefarious purposes. That is why they so actively have supported this convention. Their involvement in the CWC has been a model of good corporate citizenship.

Unfortunately, we will reward this responsible behavior with a slap in the face if we fail to ratify the CWC and subject the U.S. chemical industry to international sanctions.

CONSTITUTIONALITY

One of the issues that should not be contentious, and I hope will not continue to be a focus of attention, is whether the convention, and particularly its inspection regime, is constitutional.

Every scholar that has published on the subject, and virtually every scholar that has considered the issue, has concluded that nothing in the convention conflicts in any way with the fourth amendment or any other provision of the U.S. Constitution.

Indeed, to accommodate our special constitutional concerns, the United States insisted that when parties to the convention provide access to international inspection teams, the Government may "[take] into account any constitutional obligations it may have with regard to proprietary rights or searches and seizures."

In plain English, this means that inspectors enforcing the chemical weapons Convention must comply with our constitution when conducting inspections on U.S. soil.

It also means that the United States will not be in violation of its treaty obligations if it refuses to provide inspectors access to a particular site for legitimate constitutional reasons.

In light of this specific text, inserted at the insistence of U.S. negotiators, I am hard pressed to understand how anyone can seriously contend that the convention conflicts with the constitution.

There is nothing in the convention that would require the United States to permit a warrantless search or to issue a warrant without probable cause. Nor does the convention give any international body the power to compel the U.S. to permit an inspection or issue a warrant.

This is the overwhelming consensus among international law scholars that have studied the convention, two of whom have written to me expressing their opinion that the convention is constitutional. I ask unanimous consent that the letters of Harvard Law Professor Abram Chayes and Columbia Law Professor Louis Henkin be included in the RECORD following my statement.

So let me make this point absolutely clear, despite what opponents of the convention have said, there will be no involuntary warrantless searches of U.S. facilities by foreign inspectors under this convention.

In light of this, I hope that the constitutionality of this convention will not become an issue in this debate.

AMERICAN LEADERSHIP

Mr. President, let me stress that the CWC will go into effect with or without us on April 29. The only way we can ensure fully effective American leadership is to ratify this convention before that date. We will needlessly pay a price if we ratify after that date.

Let us remember that this is not a partisan issue before us. After more than 8 years of negotiation under two Republican administrations, President Bush signed the final version of the CWC in January 1993.

To demonstrate the bipartisan support for the CWC, I ask unanimous consent to insert in the RECORD a statement made earlier this month by former President Bush in which he restated his strong support for ratification of the CWC.

I also ask unanimous consent to insert into the RECORD a recent op-ed by former Secretary of State James Baker.

Many of the strongest supporters of this convention are Republicans. The distinguished senior Senator from Indiana, Senator LUGAR, has led the effort to ratify the CWC. All of us, Republicans and Democrats alike, need to recognize that this convention is a matter of our national interest.

Mr. President, I fear that our status as the world's non-proliferation leader would be irreversibly compromised by our unwillingness to ratify the CWC.

Already, all of our G–7 partners have ratified the CWC.

What will be their reaction when we try to enlist their support for proliferation initiatives targeting rogue states if we cannot even take the simple step of joining a regime that we led the way in creating?

Make no mistake. If we fail to ratify the CWC, we will forfeit the high ground on global proliferation matters. And that is not something to be taken lightly, for the result will be a far more dangerous world.

CONCLUSION

Mr. President, in conclusion, the burdens of the chemical weapons convention are small, but its benefits are great.

The American chemical industry strongly supports this convention.

Our military is already committed to destroying our poison gas stockpile, and the convention will require the same of every other CWC member state.

The CWC will improve our ability to monitor the chemical weapons capabilities of other states.

In short, Mr. President, the CWC will improve the security of Americans.

The CWC may not be perfect—and no treaty is—but it is considerably better than the alternative of doing nothing. Ultimately, the question we will have to ask is—are we better off with the CWC or without it? I hope that I have demonstrated today why we would be far better off joining a treaty regime that we created, rather than turning our backs in favor of the status quo or worse.

We need to disregard arguments that are superfluous to the core reality of what this convention will accomplish: It bans poison gas, period.

This convention is the best means available to ensure that there will be no more victims of poison gas like the soldiers in the trenches of World War I or the innocent victims of a murderous Iraqi regime.

I understand that a task force of Republican Senators has been working with the White House to address concerns raised by some of our colleagues. I hope that this process soon will yield a resolution of ratification that merits strong bipartisan support.

But I cannot emphasize enough the importance of this convention to our national security. We have a very real deadline hanging over our heads.

I would urge my colleagues to learn more about this convention in the next few weeks so that they can make an informed decision about its necessity for our national security. Please contact me or my staff if you have questions about the cwc and what it will and will not do.

If we bring this convention to the floor and engage in a full, frank, and open debate on its merits, I am confident that two-thirds of the Senate will be convinced that the Chemical Weapons Convention is good for American business, good for the American military, and good for the American people. Mr. President, we owe it to them to have this debate at the earliest possible time.

I ask that the material to which I referred be printed in the RECORD.

The material follows:

[From the Washington Post, Jan. 6, 1997]

A NEEDLESS RISK FOR U.S. TROOPS

(By E.R. Zumwalt, Jr.)

It has been more than 80 years since poison gas was first used in modern warfare—in April 1915 during the first year of World War I. It is long past time to do something about such weapons.

I am not a dove. As a young naval officer in 1945, I supported the use of nuclear weapons against Japan. As chief of naval operations two decades ago, I pressed for substantially higher military spending than the nation's political leadership was willing to grant. After retiring from the Navy, I helped lead the opposition to the SALT II treaty because I was convinced it would give the Soviet Union a strategic advantage.

Now the Senate is considering whether to approve the Chemical Weapons Convention. This is a worldwide treaty, negotiated by the Reagan administration and signed by the Bush administration. It bans the development, production, possession, transfer and use of chemical weapons. Senate opposition to ratification is led by some with whom I often agree. But in this case, I believe they do a grave disservice to America's men and women in uniform.

To a Third World leader indifferent to the health of his own troops and seeking to cause large-scale pain and death for its own sake, chemical weapons have a certain attraction. They don't require the advanced technology needed to build nuclear weapons. Nor do they require the educated populace needed to create a modern conventional military. But they cannot give an inferior force a war-winning capability. In the Persian Gulf war, the threat of our uncompromising retaliation with conventional weapons deterred Saddam Hussein from using his chemical arsenal against us.

Next time, our adversary may be more berserk than Saddam, and deterrence may fail. If that happens, our retaliation will be decisive, devastating—and no help to the young American men and women coming home dead or bearing grievous chemical injuries. What will help is a treaty removing huge quantities of chemical weapons that could otherwise be used against us.

"Militarily, this treaty will make us stronger. During the Bush administration, our nation's military and political leadership decided to retire our chemical weapons. This wise move was not made because of treaties. Rather, it was based on the fact that chemical weapons are not useful for us.

Politically and diplomatically, the barriers against their use by a First World country are massive. Militarily, they are risky and unpredictable to use, difficult and dangerous to store. They serve no purpose that can't be met by our overwhelming conventional forces.

So the United States has no deployed chemical weapons today and will have none in the future. But the same is not true of our potential adversaries. More than a score of nations now seeks or possesses chemical weapons. Some are rogue states with which we may some day clash.

This treaty is entirely about eliminating other people's weapons—weapons that may some day be used against Americans. For the American military, U.S. ratification of the Chemical Weapons Convention is high gain and low or no pain. In that light, I find it astonishing that any American opposes ratification.

Opponents argue that the treaty isn't perfect: Verification isn't absolute, forms must be filled out, not every nation will join at first and so forth. This is unpersuasive. Nothing in the real world is perfect. If the U.S. Navy had refused to buy any weapon unless it worked perfectly every time, we would have bought nothing and now would be disarmed. The question is not how this treaty compares with perfection. The question is how U.S. ratification compares with its absence.

If we refuse to ratify, some governments will use our refusal as an excuse to keep their chemical weapons. Worldwide availability of chemical weapons will be higher, and we will know less about other countries' chemical activities. The diplomatic credibility of our threat of retaliation against anyone who uses chemical weapons on our troops will be undermined by our lack of "clean hands." At the bottom line, our failure to ratify will substantially increase the risk of a chemical attack against American service personnel.

If such an attack occurs, the news reports of its victims in our military hospitals will of course produce rapid ratification of the treaty and rapid replacement of senators who enabled the horror by opposing ratification. But for the victims, it will be too late.

Every man and woman who puts on a U.S. military uniform faces possible injury or death in the national interest. They don't complain; risk is part of their job description. But it is also part of the job description of every U.S. senator to see that this risk not be increased unnecessarily.

[Chemical Weapons Convention News Alert, Feb. 20, 1997]

VETERANS, MILITARY GROUPS ENDORSE CWC

Veterans organizations and military associations representing millions of Americans who have served in this nation's armed forces have endorsed the Chemical Weapons Convention.

The Veterans of Foreign Wars Commander in Chief James E. Nier said:

"The treaty will reduce world stockpiles of such weapons and will hopefully prevent our troops from being exposed to poison gases. . . . As combat veterans we support this treaty . . ."

The Vietnam Veterans of America included in its priorities:

"Ratification of the Chemical Weapons Convention to take a substantive step toward preventing chemical weapons exposure problems for veterans in the future similar to those experienced by Persian Gulf War veterans and the veterans of prior wars."

The Reserved Officers Association of the United States in a Resolution declared:

". . . failure to ratify the CWC will place us among the great outlaw states of the world, including Libya, Iran, and North Korea . . .

". . . United States ratification of the CWC will enable us to play a major role in the development and implementation of CWC policy, as well as providing strong moral leverage to help convince Russia of the desirability of ratifying. . .

". . . the Reserve Officers Association of the United States, chartered by Congress, urge the Senate to quickly ratify the Chemical Weapons Convention."

American Ex-Prisoners of War National Commander William E. "Sonny" Mottern said:

". . . I wish to express my support for the ratification of the Chemical Weapons Convention. This is an important step in reducing the price that Americans who serve their country on the field of battle must pay in defense of our freedom.

". . . America must play a leadership role in international efforts to reduce this price to the extent possible."

Jewish War Veterans of the U.S.A. National Commander Bob Zweiman said:

"There are meaningful provisions in the CWC which will afford an opportunity to impose economic restrictions and sanctions against those who develop chemical weapons. . . .

". . . We are honor bound to protect our Nation and our troops by minimizing the chances from all obvious or hidden means of chemical attack in the future."

[Chemical Manufacturers Association, Jan. 13, 1997]

RATIFY THE CHEMICAL WEAPONS CONVENTION

(By Fred Webber, President and CEO)

Today marks the fourth anniversary of the Chemical Weapons Convention, an international treaty outlawing poison gas. The treaty is the brainchild of the United States. Since the treaty was opened for signature in Paris, 67 nations have ratified the treaty (China is poised to become the 68th member of the club). The United States is not among the 67. Now, with the Convention poised to become international law on April 29, our nation's continuing absence from a treaty of its making is fast becoming a source of international embarrassment. The Senate should act quickly to rectify this situation by ratifying the treaty at the earliest opportunity.

Opposition to the Convention, led by conservative think tanks, is rooted in longstanding suspicions of arms control agreements. But the critics have taken to embellishing this argument by also claiming the Convention will have a devastating impact on American businesses, large and small.

The critics are simply wrong. The members of our association, large and small, produce over 90 percent of the nation's industrial chemicals and they strongly support the Convention. Ratifying it is the right thing to do.

No American business makes chemical weapons. Chemical companies do, however, make products which can, in the wrong hands, be processed into weapons agents. Some poison gases for example, can be made in part from chemicals designed to treat cancer patients and prevent fires.

Chemical manufacturers have a responsibility to make sure that their products are safely produced and properly used. That's why we support the Chemical Weapons Convention. It's the best way to reduce the threat of future poison gas attacks.

Some advocacy groups, and their allies on Capitol Hill, are trying to scare the business community into opposing the Convention. It's time to answer the critics and set the record straight.

Here's how the chemical industry answers three commonly-heard criticisms of the treaty:

The treaty will impose a "massive new regulatory burden" on more than 25,000 American businesses, most of which are not chemical companies. The terms of the treaty place most of the private-sector reporting requirements squarely on the shoulders of chemical manufacturers. No more than 2,000 facilities here in the U.S. face treaty obligations. Nearly all are chemical makers, not their customers. And most regulated businesses will be required to do more than fill out a two-page form, once a year.

The treaty threatens vital industry trade secrets by allowing international inspectors free access to manufacturing sites. The chemical industry worked with treaty negotiators for more than a decade to help devise inspection procedures. We tested these procedures during trial inspections held at our commercial facilities. Our top priority was to protect legitimate commercial secrets. The treaty does just that—it does not permit unlimited inspector access to any facility.

The treaty tramples on the U.S. Constitution by voiding Fourth Amendment protections against unreasonable searches and seizures. This argument does not pass the red-face test. A simple reading of the Convention reveals that the treaty respects all constitutional protections.

The chemical industry spent years examining this treaty. We have opened our plants to trial inspections. We have put the treaty to the test—over and over again. Honest businesses have nothing to fear from this treaty. Its benefits far outweigh the costs.

What the critics fail to mention is the price to pay for failing to ratify the Convention. The treaty imposes trade sanctions on countries which don't participate. The price of U.S. non-participation will be paid by the chemical industry and by American workers, for it is our products, and our businesses, that will be hurt. Treaty opponents purport to represent American business interests in the Convention, but they aren't telling business the true story.

The Senate's vote on the treaty will send a powerful signal to the rest of the world. A vote *against* the treaty will surely be perceived as a vote *for* chemical weapons.

Those who oppose this treaty have yet to offer a credible alternative. Chemical weapons are a serious threat to world security. The Chemical Weapons Convention is a serious response to that threat. The treaty's merits have been debated for years. It's time to stop talking and take action. It's time for the U.S. to ratify the Chemical Weapons Convention *before* it goes into effect in April 1997.

HARVARD LAW SCHOOL,
Cambridge MA, September 9, 1996.

Hon. JOSEPH R. BIDEN, Jr.,
Ranking Member, Senate Judiciary Committee, Dirksen Senate Office Building, Washington DC.

DEAR SENATOR BIDEN: You have asked me to comment on the suggestion that the Chemical Weapons Convention (the Convention), now before the Senate for its advice and consent, conflicts with the provisions of the Fourth Amendment of the Constitution prohibiting unreasonable searches and seizures. In my view, the suggestion is completely without merit.

The Convention expressly provides that:

"In meeting the requirement to provide access . . . the inspected State Party shall be under the obligation to allow the greatest degree of access *taking into account any constitutional obligations it may have with regard to* proprietary rights or *searches and seizures.*" (Verification Annex, Part X, par. 41) (emphasis supplied).[1]

As you know, this provision of the Convention was inserted at the insistence of the United States after earlier drafts, which provided insufficient protection in regard to unreasonable searches and seizures, had been criticized by a number of U.S. scholars. The plain meaning of these words, which seems too clear for argument, is that the United States would have no obligation under the Convention to permit access to facilities subject to its jurisdiction in violation of the provisions of the Fourth Amendment. It was the clear understanding of the negotiators that the purpose of the provision was to obviate any possibility of conflict between the obligations of the United States under the Convention and the mandate of the Fourth Amendment. The Convention in its final form is thus fully consistent with U.S. constitutional requirements.

Inspections required by the Convention will be conducted pursuant to implementing legislation to be adopted by Congress that will define the terms, conditions and scope of the inspections to be conducted in the United States by the Technical Staff of the Organization for the Prohibition of Chemical Weapons (OPCW) established by the Convention. I understand that draft implementing legislation entitled the Chemical Weapons Convention Implementation Act, now before the Congress, specifies the procedures that will be followed in the case of both routine and challenge inspections carried out pursuant to the Convention. The Act requires, at a minimum, an administrative search warrant before an inspection can be conducted, and has elaborate provisions for notice and other protections to the owner of the premises to be searched. These provisions of the Act are modeled on similar administrative inspection regimes already authorized by Acts of Congress such as the Toxic Substances Control Act and upheld by the courts. However, if Congress is concerned that these provisions are constitutionally insufficient, it is free under the Convention to revise the Act to include more stringent requirements that conform to constitutional limitations. Finally, a person subject to inspection may challenge the inspection in a U.S. court, which in turn will be bound to invalidate any inspection that fails to comply with constitutional requirements. In view of the provisions of the Verification Annex quoted above, the United States would not be in violation of any international obligation in such an eventually.

For these reasons I conclude that there is no constitutional objection to the Convention, and that the rights of individuals under the Fourth Amendment will be fully protected under the Convention and implementing legislation of the character presently contemplated.

In addition, I have been involved in the field of arms control as a scholar and practitioner for many years, going back to the Limited Test Ban Treaty in 1963, in connection with which I appeared before the Senate Foreign Relations Committee as Legal Adviser of the State Department. I have also closely followed the negotiations for the

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[1] The Verification Annex is, of course, an integral part of the convention.

Chemical Weapons Convention. The United States has been a prime mover in the development of the Convention under both Republican and Democratic administrations. I am convinced that the prompt ratification of the Chemical Weapons Convention is overwhelmingly in the security interest of the United States and should not be derailed by constitutional objections that are so plainly without substance.

Sincerely,

ABRAM CHAYES.

COLUMBIA UNIVERSITY,
SCHOOL OF LAW,
New York, NY, September 11, 1996.

DEAR SENATOR BIDEN: As requested, I have considered whether, if the United States adhered to the Convention on Chemical Weapons, the inspection provisions of the Convention would raise serious issues under the United States Constitution. I have concluded that those provisions would not present important obstacles to U.S. adherence to the Convention.

Like domestic laws, treaties of the United States are subject to constitutional restraints. The Fourth Amendment to the United States constitution provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . ." Constitutional jurisprudence has established that the right to be secure applies also to industrial and commercial facilities and to business records, papers and effects.

The Constitution, however, protects the rights of private persons; it does not protect governmental bodies, public officials, public facilities or public papers. As to private persons, the Fourth Amendment protects only against searches and seizures that are "unreasonable." Inspection arrangements, negotiated and approved by the President and consented to by the Senate, designed to give effect to a treaty of major importance to the United States, carry a strong presumption that they are not unreasonable.

The Chemical Convention itself anticipated the constitutional needs of the United States. Part X of the Convention, "Challenge Inspection pursuant to Article IX," provides:

"41. In meeting the requirement to provide access as specified in paragraph 38, the inspected State party shall be under the obligation to allow the greatest degree of access taking into account any constitutional obligation it may have with regard to proprietary rights or searches and seizures."

As applied to the United States, that provision is properly interpreted to mean that the United States must provide access required by the Convention, but if the Constitution precludes some access in some circumstances, the United States must provide access to the extent the Constitution permits. And if, because of constitutional limitations, the United States cannot provide full access required by the Convention, the United States is required "to make every reasonable effort to provide alternative means to clarify the possible noncompliance concern that generated the challenge inspection." (Art. 42.)

The United States would be required also to adopt measures to overcome any constitutional obstacles to any inspection or interrogation required by the Convention. If it were determined to be necessary, the United States could satisfy the requirements of the Fourth and Fifth Amendments by arranging for administrative search warrants, by enacting statutes granting immunity from prosecution for crimes revealed by compelled testimony, by providing just compensation for any "taking" involved.

Sincerely,

LOUIS HENKIN,
University Professor Emeritus.

STATEMENT OF FORMER PRESIDENT GEORGE BUSH

President BUSH. Welcome. Let me just say that we've had a most enjoyable breakfast. Barbara and I are very flattered that the Secretary of State, in what is obviously a busy schedule, took time to come and have breakfast with us.

I told Secretary Albright that she would have my enthusiastic support in her quest for bipartisanship and foreign policy. I think Jim Baker, my esteemed friend and former colleague, told her the same thing, so it's for real from us and I know she feels strongly about that.

I told her I would strongly support her efforts to get this Chemical Weapons Treaty approved. This should be beyond partisanship. I have a certain fatherhood feeling about that. But leaving that out, I think it is vitally important for the United States to be out front, not to be dragged, kicking and screaming to the finish line on that question. We don't need chemical weapons, and we ought to get out front and make clear that we are opposed to others having them. So that's important.

The funding for the State Department: When I heard Madeleine telling me some of the problems that she might face—hopefully, she won't, but she might face—it was deja vu because I remember Jim Baker coming to me, as President, and saying "We must keep adequate funding levels for State." I couldn't agree more. There is a stupid feeling in some quarters that we don't have any more concerns on foreign policy, that we don't have any more threat in the world. The Secretary knows so well that we do.

So I hope that Congress will do what's right on a bipartisan basis in terms of proper levels of funding. She can determine what those levels should be. But all I know is, these arguments that we ought to cut back on spending for foreign affairs—I think it's very shortsighted. We do that at our own risk for generations to come, too.

We talked about several others. But, Madeleine, welcome, and I'm so pleased you came to Houston.

OUR BEST DEFENSE

(By James A. Baker 3d)

HOUSTON.—The Chemical Weapons Convention — an international treaty that commits member nations to destroy their chemical weapons and to forswear future production, acquisition or use of them—is before the Senate for approval. Despite the fact that the treaty was negotiated under Presidents Ronald Reagan and George Bush, a number of Republicans have expressed reservations about it. I respect their motives, but their concerns are misplaced.

For instance, some have argued that we shouldn't commit to the treaty because rogue states like Libya, Iraq and North Korea, which have not signed it, will still be able to continue their efforts to acquire chemical weapons. This is obviously true. But the convention, which has been endorsed by 68 countries and will go into effect in April whether or not we have ratified it, will make it more difficult for these states to do so by prohibiting the sale of materials to nonmembers that can be used to make chemical weapons.

In an ideal world, rogue states and terrorist groups would simply give up the use of chemical weapons. But ours is not an ideal world. The Chemical Weapons Convention recognizes that, and so should its opponents. It makes no sense to argue that because a few pariah states refuse to join the convention the United States should line up with them rather than with the rest of the world.

Others have argued that if we ratify the treaty, we will not be able to verify that all members will abide by it. No international agreement, of course, is perfectly verifiable—just as no domestic law is perfectly enforceable. But the treaty sets up a verification system, including international inspections on short notice, that will be far more effective than what we possess today. Moreover, the treaty would strengthen information-sharing among member states. It would increase, not diminish, our understanding of chemical weapons threats.

Some opponents of the treaty claim that it would create yet another costly international bureaucracy and place an onerous regulatory burden on American business. Both assertions are overstated. Our share for administering the treaty would be about $25 million a year, a truly modest amount in a Federal budget of about $1.7 trillion. Only about 140 companies would have significant reporting requirements, while some 2,000 others would be asked to fill out a short form.

Moreover, failure to ratify the treaty would actually cost the American chemical industry hundreds of millions of dollars in sales by making United States exporters subject to trade restrictions by convention members. Our joining the convention could help American business—which is why the chemical industry supports ratification.

Other critics assert that the treaty would somehow infringe on our national sovereignty—in particular, the Fourth Amendment ban on unreasonable search and seizure. In fact, it explicitly permits members to abide by their constitutional requirements when providing access to international inspectors. Under the treaty, involuntary inspection of American manufacturing and storage sites would still require legally acquired search warrants. The idea that ratifying the treaty would repeal part of our Bill of Rights is simply wrong.

But by far the most important argument against the treaty is that ratification would somehow undermine our national security.

Nothing could be further from the truth. Let me be blunt: The idea that Ronald Reagan and George Bush would negotiate a treaty detrimental to this nation's security is grotesque.

The United States does not need chemical weapons as a deterrent. Any nation or group contemplating a chemical attack against us must reckon with our overwhelming conventional force and vast nuclear arsenal. Each is more than sufficient to deter a chemical attack.

Chemical weapons are relatively easy to develop and cheap to manufacture, so it is no coincidence that the rogue nations now seeking to build chemical arsenals are economically impoverished and technologically backward. Unlike Iraq or Libya, we don't need such weapons to project our influence. In fact, we are already committed—under a law signed in 1985 by President Reagan—to destroy our existing chemical weapons stockpile by 2004. We will do this whether or not we ratify the treaty.

What we need is a way to limit the risk that American troops or civilians may someday face a chemical weapons attack. The convention can help do precisely this by controlling the flow of illicit trade materials and by making it easier to marshal international support for the political, diplomatic and economic isolation of countries that refuse to ratify it.

If we fail to ratify the convention, we will not only forgo any influence in the continuing effort against chemical weapons, we will also risk postponing indefinitely any progress on an international ban on the equally dire threat of biological weapons. More generally, we will imperil our leadership in the entire area of nonproliferation perhaps the most vital security issue of the post-cold-war era.

Today we face a monumental choice requiring a bipartisan consensus, just as we did in ratifying the North American Free Trade Act in 1993. Failure to ratify the Chemical Weapons Convention would send a message of American retreat from engagement in the world. For this reason—and because our national interest is better served by joining the convention than by lining up with pariah states outside it—I support the treaty and urge my fellow Republicans to do the same.●

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the Senator from Arizona [Mr. McCAIN], from the Committee on Armed Services, to the Board of Visitors of the U.S. Naval Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the Senator from Idaho [Mr. KEMPTHORNE], from the Committee on Armed Services, to the Board of the U.S. Air Force Academy.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the Senator from Indiana [Mr. COATS], from the Committee on Armed Services, to the Board of Visitors of the U.S. Military Academy.

ORDERS FOR WEDNESDAY, FEBRUARY 26, 1997

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. on Wednesday, February 26. I further ask that immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENZI. For the information of all Senators, tomorrow morning, the Senate will begin debate on the Feinstein amendment to the balanced budget resolution, with a vote on or in relation to the Feinstein amendment occurring at 11 a.m. Then Senator TORRICELLI will be recognized to offer an amendment relating to capital budgeting. There is a limitation of 3 hours for debate on that amendment.

I want to remind Senators that under a previous order, Members have until 5 p.m. on Wednesday to offer their amendments to the balanced budget amendment. We appreciate the cooperation of the Democratic leader in working with us for this unanimous-consent agreement outlining the remaining adjustments that will be in order to the constitutional amendment. It is our hope that when we continue to make progress and complete consideration of this important legislation. Also, I want to remind Senators that on Thursday, February 27, His Excellency Eduardo Frei, President of Chile, will address a joint meeting at 10 a.m. All Senators are asked to meet in the Senate Chamber at 9:40 a.m. to proceed as a group to the joint meeting.

ORDER FOR RECESS

Mr. ENZI. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator TORRICELLI, who will be making his initial floor speech, and Senator BENNETT.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I don't mean to intrude upon the Senator from New Jersey, if he is prepared to speak next. I was going to ask unanimous consent for up to 10 minutes to speak as if in morning business.

I ask unanimous consent that I may proceed for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BENNETT. Mr. President, I ask unanimous consent that Ricardo Velazquez and Cordell Roy be granted floor privileges for the balance of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized as in morning business.

(The remarks of Mr. BENNETT pertaining to the introduction of S. 357 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. ENZI). The Senator from New Jersey.

Mr. TORRICELLI. Thank you, Mr. President.

JOURNEY OF GENERATIONS

Mr. TORRICELLI. Mr. President, I rise to address the Senate for the first time as a Member of this proud institution, and, indeed, it is an important moment in my life and that of my family.

Although I stand where I know preceding generations have often become legends, I also stand tall because I am standing here today on the shoulders of genuine giants—a tailor and his seamstress wife who walked from their native village in Italy for a boat to New York, a German steelworker who settled his young family in my native New Jersey.

Mr. President, a journey of generations brings me to this moment. I understand that I may be bound to some Members of this Senate by little more than a single common thread. Many families are more powerful, and most biographies are genuinely more compelling. But Providence has chosen what we share this moment to help define the future of our people and the Republic that they have chosen to serve them.

The burden of leadership may be greater on some generations, and perhaps it has been less on others. The only certainty for our time is that it is different. The great debates of this Chamber in other times have been framed by events—the threat of conflict in the time of our fathers, the immediate threat of economic dislocation not so many years ago. Previous generations often read the national agenda simply by the history that was presented to them. The choices were fundamental and they were very clear.

The principal issue of governance before us now is very different. The United States is largely without large-scale military strife. The successive defeats of fascism and communism leave the United States with a relative military advantage that is unprecedented. The greatest economic expansion in history has resulted in a standard of living and a scale of economic activity that was unimaginable only a generation ago. This is not to suggest that either providing for the national defense or building the national economy are complete. The world remains a dangerous place in the age of terrorism, and the blessings of America still elude too many.

But our time is different. We inherit no agenda and few national commitments from which we are not freed by the end of the cold war. This opportunity presents an enormous opening, but has also led to an extraordinary national anxiety. As a nation, we have consumed almost a decade since the cold war has subsided without being clear about what we need to achieve to succeed with the reward of peace.

In our domestic affairs, some view the success of civil rights, the completion of universal education for the construction of a national infrastructure as ends in themselves.

In our family lives, many seem uncertain as to our own objectives as people. The comfort of a home, the completion of an education, seem to bring neither the security nor the fulfillment that we once envisioned. It is in short, Mr. President, a time of extraordinary anxiety in our affairs. Across the aisles of this Chamber, the conference tables of our businesses and even the living rooms of our homes, there is need for an honest conversation. It is time to ask the most fundamental questions about the objectives of our times and our goals as a people and as individuals.

No one element of this debate is more fundamental than our new national objectives in our relations with other States around the globe. The foreign policy goals of the United States in the next century can best be explained relative to the experience of our own time. For although the 20th century has not yet concluded, it is already possible to predict that despite all the advances of science and culture this time will best be remembered for our inability to manage relations between nations.

Any discussion of our foreign policy objectives, therefore, must simply begin with this simple commitment: the future must simply be different than the past. This century evolved through the lessons of collective security. A series of States with similar interests, political institutions, compatible military capabilities and goals found common cause. The NATO treaty was the best example and remains the foundation of our policy. But the first principal difference we are likely to face in the 21st century is that American security interests are no longer disproportionately European. In a world of global markets and intercontinental weapons, there are no regions of sufficient distance or size that they lack relevance. Treaties which restrict the global scope of our collective security including NATO are simply no longer acceptable. Creating new arrangements tailored to individual crises like the Persian Gulf are too inefficient and insufficient. Leadership requires the adoption of an established global structure of collective security. Whether under the NATO umbrella, under different sponsorship or a structure that is global in scale, collective security for our international security threats remains paramount.

The second defining difference in American foreign policy is recognizing that international conflict on a scale seen in the 20th century must never be allowed to occur again because by definition such conflicts can never be won again. Technological change will place all nations within the range of secondary powers that retain weapons now reserved for more stable nations.

Collective security, therefore, must be designed not only to prevail in conflicts but to avoid their ever occurring by denying capability to certain well-defined governments. These are States which by their systems of government, record of actions or temperament of leadership, should make themselves ineligible to ever possess or attempt to develop certain weapons. This policy of weapons denial already encompasses technological and trade restrictions. In the future, it must also include covert or overt actions by the United States or now collective international organizations to ensure weapons denial as an assurance of national security.

A third national consideration will involve far more introspection by every American. As a decent people with deep religious traditions, it is time to recognize that technology presents a new moral dilemma. For two centuries Americans witnessed a world of famine and disease. Untold millions suffered and died with little more than passing commentary while we remained reconciled to both our moral principles and international realities by concluding that nature was sometimes cruel and divine actions difficult to comprehend. In critical moments, from the Marshall Plan to the Alliance for Progress, the Nation committed itself to confronting these tragic realities.

During most generations, the national boundaries served to define our sense of moral responsibility. That was all enough. But something has now fundamentally changed. Perhaps it is because global communication now no longer allows us to be shielded from harsh realities. But, indeed, it is even more than that. The world population group now estimates that 35,000 children die from starvation every day, this year an estimated 18 million will contract river blindness, and over 100,000 children will suffer from new cases of polio. No American can feel comfort any longer in reaching conclusions about the inevitability of human suffering. There has been a cure for polio for 40 years. River blindness is treated by medication that costs $3. The simple truth is that some disease and much human suffering is no longer a question of divine providence or lack of understanding or a failure of technology. Most are the results of a political decision, a judgment to withhold technology, withdraw from efforts to relieve suffering because of shortages of funds or simply because we believe that political boundaries place us at sufficient distance.

Reconciling our beliefs and our actions is no longer a simple affair. Suffering in the world and judgments made by individual Americans and their governments are debate long needed on the floor of our great institutions. Within our own communities, Americans need to decide a new set of national objectives as well.

Americans have learned a lesson from the excesses of Government. Every citizen can recite a list of programs that failed or funds that were wasted. Our generation has concluded that the role of Government needs to be more limited. A previous generation learned from the lessons of child labor, the disabled, the failure to care for the elderly, that Government was sometimes too restricted in its role. Now it is time for us to decide: Is it too limited or is it too much? It is, indeed, extraordinary that after two centuries of the American experiment we are still debating the appropriate role and scale of the U.S. Government. In our time we must ask both the appropriate range and the scale of Government activities that are needed for our generation.

The answer is likely to be somewhere in between. We must, obviously, be shaped by our own experiences. But I think most Americans will recognize that simply because Government sometimes failed, because we have learned that it cannot do everything, is not a reason to conclude that it can do nothing. We take enormous pride in the fact that America is a place with an unlimited ceiling of opportunity. But all too often we are also learning that the floor of American life is too hard. Because many, or most can succeed is not a reason to turn away from public responsibilities, because some will fail.

We are also learning, for all the lessons of the past which we must remember, they are not instructive of the future. We are living in a different time. Indeed, we are discovering that the economic success of each family, many communities, and many States are now connected in a means that we never would have imagined. We are discovering that the operation of our railroads, our airports, our highways, the education of our children all inevitably will affect the quality of life of our own families.

For two centuries our Federal Government was central to providing the private economy with certain elements that were needed for competitiveness. From inexpensive labor, through our immigration policy, to access to raw materials, competitive taxes, copyright laws, sometimes even direct subsidies, we understood an appropriate role for the U.S. Government in ensuring economic success.

As we now face this debate again in our own time, reaching our own conclusion about the role, size and scale of the Federal Government, perhaps at least this one thing should be recognized as different. As certainly as those before us recognize immigration policy, raw materials, these other elements as central to economic success, education and knowledge is now the fodder of the private economy in our own time. Therefore, as certainly as local governments, as neighborhoods at one time confronted the need for quality schools, high standards and a quality education, now the Nation itself is confronted with this question, because it is no longer good enough to know that education meets standards in our neighborhoods or our towns or even our States. Our States collectively in our Federal system will meet success or failure in whether or not people we don't even know in communities we have never visited in States we hardly know meet those same standards and are competitive.

Second, as a national community, redefining ourselves again, debating the appropriate role of the Federal Government, we are also faced with the most fundamental of issues that first confronted our Republic. It is the issue of providing security for our communities and our families. It is, in short, assuring domestic order. From longer prison sentences to direct assistance to local police, we have in recent years redefined our Federal system for a larger role because it was necessary to assure the security of our people.

In the future, the Federal Government, as it redefines itself, will also play a larger role in other areas. We have begun to deny parents the ability to flee responsibilities to children by fleeing State jurisdictions. We have begun, indeed, to change Federal laws in relation to access to weapons. Three decades ago, in my State of New Jersey and in many other urban communities, we began to enact gun control laws. But recently, in the city of New York, it was discovered that fully two-thirds of all the weapons now found involved in serious felony crimes were not sold in New York or New Jersey or other States that had gun control laws, but were imported from other States. The Brady bill was an important beginning to assuring that, as a community, while some States did not, fortunately, share in the plague of crime, they nevertheless would begin to exercise responsibility by, through new national laws, beginning to separate criminals from the guns they use.

A third unfinished piece of business in the American social compact also needs to be addressed. It began in this century with labor standards and grew to include Social Security, unemployment insurance and Medicare. Each of those in our social compact was a generational judgment. Now there is a need for another, because that list which began early in the progressive era and expanded through Medicare by way of unemployment and Social Security now leaves us with the question of health care insurance. Before the book is closed on the 20th century, in this great redefining of America's social commitments, surely access to affordable and quality health care needs to be added to the list. It is not a question of the Government supplanting private health care. It is not a question of the loss of private options or the private exercise of talents within the health care field any more so than Medicare meant that doctors were no longer working privately or unemployment insurance meant that private companies no longer managed their own affairs.

But it is a question that what began with our grandparents and our great grandparents in assuring independence in the workplace, the right to bargain for your own wage, your freedom from want for the elderly through Social Security, that movement is not complete and that work is not finished without addressing the reality of 40 million Americans outside of the private health care insurance system, or their children who come of age without inoculation to disease or, indeed, often are born without access to a health care system for their mothers or in their infancy.

All these are part of expanding our domestic agenda at a time when we redefine the role of Government. I recognize that there are many in this institution, as there are across this country, who would confront these issues differently. But in our time there is a new, greater threat to resolve in these questions. It is on the mantle of bipartisanship, part of the desire to settle all disputes. We are, in this institution and around the country, confusing the desire to end the noise of squabbling, the needless bickering of partisanship, with a new seeming desire of bipartisanship, to end all conflicts together.

This is, Mr. President, in my mind, a new and compelling problem. American democracy is not served best by Democrats and Republicans, or liberals and conservatives, setting aside all their differences. The public believes we are in some new accord in which we have no differences. Democracy is served best by people who do put petty interests aside, who do not argue simply for partisan reasons, who do, indeed, come together in moments of great national crisis, but who, in honesty, come to this floor as they come to their dinner tables and their businesses and their places of work every day in honest disagreement where they have honest difference.

Let us, therefore, debate the question of America's new role in the world with different perspectives. Because they are complex questions and difficult to answer. Let us begin to finally redefine the role of Government in our lives and our economy from our various perspectives, because Americans have different views, and they are difficult and complex questions. But let us not, because we want to end disagreements, where we were sometimes disagreeable, make bipartisanship a goal in and of itself. The goal is to answer the question and to serve our people, no matter the disagreements.

This is, Mr. President, finally, an extraordinary time. None of the problems that I have tried to outline tonight should overwhelm us. None concern me because none are as big as the country we represent or as bold or as talented as the people who live in our generation in this Nation.

This is an extraordinary time, and we are an extraordinary people. Indeed, I would dare to say what probably no other generation ever would have said on the floor of this Senate: That there is no time and no place when it is better to have been alive or to be an American than this moment. We have won the great conflicts in the world that threatened our democracy and the peace. We are the masters of a great new technology that can serve us, our interests and our families. There is a quality of life that awaits us if we learn to manage our affairs, raise the resources, deal responsibly with our economy and invest in our future.

It is not to say that there will not be difficult days in our own time. There will always be difficult days. But we are a people who managed to carve out a new social order through Social Security and labor rights in the depths of a depression.

We are a people who managed through economic despair to rise to win a great world war.

We are a people who, in the midst of a cold war, conquered space, won the fight for civil rights, even enacted Medicare and began the greatest expansion of education in history.

We are a people who, through difficult times, mastered the moment to achieve great things.

Now, in far better times, though most certainly with some problems in our public and private lives, we are asked to rise again. In this, I have no doubts. Let us find a new role for America in the world where we simply do not respond to events, but help shape them; no longer see our responsibility simply to win international conflicts but to prevent them by negotiating the peace where possible, by taking action to prevent war by military means when necessary.

Let us redefine the role of Government in our lives and our private economy to ensure that it is no more than necessary, but everything that is essential to ensure our competitiveness, our fairness in social justice.

I pledge, Mr. President, in my 6 years in this institution, to simply be guided by this: The words given to me by a friend who came to me knowing that I would rise on this day and remembering that they were once spoken by Edmund Burke in a speech to the Electors of Bristol. He said:

> Your representative owes you not his industry only, but his judgment. And he betrays instead of serves you if he sacrifices it to your opinion.

Mr. President, to the citizens of New Jersey and to this Nation, I promise simply in these years to be guided by my judgment.

Mr. President, I thank you, and I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m. Wednesday, February 26.

Thereupon, the Senate, at 7:13 p.m., adjourned until Wednesday, February 26, 1997, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate February 25, 1997:

DEPARTMENT OF STATE

WYCHE FOWLER, JR., OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

PRINCETON NATHAN LYMAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE, VICE DOUGLAS JOSEPH BENNET, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTIONS 12203 AND 12212:

To be colonel

ROBERT N. AGEE, 7293
RONALD L. ALBERS, 6344
GEORGE C. ALLEN II, 9440
RICHARD W. ASH, 2052
ROBERT B. BAILEY, 8474
RICHARD E. BAKER, 4639
ROBERT A. BARRON, 6634
GUY O. BILEK, 2708
DAVID A. BRUBAKER, 2008
WILLIAM P. CANAVAN, 5903
JIMMY A. CARRIGAN, 4522
JOHN C. CHASE, 3061
JERE COOK, 6711
ALLEN J. CORSON, 0542
JOHN L. CROMWELL, 6068
CARL C. CUMM, 9975
GREGORY M. CUNNINGHAM, 2867
DOUGLAS K. DAMON, 4287
WILLIAM F. DAVIDSON, 5449
THOMAS J. DEARDORFF, 4064
SCOTT P. DEMING, 8782
ROBERT E. DOEHLING, 5110
JERRY L. DUNNE, 4646
RUFUS L. FORREST, JR., 4375
KENNETH C. FOSTER, 3854
PHILLIP E. GEE, JR., 5192
HEDLEY W.D. GREENE, 1344
THOMAS W. HAM, 0360
BARBARA A. HARKNESS, 3236
THOMAS E. HICKMAN, 0207
PETER K.D. HOCHLA, 9392
HOWARD L. HOGAN, 7259
MARK J. HOWARD, 6275
BENNY A. HUFFMAN, 4234
HERBERT H. HURST, JR., 9448
VINCENT E. JOHNSON, 5199
HAROLD O. KOLB, 2626
THEODORE N. KRAEMER, 8743
BERNARD L. KRING, 2514
THOMAS E. KUPFERER, 2856
ALAN J. LECZNAR, 4863
STEPHEN W. LEFEBVRE, 9685
JACOB J. LEISLE, 8980
JOHN A. LEMOND, JR., 3566
ROGER P. LEMPKE, 1663
DUANE J. LODRIGE, 8683
JOSEPH E. LUCAS, 2263
BRENT W. MARLER, 5240
ROBERT E. MATTHEWS, 4070
RICHARD G. MC COLL, 5110
MORRIS E. MCCORMICK, 4932
TERRY R. MCKENNA, 9378
MICHAEL L. MCKINNEY, 6811
MICHAEL J. MELICH, 5118
RONALD O. MONTGOMERY, 7387
GERALD C. OLESEN, 3432
CHARLES M. PALMER, 5284
JAMES M. PERKINS, SR., 3739
GARY A. READ, 4639
DANIEL W. REDLIN, 0456
JAMES R. REED, 8017
WILLIAM J. RINEHART, 0273
JUDITH D. ROANE, 1730
DAVID R. RUDY, 3483
JACK A. RYCHECKY, 2688
EUGENE A. SEVI, 2584
MICHAEL B. SMITH, 9584
PAUL W. SMITH, JR., 1850
JOHN R. SPERLING, 5457
RONALD STANICH, 3034
STEPHAN J. STUBITS, 3376
IRENE L.C. TAYLOR, 9759
STEVEN W. THU, 9509
KIRK J. TYREE, 2882
THOMAS M. VIERZBA, 5877
WILLIAM J. WALTERS, 0377
ROGER L. WARNICK, 8334
OLIVER H. WARREN III, 7654
DAVID L. WEAVER, 7919
RICHARD E. WHALEY, 8075
WILLIAM H. WHITE, 6796
RICHARD C. WORKMAN, 5930
HARRY M. WYATT, 1527

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be colonel

GEORGE B. GARRETT, 9877

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 12203 AND 12211:

To be colonel

VINCENT J. ALBANESE, 8323
MATTHEW C. BROCKWAY, 9505
BRUCE S. BYRNE, 2531
PHILLIP G. CLIBURN, 8127
FRANCISCO E. DE LA ROSA, JR., 7212
JOHN B. DRISCOLL, 9370
PAUL C. DUTTGE III, 9920
JULIE A. ELLIOTT, 2750
DAVID E. GOFF, 3552
ROBERT J. GUARNERI, 6755
DENNIS R. HAIRE, 9897
JAMES P. HILLS, 3234
WILLIAM C. HURST, 2632
BRADFORD M. JONES, 4298
DANIEL K. LINDSEY, 5546
MILTON K. W. LUM, 9963
LYNDA L. MANN, 7284
MICHAEL R. E. O'CARROLL, 8546
TERRY J. OXLEY, 1887
JOHN F. PARKER, 0108
ROBERT A. PETERSON, JR., 5034
FRANK. J. POWERS, 4428
WILLIAM R. RADFORD, 0885
FRANK X. RIGGIO, 7917
JAMES P. SEWELL, 2130
TAROLD H. SCOTT, 5929
RICHARD H. STOKES, 1653
DANIEL J. SULLIVAN, 0684
JACKIE L. TALIAFERRO, 6591
MICHAEL F. TREADWELL, 8179
DAVID E. WILKINSON, 1738
JOSEPH T. WOJTASIK, 2268

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 12203 AND 12211:

To be colonel

JAMES M. CALDWELL, 3973
CRAIG T. CENESKIE, 0352
GARRY J. COLLOTON, 4290
RAYMOND P. GOURRE, 4443
ALAN L. NYE, 2050
RICHARD G. POINDEXTER, 4784
PAUL M. WARNER, 7223

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant

JASON T. BALTIMORE, 6305
FRANK G. BOWMAN, 7056
SEAN P. HENSELER, 3337
ANGELA S. HOLDER, 7059
ANDRIAN J. MARENGO-ROWE, 3848
ANTHONY J. MAZZEO, 8138

To be ensign

DAVID ABERNATHY, 8380
LEAH AMBERLING, 4008
JOSEPH C. BUTNER, 3795
PHILLIP R. CLEMENT, 6355
J. CRADDOCK, 2479
LANCE B. DETTMAN, 2455
CURTIS D. DEWITT, 3143
TODD A. FAUROT, 4635
BRIAN FITZSIMMONS, 5664
JOHN S. HOLZBAUR, 9858
STEPHEN J. MADDEN, 3104
KELLY R. MITCHELL, 2742
DENNIS S. O'GRADY, 6332
JOSHUA C. RENAGER, 5810
CORY ROSENBERGER, 2738
DEREK SCRAPCHANSKY, 2103
MERRILL T. SWALM, 4899
MICHAEL E. VANHORN, 2348
RICHARD H. WILHELM, 7717
DEVIN P. WILLIAMS, 3385
ALAN R. WING, 2462
MICHAEL B. WITHAM, 1969

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT IN THE U.S. NAVY FROM THE TEMPORARY DISABILITY RETIRED LIST TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 1211:

To be lieutenant

MASKO HASEBE, 7568

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL SERVICE CORPS, ARMY MEDICAL SPECIALIST CORPS, VETERINARY CORPS, AND ARMY NURSE CORPS (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, UNITED STATES CODE, SECTION 624, 531 AND 3283:

To be lieutenant colonel

BRYANT H. ALDSTADT, 1930
JEFFREY H. ALLAN, 9870
SALLYE J. ALLGOOD, 2123
GERARD P. ANDREWS, 4670
*STEVEN G. ARETZ, 6288
BRETT C. ARMSTRONG, 0578
DAVID A. BAKER, 0722
RODNEY D. BARNES, 1489
LISA M. BECKMANN, 8569
VICKI W. BELCHER, 0915
ANNETTE L. BERGERON, 0495
DEBORAH K. BETTS, 5406
RONALD L. BLAKELY, 9666
PATRICIA L. BOATNER, 7614
WILLIAM H. BOISVERT, 9072
ROBERT S. BOROWSKI, 0253
LOIS A. BORSAYTRINDLE, 6059
GARY M. BOUDREAU, 4799
ROBERT D. BOWMAN, 9941
VICTOR W. BURNETTE, 4805
BOBBI L. BYRN, 0359
PATRICK T. BYRNE, 3917
ROBERT A. BYRNE, 8331
CORDELIA E. CADEOLIVER, 4035
STEVEN H. CARPENTER, 2232
*KATHLEEN W. CARR, 5901
HACK K. CARROLL, 9132
MARY CARSTENSEN, 3395
PAULINE M. CILLADIREHRER, 2514
THOMAS C. CLINES, 3749
GARY D. COLEMAN, 8463
*ELMER W. COMBS, 9809
DOROTHY H. COX, 1640
TERRY K. COX, 4371
*KAREN L. COZEAN, 8816
WILLIAM T. CRAFTON, 0344
BILL N. CREASMAN II, 7174
MARTA S. DAVIDSON, 0580
DANNY L. DAVISON, 0005
*RAMONA S. DECKER, 9212
SUZAN L. DENNY, 6566
CHARLOTTE L. DEPEW, 8647
ELISE M. DEWIT, 5513
*KATHRYN J. DOLTER, 6336
DENNIS M. DRISCOLL, 0810
EARL C. DRIVER, 3222
*DALE G. DUNN, 1037
*JEFFREY S. EGGERS, 3393
ANNE M. ELLIOTT, 0631
*JAMES J. ELLIOTT, 8109
*RAMONA M. FIOREY, 8133
JOYCE FLEMING, 7925
FRANK C. FLORO, 3507
TIMOTHY W. FLYNN, 0632
DEXTER R. FREEMAN, 9825
*BEAU J. FREUND, 8882
JANICE A. FULTON, 5041
*GREGORY A. GAHM, 6348
KAREN M. GAUSMAN, 5181
JAMES W. GIER, 3034
WILLIAM L. GILLIS, 6148
SCOTT W. GORDON, 4583
*CHARLES T. GORIE, 2706
*VINCENT C. GRESHAM, 3028
CAROLYN M. GREY, 3085
LILLIE L. HALL, 5316
EDMUND K. HARAGUCHI, 4307
RAE M. HARTMAN, 7648
CHARLES F. HATHAWAY, 1640
JEFFREY D. HAUN, 9540
LYNN W. HENSELMAN, 7323
STEPHANIE HIGGINS, 1512
NANETTE A. HILL, 2808
WILLIAM J. HOWARD III, 4558
DWANE A. HUBERT, 3404
LESLIE G. HUCK, 1408
*JOHN P. HUGHES, 3228
*DOUGLAS G. JACKSON, 0954
CAROL A. JENIK, 5124
*PATTI L. JOHNSON, 3774
CASPER P. JONES III, 3251
STEVEN P. JONES, 3647
ROSALINE JORDAN, 8079
CHARLES J. KELLER, 5618
MICHAEL E. KIEFFER, 8295
JAMES L. KING III, 5457
GEORGE W. KORCH, 5694
THOMAS J. KOWELL, 1898
KEITH A. KRAUSE, 8105
MICHAEL J. KRUKAR, 1396
*DENNIS E. KYLE, 4433

JAMES M. LARSEN, 9438
RENE R. LEBLANC, 9418
MICHAEL J. LEGGIERI, JR., 6842
EDWARD A. LINDEKE, 6065
THOMAS M. LOGAN, 4543
GAIL M. LONG, 4987
*BRIAN J. LUKEY, 9065
MICHAEL D. LYNCH, 7327
*SANDRA J. LYNCH, 3714
PATRICIA D. MALEK, 9799
KENT W. MANEVAL, 3530
MICHAEL S. MARSCHEAN, 3518
COLEEN K. MARTINEZ, 7660
MARK J. MARTINEZ, 0241
ROBERT MASSEY, 8648
*JEROME K. MAULTSBY, 0170
THOMAS W. MAYER, 7599
MICHAEL L. MC COY, 2822
MERRILY A. MC GOWANSHAW, 7756
PAT M. MC MURRY, 6089
MARK A. MILLER, 7982
REGINALD A. MILLER, 7572
SHEILA D. MITCHELL, 7728
FREDERICK B. MITTELSTEDT, 8257
*SHERRY J. MORREYAUGSBURGER, 9239
THOMAS T. MOXLEY, JR., 5263
JAMES A. MUNDY, 9204
RAUL E. MUSTELIER, 4676
CLAYTON J. NEIL, 6211
LORI B. NEWMAN, 5533
ROBERTA E. NICHOLSCOVIN, 5671
WAYNE C. NYGREN, 2668
*BONNIE H. OHARA, 5226
WILLIAM E. OLIVER, 4797
TERESA A. PARSONS, 1867
PATRICIA A. PATRICIAN, 7997
DAVID L. PATTERSON, 7792
SHARON R. PFIFFNER, 7624
ANN L. PHILOPENA, 6943
WANDA T. PLANADEBALL, 1864
WILLIAM R. PRESCOTT, JR., 2806
JOHN W. PROCTOR III, 5729
JANICE K. RAUSCH, 8687
TIMOTHY J. RHODES, 4992
JUDITH G. ROZELLE, 4049
MARY P. RUPPERT, 3770
J.C. RUSSELL, 5235
*LINDA D. SALLEE, 4309
ROBERT E. SAUNDERS, JR., 9627
JOHN J. SCHAFER, 0606
*ROBERT P. SCHAUDIES, 8333
MARY A. SCHWENKA, 7722
JOHN C. SHERO, 6464
CARL B. SMITH, 7716
DOROTHY A. SMITH, 7526
BARBARA V. STEERS, 5689
BEATRICE T. STEPHENS, 2328
CHARLOTTE M. STEVENSON, 4134
TONY L. STORY, 4839
FREDERICK A. SWIDERSKI, 7672
JULIET T. TANADA, 5010
ALLAN K. TERRY, 9027
LEE S. THOMPSON, 2708
JUDY TOLLENAERE, 3378
KAREN L. TORTORA, 6158
MARGARET A. TRIBBLE, 7975
GREGORY L. VRENTAS, 1615
*BOB E. WALTERS, 7410
LINDA J. WANZER, 1497
MELVIN E. WASHINGTON, 5653
*DEBORAH L. WATSON, 9229
ROBERT G. WEBB, 4402
BECKY J. WHITTEMORE, 7267
BRUCE H. WILLIAMS, 7862
DAVID WILLIAMS, 2357
DONNA F. WILLIAMS, 6810
JANET L. WILSON, 5305
RONALD E. WILSON, 0787
*JEFFREY P. ZIMMERMAN, 6012

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 531:

To be captain

MICHAEL J. BAILEY, 8840
JEFFREY F. BROOKMAN, 5257
JAMES L. BUCK, 5585
DANA C. COVEY, 1202
DAVID W. FERGUSON, 3273
DAVID LEIVERS, 8507

To be commander

DANIEL C. ALDER, 2746
MONTE L. BIBLE, 2616
JOHN T. BIDDULPH, 2995
JEFFREY M. BIKLE, 1697
DAVID A. BRADSHAW, 1962
HARPREET S. BRAR, 2188
FRANK J. CARLSON, 7267
JOHN R. CARNEY, 9646
RONALD F. CENTNER, 9685
GERALD A. COHEN, 2320
WALTER J. COYLE, 9641
JAMES M. CRAVEN, 3255
MICHAEL J. CURRAN, 8321
DAVID L. DAUGHERTY, 2647
MARLENE DEMAIO, 5420
RAYMOND J. EMANUEL, 9637
WESLEY W. EMMONS, 6977
WILLIAM ERNOEHAZY, 9005
ANDREW L. FINDLEY, 2336
SCOTT D. FLINN, 9599
FREDERICK O. FOOTE, 1480
MICHAEL J. FRANCIS, 2207
MICHAEL W. GALLAGHER, 6723
JOHN H. GREINWALD, JR., 8421
THOMAS M. GUDEWICZ, 3074
ALBERT S. HAMMOND, III, 8198
TERRY A. HARRISON, 7698
JOHN P. HEFFERNAN, 5665
BYRON HENDRICK, 3284
ROBERT E. HERSH, 3972
HAL E. HILL, 2771
WALTER R. HOLLOWAY, 3869
MARK J. INTEGLIA, 7065
JEROME C. KIENZLE, 5437
KERRY J. KING, 2670
KENNETH D. KLIONS, 4313
ERIC R. LOVELL, 8088
JOHN D. LUND, 3161
ANDREW T. MAHER, 1310
RANDALL C. MAPES, 2323
ROBERT D. MATTHEWS, 6126
MARTIN MC CAFFREY, 8641
FRANCIS X. MC GUIGAN, 1327
JAMES J. MELLEY, 2746
VERNON D. MORGAN, 0647
GARY L. MUNN, 2049
JAMES D. MURRAY, 5198
MEENAKSHI A. NANDEDKAR, 7975
WILLIAM F. NELSON, 7091
PATRICK T. NOONAN, 8771
JOSEPH R. NOTARO, 8419
LACHLAN D. NOYES, 2604
PAUL J. OBRIEN, 1777
CHRISTOPHER A. OHL, 2143
JOHN C. OLSEN, 2377
HOWARD A. ORIBA, 7801
JENNIFER B. OTA, 1000
ROBERT K. PARKINSON, 2982
JOHN S. PARRISH, 6277
PAUL PEARIGEN, 7444
PETER J. PEFF, 7802
WENDELL S. PHILLIPS, 1221
DAVID N. RICKEY, 4054
ERIC H. SCHINDLER, 0515
JAMES M. SHEEHY, 4288
WYATT S. SMITH, 4397
RICKY L. SNYDER, 9716
HENRY E. SPRANCE, 8244
DOUGLAS M. STEVENS, 1194
THOMAS A. TALLMAN, 6993
THOMAS K. TANDY III, 6836
JON K. THIRINGER, 6547
ANTHONY M. TRAPANI, 3248
PATRICIA L. VERHULST, 1525
MARYANN P. WALL, 8013
DIANE J.B. WATABAYASHI, 2589
JOSEPH R. WAX, 6049
JERRY W. WHITE, 9504
DAVID A. WOODS, 2870
EDWARD A. WOODS, 7864
JACOB N. YOUNG, 1758

To be lieutenant commander

CLETE D. ANSELM, 6238
ELICIA BAKERROGERS, 2849
SIMON J. BARTLETT, 1804
KENNETH R. BINGMAN, JR., 8301
DAWN A. BLACKMON, 3346
JANET M. BRADLEY, 3455
ARTHUR M. BROWN, 9738
JON J. BRZEK, 2521
DAVID B. BYRES, 5602
LEA B. CADLE, 4737
LUCIO CISNEROS, JR., 5747
SEAN P. CLARK, 7052
GARRY W. CLORE, 1672
WALKER L.A. COMBS, 2840
ELIZABETH B. COTTEN, 1745
DONNA M. CROWLEY, 8408
GREGORY J. DANHOFF, 5563
NANCY J. DOBER, 4188
SANDRA L. DOUCETTE, 3671
PAUL X. DOUGHERTY, 1497
DAVID A. FARMER, 2211
LUIS FERNANDEZ, 0155
WAYNE R. FREIBERG, 4948
PAUL N. FUJIMURA, 6553
MICHAEL P. GARVEY, 4411
BARBARA A. GIES, 8635
GREGORY D. GJURICH, 3729
CAROLYN G. GOERGEN, 0093
VIRGINIA P. HAVILAND, 8767
JOHN S. HICKMAN, 4280
SUSAN E. HOLT, 7011
LORETTA A. HOWERTON, 5394
STEVEN R. HUFF, 1674
AARON JEFFERSON, JR., 4486
TOMMIE L. JENNINGS, 8420
DAVID P. JOHNSON, 5425
PHILLIP A. KANICKI, 9536
MAURICE S. KAPROW, 7685
WILLIAM M. KENNEDY, 3139
JAMIE M. KERSTEN, 6972
ALAN F. KUKULIES, 4246
TERESA A. LANGEN, 9564
ALISON C. LEFEBVRE, 2591
KIM L. LEFEBVRE, 8873
MARGARET A. LLUY, 6756
STEVEN L. LORCHER, 7092
MICHELLE L. MCKENZIE, 7736
BRUCE D. MENTZER, 6359
CHRISTINE T. MILLER, 9608
CRAIG G. MUEHLER, 5387
JOHN J. NESIUS, 9795
CATHY J. OLSON, 6172
CAROL A. PAPINEAU, 1131
JOSEPH R. PETERSEN, 5222
NICHOLAS PETRILLO, 1658
HERMAN G. PLATT, 0993
SHIRLEY K. PRICE, 4359
SABRINA L. PUTNEY, 5115
ANN RAJEWSKI, 1741
ABRAHAM I. RAMIREZ, 5632
DOUGLAS E. ROSANDER, 2998
GILBERT SEDA, 7107
CHARLES H. SHAW, 4073
AMANDA G. SIERRA, 2965
SANDRA S. SKYLES, 2521
JOHN C. SMAJDEK, 5274
BETSY J. SMITH, 5816
SCOTT A. SMITH, 9853
VANESSA D. SMITH, 6663
JOSEPH M. SNOWBERGER, 2244
DOVIE S. SOLOE, 2995
AMY L. SPEARMAN, 7065
RICHARD G. STEFFEY, JR., 3431
DANA G. STUARTMAGDA, 3464
MILAN S. STURGIS, 0879
SCOTT C. SWANSON, 2082
ATTICUS T. TAYLOR, 4226
BENJAMIN F. TAYLOR, 6128
MARY W. TINNEA, 1855
NELIDA R. TOLEDO, 6001
KAREN D. TORRES, 3996
DICK W. TURNER, 2289
BARBARA J. VOTYPKA, 0311
CHRISTINE M. WARD, 1542
TERESE M. WARNER, 6679
MATTHEW L. WARNKE, 7312
JAN P. WERSON, 2028
MICHELLE S. WILLIAMS, 3315
WAYNE E. WISEMAN, 6225
STAN A. YOUNG, 5178

EXTENSIONS OF REMARKS

COMMENDING THE TRUST FOR PUBLIC LAND

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. HOYER. Mr. Speaker, I rise today to recognize the hard work of the Trust for Public Land (TPL) and commend their staff for their tremendous efforts to protect the pristine land and promote the historic heritage of southern Maryland. As a result of their work with real estate, law and finance experts, business interests, and citizens' groups, we have been able, over the past several years, to conserve natural, historic, and environmental landmarks at Piscataway Park and Myrtle Point.

The motto of the Trust for Public Land is the inspiration which guides the organization. "Conserving land for people", is often a very complex, costly, and timely task. However, the TPL has shown that with the right combination of leadership, energy, and commitment, permanent conservation and preservation can be a reality.

Mr. Speaker, in 1793, George Washington wrote of his boyhood home Mount Vernon that "no estate in the United America is more pleasantly situated than this." Dating back to 1955, there have been significant threats to the 18th century scenery which serves as a viewshed across the river in Maryland. For the past several years, I have enjoyed working with the Trust for Public Land to ensure that today a functioning colonial farm, which serves as the perfect backdrop for Mount Vernon, runs along the Potomac River on the Maryland side.

Recently, the Trust for Public Land played an integral role in the effort to save the last undeveloped waterfront property in St. Marys County: Myrtle Point. Due to the services provided by the Trust for Public Land, this 192-acre Patuxent River parcel will be managed as a natural area and public recreational park with waterfront access. They negotiated the agreement between St. Marys County, the State of Maryland, and the Federal Deposit Insurance Corp. for more than 1½ years. In fact, without the leadership and vision of the staff of the Trust for Public Land, this deal might never have come together.

Mr. Speaker, these are just a few examples of the productive role the Trust for Public Land has played in ensuring the protection of our Nation's pristine environment and open space. Since its founding in 1972, the Trust for Public Land has protected close to 1 million acres of land valued at over $1 billion in 44 States and Canada, including 2,000 acres in Maryland.

They have successfully brought together government and private interests in the name of conservation and are to be commended for their efforts and success. I know that my colleagues join me in recognizing their dedication and congratulate them on their many accomplishments.

A REDEDICATION TO CIVIL RIGHTS

SPEECH OF

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. CLAY. Mr. Speaker, as we commemorate Black History month 1997 it is important to recognize what black Americans have accomplished and to rededicate ourselves to future progress. As a Member of Congress who has devoted his life to the struggle for civil rights, I am deeply troubled by the state of race relations in America. Over the last decade legislative and legal challenges have led to the deterioration of monumental civil rights initiatives. Today, the civil rights achievements of a generation of courageous men and women lie in jeopardy.

Racial and gender-based discrimination is a serious national problem. Recently it has become popular to vilify civil rights initiatives as unfair and ineffective. Opponents make the austere assertion these initiatives tilt the playing field to favor women and minorities yet they offer no substantial proof to support this notion. They try to persuade the public to believe we now live in a colorblind society and no longer need the restraint of law to ensure the fair and equitable treatment of women and minorities. They diligently argue this point while black churches smoulder throughout the country. Their message resonates in conservative circles even as institutional discriminatory employment practices like those at Texaco, Avis, and the Department of Agriculture are regularly disclosed. The opponents of civil rights laws discount their value to society even as we see mounting evidence that our own Government was actively involved or passively ignored the introduction of crack cocaine to poor inner city communities. And, sadly, civil rights opponents have attacked the boundaries of minority congressional districts while enacting racist initiatives like California's prop 209.

Programs like affirmative action, voting rights, race-based scholarships, and minority set asides were put into effect as a remedy to overt race and sex discrimination. Affirmative action has been defined as "any measure, beyond simple termination of a discriminatory practice, adopted to correct or compensate for past or present discrimination or to prevent discrimination from recurring in the future."—U.S. Commission on Civil Rights, Statement on Affirmative Action, October 1977. It does not force employers to meet defined quotas or hire unqualified applicants. However, it did force society to open the doors of opportunity to individuals who were previously precluded from participating fully in our society. Without these programs to prohibit racist and sexist behavior, people would be free to practice the socially destructive behaviors that inhibit our success and progress.

It is irresponsible for Members of this body to embrace the notion we no longer need laws to prevent and protect women and minorities against discrimination. This body must work diligently to contain the disease of hate and prejudice which is eroding the very fabric of our Nation. The race problem in America threatens the two things that make us the most productive country in the industrialized world; diversity and opportunity. Mr. Speaker, Members should resist the temptation to participate in racially divisive politics. We as Members of the United States Congress need to do what is morally right, not what is politically advantageous. To dismantle our civil rights laws is to knock on the door of disaster. We cannot fan the flames of fear without getting burned. We must extinguish the fire. It is our responsibility to remain steadfast as the vanguards of justice and equality. We must not betray our responsibility to nurture and heal the deep divisions that prohibit us from realizing our true greatness.

HONORING MARVIN RUNYON

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. CLEMENT. Mr. Speaker, I speak today in honor of Marvin Runyon—a good friend, a great constituent, and an honorable leader. Many Americans recognize Mr. Runyon as the Postmaster General of the United States. However, he has also enjoyed a distinguished career in the corporate world and as a public servant.

I first met him when he was President and CEO of Nissan America. At the time, he had chosen Smyrna, TN, as the site to build Nissan's manufacturing plant from the ground up. After great successes at Nissan, he was selected by former President Ronald Reagan to become chairman of the Tennessee Valley Authority. Following his chairmanship, the Postal Service's Board of Governors asked Mr. Runyon to become our Nation's 70th Postmaster General.

My esteemed constituent oversees a $56 billion Federal agency, employing 760,000 individuals and bearing 40,000 post offices nationwide. Under Mr. Runyon's watch, the U.S. Postal Service earned a $1.6 billion in 1996. In addition, overnight service performance has improved in recent years from 82 to 91 percent.

Mr. Runyon has come under criticism in past months over some stock holdings. However, I hope that these allegations do not

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

overshadow the diligence, competence, and honor of a man who has spent his career serving others. While others must judge the ethics of Mr. Runyon's investments, I am pleased to submit two articles that tell his side of the story. I ask that these articles be submitted for the RECORD.

[From Industry Week, Feb. 3, 1997]

MARVIN RUNYON DELIVERS A TURNAROUND

(By William H. Miller)

When most top-level CEOs reach the retirement years, they're only too glad to swap their corner offices, limousines, and other perks for a less stressful life of golf, grandchildren, and gardening. If they do want to keep a hand in running things, may be they'll sit on a few boards, head a quiet foundation, or spearhead a fundraising drive for the local symphony.

For Marvin T. Runyon, all that sounds boringly tame. At age 72, the former Ford Motor Co. vice president, Nissan USA manufacturing CEO, and Tennessee Valley Authority (TVA) chairman toils 10 to 12 hours a day—and takes work home—in what has been called the toughest management job in the U.S.: Postmaster General and CEO of the U.S. Postal Service (USPS).

Runyon has been in the job—thriving in it, in fact—for 4½ years. During that time he has created headlines and controversy—and a notable turnaround of a troubled organization that in an onrushing era of electronic communication seemed an anachronism.

How tough is his job? Based on its size alone, the Postal Service is a managerial pressure cooker. Its fiscal-1996 revenues were $56.4 billion—enough, probably, to preserve its 1995 ranking as the U.S.'s ninth largest and the world's 33rd largest enterprise. And with a career workforce of more than 760,000, it is the nation's largest employer next to the Dept. of Defense.

What makes Runyon's job even more challenging, however, are the severe restraints on operating freedom that any boss of the Postal Service faces—restrictions not shared by private-sector CEOs. Although no longer a Cabinet department—it became a quasi-government organization in 1971—USPS is subject to oversight from Congress, which has never been shy about exercising its will. It also reports to a nine-member Board of Governors appointed by the President.

Moreover, a host of federal departments can control its actions: Treasury, for example, must approve any new businesses the Postal Service enters; the Dept. of Transportation sets rates for overseas air mail; and the Office of Personnel Management represents the agency on appeals to the Merit Systems Protection Board.

The Postal Service can't even determine its own postal rates. It can only recommend increases to the Postal Rate Commission, an oversight body that can approve, disapprove, or change them. The decision process often drags on for 10 months or more, during which time markets may change or competitors beat the USPS to the punch.

In perhaps its greatest lack of self-determination, however, the Postal Service—unlike private businesses or its competitors—isn't able to pick and choose its markets and services. It is required by statute to provide universal service at a uniform price—delivering mail to any address in the U.S., regardless of how remote or how crime-ridden an area may be, six days a week and at a standard rate. "That keeps us from cream-skimming, like our competitors can," Runyon acknowledges.

As if these strictures weren't enough, any Postmaster General must manage in an awkward labor-relations environment. Because strikes among government workers are forbidden by law, the Postal Service and its five unions—mainly, the 365,000-member American Postal Workers Union (APWU)—must submit labor disputes to mandatory binding arbitration. "No company has to do that," points out Runyon. "One arbitrator can tell us what our labor costs are going to be. And we have no responsibility for the outcome."

Runyon was well aware of these constraints when he stepped into his post, first held by Benjamin Franklin. He also was aware of a variety of other daunting challenges he had inherited—challenges that to an executive war-horse like him made the job seem even more appealing. Among them:

Nimble competitors, not bound by the obligation to provide universal service at a uniform price, were tearing at the Postal Service's very existence. Private carriers offering overnight package delivery were grabbing an increasing share of the market. The fax machine, e-mail, and other electronic forms of communication were rapidly replacing first-class mail, long a USPS monopoly. Runyon figures that 35% of business-to-business mail has disappeared in recent years—an erosion that he expects to continue.

The Postal Service's organizational structure was a classic example of bureaucracy at its most bloated. The culture of the 221-year-old agency was steeped in the 19th century. Technology seemed barely in the 20th.

Red ink was flowing. The last time the USPS had turned a profit was 1989, the year after a postal-rate rise.

Relations with the postal unions were, at best, strained.

Runyon plowed into these challenges with the zest of a CEO 20 years his junior. But, unlike a younger executive, he brought a rich background of varied management experience to the post.

First was his 37-year career at Ford. He started as an assembly-line worker in Dallas while awaiting a call-up to the Air Force during World War II, went back as an hourly employee while completing his engineering degree at Texas A&M University, and eventually worked his way up to vice president of Body & Assembly Operations.

After leaving Ford in 1980, he became President and CEO of Nissan Motor Manufacturing Corp. U.S.A. where he built the first Japanese auto plant in the U.S. at a greenfield site in Smyrna, Tenn.

Then, at a time when most executives his age head for the golf course, in 1988 he left Nissan to become TVA's chairman, "I went there," he says, "because President Reagan asked me to. And I wanted to prove that we could run a government agency as efficiently as a private company."

He did precisely that. In what he calls "a learning experience" for the Postal Service, he turned TVA, then a reeling organization, around. He slashed overhead by 30%, achieved $1.8 billion in efficiency improvements, and stabilized TVA's utility rates that had been rising more than 10% a year for the previous 22 years. (Thanks to his spadework, it has been 10 years since TVA's last rate increase.)

His success at TVA caught the eye of the Postal Service's governors, who offered him the Postmaster General's job in May 1992. He started two months later and immediately asked all postal officers to "explain to me what they did, why they did it, and how they did it." After digesting that information, within three weeks he launched a process of change that, going on five years later, continues.

"The biggest challenge," he says, "was to stop losing money." Beyond that, his goals were to improve service, stop the high wage increases that were granted every three years, and reduce overhead.

"Another challenge I had, both at TVA and here," he reflects, "was to convince employees that they had customers. I had to convince them that we didn't just exist because we were a government agency, but because we provided a service—a service to customers. And we had to satisfy those customers. It required a total culture change.

"We've done a pretty good job," Runyon reflects, looking back on his tenure with an air of detachment—and obvious satisfaction. Ticking off his team's accomplishments, he points out that USPS went four years without a rate increase. When it did raise rates in January 1995, the boost was only 10.3%—two points below the four-year inflation rate. Significantly, the service posted a profit of $1.8 billion in fiscal 1995 and $1.5 billion in 1996. Runyon is confident of more black ink in fiscal '97, which would mark the first time since the Postal Service became independent in 1971 that it has strung together three consecutive profitable years. Profit is budgeted at $55 million, but Runyon is setting $1 billion as "an aggressive target."

The service doesn't make a profit merely for the sake of profit. But the last two years of black ink have more than halved USPS's one-time negative equity of $6 billion. "When we get our negative equity down toward zero, and if we can continue to make a profit, we may be able to cut the price of stamps," he says.

In perhaps an even greater accomplishment, the Postal Service under Runyon has managed to make these profits while simultaneously improving its performance. Since early 1994, USPS has boosted on-time delivery of overnight-designated mail from 79% to 91%, helping to erase its long-time image of offering "snail mail."

How did Runyon accomplish all this? Much of the turnaround he credits to his reorganization of the once-bloated agency. He trimmed four layers of management, reducing overhead by some 23,000 administrative employees. This leaner organization, in turn, has made possible a significant improvement in communication. And communication, he stresses, "is the most important thing you have in any business."

At the same time, Runyon reduced the number of regulations in the USPS Domestic Mail Manual, which hadn't been overhauled in more than a century, by 50%

Not unexpectedly, many of Runyon's moves sparked resistance. But now, he claims, his customer-oriented, market-driven approach—unquestionably helped by the incentive-compensation plan he has installed—has energized the organization.

Important, too, in the Postal Service's turnaround have been Runyon's marketing innovations. Perhaps most noticeable to the general public are the post offices themselves. They don't look like—well—post offices anymore. They're bright, colorful, user-friendly "postal stores," featuring automatic-teller machines and clerks who actually smile. Customers can even use cards—a simple convenience that took Runyon two years to get approved by Congress.

In addition, Runyon has launched an aggressive advertising campaign. Focused particularly on Priority Mail, it is credited with raising volume of that service by 23% from the previous year. The campaign has been so successful that it has attracted a lawsuit by Federal Express over claims made in the ads.

The Priority Mail campaign also is the subject of one of Runyon's managerial embarrassments. It led to the forced resignation last October of Loren E. Smith, the former chief marketing officer who draws effusive praise from Runyon for spearheading USPS's marketing initiatives. A one-time Procter & Gamble executive, Smith left the Postal Service following revelations he had overspent his advertising budget by nearly $90 million. The episode is another example of the lack of flexibility the Postal Service, whose advertising expenditures are firmly fixed by the Board of Governors, has in responding to the market. Any private company seeing similar effectiveness of an ad campaign, postal officials point out, could easily have shifted spending to continue the momentum.

Besides its marketing emphasis, the Postal Service is introducing a steady stream of popular new products. Self-adhesive "no-lick" stamps, which now account for 60% of all stamp sales, are one. Two newer ones in recent months: Global Priority Mail (available to 27 nations) and Global Package Link (a customized direct-mail service for businesses). More new-product offerings are on the way, many of which are an effort by the Postal Service to counter its electronic competition by offering innovations of its own in the area of electronic commerce. Among them:

CIPS (Customer Initiated Payment System)—a service that will enable consumers to drop a prepaid card into the mail to trigger electronic payment of bills. It will save them from having to write a check.

Hybrid Mail—a potential market of $200 million a year in which consumers—especially advertisers—can transmit mail electronically and have it delivered in hard copy.

Electronic Postmark capitalizes on the Postal Service's unique capability of being a "trusted third party" by certifying electronic messages.

Kiosks will offer consumers one-stop shopping for federal services. By inserting a "smart card" in a slot, for example, they can get their Social Security checks.

Still another innovation—installation of vending machines in post offices—is in the works (and has subjected Runyon to a Justice Dept. investigation because he was involved in negotiations despite formerly owning Coca-Cola stock).

At the same time it introduces these and other new services, the Postal Service is installing sophisticated new automation equipment—part of a record five-year, $14 billion capital-investment program that is one reason for the dramatic improvement in on-time delivery.

Despite this automation and other efficiency gains, 80 percent of USPS's revenues still goes to labor, Runyon pointed out in a recent speech. He indicated the agency is "taking a good, long look" at using private-sector labor—an action that invites a battle with postal unions (see Page 47).

As if Runyon won't be busy enough this year shepherding the Postal Service's new products and other innovations, he also will devote much of his attention to Capitol Hill. Already, he says, "I spend 20 percent of my time dealing with Congressional matters." That percentage may increase as he works for enactment of legislation, expected to be reintroduced by Rep. John M. McHugh (R, N.Y.), that would give the Postal Service greater flexibility to set prices and to expand and create products more rapidly.

Beyond that, Runyon says his goal is "to just keep on improving." He'd like to extend USPS's string of profitable years—"a historic three-peat," he calls it—and boost its service performance even higher.

"That is what makes the rumors so hard to understand," he declared in a December speech to the National Postal Policy Council, an organization representing large mailers. "I am talking about the rumors that I am ready to hang up my bag and leave the Postal Service. I am looking forward to 1997 and beyond."

That doesn't sound like a man who wants to chuck it all for golf, grandchildren, and gardening.

[From Barrons, Monday, Jan. 27, 1997]

THE APPEARANCE OF CONFLICT

(By Thomas G. Donlan)

STOCK OWNERSHIP IS NOT NECESSARILY A COLLISION OF INTEREST

Marvin Runyon, chief executive officer of the Postal Service (in pretense a private company) has done what he must to hold on to his real job, which is Postmaster General of the United States. He has apologized for "an appearance of conflict of interest" involving his ownership of stock in a company doing business with the Postal Service. The apology may have been politically necessary but it will do nothing to improve government or the Postal Service.

At issue is Runyon's ownership of somewhere between $50,000 and $100,000 worth of Coca-Cola stock while he was also involved last year in discussions about a franchise for Coke machines in the nation's 40,000 post offices.

According to Runyon's report, he has owned the stock since 1977. We did not ask him, but let's assume he has about 1,700 shares worth about $100,000. Undo the effects of 20 years' worth of stocks splits and appreciation: By our calculation, that means he paid $35 a share for 70 shares—much less if he reinvested dividends. It was a trivial investment for a man who was then one of Ford Motor Co.'s top executives. Only 20 years' worth of appreciation makes the investment a sum worth noting.

Anyone with a sense of proportion should also wonder how much profit Coca-Cola might gain from even 40,000 new Coke machines. After all, the company makes syrup, which passes through the hands of distributors and bottling companies and vending-machine companies before it ever reaches the lips of thirsty postal patrons, parched by waiting for the so-called service of the Postal Service.

If Coca-Cola makes a penny a drink and each machine rings up 500 sales a day (both estimates are absurdly high), that's 20 million pennies or $200,000 a day profit. Six days a week minus national holidays is roughly 300 days and $60 million. Divide that among 2.4 billion shares and multiply by no more than 1,700 shares that Runyon owns if his holdings are worth less than $100,000, and we're looking at an appearance of less than $45 a year worth of conflict of interest.

When Runyon was reproached for this conflict, he should have replied with defiance, not with meek acceptance. Instead, he recused himself from the negotiations with Coca-Cola and sold his Coke stock.

Obviously, he paid more in capital gains tax on the sale than he could have earned from 500 years of his stockholder's share of the profits from a Coke franchise in post offices. But this is the U.S. Postal Service, which swallows camels and strains at gnats with the best bureaucratic skill.

A few months ago, the Postal Service system forced the resignation of one of Runyon's key aides, marketing director Loren E. Smith. The unfortunate fellow violated a rule against unauthorized budget transfers. He had overspent his advertising budget by $90 million on aggressive ads for express mail that targeted the competition, Federal Express and United Parcel Service.

Called "$12, $6, $3: What's Your Priority?" the ads boosted the Postal Service's Priority Mail service, which offers two-day service for $3, compared with the competitors' two-day services at $12 and $6. The ads glossed over the other guys' service guarantees and computer package-tracking, but the emphasis on low price worked.

The ads were the most effective in Postal Service history, pushing express-mail revenues up by $500 million or more during the campaign. "Quite frankly, you ought to be throwing a parade for everybody in the marketing department," Smith said, just before he was sacked.

The Smith affair underscored the real character of the Postal Service as a government bureaucracy rather than a real corporation. The rules Smith broke were legislated into his way by political appointees on the Postal Service Board of Governors, for whom line items were more important than success. Smith had never overspent the marketing budget, just the part for advertising, which was covered by spending restraint in other areas.

For an explanation of Smith's fate, recall that FedEx was the largest corporate contributor to congressional campaigns between 1993 and 1995, while UPS was third. When such contributors complain about their governmental competition, things happen. All Runyon could do was send Smith on his way with a $94,000 severance arrangement, something that brought the postmaster general under more fire.

Still, the biggest stick with which Runyon's enemies are beating him is this convenient thing, the appearance of conflict of interest.

Similar sticks are raised throughout the country, where federal, state and local rules restrain officials from owning insignificant quantities of stock because their holdings might pose an appearance of conflict.

At the moment, two Clinton Administration nominees, Anthony Lake and Samuel Berger, are struggling with such an appearance. While Lake was serving as National Security adviser and Berger was his deputy, the two were advised by some overzealous White House lawyer to sell their energy stocks, as if they could pervert the nation's foreign policy to make a few pennies per share in Lake's Duke Power and Exxon stock, his wife's stock in Mobil and TECO Energy, and Berger's stock in Amoco. The two men ignored the admonition, accidentally they say, and the Justice Department has been investigating them for more than a year.

Now Lake has been nominated to be director of the CIA, a particular irony since the most successful recent director, the late William Casey, was an ardent Wall Street plunger. Casey's purchase of stocks at the beginning of the bull market in 1982 was fully disclosed and drew sarcastic remarks in *Barron's*, among other places, but never seemed to affect his performance as the nation's spymaster.

Appearances aside, either there's a conflict or there isn't, and reasonable people can tell the difference. It's not a conflict for an official such as Runyon who owns one-millionth of a company while negotiating with that company for a contract that might enhance its profits by 3%. It's a conflict when the investment is so large that the potential swing in earnings also represents a substantial percentage of the official's annual income.

The real appearance in the Postal Service is of a conflict between tough-minded people trying to run a business and muddle-headed political appointees trying to maintain a traditional preserve of civil-service unions and political patronage.

CHILD ACCESS PREVENTION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. BLUMENAUER. Mr. Speaker, the statistics regarding kids and guns today are truly alarming. Every 90 minutes a child is killed with a loaded gun. Shootings are the fourth leading cause of accidental death for children. For every child killed by gunfire, four more are wounded. This is a tragedy we can and should do something about.

The right to own a gun must be balanced with the responsibility of keeping guns out of children's hands. When people buy a gun, they should also be encouraged to purchase either a lock box, trigger safety, or similar device to make sure the gun cannot be accidentally handled or fired.

Today I am introducing a bill that models itself after laws already on the books in 15 States and a number of localities. These laws, known as child access prevention [CAP] laws, make it the legal responsibility of gun dealers to provide—and of gun owners to use—gun safety devices. Best of all, we know from experience that this is an approach that works. Florida, the first State to pass such a law, showed a 50-percent drop in unintentional shooting deaths among kids the first year after passage. California has shown similar results after passing a CAP law.

My bill would: require gun dealers to offer to sell a locking device or lock box for safe gun storage and post a sign stating that this law is in effect; making gun owners legally responsible for leaving a loaded firearm, or a firearm near ammunition, in a place where kids could gain access.

People regularly child proof their home to protect children from harming themselves. By making potential gun buyers aware of these problems and by offering a solution at the point of sale, we can child proof guns in the home, leading to fewer gun-related accidents and a greater sense of awareness about gun safety.

HONORING RAY MEDLIN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Ms. KAPTUR. Mr. Speaker, I would like to take this opportunity to recognize G. Ray Medlin of my district, on his receipt of the Northwest Ohio Chapter of the Arthritis Foundation's Humanitarian Award. Ray will be honored in Toledo, OH on February 25, 1997.

Ray has served our community, our State, and our Nation in many capacities. He is a dedicated and diligent trade union leader, having served as the executive secretary-treasurer of the Northwest Ohio District Council of Carpenters and president of the Northwest Ohio Building and Construction Trades Council. He currently is the executive director of the Carpenters Health and Safety Fund of North America.

Extending his commitment outside his profession, Ray serves as a key member on several northwest Ohio boards including the Bowling Green State University Board of Trustees which he currently chairs, the Toledo-Lucus County Port Authority Board, the Toledo Regional Growth Committee, the Riverside Hospital Board, and the Rossford, OH Economic Growth Committee.

Ray Medlin directs his energies to those ventures which will reap economic rewards for our region, thereby assisting our entire community in achieving economic security. In that sense, he is a classic humanitarian: Focusing his volunteer efforts on bettering the lives of his fellow citizens. He is a worthy recipient of the Northwest Ohio Chapter of the Arthritis Foundation's 1997 Humanitarian Award. I am pleased to join the organization in congratulating him and acknowledging his service and commitment to us all.

MENOPAUSE OUTREACH, RESEARCH, AND EDUCATION ACT

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. STEARNS. Mr. Speaker, women hold a unique and very special place in today's society. Women must be multifaceted—they have many roles which they must fulfill. In addition to the role of wife and mother, many women must also work outside the home and have many demands made upon their time.

While women experience the same stresses and strains that all Americans must contend with, women have special health concerns that affect them directly as a group.

Health care has been the focal point of discussion in and outside of Congress over the past few years. Why should women's health care needs be treated any differently from other health care problems? Simply because women experience all the normal aches and pains, but they are also struck with diseases which are predominant among women.

Since women live approximately a third of their lives—about 30 years—after menopause, it is crucial that we learn more about this passage in a woman's life. That is why I am reintroducing the Menopause, Outreach, Research and Education Act [MORE] to provide a program for research and education regarding menopause and related conditions.

APPROVING THE PRESIDENTIAL FINDING REGARDING THE POPULATION PLANNING PROGRAM

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

The House in Committee of the Whole House on the State of the Union had under consideration (H.J. Res. 36) approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997:

Mr. STOKES. Mr. Chairman, I rise today in support of House Joint Resolution 36 to release funding for international family planning programs.

Through family planning services, women and their families are given essential prenatal care and health services. Recognizing the importance of this effort, the United States has been the leader in providing family planning services throughout the world.

In fact, since 1965, the United States has supported population planning assistance in developing nations. These programs provide the means for avoiding unintended pregnancies, and therefore, play an essential role in reducing abortions.

Each year, over 580,000 women die from complications of pregnancy and childbirth. Ninety-nine percent of these women live in developing countries. Furthermore, in developing countries, more than 31,000 children under the age of 5 die each day.

Mr. Chairman, family planning reduces maternal and child mortality by educating women and their families about their reproductive choices. Furthermore, these programs provide essential medical resources to help infants with immunizations, nutrition, and disease control.

If the funding for these important services is continued to be delayed, we will deny informed and effective use of reproductive and contraceptive services to couples who depend upon these programs. In fact, when contraceptive services are not available to women, abortion rates increase.

Unfortunately, during last year's budget debate, abortion opponents cut international family planning funds by 35 percent, and mandated that fiscal year 1997 funds could not be spent until July 1997 unless President Clinton submitted a finding to Congress which demonstrated that the holding of these funds is having a negative impact on developing countries.

As President Clinton has reported to Congress, any further delay in the access of family planning services will have a negative impact on population programs and will result in "increased unintended pregnancies, more abortions, and higher numbers of maternal and infant deaths."

Mr. Chairman, this is not a vote on abortion. By law, these funds cannot be used to provide or promote abortions. Funding for these programs should be released immediately. The only way to reduce the number of abortions worldwide is to reduce the number of unwanted pregnancies. The most effective way to accomplish this is through family planning services.

Mr. Chairman, the benefits of family planning are undeniable. I urge my colleagues to join me in supporting House Joint Resolution 36.

TRIBUTE TO YAKOV AND SYLVIA YELLIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Yakov and Sylvia Yellin, who this year are recipients of a special award from Shaarey Zedek congregation in north Hollywood. As members of the congregation, the Yellins have taken the lead in the construction of a new building at Shaarey Zedek, which is the largest Orthodox shul in the San Fernando Valley. Indeed, Yakov Yellin recently completed a highly successful 2-year term as synagogue president.

Yakov's dedication to Shaarey Zedek is no surprise; he is a rabbi who spent 5 years as head of a congregation in San Jose, CA. He also spent nearly 2 years as Post Jewish Chaplain at the U.S. Army Base at Fort Sill, OK. Shaarey Zedek is fortunate to have someone of such stature in its congregation.

Sylvia Yellin, the child of Holocaust survivors, has a similar commitment to Orthodox Judaism. She attended Hillel Academy elementary school in Denver and graduated from Esther Schoenfeld High School in Brooklyn. She has served on several synagogue boards, and headed the chaplain's wives' club at Fort Sill.

Somehow the Yellins are able to balance their commitment to Shaarey Zedek Congregation with full professional lives and parental responsibilities. Yakov is vice president-counsel at the Walt Disney Co., a job that requires his intimate involvement in all aspects of litigation. He has also traveled around the world lecturing on ethical standards and legal compliance matters. For her part, Sylvia is vice president of Adams Speciality Shop.

The Yellins have five children, who range in age from 10 to 24, one grandchild and another on the way.

I ask my colleagues to join me today in saluting Yakov and Sylvia Yellin, whose spirituality, selflessness, and devotion to family is an inspiration to us all.

HONORING BRENTWOOD EARLY RISERS TOASTMASTERS CLUB

HON. BOB CLEMENT

OF TENNESEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. CLEMENT. Mr. Speaker, I rise today to commend the Brentwood Early Risers Toastmasters Club [BERT] for 20 years of service. On May 5, 1997, the Brentwood Early Risers Toastmasters Club in Brentwood, TN will celebrate their 20th anniversary. The first BERT meeting was held two decades ago at Nobles Restaurant in Brentwood at 7 a.m. The club met on the 1st, 3rd and 5th Saturday then and is still meeting at those times today.

The co-founders of the club were E.D. Dyer and Bunny (Ward) Woods. E.D. Dyer was the first president and Bunny Woods was the first secretary. W.D. Dyer was the only one of the 20 charter members who had any previous Toastmasters experience.

Bunny Woods is the only charter member who is still active in club activities. Ms. Woods has served as various officers for the club, including the office of president. She serves as an example and mentor for all club members. Bunny Woods is to be commended for her individual efforts for the good of all members of BERT for these 20 years. Thank you, Bunny Woods.

MILDRED BUNDY: ONE OF OUR COMMUNITY'S BRIGHTEST STARS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. FILNER. Mr. Speaker, I rise today to recognize this year's winner of the Rancho de la Nacion Optimist Club's Camacho-McCartney Award, Mildred Bundy. Mildred has lived in the 50th District community of National City for over 56 years, and she continues to shine as one of its brightest stars.

Each year, the Rancho de la Nacion Optimist Club gives the Camacho-McCartney Award to a community member who has put their heart and soul into volunteer work on behalf of our community's youth. But saying that Mildred puts her heart only into youth-oriented voluntarism does her a great disservice, because there is not a corner of the community that hasn't been touched by her incredible energy, dedication, and love for her community.

Besides all the work she does on behalf of our community's young people, including volunteering for the May Time Band Parade, the National City Girls and Boys Club and serving as a friend of the National City library, Mildred participates in We Are Your Neighbors, a program that seeks to find community answers to community problems. She also volunteers with the Christmas in July program, which assists senior citizens in making repairs and improvements to their homes.

If I am ever given the opportunity to rewrite the dictionary, I will make sure that under the words "community," "caring," "kindness," or "compassion," it will say—"see Mildred."

Thank you Mildred, thank you for everything.

HONORING THE 1997 FAIRFAX COUNTY CHAMBER OF COMMERCE VALOR AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to the 1997 Fairfax County Chamber of Commerce Valor Award winners. On Tuesday, February 13, 1997, the Fairfax County Chamber of Commerce presented the annual valor awards at the McLean Hilton.

The valor awards honor public service officers who have demonstrated extreme self-sacrifice, personal bravery, and ingenuity in the performance of their duty. There are five categories. the Gold Medal of Valor, the Silver Medal of Valor, the Bronze Medal of Valor, the Certificate of Valor, the Life Saving Award.

The Valor Awards is a project of the Fairfax County Chamber of Commerce, in conjunction with the Fairfax County Board of Supervisors. This is the 19th year that these awards have been presented.

The Gold Medal of Valor is awarded in recognition of acts involving extreme personal risk far beyond the call of duty. The Gold Medal of Valor Award winner for 1997 is: Technician George Lewis.

The Silver Medal of Valor is awarded in recognition of acts involving great personal risk. The Silver Medal of Valor Award winners for 1997 are: Officer Chris Hayo, Officer Troy Payne, Master Technical Michael Huffman, and Technician Beverley Carroll.

The Bronze Medal of Valor is awarded in recognition of acts involving unusual risk beyond that which should be expected while performing the usual responsibilities of the member.

The Bronze Medal of Valor Award winners for 1997 are: Officer Michael Bishop, Officer Robert Greissinger, Sgt. Francis Stecco, Officer Dennis Vorbau, Officer Kenneth Campo, Officer Michael Twomey, Officer Mark Dale, Officer Steven Carroll, Officer Kevin Murphy, Detective John Kuch, Detective Richard Reeder, Detective Thomas Soltow, Detective Ronquillo Dean, Detective Warren McGee, Detective Jack Kirk, and Technician Michael Weldon.

The Certificate of Valor is awarded for acts that involve personal risk and/or demonstration of judgment, zeal, or ingenuity not normally involved in the performance of duties.

The Certificate of Valor Award winners for 1997 are: Officer Donald Cooke, Officer Jason Reichel, Officer Shawn Bennett, Capt. Donald Simpson, 2d Lt. Dennnis O'Neill, Officer George Lopez, Officer John Absalon, Officer Wade Jordan, Officer James Nida, Officer David Bane, 2d Lt. Margaret DeBoard, and Recruit Gary Beaver.

The Lifesaving Award is awarded for acts taken in life-threatening situations where an individual's life is in jeopardy, either medically or physically.

The Lifesaving Award winners for 1997 are: Deputy Charles Brown, Corporal Vernon Thompson, Deputy Scottie Dotson, Officer Steven Faett, 2d Lt. Robert Hersey, Officer Christopher Thomas, Supervisor John Kirby, PSCA III Susan Farria, Capt. Michael Ward, Technician John Chabal, and Lt. Jerome Williams.

Mr. Speaker, I know my colleagues join me in commending these fine citizens who are truly deserving of the title "hero."

TRIBUTE TO PAUL WOLFE

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. MILLER of Florida. Mr. Speaker, today, I respectfully pay tribute to a long time friend, Mr. Paul Wolfe. He is an accomplished musician whose influence in the artistic and musical world has been felt in southwest Florida and throughout the world. On March 3, the American Jewish Committee in Sarasota, FL, will honor Mr. Wolfe with their 1997 Human Relations Award. Let me tell you about Paul Wolfe.

Mr. Wolfe began to play the piano at the tender age of 2 years. At the ripe old age of 4 years, he began his study of the violin and as a young teen, began performing with a group on radio. His illustrious career as a musical conductor was born.

Mr. Wolfe participated in a fantastic variety of performances. He played in the first violin section of the New York City Symphony, enjoyed an assignment to the Air Force Band, and performed in the show orchestra for "South Pacific." Despite his professional demands, his formal education remained a top priority. In an incredible balancing act, Paul Wolfe completed his undergraduate work and then actively pursued business administration at Columbia University while receiving his master's degree in music. With the support of his wife, Doris, he even made symphonic recordings for Columbia Records and RCA during these years.

In 1961, Mr. Wolfe was invited to become the artistic director of the 13-year-old Florida West Coast Symphony in Sarasota, FL. He adeptly molded the enthusiastic community orchestra into the outstanding symphony we have today and cofounded the prestigious Sarasota Music Festival. Paul Wolfe is also dedicated to passing the joy of music on to the next generation through the Florida West Coast Symphony Youth Orchestra. The symphony's nationally recognized youth programs have grown under his direction to include five youth orchestras and are among the most extensive of any in the country.

Upon his retirement from the Florida West Coast Symphony in April 1996, Paul Wolfe assumed the well-deserved title of conductor laureate. Today, he continues his involvement by working Saturday mornings with young musicians as well as participating with the Florida String Quartet.

I have known Paul personally for many years. He is well loved by our community for his humor, warmth, and modesty. Though he is hanging up his professional baton, his legacy will remain for his tremendous contribution to music education for our youth. I honor Paul Wolfe today as a friend, musician, and civic leader and praise his contributions on behalf of the 13th Congressional District of Florida.

TRIBUTE TO JACQUELINE D. WARD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. TOWNS. Mr. Speaker, public service is not an option for everyone, but it is the foundation upon which Jacqueline Ward has built a career.

Jacqueline has been on the frontline of numerous political campaigns, and has demonstrated her tenacity and passion for participating in the political process. Her many talents have been utilized by a host of New York State and city political luminaries, including, former Governor Mario Cuomo, Mayor David Dinkins, Comptroller Carl McCall, and Brooklyn county leader Assemblyman Clarence Norman.

Jacqueline Ward has acquired considerable background in accounting and bookkeeping services as a result of her work with numerous businesses which provide financial services.

Ms. Ward has a 17-year-old son Mark, and resides in Jamaica, NY. I want to take this opportunity to acknowledge the public service career of Ms. Jacqueline Ward.

TRIBUTE TO PHILIP MORSE

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate Mr. Philip Morse for being recognized by the American Associates Ben-Gurion University of the Negev for helping to establish a Chair for Clinical Studies in Rheumatology. Mr. Morse's vision, leadership, and enduring support as a businessman and as a philanthropist in the United States and abroad is a beacon for us all.

Born in Poland in the 1920's, Mr. Morse was smuggled across the border of his homeland at the young age of 19 to escape the horrors of the Holocaust. By way of Sweden, Russia, Japan, and Seattle, he arrived in New York City in 1940 greeted by relatives he had never met. Philip Morse came to America penniless, alone and determined to pursue his dream of success and freedom. It was his creativity and wit that would help him become an extremely successful industrialist.

Philip Morse's experience in repairs and reconditioning of machinery helped him to establish the Morse Electro Products Corp. where he first revolutionized the sewing machine. Soon after, he developed a way to transform the massive radio console into a compact stereo. His innovation was the most inexpensive way to build a personal stereo making it affordable for working America for the first time ever. Furthermore, he provided thousands of jobs for workers by setting up an assembly line to manufacture the compact stereo at industrial parks in New York, Texas, and California.

In addition to his business success, Mr. Morse is committed to support Judaic causes. Several times a year he travels to Israel to promote the Zionist movement and encourage business development in Israel. Through his own personal interest and painting experience, he established a business in Israel that reproduces serigraphs and lithograph paintings of young and unknown artists. Today, he is acknowledged throughout Israel for his commitment to education at yeshivas and at the Ben-Gurion University.

Mr. Morse remains active in the Jewish community in south Florida as a founder and distinguished member of the board of directors for the Aventura-Turnberry Jewish Center and as a member of Hashomer Hazair.

I wish Philip the best on receiving this prestigious recognition from the Ben-Gurion University of the Negev. I know he will continue to be an effective voice for business development and for the Jewish community in south Florida and in Israel.

LEGISLATION TO FIX HOSPITAL OUTPATIENT DEPARTMENT OVERCHARGES: SUPPORT FROM NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. STARK. Mr. Speaker, Representative BILL COYNE and I have introduced legislation (H.R. 582) to stop immediately the overcharging of Medicare beneficiaries in hospital outpatient departments [HOPD's]

I am pleased to report that the President's fiscal year 1998 Medicare budget also proposes to fix this gross overcharging of beneficiaries through a 10-year return to the 80–20 percent split that prevails in the rest of Medicare Part B.

It is way past time that we fixed this problem. Four and a half years ago the National Committee to Preserve Social Security and Medicare wrote about it in their July/August issue of Secure Retirement. It is a good explanation of the problem—and why we should fix the problem this year, before it gets even worse.

[From Secure Retirement, July/Aug. 1992]

WHY MEDICARE OUTPATIENT AND INPATIENT FEES CAN BE AS DIFFERENT AS APPLES AND ORANGES

(By Jeff Archer)

If you need surgery and your doctor recommends outpatient treatment, check the price first.

While both physician fees and hospital inpatient charges are strictly controlled by Medicare, no similar limits are imposed on what an outpatient center may charge.

As a result, Medicare beneficiaries are not protected from excessive charges by outpatient services, says a recent report by the Prospective Payment Assessment Commission, the non-partisan body created by Congress to study Medicare's payment systems.

Seniors who don't have the most recent version of the Medicare Handbook might not realize this. Last year's handbook contained a chart of covered benefits for outpatient hospital treatment, which said: "You pay . . . subject to deductible plus 20 percent of approved amount."

But in reality, seniors may wind up having to pay more, possibly 30 percent or higher than Medicare's approved amount for the procedure.

That's because Medicare actually has no direct control over the outpatient service fee. No matter how much is charged, Medicare tells beneficiaries they must pay 20 percent of the bill.

Medicare does have approved amounts for these procedures, but they are used only to determine how much the health agency pays—not how much the beneficiary owes.

So while the health care agency and health care providers talk apples and oranges, the beneficiary is left completely unprotected from excessive outpatient charges.

The situation has been going on for years.

In fact, Medicare itself has pointed out the problem and the need to control outpatient fees in the same way that hospital inpatient charges are regulated.

"Currently, the beneficiary pays 20 percent of whatever the [outpatient] hospital charges for a procedure, while Medicare pays 80 percent of a payment that is at least based on costs," former Medicare Administrator Gail Wilensky told Congress in 1991. "Payment should be the same regardless of whether the procedure is performed in an outpatient department, an ambulatory surgical center or other center."

Medicare beneficiaries also have realized the error.

Kenneth Lee, of Everett, Wash., noticed the problem after his wife, Barbara, sought treatment as a hospital outpatient about two years ago. The Medicare form they received showed them having to pay 20 percent of the bill from the outpatient center.

But when Mr. Lee called his Medicare representative, he found the health care agency paid the facility much less than 80 percent of the total bill. That meant the Lees actually had to pay more than 20 percent of Medicare's approved amount.

"They're saying there are two reasonable amounts, one for Medicare and one for you," says Mr. Lee, calling the practice double bookkeeping. "It's misleading and false—they don't cover 80 percent of the bill."

The 1992 Medicare Handbook has been changed to indicate beneficiaries are responsible for 20 percent of the billed—rather than the approved—amount. But outpatient service fees still are not controlled by Medicare.

In its recent report to Congress, the Prospective Payment Assessment Commission called for controls on outpatient service fees, stating the current practice "unfairly penalizes beneficiaries who receive care in the outpatient setting."

BALANCED BUDGET AMENDMENT: CONSTITUTIONAL BOONDOGGLE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. CONYERS. Mr. Speaker, I am attaching a copy of an important editorial appearing in last week's Wall Street Journal entitled "Constitutional Boondoggle" strongly opposing the balanced budget amendment. When a bastion of conservatism such as the Wall Street Journal refers to the balanced budget amendment as a "flake-out" and "silly," I think it is time for all Members to look up and take notice.

[From the Wall Street Journal, Feb. 4, 1997]

CONSTITUTIONAL BOONDOGGLE

With President Clinton about to deliver his State of the Union Address and new budget, this is an apt moment to say that the President is right and the Republicans are wrong on item one of the GOP Congressional agenda. The balanced budget amendment is a flake-out.

The notion of amending the Constitution to outlaw budget deficits is silly on any number of counts. Politically it's empty symbolism. Legally it clutters the Constitution with dubious prose. Today's lesson, though, concerns economics and accounting. You can't measure economic rectitude by any one number, let alone the "deficit," however defined, let alone the deficit projections the proposals will inevitably involve in practice. The attempt to enshrine such a number in the Constitution is bound to prove a snare and a delusion.

The proposal passed by the Senate Judiciary Committee says that outlays ("except for those for repayment of debt principal") shall not exceed receipts ("except those derived from borrowing"). While this concept sounds simple, in fact it reflects neither accounting principles nor economic reality.

If you can balance your family budget, the thinking goes, the government can balance the federal budget. But applying the budget amendment's principles to households would outlaw home mortgages, which have proved a boon to countless families and the general economy. What a family balances is its operating budget, a concept foreign to the federal accounts. In corporate accounting, similarly, the health of an enterprise is measured by careful distinctions such as accruals or depreciation. Even the balanced budget restraints of state and local governments exclude spending on capital improvements financed by bond issues approved by voters.

The reality is that borrowing money is not a sin; it depends on how much money, and in particular on the uses of the borrowed funds. Even the amendment itself recognizes this by allowing Congress to waive the amendment by majority vote when war is declared or when a joint resolution declares "a military conflict which causes an imminent and serious military threat to national security." Other emergencies would presumably be dealt through the provision that Congress could approve borrowing by a two-thirds vote.

Republicans back the amendment because it scores well with focus group participants, who don't understand the difficulties, and with Ross Perot, who doesn't care. They also hope that limiting the government's power to borrow will force it to limit spending. Democrats seems pretty much to agree, and want to voice support for the amendment to appease focus groups while also killing it to avoid a spending straitjacket. We're not so sure.

For one thing, we've observed how European politicians, even supposedly conservative ones, have been behaving toward the budget-deficit requirements they imposed on themselves in the Maastricht agreement. To get within the numerical criteria, the Italians are taking their railroads off and on budget; the French government, in return for an infusion of funds this year, assumed pension obligations running into the far future. Governmental accounting, you see, simply counts formal government debt; it ignores unfunded governmental promises.

This is a loophole enormous enough that Rep. Fernand St Germain could drive half of the S&L crisis through it in one night in 1980, when he doubled deposit-insurance limits. Another enormous loophole is the government's ability to offload, or "mandate," costs on corporations, individuals and state and local governments without running any receipts or outlays through the Washington books. And when the bill for Rep. St Germain's coup suddenly came due in 1989, would it really have been better to avoid borrowing and put the rest of the government through a temporary wringer?

These imperfections might not matter if the amendment did no harm, but it's easy enough to imagine scenarios in which it would keep us from doing the economically right thing. Take the proposals by the most conservative bloc in the recent Social Security Commission. They would allow current taxpayers to personally invest part of what they owe in payroll tax, giving them a better return. But meeting obligations to those retiring before their benefits were funded would require a big issue of government debt. The new debt would merely formally recognize current obligations, and the privatization would dramatically reduce future obligations. Though this transaction would plainly improve the federal fisc, the balanced budget amendment would outlaw it.

Or for that matter, take the Reagan defense build-up, which led to victory in the Cold War. The balanced budget amendment would have allowed a majority to vote for borrowing if fighting broke out, but not for expenditures to deter it. Is that what we want?

And take the Reagan tax cuts, which in combination with Paul Volcker's tight money, led the country out of 1970s malaise, conquering inflation without an extended recession. Clearly deficit projections would have prevented the tax changes.

Yes, this policy mix gave us deficit, but the 1980s deficits are themselves a large part of the reason we have a new concern with budget discipline today. Indeed, it seems to us that history argues that discipline comes from forcing governments to borrow, and pay interest—instead of raising taxes or making unfunded promises or issuing unfunded mandates. Yet in the form passed by the Finance Committee, the amendment says you need a majority to raise taxes, a majority to declare a military emergency, but two-thirds to borrow.

What President Reagan understood is that if you limit taxes, spending will sooner or later have to follow. For permanent budget discipline, the best idea now on the table is Rep. Joe Barton's proposal, up for a vote in the House April 15, simply to require a two-thirds vote to raises taxes. If that should pass, nature will take its course.

We do need to get the national debt declining as a per cent of economic output. We do need to restrain federal spending. We do need to solve the Medicare crisis, as Senator Phil Gramm notes alongside. We do need to look beyond the year 2002. But these battles have to be fought one by one, and can't be solved by amending the Constitution. The concept embodied in the proposed amendment measures nothing useful; it is at best a distraction, and at worst spreads confusion that will make the right things harder to do, not easier.

CELEBRATION OF BLACK HISTORY MONTH

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. BERRY. I rise today in honor of Black History Month. In the early 1990's a gentleman by the name of Dr. Carter G. Woodson helped to establish a time to recognize those men and women who have made significant contributions in America. It was his hope that this would stir the conscience of this Nation and encourage the celebration of our diversity which has always been a strength and not a weakness.

The reason why I come to the floor is to tell you of the importance of African-American history and the unique role of the black struggle in this country. From generation to generation, we have countless individuals who have risen above prejudice and injustice to make a change in our country.

To produce a group of outstanding leaders such as Harriet Tubman, Thurgood Marshall, Barbara Jordan, and Martin Luther King, Jr., during a time when the odds were so overwhelmingly against them, shows the true determination of a people that succeeded against all odds to reach a dream. I speak today, because a younger generation must be told of this rich cultural heritage.

There are two men who have roots in my congressional district who come to mind as I give tribute. These gentlemen, one who blazed a trail, and another whom I believe represents the future, are both role models in this tradition.

The late Elder Famous Smith of West Memphis was a good friend who pastored the 15th Street Church of God in Christ for over 40 years. He held the position of district superintendent of his religious denomination as well as being appointed to the Mid-South Community College board of trustees by then Gov. Bill Clinton. This strong community activist labored tirelessly before his death to help everyone, especially the younger generation which he considered the "apple of his eye."

Another man I am compelled to tell you about is our incoming Secretary of Transportation, Mr. Rodney Slater. He lifted himself from the poverty stricken area of the delta to become the first African-American Cabinet member from the State of Arkansas. Because of his far-reaching contributions in the field of public service he is positioned to become a fixture in American history.

The challenge that I leave you with today is two-fold. We must commit ourselves to the learning of this great heritage and instill in our younger generation a sense of pride and hope for the future. Knowledge truly is power and we must use it for the benefit of all Americans.

TRIBUTE TO LISA FALCONE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. TOWNS. Mr. Speaker, I rise today to acknowledge Lisa Falcone, a native of Brooklyn, N.Y. who has been dedicated to public service.

Presently, Lisa works for New York State Senator John Sampson, and serves as his district director. Formerly, she was employed in my office and that of former Congressman Stephen Solarz.

Lisa distinguished herself as a student at Queens College where she received a bachelor of arts degree in English. A life-long resident of Canarsie, she has been dedicated to public and community service.

As a devoted mother, wife, and daughter, I am happy to acknowledge Lisa Falcone for her tireless efforts as a public servant.

HONORING DANNY WUERFFEL

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. SCARBOROUGH. Mr. Speaker, I rise today to speak about a young man from my district who has achieved a level of moral, physical, and scholastic excellence that is an inspiration to young men and women across this great Nation. This young man has distinguished himself as a community leader, a team player, and a model of humility in the spotlight of success. The young man that I speak of today is Okaloosa County's own Danny Wuerffel.

I could praise Danny for distinguishing himself as one of this Nation's most renowned college scholar athletes. I could mention that Danny set 32 individual school records, 12 southeastern conference records, and four NCAA records. How Danny led the Florida Gators to four straight league championships and the university's first national championship in school history. And as a footnote, I could also add that Danny was awarded something they call the Heisman Trophy in 1996.

But in my opinion Mr. Speaker, mere athletic achievements do not rise to the level of significance to be mentioned on this House floor. Mr. Speaker, I rise today not because of what Danny Wuerffel did for 60 minutes a week during the fall of 1996, but instead for what he has done his entire life while few were watching. My close friend J.C. Watts says, "Character is what you do when no one is watching." By that standard, Danny Wuerffel has the character of a champion.

He maintained a 3.75 cumulative grade point average throughout his college career and was named the GTE Academic All-American of the Year for 2 consecutive years. As a member of the Fellowship of Christian Athletes, he became a spiritual leader for his teammates and the community, and witnessed to the world through his words and actions.

Perhaps the greatest lesson that we can all learn from Mr. Wuerffel is how to accept success and failure with humility and grace. The example of true sportsmanship that is epitomized by Mr. Wuerffel has become a rarity in athletics today. Today, as a father of two young boys who place sports stars on a pedestal, I have grown increasingly distressed by athletes' drug convictions, sexual assaults, and arrogant attitudes. In the midst of a cultural crisis, Danny Wuerffel stood out like a city shining brightly on a hill for all the world to see. As a father, I am proud to have my two young boys look up to Danny Wuerffel as a role model.

Mr. Speaker, it gives me great pleasure to honor Danny Wuerffel today. Okaloosa County, the University of Florida, and the entire Nation should follow Danny's example as a young man who has exemplified the American ideals, morals, and accomplishments, envisioned by our founding fathers. Again, this father says, "Thank you, Danny, for a job well done."

HONORING EDDIE T. PEARSON FOR 33 YEARS OF OUTSTANDING AND CONTINUED SERVICE TO DADE COUNTY PUBLIC SCHOOLS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mrs. MEEK of Florida. Mr. Speaker, the Dade County public schools have declared February 27, 1997 as Eddie T. Pearson Day in honor of his accomplishments as one of Dade County's most outstanding educators and administrators.

It is my great pleasure to join Mr. Pearson's family, friends, coworkers, and students in recognizing his 33 years of outstanding and continuous service to our community. We congratulate Mr. Pearson for his contributions as an educator, a role model, and a mentor who helped shape the lives of thousands of children in our Dade County community.

Mr. Pearson earned a Bachelor of Science degree at Tuskegee Institute, a Master of Education From Florida Atlantic University, and a Specialist in Education degree from the University of Florida. He began his career as a teacher in Dade County at Bethune Elementary School in 1963, and then at Riverside Elementary School. In 1967, he was the Community School Director at Ada Merritt Junior High School where he was responsible for a 400 percent increase in educational programs, and 700 percent increase in other activities for youth and young adults. Mr. Pearson quickly advanced to become the Assistant Principal at Homestead Junior High School, and later became Principal of the school. He was only 26 at the time, the youngest Principal in the Dade County public schools, and he was the first Afro-American Principal of Homestead Junior High School in 1970. In addition, he served as the Principal of South Dade Senior High School and Homestead Senior High School.

Mr. Pearson distinguished himself as an outstanding administrator as Executive Director of the Division of Vocational, Adult, and Community Education with the Dade County public schools. He also served as Assistant Superintendent for the Office of Vocational, Adult, and Community Education; Administrator on Special Assignment and Assistant Superintendent for Area Operations; and Regional Superintendent of the Region VI Operations for 8 years. Furthermore, Mr. Pearson successfully designed and implemented a plan that provided for the integration of the Homestead Middle School student body. Today, Mr.

Pearson continues his outstanding service as Deputy Superintendent of School Operations. We are fortunate that Mr. Pearson has devoted his life to ensuring quality education for all our children.

In addition to his many years as an educator, Mr. Pearson has been extremely active in other areas of our community. He served as Chairman of the Board of Directors of the YMCA, and now continues to serve on the Board of Directors of the YMCA, Miami "Mega-City" Special Olympics, Pan AM Horizons Credit Union, and United Way of Dade County. His exceptional, notable service, and commitment to Dade County has included dozens of positions in numerous organizations, earning more awards than I can list here.

Mr. Eddie T. Pearson has proven to be an excellent role model for our children. Mr. Speaker, on behalf of my entire community and as a former educator myself, I offer him my deepest thanks for his many years of dedicated service, and our best wishes for his continued success.

HONORING ALICE SACHS HAMBURG

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. DELLUMS. Mr. Speaker, on February 22, 1997, Alice Sachs Hamburg received a well-earned recognition for her decades of work on behalf of world peace and disarmament. Long a resident of the ninth California District, Ms. Hamburg has been a tireless advocate on behalf of a cause that I hold close to my heart as well. She has been an important supporter and colleague on these issues, and I am indebted to her leadership, tireless energy, and deep-seated commitment to the issues of peace and disarmament.

Obviously our community shares this view as well, and it is in this spirit that she is being honored by the Jane Addams Peace Association of the Women's International League for Peace and Freedom [WILPF].

She has been on the frontlines of progressive activism in the bay area for a half-century. Nurtured by her Lithuanian Jewish immigrant parents on a drought-plagued North Dakota homestead, she came to know the meaning of struggle and the cycles of the land. Her connection with the land ripened during her marriage to the late Sam Hamburg, an innovative California farmer.

In explaining her activism with WILPF against the United States war effort in Vietnam, she said: "It was like breathing or feeding your children. We didn't think there was any alternative." As the mother of three children, Ms. Hamburg's family life and activism, were intertwined.

Inspired to make their lives better by building a better community and bringing reconciliation among nations, she became active in efforts to integrate Berkeley's public schools, participated in demonstrations against atmospheric nuclear weapons tests that poisoned the milk her children would drink, organized public vigils to bring the Vietnam war to an end and to halt the war effort in Nicaragua, and to oppose a rising tide of animosity against programs dedicated to bringing equal opportunity to all of our Nation's people.

Ms. Hamburg has worked for decades with countless local and national coalitions, but her base of operations has long been WILPF, Women for Peace, and the Agape Foundation for Nonviolent Social Change. The key, she says, is to "walk, talk, demonstrate, lobby, meet with our representatives, circulate petitions, and write letters, telegrams, faxes, and e-mail"—a veritable laundry list of the activities the framers protected in the first amendment to our Constitution.

Her decades of commitment have set an example and drawn numerous honors and awards. At one such ceremony, Nobel Peace Prize winner Linus Pauling said of Alice: "Down through the years I have been aware of and inspired by your strong commitment and contributions to world peace and justice. This strength will grow and grow so that our future generations may not have to sacrifice their security or lives."

I commend this history of activism to my colleagues and, on behalf of all of the residents of the ninth District, offer my thanks and appreciation for all that Alice Sachs Hamburg has done on behalf of my community and our Nation.

TRIBUTE TO VICTOR PACKING OF MADERA, CA

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Sahatdjian family of Madera, CA who own and operate Victor Packing. As farmers in the No. 1 agricultural county in the world, the Sahatdjian's are leaders in the grape industry.

In a recent article in the Armenian General Benevolent Union [AGBU] magazine, the Sahatdjian's are praised for their outstanding contribution to the San Joaquin Valley. The Sahatdjian family arrived in Fresno in 1924, after fleeing their home in Ezerum, Turkey because of the Armenian Genocide. Their father Vagharshag (Victor), mother Makrouhi and brothers Sarkis and Haig, arrived in the United States when they were 1½ and 4 years old. Farming and agriculture became a way of life as Victor, a former leather tanner, his wife, and children followed the crops along with many other migrant farm workers. The family went from Rio Vista near Sacramento to pack asparagus, back to Fresno to harvest figs and grapes and then to Northern California when peaches were in season. Eventually, the family settled in Fresno after Victor bought a vineyard of his own and began farming the land.

The Depression brought hard times for all in the Valley and the Sahatdjian family provided for members of their extended family by sharing with them the crops grown on their farm. In 1949, Victor purchased a 40-acre piece of land which would eventually become the base of Victor Packing. In 1963, Victor Packing became a full-time farming and packing business when Sarkis and Haig Sahatdjian began to process and pack their own raisins along with the raisins of other growers.

Desire, ingenuity, and business savvy paid off for the Sahatdjian brothers. Today, Victor Packing is known as one of the leading packing houses in the Fresco County area. They are the world's largest in production and market-share of golden raisins. They also have the world's largest dehydrator which allows them to produce more raisins at a time for their clients. Additionally, they have continued to focus their efforts on the sun-dried raisin market and are expanding globally to manufacturers all over the world. Nearly 75 percent of their finished product is shipped to the Middle East, Far East, Europe, and the Pacific rim.

Mr. Speaker, Victor Packing is an example of the determination and hard work Victor Sahatdjian represented to his family his whole life. The Victor Packing logo is the Liberty Bell and is said to represent the land of freedom that the family found in the United States of America. I ask my colleagues to join me as I offer my best wishes to the entire Sahatdjian family for every continued success.

HONORING WESTHAMPTON FREE LIBRARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Westhampton Free Library, in my hometown of Westhampton Beach, Long Island, on the occasion of its centennial anniversary. For the past century, this wondrous haven of literature has offered this tight-knit, seaside community a place for its children and adults to stimulate their intellectual curiosity and satisfy their lifelong love of reading.

From its modest beginnings on March 1, 1897, as collection of a little more than 100 borrowed books, the Westhampton Free Library has endured to become the cultural center of this south shore Long Island village. Today, this dynamic institution boasts an impressive collection of traditional hardbound volumes, along with an emerging addition of computerized research and communication tools. There are more than 7,000 patrons from the communities of Westhampton, Westhampton Beach, Speonk, Remsenburg, East Quogue, Eastport and East Moriches.

The library's original charter was signed by Melville Dewey, then the secretary of the New York State board of regents. This is the same gentleman who conceived the Dewey decimal system for cataloging books, the universal catalogue system used in America's schools and libraries. Mr. Dewey's christening foretold a bright future for the Westhampton Free Library.

The library's provisional charter was granted on March 1, 1897 and the surnames of trustees on that document included some of the most prominent families in Long Island's heritage. The descendants of the original trustees—including John B. Raynor, Mary E.

Jessup, Mabel B. Stevens, Daniel E. Smith and Ernest H. Bishop—are today leaders in the Westhampton and Long Island community.

Perhaps the most important influence on the growth of the Westhampton Free Library was the largesse of Judge Harold Medina, a long-time summer resident of Westhampton and a true lover of books. Judge Medina established a library trust fund to build, furnish and equip a new library building as a gift to the people of Westhampton. By the Fall of 1953, the new library was complete and Judge Medina began the work of establishing a new collection of books. Then in 1958, he announced plans to build a new wing—named the "Judge Harold R. Medina Room"—entirely devoted to American history and literature.

Today, the card catalogue is located on computerized files and the Westhampton Free Library boasts four on-line Internet terminals, connecting library patrons to a vast international network of computers. The three multi-media CD-ROM learning stations offer patrons immediate access to a vast array of informational resources. Paul Nevins, president of the library's board of trustees, put it best when he said: "You can't really call it a library anymore. It's more of a communications center."

One hundred years ago, the Westhampton Free Library was founded with a noble purpose of offering the finest literary and research collection possible. A century later, the technology and means have changed, but the objective remains steadfast: to provide the residents of this east end village ready access to vital information. Congratulations to the Westhampton Free Library on its 100th anniversary!

TRIBUTE TO REVEREND BONNIE M. EPPS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. TOWNS. Mr. Speaker, it is indeed my honor and pleasure to introduce to my colleagues, the Reverend Bonnie M. Epps. She is a wonderful example of living faith in action.

Reverend Epps is a native of Brooklyn, NY, and presently serves on the ministerial staff of the Bridge Street African Methodist Episcopal Church.

The reverend was educated in parochial and public schools in Brooklyn. She obtained her undergraduate degree from Brooklyn College of New York, with a concentration in elementary education. Her master's degree was obtained in supervision and administration from Bankstreet College, and she has attended the Principal's Center at Harvard University's Graduate School of Education.

Reverend Epps is an innovator and motivator. She served as the assistant principal at the Philippa Schuyler Intermediate School for the gifted and talented. Her vision and instructional leadership is responsible for raising academic standards, self-esteem among the students, and prestige for the only talented and gifted program in my congressional district.

Another shining achievement for Reverend Epps is the success of her son Omar, an actor who has appeared on NBC's "ER", and has starred in HBO's "Deadly Voyage," and feature films such as "Higher Learning," "Juice," "Mayor League II," and "The Program."

I salute Reverend Epps for her service to God and the community.

THE PROMISE OF FREEDOM

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. DEUTSCH. Mr. Speaker, I rise today in remembrance of the death of four Cuban-Americans whose civilian aircraft were shot down by the fighter planes of the brutal Castro regime. For those who doubted the cruel means the Cuban dictator is willing to employ to protect his stranglehold on the island nation, this act was a shocking example.

On this first anniversary of their death, it is important to remember those who have given their lives to fight against Fidel Castro and to realize that this fight is still far from over. Of all of the lessons arising from this tragedy, perhaps the most telling is the need for America to maintain its resolve, to lead by example and to show that these patriots did not die in vain.

Most of the Members in this Chamber were here last year when we voted on the Cuban Liberty and Democratic Solidarity Act, sponsored by Senator JESSE HELMS and Representative DAN BURTON. The passage of Helms-Burton was a bold step toward tougher sanctions on Cuba and signified an American commitment to add teeth to our policy toward Castro. Helms-Burton was not meant to punish the Cuban people, but rather to focus our efforts on Castro himself and to highlight the hypocrisy of those who choose to do business with the oppressive dictator.

Mr. Speaker, I find it unfortunate that it took a tragedy in the Florida Straits to energize Congress and the administration to act on tougher sanctions. I am hopeful, however, that the passing of these four brave individuals will help usher in a new era of change for Cuba and that we will forever remember the risks some are willing to take for the promise of freedom.

COMMEMORATION OF THE 79TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. BONIOR. Mr. Speaker, I rise today to commemorate the 79th anniversary of Lithuanian Independence. On Sunday, February 16, 1997, the Detroit-area Lithuanian community marked the event by holding a commemorative ceremony at the Lithuanian Cultural Center in Southfield, MI. The guest speaker was Majoras Valdos Sarapinas, the Military Attaché from the Lithuanian Embassy in Washington, DC.

For nearly 55 years, Lithuania was occupied by Russian military forces. In the past 4 years, the people of Lithuania have been able to enjoy and celebrate the freedoms and privileges of a free nation.

Since 1991, when the United States granted Lithuania most-favored-nation status, Lithuania has been trying to align itself with Western nations. In 1996, Lithuania reaped the benefits of economic reform with lower inflation rates and stable currencies. Their GDP was expected to grow 6.1%. The integration of Western economic and security structures along with the desire to join NATO has transformed Lithuania into a growing competitive nation.

I am optimistic that the recent economic and political progress in Lithuania will continue. Lithuania has my full support in joining the Western nations and institutions as they strive to build their country upon the principles of democracy. This celebration marks the fourth anniversary of freedom from the military forces deployed inside Lithuania.

I commend the Lithuanian-American community for their vigilance through the many difficult years and I urge my colleagues to join me in commemorating the 79th Anniversary of Lithuanian Independence.

SMALL 401(K) PENSION PLAN DISCLOSURE ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. CONDIT. Mr. Speaker, I have today introduced the Small 401(k) Pension Plan Disclosure Act of 1997. This legislation is of importance to millions of working Americans savings for their retirement.

Current law requires that pension plans file detailed investment reports with the Department of the Treasury and make the reports available to any participant. Small pension plans, those with fewer than 100 participants and active beneficiaries, are exempted from this requirement.

Firms that sponsor traditional, defined benefit pension plans guarantee that investments will provide the promised question and the Pension Benefit Guaranty Corporation insures the plan. Neither applies to 401(k)'s. Participants assume the risk of poor investment return of a 401(k). It is only fair that participants in small 401(k) plans be told how their contributions are invested.

The Small 401(k) Pension Plan Disclosure Act of 1997 would require that the Secretary of Labor issue regulations requiring that small 401(k)'s provide each participant with an investment report once a year. The details of the report are left up to the Secretary. The bill also encourages the Secretary to provide for delivery of the reports through company e-mail to bring down costs. Participant-directed 401(k) plans are exempted because those participants already receive investment reports.

Mr. Speaker, I would urge our colleagues to examine this legislation and to cosponsor this bill of great importance to hard-working American families.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small 401(k) Pension Disclosure Act of 1997".

SEC. 2. REQUIREMENT OF ANNUAL, DETAILED INVESTMENT REPORTS APPLIED TO CERTAIN 401(k) PLANS.

(a) IN GENERAL.—Section 104(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B)(i) If a plan includes a qualified cash or deferred arrangement (as defined in section 401(k)(2) of the Internal Revenue Code of 1986) and is maintained by an employer with less than 100 participants, the administrators shall furnish to each participant and to each beneficiary receiving benefits under the plan an annual investment report detailing such information as the Secretary by regulation shall require.

"(ii) Clause (i) shall not apply with respect to any participant described in section 404(c).".

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Labor, in prescribing regulations required under section 104(b)(3)(B)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(b)(3)(B)(i)), as added by subsection (a), shall consider including in the information required in an annual investment report the following:

(A) Total plan assets and liabilities as of the beginning and ending of the plan year.

(B) Plan income and expenses and contributions made and benefits paid for the plan year.

(C) Any transaction between the plan and the employer, any fiduciary, or any 10-percent owner during the plan year, including the acquisition of any employer security or employer real property.

(D) Any noncash contributions made to or purchases of nonpublicly traded securities made by the plan during the plan year without an appraisal by an independent third party.

(2) ELECTRONIC TRANSFER.—The Secretary of Labor in prescribing such regulations shall also make provision for the electronic transfer of the required annual investment report by a plan administrator to plan participants and beneficiaries.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after the date of the enactment of this Act.

HOPE LUTHERAN CHURCH AND COMMUNITY CHRISTIAN SCHOOL

HON. CHARLES T. CANADY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. CANADY of Florida. Mr. Speaker, I rise today to ask my colleagues to join me in commending Hope Lutheran Church on the occasion of its 40th anniversary, and Community Christian School on its 20th anniversary. Located in Plant City, FL, Hope Lutheran Church and Community Christian School celebrated their anniversaries on February 22, as families and friends gathered to give thanks to God for His many blessings over the years.

As five families met together in February 1957, little did they know that their small congregation would one day grow to become Hope Lutheran Church. Forty years later, this church body is a thriving force in the community and a testimony to God's gracious leading along the way.

Community Christian School, celebrating its first 20 years, is the only Christian day school in Plant City. With its excellent programs and opportunities, students are receiving a solid education as well as a moral foundation for their lives. Community Christian School is preparing our young people well for the challenges they will face in the future.

As we commemorate the anniversaries of Hope Lutheran Church and Community Christian School, we recognize God's blessings on these two institutions. King David reminded us in the Psalms, "Unless the Lord build the house, they labor in vain who build it." Likewise, we understand that it is God who has made this church and school flourish. He is the reason for this celebration, and we look forward to seeing the wonderful things that He will continue to do in the future.

I want to take a few minutes to recognize some of the servants of Hope Lutheran Church. Rev. Gerald Renken, who served as Hope Lutheran's first pastor back in 1962, returned to the church for the special anniversary celebration. After Rev. Renken, Rev. James Peter and Rev. Donald Little served as the next two pastors of the church. Today, Rev. Dean Pfeffer is the pastor. All of these gentlemen have served the people of Hope Lutheran in a powerful way through their instruction, encouragement, and faithful leadership.

In addition to the pastoral staff, I would like to recognize several individuals who have dedicated their lives in service to the people of Hope Lutheran Church and Community Christian School. Mrs. Christine Mansell, the church organist, has played beautiful melodies for Hope Lutheran for 25 years. Mrs. Libby Warren has taught preschool for 18 years. Mrs. Lana Baldwin, a kindergarten teacher, and Mrs. Sandy Howell, a first grade teacher and the former principal of Community Christian School, have both worked for 15 years. Finally, Mrs. Sue Griffin has taught preschool for 14 years. It is my pleasure to commend these individuals for their tireless dedication and excellent service.

As we remember these faithful servants and the many others who have contributed so much to Hope Lutheran Church and Community Christian School, we are filled with thanksgiving. We now look ahead with faithful expectancy to see how God will continue to use this church and school in Plant City in the coming years.

TAIWANESE PEACE DAY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. SESSIONS. Mr. Speaker, the date February 28, 1947 is etched into the hearts and minds of the Taiwanese people. It was a day in which thousands of Taiwanese gave their lives fighting for freedom and democracy. February 28, 1997, the 50th anniversary of this day, is one that should be honored here in the United States, because we share with Taiwan a common quest for freedom and democracy.

Fifty years ago to the day on February 28, 1947, thousands of Taiwanese began the long, historic struggle for a democratic Taiwan. Since that time, Taiwan has made tremendous political, economic and social progress toward a democratic and representative government. Taiwan successfully and peacefully elected their first president by a direct popular vote in March 1996, despite China's missile exercise threat.

Taiwan's progress toward democratic rule is matched only by its extraordinary economic success. Today, Taiwan ranks sixth in trade with the great State of Texas. We can attribute this economic accomplishment to Taiwan's dedication to the principle of democracy and capitalism.

Mr. Speaker, a democratic Taiwan contributes to the stability and prosperity of the Asia-Pacific region. This day, Taiwan Peace Day, is recognized as an important date in Taiwan's historic evolution to full democracy. It should be spent as a day of healing, reconciliation, and unity among Taiwanese people all over the world. I hope we take the time to recognize the Taiwanese people and congratulate them on both their struggle and their success.

HONORING ROY CUTBIRTH OF LYNCHBURG, TX

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. BENTSEN. Mr. Speaker, I rise to recognize a valued member of my community, Mr. Roy Cutbirth of Lynchburg, TX. Mr. Cutbirth is a man who truly loves his community, and his dedication and commitment of Lynchburg has won him the admiration and respect of his fellow citizens. He is the election judge of Lynchburg, but to the community he is so much more. The following article from the February 20, 1997, Highlands Star Courier illustrates what Roy Cutbirth means to Lynchburg:

[From the Highlands Star Courier, Feb. 20, 1997]

A SALUTE TO ROY CUTBIRTH

In the wake of a recent election, it is fitting to recognize one resident of Lynchburg who is a highly noted figure in our community. He has probably been to your home collecting for the Highlands Volunteer Department or for the Lynchburg Flower Fund. You may even have driven by his house and been greeted with his characteristic wave—a quick twist of his hand with a pointed index finger. Most likely, you have seen him at the local election sites when you cast your vote. he has even been lightheartedly referred to as the "Mayor of Lynchburg" (even though we do not have a mayor). Who is this man? He is our own Election Judge. Mr. Roy Cutbirth.

Roy Cutbirth and his lovely wife, Pauline, have lived in Lynchburg since 1950 and have raised four children here. Their daughter, Gladys Leap, lives in the Woodlands with her husband Howard; Roy, Jr. and his wife, Janie, live in La Porte where son, Roy III is a high school student; Paula and her husband, Barney Stagner, have two children—Bo and Jennifer—and live in Spring; and Jason Cutbirth and his wife, Tiffany, make their home in Dallas where they are raising four young children—Jason, Jr., Austin, Katelyn, and little Christian Tucker Cutbirth.

Roy worked for Exxon/Humble Oil Refinery for 38 years and retired in 1986. But he has more than a few memorable stories to share about 18 of those years when he was a Master Firefighter. He recalls the day in 1974 at 2:05 a.m., when a tugboat full of gasoline hit an underwater line and exploded and how it took 23 hours, 2 fire boats, and Roy with his men on dock No. 4 to put out the fire. Three men were killed in that explosion. In another incident, Roy sustained burns on his head and his hands in one of the worst accidents he could recall.

"An 85-ft. tower had a line about 20-ft long coming down beside it and that line split like a watermelon. It shot up flames about 350 feet high. It took 6 big diesel fire trucks, 1200 gallons of water, and aerial truck with a 100-ft. boom, and 50 ladders to put it out."

Mr. Cutbirth is now in his 34th year as an election judge and says that he first got involved with politics because his mother was always active in politics. He says, "When my mother believed that someone would do the best job in a political office, she would go out and hand out materials and try to get him elected. My dad was not involved like that because he was busy making a living for us kids."

In his years as an Election Judge, Roy has had an opportunity to meet a few special people. He has met "lots of senators", and during one of the campaigns while at the Rice Hotel, he shook hands with President Lyndon Johnson and Vice President Hubert Humphrey.

When he first started in 1959, Roy and Pauline took the responsibility of election judge as a team, with Pauline as Alternate Judge. Pauline does all the paperwork but could step in for Roy if needed. Currently, their back-up is Liz Parsons with help from Jim and Kathryn Johnson and Joanne Shaw.

AMERICANS FOR DEMOCRATIC ACTION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, because of the press of other business I was unable to join my colleague from California [Mr. FILNER] in the Special Order he took out to celebrate the great achievements of Americans for Democratic Action. ADA has been for 50 years one of the most important organizations in America for the articulation of liberal principles. From its inception through today, it has been a source of thoughtful, well reasoned political activity on behalf of a fairer and more prosperous America. I am very proud to have been active in ADA myself for more than 30 years, and to have served as president of the organization. Indeed, I join many of my most cherished colleagues in having had that honor.

ADA was founded to provide a platform for liberals committed to the principles of social justice and individual liberty. Throughout its history it has fought extremists of the far left and far right, and has consistently maintained a forceful commitment to the Governmental principles first articulated by Franklin Roosevelt in his New Deal. The challenges to American society now presented by the effect of technological change in globalization on the ability of working people to maintain a decent standard of living testify to the continued relevance of the viewpoint that ADA has upheld for so long. I continue to be proud of my affiliation with Americans for Democratic Action and I look forward to a continued advocacy of ADA and its members on behalf of a set of public policies that will improve the qualities of fairness and freedom in American life.

HONORING CLARK K.H. CHEN

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. UNDERWOOD. Mr. Speaker, I would like to take this opportunity to honor Mr. Clark K.H. Chen and his service not only to Taiwan, but to the people of Guam as well.

Mr. Chen was instrumental in establishing the sister city relationship between Taiwan's and Guam's respective capitals, Taipei and Agana, in 1973. In 1974, he arrived on Guam as Vice Counsel on Taiwan. During his appointment, he encouraged stronger economic ties between our islands.

In 1977, Mr. Chen was promoted to serve as counsel of the Consulate General Office in Houston, Texas, and had to leave Guam. In 1979, when diplomatic relations between the United States and the Republic of China were suspended, the consulate general office was renamed the coordination council for North American Affairs with Mr. Chen as senior assistant.

Mr. Chen's stellar diplomatic service earned him various promotions in subsequent years, including private secretary to the foreign minister and deputy director general of the coordination council for North American Affairs in San Francisco, CA.

In 1991, Mr. Chen returned to Guam and assumed the top position of director general in the Taipei Economic and Cultural Office. It was during his tenure that Guam's relationship with Taiwan was further cemented. As head of this consulate office, Mr. Chen's leadership resulted in the passage of the Taiwan Visa Waiver program, the growth of Taiwanese businesses on Guam, and the increase of Taiwanese investments in Guam. As an example of this relationship, I would like to point out that a power plant project, scheduled to be operational this year, would not have been possible without investments from Taiwanese businesses.

Mr. Chen's reassignment for home service in the Ministry of Foreign Affairs in Taipei has saddened many on Guam. His diplomatic service on my island spanned the tenureships of four Guam governors. Not only were economic bonds bolstered under his administration, cultural ties were also strengthened through the increasingly frequent visits by Taiwanese tourists under the Taiwan Visa Waiver program.

I commend Mr. Chen for his dedication and service while Director General of the Taipei Economic and Cultural Office. Clark and his wife, Cindy, will be missed, for they consider Guam as their second home, and the people of Guam consider the Chens as veritable members of our island family.

TRIBUTE TO JAMES AND LEATHA REVELS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. BONIOR. Mr. Speaker, on Friday, October 25, in my home State of Michigan, James and Leatha Revels were recognized as honored leaders by the South Eastern Michigan Indians, Inc. I will be pleased to enter this statement into the official CONGRESSIONAL RECORD in February when the 105th Congress convenes.

Jim and Leatha are deeply involved in the American Indian communities. Jim served on the board of directors for the National Association of American Indians of Detroit for many years, and was also president of the board. They have volunteered to be cooks, servers, and the clean-up crew at the Pow Wow. Leatha is the coordinator of the bakes sales and chairperson of S.E.M.I.I.'s trader tables at various functions. They are always willing to help whenever there is a need.

The Revels have on numerous occasions donated their time to senior groups and have been active members of the Christian Fellowship Mission Church for the past 18 years. Jim represents S.E.M.I.I. on the Area Agency on Aging, the United Way Community Services, and the Macomb County Community Services Agency Advisory Committee for the senior lunch program.

Leatha and Jim are great supporters of South Eastern Michigan Indians. I want to thank them for their devotion, time and love for the native American Indian people. I urge my colleagues to join with me in wishing congratulations to Jim and Leatha Revels.

CONGRATULATIONS TO MY GOOD FRIEND BOB MARTIN, FOUNDER OF MARTIN & BAYLEY, INC.

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. POSHARD. Mr. Speaker, I rise today to acknowledge my good friend, Bob Martin, who will be celebrating his 70th birthday on March 9, 1997.

Bob has been a community and business leader in and around Carmi, IL, all of his life. He is the proud coowner of Martin & Bayley, which comprises over 120 food and fuel stores, 30 video stores, 5 laundromats, 2 car washes, and 1 travel center/family style restaurant.

Bob is an inspiration for all us in southern Illinois. He started as a grocery storekeeper in the U.S. Navy. When he was honorably discharged, in 1946, he and his father purchased a small grocery store in New Haven, IL. In 1951 he purchased his father's share and in 1969 he went into a partnership with Frank Bayley and began purchasing and building supermarkets. In 1970 Huck's food and fuel store in Grayville, IL, left a legacy as a successful business venture.

For those that know him, it goes without saying that Bob is a family oriented man. His mission statement, which was inspired by his son, Charles, who helps run Martin & Bayley, and his two daughters, Connie Baker and Taiah Sterns, sums up this philosophy—"We are family." He has a big heart and is always willing to help his fellow neighbors and community. Bob has helped so many people through the endless dedication of his time and energy. Martin & Bayley is such a successful business that many of the folks in Illinois compare him to Sam Walton.

His strong background and passion for the community is evident in his church life also. Bob and his wife Ardella has attended the United Cumberland Presbyterian Church in Norris City and has served actively for many years.

Mr. Speaker, Bob truly epitomizes the promise of America. He made the most of his opportunities through hard work and dedication, and he endlessly shares his time with his community, church, and family. If there were more Bob Martin's in this world it would truly be a better place. It has been an honor to represent him in the U.S. Congress.

CONGRESSMAN KILDEE HONORS DONALD J. MOSHER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. KILDEE. Mr. Speaker, I rise today and ask my colleagues to join me in honoring a man whom I am proud to say I have known and respected for over a quarter of a century. Mr. Donald J. Mosher has announced his retirement from the United Auto Workers after 20 years of service. In appreciation for his long dedication, on Tuesday, February 25, 1997, Mr. Mosher will be the guest of honor at a retirement celebration organized by both family and friends.

Donald J. Mosher, a resident of Lapeer County, MI, since the age of 6, graduated from Lapeer High School, and received a degree from GMI Management and Engineering Institute, and completed a diemaker apprenticeship through the UAW. From there he found employment with General Motors Corp., beginning as a diemaker, and moving from there to coordinator of preventive maintenance and layout inspection supervisor.

It was during Mr. Mosher's time at General Motors that he became involved with the UAW. As a member, he eventually became Thumb Area UAW–CAP Council Chairman, holding the position to this day. He has also served as a member of the general boards for the Michigan branches of UAW–CAP and the AFL–CIO, and has been a Joint Council Delegate for 26 years.

Mr. Mosher's tenure with the UAW helped spark a fire within him of strong civic responsibility and social activism. He has been active in such groups as Boy Scouts of America, Lapeer County Parks and Recreation Commission, Lapeer County Economic Club Committee, and Lapeer and Genesse County FEMA Committee. On the political front, Mr. Mosher has been constantly active in campaigns on the local, State, and Federal levels, serving on various committees and participating in the process as a delegate and a Presidential Elector. He is proud to say that he has attended three Presidential inaugurations.

Mr. Speaker, it is my belief that the citizens of Lapeer County, many of whom I represent proudly, possess a great asset in Donald Mosher. Thomas Paine once said: "Those who expect to reap the blessings of freedom, must, like men, undergo the fatigues of supporting it." Don Mosher has dedicated a great portion of his life's efforts in the support of freedom. It is indeed a pleasure to stand in front of this Nation's House and speak of my dear friend, who through his thoughts, deeds, and actions has provided the community with an invaluable resource and an indomitable spirit.

IN MEMORY OF JAMES CARNEY, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the late James Carney, Sr. Mr. Carney was brilliant in business and influential in politics. He was a towering figure in the Cleveland landscape. His influence was felt far and wide—not only locally but in the State and nationally. He now passes into legend. I commend to your attention the following article.

DEVELOPING COMMUNITY—THE LEGACY OF JAMES CARNEY SR.

(By Larry Durstin)

One of the most frequent stories told about James Carney Sr., who was referred to in the 1970s as the most powerful man in Cleveland and who died last month at the age of 84, was how he would often perform a philanthropic deed for someone in need and invariably say, "Now don't tell anyone about it."

And while his son, James Jr., kiddingly explains that his dad probably was motivated more by a desire to avoid drawing large numbers of supplicants not truly in need than he was by modesty, nonetheless the preponderance of evidence suggests a legacy of genuine compassion and altruism—characteristics that will be just as much in need as his legendary vision and perseverence if today's leaders are to succeed in meeting the huge challenges involved in developing strong and vital communities into the next century.

It's true that each person's life serves as a kind of road map to how or how not to live. But looking at the life of a business and political giant like James Carney Sr.—son of Irish immigrants, survivor of the Depression, lawyer, elected official, multi-millionaire developer, Democratic Party power broker—is like looking through a telescape at Twentieth Century Cleveland to find the key to how we, as a community, got to where we are in the hopes of discovering exactly what personal and collective qualities will be required to guide us where we need to go.

Carney's journey began on Cleveland's West Side where he and his brother John went into the family's excavating business following the death of their father in 1929. A huge part of their work at that time was digging out basements using horses and wagons. He graduated from Holy Name High School in 1931, attending college and received a law degree from Western Reserve. He was admitted to the Ohio Bar Association in 1941. After serving three years in the Army, he and John started their own law firm.

In 1946, Carney began what would turn out to be a lifetime romance with politics by following his brother into the Ohio House of Representatives, where he served six years, two of them as minority leader. In 1952, with political stardom within reach, he lost a primary election race for the United States Senate to future Ohio governor Michael V. DiSalle, Carney couldn't have known it at the time but, though just 40, he would never again hold elected office. He would, however, soon turn his business experience, brilliant mind and tough negotiating skills to land development—where he had as much or more impact on Cleveland and surrounding communities as did anyone in the past half century.

"Jim Carney was one of the most under appreciated people we've ever had in this community," says Sam Miller, chairman of Forest City Enterprises and former partner with Carney in several businesses. "He was a pioneer in every aspect. He took a look at downtown on its way to desolation and on his own decided to do something about it. He went in when absolutely no one wanted to."

What he did was, in the early and mid '60s, begin to redefine Cleveland's downtown image by developing the Hollanden House, the Bond Court Hotel and the Ohio Savings Plaza. At the time these were the first significant developments in downtown in around 40 years.

"He also went into Westlake and bought large tracts of acres before anybody had any idea what Westlake was," Miller asserts. "He was truly a visionary, but a very practical one."

According to Miller, despite Carney's success, he was treated as somewhat of an outsider because he was an Irish Catholic, not a WASP, and had come up the hard way. "He wasn't part of the power establishment, but the power establishment had left a total vacuum. Carney came in and filled that vacuum because they didn't want to dirty their hands. You gotta scuffle like Carney did. He was resented because of his success and because he didn't belong to the fancy country clubs. Hell, I don't know if he was ever a member of the Union Club."

It's obvious listening to Miller talk about Carney that there was a deep kinship between them, one that went beyond simply being business partners. "He used to tell me he was considered 'dirty lace Irish' but when it came to being a mover and a shaker, believe me, he was. Like me, he knew that in certain circles he was an outsider and he understood it. He was one of the smartest men I've ever known. He was my teacher. He showed me how to buy land, how to rezone land. He showed me the whole thing. He was a real idol to me."

Although Carney was unsuccessful in his dream of becoming mayor of Cleveland—losing to Ralph Perk twice in the early '70s—a brief summary of his positions and accomplishments gives a clear indication of what a towering figure he was in Cleveland's public and private sectors.

At one time or another in the 30 years prior to his death he was Director of the Union Commerce Bank, board president for the Cleveland Convention and Visitors Bureau, chairman of the Greater Cleveland Growth Association, vice chairman of the Port Authority Board, and president of the CMHA board. Additionally, he was one of the most powerful local and state Democrats (being one of the first in Ohio to spot Jimmy Carter as a potential winner and sponsoring a breakfast for him in '76) and a major real estate developer throughout Cuyahoga County and as far away as Florida, Colorado, Texas and Missouri.

But despite the staggering breadth of Carney's resume and the size of his fortune, when his son is asked to reflect on his dad's influence, he speaks of subtler things. James Carney Jr., is no stranger to either the political or business world—having served as a Cleveland City Councilman and school board member along with running several of the family businesses. Still, he feels his father's legacy lies more in terms of personal and community values than profits or political power.

"My father taught me not to look down on anyone—regardless of race, ethnicity or economic status. He had as much respect for the guy who swept up the bank as he did for the bank president. He would walk downtown at noon and destitute folks—some people would call them bums—would say 'Hi Jim' and he would greet them in the same way he would his millionaire buddies. I was taught—by example—to respect all people and to work hard. We had friends who were from the wealthy elite and friends who were on welfare. And judging by the incredible cross section of folks who showed up at his funeral, I think he was successful in touching all kinds of people. I'm very proud of that."

But despite his "don't tell anyone about it" modesty in doing charitable deeds and his capacity to be genuinely respectful of people from all walks of life, make no mistake, James Carney, Sr. had a ton of power and he knew how to use it. Politics and high-level real estate dealings are contact sports—and Carney, his business competitors and political enemies all had plenty of scars to show from their battles with each other in board rooms, back rooms and court rooms.

Carney was very open and up front about operating in both the corporate and political world, something you don't see many leaders doing nowadays. "It was a little easier in the old days to jump into both worlds," says James Jr. "Today there are so many rules and regulations, so much media scrutiny, so much of a 'gotcha' mentality that many talented people shy away from both politics and the corporate arena, let alone being openly active in each at the same time. Another thing that's changed is that in the old school there was, for better or worse, a strong loyalty ethic. As times changed that ethic became a handicap for my dad."

In fact it was the issue of loyalty that was at the center of two events in the late '80s—the selling of his downtown hotels and the serving on the rancorous CMHA board—that perfectly capsulize Carney's life as a brilliant businessman, a connected politician and a generous public servant.

After many warnings to the downtown community about the inadequacies of the Convention Center, Carney became miffed when his plan to build a tunnel between his Bond Court and the Convention Center was scuttled and he began getting bad publicity concerning late hotel tax payments. Convinced that a long-time ally, Convention Bureau Director Dale Finley, was behind the bad press, Carney sold the Hollenden and the Bond Court at a very tidy profit.

Around the same time, in response to personal appeals from then Mayor George Voinovich and City Council President George Forbes, Carney accepted an appointment to CMHA board, a political meat grinder where he served with distinction for three years before resigning in 1989, as he began to feel the effects of Alzheimer's disease.

"My dad made a really good buck on the deal involving two glitzy hotels," his son says," but then he turned right around and worked for no pay in just about the toughest public policy area—housing—involving the city's poorest people. Since he knew his way around politically, he knew who to call and how to get things done. He straightened and out the balance sheet and financial reports. He even hired a lawyer out of his own pocket. Having that position wore him out and actually cost him money—but he got the job done. In many ways it was his crowning achievement."

So if we, as Clevelanders, are looking for guideposts that will show us the way to meet the obstacles involved in developing strong and just 21st century communities, we could do much worse than simply following the map provided by the life of James Carney Sr. But that's no small task since it points to the need for leaders who are practical, tough-as-nails visionaries with compassion, a genuine commitment to public service and true sense of loyalty. It also underlines the need for citizens who treat each other with respect and kindness.

His is a profound and challenging legacy, one that warrants honor and emulation. Tell everyone about it.

MEDICARE FUNDING

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. CRANE. Mr. Speaker, throughout the budget process, funding for Medicaid programs will be a frequent topic of passionate debate.

This is a matter of grave importance—both to the American taxpayers and to their duly elected representatives in this constitutional body. It deserves careful consideration by all members.

As we debate possible increases or decreases in the funding of various programs included in Medicaid, we must be certain the funding is used wisely and as intended.

A recent issue of the Washington Times included an article by nationally syndicated and widely respected columnist Phyllis Schlafly which suggests that we may not always know the final destination of the money we appropriate to Medicaid. I believe it raises a serious question as to the actual usage of taxpayer money—a question worthy of consideration by the members of this body. I represent Barrington, IL which is referenced in the column, and I am concerned about the information Mrs. Schlafly has shared with the public. It is for that reason I thought it important to share this with the members of the House and have included a copy of the article in the RECORD.

[From the Washington Times, Jan. 18, 1997]

SMOKING GUN IN THE MEDICAID MYSTERY

(By Phyllis Schlafly)

Medicaid, the federal program that provides health care to people on welfare, is one of the biggest problems that the 105th Congress will have to tackle if it is serious about balancing the budget in the foreseeable future. Medicaid costs more than $100 billion a year and is rising far more rapidly than inflation, demographics or poverty can justify.

The smoking gun, which proves why this dramatic increase is taking place, has just surfaced in an amazing letter sent by the Illinois State Board of Education to school district superintendents. Signed by the board's "Medicaid Consultant," this letter describes in detail how public schools can exploit Medicaid to funnel a fresh flow of taxpayers' money into public schools that bypasses all traditional funding sources and accountability.

The letter's enthusiasm for spending this new money on virtually anything the bureaucracy desires is matched only by its arrogance in explaining the deviousness of acquiring it. Stating that "the potential for the dollars is limitless," the letter boasts that "Medicaid dollars have been used for purchases ranging from audiometers to minibuses, from a closed-captioned television for a classroom to an entire computer system, from contracting with substitutes to employment of new special education staff, from expanding existing special education programs to implementing totally new programs."

Most Americans think Medicaid is just fulfilling its original purpose of providing health care to people on welfare.

They should think again, because this letter reveals how politicians and bureaucrats, after taxing us for "entitlements" for needy people, then conspire to increase the cost by loading on any projects their avaricious hearts desire.

This Illinois State Board of Education letter "encourages" local public schools to use the experienced State School Board staff in order to "maximize federal reimbursement" of Medicaid dollars and use the "opportunity" to bill Medicaid for money already spent in 1994, '95 and '96. The letter describes two ways public schools "have found Medicaid to be a viable funding source."

The first initiative provides Medicaid funding through school-based health services. Schools may bill Medicaid not just for therapies, but also for "social work and psychological services, nursing and audiological services, hearing/vision screenings, and transportation."

The second initiative allows all schools to claim Medicaid dollars for early and periodic screenings, diagnosis and treatment. The letter states that such services include "public awareness, i.e., government propaganda, identification and referral, i.e., putting private medical information on a government computer, initial health review and evaluation, i.e., such as the shocking, unauthorized genital exams given without parental consent to 59 sixth-grade girls in East Stroudsburg, Pa., health provider networking with Planned Parenthood?, and family planning referral to abortion clinics without parental consent?"

In fiscal 1996, $31.7 million in federal funds were paid to Illinois schools for the first initiative and $40.8 million for the second.

Medicaid was set up to cover only people on some form of welfare: either Aid to Families with Dependent Children or Supplemental Security Income (a program for seniors). Medicaid is a federal-state matching program, at a ratio of about 60-to-40.

In 1986, Congress inserted into the law permission for the states to expand Medicaid to cover children in families whose incomes were below the poverty line, whether their parents took welfare or not. That expansion slipped by without the taxpayers discovering it, so in 1990 Congress required states to provide Medicaid coverage to all poor children by the year 2002, and allowed states to extend Medicaid even further to the nonpoor.

This is one reason why Medicaid costs are going through the roof. In 1986, Medicaid cost about $27 million. This year, Medicaid will cost about $105 billion. By 2002, when the mandate is in full swing, Medicaid will cost at least $133 billion.

Many people were puzzled when President Clinton bragged during last fall's campaign that "he" had provided health care for an additional 1 million children. Medicaid is how he did it.

No way have Hillary Rodham Clinton, Ted Kennedy and Ira Magaziner abandoned their goal of forcing America to adopt federal health care; they are just bringing it in through the schoolhouse door. When health care is provided by and in the public schools, there is no separating welfare kids from the others. They are all eligible.

The Illinois State Board of Education letter, signed by Jean Rowe, Medicaid consultant, was dated Oct. 8, 1996, but was not made public and has just been discovered. The copy that came into my hands was addressed to the Barrington, Illinois District, which is one of the wealthiest districts in the United States and proves that Medicaid is no longer a program for the "poor," but is the vehicle to saddle us with the federal medical system that the American people have rejected.

FAIRNESS IN MEDICAID FUNDING ACT OF 1997

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mrs. THURMAN. Mr. Speaker, today, I join in a bipartisan manner with several of my Florida colleagues to introduce the Fairness in Medicaid Funding Act of 1997. For too long Federal Medicaid dollars have been directed away from States with high poverty rates. Instead, States with low poverty rates have been able to use Federal dollars to finance a significant portion of their program, without added costs to their taxpayers. The Medicaid match formula is meant to alleviate this discrepancy; instead, it aggravates it. The formula used to calculate how Medicaid dollars are allocated is currently based upon a State's per capita income rather than the number of people in poverty.

The Congressional Budget Office has produced increasingly optimistic numbers concerning the rate of growth of expenditures in the Medicaid Program, which may stall more comprehensive reform this year. Therefore, we must act to fix the unfair basic formula that drives the current system.

The Fairness in Medicaid Funding Act changes the way we calculate the Federal match to better reflect the true goals of the Medicaid Program. Under this act, the formula will be recalculated to take into account the number of people in poverty in a State as well as a State's ability to finance program services from State revenues using the State's total taxable resources.

According to the General Accounting Office, "a formula using better indicators of States' financing capacities and poverty rates * * * would more equitably distribute the burden state taxpayers face in financing Medicaid benefits for low-income residents." Based upon the GAO's recommendation, my bill makes the system more fair for beneficiaries, States, and taxpayers.

Enact the Fairness in Medicaid Funding Act of 1997 and help Medicaid do the job it was intended to do.

INTRODUCTION OF THE ACCESS TO EMERGENCY MEDICAL SERVICES ACT OF 1997

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. CARDIN. Mr. Speaker, I rise today with my colleague MARGE ROUKEMA to introduce the Access to Emergency Medical Services Act of 1997. Companion legislation is being introduced in the Senate by Senators BOB GRAHAM, TIM HUTCHISON, and BARBARA MIKULSKI.

The Access to Emergency Medical Services Act of 1997 would enact a national definition of emergency known as the "prudent layperson" definition. The bill would ensure that health plans cover emergency care based on a patient's symptoms rather than the final diagnosis. Enactment of this definition would end the phenomena of health plans denying coverage for emergency care when chest pains turned out to be indigestion rather than a heart attack.

As you may recall, we first introduced this legislation in the 104th Congress. We ended 1996 with 154 cosponsors and had portions of the bill favorably reported by the Commerce Committee and the full Senate.

This year, the legislation has been redrafted to amend the Health Insurance Portability and Accountability Act. The goals of the bill are the same. Again, it would establish the "prudent layperson" definition of emergency as the standard for coverage under group health plans, health insurers, and the Medicare and Medicaid programs. It would also forbid any requirement for preauthorization for emergency care. A new addition to this legislation is that it will go into much greater detail about requirements for health plans and emergency physicians to work together to coordinate any necessary followup care to the emergency visit. A summary of the bill appears at the conclusion of this statement.

In developing this legislation, we once again worked closely with the American College of Emergency Physicians and the Maryland chapter of their organization. I would like to thank them for all of their assistance during this drafting process.

This year we have an important new supporter of our legislation: Kaiser Permanente, one of our Nation's oldest, largest, and most respected managed care plans. I want to underscore the significance of Kaiser's support. As far as I know, this is the first time that a managed care plan has worked to develop a Federal standard for managed care practices. Kaiser has taken this bold step because they agree with us—when a person presents at an emergency room with what they believe is a true emergency, it is in the health plan's best interest to cover that visit, not to penalize their member if the condition does not turn out to be a true emergency.

Kaiser would like our bill to preempt States' abilities to further regulate coverage of emergency care—and we will continue to discuss that issue. Kaiser's perspective is that the best policy would be to have one uniform set of standards on emergency for all States. However, the bill introduced today does not preempt further State action. Our bill is consistent with the rest of the Health Insurance Portability and Accountability Act in that it only preempts State law where that law prohibits the application of the Federal law. States are absolutely allowed to go further.

In addition to Kaiser Permanente and the American College of Emergency Physicians, our legislation is endorsed by a broad spectrum of interests. These organizations include: the American Medical Association, Citizen Action, the American Hospital Association, Families USA, the American Heart Association, the Coalition for American Trauma Care, the American Osteopathic Association, the Center for Patient Advocacy, and the American Association of Neurological Surgeons.

This year's Access to Emergency Medical Services Act is a new and improved version of the legislation we introduced in the last Congress and as you can see, we have already gathered broad-ranging support. Again, this bill would enable those in need to be assured access to emergency medical care—without the fear that their health plan will deny them coverage.

Access to emergency care is fundamental to ensuring a viable health care system. What is at stake here is not an issue of governmental regulation, but an issue of protecting patient safety. I urge each of my colleagues to join me in supporting the Access to Emergency Medical Services Act and help us enact this protection into law.

SHORT SUMMARY—ACCESS TO EMERGENCY MEDICAL SERVICES ACT OF 1997

The bill would amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974 and Titles XVIII and XIX of the

Social Security Act. If enacted, this bill would guarantee that consumers are covered for legitimate emergency department visits. For health plans that offer coverage for emergency services, including the Medicare and Medicaid programs, the bill would require payment for emergency services consistent with the "prudent layperson" standard. Patients would not be required to obtain prior authorization for emergency services. Health plans would be required to cover and pay for emergency care based upon the patient's presenting symptoms, rather than the final diagnosis. The bill also establishes a process in which the emergency department and health plan work together to assure that the patient receives appropriate follow-up care.

Key provisions of the bill:

Establishes a uniform definition of emergency based upon the "prudent layperson" standard. Health plans would be required to cover emergency services if the patient presents with symptoms that a prudent layperson, possessing an average knowledge of health and medicine, could reasonably expect to result in serious impairment to the patient's health. Health plans would not be required to reimburse for services provided to patients that do not meet the "prudent layperson" standard.

Plans would be prohibited from requiring, as a condition for coverage, that patients obtain prior authorization from the health plan before seeking emergency care.

Establishes coverage standards for out-of-plan emergency care to protect patients who, under reasonable circumstances, seek care in an out-of-plan emergency department.

Allows health plans to establish reasonable cost-sharing differentials for emergency care when a patient chooses an emergency setting over a non-emergency setting, or an out-of-plan emergency setting over an in-plan emergency setting.

Provides a process for coordination of post-stabilization care. Treating emergency physicians and health plans would be required to make timely communications concerning any medically necessary post-stabilization care identified as a result of a federally required screening examination. Plans, in conjunction with the treating physician, may arrange for an alternative treatment plan that allows the health plan to assume care of the patient after stabilization.

Health plans would be required to educate their members on emergency care coverage and the appropriate use of emergency medical services, including the use of the 911 system.

There would be no preemption of state law as long as the state law does not prevent the application of the federal law.

In general, requirements of the bill would be enforced in the same manner as the requirements of the "Health Insurance Portability and Accountability Act of 1996."

Applies to all health plans that offer coverage for emergency care, whether licensed or self-insured, including the Medicare and Medicaid programs. Effective for plan years beginning on or after 18 months after the date of enactment.

TAKING CHARGE OF YOUR TV

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. DEAL of Georgia. Mr. Speaker, the television set has become the primary delivery system for information and entertainment into the average home. Some of this information is objectionable when viewed by young children, but many families feel powerless to control this situation.

Having participated in the critical viewing project sponsored by the cable television industry and the PTA, I want to commend these organizations for their efforts. The "Taking Charge of Your TV" video which was developed out of the critical viewing project, offers strategies and solutions to parents and families who want to make the TV a more positive instrument for the delivery of information and entertainment.

COMMUNITY RENEWAL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. PACKARD. Mr. Speaker, President Clinton has stated that "the era of big government is over." The challenge today is to begin a new era of self-government. The foundation for this renewal must rest on strong families, rejuvenated civic associations, active faith-based and private charities to aid those who fall through the cracks. The cultural challenge for policymakers is to mend the social fabric which binds America.

We need to put the family back together, to improve education, to reduce crime and drug abuse, and to protect families from the appalling violence in our neighborhoods and on television. To to this, we need to find new ways to instill a greater sense of personal responsibility in Americans. We must strengthen civic institutions without allowing for the dependency and loss of mission which often comes with a government subsidy. Empowering citizens to assume the primary responsibility for helping the needy through religious, charitable, and civic organizations is the answer.

Mr. Speaker, we need to get back to the basics. We need to emphasize values and personal responsibility over hand-outs in order to instill the principles of diligence, self-help, and equal opportunity, the qualities which make good workers and prosperous Americans. Community involvement is the key. During the 105th Congress, I plan to work with my colleagues to seek out these opportunities to aid our great Nation in ways the Government and Federal funding cannot.

Last Congress, we brought laudable values to Washington and accomplished a great deal: welfare reform, a smaller government, and cuts in wasteful Washington spending. As we embark on a new Congress, I intend to send more money and power back home so that moms and dads can parent again and build strong families; so that parents and teachers can work together to give our kids the best education they can get; and our communities, once again, become vibrant.

TRIBUTE TO WILLIAM P. SHERMAN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Mr. William P. Sherman who retired as director of the Huron-Clinton Metropolitan Authority after 8 years of exemplary service. The park authority operates 13 parks in southeastern Michigan.

Mr. Sherman's career began with the HCMA 40 years ago when he was hired as a beach patrol officer. He became park superintendent at Metropolitan Beach in 1968 and served in that capacity until 1985. During his 8 years as director, the authority opened a new park, Wolcott Mill, and added many new facilities such as the Marshlands Museum and Nature Center, the activities building, and an 18-hole golf course at Lake Erie. I personally appreciate his support and assistance with the Macomb County hike and bike path.

When the HCMA celebrated its 50th anniversary in 1992, much of the infrastructure in the older parks was wearing out or was outdated. Under Mr. Sherman's guidance, the HCMA was able to maintain and upgrade existing facilities and complete expansion projects while keeping user fees down. He should be proud of his accomplishments and I am sure he will continue to visit the parks often to spend some of his leisure time.

I am confident that Bill Sherman will be missed as director and I wish him and his wife Joanne all the best in retirement. I urge my colleagues to join me in saluting Mr. Sherman. His dedicated service and commitment to our community are sincerely appreciated.

A TRIBUTE TO DAVID M. LAWRENCE, M.D.

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. WAXMAN. Mr. Speaker, as chairman and CEO of Kaiser Foundation Health Plan and Hospitals, David M. Lawrence, M.D., has helped reshape the delivery of health care in this country. During Dr. Lawrence's tenure as CEO for the past 5 years, he has reaffirmed Kaiser Permanente's 50-year commitment to serving the community as a nonprofit health care system. As a result of Dr. Lawrence's leadership, Kaiser Permanente continues to serve as a national example of delivering high-quality health care that is affordable to all American families. In addition, Dr. Lawrence has committed Kaiser Permanente resources to funding landmark research that has resulted in a new national vaccine for immunizing children, new standards for detecting cancer, and better practices for delivering healthier babies. Under Dr. Lawrence's guidance, his organization has contributed millions of dollars to the health and safety of children around the country. Through educational theater programs, grants to local hospitals, and operation of the

Watts Learning Center, Kaiser Permanente stands as an example of community responsibility and integrity. On this occasion of Dr. Lawrence's fifth-year anniversary, we extend our regards and congratulations.

THE INTRODUCTION OF THE NUCLEAR DISARMAMENT AND ECONOMIC CONVERSION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Ms. NORTON. Mr. Speaker, the cold war is over, but nuclear weapons remain. The bill I introduce today would substantially reduce the likelihood that nuclear weapons will become a renewed threat. The Nuclear Disarmament and Economic Conversion Act would require the United States to disable and dismantle its nuclear weapons and to refrain from replacing them with weapons of mass destruction once foreign countries possessing nuclear weapons enact and execute similar requirements. The United States, the leading nuclear power in the world, has an obligation to take far bolder leadership in moving to help disarm these weapons.

The act would then require that resources used to sustain nuclear programs be used to address human needs such as housing, health care, education, agriculture, and environmental restoration. Funding such initiatives here in the United States is necessary to bring peace within our own country. As deficit reduction forces cuts, reducing needless nuclear weaponry is the place to begin.

This bill is especially relevant today with the Clinton administration's push to expand the number of countries that are members of NATO and would be bound by the treaty to come to each other's defense.

My bill will put our money and our principles where our mouth has been. We must not continue to spend on nuclear weapons while we preach peace and the end of nuclear proliferation.

THOMAS J. FERRITO, J.D.: DEFENDER OF OUR ENVIRONMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. STARK. Mr. Speaker, I rise today to recognize Mr. Tom Ferrito of Los Gatos, CA, who will end his service on the Bay Area Air Quality Management District Hearing Board on April 21, 1997 as a result of the district's term limit rule.

A successful full-time attorney, Tom Ferrito's accomplishments and credits earned him the State-mandated attorney position on the five-member Bay Area Quality Management District Hearing Board, on which he served 15 years. Prior to that service, Tom served 3 years on the district's board of directors.

The Bay Area Quality Management District Hearing Board, a quasi-judicial body, adjudicates various types of situations and is guided by the code of judicial conduct adopted by the California Judges Association. The hearing board carries out the judicial function of the district, holding hearings on citizens' appeals on the rightful issue of permits, and disputes between air pollution control officers and operators on the interpretation of air pollution rules.

Last year, the seven-county Bay Area Air Quality Management District was recognized by the Environmental Protection Agency as being the Nation's largest metropolitan clean air region. This title represents 40 years of progress toward improving air quality. It has been achieved by a long-term program of adoption and enforcement of regulations applicable to stationary sources—in a sound, methodical and sensitive manner. Tom Ferrito has played an active role in implementing that program and protecting the San Francisco Bay Area environment for over 18 years.

As the senior member of the hearing board, Tom Ferrito has set high standards of honesty and excellence. He stands out as a committed citizen, willing to give of his time for the betterment of the environment at both the local and regional levels.

The service of this accomplished attorney and dedicated public servant will be missed by myself and the entire Bay Area community. We wish him well in every future endeavor.

CLARIFICATION OF VOTE ON H.R. 581

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. PORTER. Mr. Speaker, during the vote on H.R. 581 on February 13, 1997, I was unavoidably detained chairing a hearing in my subcommittee and was not able to come to the floor to vote until immediately prior to conclusion of the time for voting. I was under the mistaken impression that the vote being held was on House Resolution 46, the rule for consideration of H.R. 581. Accordingly, I voted in favor of passage. After the vote had closed, I learned that the rule had passed by voice vote and the recorded vote was in fact on passage of H.R. 581 which I intended to oppose. I want to clarify that I oppose H.R. 581 and my vote in support of it on February 13 was made in error.

REV. ERNEST SMITH KEEPS HISTORY ALIVE IN THE LEBANON VALLEY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. SOLOMON. Mr. Speaker, It is often said that we must always remember where we have been if we are to truly know where we are going. Too often in today's hectic world, we lose sight of our social and cultural past, which have shaped our daily experiences and the very society in which we live. Luckily, however, there remain some insightful individuals who dedicate their time and energy to preserving our historical roots so that we may always remember and learn from the people and events which came before us. I personally am extremely grateful for the endeavors of admirable individuals like Rev. Ernest Smith, who, through his diligent and enthusiastic efforts, has ensured that the rich history of the Lebanon Valley will remain alive and accessible for many generations to come.

Reverend Smith's service has spanned many years and a multitude of avenues of historical pursuit. He has been the town historian for the town of New Lebanon for almost a decade, during which time his endeavors included penning a remarkable short history of the town for its gala 175th anniversary celebration. Reverend Smith also spearheaded the successful monument restoration program as the Chair of the Tilden Restoration Committee, which carefully utilized State and local grants in combination with individual donations to rejuvenate the aging memorial. Reverend Smith is also an extremely prolific writer. I know that thousands of others have enjoyed reading his clever "Valley Tales" columns in the Echo as much as I have over the years, Some of these columns have now been published in two books, offering many newcomers to Reverend Smith's writings the opportunity to learn from his insight into the Lebanon Valley region.

Most recently, Reverend Smith was elected to and served the maximum term of 3 years as the president of the Lebanon Valley Historical Society. Under his leadership, the historical society thrived, its membership and event attendance multiplying dramatically. Among other opportunities, the society provided people the chance to learn about the historical homes in the area, where many of the meetings were held. During his term of service, Reverend Smith took a faltering organization and, through his hard work and dedication, brought it back to life, so that it may now flourish and grow further in the future.

Mr. Speaker, committed and creative individuals such as Reverend Smith are among our most valuable resources in retaining a positive perspective on our cultural and societal history. I ask that all Members join me in expressing our sincerest gratitude and admiration for Reverend Smith and his impressive endeavors, and wishing him continued success in his efforts to preserve the rich heritage of the Lebanon Valley.

THE HEALTH INSURANCE BILL OF RIGHTS ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. DINGELL. Mr. Speaker, the legislation we are unveiling today is not based on theoretical or theological constructs. It is rooted in the real-life experience of people dealing with their health care system.

Ten years ago, fewer than one in seven Americans with private insurance were enrolled in some form of managed care. Today, three of every four Americans with private insurance are in managed care. Including Medicaid and Medicare beneficiaries, more than

140 million Americans were covered by managed care plans as of 1995.

There is a growing body of anecdotal and statistical evidence to suggest that many of the changes in our health care system over these last few years are not without flaws or imperfections.

Let me be clear. Managed care plans, and health maintenance organizations, perform good and great works every day. With managed care, we get a better overview of the care provided, so that we can identify and end improper or unnecessary practices. We can better coordinate the care received by a single patient. And we can get the benefits of bargaining collectively with providers to cut costs.

The traditional fee-for-service system built in a series of incentives to generate more revenue by providing more services. My concern is that the pendulum may have swung back too far in the other direction. We've gone from cost being no consideration to cost being the only consideration in providing health care. And neither extreme is healthy for the public.

You may have heard the stories: Heart attack victims forced to drive miles to an approved emergency treatment hospital. Patients denied payment for emergency care. Medicaid HMO's refusing to pay for antibiotics to stop a childhood dysentery epidemic. Cardiac surgery centers selected on the basis of price rather than survival rate. Marketers charged with mail fraud, forgery, or bribery. According to surveys, 80 percent of the American people agree that quality care is often compromised to save money.

I don't believe these problems are necessarily typical of HMO's or the managed care business. The vast majority of plans are operated by honorable men and women. The same can be said of any other endeavor or profession. Most stockbrokers are honest, as are most doctors, or police, or even—believe it or not—most Members of Congress. But that doesn't obviate the need for laws or regulations to corral and control the bad actors.

Concern about the practices of some managed care plans prompted us to pass legislation in the last Congress to guarantee that a woman and her doctor would decide how long she should remain in the hospital after giving birth. This Congress, Congresswomen DELAURO and ROUKEMA and I introduced similar legislation on the length of stay after a mastectomy.

I'm well aware that some have criticized legislation on births or mastectomies because they are specific to one condition. I find that criticism amusing. When we tried to enact comprehensive health care reform, many of the same people told us we were doing too many things all at once.

I'm also aware of another criticism, and that is that Congress should not be making medical decisions.

I couldn't agree more. Congress shouldn't have to concern itself with the length of a hospital stay after a mastectomy or birth. Those decisions should be made by qualified medical professionals and their patients. But the harsh fact of the matter is that when cost, and not care, is the primary consideration, the wisdom of doctors and patients is too often supplanted by insurance companies. The Congress is simply acting to restore some balance to the equation.

That's the guiding principle behind the legislation that Senator KENNEDY and I are introducing today, the Health Insurance Bill of Rights Act.

This legislation deals with the four cornerstones of a system that tips the balance in favor of the client—a system that puts patients first—access, quality, information, and dispute resolution.

First, the bill would ensure that patients can get their health care in the best place and from the best people—whether it is a primary care provider, a specialist, a specialty hospital, or even a high-quality clinical trial. The key here is the health of the patient, not whether a provider is a member of the health plan's network.

The legislation will make sure that a sick patient can complete a course of treatment with the doctor and hospital the patient knows and trusts, and that a healthy patient will have real choice of providers in receiving routine health care. For example, a woman who regularly sees an obstetrician-gynecologist can consider that doctor as her primary care provider. Or a cancer patient's oncologist can refer the patient to other specialists for related treatments, without going through a "gatekeeper."

Our bill deals carefully with the thorny issue of drug substitution. We don't mandate prescription drug coverage, and we don't forbid drug formularies. We simply say that health plans ought to consult with their own doctors in developing their formularies, and ought to provide a way for those doctors to substitute drugs when they believe it's medically necessary.

Second, quality.

This bill lays out a number of components of a good quality assurance program—components that mirror what the best of your health plans already do for their patients. We would require health plans to collect data and make information available in plain language, so patients can compare different plans and make wise choices.

Third is patient information. The minimum quality and information components in this bill are things we have been told patients want and need to know: The plans' criteria for determining medical necessity, appropriateness, efficiency, and access; their policies to ensure confidentiality of medical records; the scope of their utilization management activities; and the way the plans evaluate consumer satisfaction. In other words, the bare-bones components of a top-notch health plan.

Our bill would require health plans to provide simple information like addresses, telephone numbers, what benefits are included, the cost of premiums, and any cost-sharing requirements. Patients also need to know about the credentials of providers, how to obtain authorization for services, and how to get referrals to providers who are not plan participants. In other words, patients ought to have enough information at their fingertips to navigate the system without frustration and failure. I am sure that any good health plan would be not only willing but anxious for consumers to have all of this information.

And while on the subject of information and communication, I should also mention that this bill incorporates the patient-friendly concepts first introduced by Representatives MARKEY and GANSKE in the last Congress—the concepts that underlie the ability of doctors and patients to communicate freely and understand each other effectively.

Finally, the legislation provides an absolutely essential component of a consumer-friendly health plan—an appeals process that works: Timely notice of a plan's decision not to provide a certain benefit, or not to pay for it, and a workable process for the patient to appeal. This process must be fast when it needs to be fast—such as when the patient is seriously ill or near death. And, as the icing on this cake, the plan must have a real, fair, dispute resolution process which takes account of the views of the patient and provider as well as a third party, such as an ombudsman, who can look at the situation from a new perspective.

This legislation was developed through consultations with literally dozens of interested and affected parties: Consumer groups, hospitals, medical professionals, health plans, and others. It is modeled on State statutes that were fully bipartisan. For instance, the State of New York, with a Republican Governor and Democratic legislature, has enacted similar legislation.

I'm well aware that I'll be criticized for proposing Government intervention and regulation. But the fact is that through our democratic institutions, we routinely establish fair terms for competition. We prohibit practices we deem unfair, discriminatory, outlandish, or improper. The American people expect Government to set minimum standards of behavior, and keep the playing field level.

In the area of health insurance, we need to see that competition is based on more than just price. Price often tells us very little about value or quality. One of the arguments for changing the Consumer Price Index is the argument that it fails to take into account improvements in quality. And let me observe that if price were the only consideration in buying a car, we'd all be driving around in Yugos.

When it comes to health care, I don't want a Yugo, and I don't need a Rolls-Royce. A Dodge or Chevy or Ford will do quite nicely.

In this instance, that means a system in which patients receive appropriate, quality health care, in which they can understand decisions about their care, and in which they can act effectively on their own behalf. My legislation will accomplish that.

TRIBUTE TO CAPT. RALPH MARTIN ALFORD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. SKELTON. Mr. Speaker, today I wish to recognize a truly outstanding naval officer, Capt. Marty Alford, U.S. Navy. Captain Alford will soon be completing his assignment as the Director of the Navy Liaison Office to the House of Representatives, which will also bring to a close a long and distinguished career in the U.S. Navy. It is a pleasure for me to recognize just a few of his many outstanding achievements.

A native of Columbia, MO, Captain Alford was commissioned an ensign upon graduation from the U.S. Naval Academy in 1971. Following graduation, he entered flight training, receiving his wings of gold, and designation as a naval aviator in June 1973. Captain Alford's initial tour was with Patrol Squadron 10, homeported at Naval Air Station Brunswick, ME, flying the P–3B Orion aircraft. In February 1977, Captain Alford reported for duty as flag lieutenant to commander, Naval Safety Center, Norfolk, VA. After 18 months he transferred to the staff of commander, Carrier Group 8, also in Norfolk, where he again served as flag lieutenant and aide. Captain Alford's next tour found him at the naval air station in Jacksonville, FL with Patrol Squadron 30. Qualifying as an instructor pilot in both the P–3B and P–3C aircraft, he also served as assistant training officer and maintenance material control officer. In March 1982, he transferred to Patrol Squadron 1 at the naval air station in Barbers Point, HI. He served as training officer and operations officer while completing deployments to Cubi Point in the Philippines and to Kadena Air Base in Okinawa, Japan. In January 1985, Captain Alford reported for duty to Patrol Squadron 4 in Hawaii as the executive officer and deployed to Diego Garcia.

In May 1986, Captain Alford assumed command of Patrol Squadron 4 and led the squadron through a successful deployment to Naval Air Station Adak, AK. Upon successful completion of his command tour at sea in May 1987, Captain Alford began a 1 year assignment as operations officer for Commander Patrol Wing 2, followed by challenging duty in Washington, DC, as an action officer in the Strategy, Plans and Policy Division of the Naval Staff. Following selection for Fleet Reserve Squadron Command in July 1989, Captain Alford reported as commanding officer of Patrol Squadron 31 at Naval Air Station Moffet field in California. After completing his second command tour in July 1990, he began a 1 year assignment as a student at the National War College at Fort McNair in Washington, DC. After graduating in June 1991, he was assigned to the staff of the Assistant Chief of Naval Operations, Air Warfare as a branch head. Captain Alford reported as commander, Patrol Wing 10 in March 1992 and led the wing through several highly successful operational deployments and numerous detachments throughout the world in support of a wide variety of missions. Captain Alford completed his third major command tour in October 1993 and reported as Director, Navy Liaison to the House of Representatives in February 1994.

Mr. Speaker, Marty Alford, his wife Terri, and their two children, Michelle and Mary Beth, have made many sacrifices during his 26-year naval career. Marty has spent a significant amount of time away from his family to support the vital role our naval forces play in ensuring the security of our great Nation. Captain Alford is a great credit to the U.S. Navy and the country he so proudly served. As he now prepares to depart the Navy for new challenges ahead, I call upon my colleagues from both sides of the aisle to wish him and his family every success, as well as fair winds and following seas, always.

THE 401(k) PENSION PROTECTION ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 1997

Mr. CONDIT. Mr. Speaker, I have today introduced the 401(k) Pension Protection Act of 1997. Last year I introduced a similar bill, H.R. 3688. This legislation would close an important gap in pension protection affecting tens-of-millions of working Americans.

Federal law currently provides less protection to participants in 401(k) plans than it provides to participants in traditional pension plans. A traditional plan may not invest more than 10 percent of its assets in the company sponsoring the plan. The purpose of this limitation is the protection of employees who might otherwise lose their jobs and pensions at the same time.

This limitation does not apply to 401(k)s, despite their having become the predominant form of American pension plan, enrolling 23 million employees and investing nearly $700 billion. When a company goes bankrupt with a large percentage of its 401(k) invested in the company, the impact on employees can be catastrophic. The largest department store chain in California went bankrupt with more than half of its 401(k) invested in the chain's stock, 10,000 401(k) participants, many near retirement after decades of work, lost 92 percent of their stock investment.

The 401(k) Pension Protection Act would prevent this from occurring. The bill applies the 10 percent limit to 401(k)'s—unless the participants, not the company sponsoring the plan, make the investment decisions. After all, it is the employees' money, they bear the investment risk, and their 401(k)'s, unlike traditional plans, have no Pension Benefit Guaranty Corporation insurance. No participant should be required to invest more than 10 percent of his or her 401(k) contribution, known as a salary deferral, in the company sponsoring the plan.

Mr. Speaker, millions-of-Americans are working hard every day to save for their retirement and provide for their families. Enactment of this legislation will protect the retirement assets of working Americans. I urge our colleagues to join me in support of this important measure.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "401(k) Pension Protection Act of 1997".

SEC. 2. SECTION 401(K) INVESTMENT PROTECTION.

(a) LIMITATIONS ON INVESTMENT IN EMPLOYER SECURITIES AND EMPLOYER REAL PROPERTY BY CASH OR DEFERRED ARRANGEMENTS.—Paragraph (3) of section 407(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)) is amended by adding at the end the following new subparagraph:

"(D) The term 'eligible individual account plan' does not include that portion of an individual account plan that consists of elective deferrals (as defined in section 402(g)(3) of the Internal Revenue Code of 1986) pursuant to a qualified cash or deferred arrangement as defined in section 401(k) of the Internal Revenue Code of 1986 (and earnings thereon), if such elective deferrals (or earnings thereon) are required to be invested in qualifying employer securities or qualifying employer real property or both pursuant to the documents and instruments governing the plan or at the direction of a person other than the participant (or the participant's beneficiary) on whose behalf such elective deferrals are made to the plan. For the purposes of subsection (a), such portion shall be treated as a separate plan. This subparagraph shall not apply to an individual account plan if the fair market value of the assets of all individual account plans maintained by the employer equals not more than 10 percent of the fair market value of the assets of all pension plans maintained by the employer.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSITION RULE FOR PLANS HOLDING EXCESS SECURITIES OR PROPERTY.—

(A) IN GENERAL.—In the case of a plan which on the date of the enactment of this Act, has holdings of employer securities and employer real property (as defined in section 407(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)) in excess of the amount specified in such section 407, the amendment made by this section applies to any acquisition of such securities and property on or after such date, but does not apply to the specific holdings which constitute such excess during the period of such excess.

(B) SPECIAL RULE FOR CERTAIN ACQUISITIONS.—Employer securities and employer real property acquired pursuant to a binding written contract to acquire such securities and real property entered into and in effect on the date of the enactment of this Act, shall be treated as acquired immediately before such date.

HOUSE OF REPRESENTATIVES—*Wednesday, February 26, 1997*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we read the words of the Psalms, O God, we are reminded that we can bring to You all our thoughts and our feelings, our hopes and our fears, our joys and sorrows. We are told that we should sing a new song, for You have done marvelous things and also that You will hear the prayers of our hearts and minister to us in our deepest need. Bless, O God, all those who turn to You with thanksgiving and praise for each new day and bless, too, all who seek from You the full measure of forgiveness and peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SHAYS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SHAYS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Idaho [Mrs. CHENOWETH] come forward and lead the House in the Pledge of Allegiance.

Mrs. CHENOWETH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WITHHOLD MEXICAN GOVERNMENT CERTIFICATION

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I will make this very simple. Mexico is not a reliable ally in the war on drugs. Continued and pervasive corruption of Mexican law enforcement, including its top antidrug official, make the choice clear. A nation with between $10 and $30 billion in annual drug trade, whose law enforcement and government officials are estimated to receive almost half a billion dollars a year in bribes and whose antidrug czar was in the employ of one of Mexico's most wanted drug lords, does not deserve our certification.

Our Nation's young people are at risk. If we want to take a strong stand against drug use, then we must not certify a country with the kind of problems we are seeing in Mexico. We cannot close our eyes to the antics of Mexico's drug lords and the complicity of Mexican government officials just for the trade benefits.

While Mexican President Zedillo's efforts are encouraging, we need to see some real results. The results will not be forthcoming until the President of Mexico can get the support of the rest of the government with him.

Plain and simple: Certification can wait until then.

HEALTH INSURANCE FOR CHILDREN

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, today the House Democratic leader, DICK GEPHARDT, and the Senate Democrat leader, TOM DASCHLE, are sending a letter to Republican leaders GINGRICH and LOTT calling on Republicans to move forward on expanding health care coverage for children. Many Democrats, including the President, have developed proposals to ensure all children have health insurance, but to date Republicans have offered no plan while outright refusing offers from the President and congressional Democrats to incorporate a children-only health insurance program into a bipartisan congressional agenda.

Just yesterday, Mr. Speaker, the New York City public advocate, Mark Green, released a report on the growing number of uninsured citizens in New York. Among the report's many disturbing findings was that between 1990 and 1995 the proportion of New York's children who have no medical insurance increased by 6 percent. As of 1995, nearly 20 percent of New York's children, 1 of every 5, did not have health insurance. And an equally troubling finding was that some 22 percent of uninsured citizens, many of which are parents, actually work for companies of more than a thousand people.

Mr. Speaker, I believe the writing is on the wall: Those parents who work for large companies are finding it difficult, as are many, to adequately provide health insurance for their children.

HOSPICE

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, I just experienced something we all know we will have to experience and do not want to. I just experienced my mother passing away. And you know, it is very interesting that, while this was a tragedy in our personal life, there was a silver lining to this cloud; and that was the discovery of hospice.

While this Nation has concentrated on new life and the beginning of life and the excitement of new life and youth, which is an understandable thing, America as a whole has not concentrated in helping one another with the death process and the grieving process and the process of losing loved ones. Hospice was there to help our family. Hospice proved to be far more support than I had ever dreamed of.

Hospice, in 72 percent of the cases, is a voluntary organization and supported by Americans across this Nation.

TRIBUTE TO TOM ROGERS

(Mr. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAPPS. Mr. Speaker, I want to take 1 minute to pay tribute to a man who is very much admired and respected and loved in our community. I refer to the 22d District of California.

Tom Rogers is an inspiring leader in the environmental movement. He is an able, compelling legislator; supervisor for Santa Barbara County. He is a human being of incomparable warmth, charm, positive, constructive spirit. He is currently involved in an all-out knock-down struggle with Lou Gehrig's disease.

I know I speak for all the citizens in our district in cheering him on and

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

telling Tom Rogers and his family that he means the whole world to all of us. We thank him profoundly for all that he, his wife Katy, and the family have done for our community, but we also thank him for his high ideals and for the shoes that he gave me, without which I would not have won this seat in Congress.

We want to cheer him on and we ask that God will be his comfort and his strength.

MULTINATIONAL ORGANIZATION TO RULE ON U.S. IMMIGRATION POLICIES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, it is inconceivable but true. A multinational organization, headquartered in another country, is about to rule on whether we here in the United States can establish our own immigration policies.

The World Trade Organization has set up a three-person panel which is hearing the challenge presented by the European Union against our overwhelmingly supported anti-Castro law known as Helms-Burton. That law says that anyone who knowingly trafficks in illegally confiscated property which belongs to a U.S. citizen will not be allowed into our borders. Protection of private properties is not only an American cornerstone, it is also international law. Cuba should be no exception.

The administration must make it quite clear that the United States will not allow any international organization to dictate our foreign policy, and we must assert our willingness to use the national security clause to defend the Helms-Burton law. Anything short of this will compromise our rights as an independent and sovereign Nation. The U.S. Congress writes our laws and not a multinational organization.

EIGHTY PERCENT OF ILLEGAL DRUGS COME FROM MEXICO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in America today 80 percent of all heroin comes from Mexico; 80 percent of all cocaine and all marijuana comes from Mexico; 80 percent of all narcotics in your town, in my town comes from Mexico. It is so bad that Mexico's top government drug fighter was busted for helping drug traffickers.

And after all of this, reports now say that the White House is leaning towards certifying Mexico again as a cooperating partner in America's war on drugs.

Beam me up, Mr. Speaker. I do not know who is sleeping in Lincoln's bedroom, but I think a bigger question to be answered around here and in Mexico is who all is in bed with these Mexican drug dealers? Last I heard it was still Uncle Sam, not Uncle Sucker. Take a look at it and think about it.

TIME FOR THE BALANCED BUDGET AMENDMENT IS NOW

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, it is time for the balanced budget amendment. The time is right. It is our responsibility to present it to the American public. For too long many of my colleagues have sought to protect the pork that has become too heavy a burden for the American people to bear.

The time for scare tactics is over, Mr. Speaker. If opponents of the balanced budget amendment really want to protect the American family and its future, they need to end this constant pattern of false and destructive rhetoric and help us do what is right for the country.

Mr. Speaker, the arguments our opponents are using are simply wrong and they know they are wrong. The balanced budget amendment will not force cuts in Social Security. In fact, the balanced budget amendment is the only hope to save the program in the long run. Let me say it again: No one intends to cut or to touch Social Security. Mr. Speaker, funding for the collection and analysis of the striped bass, however, may have to get reeled in.

Mr. Speaker, we must all act responsibly for the good of the American people we were sent here to represent.

COMMUNITY PROSECUTION

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Speaker, this morning President Clinton allocated $16 million for juvenile drug courts. That is an innovative investment in our fight against crime. I am here today, Mr. Speaker, to talk about another powerful new strategy in crime fighting: Community prosecution.

With my bill to create a $10 million nationwide pilot program, we can put prosecutors in neighborhoods across the country to devise creative solutions that can attack conditions that breed crime.

For example, in Portland, OR, neighborhood prosecutors organized teams of residents to patrol business districts and areas plagued by car thefts. Car thefts have declined. When Portland's residents feared a burned-out building would become a gang hangout, Portland neighborhood prosecutors made sure the landlords rebuilt. Gangs dispersed.

These successes in Portland indicate that community prosecution is more than just a good idea. It works. We should expand on this Portland model and apply it nationwide.

RECOGNIZING EFFORTS OF THE AID ASSOCIATION FOR LUTHERANS

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, I rise today to recognize and commend the charitable activities of the Aid Association for Lutherans, branch 2543, located in McHenry, IL, in the district I represent.

This organization is well-known for its volunteer efforts to help improve the quality of life in the community. In 1995, AAL received an award from the local county board for recycling 315 tons of paper and 1,000 pounds of aluminum. It also donated $1,000 to Habitat for Humanity and participated in the construction of one of the homes.

In recognition of its outstanding volunteer service throughout 1995, AAL, branch 2543, received a gold star from its home office, one of several it has earned over time.

I take this opportunity to personally congratulate each member of the local for its selfless efforts to help others. It is a fine example of how ordinary citizens get together and meet the needs of their community. I wish it continued success.

JUVENILE JUSTICE PACKAGE SHOULD INCLUDE EDUCATION REFORM

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, soon President Clinton will announce his juvenile justice package for the United States of America. I stand here today asking that that package include education reform.

Education is the centerpiece of the President's commitment for this Congress. I am happy that he is allowing and going to increase the Pell grant; wanting to increase the Pell grant to 218,000 more young people. People who are educated function better in American society, more opportunities are available to them.

Any education package, any juvenile justice reform must include educational opportunities, must include opportunities in co-op work experiences, must include a business education partnership where we might give tax credits to those businesses

who hire young people. If we are going to have effective juvenile justice reform, we have to have education as the centerpiece of that. I pledge to work closely with the President to see that that happens.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 36. Joint resolution approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

The message also announced that pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the Senator from Indiana [Mr. COATS], from the Committee on Armed Services, to the Board of Visitors of the United States Military Academy.

The message also announced that pursuant to section 6968(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the Senator from Arizona [Mr. MCCAIN], from the Committee on Armed Services, to the Board of Visitors of the United States Naval Academy.

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the Senator from Idaho [Mr. KEMPTHORNE], from the Committee on Armed Services, to the Board of Visitors of the United States Air Force Academy.

The message also announced that pursuant to Public Law 96–388, as amended by Public Law 97–84, the Chair, on behalf of the President pro tempore, re-appoints the following Senators to the United States Holocaust Memorial Council:

The Senator from Utah [Mr. HATCH],

The Senator from Iowa [Mr. GRASSLEY], and

The Senator from Alaska [Mr. MURKOWSKI].

The message also announced that pursuant to sections 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Connecticut [Mr. DODD] as Vice Chairman of the Senate Delegation to the Mexico-United States Interparliamentary Group during the One Hundred Fifth Congress.

The message also announced that pursuant to Public Law 96–388, as amended by Public Law 97–84, the Chair, on behalf of the President pro tempore, appoints the following Senators to the United States Holocaust Memorial Council:

The Senator from California [Mrs. BOXER], vice the former Senator from Rhode Island, Mr. Pell, and

The Senator from New Jersey [Mr. LAUTENBERG].

The message also announced that pursuant to Public Law 99–661, the Chair, on behalf of the Vice President, appoints the Senator from Michigan [Mr. LEVIN] as a member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation, vice the former Senator from Georgia, Mr. Nunn.

□ 1115

CAMPAIGN FINANCE REFORM

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I would like to speak very briefly about campaign finance reform. The Congress should, and I believe we will, be working to fix the way we fund our campaigns. None of us wants to spend as much time as we do raising money. None of us wants to have to spend so much money every two years. I think that is a point that may be missed by many Americans.

What we want to do is have more time to work on those things which we think are good for America. However, reforming the campaign system will not be simple, and it will take time and effort. We must work together in a bipartisan way to achieve control in campaign spending, one that protects constitutional rights to contribute and participate in the political process.

Mr. Speaker, I hope that we can address these goals by increasing disclosure of where money comes from, reducing the role of soft money, enhancing the role of small supporters. Let us all work together to bring about needed campaign finance reform.

THE AIRING OF "SCHINDLER'S LIST"

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, on Sunday evening, NBC aired "Schindler's List", the epic film about the Holocaust directed by Steven Spielberg. Yesterday I was shocked to learn that a colleague here in this House criticized NBC for airing this movie, saying that it should outrage parents and decent-minded individuals everywhere.

This film was aired to educate and to enlighten decent-minded individuals everywhere. There is a difference between gratuitous violence and history. Is this film violent? Yes. Was the Holocaust violent? Yes. Is this film difficult to watch? Yes. And that is why NBC warned its viewers to use their discretion in allowing children to watch the film.

Steven Spielberg said that he would not allow his grade school children to watch, taking personal responsibility for monitoring his children's viewing habits, as all parents can and should do.

Mr. Speaker, NBC should not be condemned for showing this film. NBC should be commended for showing this film, a film that documents one of the darkest chapters of our world history, a chapter that we must never forget.

"SCHINDLER'S LIST": SO WE NEVER FORGET

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute.)

Mr. MCGOVERN. Mr. Speaker, last Sunday night 65 million Americans watched the movie "Schindler's List" when it was shown without commercial interruption on NBC network television. At a time when there is heated debate over the lack of quality television programming, this movie is a shining example of what network television can do right.

This award-winning film depicts the horrors of the Holocaust in graphic and moving terms. More important, this is a true story. These were real events, real lives and deaths, real acts of human depravity and real demonstrations of human courage and dignity. These are the history lessons that all our children should learn, that human beings and their political ideology have often committed heinous crimes against humanity and that it must never ever happen again.

Mr. Speaker, I am outraged by the words of one of my colleagues, who has said that showing this film uncut on television should offend "decent-minded individuals everywhere." This is not a film where nudity and violence are gratuitous. This film is honest and direct, and that truth is often brutal and horrifying.

Mr. Speaker, may we show our respect for those who survived the Holocaust and perished in its wake by teaching our children about the dark moments in our shared history and by vowing that this will never ever happen again.

IN SUPPORT OF H.R. 668, AVIATION TRUST FUND TAX REINSTATEMENT

(Mr. FORD asked and was given permission to address the House for 1 minute.)

Mr. FORD. Mr. Speaker, I rise today urging my colleagues to support H.R. 668. This measure is critical to ensure that funds will continue to flow to the Aviation Trust Fund. The Memphis and Shelby County Airport Authority, located in my congressional district, is due to receive approximately $11 million in airport improvement grants this fiscal year to complete construction of the third parallel runway at the Memphis International Airport. The airport authority is also expecting an additional $4 million for the Noise Compatibility Program.

I believe it is irresponsible, Mr. Speaker, to further delay capital improvements and threaten aviation safety at our Nation's airports. Furthermore, any Member of the Congress with a large airport in her district understands the serious needs of airport area residents adversely affected by aircraft noise.

Mr. Speaker, my congressional district is one of the Nation's top distribution centers, in part because the largest cargo airline in the world operates from our international airport.

Mr. Speaker, H.R. 668 is essential to commerce not only in the Ninth Congressional District but throughout the Nation and the world. I urge my colleagues to vote for H.R. 668.

SUPPORT FOR PRESIDENT'S PROPOSALS ON EDUCATION

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute.)

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to commend President Clinton for making education a priority. I agree that education is indeed the key and we as a Nation must unlock the door of opportunity so that all of our citizens can participate. Therefore, the money that President Clinton is asking for his budget proposal for education must be made available.

Mr. Speaker, we cannot have good schools, good teachers and quality education unless we are willing to pay the price. I do not believe that there is any price too high to pay for our young people to have an opportunity to direct the future of this Nation. Therefore, I urge that we support the education proposals that have been put forth by the President.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules, but not before noon today.

ARMORED CAR RECIPROCITY AMENDMENTS OF 1997

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 624) to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

The Clerk read as follows:

H.R. 624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Armored Car Reciprocity Amendments of 1997".

SEC. 2. CLARIFICATION OF STATE RECIPROCITY OF WEAPONS LICENSES ISSUED TO ARMORED CAR COMPANY CREW MEMBERS.

(a) IN GENERAL.—Section 3(a) of the Armored Car Industry Reciprocity Act of 1993 (15 U.S.C. 5902(a)) is amended to read as follows:

"(a) IN GENERAL.—If an armored car crew member employed by an armored car company—

"(1) has in effect a license issued by the appropriate State agency (in the State in which such member is primarily employed by such company) to carry a weapon while acting in the services of such company in that State, and such State agency meets the minimum requirements under subsection (b); and

"(2) has met all other applicable requirements to act as an armored car crew member in the State in which such member is primarily employed by such company;

then such crew member shall be entitled to lawfully carry any weapon to which such license relates and function as an armored car crew member in any State while such member is acting in the service of such company.".

(b) MINIMUM STATE REQUIREMENTS.—Section 3(b) of such Act (15 U.S.C. 5902(b)) is amended to read as follows:

"(b) MINIMUM STATE REQUIREMENTS.—A State agency meets the minimum State requirements of this subsection if—

"(1) in issuing an initial weapons license to an armored car crew member described in subsection (a), the agency determines to its satisfaction that—

"(A) the crew member has received classroom and range training in weapons safety and marksmanship during the current year from a qualified instructor for each weapon that the crew member will be licensed to carry; and

"(B) the receipt or possession of a weapon by the crew member would not violate Federal law, determined on the basis of a criminal record background check conducted during the current year;

"(2) in issuing a renewal of a weapons license to an armored car crew member described in subsection (a), the agency determines to its satisfaction that—

"(A) the crew member has received continuing training in weapons safety and marksmanship from a qualified instructor for each weapon that the crew member is licensed to carry; and

"(B) the receipt or possession of a weapon by the crew member would not violate Federal law, as determined by the agency; and

"(3) in issuing a weapons license under paragraph (1) or paragraph (2), as the case may be—

"(A) the agency issues such license for a period not to exceed two years; or

"(B) the agency issues such license for a period not to exceed five years in the case of a State that enacted a State law before October 1, 1996, that provides for the issuance of an initial weapons license or a renewal of a weapons license, as the case may be, for a period not to exceed five years.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect 30 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana [Mr. TAUZIN] and the gentleman from New York [Mr. MANTON] each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 624, the Armored Car Reciprocity Amendments. All we need to do is watch the evening news to be aware of the problems faced by the Nation's law enforcement and security personnel. We live in increasingly dangerous times, where a badge is now a target and the lives of people wearing those badges are placed in grave danger on a daily basis.

Those who guard armored cars are no exception. Both the FBI and the armored car industry agree that there are more than 6 robbery attempts against armored cars every month. Sometimes these attempts result in the injury or death of the guard.

There is no question there is a strong need for these individuals to be armed. When this committee reported the Armored Car Industry Reciprocity Act in the 103d Congress, it recognized that fact. However, it also recognized that we need to keep weapons out of the hands of criminals and the untrained. While most States require substantial training in the safe and legal use of their weapons before they issue crew members weapons permits, we reiterated that sentiment when we required regular training and criminal background checks before a State's weapons permit could be entitled to reciprocity under our act.

The legislation of the gentleman from Kentucky [Mr. WHITFIELD], H.R. 624, the Armored Car Reciprocity Amendments of 1997, simply makes some technical changes in the original statute to better conform its requirements to the procedures in place in the majority of the States today. It still requires regular training and criminal background checks for armored car crew members, but allows States the necessary flexibility to issue permits according to their own procedures and their own timetables.

In fact, it differs from the House-passed bill in only one substantive respect, and that was in response to criticisms leveled by some Members of the other body who failed to pass this legislation during the last Congress.

It is a little known fact that the single largest interstate customer of the armored car industry is the Federal

Government. Private companies annually transport billions of dollars in currency, coin, food stamps, and other negotiable documents. Because we entrust these companies with the Nation's valuables, we have an obligation to ensure that their job in protecting these valuables is as easy as possible.

Mr. Speaker, that is why we need to enact H.R. 624. The gentleman from Kentucky [Mr. WHITFIELD] should be commended for his hard work in seeing this bill through. I would also like to thank the gentleman from New York [Mr. MANTON], the ranking minority member of the subcommittee, and the gentleman from Ohio [Mr. OXLEY] for their support in bringing this legislation to the floor.

Mr. Speaker, I urge all of my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MANTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this noncontroversial bipartisan legislation that will go a long way toward solving some of the problems currently confronting the armored car industry. These vehicles, privately or federally owned and operated, provide a valuable service for our Nation's financial institutions and businesses.

Unfortunately, this is an industry which not surprisingly is often the target of violent criminals. Attacks on armored cars not only result in the loss of untold amounts of property but all too often ends with crew members being seriously injured or killed. Every day millions of dollars of currency, food stamps, and other valuables are carried by armored cars on our Nation's highways, roadways, and local streets. The nature of this work requires these vehicles and their crews to cross State lines in order to make deliveries, pickups, and provide other essential services.

This legislation will facilitate the interstate transmittal of valuable cargoes by providing armored crew members the authority to carry firearms across State lines. The bill grants reciprocity for necessary licenses as long as all requirements of the crew's primary State have been met and that they have passed the requisite criminal background checks.

Mr. Speaker, over the last several years there has been a marked increase in the number of ATM machines and other financial service sites in this country. This in turn has led to more currency being transmitted on our roads, increasing the likelihood of attempted robberies and exposing crew members performing their duties to ever greater dangers. This legislation will ensure that armored car crews are able to adequately protect themselves, but will not in any way change Federal requirements for possession of a weapon or make it easier for anyone to receive a weapons license.

During hearings on this issue, we learned of a rather ludicrous situation where armored car crew members were actually taken into police custody because their weapons permits were found to be invalid in that particular State. As a result, not only were these employees inconvenienced but their armored car was actually left defenseless by the side of the highway for an inordinate length of time. Such examples highlight the importance of solving the current problems of inconsistent application of license requirements and renewal processes among the various States.

Mr. Speaker, I would like to thank both the gentleman from Kentucky [Mr. WHITFIELD] for crafting this legislation and Chairman TAUZIN for moving this bill so expeditiously through the Committee on Commerce. As an original cosponsor of H.R. 624, I urge all of my colleagues to support this commendable legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. WHITFIELD], the author of the legislation.

Mr. WHITFIELD. Mr. Speaker, I am pleased today that the House is taking up our legislation, the Armored Car Reciprocity Amendments of 1997, which is essentially the same legislation passed by the House without opposition during the 104th Congress. Unfortunately, time ran out in the Senate and they did not complete their work.

In the United States, armored cars are used to transport millions of dollars in currency, coins, food stamps, and other valuable property for both private entities and the Federal Government, and because of the value of the cargo, armored cars are often, as we would expect, the targets of crime.

□ 1130

This legislation addresses the problems encountered by the States in three ways. First, it grants reciprocity for both weapons licenses and any other permits or licenses required in a particular State so long as the crew member has met all of the requirements in the State in which he or she is primarily employed; second, it makes clear that it is the State which should conduct criminal background checks and permits the States to do so in whatever manner they deem appropriate; and third, it eliminates the requirement in the original act that renewal permits be reissued annually and permits States to follow their own timetables. These changes represent a major step forward in achieving the objectives of the original act.

Under the act as originally signed into law, only Illinois, Louisiana, Maryland, North Carolina, and Virginia met the requirements for reciprocity. With the changes under H.R. 624, 28 other States will qualify, and this will truly ease the flow of these valuable goods and interstate commerce.

It is important to note that there is nothing in this bill which makes it easier for someone to get a gun that should not have one in the first place. If the person is prohibited from possessing a weapon under Federal law, there is nothing in this bill to change that. Further, it continues to require regular criminal background checks and weapons training for armored car crew members. In short, it simply eases the regulatory burden on armored car crews and companies, makes their job easier while effectively maintaining public safety.

I want to thank particularly the gentleman from Louisiana [Mr. TAUZIN] and the gentleman from Ohio [Mr. OXLEY] and the gentleman from New York [Mr. MANTON] for their work on this legislation. I urge my colleagues on both sides of the aisle to support the legislation and thank them.

Mr. TAUZIN. Mr. Speaker, I commend the author of the legislation and now yield such time as he may consume to the gentleman from Ohio [Mr. OXLEY], who, by the way, is the only serving former member of the FBI.

Mr. OXLEY. Mr. Speaker, I feel compelled to quote the great Yogi Berra and point out that consideration of this bill feels like déjà vu all over again. It was just last year that I stood on the floor, managed legislation virtually identical to the bill before us today. That is why I am pleased to join our friend, the gentleman from Kentucky [Mr. WHITFIELD], and the gentleman from New York [Mr. MANTON] again as cosponsor of H.R. 624, the Armored Car Reciprocity Amendments of 1997, and thank the gentleman from Louisiana [Mr. TAUZIN] for his leadership in this issue.

Armored car crew members have a very dangerous job. They transport billions of dollars' worth of valuables every year, which makes them an increasingly ripe target for attack by everyone from militias to drug gangs to common criminals. In fiscal year 1995, the FBI investigated nearly 70 armored car robberies. In the first 6 months of 1996, they investigated more than 30 new cases of robbery attempts against armored cars and their crews, and I know that it comes as no surprise that there were injuries and fatalities in a number of these cases, as pointed out by previous speakers.

Armored car crews are trained professionals who need to be able to protect themselves and their cargo against attack. This bill simply makes it easier for these companies and employees to operate safely and legally and safely in interstate commerce, and that is why I have supported this legislation in the past, why I continue to support it today.

Mr. Speaker, I urge all of my colleagues to support this important legislation.

Mr. TAUZIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I wish to congratulate my colleague from Kentucky [Mr. WHITFIELD] for what he has done on this bill and the gentleman from Louisiana [Mr. TAUZIN] for bringing this bill to the House floor.

In the United States armored cars are used to transport millions and millions of dollars in currency, coins, food stamps, and other valuable property. The Federal Government remains the largest customer to the armored car industry. As a result of their cargo, armored cars are often a target of crime. In order to protect the safety of both the cargo and the individuals responsible for its transport, we are once again considering amendments to the Armored Car Industry Reciprocity Act.

Mr. Speaker, I was pleased to have been an original cosponsor of similar legislation which passed the House unanimously during the 104th Congress.

The need for these amendments can be illustrated by an incident, a case in New Jersey, in which the operation of an armored car across the State lines almost ended in the loss of $40 million in very valuable Federal property. The armored car was stopped by a policeman for a traffic violation, and when the licenses were checked of the armored car guards, it is found that they did not have the proper permit, and they were arrested for carrying a weapon without a permit in that State. The armored car remained on the side of the highway overnight, containing $40 million worth of very valuable property. Had the amendments we are considering today been in place, the potential for a financial detrimental situation could have been avoided altogether.

I think it important, Mr. Speaker, to emphasize that these amendments do not place weapons in the hands of additional people. The reciprocity of the licenses extends only to those professionals who have obtained a weapons license in that primary State of employment, and of course when they get this permit, they must commit to a safety test, and their record is checked and a background check is made.

Since the genesis of this legislation involves the reciprocity of weapons licenses, I want to briefly mention legislation that I have introduced to allow reciprocity for concealed weapons, licenses that would be given to individuals. H.R. 339 establishes the right-to-carry parameters across State lines. It is my hope that my colleagues will join me in support of further reciprocity for gun owners.

Mr. Speaker, today we are faced with an easy task. By passing H.R. 624 we will remove the barriers that currently inhibit interstate travel of armored cars. It is senseless that armored car guards who have met the professional licensing requirements to carry a weapon in one State should be required to obtain a license in every State that they travel through when they are transporting their cargos.

So I urge passage of this bill and I again compliment the gentleman from Louisiana [Mr. TAUZIN] and the gentleman from Kentucky [Mr. WHITFIELD].

Mr. MANTON. Mr. Speaker, we have no more requests for time, so I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume merely to again thank the gentleman from New York [Mr. MANTON] for his extraordinary help and cooperation in moving this bill forward, and all the members of our subcommittee of the Committee on Commerce who participated in this effort, and I urge final passage of the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak in support of H.R. 624, the Armored Car Reciprocity Improvement Act.

In the United States, armored cars are used everyday to transport millions of dollars in currency, coins, food stamps, and other valuable property for both private entities and the Federal Government. The value of this cargo is not in dispute, but the ability of those charged with the responsibility of transporting it is.

The legitimacy of those who currently transport cargo by armored car across State lines, must be universally recognized by all States. H.R. 624 will go a long way in accomplishing this goal.

This bill will accomplish several important functions for the armor car industry and its customers, who depend on the ability of armored cars and their attendants to function across the State lines.

The bill requires that a criminal background check be conducted on an individual applying for a firearms license only when that person applies for his or her initial license, and it clarifies that it is the State that must conduct the initial criminal background check, and not some third party.

Finally, this bill would establish that reciprocity be granted for both weapons licenses and any other permits or licenses required in a State, if the crew member has met all relevant requirements for working as an armored car crew member in the State in which he or she is primarily employed.

Currently, only five States meet the eligibility requirements for reciprocity under the Armored Car Industry Reciprocity Act of 1993. It is estimated that the change in the law proposed by this bill would enable 28 other States to become immediately eligible for reciprocity.

Mr. TAUZIN. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. SHAYS). The question is on the motion offered by the gentleman from Louisiana [Mr. TAUZIN] that the House suspend the rules and pass the bill, H.R. 624.

The question was taken.

Mr. TAUZIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 624 and to insert extraneous material into the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

REPEALING FEDERAL CHARTER OF GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 497) to repeal the Federal charter of Group Hospitalization and Medical Services, Inc., and for other purposes.

The Clerk read as follows:

H.R. 497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF FEDERAL CHARTER OF GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

(a) REPEAL OF FEDERAL CHARTER.—

(1) IN GENERAL.—The Act entitled "An Act providing for the incorporation of certain persons as Group Hospitalization, Inc.", approved August 11, 1939 (53 Stat. 1412), is repealed.

(2) AUTHORIZATION TO FILE ARTICLES OF INCORPORATION.—Group Hospitalization and Medical Services, Inc. is hereby authorized to file articles of incorporation under the District of Columbia Nonprofit Corporation Act.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect upon the filing and effectiveness of articles of incorporation of Group Hospitalization and Medical Services, Inc. under the District of Columbia Nonprofit Corporation Act.

(b) EFFECTS OF BECOMING A DISTRICT OF COLUMBIA NONPROFIT CORPORATION.—Effective upon the filing and effectiveness of articles of incorporation of Group Hospitalization and Medical Services, Inc. as authorized in paragraph (2) of subsection (a), Group Hospitalization and Medical Services, Inc.—

(1) Shall be District of Columbia nonprofit corporation subject to the articles of incorporation;

(2) shall be deemed organized and existing under the District of Columbia Nonprofit Corporation Act, notwithstanding any of the provisions of section 4 of the District of Columbia Nonprofit Corporation Act regarding organizations subject to any of the provisions of the insurance laws of the District of Columbia;

(3) shall be legally domiciled in the District of Columbia;

(4) shall be regulated by the Superintendent of Insurance of the District of Columbia in accordance with the laws and regulations of the District of Columbia;

(5) shall continue to exist; and

(6) shall continue to be authorized to transact business—

(A) under existing certificates of authority and licenses issued to Group Hospitalization and Medical Services, Inc. before such filing and effectiveness,

(B) under the name "Group Hospitalization and Medical Services, Inc.", and

(C) under applicable laws and regulations.

SEC. 2. WAIVER OF CONGRESSIONAL REVIEW PERIOD.

Notwithstanding section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1-233(c)(1), D.C. Code), the Hospital and Medical Services Corporation Regulatory Act of 1996 (D.C. Act 11-505) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. DAVIS] and the gentlewoman from the District of Columbia [Ms. NORTON] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 497 repeals the Federal charter of the Group Hospitalization and Medical Services, Inc., the Blue Cross/Blue Shield Plan of the National Capital Area.

GHMSI, as it is known, is the only insurance company to have a Federal charter. It was granted in 1939. Under the charter, provision is made for its repeal by Congress.

The GHMSI Federal charter has become an anachronism and an impediment to competition. This bill seeks to level the playing field. When granted in 1939, the District of Columbia Code did not have provisions to regulate such an entity. It has had such regulatory provisions now for a number of years. As recently as 1992 and 1993, Congress amended the charter to specify that GHMSI be domiciled in the District and governed by local laws and regulations. At the present time, GHMSI is subject to the District's Nonprofit Corporation Act and is under the jurisdiction of the Superintendent of Insurance.

By waiving the congressional review period for D.C. Act 11-505, as provided for in this bill, the new entity, upon acceptance of its articles of incorporation, will continue to be governed by local laws without a gap or a delay in enforcement. The bill authorizes GHMSI to file articles of incorporation under the District's Nonprofit Corporation Act. The new entity would continue to be governed under its existing certificate of authority and licenses and will continue to be bound by applicable laws and regulations. Local regulation would continue to be the responsibility of the Superintendent of Insurance of the District of Columbia.

H.R. 497 is necessary because of the significant changes which have occurred in health care delivery systems nationwide and in the Washington metropolitan area. These changes are the result of market-based reforms stimulated by the growth of managed care. Health care plans must now compete to survive. Successful plans must be keyed to consumers, markets, and products. All other Blue Cross plans in the country are State-chartered corporations operated under State regulatory oversight. GHMSI alone needs congressional approval to change its corporate structure.

These arguments are not theoretical. On January 14, 1997, Blue Cross/Blue Shield of the National Capital Area and Blue Cross/Blue Shield of Maryland signed a letter of intent to combine by forming a nonprofit holding company, with both plans as subsidiaries. This is subject to review by the insurance commissioners for Maryland, Virginia, and the District of Columbia, but without this bill Congress would also have to vote its approval. To require congressional approval of such an action puts GHMSI at a competitive disadvantage.

This bill is essential in order for GHMSI to fully compete in the marketplace and for the ability of subscribers in the region to obtain and maintain quality and affordable health care benefits.

Mr. Speaker, I want to make very clear that GHMSI will be the very same corporation after the repeal of the Federal charter as it was before the repeal of the Federal charter. This is merely a change in identity, form, or place of organization for the group health of GHMSI of the type recognized as a reorganization under section 368(a)(1)(F) of the Internal Revenue Code of 1986.

Mr. Speaker, I urge passage of this bill.

Questions and Answers Regarding H.R.497, To Repeal the Federal Charter of Group Hospitalization and Medical Services, Inc.

Q: What does this bill do?

A: It repeals the Federal Charter of Group Hospitalization and Medical Services, Inc. This is the entity that holds a license from the Blue Cross and Blue Shield Association to do business as Blue Cross and Blue Shield of the National Capital Area.

Q: Why repeal the federal charter?

A: To help regional consumers by giving the District Blues the same flexibility that all other health insurance companies in the country have. The charter has become an anachronism and an impediment to competition. GHMSI is the only health insurance company to hold a federal charter. This bill creates a more level playing field.

Q: When was the federal charter granted?

A: It dates back to 1939, when there was no local home rule in the District of Columbia and no local laws governing nonprofit health insurance companies. There is now a Superintendent of Insurance in the District and a local Nonprofit Corporation Act.

Q: How are other Blue Cross plans in the country treated?

A: All others are state chartered corporations operating under state regulatory oversight. GHMSI alone needs congressional approval to change its corporate structure.

Q: Does Blue Cross support this bill?

A: Yes. In fact, they requested it.

Q: Does the bill effect any other health insurance company in the country?

A: No. The bill, if enacted, would become part of the District of Columbia Code.

Q: Does the bill have any impact on federal employees?

A: No.

Q: Is the bill supported by District local officials?

A: Yes. It is supported by locally elected officials and by the control board.

Q: Does the bill change anything for Blue Cross subscribers?

A: Not at all.

Q: Does the bill have any direct effect on the federal budget?

A: No. The Congressional Budget Office and the Joint Committee on Taxation have so stated in writing.

Q: Has this bill been introduced before?

A: No. But it was included in the Omnibus Continuing Resolution passed by the House last year.

Q: Is there any known opposition to this bill at the present time?

A: No. Co-sponsors include members of the regional delegation from both sides of the aisle.

Q: Does the bill have any impact on for-profit health insurance companies?

A: No.

Q: How does this bill compare to the laws governing nonprofit health insurance companies in the bordering states of Maryland and Virginia?

A: It establishes comparability. The bill authorizes GHMSI to file articles of incorporation under the District's Nonprofit Corporation Act. The new entity would continue to be governed under its existing certificates of authority and licenses. It would continue to be bound by applicable laws and regulations. Local regulation would continue to be by the Superintendent of Insurance of the District of Columbia upon certification of the articles of incorporation.

Q: Is this bill strictly theoretical?

A: No. On January 14, 1997 Blue Cross/Blue Shield of the National Capital Area and Blue Cross/Blue Shield of Maryland signed a Letter of Intent to combine by forming a holding company, with both plans as subsidiaries. This is subject to review by the insurance commissioners for Maryland, Virginia, and the District of Columbia. Without this bill Congress would also have to vote its approval. To require congressional approval of such an action puts the Blues at a competitive disadvantage. Successful plans, reflecting market-based reforms, must compete to survive by being keyed to consumers.

Q: What about the waiver provision in the bill for D.C. Act 11-505?

A: This is necessary in order to ensure that there will be no delay and no gap in enforcement of local laws to the new nonprofit Blue Cross company authorized by this bill. D.C. Act 11-505 is the new Hospital and Medical Services Corporation Act enacted by the District government. It passed unanimously and was approved by the control board.

Q: Is there any known opposition to D.C. Act 11-505?

A: No. It was transmitted to Congress by the District Government on February 4, 1997.

Q: What happens if the congressional review period for D.C. Act 11–505 is not waived?

A: Then the enactment could not pass into the District Code until after H.R. 479 passes, hence creating a likely delay in enforcement. Thus, this section of the bill was included out of an abundance of caution.

Q: Why was D.C. Act 11–505 deemed necessary?

A: Because otherwise there would be no local laws governing GHMSI or its successor corporation in the District of Columbia. GHMSI is now operating under a consent order with the District of Columbia Insurance Administration. The original federal charter expressly exempts GHMSI from District Government regulation, though this was amended by Congress in 1992 to permit such regulation.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by thanking the gentleman from Indiana [Mr. BURTON] for allowing us to expedite consideration of this bill, and I want to express my appreciation to the subcommittee chair, the gentleman from Virginia [TOM DAVIS], for his work in making certain that this bill came to the floor this morning.

Mr. Speaker, in August 1939 Congress granted a Federal charter to Group Hospitalization, Inc., which authorized it to arrange for the provision of hospital services on a nonprofit basis to individuals residing in the District of Columbia. This was necessary because, at the time, the District had no laws in place to regulate nonprofit health insurance companies and, of course, there was no self-government at the time, but this body was the legislating body for the District of Columbia. The District only had the means to regulate mutual insurance companies, which group hospitalization did not wish to become. As a consequence, Group Hospitalization, Inc. began its operations exempt from local regulation.

In October 1984, the charter was amended to expand Group Hospitalization's purpose beyond arranging for hospital services to include arranging for the provision of medical services on a nonprofit basis. This amendment also provided for a change of the company's name to Group Hospitalization and Medical Services, Inc., otherwise known as GHMSI. GHMSI is currently licensed by the Blue Cross and Blue Shield Association to do business as Blue Cross and Blue Shield of the National Capital area.

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In the early 1990's, GHMSI's management engaged in a wide range of questionable business practices which threatened the corporation's financial stability. The Senate Government Affairs Committee's Subcommittee on Investigations held hearings on the situation. The subcommittee determined that the situation might have been avoided had GHMSI been fully regulated by the District government.

To remedy this situation and protect the interests of the citizens served by GHMSI, the Congress amended its charter in both 1992 and 1993 to provide that it be licensed and regulated by the District government.

Last December, the District government enacted the Hospital and Medical Services Corporation Regulatory Act. This legislation establishes an improved statutory framework for the District's insurance administration to regulate GHMSI and any other similar nonprofit insurance corporations.

Last month GHMSI and Blue Cross and Blue Shield of Maryland announced that they had signed a letter of intent to combine their business operations through the formation of a nonprofit holding company. Both health plans will continue to operate as subsidiaries of the holding company. This arrangement is expected to enhance their financial stability and provide their members with access to a wider array of service providers.

The completion of this transaction would be made possible by the repeal of GHMSI's Federal charter. However, it would still be subject to regulatory reviews and approvals by the insurance commissioners of the District of Columbia, Maryland, and Virginia.

Today, GHMSI is the only federally chartered health insurance corporation. All other Blue Cross and Blue Shield plans and all other commercial insurance companies are State chartered and subject to State regulatory oversight.

In order for GHMSI to make a change in its corporate structure, the Congress would have to amend its charter. This is a burdensome process that encumbers GHMSI's efficient operation.

In order to enable GHMSI to compete within the insurance industry on a level playing field, it is appropriate that Congress grant its request to repeal the charter and allow the local government to exclusively regulate GHMSI's affairs.

This bill is fully in keeping with self-government and home rule. We therefore have before us, Mr. Speaker, a bill that facilitates the operations of a very important company located in the District of Columbia at the same time that it removes a remnant from the prehome rule period of the District of Columbia. So it serves the interests of all involved. I am pleased that it also serves the interests of the local governments in the neighboring regions as well.

Mr. CUMMINGS. Mr. Speaker, the proposal that we are considering today will help bring improved services and benefits to the many Blue Cross/Blue Shield subscribers in my district in Baltimore and to many of the constituents of representatives from suburban Maryland, Northern Virginia, and Washington, DC.

I commend the gentleman from Virginia for introducing this necessary legislation.

This bill extinguishes the Federal charter of Blue Cross/Blue Shield of the National Capital Area, which will permit it to organize and come under the jurisdiction of D.C. insurance laws—as it should have long ago. A merger between the National Capital area Blue Cross/Blue Shield and Maryland Blue Cross/Blue Shield will create a $3 billion-dollar-a-year nonprofit company—providing health care coverage to 25 percent of the 8 million residents of Maryland, the District, and the Northern Virginia suburbs.

Just as important, my constituents in Baltimore that are enrolled in the Blue Cross/Blue Shield plan will receive tangible results from the merger. It will increase competition, which will result in better service, more options, and access to a larger number of doctors, hospitals, and pharmacies at a lower cost for its customers.

The passage of H.R. 497 is essential to giving my constituents in Baltimore, and the constituents of the members of Maryland, Virginia, and Washington, DC the type of comprehensive, quality health care they deserve.

I am glad to know that we in Congress are doing all that we can to give health care providers greater flexibility to meet our constituents health care needs.

Again, I congratulate the gentleman from Virginia, Mr. DAVIS for introducing this meaningful legislation and for working with the minority in such a bipartisan fashion.

I urge my colleagues to suspend the rules and pass H.R. 497.

Mr. HOYER. Mr. Speaker, I rise today to express my support for H.R. 497, a bill to repeal the Federal Charter for Group Hospitalization and Medical Services, Inc., better known as Blue Cross and Blue Shield of the National Capital Area.

H.R. 497 eliminates an outdated arrangement under which GHMSI, alone among health insurance providers, has had to operate. H.R. 497 authorizes GHMSI to file articles of incorporation with the District of Columbia Nonprofit Corporation Act. The bill thus paves the way for GHMSI to become a District of Columbia nonprofit corporation—legally domiciled in the District of Columbia and subject to regulation by the superintendent of insurance for the District of Columbia.

GHMSI will continue to exist under the same name and will be authorized to transact business as it has—under all existing licenses and certificates of authority.

With the exception of GHMSI, Blue Cross Blue Shield plans and all other commercial insurance companies around the country are State chartered corporations operating under State regulatory oversight.

H.R. 497 will place GHMSI on an equal footing with other plans and health insurers—enabling it to continue to provide comprehensive and affordable coverage to residents of the District of Columbia and the Washington Metropolitan area, while meeting the challenges of a changing health care marketplace.

Of particular importance to my Maryland constituents, H.R. 497 will facilitate the proposed merger of GHMSI with Blue Cross and Blue Shield of Maryland. A recent letter of intent announced the plan to combine the business operations of the two entities under a single holding company.

This combination of business operations will provide a larger provider network—offering greater portability and choice, broader product options, and improved customer service to residents of the District of Columbia, northern Virginia, and Maryland who work in one area and reside in another.

I urge all of my colleagues to support this bill which will enable GHMSI to face the abundant challenges of the fast-changing health care marketplace and to compete and serve its customers on a fair and equal footing.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I urge the passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore [Mr. SHAYS]. The question is on the motion offered by the gentleman from Virginia [Mr. DAVIS] that the House suspend the rules and pass the bill, H.R. 479.

The question was taken.

Mr. DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 479, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule 1, the Chair will now resume proceedings on approval of the Journal and put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained, and then on the motion to suspend the rules postponed from Tuesday, February 25, 1997.

Votes will be taken in the following order:

Approval of the Journal de novo; H.R. 624, by the yeas and nays; H.R. 497, by the yeas and nays; H.R. 668 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DAVIS of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 378, nays 36, not voting 18, as follows:

[Roll No. 24]

YEAS—378

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Mica
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—36

Abercrombie
Borski
Brown (CA)
Chenoweth
Clyburn
Crane
DeFazio
English
Ensign
Fazio
Filner
Gephardt
Gillmor
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hilliard
Kucinich
Lewis (GA)
Menendez
Millender-McDonald
Miller (CA)
Oberstar
Pascrell
Pickett
Pombo
Ramstad
Rush
Sabo
Stearns
Thompson
Visclosky
Waters
Weller
Yates

NOT VOTING—18

Bilirakis
Buyer
Carson
Clay
Danner
Doolittle
Engel
Hostettler
Kaptur
Lantos
Largent
Linder
McCarthy (MO)
Morella
Reyes
Smith (OR)
Taylor (MS)
White

Mr. HILLIARD, and Mr. RUSH changed their vote from "yea" to "nay."

Mr. DELAHUNT changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore [Mr. SHAYS]. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

ARMORED CAR RECIPROCITY AMENDMENTS OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 624.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana [Mr. TAUZIN] that the House suspend the rules and pass the bill, H.R. 624, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 25]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—16

Bono
Carson
Clay
Cooksey
Danner
Doolittle
Engel
Kaptur
Lantos
LaTourette
McCarthy (MO)
McInnis
Morella
Reyes
Smith (OR)
Taylor (MS)

□ 1228

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Speaker, During rollcall vote No.'s 24 and 25 on the Journal and H.R. 624, I was unavoidably detained in transit. Had I been present I would have voted "yea" on both.

REPEALING FEDERAL CHARTER OF GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.

The SPEAKER pro tempore. [Mr. SHAYS]. The pending business is the question of suspending the rules and passing the bill, H.R. 497.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. DAVIS] that the House suspend the rules and pass the bill, H.R. 497, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 26]

YEAS—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly

Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—15

Carson
Clay
Danner
Doolittle
Engel
Eshoo
Foley
Hoekstra
Hutchinson
Kaptur
Lantos
Morella
Reyes
Smith (MI)
Smith (OR)

□ 1238

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AIRPORT AND AIRWAY TRUST FUND TAX REINSTATEMENT ACT OF 1997

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 668.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARCHER] that the House suspend the rules and pass the bill, H.R. 668, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 347, nays 73, not voting 12, as follows:

[Roll No. 27]

YEAS—347

Abercrombie
Ackerman
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chambliss
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cook
Costello
Coyne
Cramer
Crane
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Riggs
Rivers
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates

NAYS—73

Aderholt
Andrews
Barr
Burton
Cannon
Chabot
Chenoweth
Coburn
Condit
Cooksey
Crapo
Cubin
Deal
Dickey
Dreier
Forbes
Gibbons
Gilman
Graham
Hall (TX)
Hefley
Hill
Hilleary
Hilliard
Hoekstra
Hostettler
Hunter
Jones
Kasich
Kingston
Klug
Kucinich
Largent
Maloney (CT)
McIntosh
Mica
Myrick
Neumann
Norwood
Pappas
Parker
Paul
Pickering
Pombo
Riley
Roemer
Rogan
Rohrabacher
Royce
Ryun
Salmon
Sanchez
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Shadegg
Shimkus
Snowbarger
Souder
Stearns
Stump
Talent
Tauzin
Taylor (MS)

Taylor (NC)
Thornberry
Tiahrt
Upton
Young (AK)
Young (FL)

NOT VOTING—12

Carson
Clay
Cox
Danner
Dingell
Doolittle
Engel
Kaptur
Lantos
Reyes
Smith (MI)
Smith (OR)

□ 1251

The Clerk announced the following pair:

On this vote:

Ms. Danner for, with Mr. Smith of Michigan against.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I announce that I was necessarily absent from roll call votes 24, 25, 26, and 27. On roll call vote No. 24, I would have voted "aye." On roll call vote No. 25, I would have voted "aye." On roll call vote No. 26, I would have voted "aye." On roll call vote No. 27, I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1.

The SPEAKER pro tempore [Mr. SHAYS]. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. PAPPAS. Mr. Speaker, I offer a resolution (H. Res. 78) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the following named Members be, and they are hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE: Mr. Fox of Pennsylvania; Mr. Davis of Virginia; Mr. LoBiondo; and Mr. Watts of Oklahoma.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

"SCHINDLER'S LIST"

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, while noting the misplaced outrage of other Members of this body, I would like to express my admiration and thanks to NBC and to Ford for airing "Schindler's List" this weekend. I would like to thank the filmmaker, Steven Spielberg, not only for his brilliant film but also for his recommendation, broadcast before the film began Sunday evening, that the film may not be suitable for young children. Perhaps my colleague from Oklahoma was still at the refrigerator at that time.

I watched "Schindler's List" alongside my daughter and found it as moving a film as I have ever seen. Any allegation that any aspect of this story is gratuitous or improper would be laughable if it were not so sad. Our own great Nation is still plagued by hate crimes 221 years after being founded as a nation of freedom and equality. We watch with horror as churches and synagogues are burned and cemeteries are desecrated in our communities.

Mr. Speaker, the best way to fight hatred and intolerance is with truth about the most egregious crime against humanity in modern history, the Holocaust.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO THE TOWNSHIP OF CRANBURY, NJ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PAPPAS] is recognized for 5 minutes.

Mr. PAPPAS. Mr. Speaker, this year a community in my district, one of the oldest towns in the State of New Jersey, Cranbury Township, celebrates its tercentennial, 300 years since the time that it was founded.

Cranbury certainly looks different than it did back in 1697 but its residents have done a remarkable job in maintaining its historic qualities. While it has adapted to changing times, it has held firm to its roots.

Cranbury is a model of what many towns strive to be and what many people look for in a community. It is the kind of town that you read about, a place where people say hello on the street and look after each other.

□ 1300

Many people probably remember the theme song to the popular television show "Cheers." There is a line in the song that epitomizes what it is like to live in Cranbury. It is a place where everybody knows your name.

One drive down Main Street is all it takes to take hold of the hearts of the visitors. It reveals distinct beauty and history that makes the town the subject of pride for its residents and an unforgettable memory for visitors. As you walk down the street, you cannot help but get nostalgic.

Main Street itself is literally layered deep in American history. This modern-day paved road that runs through the center of the town was once an Indian trail, then a stagecoach road, and then a road partially covered with stone cinders and then laid with gravel.

Main Street was also where, on June 26, 1887, General George Washington stopped with his troops and established a temporary headquarters to lay out the plans that led to the Battle of Monmouth during the American Revolution.

As residents and visitors drive or stroll down Main Street, they cannot miss one of the town's principal attractions, Brainerd Lake. There is a colonial house right next to the lake that is so picturesque and tranquil that I am told at least once a week a visitor offers to buy it. Looking at that house by the lake makes you think that for many people this is the American dream come true.

Beyond its recreational uses and its sheer beauty, the brook off the lake has been used as a source of power and business since the mid-1700's. It provided power to a grist mill, a saw mill, and even ice harvesting.

Cranbury Township is more than a lake or a Main Street, it is America. The tercentennial celebration, which has been led by Betty Wagner, recognizes much more than the town's mere existence, the landmarks, and history. As we pause to pay tribute and recall the past of this community, we look forward to its future.

In 1980, the National Park Service recognized the historic, cultural, and architectural importance of Cranbury by listing the Cranbury Historic District in the National Register of Historic Places. The town's 18th and 19th century architecture has been maintained and can still be seen in its buildings and homes.

I would like to recognize the efforts of Mayor Alan Danser and the township committee, the tercentennial committee, the Cranbury Historical Preservation Society, and all the residents of Cranbury who have played a role in this year's celebration.

As the people of Cranbury look back on all that has occurred during the past 300 years, they stand at the crossroads between the past and the future, steadfast in their commitment to preserving the landmarks and values in the finest tradition of our country. It is in these values of the past that we find the many solutions for the future.

In conclusion, the people of Cranbury have made an investment in the future by preserving the past. Not only do they share their history, their landmarks, and their stories but they share their values. In these days of the Internet, fax machines, and teleconferencing, it is reassuring to know that America still has places like Cranbury that people can call home.

PARTIAL-BIRTH ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. CANADY] is recognized for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, in partial-birth abortion, the abortionist forcibly turns a child into the breach position, pulls the living child by the leg out of the mother until only the head is left inside, stabs the child in the base of the skull, and removes the child's brain, then pulls the now dead child out of the mother.

This is a horrible procedure to describe, but it is a procedure which is being performed in this country today, and it is now a matter of public record that this type of abortion is performed at least several thousand times per year in the United States, primarily in the fifth and sixth months of pregnancy; that is, the second trimester, although sometimes in the third trimester, and mainly on healthy babies of healthy mothers.

The press and abortion advocates are finally beginning to admit the truth about this horrible procedure. The New York Times this morning reported that an abortion rights advocate admitted that he lied about partial-birth abortion just as Planned Parenthood, the National Abortion Federation, and the National Abortion Rights Action League claim that partial-birth abortion is a rare procedure used only under narrow circumstances such as when a mother's life or future fertility is threatened.

Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers, says that he intentionally lied through his teeth, and I quote him, when he repeated these claims to a Nightline camera. He said he was physically ill after the episode and told his wife that he could not do it again.

The New York Times reported that Mr. Fitzsimmons says the procedure is performed far more often than his colleagues have acknowledged and on healthy women bearing healthy fetuses. The abortion rights folks know it, he said.

The Times took some of its information from an American Medical News article in which Mr. Fitzsimmons was interviewed. Fitzsimmons told the American Medical News that proabortion spokespersons should drop their spins and half-truths. He explained that the disinformation has hurt the abortionist he represents and said, "When you're a doctor who does these abortions and the leaders of your movement appear before Congress and go on network news and say these procedures are done in only the most tragic of circumstances, how do you think it makes you feel? You know they're primarily done on healthy women and healthy fetuses, and it makes you feel like a dirty little abortionist with a dirty little secret."

Based on the false claims of abortion advocates, a so-called compromise to a partial-birth abortion ban is being offered by Senator DASCHLE and President Clinton. The truth of the matter is, it is no compromise at all. In truth, it is irrelevant to partial-birth abortions.

The so-called compromise would ban partial-birth abortions performed in the third trimester except when they are necessary to preserve the life or the health of the mother, but the vast majority of partial-birth abortions are performed in the second trimester.

With regard to third trimester abortions, the bill's health exception effectively permits all abortions. The Supreme Court interprets health abortions to include all those related to social, psychological, financial, or emotional concerns.

The truth is, partial-birth abortion is never necessary. Hundreds of physicians and fetal maternal specialists along with former Surgeon General Koop have come forward to unequivocally state that partial-birth abortion is never necessary to preserve a mother's life or health or to preserve her future fertility. In fact, the procedure can significantly threaten a mother's health or ability to carry future children to term. Abortion advocates should stop trying to deceive the public with their phony ban.

In the American Medical News article, Mr. Fitzsimmons said the pro-choice movement has lost a lot of credibility during this debate not just with the general public but with our pro-choice friends in Congress. I think we should tell them the truth, let them vote, and move on.

Mr. Speaker, he is right. Abortion advocates should tell the truth about partial-birth abortion, Congress should vote to ban this horrible procedure, the President should sign the ban, and we should move on.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 1

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor on House Joint Resolution 1. It was placed there accidentally, and I ask that it be removed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, the politics of loopholes has angered the general public. We need to stop procrastinating about changes that need to be made in our campaign financing. There are some large loopholes you could run a truck through without violating the law. If we can't agree on all the changes and reforms that are on the table for discussion, at the very least we can close the loopholes.

Today, candidates for Federal office may obtain unlimited, unsecured loans from banks to finance their campaigns. Banks are able to bankroll their chosen candidates by obtaining a mere signature on a loan form without obtaining security for repayment, as is customary in their normal course of business.

I call upon this House to investigate how many unpaid, unsecured loans there are to Federal candidates.

When do these unpaid loans, secured by no assets, become an illegal contribution by a bank?

If a bank is not permitted by law to make a contribution to a Federal candidate, how is it allowed to make an unsecured loan? And what happens when this loan is not repaid? Who gets stuck? All the bank's depositors?

I have introduced a bill, H.R. 783, that prohibits all Federal candidates from making an unsecured loan.

This bill also requires that such unsecured loan be repaid within 90 days after the enactment of the bill, and in the interim, prohibits candidates who currently have an unsecured loan from accepting personal funds from a board member or officer of the bank who holds the loan.

I urge my colleagues to join me in closing at least the one obvious loophole in the law.

In Hawaii the Hawaii State Legislature is concerned about the same thing. The senate bill introduced by Senator Matt Matsunaga, provides that all loans must be repaid by that general election day and if not, the unpaid portion becomes an illegal contribution.

I agree that his bill is a step in the right direction, but it does not go far enough as noted by the Honolulu Adviser.

Let's close the temptation, totally. Let's not allow banks to bankroll any election with hundreds of thousands of dollars even if it is repaid by election day. The ability of banks, using depositors' money, to advance moneys to a candidate is wrong and invites corruption. This practice must be outlawed. My bill, H.R. 783, does that. I urge my colleagues to cosponsor this necessary first step.

□ 1315

FALSE BOMB THREAT PENALTY ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to talk about legislation that I plan to introduce later this afternoon. This legislation is titled "False Bomb Threat Penalty Act of 1997."

Unfortunately, in this day and age, we are concerned about bombings. We have a situation now in the State of Georgia that is causing great concern because there have been incidences of bombing. We have to take those situations very, very seriously.

I am introducing a piece of legislation that has to do with what we have to worry about in everyday life all across these United States, and this is the fact that there are false bomb threats. This legislation that I am going to introduce will institute a mandatory minimum penalty of 1 year for anyone willfully making a false bomb threat.

Current law allows a sentence of up to 10 years or a fine if one does this, or both, for placing a false bomb threat, but I believe we must institute a more stringent penalty for the commission of this crime. A clear message must be sent that we will no longer tolerate actions like false bomb threats which can cause injury to property and to life.

One constant concern about false bomb threats is that injuries can occur when individuals, often in panic, evacuate a building or a home. Another concern, one that I am very concerned about and have seen this type of action happen, is just the opposite of what I have just talked about, and that situation is when repeated bomb threats happen, we can have the situation of apathy. If this occurs, people may not evacuate and serious injury or death can occur if a bomb does exist, and this has to do with the very basic tenets of public safety.

This crime should not be tolerated, and I believe it is important to send a clear message to individuals who engage in making a false bomb threat that there will be repercussions for their actions.

We must continue our efforts to remain tough on crime. We read that by being tough on crime we are seeing the statistics go down, we are seeing everyday life being made better, and we have to work continually. We as lawmakers have to be very sure that we are involved constantly in making sure that we have the most secure environment for the people in these United States. Something as basic as this type of situation should not be tolerated and this legislation would make it known that one cannot in fact take advantage of others and make false bomb threats.

REAL HISTORY TEACHES REAL LESSONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I rise today to discuss a topic that is being debated today in our media regarding the NBC airing of "Schindler's List" on Sunday night.

One of my colleagues has taken offense to the airing of the show because it depicted nudity and violence on TV where our children would watch. I deeply respect my colleague and his point of view, but I have to stand today and first and foremost congratulate NBC News for airing uninterrupted a 3\1/2\-hour movie of one of the worst tragedies in our global history.

I must also add that the rating system voluntarily initiated by TV broadcasters was used that night. I must also reiterate that Steven Spielberg, creator of the movie, came on with a personal appeal to allow parents to know that what they were about to see would be graphic, violent, and they should caution their children against watching this show.

Mr. Speaker, this movie is real. The events of the Holocaust are real. This is not fantasy, this is not Disney World, this is not make believe, this happened to real people. Their possessions were taken from them, their clothing was stolen, their lifelong belongings were stolen, and they were executed and murdered by Nazis.

This was not some rating attempt to boost revenues. Ford Motor Co. paid for the entire production of the show that evening without running a commercial, the first time I can remember networks ever giving up commercial rights during a broadcast.

Superbowl, $200,000 for a 30-second ad went like that, a full lineup of commercials during Superbowl, made lots of money. NBC News chose to not take revenue, because America and every person on this planet needs to know the truth about the Holocaust, needs to know what happened, needs to see the historical significance of a tragedy that occurred so that they can become sensitive to the issues that confront us in this country.

It is not enough to talk about anti-Semitism and trying to eliminate it in America; you need to know the roots of the problems of why people have been hurt and harmed. We talk about civil rights. We have to understand from a black person's perspective of where we have been in America, where they were denied access to water fountains, where they were made to sit in the back of the bus, where they were treated as second class citizens. It is only through history will our children learn to become sensitive to the things that can change the course of history.

Yes, it was a tragic, tragic show, and I watched it Sunday night myself, and I have seen it before, and I thought as that movie went on and on how these people felt, how they were herded off to their deaths by a demonic creature who was murdering millions of Jews because they were Jews, and we are not supposed to tell that story.

We are not supposed to air it on TV, we are supposed to pretend it did not happen. We are supposed to make up some whole new story and put people in clothes and not show the gunshot wounds to the head. We are supposed to camouflage all of that destructiveness, that evilness, so that we can show people something that is not even a true portrayal.

Then we have calls for government to make mandatory ratings. So 10 or 20 years from now we may never know what happened. We may not know the tragedies that are going on in Cuba today with Fidel Castro in charge because we are not allowed to talk about it. We cannot portray what is really happening in our globe. I am frightened for the children in our society that are not being told the truth.

But the one thing that I feel so great about in this country is when I look at the young people, they are embracing each other, blacks, whites, Hispanics, Catholics, Jews, Protestants, because they believe in order for this world to survive we must be together as one people, regardless of race, color, creed, or ethnicity, one people.

That is my hope for our future in this country, that we will join together in a spirit of democracy and freedom for each and every one of us, regardless of where we were born, what our last name is or what the color of our skin is. But it will not happen if we cannot tell the truth, it will not happen if we cannot tell it like it is.

So for the Government to get in the rating business now and say we are going to have mandatory ratings and take away the historical importance of the show I watched Sunday night and was proud to view simply because it told me something about what happened at that horrible event. So I urge people around America to call and support what NBC showed on Sunday night, because I think that is what America is about, telling the truth.

Mrs. KENNELLY of Connecticut. Mr. Speaker, if the gentleman will yield, I would like to associate myself with the remarks of the gentleman.

THE BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, an earlier speaker today referred to the balanced budget amendment that will be on the floor sometime in the near future as being very important for our families, our businesses, the States, and particularly for our families, and I agree with him in that regard that what this vote will be about is very important to the families.

Mr. Speaker, let me ask, what family thinks it makes much sense to say that you have to pay for your house in 1 year that you cannot mortgage over 20 years. You cannot borrow to buy that house, instead you have to pay for it in 1 year. What business could operate if you told it that it cannot borrow, and it cannot amortize over several years for those expensive buildings or pieces of equipment or whatever, but it must pay for them in one. What State government can operate if you told it that it could not borrow or issue bonds for the roads, the bridges, the infrastructure, the water, the sewer systems, the airports that make it grow?

The reality is that if you went to any business, State, or family and said you have to live by the terms of this balanced budget amendment that this Congress is about to put into the Constitution, they would say, you are crazy, because we all know that we have to borrow for those things that bring longer returns. We have to borrow for the roads, the bridges, we have to borrow for the business equipment, the shell buildings, the industrial parks, and we have to borrow to put our children through school and we have to borrow for our mortgage.

I was attending a meeting recently at Shepard College in West Virginia in which a student talked about why she had borrowed thousands of dollars, receiving financial assistance, and the reason is because she knew that was her future and that thousands of dollars would be repaid countless times over. That is what this is about.

No business, State, or family would voluntarily accept the terms of this balanced budget amendment that will be voted on by this House, because they know they could not operate under it. It is bad enough that the Federal budget currently operates this way. It is even worse that some would think of putting this into the Constitution of the United States. If you are going to put it into the Constitution of the United States to have this kind of requirement, then set it up like businesses and States and families do. And that is, you have capital budgeting. You permit a separate account for the investments in the roads, the bridges, the water, the sewer systems, the airports.

I was delighted to see last night and to receive a call from the White House last night that President Clinton has created a Capital Budgeting Commission. This is similar to legislation that I introduced and a number of my colleagues here in the House cosponsored last year to set up a commission to look at and evaluate capital budgeting for the Federal budget. This makes possible the investments and the infrastructure, the physical infrastructure that are so crucial, and I look forward to seeing whom the President names to this Capital Budgeting Commission and the report that it makes.

Once again, if you are going to have a balanced budget amendment in the Constitution, at least look at the substitute that I have offered the last two times and will be offering again that would require a capital budget.

Likewise, to take Social Security off budget. The fact is that Social Security runs a $60 billion surplus this year and has for the last few years. That is $60 billion more coming in because of Social Security than Social Security is paying out. That money is necessary for the year 2019 and the years thereafter when you do not have as much coming in. So why should that not be off budget, because if you do not take it off budget then it masks the size of the true deficit.

Every one of my colleagues, I dare say, or almost everyone who has been here longer than 6 months, has voted sometime in the past few years, we do it usually about once a year, to take Social Security off budget. We have passed more resolutions and statutes and budget resolutions and budget language saying Social Security is off budget. So if it ought to be off budget, then why should it not be off budget in a constitutional amendment that deals with balancing the budget? None of this will take it off budget in 2005 or something. What happened to it up until the year 2005?

So those are the reasons that many of us oppose the language that will be voted on here today. Indeed, we have been actively involved in balancing the budget. That is why the budget deficit has dropped from $300 billion to $107 billion, why it is at the lowest point it has been since 1974, why it is the lowest in the industrial world right now, is because of the deficit reduction efforts that have been made over the past several years on a bipartisan basis. But if we are going to have a balanced budget amendment in the Constitution of the United States, then we are saying we are doing it because we want the Federal budget to be balanced like States balance their budgets, like businesses balance their budgets, like families balance their budgets, then for Pete's sake at least put in the same mechanisms by which States, businesses, and families balance their budgets, and that is to have a capital budget, an investment budget to permit borrowing for those long-term items that give you back far more than you ever pay.

□ 1330

DISINFORMATION, MISINFORMATION, AND LACK OF KNOWLEDGE ON THE PART OF EUROPEAN LEADERS REGARDING LEGISLATION OF THE UNITED STATES

The SPEAKER pro tempore [Mr. SHAYS]. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 60 minutes as the designee of the majority leader.

Mr. DIAZ-BALART. Mr. Speaker, last week I had the privilege of being a member of a delegation from our Congress to the European Parliament. Occasionally meetings take place between parliamentarians from Europe and from the United States. As I say, I had the privilege of being part of our delegation, led by the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN]. I had the opportunity to meet with parliamentarians and leaders from various capitals of the European Union to delve, to dive into a number of very difficult challenges facing Europe at this moment.

For example, there was the issue of the necessary peace in Northern Ireland, an extraordinarily difficult challenge for the good people of that area, and the amount of learning that I did was truly, I think, interesting on that very complicated issue because of the importance that this issue holds, not only for, obviously, the people of Ireland but for the people of the United States.

Mr. Speaker, what was interesting about every single meeting, what was constant about every single meeting that we had with leaders from different capitals in the European Union, is that with regard to our legislation, the legislation that we in Congress here in the United States adopted a year ago on Cuba, there is a tremendous amount of disinformation, misinformation, lack of knowledge, as I say, Mr. Speaker, that was manifested time and time again in meetings that we held with European leaders from throughout the capitals of the European Union.

It was extraordinary that time and time again, we had to explain to the Europeans that the Cuban Liberty and Democratic Solidarity Act passed by this Congress, commonly referred to as the Helms-Burton legislation, when it sanctions foreigners who traffic in stolen property, property stolen by the Cuban dictator, we had to explain time and time again to European leaders that the legislation deals with and applies to only property stolen from American citizens.

I was flabbergasted at the ignorance demonstrated time and time again by the European leaders on this issue. They talked about what they referred to as the extraterritoriality of our legislation. We would tell them that even though we would have liked to see a ban on investment in the slave economy that Castro in Cuba maintains, we cannot do that, and we did not do that in the legislation we passed a year ago; legislation, by the way, Mr. Speaker, which was exactly 1 year ago today, February 26, endorsed by President Clinton after, 2 days earlier, four American citizens or residents of the United States were cruelly, viciously, unjustifiably murdered over international waters in unarmed civilian aircraft by the Castro dictatorship, pursuant to the direct and explicit order previously given by the Cuban dictator.

So it was 2 days after that happened, that act of terrorism, which was subsequently found to be an act of terrorism, totally unjustified, unjustifiable by the United Nations, it was 2 days after that act of terrorism by the Cuban dictator that President Clinton endorsed publicly what was then a bill, legislation pending before Congress, and a few days after that, on March 12, 1996, President Clinton signed the legislation into law.

What was amazing, Mr. Speaker, was that in meeting after meeting Europeans did not know, when they would refer to extraterritoriality, that the only extraterritoriality in this debate, the only extraterritorial conduct in this debate is what the Europeans now are seeking to justify, which is that their investors, they say, should have the right to knowingly go into Cuba and traffic in property stolen from American citizens.

That conduct is extraterritorial, Mr. Speaker. That is not conduct that is taking place in Europe. That conduct which they are seeking to defend, that indefensible conduct, is extraterritorial. It is taking place in another hemisphere, in the Western Hemisphere, specifically in the oppressed island of Cuba. That is the only extraterritorial conduct at issue in this debate, the unjustifiable conduct they are trying to defend.

What our law does, what our law says in its immigration chapter, is that if you are a foreigner who knowingly traffics, deals in property stolen from an American citizen, and after having the opportunity to divest from that stolen property you fail to do so, in other words, you knowingly and purposefully, and after having the opportunity to divest do not do so, continue to deal in stolen property from American citizens, that then under our immigration laws you are excluded from the United States.

We have said we do not want people to be admitted to the United States who knowingly deal in stolen property from American citizens. So we had to explain that to Europeans, and we were, as I say, shocked at the amount of ignorance they manifested in meeting after meeting.

But they not only have manifested ignorance on this issue, Mr. Speaker. They have gone so far as to take this issue, this foreign policy decision made by the U.S. Congress and the President of the United States to respond to the acts of terrorism by the Cuban regime, the legislation that was signed into law, they have taken that law and they have challenged it formally, filed a grievance, a suit, if you will, formally against that legislation in a trade organization, in the World Trade Organization.

As Members know, the World Trade Organization was founded, was created in the last round of what is known as or was known as the General Agreement on Tariffs and Trade, the GATT. There were many years of negotiations that culminated in what is known as the Uruguay Round, and that negotiation set up the World Trade Organization. It is to settle trade disputes when a country sets tariffs unjustifiably on another country.

Mr. Speaker, in response to an act of terrorism by a state that is on our list of terrorist nations—and there are only a handful of states on our list of terrorist states in the State Department, there is Iraq and there is Libya, there is North Korea, and there is Iran, and Communist Cuba—in response to an act of terrorism over international waters by that dictatorship, we passed the Cuban Liberty and Democratic Solidarity Act a year ago.

I think the most important thing we did in that legislation was that we set forth a blueprint for relations by the United States with not only the dictatorship now in Cuba, but during the transition and reconstruction after the inevitable collapse of the dictatorship in Cuba.

We said that there have to be, by the Cuban transitional government at the time of precisely the transition, there have to be three main conditions that have to be met before the President of the United States is authorized to normalize relations with a Cuban transitional government, and then to offer not only the lifting of sanctions, obviously, but the generosity of the American people, and we are confident of the international community at that time as well, to reconstruct Cuba from the destruction that has been brought about by this horrible regime that has oppressed and continues to oppress the Cuban people for more than three decades.

That is what we did in the legislation. We said that for the President of the United States to be able to normalize relations with a Cuban transitional government, that Cuban transitional government has to free all political prisoners, agree to legalize all political activity—that is, not interfere with people's opinions, not jail them because of their beliefs—and agree to hold free and fair elections within a reasonable time. That is the only thing we are saying has to occur before the President of the United States can normalize relations with a Cuban transitional government.

That I think is the most important thing we did in the Cuban Liberty and Democratic Solidarity Act, the Helms-Burton law, because it will be very important at the time of the transition in Cuba for there to be, once there is no longer a situation where there is a demented tyrant ruling over Cuba, a situation where they know, whoever is in a transition situation in Cuba, that not only will the U.S. sanctions be lifted, but there will be access to the U.S. market, and everything else we have included in that blueprint for relations between the United States and Cuba.

All they have to do, all the Cuban transitional government would have to do basically is to respect the Cuban people with those essential conditions I have outlined; no more political prisoners, no more prohibition on political activity, and the commitment to hold free and fair elections.

We had to explain this time and time again to the Europeans. They did not know this. They have read in the media, in press and heard in the media, that we have what they say is an extraterritorial ban on investment in Cuba. We would have to point out, as I say, time and time again, no, it is just that we say that if a foreigner knowingly traffics in property stolen from Americans, then pursuant to our immigration laws we do not want that foreigner in the United States.

No country has ever committed itself under the WTO, World Trade Organization, or its precursor, GATT, to an immigration policy. No country has ever committed itself with regard to who it admits in its borders and who it excludes from its borders. Those agreements, GATT before and the WTO now, are trade agreements on goods and services, not on immigration policy.

So this challenge that the European Union is now bringing before the WTO based against our foreign policy, that foreign policy with regard to the Cuban dictatorship and the transition that I have briefly outlined and our immigration policy, the statement we have made that we do not want foreigners who knowingly deal in stolen property from American citizens to come into the United States, and they have to have the opportunity to divest before they come into the United States, and they have to say no, I am not going to divest from the property stolen from American citizens, to be excluded from the United States—that is our immigration law—the Europeans are challenging that at the trade organization, at the WTO.

They are making a serious mistake, Mr. Speaker. We told them in Europe, I do not think you have thought it through. I do not think you Europeans have thought through what it is to get involved in the immigration debate in the United States. I do not think you have thought through what it is to use the World Trade Organization to challenge American foreign policy with regard to its closest neighbor, the oppressed island of Cuba, and American immigration policy with regard to those who knowingly traffic in property stolen from American citizens.

□ 1345

I do not think you have thought that through, Europeans. And we would tell them this, and again they manifested a tremendous amount of ignorance with regard to what our law really does, what our law is and what our law is not.

The fact of the matter is that they have proceeded at the WTO and they have filed a challenge. I want to commend at this time our Speaker, NEWT GINGRICH, and the Chairman of the Committee on International Relations, BEN GILMAN, and the committee, the chairman of the Committee on Government Reform and Oversight, DAN BURTON, and the chairman of the Senate Committee on Foreign Relations, Senator HELMS. And my colleague, ILEANA ROS-LEHTINEN, chairman of the Subcommittee on International Policy and Trade of the Committee on International Relations, and Senator BOB GRAHAM from Florida, and Senator ROBERT TORRICELLI of New Jersey, and Congressman ROBERT MENENDEZ of New Jersey, and Senator CONNIE MACK of Florida for joining in the letter that I signed as well, a letter to our United States Trade Representative saying, since the Europeans have decided to bring forth this challenge, this ill-advised and reckless and irresponsible challenge in the trade organization against our foreign policy to our closest neighbor, the oppressed people of Cuba and our immigration policy with regard to those who knowingly traffic in property stolen from American citizens, it is imperative, and I will refer directly to the letter sent to our United States Trade Representative:

"We are writing to emphasize the importance we attach to victory by the United States in any proceeding brought within the World Trade Organization challenging U.S. policy toward Cuba.

"We strongly agree with the administration's view that 'the World Trade Organization was established to manage trade relations between member governments, not diplomatic or security relations that may have incidental trade or investment effects.' Therefore, it is imperative that the United States interpose all available defenses, including the national security defense provided under Article 21 of the General Agreement on Tariffs and Trade, to avoid an adverse WTO decision.

"The United States has a strong interest in promoting international trade. It is precisely for this reason that we must do everything possible to prevent the WTO from undermining its own credibility by reaching a decision on a nontrade matter that purports to circumscribe our ability to adopt policies essential to our national security.

"We understand, of course, that the United States has a compelling defense on the merits to any WTO complaint challenging our policy toward Cuba and should prevail without invoking the national security exception. Nevertheless, we think it would be irresponsible for the United States not to offer every available defense in a proceeding that could constrain our country's ability to defend its vital national security interests.

"We defer to your office regarding the best timing for putting forward the various defenses available to the United States, but we believe that the earliest possible use of the strongest defense is appropriate."

Mr. Speaker, I will include for the RECORD the letter to which I referred.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 18, 1997.

Hon. CHARLENE BARSHEFSKY,
Acting U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR BARSHEFSKY: We are writing to emphasize the importance we attach to victory by the United States in any proceeding brought within the World Trade Organization (WTO) challenging U.S. policy toward Cuba.

We strongly agree with the Administration's view that "the WTO was established to manage trade relations between member governments—not diplomatic or security relations that may have incidental trade or investment effects." Therefore, it is imperative that the United States interpose all available defenses, including the national security exception provided under Article 21 of the GATT, to avoid an adverse WTO decision.

The United States has a strong interest in promoting international trade. It is precisely for this reason that we must do everything possible to prevent the WTO from undermining its own credibility by reaching a decision on a non-trade matter that purports to circumscribe our ability to adopt policies essential to our national security.

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We defer to your office regarding the best timing for putting forward the various defenses available to the United States, but we believe that the earliest possible use of the strongest defense is appropriate.

With best wishes,
Sincerely,

NEWT GINGRICH,
DAN BURTON,
BENJAMIN A. GILMAN,
JESSE HELMS,
ILEANA ROS-LEHTINEN,
LINCOLN DIAZ-BALART,
BOB GRAHAM,
ROBERT TORRICELLI,
ROBERT MENENDEZ,
CONNIE MACK.

The issue before us at this point, Mr. Speaker, is really an important one because the European policy—the American people realize that the Europeans are using the World Trade Organization to affect our foreign policy and our immigration policy. What is that going to do to the support by the American people toward precisely the World Trade Organization?

I have had disagreements, many disagreements in the past with proposals put forward by, for example, Pat Buchanan, but he has a wonderful article today, a very insightful column in numerous newspapers around the country today, including the Washington Times here in Washington, where he says, the title of his column is European Assault on U.S. Policy. And he ends his article, talks about this WTO challenge, and he ends his column saying Congress should make it very clear: "The WTO treaty provides for 'security exemptions,' and Helms-Burton is a security issue. Thus, we will not participate in your hearings or abide by your decision. If sanctions are imposed on us, we will withdraw from the WTO.

"As the Europeans are the ones who escalated, by taking Helms-Burton to the WTO, warning us of a conviction in absentia, let us accept the challenge and tell them: There will be no back-channel discussions on Helms-Burton, no compromises, no capitulation. America's right to use her power to advance her foreign policy is nonnegotiable."

This is a very strong and important statement, and it brings us to the issue really before us at this time. I have been speaking to numerous Members of Congress. For example, I was speaking to Congressman MANZULLO from Illinois. I have not met a stronger supporter of the WTO and of free trade in this Congress than Congressman MANZULLO. He brings out and emphasizes the facts that support in this institution as well as among the American people in the country at large, for American participation in the WTO is going to diminish dramatically when the American people begin to understand that the Europeans are using that trade organization to further their position with regard to a disagreement that they have with the United States on our foreign policy and our immigration policy. It is a reckless, irresponsible action taken by the Europeans.

Now especially, we can realize the recklessness of this action taken by the Europeans and really the hypocrisy of the action taken by the Europeans. They are saying: "No, the United States, you should not use the national security defense." How interesting. First of all, we have used it in the past more than once. President Reagan in 1985 used the national security defense with regard to the Sandinista complaints against United States sanctions on Nicaragua.

But national security interests were also alleged in many other well-known cases: for example, in 1949 Czechoslovakian complaints against United States military railroad export controls; 1975, the Swedes said that their right to control their footwear market was absolutely indispensable to their national security. Talk about a stretch of the argument.

In 1982, this is the ultimate hypocrisy, the European Union, at that time the European community, used the national security defense to defend itself against an Argentinian complaint against Europe for sanctions that were placed on Argentina during the Falkland crisis. In 1991, the Europeans also used the national security defense against the Yugoslavian complaints brought, brought about after sanctions were imposed on Yugoslavia. In all of those cases and in others, national security was invoked by the nations imposing economic sanctions against other countries.

Now, with regard to our legislation, the Cuban Liberty and Democratic Solidarity Act, national security concerns are much more evident and have significantly more to do with passage of the law than in any of those cases that I cited. The essential purpose of the act is precisely to defend the United States and its citizens from the dangers to our national security posed by the Communist dictatorship just 90 miles from our shores.

To quote directly from the act: "For the past 36 years the Cuban government has posed and continues to pose a national security threat to the United States." The purpose of the act, the purpose of the act is to provide for the continued national security of the United States in the face of continued threats from the Castro government of terrorism, theft of property from United States nationals by the Castro government, and the political manipulation by the Castro government of the desire of Cubans to escape that results in mass migration to the United States. The act is necessary in view of the threat, I continue to quote directly from the act, Mr. Speaker, we are not talking about Swedish footwear here. We are talking about the act itself that we passed. The act is necessary in view of the threat to the national security posed by the operation of any nuclear facility by the Castro regime.

Mr. Speaker, Castro is trying to complete two nuclear power plants just a little over 100 miles from Florida. Those nuclear power plants are of the same model of the nuclear power plants that were closed immediately upon German reunification in east Germany and upon liberation in all the countries of the former Soviet Union. That same model, that same model nuclear power plant, VVR 440 is its exact description, that is the model of the nuclear power plants that Castro is trying to complete in Cuba. All European countries, as soon as communism fell, they closed down near those nuclear power plants because of their inherent dangers. Talk about a national security issue.

One of the main facets of our legislation is to stop assistance, all assistance to Castro for completion of those nuclear power plants. That is a national security issue if I have ever heard of a national security issue.

Many other references are made throughout the statute itself, specifically to national security as the fundamental motivation and purpose of the act. The role of the Castro regime in activities that constitute severe dangers to United States national security such as narcotrafficking, the DEA field office in Miami and customs made clear to local media there just a few months ago that over 50 percent of the cocaine that comes into the United States from the Caribbean area comes through or from Castro's Cuba. Now, the role of the Castro regime in activities such as narco-trafficking are specifically referred to as reasons for the legislation in the legislation.

And as I stated before, Mr. Speaker, it should never be forgotten that the law was passed with President Clinton's support just a few days after the premeditated, brutal, unjustified murder in cold blood of American citizens by the Castro dictatorship over international waters.

Now, in addition to constituting a travesty of justice, an adverse ruling by the World Trade Organization against our law would have serious consequences for the support within this institution, within Congress and by the American people, for the world trade structure, and for U.S. membership in the WTO. I think that it is obvious that we need to be not only ready, willing, and able to use the national security defense but that we have to go ahead and do so. We have to go ahead and do so.

This is a very serious matter, Mr. Speaker. We will continue talking about it in the weeks ahead because the sovereignty of the United States is at issue. The Europeans now have said they had a meeting of their foreign ministers on Monday. They said publicly after that meeting, we have a ban on furs, animal skins to the United States. We will consider lifting our ban on animal skins, the importation of animal skins from the United States into Europe if the United States lifts its ban on foreigners who knowingly traffic in property stolen from American citizens.

That is an unbelievable statement that the Europeans have made, demonstrating not only a tremendous lack of knowledge of what this issue is about and about what our law is about, what it is and is not, but a tremendous lack of sensitivity as well.

Now, this issue will need to be spoken of in the next months. When the American people come to realize that the Europeans are using, that this supernational trade body, the World Trade Organization, to deal with an issue that is not trade related, that is a foreign policy decision of the American Congress and the American President with regard to its closest neighbor, the oppressed people of Cuba and the immigration law of the United States, that the Europeans are politicizing the World Trade Organization for political purposes, the support within this Congress and in the American people at large for the World Trade Organization and our participation in it is going to diminish very rapidly.

I do not know if the Europeans have realized that. Nevertheless they have proceeded recklessly with this complaint. I think the important issue, the important reality at this matter with regard to this debate is that our Government must immediately invoke national security like President Reagan did in 1985 when the Sandinistas brought similar complaints. President Reagan invoked national security and the complaint fizzled away. We not only have to say we are willing to invoke national security. We have to invoke national security.

I did not criticize for one second the administration when I was in Europe, because I do not believe in criticizing the administration when you are not on United States soil. But I will say this. It is time for the administration not only to say they are going to invoke the national security defense but to go ahead and mean it. I think if Europeans believed that we meant it, this case would not have proceeded.

So there are issues that we have to continue debating and discussing. I think the American people when they realize in the next months that the Europeans are utilizing the World Trade Organization for political purposes in a reckless way, they are going to have a lot of questions to ask about, No. 1, what is this World Trade Organization, how did we get into this World Trade Organization, do we have a veto in this World Trade Organization like we have in the U.N. Security Council? The answer is no. We are one vote, and Castro was one vote in the World Trade Organization. And the Europeans, of course, have more than two dozen votes, because they have more than two dozen nation states. So this is a very serious issue and we will continue talking about it.

I think it is important that the alarm be sounded, that this is not an issue that is neither simple nor that lacks in importance and that we will continue talking about it in the weeks and months ahead.

□ 1400

At this time, Mr. Speaker, I want to yield to my distinguished colleague, also from the State of Florida, Congresswoman ROS-LEHTINEN, who so brilliantly defended this legislation and explained it time and time again in those meetings that we had last week in Europe.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my colleague from Miami so much. I think the U.S. Congress would have been very proud if they had had the opportunity, if our colleagues had been there with us, to hear Congressman DIAZ-BALART's statements time and time again to the different officials from various countries with whom we visited and his very patient explanation time and time again of this law.

I think we have a greater appreciation of Ambassador Eizenstat's patience now that we have undergone some of what he has been doing for the past months. And as Congressman DIAZ-BALART so well pointed out, we are very distressed over the naming of the panelists by the World Trade Organization to hear this European Union complaint against our overwhelmingly supported legislation, Helms-Burton legislation, which was drafted, to a great extent, by my colleague, LINCOLN DIAZ-BALART, as well as other colleagues, such as the gentleman from New Jersey, BOB MENENDEZ, and many others.

This challenge, as we know, is based on what the European Union considers to be the extraterritorial aspects of not only Helms-Burton, but the challenge presented by the European Union in May includes many other aspects of United States policy toward Cuba, including, but not limited to, the embargo placed by the President in the early 1960's, the 1985 sugar certification requirements, the 1992 Torricelli law dealing with a ban on United States subsidiaries abroad that are doing business with Cuba and which places restrictions on cargo vessels going to Cuba, and on and on and on.

The list is rather long, and it is outlandish and incredible for the European Union to challenge the foreign policy of the United States.

As Congressman DIAZ-BALART has pointed out, we have the right to dictate our domestic and foreign policies, just as the European Union countries have the right to establish those policies with no interference from abroad.

And the World Trade Organization, just by them taking this step of naming the panelists to hear this grievance, threatens the support of the United States for this budding organization. If the U.S. Congress could vote again on the establishment of this organization and our participation in it, it might very well be defeated. It passed with almost 150 votes against its formation and our participation.

It is not in the European Union's interest nor the United States' interest for the WTO to continue with this challenge, but as Congressman DIAZ-BALART has pointed out, the United States is ready, willing, and able to invoke the national security exception, and leading Members of Congress have officially asked our Government representatives to do so immediately.

It is very sad to see the European Union continue to ignore the sad situation of the oppressed people of Cuba. Cuba, under Castro, has the worst human rights situation in the Western Hemisphere. It has no free and fair elections. The Cuban people have no freedom to speak, to express their opinions. There is no free press.

Raul Rivero, an independent Cuban journalist, has been hounded by Castro's thugs day in and day out, his home surrounded by them as they shout, "Traitor!" to him. And what is his crime? He calls out for democracy.

Just yesterday, two more independent journalists in Cuba were charged with working against the revolution. And what was their crime? Well, they had subversive materials: Newspaper articles, articles which call for liberty. And there are hundreds and hundreds of political prisoners. Dissidents are jailed, rounded up, and harassed.

Just 2 days ago in our community, we commemorated a very sad 1-year anniversary of the killing by Castro's military of four brave young men who were on a humanitarian mission in a civilian plane in international airspace. It was in their name, the names of Pablo, Carlos, Mario, and Armando, that President Clinton signed the Helms-Burton bill into law.

It was in the name of over 40 men, women, and children who were killed just a few years ago in 1994 by Cuban authorities as they sat in a tugboat trying to flee the island, and it was in the name of hundreds and hundreds of so many who were killed fighting for Cuba's freedom that we presented the legislation known as Helms-Burton.

And time and time again, Castro himself states that he will reform nothing. When they ask him about elections, he says, "Elections for what?"

Every dollar in Cuba by European investors is one more dollar Castro uses to keep himself in power. But we recognize the right of the European countries to continue to trade and do business with Castro, however morally reprehensible we feel that such commerce is.

Helms-Burton does not infringe upon their right to do so. Helms-Burton does not tell any country with whom they can trade, it just says that you cannot use illegally confiscated property that once belonged to U.S. citizens for you to do your dirty deed. You may continue to build the hotels on Cuban beaches, even though native Cubans are not allowed to enter those hotels. They cannot eat in the restaurants, they cannot swim in the pools that these European investors have built, but they can continue to build those hotels as long as the land they are using does not belong to United States citizens.

Once again we explained it day in and day out. Do they not understand, or do they just pretend not to understand? It is very important for the United States to maintain our right to set our immigration laws. The U.S. Congress will be outraged if this organization goes through with hearing this complaint and believes that it has jurisdiction over who we can or cannot enter into our borders.

Through this European Union challenge to Helms-Burton, the World Trade Organization is set to rule on United States immigration policy, and that is outrageous. The WTO is a multilateral trade forum, but Helms-Burton is not a trade bill.

We have asked the European countries as well as Mexico and Canada to join us in our quest, to join us in our struggle, to join us in our strong desire to help the Cuban people live in a democracy, live in liberty, and enjoy the same rights that they enjoy in those countries and that we enjoy in ours.

Congressman DIAZ-BALART so correctly pointed out a column by Patrick Buchanan, nationally syndicated columnist, who talks about the European assault on United States policy, and he says, "At stake here is the question who has the final authority to decide what America may or may not do to defend her national security: Us or them? At stake are the sovereign rights for which the American Revolution was fought.

"Let us have this issue decided now! As the Europeans are the ones who escalated, by taking Helms-Burton to the WTO, warning us of a conviction in absentia, let us accept the challenge and tell them: There will be no back channel discussions on Helms-Burton, no compromises, no capitulation. America's right to use her power to advance her foreign policy is nonnegotiable."

I think the U.S. Congress will hear a lot about this discussion, and they know, and we must make clear time and time again, that its sovereignty, our sovereignty, will not be compromised by the WTO.

The administration's decision not to recognize the WTO jurisdiction was a correct first step. However, we must make it clear that we are prepared to use our national security clause, which is permitted under WTO, and these rules must be used to defend Helms-Burton and our right to conduct our foreign policy.

I am sure that Congressman LINCOLN DIAZ-BALART and many other Members of Congress, we are on a campaign, and we will not be discouraged by our European allies. We will continue to fight the good fight on behalf of the enslaved people of Cuba and fighting for the United States sovereignty, and we will not let this issue die down.

They have many months to decide, and we have many months to continue to debate this issue, and, Mr. Speaker, I thank the gentleman for yielding his time.

Mr. DIAZ-BALART. I thank the gentlewoman.

I think that the Europeans have misunderstood the American character. Americans do not yield to blackmail.

The American people, and I would think that the American people will be contacted, and I would certainly urge the American people to contact their Members of Congress to let them know once again the need to tell the Europeans that they cannot dictate American immigration policy, that they cannot dictate American national security policy.

The American people, through their Congress and through their President, have a right to protect themselves against nuclear powerplants being built 100 miles from Florida, that in the case of an incident by the Cuban dictator, a purposeful incident because he likes to create crises to try to blackmail and threaten other countries, or, in the case of an accident, like in Chernobyl, it would be absolutely disastrous for not only Florida but the whole southern United States, all the way, according to nuclear experts, all the way here into northern Virginia and actually the Nation's capital.

So the American people have a right to protect themselves against national security threats, to decide their immigration policy, and I am fully convinced, and I would ask the gentlewoman's comments on this issue, because I am fully convinced that the American people in the next weeks and months are going to be outraged when they learn that the Europeans are using a trade forum to try to pressure and blackmail the American people into changing immigration law, because that is what they are concerned about.

The gentlewoman is correct, they have thrown everything into that case, from President Kennedy's cutting off the Cuban sugar quota as a sanction against the confiscation of property and other acts, illegal acts taken by Castro, to the Cuban Democracy Act in 1992, to the Helms-Burton law.

They are actually after one thing, and that was made clear to us in meeting after meeting. They want to change the immigration policy of the United States because they are mad that an investor of theirs knowingly can traffic in United States property in Cuba and get notice, get a right to divest, and yet they want to continue trafficking knowingly and dealing in stolen property from American citizens. Then under the U.S. immigration laws, they are excluded from the United States, and they are mad about that.

So that is what they want to change. They want to change U.S. immigration law, and when the American people realize in the next weeks and months what this debate is all about, I think they will be outraged.

Does the gentlewoman agree?

Ms. ROS-LEHTINEN. I agree, and one of the things I think that made us so sad on this trip is hearing from European leaders, knowing the history of that continent, an area that had suffered so long under tyranny, under a dictator, where the rights were stripped of its citizens, where we continually said never again would those horrendous situations ever occur. And yet right now they are willing to continue to wheel and deal with a dictator for a few fast dollars, looking the other way when they realize it is a slave economy.

And they say, yes, we realize that this trade continues to maintain Fidel Castro in power, and he will continue to degrade the Cuban people, and he has no free election, but if we can make a cheap dollar, then we are willing to do it.

And to see these country leaders, knowing the rich history of the terrible situation for centuries they have endured, and have them not stand in solidarity with us in our struggle to help the Cuban people, that was a real tragedy. And if there was any sad moment, it was hearing those leaders time and time again try to excuse their immoral behavior by using this trade organization as a tool to wash their hands of blood that cannot be washed away.

So I thank the gentleman for his time and his leadership on this issue, and our fight has just begun.

Mr. DIAZ-BALART. As the gentlewoman has stated numerous times, this is a campaign, Mr. Speaker, that just begins today to inform the American people and to reiterate what the Europeans really are out to do, and that is to change U.S. immigration law in a world trade forum, totally inappropriately, totally recklessly, and totally unjustifiably, but, nevertheless, they are trying to do it.

I do not know if they think they can get away with it, but the bottom line is, I know the American people, and the American people will not let themselves be blackmailed. And the American people will tell their Members of Congress and tell the Europeans that if they think they can use the World Trade Organization, this supernational World Trade Organization, to influence the policy decisions of the American people with regard to immigration law or national security matters, they do not know the American people, Mr. Speaker, but we do.

So I think the Europeans have made a dreadful mistake. They have this trade commissioner, whose name is Sir Leon Britten. He is acting like a zealot on this issue. I do not know why. I will not speculate why he is acting like a zealot on this issue.

But despite the fact that it has been explained to him that under our immigration law the only foreigners who are excluded under that chapter are those who knowingly deal in stolen property from American citizens and have been given the right to divest of their stolen property and refuse to do so, this Sir Leon Britten, trade commissioner for Europe, continues to act irresponsibly on this subject.

I think it is time for the American people to start having their voices heard and they let their Members of Congress know it is time to let the Europeans know the character of the American people once again.

This Nation saved the Europeans twice in this century alone. And when we go to Europe, we see the thousands of graves, the thousands of markers of brave soldiers who gave their lives to save the European continent, and we are so proud of those soldiers.

And for the Europeans to be saying now that they can take this new organization, the World Trade Organization, which is supposed to deal and is explicitly limited to trade issues—for example, if a country unfairly puts tariffs on another country or excludes products of that country from another country, hurting the business of that other country, then that other country that is hurt is supposed to file a complaint and is justified in filing a complaint before the World Trade Organization.

□ 1415

Whose businessmen according to our law are prohibited from making money from Castro's slave economy? The Europeans? No, the Americans. We are the ones telling our own business people, and we have made that bipartisan decision, but we do not want to make money, we do not want blood money from the Castro tyranny and the Castro slave economy. We do not want blood money from the Iranian terrorist state with all the oil in the world they can have. We do not want that blood money.

So if there is anybody who should be concerned about business being lost, it is Americans. And yet we because of ethics are saying we do not want that blood money, and yet if there has ever been proof that what the Europeans are doing is fully based on politics, irresponsible politicalization of the world trade body, they who are going in and making blood money, not only in Iran but in Castro's Cuba, they are the ones bringing this political complaint in front of the World Trade Organization.

This is outrageous as well as extraordinarily irresponsible, extraordinarily irresponsible on the part of the Europeans. We inform them and I am sure the American people will let their Members of Congress know that all of us should be telling the Europeans in the weeks and months ahead that this irresponsible action on their part is not going to succeed. It is going to reinforce the will and it is going to reinforce the commitment of the United States and the representatives of the United States to be able to control our sovereign policies with regard to national security and immigration. The Europeans will not dictate national security and immigration policy for our Congress, Mr. Speaker.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

NEW TELEVISION PROGRAM RATING SYSTEM NOT PROVIDING ENOUGH INFORMATION FOR PARENTS TO MAKE CHOICES FOR THEIR CHILDREN'S TV VIEWING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. COBURN] is recognized for 5 minutes.

Mr. COBURN. Mr. Speaker, permit me to take a moment to clarify a statement that I issued yesterday criticizing NBC's broadcast of "Schindler's List" last Sunday evening which was broadcast during prime time viewing hours. I would want my colleagues of this body as well as this country to not have any mistake that I believe that this movie is a landmark movie, a remarkable movie that profoundly affected me as well as my wife and our family as we watched it. Indeed I instructed my daughters to view this movie and I have had many discussions with friends and neighbors alike about the atrocities of the Holocaust that were made aware to us and made apparent to us through this movie. I feel terrible that my criticism of NBC for airing this movie has been misinterpreted as a criticism of "Schindler's List" or the millions of Jewish people who died senselessly during the Holocaust. To all those that I have offended I offer an apology, and I personally apologize for appearing insensitive to the worst atrocities known to human kind.

As many of you know I am a practicing physician dealing with life and death issues almost every day. I have devoted most of my adult life to working with religious groups across the spectrum. Religious tolerance is the hallmark of my professional and personal life. However I continue to be disturbed by the new television program rating system recently implemented by the broadcast and cable television network.

Mr. Speaker, I have been the leader on this issue since I arrived in Congress. As many of you will recall I offered an amendment on the floor of this House to the Telecommunication Reform Act of 1996, an amendment that would encourage parental responsibility for what their children watch on television. My amendment which passed the House would have accelerated new TV program blocking technologies that were coming to the marketplace. I did not support the V chip technologies because it was an abdication for parents' responsibility for what their children watch.

The bottom line is that parents need enough information to make good decisions for their children. Our children in our country are in trouble, and part of it is because of parental failure. We must have parental guidance, but we also must protect those children who have no parental guidance.

TRIBUTE TO TIM DUNCAN OF THE VIRGIN ISLANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN] is recognized for 5 minutes.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today with great pride to recognize and pay tribute to a superb athlete and a wonderful Virgin Islander: Tim Duncan of Wake Forest University.

Timmy, as he is better known by his friends back home, has been a star center for the Wake Forest Demon Deacons since 1993 and is currently one of the 12 players in the running to be named the 1997 College Basketball Player of the Year.

Last night, at the end of the Demon Deacons' last home game and at Tim's last home game as a student at Wake Forest, the university and the Winston-Salem community paid tribute to this outstanding student-athlete by making him only the eighth player to have his jersey, No. 21, retired.

I had the privilege of attending last night's ceremony to personally extend congratulations to Timmy and to his family on behalf of his thousands of friends back home in the Virgin Islands and Virgin Islanders across the country who could not be there to congratulate him in person.

Mr. Speaker, entering this month, Timmy had played in 114 consecutive games at Wake Forest. He holds the distinction of participating in more winning games as a Demon Deacon than any other player in Wake Forest history.

The premier player in America for 1996–97, according to leading college basketball experts, Timmy will complete his career at Wake Forest as the NCAA all-time leader in blocked shots. He has blocked at least one shot in all of his first 114 games at Wake Forest.

Mr. Speaker, it goes without saying how especially proud the people of the Virgin Islands are of their native son, Tim Duncan. I ask my colleagues to please join me in congratulating this wonderful student-athlete as well as his family, who were with him last night as we witnessed him receiving his honor in front of thousands of cheering Wake Forest University fans. Tim's family who were with him last night are his proud father, William Duncan, his older sister Cheryl, and her husband Rick Lowery and their children Sheynne, Kristin and Delysia; his youngest sister Tricia and older brother Scott.

A heartfelt congratulations to Timmy and his family and best of luck to Wake Forest as they prepare for the ACC and NCAA tournaments.

Go Deacons.

Mr. Speaker, that concludes my remarks this afternoon.

MODIFICATION TO RECONSTITUTION OF REVIEW PANEL OF OFFICE OF FAIR EMPLOYMENT PRACTICE

The SPEAKER pro tempore. Without objection, the order of the House of Tuesday, February 25, 1997, providing for the reconstitution of the review panel of the Office of Fair Employment Practices is modified as follows:

By the Chairman of the Committee on House Oversight, as originally made on May 3, 1995: Mr. EHLERS of Michigan, chairman; vice, Mr. DIAZ-BALART of Florida.

There was no objection.

THE HOLOCAUST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. LAMPSON] is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, I noted Mr. COBURN's apology to the public for comments made earlier. While noting the misplaced outrage of other Members of this body, I want to express my admiration and thanks to NBC and to Ford for airing "Schindler's List" this weekend. I would like to thank the film maker Stephen Spielberg not only for his brilliant film but also for his recommendation broadcast before the film began Sunday evening that the film may not be suitable for young people, young children.

I watched "Schindler's List" with my daughter and found it as moving a film as I have ever seen, and any allegation that any aspect of this story is gratuitous or improper would be laughable if it were not so sad. And the comments, the words, of Mr. COBURN, that the airing of the film should outrage decent-minded individuals everywhere, should be taken note of.

Our own great Nation is still plagued by hate crimes 221 years after being founded as a nation of freedom and equality. We watch with horror as churches and synagogues are burned and cemeteries are desecrated in our communities, and the best way to fight hatred and intolerance is with the truth about the most egregious crime against humanity in modern history, the Holocaust.

REPORT ON GOVERNMENT CAPABILITIES TO RESPOND TO TERRORIST INCIDENTS INVOLVING WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on National Security:

To the Congress of the United States:

The National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201), title XIV, section 1411 requires the President to transmit a report to the Congress that assesses the capabilities of the Federal Government to prevent and respond to terrorist incidents involving weapons of mass destruction and to support State and local prevention and response efforts. In accordance with this provision, I transmit the attached report on the subject issue.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 26, 1997.*

REPORT TO CONGRESS ON RESPONSE TO THREATS OF TERRORIST USE OF WEAPONS OF MASS DESTRUCTION, JANUARY 31, 1997

EXECUTIVE SUMMARY

As the result of recent events, significant threats over the past few years, and the increased availability and proliferation of nuclear, biological, or chemical (NBC) materials, there is an increasing concern for the potential of terrorist incidents occurring in the United States involving weapons of mass destruction (WMD).

Under Presidential and Congressional direction, the Federal Government has made a concerted effort to better respond to domestic terrorist incidents involving WMD. These efforts include assessing current capabilities, identifying shortfalls, and taking steps to remedy them. The Federal Bureau of Investigation (FBI), as the lead agency for crisis management in response to a domestic terrorist threat or incident, has undertaken several initiatives to prevent, mitigate, and respond to the domestic terrorism threat. The Federal Emergency Management Agency (FEMA), with the responsibility for consequence management in response to a terrorist incident, has undertaken several initiatives to identify and enhance the Federal capability to respond to the consequences of a terrorist incident. Several departments and agencies, including the Department of Defense (DOD), Department of Energy (DOE), Department of Health and Human Services (HHS) and the Environmental Protection Agency (EPA) are involved in enhancing overall terrorism response capabilities, with others in the Federal response planning community actively supporting this effort.

Local response to a terrorist event is critical to the success of the overall response. Even with a timely Federal response, local first responders have the immediate requirement to deal with the incident and care for victims. FEMA has been working with local and State governments to assess their response capabilities, identify shortfalls and take measures to remedy them. These activities include surveying State terrorism response capabilities, convening a focus group to discuss capabilities and needs of local government for NBC response, sponsoring a conference for fire chiefs from major metropolitan fire departments to discuss lessons learned from recent international terrorism incidents, conducting training activities, and developing exercises featuring terrorism scenarios to test various aspects of crisis and consequence management activities.

In continuation of these efforts, the Federal Government has developed a program of activities in Fiscal Year (FY) 1997 encompassing training, some equipment and capability enhancements, planning, exercises, and other activities involving Federal, State, and local governments to improve the current levels of preparedness and response. The initial focus for training and capability enhancement is to target FY 1997 funding on cities and selected jurisdictions based on population, risk and geographic distribution. The FY 1997 activities will form the basis for further training, planning, and capability building efforts in FY 1998 and beyond for a broader base of jurisdictions, depending on budget constraints and resource availability.

INTRODUCTION

Background

Recent trends indicate growing prospects for terrorist incidents involving weapons of mass destruction (WMD). In 1993, a bomb rocked the World Trade Center in New York City, NY; in 1995, Japanese extremists successfully conducted a chemical attack in the Tokyo subway system and a bomb destroyed the Murrah Federal Building in Oklahoma City, OK. The chance of a significant WMD incident occurring in the United States is heightened by several factors, including:

Inexpensive production and availability of chemical/biological (C/B) agents;

Easily obtainable chemical precursors and biological production processes;

Portability of small amounts of C/B agents especially useful for clandestine purposes;

Potential for large-scale public impact based on limited ability to quickly identify and/or contain the effects of such substances;

Increased WMD stockpiles, with the potential for theft or acquisition of the weapons by terrorists groups;

Capability of inflicting mass casualties; and,

Increased media coverage of the use of WMD.

Scope of the Report

This report responds to the requirement in the Defense Against Weapons of Mass Destruction Act of 1996, Title XIV, Section 1411 of Public Law 104–201 (also referred to as the Nunn-Lugar amendment), for the President to transmit a Report to Congress that assesses the capabilities of the Federal Government to prevent and respond to terrorist incidents involving WMD and to support State and local prevention and response efforts. Also, the report highlights results and insights gained from earlier Fiscal Year (FY) 1996 initiatives and describes what is planned or under way in FY 1997 to improve Federal, State, and local capabilities. Finally, it addresses measures to improve capabilities in future years, including funding requirements, legislative improvements, and research and development.

Lead Agency Responsibilities

The Department of Justice (DOJ), through the Federal Bureau of Investigation (FBI), has been assigned the lead responsibility for management of the U.S. Government (USG) response to terrorist incidents. The FBI derives its fundamental legal jurisdiction to deter terrorist incidents from an assortment of Federal statutes and Executive Branch directives.

The FBI has the lead agency role in crisis management which entails the process of identifying, acquiring, and planning the use of resources needed to prevent and/or respond to a potential or actual terrorist incident. The crisis management response incorporates and emphasizes prevention, crisis mitigation efforts, and criminal prosecution of terrorists. Crisis management activities include proactive measures for prevention, immediate incident response, and post-incident response, including command of the operational response as the on-scene manager for an incident, in coordination with other Federal agencies and local and State authorities.

FEMA has the responsibility for consequence management which entails preparedness and response for dealing with the consequences of a terrorist incident. Consequence management activities include measures to alleviate damage, loss of life, hardship, or suffering caused by the incident; protection of public health and safety; restoration of essential government services; and provision of emergency assistance. FEMA will act in support of the FBI in implementing consequence management response activities.

The overall goal of Administration policy is to ensure that the United States is prepared to combat domestic and international terrorism in all its forms. Measures undertaken under this policy to deal with the terrorism threat include:

Reducing vulnerabilities—To reduce vulnerabilities to terrorism both at home and abroad, all Federal department heads have been directed to ensure that their personnel and facilities are fully protected against terrorism. This activity includes reviewing the vulnerability of Government facilities and the critical national infrastructure; reducing vulnerabilities affecting civilian personnel and facilities abroad, military personnel and facilities, U.S. airports, and other transportation modes; and undertaking counterterrorism measures to reduce both the domestic and international terrorist threat.

Deterring terrorist acts—To deter terrorism, the USG has made it clear that its policies will not be affected by terrorist acts and it will vigorously deal with terrorists and their sponsors to reduce terrorist capabilities and support. In this regard, the pursuit, arrest, and prosecution of terrorists are of the highest priority. Goals include the disruption of terrorist-sponsored activity including termination of financial support, arrest and punishment of terrorists as criminals, application of U.S. laws and new legislation to prevent terrorist groups from operating in the United States, and application of extraterritorial statutes to counter acts of terrorism and apprehend terrorists outside the United States. Return of terrorists from overseas who are wanted for violation of U.S. law is of the highest priority and a central issue in bilateral relations with any country that harbors or assists them.

Responding to terrorist acts—To respond to acts of terrorism, there must be a rapid and decisive capability to protect U.S. citizens, defeat or arrest terrorists, respond against terrorist sponsors, and provide relief to the victims. The goal during the immediate response phase of an incident is to terminate terrorist attacks so that the terrorists do not accomplish their objectives or maintain their freedom, while authorities seek to minimize damage and loss of life and provide emergency assistance to the affected area. In responding to a terrorist incident, the Federal Government is working to rapidly deploy the needed Federal capabilities to the scene, including specialized elements for dealing with specific types of incidents resulting from WMD threats.

Recent Initiatives

While the primary Federal focus historically has been on developing crisis management capabilities, recent events have necessitated placing an increased emphasis on building consequence management capabilities as well. Thus, guidance provided by USG policy has resulted in a number of initiatives being undertaken in FY 1996 to continue to build crisis management capabilities and to enhance consequence management capabilities by assessing Federal, State, and local capabilities to respond to the consequences of a nuclear, biological, or chemical (NBC) WMD terrorist event. Ongoing activities through FY 1997 build upon these initiatives and respond to new legislation. Some recent initiatives include:

Development by the FBI of operational guidelines entitled Guidelines for the Mobilization, Deployment and Employment of U.S. Government Elements in Response to a Domestic Terrorist Threat or Incident.

The formulation of the FBI Domestic Emergency Support Team (DEST) and the first deployment of the DEST in support of the 1996 Democratic National Convention.

Pilot test of a Metropolitan Medical Strike Team (MMST) for the Washington, DC, area and in Atlanta, GA, at the 1996 Summer Olympic Games, to provide immediate onsite medical support in response to a terrorist incident involving WMD.

Multi-agency assessment of the capability of the Federal Response Plan (FRP) to respond to a WMD terrorist event.

Exercises using terrorism scenarios that address various aspects of crisis management and consequence management.

Planning, training, and exercises focusing on the terrorism threat conducted in preparation for the 1996 Summer Olympic Games, national political conventions, and the 1997 Presidential Inauguration.

Survey of State terrorism response capabilities conducted in conjunction with the National Governors Association (NGA).

Focus group discussions with management and emergency responders from four major metropolitan areas on the capabilities and needs of local government to respond to NBC WMD terrorist incidents.

Conference for fire chiefs of major metropolitan fire departments conducted in conjunction with the International Association of Fire Chiefs featuring lessons learned from recent international terrorism incidents.

Conferences and exercises on health and medical requirements needed in response to chemical/biological (C/B) terrorism sponsored by the Department of Health and Human Services—Public Health Service (HHS–PHS).

Numerous training activities sponsored by FEMA and the States to improve responder awareness of the terrorism threat and to begin to build the knowledge and skills required for response to such an incident.

Development of the Terrorism Incident Annex to the FRP.

Enhancement of 175 FBI Special Agents to work on WMD issues.

Establishment of the Hazardous Materials Response Unit (HMRU) to provide scientific and technical expertise to enhance FBI forensic and evidence capabilities.

ASSESSMENT OF FEDERAL CAPABILITIES TO PREVENT AND RESPOND TO THE USE OF WMD

Crisis Management/Prevention Capabilities

Lead Agency Role

The FBI has been designated as the lead agency for the management of the Federal response to terrorist incidents (hereafter referred to as crisis management). As the lead for crisis management, the FBI has the responsibility for proactive measures involving prevention, immediate incident response, and post-incident response, including functioning as the commander of the on-scene operational response.

The FBI On-Scene Commander (OSC) is responsible at the incident site for all decisions to resolve the terrorist incident, unless the lead agency responsibility is transferred by the Attorney General (AG) to FEMA, as warranted. In support of the FBI OSC, or as the designated lead agency after transfer of the responsibility by the AG, FEMA coordinates all Federal assistance in support of consequence management needs resulting from the incident with the affected State and local governments.

Operational guidelines (entitled Guidelines for the Mobilization, Deployment and Employment of U.S. Government Elements in Response to a Domestic Terrorist Threat or Incident) have been developed by the FBI and are awaiting final approval by the AG and the National Security Council (NSC). The Domestic Emergency Support Team (DEST), an interagency support component, has been developed and is managed by the FBI.

During a significant terrorist threat or event including a WMD incident, the FBI may deploy a tailored DEST enhanced with specialized interagency components capable of responding to situations involving chemical/biological (C/B) or nuclear/radiological weapons or agents. The FBI-led response will be activated to provide a graduated, tailored response based on the type of incident, in accordance with the FBI's Nuclear or C/B Incident Contingency Plans.

The FBI OSC, as lead agency official, retains the authority to take appropriate crisis management actions at all times during the crisis management response. On-scene decisions with interagency consultation are made with the Command Group at a Joint Operations Center (JOC), which includes the OSC, on-scene principals of the DEST agencies, other Federal agency representatives, and local and State representatives.

The DEST Team Leader (DTL) is designated by the Director, FBI. The DTL is primarily responsible for providing the FBI OSC advice and guidance concerning other Federal capabilities available for use in resolving a WMD terrorist incident. This includes crisis management and consequence management assistance, technical or scientific advice, and contingency planning assistance. Upon arrival at a crisis location, the DEST conducts an initial situation assessment, develops appropriate Courses of Action (COAs), makes a consequence assessment, and provides the OSC with recommendations. The DTL coordinates this process and thereafter facilitates the implementation of the OSC's selected COA through specific taskings. The DTL ensures continuous coordination within the various DEST components and with the FBI command post elements, resolves issues within the DEST, ensures effective communications among response elements, and implements required changes within the DEST to achieve the most efficient and effective team possible.

When determined appropriate by the OSC, the FBI command post will be modified to function as a JOC. The JOC configuration includes representatives of the primary participating agencies and Command, Operations, Consequence Management, and Support Groups as described below:

Command Group—Comprised of senior officials of the FBI, DOE, DOD, HHS-PHS, FEMA, and other Federal and State agencies, as appropriate, to provide the OSC with a means to quickly coordinate and reach decisions on interagency matters that affect the resolution of the incident.

Operations Group—Contains representatives of the organizations directly involved in actions in and around the crisis site and whose actions are deemed critical to the successful resolution of the crisis.

Consequence Management Group—Contains decisionmaking and liaison representatives of consequence management organizations to provide advice on decisions that may have implications for consequence management, and to provide continuity in leadership should a consequence management response become necessary. If consequences become imminent or actually occur, State and local organizations will initiate their consequence management actions, with FEMA expediting the provision of Federal consequence management response support. The Group is coordinated by FEMA with an FBI liaison from the OSC.

Support Group—Contains representatives of organizations whose primary task is to support members of the Operations Group. Depending on the nature of the crisis, organizations represented in the Operations Group will be asked to provide staff for various support components, including Logistics, Legal, Administrative, Liaison, and Media components. The Media component serves as the single point of contact for the coordination and release of public information to the media from the incident site. DOJ/FBI, in coordination with participating DEST agencies, will develop a strategy and procedures for responding to media inquiries. The overall intent will be for the Federal Government to speak clearly with one voice regarding any response to a terrorist incident.

Lead Agency Initiatives

As a result of recent terrorist incidents, and in recognition of the emerging threat of WMD, the FBI has enhanced and modified its capabilities. Some of the changes include:

Establishment of a separate Domestic Terrorism/Counterterrorism Planning Section. This growing section includes separate units formed specifically to more effectively address Domestic Terrorism Operations, WMD, Special Events Management, and Domestic Terrorism Analysis. It is anticipated that during Fiscal Year (FY) 1997 the WMD Unit will divide into two separate units, one handling NBC proliferation matters, threats, and incidents and the other managing exercise and response components (such as the DEST) and implementing the first responder training initiative.

Establishment of the Hazardous Materials Response Unit (HRMU) within the Laboratory Division. This unit is designed to lead and augment the Federal science and technology response capability to terrorist threats/incidents involving WMD and provide a law enforcement representative in evidence issues to enhance later prosecutive effectiveness and efficiency.

Establishment of the Critical Incident Response Group (CIRG) at Quantico, VA. The CIRG is recognized as an FBI entity that provides coordinated support to the FBI OSC. The Hostage Rescue Team (HRT), which has been trained to operate in a HAZMAT environment, is part of the CIRG. To assist the HRT in protracted terrorist or other criminal incidents, regional FBI Special Weapons and Tactics (SWAT) teams have been enhanced to provide additional tactical support; however, at this time only the HRT has equipment and trains in a HAZMAT environment. The CIRG provides additional operations support in the areas of negotiation, behavioral profiling and assessment, and crisis management support.

Interagency Capabilities

To successfully resolve a WMD incident, closely coordinated efforts with appropriate Federal, State, and local law enforcement agencies and other authorities having emergency capabilities to respond to and mitigate the consequences of such an incident will be utilized by the FBI. Appropriate Federal agencies will support the FBI by providing personnel and equipment that will be rapidly deployed and made available for advice and assistance, as warranted by the situation and at the request of the OSC at the incident site. In order to develop close working relationships among Federal agencies concerned with a potential WMD incident, many interagency working groups (IWGs) have been established, some of which are:

Various Coordinating Sub-Groups, including a Sub-IWG on Exercises co-chaired by the FBI, and a Sub-IWG on Nuclear Trafficking;

Technical Support Working Group (TSWG) for research and development, science, and technology devoted to counterterrorism;

Interagency Intelligence Committee on Terrorism (IICT), Chemical/Biological/Radiological (CBR) Subcommittee;

SHIELD Group dealing with C/B proliferation, chaired by the Department of State (DOS);

Nuclear Export Violation Working Group (NEVWG);

Missile Trade Analysis Group (MTAG); and

Joint Atomic Energy Intelligence Committee (JAEC).

Interagency Roles and Responsibilities

The primary agencies participating in the response to a WMD incident include DOJ, DOD, DOE, HHS, EPA, and FEMA. Depending on the specific details of an incident, the FBI may also request specialized assistance from other agencies, including the Department of Transportation (DOT), the Department of Agriculture (USDA), the Department of the Treasury, the Nuclear Regulatory Commission (NRC), DOS, and the U.S. Intelligence Community (IC). The participating agencies will be incorporated into the existing onscene FBI crisis management structure, which is designed to provide the FBI OSC with a graduated and flexible response capability. For a WMD incident, the DEST will include a specially configured nuclear or C/B response component with staffing and equipment from appropriate Federal agencies, including DOD, DOE, HHS, EPA, and FEMA. Other agencies may be tasked to support the FBI on a case-by-case basis in an effort to prevent, mitigate, and/or manage a WMD incident or threat. Department and agency responsibilities include the following:

The Secretary of Defense has responsibility for:

Providing military units that can assist in both the crisis management and consequence management aspects of a WMD incident;

Designating the supporting equipment and those technical personnel who possess the required expertise to deploy with the DEST;

Designating pertinent assets for technical response, such as the identification of on-site contaminants, sample collection and analysis, limited decontamination capabilities, air monitoring, medical diagnosis and treatment of casualties, and render-safe procedures for WMD material;

Providing for the custody, transportation, and disposal of a C/B WMD when beyond the capability of an otherwise cognizant agency and after consultation with DOJ/FBI and EPA, or of nuclear and/or radiological material when beyond the capability of an otherwise cognizant agency (e.g., DOE or EPA) and after consultation with DOJ/FBI and DOE; and

Providing other support to the OSC through the use of military assets.

The Secretary of Energy has responsibility for:

Analyzing threat messages, through the Communicated Threat Credibility Assessment Program, for technical content, nuclear design feasibility, and general credibility, and for providing such analyses to the FBI;

Designating those technical personnel and supporting equipment to deploy with the DEST as the Nuclear/Radiological Advisory Team (NRAT). The NRAT will normally include a DOE Senior Official who will coordinate the overall DOE response at the scene and liaise with other agencies on matters of mutual concern. The responsibilities of the NRAT are to: Make a scientific and technical assessment of the situation, provide scientific and technical advice to the designated OSC, provide scientific and technical recommendations, including risk/consequence information and requirements for follow-on assets, support tactical operations as directed by the FBI OSC, and perform limited technical measurements and conduct liaison with appropriate DOE response assets.

Designating those specialized personnel, along with specialized instrumentation and equipment, to assist Federal agencies in locating nuclear weapons or special nuclear material that may be lost, stolen, or associated with bomb threats using the Nuclear Emergency Search Team (NEST). The responsibilities of the NEST are to provide for: Search of nuclear materials, identification of nuclear materials, diagnostics and assessment of suspected nuclear devices, and disablement and containment programs.

Providing scientific and technical assistance and support to the FBI, DOD, and FEMA in the areas of threat assessment and search operations, access operations, diagnostic and device assessment, disablement and render-safe operations, hazards assessment, containment, relocation and storage of special nuclear material evidence, and in post-incident cleanup;

Acquiring, maintaining, and making available any special equipment and capabilities required to provide the necessary scientific and technical assistance; and

Providing tactical/operational advice and assistance in supporting the FBI for incidents on a DOE facility or involving weapons or material in DOE custody.

The Secretary of Health and Human Services has responsibility for:

Designating those technical personnel and supporting equipment to deploy with the DEST;

Providing technical advice and assistance, such as threat assessment, identification of contaminants, sample collection and analysis, on-site safety and protection activities, medical management plans, and the provision of health and medical care;

To support this effort, pertinent assets capable of representing the following resources will be made available to the FBI in response to a WMD incident or threat: Office of Emergency Preparedness/Office of Public Health Service (OEP/OPHS), Federal Interagency C/B Rapid Deployment Team (CBRDT), Medical Management Support Unit (MSU), Medical Response Teams and Specialty Teams, and Agency Support Centers for Disease Control and Prevention (CDC); Food and Drug Administration (FDA); Agency For Toxic Substances and Disease Registry (ATSDR); National Institutes of Health (NIH); Substance Abuse and Mental Health Services Administration (SAMHSA); Health Resources and Services Administration (HRSA).

The Administrator of the EPA has responsibility for:

Designating technical personnel and supporting equipment to deploy with the DEST;

Providing technical advice and assistance, such as monitoring, identification of contaminants, sample collection and analysis, and on-site safety, prevention, and decontamination activities;

Issuing any permits required for the custody, transportation, and disposition of chemical material; and

Making appropriate assets from the following resources available to the FBI in response to a domestic WMD threat or incident: Office of the Emergency Coordinator, EPA, Environmental Response Team, Edison, NJ, Federal On-Scene Coordinators (FOSCs), located in all EPA Regional Offices, supported by technical assistance contractors to operate in contaminated environments; sample, monitor, cleanup, etc., National Response Team (NRT), the 16-agency team chaired by EPA, Regional Response Teams (RRTs), 13 teams co-chaired by EPA and the U.S. Coast Guard (USCG) that support the FOSCs, Office of Radiation and Indoor Air (ORIA)/Center for Risk Modeling and Emergency Response (CRMER), Radiological Emergency Response Team, National Enforcement Investigations Center (NEIC), and laboratory support, including: Regional Environmental Services Division and contract labs, Office of Water-Technical Support Division, Cincinnati, OH, National Air and Radiation Environmental Laboratory (NAREL), Montgomery, AL, and Office of Radiation Programs, Las Vegas, NV.

The Director of FEMA has responsibility for:

Designating appropriate liaison and advisory personnel to deploy with the DEST; and

Coordinating on-site consequence management activities with State, local, and appropriate Federal agencies.

Consequence Management/Response Capabilities

Lead Agency Role

FEMA is responsible for the coordination of Federal emergency response activities in support of State and local governments. FEMA coordinates these activities using the concept of operations described in the interagency Federal Response Plan (FRP) and supports other Federal emergency response plans, as described below.

A WMD terrorist incident may occur without warning and immediately impact large numbers of people. The incident may affect a local jurisdiction, several jurisdictions within a State, or several States. The existing emergency response system may be severely stressed in providing a timely and effective response to the consequences of the incident. Local resources are likely to be quickly exhausted or unavailable to meet the complex requirements of such an event, including immediate needs for lifesaving resources, resulting in a requirement for Federal assistance to augment State and local resources.

Due to the potentially devastating impact, coordination at all levels of Government is critical to ensuring that response needs are met. In responding to the consequences of a terrorist incident, the primary objective of the Federal response is to assist State and local governments in carrying out their responsibilities to prevent or minimize the loss of life and property.

Over the years, a significant base of capability has been developed at the local, State, and Federal levels of government for responding to natural disasters and technological emergencies, including incidents involving nuclear and chemical materials.

The current response framework includes an array of emergency plans, capabilities, and resources of local, State, and Federal governments, and of private and voluntary organizations. At the Federal level, emergency plans deriving from statutory authorities. Executive orders, national security guidance, and other guidance are used by departments and agencies to carry out their emergency response missions. Under this response framework, Federal resources and capabilities are provided to augment those of State and local responders, including private and voluntary organizations. Existing Federal plans are also being adapted for response to the consequences of a terrorist incident. Current interagency plans include:

The Federal Response Plan, supported by 29 departments and agencies, is used by FEMA for responding to any incident or situation requiring or potentially requiring Federal emergency or disaster assistance. The FRP implements the authorities of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) to provide Federal assistance to save lives, protect property, ensure public health and safety, and recover from the impact of the incident or event.

The Stafford Act provides FEMA with the authority to assign missions to any Federal department or agency in support of a disaster or emergency declared by the President.

The Federal Radiological Emergency Response Plan (FRERP), supported by 17 Federal departments and agencies, is used to coordinate the Federal radiological response to an incident involving nuclear materials. Radiological response activities under the FRERP include monitoring and assessing the situation, developing and recommending protective action recommendations for the affected population, and serving as the primary Federal source of technical and public information regarding the radiological incident.

The National Oil and Hazardous Substances Pollution Contingency Plan, or National Contingency Plan (NCP), supported by 15 Federal departments and agencies, is used to coordinate the Federal environmental response to an incident involving HAZMAT, including chemical agents. Environmental response activities include monitoring, decontamination, and long-term restoration.

As a supplement to the FRP, HHS has recently developed a Health and Medical Services Support Plan for the Federal Response to Acts of C/B Terrorism to coordinate the Federal public health and medical care response to an incident involving C/B materials, including biological agents. Public health and medical care response activities include assessment, triage, treatment, transportation, hospitalization, and followup of victims of a C/B incident.

Assessment of Response Capabilities

FEMA has been tasked by the NSC to review the adequacy of the FRP to respond to nuclear, biological, or chemical (NBC) WMD terrorism incidents and to identify and remedy any shortfalls in stockpiles, capabilities, or training that would affect our ability to respond. Scenarios describing NBC WMD incidents were used to help Federal, State, and local responders focus on the capabilities that would be required and to assess the adequacy of current capabilities to meet response requirements. The Federal effort included a review of the coordination of consequence management activities with crisis management activities, an examination of the relationships among existing Federal interagency emergency plans, an assessment of the capabilities of the FRP to respond to an NBC WMD incident, the availability of medical capabilities for terrorism response, and procedures for military support of medical facilities and decontamination activities.

The assessment of the FRP and Federal capabilities focused on identifying shortfalls in stockpiles, capabilities, and training that would affect the Federal Government's ability to respond. In conducting the review and subsequent assessment, FEMA sought input from the 29 departments and agencies supporting the FRP. Comprehensive scenario-specific information was provided by key responding agencies including DOD, DOE, HHS, and EPA. Major findings from the assessment are grouped under the following categories:

Planning and Coordination

Need for baseline information on capability to respond at all levels.—Emergency planners at all levels lack adequate information on how local, State, and Federal responders are organized, equipped, and trained to respond to a terrorist incident. There is a need for a carefully structured national inventory of local, State, and Federal capability to respond to NBC WMD terrorist incidents.

Need for better Federal interface with State and local authorities in planning for and developing a mutually supportive NBC WMD response capability.—A comprehensive system is required to provide effective coordination across political jurisdictions for organizing, training, exercising, and responding to a credible NBC WMD terrorist threat or actual terrorist incident, including a strategy for developing and sustaining fully interoperable capability, coordinating training, exercises and evaluation procedures, and supporting mutual operations needs.

Need for a tailored and timely Federal response to support or augment local and State first responders.—Emergency response actions taken during the initial minutes and hours after an NBC WMD terrorist incident are critical. The capability of local and State first responders, augmented by the use of supplemental Federal resources, needs to be effectively understood and coordinated. Initial response options may be severely limited until reliable assessments are made of the NBC WMD consequences at the incident site; therefore, the enhancement of rapid assessment capabilities, including specialized information sharing systems for rapid identification of NBC WMD agents, needs to be a high priority.

Need to finalize the FRP Terrorism Incident Annex.—The draft FRP Terrorism Incident Annex responds to NSC guidance by linking existing Federal authorities, plans, and capabilities that would be implemented in response to a terrorist incident. The Annex was used to help structure preparedness measures for the 1996 Summer Olympic Games and other special events.

Need to prioritize the use of the transportation infrastructure to ensure rapid movement of critical, time-sensitive response resources.—Disaster response requires time-urgent actions by a large number of participants from the Federal, State, and local response communities. Unless prior planning and prioritization of critical lifesaving response resources are in place and appropriate discipline is maintained, critical elements of the coordinated Federal response in support of State and local authorities will not be available when needed. Plans for the response to an NBC WMD terrorist incident must include a prioritized listing of critical response assets and the assurance of the timely transportation, deployment, and support of time-sensitive critical resources.

Need to deal with a large number of victims impacted by an NBC WMD terrorist incident.—Planning needs to address the management of large number of potentially contaminated victims and/or the disposition of human remains resulting from an NBC WMD incident. Adequate means must be developed for identifying and tracking victims who may suffer immediate or longer-term consequences from exposure to NBC WMD materials, and who experience psychological trauma from actual or perceived injury or contamination. Appropriate implementing procedures, including public information and other preparedness measures, should be included in all training and orientation efforts.

Need to manage the stringent public safety measures in response to an NBC WMD terrorist incident.—Actions required to establish and maintain positive control of a potentially contaminated area involved in a terrorist incident will require aggressive and, at times, forceful action which is in sharp contrast to conventional disaster response operations. Immediate, assertive, and time-sensitive public safety actions might not be fully understood or accepted by local officials and the public. Therefore, public safety requirements need to be fully addressed in emergency and disaster planning in order to deal with the unique and demanding requirements of response to an NBC WMD terrorist incident in coordination with State and local authorities.

Need for fully coordinated, timely, and accurate emergency public information.—With different emergency organizations responding, assessing, and reporting through a variety of Federal plans and programs (with many having no prior experience operating together in an NBC WMD environment), critical information may not be fully coordinated. Technically accurate, complete, and time-sensitive information will be urgently required by the OSCs, national authorities, and the public. Procedures should be established that mandate the establishment and coordinated use of a single Joint Information Center (JIC) that serves the combined response community. Sources of technically accurate information need to be identified, and where appropriate, comprehensive and time-sensitive information on NBC WMD protective measures should be developed and prepositioned to ensure immediate availability. Procedures need to ensure that the JIC is responsive to the particular threat and changing requirements of each phase of the disaster response.

Need for an electronic information management and communications capability to facilitate response coordination.—There is no dedicated system for the electronic transfer of information among headquarters elements and other emergency operations centers at the national level. This lack of capability extends to State and local entities.

Also, there is no national system of priority cellular access by emergency response personnel that ensures cellular access and allows coordination of critical assets within the disaster area. There is a need to continue development of an interagency electronic transfer mechanism that provides a dedicated forum for the electronic exchange of critical emergency response information among Federal departments and agencies.

Equipment and Training

Need for specialized equipment and coordinated training for response to an NBC WMD terrorist incident.—Local, State, and Federal organizations and personnel, and private industry supporting critical infrastructures need to be adequately equipped and trained to respond to an NBC WMD terrorist incident. there is a lack of specialized equipment and training, as well as standardization and interoperability necessary to fully respond in a safe, timely, and effective manner. A national program is needed to provide standards and resources for the organizing, equipping, and training of emergency personnel responding to NBC WMD acts of terrorism. This approach should build upon existing national programs and capabilities wherever possible and also identify opportunities for mutual support and cost savings in the procurement of equipment, delivery of specialized training, conduct of exercises, and operational evaluations.

Need to adequately protect all responders.—Safety considerations for first responders and augmentees from all sources in the initial phases of consequence management need to be a major factor in planning and preparedness.

Stockpiles

Need for adequate medical supplies and pharmaceuticals to be available or stockpiled to respond to an NBC WMD terrorist incident in a timely manner.—HHS has noted that adequate medical supplies and pharmaceuticals are not prepositioned and readily available for timely use in response to NBC WMD incidents. Mitigating and antidote medications need to be stockpiled at multiple locations throughout the United States. These stockpiled medications should include specialty medicines, antidotes, diagnostic devices, and general medications for anticipated conditions resulting from a terrorist incident. The Department of Veterans Affairs hospital centers will serve as feasible stockpile locations in view of the multiple sites in the United States and distribution channels already in place. Discussion should also be initiated with specialty medicinal manufacturers regarding internal stockpiles of medications for immediate distribution to an incident site.

Assessment Summary

An NBC WMD terrorist incident may occur as a local event with potentially profound national implications. In responding to an NBC WMD incident, first responders must be able to provide critical resources within minutes to mitigate the effects of NBC materials. As the capability of the local government to deal with the immediate effects of an incident is essential to the success of any NBC WMD response, enhancing or building and maintaining the local capability with trained and adequately equipped responders are key components of a viable national terrorist response capability.

While the assessment of the FRP and Federal capabilities found some deficiencies in overall capability, it also identified several current capabilities being built upon or expanded to ensure a more viable national NBC WMD responder capability. Current initiatives for supplementing existing plans, enhancing operations response capabilities, and increasing the availability of training are described in the Requirements for Improvements in Capabilities section of this report.

ASSESSMENT OF FEDERAL CAPABILITIES TO SUPPORT STATE AND LOCAL PREVENTION AND RESPONSE EFFORTS

Crisis Management/Support Activities

Many law enforcement, public safety, and emergency response agencies in the United States are well trained and equipped to handle the events surrounding many natural and technological emergency situations, such as improvised explosive devices (IEDs) or HAZMAT spills, without the involvement of the Federal Government. However, it is anticipated that the threatened or actual use of WMD will rapidly overwhelm local and State capabilities and require Federal assistance. In addition to advanced technological assistance available from Federal departments and agencies for the disablement, transport, disposal, and decontamination of such weapons and their effects, the primary jurisdiction for the resolution of a terrorist or criminal incident involving WMD also rests with the Federal Government; therefore, a Federal response deployment will be needed to augment the initial local response.

As the actions taken and notifications made within the first minutes of a response are critical to the ultimate resolution of the incident, first responders to a WMD incident need specialized training and equipment to ensure that their activities in response to the discovery or use of WMD are done in a manner that facilitates transition to Federal response operations. The FBI engages in a number of activities with State and local agencies to prevent and respond to acts of WMD terrorism, including planning, training, exercises, task forces, and intelligence sharing.

Planning

The FBI has been involved throughout the United States in developing plans to respond at a local level to a WMD event. Numerous FBI field offices have worked with State and local law enforcement and other emergency response agencies in planning the response to an event that incorporates the wide variety of resources that would be brought to bear on such an event. These plans are updated through continuous coordination and tested through various exercises.

Police, fire, and emergency medical personnel need to better understand the FBI's role in coordinating the response to a WMD threat or incident. To that end, the FBI is in the process of coordinating and disseminating national and local-level plans for a WMD event relevant to the activities of First responders. This effort is further described in the section on Requirements for Improvements in Capabilities. As discussed below, the FBI also has dedicated significant resources for planning the design and content of a first responder training initiative.

Training and Exercises

This past year, the FBI tasked all 56 of its field offices to conduct C/B WMD terrorism exercises in each of their regions in accordance with guidelines set forth in the FBI's C/B Incident Contingency Plan. This includes coordination and participation by other public safety agencies that would be involved in a C/B WMD incident, including first responders, regional offices of supporting Federal agencies, and State emergency management agencies involved in consequence management. Each of the 56 field offices has taken action in response to this tasking, and all are in the process of planning and conducting C/B WMD exercises.

The FBI is actively engaged with FEMA and other Federal agencies in developing WMD training for State and local emergency First responders. In training First responders throughout the country, this program will incorporate material from all aspects of the response to WMD terrorism, including both local crisis and consequence management activities. The approach to training and equipping Federal, State, and local officials for managing a crisis involving a use or threatened use of a WMD, including the consequences of the use of such a weapon, necessarily requires an understanding of the training mechanisms and delivery systems already in place that address target audiences on related matters and, which, with some adaptation, could accommodate the WMD subject matter. Thereafter, an assessment of the audiences and curricula that remain unaddressed can then be made. Many excellent training courses are currently available across the nation from Federal agencies including FEMA, DOD, DOE, EPA, and various State agencies. The FBI is working to incorporate law enforcement concerns into such training, including evidence protection and preservation.

Another successful training initiative has been the DOE Nuclear Emergency Search Team (NEST), which supports the FBI as lead Federal agency in various threats involving nuclear material. Through an ongoing cooperative FBI/DOE program, nuclear-related briefings are provided by NEST personnel at FBI field offices throughout the country. As part of this program, the field offices invite State and local law enforcement agencies, as well as first responders, to these briefings. Through these briefings, participants are made aware of the resources available and are provided with an overview of how the Federal Government investigates, manages, and responds to nuclear-related events. To date, 40 FBI field offices, including the largest metropolitan divisions, have received NEST briefings, and additional field offices are being briefed each month.

In preparation for the 1996 Summer Olympic Games, the FBI conducted a series of NBC-related counterterrorism exercises, including tabletop, command post, and full-field exercises. These exercises included participation by FEMA, EPA, HHS–PHS, DOD, and DOE; Georgia and Alabama State public safety and emergency management agencies; as well as city and county public safety and emergency management agencies. In addition, the FBI actively participated in several exercises hosted by other Federal agencies in preparation for the Olympics that focused on possible terrorist incidents, including WMD scenarios.

The FBI actively runs the Awareness of National Security Issues and Response (ANSIR) program. The ANSIR program disseminates information to industry and the public in general concerning national security matters, particularly key issues dealing with terrorism, espionage, proliferation, economic espionage, targeting of the national information infrastructure, targeting of the U.S. Government, perception management, and foreign intelligence activities.

Task Force/Intelligence Sharing

The most effective response to any potential or actual WMD incident is a well-integrated effort across local, State, and Federal agencies. The FBI has been involved in a number of actions related to recent events within the United States. For example:

Federal and local components of the FBI participated in the 1996 Summer Olympic Games in Atlanta, GA, including pre-event WMD training scenarios previously discussed, various interagency task forces involved with event management and intelligence activities, and other activities in support of the event.

Domestic Emergency Support Team (DEST) components deployed in support of the 1996 Democratic National Convention in Chicago, IL. This deployment was the first of its kind under the DEST concept.

The FBI is participating in the development of the Metropolitan Medical Strike Teams (MMSTs), organized by HHS to respond to incident health and medical services requirements.

The FBI manages 12 standing law enforcement task forces throughout the country. These task forces include both local entities such as sheriffs and State police, as well as local representatives of Federal agencies such as the Immigration and Naturalization Service (INS), Secret Service, and the U.S. Marshals Service. These task forces are prevention-oriented groups that allow the exchange and coordination of intelligence and activities across the law enforcement community.

Consequence Management/Support Activities

Any assessment of Federal capabilities to support State and local response efforts must address the abilities of State and local governments to respond to an incident and their expectations related to Federal response and support. Obviously there is great variation in response capabilities between jurisdictions at both the State and local levels of government. Local and State capabilities to respond to the consequences of such an event also vary with the particular agent used and whether it involves NBC material. For example, States and communities in proximity to nuclear power plants have better developed capabilities for responding to nuclear incidents than those that are not. Similarly, States and communities in proximity to chemical weapon disposal sites will have expanded capabilities for responding to a terrorist event involving a chemical weapon. Finally, States and communities that have hosted special events that might pose a target for terrorism, such as the 1996 Summer Olympic Games, national political conventions, or high-visibility national conferences and gatherings, are likely to have more complete terrorism response plans than those that have not planned for such events.

FEMA has been working closely with State and local governments to determine the extent to which their response capabilities are adequate to meet the challenges of responding to a WMD incident. Results from a National Governors Association (NGA) survey, a training focus group involving metropolitan area jurisdictions, and discussions with fire and emergency management constituencies provide good feedback on general State and local capabilities and support requirements. The scenarios describing WMD terrorist events involving NBC agents used in the Federal assessment also were used to help State and local responders focus on the capabilities that would be required and to assess the adequacy of their current consequence management capabilities. While the formats used for assessing the capabilities differed, the findings from the local and State efforts were surprisingly similar to the Federal findings.

The following summarizes the findings regarding capabilities and deficiencies obtained from the NGA State survey and the metropolitan area training focus group under the categories of planning and guidance, response resources, and training and exercises. Included is an assessment of Federal support capabilities required in each area.

Planning and Guidance

The majority of the 22 States responding to the NGA survey and all 4 of the cities participating in the terrorism focus group indicated that their plans address or include response to a terrorist incident; however, the responses also indicated that current planning is not adequate. Many participants in the metropolitan area focus group had limited understanding of the provisions of the Stafford Act (which authorizes and funds support for Federally declared disasters) and the assistance available under the Federal Response Plan. The metropolitan areas in general did not have a good understanding of the resources and support which the Federal Government could provide and how they would go about accessing those resources. The need to continue to stress the importance of communication and coordination between those responsible for crisis management and consequence management at all levels of government was noted by both State and local officials.

Other planning-related requirements included a need for a more thorough assessment and inventory of local response capabilities and expertise, expanded public awareness of the terrorism threat, additional planning for medical treatment and decontamination procedures (including management of mass fatalities), and legal guidance on the liabilities and authorities for governmental jurisdictions associated with response to NBC incidents. Many of these planning-related requirements parallel deficiencies noted in the State survey and the previously noted Federal assessment.

Significant progress has been made in defining the responsibilities of various Federal agencies in a terrorist event through planning initiatives, exercises, and Administration guidance. While Federal agencies are assisting their various counterparts at the State and local levels in terrorism planning to the extent that their resources allow, continuing integration of Federal planning with State and local planning is needed to ensure interoperability between plans at the various levels of government.

Response Resources

Resource requirements identified by both State and local governments include detection equipment, personal protective equipment (PPE), decontamination equipment and techniques, medical supplies, and access to technical information and additional trained response personnel. Most States and communities have some resources and capabilities in each of the above areas, but given the possible magnitude of the incident and the involvement of unfamiliar and potentially lethal agents, most local responders felt that their existing capabilities were either inadequate (for certain C/B agents) or would be rapidly overwhelmed.

While the Federal Government, especially DOD, DOE, HHS, and EPA, has relevant expertise and possesses some specialized equipment and supplies, the adequacy of the necessary equipment, supplies, and personnel to meet potential requirements and the Federal ability to get them to the incident site vary with both the particular resource required and the geographic location of the incident. Delays associated with getting the required equipment and technical expertise to the site where they are needed will likely result in increased fatalities; however, costs associated with providing appropriate equipment and supplies to all localities nationwide are extremely high.

Training and Exercises

Most States and major metropolitan areas have personnel trained in emergency response and disaster management with training delivery systems. In terms of nuclear and chemical WMD, many of the principles of HAZMAT and radiological incident response (e.g., scene management, decontamination, etc.) will apply with some modifications or enhancements. Training developed by FEMA and the DOD Chemical Stockpile Emergency Preparedness Program (CSEPP) has direct applicability to terrorist events using chemical agents; however, relatively little training exists on management of incidents involving a biological agent. This is an area of concern for both State and local responders.

Most requirements noted by both the States surveyed and the metropolitan focus groups addressed the unique characteristics of C/B WMD agents and the associated protective measures for response personnel, incident management skills to deal with potentially large numbers of casualties, and the political and public affairs challenges associated with a terrorist incident. Specifically, they noted a need for (1) additional training for first responders on response actions for incidents (where the hazard is known versus unknown) and use of the appropriate PPE for the various agents; (2) training on how to use the media effectively, coordinate media messages, and minimize public panic; (3) training on how to plan for and manage victim and family assistance in a mass casualty event; (4) training and assistance on medical management issues including triage and decontamination procedures, using available medical resources, and how to deal with immediate and long-term treatment issues; and (5) multi-agency and multi-jurisdictional training and exercising to clarify roles and responsibilities and improve interoperability of plans and procedures.

With the possible exception of biological terrorism, there is considerable technical expertise and many existing training materials within the Federal community to address most of the requirements cited above; however, the size and diversity of the target audience compared with the resources available to deliver the training and to exercise plans limits the Federal Government's capability to provide the required support immediately, thus making this a multi-year effort.

REQUIREMENTS FOR IMPROVEMENTS IN CAPABILITIES

Assessments of Federal, State, and local capabilities to respond to WMD terrorist incidents have identified several areas where improvements are required. FY 1997 funds have been allocated to several agencies for WMD-related activities. The FBI has received $133.9 million for Counterterrorism (CT) enhancements. These funds include increased staffing to conduct CT field investigations regarding WMD threats, infrastructure vulnerability, key assets, and international terrorism; resources for improving forensic and crisis management capabilities including specialized equipment, deployable laboratories and teams, training, and forensic database development; and other staffing and resources for improving WMD prevention and response.

Some $15 million has been allocated to FEMA for consequence management planning and coordination, assessment and training, personnel and protective measures, and grants for specialized training and equipment for firefighters. Besides the above, additional funds have been allocated to DOD, HHS, DOT, and other Federal agencies for terrorism-related activities.

Several activities and initiatives are already under way to address requirements to improve capabilities for responding to the threat or occurrence of a WMD incident, focusing on training, equipment and capability enhancements, planning, exercises, new initiatives, and research and development to improve the overall local, State, and Federal response capability. All of these activities are being closely coordinated with those of local and State governments to ensure optimal sharing of knowledge and expertise in WMD, while deriving maximum benefit from available resources.

Training

This area involves training for individuals involved in all areas of WMD prevention and response. It includes developing and implementing an interagency strategy for meeting priority training requirements efficiently. Several facets of current training activities are described below.

The FBI is pursuing significant efforts to prevent a WMD incident from occurring through continued proactive and interactive training, planning, exercising, intelligence gathering, and technology applications involving crisis management and consequence management agencies.

The FBI continues with WMD-related interagency training involving nuclear and C/B incident contingency planning for FBI Headquarters personnel and field office managers. The FBI continues to coordinate with DOD and other government agencies to determine the best equipment, protective gear, and training available. Ongoing training related to successfully operating in a hostile WMD environment will be required for the FBI Hostage Rescue Team (HRT) and other FBI tactical personnel. Equipping and training of selected FBI field office Evidence Response Teams (ERTs) to augment the Hazardous Materials Response Unit (HMRU) in the forensic exploitation of potentially contaminated crime scenes will also be an ongoing activity.

DOD, in coordination with DOE, FEMA, and other Federal agencies, including the FBI, is providing WMD training to State and local first responders, including local and State police, and fire and emergency medical personnel who would most likely represent the initial response at the site of a WMD incident.

Since first responders will be required to establish preliminary perimeters, provide triage to victims, and conduct initial interviews, among other actions, their value to the ultimate success of the Federal Government in managing a WMD incident cannot be overestimated. Presently, most first responders have little, if any, specialized training in the WMD area, and as such, would become casualties at the incident scene.

FEMA, DOE, DOD, HHS, EPA, and the FBI support training to develop a strong State and local first responder infrastructure. Some generic training is already being recast to address WMD requirements. For instance, FEMA and DOD currently have in place a training program for first responders in areas near chemical weapon storage sites under the Chemical Stockpile Emergency Preparedness Program (CSEPP). A training program based on CSEPP and tailored for police/fire/rescue personnel in all jurisdictions is in the initial stages of coordination with FEMA, FBI, and DOD. FEMA is also building on its training for first responders conducted through its National Fire Academy and Emergency Management Institute. In addition, other agencies, such as DOE, DOT, and EPA provide training through their normal programs that are applicable to terrorism response.

Funding targeted for training in WMD response is being provided through several different sources, as listed below by amount and agency:

$51 million from DOD to the Nunn-Lugar;

$5.3 million from FEMA in training grants, including firefighter training and equipment, to the States; and

$5 million from the Department of Justice (DOJ) for responder training and equipment.

Federal resources must be used effectively in meeting priority training needs of responders to the consequences of a WMD incident.

Federal resources will not meet all of the anticipated requests for dealing with the terrorist threat, especially in the area of training. To ensure a coordinated training approach, FEMA convened a Senior Interagency Group (SIG) on consequence management to provide policy-level guidance in the development of a Governmentwide terrorism training strategy, as well as to address other issues related to consequence management. In support of the SIG, an interagency Training Task Group (TTG) was established to identify training audiences and performance requirements, suggest training design (including delivery methodology), define the relationship to existing and ongoing training and capabilities, and set training priorities and plans for short-term and long-term activities. The SICG will continue to monitor results from the TTG and other task groups and provide additional guidance for implementation of an interagency training strategy, which includes the following elements:

Prioritize training under Nunn-Lugar.—In response to DOD's request for guidance from FEMA and the interagency community on the most appropriate way to allocate training resources to meet training requirements specified in Nunn-Lugar, Section 1412, Emergency Response Assistance Program, the interagency strategy calls for allocation of Nunn-Lugar resources (including those provided to HHS for the development of the MMSTs in FY 1997) to target these resources to the 20 largest cities, plus any cities identified by the FBI as being at particularly high risk. Participating cities will be asked to complete an initial training needs assessment and Federal resources and expertise will be applied to meeting those needs, using existing training resources to the extent possible. This focus of Nunn-Lugar resources on the 20 largest cities will in no way preclude other target audiences (States, communities, etc.) from eligibility for other training available from FEMA and other Federal agencies or for training resources that may become available in the future.

Continue to analyze training needs on the basis of performance requirements.—Using the training requirements identified during the FY 1996 assessment initiatives as a base, a list of performance goals for communities in preparing to respond to WMD incidents will be developed to serve as a basis for a community's own needs assessment efforts; however, needs assessment must be an ongoing process, since training needs will evolve over time as new equipment is fielded and experience gained.

Compile a compendium of existing training.—As noted earlier, many courses and training materials already exist that, with minor modifications, can begin to meet immediate training requirements. FEMA will serve as the repository for information on existing training courses and materials.

Share courses and delivery systems among agencies.—The previously noted compendium of training resources maintained by FEMA will facilitate sharing of courses and expertise among agencies, thus reducing duplication of efforts.

Deliver existing or modified training in non-traditional ways.—Alternative delivery strategies will be needed to reach more people than are currently reached with classroom, instructor-based training. Use of independent study, computer-based training, satellite broadcasts, etc., will be considered in the overall delivery strategy.

Develop new training for unmet needs.—It is anticipated that FY 1997 will be used for assessment and delivery of existing training and that development of new training will begin in earnest during FY 1998.

Enhance interface with States and cities.—To increase the success of the Federal interagency effort, full partnering with the States and communities and constituencies will help ensure that limited resources are applied most effectively.

Equipment and Capability Enhancements

This area involves identifying equipment and capabilities needed for a WMD response. It includes stockpiling specialized equipment, enhancing the medical response system to include developing specialized teams and managing mass casualties for a WMD incident, developing a master inventory list of equipment and assets that can be accessed by local and State responders, and undertaking other initiatives to improve operational procedures, including rapid deployment of resources to the incident site and improving communications access.

The FBI is addressing the need for additional equipment for specialized teams operating in a WMD environment.—While the FBI relies on the support of other Federal agencies possessing specific technical expertise and equipment to respond to an NBC incident, those agencies do not have the law enforcement authority or expertise to collect and preserve evidence at a crime scene, nor to testify in court proceedings. In addition to the critical issue of evidence collection, the FBI may be faced with an incident that requires a tactical response in an environment contaminated with NBC material. The FBI currently possesses a limited capability to operate in such an environment; recent acquisition of funds will allow for the purchase of HAZMAT protective suits and equipment for HRT and all field Special Weapons and Tactics (SWAT) Teams. This acquisition followed by training will allow the FBI to enhance its capabilities to operate in a WMD environment.

HHS is enhancing the capabilities of the medical response system to address WMD requirements.—The requirement for immediate and significant medical response to save and protect lives in incidents involving C/B WMD agents has led to several HHS initiatives to enhance the capabilities of the existing medical response system. The enhanced system would include trained and equipped local first responders, MMSTs, specialized medical teams for use in areas without MMSTs, Chemical/Biological Rapid Deployment Teams (CBRDTs), enhanced Disaster Medical Assistance Teams (DMATs), patient evacuation and definitive care capabilities of the National Disaster Medical System (NDMS), pharmaceutical caches, and a nationwide network of facilities with specially trained staff equipped to treat WMD victims. Some of these activities are described below:

HHS continues work on developing MMSTs composed of technical and medical resources for responding to C/B incidents. The MMSTs provide a mechanism for immediate medical response while additional Federal resources are being mobilized and deployed. Each MMST operates as a specially organized, trained, and equipped team and includes capabilities for agent detection and identification, patient decontamination, triage and medical treatment, patient transportation to hospitals, and coordination with local law enforcement activities. After testing the concept in the Washington, DC, metropolitan area and at the 1996 Summer Olympic Games, the Washington, DC, MMST established its initial operational capability in January 1997, and was available to support the 1997 Presidential Inauguration. The goal is to establish a total of 100 MMSTs in the next 5 years.

HHS is developing three specialized national response teams, dispersed geographically throughout the nation, to augment local capabilities in areas without MMSTs.

The CBRDT is another capability developed by HHS providing a highly specialized, Federal, multi-agency C/B terrorist incident response, medical and health care, and technical assistance that supports the OSC for both crisis management and consequence management response.

HHS is enhancing 21 of the highest readiness level NDMS DMATs with specialized equipment and training to provide further response augmentation.

In concert with activities to enhance the medical response system, HHS is addressing the need to develop local response systems for the care of WMD victims. HHS is developing procedures for the handling of mass casualties that may result from an WMD incident to ensure that Federal resources will be available to augment local and State resources for dealing with a health problem of a large scale; however, a timely Federal response can only augment existing local capability and may not meet the needs of all of these victims.

Federal logistics support capabilities are being enhanced for WMD response.—FEMA is working with DOD, DOT and the General Services Administration (GSA) to enhance basic logistics support capabilities by developing a disaster transportation management system. The system will include a Time-Phased Force Deployment Data and List (TPFDDL) to pre-identify logistics requirements for specialized teams, equipment, and supplies needed to respond to an NBC incident and to then optimize their movement to an incident site on a priority basis. A Movement Coordination Center (MCC) is also being developed to coordinate the transportation and movement activities of the critical resources to the affected area.

FEMA is developing and implementing a Rapid Response Information System.—FEMA is developing guidance and format with data requirements for each FRP department and agency to use in compiling an inventory of its equipment and assets that could be made available to aid State and local officials in responding to a WMD incident. FEMA is working to ensure that FRP departments and agencies develop, maintain, and provide to FEMA their inventory lists for inclusion in a comprehensive Master Inventory, to be initially published by December 31, 1997, with annual updates. FEMA also will develop guidance on accessing and using the physical equipment and assets on the Master Inventory List, including a system to give Federal, State, and local officials controlled access. In coordination with DOD, FEMA will also prepare a database on C/B agents and munitions characteristics and safety precautions for civilian use. The initial design and compilation of this database is to be completed not later than December 31, 1997.

Planning

This area involves enhancing Federal contingency plans as well as national and regional response plans to better address the WMD threat. It also includes the development of guidance for local and State responders.

Each FBI office is developing contingency plans for response to WMD incidents.—Each FBI field office has been requested to furnish an updated plan yearly with points of contact and area facilities that could pose a threat of a WMD incident, or could supply the agents needed for a WMD incident and resources that can be utilized to respond to the incident. Additionally all field offices have been tasked to maintain contingency plans that identify points of contact with regional emergency response agencies and to engage with local authorities in planned WMD exercises, review nuclear facility response plans, and proceed with other proactive initiatives to counter the threat of a WMD incident.

All FBI field offices with DOE or NRC facilities within their territory maintain site-specific nuclear contingency plans that are updated annually. These plans ensure that the FBI possesses all necessary information regarding each DOE or NRC site to enable an effective FBI response to an incident at any of these sites. Classified and unclassified Nuclear and C/B Incident Contingency Plans have been updated, revised, and disseminated to all FBI Offices and OSCs. This year, all FBI field offices were tasked to provide unclassified versions of these plans to management levels of first responders, i.e., police, fire, and emergency medical personnel, to ensure their understanding and coordination during a unified Federal response.

Federal emergency response plans are being refined to address WMD consequences.—The PDD–39 assessment validated the need to amend the FRP with incident-specific annexes to better address the unique aspects of the response to a terrorist event. The FRP Terrorism Incident Annex describes the concept of operations for a terrorism response involving the crisis management response, led by the FBI, and the consequence management response, led by FEMA. The Federal interagency community has concurred on the annex and it is scheduled for publication in early 1997.

FEMA is also developing planning guidance on terrorism response for use by FEMA Regional Offices to incorporate into their interagency Regional Response Plans that describe how the FRP is implemented at the regional level.

A draft FRP Radiological Incident Annex has been developed that describes the relationship of the FRP to the FRERP, which is used to coordinate Federal monitoring, assessment, and other technical resources in response to a radiological incident, including a WMD involving nuclear materials. The draft annex is being validated in several radiological incident exercises this year and is expected to be published in 1997.

State and local governments are being supported in improving plans for responding to the consequences of a WMD incident.—States and localities face new planning challenges in preparing for response to a terrorist event using WMD. FEMA's experience in Oklahoma City and the feedback from the metropolitan area focus groups indicate a need for additional guidance by States and local governments for responding to a terrorist incident, including notification procedures, interface with law enforcement personnel, and access to unique Federal capabilities and resources. This is especially true for major metropolitan areas, where direct interface with Federal response personnel and unique Federal resources is more likely in a terrorist event than in a typical natural disaster; therefore, a terrorism supplement to the recently published Guide for All-Hazard Emergency Operations Planning is a priority for FY 1997. In addition to operational planning guidance, there is a need to ensure that Governors and other State senior policy officials are familiar with the challenges they may face in responding to a terrorist event. To meet this need, a popular NGA handbook, A Governor's Guide to Emergency Management, will be updated to address terrorism-specific issues.

Exercises

Improved plans and access to technical information, equipment, and supplies will do little to improve terrorism response capabilities without trained personnel who have had the opportunity to test plans and procedures and assume their roles and responsibilities in exercises. Therefore, while one goal for FY 1997 addresses the development of an interagency strategy for the delivery of training to State and local responders, a related goal focuses on a coordinated approach to exercising plans and procedures.

Agencies must test and evaluate plans, procedures, and coordination mechanisms for responding to a WMD incident.—Interagency WMD terrorism exercises are expensive and require extensive planning to ensure that all participating agencies most effectively test and evaluate their plans, procedures, and coordination mechanisms for responding to a WMD incident as part of the Domestic Emergency Support Team (DEST). Interagency participation in these exercises is vital to familiarize all members of the crisis management community with the command structures and functions of the various components.

Despite the high costs, continuous efforts must be made to exercise for possible WMD contingencies. The FBI is co-chair and an active member of an interagency planning group for exercises, which includes all Federal agencies with a role in response to terrorism as members. WMD scenarios have been the focus of most of the recent exercises and continue to be highlighted in future exercise planning. The FBI Crisis Incident Response Group (CIRG) plays a critical and essential role in all exercise planning deployments and response to credible incidents.

The FBI exercises with other Federal agencies extensively and anticipates participating in up to eight federally coordinated exercises and numerous State/local exercises annually. A full-field exercise should be scheduled and completed within the next two fiscal years.

Exercises will be used to test and improve consequence management response capabilities.—This effort addresses the need for improved understanding of and interoperability between response plans at various levels of government and responds to the previously noted requirement for multi-agency and multi-jurisdictional training and exercising to clarify roles and responsibilities and improve interoperability of plans and procedures. FEMA's interagency National Exercise Schedule provides a mechanism for documenting and disseminating information on planned unclassified terrorism WMD exercises involving multiple agencies and/or levels of government.

Recognizing that terrorism consequence management plans and procedures are either under development or just being finalized, the FY 1997 Federal emphasis will be on tabletop exercises in each FEMA Region to familiarize regional and State responders with the new FRP Terrorism Incident Annex and associated roles and responsibilities. This will culminate in a functional consequence management exercise, ILL WIND, which is scheduled for late FY 1997 in the Washington, DC, area. In addition, FEMA and some States and localities will be involved in exercises sponsored by other agencies that will likely address both crisis and consequence management issues.

DOD recommends a multi-agency series of field exercises covering a wide range of C/B scenarios in order to build a solid understanding of potential C/B terrorism, and to systematically evaluate improved countermeasures to prevent and respond to such incidents.

Finally, the SIG has expressed interest in reviewing a coordinated terrorism exercise strategy similar to that developed for training. In interfacing with State and local governments, given the very limited resources available, Federal coordination on planned exercises and priorities for addressing deficiencies is essential. This Federal coordination will occur in the Interagency Working Group-Counterterrorism (IWG–CT) Exercise Subcommittee.

New Initiatives

Stemming from the FY 1995 National Defense Authorization Act is a joint FBI and DOD initiative, in coordination with the State Department, DOE, the U.S. Customs Service, the Department of Commerce (DOC), and the Intelligence Community (IC) to provide law enforcement officials, judges, and prosecutors from the Former Soviet Union (FSU) and Eastern Europe with training in countering nuclear/radiological smuggling/trafficking and C/B proliferation.

This 3-year initiative, which includes the training of officials from 3 to 12 FSU/Southern Tier countries at the International Law Enforcement Academy (ILEA) in Budapest, Hungary, or at the DOD facilities in Garmisch, Germany, is now under way. The initiative will also provide WMD detection equipment and training to law enforcement officials in their respective countries and undertake a review of each country's laws to recommend statutory changes to complement enforcement and training, as warranted.

The FBI Laboratory Division has developed the Hazardous Materials Response Unit (HMRU) to resolve scientific and technical aspects of illegal acts involving NBC and environmental incidents. The Laboratory Division has also coordinated with DOD and the Commonwealth of Virginia for training of FBI first responders and the Evidence Response Teams (ERTs) on how to function in tandem with the military in the hostile environment of a WMD incident. In this manner, a sworn FBI evidence expert will direct the collection and preservation of evidence, while at the same time, rely on military advice and assets in order to mitigate a C/B agent and for transport of C/B agents for examination purposes. To date, more than 50 ERT members from 6 major metropolitan field offices have been trained and equipped with HAZMAT protective suits.

Research and Development

The FBI is currently pursuing a number of research and development (R&D) efforts to enhance detection capabilities, disablement tools, advanced render-safe techniques, and new forensic tools for identifying terrorist bombings. R&D projects include development of explosive detectors, research on explosives residues, and development of a portable device for the analysis of explosives, drugs, and chemical warfare agents using Raman Spectroscopy. Other R&D projects aimed at providing first responders with the technical capabilities to safely and effectively contain a WMD incident include development of explosive ordnance disposal (EOD) countermeasures for large vehicle bombs, development of an affordable miniaturized robotics vehicle capable of delivering explosive disablement tools, identification of render-safe procedures for improvised C/B devices, enhanced explosive detection capabilities for civilian bomb technicians, and the development of methods to identify forensically and capture residues left by improvised explosive charges used by terrorists.

A number of agencies throughout the counterterrorism community participate in the Technical Support Working Group (TSWG), a subgroup of the NSC Interagency Working Group on Counterterrorism. The TSWG has the specific mission of conducting rapid research, development, and prototyping of counterterrorism technologies. Several different subgroups exist beneath the TSWG focusing on various aspects of counterterrorism. Continued funding of the TSWG and other research and development programs is critical to developing field-deployable technologies to deter, detect, prevent, and resolve potential WMD terrorist threats and incidents.

MEASURES TO ACHIEVE IMPROVEMENTS

Building upon current activities, the following describes the requirements for continued funding, legislative improvements, authorities, and research and development (R&D) initiatives to enhance current weapons of mass destruction (WMD) prevention and response capabilities.

Funding

FY 1997 funding is supporting a variety of activities deriving from existing NSC guidance, Nunn-Lugar initiatives, and other programs to determine requirements, assess and remedy shortfalls, and enhance capabilities for WMD prevention and response. To maintain and enhance capabilities, continued funding in FY 1998 and beyond is required to support training, equipment and capability building, planning, and exercises. This requirement for continued funding assumes that State and local governments are also willing to share some of the costs of the capability building.

In FR 1997, the coordinated interagency training strategy proposes to target the largest 20 cities to receive the majority of training and assistance provided via Nunn-Lugar, with the remaining resources spread among the many other jurisdictions and response groups. In FY 1998, additional jurisdictions are being added to increase the overall preparedness level of local governments to deal with WMD requirements. In support of this effort, training materials will need to be updated as plans and procedures are refined and responder needs are better defined.

Specialized equipment and protective gear for personnel operating in a WMD environment are required by the FBI and other agencies. The Rapid Response Information System will require annual updating to ensure that the resource and capability information being accessed by local and State response agencies is accurate and complete.

Continued interagency planning will be required to ensure close coordination among Federal departments and agencies and State and local emergency management agencies in dealing with WMD requirements.

Finally, most of the exercises planned for FY 1997 are Federal/State tabletop exercises that are relatively inexpensive to plan and deliver. In subsequent years, functional and full-scale exercises involving all levels of government will need to be developed and implemented to ensure full capability.

Legislation

On April 24, 1996, the President signed into law the Antiterrorism and Effective Death Penalty Act. This legislation, which was initially proposed by the President in the State of the Union Address in January 1995, represents the most significant and comprehensive antiterrorism legislative package ever enacted in the United States. Legislative proposals that remain relate to items that Congress dropped from the 1995 Administration proposal, or highly focused issues that have arisen in the course of administering existing law. Within this context, it is anticipated that DOJ will propose several items of legislation designed to enhance the Government's ability to combat terrorism.

The first priority for additional legislation remains Senate ratification of the Chemical Weapons Convention (CWC). The CWC is the best means to ensure the nonproliferation of chemical weapons and their eventual destruction by all nations. This Convention makes it illegal to develop, produce, acquire, stockpile, retain, transfer, use, own, or possess any chemical weapon, or to knowingly assist, encourage, or induce any person to do so, or attempt or conspire to do so. U.S. compliance with the CWC will require that changes be made to the existing criminal statutes relating to use of chemical weapons, 18 U.S.C. Section 2332c, and use of WMD, 18 U.S.C. Section 2332a. These legislative amendments have been drafted within DOJ and are currently undergoing review. Submission of such a legislative proposal would have to be closely coordinated with the Administration's efforts to achieve ratification of the CWC.

Although the CWC was not designed to prevent chemical terrorism, certain aspects of the Convention, including its implementing legislation and nonproliferation provisions, will augment existing law enforcement efforts to fight chemical terrorism. Implementing legislation required by the CWC will strengthen legal authority to investigate and prosecute violations of the treaty and raise the level of public alertness to the threat and illegality of chemical weapons. For example, the proposed U.S. implementing legislation contains the clearest, most comprehensive, and internationally recognized definition of a chemical weapon available, far more precise than the term "poison gas" contained in Title 18 of the Criminal Code. The definition contained in the implementing legislation will enable an investigator to request a search warrant on the basis of suspicion of illegal chemical weapons activity (such as production of a chemical weapon agent), rather than suspicion of conspiracy to commit terrorism, as exists under current U.S. law. By providing investigators and prosecutors a more precise legal basis for pursuing the development, production, transfer, or acquisition of chemical weapons, CWC implementing legislation improves prospects for detection, early intervention, and possibly even prevention of chemical terrorism in the United States.

Research and Development

New or enhanced technical capabilities needed to counter increasingly sophisticated terrorist organizations include the ability to intercept advanced telecommunications, with a primary focus on wireless and satellite-based systems; improved tracking and physical surveillance technologies for weapons, explosives, etc.; automatic language translation and text/key word recognition; and technology to support surreptitious entry.

Current research and development funding is not adequate. Additional funding is needed to continue work on an indepth chemical characterization of foreign explosives and for contihued development of contraband detection technology. Additional funding would accelerate development in a number of key technologies, particularly communications interception, tracking, covert communications, and surreptitious access. These technologies are critical to the support of counterterrorism investigations, especially WMD-related threats.

ACRONYMS

AG—Attorney General
ANSIR—Awareness of National Security Issues and Response
ATSDR—Agency for Toxic Substances and Disease Registry
C/B—Chemical/Biological
CBR—Chemical/Biological/Radiological
CBRDT—Chemical/Biological Rapid Deployment Team
CDC—Centers for Disease Control and Prevention
CIRG—Crisis Incident Response Group
COA—Course of Action
CRMER—Center for Risk Modeling and Emergency Response
CSEPP—Chemical Stockpile Emergency Preparedness Program
CT—Counterterrorism
CWC—Chemical Weapons Convention
DEST—Domestic Emergency Support Team
DMAT—Disaster Medical Assistance Team
DOC—Department of Commerce
DOD—Department of Defense
DOE—Department of Energy
DOJ—Department of Justice
DOS—Department of State
DOT—Department of Transportation
DTL—DEST Team Leader
EMS—Emergency Medical Services
EOD—Explosive Ordnance Disposal
EPA—Environmental Protection Agency
ERT—Evidence Response Team
ESF—Emergency Support Function
FBI—Federal Bureau of Investigation
FDA—Food and Drug Administration
FEMA—Federal Emergency Management Agency
FOSC—Federal On-Scene Coordinator
FRERP—Federal Radiological Emergency Response Plan
FRMAC—Federal Radiological Monitoring and Assessment Center
FRP—Federal Response Plan
FSU—Former Soviet Union
FY—Fiscal Year
GSA—General Services Administration
HAZMAT—Hazardous Materials
HHS—Department of Health and Human Services
HMRU—Hazardous Materials Response Unit
HQ—Headquarters
HRSA—Health Resources and Services Administration
HRT—Hostage Rescue Team
IC—Intelligence Community
IED—Improvised explosive device
IICT—Interagency Intelligence Committee on Terrorism
ILEA—International Law Enforcement Academy
INS—Immigration and Naturalization Service
IWG—Interagency Working Group
IWG-CT—Interagency Working Group-Counterterrorism
JABC—Joint Atomic Energy Intelligence Committee
JIC—Joint Information Center
JOC—Joint Operations Center
MCC—Movement Coordination Center
MMST—Metropolitan Medical Strike Team
MSU—Medical Management Support Unit
MTAG—Missile Trade Analysis Group
NAREL—National Air and Radiation Environmental Laboratory
NBC—Nuclear, Biological, or Chemical
NCP—National Contingency Plan
NDMS—National Disaster Medical System
NEIC—National Enforcement Investigations Center
NEST—Nuclear Emergency Search Team
NEVWG—Nuclear Export Violation Working Group
NGA—National Governors Association
NIH—National Institutes of Health
NRAT—Nuclear/Radiological Advisory Team
NRC—Nuclear Regulatory Commission
NRT—National Response Team
NSC—National Security Council
OEP/OPHS—Office of Emergency Preparedness/Office of Public Health and Science
ORIA—Office of Radiation and Indoor Air
OSC—On-Scene Commander
PDD—Presidential Decision Directive
PHS—Public Health Service
PPE—Personal Protective Equipment
R&D—Research and Development
RRT—Regional Response Team
SAC—Special Agent-in-Charge
SAMHSA—Substance Abuse and Mental Health Services Administration
SIG—Senior Interagency Groups
SWAT—Special Weapons and Tactics
TEU—Technical Escort Unit
TPFDDL—Time-Phased Force Deployment Data and List
TSWG—Technical Support Working Group
TTG—Training Task Group
U.S.—United States
USCG—U.S. Coast Guard
USDA—United States Department of Agriculture
USG—United States Government
WMD—Weapons of Mass Destruction

□ 1430

SOCIAL SECURITY AND THE BALANCED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 60 minutes.

Mr. NEUMANN. Mr. Speaker, at 3:30 this afternoon there is going to be a very important announcement made, as I understand, from the Senator who holds the deciding vote on perhaps the most important piece of legislation that has faced this body for a long time, and that is the balanced budget amendment to the Constitution of the United States.

As we understand the vote totals in the Senate right now, if he announces that he is going to vote in favor of the balanced budget amendment, there are enough votes in the Senate to pass the balanced budget amendment to the Constitution of the United States. And that would put us as a Government, provided it can be passed through the House of Representatives, in a position where for the first time since 1969, we would be required to actually balance the Federal budget.

I have asked for this time today to address my colleagues on the issue of balancing the Federal budget, the balanced budget amendment, why it is so important and how the issue relates to Social Security and other trust funds, and most important of all, how it relates to our children and our children's future and the opportunity for our children to make a living in this Nation and the opportunity for our children to live the American dream, the same kinds of chances and opportunities that we have had.

I would like to begin this discussion today by showing a chart that I have been showing now for about 5 years, and it literally shows the growth in the debt facing the United States of America. A lot of people do not think that the Federal debt has anything to do with them personally or with their lives, but the reality is when the U.S. Government borrows money it is borrowing money on behalf of the American people, and the responsibility to repay that money will rest with our children. The legacy that we are going to leave our children is this ever-growing debt.

I would point out on this chart that the debt from 1960 to 1980 grew very little, but from 1980 forward, the bulk of the debt is fast enough and sharp enough that it can bring our Nation to its knees if it is not stopped. Our Nation today stands $5.3 trillion in debt. That is approximately $20,000 for every man, woman, and child in the United States of America, and to all of my colleagues on the Democrat side of the aisle who look at 1980 and say, well, that is Ronald Reagan's fault and to all of my Republican side of the aisle who look at the Democrats and say, it is the Democrat Congress' fault, I think it is time that we, not as Republicans or Democrats, but as the American people, face up to a very serious problem facing the United States of America, and that is an ever-growing debt picture.

I personally have three teenagers in my house, and when I talk about kids I talk about my kids and other kids like them all across America. This is the legacy that we are passing on to our children in this Nation, and something needs to be done about it and done now.

I have watched with great interest as some of our Senators on the other side of the aisle and some of our House colleagues have talked about the balanced budget amendment and say, well, we do not really need a balanced budget amendment to the Constitution of the United States. Congress can just go ahead and balance the budget all by itself, it already has the tools it needs. To those people I would ask them simply to look at history. History tells us that since 1969, even though Congress did have all of the tools, they have literally every single year since 1969 spent more money than what they collected from the American people.

That is why we need a balanced budget amendment. For those who say we do not need an amendment to our Constitution, I would simply ask them to think of the Gramm-Rudman-Hollings Act passed in the middle 1980's, Gramm-Rudman-Hollings II, the budget deal of 1990, the budget deal of 1992, and our most recent budget deal of 1994, and then I would like them to look at the spending levels that occurred after those budget deals and say, we do need a balanced budget amendment to the Constitution if we are actually going to get this job done.

It is an important issue, however, that relates to the balanced budget amendment that is currently being discussed with a great deal of interest on both sides of the aisle and that is the Social Security issue. It is important to understand how Social Security relates to the balanced budget amendment, and to begin that discussion I would like to just point out how much money is coming in to the Social Security system and how much is being paid back out to our seniors in benefits.

This year alone, the Social Security system will collect $418 billion out of the taxpayers' paychecks. That is, when you look at your paycheck and you see the money being withheld, the total sum of the money being withheld is $418 billion. The Government is writing checks back out to our senior citizens of $353 billion this year; that leaves a surplus.

The idea is they are supposed to be collecting more money in Social Security than what they are paying back out to the senior citizens in benefits. That extra money is supposed to be set aside in a kitty. The kitty is supposed to be growing bigger and bigger, so why do these two numbers change around? That is, there is not enough money coming in to make the payments to our senior citizens. They can at that point go to the kitty and make good on the checks.

Well, here is what is happening in our Government today. Remember, we are collecting more money than we are paying back out to our seniors in benefits. Unfortunately, the Federal Government today is not handling that money properly. What is happening today is that $65 billion is going directly into the Government's big checkbook. You can think of it as a general fund or just like your own personal checkbook.

They put that $65 billion into the checkbook. We all know we are running a deficit. The deficit means they are writing out more in checks than what they are collecting. So they are taking the $65 billion, putting it in their checkbook, overdrawing their checkbook and there is no money left. So at the end of the year since there is no money left in their checkbook because they have overdrawn it, that is the deficit, they simply write an IOU to the Social Security trust fund. Make no mistake about this, folks. There is no money in the Social Security trust fund. It is a pile of IOU's. This is a practice that must be stopped if we wish to preserve Social Security.

I have introduced legislation, and I am happy to say I have the support of 50 of my colleagues at this point in time. Our legislation would require the Federal Government to put that $65 billion directly into the Social Security trust fund. Why is this issue important? Well, everybody talks about Social Security as being safe and secure through the year 2029, and then everybody's eyes kind of glaze over. Well, here is the facts of the situation.

If this money is not put into the Social Security trust fund, as I am suggesting here, if we continue the practice of doing nothing but putting IOU's in the Social Security trust fund, the Social Security account is in trouble, the best case scenario in the year 2012 and realistically in the year 2005 or 2006.

Let me put this another way and bring it back to our kids and our working families in America today. In the year 2000, 2005, 2006, exactly when my kids graduate from college and will be having their own families and having their own children, like other kids like them all across America, at that point in time the Federal Government is going to have two choices since they have not done this. The Federal Government is either going to have to go out to senior citizens and say I am sorry, there is nothing but IOU's in the trust fund and we cannot make good on our payments to you, or they will go out to our families, like my kids graduating from college, starting their own families, and they will have to say, we need more money out of your paychecks.

Folks, we are not talking about decades away; we are talking about 2005, 2006, and in the best case scenario 2012, that we cannot make good on our Social Security payments to our senior citizens. The only two choices left at that point in time are reduced benefits to our seniors or collect more taxes from our working families in America. I, for one, am not willing to accept either one of those alternatives.

This bill that we have introduced, the Social Security Preservation Act, it needs to be passed and it needs to be passed in the near future so that we start putting real assets down here in the Social Security trust fund and, if the shortfall occurs, we will then have a savings account to go to to get the money to make good on our payments to our senior citizens without asking our working families for more out of their paychecks. They work too hard right now to earn the money that they earn for this Government to go and demand more out of their paychecks.

How does this whole discussion relate to the balanced budget amendment? Well, let me relate it to the balanced budget amendment. First, when we report the deficit right now, we simply report the amount of money that the Government is spending more than it is taking in. It is sort of like your own checkbook. They report the overdrawn check part of it. But remember, they are putting the $65 billion into their checkbook.

So when the deficit is reported by our Government today, when Washington reports the deficit to the American people, we only report $107 billion and we do not tell the American people that in addition to that $107 billion we are spending $65 billion more out of the Social Security trust fund. So when we talk about our deficits, we only report this blue area in the chart.

When we talk about balancing the Federal budget, here is how it works. When we talk about balancing the Federal budget, what we are talking about is this blue area. We are talking about getting to a point where the Federal Government takes in as much money as they are spending out, but at that point will still be spending the Social Security trust fund.

So make no mistake about this. When the people say, when the President's budget says he is going to be balanced in the year 2002, what the President really means is that he is going to make his budget look balanced by going into the Social Security trust fund and taking $104 billion out and applying it as a credit toward the deficit.

Let me say that again so there is no mistaking what is going on in this town. When the people in Washington say they are going to balance the Federal budget, what they really mean is that they are going to make the budget look balanced by going into the Social Security trust fund, taking the money that is supposed to be there and applying it toward the deficit.

In the year 2002, when everybody talks about a balanced budget, in the year 2002 when everybody says the budget is going to be balanced, what they really mean is that they are going to make the budget look balanced by taking $104 billion out of the Social Security trust fund and applying it to the deficit so that the deficit appears zero. That practice is dead wrong, and that practice needs to be stopped if we hope to have Social Security in the future.

I would like to talk a little bit about what has happened over the last 1\1/2\, 2 years. I have only been here 2 years, and I would like to talk a little bit about what has happened and the positive potential for this country and how we can accomplish this without, quote, "cutting spending".

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In the last 2 years since I have been here, for the first time in a generation we actually went into one part of the budget and reduced spending.

The budget is divided into 3 parts: interest; mandatory spending, which includes Social Security, Medicare and so on; and discretionary spending. Discretionary spending is the only part that is actually voted on year in and year out here in Washington, DC.

We went into discretionary spending and we reduced spending by $50 billion. For those of my colleagues that know the gentleman from Louisiana [BOB LIVINGSTON], a lot of the credit goes to our chairman of the Committee on Appropriations for this effort. They brought down spending by $50 billion. That meant that $50 billion remained available in the private sector.

With an additional $50 billion available in the private sector, here is what happened. It is no surprise. More money available in the private sector meant the interest rate stayed down; more money available, a larger supply, lower interest rates. It follows very logically.

With lower interest rates, people were able to afford to buy houses and cars. When they bought houses and cars, other people had to go to work building the houses and cars. When they went to work building the houses and cars, they left the welfare rolls and started paying taxes in. It works, folks. The possibility of balancing the Federal budget without raising taxes on the American people works. We have got some good news. The economy, because of his efforts to reduce government spending, leaving more money available in the private sector, the economy performed much better than expected.

The good news that we have is that we can balance the Federal budget without using the Social Security trust fund simply by holding spending to the levels that were proposed last year. But again, to my colleagues, I want them to understand that when we found out the economy was doing better than anticipated and there was this extra revenue coming in, in this community, in Washington, DC., the first thing I saw was people doing this with their hands. I want you all to see this, because what they are doing is just wringing their hands, waiting to get their hands on that money so they can go and spend it.

Mr. Speaker, I want the Members to understand when they go and spend that money, that is money coming right straight out of the Social Security trust fund, and they ought to leave their hands off that money. The purpose of passing the Social Security Preservation Act is to force the people in Washington to leave their hands off the money that belongs in the Social Security trust fund.

So again, let me make this perfectly clear. Because the economy is performing better than anybody expected, we can now put the money away in the Social Security trust fund, as we should do, without harming the other spending levels as proposed last year.

So the good news is that if we just live up to what passed through Congress last year, we can balance the budget, put the Social Security money aside and do what is right for the future of this country, so our children have the same sorts of opportunities that we had as we were growing up during the last generation.

I have a couple more charts. I brought these charts with me to show the difference in the balanced budget amendment that is being proposed with what the American people are being led to believe by our colleagues here in the House, versus the reality of what is actually happening in the balanced budget amendment.

This first chart shows what I believe the American people think is going on in Washington, DC., and certainly what the people in Washington, DC. are trying to lead the American people to believe. That is that the deficit is going to continue through the year 2002, but after the year 2002, since we have a balanced budget there will be no increase in the debt. This is the line that should exist if we had a true balanced budget in the year 2002. The debt would not keep climbing.

Let me show Members another chart as to what is actually going to happen. Under the balanced budget amendment that is being proposed and being discussed out here, and again I have to say it is better than where we are today, but under the balanced budget amendment as it is currently written, if the Social Security money is not set aside, here is what the debt growth looks like. The debt grows now from the year 2002, and after the year 2002 the debt continues to grow.

So even though we have reached a balanced budget and the American people are being led to believe that means the debt is not going to keep growing, if the Social Security money is not set aside, the reality is that even under the balanced budget amendment that is being passed out here right now, the debt will continue growing after the year 2002 if our Social Security Preservation Act is not passed into law.

I cannot say how important this is, not only to senior citizens, but to people in their forties and fifties who are expecting to get Social Security in the not distant future, and also to the people who are under age 40 who will be threatened with higher taxes, and with no ability to at some point start setting some of their own money aside, instead of paying into the Social Security system. I can't tell Members how important it is that we get the Social Security Preservation Act passed.

My colleagues, I know, are hearing from many of the people in their districts and their constituents on a very regular basis on this issue. I contend that the only way to solve this problem is not through people like myself here in Washington, but rather when the American people get involved.

I encourage my colleagues, call our office for a copy of these overheads. We will get them to you so you can take them out and show the American people exactly what is going on. Then let us get this situation solved so that it is fair, and we can hope to have Social Security for our senior citizens in the future.

I would like to kind of go back, before I conclude today, I would like to kind of go back and review one more time exactly what the situation is with Social Security, so any of my colleagues who are watching and missed part of this might pick it up. Again, I am going to start with the Social Security system.

The Social Security system today is collecting $418 billion. It is going into the paychecks of our constituents and it is literally taking out $418 billion. It is collecting that money in taxes. It is paying out in benefits to our senior citizens $353 billion. That leaves a surplus of $65 billion.

That surplus money is supposed to be set aside into a kitty. It is supposed to be an ever-growing kitty, so when there is not enough money coming in and there is too much money going out, they can go to that kitty.

This is no different, Mr. Speaker, than it is in Members' own savings accounts and checkbooks. Now there is more money coming in than what is going out, so you establish a savings account. If you lose your next election, you may have more money going out of your checkbook than what you have coming in. You go to your savings account, get the money, and make good on your checks.

That is how Social Security is supposed to be working. They are collecting more money than they are paying back in benefits, $65 billion this year alone. The money is supposed to be set aside in the Social Security trust fund. Today what is happening with that money, it is going directly into the general fund. They spend all the money out of the general fund or the big Government checkbook, and when they are done spending the money, there is no money left to put in the Social Security trust fund, so they very simply put an IOU down there.

I have a chart that shows that. That is $65 billion they are collecting over and above what they are paying out in benefits that is going directly into the general fund, the big Government checkbook. They spend all the money out of the big Government checkbook, there is nothing left, so they simply put an IOU down here in the Social Security trust fund.

That is what is going on today. We have legislation on the floor today that has been proposed that would change that procedure. What our legislation would do, and it is called the Social Security Preservation Act, it would force that $65 billion to be put directly into the Social Security trust fund.

Why is that important? If there are nothing but IOU's in the Social Security trust fund, we will not be able to make our payments to senior citizens in Social Security by the year 2012, and I repeat, 2012. That is when Social Security is in trouble if this bill is not enacted. In all probability, when Washington says 2012, they actually mean 2005, 2006.

If this bill is not enacted, we are looking at a situation not very far down the road where we are going to have two choices in Washington: Charge more taxes of our working families, go out to our young couples and ask them to pay more taxes in, or cut benefits to seniors. I do not think either one of those are accepted.

Make no mistake about it, this money today is currently being wasted on other Government programs. This whole issue is related very directly, it is related very directly to the whole discussion on the balanced budget amendment. Here is why.

In the balanced budget amendment, in the balanced budget amendment, the balanced budget amendment talks about the amount of money that the Federal Government is spending more than it is taking in. It does not mention the fact that this $65 billion, that this is not being included in the deficit. As a result, the deficit is actually much higher than it appears.

When we talk about the balanced budget amendment we simply mean we are going to get rid of this blue area in the chart. That is the area where we have cash flow going out more than coming in. We do not mention the fact that even in the year 2002, when everybody in Washington is telling the American people that the budget is balanced, in the year 2002 when the President says he is going to balance the budget, what the President actually means and the rest of the people in Washington, what they actually mean is they are going to balance the budget by going into the Social Security trust fund, taking the money out of the Social Security trust fund, applying it to the deficit, and making the budget look balanced because they took the money out of the Social Security trust fund.

This is inexcusable as a Nation that we would allow this to go forward. It is absolutely inexcusable to me that we as a Nation would say and lead the American people to believe that we are balancing the Federal budget when in fact we are taking the money out of the Social Security trust fund to make it look balanced.

How does that impact things? Well, the American people are being led to believe that once we hit the year 2002, there will be no more growth in the debt. They are being led to believe that the debt will grow through the year 2002, but then since the budget is balanced there would be no more growth in the debt and it would remain steady at that point.

I have to tell the Members, in our budget plan, the plan that I put forward, the debt would start going back down after the year 2002. We would actually start paying the debt off, which is something we ought to be doing.

The facts are when the balanced budget amendment is passed, what is actually going to happen is the debt is going to keep going up through the year 2002, and then, since we are not counting the fact that we are borrowing the Social Security trust fund money, the debt is actually going to keep rising, even after the year 2002. So instead of the debt going down, or at least staying steady so our children can have hopes of a bright future, instead of that, the debt will keep going up if our Social Security Preservation Act is not passed.

Again, the emphasis here is on the future of this Nation as we look forward. I would just add one more thing as we are looking at this chart. It seems to me that not only should we not let the debt keep growing, as a Nation, not only should we be responsible as a generation to not pass more debt on to our children, but what we should do is get to that point of a balanced budget and then start paying the debt down.

Out here in Washington that is kind of a novel idea. When I go to town hall meetings in Delavan and Janesville and Kenosha and Racine, Wisconsin, people ask me about the debt. They ask me, hey, MARK, after the balanced budget, don't you think you ought to pay that debt down? It is going to be $6.7 trillion when you get to a balanced budget. By the time we get to a balanced budget in 2002, we are going to be in debt $25,000 for every man, woman, and child in the country. Do you not think you ought to do something about paying down the debt?

I agree with my constituents. I agree with those people at the town hall meetings. Not only should this thing not be allowed to continue the upward pattern that appears in this chart, it should start going back down, so we as a generation can look forward to passing our Nation on to our children debt-free.

Everybody in Washington goes, well, we cannot possibly do that. Let me lay out for my colleagues exactly how we can in fact pay off the debt by the year 2025 and pass this Nation on to our children debt-free.

Revenues are growing to the Federal Government for two reasons: They grow at the rate of inflation, plus the rate of real growth in the economy. So if we think about this, the amount of taxes that the Government is collecting, the amount of revenue coming into the Government, it gets bigger because of inflation.

If you get a pay raise next year, when you get that pay raise you may pay a little more taxes. That is inflation. In addition to inflation, in addition to inflation the Government gets more revenue because the economy gets bigger. That is, when the economy is bigger, somebody is making a profit over that additional business that is being done, and they therefore pay more taxes in, so revenues to the Federal Government grow not at the rate of inflation, but rather, at the rate of inflation plus real growth in the economy.

How can we make this line go back down? How can we pay that debt off so our children could receive our Nation debt-free? This is how we do it. After the year 2002 when we reach a balanced budget, we cap spending growth at the Federal level at a rate 1 percent below the rate of revenue growth.

Remember, revenue goes up at the rate of inflation plus real growth in the economy. If we simply cap spending increases at a rate 1 percent below the revenue growth, we would in fact create a surplus, because we were at balance. If revenues go up by 5 percent, spending goes up by 4 percent, that creates a surplus. That is the surplus that could then be used to first put the money back into the Social Security trust fund that has already been taken out, but second, to start paying down the Federal debt so we would have hopes of passing this Nation on to our children debt-free.

I have to tell my colleagues that in terms of service here in Washington, I came here really for two reasons. I came here to get a balanced budget and to solve this problem facing the Social Security system. To me, it is not about all these charts and it is not about Perot's charts and graphs, it is not about numbers. It is about the opportunities that we hope to have for our children. It is about whether or not our children are going to have the opportunity to live the American dream in this great Nation of ours.

Make no mistake about it, we are currently in a situation where a 1 percent change in the interest rate, just 1 small percent change in the interest rate, adds $50 billion to the deficit. Two percent is $100 billion to the deficit.

If the deficit starts exploding, the only thing the Government can do is print the money. When they print the money, that is more inflation. When they have more inflation, we, of course, have higher interest rates. Higher interest rates is a higher deficit. So the spiral goes.

As that goes on, Mr. Speaker, we need to understand that when the interest rates go up, our young people, our hardworking families, the people that get up every morning and go to work, they cannot afford the higher interest rate that would be applied to their home mortgage or to their auto loans. As those interest rates go up, people can no longer afford to buy houses and they can no longer afford to buy cars. The end result is that means we do not need as many people building houses and cars.

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When the people are not building the houses and cars, of course, that means there are no job opportunities. So what we are really talking about here, when we talk about balancing the budget, we are talking about the Government staying out of the private sector. We are talking about making the Federal Government smaller and less intrusive in our lives.

As the Government quits borrowing that money out of the private sector, leaves more money out there in the private sector, that means with more money available we can expect the interest rates to stay down. When the interests rates stay down, that means people can afford to buy houses. They can afford to buy cars.

And I have to tell you, this is the hope for the future of America. Because when they can afford to buy houses and cars, the poor people in this country are going to have opportunities to have a job because somebody has to build those houses and somebody has to build those cars. That is the hope; that is welfare reform.

Welfare reform is a job opportunity for the people that are not currently working. Welfare reform is the Federal Government quitting spending more money than it has, leaving the money in the private sector so the interest rates stay down so people can afford to buy houses and afford to buy cars in this Nation of ours and people go to work building those houses and those cars. That is job opportunities. That is the welfare reform that we need to talk about in this Nation. That is the hope for my children's future.

When I say "my children," I do not just mean MARK NEUMANN's children, I mean all the kids that are teenagers. The three teenagers in my house, yes, they are going to be out of school in 5 years, but there are going to be millions of teenagers out of school in 5 years. What we are talking is whether those kids are going to have the opportunity to start with a job, to get promotions, and then go through their lives and to provide a better living for themselves and their family as they, too, attempt to achieve the American dream.

That is what this issue is all about. It is not about numbers. It is not about all these charts. It is about our kids. It is about whether or not our kids are going to have the same opportunities that we have had. It is about our senior citizens who have been promised Social Security, and it is about whether or not this Government can make good on those promises to our seniors without destroying the opportunities for our kids. That is what this whole discussion is about.

I conclude today by simply encouraging the support of a balanced budget amendment to the Constitution and encouraging the support of the Social Security Preservation Act so we get both jobs done at the same time and make this place much more credible with the American people and, again, arrive at a point where our children can achieve the American dream.

RULES OF PROCEDURE FOR THE COMMITTEE ON APPROPRIATIONS 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 5 minutes.

Mr. LIVINGSTON. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House, I submit herewith the rules of the Committee on Appropriations for the 105th Congress. The committee rules were approved by the full committee on February 5, 1997, and amended on February 12, 1997.

Resolved, That the rules and practices of the Committee on Appropriations, House of Representatives, in the One Hundred Fourth Congress, except as otherwise provided hereinafter, shall be and are hereby adopted as the rules and practices of the Committee on Appropriations in the One Hundred Fifth Congress.

The foregoing resolution adopts the following rules:

SECTION 1. POWER TO SIT AND ACT

For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee or any of its subcommittees is authorized:

(a) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(b) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection 1(b) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection 1(b) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

(d) Compliance with any subpoena issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SEC. 2. SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcommittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority;*Provided, however*, That party representation in each subcommittee, including ex-officio members, shall be no less favorable to the Majority than that ratio for the full Committee.

(e) The Chairman and Ranking Minority Member of the full Committee are authorized to sit as a member of all subcommittees and to participate, including voting, in all its work.

SEC. 3. STAFFING

(a) Committee Staff—The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job titles and compensation thereof subject to the maximum rates and conditions established in Clause 6(c) of Rule XI of the Rules of the House of Representatives. In addition, he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

(b) Assistants to Members—Each of the top twenty-one senior majority and minority Members of the full Committee may select and designate one staff member who shall serve at the pleasure of that Member. Such staff members shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; *Provided*, That Members designating staff members under this subsection must specifically certify by letter to the Chairman that the employees are needed and will be utilized for Committee work.

SEC. 4. COMMITTEE MEETINGS

(a) Regular Meeting Day—The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirements of the Committee business schedule.

(b) Additional and Special Meetings:

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices a written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of such meeting, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at the special meeting.

(c) Vice Chairman To Preside in Absence of Chairman—A member of the majority party on the Committee or subcommittee thereof designated by the Chairman of the full Committee shall be vice chairman of the Committee or subcommittee, as the case may be, and shall preside at any meeting during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting of the Committee or subcommittee, the ranking member of the majority party who is present shall preside at the meeting.

(d) Business Meetings:

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or its subcommittees, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(e) Committee Records:

(1) The Committee shall keep a complete record of all Committee action, including a record of the votes on any question on which a roll call is demanded. The result of each roll call vote shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspection shall include a description of the amendment, motion, or other proposition, and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records, data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House, and all Members of the House shall have access thereto.

(3) The records of the Committee at the National Archives and Records Administration shall be made available in accordance with Rule XXXVI of the Rules of the House, except that the Committee authorizes use of any record to which Clause 3(b)(4) of Rule XXXVI of the Rules of the House would otherwise apply after such record has been in existence for 20 years. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to Clause 3(b)(3) or Clause 4(b) of Rule XXXVI of the Rules of the House, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination upon the written request of any Member of the Committee.

SEC 5. COMMITTEE AND SUBCOMMITTEE HEARINGS

(a) Overall Budget Hearings—Overall budget hearings by the Committee, including the hearing required by Section 242(c) of the Legislation Reorganization Act of 1970 and Clause 4(a)(1) of Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security; except that the Committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate, and the Resident Commissioner from Puerto Rico.

(b) Other Hearings:

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5(c) of these Rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2(k)(5) of Rule Xi of the Rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2(k)(5) of such Rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public; *Provided, however*, That the Committee or its subcommittees may by the same procedure vote to close five subsequent days of hearings.

(2) Subcommittee chairmen shall coordinate the development of schedules for meetings or hearings after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of such appearance, a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary, except that this provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(4) Each witness appearing in a nongovernmental capacity before the Committee, or any of its subcommittees as the case may be, shall to the greatest extent practicable, submit a written statement including a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

(c) Quorum for Taking Testimony—The number of Members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses:

(1) The Minority Members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Minority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings—Whenever a hearing or meeting conducted by the full Committee or any of its subcommittees is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, except as provided in paragraph (f)(2) of the Rules of the House of Representatives. Neither the full Committee Chairman or Subcommittee Chairman shall limit the number of television or still cameras to fewer than two representatives from each medium.

(f) Subcommittee Meetings—No subcommittee shall sit while the House is reading an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings—The Chairman of the Committee shall make public announcement of the date, place, and subject matter of any Committee or subcommittee hearing at least one week before the commencement of the hearing. If the Chairman of the Committee or subcommittee, with the concurrence of the ranking minority member of the Committee or respective subcommittee, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or subcommittee chairman shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest and promptly entered into the Committee scheduling service of the House Information Systems.

SEC. 6. PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement:

(1) It shall be the duty of the Chairman to report, or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(b) Presence of Committee Majority—No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes—With respect to each roll call vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the Committee report on the measure or matter.

(d) Compliance With Congressional Budget Act—A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Constitutional Authority Statement—Each report of the Committee on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(f) Changes in Existing Law—Each Committee report on a general appropriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers—Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Listing of Unauthorized Appropriations—Each Committee report on a general appropriations bill shall contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law (except for classified intelligence or national security programs, projects, or activities).

(i) Supplemental or Minority Views:

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of intention to file supplemental, minority, or additional views, the Member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by the Member, with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority, or additional views are included as part of the report.

(3) Subsection (h)(1) of this section, above, does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee who gives notice of intention to offer supplemental, minority, or additional views shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(j) Availability of Reports—A copy of each bill, resolution, or report shall be made available to each member of the Committee at least three calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill, resolution, or report; *Provided*, That this subsection may be waived by agreement between the Chairman and the Ranking Minority Member of the full Committee.

SEC. 7. VOTING

(a) No vote by any Member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the Members present.

SEC. 8. STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Section 202(b) of the Legislative Reorganization Act of 1946 and in Clause 2(b)(3) of Rule X of the Rules of the House of Representatives:

(a) The Chairman is authorized to appoint such staff and, in his discretion, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination and to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SEC. 9. OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee. The ranking minority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable, the Chairman shall direct the head of each Government agency concerned not to honor requests of subcommittees, individual Members or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 2(n) of Rule XI of the Rules of the House of Representatives and Section 502(b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories, or possessions. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) Travel Reports:

(1) Members or staff shall make a report to the Chairman on their travel, covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or

appropriated funds expended. All such individual reports on foreign travel shall be filed with the Chairman no later than sixty days following completion of the travel for use in complying with reporting requirements in applicable Federal law, and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by the Member or employee.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and the Committee on House Oversight pertaining to such travel, and as promulgated from time to time by the Chairman.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of illness in the family.

Ms. DANNER (at the request of Mr. GEPHARDT) for today, on account of the death of her mother.

Ms. CARSON (at the request of Mr. GEPHARDT) for today, on account of illness.

Mr. ENGEL (at the request of Mr. GEPHARDT) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.
Ms. CHRISTIAN-GREEN, for 5 minutes, today.
Mrs. MINK of Hawaii, for 5 minutes, today.
Mr. SKAGGS, for 5 minutes, today.

(The following Members (at the request of Mr. PAPPAS) to revise and extend their remarks and include extraneous material:)

Mr. CANADY of Florida, for 5 minutes, today.
Mr. METCALF, for 5 minutes, today.
Mr. WOLF, for 5 minutes, on February 27.
Mr. THUNE, for 5 minutes, today.
Mr. KINGSTON, for 5 minutes, today.
Mr. COBURN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) and to include extraneous material:)

Mrs. KENNELLY of Connecticut.
Mr. HAMILTON.
Mr. STARK.
Mr. KENNEDY of Rhode Island.
Mr. HALL of Ohio.
Mr. CUMMINGS.
Mr. POSHARD.
Mrs. MINK of Hawaii.
Mr. RANGEL.
Mr. SISISKY.
Mr. BORSKI.
Mrs. MEEK of Florida.
Ms. JACKSON-LEE of Texas.

(The following Members (at the request of Mr. PAPPAS) and to include extraneous material:)

Mr. CALLAHAN.
Mrs. ROUKEMA, in two instances.
Mr. GILMAN, in two instances.
Mr. HYDE, in two instances.

(The following Members (at the request of Mr. LAMPSON) and to include extraneous matter:)

Mr. HASTINGS of Florida.
Mr. HOYER.
Mr. MORAN.
Mr. TRAFICANT.
Mr. SOLOMON.
Mr. PETRI.
Mr. SAXTON.
Mr. TALENT.
Mr. LAHOOD.
Mr. BONILLA.
Mr. KLINK.
Mr. SAM JOHNSON of Texas.
Mr. NADLER.

(The following Members (at the request of Mr. NEUMANN) and to include extraneous matter:)

Mr. WOLF.
Mr. ABERCROMBIE.
Mr. KENNEDY of Massachusetts.
Mr. HALL of Ohio.
Mr. NUSSLE.

ADJOURNMENT

Mr. NEUMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, February 27, 1997, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1914. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); to the Committee on National Security.

1915. A letter from the Under Secretary of Defense, transmitting notification that the Department's Vision 21 Plan will be transmitted to the Congress in the near future; to the Committee on National Security.

1916. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for fiscal year 1996, pursuant to 12 U.S.C. 635g(a); to the Committee on Banking and Financial Services.

1917. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Indemnification of Department of Housing and Urban Development Employees [Docket No. FR-4143-F-01] (RIN: 2501-AC34) received February 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1918. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter [Letter No. 05-97] received February 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1919. A letter from the Secretary of Energy, transmitting a corrected copy of a report on the cofiring of natural gas with coal in utility and large industrial boilers (EC 1843) which was transmitted February 25, 1997; to the Committee on Commerce.

1920. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Norway (Transmittal No. DTC-66-96), pursuant to 22 U.S.C. 2776 2776(d); to the Committee on International Relations.

1921. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1922. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals during fiscal year 1996, pursuant to 22 U.S.C. 2694(2); to the Committee on International Relations.

1923. A letter from the Director, Federal Emergency Management Agency, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1924. A letter from the Chair, Federal Energy Regulatory Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

1925. A letter from the Assistant Comptroller General, General Accounting Office, transmitting the Office's report on the United States-Japan Fighter Aircraft Program; to the Committee on Government Reform and Oversight.

1926. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Introduction of Miscellaneous Amendments (DOD, GSA, NASA) [Federal Acquisition Circular 90-43] received January 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1927. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; FASA and the Walsh-Healey Public Contracts Act (DOD, GSA, NASA) [FAC 90–43, FAR Case 96–601, Item I] (RIN: 9000–AH31) received January 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1928. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Individual and Class Deviations (DOD, GSA, NASA) [FAC 90–43; FAR Case 96–004; Item II] (RIN: 9000–AH32) received January 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1929. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Use of Data Universal Numbering System as Primary Contractor Identification (DOD, GSA, NASA) [FAC 90–43, FAR Case 95–307, Item III] (RIN: 9000–AH33) received January 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1930. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Inapplicability of Cost Accounting Standards to Contracts and Subcontracts for Commercial Items (DOD, GSA, NASA) [FAC 90–43; FAR Case 96–310; Item IV] (RIN: 9000–AH01) received January 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1931. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Allowable Cost and Payment Clause (DOD, GSA, NASA) [FAC 90–43; FAR Case 93–024; Item V] (RIN: 9000–AG74) received January 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1932. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Mentor Protege Program (DOD, GSA, NASA) [FAC 90–43; FAR Case 93–308; Item VI] (RIN: 9000–AG70) received January 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1933. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Minority Small Business and Capital Ownership (DOD, GSA, NASA) [FAC 90–43; FAR Case 95–028, Item VII] (RIN: 9000–AH34) received January 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1934. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Extension of Small Business Competitiveness Demonstration Program (DOD, GSA, NASA) [FAC 90–43; FAR Case 96–328, Item VIII] (RIN: 9000–AH40) received January 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1935. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Morale, Health, Welfare Costs/Contractor Overhead Certification (DOD, GSA, NASA) [FAC 90–43; FAR Case 92–613, Item IX] (RIN: 9000–AG85) received January 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1936. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Impairment of Long-Lived Assets (DOD, GSA, NASA) [FAC 90–43; FAR Case 95–003, Item X] (RIN: 9000–AG73) received January 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1937. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Local Government Lobbying Costs (DOD, GSA, NASA) [FAC 90–43, FAR Case 96–003, Item XI] (RIN: 9000–AH35) received January 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1938. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Clause Flowdown (DOD, GSA, NASA) [FAC 90–43; FAR Case 92–035, Item XII] (RIN: 9000–AG76) received January 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1939. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Collection of FASA-Related Information within the Federal Procurement Data System (DOD, GSA, NASA) [FAC 90–43; FAR Case 95–310, Item XIII] (RIN: 9000–AH36) received January 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1940. A letter from the Associate Administrator, General Services Administration, transmitting the Administration's 1996 annual report to the Congress; to the Committee on Government Reform and Oversight.

1941. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

1942. A letter from the Director, Peace Corps, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

1943. A letter from the Marshal of the Court, Supreme Court of the United States, transmitting the annual report on the cost of the protective function provided by the Supreme Court Police to Justices, official guests and employees of the court, pursuant to 40 U.S.C. 13n(c); to the Committee on the Judiciary.

1944. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Classification of Certain Scientists of the Commonwealth of Independent States of the Former Soviet Union and the Baltic States as Employment-Based Immigrants [INS No. 1602–92] (RIN: 1115–AD33) received February 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1945. A letter from the Secretary of Energy, transmitting a detailed progress review of the research and development authorized under the act, pursuant to Public Law 101–425, section 10 (104 Stat. 919); to the Committee on Science.

1946. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Government Securities Act Regulations: Recordkeeping (Bureau of the Public Debt) [17 CFR Part 404] received February 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1947. A letter from the Chairman, Federal Election Commission, transmitting a supplemental fiscal year 1997 request for additional funds, pursuant to 2 U.S.C. 437d(d)(1); jointly, to the Committees on Appropriations and House Oversight.

1948. A letter from the Chairman, Federal Election Commission, transmitting its amended fiscal year 1998 budget request and justification, pursuant to 2 U.S.C. 437d(d)(1); jointly, to the Committees on Appropriations and House Oversight.

1949. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's obligation of funds for additional program proposals for purposes of Nonproliferation and Disarmament Fund [NDF] activities, pursuant to 22 U.S.C. 5858; jointly, to the Committees on International Relations and Appropriations.

1950. A letter from the Secretary of Commerce, transmitting the annual report of the Secretary of Commerce to the Congress for the fiscal year ending September 30, 1995, pursuant to 15 U.S.C. 1519; jointly, to the Committees on Commerce, Ways and Means, Government Reform and Oversight, the Judiciary, Science, Transportation and Infrastructure, Banking and Financial Services, and International Relations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN (for himself and Mr. Filner):

H.R. 836. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BACHUS:

H.R. 837. A bill to improve the administration of the Fair Debt Collection Practices Act; to the Committee on Banking and Financial Services.

By Mrs. CHENOWETH (for herself, Mr. Crapo, and Mr. Smith of Oregon):

H.R. 838. A bill to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, and for other purposes; to the Committee on Resources.

By Mr. CONYERS (for himself, Mr. Dellums, Mr. Evans, Mrs. Meek of Florida, and Ms. Waters):

H.R. 839. A bill to amend the United States Housing Act of 1937 to require the Secretary of Housing and Urban Development to administer a program of construction and revitalization of public housing, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. Calvert, Mr. Fox of Pennsylvania, Mr. Holden, Mr. Frost, Mr. Mascara, and Mr. Fattah):

H.R. 840. A bill to amend the Internal Revenue Code of 1986 to disregard certain amounts of capital expenditures in applying $10,000,000 limit on such issues, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. Matsui, Mr. Royce, Mr. Ensign, Mr. Gejdenson, and Mr. Waxman):

H.R. 841. A bill to amend the Internal Revenue Code of 1986 relating to the unemployment tax for individuals employed in the entertainment industry; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. Holden):

H.R. 842. A bill to amend the Internal Revenue Code of 1986 to exempt small issues from the restrictions on the deduction by financial institutions for interest; to the Committee on Ways and Means.

By Mr. FORD (for himself, Mr. Lewis of Georgia, Mr. Thompson, Mr. Reyes, Mr. Blagojevich, Mr. Jackson, Mr. Maloney of Connecticut, Ms. Jackson-Lee, Mr. Clyburn, Ms. McKinney, Mr. Stark, Mr. Hinojosa, Ms. Eddie Bernice Johnson of Texas, and Ms. Kilpatrick):

H.R. 843. A bill to prohibit the location of solid and hazardous waste facilities near residential, day care, church, and school properties; to the Committee on Commerce.

By Mr. HASTINGS of Florida:

H.R. 844. A bill to amend title 18, United States Code, to prohibit the disposition of a firearm to, and the possession of a firearm by, nonpermanent resident aliens; to the Committee on the Judiciary.

By Mrs. KENNELLY of Connecticut:

H.R. 845. A bill to amend title 18, United States Code, to provide a minimum mandatory penalty for conveying false bomb threats through instrumentalities of interstate and foreign commerce; to the Committee on the Judiciary.

H.R. 846. A bill to amend the Internal Revenue Code of 1986 to require gain recognition in the case of certain transactions that are equivalent to sales of financial instruments, and for other purposes; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mrs. Morella):

H.R. 847. A bill to amend the Public Health Service Act to establish a program of providing information and education to the public on the prevention and treatment of eating disorders; to the Committee on Commerce.

By Mr. McHUGH:

H.R. 848. A bill to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, and for other purposes; to the Committee on Commerce.

By Mr. PACKARD (for himself, Mr. Bilbray, Mr. Cunningham, Mr. Hunter, Mr. Rohrabacher, and Mr. Traficant):

H.R. 849. A bill to prohibit an alien who is not lawfully present in the United States from receiving assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL (for himself and Mr. Gilman):

H.R. 850. A bill to amend certain provisions of law concerning communications between Government agencies and the Immigration and Naturalization Service; to the Committee on the Judiciary.

By Ms. ROYBAL-ALLARD (for herself, Mr. Torres, Mrs. Morella, Mr. Frost, Mr. Gutierrez, Ms. Slaughter, Ms. Lofgren, Ms. Norton, Mrs. Maloney of New York, Ms. Pelosi, Mr. Ackerman, Mr. Jackson, Mr. Conyers, Mr. Lewis of Georgia, and Mr. Baldacci):

H.R. 851. A bill to amend the Family and Medical Leave Act of 1993 to allow leave to address domestic violence and its effects, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT:

H.R. 852. A bill to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies; to the Committee on Government Reform and Oversight, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 853. A bill to direct the Comptroller General of the United States to study the effect that a tax system comprised of a 10 percent Federal consumption tax and a 10 percent flat Federal income tax would have on the Federal Government and the U.S. economy; to the Committee on Ways and Means.

H.R. 854. A bill to discourage domestic corporations from establishing foreign manufacturing subsidiaries in order to avoid Federal taxes by including in gross income of U.S. shareholders in foreign corporations the retained earnings of any such subsidiary which are attributable to manufacturing operations in runaway plants or tax havens; to the Committee on Ways and Means.

By Ms. WOOLSEY:

H.R. 855. A bill to amend the Higher Education Act of 1965 to provide administrative support and information to States for the establishment and operation of prepaid tuition programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WATTS of Oklahoma (for himself, Mr. Bishop, Mr. McIntosh, Mr. Souder, Mrs. Maloney of New York, Mrs. Kelly, Mr. Wolf, Mr. Frost, and Mrs. Kennelly of Connecticut):

H.J. Res. 56. Joint resolution celebrating the end of slavery in the United States; to the Committee on Government Reform and Oversight.

By Mr. SENSENBRENNER:

H.J. Res. 77. Resolution providing amounts for the expenses of the Committee on Science in the 105th Congress; to the Committee on House Oversight.

By Mr. PAPPAS:

H.J. Res. 78. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. BURTON of Indiana:

H.J. Res. 79. Resolution amending the Rules of the House of Representatives to discourage frivolous ethics complaints; to the Committee on Rules.

By Mr. KASICH:

H.J. Res. 80. Resolution providing amounts for the expenses of the Committee on the Budget in the 105th Congress; to the Committee on House Oversight.

MEMORIALS

Under clause 4 of rule XXII,

22. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to House Concurrent Resolution No. 2: To request of the 105th Congress and the President of the United States of America to respond to the democratic aspirations of the American citizens of Puerto Rico, in order to achieve a process that guarantees the prompt decolonization of Puerto Rico by means of a plebiscite sponsored by the Federal Government, which must be held no later than 1998; to the Committee on Resources. February 26, 1997.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. Gibbons, Mrs. Roukema, Mr. Rogan, Mr. Peterson of Pennsylvania, Mr. Watts of Oklahoma, Mr. Shadegg, and Mr. Cox of California.

H.R. 4: Mr. Gallegly, Mr. Fawell, Mr. Hinchey, Mr. Combest, Mr. Bishop, Mr. McCollum, Mr. Gonzalez, Mr. Skelton, Mr. Pombo, Mr. Moakley, Mr. Gutierrez, Mr. Davis of Virginia, Mr. Hall of Texas, Ms. Harman, Mr. McIntosh, Mr. Oxley, Mr. Hastings of Washington, Mr. Hilliard, and Mr. Riley.

H.R. 7: Mr. Lipinski, Mr. Hefley, Mr. Burr of North Carolina, Mr. Greenwood, Mrs. Roukema, and Mrs. Kelly.

H.R. 15: Mr. Nethercutt, Mr. Ensign, Mr. McKeon, Mr. Waxman, Mrs. Morella, Mrs. Johnson of Connecticut, and Mr. Lewis of Georgia.

H.R. 38: Mrs. Meek of Florida, Mr. Pastor, Mr. Manton, Mr. Weldon of Florida, Mr. Filner, and Mr. Farr of California.

H.R. 44: Mr. Gibbons.

H.R. 65: Mrs. Meek of Florida, Mr. Pastor, Mr. Rahall, Mr. Fazio of California, Mr. Riggs, Mr. Gibbons, Mr. Coburn, Mr. McIntyre, Mr. Ehrlich, and Mr. Jefferson.

H.R. 80: Mr. Sanford, Mr. Costello, Ms. Lofgren, Mrs. Linda Smith of Washington, and Mr. Pombo.

H.R. 107: Mr. Vento, Mr. Gillmor, Mr. Davis of Virginia, Mr. Metcalf, Mr. Smith of New Jersey, Mr. Chambliss, Mr. Engel, Ms. Norton, Mr. Sanders, Mr. Horn, Mr. Brown of California, Mr. Gallegly, Mr. Petri, Ms. Lofgren, Mr. Rahall, and Mr. English of Pennsylvania.

H.R. 108: Mr. Underwood.

H.R. 123: Mr. Davis of Virginia, Mr. Manzullo, Mr. Coble, and Mr. Hoekstra.

H.R. 127: Mr. Ford, Mr. Murtha, Mrs. McCarthy of New York, and Mr. Price of North Carolina.

H.R. 150: Mr. THOMPSON and Mr. SERRANO.

H.R. 158: Mr. KLINK, Mr. SOUDER, Mr. CHABOT, Ms. PRYCE of Ohio, Mr. PETRI, Mr. HEFLEY, and Mr. POMBO.

H.R. 160: Mr. BUNNING of Kentucky, Mr. CRANE, and Mr. WELLER.

H.R. 162: Mr. LUCAS of Oklahoma and Mr. CRANE.

H.R. 163: Mr. LUCAS of Oklahoma.

H.R. 177: Ms. JACKSON-LEE.

H.R. 182: Mr. THOMPSON and Mr. LEWIS of Georgia.

H.R. 192: Mr. SPRATT, Mr. DOOLEY of California, Mr. RILEY, Mr. GRAHAM, Mr. GREEN, Mr. ROMERO-BARCELO, Mr. BRYANT, Mr. CANADY of Florida, Mr. MCINTYRE, Mr. WELDON of Florida, and Mr. HALL of Texas.

H.R. 230: Mrs. THURMAN.

H.R. 250: Mr. HINCHEY.

H.R. 279: Mr. TRAFICANT, Mr. BILBRAY, Mr. GREENWOOD, Mr. ENGLISH of Pennsylvania, Mr. GILMAN, Mr. DREIER, Mr. HOUGHTON, Mr. KIM, Mr. LAZIO of New York, Mr. ANDREWS, Mr. FARR of California, Mr. FILNER, Mr. GUTIERREZ, Mrs. LOWEY, Mr. SCHUMER, Mr. WAXMAN, Mrs. MYRICK, Mr. METCALF, Mr. GEKAS, Mr. MARKEY, Mr. KLUG, Mr. FLAKE, Mr. RANGEL, Ms. VELÁZQUEZ, Ms. SANCHEZ, Mr. DICKEY, Mr. HYDE, Mr. KANJORSKI, Mr. MCCRERY, Mr. STOKES, Mr. FOGLIETTA, and Mr. FALEOMAVAEGA.

H.R. 303: Mrs. MEEK of Florida, Mr. PASTOR, Mr. RAHALL, Mr. FAZIO of California, Mr. RIGGS, Mr. GIBBONS, Mr. MCINTYRE, Mr. WELDON of Florida, Mr. FALEOMAVAEGA, and Mr. JEFFERSON.

H.R. 345: Mr. WELDON of Pennsylvania, Mr. KOLBE, Mr. LARGENT, Mr. LIPINSKI, Mr. COBURN, and Mr. RIGGS.

H.R. 347: Mr. LIPINSKI and Mr. SENSENBRENNER.

H.R. 366: Mr. GREEN.

H.R. 382: Ms. LOFGREN.

H.R. 383: Mr. ROMERO-BARCELÓ, Mr. CLYBURN and Mr. OWENS.

H.R. 406: Mr. STEARNS.

H.R. 408: Mr. PACKARD, Mr. PORTER, Mr. FLAKE, Mr. POMBO, and Mr. JEFFERSON.

H.R. 409: Mr. KING of New York, Mr. LAHOOD, and Mr. RIGGS.

H.R. 414: Mr. SPRATT, Mr. DOOLEY of California, Mr. RILEY, Mr. POMBO, Mr. GRAHAM, Mr. GREEN, Mr. BONO, Mr. ROMERO-BARCELO, Mr. BRYANT, Mr. CANADY of Florida, Mr. MCINTYRE, Mr. WELDON of Florida, Mr. HALL of Texas, and Mr. MCHALE.

H.R. 446: Mr. BURR of North Carolina, Mr. NETHERCUTT, Mr. TAYLOR of North Carolina, Mr. NEY, Mr. COBLE, and Mrs. CHENOWETH.

H.R. 464: Mr. HOLDEN and Mr. GRAHAM.

H.R. 465: Mr. MORAN of Virginia, Mr. GOODLING, and Mr. FILNER.

H.R. 476: Ms. JACKSON-LEE, Mr. DELAHUNT, and Mr. MCGOVERN.

H.R. 501: Mr. FROST and Ms. JACKSON-LEE.

H.R. 519: Mr. KILDEE, Mr. EHLERS, Mr. CRANE, Mr. CANADY of Florida, and Mr. UPTON.

H.R. 532: Mr. CLAY, Mr. ENGLISH of Pennsylvania, Mr. EDWARDS, Mr. TURNER, Mr. PAUL, Mr. HERGER, Mr. SANDLIN, and Mr. JEFFERSON.

H.R. 533: Mr. ABERCROMBIE, Mr. HORN, Mr. ACKERMAN, Mr. UNDERWOOD, Mr. FOLEY, Ms. NORTON, Mr. ENGLISH of Pennsylvania, Mr. CLEMENT, Mr. MALONEY of Connecticut, Mrs. LOWEY, Mr. SKAGGS, Mr. MCCOLLUM, and Mr. BACHUS.

H.R. 548: Mr. TRAFICANT, Mr. RAHALL, Mrs. MINK of Hawaii, Mr. DELLUMS, Ms. CHRISTIAN-GREEN, Mrs. CLAYTON, Mr. LAFALCE, Mr. COYNE, Mrs. MALONEY of New York, Ms. PELOSI, Mrs. LOWEY, Mr. MORAN of Virginia, Mr. FROST, Mr. BERMAN, and Mr. MCDERMOTT.

H.R. 586: Ms. SANCHEZ and Mr. SHAYS.

H.R. 594: Mr. GOODLATTE, Mr. BALLENGER, Mr. NEY, Mr. HOLDEN, Mr. MCDERMOTT, Mr. DELLUMS, and Ms. RIVERS.

H.R. 598: Mr. WATTS of Oklahoma, Mr. LAHOOD, Mrs. MEEK of Florida, and Mr. FRANK of Massachusetts.

H.R. 603: Mr. CHABOT, Mr. PARKER, and Mr. FRELINGHUYSEN.

H.R. 612: Mr. YATES, Mr. DICKS, Mr. GONZALEZ, Mr. ROMERO-BARCELO, Mr. CAMPBELL, Mr. THOMPSON, Mr. RUSH, Mr. FOGLIETTA, Mr. GRAHAM, Mr. DELLUMS, Mr. LEACH, Mr. SKELTON, Mr. OLVER, and Mr. KIND of Wisconsin.

H.R. 614: Mrs. MYRICK and Mr. SANFORD.

H.R. 622: Mr. SOLOMON, Mr. BONO, Mr. MANZULLO, Mr. NORWOOD, and Mrs. MYRICK.

H.R. 636: Mr. HERGER, Mrs. MYRICK, Mr. MCINTOSH, Mr. BUTON of Indiana, and Mr. SCARBOROUGH.

H.R. 671: Ms. KAPTUR, Mr. EVANS, and Ms. RIVERS.

H.R. 695: Mr. HASTINGS of Washington, Mr. COOK, and Mr. FOX of Pennsylvania.

H.R. 715: Mr. KENNEDY of Massachusetts, Mr. KLECZKA, Mr. RAMSTAD, Ms. RIVERS, Mr. ROTHMAN, and Ms. MOLINARI.

H.R. 716: Mr. SENSENBRENNER and Mr. RIGGS.

H.R. 722: Mr. SESSIONS, Mr. METCALF, Mr. GOODE, Mrs. MORELLA, Mr. PEASE, Mr. CLEMENT, Mr. WELDON of Florida, Mr. BACHUS, and Mr. HILL.

H.R. 738: Mr. DELLUMS.

H.R. 752: Mr. CALVERT.

H.R. 755: Mr. THOMPSON and Mr. WEYGAND.

H.R. 760: Mr. GREEN.

H.R. 766: Ms. NORTON, Mr. CONDIT, Mr. FROST.

H.R. 784: Mr. BORSKI, Mr. DELLUMS, and Mr. JEFFERSON.

H.R. 789: Mr. WATTS of Oklahoma, Mr. NETHERCUTT, and Mr. MCINTOSH.

H.R. 820: Mr. WAXMAN and Mr. CARDIN.

H.J. Res. 52: Mr. EVERETT, Mr. POMBO, and Ms. DUNN of Washington.

H. Con. Res. 14: Mr. SAXTON, Ms. NORTON, Mr. ROTHMAN, Mr. KIND of Wisconsin, Mr. FROST, Mr. ABERCROMBIE, Ms. LOFGREN, and Mr. WATTS of Oklahoma.

H. Res. 27: Ms. JACKSON-LEE.

H. Res. 37: Ms. MCKINNEY, Mr. MARTINEZ, Mr. GILCHREST, Mr. NETHERCUTT, and Mr. SKAGGS.

H. Res. 40: Mr. DELLUMS, Mr. ENGEL, Ms. RIVERS, Mr. BARCIA of Michigan, Ms. KILPATRICK, Mr. MARTINEZ, Ms. ESHOO, Mr. RUSH, Mr. FROST, Ms. MILLENDER-MCDONALD, Mr. OWENS, Ms. WATERS, Mrs. THURMAN, Mrs. CLAYTON, Ms. PELOSI, Mr. ACKERMAN, and Mr. PAYNE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1: Ms. JACKSON-LEE.

H.J. Res. 1: Mr. BROWN of Ohio.

SENATE—*Wednesday, February 26, 1997*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, we want to be so committed to You, so filled with Your spirit, so open and expectant of Your blessings and so willing to be surprised by Your goodness, that we will be spontaneous people. We long to be "all-signals-go!" leaders who can respond to life's opportunities and challenges with immediacy and intensity. It is so easy to be navigated by negativism into the eddies of stagnation. Instead, we step into the fast-moving currents of the river of Your spirit and are carried along by supernatural power. We accept the gift of enthusiasm and welcome life expectantly. We are open to Your serendipities and we are thankful for all You will do to help us. We greet the future as a friend. Help us to be a lift and not a load, a blessing and not a burden, to the people around us. We dedicate this day to spontaneous prayer, moment-by-moment relationship with You that will give us responsiveness to the many splendored thing we call life. In the name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able chairman of the Judiciary Committee is recognized.

Mr. HATCH. Thank you, Mr. President.

SCHEDULE

Mr. HATCH. Mr. President, on behalf of the majority leader, I announce that today the Senate will begin consideration of Senator FEINSTEIN's amendment to Senate Joint Resolution 1, the balanced budget amendment. Under a previous agreement, there will be 2 hours of debate on Senator FEINSTEIN's amendment with a vote occurring on or in relation to that amendment at 11 a.m.

Following the vote, Senator TORRICELLI will be recognized to offer an amendment relating to capital budgeting. Senator TORRICELLI's amendment is limited to 3 hours of debate, with a vote expected at the expiration or yielding back of any debate time.

Following disposition of Senator TORRICELLI's amendment, the Senate will continue with amendments to the balanced budget amendment. Therefore, all Senators should anticipate additional votes throughout today's session. I thank all of our colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HAGEL). Under the previous order, the leadership time is reserved.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. The Senate will now resume consideration of Senate Joint Resolution 1, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate resumed consideration of the joint resolution.

Pending:

HOLLINGS-SPECTER-BRYAN amendment No. 9, to add a provision proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

LEAHY (for KENNEDY) amendment No. 10, to provide that only Congress shall have authority to enforce the provisions of the balanced budget constitutional amendment, unless Congress passes legislation specifically granting enforcement authority to the President or State or Federal courts.

GRAHAM-ROBB amendment No. 7, to strike the limitation on debt held by the public.

The PRESIDING OFFICER. Under the previous order, the Senator from California, [Mrs. FEINSTEIN] is recognized to offer an amendment with the time between 9 a.m. and 11 a.m. to be equally divided in the usual form.

Mrs. FEINSTEIN. I thank the Chair. Good morning, Mr. President.

Mr. President, I ask unanimous consent that my legislative director, Susy Elfving, be permitted to be on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair.

AMENDMENT NO. 11

(Purpose: To propose a substitute)

Mrs. FEINSTEIN. Mr. President, I send an amendment in the nature of a substitute to the desk, and I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendment first.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] for herself, Mr. DURBIN, Mr. TORRICELLI, and Mr. CLELAND, proposes an amendment numbered 11.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless a majority of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.

"The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"The provisions of this article may be waived for any fiscal year in which the United States is experiencing a national economic emergency or major natural disaster, which is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal. Effective one year after the effective date of this article, the receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors and Disability Insurance Trust Funds (as and if modified to preserve the solvency of the Funds (as and if modified to preserve the solvency of the Funds) used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of complying with this article.

"SECTION 8. Nothing in this article shall preclude the authority to enact and implement a separate capital budget for those

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

major capital improvements which require multi-year Federal funding, and which would be excluded from the requirements of section 7 of this article.

"SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

Mrs. FEINSTEIN. Mr. President, the amendment I have just sent to the desk essentially differs from the Senate Joint Resolution 1, the majority balanced budget amendment, in just four ways. I would like to quickly summarize the distinctions and then go over each one of them and explain why I believe this amendment will stand the test of scrutiny. This substitute approach, in my view, represents how we need to address the balanced budget amendment.

Mr. President, we have just had quite a bit of debate on the Reid amendment. The arguments have been made as to why the Social Security trust funds, should be removed from the unified budget. This amendment would allow Social Security trust funds to continue to remain as part of the unified budget up to the point Congress achieves balance, which has been estimated at 2002. The administration and Congress have both indicated a commitment to balancing the budget by 2002. This amendment respects that goal.

The amendment would require that 1 year after enactment, whenever the amendment is ratified by three-quarters of the legislatures of the States, the amendment would go into effect and be binding. If the amendment becomes effective in 2002, the year in which bipartisan consensus exists for balancing the budget, the year in which Social Security would be excluded would be 2003. This provides an opportunity to transition away from our current reliance on the Social Security trust funds to offset deficit spending in other areas and reach balance under a balanced budget amendment.

As Senator HATCH will recall, last year when the amendment was on the floor, we held some negotiations to try to reach agreement. Many of us feel very strongly that Social Security should not be part of balancing the budget. We had some negotiations to review whether we might agree to a balanced budget, that excluded the Social Security trust funds, by the year 2008. The majority did not support the approach and the response to the offer was that it is too difficult to balance the budget if you withdraw Social Security trust funds from the unified budget. I have given that considerable thinking and believe that if we use it up to the point of balance, and then separate it out, that gives time to adjust to this withdrawal of Social Security. My amendment prohibits the use of the Social Security trust funds after Congress has reached balance and would prohibit the use of the trust funds thereafter.

My amendment's second point would retain restrictions on lifting the debt limit. However, it would require a majority vote, rather than a three-fifths vote, as the majority balanced budget amendment provides.

The third point of the amendment would permit Congress to respond to serious economic emergencies or major national disasters. Without that, a bailout for a California earthquake would have to be paid for within the confines of balanced outlays and expenditures. A savings and loan bailout would have to be offset by cuts elsewhere in the budget, balancing revenue and expenditures. This balance, if the Nation faced an economic emergency or major natural disaster, would be much more difficult to achieve in the outyears.

Fourth, this amendment would clarify that passage of the amendment would not prohibit Congress from developing a capital budget. It does not mandate a capital budget, but as has been made clear by Senator TORRICELLI and others, the majority amendment would essentially prevent the Federal Government of the United States of America from ever developing a capital budget. A capital budget has been a useful budget structure for many of the States, as you know from experience, Mr. President, and many of the cities, as I know. These cities and States have capital budgets separate and distinct from their operating budgets. They fund these capital budgets for physical assets, like buildings, bridges, and highways, in a multiyear funding mechanism. This structure could make sense for the Federal Government as well, and we should not close the door on this option. Unfortunately, the majority balanced budget amendment does precisely that.

So these are the four points of difference. I would like to elaborate on these concerns.

Let me just tell you why I feel so strongly about Social Security. To begin with, Social Security is already separate and discreet. Every worker, workers in your family and in my family, have 6.2 percent of their paycheck deducted every month for FICA taxes. This is matched by 6.2 percent from every employer in the country for a total of 12.4 percent FICA contribution. Workers are told that this money goes into a trust fund to be used for their retirement, invested by the Federal Government, so it will be there when they retire for their Social Security benefits. This I view as a solemn pledge. The workers are never told that the 12.4 percent FICA contribution is actually part of the unified budget. They are never told their payments, in fact, support the purchase of a battleship, or the payment of a lawyer's salary, or the payment of a clerk's salary, or the building of a highway or for any other activity of our Government's general operations.

Now, this is also wrong because of the looming retirement of the baby boom generation. Analysts concluded Congress needed to increase FICA taxes a while back to be able to provide for the retirement of our large baby boom generation. Well, the taxes were increased, but, again, the funds are part of the unified budget and they support a battleship, a lawyer, a clerk, recreation programs, and so on and so forth.

I think that is wrong. I also think the Congress recognized it was wrong when this House, virtually unanimously, enacted the Hollings resolution in 1990. As you know, the Hollings resolution said, henceforth, we will not include Social Security as part of the unified budget.

The majority amendment essentially enshrines in the Constitution, for all time, the use of Social Security trust funds as part of the unified budget. The funds will be used to pay for every soldier, every battleship, every highway, every clerk, and every park employee of the Federal Government.

I think this is wrong. I think it is wrong morally, I think it is wrong ethically, and I think if it were ever tested, it would be found to be wrong legally, as well. But we have been using the Social Security trust funds and we are in a budget hole as a result. It is really a catch-22 situation. The only way out is to amend this majority balanced budget amendment, and this is what I propose to do.

Now, let me give you some idea of the challenge Social Security faces. This chart represents the Social Security trust funds, between 1996 and 2002. According to the Social Security Administration data, we use approximately $570 billion of these surplus trust funds to balance the budget. Between 2002 and 2019 we use $1.8 trillion of Social Security trust funds part of the unified budget. My amendment represents a compromise, if you will. The amendment recognizes how difficult it is to balance the Federal budget without the Social Security trust funds. We will only use the $570 billion up to 2002, and after 2002, these funds will be separated out from the unified budget. These Social Security receipts will remain in a separate and discreet trust fund. They will not be used to pay for a battleship or a soldier or a clerk's salary or a lawyer's salary or anything else. That is $1.8 trillion that will essentially be saved to pay for retirements. This restriction makes the task of shoring up the long-term solvency of Social Security, which the majority balanced budget makes more difficult, a lot easier to achieve.

As a former mayor, I know that one of the things you do to really assess spending at any government level is look at outlays. Outlays are dollars the government actually spends. If you look at outlays, you will see in 1995, more than 50 percent of all of the money spent by the Federal Government was essentially spent for entitlements, like Medicare, Medicaid, Social Security, and welfare, and 14 percent was dedicated to pay interest on the debt. Interest, which buys nothing, has doubled since 1969. Therefore, if you do nothing by the year 2003, almost 75 percent of all of the outlays of the Federal Government are effectively Medicare, Medicaid, Social Security, welfare, and interest on the debt. The spending trends are what really motivates me, and I hope others, to accept a constitutional balanced budget amendment.

These spending priorities will run into each other and it becomes more difficult to balance the budget under any balanced budget amendment. One has to understand what we are going to protect. I think Social Security is critically important to protect for a number of reasons.

If we look at the funding patterns for Social Security, Social Security revenue, payroll taxes and interest that has built up a surplus, begins to drop around 2019. As soon as these funds begin to drop, Social Security outlays begin to exceed our Social Security revenue. Under the majority balanced budget amendment, total expenditures and the outlays meet. When outlays exceed our revenue, Congress either has to increase taxes, cut Social Security payments or cut other programs or in some way find revenues so that those outlays and expenditures match. This is the significance of the Congressional Research Service memo that has been discussed by several Senators. So as it goes straight down, every year you have to either make deeper cuts, in Social Security or somewhere else, or you have to increase taxes just to pay these Social Security checks.

Now, is this fair? Is this what we want to do? Is it fair in these outyears to place Social Security recipients so deeply at risk? I have come to the conclusion that it is not fair, that it is not the right thing to do. Therefore, my amendment would permit the use of the Social Security trust funds up to 2002 and remove it from the unified budget thereafter.

Critics suggest this amendment creates a big problem in the year 2003. However, this amendment would also provide the ability to develop a capital budget. Our Nation has significant capital needs, yet we are underinvesting in this important area. In 1965, the United States invested 6.3 percent of its budget in infrastructure spending. We built the Nation's highways, we built bridges, we built other major projects which benefit this Nation. This is not a nation whose population is going down. It is a nation whose population is increasing and a growing population has infrastructure needs. However, by 1992, our investment in capital infrastructure declined to 3 percent of the budget. When push comes to shove, Congress reduces capital spending, dropping those things that enable us to provide a decent quality of life for our citizens, such as the ability to get to a job without gridlock or the ability to travel over a bridge on a Federal highway that is not going to fall down. Our infrastructure has been decaying and it needs adequate funding.

More than one-third of the major highways of the United States, representing one-quarter of a million miles, are in poor or mediocre condition and need to be repaired. Approximately 25 percent of our 570,000 highway bridges are described as structurally deficient, or functionally obsolete. What does this say? We are becoming capital poor in infrastructure.

Those of us that have been Governors and mayors know that one of the prime responsibilities of government is infrastructure, something that is not very sexy for the public. Our responsibilities are the streets, keeping potholes off of streets, keeping bridges and roads in good repair and minimizing the risk of accidents for people. I contend we cannot do that under the restrictions of this balanced budget, unless, at some point in the future, Congress has the ability to enact a capital budget and to fund long-term capital improvements on a multiyear basis rather than in cash up front as is done now.

If you take 2 percent of GDP as your measure of investment, it would be about $160 billion right now. Congress could create a limit based on a percentage of GDP. I think we spend about $140 billion now. So if you wanted to ratchet it up, to permit a higher level of investment, you would simply set a limit at a higher percent of GDP.

The limit would operate similar to a kind of bond limit, as we use in States. The Government would have a certain bonding capacity and you would stay within the limit of that bonding capacity, which would reflect our economic strength, interest payments, and payback schedule and similar factors.

I think it makes tremendous sense. I think that without providing for a capital budget, we undermine our Nation's ability to do and carry out one of the most important responsibilities of a Federal Government, the providing of safe and adequate Federal infrastructure for the future of our people.

Now, let me speak about the economic emergency. The majority amendment does not provide for an economic emergency. In an economic emergency, it is important that the automatic stabilizers be able to function. It is important that we be able to respond to extreme and serious national emergencies, whether this be a major depression or, I might say, a savings and loan crisis, that develops in the future, or another crisis. Congress was forced to spend an additional $135 billion to clean up the fiscal mess of the savings and loan crisis in the 1980's and 1990's. These costs weren't anticipated and they weren't projected. Yet, we had to honor the United States' commitment to protect depositors.

If Senate Joint Resolution 1 were in place, Congress would have been forced to cut the budget by $66 billion in 1991, to meet its savings and loan bailout obligations in that year, by cutting education, cutting highways, cutting crime fighting and other priorities in order to pay off depositors. Now, is that really the situation we want to place ourselves in for, not just 10 or 15 years, but in perpetuity, forever and ever and ever?

If you asked me in the 1960's or 1970's, would I ever think that these savings and loans would default, the answer would have been no. But the fact of the matter is that they did. The fact of the matter is that the cost to the Federal Government was $135 billion, and in 1991 this Congress ponied up $66 billion. Now, that is $66 billion that would be pitted against the purchase of a new battleship or soldiers' salaries or their cost-of-living raise, or a clerk in the Agriculture Department, or a lawyer in the Justice Department. That is the inescapable truth of budgeting.

Therefore, the majority amendment prohibition on the development of a capital budget, even if this or a future Congress believes it would be necessary or prudent or wise to enact one, I think, is a major error. Consequently, my amendment would permit Congress to develop a capital budget in the future.

Now, let me briefly address extending the debt limit. A three-fifths vote in Government is something you do when you really want the minority to control the process. We are a representative democracy. We represent the people, and the bulk of votes in a representative democracy are a majority. The majority speaks. All of you down there, Mr. and Mrs. America, how many of you favor more police on your streets? The hands go up. A majority. How many favor more firefighters? Hands go up. A majority. We reflect those views when we come back to the Congress. We generally know what the majority believes. It is very hard to know what a minority really believes, and this gives inordinate power to a minority.

People often argue it is easy to receive a majority vote. That is wrong and let me try to show you how wrong it is. Since 1990, no budget resolution or conference report has received a three-fifths majority. Since 1990, no vote to raise the debt limit has received a three-fifths majority.

In 1985, the Gramm-Rudman-Hollings law was adopted in the Senate by a vote of 51 to 37.

The 1990 budget reconciliation bill was passed with a budget vote of 54 to 45.

The 1993 Omnibus Budget Reconciliation Act was passed with a vote of 51 to 50.

The 1995 budget reconciliation bill was adopted on a vote of 52 to 47.

The 1995 temporary debt limit increase was adopted on a vote of 49 to 47.

If that doesn't demonstrate that majority votes even are tough to get, I don't know what does.

Now, the issue here is, what happens if the debt limit isn't extended, and what happens if we permit 41 people to make that determination? Well, we just saw that. The Government shuts down. We default on our obligations. The full faith and credit is cast in doubt.

I think it is a huge mistake to put forward a balanced budget amendment that would permit a minority in Congress to hold the Government hostage, shut it down, bring it to the brink of default, risk the loss of our full faith and credit, and the respect that goes with it. This gives 41 Senators and 179 House Members the power to hold this Nation's credit hostage during budgetary disagreements. So I think it is a big, big mistake.

In closing, I am pleased to submit this amendment on behalf of Senators TORRICELLI, DURBIN, and CLELAND.

Essentially, this amendment keeps Social Security as part of the unified budget up to the point we reach balance. As I mentioned, approximately $570 billion will be taken from the trust funds and used to balance the budget by 2002. The amendment separates Social Security out at the point of balance and is able to retain $1.8 trillion of Social Security trust funds outside of the unified budget for the future. This means Social Security will remain financially viable much longer.

Social Security is critical for many recipients. Fourteen percent of people on Social Security today are totally dependent on it. Social Security prevents abut 57 percent of beneficiaries from falling into poverty. It is important to protect it. It is the one Government program, beyond all others, that guarantees that people in their golden years will have an opportunity for a decent quality of life.

Second, this amendment provides for a national economic emergency. I have spoken about the savings and loan bailout, an unpredictable event, which cost the Treasury $135 billion, a $66 billion appropriation in 1991, alone. Emergencies occur and will need congressional attention. The majority amendment will undermine our ability to address emergency needs.

Third, this amendment does not mandate a capital budget, but it would say that the Constitution does not prohibit the development of a capital budget if a majority of the Congress desires to develop and implement one.

Fourth, this amendment would change the restrictions on extending the debt limit from three-fifths to a majority vote. I am a member of the Judiciary Committee and attended the hearings and listened to the testimony. I sincerely believe, that my amendment is a balanced budget amendment that will stand the test of time and has an opportunity to be ratified by three-fourths of the State. The Senate should adopt this amendment.

I thank the Chair. I yield the floor for the moment.

Mr. ENZI. Mr. President, I have a question on some of the things the Senator has been talking about on capital budgeting.

Could the Senator give me a little better definition of what she is talking about with capital budgeting? Is the Senator talking about all capital projects being off budget? Are we talking about that? What kind of limitations do we have on what can be a capital budget item?

Mrs. FEINSTEIN. I am happy to answer that question. I want to read my amendment's specific language. The language does not talk about any specific capital budget plan. All the language says is "Nothing in this article shall preclude the authority to enact and implement a separate capital budget for those major capital improvements which require multi-year funding and which would be excluded from the requirements of section 7." That is the requirement that outlays and expenditures balance.

I will tell the Senator what I would develop a capital budget. I would set a basic amount of capital. Whether that amount would be anything above $5 million, $10 million, $15 million, or $20 million would be up to the Congress. But you set the basic amount for major capital purchases, for bridges, office buildings, or a battleship, whatever you want that to be. Also, because you float debt to be able to fund these items, you would also set a debt limit. That would most likely be a percentage of our Gross Domestic Product. For example, 2 percent of GDP would provide about $160 billion, 3 percent would be more, and so on.

As I mentioned, we have dramatically dropped our infrastructure spending. It was 6 percent of the budget in the 1960's. It is now down to 3 percent of the budget.

Mr. ENZI. So the amendment really says that there won't be any restriction on doing capital budgeting, which is exactly where we are at the moment.

Mrs. FEINSTEIN. No. I respectfully direct the Senator to the amendment. It simply says, "Enact and implement a separate capital budget."

With every constitutional amendment, as the Senator well knows, the Congress would enact enabling legislation. The Congress would sit down and develop a capital budget if one was desired. My amendment does not mandate one, but if they felt that a capital budget was worthy and desirable and needed by this Nation, they would sit down and discuss the legal parameters and develop the legislation.

All this does is permit it. That is all.

Mr. ENZI. I did read it. It says, "Nothing in this article shall preclude authority." It doesn't give authority to do it. It just eliminates the preclusion of doing it. It does not define what major capital improvements are. All of the things that the Senator from California has in section 8 could be done in enabling legislation under a balanced budget constitutional amendment.

Mrs. FEINSTEIN. No, I disagree. Under the majority amendment it could not be done because, in the majority balanced budget amendment expenditures must equal outlays in every year. Therefore, you could not provide multi-year financing of major capital projects by floating debt. You have to meet the expenditures. Every opinion we have had says that the development of a capital budget would be prohibited.

Mr. ENZI. Does this mean under this that if education is more than a $5 billion expenditure, that education would be a capital expenditure?

Mrs. FEINSTEIN. No. As I understand it, for example, title I would not be a capital expenditure. The money that is given to poor children, which is I think the largest expenditure, would not be a capital expenditure. Capital expenditure would be reserved for infrastructure.

Mr. ENZI. In the President's budget I notice that he listed social investment as a capital expenditure. That is why I was asking the question about education. I am concerned that the capital budget procedure is just an attempt to be able to move everything outside of the normal budgeting procedure so, in fact, we do not have to balance the budget. That is why I want more definition on what is meant by "capital budget."

Mrs. FEINSTEIN. Mr. President, I appreciate that very much. Perhaps one way of answering this would be to place in the RECORD a letter sent to Senator DASCHLE by the Secretary of the Treasury on February 3. Let me simply read one sentence. Referring to the majority amendment, the Secretary writes:

> The amendment as drafted does not distinguish between capital investment and current spending. Outlays are defined as "all outlays in the United States except for those for repayment of debt principal." Even if Congress were to create a separate capital budget by statute, outlays from that budget would still be "outlays of the United States." Under the majority amendment, a capital budget would be prohibited.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, February 3, 1997.
Hon. THOMAS A. DASCHLE,
U.S. Senate,
Washington, DC.

DEAR MR. LEADER: You asked for our views on whether the Balanced Budget Amendment (the Amendment), as currently proposed, would allow Congress to establish a separate capital budget unconstrained by the Amendment. We discussed this with counsel and, in our view, the present language of the Balanced Budget Amendment would not allow for statutorily exempting capital expenditures from the Amendment's requirement that "total outlays for the year shall not exceed total receipts for that fiscal year." Your inquiry illustrates the inflexibility of the Amendment.

The Amendment as drafted does not distinguish between capital investment and current spending. Outlays are defined as "all outlays of the United States except for those for repayment of debt principal." Even if Congress were to create a separate capital budget by statute, outlays from that budget would still be "outlays of the United States." Indeed, a provision in such a statute that capital expenditures were not "outlays of the United States" for purposes of the Balanced Budget Amendment would be unconstitutional because, under fundamental principles of statutory construction, it would be at odds with the express language and intent of the Amendment.

Proponents of the Balanced Budget Amendment cite the state experience with balanced budget requirements as precedent for a federal Constitution amendment. In relation to your specific question regarding capital budgets, most state requirements are not analogous because spending for capital investments does not have to be offset. States with balanced budget provisions generally have separate operating and capital budgets. Many states require only the operating budget to balance—a situation prohibited by the Amendment. Although the remaining states with balanced budget provisions also require the capital budget to balance, they include bond financing for capital expenditures as a receipt. In other words, in these states, capital funds may use borrowed funds to balance—a solution expressly barred by the definition of receipts in the present Balanced Budget Amendment.

Proponents of a capital budget argue that the absence of a capital budget has reduced investments in infrastructure and other capital improvements that would add to future growth. I do not believe we should move to a capital budget, but under different circumstances in the future, others might want to do so. The Balanced Budget Amendment before you now would prevent us from moving to a separate capital budget, even if we wanted to.

I hope this answers your question. We would be happy to respond to any further inquiries you may have.

Sincerely,

ROBERT E. RUBIN.

Mr. ENZI. Mr. President, does the amendment of the Senator from California create kind of a loophole, though, by not defining what "capital expenditure" is even in the slightest way?

Mrs. FEINSTEIN. It does permit a separate capital budget for major capital improvements. I believe it would be foolish to put strictures in the Constitution of the United States. It seems to me that the Constitution of the United States should provide general concepts, and the specifics of those concepts should be worked out by the Congress of the United States.

Mr. ENZI. So the Senator is suggesting, then, that there would have to be a much greater detail on the enabling legislation?

Mrs. FEINSTEIN. Absolutely, as there is with every amendment to the Constitution. Implementing legislation carries with it court tests and standards regarding how the legislation is to be carried out.

The PRESIDING OFFICER (Mr. SANTORUM). Who yields time?

Mrs. FEINSTEIN. Mr. President, may I ask the distinguished Senator from Illinois how much time he would require? Ten minutes?

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from California has 31 minutes.

Mrs. FEINSTEIN. I am happy to have the Senator use as much time as he wishes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from California for yielding time.

I rise in support of the Feinstein substitute. I think that we ought to reflect for a moment what we are about. This is not the passage of a congratulatory resolution, nor is it enactment of a law which can be reconsidered at a later date. We are talking about amending the Constitution of the United States. In the last 205 years of our history we have done that 17 times. We should pause and reflect, and I think reflect on what the Senator from California has noted as the obvious flaws and weaknesses in the balanced budget amendment that is being brought to us today.

Last night, many Members of the Senate were given the opportunity to visit the National Archives. I have to tell you quite honestly that in all the years I have lived in Washington I have not done that. I did last night, and saw the original of our Constitution. Just stopping for a moment, pausing, and looking at this great document in its original form humbles anyone who would call himself a modern day legislator. If we are to change the words of that great document, let us take care to do it rationally, calmly, and in a way that can be defended for decades to come.

I am concerned that this whole debate over the balanced budget amendment has taken on a different style, a different life of its own, a different velocity than most political issues.

We have over the last 10 or 15 years in Washington come to believe that this balanced budget amendment is the answer to America's prayers. Those who support it would suggest if we could just pass the balanced budget amendment, then things will be better—our debt lessened; interest rates will come down; the economy will forge forward helping everyone: businesses, working families alike.

I do not doubt that some of those suggestions are true, but I think we should pause for a moment and really reflect on whether or not we are exaggerating the impact of this amendment, whether we are overstating the case. We in America have done that many times in our history. We have found what we considered to be those silver bullets, those big fixes that this Congress, many of its supporters, came forward with and said this is what we will do to change America and its future.

For a moment, as we reflect about the historical impact of this debate, let us consider some of the big fixes in American history. Consider, for example, the battle for free silver. The free silver movement in the late 19th century called for unlimited free coinage of silver at a time when unstable economic factors were causing devastating economic depressions. Proponents of free silver, including the People's or Populist Party, agrarian interests, and silver miners, thought that free coinage of silver would increase the money supply, drive up the prices of agricultural products and help struggling farmers and working families.

In the famous speech of William Jennings Bryan, of Illinois, "Thou shalt not crucify mankind on a cross of gold" was his basic plea for free silver. He believed, as did many in his time, if we just had free silver, that would be what America's economy needed to prosper.

We hear echoes of William Jennings Bryan in the Chamber in this debate: if we just have a balanced budget amendment, then our Nation's problems will be solved. But some of us reflect on the fact that without a balanced budget constitutional amendment we are making real progress. We are, in fact, moving toward a balanced budget. We have seen more deficit reduction in the last 4 years than any time in this century. Our economy is moving forward, creating millions of jobs and opportunities for family farmers, for small businesses, for working families. And so as to the big fix of the balanced budget amendment, one has to question whether or not it is truly necessary to put this in our Constitution.

Of course, after the free silver movement came another solution, the gold standard. This was an idea that had been kicking around for a long time. Unfortunately, it was too simplistic. Changes in the supply of gold were tied to mining discoveries rather than economic progress and caused shifts in commodity prices unrelated to the economy. The Gold Standard Act of 1900 reaffirmed the gold standard of the time, but by limiting the amount of base money in the economy the gold standard failed to allow the contraction and expansion of America's money supply. As the efforts to maintain the gold standard helped deepen the Depression, our Nation was forced to shift away from that gold standard. By 1971, dollars could no longer be exchanged for gold at an official rate. In 1976, the statutory link between the dollar and gold was officially severed.

I can tell you, after 14 years of service in the House, there were many of my colleagues during that period of time who still believed passionately in the gold standard. They felt that if we returned to a gold standard, America's economy would spring forward—echoes again of debate we hear on the balanced budget amendment: if we can just pass this amendment, this will certainly solve America's economic problems.

We went through an era of protective tariffs in America's history, too. This was another big fix. There were people who pushed for these tariffs, saying they would generate revenue for the Federal Government at the same time as protecting American manufacture and American agricultural production. The worst of these, the Smoot-Hawley tariff of 1930, which occurred right after the Depression started, is credited, if you can use the term, with driving the American economy even deeper into a depression.

In the early part of our Nation's history, the second half of the 19th century, the national banking issue was always on the forefront. It was one that was debated long and hard in this Chamber and by many others in terms of whether or not it would be the answer to America's problems. It was unable to fully address the problems of our Nation. Cooler heads prevailed. The idea of a national bank was amended.

The point of these stories is to show you that in a quick survey of our Nation's history the silver bullets do not always hit their intended targets. Big fixes, like this balanced budget amendment, do not always have the intended effects.

There is a critical difference between the suggestions of those in the past and what we are dealing with today. These were legislative proposals. If there was a mistake made on free silver or a national bank or the gold standard or a protective tariff, the next Congress could address it, change the law. But in this case, we are enshrining in our Constitution words that we believe will be the big fix. But what if we are wrong?

And the Senator from California raises questions about the inherent wisdom of the balanced budget amendment before us: Do we really want to put in our Constitution for all times language that threatens the future of the Social Security trust fund?

I think it has been clearly demonstrated with reports from the Congressional Research Service, with the statement of the Senator from California this morning, that we put our Social Security trust fund at risk with the balanced budget amendment that is before us.

We also know that this balanced budget amendment does not give Congress or the Federal Government the flexibility to respond to a national economic emergency or a natural disaster.

Over 1,000 economists have come forward in a rare show of unanimity and said this balanced budget amendment is bad economic policy for America. And yet when I offered an amendment to give more flexibility to respond to an emergency, it was rejected. I hope the Senator from California has better luck today. But her substitute will take care of that problem.

There is also a concern about gridlock. What the Senator from California is proposing is that an extension of the debt limit be approved by a majority vote and not three-fifths. Those of us who have even a short memory can recall that within the last 24 months we had the two longest shutdowns in Federal Government history because of the failure of Congress to rally a majority to extend the debt limit. This constitutional amendment will up the ante, will increase the responsibility, raise the bar—a three-fifths vote. I think the Senator from California is right in saying that when it comes to extending the debt limit, it should be done by majority vote.

I also applaud her comments on a capital budget. I would ask my colleagues to reflect on the fact that every business and virtually every State government has a capital and operating budget. At my town meetings people would come in and say: "Congressman, you just don't get it. I balance my checkbook every month. Why can't you balance the books out in Washington?" A good point.

But I always ask them a question: "Do you have a mortgage on your home?"

"Oh, sure."

"Do you pay it off at the end of every month?"

"Oh, no. It's a 25- or 30-year mortgage."

"What's the difference?"

"Well, this is a home that we are going to have for a long time. This is an investment, Congressman. This isn't the annual operating costs of our family. This is the annual investment of our family."

Families understand that. Americans understand that. The question is whether Members of the Senate understand it because this balanced budget amendment makes no distinction between capital investments for the future of our Nation and the operating expenses.

And if we should decide, as part of the telecommunications revolution or for some other reason, to make a massive American investment in our future, in economic progress, this balanced budget amendment will tie our hands. It treats the interstate highway system the same way it treats the purchase of paper clips. That is wrong.

The Senator from California addresses that and gives to Congress, even with the balanced budget amendment, the authority to establish a capital budget.

Congress can and should balance the budget. I do not believe we need a constitutional amendment to do it. But if we are going to pass a balanced budget amendment, we must do it right. That is why I support the Feinstein substitute.

I cannot support a balanced budget amendment that jeopardizes Social Security, prohibits prudent capital planning, risks even deeper recessions and unemployment, and invites gridlock and danger of default on Capitol Hill. The Feinstein substitute protects Social Security; it allows a capital budget; it allows a way to provide for economic recessions and avoid the threat of gridlock and default.

The choice is clear. The Feinstein substitute is clearly the better choice, and I urge my colleagues to support it.

Let me say in closing, those who are resisting any amendment to this underlying resolution, to the balanced budget amendment, I think are unfortunately taking the wrong approach. There are possibilities that those who support this amendment are just wrong. And if they are wrong, there is a lot at stake.

Would it not be better if we could come together with a bipartisan consensus to address the serious flaws in this bill? Would it not be better if there were a little humility on the floor of the Senate and the House, and an understanding that perhaps these words, although politically right, may not be right for America's future? Would it not be better if the Members of the House and Senate could take a little walk down through the National Archives, take a look at that Constitution, and realize the gravity of the decision we are about to make?

The PRESIDING OFFICER (Mr. BURNS). The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate all the words that have been said here this morning, particularly those that call for us to do a bipartisan consensus.

I am a big believer in the U.S. Constitution. I carry my own copy of the U.S. Constitution. In article V it tells us how to amend this Constitution, and it says that it is going to have to be a bipartisan effort if it is going to take two-thirds when the majority party has 55. This is going to be a bipartisan effort, but it has to be an effort that winds up with a constitutional amendment that will do what the American public is demanding. They are demanding that we come up with a balanced budget.

I get to stand next to these unbalanced budgets, the last 28 years of work in this body, and I know that, individually, the people in this body have said we have to balance the budget. And I am willing to do it. It is collectively that we have had a little trouble getting it done. It is in that bipartisan manner that we have had trouble getting it done. It is in that situation when we are having to tell the people back home "no" for any particular issue. Somebody told me it takes political will to balance a budget. I really contend it takes political "won't" to balance a budget.

We are talking today about an amendment that will deal with capital budgeting. As the only accountant in the Senate, I am fascinated by some of the definitions of capital budgeting that I am hearing here and reading about in the paper, that the President has said. It looks to me like the Federal idea of capital budgeting is not only a risky gimmick, it is also a loophole so big that you could drive an interstate through it, or an aircraft carrier, or planes and buses, or buildings. Anything can be driven through the loophole that will be created by this nice term "capital budgeting."

I, too, have run into the people at home who say, "Wait a minute, I have a mortgage on my house. How is that different from the United States?" And I say, "Are you paying off the mortgage, or are you just paying the interest? And can you buy two or three or five houses and only pay the interest?" That is what we are trying to do with capital budgeting with the Federal Government. We are saying we don't have to pay the principal back; interest is the only thing that is important.

You and I know if you borrow enough, pretty quick the interest equals all of your revenue. We are a little ways away from that yet in the United States, but it is a distinct possibility. We are talking about a possibility of telling our kids or our grandkids, "You have to pay 84 percent of your wages in taxes and you will get nothing for it because you are going to be paying the interest on the houses that we bought and used up."

At that point, we are going to have a revolution in this country. It is not going to be the same kind of gentle change we are used to. It is not going to be subject to the same slow processes. We are going to have a generation that is going to say, "I am paying Social Security to people I don't even know, and I am never going to get any." And they are going to take Social Security away. If we do not begin balancing budgets, there will not be Social Security.

I don't think there is a single person in this entire body who does not want to protect Social Security. But how long are we going to wait before we protect Social Security?

We keep talking about capital budgeting. I have said any kind of budgeting would be really great. What we are really talking about is cash-flow budgeting, I think, rather than capital budgeting, unless we are talking about that tremendous loophole, the one that says we can designate anything we want as capital and we can shift it off budget—I hate those words; it is not a good accounting term—but we no longer have to be responsible for anything that we can call capital budgeting, which is a very good accounting term.

The President's commission on setting up a capital budget will not be nearly as restrictive as was the question that I asked earlier. That commission will report on including physical capital and intangible or human capital. That is the social capital I was talking about, the social investment I was talking about before. This loophole would virtually allow anything to be deemed as a capital investment.

I would like to go into a little bit of what happens in some of the other entities that we do allow the right to do capital budgeting, and really what we are talking about is loans for capital. The Federal Government has such an extensive budget that we have not been forced to do any capital budgeting, nor in the foreseeable future would we have to do capital budgeting. We should do cash-flow budgeting so we can build all these capital items we are talking about in a logical progression and within budget, and pay back some of the debt that we already owe so there is less interest, so we have more money to spend.

Probably one of the toughest levels of capital budgeting or loans that we allow to be made is at the local level. I used to be the mayor of a boom town out West that more than doubled in size. We had to have sewer treatment. Yes, there was a Federal program for sewer treatment, but our community had already applied for one of those grants and gotten one and built a sewer treatment plant. Then we had all of these people move in and we exceeded the capacity and were fined for exceeding the capacity of this lifetime plant. So we had to build another sewer treatment plant, and we were last on the list for getting another grant in that area.

We had to build streets. You cannot have houses without streets that let you get to the houses. We had to increase our garbage collection. We also had our own electrical service. The first day I was in office, I got a call from one of the electrical suppliers who wanted to know what I was going to do when my substation blew up. I had to ask him what a substation was. That is a great big transformer for a town. He told me it was operating at 1.2 capacity, and any warm day it would just be eliminated and my town would be out electricity for maybe 2 weeks while we got a portable substation. I pictured myself for quite awhile being tarred and feathered and ridden out of town, as people's deep freezes thawed or they couldn't read at night or iron or any of the things that we really rely on electricity for but never think about it.

And water, that was really the biggest problem. That has to be one of the most basic things any of us is involved in, is water. We did not have enough water before the boom. We went on water rationing in May and we got off in October, and our water was color-coded. The cold water came out kind of red because there was iron in the water and it took on that color when it mixed with oxygen, and the hot water came out black because we have a lot of coal in the area I am from and the coal would settle out in the hot water tank and then come out when we used hot water. You have to have water. You can do, maybe, without electricity. You cannot do without water.

It was not an option to do without either of them, so we had to issue bonds. We had to borrow on a long-term basis. Our water project alone was 43 miles and $23 million away. Out here, that is not a microdot in the budget. It does not mean anything out here. But that was $3,000 in debt for every man, woman, and child living in that town at the time.

They don't just let municipalities print their own money. There is a process that you have to go through that has a lot of review, because you have to prove to the people who might buy the bonds that those bonds will be paid off.

I want to make a distinction again on that "paid off," something we don't even consider around here. In all of the discussion that I have heard on the balanced budget constitutional amendment, in all of the discussion that I have heard on balancing the budget, I have not heard anybody say, "Where's the number here that pays down the national debt?"

That is what we do with bonding. That is what we do with States when they bond. We have an elaborate process to do everything we can to make sure that those bonds will be valid, which means they will be paid off in a reasonable amount of time.

So what did I have to go through to get that $23 million? One of the things I had to do was go before Standard & Poor's and Moody's in New York and explain how a town of 8,000 people was going to pay off $24 million in debt. I know that is real small stuff compared to cities in California, but for a guy from rural Wyoming, that was a lot of money.

It also happened to be at the very same time that New York City was going broke, and Standard & Poor's was having daily meetings with the city to see how they were going to pay off the debt that they already had. I didn't mention forgiving the debt. I know there was some talk about that. But what Standard & Poor's and Moody's was interested in was how it was going to be paid off. They didn't care whether it was Federal grants or how.

So they had a lot of extra special questions for us on how to do that, and as a result of the discussions, there were also criteria that were placed on the bond issues. This is normal stuff that happens with bond issues. There are covenants. That means that you have to dedicate sources of revenue. I have not heard us talk about any really special dedication of revenues to paying off any of this capital budgeting. I will tell you, they come in and they take that revenue before you get to do anything else with it if you default on the bonds. If you even miss a payment, they come in and demand the money, much the same as if you own a home.

Then they also put a restriction on, they call it coverage, and coverage is an additional amount beyond the normal payment that goes into a special fund to make sure that you will not default on the bonds. In the case of our bonds, it was 1.25 percent. That means we had to pay into another fund 25 percent more than our payment to assure that we would make future payments. Again, that is something we don't talk about with capital budgeting for the United States. We just talk about spending the money and how we can build loopholes to do more spending outside of the normal budgeting process.

We also had a requirement of a front-end sinking fund. That means before we could even start the project, we had to put money in a fund to show that we could make the first part of the payments.

And then, and here is a real divergence from what we do back here, we had to have a vote of the people to go into debt—a vote of the people. What would happen with our budgets, these 28 years of no balanced budgets? Would the people let us do that if they had to vote on what we were spending? I know from the State-level discussions on this that that would be an incredible burden and extreme expense, and we can't go to that extent. No, we can't go to that extent, and we were elected to make those kinds of decisions. But we were elected to make them within certain constraints. The people back home tell me that they expect that constraint to be paying things off. They expect us not only to balance the budget, but to get to a situation, to plan for a situation where we pay down the national debt. That is good budgeting; that is good accounting.

There was a happy side to this story. We did do capital budgeting. We did cash flow budgeting. We built the things that I talked about, and I want to tell you that today, not because of my efforts, but because of the people who followed me, who followed the cash flow budgeting, that those projects are not only in place, but they are paid for. Gillette, WY, is one of the few places in the United States that is debt free. That is how you run a city. That is how you should run a State, and most States do. Most States are required to, because they have a balanced budget constitutional amendment that forces them to live within their means. And that is how the United States ought to work.

Capital budgeting could be a great idea, but not if the purpose of capital budgeting is to build loopholes so that we can spend whatever we want to by merely designating it as capital budget.

We also ought to have performance budgets. There are a whole bunch of things that the private sector is doing that would be very adaptable to the Federal Government, and some States have already done them and some States have found them to be very successful.

How do you balance a budget? You do it by strategic planning. You have every single person in the Government, down to the very smallest agency, talk about what their mission is, who their customer is, what they are trying to achieve, and how they will get it done. You get them to focus on the real problem of what they are trying to achieve and how they can most efficiently do it. Focus saves money.

In Wyoming, we talked a long time about strategic planning for the State. We have a thing we call management audits. I am not familiar enough to know if we do that here, but we had a special committee that looked at State agencies. And the purpose of that look was to see if State agencies were doing what the State legislature and the Governor said they were supposed to be doing, if they were following the statutes. I am pleased to say, in most instances, they were doing exactly what we had told them. However, it was in pretty broad terms.

It wasn't good enough to be a mission statement. It wasn't good enough to give them the finite direction they needed to have the best performance possible. So we instituted strategic planning. We forced all of the agencies to come up with a strategic plan, and most of them did. The ones that were most reluctant today are the biggest supporters of strategic planning. Once they tried it, they couldn't believe how it worked.

The way that it works is the agencies for the budget process, actually the individuals in the agencies actually wind up saying, "These are the things that we shouldn't be doing in our agency." I can tell you that the general public said, "Wow, I didn't even know they were doing that stuff."

If we had decisions to make here that were based on the employees of the Federal Government saying these are things we shouldn't be doing and the American public telling us, "Why were you doing those things," we would cut them and nobody would complain.

That is not how it works, though, in Government. If you allow it to happen, what gets cut in Government are the things that are the most visible. Call it the "athletic team syndrome." If you want to really make an impact, you threaten to cut the athletic team in a small school, and that will get a furor bigger than anything you ever imagined, and it will be reinstituted. Not only will it be reinstituted, but I have this principle of government that if it is worth reacting to, it is worth overreacting to. So you not only reinstitute into the budget what happened, you put a little bit more money into that.

We had that example in Yellowstone Park where they were $80,000 short on a $19 million budget, and they asked for extra money and threatened to close down our park early. Now, that is a major economic, as well as recreation, benefit to the entire United States, and particularly to those of us in Montana and Wyoming.

If we had a manager who was short a few dollars who said they needed more money or had to close down early, we would probably fire the manager. We need strategic planning so that we can make the decisions and be sure that the things that should not be done are not being done.

We talk about capital budgeting. We have to be sure that capital budgeting is not just building another loophole into the system, that it is good accounting. We need to have good accounting. We need to have good accounting to protect Social Security.

Social Security right now is being called a trust fund. But it is not the fund with money stuck out there being invested on behalf of the person who paid it in so that when they retire there will be a guarantee of that money being there. It is money that is flowing through the system. It is money that is being paid out as it comes in with some small amounts being left over. Now, $80 billion this year sounds like a lot of money to me. And it is a lot of money. But it is a tittle in the budget for what needs to be put in if we are going to have an actuarially sound Social Security System.

Not only should we be capital budgeting, not only should we be paying off the national debt, we should be making our trust funds into true trust funds. That is good Government. That is what I am interested in. If we are going to save Social Security, we are going to have to do adequate budgeting to build it up to some point in time where it is actuarially sound.

Mr. President, the Feinstein amendment creates a loophole to the balanced budget constitutional amendment. As I mentioned when I started this speech, you can drive an interstate through it. The Feinstein amendment actually harms the balanced budget amendment because it ultimately will increase debt. It is a license to increase debt.

Congress has been borrowing dollars to no end in order to deficit spend. And that is the problem. The Feinstein amendment does not tell us how we will pay back the bonds for capital spending. It puts no limitation on the bonds for Federal spending. It has no oversight for the bonds for capital spending. It is more and more debt. I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. May I ask, how much of my time is remaining?

The PRESIDING OFFICER. You have 18 minutes remaining.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, let me try and sum up what I have presented here, and then speak specifically in answer to some of the concerns of the opposition.

Essentially, the amendment that I have on the floor differs from the majority amendment in four ways.

The first and most important way this amendment differs is that it continues to use Social Security trust funds as part of the unified budget up to the point where we reach balance. According to Social Security Administration data, that represents about $570 billion, cumulatively, of Social Security trust funds that would be used to offset other spending by 2002. For 1996, we used about $77 billion of the surplus.

Once Congress balances the budget, we would remove Social Security trust funds from the unified budget. That would essentially save for Social Security recipients a cumulative total of about $1.8 trillion and, therefore, maintain the integrity of the Social Security system.

Additionally, unlike the majority amendment, it would not enshrine in the Constitution that Social Security is part of the unified budget forever, which, reneges on a major commitment to senior citizens in our country.

As I pointed out earlier, Social Security is not funded from the income tax. Its revenue is not supposed to go into general operations of the Government. Social Security is funded from a specific FICA payroll tax. A worker pays 6.2 percent, matched by the employer who pays 6.2 percent. The 12.4 percent is supposed to go into a separate trust fund held for the retirement of workers. Social Security taxes have one purpose and one purpose only. That purpose is to provide a safety net for our Nation's seniors with supplemental income when they retire.

Social Security deserves its unique treatment. Social Security is our largest single Federal program. It has more than 43 million beneficiaries, with 1996 spending of $350 billion. Additionally, Social Security plays a critical role in reducing poverty among seniors. Without Social Security, the poverty rate of the elderly would be 53 percent rather than the current 14 percent. For 38 percent of all retirees, Social Security is the difference between poverty and no poverty. If those statistics do not speak eloquently for the need to keep Social Security intact, I do not know what does.

So this amendment, with regard to the point of Social Security, is a compromise. We meet the majority's concern that if we take Social Security trust funds out of the unified budget right now, it is too difficult to balance the budget. My amendment would continue to use the trust funds up to the point of balance and then separate them out after that. The practice of using Social Security trust funds to offset other spending is not enshrined in the Constitution forever and ever as a way of doing business.

Second, we provide in this amendment for a serious economic emergency and for major natural disasters. I can tell this body that the probability of a major earthquake in Southern California, according to seismic experts, has gone up. If that should happen—I should say when that happens—the State's disaster needs are going to be tremendous. Passing the majority's balanced budget amendment tells California that the Federal Government will have no way of meeting these disaster needs. This is a critical difference.

Let me speak about other economic emergencies. Earlier, I mentioned the savings and loan bailout. I was not here for the savings and loan bailout. I do not know how many Members of this body or the other body actually predicted it, but I never would have thought it would have happened. The total costs were $135 billion of taxpayer's moneys to maintain the full faith and credit of the Federal Government's guarantee to depositors. In 1 year alone, 1991, the cost to the Treasury was $66 billion.

I would really be concerned about providing for an economic emergency. Last month, the Congressional Budget Office issued a report, citing the sensitivity of the budget deficit to the economy. They indicated this:

> If economic growth was one-half percent lower, it would increase the deficit by $50 billion in FY 2002. And these effects would continue to grow over time.

So you see, this kind of even economic change impacts the deficit tremendously.

If the economy fell into recession and growth were five-tenths of a percent below its forecast, a budget thought to be in balance, would develop a $50 billion deficit or higher. Under Senate Joint Resolution 1, the budget deficit would need to be eliminated in that fiscal year.

As you can see, even a drop of five-tenths of a percent in the economy would create an additional $50 billion shortfall in the estimates of that fiscal year which Congress would have to eliminate. To close a $50 billion budget deficit, Congress would have to eliminate the equivalent of nearly the entire defense procurement budget in that year.

Let me give you another example as to why providing for economic emergencies would be necessary.

Economists estimate that a ticket shock triggered by higher oil prices similar to those of 1973 and 1974 and 1979 and 1980 could trigger a 1- to 2-percent drop in our economy. That would necessitate budget cuts of $100 to $150 billion that year. It would be devastating to an economy. I do not know if anyone here remembers what it was like when those prices of oil rose. Economists state it was the major reason for the economic downturn. No one can guarantee that such a situation would not happen in the future.

So the majority's balanced budget amendment does not address economic risks that face the Nation. I think that is a major weakness in the amendment. Our amendment would suspend the amendment in the event of a serious economic emergency or major natural disaster. This would have to be enacted by a constitutional majority of both bodies.

We also permit a capital budget. My thinking is that when Social Security is withdrawn from the unified budget, we will need to be able to review our budget structure and proceed in a way that does not have a dramatic impact. One way is through the enactment of a capital budget.

Now, the Constitution is not a document that should carry enabling legislation. The Constitution should be worded in general words subject to interpretation and also subject to enabling action by the Congress.

Our amendment reads: "Nothing in this article shall preclude," which means prevent, "the authority to enact and implement"—that would have to be done by congressional enactment and implementation—"a separate capital budget."

The amendment defines a capital budget: "Those major capital improvements." Congress would have to determine what is a major capital improvement, which would require multiyear Federal funding. Those would be excluded from the provisions of this constitutional amendment that requires the strict expenditures must meet outlays.

This means that for, say, Federal office buildings that would maybe run $40, $50, $80, $100 million or more, or a major transportation system which could run $200 or $300 million, a multiyear financing program could be established. The interest on those programs would be paid out of operating capital, and the amount of interest would probably be limited every year.

The amount of debt would be strictly limited. Perhaps the Congress would limit debt by using a percent of gross domestic product, of GDP. As I said, 2 percent would be about $160 billion. If you had 3 percent, it would be more, and still more at 4 or 5 percent. An effective limit would probably be somewhere between the 2 percent and, say, 6 percent, 7 percent, or 8 percent of GDP.

Now, is this necessary to do? Even without a balanced budget amendment, spending for infrastructure since the 1960's has dramatically dropped. It was 6 percent in the 1960's. It is 3 percent today, 3 percent of the budget.

We have 250,000 miles of Federal highways that are in disrepair. We have more than 100,000 bridges in disrepair, unable to be repaired in the present day situation. I think at some point the Congress may wish to look at a capital budget. All this amendment does is enable that review to take place.

We mentioned what it means to be controlled by a minority. The fourth area where this amendment differs from the majority is with respect to the debt limit. I have tried to show this body how difficult it is to even raise a majority vote.

Since 1990, no budget resolution or conference report has received a three-fifths vote of this body.

Since 1990, no vote to raise the debt limit has received a three-fifths majority.

The 1985 Gramm-Rudman-Hollings bill, was passed by 51 to 37.

The 1990 budget reconciliation bill was passed by 54 to 45.

The 1993 Omnibus Budget Reconciliation Act was passed by a vote of 51 to 50, just one vote.

The 1995 budget reconciliation was passed by 52 to 47.

The 1995 temporary debt limit increase was passed by 49 to 47. Consequently, last year, we reached our apex of minority rule when the Government was shut down not once, but twice while trying unsuccessfully to prove a point.

Allowing a minority to block an effort to extend the debt limit essentially jeopardizes the full faith and credit of this country, something that those of us who have held executive office know is the true measure of the financial acumen of your city or your State. If you get a bad bond rating by Moody's and Standard & Poor's, the full faith and credit of the bonds you float is dramatically affected.

But a minority in pique, pouting, desirous of showing their enormous clout, can effectively jeopardize the full faith and credit of this Government and put this Government into default. I must tell you, I think that is absolutely dreadful as a matter of public policy.

Those are the four issues in this amendment.

Social Security: Congress can use it up to 2002 to reach balance, but afterward, we must separate it out. This step will preserve $1.8 trillion in the trust funds for retirees.

Economic emergency: Congress should treat spending for serious economic emergency or major national disasters just like it treats military emergencies.

Capital budget: Congress should at least enable it, rather than prohibit it, which the majority amendment does.

Debt limit: Please, have some sense and address it with a majority vote.

These four issues are the only way this amendment differs from the majority amendment.

Perhaps the majority has their votes. Perhaps they know they have 67 votes. If they do not, I respectfully submit to them, maybe this is worth looking at and reviewing.

Maybe it solves a major problem.

Maybe it provides some kind of constitutional flexibility to meet what might develop in the future. We could face another savings and loan crisis, or another shock from oil prices. We could face a major earthquake in southern California, the probability of which has been increased, or a major flood in the Mississippi River basin, a major earthquake rift zone in the center part of our country.

We could face a range of emergencies and people will need Federal help. That is what we are here to do. We are here to protect the welfare and well-being of our citizens, and not the least among them are seniors. For many seniors, Social Security is the difference between a life of poverty and a life of being able to eat and pay the rent.

I think this is a worthy amendment. I have given it a lot of thought.

My distinguished chairman of the Judiciary Committee is present on the floor. I have listened to the hearings, heard the testimony of Secretary Rubin and really thought about whether your amendment could be improved. I decided that it could, but for some reason the balanced budget amendment is frozen in stone. I do not know who drafted the majority amendment. It was drafted, I assume, by the majority, but it has become the be-all and end-all: "If you do not support us, you cannot be for a balanced budget amendment." I cannot accept that.

I represent a big and deeply troubled State. I hazard a guess that the State of California will never ratify this balanced budget amendment. I cannot speak for any other State, but I think I can for California. And they will not do it because they know about serious economic emergencies. They know about a capital budget. We have 40 million people currently on Social Security, and it's going up every day. The people want this protected.

So this is a compromise with Social Security, economic emergency, capital budget permitted, debt limit by a majority. I would hazard a guess that if this became the amendment of the majority, not only would it pass both bodies, it would be ratified by three-quarters of the States.

I thank the Chair and yield the floor.

Mr. HATCH. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Utah has 29 minutes remaining, and the Senator from California has 17 seconds.

Mr. HATCH. Well, I will try to save some time for the distinguished Senator from California so she can make her wrap-up remarks out of our time.

Mrs. FEINSTEIN. I thank the Senator. I think that was my wrap-up.

Mr. HATCH. If you desire to say anything else, I will certainly extend that courtesy to you.

Mr. President, the balanced budget amendment was written by both sides of the floor. This amendment has been developed over a period of almost 40 years. It has taken both Republicans and Democrats to do it. It is a bipartisan amendment. Even though some in this body might try to see some flaw in it, it is the only balanced budget amendment that has a chance of passage. It is well thought through, it makes sense, and it's the only one that can end having unbalanced budgets year after year, like this stack represents the last 28 years of our budgetary life in this country. I might add that for 58 of the last 66 years we have had similar unbalanced budgets. These stacks are obscene; we know that. I think it tells the story better than anything else I can do. These folks just want to continue the status quo.

Now, the distinguished Senator from California is very sincere, and I admire her for it. She is on our committee. I care for her and I care for her ideas. But in all honesty, I have to rise in opposition to the substitute offered by my colleague from California. With the various escape clauses she has built into her amendment, it would be too easily gamed, and I believe it would be ineffective in stopping Washington's debt addiction. As we have debated the balanced budget amendment here on the Senate floor for the past several weeks, we have seen amendment after amendment that seeks to gut the substance of the proposed constitutional amendment.

What we have here is yet another attempt to make the balanced budget amendment ineffectual by carving out ways to deficit spend. How does this amendment of the distinguished Senator from California, as sincere as she is, make it easier to deficit spend? "Let me count the ways," to paraphrase Elizabeth Barrett Browning.

No. 1, it scales back the number of votes necessary to raise the debt limit. We know how easy it is to raise the debt limit around here, when that is the only methodology you have. So it scales that back from a three-fifths vote to a constitutional majority.

No. 2, it provides a waiver for undefined economic emergencies. These people are really clever in the Congress. They can define anything as an economic emergency. All they have to do is pass a statute saying it is an economic emergency.

No. 3, it provides yet another waiver for undefined natural disasters.

No. 4, it exempts Social Security from the balanced budget calculation beginning in the year 2003.

No. 5, it carves out a separate exemption for items designated as capital investment.

Can you imagine what these intelligent, ingenious, and, in some ways, devious people in the Congress who have done this to us over the last 28 years could do with capital investments?

Now, Mr. President, I wonder what is left. The reason we are here on the floor debating a balanced budget amendment to the Constitution is not to make it easier to deficit spend. We are here to constrain that sort of runaway spending that has produced unbalanced budgets in every one of the last 28 years. The Feinstein amendment does not do that.

Let me take a few minutes to address the substance of each of the changes proposed by the Feinstein amendment individually. The Feinstein amendment would alter section 5 of the bipartisan balanced budget amendment to allow for a waiver of the balanced budget rule by a constitutional majority in any year "in which the United States is experiencing a national economic emergency or major natural disaster."

As an initial matter, the undefined terms "economic emergency" and "natural disaster" are malleable terms and could be abused by any future Congress bent on deficit spending. What constitutes an economic emergency? We have already resoundingly rejected an amendment on this issue because it is a broad loophole.

Now, what about natural disasters? Does this amendment mean to say that the balanced budget amendment can be waived by 51 votes in the Senate in any year in which there is a natural disaster in some region of the United States? There is hardly any year when we don't have something somebody claims is a natural disaster. If that is the case, and given the fact that natural disaster is not defined, isn't it plausible, or even likely, that Congress will routinely find something to classify as a natural disaster, thereby providing an excuse to waive the requirements of the balanced budget amendment. Twenty-eight years of unbalanced budgets would suggest that this is the case. Congress will find a way if you give them these kinds of generic terms that are not defined and really can't be defined.

What's more, nothing in this amendment of the distinguished Senator from California would require the additional spending to be directed to the communities affected by a natural disaster or to be used to get us out of a recession. "Natural disasters" or "economic emergencies" are only the triggers that let us spend whatever we want for whatever purpose. Because these terms are so malleable and subject to abuse, we need a supermajority provision to guarantee fidelity to the balanced budget rule.

The general three-fifths waiver contained in section 1 of Senate Joint Resolution 1 is both sufficient to answer the concerns raised by this amendment and strong enough to keep the balanced budget amendment meaningful. The Feinstein amendment would exclude Social Security outlays and receipts from unified budget calculations until 1 year after the effective date of Senate Joint Resolution 1, the balanced budget amendment.

In essence, the Feinstein amendment is nothing more than the Reid amendment we debated yesterday to exclude Social Security from Senate Joint Resolution 1 and unified budgets, with one wrinkle—the exemption will not go into effect until 1 year after the date that the balanced budget amendment becomes effective. This would allow, of course, President Clinton to include the current Social Security surpluses in his budget calculations but would leave future Presidents and Congresses holding the bag when they are forced to unnecessarily slash programs like Medicare because the budget deficit appears larger without Social Security surpluses than it really is.

Moreover, the explanation of the distinguished Senator from California of her provision, and the charts that illustrate it, contemplate implementing this change by a one-time massive cut in a single year. Opponents of the balanced budget amendment have regularly argued that such an abrupt change would cause serious economic distortions in our country. The Feinstein amendment suffers from the same disease as the Reid amendment. It is not a workable compromise because, for the most part, Social Security surpluses will be excluded from the protections provided by the balanced budget amendment.

As King Solomon wisely knew, there is no practical way to split the baby without destroying life. If you split the baby and put Social Security exposed out there without any balanced budget protections and everything else is in the budget and protected, Social Security will become a political football to be used by those who want to get around the balanced budget. And everybody here knows that. Everybody knows what a phony issue that is.

So, too, the Feinstein amendment will destroy the viability of the balanced budget amendment.

First, as I discussed during the debate on the Reid amendment, it is necessary to include Social Security in any balanced budget plan. Obviously, without including Social Security, the largest single item in the Federal budget, other programs must be cut far more than they really need to be. I have the belief that the distinguished Senator from California would be among the first to want to oppose those cuts. Certainly I wouldn't feel good about cutting things beyond where they should be cut. But that is what inevitably would happen if the Reid amendment had passed yesterday, or the Feinstein amendment is passed today.

The proponents of this amendment have not told us which programs they will cut in order to come up with approximately $100 billion per year that the total exclusion of Social Security surpluses will cost us. Astoundingly, this figure is greater than our combined annual expenditure on education, the environment, and transportation and infrastructure. In fact, between 2003 and 2019, when the Social Security outlays will exceed receipts, the trust fund is expected to earn more than $1.8 trillion. Where do the supporters of the Feinstein amendment propose to come up with the money necessary to cover this self-imposed shortfall? It is no secret around here that many on the other side support this amendment because they want to kill the balanced budget amendment. That is the whole game here. I do not believe that is the motive of the distinguished Senator from California. At least I hope it isn't. But that is the only reason why this amendment will be supported by our friends on the other side, if you really analyze it.

Let's put it in perspective. Discretionary savings from last year's budget resolution, which were described as draconian, were only $291 billion. The Feinstein amendment would require that Congress cut spending or raise taxes more than six times that amount.

Similarly, the projected revenues from the 1993 Clinton tax increase—the largest tax increase in history, many assert—were only $241 billion. The Feinstein amendment would require that Congress cut spending or increase taxes over six times this largest tax increase in history. These levels of spending cuts and tax increases are clearly unworkable. And the adoption of the Feinstein amendment would kill any chance the balanced budget amendment has of being ratified. That is really in the eyes of many who hate this balanced budget amendment, who do not want fiscal restraint, and who really want to continue their taxing and spending ways. That is really why they support the Feinstein amendment.

One person who testified against the balanced budget amendment said—if you are going to have a balanced budget amendment you should not exclude anything from the budget.

Second, exempting Social Security from the mandates of the balanced budget amendment for any considerable period of time will probably result in the demise of the Social Security program years earlier. Such an exemption will create a powerful incentive to redefine taxing and spending programs as Social Security, and to pay for them through what could become a giant loophole in any attempt to balance the budget.

Opponents of the balanced budget amendment incorrectly contend that including present-day Social Security surpluses in a unified budget would raid the trust funds. Give me a break. This is a complete misnomer because the surpluses are nothing more than an accounting record. Social Security FICA taxes are deposited with other revenues. Interest-bearing securities are purchased equal to the amounts of Social Security receipts. And those are Federal Government U.S. interest-bearing securities. These securities provide safe investments as long as we are financially solvent in this country, as long as we don't go broke, as long as our economy is going ahead, and the only thing that is going to keep us doing that for sure will be if we pass the balanced budget amendment.

The fact is that these securities provide a safe investment, the safest in the world, I have to say, as long as this country is safe. This safety, however, would be wrecked if Social Security were removed from the protection of Senate Joint Resolution 1's balancing requirements. In fact, the very fears of the advocates of the Feinstein amendment will be realized. Their exemption of Social Security will really cause the trust fund to be raided. That is the ironic situation here. Why? Because under the Feinstein amendment trust fund receipts would be used to finance other costly programs that they would simply call Social Security.

I heard the distinguished Senator from Nevada, Senator REID, 2 days ago say that Social Security is defined by statute. If it is defined by statute, it can be redefined by statute. There is no argument against that. It is ridiculous to sit here and argue that it will not be used as a loophole to spend anything they want to spend by calling it Social Security. Trust fund receipts really could be used to finance other costly programs by simply relabeling them "Social Security."

With the loophole proposed by this exemption in place there will be an irresistible impulse in future Congresses to redefine unrelated programs as Social Security. This in turn will create an incentive for Congress to include costly programs as part of Social Security. Congress has not been able to restrain itself.

Look at these. There is just no answer to this by those who oppose the balanced budget amendment. Anything they try to say just comes out when you look at 28 years of unbalanced budgets, and 58 of them over the last 66 years. This is not rocket science. It doesn't take any brains to understand that Congress is incapable of living within its means unless we put in some sort of restraint within the Constitution that requires them to live within their means.

So I am saying that if you carve out Social Security that in turn would create an incentive for Congress to include costly programs as part of Social Security. Like I say, Congress can't restrain itself from either wasteful spending or increasing this web of services provided by Social Security. What is going to prevent them from doing that in the future if you have all of the loopholes that the Feinstein amendment provides for? Are we willing to let future Congresses roll the dice with the financial security of America's seniors? That is what is going to happen if we do not have a balanced budget amendment. Mark my word, it certainly is going to happen if we pass the Feinstein amendment and put Social Security out there exposed all by itself and not subject to balanced budget protections. Frankly, if the Feinstein amendment passes the balanced budget amendment is dead. There is no use kidding about it. It would be killed, and for good reason because it wouldn't work anyway. So that is what we are talking about.

Passing an exemption loophole would essentially create two Federal budgets. One would be based on sound principles of solvency, and the other, the Social Security budget, which would not be based on sound principles of solvency. One budget would be required to be in balance unless a supermajority voted to allow a deficit. The other the Social Security budget would be raided and bloated with unrelated spending programs and projects.

Taking Social Security off budget will subject the funds to Washington's special interest scavengers. As I have said before, when you have rats in your house, you need to plug up the holes. If you do not, they are going to find a way in. If we leave Social Security off budget all of the special interest spending initiatives, which cannot survive or make their way in under a balanced budget plan, will smell out the scent of Social Security and devour it.

This loophole would not only blow a hole in the balanced budget amendment but it would also seriously harm Social Security. This in turn could mean—and I think would mean—the end of Social Security as we know it, transforming it into the least secure of all Federal Government programs. I do not see how anybody can argue with that.

Third, let's not forget about the troubling future for Social Security. The Feinstein amendment does absolutely nothing to protect Social Security, and, in fact, it will make it extremely difficult, if not impossible, to achieve balanced budgets. The Social Security Board of Trustees estimates that by the year 2070, if we keep going the way we currently are, Social Security is expected to run an annual $7 trillion deficit. If we include Social Security in our balanced budget calculations we will be able to prepare for and budget for these massive shortfalls. Under the Feinstein proposal we will not be including this deficit in our budgetary planning.

As a result, under the Feinstein amendment, in order to raise revenue and increase the debt ceiling sufficient to cover the expected Social Security shortfalls of the next century, we will have to dramatically increase taxes or cut spending on other important programs or face an annual three-fifths-vote fiscal crisis to avoid financial default by raising the already staggering $5.3 trillion national debt ceiling. The way to protect Social Security benefits is to pass the balanced budget amendment, Senate Joint Resolution 1.

The proposal to exempt Social Security will not only destroy the balanced budget amendment but in all probability will cause the Social Security trust funds to run out of money sooner than they would have without an exemption.

The final change in the amendment of the distinguished Senator would permit the creation of capital budgets for those major capital improvements which require multiyear Federal funding. Most programs are funded for more than 1 year. Exempting capital budgets from the balanced budget amendment is bad policy because it creates a powerful incentive for Congress and the President to balance the budget by redefining more programs as capital expenditures. This is just another loophole. A gimmick capital budget exemption could actually endanger capital investments as fake investments crowd out real investment.

For these reasons, budget experts, including the President's Office of Management and Budget, the General Accounting Office, and the Congressional Budget Office, have suggested that capital budgets are inappropriate at the Federal level and certainly do not justify increasing debt to finance them.

The amendment of the distinguished Senator from California would enshrine that into the Constitution.

The most basic problem with the separate capital budget as envisioned by the Feinstein amendment is that there is no clear standard definition of a capital budget. So no one knows what expenditures will fall within that definition. For example, in President Clinton's proposed fiscal year 1998 budget, the Office of Management and Budget lists four broad categories of programs that may or may not be considered capital expenditures, ranging from physical assets owned by the Federal Government to social investment, including nutrition programs, health care and drug rehabilitation, all under the idea of a capital budget.

Mr. President, perhaps the point was best made in a Washington Post editorial criticizing the Reagan administration for floating the idea of a capital budget. In that editorial, the Post wrote that "The concept of the capital budget applied to the Federal Government is pure fakery. It is the resort of an administration that, finding the realities of the budget intractable, wants to fuzz up the numbers." Pretty hard to argue with that. Pretty hard to argue with that.

Finally, Mr. President, given all these holes in the balanced budget rule proposal offered by the distinguished Senator from California, it is no wonder the proponents of this substitute have concluded that they need to reduce the supermajority requirement to raise the debt ceiling in their substitute. Given the high likelihood of substantial borrowing under this substitute for undefined capital spending, undefined economic emergencies and natural disasters and the possible loophole for the abuse of Social Security, no wonder the proponents of this substitute do not want to have the three-fifths vote to raise the debt ceiling. Instead, they reduce the antidebt protections of Senate Joint Resolution 1 to a constitutional majority.

Now, Mr. President, I hope we will reject this substitute, which is essentially a hit parade of loopholes repeatedly offered over the years by opponents of the bipartisan consensus balanced budget amendment and which could literally endanger Social Security.

The Feinstein amendment is a hit parade of loopholes offered in past debates. How can we keep borrowing? How can we keep doing this to ourselves, doing this to future generations, doing this to our children and our grandchildren? These volumes, this picture speaks a thousand words, a million words, maybe I should say trillions of words, as to why we have to get strong about doing something about these unbalanced budgets.

Let me count the ways why this amendment is wrong.

No. 1, it exempts an undefined capital budget, allowing any level of borrowing for capital as defined by future Congresses. They could do anything they want to under this amendment. Just define them—any statute, any simple majority.

No. 2, it allows for a waiver of the balanced budget rule in times of economic emergency or natural disaster, however interpreted by any future Congress. They could do anything they want to if we adopt the Feinstein amendment. The balanced budget amendment would be a thing of the past. There would be no hope to have any fiscal mechanism at all. In fact, it would be the biggest joke you could possibly have.

No. 3, it exempts whatever a future Congress calls "Social Security." They could define anything as Social Security. This endangers the retirement security of current and future American seniors.

And No. 4, because of all these loopholes for deficit spending, it reduces the supermajority requirement to raise the debt ceiling from a three-fifths majority to a constitutional majority or 51 percent.

The substitute offered by the Senator from California should be rejected. It would allow continued deficit spending and borrowing, as has happened in the past 28 years, or should I say in 58 of the last 66 years. It would just continue the process, only make it easier to do it under the guise that we are somehow or other living within a balanced budget amendment constraint as defined by this amendment.

Mr. President, look, we are talking about the future of our country. We are talking about our children. We are talking about our grandchildren. We are talking about our seniors. We are talking about a country that is going to be swallowed up in debt if we do not pass a balanced budget amendment.

I had one of the leading liberals from the Democratic side tell me yesterday in no uncertain terms that—in fact, more than one—I have had at least three or four just flat out admit that if it had not been for these fights for the balanced budget—and these people, all but one of these people are against the balanced budget amendment—if it had not been for these fights over the balanced budget amendment, if we had not waged this battle, we would not even be talking about balanced budgets.

All you have to do is look at this year's balanced budget submitted by President Clinton, and he is not alone. I saw budgets by several Presidents that also were smoke and mirrors because they have to; there is no restraint; there is nothing that forces them to do right. But you look at the budget that President Clinton called a balanced budget this year, that he just submitted. According to the Congressional Budget Office, which has been pretty accurate on some of these matters, that budget by the year 2002 will not be balanced; it will be at least $49 billion in deficit, and that is assuming that all these rosy scenarios the President has plugged into it are coming to pass. That is assuming that. The fact is, it will not be balanced.

Second, even if it was true that it would be balanced, everybody knows the only way we can reach balance is to attack the deficits each and every year up to the year 2002. President Clinton's budget goes up for the next 4 years, and then he calls for a 75-percent reduction in the 2 years after he leaves office. It does not take a rocket scientist to realize that is a phony budget, that they have tried to get around the requisite of bringing up here a balanced budget. He said he would. But it clearly is not a balanced budget. And it clearly could not be balanced. Even if you assume that it is—and the Congressional Budget Office says it is not—the fact is, it could not be balanced by a 75-percent reduction in the 2 years after the President leaves office. It is as phony a budget as you can have from that standpoint. But we are going to work from it because we are going to have to.

Let me just say this. If we pass the substitute amendment of the Senator from California today, those games will become even more pronounced. No, what we have to do is, we have to realize that over the last 20 years—frankly, longer than that—good Democrats and good Republicans have fought together to work this out. We have worked it out. This is the only amendment that has a chance of passage. It has to pass unamended.

Frankly, I hope that our colleagues will vote down the Feinstein amendment and support the balanced budget amendment in the end. If this goes down, it is going to be because of one vote. No matter what the final vote is, it is going to be because of one vote. I can tell you that right now. I do not believe it is going to go down. I believe we will pass this amendment in the Senate, and I am hopeful that this will be an incentive to go to the House.

Mr. President, do I have any time remaining?

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator has 15 seconds.

Mr. HATCH. Then I yield back the remainder of my time, and I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The Senator from California has 17 seconds.

Mr. HATCH. I am sorry.

Mrs. FEINSTEIN. I would add very quickly, Mr. President, that there is one, deep, soft underbelly in the majority balanced budget amendment. You cannot use Social Security trust funds and spend the money on operating expenditures, whether it be for a battleship or a satellite, and save those moneys for someone's retirement.

I rest my case. I thank the Chair. I yield the floor and the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion to table amendment No. 11, offered by the Senator from California [Mrs. FEINSTEIN].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced, yeas 67, nays 33, as follows:

The result was announced—yeas 67, nays 33, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—67

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Brownback
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Dodd
Domenici
Enzi
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kerrey
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—33

Akaka
Biden
Bingaman
Boxer
Breaux
Bumpers
Cleland
Conrad
Daschle
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Reed
Sarbanes
Torricelli
Wellstone

The motion to lay on the table the amendment (No. 11) was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I know there are a couple of Senators who want to qualify their amendments.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that immediately following the vote on Senator TORRICELLI's amendment, Senator DORGAN be recognized to offer his substitute amendment. I further ask unanimous consent that there be 2 hours of debate equally divided in the usual form, and following the expiration or yielding back of time, the Senate proceed to a vote on or in relation to the Dorgan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey [Mr. TORRICELLI] is recognized to offer an amendment on which there shall be 3 hours of debate equally divided in the usual form.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I would like to address a question to the distinguished Senator from New Jersey. Would he be willing to yield me 30 seconds in order for me to offer an amendment?

Mr. TORRICELLI. I am pleased to yield to the Senator from Arkansas.

MOTION TO REFER WITH INSTRUCTIONS

Mr. BUMPERS. Mr. President, on behalf of Senator FEINGOLD and myself, we move to refer Senate Joint Resolution 1 to the Budget Committee with instructions to report back forthwith with an amendment. That is essentially the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. FEINGOLD, moves to refer Senate Joint Resolution 1 to the Budget Committee with instructions to report back forthwith with an amendment.

The motion with instructions follows:

Strike all after the resolving clause and insert the following:

"SECTION 1. POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A GLIDE PATH TO A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(j) It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that fails to set forth appropriate levels for all items described in subsection (a)(1) through (7) for all fiscal years through 2002."

"SECTION 2. PROHIBITION ON BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(k) CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.—

"(1) Beginning in 2001, it shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that sets forth a level of outlays for fiscal year 2002 or any subsequent fiscal year that exceeds the level of receipts for that fiscal year.

"(2) The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this subsection."

"SECTION 3. POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO ESTABLISH A GLIDE PATH FOR A BALANCED BUDGET BY 2002 AND SET FORTH A BALANCED BUDGET IN 2002 AND BEYOND.—

(a) Section 904 of the Congressional Budget Act of 1974 is amended by inserting "301(j)," after "301(I)," in both places it appears.

(b) Add the following new section immediately following Section 904 of the Congressional Budget Act of 1974:

"SEC. —. Section 301(k) may be waived (A) in any fiscal year by an affirmative vote of three-fifths of the whole number of each House; (B) in any fiscal year in which a declaration of war is in effect; or (C) in any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 4. TECHNICAL CHANGES.—Section 306 of the Congressional Budget Act of 1974 is amended as follows:

(a) Immediately following "Sec. 306." insert the following:

"(a) Except for bills, resolutions, amendments, motions or conference reports, which would amend the congressional budget process,".

(b) Add the following at the end of subparagraph (a):

"(b) No bill, resolution, amendment, motion, or conference report, which would amend the congressional budget process shall be considered by either House."

Mr. BUMPERS. Mr. President, I now ask unanimous consent that the amendment be laid aside subject to further consideration.

The PRESIDING OFFICER. Is there objection to consider the motion at this time? If not, without objection, it is so ordered. Without objection, the motion to set aside is granted.

Mr. FEINGOLD. Mr. President, I would also like to ask the Senator from New Jersey if he would yield.

Mr. TORRICELLI. I will be happy to yield.

Mr. FEINGOLD. I thank the Senator from New Jersey.

Mr. President, I ask unanimous consent that the pending business be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 13 AND 14

Mr. FEINGOLD. Mr. President, I have two amendments to Senate Joint Resolution 1 that I would like to offer. I ask unanimous consent that it be in order to send both of them to the desk at this time. I understand they will be set aside until a later point when they can be debated and voted upon, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes amendments numbered 13 and 14.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 13 and 14) are as follows:

AMENDMENT NO. 13

(Purpose: To require approval of the amendment in 3 years)

On page 2, line 7, strike "seven" and insert "3".

AMENDMENT NO. 14

(Purpose: To permit the use of an accumulated surplus to balance the budget during any fiscal year)

On page 2, line 15, after "vote" insert "or unless Congress shall provide by law that an accumulated budget surplus shall be available to offset outlays to the extent necessary to provide that outlays for that fiscal year do not exceed total receipts for that fiscal year".

AMENDMENT NO. 15

(Purpose: To permit limited waiver during economic emergencies and allow a capital budget)

Mr. TORRICELLI. Mr. President, I have an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. TORRICELLI] for himself, Mr. LAUTENBERG, Ms. LANDRIEU, Mr. KOHL and Mrs. BOXER, proposes an amendment numbered 15.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, strike lines 4 through 11, and insert the following:

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.

"The provisions of this article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, which becomes law.

"The provisions of this article may be waived for any fiscal year in which the United States is in a period of economic recession or significant economic hardship and is so declared by a joint resolution, which becomes law.

On page 3, strike lines 15 through 19, and insert the following:

"SECTION 7. Total receipts shall exclude those derived from net borrowing and the disposition of major public physical capital assets. Total outlays shall include all outlays of the United States Government except those for repayment of debt principal and those dedicated to a capital budget. The capital budget shall include only investments in major public physical capital that provides long-term economic benefits.

Mr. TORRICELLI. Mr. President, I offer my amendment recognizing that the context of this debate is fundamentally different because of over 20 years of effort by the Senator from Utah, Mr. HATCH, and a Member in the House from Texas, Mr. STENHOLM, who have worked diligently to bring before this institution of the Congress an amendment to require a balanced budget.

While their efforts to date have not succeeded, the fact that we meet with a Federal deficit which has been reduced by over 60 percent in annual terms in the last 3 years is no small testament to their efforts.

The national debate has been fundamentally changed. It is no longer a question of if there is going to be an operating balanced budget in the U.S. Government, but when and how it is going to be achieved.

I take great pride in that, through the years, on three occasions I joined with them to do so, because, in my judgment, 15 years ago this country began a radical and even dangerous experimentation with changing the finances of the U.S. Government. There had been for some 200 years an unspoken compact among the generations—the Nation would borrow for its national defense or to provide for its domestic economy in times of danger or severe deprivation, but quickly return to an operating surplus and to pay those debts when the situation allowed.

So from the War of 1812, and the Civil War, through the Second World War and the time of the Great Depression, succeeding giants of American history borrowed so much as was necessary to ensure the survival of the Republic, but almost immediately in each and every circumstance returned to an operating surplus and dealt with the principal of the debt in fairness to future generations and to assure the financial health of the U.S. Government.

Our generation has the unfortunate distinction of being the first to break that compact. During the 1980's, the Federal deficit, from less than $1 trillion, grew to in excess of $4 trillion. Indeed, during the Reagan Presidency alone, the annual Federal debt grew at a rate in excess of 13 percent, reaching the extraordinary drain on the Federal Treasury for interest alone of 20 percent of all revenues.

When the Clinton administration assumed office 4 years ago, President Clinton inherited an operating deficit of $290 billion. In 4 years we have experienced an extraordinary change, a 63-percent reduction in the annual debt of the U.S. Government as a result of the deficit reduction initiative of 1993. So at this point the United States has the lowest operating annual debt of any industrialized nation in the world with 1.4 percent.

The question, therefore, is whether the United States has learned a valuable lesson from the excesses that began in 1981 and began to abate in 1993, or whether, indeed, this change of fortunes in the last 4 years is itself an aberration, and a permanent amendment to the Constitution is required.

There have been few instances in the life of this Republic when any Congress has found it necessary to change the Constitution by which we govern ourselves. We recognize that the U.S. Constitution is a precious document in its balances, its allocation of powers. It is, I think, important to note, and no small achievement, that when the 20th century ends in but a few brief years there will be only two governments on this globe who will end the century with the same basic form of government, under the same Constitution, with the same allotment of powers with which they began the century. The United States of America is one. The certain genius of our Constitution, both how it was written and how it distributed powers, is certainly a reason.

I rise, therefore, Mr. President, recognizing that any decision to amend the Constitution of the United States is extraordinarily serious and, indeed, sobering for every Member of the institution. I, therefore, believe if it is to be amended, it is to be done so carefully, and in every respect, ensuring that we understand the consequences.

The amendment that I bring before the body today deals with three central elements of the resolution. First, whether or not the U.S. Government should continue to both have its current accounts and its capital budget reflected in a single accounting; second, how, indeed, under this amendment the Government will respond to times of economic recession; and third, how the U.S. Government would respond to threats to our national security under the provisions of the resolution.

I begin, Mr. President, with a question of a capital budget. Throughout these last 20 years, much has been spoken about the mounting deficit of the U.S. Government. We have convinced the American people, I believe, of two conclusions that bear further scrutiny. First, that the principal and only debt of the United States that bears witness is the debt operational of the U.S. Government; and second, that the appropriate level of debt of the U.S. Government is zero. Neither conclusion, Mr. President, bears scrutiny.

No institution which plans for its future, is properly taking advantage of its ability to borrow, has no operating deficit. Indeed, Mr. President, 43 States in this Union by calculation set the proper and appropriate level of deficit borrowing. The States do so through capital borrowing commissions. They evaluate the transportation, the infrastructure needs, the investment needs of their States and carefully calculate their ability to pay back those loans and what they will contribute to the economic performance of their States.

Indeed, this has been so successful that for the last 50 years not only has no State defaulted, but, indeed, I know in no instance when there has been a serious issue of a Governor of either party or their respective legislatures engaging in inappropriate or excessive borrowing, or any borrowing, other than what was required for the economic future of their State.

Unique in our society is the U.S. Government. Unlike all major businesses in each of these States, and all of our economic competitors, the U.S. Government has no capital budget. In our planning, we regard the construction of a road or a railroad or a school which may last for 20, 50, or 100 years the same way we regard the hiring of a new employee, the buying of a piece of paper, paying for the lights. The fact is that by any standard accounting—one is the exchange of financial resources for a lasting and productive resource, and the other is an immediate consumption—this has not been addressed and has never been changed.

My fear, Mr. President, is that if we adopt the balanced budget amendment as now offered by the Senator from Utah without a capital budgeting provision, the thirsts of the U.S. Government for consumption will certainly begin to exclude what remains of long-term investments in this country. Because, indeed, over these years, we have seen a serious deterioration in the amount of investment by the United States. In 1960, 25 percent of the Federal budget was dedicated to long-term capital investments. The United States constructed a highway system that was the envy of the world. Our mass transit systems for railroads were still on the cutting edge. We built a university system that was without peer. By the time the 1960's concluded, no nation on Earth would want to be in a position to not be able to trade the American transportation or infrastructure or research base with their own.

I doubt, Mr. President, few nations would make that trade today. The United States is now last in all developed nations in the world in our level of infrastructure investment in capital planning. Today, our Government invests only 7 percent of our revenues in capital expenditures, the Japanese having a rate of nearly 6 percent, as indicated on this graph, the Germans having a rate half again as great as our own. Our percentage of GDP dedicated to infrastructure investment is now barely 1.7 percent.

The question, therefore, is if today we proceed to a balanced budget amendment without this exemption for capital expenditures, will this 1.7 percent rate of GDP, this 7 percent rate of all Government spending, deteriorate further? The irony, Mr. President, of this situation is the exact opposite of what has happened with American business. American business today operates a $4.5 trillion deficit. American businesses learned that deficit spending, if it involves productivity, new plant and equipment, and operating efficiency, is not only necessary, it is required for future economic growth.

Mr. President, I attempt to bring that same lesson to the floor of this Senate. We are potentially putting a straitjacket financially on this Government and our ability to be competitive.

In the United States today, there are a quarter of a million miles of roads that are substandard and in need of immediate repair. They will not serve us another century of efficient business performance. Twenty-five percent of all the bridges in America that are handling the cargo of our industry, servicing our towns, leading to the productivity of our businesses, are in need of immediate repair. The great ports of America, which once rivaled any in the world—and now, indeed, the port of New York, once the most efficient and busiest port in the world, now offloads cargo in the outer harbor because it is too shallow to take modern ships like Japan and Europe. We are disinvesting in America, transforming places in this country into the efficiency of Third World nations. This disinvestment in the American future cannot continue.

The Senator from Utah, in previous discussions in the Judiciary Committee, makes a worthwhile point: Who is to ensure that worthwhile capital projects are not placed in the general operating budgets of the U.S. Government, or vice versa? Who is to draw the line? Well, Mr. President, in our corporations, in our homes, and indeed in our States, we have learned to draw that line. States have capital planning commissions. Every homeowner has learned the difference between a home mortgage and buying a new suit or paying for the evening meal. Indeed, every corporation in America has learned in the marketplace to distinguish. So can this Government, and so it must.

Mr. President, I believe that, more perhaps than any other provision I offer in my amendment today, this call for capital planning in the U.S. Government will reflect how serious we are at long last about rearranging the spending powers of the U.S. Government and making them responsible again. And so the first of three provisions in my amendment to the balanced budget amendment is for dealing with capital spending.

Mr. President, my second provision deals with the ability of the U.S. Government to respond to another set of contingencies, just as important as dealing with the long-term financial planning of this Government and its investments. I mentioned the question of dealing with national military emergencies. The Senator from Utah appropriately has placed in his balanced budget amendment a provision that, if the United States engages in a war, through a declaration of war, three-fifths of the Congress can waive the provision of a balanced budget. He is right to do so. But it is also inadequate.

Mr. President, in the experiences of the 20th century, the most important military expenditures to defend this Union have not always been made solely after a declaration of war. Given the enormity of preparing for armed conflict, the complexity of technology and the time necessary to construct the implements of war, the most important expenditures have often been made in the months or years preceding armed conflict. Indeed, the principal battles of the Second World War, when the implements of war were considerably less costly or complex than those that we will meet in the 21st century, the principal investments for that conflict were made not only in the months, but in the years preceding the Second World War.

President Roosevelt's decision to rebuild the U.S. Navy and double its size was made not after Pearl Harbor, but in the years before. The question, therefore, with this amendment, that we are to waive these provisions only after a declaration of war—what does that do to an American President and the American military that recognizes an imminent threat, can discern an almost certain conflict, and needs desperately to prepare the Union to defend itself?

Indeed, Mr. President, in our own time, in the Persian Gulf war, on a far smaller scale, we recognized exactly these circumstances. It was 5 months from the time that Saddam Hussein invaded Kuwait to the beginning of hostilities on the Kuwaiti-Iraqi border. In those 5 months, the U.S. Government was operating at a $220 billion deficit. President Bush consumed an additional $10 billion in deficit spending to prepare for the almost certain conflict with Iraqi Armed Forces. There was no declaration of war, but there was no mistaking what was going to happen. It was as certain as Franklin Delano Roosevelt saw an imminent conflict with Germany and Japan, and as certain as President Wilson knew there would be a conflict in Europe, and indeed as certain as in the opening weeks of his administration, President Lincoln knew the inevitability of a war between the States. Each began to plan for conflict. Each began to borrow. And when the conflict began, this country at least approached being prepared.

And so, Mr. President, the second principal change that I offer to the balanced budget amendment—the first was to allow for a separate capital planning expenditure budget to deal with long-term economic investments. My second is to allow, by a joint resolution, the declaration of a national military emergency so that the country can properly plan.

I do so in fairness to the Senator from Utah. I also want to mention that I do so without there being a declaration of war, but also changing to a majority vote, in recognition that I do not want any foreign adversary to ever miscalculate that because we are unable to reach a three-fifths vote, we will also be unable to defend the United States.

It is worth noting that, at no point in the years preceding the Second World War, at no point preceding the First World War, and it was demonstrated at no point before the Persian Gulf war, did three-fifths of this institution stand for the proper preparations for war. Indeed, as a Democratic author of the Persian Gulf war measure in the House of Representatives, we never did get a three-fifths vote. With Germany having overrun half of Europe, these institutions of the Congress passed the Selective Service Act to prepare the United States for a war, which was almost certain, by a single vote. Therefore, not only do I provide for a joint resolution so the United States can prepare for imminent hostilities, but I do so by a majority vote.

Third, Mr. President, I have an additional change which deals with an equally important matter of economic recession. There are those who come to the floor of the Senate and argue that deficit spending is necessary to maintain the economic performance of the United States, and they provide evidence that, indeed, the rapid growth of this economy in the latter half of the 20th century and the extraordinary standard of living that we have achieved is due in no small part to the ability of the United States to borrow. Others argue that that right has been abused. Indeed, we have drawn upon our credit to such an extent that we have placed a burden on the future which is unsustainable, and, with 20 percent of our tax dollars going not to build new roads, not to educate another generation, but to only pay interest on the debt, they are right. Indeed, Mr. President, both are right on the question of achieving a balance between the two.

There has been in this latter half of the 20th century a notable and even extraordinary change in the business cycle of growth and recession. Indeed, between 1900 and 1950 there were 33 quarters of real negative economic growth. Through the experience of the Great Depression the U.S. Government learned, and then admittedly abused, the ability to adjust the business cycle through borrowing in times of recession to compensate for declining private investment and expenditures. The result is that in these last 47 years compared with the 33 quarters of negative economic growth in the first half of the century, we have experienced only four quarters of negative economic growth since 1950.

The question then is, How do we achieve a balance? The Senator from Utah appropriately noted that the power to borrow has been abused with a mounting deficit which is unsustainable on its face versus losing this ability to deal with real economic downturns and provide adjustments. Indeed, Secretary Rubin in his testimony provided a warning that without some ability to stabilize we could "turn slowdowns into recessions and recessions into more severe recessions or even depressions."

The Treasury Department has estimated that during the 1992 recession, without the ability to engage in some deficit spending, the recession that lasted from 1990 to 1992 would have had in excess of 9 percent unemployment instead of 7.7 percent with an additional 1 million jobs being lost.

Mr. President, I have attempted in my amendment in its final provision to strike a balance. That is where the institutions of the Congress could by joint resolution declare an economic emergency and allow it, only for so long as it believes that emergency exists, to engage in deficit spending to ensure that the public works programs and job creation ability of the Government is not lost.

Mr. President, we will never know what would have happened in the Great Depression had there not been a Second World War or a New Deal and the massive deficit spending of that period to end the economic debt into which this country had gone. It was by any measure a real threat to American democracy. In the Second World War this country approached 60 percent of GDP in deficit spending. It is a debt burden which the Nation must bear. It also provided a foundation for a standard of living and an economic performance which in all of human history has never been equaled.

My amendment seeks to use the creditworthiness powers of this Government to deal with those economic contingencies but making certain that they are used only in periods of economic emergency.

In short, Mr. President, in each of these provisions I have attempted to do by constitutional amendment what common sense provided that we do through 200 years of American history. I do so with considerable regret. Succeeding generations in this country provided for capital spending because they cared about the future. The Constitution didn't require that they do it. They did it because it made sense for the American future. Succeeding generations borrowed to defend the Nation when it was threatened because they cared about the defense of the Republic, not because the Constitution required that they only borrow to provide for the national defense and not exceed that authority when the Nation was not threatened. Succeeding generations borrowed to deal with economic recessions and depressions because they cared about the economic future of the country and our people and did not abuse it.

No Member of the Senate should take pride in the fact that in our generation it might be necessary to amend the United States Constitution to provide for these capital expenditures in dealing with military threats and economic emergencies, to assure that our country is responsible in dealing with that borrowing, and that the borrowing is done only to the extent and to the degree that it is appropriate. We should do so because we care about our people and the future of the Republic. Yet, like the Senator from Utah, I rise because there is the unmistakable fact that in our own time that power has been abused.

Therefore, I rise with amendments to the resolution recognizing that amending the Constitution is unlike any other action taken by the Congress of the United States. We legislate not for our time; we write for all time. These are words that will govern contingencies that we cannot imagine, circumstances that we cannot foresee. If it is necessary to amend the Constitution of the United States, it is necessary to do so to the fullest extent possible with all the wisdom that we can muster. I believe the amendment of the Senator from Utah would be improved and enhanced by these changes. Indeed, I believe these changes are necessary to responsibly add to the work of our ancestors who wrote this great document and provided for the political stability of this Nation through these two centuries and allowed it to become the unique society and the extraordinary Nation that we have become.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). Who yields time?

Mr. HATCH. Mr. President, I yield 3 minutes to the distinguished Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise today as a strong supporter of the balanced budget amendment and a strong supporter of the Torricelli amendment. I do not believe that the two are inconsistent

Those of us who support amending the Constitution to balance the budget have an obligation to make sure that we are supporting the best possible balanced budget amendment. I listened carefully to Senator BYRD earlier this week when he talked about the sanctity of the Constitution. He argued, and I agree, that we ought to amend this most basic and important document of our Government with only our best ideas, principles and language.

The balanced budget amendment does, in my opinion, embody a principle simple and vital enough to deserve inclusion in the Constitution. It says that we ought to spend no more than we take in. It says that this generation has no right to finance its own consumption with money borrowed from the next generation. It asks the Federal Government to run its finances in a manner that both provides for a strong America in the present and builds a stronger America in the future.

The Torricelli amendment would improve the balanced budget amendment by bringing it closer to this fundamental principle. The Torricelli amendment would exclude investments in physical infrastructure that provide long-term economic benefits from the definition of Federal outlays. In other words, it would put into the balanced budget amendment the requirement that we balance our operating budget but would allow debt financing of long-term public investments.

To me this makes eminently good sense. It is how everyone else keeps their books, from State governments, to businesses, to families. You pay now for things that are going to benefit you now, and you pay over time for investments, the value of which accrues over time. A State government issues bonds to finance major highway projects and new construction of public buildings. A business goes to the bank for a loan to upgrade its machinery. A family takes out a mortgage to buy a house.

When we say on the Senate floor that the Government ought to balance its books just like an American family has to, we mean that the Government ought to balance its operating budget just like an American family has to. No one is suggesting that a family wait until they save up enough money to pay cash for a home. If we operated that way, there would be very few homes bought in this country.

If the Federal Government must balance its budget without separating out its capital expenditures, there will be very few public investments made in this country, and that would be very wrong. Already, the Federal Government woefully underinvests in the capital that will grow our economy—in our roads, in our schools, in our cities. The Torricelli amendment will ensure that in pursuing a balanced budget we do not have a perverse incentive to avoid those public expenditures that would most benefit future generations.

State governments understand this. Forty-three of them have balanced budget requirements that separate out the capital budget. In my State of Wisconsin, the constitution requires that taxes cover expenses. But it also states that debt may be incurred "to acquire, construct, develop, extend, enlarge or improve land, waters, property, highways, railways, buildings, equipment, or facilities for public purposes."

That is a simple, straightforward and correct approach that we ought to take in the Federal balanced budget amendment, and I hope my fellow supporters of the balanced budget amendment will agree. This debate has always been about stopping the practice of robbing Peter and Paul, Jr. to pay for Peter and Paul, Sr. Supporters of a balanced budget amendment want to look beyond our needs today and toward our hopes for the future.

That means not spending more than we take in. And that means making wise, long-term investments in the economy that will sustain future generations. We can do both with a balanced budget amendment to the Constitution if we also pass the Torricelli amendment, and so I urge my colleagues to do so.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield 15 minutes to the distinguished Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. I thank the Chair. I thank the Senator from Utah for his strong leadership on this issue. It is not easy carrying the ball for so long and so well. He has done such an admirable job of that. I am sure our colleagues on both sides of the aisle admire him for what he has done.

I want to talk for a few minutes on the broader question of the need for the constitutional amendment to balance the budget. It seems to me that among all of the things we address in this body, there are some basic considerations that should underlie it all, and we should focus from time to time on what we really should be about, what we should do as those who govern.

I think it comes down to two basic categories, that is, trying to institute policies that make for the long-term strength of this country, and to try to do things that will encourage people to have more confidence and faith in their system of government.

I believe those are the two basic things we ought always keep in mind as we go about our structured existence around here, the hurly-burly that we all have to contend with in passing thousands of pieces of legislation. Does it contribute to the long-term strength and viability of this country and does it contribute to people's confidence in their form of Government. I feel that is what we are dealing with here. I feel that every once in a while something comes up that really is important with regard to one or the other of those considerations, and I think the constitutional amendment to balance the budget has to do with both of those considerations, because I fear for the economic future of this country if we do not pass such an amendment.

I feel that when the results of our economic policies today are felt a little bit further down the road and we see that once again the so-called balanced budget agreements that we may reach around here do not, in fact, balance the budget, we are going to increase the cynicism that the American people already have toward this Government. That is why I think a constitutional amendment to balance the budget is so important.

There has been a lot of discussion as to whether or not there really is a need. I think most all of us take seriously the proposition of amending the Constitution, even though our forefathers certainly contemplated it. Thomas Jefferson is often quoted. Certainly they felt that from time to time we need to reexamine our basic institutions and not be afraid after due deliberation to make changes that in the course of history are proven necessary to improve our system of government. But it is not something to be taken lightly, and I do not think any of us do take it lightly.

It is clear that from time to time we must sit down and see whether or not we are functioning as we should, whether we are getting the job done for this country and, if not, what should we do about it. We can go down the same old road or we can try to do something about it.

This constitutional amendment constitutes doing something about it because it is clear that we will go down in history under present circumstances as the first generation to leave their children in worse shape than they found their country when they took positions of leadership. It is true, without question, that we are leaving the next generation with astronomical tax rates to face, astronomical interest rates to face, a slower economy. We certainly are on the road, the path that most and great civilizations have followed through history. Some historians say you can calculate it almost to the year. Some say they survive for 250 years. A case can be made that we are on the downside of that mountain, that we are certainly going in the same direction of other great powers—the Turks or Ottoman Empire or Spanish Empire, ones that ruled the world once upon a time but proved they could slide off into second-rate powers and nations that were much less than what they aspired to be or were in prior times.

A good case can be made that we are on track for that. We know, our own entitlement commission tells us that by the year 2012 we will be paying out all of the tax collections we receive in entitlement and interest rates and have nothing for national defense, have nothing for infrastructure, have nothing for education. That is the road we are going down.

Some say, no, we are making progress; all we need to do is get about the business of balancing the budget, that we are really making progress. If history is to be any indication of that, though, I hope that plea falls on deaf ears, as it should.

The President's budget is used as an example of the fact that we are making progress, we might even have a so-called balanced budget amendment agreement. However, upon examination, we see readily that the President's budget or anything that might come from the President's budget that we might agree to is not going to solve the problem. It will not balance the budget. It adds over $1 trillion to the debt. It is based on assumptions that in all likelihood will not play out. It is based on assumptions having to do with current economic expansion which is now in the sixth year, making it the third longest on record. The likelihood is that will not continue indefinitely. It is based upon high projections of corporate profits that the CBO says are unrealistic. It is based upon the proposition that we will continue to have medical savings, and many, many experts, including the Budget Committee, think we have got most of those savings on the front end, that they will not be occurring year after year after year, and that will impact our tax revenues.

The President's budget is based upon extremely optimistic projections for long-term interest rates. And last but not least, of course, three-quarters of the cuts in the President's budget come after the President is no longer in office, the last 2 years.

In other words, it is based on the proposition that a future Congress will have more courage than this one does and we will be making cuts in discretionary programs, things that most all of us agree we need to be more attentive to, things like infrastructure and research and development and things of that nature that provide for the long-term viability of this Nation. But the proposition is that we will continue to squeeze that 17 percent of nonentitlement, nondefense, noninterest portion of the budget, that narrow 17 percent, for those infrastructure items and parks and that sort of thing, and get astronomical savings from cutting those areas in the last 2 years.

We know that will not happen. We know that will never take place. So that is why David Broder referred to the budget as one of "no hard choices." But, as we know, the time is past for no hard choices. We cannot get by with that any longer. We cannot get by with that indefinitely.

Last Saturday I was watching on television, on C–SPAN, a former colleague of ours, Senator Packwood. He was speaking to a group out in Oregon about things that he knows a lot about, about our tax structure, about budgetary matters. As chairman of the Finance Committee, of course, he was deeply involved in those matters. He had some charts.

I called and asked for those tables with regard to percentages of taxing and spending as a percentage of gross domestic product with regard to this country and other countries. There are some very interesting things in there in terms of where we are today and where we are likely to be tomorrow.

Mr. President, I ask unanimous consent that those tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

[United States only; in percent]

Year	Federal		State/Local*		Total	
	Tax	Spend	Tax	Spend	Tax	Spend
1950	14.8	16.0	6.6	7.1	21.4	23.1
1955	17.0	17.8	6.9	7.3	23.9	25.1
1960	18.3	18.3	7.9	7.8	26.2	26.1
1965	17.4	17.6	8.7	8.6	26.1	26.2
1970	19.6	19.9	10.2	9.8	29.7	29.7
1975	18.5	22.0	10.8	10.4	29.3	32.4
1980	19.6	22.3	10.1	9.2	29.6	31.5
1985	18.5	23.9	10.6	9.2	29.1	33.0
1990	18.8	22.8	10.7	10.2	29.5	33.0
1991	18.6	23.3	10.9	10.7	29.5	34.0
1992	18.4	23.3	11.1	10.8	29.5	34.1
1993	18.4	22.5	11.2	10.7	29.6	33.3
1994	19.0	22.0	11.1	10.7	30.0	32.7
1995	19.3	21.7	11.0	10.7	30.4	32.4

*Does not include the receipt or spending of grants-in-aid from the federal government, which are counted as federal expenditures.

Note: Totals may not add due to rounding.

Source: Budget of the United States Government, Historical Tables, Office of Management and Budget, March, 1996.

TOTAL GOVERNMENT TAXES AND SPENDING FOR SELECTED ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD) COUNTRIES AS A PERCENTAGE OF GROSS DOMESTIC PRODUCT, 1970–95

[In percent]

Country	1970		1980		1985		1990		1995*	
	Tax	Spend	Tax	Spend	Tax	Spend	Tax	Spend	Tax	Spend
United States	29	32	31	32	30	33	31	33	32	34
Japan	21	19	28	32	31	32	35	32	34	38
United Kingdom	40	39	40	43	41	44	39	40	37	42
Canada	34	35	36	39	39	45	42	46	42	46
Germany	38	39	45	48	46	47	43	45	46	50
Netherlands	42	44	51	55	54	57	49	54	48	51
France	39	39	46	46	49	52	48	50	49	54
Italy	30	34	33	42	38	51	42	53	45	52
Norway	44	41	48	43	50	41	52	49	47	46
Denmark	42	40	53	56	57	59	57	59	60	62
Sweden	47	43	56	60	60	63	63	59	59	67

*Projected.

Note: All figures rounded. The percentages in this chart are compiled by the OECD, an association of the major industrialized countries of the world. The OECD uses a different method of calculating government expenditures and revenues than the standard budget accounting method the U.S. government uses. Therefore, while the figures in this table give an accurate comparison of the spending and revenue trends of our major competitors, these figures should not be compared directly to other data.

Source: Organization for Economic Cooperation and Development Outlook, December 1995.

TOTAL GOVERNMENT TAXES AND SPENDING FOR SELECTED INDUSTRIALIZING COUNTRIES AS A PERCENTAGE OF GROSS DOMESTIC PRODUCT, 1998–94

[Pacific rim countries; in percent]

Country	1998		1990		1991		1992		1993		1994	
	Tax	Spend	Tax	Spend	Tax	Spend	Tax	Spend	Tax	Spend	Tax	Spend
Thailand	18	14	19	14	18	14	18	16	18	16	19	15
Taiwan	15	14	17	15	14	16	14	20	14	18	14	16
Korea	17	16	18	16	17	16	18	17	19	18	20	18
Bangladesh	9	17	9	17	10	16	11	16	12	17	12	19
Hong Kong	16	14	15	15	17	14	17	14	19	15	17	16
India	18	20	18	20	17	18	16	17	17	18	16	17
Indonesia	17	19	20	19	18	19	19	19	18	17	17	17
Philippines	16	18	17	20	18	19	18	19	18	19	20	19
China	20	23	20	22	18	21	16	19	15	18	15	18
Chile	21	27	21	20	22	21	22	20	23	21	22	20
Malaysia	25	28	26	30	26	28	27	28	31	25	31	24

Note: All figures rounded. Many nations use different methods of calculating government expenditures and revenues than the standard budget accounting method the U.S. government uses. These series can, however, give an approximate comparison of these spending and revenue trends of these countries.

Source: Government Finance Statistics Yearbook, International Monetary Fund, 1995. Asia Development Outlook, 1995–1996, Asian Development Bank.

Mr. THOMPSON. What road are we on? If we do not need a constitutional amendment to balance the budget and if we do not have that, what is likely to happen based on history and based on reasonable projections?

First of all, he gave me a chart that had to do with United States, State/local, and total government taxes and spending as a percentage of GNP. It showed a couple of different things.

In 1950, the tax take was 21.4 percent. In 1950, 21.4 percent of GDP. In 1995 it was 30.4 percent. But, spending went from 23.1 percent to 32.4 percent.

So the point that he made, which I think is a valid one, is you cannot tax your way out of this problem. We are increasing taxes both in real terms and in terms of percentage of GDP, but of course, spending continues to increase right along with it. So, today, we are taxing a little over 30 percent and spending a little over 32 percent.

Then he made some comparisons with some other countries. I think it is some indication of our future, and some indication of maybe our past in a way. As far as our future is concerned, the direction it looks like we are likely to go is the same direction that many of our friends in Europe and Scandinavian countries went. Figures with regard to Germany, France, Norway, Denmark, and Sweden—there, interestingly enough, they, too, are spending a greater percentage of their GDP than their taxing reflects.

In Germany they are taxing 46 percent, spending 50; France, 49 percent, spending 54; Norway and Denmark and Sweden—Denmark, of course, taxing 60 percent of GDP and spending 62 percent.

What is in common among all of these countries is they all have economic problems. They are all having problems with unemployment. They are all having the problems with the demographics that we will soon be facing, problems of a growing elderly population. They are all economies that, I think it would be fair to be say, generally are stagnating and having great problems. They are all economies that historically, just like us, always spend a little more than they tax. They continue to raise taxes, but always spend a little more than they tax. That seems to be our future on the present course.

On the other hand, if you look at some countries around the Pacific rim—Taiwan, Hong Kong, Indonesia, countries of that nature, you see they are taxing in the neighborhood of between 14 and 17 percent of GDP and spending in the neighborhood of 16 and 17 percent of GDP. So, not only do they have very low rates of taxation and low rates of spending, but their spending is not outstripping their taxes.

What do we have there that is common among those countries? High rates of growth, high employment rates, economic prosperity. They are behind us right now in many respects. They are on the move. They are catching up with these policies, and we are looking to a future with these other policies.

There is no reason to believe we will not go down that same road that our European neighbors and our Scandinavian neighbors have gone. That, of course, will put us in an extremely vulnerable position when the baby boomers start retiring and all of our social services are flooded with those numbers. We are not going to be able to make it. It is going to take all of our revenues. We all know that. We all dance around and make sounds about a balanced budget because we are putting the numbers down on the back of an envelope. You could put numbers on the back of an envelope, saying that future Congresses will cut when the time comes so, therefore, we have a balanced budget. It is the easiest thing in the world to do on paper but everybody knows it is not going to happen. And when it does not happen, once again we will wonder why only 48 percent of the people in this Nation are even bothering to vote. It is because they feel there is a kind of joint, tacit understanding we will say whatever is necessary and do whatever is necessary for temporary political advantage, telling people we are going to have something that we are not really going to have, while continuing to spend because spending garners political support, political votes, and political contributions, and hoping that the hatchet will fall on somebody else's watch, years down the road.

That is what this is all about. We can make arguments about various amendments to this constitutional amendment. Some of them are well thought out, well reasoned and so forth. But they avoid the hard question. Are we going to limit ourselves?

Again, people say we do not need to mess with the Constitution in order to do that because we have it within our means to do the right thing. By that logic, we should not have to have the first amendment. We have it in our means not to pass a law abridging freedom of speech. All we have to do is not do it. Yet, we decided that we ought to have a constitutional amendment because we know historically, and our Founding Fathers certainly knew, that there seemed to be a tendency—I ask unanimous consent for another 3 minutes.

Mr. TORRICELLI. I yield 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. Our Founding Fathers knew historically governments like to pass laws abridging freedom of speech. They knew historically that governments like to pass laws or carry out activities that constitute illegal searches and seizures, and that is why we came up with the fourth amendment. Governments historically like to do things that we decided a long time ago that we don't want them to do.

What has history shown with regard to our ability to pass a balanced budget, or our ability to restrain spending? If we have any track record at all, it is one that is clear as can possibly be and that is we do not have that ability, we do not have that will in order to do that.

Interestingly and parenthetically, after it was over with, in Q and A, Senator Packwood was asked, "Senator Packwood, where do we get that will?"

He thought for a minute and said, "I am reluctantly coming to the conclusion that the only thing that will cause it will be term limits."

But that is a debate for another day. I yield the floor.

Mr. TORRICELLI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, we have before us an amendment that contains three separate changes to the balanced budget amendment. I do not believe that any of these three changes would be appropriate. I don't think they are wise or necessary, and so I have to oppose Senator TORRICELLI's amendment.

Let me add that all of these things, at least in concept, have already been rejected by the Senate. There is no reason to adopt them now.

The first change in the amendment would allow for a waiver of the balanced budget rule by a majority vote in any year where the United States is in a period of economic recession or significant economic hardship.

Mr. President, this portion of the Torricelli amendment is similar to the Durbin amendment that the Senate defeated by an overwhelming 64 to 35 vote just 2 weeks ago. The reasons it was rejected apply to the Torricelli amendment as well. In fact, they may apply with greater force, as this language is more permissive and less clear than was the Durbin amendment.

The terms used in this amendment are undefined. The determination of "an economic recession," or "significant economic hardship," could easily be manipulated by a spendthrift Congress as a way to avoid the discipline of the balanced budget amendment. Nearly anything could be seen as a significant economic hardship if considered from a certain point of view. It is important to note that even during times of national economic prosperity, some regions may experience localized downturns. This proposal could allow such regional hardships to justify waiving the balanced budget amendment and giving the country deficits at the exact time it should be running surpluses.

Thus, the amendment, I am sorry to say, would create a huge loophole, a giant loophole, that would swallow the balanced budget rule. It is also important to note that if the balanced budget amendment is waived for a session, it is waived for all spending in that year. In other words, the amendment would permit deficit spending for any number of projects that are in no way related to the so-called significant economic hardship.

Just remember President Clinton's 1993 attempt to push through a multibillion-dollar emergency stimulus boondoggle under the guise of trying to end a recession which had, in fact, already ended. Mr. President, if you take your finger out of the hole in the dike, then the whole town can be flooded.

One of the arguments made in favor of this proposal is that without it, the balanced budget amendment will somehow inhibit the functions of the so-called automatic stabilizers. I have spoken extensively on this issue, and I think it is clear that the importance of automatic stabilizers has been overstated and, in any case, the balanced budget amendment will not inhibit their functioning.

Moreover, this amendment does not respond to the concerns raised about the automatic stabilizers. It simply allows Congress to avoid the balanced budget by a lower threshold. Put simply, this proposal is a loophole and should be rejected, as I hope it will be, just as a similar proposal was overwhelmingly rejected a couple of weeks ago.

The next change this amendment would make to the balanced budget amendment would be to permit a waiver by a simple majority when the United States "faces an imminent and serious military threat to national security." If this proposal sounds familiar to my colleagues, it is because it is the same amendment that Senator DODD proposed about 2 weeks ago. That amendment was discussed thoroughly and soundly defeated by a vote of 64 to 36.

This provision would permit a waiver if the United States merely faces a threat. I understand what military conflict is. It involves shooting. But the notion of a mere threat is far more pliable. Indeed, ever since the advent and proliferation of nuclear weapons, it could be cogently argued that the United States "faces an imminent and serious military threat to national security" every minute of every day. Thus, anyone who seeks refuge from the tough choices necessary to balance the budget could invoke this threat and waive the balanced budget rule if this provision is incorporated into this balanced budget amendment.

In short, Mr. President, this proposal is another huge loophole, or would create a potentially huge loophole. Its effect is to weaken and confuse the standard by which the balanced budget amendment may be waived and, thus, it would weaken the balanced budget amendment. It should be rejected, as it was before.

The third change that the amendment of my friend from New Jersey would make would be to exempt spending on capital items from the balanced budget rule. Similar proposals were contained in the Feinstein amendment that the Senate just rejected only a few moments ago.

One part of this proposal is that the definition of receipts, instead of excluding all funds derived from borrowing, would now exclude only those derived from "net borrowing and the disposition of major public physical capital assets." Outlays still include repayment of debt principal, but also would exclude "those dedicated to a capital budget."

While I am not entirely clear on the purpose or full ramifications of the net borrowing provision from its placement, it appears to take account of depreciation of the current year's capital or economic income of an item in the capital budget. It might perhaps have other effects. In any event, it might artificially make receipts seem higher, as a matter of accounting, than they really are. That, in turn, could allow future Congresses to avoid a three-fifths vote in some years where there is a deficit by manipulation of the net borrowing provision of this amendment. I expressed concerns about this language when my colleague from New Jersey proposed it in the Judiciary Committee. Those concerns have increased now that he has expanded the exception from what it was in his committee amendment. Depreciation is a highly malleable concept which could allow substantial gaming of this provision. Additionally, this proposal would not count the proceeds from the sale of capital assets. I do not understand why we would limit commonsense flexibility in this way.

The next change this amendment would make would be to exclude "investments in major public physical capital that provides long-term benefits" from the definition of outlays. Mr. President, what does this mean? How big must an investment be to be considered major? How far into the future must benefits be realized for the investment to be considered long term? Is a health program for children physical because children are an asset?

I could go on for hours on the interpretation, or the potential interpretations, this huge loophole would make and allow. Exempting capital budgets from the balanced budget amendment opens up a tremendous loophole in the amendment. There would be powerful incentives for Congress and the President to balance the budget by redefining more programs as capital expenditures.

A gimmick capital budget exemption could actually endanger capital investments, as fake investments crowd out real capital investments. The most basic problem with that is that all discussions of capital accounts are that there is no clear standard definition of a capital budget. So no one knows what expenditures will fall within that definition. Attempts to limit the reach of the capital budget definition are largely exercises in futility, because the terms are inherently malleable.

Creative budgeters can find a way to get more spending into that capital category.

Just yesterday the President recognized these activities and created a Capital Budget Commission to study whether the Federal Government should implement a capital budgeting procedure, since many in his administration, including the Secretary of Treasury, think it would be horrible to implement a capital budget procedure from the Federal standpoint.

One of the primary duties of this Commission will be to report on the appropriate definition of capital budgets including "use of capital for the Federal Government itself or the economy at large; ownership by the Federal Government or some other entity; defense and nondefense capital; physical capital and intangible or human capital; distinctions among investments in and for current, future, and retired workers, capital to increase productivity and capital to enhance the quality of life; and existing definitions of capital for budgeting."

Gee, that covers everything. It just means that the balanced budget amendment would be a worthless piece of paper—with this amendment, it would become a worthless piece of the Constitution.

This list of possible items to be included certainly suggests the difficulties in defining capital budgets and limiting the exceptions to the balanced budget amendment. Yet, today we are asked to enshrine some form of capital budgets in the Constitution before this Commission has even started its work.

To be honest with you, nobody should be deceived. I think we are going through what we went through before when they needed a vote and formed a Commission to get that vote, and then totally ignored the findings of the Commission afterward. There is nobody in this administration that really believes in capital budgets for the Federal Government, or at least I do not know of anybody. And I have seen plenty of evidence that they do not believe in the use of capital budgets and that it is inappropriate to use them for the Federal Government. So it is just another attempt to try to defeat the balanced budget amendment by the White House. And I do not think anybody fails to understand that who has been around here for any period of time.

The definitional problems inherent in capital budgeting are made clear in President Clinton's proposed fiscal year 1998 budget. In it, the OMB, that is, the Office of Management and Budget, lists four broad categories of programs that may or may not be considered capital expenditures, ranging from physical assets owned by the Federal Government to social investment including nutrition programs, health care, and drug rehabilitation, among other social welfare spending. That is taken from the "Office of Management and Budget, Analytical Perspectives, Proposed FY 1998 Budget," at page 101. Even within those four broad categories, there are questions about which programs should be included. It is particularly inappropriate to place capital budgeting in the Constitution when there is no agreement on what constitutes a capital budget. Nor is there likely to be agreement after the so-called suddenly created Commission does its work.

This concern has been echoed by the Congressional Budget Office in the testimony of Robert Hartman before the House Subcommittee on Economic Development in 1993. He stated the following:

> Establishing a capital budget imposes a significant risk of increasing Government consumption by reducing budget discipline and encouraging the reclassification of operating expenditures as investment.

Now, put another way, capital budgets are a loophole which could reduce budgetary discipline. The very last thing our children need is for us to have less budgetary discipline.

Mr. Hartman continued his criticism of capital budgeting by noting that the Federal Government is not constrained by the normal disciplinary factors that face most potential borrowers. Most people who want to borrow must demonstrate to the bank a reasonable likelihood that the investment will pay off, so that the bank can judge the risk of the investment.

> [T]he Federal Government—with the sovereign power to tax and create money—faces little discipline from lenders, who are assured of being repaid independent of the productivity of the Government's investment. The restraint that does exist is almost entirely internal and must be self-imposed.

That was Robert Hartman.

You know, we have seen, Mr. President, what happens when Congress tries to discipline itself. I think the best illustration I could give is standing right here, 28 straight undisciplined, unbalanced budgets.

The fact is, these two stacks represent 28 solid straight years of unbalanced budgets. Yeah, we have people coming in here and saying, we can just do this. All we have to do is vote. This is the kind of discipline that we have without the balanced budget amendment. I tell you this. If we do not pass a balanced budget amendment, these two stacks are going to go to the ceiling of this Chamber and beyond because there is no way that there is going to be the fiscal discipline that really is needed. We have 28 straight years of unbalanced budgets.

In the absence of external discipline, borrowing choices may not be made on economic grounds. Borrowing can instead become a source of seemingly unlimited money from which Congress could fund any special interest with sufficient political clout. It is exactly these types of perverse incentives that have gotten us into $5.3 trillion of debt.

Building on the testimony of Robert Hartman, CBO has noted that:

> [The Federal Government] Unlike private investment that is guided by market considerations, political factors may dominate the choice of public investment projects.

That is a nice way of saying what financial markets expert David Malpass stated as part of his testimony before the Judiciary Committee last month, regarding a Federal capital budget exemption:

> One person's capital investment is another person's pork-barreling.

The Washington Post was even less diplomatic in an editorial that was highly critical of capital budgeting when the idea was floated during the Reagan administration. This is what the Washington Post said about capital budgets:

> The concept of a capital budget, applied to the Federal Government, is pure fakery. It is the resort of an administration that, finding the realities of the budget intractable, wants to fuzz up the numbers. . . . To introduce capital budgeting into the Federal accounts would create such wide realms of discretion, and such sponginess of the figures, that a diligent budget director could bring the deficit out at any number he chose.

Well, as you can see, the Clinton administration joined the consensus against debt-financed capital budgeting when it stated in the President's 1998 budget document:

> . . . the rationale for borrowing to finance . . . investment is not persuasive. . . . A capital budget is not a justification to relax current and proposed budget constraints.

The proposed budget constraints in the balanced budget amendment most certainly should not be relaxed.

They further suggested that the Government borrowing crowds out private use of that capital which has offsetting negative effects on the overall economy and the return of the Government's investment.

Let me add, that the Capital Budget Commission that the President announced yesterday specifically did not authorize the consideration of deficit-funded capital budgets. The administration clearly appears to be opposed to such proposals. But that is exactly what my friend from New Jersey's amendment encourages. I may not object to having a capital budget that is funded out of annual tax receipts, but it would be a risky gimmick to have debt-funded capital budgets which nearly everybody agrees should not be enshrined into our beloved Constitution.

Mr. President, the nonpartisan General Accounting Office has also found fault with the notion of debt financing of capital budgeting. In a 1992 study by the GAO, entitled "Prompt Action Necessary to Prevent Long-term Damage to the Economy," the GAO on capital budgets said:

> The creation of explicit categories for governmental capital and developmental investment expenditures should not be viewed as a license to run deficits to finance these categories. In the short run, both consumption and investment goods use economic resources, and deficit financing for either will absorb resources that would otherwise be available for private investment. Deficits also raise Federal interest costs, regardless of the source of the deficit . . . the choice between spending for investment and spending for consumption should be seen as the setting of priorities within an overall fiscal constraint, not as a reason for relaxing that constraint and permitting a larger deficit.

In other words, capital expenditures should be kept inside the balanced budget role of the amendment, something that my friend's amendment would not do.

Now, Mr. President, OMB, GAO, and CBO have all expressed serious reservations about implementing a debt-financed capital budget in even a statutory manner. Yet this amendment would enshrine it in the Constitution. Proponents of capital budgets have suggested that because States rely on capital budgets to finance depreciable investment expenditures, the Federal Government should likewise be able to account for such expenditures separately from its main operating budget.

The simple fact is, Mr. President, that the Federal budget, unlike State budgets, is sufficiently large to handle capital expenditures. The Federal budget for fiscal year 1997 is projected to exceed $1.6 trillion. Of that we will spend approximately $21 billion in direct Federal outlays for what the President's budget defines as nondefense, physical capital investment, the category most analogous to State government or private capital budgets. That is a mere 1.3 percent of the total Federal budget for that year. There is no reason why these relatively small investment expenditures cannot compete with other budget priorities under the stricture of the balanced budget amendment.

The fact is that the Federal Government does not need capital budgeting as much as smaller entities because it commands such a large budget. The analogy to capital budgeting by businesses or States is inept because the Federal Government is not subject to the same checks as either private businesses or State and local institutions or governments.

Private businesses are disciplined by markets. State and local government capital budgeting is subject to bond ratings. These checks on the abuse of capital budgets will not exist under a Federal capital budget, making it far more likely that a Federal capital budget would be abused. CBO has observed, and let me just quote them,

> The main difficulty with relying on Government investment spending is that unlike

private investment that is guided by market considerations, political factors may dominate the choice of the public investment projects.

Now, Mr. President, all three proposals in the amendment of my friend from New Jersey have already been debated, all have been rejected during this debate, two of them in stand-alone amendments. The last thing we need to do is weaken the rules requiring a balanced budget. We have 28 years of unbalanced budgets here to show that.

Under the Torricelli amendment, we would absolutely be expecting more of the same. There is no question about it. I know the distinguished Senator from New Jersey, and I know that he wants to get spending under control. I know that he is sincere in bringing this amendment forth. Literally, it would open up so many doors to violating the balanced budget rule that I have to oppose it, I reluctantly have to oppose it.

What we need is a straightforward amendment like we have, like Senate Joint Resolution 1, the amendment that most of us are fighting for so hard, an amendment without risky gimmicks and without loopholes. Senate Joint Resolution 1 is such an amendment. It has been carefully drafted over many years and represents a balanced, bipartisan, bicameral approach, and it is the only way that we can return fiscal responsibility and sanity to this Government. I am convinced of that, and I think there is no question the vast majority of our Senators are convinced of it. The question is, can we get 67 votes in order to pass? I believe we can. I have faith that we can. I think this is the last chance. This is the only amendment that has any chance of passage for the Congress. It is the last chance to do it, and it really is coming down to just one vote.

Now, I pray with all my heart that we will be able to pass it here. I do not know what they will do in the House. I suspect if we pass it here, it will have momentum going to the House, and I expect it to be passed there. I expect to pass it here.

I do not want to spend any more time on this amendment. I have done the best I can to explain why I cannot support it and why I am asking my colleagues not to support it. Yet I understand that it is a serious amendment, and I appreciate the seriousness of my colleague from New Jersey. He is on our committee. He played a significant role during the debate of this matter in the committee, and I respect him.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, would the distinguished Senator from New Jersey yield me 5 minutes of his time?

Mr. TORRICELLI. Mr. President, I am happy to yield to the Senator from West Virginia 10 minutes.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I have sat on this floor today and listened carefully to the distinguished Senator from New Jersey as he explained his amendment and as he has recounted the reasons for his having offered the amendment. I see no other Senator on the floor other than perhaps Mr. HATCH, the distinguished manager of the amendment, who sat through the entirety of Mr. TORRICELLI's speech.

Mr. President, I say that to say this: The speech by the distinguished Senator from New Jersey was one of the most thoughtful, most thought provoking, most reasonable speeches that I have heard on any subject, and particularly on the subject matter of the resolution that is before the Senate. One could not listen to Mr. TORRICELLI without immediately knowing that a great deal of work and thought and agonizing went into that speech.

The Senator from New Jersey is the one Senator whose vote has not yet been announced. We do not know how the Senator from New Jersey is going to vote, and that realization in itself would be indicative that he must have spent some tormenting, agonizing moments in the preparation of that speech. I am going to vote for the amendment that has been offered by Mr. TORRICELLI because I think it is a needed amendment. Whether the Senator, in the final analysis, casts his vote for the constitutional amendment or against the constitutional amendment is beside the point here at the moment. I respect the Senator for the thought that he has invested in this speech, and I admire him for that.

I would have understood Henry Clay, who was a proponent of the great American system, to have made the kind of speech that has been made by the Senator from New Jersey. I would have understood Webster, in his debate with Hayne, on January 26 and 27, 1830—he spoke along the same line, saying that the people of New England did not recognize boundaries of rivers or lines of latitude, or mountains, as boundaries to their political patriotism. He thought that if an investment in infrastructure in South Carolina, for example, would benefit the Nation, it was a matter great enough for him as a Senator from New England to support. The Old Cumberland Road was a project that was supported by Henry Clay. They recognized the necessity for building up the Nation's infrastructure. They were looking not just at the present, but they were also looking at the future.

Now, when they propose investments in infrastructure, investments in railroads, investments in canals, investments in bridges and highways, it seems to me that our friends on the other side cannot have it both ways. I have listened to their speeches, and they support, they say, doing the same thing that the States do—having a balanced budget amendment to the Constitution. We have heard them say over and over again, "Let's do what the States do. The Federal Government should do what the States do. We need a constitutional amendment to the Constitution that will force us to do what the States do, and the States have a constitutional amendment." They have amendments in their constitution or they have it written into the constitution that they have to balance their budgets.

The proponents don't bother to explain that States have both a capital budget and an operating budget. They don't bother to explain that. The people who listen to this debate are to take it on faith that we are not talking about apples and oranges, but we are talking about apples and apples.

Mr. LEAHY. Will the Senator yield on that one point?

Mr. BYRD. If I may, I want to ask the Senator from Utah a question. They say, "Let's do like the States do. They have constitutions that require them to balance their budgets." But the proponents of this constitutional amendment don't bother to enlighten their listeners and readers to the fact that the States have capital budgets which they don't balance every year.

So now the distinguished Senator from New Jersey [Mr. TORRICELLI], seeks to meet that argument and put, indeed, into the Constitution language that will allow the Federal Government to operate on two budgets—an operating budget and a capital budget—so that the Federal Government will be, indeed, operating like the State governments, it will have a Constitution insofar as capital budgeting is concerned, like the State governments. It will continue to have an operating budget, and it will also have a capital budget. But it cannot have a capital budget, under the language of the proposed constitutional amendment. Section 1 provides against that. Section 1 says: "Total outlays for any fiscal year shall not exceed total receipts for that fiscal year."

So, right there, in section 1, as plain as the nose on your face, we would be precluded from passing a law once this constitutional amendment is adopted here and ratified by the States—the Federal Government would be precluded from having a capital budget. Well, the Senator from New Jersey seeks to remedy that. He seeks to provide that the Federal Government will have two budgets, so that indeed the Federal Government would be on a par with the States.

Mr. President, I ask unanimous consent that I may ask a question of another Senator without losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask the distinguished Senator from Utah, how is it that the proponents are able to talk out of both sides of their mouths? They say, on the one hand, that the Federal Government should be like the States; it should have in its Constitution a provision for a balanced budget; the Federal Government should operate on a balanced budget. Now, the States all have operating budgets and capital budgets——

The PRESIDING OFFICER. The 10 minutes allotted to the Senator from West Virginia have expired.

Mr. TORRICELLI. I yield 5 more minutes to the Senator from West Virginia.

Mr. BYRD. I thank my friend. How can my friends on the Republican side—and let me say that I have great admiration for the Senator from Utah. He has stood here day after day and labored in the vineyard and carried the burden of the arguments. I marvel at his equanimity, his patience, and his characteristic courtesy. But how can the Senator argue, on the one hand, that the Federal Government should be like the States, that it should be constitutionally required to balance its budget, but he opposes letting the Federal Government be like the States when he opposes having the Federal Government operate not only on an operating budget but also with a capital budget?

Mr. HATCH. Well, I think the Senator raises a very good point, which is that there are some who say that we ought to balance the budget like the States. Well, there are 44 States that have balanced budget amendments. First, that is a difference there. We don't have a balanced budget amendment in the Constitution; they do in theirs. Second, some States do have capital budgets and, therefore, are different. But the reason they are different is because States don't print the money. We print the money. We have a huge budget. They have to live within certain constraints. So it isn't exactly alike, there is no question. What we are requiring here is the Federal Government—I mentioned in my remarks that in the fiscal 1998 budget are some $20 billion-plus, less than 1.6 percent of the total budget, that would be used for capital budgets.

The Federal Government has such a massive budget that it doesn't need capital budgets. Most budgeteers will say don't do it to the Federal Government, for a wide variety of reasons. Let me read from this because I think it applies directly to what my friend has raised. He always raises good questions, and this is certainly a good one. This book is entitled "Analytical Perspectives: Budget of the United States Government, Fiscal Year 1998," prepared by the administration.

In one section here, it says:

> State borrowing to finance investment, like business borrowing, is subject to limitations that do not apply to Federal borrowing. Like business borrowing, it is constrained by the credit market's assessment of the State's capacity to repay. Furthermore, it is usually designated for specified investments, and it is almost always subject to constitutional limits or referendum requirements.

We are not subject to referendum requirements. We are not subject to constitutional limits. If we had the amendment of the Senator from New Jersey and that became part of this constitutional amendment, we would not have the same designated, specified investment routine. You could do almost anything you wanted to do with the language in that amendment. Of course, there is no bond rating that can rate the Federal Government. I think that is why we don't have the same free market or even economic marketplace ideas that literally would constrain the Federal Government.

I have to also say that the amendment of the distinguished Senator from New Jersey literally opens up the door to anything. You could call anything capital budgeting, including perhaps even physical welfare matters which, of course, when you think of capital budgeting you think of roads and bridges. Frankly, you could just put anything in there. That is why this language is so broad that it can't be put into the Constitution because there is no definition. It could be used in any way that the proponents of more spending want to use it. There would be no limitation of restraint. There are no referendums that you could use to stop impropriety and excessive spending and vesting, if you will.

The PRESIDING OFFICER. The 5 minutes allotted to the Senator has expired.

Mr. LEAHY. Mr. President, will the Senator yield for a question from the Senator from West Virginia and for a question from the Democratic floor manager?

The PRESIDING OFFICER. The Chair observes that the time is under the control of the Senator from New Jersey.

Mr. BYRD. Mr. President, I hope the distinguished Senator from Utah will exercise his usual fairness and charge a little of the time to himself.

Mr. HATCH. I would be glad to do that. If my colleague gets short on time, I will try to accommodate him.

Mr. TORRICELLI. I am happy to yield to the Senator from West Virginia. I enjoyed listening to the Senator from Utah. But I would enjoy it much more if I was listening to him on my own time.

Mr. LEAHY. How much time is available to this side, Mr. President, of the argument, and how much time to that side of the argument?

The PRESIDING OFFICER. The Senator from New Jersey has 41 minutes and 2 seconds, and the Senator from Utah has 44 minutes and 34 seconds.

Mr. LEAHY. Mr. President, I wonder if the Democratic floor manager could have 5 minutes?

Mr. TORRICELLI. I am happy to yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, as I listened to the question of the Senator from West Virginia and the response, I do not believe that the question was fully answered. I say to my good friend from Utah that he and I have debated this matter in committee now for several years. We have debated it on the floor of the Senate for the past couple of weeks, which also feels like several years. We have gone back and forth.

Mr. HATCH. Indeed, it does.

Mr. LEAHY. I ask us to think back to 1804 when Thomas Jefferson financed the Louisiana Purchase. He spent, I believe, $15 million at that time, which he had to borrow. Put that $15 million, I say to my friend from New Jersey, in today's dollars and it would amount to $225 billion. He had to borrow the equivalent of $225 billion in 1 year for that transaction. We have not had a deficit as high as $225 billion, I do not think since the last deficit during the Bush administration. In fact, $225 billion exceeds all annual Federal deficits except for those in the last 2 years of the Bush administration.

I think that we ought to commend Senator TORRICELLI for the constructive way in which he has acted in this debate. I agree with what the preeminent historian of the Senate, the Senator from West Virginia, said when he spoke of the debates of Clay and others.

I also agree that this amendment and this debate shows a great deal of thought from the Senator from New Jersey. He was thoughtful and serious during our committee proceedings and debate, as well. He has consistently shown that he has thought hard about and wrestled with this matter. I hope everyone, whether they are for or against his amendment, will listen to his speech. Whether they are for or against this constitutional amendment, I hope everyone will seriously consider the amendment offered by the Senator from New Jersey. The Nation's leading economists all agree that a capital budget is an essential part of the State experience with balanced budget requirements, and that the omission of a capital budget in this proposed constitutional amendment is a major flaw. Over 1,000 economists, including 11 Nobel laureates, noted in a statement of opposition announced by the Senator from West Virginia that you should have this. It is a major flaw in this whole poorly written Senate Joint Resolution 1. Unfortunately, as I have said before, this resolution is one that is written more for a bumper sticker than it is for the Constitution of the United States of America, the greatest Constitution ever.

I wish the manager, my good friend from Utah, and his cosponsors would abandon their blood oath of not allowing amendments and consider the merits of this suggested amendment.

All Senators should consider favorably Senator TORRICELLI's effort to correct dangerous aspects of the underlying proposed constitutional amendment.

CAPITAL BUDGETING

Senator TORRICELLI forcefully pointed out during the Judiciary Committee deliberations on the underlying measure that we as a nation are suffering from a capital investment crisis. In 1965, more than 6 percent of Federal expenditures were invested in infrastructure such as roads, bridges, ports, and mass transit systems. By 1992, that share of capital investment had fallen by more than half to about 3 percent of our Federal budget and this year it will approach barely 2 percent.

At the same time as our infrastructure funding has been shrinking, our Nation's needs have continued to grow. The result is that we are becoming a nation in disrepair. For instance, more than a quarter of a million miles of roads need repair and more than 25 percent of our bridges have exceeded their life span.

This failure to maintain adequate infrastructure is hurting our competitiveness in the global economy. We are competing against other countries with the foresight to repair their roads and bridges, modernize their transit systems, maintain their ports, build new schools and make the investments in telecommunications infrastructure that are the keys to success in today's global competition. The United States is dead last among the G–7 nations in public infrastructure investment as a percentage of gross domestic product.

Senator TORRICELLI is correct that we must reverse this trend and make the long-term investments needed to support a strong economy. I am glad to see President Clinton calling for study and action on capital budgeting. We must be able to invest in capital improvements—and, in my view, in education—if we are to give our children their best chance to compete and win in the coming century.

The underlying proposed constitutional amendment prohibits budgeting for capital expenditures. Instead it would include all expenditures on an annual basis for purposes of calculating balance. All expenditures, whether the equivalent of operating expenses or capital investments, are tallied the same for purposes of the underlying proposed constitutional amendment.

The sponsors and proponents of this measure refuse to permit any exception and future Congresses will be forever barred from solving our infrastructure crisis by creating a capital budget for long-term investments.

The majority report is silent on this important subject. The Committee's past hearings, however, establish an extensive record in support of maintaining a separate capital budget. Herbert Stein, of the American Enterprise Institute and former economic adviser to President Nixon; Edward V. Regan, of the Jerome Levy Economics Institute and former New York State Controller; and Dr. Fred Bergsten, on behalf of the bipartisan Competitiveness Policy Council and former Assistant Secretary of the Treasury during the Carter administration; differed on the wisdom of enacting a constitutional amendment on the budget but all agreed on one thing: If such an amendment were to be considered it should separate capital investments for any annual balance requirement.

Nonetheless, when the Judiciary Committee had the opportunity last month to consider amendments that would have allowed for a separate budget for capital investments, it rejected them. Senator TORRICELLI offered a substitute amendment to establish a Federal capital budget but the committee rejected the Torricelli amendment by an 8 to 9 vote with all Republican members who voted, voting against capital budgeting.

This inflexibility is one of the principal reasons that President Clinton opposes this constitutional amendment on budgeting. The President stated:

> We must give future generations the freedom to formulate the Federal budget in ways they deem most appropriate. For example, some believe that the Federal Government should do what many State governments do: adopt a balanced operating budget and a separate capital budget. Under this constitutional balanced budget proposal, the government would be precluded from doing so.

During the committee's January 17 hearing, Robert Greenstein of the Center on Budget and Policy Priorities explained:

> What families do when they balance their budget is families say that all of their income, including money they borrow, equals all the cash they pay out. Families borrow money when they purchase a house through a mortgage, whey they buy a car, and especially when they send a child to college. If families had to operate on the basis that this amendment does, they would have to pay for all of college education out of the current year's income, all of the entire cost of a home, not the down payment, the whole thing, out of the current year's income. Nobody operates that way.

The actions of Thomas Jefferson as President, as opposed to his oft-quoted ruminations about the evils of public debt, are also instructive but ignored by the proponents of the underlying measure. In 1804, President Jefferson had the United States borrow $15 million, in 1804 dollars, by selling bonds to finance the Louisiana Purchase. That amount approximates more than $225 billion in 1993 dollars and exceeds every Federal budget deficit except for the final 2 years of the Bush administration.

Was President Jefferson wrong to invest in the Louisiana Territory that provided this country with 15 States? Of course not. But had the provisions of Senate Joint Resolution 1 been included in the Constitution in the early 1800's, our Nation's westward expansion might well have ended at the Mississippi River.

Under this proposed constitutional amendment, the failure to permit a capital budget would have severe consequences by discouraging long-term investment and ignoring our infrastructure crisis. Just as a budget deficit unfairly harms future generations so, too, does the failure to differentiate capital investments from operating and consumption expenditures. The inevitable result will be less investment in our country's future, pressure to operate through inefficient leasing practices and gimmickry.

The Torricelli amendment should reduce the pressure to engage in some of the gimmickry otherwise likely to be occasioned by this proposed constitutional amendment. It may also result in more accurate disclosure to Americans about how their money is being spent and how the budget is being balanced.

Not many of us could afford homes if we could not borrow and get a mortgage on our home. When we talk about balancing our family budgets, we do not normally mean that we should not invest in a house or a car. We mean that we should not spend more every week or every month than we can afford. We mean to include our mortgage and car payments but not the full extent of the 5-, 15- or 30-year liability.

Likewise, small businesses and large corporations could not do business if they could not borrow to meet their capital budget needs.

Most States with balanced budget amendments have separate capital budgets, as well. I am told that number is 42 States. Indeed, I believe that most States with balanced budget requirements obtain capital funds that finance major capital projects by issuing long-term debt.

The Nation's leading economists agree that a capital budget is an essential part of the State experience with balanced-budget requirements and that the omission of a capital budget in this proposed constitutional amendment is a major flaw. Over 1,000 economists, including 11 Nobel laureates, noted in their January 30, 1997 statement:

> Unlike many State constitutions, which permit borrowing to finance capital expenditures, the proposed Federal amendment makes no distinction between capital investments and current outlays. . . . The amendment would prevent Federal borrowing to finance expenditures for infrastructure, education, research and development, environmental protection, and other investments vital to the Nation's future well-being.

The Torricelli amendment to allow capital budgeting is in keeping with traditional notions of balancing our budgets.

MILITARY THREATS

I further commend Senator TORRICELLI for including within his amendment language to correct a dangerous flaw in the proposed constitutional amendment. The underlying proposed constitutional amendment requires the United States to be engaged in military conflict before a waiver may be obtained. Moreover, the Senate report's section-by-section on this language compounds the problem by indicating that only military conflict that involve the actual use of military force may serve as a basis for this waiver.

I hope that this is not what the authors, sponsors and proponents of the underlying constitutional proposal truly intend, although their votes to table the Dodd amendment seem to indicate that they mean what they say. They are creating constitutional circumstances that make military spending and preparations easier only when military force is actually used and military conflict ensures. Arming to deter aggression would no longer be the preferred course, aiding allies in a conflict rather than dispatching U.S. military forces would no longer be as viable an alternative and rebuilding our military capabilities after a conflict would no longer be possible without a supermajority vote of three-fifths of the Congress.

I cannot support such restrictive measures. I have spent much of my time in the Senate working with Republican and Democratic administrations to avoid the actual use of military force. This amendment is written in such a way that it serves to encourage such use. Nothing that would serve to place our men and women in harm's way more quickly or would leave them less well equipped or prepared should garner the support of this Senate.

I hope that all Senators will consider favorably Senator TORRICELLI's effort to correct this dangerous aspect of the underlying proposed constitutional amendment and render it more consistent with the foreign policy objectives and vision outlined last night by Senator TORRICELLI.

I urge the manager and the sponsors of the resolution to abandon their "no amendments" strategy and consider the merits of this suggested amendment. Balancing the budget is important. But their underlying proposal turns the world topsy-turvy by making that goal the be-all and end-all of national policy without considering what a supermajority requirement can mean to our Nation's security and defense, to our foreign policy and our military preparedness.

As Senator SARBANES has so eloquently reminded us, one historic example points out the folly of such a supermajority requirements. In the summer of 1941, Congress was confronted with extending the time of service of those members of the armed services who had been drafted the year before. With the prospect of war increasing, President Roosevelt, in a special message to Capitol Hill, asked Congress to declare a national emergency that would allow the Army to extend the service of draftees. Speaker Sam Rayburn had to twist arms in the well of the House of Representative to get the House to pass the measure regarding the draft for World War II by just one vote, 203 to 202. It then passed the Senate by a vote of 45 to 30.

The Nation was literally a few months away from the outbreak of World War II. But neither the House nor the Senate vote would have met the supermajority requirement in the underlying proposal. Even after the President had declared a national emergency, Congress could not muster a supermajority vote in either body.

ECONOMIC RECESSION

The third prong of the Torricelli amendment would allow the proposed constitutional restrictions for end of the year balance to be waived in the event of an economic recession or serious economic emergency. He is right on point. More than 1,000 of the Nation's most respected economists, including 11 Nobel laureates, as well as the former chair of President Nixon's Council of Economic Advisors, the current and former Federal Reserve Board Chairmen, and former Democrat and Republican Directors of the Congressional Budget Office all agree that the underlying proposal is unsound economic policy. They all agree that the underlying proposal would hamper the Government's ability to cope with economic downturns.

Economists and financial experts agree that the underlying proposal will straitjacket the economy in hard times. It will hamstring the adjustment mechanisms that have been developed since the Great Depression to preserve jobs and restore the economy after a downturn. The 1,060 economists and 11 Nobel laureates who are opposing the underlying proposed constitutional amendment condemn it because it mandates perverse actions in the face of recessions.

If the economy takes a downturn and Americans are losing their jobs—as happened in the early 1990's—the underlying proposal makes it more difficult for our Government to respond to the needs of working families. As Treasury Secretary Rubin testified before the Judiciary Committee:

> A balanced budget amendment would subject the Nation to unacceptable economic risks in perpetuity. . . . A balanced budget amendment could turn slowdowns into recessions, and recessions into more severe recessions or even depressions.

I am deeply concerned about the impact that the underlying proposal might have on jobs for working families in Vermont and across the country during times of recession. As Secretary Rubin explained, the so-called automatic stabilizers in our economy would be ineffective under the underlying proposal. These are mechanisms that have been developed over the last 50 years to reduce the extremes of the "boom-and-bust" cycles. They are intended to prevent another Great Depression and have proven effective over time.

Secretary Rubin testified:

> [W]ithout automatic stabilizers, the Treasury Department has estimated that unemployment in 1992 that resulted from the 1990 recession might have hit 9 percent instead of 7.7 percent, which would have been in excess of 1 million jobs lost.

Federal Reserve Chairman Alan Greenspan recently reiterated his opposition to the proposed constitutional amendment during questioning by Senator LAUTENBERG during his testimony before the Senate Budget Committee. He urged the Senate Budget Committee to continue to eliminate the deficit, but he joined Secretary Rubin and our Nation's leading economists in the conclusion that the underlying proposed constitutional amendment places too many constraints on our economy.

Although the sponsors of the underlying measure repeatedly outline the dangers of a budget deficit, they fail to address how the proposed constitutional amendment will provide for the flexibility needed in economic downturns without holding working families and hard hit regions hostage to a supermajority vote. This aspect of the Torricelli amendment restores that flexibility by requiring a simple majority vote to respond to economic recessions and emergencies.

When he spoke last night in this historic Chamber, Senator TORRICELLI spoke about the proper role of Government and redefining its role without sacrificing our ability and ignoring our responsibilities to help our neighbors when they need help. He is right to offer this essential change in the underlying proposal to amend the Constitution.

A waiver of these provisions by a supermajority vote of three-fifths of both Houses of Congress is small comfort to America's working families. Many national recessions start out in different regions of the country. For example, the most recent recession hit New England first. What if citizens of New England, who have fewer Members of the House of Representatives than other regions of the country, needed help? Could they get Senators and Representatives from other States, which were still experiencing good times, to waive a constitutional balanced budget requirement to help protect their livelihoods?

Prof. Robert Eisner of Northwestern University and past president of the American Economic Association understood the economic problems under the underlying proposed constitutional amendment when he recently wrote:

> One need only recall the near-collapses, in recent years, of the economies in New England, California and Texas. Who would bail them out if their own tax revenues again declined and there were surges of claims for unemployment benefits, food stamps and general assistance?

Relief for economic recessions and emergencies must be flexible. Usually, a swift response from the Federal Government is needed to aid State and local relief efforts. Economic emergency relief by constitutional supermajority mandate is a prescription for gridlock, not swift action. When your State or region is hit by recession or economic emergency, do you want critical Federal assistance to hang on the whims of 41 Senators or 175 Representatives from other regions?

I find it ironic that the supporters of the underlying constitutional amendment, who do not trust Congress to continue to reduce the deficit, argue that we should trust future Congresses to muster supermajority votes in both bodies.

Our Founders rejected requirements of supermajorities. We should look to their sound reasons for rejecting supermajority requirements before we impose on our most vulnerable citizens a three-fifths supermajority requirement to provide them Federal relief from recessions and serious economic emergencies. I believe this supermajority requirement would recklessly endanger our economy and our democracy.

We do not need to theorize or speculate about the costs and risks. The Nation got a taste of it just 2 years ago with the longest Government shutdown in history and a debt limit crisis that when on for months. In 1995, 165 Republican Members of the House of Representatives pledged to refuse to vote for raising the debt limit, unless President Clinton accepted their balanced budget plan. The Speaker of the House, NEWT GINGRICH, went along with this ultimatum, by declaring "I am with them * * * I do not care what the price is." As a result of this blackmail politics, the American people suffered through two Government shutdowns for a total of 27 days. In the 22 years I have served in the Senate, I have not seen an action more irresponsible by either Democrats or Republicans.

Fortunately, the President stood up to this blackmail and the American public convinced a majority in Congress to act responsibly. Who knows what would have happened under the supermajority votes required in the underlying proposal.

The supermajority requirement lowers the blackmail threshold, in the words of some of its House sponsors. This three-fifths supermajority requirement invites political blackmail and rewards extremism. If both the House and Senate require three-fifths of their Members to agree to waive the end of the year balance requirement or raise the debt limit, then 40 percent plus one in either the House or the Senate could hold the country hostage to their demands.

The House sponsors of this proposed constitutional amendment have acknowledged this folly. In a November 1996 paper on the underlying proposal, Representatives DAN SCHAEFER and CHARLES STENHOLM wrote that their proposal would have the effect of "lowering the 'blackmail threshold' * * * from 50 percent plus one in either body to 40 percent plus one * * *." These are the words of the House sponsors of the underlying proposal, not mine.

As Robert Greenstein of the Center on Budget and Policy Priorities, a distinguished expert on Congress' ways, testified before the Judiciary Committee, the underlying proposal's supermajority requirements would permit minority factions to extort pork barrel projects or extreme legislation as their price.

Coming from a State with a congressional delegation of three Members, I know something about the rights of small States. Supermajority vote requirements trample on the rights of small States and reward large ones. In the House, a combination of Representatives from six large States could hold a waiver hostage to their demands, even if the vast majority of Representatives from 44 States were in agreement that a waiver was justified.

Our Founders rejected such supermajority voting requirements on matters within Congress' purview. Alexander Hamilton described supermajority requirements as a poison that serves to substitute the pleasure, caprice, or artifices of an insignificant, turbulent, or corrupt junta to the regular deliberations and decisions of a respectable majority. Such supermajority requirements reflect a basic distrust not just of Congress, but of the electorate itself. I reject that notion and am prepared to keep faith with and in the American people. We should honor the fundamental principle of majority rule, a principle that has been enshrined in our Constitution for more than 200 years, and a principle embodied in the Torricelli amendment.

Senator TORRICELLI has approached this matter with seriousness and sincerity. He is attempting to perfect the underlying proposal for a constitutional amendment and cure several of its flaws.

When the Judiciary Committee considered this proposed constitutional amendment last month, we did so on an expedited basis. Nonetheless, Senator TORRICELLI was a full participant at our hearings. He examined former Acting Attorney General Stuart Gerson and Mr. Gerson conceded to him that the underlying amendment presents the most likely situation in which congressional standing, which has never been recognized, might be recognized and Mr. Gerson described to him the unfortunate Federal precedent in which a Federal court ordered local taxes to be raised. I recall his exchange with Senator Simon regarding the relationship of our national debt to our gross domestic product and how we compare favorably with the other industrialized countries of Europe and the world.

He continued his thoughtful approach to the proposed constitutional amendment during our committee markup when he offered an amendment that Chairman HATCH first praised, then defeated by casting a final and deciding vote against it. At least at the committee we afforded members an opportunity to offer amendments and to obtain votes on those amendments.

This is one of the most important legislative matters we will consider this Congress. It is a proposed amendment to our fundamental charter, the United States Constitution. In my view, allowing amendments, debating amendments and voting on amendments is an essential aspect of developing any legislation and, in particular, a proposed constitutional amendment.

Early in this debate the distinguished minority leader made the point that we do not have the luxury of reexamining constitutional amendments as we would a statute. Once a constitutional amendment is passed, it is almost impossible to revisit. Accordingly, it is essential that Senators have the opportunity to seek to improve the text of the proposed amendment. Even the witnesses called by the proponents of the underlying measure acknowledged that it is not perfect, that it has shortcomings, and that its text could be improved. To do otherwise is to disregard our obligations to our constituents, the Constitution and the future.

Senator TORRICELLI has come forward with a very important amendment. He is most sincere and serious in this effort and he deserves the courtesy and opportunity to have the Senate vote on the merits of his amendment. Respected economists, the current Chairman and past Chairman of the Federal Reserve, the Secretary of the Treasury, numerous witnesses and the President of the United States have all noted that the underlying proposal for a constitutional amendment runs the risk of strait-jacketing the future, of creating military difficulties and reducing our ability to respond to international crises and of making economic downturns deeper and turning recessions into depressions.

Here is a Senator who has come to this floor willing to put himself on the line and debate, honestly debate, the critical issues affected by this amendment. In matters that affect our Nation's supreme law, we need to vote consistent with our best judgment and our conscience as we represent those who elected us and entrusted us to make these votes. Senator TORRICELLI has offered this Senate, the people of New Jersey and this country his best judgment regarding how to improve this constitutional proposal. Before we return to the economic and fiscal policies of the Hoover era that led to the Great Depression, I urge the Senate be given an opportunity to vote on the Torricelli amendment on its merits.

I hope that the other side, which has rejected every amendment on Social Security, on protecting working families or protecting children's programs from disproportionate cuts and on everything else—no matter how good the amendment might be—would not require their followers to leap blindly off the cliff of tabling motions but would allow them to listen to this debate and vote honestly on it.

The Senator from New Jersey has raised a very clear issue. Let me tell you right now, anybody who thinks the Louisiana Purchase was a good idea ought to be listening to the Senator from New Jersey and supporting him.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, there may be some responsible economists who are for putting capital budgets into the Federal Government's budget process. I personally do not know of any. If there are, I do not think that their arguments would stand up. To compare the State and the Federal Government, the distinguished Senator from West Virginia raises a good issue. You can't fully compare State budgeting with Federal budgeting. I agree with him. On the other hand, you can't say we should have a capital budget in the Federal budget because it is clear that the Federal Government doesn't operate like the States. We print the money. We don't have a referendum nor do we have a balanced budget amendment that would restrain the spending. If you have these huge loopholes, whether you have a balanced budget amendment or not, it just wouldn't work. Plus you have 50 States where it is pretty tough for State legislators in an individual State with a balanced budget amendment to fudge and fuzz up the language. In the Federal Government it is a lot easier. We just can't put this kind of language in there. It is just that simple. And if you do that, then you have made a loophole, an undefined loophole that would allow any subsequent Congress that is irresponsible—and we have had 28 years of irresponsibility. I mean all you have to do is look at this stack of unbalanced budgets for the last 28 years, and headed higher. I have to tell you. Here is one which I am just now discussing which is certainly going higher, this 1998 budget. Without the balanced budget amendment we are just lost. We are going to have more and more of this and less and less responsibility.

I yield the floor.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. I am happy to yield.

Mr. BYRD. Mr. President, I want to take 2 or 3 minutes.

I want to close by again thanking the distinguished Senator from New Jersey. I wish to compliment him. I think he has exposed a major flaw in the argument of the proponents. He has made it indubitably clear that the proponents meet themselves in their arguments coming back. They argue both ways, as I have already indicated, that the Federal Government should operate like the States on a balanced budget. Now, when the Senator from New Jersey seeks to put the Federal Government on a par with the States and have a capital budget, on which almost all of the States operate, then the proponents say, oh, no. My friend, Mr. HATCH, says, oh, no, we do not want to do that. We do not want to put that kind of thing in the Constitution. This is the glittering gewgaw——

Mr. HATCH. Now, be nice. Be nice.

Mr. BYRD. The glittering gewgaw of glorified garbage that the proponents are seeking to nail into the Constitution.

But, Mr. President, my friend, Mr. HATCH, says, oh, we do not print the money.

Well, that is true but that is not an answer to what we have been talking about here and the need for a capital budget.

Let me just close by saying to my friend from Utah, who continues to go over to his props, the books, I hope he will pause to explain that beginning with Mr. Reagan, Mr. Reagan's administration, the total debt of the United States at that time was $997 billion. Going right down to the close of September 30, 1981, which was the end of the last fiscal year for which Mr. Carter was responsible, the total Federal debt was just under $1 trillion. But going right down to the end of the last fiscal year for which Mr. Bush was responsible, September 30, 1993, the Federal debt was $4.316 trillion.

Now, that will help to explain what is inside those budgets that are stacked on the Senator's desk. That would help to explain the great difference between the debt as it stood accumulated after the first 192 years of its existence under 39 administrations, 38 Presidents—one of them, Grover Cleveland, served two terms which were separated—which was slightly under $1 trillion——

Mr. HATCH. And $4.3 trillion.

Mr. BYRD. Slightly under $1 trillion for all of the administrations down to the last minute of the fiscal year for which Mr. Carter was responsible, and then comparing that figure, which was under $1 trillion, with the massive debt of $4.316 trillion, down to the last minute of the last fiscal year for which Mr. Bush was responsible. I am talking about the Reagan-Bush budgets. They are the largest part of that massive pile of books there.

Mr. HATCH. That is true.

Mr. BYRD. It might be well to consider how much of that massive pile of books was debt that was encountered under the Reagan-Bush administrations.

I thank the Senator for yielding.

Mr. HATCH. Mr. President, if I could answer that, I would be more than happy to. First of all, these are not props. These are real books. These are real unbalanced budgets, 28 of them.

Mr. BYRD. That is real debt.

Mr. HATCH. That is real debt. And let us just understand the basic principle of government. The President proposes, whoever that President may be, but the Congress disposes.

To be honest with you, Reagan's tax cuts involved 40 percent growth in revenues more than they had predicted. But he had to deal primarily with the House of Representatives where all money bills must originate, controlled by those who did not agree with him, who kept spending. And that is Congress. And even those in the 1980's who did not agree with President Reagan and wanted to spend more in Congress, even they should not be totally blamed for this because this all began basically with the Great Society programs that have been going out of control ever since. We now have almost two-thirds of the budget in entitlement spending. I know President Reagan did not ask for that. Neither did President Bush, and neither, I guess you can say, has President Clinton. I do not even think President Carter asked for that. We did that.

Mr. BYRD. Will the Senator yield on that point?

Mr. HATCH. If I could finish. I would like to finish. I want to make this point because the Senator has raised this.

We did that. Congress did that. Congress is responsible primarily for this. I admit it could take some Presidential leadership from time to time, too.

Mr. BYRD. And some Presidential vetoes.

Mr. HATCH. As well as some Presidential vetoes. That is true. I remember when President Ford used the veto some 60 times. He was vastly criticized by his political opponents for what he did. Now, I think there is plenty of blame for everybody involved—Presidents, but mostly Congress.

See, I am not particularly picking on Presidents today. I am picking on us. The President can propose but we dispose. We are the ones who create these appropriations bills and these budget bills. We are the ones who have done the spending. We are the ones who have failed to get entitlement spending under control. We are the ones who have failed to reform Medicaid and

Medicare that are going into bankruptcy. All money bills have to originate in the House of Representatives, and during all of the Reagan years the House of Representatives was controlled primarily by those of the liberal persuasion, in both parties I might add. I suspect you could say the Senate was, also, if you added up the liberals versus moderates and conservatives. I think there were more liberals in almost every year of the Reagan administration in both Houses of Congress.

Frankly, I am not going to blame President Reagan. I am not going to blame President Bush. I am not going to blame President Clinton or President Carter. I might go back to President Johnson and say there were some problems there. That is when all these Great Society programs, all well-intentioned, many of which do good but many of which are out of control today, that is when they originated. I believe the distinguished Senator from West Virginia was here at that time

Mr. BYRD. Mr. President, will the Senator yield? He mentioned me.

Mr. HATCH. What is the time for both sides?

The PRESIDING OFFICER. The Senator from Utah has 34 minutes remaining on his time; the Senator from New Jersey has 36 minutes.

Mr. HATCH. I will be glad to yield.

Mr. BYRD. Only to say that I was a part of the problem.

Mr. HATCH. Not really.

Mr. BYRD. No, no.

Mr. HATCH. The Senator was a part of the Congress.

Mr. BYRD. I was a part of the problem when I voted for the Reagan tax cut, and I have kicked myself in the seat of the pants ever since. That was——

Mr. HATCH. I kind of admired the Senator for it.

Mr. BYRD. I did not hear the Senator.

Mr. HATCH. I said I admired the Senator for that.

Mr. BYRD. Well, I thank the Senator.

Mr. HATCH. That the Senator came across the line and actually produced 40 percent more revenues than they thought. The problem is we kept spending.

Mr. BYRD. May I finish.

Mr. HATCH. Sure.

Mr. BYRD. I was rolling along pretty well.

Mr. HATCH. I am still proud.

Mr. BYRD. Mr. President, I sought to get Mr. Reagan to postpone the third year of his proposed 3-year tax cut until such time as we could see what the budget deficit was, until such time as we could see what was happening to the economy. No, he wouldn't do that. So I offered legislation here, as minority leader, at that time, to require that that third year of the tax cut be delayed. But my amendment was rejected, just like all amendments that we are offering now to the constitutional amendment are being rejected summarily. My amendment was rejected. And then I voted for the Reagan tax cut.

My people said, "Go along with this new President. Give him a chance. Give him what he wants." And so I did, and I have been sorry of it ever since.

I voted for that Reagan tax cut. I also voted for his massive military buildup. And, so, I am that much to blame. But let it not be said that the President should escape the charge of having overblown spending, and the debt, by saying, "We are the Congress. The President proposes, the Congress disposes." Mr. Reagan had a veto pen. Why didn't he veto some of the appropriations bills? He didn't. He didn't use the veto pen, perhaps, enough.

Mr. HATCH. If I could——

Mr. BYRD. But, Mr. President, I was guilty. I supported Mr. Reagan on his tax cut, and to that extent I am sorry.

Mr. HATCH. I understand.

Mr. BYRD. Because that represents the major portion of the Federal debt that we owe today, the massive tax cut, the massive military buildup, and there you have it. I will repeat the figures once more and then I will take my chair.

When Mr. Reagan became responsible for his first fiscal year budget—the total debt was $999 billion, total debt over the period of all the years and all the administrations since the Republic began. And when the last fiscal year for which he was responsible had ended, the debt was $2,830,000,000,000. And then when the last moment of the last fiscal year for which Mr. Bush was responsible had ended, the debt was $4,316,000,000,000. So much for the pile of books.

Mr. HATCH. Let me just say this in response. The fact of the matter is, I do not think anybody escapes responsibility. But I know one thing, the Reagan tax cuts resulted in an increase of revenues because there was more opportunity, more investment, more creation of jobs, more people paying taxes. And we actually had more tax revenues come in by 40 percent over what was estimated.

Where Reagan got into trouble—and I was here—was in the 1981 or 1982 tax bill. In order to get the marginal tax rate reductions that all of us knew would work—and they did, and this administration is benefiting from that to this day because the tax rates were 70 percent at that time. I have to admit they are outrageously high today, but they are not 70 percent. But, in order to get that, they had to agree, the President had to agree to all kinds of congressional spending programs. He wanted the marginal tax rate so bad because he knew that would create a good economy. And it did for 8 solid years, some say longer. And it is really one of the things that is benefiting this economy today, because the tax rates are so much lower than they were before Reagan took office. But then, in the 1986 tax bill, which I voted against, he wanted marginal rates reduced again, and to get that he had to give all kinds of concessions that I think helped trigger the S&L crisis. And it was Congress that did it. It was Members of both parties in Congress that did it.

I do not think we can avoid the responsibility by just saying, well, the debt went up during the Reagan and Bush years, and now, with the biggest tax increase, it has come down as a total number. But it is still a $107 billion deficit this year, and next year it will be more. It is going up every year for the next 4 years until we are supposed to somehow conjure up 75-percent savings to bring it down in the 2 years after President Clinton leaves office, according to his budget.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. If I can just finish? These books were created by us, these 28 years of deficits. I am saying we have to do something to help us to be responsible. If we do that, the President, whoever that President may be—whether that President is a supply-sider like Reagan, or not—will have to be more responsible. If we do not do it, we are going to have more of the same.

I have to say it was triggered long before the Great Society programs, because we have had 58 years of unbalanced budgets in the last 66 years. So it happened even before the Great Society. But once the Great Society programs started and this move toward entitlement spending—I know my dear colleague knows that. He has to deal with it every day on the Appropriations Committee, and he deals with it very intelligently. But he is stuck because almost two-thirds of the budget is entitlements. It was not the Presidents who did that; it is us. I have to tell you, the only hope for this country to get these things under control—and I have to say I don't want my dear friend to make another mistake. He is repentant for having voted for the Reagan tax cuts. I don't think he should make another mistake that he is going to have to repent for by not voting for the balanced budget amendment.

I really am still hoping I can get him to change his ways and to come across here and help get this thing done. Because he, above all people in both bodies, knows how really irresponsible the Congress has been through these years.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. On Mr. TORRICELLI's time.

Mr. BYRD. Oh, no.

Mr. HATCH. I will, because I know how much time—how much time do I have left?

The PRESIDING OFFICER. The Senator from Utah has 26 minutes remaining; the Senator from New Jersey has 36.

Mr. HATCH. Will you mind if we do it for just a limited period of time?

Mr. BYRD. Make it 2 minutes.

Mr. HATCH. I yield 2 minutes.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Utah. Let me remind the listeners as to who was in charge in the Senate during the first 6 years of the Reagan administration. I say this because my friend has just said, well, after all, Congress has——

Mr. HATCH. Will the Senator yield on that point?

Mr. BYRD. Yes.

Mr. HATCH. Where do all money bills have to originate under the Constitution?

Mr. BYRD. In the House.

Mr. HATCH. Who was in charge during those years?

Mr. BYRD. Over here?

Mr. HATCH. No, in the House I'm talking about, where all money bills originate.

Mr. BYRD. Listen——

Mr. HATCH. Wait, it wasn't Republicans in charge. We didn't originate those money bills. Or did we?

Mr. BYRD. Listen, the Senator is trying to obfuscate something. I am not going to let him do that.

Mr. HATCH. All right.

Mr. BYRD. Those bills come to this Senate and, under the Constitution, the Senate may amend revenue-raising bills, as in all other bills, and appropriations bills. So, let us not say that the Senate escapes its responsibility.

Mr. HATCH. I am not saying that.

Mr. BYRD. But my friend, his party was in charge during those first 6 years of the Reagan administration, in charge of the Senate. That is when I made—that is when I committed my almost unpardonable sin, by voting for that Reagan tax cut.

I do not want to chew up the remainder of the manager's 2 minutes but——

The PRESIDING OFFICER. The Senator's 2 minutes has expired.

Mr. BYRD. May we proceed 1 more minute?

Mr. HATCH. Mr. President, 1 more minute.

Mr. BYRD. The distinguished Senator from Utah says under that tax cut, under that tax cut about which I have just now begged for forgiveness for the umpteenth time——

Mr. HATCH. I forgive you.

Mr. BYRD. I have been begging forgiveness for that mistake for years. But he said, as I recall, under that tax cut the revenues were increased. I hope I didn't misstate it.

Mr. HATCH. No. They were.

Mr. BYRD. Is that what the Senator said?

Mr. HATCH. That's what I said.

Mr. BYRD. Let us take a look at what the facts show. I have a chart in my hand, which is titled "Major Causes of Increased Federal Debt, Fiscal Years 1981 to 1991."

The bar right here is the bar showing the costs of the 1981 tax cuts. They did not bring in revenues——

The PRESIDING OFFICER (Mr. STEVENS). The Senator's additional 1 minute's time has expired.

Mr. HATCH. Could the Senator from New Jersey yield additional time, because I have some other speakers coming.

Mr. TORRICELLI. I yield 2 minutes.

Mr. BYRD. The tax cuts were responsible for $2.1 trillion in losses, the tax cut for which I voted. And other causes of increased Federal debt are likewise shown: Entitlements, defense, interest, and so on—failed S&L's.

But the Senator was wrong in saying that the tax cut increased the revenues. The tax cuts were responsible for losses to the Treasury of $2.1 trillion over the fiscal years 1981 to 1991.

I thank the Senator for having yielded. I hope that he will allow a vote up or down on the Torricelli amendment.

Mr. HATCH. Let me just say this, I will allow a vote up or down on the Torricelli amendment. It is the only exception I am going to make. I hope my colleagues on my side will——

Mr. BYRD. Mr. President, I thank the Senator.

Mr. HATCH. I will do it at your request. But let me just say this, the Senator is talking about overall spending. I am talking about revenues that came from the tax cut. We actually had revenues increase 40 percent during that period of time.

Be that as it may, whether I am wrong and you are right, the fact of the matter is that the Congress, during all of those Reagan years, was controlled by the more liberal persuasion, and all money bills originated in the House, which was controlled by the Democratic Party. Now, allegedly we did have Republican control in the Senate, but if you look at the total number of liberals versus moderate conservatives, the Senate was still liberal during those years, and we were the ones primarily responsible for these 28 years of unbalanced budgets. To lay it at the feet of Reagan, Bush, or Clinton is not right.

I yield the floor. I reserve the remainder of my time.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Thank you, Mr. President. While it is my hope to return the debate to the amendment at hand—it is my intention to yield to my colleague, the senior Senator from New Jersey—nevertheless, since our debate is in the RECORD, it should at least be accurate in this respect: I notice the Senator from Utah has the last 28 years of budgets of the U.S. Government. That means his books start in the fiscal year 1969.

Debate between the Senator from West Virginia and the Senator from Utah seemed to be on the relative merits between the Reagan and the Johnson administrations and their responsibilities for the Federal deficit. It is extraordinary that the Senator from Utah stopped there before 1969, the last year of the Great Society, the last budget written by Lyndon Johnson and the last year the U.S. Government had a surplus.

It is, I think, instructive, Mr. President, that as we assign responsibility, which is no doubt, at least as an aside, a useful exercise on this day, as someone who served in the House of Representatives during some of those years, I want the RECORD to clearly reflect one element of that responsibility. In 8 years of the Reagan administration, in all the appropriations bills passed, Mr. Reagan vetoed one. He vetoed one appropriations bill in 8 years, while the Federal deficit soared from less than $1 trillion to $4 trillion. And if you look at his veto message, it is because, in his judgment, spending was inadequate in that year.

We will leave it for historians to gauge whether it was the Great Society that produced this deficit problem, in spite of the fact that he left office with a surplus, or it was the Reagan administration, which talked about fiscal austerity but left the Nation with a $4 trillion accumulated deficit and never exercised a veto of any appropriation.

But perhaps the comments of my colleagues should be punctuated simply with this: The genuine level of debt that should be of concern to every American is the debt as a proportion of our national economy. Like in our households and our businesses, it is not whether you have a debt—the mortgage on your home, borrowing for expansion—it is your ability to pay it. Two Presidents in the last 40 years have administered the U.S. Government with a deficit under 2 percent of gross national product. One was named Johnson, and one is named Clinton. The others have exceeded that marker, which is now recognized by our friends in Asia and the European Community as the marker to which you do not want to pass.

So while I hope we can return to the issue of the balanced budget amendment and look prospectively and leave to others, the historians, the question of relative responsibility, I did want, along with my colleague from West Virginia, to ensure the RECORD was accurate.

At this time, I yield to the senior Senator from the State of New Jersey for 20 minutes.

Mr. LAUTENBERG. Mr. President, that is very generous of my colleague. I will not take 20.

Mr. President, I rise in support of the amendment offered by my distinguished colleague, the junior Senator from our great State of New Jersey, and I salute him for his initiative.

Mr. President, I want to make it clear that I strongly oppose the balanced budget amendment. But if we are going to pass it, the least we should do is include the Torricelli amendment. Without it, the underlying balanced budget amendment would forever preclude our Nation from adopting what I believe is the essential nature of budgeting and investing in America—capital budgeting.

As many of my colleagues know, I have long advocated dividing the Federal budget into separate capital and operating budgets.

This is not budget or fiscal heresy. Quite the contrary. Most States do it. Almost every business does it. It's sound government. It's sound business. It's common sense.

The balanced budget requirement that many States have affects only their operating budgets with capital budgets and pension funds excluded. Capital budgeting is a fundamental accounting principle employed by every major corporation in America. Fortune 500 companies use their borrowing power and creditworthiness to brag about their financial stability.

I must admit that I am somewhat perplexed by my colleagues who support a balanced budget amendment. On the one hand, they say that we should operate the Government like a business.

But on the other hand, they reject outright one of the most fundamental principles of operating a business—separate capital and operating budgets. Mr. President, you can't have it both ways.

I come to the Senate from the business world and that experience gives me an invaluable and unique perspective. The company I founded with two friends, Automatic Data Processing, is the largest computing services firm in the world, and it employs 29,000 people in a number of countries.

But it wasn't always that way. We grew that company from scratch, and we didn't do it with the type of budgeting required of the Federal Government today. We borrowed money. We took out loans. We didn't make across-the-board cuts or ask someone else to take the responsibility for making cuts.

When I was CEO, I would look over my various departments, and say, I need more in marketing or more in product development or more in production.

Mr. President, we budgeted those investments the way any business does. We didn't have a unified budget like the Federal Government. We had separate capital and operating budgets. We balanced our books in terms of day-to-day operations, and cut waste wherever we found it. But we weren't afraid to take out a loan for the long term. And those investments paid off. That's how most successful businesses do it.

This is nothing radical, and it's certainly not confined to the business world. Families take out loans to finance homes and cars. Students rely on student loans to help finance their college education. States with balanced budget requirements float bonds and take on debt for capital expenditures. There's no reason why the Federal Government shouldn't do so as well.

So if Congress wants to run the Government like a business, it will pass the Torricelli amendment.

To get on the right track—the investment track—we must distinguish between short-term consumption and long-term investment spending.

So far we have failed to recognize, let alone embrace, this elementary business practice. And as Government continues to underinvest in the long term, all Americans pay a big price.

Public investment is crucial because these are investments that the private sector will not make on their own. Only Government will. The economic benefits of a first-rate education system, or a well-functioning transportation system, are spread throughout the economy making life better for all of us. These are capital investments.

At a recent Budget Committee hearing on education, I emphasized my belief that greater public investment in education is of critical importance to our Nation's economic future.

While parents fear for their children's future, and business worries about the quality of the work force, the ratio of workers to retirees is predicted to shrink to less than 2 to 1. Improving the output of our education system is not only desirable; it has become an imperative if our future work force will be able to support the growing number of retirees.

The same is true with transportation. When we invest in roads, bridges, and transit, we lessen congestion and improve the efficiency of the economy for many years.

I believe that the solution to many of our long-term investment problems is to create a separate capital budget. I see no other way to do it.

So if my colleagues are serious about running this Government like a business—if they are serious about investing in America—they will vote for this amendment. If they don't, we will never have the chance to even consider capital budgeting and that would shortchange our great Nation.

Mr. President, I commend my new colleague from New Jersey for his work here thus far. I salute him for this initiative. I think it is a very wisely developed thesis that this Government ought to operate just like other entities across our country, like the largest of the businesses, like virtually all businesses. When we talk about a capital budget, it is done for a sensible business purpose—the Government recognizes it—the depreciation of the asset over its life, and it entitles companies to take the value of the asset each year, charge that off to its operating statement so that you get an accurate picture of what it is that is being done within the company. And so it ought to be here.

What we are talking about, almost forgotten in the recent debate, is the balanced budget amendment. I think it is fairly clear around here that this Senator stands in opposition to that balanced budget amendment. I have done whatever I could to assure that we are not going to permit the balanced budget amendment to become part of the Constitution. I think it would be poor judgment. I think it would be a poor tactic to have the Constitution amended to provide for a balanced budget when, in fact, if we look at the record—and that is one of the things, frankly, that astounds me at times—the record of the last 4 years has been quite spectacular when we examine the results of the Clinton leadership.

The reduction in annual budget deficit has been enormous, some 60 percent, down to $107 billion last year. The CBO, our auditing arm, said in May that they thought we would be some $50 billion higher. And then in February they had to change their estimate to something considerably lower in a period of 8 months, with no understanding of the fact there was a dynamic change taking place. The same thing was true in an earlier year when the misestimate was by such an enormous amount that had we had a balanced budget in place, we would have made all kinds of adjustments, and we probably could have, without meaning to, sent this country into recession.

Mr. President, the principal discussion here is how do we tell the truth to the American public about what is going on here? If we had a capital budget, I think it would be quite clear. Right now, we talk about obscure things. We talk about adjustments in the CPI. We talk about taking Social Security and other trust funds off budget.

The fact of the matter is that we would be hamstringing ourselves with a balanced budget amendment that prevented us from responding to our national needs at any given time. Whether on the brink of recession, whether on the brink of war, whether on the brink of other national catastrophes, we would be limiting our capacity to operate. And I do not understand why we insist on doing that when, in fact, the record is good.

The President has presented a budget that will be in balance in the year 2002. As a matter of fact, it is proposed there would be a surplus of some $17 billion at that time.

But to my colleague from New Jersey, my junior colleague from New Jersey—I am not quite used to the ranks—but I want to say that this is a very thoughtful amendment that you have developed. You have not said where, when, precisely how—do not lock us out of having a capital budget as part of our accounting process in the future.

I come from the corporate world. I ran a fairly large company—today, with 29,000 employees. I never would have dreamed of agreeing to a board of directors directive that said: OK, you can run this company, but understand what the conditions are under which you can run this company, that at the end of each year you are not allowed to be borrowing, not allowed to be doing anything else unless you prevent this company from having any kind of a deficit using an operating accounting process all the way through; when, if we erected a building, if we bought computer equipment, no matter what it was, you could not write it off over the life of the assets. Some of these assets are 40-, 50-year assets. Some of the assets we acquire in the Federal Government have lifetimes going way beyond that.

If they said to me, those are the conditions, I would say this job cannot be done. You cannot restrict yourself in advance to certain conditions at the end of a year over which you have no control. If we had to cut back on expenses, I never took a wholesale approach to it and said, OK, cut marketing, cut product development, cut production, cut facilities. You could not do it that way. Each of these things requires thought.

Here we are, 100 U.S. Senators, sent by people who elect us to represent them, unable, we are saying, unable to do it by ourselves. We need the constriction of a balanced budget amendment so we will all be good boys and girls here, so that we will remove the intuition, the judgment that we bring here from any decision we make because we want to be free of that kind of restraint. I, frankly, think that it shows very poorly in the public domain.

I think we ought to do it the old-fashioned way. I think what we ought to do, as proposed by my colleague from New Jersey, is amend it if we can to be a better product, to amend that balanced budget amendment in case it does pass. And I hope it does not. In case it does pass, we ought to have conditions in there that permit us to operate in as free a condition as we can possibly do it.

So, Mr. President, I see it as a fairly simple thing. The first thing we should do, look at the record, see where we are. I started to say before, I am astonished by the unwillingness of our colleagues on the other side of the aisle to recognize what has been accomplished since President Clinton took over, whether it is the reduction in the deficit, the growth in jobs, the icons of American industry, companies with whom you could tie your future, never worry about another thing as long as they do work—gone, shrunken, dissolved, in many cases. The President found a way to replace many of those jobs by encouraging small business investment. We have over 11 million new jobs in this period of time. We have the lowest portion of deficit to GDP of any country. We are the envy of all the developed nations in the world.

I looked at the expectation for the future, as we look at the budget proposal. Mr. President, in the next 5 years our economy is expected to grow by $2 trillion—$2 trillion of GDP in the next 5 years, at the same time, expecting, based on the numbers developed thus far, that we will have a surplus in our operations for the year without a capital budget, which, again, we should have, without adjustments, in the CPI.

I think that it is imperative that we vote on the Torricelli amendment, that we give it as much support as we can.

Mr. President, I hope, perhaps contrary to the view of some very good friends here, that in the final analysis, that despite the fact that I want this amendment to pass, I hope we do not attempt to balance the budget with a constitutional amendment.

I yield the floor, and I once again commend my colleague.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I yield to the Senator from Maryland 5 minutes.

Mr. SARBANES. Three minutes.

Mr. TORRICELLI. Three minutes.

Mr. SARBANES. I will be very quick.

First of all, I commend the able Senator from New Jersey for the very thoughtful and careful analysis he made in his statement upon offering his amendment.

One of the difficulties with a balanced budget constitutional amendment generally, of course, is that it is purely symbolic. The real way to balance the budget is to do it when Congress considers and passes the budget, not by amending the Constitution.

But the Senator from New Jersey has pointed out three, I think, clear difficulties with this particular version of a balanced budget amendment to the Constitution, Senate Joint Resolution 1. One is that our current Federal process does not provide for a capital budget. Every State and locality has a capital budget. Businesses have capital budgets. Private individuals have capital budgets. People do not go out and pay for a house, or an automobile, or finance a college education with cash the same year that they make these purchases. They make prudent investments in the future, and they borrow and amortize them over a period of time. State governments do exactly the same thing. It is a prudent and sensible way to do business.

I will never forget a budget committee hearing at which we had two Governors testifying in favor of amending the Constitution to require a balanced budget. They said, well, our States require a balanced budget, and, as a consequence of our States requiring it, the Governors went on to say, our States get a better credit rating, so that when we borrow in the market we get a better interest rate.

Of course, the obvious question becomes, if States have a constitutional requirement to balance the budget, why do they need to borrow money? What does a credit rating matter to these States? So I asked them that question. Of course, their response was, well, you do not understand. We have a capital budget that is separate and apart from the operating budget. We have a capital budget that we fund by borrowing—by borrowing. So I said, well, we do not have a capital budget at the Federal level. I noted that we in the Federal Government do not make a distinction between capital and operating expenses, though it is a wise distinction because then you can fund your long-term investments through borrowing, get the full benefit of the investment, and pay back the debt over the useful life of the capital asset.

The Governors' response was that the Federal Government ought to have a capital budget. I note to my colleagues that if you are really serious about trying to write a balanced budget requirement into the Constitution of the United States, the first thing you ought to do, as a minimum, is separate out operating and capital budgets—just the way State and local governments do.

So this analogy to State and local government falls of its own weight as soon as you recognize the fact that unlike the Federal Government, State and local governments have capital budgets which they fund by borrowing. We do not have a capital budget at the Federal level, but if we have a constitutional balanced budget amendment, we should.

Second, I think the emphasis which the Senator from New Jersey has made on the necessity of being able to respond in a crisis situation involving either the national security of the country or an economic downturn is extremely important.

As regards economic conditions, we have managed to ameliorate the business cycle, not to eliminate it, but to ameliorate it. We are able to do that in part because we are now able to conduct countercyclical fiscal policy when we have an economic downturn. The balanced budget amendment to the Constitution, without a provision such as is contained in the amendment that has been sent to the desk by the Senator from New Jersey, runs the very great risk of turning economic downturns into recessions and recessions into depressions, because it will not allow us to respond to dire economic circumstances when we are confronted with them.

The same thing is true about the national security provisions of the balanced budget amendment as it has been drawn by its sponsors. These provisions are much too restrictive, much too confined, and they run the substantial risk that we will not be able to respond in a national emergency.

Now, the response made to this argument by the supporters of Senate Joint Resolution 1 is that if we confront a national emergency we will get the supermajority vote in order to waive the balancing provisions of Senate Joint Resolution 1 and there will be no problem. Well, our own history does not sustain that contention.

In 1940, the House of Representatives instituted a 1-year draft. That came up for renewal in the autumn of 1941, literally weeks before Pearl Harbor. They took a vote in the House of Representatives on extending the draft for another year. Speaker Rayburn went into the well of the House in order to plead with his colleagues to pass this extension. It passed on a vote of 203 to 202. But that vote, which is a majority, would not have met the supermajority requirements contained in the balanced budget amendment that has been brought forth from the committee by Senator HATCH. It would have fallen short because it was not a majority of the whole membership of the body, which required 218 votes, and which under this amendment is necessary to avoid the balancing requirements in Senate Joint Resolution 1. There we have a classic example of a crisis situation, right out of our own history. This is not a hypothetical. Looking at our own history, we can see that we would not have been able to respond and meet the requirements of the time, when we were facing this crisis situation, under the provisions of the balanced budget amendment as currently drafted.

I want to strongly commend the Senator from New Jersey for the very careful analysis that has brought forth these proposals pending before us. Clearly, at a minimum, if this constitutional amendment is to move forward, it requires the adoption of the Senator's amendment. I yield the floor.

Mr. ENZI. Mr. President, before I yield some time to the Senator from North Carolina, how much time remains?

The PRESIDING OFFICER. There are almost 22 minutes for the majority and almost 14 minutes for the minority.

Mr. ENZI. I yield to the Senator from Idaho for a moment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator from Wyoming for yielding. I stand in opposition to the Torricelli amendment. I think it is critically important we maintain a unified budget to assure fiscal solvency and responsibility in this country.

I ask unanimous consent that a fact sheet be printed in the RECORD.

There being no objection, the factsheet was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL LEADERS UNITED FOR A BALANCED BUDGET—A CAPITAL SPENDING EXEMPTION NOT A CAPITAL IDEA FOR THE CONSTITUTION

A special exemption for "capital" or "investment" spending does not belong in the balanced budget amendment to the Constitution

A constitution deals with the most fundamental responsibilities of the government and the broadest, timeless principles of governance. It should not set budget priorities or contain narrow policy decisions such as defining a capital budget.

Whatever the merits are of making such spending a higher or lower priority than it has been, this question is best addressed in the annual budget process.

The debt is the threat to capital investment

Escalating interest payments on the huge federal debt are crowding out all other priorities. According to the National Entitlement Commission's 1995 report: "By 2012, unless appropriate policy changes are made in the interim, projected outlays for entitlements and interest on the national debt will consume all tax revenues collected by the federal government." That means no money left for capital investment—or defense, education, the environment, law enforcement, science, or other domestic discretionary programs.

If states, businesses, and families can borrow, why shouldn't the federal government?

Everyone else repays the principal they have borrowed. Families take out a mortgage and then spend years paying it down. The same is true of capital investments by businesses and state and local governments. But the federal government just keeps borrowing more. And more.

Unlike state budgets or family finances, the federal budget is large enough to accommodate virtually all capital expenditures on a regular, ongoing basis

The justification that most businesses and state and local governments have for capital budgeting is that they occasionally need to make on-time, extraordinary expenditures that are amortized over a long period of time.

The federal budget is so huge—now more than $1.6 trillion—that almost no conceivable, one-shot project would make even a small dent in it.

Even the federal Interstate Highway System, which has been called the largest peacetime undertaking in all of human history, was financed on a pay-as-you-go basis

President Eisenhower initially proposed that the Interstate System be financed through borrowing by selling special bonds. However, Congress kept it on-budget and financed it through a gas tax at the urging of then-Senator Albert Gore, Sr.

There are protections against the abuse of capital budgets in state budgeting that do not constrain federal borrowing

State and local governments have a check on their use of capital budgets through bond ratings. If a state government were to abuse its capital budget, then its bond rating would drop and it would become difficult or impossible to continue borrowing to finance additional expenditures.

In addition, many states require that bond issues be approved by the voters.

While state capital spending is often placed off-budget, so are state trust fund surpluses

According to a Price-Waterhouse study, in recent years, state budgets would have been roughly in balance if both capital expenditures and trust funds (such as retirement funds) were included on-budget.

The process of defining "capital spending" could be abused

Even a category of "capital" or "investment" spending that appeared to be tightly defined at first could become a tempting loophole to future Congresses and Presidents. For example, New York City, prior to its financial crisis in the 1970s, amortized spending for school textbooks by declaring their "useful life" to be 30 years.

Virtually any form of "capital spending" exemption would perpetuate the crisis of deficit spending

Even an exemption from the Balanced Budget Amendment for a narrow category in the President's budget, major public physical capital investment, would have allowed a deficit larger than the one that actually occurred in FY 1996 ($116 billion vs. $107 billion). It would result in an FY 1997 deficit that would be, at most, 9 percent lower than current CBO projections ($113 billion vs. $124 billion).

Allowing deficit spending for total federal investment outlays would have allowed deficits larger than those that actually occurred in 28 of the last 35 years.

These estimates, of course, assume no manipulation of definitions or accounting that would allow still larger deficits.

The concept of a "capital budget" is too poorly defined to put in the Constitution—Estimates of "capital spending" could vary widely

There is wide disagreement among policymakers about what should be included in a federal capital budget. There is no commonly accepted federal budget concept of this term. Therefore, any capital spending exemption included in the Constitution would be left open to a wide range of interpretations.

In fact, the President's budget includes several different categories of "capital" and "investment" spending. For fiscal years 1996 and 1997, these include:

[In billions of dollars]

	FY 1996	FY 1997
Major physical capital investment	$115.9	$113.0
Net miscellaneous physical investment	3.1	3.1
Research and development	68.4	70.3
Education and training	43.6	42.5
Total federal investment outlays	230.9	228.9

The balanced budget amendment already allows for the establishment of a capital budget—within the context of regularly balanced budgets

The amendment does not prevent the creation of separate operating and capital accounts. But extraordinary expenditures which are large enough and unusual enough to require significant new borrowing should be subject to a higher threshold of approval, such as a three-fifth majority vote.

This is consistent with the recommendations of General Accounting Office, which stated in its 1992 report, Prompt Action Necessary to Avert Long-Term Damage to the Economy: "* * * the creation of explicit categories for government capital and investment expenditures should not be viewed as a license to run deficits to finance those categories * * *. The choice between spending for investment and spending for consumption should be seen as setting priorities within an overall fiscal constraint, not as a reason for relaxing that constraint and permitting a larger deficit."

Ms. LANDRIEU. Mr. President, I believe that we should adopt a capital budget and I strongly urge its incorporation into Senate Joint Resolution 1. This amendment offered by my distinguished colleague from New Jersey, Mr. TORRICELLI, establishes a capital budget and should receive the support of every Member of this Chamber who truly wants to see a balanced budget become a reality. A capital budget will help us achieve that end and will bring more financial accountability to the Federal level.

Many supporters of a balanced budget amendment to the Constitution believe that the Federal Government should manage its funds like many hard-working families across our Nation. Families must balance their checkbooks or they face serious financial consequences. Why, amendment supporters ask, should the Federal Government be any different?

The reason is clear, Mr. President. Families do not balance their budgets, they balance their checkbooks. They sit at the kitchen table once or twice a month to make sure that there is enough money to pay the bills. However, not all of their expenses are paid in full at the time they are purchased. Most Americans can only afford such items if they spread their payment obligations over a longer period of time, sometimes with the help of loans. People do not receive the benefits of such expenditures at one time, either—they drive their cars and live in their homes for years, perhaps decades.

Most States operate in the same manner. While almost every State has some type of constitutional or statutory requirement to balance their budgets, such limitations normally apply to a state's operating budget—like a family's checkbook. State expenses for constructing such items as roads and buildings or purchasing land do not fall within the balanced budget requirements.

The Federal Government, however, is being asked to balance its budget without a distinction between capital outlays and operating expenses. In fact, were the balanced budget amendment to pass without providing for the establishment of a capital budget, this country would place upon itself a restriction not followed by families, businesses or States. Furthermore, such a limitation would make the United States unique among the major economic powers in the world—not a single nation among the G-7 has such budget constraints.

Federal outlays for capital investments are significantly different from outlays for operating expenses because they represent asset exchanges. When the United States spends money to purchase a building or land, the United States receives an appreciable asset in exchange for that expense. That asset will produce future streams of revenue to the United States either through the increase in the value of the property or simply as a place to conduct the Government's business. Such expenditures do not contribute to the deficit wholly because the resulting purchase or investment leaves the Government with calculations on both sides of the ledger.

Additionally, a lack of such a distinction is an inadequate way for the Government to manage the Nation's funds. To use the example provided by Bruce Bartlett, a conservative economist who served in both the Reagan and Bush administrations, a "$10 million building that will last 30 years must be fully accounted for in a single year's budget, the same as a $10 million outlay for airplane fuel or some other operating expense." In Mr. Bartlett's view, in my own view, and in the opinion of hundreds of economists nationwide, "the lack of a [Federal] capital budget creates biases in the budget that lead to uneconomical decisions."

Mr. ENZI. Mr. President, I yield 12 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator is recognized for 12 minutes.

Mr. FAIRCLOTH. Mr. President, I rise today in strong support of the balanced budget amendment to the Constitution. Quite simply, no other legislative issue the Senate will consider is more important than this one. It was true in the last Congress. It is true in this Congress. It will be true in the next one if we do not pass it.

Now, there are more reasons than I have ever heard not to balance the budget. We have heard them day after day. We just heard them, and they keep coming. But the future of the United States and the well-being of our children, grandchildren, and children yet unborn rests entirely on whether we pass this amendment or not.

Mr. President, if we fail to enact this amendment I am concerned we will never balance a budget on any sort of a continuing basis. I have heard a lot of talk on the Senate floor about the need to balance a budget. Many have said that we can balance a budget but not necessarily on a continuing basis. Talk is cheap. The real question is, what will guarantee that we balance a budget year in, year out, and guarantee fiscal responsibility to the Federal Government, something we have not had? What guarantees will we make to our children and grandchildren and children yet unborn that we will not continue to mortgage their future with feel-good politics of the day?

There is a lot of rhetoric in this body about the need to help children—more resources for education, greater health care for children. In fact, if there is anything we really want to pass, we put children in front of it. But if we really want to help the children of this country that are here now and yet to be born we can stop piling a financial burden on them that they cannot pay. It is as simple as that.

We could give them a society, if not debt free, at least be coming out of debt, reducing it. We are already seeing the effects of the 30-year spending spree. Most two-income families have difficulty sustaining the same lifestyle as their parents and grandparents that lived on one income. Why is it that one paycheck does not go as far today? The answer is simple: Taxes and debt. The enormous tax burden that has been created because of bigger government, taxes that are everywhere, and the IRS considers taxing everything—endless taxes, Federal taxes, State, local, sales, gasoline, property, personal, estate taxes, telephone, airline, the list goes on into infinity. We are taxing ourselves to death to pay for more government that we do not need because so much of what is already collected is being spent on interest for money we have already borrowed and already spent.

Already we send $1.5 trillion to the Federal Government each year. That is not enough. Nor will any amount ever be enough. It is an all-consuming Government and no amount will ever satisfy the appetite.

Mr. President, the debt is not going away. Today, every man, woman, and child in this country owes $20,000. A family of four owes $80,000, the cost of the average home. The money will have to be paid back. It will never disappear. What we have done is extremely wrong—we have ignored the reality of our time and have put the burden of the future on our children to pay for our folly.

Mr. President, I have often thought what is it about the last 40 years that has brought us into this position? Certainly, too many people believe Government is the answer to every problem. We have spent approximately $5 trillion on Federal welfare programs since 1960, roughly the size of the debt. But we have more poverty today than we did when we started—a total failure.

Another problem has been that an active Federal Government has regulated American business too much, stifling the productivity and unduly burdening small business.

This is another unique problem that is recent: The Congress has no boundaries. The age of instant information and Congress' driven attempt to please everyone, we are never forced to choose between programs. We can be for anything and everything and against nothing and it rolls on. We are never forced to make a choice because we do not have the requirement of a balanced budget amendment. This is a fundamental flaw of the Federal Government. We have no limit on our ability to incur debt. Thomas Jefferson noted it 200 years ago. It was true then. It is true today.

Mr. President, finally let me talk about the national debt that is consuming us. It took this country 200 years to acquire a $1 trillion debt, and we did that in 1983. Now, in just 14 additional years we have acquired an additional $4 trillion in debt. We clearly are out of control with our spending, and if we do not constrain ourselves we will destroy the fiscal integrity of this country. By the time we balance a budget, even by most conservative figures, we will have a $6.5 trillion debt. Every person who has ever had a debt knows that interest is a piranha and it will eat you alive. The same thing is happening to the Federal Government. Interest is eating us alive.

We spend $366 billion on gross interest each year—that is, to the public and the Government trust funds. To put it in more real terms, when we file our tax returns on April 15, we should know that 52 percent of all income taxes that are sent to Washington will be used for the one purpose of paying the interest on the Government's gross debt.

By the year 2000, our national debt will be equal to 52 percent of the gross domestic product. In 1980, the figure was half that. Besides interest, the only thing we spend more on is Social Security. I think it is so ironic that we have heard over and over that Social Security is being used as a block to a constitutional amendment to balance the budget. If we want to ensure the future of Social Security and Medicare for the people of this country in the future, the best thing we can do is balance the budget. It is the only way we can secure the future of Social Security—with a balanced budget. It should never be considered separately.

Mr. President, if we could just control Federal spending, we might not need this amendment. But we won't control Federal spending. For 35 years we have been unable to muster the fortitude to stop or control Federal spending. The truth is, had we frozen Federal spending in 1994, we would have balanced the budget in 1997.

Mr. President, we all know what the problem is. The question is, what are we going to do about it? The answer is that we must pass the balanced budget amendment if we are going to leave our children a clean slate, not a lifetime of debt, excessive taxes, and a contingent liability of $7 trillion.

I yield the remainder of my time.

The PRESIDING OFFICER (Mr. GREGG). Who seeks recognition?

Mr. ENZI. Mr. President, several questions have been raised through the course of this debate. I have a couple of others, as well. I appreciate the efforts that have gone into this amendment, but I am very concerned about a couple of the areas we have been talking about, the largest of which is the capital budget area in this.

When we talk about capital budget—I have read what the President had in his budget message about capital budgeting. With the definitions that I see that appear in this bill, what we are talking about is putting anything that we can call a capital investment off budget; and by putting it off budget, it removes itself from having to be a part of the formula. I would like more clarification on that term.

There is also wording on that which says that net borrowing and the disposition of major public physical capital assets would be excluded from the receipts. I am concerned about how we handle some of the disposition of major physical capital assets. One of those we are talking about is selling the spectrum. That is one-time revenue. I am very concerned that we may take one-time revenue and use it to buy recurring types of things in the budget. That is why I, too, have been asking for capital budgeting and, more important, cash flow budgeting, so that we know that when we are getting a one-time revenue, we are matching that up with a one-time expenditure.

If we have net borrowing and the disposition of major public physical capital assets excluded, what's the mechanism for handling that? What's the budget phenomenon for handling that? Everybody has to have capital budgets, as has been mentioned here today. Unfortunately, the Federal Government is the only entity that doesn't have to have oversight—unless we pass the balanced budget constitutional amendment. Then we, too, will have to have oversight.

I mentioned this morning that, as a mayor, we had capital budgeting, cash flow budgets, and performance budgets. It is very important not only to building what needed to be built, but to paying off the debt for what we built. I mentioned that the city I was mayor of is now one of the few debt-free cities in the United States. That comes from good planning.

In the debate we have had on the balanced budget constitutional amendment, we are not talking about paying off the debt that we have already incurred. We are not talking about planning to pay off what we have already incurred on behalf of the future generations—those kids and grandkids that we keep talking about, as well as the parents and grandparents that are relying on Social Security. We have to balance the budget to take care of our kids, grandkids, parents, and grandparents, as well as ourselves.

There is a lot at stake in this. Unless we build in some oversight for ourselves, something that forces us to pay back loans, then all we are doing is giving ourselves a license to spend. We are coming up with another risky gimmick that will let us slip things into a category and not have to account for them. That is not the purpose of capital budgeting. I have even heard some reference, in capital budgeting, to putting things into a capital budget that would be social investments. I don't know how you pay off the social investments any different way than you pay for any other expenditure under the budget. That, in my opinion, is not a capital budgeting thing. That is an expense budgeting item. I think there has to be a distinction made there.

I am really worried that section 7 of this bill will give us a license to move things from the normal budgeting process to a capital budgeting process and kind of forget about how we handle the payback on that. Somebody mentioned earlier that if you buy a home, you are doing capital budgeting. You are, but you have oversight. The banker sets up specific parameters for you to be able to get the loan. If you don't meet those parameters, he is not going to be a happy fellow. What we are trying to do here is set up some parameters for ourselves. Capital budgeting, cash flow budgeting, and performance budgeting need to be done. Those are part of an enabling act of a clean balanced budget amendment.

One of the problems that we have in this body, I think, is that we think of things more as a Christmas list, and I know that at Christmas time I delight in going through the catalogs that come in and seeing what things I like. There has never been a limit to the number of things that a person could pick—particularly when they are children. We talk about balancing budgets, and every one of us wants to balance the budget. Individually, we say that. It is collectively that we seem to run into the problem. The balanced budget constitutional amendment will take care of that. It will force us to uphold the Constitution of the United States. It will force us to put parameters on ourselves.

Everybody wants to buy everything, and they want to buy it right now. Good budgeting will set up some parameters that will help us with that. I am glad we are thinking about good budgeting, good accounting techniques, because we need to start setting up our Social Security trust fund under some better accounting techniques, so that we are recognizing some of the actuarial differences that are there. It is good to be thinking about that. It is a must that we do that. Right now, we are building up some incredible actuarial debts that we are not recognizing at all. We owe about $9.3 trillion to the Social Security fund. If we put the same kind of parameters on ourselves that we put on business—we tell business they have to set up a trust fund, and it has to have the amount of money necessary to pay for the people who are retiring at the time they retire. But we don't put that parameter on ourselves. The balanced budget constitutional amendment will put those kinds of things on the line to be done. We will have to follow the promises we made in the campaign.

When I campaigned, we talked a lot about balancing the budget. When the President talked, he talked a lot about balancing the budget. In his State of the Union speech, he said, "We need to balance the budget, but we don't need a balanced budget amendment. All we need is action." Then we got a budget that was not in balance. We did not get the action to go with the words. I made a promise during my campaign that I would vote for the balanced budget constitutional amendment. I knew what that was at the time, and I am here to do that.

The people of America want us to protect the future for our kids and our grandkids. Our kids want us to end the child abuse of taxation without representation, cosigning on notes for them without their permission. That is what we are doing by balancing the budget. I want to say that we either balance the budget—and I think we need the discipline based on these two stacks of 28 years of unbalanced budgets. We need the discipline of a balanced budget constitutional amendment. If we do not balance that budget we will be the longest running game show, and we will wind up with the lowest possible ratings.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. I retain the remainder of my time.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, may I have a counting of the time, respectfully, please?

The PRESIDING OFFICER. The Senator has 13 minutes and 40 seconds. The Senator from Wyoming has 3 minutes and 4 seconds.

Mr. TORRICELLI. Mr. President, I have listened patiently to the analysis of my amendment by Members of the minority and by Members of the majority for some time. I am also aware of the uniqueness of the moment. We are debating an amendment to the Constitution of the United States. The vote on that amendment is extraordinarily close. It is argued by my friend, the Senator from Utah, that the balanced budget amendment is as good as we can produce. Mr. President, the Constitution of the United States is as close to perfection as has ever been achieved in managing the affairs of men and women. This is one case when good is not good enough. There are those who say that providing for a capital budget and the ability to respond to international military emergencies or national economic crises are simply amending gimmicks of a balanced budget amendment. Mr. President, meeting our historic responsibility to defend the United States in military emergencies, or dealing with economic recessions, or depressions is not a gimmick. It is a profound responsibility.

I have voted for a balanced budget amendment on other occasions, and I want to do so again. I approach it with extraordinary regret because I believe that our generation should be no less in managing the financial affairs of this country than all of those who preceded us. They did so because they cared about the future. They cared about the country, and they refused to abuse their ability and their power to borrow beyond their means. This generation has not so cared for the country.

So it is with real regret on previous occasions that I have voted for a balanced budget amendment. But I rise today to amend this joint resolution to amend the Constitution of the United States because I seek for us to meet the same high standard as those who founded this Republic and those who have cared for it through the years; not an amendment that is good enough but one that approaches perfection.

I have offered three principal changes. The first is for a capital budget. But I am told that it would be abused if we were to provide for a separate capital budget to ensure that we were building an infrastructure and maintaining a modern and productive means of commerce in the country, that it would be abused by regular spending and consumption. Yet, the Senator from Utah knows that, whether his amendment passes in its original form or with my amendment to it, enacting legislation will be required. His amendment is not operational on its face and neither is mine. This Congress would have to return after enactment by the States for enacting legislation to make it operational. And under the capital budgeting provisions we would clearly have to establish a separate and independent Government agency that would review the actions of the President and the Congress to ensure that anything in a capital budget is actually designed to enhance the productive capabilities of the country and its economy. We could not allow items of consumption to be part of a capital budget. That is the means by which every Governor operates in getting independent authority to ensure that it is a genuine bondable expenditure as I am sure my friend, the Senator from Wyoming, needed to operate as a mayor of his own community.

But at the end of the day, Mr. President, I leave my colleagues with this reality because this isn't good enough. In our understandable and justifiable efforts to balance the budget of the United States, the principal victim is long-term investment in this country—2 million miles of substandard roads, a quarter of a million bridges that are not safe or operational, deteriorating ports, 100 billion dollars' worth of repairs needed in our schools. We are last among the industrialized nations of the world in planning for our future. Without a capital budget, the internal pressures of this institution are going to force protecting consumption and victimizing planning and investment. It is not enough to rise on in this floor and say that a capital budget might be abused but not provide an answer to this reality.

Second, we are told that a war powers exemption, the ability to deficit spend if the United States is facing an imminent military threat, could not be accommodated despite the historic analogies that I have raised in World War II, the Persian Gulf, World War I, all of which required deficit spending in advance of a declaration of war.

I am told by my friend, the Senator from Utah, that the cold war is evidence that my analogies are not sufficient because we could have used this as an excuse throughout the cold war for deficit spending unless we have agreement. In 1962, with a nation only hours away, during the worst of the cold war, during the Cuban military crisis, John Kennedy mobilized the American Armed Forces. The United States was in deficit. It was also facing an imminent threat of war. In the Berlin crisis, in succeeding crises of the cold war, the President of the United States and our military leadership needed the ability to respond immediately. The vision of the amendment of the Senator from Utah is that upon a declaration of war and a three-fifths vote we will then respond and defend the national interest. It is good. It is a good amendment. It does not approach the historic standards of the U.S. Constitution.

Finally, we are told the country has the means and the ability to respond to the vagaries of the business cycle without the need or the ability to borrow.

History teaches us a different result. This Nation has learned a painful lesson from a historic perspective when capitalism fails or goes through intense difficulties. The debate in Europe and in the United States in the 1930's was often between those who believed that the future belonged to fascism and those who believed it belonged to communism, democratic communism or fascism. Democratic capitalism, to many, was an anachronism that had failed in the depths of the Depression. Capitalism was saved by the easing of the business cycle. We learned how in times of high unemployment and deep recession to prevent the national economy from victimizing our own people. The triumph of capitalism, as certainly as it was earned on the battlefields and through ideological struggle, was also earned by our learning how to deal with the difficulties of recession, the pain of depression, by using the fiscal and budgetary powers of the U.S. Government to care for the Nation in times of real need.

The Senator from Utah says his amendment is good enough; we can have a vote to ease its restrictions. Good is not good enough. The level of perfection required to amend the Constitution of the United States requires more. These are not theoretical problems, not in another century, not even in a different generation. Each of them has been experienced in our own time—dealing with the problems of recession, the regular and serious problems of international conflict, and the deterioration of national investment.

I stand here prepared to vote to change the Constitution of the United States. It is something that I believe requires an extraordinary burden of proof. Anyone attempting to change this document must bear a higher burden than in any other Chamber and undertaking any other legislative goal because the Constitution of the United States has no peer. I am prepared to recognize that this burden would be met given the mounting problems of debt in this Nation and the need to restore some permanent fiscal responsibility, but it cannot be met unless these questions are answered.

Constitutions are not written for any one time. Laws are written for our time. Constitutions are written for all time. I need the Senator from Utah to explain to me how a generation unborn, in circumstances unforeseen, will deal with renewed military hostilities, deep recessions, with the problem of international economic competitiveness in the face of declining national investment. I offer my vote for change, will accept that this burden of proof has been met and will otherwise change a document which I believe in only the rarest of instances we ever meet the burden of change——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TORRICELLI. But that requires enactment of this amendment and answers to these questions.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming has 3 minutes.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mrs. BOXER. Mr. President, if I might ask unanimous consent just to set aside the pending amendment and offer an amendment and lay that aside. I have been told by the floor staff that would expedite matters.

The PRESIDING OFFICER. The Senator from Wyoming was recognized.

Mr. ENZI. I assume that that will not come out of my time, if that were to happen.

Mrs. BOXER. That is correct.

Mr. ENZI. We are running out of time. I am sure that will not happen in my time.

The PRESIDING OFFICER. The Senator's time will not be charged for unanimous consent.

Is there objection? Without objection, it is so ordered.

Mrs. BOXER. I thank my colleague so very much.

AMENDMENT NO. 16

(Purpose: To provide Federal assistance to supplement State and local efforts to alleviate the damage, loss, hardship and suffering caused by disasters or emergencies by exempting spending that is designated emergency requirements by both the President and the Congress.)

Mrs. BOXER. I ask unanimous consent to set aside the pending amendment, and I send an amendment to the desk, and I ask unanimous consent that it be set aside for debate at a later time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 16:

At the end of Section 5, add the following: "The provisions of this article may be waived for any fiscal year in which there is a declaration made by the President (and a designation by the Congress) that a major disaster or emergency exists, adopted by a majority vote in each House of those present and voting."

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I thank the Senator from New Jersey for his comments, his answers, and his passion. We share that passion for this country. I am pleased to be in the entering class with him.

I appreciate the approach that he has taken was not set on a course to scare anybody but to get something done, and I really appreciate that. I am appreciative also of the talk that we are having here on this floor about good accounting systems. That is of the utmost necessity for our country and for us.

The reason it is important for us is to know exactly where we are. I pledge I will work with the Senator from New Jersey to get those kinds of accounting procedures so that we can do the kinds of things we need to do for this United States and do it within the constraints of a balanced budget so we are not continuing to pass on things to our kids and our grandkids.

I will remind everybody that we cannot go into a capital budget situation without the clarification that we are not just creating another loophole. When I was in the legislature, one of the biggest frustrations I had was that we would propose the bill, and I knew there were people listening to that proposition who were already designing loopholes in the bill, ways to get around what we were doing and not sharing with us the ways to get around what we were trying to do. That is what we have to overcome, with the immense responsibility that we have in amending the Constitution.

I think the original amendment has that capability. I think it is important that we vote for the original amendment, not the substitute, but that under any circumstance we do have a balanced budget constitutional amendment that will preserve this country for ourselves, our kids, and our grandkids, and make sure that we are taking care of our parents and our grandparents.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

Does the Senator from Wyoming yield back the remainder of his time? He has 27 seconds.

Mr. ENZI. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 37, nays 63, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—37

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Rockefeller
Sarbanes
Torricelli
Wellstone

NAYS—63

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg

Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Reid
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

The amendment (No. 15) was rejected.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, under the previous order, I was to be recognized to offer an amendment.

AMENDMENT NO. 17

(Purpose: To propose a substitute amendment)

Mr. DORGAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. DORGAN. It is in the nature of a substitute.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for himself, Mr. DASCHLE, Mr. FORD, Mr. REID, Mr. HOLLINGS, Mrs. FEINSTEIN, Mr. WYDEN, Ms. LANDRIEU, and Mr. JOHNSON, proposes an amendment numbered 17.

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds (as and if modified to preserve the solvency of the Funds) used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

Mr. DORGAN. Mr. President, I offer this amendment on behalf of myself, Mr. DASCHLE, Mr. FORD, Mr. REID, Mr. HOLLINGS, Mrs. FEINSTEIN, Mr. WYDEN, Ms. LANDRIEU, and Mr. JOHNSON.

Mr. President, I would like, as I offer this amendment, to describe it and begin at the beginning. I know that this issue has been debated again and again, and yet it seems to me it is probably appropriate now to describe what this is and what it is not.

Mr. President, I offer a substitute constitutional amendment. This substitute is essentially the same as the amendment offered by Senator HATCH, amended, if it would have been amended, by the amendment offered by Senator REID. Senator REID offered a perfecting amendment. It failed. So I am offering a substitute constitutional amendment to balance the budget.

Mr. President, the stack of books that has resided on that desk for some long time now is apparently designed to illustrate a number of budgets that have not been in balance. There is no one in this Chamber, I believe, who stands on the floor of the Senate trying to make a case for unbalanced budgets. I have known no one who stands up and says, "I've come from my office to the floor of the Senate to put in a few good words about the deficit," or, "I come to the floor to be a champion of Federal debt." I know of no one who says that, no one who believes that, and no one who comes and argues that on the floor of the Senate.

There is not a difference, it seems to me, about the will or the interest of Members of the Senate to see a balanced budget. This Government ought to spend within its means. It ought not keep charging consumption today to our children and grandchildren. We ought not continue to add to the Federal debt. We ought to have some fiscal policy that is in balance.

But this is not about balancing the budget. This debate is about altering the Constitution of the United States. We can alter the Constitution of the United States at 3 o'clock—that is 1 minute from now—and at 1 minute after 3, there will not have been one cent difference in the Federal debt or Federal budget deficits.

So it is about altering the Constitution. How do we do that? Should we do that? We have some people who come to this floor wanting to alter this Constitution at the drop of a hat. Some people think the Constitution is a rough draft and they have better ideas.

Last year we had three proposals to alter the Constitution offered in 1 month here in the U.S. Senate—three. We have had about 2,000 or 3,000 proposals to alter the Constitution since it was written. I do not peer around the Senate—and I do not mean this to sound disrespectful of the wonderful people I serve with—but I do not really see Madison and Mason and Franklin and George Washington. Thomas Jefferson was not at the constitutional convention. He was in Europe at the time, but he contributed greatly to the Bill of Rights and especially the first amendment. It is hard to recognize the folks here and compare them to those who wrote the Constitution. But we sure have a lot of folks who want to alter the Constitution.

Last evening I was at the National Archives, and I got to take a look at Thomas Jefferson's original draft of the Declaration of Independence, written, I think, when he was 33 years old.

I got a chance to take a look at the Senate markup of the Bill of Rights. It is really quite remarkable when you see the documents that represent the framework of our democracy, the system of Government, created in a Constitution of the United States by some wonderful people.

Included in the Constitution is a procedure by which we can change it.

Mr. HATCH. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

UNANIMOUS CONSENT AGREEMENTS

Mr. HATCH. I appreciate the courtesy of the Senator.

I ask unanimous consent that when the Senate resumes Senate Joint Resolution 1 on Thursday at 11 a.m., Senator GRAHAM of Florida be recognized to offer his amendment regarding public debt; I further ask unanimous consent that there be 90 minutes for debate equally divided in the usual form, and following the expiration or yielding back of time, the Senate proceed to a vote on or in relation to the Graham amendment.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. HATCH. I ask unanimous consent that immediately following the vote on the Dorgan amendment today, the Senate resume consideration of Senator

BOXER's amendment No. 16 relating to a disaster exemption, and the amendment be limited to 30 minutes of debate equally divided in the usual form, with a vote occurring on or in relation to the Boxer amendment at the expiration or yielding back of any debate time.

I further ask unanimous consent that on Thursday, immediately following the disposition of the Graham amendment, the Senate resume consideration of Senator FEINGOLD's amendment No. 13 under a 30-minute debate limitation equally divided in the usual form, and following that debate, the Senate resume debate on Senator FEINGOLD's amendment No. 14 under a 40-minute time limitation equally divided, after which both Feingold amendments will be temporarily set aside, and the Senate will then begin 2 hours of debate equally divided on the Kennedy amendment No. 10.

I finally ask unanimous consent that immediately following the expiration or yielding back of that debate time, the Senate proceed to a vote on or in relation to the Kennedy amendment No. 10, to be followed by 1 minute equally divided for debate, then a vote on or in relation to the Feingold amendment No. 13, to be followed by 1 minute equally divided for debate, and a vote on or in relation to the Feingold amendment No. 14.

I further ask unanimous consent that following those votes, the Senate begin 2 hours of debate equally divided on the Bumpers amendment No. 12, with a vote occurring on or in relation to the Bumpers amendment at the expiration or yielding back of time.

Mr. LEAHY. We do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I yield to the Senator from North Dakota.

AMENDMENT NO. 17

Mr. DORGAN. Madam President, I was in the process before the unanimous-consent requests of just trying to describe exactly where we are and what we are doing here. I was talking about the Constitution of the United States. I pointed out that there is a process in the Constitution of the United States that describes how we can change the Constitution. And we have, in fact, changed it from time to time.

I was not around, but I recall that we changed it and put something called the 18th amendment in the Constitution. That had to do with outlawing drinking; it was called prohibition. And then if you go to the 21st amendment to the Constitution, it says the 18th amendment to the Constitution is hereby repealed. That is a short, little amendment. That is the 21st amendment to the Constitution. I guess because at that point the American people felt we made a mistake on the 18th amendment, so the Framers of the Constitution not only provided a method by which we could change the Constitution but also described how we might correct a mistake. It is far better, however, not to make a mistake when you are changing the Constitution of the United States. There is a right way to do it and a wrong way to do it. This is not a debate so much about whether we should balance the budget. We should, and some of us have cast tough votes to reduce the budget deficit by 60 percent. Some have not cast those tough votes. Some have just bellowed on the floor of the Senate, thumbing their suspenders and going out and puffing on their cigars and ranting to anybody who listens, how much they oppose the deficit. But would they vote to reduce the deficit? No, it was "count them out." They just wanted to talk about it.

Some of us have cast hard and tough votes and paid a price to reduce the budget deficit. The only way you can reduce the budget deficit is individual votes on taxing and spending issues. You can change the Constitution until you are purple, and it will not alter the budget deficit or the Federal debt.

Shall we, however, change the Constitution? I say that yes, there are circumstances under which I will support that, and I have supported amending the Constitution dealing with fiscal policy, because I think there is merit—especially after the last decade and a half—there is merit in suggesting that the fiscal discipline that would come from requiring a balanced budget in the Constitution would be worthy and worthwhile. So then the question is, if a suggestion to alter the Constitution to require a balanced budget has merit, how do you alter the Constitution to do that? That is the question today.

I have said before, and the Senator from Utah will not find it surprising, that I think this amendment is terribly flawed with respect to the Social Security surpluses that it will use to claim it has balanced the budget.

Madam President, when Abe Lincoln and Stephen Douglas were involved in their famous debates, I was reading at one point that Abe Lincoln was enormously frustrated with Douglas because he could not get Douglas to understand his point. He just could not get it through. Finally, he said to Douglas, "Listen, tell me, how many legs does a horse have?" Mr. Douglas said, "Why, four of course." Lincoln said, "Yes, and now if you call a horse's tail a leg, then how many legs will the horse have?" And Douglas said, "Why, five." And Lincoln said, "You see, that is where you are wrong. Simply calling a tail a leg does not make it a leg at all."

That is what we have here. We have a tail called a leg. They say if we pass this constitutional amendment to balance the budget, the budget will be balanced. But a ninth grader with elementary math will have known the budget is not balanced because, guess what? This will enshrine in the Constitution a practice of using $1 trillion and more of Social Security trust funds, and in the year in which they claim the budget is balanced, that neon debt clock that ratchets up the Federal debt so we can all see where it is going, that debt clock will keep going, because the very year in which the budget is supposedly balanced the Federal debt will increase by $130 billion. The year in which the Federal deficit that is supposed to have been in balance, eliminate the deficit, 2002, the year in which those who support this will claim they have eliminated the Federal deficit, they will have to increase the Federal debt limit by $130 billion.

I have asked why, I guess for 2 weeks now, and no one will be able to answer: Why is the Federal debt continuing to increase at a time when they claim they balance the budget? Because they will have locked in the Constitution a process that allows them to use tens and tens of billions of dollars that are needed elsewhere, that are taken from workers out of paychecks to put in a trust fund to be saved for the future. They are able to use that money over here to claim they balanced the budget even as the Federal debt continues to increase. That is the weakness and the fatal flaw of this proposal. That is why this is not a balanced budget proposal. That is why this is masquerading as a leg, when, in fact, it is not a leg at all.

Now, I want to go back to the beginning, and I know that for some this is probably a debate that provides wonderful sleep medicine. It is so filled with complexity and dates and positions and laws. But I want to go back to the beginning, in 1983. In 1983, there were no Social Security surpluses. The Social Security system was taking in almost as much as it was spending out. But we knew that, in the long term, there was going to be a real problem because we knew of the baby boom—the largest baby crop in the history of our country. These folks would eventually find their way through the work system and go onto the retirement rolls, and we knew that at some time we would have a problem.

In 1983, the Greenspan commission convened and said, all right, Republicans and Democrats and outsiders and insiders working, here is a menu or a strategy by which we are going to respond to this problem in our country, where in the future we have the largest baby group retire, supported by the smallest working group, and we have a demographic time bomb and a problem. Here is the recipe by which we address it. That recipe included a lot of things. It included increasing the retirement age, beginning after the turn of the century, to age 67. That extends out some long while before it finally happens, but it goes to 67, the new retirement age. That was done in 1983. A series of benefits were cut from the Social Security system in 1983. In addition to that, Social Security payroll taxes were increased for workers and for employers in 1983 and beyond. And the point and purpose was that the Social Security system would accrue a surplus, year by year, to be used later when it is needed.

I would like to just show my colleagues some of these surpluses that are going to exist. This chart shows what is happening to the Social Security trust fund. The Social Security trust fund isn't contributing a penny to the Federal deficit. In fact, the taxes taken out of the workers' paychecks and the taxes coming in from business, which are being paid for the purpose of keeping the Social Security system solvent, are in this year $78 billion more than is necessary to be spent in Social Security—just this year, $78 billion more. But you will see from the chart, every year from 1996 on up to the year 2010—and the surplus goes on out to 2019—surpluses every single year. This program doesn't contribute a penny to the Federal budget deficit, not a penny. It is taking in far more than it is using, at this point, every single year. This year, $78 billion more than is spent—just in this year alone—is taken in and put into the Social Security trust fund.

Now, I don't think those facts are in dispute. At least I have not heard anybody come to contest them. These are numbers from the Social Security Administration. I think the Congressional Budget Office reaffirms these numbers. Nobody is contesting that. So if these surpluses exist, why do they exist? Why are workers paying more than is needed to run the Social Security system today? Because the plan was to save it for the future when they and their children will need it.

What happens under this constitutional amendment to balance the budget? Under the majority's proposal, this money is not part of a savings account, in a trust fund. This money becomes part of all the other money in the system. This money is no different than a dollar of income tax. It is no different than any other dollar of revenue the Federal Government has and is used as an offset against all other spending.

In 1983, I was on the House Ways and Means Committee and we largely accepted the Greenspan commission's report. That report included a whole series of steps to respond to the Social Security problem that we faced. In 1983, when the Ways and Means Committee considered this legislation, I offered an amendment and I had thought the amendment was defeated. I said that on the floor, and I was wrong. I looked it up. The amendment actually passed in the Ways and Means Committee of the House of Representatives. It was dropped out in conference with the Senate. That was before I served in the Senate, and I spoke less well of the Senate at that point. But the amendment I offered in the Ways and Means Committee was approved, and it got through the House. I want to describe the amendment, just to say that I am not on this floor as a Johnny-come-lately on this issue.

Fourteen years ago, in 1983, when we debated the Social Security reform package in the Ways and Means Committee, which was the committee of jurisdiction—that is where it all originated, and I was a member of the committee—I offered an amendment on March 1. My amendment was exactly what I am talking about here, in 1997, in the U.S. Senate, to take the Social Security system and its trust funds and the surpluses it is going to have out of the unified budget so that its money cannot be used for every other purpose in Government that some would want to use it for—take it out, separate it, make Social Security whole and make decisions about Social Security, both on spending and taxing, on the basis of whether you are going to make the Social Security System solvent. Don't make Social Security decisions on the basis of whether you want to fund the star wars program, or whether you want to fund some other program in some other agency. Make decisions about Social Security and its future based upon the merits of Social Security solvency. On March 1, 1983, I offered an amendment. The amendment would have removed the Social Security system from the unified budget effective October 1, 1988. I gave it a 5-year phase-in, so it could be removed completely in 1988. I made a statement. I will not make it today, but it is essentially what I have been saying ever since. There is a tendency for everyone to want to use those funds for purposes other than solvency of the Social Security system.

Now, when I offered that amendment, in 1983, I was supported, among others, by Congressman ARCHER, who now happens to be chairman of the House Ways and Means Committee. Congressman ARCHER made the point in 1983 that "if the Social Security funds are permitted to be used in the unified budget, it will distort all of the spending and permit massive deficit spending out of the general fund." And so Congressman ARCHER supported me—a Republican, now head of the Ways and Means Committee, supported me. Congressman Gradison supported me, also a Republican on the Ways and Means Committee.

The point is, in 1983, we started down the road of doing the right thing with my amendment, and then it got thwarted. Here we are, 14 years later, building substantial surpluses in the system that we need when the baby boomers retire. This constitutional amendment—yes, every President, including this President, and every Congress, including this Congress, has used the money the same way. It is wrong. The budget deficit, last year, was not $107 billion, as advertised by the CBO; it was $107 billion plus the $70 billion they used of Social Security funds. The same was true back when it was a Federal deficit of nearly $300 billion. It was more than that, because then they were using the Social Security funds as well.

My point is, the proposal in the Senate will enshrine in the Constitution a practice that is fundamentally wrong. It says, take all these Social Security trust funds—one of the few sober things done in the 1980's, to save for the future—and just throw them in with other revenue and balance it out and measure it. If you come to zero, that is fine. But it is not fine, because nobody can answer the question I have asked: When you say you have come to zero, why does the Federal debt continue to increase? Why, in the year in which you claim you balance the budget, does the debt increase $130 billion? Because you are not truly saving in the Social Security trust funds. That is the point of the substitute amendment I offer.

If we had done the right thing 14 years ago, in 1983, we would not even be discussing this. Well, we might. My fear back then was the tendency for those who want to get their mitts on this and use it for another purpose.

But I can't think of one Member of Congress who would come to the floor and say: I have a plan. Here is my plan. I think it is going to be really politically popular. My plan is to tell workers and their employers that we want to have them contribute to Social Security, and then take some taxes from them and call it the Social Security tax, promise them to put it in a trust fund, promise that we are going to dedicate it for one purpose, and that it will be available when it is needed in the future. And then the second part of my plan is more intriguing. The second part of the plan is that, once we get it, then ignore all the promises and throw it in a pot with all the rest of the money and use it to add up the revenue so you can say you have balanced the budget.

I would like to know of one man or woman serving in the House or Senate who is willing to stand up and wave their handkerchief and say, "Count me in, sign me up to that, let me do that right now." Is there one? Is there one Senator? I do not think so. Yet, if you vote for this constitutional amendment, that is exactly the proposition you support, exactly. There isn't any way to argue it another way.

You can argue that pigs fly and shrimp whistle and that this piece of paper is purple and that grass is black.

You can argue it in whatever way you like. But when the day is done, what you have described, under the constitutional amendment offered by the majority, is that you believe it is OK to take dedicated trust funds to the tune of over $1 trillion and mix them up with other revenues so that you can claim you have balanced the budget.

What I offer is a substitute constitutional amendment that includes the Reid provision which, if passed, would prevent that very thing from happening. It would say that, if we are going to balance the budget, we should do it honestly. Let's do it honestly. It would say that at the end of the day when you have balanced the budget, the debt clock will not still be increasing, the debt clock will be a stopwatch, and there will be no increase in the Federal debt. Maybe we will start seeing a paydown or a drawdown on the debt. Wouldn't that be a nice thing to see happen? The proposal that is on the floor of the Senate by the majority would enshrine in the Constitution this practice which I have described. My substitute constitutional amendment would prevent that very practice. That is a pretty stark difference. Those who want a constitutional amendment, those who want a balanced budget, if they will support my substitute—I think we will have 70 to 75 votes this afternoon—we will have a constitutional amendment to balance the budget, and we will have done it the right way and we will not have misused the Social Security trust funds.

We have a law. I know Senator HOLLINGS has been over to the floor. Long after 1983 when I did what I did in the House Ways and Means Committee successfully, but then it was dropped in conference, Senator HOLLINGS in 1990 wrote a law that requires the Social Security System to be treated as off budget and not part of the unified budget. That is now the law, section 13301 of the Budget Enforcement Act. Senator HOLLINGS has talked about it a number of times. That existing law will effectively be nullified by this constitutional amendment. Senator HOLLINGS makes that point. There is no one in this Chamber who has said Senator HOLLINGS is wrong because they can't say he is wrong. This constitutional amendment will nullify Senator HOLLINGS' law. And it will enshrine in the Constitution a practice that I think is fundamentally wrong.

I said last year that we have three different arguments, and it is hard for me to reconcile them. I try to keep them straight.

There is one group who stands up and says, “What are you talking about, the Social Security trust fund? Don't you know there is no trust fund? There is no Social Security trust fund.”

Then we have the second position. These are the three stages of denial. The second position is, “Yes, there is a trust fund, but we insist we are not misusing it.”

The third position is, “There is a trust fund. We are misusing it, and we pledge to stop doing so in the year 2008.” That was the third thing I was told on the Senate floor in the 1995 debate.

So those are the three stages of denial as best I am able to interpret them.

I don't know what people think when they hear this debate about this issue because it is so intriguing to see all of this maneuvering and movement. This is not rocket science. It is important. It is critically important. But it is not rocket science to understand that you have a certain amount of money, a certain amount of expenditure, and a certain money dedicated for a certain thing. So you have money left. Either it matches or it doesn't. Let's say that we take the amount of money dedicated for something else and bring it over here and claim it is all matched up. It doesn't take sophisticated mathematics to understand the bankruptcy of that. That is why you end up, when they say they have balanced the budget, with $130 billion in increased debt.

The Congressional Research Service has reviewed this matter several times. I am amused actually by the folks who came rushing to the floor of the Senate with six dozen different interpretations of the Congressional Research Service missive on this issue.

But the Congressional Research Service has concluded something interesting. What they have concluded is that, under the majority's proposed balanced budget amendment, if you save this money to be used for the future, you can't spend it in the future, according to the Congressional Research Service, unless when you decide to spend it you have a corresponding tax increase or a corresponding budget cut somewhere else. You are simply, with this amendment that they are offering, prevented from spending the savings that you have accrued.

That will be interesting—when somebody shows up for their Christmas Club savings account or to cash in their bonds someplace and the bank says, “Well, the only way you can take your savings out is if you cough up a like amount yourself,” people would look at them like they have been drinking all afternoon.

That is exactly what the Congressional Research Service says is required by enshrining this practice in the Constitution: save money for a specific purpose and then later call on that money to be used, what are you required to do? Raise taxes in order to use it. That is not much of a bargain, in my judgment. That is what the Congressional Research Service says. We had people knocking each other down at the door over here trying to get through the door waving several iterations of the Congressional Research Service memos, all of which said the same thing with different language.

So they all had a chance to wrap it around on the floor, wave it, create a bunch of wind with it, and all of them said exactly the same thing. There isn't any way, with the proposal that we have before the Senate, where you can use the savings that we have promised people we would use for Social Security unless it is timely to do it. You either cut other spending or raise other taxes to do so.

There are other points that I wanted to make. But I am going to at this point conclude my remarks—there are others who want to speak on this issue—by saying this:

There have been a lot of polls cited about this issue on the floor of the Senate. Frankly, I think there are too many polls in our country, and there are too many pollsters in our country. I wish people would stop polling and stop worrying what the pollsters are telling us and do what is in their guts, but do what they think is right, do what the message somewhere between the brain and the pit of the stomach tells them is right to themselves and to their constituents of the country. I am a little tired of hearing about this poll or that poll, this cross tab and that cross tab. Yes, the polls will show that the American people want a balanced budget, that they support a constitutional amendment to balance the budget, and, yes, polls will show, if you ask them the question: “Should you enshrine in the Constitution the issue of Social Security trust fund?” those same people will say, “No; absolutely not.” Seventy to seventy-five percent will say that is fundamentally wrong.

So you can find polls every way from Sunday to support every position on the floor of the Senate. The only thing that matters to the American people, in my judgment, is, are we going to make the decision to honestly balance this budget? If one of those decisions is to alter the U.S. Constitution to require more fiscal discipline, I will participate in doing so and I will vote for it. But I will not in any event vote for a proposition that alters the Constitution that will in my judgment require us to come back just as we did on the 21st amendment and repeal it because it is a dishonest budgeting practice—yes, practiced by both political parties. It is dishonest, in my judgment. It takes from those who are now paying taxes under the pretense of savings for the future when they are going to need it, and it says to them, “We will give you an IOU instead” that we are not going to be able to pay because we are going to use the money now. That engages in a practice of let us pretend that we have balanced the budget even as we increased the debt.

When this is an honest proposal, and a proposal as I offered as a substitute that is an honest proposal that will not allow that budget practice to occur, then we will alter the Constitution. If my friends in this Chamber who are anxious to alter the Constitution will join us in doing it the right way, they will have this afternoon 70 to 75 votes for doing it and they will be able to celebrate an achievement that is significant. If not, they may not be able to alter the Constitution because there are some of us who refuse to support something that is as flawed as that which is being proposed on the floor of the Senate today.

I yield the floor. I reserve the remainder of my time.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I have appreciated the history lesson in preserving the Social Security system. I wish that the history lesson included a much better ending than where the Senator ended. I wish that the Senator's amendment included an ending for where we are going. The Senator's chart goes out to the year 2010. I think he could have carried it out to the year 2019 and had a pretty good-looking chart. It starts to curve off the other end if you get past 2010. So he is showing the best of the best, the best times for building up money that should be in a reserve for Social Security. He is leaving off the time that it starts to taper off. And the Senator is leaving off the real lie of a substitute amendment that says take Social Security off budget. The Senator is leaving out the part where we have to pay in for my generation to draw the money out. The Senator is talking about a short-term solution rather than a longer term solution. We have to have a long-term solution.

I appreciate the efforts the Senator went to when he was in the House. We have to have a long-term solution for that. And we have to do it through enabling legislation so that it doesn't just cover from now till the best of times but covers from now till the best of times through the worst of times. We need to have an accounting system for Social Security that is honest with our seniors.

One of the things I have been doing through this debate is to mention that we are not even talking about what the true cost is out there of making this system actuarially sound, of putting the same kind of requirement on this retirement fund that we have forced on every business retirement fund in this country, one that includes annual audits to make sure that we are not lying with those business pensions the way we are lying with Social Security.

We tell the businesses of this country that they are going to take their pension funds and they are going to contribute to those pension funds to the extent that the money will be there at the time that the person retires so that they will have an annuity that lasts through the rest of their lifetime. There is a variety of them. Some of them have COLA's with them, some of them do not have COLA's with them. But there is an honest attempt by the Senate and the U.S. Government to force them to have money on hand, true money on hand, true trust funds that will pay those people through the time they expect to be paid. Then we turn around and we say, well, that is not the requirement for us. The Senator is trying to go to that in the amendment, but he does not get all the way. He only gets through the good times and we do not talk about the future times.

Mr. DORGAN. If the Senator will yield for a question, I would be happy to share the time with him on this.

Mr. ENZI. As long as it does not come out of my time.

Mr. DORGAN. I will be happy to ask the question and have the response come out of my time.

This is a chart that shows what happens to Social Security through 2035. The Senator is correct: at 2029, you run out of money; there is nothing left in the trust fund. And the purpose of this saving, incidentally, is so that you have an amount of money to cover the deficits, at least between 2019 and 2029. There are going to have to be deficits beyond 2019, no question. But with this constitutional amendment, if you do not have this money available, what you have done is you have shortened the life of the Social Security trust fund by 10 years—10 years, and that is the problem. Current law provides that the trust fund will go broke in 2029 or thereabouts. But this constitutional amendment that is on the floor would in effect make the trust fund go broke 10 years earlier, unless the Government raises taxes or cuts spending to fund the deficits between 2019 and 2029. So the question of the responsibility here on the side of saving to meet the future, the constitutional amendment that the Senator supports does precisely the opposite, and that is the point I was trying to make.

I appreciate the Senator yielding.

Mr. ENZI. Madam President, the constitutional amendment that I support recognizes the red that is out there on the end as well as the green and recognizes a need to stop doing to Social Security what that huge green there shows at the present time. I am saying that we need to start recognizing Social Security honestly, not calling it off budget so we can force things into Social Security in future years by merely naming them "Social Security" and not having to account for them in the deficit—to recognize them honestly.

Our seniors think that there is a trust fund out there, that there is money out there that will continue to fund them. I am always fascinated when I see the articles which suggest that we should privatize Social Security. If we tried to privatize it, we would recognize that it does not have the money there; that the money is not there to be able to do it because we have this system of taking the money that is paid in now and spending it at the moment that it is paid in, with a piddly surplus. And when you look at the future of Social Security, that little green line there is not a big surplus. It is $1.3 trillion, but that is not a big surplus. The actuarial liability on the Social Security system is $9.2 trillion.

This is money that people expect to be there. We are giving the impression that it is there. This balanced budget constitutional amendment is not a constitutional amendment just for the next few years. It is a balanced budget constitutional amendment hopefully for the rest of the history of the United States, and it will require us to have good accounting.

As an accountant, I have been fascinated with all of the debate that we have had in this process to talk about things that we should be doing as a nation. This is the place we have to start, not by scaring our seniors but by answering our seniors, not by scaring our seniors but by setting up a system where they understand the system and where it is and help us to force the kind of accounting, the kind of disclosure that will help to assure that that money will be there, not just for the ones on the system now but for you and me and the generations to come.

I have explained before that the kids in this country, if you ask them if they are going to get Social Security, will agree that they are more likely to see an unidentified flying object, than to see $1 of their Social Security money.

They already believe they are not going to get this money, and they are paying 7.45 percent of their paycheck, every time they get one, into Social Security. And that is being matched by their employer for another 7.45 percent. That is almost 15 percent. That would be one tidy pension fund if it were truly a pension fund.

I keep asking, if we do not have good accounting for this, beyond the year 2010, not just for the present time, will not that next generation cause a revolution in this country if they are paying, and there are estimates that they will be paying 84 percent of their wages in taxes—that includes their Social Security taxes, 84 percent of their taxes, and at a point that will only be going to pay interest on the national debt. It will not build another road that we have been talking about in capital budgeting. It will not add to the defense of this country that we have been talking about. It will not provide anything for education that we have been talking about. It will pay interest on the national debt.

Now, if you and I were paying all of our taxes, and they are not nearly as high as what we are talking about those kids paying, if we were paying all of that and it was only paying interest on the national debt, what would we do? We would say we paid into that fund. How come we are not going to get it? Is anybody entitled to it? I am afraid there could be a revolutionary generation there. They may do it calmly and precisely by joining this body and the one down there and the Presidency and taking that away because they will be paying taxes that they have never see. That is what they already believe.

If we move Social Security off budget, if we quit having to account for it as part of the deficit—we can add more stringent requirements to the balanced budget constitutional amendment that is before us, we can add more stringent requirements to that to recognize what has been said here, and it can be done through a normal statute, the enabling act, for instance. We can put the enabling legislation in it that will take care of recognizing the surplus spending we are having now and the huge deficits we are going to have in the future.

I remember not too long ago sitting in on the President's State of the Union Message, and I was kind of surprised when he got to page 2, about halfway down the page, after he had said all the things about how we needed to be bipartisan and how we needed to balance the budget and we did not need a balanced budget constitutional amendment to do that; we just needed action, and then a couple of days later, making use of the extra time that he was given by this body and the one across the hall, he presented a budget. And was it balanced? No, it was not balanced. Did it do with Social Security what the Senator is talking about doing? No, it did not do it.

Do we need other constraints to make sure that there is good accounting for Social Security? To make absolutely sure, as all of us want to do, that there is Social Security there? No, it did not recognize that surplus from Social Security in such a way as to preserve it as a surplus.

I have said before that, individually, we all promise a balanced budget; collectively we just don't seem to be able to get there. We have to do that, for our kids and our grandkids.

And we cannot ignore the seniors in 2019. On behalf of the seniors, we do need to recognize the debt, we do need to recognize what is happening now and into the future. And we are only going to do that by legislation forced on us by a balanced budget constitutional amendment and one that goes further than what is being done here. I join in protecting Social Security, as would all the other Senators, but not through one that only solves half the problem.

I reserve the remainder of my time.

Mr. DORGAN. Madam President, I appreciate the opportunity to serve with the distinguished Senator from Wyoming. I appreciated his statement. I obviously disagree strongly with his contention that doing what he proposes to do will in any way strengthen Social Security. It will do exactly the opposite. In fact, the surpluses that we are desiring to save are not going to be there and that is precisely my point. Let us balance the budget, but let us also do what we need to do to make sure the surpluses are to be saved for the future.

I ask my friend from Wyoming, it is probably unfair for me to ask him this, but if he is able to answer the question: Why, at a time when we have a balanced budget, presumably, by the constitutional amendment and by the mandate, in 2002, why the Federal debt will continue to increase? Is that not because the trust funds are used to show a balanced budget?

Mr. ENZI. Madam President, the reason that debt has to increase is a requirement that we be honest with those seniors. That is being honest. That is the utilization of those funds, which are a trust fund, which are an intergovernmental transfer that has to be recognized as a part of the Federal debt under the accounting system that we use. It is not an adequate accounting system to show where the money has gone.

Mr. DORGAN. If we are going to be honest with senior citizens and take the money out of the trust fund and claim you take the money over here but the Federal deficit keeps growing, isn't the purpose of limiting the Federal deficit to discontinue the building of additional debt? The whole purpose here, in my judgment, is to stop burdening the shoulders of our kids and grandkids with more debt. If we claim to balance the budget at the very time the debt keeps increasing, what have we added onto our children's shoulders? Shouldn't we, and if we should, won't you join us—shouldn't we decide we want to do two things: Balance the budget and stop the Federal debt from increasing? Are those not two goals we ought to aspire to? And if we are going to require discipline in the Constitution, shouldn't we aspire to acquire that discipline rather than say we balanced the budget even as the Federal debt keeps increasing?

I am not asking the Senator to respond for everybody on his side of the aisle, but I continue to ask the question, and will this week, because I think the Senator from Nevada and I have proposed something that will respond to both issues. Let us balance the budget and let us do so in a way that does not have the Federal debt continue to increase, even after those who claim they have balanced the budget have finished the job, according to them.

Mr. REID. Will my friend yield to the Senator from Nevada, 10 minutes?

Mr. DORGAN. I will be happy to yield to the Senator from Nevada 10 minutes and appreciate the response of the Senator from Wyoming. We obviously disagree on this, but I hope, as we move through this, maybe we will all understand. I am going to vote for my substitute, as is the Senator from Nevada. I will support a constitutional amendment, the right one and the one that both discontinues deficits and discontinues the growth in Federal debt.

I will be happy to yield 10 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, I saw my friend this afternoon offer the amendment, my friend from North Dakota. I wanted to come to the floor for a couple of reasons. One is to express my personal appreciation for the determination and the expertise he has lent to this argument over these last several years. The Senator from North Dakota has a background in finance. He was a State tax commissioner. He served in the other body, the House of Representatives, on the Ways and Means Committee for many Congresses. So he brought that with him when he came here.

I have read with interest the numerous op-ed pieces he has written for newspapers all over this country on this issue, on the matter now before this body. I do not think there is anyone—I can say with certainty—there is no Senate delegation that has the financial expertise that the delegation from North Dakota has. The senior Senator and the junior Senator from North Dakota are people whom I, and many people in this body, look to for guidance when it comes to matters dealing with finances. So I express my appreciation, again publicly, to my friend from North Dakota for what he has done to narrow the issue and to make sure that it is an understandable issue.

Mr. DORGAN. I wonder if the Senator will yield for a moment? I deeply appreciate the compliments. There are probably too many compliments on the floor of the Senate. I suspect there are a lot of people out there who view us all as a bunch of windbags in blue suits. The fact is, people judge us not on what they think we say or do here on the Senate floor but whether the public policy we create improves their lives, whether at the end of the day we advance this country's interests, whether we have helped them find a way to send their kids to a better school, whether we have helped them find a better job, whether kids have an opportunity to breathe clean air and clean water.

Compliments aside, the real task is for us to do the right thing for the future of this country, and that is part of this debate. When you put something in the Constitution, it ought to be right for the future of this country.

Mr. REID. I say to my friend from North Dakota—a couple of things. First of all, the debate that has taken place, and this is what I wanted to add, after my compliment, the debate that has taken place has led to the ability of the American public to understand this issue. Now 75 percent of the American public agrees with us. That is not the way it was, when all this information that was not right was put out in years past. We have been able to put this issue so the American public understands it.

That is, the amendment we are offering, the amendment that has been offered by my friend from North Dakota, of which I am a sponsor, is what I refer to as the honest balanced budget amendment. I have been struck by the statements made by those proponents of the underlying amendment who come on this floor and say we cannot balance the budget unless we use Social Security moneys. That is my whole point. I do not want to do that. I want to balance the budget in the honest way and that is the right way.

I ask a question to my friend from North Dakota. Why do we refer to this as the honest balanced budget amendment?

Mr. DORGAN. It relates to the question I asked the Senator from Wyoming a few moments ago. With the alternative that is being proposed, the majority party's proposal, we will not achieve both a balanced budget and a freezing of the debt. What we will have is an increase in public debt, building up even as those in the Chamber claim they have balanced the budget.

I come from a very small town, as I have said repeatedly: 300 people. On Main Street on Saturday night everybody would come to downtown. The barber would cut hair until midnight—a wonderful place. You could not take this proposition we are talking about here today to my hometown and take it to the barber shop or the bar and tell people about it and have them say, "Yes, that sounds OK to me." There is not anybody who says this sounds OK. You cannot take money from people's paychecks and say to them this money we are taking is for Social Security and we promise to put it in a dedicated trust fund and we will save it for you, you cannot do that and say: By the way, we have changed our mind. The trust fund doesn't exist, or the trust fund exists and we are now misusing it, or it does exist and we promise to stop misusing it in 15 years. That does not work in a small town where people think through these things a little more rationally than I think is exhibited by some of the debate in Congress.

What we are proposing is to amend the Constitution of the United States the right way, sufficient so that at the end of the day we will require both the budget to be in balance and we will stop the growth of the increase in the Federal debt.

Mr. REID. I would also hope that people would look closely at the vote yesterday on the amendment that I offered to Senate Joint Resolution 1. We got 44 votes with one Senator being ill who is here today. And we will get on this amendment, I assume, a bare minimum 45 votes. I hope there will be some people like JOHN MCCAIN. You really do not have to talk about his courage. I think that has been established. It was established even before he was confined for 6 or 7 years to a prison camp in Vietnam. He is a courageous man. I think part of his courage was, certainly, apparent yesterday when he decided to vote with us on the amendment that I offered.

The senior Senator from Pennsylvania also voted with us.

I hope that we would get some other courageous people on the other side of the aisle to vote with us. Why? Because the balanced budget debate would be over for all time, because we would have to balance a budget. And it would be hard. We would have to make significant cuts or we would have to phase in and balance the budget, maybe by the year 2008, or maybe even 2010. But when that budget was balanced, I say to my friend from North Dakota, the debt clock would no longer continue to run.

I am willing to do that. If we are going to stop playing games with the American public, then let's balance the budget the right way, the honest way.

I had somebody come to me today and say, "Well, if you want to take the Social Security trust fund, why don't you take the other trust funds?" I told them the same thing I said on this floor yesterday. The Social Security trust fund is where the big bucks are. As Willie Sutton said when they asked him why he robbed banks, he said, "That's where the money is." The other trust funds don't mean anything in the whole scheme of things. But when you have budget surpluses that go into the trillions of dollars, that is the real money, and that is why we have to have a real honest balanced budget amendment. I hope the substitute is one that is adopted.

I read in the paper today that the majority leader had a trick up his sleeve. I hope the trick up his sleeve is they will vote for our amendment. We can have a celebration. I repeat, the celebration would be short-lived, because we would have to come back here, if the House adopts it and the States adopt it, and make some real tough decisions, but we won't be playing games with the American public. We would have a real balanced budget amendment.

Madam President, as I said yesterday, we are talking about small sums of money for millions of people. We don't have millions and billions and trillions of dollars that represent certain interests that want this Senate Joint Resolution 1 passed. We represent small numbers in dollars but large numbers in people. They are concerned about whether or not they are going to continue to be able to get their check of $700 a month to maintain their dignity. That is why this amendment is so important. We represent the working men and women of this country, not just the seniors, people who want to maintain the Social Security system for the years to come.

Social Security is the finest social program in the history of the world. This substitute will allow this finest social program in the history of the world to continue. I support the amendment that has been offered by my friend and would certainly ask my friends on the other side of the aisle to support it also.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, in the short time that I have been here, and this is my first year in the Senate, which means I have been here about 6 weeks, this is not even the first time we have debated and voted on this particular issue. We have had it thrown out several different ways, talked about several different ways, but it is always the same thing that we are redoing.

Of course, one of the reasons we do that and one of the reasons we exclude those other trust funds we talked about is that this is where the people are. It isn't this is where the dollars are, because we are talking about deficits in the year 2019, we are talking about people who rely on Social Security. There are people who need it badly, and they scare easily at the thought of losing it, and should. We are right there worrying about it with them, but we can't accept something that is half an answer.

I mentioned that we have voted on this three separate times. I think we talked about it most of the ways that we can, but I want to try and answer some of the questions.

Madam President, the balanced budget amendment does, indeed, require a balanced budget. Outlays must not exceed receipts under section 1 of this resolution. But it is also true that gross debt may still increase, even if the budget is balanced. That is because the Government's exchange of securities for Social Security taxes is counted as gross debt, and we had better count it somewhere. I don't think there is anybody out there who wants us to take those funds and not account for them somehow.

We passed a law that says that those Social Security funds have to be invested in the Federal Government.

That is where they are. The way that we account for them is to show them as Government debt. Should we loan them and not show them as Government debt? It is merely an accounting or bookkeeping notation of what one agency of the Government owes another agency. It is analogous to a corporation buying back stocks and debentures. Such stocks and bonds are considered retired obligations that, once paid, have no economic or fiscal significance. Thus, if we enact a balanced budget constitutional amendment, the debt the United States owes to everyone, but itself, will stop growing. It will not stop growing as long as we have the Social Security funds paid out as an investment in the Federal Government.

This type of debt, termed "net debt" or debt held by the public, is legally enforceable, and it better be. But if we don't balance that budget, the funds will not be there to pay this legal debt when the time for the legal debt comes due. Those bonds that we have in that great storeroom called Social Security, the bonds that have already been loaned to the Federal Government, have to be paid off at the time they come due. We will not be able to do that without a balanced budget.

If the debt zooms because of interest payments of debt, which last year amounted to $250 billion, budget deficits balloon with all the dire economic consequences, and we have been talking about those economic consequences and the advantages of a balanced budget. To assure that budgets will be balanced, unless extraordinary situations arise, debt held by the public cannot be increased unless there is a three-fifths of the whole number of each House concurring.

That net debt is considered to be a far greater economic significance than the gross debt is a widely held truism among economists. Indeed, in the study "Analytical Perspectives: Budget of the United States Government Fiscal Year 1998," the Clinton administration concludes that net debt, or borrowing from the public, whether by the Treasury or by some other Federal agency, has a significant impact on the economy.

On the other hand, the study also maintains that gross debt, or debt issued to Government accounts, does not have any of the economic effects of borrowing from the public. It is merely an internal transaction between two accounts within the Government itself. We have to account for the debt. We have to account for it honestly, and we have to balance the budget more than past the year 2010. A balanced budget constitutional amendment is for all time until altered by us, and we don't do that on a regular basis. It is extremely tough.

Our forefathers did provide a mechanism for doing it. That is the process we are going through now, and they made it an extremely tough one, with a two-thirds vote and then ratification by three-fourths of the States.

If this balanced budget didn't have so much backing, would there be all of this opposition to having it? In checking, if just the Senators from the States that oppose the balanced budget did not ratify this, there would never be a balanced budget constitutional amendment. But I know from traveling out there that those States are saying we live under a balanced budget constitutional amendment. It works. We don't have to go through all of these other funny little accounting gimmicks to get there. The people know when it is balanced. You don't hear of lawsuits on a regular basis dealing with their balanced budget constitutional amendments. Consequently, they will ratify this if they can get Senators from those States to back a balanced budget constitutional amendment.

I think that in a number of years, if not right now—I do think it will happen right now. I think this is the most important debate we could possibly be having in our lifetime because of the consequences in our lifetime and for generations to come. This is the most important thing we can be discussing. I do think if the last election didn't make the difference, the next election will make the difference, because people have promised their people at home that they will vote for a balanced budget constitutional amendment. We have to move on those promises so we can meet the expectations of the people at home, the people who voted for us, the people who sent us here with a trust in the political process. It is up to us now to fulfill that trust. I reserve the remainder of my time and yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, the views offered by the Senator from Wyoming made the point I have been trying to make so hard here this afternoon. The Senator from Wyoming indicated what the Senator from Utah has indicated before him, and others, saying that the gross debt will continue to increase even after the budget is balanced because we have to be honest about that to the senior citizens.

Gross debt will continue to increase—translated, that means that once the budget is balanced, the Federal debt will continue to increase. But they say, "Gross debt is different than net debt; net debt is different than gross debt," and it is, you know, "Honey, you're complaining about the credit card debt I owe, but you don't understand it's net debt versus gross debt. Net debt is more important than gross debt. You just don't understand."

I am sorry. Is it debt or is it not? Is it an obligation or is it not? Will it have to be paid back or won't it? We know the answer to that. Gross debt will continue to increase, the Senator says. That is the problem. That strips naked the entire proposition here and is why I hope Senators will vote for the substitute constitutional amendment I offer.

When the Senator says people have promised to vote for a constitutional amendment, they can vote for the one that I offer today, the right one, the one that at the end of the day will not have a budget in balance with gross Federal debt continuing to increase, but will have instead a budget that is in balance without an increase in gross debt. Gross or net does not make much matter to folks in my hometown. It is a debt and an obligation, it is saddling their children and grandchildren.

I will simply observe that as we discuss this, the end goal is not just to alter the Constitution of the United States; the end goal is to alter the decision-making process here in Congress sufficient so that we have done what the American people want us to do—put our budget in balance, eliminate budget deficits, and especially eliminate the increases in Federal debt.

I want to make one more point responding to something the Senator from Wyoming said. He talked about Governors and States. I have heard all these Governors and other folks from States come here and talk about their balanced budgets. It is interesting to me that those same Governors and States who claim to have balanced budgets also have debt.

Question: Why would a State that has a constitutional prohibition against having a deficit, why would a State like that have a debt? Answer: Because they have capital budgets. If they accounted for their budget the way the Federal Government accounts for its budget, they would not have balanced their budgets.

In fact, we have had Governors come up to a table and sit there and talk about the fact that they have balanced their budgets and then talk about fiscal policy and how it impacts their credit rating in their State. Credit rating? Why do you need a credit rating? Because of borrowing money. Why are they borrowing money if they have a constitutional provision that prohibits deficits? Because they have debt. They have a capital budget. I mean, that is a fact of life. We do not, of course. We probably should. I think we should. But, nonetheless, that is a different issue. I always am constrained to respond when people talk about the States balancing their budget—balancing their budget and then ending up with a debt.

So I will just conclude my presentation—Senator CONRAD is on his way to the floor, I believe—by again pointing out there is more than one constitutional amendment being offered. I am offering one now as a substitute. Those who choose to vote for it can choose to alter this Constitution of the United States the right way.

The Constitution is just a mere, small portion of this booklet. We can alter this the right way. We can do it in a way that will not require us to come back as we did with the 21st amendment and say the 18th amendment is hereby repealed. It will happen, I guarantee you, if we pass the amendment offered by the majority party. That will not happen if we enact the amendment and send to the States the amendment I now propose as a substitute because it does the two things simultaneously. It requires the budget be in balance and does it in a way that you are not using large portions of trust funds and creating a future obligation by misusing them now so that you have claimed a balanced budget and then have increased the Federal debt.

Again, you can, until you are blue in the face, talk about gross debt and net debt and gross and net, this and that.

The question I ask is this: At the end of the day, when you claim the budget is in balance, is the Federal debt increasing? The answer is yes, and that is exactly what is wrong with this proposal.

The answer will not be yes if this Senate adopts my substitute. The question will be: At the end of the day, is the Federal debt continuing to increase? The answer will be no. The budget will have to be in balance and there will be no further increases in Federal debt. I yield the floor and reserve my time.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes the Senator from Wyoming.

Mr. ENZI. Mr. President, I feel compelled to speak a little bit on debt. That seems to be what we are talking about here today. We have talked about the Social Security debt for quite a while. There does not seem to be a lot of willingness to agree on some of the basics on it.

Again, I want to explain that if we are paying our Social Security in and that money is being invested in the U.S. Government, if we do not recognize it as debt, we are lying to the people right now. We have to admit what we have and what we are using.

The solution that is suggested by this substitute amendment is one that wants to take the Social Security numbers and just recognize them while there is this surplus, but really only recognize them while there is a surplus, to scare people about Social Security. We really ought to be worrying about Social Security.

Debt is really a difficult thing to explain unless it is your own. Then it is even scarier. We heard a little explanation of State debt here a moment ago. State debt is a whole lot different than this Federal debt we are talking about, because in every State that has a balanced budget, they are expected to pay the debt back.

We have yet to talk about paying debt back. We have a national debt, but I do not recall us saying that we are going to start budgeting not only to balance it, but we are going to balance it and pay back some of the national debt. We put that kind of requirement on the States. The States put that kind of requirement on themselves. They agree that if they borrow money, they have to agree to pay it back by a time specific.

They have covenants. They have to meet covenants on those bonds, which means they put a little extra away. Sometimes they have to fund things up front. So when they are talking about capital debts, they are talking about a whole different ballgame than we are talking about. They are talking about the same one that that mortgage lender is doing when he enters into a home loan. When you go out and buy a house, you do not just ask to pay the interest and expect to get a house loan. You do not expect to be able to buy two or three houses, if you feel like it, and just pay the interest. The banker expects you to pay the loan back.

I talked about municipal governments this morning. They are expected to pay the loans back. They are forced to pay the loans back. Many of them are forced to have a balanced budget. It is kind of interesting how their balanced budget estimates work. Theirs are a little more conservative than ours. They say, unless you can show that the economy has declined and you will not get as much revenue as last year, you will use last year's revenue estimates. That is pretty conservative.

If we had to say that in a growing economy we had to use last year's numbers, we would be able to pay back some of the national debt with what was left in a growing economy. We would be putting aside some in the good times to take care of the bad times.

That is the kind of an accounting system that we have to get to. That is the kind of budgeting that we have to get to if we are going to be fair, not only with today's generation alone, but with the ones of the future. We cannot keep buying the things out of the Christmas book that we want to have and expect our kids and grandkids to pay for it.

That is what we are doing at the moment. Any way we try and phrase Social Security so that we only want to recognize the money through the good times, not adjust for it in the bad times, we are not properly accounting for Social Security. We have to take care of it past 2010. The amendment before the Senate only takes care of it through 2010 and then allows us to lie about it, to ignore it, to not have to worry about it.

That is when the bonds come due. That is when the debt comes due from raising the debt limits over these years. I want to protect my seniors. I want to be sure there is money there in the year 2019 as well.

I yield the floor but retain the balance of my time.

Mr. CONRAD. I yield myself 8 minutes off the time controlled by the Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 18

(Purpose: To protect the Medicare Health Insurance Trust Fund)

Mr. CONRAD. Mr. President, I ask unanimous consent that the pending amendment be set aside so Senator ROCKEFELLER's amendment can be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I now send to the desk that amendent, and immediately after it is reported, I ask unanimous consent Senator ROCKEFELLER's amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] for Mr. ROCKEFELLER proposes an amendment No. 18.

Beginning on page 3, strike lines 12 through 14 and insert the following:

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. Medicare outlays shall not be reduced in excess of the amount necessary to preserve the solvency of the Medicare Health Insurance Trust Fund.

AMENDMENT NO. 17

Mr. CONRAD. Mr. President, we have heard a novel argument just now from the other side with respect to Social Security. The argument is that the only way we can save Social Security is to raid it. The only way we can secure the future of Social Security is to loot it.

Now, that is an argument that does not stand up to much scrutiny. The argument of the Senator on the other side is that if we take every penny of Social Security surplus funds as this balanced budget amendment that is before the body now contemplates, that once we have done that, we are then faced with a circumstance in which Social Security goes into deficits.

Let me just say the one thing we know for sure is that we are running those surpluses. The one thing we know for certain is that each and every year we are taking in more money on Social Security than we are spending. That was designed so that we would save those funds to be ready for when the baby boomers start to retire. Instead, what we are doing is taking every penny and spending it on other programs. What we are going to find when the baby boomers start to retire is that there is a cupboard there, but the cupboard is bare, and the only thing in it is an IOU. The problem with that is then we are going to face draconian choices.

Our friends on the other side who are defending this balanced budget amendment to the Constitution say that is OK. It is OK if we raid every penny of Social Security surplus between now and the year 2019. We take $1.8 trillion of Social Security surpluses to claim we have balanced the budget because later on in the sweet by-and-by when this thing starts to go negative, we will be including that, as well.

That is an argument that frankly does not stand up very well because we cannot wait until Social Security goes negative. We cannot ever permit that to happen, not to the degree they have discussed on the other side, because you would never be able to meet your responsibilities and the promises that have been made. Those who have been taxed have been taxed in a regressive payroll tax in order to secure the promise that has been made. So the Congress is going to have to act and it is going to have to act soon to get our long-term fiscal imbalances addressed.

What our friends on the other side are doing in the short term—and by short term I mean the next 20 years—is to take every penny of Social Security surplus, every penny, throw it into the pot, and claim they have balanced the budget. That is not a balanced budget. That would not qualify as a balanced budget in any organization that I know of. That would not pass the laugh test in any corporate board room in America. If in any corporate board room in the United States had a circumstance in which the chief executive officer came in and said, "You know what, we have a little problem in the operations of this company, and what I am proposing is that we take the retirement funds of our employees, throw those into the pot, and call it a balanced budget," well, if you tried to do that, he would be in violation of Federal law. No. 2, he would be in violation of every accounting principle known to any financial expert in America.

I say to my friends when you hear the sweet siren song that they are going to balance the budget, you better ask this question, you better ask this question: What budget is being balanced? Because what you will find, as shocking as it may seem, is that they are not talking about a real balanced budget at all. They are talking about taking every fund in sight, every trust fund known to man, and taking the income from those and throw them into the pot and then say they balanced the budget.

As I said the other day, out in North Dakota we say you can call a pig a cow but it does not make it a cow. It does not make it a cow to call a pig a cow. You can call this a balanced budget. You can call it anything you want. It does not make it so.

In fact, if you look, here is what you will find. They will take in 1998 $81 billion of Social Security surpluses, they will take every penny, throw it in the pot, and say they balanced the budget. By 1999, $169 billion, and by the year 2002 they will take $465 billion of Social Security surpluses to claim they have balanced the budget. They have not balanced the budget. They just said they did.

That is exactly what people are tired of in Washington. That is Washington talk. You say something, you put a label on it, it does not matter if it is a true label, it does not matter if that really fits the description, but we just say it. That is what is wrong in Washington. We say things that do not mean what anybody understands them to mean in common parlance.

All we have to do is look to the year 2002 to see how misleading this whole argument is. If we look at the year 2002, the year that they are claiming there is a balanced budget, they are claiming no deficit in the year 2002, but you pierce the veil, you look a little further, and what do you find? The on-budget deficit that excludes Social Security and postal service accounts is in deficit by $103 billion. The gross debt of the United States is going to increase in the year 2002 by $110 billion. They are claiming they balanced the budget. They are claiming they balance the budget and the debt is increasing by $110 billion. Senator DORGAN had a chart that shows $130 billion. That is last year's budget resolution. This is this year's budget numbers for the year 2002. That is the difference between them. The principle is identical.

This, I think, shows how fraudulent this whole balanced budget amendment that is before the Senate now really is, because what they are trying to enshrine in the Constitution of the United States is the definition of a balanced budget that could not stand the light of day in any financial institution in America. There is not a single one that could take the retirement funds of their employees, throw those into the pot, and claim they have balanced their budgets. That is not a balanced budget.

We ought to be straight with the American people and straight with ourselves as to what is happening. The best way for us to deal with what is before the Senate is to draft a balanced budget amendment that deals with the fatal flaws of this one. No. 1, define a balanced budget in an accurate and honest way. Let us say clearly to the American people, we are not going to loot every trust fund in sight. We are not going to raid every single surplus trust fund in America in order to claim a balanced budget. That is the kind of fire-sale approach that is just going to dig us a deeper hole for the future—in fact, a hole so deep we would never dig out.

Mr. President, I yield myself another minute of my colleague's time. Won't he be surprised when he returns.

Mr. President, let me just conclude by saying there is a better way. We have to deal with the fatal flaws. We don't loot trust funds. That ought to be principle No. 1. No. 2, we ought to provide for national economic emergencies. No. 3, we ought to have a circumstance that makes certain that the Justices of the Supreme Court don't write the budget of the United States.

As I said yesterday, I can look through those doors and I can see a corner of the Supreme Court of the United States. Our forefathers never intended that Justices sitting around a table at the Supreme Court would write the budget of the United States. We ought to make certain they do not.

The proposal by Senator DORGAN would address the first problem—the raiding of the Social Security trust fund to claim balance. I hope my colleagues will support it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. SNOWE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I yield as much time as he may consume to the Senator from Utah.

The PRESIDING OFFICER. The Chair recognizes the honorable Senator from Utah [Mr. BENNETT].

Mr. BENNETT. Mr. President, during this debate, we have heard time and again from some of the opponents to the balanced budget amendment to the Constitution that we are getting toward balance without a constitutional amendment. The President has proposed a balanced budget by the year 2002. The Republicans have called for a balanced budget by the year 2002. Why do we need a constitutional amendment when we have the result before us?

I wish to point out that we do not have this result before us. We have the same kind of rhetoric about the balanced budget that we have had for years and years. I will focus primarily upon the President's proposal for a balanced budget by 2002 and express why I do not believe that it will achieve that result and why we need the discipline and the balanced budget amendment in the Constitution to get that result. We are not getting it now.

If I may, Mr. President, I will show some charts. Here are the levels of deficits outlined in the President's budget. If you look at that chart all by itself, it looks fine. It shows a downward trend. What it does not show is that, in the first year of the President's budget, in 1997, he calls for the deficit at $125 billion, up sharply from fiscal year 1996. So if we are going to have a balanced budget, we start by increasing spending from last year to this year, we start by going from $106 billion, up to a deficit of $125 billion. We stay in that neighborhood through 1998. We stay in that neighborhood in 1999. We don't start coming back to the level of where we are today, at $106 billion, until the year 2000, and we do not see a significant reduction in the deficit from its present level until the year 2001.

Now, there will be cynics among us who will say that it's not a coincidence that the year 2001, which is the first real year of reduction from where we are now, happens to be the first year that Bill Clinton will be out of office, and the deficit reduction will come only under his successor and successive Congresses.

We have seen examples of how serious the President is about these outyear budgets. Outyears, Mr. President, is a term that we in Washington use for the future. Folks back home don't understand the term "outyears," and so maybe they don't understand what we mean when we say this problem will come in the outyears, or we will get it solved in the outyears. What they really mean is we will deal with that tomorrow. I have said on this floor before that I am afraid when it comes to budget matters, the theme song for this administration comes from the musical Annie: "Tomorrow, tomorrow, I love you tomorrow, you're always a day away." That is what we see here in this deficit level proposed under the President's budget. It will come tomorrow. It will come after the President has left office. It will be future Congresses that will have to deal with that.

Now, I sit on the Appropriations Committee, Mr. President. As a member of that committee, I see the budget requests that come from members of the executive branch. Last year, I sat on the subcommittee chaired by the Senator from Missouri, Senator BOND, and we had coming before us on that subcommittee a number of agencies that talked about their budgets. One of them was the Veterans' Administration. I have here what Secretary Brown of the Veterans' Administration had to say formally and on the record with respect to his budget. Senator BOND, the chairman of the subcommittee, questioned him about the drastic cuts in the outyears, and asked the question: "What is going to happen when you have to make these drastic cuts?" We got an answer from Secretary Brown that says, "I am not going to have to make those cuts. The President has assured me that I will not."

Reading along, Senator BOND said, "So you are saying that these outyears mean nothing. It is all going to be negotiated in the future. So we should not worry about the President's budget plan. He does not intend to hold you to those significant decreases in spending. This 7-year budget plan is a sham. It has no substance is what you are saying. You are not planning to live with that budget."

That is the statement from the chairman of the subcommittee. This is the response from the Cabinet-level officer in the President's administration to that statement. He says, "I am not planning to live with it. I am not planning to live with your budget * * * nor am I planning to live with the President's line."

If the Cabinet officers are not planning to live with the budgets laid down by the President, what credibility should the Congress give to the budget laid down by the President?

The Secretary said—lest we think the Secretary is speaking on his own, I am quoting from his testimony—the Secretary said, "The President understands that. I talked with him personally about it, and that is one of the reasons why he gave me his personal commitment that he was going to make sure that the Nation honors its commitments to veterans and that he will negotiate the budget each and every year. So the main point that is realistic up there is the President's 1996 budget and his 1996 budget request. We all know what is going to happen to that, but the outyears and the tough decisions will be made each and every year."

He said on the record to the Appropriations Committee of this Congress that the only number he was willing to live with was the President's number in 1996 and the rest of it would be left to the future. If I may, tomorrow we will deal with that. Tomorrow, and tomorrow is always the day away.

Lest you think this was an isolated incident, I take you to another hearing that occurred in that same subcommittee on which I sat. This has to do with NASA. I am a great supporter of NASA. I believe we get our money back tenfold that we spend in NASA in terms of the technology spinoff that takes place, the jobs that are created. I think NASA is a place where we should continue to spend money. It is the same thing. NASA was going to have a nice budget for the near term, the present budget, and then there would be drastic cuts in the outyears.

Senator BOND said to Dr. Goldin, Administrator of NASA, "Now, I understand you have been told that the numbers should be expected to change for the outyears, so there is no need to defend any specific funding level in his budget, nor any likely programmatic consequence of such funding levels. Is that your understanding?" Dr. Goldin, Presidential appointee, Administrator of NASA, said, "Yes, and based upon assurances I have had by discussions with the administration, I expect that as the clarity comes into focus, the outyear budgets will change."

We all know which way they will change. They will go up. As I say, I am delighted by that because I am a strong supporter of NASA. But I am not delighted by the sleight of hand that occurs in the overall budget figures which we saw in the first chart where the President says, overall, yes, we can continue spending at a level higher than we are spending today for all of the years that I am in office and then we will project that the savings will come. This is what we are being told is the budget. This budget proves that we do need a budget amendment. This budget shows we do need the discipline which would come from writing something into the Constitution.

Mr. President, I have one other chart that I want to share with you and others who may be watching which puts this whole debate into a different perspective. I have used this chart on the floor before. It is a slightly different chart than many we have seen. This is not a chart of the debt in absolute terms. This is a chart of the debt in relative terms.

Frankly, to me, as a former businessman, the relative terms make more sense. If you take the debt as an absolute number and do not have anything to compare it to, it frankly doesn't mean much. I have used this analogy on the floor before. But I have learned since I have been in the Senate that there is no such thing as repetition. So I can use it again with a perfectly clear conscience.

Taking a business with which I was involved before I came to the Senate, when I went to work for this business as its chief executive officer it had debt of $75,000. That debt, given the size of the company, was sufficient to sink the company. They were doing a total of $250,000 in business, a total volume $250,000 a year, and they owed $75,000 in debt. They were in serious trouble. There was no way they could pay that debt off with $250,000 in total volume because their margin on that total volume that they could keep after they bought the raw materials for their product was relatively small. They were in deep trouble at $75,000 in debt.

When I left the company prior to my run for the Senate, that company had $7.5 million in debt. And if all you looked at was a chart that showed $75,000 to $7.5 million, you would say this company is clearly going broke, and what terrible stewardship Mr. Bennett provided as the chief executive officer of the company if he allowed the debt to rise from only $75,000 to $7.5 million in only 6 years. When we had $7.5 million in debt, the company was doing $80 million in annual revenue and we happened to have about $20 million in cash. You say, "Well, why would you have any debt if you had $20 million in cash?" It was left over from the period of time when we had to mortgage some of the buildings in order to get some built and there were prepayment penalties on the mortgages. So it made more sense to the shareholders for us to keep the cash than to pay the prepayment penalties on the mortgages. So the size of the debt frankly was not the key issue. The question was, how big a debt do you have compared to the financial strength of the company? And $7.5 million in debt compared to the financial strength of the company when I left it was frankly nothing at all to be concerned about, whereas the $75,000 in debt when I began there was threatening to destroy the company.

So I have taken the national debt and expressed it not in absolute terms, not in the debt where it was in this year and how rapidly it has risen to where it is now, but as a percentage of the economy, gross domestic product, the total production of goods and services in a year. And you will see that the greatest time of debt in the history of this country as a percentage of gross domestic product, or GDP as we abbreviated it, was at the height of the Second World War. This is 1945. Our debt stood at 130 percent of our total year's output of goods and services.

Now, you will notice that at the end of the war the debt as a percentage of GDP started falling and kept falling fairly dramatically, and kept falling and kept falling and it bottomed out in the mid-1970's. It got down to about 30 percent of GDP, from 130 down to 30, and then something started to happen. And then something started to happen. It started to happen before Ronald Reagan became President. It started to happen before the defense buildup under Caspar Weinberger. It started to happen before the tax cuts that were passed by this Republican Senate in the early 1980's. The debt started during the Jimmy Carter years, and it started back up. And for the first time in our history we saw the debt increasing as a percentage of GDP during peacetime. Prior to that, the debt always came down during peacetime, and only went up during wartime, as a percentage of GDP.

What happened? Was it Jimmy Carter's fault? Was it the Republican Congress' fault? Frankly, it was the kicking in of the automatic increases of entitlements in an aging population that started the debt to increase as a percentage of the gross domestic product. No politician was responsible for it, and no politician can take credit for having solved it until we muster the courage and the strength on this floor to address the issue of the automatic nature of entitlement increases.

We have been unable to do that. We have talked about it, but we have been unable to muster the necessary political courage. We meet in the cloakrooms, we meet in the dining room where we talk to each other, and we tell each other this is what we have to do, and then we do not muster the majorities to do it. There is one way to make sure we will muster the majorities to do it and start this back down, which is where it needs to be moving. The way to do that is to write into the Constitution, the basic document that governs all of our activities, the requirement that we balance the budget, and have no deficit. As the economy grows, even if the debt stays exactly where it is, it will diminish as a percentage of GDP as it did in the 30 years between the end of the Second World War and the time when it started back up. We can go back to that downward trend if we just keep the debt where it is. And the only way we keep the debt where it is is to balance outlays with income every year. I say the time has come to put the requirement that we do that into our basic document, the Constitution, at which point we will then have a balanced budget.

Mr. President, there are many other things I could say about all of the debate that has gone on on this floor. Frankly, much of what I have heard in the debate on this floor I think is irrelevant to the core issue. I can comment on the various amendments to the balanced budget amendment that have been raised. I will not because these issues have been dealt with by my colleagues in great depth, and I see no point in repeating all of that.

I am a reluctant convert to the idea of a balanced budget amendment. I have made that point clear before. I do not like amending the Constitution. I have voted against amendments to the Constitution that many of my colleagues thought were meritorious simply because I think the Constitution is so significant a basic document that we should exhaust every other remedy before we consider amending it.

It is with great reluctance that I make an exception to that position with respect to the question of the balanced budget. If we do not have the discipline written into our basic document dealing with this issue, our past history shows that we cannot control the impact of the entitlement increase on future generations.

So for that reason, I announce, with all my misgivings about amending the Constitution, that in this case the issue is so important, the challenge is so significant that an amendment to the Constitution is called for. That is why I intend to vote for the amendment that is before us, why I have voted and will continue to vote against any crippling amendments to that amendment and hope that the rest of the Senate and ultimately the rest of the country will come to realize that the only way to start these yellow lines going back down again in a significant, historic trend is to write a basic requirement into the Constitution of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine has 13 minutes remaining.

Ms. SNOWE. I thank the Chair.

Mr. President and Members of the Senate, I certainly compliment the Senator from Utah for his very compelling statement on the necessity of having a constitutional amendment to balance the budget. He rightfully points out the fact that if we fail to place this amendment in the Constitution, then there is no guarantee of providing fiscal stability for this country in the future.

As we have made the case time and time again in this body, there is no issue more central to competitiveness, to security, to stability of America's future than the issue of a balanced budget. It means more jobs; it means increased wages; it means a better standard of living; it means less taxes; it means lower interest rates, all of which will benefit the American people and future generations.

The overwhelming majority of people in America today are pessimistic about the future when it comes to their children and what kind of life they will enjoy. That is the essence of this issue. This issue points to the fact that we need to do all we can to reduce the Federal deficit, to reach a balanced budget, and begin to grapple with the burgeoning debt that we have compiled for generations. The fact is the next generation will be required to pay an 82-percent tax rate and a 50-percent reduction in benefits to manage and to finance the debt that we leave behind.

I do not think that is the kind of legacy we want to bequeath the next generation.

We have had this debate in this body in 1995 and on many previous occasions, and in fact when I served in the House of Representatives I can remember we had this debate in 1982, and we had it many times thereafter. We heard the same rationale each and every time, that we should be able to have a balanced budget without a constitutional amendment. In fact, the President himself said it in the State of the Union. He said we do not need to rewrite the Constitution; all we need is your vote and my signature.

We as Republicans worked very hard in the last Congress to design a balanced budget plan with specifics and in great detail, without gimmicks. We presented it to the President of the United States, so he got our vote, but, unfortunately, we did not get his signature.

I think the reason is that without a constitutional amendment, it does not force consensus on all sides and between both branches of Government. So ultimately there is no will and there is no self-discipline to reach a consensus on balancing the budget without a constitutional mandate.

We have heard many reasons today as to why Senators cannot support this particular amendment. We have had many amendments that proposed exemptions to this amendment, all of which were designed and disguised as a rationale for avoiding supporting a constitutional amendment.

Nothing could be further from the truth than suggesting that exempting the Social Security Program from this balanced budget amendment would protect the benefits of Social Security retirees. There is nothing in that amendment that would suggest that. In fact, quite the contrary. The Social Security trust fund, since its inception, has been on budget. We have always addressed the shortfalls. We have prepared for the future by redesigning the program, as was the case in 1983, with a bipartisan commission that was chaired by the head of the Federal Reserve Board, Chairman Greenspan, to address those concerns.

We have no idea, we have no track record to know what would happen to the Social Security trust fund off budget. No one has presented us a plan for how the surpluses would be used. The surpluses on budget are invested in Government-backed bonds. But no one has told us, those who presented amendments exempting the Social Security trust fund, how these surpluses would be invested off budget. Would they be used and invested in private securities with a privatized Social Security? That is a major issue, and certainly I think it represents a consequence of placing the Social Security trust fund off budget. Would the Social Security trust fund off budget be diverted for other purposes? That is a real possibility, that those funds could be used for programs other than Social Security. So, if I were a retiree—and I will be one long after the turn of the century—I would be very much concerned about how those trust funds would be used.

We have also heard and we know that, by exempting the Social Security trust fund from this amendment, we will have to further reduce Federal expenditures by $295 billion over the next 5 years, between now and the year 2002, in addition to the more than $250 billion that is required to reach a balanced budget in the year 2002. In addition to that, we would also be required to reduce the budget another $709 billion between the year 2002 and the year 2007. That represents $1 trillion in additional cuts above and beyond what will be required to reach a balanced budget. Again, I think we have a right to know, from those who propose this exemption, as to how they would reach that target, with an additional $1 trillion in cuts? In fact, if you carry it further, to the year 2019, it would be $1.9 trillion—$1.9 trillion in additional cuts.

Mr. President, 2 years ago when we were having this debate, an amendment was offered by the minority leader that was called the right to know amendment. It says if you are going to propose a constitutional amendment to balance the budget, then, indeed, Members of this body have the right to know and are entitled to know as to exactly how we would accomplish balancing the budget. The same is true here today. We have a right to know exactly how these additional cuts will be accomplished over and above the cuts that already will be required in achieving a balanced budget between now and the year 2002 and then, of course, beyond. I repeat, it would require $1 trillion more in additional reductions in order to accomplish that. Yet, again, we do not have a plan as to how, exactly, that would be achieved.

In the final analysis, it gets back to the central issue, the central question in this constitutional amendment. That is whether or not we are truly committed to engaging in fiscal responsibility so future generations can have a secure future. We have an obligation, as one generation to the next, to provide a better standard of living. I think it is regrettable that we in this Congress decide to pursue a direction that accepts budgets that suggest, somehow, that higher taxes, a lower standard of living, sub par growth and anemic recovery are acceptable in a global economy as we approach the 21st century. It is certainly not what I want for future generations.

So, I hope we would consider this amendment for what it is. In reality, it is a way of avoiding the passage of this constitutional amendment because, in the final analysis, it does nothing to guarantee the benefits for Social Security retirees. In fact, I would say, quite the contrary, it raises a great deal of concern as to exactly what will happen to this trust fund, what will happen to the benefits for retirees, because we have no plan from the proponents of this amendment as to exactly how the off-budget program would work for Social Security and exactly how the surpluses would be used and whether or not this program, the trust fund, would be used for other purposes other than for Social Security benefits.

So, I hope this body will reject this amendment. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, Senator DORGAN's substitute, simply put, would add to Senate Joint Resolution 1 language that would exempt Social Security from the requirement that "total outlays for any fiscal year not exceed total receipts for that fiscal year," unless three-fifths of each House concurs. In essence, the Dorgan substitute's exemption for Social Security is identical to the Reid amendment, which we fully debated yesterday. As such, we are all familiar with the arguments—pro and con—of the effect of removing Social Security from the safeguards of the balanced budget amendment.

It is my fervent hope this renewed debate over the proposed exemption of the Social Security funds from the requirements of Senate Joint Resolution 1 will convince my colleagues to support the balanced budget amendment. As Justice Brandeis so eloquently wrote in the 1927 case of Whitney versus California, "[i]t is the function of speech to free men from the bondage of irrational fears." I truly believe that many of my well-meaning colleagues' desires to exempt the Social Security Program is based on unfounded fears. I hope to allay those fears and demonstrate that far from harming Social Security, including the program within unified budgets subject to the amendment, will help to preserve the program. Moreover, ironically, by exempting Social Security from the amendment, the very fears of some of my colleagues may come about because the program will certainly be weakened if we agree to remove it from the unified budget.

Before I directly address my colleagues concerns, it is helpful to put this debate in a larger context. Today, the accumulated national debt is nearly $5.4 trillion. Interest payments on this debt consume $250 billion annually, which the Washington Times recently estimated, is more than the combined budgets of the Departments of Commerce, Agriculture, Education, Energy, Justice, Interior, Housing and Urban Development, Labor, State, and Transportation. This means that the share of the debt for every infant born today is about $20,000.

There is a crying need for sound fiscal reform. Unless we do something, this Nation will continue to have stagnant economic growth with less jobs. Unless we do something, the interest payment on the debt will continue to devour capital that could be otherwise used for investment or Federal programs. Let's not kid ourselves that Washington politicians will remedy this problem; the blunt truth is that no balanced budget deal has worked in the past, that is why we need to amend the Constitution to provide for fiscal sanity.

Yet opponents of Senate Joint Resolution 1 argue that Social Security should be removed from the protection of the balanced budget amendment. But to do as they request would be a risky gimmick that would harm Social Security and open a loophole in the constitutional amendment.

THE DORGAN SUBSTITUTE IS UNWORKABLE

Mr. President, the Dorgan substitute suffers from the same disease as the Reid amendment. It is not workable. Let me tell you why.

First, as I discussed during the debate on the Reid amendment, it is necessary to include Social Security in any balanced budget plan. Obviously, without including Social Security, other programs must be cut far more than they really need to be. The proponents of this amendment have not told us which programs they will cut in order to come up with the approximately $100 billion per year that the total exclusion of the Social Security surpluses will cost us—astoundingly, this figure is greater than our combined annual expenditure on education, the environment, transportation and infrastructure. In fact, between 2002 and 2019, when Social Security outlays will exceed receipts, the trust fund is expected to earn more than $1.9 trillion. Where do supporters of the Dorgan substitute propose to come up with money necessary to cover this self-imposed shortfall? Show me the money.

Let's put this in perspective. Discretionary spending savings from last year's budget resolution, which were described as draconian, were only $291 billion. The Dorgan substitute would require that Congress cut spending or raise taxes more than six times this amount. Similarly, the projected revenues from the 1993 Clinton tax increase—the largest tax increase in history—were only $241 billion. The Dorgan substitute would require that Congress cut spending or raise taxes over eight times this largest tax increase in history. These levels of spending cuts and tax increases are clearly unworkable, and the adoption of the Dorgan substitute would kill any chance the balanced budget amendment has of being ratified.

Indeed, as I alluded to, the Clinton administration uses Social Security surpluses in formulating its own budgetary numbers, and has done so for the past 4 years. Secretary of the Treasury Rubin admitted to and defended the practice during hearings before the Judiciary Committee on January 17: "We will include it * * * I believe that with respect to budget policy that the view of the Congress and the view of the President to include Social Security is correct."

Similarly, in a recent press conference, President Clinton noted that Social Security receipts are used in his budget and admitted that neither he nor the Republicans could balance the budget without including the Social Security surpluses. The fact is that all administrations in recent memory have relied on a unified budget calculation of surpluses, and it is good budgetary policy.

Second, exempting Social Security from the mandates of the BBA for any considerable period of time will probably result in the demise of the Social Security Program years early. Such an exemption will create a powerful incentive to redefine spending programs as "Social Security" and pay for them through what could become a giant loophole in any attempt to balance the budget.

Opponents of the BBA incorrectly contend that including present-day Social Security surpluses in a unified budget would raid the trust funds. This is a complete misnomer because the surpluses are nothing more than an accounting reference. Social Security FICA taxes are deposited with all other revenues. Interest bearing securities are purchased equal to the amounts of Social Security receipts. This debt provides a safe investment. This safety, however, would be wrecked if Social Security were removed from the protection of Senate Joint Resolution 1's balancing requirements. In fact, the very fears of the advocates of the Dorgan substitute will be realized. Their exemption of Social Security would really cause the trust funds to be raided.

Why? Because under the Dorgan substitute, trust fund receipts would be used to finance other costly programs that would be relabeled as Social Security. With the loophole proposed by this exemption in place, there will be an irresistible impulse for future Congresses to redefine unrelated programs as Social Security. This, in turn, would create an incentive for Congress to include costly programs as part of Social Security. Congress has not been able to restrain itself from either wasteful spending or increasing this web of services provided by Social Security in the past—what would prevent combining them in the future? Are we willing to let future Congresses roll the dice with the financial security of America's seniors?

Passing an exemption loophole, accordingly, would essentially create two federal budgets, one based on sound principles of solvency, and the other, the Social Security budget, which would not. One budget will be required to be in balance unless a supermajority votes to allow a deficit, the other—the Social Security budget—would be raided and bloated with unrelated spending projects. Taking Social Security off budget will subject its funds to Washington's special interest scavengers. When you have rats in your house, you need to plug up all the holes. If you do not, they'll find a way in. If we leave Social Security off budget, new and old special interest spending initiatives—which cannot survive or make their way in under a balanced budget plan—will smell out the scent of Social Security and devour it. This loophole would not only blow a hole in the BBA, but it would also seriously harm Social Security. This, in turn, will mean the end of Social Security as we know it, transforming it into the least secure of all Government accounts.

Under the Dorgan substitute, the other possible use for Social Security surpluses would be for the Government to pay down our staggering national debt. Thus, if there are any surpluses left over after programs are redesignated "Social Security," the remaining surplus would be used to make debt repayments. This sounds wonderful, but in fact, creates a dangerous mechanism for the Congress to continue deficit spending. By paying down the debt, the Congress would provide itself a debt cushion—that is, a gap between the statutorily limited debt ceiling and the actual paid down debt. Congress could therefore use this gap to continue to deficit spend, thus avoiding the three-fifths vote required in section 2 of the BBA to raise the debt ceiling. The surpluses used for the purpose to pay down the debt will have been squandered as the debt ceiling is reached with a new gorge of spending equal in amount to the surplus that was used to pay off debt. Such a spending device completely frustrates real purposes for which I have introduced the balanced budget amendment—achieving sound fiscal policy and a healthy economy.

Consequently, the net effect of the loophole will be the depletion of the trust funds years early, with no protection for the benefit checks owed our seniors. How ironic. This is exactly what the Dorgan substitute was designed to avoid. But the Dorgan substitute does absolutely nothing to protect the Social Security trust funds. Let's just look at the language—is there anything in this amendment that prevents Social Security from being cut? Of course there isn't.

I believe that the gamesmanship and gimmickry that the Dorgan substitute will engender is exactly what must be avoided. The way to avoid it is to reject such exemptions. The best way to protect retirees and future generations is to adopt a clean and strong balanced budget amendment, free of loopholes.

Third, let's not forget about the troubling future for Social Security. The Dorgan substitute does absolutely nothing to protect Social Security and, in fact, will make it extremely difficult—if not impossible—to achieve balanced budgets. The Social Security Board of Trustees estimates that by the year 2070, Social Security is expected to run an annual $7 trillion deficit. If we include Social Security in our balanced budget calculations, we will be able to prepare for and budget these massive shortfalls. Under the Dorgan substitute, we will not be including this deficit in our budgetary planning. As a result, under the Dorgan substitute, in order to raise revenue and increase the debt ceiling sufficient to cover the expected Social Security shortfalls in the next century, we will have to dramatically increase taxes or cut spending in other important programs, or face an annual three-fifths vote fiscal crisis to avoid financial default by raising the already staggering $5.5 trillion debt ceiling.

Fourth, Mr. President, the Dorgan substitute should be rejected because the language of the exemption is confusing and its application may harm the Social Security program—the very thing the Dorgan substitute claims to protect. The substitute exempts the Social Security trust funds from Senate Joint Resolution 1's balancing requirement. But it also includes the proviso, as and if modified to preserve the solvency of the funds.

Explicitly exempting Social Security by placing it in the Constitution may constitutionalize the program in perpetuity unless a subsequent constitutional amendment provides for the program to be altered or abolished. As a result of the Dorgan substitute, do minor technical changes to Social Security every year require amendments to the Constitution? The constitutional amendment process is a long one; indeed it was designed by the Framers to be lengthy to prevent specious changes to the Constitution. If we must go through this time consuming process for every change to Social Security—even minor technical alterations—I fear that major needed reforms to Social Security will come far too late.

Similarly, does the proviso language require the solvency of the Social Security system or does that language merely allow Congress to take steps to assure the solvency of the trust funds? And if the answer is that Congress must take measures to assure solvency; does this require tax increases or benefit cuts?

Frankly, this proviso language strands us in uncharted territory. We do not know exactly how this language will be interpreted. It could also very well mean that the scope of Social Security, as a constitutional provision, could be amended by statute. For instance, in 1965, Social Security was broadened by statute to include portions of Medicare. My question is this: if, under the Dorgan substitute, Social Security can be similarly modified by statute, would we be constitutionalizing a massive loophole, through which we could constitutionally enforce spending on any program redesignated as Social Security? If, on the other hand, we can only modify Social Security by constitutional amendment, won't that require a two-thirds Senate vote, approval of 37 States and a 7-year delay to enact even the most minor changes?

All this demonstrates the danger that the Dorgan substitute as a whole creates—that Congress ought to be responsible and not amend the Constitution to include specific statutory programs like Social Security. A constitutional amendment should be timeless and reflect a broad consensus, not make narrow policy decisions. We should not place technical language or overly complicated mechanisms in the Constitution and undercut the simplicity and universality of the balanced budget amendment. Explicitly exempting Social Security may constitutionalize the program in perpetuity unless a subsequent amendment provides for the program to be altered or abolished. It would also invite gaming and endless litigation as the terms of the program are altered.

Former Assistant and Acting Attorney General Stuart Gerson and attorney Alan Morrison have both had extensive experience litigating constitutional issues and testified in a Judiciary Committee hearing on Senate Joint Resolution 1. Although the two disagree about the wisdom of the balanced budget amendment, they agree that exempting Social Security is a bad idea, and both strongly opposed exempting Social Security from the balanced budget Amendment.

According to Alan Morrison, a litigator with Public Citizen who opposes the balanced budget amendment and testified for the minority:

> Given the size of social security, to allow it to run at a deficit would undermine the whole concept of a balanced budget. Moreover, there is no definition of social security in the Constitution and it would be extremely unwise and productive of litigation and political maneuvering to try to write one. If there is to be a Balanced Budget Constitutional Amendment, there should be no exceptions.

RESPONSES TO OPPONENT'S ALLEGATIONS

Supporters of exempting Social Security argue that section 13301 of the 1990 Budget Enforcement Act [BEA] literally exempts the Social Security trust funds from the President's and the Congress' budget calculations. They claim that the balanced budget amendment would change this because it requires a unified budget. These critics of the balanced budget amendment are wrong on both counts.

Under section 13301(a) of the BEA, the receipts and outlays of the Social Security trust funds are indeed not counted in both the President's and Congress' budgets—but only for certain specific reasons. The primary purpose for this exclusion was to exempt Social Security from sequestration by the President under the Gramm-Rudman-Hollings procedures and from the act's pay-as-you-go requirement. In addition, as added protections, sections 13302 and 13303 of the BEA also created firewall point-of-order protections for the Social Security trust funds in both the House and Senate. All of this is made clear by the conference report accompanying the 1990 act. Indeed, the 1990 Budget Enforcement Act does not preclude both Congress and the President from formulating a unitary budget—that includes Social Security trust funds—for national fiscal purposes. Surely, the opponents of the balanced budget amendment are not suggesting that the President of the United States and the Congress have been flouting the law when they include the Social Security trust funds in their respective budget calculations?

Look, we all know that Social Security will need reform if it is to continue to be viable over the long haul. But the problem is not the inclusion of Social Security funds in the budget. The problem is that with the retirement of baby boomers, there will not be enough FICA taxes to fund their retirement. Moreover, the surplus Social Security taxes being collected today will not cover the future costs of the system. Most of current Social Security taxes are used to cover benefit payments to present retirees. Outlays will exceed receipts of the system in about 2019. The guarantee of future benefits, therefore, will depend on the Federal Government's future ability to pay benefits.

Not including Social Security in the budget would harm the program. Congress could rename social programs—as they have done before—as Social Security and use the FICA taxes to fund these programs. Then you'll really see the program raided. The problem that the Dorgan substitute raises—in reality—is not with the BBA, but with the problems the Social Security program faces. We need to fix that and adopting the balanced budget amendment is a good start.

Mr. President, in a related argument that seeks to justify the exemption, some have argued that the balanced budget amendment will override the existing statutory protections for Social Security.

Contrary to this assertion, it is clear that the current statutory protections for Social Security would not be eliminated by the amendment. Of course, the supremacy clause of the Constitution provides that any legislation contrary to a constitutional provision must fail. As the great Chief Justice John Marshall held in the landmark 1803 decision of Marbury versus Madison, "[a]n act of the legislature, repugnant to the constitution is void." But what critics fail to mention is that there is absolutely nothing in the balanced budget constitutional amendment that is inconsistent with the current statutory schemes. The Social Security statutory protections are not legislative acts repugnant to the Constitution as amended by Senate Joint Resolution 1. Congress under the balanced budget amendment can also create statutory protections for the Social Security program.

Further, the Dorgan substitute has absolutely no protection against Social Security benefit cuts. The plain fact is that the best thing we can do for Social

Security, the best thing we can do for retirees, and the best thing we can do for all Americans is to enact the balanced budget amendment without loopholes or exemptions, and bring fiscal sanity and a little common sense back to Government

Finally, opponents of the Senate Joint Resolution 1, in arguing for a Social Security exemption, contend that the balanced budget amendment will not in reality produce a balanced budget because gross debt will still rise. This is clever, but misleading.

Mr. President, the balanced budget amendment does indeed require a balanced budget. Outlays must not exceed receipts under section 1 of Senate Joint Resolution 1. But it is also true that gross debt may still increase even if the budget is balanced. That is because the Government's exchange of securities for incoming FICA taxes is counted as gross debt. It is merely an accounting or bookkeeping notation of what one agency of Government owes another agency. It is analogous to a corporation buying back its stock or debentures. Such stock and bonds are considered retired obligations that once paid have no economic or fiscal significance. Thus, if we enact the BBA, the debt the United States owes to everyone but itself will stop growing.

This type of debt—termed net debt or debt held by the public—is legally enforceable and is what is economically significant. If net debt zooms—because of interest payments of debt—which last year amounted to $250 billion—budget deficits balloon with all the dire economic consequences. To assure that budgets will be balanced unless extraordinary situations arise, debt held by the public cannot be increased unless three-fifths of the whole number of each House concur.

That net debt is considered to be of far greater economic significance than gross debt is a widely held truism among economists. Indeed, in the study "Analytical Perspectives: Budget of the United States Government Fiscal Year 1998," the Clinton administration concludes that net debt or "borrowing from the public, whether by the Treasury or by some other Federal agency, has a significant impact on the economy." On the other hand, the study also maintains that gross debt, or debt issued to government accounts, "does not have any of the economic effects of borrowing from the public. It is [merely] an internal transaction between two accounts, both within the Government itself." Analytical Perspectives at 218–219.

It is true that a balanced budget amendment does not by itself reduce the $5.3 billion national debt. But what it does do is to straighten-out our national fiscal house. Passage of Senate Joint Resolution 1 will increase economic growth and allow us to run surpluses. With this, our national debt may be decreased if Congress desires to do so in the interest of national economic stability and prosperity. Without Senate Joint Resolution 1, this will be an impossibility.

The Dorgan substitute, on the other hand, adds nothing to protect the trust funds from accumulating debt. In fact, by creating this loophole, the Dorgan substitute may cause the trust fund to dry up sooner and run deeper deficits. Thus, the Dorgan substitute is a risky gimmick that endangers Social Security.

Mr. President, the biggest threat to Social Security is our growing debt and concomitant interest payments. Debt-related inflation hits hard those on fixed incomes, and the Government's use of capital to fund debt slows productivity and income growth, and siphons-off needed money for worthwhile programs. The way to protect Social Security benefits is to pass Senate Joint Resolution 1. The proposal to exempt Social Security will not only destroy the BBA, but in all probability will also cause the Social Security trust funds to run out of money sooner than it would have without an exemption.

Benjamin Franklin, moments after the Philadelphia Constitutional Convention adjourned in 1787, was asked what type of government was established. He replied, "[a] Republic if you can keep it." Franklin knew his history. The judgement of history has always been that republics and democracies were frail entities prone to collapse because of the greed and envy of an unchecked majority. It would take a citizenry imbued with civic virtue to prevent that collapse. Indeed, a wise philosopher once opined that without that virtue a democracy cannot last as a permanent form of government:

> It can only exist until the voters discover that they can vote themselves largesse from the public treasury. From that moment on the majority always votes for the candidate promising the most benefits from the public treasury with the result that a democracy always collapses over loose fiscal policy, always followed by a dictatorship.

The fundamental question facing the American Republic in the coming millennium is how our Nation deals with the future fiscal crisis born of a volcano of rising debt. The success of our Republic depends on the virtue and morality of America—on the willingness of her people to eschew largesse that we simply cannot afford. We need to get our fiscal house in order. And to do that, past Congresses have proved that this Nation needs to place within our Constitution a balanced budget amendment.

Finally, Mr. President, I compliment my colleague for her excellent remarks. She has been a stalwart on this balanced budget amendment, and rightly so. She has been an inspiration to me, and I personally want to express my gratitude.

Mr. President, we have only 1 minute left. This is the Reid amendment revived. There is only one reason for this amendment and that is because they do not want the balanced budget amendment. I guess they want to continue just the same 28 years of unbalanced budgets; 58 out of the last 66 years.

Let us just be honest about it, this amendment, along with most of the others, is what I call a downright phony amendment. First of all, I cannot imagine why anybody in their right mind would believe you could take the largest item out of the Federal budget and put it out there to drift aimlessly on its own where anybody could amend it, anybody could redefine it, anybody could add any program, anybody could use the surplus for additional spending rather than trying to balance the budget, and to argue that it is raiding the trust fund when, in essence, we are going to continue to put money into U.S. Government securities and bonds regardless of what happens.

What they do not tell you is that unless we have a balanced budget amendment, we are not going to be able to pay off those bonds. When the baby boomers come, and maybe even before—and I suggest it is going to happen before—we are going to hit the skids where we are not going to know what to do for our seniors because of the games that are played on the balanced budget amendment.

I am not going to accuse anybody of insincerity, but I can say this: There is no question that there is a desire on the part of many who like to spend and tax to kill this balanced budget amendment, no matter what it takes. If they can hide behind something they can demagog later, they will do it. That is what this whole game is about.

This amendment is not a good amendment. This amendment is something that anybody in their right mind would say, "My gosh, how can you even present it as an amendment that might do some good in this country?" In fact, the only thing that will do good is the balanced budget amendment.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from North Dakota has 2 minutes.

Mr. DORGAN. Mr. President, the Senator from Utah is overanxious.

"Phony," "demagog," he uses the words with great abandon. Phony? You show me a plan that says I have balanced the budget but my debt is still increasing, that is what I call phony. That is what the folks in my hometown call phony, a plan that says we have balanced the budget but the debt goes up.

You say, why is that the case? Is that the case?

Oh, yes, you don't understand, it is debt held by the public, and net debt is more important than gross debt. Tell that to the folks who are going to bear the burden of the debt.

I have watched people make sausage and try to sell it as tenderloin. I see what is going on. We have a stack of books, a Tower of Babel here about balanced budgets. The way we are going to balance the budget is to make taxing and spending decisions. We had one big chance to do that in 1993. I signed up, and I said, "Count me in." Some of the folks now speaking the loudest said, "Count me out; I'm out the door because I want to vote no and tell the folks back home that what they did back there was unpopular."

It is not popular to make the tough decisions to really balance the budget. I suppose it is popular to suggest we should alter the Constitution and then not want to describe to the American people why, after we boasted we balanced the budget, we are still increasing the Federal debt. They may have some popularity from this, but it's not the right way to alter the Constitution, and it will not ultimately balance the Federal budget.

Let's alter the Constitution the right way, and let's balance the budget the right way. At the end of the day, when the dust has settled, let's decide we are not increasing the Federal debt and we are not continuing to saddle our children and grandchildren with additional debt.

Mr. President, this is a substitute constitutional amendment to balance the budget. I intend to support it, as I have in the past, and those who want a constitutional amendment to balance the budget to pass in this Chamber, and to do so with 70 or 75 votes, should decide to support this substitute constitutional amendment to balance the budget.

Mr. President, I yield the floor and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HATCH. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 17, offered by the Senator from North Dakota [Mr. DORGAN]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 41, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—59

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Dodd
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kerrey
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Murray
Nickles
Robb
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—41

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Cleland
Conrad
Daschle
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Moynihan
Reed
Reid
Sarbanes
Specter
Torricelli
Wellstone
Wyden

The motion to lay on the table the amendment (No. 17) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay it on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 16

Mrs. BOXER. Mr. President, thank you very much. I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment before the Senate is amendment No. 16, proposed by the Senator from California. There are 30 minutes of time to be equally divided. The Senator from California will have 15 minutes, and the Senator from Utah will have 15 minutes.

Mrs. BOXER. Thank you, Mr. President. I yield myself 10 minutes.

Mr. President, as a member of the Budget Committee and now of the Appropriations Committee, I am keenly aware of the benefits of a balanced Federal budget. I have voted for three balanced budget plans—the Conrad plan, the Bradley plan, and the bipartisan Chafee-Breaux plan. As a Member of the House, I voted for a balanced budget statute.

While I have very serious reservations about a balanced budget amendment, which I spoke about on this floor—as do, by the way, 1,100 economists, including Federal Reserve Chairman Alan Greenspan—I believe if we are to have a balanced budget amendment, however, which we cannot predict today if we will or not, it should be flexible enough to respond to emergencies which occur as a result of natural disasters.

Now, Mr. President, I hope that Members of this U.S. Senate will understand that it is not one State of the Union that gets all of the natural disasters, although sometimes I feel, certainly, that my State gets far more than its fair share. I can tell you, if you look at this natural disaster risk profile that was put out by the U.S. Geological Service, you can see that there are tremendous risks for natural disasters all over this country. The light blue is the low risk, the darker greenish blue is the high risk, and this is the medium risk. Almost all over the country we have serious risks. This hatched area shows the extreme risk of tornado in the midsection of our Nation, and hurricanes, the extreme risk of hurricanes, as my friends in the Gulf States know so well, which are also on the Atlantic.

Clearly, in California we run the risk of earthquakes. That is our biggest risk. But we have many other risks, as well: such as volcanos and floods. Floods occur all over the country.

I say to my friends in the Senate that I pray that none of us ever has to come to the floor of the Senate asking for help in times of emergency. I will say under this amendment if you do that and you have hundreds of millions of dollars or billions of dollars of damages—as we have seen in Florida, as we have seen in California, as we have seen in the Midwest, as we have seen in many other parts of the country, in order to get this aid under this particular balanced budget amendment, you need to get 60 votes in this U.S. Senate. I will tell you right now there is no certainty of that.

So what we do in our amendment, Mr. President, is simply say that when there is a declaration of a natural disaster, and that declaration is supported by a simple majority vote in both Houses of Congress, we will be able to move by a simple majority vote, not a 60-vote majority, and send the aid that is needed.

Mr. President, I want to remind you by way of some photographs of some of these disasters that we have seen in my State. Here is a picture of the damage to a freeway in Northridge in 1994 where basically the freeway completely collapsed, people were killed, and we had to act very, very fast. In that particular earthquake, Mr. President, due to the kindness, the kindness of the Clinton administration and this Congress, we were able to pump into the Los Angeles area in excess of $11 billion to repair lives, to repair homes, to make sure that people had shelter—children, families. And I will tell you, Mr. President, if we had to find that $11 billion elsewhere in the budget or we needed to come up with 60 votes, I think it would be a very difficult thing to do. A supermajority is wrong in any case. It is wrong to give so much power to a minority when a natural disaster is a question of life or death.

Here is another photograph, Mr. President. This is from this year. These are homes, and you can barely tell that because they are buried in water. That is the kind of flooding we had when levees broke—very similar to the Midwest. We need to move quickly when these disasters hit.

Here is a photograph of Yosemite this year, Mr. President. You can't even pass through the road here. The communities that rely on tourism are in deep trouble.

If Senators had to go to the floor and cut other parts of the budget to meet the needs of these emergencies, I will tell you, it would be very difficult. So I am very hopeful that we will not put this U.S. Senate into a straitjacket. This Senate already defeated some very important amendments to protect Social Security. They defeated, with a block of votes, amendments that would have allowed us to react in a serious recession or depression. Those 1,100 economists said that what the Senate is doing is dangerous. It is dangerous to put this Government into an economic straitjacket. And Alan Greenspan, whom so many of my friends on the other side of the aisle credit with this economic recovery—they turn away from his advice.

But I say to them, here we are talking about life or death. Here we are talking about shelter for people who get hurt in a disaster. Here we are talking about a serious problem where we must act and we must act swiftly. And if we have to do it with 60 votes, or if we must cut corresponding amounts from the rest of the budget, I am saying this as sure as I am standing here—and I am proud to be standing here—we may leave Americans in dire straits because we are handcuffing our ability to react.

There are some people here who obviously have no trust in their colleagues. They are calling for a supermajority. They don't trust their colleagues. They want a minority to be able to hold back a very important vote, perhaps to save people in my State, or people even in their own States. I think this is wrong. I said, when I came on to this floor several days ago at the beginning of this debate, I believe this is a very radical proposal.

I believe the evidence is in and that those people who are following this debate now understand that we don't need this amendment to balance the budget. All we need to do to balance the budget is cast the tough votes. What is extraordinary to me is that most of the people voting for this balanced budget amendment weren't there when the tough votes were taken and when we were able to reduce this deficit—4 years in a row—from $290 billion down to $107 billion. Where were those people? So they offer up this fiscal figleaf, and it will put us in a straitjacket. It will tie our hands. We won't be able to protect Social Security or protect jobs in a depression or a severe recession. And now, without my amendment—and I am not that hopeful that we will win this because we have not won any of these amendments—a minority of the Senate, or a minority of the other body, could hold up desperately needed disaster aid.

I will reserve the remainder of my time to respond to my good friend from Utah, and I am hopeful that Members will look at this and support the Boxer amendment, which is also supported by Senator DURBIN and Senator MURRAY.

Again, I reserve my time.

Mr. HATCH. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. There are 15 minutes for the Senator from Utah, and 5 minutes 17 seconds for the Senator from California.

Mr. HATCH. Mr. President, I listened to my colleague, and I know she is sincere. But I have to point out that her amendment, like all of the others, is just another way of making sure the balanced budget amendment has no effect. Let me read it to the people:

> At the end of section 5, add the following: "The provisions of this article may be waived for any fiscal year * * *"

That means for the whole fiscal year.

> * * * in which there is a declaration made by the President (and a designation by the Congress) that a major disaster or emergency exists, adopted by a majority vote in each House of those present and voting.

This amendment is simply a permutation of the amendment we voted on today, the Feinstein amendment, which was rejected by 67 Senators just a few hours ago. It would have provided for a waiver of the balanced budget requirement for any fiscal year in which the United States is experiencing a serious economic emergency or major natural disaster. I was one of the 67 Senators who opposed that amendment. But I have to say that I actually prefer that amendment to the one being offered now by my friend from California. For one thing, the spending loophole created by this amendment is even more gaping than the one in the amendment we voted down this evening. As Senator ENZI said, you can "sail an aircraft carrier through the loophole created by the Feinstein amendment." If so, then you can sail an entire fleet through the loophole this amendment would provide. This would provide for a waiver of the balanced budget requirement in any fiscal year in which Congress and the President declare there is a major disaster or emergency. Unlike earlier amendments, this amendment does not even require that the disaster be a natural disaster or that the emergency be an economic one. That being the case, I wonder what exactly qualifies as a disaster and an emergency under this amendment.

According to the language of this amendment, a disaster is whatever Congress says it is. I think the worst disaster we are facing are these continual, piled-up unbalanced budgets every year. That is what we are trying to resolve here. Just think of all the things that a creative Congress, bent on deficit spending, could categorize as a disaster or emergency in order to justify more borrowing. Does this amendment mean to say that a drop in SAT scores can be deemed an emergency by Congress and thereby be used as a basis for borrowing to increase educational funding, without having to abide by the strictures of a balanced budget amendment?

The fact is that, under this amendment, just about anything can be classified a disaster or emergency and serve as a springboard for continued deficit spending.

For one thing, Mr. President, this is precisely the type of behavior that has put us into the $5.3 trillion of national debt. These unbalanced budgets for the last 28 years demonstrate that. They demonstrate the sad result of such loosely defined exemptions from borrowing or spending limits. For another thing, this amendment does nothing more than preserve a distorted version of the status quo.

Under this amendment, a waiver of the balanced budget requirement may be obtained by a declaration made by the President and a similar declaration by Congress. But the precise procedure is not clear. Does this mean that the President must first declare an emergency or disaster by Executive order before the Congress acts to ratify or adopt that declaration? Does it then need to be signed by the President? Or, if that is not what this amendment means, then perhaps, in effect, it means that Congress must declare an emergency or disaster—by a joint resolution or some other legislative vehicle—adopted by a simple majority vote and then signed by the President. That is what we have been doing when we came up with these 28 straight unbalanced budgets. That is also what we've done in piling up unbalanced budgets in 58 of the last 66 years. That sounds more familiar to me. Indeed, it is familiar to me because it is exactly how we operate today. It is exactly how we have gotten our Nation into a $5.3 trillion national debt and have produced unbalanced budgets for every one of the last 28 years.

Mr. President, Senate Joint Resolution 1 is a clear, concise amendment carefully drafted over several years with input from Members on both sides of the aisle. I heard earlier in the day one of our colleagues say that this is a Republican amendment. Give me a break. Yes; all 55 Republicans are supporting it. But there are 11 courageous Democrats supporting this. I wonder what CHARLIE STENHOLM thinks about remarks like that, another courageous Democrat from the House who has helped to work on this. And Senator

BRYAN, Senator GRAHAM, Senator ROBB, and so many others who have played a pivotal role in this.

The three-fifths waiver contained in section 1 strikes an important balance in that it is both sufficient to answer the concerns raised by the Senator's amendment and strong enough to keep the balanced budget amendment meaningful.

The simple fact is that in actual circumstances of disaster or emergencies, Congress has had little difficulty achieving the supermajority vote required under the balanced budget amendment. I have done some research on the disasters in this Nation during the past 7 years with the help of the Congressional Research Service. I found that in virtually every circumstance, emergency spending bills placed before the House and Senate passed with supermajorities, even when no such requirement was in place.

For example, in fiscal year 1995 the House and Senate voted on H.R. 1944, which provided $7.2 billion in disaster aid, mostly to help with recovery efforts in Los Angeles from the 1994 earthquake. The bill passed the Senate with a vote of 90 to 7—well over the supermajority requirements of Senate Joint Resolution 1. In the House, the bill passed by 276 votes—also a supermajority.

The 1994 fiscal year disaster supplemental appropriations bill, H.R. 3759, received similar treatment. That bill, to provide nearly $10 billion in new appropriations for emergency expenses of the Los Angeles earthquake, humanitarian assistance and peacekeeping activities, as well as for Midwest flood assistance, and highway reconstruction from the San Francisco earthquake, passed the House by a vote of 337 to 74—some 75 votes more than would have been necessary under Senate Joint Resolution 1's supermajority requirement. The same measure passed the Senate by a vote of 85 to 10.

Mr. President, I could go on, but I will summarize by saying that in the past 7 years we have voted many times on emergency disaster funding. I count only two situations where a supermajority was not reached—this despite the fact that no supermajority was needed. The reality is that when there are truly meritorious circumstances the general three-fifths waiver will not stand in the way of what is best for the American people. What will stand in the way is the kind of frivolous expenditures and disregard for the financial well-being of future generations that has plagued our budget process for each of the last 28 years, exemplified by these two stacks of unbalanced budget books.

Mr. President, we are here to instill in the budget process the fiscal discipline that has been lacking for much of this century. I will say once again that what we need to do is pass a balanced budget amendment free of loopholes and gimmicks. Unless we do, we will never rein in the out-of-control spending habits that have brought us to where we are today.

I urge my colleagues to join me in opposing the Boxer amendment, and hopefully we will move quickly to pass the balanced budget amendment.

Mr. President, there was a discussion earlier today on whether or not the Reagan tax cuts enacted by Congress caused the debt we now have or whether it was congressional spending that has run up our debt. I would like to add some more concrete figures to illuminate that discussion. I believe the facts are clear—the Reagan tax cuts increased revenues. But spending increased faster.

Let me explain further:

Excessive spending and not tax cuts are responsible for increased deficits during the 1980's.

Even with tax cuts, Federal tax revenues continue to increase.

In fact, Federal revenues have continued to grow in every fiscal year after the 1981 tax cuts. The only exception to this was fiscal year 1983, after the recession of 1982.

This increase in Federal revenues was consistent through the sources of Federal receipts—individual income taxes, corporate income taxes, Social Security insurance taxes and contributions, and other taxes.

Total receipts went up by the following percentages: 1980–1986: 48.7 percent; 1981–1986: 28.8 percent; 1981–1987: 42.5 percent. The middle percentage from 1981 to 1986 is probably the most representative of the effects of the Reagan tax cuts.

Further, tax revenues grew faster after the Reagan tax cuts than they have following the Bush and Clinton tax increases. From 1983 to 1989, tax revenue grew at a real rate of 8.7 percent compared to a 5.9-percent growth rate from 1990 to 1996.

Similarly, President Kennedy knew the growth effects of lower taxes. During the years of the Kennedy tax cuts revenues increased 6.4 percent a year.

As President Kennedy said in his address to the American people concerning his tax proposal:

> Prosperity is the real way to balance our budget. * * * By lowering tax rates, by increasing jobs and income, we can expand tax revenues and finally bring our budget into balance..

To further illustrate these points, I ask unanimous consent to have printed in the RECORD two tables from the 1996 Economic Report of the President.

For further detail, I also refer my colleagues to the Joint Economic Committee report on taxes and long-term economic growth, dated February of 1997.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE B–74.—FEDERAL RECEIPTS, OUTLAYS, SURPLUS OR DEFICIT, AND DEBT, SELECTED FISCAL YEARS, 1929–95

[In billions of dollars; fiscal years]

Fiscal year or period	Total			On-budget			Off-budget			Gross Federal debt (end of period)		Addendum: Gross domestic product
	Receipts	Outlays	Surplus or deficit (−)	Receipts	Outlays	Surplus or deficit (−)	Receipts	Outlays	Surplus or deficit (−)	Total	Held by the public	
1929	3.9	3.1	0.7	3.9	3.1	0.7	....	....	....	[1] 16.9	....	....
1933	2.0	4.6	−2.6	2.0	4.6	−2.6	....	....	....	[1] 22.5	....	56.8
1939	6.3	9.1	−2.8	5.8	9.2	−3.4	0.5	−0.0	0.5	48.2	41.4	87.8
1940	6.5	9.5	−2.9	6.0	9.5	−3.5	.6	−.0	.6	50.7	42.8	95.4
1941	8.7	13.7	−4.9	8.0	13.6	−5.6	.7	.0	.7	57.5	48.2	112.5
1942	14.6	35.1	−20.5	13.7	35.1	−21.3	.9	.1	.8	79.2	67.8	141.8
1943	24.0	78.6	−54.6	22.9	78.5	−55.6	1.1	.1	1.0	142.6	127.8	175.4
1944	43.7	91.3	−47.6	42.5	91.2	−48.7	1.3	.1	1.2	204.1	184.8	201.7
1945	45.2	92.7	−47.6	43.8	92.6	−48.7	1.3	.1	1.2	260.1	235.2	212.0
1946	39.3	55.2	−15.9	38.1	55.0	−17.0	1.2	.2	1.0	271.0	241.9	212.5
1947	38.5	34.5	4.0	37.1	34.2	2.9	1.5	.3	1.2	257.1	224.3	222.9
1948	41.6	29.8	11.8	39.9	29.4	10.5	1.6	.4	1.2	252.0	216.3	246.7
1949	39.4	38.8	.6	37.7	38.4	−.7	1.7	.4	1.3	252.6	214.3	262.7
1950	39.4	42.6	−3.1	37.3	42.0	−4.7	2.1	.5	1.6	256.9	219.0	265.8
1951	51.6	45.5	6.1	48.5	44.2	4.3	3.1	1.3	1.8	255.3	214.3	313.5
1952	66.2	67.7	−1.5	62.6	66.0	−3.4	3.6	1.7	1.9	259.1	214.8	340.5
1953	69.6	76.1	−6.5	65.5	73.8	−8.3	4.1	2.3	1.8	266.0	218.4	363.8
1954	69.7	70.9	−1.2	65.1	67.9	−2.8	4.6	2.9	1.7	270.8	224.5	368.0
1955	65.5	68.4	−3.0	60.4	64.5	−4.1	5.1	4.0	1.1	274.4	226.6	384.7
1956	74.6	70.6	3.9	68.2	65.7	2.5	6.4	5.0	1.5	272.7	222.2	416.3
1957	80.0	76.6	3.4	73.2	70.6	2.6	6.8	6.0	.8	272.3	219.3	438.3
1958	79.6	82.4	−2.8	71.6	74.9	−3.3	8.0	7.5	.5	279.7	226.3	448.1
1959	79.2	92.1	−12.8	71.0	83.1	−12.1	8.3	9.0	−.7	287.5	234.7	480.2
1960	92.5	92.2	.3	81.9	81.3	.5	10.6	10.9	−.2	290.5	236.8	504.6
1961	94.4	97.7	−3.3	82.3	86.0	−3.8	12.1	11.7	.4	292.6	238.4	517.0
1962	99.7	106.8	−7.1	87.4	93.3	−5.9	12.3	13.5	−1.3	302.9	248.0	555.2

TABLE B–74.—FEDERAL RECEIPTS, OUTLAYS, SURPLUS OR DEFICIT, AND DEBT, SELECTED FISCAL YEARS, 1929–95—Continued

[In billions of dollars; fiscal years]

Fiscal year or period	Total			On-budget			Off-budget			Gross Federal debt (end of period)		Addendum: Gross domestic product
	Receipts	Outlays	Surplus or deficit (−)	Receipts	Outlays	Surplus or deficit (−)	Receipts	Outlays	Surplus or deficit (−)	Total	Held by the public	
1963	106.6	111.3	−4.8	92.4	96.4	−4.0	14.2	15.0	−.8	310.3	254.0	584.5
1964	112.6	118.5	−5.9	96.2	102.8	−6.5	16.4	15.7	.6	316.1	256.8	625.3
1965	116.8	118.2	−1.4	100.1	101.7	−1.6	16.7	16.5	.2	322.3	260.8	671.0
1966	130.8	134.5	−3.7	111.7	114.8	−3.1	19.1	19.7	−.6	328.5	263.7	735.4
1967	148.8	157.5	−8.6	124.4	137.0	−12.6	24.4	20.4	4.0	340.4	266.6	793.3
1968	153.0	178.1	−25.2	128.1	155.8	−27.7	24.9	22.3	2.6	368.7	289.5	847.2
1969	186.9	183.6	3.2	157.9	158.4	−.5	29.0	25.2	3.7	365.8	278.1	925.7
1970	192.8	195.6	−2.8	159.3	168.0	−8.7	33.5	27.6	5.9	380.9	283.2	985.4
1971	187.1	210.2	−23.0	151.3	177.3	−26.1	35.8	32.8	3.0	408.2	303.0	1,050.9
1972	207.3	230.7	−23.4	167.4	193.8	−26.4	39.9	36.9	3.1	435.9	322.4	1,147.8
1973	230.8	245.7	−14.9	184.7	200.1	−15.4	46.1	45.6	.5	466.3	340.9	1,274.0
1974	263.2	269.4	−6.1	209.3	217.3	−8.0	53.9	52.1	1.8	483.9	343.7	1,403.6
1975	279.1	332.3	−53.2	216.6	271.9	−55.3	62.5	60.4	2.0	541.9	394.7	1,509.8
1976	298.1	371.8	−73.7	231.7	302.2	−70.5	66.4	69.6	−3.2	629.0	477.4	1,684.2
Transition quarter	81.2	96.0	−14.7	63.2	76.6	−13.3	18.0	19.4	−1.4	643.6	495.5	445.0
1977	355.6	409.2	−53.7	278.7	328.5	−49.8	76.8	80.7	−3.9	706.4	549.1	1,917.2
1978	399.6	458.7	−59.2	314.2	369.1	−54.9	85.4	89.7	−4.3	776.6	607.1	2,155.0
1979	463.3	504.0	−40.7	365.3	404.1	−38.7	98.0	100.0	−2.0	829.5	640.3	2,429.5
1980	517.1	590.9	−73.8	403.9	476.6	−72.7	113.2	114.3	−1.1	909.1	709.8	2,644.1
1981	599.3	678.2	−79.0	469.1	543.1	−74.0	130.2	135.2	−5.0	994.8	785.3	2,964.4
1982	617.8	745.8	−128.0	474.3	594.4	−120.1	143.5	151.4	−7.9	1,137.3	919.8	3,122.2
1983	600.6	808.4	−207.8	453.2	661.3	−208.0	147.3	147.1	.2	1,371.7	1,131.6	3,316.5
1984	666.5	851.8	−185.4	500.4	686.0	−185.7	166.1	165.8	.3	1,564.7	1,300.5	3,695.0
1985	734.1	946.4	−212.3	547.9	769.6	−221.7	186.2	176.8	9.4	1,817.5	1,499.9	3,967.7
1986	769.1	990.3	−221.3	568.9	806.8	−238.0	200.2	183.5	16.7	2,120.6	1,736.7	4,219.0
1987	854.1	1,003.9	−149.8	640.7	810.1	−169.3	213.4	193.8	19.6	2,346.1	1,888.7	4,452.4
1988	909.0	1,064.1	−155.2	667.5	861.4	−194.0	241.5	202.7	38.8	2,601.3	2,050.8	4,808.4
1989	990.7	1,143.2	−152.5	727.0	932.3	−205.2	263.7	210.9	52.8	2,868.0	2,189.9	5,173.3
1990	1,031.3	1,252.7	−221.4	749.7	1,027.6	−278.0	281.7	225.1	56.6	3,206.6	2,410.7	5,481.5
1991	1,054.3	1,323.4	−269.2	760.4	1,081.8	−321.4	293.9	241.7	52.2	3,598.5	2,688.1	5,676.4
1992	1,090.5	1,380.9	−290.4	788.0	1,128.5	−340.5	302.4	252.3	50.1	4,002.1	2,998.8	5,921.5
1993	1,153.5	1,408.7	−255.1	841.6	1,142.1	−300.5	311.9	266.6	45.3	4,351.4	3,247.5	6,258.6
1994	1,257.7	1,460.9	−203.2	922.7	1,181.5	−258.8	335.0	279.4	55.7	4,643.7	3,432.2	6,633.6
1995[2]	1,350.6	1,514.4	−163.8	999.5	1,225.7	−226.2	351.1	288.7	62.4	4,921.0	3,603.3	7,004.5

[1] Not strictly comparable with later data.

[2] Estimates for 1995 from Final Monthly Treasury Statement, October 1995, except GDP calculated using quarterly seasonally adjusted data.

Note.—Through fiscal year 1976, the fiscal year was on a July 1–June 30 basis; beginning October 1976 (fiscal year 1977), the fiscal year is on an October 1–September 30 basis. The 3-month period from July 1, 1976 through September 30, 1976 is a separate fiscal period known as the transition quarter.

TABLE B–76.—FEDERAL RECEIPTS AND OUTLAYS, BY MAJOR CATEGORY, AND SURPLUS OR DEFICIT, 1940–95

[In billions of dollars; fiscal years]

Fiscal year or period	Receipts (on-budget and off-budget)					Outlays (on-budget and off-budget)											Surplus or deficit (−) (on-budget and off-budget)
							National defense										
	Total	Individual income taxes	Corporation income taxes	Social insurance taxes and contributions	Other	Total	Total	Department of Defense, military	International affairs	Health	Medicare	Income security	Social security	Net interest	Other		
1940	6.5	0.9	1.2	1.8	2.7	9.5	1.7	....	0.1	0.1	....	1.5	0.0	0.9	5.3	−2.9
1941	8.7	1.3	2.1	1.9	3.3	13.7	6.4	....	.1	.1	....	1.9	.1	.9	4.1	−4.9
1942	14.6	3.3	4.7	2.5	4.2	35.1	25.7	....	1.0	.1	....	1.8	.1	1.1	5.4	−20.5
1943	24.0	6.5	9.6	3.0	4.9	78.6	66.7	....	1.3	.1	....	1.7	.2	1.5	7.0	−54.6
1944	43.7	19.7	14.8	3.5	5.7	91.3	79.1	....	1.4	.2	....	1.5	.2	2.2	6.6	−47.6
1945	45.2	18.4	16.0	3.5	7.3	92.7	83.0	....	1.9	.2	....	1.1	.3	3.1	3.1	−47.6
1946	39.3	16.1	11.9	3.1	8.2	55.2	42.7	....	1.9	.2	....	2.4	.4	4.1	3.6	−15.9
1947	38.5	17.9	8.6	3.4	8.5	34.5	12.8	....	5.8	.2	....	2.8	.5	4.2	8.2	4.0
1948	41.6	19.3	9.7	3.8	8.8	29.8	9.1	....	4.6	.2	....	2.5	.6	4.3	8.5	11.8
1949	39.4	15.6	11.2	3.8	8.9	38.8	13.2	....	6.1	.2	....	3.2	.7	4.5	11.1	.6
1950	39.4	15.8	10.4	4.3	8.9	42.6	13.7	....	4.7	.3	....	4.1	.8	4.8	14.2	−3.1
1951	51.6	21.6	14.1	5.7	10.2	45.5	23.6	....	3.6	.3	....	3.4	1.6	4.7	8.4	6.1
1952	66.2	27.9	21.2	6.4	10.6	67.7	46.1	....	2.7	.3	....	3.7	2.1	4.7	8.1	−1.5
1953	69.6	29.8	21.2	6.8	11.7	76.1	52.8	....	2.1	.3	....	3.8	2.7	5.2	9.1	−6.5
1954	69.7	29.5	21.1	7.2	11.9	70.9	49.3	....	1.6	.3	....	4.4	3.4	4.8	7.1	−1.2
1955	65.5	28.7	17.9	7.9	11.0	68.4	42.7	....	2.2	.3	....	5.1	4.4	4.9	8.9	−3.0
1956	74.6	32.2	20.9	9.3	12.2	70.6	42.5	....	2.4	.4	....	4.7	5.5	5.1	10.1	3.9
1957	80.0	35.6	21.2	10.0	13.2	76.6	45.4	....	3.1	.5	....	5.4	6.7	5.4	10.1	3.4
1958	79.6	34.7	20.1	11.2	13.6	82.4	46.8	....	3.4	.5	....	7.5	8.2	5.6	10.3	−2.8
1959	79.2	36.7	17.3	11.7	13.5	92.1	49.0	....	3.1	.7	....	8.2	9.7	5.8	15.5	−12.8
1960	92.5	40.7	21.5	14.7	15.6	92.2	48.1	....	3.0	.8	....	7.4	11.6	6.9	14.4	.3
1961	94.4	41.3	21.0	16.4	15.7	97.7	49.6	....	3.2	.9	....	9.7	12.5	6.7	15.2	−3.3
1962	99.7	45.6	20.5	17.0	16.5	106.8	52.3	50.1	5.6	1.2	....	9.2	14.4	6.9	17.2	−7.1
1963	106.6	47.6	21.6	19.8	17.6	111.3	53.4	51.1	5.3	1.5	....	9.3	15.8	7.7	18.3	−4.8
1964	112.6	48.7	23.5	22.0	18.5	118.5	54.8	52.6	4.9	1.8	....	9.7	16.6	8.2	22.6	−5.9
1965	116.8	48.8	25.5	22.2	20.3	118.2	50.6	48.8	5.3	1.8	....	9.5	17.5	8.6	25.0	−1.4
1966	130.8	55.4	30.1	25.5	19.8	134.5	58.1	56.6	5.6	2.5	0.1	9.7	20.7	9.4	28.5	−3.7
1967	148.8	61.5	34.0	32.6	20.7	157.5	71.4	70.1	5.6	3.4	2.7	10.3	21.7	10.3	32.1	−8.6
1968	153.0	68.7	28.7	33.9	21.7	178.1	81.9	80.4	5.3	4.4	4.6	11.8	23.9	11.1	35.1	−25.2
1969	186.9	87.2	36.7	39.0	23.9	183.6	82.5	80.8	4.6	5.2	5.7	13.1	27.3	12.7	32.6	3.2
1970	192.8	90.4	32.8	44.4	25.2	195.6	81.7	80.1	4.3	5.9	6.2	15.6	30.3	14.4	37.2	−2.8
1971	187.1	86.2	26.8	47.3	26.8	210.2	78.9	77.5	4.2	6.8	6.6	22.9	35.9	14.8	40.0	−23.0
1972	207.3	94.7	32.2	52.6	27.8	230.7	79.2	77.6	4.8	8.7	7.5	27.6	40.2	15.5	47.3	−23.4
1973	230.8	103.2	36.2	63.1	28.3	245.7	76.7	75.0	4.1	9.4	8.1	28.3	49.1	17.3	52.8	−14.9
1974	263.2	119.0	38.6	75.1	30.6	269.4	79.3	77.9	5.7	10.7	9.6	33.7	55.9	21.4	52.9	−6.1
1975	279.1	122.4	40.6	84.5	31.5	332.3	86.5	84.9	7.1	12.9	12.9	50.2	64.7	23.2	74.9	−53.2
1976	298.1	131.6	41.4	90.8	34.3	371.8	89.6	87.9	6.4	15.7	15.8	60.8	73.9	26.7	82.8	−73.7
Transition quarter	81.2	38.8	8.5	25.2	8.8	96.0	22.3	21.8	2.5	3.9	4.3	15.0	19.8	6.9	21.4	−14.7
1977	355.6	157.6	54.9	106.5	36.6	409.2	97.2	95.1	6.4	17.3	19.3	61.0	85.1	29.9	93.0	−53.7
1978	399.6	181.0	60.0	121.0	37.7	458.7	104.5	102.3	7.5	18.5	22.8	61.5	93.9	35.5	114.7	−59.2
1979	463.3	217.8	65.7	138.9	40.8	504.0	116.3	113.6	7.5	20.5	26.5	66.4	104.1	42.6	120.2	−40.7
1980	517.1	244.1	64.6	157.8	50.6	590.9	134.0	130.9	12.7	23.2	32.1	86.5	118.5	52.5	131.4	−73.8
1981	599.3	285.9	61.1	182.7	69.5	678.2	157.5	153.9	13.1	26.9	39.1	99.7	139.6	68.8	133.5	−79.0
1982	617.8	297.7	49.2	201.5	69.3	745.8	185.3	180.7	12.3	27.4	46.6	107.7	156.0	85.0	125.4	−128.0
1983	600.6	288.9	37.0	209.0	65.6	808.4	209.9	204.4	11.8	28.6	52.6	122.6	170.7	89.8	122.3	−207.8
1984	666.5	298.4	56.9	239.4	71.8	851.8	227.4	220.9	15.9	30.4	57.5	112.7	178.2	111.1	118.6	−185.4
1985	734.1	334.5	61.3	265.2	73.0	946.4	252.7	245.2	16.2	33.5	65.8	128.2	188.6	129.5	131.8	−212.3
1986	769.1	349.0	63.1	283.9	73.1	990.3	273.4	265.5	14.2	35.9	70.2	119.8	198.8	136.0	142.1	−221.2

TABLE B–76.—FEDERAL RECEIPTS AND OUTLAYS, BY MAJOR CATEGORY, AND SURPLUS OR DEFICIT, 1940–95—Continued

[In billions of dollars; fiscal years]

Fiscal year or period	Receipts (on-budget and off-budget)					Outlays (on-budget and off-budget)											Surplus or deficit (−) (on-budget and off-budget)
	Total	Individual income taxes	Corporation income taxes	Social insurance taxes and contributions	Other	Total	National defense		International affairs	Health	Medicare	Income security	Social security	Net interest	Other		
							Total	Department of Defense, military									
1987	854.1	392.6	83.9	303.3	74.3	1,003.9	282.0	274.0	11.6	40.0	75.1	123.3	207.4	138.7	125.9		−149.8
1988	909.0	401.2	94.5	334.3	78.9	1,064.1	290.4	281.9	10.5	44.5	78.9	129.3	219.3	151.8	139.4		−155.2
1989	990.7	445.7	103.3	359.4	82.3	1,143.2	303.6	294.9	9.6	48.4	85.0	136.0	232.5	169.3	158.8		−152.5
1990	1,031.3	466.9	93.5	380.0	90.9	1,252.7	299.3	289.8	13.8	57.7	98.1	147.0	248.6	184.2	203.9		−221.4
1991	1,054.3	467.8	98.1	396.0	92.3	1,323.4	273.3	262.4	15.9	71.2	104.5	170.3	269.0	194.5	224.5		−269.2
1992	1,090.5	476.0	100.3	413.7	100.5	1,380.9	298.4	286.9	16.1	89.5	119.0	196.9	287.6	199.4	173.9		−290.4
1993	1,153.5	509.7	117.5	428.3	98.0	1,408.7	291.1	278.6	17.2	99.4	130.6	207.3	304.6	198.8	159.7		−255.1
1994	1,257.7	543.1	140.4	461.5	112.8	1,460.9	281.6	268.6	17.1	107.1	144.7	214.0	319.6	203.0	173.8		−203.2
1995[1]	1,350.6	590.2	157.1	484.5	118.9	1,514.4	272.2	259.6	16.4	114.8	159.9	220.2	335.8	232.2	162.9		−163.8

[1] Estimates.

Note.—Through fiscal year 1976, the fiscal year was on a July 1–June 30 basis; beginning October 1976 (fiscal year 1977), the fiscal year is on an October 1–September 30 basis. The 3-month period from July 1, 1976 through September 30, 1976 is a separate fiscal period known as the transition quarter.

Refunds of receipts are excluded from receipts and outlays.

Data shown in this table are from ***Budget of the United States Government, Fiscal Year 1996,*** February 1995, except 1995 data are from ***Final Monthly Treasury Statement,*** October 1995.

Mr. HATCH. I reserve the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to respond to my friend's comments. And I hope he can stay on the floor because I think he raised some important points, some of which I agree with.

He said this isn't a partisan issue. I agree with my friend from Utah. Alan Greenspan, who is the hero of many on the Republican side of the aisle—indeed, when we say the President's policies have brought us millions of new jobs and the lowest misery index, they always say it is Alan Greenspan. Alan Greenspan, Republican, opposes this amendment to the Constitution.

I will give you another voice, Jean M. Ross of the nonpartisan California Budget Project, wrote that a balanced budget amendment would limit the Federal Government's ability to help States needing economic assistance. I can say to my friend that economic assistance to States is not only needed during the recessions, which my friend thought was a big loophole, but it is certainly needed in times of disaster.

If you look at this map, you can see almost the entire country is under some risk for disaster.

My friend says we can never balance the budget. He has all these budgets up there. I was glad to see Senator BYRD point out that the biggest deficits occurred in the 1980's in those books because of trickle-down economics, and a huge military buildup. We didn't pay for it. Those are what those books say.

My friend says we are never going to have a balanced budget until we have a balanced budget amendment to the Constitution. We will never have a balanced budget until we vote for a balanced budget, and I have done that three times. I voted the tough votes, and the deficit is going down. I feel standing up here is quite fiscally responsible because of those votes. But when you put this country in an economic straitjacket, I think it is dangerous.

My friend says he doesn't understand my amendment. I find that extraordinary because I offered it the last time we voted on this balanced budget. No one had problems understanding it. It is the same amendment. But let me read to my friend the purpose as written in my amendment, in case he doesn't understand it. The purpose is to provide Federal assistance to supplement State and local efforts to alleviate the damage, loss, hardship, and suffering caused by disasters or emergencies by exempting spending that is designated emergency requirements by both the President and the Congress.

The point is that it is very clear that the President will declare a disaster or emergency. The Congress will then take a look at it. The Congress will then act. And, if the Congress agrees that this is a disaster or an emergency, then the 60-vote requirement is waived.

My friend says it is easy to get 60 votes in an emergency. I would like to tell my friend a story. We had an earthquake in San Francisco and a freeway collapsed. It was called the Cypress Freeway. It is in Oakland, and it was destroyed. I am very familiar with this because my husband crossed that freeway an hour before it went down. So I am very familiar with the Cypress Freeway. We are rebuilding the Cypress Freeway.

And one of my colleagues on the other side of the aisle—as a matter of fact, it was the then majority leader, Bob Dole, who decided that he didn't like the rebuilding plan and brought the issue before us. And I had to fight for my life, along with Senator FEINSTEIN, to keep the rebuilding of the Cypress Freeway on the floor and alive and fulfill our obligations to the people of Northern California. We forced a vote on it. We got 53 votes, and we were able to move forward. We did not get 60 votes. Had this balanced budget requirement been in place we would not have been able to finish building the Cypress Freeway.

So for anyone who comes on this floor and thinks that it is easy to get 60 votes when politics plays a role in some of it, and budget deficits will play a role in it, I would just say to them, please don't give that kind of power to a minority of the U.S. Senate. Let us vote a simple majority vote in case of natural disasters.

There is no confusion about this amendment. If my friend has confusion, all he has to do is read the purpose. It is clear what we are talking about.

I will just show one more picture again of what we are talking about. We are talking about flooding and storms that cause roads to shut down. We are talking about houses being buried in the water because of floods. It is real simple, I say to my friend. Let's not tell people it is confusing. It is pretty clear.

I yield the floor. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, in spite of the sincerity of my colleague from California, I think I have said all that needs to be said on this. I yield back the remainder of my time, and I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. SESSIONS). The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 60, nays 40, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—60

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Reid
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—40

Akaka
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

The motion to lay on the table the amendment (No. 16) was agreed to.

Mr. KYL. Mr. President, the Senate has had before it several amendments that include provisions their proponents say will exempt Social Security from the balanced budget amendment. I do not doubt the Senators who propose the amendments are sincere in their desire to protect Social Security; none of us wants to harm Social Security, which is so important to so many older Americans. I have to say, though, that well-intentioned as their amendment may be, I cannot think of a greater threat to Social Security.

Consider for a moment what it would mean to exempt Social Security from the balanced budget amendment. In effect, Social Security would become the only Federal program—the only program—where deficits would be permitted. The rest of the Federal budget would be required to be in balance.

How on earth does allowing Social Security to be in deficit protect our seniors? Quite the opposite. If a balanced budget is good for other programs, why is it not good for Social Security? There is no greater protection for seniors than having the money to take care of our obligations. In fact, we have been able to provide for seniors precisely because Social Security has usually been in balance or surplus; it is the rest of the budget that has been plagued by big, chronic deficits.

Now, at the very time it appears we are near consensus about how detrimental deficits are, some are proposing that we allow deficits to begin to infect the retirement program. In fact, the amendments to exempt Social Security would establish a constitutional presumption that Social Security will be run in deficit. Why else would the program be exempt from a balanced budget requirement?

Mr. President, we have always made sure that Social Security is actuarially sound. When Social Security faced problems back in the early 1980's, Republicans and Democrats came together in a bipartisan way to rescue the program and make sure that the benefits of current retirees were protected and paid on time.

On a bipartisan basis, we have abided by rules in the Senate that make it virtually impossible to pass a budget that adversely affects the Social Security surplus; it would take a supermajority vote to pass such a thing. On a bipartisan basis, we made sure that Social Security was exempt from the across-the-board spending cuts required by the Gramm-Rudman-Hollings deficit-reduction law in the 1980's. The Republican budgets of the last 2 years proposed ways of achieving balance without touching Social Security, and I assume President Clinton's new budget will not touch Social Security, either.

So the reality is that Republicans and Democrats have worked together every step of the way to protect the integrity of the Social Security system.

Why? Because there is general consensus in the country that Social Security must be protected. It has broad bipartisan support in Congress and around the country. It is supported by people young and old, rich and poor. It works. And unlike other programs run by our Government, it works because we have made sure that it has always operated in balance or with a surplus to cover unforeseen circumstances or expected future needs. That commitment to sound budgeting would be upheld by the balanced budget amendment—and applied to the rest of the budget as well.

Mr. President, I want to speak for a few moments about what I believe are some of the misperceptions about the balanced budget amendment and the Social Security exemption that is being proposed.

First, there is nothing in the balanced budget amendment that requires cuts in Social Security benefits. In fact, the budgets that Congress passed during the last 2 years would have achieved balance without touching Social Security, so obviously it can be done without harming the retirement system.

Second, there is nothing in the exemption that is being proposed that would prevent Congress from cutting retirement benefits, means-testing benefits, reducing cost-of-living adjustments, or raising payroll taxes. The exemption would not prevent the expenditure of Social Security funds for other purposes; in fact, it would do just the opposite. Given that the exemption would allow Social Security to run a deficit, Congress will in all likelihood simply shift spending that cannot be accommodated within a balanced budget to the Social Security budget.

Since Social Security is a program defined in statute—and Congress can amend that statute at any time by simple majority vote—Congress would be free to call virtually anything Social Security—whether it be Medicare, Medicaid, education, infrastructure development, or welfare—and thereby extend the exemption to cover those programs, too. The incentive would be to raid the trust funds for any project or program that might otherwise bust the Federal budget, and that would endanger the solvency of what today constitutes the Social Security Program. It would also mean that a provision of the Constitution could be amended by a simple majority vote—by just amending the statute that is referred to in the constitutional exemption. That, of course, would directly contradict the amendment clause of the Constitution itself.

Third, there is nothing in the exemption that precludes the Social Security surplus from being invested in Government securities and, in turn, being used to cover general operating expenses, just as it is now. Even those using Social Security as a pretext for opposing a balanced budget know that Congress has always made sure that the debt to the Social Security trust fund has been repaid—repaid with interest.

Mr. President, the fact that the Social Security surplus is invested in Government securities and used for general operating expenses does not mean beneficiaries are being shortchanged of any benefits due them. The surpluses do not exist for current retirees, but to help cover the cost of benefits when the baby-boom generation retires years down the road.

So, the only relevant question regarding the safety and soundness of Social Security is whether, when it comes time to pay those benefits to future retirees, the Federal government will be able to cover its IOU's to the Social Security trust fund. That, in turn, depends on how deeply in debt the Federal government is.

Mr. President, the Congressional Budget Office projected just last month that the budget deficit will reverse course and begin to rise again—from $107 billion in 1996 to $124 billion in 1997—and it will keep rising to $278 billion in 2007. Debt held by the public will increase 55 percent in just the next 10 years. The more debt that accumulates, the harder it will be for the Government to repay Social Security in the future while also meeting all of the Nation's other needs—for example, in law enforcement, education, the environment, and health care. The balanced budget amendment will help minimize the accumulation of debt and the threat to future retirees that is inherent in it.

If Congress does not balance the budget—if it does not constrain the national debt—the temptation will ultimately be to monetize the debt—that is, pay it off by printing more money. And that would lead to rampant inflation. No industrialized nation has ever reached the level of debt that our country is expected to face in the next century without monetizing the debt, printing more money, and experiencing destructive, rampant inflation.

If inflation drives the cost of basic goods and services beyond the reach of most Americans—if, for example, bread costs $100 a loaf—it will not matter that a retiree's $1,000 Social Security check arrives promptly in the mail. The worst enemy of those on fixed incomes is inflation.

So the exemption neither guards against cuts in benefits nor ensures that the government has the ability to repay its debts to the trust fund to cover future benefits. It is a false promise to the millions of Americans who depend on Social Security to meet their most basic of needs.

Leaving Social Security under the balanced budget amendment will, however, make sure that the retirement system remains safe, sound, and balanced. And that is important because, while the system is running annual surpluses now, it will soon begin running huge deficits. Beginning in 2012, Social Security will begin spending more than it collects in payroll taxes. By 2029, benefits will amount to more than all payroll tax revenue, accumulated surpluses, and interest—meaning that the trust fund will have neither sufficient income nor savings to meet then-current obligations. If allowed to continue operating in deficit, the Social Security Program will rack up $7 trillion in debt by 2070. These deficits are the greatest threat to the Social Security system.

Mr. President, the exemption will not protect benefits or guarantee repayment of IOU's to cover future benefits. It will not even ensure that Social Security surpluses are invested in something other than Government IOU's. But it will make it far more difficult to balance the rest of the budget by not allowing the amounts invested in Government securities to be counted toward a balanced budget.

That would mean Congress would have to cut spending, raise taxes, or both by an additional $706 billion over the 5-year period 2002 through 2007 beyond what would be necessary to balance a unified budget.

The exclusion would force deep spending cuts—an additional across-the-board reduction of 10 percent—in education, the environment, Medicare, law enforcement, and other discretionary spending programs. Or, it would require huge tax increases—up to 12 percent higher than they are today.

To put that into perspective, President Clinton's 1993 tax increase amounted to $241 billion. Last year's congressional budget resolution proposed slower Medicare-spending growth to provide savings of $158 billion, and discretionary spending savings totalling $291 billion.

The $706 billion in additional deficit reduction that would be required by the Social Security exemption would amount to more than the Clinton tax increase and those two sources of savings combined. It would obviously be very difficult to find any consensus for such huge reductions, and therein lies the rub. I am very concerned that the Social Security issue—that older Americans—are being made the scapegoats for a vote against the balanced budget amendment.

Mr. President, if proponents of the exemption are serious about wanting to balance the budget, excluding Social Security, then they should lay out how they will deal with tomorrow's Social Security deficit as well as how they intend to cover the $706 billion gap in the short term.

Or they should simply admit that they do not support a balanced Federal budget.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, without losing my right to the floor, I yield 2 minutes to the Senator from Texas.

FRANK M. TEJEDA POST OFFICE BUILDING

Mrs. HUTCHISON. Mr. President, I thank the Senator from Iowa, because it is very important that we pass a bill tonight. It is for a fallen colleague on the other side of the rotunda. We lost the Congressman from San Antonio a few weeks ago at the age of 51 to a battle with cancer.

Frank Tejeda was a great Congressman, he was a great friend, and he was a patriot for this country. He left high school at the age of 17, joined the Marine Corps, came back and graduated from St. Mary's University. He then went on to distinguish himself and earn degrees in law from U.C. Berkeley and Yale, as well as a masters in public administration from Harvard.

Frank Tejeda was a hero. He earned the Bronze Star for valor, and received the Purple Heart for wounds sustained in combat in Vietnam. But most of all, he never forgot where he was from—south San Antonio, TX. As a leader in his community and as a public servant, Frank always remembered the people he represented and was always there for them.

For that reason, Mr. President, my colleague Senator GRAMM and I want to name the Postal Service facility being constructed at 7411 Barlite Boulevard in San Antonio, TX, as the "Frank M. Tejeda Post Office Building." So I am going to make two unanimous-consent requests to discharge H.R. 499, which passed unanimously in the House of Representatives on February 5, 1997, in order to complete the naming of this post office for a great patriot, a great friend, and a wonderful Congressman from Texas.

Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 499; and further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 499) to designate the facility of the United States Postal Service under construction at 7411 Barlite Boulevard in San Antonio, Texas, as the "Frank M. Tejeda Post Office Building."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMM. Mr. President, I am honored to join my colleague, Senator KAY BAILEY HUTCHISON, in offering a tribute to our late colleague, Congressman Frank Tejeda.

Frank will be remembered as a man who dedicated his life to serving America. He was widely admired for his friendly common sense, but in particular for the special place that he kept in his heart for the men and women who wear the uniform of our country.

In his short tenure, Frank Tejeda left his mark on our country, on the people of Texas, and most personally on the people of San Antonio, who knew him best. It is most fitting that we designate the Post Office facility to be constructed in San Antonio as the "Frank M. Tejeda post office Building," not to remind people of who Frank was, for they do not need to be reminded. We designate the facility in Frank's name to recall for future generations that a man, whose life was too short, made a difference and will live in our hearts.

The Frank M. Tejeda Building will stand as a monument for dedication, commitment, and for the precept that with God-given talents and the will to work, we can do anything we set out to do in America. Frank Tejeda epitomized those qualities in his life and we honor him.

Mrs. HUTCHISON. Mr. President, on behalf of Senator PHIL GRAMM and myself, I ask unanimous consent that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 499) was deemed read the third time and passed.

Mrs. HUTCHISON. Thank you, Mr. President. We have now finally passed the bill in both Houses of Congress that will name a post office for Frank M. Tejeda. It is a fitting tribute to a wonderful former Member of the U.S. Congress. Senator GRAMM and I are very proud to have served with him and to cosponsor this bill.

I thank the Senator from Iowa, and I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

THE FBI AND THE ALCEE M. HASTINGS MATTER

Mr. GRASSLEY. Mr. President, yesterday I spoke to my colleagues about management problems within the FBI, and within the Bureau's reputed crime lab. I spoke about the consequences of this mismanagement. Confidence and trust in the Nation's premiere law enforcement agency is dwindling. It is because of the FBI's own abuses of its very enormous powers.

Yesterday, I mentioned that I would talk about a specific case, with specific allegations. The case involves apparent false statements and evidence tempering by an FBI agent in a high profile case brought before the Federal judicial system and the U.S. Congress.

In a letter to me dated February 21, FBI Deputy Director Weldon Kennedy stated that the Justice Department inspector general "found no instance of perjury evidence tampering, evidence fabrication, or failure to report exculpatory evidence."

Mr. President, my first response to that is as follows: The IG investigation was not a criminal investigation. It therefore would not find perjury, evidence tampering, evidence fabrication, or failure to report exculpatory evidence. If it had been a criminal investigation, I believe Mr. Kennedy would not have said what he said. His credibility is undercut by the facts.

This morning's Washington Post contains a story about how one FBI agent, Special Agent Michael P. Malone, apparently shaved evidence, provided false statements, and tampered with evidence for an Eleventh Circuit Court proceeding involving then-Judge ALCEE L. HASTINGS. Mr. HASTINGS is now a Member of the House of Representatives. Mr. Malone is still an FBI agent, and has testified in thousands of cases.

Despite well-documented evidence of this wrongdoing, the FBI covered it up. The evidence was documented by an FBI lab scientist, who performed lab tests on a piece of evidence in the Hastings case. Malone falsely claimed to have done the tests himself.

The FBI scientist who made the allegations is not Dr. Frederic Whitehurst, the more well-known whistleblower from the FBI lab. Rather, it is Dr. William Tobin of the same lab. By the way, this undercuts the FBI's assertion that Dr. Whitehurst is the only one in the lab making these allegations.

A memorandum written by Dr. Tobin in 1989 details the alleged false statements, evidence shaving, and evidence tampering by Agent Malone. It was the basis of reports in the last 24 hours in the media. Mr. President, I ask unanimous consent to have printed in the RECORD the Washington Post story.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 26, 1997]

FBI ROLE IN IMPEACHMENT PROBED

(By Pierre Thomas)

The Justice Department inspector general has been investigating whether the FBI intentionally gave misleading testimony to a judicial panel that was deliberating whether to recommend that then-U.S. District Judge Alcee L. Hastings be impeached.

The Justice Department probe has uncovered evidence that an FBI examiner who worked on the Hastings case, now a Democratic representative from Florida, vigorously challenged the bureau's laboratory analysis of a key piece of evidence relating to the judge's truthfulness in a bribery trial in the early 1980s. But Justice Department investigators found that FBI supervisors largely ignored the examiner's critique and never provided the dissenting information to Congress, which later removed Hastings from the bench.

The revelation is the first detailed account supporting allegations by FBI whistleblower Frederic Whitehurst about shoddy FBI laboratory work. Whitehurst claims that bureau officials routinely manipulated forensic work and allowed flawed expert testimony during court proceedings if it helped prosecutions.

"It is not just Dr. Whitehurst who has alleged wrongdoing in the FBI crime lab," Sen. Charles E. Grassley (R-Iowa) said yesterday. ". . . I fear the FBI has covered up the lab's shortcomings."

Documents obtained by The Washington Post in connection with the Hastings investigation raise questions about the bureau's willingness to address criticisms of its laboratory procedures, even when its own employees raised them, Grassley and others said.

"The misrepresentations and misstatements in the transcript (regarding FBI forensic testimony in the Hastings case) . . . represent a glaring pattern of conversion of what should have been presented as neutral data into incriminating circumstances by complete reversal of established laboratory test data with scientifically unfounded, unqualified and biased testimony," wrote frustrated FBI examiner William A. Tobin in 1989.

Tobin wrote that, while he agreed with the FBI's overall forensic assessment in the Hastings case, he was concerned that the bureau's testimony had gone too far in an apparent attempt to bolster the case against Hastings. Tobin's memorandum noted no fewer than 27 exceptions, or challenges, to bureau testimony against Hastings, Florida's first black federal judge, after he was acquitted of federal bribery charges. The judicial inquiry begun after his acquittal raised allegations of racism from African American leaders.

During an interview with the Justice Department inspector general's office, Tobin reiterated his concerns to investigators, according to sources familiar with the inspector general's ongoing review. He also told investigators that he turned his memorandum in to his supervisor, but the bureau apparently did nothing to address his concerns. In fact, he never heard back from his superiors on the matter, Tobin said. In addition, sources said that investigators have been unable to find Tobin's original forensic report, which should have been used to prepare for the testimony in the Hastings case.

"Alcee Hastings and I have believed for some time that a fair amount of evidence against him was manipulated or manufactured," said Terence Anderson, Hasting's attorney during impeachment proceedings.

Hastings called the revelation "astounding beyond belief. I need to understand who withheld this information, why they withheld it and what effect it would have had if it were presented to Congress," which impeached and convicted him.

Whitehurst's attorney, Stephen Kohn, agreed, saying that "if the FBI could put forth false evidence regarding a sitting judge, every American is at risk to FBI lawlessness."

In response to a broad inspector general investigation of the FBI crime laboratory, Justice Department officials have notified at least 50 state and federal prosecutors of potential problems in their cases.

Hastings was charged in 1981 along with friend and Washington lawyer William A. Borders Jr. of engaging in a conspiracy to accept a $150,000 bribe from an undercover FBI agent posing as the brother of two men convicted of racketeering. In exchange, Hastings was to reduce the men's sentences and return nearly $1 million in forfeited property.

Borders was convicted of the crime. Hastings, in a separate trial in 1983, was acquitted of the same charges. He has steadfastly maintained his innocence.

But after a 3½-year investigation prompted by an ethics complaint from several of his fellow judges, successive judicial panels concluded that Hastings had not only engaged in a bribery conspiracy, but lied and manufactured evidence at the trial to win acquittal.

Investigators sought to challenge Hastings' truthfulness on a number of fronts.

Hastings testified he was with Borders at the time he was alleged to have taken the bribe in part because he was trying to find a leather shop to repair a men's purse whose strap had broken.

FBI forensic experts were asked to test the strap to see if it could be snapped by accident, as Hastings described, or whether it was too strong and would have had to have been cut. The FBI's lab experts concluded the strap had been cut. The inference was that Hasting had cut the strap in an attempt to concoct an alibi.

Tobin generally agreed with that conclusion but said he was deeply troubled about FBI testimony in the case and believed it "revealed a pattern of complete omission of crucial conditions, caveats, premises and or assumptions which may be viewed as tending toward exculpatory."

Mr. GRASSLEY. Higher ups in the FBI never did a thing about this problem. Yet, it speaks to exactly the charge made by Dr. Whitehurst; namely, that the culture within the FBI is to overstate lab results to get a conviction. They do this by withholding any data that might show the opposite.

That makes me think of an analogy, Mr. President. Imagine me standing by a dog. You ask me if my dog bites. I say "no." You reach down to pet the dog, and he bites you. You say, "I thought you said your dog doesn't bite." And I say, "That's not my dog."

The point is, I withheld valuable information to keep you from having an informed judgment. That is what the FBI does, according to Dr. Whitehurst, and in this specific case according to Dr. Tobin. And when the IG's investigative report comes out next month, we'll see if there are other examples that need following up.

In an interview with Federal investigators, Dr. Tobin called this "forensic prostitution." Those were his words, Mr. President. Forensic prostitution. It must be really bad when a senior, supervisory agent in the FBI's own lab calls that practice "forensic prostitution." What does that say about the standards in the lab? And does not that back up what was charged by Dr. Whitehurst? Of course it does.

The impact of the Tobin memo, in my view, is not whether it would change the outcome of the ALCEE HASTINGS case. I have heard arguments on both sides. I don't know, for instance, whether it would make enough of a difference for me to have changed my vote to convict Mr. HASTINGS. One thing is for sure: Agent Malone sure thought it was important. But is not it simply a matter of fairness for Mr. HASTINGS?

And that is not the only issue. The impact is much broader, much more serious. It raises questions about the integrity of the criminal justice process, especially the FBI's role. It raises the inference, in this highly visible case before the American people, that other evidence could have been tainted.

This alleged wrongdoing by an FBI agent wasn't done to a terrorist, or a mad bomber. He was a sitting Federal judge, a man who held a position of prestige and influence in a separate and coequal branch of our Government. The testimony was used in a court of law, and before the U.S. Congress.

Senior officials in the FBI knew about this. Nothing was done to correct the record. And nothing was done to discipline the agent. Is this because the culture in the FBI condones this? Is Dr. Whitehurst correct? Is Dr. Tobin correct, that forensic prostitution is condoned?

Last night, Director Freeh issued a statement saying that this was the first time he was aware of the Tobin memo. I don't understand this, Mr. President. The Justice Department's inspector general looked into this matter. It is in the report that has been sitting on Mr. Freeh's desk since January 20. How can he say that this is the first time he has heard of this?

Instead, he has his deputy, Weldon Kennedy, out making misleading statements to the public about how the IG didn't find any problems in the lab. I detailed this in my statement yesterday. And now we hear the Director telling us he was unaware of an issue that was on his desk for over a month.

There is another serious issue, Mr. President. There appears to be a missing document. The Tobin memo was written after the fact of Agent Malone's allegedly false testimony. But the original report by Dr. Tobin of the testing he did on the evidence has been missing. Director Freeh's statement last night alludes to that document and the fact that it was sent to the chief counsel of the 11th Circuit, which found Judge Hastings unfit to serve.

However, there was not a copy of that report within FBI headquarters, where it should have been. The reason it should be there is in case the inspector general or others wanted to investigate what happened. The fact of Mr. Freeh document, and that the eleventh circuit has it, does not answer the relevant question.

Also not mentioned in the Freeh statement are concerns about the public's perception of all this. The public's confidence in Federal law enforcement is already on the wane. The FBI lab situation will only add to that. I sense that the FBI is still dancing around the truth and full disclosure. Nothing short of the truth can and will be tolerated.

I have written today to the Justice inspector general requesting that he investigate the circumstances surrounding the disappearance of the original Tobin analysis. I have also written today to the Attorney General asking that the IG take the lead on this investigation because of possible conflicts of interest for the FBI.

Finally, Mr. President, let me reiterate a warning I made yesterday about action against Dr. Whitehurst or any of the other scientists who might come forward. This Congress will not tolerate action against Dr. Whitehurst, or any other individual who might come forward with the truth. And that message goes for Justice Department officials, as well, who have now removed authority from the FBI for any action taken against Dr. Whitehurst.

Mr. President, I ask unanimous consent to have printed in the RECORD the Tobin memo, plus attachments, and the two letters I sent today, to which I referred earlier.

There being no objection, the material was ordered to be printed in the RECORD,as follows:

Memo To: Section Chief Ken Nimmich.

From: SA William A. Tobin.

Subject: Exceptions to Testimony of SA Michael P. Malone in the Matter of U.S. District Judge Alcee S. Hastings.

Purpose: To advise of exceptions taken to testimony of SA Malone in 11th Circuit judicial inquiry, Atlanta, Georgia.

Details: In preparation for anticipated congressional testimony on August 3, 1989, SA Tobin reviewed the transcript of the 11th Judicial Circuit testimony in Atlanta, Georgia, of SA Malone. Because of the potential for serious conflict and substantial embarrassment to the Bureau, an audience was requested with you late in the day of August 3, 1989, wherein you requested the specific details of may objections, my exceptions to SA Malone's testimony, and technical analysis as to the effect of the testimony.

Attached hereto are the requested exceptions and analysis, as well as two photographs of test breaks.

Recommendations: None. For information only.

EXCEPTIONS TO TESTIMONY OF SA MALONE RE U.S. DISTRICT JUDGE ALCEE L. HASTINGS

1. p. 113, line 2: Metallurgical testing procedures utilized were not "winging it". I did not have to "design a test". The apparatus is, in fact, designed to test any solid material (including hairs).

This statement, repeated in various forms several additional times, undermines the legal value of the metallurgical testing as not in compliance with the Frye and "generally accepted guidelines" rules.

2. p. 116, line 23: False statement. SA Malone had no participation in the tensile testing, and had only requested to watch because he had ". . . never seen such a test . . ." and wanted to see how they were conducted.

3. p. 117, line 11: False statement. Either the writing is that of SA Tobin or the evidence has been altered subsequent to the tensile testing. On every nonmetallic item in which I have induced tensile failure on behalf of the FBI Laboratory, I have placed evidence or plain white tape at the fracture in order to identify Laboratory-induced failures, with Sharpie Marking Pen writing "test tear" and an arrow pointing to the failure. If my recollection serves me correctly, I believe I noticed when I saw the purse some time later that my own markings had been removed and those of SA Malone had replaced them.

4. p. 117, lines 21–23: False statement. Photos were made outside the presence of SA Malone by SA Tobin during the course of metallurgical examinations.

5. p. 118, lines 17, 18: False statement. Neither the test tears nor the photographs were made by SA Malone.

6. p. 120, line 22: Not true. I did not have to "jury rig it" . . . I used standard test fixtures for this type material and specimen. The equipment was designed for any solid material of suitable configuration. The testing was in conformance with the Frye and "generally accepted guidelines" rules, contrary to the manner in which the testimony is presented.

7. p. 123, line 23: False statement, particularly following the specific words "actually" and "yourself".

8. p. 124, lines 3–5: Incorrect. In fact, designers and users abhor sudden breaks because of the potential for catastrophic loss of life. Designers, therefore, attempt to insure

gradual failures so that it is not instantaneous. The terms "gradual" and "slowly" are deceptive and relate only to the strain rate selected by SA Tobin for the testing: almost any strain rate could have been selected for the test.

9. p. 124, lines 6, 7, and 15: The tears did not proceed (propagate) on a ". . . diagonal line across the entire strap until finally the entire strap went." The effect of this "observation" is to enhance differences between the questioned tear and the test tears. In addition, characterization of the test tears as "diagonal across the entire strap" puts the failure mode in a different category (when reviewed by a metallurgist or materials scientist), not supported by either expectations or actual test behavior.

10. p. 124 line 24: Use of the term "pressures" is not appropriate and is not interchangeable with "force" posing a potential technical review problem. On a strap approximately ¾" wide and ⅛" thick, a force of 29 lbs. results in approximately 309 lbs/in^2 on the same cross sectional area results in a force of 2.7 lbs exerted on the strap, a significant difference on technical review.

11. p. 126, lines 1–3: same comments as #9 above.

12. p. 127, lines 13–15: same comments as #5 above.

13. p. 126, line 9:

14. p. 129, line 9: Direct contradiction to laboratory (AE) findings supported by data. Presents apparently and potentially exculpatory information as incriminating.

15. p. 129, line 11: Contrived/fabricated response and false. Renders metallurgical test data very likely inadmissible because such data can be deemed to fail the Frye test and the "generally accepted guidelines".

16. p. 130, line 14, 15: Deceptive, if not outright false.

17. p. 130, line 24: Not true. The figure is not meaningless with regard to the strap.

18. p. 131, line 14: Contradicts #17 above, and not accurate. "Pressures" likely vary along the entire length of strap.

19. p. 132, lines 2: Unfounded and in direct contradiction to laboratory test data. In fact, test data indicates the strap would not be capable of supporting or hanging 30 pounds. Aggravates incriminating nature of evidence/data and omits assumptions, premises or qualifying stipulations which might be viewed as potentially exculpatory.

20. p. 133, line 15: Inaccurate and deceptive.

21. p. 133, line 19: Failure initiation and propagation assessment is completely fabricated.

22. p. 134, lines 3–8.

23. p. 135, lines 6–10: Completely fabricated failure propagation assessment.

24. p. 135, line 21: ditto.

25. p. 136, line 4: ??? as to where cut started. Unfounded and not supported by data.

26. p. 143, line 17: Unfounded. There is not data or indication that the cut was made by a person.

27. p. 144, line 24 and p. 145, lines 7, 8: Inaccurate observations and contrary to expected and actual test data.

Again suppresses apparent exculpatory material behavior and presents test specimens as incriminating data.

EFFECT OF TESTIMONY

The misrepresentations and misstatements in the transcript would, on review by metallurgical/materials personnel, represent a glaring pattern of conversion of what should have been presented as neutral data into incriminating circumstances by complete reversal of established laboratory test data with scientifically unfounded, unqualified and biased testimony. [See exceptions #8, 9, 11, 14, 17, 18, 19, 21, 23, 24, 26, 27].

Additionally, the transcript reveals a pattern of complete omission of crucial conditions, caveats, premises and/or assumptions which may be viewed as tending toward exculpatory in nature. Even Mr. Doar had to intercede to bring the testimony back to reality (see p. 146, line 14).

As an example, existing laboratory reports indicate that the strap failed consistently at approximately 29.2 lbs. and that a weight up to that of an individual can be exerted on the strap by anyone attempting to break the strap. After applying what is one of the weakest motions for exerting force by an individual (pulling an object with both hands exerting forces in opposite directions), he testified that, as a 200 lb. "weightlifter", he could not break the strap. [It does not require an expert to visualize how an individual might apply loads greater than what SA Malone exerted]. The strong inference is that it is impossible to accidentally or intentionally exert a breaking load on the straps and, therefore, the strap must be cut to successfully break it. Another example [exception #26] is the statement that a person made the cut.

The opinions expressed in the transcript can not be viewed as constituting professional differences. The witness has no apparent academic or empirical training to provide such testimony. Even had the witness undertaken the minimal studies for such testimony, to include Introduction to Materials, Strength of Materials, Engineering Materials, Behavior of Matter, Properties of Materials, Materials and Advanced Materials Laboratories, Mechanical Testing & Laboratory, and Failure Analysis courses or their equivalents (26 credit hours of study), he has not conducted any such testing, utilized the test apparatus, or even observed its use in the prior 15 years or more.

The testimony, almost in complete entirety, relates to materials strain or deformation, stress applications, tensile test procedures, tensile data, and failure (propagation) assessment. It was very apparent even before SA Malone testified in Atlanta, Ga., that the metallurgical examinations and test results would be of importance to the inquiry, but I was told that I was not needed. From the early stages of judicial proceedings I was queried a number of times for information as to these topics with an explanation of "personal curiosity". However, both the number of queries and complexity (specificity) indicated more than a casual interest. I cautioned SA Malone about attempting to present the metallurgical data without some of the crucial caveats, premises or assumptions which must be made, such as system constraints (eg., wearer's hand grasping the strap), lack of complete specimen adjustment to applied forces (varies with the manner in which individual is carrying purse), initial condition statements, strain rate considerations, and manner of stress application. All of these cautions have been ignored and omitted in the testimony, and all of them can be viewed as exculpatory in nature.

Contributing to the perception of complete exculpatory information suppression, review of the transcript reveals no indication that the Chief Judge or the 11th Circuit panel was in receipt of FBI Laboratory report 51025051 S RU; in fact, it suggests the contrary.

Further, the metallurgical test data may well be rendered inadmissible because the witness states that I was ". . . winging it", that I had to "jury rig" and "fiddle" with the test apparatus, and that ". . . nobody in our . . . lab had ever done a test like this, and I have never heard of any studies being published, it's almost a meaningless figure . . .". Testifying as, what the court thought was, an expert in that area, this is a fairly strong indictment of the testing. These statements beg for a ruling of inadmissability in view of the Frye and "generally accepted guidelines" standards.

These exceptions were originally discussed with Section Chief Ken Nimmich because of a potential for serious and embarrassing conflict in congressional testimony tentatively scheduled for August 3, 1989. Not unexpectedly, our testimony was not needed in the congressional proceedings. However, this is being made a matter of record to indicate that the testimony is not reflective of the metallurgical testing, test data and guidance provided.

Overall, the exceptions to the testimony of SA Malone do not affect the technical assessment that the purse strap has been cut.

U.S. SENATE,
Washington, DC, February 26, 1997.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL: I am writing in reference to my meeting on February 24, 1997 with the DOJ Inspector General during which I requested an investigation into the matter of an alleged missing document detailing an initial F.B.I. analysis of the tests performed on evidence in the case against Alcee L. Hastings.

According to a February 25, 1997 statement released by F.B.I. Director Louis Freeh, the F.B.I. will be looking into this matter also. I have attached a copy of his statement.

I have asked the Inspector General to investigate this matter for reasons of ensuring the public's confidence in resolving this matter. In this regard, I believe it is better for an independent investigation rather than one by the F.B.I. Questions have been raised in the public arena in recent years regarding the F.B.I.'s ability to investigate itself. An independent investigation will ensure that there is no question of all the facts being disclosed.

Please provide a response to this letter by close of business on Friday, February 27, 1997. Your assistance is greatly appreciated.

Sincerely,

CHARLES E. GRASSLEY,
Chairman, Subcommittee on Administrative Oversight and the Courts.

U.S. SENATE, COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS
Washington, DC, February 26, 1997.

Hon. MICHAEL R. BROMWICH,
Inspector General, Department of Justice, Washington, DC.

DEAR INSPECTOR GENERAL: I am writing in reference to our meeting on February 24, 1997 during which I requested that you look into the matter of an alleged missing document detailing an initial F.B.I. analysis of the tests performed on evidence in the case against Alcee L. Hastings. You agreed to see what you could find out.

According to a February 25, 1997 statement released by F.B.I. Director Louis Freeh, the F.B.I. will be looking into this matter also. I have attached a copy of his statement. However, because of potential conflict of interests, I believe it is extremely important that your office take the lead in this matter.

Therefore, as Chairman of the Judiciary Subcommittee on Administrative Oversight and the Courts, I formally request that you proceed with this investigation, especially in light of the attached statement by Director Freeh.

Please respond to this request by March 5, 1997. Your assistance is greatly appreciated.

Sincerely,

CHARLES E. GRASSLEY,
Chairman.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

HOMOSEXUALITY IN THE MILITARY

Mr. COATS. Mr. President, I want to briefly address an item that was in the news this morning titled "New Study Faults Pentagon's Gay Policy." This morning the New York Times reported that with great alarm. It seemed that 850 men and women were discharged last year from the military for being homosexuals. They talk about an alarming increase in the number of people discharged under this policy that the Congress enacted just a couple of years ago.

First of all, we should put this in perspective. The 850 discharged amounts to six one-hundredths of 1 percent of active duty military personnel, and I do not think anybody on that basis can claim there is some kind of vendetta or witch hunt or anything else going on. It is really important for us to stand back and review where we are today following the debate that we had on gays in the military in 1994.

First, it is important to understand that the U.S. military maintains a commitment, a consistent commitment to the principle that homosexuality is incompatible with military service. This conviction has been one that was more thoroughly investigated and examined than perhaps any other policy, at least controversial policy, that this Senate body has examined in my memory and in many people's memories. We held exhaustive hearings. We held field hearings. We brought in experts from every perspective from the left, the right, and everywhere in between. Regardless of what their philosophical position was, we gave people the opportunity to express their opinion on this issue.

The evidence and the findings of fact that are laid out in the law itself that this Congress passed by a very substantial margin and which was signed by the President clearly demonstrated a factual basis and a rational basis for the policy that was adopted. The conviction is justified and, I think, clearly won the support of an overwhelming majority of both the House and the Senate and reaffirmed and signed into law and now has been reaffirmed into law.

Now, I know there are some who still disagree with the conclusion that the Senate arrived at and that the Congress arrived at, but they presented their argument in a national debate. That argument did not prevail and did not come close to prevailing. They lost that argument because we were able to demonstrate, on a bipartisan basis, led by Senator Nunn and was something I participated in and many others, that clear, open homosexuality undermines unit cohesion and military effectiveness. It creates an unavoidable sexual tension, often in close quarters, which compromises the central purpose of the military, and that is to be effectively prepared to be able to fight and win wars if necessary or if called on.

Second, the U.S. military defines homosexuality as it has always defined homosexuality. First, making a statement that you are a homosexual is a presumption, is a clear indication, that you have adopted a homosexual lifestyle and is grounds for discharge. Second, engaging in a homosexual act is prima facie evidence of the case that you are a homosexual as defined in the law. Third, entering into a homosexual marriage. Those are the criteria.

In the public debate, people have tried to call this policy many different things, but in fact it is the policy the military held even before we passed the so-called don't ask, don't tell policy in 1994, and it is the policy we enforce today. So when military commanders implement this policy, they are not violating the rules. They are simply enforcing the law as we in the Congress wrote the law, supported the law, voted for the law, on a bipartisan basis, and as that law was accepted and signed into law by the President, the current President, of the United States.

PARTIAL-BIRTH ABORTIONS

Mr. COATS. Mr. President, I will comment on another article in the New York Times which is titled, "An Abortion Rights Advocate Says He Lied About Procedure" of partial-birth abortions.

Many here remember the very heated and controversial and difficult and emotional debate that we had on this floor in attempting to override the President's veto of the partial-birth abortion bill passed, again on a bipartisan basis, in both the Senate and the House but vetoed by the President on the grounds that this was a rare procedure, it rarely happened, and, therefore, we should not make a policy which would deny on those few rare occasions, as the President described them, the opportunity to women to avail themselves of a partial-birth abortion.

A Planned Parenthood news release of November 1, 1995, which was cited by many on this floor as the basis for the fact that this is rare, said, "The procedure is extremely rare and done only in cases when the woman's life is in danger or in cases of extreme fetal abnormality." The President cited that and quoted medical experts that said that this was a rare procedure and used that as the basis for his veto of the bill, which prevented us from passing a ban against partial-birth abortions.

Now, today, the New York Times comes out with an article indicating that one of the doctors that was so frequently quoted, and the fact that it was so frequently used by opponents on this floor to argue against the ban on partial-birth abortions, that doctor has stated that he lied when he said this was a rare procedure.

Reading the article:

> A prominent member of the abortion rights movement said today that he lied in earlier statements when he said a controversial form of late-term abortion is rare and performed primarily to save the lives or fertility of women bearing severely malformed babies.
>
> He now says the procedure is performed far more often than his colleagues have acknowledged, and on healthy women bearing healthy fetuses.
>
> Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers, said he intentionally misled in previous remarks about the procedure.
>
> But he is now convinced, he said, that the issue of whether the issue remains legal, like the overall debate about abortion, must be based on the truth.
>
> Mr. Fitzsimmons recalled the night in November 1995, when he appeared on "Nightline" on ABC and "lied through my teeth" when he said the procedure was used rarely and only on women whose lives were in danger or those fetuses were damaged.
>
> "It made me physically ill," Mr. Fitzsimmons said in an interview, "I told my wife the next day, 'I can't do this again.'"
>
> As much as he disagreed with the National Right to Life Committee and others who oppose abortion under any circumstances, he said he knew they were accurate when they said the procedure was common.

As I said, last April, President Clinton vetoed a bill that would have outlawed this procedure, and in explaining that veto, as the New York Times quotes, "Mr. Clinton echoed the argument of Mr. Fitzsimmons and his colleagues." And I quote from the President:

> There are a few hundred women every year who have personally agonizing situations where their children are born to or are about to be born with terrible deformities, which will cause them to die either just before, during or just after childbirth," the President said. "And these women, among other things, cannot preserve the ability to have further children unless the enormity—the enormous size of the baby's head—is reduced before being extracted from their bodies.

Meaning a tube is stuck into the baby's head, the skull, the brains are sucked out, and the skull is collapsed. That is the procedure we are talking about here. He is reduced before being extracted from their bodies.

A spokeswoman for Mr. Clinton, said tonight that the White House knew nothing of Mr. Fitzsimmons' announcement and would not comment further.

I bring this to light, Mr. President, and I am putting it in the RECORD because I hope that the President would have the opportunity to now gain this information that was erroneous.

Mr. Fitzsimmons has admitted now on record that he "lied through his teeth," was deliberately deceptive. That was the justification on which the President formed his opinion and decision. I hope we can now use this opportunity to clarify the record, and that the President can revisit his decision, on the basis of this new information that this is a common procedure and not a rare procedure. The President could—and hopefully the Congress will be addressing this at some point—when presented again with an opportunity to provide a ban against a procedure that is inhuman, and many believe is infanticide, a grisly procedure that is even difficult to describe anywhere in public, and particularly on the floor of the Senate. I hope the President, now armed with this new information, will be able to reexamine his position on the issue, and when and if a bill is presented to him that bans partial-birth abortion, would, on the basis of this new information, and the justification he used to veto the previous bill, reverse his position and support our efforts to bring some level of decency and humanity into this abortion procedure.

We are not discussing here the issues that have so consumed us on the abortion question in the past. We are talking about a situation that most find abhorrent, and which is something I don't believe this Nation can have a policy advocating. So with this new information, we are providing an opportunity for people to revisit their decisions and their conclusions because, clearly, that was the justification and basis for the opposition to the ban on partial-birth abortion, and clearly now we have evidence refuting that opposition and, hopefully, that will provide the basis for us to go forward and correct what I believe was a serious mistake we made in the last Congress.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

WORKING TOGETHER ON THE ABORTION ISSUE

Mrs. BOXER. Mr. President, I just heard my colleague talk about information that he feels would lead people to change their view on the tragic issue of late-term abortion. I want to make a clear point that I made today to the press when they asked me about this. I think it is deplorable that anyone on any side of this issue would knowingly misstate the truth, on any side. There is no excuse for that. We can't resolve problems in this Nation if people don't tell the truth.

The issue here is—and I think it is very important to state it—that under Roe versus Wade, which is the law of the land and has been upheld by the Supreme Court several times, a woman has a right to choose, without Government interference, in the early stages of her pregnancy. Now, that is a matter of debate. Some colleagues here think that is a very bad decision by the Court. Some colleagues here would like to outlaw abortion at any stage. But what Roe versus Wade said is postviability. Once the fetus is viable, the Government can come in and regulate abortion. I agree with that.

What Roe versus Wade says is that the Government can regulate abortion at the postviability stage very clearly, as long as the life of the woman is protected and her health is protected.

Now, Mr. President, I think we owe it to the women of this Nation to ensure that they do not die, and if they have a very complicated pregnancy, where if they were to carry the child to term, they would lose their life or endure severe adverse health consequences where perhaps they could be paralyzed for life or become infertile—we had women, several of whom were religious Catholics and consider themselves prolife, that had to go through and endure this procedure because they were told either their life was at stake or they could never carry another child.

So the issue isn't about how many times this procedure is used. My view is that even if it is used once incorrectly, it is wrong. I think what we ought to do is say that we should never allow an abortion in the late term, postviability, unless it is necessary to protect the life of the woman or her health. And I think that what we ought to start doing in this U.S. Senate is to start to come together on a couple of things. I don't think we are ever going to agree on the basis of Roe versus Wade. I think my friend from Indiana believes that abortion is wrong, and he is willing to outlaw it. I support Roe versus Wade. We have a fair disagreement. So we can't come together on that.

I think we can come together on two issues surrounding this difficult issue. First, family planning. We ought to all support family planning, so that every child is a wanted child and so that the number of abortions would drop dramatically. I was so pleased to see colleagues on the Republican side of the aisle join with colleagues on the Democratic side of the aisle and make a profamily planning statement. We ought to come together on that, and we ought to come together on the issue of late-term abortion. We ought to say it should not be allowed, unless it is necessary to save the life of a mother or spare her irreparable harm.

I really think we have an opportunity now, because this issue has been brought up again, to walk down the aisle together on those two points—family planning and on the late-term abortion issue. Consistent with Roe versus Wade, we can do that.

So, Mr. President, I know we will be revisiting this issue. I will, once again, bring to the floor the stories of the women who had to have these procedures, postviability, because their life was in danger or they might have been infertile. I will continue to put the woman's face on the issue. I hope we can reach agreement, in a bipartisan way, on this matter and move forward so that, in essence, we can reduce the number of abortions in this country and that every child can be a healthy and a wanted child. Thank you very much, Mr. President.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

ABORTION

Mr. DASCHLE. Mr. President, let me commend the distinguished Senator from California for her remarks. I find myself in complete agreement with what she has just said. I hope that this year, as opposed to last year, we can find a solution, that we can resolve the differences that may not be insurmountable in coming to grips with both of the issues—family planning and late-term abortion.

If we can find the language that says that, with respect to all procedures, postviability abortions ought to be outlawed, except in those rare, rare circumstances involving the life and emergency health situations so that we would protect the woman from irreparable harm or enable her to have another child at a later date, is something that I hope we can all support and come together to resolve. So, again, I thank her for her comments, and I would like to work very much with the Senator from Indiana, who has spent a lot of time on this issue to resolve this matter in a successful way sometime this session.

SENATOR GLENN'S RETIREMENT

Mr. DASCHLE. Mr. President, last Thursday our colleague, Senator JOHN GLENN, announced he will be retiring from the Senate at the end of his current term in 1998. While I am saddened by his decision, I certainly understand it, and I want to take a few moments to pay tribute to a man who has given a lifetime of service to his country.

Soldier, astronaut, hero, businessman, statesman, nuts-and-bolts reformer. All of these words accurately describe the long, distinguished career of JOHN GLENN. Courage, tenacity, modesty, authenticity, the "Right

Stuff.'' These words describe the character of JOHN GLENN, the ingredients that have made this great career so memorable.

When he retires on the cusp of the 21st century, JOHN GLENN will likely be remembered as one of the great American heroes of the 20th century, both for his heroism in battle and for conquering the peaceful but uncharted frontiers of space. But he should also be remembered as a Senator who helped prepare his government to enter the 21st century as a modern, efficient force for good in people's lives.

JOHN GLENN first answered his country's call when he joined the Naval Aviation Cadet Program shortly after Pearl Harbor. He was commissioned in the Marines in 1943. First Lieutenant GLENN flew nearly 60 combat missions in the Pacific theater. His great courage and skill earned him 2 Distinguished Flying Crosses and 10 Air Medals.

After the war, JOHN GLENN remained in the Marines, was promoted to the rank of major, then distinguished himself once again in the Korean conflict. He flew 90 combat missions in just 8 months, won 2 more Distinguished Flying Crosses, 8 more Air Medals, and numerous accolades from his fellow Marines, including the titles Mig-mad Marine.''

JOHN GLENN could have retired from the military after Korea and entered civilian life a decorated hero. He chose instead to stay in the service and take on more challenges, including new frontiers that, at that time, existed only in the imaginations of most men.

As a military test pilot in 1957, JOHN GLENN established a new flight speed record, earning credit for the first-ever transcontinental supersonic flight. This record flight also earned him his fifth Distinguished Flying Cross and caught the eye of NASA's Project Mercury program, dedicated to launch the first human into space. As a Mercury astronaut, JOHN GLENN put in many months of intense training, and in 1961 he was chosen to make America's first attempt to orbit the Earth.

Numerous technical and weather problems delayed his attempt for 2 months. One can only imagine the pressure of an on-again, off-again wait for a risky, dangerous feat that no man had ever accomplished. But JOHN GLENN's moment finally came when an Atlas-D rocket launched his tiny capsule, *Friendship 7*, into Earth's orbit on February 20, 1962.

After the first of three planned orbits at up to 162 miles away from Earth, he lost the use of the automatic control mechanism that stabilized his craft. He then had to complete the final two orbits of the 81,000-mile flight under manual control, an incredibly dangerous challenge. In an interview some years later, JOHN GLENN said of this moment: "I was fully aware of the danger. And certainly there was apprehension. No matter what preparation you make, there comes the moment of truth. You're playing with big stakes—your life. But the important thing to me wasn't fear, but what you can do to control it.''

JOHN GLENN left the Marine Corps in 1965 after 23 years of remarkable service. These two heroic decades are emblazoned on the American conscience. They are the material of which books are written and movies made.

But JOHN GLENN's Senate career of more than two decades will be the material serious students of government, cost-conscious taxpayers, and anyone concerned with the spread of dangerous nuclear weapons will remember. It is a career full of quiet, serious dedication to serve the people of Ohio, to make our Government work better, and to make our world safe from the spread of weapons of mass destruction.

We will remember JOHN GLENN's Senate career for many things. Among his accomplishments, Senator GLENN used his Governmental Affairs Committee post to root out Government waste, modernize Government, and save taxpayer dollars. Senator GLENN shepherded the Clinton administration's reinventing Government'' initiatives through the Senate. His efforts helped streamline Federal purchasing procedures and trim the Federal workforce by 250,000 employees to the lowest level since John Kennedy was President.

He fought to create chief financial Officers for most major Federal agencies, making those agencies more accountable and efficient. He helped to install independent inspectors general in nearly 40 Government agencies and offices to ferret out wasteful spending, saving taxpayers hundreds of millions per year.

In the last few years, Senator GLENN extended his hand across the aisle to help pass legislation that brought Congress into compliance with Federal workplace laws. He fought for the bill that made it harder for Congress to pass on unfunded mandates to the States and localities. And he worked to pass legislation aimed at reducing the Government's paperwork volume.

Senator GLENN has never disparaged Government service nor bashed Government workers. He knows and recognizes the honor of public service. But he also knows that waste and lack of accountability undermine public confidence in Government, and he has dedicated a Senate career to combatting them.

Senator GLENN also made a career of fighting for a strong defense that balances the demands of national security and common sense. He authored the 1978 Nuclear Non-Proliferation Act, the only law on the books to control and stop the spread of nuclear weapons around the world.

A tenacious advocate for veterans, he led the effort to elevate the Veterans Administration to cabinet-level status and helped pass a package of benefits for troops serving in the Persian Gulf war. At the same time, Senator GLENN fought against weapons systems he considered wasteful, like the B-2, the MX missile, and the Star Wars program. He brought rare experience as a veteran and military hero to these efforts. He was rarely wrong, and he rarely lost a legislative battle.

Mr. President, the Senate community can be a contentious place. But because of people like JOHN GLENN and his wife, Annie, it can also be a friendly, decent, and inspiring place, where someone can serve with a real American hero who is also a true gentleman. Our Senate family, like the people of Ohio, will miss Senator GLENN when he retires in 1999. For your lifetime of service, we are deeply indebted, and we thank you, Senator, gentleman, and American hero, JOHN GLENN.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair is honored to recognize the Senator from Ohio.

Mr. GLENN. Mr. President, I just wanted to thank my good friend for those overly generous and very kind remarks.

It was not without a lot of feeling and emotion that I made the decision not to run again in 1998. But, as I said, we have never invented a cure for the common birthday. And at the end of my next term I would be 83, if I assumed that I won. It was for that reason and that reason only that I chose not to run.

My good friend, the minority leader, is absolutely right. I think one of the biggest things we have to face is some of the disparaging remarks about Government when some people talk down Government. And we are going to be working on those things over the next 2 years.

I happened to be in the cloakroom. I had been in another meeting, and just happened to come out here on the floor. I had not realized that this was going to be a time when the minority leader was going to be making the remarks. And I just wanted to say how much I appreciate it.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

PARTIAL-BIRTH ABORTION

Mr. COATS. Mr. President, I didn't have the opportunity to respond to the Senator from California when she stated her willingness to reexamine the issue of partial-birth abortion. The minority leader was on the floor waiting to speak, and had reserved time for that.

However, I would like to just say that, No. 1, I am pleased that they are willing to revisit the issue. It is an issue that I think deserve revisiting.

I want to correct some information that might be misconstrued, as referenced by the Senator from California—the fact that, if we could just make sure that we provided an exception for women whose lives were in danger, were the procedure not proposed. As I think the Senator remembers, that was clearly addressed in the bill that was before the Senate last Congress—that exception for life of the mother was clearly stated in that language. Now this whole addition of the well health of the mother—first of all, as the Senator from Pennsylvania [Senator SANTORUM] so eloquently described, there were no instances, there were no partial-birth abortions performed to protect the health of the mother. There was a lot of erroneous misinformation discussed about that. And this has always been the reason why opponents—of whatever attempts are made to address the question of abortion from the pro-life side—it is always, "If we could just add the exception for health of the mother."

As we have learned over the years and as has been demonstrated in numerous court holdings and other information that is presented to us, health of the mother is so broadly defined. Are we talking about psychological health of the mother, emotional health of the mother? It has really just been used as an excuse to provide abortionists, doctors who perform abortions, a basis for simply saying we will use this exception to allow the abortion to go forward.

I really think what we are dealing with here is a procedure that goes beyond the pale. It really, as many have said in the debate, is not an abortion issue. It is not a pro-choice abortion issue. This is the issue of a deliberate taking of life, of a fetus, of a baby that is well beyond the age of viability, however that is defined. My own personal belief is that life begins at conception.

Even if you do not agree with my personal belief on this, there is no question that at the 5th, 6th and 7th month, the times when partial-birth abortions are performed, because the head of the child is so large it cannot be extracted through the birth canal and therefore has to be collapsed by the doctor after the baby is killed, there is no question that the partial-birth abortion issue is one that is not in the purview of what we generally have been talking about on the pro-life pro-choice issues. It is clearly a situation where we have a baby who, if born at that moment, would be able to sustain life. Someone said 3 inches and 3 seconds from being declared murder.

I remember the situation when the young couple in New Jersey, I think it was, was arrested for the killing of their recently born baby. How ironic it is that had they gone to an abortionist and had a partial-birth abortion 1 minute before the baby was born and then they killed the baby, it would have been a perfectly accepted procedure without any criminal penalty, without any penalty whatsoever. And so we are talking about a human life that is capable of being sustained on its own that is deliberately ended, terminated, by an abortion doctor to provide for a more convenient abortion.

That is what is at stake here. That is what the debate is going to have to be about if we bring it back up. I am pleased that the minority leader and the Senator from California, who was the primary opponent of our efforts to override the President's veto, I am pleased they want to revisit the issue, but let us revisit it on the right terms and let us know what we are talking about.

THE FAIR COMPETITION IN FEDERAL PROCUREMENT ACT OF 1997

Mr. KENNEDY. Mr. President, this is a matter of importance to my State. Senator KERRY and I are offering legislation to prevent a serious injustice in the Federal Government. Congressman JOHN OLVER is introducing identical legislation in the House of Representatives.

This issue has come to our attention in the context of the Bureau of Engraving and Printing contract for U.S. currency paper production, but it could arise in other contexts that would pose similar inequities.

A respected and longstanding family-owned business in Dalton, MA, Crane and Company, has supplied currency paper for the Treasury for the past 117 years. Crane has been a trusted supplier to the Federal Government, providing high-quality products on a timely basis. It has negotiated reasonable terms with the Government, keeping its price increases below the rate of inflation, and has made substantial investments over the years to ensure the sophisticated equipment needed to produce the currency, including the special security features now built into the paper itself.

This year, however, the Bureau of Engraving and Printing has proposed to go to extraordinary lengths to create alternative sources for the currency paper production. The Bureau has proposed subsidies to other companies to help them become competitive and buy the state-of-the-art equipment that Crane bought on its own.

This is not fair competition. It is a misguided policy that will give other companies an unfair advantage and create an unlevel playing field.

Our legislation is straightforward. It amends section 303 of the Federal Property and Administrative Services Act of 1949 to prohibit nondefense agencies in the executive branch from financing equipment or facilities to help a contractor compete against an existing contractor in Federal procurement.

With all the pressures of the deficit, we should not be spending taxpayers' money on this sort of sham competition. It is unfair to leading-edge firms like Crane that invested their own resources to obtain Government contracts. It is hard to see how any taxpayers will benefit. Crane is in a class by itself. There is no suggestion of antitrust problems. Crane wins these contracts fair and square against potential competitors, and it should not have to compete with Uncle Sam.

I urge the Congress to enact this legislation and prevent an extremely unfair and unwise policy from moving forward at the Treasury Department or at other Federal agencies.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON CERTAIN CONTRACT PROVISION FOR PURPOSE OF INCREASING COMPETITION BY ESTABLISHING ALTERNATIVE SOURCE OF SUPPLY.

Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended by adding at the end the following new subsection:

"(j) In conducting a procurement of property or services covered by this section, an executive agency may not award a contract that contains a provision allowing for the contractor to acquire, at Government expense, production, construction, or technical equipment or facilities to carry out the contract, if the principal purpose of such provision is to increase competition by establishing an alternative source of supply for that property or service.".

WANNAMAKERS AWARDED ORDER OF THE PALMETTO

Mr. THURMOND. Mr. President, sometimes we forget that it is the citizens of this Nation that serve as its bedrock, men and women who live in our communities and who are committed to making a difference. Today, I would like to share with you examples of two such people, Betty and the late Charles Wannamaker, who were recently honored by the Governor of South Carolina for their civic activities.

There is no higher award that can be given a South Carolinian than the Order of the Palmetto, and late last month, Gov. David Beasley presented two of these awards to this married couple who have done much to make the Charleston area of my State a place anyone would be proud to call home. Unfortunately, Dr. Wannamaker's award was presented posthumously, but given the active role he took in local affairs, he was certainly worthy of this high tribute. An elected official in Charleston County for 32 years, Charles Wannamaker was the kind of man who epitomized the term "civic-minded."

His wife, Betty, was equally committed to making a difference in her community, and for two decades she served on the Charleston County Park and Recreation Commission. During her tenure, parks and open space in this Lowcountry county grew significantly, and countless families and visitors to the Charleston area have benefited from the many new and excellent parks that the commission approved and saw created. In a separate, but equally fitting tribute, I understand that a new park being built in north Charleston is going to be named in honor of the Wannamakers, a recognition of which they are deserving and one which is truly fitting.

Mr. President, the Wannamakers made an excellent team, and through their concerted efforts and service, they made many valuable contributions to the Trident area and to the State of South Carolina. It is my hope that other citizens of the Palmetto State will be inspired by the standard for community involvement these two people set. We would all benefit if there were more people as committed to making a difference as the Wannamakers.

WILLIAM F. "BUDDY" PRIOLEAU

Mr. THURMOND. Mr. President, for more than 150 years, the Citadel has been one of the most historic colleges in the State of South Carolina, and an institution that has produced not only a number of leading citizens, but interesting individuals as well. There is no question that the vast majority of Citadel alumni are passionately loyal to their alma mater, but every once in awhile, a particularly dynamic personality will emerge as a booster of the college. William F. "Buddy" Prioleau, Sr., was one such person, a man who was successful in life, possessed a distinctive personality, and an enthusiastic supporter of the Citadel. Sadly, he passed away late last month.

Known throughout South Carolina as Mr. Citadel, Buddy was a regular fixture at many of the athletic events, parades, and formal and informal functions associated with that college and the Bulldogs. His unflagging devotion to the school earned him a long tenure on the Citadel's board of visitors, including a term as its chairman, which began in 1969 and only ended in 1994 when he did not submit his name for reelection. In recognition of his long and almost unparalleled service, he was awarded the distinguished title of board member emeritus. Indeed, it is difficult to immediately think of a man more associated with the Citadel than Buddy was.

Entering the Citadel in 1939, it was a long road to the ring for young Cadet Prioleau, whose studies were interrupted by World War II. Before enlisting in the Army in 1942, Buddy was already demonstrating a distinguished amount of school spirit by managing the football team, being a member of the Block C Club, and serving as the president of the Bucanneer Club. Putting his education on hold, Buddy Prioleau traded the gray uniform of a Citadel cadet for that of a soldier and he found himself serving in the bloody Pacific theater with the 41st Division.

At the end of hostilities, Buddy was able to return to the infamous white barracks of the Citadel and complete his undergraduate education. As was so typical of the veterans of World War II, Buddy recognized the importance of an education, and with his bachelor's degree in hand, he moved from Charleston to Columbia, where he enrolled in the school of law at the University of South Carolina, and from which he graduated in 1949.

For almost the next 50 years, Buddy practiced law and enjoyed great success in the legal profession. He served as legal counsel to Governors Byrnes and Timmerman, as well as myself, when I held the office of Governor of South Carolina. Additionally, he served as an acting judge of the Richland County Family Court, was a partner in the firm of Prioleau & Walker, and was very active in the South Carolina and American Bar Associations.

All the years that he was working as an attorney, building a career, raising a family, rising to the rank of colonel in the National Guard, and becoming the owner of an inn on Pawley's Island, Buddy Prioleau still made abundant time for one of his true loves, his alma mater. There is not a graduate of the Military College of South Carolina who did not know of Buddy or had some humorous anecdote about him. Without question, he was much beloved by the entire Citadel family, and they paid tribute to him in a number of ways over the years. In 1981, the Citadel yearbook, the Sphinx, was dedicated in his honor, and last year he was awarded an honorary doctor of laws and his portrait was hung in Daniel Library. Two very high honors that are accorded to only a select few individuals.

Mr. President, I know that I speak for all of Buddy Prioleau's friends when I say that not only has the Citadel lost one of its most distinguished graduates, but that our State has lost a civic-minded and public-spirited man. My sympathies go out to Buddy's children, William, Mary, Roberta, and Elizabeth, as well as his five grandchildren. He will be missed.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, February 25, the Federal debt stood at $5,342,929,738,924.06.

Five years ago, February 25, 1992, the Federal debt stood at $3,825,891,000,000.

Ten years ago, February 25, 1987, the Federal debt stood at $2,241,482,000,000.

Fifteen years ago, February 25, 1982, the Federal debt stood at $1,047,910,000,000.

Twenty-five years ago, February 25, 1972, the Federal debt stood $426,919,000,000 which reflects a debt increase of nearly $5 trillion ($4,906,010,000,000) during the past 25 years.

HERE'S WEEKLY BOX SCORE ON U.S. FOREIGN OIL CONSUMPTION

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending February 21, the U.S. imported 7,250,000 barrels of oil each day, 1,156,000 barrels more than the 6,094,000 imported during the same week a year ago.

Americans relied on foreign oil for 53 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,250,000 barrels a day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE RESPONSE TO THREATS OF TERRORIST USE OF WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT—PM 17

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

The National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201), title XIV, section 1411 requires the President to transmit a report to the Congress that assesses the capabilities of the Federal Government to prevent and respond to terrorist incidents involving weapons of mass destruction and to support State and local prevention and response efforts. In accordance with this provision, I transmit the attached report on the subject issue.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 26, 1997.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1214. A communication from the Commandant of the U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, a report relative to the International Private-Sector Tug-of-Opportunity System; to the Committee on Commerce, Science, and Transportation.

EC–1215. A communication from the Acting Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the report of the 1997 Aviation System Capital Investment Plan; to the Committee on Commerce, Science, and Transportation.

EC–1216. A communication from the Vice President of Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, the annual report of Amtrak for calendar year 1996; to the Committee on Commerce, Science, and Transportation.

EC–1217. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, three rules including a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska" received on February 12, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1218. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, thirty-four rules including a rule entitled "Civil Monetary Penalty Inflation Adjustment" (RIN2105–AC63, 2137–AC97, 2120–AA65, 2120–AA64, 2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–1219. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, four rules including a rule entitled "Telemessaging, Electronic Publishing, and Alarm Monitoring Services"; to the Committee on Commerce, Science, and Transportation.

EC–1220. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Tomatoes Grown in Florida" (FV96–966–AFIR) received on February 24, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1221. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95–09; to the Committee on Appropriations.

EC–1222. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 96–06; to the Committee on Appropriations.

EC–1223. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report with respect to transactions involving exports to Israel; to the Committee on Banking, Housing, and Urban Affairs.

EC–1224. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–1225. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of seven rules including one rule relative to approval and promulgation of plans, (FRL–5691–3, 5590–8, 5682–5, 5693–8, 5693–8, 5693–5, 5583–4, 5590–4) received on February 24, 1997; to the Committee on Environment and Public Works.

EC–1226. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule relative to national emission standards (FRL–5695–9) received on February 25, 1997; to the Committee on Environment and Public Works.

EC–1227. A communication from the Regulations Unit Chief of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 97–19, received on February 25, 1997; to the Committee on Finance.

EC–1228. A communication from the Regulations Unit Chief of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to per diem allowances, received on February 25, 1997; to the Committee on Finance.

EC–1229. A communication from the Regulations Unit Chief of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to cost depletion, received on February 25, 1997; to the Committee on Finance.

EC–1230. A communication from the Assistant Attorney General (Office of Legislative Affairs), transmitting, a draft of proposed legislation entitled "Anti-Gang and Youth Violence Act of 1997"; to the Committee on the Judiciary.

EC–1231. A communication from the Acting Director of the Office of Administration, Executive Office of the President, transmitting, pursuant law, the annual report under the Freedom of Information Act for 1996; to the Committee on the Judiciary.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Mr. THURMOND. Mr. President, Senate rule XXVI.8(b), which requires the submission by March 31 of this year of a report of activities of the committee for the previous Congress.

In accordance with the requirements, I am submitting the report of the activities of the Senate Committee on Armed Services during the 104th Congress. This report outlines the most noteworthy legislative and other achievements of our committee.

Special Report entitled "Report on the Activities of the Committee on Armed Services of the United States During the 104th Congress First and Second Sessions" (Rept. No. 105–6).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DEWINE (for himself and Mr. GRAHAM):

S. 358. A bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THOMAS (for himself, Mr. GRASSLEY, Mr. BURNS, Mr. KEMPTHORNE, Mr. GRAMS, and Mr. ROBERTS):

S. 359. A bill to amend title XVIII of the Social Security Act to change the payment system for health maintenance organizations and competitive medical plans; to the Committee on Finance.

By Mr. CRAIG:

S. 360. A bill to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS:

S. 361. A bill to amend the Endangered Species Act of 1973 to prohibit the sale, import, and export of products labeled as containing endangered species, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself and Mr. BIDEN):

S. 362. A bill to deter and punish serious gang and violent crime, promote accountability in the juvenile justice system, prevent juvenile and youth crime, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. INOUYE, and Mr. DORGAN):

S. 363. A bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. LOTT, Mr. ASHCROFT, Mr. GORTON, Mrs. FEINSTEIN, Mr. GREGG, and Mr. FRIST):

S. 364. A bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices; to the Committee on Commerce, Science, and Transportation.

By Mr. COVERDELL:

S. 365. A bill to amend the Internal Revenue Code of 1986 to provide for increased accountability by Internal Revenue Service agents and other Federal Government officials in tax collection practices and procedures, and for other purposes; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mrs. HUTCHISON, Mr. MCCAIN, Mr. FAIRCLOTH, Mr. KYL, Mr. THOMAS, and Mr. INHOFE):

S. 366. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. WELLSTONE:

S. 367. A bill to amend the Family and Medical Leave Act of 1993 to allow leave to address domestic violence and its effects, and for other purposes; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mr. ABRAHAM, Mrs. HUTCHISON, Mr. MCCAIN, Mr. KYL, Mr. FAIRCLOTH, and Mr. INHOFE):

S.J. Res. 17. A joint resolution proposing an amendment to the Constitution of the United States to prohibit retroactive increases in taxes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE (for himself and Mr. GRAHAM):

S. 358. A bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes; to the Committee on Labor and Human Resources.

THE RICKY RAY HEMOPHILIA RELIEF FUND ACT

Mr. DEWINE. Mr. President, I introduce, along with my distinguished colleague Senator BOB GRAHAM, the Ricky Ray Hemophilia Relief Fund Act of 1997. This legislation will serve as the counterpart to similar legislation that will be introduced in the House of Representatives by Representative PORTER GOSS.

Mr. President, the purpose of this legislation is to offer some measure of relief to families that have suffered serious medical and financial setbacks because of their reliance on the Federal Government's protection of the blood supply.

In 1995, the Institute of Medicine released the findings of a major investigation into how America's hemophilia community came to be decimated by the HIV virus.

According to that report, the Federal agencies responsible for blood safety did not show the appropriate level of diligence in screening the blood supply.

The Federal agencies did not move as quickly as they should have to approve blood products that were potentially safer.

And the Federal Government did not warn the hemophilia community, when the Government knew—or should have known—that there were legitimate concerns that the blood supply might not be safe.

The Government's failure caused serious harm to real people—people who were counting on the Government to meet its responsibilities.

Mr. President, this legislation is about trust. A substantial number of citizens trusted the Government to exercise due vigilance, and the Government let them down. It's only right that the Government try to offer them some measure of relief.

Mr. President, I recognize the budgetary realities we have to confront. As we move through the process, we will have to address the issue of compensation. I think it's absolutely essential that we begin this process—now.

By Mr. CRAIG:

S. 360. A bill to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, and for other purposes; to the Committee on Energy and Natural Resources.

HELL'S CANYON NATIONAL RECREATION AREA AMENDMENTS

Mr. CRAIG. Mr. President, Public Law 94–199, designating the Hells Canyon National Recreation Area, was signed into law December 31, 1975.

Section 10 of the act recognizes that the use of both motorized and nonmotorized river craft are valid activities on the Snake River within the recreation area.

The language seems clear. However, assurances by the Congress and the Forest Service 22 years ago that the long-established and traditional use of motorized river craft would be continued are now being callously disregarded by the agency.

The most recent indication of this attitude has arisen during a review and revision of the river management plan for the NRA. Despite the lack of any demonstrable resource problems, and in the face of overwhelming public support for motorized river craft, the agency has again decided to close part of the river to powerboats. The new river management plan would close the heart of the canyon to motorized river craft for 21 days during the peak of the recreation season. Such a closure would also prohibit traditional motor use of the wild river segment to reach privately owned lands within the scenic river segment of the NRA.

The revised management plan is still in dispute as the result of appeals filed by commercial motorized river users. The vast majority of people, over 80 percent, who recreate in the Hells Canyon segment of the Snake River do so by motorized river craft. Some are private boaters, but most travel with commercial guides on scenic tours. This popular form of recreation is accomplished with a minimum of impact to the river, the land, or other resources.

Most river users, motorized and nonmotorized, are willing to share the river. However, a small group of nonmotorized users objects to seeing powered craft even though they have a rich choice of nonmotorized alternatives in this geographic area, such as the Selway and Middle Fork of the Salmon Rivers. Motorized users, however, don't have that luxury. The only other white water rivers open to them in the entire Wild and Scenic River System are portions of the Rogue and Salmon Rivers. Without a single doubt, the Hells Canyon portion of the Snake River is our Nation's premier whitewater power boating river.

Mr. President, the Snake River is different from most rivers in the Wild and Scenic System. It is a high-volume river with a long and colorful history of use by motorized river craft. The first paying passengers to traverse its rapids on a motor boat made their journey on the 110-foot *Colonel Wright* in 1865. Later, the 136-foot *Shoshone* made its plunge through the canyon from Boise to Lewiston in 1870 and was followed by the 165-foot *Norma* in 1895. Gasoline-powered craft began hauling people, produce, and supplies in and out of the canyon in 1910, and the first contract for regular mail delivery was signed in 1919, continuing today. The Corps of Engineers began blasting rocks and improving channels in 1903. They worked continuously until 1975 to make the river safer for navigation.

Mr. President, as you can see, the use of motorized river craft is deeply interwoven in the history, traditions, and culture of Hells Canyon. That is why Congress deliberately created a nonwilderness corridor for the entire length of the river in the authorizing legislation. During debate, Congress tried to make it clear that use of both motorized and nonmotorized river craft would be valid uses of the river within the recreation area—the entire river for the entire year. It was not their intent in 1975 to allow the managing agency to decide that one valid use would prevail to the exclusive use over the other.

Quite clearly, the issue of power boating's validity will not be settled unless decided by the courts or unless Public Law 94–199 is clarified by Congress. The courts are already burdened by too many cases of this type, resulting in a waste of time, energy, and financial resources for both the United States and its citizens. The only practical and permanent resolution of this issue is to clarify congressional intent in a manner that will not allow any future misunderstanding. This is what I propose to do with this legislation.

By Mr. JEFFORDS:

S. 631. A bill to amend the Endangered Species Act of 1973 to prohibit the sale, import, and export of products labeled as containing endangered species, and for other purposes; to the Committee on Environment and Public Works.

THE RHINO AND TIGER PRODUCT LABELING ACT

Mr. JEFFORDS. Mr. President, the bill I am introducing today works to end the illegal killing of rare and endangered species that are close to extinction. These species include rhinos, tigers, bears, and many other animals that are slaughtered for senseless reasons. The bill, titled the Rhino and Tiger Product Labeling Act, seeks to amend the Endangered Species Act of 1973 to prohibit the sale of products labeled as containing endangered species.

Since 1970, the world's population of rhinos has declined by 90 percent. Among the 5 species of rhinos, fewer than 11,000 individual rhinos exist in the wild. Tigers are facing a similar fate. At the turn of the century, as many as 100,000 tigers lived in the wild. Today, less than 5,000 tigers remain. Three subspecies are already extinct, and the remaining five subspecies are found only in sparse pockets of Asia.

The greatest threat to the existence of rhinos and tigers in the wild continues to be the high demand for products containing rhino horn and tiger parts. The prohibition of the illegal trade in endangered species parts has not been well enforced in most Asian countries, where rhino and tiger products are valued for their medicinal value. Although the primary market for these illegal products continues to be in Asia, a large market has developed here in America.

Investigators have found that in the United States, the trade in endangered species continues to be widely practiced. Many pharmacies in Los Angeles and New York offer rhino and tiger products for sale—a strong indication that it is time for the United States to concentrate on its role as a consumer nation of endangered species parts and products. In a recent survey, investigators found that 80 percent of pharmacies and supermarkets in New York's Chinatown district had tiger products openly for sale. Many of these products were imported from China. Demand for such products here in the United States is leading directly to the elimination of these species in their native habitat overseas. This trade must end.

To curb this trade we need effective labeling laws and we must ban all products containing or claiming to contain ingredients derived from endangered species. Many products which advertise ingredients such as rhino horn or tiger parts do not even contain trace amount of these endangered species. However, the mere fact that they are on store shelves leads to increased demand for the real stuff. In addition, these products have been tested in the United States by the Food and Drug Administration and have been found to contain toxic metals that are harmful to human health if taken in the doses found in many traditional medicines. A ban on products containing ingredients from endangered species as well as those claiming to contain endangered species parts is vital to protect human health and to maintain the few remaining rhinos, tigers and bears in their wild habitat.

My legislation will make it illegal to even intend to sell a product containing an endangered species. Today, Fish and Wildlife investigators are overwhelmed trying to control the illegal sale of endangered species parts and products. This bill will allow investigators to completely halt the sale of products labeled as containing endangered species.

I am a strong proponent of the protection and conservation of endangered species. If we do not act now, future generations will not be able to enjoy many of the species of wildlife now in existence. Currently there are insufficient legal mechanisms enabling the U.S. Fish and Wildlife Service to forcefully interdict and confiscate products that are labeled as containing endangered species and to prosecute the merchandisers once the products are on store shelves. This bill seeks to close a significant loophole in the illegal trade in products containing or claiming to contain ingredients from endangered species. My hope is that this legislation, when passed in the 105th Congress, will help curb the escalating trade in wildlife and endangered species parts and stem the decrease in the populations of some of the Earth's most magnificent animals.

By Mr. LEAHY (for himself and Mr. BIDEN):

S. 362. A bill to deter and punish serious gang and violent crime, promote accountability in the juvenile justice system, prevent juvenile and youth crime, and for other purposes; to the Committee on the Judiciary.

THE ANTI-GANG AND YOUTH VIOLENCE CONTROL ACT OF 1997

Mr. LEAHY. Mr. President, I rise to introduce the Anti-Gang and Youth Violence Control Act of 1997. This is the President's juvenile justice bill, and I am pleased to introduce it on behalf of the administration.

Like the Democratic leadership bill, S. 15, the President's Anti-Gang and Youth Violence Control Act includes important provisions to address the increases in juvenile crime and gang violence that we have seen over the past decade.

Just as we proposed measures in S. 15 to streamline the procedures for prosecuting violent juveniles, the President's bill would take steps to ensure that serious juvenile offenses are addressed quickly and efficiently by the courts.

In addition, the President's bill targets many of the same problems we addressed in S. 15, such as increasing the penalties for witness intimidation—a particular problem for prosecutors in gang cases—and improving the rights of the victims of juvenile crime to include restitution, notification of disposition, and greater public access to juvenile proceedings.

The President's bill also addresses the Federal Government's grant authority in the area of juvenile justice and delinquency prevention. I applaud the President for his reform-minded effort for improving the Federal Government's role in helping State and local authorities prevent juvenile crime and juvenile victimization. I look forward to working with the President and my colleagues on both sides of the aisle on this issue. It is important that we reach a bipartisan agreement on the role the Federal Government should play in this area as we move forward into the next century.

Certain sections of the administration's bill differ from S. 15, and I look forward to sorting out this and other differences in the proposals.

I commend President Clinton and the Department of Justice on their efforts to address the problems of gang and youth violence with the concrete proposals in this bill. I urge my colleagues to put partisan politics aside, to work together on finding constructive solutions to these problems. Our challenge is to resolve any differences in approach in ways that make sense and will work to reduce youth and gang violence.

As we proceed to meet this challenge, I know we will depend heavily on Senator BIDEN, our former chairman and ranking member of the Judiciary Committee and now the ranking member on the Youth Violence Subcommittee of the Judiciary Committee. He has worked hard and effectively on these issues in the past and, I thank him in advance for continuing to share his expertise on these important issues.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANTI-GANG AND YOUTH VIOLENCE ACT OF 1997—SECTION-BY-SECTION ANALYSIS

The Anti-Gang and Youth Violence Act of 1997 is a comprehensive federal effort to address the nation's youth and juvenile crime problem. This legislation contains many of the proposed amendments to the federal code that were contained in legislation introduced, but not enacted into law during the 104th Congress. This legislation also redesigns, refocuses, and enhances the federal government's role in relation to state, local and Indian tribal governments in combating and preventing juvenile and youth crime, violence, gang involvement, and drug use. Additionally, this legislation includes the authorization for several programs submitted by the President in his fiscal year 1998 budget request.

Title I—Findings, Policies, and Purposes

This title enumerates findings regarding juvenile crime and violence, as well as purposes tied to the various provisions of the legislation. Additional definitions are provided as needed.

Title II—Targeting Violent Gang, Gun and Drug Crimes

SUBTITLE A—FEDERAL PROSECUTIONS TARGETING VIOLENT GANGS, GUN CRIMES AND ILLICIT GUN MARKETS, AND DRUGS

Part 1—Targeting Gang and Other Violent Crimes

Section 2111. Increased penalties under the RICO law for gang and violent crimes.

This amendment would boost the penalty for certain crimes typically committed by gangs and other violent crime groups by eliminating an anomaly in the penalty provisions of the federal Racketeering Influenced and Corrupt Organizations statute (18 U.S.C. 1963(a)). Specifically, the amendment would increase the maximum penalty from twenty years to the greater of twenty years or the maximum term applicable to a racketeering activity on which the defendant's violation is based. This principle already applies under the RICO statute where the predicate racketeering activity carries a maximum life sentence. The present twenty-year maximum applicable to all other predicate racketeering offenses is anomalous in light of the fact that several of the predicate offenses that constitute "racketeering activity" themselves carry more than twenty-year (but less than life) maximum prison terms, *e.g.*, 18 U.S.C. 1344 (bank fraud) and 21 U.S.C. 841(b)(1)(B) (large-scale drug trafficking).

Section 2112. Increased penalty and broadened scope of statute against violent crimes in aid of racketeering.

This amendment would close loopholes in 18 U.S.C. 1959, the law punishing violent crimes in aid of racketeering. The statute presently and anomalously reaches *threats to commit any* crime of violence (with the requisite intent) but only the actual commission of *some* such crimes. The amendment also would clarify that the term "serious bodily injury" in 18 U.S.C. 1959 shall be defined as provided in 18 U.S.C. 1365.

This proposal also would increase penalties for certain violent crimes in aid of racketeering in recognition of the serious nature of such crimes and to bring the penalties in line with other penalties for similar crimes in title 18. First, the amendment would increase from a maximum of ten years' imprisonment to a maximum of life imprisonment a conspiracy or attempt to commit murder or kidnapping, in violation of 18 U.S.C. 1959. That statute punishes various violent offenses committed in aid of racketeering activity. The present ten-year maximum penalty for a conspiracy or attempt to commit murder or kidnapping in aid of racketeering is clearly inadequate. The maximum penalty for a conspiracy to commit a murder within the special maritime and territorial jurisdiction of the United States is life imprisonment, 18 U.S.C. 1117, as is the maximum penalty for a conspiracy to commit kidnapping, 18 U.S.C. 1201(c). Such acts when performed with the additional intent of furthering racketeering activity deserve no lesser punishment. Moreover, an attempt warrants an equivalent sanction as a conspiracy. Second, the amendment would increase from five years to ten years the maximum penalty for committing or threatening to commit a crime of violence under paragraph (4). Finally, the amendment would increase from three years to ten years the maximum penalty for attempting or conspiring to commit a crime involving maiming, assault with a dangerous weapon or assault resulting in serious bodily injury under paragraph (6).

Section 2113. Facilitating the prosecution of car-jacking offenses.

This section would eliminate an unjustified and unique scienter element created for the offense of carjacking by the enactment of section 60003(a)(14) of the Violent Crime Control and Law Enforcement Act. The carjacking statute, 18 U.S.C. 2119, essentially proscribes robbery of a motor vehicle. It punishes the taking of a motor vehicle that has moved in interstate or foreign commerce "from the person or presence of another by force and violence or by intimidation." The basic penalty is up to fifteen years' imprisonment but rises if serious bodily injury or death results.

Prior to the enactment of VCCLEA, the offense applied only if the defendant possessed a firearm. Section 60003(a)(14) of that law appropriately deleted the firearm requirement, as had been proposed in the Senate-passed bill, but in conference a new scienter element was added that the defendant must have intended to cause death or serious bodily injury. This unique new element will inappropriately make carjackings difficult or impossible to prosecute in certain situations. Robbery offenses typically require only what the carjacking statute formerly required by way of scienter, *i.e.*, that property be knowingly taken from the person or presence of another by force and violence or by intimidation. The Hobbs Act, 18 U.S.C. 1951, the quintessential federal robbery law which carries a higher maximum penalty than the carjacking statute, essential defines "robbery" in this manner. The new requirement of an intent to cause death or serious bodily harm will likely be a fertile course of argument for defendants in cases in which no immediate threat of injury occurs, such as where a defendant enters an occupied vehicle while it is stopped at a traffic light and physically removes the driver. Even when a weapon is displayed, the defendant may argue that although it was designed to instill fear, he had no intent to harm the victim had the victim in fact declined to leave the car.

Carjacking is one of the most serious types of robbery precisely because, unlike other person property, a car is a place where people are accustomed to feel safe and where they and their family spend hours of their lives. To give defendants who take cars from the person or presence of their occupants by force and violence or intimidation a new legal tool with which to resist their prosecution is unjustified. This new element should be eliminated as soon as possible from Section 2119. The proposed amendment would do so.

Section 2114. Facilitation of RICO prosecutions.

This amendment is intended to overcome decisions in the First and Second Circuits that require proof that a RICO conspiracy defendant agreed personally to commit at least two acts of racketeering activity. *United States* v. *Ruggiero*, 726 F. 2d 913, 921 (2d Cir.), *cert. denied*, 469 U.S. 831 (1984); *United States* v. *Winter*, 663 F. 2d 1120, 1136 (1st Cir. 1981), *cert. denied*, 460 U.S. 1011 (1981). *See also United States* v. *Sanders*, 929 F. 2d 1466, 1473 (10th Cir.), *cert. denied*, 112 S. Ct. 143 (1991). Virtually all other circuits have more recently rejected these holdings and have concluded that it is sufficient to show that the defendant joined the conspiracy and agreed that two or more racketeering acts would be committed by some conspirators on behalf of the enterprise. *See, e.g., United States* v. *Pryba*, 900 F. 2d 748, 759–60 (4th Cir. 1990); *United States* v. *Traitz*, 871 F. 2d 368, 395–96 (3 d Cir.), *cert. denied*, 493 U.S. 821 (1989); *United States* v. *Neapolitan*, 791 F. 2d 489, 491–98 (7th Cir. 1986), *cert. denied*, 479 U.S. 1101 (1987); *United States* v. *Joseph*, 781 F. 2d 549, 554–55 (6th Cir. 1986; *United States* v. *Tille*, 729 F. 2d 615, 619 (9th Cir.), *cert. denied*, 469 U.S. 845 (1984); *United States* v. *Carter*, 721 F. 2d 1514, 1528–31 (11th Cir.), *cert. denied*, 469 U.S. 819 (1984).

There is no reason to require that a defendant charged with RICO conspiracy personally commit racketeering acts. Standard conspiracy law does not contain such a requirement. *See, e.g., Pinkerton* v. *United States*, 328 U.S. 640, 645–48 (1946). It should be sufficient to show that the defendant joined the overall conspiracy and agreed to the commission of a pattern of racketeering activity by others on behalf of the conspiracy. This amendment resolves this conflict in the circuits.

Section 2115. Elimination of the statute of limitations for murder and Class A felonies.

This section makes important changes in federal law and will enhance the ability of federal prosecutors to bring serious offenders to justice. The first proposal relates to the prosecution of certain murders. Current law provides that no statute of limitations shall apply for the commission of a federal crime punishable by death. 18 U.S.C. §3281. This statute should be amended to further eliminate the statute of limitations for any federal offense involving murder, even if the crime does not carry the death penalty. The rationale behind this proposal is straightforward. Most states have no statute of limitations for murder. Moreover, the act of killing another person is so serious that no murderer should go unpunished simply because the government was unable to develop a case for many years.

By virtue of the 1994 Crime Act, most murders committed during the course of a federal offense are now punishable by the death penalty—and thus already have no statute of limitations. The 1994 Crime Act only applies, however, to murders committed on or after the Crime Bill was passed on September 13, 1994. The proposed legislation will help bridge this gap by eliminating the statute of limitations for murders committed within five years of the date of passage of the legislation and September 13, 1994. Furthermore, the Crime Act did not provide for the death penalty for murders committed in violation of the RICO statute. 18 U.S.C. §§1961 *et seq.* The proposed legislation would bridge another important gap by eliminating the statute of limitations for RICO offenses when murders are committed in furtherance of a racketeering enterprise.

The second proposal relates to the prosecution of certain violent crimes and drug trafficking crimes. Current law provides that the general federal five-year statute of limitations applies to non-capital crimes of violence and drug trafficking crimes. 18 U.S.C. §3282. This proposal extends to 10 years the statute of limitations for all crimes of violence and drug trafficking crimes (except for cases involving murder) currently classified as Class A felonies. Pursuant to 18 U.S.C. §3559, Class A felonies are the most serious federal crimes, which carry a maximum sentence of life imprisonment or death.

This proposal is necessary for several reasons. First, evidence of gang-related and other violent crimes, as well as drug trafficking crimes, often develops years after the crimes were committed because the organizations, gangs, and racketeering enterprises that typically perpetrate such crimes enforce strict codes of silence—through violence and threats of violence—on their members. Thus, some violent crimes and drug trafficking crimes are not solved until imprisoned defendants begin to cooperate after spending years behind bars—years in which the five-year statutes of limitations may have lapsed. Second, society's interest in repose and fairness to prospective defendants is greatly outweighed by society's interest in punishing those individuals who commit crimes that are so serious that Congress has imposed a maximum sentence of life imprisonment or death. Under current law, theft of major art work carries a 20-year statute of limitations (18 U.S.C. §3294), and most white-collar crimes involving financial institutions (*e.g.*, theft of money by a bank teller) carry a 10-year statute of limitations (18 U.S.C. §3293). Given that Class A crimes of violence and drug trafficking crimes generally are at least as harmful to society as these offenses, there is no reason for these Class A felonies to carry such a relatively short statute of limitations.

Section 2116. Forfeiture for crimes of violence, racketeering, and obstruction of justice.

This section extends the forfeiture statutes to cover all crimes of violence plus the racketeering crimes set forth in Chapter 95 (18 U.S.C. §1951–60), including extortion, murder-for-hire, and violent crimes in aid of racketeering, and the obstruction of justice offenses set forth in Chapter 73 (18 U.S.C. §1501–17). Presently, there is no forfeiture authority for such offenses except when they are included in a RICO prosecution.

Part 2—Targeting Serious Gun Crimes and Protecting Children from Gun Violence

Section 2121. Gun ban for dangerous juvenile offenders.

This amendment would make it unlawful for any person adjudicated a juvenile delinquent for serious violent felonies or drug crimes to receive or possess firearms. It would also make it unlawful for any person to sell or otherwise dispose of any firearm to any person knowing or having reasonable cause to believe that the recipient has been adjudicated a juvenile delinquent for such crimes. Under current law, persons adjudicated juvenile delinquent, even for the most serious crimes, *e.g.*, murder, may receive and possess firearms as adults. This amendment will ensure that such juveniles will be ineligible to possess firearms after the finding of juvenile delinquency.

The disability will only apply to the most serious drug offenses and violent crimes, as enumerated in the recently enacted "three-strikes" law (but because it would otherwise be impossible to administer, the proposed statutory reference incorporates the basic offenses enumerated in paragraph (c)(2) of section 3559, without the exceptions set forth in paragraph (3)). In addition, this amendment will only apply to findings of acts of juvenile delinquency that occur after the effective date of the statute. Thus, persons who have acted or been adjudicated delinquent prior to the effective date will not be subject to this disability. Adjudicated delinquents would be permitted under the proposal to have their firearms rights restored based upon an individualized determination by an appropriate authority of the state of their suitability for such restoration.

The proposal also would make a conforming change to the restoration of rights statute affecting adult convictions. One of the most serious problems today hindering enforcement of a federal firearms statutes arises from the definition of "conviction" in 18 U.S.C. 921(a)(20). Under 18 U.S.C. 922(g), it is unlawful for a convicted felon to possess a firearm. Section 922(g) violations also serve as the basis for the mandatory penalties applicable under the Armed Career Criminal Act, 18 U.S.C. 924(e), for 922(g) violators with three or more crime of violence or serious drug trafficking convictions. What is a "conviction" is therefore vital to the enforcement of these important provisions.

Prior to the 1986 Firearms Owners' Protection Act, a conviction for purposes of federal firearms prohibitions was a question of federal, not state, law. Federal law provided that once an individual was convicted of a felony, that person remained under a federal firearms disability irrespective of state laws purporting to restore the person's rights to possess firearms. Offenders could apply for relief from firearms disabilities to the Secretary of the Treasury. The 1986 Act, however, changed this policy and provided, in 18 U.S.C. 921(a)(20), that a conviction for which a person has had civil rights restored generally "shall not be considered a conviction" under federal firearms statutes.

The 1986 amendment has had adverse effects from the standpoint of public safety. This results from the fact that about half the states have laws that provide for some form of automatic firearms rights restoration, including several states that provide for such restoration after a waiting period, and at least one state that automatically restores firearms possession rights immediately upon completion of a felon's sentence, so that the felon is enabled to walk directly out of prison into a gun dealer's establishment and legally arrange to purchase a firearm. Other states make restoration of rights automatic except for certain categories of felons (typically those convicted of violent crimes), while still other states make restoration automatic for some types of firearms but not others.

Under the proposed amendment, state laws restoring firearms rights would continue to be recognized for federal firearms enforcement purposes, but only if the restoration of rights was done on an individualized rather than an automatic basis, including a determination that the circumstances of the person's conviction, and his or her record and reputation, make it unlikely that the person will endanger public safety. The Federal Government should not give effect to state restoration of rights statutes that provide for no individualized consideration of the offender's likelihood of committing future crimes. About half the states currently restore firearms rights only after such an individualized review. The remaining states need not change their laws if they do not wish to do so, but the Congressional policy underlying the federal felon-in-possession prohibition in 18 U.S.C. 922(g) should not be deemed superseded by a state law that automatically restores a felon's firearms rights. Such automatic restoration laws insufficiently protect the public safety, not only in the states that provide for such automatic restoration but in other states to which the convicted felon may travel.

The proposed amendment also includes a provision, in the final sentence, that would reverse the outcome in *United States v. Indelicato*, 97 F.3d 627 (1st Cir. 1996). The Court there held, contrary to other courts of appeals, that where a state had never deprived a convicted felon of his or her civil rights as a result of the conviction, that person was to be considered as if the state had "restored" such rights. Whether or not this interpretation is deemed correct under the current law, as a matter of policy it makes sense to require a state to make an individualized determination of suitability to possess firearms in every case involving a conviction of a state crime punishable by more than one year in prison.

Section 2122. Locking devices for firearms.

The amendment would require Federal firearms licensees, other than licensed collectors, to provide a locking device with every firearm sold to a nonlicensee. The term "locking device" would be defined as a device that can be installed on a firearm that prevents the firearm from being discharged without removing the device. It would also include firearms being developed which can "identify" their lawful possessor by the use of a personal electronic "key", palmprint, or other identifier. The provision is intended to provide added safety to gun owners and to prevent accidental discharges that can result when children gain access to firearms.

Section 2123. Enhanced penalties for discharging or possessing a firearm during a crime of violence or drug trafficking crime.

In *Bailey v. United States*, ___ U.S. ___, 116 S. Ct. 501, 133 L. Ed. 2nd 472 (1995), the Supreme Court put a restrictive interpretation of the verb "use" in relation to a firearms violation under 18 U.S.C. §924(c), finding that an offender only "uses" a firearm if the weapon is "actively employed" in connection with a criminal act. The legislative proposal makes it clear that the statute punishes possession of a firearm, as well as its "use." Under the proposal, possession of a firearm during the commission of a violent crime or drug felony will result in a 5-year mandatory minimum penalty. Offenders will receive a 10-year mandatory minimum penalty if during the commission of a drug felony or violent crime, the offender discharges the firearm or uses it to inflict bodily harm.

Section 2124. Juvenile handgun possession.

This proposal would increase the penalties for violations of 18 U.S.C. 922(x), which makes it unlawful for a person to transfer a handgun to a juvenile or for a juvenile to possess a handgun. Existing law provides a penalty of not more than one year for violations of Sec. 922(x) and, if the person transferring the handgun to the juvenile knew that the handgun would be used in a crime of violence, a penalty of not more than 10 years. Existing law also provides for probation by juvenile offenders, unless the juvenile has been previously convicted of certain offenses or adjudicated as a juvenile delinquent.

The proposal would eliminate probation as a mandatory sentence for juveniles. Thus, juveniles would be sentenced to a penalty of not more than one year or, if previously convicted under this section or adjudicated delinquent for an act that would be a serious violent felony under 18 U.S.C. 3559(c) if committed by an adult, sentenced to up to five years' imprisonment. The proposal also increases the penalty for adults who transfer handguns to juveniles knowing that they intend to use it in the commission of a crime of violence to not less than three years nor more than 10 years (currently only the ten-year maximum applies).

Section 2125. Increased penalty for firearms conspiracy.

This section would amend the firearms chapter of title 18 to provide that a conspiracy to commit any violation of that chapter is punishable by the same maximum term as that applicable to the substantive offense that was the object of the conspiracy. An identical amendment was enacted to the explosives chapter of title 18 by section 701 of the Anti-Terrorism and Effective Death Penalty Act of 1996 (P.L. 104–132). This also accords with several other recent congressional enactments, including 21 U.S.C. 846 (applicable to drug conspiracies) and 18 U.S.C. 1956(h) (applicable to money laundering conspiracies). This trend in federal law, which is emulated in the penal codes of many States, recognizes that, as the Supreme Court has observed, "collective criminal agreement—partnership in crime—presents a greater potential threat to the public than individual delicts." *Callanan* v. *United States*, 364 U.S. 587, 593 (1961); *accord*, *United States* v. *Feola*, 420 U.S. 671, 693–94 (1975).

Part 3—Targeting Illicit Gun Markets

Section 2131. Certain gang-related firearms offenses as RICO predicates

The proposed amendment would add a number of title 18 firearms offenses that are related to gang activity to the RICO statute. A brief description of the covered offenses is as follows: 922(a)(1) (illegally engaging in business of dealing in firearms); (922(a)(6) (knowingly making false statement to a licensee in order to acquire a firearm); 922(i) (transporting a firearm in interstate or foreign commerce knowing it to have been stolen); 922(j) (possession or disposition of a firearm or ammunition knowing it to have been stolen); 922(k) (transporting or receiving a firearm interstate with an obliterated serial number); 922(o) (unlawful possession or transfer of a machinegun); 922(g) (unlawful possession of a firearm that affects or has moved in interstate commerce in a school zone); 922(u) (theft from a licensee of a firearm that has moved in interstate commerce; 922(v) (illegal transfer or possession of a semiautomatic assault weapon); (922(x)(1) sale or transfer of a firearm to a person known to be a juvenile); 924(b) (transporting or receiving a firearm in interstate commerce with intent to commit therewith a felony); 924(g) (traveling interstate to acquire a firearm, with intent to commit a crime of violence, drug trafficking offense, or other enumerated felony); (24(h) (transferring a firearm with knowledge it will be used to commit a crime of violence or drug trafficking offense); 924(k) (smuggling a firearm into the United States with intent to commit a crime of violence or drug trafficking offense); 924(l) (theft of a firearm from a licensee); and 924(m) (traveling in interstate or foreign commerce to acquire a firearm, with intent to engage illegally in business of dealing in firearms).

Section 2132. Felony treatment for offenses tantamount to aiding and abetting unlawful purchases

This proposal would increase the punishment for the most serious record keeping violations committed by federal licensees, which are tantamount to aiding and abetting unlawful deliveries or purchases of firearms, to the same level of offense as that committed by the unlawful provider or receiver. Sections 922(b) (1) and (3) proscribe sales of firearms known to be juveniles or to reside out of State, respectively. Each carries a five-year maximum sentence for a willful violation under 18 U.S.C. 924(a)(1)(D). Sections 922(a)(6) and (d) proscribe, respectively, making false statements to a licensee in relation to the acquisition of a firearm, and knowingly selling a firearm to a convicted felon or other prohibited category of firearm recipient. Each is punishable by up to ten years' imprisonment.

At present, all record keeping violations by licensees are misdemeanors carrying a maximum of one year in prison. This is insufficient in the above situations, where the knowingly false record keeping entry is very serious and closely associate with or in the nature of aiding and abetting a violation involving the provision of a firearm to a person not entitled to obtain it. Accordingly, the amendment would increase the penalty for such record keeping violations to the same as that would attach to the underlying violation.

Section 2133. Secure storage of firearms inventories

This amendment would require Federal firearms licensees other than collectors and gunsmiths to store their firearms inventory in accordance with regulations issued by the Secretary. The purpose of the amendment is to provide security requirements for the firearms industry. Thefts of firearms from dealers is a growing problem and contributes to the number of firearms available to juvenile youth gangs and other criminals. In issuing the storage regulations, the Secretary would be required to consider the standards of safety and security used by the firearms industry. The industry, as well as other interested persons, could participate in the rulemaking process and have input into the regulations.

Section 2134. Suspension of federal firearms licenses and civil penalties for willful violations of the Gun Control Act

Under current law, the only available administrative remedies to deal with licensees' violations are the extreme measures of denying license renewal applications and license revocation. There may be certain minor violations of the Gun Control Act, *e.g.*, failure to timely record information in required records, that may not warrant license revocation or license denial. This amendment provides new administrative sanctions, less severe than current administrative remedies, including license suspension, civil money penalties, and authority to accept monetary offers in compromise of violations of the law and regulations.

Section 2135. Transfer of firearm to commit a crime of violence

Present 18 U.S.C. 924(h) makes it unlawful to transfer a firearm "knowing" that the firearm will be used to commit a crime of violence or drug trafficking crime. However, 18 U.S.C. 924(b) makes it unlawful to transport or receive a firearm in interstate commerce "with knowledge or reasonable cause to believe" that any felony is to be committed therewith. Both statutes carry the same maximum penalty.

There is no plausible reason why section 924(h) is limited to instances in which the actor has knowledge that a crime of violence or drug trafficking crime will be committed, as opposed to having "reasonable cause to believe" that such is the case. Indeed, the offenses covered by section 924(h)—violent felonies and drug trafficking felonies—are inherently more serious than the offenses covered by section 924(b), which extends to all felonies. Accordingly, this section would conform the scienter element in section 924(h) by adding "reasonable cause to believe" to that statute.

Section 2136. Increased penalty for knowingly receiving firearm with obliterated serial number.

The current maximum penalty for knowingly receiving a firearm with an obliterated or altered serial number in violation of 18 U.S.C. 922(k) is five years. This offense is tantamount to that of receiving a firearm known to be stolen. However, the latter carries a maximum penalty of ten years. Accordingly, this amendment would increase the maximum penalty for receiving a firearm with an obliterated or altered serial number to ten years.

Section 2137. Amendment to the Sentencing Guidelines for transfers of firearms to prohibited persons.

The proposed amendment would require the United States Sentencing Commission to provide an increase in the base offense level for certain firearms violators under sentencing guideline section 2K2.1. The increase should assure that the base offense level for a person who transfers firearms or ammunition with knowledge or reasonable cause to believe that the transferee is a convicted felon or otherwise in a prohibited category is the same as that for the transferee. Under Federal law the offense of selling or disposing of a firearm or ammunition to any person knowing or having reasonable cause to believe that the person is in a prohibited category is punishable by a maximum term of imprisonment of 10 years—the same penalty that applies to the transferee. *See* 18 U.S.C. §§922(d), 922(g) and 924(a)(2).

The sentencing guidelines provide that a prohibited person who engages in a firearm offense is subject at least to offense level 14. Thus, for example, a convicted felon who unlawfully acquires a firearm in violation of section 922(g) of title 18, United States Code, would face a sentencing range of 18–24 months of imprisonment if his past conviction resulted in a sentence of imprisonment of 60 days or more. However, the transferor currently faces a guideline offense level of just 12 (10–16 months of imprisonment for a first offender, which can result in five months of imprisonment and five months of supervised release with home confinement). The transferor in this case should be subject to offense level 14, like the transferee.

Guideline section 2K2.1 also provides an offense level of 20 for a prohibited person whose offense involved a machinegun or certain other dangerous firearms. The proposed directive would require the Sentencing Commission to make this offense level applicable to the transferor of such a weapon if the transferor knows or has reasonable cause to believe that the transferee is in a prohibited category. However, the sentencing guidelines currently provide additional base offense level increases in the case of defendants who have prior felony convictions of either a crime of violence or controlled substance offense, §2K2.1(a)(1), (2), (3), and (4)(A). The directive to the Sentencing Commission specifically exempts these additional increases from its requirements.

Section 2138. Forfeiture of firearms used in crimes of violence and felonies.

The amendment adds the authority to forfeit firearms used to commit crimes of violence and all felonies to 18 U.S.C. §§981 and 982. This authority would be in addition to the authority already available to Treasury agencies under 18 U.S.C. §924(d).

The purpose of the amendment is (1) to provide for criminal as well as civil forfeiture of firearms; and (2) to permit forfeiture actions to be undertaken by Department of Justice law enforcement agencies who have authority to enforce the statutes governing crimes of violence but who do not have authority to pursue forfeitures of firearms under the existing statutes.

Section 924(d) of title 18 already provides for the civil forfeiture of any firearm used or involved in the commission of any "criminal law of the United States." The statute, however, is enforced only by the Treasury Department and its agencies; it provides no authority for the FBI, for example, to forfeit a gun used in the commission of an offense over which it has sole jurisdiction. Moreover, §924(d) provides for civil forfeiture only.

Subsection (d) adds a provision to 18 U.S.C. §924(d) intended to permit the Bureau of Alcohol, Tobacco and Firearms to forfeit property that otherwise would have to be forfeited by another agency. Under §924(d), ATF is presently authorized to forfeit a firearm used or carried in a drug trafficking crime. Property involved in the drug offense itself, such as drug proceeds, may also be forfeitable under the Controlled Substances Act, 21 U.S.C. §881, but ATF does not presently have authority to forfeit property under that statute and has to turn the forfeitable property over to another agency. The amendment does not expand the scope of what is forfeitable in any way, but does allow the forfeiture to be pursued by ATF when the agency is already involved in the forfeiture of a firearm in the same case.

Finally, subsection (e) clarifies an ambiguity in the present statute relating to the 120-day period in which a forfeiture action must be filed. Presently, the statute says that a forfeiture proceeding must be filed within 120 days of the seizure of the property. This was intended to force the government to initiate a forfeiture action promptly. In one case, however, where the government did initiate an administrative forfeiture action within the 120-day period, the claimant filed a claim and cost bond which required the government to begin the forfeiture action over again by filing a formal civil judicial proceeding in federal court. The claimant then moved to dismiss the judicial proceeding because the complaint was filed outside the 120-day period.

The court granted the motion to dismiss because the literal wording of §924(d) requires *any* forfeiture action against the firearm to be filed within 120 days of the seizure. *United States* v. *Fourteen Various Firearms*, ___ F. Supp. ___, 1995 WL 368761 (E.D. Va. June 19, 1995). This interpretation, however, leads to unjust results in cases where the government promptly commences an administrative forfeiture action but the claimant waits the full time allotted to him to file a claim. (Under Section 101 of this Act, the claimant would have 30 days from the date of publication of notice of the administrative forfeiture action to file a claim, which is likely to be several months after the seizure even if the government initiated the administrative forfeiture almost immediately after the seizure.) In such cases, Congress could not have intended the 120-day period for filing a *judicial* complaint to count from the date of the seizure; indeed, it is often the case that the claimant doesn't even file the claim until more than 120 days have passed. Thus, the amendment clarifies the statute to make clear that the government must initiate its *administrative forfeiture* proceeding within 120 days of the seizure and then will have 120 days from the filing of a claim, if one is filed, to file the case in federal court. The amendment also tolls the 120-day period during the time a related criminal indictment or information is pending.

Section 2139. Forfeiture for gun trafficking

This section provides for the forfeiture, under 18 U.S.C. §§981 and 982, of vehicles used to commit gun trafficking, such as transporting stolen firearms, and for the proceeds of such offenses. The provision is limited to instances in which five or more firearms are involved, thus making it clear that it is not intended to be used in instances where an individual commits a violation involving a small number of firearms in his or her personal possession.

Part 4—Targeting Serious Drug Crimes and Protecting Children From Drugs

Section 2141. Increased penalties for using minors to distribute drugs

This provision would amend Section 420 of the Controlled Substances Act (21 U.S.C. 861) to increase the current mandatory minimum penalty for using or employing minors to distribute drugs from one year to three years. Similarly, the provision would increase the mandatory minimum penalty for a second or subsequent violation of this statute from one year to five years. The proposed increases are necessary to punish persons who use or employ minors to distribute illegal drugs and to deter others from engaging in such reprehensible conduct.

Section 2142.1 Increased penalties for distributing drugs to minors

This provision would amend Section 418 of the Controlled Substances Act (21 U.S.C. 859) to increase the minimum penalty for distributing drugs to minors from one year to three years for a first offense, and from one year to five years for a second or subsequent offense. The proposal would also alter the age of the minor that triggers these penalties. Under the proposed amendment, the penalties would apply whenever a person at least eighteen years of age distributes drugs to a person under eighteen. Presently, the statute punishes a person at least eighteen who distributes drugs to a person under twenty-one, thus reaching some transactions in which the buyer is significantly older than the seller. This makes little sense and is inconsistent with the companion statute, 21 U.S.C. 861, which punishes persons who employ minors to distribute drugs. The proposed amendment would bring section 859 into conformity with section 861.

Section 2143.1 Increased penalties for drug trafficking in or near a school or other protected location

This provision would amendment Section 419 of the Controlled Substances Act (21 U.S.C. 860) to increase the mandatory minimum penalty for distributing drugs in or near a school or other protected location. The provision also would increase the mandatory minimum penalty for second and subsequent offenses from one to five years. The increased penalties for drug trafficking in or near schools or other protected locations are consistent with the other proposed penalty increases in this legislation and are aimed at protecting children from drug trafficking and abuse, punishing drug dealers who target children, and deterring others who might engage in such conduct.

Section 2144.1 Serious juvenile drug trafficking offenses as Armed Career Criminal Act predicates

This section would amend the Armed Career Criminal Act (ACCA), 18 U.S.C. §924(e)(2)(A), to permit the use of an adjudication of juvenile delinquency based on a serious drug trafficking offense as a predicate offense under that Act. The ACCA targets for a lengthy period of at least 15 years' imprisonment those felons found in unlawful possession of a firearm who have proven records of involvement in serious acts of misconduct involving drugs and violence.

Section 2145. Attorney General authority to reschedule certain drugs posing imminent danger to public safety.

Under existing law, the Attorney General is empowered to add temporarily a substance to Schedule I of the Controlled Substances Act when necessary to respond to an imminent danger to public safety. *See* 21 U.S.C. 811(h). However, the Attorney General is not authorized to reschedule a substance that already has been placed on one of the schedules of the Controlled Substances Act. Once a substance has been added to one of the schedules, any rescheduling of that substance must be done pursuant to the standard procedures for scheduling or rescheduling a substance. Under the standard procedures, the rescheduling of a substance can take several years.

The proposal would extend the Attorney General's existing authority to schedule a substance on an emergency basis to include the *re*scheduling of an already scheduled drug to Schedule I. This authority will give the Attorney General to respond to public health crises involving scheduled substances, such as the rapidly escalating abuse of rohypnol, a Schedule IV drug with no approved medical uses in the United States.

The proposal contains the same limitations and procedures as apply to the Attorney General's existing emergency scheduling authority. The Attorney General could temporarily reschedule a substance only for one year, with the possibility of a one-time six month extension under certain circumstances. In addition, the Secretary of Health and Human Services would continue to have a formal role in advising the Attorney General in any proposed rescheduling.

Section 2146. Increased penalties for using federal property to grow or manufacture controlled substances.

This provision would increase the penalty for cultivating or manufacturing a controlled substance on federally owned or leased land. A significant amount of the domestic marijuana crop is grown on federal lands and a substantial number of methamphetamine laboratories also have been discovered on federal lands. Federal law enforcement agencies believe that the use of federal lands for cultivating and manufacturing controlled substances has increased because there is no possibility that the land will be forfeited as is the case if the cultivation or manufacture took place on private property.

Section 2147. Clarification of length of supervised release terms in controlled substance cases.

This section resolves a conflict in the circuits as to the permissible length of supervised release terms in controlled substance cases. Under 18 U.S.C. 3583(b), "[e]xcept as otherwise provided," the maximum authorized terms of supervised release are 5 years for Class A and B felonies, 3 years for Class C and D felonies, and 1 year for Class E felonies and certain misdemeanors. The drug trafficking offenses in 21 U.S.C. 841 prescribe special supervised release terms, however, that are longer than those applicable generally under section 3583(b). Those longer terms, which may include lifetime supervised release, were enacted in 1986 in the same Act which inserted the introductory phrase "Except as otherwise provided" in section 3583(b). Because of this clear legislative history and intent, two courts of appeals have held that section 3583(b) does not limit the length of supervised release that may be imposed for a violation of 21 U.S.C. 841 when a greater term is there provided. *United States v. LeMay*, 952 F.2d 995, 998 (8th Cir. 1991); *United States v. Eng*, 14 F.3d 165, 172–3 (2d Cir. 1994. One court of appeals, however, has reached the opposite result, holding that the length of a supervised release term that can be imposed for controlled substance cases is limited by 18 U.S.C. 3583(b). *United States v. Gracia*, 983 F.2d 625, 630, (5th Cir. 1993); *United States v. Kelly*, 974 F.2d 22, 24–5 (5th Cir. 1992).

Although the issue has not arisen with frequency, the conflict is entrenched and should be dealt with definitively. Accordingly, the amendment would add the words "Notwithstanding section 3583 of title 18" to the title 21 controlled substance offenses in the parts of those statutes dealing with supervised release to make clear that the longer terms there prescribed control over the general provision in section 3583.

Section 2148. Technical correction to assure compliance of sentencing guidelines with provisions of all federal statutes.

This section would amend 28 U.S.C. 994(a) to assure that sentencing guidelines promulgated by the United States Sentencing Commission are consistent with the provisions of all federal statutes. Currently, section 994(a) contains a requirement of consistency only with statutes in titles 28 and 18 of the United States Code. No discussion of this somewhat peculiar limitation appears in the legislative history, see S. Rep. No. 98–225, 98th Cong., 1st Sess., p. 163 (1983). The limitation seems to have been based on the mistaken assumption that all provisions pertinent to the promulgation of sentencing guidelines were contained in those two titles. However, other provisions, such as mandatory minimum sentences in title 21, are relevant and clearly are meant to act as constraints on the guidelines. This amendment will insure that guidelines are not created that are inconsistent with the provisions of any relevant enactment of Congress.

Section 2149. Drug testing, treatment, and supervision of incarcerated offenders.

This section amends Section 20105(b) of the Violent Offender Incarceration/Truth-In-Sentencing (VOI/TIS) grant program of the Violent Crime Control and Law Enforcement Act of 1994 by adding the language at Section 20105(b)(1)(B) and Section 20105(b)(2). The victims' rights language at Section 20105(b)(A) is current law as Section 20105(b).

The amendment adds several requirements to the conditions a state must meet in order to receive funding under the VOI/TIS program. First, the state must by September 1, 1998, have a plan for drug testing/monitoring and treatment for violent offender housed in their corrections facilities. This plan needs to include sanctions for inmates who test positive. Second, the language at (2) would permit the state to use funds received under the VOI/TIS program to pay the costs of the testing and treatment required under (B). Currently the provisions at (B) are found in the Conference Report H. Rpt. 104–863 that accompanies the Department's fiscal year 1997 appropriations act. The language at (2) is not included. The goal of the amendment is to make the language at (B) permanent and add the language at (2) by amending the underlying law.

SUBTITLE B—GRANTS TO PROSECUTORS' OFFICES TO TARGET GANG CRIME AND VIOLENT JUVENILES

This subtitle amends Section 31702, "Community-Based Justice Grants for Prosecutors," of Title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) to respond to the increase of violent juvenile offenders and the rate of gang-related juvenile crime. This subtitle provides needed resources for state and local prosecutors to facilitate the prosecution of violent and serious juvenile offenders. There is no existing comparable legislative text and programs previously authorized to assist prosecutors have not been appropriated. As part of the President's fiscal year 1998 budget proposal, this program is authorized for appropriations of $100,000,000 for fiscal year 1998 and $100,000,000 for fiscal year 1999.

Specifically, the legislation expands authority to: hire additional prosecutors to reduce prosecutorial backlogs; enable prosecutors to more effectively prosecute youth drug, gang, and violence problems; supply the technology, equipment, and training to assist prosecutors in reducing the rate of youthful violent crime while increasing the rate of successful identification and rapid prosecution of young violent offenders; and assist prosecutors in their efforts to engage in community-based prosecutions, problem solving, and conflict resolution techniques through collaborative efforts with law enforcement officials, school officials, probation officers, social service agencies, and community organizations.

There is also a two percent set aside of all funds appropriated under this Part to be set aside for "training and technical assistance" consistent with the above-mentioned purposes. Similarly, 10 percent is taken "off the top" of all funds appropriated under this Part to be set aside for research, statistics, and evaluation" consistent with these purposes. Numerous jurisdictions have requested training and technical assistance as a priority need. Additionally, through the introduction of various bills, Congress has evidenced its support for enhanced research, statistics, and evaluation.

SUBTITLE C—GRANTS TO COURTS TO ADDRESS VIOLENT JUVENILES

Subtitle C establishes federal grant funding for states, units of local government, and Indian tribal governments to use in developing and implementing innovative initiatives to increase levels of efficiency, expediency, and effectiveness with which juvenile and youths are processed and adjudicated within the criminal and juvenile justice system. This is a new grant authority to assist state, local, and tribal courts, including probation and parole offices, public defenders, and victim/witness service providers, to respond to violent and serious youthful offenders.

This subtitle amends Section 21062 of Subtitle F of Title XXI of the "Violent Crime Control and Law Enforcement Act of 1994" (42 U.S.C. 14161), that currently provides assistance to state and local courts. This subtitle reintroduces the Administration's State and Local Courts Assistance Program Act to authorize the establishment of the juvenile gun courts, drug courts, other specialized courts, and innovative programs to better deal with the adjudication and prosecution of juveniles. As part of the President's fiscal year 1998 budget proposal), this program is authorized for appropriations of $50,000,000 for fiscal year 1998.

TITLE III—PROTECTING WITNESSES TO HELP PROSECUTE GANGS AND OTHER VIOLENT CRIMINALS

Section 3001. Interstate travel to engage in witness intimidation or obstruction of justice.

This section would amend the Travel Act (18 U.S.C. 1952) to add witness bribery, intimidation, obstruction of justice, and related conduct in State criminal proceedings to the list of predicates under the Travel Act (18 U.S.C. 1952). Recent studies demonstrate that witness intimidation is one of the most serious impediments to the prosecution of violent street gangs and drug trafficking organizations in State courts. This amendment responds to the growing witness intimidation problem by authorizing federal prosecution of persons who travel in interstate commerce with the intent to bribe or intimidate a witness, obstruct a criminal proceeding, or engage in related conduct.

Section 3002. Expanding pretrial detention eligibility for serious gang and other violent criminals.

This section would make three amendments to the pretrial detention statutes designed to enhance the ability, in appropriate circumstances, to use these statutes in prosecutions against gang members and against other violent criminals. Under the Bail Reform Act, 18 U.S.C. 3141 et seq., defendants charged with certain offenses can be detained pretrial if the court concludes there is clear and convincing evidence that no condition or combination of conditions of release will adequately assure the safety of any other person and the community. See 18 U.S.C. 3142 (e) and (f). The kinds of charges that permit such detention on grounds of the defendant's dangerousness include certain serious drug trafficking offenses and a "crime of violence". They also include any felony if the defendant has previously been convicted of two or more crimes of violence or serious drug trafficking offenses.

The first proposal would add a definition of the term "convicted" to include adjudications of juvenile delinquency. Thus, it would permit pretrial detention, upon the requisite showing, of persons charged with any felony, e.g., interstate transportation of a stolen automobile, who had two or more prior violent or drug convictions, including juvenile delinquency adjudications for such conduct. This should facilitate the use of pretrial detention when appropriate against young career offenders such as gang members.

The second proposed amendment relates to the definition of "crime of violence" in 18 U.S.C. 3156(a)(4). That definition reaches offenses: (A) that have as an element the use or attempted or threatened use of physical force, (B) any other felony offenses that, by their nature, involve a substantial risk that physical force may be used in the course of their commission, and (C), by virtue of an amendment in the 1994 crime bill, any felony under chapter 109A or 110 (which proscribe sex offenses and child pornography).

It is not clear whether the offenses of possession of explosives or firearms by convicted felons qualify as "crimes of violence" under the second or (B) branch of the definition. What little case law exists suggests that they do. *See United States* v. *Sloan*, 820 F. Supp. 1133, 1136–41 (S.D. Ind. 1993); *United States* v. *Aiken*, 775 F. Supp. 855 (D. Md. 1991). See also, *United States* v. *Dodge*, 846 F. Supp. 181 (D. Conn. 1994). The *Sloan* court noted that, although the Supreme Court held in *United States* v. *Stinson*, 113 S. Ct. 1913 (1993), that a similar definition of "crime of violence" in the sentencing guidelines did not encompass the felon-in-possession statutes, because the Sentencing Commission had promulgated a policy statement to that effect, the bail statutes serve a very different purpose from sentencing enhancements and should be more broadly construed to protect the public from continued endangerment by convicted felons charged with a new offense of weapon possession. (Prior to the Commission's policy statement, the courts were divided as to whether a violation of 18 U.S.C. 922(a) was a crime of violence for sentencing purposes). This proposed amendment would codify the result reached in *Sloan*. It would not mandate pretrial detention but would permit the government to show, in the case of a convicted felon such as a gang member charged with violating the certain explosives or firearms statutes, that no one or more conditions of release would be adequate to safeguard society.

The third proposed amendment would make membership or participation in a criminal street gang, racketeering enterprise, or other criminal organization a factor to be considered by courts in making bail determinations. Presently, many other personal history and characteristics of the individual charged are required to be considered in making bail decisions, such as prior convictions, drug abuse, and whether the alleged offense was committed while on parole, probation, or other form of release pending criminal trial. Clearly, gang or organized crime group membership is a relevant factor that bears both on dangerousness and risk of flight and that courts should take into account in making bail determinations. The amendment is not intended to impinge on rights of freedom of association but rather to reach membership or participation in those organizations that exist, at least in part, for the purpose of committing crimes or depriving third parties of their lawful rights. See *Madsen* v. *Women's Health Center, Inc.* 114 S. Ct. 2516, 2530 (1994).

Section 3003. Conspiracy penalty for obstruction of justice offenses involving victims, witnesses, and informants.

Increasingly typical of many criminal gangs is violence directed at silencing or retaliating against witnesses or potential witnesses and informants. 18 U.S.C. 1512 and 1513 set forth offenses and penalties that, generally speaking, adequately deter and punish such offenses. However, a conspiracy to engage in witness intimidation or retaliation in violation of these statutes is punishable only under the catchall conspiracy statute, 18 U.S.C. 371, which carries a maximum prison term of only five years. This is clearly inadequate to vindicate an offense that involves, for example, a conspiracy to kill a witness or potential witness in a federal criminal proceeding. Such a conspiracy, if perpetrated upon the special maritime and territorial jurisdiction, would be punishable by up to life imprisonment. 18 U.S.C. 1117. This is consistent with the principle, recognized in some federal statutes and prevalent in modern State criminal codes, that a conspiracy warrants the same maximum penalty as the offense which was its object. This principle is reflected in several recently enacted federal statutes, including 21 U.S.C. 846 (drug conspiracies), 18 U.S.C. 1856(h) (money laundering conspiracies), and 18 U.S.C. 844(n) (explosives conspiracies). The proposed amendment in this section would apply this principle to 18 U.S.C. 1512 and 1513 and thus provide better protection from gang violence to witnesses and informants.

TITLE IV—PROTECTING VICTIM'S RIGHTS

Title IV contains two Sections that expand the rights and protections afforded to the victims of crime, particularly crimes committed by juvenile offenders and crimes committed against children. It should be noted that a number of other provisions of the Anti-Gang and Youth Violence Act of 1997 expand the rights and protections of crime victims. For example, the proposed Section 5002, which amends 18 U.S.C. 5032, would establish a rebuttable presumption that juvenile proceedings shall be open to victims and members of the public, with special protections and access afforded to crime victims. In addition, proposed Section 5037 would expand the allocution rights of crime victims, including the right to have input into the predisposition report prepared by the probation officer and the right to appear before the judge and be heard prior to an order of disposition.

Section 4001. Records of crimes committed by juvenile offenders.

The proposed Section 40001 would amend 18 U.S.C. 5038(a)(6) to correct an oversight in current law. The amendment affirmatively provides for a victim's or a victim's official representative's allocation at the dispositional phase of the juvenile proceeding. In addition, the new statutory language clarifies that communication is allowable with the victim about "the status or disposition of the [juvenile] proceeding in order to effectuate any other provision of [state or federal] law". This language clears up any ambiguity in current law by explicitly extending to victims of juvenile offenders the right to information about the juvenile proceeding that they might need or be entitled to under any other state or federal law, such as the victim's rights set out in 42 U.S.C. 10606. Thus, under this new language, victims of juvenile offenders would be treated like victims of adult offenders. For example, victims would be able: to know about the status of the proceedings and the release status of the offenders; to consult intelligently with the prosecutor; and to make a knowledgeable victim impact statement at the time of the disposition. In addition, if state law allows victim compensation or grants any other rights, this provision allows communication about the federal delinquency proceeding in order to effectuate those provisions.

Fingerprints and photographs of adjudicated delinquents found to have committed the equivalent of an adult felony offense or a violation of 18 U.S.C. 922(x) and 924(a)(6) (possession of a handgun by a juvenile) would be sent to the Federal Bureau of Investigation (FBI) and made available in the manner applicable to adult defendants.

The limited availability of juvenile criminal records is a serious concern in connection with violent and firearms offenses. In order to address this problem, the Department of Justice amended its regulations in 1992 to expand the ability of the FBI to receive and retain records from State courts for "serious and/or significant adult and juvenile offenses." 28 C.F.R. 2032. The proposed bill would further alleviate this problem by making corresponding changes in the statutory rules for reporting offenses by juveniles who are prosecuted federally. This amendment was passed in substance by the Senate in the 103rd Congress as Section 618 of H.R. 3355.

Further disclosure of records relating to a juvenile or a delinquency proceeding would be authorized if it would be permitted under the law of the State in which the delinquency proceeding took place. The proposal will allow for the development of State systems of graduated sanctions by making it possible for the court to take into account a juvenile's criminal history when imposing sentence. The records could also be used for analysis by the Department of Justice if so requested by the Attorney General.

Finally, the new Section 5038(c) would be amended to allow the disclosure of "necessary docketing data". This is necessary because the nationwide military justice system cannot process traffic tickets without disclosing some docketing information.

Section 4002. Victims of Child Abuse Act extension of authorizations.

This section extends the authorization of appropriations for programs under Subchapter I of the Victims of Child Abuse Act (42 U.S.C. 13001 *et seq.*). The programs authorized under VOCA include regional children's advocacy centers, local children's advocacy centers, and specialized training and technical assistance for state and local practitioners dealing with the prosecution of child abuse cases. These programs currently are administered by the Office of Juvenile Justice and Delinquency Prevention.

TITLE V—FEDERAL PROSECUTION OF SERIOUS AND VIOLENT JUVENILE OFFENDERS

Section 5001. Short title.

The amendments made in this title are designed to provide protection for the community and hold juveniles accountable for their actions. They will help ensure that prosecution of serious juvenile offenders is more swift and certain, and that punishment of juvenile offenders will be commensurate with the seriousness of the crimes committed.

Section 5002. Delinquency proceeding or criminal prosecutions in district courts.

Under current law, the decision to charge a juvenile as an adult for specified crimes is made by the United States district court as a result of a motion by the United States to transfer the juvenile for criminal prosecution. The offenses subject to this transfer authority are limited. Even more restrictive are the list of violent offenses for which a juvenile under 15 years of age can be transferred.

There is virtually universal agreement among federal prosecutors that the present system is cumbersome and has frequently inhibited them for seeking adult prosecution. Prosecutors who have sought the transfer of juveniles to adult status have experienced many difficulties in the application of an outmoded statute or have encountered judges personally opposed to the transfer of juveniles, even in cases involving very serious crimes. Moreover, there is a presumption under present law in favor of a juvenile adjudication, and a district court's decision to decline transfer to adult status may be reversed only upon a finding of abuse of discretion. *United States v. Juvenile Male #1*, 47 F.3d 68 (2d Cir. 1995). The result is a juvenile justice system which fails to provide an effective deterrent to juvenile crime and fails adequately to protect the public.

The proposed statute would amend 18 U.S.C. §5032 to greatly strengthen and simplify the process for prosecuting the most dangerous juveniles as adults in federal court. The legislation would bring federal law into conformity with that of many states by giving prosecutors, rather than the courts, the discretion to charge a juvenile alleged to have committed certain serious felonies as an adult or as a juvenile.

The proposed statute would retain the minimum age in existing law for prosecution of a juvenile as an adult but would expand the list of offenses with serious violent, gun or drug felonies. A number of states have similar statutes.

The legislation would, however, create a distinction between juveniles 16 years of age and older and those who are younger. Prosecution of juveniles 13 to 15 years of age at the time of the offense would require approval of the Attorney General or his or her designee at a level not lower than Deputy Assistant Attorney General. This internal Justice Department approval requirement (which would not be litigable) has been used in other types of particularly sensitive cases and would ensure that careful scrutiny and uniform standards are used in determining whether to bring criminal charges against very young juveniles. Prosecutors would retain the discretion to proceed against anyone under age 18 as a juvenile delinquent. In those cases, the current requirement for prosecutorial certification would apply, thus assuring that most such cases are handled at the state or local level.[1]

The proposed bill would amend section 5032, to expand the list of serious felonies for which a juvenile can be prosecuted as an adult to include additional violent crimes, firearms charges and drug offenses. Under the amended statutes, a juvenile could be prosecuted as an adult for the following offenses:

(1) a serious violent felony or a serious drug offense as described in section 3559 (c)(2) or (c)(3) or a conspiracy or attempt under section 406 of the Controlled Substances Act or under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 846 or 963) to commit an offense described in section 3559(c)(2); and

(2) the following offenses if they are not described in paragraph (1): (A) a crime of violence (as defined in section 3156(a)(4)) that is a felony; (B) an offense described in section 844(d), (k), or (l), or paragraph (a)(6) or subsection (b), (g), (h), (j), (k), or (l), of section 924; (C) a violation of section 922(o) that is an offense under section 924(a)(2); (D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

(E) a conspiracy to violate an offense described in any of subparagraphs (A) through (D); or

(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955 or 959), or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

To ensure the prosecution in one trial of all offenses charged, a juvenile tried as an adult for one of the designated offenses could also be prosecuted as an adult for any other offenses properly joined under the Federal Rules of Criminal Procedure. With these amendments, juveniles convicted as adults could receive substantially higher sentences than under current law, commensurate with their crimes and criminal histories.

The existing statute excludes younger juveniles in Indian country charged with certain crimes from prosecution unless the tribal government opts to have the provision apply. The proposal would continue this provision.

The proposed bill allows, in certain limited circumstances, the district court to order that a juvenile charged as an adult be tried under the juvenile delinquency procedures. This is sometimes referred to as a "reverse waiver." Any juvenile charged with one of the offenses listed in 3(A)-(F) or a juvenile under the age of 16 would be able to request a "reverse waiver" hearing. A motion making such a request would have to be filed within 20 days of the juvenile first being charged as an adult. At the hearing, the juvenile charged as an adult would have the burden of establishing that it would be in the interest of justice that the case be tried under the juvenile delinquency provisions of 5032(a). The criteria by which the court should make its determination are listed in the proposed statute. The procedure for appellate review of the court's ruling would be similar to that presently used after a motion to suppress evidence. If the trial court determined that the juvenile should be tried as a juvenile delinquent, the government would have the right to seek an expedited appeal. In the event the court determined that the juvenile had not carried his or her burden of establishing that it was in the interests of justice that there be a reverse waiver, then the case would proceed to trial as an adult prosecution and the juvenile could appeal in the event of a guilty verdict.

Juveniles under the age of 16 charged as adults, but who have not previously been adjudicated delinquent of a serious violent felony, and who are charged with certain limited offenses would be sentenced under the sentencing guidelines but would not be subject to mandatory minimums.

Section 5032(a)(4) is amended to make clear that federal juvenile proceedings are normally open to the public but may be closed in the interests of justice or for good cause shown. It also includes a provision allowing victims, their relatives and guardians to be included when the public is otherwise excluded, unless the same two tests applied for exclusion of the public also independently require exclusion.

Section 5003. Custody prior to appearance before judicial officer.

Minor changes have been made to make clear that the procedures applicable to the arrest of a juvenile prior to the formal filing of charges apply whether or not it is anticipated that the juvenile will be charged as a juvenile or as an adult.

Section 5004. Technical and conforming amendments to Section 5034.

This section is amended to clarify that it applies to juvenile proceedings only.

Section 5005. Speedy trial.

The proposed status would require that for a juvenile in custody juvenile delinquency proceedings begin within 45 days, rather than the current 30 days. Exclusions in the Speedy Trial Act (18 U.S.C. §3161(h)) would also be made applicable for the first time in juvenile delinquency proceedings. This additional time is necessary, particularly in cases involving both adult and juvenile defendants such as in the prosecution of gangs, to protect witnesses and critical evidence by ensuring that the trial of a juvenile does not proceed before the case against the adults. The time within which a disposition hearing must be held after an adjudication of delinquency would also be increased from 20 to 40 days. Within the 40 days, the probation office would prepare a predisposition report which would include victim impact information. Forty days is consistent with federal court practice generally and will provide the time necessary to prepare a comprehensive report.

Section 5006. Disposition; availability of increased detention, fines and supervised release for juvenile offenders.

The legislation would amend section 5037 to make fines and supervised release—not presently sentencing options—available for adjudicated delinquents in addition to probation and detention. The maximum period of official confinement for an adjudicated delinquent would be increased to ten years or through age 25 to give judges increased sentencing flexibility for juveniles who are adjudicated delinquent. The maximum period for probation would be increased to the same period applicable to an adult. To strengthen the accountability of juveniles to victims, mandatory restitution would also apply to adjudicated delinquents.

Section 5007. Technical amendment of Sections 5031 and 5034.

This section makes technical and confirming amendments to Sections 5031 and 5034.

TITLE VI—INCARCERATION OF JUVENILES IN THE FEDERAL SYSTEM

Section 6001. Detention prior to disposition or sentencing.

Sections 6001 and 6002 relate to the detention of juvenile offenders prior to disposition or sentencing. Specifically, the bill would amend 18 U.S.C. 5035, to provide that juvenile offenders less than 16 years of age being prosecuted as adults but not yet convicted must be placed in an available, suitable juvenile facility located within, or a reasonable distance from, the district in which the juvenile is being prosecuted. If such a suitable juvenile facility is not available, the juvenile could be placed in any other suitable facility located within, or a reasonable distance from, the district in which the juvenile is being prosecuted. Only if neither of these types of facilities is available could a juvenile less than 16 years old be placed in some other suitable facility. In order to protect the safety of these younger offenders, the bill would require that, to the maximum extent feasible, juveniles not be detained prior to sentencing in any institution in which they have regular contact with adult prisoners.

The requirement in current Section 5035, that a juvenile charged with juvenile delinquency has regular contact with adult prisoners would generally be retained in the proposed legislation. However, the proposed bill would permit juveniles adjudicated delinquent, once they reach the age of 18, to be placed with adults in a correctional facility. This recommended change is consistent with recent regulatory changes to state requirements under the Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. 5601 *et seq.*

Section 5039 of title 18, United States Code, would also be amended to permit juveniles adjudicated delinquent to be placed with adults in community-based facilities in order to provide transition services for juveniles moving from incarceration to the community and to allow juveniles to be housed in their home communities. These changes would help protect younger juveniles 13 or 14 years old, from 19 or 20 year-olds who, although adjudicated delinquent, may be as dangerous as adults.

The legislation would also amend Sections 5035 and 5039 to give the Attorney General discretion to confine with adults a serious juvenile offender 16 years of age or older who is charged as an adult, both before and after conviction. As under present law, only those juveniles charged as adults whom a judicial officer has found would, if released, endanger the safety of another person or the community or would pose a substantial risk of flight could be detained prior to trial.

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[1] The federal prosecutor would be required to certify that (A) the appropriate State does not have or declines to assume jurisdiction over the juvenile, or (B) the offense is one specified in the statute, and (C) there is a substantial federal interest in the case of the offense to warrant the exercise of federal jurisdiction. 18 U.S.C. §5032(a).

The current requirement in Section 5039 that every juvenile under 18 years of age who is in custody be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment would continue to apply to every juvenile charged as an adult who is detained prior to trial and sentencing and would be expanded to provide for reasonable safety and security as well.

These changes are consistent with current practice in many states and are proposed to ensure that the most violent juvenile criminal offenders are not detained or incarcerated with juvenile delinquents. By providing the discretion to house older juveniles prosecuted as adults, adjudicated delinquents once they reach the age of 18 and all juveniles convicted as adults in adult facilities, this proposal would also solve practical problems reported by the U.S. Marshals Service and the U.S. Attorneys, who have experienced great difficulty in finding suitable juvenile facilities for older and violent juvenile offenders.

Section 6002. Rules governing the commitment of juveniles.

The legislative analysis for the amendments made in this discussion are discussed in the analysis accompanying Section 5005.

TITLE VII—OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION

Title VII establishes within the Office of Justice Programs the "Office of Juvenile Crime Control and Prevention," the "Juvenile Crime Control and Prevention Formula Grant Program," the "Indian Tribal Grant Programs," and "At-Risk Children Grants Program," and "Developing, Testing, and Demonstrating Promising Programs Program," the "Incentive Grant Programs," the "Research, Statistics, and Evaluation" grants, and the "Training and Technical Assistance" grants.

Subtitle A of Title VII creates the "Office of Juvenile Crime Control and Prevention" to replace the Office of Juvenile Justice and Delinquency Prevention. The new Office of Juvenile Crime Control and Prevention responds to the changing nature of juvenile and youth crime and represents a more focused, efficient, and effective office. Fundamental protections safeguarding juveniles and youth within the juvenile justice system have been maintained, while operations within this new office have been streamlined to better coordinate and integrate juvenile and youth crime initiatives with other Department of Justice activities, particularly activities within the Office of Justice Programs, the National Institute of Justice and the Bureau of Justice Statistics, as well as with states, units of local government, Indian tribal governments, and local communities.

Section 7001. Short title.

This section provides that Title VII of the Anti-Gang and Youth Violence Act may be cited as the "Juvenile Crime Control and Prevention State and Local Assistance Act of 1997."

SUBTITLE A—CREATION OF THE OFFICE OF JUVENILE CRIME CONTROL AND PREVENTION

Section 7101. Establishment of Office.

Section 2701 establishes the "Office of Juvenile Crime Control and Prevention" under the general authority, and the "supervision and direction" of the Assistant Attorney General for the Office of Justice Programs, United States Department of Justice. The words "supervision and direction" are used to describe the line of authority and reporting relationship between the Director of the Office of Juvenile Crime Control and Prevention and the Assistant Attorney General for the Office of Justice Programs in the same way the words "supervision and direction" are used to describe the line of authority and reporting relationship between the Secretary of the Department of Health and Human Services and the Assistant Secretary of Health as cited at 42 United States Code Section 202. This section continues the Department of Justice's efforts in maintaining coordination and cooperation among those federal agencies whose jurisdictions involve the health, welfare, education or general well-being of youths and/or juveniles. There are numerous transitional elements to provide for the continuity between the Office of Juvenile Justice and Delinquency Prevention and the new Office of Juvenile Crime Control and Prevention, including a specific transfer for the current Administrator of the Office of Juvenile Justice and Delinquency Prevention to become the Director of the Office of Juvenile Crime Control and Prevention.

Section 7102. Conforming amendments.

Section 7102 makes minor and technical conforming amendments.

Section 7103. Authorization of appropriations.

Section 7103 provides for the authorization of appropriations to carry out the functions of the Office of Juvenile Crime Control and Prevention.

SUBTITLE B—JUVENILE CRIME ASSISTANCE

Subtitle B of Title VII of the Act maintains and establishes numerous federal grant programs and initiatives—the "Juvenile Crime Control and Prevention Formula Grant Program," the "Indian Tribal Grant Program," the "Incentive Grant Program," the "Developing, Testing, and Demonstrating Promising Programs" program, the "At-Risk Children Grants Program," and two initiatives that provide additional funding for research, statistics, evaluation, and training and technical assistance.

Section 7201. Formula grant assistance.

Section 7201 amends the Omnibus Crime Control and Safe Streets Act of 1968 by maintaining but revising the formula grant program.

This federal grant program has fewer state planning requirements, specifically allocates ten percent of all grants funds appropriated to be set aside and used for research activities (including program evaluations, data collection efforts, and studies to identify initiatives that reduce juvenile and youth crime and violence), and specifically allocates two percent of all grant funds appropriated to be set aside and used for providing training and technical assistance to states and local communities for the implementation of initiatives and programs that have demonstrated a high likelihood of success.

Under a new formulation, all states receive 50 percent of their allocation. To receive the remaining funds a state must continue to follow established practices and procedures for protecting juveniles within the juvenile justice system. These provisions are reflected in the Department of Justice's newly issued regulations, 28 CFR Part 31, governing this section. Should a state fail to meet the requirements of this section, the unallocated funds may be redistributed within the state.

Section 7202. Indian tribal grants.

Section 7202 establishes for the first time a direct federal grant program whereby funding goes directly from the Office of Juvenile Crime Control and Prevention to Indian tribal governments without utilizing state pass-through procedures. Grant funds under this section shall be used for initiatives designed to reduce, control, and prevent juvenile and youth crime on Indian lands. This method of direct funding is expected to better address and respond to the needs and concerns of Indian tribes as well as increase funding for these tribes. Also included is language amending the Violent Crime Control and Law Enforcement Act of 1994 to substantially increase funding targeted for correctional facilities on Indian tribal lands.

Section 7203. At-risk children grant programs.

The "At-Risk Children Grants Program" is a new federal grant program administered by the Office of Juvenile Crime Control and Prevention that provides federal assistance to states, for distribution by states to local units of government and locally-based organizations to combat truancy, school violence, and juvenile crime by providing funding for local crime prevention and intervention strategies. Programs and initiatives funded with these grants are designed to address youth within the juvenile justice system who, with some focused supervision, direction, and discipline, can go forward to lead-crime-free, productive lives. This program is an expansion of what is currently known as Title V of the Juvenile Justice and Delinquency Prevention Act.

Grants awarded pursuant of this Part may be used for: supporting locally based efforts for assisting high-risk juveniles and juveniles within the juvenile justice system; preventing and reducing truancy and school drop outs; enforcing juvenile curfews; supporting school safety programs, juvenile mentoring, violence reduction programs, intensive supervision services, jobs and life skills training, family strengthening interventions, early childhood services, after-school programs for juveniles, tutoring programs, recreation and parks programs, parent training initiatives, health services, alcohol and substance abuse services, restitution and community services activities, leadership development, accountability and responsibility education, and other such efforts designed to prevent or reduce truancy, school violence, and juvenile crime.

Local units of government that participate under this Part must utilize a local planning board to develop a three-year plan.

Section 7204. Developing, testing, and demonstrating promising programs.

Section 7204 establishes new federal discretionary grant programs for states, units of local government, and Indian tribal governments administered by the Office of Juvenile Crime Control and Prevention to develop, test, and demonstrate initiatives and programs that have a high probability of preventing, controlling, and/or reducing juvenile crime. These grants were developed to motivate states, units of local government, and Indian tribal governments to independently generate innovative initiatives to combat juvenile crime and youth violence.

This section replaces the current multiple discretionary-categorical grant programs currently established by the Juvenile Justice and Delinquency Prevention Act of 1974, by consolidating several categorical grant programs into a single, flexible, broad program.

Section 7205. Incentive grant program.

This section establishes new federal formula grant programs for states, units of local government, and Indian tribal governments to develop and advance initiatives to prevent, control, reduce, evaluate, adjudicate, or sanction juvenile or youthful crime.

The state agency that receives a formula grant is eligible to apply for a grant under this Part. Every applicant must submit assurances to the Director of the Office of Juvenile Crime Control and Prevention that they have or will have within one year of submittal of an application:

(1) implemented a system of accountability-based graduated sanctions; and/or

(2) implemented a system of information collaboration and dissemination regarding acts of juvenile delinquency and adjudication of the same.

Grants authorized under this section may be used to:

Achieve paragraphs (1) and/or (2) above; advance initiatives that prevent or intervene in the unlawful possession, distribution, or sale of a firearm by or to a juvenile; implement initiatives that facilitate the collection, dissemination, and use of information regarding juvenile crime; implement new initiatives that assist state and local jurisdictions in tracking, intervening with, and controlling serious, violent, and chronic juvenile offenders; implement comprehensive program services in juvenile detention and correction facilities; implement procedures designed to prevent and reduce juvenile disproportionate minority confinement; or for any other purpose related to juvenile crime reduction, control, and prevention as determined by the Director of the Office.

Section 7206. Research, statistics and evaluation.

Better research, evaluation, and statistical analysis is critical to understanding and addressing the causes of juvenile and youth crime. Under this section, increased funding is combined with a collaboration between the Director of the Office of Juvenile Crime Control and Prevention and the Directors of the National Institute of Justice and the Bureau of Justice Statistics to better direct and expand these functions.

Section 7207. Training and technical assistance.

This section provides for specific federal grant funding for much-needed technical and training assistance for individuals in the fields of juvenile justice and juvenile and youth crime. Funding under this section will enable more communities to implement effective programs and initiatives that reduce, control, and prevent juvenile and youth crime. While this is a new federal grant program, training and technical assistance have been established functions of the Office of Juvenile Justice and Delinquency Prevention.

In further recognition of the importance of high quality and focused research, statistical analysis, evaluation, training, and technical assistance, Title VII includes specific provisions within each funded program setting aside a percentage of grant funds appropriated for the above-mentioned functions. These monies are in addition to funding appropriated for these functions in Sections 409 and 410 of Title VII. Specifically, Sections 403, 404, 405, 406, 407, and 408 of Title VII of this Act provide that 2 percent of all funds appropriated for each funded program shall be set aside for training and technical assistance consistent with Title VII. Similarly, Sections 403, 404, 405, 406, 407, and 408 provide that 10 percent of all funds appropriated for each funded program shall be set aside for research, statistics and evaluation activities consistent with Title VII.

SUBTITLE C—MISSING AND EXPLOITED CHILDREN

This subtitle amends the "Missing Children's Assistance Act" (42 U.S.C. 5771 *et seq.*) by extending its authorization to the year 2001 and by setting aside funds appropriated under this subtitle to be used for research, statistics, evaluation, and training. Additionally, conforming language is added to the Act to reflect the replacement of the Office of Juvenile Justice and Delinquency Prevention with the new Office of Juvenile Crime Control and Prevention.

Mr. BIDEN. Mr. President, today I am pleased to join Senator LEAHY in introducing on behalf of the administration, President Clinton's Anti-Gang and Youth Violence Act, which the President announced last week in Boston.

Three years ago Congress passed the Biden crime bill into law. Today, the verdict is in—the law is working to reduce adult crime. For example, the projected violent crime rate is the lowest since 1991 and the projected murder rate is the lowest since 1971.

But we all know that, unlike adult crime, juvenile crime is on the rise. The statistics are all too familiar: Violent juvenile crime increased by 69 percent from 1987 to 1994; from 1983 to 1994 the juvenile homicide rate jumped 169 percent; and just recently, the Center for Disease Control has reported that the United States has the highest rate of childhood homicide, suicide, and firearm related deaths of 26 industrialized countries. We can and must do better than that.

The President's program is based in large part, on success stories from cities like Boston, MA, which developed a comprehensive community-based strategy to both prevent at-risk youth from becoming criminals and deal harshly with those already in the criminal justice system.

Boston's Operation Night Light sends probation officers on patrol with police to ensure that youth with criminal records stay out of trouble and to assist in the investigation of new crimes. And Boston's police force has joined with Federal law enforcement to target the illegal gun markets that supply most of the guns to gangs and violent youth.

The results have been dramatic: Youth homicides have dropped 80 percent citywide; violent crime in public schools dropped 20 percent in just 1 school year; and most impressively—not a single youth died from a firearm homicide during 1996. Now that is a record we could be proud of.

We are taking the same balanced approach to juvenile crime and drug abuse as we did in the 1994 Crime Act—tough sanctions, certain punishment and protection of vulnerable kids.

Like the Democratic crime bill I, Along with Senators DASCHLE, LEAHY, and many others introduced earlier this year—S. 15—the President's juvenile crime initiative cracks down on violent juvenile offenders and youth gangs, takes concrete steps toward preventing drug and gun violence, and invests in programs that will get kids off the streets and into supervised programs during the after-school hours when they are most likely to be the victims of gangs and criminals or the customers of drug pushers.

The Anti-Gang and Youth Violence Act proposes to use Federal law enforcement where its expertise and resources can best contribute to fighting crime and the spread of gangs. The act also seeks assistance for local police and criminal justice systems to help them address matters that we all know are local law enforcement challenges that they handle the best.

On the Federal level the President's bill: contains tough new Federal penalties applicable to gang activities such as racketeering, witness intimidation, car-jacking, and interstate firearms and drug trafficking; cracks down on juvenile gun use by extending the Brady bill to juveniles and requiring the sale of gun locks; makes juvenile records more accessible to police and educators; and targets abuse of drugs popular among youths by giving the Attorney General emergency rescheduling authority.

But in recognition that the battle against youth crime and drug abuse is fought primarily in our communities and schools, the President's bill provides over $325 million annually to support State and local governments to: hire additional prosecutors to target gang and youth violence; create special drug and gun courts to handle violent juveniles more effectively; create safe-havens for at-risk youth; initiate systems of graduated sanctions so youth receive certain punishment for their first offense instead of a mere slap on the wrist; and promote use of curfews and put truants back in school where they belong.

The President also proposes to recraft the Federal Juvenile Justice Office by eliminating bureaucracies, streamlining programs, providing additional flexibility to States and localities, and sharpening the Office's focus on research and development. These are reforms that I have long advocated.

However, the President's reform proposal reaffirms our commitment to a few core principles that have worked well over the past 23 years—juveniles should not be housed in adult jails or lockups; juveniles in custody should be separated from adult criminals; status offenders should not be incarcerated; and where it exists, the disproportionate confinement of minorities must be addressed.

With the introduction of this legislation the administration, Senate Republicans, and Senate Democrats have now all made it a priority to address the problem of youth violence. Of course, there are other proven, effective crime control programs that I would like to pursue—such as extending the 100,000 Cops Program to put another 25,000 cops on the beat. I am sure there are initiatives which others would want to push.

But, instead of trying to pass an omnibus bill—which we all know will be difficult, if not impossible—I think that we should keep our focus on a targetted, specific bill which keeps our focus on the most immediate concern: youth violence and the criminal victimization of youth.

I look forward to working with the administration and my Republican colleagues to craft responsible legislation that will address the pressing concerns of the American public and be signed into law during this session of Congress.

By Mr. HOLLINGS (for himself, Mr. INOUYE, and Mr. DORGAN):

S. 363. A bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content; to the Committee on Commerce, Science, and Transportation.

THE CHILDREN'S PROTECTION FROM VIOLENT PROGRAMMING ACT

Mr. HOLLINGS. Mr. President, I rise to offer legislation that will help parents limit the amount of television violence coming into their homes. As my colleagues know well, Congress has been studying this issue for 40 years and the issues have not changed. Recent press reports continue to validate my concerns that all the talk and promises have yielded nothing but the status quo, and efforts to encourage the industry to police itself continue to yield meager results.

Enactment of the Telecommunications Act of 1996 marked the second time Congress has passed legislation to encourage the entertainment industry to limit the amount of violence seen on television. The first time was the effort in the late 1980's led by our former colleague from Illinois, Paul Simon. Senator Simon's approach, the Television Program Improvement Act, was designed to grant the industry a 3-year antitrust exemption to work together to adopt voluntary guidelines that would lead to reducing violence depicted in television programs. The result of this industry collaboration was announced in December 1992 with a statement of joint standards regarding the broadcasting of excessive television violence. In June 1993, the networks made a commitment that, before and during the broadcasting of programs that might contain excessive violence, the following announcement would be made: "Due to some violent content, parental discretion is advised." The Independent Television Association, the trade group representing many of the television stations not affiliated with one of the networks, adopted a similar voluntary code. Subsequent studies detailed, however, that despite these voluntary guidelines, violence continued to rise.

In 1993, therefore, I introduced my safe harbor bill for the first time. The Commerce Committee held one hearing in the 103d Congress and a second hearing during the 104th. The Commerce Committee reported my bill, S. 470, by a vote of 16 to 1. The hearing record substantiates the constitutionality of my safe harbor approach, with both Attorney General Reno and Federal Communications Commission [FCC] Chairman Hundt on record as testifying that the safe harbor approach is constitutional. My efforts to bring my bill to the floor for a vote were repeatedly blocked.

The second time, Congress legislated in this area was last year when the so-called V-Chip provision was incorporated into the Telecommunications Act of 1996. I voted for this provision but had my doubts about its effectiveness. Once again, Congress relied on the industry to help parents limit the amount of violence. To make the V-chip work, the 1996 act encouraged the video programming industry to "establish voluntary rules for rating video programming that contains sexual, violent or other indecent material about which parents should be informed before it is displayed to children," and to broadcast voluntarily signals containing these ratings.

Pursuant to the 1996 act, all segments of the entertainment industry created the TV ratings implementation group—ratings group, headed by the Motion Picture Association of America [MPAA] president Jack Valenti. The group devised an age-based ratings system—not a content-based system. The proposal has been met with widespread criticism as being too broad and vague for parents. I recommend that my colleagues read this past Saturday's New York Times February 22, 1997, to understand the confusion surrounding this issue. The age-based ratings system does not give parents sufficient information. Parents want the ability and the choice to block out specific content they find unsuitable for their children.

So, here we are. Congress passes legislation designed to limit the amount of television violence, again relying on the industry to act responsibly. The voluntary ratings system proposed by the industry, called the TV parental guidelines, consists of the following six age-based ratings:

TV-Y

All Children. This program is designed to be appropriate for all children. Whether animated or live action, the themes and elements in this program are specifically designed for a very young audience, including children from ages 2 through 6. This program is not expected to frighten younger children.

TV-Y7

Directed to older children. This program is designed for children age 7 and above. It may be more appropriate for children who have acquired the developmental skills needed to distinguish between make-believe and reality. Themes and elements in this program may include mild physical or comedic violence, and may frighten children under the age of 7. Therefore, parents may wish to consider the suitability of this program for their very young children.

TV-G

General Audience. Most parents would find this program suitable for all ages. Although this rating does not signify a program designed specifically for children, most parents may let younger children watch this program unattended. It contains little or no violence, no strong language and little or no sexual dialog or situations.

TV-PG

Parental Guidance Suggested. This program may contain some material that some parents would find unsuitable for younger children. Many parents may want to watch it with their younger children. The theme itself may call for parental guidance. The program may contain infrequent coarse language, limited violence, some suggestive sexual dialog and situations.

TV-14

Parents Strongly Cautioned. This program may contain some material that many parents would find unsuitable for children under 14 years of age. Parents are strongly urged to exercise greater care in monitoring this program and are cautioned against letting children under the age of 14 watch unattended. This program may contain sophisticated themes, sexual content, strong language, and more intense violence.

TV-M

Mature Audience Only. This program is specially designed to be viewed by adults and therefore may be unsuitable for children under 17. This program may contain mature themes, profane language, graphic violence, and explicit sexual content.

I ask my colleagues, how will parents be able to block out a specific violent program based on this system?

There are several problems with this approach.

The 1996 Act envisioned that the ratings system, and consequently, the encoded programming, would allow parents to block specific programming content they found objectionable. Under the proposed age-based ratings system, parents are unable to block specific violent programming. The proposed age-based ratings place the entertainment industry in the position of making the judgment about program suitability—not the parent. Moreover, one of the biggest problems with the proposed age-based ratings system is that it intermingles three types of programming content: violence, sexual material, and adult language. Thus it prevents parents from gaining any specific information about whether or not a show actually contains any violent depictions.

The National PTA, the American Medical Association [AMA], the American Academy of Pediatrics [AAPA], the National Education Association [NEA], Children Now, the American Psychological Association [APA], the Coalition for America's Children, the Children's Defense Fund, the American Academy of Child & Adolescent Psychiatry [AACAP], the Family Research Council, the Foundation to Improve Television, and the Center for Media Education all have criticized the age-based ratings systems. Instead, they advocate ratings based on specific program content. These groups have criticized the proposed age-based ratings as too vague and broad for parents to decide what is right for their child to watch in their own home. In addition, the groups state that the ratings raise more questions than they answer.

The AACAP was particularly critical of the ratings system, stating that:

> Programs portraying graphic and realistically appearing violence, sex, horror, adult language, and illegal behavior without social consequences increase the risk of dangerous behaviors and aberrant emotional and intellectual development by children and adolescents. . . . An age-based system, such as the one now being proposed, carries the risk of missing significant developmental variations in young people.

The V-chip legislation was intended to empower parents with the ability to block out objectionable content-specific programming. The ratings system does not accomplish this objective. To correct this, I have decided to reintroduce my safe harbor legislation with the addition of a new provision. The new version requires confining the distribution of violent programming to hours of the day when children are not likely to comprise a substantial portion of the audience unless the broadcasters adopt a content-specific ratings system that allows parents to block out violent programming. If the industry continues to insist upon the age-based ratings, then my safe harbor would apply for violent programming. It's a very simple proposition. Either the intent of the 1996 law is met and parents can block out objectionable content, or my safe harbor will ensure that violent programming is aired at hours later in the day to protect children from the harmful effects of violent programming.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Protection from Violent Programming Act".

SEC. 2. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 718. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING NOT SPECIFICALLY BLOCKABLE BY ELECTRONIC MEANS.

"(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute to the public any violent video programming not blockable by electronic means specifically on the basis of its violent content during hours when children are reasonably likely to comprise a substantial portion of the audience.

"(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

"(1) may exempt from the prohibition under subsection (a) programming (including news programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

"(2) shall exempt premium and pay-per-view cable programming; and

"(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

"(c) REPEAT VIOLATIONS.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, immediately revoke any license issued to that person under this Act.

"(d) CONSIDERATION OF VIOLATIONS IN LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

"(e) DEFINITIONS.—For purposes of this section—

"(1) BLOCKABLE BY ELECTRONIC MEANS.—The term 'blockable by electronic means' means blockable by the feature described in section 303(x).

"(2) DISTRIBUTE.—The term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite.".

SEC. 3. ASSESSMENT OF EFFECTIVENESS.

(a) REPORT.—The Federal Communications Commission shall—

(1) assess the effectiveness of measures undertaken under section 718 of the Communications Act of 1934 (47 U.S.C. 718) and under subsections (w) and (x) of section 303 of that Act (47 U.S.C. 303(w) and (x)) in accomplishing the purposes for which they were enacted; and

(2) report its findings to the Committee on Commerce, Science, and Transportation of the United States and the Committee on Commerce of the United States House of Representatives, with 18 months after the date on which the regulations promulgated under section 718 of the Communications Act of 1934 (as added by section 2 of this Act) take effect, and thereafter as part of the biennial review of regulations required by section 11 of that Act (47 U.S.C. 161).

(b) ACTION.—If the Commission finds at any time, as a result of its assessment under subsection (a), that the measures referred to in subsection (a)(1) are insufficiently effective, then the Commission shall initiate a rulemaking proceeding to prohibit the distribution of violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

(c) DEFINITIONS.—Any term used in this section that is defined in section 718 of the Communications Act of 1934 (47 U.S.C. 718), or in regulations under that section, has the same meaning as when used in that section or in those regulations.

SEC. 4. SEPARABILITY.

If any provision of this Act, or any provision of an amendment made by this Act, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this Act or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. 5. EFFECTIVE DATE.

The prohibition contained in section 718 of the Communications Act of 1934 (as added by section 2 of this Act) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

By Mr. LIEBERMAN (for himself, Mr. McCAIN, Mr. LOTT, Mr. ASHCROFT, Mr. GORTON, Mrs. FEINSTEIN, Mr. GREGG and Mr. FRIST):

S. 364. A bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices; to the Committee on Commerce, Science, and Transportation.

THE BIOMATERIALS ACCESS ASSURANCE ACT OF 1997

Mr. LIEBERMAN. Mr. President, I am introducing today, together with Senator McCAIN and a number of other Senators from both sides of the aisle, the Biomaterials Access Assurance Act of 1997. This bipartisan bill responds to a looming crisis affecting more than 7 million patients annually who rely on implantable life-saving or life-enhancing medical devices such as pacemakers, heart valves, artificial blood vessels, hydrocephalic shunts, and hip and knee joints. These patients are at risk of losing access to the devices on which their lives and well-being depend because, as a result of actual and potential skyrocketing legal costs, the companies that supply the raw materials without which those devices cannot be made are simply refusing to sell their raw materials to device manufacturers. If we do not act soon, makers of the life-saving medical devices that we take for granted today may no longer able to buy the raw materials and components necessary to produce their products, and the public health may be seriously jeopardized. By taking the small step Senator MCCAIN and I propose today, millions of Americans will no longer have to worry about losing access to the life-saving medical devices on which they depend.

The reason for this impending crisis is an all too common one: an out-of-control product liability system. During hearings I held in 1994, as chairman of the Subcommittee on Regulation and Government Information, and again during hearings held by the Commerce Committee last Congress, we heard the same story from witness after witness. They all explained that the current legal system makes it too easy to bring lawsuits against raw materials suppliers and too expensive for those suppliers to defend themselves—even when the suppliers are not at fault and end up winning, as they virtually always do. According to one study, only three out of hundreds of liability cases brought against a raw material supplier led to a finding of wrongdoing against the supplier. Nevertheless, in all of those cases, the suppliers had to spend enormous amounts of money to defend themselves—often much more than the supplier ever profited from its sale of the raw materials. Many suppliers consequently have made the entirely rational decision that the costs of defending these lawsuits are just too high to justify selling raw materials to the makers of implantable medical devices. In short, for those suppliers, it just isn't worth it.

How could this happen? A study by Aranoff Associates paints a clear, but dismal, picture. That study surveyed the markets for polyester yarn, resins such as DuPont's Teflon, and polyacetal resin such as DuPont's Delrin. The study showed that sales of these raw materials for use in manufacturing implantable medical devices was just a tiny percentage of the overall market—$606,000 out of total sales of over $11 billion, or just 0.006 percent. In return for that extra $606,000 in total annual sales, however, that raw material supplier, like others, faced potentially huge liability related costs, even if they never lost a lawsuit.

To take one example, a company named Vitek manufactured an estimated 26,000 jaw implants using about 5-cents worth of DuPont Teflon in each device. The device was developed, designed, and marketed by Vitek, which was not related to DuPont. When those implants failed, Vitek declared bankruptcy, its founder fled to Switzerland, and the patients sued DuPont. DuPont has won virtually all these cases, but the cost has been staggering. The study estimated that DuPont spent at least $8 million per year over 6 years to defend these suits. To put this into perspective, DuPont's estimated legal expenses in these cases for just 1 year would have bought over a 13-year supply of DuPont's Dacron polyester, Teflon, and Delrin for all U.S. makers of implantable medical devices, not just makers of jaw implants. Faced with this overwhelming liability, DuPont decided to stop selling its products to manufacturers of permanently implanted medical devices.

One supplier's decision alone might not be troublesome, but it is not just one supplier that has reached that decision. When I rose during the debate over the product liability bill last year, I put in the record the names of twelve suppliers who had withdrawn from the biomaterials market. Since then, I have learned that at least two more suppliers have done the same. There is no reason to believe that the economics will be different for other suppliers around the world. One of the witnesses at our 1994 hearing testified that she contacted 15 alternate suppliers of polyester yarn worldwide. All were interested in selling her raw materials—except for use in products made and used in the United States. By itself, this is a powerful statement about the nature of our American product liability laws, and it makes a powerful case for reform.

What's at stake here, let me be clear, is not protecting suppliers from liability and not even just making raw materials available to the manufacturers of medical devices. What's at stake is the health of millions of Americans who depend on medical devices for their everyday survival. What's at stake is the health of children like Thomas Reilly from Houston, TX, who suffers from hydrocephalus, a condition in which fluid accumulates around the brain. A special shunt enables him to survive. But continued production of that shunt is in doubt because the raw materials' suppliers are concerned about the potential lawsuit costs. At our hearing in 1994, Thomas' father, Mark Reilly, pleaded for Congress to move forward quickly to assure that the supply of those shunts will continue.

What's at stake is the health of adults like Peggy Phillips of Falls Church, VA, whose heart had twice stopped beating because of fibrillation. Today, she lives an active, normal life because she has an implanted automatic defibrillator. Again, critical components of the defibrillator may no longer be available because of potential product liability costs. Ms. Phillips urged Congress to move swiftly to enact legislation protecting raw materials and component part suppliers from product liability.

The scope of this problem affects young and old alike. Take a pacemaker. Pacemakers are installed in patients whose hearts no longer generate enough of an electrical pulse to get the heart to beat. To keep the heart beating, a pacemaker is connected to the heart with wires. These wires have silicone rubber insulation. Unfortunately, the suppliers of the rubber have begun to withdraw from the market. With this pacemaker, thousands of Americans can live productive and healthy lives for decades.

Take another example, a heart valve. Around the edge of a heart valve is a sleeve of polyester fabric. This fabric is what the surgeon sews through when he or she installs this valve. Without that sleeve, it would be difficult, if not impossible, to install the valve. Without that valve, patients die prematurely.

In short, this developing product liability crisis will have widespread and serious effects. We cannot simply allow the over 7 million people who owe their health to medical devices to become casualties of an outmoded legal liability system. Because product liability litigation costs make the economics of supplying raw materials to the implantable medical device makers very unfavorable, it is imperative that we act now. We cannot rationally expect raw materials suppliers to continue to serve the medical device market out of the goodness of their hearts, notwithstanding the liability related costs. We need to reform our product liability laws, to give raw material suppliers some assurance that unless there is real evidence that they were responsible for putting a defective device on the market, they cannot be sued simply in the hope that their deep pockets will fund legal settlements.

I have long believed that liability reform could be both proconsumer and probusiness. I believe the testimony we heard on this subject during the past two Congresses proved this once again. When fear of liability suits and litigation costs drives valuable, lifesaving products off the market because their makers cannot get raw materials, consumers are the ones to suffer. When companies divert money from developing new lifesaving products to replace old sources of raw materials supplies, consumers are again the ones to suffer. When one company must spend millions just to defend itself in lawsuits over a product it did not even design or make—for which it simply provided a raw material worth 5 cents—it is the consumer that suffers the most.

Based on the testimony we heard in 1994, I, along with my distinguished colleague from Arizona, committed to forging a solution to remedy this immediate threat to our national public health. That year, and again in the 104th Congress, we introduced the Biomaterials Access Assurance Act, which we reintroduce again today. This bill will establish clear national rules to govern suits against suppliers of raw materials and component parts for permanently implantable medical devices. Under this bill, a supplier of raw materials or component parts could be sued only if the materials they supplied do not meet contractual specifications, or if they properly can be classified as a manufacturer or seller of the whole product. They could not, however, be sued for deficiencies in the design of the final device, the testing of that device, or for inadequate warnings with respect to that device.

Our colleagues recognized the need for that bill last year, and so passed it as part of the 104th Congress' product liability reform bill. Unfortunately, President Clinton vetoed that bill, but in his message to Congress, he made clear that he viewed the biomaterials provision portion of it as, in his words, "a laudable attempt to ensure the supply of materials needed to make lifesaving medical devices." We hope that he continues to see the provision in that light.

I believe that enactment of this bill would help ensure that America's patients continue to have access to the best lifesaving medical devices in the world. We must act now, however. This piece of legislation is preventative medicine at its best and is just the cure the patients need.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biomaterials Access Assurance Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) each year millions of citizens of the United States depend on the availability of lifesaving or life enhancing medical devices, many of which are permanently implantable within the human body;

(2) a continued supply of raw materials and component parts is necessary for the invention, development, improvement, and maintenance of the supply of the devices;

(3) most of the medical devices are made with raw materials and component parts that—

(A) are not designed or manufactured specifically for use in medical devices; and

(B) come in contact with internal human tissue;

(4) the raw materials and component parts also are used in a variety of nonmedical products;

(5) because small quantities of the raw materials and component parts are used for medical devices, sales of raw materials and component parts for medical devices constitute an extremely small portion of the overall market for the raw materials and medical devices;

(6) under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), manufacturers of medical devices are required to demonstrate that the medical devices are safe and effective, including demonstrating that the products are properly designed and have adequate warnings or instructions;

(7) notwithstanding the fact that raw materials and component parts suppliers do not design, produce, or test a final medical device, the suppliers have been the subject of actions alleging inadequate—

(A) design and testing of medical devices manufactured with materials or parts supplied by the suppliers; or

(B) warnings related to the use of such medical devices;

(8) even though suppliers of raw materials and component parts have very rarely been held liable in such actions, such suppliers have ceased supplying certain raw materials and component parts for use in medical devices because the costs associated with litigation in order to ensure a favorable judgment for the suppliers far exceeds the total potential sales revenues from sales by such suppliers to the medical device industry;

(9) unless alternate sources of supply can be found, the unavailability of raw materials and component parts for medical devices will lead to unavailability of lifesaving and life-enhancing medical devices;

(10) because other suppliers of the raw materials and component parts in foreign nations are refusing to sell raw materials or component parts for use in manufacturing certain medical devices in the United States, the prospects for development of new sources of supply for the full range of threatened raw materials and component parts for medical devices are remote;

(11) it is unlikely that the small market for such raw materials and component parts in the United States could support the large investment needed to develop new suppliers of such raw materials and component parts;

(12) attempts to develop such new suppliers would raise the cost of medical devices;

(13) courts that have considered the duties of the suppliers of the raw materials and component parts have generally found that the suppliers do not have a duty—

(A) to evaluate the safety and efficacy of the use of a raw material or component part in a medical device; and

(B) to warn consumers concerning the safety and effectiveness of a medical device;

(14) attempts to impose the duties referred to in subparagraphs (A) and (B) of paragraph (13) on suppliers of the raw materials and component parts would cause more harm than good by driving the suppliers to cease supplying manufacturers of medical devices; and

(15) in order to safeguard the availability of a wide variety of lifesaving and life-enhancing medical devices, immediate action is needed—

(A) to clarify the permissible bases of liability for suppliers of raw materials and component parts for medical devices; and

(B) to provide expeditious procedures to dispose of unwarranted suits against the suppliers in such manner as to minimize litigation costs.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) BIOMATERIALS SUPPLIER.—

(A) IN GENERAL.—The term "biomaterials supplier" means an entity that directly or indirectly supplies a component part or raw material for use in the manufacture of an implant.

(B) PERSONS INCLUDED.—Such term includes any person who—

(i) has submitted master files to the Secretary for purposes of premarket approval of a medical device; or

(ii) licenses a biomaterials supplier to produce component parts or raw materials.

(2) CLAIMANT.—

(A) IN GENERAL.—The term "claimant" means any person who brings a civil action, or on whose behalf a civil action is brought, arising from harm allegedly caused directly or indirectly by an implant, including a person other than the individual into whose body, or in contact with whose blood or tissue, the implant is placed, who claims to have suffered harm as a result of the implant.

(B) ACTION BROUGHT ON BEHALF OF AN ESTATE.—With respect to an action brought on behalf of or through the estate of an individual into whose body, or in contact with whose blood or tissue the implant is placed, such term includes the decedent that is the subject of the action.

(C) ACTION BROUGHT ON BEHALF OF A MINOR OR INCOMPETENT.—With respect to an action brought on behalf of or through a minor or incompetent, such term includes the parent or guardian of the minor or incompetent.

(D) EXCLUSIONS.—Such term does not include—

(i) a provider of professional health care services, in any case in which—

(I) the sale or use of an implant is incidental to the transaction; and

(II) the essence of the transaction is the furnishing of judgment, skill, or services;

(ii) a person acting in the capacity of a manufacturer, seller, or biomaterials supplier; or

(iii) a person alleging harm caused by either the silicone gel or the silicone envelope utilized in a breast implant containing silicone gel, except that—

(I) neither the exclusion provided by this clause nor any other provision of this Act may be construed as a finding that silicone gel (or any other form of silicone) may or may not cause harm; and

(II) the existence of the exclusion under this clause may not—

(aa) be disclosed to a jury in any civil action or other proceeding; and

(bb) except as necessary to establish the applicability of this Act, otherwise be presented in any civil action or other proceeding.

(3) COMPONENT PART.—

(A) IN GENERAL.—The term "component part" means a manufactured piece of an implant.

(B) CERTAIN COMPONENTS.—Such term includes a manufactured piece of an implant that—

(i) has significant non-implant applications; and

(ii) alone, has no implant value or purpose, but when combined with other component parts and materials, constitutes an implant.

(4) HARM.—

(A) IN GENERAL.—The term "harm" means—

(i) any injury to or damage suffered by an individual;

(ii) any illness, disease, or death of that individual resulting from that injury or damage; and

(iii) any loss to that individual or any other individual resulting from that injury or damage.

(B) Exclusion.—The term does not include any commercial loss or loss of or damage to an implant.

(5) Implant.—The term "implant" means—

(A) a medical device that is intended by the manufacturer of the device—

(i) to be placed into a surgically or naturally formed or existing cavity of the body for a period of at least 30 days; or

(ii) to remain in contact with bodily fluids or internal human tissue through a surgically produced opening for a period of less than 30 days; and

(B) suture materials used in implant procedures.

(6) Manufacturer.—The term "manufacturer" means any person who, with respect to an implant—

(A) is engaged in the manufacture, preparation, propagation, compounding, or processing (as defined in section 510(a)(1)) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(a)(1)) of the implant; and

(B) is required—

(i) to register with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) to include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section.

(7) Medical device.—The term "medical device" means a device, as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) and includes any device component of any combination product as that term is used in section 503(g) of such Act (21 U.S.C. 353(g)).

(8) Raw material.—The term "raw material" means a substance or product that—

(A) has a generic use; and

(B) may be used in an application other than an implant.

(9) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(10) Seller.—

(A) In general.—The term "seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, packages, labels, or otherwise places an implant in the stream of commerce.

(B) Exclusions.—The term does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services, in any case in which the sale or use of an implant is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who acts in only a financial capacity with respect to the sale of an implant.

SEC. 4. GENERAL REQUIREMENTS; APPLICABILITY; PREEMPTION.

(a) General Requirements.—

(1) In general.—In any civil action covered by this Act, a biomaterials supplier may raise any defense set forth in section 5.

(2) Procedures.—Notwithstanding any other provision of law, the Federal or State court in which a civil action covered by this Act is pending shall, in connection with a motion for dismissal or judgment based on a defense described in paragraph (1), use the procedures set forth in section 6.

(b) Applicability.—

(1) In general.—Except as provided in paragraph (2), notwithstanding any other provision of law, this Act applies to any civil action brought by a claimant, whether in a Federal or State court, against a manufacturer, seller, or biomaterials supplier, on the basis of any legal theory, for harm allegedly caused by an implant.

(2) Exclusion.—A civil action brought by a purchaser of a medical device for use in providing professional services against a manufacturer, seller, or biomaterials supplier for loss or damage to an implant or for commercial loss to the purchaser—

(A) shall not be considered an action that is subject to this Act; and

(B) shall be governed by applicable commercial or contract law.

(c) Scope of Preemption.—

(1) In general.—This Act supersedes any State law regarding recovery for harm caused by an implant and any rule of procedure applicable to a civil action to recover damages for such harm only to the extent that this Act establishes a rule of law applicable to the recovery of such damages.

(2) Applicability of other laws.—Any issue that arises under this Act and that is not governed by a rule of law applicable to the recovery of damages described in paragraph (1) shall be governed by applicable Federal or State law.

(d) Statutory Construction.—Nothing in this Act may be construed—

(1) to affect any defense available to a defendant under any other provisions of Federal or State law in an action alleging harm caused by an implant; or

(2) to create a cause of action or Federal court jurisdiction pursuant to section 1331 or 1337 of title 28, United States Code, that otherwise would not exist under applicable Federal or State law.

SEC. 5. LIABILITY OF BIOMATERIALS SUPPLIERS.

(a) In General.—

(1) Exclusion from liability.—Except as provided in paragraph (2), a biomaterials supplier shall not be liable for harm to a claimant caused by an implant.

(2) Liability.—A biomaterials supplier that—

(A) is a manufacturer may be liable for harm to a claimant described in subsection (b);

(B) is a seller may be liable for harm to a claimant described in subsection (c); and

(C) furnishes raw materials or component parts that fail to meet applicable contractual requirements or specifications may be liable for a harm to a claimant described in subsection (d).

(b) Liability as Manufacturer.—

(1) In general.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant if the biomaterials supplier is the manufacturer of the implant.

(2) Grounds for liability.—The biomaterials supplier may be considered the manufacturer of the implant that allegedly caused harm to a claimant only if the biomaterials supplier—

(A)(i) has registered with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) included the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section;

(B) is the subject of a declaration issued by the Secretary pursuant to paragraph (3) that states that the supplier, with respect to the implant that allegedly caused harm to the claimant, was required to—

(i) register with the Secretary under section 510 of such Act (21 U.S.C. 360), and the regulations issued under such section, but failed to do so; or

(ii) include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section, but failed to do so; or

(C) is related by common ownership or control to a person meeting all the requirements described in subparagraph (A) or (B), if the court deciding a motion to dismiss in accordance with section 6(c)(3)(B)(i) finds, on the basis of affidavits submitted in accordance with section 6, that it is necessary to impose liability on the biomaterials supplier as a manufacturer because the related manufacturer meeting the requirements of subparagraph (A) or (B) lacks sufficient financial resources to satisfy any judgment that the court feels it is likely to enter should the claimant prevail.

(3) Administrative procedures.—

(A) In general.—The Secretary may issue a declaration described in paragraph (2)(B) on the motion of the Secretary or on petition by any person, after providing—

(i) notice to the affected persons; and

(ii) an opportunity for an informal hearing.

(B) Docketing and final decision.—Immediately upon receipt of a petition filed pursuant to this paragraph, the Secretary shall docket the petition. Not later than 180 days after the petition is filed, the Secretary shall issue a final decision on the petition.

(C) Applicability of statute of limitations.—Any applicable statute of limitations shall toll during the period during which a claimant has filed a petition with the Secretary under this paragraph.

(c) Liability as Seller.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable as a seller for harm to a claimant caused by an implant if—

(1) the biomaterials supplier—

(A) held title to the implant that allegedly caused harm to the claimant as a result of purchasing the implant after—

(i) the manufacture of the implant; and

(ii) the entrance of the implant in the stream of commerce; and

(B) subsequently resold the implant; or

(2) the biomaterials supplier is related by common ownership or control to a person meeting all the requirements described in paragraph (1), if a court deciding a motion to dismiss in accordance with section 6(c)(3)(B)(ii) finds, on the basis of affidavits submitted in accordance with section 6, that it is necessary to impose liability on the biomaterials supplier as a seller because the related seller meeting the requirements of paragraph (1) lacks sufficient financial resources to satisfy any judgment that the court feels it is likely to enter should the claimant prevail.

(d) Liability for Violating Contractual Requirements or Specifications.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant, if the claimant in an action shows, by a preponderance of the evidence, that—

(1) the raw materials or component parts delivered by the biomaterials supplier either—

(A) did not constitute the product described in the contract between the biomaterials supplier and the person who contracted for delivery of the product; or

(B) failed to meet any specifications that were—

(i) provided to the biomaterials supplier and not expressly repudiated by the biomaterials supplier prior to acceptance of delivery of the raw materials or component parts;

(ii)(I) published by the biomaterials supplier;

(II) provided to the manufacturer by the biomaterials supplier; or

(III) contained in a master file that was submitted by the biomaterials supplier to the Secretary and that is currently maintained by the biomaterials supplier for purposes of premarket approval of medical devices; or

(iii) included in the submissions for purposes of premarket approval or review by the Secretary under section 510, 513, 515, or 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360, 360c, 360e, or 360j), and received clearance from the Secretary if such specifications were provided by the manufacturer to the biomaterials supplier and were not expressly repudiated by the biomaterials supplier prior to the acceptance by the manufacturer of delivery of the raw materials or component parts; and

(2) such conduct was an actual and proximate cause of the harm to the claimant.

SEC. 6. PROCEDURES FOR DISMISSAL OF CIVIL ACTIONS AGAINST BIOMATERIALS SUPPLIERS.

(a) Motion To Dismiss.—In any action that is subject to this Act, a biomaterials supplier who is a defendant in such action may, at any time during which a motion to dismiss may be filed under an applicable law, move to dismiss the action against it on the grounds that—

(1) the defendant is a biomaterials supplier; and

(2)(A) the defendant should not, for the purposes of—

(i) section 5(b), be considered to be a manufacturer of the implant that is subject to such section; or

(ii) section 5(c), be considered to be a seller of the implant that allegedly caused harm to the claimant; or

(B)(i) the claimant has failed to establish, pursuant to section 5(d), that the supplier furnished raw materials or component parts in violation of contractual requirements or specifications; or

(ii) the claimant has failed to comply with the procedural requirements of subsection (b).

(b) Manufacturer of Implant Shall Be Named a Party.—The claimant shall be required to name the manufacturer of the implant as a party to the action, unless—

(1) the manufacturer is subject to service of process solely in a jurisdiction in which the biomaterials supplier is not domiciled or subject to a service of process; or

(2) an action against the manufacturer is barred by applicable law.

(c) Proceeding on Motion To Dismiss.—The following rules shall apply to any proceeding on a motion to dismiss filed under this section:

(1) Affidavits relating to listing and declarations.—

(A) In general.—The defendant in the action may submit an affidavit demonstrating that defendant has not included the implant on a list, if any, filed with the Secretary pursuant to section 510(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(j)).

(B) Response to motion to dismiss.—In response to the motion to dismiss, the claimant may submit an affidavit demonstrating that—

(i) the Secretary has, with respect to the defendant and the implant that allegedly caused harm to the claimant, issued a declaration pursuant to section 5(b)(2)(B); or

(ii) the defendant who filed the motion to dismiss is a seller of the implant who is liable under section 5(c).

(2) Effect of motion to dismiss on discovery.—

(A) In general.—If a defendant files a motion to dismiss under paragraph (1) or (2) of subsection (a), no discovery shall be permitted in connection to the action that is the subject of the motion, other than discovery necessary to determine a motion to dismiss for lack of jurisdiction, until such time as the court rules on the motion to dismiss in accordance with the affidavits submitted by the parties in accordance with this section.

(B) Discovery.—If a defendant files a motion to dismiss under subsection (a)(2)(B)(i) on the grounds that the biomaterials supplier did not furnish raw materials or component parts in violation of contractual requirements or specifications, the court may permit discovery, as ordered by the court. The discovery conducted pursuant to this subparagraph shall be limited to issues that are directly relevant to—

(i) the pending motion to dismiss; or

(ii) the jurisdiction of the court.

(3) Affidavits relating status of defendant.—

(A) In general.—Except as provided in clauses (i) and (ii) of subparagraph (B), the court shall consider a defendant to be a biomaterials supplier who is not subject to an action for harm to a claimant caused by an implant, other than an action relating to liability for a violation of contractual requirements or specifications described in subsection (d).

(B) Responses to motion to dismiss.—The court shall grant a motion to dismiss any action that asserts liability of the defendant under subsection (b) or (c) of section 5 on the grounds that the defendant is not a manufacturer subject to such section 5(b) or seller subject to section 5(c), unless the claimant submits a valid affidavit that demonstrates that—

(i) with respect to a motion to dismiss contending the defendant is not a manufacturer, the defendant meets the applicable requirements for liability as a manufacturer under section 5(b); or

(ii) with respect to a motion to dismiss contending that the defendant is not a seller, the defendant meets the applicable requirements for liability as a seller under section 5(c).

(4) Basis of ruling on motion to dismiss.—

(A) In general.—The court shall rule on a motion to dismiss filed under subsection (a) solely on the basis of the pleadings of the parties made pursuant to this section and any affidavits submitted by the parties pursuant to this section.

(B) Motion for summary judgment.—Notwithstanding any other provision of law, if the court determines that the pleadings and affidavits made by parties pursuant to this section raise genuine issues as concerning material facts with respect to a motion concerning contractual requirements and specifications, the court may deem the motion to dismiss to be a motion for summary judgment made pursuant to subsection (d).

(d) Summary Judgment.—

(1) In general.—

(A) Basis for entry of judgment.—A biomaterials supplier shall be entitled to entry of judgment without trial if the court finds there is no genuine issue as concerning any material fact for each applicable element set forth in paragraphs (1) and (2) of section 5(d).

(B) Issues of material fact.—With respect to a finding made under subparagraph (A), the court shall consider a genuine issue of material fact to exist only if the evidence submitted by claimant would be sufficient to allow a reasonable jury to reach a verdict for the claimant if the jury found the evidence to be credible.

(2) Discovery made prior to a ruling on a motion for summary judgment.—If, under applicable rules, the court permits discovery prior to a ruling on a motion for summary judgment made pursuant to this subsection, such discovery shall be limited solely to establishing whether a genuine issue of material fact exists as to the applicable elements set forth in paragraphs (1) and (2) of section 5(d).

(3) Discovery with respect to a biomaterials supplier.—A biomaterials supplier shall be subject to discovery in connection with a motion seeking dismissal or summary judgment on the basis of the inapplicability of section 5(d) or the failure to establish the applicable elements of section 5(d) solely to the extent permitted by the applicable Federal or State rules for discovery against nonparties.

(e) Stay Pending Petition for Declaration.—If a claimant has filed a petition for a declaration pursuant to section 5(b)(3)(A) with respect to a defendant, and the Secretary has not issued a final decision on the petition, the court shall stay all proceedings with respect to that defendant until such time as the Secretary has issued a final decision on the petition.

(f) Manufacturer Conduct of Proceeding.—The manufacturer of an implant that is the subject of an action covered under this Act shall be permitted to file and conduct a proceeding on any motion for summary judgment or dismissal filed by a biomaterials supplier who is a defendant under this section if the manufacturer and any other defendant in such action enter into a valid and applicable contractual agreement under which the manufacturer agrees to bear the cost of such proceeding or to conduct such proceeding.

(g) Attorney Fees.—The court shall require the claimant to compensate the biomaterials supplier (or a manufacturer appearing in lieu of a supplier pursuant to subsection (f)) for attorney fees and costs, if—

(1) the claimant named or joined the biomaterials supplier; and

(2) the court found the claim against the biomaterials supplier to be without merit and frivolous.

SEC. 7. APPLICABILITY.

This Act shall apply to all civil actions covered under this Act that are commenced on or after the date of enactment of this Act, including any such action with respect to which the harm asserted in the action or the conduct that caused the harm occurred before the date of enactment of this Act.

Mr. McCAIN. Mr. President, Senator LIEBERMAN and I are here to announce the introduction of bipartisan legislation to address a health care crisis facing over 7 million Americans who each year receive life-saving or life-enhancing medical implants. The availability of these implants is jeopardized because the suppliers of raw materials used in the implants can no longer afford to expose themselves to the ridiculous and unjust litigation costs that can result from doing business with implant makers.

The problem is that, in the quest for a deep pocket, biomaterials suppliers are roped into product liability lawsuits concerning the implant even though those suppliers are not involved in the design, sale or manufacture of the implant. Biomaterials suppliers just provide raw materials used in the production of vital medical devices such as brain shunts, pacemakers, and artificial joints.

In virtually every case, biomaterials suppliers are not found liable in these lawsuits. Unfortunately, the massive cost of defending these lawsuits often overwhelms the relatively small amount of revenue biomaterials suppliers receive through the sale of their product to implant makers. As one might expect, biomaterials suppliers are deciding they cannot risk financial ruin to supply biomaterials.

This bill, the Biomaterials Access Assurance Act of 1997, shields biomaterials suppliers from the crushing costs of unwarranted litigation. The bill simply permits suppliers of biomaterials to be quickly dismissed from a lawsuit if they did not manufacture or sell the implant and if they met the contract specifications for the biomaterial. This bill will not prohibit someone who has been injured from filing a lawsuit and recovering damages.

This legislation is critically important to saving lives. In 1995, Tara Ransom, a young girl from Arizona, wrote me a letter indicating her concern that she would die because a new brain shunt would not be available for her. Tara has a life-threatening condition called hydrocephalus where excess fluid builds up on the brain. Without a silicone-based brain shunt to drain the fluid build-up, the pressure would likely kill Tara.

The supplier of the silicone for Tara's brain shunt has indicated they must withdraw from the biomaterials market due to the risk of unwarranted litigation. Thirteen other companies have also indicated they will no longer supply biomaterials due to concerns about unwarranted litigation.

We cannot let this insanity continue. Lives are at stake, and we have a moral duty to Tara and the thousands of others whose lives are at stake to pass this litigation.

Mr. LOTT. Mr. President, I am pleased today to join with my colleagues, Senator McCAIN and Senator LIEBERMAN, in supporting biomaterials access assurance legislation to confront a looming health care crisis in our country.

This legislation is of vital importance to the 8 million Americans who require life-saving and life-enhancing implantable medical devices. Most of us have a family member or friend who has benefitted from these wondrous products. The availability of the biomaterials necessary for medical device production is critical to the health of millions of Americans. The ramifications of unavailability are severe and, in the end, it is those in need of the devices who will suffer the most.

This bill helps to curtail the impending health crisis by encouraging suppliers of raw materials and component parts to re-enter the medical implant market. Under the bill's provisions, a supplier of raw materials and/or component parts cannot be sued for design or manufacturing deficiencies of the final product unless the supplier can properly be classified as the designer, manufacturer or seller of the product as a whole.

In recent years, and due in no small part to the prospect of derivative participation in broad-based lawsuits, major biomaterial suppliers have expressed their intent to limit or cease their shipments to manufacturers in the medical implant device market. Often, such a supplier has minimal or no knowledge or control of the design, manufacture or sale of an implant device. Nonetheless, under current product liability law, such a supplier can be named as a defendant in a product liability lawsuit based on the design, manufacture and sale of the device itself. And, although suppliers have been found not liable in the overwhelming number of such lawsuits, they must give great consideration to potential damage verdicts and the oppressive financial burden of lawsuit defense costs before deciding to supply manufacturers with raw materials and component parts.

The detrimental effects of the biomaterials shortage are beginning to take their toll.

Although the United States has been a leader in the medical implant field, that may change as our ability to focus on new technologies and to contribute funds to research and development is impaired by the diversion of available resources now directed to the search for and qualification of alternative biomaterials suppliers.

As medical device manufacturers find it increasingly difficult to obtain needed raw materials and component parts, the industry's research and development resources, otherwise devoted to improving existing health care technologies, are drained and redirected to ensure material availability to meet current production demand. In some instances, no alternative sources for materials are found to exist.

Just as many suppliers cannot afford the risk of liability suits, many manufacturers cannot afford the terms of indemnification contracts required by suppliers. Consider the case of Baxter Healthcare Corp., which operates a manufacturing plant in Cleveland, MS, employing approximately 1,000 people. A major manufacturer of life-saving and life-enhancing implantable medical devices such as heart valves, sewing rings, and left ventricular assist devices, Baxter is highly dependent upon medical-grade biomaterials for production.

In facing a future based upon operation within this shortage scenario, Baxter is now diverting millions of dollars from research and development to fund its quest for finding alternative materials. Like manufacturers in other parts of the country, Baxter is dealing with suppliers that are faced with product liability risks that far exceed the benefit gained in dealing with a medical device manufacturer.

For example, Baxter needed to purchase resin—less than 10 pounds a year—with a cost on the open market of less than $3 per pound. The supplier required an iron-clad indemnification contract before the materials could be sold to Baxter, and also demanded an annual fee of nearly $100,000 over and above normal material costs for continued use of the material—in other words, a surcharge for the risk associated with potential liability.

This drain on manufacturers, as well as the uncertainty of obtaining any materials for the manufacture of their products, is directly attributable to the biomaterials shortage.

Mr. President, the stability of the manufacturing process is in constant peril, and patients' lives hang in the balance. Let's act to limit liability to instances of genuine fault, and not encourage more frivolous lawsuits where they are, in fact, so often detrimental to consumer interests.

It is my hope that the Senate will recognize the seriousness of the biomaterials shortage and that we will support this effort to encourage suppliers to re-enter the medical device market and to ensure that patients have available these critical, often lifesaving options.

Thank you, Mr. President, for the opportunity to articulate the urgency and criticality of this legislation.

By Mr. COVERDELL:

S. 365. A bill to amend the Internal Revenue Code of 1986 to provide for increased accountability by Internal Revenue Service agents and other Federal Government officials in tax collection practices and procedures, and for other purposes; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mrs. HUTCHISON, Mr. McCAIN, Mr. FAIRCLOTH, Mr. KYL, Mr. THOMAS, and Mr. INHOFE):

S. 366. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to prohibit the consideration of retroactive tax increases; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other Committee have 30 days to report or be discharged.

By Mr. COVERDELL (for himself, Mr. ABRAHAM, Mrs. HUTCHISON, Mr. MCCAIN, Mr. KYL, Mr. FAIRCLOTH, and Mr. INHOFE):

S.J. Res. 17. A joint resolution proposing an amendment to the Constitution of the United States to prohibit retroactive increases in taxes; to the Committee on the Judiciary.

TAX REFORM LEGISLATION

Mr. COVERDELL. Mr. President, today I rise to offer a tax reform package to provide greater tax fairness and to protect citizens from Internal Revenue Service—IRS—abuses. This package includes three initiatives: a constitutional amendment called the retroactive tax ban amendment, a bill to establish a new budget point of order against retroactive taxation, and the Internal Revenue Service Accountability Act.

The first, the retroactive tax ban amendment, is a constitutional amendment, to prevent the Federal Government from imposing any tax increase, retroactively. The amendment states simply "No Federal tax shall be imposed for the period before the date of enactment." We have heard directly from the taxpayers, and looking backward for extra taxes is unacceptable. It is not a fair way to deal with taxpayers.

In addition, I am introducing a bill that would create a point of order under the Budget Act against retroactive tax increases. Because amending the Constitution can be a very long prospect—just look at the decades-long effort on behalf of the balanced budget amendment—I believe this legislation is necessary to provide needed protection for American families from the destabilizing effects of retroactive taxation.

It was clear to Thomas Jefferson that the only way to preserve freedom was to protect its citizens from oppressive taxation. Even the Russian Constitution does not allow you to tax retroactively. Retroactive taxation is wrong, and it is morally incorrect.

Families and businesses and communities must know what the rules of the road are and that those rules will not change. They have to be able to plan their lives, plan their families, and plan their tax burdens in advance. They cannot come to the end of a year and have a Congress of the United States and a President come forward and say, "All your planning was for naught, and we don't care."

Mr. President, my third proposal is the Internal Revenue Service Accountability Act. It is wide-ranging and deals with a number of faults within the IRS that I have become aware through my constituent services work and through discussions with everyday Americans. Whenever I travel through my State, or across the Nation for that matter, concerns inevitably are raised about the IRS. This agency seems to believe the vast majority of American taxpayers are looking to cheat the Government. Instead, I believe American taxpayers are honest and hardworking, and they deserve to be treated accordingly.

Our Nation suffers under an unfair and incomprehensible Tax Code that takes far too much of what we earn. Even worse, the organization responsible for enforcement of the Tax Code—the IRS—often seeks to intimidate and frighten honest citizens. We cannot tolerate a Tax Code that punishes families, and we cannot tolerate an IRS eager to bully and harass taxpayers.

Let me briefly outline my proposal. First, the IRS Accountability Act would make agents of the IRS responsible for their actions. My legislation would make it a crime for an agent to use extortion-like tactics when collecting a tax. Agents must know there are real consequences for their actions. When they abuse their authority by maliciously and willfully disregarding the statutory procedures established for collecting taxes from honest taxpayers, they must be held accountable.

In addition, this legislation would lift the current shield protecting IRS agents from holding any personal liability for their actions in the course of collecting a tax. I was surprised to learn that this shield remains in place even when their abusive actions result in judgments against the United States for hundreds of thousands of dollars. How ironic that American taxpayers end up footing the bill for the abuses they suffer. My legislation would end this intolerable arrangement.

My legislation also protects the privacy of taxpayers. A few years back, I was shocked to learn that nearly 370 employees of the Atlanta IRS office were caught accessing the tax returns and return information of friends, neighbors, and celebrities without proper authorization. They were file snooping. The IRS Accountability Act would make this activity a crime and allows the offender to be held personally liable.

Further, my legislation requires notification of any taxpayer who suffers this abuse. Unfortunately, what should seem to be a simple matter of decency must be required of the IRS. In response to suggestions taxpayers be notified when their privacy has been invaded by file snoopers, IRS Commissioner Margaret Richardson stated, "I'm not sure there would be serious value to that in terms of protecting the taxpayers' rights." With all respect, such sentiment is typical of a Washington status quo mentality that is out-of-touch with the rest of America.

Recent reports in the press suggesting the IRS has been conducting audits for political reasons, add weight to the need for limitations on this activity. The IRS Accountability Act requires that all audits be reasonably justified. It also prohibits random audits and reauditing of returns or issues of a return unless approved by court order in the course of a criminal investigation. Further, the IRS will be limited explicitly to 3 years from the time a return is filed in which to conduct an audit unless approved by court order in the course of a criminal investigation.

The IRS Accountability Act also would extend the time responsible taxpayers have to pay a tax without suffering a penalty. I could not say how often I hear complaints about the inaccessibility of the IRS. Time and time again, taxpayers cannot get answers from the IRS or even speak with a customer service agent.

According to the IRS Taxpayer Advocate's recent report, one of the most common complaints against the IRS is its failure to acknowledge taxpayer correspondence.

The IRS's only responses seems to be more threats and higher penalties. The IRS Accountability Act will help taxpayers by offering some needed relief.

This legislation also preserves the integrity of judicial decisions against the IRS. This section grants a Federal court the authority to dismiss a case of controversy involving the IRS if it is shown that a similar or identical case already has been decided within the court's jurisdiction or circuit. The IRS places itself above our Federal judiciary and will choose to disregard a court decision in subsequent cases when it believes the court's decision is in error. This arrogance must be held in check.

Mr. President, this legislation would place limits I believe are needed on the IRS when it seizes or levies assets. How many times have we heard press reports that a child's earnings from a paper route has been seized or that a child's pennies have been taken to pay the tax bill of a relative.

In Georgia, I recently learned of an instance where the care and health of an elderly nursing home patient was jeopardized by the IRS when it seized her account to pay the tax bill of a relative. Even though it was well documented that the account contained only her Social Security benefits and were used to pay for her care, the IRS refused to relent until my office interceded. In addition, we have heard numerous examples where assets have been taken erroneously. My legislation would ensure that all levies and seizures are proper under the law and are warranted by requiring the IRS to obtain prior court approval.

My legislation also places what I believe are reasonable limits on the accrual of interest and penalties. Specifically, it would decouple the two, preventing interest from accruing on the penalty portion of an unpaid tax bill.

Keep in mind the IRS' track record on responding to taxpayers. According to the IRS Taxpayer Advocate, it isn't good. Now add the following to the mix: interest on the unpaid tax, penalties on the unpaid tax, and interest on the penalty on the unpaid tax. If a hardworking taxpayer is unfortunate enough to run afoul of the IRS, before he or she knows it, the tax bill has doubled, even tripled. For too many taxpayers, when they become aware a problem exists, their bill has turned into a burden they cannot hope to pay.

Further, this legislation would equalize the interest rates charged by the IRS and against the IRS. Current law gives the IRS an advantage in interest charges over taxpayers. I believe this is predicated on the assumption that the Federal Government is more entitled to a taxpayer's income than the taxpayer. Nothing should be farther from the truth. Requiring equal rates to be charged will provide equity and bring to a close another instance where Washington thinks it knows best with what to do with families' income.

Finally, the IRS Accountability Act provides fairness in cases of mathematical and clerical errors. For honest mistakes, the taxpayer should have an opportunity to correct it without getting slapped by a tax bill full of interest and penalty charges. Under my legislation, a taxpayer would have a 60-day grace period after notification in which to pay the unpaid tax or to file an abatement request without incurring penalty or interest charges. However, should the 60-day period elapse without the taxpayer selecting either option, penalties and interest would be owed in full.

In closing, Mr. President, let me say what I have stated many times before on the floor of the Senate. American families already send 55 percent of their income to government in the form of taxes and other costs. Out of the remaining 45 percent, we expect them to clothe, feed, house, educate, and otherwise raise America.

We also know that if things do not change, future generations will face a lifetime tax rate of 84 percent. Already, families are bullied and harassed by an agency eager to intimidate. How much farther would the IRS be willing to go to collect an 84 percent tax burden? The time has come to bring reason to the IRS. I invite my colleagues to join me in this effort.

By Mr. WELLSTONE:

S. 367. A bill to amend the Family and Medical Leave Act of 1993 to allow leave to address domestic violence and its effects, and for other purposes; to the Committee on Finance.

BATTERED WOMEN'S EMPLOYMENT PROTECTION ACT

Mr. WELLSTONE. Mr. President, while we have begun to make important progress toward seriously addressing the devastating physical and emotional effects of domestic violence, little attention has been paid to the severe economic consequences of domestic abuse. The Battered Women's Employment Protection Act, which I am introducing today, will ensure eligibility for unemployment compensation to women who are separated from their jobs as a direct result of domestic violence. Several new studies illustrate the need for the legislation I am introducing today. The evidence is irrefutable, domestic violence dramatically affects women's ability to work and support themselves and their children.

According to New York City's Victims Service, one-quarter of battered women recently surveyed who have survived abuse had lost their jobs due to the effects of domestic violence.

Abusive husbands and partners harass 74 percent of employed battered women at work, either by showing up at the workplace or calling them at work. It is not unusual for women in abusive relationships to be late for work at least 5 times a month, to leave early at least 5 times a month, and to miss at least 3 full days of work a month—National Work-place Resource Center on Domestic Violence.

There have been cases brought to my attention in my home State of Minnesota where the women trying to escape abusive relationships could have benefited from this legislation, and we know that, sadly, there are many more such stories throughout the country.

On February 12, 1997, a woman came into the Women's Rural Advocacy Program in Marshall, MN, after her partner had emotionally, verbally, and physically assaulted her. After many years of fighting, her abuser finally let her get a drivers license and a car. His motivation for allowing her to do this was that she could get a job, resulting in more money for himself. Three months into her job, her partner assaulted her and she was in need of safe housing and constant protection. Because of the fear of her abuser finding her and her child, it was not safe for her to take their child to daycare, so she was unable to get to work. Seeing that this was a new job, she did not have any vacation days she could use.

Her abuser soon found out where she was located. She panicked and took her child and left the shelter, presumably the city, her friends, and her job. The shelter advocate we spoke to had no idea where she went, but was sure she had no money, very little clothes, and no car.

A woman, known as Sarah, is a 34-year-old college educated mother of 5 children, all under the age of 12. Sarah and her husband of 15 years had a successful market research company. Their combined salaries totaled over $225,000. The husband was the president of the company, Sarah the vice president. They were equal shareholders in the company until Sarah came in contact with law enforcement and the Lewis House Shelter due to her hospitalization for extensive injuries suffered at the hands of her abusive husband.

Sarah admits that the abuse has gone on for years. She filed for an order of protection, filed assault charges, and filed for divorce. Her husband then fired Sarah from the company they started. Her lawyer tells Sarah that she can sue for her position to be reinstated in the company. Sarah knows she is not safe and that nothing can protect her or her children from the repeated pattern of abuse. She is faced with the loss of her position, her income, legal fees, medical bills, as well as the foundation of her children's lives.

It took Sarah 6 months to find a full-time position. She has supported herself by using credit cards she maintained in her own name. She begins her new life with $30,000 of new debt. Her batterer maintains his company today, with no loss of position and an increase in income.

For women attempting to escape a violent environment, this legislation can be a lifeline.

There has been great progress in the last few years in societal and legislative response to violence within the home. One area that has not been sufficiently addressed, in my opinion, is the economic cost of domestic abuse.

The Bureau of National Affairs recently estimated that domestic violence costs employers between 3 and 5 billion dollars per year. Domestic violence results in lower productivity, greater absenteeism, and increased health costs.

The National Institute for Justice estimates that from 1987 to 1990, domestic violence cost Americans $67 billion a year.

According to annual estimates for reported domestic violence injuries, family violence exacts a significant economic toll on the well-being of the family, and the United States.

Forty-four million, three hundred ninety-three thousand, seven hundred dollars total annual medical costs, 21,000 hospitalizations, 28,700 emergency room visits, and 175,000 days lost from work.

In addition—50 to 80 percent of women on AFDC are victims or past victims of domestic violence (Taylor Institute Study, 1996). One year after divorce, women's incomes average only 67 percent of their pre-divorce incomes compared to 90 percent for men (Report of the American Psychological Association Presidential Task Force on Violence and the Family, 1996).

The Battered Women's Employment Protection Act will help women retain employment and financial independence by ensuring that employed victims of domestic violence can have time off from work to make necessary court appearances, seek legal assistance, and get help with safety planning, without penalty from the employer.

This bill enables employees to use their family, medical, sick, and other leave in order to deal with circumstances arising from domestic abuse.

Circumstances that would allow an employee to take leave include going to the doctor for injuries caused by domestic violence, seeking legal remedies such as going to court, seeking orders of protection, or meeting with a lawyer.

Current Federal and State laws fail to address the negative economic consequences domestic violence can cause. Today, battered women are not expressly allowed to take leave from work to address the consequences of family violence—both the physical and legal effects. This bill will help women to escape abusive situations by helping them retain employment and financial independence. And, by requiring employers to provide leave to employees for the purpose of dealing with domestic violence and its aftermath—it does not increase costs to employers, it permits employees to use their existing leave to deal with domestic violence.

Furthermore, to ensure that battered women can retain the independence necessary to leave their abusers without having to rely on welfare, the bill requires that States provide unemployment benefits to women who are forced to leave work as a result of domestic abuse. The bill ensures eligibility for unemployment compensation to women who are separated from their jobs as a direct result of domestic violence. For example, victims of abuse could not be denied unemployment if they were forced to leave their jobs because they had to relocate for safety reasons. Similarly, a woman would be eligible for unemployment compensation if she was fired from her job because she repeatedly showed up late for work with physical signs of abuse or was excessively absent from work as a result of abuse. In addition, the bill provides for specialized training of personnel in assessing unemployment compensation claims based on domestic violence.

All of us here today are committed to doing what we can to help battered women and their children escape domestic violence. I urge my colleagues to join in this effort by cosponsoring the Battered Women's Employment Protection Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Battered Women's Employment Protection Act ".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) violence against women is the leading cause of physical injury to women, and the Department of Justice estimates that intimate partners commit more than 1,000,000 violent crimes against women every year;

(2) approximately 95 percent of the victims of domestic violence are women;

(3) in the United States, a woman is more likely to be assaulted, injured, raped, or killed by a male partner than by any other type of assailant;

(4) the Bureau of Labor Statistics predicts that women will account for two-thirds of all new entrants into the workforce between now and the year 2000;

(5) violence against women dramatically affects women's workforce participation, insofar as one-quarter of the battered women surveyed had lost a job due at least in part to the effects of domestic violence, and over one-half had been harassed by their abuser at work;

(6) a study by Domestic Violence Intervention Services, Inc found that 96 percent of employed domestic violence victims had some type of problem in the workplace as a direct result of their abuse or abuser;

(7) the availability of economic support is a critical factor in a women's ability to leave abusive situations that threaten them and their children, and over one-half of the battered women surveyed stayed with their batterers because they lacked resources to support themselves and their children;

(8) a report by the New York City Victims Services Agency found that abusive spouses and lovers harass 74 percent of battered women at work, 54 percent of battering victims miss at least 3 days of work per month, 56 percent are late for work at least 5 times per month, and a University of Minnesota study found that 24 percent of women in support groups for battered women had lost a job partly because of being abused;

(9) a survey of State unemployment insurance agency directors by the Federal Advisory Council on Unemployment Compensation found that in 31 States battered women who leave work as a result of domestic violence do not qualify for unemployment benefits, in 9 States the determination often varies depending on the facts and circumstances, and in only 13 States are they usually considered qualified for unemployment benefits;

(10) a study by the New York State Department of Labor found that, when filing for unemployment insurance benefits, domestic violence victims frequently hide their victimization and do not disclose the domestic violence as a reason for their problems with the job or need to separate from employment;

(11) 49 percent of senior executives recently surveyed said domestic violence has a harmful effect on their company's productivity, 47 percent said domestic violence negatively affects attendance, and 44 percent said domestic violence increases health care costs, and the Bureau of National Affairs estimates that domestic violence costs employers between $3,000,000,000 and $5,000,000,000 per year; and

(12) existing Federal and State legislation does not expressly authorize battered women to take leave from work to seek legal assistance and redress, counseling, or assistance with safety planning and activities.

(b) PURPOSES.—Pursuant to the affirmative power of Congress to enact this Act under section 5 of the Fourteenth Amendment to the Constitution, as well as under clause 1 of section 8 of Article I of the Constitution and clause 3 of section 8 of Article I of the Constitution, the purposes of this Act are—

(1) to promote the national interest in reducing domestic violence by enabling victims of domestic violence to maintain the financial independence necessary to leave abusive situations, to achieve safety and minimize the physical and emotional injuries from domestic violence, and to reduce the devastating economic consequences of domestic violence to employers and employees, by—

(A) providing unemployment insurance for victims of domestic violence who are forced to leave their employment as a result of domestic violence; and

(B) entitling employed victims of domestic violence to take reasonable leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) to seek medical help, legal assistance, counseling, and safety planning and assistance without penalty from their employer;

(2) to promote the purposes of the Fourteenth Amendment by protecting the civil and economic rights of victims of domestic violence and by furthering the equal opportunity of women to employment and economic self-sufficiency;

(3) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, health care costs, and employer costs from domestic violence; and

(4) to accomplish the purposes described in paragraphs (1) , (2) and (3) in a manner that accommodates the legitimate interests of employers.

SEC. 3. UNEMPLOYMENT COMPENSATION.

(a) UNEMPLOYMENT COMPENSATION.—Section 3304(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking "and" at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting "; and";

(3) by adding after paragraph (19) the following:

"(20) compensation is to be provided where an individual is separated from employment due to circumstances directly resulting from the individual's experience of domestic violence.";

(4) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively, and

(5) by inserting after subsection (a) the following:

"(b) CONSTRUCTION.—

"(1) DIRECTLY RESULTING FROM VIOLENCE.—For the purpose of determining, under subsection (a)(20), whether an employee's separation from employment is 'directly resulting' from the individual's experience of domestic violence, it shall be sufficient if the separation from employment resulted from—

"(A) the employee's reasonable fear of future domestic violence at or en route to or from her place of employment;

"(B) the employee's wish to relocate to another geographic area in order to avoid future domestic violence against the employee or the employee's family;

"(C) the employee's need to recover from traumatic stress resulting from the employee's experience of domestic violence;

"(D) the employer's denial of the employee's request for the temporary leave from employment to address domestic violence and its effects authorized by section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612); or

"(E) any other respect in which domestic violence causes the employee to reasonably believe that termination of employment is necessary for the future safety of the employee or the employee's family.

"(2) REASONABLE EFFORTS TO RETAIN EMPLOYMENT.—For purposes of subsection (a)(20), where State law requires the employee to have made reasonable efforts to retain employment as a condition for receiving unemployment compensation, it shall be sufficient that the employee—

"(A) sought protection from or assistance in responding to domestic violence, including calling the police or seeking legal, social work, medical, clergy, or other assistance;

"(B) sought safety, including refuge in a shelter or temporary or permanent relocation, whether or not the employee actually obtained such refuge or accomplished such relocation; or

"(C) reasonably believed that options such as a leave, transfer, or alternative work schedule would not be sufficient to guarantee the employee or the employee's family's safety.

"(3) ACTIVE EMPLOYMENT SEARCH.—For purposes of subsection (a)(20), where State law requires the employee to actively search for employment after separation from employment as a condition for receiving unemployment compensation, such requirement shall be deemed to be met where the employee is temporarily unable to actively search for employment because the employee is engaged in seeking safety or relief for the employee or the employee's family from domestic violence, including—

"(A) going into hiding or relocating or attempting to do so, including activities associated with such relocation or hiding, such as seeking to obtain sufficient shelter, food, schooling for children, or other necessities of life for the employee or the employee's family;

"(B) actively pursuing legal protection or remedies, including meeting with the police, going to court to make inquiries or file papers, meeting with attorneys, or attending court proceedings; or

"(C) participating in psychological, social, or religious counseling or support activities to assist the employee in ending domestic violence.

"(4) REQUIREMENT TO PROVIDE DOCUMENTATION OR OTHER EVIDENCE.—In determining if an employee meets the requirements of paragraphs (1), (2), and (3), the employer of an employee may require the employee to provide—

"(A) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

"(B) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, or other similar evidence.

All evidence of domestic violence experienced by an employee, including an employee's statement, any corroborating evidence, and the fact that an employee has applied for or inquired about unemployment compensation available under subsection (a)(20) shall be retained in the strictest confidence of the employer, except to the extent consented to by the employee where disclosure is necessary to protect the employee's safety.".

(b) SOCIAL SECURITY PERSONNEL TRAINING.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)(4)) is amended by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively, and by inserting after paragraph (3) the following:

"(4) Such methods of administration as will ensure that claims reviewers and hearing personnel are adequately trained in the nature and dynamics of domestic violence and in methods of ascertaining and keeping confidential information about possible experiences of domestic violence, so that employment separations stemming from domestic violence are reliably screened, identified, and adjudicated and full confidentiality is provided for the employee's claim and submitted evidence.".

(c) DEFINITIONS.—Section 3306 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(u) DOMESTIC VIOLENCE.—The term 'domestic violence' includes abuse committed against an employee or a family member of the employee by—

"(1) a current or former spouse of the employee;

"(2) a person with whom the employee shares a child in common;

"(3) a person who is cohabitating with or has cohabitated with the employee as a romantic or intimate partner; or

"(4) a person from whom the employee would be eligible for protection under the domestic violence, protection order, or family laws of the jurisdiction in which the employee resides or the employer is located.

"(v) ABUSE.—The term 'abuse' includes—

"(1) physical acts resulting in, or threatening to result in, physical injury;

"(2) sexual abuse, sexual activity involving a dependent child, or threats of or attempts at sexual abuse;

"(3) mental abuse, including threats, intimidation, acts designed to induce terror, or restraints on liberty; and

"(4) deprivation of medical care, housing, food or other necessities of life.".

SEC. 4. ENTITLEMENT TO LEAVE FOR DOMESTIC VIOLENCE.

(a) AUTHORITY FOR LEAVE.—Section 102(a)(1) (29 U.S.C. 2612(a)(1)) is amended by adding at the end the following:

"(E) In order to care for the child or parent of the employee, if such child or parent is addressing domestic violence and its effects.

"(F) Because the employee is addressing domestic violence and its effects, the employee is unable to perform any of the functions of the position of such employee.".

(b) DEFINITION.—Section 101 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS.—The term 'addressing domestic violence and its effects' means—

"(A) experiencing domestic violence;

"(B) seeking medical attention for or recovering from injuries caused by domestic violence;

"(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding related to domestic violence;

"(D) attending support groups for victims of domestic violence;

"(E) obtaining psychological counseling related to experiences of domestic violence;

"(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation; and

"(G) any other activity necessitated by domestic violence which must be undertaken during hours of employment.".

(c) INTERMITTENT OR REDUCED LEAVE.—Section 102(b) (29 U.S.C. 2612(b)) is amended by adding at the end the following:

"(3) DOMESTIC VIOLENCE.—Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.".

(d) PAID LEAVE.—Section 102(d)(2)(B) (29 U.S.C. 2612(d)(2)(B)) is amended by striking "(C) or (D)" and inserting "(C), (D), (E), or (F)".

(e) CERTIFICATION.—Section 103 (29 U.S.C. 2613) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) DOMESTIC VIOLENCE.—In determining if an employee meets the requirements of subparagraph (E) or (F) of section 102(a)(1), the employer of an employee may require the employee to provide—

"(1) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

"(2) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, etc.".

(f) CONFIDENTIALITY.—Section 103 (29 U.S.C. 2613), as amended by subsection (e), is amended—

(1) in the title by adding before the period the following: **"; CONFIDENTIALITY"**; and

(2) by adding at the end the following:

"(f) CONFIDENTIALITY.—All evidence of domestic violence experienced by an employee or the employee's child or parent, including an employee's statement, any corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent consented to by the employee where disclosure is necessary to protect the employee's safety.".

SEC. 5. ENTITLEMENT TO LEAVE FOR FEDERAL EMPLOYEES FOR DOMESTIC VIOLENCE.

(a) AUTHORITY FOR LEAVE.—Section 6382 of title 5, United States Code is amended by adding at the end the following:

"(E) In order to care for the child or parent of the employee, if such child or parent is addressing domestic violence and its effects.

"(F) Because the employee is addressing domestic violence and its effects, the employee is unable to perform any of the functions of the position of such employee.".

(b) DEFINITION.—Section 6381 of title 5, United States Code is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following:

"(7) the term 'addressing domestic violence and its effects' means—

"(A) experiencing domestic violence;

"(B) seeking medical attention for or recovering from injuries caused by domestic violence;

"(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding related to domestic violence;

"(D) attending support groups for victims of domestic violence;

"(E) obtaining psychological counseling related to experiences of domestic violence;

"(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation; and

"(G) any other activity necessitated by domestic violence which must be undertaken during hours of employment.".

(c) INTERMITTENT OR REDUCED LEAVE.—Section 6382(b) of title 5, United States Code, is amended by adding at the end the following:

"(3) Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.".

(d) OTHER LEAVE.—Section 6382(d) of title 5, United States Code, is amended by striking "(C) or (D)" and inserting "(C), (D), (E), or (F)".

(e) CERTIFICATION.—Section 6383 of title 5, United States Code, is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) DOMESTIC VIOLENCE.—In determining if an employee meets the requirements of subparagraph (E) or (F) of section 6382(a)(1), the employer of an employee may require the employee to provide—

"(1) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

"(2) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, etc.".

(f) CONFIDENTIALITY.—Section 6383 of title 5, United States Code, as amended by subsection (e), is amended—

(1) in the title by adding before the period the following: **"; Confidentiality"**, and

(2) by adding at the end the following:

"(g) CONFIDENTIALITY.—All evidence of domestic violence experienced by an employee or the employee's child or parent, including an employee's statement, any corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent consented to by the employee where disclosure is necessary to protect the employee's safety.".

SEC. 6. EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.

(1) MORE PROTECTIVE.—Nothing in this Act or the amendments made by this Act shall be construed to supersede any provision of any Federal, State or local law, collective bargaining agreement, or other employment benefit program which provides greater unemployment compensation or leave benefits for employed victims of domestic violence than the rights established under this Act or such amendments.

(2) LESS PROTECTIVE.—The rights established for employees under this Act or the amendments made by this Act shall not be diminished by any collective bargaining agreement, any employment benefit program or plan, or any State or local law.

SEC. 7. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect upon the expiration of 180 days from the date of the enactment of this Act.

(b) UNEMPLOYMENT COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by section 3 shall apply in the case of compensation paid for weeks beginning on or after the expiration of 180 days from the date of the enactment of this Act.

(2) MEETING OF STATE LEGISLATURE.—In the case of a State with respect to which the Secretary of Labor has determined that the State legislature is required in order to comply with the amendments made by section 3, the amendments made by section 3 shall apply in the case of compensation paid for weeks which begin on or after the expiration of 180 days from the date of the enactment of this Act and after the end of the first session of the Sate legislature which begins after the date of the enactment of this Act or which began prior to the date of the enactment of this Act and remained in session for at least 25 calendar days after such date of enactment. For purposes of the preceding sentence, the term "session" means a regular, special, budget, or other session of a State legislature.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. THURMOND, the names of the Senator from New Hampshire [Mr. GREGG] and the Senator from Colorado [Mr. ALLARD] were added as cosponsors of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 72

At the request of Mr. KYL, the names of the Senator from Georgia [Mr. COVERDELL] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 72, a bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gain rates for all taxpayers, and for other purposes.

S. 73

At the request of Mr. KYL, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 73, a bill to amend the Internal Revenue Code of 1986 to repeal the corporate alternative minimum tax.

S. 74

At the request of Mr. KYL, the names of the Senator from Georgia [Mr. COVERDELL] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 74, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

S. 75

At the request of Mr. KYL, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 75, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 76

At the request of Mr. KYL, the names of the Senator from Georgia [Mr. COVERDELL] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 76, a bill to amend the Internal Revenue Code of 1986 to increase the expensing limitation to $250,000.

S. 184

At the request of Mr. D'AMATO, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Connecticut [Mr. DODD], and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 184, a bill to provide for adherence with the MacBride Principles of Economic Justice by United States persons doing business in Northern Ireland, and for other purposes.

S. 228

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 228, a bill to amend title 31, United States Code, to provide for continuing appropriations in the absence of regular appropriations.

S. 239

At the request of Mr. DASCHLE, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Colorado [Mr. ALLARD] were added as cosponsors of S. 239, a bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions.

S. 249

At the request of Mr. D'AMATO, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 249, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations.

S. 269

At the request of Mr. ABRAHAM, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 269, a bill to provide that the Secretary of the Senate and the Clerk of the House of Representatives shall include an estimate of Federal retirement benefits for each Member of Congress in their semiannual reports, and for other purposes.

S. 277

At the request of Mr. COCHRAN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 277, a bill to amend the Agricultural Adjustment Act to restore the effectiveness of certain provisions regulating Federal milk marketing orders.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

AMENDMENTS SUBMITTED

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

FEINSTEIN AMENDMENT NO. 11

Mrs. FEINSTEIN (for herself, Mr. DURBIN, Mr. TORRICELLI, and Mr. CLELAND) proposed an amendment to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget; as follows:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a roll call vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless a majority of the whole number of each House shall provide by law for such an increase by a roll call vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a roll call vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.

"The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"The provisions of this article may be waived for any fiscal year in which the United States is experiencing a national economic emergency or major natural disaster, which is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal. Effective one year after the effective date of this article, the receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors and Disability Insurance Trust Funds (as and if modified to preserve the solvency of the Funds) used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of complying with this article.

"SECTION 8. Nothing in this article shall preclude the authority to enact and implement a separate capital budget for those major capital improvements which require multi-year Federal funding, and which would be excluded from the requirements of section 7 of this article.

"SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

BUMPERS (AND FEINGOLD) AMENDMENT NO. 12

Mr. BUMPERS (for himself and Mr. FEINGOLD) proposed an amendment to the motion to refer the joint resolution (S.J. Res. 1), supra; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A GLIDE PATH TO A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(j) It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that fails to set forth appropriate levels for all items described in subsection (a)(1) through (7) for all fiscal years through 2002."

SECTION 2. PROHIBITION ON BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(k) CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.—

"(1) Beginning in 2001, it shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that sets forth a level of outlays for fiscal year 2002 or any subsequent fiscal year that exceeds the level of receipts for that fiscal year.

"(2) The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this subsection."

SECTION 3. POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO ESTABLISH A GLIDE PATH FOR A BALANCED BUDGET BY 2002 AND BEYOND.—

(a) Section 904 of the Congressional Budget Act of 1974 is amended by inserting "301(j)," after "301(I)," in both places it appears.

(b) Add the following new section immediately following Section 904 of the Congressional Budget Act of 1974:

"SEC. ___. Section 301(k) may be waived (A) in any fiscal year by an affirmative vote of three-fifths of the whole number of each House; (B) in any fiscal year in which a declaration of war is in effect; or (C) in any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

SECTION 4. TECHNICAL CHANGES.—Section 306 of the Congressional Budget Act of 1974 is amended as follows:

(a) Immediately following "SEC. 306." insert the following:

"(a) Except for bills, resolutions, amendments, motions or conference reports, which would amend the congressional budget process,".

(b) Add the following at the end of subparagraph (a):

"(b) No bill, resolution, amendment, motion, or conference report, which would amend the congressional budget process shall be considered by either House."

FEINGOLD AMENDMENT NOS. 13–14

Mr. FEINGOLD proposed two amendments to the joint resolution (S.J. Res. 1) supra; as follows:

AMENDMENT NO. 13

On page 2, line 7, strike "seven" and insert "3".

AMENDMENT NO. 14

On page 2, line 15, after "vote" insert "or unless Congress shall provide by law that an accumulated budget surplus shall be available to offset outlays to the extent necessary to provide that outlays for that fiscal year do not exceed total receipts for that fiscal year".

TORRICELLI (AND OTHERS) AMENDMENT NO. 15

Mr. TORRICELLI (for himself, Mr. LAUTENBERG, Ms. LANDRIEU, Mr. KOHL, and Mrs. BOXER) proposed an amendment to the joint resolution (S.J. Res. 1) supra; as follows:

On page 3, strike lines 4 through 11, and insert the following:

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.

"The provisions of this article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, which becomes law.

"The provisions of this article may be waived for any fiscal year in which the United States is in a period of economic recession or significant economic hardship and is so declared by a joint resolution, which becomes law."

On page 3, strike lines 15 through 19, and insert the following:

"SECTION 7. Total receipts shall exclude those derived from net borrowing and the disposition of major public physical capital assets. Total outlays shall include all outlays of the United States Government except those for repayment of debt principal and those dedicated to a capital budget. The capital budget shall include only investments in major public physical capital that provides long-term economic benefits."

BOXER AMENDMENT NO. 16

Mrs. BOXER proposed an amendment to the joint resolution (S.J. Res. 1) supra; as follows:

At the end of Section 5, add the following: "The provisions of this article may be waived for any fiscal year in which there is a declaration made by the President (and a designation by the Congress) that a major disaster or emergency exists, adopted by a majority vote in each House of those present and voting."

DORGAN (AND OTHERS) AMENDMENT NO. 17

Mr. DORGAN (for himself, Mr. DASCHLE, Mr. FORD, Mr. REID, Mr. HOLLINGS, Mrs. FEINSTEIN, Mr. WYDEN, Ms. LANDRIEU, and Mr. JOHNSON) proposed an amendment to the joint resolution (S.J. Res. 1) supra; as follows:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds (as and if modified to preserve the solvency of the Funds) used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

ROCKEFELLER AMENDMENT NO. 18

Mr. CONRAD (for Mr. ROCKEFELLER) proposed an amendment to the joint resolution (S.J. Res. 1) supra; as follows:

Beginning on page 3, strike lines 12 through 14 and insert the following:

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. Medicare outlays shall not be reduced in excess of the amount necessary to preserve the solvency of the Medicare Health Insurance Trust Fund."

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Wednesday, March 5, 1997, at 9:30 a.m. to hold an oversight hearing to review the budget and operations of the Secretary of the Senate, Sergeant at Arms, Architect of the Capitol, and the National Gallery of Art.

For further information concerning this hearing, please contact Ed Edens of the committee staff on 224–6678.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, February 26, 1997, at 9 a.m. in SR–328A to discuss the impact of capital gains taxes on farmers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, February 26, 1997 in open session, to receive testimony in review of the defense authorization request for fiscal year 1998 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 26, 1997, to conduct a hearing on the oversight on the Monetary Policy Report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978. The witness will be: the Honorable Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Ms. SNOWE. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, February 26, 1997 at 9:30 a.m. to conduct an Oversight Hearing on the President's Budget Request for fiscal year 1998 for the Bureau of Indian Affairs [BIA] and the Indian Health Service [IHS]. The hearing will be held in room 485 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, February 26, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Ms. SNOWE. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled "The President's Fiscal Year 1998 Budget Request for the United States Small Business Administration" on Wednesday, February 26, 1997, which will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Ms. SNOWE. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the President's proposed fiscal year 1998 budget for veterans programs. The hearing will he held on February 26, 1997, at 2 p.m. in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Ms. SNOWE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 26, 1997 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY.

Ms. SNOWE. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 26, 1997, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Ms. SNOWE. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to meet Wednesday, February 26, at 9:30 a.m., Hearing Room (SD–406), to conduct a hearing on the administration's proposal for reauthorization of the Intermodal Surface Transportation Efficiency Act [ISTEA] and the performance of ISTEA's programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HOMEOWNERS PROTECTION ACT OF 1997

• Mr. DOMENICI. Mr. President, today I am pleased to announce my support for S. 318, a bill introduced by the distinguished chairman of the Senate Banking Committee, Senator D'AMATO. This bill, the Homeowners Protection Act of 1997 will protect consumers across the country from paying millions of dollars in unnecessary private mortgage insurance PMI premiums. This bill corrects a serious inequity faced by many first-time, middle class homeowners, and I commend Senator D'AMATO for his thoughtful approach to this problem.

No one can argue that PMI has served a useful and admirable purpose by allowing middle class families a greater opportunity for home ownership. Traditionally, mortgage lenders expect home buyers to make a down payment of at least 20 percent. For credit-worthy borrowers who lack the cash to make such a large down payment, PMI enables them to purchase a home while protecting lenders from default until the borrower has built significant equity in the home. To that end, requiring the purchase of PMI is good policy.

The problem arises when homeowners make several years of mortgage payments and reach the point where they have built up enough equity, usually 20 percent of the original value of the loan, to virtually eliminate the risk of default. At that point, the need for continued PMI coverage disappears and borrowers should have the right to cancel their policies. Yet, according to many reports in the newspapers and on TV, many uninformed borrowers continue to pay unnecessary premiums which can cost additional hundreds or even thousands of dollars each year. Others who have sought to cancel their coverage have faced unbelievable red-tape and confusion.

Senator D'AMATO's bill will eliminate these problems and make home ownership more affordable and more attainable for all Americans. Under this bill, homeowners will have the right to cancel PMI when they have accumulated 20 percent equity in their homes, the value generally determined to be sufficient to protect lenders from default. The bill takes the reasonable step of allowing the Federal Reserve the ability to grant exceptions to this rule—either to protect consumer access to credit or to protect lenders from economic factors which may create unique default risks. The bill also will require that notice be provided to homeowners at closing and at least once a year thereafter of their right to cancel their PMI coverage once they have reached the equity threshold.

I commend my good friend, the distinguished Senator from New York and I am pleased to be a cosponsor of this thoughtful bill. I hope that Congress will work hard this year to pass it, so that we correct this flaw in the system and provide middle class borrowers with a greater opportunity to own a home.•

TRIBUTE TO SIDNEY W. DEAN

• Mr. MOYNIHAN. Mr. President, Sidney W. Dean was a man devoted at once to the public and to the private. Before he passed away last month at the age of 91, he had worked for 41 years toward the cause of good government in New York, while at the same time becoming one of the city's strongest advocates of free speech and the right to privacy.

He will doubtless be remembered as longtime trustee, president, and chairman of the City Club of New York, but perhaps as much so as an advocate of using the emerging technology of cable television as a way for those who are poor and ignored to be seen—and heard.

Long before most others, he saw the potential power of television pressing the city to require cable companies to provide public access channels. He met with some success, though perhaps not exactly what he had envisioned. Few things turn out that way.

His devotion to free speech was instilled in him by his father, a newspaper editor. A member of the American Civil Liberties Union and Americans for Democratic Action, he took up the cause, helping to keep New York what it has always been: the center of the world of ideas and the free exchange of information.

I ask that the full text of the New York Times obituary of February 3 be included in the RECORD.

The obituary follows:

[From the New York Times, Feb. 3, 1997]

SIDNEY W. DEAN IS DEAD AT 91; SERVED AS TRUSTEE OF CITY CLUB

(By David Cay Johnston)

Sidney W. Dean Jr., a longtime trustee of the City Club of New York and a strong advocate of free speech who fought for years to make cable television a positive force for the city, died on Jan. 24 at his Greenwich Village apartment.

He was 91 and died after suffering a stroke, his wife, Eugenia, said.

Mr. Dean was an advertising and marketing executive who in 1952 became a trustee of the City Club of New York, the city's oldest good-government organization. For the next 41 years he used his roles as trustee, president and chairman of the City Club, as well as volunteer positions with the American Civil Liberties Union and Americans for Democratic Action, to argue for municipal policies favoring free speech.

"He was on the forefront of telling us about the privacy and First Amendment issues and teaching us about communications and communications technologies," said Amy Isacs, national president of Americans for Democratic Action.

In 1970, when cable television franchises were first being proposed for New York City, Mr. Dean began pressing the city to require numerous public access channels and to prevent cable operators from having any financial interest in programs or channels they carry.

"So long as cable systems can control their content they will attempt to deny market access to all other producers and distributors of print and electronic communications," Mr. Dean wrote in a 1973 letter to The New York Times. Such issues persist today as Rupert Murdoch tries to get his new 24-hour news channel onto the cable system operated by Time Warner, his rival in the news and entertainment business and the owner of CNN.

Today Time Warner owns many of the channels on its system and so does Cablevision, the other cable franchise holder in the city.

In 1980 Mr. Dean criticized the city's process for awarding cable television franchises as a "blind man's bluff-purchasing agent act" in which the city was "settling for too little from the cable companies." He said that nothing in the city's franchise award plans "holds out any hope of cable reaching out to the poor, ghettoized and handicapped." Today, fewer than half the households in the city subscribe.

During the debates over awarding cable franchises, Mr. Dean was once invited to a private meeting of city officials and representatives of the franchise seekers, but declined. "I will never go into a backroom discussion," he told Sally Goodgold, another City Club trustee.

Mr. Dean was the son of a Boston newspaper editor who constantly preached the First Amendment's virtues to his son.

After graduating from Yale University in 1926, Mr. Dean joined J. Walter Thompson, the advertising agency, and later worked with other marketing companies.

During World War II, as an Army Air Force officer, he analyzed photographs of bomb damage. He volunteered to fly on some bombing runs because he felt it would make his analysis more accurate, his friend Peter Stanford said.

Mr. Dean is survived by his wife and a son, Ronald Stowe, who lives in the Philippines.•

RECOGNITION OF MINGO JOB CORPS

• Mr. BOND. Mr. President, it is a pleasure to recognize the Mingo Job Corps Civilian Conservation Center of

Puxico, MO, for service to its community. Established in 1965 as a vocational training center for disadvantaged youth, it is one of 30 centers designated by Congress to be a civilian conservation center.

Located on the Mingo National Wildlife Refuge, Mingo Job Corps provides a full-time year round residential program which gives students the opportunity to complete their secondary education and acquire a vocational skill.

The Mingo Job Corps Center has completed millions of dollars worth of community service projects, such as construction and painting for local schools and museums, and supporting Earth Day and Ecology Day projects. I wish Mingo the best of luck in all future endeavors and continued success in its service to others.●

THE DEATH OF WILCOMB WASHBURN

Mr. MOYNIHAN. Mr. President, on Saturday, February 1, Wilcomb Washburn, a champion of unfashionable truths and a scholar in the truest sense of the word, died here in Washington. He had retired as director of the Smithsonian's American Studies Program exactly a month before, on January 1, after almost 40 years at the institution. He was 72 years old.

He remained dedicated, most especially, to the integrity of academic life and to keeping the spirit of free inquiry from being compromised by politics. Perhaps more than anyone else, he recognized the grave threat posed by the politicization of scholarly professional associations.

Last year I had the honor to present him with the National Association of Scholars' Sidney Hook Award in recognition of his work. In his acceptance speech, he quoted the sociologist James Coleman, the first recipient of the Hook Award: "The greatest enemies of academic freedom in the university are the norms that exist about what kinds of questions may be raised in research." Coleman was nearly expelled from the American Sociological Association for his findings on the effect of home and neighborhood environment on learning. Wilcomb Washburn had a vision of the academy as a place that would live up to the ideal of the open society in which no claims on truth are more privileged than others. As he said in his acceptance speech that day "let us hope that those who have chosen to speak truth to power rather than power to truth will prevail."

Wilcomb Washburn was also a U.S. Marine, serving in both World War II and Korea. As both a scholar and a soldier, he combined the exacting rigor of the former with the tenacity of the latter to attack, often singlehandedly, the bastions of irrationality.

We honor his life and mourn his passing.

Mr. President, I ask that the obituary from the Washington Post of February 2 be printed in the RECORD.

The obiturary follows:

[From the Washington Post, Feb. 2, 1997]

WILCOMB WASHBURN, SMITHSONIAN OFFICIAL, DIES

Wilcomb Edward Washburn, 72 a retired American studies program director of the Smithsonian Institution, past president of what is now the Historical Society of Washington and teacher of history at three area universities, died of prostate cancer Feb. 1 at his home in Washington. He also had a home in Princess Anne, Md.

He came to Washington and joined the Smithsonian in 1958 as acting curator of its political history division. From 1965 to 1968, he was chairman of the American studies department of the National Museum of History and Technology, now the National Museum of American History. In 1968, he became the Smithsonian's American studies program director, a post he held until retiring on Jan. 1, 1997.

He was president of the Historical Society of Washington from 1976 to 1980. He was a past national president of the American Society for Ethnohistory, the American Studies Association and the Society for the History of Discoveries. He had been an advisory editor of "Terrae Incognitae," the annals of the Society of American Historians, and had served on the commandant's advisory committee on Marine Corps history.

Over the years, while working for the Smithsonian, he had taught at the University of Maryland and at George Washington and American universities. He also wrote six books on subjects such as Colonial history, anthropology, architecture and museums.

He was the recipient of three honorary degrees as well as the National Association of Scholars' Sidney Hook Memorial Award.

Dr. Washburn was born in Kansas and raised in New Hampshire. He was a 1948 summa cum laude graduate of Dartmouth College, where he also was elected to Phi Beta kappa. He received his doctorate in the history of American civilization from Harvard University.

He served with the Marine Corps as a Japanese language officer in World War II and served on active duty again during the Korean War. He retired from the reserve as a colonel.

Before coming to Washington, he had been an information and education officer with the military government in Japan and spent a year as a teaching fellow in history and literature at Harvard.

From 1955 to 1958, he served on the history faculty of the College of William and Mary.

His marriage to Lelia Kanavarioti Washington ended in divorce.

Survivors include his wife, Katheryn Cousins Washburn, of Washington and Princess Anne; a son from his first marriage, Alexandros E., of New York; a brother, John, of Baltimore; and two granddaughters.●

TRIBUTE TO GEORGE T. ROBINSON

● Mr. SANTORUM. Mr. President, I rise today to pay tribute to a Pennsylvania constituent and a very dedicated public servant from Philadelphia, PA.

On January 11, George Robinson was honored upon his retirement from the Philadelphia Fire Department. After graduating from the Philadelphia Public School System, Mr. Robinson joined the department on August 3, 1959. Since then, he has served the city of Philadelphia with distinction for 37 years. Mr. Robinson rose through the department to the position of battalion chief, and he also served as acting deputy chief.

During his career, Mr. Robinson successfully completed "Career Development Three" at the National Fire Academy, as well as related courses at the Philadelphia Fire Academy. He has also received various certificates of training from the city of Philadelphia Training Center.

As a battalion commander, Chief Robinson coordinated all aspects of fire alarm response. In addition to conducting preliminary investigations of fire causes, he inspected company personnel, fire stations, apparatus, equipment, records, reports, and safety hazards.

In 1992, Chief Robinson became the department's executive officer. During this time, he also served as the integrity officer, chaired the critical incident debriefing team, and served on a steering committee to streamline the office of the inspector general. Moreover, Chief Robinson coordinated all transfer requests, assignments, and officer rotations.

Mr. President, I hope my colleagues will join me in honoring George Robinson for his distinguished service to the city of Philadelphia Fire Department with the following proclamation:

PROCLAMATION

Whereas, George Robinson has served for thirty-seven years as a member of the Philadelphia Fire Department, gained promotions to the rank of Battalion Chief and served as Acting Deputy Chief, and:

Whereas, George Robinson, has served as the Fire Department's Executive Officer, Integrity Officer and head of the Critical Incident Team; and

Whereas, George Robinson was honored upon his retirement from the Philadelphia Fire Department at a testimonial dinner on January 11, 1997;

Therefore, I, Senator Rick Santorum, offer my best wishes on his retirement and honor his loyalty to the City of Philadelphia and to the Philadelphia Fire Department; acknowledge the respect he has gained from every level and authority in the Department; and recognize the distinction he has brought through his achievements to his community and country.●

RETIREMENT OF CWO 0 5, HARRY FLOYD HINKLE, JR.

● Mr. BINGAMAN. Mr. President, I rise today to speak briefly about an American hero and an American patriot, CWO-05, Harry Floyd Hinkle, Jr.

As a member of the Senate Armed Services Committee, I am presented almost daily with young men and women who have dedicated their lives to the service of their country in our Armed

Forces. As I know my colleagues agree, these men and women are truly America's finest. Today, it is an honor for me to present to the Senate an example of America's best, Chief Warrant Officer-05 Hinkle.

Chief Warrant Officer–05 Hinkle will soon be retiring from the Marine Corps after 30 years of honor, patriotism and distinguished service. I have not had the privilege of meeting CWO–05 Hinkle personally, however, a review of his record clearly demonstrates why it is appropriate for the Senate to honor him today.

Chief Warrant Officer–05 Hinkle joined the Marine Corps on February 7, 1967. He spent 3 years in Vietnam with the First Armored Amphibian Company, 11th Marine Corps Regiment. While serving in Vietnam he was awarded the Bronze Star with Combat V.

Mr. President, for most men and women that service alone would have been more than above and beyond the call of duty, but not for Chief Warrant Officer–05 Hinkle. He returned from Vietnam where he was appointed warrant officer and later commissioned as an officer eventually reaching the grade of captain. In 1990 when his country called upon him to once again serve in the face of great danger, Chief Warrant Officer–05 Hinkle responded. He served in Desert Storm and Desert Shield where he guided deployments to southwest Asia for installing and operating secondary imagery dissemination devices.

Mr. President, Chief Warrant Officer–05 Hinkle has served as an enlisted marine, officer, and warrant officer. He has shown gallantry on the battlefield and has been a model marine in the classroom. He served heroically in the past and has helped make America's future safer by training the marines, airmen, soldiers, and sailors of tomorrow. Chief Warrant Officer–05 Hinkle's personal decorations include the Bronze Star with Combat V, the Meritorious Service Medal, the Navy Commendation Medal, the Navy Achievement Medal with Combat V, the Good Conduct Medal and the Combat Action Ribbon, the Kuwait Liberation Medal, the Southwest Asia Service Medal, and the Southeast Asia Service Medal.

Mr. President, after 30 years of service to his country, I believe that America owes Chief Warrant Officer-05 Hinkle a thank you, a heart-felt God's speed, and a proud Semper Fi.●

TRIBUTE TO LAWRENCE A. FLEISCHMAN

● Mr. MOYNIHAN. Mr. President, though perhaps most Americans outside the world of art will not readily recognize the name of Lawrence Fleischman, they will know his legacy. Before he died last week at 71, his extraordinary contribution to the Nation's major museums ensured that his name will live on, along with the magnificent artistic treasures he and his family so generously donated.

As an art dealer, he was, by any measure, a success. But his refreshingly modest attitude toward the worldly goods he accumulated bears repeating. Many of these were priceless antiquities from ancient Greece, Rome, and Etruria. If I may quote from the New York Times obituary:

"No one owns a work of art," he said. "You're the custodian of it for the future. You take care of it, you have the pleasure of living with it, and then you pass it on. It is our hope that we leave it to the public."

Here in Washington, he helped establish the Archives of American Art, a wonderful research resource of the Smithsonian Institution. In New York, the Lawrence A. and Barbara Fleischman Gallery of American Art will stand as long as the Metropolitan Museum stands, as well as the three other galleries the couple so thoughtfully supported. He has also promised the New York Public Library a substantial gift.

In short, Lawrence Fleischman was a philanthropist, a word with a distinctly archaic ring to it. But in an age of private wealth and public stringency, it is a word we need to hear much more often.

There being no objection, I ask that the full text of Carol Vogel's obituary from the February 4 New York Times be printed in the RECORD.

The obituary follows:

[From the New York Times, Feb. 4, 1997]

LAWRENCE A. FLEISCHMAN, 71, AN ART DEALER

(By Carol Vogel)

Lawrence A. Fleischman, chairman and chief executive officer of Kennedy Galleries in Manhattan, an authority on American art from the 18th through 20th centuries and a major collector of antiquities, died on Friday at his home in London. He was 71 and also lived in Manhattan.

The cause was heart failure, said Lillian Brenwasser, vice president of Kennedy Galleries.

Besides being an expert on American art, Mr. Fleischman was known for his philanthropic activities. In June, he and his wife, Barbara, gave a large portion of their antiquities collection to the J. Paul Getty Museum in Malibu, Calif. In an arrangement whereby they donated most of the collection and the Getty purchased the rest, the museum was able to add about 300 objects, worth an estimated $80 billion, to its collection.

The works, from ancient Greece, Rome and Etruria, dated from 2800 B.C. to A.D. 400. They had been collected by the Fleischmans over the last 40 years.

The Fleischmans have also been major supporters of the British Museum as well as the Metropolitan Museum of Art, the Detroit Institute of Art, the Cleveland Museum and the Vatican Museum.

In 1982 the couple endowed a chair in the Metropolitan Museum's department of American art and supported the installation of three galleries in its American Wing that feature examples of American art from the museum's permanent collections. The Lawrence A. and Barbara Fleischman Gallery is an oval room that houses John Vanderlyn's "Panoramic View of the Palace of Versailles (1818–1819). A room endowed by Kennedy Galleries is filled with folk and painted furniture as well as decorative arts. The third gallery, the Martha and Rebecca Fleischman Gallery, named after the couple's daughters, shows American examples of 19th-century revival styles.

In 1983 the Fleischmans also gave money to establish a gallery of late medieval secular art at the museum that also is named after them. A decade later they helped underwrite a permanent position for a senior scholar in the Met's department of Greek and Roman art.

Mr. Fleischman worked to foster wider appreciation of American art. He served on a White House advisory committee during the Kennedy and Johnson administrations and was co-founder with the art historian E. P. Richardson of the Archives of American Art, which was created as a primary art research resource for writers and scholars and is now a part of the Smithsonian Institution.

Mr. Fleischman also founded the American Art Journal in 1969 and was a board member of the Art Dealers Association of America and a fellow of the Pierpont Morgan Library. In 1991 he became chairman of Caryatides, a group that supports the British Museum's department of Greek and Roman antiquities. He also began and was chairman of the American Friends of the British Museum.

In 1978 Pope Paul VI named Mr. Fleischman a Papal Knight of the Order of St. Sylvester and in 1986 he was named a Knight-Commander of St. Sylvester, one of the highest distinctions a lay person can receive from the church.

Born in 1925 in Detroit, Mr. Fleischman studied at the Western Military Academy in Alton, Ill., at Purdue University and at the University of Detroit, from which he graduated in 1948. That year he married Barbara Greenberg.

His interest in antiquities had begun during World War II when, as a soldier stationed in Paris, he visited ancient Roman sites.

In 1966 he and his family moved from Detroit to New York, where he became a partner in Kennedy Galleries.

Mr. Fleischman had recently committed himself to refurbishing a room at the British Museum and had just promised the New York Public Library a gift described by the Kennedy Galleries to be "in the seven figures."

In addition to his wife and his daughters, Rebecca, of Portland, Ore., and Martha, president of Kennedy Galleries, he is survived by a son, Arthur, of Boston.

Mr. Fleischman always insisted that he and his wife were only "temporary custodians" of their collections.

"No one owns a work of art," he said. "You're the custodian of it for the future. You take care of it, you have the pleasure of living with it, and then you pass it on. It is our hope that we leave it to the public."●

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF CHILE

Mr. COATS. Mr. President, I ask unanimous consent that the President pro tempore be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency, Eduardo Frei, President of the Republic of Chile, into the House Chamber for the joint meeting on Thursday, February 27, 1997.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

AUTHORIZATION TO AWARD A GOLD MEDAL TO FRANCIS ALBERT "FRANK" SINATRA

Mr. COATS. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 305, and, further, the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 305) to authorize the President to award a gold medal on the behalf of Congress to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. D'AMATO. Mr. President, today I rise to once more address a bill I introduced earlier this month. A bill to award a congressional gold medal to not only recognize Frank Sinatra, as one of the most notable entertainers of our time, but also to recognize his unsurpassed humanitarian efforts.

I am speaking of Frank Sinatra's generous and unostentatious philanthropic accomplishments. This one man has raised hundreds of millions of dollars to benefit the poor, the hungry, the chronically and terminally ill, and a variety of charities for children all over the world.

The lives of countless ailing youngsters have been touched by the benevolence of Frank Sinatra through his funding of entire hospital units dedicated to caring for children. Specifically, the Frank Sinatra Child Care Unit at St. Jude's Children's Research Center in Memphis, TN, and the Sinatra Family Children's Unit for the Chronically Ill at Children's Orthopedic Hospital in Seattle, WA.

Let me mention two examples of Frank Sinatra's generosity. This great man set out on a world tour to benefit children's hospitals, orphanages, and schools. He personally and completely financed 30 concerts in 10 weeks stopping in the international capitals of the world. All in all he raised more than $1 million throughout this effort. And that was in 1962.

More recently, starting in 1979, Frank Sinatra coordinated a historical series of five annual concerts showcasing and sharing the stage with renowned entertainers such as Ella Fitzgerald, Victor Borge, Diana Ross, and opera singers Luciano Pavarotti, Placido Domingo, and Montserrat Caballe.

These five concerts generated $11 million, I repeat, $11 million for the Frank Sinatra Fund of the Memorial Sloan-Kettering Cancer Center. These donations have helped ensure that patients of the cancer center who cannot afford treatment are not turned away.

Frank Sinatra's generosity has channeled money for strengthening educational opportunities and programs for inner-city youths as well as university coeds. Examples of his work stretch from Hoboken, NJ, to the Hebrew University in Jerusalem and many points in between.

Not only has Frank Sinatra done more than a lion's share to assist his fellow man, he has done so through anonymity. He is not one to trumpet his goodwill. And that, Mr. President is a class act.

I am proud to say that support for this bill from my colleagues has been overwhelming. I thank all of my friends on both sides of the aisle who have looked to the goodness in a fellow man and made the easy decision to recognize that goodness.

Mr. President, that is the right thing to do. That is what we should do more of. We should rally 'round and show our thanks for the goodwill of individuals who willingly share the fruits of their success with those less fortunate.

On another note, Mr. President, I feel very strongly that the pubic sale of bronze duplicates of the original Frank Sinatra gold medal has a very real potential to raise money for the Treasury.

Mr. COATS. I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 305) was deemed read a third time and passed, as follows:

S. 305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Francis Albert "Frank" Sinatra has touched the lives of millions around the world and across generations through his outstanding career in entertainment, which has spanned more than 5 decades;

(2) Frank Sinatra has significantly contributed to the entertainment industry through his endeavors as a producer, director, actor, and gifted vocalist;

(3) the humanitarian contributions of Frank Sinatra have been recognized in the forms of a Lifetime Achievement Award from the NAACP, the Jean Hersholt Humanitarian Award from the Academy of Motion Picture Arts and Sciences, the Presidential Medal of Freedom Award, and the George Foster Peabody Award; and

(4) the entertainment accomplishments of Frank Sinatra, including the release of more than 50 albums and appearances in more than 60 films, have been recognized in the forms of the Screen Actors Guild Award, the Kennedy Center Honors, 8 Grammy Awards from the National Academy of Recording Arts and Science, 2 Academy Awards from the Academy of Motion Picture Arts and Sciences, and an Emmy Award.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and numerous humanitarian activities.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under section 3 shall be deposited in the Numismatic Public Enterprise Fund.

ORDERS FOR THURSDAY, FEBRUARY 27, 1997

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. on Thursday, February 27. I further ask that immediately following the prayer, the routine requests through the morning hour be granted, and that the Senate then resume consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COATS. For the information of all Senators, by previous order, tomorrow morning the Senate will begin 90 minutes of debate on the Graham amendment. Following the vote on or in relation to the Graham amendment, the Senate will then debate several amendments to the balanced budget amendment with rollcall votes occurring on those amendments later in the afternoon. Following those stacked votes later in the afternoon, the Senate will debate Senator **BUMPER**'s amendment to Senate Joint Resolution 1. Therefore, all members can expect additional votes during Thursday's session.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. COATS. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:05 p.m., adjourned until Thursday, February 27, 1997, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 26, 1997:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. GEORGE T. BABBITT, JR., 3032.

EXTENSIONS OF REMARKS

REPORT BY THE DELEGATION OF THE UNITED STATES ASSOCIATION OF FORMER MEMBERS OF CONGRESS VISIT TO CUBA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. HAMILTON. Mr. Speaker, I am pleased to submit to the record the following policy recommendations from the report by the delegation of the United States Association of Former Members of Congress visit to Cuba. I commend the members of the delegation—Hon. Louis J. Frey, Jr., Hon. James W. Symington, Hon. Michael Barnes, Hon. Jon Christensen, Hon. Dennis DeConcini, Hon. Toby Roth, Mr. Walter Raymond, Jr., and Ambassador Timothy Towell—for their decision to take the trip and study this pressing issue in U.S. foreign policy.

As my colleagues will see, the delegation's policy recommendations amount to a serious reexamination of United States policy toward Cuba. This call for a reexamination of policy is not based on some nostalgic view of the dictator—Castro—who continues his grip on power in Cuba. In fact, by calling for the release of political prisoners and for free and fair elections, the members of the delegation demonstrate that they clearly understand the dictatorial nature of the Castro regime. These recommendations are made because they advance the United States national interest in a peaceful transition in Cuba away from dictatorship to democracy.

Unsurprisingly, the Cuban economy is in very bad condition, Cubans suffer shortages of basic necessities and electricity, and the Castro police state remains intact. Surprisingly, the majority of the dissidents the delegation met with in Cuba stated their opposition to the Helms-Burton law. According to the delegation's report, many dissidents favor an increased flow of people, information, and ideas into Cuba. It is this increased flow of people and information to Cuba, not the continued isolation of that nation's people, that poses the greatest threat to the Castro regime.

REPORT BY THE DELEGATION OF THE U.S. ASSOCIATION OF FORMER MEMBERS OF CONGRESS VISIT TO CUBA, DECEMBER 9–14, 1996

Possible actions envisioned by the delegation to be taken in 1997 include:

(1) A comprehensive bilateral program to reduce drug trafficking. The effort which led to the recent 6-ton cocaine bust should be expanded. Consideration might be given to developing joint counter-narcotics interdiction strategies, including undertaking joint naval patrols in the Bahamas and in Cuban and U.S. waters.

(2) Visit by the International Human Rights Law Group to monitor the judicial process. This idea was raised with Minister of Justice Sotolongo who said he received many visits, but he was not closed to the idea. He said Cuban sovereignty and principles would have to be observed. The delegation urged the Minister to review all convictions, as a satisfactory resolution of cases concerning prisoners of conscience would evoke a positive U.S. response.

(3) Consultation with U.S. nuclear experts before completion and operation of Cuba's first nuclear plant. The delegation urged closer international supervision and were advised that IAEA had paid a visit. The plant is being built with Russian equipment and technology and, with the precedent of the Chernobyl plant disaster in Ukraine, is a cause of international concern. The Cuban officials took pains to remind the delegation that they are as interested as the United States in constructing a safe facility. An offer of a visit by a technical group from the southern United States (possibly Florida) whose citizens would be the most directly affected by any nuclear waste, emissions or malfunction should be considered.

(4) Support for human rights in Cuba. The delegation urges the U.S. Government, in conjunction with the EU, to press for the initiation of a process permitting free and open elections, maintained by a responsible international body. Further, the Cubans should be urged to invite the International Committee of the Red Cross to examine the conditions of Cuban prisons. Such a demarche to the Cubans would probably most effectively be pressed through the appropriate third party from the EU or Central Europe. The concurrent release of a number of political prisoners, estimated by the dissidents at 300–500, would be a dramatic gesture with little downside. In the judgment of the delegation, the political prisoners are considered as political chips and insurance rather than a security threat.

(5) An offer to open property settlement discussions. The Cubans acknowledge that this is still an outstanding issue in the bilateral relationship, but politics aside, they have neither the funds nor the will to make a new offer, unless it is part of a larger negotiation concerning bilateral relations. Nevertheless, an effort should be made to establish a process with a payment schedule even if actual funding is deferred to a future date.

(6) The elimination of barriers to two-way communication. This could range from the current—and significant—establishment of the CNN Bureau to the sale of Western books, magazines and papers and the removal of impediments to Internet connections. In this regard, the delegation was advised by the democratic opposition that TV Marti is never heard in Cuba except by party officials who have satellite dishes. Ordinary Cubans cannot own a satellite dish. Congress should explore how effective TV Marti actually is and if it proves to be as ineffective as the delegation was advised, funding should be stopped for TV Marti. These funds, however, should continue to be allocated for information programming to Cuba. The delegation believes the estimated $12 million currently allocated for TV Marti could be effectively spent on more informational and academic exchanges and improvements to other communications channels including the provision of a broad Internet capability. In addition, serious program attention should be given to developing and broadcasting, via a variety of communication channels, basic educational materials concerning the development of a political and economic democracy. Paralleling U.S. programming to Central/East Europe and the NIS, the time is right to provide materials to support a peaceful transition in Cuban.

(7) Lifting of restrictions on air travel from the United States to Cuba. This could be done on a step-by-step basis, such as for holidays, to monitor the new arrangements. However, it should be noted that Americans do get to the island now through a very complicated routing. The FMC delegation, for example, traveled via Costa Rica and Mexico. Others go via Nassau and, in comparatively large numbers, travel onward to Cuba by charter. In other words, travel restrictions are finessed and the difficulties imposed are counterproductive. These restrictions do not appear to have any redeeming value. Lifting them would facilitate and energize a range of contacts between Cubans in Cuba, their relatives in the United States and with the wider American community. Such contacts would provide a source of physical and moral support to the Cuban citizens and could temper the conduct and course of the regime itself.

(8) The removal of barriers to humanitarian assistance. Discussions with Caritas, the international arm of the U.S.-based Catholic Relief Services, were very positive and members of the delegation will be in further communication with it. Other channels may also be explored. The Cuban-American community in the United States has been very helpful in assisting their families, but the current restrictions have reduced this assistance. The delegation sees no reason to create obstacles to such assistance.

(9) The removal of remaining impediments to exchange programs. Significant increases in exchanges should be authorized and, as needed, financed. On the basis of our discussions with faculty and students, stringent visa restrictions—which they said appeared to be getting tighter—have directly hampered two-way student and professor exchanges involving the University of Havana. On the basis of the knowledge of the important role such exchanges have played in the past and continue to play in Central/East Europe and the NIS, the free flow of information can directly benefit the democratization process.

(10) A U.S. Government call for the formal adoption of the "Sullivan-Arcos Principles" by the foreign investment community (EU, U.S. and others) as an integral component of their business arrangements in Cuba. International and domestic trade unions should be urged to enlist their support and intercession with Western governments and the business community.

(11) Enhanced foundation support for academic and scholastic programs. The MacArthur and Kellogg Foundations currently support the Center for American Studies at the University of Havana. Others with equivalent interests should be encouraged to determine if such programs (see Paragraph 5 above) meet their criteria for support.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(12) Development of a Speakers Program. Encourage the extension of speaking invitations from non-governmental Cuban groups to U.S. leaders. The delegation asked if Billy Graham were to visit Cuba could he speak to the Cuban people. The answer was that if invited by a Cuban institution, Billy Graham and other religious leaders could visit and speak in Cuba. By this measure, the openings for speaking engagements for scientific, cultural, farm and business leaders would be considerable.

(13) Consideration by Members of Congress of fact-finding trips to Cuba. Hill staffers from the House and Senate foreign affairs committees have been invited to visit Cuba and should be encouraged to do so.

The FMC delegation believes that the contacts developed and candid discussions which took place in mid-December in Havana were an important start. The bipartisan quality of the group, its liberal to conservative construction, and its ability to be one step removed from the direct domestic political pressure that a formal Congressional delegation would have suggest that this opening should be pursued. The delegation was asked by the Cubans to plan a sequel trip at an appropriate time in the future and the FMC will consider such a possibility if and when it appears such a mission could serve a constructive purpose.

Representative Louis Frey, Jr., Republican-Florida (1969–1979), Chairman of Delegation; Representative Toby Roth, Republican-Wisconsin (1981–1997); Representative Jon Christensen, Republican-Nebraska (1995——); Representative James Symington, Democrat-Missouri (1969–1979), Vice Chairman of Delegation; Senator Dennis DeConcini, Democrat-Arizona (1977–1995); Representative Michael D. Barnes, Democrat-Maryland (1979–1985).

FOREIGN SUBSIDIARY TAX EQUITY ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. TRAFICANT. Mr. Speaker, today, I introduced the Foreign Subsidiary Tax Equity Act, a bill to discourage domestic corporations from establishing foreign manufacturing subsidiaries in order to avoid Federal taxes. I urge all Members to cosponsor this important legislation.

The bill is long overdue. American manufacturers have abused the good faith of the American workers by developing manufacturing processes in this country then moving production facilities overseas while handing out pink slips to workers here in America. Despite the fact that the American worker is the most productive and talented laborer in the world, many U.S. manufacturers, lured by cheap labor costs and tax holidays, have closed down plants and moved operations to countries like Mexico, Taiwan, and South Korea. Using the complex Tax Code to their advantage, some U.S. corporations pay next to nothing in Federal taxes. How can we as a Congress justify these policies?

Under my bill, foreign subsidiaries of U.S. companies located in countries that provide tax holidays and other tax breaks and ship a significant portion of their products into the United States, would be taxed as if that subsidiary were located in the United States. My bill is designed to discourage tax-motivated foreign investment while protecting the jobs of your constituents.

I have always argued that many of America's social problems—crime, welfare abuse, health care costs, unemployment, and a breakdown in family values—lie in our trade and taxation policies. If we forced rogue multinationals to pay their fair share to the U.S. Treasury, we would be able to better tackle these problems.

I urge all Members to cosponsor this bill.

A LABOR OF LOVE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. HYDE. Mr. Speaker, please permit me to share with my colleagues the text of a very touching letter U.S. Air Force Maj. William F. Smith wrote to a truly extraordinary man, Mr. Zachary Fisher.

Mr. Fisher is well-known to the men and women of our Nation's Armed Forces. With his wife, he established the Zachary and Elizabeth Fisher Armed Services Foundation to provide scholarships for service men and women and their families. To date, more than 700 scholarships have been awarded. The Fishers also provide direct financial assistance to families of military personnel killed in the line of duty.

In 1990, Zachary and Elizabeth undertook an important and unique project called Fisher House, to provide shelter near hospitals at major American military bases. The houses provide a home away from home for the families of military personnel recovering from illness at the adjacent hospitals. To date, 25 Fisher Houses have been constructed, with plans for several more.

Mr. Fisher is also the founder of the Intrepid Sea Air Space Museum, the world's largest maritime museum, located on New York's Hudson River.

The Fishers latest philanthropic effort is directed toward finding a cure for Alzheimer's disease, which affects more than 4 million Americans. The Fishers have established the Zachary and Elizabeth Fisher Center for Alzheimer's Research, which is the largest and best equipped laboratory devoted wholly to Alzheimer's research. Working in union with David Rockefeller and Rockefeller University, the Fishers have an ambitious goal, to create a model center for patient care and research.

Major Smith, who is stationed at Andrews Air Force Base, MD, penned this letter to Zachary following the dedication of a Fisher House on base. I commend it to my colleagues:

DEAR MR. FISHER: I am writing to thank you for the special gift you gave us here at Andrews Air Force Base on September 26, 1994. No, I'm not talking about the Fisher House although I do appreciate you building it and am thankful for all the good it will do for our community. I'm talking about the gift of love, and more specifically the gift you gave us of how to love. As I stood in the back and listened to the speeches honoring you I became mesmerized with the say you doted over your wife. Prior to your arrival I wondered what you would look like and how you would act. I guess I wondered about your character since a lot of men with wealth and power have fairly predictable characters. So as I stood in the midst of affluence and opulence I began to assess your character and I was impressed and inspired. The way you smiled at her and held her hand and took the time to explain things to her touched me very deeply. It occurred to me that I may be standing in a holy place, a place where true, unconditional love is alive in a special man. At the end of the ceremony the officer standing next to me said "that was pretty impressive wasn't it?" I said "I don't know what impressed you, but I think we just witnessed the finest example of how we should love our wives." He looked at me a moment contemplating my comment and said, "Yes, I think you're right."

When I got home I told my wife about what I saw. When I began to describe how you started your speech saying, "Honey I think I should give you a kiss to remind us of how much we love each other," I began to cry. Then I kissed my wife and told her I found someone who loves his wife as much as I love mine. And that night as she lay asleep in bed I put my arms around her and held her and told her I love her and I kept holding her and she didn't know it. I think that is a sacred act, to love someone when they may not know it.

You are the luckiest man in the world, you have love in your heart. And so, even though I don't have the wealth you have, I am just as lucky as you, and I thank you for reminding me how lucky I am. Thank you.

Sincerely,

WILLIAM D. SMITH,
Major, USAF.

WILMINGTON CELEBRATES ITS 175TH BIRTHDAY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. SOLOMON. Mr. Speaker, on March 22, the Essex County Town of Wilmington will celebrate its 175th Birthday.

As far as I'm concerned, Mr. Speaker, the nicest thing to happen to me in the 1990's is the addition of most of Essex County to the district I have the pleasure of representing. The town of Wilmington is typical of the region, one of hardy winters and friendly people. It is in such towns that the values and virtues that made America great have been developed to their fullest.

These values and virtues include self-reliance and a spirit of volunteerism, which is nothing more than an instinctive response to a neighbor in need.

America is not really defined by her soaring skyscrapers and sprawling shopping malls. She is defined by her small towns, where everyone knows each other like a large, extended family. It is actually possible to walk the streets at night in such towns.

Everything is on a smaller scale in such towns, everything that is, except the geneosity and love of one's fellow man. Church steeples invariably pierce the horizons of such towns, reflecting the deep and abiding religious faith without which these values and virtues could not survive.

I invite Members to visit the area some day, perhaps on your way to enjoy the local seasonal sports. You will enjoy as well as open friendliness and picturesque scenery, and finally discover why I make it a point to go home every weekend.

Mr. Speaker, I ask you and all Members to join me in wishing the town of Wilmington a happy 175th birthday, and in congratulating Supervisor Roy C. Holzer, other town officials, and the entire populace for bringing the town into the 21st century without changing what is great about small-town American life.

LEGISLATION TO PROVIDE VETERANS BENEFITS TO MEMBERS OF THE PHILIPPINE COMMONWEALTH ARMY AND THE MEMBERS OF THE SPECIAL PHILIPPINE SCOUTS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. GILMAN. Mr. Speaker, I am proud to introduce legislation to amend title 38, of the U.S. Code, to provide that persons considered to be members of the Philippine Commonwealth Army veterans and members of the Special Philippine Scouts—by reason of service with the Armed Forces during World War II—should be eligible for full veterans benefits from the Department of Veterans' Affairs.

We must correct the grave injustice that has befallen this brave group of veterans, since their valiant service, on behalf of the United States, during World War II.

On July 26, 1941, President Roosevelt issued a military order, pursuant to the Philippines Independence Act of 1934, calling members of the Philippine Commonwealth Army into the service of the United States Forces of the Far East, under the command of Lt. Gen. Douglas MacArthur.

For almost 4 years, over one hundred thousand Filipinos, of the Philippine Commonwealth Army fought alongside the Allies to reclaim the Philippine Islands from Japan. Regrettably, in return, Congress enacted the Rescission Act of 1946. This measure limited veterans eligibility for service-connected disabilities and death compensation and also denied the members of the Philippine Commonwealth Army the honor of being recognized as veterans of the United States Armed Forces.

A second group, the Special Philippine Scouts called New Scouts who enlisted in the U.S. Armed Forces after October 6, 1945, primarily to perform occupational duty in the Pacific, were similarly excluded from benefits.

I believe it is long overdue to correct this injustice and to provide the members of the Philippine Commonwealth Army and the Special Philippine Scouts with the benefits and the services that they valiantly earned during their service in World War II.

Accordingly, I have introduced legislation, H.R. 836 that will provide veterans of the Philippine Commonwealth Army and the Special Philippine Scouts with the benefits, the compensation, and most importantly with the recognition they courageously earned.

I urge my colleagues to carefully review this legislation that corrects this grave injustice and provides veterans benefits to members of the Philippines Commonwealth Army and the members of the Special Philippine Scouts.

Mr. Speaker, I request that the full text of H.R. 836 be included at this point in the RECORD.

H.R. 836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Filipino Veterans Equity Act of 1995".

SEC. 2. CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS DEEMED TO BE ACTIVE SERVICE.

(a) IN GENERAL.—Section 107 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "not" after "Army of the United States, shall"; and

(B) by striking out ", except benefits under—" and all that follows and inserting in lieu thereof a period; and

(2) in subsection (b)—

(A) by striking out "not" after "Armed Forces Voluntary Recruitment Act of 1945 shall"; and

(B) by striking out "except—" and all that follows and inserting in lieu thereof a period.

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts".

(2) The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

"107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts.".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall take effect on .

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the effective date of this Act by reason of the amendments made by this Act.

HONORING SIOUX TAYLOR

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. ENGEL. Mr. Speaker, today I speak to honor a woman who has done so much for the people of her community, her city and her State. Sioux Taylor has been active in her community, serving since 1992 as commissioner of the Mount Vernon Recreation Dept. and for 14 years before that as executive director of the Mount Vernon Youth Bureau.

But her contributions exceed that service. Since receiving her masters of science from New York University she has served in many capacities; as a member of the steering committee, New York State Coalition for the Aging, chairperson of the Mount Vernon Chapter of the Martin Luther King, Jr., Institute for Social Change, president of the lay organization, Allen Temple AME Church, as a district leader of the Mount Vernon Democratic Party since 1978, and as a member of the executive committee of the Mount Vernon Council Community Services. She was named 1988 social worker of the year for Westchester County and a year later, social worker of the year: New York State. She was awarded the second annual Governor's Award for African-Americans of Distinction. She has served as the convener and first president of Southern Westchester NOW and is a founding member of the National Women's Political Caucus and the Westchester Black Women's Political Caucus.

On her retirement, Sioux Taylor leaves her community far richer for her work. She has been a great help to me, serving as a guide and advisor so I could better represent Mount Vernon in Congress. I join with everyone there in thanking her for all she gave.

ON EDUCATION

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to raise the issue of our commitment to our young people. What can we in Congress really do to help them into the 21st Century? What can we do to make sure they have a future? What will we do to make sure they are ready to compete in a global economy?

Mr. Speaker, you know what we have to do. Everyone in this chamber knows what needs to be done. Education, Education, Education. Fix our schools infrastructure, make our schools safer and give our schools standards that make sense.

With all this talk of bipartisanship politics—and I have to admit the Members on the other side of the aisle have come a long way from the last Congress when they proposed the largest education cuts in history and wanted to abolish the Department of Education—maybe we can do something this term for our young people. Maybe we can agree that Pell grants need be raised. Maybe we can agree that we can give hope to our young people that they have a chance to go to college if they want to go—that their parents will get a break from the huge financial burden of sending their children to college.

Mr. Speaker, we know what we have to do this term, we know what the American people want us to do for our schools and their children. Let's get about the people's business and get it done, let's get going for the sake of our children and for the sake of the future of this country.

MODERNIZING THE WHITE COLLAR EXEMPTION OF THE FAIR LABOR STANDARDS ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. PETRI. Mr. Speaker, on February 6, 1997, I introduced a bill, H.R. 647, to clarify and modernize the white collar exemption of the Fair Labor Standards Act. I hope this bill will receive close attention during this session of Congress.

The Fair Labor Standards Act is intended to protect workers with provisions like the minimum wage and the 40-hour workweek. As a result, any attempt to tinker with the FLSA is immediately perceived as an attack on these basic protections or at least is so portrayed by political opponents. It is apparent, however, that after a half century of hands-off politics, we are left with a law that is out of step with the times and needs improvement.

Two recent developments have brought the issue to a head. First, disgruntled employees have begun to use the FLSA's salary basis test as a tool for seeking revenge and not for logically distinguishing exempt from nonexempt employees. They do this by claiming that anyone subject to a pay reduction for taking partial day leave is not paid on a salary basis and is therefore entitled to overtime pay, including retroactively. The problem would not be so bad if it were limited to a few individual overtime awards; but it is not. Instead, seizing upon a two-word phrase in the regulations, employees and their attorneys have argued that everyone theoretically subject to a technically flawed payroll policy is entitled to the same windfall—regardless of whether the flaw affected any particular employee's pay. Employers, of course, rarely issue separate payroll policies for different groups of exempt employees; thus, every employee, up to the top levels of the corporate boardroom, becomes an equally viable candidate for a large windfall. The potential overtime liability is as enormous as it is irrational.

Furthermore, the FLSA's duties test is being applied on an increasingly arbitrary basis. Concepts like "discretion and independent judgment" have always been difficult to define. These ideas seemed manageable in the era of assembly lines and hierarchical management structures, but this has radically changed. Instead, technology has diversified job duties, service-based employment has proliferated, and even old-line manufacturing operations have moved to team management concepts. In this environment, employers can no longer rely on cookie-cutter paradigms in making duties judgments. Employers often have to guess—and too many are guessing wrong. Even the courts struggle to achieve consistency, reaching irreconcilable results in cases involving the growing ranks of quasi-professionals such as accountants, engineers, insurance adjusters, and journalists.

The legislation I have introduced addresses these problems in three separate ways. First, it restores original understandings of the salary basis test by requiring the Department of Labor and the courts to focus on actual pay reductions rather than speculation as to potential deductions under some nebulous policy. The FLSA still will protect exempt employees from inappropriate practices, since regulatory provisions denying exempt status for employees experiencing actual salary deductions for taking partial day leave would remain unchanged. My legislation, however, will prevent employees from using a policy's theoretical application to extort huge overtime windfalls for company-wide classes of highly paid employees who never could have imagined themselves as nonexempt laborers.

Second, my proposal will address perhaps the most confusing and indefensible requirement among the FLSA's duties tests: the attempted distinction between "production" and "management" workers. Under current regulations, for example, an administrative assistant might meet exemption standards simply by opening a management executive's mail and deciding who should handle it, because such a job is "directly related to management policies or general business operations of the employer or the employer's customers." On the other hand, employees with far more sophisticated, challenging, and lucrative jobs may be nonexempt simply because they work on production tasks. The regulations reasonably expect an administrative employee to exercise a certain level of discretion and independent judgment, and my legislation would not alter that requirement. There is no reason to think, however, that a production or management label on the object of an employee's discretion or judgment has anything to do with that employee's professionalism, or the need for FLSA protections. Therefore, my bill eliminates the requirement that the employee's exercise of discretion and judgment be "directly related to management policies or general business operations of the employer or the employer's customers."

Finally, my legislation would create an income threshold that automatically exempts from FLSA scrutiny the highest paid strata of the workforce. This would directly reverse the trend toward questionable and irrational overtime awards for highly compensated employees. There is no reason that the FLSA, which was passed to protect laborers who "toil in factory and on farm," and who are "helpless victims of their own bargaining weakness," should ever be interpreted to protect workers making high five-figure or six-figure incomes. Yet, without considering the policy implications, courts are reaching such conclusions on an alarmingly frequent basis.

A worker drawing a large salary must perform some valuable services for an employer. Why, then, should that employer have to satisfy a complex set of artificial and archaic duties tests to prove that the employee is valuable? A worker drawing a large salary also must possess considerable bargaining leverage. Why then, should employers be forced, regardless of the employee's needs or preferences, to calculate paychecks only in the inflexible manner dictated by Government salary basis regulations?

The FLSA, in nearly six decades, has strayed from its laudable goal of protecting the poorest and weakest laborers from workplace abuses. The Department of Labor and the courts need to refocus their efforts. By directly exempting highly paid employees and by making long overdue adjustments to the salary and duties tests, my proposal goes a long way toward providing this new direction.

THE 1998 BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, February 19, 1997, into the CONGRESSIONAL RECORD.

THE PRESIDENT'S 1998 BUDGET

The most important document in the government is the budget. It is a plan of how the government spends your money, how it pays for its activities, and how it borrows money to pay the bills. It affects the nation's economy, and it is affected by that economy. This month President Clinton sent his 1998 budget to Congress.

The President submitted a $1.687 trillion budget. With revenues projected at $1.567 trillion, that leaves a $120 billion deficit, down slightly from $126 billion in 1997. The President lays out a plan to eliminate the deficit by 2002, while protecting Medicare and Social Security without raising costs to beneficiaries. Unlike previous years, congressional leaders in both parties say the President's plan is not "dead on arrival," and they will use his proposal as a starting point for budget negotiations.

The biggest spending in the President's budget goes for Social Security ($381 billion), Medicare and Medicaid ($310 billion), defense ($260 billion), and interest on the national debt ($250 billion). Non-defense discretionary programs, including education, training, research, housing, infrastructure, and law enforcement, receive a total of $287 billion. The downsizing of the federal workforce continues, with a 14% reduction on track for 1999. More than 250,000 positions have already been eliminated.

Over the next five years, the President would cut back discretionary spending by $137 billion and Medicare and Medicaid by $122 billion. The plan would raise $88 billion by closing tax loopholes, imposing new user fees, and auctioning new television broadcast spectrum rights. The President would restore $18 billion for nutrition programs cut in last year's welfare reform law, and cut taxes for middle-income individuals and certain small business by $98 billion.

The President projects a continuation of a good economic growth and no acceleration of inflation. He believes interest rates will fall markedly as a result of balancing the budget. The President's budget further reduces the deficit and provides middle class tax relief, but it does not do enough to boost investment in the future.

New Priorities: Within his plan, the President has proposed a significant realignment in government priorities. First, the President would increase our emphasis on education by expanding everything from the Head Start program for pre-schoolers to tax credits for college tuition and adult job training. Second, the President would extend health care coverage to children and unemployed families who currently lack health care coverage.

It is appropriate to reassess our proprieties, even as we cut back on the scope of government programs. The President's emphasis on education reflects growing public sentiment that we should pay more attention to the problems of our education system. Health care, especially for children, remains a critical issue for many families. I agree with these priorities, but have concerns about the specifics. Some of the President's education plans might create as many risks as rewards. For example, the tax credit for college students with a B average could push colleges to raise tuition, pressure professors to boost student grades, or require the IRS to monitor college transcripts. In broadening health care coverage, we must be careful not to create new runaway entitlements. In prioritizing budget cuts, we should also remember that the major cuts in spending in the last Congress were on assistance to the poor. The rest of us got a bye.

Other Investment: The President misses the mark by adding new investment only in education. Spending on roads, bridges, harbors, airports, and water systems, along with research in science and technology, is essential for new economic growth and for an increase in our living standards. I am concerned that the President would not increase this spending to keep up with inflation—or our global competitors. My view is that the nation's major economic problem is slow growth. We must accelerate economic growth by increasing investment in infrastructure and research.

Long-term changes: A key question is whether or not the budget will remain balanced beyond 2002. My concern is that unless the President and Congress make sweeping changes in the budget now, the deficit will bounce back after 2002. The President postpones the tough budget choices by shifting too many cuts to the last 2 years of his plan, after he leaves office. He also uses a number of one-time savings (such as selling government assets) to achieve balance in 2002. These one-time fixes do not really address the fundamental problem of overspending.

We have not yet begun to make the necessary decisions to get our fiscal house in long-term order. The underlying budget problem facing our country is the aging population. In fifteen years, baby boomers will begin retiring, placing great strains on programs for older Americans—Social Security, Medicare, and Medicaid. Each of these programs is reasonably secure for the short-term, but long-term reforms must begin now. It will be less painful and less costly to act early. Choices must be made soon on proposed changes to cost-of-living adjustments, subsidies for wealthier recipients, the retirement age, payroll taxes, and the role of private markets in strengthening Social Security and Medicare.

Prospects: The outlook is good for a balanced budget agreement. The mood of key players in Congress and the White House is positive, economic growth is creating higher revenues than expected, and health care costs are constrained. The President and leaders of both parties have had productive meetings to discuss their common ground on the budget. The most contentious issue will likely be the size and shape of tax cuts. The President wants targeted cuts for education, children, and capital gains on the sale of a home. The congressional leadership plans much larger, broad-based reductions. In our efforts to enact politically popular tax cuts, we must not rely on rosy assumptions about future growth or the likelihood that future Congresses will cut popular programs.

Conclusion: At its heart, the President's budget is a political document, designed to gain political advantage in negotiations. I do not view this budget proposal as a powerful document that addresses long-term challenges. Rather, it is an opening bid in the long process to balance the budget. In a few places, it modestly pushes the country in the right direction. It deals with long-term structural problems only on the margins.

AMERICANS FOR DEMOCRATIC ACTION TRIBUTE

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mrs. MINK of Hawaii. Mr. Speaker, for 50 years the Americans for Democratic Action have served this Nation as the liberal conscience covering all issues that affect and confront our lives. While there are numerous liberal single issue organizations that have carved out extraordinary roles in developing American political thought, none have the scope and history as does the Americans for Democratic Action [ADA].

When I came to Congress first in 1965, with the war in Vietnam just beginning to awaken the protests of our youth all across our college campuses, it was the ADA that helped me to put the focus of criticism on process and peace. From 1965 to 1975 until this war ended unceremoniously, the ADA assiduously guarded the civil liberties of our citizens from the emotional and fanatical tirades of those who could not see the painful sacrifices this country was making of its young for a yet undeclared war.

The ADA was formed to serve as an independent political organization. That its politics is more Democratic than Republican is no accident. Its founders were illustrious persons like Eleanor Roosevelt who after her husband's death rose to the ranks of First Lady of the World; Walter Reuther, who created a labor movement involved in social and economic policies well outside ordinary labor politics, and scholars like John Kenneth Galbraith, whose views helped to steer this Nation to economic growth and greater prosperity for the struggling middle class. Vice President Hubert Humphrey was also a founder of ADA.

ADA for 50 years has attracted into its ranks the great voices of political activism and its policies have become the bellwether of liberalism for all of America.

ADA was there at the beginning of the civil rights movement. In 1948, it fought valiantly for a strong civil rights plank in the platform of the Democratic Party.

ADA was the place where the policy of full employment became a national goal later called the Humphrey-Hawkins Full Employment Act, still guided by Leon Shull.

Empowering workers to see that politics was a way toward improvement of working conditions, wages, and job security gave ADA goals to achieve by working closely with the labor movement. Many of labor's leaders continue to serve as ADA's national vice presidents.

I was elected national president of ADA in 1978 and served in that capacity until 1981. During my tenure, ADA under the guidance of Winn Newman advanced pay comparability policies for women that brought the pay equity debate into an examination of the value of work that women do.

ADA is a movement constantly reaching out to new challenges and new areas of leadership.

Its current president, Jack Sheinkman, was the head of the Amalgamated Clothing and Textile Workers Union before he was elected ADA's national president. The executive director is Amy Isaacs who is in charge of its day to day operations. ADA is a national membership organization, but unlike others, it services 22 local chapters all across the country, with approximately 65,000 members.

Among our present and former Members of Congress who served ADA as national president: Hubert Humphrey, Don Edwards, Al Lowenstein, Don Fraser, George McGovern, Robert Drinan, BARNEY FRANK, TED WEISS, CHARLES RANGEL, PAUL WELLSTONE, and JOHN LEWIS. I was its first and only woman president.

Happy 50th birthday Americans for Democratic Action. And may you have many more.

A POINT OF LIGHT FOR ALL AMERICANS: CHARLES E. INNISS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. OWENS. Mr. Speaker, I rise today to honor an individual who devoted his life to public service and community charity. Charles Inniss' life of 61 years has left an indelible impression on all with whom he came in contact. Although he has passed, his life will remain a testament that human compassion is one of the virtues that matters most in life. Charles Inniss was a model human being and a great "point of light" whose contributions must not go unacknowledged.

He was a business administrator, a creative technician, and an artist all combined. He could walk with kings and never lose the common touch. Throughout his professional life at Brooklyn Union Gas. Mr. Inniss was viewed as dedicated, committed, and caring. He joined Brooklyn Union in 1979 as assistant manager in public relations and communications and retired in 1995 as vice president of the urban affairs division. Before joining Brooklyn Union, he served as assistant district service manager at Dun & Bradstreet, executive director of Studio Museum in Harlem, director of area development for the Bedford-Stuyvesant Restoration Corp., administrator of Brooklyn Model Cities, and director of public information and development at the Brooklyn Public Library.

It has been Mr. Inniss' humanitarian deeds that have earned him the greatest respect and admiration of those lives he has touched. He devoted his life to public service by serving on more than 25 charitable organizations. He served actively in the following organizations: the Brooklyn Arts Council, the board for the Brooklyn Children's Museum, the board for the Marcus Garvey Nursing Home, the American Association of Blacks in Energy, the Staten Island Zoological Society, the board for Catholic International, the Mayor's New York City Advisory Cultural Commission, and the Black Officers Association.

Throughout the years, Charles Inniss worked diligently in positions that he found to be beneficial to the community. He was cofounder of Career Opportunities for Brooklyn Youth, director and past chairman of the Studio Museum in Harlem, chairman of Neighborhood Artists, and past chair of the American Gas Foundation. In 1992, he was appointed by the Governor to the City University of New York board of trustees and served as chair of the university's construction fund.

Mr. Inniss has been recognized for his contributions to a broad spectrum of cultural, educational, and social services agencies, institutions and organizations. The Franciscan Sisters for the Poor named their new residence for homeless men the Charles E. Inniss St. Joseph Franciscan House in honor of his dedicated service to the organization. In addition, Mr. Inniss received an honorary doctorate of laws from St. Joseph's College, the Brooklyn Botanic Garden's Forsythia Award, the Franciscan Sisters of the Poor Heritage Award, and the President's Medal for Kingsborough Community College.

Probably the most outstanding feature of Charles Inniss' character and style was his refusal to be shackled by formality and bureaucracy. He supported programs in need when his own eyes and ears told him they were positive and productive. A lack of paperwork and the appropriate statistics never prevented funding activities deemed useful to the community. Mr. Inniss made Brooklyn Union one of the earliest sponsors of the Central Brooklyn Martin Luther King Commission which is now in its 12th year of service to the community.

Mr. Inniss was born in Harlem, NY and spent the formative years of his childhood in the East Bronx. He is a graduate of Evander Childs High School and served as captain of the 369th Artillery Battalion. He received a bachelor of science degree and master of public administration degree from New York University.

Charles Inniss is survived by his wife, Marge; a brother, Wilbur; two sisters, Norma and Frances; a sister-in-law, Madelaine; one niece, Wendy Woodland; one nephew, David; two grand-nephews, Christopher and Bryan; and a host of beloved and other family members.

Service to community is an unselfish and difficult calling. Consistently, Charles Inniss has made it appear to be effortless by playing a pivotal role in virtually every aspect of the lives of the people of New York. I sincerely appreciate the richness and dedication that marked Mr. Inniss' life. Charles E. Inniss is a great "point of light" for all of the people of America to revere.

GAO STUDY BILL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. TRAFICANT. Mr. Speaker, proponents of the flat tax, and there are many, argue that a flat tax would be more fair to Americans than a progressive income tax. Meanwhile, the proponents of the consumption tax tout the elimination of the Internal Revenue Service as a chief benefit. All Americans agree that a simplified Tax Code would eliminate loopholes and complex deductions only a tax attorney and CPA understand.

Since coming to Congress, I have supported the idea of a simplified tax system. I believe that more Americans would pay their taxes if they understood what they owed and they didn't feel they were missing out on some obscure break they overlooked. If you honestly felt that you were paying your fair share, you would have more confidence in the system. Imagine the savings to Americans in tax preparation, not to mention money spent on antacid.

I think the solution is a combination of both. A flat income tax for easy filing coupled with a lower sales tax to get at the money generated by our great economic engine. This plan would incentivize savings, reduce interest rates, drive new business, and generate more economic activity while still maintaining our present level of revenues.

Today, I introduced a bill that calls for the Comptroller of the General Accounting Office to study the effects of my plan, including possible deductions for interest on a home mortgage, college tuition, and a per child deduction. My bill won't change the IRS Code, only require a study of the effects of a change. I am so confident in this plan that I think after the GAO study is complete, the advantages will become apparent.

I think the dire circumstances America finds itself in is a result of our poor tax and trade policies. Our Tax Code rewards dependency and penalizes achievement. This new tax plan would be the first step toward ending the economic crisis we face today.

Mr. Speaker, I urge all Members to cosponsor my bill.

IN SUPPORT OF AMENDING IMMIGRATION REGULATIONS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. GILMAN. Mr. Speaker, I am pleased to join the gentleman from New York [Mr. RANGEL] as a cosponsor of our bill to amend the law concerning communications between Government agencies and the Immigration and Naturalization Service. We appreciate New York City's Mayor Giuliani bringing this important matter to our attention.

As a supporter of last year's welfare reform and illegal immigration, I am aware of the need to address some of their flaws.

The current provisions pose threats to the ability of our local government to protect the public health and safety of their residents.

Let us not discourage undocumented aliens from receiving basic health care services due to their fear of disclosing their status to INS. Otherwise, we would reduce the chances of controlling the spread of communicable diseases.

Effective law enforcement requires the trust and cooperation of all residents, even those who are currently out of status, who may have witnessed or been victims of crime. Our police need the cooperation of all to arrest criminals before they can strike again.

Bear in mind that not all restrictions on communications would be permitted. It mandates that INS and localities exchange information on criminal aliens, regardless of their status.

Accordingly, I urge our colleagues to support this important legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTRICTIONS ON COMMUNICATIONS BETWEEN GOVERNMENT AGENCIES AND THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—Section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644) is repealed.

(b) ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208) is amended—

(1) by striking subsections (a) and (b) inserting the following new subsection:

"(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal, State, or local government entity or official may not prohibit any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service any information regarding the immigration status, lawful or unlawful, of any individual who has been convicted of a crime under Federal, State, or local law."; and

(2) by redesignating subsection (c) as subsection (b).

HONORING MARILYN PERLMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. ENGEL. Mr. Speaker, today I rise to honor Marilyn Perlman, who for more than 50 years has contributed to Mount Vernon as a public servant, a public advocate, and a full-time worker for the elderly.

She moved to Mount Vernon, with her new husband, Daniel, more than 50 years ago. She started in local politics by working in the campaign of a friend running for mayor. She became a district leader and subsequently served her city and her community with distinction in many capacities.

She was a great help to me when I first came to Mount Vernon, serving as my guide and introducing me to the many senior programs and people of the Rose Y. She chairs the focal committee for the office of the aging and has served on all the committees relating to older adults. Her activism on behalf of Westchester's senior citizens dates back many years. In 1970, she was hired by the Y to supervise the older adult program, the senior canteen. As part of the aging services network, she was involved in the successful effort to bring the adult day care and kosher nutrition programs to the Y.

Marilyn Perlman has devoted herself totally to her community and her "people," the elderly of Westchester County, accomplishing so much it leaves us unable to comprehend how we will continue without her. I join the people of Mount Vernon and all of Westchester County in thanking her and in wishing for her the best that life has to offer in her retirement, with the hope that the generosity of spirit she gave to all who had the good fortune to meet her and work with her is returned.

TRIBUTE TO DR. LASALLE D. LEFFALL

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the contributions of an outstanding American, Dr. LaSalle D. Leffall. Dr. Leffall, a distinguished fellow alumnus of Florida A&M University, is the Charles R. Drew professor of surgery at Howard University College of Medicine, and like the namesake of his chair, his accomplishments are too numerous to list. His profound and unselfish dedication to the African-American community, especially in education and medicine, is unsurpassed, and deserves the highest recognition.

Perhaps what distinguishes Dr. Leffall most, Mr. Speaker, is that he epitomizes the concept that education is a ladder. This week Dr. Leffall helped to make that ladder a little easier to climb when he presented a check for $350,000 to Florida A&M University, its largest donation from an individual. When matched with funds from the State of Florida, Dr. Leffall's gift will total more than $500,000. As FAMU's distinguished president, Dr. Frederick Humphries, said, "This is a monumental contribution from one whose extraordinary achievements have brought honor and distinction to his alma mater and his community."

A son of the South, Dr. Leffall was born in Tallahassee, FL, and he was born to be great. He graduated summa cum laude from Florida A&M University at the age of 18, and 4 years later, he received his medical degree from Howard University College of Medicine, ranking first in his class. A scholar and a gentleman, Dr. Leffall is a veteran of the U.S. Army, having achieved the rank of captain, M.C., and having served as chief of general surgery at the U.S. Army Hospital in Munich, Germany, from 1960–61, an extraordinary accomplishment for a person of color at that time.

A diplomate of the American Board of Surgery and fellow of the American College of Surgeons, Dr. Leffall has served as visiting professor and guest lecturer at more than 200 medical institutions in the United States and around the world. He has authored or co-authored more than 120 articles and chapters. His professional life has been devoted in great part to the study of cancer, especially as it relates to African-Americans. In 1979, it was his privilege to serve as national president of the American Cancer Society, through which he launched a landmark program to study the increasing incidence of mortality of cancer in the African-American community.

Dr. Leffall's awards and honors include the Presidential Award, Metropolitan Washington Chapter, American College of Surgeons; the Humanitarian Award, Washington, DC, NAACP; Outstanding Service Award, National Medical Association; National Achievement Award, Democratic National Committee Black Caucus; and the Trumpet Award, CNN Turner Broadcasting System. He has been listed as one of the best doctors in Washington, DC, and Washingtonian of the Year by Washingtonian magazine.

Named in honor of his parents, Dr. Leffall's gift will provide critical scholarships for students and professorships in science at Florida A&M University. Equally important, Dr. Leffall's contribution will help open the doors of knowledge for countless young African-Americans, in whose hands the destiny of our society rests.

As a Member of the U.S. Congress, and having served in public office for 20 years, I have learned what my predecessors clearly understood. You cannot legislate good will: that comes through education. Because of outstanding individuals like Dr. LaSalle Leffall, the process of cultivating good will is a little further advanced. It is my privilege to honor him before my colleagues in the U.S. Congress, and the American public.

TRIBUTE TO ROY D. NEDROW

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. SAXTON. Mr. Speaker, I rise today to honor a man who has committed a lifetime to law and order in the United States. On March 1, 1997, Mr. Roy D. Nedrow will retire as the Director of the Naval Criminal Investigative Service, ending 33 years of law enforcement service to the community at the local and Federal level.

Mr. Nedrow began his law enforcement career in 1964 with the Berkeley, CA Police Department where he served for 6 years, first as a patrolman and later as a training sergeant and detective. In 1970, Mr. Nedrow was appointed a special agent with the U.S. Secret Service, distinguishing himself during assignments in the field and at the Service's headquarters. As a result of his outstanding performance and talents, Mr. Nedrow earned a number of promotions culminating in his appointment to the senior executive service and assignment as the Secret Service's Deputy Assistant Director for the Office of Investigations. As director, he oversaw all investigations and protective support activities conducted by the Service's 1,200 special agents at its more than 100 field locations.

In 1992, Mr. Nedrow retired from the Secret Service to accept appointment as the first civilian Director of the Naval Criminal Investigative Service [NCIS]. His appointment came at a critical time in the Agency's history. His strong leadership and unquestionable integrity restored stability to an agency which needed greater independence and a change of direction. Assembling a team of highly qualified professionals, Director Nedrow overhauled the Service, reorganizing its bureaucracy and providing greater accountability and responsiveness to its customers. He provided the men and women of NCIS with a new vision, the necessary resources and support, and the inspiration to achieve positive change.

Under Director Nedrow's leadership, the Naval Criminal Investigative Service gained national recognition for its innovation in homicide investigation. The Service's approach to the investigation of previously unresolved or cold case homicides was lauded for its innovation and excellence in October 1996 by the International Chiefs of Police [IACP] during its prestigious Webber Seavey Award for Quality in Law Enforcement Ceremony. The NCIS cold case methodology has since been adopted by numerous law enforcement agencies throughout the United States.

Director Nedrow also recognized the problems and anxieties endured by families of deceased servicemembers whose deaths occurred under other than natural circumstances. He created and championed an NCIS Family Liaison Program to assure responsiveness to the needs of, and issues raised by, surviving family members during the death investigation process.

Director Nedrow's legacy of achievements include his establishment of a proven, money-saving alternative dispute resolution personnel program, and a cutting edge and visionary computer crimes investigation group.

Perhaps most impressive of all, Director Nedrow and the dedicated men and women of NCIS have done what very few Federal agencies can claim to have done—they have recovered more taxpayer dollars to the U.S. Treasury than it costs to run the entire agency! From 1993, Director Nedrow's first year at the helm of NCIS, to the end of fiscal year 1996, NCIS procurement fraud special agents investigated 2,355 cases of fraud against the Government, obtained 658 felony indictments, achieved 493 convictions, and recovered over $975.8 million in fraudulent payments, fines, and restitution.

This is a remarkable achievement! This small, elite agency of only 885 special agents, only 114 of whom are procurement fraud specialists assigned to Navy and Marine Corps bases around the world, have proven that while crime doesn't pay, crime fighting does!

Although we are losing the leadership and talents of Director Nedrow to a well-earned retirement on March 1, he leaves behind a team of tenacious investigators working hard to keep our Armed Forces safe and ready. The NCIS team he leaves behind is a lasting tribute—I can think of no finer tribute—to a great leader and a great American. In 1945, renowned journalist Walter Lippman wrote, "The final test of a leader is that he leaves behind him in other men the conviction and the will to carry on." Roy Nedrow has more than met the test. The Naval Criminal Investigative Service is indeed a better agency today than it was when he took over the reins.

Mr. Speaker, I wish to commend Roy Nedrow for his outstanding leadership and lifelong service to our country. I offer him my personal thanks and the thanks of an appreciative nation as he begins a new chapter in his life.

NATIONAL FILM REGISTRY TOUR

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. ABERCROMBIE. Mr. Speaker, I rise today to congratulate the Library of Congress, the Bishop Museum Film Archives, and other institutions, organizations, and individuals who are working to preserve the rich film heritage of this great Nation. The Library of Congress is host to the National Film Preservation Board which advises the Librarian of Congress on selections to the National Film Registry and on national film preservation policy. Through the generosity of the James Madison Council and support from leading directors committed to film preservation, the Library of Congress is sponsoring its second season of the National Film Registry tour. The tour showcases 26 feature films and 10 short subjects from the National Film Registry in their original 35 millimeter or 16 millimeter formats. The American public can enjoy a unique opportunity to sample films from the Library's collections. During its first season, the tour hosted public screenings of a broad variety of classic American films in eight cities across the country.

Each year, the board, members of the public, and the Librarian of Congress select up to 25 films for inclusion on the Registry. The films chosen are not necessarily the best American films ever made nor the most famous. Under the terms of the National Film Preservation Act, films selected for the Registry are those that continue to have enduring cultural, historical, or aesthetic significance.

Created in 1988, the National Film Preservation Board recognizes the vital contribution of film to the American heritage. The perilous state of America's film heritage was documented by the Library and the National Film Preservation Board in "Film Preservation 1993: A Study of the Current State of American Film Preservation." More than half of all American films made before 1951 are lost forever. Film is a fragile medium, and motion pictures, both old and new, face deterioration problems. Only by storing films in low-temperature and low-humidity environments can the decay process be slowed. The majority of American films do not receive this care and are in critical need of preservation.

The National Film Registry Tour pays tribute to American filmmaking and promotes public awareness of the need to protect and preserve America's film heritage. As Dr. Billington notes, "The moving picture is not so much the art form as the language of our time. Motion pictures provide an unparalleled record of American life and culture. If we can preserve these films, researchers will have the sights and sounds that flesh out the written record of great events and everyday life." Of special significance when the tour stopped in Honolulu earlier this month was the screening of Hawaiian regional films including "This is America" (1947), which urges support of Hawaii statehood. One highlight of this event was the Library's donation of a new 16 millimeter print of a pre-1915 film shot in Hawaii (featuring substantial footage shot by the Thomas Edison Company in 1906) to the Bishop Museum Archives.

I urge my colleagues to join me in applauding the efforts of the Library of Congress, the Bishop Museum Film Archives, the International Museum of Photography at George Eastman House, the Museum of Modern Art Department of Film and Video, the UCLA Film and Television Archive, and all others involved in this important work.

THE SUCCESSFUL SPACE SHUTTLE MISSION TO SERVICE THE HUBBLE SPACE TELESCOPE

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to congratulate NASA, the National Aeronautics and Space Administration, and the space shuttle crew on the successful completion of its 82d space shuttle flight. The space shuttle crew landed perfectly on Friday morning at the Kennedy Space Center in Florida from their rendezvous with the Hubble space telescope.

The crew performed five exhaustive extravehicular activities, or space walks, to service Hubble. Their objective was to upgrade the Hubble's scientific capabilities, repair and replace faulty or degraded equipment and provide a reboost of its orbit.

The space walking astronaut teams rejuvenated the Hubble space telescope, which increased its usefulness to the scientific community, the people of the United States and the world.

I must note that this was a perfect precursor of the skills and abilities that will be required to assemble the international space station. Critics of the space station who are skeptical of the ability of NASA to construct the complex assembly need only to have tuned in with the rest of the world to witness the precise, exact, detailed work done by our crew this past week on the Hubble telescope.

I encourage my colleagues to join me in extending congratulations to the Discovery crew of Commander Ken Bowersox, pilot Scot Horowitz, and missions specialists Joe Tanner, Steve Hawley, Greg Harbaugh, Mark Lee, and Steve Smith.

These brave and talented astronauts, along with the entire NASA launch and mission support teams, exemplify the finest characteristics of American know-how, determination and can-do spirit.

LEARNING THE LESSONS OF THE HOLOCAUST

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. NADLER, Mr. Speaker, recently, NBC aired the film "Schindler's List," which dramatizes an important piece of Holocaust history in a thoughtful and dignified manner. In so doing, both NBC and the film's producer and director, Steven Speilberg, have made an important contribution to preserving the memory and the historical lessons of the Holocaust.

Telling the story of the Holocaust is important for many reasons. First and foremost, by remembering, we honor the memory of those who suffered and perished during the Nazi persecution. Second, by remembering, we ensure that future generations will know and understand that when hate is allowed to go unchallenged, the results can be—and have been—catastrophic. Finally, by remembering, we counter the sinister effort by some who insist, against all the available evidence, that the Holocaust never happened.

Regrettably, one of our colleagues has failed to grasp the importance of teaching this important historical lesson. He has said, according to the Associated Press, that "decent-minded individuals everywhere" should be outraged by the film's depictions of, and again, I am quoting, "violence of multiple gunshot head wounds, vile language, fullfrontal nudity and irresponsible sexual activity." He urged public outrage as a tool to force the networks to stop "polluting the minds of our children."

Fortunately, most American families are more sensible and reasonable than these remarks give them credit for being. An estimated 65 million people watched the film in one night, more than the number of people who saw the film during its theatrical release. Parents surely made reasonable judgments in reviewing the network advisories and in determining whether this particular film was age-appropriate for their kids—as has Mr. Speilberg. That is as it should be. I would rather respect and trust the sound judgment of the American people, who voted in their own homes in favor of this dramatic retelling, than in the whims of some self-appointed censor.

The nudity and violence depicted in "Schindler's List" are certainly not titillating. It is completely inappropriate and insulting to the memories of those who endured and perished in the Holocaust to suggest otherwise.

As the representative of probably more Holocaust survivors and their families than any other Member of Congress, I urge our colleague to reflect on these issues and reconsider his remarks. I think in our upcoming debates over the question of artistic freedom, this experience will help temper some of the thoughtless and over-heated rhetoric that sometimes attends our consideration of these important matters.

HONORING JERRY A. KOENIG

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. ENGEL. Mr. Speaker, today I rise to honor a man who has involved himself in his community for more than 40 years, working to reform the political process.

He started in politics in City College as a member of the Young Liberals. In 1956 he was office manager for the New York State Stevenson for President Committee and was a founder of the Village Independent Democrats, the organization which in 1961 ousted the legendary Carmine DeSapio as leader of Tammany Hall. He also worked with reform candidates in the Bronx as they sought to overthrow the Buckley organization.

It was in these campaigns that he developed his expertise in the petition process. He went to Washington where he worked on legislation such as the first Federal family planning legislation. He returned to the Bronx where he met the light of his life, Mary Geissman. In 1975, he joined the staff of the New York State Assembly Election Law Committee. He worked on major legislative changes in election law, such as the mail registration law and the first Presidential primary in New York in which the names of the Presidential candidates appeared on the ballot.

On a personal note, Jerry was a great help to me for all of my public career, helping me with petitions as far back as when I was district leader. Jerry Koenig has devoted himself to bettering the political process in New York State for all of his life. He has worked to make change work for the better, to open up the political process for the people. On his retirement, all of us in politics, indeed all citizens, owe him a debt we can never repay.

PERSONAL EXPLANATION

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. NUSSLE. Mr. Speaker, on Thursday, February 13, my vote was not recorded on rollcall vote No. 23. Had my vote been recorded, I would have voted "aye."

INTERNATIONAL LABOR STANDARDS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington report for Wednesday, February 26, 1997 into the CONGRESSIONAL RECORD.

INTERNATIONAL LABOR STANDARDS

American workers are among the best and most productive in the world. New jobs are being created in record numbers, and unemployment in the U.S. is down from 7.5% in 1992 to 5.4% today. In addition, more than two-thirds of the new jobs are in occupations paying above-average wages. At the same time, I often hear from Hoosiers who feel they are competing against exploited laborers from other countries, who earn a fraction of what U.S. workers do. They ask what can be done about goods coming into our country produced under unfair labor practices.

Extent of Problem: Many of the goods we produce here in the United States, such as various hightech products and machinery, do not have to compete with cheaper versions from the developing world. In certain industries, like garments and sporting goods, however, low wages can pose a threat to American workers. In Haiti, for example, workers who stitch T-shirts for one major American company earn about 26 cents an hour.

Low wages are not the only problem. Indentured labor still exists in some parts of the world, where workers commit to work for someone for a set amount of time, often for less than the prevailing wage, in exchange for a guarantee of a job that pays subsistence wages. Millions of workers also toil under conditions where their health is endangered and their lives threatened. Unsanitary and unsafe conditions are a common sight in Third World "sweatshops".

Child labor can also be a problem. In some developing countries, children under 12 are made to work long hours for sub-standard wages under hazardous conditions, allowing them little time for rest and no time for school. The Geneva-based International Labor Organization (ILO) says there are between 100 and 200 million workers under the age of 12 worldwide.

Yet the ILO suggests that while the majority of these children are mistreated and underpaid, they would likely be worse off if child labor was eliminated without a corresponding improvement in the overall economic condition of the countries in which they live. Some Third-World governments see no political advantage in improving working conditions or banning child labor, but trying to punish those governments often means punishing their guiltless citizens by throwing them out of work.

Goods on American Shelves: Hoosiers do not want to provide a market for goods producted by the sweat and toil of mistreated workers. Yet many of the products made by low-wage earners end up in American homes. Because of their low prices, consumers here may unknowingly buy brand-name toys, clothes, and running shoes made by abused workers. In doing so, we may be supporting "sweatshop" conditions we find abhorrent.

One suggestion which has gained considerable support is an effort to get responsible employers to create a labeling system for goods produced without child or exploited labor. This would go a long way in helping U.S. consumers make informed choices.

Buying goods from countries which treat workers fairly helps build their economies and makes them strong trading partners. On a human level, it raises workers' incomes in those countries, giving them a higher standard of living, and allowing them to start buying American-made goods.

While there is no consensus, "internationally recognized workers' rights" tend to include the following: the right to form and join labor unions; the right to bargain collectively; a prohibition against forced labor; a minimum age for child workers; a minimum wage; a maximum workday and workweek; occupational safety; and freedom from discrimination.

Thanks to the Fair Labor Standards Act and enforcement by the Department of Labor, American workers enjoy most of these rights. But things are not perfect here at home, as reports of TV personalities lending their names unknowingly to products made in "sweatshops" illustrate. While we are better-off than most countries, child labor and the exploitation of workers continue to be problems in America.

Possible Legislation: Last session, Congress considered various measures to help protect the standards that American workers enjoy, and to help improve the lot of workers worldwide. They included: a bill to beef up enforcement of federal labor laws aimed at combatting sweatshops in the U.S.; a bill to ban trade in products made by children; a recommendation for a code of conduct for U.S. companies manufacturing abroad; and a measure linking foreign aid to advancements in workers' rights. However, none of these proposals became law. We still have a long way to go.

One strategy the Administration has been pursuing is to encourage countries to grant their workers greater labor protection in return for better trading opportunities with the U.S. Since the 1970s, our trade regulations have aimed to encourage dealings with countries which support strong workers' rights. I believe labor conditions should always be on the table when we negotiate trade deals.

This approach has its obvious advantages, and has had encouraging results. For example, prior to the signing of the North American Free Trade Agreement (NAFTA), Mexico was not enforcing many of its guaranteed workers' rights. The side agreements to NAFTA required the signatories to protect their own workers' rights, and the situation in Mexico has since improved.

Conclusion: I remain confident in American workers' ability to compete because of our high productivity and the quality of our products. At the same time, we need to keep the pressure on countries which treat their workers unfairly, and continue to encourage improvements in working conditions.

America cannot demand that companies in developing countries pay their workers what we pay ours, but we can demand that basic worker rights are recognized and that children are protected. Paying low wages gives the Third World a competitive advantage; treating workers badly is unfair to them and unfair to us.

Fair trading is crucial to the world economy and to America's leading role in it. As labor rights take hold worldwide, America's trading position will improve, because countries that cannot exploit their workers will be forced to sell their goods for higher fairer prices.

SALUTE TO THE EFFORTS OF HOSANNA INDUSTRIES, INC.

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. KLINK. Mr. Speaker, I rise today to salute the First Presbyterian Church of Bakerstown, PA, and its mission Hosanna Industries, Inc. This remarkable organization, led by executive director Donn Ed, has offered and delivered its construction services to over 340 structures in my district and across the United States.

Founded in 1990, Hosanna Industries, Inc. has donated labor, materials, and faith to victims of impoverishment and disaster. Dedicated to helping whenever the need arises, Hosanna epitomizes the community involvement needed to make the world a better place.

It is with great pride that I approach the House of Representatives today to commend Hosanna Industries on their most recent endeavor. Reaching out in a time of crisis to help heal the wounds of a heinous crime, Hosanna Industries will be traveling to the rural Arkansas town of Chelford to rebuild the St. Mark's

Missionary Baptist Church. Their church destroyed by arson, St. Mark's members have been without their place of worship since November 1995. With the help of the Christian Church Disciples of Christ, 15 missionaries from Hosanna Industries will travel to Tyronza, AR, on March 16 to begin a 9-day quest to rebuild St. Mark's Church in time for their Easter celebration.

As Members of Congress, we can legislate against the burning, desecrating, and destruction of religious property, but our strongest weapon against the purveyors of hatred is the strength of the people in groups like Hosanna Industries and their search to expose the goodness of man.

I would like to take this opportunity to thank Hosanna Industries for their past and future efforts. In the words of project coordinator Mike Killian, "you bring light where there is dark and love where there is bitterness." Your spirit, faith, and peaceful offerings are a true commitment to the people of not only your worship community but also your congressional district and the United States of America. On behalf of all the Members of Congress, I thank you for all you have done to make right, the wrongs of society. Your contributions have not gone unnoticed.

TRIBUTE TO THE EASTERN FAIRFAX ALL-STARS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. MORAN of Virginia. Mr. Speaker, I would like to applaud the Eastern Fairfax All-Stars for the terrific job they did marching in the inaugural parade. This is a group of very talented high school students attending Mount Vernon and West Potomac High Schools in the Eighth District of Virginia.

These two high school bands represent the very best of our youth. They overcame big odds, and working together, they performed at their very best. These students practiced during the weekends and winter vacation in subfreezing temperatures. We, in the Eighth District, are very proud of them.

Of course, the performance of these students is also due to the efforts of their dedicated and caring band directors, Mr. Steve Rice of West Potomac and Jack Elgin of Mount Vernon. Both of these gentlemen also took their vacation time and weekends to help these students achieve the performance level they needed for the inaugural parade.

Finally, I would like to commend the students' families, the school's administrators, and the entire community for their part in helping these young people. Thank you for all you have done.

THE 50TH ANNIVERSARY OF BERGEN-PASSAIC ARC

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Association for Retarded Citizens of Bergen-Passaic Counties Inc., on its 50th anniversary. The event will be marked with a gala celebration April 13 in Woodcliff Lake, NJ.

I have always believed one of the noblest undertakings is to care for those less fortunate than ourselves. In northern New Jersey, we have an outstanding group that has been involved in such an effort for half a century.

This year, the Bergen-Passaic chapter of ARC celebrates 50 years of service to people who suffer from mental retardation. For half a century, ARC has brought help and hope to retarded children and adults and their families. It has given retarded children the early help they needed. It has given retarded adults the vocational and self-help skills they need to function as independent citizens in society.

Before 50 years ago, there was no national advocacy group to advance the rights and needs of the retarded. State institutions existed to provide care for the mentally retarded, but there were no community programs except the few conducted by religious and charitable groups. These were few in number and depended upon good will rather than legal rights.

In State institutions, the physical needs of the residents were generally provided at a reasonable level. But there was little in the way of meaningful daily programs that would improve the psychological well-being of the residents. In short, State institutions were designed primarily to offer custodial care.

Parents with retarded children at home were in a difficult situation. They had the burden of providing daily care of their children but were offered little or no support from the community. By law, these children could be excluded from the right to a free public education. Recreation programs, vocational training, and support counseling as we know them did not exist. There was little public awareness or public sympathy for the retarded. In most instances, they were invisible in the community, existing only behind the doors of their family homes.

On October 12, 1946, however, a letter to the editor appeared in the Bergen Record—the newspaper in Hackensack, NJ—suggesting formation of a group for the parents of retarded children. The writer, Laura Sparks Blossfeld, suggested that the group might be the first chapter of a national organization.

On June 10, 1947, 41 parents from across the region gathered at the Paterson YMCA and voted to form an organization.

From the beginning, the goal of the organization was to assist all parents of retarded children, regardless of the degree of retardation or where the child was located—at home or in an institution. In addition to helping the parents, the work of the group was, of course, intended to benefit the children.

In rapid succession, chapters were formed in Essex, Union, Monmouth, Hudson, Mercer, Camden, Gloucester, and Burlington Counties. Eventually, National Association for Retarded Children was formed in October 1950. Some 400 chapters were chartered across the United States within 6 years.

In the past 50 years, there have been vast improvements in the lives and fortunes of the mentally retarded. Where they once were scorned and rejected, they are now afforded human rights and fundamental freedoms. Where once they were hidden away in State schools or parents' homes, they have now been granted the right to live in the community. Where once they were looked upon with fear and aversion by a society ignorant of the facts, they have gained acceptance.

But none of this happened overnight or without effort. The work of thousands of volunteers and professionals contributed to the advancement of the mentally retarded. These efforts, at considerable sacrifice of time, personal convenience, and financial security, have resulted in the expansion of services we see today. And the fact that new volunteers and new professionals join in the effort each year gives confidence that this progress will continue.

Mr. Speaker, I invite you and the rest of my colleagues to join me in saluting the ARC for its outstanding service and loving care of the mentally retarded. These people of vision and humanitarian drive have not only given hope and life to generations of retarded children and their families but they have enriched and enlightened our State and our Nation as well. God bless the memory of Laura Sparks Blossfeld and all who followed her inspired advocacy.

THE LEGACY OF ADAM CLAYTON POWELL, JR.

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 1997

Mr. RANGEL. Mr. Speaker, I rise again today to pay special tribute to the more than 30 million Americans for whom it has become a tradition to pause during the month of February to celebrate black history in the United States.

I want to thank my colleagues in the Congressional Black Caucus who each year set aside a time during February for a special order to which all of my colleagues are invited to reflect on the significance of black America's contribution to our history. My special commendation goes out to my colleagues, Representative LOUIS STOKES of Ohio and Representative MAXINE WATERS of California, the new chairperson of the Congressional Black Caucus, for convening this special order.

Thirty years ago this month, the House of Representatives was preparing to take one of its most infamous actions. On March 1, 1967, the House voted to exclude from the 90th Congress Representative Adam Clayton Powell, Jr., my predecessor as the Congressman from Upper Manhattan and Harlem, and one of this body's greatest Members.

Two years later, that action was overturned by the Supreme Court as unconstitutional, and

Representative Powell returned to his seat, stripped of 22 years seniority.

I recall this incident not only as a commemoration of an injustice committed against one of the greatest figures in black history. During this period in which President Clinton has designated education as a national security issue, it is again fitting to recall the career of Adam Clayton Powell. Much of Powell's greatness is attributable to his support of education as well as his urgings to our Government to pay greater attention to Africa and the developing world.

During Powell's first term as chairman of the Education and Labor Committee, which he assumed in 1961, the committee passed not only the minimum wage bill, but legislation creating training programs for practical nurses, student loans, and manpower and training development programs. All of these were enacted into law.

Years earlier, in the 1950's, Powell was a lonely crusader for increased U.S. involvement with Africa and the developing world, going against the grain of U.S. policy, which was obsessed with the rise of communism around the world.

Powell was a man of many dimensions, in ways, ahead of his time. A vocal warrior on the forefront of our struggles for racial and economic justice, and education at home, he at the same time preached a gospel of international involvement. Even before our Government recognized that our destiny in trade and commerce was moving away from Europe, he understood that we continued to ignore Asia and Africa at our own peril.

Today, as we prepare for the challenges of the 21st century while reappraising the gains of the civil rights movement, we find that we are riding the shoulders of those great leaders, such as Powell, who came before us. Through their efforts, we have overcome the legal segregation and discrimination that dehumanized us as a people. Through their efforts, a viable black middle-class of successful professionals, homeowners, and college graduates has emerged.

But many challenges remain, some in the very areas in which Adam Clayton Powell made a mark decades ago, working toward the eradication of poverty, joblessness, drug addiction, crime, and sickness.

If we are serious about addressing those challenges, and maintaining our competitive edge in the global economy, we must refocus our attention on the goal of providing the best education possible for all Americans of every race. In the environment of budget balancing and tax cuts in which we exist, that challenge cannot be met by Government alone.

The private sector, which has the most to gain from an educated work force, must join in partnerships with Government, the schools, and the communities to see to it that our young people are qualified to compete in the high-technology marketplace, that they are trained to take their place in the 21st century economy.

As a nation, we must admit that our future as a worldwide economic leader is no longer tied to Europe, but increasingly to the economics of the Pacific rim, Latin America, the Caribbean, and Africa.

And even as we recognize the importance of people of color around the world, we must also recognize the folly of failing to utilize the talents of America's black and brown people who have contributions to make in international business, in foreign affairs, and diplomacy.

More than anything, America must continue the work of our past leaders, including Adam Clayton Powell, all of whom recognized that education was the key to social, economic, and racial justice.

COMMENDING MR. JONATHON WARE ON HIS RECENT ELECTION TO THE POST OF SENIOR VICE PRESIDENT OF THE PETROLEUM MARKETERS ASSOCIATION OF AMERICA

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. LAHOOD. Mr. Speaker, I rise, today, to congratulate Mr. Jon Ware, a constituent of mine, on his recent election to the post of senior vice president of the Petroleum Marketers Association of America [PMAA].

It is, indeed, an honor for me to be able to offer my compliments and best wishes to Mr. Ware.

This recent election only serves to highlight his exemplary career and service to his community.

His depth and breadth of experience in the oil and petroleum business will undoubtedly serve his organization well as he assumes the post of senior vice president.

Jon has been a petroleum marketer since 1959, and over the years he has served in a variety of jobs and capacities within the petroleum industry, including past president of the Illinois Petroleum Marketers Association [IPMA], director of the IPMA to the PMAA, and a regional vice president of the PMAA.

In addition to Jon's outstanding record in his profession, he has been actively involved in serving his community of Jacksonville, IL.

His civic services have included involvement in community youth sports leagues, service as past president of a local YMCA, chairman of the Jacksonville Airport Authority, and a member of the advisory council of the Illinois Department of Agriculture.

Again, Mr. Speaker, it is an honor to be able to offer my sincerest congratulations to Jon Ware on his latest achievement. I wish him good luck as he assumes his new responsibilities.

AMERICAN HEART MONTH

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. BONILLA. Mr. Speaker, I rise today in recognition of American Heart Month. Heart attack, stroke, and other cardiovascular diseases remain the No. 1 killer in the United States. On an average day in Texas in 1995, 150 Texans died due to cardiovascular diseases and stroke. Heart disease affected my family this year, and, it affected many other families too.

Every year since 1963, February has been designated American Heart Month. This month is the time to learn more about cardiovascular disease detection, prevention, and treatment. The American Heart Association has designated this year's educational message as "Get in on the Action!," urging Americans to make physical activity a part of their daily lives.

There are a few simple things we can all do to reduce the risk of heart disease. Exercising regularly is an important step. We all enjoy some form of exercise. So, whether it's horseback riding, jogging, walking, or bike riding, help keep your heart healthy and "just do it!" Other easy approaches to control heart disease include eating a diet low in fat and high in fiber, and controlling stress.

One of the myths surrounding heart attack and stroke is that it is a "male disease." Wrong. Heart attack and stroke do not discriminate. In fact, heart attack, stroke, and other cardiovascular diseases remain the No. 1 killer of American females.

Research and education are key to battling and preventing heart disease. Today, the chances of saving a life and reducing disability from heart disease and stroke are better than ever because of research done in our lifetime. Important discoveries such as life-extending drugs, bypass surgery, and pacemakers, have improved the lives of many heart patients. But the fight against heart disease is far from over.

Hopefully, with more heart disease research and better education, fewer Americans will fall victim to the disease this year. As with any other health problem, please consult a physician immediately if you, or someone you know, shows any sign of a heart problem. For now, as we observe American Heart Awareness Month this February, get in on the action and increase your physical activity!

COMMENDING L. DOUGLAS WILDER FOR CONVENING THE WILDER SYMPOSIUM ON "RACE AND HEALTH CARE AS WE APPROACH THE 21ST CENTURY" AT VIRGINIA COMMONWEALTH UNIVERSITY

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. SISISKY. Mr. Speaker, I want to commend my good friend and former colleague in the Virginia General Assembly, former Virginia Governor L. Douglas Wilder, for convening a very important symposium entitled "Race and Health Care as We Approach the 21st Century" at Virginia Commonwealth University, my alma mater. This symposium, which was held on January 28 and 29, 1997, is 1 of a 3-part symposia on "Race and American Society." The symposium brought together experts from the fields of medicine, academia, and public policy to explore two of the most far reaching and significant issues Americans face today—health care and race.

One of the health issues explored at the Wilder Symposium—colorectal cancer screening—has a special importance for me. As a colon cancer survivor, I have been working to enact colorectal cancer screening legislation. Preventive screening is an important issue for all Americans, and particularly African Americans, who suffer disproportionately from this deadly disease.

Every year over 150,000 people are diagnosed with colorectal cancer and over 55,000 people die from the disease each year. Colorectal cancer is the second leading killer of all forms of cancer, primarily striking individuals over the age of 50. Surprisingly, however, only a small percentage of this population has ever been screened for this disease.

Screening is the key to early detection of colorectal cancer. Perhaps more than any other cancer disease, early detection of colorectal cancer has an immediate and dramatic impact on survival rates and improvements in the quality of life of individuals diagnosed with the disease. Medical studies have shown that if colorectal cancer is caught in its earliest stage rather than in later stages, the 5-year survival rates of patients double from 40 percent to 80 percent or greater.

Last Congress, I cosponsored the Colorectal Cancer Screening Act (H.R. 1046) which would provide Medicare coverage for colorectal cancer screening using all commonly available screening procedures. This legislation is the only legislation which covers barium enema procedures in addition to the three other commonly used screening procedures—the fecal occult blood test [FOBT], flexible sigmoidoscopy, and colonoscopy. By offering the full range of procedures, the Colorectal Cancer Screening Act (H.R. 1046) allows patients and doctors, rather than the Federal Government, to decide which screening procedure is most appropriate.

In addition to offering choice to patients and doctors, the screening approach adopted in the Colorectal Cancer Screening Act is very important for the African American population. In his Symposium on health care and race, Governor Wilder examined this crucial issue in discussing the public policy challenges facing the African-American community.

The attendees at the symposium discussed medical studies which found that colorectal cancer strikes African-Americans in ways different from the general population, and that African-Americans who get colorectal cancer have a 50-percent greater chance of dying from the disease than the general population. These studies conclude that certain screening procedures, such as FOBT and flexible sigmoidoscopy, are inadequate colorectal cancer screening procedures for African-Americans. These same studies suggest that the barium enema, which, unlike FOBT or flexible sigmoidoscopy, can view the entire colon, is clearly preferred for the African-American population, and perhaps for other populations as well. As the only CRC screening legislation that provides Medicare coverage for the barium enema, the Colorectal Cancer Screening Act (H.R. 1046) is the only legislation adequate for the African-American population. New legislation will soon be introduced in the 105th Congress incorporating the important provisions of that act.

In closing, I want to praise Governor Wilder for being a leader in bringing attention to the issue of colorectal cancer screening and how it can improve the health and save the lives of literally thousands of African-Americans. Indeed, it is a very important issue for all Americans, particularly as Congress considers Medicare reform this year. With this in mind, I believe it is imperative that Congress pass CRC screening legislation which provides Medicare coverage for all screening procedures, and I strongly urge my colleagues to join me in this worthwhile endeavor.

SEANTA JOHNSON IS LEADING THE WAY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. STARK. Mr. Speaker, I rise today to recognize a young man of outstanding character, courage, and compassion. Seanta Johnson, an African-American youth and a junior at Hayward High School in my district, is showing us what he's made of—and is encouraging other bay area youth to do the same.

Much to the delight of his mom, who describes him as a "self-starter," Seanta finds time to juggle school, sports, and community service. Seanta is an inquisitive student who is enthusiastic about school and who has maintained a high grade point average throughout his high school career. The second of three children, Seanta will be the first in his family to attend a 4-year college. He hopes to continue to study his favorite subjects, physiology and anatomy, and to prepare to enter the field of sports medicine. Seanta is also a member of the Hayward High School track and field team, and specializes in throwing the shot put. In addition to the demands of his busy schedue, Seanta has held a part-time job at Pizza Hut since age 15.

During his free time, Seanta can be found at the East Oakland Youth Development Center, assisting children with organized physical development activities like weight training and basketball. More importantly, he takes the time to talk with them about working hard in school, finishing their homework, helping out at home, and treating themselves and others with respect. Seanta's family and teachers say he sets an excellent example for the youth at the center. He demonstrates confidence and leadership when advising kids at the center, and they look to him as a leader, teacher, and friend.

Today, more than ever, our society is in danger of dividing itself along racial, economic, religious, political, and gender lines. The burning of black churches, the tensions over proposition 209, and the battle over welfare reform all threaten to divide us—but young men like Seanta remind us that we should be kinder to our neighbors and more sensitive to the needs of the children in our communities.

This outstanding youth is devoting his time, talent, and imagination to helping the youth in the bay area to follow their dreams and pursue their goals. I believe we should learn from his shining example.

RESTORATION OF LOBBYING EXPENSE DEDUCTION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. SAM JOHNSON of Texas. Mr. Speaker, on February 4, I introduced legislation, along with my colleague Mr. CARDIN, that would once again allow businesses to deduct the expenses they incur while responding to legislative proposals that can affect their businesses, their communities, and their livelihood. The bill would simply allow businesses to deduct legitimate business expenses incurred in contacting or working with their State representatives.

In 1993, Congress approved the Budget Reconciliation Act of 1993 which contained a provision that disallowed the deduction of certain business expenses against Federal corporate income taxes. The denial of deductibility of lobbying expenses was proposed as a means of curtailing the activities of special interests here in Washington. Those who advocated this provision made no claim that it was necessary to address any problem at the State level.

Instead of solving a problem, the enactment of this provision has created a major problem at the State level. Most businesses, and especially small business owners, can't afford the time to visit personally with their State legislators to discuss the impact of legislation on their businesses. To make sure their voice is heard in the legislative process, they count on trade associations, to which they pay dues. Of course, the dues are generally deductible as an ordinary and customary expense of doing business.

The problem under the 1993 change is that the portion of trade association dues attributable to lobbying activities by the trade association is no longer deductible. This creates a major record-keeping headache for the association and the small business owner.

The original proposal before the Congress 2 years ago would have applied to local governments as well as State and Federal Government. Fortunately, before it was adopted, it was amended to exclude local government from its coverage. That was a significant improvement. The bill Congressman CARDIN and I introduce today will further mitigate the adverse impact of the proposal by exempting State legislatures as well.

As a former State legislator, I know well the value of the input of businesses in the deliberations of State legislatures. With small staffs and limited resources, State legislatures make important use of information provided by local economic interests in considering policy proposals. Additionally, State Governors frequently appoint blue ribbon commissions and other advisory groups to recommend legislative solutions to problems. These advisory bodies depend on input from members of the business, professional, and agricultural communities who are knowledgeable about circumstances within the State. The record-keeping requirements and tax penalties associated with the lobbying tax discourages this important participation.

Mr. Speaker, we ought not to be making it harder for Americans to participate in the decision-making process in their State capitols. The denial of a deduction of a legitimate business expense incurred to lobby at the State level is an unwarranted intrusion of the Federal Government on the activity of State governments. At a time when we are attempting to return many responsibilities to the State level, it makes no sense for us to impose obstacles on the ability of State legislatures to gather the information they will need to do their jobs. I would ask our colleagues to join us in restoring this deduction at the State level.

CONGRATULATIONS TO U.S. GIRL SCOUTS PRESIDENT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to offer my congratulations to Elinor Johnstone Ferdon, of Alpine, NJ, on her selection as national president of the Girl Scouts. Her leadership of this most esteemed and revered organization is the crowning achievement of a lifetime of selfless dedication by Ellie Ferdon to young girls and the communities of interests they serve.

Ferdon began her career in Scouting in 1947 in Frankfurt, Germany, where her father was stationed with the Army. On March 7 of that year, 10-year-old and 6 other young girls became the founding members of Frankfurt Girl Scout Troop No. 1.

The Manhattan native was a member of the Frankfurt troop for 3 years before her family returned to the United States and she was sent to a boarding school in Massachusetts.

Ferdon resumed her involvement in scouting in 1968 after moving to Alpine as an adult and becoming a troop leader when her daughter showed an interest in scouting. All 3 of her daughters eventually became Girl Scouts and a 3-year-old granddaughter is expected to do the same as soon as she is old enough.

Once back in uniform, Ferdon rapidly rose through the ranks. She served two terms as president of the Girl Scout Council of Bergen County and has been on the organizations national board of directors since 1978. She was elected national president in October 1996. As such, she is in charge of all 3.4 million Girl Scouts and adult volunteers in the country.

The Girl Scouts still teach self-esteem and self confidence, grooming girls to be leaders in their communities. But the organization has gone beyond camping and selling cookies to develop programs in science and the use of the Internet, for example. Members volunteer their time at homeless shelters, foster homes, and even juvenile detention.

Ferdon this year is overseeing a major fundraising effort, seeking donations from the 50 million adult former Girl Scouts. Too many Girl Scout councils rely too heavily on annual cookie sales for their revenue, she says.

The Girl Scouts serve well their goal of inspiring young girls with the highest ideals of character, conduct, patriotism, and service that they may become contributing and resourceful citizens. Girl Scouting seeks to accomplish this by providing girls opportunities to develop their potential and have fun with their peers in a supportive setting.

The qualities of character, perseverance, and leadership instilled by the Girl Scouts helps thousands and thousands of girls prepared to meet the challenges of the future. There could be no finer, more dedicated leader than Ellie Ferdon to provide the inspiration for young girls of today and women leaders of tomorrow.

PHILADELPHIA OLDTIMERS SOCCER ASSOCIATION 50TH ANNIVERSARY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. BORSKI. Mr. Speaker, I rise today to commemorate the 50th anniversary of the Philadelphia Oldtimers Soccer Association. I would like to speak in honor of this group because of their commitment to the community. They have focused their love of a sport into an organization that makes a positive contribution to the youth of Philadelphia.

Founded in 1947, the Philadelphia Oldtimers Soccer Association [POSA] was a synthesis of managers, benefactors, and players. The founders original intent to give something back to young people participating in the sport has been upheld through POSA programs for 50 years. POSA makes this contribution through many different means.

The National Soccer Hall of Fame included the Philadelphia Oldtimers Hall of Fame original inductees as founding members in 1953. There are now 16 members of POSA in the National Hall of Fame. At an annual banquet, POSA honors a male and female coach of the year, a referee of the year, a manager of the year, male and female player of the year, and a club of the year.

POSA annually selects an all-scholastic team. The Philadelphia Catholic, Philadelphia Public, Inter-Academic, and Suburban One Leagues individually submit candidates for the POSA team. The final 22 players and 4 alternates are selected through a tryout process from a pool of about 90 players. This final team goes on to play teams from Lehigh Valley, western suburban Philadelphia, Staten Island, Cape May, and other prominent local clubs.

Helping the players receive college scholarship funding is one of the oldtimers fundamental goals, and the all-scholastic team provides a medium through which college coaches can assess and recruit POSA players. Many members of the team have received scholarships, with some continuing on to play professional soccer.

POSA has recently added a new focus to its efforts—the development of a girls program. They are committed to offering the same opportunity to girls that the boys all-scholastic team has provided to its players in the past. POSA's move to provide female soccer players with the same springboard to college soccer is a step in a positive direction for female athletes in the Philadelphia area.

When the POSA teams put their best foot forward, they are also representing the best of Philadelphia. Not only are they building a reputation of great soccer and teamwork for themselves, they are contributing to the reputation and success of Philadelphia's student athletes. On their 50th anniversary I would like to congratulate the Philadelphia Oldtimers Soccer Association and its players on their achievements, and wish them future success in the sport of soccer and beyond.

ADDRESS BY FRANCIS SEJERSTED

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. WOLF. Mr. Speaker, last November, Bishop Carlos Ximenes Belo and Dr. Jose Ramos-Horta were awarded the Nobel Peace Prize for their efforts in bringing peace to East Timor. I had the opportunity to attend the ceremony in Oslo with my colleague, the gentleman from Ohio, TONY HALL, who nominated Bishop Belo for the prize in 1994 and 1995. I then had the opportunity to visit Bishop Belo in East Timor in January.

As part of our bipartisan effort to recognize the Nobel Prize winners today, I am submitting for the RECORD the speech made by the chairman of the Nobel Committee when he presented the award.

ADDRESS BY FRANCIS SEJERSTED, CHAIRMAN OF THE NORWEGIAN NOBEL COMMITTEE, ON THE OCCASION OF THE AWARD OF THE NOBEL PEACE PRIZE FOR 1996

Your Majesties, Presidents, Excellencies, ladies and gentlemen: On behalf of the Norwegian Nobel Committee, may I extend to everyone a warm welcome to this year's Nobel Peace Prize ceremony. It is one hundred years to the day since Alfred Nobel died. A year earlier, he had drawn up his will, in which he determined that his considerable wealth should provide for annual awards of five prizes, three for science, one for literature, and one for peace, to those whose work, as he wrote, "shall have conferred the greatest benefit on mankind". It was also laid down in the will that the Peace Prize should be awarded in Norway by a committee appointed by the Norwegian storting. Our thoughts today go also to Stockholm, where the other awards are being made, and where the centenary is being marked of the death of Alfred Nobel.

Nobel was, of course, an unusually successful businessman. But that was not where his heart lay. His happiest times were spent in the laboratory. Inventions, it has been said, became for him a way of life. He was also very widely read. He was in other words greatly interested, indeed a believer, in science and literature. What was remarkable was his moral approach to those activities, which he saw as opportunities for promoting a better world. This perspective emerges most clearly in his decision concerning a peace prize. It can be argued that the invention of dynamite, and concern at the more powerful weapons which it made possible, contributed to his increasing commitment to peace. But there were other impulses, too, impulses which appealed to his deeply rooted moral instincts, first and foremost his contact with the future Peace Prize Laureate Bertha von Suttner and with the contemporary peace movement.

Nobel left an important inheritance, consisting of a vision of a better world, and an award institution which was to contribute to the realization of that vision. We who have been entrusted with managing that inheritance do so in humility and with deep respect for the man Alfred Nobel, whose memory we honour today.

It is with great pleasure, and in the conviction that with this year's choice we have managed Nobel's inheritance in the best possible way, that we welcome our Peace Prize Laureates today. Carlos Filipe Ximenes Belo and José Ramos-Horta have been awarded the Nobel Peace Prize for 1996 for their long-lasting efforts to achieve a just and peaceful solution to the twenty-year-old conflict in East Timor. To reach this peaceful winterland Norway, you have come about as far from your home country as it is possible to travel on this earth. Yet the distance between us is much shorter in miles than in opportunities for peace, justice and reconciliation. We are grateful and proud that, in the middle of your important and self-sacrificing work, you have found time for the journey here, thereby giving us this opportunity to honour you.

The conflict in East Timor has been called "the forgotten conflict". It has not, however, been completely forgotten, having figured on the international agenda, with varying degrees of prominence, throughout those twenty years. But it has so to speak never caught on. There have been so many other interests and regards to attend to, and East Timor is so small. Rarely has the cynicism of world politics been more clearly demonstrated. The numerous considerations of "Realpolitik" have enabled an exceptionally brutal form of neocolonialism to take place. Of a population of between six and seven hundred thousand, nearly two hundred thousand have died as the direct or indirect result of the Indonesian occupation. And the violations are still taking place today. Many are the countries which have given higher priority to their "Realpolitical" cooperation with Indonesia than to regard for East Timor. This is the apparently hopeless situation in which our two Laureates have so untiringly striven for a just and peaceful arrangement for their people.

The autumn of 1975 was fateful for East Timor. First the old colonial masters, the Portuguese, withdrew. Then an internal struggle broke out between the Timorese Democratic Union on the one hand and the Fretilin liberation movement on the other. And the autumn ended with the Indonesian invasion. In the twenty-one years that have passed since, this conquest of a country and a people has never been internationally recognized. Ramos-Horta was a Fretilin leader, one of the moderates whose ideal was social democracy. During the so-called civil war, he was out of the country, and on his return in September he tried to reconcile the parties. Since the invasion he has lived abroad, unceasingly and with great personal sacrifice collecting and communicating information on the repression, torture and killing in his home country, and acting as East Timor's principal international spokesman. At the same time he has successfully kept up his efforts to unite the various East Timorese groups in a single national front, while constantly seeking opportunities for a peaceful solution to the conflict with Indonesia, based on respect for the integrity of the East Timorese people. "We used to joke that he was more an informal member of the Democratic Union than a Fretilin leader," says Union leader João Carrascalão. The remark illustrates the part played by Ramos-Horta as a mediator and conciliator. No serious negotiations aimed at resolving the conflict are conceivable today without the participation of Ramos-Horta or one of his aides, as Bishop Belo has also emphasized.

As a relatively unknown priest, Bishop Belo was appointed Apostolic Administrator for the Roman Catholic church in East Timor in 1983, since when he has served on his home ground. Again and again, in the midst of everyday terror and suffering, he has intervened, trying to reconcile and mediate and lessen confrontation, and in doing so he has saved many lives. Intervening in a violent conflict entails a risk of being crushed between the antagonists. "Pray for me, please," he said in one such situation, "because now I have to defend myself on both sides". But Bishop Belo has become much more than a mediator: this man of peace has also become a rallying point for his sorely tried people, a representative of their hope for a better future. The love his people feel for this mediator springs from certain fundamental principles he has adhered to. Show the people respect. Give them freedom to develop their humanity to the full. Then ask them whether they want to be Indonesians, Portuguese, or independent. Bishop Belo shares with his people the insight of the oppressed, an insight deeper than that of generals or oppressors. Why all this brutality? It does not even serve its purpose. You do not gain respect if you do not show respect.

This year has seen the commemoration, forty years on, of the Soviet Union's brutal crushing of the popular rising in Hungary in 1956. The West did not intervene. Since Hungary lay within the Soviet sphere of interest, it was necessary "Realpolitik" to accept the invasion. We would do well to recall that at that time, a marking of the event forty years later in a free Hungary lay beyond the bounds of what most people thought possible. It has been said that Indonesia's annexation of East Timor is a historic fact. But history has never established anything as a fact forever. History always moves on. If we have learned anything in the past decade, it must be that the most repressive regimes are the most fragile. There are forces in history more powerful than the strongest military force. Violence and terror do not lead to peace. Not until one builds up the courage to break out of the vicious circle of violence do opportunities arise for an enduring peace.

The right to live, the right to full development as human beings, the right to respect, are at the heart of the concept of human rights. Since the award of the Nobel Peace Prize for 1960 to Albert Luthuli, work for human rights has been one of the principal criteria for the award. We have constantly received confirmation that this was the right path to take, although the choice of this criterion has also been criticized because it allegedly has nothing to do with peace. But it is precisely in forging a close link between the human rights criterion and peace that we believe we are realizing that criterion's most universal and most fundamental aspects. Peace, stability and harmony must be based on mutual respect. That, so simple and so universal, is the message. Once it has been heard, the next step is to institutionalise the respect, in various ways according to cultural traditions. Violence, on the other hand, systematic violence on the part of those in power, can never be justified within the framework of a universal concept of human rights. That is a fact to which the victims of violence could testify. Never forget to listen to the voice of the victims, the voice of the nearly two hundred thousand whose lives were lost in massacres or from the hunger and want which resulted from the Indonesian invasion of East Timor.

This year's two Peace Prize Laureates, Carlos Filipe Ximenes Belo and José Ramos-Horta, have labored tirelessly, and with great personal sacrifice, for their oppressed people. Under extremely difficult conditions, they have preserved their humanity and faith in the future. It is in admiration of their work and in the hope for a better future for East Timor that the Norwegian Nobel Committee today honors them with the Nobel Peace Prize for 1996.

LECTURE BY JOSÉ RAMOS-HORTA

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. KENNEDY of Rhode Island. Mr. Speaker, in honor of Mr. José Ramos-Horta's visit to Washington, DC, the week of February 24, 1997, I ask permission to include in the RECORD the Nobel Lecture of José Ramos-Horta before the Norwegian Nobel Committee on December 10, 1996.

THE NOBEL LECTURE GIVEN BY THE NOBEL PEACE PRIZE LAUREATE 1996 JOSÉ RAMOS-HORTA

My deepest appreciation goes to the Nobel Committee for having chosen us for the 1996 Nobel Peace Prize. Your generosity in thinking of the wretched of the earth, and your courage in standing up to the might of States, the cynicism and indifference of too many, betrayal by some, tells also a lot about the soul and history of courage of this great country of yours that fought bravely during World War II.

In recent years Norway has played a central role in fostering dialogue and peace among historical enemies. In the Middle East and Central America, your discreet nature, determination and creativity have proven that some of the world's seemingly intractable conflicts can be resolved when there is an honest mediator and when the parties in the conflict are willing to end the war.

Small countries like Norway, Costa Rica and Portugal, and others, can succeed in mediating conflicts when mighty powers failed. Diplomacy and mediation are not prerogatives of the major powers. The small and medium-size countries without ambitions to a neo-imperial role and whose strength is there moral integrity are best placed to open dialogue among the parties in a conflict.

THE EAST TIMORESE CHURCH

The real winner of the 1996 Nobel Peace Prize is our spiritual leader, Dom Carlos Filipe Ximenes Belo. He is the embodiment of the East Timorese people's resilience, moral rectitude, dignity and identity, and its long quest for peace and freedom. In Dom Carlos the people of East Timor have found spiritual comfort and some sense of security from the daily threats to their very existence.

The people of East Timor owe almost everything to their Church. Hence, the 1996

Nobel Peace Prize is a tribute to the whole church, the courageous priests, nuns and lay workers and the people of East Timor.

My share of the Nobel Peace Prize will go entirely to a foundation to be called Peace and Democracy Dom Martinho da Costa Lopes. I know this is too small a tribute to this great man who gave his life to his church and people.

THE SOLIDARITY MOVEMENT

I would like also to express my gratitude to three organizations that in the past honoured my people with less well-known awards but with equal importance for our people. To Professor Thorof Rafto Human Rights Foundation from Bergen, Gleitsman Foundation, from California, and the Un-Represented Nations and Peoples Organisation (UNPO) based in The Hague, goes my profound gratitude.

With the men, women and children in many parts of the world who have given us so many years of their lives I wish to share this moment of joy. Without the generous solidarity movement we would be even poorer and alone. Some of our good friends have passed away from this Earth. Denis Freney, Michelle Turner, Michel Robert, Carlos Vilares, the little and beautiful Sarah Taylor whom God took away at age 15. We will remember them for ever.

ANGOLA, CAPE VERDE, GUINEA-BISSAU, MOZAMBIQUE, SÃO TOMÉ AND PRINCIPE

My special greetings of friendship and eternal gratitude to my good friend, President Joaquim Chissano of Mozambique, for having taken the trouble to fly to Oslo to be with us.

You have been with us in our most lonely years when the rest of the world pretended we did not exist or offered us advice on how best to surrender. From this noble rostrum I bow to your late predecessor, Samora Moisés Machel, one of the greatest men Africa has known.

My special greetings and deepest gratitude to Presidents José Eduardo dos Santos of Angola, Mascarenhas Monteiro of Cape Verde, Nino Vieira of Guinea-Bissau, and Miguel Trovoada of São Tomé and Principe for their friendship and generosity.

Your peoples and countries have been with us through our lonely years and I believe that you will be with us still in the years to come.

To the people of Angola who have suffered beyond imagination and are still in a painful process of national reconciliation, I extend our solidarity and friendship.

Angola paid a heavy price for the liberation of Namibia and South Africa. Yet there has not been enough recognition of the enormous contribution that the two lusophone countries. Angola and Mozambique, gave to the liberation of Southern Africa.

PORTUGAL

I wish to state from this august rostrum the eternal gratitude of the people of East Timor and my own to the people of Portugal, the President, our good friend Dr. Jorge Sampaio and his predecessor, Dr. Mário Soares, a man of principles and compassion.

Through Your Excellency, Mr. President, I humbly ask you to convey to your wonderful and generous people, members of Parliament and government, past and present, our most heartfelt appreciation for your gallant efforts in support of our struggle.

For many years you fought a lonely battle in the European Union against the indifference and even hostility of some of your partners. You have shown not only to us the East Timorese but to other smaller nations in the world that principles and morality have not been taken over completely by mercantile interests.

BRAZIL

I recently visited Brazil and was warmly welcomed by everyone. I humbly ask President José Sarney to convey to President Fernando Henrique Cardoso and through him to all the people of Brazil our admiration and affection for your great country and people. My warmest greetings to Betinho, Dom Paulo Evaristo and Dom Hélder Câmara, the conscience of the poor of Brazil and the world.

Your Majesties: This speech belongs to someone else who should be here today. He is an outstanding man of courage, tolerance and statesmanship. Yet, this man is in prison for no crime other than his ideas and vision of peace, freedom and dignity of his people.

Xanana Gusmão, leader of the people of East Timor, remains incommunicado in a prison thousands of miles away from his country. His trial in 1993 was universally condemned as a charade and was no more valid than the Dutch imprisonment and trial of the late President Sukarno, founding father of the Indonesian Republic.

I bow to Xanana and through him to my good friend Nino Konis Santana, David Alex, Tahur Matan Ruak, Fernando Araújo and all East Timorese prisoners of conscience in jails in East Timor and Indonesia, to the thousands of victims of torture, widows and orphans. I bow to the memory of Sabalae and the thousands of our dead.

Through Xanana, I bow to my people with profound respect, loyalty and humility because they are the martyrs, the real heroes and peace-makers.

THE NEW ORDER REGIME AND THE INDONESIAN PEOPLE

The East Timorese are not the exclusive victims of the Indonesian New Order regime installed in 1965. For more than 30 years, the Indonesian people have known massacres, imprisonment, torture, ban on writers, journalists, academics and labour leaders. Moslems, Catholics, Buddhists and Hindus have all known their share of repression. The only non-discriminatory policy of the New Order regime is when it comes to repression.

I pay tribute to the many tens of thousands of Indonesians who died in their own struggle for freedom and democracy, who languished in the jails of the New Order, or were forced into exile in China, Albania, USSR and Western Europe. I met many of them over the years and shared long hours of conversation about our two people's suffering and dreams.

THE LESSONS OF THE JEWISH HOLOCAUST

In 1939, a few months before the out-break of World War II, Harry Truman read a passionate message from President Roosevelt to the "National Meeting for Moral Rearmament" held in Washington.

The same time as the conference delegates were listening and applauding President Roosevelt's moral speech, 900 Jewish refugees on a boat from Germany anchored off Florida were waiting for a decision from Washington as to whether they should find sanctuary in the US or be sent back.

Finally, word came that their application for refugee status had been denied. The desperate refugees did not convince the morally courageous delegates to the "National Meeting for Moral Rearmament" that they had a valid fear of persecution. The 900 men, women and children were sent back to Germany. Many ended up in Hitler's death camps.

More than half a century after the Jewish holocaust and centuries after the genocide of the indigenous peoples of Australia and the Americas, the same attitude that has allowed these crimes to take place persist today.

Opinion-makers and leaders, academics, writers and journalists who pretend to be objective and neutral in the face of racism and discrimination, the rape of a small nation by a larger power, the persecution of a weaker people by a ruthless army must share the guilt. No amount of intellectual arguments will suffice to erase their responsibility.

Synagogues are still being desecrated. Gypsies are still discriminated. Indigenous peoples continue to see their ancestral land taken over by developers, their culture and beliefs, and their very existence reduced to a tourist commodity.

Like the Jews and Armenians in the past, like the Kurdish, Gypsies, Tibetans, Aborigines of Australia, Maoris of Aotearoa (New Zealand), Kanakis of New Caledonia, the people of Western Sahara, and the Indigenous peoples of the Americas, the East Timorese are a mere footnote of history, an expendable people.

COLD WAR FOOTNOTE

The conflict in East Timor can be traced back to the political context of the Cold War.

You might recall a picture that made headlines in the spring of 1975. I refer to the picture of an American helicopter landing on the rooftop of the US Embassy in Saigon to rescue remaining diplomats, CIA operatives and few privileged South Vietnamese stooges as Saigon fell to the Vietcong. Cambodia and Laos followed. This picture illustrated better than a thousand words the ignominious American retreat from Indochina.

In another continent, in the horn of Africa, the longest reigning US ally, emperor Hailé Selassié of Ethiopia, had been overthrown a year earlier by radical army officers. Further South, the Portuguese empire had collapsed. These events seemed to confirm Lyndon B. Johnson's domino theory which was the rationale for US intervention in Indochina.

It was in this geopolitical context that President Gerald Ford and his Secretary of State, Henry Kissinger, visited Jakarta in early December 1975 as part of an Asian tour to reassure leaders of the region that the US would continue to honour its security commitments in Asia.

The invasion of East Timor which took place within hours of Ford's departure from Jakarta was a mere footnote in the Cold War events of 1975. Thousands of East Timorese who died in the days, weeks, months and years that followed were mere footnotes to the post-Vietnam and Cold Wars.

INVIOLABILITY OF COLONIAL BOUNDARIES

One and a half year before these events, in June 1974, I visited Jakarta in my capacity as secretary for Foreign Affairs of the Timorese Social Democratic Association, that had just been created less than a month earlier. I had the privilege of meeting with the then Foreign Minister of Indonesia, Mr. Adam Malik. After our third round of talks, Mr. Malik addressed me a letter which read in part:

> The independence of every country is the right of every nation, with no exception for the people of (East) Timor;
>
> * * * Whoever will govern in Timor in the future after independence can be assured that the government of Indonesia will always strive to maintain good relations,

friendship and co-operation for the benefit of both countries.

The following year, in April 1975, I again visited Indonesia and met with President Suharto's senior adviser, Gen. Ali Murtopo, to whom I reiterated our collective desire to develop friendly relations with Indonesia. Gen. Murtopo reassured me that Indonesia harboured no territorial ambitions over East Timor. However, we soon learned that the word of an Indonesian general or diplomat can be broken as easily as it is spoken.

Some simple but fundamental issues need to be addressed. Does Indonesia have a valid historical claim to East Timor?

The current boundary of the Republic of Indonesia is a product of the Dutch East Indies administration. West New Guinea was absorbed by the Republic not because of a reasonable historical, cultural, ethnic kinship or geographic continuity. The only link that justified the annexation was West New Guinea's brief colonisation by the Dutch.

The arbitrary carving up of Africa at the Berlin Conference can be blamed for some of Africa's problems today but respect for the colonial boundaries, as unfair as most might be, has provided some peace and stability and kept most of Africa, Latin America and Asia from disintegrating.

Saddam Hussein of Iraq attempted to redraw the map and rectify what he perceived to be an unfair colonial legacy by invading Kuwait. Iran has longstanding claims over Bahrain. In Latin America there are some interstate territorial disputes as a result of perceived unfair border delimitation.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION

From the Chittagon Hill Tracts in Bangladesh to Bougainville, Kurdistan, Sri Lanka, India, Tibet, Chechnya, Ogoni, West Papua, millions of peoples seek to assert their most fundamental rights and if we attempt to find a common denominator for the problems I have just listed there is one: the right of peoples to self-determination.

In most cases the demands are not for secession. They are about their survival as a people with a language and a culture, with their land and environment protected from rapacious multinationals. Only when these basic demands are not met there has been recourse to other forms of struggle with an escalation in their demands.

While self-determination in the decolonisation process of the non-self-governing territories almost always led to independence, this is not the case in most of the conflicts of today. The cases of Western Sahara and East Timor are the two most salient failures of decolonisation. In the case of Western Sahara, the United Nations has allowed itself to be a pawn in the machinations of a minor regional power.

However, the preservation of the territorial integrity of a country can be achieved only if those in power are sensitive to the basic demands and aspirations of the many indigenous peoples and nationalities that make up the country.

Brute force might silence and keep dormant the dreams and aspirations of a people but the anger simmering for decades will inevitably resurface and break up the country.

THE RIGHT OF THE PEOPLE OF EAST TIMOR TO SELF-DETERMINATION

The right of the people of East Timor to self-determination is widely recognized. Apart from the former Spanish territory of Western Sahara, East Timor is the largest non-self-governing territory in the UN GA decolonization list which dates back to 1960.

The UN General Assembly and Security Council have adopted a total of 10 resolutions on the question of East Timor all reaffirming this right.

In its ruling of 30 June 1995 on the Case Concerning East Timor, Portugal Versus Australia, the International Court of Justice stated that the right of self-determination has an erga omnes character and that the people of East Timor are entitled to it.

DIALOGUE WITHOUT PRE-CONDITIONS AND THE CNRM PEACE PLAN

The Israeli-Palestinian peace talks and South Africa's transition to democracy give us renewed hope in that they demonstrate that seemingly intractable problems can be resolved if there is political will and vision by all involved.

In this room today there are East Timorese leaders of every persuasion, some have come all the way from East Timor, Portugal and Australia, and I can speak for all when I say that we are ready to enter into a process of dialogue with the Indonesian authorities, under the auspices of the United Nations, without pre-conditions, to explore all possible ideas towards a comprehensive settlement of the conflict.

In 1992, after thorough consultation with our people in the country, Xanana Gusmão gave his seal of authority to what is now known as the CNRM Peace Plan which was formally presented to a meeting of the European Parliament in Brussels on 22 April 1992.

The CNRM proposal remains valid as a modest contribution towards finding a solution to the conflict.

Phase one—humanitarian phase

This phase which should take up to two years to be fully implemented, would involve all three parties working with the UN to implement a wide range of "confidence building measures", (CBMs) but would not deal with the core of the problem which is the issue of self-determination.

These CBMs must include release of all prisoners, end of torture and summary executions and a drastic reduction in Indonesia troop presence in the territory.

These are some of the ideas which I believe could be implemented immediately without loss of face for Indonesia. Its international standing would improve significantly and its presence in the territory would be less resented, thus relieving a very tense situation.

In view of the time constraints, the full text of this plan is attached to this speech.

Phase two—autonomy, 5 years

Phase two, lasting between five to ten years, would be a period of genuine political autonomy based on ample powers vested in a local, democratically elected Territorial People's Assembly.

At the end of the second phase, the autonomous status of the territory could be extended by mutual accord.

The East Timorese people, having enjoyed a period of peace and freedom without the presence of the most hated symbol of the occupation, the army, might accept to continue this form of association.

Conversely, the changing generation, attitudes and perception in Indonesia might result in Indonesia accepting as natural that East Timor becomes independent.

Phase three—self-determination

If all parties agree that Phase Three should enter into effect immediately, then the UN begins to prepare a referendum on self-determination to determine the final status of the territory.

If God willing, East Timor becomes independent, ladies and gentlemen, allow me to share with you, our vision for our country's future and role in the region.

OUR VISION FOR THE FUTURE

East Timor is at the cross-roads of three major cultures: Melanesian which binds us to our brothers and sisters of the South Pacific region; Malay-Polynesian binding us to Southeast Asia; and the Latin Catholic influence, a legacy of almost 500 years of Portuguese colonisation. This rich historical and cultural existence places us in a unique position to build bridges of dialogue and cooperation between the peoples of the region.

PORTUGAL

East Timor will maintain close ties with Portugal, a country which colonised us for almost half a millennium has shown an abiding commitment to our right to self-determination. Portugal and East Timor will be most valuable partners for ASEAN in its relations with the EU, Africa and Latin America.

AUSTRALIA AND THE SOUTH PACIFIC

The majority of the East Timorese residents outside the country are in Australia. In spite of our sadness over Australia's role on East Timor I wish to state here our deepest appreciation to Australia for the shelter, hospitality and generosity shown to our thousands of refugees on Australian soil.

We appreciate the many representations the previous and current governments of Australia have made to impress upon the government of Indonesia regarding the human rights situation in East Timor. No other Western country has been more persistent in this regard.

We fought together during World War II and many East Timorese gave their lives for our common cause. Now and in the future we look up to Australia for help. An independent East Timor will seek close relations with Australia and membership in the South-Pacific Forum.

ASEAN AND APEC

We are conscious of our geography which compels us to co-exist with our neighbours in that part of the world. We will seek membership in ASEAN and APEC within days of our independence.

A ZONE OF PEACE

We will not have a standing army. For our external security, we will rely on a Treaty of Neutrality to be guaranteed by the permanent members of the Security Council. We will endeavour with the UN and our neighbours to declare our region and the seas surrounding East Timor a Zone of Peace and Development.

RULE OF LAW

We will endeavour to build a strong democratic state based on the rule of law which must emanate from the will of the people expressed through free and democratic elections.

HUMAN RIGHTS AND INTERNATIONAL OBLIGATIONS

All international human rights treaties will be submitted to the Parliament for ratification.

We believe that human rights transcend boundaries and must prevail over state sovereignty.

We will introduce into the school curriculum at an early stage starting in the kinder gardens the subject of human rights.

We will actively work with like-minded countries, NGOs and the media to strengthen the UN human rights machinery.

AMNESTY AND NATIONAL RECONCILIATION

East Timorese now serving in the Indonesian administration in East Timor, the security forces and police, should not fear an independent East Timor. They will be invited to stay on. Their full and active involvement in running the country will be necessary to ensure a smooth transition.

Our society will not be based on revenge. Because of its credibility and standing, the Catholic Church will be expected to play a major role in the healing process of our society.

In August 1975 too many East Timorese died in a brief but violent civil strife. Many more died even after the invasion because some in the leadership of the movement I belonged took upon themselves the role of judges and executioners.

NATIONAL RECONSTRUCTION AND DEVELOPMENT

East Timor is a relatively small country. But with an area of 18,899 kms and a total population of 700,000 (1974 figures), it is at least equal to, if not larger, in size and population, than some 40 independent states. It is potentially self-sufficient in most agricultural goods, meat and fish. It has large reserves of oil, natural gas, marble and manganese.

The invasion up-rooted thousands of people. Properties were abandoned, destroyed or sold at unfair prices. This situation will be redressed. A voluntary resettlement plan will be effected to allow the many tens of thousands of displaced East Timorese to return to their ancestral lands. We believe in free education and health care for our people. The money saved from not having a standing army will be well used in these areas. With the cooperation of WHO we will seek to eradicate malaria, tuberculosis and other preventable diseases within a decade.

INDONESIAN MIGRANTS

It is estimated that over 100,000 Indonesians are now living in East Timor. Most are poor Indonesians who came to our country looking for a better life.

Indonesian migrants in East Timor will be welcome to stay.

THE SUHARTO REGIME, ITS ACHIEVEMENTS AND WHAT IT SHOULD DO

No one can honestly suggest that the 30-year regime of Gen. Suharto has not done good for Indonesia. The record of the past 20 years has been impressive. The Suharto regime lifted the Indonesian economy from extreme poverty to the status of an economic tiger. Living standards, literacy, health care and food production increased to impressive levels.

President Suharto can show leadership by releasing all prisoners, meeting Indonesia's greatest living author, Pramoedya Ananta Toer, Megawati Sukarnopultri, leader of the PDI, daughter of Indonesia's founding father, the late Bung Karno, Muchtar Pakpahan, Indonesia's Lech Walesa, Sri Bintang, George Aditjondro, Indonesia's most decorated environmentalist.

Suharto should talk and listen to the wise and most respected Moslem scholar Abdurramanh Wahid who is here today with us in Oslo.

The leaders and militants of the PRD are among the best children of Indonesia. Instead of hunting them he should invite them to his palace for dialogue about the future.

FOSTERING A DEMOCRATIC AND PEACEFUL TRANSITION IN INDONESIA

No country, no matter how rich and endowed with natural resources, is an island into itself. In an increasingly smaller world and competitive age, where modern electronic communications break the barriers of silence erected by dictators, Indonesia cannot continue to flout the right of the people of East Timor to self-determination and the rule of law in Indonesia.

The next two to three years will witness a transition in Indonesia. Australia, New Zealand, the US, Canada and the EU can encourage a peaceful, evolutionary transition with a discreet yet firm policy of pushing for democratic reforms and rule of law in Indonesia and for a genuine act of self-determination in East Timor.

THE ROLE OF THE INTERNATIONAL COMMUNITY

We are as determined as we are optimistic about our future. To Indonesia and our other neighbours in the ASEAN we are offering a hand of friendship and appealing to them to help us bring peace and freedom to East Timor.

The EU, working with the US, Canada, Australia, New Zealand, Japan and Indonesia's partners in ASEAN, can accelerate the on-going dialogue under the auspices of the UN secretary-general, give it some impetus and real substance.

The US Administration is the only major power that has adopted some concrete measures to encourage changes in Indonesia and East Timor. I express here our sincere appreciation to President Clinton for his actions on East Timor and I appeal to him to lend his youthful energy and compassion towards a permanent resolution of the conflict which he once described as "unconscionable".

THE WEST AND ARMS SALES

We are not asking that Indonesia be punished with comprehensive economic sanctions. We believe that economic engagement with a country can at times foster positive changes through the development of a democratically conscious class.

However, we find it repulsive that the Western countries that more loudly make rhetorical speeches about human rights are the ones that manufacture most weapons that have killed more than 20 million people in the developing world since World War II.

Land mines, torture equipment, cluster bombs, chemical weapons are weapons designed to inflict pain and death on human beings. Most victims are civilians, women and children. How can arms manufacturers, weapons designers, plant managers, politicians, who have families of their own whom they love, are so insensitive when it comes to the suffering of other human beings?

HUMAN RIGHTS AND "ASIAN VALUES"

The peoples of Burma, Thailand, the Philippines, South Korea, and the democracy movements in China and Indonesia are telling the rest of the world that democracy and human rights are not an invention of the West.

The thousands of Asians who died in the streets of Manila, Bangkok, Jakarta, Rangoon, Beijing, did not die for a so-called "Asian value" that denies the people of Asia the basic and fundamental freedoms enjoyed in Europe, Latin America and in an increasing number of countries in Africa.

SOUTH KOREA

The brave people of Korea who endured decades of dictatorship and occupation won the struggle for democracy not with guns but with their tenacity in fighting the troops in the streets of Seoul and Kwangju.

The South Korean people can also show greater courage by being magnanimous and forgive those who have done wrong. Sometimes in history individuals in power are driven to commit wanton crimes but those who survive and are in power today should resist the temptation to exact revenge in the name of justice.

The death sentence must be abolished and the brave people of Korea should set the example by commuting the death sentence on former President Chun Do Hwan. From here I appeal to my Korean friends not to exact revenge against those who have been defeated. In victory be magnanimous.

BURMA

I extend our most heartfelt solidarity to the people of Burma and their elected leader, Nobel Peace Laureate Daw Aung San Suu Kyi, in their struggle for democracy, rule of law and human rights.

At a time when some ASEAN rulers are conniving with the SLORC regime to deny the people of Burma their democratic victory, we must all stand up and redouble our efforts to restore democracy to Burma.

The US and the EU must be commended for their leadership in support of the restoration of democracy in Burma but they must escalate the pressure with additional diplomatic and economic sanctions against the SLORC.

I also fully endorse the recommendations on Burma adopted by the Forum of Democratic Leaders in the Asia Pacific led by Kim Dae Jung and Cory Aquino in their recent meeting in Manila.

CHINA, TAIWAN, TIBET

When the UN SC debated the issue of East Timor in 1975 and 1976 China was our closest ally and I worked closely with very able Chinese diplomats. In spite of the indifference of the other four permanent members, China, along with other non-permanent members, succeeded in pushing the SC to adopt two resolutions on East Timor.

It is with this feeling of gratitude and admiration for China that I appeal to the Chinese leaders to listen to their own people's opinions and desires for a more open society, based on the rule of law, democracy, freedom of speech. These are after all rights that are granted to each Chinese citizen by their own Constitution.

Wei Jing Zhen is one of China's best children. He is being wasted away when his talents could best be used in the service of his fellow Chinese people and country.

The people of Taiwan have shown great maturity, responsibility and commitment to peace and democracy. While there is no dispute that Taiwan is part of China, as long as there is no progress on the issue of peaceful reunification of the two countries, I believe that the cause of dialogue and peace can best be served if Taiwan is granted observer status in the UN as was the case in the past with South and North Korea, South and North Vietnam. After all, China has not objected to Taiwan and Hong King joining the APEC.

China should listen to the voice of peace and moderation of the Tibetan people. For many years the Tibetan spiritual leader, His Holiness the Dalai Lama has offered a moderate peace proposal to the Chinese authorities to settle the Tibetan conflict.

CYPRUS

Cyprus, a shining example of democracy and tolerance, remains divided and occupied by a NATO ally whose history of aggression and violence is well-known.

Recently I received a letter signed by the students of Classes C11 and C22 of Kykko B Lyceum in Nicosia who wrote:

Your homeland is an occupied country at the far end of the ocean. Our homeland lies partly occupied at the far end of the Mediterranean. We live in a divided city and we cannot cross the dividing line * * *

To the students of Kykko B Lyceum I can only say that like the ancient Armenia you too will recover your lost land.

THE PROPHETS OF DOOM

The world has changed dramatically over the last few years and the theorists of irreversibility and status quo have been discredited by the collapse of the USSR.

Who would have thought it possible that the great Armenian people, persecuted for hundreds of years would regain a country called Armenia?

The entire world conspired against the Eritrean people. Americans, Russians and Cubans all connived against that small nation.

Two great nations, Israelis and Palestinians, who swore eternal hatred have shown courage and wisdom and began a painful process of dialogue.

In South Africa, former enemies are trying to rebuild their common home.

Last but not least, for the prophets of doom, for those in government who counsel us "realism", allow me to remind them of a news item in the ever reliable BBC a few years ago.

It was sometime in early 1991 and I was driving from the small Swiss town of Nylon, to the Palais des Nations in Geneva, to yet another round of futility in a place where some diplomats pretend to be too busy to listen to real problems of real peoples.

The BBC was telling us the story of a Soviet cosmonaut who had gone into space a few months earlier on one of those record-breaking missions in space. When he was blasted off from somewhere in the Soviet Union he carried a passport and a nationality granted to him by the most feared military empire in the world.

Once he completed his tour of duty for the pride of the socialist motherland he prepared the spacecraft for its return voyage to earth. But he no longer had a country to return to. The mighty empire had ceased to exist. He was forced to circle the earth a few days longer until people of good will on earth decided to which country he should go to.

With this note, I will end with renewed hope that no matter the level of brute force used against us, our dreams will never die.

God bless you all. Thank you.

THE NOBEL LECTURE GIVEN BY THE NOBEL PEACE PRIZE LAUREATE 1996, CARLOS FILIPE XIMENES BELO

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. HALL of Ohio. Mr. Speaker, I would like to submit for the RECORD the Nobel lecture given by Bishop Belo upon his acceptance of the 1996 Nobel Peace Prize. I had the honor of nominating him for this prestigious award and hope this award will lead to a lasting peace in East Timor.

THE NOBEL LECTURE GIVEN BY THE NOBEL PEACE PRIZE LAUREATE 1996, CARLOS FILIPE XIMENES BELO—OSLO, DECEMBER 10, 1996.

ACCEPTANCE SPEECH

Your Majesty.
Dear Members of the Norwegian Noble Committee.
Honorable Prime Minister.
Excellencies, Ministers.
Members of Parliament.
Members of the Diplomatic Corps.
Regarded friends.
Distinguished guests.
Friends, ladies, and gentlemen.

"Nations will proclaim his wisdom, the assembly will celebrate his praises. If he lives long, his name will be more glorious than a thousand others, and if he dies, that will satisfy him rest as well."—Wisdom 39, 10–11.

Excellencies, Ladies and Gentlemen, I start with this biblical passage from the Book of Wisdom because it expresses with deep significance the memory of the man we remember this day whose esteemed Peace Prize bears his name. Today, the tenth of December, we celebrate the centennial anniversary of the death of a wise benefactor of humanity, a Peace worker, Alfred Nobel.

Men of competence will never be extinguished from the memory of humanity because his wisdom, his dedication for the improvement of humanity, his tenacity for the progress of science in favor of mankind, makes people everywhere, all believers, all ideologies, feel in one way or another under the obligation of his talents and his boldness.

These men of competence are constantly disturbing the consciences of those who do not attend to the improvement of humanity. For it is a matter of fact that everyone should contribute by any kind or form so that mankind become more and more humane.

What reasons, brought the Catholic Bishop of East Timor to be here in the presence of this assembly? I come from a social context that is already known to your Excellencies, where, due to circumstances, the aspirations and desires of the people are limited.

Taking the words from Terentius: "Homo sum; humani nihil a me alienum puto."—Terentius 1, 25.

As man, as human being, I can not stay indifferent in front of what concerns man.

As a member of a people, I have to share the destiny of the people, taking upon myself completely this mandate, knowing the risks that such attitude will involve. Striving for the defense of the rights of all peoples is not only the privilege of these guiding the destiny of the people or those enjoying lofty positions in society, but it is the duty of everyone whatever rank or status.

As a member of the Church, I take it upon myself the mission of enlightening and denouncing all human situations which are in disagreement with the Christian concept and contrary to the teaching of the Church concerning all mankind.

The Catholic Bishop is a pastor of a part of God's people. His specific mission is spiritual. Such mission is incumbent upon him basically as a dispenser of spiritual resources for the salvation of persons and consolidating them in faith in Jesus Christ.

But mankind is not limited to a spiritual dimension, one should be saved as a whole, human and spiritual. In this aspect, any Catholic Bishop shall never be indifferent when a people's possibilities for human realization, in all dimensions, are not respected.

So the Nobel Peace Prize, attributed to a Catholic Bishop, is not a homage for one person but also basically the gratitude for the encouragement that the Catholic Church has developed over the centuries in defense and promotion of the rights of human beings.

The teachings of the Second Vatican Council in Gaudium et Spes. states: "The Church thinks that she will respond to the deep desires of peoples, showing its final hope, preaching freedom, dignity of conscience and rights, that is just, in God's plan of salvation."

The duty given to the Church is not sociopolitical in nature but religious. And thus it is characteristic to the Church, a wellspring of enlightenment and energy, to empower and contribute to the strengthening of the human society.

It is known to your Excellencies, the effort of the Church concerning the suffering of the people of East Timor over the last twenty one years. As Bishop of this people, I regard the Nobel Peace Prize not as something to merely esteem one person but as the rightful homage for the work done by the Catholic Church in East Timor, defending the inalienable rights of her people.

"Yet you have made him little less than a god, you have crowned him with glory and beauty."—Psalm 8, 6.

For the composer of this psalm, human dignity is taking root in his divine vocation, created by God.

This is my belief and knowledge about mankind which guides me and impels me as my conscience considers how I should act.

However, addressing this distinguished Assembly with beliefs and concepts about mankind may be quite humanistic. But I do believe for sure that among us we have something in common, that is we affirm that the human being is the subject of all concept and human activities. We declare that one's value and dignity does not depend on the individual's belief, religion, politics, philosophy, race or color of skin.

Man is a being for freedom. It means that one's realization is complete when capable to decide about one's options and taking responsibility for his or her actions without any kind of intimidation.

Man is a being realized in a community. It means that the social and ethnic group one belongs to is the background for his or her fulfillment.

Man is a being realized when there is a reciprocity of respect. It means that wherever human beings are not respected in their elementary rights by those in charge or by those responsible in society, as a consequence, we have oppression, slavery, arrogance, arbitrariness, death of individuals and death of a people.

Ladies and Gentlemen, these principles are valid for everybody and they are valid for the church who also affirms that human dignity is rooted and fulfilled in God Himself.

Persons have been placed in society by God the Creator, but over and above this, each person is called to be united with Him as children of God and participating in God's happiness.

Moreover, the Church teaches that if this divine foundation and the hope for eternal life are missing, human dignity is strongly damaged (GS.21).

The Catholic Church proclaims Jesus Christ as the great deliverer for all mankind. Indeed, Jesus frees each one from every moral and social slavery, giving back his or her true dignity as a human being.

In making Christ known, the Church reveals to all their true situation and calling, since Christ is the head and model of that renewed humanity imbued with that fraternal love, sincerity and spirit of peace, to which everyone aspires (AG. 8).

Your Majesty, Members of the Nobel Committee, my friends from around the world. I am profoundly honored to be before you today to receive the Nobel Prize for Peace. But whatever personal compliment I may receive, I believe that I have received this high tribute not because of who I am or what I have done. I firmly believe that I am here essentially as the voice of the voiceless people of East Timor who are with me today in spirit, if not in person. And what the people want is peace, an end to violence and the respect for their human rights. It is my fervent hope that the 1996 Nobel Prize for peace will advance these goals.

Above all, above all else, I am mindful and humble in my thoughts of Pope John Paul II, who did so much in the face of overwhelming odds in the epochal struggle to remove the yoke of Communism from Poland and other nations who have been told to be realistic and accept their fate. The Holy Father has provided an example and a depth of inspiration to me that can never be equaled. My gratitude to John Paul II can not be adequately expressed.

I also think of others, especially from Asia who have never stood here. I contemplate with unending amazement the work of Mahatma Ghandi and his creed of non-violence in the movement for change. I think of China, and I pray for the well-being of Mr. Wei Jing Sheng and his colleagues, and hope that they will soon be liberated from their jail cells, just as Indonesian leaders once were freed from the infamous Boven Digual prison after long years of cruel captivity. Surely, these same Indonesian leaders had earned a place here in Oslo even before I was born in 1948, at the height of their battle for freedom and dignity. I think of the fearless Indonesian fighters and I realize that history has so much to teach us if we would only take time to contemplate its richness.

I stand humbled in the august presence of my predecessors in this place here in Oslo. I think of The Reverend Dr. Martin Luther King, Jr., "standing in the mountaintop, looking out at the promised land." These words remind me of the view of the majestic mountains in my beloved East Timor—Mount Matabean (the Mountain of the Dead), near where I was born in the east; and Mount Ramelau in the west. As I look at these mountains in my frequent journeys throughout my native land, I feel ever more strongly that it is high time that the guns of war are silenced in East Timor, once and forever, it is high time that tranquility is returned to the lives of the people of my homeland, it is high time that there be authentic dialogue. All people of goodwill must use every peaceful means of human ingenuity and intelligence to find ways to create a genuine peace based on mutual respect and human dignity.

East Timor is hardly alone in its search for peace and dignity, and it is of great importance to acknowledge the work of others. Last year I was privileged to be the guest in Belfast Northern Ireland, of the 1976 co-Laureate, Mrs. Mairead Corrigan Maguire, whose increasing work for peace has touched many throughout the world. Mrs. Maguire graciously gave me an informative and moving tour of the troubled areas in Belfast, the night after many vehicles had been burnt in protest over the early release of a soldier convicted of killing an 18 year old girl. I pray that the people of Northern Ireland may know genuine peace, justice and tranquility in the near future.

Last year, I met with His Holiness, The Dalai Lama, and was deeply moved by his wisdom and kindness. The people of Tibet are never far from my prayers, nor are the communities of the indigenous peoples of the world who are increasingly being overwhelmed by aggressive moderity that presumes to call itself civilization.

I pray for peace in the Middle Esat and Afghanistan, which can not be forgotten, and for the continuation of the peace process in Central America. And no human being can be indifferent to the drama in the Great Lakes area in Burundi and Rwanda, and also Zaire, where the human suffering cries out for a solution.

In South Africa, the search for peace deepens. For me the work of Archbishop Desmond Tutu is a shining example of the way truth can be combined with the quest for human rights, the way humor and humility can be mixed with righteousness, and I only pray that I may be worthy of his mantle. In Burma, I salute the strength and grace of Daw Aung San Suu Kyi, and pray that a better day may soon arrive for her and all her people. May the beauty of music from her piano soften the hearts of armies and nations. In Burma and throughout the world, in places known and not well known, let us apply the words in the fifth chapter of Amos of the Old Testament: "Let Justice roll down like waters."

And let us always think of many anonymous people throughout the world, struggling for the protection of human rights. Day by day, working to convince the international community of the justice of their cause, whether they be Moslems or Christians, Protestants or Catholics, Hindus or Buddhists whether they be followers of age-old traditional beliefs, believers or non-believers. I say: press on, take courage, remain true to your ideals, you will not be forgotten.

The world censures those who take up arms to defend their causes and call on them to use non-violent means in voicing their grievances. But when a people chooses the non-violent path, it is all too often the case that hardly anyone pays attention. It is tragic that people have to suffer and die and the television cameras have to deliver the pictures to people's homes everyday before the world at large admits there is a problem. Therein lies the enormous significance and the brave wisdom of the decision of the Nobel Committee to focus on East Timor this year; it represents the extraordinary recognition of East Timor's quest for peace and the recognition of its pleas for an end to suffering.

I speak of these things as one who has the responsibility to bear witness to what I have seen and heard, to react to what I know to be true, to keep the flame of hope alive, to do what is possible to warm the earth for still another day. I speak as a spiritual leader, not as a politician, which in fact, I am not. In recent weeks, some articles have described me as "a former shepherd," not realizing that my vocation only evolved from a boyhood job of tending water buffaloes to the grave responsibility of trying to apply my fallible self to the difficult task of providing moral leadership in a situation where almost no one is ever completely happy with my actions.

Others have written that if there had not been a war in East Timor, I would be spending all my time tending to the needs of troubled youth, which is the special calling of my religious order, The Salesians of St. John Bosco. But this is only a matter of degree: even now, I spend an overwhelming amount of energy in listening to and counseling the youth of East Timor, who urgently need such help because of their history. This is my special obligation, and one which I welcome.

Thus I must press on, aware of all the task that are far from complete. St. John Bosco once said that we will have the chance to rest in the hereafter, not in this world. And my life in the past thirteen years since I took up the post in East Timor illustrates the accuracy of Don Bosco's judgment in this regard among others. But my own hard work forms only a small part of what is necessary; the participation of others is vital. I extend the hand of friendship and goodwill to all those who provide genuine assistance or moral support in the vital struggle for peace in East Timor, throughout Asia, Africa, in the western hemisphere, throughout Europe, in Bosnia and elsewhere in the Balkans. Everywhere.

I must also praise the United Nations for its painstaking efforts on the question of East Timor, which have been of central importance in keeping the issue alive over many long years. In the face of great obstacles, in spite of all the difficulties, the United Nations have continued to persevere in the interest of generating dialogue that might one day create a lasting structure of peace in East Timor, and in many other places throughout the world.

There is no institution that can take the place of the United Nations, especially in the light of the history and credibility of the world organization. We can not overlook the fact that the United Nations played an important role from its earliest days in the 1940's in assisting the struggle of Indonesia's nationalist movement. The young Indonesian Republic fought alone, with supreme courage, against the brute force of colonialism and its allies, ultimately receiving the indispensable moral backing that the new world association alone was able to provide. In the face of the moral weight of the United nations, the Dutch and their allies could not carry on military operations with impunity, as other colonial powers did before the UN was formed in 1945. This must never be forgotten. Thus, the world must do whatever possible to strengthen the United nations in the months and years ahead, in the deepest interests of all the peoples of the world.

Let it be stated clearly that to make peace a reality, we must be flexible as well as wise. We must truly recognize our own faults and move to change ourselves in the interest of making peace. I am no exception to this rule! Let us banish anger and hostility, vengeance and other dark emotions, and transform ourselves into humble instruments of peace.

People in East Timor are not uncompromising. They are not unwilling to forgive and overcome their bitterness. On the contrary, they yearn for peace, peace within their community and peace in their region. They wish to build bridges with their Indonesian brothers and sisters to find ways of creating harmony and tolerance.

Mutual respect is the basis of compromise. Let us start by making a sincere effort to change the very serious human rights situation in East Timor. The Church has played its part. We have formed a Justice and Peace Commission that is always ready to cooperate with the authorities to address problems.

Independent human rights officials have repeatedly visited East Timor and have recommended what needs to be done. As a first step, the release of East Timor political prisoners has to be given urgent attention, in accordance with the section on Humanitarianism in Panca Sila, The Five Principles of Indonesia's State Ideology. Such a step would help create an important opening on the road to peace.

Ladies and Gentlemen, taking the liberty to remind, in this assembly, my predecessor's appeal, Israel's former Prime Minister, the late Mr. Itzaak Rabin, speaking in New York, when the first historical meeting with President Arafat took place, he said: "Stop bloodshed."

Making mine this same appeal, I say: "Stop bloodshed." And I add: Stop oppression. Stop violence. Stop conflict. Let us sit down around a table and understand each other, because we can not tolerate extending for a long time the suffering of the people of East Timor. I think this is the fundamental intention of the Nobel Committee in awarding to us the prize, expressed on behalf of its president, Mr. Francis Sejersted.

Ladies and gentlemen, East Timor was given the possibility to be heard through the voice of her two sons resounding throughout the world through this solemn assembly; but I would like that this attention shown by the world to East Timor be given the same intensity concerning the many other problems distressing other people.

There are similar situations, throughout the world, where people live under horrible conditions as Timor, but they have no possibility to be heard.

Daily, we get in our home, news and images of suffering, pain, destruction caused by war. "War, this monster," as Father Antonio Vieira states, "what it is doing, even God is not secure in the altar."

I appeal to all men of goodwill and particularly those holding power to find out solutions for these numberless conflicts. Solutions based on justice and solidarity, in order that the fundamental rights would be respected.

I appeal, as well, to all professionals of the information media, charged with this great mission, that they regulate communication between all latitudes of the globe, doing it with a sense of truth and immunity for building up a society more humane and more just, without tendentious manipulations.

I would like, before I finish, to address one word to the youth around the world, particularly to the youth of my dear Timor: "Society is a succession of interwoven rings in which each generation has the duty to the next generation in order to live in the world peacefully fraternally. Under your shoulders, dear young people of the entire world, weigh the responsibility to transform tomorrow's world into a society where peace, harmony and fraternity reign."

Dear youth, I quote from memory the great Indian poet Rabindranat Tagore: "Youth, as a Lotus flower, flourish just once in life." Do not let it wither through the way.

Finally, an event is never a lonely action. The awarding of the Nobel Peace Prize to these two sons of Timor, Dr. Jose Ramos and myself has come about because many people groups and institutions have worked hard so that this event be a reality.

In this moment I would like, in the first place, to thank Her Majesty the Royalty of Norway, for being susceptible with the suffering of the people of East Timor, and for the generous presence in this solemn assembly.

My thanks goes to the Nobel Peace Prize Committee for their kind attention and courageous dedication on behalf of the plight of the East Timorese.

To the government and members of the Norwegian Parliament I thank you for the decision to honor us with the Nobel Peace Prize

I emphasize a little to thank Portugal and other friendly nations, as well as distinguished personalities who have proposed our names as candidates for the Nobel Peace Prize.

To the Timorese, here and abroad. I convey my indescribable gratitude and my communion and silent solidarity with you.

To His Holiness, Pope John Paul II, who has been persistent and attentive in following the situation and the suffering of the people and the Church in East Timor, I submit my filial devotion and the promise of unending fidelity and in union with Christ.

To the Pontifical Commission of Justice and Peace, particularly in the person of its President, His Eminence Cardinal Roger Etchegaray, who had the opportunity to be in direct contact with the Church of Timor, I submit my deep gratitude.

I can not forget the contribution of friends from other religions who, with discretion and fearless activity have made it possible that the Nobel Peace Prize for 1996 be attributed to the Catholic Church in East Trimor.

It would be unjust to forget, although I am aware that it is difficult to count the various Non Government Organizations, Humanitarian Groups, Church related Groups and individuals who have worked hard, in silence and without much publicity, so that the Timorese can receive assistance and that the Timorese issue would not be buried under the dust of oblivion. With them, I share my happiness.

And finally, my sincere thanks to all the members of the social communication industry from all over the world. They had lent their voice in making known to the world the anguish and the suffering of the Timorese. I would like to pay my tribute to those giving information about Timor, risking their life and some of them falling down in East Timor soil.

"The Creator and Father of everything and all peoples will reward all of us and will give us strength, wisdom and courage to struggle for our fellow human beings because each one is the image and the likeness of God."—Gen. 1, 26.

INTRODUCTION OF SHORT AGAINST THE BOX LEGISLATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation to curb the use of innovative tax avoidance techniques that have enabled some investors to indefinitely defer, and in some circumstances completely avoid, capital gains taxes. Under current law, capital gains are subject to tax only when there is a sale or exchange of the property. In this respect, our tax laws have fallen far behind the financial markets. The financial markets have succeeded in creating transactions and instruments that are equivalent to sales in an economic sense but avoid the tax that would be required in the case of a sale. I must agree with Robert Willens, a managing director at Lehman Brothers, who was quoted recently in the New York Times as stating, "old fashioned notions of sale are totally inappropriate for the world we live in today." My bill redefines the concept of when there is a sale for tax purposes in order to take into account the economic substance of these new transactions.

There is a growing perception that the capital gains tax has become voluntary for large investors. There is evidence that capital gain recognitions by large investors have stagnated in recent years even as the stock market has soared. Typically, average middle-income families have invested through mutual funds whereas relatively wealthier investors also hold direct investment in the stock market and in real estate. Taxable capital gains reported by investors who hold only mutual funds have soared in recent years whereas taxable capital gains reported by investors with direct stock and real estate investments have remained below the level reported in 1988. The availability of these avoidance techniques may have played a role in this decline.

Many of the transactions affected by my bill are not available to the ordinary investor because of their cost. Bankers Trust, a company specializing in equity swap transactions, will do an equity swap only when the investor has a block of stock valued in excess of $2 million. Also, it should be emphasized that these transactions would not be done except for the tax avoidance potential. In an economic sense they are equivalent to an outright sale, but their costs are substantially greater than those involved in a simple sale.

We rely on voluntary compliance to collect our income taxes. In fact, our current high level of voluntary compliance is the envy of the rest of the world. That high level of voluntary compliance is threatened by the existence of tax avoidance techniques that are only available to the wealthy in our society. The current law capital gains tax applies to all Americans. If the capital gains tax should be reduced it should be done legislatively for all taxpayers, not by Wall Street for the select few.

The bill I am introducing today includes two provisions. The first provision would provide for recognition of gains in the case of transactions, like equity swaps and "short against the box" transactions, that are equivalent to sales. This provision is based on a proposal recommended by the President in his recent budget submission. I have modified the President's proposal to address concerns that it would adversely impact legitimate hedging transactions. My bill contains simplified accounting rules for securities traders and would trigger recognition of gain only when there is deferral of tax over year-end. However, I have retained the effective date recommended by the President since my bill is basically a modified version of his proposal.

The other provision of my bill addresses another abuse, the so-called swap fund, that Congress thought it eliminated almost 30 years ago. In a swap fund transaction, an investor wishing to diversify his investment exchanges his holding of a specific stock for an interest in a diversified investment pool. The current version of this device involves having the fund hold at least 20 percent of its assets in investments that are not readily marketable. My bill eliminates that simple avoidance technique.

I urge the support of my colleagues.

TECHNICAL DESCRIPTION: SHORT AGAINST THE BOX LEGISLATION

CONSTRUCTIVE SALES TREATMENT

The Kennelly bill would require a taxpayer to recognize gain upon entering into a constructive sale of any appreciated position in either stock, a debt instrument, or a partnership interest. The taxpayer would recognize gain as if the position were sold and immediately repurchased.

The bill would define a constructive sale as any of the following transactions (and any other transaction having substantially the same effect as a transaction described below):

(1) a short sale of the same or substantially identical property;

(2) entering into an offsetting notional principal contract with respect to the same or substantially identical property. For this purpose, an offsetting notional principal contract is a contract to pay the investment yield on the property for a specified period in exchange for the right to be reimbursed for decline in the value of the property and other consideration;

(3) entering into a futures or forward contract to deliver the same or substantially identical property;

(4) an acquisition of the underlying property where the taxpayer holds an appreciated short position described in subparagraphs (1), (2), or (3).

The bill could not trigger gain in circumstances where the underlying property is sold in a taxable transaction during the year or where the constructive sale is closed during the taxable year (and if closed in the last month of the year, is not reestablished in 30 days).

If the taxpayer makes a constructive sale of less than all of his property, the determination of which property is involved in the constructive sale would be made under the principles applicable to outright sales. Under current law, this would permit specific identification.

The bill would not apply to any contract for the sale of any stock, debt instrument or partnership interest that is not a marketable security (as defined under the rules that apply to installment sales) if the sale is reasonably expected to occur within one year of the date the contract is entered into. Nor would the proposal generally treat a sales contract subject to normal terms and conditions as a constructive sale. In addition, the proposal would not treat a transaction as a constructive sale if the taxpayer is required to mark the market the appreciated financial position under Section 475 (mark to market for securities dealers) or Section 1256 (mark to market for futures contracts, options and currency contracts). The bill would permit securities traders to elect mark to market treatment under Section 475.

Like the proposal included in the President's budget, the bill would be effective for constructive sales entered into after the date of enactment. In addition, the bill would apply to constructive sales entered into after January 12, 1996, and before the date of enactment if the transaction resulting in the constructive sale remains open after 30 days after the date of enactment. The bill would apply to those pre-enactment transactions as if the constructive sales occurred on the date that is 30 days after the date of enactment.

A special rule would apply to constructive sale entered into on or before the date of enactment by decedents dying after the date of enactment. If the constructive sale remains open on the date before the date of death and gain has not been recognized under the bill, the appreciated financial position would be treated as property constituting rights to receive income in respect to a decedent under Section 691.

SWAP FUND PROVISIONS

Under current law, gain is recognized on the contribution of property to a corporation or partnership that is an investment company. The Code defines an investment company as any corporation or partnership where more than 80% of its assets by value consist of stocks or securities that are readily marketable. The bill provides that all stocks and securities, including those not readily marketable, are taken into account under the 80% test.

SEMINAR ON GOALS 2000

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. HYDE. Mr. Speaker, on February 12, 1997, a day long seminar on education with particular emphasis on the pernicious effects of Goals 2000, school to work and careers legislation was held in the Rayburn Building. The participants were greeted by Phyllis Schlafly, who was responsible for the event—along with many other organizations and individuals—and heard from experts and several State legislators and Congressmen from many States, including California, Oregon, Alabama, Pennsylvania, Florida, South Carolina, Illinois, Arizona, Michigan, Texas, Kentucky, and Arkansas.

Mr. Robert Holland of Richmond, VA, an editor for the Richmond Times Dispatch not only delivered one of the best presentations but contributed the following editorial which appeared in the Washington Times, Sunday, February 23, 1997, which I am pleased to share with my colleagues.

[From the Washington Times, Feb. 23, 1997]

BENEATH THE SEAMLESS MODEL'S HOOD

(By Robert Holland)

The hearing room of the House Judiciary Committee looked like a busy "show and tell" classroom for scholars bearing large stacks of homework Feb. 1–2. Chairman Henry Hyde had convened an unusual grassroots conference on the spreading, entangling "Seamless web" of collectivized education, health and social services, and workforce preparation.

Citizen-activists joined members of Congress and legislators from five states in talking about what their research had yielded, and they brought much of it with them as Exhibits R through Z: thousands of pages of fine print illuminating the complex scheme to make schools the central instrument for transforming American society into one that takes its lead entirely from government technocrats certifying "skills" and dispensing "care."

Such documentation is essential because merely to criticize the seamless web is to risk being branded a conspiracy theorist. The extensive paper trail belies the existence of any conspiracy. It shows, instead, that a slumbering mainstream media—or mediacrats who cheerlead for collectivization—are the problem. The proof exists for anyone willing to risk the eyestrain to read the fine print.

Nor do the leading citizen-activists spurn facts in favor of imagined plots. Consider one of the featured presenters at the Hyde conference: Virginia Miller, a former women's basketball star at Penn State, and Rhodes Scholar candidate who spent 10 years as a systems consultant to U.S. Steel, Mellon Bank, Blue Cross, and Westinghouse.

Now the acting director of the Pittsburgh-based Public Education Network, Ms. Miller provided voluminous supporting documents to show how the Human Resources Development Plan devised by Hillary Clinton's sidekick, Marc Tucker, is coming to fruition through the multifarious works of the National Center on Education and the Economy.

For instance, one sentence penned by Mr. Tucker in a Labor Department-commissioned paper on organizing the work of the National Skill Standards Board (to which Mr. Clinton—surprise, surprise—has appointed Mr. Tucker) fairly jumps off the page. In discussing a three-tiered system for developing "comprehensive qualifications—or standards" for jobs and clusters of jobs, Mr. Tucker reached Title 1:

"This would be," he wrote, "a set of standards for what everyone in the society ought to know and be able to do to be successful at work, as a citizen, and as a family member."

Now, ponder the breathtaking absolutism behind such a vision: Not only should Big Government issue, in effect, work permits, and not only should it monitor each person's civic participation; it should go so far as to pass judgment on how every American functions as a mother, father, brother, sister or other member of a family—however the technocrats chose to define "family."

That sounds far-fetched—until one looks at Senate Bill 321 recently introduced in Oregon—one of the model states for the womb-to-tomb seamless web. That legislation would require every taxpayer with a dependent between the ages of 1 and 2 to attend state-directed "parent education courses" in order to claim a personal exemption on state taxes. The state also would set up a new system to certify parent-education providers. It is true that the agency Mr. Tucker envisioned as the promulgator of Tier I standards—the National Education Standards and Improvement Council—fell prey to Congress' partial dismantling of Goals 2000 last spring. However, there are many more new bureaucracies—the Skill Standards panel, for one—that can continue spinning the web.

Other presentations showed how schools are becoming instruments of nationalized health care through creative Medicaid re-interpretation; how databases are being set up to check each American's advances through the seamless web; how the School-to-Work system will function to steer students in directions that satisfy economic planners' objectives, not necessarily their own.

It is important to document how all this is meshing, as the conferees attempted to do. For example, Ohio's STW plan flatly declares as a goal the training of student for jobs in accordance with "the state's work force development and economic development strategies."

But as chilling as such words are, most people probably will not become gravely concerned until they see the seamless web infringing on their own family's liberties. That may be happening in Nevada, where Gov. Bob Miller, current chairman of the National Governors Association, brags about a "Smart Card" that students will have to present when applying for a job in order to show they have the work-force competencies Big Brother says they should have.

Out in Las Vegas, Rene Tucker tells me that her daughter, Darcy, recently was pulled out of a geography class—without parental consent—to be administered a computerized assessment of career possibilities. Darcy wants to become a veterinarian. But the computer said she ought to become a bartender or a waitress, and it spat out a list of courses she ought to take in high school toward that end.

Mrs. Tucker was furious first that the career counselors had robbed her daughter's valuable class time. She added: "We're Christians, and the school stepped on my ties as a parent. It is my job to direct my child's career path, and it would not be in her best interest to be a bartender."

Ah, but it might be in Nevada's best interest, you see, given the huge hospitality needs driven by the gambling and entertainment industry.

Another Nevada mom, Kristine Jensen, and her daughter Ashley had a similar experience. Ashley has a 4.0-plus GPA and currently aspires to work at NASA. Indeed, a NASA official told her, "Set your goals high and set your heart and mind to it and you will be there."

However, said Mrs. Jensen, the STW career inventory said Ashley ought to set her goals quite a bit lower as she enters the ninth grade. "Garbage woman" was a career pathway the computer said this honors student should follow.

The School to Work Opportunities Act of 1994 states that career counseling is to begin "at the earliest possible age, but not later than the seventh grade." That's a federal requirement, mind you, for schools spending STW money. As such fine print becomes a killer of dreams, the uprising against this seamless web figures to grow.

PAPERWORK ELIMINATION ACT

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mr. TALENT. Mr. Speaker, today I am introducing the Paperwork Elimination Act. The purpose of this legislation is to advance the use of alternative information technologies and, in so doing, decrease paperwork demands by the Federal Government. The intended beneficiaries of this legislation are small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and others who face a disproportionate burden in complying with Federal regulations. Alternative technologies suggested include electronic maintenance, submission, or disclosure of information. In achieving this purpose, the Paperwork Elimination Act hopes to assist Federal agencies complying with the purposes and goals of the Paperwork Reduction Act.

The Paperwork Elimination Act does not intend to replace any part of the Paperwork Reduction Act of 1995, which has made great strides toward reducing regulatory burdens. The Paperwork Elimination Act is merely a supplement to the Paperwork Reduction Act, introduced with the intent of belatedly bringing the Federal Government into the computer revolution. It clarifies provisions within the law requiring agencies to utilize information technology by specifying that those with access to computers and modems should be able to use them when dealing with the Federal Government.

I would like to take a moment to thank our former colleague, Peter Torkildsen of Massachusetts. Mr. Torkildsen introduced this legislation in the 104th Congress and worked tirelessly to see its passage. In April 1996, the legislation passed the House unanimously. The measure was then discharged from the Senate Governmental Affairs Committee and sent to the desk for action. It is unfortunate that the Senate ran out of time before acting on this measure. I believe this is an important piece of legislation for small business. I am hopeful that my colleagues will concur and that this bill will receive favorable congressional action at an early date. Thank you.

IN RECOGNITION OF THE AWARD WINNING ACHIEVEMENTS OF WORKING CAPITAL FLORIDA

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 1997

Mrs. MEEK of Florida. Mr. Speaker, access to credit, technical help, and training are the keys to unleashing the economic potential of all Americans, particularly for the poor in our cities and distressed rural areas. In recognition of its outstanding community-based leadership with microenterprise projects, Working Capital was recently awarded the Presidential Award for Innovation in Microcredit in a ceremony at the Oval Office on January 31, 1997.

In Dade County, Working Capital Florida is leading the way to economic empowerment by providing business loans, peer support, training, networking and technical assistance to persons with low to moderate income. Working Capital Florida is one of seven hubs of the Working Capital Corp. which was founded in 1990 in Athol, MA, by Jeffrey Ashe to foster self-reliance and enhance the quality of life for persons with limited access to resources. This is accomplished through a network of community-based organizations.

Working Capital Florida serves Dade's African-American, Hispanic, and Haitian communities in neighborhoods including Allapattah, Carol City, Coconut Grove, Florida City, Goulds, Homestead, Kendall, Little Haiti, Little Havana, Naranja, North Miami, Opa-Locka, Overtown, Perrine, Princeton, Richmond Heights, and South Miami Heights.

Within the next 5 years, Working Capital Florida has the potential to create 5,000 new businesses among low-income residents. Since its inception, 311 loans ranging in size from $500 to $5,000 and totaling $210,500 have been disbursed to start-up businesses throughout Dade County. Working Capital Florida helps low- and moderate-income citizens of Dade County to enter the economic mainstream. As they prosper, we reduce the social costs of poverty in Florida and the Nation while increasing national productivity. Not only are these efforts beneficial to the poor, but they clearly improve our community and benefit all Americans.

The individuals who are assisted by Working Capital Florida through micro-loans, peer-support, networking, and training can stand proudly to proclaim "I have a dream * * * and I'm beginning to live it!" I know my colleagues join me and the entire Dade County community in applauding their success. Congratulations Working Capital Florida on a job well done.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 27, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 28

9:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD–430

MARCH 4

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Corporation for National and Community Service, the American Battle Monuments Commission, the Court of Veterans Appeals, the Selective Service System, and Army Cemeterial Expenses.

SD–138

Environment and Public Works

Superfund, Waste Control, and Risk Assessment Subcommittee

To hold hearings on proposals relating to liability and resource issues associated with the cleanup and redevelopment of abandoned or underutilized industrial and commercial properties.

SD–406

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the school lunch and school breakfast programs.

SD–G50

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Food Safety and Inspection Service, Marketing and Regulatory programs, Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.

SD–124

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year

1998 for the Department of Defense and the future years defense program.

SR–222

Commerce, Science, and Transportation

To hold hearings to examine proposed legislation to reform product liability.

SR–253

10:30 a.m.

Finance

To hold hearings to examine estimates of the President's fiscal year 1998 budget request for Medicare, Medicaid, and welfare.

SD–215

MARCH 5

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the Department of Agriculture's business plan and reorganization management proposals.

SR–332

9:30 a.m.

Environment and Public Works

Superfund, Waste Control, and Risk Assessment Subcommittee

To hold hearings on S. 8, to authorize funds for and reform the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (Superfund).

SD–406

Rules and Administration

To hold oversight hearings on the operation of the offices of the Secretary of the Senate, the Sergeant at Arms, the Architect of the Capitol, and the National Gallery of Art.

SR–301

10:00 a.m.

Armed Services

Airland Forces Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on tactical aviation modernization issues.

SR–222

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine aviation safety, focusing on the work of the Gore Commission.

SR–253

Governmental Affairs

To hold hearings to examine issues relating to the General Accounting Office high-risk series.

SD–342

2:00 p.m.

Armed Services

Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on recruiting and retention policies within the Department of Defense and the military services.

SR–232A

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To resume hearings on the proposed Public Land Management Responsibility and Accountability Restoration Act.

SD–366

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

MARCH 6

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine issues with regard to competitive change in the electric power industry.

SH–216

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act and innovative transportation financing, technology, construction and design practices.

SD–406

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Retired Officers Association, the Association of the U.S. Army, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, and the Blinded Veterans Association.

345 Cannon Building

10:00 a.m.

Labor and Human Resources

To hold hearings to examine health care quality and consumer protection.

SD–106

2:00 p.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of State.

S–146A, Capitol

Select on Intelligence

Closed business meeting, on intelligence matters.

SH–219

2:30 p.m.

Commerce, Science, and Transportation

Consumer Affairs, Foreign Commerce, and Tourism Subcommittee

To hold hearings to examine product liability reform, focusing on the implementation of the General Aviation Revitilization Act.

SR–253

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To continue hearings on the proposed Public Land Management Responsibility and Accountability Restoration Act.

SD–366

MARCH 11

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation authorizing funds for agricultural research.

SR–332

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.

SD–138

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for Food and Consumer Service, Department of Agriculture.

SD–124

Energy and Natural Resources

To hold hearings on the President's proposed budget request for fiscal year 1998 for the Department of Energy and the Federal Energy Regulatory Commission.

SD–366

Governmental Affairs

To hold hearings to examine issues relating to the census in the year 2000.

SD–342

MARCH 12

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine universal telephone service.

SR–253

MARCH 13

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR–332

9:30 a.m.

Energy and Natural Resources

To resume hearings to examine issues with regard to competitive change in the electric power industry.

SD–G50

10:00 a.m.

Labor and Human Resources

To hold hearings to examine proposals to improve the health status of children.

SD–430

MARCH 14

9:30 a.m.

Labor and Human Resources

To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.

SD–430

MARCH 18

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR–332

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Emergency Management Agency.

Room to be announced

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for energy research programs of the Department of Energy.

SD–124

Environment and Public Works

To hold hearings on proposals to authorize state and local governments to enact flow control laws and to regulate

the interstate transportation of solid waste.
SD–406

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Natural Resources Conservation Service, Department of Agriculture.
SD–138

Labor and Human Resources
To hold hearings to examine proposals to reform the operation of the Food and Drug Administration.
SD–430

MARCH 19

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

MARCH 20

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR–332

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for atomic energy defense activities of the Department of Energy.
SD–124

Energy and Natural Resources
To resume hearings to examine issues with regard to competitive change in the electric power industry.
SH–216

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Veterans of World War I, and the Vietnam Veterans of America.
345 Cannon Building

10:00 a.m.
Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD–430

APRIL 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Protection Agency.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Farm Service Agency, the Foreign Agricultural Service, and the Risk Management Agency, Department of Agriculture.
SD–124

APRIL 15

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Housing and Urban Development.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Rural Utilities Service, the Rural Housing Service, the Rural Business-Cooperative Service, and the Alternative Agricultural Research and Commercialization Center, all of the Department of Agriculture.
SD–124

APRIL 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Science Foundation and the Office of Science and Technology Policy.
SD–192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Management Program of the Department of Energy.
SD–124

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Agricultural Research Service, the Cooperative State Research, Education, and Extension Service, the Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

APRIL 24

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Corp of Engineers and the Bureau of Reclamation, Department of the Interior.
SD–124

APRIL 29

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Commodity Futures Trading Commission, and the Food and Drug Administration, Department of Health and Human Resources.
SD–124

MAY 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.
SD–138

CANCELLATIONS

FEBRUARY 27

9:30 a.m.
Indian Affairs
Business meeting, to consider pending committee business relating to the Committee's budget views and estimates on the fiscal year 1998 request for Indian programs.
SR–485

2:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

HOUSE OF REPRESENTATIVES—*Thursday, February 27, 1997*

The House met at 9 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, that our ears would be open to hear Your word, that our hearts would reflect the warmth of Your spirit and that our hands would be ready to do the works of justice and mercy. May we not, O God, become so busy with our own goals that we miss the wonder and beauty and truth and glory of our common responsibility to use Your gifts for justice in our land and freedom in our world. Bless, O God, all those who labor for these good works, that the bounty of Your word may be known by all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FROST. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 499. An act to designate the facility of the United States Postal Service under construction at 7411 Barlite Boulevard in San Antonio, Texas, as the "Frank M. Tejeda Post Office Building".

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 305. An act to authorize the President to award a gold medal on behalf of the Congress to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 305. An act to authorize the President to award a gold medal on behalf of the Congress to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes; to the Committee on Banking and Financial Services.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 539 AND H.R. 615

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to delete the following cosponsors from H.R. 539: Representatives TOWNS, MARTINEZ, FORD, and ACKERMAN. They were mistakenly added as cosponsors to H.R. 539 instead of H.R. 615.

Mr. Speaker, I would also like to request unanimous consent to delete the following cosponsor from H.R. 615: Representative ENGLISH of Pennsylvania. He was mistakenly added as a cosponsor to H.R. 615 instead of H.R. 539.

Corrected cosponsor lists have been submitted.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by his Excellency Eduardo Frei, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, February 13, 1997, the House will stand in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 9:50 a.m., the following proceedings were had:

□ 0950

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY, EDUARDO FREI, PRESIDENT OF THE REPUBLIC OF CHILE

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Ms. Pamela Kidd, announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore of the Senate taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency, Eduardo Frei, the President of the Republic of Chile, into the Chamber:

The gentleman from Texas [Mr. ARMEY];

The gentleman from Texas [Mr. DELAY];

The gentleman from Ohio [Mr. BOEHNER];

The gentleman from California [Mr. COX];

The gentleman from New York [Mr. GILMAN];

The gentleman from California [Mr. GALLEGLY];

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Michigan [Mr. BONIOR];

The gentlewoman from Connecticut [Mrs. KENNELLY];

The gentleman from Maryland [Mr. HOYER];

The gentleman from Indiana [Mr. HAMILTON]; and

The gentleman from New Jersey [Mr. MENENDEZ].

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort His Excellency, Eduardo Frei, the President of the Republic of Chile, into the House Chamber:

The Senator from Oklahoma [Mr. NICKLES];

The Senator from Florida [Mr. MACK];

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Senator from Georgia [Mr. COVERDELL];

The Senator from Indiana [Mr. LUGAR];

The Senator from Connecticut [Mr. DODD];

The Senator from Iowa [Mr. HARKIN]; and

The Senator from Florida [Mr. GRAHAM].

The Assistant to the Sergeant at Arms announced the Vice Dean of the Diplomatic Corps.

The Vice Dean of the Diplomatic Corps, His Excellency Dr. Joseph Edsel Edmunds, Ambassador of Saint Lucia, entered the Hall of the House of Representatives and took the seat reserved for him.

At 10 o'clock and 5 minutes a.m., the Assistant to the Sergeant at Arms announced the President of the Republic of Chile, His Excellency, Eduardo Frei.

The President of the Republic of Chile, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and personal pleasure to present to you His Excellency, Eduardo Frei, President of the Republic of Chile.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY, EDUARDO FREI, PRESIDENT OF THE REPUBLIC OF CHILE

(The following address was delivered in Spanish, with a simultaneous translation in English.)

President FREI. Mr. President, honorable Senators, honorable Members of the House of Representatives, officials of the United States Government, officials and members of my country's delegation:

I thank you for inviting me to speak here. It is an honor for me and for the people of Chile to address you in this Chamber which has stood for more than 200 years as an uninterrupted symbol of freedom.

I am deeply moved, not only because this House served as forum for Thomas Jefferson, James Madison and Abraham Lincoln, but also because it recognized the independence of Chile in the year 1810. It also gave strong support to the people of Chile in their struggle to restore democracy when it had been crushed, and to demand the observance of human rights when they were violated.

Don Quixote de la Mancha, addressing his inseparable companion, declared: "Freedom, Sancho, is one of the most precious gifts heaven bestows on man—all the treasure of the earth and of the oceans cannot equal it. For our freedom, as for our honor, we can and must risk our lives."

I am grateful for the example this Nation has given the world in its unwavering commitment to freedom. Few people know as you do the high and exacting price that must be paid to safeguard that precious value.

I want to share with you why we Chileans are ever more satisfied with the dividends of freedom, why we do not want to look back, why we wish to have a part in the new history, the history mankind is now beginning to write.

Chile is a small country with an unbreakable will to be. Our recent history shows that clearly.

Not long ago we seemed to be shattered by countless hatreds. But today we have built consensus and understanding. The strength of peace has triumphed over violence. We are seeking to understand and practice politics as the art of building and agreeing, not of destroying or paralyzing.

We have suffered setbacks, but today we consolidate our advances. Reconciliation among us has taken root because we have reclaimed our freedom to look to the future. We have known the generous pardon of those whose most sacred rights have been trampled. We have recognized our common heritage. We move forward knowing that today we enjoy the fruits of the energy and work of many generations of Chileans, not just those of any specific government.

In politics and in economics we have experienced extremes, rigidities and dogmatism. Today we seek our own path to a development that is balanced, independent and creative. We do not believe in fixed models or miracles but in creativity and in the courage to make changes.

We have not attempted everything at once. We know that great initiatives have been defeated by asking for too much too soon. We want sustained, legitimate progress, even if the pace is slow. We know there is much to be done to make our democracy strong and resilient, but we want to move forward surely and safely.

We have learned to be patient. Chile does not begin anew with each election. Rather, we build on our creativity and our work. We are well aware that we have a unique historic opportunity to achieve full development in a free market of political freedom. We value our achievements, but we give equal attention to the challenges ahead of us.

Neither have we sought an easy bonanza. Instead we have chosen sustained growth. We have not promoted ephemeral advances but those based on the work and real effort of the people of Chile. We have not relied on miracles, but, rather, in hard, unflagging work.

Today we have a stable economy that benefits the people: 14 years of sustained growth at a rate that has averaged 7 percent annually over the last decade; a rise in real annual wages of over 4 percent; our per capita income doubled in a decade; savings rates close to 25 percent; 5 consecutive years of fiscal surplus. We hold international reserves sufficient to sustain a year of imports of goods and services. Productivity has grown almost 5 percent annually in the last 6 years. Our unemployment rate is close to 6 percent.

We have resisted the temptation of easy promises. Our message has been frank and society has responded with discipline. Even while many of society's pressing needs remain unsatisfied, the conduct of our people has been exemplary.

We seek today to resolve the age-old dilemmas of the State and the market, the private and public sectors. Both seek to be more effective and to offer services of higher quality in their respective capacities.

Our people want no more paternalism. They are ready to forge their own destiny. They want the tools for progress. That is why my government has assigned education its highest priority. We want all elementary and high schools to have a full school day. We are devoting greater resources to develop a high quality teaching corps and modern educational institutions so that every region of the country can have centers of excellence in public education. We want total investment in education to grow from 4.5 percent of GNP to 7 percent within a period of no more than 8 years.

The State is also making a direct effort to help the poorest, earmarking 70 percent of government expenditures for social spending. One million six hundred thousand Chileans, or 11 percent of the population, men of flesh and blood, have moved out of poverty over the past 6 years.

We are undertaking a profound modernization of the management of public services to increase the quality and coverage of services to the people. We are carrying out the most far-reaching reform in this century of the administration of justice to make it more accessible, flexible and equitable.

In the health field there are two systems, one public, the other private. We have created a system of private health care with standards comparable to those of the most developed countries. Some 30 percent of our population participates in that system. More Chileans will join that as the country continues to grow. At the same time we are working on a complete overhaul of our public health system. We are making it more efficient, broadening coverage and improving quality. We have undertaken a massive investment in health infrastructure and introduced reforms in management methods and decision making, improving the quality of care. International health care indexes show that we are on the right track.

In the area of social security we have established a system, and I know that this is a principal concern to many Members of this Congress, that has grown strongly over time. In the early 1980's Chile replaced its pay-as-you-go system with a private plan based on individual contributions. Pension funds are administered by private institutions chosen by individual workers on the basis of their profitability and the security they provide for individual savings. The amount deposited today equals 40 percent of GNP and is diversified in the broad investment portfolio. Profits have averaged 12.2 percent annually since its inception.

To modernize our productive infrastructure we are opening up the way to private investment in the construction of highways and modernization of railroads, airports and ports. We work together in those areas so that our infrastructure can match our growth and extensions of our economic frontiers.

Any objective, impartial observer must recognize the energy and dynamism that runs through Chile. People of Chile have left despair behind. We are worked hard for our progress and to solve our problems and broaden our horizons.

With peace at home we can take a new look at the world. To this Congress, I bring the voice of a people who want to participate in mankind's new hopes.

We have suffered the great dilemmas of mankind. For decades we have paid with our own flesh for the polarization of the cold war. We are aware that we have left the culture of conflict and division behind. A new world based on cooperation and freedom lies within our grasp. Chile wishes to leave behind its traditional isolation. We are a small country at the southern edge of the world that seeks to participate actively in this new era opening up to mankind.

The struggle for human dignity in this century has had millions of anonymous heroes and victims. We do not want this universal suffering to have been in vain. Perseverance in the promotion of democracy and human rights throughout the world is the most fitting tribute we can give those who suffered totalitarian barbarity and genocide.

Chile will persevere in that path. Last year it promoted a wide-ranging debate on democratic governance that culminated in the Declaration of Vina del Mar, signed by presidents and heads of state of Ibero-America. That undoubtedly constitutes a landmark in the increasing efforts to consolidate democracy throughout Latin America and the Caribbean. Chile wants the torch of liberty to shine in every corner of the globe.

We are actively committed to world peace. That was our objective when we were elected to temporarily chair in the United Nations. That was our role as guarantor in the conflict between Peru and Ecuador, and that is why we participate actively in United Nations peace operations. Today we are in the Middle East, Iraq and Kashmir. We will soon be sending police forces to Bosnia.

We also encourage peace through mutual confidence-building measures and by signing international agreements to prohibit chemical, biological and mass destruction weapons, as well as to prohibit nuclear testing and to create denuclearized zones. Chile wants peace to be proclaimed decisively on the threshold of the coming century.

The promises of peace, liberty and cooperation of this new era must be ensured. Today neither Hitler nor Stalin threaten us. A threat comes from the drug traffickers who sap the energies of our youth and enrich themselves by poisoning our people. We are threatened, too, by terrorism that acts in the dark, without compassion, without reason, against the innocent, acting in the name of politics, religion or race, leaving frequently a wake of impotent grief around the world.

In our country and beyond we have engaged in the decided battle against those scourges. Therefore, in compliance with our own legislation, we are establishing procedures for judicial and police cooperation and coordination in addition to broadening bilateral and multilateral conventions on this subject. Chile wants to cooperate actively to make our world a safe place.

We believe also that the democracy is illuminated when honesty and transparency characterize public office and political activity. Those displaced by democracy hope corruption will weaken faith in democracy. Let us not allow economic power to buy political power or the latter to establish questionable relationships with economic power. We are alert to the need to safeguard the longstanding and honorable tradition of honest public service in our country, especially in a time of economic growth. We are updating our national legislation and have participated actively in measures our region is developing, such as the Inter-American Convention on Corruption and others. Chile wants clear and transparent politics and business.

We step into the new century with the knowledge that the universal habitat of humanity is fragile. When forests disappear, the destiny of nature and our own are one and the same. We have an inescapable responsibility. Future generations have a right to material progress, but they have a right also to a healthy environment. Chile is taking appropriate measures. We have renewed and updated our legislation so that all planned production is subject to environment standards. We have launched a massive plan to clean up urban pollution and to set aside almost 19 percent of our territory as state-protected forest. Chile is going to cooperate responsibly in caring for our planet.

We have a commitment to free trade. These are not mere words. It is entirely consistent with our development strategy and opening our economy in the generation and exploitation of new competitive advantages and in our entry into numerous new markets.

Twenty years ago Chile exported to 50 countries. Today it is 152. Where before we had 200 exporters, now we have 6,000. Before we exported 500 products. Today, 4000. Seventy percent of our GDP is linked to foreign trade.

We have diversified that trade. Of our total trade, Asia, including Japan, represents 24 percent; North America, 22 percent; Latin America, 23 percent; and Western Europe the remainder.

Our Congress voted unanimously in favor of the Uruguay Round agreement of the GATT and for joining the World Trade Organization. With that political mandate, we have developed our policy of open regionalism, including nearly 30 bilateral agreements for economic cooperation. With most of the countries in Latin America and the regional bloc we have signed free trade agreements. Negotiations to establish a free trade agreement with Mercosur, were successfully concluded in June, 1996. Today that regional bloc is the third largest economic bloc in the world and the one that offers the best prospects for growth. Chile has also seen a significant increase in Chilean foreign investment. In 1996 alone, Chile invested over $6.3 billion abroad in our neighboring countries.

In April of 1996 we concluded a new economic framework agreement with the European Union, signed in Florence at the European summit of heads of state in Florence. Another important milestone in our economic progress was our joining APEC, the Asia Pacific Economic Cooperation forum in late 1994. We have signed a free trade agreement with Canada based on the NAFTA rules in November 1996. Next month we will open conversations with Mexico to review the free trade agreement currently in effect.

When we speak of free trade, we speak from experience and with ideas and practice. We speak from a country that changes daily, and it is becoming a platform for trade, a gateway to Latin America, where a significant trade flow is just beginning.

In that context our trade negotiations with the United States are of great interest to us, and we believe that they should advance to higher levels. As an individual country the United States has some 20 percent of our foreign trade, is our principle trading partner. In the last 2 years alone that trade has grown by over 50 percent. The United States enjoys a favorable trade balance of $1.5 billion with Chile.

Investors are our chief foreign partners, with 45 percent of total foreign investment in Chile. We are particularly proud of the joint enterprises undertaken by American and Chilean firms in our country as well as in other Latin American countries, and even in the United States itself.

Because of this promise and relationship we accepted with enthusiasm the invitation in December 1994, at the conclusion of the Miami summit, the invitation from three NAFTA partners. Before this Congress, let me reaffirm our interest in those negotiations. We consider complete trade liberalization between Chile and the United States a natural step as well as an encouraging signal in the task of achieving free trade in the Americas, a process in which both our countries are engaged.

In recent years we have witnessed a unique historical process. An unprecedented number of countries sought to establish democratic regimes and economic integration with free trade as the common denominator.

Chile embraces this course and works to promote it actively. We hope it will not be as difficult to initiate free trade talks as it was so often to initiate peace talks during this century. Delays today could mean the weakening of many democracies, resurgence of closed markets and the consolidation of hunger and migrations in many corners of the world.

Honorable Members of Congress, my presence here symbolizes a new era in friendship with the people of the United States. We wish to leave fears and distrust behind. We know that we live in a precious time, an opportunity we must not squander, a time between two historical processes. We are neither an economic nor military power, but we want to be a part of the history that is unfolding. Allies in the solution of the most pressing problems that confront us all, partners in furthering freedoms, brothers in the promotion of peace and democracy.

We do not wish simply to move from a world of ideological confrontation to one of economic competition. We do not want a soulless world. We must be sure that the new history we write together is one of cooperation, creativity, change for the good. We know that globalization is not guided by compassion or solidarity. We know it has two faces, one desirable and the other is not. It is our responsibility and our task to make it right, to make it just, and not to blame it for our ills.

Economic and political change is never easy. The temptation of short-term profit can turn significant numbers of businesses and workers into enemies of the future. Some politicians and voters resist any change that crosses their interests. However, we know that change is not possible without new actors emerging, without a new distribution of political and economic power. It is for that reason that we aspire to strong democracies and economies with opportunities for everyone.

In March next year, our country will hold the Second Summit of the Americas. Before long, the population of the Americas will exceed 1 billion. Our combined revenues will be more than $13 trillion. Let us turn the page on our fears, our wars, and our distrust. Let us leave the days of threats and sanctions behind us. Frank and open dialogue is the instrument of international democracy. The principles and values we share must be our only parameters.

It is crucial for us to write a new page in the history of the Americas. It is a page of confidence in the future, a page of mutual understanding, a page of free trade, a page free of hunger, a page of democracy, a page from Bolivar and Jefferson.

In concluding, I wish to say that throughout our shared history, many, many Latin American presidents have come to this country. Traditionally, the success or failure of those missions has been measured in concrete assistance and contributions that each president has garnered from this country. With great ease, on behalf of my country, I wish to say to you today we have not come here to ask for anything. On the contrary, we come to extend to you an invitation to invite you to a shared undertaking.

Let us travel together down a path that includes, but is not the only, classic form of economic cooperation. Let us together build a vision of the future for this hemisphere, a political, social, scientific, cultural future based in our roots and our history.

Over the last few days I have heard with pride and gratification of the praise of the progress that Chile has made in recent years. It is true that we have come far. It is the truth of the work of generation upon generation of Chileans. But we know in our hearts that the principal obstacle and challenge to us must be to overcome extreme poverty, and there is no more valuable legacy that we can leave to future generations than to eradicate this ill that besets so many of the people of Latin America; to speak to those who have suffered from hunger of democracy have nothing.

Let me finally on this very privileged occasion share a personal thought with you. When my father held the same office that I hold today, so many of the United States and the Americas shared a great dream of the future. It was the Alliance for Progress. The world has changed dramatically since that time. What has not changed is the need to again have an American dream for the coming century. The dreams of individual nations may change in the details, but what is truly important is that you and we share the ethical and moral underpinnings of such a dream.

I have said repeatedly that Chile has an historic opportunity. Many times in our history we have stood at the threshold of development and we have squandered those opportunities as we did late in the last century. That is our responsibility today as political leaders, to move forward with the people of Chile, to make progress with our hemisphere, to make that dream a reality, to be capable of building in Latin America a solid democracy, overcoming poverty, opening our markets to the rest of the world.

If we have strength, courage, and political resolve, we can build that dream, we can achieve that dream, and that is the task before us, and I call upon the people in the United States and the Congress to work with us toward that dream. Thank you.

[Applause, the Members rising.]

At 10 o'clock and 40 minutes a.m., the President of the Republic of Chile, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Vice Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 10 o'clock and 42 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until the hour of 11:45 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. BARRETT of Nebraska] at 11 o'clock and 45 minutes a.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 332, nays 38, answered "present" 2, not voting 60, as follows:

[Roll No. 28]

YEAS—332

Aderholt
Allen
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Conyers
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Duncan
Dunn
Edwards
Ehlers
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Emerson
Eshoo
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Evans
Everett
Ewing
Farr
Fawell
Flake
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
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Greenwood
Gutierrez
Hall (OH)
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Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
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Kasich
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Kennedy (MA)
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Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
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Lantos
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LaTourette
Lazio
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Lewis (CA)
Lewis (KY)
Livingston
LoBiondo
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Maloney (CT)
Manton
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Markey
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Minge
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Mollohan
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Myrick
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Northup
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Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
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Spratt
Stabenow
Stearns
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
White
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Hulshof
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Lewis (GA)
Maloney (NY)
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Nussle
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Parker
Pascrell
Pickett
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Rush
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Weller
Wicker

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Obey
Regula

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Archer
Bono
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Calvert
Carson
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Cox
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Davis (IL)
Deal
Dellums
Deutsch
Doolittle
Doyle
Engel
Fattah
Forbes
Hefner
Hilliard
Inglis
Istook
Kaptur
Kleczka
Klink
LaFalce
LaHood
Latham
Linder
Lipinski
Lucas
Martinez
McKinney
McNulty
Moakley
Molinari
Nadler
Payne
Peterson (PA)
Portman
Pryce (OH)
Rangel
Reyes
Ros-Lehtinen
Sanders
Schiff
Smith (MI)
Smith (OR)
Stark
Stokes
Talent
Tiahrt
Velazquez
Weygand

☐ 1207

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I announce that I was necessarily absent from rollcall vote 28. On that vote, I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 636

Mr. FOX of Pennsylvania. Mr. Speaker, I ask unanimous consent to have the gentleman from Indiana [Mr. BURTON] removed from the list of cosponsors of H.R. 636, which I authored.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON BANKING AND FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Banking and Financial Services:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 26, 1997.

Hon. NEWT GINGRICH,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Thank you for the oppotunity to serve on the Transportation and Infrastructure Committee. It is my intention to respectfully request a leave of absence from the Banking and Financial Institutions Committee so I may be able to concentrate my District's interests on both Transportation and National Security.

Thank you for your assistance.

Sincerely,

J.C. WATTS, Jr.,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT OF MEMBERS TO THE JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 15 U.S.C. 1024(a), the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee:

Messrs. MANZULLO of Illinois, SANFORD of South Carolina, THORNBERRY of Texas, DOOLITTLE of California and MCCRERY of Louisiana.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE GOVERNMENT OF CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 105–48)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond the March 1, 1997, to the Federal Register for publication.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 27, 1997.*

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain 1-minute requests.

NEWLY PROPOSED EPA STANDARDS REGARDING PARTICULATE MATTER AND OZONE

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEY. Mr. Speaker, our Governor today came out with a bipartisan delegation from Ohio and met with Members on both sides of the aisle on an important issue, and that is the ozone and EPA regulations.

On February 6, George Wolff, chairman of the EPA's own Clean Air Scientific Advisory Committee, testified the proposed standards were based on a policy judgment by Carol Browner, the director of the U.S. EPA, and not on sound evidence.

What do we find out today? The L.A. Times story. And in that story it says that the White House complained, in a draft report made available Wednesday, that a major air pollution proposal put forward by the EPA was not fully considered and based on what some scientists consider inadequate research.

What does the EPA say? If unchanged, the report could be very damaging. Of course it could be damaging, because this is a hallucination by the Director of the EPA of what our standards could be. It will put us out of work. It will put us out of work in the Midwest of this country.

This is not based on scientific fact. Information has been withheld from the committee. Chairman BLILEY requested additional information.

Take the trigger off the gun, Director Browner. We want our jobs.

☐ 1215

HEALTH INSURANCE FOR CHILDREN

(Ms. DEGETTE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DEGETTE. Mr. Speaker, I rise today to address a topic that is close to all of our hearts, children's health. Like many of my colleagues, I am blessed with two healthy children, but 10 million parents in this country have little or no access to health care for their children. And, worse, more and more of these uninsured children are being exposed to environmental hazards that render horrible illnesses with no cure.

As Congress works to improve health coverage for children, I urge them to promote policies that promote health care for children, especially remediation of environmental hazards. Today, children live in an environment that is vastly different from those of past generations. While all children are exposed to environmental health hazards, children living in poverty are at a disproportionate risk.

Survey after survey shows that toxic waste dumps, lead paint and high pollution are most often located in or near low-income neighborhoods. With limited access to health care, children exposed to environmental hazards face multiple risks of illness, including asthma and lead poisoning.

Mr. Speaker, I urge this Congress to address in a serious way health care for children.

ILLEGAL IMMIGRANT HITS JACKPOT

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, I rise to discuss an issue which has raised both the anger of my constituents and now the eyebrows of many of my colleagues who thought that we had finally put an end to the handing out of benefits to illegal aliens with last year's immigration and welfare reform bills.

I am talking about an illegal immigrant who hit the jackpot of the U.S. Treasury. The San Diego Union reported that an undocumented woman residing in my hometown received $12,000 in taxpayer funds to move out of her apartment complex to make way for a HUD project. Legal residents in that same project received displacement costs of $400, but the illegal alien gets $12,000.

Mr. Speaker, this is not only crazy; it is unbelievable and since every Federal agency must comply with the Uniform Relocation Act, who knows how often this is happening. Clearly, Mr. Speaker, it not only defies common sense, this is a cash reward for beating the system.

Yesterday I introduced legislation to close this loophole by amending the Uniform Relocation Act so that it abides by and enforces the immigration law as we have passed. I urge my colleagues to support it.

Mr. Speaker, I rise today to discuss an issue which has raised both the anger of my constituents and now the eyebrows of many of my colleagues who thought that we had finally put an end to handing out benefits to illegal aliens with last year's immigration and welfare reform bills. I am talking about an illegal immigrant who hit the jackpot at the U.S. Treasury.

The San Diego Union Tribune reported on February 12, 1997, that an undocumented woman residing in my hometown of Oceanside, CA, received $12,000 in taxpayer funds to move out of her apartment complex to make way for a HUD project, Department of Housing and Urban Development project.

The crazy thing is, HUD knew she was undocumented, not to mention unemployed, and that is why she received so much. Other residents of the complex were moved to section 8 public housing without compensation. Because illegal immigrants are prohibited from living in section 8 housing, HUD went ahead and gave her $12,000 in relocation assistance.

How could this happen? Apparently, HUD claimed it was just following the Uniform Relocation Act, which mandates that residents displaced by a Federal project who do not receive alternate housing, such as section 8, must be financially compensated—without regard to immigration status.

Legal residents in my district displaced by this same project will receive a subsidy of about $400 for their section 8 housing. But an illegal alien gets $12,000? Mr. Speaker, that is not only crazy, it is unbelievable. And since every Federal agency must comply with the Uniform Relocation Act, who knows how often this happens? Clearly, Mr. Speaker, this not only defies common sense, this is a cash reward for beating the system.

I should also mention that the Immigration and Nationalization Service has yet to take the appropriate steps to deport this person. They know her name, her previous address, and they need to go no further than HUD to find out where she is now.

Yesterday, I introduced legislation to close this loophole by amending the Uniform Relocation Act so that it abides by and enforces the immigration laws of this Nation. HUD may have found the door open just enough to award this woman $12,000, but I intend to slam that door shut, for good.

I urge the support of all of my colleagues for this legislation. Simply put, it's the right thing to do. Continuing such an absurd policy is unacceptable.

CHILDREN AND HEALTH INSURANCE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, over 70,000 children in my home State of Connecticut woke up this morning without any health insurance, and tonight their parents will lie awake, worrying, knowing that they are one phone call, one accident away from medical and potentially financial ruin.

As we come together from both sides of the aisle to work on areas of common ground, surely we can agree that providing health care for our children must be a top priority. Yesterday the Democratic leaders asked the majority leadership to move the expansion of health care coverage for children to the top of their legislative agenda. There are 10 million reasons why we must do this, for the 10 million children in this country living without health insurance.

If there is one thing the American people are counting on us to do, it is to make the world a better place for their families, and we cannot have healthy families without healthy kids. We need to make health care work for all of America's children. We must take this issue, make it a top priority, in this new session of the Congress.

BALANCED BUDGET AMENDMENT APPEARS DOOMED

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, by any measure of public opinion the balanced budget amendment is one of the most popular political issues in America today. But sadly, because some politicians believe that it is perfectly acceptable to say one thing at home and do another in Washington, DC, we have a situation where the will of the American people will be thwarted once again. This is the kind of thing the American people have come to loathe about Washington, DC. This is why they threw out the last majority in 1994, because they were tired of seeing politicians say one thing and do another.

Mr. Speaker, it is a very sad day today. The balanced budget amendment has wide bipartisan support in this body and in the Nation as a whole. But as long as the American people keep sending Representatives and Senators to Congress who do still believe in honor, who do still believe in trust and who do still believe in telling the truth, we will eventually have a balanced budget amendment.

"SCHINDLER'S LIST"

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to talk about some of the inappropriate actions of some Members of this House. I cannot begin to fathom why someone watching the Academy Award winning "Schindler's List" on television the other night would choose to focus their attention on the harsh language or the images depicted in the film rather than the horrifying message of that film.

Yes; an apology was given, a little late I might add, for the Holocaust is one of mankind's worst moments in history and the importance of telling this story to the widest audience possible is what happened the other night. Those of us with compassion and feeling understood that history cannot be repeated. Only by retelling the story can we prevent millions of innocent victims from losing their lives again. The story of man's inhumanity to man should have been the focus, not someone's prurient interest in this great film.

Mr. Speaker, some apologies come too late and are disingenuous in light of what was said. I think we need to understand where these insensitive comments come from, just as we understand where the comments came from yesterday about the Branch Davidians and David Koresh were innocent victims. They were not. They raped young women.

Mr. Speaker, I hope this pattern does not continue. I think this House needs to get on with the right kind of business, the people's business.

THE BALANCED BUDGET AMENDMENT AND POTOMAC FEVER

(Mr. WHITE asked and was given permission to address the House for 1 minute.)

Mr. WHITE. Mr. Speaker, it looks as though the balanced budget amendment once again is going to fall victim to the disease that we see way too much of here in Washington, DC, a disease that you might call Potomac fever. How do you know if you have Potomac fever?

Well, if you have wobbly knees or are weak or of faint heart, you might have Potomac fever. If you have a sudden urge to break a campaign promise, then you definitely have Potomac fever because that is what we see all too much of here today.

This disease is not restricted to a particular party or a particular issue, and the effects are devastating not only on a politician's career, that is OK, but also on the sort of legislation that we can enact in this House.

Mr. Speaker, unfortunately with the balanced budget amendment, the lesson is very clear. The American people support this amendment, our country needs this amendment so we can get our budget in order. But because of Potomac fever, it looks like we are not going to get it again this year. That is a shame, Mr. Speaker. I hope we can do it again next year.

KIDS HEALTH CARE

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute.)

Ms. HOOLEY of Oregon. Mr. Speaker, we have an opportunity to help the 10-million-plus children in the United States who do not have health insurance. Together we can help families help themselves by providing parents with a tax credit that will enable them to purchase health insurance for their children. When you really think about it, the current situation is unconscionable; 10 million uninsured children have to rely on emergency room treatment instead of their family doctor for treatment; 90 percent of these uninsured children have parents who work, but their employers do not provide health coverage for their children.

Mr. Speaker, I think about the parents who lay awake each night wondering what they will do if their kids get sick. Caring for your children is perhaps the most basic human instinct and, as things stand now, millions of hard-working parents are having trouble providing health coverage for their children.

We can help. Soon I will cosponsor a plan that requires insurance companies to provide kids-only health plans with tax credits to help families pay the premiums. I believe this is something Members from both sides of the aisle can agree on. It is not a new program. It is a program to help our children.

SUPPORT H.R. 636 TO PROHIBIT CERTAIN EXECUTIVE BRANCH FUNDRAISING

(Mr. FOX of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to alert my colleagues to the importance of H.R. 636. This legislation, which is bipartisan, would prohibit from this moment forward, once adopted, the fundraising at the White House, the Vice President's residence or any of the retreats that are in the executive branch.

We need this to restore confidence with the public when it comes to campaign fundraising and as well this area of executive fundraising. We already have restrictions here in the House and Senate on any fundraising in the Capitol. The same should apply at the White House.

We passed last year the gift ban. We passed last year lobby disclosure reform. Now we need to have campaign finance reform. And H.R. 636 will be a great part of campaign finance reform by making it off limits to sell any part of the White House for fundraising, soft money or any other kind of political fundraising. I appreciate the support of my colleagues and look forward to its passage.

HEALTH INSURANCE FOR CHILDREN

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute.)

Mr. BLAGOJEVICH. Mr. Speaker, as a new father I can think of nothing more important than the health of our children. It is immoral that 10 million children in this Nation do not have the comfort and protection of health insurance.

In my State of Illinois, there are almost a half million children without health insurance. Many of their parents cannot afford to send them to doctors or dentists for regular checkups. In fact, doctors never see half of uninsured children with asthma or one-third of those with persistent ear infections.

The answer is clear. Congress should encourage the creation of affordable kids-only insurance plans. Right now the United States is the only major industrialized Nation whose children do not have a guarantee of health insurance. With 10 million of our children endangered without insurance, think about it; 10 million American children have no health insurance. What does it say about us if we fail to act?

A LEGACY OF DEFENSE CUTS

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, the President's defense budget is now in, and he continues to slash national security. He has cut the Army from 18 divisions, that is what we had during Desert Storm, to 10 divisions. Cut it almost in half. He has cut our air power from 24 fighter airwings to only 13. He has cut air power almost in half. He has cut our Navy from 546 ships, that is what we had during Desert Storm, to only 346 ships.

Mr. Speaker, this President wants a legacy, but if we endorse his budget on national security, his legacy will be that he is the President that left us unprepared for war.

EXPANDING HEALTH INSURANCE FOR AMERICAN CHILDREN

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, as a father and also a Member of this body, I rise to add my voice to those leaders of my party who yesterday called upon the majority to work in this session toward expanding health insurance for American children. When we know that 10 million American children have no health coverage, I wonder why the majority leadership of this body needs to be asked to make this pressing need for American families a priority.

Mr. Speaker, our economy is changing and unfortunately too many new jobs do not offer health insurance for workers' families and workers' children. Ninety percent of these uninsured children's parents work. I was proud to participate in the introduction of the families first agenda last year when I was a candidate for this office. That agenda addresses the real needs of our families and if made into law would make health coverage available to those families. Those are the priorities of the people of the Ninth District of Texas and that they elected me to fight for. It may not be popular inside the beltway but if we want to rebuild the trust of the American people in this institution, those are the priorities both parties should share.

PASS BALANCED BUDGET AMENDMENT FOR OUR CHILDREN

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, I love children. I have two children myself, and I enjoy listening to politicians try to use children for their own political gain, especially when it smacks of hypocrisy. Some politicians in Washington love children so much that they go to them first when they want to steal their money. This country is in debt to the tune of $5.5 trillion and guess who Senator KERREY's commission, a Democrat, said was going to be paying for that $5 trillion?

☐ 1230

Senator KERREY's commission says by the year 2020, because of the $5.5 trillion deficit, our children will pay 89 percent of every dollar they earn to taxes to the Federal Government.

Now if these people really love children, they can pass a balanced budget amendment, get rid of Potomac fever; stop promising one thing at home, coming up to Washington DC, doing something else, and start allowing our children to have the same American dream that each one of us was able to enjoy.

Mr. Speaker, we need to pass it now.

CHILDREN'S HEALTH CARE

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, I rise to support the Democratic leadership's proposal to add children's health care to the priorities we address this session. Today more than 10 million American children have no health insurance coverage.

Mr. Speaker, on Tuesday the New York Times reported that over the past 5 years the number of children without insurance has risen twice as fast as the number of adults. Most of these are the children of working families earning between $15,000 and $45,000 per year. In my State the Maine Health Care Commission estimated that in 1996 36,000 Maine children had no health insurance coverage, and 91 percent of Maine's uninsured children live in families with at least one working parent.

Ten million American children relying on emergency room treatment instead of a family physician is wrong and expensive. We can and must do better. This Congress should encourage kids-only insurance policies and expand basic Medicaid coverage to uninsured children.

PASS THE BALANCED BUDGET AMENDMENT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, as a father of four children I certainly share the concern that so many people have expressed about our children. That is why I am hoping that many Members on that side will join us in the passage of a balanced budget amendment.

As we know, yesterday, because of the New Jersey Senator, the balanced budget appears to be dead in the U.S. Senate. But, as my colleagues know, if we are going to balance the budget we have to have that constraint. It is the same constraint my colleagues and I have in our households; it is the constraints that parents have when they are saying no to their children who want more of this and more of that.

Mr. Speaker, the gentleman from Florida [Mr. SCARBOROUGH] mentioned earlier that if we continue on the path we are on, our children will have a tax rate of 89 percent just to maintain the present level of goods and services in America.

While I know there are Members of the House who want a brand new entitlement program, I think it is very important that we look at what are we going to do for tomorrow's children. If we want to help the children of tomorrow, we should not enslave them with an 80- or 90-percent tax burden. Reach out to them and let them share in the American dream so that they can go out and help another generation.

INVESTING IN THE HEALTH OF OUR CHILDREN

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I want to also challenge my colleagues to begin to think that we as a Nation have an opportunity to say that our children indeed are important, not only as we want to use them to talk about the balanced budget or use them to talk about education. But when it is said, really when one thinks of how a society reacts, it is how it takes care of its children. Surely, surely, the health of our young people is equally as important as the opportunity for them to pay taxes.

Their health indeed may mean that we may pay less taxes if we invest early. Recent reports have indicated that if we take care of our children early in their life, not only their carpentry skills but their health skills and education skills are better. And, therefore, if we invest in our children we have an opportunity not to have such severe health costs later in life.

So investing in our children is not a Democratic issue, it is not a Republican; it should be an American issue because we care about our children.

Mr. Speaker, I hope the 105th Congress will seriously consider what we can do to make sure the lives of our children are more healthy than they are now.

SOLVE THE HEALTH INSURANCE CRISIS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, like so many of my other colleagues, I am deeply distressed that we continue to live in a country as wealthy as the United States of America and we continue to have 10 million of our children without health coverage. 1 in 7 children in this Nation with no health insurance. Tragically, 9 out of 10 of these children live in families with working parents, but they earn too little to provide health insurance, not only for themselves but in many instances for their children.

There was a time 10 years ago when children were covered by employers, when children were the responsibility of families working. But today as we see a downsizing of jobs, a downsizing of benefits, a downsizing of hours, employers are walking away from families in terms of health insurance, and they are certainly walking away from the children in those families that need health insurance. Since we debated health insurance issues, a million more children in this country are without that health insurance.

Mr. Speaker, we did not solve the health insurance crisis in this country by failing to deal with it. We owe the children of America a much better due.

BIPARTISAN CONSENSUS ON HEALTH CARE FOR CHILDREN IS NEEDED

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, I too today rise to urge this Congress to take action to make sure that the 10 million children in this country who are not covered by some form of health insurance get covered. Surely this is something on a bipartisan basis Republicans and Democrats alike can reach consensus and agreement on.

Because many of the cases in West Virginia, for instance, where the General Accounting Office listed 40,000 uninsured children, quite frankly I think it is more than that, but in many cases these are the children of parents who play by the rules. They get up every morning, they drive to work, they get their kids off to school, they pay their taxes, they obey the laws. They do everything right, and yet the thing that grips their gut the most is that they do not have their children covered with health insurance.

Mr. Speaker, that is something this Congress can rectify. We can argue about a whole lot of other things, but there are ways to do this. This Congress needs to make sure that the 40,000 children in West Virginia and the millions of others across this country and their working parents get their due, and that is health insurance.

ADJOURNMENT TO MONDAY, MARCH 3, 1997

Mr. ROGAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 4, 1997

Mr. ROGAN. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 3, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, March 4, 1997, for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ROGAN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CELEBRATING THE 125TH ANNIVERSARY OF SHEPHERD COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I am going to speak on two topics today. First, Mr. Speaker, I rise today to wish a happy anniversary to Shepherd College in Shepherdstown, WV, just about an hour and 15 minutes drive from here. Today Shepherd College celebrated its 125th anniversary with the ringing of the town bells that occurred at noon today. This is going to kick off a year of celebration. Although I cannot be at the school today to share in this moment, I felt that this occasion warranted special recognition.

Shepherd College is located in Shepherdstown, WV, on the banks of the Potomac River. It is the oldest town in my State and its history runs deep. Shepherdstown has watched its young men march off to participate in each war in this country, beginning with the Revolutionary War. It witnessed James Rumsey's demonstration of the steamboat two decades before Robert Fulton. Shepherdstown also served as witness to the bloodiest day of the Civil War, the Battle of Antietam, which was fought less than 5 miles away.

Shepherdstown has indeed experienced a lot in our Nation's history, but perhaps its proudest accomplishment has been the founding of Shepherd College. Shepherd College was established in 1871, when the county seat of Jefferson County was moved from Shepherdstown back to Charles Town. The people in and around Shepherdstown decided to use the vacated courthouse for a private college. A year later, in 1872, the West Virginia Legislature passed an act establishing a school for the training of teachers in Shepherd College.

One hundred and twenty-five years ago Shepherd College consisted of 1 building and 20 students. Today its campus entails over 20 buildings and approximately 4,000 students. The campus has grown from one single lot in 1871 to over 161 acres of land today.

As the college has grown, so has its importance, not only to West Virginia but to our Nation as well. Shepherd College alumni live in all 50 States of our country.

I am proud to represent such a fine institution in this congressional district. Over the years I have had an opportunity to work with both Shepherd College, its administration and its students, and I have always been impressed with the level of dedication they all feel to this school. I wish Shepherd College, its president, David Dunlop, its alumni, its faculty and staff, and certainly its students, every possible success in the future, and congratulate them as they celebrate their 125th anniversary.

Mr. Speaker, I also wish to speak briefly today on the matter of the Air Force expanding its overflights into West Virginia and parts of Virginia. And indeed it has been good to work with Congressman GOODLATTE of Virginia, Congressman RAHALL, and the Senators from each of our States as we have dealt with the Air Force in trying to get them to review and reconsider their proposal to greatly expand their number of training flights in the military operational area to include eastern West Virginia and parts of Virginia.

The fact of the matter is that in a meeting just last week the Air Force conceded that they had not done the proper environmental assessment. They conceded that they had not taken public opinion into proper review, and that they would now do the proper environmental assessment.

Many of us have great reservations about the economic and environmental impact of increasing from 66 flights a year to over 2,200 training flights, some only 300 feet above the mountainous terrain, the impact that this would have on our very prosperous poultry industry and livestock industry. There are additional impacts, as well.

The Air Force also has conceded that it did not do a good enough job in communicating with the public, and indeed it did not, and that they will be, shortly, announcing meetings to occur in Pendleton County and presumably in Virginia, as well. Indeed, I will be meeting today with representatives of the Air Force to press this case.

The reality is, the best proposal would be one in which they either revisit the whole idea completely, or actually reject it and consider expanding the training flights they are doing in the existing training area where it has long been conducted.

□ 1245

So for these reasons, I hope that the Air Force will continue to look at this, to reevaluate. Certainly we have pushed off any effective date significantly. It does call for a fair environmental assessment. It does call for public opinion and public comment. Most importantly, it calls for a complete review and reconsideration of what I consider to be an ill-founded proposal, and I will work to see if we can get the Air Force to agree with that opinion.

TAKING ISSUE WITH COMMENTS MADE BY FELLOW MEMBER OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. EDWARDS] is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, in my 5 years at this House I have very rarely come to the well of this great body to criticize the comments of one of my colleagues. I have great respect for the bipartisan and diverse views of all Members of this House, and their right to express the views and concerns and ideas of the people they represent in their respective districts.

But once in a while, a Member of this House makes a comment that is so irresponsible and so outrageous that I simply cannot remain silent. Yesterday one of my colleagues from Texas, the gentleman from Texas, [Mr. PAUL] made a statement that I feel is so irresponsible that in good conscience I simply cannot remain silent.

In his statement on C–SPAN's Washington Journal yesterday Mr. PAUL said this:

> I fear and there are a lot of people in this country who fear they may be bombed by the Federal Government at another Waco. I mean, these people committed no crimes.

Mr. Speaker, it is astounding to me that a member of this Federal Government, a Member of this Congress, would say publicly that he fears being bombed by the Federal Government. My fear is that kind of statement made by a public official of this Congress simply expands the hysterical paranoia of those around this country who might be hiding in their closets thinking that the Federal Government is somehow going to bomb them in the sanctity of their private homes.

I think that is sheer lunacy, at best. At worst, it could create and engender the kind of hatred toward our Federal Government that leads to tragedies such as that we all sadly witnessed in Oklahoma City.

Second, as the Member of Congress who represents Waco and the Waco area, and as someone who watched and followed very carefully the proceedings and the tragedy of the Branch Davidian compound, I must say that I am astounded that the gentleman from Texas [Mr. PAUL], a Member of this House, would say, despite all of the facts on the table, would suggest that the Branch Davidians and David Koresh committed no crimes.

At best, that is flat wrong and denies the fact and reality. At worst, it is a misrepresentation intentionally of what was done there.

Let me say what the facts were. The facts were that David Koresh raped a 10-year-old girl. We heard that dramatic testimony of that girl, now 14, just a few months ago in the Halls of this House.

Fact: The Federal officials who went into that compound found 48 illegal machine guns and illegal hand grenades.

I would suggest to the gentleman from Texas [Mr. PAUL] that the possession of 48 illegal machine guns and illegal hand grenades, I would suggest rape, arson, and murder are a crime in the book of every American family, if it is not a crime in the book of the gentleman from Texas.

I think these statements, Mr. Speaker, deserve a response to the people of Waco, to the people of Mr. PAUL's district, and to the people of this country. I would like to hear him explain his comments that he lives in fear of the Federal Government bombing him, and I would like to hear him explain how, despite all of the clear facts, the facts that the Branch Davidians lit the fires that killed, tragically, those children near Waco, I would like to hear him explain away those facts.

Instead of saying, perhaps I made a misstatement, or I apologize for what I said, or I did not intend to say that, when Mr. PAUL responded to my response yesterday in the Houston Chronicle he accused me of McCarthyism. Mr. Speaker, I hardly believe that saying that arson, rape, and murder is a crime in this country is anything close to McCarthyism. He went on to defend his contention that the Davidians had committed no crimes.

I would challenge the gentleman from Texas [Mr. PAUL], to meet with me in the well of this House during special orders and let us debate this. I believe good people of good will, both Republicans and Democrats alike, who look at the statements of the gentleman from Texas will see that they were irresponsible and dangerous to have been made by a public Member of this House.

SALUTE TO THE BIG 10 CHAMPION MINNESOTA GOLDEN GOPHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota Mr. RAMSTAD] is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, it has been a long, hard winter in Minnesota, with record cold temperatures and snowdrifts so high they obscured barns and houses. But last night, the University of Minnesota men's basketball team warmed the heart of every Minnesotan as the Golden Gophers won their first Big 10 Conference Championship since 1982.

Minnesota, hats off to thee.

Today, we salute Coach Clem Haskins and his 1997 championship team as well as the assistant coaches, managers, training trainers, and the best fans anywhere in the Nation. We are Big 10 Champions and proud of it.

Mr. Speaker, last fall none of the experts picked our Golden Gophers to win the title, but they persevered. They won the close games. They personified teamwork. They fought back. They stuck to the game plan. They listened to their coach, Clem Haskins.

One night this week, Coach Haskins told the story on the local television news of running into a woman in his neighborhood grocery store. This woman was accompanied by her young son in a wheelchair. Clem could hardly speak as he recounted that woman's words to him in that grocery store: "Your basketball team has totally captured my son's attention," she said. "The Gophers have inspired my son to walk one day."

Fighting back tears, Coach Haskins told the reporter: "That's really what the world is all about, if you can give people some hope."

Coach Haskins, you and your team have given us hope, and a whole lot more.

Under Clem Haskins' guiding hand, this marvelous mix of young men has rewritten University of Minnesota basketball history:

The first Big 10 title in 15 years, only the third conference championship in the past 60 years;.

A school record for the number of victories in a single season, 25 wins, with three regular season games and the NCAA tournament remaining.

The school's highest national ranking ever, No. 2 in both major polls.

The best road record in memory.

Undefeated at home, in the "Barn", our beloved Williams Arena.

And, if justice prevails, a No. 1 seed in the NCAA tournament.

Coach Haskins, now in his 11th season at Minnesota, has mentored hundreds of true champions. Not all of them have won Big 10 titles, to be sure, but they have been winners in the classroom and they have been winners in our community.

Coach Haskins, who served as assistant coach of the 1996 men's Olympic basketball team, has assembled a very special group of young men in this championship season. They all deserve a tribute for the way they came together to surprise the experts and win the Big 10 title.

All Big 10 guard Bobby Jackson, who ranks among the big 10 leaders in steals, assists, scoring, free-throw percentage, field-goal percentage and rebounding.

Minnesota's other guard, Eric Harris, the defensive specialist and most improved player on offense, to be sure; Eric provided the steady leadership only a 3-year starter can.

Minnesota's own Sam Jacobson, a constituent of mine, one of the great natural talents, with the long, arching outside shots which broke open so many close games. And John Thomas, another native Minnesotan, of the inside force, whose key rebounds and clutch free-throws also won so many nail-biters this season.

The other big man in the middle, Courtney James, a major factor in this glorious title run, with his strong rebounding and scoring in the paint when we needed it the most.

But perhaps the team's greatest asset, Mr. Speaker, is its bench, the players who accept their backup roles and come through in the clutch: Quincy Lewis, with his amazing shooting touch; Trevor Winter of Slayton, MN, with his rebound and baseline jumper; sophomore Charles Thomas, a southpaw whose specialty is the 3-point bomb, and who always comes through when we need it the most; Miles Tarver, another sophomore whose leaping ability ruled the boards when the other players' legs had tired; freshman guard Russ Archambault, who provided fans with many thrills with his speed, ball handling, and his slashing style on the court; also Jason and Jermaine Stanford and Aaron Stauber, who work so hard every day.

Yes, Coach Haskins, you and your team have put Golden Gopher basketball back on the map. Congratulations, Minnesota, on winning the Big 10 Championship, and best of everything the rest of the way. Go, Gophers.

INTRUDER DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. PICKETT] is recognized for 5 minutes.

Mr. PICKETT. Mr. Speaker, tomorrow the Navy honors the retirement of an old friend, the A–6 Intruder. Attack Squadron 196 and Attack Squadron 75 will stand down the final two Intruder squadrons in simultaneous ceremonies at Whidbey Island, WA, and Virginia Beach, VA, respectively.

As the backbone of carrier attack aviation for the past 36 years, the A–6E Intruder stood ready to deliver its formidable payload in any weather, day or night. The A–6 put teeth in the term "carrier forward presence." It saw combat in Vietnam, Lebanon, Libya, in the waters of the Arabian Gulf, and over the shores of Kuwait and Iraq. It delivered iron bombs, laser-guided bombs, and every air-to-ground missile available in the Navy inventory for the past three decades.

The Intruder was never the prettiest plane on the flight deck, but it was always the hardest working. The pilots and bombardier/navigators who flew the Intruder affectionately referred to its Grumman ironworks origin. Some swore the aircraft was made of solid steel. Whether the shells and missiles it faced flew from Hanoi or Baghdad, many an A–6 returned to the carrier full of holes, but ready to see combat soon after a few steel patch jobs.

We also honor the thousands of Intruder maintainers, both past and present, who kept this 18-ton bombing machine flying day and night, at sea and ashore. Foreign terms such as fly-by-wire and heads-up display never passed the lips of these hardworking men and women. Metal, pulleys, oil, and hydraulic fluid kept this archetype of attack airborne.

Finally, let us remember the Intruder crews who never returned. In service to our Nation, they paid the ultimate price flying this machine that they loved. We miss them still, and will never forget them. From this day on, the Navy must continue to carry on the spirit of Intruder attack. Whenever the Navy rolls in hot, a bit of Intruder history rolls in with it.

EXERCISING COMITY ON THE FLOOR OF THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, I am a little out of breath because I had to run down to the floor. I witnessed, as I was watching my television, what was going on on the floor, a very unfortunate situation, and had I been here I would have probably attempted to take down the words of the gentleman from Texas [Mr. EDWARDS]. He was attacking another gentleman from Texas. I think it is really unfortunate.

Particularly if one Member is going to use the name of another Member, it is usually comity on the floor of the House to at least inform that Member that you are going to talk about him on the floor of the House, and give that Member the opportunity to respond to what is going on.

I feel that what is going on between the two gentlemen from Texas is unfortunate. I would hope that particularly on the eve of trying to bring comity to the House and the Members going to Hershey, PA so we can bring a little bit better discourse to the floor of the House, getting to know each other, that we would find it within the courtesy afforded to each Member to at least talk to the Member.

□ 1300

Now, I do not know, all I have seen is the reports in the press on this incident. But I would just hope, I see the gentleman from Texas is on the floor now. I appreciate him coming down to the floor of the House because I did inform him that I was about to talk about him. I just ask the gentleman from Texas to realize the tradition of the House and the courtesy of the House, to extend the courtesy to a Member, let him know that you are going to talk about him before you are going to come down to the floor.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Speaker, I appreciate the gentleman's suggestion. I think the distinguished whip, for whom I have great respect, knows that in my history in the House, I have not been the type of Member that has gone out and taken gratuitous partisan shots. I am one who will attend the bipartisan retreat and am encouraging other Members to do that. I want to bring civility to this House. But I must in all honesty say to my friend from Texas that, as the Representative that covered or represented the people of the Waco area to whom the Branch Davidian tragedy is a very deep and personal issue, I simply could not sit back and quietly accept the statement that was made yesterday. And I found out about and saw the tape last night, the statement of the gentleman from Texas [Mr. PAUL], lives in fear that the Federal Government is going to bomb them similar to Waco and that these people committed no crime. I would welcome the opportunity to talk to Mr. PAUL and encourage a public debate on that.

Mr. DELAY. Mr. Speaker, I would just ask the gentleman, did the gentleman call Mr. PAUL to ask him about the context with which that statement was made? Or did the gentleman just go out and make statements based upon what he saw in the press? Or did the gentleman from Texas see the program on which the words were spoken by Mr. PAUL? The reason I am close to the Chamber is we were having lunch, and Mr. PAUL was very disturbed that the gentleman from Texas had made these kinds of comments. He left the lunch to go call the gentleman from Texas so that you get together and talk this out. As we were leaving the lunch room, we found that the gentleman was down in the well of the House attacking one of his colleagues from Texas.

Mr. EDWARDS. Mr. Speaker, if the gentleman from Texas is watching now, I would welcome him to come to the floor of this House. I will be glad to stay here.

I think this is an issue that should receive a public debate. I think the public has a right to know why he fears the Government is going to bomb him and why he thinks David Koresh and his Branch Davidians committed no crimes. He may be offended by what I said in response to his comments. I am more offended by what he said. I think rape, arson, and murder are very serious crimes. I did see the program before I made the comments.

Mr. DELAY. Reclaiming my time, Mr. Speaker, the gentleman is a friend of mine. I think it is unfortunate that we are even having this conversation. Because at least the Texas delegation has always been able to speak to each other privately. And if they could not resolve their differences, they always, they could take the opportunity of going to the press very seldom. In fact, I do not even remember in the 12 years I have been in the House that a Member from Texas attacked another Member from Texas from the well of the House. I appreciate the time.

PATENT TERM RESTORATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, just to add a little bit or shed a little bit of light on this, we have a wide diversity of opinion here in the House of Representatives just like in the United States of America. We have a wide diversity of opinion. That is one of the great strengths of the United States of America.

I see my friend, the gentleman from New York [Mr. SERRANO], over there. We have a lot of disagreements, but we know that we can respect each other's opinion even though we have some mighty differences of opinions. I happen to agree, interestingly enough, I happen to agree that some of the things that happened in Waco, TX, and some of the actions taken by the FBI have been very questionable and indeed would make honest people worry some about what is going on in the FBI. Expressing that should be no reason, and for other people to sort of think that that is sort of an oddball opinion. That is not an oddball opinion at all.

I think we can respect each other, for I know that some people have come to me from the minority communities over the years and have expressed to me that law enforcement is attacking them in a different way than they would be attacking people in the majority Caucasian community. I have to admit some of the times I have dismissed some of those criticisms. But I will have to admit also that there are some things that have happened in recent years that have sort of given me a different point of view to take some of those charges a little more credibly and to listen to them and to think maybe there is something to these criticisms.

So let us hope that in things as volatile as this, where life and death matters are being discussed, we do maintain a civility.

One major issue that is going to be happening here in Congress and we are involved in right now deals with the patent issue. I am fighting a major fight along with 50 other Members of the House who have cosponsored my bill to maintain a guaranteed patent term for the American people and to ensure that our patent rights are not diminished in order to create some global trading system. Some people want to create a global trading system at the expense of the rights of the American people because they think everybody is going to be better off because of it. That is their point of view.

The American people better understand that we have got these globalists who are trying to eliminate the right, certain patent rights that the American people have enjoyed since the founding of our country. H.R. 400 is a bill that is coming through Congress right now, I call the Steal American Technologies Act, which greatly diminishes the patent rights of the American people and thus in the long run will make America technologically inferior, undercut our prosperity, and our national security.

Our technological superiority is what has made us a prosperous and secure country. I am asking my colleagues to join me in cosponsoring H.R. 811, which is my bill to restore the patent rights of the American people, and to oppose H.R. 400, the Steal American Technologies Act, which, among other things, get this, H.R. 400 does this: mandates that every patent application, whether it has been issued or not, will be published for the entire world to see after 18 months.

That means every copycat, every one of America's competitors and adversaries will have every one of our secrets, all the details. They will probably be into production of our new technology ideas even before the patent is issued to our own inventors. This is lunacy.

Yes, some people have a right to the other opinion because maybe it is a good thing in order to create a global market, but they are trying to create a global market over the well-being and prosperity of the American people and diminishing the rights of the American people. I ask my colleagues to join me in supporting H.R. 811, the Patent Term Restoration Act, and opposing the Steal American Technologies Act, H.R. 400.

Mr. Speaker, I believe when the American people understand this move by the multinational corporations to diminish our patent rights in order to create a global marketplace, the people will rise up. They will call their Congressman and they will call their Senator to ensure that, if you want a global market, do not do it by diminishing the guaranteed rights we have had since the founding of our Nation and that has ensured us to be the technological leader of the world.

This is a big fight. It is the little guy versus the big guy. But also when we have a debate like this, it is important for us to sit down here and slug it out on the issues. In this particular case, should we have a guaranteed patent term, H.R. 400, the Steal American Technologies Act, says no. Should we have the right of confidentiality so when a man submits a patent, whether it is confidential, H.R. 400 says no, they are going to publish it for the whole world to see.

Should we have a strong working patent office as part of our Government, which H.R. 400 would corporatize.

Defeat the Steal American Technologies Act, H.R. 400. Support H.R. 811, the Patent Term Restoration Act.

BALANCING THE FEDERAL BUDGET

The SPEAKER pro tempore (Mr. COLLINS). Under a previous order of the House, the gentleman from California [Mr. ROGAN] is recognized for 5 minutes.

Mr. ROGAN. Mr. Speaker, I rise today in support of both the balanced budget and the balanced budget amendment. It is important to distinguish between those two subjects because often in our debates in the House, we confuse the two.

We really are talking about two individual issues. First, are we going to have a balanced budget? Second, are we going to write in the Constitution the obligation of the Federal Government to do what virtually every State in this country has to do, and certainly every family in this country must do?

I was touched a few minutes ago by the litany of speeches from my colleagues on both sides when the subject of children was brought up. As the father of two 4-year-old twins who are sitting at a television set not too far from this Chamber listening to their father's maiden speech on the floor of this House, I certainly am very proud to be a dad, and am moved as a policymaker to do what is good for my children and the children of our country. But as proud as I am to have my 4-year-olds able to watch me as a Member of the House address this body today, I take no pride in the fact that on the day they were born 4 years ago, they inherited almost $175,000 in taxes that they will have to pay over their lifetime as their portion of the national debt. This is because we have failed as a nation to balance our budget.

Children born today and children born tomorrow will have an even higher amount of debt that we will impose upon them if we fail in our obligation as policymakers.

What is the effect of this great debt that we keep accumulating year after year? The effect is that more and more of our tax dollars that could be going for important services such as public safety, hospitals, infrastructure, Medicare, Social Security, and some of the key programs that we support on a bipartisan basis, will be drained. A greater percentage of what we send to Washington is going to go to pay the interest on the debt rather than to serve the people that we have been elected to represent.

I heard a number of speakers a few minutes ago in this body talk about the fact that our national debt today is over $5 trillion. I suspect there are very few Members of this body who know how many zeros go after the "5" to make so great a number. But here is a very cogent example: If a person opened a business on the day that Christ was born almost 2,000 years ago; and if their business skills were so terrible that on that first day they lost $1 million; and if every day thereafter they lost $1 million to the present day, we would not even hit 1 trillion dollars.

Yet we as a nation are now laboring under almost $5.5 trillion worth of debt. What does that mean in real terms? It means that every single day that the sun rises on this building, the American taxpayers are forced to pay $750 million in interest on this burgeoning debt.

One of the bipartisan things we have been able to agree on is that we will balance the budget by the year 2002. If we pass a balanced budget in this Congress, we will not have a balanced budget in 1997. We will not have one for 5 more years.

As of today, America has not had a balanced budget in 28 years. Now we are talking about having our first balanced budget after 33 years.

What would it take for us as a nation to pay off this debt? We would not only have to have a balanced budget, we would have to balance it to the point where we had a $200 billion surplus. Not for 1 year, not for 2 years, but for almost 30 years.

We have not balanced the budget in almost 30 years. We would have to not only balance it, but have a huge surplus every year for 30 years to pay down this debt. And I use that example just to accentuate how much we owe as a nation and how we cannot continue to allow this debt to cripple our children's and our grandchildren's future.

We owe it to future generations to be responsible. We need to pass a balanced Federal budget. To insure it remains in balance, we need to place that obligation in the Constitution. This is why I rise in support of these two worthy measures, and urge my colleagues to join me in supporting them.

□ 1315

REPORT ISSUED ON ARTS AND HUMANITIES IN THE UNITED STATES

The SPEAKER pro tempore (Mr. COLLINS). Under a previous order of the House, the gentleman from California [Mr. CAPPS] is recognized for 5 minutes.

Mr. CAPPS. Mr. Speaker, our former colleague, Dr. John Brademas, has issued a report on the condition of the arts and the humanities in this country. I want to thank Dr. Brademas and the committee and the support they have received from President and Mrs. Clinton for this very thoughtful, excellent report.

Truly, the strength of our country is dependent on the way we engage education and the way we give responsible cultivation and stewardship to the arts and the humanities. I urge that this report be taken seriously and that Congress give proper support to two superlative agencies, the National Endowment for the Arts and the National Endowment for the Humanities.

I think that our vitality as a Democratic society, as a learning society, is dependent upon the respect we exhibit for our cultural arts, our literature, our historic records and the other products of the creative spirit. I commend Dr. Brademas and the committee for this report and I urge my colleagues in the House of Representatives to support its recommendations.

HEALTH INSURANCE FOR AMERICA'S CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, over the last couple of years congressional Democrats have been focusing their attention on addressing some of the most important health care challenges facing this country. Last year Congress took a small but important step in the right direction when it passed the Kennedy-Kassebaum health insurance reform bill. Because of that bill, citizens who change jobs will continue to receive health coverage, insurance companies may no longer deny individuals health coverage when they switch jobs due to preexisting medical conditions.

Although congressional Democrats were happy to see Republicans join us in passing this important piece of legislation, we did emphasize at the time of the bill's passage that we believed much more needed to be done. And as a result of this belief and as a result of the GOP's refusal to consider any other health issue other than portability, Democrats immediately set about to build on the momentum the passage of the Kennedy-Kassebaum bill created by pushing for legislation that would make health care available to every child in this country.

There are now about 10 million uninsured children in the United States. To combat this problem, Democrats incorporated a children's-only health care plan into their family-first agenda. The plan was not only developed because Democrats believe our children deserve better health care, it was developed because of the recognition that today it is increasingly harder for even those parents with jobs to secure health insurance for themselves let alone for their children.

Unfortunately, we have not made any progress on this issue because the Republican majority has refused to allow our plans to move forward. We are 2 months now, 2 months, into the 105th Congress, and the Republicans who are the majority do not have anything of major importance for the Congress to consider. Unlike Democrats and the President, they do not have a plan to ensure that all children have access to health care nor do they appear to have any intention of letting our plan move forward.

The American people sent us here to develop legislative solutions to societal problems, such as providing health care to uninsured children. Every day we waste is a day another sick child goes without health insurance and we cannot continue to let this happen for moral as well as financial reasons.

A couple of days ago I brought the House's attention to a report that was issued by the New York City public advocate, Mark Green. It basically talked about the growing number of New Yorkers who are living without health insurance.

I know today that I am joined here on the floor with one of my colleagues from New York, Mr. SERRANO. The report, as the New York Times put it, quote, is filled with disturbing information that has implications for the entire country.

We are going to be talking with my colleagues from New York and from Texas about this report this afternoon. And although it does deal with New York City, I need to stress that the phenomena and the conclusions and findings that it comes to really apply all over this country, to every State and every city.

With respect to children, the report found that between 1990 and 1995, the proportion of uninsured children in New York City rose 6 percent. In 1990, 14 percent of children had no health insurance. By 1995, that figure was 20 percent. One out of every five kids in the largest city in the country has no health insurance.

Overall, the report found that the number of uninsured children under age 18 in New York City rose from 277,500 in 1990 to 323,800 in 1995, a one-sixth increase, more than twice the increase in the adult population.

The trend is particularly distressing when it is recognized that not only was Medicaid expanded during the same period to include more children, but that New York State has an insurance program for children as well. Its own insurance program. And despite that, the number of uninsured children continued to increase.

This report underscores the need to expand, not decrease, the accessibility of health care to children. In short, it underscores what congressional Democrats have been saying since last year: that portability is good but it is not enough. We need to build upon the Kennedy-Kassebaum amendment by adding a children's-only health program.

Before we can do that, I have to stress we must convince the Republicans to let us move forward. Yesterday, Democratic leaders DICK GEPHARDT and TOM DASCHLE sent a letter to the Republican leaders NEWT GINGRICH and TRENT LOTT once again asking them to join the Democrats on making progress on this issue.

I think the New York City public advocate's report illustrates just how important it is to begin the process of passing a children's-only health bill. Considering nothing, which is what we are doing here every day, day after day, and adjourning, in this case today at 12 noon, especially with the problem growing, as plans to confront it sit on the shelves collecting dust, I believe, is irresponsible and inhumane.

I hope the Republicans accept our invitation to move forward and deem the issue of providing health care to our children worthy of congressional attention. I do not think it is too much to ask and I, for one, and I know my colleagues will continue to be here every day over the next few months until we see the majority take some action on this issue.

Mr. Speaker, at this time I want to yield to my colleague from New York, Mr. SERRANO.

Mr. SERRANO. First, Mr. Speaker, I want to thank the gentleman for putting together this special order today to discuss such an important issue.

I must say, as the gentleman has well pointed out, this is a very disturbing situation, disturbing because on this floor we take great pride, and we should, on a daily basis, in the fact we live in the country we do live in. With that, we understand that there are some problems we have yet to solve, but there are some basic problems that I think we should have solved a long time ago, and for some reason we continue to have these problems.

Lately, these problems have been compounded by the fact that there is a feeling that somehow if you are not getting certain care in this country it is your own fault; that you somehow created this problem on your own. After all, what we have been hearing lately is if you are poor, it is because somehow you do not get off the chair and do something about your problem.

Well, now we are talking about children specifically in this report. Children are at the mercy of their society. We are in this society what we do for children. That is who we are. We are people who either take care or do not take care of children. And we have a report that says that there are that many children throughout the Nation, 10 million American children according to the chart that is next to the gentleman from New Jersey, 10 million American children.

Now, what is interesting about that statement is it does not say 10 million children throughout the world. That is bad enough. It does not say, which would be also very bad, 10 million children in the Third World countries, the underdeveloped countries, 10 million children in one country, it says 10 million American children. And yet, as the gentleman states, we cannot get our colleagues on the other side to move on the issue of full coverage for all children.

Now, this problem not only affects children, it affects the whole family. We hear a lot these days about family values, about how families should do for themselves. Well, there are some things that families cannot do for themselves. No family, except for maybe one-half of 1 percent in this Nation, can pay the amount of money it takes to go into a hospital or to get health care. That is why we have insurance companies. And that is why we have insurance plans, and that is why we have government subsidized plans.

When we have 10 million children, and that many children, a figure that continues to go up in New York City and other places throughout the Nation, that are not insured, we have a serious problem that affects the whole family.

Picture, if you will, the next study, which should be of all the children that are not insured; how many, because of related issues to not being insured, miss X amount of days from school? How many of those children are attending school in physical conditions that they should not be in? What is that doing to their ability to learn; to read and write, to do their work? What effect does that have on the family; the tension in a family? How many families have to worry about money in this country and that strains their relationship at home? How many have to deal with problems of drug addiction and that strains the relationship at home?

Perhaps one of the studies should be how many of the families that are not insured, how many of the families who have children that are not insured have this extra added strain on their relationships in the home? And so to speak about family values, and to allow 10 million children to be uninsured, is really something that is hard to fully understand.

One last point before I turn the microphone back to the gentleman from New Jersey.

Mr. Speaker, every time that we speak in these Chambers, and on so many talk shows throughout this Nation our elected officials make public statements, we seem these days to want to attack people from certain communities. As I said before, one of the communities we attack is the poor. This one should be an easy one. This one should be one that no one should be politically uptight about.

I do not know a community in this country that would be upset if Congress tomorrow did something about insuring children. If a community got upset, then there should be a study about what is wrong with that community. There cannot be an American family who would want for a neighbor's child anything less than the basic health care needs that they would want for their own family.

So I would hope that today's special order begins to put forth the notion that there are some things that we do because they sound good politically, and there is opposition we take on issues because it is a good political stance. But this is good for our country, this is good for humanity, this is good for children; and we should attack this problem soon and attack it like we have attacked no other problem.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman and I particularly appreciate when he began and talked about this notion that I think we do hear down here from time to time, that somehow it is your own fault. In other words, the reason why you do not have health insurance or the reason why your children do not is because it is your own fault and you have not done something about it.

I think this New York City report by the public advocate really belies that, because it points out that the overwhelming majority of the uninsured, not only children but adults, everyone, are working people. And that, in fact, many of them are, or a significant percentage, are actually working in large corporations.

So these are people that are working. These are people, in some cases, that are working more than one, two, or even three jobs, and yet their employer does not provide the health insurance and they do not have the option because they cannot afford the health insurances.

Quickly, and I am quoting from the summary of this New York City report, it says the majority of uninsured New Yorkers work. One-half of New York City's uninsured residents between the ages of 18 and 64, because, of course, after 65 you have Medicare, they had full-time jobs in 1995. And among uninsured 35 to 53 years old, 62.8 percent were employed full time.

Interestingly enough, again the uninsured are employed in both large and small companies. While nearly 30 percent of New York City's uninsured workers were employed in companies with 10 workers or less in 1995, a large percentage, 22 percent, had jobs with companies with a thousand or more employees.

So the bottom line is what is happening not only in New York but across the country is that more and more people, even if they work for large corporations, they simply have taken away health insurance and they are not providing it to their employees. So this is something that is happening across the board for working people primarily. So that whole notion about it is your own fault is just not the case.

I want to yield now, Mr. Speaker, to the gentlewoman from Texas, who I know is very concerned about children's issues in general.

□ 1330

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my colleague from New Jersey and I appreciate his leadership. I am delighted to join my friend the gentleman from New York [Mr. SERRANO], speaking about some extremely important issues, because I think the value of our special order and this discussion is to indicate how far reaching this problem is. We are talking about New Jersey and New York, and I am 3,000 miles away in Texas and have discovered that this problem is extremely prevalent in the South and in the West.

But we need to put a face on this question, so that we can say to those of us who have the responsibility to address the 10 million children that are uninsured, we must put a face on this issue and we must frankly say to those who would stall this very important issue, you can run but you cannot hide. And I say that because there is a face to this.

Angela Pollatos of Washington Heights in northern Manhattan is typical of those who have lost insurance in the last 5 years. She was cited along with this New York City report. Her husband is a painter who made $30,000 last year. This is a working family. His company, however, does not offer health coverage. How many Americans can tell us that same story time after time after time? Are they taxpayers? Yes. Are they homeowners or renters? Yes. Are they paying their bills? Yes. But do they have health coverage? No.

Three years ago when Mrs. Pollatos was working the family bought private insurance through a Government subsidized program. Remember, now, bought, was not given. But the premiums are rising quickly and when she stopped working after the birth of a son, the family could no longer afford the program. Now, someone is probably saying, "They didn't budget, they didn't put their moneys together."

I want you to be able to understand. They tried buying insurance but were discouraged; $500 a month was the cheapest insurance. This is a young family that is trying to survive on $30,000 a year, living in, I know what my colleague might say, certainly in a State that has certainly increasing costs and responsibilities, but these are working people and you can see that and they could not afford $500 per month, and I think that is important.

When we begin to look at the insurance, or the uninsurance if you will, of our American children, we do not have to point to the east coast, we do not have to point to the west, we can point to the United States of America. You can find uninsured children throughout the United States. This is a global problem, as the gentleman from New York [Mr. SERRANO] has said, but it is certainly a national crisis when 10 million children are not insured. And you can look at Oregon and Montana, you can look in Louisiana or Alabama, Mississippi. In Texas alone, 1,352,894 children are uninsured. These children are under the age of 18.

And so we really have a key responsibility to move forward. Sixty percent of the insured children have a parent working full time. More than 90 percent of uninsured children live in families without working parents. Let me correct that. Sixty percent of the uninsured children have parents that are working. This is truly a responsibility that I think must be heard throughout these Chambers.

The gentleman from New Jersey [Mr. PALLONE] and I were talking today about the responsibilities we have to our constituents. We were discussing legislation that we were drafting on behalf of our constituents. I think it is important that as the agenda moves through term limits, I do not know how many citizens are concerned about that, some other issues that seem like they are not having the success of being placed on the agenda of the floor of the House, would it not be very simple to immediately begin hearings, immediately begin putting on the floor of the House the legislation that is so important to be able to stem the tide of this tragedy? Ten million uninsured children.

Let me also emphasize something that I think might have been highlighted earlier by the speakers. Hispanic children comprise a disproportionate share of uninsured children. Over 25 percent of Hispanic children are uninsured, along with 15 percent of African-American children and 11 percent of white children.

I say that not to separate us but to bring us together, to realize that for some folk who may have been thinking it is not me, I do not have to worry about it, this attacks all of our children. We do not have the numbers for the emerging and growing Asian population, but certainly we realize that that is growing as well.

Twenty-four percent of New Yorkers have no health insurance, up from 20.9 percent 5 years ago. The proportion of New York City's children who are uninsured rose to almost 20 percent in 1995, up from 14 percent in 1990.

It is important, as I said, to note that we have real problems in the South and the West, but this report out of New York was very eye opening. It is important to note that about 22 percent of the uninsured work for companies with more than 1,000 employees, contradicting the conventional wisdom that large companies usually offer comprehensive benefits. Fewer than one-half of New York City residents now have private health insurance, and most uninsured families in New York make between $15,000 and $45,000 a year.

When I was in local government, one of the things that saddened me was our inability to serve our children. This number in Texas would be higher if I gave you the numbers of those who were not covered by Medicaid and also those who could not get the basic, what we call well care coverage. What does that mean? Most of us recognize that a child does not date or time his or her illness. So they could be 5½ or 6 years old, you can be sure you will be taking them to the doctor.

Well, we were faced in local government with eliminating what we call well care coverage for our children, meaning that children who were dependent on Government assistance could not see the doctor past age 5. We had no money to give anyone so that these children could go and have regular appointments beyond the age of 5. We call that well care treatment for our children, preventative health care.

I want Americans to understand that when we uninsure 10 million children, what that means is that we open ourselves up to epidemics, we open ourselves up to a contagious outbreak, we open ourselves up to not being able to prevent children from having the diseases that would interfere with their education and their quality of life.

So I would simply say that we have a challenge today. We have an administration proposal that proposes $3 billion a year to provide health insurance coverage, but it covers only 5 million children. We want to move forward on that. But I want us to recognize that we have 5 million children left that we must address as well.

I certainly will be supporting and working with the proposals that have been offered that cover 5 million children, to work to ensure that 13-year-olds, 250,000 of them eligible for Medicaid for the first time, are covered.

We want to bring down teenage pregnancy, I think that is extremely important. We want to extend health insurance coverage for 6 months to unemployed parents, and we also want to make sure that we find all the children that are not on Medicaid, to make sure that that occurs.

I simply want to say to the gentleman from New Jersey [Mr. PALLONE], in terms of the importance of this issue, that the question of timing is important. Every day that we waste, this map will never change. This map continues to reinforce the lack of insurance, the lack of accessibility of medical care for our children. Let me simply raise a question with you.

As we fought so hard last year to stop the drastic and draconian cuts of Social Security, or SSI, I am facing right now in my district numbers of single parents whose children received SSI for a number of disabilities. They could have been autistic, they had ailments that categorized them as being mentally challenged. Those children right now do not have services. Uninsured children likewise face not having the appropriate counseling services, not dealing with some of the mental illnesses that face our children, that could be treated to give them a better quality of life.

My question to you is how much more do we have to document? How many of us will have to continue to confront these tragedies in our community? How many of the members of the New York community, this family that I have just mentioned, Pollatos, who did not have the dollars to pay $500 a month, will have to continue in order for us to be able to come to a bipartisan approach, and I would like it to be bipartisan, dealing with the 10 million uninsured children of working families, poor families, that do not have the ability to access health care?

My question to you is, where are we going, and how many times will we have to rise to the floor, how many numbers and statistics will we have to give? I see my good friend from New York who is certainly aware of these problems, how much longer will we have to tolerate this condition for our children?

Mr. PALLONE. Let me say, and I think that basically our colleague from New York has addressed this, that I think the problem with the other side of the aisle, the Republicans, is that they are following this philosophy that somehow it is the people's fault, it is their own fault.

If you are faced with these overwhelming statistics that show you not only that there are 10 million American children that have no health insurance but that the numbers continue to grow every year and it is working people who are trying to make ends meet, the only conclusion I can draw is that you somehow, and I think many of my colleagues on the other side have convinced themselves that somehow it is not something that they can deal with, it is the people themselves that have created the problem. There is just no truth to that, no basis to that.

One of the things that is most upsetting to me, and I will mention it briefly and then maybe yield to the gentleman from New York, is that when the Republican leaders of both the House and the Senate met with President Clinton just a few weeks ago to try to come to agreement on priorities, even though the President said emphatically in his State of the Union address and provided in his budget message to provide for a program that would cover at least half of these 10 million children and said he wanted action on that in this Congress, the Republican leadership refused to make that one of their priorities, so that these task forces or groups that were set up to try to move legislation through Congress on a bipartisan basis do not include children's health insurance, do not include the President's proposal, because the Republicans said that that was not a priority.

So clearly we are not getting the message out, and we need to. We need to make our colleagues on the other side understand that this is a most important priority but we are not there yet.

I yield to the gentleman from New York.

Mr. SERRANO. Mr. Speaker, I thank the gentleman. One of the interesting things about this whole issue is that as my colleagues know, in many instances on these kind of issues the leadership comes from the White House, sort of emanates from the White House, and Congress reacts to it. In the past the White House did not speak, prior White Houses did not speak the issue of health care coverage.

This White House did, and it was ridiculed for a plan that some people did not agree with. But the intent, rather than negotiating the plan, the intent was to stop the whole notion of coverage, universal coverage for everyone. And so now we find out that because of that lack of action and the inability to follow up on the family values agenda, which also should deal with this issue, you find, for instance, that the number keeps growing. A few years ago the number we threw around was 34 to 36 million Americans were not covered. The figure being dealt with now is 40 million Americans.

I would also like to ask the gentleman from New Jersey to tell me if I am wrong on this issue, because he has been excellent on the issue of finding a fair immigration reform program in this country, and coming from New Jersey and coming from New York and from Texas, immigration is an issue. But is it immigration reform with a heart, immigration reform without a heart? Am I correct in suggesting, and I ask the gentleman to comment on this, that as we move to take benefits away from legal immigrants, we are now going to increase that number that we see on this chart above the 10 million children, or are those figures that we are dealing with these days already taking into account the possibility of all these folks that will be taken off the benefits, incidentally in many cases, for people who are interested, when you talk about people under 65, you are not talking about people who were here for the last 20 years, worked, paid taxes, and so one issue seems to jump on top of the other one. Am I correct that this will actually increase these numbers?

Mr. PALLONE. I think the gentleman is absolutely right. For example, in referencing the New York City report, I would take note cf the fact that the last year that we were making reference to was 1995, well before any of these changes in the laws with regard to immigration would take effect. So there is no question that taking more people off the rolls as a result of those immigration policies would impact the numbers and create more uninsured.

I would also suggest, again here I am speculating, that a lot of the problem is not even reported. In other words, the figures that our colleague from Texas is looking at on that map have to be based on some reporting that was actually done, and I would suspect that there are a lot of people, legal or otherwise, people that were born in the United States, who simply do not even get reported, so I suspect that the figures are much larger and there is no question that they are growing.

Mr. SERRANO. The gentleman is absolutely right. I happen to know for a fact in my district that the poorer the person, the less likely they are to get counted in the Census. The Census does not speak about anything other than counting people who live within this country.

□ 1345

So if that is true and we know that is a fact, then the gentleman is right. The numbers there, the 10 million staggering number, could be higher. Because if a significant number of those folks fall within the poor category, and as the gentlewoman from Texas well pointed out, it covers all people throughout the society, people who are working, people who are laid off for a while, but the ones at the lower rung of the ladder would not go out and report, there may be no way to find out, and that number may continue to increase in a country where this should not be happening.

Before I yield, I just would like maybe to take this time to ask something that may sound a little dramatic, but there are millions of American families who tonight will come home and there will either be a spouse there or there will be two spouses coming home from work, and throughout the night there is the "Turn off the TV set." "Did you do your homework?" "Let me help you with your homework." "Turn off the Nintendo set."

Maybe I am repeating my last night's statements, but my colleagues know this whole thing that we go through with discipline and love and affection, and yet many of those families know that they do not have this problem. Perhaps as they are putting their children to bed tonight, perhaps as they are turning in for the night, they realize that as bad as they have it in terms of tensions, living in this society, they still have something other families do not have.

But maybe that is a sign of gratefulness for what they have been provided with, we have been provided with, that they take a few minutes and write a letter to their Member of Congress and their Senator and say: "You know, I just put my child to bed, and I know if he is sick tomorrow I can take him to a clinic or to a doctor."

But there are 10 million children or more whose families cannot do that, and there are 40 million Americans who cannot do that, and we are not talking here about a rip-off, we are not talking here about a giveaway, we are not talking here about corporate welfare. We are talking here about basic human needs, and maybe tonight Americans will take some time to write a letter to a Member of Congress and say: "If this is correct, and I believe it is, do something about it. This is not something I am upset about. I will not hold you negatively accountable for providing health care for 10 million children."

Mr. PALLONE. I appreciate the gentleman's comments, and I just wanted to say, if I could just follow up on one thing he said before, I am an advocate, as the gentleman has indicated he is as well, of universal health care. I believe very strongly that—and I did believe when the President 4 years ago came forward and said this is the issue, No. 1 issue that we must deal with, and we have to make sure that every American has health insurance. I believed that.

However, we know and the gentleman mentioned that, politics being the way it was in the last 4 years, we really realistically, politically realistically, cannot envision this Congress moving toward a universal health care system. So we did last Congress at least address the issue of portability and preexisting conditions.

The reason I believe that children's health and covering children is the next step in this sort of piecemeal approach that we have to follow because of political realities, is because not only of compassion which we all share for children but also because it is doable. If we look at the actual costs, it is cheaper to insure children than it is for the adults or their parents. And from a prevention point of view it makes the most sense because if we—we are all advocates of preventive care, but preventative care is so important for children, because if they do have proper health care in the early years, that prevents a lot of things happening later that are more costly and cause more damage to them later in life.

So it is a logical extension. Even if one does not believe that everyone should be covered or it is the government's responsibility to do that, at least understand that this is the next logical step. I think maybe that is what we can get across to our Republican colleagues. It has not worked so far, but maybe that is how we can emphasize it as the next step.

I would like to yield to the gentleman from Massachusetts.

Mr. McGOVERN. I just briefly want to commend the gentleman and my other colleagues here for raising this issue, for highlighting this important issue of children's health care. It is a very important issue. We hear it every time we go back to our districts.

In my district in Massachusetts there is not, literally not a day that goes by when I am there, when I am not approached by a parent who is concerned about the fact that they do not have health care for their children. They express also their frustration that, given that reality, why is not Congress doing something about it? And I have to say that I want to express my frustration, too, over the Republican leadership's failure to make health care for children a priority. It should be a priority, and we certainly have enough time on our hands.

I am a freshman. I was sworn in on January 7, and we really have not accomplished a great deal in these first 50 days. We have the time. We spent an entire day on term limits, 12 votes on term limits. Term limits may be an important issue to some, but I got to tell my colleagues it is not as important as children's health care, and we need to do what we can to raise the pressure, to try to get the Republican leadership to follow the President's lead in making health care for children a priority.

The gentleman mentioned prevention. From a fiscally conservative, dollars and cents point of view, prevention is very, very important. We save money. If we invest in health care for our children now, it means we are going to have healthy adults, means we are going to be able to control health care costs in a more reasonable and effective fashion.

So just from a purely dollars and cents point of view, forget the moral arguments and whether it is the right thing to do, and we all know that it is the right thing to do, we save money. We should be ashamed of ourselves, with the greatest country in the world, the richest country in the world, and yet 10 million of our children that we know of—and my colleague from New York is right, it is probably much more than that, but we know at least 10 million children in this country do not have health care coverage and we need to do something about it.

So I just wanted to come on the floor here and express my gratitude to all of my colleagues for raising this issue. It is an important issue, and I hope that we will be able to do something about it in this session.

Mr. PALLONE. I want to thank the gentleman for his contribution and appreciate him participating in this special order, because I know that in his State in particular many efforts have been made to try to expand health care coverage. But, as we noticed in this New York survey, even with the States going out of their way in many cases to expand coverage it still—we still see an actual decline in the number of insured.

I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE. I thank the gentleman from New Jersey, and I am glad as well that the gentleman from Massachusetts has joined us, and I would like to maybe expand, Mr. SERRANO, the gentleman from New York's, call. I think I would not put it as a pitch but a call to families who, although they face their daily responsibilities, can count their blessings.

I would like to acknowledge and possibly add to that the many children's hospitals around the Nation. First, I would like to thank them. I think 2 to 1, the children's hospitals in our community, certainly the Texas Children's Hospital, I know that we can name so many others, keep their doors open as best they can.

I know that we have had circumstances where we have that great tragedy of drive-by emergency rooms, where they just cannot, because of capacity, take in more children. Why is that? Because an epidemic of measles has broken out, because an epidemic of small—not smallpox but chicken pox has broken out. Thank goodness we have overcome that. But just think of the times we have had these sort of epidemics, and therefore the hospital or facility is filled beyond capacity.

Part of the reason that this has come about is the very statement the gentleman just made. We have not had the kind of preventive health care, and I would like to add to his story that he has just given, an ounce of prevention is worth a pound of cure.

And so I would like to add, to those who would be calling upon the need for health insurance to cover all of these children located across the Nation, our medical professionals, our pediatricians, our facilities that deal with children. They most of all know the seriousness of the need for having children have preventive care, and I would like to just bring a point to my colleagues' attention:

Studies have shown that the majority of uninsured children with asthma never see a doctor. How many of us are aware of asthma but do not realize that it can be deadly, and that the survival of a child and the child growing into adulthood is the fact that they have good constant care? And many of these asthmatic children are later hospitalized with problems that could have been averted with earlier intervention.

I have seen parents of children with asthma. Asthma has been in my family, though I have been very lucky that my children did not come down with it, but I have seen what asthma can do. We do not think of it sometimes as a debilitating disease. It is a chronic disease. To think of children with asthma not being able to see a doctor.

Maybe we are more sensitive to a broken leg or an injured arm, but realize children who suffer every day with these sort of ailments, children who need—as I said earlier, I do not want to deemphasize the importance of children who need counseling, and of course that is another subissue of this whole question of being insured. But many of those that would be covered would be psychologists or psychiatrists. Those children, too, could be healed with the kind of insurance that we would have and be allowed to secure a better quality of life.

I would simply say to the gentleman from New Jersey [Mr. PALLONE], I hope people understand that what we are talking about is the quality of life for our children that many of us have been able to garner through hard work, of course. But these innocent children, who come into this world certainly not of their own accord, but we are blessed that they are here, they are uninsured and not able to take care of the illnesses that face them every single day.

I think it is important, again, that this House gets down to the people's business and works on behalf of our children by passing this legislation both sponsored and supported by the President, many of our colleagues. Certainly leader GEPHARDT and minority leader DASCHLE were calling for this to move quickly. I hope that we can hear a date for this to be on the House floor posthaste.

Mr. PALLONE. I appreciate that.

Mr. SERRANO. Just as my colleague was speaking, I was reminded of the fact that just this week the New York State Health Department came into my congressional district or a certain part to do a special study on why that part of New York City has a higher rate of asthma attacks than anywhere else in the city.

And, as the gentlewoman said, this is in many cases a silent situation because people take it as something: "Well, I have heard about it. It does not affect me. It is not a broken leg," as she said. "It is not something I can see every day. I do not see it in the subway." We see somebody short of breath or something in the subway in New York, and we assume it is whatever, they were running down the stairs to catch the train because they were going to miss it.

So this itself starts me thinking how much of an implication this has on this whole study that will be conducted now in my district. It would just seem to me that the last call that we can make here is to say we have been hearing a lot of statements about family values, I repeat once again.

This is a family values issue, but it is an issue of how much we value families. And if we value families, then we must value the health care provided for the children. We cannot on one hand expect families to behave in a certain very nice, humanitarian American way, humane American way, and then at the same time have 10 million-plus children, families who are going through that situation, who face that on a daily basis, cannot react to everything else in society the way we expect them to.

And so I would hope that we see this in fact as a family values issue, an issue of how much we value families, and solve it. We can. We have the ability. All we need is the word from the other side and it can happen, it can happen soon.

Mr. PALLONE. I think the gentleman is absolutely right, and that is why this is a important part of the Democrats' "families first" agenda.

What my colleague pointed out, though, if I could follow up—and we have I guess about 15 minutes left, and we do not have to use the whole time for our one hour—but if we could just focus a little bit on solutions, because there are solutions, and as we mentioned before, in many ways this is an easy problem to solve. It just takes the will, in this case, of the Republican majority to bring this bill or something like it to the floor.

There are really a lot of ways of looking at this, but in the case of the New York public advocates' report, they actually advocate two things which I think I favor, and maybe I could mention one other thing that they did not mention.

One is, they suggest essentially expanding the Medicaid program to cover people at higher levels; in other words, Medicaid now may take in people at 100 or even 200 percent of poverty, but not above that. Also, New York State, from what I understand, and maybe my colleague from New York would be more familiar with it, has a State-developed child health plus insurance program that essentially goes beyond Medicaid. The State subsidizes it, but it takes in people who would not normally be eligible for Medicaid. And most approaches to expanding health care coverage for children that I have seen either approach it by expanding Medicaid or looking at some other government subsidized, usually nonprofits program that would cover people that are not on Medicaid.

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The third arm of this, though, that is not mentioned by the public advocate, at least to my knowledge, but I think is just as important, is outreach, because what the public advocate in New York City actually identifies is that there are a number of people that are eligible for the Medicaid Program or eligible for the child health plus program that are not using it.

So I think whatever we develop has to have an outreach program, because there are a lot of people who are not taking advantage of existing programs, for whatever reason, either because they are not aware of it, or if you talk about children, if their parents are not aware of it, they cannot take advantage of it.

I do not know if she wants to talk a little bit about this, but I yield to my colleague, the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. I think the outreach is key. That was certainly part of the administration's proposal, to find individuals who could comply or meet the criteria of Medicaid who have not been aware of it, and would certainly be able to secure that coverage.

I would like to add another piece for thought. Certainly I know we will hear from many of our local governments that they are overburdened, but many of our cities have city clinics, and one of the aspects of their service is what I described as well care. That is preventative care.

I think if we can find some aspect of our legislation that would cover that aspect of treatment, where parents of certain eligibility could continue to take their children, say, to age 10 or 12 for well care, that is, all the preventative measures, to ensure that they have all of the immunizations.

We have treated immunizations in this country as crises. That means we will have big campaigns, we will go out with vans. We have not gotten the mind-set of parents and the availability where, on a regular ritual, those parents who do not have regular physicians or pediatricians still are getting their children immunized; certainly our school districts, our work, but our health clinics certainly should be a component of the well care. We are not asking them to treat the emergencies, chronic illnesses, but if they are a component of delivery of health.

And I can hear a lot of them right now say in horror, we do not have the money. But I think as we look as a national body about how we reach out, I would assume my colleague, the gentleman from New York, has several city health clinics and he might hear the same thing, they are overloaded, but they are still accessible to our communities, along with—let me add that I think I would like us to consider school-based clinics where children go most of all.

I would like to say, we may cause a great deal of furor here on the floor of the House, but I would like to literally ask Americans to send us their stories. Tell us what is going on out there. We all know what is going on in the 18th District in Texas, in New Jersey and in New York.

But I would like to hear the stories of Americans, the parents and guardians of these 10 million children, the grandparents, who equally are custodians of these children, who for several reasons would not have access to health insurance for these children. We want to hear your stories.

Maybe that, along with stories from pediatricians and others, would be able to help build the argument, if you will, for the immediate response to try to come up with legislation that will cover these children.

I hope that the question of reaching out will be addressed, as I said, by embellishing local city health clinics, giving them the resources they can treat in preventative care up to age 10 or 12, that we can look at school-based clinics. That is where parents and children go.

Certainly I would like to ensure that we reach out to those who are eligible for Medicaid and cannot get it. Thank goodness we did not block grant, something we fought so very hard against. A lot of people do not even understand when we say block grant, but that is a fight we may have to see again; where there is a need, we may be able and should be able to serve Americans. And that was not the thrust of block granting; that was to cut off moneys. We fought hard, the Democrats did, against that. Now we have another cause that can be bipartisan from the very start, to be able to work with 10 million uninsured children.

Mr. PALLONE. Mr. Speaker, I am glad the gentlewoman brought up the community-based health clinics. I have some in my district, as well. The problem, of course, they face is scarce resources. In other words, increasingly the amount of money that has been made available to them has dwindled. That is another reason why we see the ranks of not only the uninsured but even people who have access to health care, because they are really dealing with the uninsured in many cases, but the access becomes more limited as resources become scarce.

I yield to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. I thank the gentleman, Mr. Speaker.

My colleague, the gentlewoman from Texas makes an interesting point. That is, we should deal with the issue of prevention. You know, we Americans are really a very strange group of people at times. Who would not think of taking their car for an oil change or doing it themselves? There are some Americans who run the car into the ground, but most Americans know they have to do this. They either do it themselves in their driveway or somewhere, or they take it to a place to have it done. That is understood.

But the whole idea of taking a human being at the age of under 10 to a clinic to get some preventative health care, some wellness care, is beyond our scope of thinking. Yet, at the end of the game when we talk about dollars and cents, as the gentleman has so well pointed out, and the gentlewoman, we are saving lots of money by going in the area of prevention. So I would hope that in this package, and I agree, there has to be something that perhaps begins to tell us about the area of prevention.

As far as solutions, what is really sad about this whole argument is that the solution we already have. The bad news is that 40 million Americans are not covered. The good news is that if you do quick math, over 200 million Americans are covered. Therefore, under existing plans, through expansion and with the desire to do so, you can invent ways and bring about ways of covering the other 40 million. So we do not have to reinvent the wheel. What we have to do is simply look at what we have now and use it as the existing solution to move on to cover other people in the area where we should not allow disparity between different folks.

Because in other parts of the society we have these problems and we have to deal with them on a daily basis. The fact is that most likely the people that are on that chart will also be the people who will have less access to a computer in the home than other people in this society. We know that. But this one is a basic right at this moment that people all deserve and we should be dealing with.

So the solution, in answer to your question, which is an interesting point you bring up, because we certainly do not want to end this hour having people say sure, they brought up the problem, they did not offer a solution, the solution is 200 million Americans, 99 percent of whom are not wealthy people, are covered under existing plans. It is now a matter of finding out how do we cover the other 40 million, how do we take care of people who may be unemployed, and how do we especially take care of children.

I would end today, again, by calling on Americans who may have health insurance, who may have a difficult, at times, life, but most of the time can as our colleagues said, count their blessings, to reach out to their Members of Congress and say that this is not something that can go on. Let us do something about it. Let us expand existing programs. Let us find solutions to this problem.

Once again, I thank the gentleman from New Jersey for bringing forth this issue today. This is one that I think really begins to speak to what this Congress should be about. If this Congress and this society cannot take care of its children, then it will not take care of anything else in this society.

Mr. PALLONE. I agree, and I want to thank the gentleman. I know we are winding down.

Ms. JACKSON-LEE of Texas. Before we close, let me thank the gentleman as well for gathering us together on this special order, and hopefully our voices were heard in this Chamber as my good friend, the gentleman from New York, has said, on behalf of the children and the solutions that we have offered. We can get busy right now and get moving on an ounce of prevention that will certainly create the wall against the pound of cure that we may face with children who have not had health care for all of their childhood.

I thank the gentleman very much and look forward to working with him.

Mr. PALLONE. Mr. Speaker, I want to thank both of the Members, and again issue our challenge to our colleagues on the Republican side of the aisle.

Once again, I think we had one vote today on the Journal, on the Journal of the previous day, and no other legislative business, and it is only Thursday. I personally, and I know all of us, are getting frustrated coming down here day after day and not really doing anything.

This is an issue, children's health care, that needs to be addressed immediately. We will continue to call upon our colleagues in the Republican leadership on the other side to address this issue this Congress, and as soon as possible.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to voice my concern for the 10 million children in our Nation who are without health care insurance. I am here to urge each and every one of my colleagues to work toward guaranteed access to health care for all children. It is time for us to make America's children and their health and well-being our highest priority. We must make health care available, accessible, and affordable for all of our children.

I am concerned that many of my colleagues have dismissed these children as the offspring of the same disadvantaged persons that they condemned last year during the welfare debate. If that was an accurate characterization of America's uninsured children, I would beg you not to blame a child, for their parents' misfortune.

But it is not an accurate picture, and so instead, I say you are wrong. Nine out of ten children who are without health coverage have parents who work. Nearly two in three of these children have parents who are employed full-time during the entire year. Two-thirds of these children live in families with income above the poverty line and more than three in five live in two-parent families.

It is clear that these children are not uninsured because their parents are not unemployed. Instead, most of these children are without coverage because their parents work for companies who have cut health coverage for children or who offer no health coverage at all. Each year since 1989, 900,000 fewer children have received private health insurance coverage. In other words, every 35 seconds 1 less child is privately insured.

Without private insurance, millions of working parents who labor to support their families cannot afford to provide health coverage for their children. The cost of health insurance when not purchased through an employer is often prohibitive. So while Medicaid helps our poorest children, and more affluent families can afford private coverage, millions of working parents in the middle cannot provide coverage for their children.

Insurance coverage is critical to the health of our children. Children without health insurance coverage often do not receive necessary treatment services or even the most basic care. Medical expenses are sufficiently high that generally their financially burdened parents will delay or forgo needed pediatric preventive or medical care.

Some examples—studies have shown that the majority of uninsured children with asthma never see a doctor. Many of these asthmatic children are later hospitalized with problems that could have been averted with earlier intervention. One-third of uninsured children with recurrent ear infections do not see the doctor and some later develop permanent hearing loss. Many children with undiagnosed vision problems cannot even read a blackboard. Finally, studies show that children without insurance do not receive adequate immunization, have higher rates of visits for illness care, and have more frequent emergency room visits.

It is obvious that to deny children health care coverage, denies them the opportunity to lead healthy lives and to reach their fullest potential. We, in this Congress, have a responsibility to ensure that all children have these opportunities. We must commit ourselves to coverage for every American child and promise to leave no child behind.

THE IMPORTANCE OF THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota [Mr. THUNE] is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, yesterday I was on the floor talking about the importance of a balanced budget amendment. Much to my chagrin, there was an announcement yesterday that probably certainly weakened the effort for a balanced budget amendment in the Senate.

In 1969, if you read the newspaper, you probably would have read about Charles Manson. The number one song was Simon and Garfunkle's "Mrs. Robinson." The Mets won the World Series. I was an 8-year-old boy growing up in western South Dakota and had the opportunity to watch on a black and white television, Neal Armstrong take one giant step forward for mankind by walking on the Moon.

Little did I know at that time that that was the start of our taking one giant step backward fiscally, because 1969 was the last time that Congress and our country has been able to balance its budget.

It occurs to me, it has been my long-held belief that every generation of Americans has an appointment with destiny. For my grandfather who came to this country from Norway back in 1906, it was to help build America. He worked on and helped build the railroad that went across our State of South Dakota. Later he went on to be in the hardware business.

For my father, his appointment with destiny was to defend America. As a decorated World War II fighter pilot, when the call came for him to defend America in World War II, he was there.

I believe that for this generation of Americans, it is our responsibility to preserve America for the next generation. I think we are failing in our duty and the obligation we have to make this a better place for the next generation of Americans.

When it comes time to vote on a balanced budget amendment, the issue really is about our future and what will we do for our children. A lot has been made, there are a lot of distractions and diversions in this whole debate about reasons why we do not need a balanced budget amendment. But the fact remains that 1969 is the last time that Congress has had the political will to submit a balanced budget and to do what is right for the future of this country.

If we look at where we are today and the burden we are passing on, the legacy we are handing on to the next generation of Americans, in my view it is immoral, it is wrong. We have an opportunity this next week to vote to do something that will be meaningful. It is the most important vote I think that we will cast for the future of our country.

I am hopeful that we will see, when the Senate votes on this next Tuesday, that there will be some of the people, some of the Democrats who are currently opposed to it, perhaps one of the two from my State of South Dakota, who will come forward and recognize the importance of this important move to the future of this country.

We cannot afford to continue to mortgage the future for our kids and for our grandkids. So as we continue to engage the debate in this town and around this country, and as I traveled in my State of South Dakota for 9 days last week, I had the opportunity to raise this issue and to talk about it and its importance.

One of the questions that was repeatedly asked was what about Social Security, because they had heard a lot of radio ads that had been running in my State by opponents of a balanced budget amendment attacking me for my vote on it.

The point I come back to is if we do not do something to balance this country's budget, and if we do not impose the discipline necessary to do it, not only is Social Security jeopardized, but so is every other Government program. The only way we can protect Social Security for the long-term and make it a program that is there not only for today's seniors but for tomorrow's seniors is to pass a balanced budget amendment.

So, as I heard and listened to the discussion that was held last week in my

State of South Dakota about this issue, I kept coming back to the same point. That is that as a young 8-year-old in western South Dakota in 1969, I had no idea of what was about to begin. But for the past 28 years, we have accumulated and amassed in this country $5.3 trillion in debt, or $20,000 for every man, women, and child in America.

I am calling on, today, hoping that our colleagues on the other side of the Capitol, when this vote comes up next week, will look into their hearts and see if this is not the right move. It is not only the right move, it is the only move if we are to preserve a future for our kids and for our grandkids.

I hope we will have the opportunity in this House, if the Senate goes first and votes and will approve a balanced budget amendment, that we can do it in the House and make this a better place for the next generation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COLLINS). The Chair reminds Members to refrain from references to Members of the other body urging action by the other body.

EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, today I continue my series on talking about what works and what does not work in education and why it is such a needed focus. But before I do that, I just have a few miscellaneous comments on some issues that have been in the news over the last couple of days that I would like my colleagues to be aware of.

Mr. Speaker, in the last Congress I introduced a constitutional amendment. I introduced a constitutional amendment which would allow for a procedure where voters could recall their elected officials. So far in this Congress, I have not reintroduced that bill. But yesterday I decided that it was again time to perhaps make a few modifications to facilitate that process. But it is time to reintroduce the bill that allows public citizens, it allows the citizens of this country to hold their elected officials accountable for the promises and the commitments that they make during an election.

Over the last few days, we have seen where individuals who campaigned and were elected during the campaign process made a series of promises and commitments to the voters that said, if I am elected, this is what I will stand for. This is what I will do. And these are the kinds of actions that you can expect me to take as your elected Representative.

It appears that too often that is all they are, is campaign promises. They are a great way to get a vote, but when they get to Washington, they all of a sudden decide that maybe it is a lousy way to govern. Well, it is about time that voters started to recognize and have the opportunity to tie candidates to their performance, that when they run a campaign, they see a direct link between what an individual promises in a campaign and what they do once they get here. And that when they fail to see that link between a campaign and a performance, rather than just having to stand back and say, there is nothing that I can do about this, there is nothing that I can do about somebody that I voted for, somebody that I supported because they said they were going to do these things and then they go to Washington and they do something else. They now will be empowered with a tool that says, you said you were going to do that and you got to Washington and you decided that something else was going to happen and that your behavior was going to move in a different direction.

Well, as a voter in your State, I now have the opportunity to say I voted for you because this is what you were going to do and, now that you have decided to do something else, I would like the opportunity to clarify and to hold you accountable for breaking the promises and breaking your commitment to me. It is time that the American people or at least the States in this country, it is time that the States had the opportunity to design a mechanism which will more effectively and more immediately allow the citizens to hold their elected officials accountable.

It is unconscionable that we keep finding individuals on key issues who say one thing and do another. We are going to have a voter empowerment. In the States it is commonly known as the ability to hold elected officials accountable through a recall mechanism. We will have a recall bill. I urge my colleagues to take a look at it, to take a look at what is fueling voter cynicism and to say, yes, let us give the voters one more tool to hold their Representatives accountable.

On another topic that again fuels cynicism in Washington, last year we had a very critical debate on partial birth abortions. It would be nice to believe that what we debate here on the floor and the information that we receive is accurate. However, we now find that an abortion rights doctor admitted to lying about the frequency of partial birth abortions. He said, I lied through my teeth. It is a form of killing. You are ending a life. Went on to say that this was used not only in rare cases, it was used more frequently, that it was not only used on situations where the fetus was in distress but was used on healthy women with healthy children. Based on that kind of testimony, President Clinton vetoed our legislation to prohibit this gruesome act. So I am hopeful and anxious that we will revisit that issue based on this new information.

I also could not help but just find the irony that we as a society, as we focus on the right to kill unborn children, the headlines this week were, we are trying to find ways to clone sheep at the same time and on the same page, according to the headline, morning-after pill receives FDA approval. The FDA has also moved forward aggressively. Abortion bill accord clears way for sales, RU–486.

So as we are cloning sheep, we keep trying to come up with more innovative ways to take the lives of the most defenseless in our society, the unborn. We have gone so far that environmentalist groups in this Nation score votes against abortion. They score votes in favor of protecting the unborn as a vote against the environment because they identify the greatest danger to birds and their habitat is more people. So a vote for the unborn is now a vote against the environment. It is interesting to see how these debates and these issues are being structured in our society today.

But let us move on to education. Education is a critical issue in this Nation today. We have gone through a series of what we call lessons learned, what are we learning about education. We are going through a process which we call education at a crossroads. I do not think there is much doubt that there is a widespread belief that we have to take a look at what is going on in education in our country.

We have lots of statistics about what the results are in our Nation. One half of all adult Americans are functionally illiterate. This includes not being able to write a letter to explain a billing error or figure out a departure on a bus schedule. Sixty-four percent of 12th graders do not read at a proficient level.

In California, 2½ weeks ago, we had a hearing where the college presidents came in. They said, make sure that as you go forward and take a look at education funding, that you continue to fund remedial education. We need Federal remedial education dollars to be successful.

You sit back and say, now, what do you mean by remedial? Remedial education. Somebody that has been accepted into your institution of higher learning, what are you teaching these kids, what do they need remedial education in? Are you trying to teach them more complex writing skills, more complex math skills, what are you teaching them? They said, no, when these kids are graduating from high school and, of course, many go on to college, they cannot read or write at an eighth grade level. Excuse me. They cannot read or write at an eighth grade level?

They get into college and they want more remedial education dollars. As a college president, have you ever thought about going back to your high schools and trying to find out what is going on in the high schools that maybe we could teach them reading and writing and math and when they go through high school rather than trying to deal with it when they get to college.

In Washington, DC, we have decided that it is necessary to take the elected school board and replace them by an appointed administrator. Why? Because these kids are getting the lowest test scores in the country. We are failing the kids right outside of this building. It is not an issue of money, $8,300 per student, and they get the lowest test scores and some of the lowest test scores in the country.

In my own State of Michigan our Governor has proposed taking over a number of school districts because we are failing the kids. I asked the Governor, I said, what makes you think that as a Governor, removed from the local situation, you can do a better job of educating these kids than what the local school board can do? And the disappointing fact is, and he is probably right, he said, I cannot do any worse. When you have got 2 or 3 kids out of 250 kids who are passing a proficiency test, increasing that to 4 or 5 is a significant improvement but it is way below what is acceptable in this Nation.

We know that, as we take a look at education, as we have gone around the country, as we have been in east Harlem, New York, as we have been in Chicago and we have been in Los Angeles and Phoenix and Napa and towns in my own district, we know that, No. 1, the most successful schools and the most successful kids in our country, the ones that are learning are, where parents are involved and, No. 2, in very difficult areas, where school administrators and principals have developed a dynamic program and they have reached out into their community and they have involved their parents, the parents of the kids, then we have the most likely scenario for success. And we are going around the country and we are taking a look at what works and what is wasted.

Why do we have to take a look at what is working and what is wasted? We know there is a problem. Some people would say, well, why are you reviewing this at all; the Federal Government should not be involved in education. That may or may not be a correct argument. That is not the argument that we have in front of us today. The argument that we have in front of us today is that this town, Washington, DC, with this Department, the Department of Education, and 39 other agencies, has a tremendous impact on education at all levels in our Nation. This town, these bureaucrats, run 39 different agencies. This town—and these bureaucrats who are very good people, they are knowledgeable people, but they are asked to administer through 39 different agencies, we ask these people to administer 760 programs.

Remember what these people do and they are matched by their counterparts at the State level and at the local level. It is all good people with good intentions trying to do the right thing, and what they are doing is they have all got a stack of paper. They are all processing paper, which means that dollars go to processing paper and employing people. It keeps the dollars away from the classroom because remember, every time we create one of these 760 programs, we have to let people know that these programs exist. So we have got a bureaucrat who designs the brochure that says, here is the program and here is who might qualify.

At the other end of the communications pattern, we have got another bureaucrat that gets the brochure. They read the brochure and say, we might qualify for this program. Let us get some more information. Maybe let us even get an application. Let us fill out the application. It goes into the pile of paper. They fill out the application. They send it back to a bureaucrat in Washington who reads it and says, well, I have got a whole stack of applications. I am going to have to sort through who gets what and how much. Eventually they will decide. They send the money back.

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The person says, "Well, I am getting the money. Now what stack of paper says what can I do with it?" Of course, they have to fill out papers sending back to Washington saying, "Here is what we did with it." That gets back to Washington and somebody has to read it to determine whether they actually spent it the way it was intended to be spent.

So we are employing lots of bureaucrats in 39 different agencies, administering 760 programs, spending $120 billion a year; $120 billion per year in 760 programs going through 39 different agencies. Probably a little bit of concern as to whether we are actually getting our dollar's worth.

And that is why we are taking a look at what is going on in Washington. What works and what is wasted? Spending time at the grassroots level and saying, we have 760 programs, we have 14 literacy programs, why can our kids not read when they are graduating from high school?

And what we are saying is, before we put on another overlay of more programs and more spending and more dollars, it is time to take a look at this conglomeration of programs, and look at it from a teacher's level and look at it from a kid's level and say, are these dollars getting to our children? Are these dollars getting into the classroom, or are the dollars being spent shuffling paper back and forth?

The Heritage Foundation has told us in their study that just in the Federal bureaucracy we lose 15 percent. And when we add in State and local bureaucracies, my estimate is that we lose about 35 to 40 cents of every education dollar to bureaucracy and bureaucrats who are doing what we ask them to do, but they are prohibiting the dollars from getting to our children and getting into the classroom.

And even then, as we have found out as we have made these field visits, the dollars get into the classroom and you ask somebody, do you appreciate the Federal programs? Yes, we appreciate getting the money, but when we get the rules and regulations of how we need to spend it, and then we take a look at our kids and we take a look at our school and we take a look at our classrooms and we take a look at our teachers and we take a look at our community and what we would really like to do in our classrooms for our kids, and then we take a look at what the rules and the guidelines from some bureaucracy in Washington are, that has never been in our town, that does not know the names of our kids, and what they tell us to do is not what we really want to do, it is not our No. 1 priority. It might be somewhere on our priority list, but it does not help us do what we think we need to do to help our kids today.

The lesson today is more does not always equal better. If we have a program, if we have 760 programs and we are spending $120 billion, there are those that are saying, and we are not getting results, we ought to be spending more. And if we had a couple more programs and a few more dollars, we would be able to solve the problem.

This was in the paper this week: "Drug Education Shows Limited Success, Department Reports." Many children still turn to drugs between the 5th and 8th grades despite billions of Federal dollars that have been spent on drug education since 1987.

The Education Department reported that. A report commissioned by the Department said effects were small even in the programs that appeared to curb drug use.

Now, this is the interesting thing. One would think that after the Education Department completes its own study that says kids are still turning to drugs, which is a terrible problem, the effects were small, one would think that they would step back and say, why are we not getting the results? This is a terrible problem. We all want to curb drug use. We have spent billions of dollars. We are not having an impact.

One would think the Education Department would step back and say, let us rethink this. Let us come together and say this is not working, and let us think about bringing in parents, bringing in legislators, bringing in State people, bringing in teachers and saying, let us take another look at this problem; how are we going to solve this? We need to approach it in a different way.

So what is the Department's solution? The Department wants $620 million next year for drug education. They do not want us to rethink or come up with new programs or different programs to replace what they admit are the failed policies and a billion dollars of wasted money. They want $620 million next year for drug education, up from $558 million this year and $438 million in 1996.

This is the lesson we should be learning: More does not always equal better. More dollars going to Washington bureaucracies—dollars to bureaucracies, dollars to bureaucracies—does not necessarily mean we are going to be solving the problem.

It is amazing to me that as we prepared this lesson this week, I cut this out of the paper this week. It is a classic case of bureaucrats not worrying about whether we are solving the problem but saying we solve the problem purely by making more dollars available; not making them available in an attempt to build off an analysis that says these programs failed, and here is why they failed and here is a new approach.

They just say, here are the failed programs. Let us not rethink it. But if you just give me $62 million more into this same failed system, we will have protected a lot of bureaucrats and a lot of paperwork. We will not have helped any more kids, but we will be able to go back and say we gave $62 million more for drug education. Probably will not spend a lot of time talking about it does not really matter they will not work, but, hey, they are spending more.

So they can say we are spending more than a 10-percent increase in funding, more than a 10-percent increase in funding in failed programs. But the disappointing thing here is there is no thinking about what we need to do for our kids. It means pouring more money, hard-earned money into a broken system, a tragic system. And in too many places it is the argument that we hear over and over again.

And let me say this. We may raise an issue during the appropriations process about why are we going to increase spending by $62 million on drug education programs that, by the way, do not work, and it will be said, there they go again, those mean-spirited people cutting dollars for our kids. No, the Education Department said it. The drug education programs are not working. It is about time that that issue was raised.

It is the same question that we are trying to answer in Education at a Crossroads; that when the President proposes spending $50 billion more on education, before we go out and spend $50 billion more into what in some cases is a failed system, we should step back and say, 760 programs, 39 agencies, $120 billion per year: Is there maybe not a better way to do it?

Is there not maybe an issue that we should be raising, before we try to mobilize 100,000 tutors, that we take a look and say why do our 14 literacy programs not work today? And if tutors are better than our current literacy programs, if tutors are the right answer, let us go for tutors. Maybe we can pay for the tutors by saying the literacy programs we had in place were not working and so we will be able to fund not 100,000 tutors but 200,000 tutors because we are going to get rid of the failed literacy programs.

Let us step back and see what is working and what does not work before we just put a patchwork of more programs on a failed system. The issue here is not money. There is plenty of money in the system. The issue is making sure that we spend the dollars on the right kinds of things.

We have gone to schools in, like I said, in New York, Chicago, Milwaukee, L.A., Napa, Phoenix. We are going to Cincinnati, we are going to Delaware next week, we are going to have hearings on the D.C. schools, schools in Detroit. We have gone and we are going all around the country, and we have seen schools that spend $2,200 per child, we have seen schools that spend $8,300 per child.

What does the research of our committee show? Our committee's research shows that more does not always equal better. Pouring more dollars into a bad system does not fix the system.

If we put in place the right system, we can educate the kids. It is the fun thing about this project. The great thing about this project is going into some of what we in Washington define as some of the greatest areas of at-risk kids, kids who supposedly are at a disadvantage for learning, and seeing schools and seeing children that are getting a great education. It is because parents are involved, the schools are focusing on the basics, and the dollars go into the classroom and not into a bureaucracy.

The issue is not how much money is spent but it is how we spend it. Are we spending it on kids? Are we spending it on the basics? Are we spending it on teachers? Are we spending it at places closest to the kids, or are we pouring it into bureaucracies and bureaucrats who are greatly removed from the system?

The dollars: The District of Columbia, as I mentioned, spends over $8,000 per child yet their children are not graduating, they are not reading and they are not succeeding. Schools in New York: Some of the schools that I visited, $2,200 to $2,500 per child, and they are very, very successful. More spending does not always equal better.

We need to focus on how we spend it, not how much money is being spent. That is what Education at a Crossroads is doing: Visiting communities, talking to people, finding out what is working, finding out how effective the Federal programs are, and then going back and identifying what we need to do in Washington to straighten out our bureaucratic mess so that we can help our kids.

The focus of this whole issue cannot be the Department of Education or the other 38 agencies that are trying to educate kids. It cannot be a bureaucratic focus. It cannot be on this town. The focus has to be on kids around the country.

□ 1445

The problem that we have in Washington today and the problem that we maybe have in our country today is if we go back and take a look at this graphic: Where education in this country is supposed to be, parental involvement and local control, independent of Washington interference, so that programs in classrooms, in instructional materials, in instructional lessons can be tailored to the needs of every individual child in every individual community.

What we have found is that rather than local control, these 39 agencies in Washington that are trying to educate our kids have made the street that some of you may walk down to get to work every day, which we fondly call Independence Avenue, when you take a look at who is lining the sides of that street, it is all the bureaucracies here in Washington, and the end result is one of these days we may have to rename it, not Independence Avenue but Dependence Avenue because all of these agencies are fostering local dependence on Washington bureaucracies before they can do anything. That is why parents are frustrated.

This is ironic. Why are parents frustrated? Kids cannot do math so we are going to have 100,000 new tutors. They are going to be administered by an agency that cannot even keep its own books. All parents are frustrated because they want to give their children a chance to receive a quality education and we stand in the way.

We are investing a tremendous amount of money in education. But too often it seems like that money is wasted. It is not getting to our kids and it is going to inefficient systems, so it is wasted. Think of how much money is spent on administrators and education bureaucrats. Think of how little money actually reaches the kids. Like I told you earlier, 60 cents of every dollar gets to our children.

I yield to my colleague from Florida.

Mr. SCARBOROUGH. I do not want to take up too much of the gentleman's time, but I will just briefly say, he talked about Dependence Avenue and the bureaucracy, the Federal bureaucracy on Dependence Avenue, the Department of Education bureaucracy.

I think one of the finest examples of how Americans' dollars, tax dollars, come up to Washington, DC to these huge Federal bureaucracies and do not get back home is the example of the Department of Education who 2 years ago said that they had to cut their budget by $100 billion to keep schools across the country safe from caving in and collapsing. But in that same budget where they cut $100 million from the safe schools part of the program, they added $20 million just to improve their single bureaucracy building on Independence Avenue.

So here we have an example not of robbing Peter to pay Paul, but an example of the Federal bureaucratic machine robbing our children to feed bureaucracy instead of doing what needs to be done in education. I applaud the gentleman for actually having the courage to stand up and say enough is enough to this nonsense, and I thank the gentleman for yielding.

Mr. HOEKSTRA. I thank my colleague from Florida for those comments. That is why parents are frustrated. They want to give their kids a quality education, and at the end of the day they see us taking care of bureaucrats and bureaucrats not taking care of their kids, taking care of Washington but not taking care of Holland, MI. And it is kind of like, well, we never really wanted you to take care of Holland, MI, in the first place, but you took all of our money and you sent it to Washington and now to get it back we need to do what you want us to do and then think of the results.

What is happening? How much money is spent on education? Consider the results. Half of American children cannot read, cannot meet the minimum expectations for math and reading. We spend more money per child than nearly every other industrial country, yet our children simply are not learning the way we would like them to.

Think about this. Why are parents frustrated? Why are parents frustrated? They want to give their kids a quality education. Fewer than half of all dollars spent on public education are spent in the classroom. Fewer than half. Low test scores, frustrated parents, kids who are not learning, plenty of money, fewer than half the dollars are spent in the classroom. They are spent on bureaucrats, on support personnel, on administration buildings, but less than half are spent on children in the classroom.

Parents, local control, that is most important about getting our kids to learn. We must restore the crucial parental role in education. Parents have the right to choose the school that is best for their child. Parents have the right to choose the best school for their child. Parents have the right, not bureaucrats assigning kids. Parents pay for it, it is their tax dollars, it is your tax dollars. Tax dollars should go to the schools of the taxpayers' choice.

Remember, at the end of the day, more does not always equal better. Only in Washington is that accepted, that more equals better. In the rest of America, it is fairly common knowledge that more does not always equal better. It is not how much money is spent, it is how we spend it. When we spend a dollar and only 50 cents goes into the classroom, the answer may not be spending $1.20 to get 60 cents in the classroom. It may be taking a look at the dollar and saying 50 cents of overhead, that may just be too much. Maybe we can take that dollar and maybe we can find another dime for our kids if we take it out of the bureaucracy, maybe if we take it out of the paperwork shuffle between local school districts, State bureaucrats and Washington bureaucrats. Maybe if we take it out of that system, maybe if we simplify it and we make it 200 programs instead of 760 programs, maybe if we make it 2 agencies instead of 39 agencies, maybe we could just find that extra nickel or that extra dime for our kids. It is not how much is spent, it is how we spend it. Today we are spending way too much on the wrong kinds of things. We need to get the money into the classroom.

THE LONG-TERM CAPITAL GAINS SAVINGS ACT

The SPEAKER pro tempore (Mr. Collins). Under a previous order of the House, the gentleman from Texas [Mr. Bentsen] is recognized for 5 minutes.

Mr. BENTSEN. Mr. Speaker, I rise today to introduce legislation, the Long-Term Capital Gains Savings Act, that takes an innovative and I believe economically correct approach to capital gains tax policy. This legislation seeks to reward long-term economically productive investment and encourage Americans to save for the future.

I might also add that I have been one who has voted consistently for a balanced budget and said we should put off tax cuts until we balance the budget. I still think that is a prudent policy, but as we see both the administration and the leadership of the Congress moving in the other direction, I think it is also prudent that we lay out markers of what would be good tax policy.

This legislation is identical to S. 306 introduced by Senator Wendell Ford in the other body and would provide for the maximum capital gains tax rate to be adjusted downward the longer an investment is held by the taxpayer. For every year an asset is held, the tax rate would be reduced by 2 percentage points down to a rate of 14 percent after 8 years or more. The top rate would remain at 28 percent for investments held less than 2 years. I am attaching a chart outlining this sliding scale and will include it for the Record at the conclusion of my remarks.

Mr. Speaker, I also want to point out that this legislation as drafted would apply only to individual taxpayers and not to corporate taxpayers. I believe this is good fiscal and tax policy because it limits the cost of this legislation and targets the tax relief to help middle-income families most in need of this assistance.

For many years we have heard many in business, agriculture, economics, and politics argue that a high capital gains tax rate locks in capital and discourages investment that might otherwise be put to work in more productive investments and thus spur greater economic activity.

While I have questioned whether capital has remained on the sidelines, I do believe that the low differential between marginal income tax rates and the 28 percent capital gains rate along with the effective tax of inflation does lock up capital and discourage some investment, particularly in long-term instruments that might otherwise occur. This legislation is aimed to address such inefficiencies in the current code while not providing a windfall for short-term speculation and adding to the deficit.

First, it will reward individual investors who make economically productive long-term investments rather than short-term speculative ones. I believe someone who holds an investment for a period of time should receive more favorable tax treatment on their gains than someone who turns over assets on a short-term basis. The investment in a fledgling company which takes many years to develop but could become the next Microsoft should receive a more favorable benefit than a gain earned over a 6-month period due to a runup in the capital or credit markets. Further, by racheting the rate downward the longer the holding period, we help offset the inflation penalty which results with a fixed rate. And we avoid the difficulty of indexing against the original basis. This legislation will reward investments in small businesses and agriculture, which require long-term commitment and are our Nation's primary engines of economic growth and job creation. It may also affect long-term interest rates in a positive manner. It will encourage Americans to make the investments necessary to start and expand such businesses.

Second, this legislation will provide incentives for Americans to save for the future and prepare for their retirement. There is widespread agreement among economists that our savings rate is too low, slowing our economy and putting at risk the comfortable retirement Americans desire. This legislation will happy address this need for increased savings and provide a more secure retirement for Americans in the future.

Most importantly, this legislation will achieve these benefits without putting the goal of a balanced budget out of reach. Broader capital gains tax relief would be simply too costly, requiring offsetting revenue increases or budget cuts that are unrealistic and imprudent. If we try to do too much, we will put a realistic balanced budget out of reach, encouraging the use of gimmicks and rosy scenarios. This legislation represents the kind of capital gains tax relief we can afford in the context of balancing the budget.

This legislation takes a responsible, balanced approach that will encourage prudent investment and savings and reward those who invest for the long-term, while still allowing us to balance the Federal budget. I still believe that our first priority must be to balance the Federal budget. However, I am also of the belief that inclusion of a modest, commonsense capital gains tax relief legislation which is fully paid for can and should be part of the balanced budget.

Mr. Speaker, the chart referred to in my remarks is as follows:

Sliding Scale Capital Gains Proposal

	Percent[1]
Assets held for the following period:	
More than 1 year	28
More than 2 years	26
More than 3 years	24
More than 4 years	22
More than 5 years	20
More than 6 years	18
More than 7 years	16
More than 8 years	14

[1] Would be subject to the lower of the current law capital gains rate or the rate listed.

PASSING THE AMERICAN DREAM ON TO OUR CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I came up today to talk about passing the American dream on to our children.

We have heard so much today, and it appears that people have been getting together on the other side of the aisle for some time the past couple of weeks trying to figure out a strategy, where to take their party over the next 2 years. We heard a lot more talk about children. In fact, that is what we heard over the past 2 years, constant references to children, children, children. We have got to help children.

I can tell you as the father of a 9-year-old boy and a 6-year-old boy, I have got to say that our children's future has got to be our top priority. Like my parents, I want to ensure that my children and all children have an opportunity to achieve the American dream, an opportunity. In America we cannot guarantee the outcome, but we are at least responsible in ensuring that all American children have the opportunity to achieve the American dream.

There have been fights over the past two decades, three decades on how we ensure that all American children have the opportunity to achieve the American dream, battles over affirmative action, battles over quotas, battles over other issues. But those have been fights of the past. Unfortunately, the fights that we are going to be waging in the future may be trying to figure out how to make sure that any American children can achieve the American dream.

Because, you see, a fiscal crisis, a financial cloud hovers over this country that is so tremendous, so great, so frightening that all of our children face an economic Armageddon in the next 20 years.

□ 1500

Right now we are $5.6 trillion in debt, and it has gotten so out of hand that few Americans can even begin to fathom what $5.6 trillion means to the next working generation. One way to put it is an illustration, and I heard it earlier today, and I have heard it before and used it before. To try to understand what a trillion dollars is, or $5.6 trillion is, think about this:

If you made $1 million every single day from the day that Jesus Christ was born 2,000 years ago until today, you would not make enough money to pay off our Federal debt, a million dollars every day for 2000 years.

But the news gets worse. If you made $1 million every day from today until the year AD 4000, and added all that money up on top of the million dollars a day that you made over the past 1,000 years, you still would not have enough money over that 4,000-year timeframe making $1 million every day to pay off our Federal debt.

And yet I hear people come up and get behind that microphone and actually have the audacity to tell us how much they love children, when at the same time these are the same people that are opposing our attempts at a balanced budget amendment or a balanced budget that would restore fiscal sanity to the United States of America.

I see some younger people here in the audience, and unfortunately I have some bad news for them. If you think it is going to be bad enough trying to pay off $5.6 trillion, wait until the baby boomers start retiring in the year 2010. Then your chances are completely eviscerated unless the adults in this Chamber start behaving like adults very, very soon.

You see, the Senate had a bipartisan commission put together 3 years ago, headed by a Democrat, Senator KERREY. And you know what they figured out? They figured out that, unless we balance our budget and take control of financial spending in Washington, DC, that the average American—now get this—the average American is going to be paying 89 percent of their income to the Federal Government by the year 2020.

Now, I do not know how many people are planning to be alive in the year 2020, but I know I am planning to be here, and I pray to God that my children will be here. But what is it going to be like if we live in an America where the Federal Government gets $9 of every $10 that we earn?

Mr. Speaker, we are not making this up. This was a bipartisan commission that came to this realization. And every day that we wait, every day that we delay, every day that we steal money from our children's pockets to pay off political promises that we have made to the hacks and cronies that lobby us day in and day out is an opportunity lost. And as this country slouches toward the 21st century, as we slouch toward an economic Armageddon that will crush our children's opportunity to have the same shots at the American dream that we had, we miss an opportunity, and we betray those very children that people that get up behind these podiums claim to be so interested in.

Mr. Speaker, I really do not know how to explain it to my children. I do not know how to explain it to friends' children. I do not know how we are going to do it 30 years from now. They are going to ask us: What did you do when you had an opportunity to actually save America? How did you vote? Did you get on the floor? Did you speak against the travesty when the press was ignoring it? When the media did not want to touch it? When the politicians were afraid to come close to it, what were you doing? And I will have to tell them that, while some of us actually cared enough to stick our necks out on the line and try to make a difference, there are others that simply lacked the moral conviction and the courage and the discipline to do it.

Mr. Speaker, I have got to admit right now that I am somewhat ashamed to be associated with some Members of the U.S. Congress, and it greatly pains me to say that. I have only been up here for a few years. I was a middle-class father of two sitting on the couch back in 1994 when I decided I wanted to get off the couch, I wanted to come to Washington and I wanted to make a difference. Nobody knew who I was. I had never run for political office before. I did not come from a wealthy family. I did not have anybody that would bankroll my campaign. I just had ideas. I wanted to contribute to this country. I wanted to save my children from the future that they appeared to be facing because politicians were stealing money from their pockets and from their generation's pockets to pay off their political friends.

So I got involved, and it was not until I got up to Washington that I understood part of the problem. I understood that not only were there politicians that were opposed to the Federal Government living by the same rules that the middle class, where you only spend as much money as you take in, but that there were actually people in this Chamber who would make one promise while they were campaigning for office and then, when they got to Washington, DC, would do what we call the bait and switch, which for the rest of America is illegal. For the rest of America, if an advertiser does a bait and switch, they get sent to jail.

But in Congress I guess that is OK because there is a Senator back in 1994, who in November 1994 promised that if she got to Washington, DC, again, if she was reelected again, that she would support the balanced budget amendment. Well, she got elected in November 1994, and 6 weeks later she came to Washington, DC.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COLLINS). Would the gentleman suspend? The Chair must remind the Member that he is to refrain from references to Members of the other body and to direct his remarks to the Speaker.

Mr. SCARBOROUGH. Mr. Speaker, I was not making references to any specific Member, and I might use this not to address this Speaker, but I must suggest that I am offended by the continued double standard that appears to be occurring in this Chamber where just 2 hours ago a Republican Member was mentioned by name several times and the Speaker did absolutely nothing —not this Speaker, but another Speaker did absolutely nothing when this speaker was mentioned by name several times. And yet when I mention by reference another Member, then all of a sudden I am called down.

I have seen this occur for 3 years, and I am getting a little tired of it—not from you, sir, but from other people in this Chamber.

The fact of the matter is that another Member's name was mentioned repeatedly by a Democrat. I did not hear a Parliamentarian say anything about it, and I counted seven times while watching on TV. I finally had to call the cloakroom to get something done.

I come here today, and I mentioned somebody in the abstract; nobody would even be able to identify this Member that I brought up. And yet my words are called into question. I am not questioning my colleague. I am just questioning what has been occurring for the past 3 years.

I ask for a little fairness and a little evenhandedness. I will refrain from any more specifics.

But I will say that there have been several Members that have made promises on the campaign trail, have promised their people, looking into their eyes: I will support the balanced budget amendment. And then they get elected, and they break their word, they break their oath, and it has happened up here over the past few years time and time and time again.

Mr. Speaker, I really do not care whether they are Republicans or Democrats, conservatives or liberals, Senators or Congressmen. All I care about is the impact that these broken promises are going to have on my two boys and on the next generation.

I ask the question, is there any shame left in America when people can just talk out of both sides of their mouth, knowing that the end result will be a future economic calamity for America and for America's children? Regretfully, I have got to say that time and time again we have seen it happening, and it has got to stop.

There is a letter that was written to Members of Congress and was written by the Secretary of Agriculture. He wrote in this letter to Members of Congress: "A balanced budget amendment would in all likelihood set up a fierce struggle for limited Federal resources."

Now let us just examine the words limited Federal resources. Do you know how limited the Federal Government's resources are? Does anybody know how much money we give the Federal Government every year? It is $1.7 trillion, and where does that money come from? Well, it comes from middle-class Americans who are now spending 50.2 percent of their work year to pay off taxes, fees, and regulations put on them by the Government. It also comes from businesses, from corporations, from people that are creating jobs. Unfortunately, we take it from the dead, we take it from the productive members of society who actually make a profit and create jobs. But in the end, most regretfully, we take it from our children and our grandchildren, and we steal not only from the living but from the unborn, from future generations.

There is nothing limited about the Federal resources that we have, nothing limited at all as we continue to pay farmers not to plant their crops, as we continue in America to pay people not to work, as we continue to shovel corporate welfare across this Nation and across the globe, as we continue to pay for foreign aid.

Just a couple of days ago, weeks ago, decided that we wanted to get involved in family planning and funding abortions across the globe. Do not tell me that our resources are limited. Our resources are not limited. It is our discipline that is limited.

We do not face a deficiency in the wallet, as George Bush said. He had it backward. We face a deficiency of will. We face a deficiency of discipline. We face a deficiency of honor. And if we do not get a handle on this financial crisis that is robbing from my boys and your children and your grandchildren and future generations, they are the ones who are going to have to pay and they are the ones that are going to ask you 30 years from now: What did you do about it? What difference did you make? And you can make a difference; every Member in this Chamber, Mr. Speaker, can make a difference. But they are going to have to have a little discipline, they are going to have to be a little less selfish.

I asked for leadership from the President of the United States. In 1994 the President opposed our efforts to balance the budget. In 1995 we put the first plan in a generation on this floor and passed it to balance the budget for the first time in a generation.

□ 1515

We had a plan to balance the budget in 5 years and to start paying back future generations from the money we had already stolen from them. Yet it was vetoed. We were called mean-spirited. We had a President who said that he wanted to balance the budget, and yet he opposed the balanced budget amendment. Today we have a President who says he wants to balance the budget, and yet he opposes the balanced budget amendment.

We have a President who says he wants to cut the deficit, and yet we have a President who presented a plan that allows the deficit to go up for 3 more years. Yes, we have a President who says he wants to erase the deficit and make that his top priority. Yet the budget he submitted just this month allows the deficit to go up an additional $40 billion to $50 billion.

Mr. Speaker, it has taken a lot more than a Democratic President and a Democratic Party and ruinous policies by the liberal Democrats over the past 40 years of controlling this Congress to destroy our children's future. They had to have help. All too often some members of the Republican party were all too willing to help.

I am here to say I do not care whose fault it was in the past. I do not care whose fault it is today. I am saying it is time for people on both sides of the aisle to put their children and grandchildren and future generations' children and grandchildren first, and stop worrying about paying off their political buddies, stop worrying about the good old system that has allowed us to accumulate a $5.6 trillion debt, and start worrying about their interests first.

This past week we had a vote that I must admit caused me great concern. It seems that the Secretary of the Treasury may have made a $3 billion miscalculation. That is what at least our leadership told us. They told us that the trust fund was broke because the Secretary of the Treasury made a $3 billion mistake.

Do Members know what? An interesting thing happened. This time when a $3 billion mistake was made, for the first time since I have been here over the past couple of years, we had a choice to make. The choice was do we take the money away from the government to pay for this $3 billion error, or do we take the money out of the American people's pockets?

Unfortunately, we chose to take the money out of the American people's pocket. I voted against it. I think 78 other people voted against it. I can understand some of the leaders' concerns. I can understand that they were promised to have offsets in the future. I can understand their frustration in trying to deal with an administration that says one thing one second and changes the next time, and trying to pin them down.

But I have to tell the Members what I do not understand. I do not understand why anybody in this leadership would decide that they would take money out of the pockets of the American people because of a mistake that the administration made. That is wrong. It goes against what the Republicans stand for. More to the point, it goes against what America stands for. We have got to start showing a little bit of discipline.

Mr. Speaker, I got attacked in my local newspaper. They said that the Congressman voted against a bill that would have brought $4 million to his district, to airports that needed the money. That is great. I am not saying that airports do not need the money. I am not saying that my district is not any more deserving of these funds than anybody else. But what I am asking, Mr. Speaker, is whose money is it we are spending?

We have gone beyond just spending the American people's money. We are spending the next generation's money. They are not able to hold us accountable. Until they are able to hold us accountable, until they are of age to vote, I think we have a responsibility to them to preserve for them the American dream that all of us were promised; promised an opportunity by our Founding Fathers, by Thomas Jefferson, George Washington, James Madison, by these great Founders that believed in America, that the individual had the right, had the opportunity, to pursue the American dream.

That is what my parents taught me. They taught me: Work hard, obey the law, respect authority, I know that is radical these days: Respect authority, and you may have an opportunity to do something with your life. That is what I am trying to pass on to my children.

It is not always easy. My father was laid off for a year, 1½ years, and I remember driving around the southeast as he was looking for gainful employment somewhere where he could support a family of five. It was during a tough recession. It was during the energy crisis in the early 1970's.

But I do not ever remember him being resentful. I don't remember him teaching me: You cannot succeed, it is somebody else's fault. What we need, Joe, is more money from the Federal Government. That is why I am out of a job, it is the Federal Government's fault. Or it is the guy's fault down the street, who is more successful than we are. Resent him. Resent his big house. Resent his nice car. It is not our fault, it is their fault.

That is the ethic we are teaching our children. That is the ethic we are teaching America. It is an ethic that will lead to our destruction. We have got to elect leaders who really do not care whether they get reelected or not. They only care whether their children have the same shot at the American dream that they had. For 35 years we have run up deficits, taken it out of our children's pockets, and basically thrown caution to the wind.

I am telling the Members it is time to stop saying live and let live, eat, drink and be merry, for tomorrow you may die, because tomorrow has come. It has come for our children.

I hope, Mr. Speaker, that in the coming year the adults in this Chamber will begin behaving like adults and will look at their children and grandchildren when they go home on the weekends, and when they are going across the districts holding town meetings they will look into the eyes of those members of the next generation that are going to run this country, and say, yes, I care enough to make a few tough votes that may hurt in the short run, but in the long run, will help us all achieve the American dream.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore [Mr. COLLINS]. The Chair will announce, for the benefit of the body, that clause 1 of rule XIV clearly distinguishes between references in debate to other Members of the House, which are in order if not engaging in personality, and improper references to Members of the Senate, which are not in order as a matter of comity between the houses even though not personally offensive, and must be enforced on the Chair's initiative under that rule.

The Chair believes prior occupants of the Chair have consistently applied this rule.

Does the gentleman have a motion?

Mr. SCARBOROUGH. No, Mr. Speaker, I actually have a question.

Could the Chair read the first part of that again, regarding references to other Members by name?

The SPEAKER pro tempore. Clause 1 of rule XIV clearly distinguishes between references in debate to other Members of the House, which are in order if not engaging in personality.

PARLIAMENTARY INQUIRY

Mr. SCARBOROUGH. Mr. Speaker, parliamentary inquiry. If a statement was made of another Member and used this other Member's name, and made disparaging remarks regarding his views on rape, on murder, on incest, and on other matters, would that fall under that section as a disparaging remark?

The SPEAKER pro tempore. The Chair has clearly stated the rule twice.

Mr. SCARBOROUGH. Mr. Speaker, the Chair has also stated, though, that it has applied it evenhandedly over the past several years. I can tell you just 3 hours ago that rule was not applied evenhandedly.

The SPEAKER pro tempore. The Chair will again remind the Member he has read the rule twice, that there is no prohibition against announcing another Member's name and policies as long as it is not personally offensive to that person, to that Member.

Does the gentleman have a motion?

Mr. SCARBOROUGH. I will make a motion, but I hope in the future that the Chair will be evenhanded toward both sides.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CARSON (at the request of Mr. GEPHARDT) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Mr. PICKETT, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

(The following Members (at the request of Mr. ROGAN) to revise and extend their remarks and include extraneous material:)

Mrs. JOHNSON of Connecticut, for 5 minutes, on March 5.

Mr. RAMSTAD, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. ROGAN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DELAY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. THUNE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. STOKES.
Mr. FATTAH.
Mr. ACKERMAN.
Mr. MENENDEZ.
Mr. RANGEL.
Mrs. MINK of Hawaii.
Mr. SCOTT.
Ms. NORTON.
Mr. TRAFICANT.
Mr. ABERCROMBIE.
Mr. BROWN of California.
Mr. VISCLOSKY.
Mr. DEUTSCH.
Mr. SANDERS.

(The following Members (at the request of Mr. ROGAN) and to include extraneous matter:)

Mr. YOUNG of Alaska.
Mr. YOUNG of Florida in two instances.
Mr. CHABOT.
Mr. BEREUTER.
Mr. CRANE.
Mr. ROGAN.
Mr. GILMAN.

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. GREENWOOD.
Mr. THOMPSON.
Mr. KNOLLENBERG.
Mr. LEWIS of Georgia.
Mrs. MORELLA.
Mrs. MALONEY of New York.

(The following Members (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mr. MILLER of California.
Mr. DUNCAN.
Mrs. KELLY.
Mr. EHRLICH.

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 36. Joint resolution approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

ADJOURNMENT

Mr. SCARBOROUGH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until Monday, March 3, 1997, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1951. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; and Import Regulations (Grapefruit); Relaxation of the Minimum Size Requirements for Red Grapefruit [Docket No. FV 96–905–4 FIR] received February 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1952. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Melons Grown in South Texas; Assessment Rate [Docket No. FV97–979–1 FIR] received February 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1953. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Domestic Dates Produced or Packed in Riverside County, California; Temporary Relaxation of Size Requirements for Deglet Noor Dates [Docket No. FV96–987–3 FR] received February 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1954. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tomatoes Grown in Florida; Partial Exemption from the Handling Regulation for Single Layer and Two Layer Place Packed Tomatoes [Docket No. FV96–966–2 FIR] received February 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1955. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Change in Disease Status of The Netherlands Because of Hog Cholera [Docket No. 97–007–1] received February 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1956. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Benoxacor; Time-Limited Tolerances for Residues [OPP-300449; FRL–5583–4] (RIN: 2070–AB78) received February 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1957. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Glufosinate Ammonium; Tolerances for Residues [PP-5F4578/R2277A; FRL–5590–4] (RIN: 2070–AB78) received January 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1958. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerances [OPP–300454; FRL–5590–8] (RIN: 2070–AC78) received February 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1959. A letter from the Administrator, Rural Utilities Service, transmitting the Service's final rule—Temporary Loan Processing Procedures for Insured Electric Loans [Workplan Number 96–014] received February 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1960. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Army violation, case No. 96–06, which totaled $9,500, occurred at Fort Sill, OK, when personnel obligated fiscal year 1995 Operation and Maintenance, Army [O&M, A] funds in advance of an appropriation, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1961. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Air Force violation, case No. 95–09, which totaled $622,300, occurred when personnel in the 15th Air Base Wing, Hickman Air Force Base, HI, improperly used fiscal year 1992 Operation and Maintenance [O&M, AF] funds for repairs to the Makai Recreation Center, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1962. A letter from the Director, Defense Finance and Accounting Service, Department of Defense, transmitting notification of the Department's intent to conduct a cost comparison study of all DOD depot maintenance accounting functions, pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

1963. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report on assistance to the Red Cross for emergency communications services for members of the Armed Forces and their families, pursuant to 10 U.S.C. 2602 note; to the Committee on National Security.

1964. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled the "Military Construction Authorization Act for Fiscal Year 1998," pursuant to 31 U.S.C. 1110; to the Committee on National Security.

1965. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Israel, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1966. A letter from the Director, Office of Thrift Supervision, transmitting the Office's 1997 compensation plan, pursuant to Public Law 101–73, section 1206 (103 Stat. 523); to the Committee on Banking and Financial Services.

1967. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Maine and Redesignation of Hancock and Waldo Counties; Maine [ME47–1–6996a; FRL-5693–5] received February 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1968. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act (ACT) Approval and Promulgation of State Implementation Plans; Prevention of Significant Deterioration (PSD); Louisiana [FRL–5693–8] received February 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1969. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and

Promulgation of Implementation Plans; State of Missouri [MO-015-1015a; FRL-5682-5] received February 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1970. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Interim Approval of Operating Permits Program; South Coast Air Quality Management District, California [AD-FRL-5691-3] received February 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1971. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emissions Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage I) [AD-FRL-5695-9] (RIN: 2060-AD93) received February 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1972. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Farmersville, Blue Ridge, Bridgeport, Eastland, Flower Mound, Greenville, Henderson, Jacksboro, Mineola, Mt. Enterprise, Sherman, and Tatum, Texas; and Ada, Ardmore, and Comanche, Oklahoma) [MM Docket No. 96-10, RM-8738, RM-8799, RM-8800, RM-8801] received February 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1973. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Streamlining the Commission's Rules and Regulations for Satellite Application and Licensing Procedures [IB Docket No. 95-117] received February 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1974. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 36 of the Commission's Rules and Establishment of a Joint Board [CC Docket No. 80-286] received February 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1975. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—The Use of N11 Codes and Other Abbreviated Dialing Arrangements [CC Docket No. 92-105] received February 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1976. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption; Sulphopropyl Cellulose [Docket No. 96F-0184] received February 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1977. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's 1996 report of the Advisory Committee on Reactor Safeguards on the U.S. Nuclear Regulatory Commission's Safety Research Program, pursuant to 42 U.S.C. 2039; to the Committee on Commerce.

1978. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with France and Germany (Transmittal No. DTC-68-96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1979. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC-65-96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1980. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 44th report on the extent and disposition of U.S. contributions to international organizations for fiscal year 1995, pursuant to 22 U.S.C. 262a; to the Committee on International Relations.

1981. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports to Cuba; Support for the Cuban People (Bureau of Export Administration) [15 CFR Part 746] (RIN: 0694-AB43) received February 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1982. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11-529, "Washington Convention Center Authority Act of 1994 Time Extension Temporary Amendment Act of 1997" received February 26, 1997, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1983. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11-531, "Supplemental Security Income Payment Temporary Amendment Act of 1997" received February 26, 1997, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1984. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11-527, "Natural and Artificial Gas Gross Receipts Tax Temporary Amendment Act of 1997" received February 26, 1997, pursuant to D.C. Code, section 1-233 (c)(1); to the Committee on Government Reform and Oversight.

1985. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11-532, "Cooperative Association Temporary Amendment Act of 1997" received February 26, 1997, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1986. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11-528, "Washington Metropolitan Area Transit Authority Safety Regulation Temporary Act of 1997" received February 26, 1997, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1987. A letter from the Chairman Pro Tempore, Council of the District of Columbia, transmitting a copy of D.C. Act 11-530, "Designation of Excepted Services Positions Temporary Amendment Act of 1997" received February 26, 1997, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1988. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review and Analysis of the Fiscal Year 1997 Budget for the Office of Banking and Financial Institutions," pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

1989. A letter from the Chairman, Armed Forces Retirement Home Board, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1990. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

1991. A letter from the Acting Director, Executive Office of the President, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

1992. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 1996, through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1993. A letter from the Director, U.S. Information Agency, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

1994. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Mining Claims Under the General Mining Laws; Surface Management (Bureau of Land Management) [WO-660-4120-02-24 1A] (RIN: 1004-AC40) received February 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1995. A letter from the Chairman, Migratory Bird Conservation Commission, transmitting the annual report of activities for the fiscal year ended September 30, 1996, pursuant to 16 U.S.C. 715b; to the Committee on Resources.

1996. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Inshore Component Pollock in the Bering Sea Sub area [Docket No. 961107312-7012-02; I.D. 021897C] received February 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1997. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act; Public Comments on Fishery Management Plans and Regulations [Docket No. 970130016-7016-01; I.D. 012797F] (RIN: 0648-xx80) received February 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1998. A letter from the Acting Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries in the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Halibut Quota Share Use Limits in Area 4 [Docket No. 961121323-7027-02; I.D. 111396C] (RIN: 0648-AJ05) received February 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1999. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Framework 21 to the Northeast Multispecies Fishery Management Plan [Docket No. 970211028–7028–01; I.D. 012397A] (RIN: 0648–AJ34) received February 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2000. A letter from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Interim Closure of Flatfish Fisheries in Statistical Area 516 of the Bering Sea and Aleutian Islands Management Area [Docket No. 961107312–7021–02; I.D. 021397A] received February 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2001. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 1997 Harvest Specifications for Groundfish [Docket No. 961126334–7025–02; I.D. 111296A] (RIN: 0648–XX74) received February 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2002. A letter from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component Pollock in the Bering Sea Subarea [Docket No. 961107312–7021–02; I.D. 021997A] received February 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2003. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands; Final 1997 Harvest Specifications for Groundfish [Docket No. 961107312–7021–02; I.D. 102296B] (RIN: 0648–XX69 received February 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2004. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Exemption of Freight Forwarders in the Noncontiguous Domestic Trade from Rate Reasonableness and Tariff Filing Requirements [STB Ex. Parte No. 598] received February 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2005. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter 05–97—received February 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2006. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issuance Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 97–10] received February 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2007. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Timely Mailing Treated as Timely Filing [Rev. Proc. 97–19] received February 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. YOUNG of Alaska (for himself, Mr. GINGRICH, Mr. ROMERO-BARCELO, Mr. GALLEGLY, Mr. BURTON of Indiana, Mr. SERRANO, Mr. KENNEDY of Rhode Island, Mr. CALVERT, Mr. GILMAN, Mr. RAHALL, Mr. TAUZIN, Mr. GREEN, Mr. MCCOLLUM, Mr. DEUTSCH, Mr. POMBO, Mr. PAYNE, Mr. GILCHREST, Mr. JONES, Mr. STUMP, Mr. SAWYER, Mr. FAZIO of California, Mr. SKEEN, Mr. DOOLEY of California, Mr. KILDEE, Ms. NORTON, Mr. UNDERWOOD, Mr. KLINK, Mr. HINCHEY, Mr. FARR of California, Mr. WYNN, Mr. DAVIS of Virginia, Mr. HALL of Ohio, Ms. JACKSON-LEE, Mr. DEFAZIO, Mrs. MEEK of Florida, Mr. KUCINICH, Mr. BARCIA of Michigan, Mr. PASTOR, Mr. TORRES, Mr. PALLONE, Mr. PASCRELL, Mr. LEWIS of Georgia, Ms. PELOSI, Ms. CHRISTIAN-GREEN, Mr. VENTO, Mrs. MINK of Hawaii, Mr. PICKETT, Mr. KIM, Mr. ROTHMAN, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. THOMPSON, Mr. HINOJOSA, Mr. ACKERMAN, Mr. OXLEY, Mr. HASTINGS of Florida, Mr. TIERNEY, Mr. ABERCROMBIE, Mr. BISHOP, Mr. SAXTON, Mr. MILLER of California, Mr. ADAM SMITH of Washington, Mr. ENGEL, Mr. JOHN, Mr. DELAY, Ms. SLAUGHTER, and Ms. SANCHEZ):

H.R. 856. A bill to provide a process leading to full self-government for Puerto Rico; to the Committee on Resources, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUMANN (for himself, Mr. MCINTOSH, Mr. SOUDER, Mr. METCALF, Mr. BARTON of Texas, Mr. BASS, Mr. BONO, Mr. BRYANT, Mr. BURR of North Carolina, Mr. CAMPBELL, Mr. CHABOT, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. COBURN, Mrs. CUBIN, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. FOLEY, Mr. FORBES, Mr. GRAHAM, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. LAHOOD, Mr. LATOURETTE, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. PETRI, Mr. RADANOVICH, Mr. RIGGS, Mr. ROHRABACHER, Mr. ROYCE, Mr. SALMON, Mr. SCARBOROUGH, Mr. SHADEGG, Mr. SMITH of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SMITH of Michigan, Mr. STEARNS, Mr. THORNBERRY, Mr. TIAHRT, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELLER, Mr. WHITE, Mr. GOODE, Mr. PAUL, and Mr. GIBBONS):

H.R. 857. A bill to amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. FAZIO of California, Mr. SMITH of Oregon, and Mr. FALEOMAVAEGA):

H.R. 858. A bill to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG:

H.R. 859. A bill to amend the Energy Policy and Conservation Act to eliminate certain regulation of plumbing supplies; to the Committee on Commerce.

By Mrs. MORELLA (for herself and Mr. BROWN of California):

H.R. 860. A bill to authorize appropriations to the Department of Transportation for surface transportation research and development, and for other purposes; to the Committee on Science.

By Mr. MORAN of Kansas:

H.R. 861. A bill to authorize a farmer or rancher whose bid for reenrollment of land into the conservation reserve is rejected to unilaterally extend the contract for a final year; to the Committee on Agriculture.

By Mr. BENTSEN:

H.R. 862: A bill to amend the Internal Revenue Code of 1986 to provide a decrease in the maximum rate of tax on capital gains which is based on the length of time the taxpayer held the capital asset; to the Committee on Ways and Means.

By Mr. BLAGOJEVICH:

H.R. 863. A bill to establish or expand existing community prosecution program; to the Committee on the Judiciary.

By Mr. BROWN of California (for himself, Mr. WATTS of Oklahoma, Mr. MALONEY of Connecticut, Ms. NORTON, Mr. FROST, Ms. JACKSON-LEE, Mr. FATTAH, Mr. SANDERS, Mr. FILNER, Mr. CONYERS, Mr. BERMAN, Mr. FOGLIETTA, Mr. DELLUMS, and Ms. SLAUGHTER):

H.R. 864. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the birth of Marian Anderson, to redesign the half dollar circulating coin for 1997 to commemorate Marian Anderson, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BRYANT (for himself and Mr. TANNER):

H.R. 865. A bill to provide that Kentucky may not tax compensation paid to a resident of Tennessee for services as a Federal employee at Fort Campbell, KY; to the Committee on the Judiciary.

By Mr. CAMP:

H.R. 866. A bill to provide that Members of the House of Representatives may return unused amounts from the Members' representational allowance to the Treasury for deficit reduction; to the Committee on House Oversight.

By Mr. CAMP (for himself, Mrs. KENNELLY of Connecticut, and Mr. SHAW):

H.R. 867. A bill to promote the adoption of children in foster care; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 868. A bill to amend title XVIII and title XIX of the Social Security Act to prohibit expenditures under the Medicare Program and Federal financial participation under the Medicaid Program for assisted suicide, euthanasia, or mercy killing, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX of California:

H.R. 869. A bill to require a parent who is delinquent in child support to include his unpaid obligation in gross income, and to allow custodial parents a bad debt deduction for unpaid child support payments; to the Committee on Ways and Means.

By Mr. FARR of California:

H.R. 870. A bill to authorize the Secretary of the Interior to enter into contracts to assist the Pajaro Valley Water Management Plan Agency, CA, to implement a basin management plan for the elimination of ground water overdraft and seawater intrusion, and for other purposes; to the Committee on Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. LIPINSKI, Ms. JACKSON-LEE, Mr. CONYERS, Ms. NORTON, Mr. LAFALCE, Mr. OBERSTAR, Ms. BROWN of Florida, Mr. JEFFERSON, Mr. FROST, Ms. PELOSI, Mr. DEFAZIO, and Ms. SLAUGHTER):

H.R. 871. A bill to provide rental assistance under section 8 of the United States Housing Act of 1937 for victims of domestic violence to enable such victims to relocate; to the Committee on Banking and Financial Services.

By Mr. GEKAS (for himself, Mr. BILBRAY, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BUYER, Mr. CUNNINGHAM, Ms. DUNN, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Mr. GALLEGLY, Mr. GREENWOOD, Mr. GUTKNECHT, Mr. HASTERT, Mr. HAYWORTH, Mrs. KELLY, Mr. KIND of Wisconsin, Mr. LUTHER, Mr. MCCOLLUM, Mr. MCINTOSH, Mr. PASTOR, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. SABO, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. STUMP, and Mr. VENTO):

H.R. 872. A bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD (for himself and Mr. KLINK):

H.R. 873. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to limit Federal authority for response action for releases subject to State voluntary response programs, to provide protection for prospective purchasers of land, and for innocent landowners, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington (for himself, Mrs. SMITH of Washington, Mr. NETHERCUTT, Ms. DUNN, Mr. MCDERMOTT, Mr. METCALF, Mr. SMITH of Washington, Mr. DICKS, Mr. WHITE, and Mr. TRAFICANT):

H.R. 874. A bill to provide that Oregon may not tax compensation paid to a resident of Washington for services as a Federal employee at a Federal hydroelectric facility located on the Columbia River; to the Committee on the Judiciary.

By Mr. HYDE (for himself and Mr. CONYERS):

H.R. 875. A bill to adjust, and provide a procedure for the future adjustment of, the salaries of Federal judges; to the Committee on the Judiciary.

By Mrs. KELLY (for herself, Mr. BACHUS, Mr. BENTSEN, Mr. BURTON of Indiana, Mr. CHABOT, Mr. DUNCAN, Mr. FATTAH, Mr. FILNER, Mr. GOODLING, Mr. SAM JOHNSON, Mr. LINDER, Mr. MCHUGH, Mr. MANZULLO, Mr. METCALF, Mr. MINGE, Ms. MOLINARI, Mrs. MYRICK, Mr. NORWOOD, Mr. PITTS, Ms. PRYCE of Ohio, Mr. RIGGS, Ms. RIVERS, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SENSENBRENNER, Mr. SKEEN, Mr. SMITH of Michigan, Mr. THORNBERRY, and Ms. WOOLSEY):

H.R. 876. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals to 100 percent of such costs; to the Committee on Ways and Means.

By Mr. KLUG (for himself, Mr. MCCOLLUM, Mr. SAXTON, Mr. MCINTOSH, Mr. KLECZKA, Mr. SANDERS, Mr. UNDERWOOD, Mr. KIND of Wisconsin, Mr. ANDREWS, Mr. CANADY of Florida, Mr. WATTS of Oklahoma, Mr. ENGLISH of Pennsylvania, Mr. FOGLIETTA, Mr. WHITFIELD, Mr. TIAHRT, Mr. NEY, Ms. SLAUGHTER, Ms. DELAURO, and Mr. HINOJOSA):

H.R. 877. A bill to amend the Higher Education Act of 1965 to prevent students called to active duty from entering repayment on student loans; to the Committee on Education and the Workforce.

By Mr. LEWIS of Georgia (for himself, Mr. BLUMENAUER, Mr. FOX of Pennsylvania, Mr. SERRANO, Mr. MATSUI, Mr. CUMMINGS, Mr. GUTIERREZ, Mr. MCDERMOTT, Ms. NORTON, Mr. MCGOVERN, Mr. DELLUMS, Ms. ESHOO, Mr. BONIOR, Ms. JACKSON-LEE, Mr. BORSKI, Mr. OLVER, Mr. OBERSTAR, Mr. PASTOR, and Mr. JACKSON):

H.R. 878. A bill to amend the Internal Revenue Code of 1986 to increase the amount of employer-provided transit passes excludable from income and require a cash-out option to excludable parking fringe benefits, and for other purposes; to the Committee on Ways and Means.

By Ms. LOFGREN (for herself, Mr. CONYERS, Mr. BERMAN, Mr. DELAHUNT, Mr. FROST, Ms. SANCHEZ, Mr. KIND of Wisconsin, Ms. CHRISTIAN-GREEN, and Mr. SCOTT):

H.R. 879. A bill to require initial intake screenings and the use of youth development specialists in Federal juvenile proceedings, and to encourage States and local governments to use similar procedures; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. BROWN of Ohio, Mr. DINGELL, Mr. HOEKSTRA, Mr. KNOLLENBERG, Mr. KILDEE, Mr. HEFLEY, Mr. RIGGS, Mr. TRAFICANT, Mr. SAWYER, Mr. SOUDER, Mr. CANADY of Florida, Mr. BARCIA of Michigan, Mr. MCINTOSH, Mr. SHADEGG, Mr. CAMP, and Mr. LEVIN):

H.R. 880. A bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law; to the Committee on Commerce.

By Mrs. LOWEY (for herself and Ms. SLAUGHTER):

H.R. 881. A bill to establish a medical education trust fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of California (for himself, Ms. PELOSI, Mr. FILNER, Ms. ESHOO, Ms. WOOLSEY, Mr. DELLUMS, Mr. STARK, and Mrs. TAUSCHER):

H.R. 882. A bill to reduce the risk of oil pollution and improve the safety of navigation in San Francisco Bay by removing hazards to navigation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MORAN of Virginia (for himself, Mr. DAVIS of Virginia, Mr. FRANK of Massachusetts, Mr. GEJDENSON, and Mr. SERRANO):

H.R. 883. A bill to amend the Truth in Lending Act to simplify credit card payments to governments; to the Committee on the Judiciary.

By Mrs. MORELLA (for herself, Mr. SERRANO, and Mr. GANSKE):

H.R. 884. A bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence; to the Committee on Commerce.

By Ms. NORTON (for herself and Mrs. MORELLA):

H.R. 885. A bill to prohibit any executive branch agency from entering into any service contract if the services procured under the contract can be performed at a lower cost by employees of the agency; to the Committee on Government Reform and Oversight.

By Ms. NORTON:

H.R. 886. A bill to provide for funding for Federal employee pay adjustments and comparability payments through reductions in agency spending on service contracts for fiscal year 1996; to the Committee on Government Reform and Oversight.

By Ms. NORTON (for herself and Mrs. MORELLA):

H.R. 887. A bill to require the Director of the Office of Management and Budget to develop and implement a system for determining and reporting the number of individuals employed by non-Federal Government entities providing services under contracts awarded by executive branch agencies; to the Committee on Government Reform and Oversight.

H.R. 888. A bill to amend the Omnibus Consolidated Appropriations Act, for fiscal year 1997, to prohibit the contracting out of certain duties; to the Committee on Government Reform and Oversight.

By Ms. NORTON:

H.R. 889. A bill to repeal various congressionally imposed tax exemptions provided to entities in the District of Columbia, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. PORTER (for himself, Mr. Towns, Mr. Hinchey, Mr. Pallone, Mr. Engel, Ms. Lofgren, Mr. Underwood, Mr. Lipinski, Ms. Pelosi, Mr. Dickey, Mr. Horn, Mr. Wolf, Mr. Solomon, Mr. Miller of Florida, Mr. Evans, Mr. Dreier, Mr. Faleomavaega, Ms. Norton, Mr. Gilman, Mrs. Morella, and Mr. Wicker):

H.R. 890. A bill to provide for special immigrant status for certain aliens working as journalists in Hong Kong; to the Committee on the Judiciary.

By Mr. SAXTON (for himself, Mr. DeLay, Mr. Stump, Mr. Miller of Florida, Mr. Armey, Mr. Chabot, and Mr. Smith of New Jersey):

H.R. 891. A bill to amend the Internal Revenue Code of 1986 to increase the maximum amount of contributions to individual retirement accounts and the amounts of adjusted gross income at which the IRA deduction phases out for active participants in pension plans, and to allow penalty-free distributions from individual retirement accounts and 401(k) plans for certain purposes; to the Committee on Ways and Means.

By Mr. THOMPSON:

H.R. 892. A bill to redesignate the Federal building located at 223 Sharkey Street in Clarksdale, MS, as the "Aaron Henry United States Post Office"; to the Committee on Government Reform and Oversight.

By Mr. TOWNS (for himself and Mrs. Johnson of Connecticut):

H.R. 893. A bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 894. A bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 895. A bill to amend section 106 of the Housing and Urban Development Act of 1968 to improve the housing and counseling program of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 896. A bill to amend section 108(q)(4) of the Housing and Community Development Act of 1974 to promote regional cooperation in proposed plans for economic development grants; to the Committee on Banking and Financial Services.

H.R. 897. A bill to require the Administrator of the National Aeronautics and Space Administration, in meeting the needs of the National Aeronautics and Space Administration for additional facilities, to select abandoned and underutilized facilities in depressed communities; to the Committee on Science.

By Mr. VISCLOSKY (for himself and Mr. Stenholm):

H.R. 898. A bill to achieve a balanced Federal budget by fiscal year 2002 and each year thereafter, achieve significant deficit reduction in fiscal year 1998 and each year through 2002, establish a Board of Estimates, require the President's budget and the congressional budget process to meet specified deficit reduction and balance requirements, enforce those requirements through a multiyear congressional budget process and, if necessary, sequestration, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY:

H.R. 899. A bill to provide funds for child care for low-income working families, and for other purposes; to the Committee on Education and the Workforce.

By Mr. VENTO (for himself, Mr. Hinchey, Mr. Yates, Mrs. Maloney of New York, Mr. Gutierrez, Mr. Sanders, Mr. McDermott, Mr. Lantos, Mrs. Meek of Florida, Mrs. Mink of Hawaii, Mr. Torres, Mr. Traficant, Ms. Woolsey, Mr. Kildee, Mr. Pastor, Mr. Conyers, Mr. Deutsch, Mr. Borski, Mr. Clay, Ms. Rivers, Mrs. Kennelly of Connecticut, Mr. Meehan, Mr. Kennedy of Rhode Island, Mr. Dellums, Mr. Ramstad, Mr. Oberstar, Mr. Minge, Mr. Fattah, Mr. Evans, Mr. Fazio of California, Ms. Pelosi, Mr. Bonior, Mr. Waxman, Mr. DeFazio, Mr. Sabo, Mrs. Morella, Mr. Holden, Mr. Skaggs, Ms. Lofgren, Ms. DeLauro, Mr. Nadler, Mr. Shays, Mr. Flake, Mr. Gonzalez, Mrs. Lowey, Mr. Gejdenson, Ms. Furse, Mr. Markey, Mr. Filner, Mr. Owens, Mr. Andrews, Mr. Romero-Barcelo, Mr. Cardin, Mr. McHale, Mr. Brown of California, Mr. Boucher, Mr. Maloney of Connecticut, Mr. Moran of Virginia, Mr. Hall of Ohio, Mr. Engel, Mr. Olver, Mr. Stark, Mr. Serrano, Ms. McKinney, Mr. Kennedy of Massachusetts, Mr. Neal of Massachusetts, Mr. Payne, Mrs. Tauscher, Ms. Slaughter, Mr. Farr of California, Mr. Matsui, Ms. DeGette, and Mr. Berman):

H.R. 900. A bill to designate certain lands in Alaska as wilderness; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself, Mr. Condit, Mr. Solomon, Mr. Pickett, Mr. Coburn, Mr. Traficant, Mr. Pombo, Mr. Stenholm, Mr. Hilleary, Ms. Danner, Mrs. Chenoweth, Mr. Ortiz, Mrs. Cubin, Mr. Peterson of Minnesota, Mr. Hastings of Washington, Mr. Nethercutt, Ms. Dunn of Washington, Mr. Hostettler, Mr. Herger, Mr. Stump, Mr. Bono, Mr. Smith of Oregon, Mr. Taylor of North Carolina, Mr. Doolittle, Mr. Dickey, Mr. Duncan, Mr. Norwood, Mr. Hayworth, Mr. McIntosh, Mr. Cunningham, Mr. Barr of Georgia, Mr. Skeen, Mr. Weldon of Florida, Mr. Canady of Florida, Mr. Combest, Mr. Sensenbrenner, Mr. Bachus, Mr. Lewis of California, Mr. McKeon, Mr. Gekas, Mrs. Linda Smith of Washington, Mr. Collins, Mr. Stearns, Mr. Largent, Mr. Miller of Florida, Mr. Hutchinson, Mr. Kim, Mr. Calvert, Mr. Knollenberg, Mr. Gillmor, Mr. Metcalf, Mr. Tauzin, Mr. Talent, Mr. Crane, Mr. Bryant, Mr. Archer, Mr. Bilbray, Mr. Bliley, Mr. Hill, Mrs. Emerson, Mr. Radanovich, Mr. Goodlatte, Mr. Gibbons, Mr. Manzullo, Mr. Spence, Mr. Bartlett of Maryland, and Mr. Hulshof):

H.R. 901. A bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands; to the Committee on Resources.

By Mr. LEWIS of Georgia (for himself, Mr. Hastings of Florida, Mrs. Meek of Florida, Mr. Watts of Oklahoma, Mr. Scott, Mr. Dellums, Mr. Frost, Mr. Filner, Ms. McKinney, Mr. Faleomavaega, Mr. Dixon, Ms. Norton, Mr. Barrett of Wisconsin, Mr. Evans, Mr. Green, Mr. Bonior, Mrs. Maloney of New York, Mr. Towns, Ms. Christian-Green, Mr. Moran of Virginia, Ms. Lofgren, Ms. Jackson-Lee, Mr. Ackerman, Mr. Hinchey, Mr. Foglietta, Mr. Walsh, Mr. Bishop, Mr. Wynn, Mr. Lipinski, Mr. Rush, and Mr. Jefferson):

H.J. Res. 57. Joint resolution to authorize the Ralph David Abernathy Memorial Foundation to establish a memorial in the District of Columbia or its environs; to the Committee on Resources.

By Mr. FATTAH (for himself, Mr. Conyers, Mrs. Maloney of New York, Mr. Neal of Massachusetts, Mr. Watts of Oklahoma, Mr. Brown of California, Mr. Cramer, Mrs. Meek of Florida, Mr. Berman, Mr. Frost, Mr. McGovern, Mr. Lewis of Georgia, Mr. Dellums, Ms. Norton, Ms. Eddie Bernice Johnson of Texas, Mr. Hinchey, Ms. Jackson-Lee, Mr. Evans, Mr. Owens, Mr. Towns, Mr. Coyne, Mr. Payne, Mr. Gutierrez, Mr. Scott, Ms. Waters, Mr. Davis of Illinois, Mr. Kildee, Mr. Dixon, Mr. Wynn, Mr. Rush, Mr. Gonzalez, Mr. Clement, Mr. Shays, Mr. Bonior, Mr. Jackson, Mr. Underwood, Mr. Cummings, Mr. Foglietta, Mr. Miller of California, Mr. Rangel, Mr. Filner, Ms. Christian-Green, Mr. Stokes, Mr. Hastings of Florida, Mr. Serrano, Mr. Clyburn, Mr. Jefferson, Ms. Slaughter, and Ms. McKinney):

H. Con. Res. 27. Concurrent resolution recognizing the importance of African-American music to global culture and calling on the people of the United States to study, reflect on, and celebrate African-American music; to the Committee on Education and the Workforce.

By Mr. CRANE (for himself, Mr. Bartlett of Maryland, and Mr. Wicker):

H. Con. Res. 28. Concurrent resolution expressing the sense of the Congress with respect to the right of all Americans to keep and bear arms in defense of life or liberty and in the pursuit of all other legitimate endeavors; to the Committee on the Judiciary.

By Mr. SANDERS (for himself and Mrs. Morella):

H. Con. Res. 29. Concurrent resolution expressing the sense of the Congress that a national summit of sports, political, community, and media leaders should be promptly convened to develop a multifaceted action plan to deter acts of violence, especially domestic violence and sexual assault; to the Committee on Education and the Workforce.

By Mr. SCHUMER (for himself, Mrs. Lowey, Mr. Yates, Mr. Foley, Mr. Waxman, Mr. Owens, Mr. Filner, Mr. Gejdenson, Mr. Lewis of Georgia, Mr. Deutsch, Mr. Ackerman, Mr. Gilman, Mr. Engel, Mr. Manton, and Mr. Frank of Massachusetts):

H. Con. Res. 30. Concurrent resolution to commend the National Broadcast Co., and the Ford Motor Co., for broadcasting the film "Schindler's List" in its original, unedited version and without commercial interruption; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 34: Mr. Sensenbrenner, Mr. Horn, and Mr. Thomas.

H.R. 81: Mr. Burton of Indiana.

H.R. 85: Ms. Norton, Mrs. Morella, Mr. Ackerman, Mr. Sabo, and Ms. Jackson-Lee.

H.R. 87: Mr. Coburn.

H.R. 127: Mr. Adam Smith of Washington, Mr. Moran of Virginia, and Mr. Menendez.

H.R. 143: Mr. Lewis of Georgia, Mr. Sessions, Mr. Frank of Massachusetts, Mrs. Kennelly of Connecticut, Ms. Christian-Green, and Ms. Lofgren.

H.R. 145: Mr. Doyle, Mr. Dellums, and Ms. Slaughter.

H.R. 148: Ms. Slaughter.

H.R. 200: Mr. Pallone, Mr. Foley, Mr. Boucher, Mr. Packard, and Mr. Horn.

H.R. 203: Mr. Blumenauer.

H.R. 213: Mr. Owens and Mr. Bonior.

H.R. 218: Mr. Young of Alaska, Mr. LaTourette, Mr. Hayworth, and Mrs. Emerson.

H.R. 231: Mrs. Thurman.

H.R. 281: Mrs. Maloney of New York.

H.R. 290: Mr. Rush, Mr. Lewis of Georgia, Mr. Deutsch, and Mr. Evans.

H.R. 291: Ms. Furse and Mr. Rush.

H.R. 305: Mr. Abercrombie, Mr. Deutsch, Mr. Hobson, Mr. Wynn, and Mr. Kleczka.

H.R. 312: Mr. Coburn and Mr. Lucas of Oklahoma.

H.R. 339: Mr. McIntosh, Mr. Young of Alaska, Mr. Murtha, and Mr. Hall of Texas.

H.R. 367: Mr. McKeon.

H.R. 386: Mr. LaTourette.

H.R. 399: Mr. Rush and Mr. Martinez.

H.R. 407: Ms. Molinari, Ms. Norton, Mr. Ackerman, Mr. Lewis of California, Ms. Slaughter, Mr. LoBiondo, Mr. Klug, and Mr. McGovern.

H.R. 426: Mr. Rogers, Mr. Snowbarger, and Mr. Gallegly.

H.R. 446: Mr. Hastings of Washington, Mr. Leach, Mr. Dickey, Mr. Talent, Mr. Knollenberg, Mr. Hall of Texas, Mr. Deal of Georgia, Mr. Delahunt, Mr. Hefner, and Mr. Chabot.

H.R. 450: Mr. Kleczka.

H.R. 466: Mr. Jackson, Mr. Hinchey, Mr. Jones, Mrs. Carson, Mr. Hall of Ohio, Mr. Capps, Mr. Tierney, Mr. Romero-Barcelo, and Mr. Canady of Florida.

H.R. 481: Mr. Dellums and Mr. Klink.

H.R. 482: Mr. Hinchey, Mr. Moran of Virginia, Mr. Ackerman, Mr. English of Pennsylvania, Mr. Largent, Mrs. Johnson of Connecticut, and Mrs. Kelly.

H.R. 498: Mr. Ney.

H.R. 528: Mr. Rogan and Ms. Jackson-Lee.

H.R. 539: Mr. English of Pennsylvania.

H.R. 553: Mr. Conyers, Mr. Frost, Mr. Rush, Mr. Gejdenson, Mr. Sawyer, Mr. Wynn, and Ms. Slaughter.

H.R. 563: Mr. Doyle, Mr. English of Pennsylvania, Mr. Brown of Ohio, Mr. Gibbons, Mr. Ney, Mr. Herger, Mr. Frost, Mr. Filner, Mr. Evans, Mr. Borski, Mr. Lipinski, and Mr. Ackerman.

H.R. 566: Mr. Foglietta.

H.R. 574: Mr. Owens, Ms. Woolsey, and Mr. Davis of Illinois.

H.R. 586: Mr. Berman, Mr. Deal of Georgia, Mr. Ewing, Mr. Foley, Mr. Kasich, Mr. McCollum, Mr. McIntosh, Mr. Minge, Mrs. Morella, Mr. Neumann, and Mr. Turner.

H.R. 588: Mr. Talent, Mr. Wise, and Mr. Farr of California.

H.R. 589: Mr. Inglis of South Carolina, Mr. Crane, Mr. Radanovich, and Mr. Weldon of Pennsylvania.

H.R. 607: Mr. Frank of Massachusetts, Mr. Rush, Mr. Dellums, Mr. Cook, Mr. Faleomavaega, Mr. Stump, Mr. Sisisky, and Mr. Gilman.

H.R. 611: Mr. DeFazio, Mr. Frank of Massachusetts, Mr. Farr of California, Mr. Ackerman, Mr. Sabo, Ms. DeLauro, Mr. Forbes, Ms. Lofgren, Mr. McNulty, Mr. Nadler, Mr. Brown of Ohio, Mr. Payne, Mr. Quinn, Mr. Ramstad, Ms. Eshoo, Mr. Moakley, Mr. Kildee, Mr. McGovern, Mr. Fawell, Ms. Woolsey, and Mr. LaTourette.

H.R. 615: Mr. Adam Smith of Washington, Mr. Tierney, Mr. Towns, Mr. Martinez, Mr. Ford, and Mr. Ackerman.

H.R. 619: Mr. Abercrombie, Mr. Waxman, Mr. Lipinski, Mr. DeFazio, Mr. Gilchrest, Mr. Thompson, Mr. Vento, Mr. Wexler, Mr. Gallegly, Mrs. Lowey, Ms. Jackson-Lee, and Mr. Foglietta.

H.R. 630: Mr. Royce.

H.R. 638: Mr. Canady of Florida, Ms. Norton, Mr. Bateman, and Mr. Stearns.

H.R. 640: Mr. Burr of North Carolina.

H.R. 674: Mr. Chambliss, Ms. Granger, Mr. McCrery, Mr. Deutsch, Mr. Lampson, and Mr. Foley.

H.R. 680: Mr. Dellums.

H.R. 684: Mr. Moran of Virginia.

H.R. 702: Mr. Gekas.

H.R. 709: Mr. Young of Alaska.

H.R. 716: Mr. Ney and Mr. Largent.

H.R. 751: Mr. Romero-Barceló, Mr. Skaggs, and Ms. Slaughter.

H.R. 753: Mr. Dicks, Mr. Frank of Massachusetts, Mr. Thompson, Mr. Pomeroy, Ms. Jackson-Lee, Ms. Norton, Mr. Sanders, and Mr. McGovern.

H.R. 755: Mr. Young of Alaska, Mr. Clement, and Mr. Leach.

H.R. 786: Mr. Jenkins, Mr. Hilleary, Mr. Gordon, Mrs. Thurman, and Mr. Spratt.

H.R. 789: Mr. Barrett of Nebraska.

H.R. 791: Mr. Minge.

H.R. 823: Mr. Scarborough and Mr. Rohrabacher.

H.J. Res. 17: Mr. Sanders and Mrs. Maloney of New York.

H.J. Res. 54: Mr. Cooksey, Mrs. Johnson of Connecticut, and Mr. Peterson of Pennsylvania.

H. Con. Res. 4: Mr. Rush, Ms. Velazquez, and Mr. Pastor.

H. Con. Res. 6: Mr. Royce.

H. Con. Res. 13: Mr. Hinchey, Mr. Martinez, Mr. Flake, Mr. Young of Alaska, Mr. Bonior, Mr. Foley, Mr. Abercrombie, Ms. Slaughter, Mr. LoBiondo, Mr. McHugh, and Mr. Greenwood.

H. Con. Res. 23: Mr. Yates, Mr. Minge, Mr. Petri, Ms. Rivers, Mr. Brown of California, Ms. Lofgren, and Mr. Dingell.

H. Res. 16: Mr. LaHood.

H. Res. 22: Mr. Gephardt and Mr. Shays.

H. Res. 37: Mr. Snyder and Mr. Boehlert.

H. Res. 45: Ms. Pelosi, Mr. Underwood, Ms. Norton, Mr. Olver, Mr. McGovern, Mrs. Kelly, Mr. Leach, and Mr. Flake.

H. Res. 48: Mrs. Northup and Ms. Slaughter.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 539: Mr. Towns, Mr. Ackerman, Mr. Martinez, and Mr. Ford.

H.R. 615: Mr. English of Pennsylvania.

H.R. 636: Mr. Barton of Indiana.

PETITIONS, ETC.

Under clause 1 of rule XXII,

8. The SPEAKER presented a petition of the town council of Bristol, RI, relative to the Pokanoket Tribe of the Wampanoag Nation; which was referred to the Committee on Resources.

SENATE—*Thursday, February 27, 1997*

The Senate met at 11 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by Rev. Msgr. Michael J. Long, of St. Agnes Parish, Sellersville, PA. He is a guest of Senator SANTORUM of Pennsylvania.

PRAYER

The guest Chaplain, Rev. Msgr. Michael J. Long, of St. Agnes Parish, offered the following prayer:

All powerful and ever-living God, in You we live and move and have our being. We ask You to look with favor on the Members of this Senate. Give them wisdom, strength, and vision in their deliberations. We humbly admit that we cannot discharge our duties without Your supernatural help. Our own natural abilities, unaided by Your assistance, are inadequate as we struggle to bring peace and justice throughout our beloved country and our world. You are the source of all the good that is in each one of us. Give us the insight and inspiration to meet the challenges that we face.

O God, Maker and Lover of peace, to know You is to live, to serve You is to reign. All our faith is in Your saving help. We offer this day to praise and glorify You in all we say and do. Amen.

The PRESIDENT pro tempore. The able Senator from Pennsylvania [Mr. SANTORUM].

WELCOMING REV. MSGR. MICHAEL J. LONG

Mr. SANTORUM. Mr. President, I join you in welcoming a constituent of mine and a great minister to the people of Pennsylvania in Sellersville and throughout the Philadelphia diocese, Monsignor Long. I welcome him here today to the U.S. Senate and thank him for his outstanding service, now 43 years, to the diocese of Philadelphia and 14 years at St. Agnes Parish in Sellersville.

I appreciate, also, your moving and wonderful prayer. Thank you, and enjoy the day here in the U.S. Senate.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader of the U.S. Senate, Mr. LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be immediately resuming consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget. By unanimous consent, Senator GRAHAM of Florida will be recognized to debate his amendment. Following 90 minutes of debate on Senator GRAHAM's amendment, a vote will occur on or in relation to the Graham amendment at approximately 12:30 p.m.

Following that vote, Senator FEINGOLD will be recognized to debate on one of his amendments, and we will continue debate on several pending amendments with those votes stacked this afternoon. I do not believe we have an exact time agreed to yet when that will occur. We will notify the Members, when we have the 12:30 vote, when the next vote will actually occur.

Following those stacked votes, we will turn to Senator BUMPERS' amendment, with additional rollcall votes expected during today's session. We will also, hopefully, get a final agreement on all the amendments that may be offered, and then we will be able to give the Members some information about what to expect, if anything, on Friday and also on Monday.

Even though we had some disappointment yesterday with one of the Senators who indicated he would be voting for this amendment last year and now has indicated he will not, I encourage my colleagues to remember the vote has not been taken yet, and I still am hopeful that we are going to find a way to have the number of votes, the 67, that is required to pass this constitutional amendment for a balanced budget. We are still working on it, and I am looking forward to working with my colleagues on both sides of the aisle in this effort.

I thank the Senator from Florida. We will be look forward to hearing his comments on this amendment.

I yield the floor.

PRIVILEGE OF THE FLOOR—SENATE JOINT RESOLUTION 1

The PRESIDENT pro tempore. The distinguished Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent Ms. Barbara Ramey, a fellow working in my office, and Mr. David Hawkins, an intern, be permitted the privilege of the floor during debate this morning on the amendment which I offered.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. I thank the Chair.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate resumed consideration of the joint resolution.

Pending:

Hollings-Specter-Bryan amendment No. 9, to add a provision proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

Leahy (for Kennedy) amendment No. 10, to provide that only Congress shall have authority to enforce the provisions of the balanced budget constitutional amendment, unless Congress passes legislation specifically granting enforcement authority to the President or State or Federal courts.

Graham-Robb amendment No. 7, to strike the limitation on debt held by the public.

Bumpers motion to refer the joint resolution to the Committee on the Budget with instructions to report back forthwith with Bumpers-Feingold amendment No. 12, in the nature of a substitute.

Feingold amendment No. 13, to require approval of the amendment to the Constitution within 3 years after the date of its submission to the States for ratification.

Feingold amendment No. 14, to permit the use of an accumulated surplus to balance the budget during any fiscal year.

Conrad (for Rockefeller) amendment No. 18, to establish that Medicare outlays shall not be reduced in excess of the amount necessary to preserve the solvency of the Medicare Health Insurance Trust Fund.

AMENDMENT NO. 7

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will report the pending amendment.

The assistant legislative clerk read as follows:

An amendment (No. 7), previously proposed by the Senator from Florida [Mr. GRAHAM] for himself and Mr. ROBB:

On page 2, line 17, strike "held by the public".

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. On this amendment, there are 90 minutes equally divided. The Senator from Florida.

Mr. GRAHAM. Mr. President, I am an original cosponsor of the balanced budget amendment. I support the amendment. It is an important measure, both to maintain the momentum toward a balanced budget and to assure that, once we have reached a point of balance, we will stay there. For far too long, our Nation has been living on borrowed money, the credit cards of our children and our grandchildren. Our children and grandchildren deserve better. They deserve to inherit a nation whose fiscal house is in order.

Today, every child in America is saddled with a debt at birth of more than

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

$20,000. That debt is growing. I believe strongly that the long-term economic future of our country is in jeopardy. It is in jeopardy unless we are able to arrest this mountain of annual deficits and the cumulative national debt. Arresting this increase is the only way to assure fiscal restraint over the future decades.

This administration deserves a great deal of credit. When President Clinton came into office, he was faced with the largest annual deficit in the history of America, $290 billion. Over the past 4 years, that deficit has been reduced to $107 billion—a very significant accomplishment. However, a balanced budget amendment to the Constitution can guarantee that future Presidents and future Congresses cannot repeat the mistakes of recent history. We cannot do as we have done in the last 20 years, add $4.5 trillion to our national debt.

I believe, therefore, that in its current form, the balanced budget amendment is clearly superior to the alternative, which is the status quo that has served us so poorly over the last two decades.

That said, I want to point out that the balanced budget amendment as it is currently written is, in my judgment, flawed. Section 2 of the balanced budget amendment—and I ask my colleagues who are here today, and those who might be watching on television, if they would take this opportunity to read section 2—section 2 purports to control the limit on debt held by the public. But I believe that the complex policy implications of this section make it one of the least understood provisions of this constitutional amendment. Without a doubt, section 2 is the key to ensuring the enforcement of the balanced budget amendment. It has been referred to as the safety lock of the balanced budget amendment. But it simply does not go far enough to control the growth of the Federal debt, and it denies us some important policy objectives which could be accomplished by the adoption of the amendment which I offer.

I would like to first read the precise language of section 2. Section 2 states:

> The limit of debt held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

That is, verbatim, the language of section 2. My amendment would strike four words from section 2. Those words are "held by the public," therefore, leaving the amendment as originally written except "the limit of debt shall not be increased unless three-fifths of the whole number.

These four words constitute less than a sentence within the balanced budget amendment. They carry with them a number of important policy implications.

Under the proposed amendment, three-fifths of the whole number of each House would be needed to raise the debt ceiling as it relates only—and I emphasize only—to that debt held by the public, not to the total Federal debt.

This provision will assist in enforcing the balanced budget amendment by creating a voting requirement of 40 percent plus 1 to increase the debt. Simply that 41 Senators will refuse to go along with the proposal to raise the debt held by the public should serve as a powerful enforcement mechanism, but it does not go far enough to halt the growth of the Federal debt.

Mr. President, let me provide a little background regarding the distinction between debt held by the public, the language that is currently in section 2, and the total national debt, which would be the application of section 2 if my amendment were adopted.

The total national debt, sometimes referred to as debt subject to limit, is divided into two categories: debt held by the public and debt that the Government owes itself.

On this chart, the blue section is that portion of our national debt which is held by the public. Today, it is approximately $3.9 trillion. Debt held by the public is that debt which is issued to individuals, corporations, State or local government, the Federal Reserve System, foreign governments, and central banks. All of that constitutes debt held by the public which today represents $3.9 trillion.

Debt the Government owes to itself is the total of all trust fund surpluses, including those of Social Security, Medicare, and Federal retirement programs. Under current law, surpluses in these trust funds must be invested in Federal Government securities. Social Security is the largest of these, currently accounting for $638 billion of trust fund balances.

Mr. President, the red component of this chart represents the amount of the total Federal debt which is owed to the Social Security trust fund. Today, it is $638 billion. The green represents the borrowing of the Federal Government from all other Federal trust funds. That number has been, over time, approximately $900 billion. And I have depicted it on this chart, for purposes of display, as a consistent $900 billion.

The total of the Federal Government debt that is not held by the public—that is, that debt which would not be subject to constraint under this amendment—is currently $1.6 trillion.

The Congressional Budget Office projects that the total Federal debt, all debt owed by the Federal Government, will be $5.4 trillion at the end of this fiscal year.

I am not surprised that there is some confusion about this arcane subject of the allocation of the total Federal debt among various categories. That confusion has permeated the committee that reported this bill, it has permeated Members of the executive branch and the media. Let me just cite some examples of that misunderstanding.

Mr. President, on our desks, each Senator has a copy of the report of the Judiciary Committee when it recommended favorably the adoption of the balanced budget amendment. Let me quote from the committee report on page 20. It states:

> To run a deficit, the Federal Government must borrow funds to cover its obligations. Section 2 removes the borrowing power from the Government, unless three-fifths of the total membership of both Houses vote to raise the debt limit.

Wrong. This statement is inaccurate, because section 2 does not limit the Government's ability to borrow. In fact, as this chart indicates, under current law and the requirement that the Federal Government borrow all of the surpluses that are available from these trust funds, by the midpoint of the second decade of the 21st century, the Federal Government will have an indebtedness of $8.5 trillion, and everything above the blue line can be encumbered by a majority vote of the Congress, without the protection of the three-fifths vote. This is not speculation, this is ordained by the laws that we have passed and the absence of a three-fifths vote for all of the debt above the blue line. The Government will borrow almost $2 trillion of additional indebtedness between the year 2002 and 2019.

But it is not just our own Judiciary Committee that misunderstands the application of section 2. The Secretary of the Treasury, Robert Rubin, blurred the distinction in an opinion column he wrote in the Washington Post on February 2 of this year, where he said:

> Finally, as we saw in 1995 and 1996, the history of debt limit shows that raising the statutory debt limit is never an easy process. Yet, right now it is possible to raise the debt limit with a simple majority vote in both Houses. By requiring a three-fifths supermajority vote, the amendment would make it far more difficult.

Again, the Secretary fails to point out the distinction that the three-fifths vote only applies to that portion of the debt which is held by the public, not to that growing portion of debt which is going to be represented by borrowings from the surpluses of the Federal trust funds, especially that enormous trust fund of Social Security.

Even more, the news media has led the American people to believe that this amendment will provide a safety lock on all future borrowings. The February 21, 1997, edition of the Washington Post, for example, indicated that "a three-fifths majority of both Houses would be required to waive the requirement and to raise the national debt limit."

Wrong. The only three-fifths requirement would be to that dwindling portion of the national debt which is represented by that which we borrow from the general public and would not apply to the indebtedness which we borrow, essentially, from ourselves through the Federal surpluses in trust funds.

Mr. President, I believe that we should deliver to the American people what the American people expect. They expect an amendment that would provide for control on the total national debt. That is what we have led them to believe we are considering.

Probably one of the most commonly used examples of our runaway national debt is the debt clock. It is not on the floor today, but it was in the Judiciary Committee on the day that I testified in favor of the balanced budget amendment.

What are the numbers on that clock? The numbers on that clock are not the numbers that reflect debt held by the public. The numbers on that clock are those that are consistent with the national debt of $5.4 trillion. That is the debt that the American people have been led by us to believe that we are trying to control.

I believe that in order to avoid further adding to the skepticism and cynicism of the American people, we ought to give them an amendment which is consistent with what they believe we are providing to them because that is what we have told them we are trying to accomplish.

Unless there is a compelling reason to do otherwise, we should pass a balanced budget amendment that meets the expectations of the American people and places a constraint on total national debt.

It will be to those who wish to use their portion of the time to oppose my amendment to explain what that compelling national interest is that says that we should only limit one segment of the national debt and should let the other balloon to an $8.5 trillion national debt within the lifetime of most of the people who are in this room and listening to this on television.

I find no such compelling reason. I find, to the contrary, powerful reasons to deliver an amendment that the people expect. Not only would such an amendment be consistent with our representations and the expectations of the American people, this amendment would have some powerful policy benefits.

First, it would have the effect of avoiding another massive increase in national debt. Adopting the amendment that I offer would say that as of the effective date, the year 2002, that rather than have the then $6.7 trillion continue to grow to $8.5 trillion, that $6.7 trillion—an enormous, staggering national debt as it is—at least would become the plateau for our national debt, that we would not allow further growth in our total debt without a three-fifths vote of the Congress to do so. I believe that would be a tremendous benefit to the American people.

I would like to talk about some of the other policy implications that are involved in subjecting total national debt, as opposed to only that component of debt held by the public, to the three-fifths requirement.

Applying the three-fifths restraint to debt held by the public is going to create an unintended consequence. That unintended consequence is that there will be an incentive to borrow from these trust funds because you can borrow from the trust funds by a majority vote. It takes a three-fifths vote to issue debt to the public. Therefore, the likelihood is that we will see, as the chart indicates, a dramatic expansion in the proportion of our national debt which is held by these trust funds.

Those who are concerned about the long-term security of Social Security ought to be very concerned when they see that not only is the national debt rising to $8.5 trillion, and every one of those trillion dollars will require in the range of $65 to $75 billion a year in debt service, but also they will see that we have not accomplished what the Greenspan commission in 1983 contemplated would be accomplished in terms of the use of the Social Security surpluses.

Let me just divert for a moment to go back to where we were in the late 1970's and the early 1980's.

Up until that time Social Security was a pay-as-you-go system. Every year the Congress would look at the amount of money that was likely to be required to meet obligations in the next year, would examine how much was coming into the trust fund and, if there was a gap, would appropriate what was required in order to meet that year's obligations for Social Security.

There was recognition that as our demographics were changing and larger and larger numbers of people were coming into the Social Security system and they were living longer and therefore utilizing the system for more years, that that pay-as-you-go system was a certain railroad track to disaster.

So in 1983, under President Reagan, a commission was established to look at the long-term well-being of Social Security. That commission recommended that the United States adopt a system, which is used by most other industrialized countries which have a Social Security System, that rather than have a pay-as-you-go program, we would have a program in which the Social Security System would consciously and purposefully operate in a surplus position during those years when there was relatively less demand on the system so that when the demand increased, there would be a pool of resources in order to meet those additional obligations of the Federal Government to America's retirees.

This all occurred at a time when we were still operating in the national tradition of relatively modest national debt. As recently as 1980, we had a national debt of less than $1 trillion. That was the environment in which the Greenspan commission was making its recommendations.

So what did they expect we would do with all of these surpluses that their proposal was directing be accumulated in order to have a pool of resources to meet future demands? What they contemplated was that the Social Security surpluses would be used to buy down the debt held by the public. In fact, their calculations in the early 1980's were that we would have virtually eliminated the debt held by the public, the surpluses in Social Security would have been so great.

What they failed to anticipate was the fact that we would lose all this tradition of fiscal discipline in the country and would go into an unprecedented period of a binge of deficits that would escalate our national debt from less than $1 trillion to today's $5.4 trillion.

My amendment will return us to what was the expectation of the Greenspan commission, albeit not to the extent that they had contemplated because conditions are different in 1997 than they were in 1983.

What we will be doing with this amendment is we will be not adding to the national debt through the additions to the Social Security surplus, but rather will be buying down the debt which is currently held by the public so that when we reach the point that we will start making substantial payments to the baby-boomer wave of retirees, we will be operating from a dramatically lower level of total national debt and an equally dramatically lower level of debt held by the public.

If you are concerned about the security of the Social Security System, if you want to say, "I want to have a balanced budget amendment, but I don't want to have a balanced budget amendment that is excessively complex which is written in statutory terms rather than constitutional terms," my friends, I would suggest that the way to accomplish all of those objectives and to do what the commission that gave us our current Social Security System contemplated is to adopt my amendment and direct that these Social Security surpluses will not be used as the basis of new national debt but rather will be used as the basis for substitution for the debt that is currently held by the public.

In my opinion, and representing a State which has proportionately more Social Security beneficiaries than any other State in the Nation, this is the way to protect Social Security at the same time we protect our grandchildren against an enormous layering on of additional debt.

Mr. President, the amendment that I have offered would eliminate the current amendment's incentive to excessively borrow from Social Security because all national debt, whether it is held by the general public or held from internal accounts such as Social Security, will be treated equally in terms of the three-fifths requirement in order to exceed the level of debt that existed in the year 2002.

Mr. President, I recognize that this is a somewhat difficult subject matter, however, it is critical subject matter if we are to accomplish our objective of providing to the American people what they believe they are getting from this balanced budget amendment, to save the American people almost $2 trillion in debt between now and the year 2019.

I point out, Mr. President, that all of the numbers I have used in these charts are numbers that have been provided by the Congressional Budget Office. They are the numbers that we as Members of Congress are obligated to use in our budget analysis in our budgetary decisions.

Mr. President, I believe, in summary, that there are five reasons why we should adopt this amendment. It is honest. It limits debt as it has been defined historically. It is the same definition of debt that we use when we have to periodically pass resolutions to raise the national debt. We are raising the total national debt limit, not just that component that is held by the public. We will be doing what the American people think they have directed us to do.

Second, it is fiscally conservative. It will prevent adding another $2 trillion to the national debt in the next 25 years. In fact, this amendment is the most conservative of any amendment which is currently being considered by the Senate.

Third, it is simple. It does not add complex additional theories to the balanced budget amendment. It deletes words which may appear to be benign but which, in my opinion, have serious negative policy implications when we only restrict the national debt to that held by the public.

Fourth, it will have a very positive impact on the Nation's economy. It will release the $2 trillion, which under the amendment, the balanced budget amendment section 2 language that is currently before the Senate, will be used to fund additional national debt, will become $2 trillion that can be used to invest in the private sector, contribute to lower interest rates, stimulating economy growth and more jobs.

When the Social Security surpluses are used to buy down the debt held by the public, less private capital will be tied up in Government borrowing. Those private investment resources will be redirected to the private sector, creating positive economic growth.

Fifth, it will protect the Social Security from those in Congress who would exploit its unique standing as the easiest source of capital from which to borrow. Social Security trust funds will be treated equally and fairly under my amendment with all other sources of borrowing by the Federal Government, without giving any program any special standing in the Constitution and not creating the perverse incentive to go first to the Social Security trust fund for borrowing.

Mr. President, again, I recognize we are dealing with an arcane, frequently misunderstood section of the balanced budget amendment. From the Judiciary Committee report, to opinion columns, to leaders in the administration, there is confusion about what section 2 means and what it will do. But there is no excuse for this Senate to misunderstand what this provision means. Our whole purpose in the constitutional scheme is to be that part of the Government that can deliberate, can consider complex matters and reach resolutions that are in the national interest. Let us not allow this opportunity to pass us by.

We have the chance here to save almost $2 trillion in financial obligations for our children and grandchildren. To release that $2 trillion to help create the jobs for our children and grandchildren, to preserve the Social Security trust fund, and to give the American people what they have a right to expect from this balanced budget amendment, a restriction on the total national debt that they will be required to pay. I urge the adoption of this amendment.

Mr. THOMAS. Mr. President, I think maybe it is appropriate that the pages brought to the floor after we went into session what is essentially 26 years of unbalanced budgets. I think this is a great symbolic pile of stuff. We ought to remember that is what this whole thing is about.

We hear people continuing to say, "Well, let's just do it." We have not just done it, and here is the evidence.

I yield such time as he may consume to the Senator from Idaho.

Mr. CRAIG. I thank my colleague from Wyoming for yielding. Let me say at the outset of my comments that I am pleased to join with Senator GRAHAM today in a discussion about an area of the balanced budget amendment that he admits is not necessarily viewed with the kind of critical nature that other parts of the amendment have been. The Senator from Florida has, in a very sincere way, taken a close look at this and tried to offer an alternative that maybe on the outset bears some attractiveness. I was approached by the Senator and in good faith took a detailed look at his amendment, and my reaction in the next few minutes are as follows.

I do not question the sincerity at all of the Senator from Florida for what he is attempting to do here, to assure that the trust funds of Social Security are held solvent from his perspective and yet to deal with the issue of debt. Our amendment is straightforward.

Section 1 contains the balanced budget rule, total outlays should not exceed total receipts except by a three-fifths vote. Section 6 allows good-faith use of reasonable estimates in planning a balanced budget. In Senate Joint Resolution 1 the numbers match up. The balanced budget rule and the enforcement of that rule correspond with each other.

Over the years, as we have worked to refine this amendment, and I must say that the amendment that we have before the Senate has been well over a decade in refinement so that if we enshrine this in the Constitution we believe it will work in a total sense, while I say all of that, section 2 requires a three-fifths vote to increase the limit on debt held by the public. If the Congress balanced the budget every year, the debt held by the public will not increase. That is, in reality, the balanced budget. That is what the public would expect that is what we would accomplish by the language of the amendment.

Therefore, freezing the limit on debt held by the public directly enforces honest and accurate estimates to produce a balanced budget. That, of course, is another one of our goals, to engage the executive and the legislative branches, the Office of Management and Budget with the Congressional Budget Office and the appropriate budget members to make as accurate as possible the projections that produce the revenue to offset the expenditures.

The relationship among deficit debt and trust funds is important here and this is the crux of the Graham amendment. Debt held by public is Federal debt owed to debtors outside Government. When an official trust fund runs a surplus, by law it must invest the surplus funds in Treasury securities. For example, the Treasury is required to borrow those funds—money moving inside Government, not outside Government.

These interagency or intragovernmental borrowings, plus debt held by public, money we borrow from the public with the selling of Treasury notes, is included in gross debt. If the budget is balanced, debt held by public does not change. If the budget is balanced and all trust funds continue to run a surplus, then the gross debt goes up. By the very nature of the money in those surpluses, of those trust funds being loaned to the Government, so the Government general fund, if you will, owes. Therefore, it has debt, debt back to the trust funds. If the budget is balanced and the trust funds run a deficit, the gross debt goes down. That is the frustration of the Graham amendment.

Under the Graham amendment the numbers, in my opinion, do not match up. The Graham amendment places a section 2 limit on debt held by the public with a limit on gross debt. That is the crux of his amendment, changing public to gross. Congress can only comply with the section 1 balanced budget rule and still be significantly out of compliance with section 2 limits. That creates the schism, if you will, in the amendment to the Constitution, in my opinion, if the Graham amendment were to become a part of it.

Therefore, if Congress precisely balances the budget, then it must either repeatedly muster a three-fifths vote to allow the trust funds to run a surplus, or to avoid a three-fifths vote on the gross debt limit raid and reduce the trust fund surpluses. That would be the ultimate outcome in my opinion of how Congress would have to react to the Graham amendment if it were to become a part.

If Congress does not want to reduce the trust fund balance, then it must run large surpluses by cutting spending in the nontrust fund part of the budget or by raising taxes.

For the years 2002 to 2007, that means up to $435 billion in additional cuts or taxes, in my opinion. Long-term impact of the Graham amendment on debt and deficit would then be as follows. It would be politically difficult for Congress to continually outperform the balanced budget rule in section 1, that is, run large surpluses. It may be much easier to muster the three-fifths vote to increase the gross debt limit and say it is a "technicality," a "necessity," to allow trust funds to run a surplus; therefore, there will be upward pressure on debt.

Senator GRAHAM is right, this is complicated. That is why not a lot of people focus on it. But I disagree with him not only on the frustration of it, but on the outcome of it. Without a section 2 limit on debt held by the public that directly enforces honest and accurate budget estimates, Congress and the President will continue to face political pressure to use the rosy scenario estimates; therefore, it will still be easier to deficit spend.

One of the things I believe the amendment that we have introduced on the floor forces is as accurate and as honest estimates as you can get, because if, in fact, you produce a deficit, the ability to move that deficit in the debt is a tough vote, and it really forces the fiscal constraints and the tough decisions that we want our balanced budget amendment to the Constitution to cause this Congress to deal with.

Even if the gross debt limit under the Graham amendment remains frozen at $6.7 trillion, as his chart would suggest, it still leaves room to add an additional $2.9 trillion to debt held by the public between the years 2019 and 2029.

My argument is simply this, Mr. President, and I will take the Graham chart and simply extend the line, because this is discretionary on the part of the Congress. It is arguable, by his figures, that there is a decline, but the ceiling remains upward. I know the Congress, and I think Senator GRAHAM knows the Congress. If they have room to spend, oh, boy, do they love to spend. That $2.9 trillion gives them that opportunity, to actually increase real debt. So what would happen down here in debt held by the public, potentially, under this? This line turns upward. This category of debt held by the public versus the green category, which is debt held by other trusts, and the red, of course, is the Social Security trust funds, that line begins to move up.

In the year 2029, the Graham amendment allows a $6.7 trillion debt, while our amendment as proposed, Senate Joint Resolution 1, allows a $5.8 trillion debt—almost a trillion dollars less. I figure that a trillion dollars is a lot of money, especially when it's borrowed, it's debt, and you are paying interest on it. That is one of the great frustrations we are dealing with today—that finally debt has caught up with us. We used to argue that debt was a good stimulus to the economy and, oh, well, the public owed it to themselves, it was no big deal. But, today, it is the second largest item in the Federal budget, soon to shove them all out if we continue this kind of debt creation under deficit spending.

This is why I have to oppose the Graham amendment, because I don't believe that it gets us to where we want to go. I think I now understand what the Senator from Florida tries to do, and it is not a criticism of what he tries to do; it is an observation of what he tries to do. Where I think its weaknesses rest—because, if you talk gross debt but you don't talk debt held by the public, it changes the whole dynamics of the process, as I understand it, and in this outyear period. Somebody might say, "Senator CRAIG, why are you worried about 2029?" We are talking about the 28th amendment to the Constitution. We are talking about a process that we have been well over a decade in trying to create, and it will not be changed easily, or overnight, if it is in error or if the Graham amendment were to become part of it and then we were to find it creates this kind of glitch. We would struggle for decades trying to solve that, with the potential of increasing the debt structure by well over a trillion dollars. The last I checked, interest on a debt of a trillion dollars is significant—probably around $50 billion a year.

That is the reality of the amendment, as I see it, and certainly I stand to be corrected. Of course, he knows his amendment a great deal better than I. I tried to study it because I knew the Senator was sincere in his effort to deal with this in a legitimate way and at the same time recognize, as we all want to recognize, the protection of the trust funds, which now help finance the debt structure of this country.

I believe, if you keep it within the unified budget, if you recognize all debt, then you create the kind of honesty that you must play with in a sincere and direct way and force both the executive branch of our Government and the legislative branch of our Government, in each and every budget cycle, to produce the kind of honest estimates that drive the budget process to produce actual spending at or near balance on an annualized basis.

With those comments, I stand in opposition to the Graham amendment and certainly urge my colleagues to oppose it.

I yield the floor.

Mr. GRAHAM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The minority has 16 minutes 46 seconds remaining.

Mr. GRAHAM. I yield myself such time as is necessary.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, since this debate started, I have received a letter from the National Committee to Preserve Social Security and Medicare, dated today, which I would like to submit for the RECORD. To quote one paragraph:

> S.J. Res. 1 requires a three-fifths, supermajority vote to increase "public" borrowing, but since it does not require such Congressional approval for trust fund borrowing, it provides a powerful incentive for the increased use of trust fund borrowing as a means to pay for general fund programs. We support your effort to correct this definition of "debt" as a needed improvement.

The letter is signed by Martha McSteen, president of the National Committee to Preserve Social Security and Medicare.

I ask unanimous consent that the letter be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, the Senator from Idaho raised several points. I want to focus on three.

First, he raises the issue of, are we adding a speculative element into this balanced budget amendment by applying debt to the total debt rather than to only that component of the national debt which is held by the public. I suggest quite to the contrary—that it is exactly the definition that we are using which this Congress has written into the statute. It is the definition that we use when we are required to assess whether we are about to exceed the national debt. So it is the definition that is not speculative. It is the definition that we are accustomed to using. It is the definition that the American people understand, in part because we have helped them understand it by using things like the debt clock, which focuses on the total national debt.

Finally, and most fundamentally, the debt is not a projected amount, it is a fiscal reality. It is, as anyone knows who has ever balanced a family budget or dealt with the books of a business, the last number on the page after you have looked at what your revenues are, what your expenses are, and you can see whether you are in a profit or a debt situation. That is the circumstance that the U.S. Government is in when we look at that bottom number and say, oh, my goodness, we have just added another $107 billion of deficit in the fiscal year 1997 that will then become an additional layer on top of our national debt.

Second, the Senator from Idaho raises a very significant and interesting issue. That is what are we going to do after the year 2019.

I might say the chart that the Senator has could be replicated precisely on the chart of the balanced budget amendment as submitted. That is the amendment that only restricts debt held by the public. This constitutional amendment and the constitutional amendment with my amendment, all are going to face the very difficult issue of what do you do when you reach that point sometime in the second decade of the 21st century when, instead of running a surplus in the Social Security system, as we are today, and will for the next 20 or so years, we suddenly start to run big deficits as all of those people born after 1945 begin to retire? It is their turn to become eligible for Social Security. And enormous deficits are going to be run in the Social Security system.

Those are not speculative or imaginative. They are exactly what the 1983 Social Security Commission contemplated. Add surpluses during periods of relatively limited numbers of Americans benefiting by Social Security so that we can meet the obligations when we are in a demographic period with large numbers of retirees.

So what are we going to do when we get out here to around the year 2019? Frankly, there is no free lunch. What we have been doing is, we have been borrowing from the general fund from Social Security. Social Security does not have a great bank filled up with stocks and bonds, or real estate deeds, or other assets that have a market value. What it has is IOU's from the General Treasury.

Beginning in about the year 2019, the Social Security beneficiaries are going to be knocking on the door of that vault, saying, "We want to redeem these IOU's." What are we going to do? We basically have three choices.

We have the choice of reducing spending every place else in the Federal Government sufficient to release the money to be able to redeem the IOU's and pay off this obligation. We can raise taxes sufficiently to do the same thing. Or, we can begin again to borrow from the public, in order to be able to substitute borrowing from the public, in order to meet the borrowing that we have been doing for the last three decades from the Social Security trust fund.

If somebody has another alternative to those three, or some combination, I would suggest that they might want to identify them.

What is going to be the difference between where we will be under the bill as it is introduced and where we will be under the bill as my amendment would have it? First, instead of having to repay, dealing with a Federal deficit at $8.5 trillion, we are going to be approximately $2 trillion less in debt. If you had a big obligation coming, wouldn't you feel better about your ability to meet it if you were relatively less indebted than if you were more indebted? Clearly, the Nation will be better off, better positioned to meet its obligations, if it starts from a lower position of national debt.

Under the amendment that we have, when we come to this period in the year 2019, and we elect not to cut spending and we don't want to raise taxes as the only two ways to meet this obligation to meet the payment of the IOU's that the General Treasury will owe to the Social Security trust fund, but we would like to consider borrowing from the public, what is our position going to be? For two decades we will have been operating under a constitutional amendment that says you can borrow from these trust funds by a majority vote, which is relatively not easy but past history has shown is not politically a Mount Everest to climb. But we are going to say you have to have a three-fifths vote to borrow from the public.

So we are going to find ourselves in about 20 years facing the prospect of having to, for the first time, use that three-fifths vote requirement to increase the debt held by the public, having ballooned the debt by a majority vote from our borrowings from these other trust funds. And I would suggest that is not going to be a very happy time to be a Member of the U.S. Congress.

I think that what we are doing today is leaving to our successors—not in the far distant future but just about 20 years from now—an extremely indebted America with a constitutional structure that is going to make it very difficult for us to meet our obligations to those Social Security beneficiaries.

My amendment would have us enter that period with substantially less indebtedness. We would have been applying this three-fifths vote to all borrowing, not just to that held by the public.

But the most significant difference of how we will be in the year 2019 goes to the very first point that the Senator from Idaho talked about. It is not correct to say that the only thing you can do with Social Security surpluses is borrow. If that is the case, then clearly we are locked into this chart. Clearly, we are looking like a plane that is on automatic pilot and all the members of the cockpit have bailed out.

We know where we are heading. We are heading to an $8.5 trillion national debt, if, in fact, we are required to borrow all of the money from these trust funds and add it to the national debt. That is not what the Greenspan commission contemplated in 1983. That is not what my amendment would allow us to do; that is, instead of adding to the national debt, why don't we take those surpluses and pay off some of the debt we have already so we don't have to continually place our children and grandchildren under a greater and greater burden? But, rather, we can face the day when we will have to make substantial repayments of these Social Security IOU's. This is the best possible fiscal condition for America, and with our debt to the general public at the lowest level that our fiscal condition over the next two decades will allow us to be.

So, Mr. President, we do have an alternative. We are not obligated to have $8.5 trillion in debt. We can make that debt clock tick in the future as we are representing. We can make it a means by which we can protect our future, not enslave our future.

Mr. President, just to summarize again with greater brevity why I think this amendment is critical, it is honest. It does what the American people expect us to do. It is fiscally conservative. It saves almost $2 trillion in borrowing. It is simple and direct. It is not complicated. It will have a positive impact on our Nation's economy by releasing $2 trillion into the private sector. The only real long-term salvation of Social Security—and our retirement systems, whether they are Government or otherwise—is a strong American economy. And if we can put $2 trillion more into that private economy, we will be making a fundamental contribution to the strength of our Social Security and all of our other retirement programs.

We would avoid the temptation, as the National Committee for the Preservation of Social Security and Medicare points out, to use the Social Security system as the cash cow, as the point of first preference for borrowing for the Federal Government by saying we are not going to establish a different standard for borrowing from the Social Security fund than we apply to borrowing from the general public. Both would be subject to a supermajority of three-fifths of the Members of the Congress in order to increase the total national debt.

So, Mr. President, for those reasons, I respectfully suggest the analysis of the Senator from Idaho is not an appropriate projection of the consequences of this amendment and that, rather, the honesty, the reduction of the total national debt and the protection of Social Security by, among other things, stimulating a higher rate of economic growth in America are the goals which are sought and I believe will be accomplished by the adoption of this amendment.

I thank the Chair.

EXHIBIT 1

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC, February 26, 1997.

DEAR SENATOR GRAHAM: On behalf of its five and a half million members and supporters, the National Committee to Preserve Social Security and Medicare wishes to express our support for your proposed amendment to S.J. Res. 1, a resolution to amend the Constitution to require a balanced federal budget. Among our concerns about S.J. Res. 1 is that it would change the current definition of federal debt. Your proposed amendment would change the current language "debt held by the public" in S.J. Res. 1, to include all federal debt, particularly that which the government holds for itself—i.e. the federal trust funds. We appreciate your leadership on this important issue.

As drafted, S.J. Res. 1 contains a provision which intentionally removes Social Security trust fund holdings of U.S. securities from the definition of "public debt," even though the trust fund money was borrowed to finance the deficit. This change would permit the Treasury to increase its debt by borrowing from the trust funds without obtaining the Congressional approval required to borrow money from other sources.

S.J. Res. 1 requires a three-fifths, supermajority vote to increase "public" borrowing, but since it does not require such Congressional approval for trust fund borrowing, it provides a powerful incentive for the increased use of trust fund borrowing as a means to pay for general fund programs. We support your effort to correct this definition of "debt" as a needed improvement.

Sincerely,

MARTHA A. MCSTEEN,
President.

Mr. THOMAS. Mr. President, I yield as much time as he may use to the Senator from Idaho.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Idaho.

Mr. THOMAS. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The majority has 31 minutes and 50 seconds, the minority 3 minutes and 20 seconds.

Mr. THOMAS. I thank the Chair.

Mr. CRAIG. I thank the Chair.

I will not take much more time to discuss the Graham amendment other than the disagreement that he and I might have as relates to the ceiling that is created, and while I would argue that what he wishes to accomplish is impossible to do, and that is a buy down of debt, unless by this whole character of activity here from now until the year 2019 we have changed the whole culture of political pressure in this country and interest group activity, my guess is that the pressure to spend money, if the system would allow it, beyond the balance because of the limit on the debt ceiling, would be great.

He and I recognize the tremendously laudable goal of trying to buy down debt, and I think Americans are all asking us, well, if you in fact can get the budget balanced in the timeframe that you are suggesting, does that mean then we are going to get rid of some of this debt, because interest on debt is going to be even higher by the year 2002 than it is today because we are still creating debt. Even under our scenario, as conservative as it is and as damning as this administration thinks it is, we are still going to be creating lots of debt out there because we are still deficit spending. Although ours is declining and the President's is in reality increasing, we are still creating debt. So I do not blame the Senator from Florida for wanting to find a time in which we can buy down debt. I would like to do the same. But his is not an obligation to do that; his is only an opportunity to do that. And therein lies the difference in why I think what we do today is the right thing by not amending the proposed amendment.

Social Security is a concern of all of ours and it has been, and you have heard a lot of debate in the Chamber in the last 3 weeks about Social Security. It is a social contract and a financial obligation that we hold to the senior citizens of our country. None of us want to deny it or walk away from it. We want to deal with it responsibly and straightforward and we want to create the fiscal environment in which we can honor that debt.

I am one of those who believes that if we fail to balance the budget, there will come a day when we cannot honor that debt. We should not suffer the illusion that a bankrupt government can send checks out. Tragically enough, there are some Social Security recipients who believe that somehow they will be held whole while the rest of the world collapses, the world of a Government that is so badly in debt that it cannot honor its commitments or, more importantly, at a time when the public would simply reject it.

Gross interest payments this year reached $344 billion, fiscal year 1996. The debt grows, the mandatory interest payments grow. Here are the figures. Social Security, we spent $347 billion on Social Security this year; gross interest on debt, $344 billion; defense, $266 billion; all the domestic discretionary programs, $248 billion; Medicare, $191 billion; Medicaid, $92 billion; net interest on debt held by public, a subset of gross interest or gross debt, the kind that the Senator from Florida was talking about, $241 billion.

The reality of what we do is damning the future of this country, damning the future of the obligations we hold to the seniors of our communities if we fail in balancing the budget.

The President, I believe, 12 times in his State of the Union said he was going to produce a balanced budget, and we all held our breath and did not criticize and waited for that budget to come to the Hill. And, voila, the words did not meet the fine print—$120 billion of deficit straight lined until the end of his term and then, guess what? He leaves office and says: Now it is time to do the heavy lifting. You either have to take away the tax cuts I have given or cut spending dramatically.

I am sorry, Mr. President. Once again your rhetoric just does not match up to your performance, and that budget does not work, and you have not dealt with a balanced budget in the honest and straightforward way that the Senator from Florida or the Senator from Idaho or the majority of Congress or a supermajority of the American people want us to deal with it. And that is a declining deficit structure to the year 2002 when all of this comes into balance.

The reality of the obligation to Social Security does not go away, but the honesty of budgeting materializes, and because we have created a unified budget the real pressure to cut so that we can honor the debt obligation to Social Security is there. We must get our fiscal house in order. We cannot, nor should we ever, allow interest on gross debt to become the greatest single expenditure in the Federal budget, and yet we are clearly headed in that direction. By most reasonable budget guesstimates we have missed that by only $3 billion this year.

I know what any good business person or any good analyst of a business would say if the figures were like this in a business. They would say you are out of business; you are bankrupt; you cannot service your debt; you cannot afford to operate in this manner. However, because we can create debt in the nature that we have now for nearly 30 years, we continue. Of course, that obligation gets immediately transferred outward into the future to our children, to our grandchildren, and somehow we are fair weather; we just go on saying we have done our job in a responsible way.

I was saddened yesterday that the Senator from New Jersey would not honor his obligation and his verbal commitment to the citizens of his State. That is a tragedy, but he has made his choice. We all make our choices. Those are tough choices. The pressures are great here, but they are not so great as to walk away from your commitment to your citizens, to your public and to the oath of office. What we are trying to do is enshrine within the Constitution an obligation that Thomas Jefferson was so very clear about when he said there should have been an 11th amendment to the Bill of Rights and that was that we could not borrow. Now, we could have borrowed inside the budget but we could not borrow from outside the budget.

What we are suggesting is that we cannot borrow from outside the budget. We can borrow from inside the budget, and that is what we are doing now, and that is the unified budget. It does not make the obligation go away. It does not make the legal commitment go away. It does not say to the baby boomers that, when you get ready to retire your check won't be in the mail. What says to the baby boomers that your check may be threatened and may someday not be in the mail is the perpetual increase of debt, that which the Senator from Wyoming pointed out a few moments ago with all of those books stacked before him. It is one budget piled upon another budget piled upon another budget.

Regarding half of those 28, half of those 28 budgets, the politicians who assembled them, interestingly enough, had the public tenacity to say they are heading toward balance. For 3 years we have been saying we are headed toward balance. The President's State of the Union Address before the American people assembled: "I will produce balanced budgets." Oh, come on, Mr. President. We have read the fine print. You do not produce a balanced budget and you are not trying. You raise taxes, you raise revenue, you spend more for new programs, and after you have left office you say, "Now, if you want to get it balanced, you either raise taxes or you cut spending." Big-time stuff, $50-billion, $60-billion-type stuff—tough to do. Most important, he knows it's impossible to do. It is impossible to do unless Senate Joint Resolution 1 is the organic law of the land.

It is the Constitution through which the public views its Government and controls its Government and tells its Government what to do. That is the test before us.

While the Senator from Florida in a responsible way attempts to address that, I ask that we reject his amendment because of the risk of increasing debt by at least another $1 trillion or more inside what we could definitionally call a balanced budget. We dare not do that to our public. Most important, we dare not allow that kind of latitude in future Congresses. I am not going to be here then. The Senator from Florida is not going to be here then. But his action, my action, the action of this Senate, whether it is on Senate Joint Resolution 1 amended by the Senator from Florida, or if it is left as it is presented, will be the law of the land that dictates to the Congress and to the Senate in the year 2019 or 2028: This is how you operate. These are the parameters within which you must perform, in which you must make priorities for spending. It must be balanced, it must be honest, it must be fair.

What we do here is going to be important both in the short term and in the long term. What we do must be honest and must be clear and undefinitional to future Congresses so, just like the first amendment or the second or the third, they are not arbitrary, they are not capricious, they do not create those kinds of actions. They are real and we honor them. So our language must be clear and unambiguous.

Mr. President, I hope my colleagues will join us in opposing the amendment by the Senator from Florida. I do not believe it creates the environment in which we must operate. I yield the remainder of my time.

Mr. THOMAS. How much time remains, I ask the Chair?

The PRESIDING OFFICER. The time remaining for the majority is 19 minutes 20 seconds. The Chair recognizes the Senator from Wyoming.

Mr. THOMAS. Mr. President, I want, first of all, to congratulate the Senator from Idaho for his leadership in this matter. I don't think there is a more important issue before us than the idea of being financially and fiscally responsible. I say that also to my friend from Florida, who supports this concept of accountability as well. Certainly there will be a lot said—there has been a lot said, maybe everything has already been said but maybe not everyone has said it—but it is broader than the books, it is broader than the numbers, it is broader than math. It is a question of being responsible to ourselves, being responsible to our children, being responsible to the future. It is a question of priorities. It is a question of, really, dealing with the issue rather than what has been done over the last 30 years, by saying, yes, we are going to balance, yes, we are going to balance the budget, yes, we are going to do it, and not doing it.

I think one of the ironies is many of those who oppose this balanced budget amendment say, "Oh, yes, we are going to do it," and point to the President's budget—which does not do it. It does not achieve balance by 2002 and stay in balance. It does not provide permanent tax relief. It does things in Medicare that are strictly gimmicks. It spends $21 billion more on welfare and raises taxes by $80 billion. It has $60 billion in new entitlements.

So let us be clear that, if we want different results, we have to change the way we do things, and that is what this amendment is all about.

Let me yield to my friend from Missouri. We have approximately 18 minutes left, and I will yield as much time as he requires.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished manager of the bill. I have asked for this time to spend about 5 minutes to introduce a piece of legislation, so, while it will count against the time, I ask unanimous consent to be permitted to proceed as in morning business for that 5-minute period.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 368 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND. Mr. President, I reserve the remainder of the time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I believe I have approximately 3 minutes remaining, which I would like to use to close after the opponents of the amendment have completed their arguments.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I think this side has said everything it needs to say. I will be happy to yield any time of our remaining time, unless somebody else wants to speak, to our friend from Florida.

We have to oppose this amendment. We know how helpful the Senator from Florida is and how much this means to him. We have appreciated the support he has provided in this debate and certainly will listen to what he says here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida has the remaining time of 3 minutes and 1 second.

Mr. GRAHAM. Mr. President, to close briefly, let me underscore that I support the balanced budget amendment. I will vote for the balanced budget amendment in the form it was reported by the Judiciary Committee. I do so because I believe it is superior to the alternative of continuing with the status quo, a status quo that had added $4.5 trillion to our national debt in less than 20 years.

I believe, however, that the balanced budget amendment can be improved. I have suggested what I think is an important area of that improvement, and that is that after we have achieved the objective of section 1 of the balanced budget amendment, which is to see that we will bring as rapidly as possible our annual accounts into balance, we will not be adding to the national deficit, that we will then place a safety lock on that gain by saying there shall not be any further increases in the national debt without a three-fifths vote of both Houses of Congress.

The amendment that is before us does not do that, although there are many who believe that it does that, because the three-fifths vote only applies to that portion of the national debt which is held by the public, by individuals, by corporations, by State and local governments, by all the people who buy Federal securities.

My amendment would strike that limitation and have the requirement of a three-fifths vote of both Houses of Congress apply to all of the national debt. It would apply to the totality of the $5.4 trillion national debt that we now have.

Mr. President, there was some suggestion in the concluding remarks of the Senator from Idaho that in some way by my amendment I had weakened the existing three-fifths requirement that is in the constitutional amendment as it relates to debt held by the public. Absolutely to the contrary. I am extending the same three-fifths requirement to the rest of the debt of the Federal Government, continuing to apply it to debt held by the public, but also applying it to that debt which the Federal Government borrows from its own trust funds.

In brief summary, Mr. President, I believe the following reasons are why this amendment should be adopted:

It is honest.

It comports with what the American people believe we are doing when we say we are restricting national debt.

It is fiscally conservative. It will result in almost $2 trillion less national debt over the next 20 years than will be almost certainly the case if we do not adopt this amendment.

It is simple. It does not add new or complex concepts to the balanced budget constitutional amendment.

It will have a very positive effect on the Nation's economy. The result of releasing $2 trillion that otherwise would be used to finance unnecessary and excessive national debt into the private sector will increase our Nation's economic growth and strength.

Mr. President, I ask unanimous consent for 60 seconds to conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, finally, by using these surpluses, as the 1983 Social Security Commission had anticipated they would be used, to reduce the amount of Federal debt which is currently owed to the general public and, therefore, place our Nation in a stronger fiscal position to meet our future obligations to Social Security, we will be strengthening the Social Security system. And for that reason, the National Committee for the Preservation of Social Security and Medicare has endorsed this amendment.

I urge the adoption of this amendment which I believe is exactly consistent with the purposes of the balanced budget amendment, will add to its strength, and will add to the acceptance of the American people, because it will be the amendment that they believe we are about to adopt and submit to the States for ratification. I urge the adoption of this amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment the distinguished Senator from Florida. He has been one of the great leaders on the balanced budget amendment, prior to this debate and certainly during this debate. I believe he deserves a lot of commendation from both sides of the floor for his steadfastness and standing up on this amendment.

We cannot support this particular amendment to the balanced budget constitutional amendment, and I regret that we cannot. But, in spite of that fact, our colleague from Florida has been one of the leaders out here, and I personally just want to express my appreciation for his efforts and for the work he has done on his side of the floor, as well as our side of the floor. I appreciate it.

Mr. President, I understand that the vote cannot occur until 12:35?

The PRESIDING OFFICER. There is no order to that effect.

Mr. HATCH. I ask unanimous consent that I be permitted to move to table, with the vote not occurring before 12:35.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I move to table the amendment, with the understanding that the vote will not occur until 12:35. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question occurs on agreeing to the motion to lay on the table amendment No. 7 offered by the Senator from Florida [Mr. GRAHAM]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Louisiana [Ms. LANDRIEU] are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Ms. LANDRIEU] would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—59

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Durbin
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kerrey
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—39

Akaka
Baucus
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone

NOT VOTING—2

Biden
Landrieu

The motion to lay on the table the amendment (No. 7) was agreed to.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Wyoming [Mr. ENZI] is recognized.

Mr. ENZI. Mr. President, I ask unanimous consent that I be allowed to speak out of order for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

OUR GIFT OF FREEDOM

Mr. ENZI. When we woke up this morning, I wonder how many of us paused to reflect on the great gift we have been given—the gift of our freedom. It is a special gift, but so many of us take it for granted, even though we paid for it at quite a heavy price. As we drove to work, how many of us thought about the sacrifices that were made over the years by our Nation's veterans to preserve and protect those freedoms?

Six years ago, President Bush was in the White House and he had a difficult task on his hands. The world was in crisis. The United Nations was meeting night and day to try to stop the spread of the threat of Saddam Hussein. He had invaded Kuwait and brought the people of that nation to their knees. Something had to be done.

When the cry for help went out from Kuwait, we sent our best to answer the call. Many brave men and women went to a foreign land to stop the advance of that madman in the deserts of Kuwait and Iraq.

In the days that followed, we picked up a whole new vocabulary. We spoke of Scuds, Patriot missiles, chemical weapons, gas masks, Riyadh, and so much more.

It was a war we witnessed like no other battle in our history. We charted our troops' progress with the reports we saw on the news every night. We were a part of it all. The press took us right along with our soldiers as the fighting progressed. Everything came to us live as the media brought the conflict right into our living rooms.

It was almost like watching a movie. It seemed so distant and dangerous. Yet, somehow, because of our advanced technology, we thought our young men and women would be safe and that they would all make it home. Would that it were so.

When it was over, and the battle had been won, we all felt a great wave of relief that our casualties had been light. But light casualties, don't feel so light when they include our families, our friends, and our loved ones.

One hundred and forty-six young people did not come back. I say this in their memory as I mention one young man who didn't come home from that battle came from Gillette, WY. Manuel Davila was a young father, a nice guy who always had a smile and a kind word for everyone he met. He was the kind of person you'd like to have for a friend. That is why he had so many friends.

I watched Manuel grow up. He was a remarkable young man. He came from the town I call home. You didn't get to meet him, so I should use the words of Ron Franscell, the editor of the Gillette News Record, who wrote so eloquently 6 years ago as Manuel's body was brought home for burial: "I never knew Manuel, but he was from my town, he was one of us, and he had dreams. In that way, I knew him very well. You know him, too."

Yes, Ron, we all did know him, too.

Manuel saw a need, and when he was asked to go, he didn't hesitate. He was doing his job and it was a job he loved and felt proud to have been called to do. That's what it was to him. He felt good to be a part of this special mission for he understood how much it meant to the defenseless people of Kuwait who needed him so very badly.

In Wyoming, we like to think of our State as holy ground that was blessed by God. It is a land of open spaces, beautiful mountains that seem to stretch up to God's heaven, green forests, national parks, clean, clear, cool air and wide open spaces.

Manuel traded all of that for a far different world.

He traded his clear blue skies for a desert sky that was pitch black with the fumes and smoke of oil fields set on fire by Iraqi troops. He traded his beautiful mountain paradise for an isolated desert wasteland. He traded the clean, crisp air of Wyoming for the use of a gas mask and the threat of Saddam's chemical weapons. He traded the safety and security of his homeland for the uncertainty and danger of a battlefield. He traded it all to go overseas and fight for freedom.

When it was all over, in spite of all the precautions we had taken to protect our troops, this brave young man didn't make it home. A wife had lost her husband, and a family had lost a son. A little girl had lost her father.

Six years ago we brought him back home to Wyoming. The loss of Manuel in the desert reinforced the truth of an adage made famous by an old television show written about a different war. In one scene a doctor says that there are two rules of war. The first rule is that young men and women die. The second rule is there is nothing that can be done to change rule 1. It is the awful truth of battle.

Today, although we are far removed from that battlefield, we must never forget the sacrifices that were made by Manuel and by so many more who gave their lives for great causes like the one that claimed young Manuel's life. We must continue to honor their memory and commemorate their brave and courageous actions that were done in our name. Truly, far too many have made the ultimate sacrifice that we might be free.

There is no greater way we can honor Manuel's memory and that of our other great war heroes than to rededicate ourselves every day of our lives to the cause of peace. I find great inspiration for that cause and the importance of peace when I reflect on the beautiful words of the Book of Isaiah in the Bible: "They shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more."

Yes, Manuel was one of our great heroes of Wyoming and of these United States. He was a good kid, a hometown boy who had plans for his future. That future was cruelly taken from him on foreign soil by a madman. Now, the torch Manuel carried so bravely in battle is passed to us to light the path to peace in our lives. We had best carry it high and proudly as we commit our every effort to ensuring that we will never again ask our young men and women to make the ultimate sacrifice, as we work together to avoid the horrors of war. If we are successful, we will truly live in a world of peace, where nation shall not lift up sword against nation. That is the best way for us to care for those who have borne the battle, by ensuring that it never happens again.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mr. REED. Mr. President, I ask unanimous consent to speak for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, will the Senator from Rhode Island yield to me so that I may explain why I missed that last vote?

Mr. REED. Yes.

Mr. BIDEN. Mr. President, I thank the Republican leader as well as the Democratic leader for attempting to hold the vote long enough for me to get here. I voted before in the affirmative on the Graham amendment. We voted on it last year.

I was one of the speakers at the International Chiefs of Police and Sheriffs Association discussing the juvenile justice bill. I thought I had left in plenty of time from a downtown hotel to get here. But, as Washingtonians will tell you, there is a good deal of road construction going on. I was caught behind the most polite cab driver in Washington. He stopped for everyone, which I was happy to see except for this day. Had I had the cab driver who runs over most people, I would have been up here. I should not say that. I will get letters about that. That was a joke, an attempted joke.

But I want the RECORD to show that had I been here, I would have once again voted for the Graham amendment.

I apologize if I inconvenienced the Senate in any way in attempting to hold it for me to get here.

I thank my distinguished friend from Rhode Island for yielding.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I am prepared to speak. I would be willing to defer if there are any other procedural announcements at this time.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEEMENT

Mr. LOTT. I thank you, Mr. President. I thank the Senator from Rhode Island for yielding this time so that I may enter a unanimous-consent agreement which has been reached with regard to an amendment that Senator HOLLINGS had intended to offer to the balanced budget amendment on campaign financing.

I ask unanimous consent that the majority leader, after notification of the Democratic leader, may turn to the consideration of a Senate joint resolution, the modified text of which is Senate amendment No. 9 filed yesterday to Senate Joint Resolution 1 regarding campaign financing.

I further ask that no amendments or motions be in order during the pendency of the Hollings constitutional amendment, and following the conclusion of the debate, the joint resolution be read a third time and a vote occur on passage of the joint resolution, with the preceding occurring without any intervening action.

Before the Chair puts this consent request to the body, it has been pointed out to me by Senator McCAIN that this consent is for a constitutional amendment regarding campaign spending limits. There are other campaign-related issues that may be pending in the Senate committees that do not amend the Constitution but are statutory language.

So this is not to be in place of or in any way block other consideration, or to indicate that there will not be hearings and further consideration of this matter. But Senator HOLLINGS agreed to this arrangement so that it would not be a part of or relate to the consideration of the constitutional amendment for a balanced budget. Senator McCAIN agreed that it be done this way. It has taken the cooperation of both of them and of all the Senators. This is an important issue which should be brought up freestanding with a reasonable amount of time for discussion.

I have indicated to Senator HOLLINGS that, if it takes a couple of days or so, we will be prepared to do that. I think that is about what it would take, but if it takes 2 days and 2 hours, I do not know of anyone who would object to that. But it should be a very interesting debate.

So I now make that request, Mr. President.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I thank the Senator from Rhode Island for yielding.

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized for 20 minutes.

Mr. REED. Thank you, Mr. President.

Mr. President, I rise in opposition to the amendment before us today.

For many decades, Congress found it easier to debate a balanced budget amendment to the Constitution than to actually balance the budget.

Support for the balanced budget amendment was a convenient badge of fiscal austerity at a time when many Members were voting for tax policies and spending proposals that saw our annual deficit and our cumulative national debt explode.

After so many years, it is no wonder that the balanced budget amendment has become a talisman which its supporters clutch, suggesting that it has extraordinary powers to translate the difficult choices that this body must face into some type of simple constitutional formula which will miraculously erase the deficit.

But, as the last few years have indicated, there is no magical constitutional language that will make the choices or the policies of budget balancing easier.

Mr. President, in 1993, the Clinton administration began a process of deficit reduction which has helped to create a strong economy, cut the deficit by 63 percent, brought the deficit when measured as a percentage of the gross domestic product to its lowest level since 1974, and given us the lowest deficit of any major industrialized nation.

It took difficult choices, not constitutional gimmicks; choices that Republicans refused to support.

Whether or not this amendment passes, and I hope it does not, we will still be confronted by these choices.

However, if this amendment does pass, for the first time in our history we will either surrender our role in shaping the budget and the social and economic policies which it defines to the courts, or simply surrender any decision to an adamant minority which could invoke the provision to block necessary action.

Mr. President, the amendment before us today is flawed in many ways. It is the wrong answer to a real problem. It is the wrong way to manage the economy. It disrupts our tradition of majority rule. It needlessly jeopardizes essential programs and it needlessly enhances the role of the courts in budgetary and tax policy. The balanced budget is the wrong way to manage the economy.

Over 1,100 noted American economists, including 11 Nobel laureates, voiced their opposition to this balanced budget amendment on the grounds that it would hurt our economy and graft improper fiscal policy onto the Constitution. They said, "It is unsound and unnecessary." They added, "It mandates perverse actions in the face of recessions." They went on to say it "would prevent Federal borrowing to finance expenditures for infrastructure, education, research and development, environmental protection, and other investment vital to the Nation's future well-being," and that it "is not needed to balance the budget." They also "condemn" the amendment and suggest it could place our economy "in an economic straitjacket."

One Nobel laureate, Prof. William Vickery, developed an analysis of 15 issues with respect to balancing the budget, reducing the deficit and providing for economic growth, and in this analysis he has a compelling and noteworthy passage:

> If General Motors, AT&T, and individual households had been required to balance their budgets in the manner being applied to the federal government, there would be no corporate bonds, no mortgages, no bank loans, and many fewer automobiles, telephones and houses.

But this balanced budget amendment suggests that the Government do exactly the opposite of what the most sophisticated private industries do, and I think that is a mistake.

While the majority may find it appropriate and even desirable to insert economic formulas into the Constitution, I would urge caution. For example, we all believe and we will say time and time again that we should have a full employment economy and that every able-bodied American work. However, if I were to introduce a full employment constitutional amendment, I predict that the very same supporters of this balanced budget amendment would rush to this floor and condemn that approach, invoking the terminology that we should not enshrine economic ideas or formulas into the Constitution of the United States. The same thing would happen if we talked about an anti-inflation amendment.

The point, I think, should be very clear. It is our responsibility, together with other institutions, outside the scope of the Constitution to rationally ameliorate the surges and downswings of the economy. This is what we should do.

Some people might try to say, well, no, look at the States. They provide for a balanced budget. That certainly misses the point. State governments do not manage national economies. They do not issue and support currencies. They do not deal in foreign trade. And most of them, if not all of them, with balanced budget requirements have the good sense to separate capital spending from operational spending. So that logic does not suffice to support this balanced budget amendment.

I also suggest that economically we are not immune from the difficulties of the business cycle. We have been enjoying over the last several years good, substantial economic growth, but we know that in past periods our economy has faltered. If it does falter, this balanced budget amendment could be a straitjacket, confining and constraining us in our response to these economic recessions. When the economy shrinks, revenue shrinks, throwing off our revenue estimates, throwing off our whole plan to get to the balanced budget, and we will be hamstrung by this amendment's proposals in terms of what we can do to address a recession.

For example, the CBO has talked about the impact of recession on the deficit. Their estimates indicate that a 1 percent drop in the gross domestic product would increase the deficit by $32 billion. A 1-percent increase in unemployment would add $61 billion to the deficit. These are staggering figures with which we would have to contend in the context of a very narrowly drawn balanced budget amendment.

These are not just statistics. These are real people's lives. We have all lived long enough to have endured economic recessions and have seen the cost in human lives. We have to, as a Government, to such situations. We cannot, I think, plead, at that moment of need, we would like to help you, but the Constitution prevents us from doing sensible, appropriate things to put people back to work in this country.

One of the aspects of the balanced budget amendment that would severely constrain our response to recessions is the fact that it would suppress the automatic stabilizers contained in our economic policy today, things like unemployment compensation and other entitlement programs which exist to meet the needs of people who have fallen on hard times during a recession.

As the Congressional Research Service cautioned when it examined the economic impacts of this proposal:

> In sum, the balanced budget constitutional amendment could require action to neutralize the automatic stabilizers in the budget that expand outlays and reduce tax collections in economic slowdowns and recessions. In this case, the budget would no longer serve to moderate business cycles.

And, under this amendment, we would lose a valuable tool in aiding the working men and women of America.

There is more than just constitutionally historic interest involved in the question of this amendment's supermajority requirements because this amendment requires not a majority vote, in many cases, but much more than a majority vote. This provision holds the real potential for constraining effective action at the time we need Government to move decisively and purposefully.

For example, in times of economic crisis, there would be no automatic stabilizers if a small minority of Senators or Representatives objected. Different regions of the Nation experiencing economic hardship could find no comfort in Washington because they could not muster the number of Senators and Representatives to deal with their region's particular problems. Frankly, over the last several years, we have seen economic situations in which the country overall appears to be doing fine, but when you go to the Northeast, to California, or to other parts of the country, you find regional recessions that need the help of this Government. Regrettably, in that situation there may not be sufficient will or political support to do what we must do, which would be extremely detrimental to the citizens who live in these areas.

There is another aspect of this supermajority that is built into this constitutional amendment which should cause us all great concern, and that is in order to raise the debt ceiling a vote of three-fifths would be required.

We have just in the last Congress seen the difficulty of securing approval of a change in the debt ceiling with a simple majority requirement. If we would require a three-fifths vote, we really would be putting our Nation at severe risk.

As Secretary Rubin has pointed out with respect to the issue of raising the debt ceiling and consequently avoiding default on Government debt:

> The possibility of default should never be on the table. Our creditworthiness is an invaluable national asset that should not be subject to question.
>
> Default on payment of our debt would undermine our credibility with respect to meeting financial commitments, and that, in turn, would have adverse effects for decades to come, especially when our reputation is most important, that is, when the national economy is not healthy. Moreover, a failure to pay interest on our debt could raise the cost of borrowing not only for the Government but for private borrowers as well.

This super majority provision would affect the Government's ability to deal rationally and prudently with the debt ceiling, and that is another reason, a very strong reason, why this proposed constitutional amendment is inappropriate.

It is bad economics; 1,100 economists would condemn it, but it is also very poor budgeting. As Senator BYRD pointed out, the majority's proposal turns the Congress and the President into fortune tellers who must somehow predict and balance outlays and receipts exactly or find the supermajority needed to waive the amendment. This appears to be an impossible task, because each year the CBO seems to revise its projected deficit and revenue totals on a regular basis. We should not delude ourselves into thinking we can accurately predict the future, and we should definitely not add this dubious proposition to the Constitution.

In addition to the fact that this amendment's success is predicated on frail human predictions, there are other reasons to oppose this amendment. While the majority claims that States have managed to survive balanced budget amendment requirements, they fail to acknowledge, as I previously indicated, that States do so rationally by creating separate operating and capital budgets. I have supported a balanced budget amendment which recognizes this rational policy. But that proposal is not before us today and we are debating a proposal that does not recognize—in fact some scholars have indicated it would constitutionally preclude—the development of a capital budget by the Federal Government.

Time and time again, the advocates of the amendment have rejected the idea of a capital budget for the Federal Government. I believe, in a sense, not only are we rejecting sound constitutional policy and sound administrative policy, but we are also undercutting this Nation's need to build up our capital infrastructure. So, this amendment, as proposed, is both bad economics and bad budgeting, and finally it is an abrupt departure from the constitutional balance that we have observed through the course of our history. It raises a number of fundamental questions about our Constitution, our tradition of majority rule, and the power of the judicial branch in the United States.

One of the lessons I learned in law school was, where there is a wrong, particularly a constitutional wrong, there must be a remedy. Yet this constitutional amendment makes no mention of how it will be enforced and who has the legal standing to question those issues which arise under the constitutional amendment. This is an invitation to litigate rather than legislate on budgetary matters. If a future Congress finds it too difficult to take the painful steps needed to eliminate the deficit, then we may expect any number of possible claimants, from Governors upset about Medicaid payments to senior citizens upset about their Social Security checks, all of them urging the courts to step in and take action.

Moreover, by placing the requirements that receipts and outlays be reconciled in the Constitution itself, the amendment effectively calls on the Supreme Court to ensure that this mandate is met. While the amendment may leave open the question of how the legislature reaches its positions and what items will be considered outlays and revenues, the Supreme Court will always have an obligation to uphold the Constitution. Once we declare constitutionally that revenues and outlays must be reconciled, the Court will have no inhibition, and, in fact an obligation, to step in and make this reconciliation if Congress fails.

Likewise, under this amendment the President could be forced to impound funds, to cut off checks, to do many things because of a perceived constitutional mandate. I would think long and hard, and I urge my colleagues to think long and hard, whether or not we want to surrender what is traditionally the authority of the Congress over both the courts and the President to manage the public purse. These issues are all very difficult ones, raising profound questions of constitutional law.

One other aspect of the proposal which is disturbing is the departure from a tradition in this country of majority rule. I have mentioned before the supermajorities which would be required to raise the debt limit and to do other things which today only require a majority vote of the Members of the House and the Senate. Indeed, the balanced budget amendment would create new supermajorities in many different areas. When the founders developed the Constitution, they recognized that only majority rule would work for a nation founded on the principles of liberty and opportunity. James Madison argued in Federalist 58 that if more than a majority were required for legislative decision, then:

> . . . in all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principles of free government

would be reversed. It would be no longer the majority that would rule: the power would be transferred to the minority.

And, indeed, that is what this amendment would do inexorably.

There is a final and significant issue which must be discussed with respect to this balanced budget amendment proposal. I believe it jeopardizes the integrity of the Social Security system and raises the specter of encroachments on the system, not to support seniors but to pay for the reckless spending of the 1980's.

My State has the Nation's third highest percentage population of senior citizens. These are the men and women who fought in World War II and who made our country an economic power. Their sacrifices have made our Nation what it is today. They deserve our support and they rightly demand our assistance to maintain a dignified retirement.

The hallmark of our commitment to these seniors has been the Social Security system. However, this amendment makes no provision to protect this essential program from the choices necessary to achieve a balanced budget. The amendment fails to recognize that Social Security is not just like every other program. It is directly funded through a dedicated payroll tax, and numerous acts of Congress have sought to protect it from improper manipulation or precipitous reductions in benefits. Yet the majority refuses to protect Social Security and, instead, wants to use the Social Security trust fund to mask the deficit.

Mr. President, recently the Congressional Research Service produced a report regarding the impact of the balanced budget amendment on Social Security, which contained a shocking revelation. The report found that the Social Security Administration, even though it has accumulated a very healthy surplus, would not be able to pay benefits in certain years, due to the amendment's requirements that total outlays for any fiscal year shall not exceed total receipts for that fiscal year. In other words, Social Security could only pay as much in benefits as it receives from payroll taxes in any given year, even if the trust fund was running a multibillion-dollar surplus from previous years. This is a grave matter that deserves more analysis and could jeopardize the 1983 Social Security reform law as well as future reform efforts. But it would be a consequence of this balanced budget amendment if adopted today or in the future.

Some would argue that no legislator would touch the Social Security system, but a constitutional imperative may provide a shield which would allow legislators to break that sacred commitment between ourselves and those seniors who have contributed so much to this country.

I urge my colleagues to reject this balanced budget amendment. The Constitution establishes the durable rights and responsibilities which are the heritage of our past and the best guarantee of our future. We should not let the Constitution fall prey to a proposal that reflects transient economic policy at best, and would erode both majority rule and the principle that the people's representatives, not judges, must be responsible for the public purse.

Mr. President, before I yield, I would like to thank Senator FEINGOLD for his graciousness in delaying consideration of his amendment in order to permit me to go forward with my statement.

I thank the Senator from Wisconsin and I yield my time.

AMENDMENT NO. 13

The PRESIDING OFFICER. Under the previous order, the question recurs on the Feingold amendment No. 13. Debate on the amendment is limited to 30 minutes equally divided in the usual form.

Mr. FEINGOLD. Mr. President, under the unanimous-consent agreement I have two amendments at the desk and I believe it is in order for me to call up the first of the amendments, amendment No. 13.

The PRESIDING OFFICER (Mr. ENZI). That is the pending question.

The Senator has 15 minutes.

Mr. FEINGOLD. Mr. President, I thank the Senator from Rhode Island for his kind remarks and for his excellent remarks in opposition to the balanced budget amendment. The amendment I am offering today to the balanced budget amendment will ensure that this Congress will meet its stated goal of reaching a balanced budget by the year 2002. Many people do not realize that as currently drafted, Senate Joint Resolution 1 may well forestall this goal of balancing the budget by the year 2002 well into the next century. I believe reaching a balanced budget by 2002 or earlier should be our highest priority. Thus, I am offering an amendment that will shorten the time for ratification of this amendment.

As was noted on the floor by our colleague from North Dakota, Senator DORGAN, a few weeks ago, even if this amendment were somehow ratified at 2:10 today, tomorrow this Nation's deficit would be no smaller than it was when the amendment was adopted. The fact that this amendment in and of itself does nothing to reduce the deficit highlights one of my principal concerns with Senate Joint Resolution 1. That concern is that pursuing a constitutional amendment approach could, counter to what everyone suggests on this issue, actually delay action on the real work of achieving a balanced budget by providing what is, in effect, political cover for inaction while the States debate the question of ratification.

Under the proposal before us, even if the Congress adopted the joint resolution this year, the implementation date, the date by which we would actually be required to balance the budget, is potentially well into the next decade. Conceivably, it could be as late as the year 2006.

That is right within the terms of the balanced budget amendment that is being offered. This is evident on the face of the amendment itself. Section 8 of the amendment offered in Senate Joint Resolution 1 provides that the balanced budget amendment will take effect beginning with the fiscal year 2002, or within the second fiscal year beginning after its ratification, whichever is later. So there is no certainty at all with regard to the year 2002.

The report accompanying Senate Joint Resolution 1 reiterates this uncertain timeframe. It states as follows:

> An amendment to the Constitution forces the Government to live within its means. S.J. Res. 1 requires a balanced budget by the year 2002, or 2 years after the amendment is ratified by the States, whichever is latest.

So, Mr. President, the proposal before us allows the States a full 7 years to ratify this amendment. The practical effect of this is, assuming Congress approves Senate Joint Resolution 1 by June 1 of this year, the States then have 7 years, or until the year 2004, just to ratify the amendment. If they take the full 7 years, and I think they will take more time when they begin to consider the full implications of this approach, the amendment would then not become effective—in other words, binding on Congress—until 2 years later, in the year 2006. In other words, the ratification period envisioned by Senate Joint Resolution 1 forestalls making the truly hard choices until as late as the year 2006, well, well beyond the current target of the year 2002.

In fact, the only way this amendment can be effective and binding by the year 2002 is if we pass it this year and the States then ratify it within only 3 years.

Because I believe, as I know do most of my colleagues, that we should balance the budget no later than the year 2002, I am offering this amendment to shorten the time for ratification from the allowed 7 years under the current amendment to 3 years, thus keeping us on track to meet the 2002 goal.

I want to be candid in stating that I disagree with many of my colleagues who believe that this amendment will be promptly ratified by the States. There is already talk that some of the States that might have ratified this proposed amendment in the past may be having some second thoughts. Maybe they have been listening to the debate on the floor, about some of the very serious flaws with the way this balanced budget amendment was drafted, that has been brought forward. In fact, the longer the States have to consider this amendment and its potential ramifications and uncertainties, they will be less and less inclined to adopt it.

However, when I offered this amendment in the Judiciary Committee, the proponents of the balanced budget argued against it. The distinguished chairman of the Judiciary Committee, the senior Senator from Utah, Senator HATCH, stated that he was quite confident that if the timeframe were shortened, as I am proposing, that the underlying amendment "would still be ratified by an overwhelming number of States and probably within that 3-year time."

That being the case, and the general agreement that the budget must be balanced no later than the year 2002, I was somewhat surprised to see my amendment defeated by the committee. If we are sincere about our efforts to achieve balance within 5 years, our actions on this amendment should reflect that goal, a goal that has been stated by the President and by the majority leader and by the Speaker of the other body.

The argument has also been made we should not abandon the custom of allowing a full 7 years for ratification. However, the 7-year period for ratification has evolved as a matter of practice beginning with the 18th amendment. On each successive occasion, except the 19th amendment, Congress has a set time for ratification, and they have set that time each time at 7 years. Doing so has been upheld as appropriate by the Supreme Court as an exercise of Congress' authority to adopt reasonable timeframes for ratification of amendments.

There has, no doubt, been much debate over whether or not the time for ratification may be extended. There is nothing, Mr. President, nothing, except adherence to tradition, that precludes the adoption of a shorter period of ratification, of a period less than 7 years. I respectfully suggest that the context in which the debate over the balanced budget arises counsels that it would be entirely appropriate and reasonable to depart from the 7-year standard and adopt, in this case, 3 years, as is proposed in my amendment.

There can be little doubt that balancing the budget is perhaps the top priority of the Federal Government at this point. In fact, so important was the adoption of the 2002 target date that the Republican Party created and ran what was, in my opinion, a pretty effective TV ad that showed President Clinton saying that a balanced budget could be attained in 7 years, then 8 years and then 10 years. That was a pretty good ad. This ad was a dramatic portrayal of what many argued was a general unwillingness to commit to attaining balance by a specific date.

I agreed with my Republican colleagues that we should set about the business of reaching balance by the year 2002, and that is why I think the amendment I am offering is appropriate and should be adopted. It assures that the target date of 2002 will not be pushed back until possibly as late as 2006. If, as the chairman of the Judiciary Committee suggested, the States adopt this Senate Joint Resolution 1 very quickly, then we should make it effective no later than 2002. If however, the States, upon learning about the uncertain consequences to the American people of this proposal, reject it, Congress should not be allowed to sit on their hands for 7 years and let the gains of the past 4 years of reducing the deficit languish or, even worse, be lost.

I am sure that many proponents of this constitutional amendment will argue that even if the States take the full 7 years, there is nothing to stop the Congress from continuing to work hard to get the balance done by the 2002 date. I hope so. But I suggest that such an argument speaks not to my amendment, but to the more threshold question of why, if that is the case, do we have to amend the Constitution anyway? If the constitutional amendment is not going to require balance until the year 2006, what will force this body to do the job by the year 2002? Nothing. The heat will be off.

President Clinton was clear when he said that all we need to balance the budget is our votes and his signature. I agree. We should make the tough choices sooner, not later. The report accompanying this measure argues that should this amendment be adopted and subsequently disregarded by a Congress and a President and are stalled at an impasse in budget negotiations, that that would constitute nothing less than a betrayal of public trust. In my opinion, if we allow this amendment to potentially delay balancing the budget or, in the interim, stray from the course charted over the last 4 years, that would also be, in my view, a betrayal of the public trust. We should remain always and in all respects committed to the 2002 target date.

As I said before in the Judiciary Committee, this amendment is really, to put it in very simple terms, the fish-or-cut-bait amendment. You either support moving toward balance by the year 2002 or you don't. If this Nation is going to take the constitutional approach, we should set about doing so and not let possible delays over ratification provide an excuse, provide political cover for inaction and delay until as long as the year 2006.

I do not question the sincerity of my colleagues in their desire to balance the budget. My amendment ensures that this will occur within the timeframe we have all agreed upon. Therefore, Mr. President, I am hopeful that all of us who support balancing the budget, whether we support this amendment or not, will embrace my amendment that will limit the ratification to 3 years and, therefore, Mr. President, keep us on track to balance by the year 2002, not the year 2006.

I reserve the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. I understand my colleague. I understand the amendment being offered by Senator FEINGOLD would reduce the period for the States to ratify the balanced budget amendment from 7 to 3 years.

I have to say, that I do not see the wisdom in departing from the longstanding 7-year standard that this resolution reflects. The 18th amendment, ratified in 1921, was the first constitutional amendment to contain a time limitation of any kind. Although there was heated debate at the time over Congress' authority to impose such a limitation on the States' ratification of the constitutional amendment, the Supreme Court subsequently upheld Congress' power to set a reasonable time limit on ratification in the case of Dillon versus Gloss back in 1921. As a result, we find 7-year time limitations within the actual text of the 18th, 20th, 21st and 22d amendments.

Since approval of the 23d amendment in 1961, Congress has continued to include a 7-year time limitation. But such limitation has been removed from the text of the amendment and incorporated instead in the joint resolution proposed in the amendment as we have done in Senate Joint Resolution 1.

Now, just to verify the continued adherence to the convention of a 7-year time limitation, I did a quick review of the 107 Constitutional amendments introduced in the last Congress. Indeed, of those 107 resolutions, only 1 contained a time limitation that varied from the conventional 7-year limitation.

I am quite confident, were we to adopt a shorter time limit, as my colleague proposes, the amendment would still be ratified by an overwhelming number of the States. But I fail to see the need in this case to alter what has been recognized as a reasonable time limitation on ratification since the early part of this century or to prejudice the consideration of the balanced budget amendment by reducing the time for consideration.

Mr. President, I am not concerned about 3 years or 7 years. I am concerned about 28 years, these 28 years of unbalanced budgets. You know, the bottom line is, we can talk all we want to about technicalities like 3 or 7 years but it is the 28 years I am concerned about. Really, if you get serious about it, it is 58 of the last 66 years during which we have had unbalanced budgets. It does not take a rocket scientist to realize this outfit just does not have the will to do what is right.

So to get all caught up in whether it is 3 or 7 years, I do not think serves the best interests of this amendment. Let me just say the bottom line is this. Congress cannot and will not stop spending more than it earns without the force of a constitutional requirement to balance the budget.

I have 28 unbalanced budgets here just to prove the point. We stacked them a little lower by doubling and tripling the smaller volumes, but it still is a pretty high stack. It is headed right to the ceiling if we do not get a balanced budget amendment. We have run deficits in 58 of the last 66 years. And, Mr. President, that is plain fiscal irresponsibility.

For these reasons, I urge my colleagues to reject distractions such as this amendment. I do not mean to demean the amendment of the distinguished Senator or my colleague who serves well on the Judiciary Committee, and with whom I have a very good, friendly and decent relationship, but it is a distraction in the sense that really the 7-year period really ought to be maintained since it has been over all these years.

So I urge my colleagues to reject this amendment and to find the courage to change the face of this Nation by voting for a constitutional amendment to balance the budget. This is a chance to do it. This is a chance to do something that will work. If we put the balanced budget requisite into the Constitution, I have no doubt that it will be a very relative few who would not observe it. But I believe the vast majority of Members of the Congress of the United States henceforth and forever would do everything in their power to live up to that constitutional requisite were we to put it in the Constitution.

I have no doubt about it. I think the vast majority of people who serve here are very honorable people who keep their word and will do what is right. I really believe that if we put this in the Constitution, that vast majority will really make sure that this balanced budget amendment works. On the other hand, if we do not, my gosh, what hope do we have? I mean, I can just see where nobody could be seen above this stack 6 or 4 years from now.

Frankly, I am absolutely solid in asserting, unless we have a balanced constitutional amendment, these stacks are just going to continue to grow ad infinitum, something that must be horrifying our Founding Fathers, many of whom are undoubtedly in Heaven, although there are a few I am sure who had a rough time getting there. But the vast majority of them probably are there with our Father in Heaven saying, "Let's do that which we failed to do when we had the chance, even though we thought about it." But they, when they were here, never thought for a minute we would have 28 straight years of unbalanced budgets.

So I suspect that the only way to solve this problem is to put some fiscal mechanism within the Constitution that makes sense. This amendment is that mechanism. It is a bipartisan amendment.

I chatted with CHARLES STENHOLM last night, our Democratic counterpart over in the House. I have to say he has done a tremendous job over the years doing his best to try to enact this amendment. It takes guts because he takes a lot of flak for it because people in his party in particular want to keep spending and taxing and claiming that they are doing a lot for people—they never say with their own money that could be better utilized by them and I think in a better way. So I want to praise him for the work he has done over there in the House, along with other Democrats and Republicans who have worked so hard through the years on this amendment.

I want to praise everybody here who will vote for this amendment because it does—it does—hold hope for the future if we can pass this amendment and enshrine it in the Constitution where I think the vast majority of Members would honor it and do what is right. The spending games would be over.

So I would hope that our colleagues will keep the language exactly the same. I do not know how it would affect other people who are currently willing to vote for the amendment, but we would like not to change it. In spite of the fact that my colleague is sincere and that this is a sincere amendment, I would hope that our colleagues will vote to table it.

Mr. President, I am prepared to yield back the balance of my time. We could move to the Senator's next amendment, unless he wants to discuss it.

Mr. FEINGOLD. How much time do I have remaining?

The PRESIDING OFFICER. You have 3 minutes, 46 seconds.

Mr. FEINGOLD. Mr. President, if I may, I would like to use that time. There were interesting remarks made by the chairman of the Judiciary Committee, my friend, Senator HATCH.

I will reiterate, this is really the fish-or-cut-bait amendment. I always appreciate the eloquence of the Senator from Utah, but I notice a sort of different tone when he speaks about this amendment as opposed to the balanced budget amendment. There is sort of a lack of urgency to his tone about this. His tone suggests that whether we get this thing done by 2002 or 2006, the important thing is that we just have this balanced budget amendment on the books. That just does not seem to square with the rest of the comments I have heard from the Senator and most of the other supporters of the balanced budget amendment.

There was no suggestion by the Senator from Utah that we could not limit this to 3 years. I appreciate his candor on that. That is something that is available to the Congress. It has not been done before, but when the limitation was put in the first place on the 7 years on the 18th amendment, it was my understanding that was not done before. So there is no literal constraint on that.

I was also struck, Mr. President, by the Senator from Utah's statement that we really had no reason here not to adhere to convention, there is no reason not to go to 3 years or we should stick with the traditional 7 years. This entire process of balancing the budget and having an amendment to the Constitution to do it could not be more contrary to the notion of adhering to convention. We have tried to use the Constitution of this country as a very limited and narrow document for 200 years but now we are going to do accounting through the Constitution. I suggest that that is a failure to adhere to convention.

The Senator from Utah also tried to describe this amendment as sort of a technicality, saying that whether it is 2002 or 2006, that is not the issue. We just need it in the Constitution.

Mr. President, it flies right in the face of his excellent description of that stack of documents in front of him. The Senator from Utah is one of the taller Members of this body, if I may say so. I do not think that is in dispute. I agree that if we keep going down this road that we will be unable to see the distinguished chairman, perhaps even by the year 2002, because of these books that are piling up. But if we wait not until the year 2002 but to the year 2006, I think the former Senator from New Jersey may not be visible and we may have to get Senators who would be able to start in a starting line up in the NBA just to be able to be seen over these documents. The fact is, there is a difference between the year 2006 and the year 2002.

All my amendment does, Mr. President, is guarantee that however this turns out, through a balanced budget amendment or through a bipartisan agreement to balance the budget by the year 2002, that is the date. Either way, it cannot be after that time. That is the effect of my amendment, Mr. President.

I yield the floor.

Mr. HATCH. Let me just say for the sake of this debate, if the Senator were willing to vote for the balanced budget amendment, I would accept his amendment because I think three-quarters of the States would ratify this amendment within the 3-year time period. I know he will not vote for this balanced budget amendment, and, frankly, it is better from a constitutional standpoint to give the States enough time to function. Some States do not even meet this year in their legislatures; others meet, but may not have time to consider this. It does take time to ratify a constitutional amendment, depending upon a lot of timing factors.

So we prefer to have the 7-year period. But I will make that offer if the Senator will vote for the balanced budget amendment. I would encourage all my colleagues to vote for his amendment, but until he does, I think we have to reject this amendment unless he is willing to do so.

The PRESIDING OFFICER. The Senator from Wisconsin has 36 seconds.

Mr. FEINGOLD. Let me say I, of course, am very candid on this point, that I do not support the balanced budget amendment for a variety of reasons, but I do recognize that there are some very serious consequences for this country if we do pass it.

My amendments today are relevant to the situation we would face if it does go through. I am sincere in my belief that if it does pass, the process is going to be slowed down here if it is not ratified quickly by the States. That is why I offer this amendment, because sometimes things happen that you are not happy about in the Congress and the President signs it, but you would like the negative effects to be limited.

That is the spirit in which the amendment is offered.

Mr. HATCH. Mr. President, I know my colleague is sincere. I have nothing but respect for him as he serves on the committee. I have a lot of regard for the distinguished Senator, and he knows it, and I know it.

However long it takes, we need a balanced budget amendment, and I think this is drafted correctly. It has Democrat prints all over it and Republican prints all over it. It is the bipartisan amendment that has always been in play, and I think should always be in play.

Frankly, I am hopeful we can pass it by next Tuesday. But however long it takes, we need it. If we do not do it, we will continue the status quo, and that is a stack of unbalanced budgets, which my friend and colleague admits will continue if we do not do something about it.

Mr. President, I yield back the balance of time, and I understand these votes will be stacked.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. I ask unanimous consent to move to table, with the understanding it will be able to come up at a later time.

The PRESIDING OFFICER. The Senator has that right. The motion to table has been made.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 14

The PRESIDING OFFICER. Under the previous order, the question recurs on amendment No. 14, offered by the Senator from Wisconsin [Mr. FEINGOLD]. Debate on the amendment is limited to 40 minutes, equally divided.

The Chair recognizes the Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President. I thank the distinguished Senator from Utah, the chairman of the Judiciary Committee, for his kind remarks.

I now would like to speak about an amendment that is also in the spirit of trying to make sure this balanced budget amendment works properly, in the event it goes through the Congress and is ratified by the States.

Mr. President, regardless of our views on the balanced budget amendment, many of us would like us not only to balance the budget, but many of us would like us to establish a statutory balance that can act as a fiscal cushion against unexpected emergencies. In other words, we think we should never project a deficit, but that on occasion we may want to project something of a surplus to make sure there is money there in case there is an emergency or some other urgent spending priority that has to be dealt with, but only on a surplus basis.

Now, Mr. President, this is not some idea I cooked up. This is what we do in Wisconsin. It is done in some form in most States. I think it would make good sense at the Federal level.

Unfortunately, Mr. President, in its current form, the proposed balanced budget amendment discourages this fiscally responsible tool. In effect, it does not really allow a surplus. It certainly does not allow a surplus to be used if one arises, except by a three-fifths vote in each house, which is a very high standard. Because outlays cannot exceed receipts in any year under the balanced budget amendment, any surplus built up to address an unexpected need would be subject to the three-fifths threshold and all the potential mischief that a supermajority requirement employs.

Mr. President, many of us in this body have concerns with the way we currently address emergencies and other unexpected needs as they arise. I have seen a lot of that just in the 4 years I have been here dealing with various disaster and emergency legislation. Under our present budget structure, we are forced to choose between adding to the deficit and scrambling to find spending cuts or tax increases to offset the unexpected need.

I think, and we have certainly seen this in Wisconsin, a far more fiscally responsible approach would be to appropriate a dedicated emergency fund or require a positive ending balance on which we could draw as the need arises. By budgeting for an emergency in advance, this approach would avoid deficit funding, but it would also decouple the potentially desperate need for emergency assistance from the hurried approach of emergency offsets. So a surplus fund or statutory ending balance would also address some of the concerns that have been raised by Secretary Rubin and others who have spoken about the important role that automatic economic stabilizers play in the health of the economy.

Our committee chairman has cited Fred Bergsten, a noted economist, during the committee's markup. This is what our distinguished chairman said in citing Mr. Bergsten: "* * * a better way to go is to shoot for a yearly surplus and let that take care of truly automatic fluctuations, if there are any."

Mr. President, I agree with our chairman. I think balancing the budget and building up a reasonable surplus during good times to help cushion economic downturns is a better way to go. However, as I just noted, Mr. President, under the present draft, we could not establish and use such a surplus fund without violating the constitutional amendment mandate except through achieving a three-fifths majority in each house.

Mr. President, you know that threshold presents serious problems, as many of our colleagues have noted during the course of this debate. The supermajority requirement empowers a minority to hold up a must-pass measure unless their fiscal or policy demands have been met. As some have noted, this perhaps mild form of extortion might even take the form of insisting on additional deficit spending, precisely the opposite direction intended by the supporters of the constitutional amendment. Remember, this balanced budget amendment does not guarantee that we have deficit spending, it just requires a supermajority to do so.

Mr. President, if allowing a surplus fund might be fiscally prudent to handle the unexpected natural disaster or military conflict, I think this surplus opportunity becomes absolutely essential if we hope to fund the bulges in Social Security benefits that will occur when the baby boomers retire.

In just a few years, we will begin to have to pay back the funds we have borrowed from the Social Security trust fund. Before that happens, Mr. President, we have to somehow rid ourselves of the addiction to those trust fund surpluses. That is how we have been masking how great our deficit is in the past, and we have to begin to balance the budget without those surpluses. That means, Mr. President, that the unified budget will have to be in surplus, but even then, if we build up a genuine surplus in unified budget to pay future retirees, the restrictions of the proposed balanced budget amendment will prevent us from using it unless we can muster a three-fifths vote of support in both bodies.

Mr. President, right now, the Social Security trust fund is receiving more than it is paying out. Those surpluses will continue to build until the baby boomers retire, and we need to tap into those savings at that point to offset the bulge in Social Security beneficiaries.

Mr. President, many have said this, but we have abused the Social Security surpluses by using them to mask part of our budget deficit. I don't single out one party or one branch of Government, because it has sort of been standard operating procedure for nearly 30 years. Mr. President, many of us want to stop that abuse and to work to get the budget off the Social Security surplus addiction so the funds are there for retirees as promised.

Mr. President, again, the current balanced budget amendment draft will not let us do that. When the baby boomer retirees begin to collect Social Security and the surpluses turn negative, the balanced budget amendment does not permit us to draw upon any savings we can build up between now and then.

Now, one approach is to explicitly exempt Social Security from the balanced budget amendment by putting the Social Security trust fund out of reach. We could then be sure that they will be available to draw down when needed.

Some who oppose this approach argue that we can do so by statute. They note that nothing in the current draft would prevent us from taking Social Security off budget by law, as we do now, and achieve genuine balance outside of Social Security. Unfortunately, though, Mr. President, even if the rest of the budget is in true balance, the current version of the amendment still prevents the use of the trust fund savings to pay Social Security benefits, unless the rest of the budget is cut or taxes are increased.

Mr. President, the current balanced budget draft requires cash flow to be balanced. It expressly prohibits the kind of buildup in anticipation of need that is the underpinning of the Social Security system itself. To put it in more simple terms, it is exactly like telling parents when the time comes to pay the cost of their child's education, they will not be able to use any of the savings they have built up, but will have to pay for the cost of their child's college education out of whatever their income is at that time—not one dime more. I can tell you, as a parent of four teenagers, that would be a very troubling prospect indeed.

Mr. President, my amendment would allow us to use the savings we must build up in advance of the coming retirement bulge. Let me be clear about this. Although this is the way it is done in my home State of Wisconsin—by statute—my amendment does not require us to have a surplus. My amendment does not require us to fulfill our commitment to future retirees. Yes, Congress could still duck that commitment. But at least, Mr. President, if my amendment is adopted, Congress would be able to do the right thing by Social Security beneficiaries. Without it—if the Constitution is amended as it is currently drafted—Congress will have to find a dollar in budget cuts or tax increases for every dollar Social Security outlays exceed receipts.

Mr. President, despite all the rhetoric about how Social Security will do quite well in what I like to call the "brave new world of the balanced budget amendment," who can doubt that Social Security benefits will quickly go on the chopping block, if we ever get to that eventuality?

Mr. President, this is a fundamental inequity that is built into the proposed constitutional amendment. Programs like Social Security, which require a buildup of savings to work, have to muster a three-fifths majority from both bodies. But the defense budget, special interest spending done through the Tax Code, and corporate welfare, all get a free pass. They don't have to go through this.

So, Mr. President, to conclude, even if my amendment is adopted, it will be difficult for Social Security to compete with these other powerful interests. But at least by allowing for a surplus, my amendment gives it a fighting chance.

I reserve the balance of my time.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Arizona [Mr. KYL] is recognized.

Mr. KYL. Mr. President, Senator HATCH was called away for a moment. I would like to present some of the remarks he would make in opposition to the amendment.

Of course, nothing in Senate Joint Resolution 1 prevents us from running surpluses or saving those surpluses in a rainy day fund. But Senate Joint Resolution 1 does put a lock on savings to ensure that they are not spent frivolously.

The proposal before us is based upon the argument that, under the balanced budget amendment, previously accumulated surpluses cannot be drawn upon in future years without a three-fifths vote. This is because, the argument goes, such funds would be spent as current outlays within the meaning of section 7, but would not count as current receipts and would therefore cause outlays to exceed receipts and trigger the three-fifths vote in section 1. Thus, this proposal seeks to prevent the use of previously accumulated surplus funds by a simple majority vote.

While most of us are concerned with how to stop running deficits, this proposal exhibits concern about accumulated surpluses. Protecting accumulated surpluses with a three-fifths vote is not necessarily a flaw in the amendment, however. On the contrary, I see it as a strength. Requiring a supermajority to spend previously accumulated surpluses could help us ensure that they are not frittered away on enticing, but fundamentally unimportant, spending projects.

Let us be realistic, Mr. President, we have had 28 straight years of deficits, and we have run deficits for 58 of the last 66 years. If we adopt the balanced budget amendment, we all believe that deficits will come to an end. I do not expect it will be easy to accumulate large surpluses, even under the balanced budget amendment. Proper planning and discipline can yield positive results. But I think it's important that we jealously guard the fruits of our budgetary labors and protect the surpluses we have managed to acquire, if any.

This amendment seeks to make it easier to spend away any surpluses we manage to acquire. It seems to me that this is an ill-advised policy. We would be wiser to keep the surplus in the strongbox of subject it to a supermajority requirement to be certain that it is not whisked away in yet another Washington spending frenzy. Can we safely assume that the Congress would leave money sitting, unguarded, on the table?

The supermajority requirement will help us ensure that when a real emergency arises, the surplus will be there to meet truly pressing and worthy needs. Both common sense and political reality dictate that there will be very little difficulty in getting the three-fifths necessary because, after all, who would vote against emergency aid when there would be no increase in the deficit?

I do have a concern that allowing Congress the option of spending a portion of the national savings by simple legislative fiat might erode the effectiveness of the balanced budget amendment by relaxing the fiscal constraints on yearly spending. Congress might slip into a habit of spending accumulated surpluses with regularity and get used to spending beyond our annual income, just as we have gotten into the habit of borrowing under the current system. Then having wasted our savings, we would have much more work just to get back into annual balance habits.

If we were fortunate enough to accumulate a sizable surplus, I expect we could stop patting ourselves on the back for simply not increasing the debt and actually start to repay some of the huge debt this country has run up. This is probably the best use of surpluses, particularly from a cash management perspective, and is what is contemplated as the normal use of surpluses under the balanced budget amendment.

That is why Senate Joint Resolution 1 does not count repayment of debt principal as total outlays. As we pay down our debt, we will continue to free up capital, lower interest rates and our annual interest payments, and strengthen the economy, helping us avoid deficits and the need to draw on savings or to borrow. We would also be moving ourselves away from the debt ceiling and building a cushion of debt availability if we should have to borrow again.

One final point, Mr. President. We have not balanced the budget in almost 30 years, as I have said before. It is perhaps a bit premature to start arguing about how we will spend surpluses. The first order of business is to pass the balanced budget amendment and get the deficit at least to zero. Then I submit that we can work on surpluses and true debt reduction.

This is an interesting proposal, but it ought to be defeated.

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes 36 seconds.

Mr. FEINGOLD. Thank you, Mr. President. I appreciate the comments of the Senator from Arizona. I enjoy serving with him on the Judiciary Committee. I appreciate his candor.

Basically, those folks who advocate the constitutional amendment have said it all here. They have now said formally that if you want to get money from the Social Security trust fund surplus in the coming years, that in fact the only way to do it is by getting a supermajority, three-fifths of both the Senate and the other body.

I hope the seniors of this country are listening and realize what we are talking about here. It is incredibly difficult to get three-fifths of either body on anything. It is hard enough to get over 50 votes on anything. And when you are talking about the competition with all the special interests that are represented in this community, even with a fully funded Social Security trust fund, requiring a three-fifths majority of both Houses to fully fund Social Security benefits from the trust fund has to be one of the greatest threats to Social Security that can be imagined.

Let's be clear. I do not think anyone has successfully disputed the claim that this constitutional amendment allows the use of Social Security dollars to balance the budget. That has become very clear in this debate. What this new admission tells us is that if the Congress wants to do the right thing after we have a balanced budget amendment and wants to make sure that retirees and future retirees have the money saved for them over the years, they will not be able to do it through a majority vote. A minority in either House will be able to prevent every senior citizen in this country from getting the payments they deserve and that they paid into the system for. That is what this thing does.

This isn't just about seniors. Yes, it is about my generation. It is about baby boomers. Perhaps that will be the first group that will be affected by this. But it is also about future generations who certainly hope, if they are required to pay into the Social Security system, that there would be a way for them to access their retirement benefits without having to persuade three-fifths of both Houses of Congress it is a good idea. You should not have to persuade three-fifths of the Congress that it is a good idea. That is your money. That is your retirement benefit.

So, basically, our argument has been conceded here. I thank the Senator for his candor.

Let me note that in States where they have a surplus fund, in most of those States they do not require a supermajority in order to access the surplus money. According to the National Conference of State Legislators, as of 1995, 45 States and Puerto Rico had created such funds but only about a quarter of them required a supermajority to use the fund.

Further, let's remember that States are not faced with having to fund a program like Social Security that absolutely requires a substantial buildup of savings in advance. As drafted, the balanced budget amendment puts programs like Social Security at a tremendous disadvantage by requiring a three-fifths vote to use net savings. So why don't we learn from the experience of the States?

The Presiding Officer was a distinguished Governor, and he and the other former Governors in this body know that it is very important sometimes to have a projected surplus for a rainy day. Apparently, the vast majority of the States have determined in their experience—which we don't have here in Washington—that you should not require a supermajority if you need to get at that money either for purposes of emergency, or here, in this case, for the very important purpose of paying retirement benefits to people who are promised those benefits for their retirement.

Mr. President, I reserve the remainder of my time.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the comments of the Senator from Wisconsin and will respond briefly to them.

First of all, I think it is important to note that the Feingold amendment, as I understand it, does not just apply to any potential surplus in the Social Security trust fund but would apply to any surplus. I think that is a correct interpretation.

I go back to the comments I made a moment ago to reiterate that it ought to be more difficult to spend the surplus, first of all, because we could easily get into the habit of saying, "Well, we have a few dollars here in surplus. Let's quickly go out and spend it," and, second, because we are not going to eliminate the debt or even begin to repay the debt if we do not apply surpluses to the debt.

But as to the argument that this would apply as well to the Social Security trust fund, I think several comments are in order to the extent, if that is true, that it is true. First of all, of course, one could always run a surplus in the rest of the budget as a unified budget to cover the cost that the Senator from Wisconsin is talking about. In any event, this three-fifths vote requirement, so-called supermajority, is necessary to protect the Social Security trust fund from being raided to ensure that it is used for its true purposes. We are running a surplus today. We ought not to make it easier for Congress to continue to raid that surplus and spend it on other things.

If there is any criticism that I get—and I get plenty when I visit with seniors out in Arizona—it is the criticism of the Congress and the President raiding the Social Security trust fund. They ask, "Why are you spending that on other Government things when it is intended to be spent on Social Security?" And, of course, they are absolutely right. We should not be. We ought to make that as hard to do as possible. That is one of the reasons that we are supporting the balanced budget amendment because we recognize that if we do not balance the budget, if we do not begin to set priorities in other spending programs, the temptation is always there to continue to raid the Social Security trust fund.

So, ironically, the whole purpose here, or at least a significant part of the purpose, of the balanced budget amendment is to protect the Social Security trust fund. We ought to make it harder to raid that trust fund.

I suppose one could postulate the situation in which we are at a point when we have to draw upon the IOU's that are in the Social Security trust fund, even for Social Security purposes. And I do not think that there is anybody in the House or the Senate who would argue that, in that circumstance, it would be very difficult to get the three-fifths vote. I mean no politician, nobody here in Washington, DC, is going to say, "No, we don't think we will fund Social Security this year." That is the one obligation that all of us take as kind of our first rule. And, obviously, no one would be able to face the folks back home if we didn't do that, and we should not. We have that obligation. We owe that obligation, and it would be done.

We have provided a supermajority in here for other kinds of emergency situations, and we have said those are clearly situations in which, if it is necessary, you could get 60 votes in the Senate, and three-fifths in the House, as well.

I daresay, if we ever got to that eventuality, even if this applied to that situation, it would not be difficult to get the 60 votes necessary.

So it seems to me that, as I said before, we are really worried about something here that isn't going to happen. I would much rather focus our attention on getting the budget in balance than to worry about what is going to happen after we do that and we start to run surpluses. I think that will be a wonderful day, if we ever get there. I do not think we will have trouble figuring out how to spend the extra money, and I would rather make it difficult to spend it so we can make sure that at least part of that begins to go to pay our national debt.

I would be happy to stop at this point, if the Senator from Wisconsin has any other thoughts to engage in this debate further.

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 4 minutes and 15 seconds.

Mr. FEINGOLD. Thank you, Mr. President.

Let me respond to the remarks of the Senator from Arizona. He referred to the belief that we should worry about spending, what he has referred to as the "extra money" when we get to the point of the surplus. I guess the main thrust of my remarks is that I wasn't talking really about extra money. I am sure that could happen. I will address an example of that in a moment.

What we are talking about here is a formula against money which is otherwise known as the Social Security trust fund. Are we going to start thinking about whether we are going to honor the obligations to our retirees only at the point that we have a surplus? That is what it sounds like. We get to that point, and say, "Oh, there is a bunch of money in here for Social Security. Let's see if we can get 60 votes of the Senate to hand that money out."

That strikes me as very different than a discussion of what we are going to do about extra money. What we are talking about here is whether we are going to basically pull the rug out from under people who paid into a system for the express purpose of providing for their retirement. There are really very few things that are more important to working people in this country.

I do not think there has been a real response to my concern that the bar is being set higher for Social Security under this amendment than it is for other programs. That is because Social Security by its nature requires the buildup of a surplus in order to work. Such a program, in order to access those surplus funds, has to get three-fifths of both Houses, but other programs, the Defense Department, corporate welfare, and wasteful spending programs, need only obtain a simple majority as long as it is within the balance of the balanced budget amendment.

This is very serious business. Let us finally just take the example of surplus funds that might be used for a different purpose. Let us say there is a surplus that builds up—and I think the folks on the other side of the aisle might be attracted to this—and Congress decides they expected and they would like to give the people in the country a tax cut. Maybe they decide it is not the Government's money; it is the people's money, and there is enough money in surplus to give everybody $500 of tax relief.

Under this amendment as it is now drafted, that built up surplus could not be used to cut taxes unless you had 60 votes. And as strong as the Republican majority is in this body, you do not have 60 votes. You would need 60 votes to give the American people the benefits of that surplus in the form of a tax cut. That does not strike me as similar to the arguments I have heard about the urgency of tax cuts in the past, and I do believe that would be the effect of the proposed balanced budget amendment if we do not adopt the amendment I have suggested to allow a surplus to be used for other purposes as long as a simple majority is achieved in both Houses.

Mr. President, I reserve the remainder of my time.

Mr. KYL. Mr. President, might I inquire of the Senator from Wisconsin, I am a little bit confused about the last point he made. Perhaps he could clarify this. Was the Senator from Wisconsin suggesting that if we might want to cut taxes because we have a surplus of funds unassociated with Social Security, it would require a 60-vote majority? Or was the Senator from Wisconsin assuming that the surplus that he described was the IOU's in the Social Security trust fund?

Mr. FEINGOLD. This would relate, Mr. President, to the surplus that has been built up over several years.

Mr. KYL. Would it be the surplus in the Social Security trust fund or just surpluses that would be accumulated over the years?

Mr. FEINGOLD. Surpluses we have accumulated.

Mr. KYL. In that event, Mr. President, I do not understand the argument of the Senator from Wisconsin, because we are not going to need 60 votes simply to reduce taxes. If we have a surplus, then the revenues that would be lost theoretically from a reduction in taxes would have to be offset. But there is no requirement in that case that there be a supermajority to cut taxes. The revenue that would result that would show up in subsequent years would be required to be taken into account in order to determine whether we had a balanced budget and whether we needed to reduce expenditures in subsequent years. But at the time that we would make the decision to cut taxes, there would not be a requirement for a 60-vote majority.

To the other point that the Senator made, asking the question with regard to the Social Security trust fund, that I was somehow suggesting that we only honor our obligation when we have a surplus, I do not understand that either because, of course, that was not my point. That is not the fact.

We have an obligation to our Social Security recipients, our retirees, that has to be satisfied regardless of whether the Social Security trust fund is in surplus or in deficit. That is a solemn commitment that we all understand and we are prepared to meet.

Over the last several years, we have been building up a surplus theoretically, so we are in the situation now where there is a surplus. We are meeting the obligations. That is not at issue. We have to satisfy our obligations to our seniors. In the event that we begin to run a deficit, that obligation would have to be satisfied, as I described before. Nobody in this body or the other body is going to contend that somehow the balanced budget amendment is going to preclude us from doing that. It is an expenditure that is probably the first expenditure we will want to make around here. My guess is that there might be a bridge here or special subsidy there that might fall by the wayside, but Social Security payments are not going to fall by the wayside.

In fact, again, unless we balance the budget, Social Security, along with everything else, is in jeopardy. Most of us, I think, would undoubtedly agree with the Senator from Wisconsin that Social Security is one of the very first obligations we are going to have to meet, and, therefore, it is probably not in jeopardy. I think we would all contend under no circumstances would we ever allow it to be in jeopardy. It is going to be other programs.

But I would rather be in a position to say we can fund all the things that we would like to fund that are necessary to fund. If we do not get our budget in balance, we are not going to have that ability. There will come a time when there is not enough money to spend on key things like law enforcement and national defense and critical programs because our debt will have gotten so high that the interest payments on the debt are eating up the largest part of our budget.

We have to get to the point where we are not running deficits anymore, our annual deficits are zero, but we can begin to pay down the national debt. That is why we need a balanced budget amendment to the Constitution.

I think perhaps the best illustration of this is to look at the budget that the President presented to us just a couple of weeks ago. It is an amazing document because while the President purports to demonstrate that we can reach a balanced budget in 5 years, and therefore we do not need to pass the balanced budget amendment, his budget demonstrates precisely the opposite. It proves that you cannot get here from there unless you are required to do so by the Constitution. How so? Apart from the fact that the Congressional Budget Office says it is not in balance by somewhere between $50 and $70 billion—leave that aside—the President proposes that most of the savings that would be required to get into balance are in the last 2 years of the 5-year period—incidentally, after he is no longer President. Seventy-five percent of the savings would have to be made in the last 2 years, fully 47 percent in the last year—almost half of all the savings over a 5-year period.

Now, what does that mean? Our budget deficit last year was $107.9 billion. We are going to go up to something like, I don't know, $126 billion this next year and $127 billion the year after that. We are supposed to be getting to zero.

I had an old rancher friend tell me once if you are in a hole and you want to get out, the first thing you do is stop digging. This President would not stop digging until the very end and then magically, somehow or other, after he is long gone, we are going to ratchet up the courage to make all kinds of savings that we cannot decide to make in this year or the next year or the year after that. It is a little bit like the fellow who swears he is going to go on a diet; he has to lose 30 pounds. So he says, all right, I am going to do it by July 4. I am going to lose 30 pounds. First, however, I am going to eat like heck and gain another 20 pounds. And then, by golly, on July 1 I am going to start losing and by July 4 it will all be gone.

It is not going to happen. That is why you need the discipline of the balanced budget amendment to force us to set the priorities so that we can achieve a zero deficit within 5 years, stop the accumulation of additional debt, which requires us to pay more interest on the debt, which eats up moneys that could be spent on education, on the environment, on defense, on law enforcement, on any number of things—on Social Security. As I said, I mean all of us around here will agree Social Security comes first. So we really do not have to worry about Social Security. But we ought to be worrying about all of these other things because many of them are important just like Social Security is. And there is not going to be enough money for them if we do not get this budget in balance. That will not happen, as the President's own budget illustrates very clearly, until we have the discipline of a mandatory requirement under the balanced budget amendment to the Constitution.

So, again, I think this is where we really ought to be focusing right now. We can worry about how we are going to spend the surpluses if and when we ever get there. For now I would just be pleased to get to the point of zero. That is what is going to be required if we are going to be in balance, and that means we have to pass the balanced budget amendment.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Wisconsin.

Mr. FEINGOLD. How much time do I have remaining?

The PRESIDING OFFICER. One minute two seconds.

Mr. FEINGOLD. I thank the Chair.

I think the discussion of both the issue of tax cuts and the Social Security benefits points up how serious it is to amend the Constitution in order to balance the budget. In effect, we are not going to be able to use a surplus that has been built up to give a tax cut. If we do not worry about it now and we only worry about it when there is a surplus, the problem is it is going to be in the Constitution. We are not going to be able to just fix it. We had one experience like that in this country in prohibition, and it took quite an effort to undo it.

So, again, there appears to be a major uncertainty with regard to this. The important question is do we really want to be faced in the future years with a system set forth in the Constitution that gives us no flexibility, that requires a three-fifths majority of both Houses in order to simply access and use the Social Security trust funds?

The other side is not denying that is what is happening. In fact, they say that is what should have to happen—and that is what our retirees of the future may face.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. KYL. Mr. President, I will take a couple of the minutes we have remaining here. Let me reiterate. We are talking about two things here. One, we are talking about accumulated surpluses that don't have anything to do with Social Security. The point I made on behalf of Chairman HATCH is, if we ever get to that wonderful point, I don't think we will have any trouble figuring out how to spend that money. In fact, a lot of us would like to make it a little harder to spend so we can begin applying it to deficit reduction. So I am not concerned if it requires us to get 60 votes here to do that.

Folks watching, of course, may appreciate that it takes 60 votes to do most things here in the U.S. Senate because a 40-vote minority can always filibuster. In order to break that filibuster and actually bring something to a vote here you have to have 60 votes. This is about the only body that I know of where a Member cannot call the question and automatically get a vote. We cannot get a vote in this body unless there is unanimous consent or 60 Members agree. So there is a 60-vote requirement to do a lot of things around here. Again, I am not too worried about getting a 60-vote requirement to spend surplus money in the U.S. Treasury. I suspect that will be a pretty easy thing to do.

As to the matter of Social Security, again I think all of us are united in our concern. I commend the Senator from Wisconsin for his concern about Social Security recipients, and I know Chairman HATCH and all the Members on this side have the same concern. Again, I am not at all concerned that Members here would somehow slight Social Security recipients. They are going to be the first obligation that we satisfy.

But, as I said, there is not going to be enough money for any of these things if we don't get the budget in balance.

Mr. President, at this point I yield any additional time I have.

I move to table the Feingold amendment. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 10

The PRESIDING OFFICER. Under the previous order, the question recurs on amendment No. 10, offered by the Senator from Massachusetts [Mr. KENNEDY].

Debate on the amendment is limited to 2 hours equally divided.

The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope, depending upon the interest of our colleagues, we might be able to address this issue in a more limited period of time and get back on schedule. But at this time, we will move to the time agreement and then try to respond to the leader's request that we move as expeditiously as we can to the conclusion of some of these amendments.

Mr. President, I offer this amendment to guarantee exclusive congressional enforcement of the balanced budget constitutional amendment and to avoid the serious problem of judicial enforcement under the pending version of the amendment. The balanced budget amendment would overturn the basic principle of separation of powers by giving the courts and the President enforcement authority. We must take clear steps to avoid such a situation.

The proponents of this amendment apparently believe the old adage that silence is golden. They say that because the amendment remains silent with regard to judicial review and Presidential impoundment power, the Congress has not sanctioned either form of enforcement. Unfortunately, numerous constitutional scholars disagree. During the last debate on this issue, 17 of our country's most well-respected scholars urged Congress to reject the proposed balanced budget amendment. Conservative and liberal constitutional experts shared the conviction that the proposed balanced budget amendment was a mistake, and they specifically stated that the amendment would inappropriately involve the judiciary in intractable questions of fiscal and budget policy.

The proposal before us today raises those same concerns. The amendment I offer today addresses this problem by granting Congress exclusive authority to enforce the balanced budget constitutional amendment unless Congress authorizes otherwise in the implementing legislation. The courts could not become involved in the many complex budgetary questions that would be raised by taxpayers, Members of Congress, or other citizens without specific authorization from Congress.

If the Senate does not adopt this amendment, Congress may not have another opportunity to narrow the Court's enforcement authority. I know that some balanced budget amendment proponents argue that the Congress can step in at a later date to address this problem. But constitutional scholars disagree. Cass Sunstein, a well respected constitutional scholar at the University of Chicago, said:

> It is by no means clear that Congress can forbid judicial involvement by statute. Courts are quite reluctant to allow Congress to preclude judicial review of constitutional claims.

This amendment also protects against Presidential impoundment power, which was soundly rejected in the 1970's. At that time President Nixon unilaterally impounded funds for programs he did not like.

In 1974, we made those actions illegal, but unless we act again, the balanced budget constitutional amendment restores that authority to the President. The problem solved by this amendment is real.

Proponents of the balanced budget constitutional amendment argue that there are few, if any, risks that the courts will micromanage the Federal budget. They say that article III of the Constitution is a bar to judicial intrusion. But if that is the case, why did 92 Members of the Senate support an amendment offered last year by Senator Nunn and Senator CONRAD which limited judicial action unless specifically authorized by legislation?

We all know that the risk of judicial intervention is very high, and article III does not afford protection. As Stuart Gerson, a former Justice Department official who testified before the Judiciary Committee in support of the balanced budget amendment, said:

> The "case or controversy" requirement of article III is the greatest bulwark against undue judicial intervention in budgetary matters, but it is not an impregnable barrier.

The reality is that the balanced budget amendment is likely to produce numerous lawsuits in Federal and State courts.

Neither article III doctrines, which are not applicable in State courts, nor practices of judicial deference will operate as automatic protections against the flood of litigation that could be brought by taxpayers and others. Such cases will force courts to act to analyze complicated economic questions and prescribe remedies.

For example, can a State or Federal court enjoin Government spending if three-fifths of both Houses of Congress are unable to raise the debt limit?

Could a court levy taxes to prevent an unauthorized deficit?

Can a Member of Congress file suit because he or she disagrees about what constitutes a revenue increase and then argue that such an increase was not adopted by a constitutional majority?

Could a criminal defendant file suit because he or she was charged under a law claimed to cost more to enforce than the Government can finance through expected proceeds?

These questions and others regarding funding for Social Security, Medicare, education and the environment would rest in the hands of unelected judges and judicial intervention can easily disrupt Federal services that all Americans depend on. Citizens could find "closed" signs on Federal agencies, parks and museums because employees have been furloughed or hours opened to the public have been cut back. Our Republican friends in Congress closed down the Government in 1995. Surely they don't want a repetition of that experience at the hands of judges.

Supporters of this amendment may believe these risks are unlikely, but we all know that deficits and lawsuits are not rare, and we have an obligation to tell the American people what will happen if the balanced budget constitutional amendment is not obeyed.

The amendment also grants a great deal of power to the President. What is the President required to do if it becomes clear that outlays will exceed receipts and Congress has not authorized the deficit?

Secretary Rubin, former Reagan Solicitor General Charles Fried, and former Attorney General Nick Katzenbach agree that the President would have the obligation to impound funds. Testifying before the Senate Judiciary Committee in 1995, Solicitor General Walter Dellinger said that if the command for a balanced budget were about to be violated, he would advise the President that he not only had the right, but also the constitutional obligation, to step in and prevent the violation by impounding money before the budget became imbalanced.

What does that mean to American families? It means that across-the-board cuts or specific cuts will reduce or eliminate Federal programs and that projects in particular States will be subject to cuts. This authority makes the line-item veto look mild by comparison.

We all know that many Republicans want to slash Federal funds for education or even eliminate the Department of Education entirely. If the balanced budget constitutional amendment is enacted, there is nothing to prevent a President from using the excuse to balance the budget to unilaterally deny funds for education or even close the Department.

The balanced budget constitutional amendment unnecessarily places a huge question mark in the Constitution. The deficit is going down, the economy is improving, President Clinton has put us on the road to a balanced budget by the year 2002. We don't need these serious enforcement problems under the balanced budget amendment, and I urge my colleagues to avoid them by supporting this amendment.

Mr. President, as I mentioned just a moment ago, the last time we debated this amendment it was the judgment of this body to accept the Nunn-Conrad amendment, which would have provided a limitation on Federal court enforcement. Similarly, the Congress before that accepted a Danforth amendment that was related to the authority of the judiciary. On both of those occasions, it was the judgment of the U.S. Senate that this was a real issue, with the real potential of resulting in the kinds of situations that I have outlined briefly this afternoon.

This body either intends that we permit the courts to make judgments about different programs, that we permit unelected judges to make judgments about matters dealing with the budget and dealing with the expenditures of resources—judgments the Constitution authorizes Congress to make—or it doesn't. Courts are there to interpret the law; Congress to make budget and resource allocation decisions.

With this balanced budget constitutional amendment, we are providing an open door for courts not just to interpret the law, but use their power to preempt the power of the Congress of the United States in allocating resources.

We are also giving that additional power to the executive branch in terms of impoundment.

If it is the decision of the majority that that is not the case, then this amendment should be acceptable. But I ask my colleagues to review with me the statements of a number of those who have supported the balanced budget amendment. Many of those proponents specifically say they believe the courts will have enforcement authority, and it is one of their reasons for supporting the balanced budget amendment. We can go back and review the report of the Judiciary Committee, which gets into some considerable detail on that.

If we are seriously interested in protecting Congress' constitutional duty to make judgments regarding the budget, then we ought to support this amendment and make it very, very clear.

Finally, for those who have said, "We can address this issue at a later time with a statute," we cannot rely on that because such a statute may very well be unconstitutional.

So, if we are serious about ultimately preserving Congress' authority to make judgments regarding resource allocation, we ought to accept this amendment.

If there is another intention, then it will be rejected. But the American people ought to understand the vast enhancement of authority and responsibility that we are giving to the President of the United States and to the courts of this country. They ought to understand that the President and unelected judges will be making judgments about the budget and taxes, not Congress.

That, I think, is an issue that should not be left to general statements or comments on the floor of the U.S. Senate. In the past, this body has been willing to define those powers, and we should not abdicate that responsibility today. I urge my colleagues to accept this amendment.

Mr. President, I reserve the balance of my time.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. KYL. Mr. President, I would like to just raise one of the questions that rises under the Kennedy amendment, to ask the Senator from Massachusetts to respond to what I think is a real dilemma that is created. I presume it is an unintentional consequence, but it is the kind of thing that we have to be very careful of because, obviously, we are amending the Constitution here. We need to be very, very careful we do not do something wrong or something that would have a consequence that would be undesirable.

The Senator from Massachusetts referred to the Nunn amendment from last year, which most Members of the Senate supported, and essentially compared his amendment to the Nunn amendment. There are a couple of subtle differences which makes a big difference between the Senator's amendment and the Nunn amendment.

The Nunn amendment from last year provided that absent specific legislative authority, judicial review by the courts would not be possible, that is to say, "The courts would not have jurisdiction for claims arising under the balanced budget amendment." And that was the language, "for claims arising under the balanced budget amendment." The Senator's amendment, however, provides and adds specific legislation and authorizes judicial review: "Congress shall have exclusive authority to enforce the provisions" under the balanced budget amendment so that the courts would have no enforcement role.

Let me repeat that in a moment here. Then I will provide a hypothetical which illustrates why that is not a good thing.

The courts would have no enforcement role—that includes, of course, the right to protect a citizen who is acting under the Constitution in conformance with his constitutional rights and, therefore, would be denied the protection of the court. Could such a situation arise? Yes.

The Kennedy amendment allows Congress unconstitutionally to raise taxes by use of a voice vote and no court can hold the tax unconstitutional. The balanced budget amendment requires raising taxes by rollcall vote. That, of course, means that we all have to cast our vote when our name is called. It is a written record, that each one go on record. And that is for a reason, of course. But if the Congress were to raise taxes by a voice vote, in violation of that constitutional amendment, citizens would be in a quandary of whether or not they could raise the question of the unconstitutionality of the imposition of a tax in defense when they are prosecuted for failure to pay the tax.

The Nunn amendment did not have this draconian effect. Under the Nunn amendment, any taxpayer could raise as a defense the argument that the Congress passed an unconstitutional tax. The Kennedy amendment forecloses that debate by precluding court action by providing that the exclusive enforcement is by the Congress. So Senator KENNEDY's amendment would allow the Government effectively to imprison taxpayers for refusing to pay an unconstitutional tax.

Of course, that is an unintended consequence of the Kennedy amendment, but it is a consequence. And it is one of the reasons why we should not adopt the Kennedy amendment.

One of the reasons why it is so hard to amend the Constitution is that we want to be absolutely certain that everything we have done will withstand the scrutiny of time and the Constitution. That is why we have a lot of hearings and debates, and perhaps one of the reasons why an amendment which comes to the floor for the first time for debate has not had the kind of hearings that would illustrate the problems with the amendment. That is an important part of our process here.

The Nunn amendment went through that process. It was thoroughly debated and was approved. The Kennedy amendment, by making a very slight change in the Nunn amendment, raises a very serious constitutional question, and it is one of the reasons why I would not be able to vote for the Kennedy amendment.

I reserve the balance of my time, Mr. President.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield such time as the Senator might use.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President.

I rise today in support of the amendment by my colleague, the senior Senator from Massachusetts. I do so because it speaks directly to one of the most significant, yet still unanswered questions about this proposed amendment to the U.S. Constitution. The issue I want to speak about today goes to the very heart and structure of our democratic system of Government, that being the role the courts will play if this amendment is adopted.

As has often been the case during this debate on the issue of judicial enforcement, we have rarely moved the dialog beyond generalities and hypotheticals to resolve with any finality what role if any the courts will play if the balanced budget amendment becomes a part of our Constitution.

Unless the proposed amendment is modified to make clear that the judiciary shall not assume the responsibilities of managing the financial obligation and priorities of this Nation, it could well turn over to the courts decisionmaking authority on issues such as tax rates and spending priorities, decisions which I think we all agree should remain within the purview of the Congress and the executive branch.

As the President has said, all it takes to balance the budget is our votes and his signature. Yet, this amendment potentially wrests from Congress our ability and, in my opinion, our responsibility to make the tough choices and lays them at the foot of the judiciary. We should make it clear that unelected judges will not assume the role which is better left to those who are elected by the voters.

In raising my concern with the potential role of the judiciary enforcing the balanced budget amendment, I want to make it clear that I do not do so out of disrespect or disregard for the courts and their very significant role in our democracy. Nor do I rise to engage in the kind of assault on the integrity of the judiciary that has become all too commonplace in recent years when a contrary decision manifests itself into a full-scale assault on the judicial system of our Nation.

Mr. President, our system of justice is by no means foolproof. Nor does it always reach popular results. It is, however, the best system that has been devised throughout history. And this is due in large measure to its independence, to the independence of the judiciary. The Federal judges are granted life tenure so that they may be free to interpret the law without fear of retribution during the next election cycle. The independence of the judiciary is as important to our democracy as any other element, and I do not rise to question that independence or to castigate members of the judiciary. Rather, I rise because the failure to address the role of the courts in this amendment strikes at the very heart of our system of government. Our system of checks and balances between our three branches has prevented any one branch from becoming too powerful.

This body, the legislative branch, the branch closest to the people, was given the responsibility of making the laws and controlling the purse. The executive is charged with the primary responsibility for execution of the laws and the judiciary with interpretation and enforcement of them.

The premise that the courts shall interpret and enforce the laws has been a fundamental notion throughout our constitutional history. Although noted in the accompanying views of both the proponents and opponents in the report on this amendment, the words of Chief Justice John Marshall, in Marbury versus Madison, are worth reiteration here.

> It is, emphatically, the province and duty of the judicial department, to say what the law is.

Mr. President, there could be little doubt that the courts of this Nation play a significant and vital role in our democracy. As was pointed out by my colleague in the Senate Committee on the Judiciary, Senator TORRICELLI, the difference between our Constitution and those of other countries is not necessarily in the rights that it assures, but that they will be enforced by an independent judiciary. It is this structure which has served us so well for so long.

However, that structure is also based upon the assumption that the courts will not be given the responsibility for actions which are intended to and have historically been reserved for elected officials in both the executive and legislative branches. In the context of this amendment, that assumption simply cannot be made.

If the balanced budget amendment is added to this Nation's charter, without clarifying and limiting the role of the courts and establishing fiscal priorities for our Nation, it will constitute nothing less than a radical restructuring of our democratic system of government. In fact, the history of this amendment illustrates the significance of this issue.

On two previous occasions, in 1994 and 1995, the text of the balanced budget amendment was modified in respect to the role of the courts: Once to limit involvement to declaratory judgments and, most recently, to allow implementing legislation to define the role of the courts. Yet, despite these facts, proponents of this amendment, the one we are to vote on next week, now argue that the best approach to this significant threshold issue is simply silence. They are not open to the kinds of changes that were added in the last two attempts to pass this amendment to our Constitution.

The committee report states that it is the belief of the proponents that:

> S.J. Res. 1 strikes the right balance in terms of judicial review. By remaining silent about judicial review in the amendment itself, its authors have refused to establish congressional sanction for the Federal courts to involve themselves in fundamental macroeconomic and budgetary questions, while not undermining their equally fundamental obligation to "say what the law is . . ."

Thus, Mr. President, it seems under a veil of silence the proponents are simply choosing not to address this issue.

I also note that I do not believe that the courts of this Nation have historically waited for congressional sanction before addressing issues raised by the U.S. Constitution. In short, the committee report seems to be saying that Congress will not explicitly give the courts their approval to do something which, in fact, the courts may already do on their own—interpret and enforce the Constitution. To me, Mr. President, this approach is the kind of classic sidestepping of critical issues which has plagued this debate and that fosters public cynicism for this body and elected officials in general.

In response to this concern, one can anticipate that proponents will argue that we should set aside such issues and just address them within implementing legislation. This has been standard throughout the debate—much as the balanced budget amendment allows us to forestall the tough votes needed to balance the budget, the distant promise of implementing legislation allows us to forestall answering the tough questions about this proposed amendment to the U.S. Constitution.

Mr. President, if we are going to ask the American people to amend the Constitution in a manner as unprecedented as this amendment, I believe they have a right to know exactly what the amendment will mean to them. They should have a chance to know that now, not after it has already been locked into the Constitution in a way that we cannot easily undo.

The hollow promise that all of these issues may be resolved at some unspecified point in the distant future should not be the basis on which we choose to amend the U.S. Constitution. It is more than a bit ironic that many of the same Members of this Congress who support the balanced budget amendment on the ground that Congress lacks the discipline and responsibility to balance the budget ourselves, have little trouble asking the American people to trust that same Congress to somehow properly address the myriad of uncertainties created by this amendment through implementing legislation.

Mr. President, if the 105th Congress is intent on adding a balanced budget amendment to the U.S. Constitution, then we better do it correctly. We should know what it means and we should address situations like judicial review now, not later.

Furthermore, by placing the intent of the Congress into the amendment, the potential result of the Presidential veto of implementing legislation is avoided. There can be little doubt that the debate over implementing legislation will be a very protracted and difficult debate involving issues of separation of powers and enforcement, among others. What if the President vetoes implementing legislation and Congress cannot muster the two-thirds necessary to override?

At this point, does anyone truly believe that the courts will simply sit idly by and wait for Congress and the President to reach an accord on implementing legislation? They must, Mr. President, have a duty to enforce constitutional requirements and the fact that Congress and the Executive cannot agree on legislation does not simply and suddenly negate that duty. While section 6 of the balanced budget amendment authorizes the Congress to create implementing legislation, that authority is not exclusive and does not preclude court action.

Quite simply, Mr. President, as currently configured, this amendment does nothing to stop the courts from fulfilling their historic role of interpreting and enforcing the Constitution of this Nation.

While the committee report seeks to silently advocate the position that the involvement of courts should be limited, many proponents of the amendment have argued for significant judicial involvement. The U.S. Chamber of Commerce testified that there is in fact a legitimate and necessary role for the courts in maintaining the integrity of the balanced budget requirement.

This position is not as historical as the courts have historically played a legitimate role in maintaining the protections embodied in our Constitution. As Alan B. Morrison of Public Citizen testified before the Committee on the Judiciary:

> Does anyone believe that the First, Fourth, Fifth, Tenth or Fourteenth Amendments, to mention a few, would be respected by our governments if the Federal Judiciary were not there to back up the words with court orders?

The notion that the role of the courts would be limited because the amendment will not spawn litigation is simply unfounded. Constitutional scholars, from Robert Bork to Kathleen Sullivan have agreed that this amendment will force the issue before the courts in myriad lawsuits. Former Judge Bork argued that the potential for thousands of cases, with inconsistent results, would be before the courts.

Thus, what the American people are faced with is this: An amendment which is intentionally silent on the role of the courts, the looming specter of thousands of lawsuits, and a Judiciary which has historically, and in my opinion properly, played a primary role in resolving constitutional conflicts. Given these factors, is there any question that in the absence of an express limitation the courts will become hopelessly immersed in the budgetary decisions which should be left up to Congress?

When faced with such a scenario, proponents argue that the issue of standing will preclude court intervention, despite the fact that doing so suggests that the constitutional amendment is virtually inoperative because no one would be able to go into court and have it enforced. While some argue that only a handful of parties may have standing, and still others argue for a more broad interpretation, no one can argue or be sure who, in fact, will be heard by the courts. Further, the arguments on both sides of the issue must be viewed in the context of the amendment being added to the Constitution.

For example, while the proponents argue that the amendment does not allow for Presidential impoundment, it is conceivable that the President, backed by the new amendment, could argue he or she not only has the power to impound appropriated funds but also a constitutionally mandated obligation to do so. If such action would occur, individuals whose retirement checks are withheld or Federal employees whose salaries have been reduced by executive fiat would surely have standing to sue. What about a suit brought by Members of Congress challenging the actions of the Executive?

Testimony received from Stuart Gerson, former Acting Attorney General and proponent of the notion that judicial intervention will be narrow, who conceded some limited form of standing may exist and that judicial review is not fully foreclosed. What about the potential for taxpayers bringing lawsuits—potentially in the State courts?

The simple and uncontroverted fact, Mr. President, is that we do not know the answers to these questions.

In response, the proponents argue that the balanced budget amendment strikes the proper response by remaining silent. We can continue to have hypothetical debates ad infinitum, and we will never resolve, until the courts themselves do so, what will happen when these lawsuits are filed. Until such time, this is all speculation, speculation which provides an insufficient foundation in my view on which to amend the Constitution of the United States.

Failure to address the issue in the context of this amendment will result in three unfortunate and unnecessary results: First, unelected judges, potentially both State and Federal, will be inserted into policymaking positions for which they have no experience. Second, such a result will constitute a radical and unwise transformation of responsibility of three branches of our democratic Government. Third, this shift in power could do incalculable damage to our system of justice itself. Not only would the practical, policy driven demands burden the courts, but the potential backlash for unpopular judiciary decisions would threaten to undermine the effectiveness of the courts and risk the independence of that important branch.

One can only assume that a court forced to make a tough if constitutionally mandated budgetary decision would no doubt feel the sting not only of angry public sentiment, but also from Members of Congress, many of whom engage in this type of rhetoric even now. Mr. President, we should make the tough choices, not the courts.

Finally, Mr. President, it is no secret that I oppose this amendment to the Constitution for a number of reasons, many of which I have had the chance to speak about today, and also because it is unnecessary to amend the Constitution in order to balance the budget. Many have argued this amendment will instill within the Congress the character necessary to balance the budget—I disagree. Character cannot be constitutionally mandated. It can only be revealed through accepting responsibility and making the tough choices and doing it now.

The amendment before this body potentially forestalls the enactment of the balanced budget well into the next century. In doing so, it amends our fundamental charter, and it does so in a manner that creates more questions than it resolves. This is not the way to balance the budget, nor, in my opinion, is it the way to maintain the integrity of our great Constitution.

While we may disagree on the utility of amending the Constitution, I hope we can at least strike agreement on the particular issue of judicial review. For the reasons I and others have outlined, it is the height of foolishness to leave something as important as this unresolved. For many of my colleagues who call themselves conservatives and criticize what they believe to be judicial excess, explicitly foreclosing judicial intervention would seem to be a very simple, appropriate, and appealing solution to what is a legitimate and potentially catastrophic problem.

Mr. President, before yielding the floor back to the senior Senator from Massachusetts, let me just say we should not leave important budgetary decisions in the uncertain hands of unelected judges. We should make them ourselves. We can ensure this result by clarifying the role of the courts in this amendment.

I urge my colleagues to support the Kennedy amendment, and I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I yield myself such time as I may consume.

I will respond briefly to my good friend, the Senator from Wisconsin, regarding the political will and courage for the Senate, House—the Congress—to simply balance the budget. We heard that in the State of the Union Address: "Pass a balanced budget and the President will sign it." We have heard that referred to repeatedly from the other side of the aisle. I stand next to 28 years of budget books, over 50 volumes that I think bears mute evidence to the lack of political will and courage in Congress and the evidence that we simply won't do it without constitutional discipline.

In 1986, my brother, who now serves in the House of Representatives, was running for this body, the U.S. Senate. The balanced budget amendment the previous year had been defeated in this body by one vote. So that was a very big political issue in the campaign that year. Over and over again it was said, "We don't need the balanced budget amendment. We simply need the courage to do it." So now, 11 years later, with over $1 trillion in additional debt, we hear those same recycled arguments brought before the U.S. Senate again.

I want to comment a bit on the contention that the balanced budget amendment is both unenforceable and that the courts will impermissibly interfere with the budget process, or that a President may simply just impound things to resolve a budget shortfall. I agree with Senator HATCH's long-held position that a balanced budget amendment to the Constitution ought to be silent as to judicial review. The long-existing and well-recognized precepts of the standing separation of powers, as well as the political question doctrine, restrains courts from interfering with the budgetary process. After all, courts are loathe to intrude into areas that properly belong to other branches of Government. And the Constitution, in article I, solely delegates to Congress, not the courts, the power to raise taxes, borrow money, and increase or reduce spending programs.

Courts simply do not have the authority to order Congress to raise taxes. Furthermore, courts will not grant standing to litigants who claim a generalized grievance similar to the complaints of all citizens, such as the raising of taxes, so as not to impose broad-based relief that interferes with congressional prerogatives.

Federal courts simply do not have the authority to usurp Congress' role of the budgetary process. This is made clear by the time-honored precept of standing and the political question in separation-of-powers doctrines. These jurisprudential doctrines, together, stand as impenetrable barriers to the courts' commandeering of the democratic process.

Additionally, I wish to respond to the impoundment argument. I want to emphasize that there is nothing in the balanced budget amendment that allows for impoundment. It is not the intent of the amendment to grant the President any impoundment authority. In fact, there is a ripeness problem to any attempted impoundment. Indeed, up to the end of the fiscal year, the President has nothing to impound because Congress, in the amendment, has the power to ameliorate any budget shortfalls or ratify or specify the amount of deficit spending that may occur in that fiscal year. Moreover, under section 6 of the amendment, Congress must—and I emphasize must—mandate exactly what type of enforcement mechanism it wants, whether it be sequestration, rescission, or the establishment of a contingency fund. The President, as Chief Executive, is dutybound to enforce a congressionally crafted scheme to the exclusion of impoundment. The position that section 6 implementing legislation would preclude Presidential impoundment was seconded by Attorney General Barr in 1995.

Finally, let me address the rock and a hard place argument that opponents of the balanced budget always dredge up. That is, they contend, on the one hand, that there may be too much enforcement because of the courts, while, on the other hand, that the balanced budget amendment is unenforceable because no one can force the President and Congress to abide by the amendment's terms. Well, you can't have it both ways. The truth is that the President and Congress must abide by their oath of office to preserve, protect, and defend the Constitution. I seriously doubt that the basic terms of any constitutional provision will be flouted. Also, each branch will keep a close eye on the other, and the reality of political pressure and the electoral wrath of the American people will assure compliance. Remember, the budget must be in balance at the end of the fiscal year, and I expect that a budget agreement will be worked out well before that time. Instead, the contention against the balanced budget amendment actually argues in favor of a balanced budget amendment. It is clear that, without a constitutional hammer, the political process lacks the discipline to agree to the terms.

Again, as we enter the final days of this debate on the balanced budget amendment, I think we need to step back on occasion from the very technical arguments and some of the very arcane amendments that have been proposed generally by those who oppose the underlying constitutional amendment and look at the reason we have come to this impasse, this situation. If, in fact, there are questions that cannot be answered about all of the consequences of a balanced budget amendment, and the one that is before this Senate, I believe, when you weigh those unanswered questions with the very clear evidence and the very clear and present danger to the future, the economic future, of the Republic that exists with massive debt and chronic deficits, that it is time we take whatever risk—and I think that risk would be minor—there might be in the passage of that constitutional amendment and submitting that to the States for ratification. We have a $5.3 trillion national debt. We have heard the figures over and over—$20,000 per every man, woman, and child in America. The average child reared today, if he or she lives an average lifespan, makes an average income, will spend over $200,000 of their income in Federal income taxes to pay their portion of the interest on this ever-growing national debt.

Let us view this massive debt in another way. In 1960, after the first 140 years of the Republic, John D. Rockefeller, who at that time was the wealthiest man in America, could have singlehandedly paid off the national debt. In 1997, if we combine the wealth of our richest families—say, Bill Gates, Warren Buffet, or from my home State, the Walton family—and we combine all of their net worth, all of their family wealth, they, together, could not even pay the interest on this massive debt for a few short months. Such is the difference, and such is the massiveness of the debt that we have accumulated and that we are imparting to generations in the future.

Viewed from another perspective, if you laid out the debt in silver dollars, one right after another, it would be 120 million miles long. The word "trillion" becomes meaningless, I think, to the average American, as we hear millions, billions and trillions. But the national debt—$5.3 trillion—in silver dollars would be 120 million miles long. That is from the Earth to the Sun and well beyond—millions of miles beyond.

If you could wrap it around the Earth you would wrap it around the Earth 5,000 times. Adam Smith in "Wealth of Nations," published in the very year we became a Republic, said, "What is prudence in the conduct of a private family can scarcely be followed in that of a great kingdom."

I have heard opponents of the balanced budget amendment say, "Well, families go into debt. Families routinely go into debt. Therefore, deficit spending on the part of the National Government should not be anything that we should greatly worry about or be greatly concerned about." Yes. Families go into debt. They have a home mortgage. They have car loans. They have the college loan. But if they are to survive as a family economically the deficits must never be chronic. They should always be short-termed. They should always be temporary. The debt must be manageable. There must be a schedule to pay it off and pay it down, all of which contrasts vividly with the practice of this Congress over the last 60 years. For in the last 60 years we have not paid down one dime on the growing national debt. No family could survive the habitual mismanagement that has characterized Congress for the past 28 years.

Opponents say, "We don't need an amendment. We have the ability to balance the budget." I say that we don't have the ability. We have the authority but we obviously don't have the ability, as these 28 years of budget books testify.

In 1963 the amount of the debt held by the public was $254 billion. In 1996, it was $3.87 trillion, 15 times greater than in 1963. But since 1963 the promises have not changed. Let me just give you a sample.

President Kennedy in the State of the Union Address in 1963 said, "My program is the surest and soundest way of achieving in time a balanced budget."

Or, the budget message of 1964 from President Johnson, "My budget cuts the deficit in half and carries us a giant step toward the achievement of a balanced budget."

Or, President Nixon in 1971 in his State of the Union Address, "I shall recommend a balanced budget."

Or, President Ford in 1976, "The combination of tax and spending changes I propose will set us on a course that not only will lead us to a balanced budget in 3 years but also improves the prospects for the economy to stay on a growth path that we can sustain."

Or, President Carter in his message to Congress accompanying the Economic Report of 1977, "We have moved on the path necessary for achieving a balanced budget in the very near future."

Or, President Bush in 1992 in a speech to the Detroit Economic Club, "I will fight to reduce spending and spur growth so we can get this budget in balance."

And, President Clinton's address to the Nation in 1995, "I present the American people a plan for a balanced Federal budget."

In fact, it is not balanced. Three-fourths of the cuts, savings, and spending occur after this President will leave office. And the Congressional

Budget Office tells us that even with all of that it is still very much out of balance.

But the opponents continue to mock the idea of amending the Constitution. The statutory solutions that Congress have proposed simply have failed over and over and over again. They have failed from the Gramm-Rudman-Hollings Act, and on and on. We found a way to circumvent or undermine and some way to continue our spending habit. And our opponents say, "Well, we are treating the Constitution as if it were a rough draft; that we have a raft full of amendments, a pocketful of constitutional changes." Wrong. Our Founding Fathers I believe knew very, very well that changing circumstances in the life of our Nation would make it necessary to have a process for change and, therefore, they included an amendment process that is both deliberate and very, very difficult, as we are learning once again this year. But our Founding Fathers never envisioned that there would be a Congress, or a series of Congresses that would go 28 years without balancing its budget. Our Founding Fathers never envisioned that we would amass more than $5 trillion in public debt. But they left us a procedure whereby we can address even that kind of calamitous situation, a procedure of amending the Constitution.

This isn't frivolous. This isn't like what we are about in attempting to amend the Constitution. It is as our Founding Fathers intended, a deliberate process by which we can address those circumstances that would threaten the very future of the Nation. And this massive debt does threaten.

How much does the debt and the growth of the debt and the chronic deficits affect the average American? We have heard much talk about declining interest rates and how that will benefit the average American family. How things have changed. My mom and dad had only high school educations. They raised a family of six children. My father worked in a chicken plant, and my mother stayed at home. She didn't even go out and get a job. We lived in a nice home, a brick home. I thought we were poor. But we thought we were middle class. But all in all, we had a great quality of life. And I wonder how many times that could happen today? How many times today could you have parents without a college education with one spouse working and one spouse at home, and providing their children a college education? I say that, even as we look at the average middle-class family today, we see the erosion of our standard of living. And part of that is because the wealth of this Nation is consumed more and more by the massive spending of the Federal Government and the absorption of that wealth by paying interest on an evergrowing national debt.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 26 minutes remaining, the Senator from Arkansas has 40 minutes remaining.

Mr. KENNEDY. I yield 12 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 12 minutes.

Mr. DURBIN. I thank the Chair.

(The remarks of Mr. DURBIN and Mr. KENNEDY pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURBIN. Mr. President, at this point I would like to address the amendment offered by Senator KENNEDY to the balanced budget amendment.

I would like for those who are listening to this debate to consider a possible and likely scenario at some point in our Nation's future. Let us assume the balanced budget amendment to the Constitution passes and is ratified by the States and takes effect. In 1 year we find that the budget for the coming year is out of balance. A group of 48 Senators proposes an across-the-board cut to balance the budget. Another group of 41 Senators favors deeper cuts in military spending to spare education and safety net programs. And then a group of 11 Senators comes forward and opposes those plans and says let us have significant cuts in the growth of Medicare. None of the groups will budge. The fiscal year begins with a budget that is clearly out of balance. The group of 11 Senators goes to court asking the courts to compel compliance with the balanced budget constitutional amendment requirements that outlays not exceed revenues for any fiscal year.

One day you turn on the television, and you find the Supreme Court has listened to the briefs, has ordered Social Security, Medicare, highway funding, and medical research funding to be cut, and the Court has ordered an income tax increase of 1 percentage point for every group. The Court says the Constitution, as amended by the balanced budget amendment, clearly requires a balanced budget, and since Congress cannot act, the Court is required to step in.

If this sounds farfetched, think of what has happened in our history in the last several decades where courts have said that Congress has failed to meet its constitutional obligation and that the courts will step in and order, for example, integration of school districts and the imposition of local property taxes to equalize educational opportunity which the courts have decided is not being offered and should be.

The President, in my hypothetical, responds to this court order and says, I disagree with the Court requirement. I will assume the responsibility to balance the budget. The President says, I will impound funds. I will cut spending on certain programs so that the budget is in balance.

If this sounds farfetched, I think those who have offered the amendment have not considered the very real likelihood that it could occur. Our Constitution now gives Congress the primary authority to raise and spend Federal funds. James Madison wrote in "The Federalist Papers," No. 48.

> The legislative department alone has access to the pockets of the people.

This proposed amendment would dramatically alter the balance of power in the Constitution, and this amendment is silent on the issue about whether or not the courts can interpret and enforce the balanced budget amendment. I daresay neither the courts nor the President will stand idly by if the budget is not in balance and this constitutional amendment is in place. In fact, most of the supporters of the balanced budget amendment readily concede this scenario.

A representative of the U.S. Chamber of Commerce testified before my Judiciary Committee. He said:

> There is a legitimate and necessary role for the courts in ensuring compliance with the amendment.

Someone from the National Taxpayers Union said:

> We oppose denying judicial review authority and believe it would be more difficult to enforce the provisions of this resolution if Congress were to add such language to the balanced budget amendment.

The same basic testimony coming from the ultraconservative Family Research Counsel.

It is not an unusual proposal of the Senator from Massachusetts that we specify the limits of power in interpreting the constitutional amendment and enforcing it. In fact, in 1994, Senator Danforth, a Republican, of Missouri, successfully modified the same amendment in the Chamber today including a proposal very similar to Senator KENNEDY's. In 1995, the following year, Senator Nunn, a Democrat of Georgia, did the same. But the current version of this amendment contains neither of those provisions. I stand in support of Senator KENNEDY's effort to once again include this sensible language.

The constitutional amendment eliminates the fundamental distinction which exists between the legislative branch, the executive branch and judicial branch. It invites unelected judges to exercise budgetary powers with no opportunity for the people through the ballot box to affect those decisions.

The President, of course, as I said, will not stand idly by either. He has a constitutional responsibility to preserve, protect, and defend the Constitution. Just as the courts are loathe to avoid their constitutional mandate, mark well my words: No President will avoid it either. If this Congress is gridlocked, at an impasse with the budget not in balance, a President will step in and the President will make his decision as to where the cuts will be made. And that decision may not be the will of the Congress.

Legal scholars agree that what I have just described is not farfetched but likely to occur, and without Senator KENNEDY's amendment it will occur. The President's powers of impoundment could include across-the-board cuts, specific programs abolished, and targeted expenditures intended for States or other agencies could be impounded. This has been acknowledged by those who have worked on budgetary matters in Washington for many years.

The Kennedy amendment acknowledges the fundamental ambiguities inherent in the balanced budget amendment's silence regarding enforcement powers of the courts and Presidents. It recognizes that budgetary decisions should be made by the elected representatives of the people, not by the unelected judges or single executive. It avoids a fundamental shift in the allocation of power and authority among the Federal branches of Government and assures that Members of Congress will remain responsible for spending and for balancing the budget. It achieves these important goals by specifying that Congress shall have exclusive authority to enforce the balanced budget amendment unless specifically otherwise provided in implementing legislation.

I am new to the Senate. This is the first time I have been engaged in this debate in the Senate. I find it incredible that the wisdom of this amendment was recognized in 1994, when offered by a Republican Senator from Missouri, and in 1995, when offered by a Democratic Senator from Georgia, and is not being included today as part of this amendment. The Senate today has an opportunity, through Senator KENNEDY's initiative, to make a real difference and to correct this error, to make certain that it is clear we are not ceding a grant of power to either the executive branch or the judicial branch; we are accepting our responsibility to spell out with specificity the responsibility of Congress, the Senate and the House to balance the budget.

At this point, I yield back the remainder of my time. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 14 minutes remaining.

Mr. KENNEDY. I yield myself 7 minutes, Mr. President.

Mr. KENNEDY. Mr. President, as pointed out by the Senators from Illinois and Wisconsin, those who are opposing the amendment on the floor today and those who have opposed addressing this issue in the Judiciary Committee agree with what the principal sponsor, Senator HATCH, has said—he wants silence on this issue—silence on the issue.

We have a great deal at risk by not accepting this amendment. So why not accept it. The amendment is quite clear in its objective—if we are going to be required to enforce the amendment, it ought to be the Congress who enforces it, not the President of the United States or the courts. They should not have the ability to raise or lower taxes or to cut various kinds of programs. That is what this issue is all about. That is why, as the Senator from Illinois has pointed out, it was addressed by Republicans and Democrats previously.

All we are saying is we are not prepared to make that judgment here this afternoon. But we are presenting an amendment which will permit the Congress to make a judgment as to what those powers would be down the road, in the future. It is amazing to me to hear resistance to that argument.

The idea that this is really a moot issue and moot question just defies testimony by those who are both supportive of the balanced budget amendment and those who are against the amendment. One of the most compelling cases was made by one of our leading constitutional authorities, Kathleen Sullivan, and supported by a broad range of different constitutional scholars, both conservative and Democrat alike. I will refer to some parts of the letter. I will include the whole letter in the RECORD.

First, taxpayers might claim that their rights to a balanced budget are violated, for example, by projections that outlays will exceed receipts. True, taxpayers are generally barred from suing the government for the redress of generalized grievances. But the Supreme Court a quarter of a century ago held that there is an exception to the general bar on taxpayer standing when the taxpayer claims that a government action "exceeds specific constitutional limitations imposed upon the exercise of the congressional taxing and spending power."

Mr. Barr suggests that this exception may be limited to Establishment Clause challenges, but there is nothing in the principle stated in *Flast* that so confines it. If anything, the proposed Balanced Budget Amendment more clearly limits congressional taxing and spending power than does the Establishment Clause.

* * * * *

Second, members of Congress might well have standing to claim that congressional actions have diluted the vote they were entitled to exercise under the Amendment. For example, suppose that the Congress declined to hold a three-fifths vote required to approve deficit spending under section 1, or a rollcall vote required to increase revenue under section 4. This might occur, for example, because of a dispute over whether outlays really exceeded receipts, or over whether revenue was really being increased, because the meaning of those terms might be controversial as a matter of fact. Declining to implement the supermajority voting requirements in such a context, however, might be plausibly claimed to have diluted a Member's vote. This is arguably analagous to other circumstances of vote dilution in which the lower courts have held that Members of Congress have standing.

Third, persons aggrieved by actions taken by the government in claimed violation of the Amendment might well have standing to challenge the violation.

And it gives further examples of it.

Mr. President, I ask unanimous consent the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STANFORD LAW SCHOOL,
Stanford, CA, February 15, 1995.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

Re: Proposed Balanced Budget Amendment.

DEAR SENATOR KENNEDY: I have reviewed the statement of William P. Barr before the Senate Committee on the Judiciary on January 5, 1995, in which former Attorney General Barr argued that "the courts' role in enforcing the Balanced Budget Amendment will be quite limited." While I have great respect for Mr. Barr, and while I found his testimony to be considered and thoughtful, I must respectfully state that I disagree with him. I continue to believe that, as I testified before the Senate Appropriations Committee on February 16, 1994 the Balanced Budget Amendment in its current draft form is likely to produce numerous lawsuits in the federal and state courts, and that neither Article III justifiability doctrines nor practices of judicial deference will operate as automatic dams against that flood tide of litigation.

Let me begin with the doctrines of justiciability under Article III of the Constitution. Mr. Barr argues that "few plaintiffs would be able to establish the requisite standing to invoke federal court review." This is by no means clear. There are at least three categories of litigants who might well be able to establish standing to challenge violations of the Amendment.

First, taxpayers might claim that their rights to a balanced budget are violated, for example, by projections that outlays will exceed receipts. True, taxpayers are generally barred from suing the government for the redress of generalized grievances. But the Supreme Court a quarter of a century ago held that there is an exception to the general bar on taxpayer standing when the taxpayer claims that a government action "exceeds specific constitutional limitations imposed upon the exercise of the congressional taxing and spending power." *Flast* v. *Cohen*, 392 U.S. 83 (1968). Mr. Barr suggests that this exception may be limited to Establishment Clause challenges, but there is nothing in the principle stated in *Flast* that so confines it. If anything, the proposed Balanced Budget Amendment more clearly limits congressional taxing and spending power than does the Establishment Clause. The Amendment is not confined, as Mr. Barr suggests, merely to the power of Congress to borrow. Thus taxpayers would have an entirely plausible argument for standing under existing law.

Second, members of Congress might well have standing to claim that congressional actions have diluted the vote they were entitled to exercise under the Amendment. For example, suppose that the Congress declined to hold a three-fifths vote required to approve deficit spending under section 1, or a rollcall vote required to increase revenue under section 4. This might occur, for example, because of a dispute over whether outlays really exceeded receipts, or over whether revenue was really being increased, because the meaning of those terms might be controversial as a matter of fact. Declining to implement the supermajority voting requirements in such a context, however, might be plausibly claimed to have diluted a Member's vote. This is arguably analogous to other circumstances of vote dilution in which the lower courts have held that Members of Congress have standing. See, e.g., *Vander Jagt* v. *O'Neill*, 699 F.2d 1166, 1168–71 (D.C. Cir. 1982), cert. denied, 464 U.S. 823 (1983).

Third, persons aggrieved by actions taken by the government in claimed violation of the Amendment might well have standing to challenge the violation. For example, consider a criminal defendant charged under a law claimed to cost more to enforce than the government can finance through expected receipts. Or suppose that the President, believing himself bound by his Oath to support the Constitution, freezes federal wages and salaries to stop the budget from going out of balance. In that circumstance, a federal employee might well challenge the President's action, which plainly causes her pocketbook injury, as unauthorized by the Amendment, which is silent on the question of executive enforcement.

Each of these circumstances poses plausible claims of injury in fact, and none of them poses insurmountable problems of redressability. In most of them, in fact, simple injunctions can be imagined that would redress the plaintiffs' claims. Thus, contrary to Mr. Barr's prediction, the doctrine of standing is by no means certain to preclude federal judicial efforts at enforcement of the Amendment. And further, as Mr. Barr concedes, federal standing doctrine will do nothing to constrain litigation of the proposed Amendment in state courts, which are not bound by Article III requirements at all.

Nor is the political question doctrine likely to eliminate all such challenges from judicial review. True, the Supreme Court has held that a question is nonjusticiable when there is "a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it." *Baker* v. *Carr*, 369 U.S. 186 (1962). But the proposed Amendment implicates neither of these kinds of limitation. It does not reserve enforcement exclusively to the discretion of the Congress, as, for example, the Impeachment or Speech and Debate Clauses may be read to do. And it presents no matters that lie beyond judicial competence. Rather, here, as with apportionment, the question whether deficit spending or revenue increases "exceed whatever authority has been committed, [would] itself [be] a delicate exercise in constitutional interpretation," and thus would fall well within the ordinary interpretive responsibility of the courts. See *Baker* v. *Carr*, at 211.

Let me turn now from doctrines of justiciability to practices of judicial deference. Mr. Barr argues that, as a prudential matter, "a reviewing court is likely to accord the utmost deference to the choices made by Congress in carrying out its responsibilities under the Amendment," especially in light of the enforcement clause in section 6. This is by no means clear. The Reconstruction Congress expected that enforcement of the Thirteenth, Fourteenth and Fifteenth Amendments would be undertaken primarily by the Congress, and reflected that expectation in the Enforcement Clauses specifically included in those Amendments. But we have seen time and time again in our history that judicial review has played a pivotal role in the enforcement of those Amendments nonetheless. The proposed Amendment, as did those Amendments, gives Congress authority to legislate, but it does not oust the courts, who need not defer to Congress in these matters. Courts rightly have not hesitated to intervene in civil rights cases, even though those cases involved grave structural questions as well as questions of individual rights.

Finally, Mr. Barr argues that courts will, again as a matter of prudence and practice rather than doctrine, "hesitate to impose remedies that could embroil [them] in the supervision of the budget process." He is correct to observe that a direct judicial order of a tax levy such as that in *Missouri* v. *Jenkins*, 495 U.S. 33 (1990), is highly exceptional. But even if that is so, courts could issue a host of other kinds of injunctions to enforce against conceivable violations of the proposed Balanced Budget Amendment. For example, a court could restrain expenditures or order them stayed pending correction of procedural defaults, or a court could enjoin Congress simply to put the budget into balance while leaving to Congress the policy choices over the means by which to reach that end. Thus there is little reason to expect that prudential considerations will keep enforcement lawsuits out of court, or keep judicial remedies from intruding into political choices.

In sum, the draft Balanced Budget Amendment in its present form has considerable potential to generate justiciable lawsuits, which in turn would have considerable potential to generate judicial remedies that would constrain political choices. Thank you for considering these remarks in the course of your current deliberations.

Sincerely,

KATHLEEN M. SULLIVAN.

Mr. KENNEDY. Mr. President, this is a very well-thought-out analysis about the role of standing. It is very clear. And, I believe, to cavalierly dismiss the fact there would be standing for challenge by outside forces does not represent the vast majority of legal opinion, both from those who support the amendment and those who are opposed to it.

Mr. President, I yield myself 4 more minutes.

Furthermore, the President is obligated to faithfully execute the laws and defend the Constitution. That duty is not limited to the enforcement of acts of Congress. It includes obligations derived from the Constitution. Thus, if the President believed the balanced budget constitutional amendment was about to be violated, he would be duty bound to prevent the violation. After all, what happens when it becomes clear that outlays will exceed receipts for the fiscal year and Congress has not specifically authorized the deficit? Many, including Secretary Rubin, former Reagan administration Solicitor General Charles Fried, former Attorney General Nick Katzenbach, and Harvard Law School Prof. Laurence Tribe, believe the President would be obligated to take the dramatic step of impounding funds to comply with the Constitution. As then-Assistant Attorney General Walter Dellinger suggested in 1995: If it appears the requirement for a balanced budget was about to be violated, he would advise the President not only that he had the right but the obligation to step in and prevent the violation by impounding money before the budget became imbalanced.

Those are basically the facts. There is every indication there would be standing, both by citizens and others who wanted to challenge this; that the President would be required, after taking the oath of office, to uphold the Constitution, to impound funds. I do not want to see the seizing of Social Security checks by the Congress, duly elected, but at least we are accountable to people. But to say we are going to leave that to the courts or to the 50 courts—50 courts, as was talked about previously by the Senator from Arizona—we are going to give that to the President of the United States, or to the courts—I find enormously troublesome.

But, no, no, those who oppose this amendment say the amendment is going to be silent on this issue. I don't think it should be silent. I think the ultimate decision, in terms of budget cutting, should ultimately rest here, specifically in the Congress of the United States unless we are going to make a judgment that the courts should have some kind of a responsibility. That is all this amendment does.

It comes back to who is going to implement this. I do not believe we should grant that authority to judges who are not accountable to the American people, or to a President of the United States who may impound funds, but it should rest here in the Congress of the United States. That is all this amendment does. Those who support it say we ought to be silent. We say, as other Congresses have said, that we ought to be able to make a conscious decision about the enforcement of this amendment. I do not want unelected judges and the President making that decision. I believe Congress should.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HUTCHINSON. Mr. President, I certainly agree—and Congress will, should we pass this amendment, and the States ratify this, and this become a part of the Constitution—Congress will, at long last, fulfill its constitutional oath of office and we will enforce a balanced budget. Congress has not done that. We have not done that because we lack a constitutional hammer, a constitutional discipline requiring us to do so.

The courts will not be imposing taxes. The President will not be impounding. But Congress will be doing what will be, then, our constitutional obligation in balancing the books.

Senator KENNEDY's amendment is directed to the issue of judicial review. I believe it is in fact unnecessary. The relevant limitations on the powers of the courts, which are found in the doctrines such as ripeness, standing, and political question, effectively prevent Federal courts from raising Federal taxes or reallocating Federal budget priorities, which are the purview of Congress. Furthermore, as an additional safeguard pursuant to both article 3 of the Constitution and section 6 of the balanced budget amendment, Congress may limit the jurisdiction of courts and the remedies that courts may provide.

No constitutional provision has ever contained a jurisdictional limitation on courts, as this amendment by Senator KENNEDY would. Including this amendment in the balanced budget amendment might establish, I believe would establish, a troublesome precedent that courts might use to get involved in other areas of the Constitution that do not have such limitations.

I believe that these amendments, one after another, are being proposed by those who would, of course, like to see a balanced budget amendment defeated. This is another scare tactic that is being thrown at the American people.

We see that in the issue of impoundment that Senator KENNEDY referred to. President Clinton recently said, "The way I read the amendment, it would almost certainly require, after the budget is passed, if the economic estimates turn out to be wrong, the executive branch, the President, the Treasury Department to impound Social Security checks or turn it over to courts to decide what is to be done."

That, to my colleagues I say, is a blatant scare tactic to try to defeat a much-needed amendment to the Constitution.

If Senator KENNEDY's amendment on impoundment is addressed as he indicated, then it is, again, unnecessary. First, the President has, at most, only limited authority to impound funds. The Supreme Court held that in the case involving President Nixon.

Since the balanced budget amendment does not even mention the impoundment authority of the President, there is very, very little support for the claim that the balanced budget amendment would give the President such abilities.

Second, Congress has plenary enforcement authority and, therefore, can, through new legislation, prevent the President from impounding appropriated funds. The Constitution does not mention impoundment. The power of the President in this area is merely implied by the President's general Executive power. This is very important because the Supreme Court has held that Congress has the authority to limit the President's implied powers, so long as it does not prevent the President from discharging his specific duties.

Third, even in the absence of new legislation, the Line-Item Veto Act already regulates this area, thereby indicating how the Congress has allocated power to the President. In that law, Congress established a specific procedure for the President to follow. By so doing, Congress has occupied the field, to borrow a term from the law of Federal preemption, thereby precluding the President from exercising a general Executive power, like impoundment, in a different manner.

So, I say again, this amendment, though I have no doubt it is well intended and addresses what are perceived to be legitimate concerns, is, in fact, unnecessary, plays upon the fears of the American people, and should be rejected. While we carry on this somewhat detailed debate, during this hour in which I have been on the floor of the U.S. Senate, the national debt will increase another $29 million.

It is time, it is far past time, as these 28 years of budget books bear testimony, for this Senate to pass a balanced budget amendment, send it to the States for quick ratification and to begin to put ourselves under the same discipline that most of our States exist under and that every family in this country exists under: A requirement that we live within our means.

Mr. President, I yield the floor.

Mr. CRAIG. Mr. President, the Kennedy amendment points to a problem that doesn't exist and then solves it with a loophole.

Why are we debating the balanced budget amendment in the first place? Because past Congresses have built up a national debt of more than $5.3 trillion, in an abuse of their power of the purse.

So what does the Kennedy amendment prescribe? It says, let's put the fox in charge of the henhouse. It says Congress doesn't have to comply with this amendment unless it wants to. It says, if Congress says it is complying with this amendment, then no one else can question that.

I do believe Members of Congress take their constitutional responsibilities seriously. I do believe that most Members really would prefer balanced budgets to running up another $5 trillion in debt. But I don't believe that every particle of every possibility of independent review should be removed from this amendment.

We will win the war against debt, the war for our economic future the same way we won the cold war: Not by fighting, but by being strong enough to deter. We need to defeat the Kennedy amendment to keep the balanced budget amendment strong enough to deter future fiscal abuse.

Senator HATCH has spoken eloquently about the legal precedents and judicial doctrines that demonstrate there will not be a problem with judicial activism under Senate Joint Resolution 1. I will only touch on the broadest of those.

In our Constitution today, we have something called separation of powers among the three branches of government.

It already gives Congress exclusive power of the purse, saying, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. * * * " Only the Congress can make law; only the Congress can decide how to spend money.

It already gives Congress exclusive power to tax. It says, "All bills to raise revenue shall originate in the House of Representatives. * * *"

Only the Congress can tax, founded upon the Revolutionary War principle of "No taxation without representation."

It already gives Congress the power to limit the jurisdiction of the Federal courts, in article III of the Constitution.

It already gives Congress the power to limit, by law, what budgetary actions the President can take, as it did in the Impoundment Control and Budget Act of 1976, as it did in Gramm-Rudman-Hollings, and as it did in the Budget Enforcement Act of 1990.

The balanced budget amendment does not in any way change the current balance of power among the three branches of Government. It does not grant the courts or the President any power they don't already have.

To clarify the matter, the amendment already says, in section 6, "The Congress shall enforce and implement this article by appropriate legislation. * * *"

But, in some very limited cases, the possibility of outside review should be left open. For example:

Under our Constitution, the courts have already addressed the issue of whether a bill that originated in the Senate, and had the incidental effect of increasing revenues, should have originated in the House.

Similarly, under Senate Joint Resolution 1, if the Congress passed a bill to increase taxes by voice vote, instead of a majority of the whole number on a rollcall vote, and claimed the bill would not raise taxes, it is fair and reasonable for the Supreme Court to say, no, that bill is unconstitutional, and it is struck down.

Under Senate Joint Resolution 1, let's say some future Congress set up a shell game to get around the 3/5 vote on the debt limit. Perhaps they could set up a super Fannie Mae that borrows from the public, and then lends to the Treasury. It is fair and reasonable for the Supreme Court to say, no, that is an obvious attempt to subvert the Constitution, and it is struck down.

In no case, under this amendment, would—or could—the courts rewrite the details of a budget or order a tax increase. They simply couldn't, period.

But the courts could do what they do today:

If a case is obvious, if a party has specific standing, if a controversy is justifiable, and if the political question doctrine does not apply—

> Then the Court could look at an act of Congress, or an action of the Executive, and say, no, that violates the Constitution. Stop. Do not pass "Go". Do not collect $200 billion. Start over again.

In short, the rule has been, ought to be, that the Court can simply say what the law is, not make new law.

Some may raise the specter of the Missouri versus Jenkins court case. But that case, however dubious on its own merits, has nothing in common with the arguments being raised here.

In that case, a Federal court ordered a local school district to raise revenues to pay for a federally mandated desegregation plan.

In other words, the Federal court was ordering someone else to comply with Federal law.

That case had nothing to do with Congress, with Federal taxes or with constitutional separation of powers.

Finally, the Kennedy amendment would only feed public cynicism.

When the Senate adopted a less sweeping limitation on judicial review in the last Congress, the Nunn amendment, I heard from Idahoans who felt that that amendment had put the fox in charge of the henhouse.

People will realize that the Kennedy amendment says, the same branch of government that has run up $5.3 trillion in debt should be the sole arbiter of what does, and what does not, comply with a rule against running up another $5 trillion.

The Kennedy amendment is being offered by opponents of the balanced budget amendment, not to improve it, but in an attempt to kill it. The amendment should be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I understand we have 4 minutes remaining. I yield 2 of those minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 2 minutes.

Mr. CONRAD. Mr. President, I thank the Senator from Massachusetts.

I point out to my colleague on the other side of the aisle that if this balanced budget amendment passes, is implemented, he would have exactly the same problem as represented by that stack of budget documents sitting on his desk today, because the debt would continue to go up. We would not have a balanced budget at all, because this isn't a balanced budget amendment, unfortunately. This is an amendment that decides they are going to claim it's a balanced budget by looting every penny of Social Security surplus over the next 20 years and then claim balance.

But on the question of the amendment before us, I think the amendment by the Senator from Massachusetts addresses one of the three principal concerns of the so-called balanced budget amendment which is before this Chamber. It goes to the question of the role of the courts.

Mr. President, what a difference a Congress makes—what a difference. The last time we had this measure before the Senate, on a vote of 98 to 2, we addressed the question of whether or not unelected judges would be left writing the budget of the United States; 98 to 2 the Senators decided we could not be silent, we could not be left with a circumstance in which right through those doors in the Supreme Court of the United States, we would have unelected judges sitting around a table writing the budget for the United States.

I ask my colleagues, what do the Justices of the Supreme Court, as learned as they are, know about the defense of the United States or the budget for the defense of the United States? Nothing. They have had none of the detailed briefings, none of the hearings on the question of what the defense systems are that are critical to maintaining the security of the United States.

The PRESIDING OFFICER. The time yielded to the Senator from North Dakota has expired.

Mr. KENNEDY. I yield another 45 seconds.

Mr. CONRAD. I will just conclude by saying those Justices, as learned as they are, know nothing about what the defense systems are that are needed to maintain the security of this Nation. They know nothing about agriculture programs which are critical to my State. They know nothing about the budget disciplines that are fundamental to the writing of a budget document that is critical to the future of this country.

This amendment by the Senator from Massachusetts ought to be adopted. The same type of amendment was adopted overwhelmingly in the last Congress when people recognized it was central to the functioning of any balanced budget amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Who yields time? The Senator from Arkansas.

Mr. HUTCHINSON. I yield myself 2 minutes.

Mr. President, in response to my friend, I will simply say that the learned Justices may know little about budgeting, they may know little about national defense, they may know little about budget priorities, they may know little about exploding entitlements, but they have not been responsible, as we have been, for 28 successive years of deficits and the accumulation of $5.3 trillion in national debt. They have not been responsible for imposing upon my children and my grandchildren $20,000 of debt per person. They cannot be held accountable for our failings, and I emphasize once again, it will not be the Justices of the Supreme Court who will enforce this provision to the Constitution should it be ratified, and it will not be the President, through the impoundment process, that will enforce this; it will be Congress in obedience to and in fulfillment of their oath of office, an oath that requires us to protect and preserve and defend the Constitution of the United States, a Constitution that will, at that time, have enshrined within it a provision requiring us to balance our books. We will do the job. We will do it when we are required by the Constitution.

Is it a shame we have to have that? I think it is. Is it unfortunate we have not had the courage, the political will to make the kind of tough decisions that would have allowed us to balance the budget and to have avoided our current situation? It is a shame. But the evidence is clear that short of an amendment to the Constitution, Congress will continue to allow spending to grow out of control, we will continue to have chronic deficits, and we will continue to amass enormous debts that threaten the economic stability and the economic future of our country. That is why we need a balanced budget amendment. And in order to have that amendment, we need to reject Senator KENNEDY's I think unnecessary and ill-conceived amendment to the underlying amendment to the Constitution.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, with all due respect to my friend and colleague, 92 Members of the U.S. Senate felt this was an issue that should be addressed in the last Congress, and a Republican, Senator Danforth, thought it should have been addressed in the Congress before that.

Now, if the Senator wants to say that under no circumstances are the judges going to be involved and under no circumstances will the President have impoundment, then accept the amendment. But you cannot have it both ways.

Other Congresses—the previous Congress and the one before it, under Republicans and Democrats—overwhelmingly understood this issue, as leading conservative constitutional authorities do, as the 128 organizations that represent working families, children's organizations, those that have Social Security and senior citizens do.

Mr. President, that is the issue. Who is going to make the ultimate judgment if this amendment is accepted? We believe it should be the Congress, not leave it to unelected judges to permit the President to impound it. That is the simple and fundamental issue. I hope the amendment is successful.

The PRESIDING OFFICER. All time except for 8 seconds to the Senator from Massachusetts has expired and there are 33 minutes 19 seconds remaining for the Senator from Utah.

Who yields time?

Mr. HATCH. Mr. President, how much time is left for the Senator from Utah?

The PRESIDING OFFICER. Thirty-three minutes nineteen seconds.

Mr. HATCH. How much is left for the other side?

The PRESIDING OFFICER. Eight seconds.

Mr. HATCH. Eighty seconds?

The PRESIDING OFFICER. Eight seconds.

Mr. HATCH. That ought to be enough to make some fairly powerful statements, but I will be happy to give him some more time after I make a few remarks.

Let me make a point that my good friend and colleague, Senator KYL, made at the outset of this debate. Senator KENNEDY's amendment would allow the Federal Government to imprison any taxpayer who declines to pay an unconstitutional tax. His amendment is materially different from Senator NUNN's amendment 2 years ago. So I am very concerned about it. Let me just compare the two.

The Nunn amendment provided that absent specific legislation authorizing judicial review, the courts would not have jurisdiction for claims arising under the balanced budget amendment.

The Kennedy amendment provides that absent specific legislation authorizing judicial review, Congress has exclusive enforcement authority under the balanced budget amendment. Thus the courts would have absolutely no enforcement role.

The difference is this. I know my colleague is trying to do what is right here, but the difference is this. The Kennedy amendment allows Congress unconstitutionally to raise taxes by a simple voice vote and no court in this land could hold that tax unconstitutional. The Nunn amendment did not have that draconian affect.

Under the Nunn amendment, any taxpayer could raise as a defense the argument that the Congress passed an unconstitutional tax. The Kennedy amendment forecloses that defense. I do not think we want to go that far, even though I think I know what the distinguished Senator is trying to do. The Kennedy amendment, Senator KENNEDY's amendment, would allow the Government to imprison taxpayers for refusing to pay an unconstitutional tax.

I do not think we want to go that far. At least I do not. So I have to rise in opposition to the amendment offered by my good friend and colleague from Massachusetts.

Mr. President, in each year that the balanced budget amendment has been debated, I notice that various arguments are presented as scare tactics by the opponents of the amendment. The devil resurrected now in the Kennedy amendment is the fear that under the balanced budget amendment the courts will raise taxes or cut programs. Indeed, President Clinton even claimed that he could refuse to disburse Social Security checks to our retired senior citizens if the budget is not balanced by the end of any particular fiscal year.

The balanced budget amendment does not produce any such evils. On the contrary, the balanced budget amendment strikes a delicate balance between the reviewability by the courts and limitation on the courts' ability to interfere with congressional budgetary authority. It has always been my position that we should not foreclose all judicial review. No. Some judicial review may be necessary and should be permitted.

What we should foreclose is any action by the courts that would interfere with Congress' budgetary authority. Judicial review should be available for the egregious, but unlikely, cases where Congress flouts the express procedures dictated by Senate Joint Resolution 1, such as the requirement that each House of Congress vote for a tax increase only by rollcall vote, when in fact we provide for a constitutional majority or a majority of the whole number of both Houses in order to have a tax increase. Such review does not mean that the courts will be able to interfere with the budgetary process but does ensure that the Constitution is enforced and respected. Let me explain this balance in greater detail.

There are several reasons why courts will not run the budget process if Senate Joint Resolution 1 becomes law. In part, that is because several well-settled constitutional principles ensure courts do not make the budget decisions that we must make. In part, that is because section 6 of Senate Joint Resolution 1 gives Congress the power to decide how the balanced budget amendment should be enforced. Let us start with the Constitution.

No. 1. Standing. The standing doctrine limits who may bring a lawsuit in Federal court. At bottom, to do so a party must show that it has suffered an "injury in fact." That term is a technical one in the law. It does not allow clients to simply claim he dislikes a law or merely that the law is unconstitutional. No. A plaintiff must prove three elements in order to establish standing or to show, as I have mentioned before, that that plaintiff has suffered "injury in fact."

First, a plaintiff must prove that he has suffered, or likely will suffer, a concrete injury, not just a conjured up one or abstract one, but a concrete injury.

Second, the plaintiff must show that the defendant has caused the specific injury that he has shown. In this case it would be the Government.

And third, the plaintiff must show that the remedy he seeks will redress the specific injury that he has shown.

It would be very difficult for a plaintiff to establish or any plaintiff to establish all three elements in a lawsuit brought challenging an action under Senate Joint Resolution 1 unless there was an actual violation of Senate Joint Resolution 1 such as I have mentioned—a refusal to follow the supermajority vote rule or a refusal to follow the actual vote rule. Dissatisfaction with Congress' policy judgment is not "injury in fact." A plaintiff, therefore, cannot establish the ability to sue if all that a plaintiff can show is that Congress has not adequately funded or has been unduly generous in funding a particular program.

A plaintiff cannot establish standing based merely on the claim that an act of Congress is unconstitutional.

A plaintiff also cannot establish standing based simply on his or her status as a taxpayer.

The Supreme Court long ago held that a plaintiff cannot establish standing based merely on his status as a taxpayer. The Court so ruled in the 1923 case of Frothingham versus Mellon. In 1982, the Supreme Court reaffirmed its Frothingham decision in the case of Valley Forge Christian College versus Americans United for Separation of Church & State.

That is not all. Even if a party can prove he has suffered a judicially recognizable "injury in fact," in all but the most extraordinary cases that party still would not be able to establish standing to sue. The reason why is that a plaintiff still could not make out the remaining requirements to establish standing. In particular, a party would not be able to establish either the "causation" or "redressability" elements. In a case brought under the balanced budget amendment, a plaintiff would not be able to show that a specific law caused his injury or that a specific law should be held invalid as the unconstitutionally necessary and appropriate remedy. After all, Congress appropriates money for numerous programs, so it would be impossible for a plaintiff to show, for example, that he is injured by any one specific program.

Now, that is No. 1.

No. 2 is justiciability and the political question doctrine.

There are two other doctrines that are relevant here: Justiciability and the political question doctrine.

Justiciability focuses not on the person who wishes to bring a lawsuit, but on the issue or claim that the plaintiff wishes to litigate. Not every claim is one that Federal courts are going to adjudicate, and claims that cannot be adjudicated are deemed "nonjusticiable."

In many ways, the political question doctrine is just the flipside of the justiciability doctrine. The reason is that a political question is an issue that the Constitution has given to someone other than the courts to decide.

The political question doctrine is relevant here because of the origination clause in article I, section 7, clause 1, of the Constitution that provides that "All Bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills." Because that clause gives to the House of Representatives specifically the exclusive power to decide whether to raise taxes, the courts cannot do so, even in a case that the courts otherwise may adjudicate.

Because this is an important issue, let me just address it in some detail.

I will refer to the judicial taxation issue of Missouri versus Jenkins. Can Federal courts order a tax increase? Some opponents of the balanced budget amendment have argued that the courts will use their remedial power to order that Congress raise taxes. In making that argument, some balanced budget amendment opponents rely on the Supreme Court's decision in Missouri versus Jenkins, a decision decided in 1990. There the Supreme Court held that a Federal district court has the remedial authority to order a local school district to raise taxes in order to ensure that a court-ordered school desegregation plan is carried into effect. The Jenkins case, however, supplies no authority for a Federal court to order Congress to raise taxes.

The short and simple answer is that the text of the Constitution treats the Federal Government and the States differently in that regard. The Supreme Court did not discuss the effect of the origination clause of the Constitution in the Jenkins case, and that clause is critical to any discussion of this issue. The origination clause of the Constitution provides that "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills." That provision is not a mere matter of etiquette. No, the Supreme Court has said that it is a substantive, judicially enforceable constitutional requirement. And we, in the Senate, are very diligent in making sure that we do not tread on the House's authority to do that. All of us understand that, and we are very, very concerned about observing it.

In United States versus Munoz-Flores, in 1990, the Supreme Court ruled that the courts can enforce the requirements of the origination clause. In that case, the Supreme Court rejected the argument that issues arising under the origination clause pose what are known as "political questions," questions that are for the political branches, not the courts, to resolve.

The upshot of the Munoz-Flores decision is twofold. First, all bills for raising revenue must originate in the House of Representatives, or else they are unconstitutional. Second, and more importantly, the House of Representatives has plenary authority for the "origination of revenue bills." No entity created by the Constitution other than the House of Representatives can originate a revenue bill or order that a revenue bill originate in the House. That includes the Federal courts. Since the Supreme Court is created by the Constitution and since the lower Federal courts are authorized by the Constitution, neither the Supreme Court nor any lower Federal court has the power to order the House to raise taxes or, in any other way, to order Federal taxes raised.

The same point can be made in another way. Under the political question doctrine, the Federal courts lack authority to adjudicate certain types of issues. The classic formulation of a "political question" case is set forth in Baker versus Carr in 1962. That formulation makes clear that a political question is an issue in part whose resolution is textually committed to a branch other than the courts. The issue whether taxes should be raised easily satisfies that standard, because the origination clause expressly vests that authority in the House of Representatives.

At the end of the day, the question whether taxes should be raised is quintessentially a political question, because the Constitution expressly vests in the House of Representatives the authority over that issue. Since the resolution and political question is beyond the demand of the courts, no Federal court could order Federal taxes to be raised as a remedy in any case. Accordingly, the Supreme Court's decision in the Jenkins case is irrelevant in this contest.

The principle that Federal courts cannot order taxes to be raised is consistent with the Framers of our Constitution. Let me quote from "The Federalist Papers" to make my point. James Madison wrote in Federalist No. 48: "The legislative department alone has access to the pockets of the people." Similarly, Alexander Hamilton wrote the following about the courts in Federalist No. 78: "The Judiciary has no influence over the sword or the purse, no direction either of the strength or of the wealth of the society, and can take no active resolution whatever."

Those are important Founding Fathers' definable terms with regard to this particular issue. It is very important that we make this case, because there is a lot of misunderstanding on this constitutional issue.

Now, No. 3, an additional safeguard against judicial activism lies in article III of the Constitution and section 6 of Senate Joint Resolution 1. Both provisions give Congress power to limit the jurisdiction of the courts and the remedies courts may provide. The Supreme Court has made clear on numerous occasions under article III that Congress can limit the jurisdiction and remedial powers of the Federal court. Under section 6 of the balanced budget amendment, Congress may adopt statutory remedies and mechanisms for any purported budgetary shortfall such as sequestration, rescission, or the establishment of a contingency fund.

Pursuant to section 6, it is clear that Congress, if it finds it necessary, could limit the type of remedies a court may grant or limit a court's jurisdiction to prevent judicial overreaching. If the balanced budget amendment becomes law, and I hope it does, Congress will have the authority of both article III and section 6 of the balanced budget amendment in order to protect against unwarranted judicial action. Those two provisions help to ensure that Congress will retain the ultimate power to decide how Senate Joint Resolution 1 will be enforced and thereby prevents courts, whether Federal or State, from expanding their power beyond the limited role Congress assigns. These are issues that are important and have to be covered in the context of this debate.

Some opponents have argued it would force the President to impound funds; that is, to withhold from spending already appropriated funds such as Social Security payments in order to balance the books. President Clinton has made that argument on several occasions recently. He made it in his State of the Union Address and he made in his Saturday radio broadcast. Shame on him, having taught constitutional law. I shall now explain that argument is a canard.

Constitutional analysis, like all legal analysis, begins with the text of the relevant law. Here we need to look to the text of Senate Joint Resolution 1.

That part of the analysis is conclusive. Nothing in the text of Senate Joint Resolution 1 authorizes, or otherwise allows, for the impoundment of any appropriated funds. On the contrary, it imposes a duty on the President, the duty to transmit to Congress a proposed budget for each fiscal year in which total outlays do not exceed total receipts. The text of Senate Joint Resolution 1 is clear: It does not authorize the President to impound appropriated funds of any type.

We should now move on to the intent of the drafters of Senate Joint Resolution 1. Here, too, the answer is compelling. Neither I nor anyone else who supports Senate Joint Resolution 1 in this Chamber construes the balanced budget amendment as granting the President any authority to impound funds. That should end the debate.

Now, under section 6 of Senate Joint Resolution 1, Congress must mandate exactly what enforcement mechanism it wants, whether it be sequestration, rescission, the establishment of a contingency, or rainy day fund, or some other mechanism. The President must enforce whatever mechanism the Congress enacts so Congress has the power to prevent the President from impounding funds.

Indeed, even if Congress took no preventive action in that regard, the President could not impound funds if Senate Joint Resolution 1 became law. The reason why is that the Line Item Veto Act prevents the President from doing so. Let me explain why in three steps.

First, unlike Gaul, all Presidential powers can be divided into two parts. Expressed powers such as the pardon power, or implied powers, which consist of every constitutional power that the President can invoke, that is not expressly granted to him. That is the complete universe of Presidential powers according to the Constitution. So any power to impound funds must fit into one of these two categories.

Second, the Constitution grants the President the power to issue a pardon, but it does not grant him the power to impound funds. As a result, if the President has any impoundment power, that power can only come from the President's general executive power in article II, section 1, or in his duty in article II, section 3, to "take care that the laws be faithfully executed."

Third, how the President's impoundment power is classified is important, because Congress has greater authority to regulate the President's implied powers than his expressed powers. Congress has only very limited authority to regulate the President's exercise of an express power such as the pardon power of article I, section 2, clause 1. But Congress has greater room to regulate the President's general executive power. In fact, Congress may do so as long as Congress does not prevent the President from discharging his assigned responsibilities.

Indeed, Congress already has regulated in the area of the President's implied powers by giving the President a line-item veto power. We gave the President such authority last Congress. As a result, even if Congress does nothing more to enforce the balanced budget amendment, Congress already has limited the President's ability to impound funds. Why is that so? Well, it is because Congress told the President that the only budget authority that he can exercise is the line-item veto power. The Congress gave the President that power, rather than the impoundment power, only last year, and that judgment by the Congress is naturally entitled to respect. By so granting the line-item veto power, Congress impliedly denied to the President the power claimed by President Clinton to impound funds. The one power implies that the other does not exist.

Now, these are important issues, and I have to say they are issues that literally, I think, must be stated against the amendment of my friend from Massachusetts in this particular case.

Mr. President, let me just end where I began. There are only two ways to assert constitutional claims. One, you can sue the Government; two, you can raise constitutional claims as a defense. Simply put, the Kennedy amendment would not allow the latter. You could not raise a constitutional defense. Imagine, the Leviathan IRS can prosecute an innocent taxpayer and the taxpayer can't tell the court that the IRS is acting unconstitutionally. Can you imagine that? We just could not put that in the Constitution. It would be awful. The Kennedy amendment does exactly that. This, alone, is a good reason to table Senator KENNEDY's amendment.

Taxpayers have rights, too and, frankly, the current amendment, Senate Joint Resolution 1, the balanced budget amendment, protects those rights, whereby, the amendment of the distinguished Senator from Massachusetts does not.

Now, my friend from Massachusetts may not worry so much about some of the excessive powers of the IRS. I suspect he doesn't have too many worries there, compared to people who are scraping for a living every day of their lives. Be that as it may, that doesn't mean we should justifiably put this into the Constitution by amending the balanced budget amendment with this amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes 35 seconds.

Mr. LEAHY. How much time do the proponents of the amendment have?

The PRESIDING OFFICER. They have 8 seconds.

Mr. HATCH. Would the Senator like me to yield him some time?

Mr. LEAHY. Yes. Would the Senator yield me 2 minutes?

Mr. HATCH. I will yield the distinguished Senator 5 minutes.

Mr. LEAHY. I thank the Senator for his customary courtesy. Mr. President, someday somebody will sit down and write scholarly articles about this debate. I commend my friend from Utah, who has spent more time on the floor, I believe, than any other Senator. As the amendments have come from this side, it has been easier for me, as the Democratic floor manager, to leave and allow those proposing them to speak. He has stayed here throughout.

Mr. President, even though my friend from Utah and I have been on opposite sides on this issue, there have been extremely important arguments. Senators can disagree over the question of the three-fifths vote requirement, whether that changes our normal idea of how a legislative body should work, and on the issues of Social Security. Those arguments have been important. Capital budgets have been important. No matter how the final vote comes out—and I suspect it will be voted down—I think that the American public has had the opportunity to hear some aspects of a constitutional amendment debated that, as I have gone back and read various debates, have not come out previously with the same strength and clarity.

We have hundreds and hundreds and hundreds of constitutional amendments proposed every decade. We have, however, amended the Constitution only 17 times since the Bill of Rights. We are the most powerful democracy history has ever known—in fact, the most powerful country. To be able to be powerful and to be a democracy is an interesting juggling act, especially in a country as diverse and as large as the United States. I think one of the reasons is our Constitution. We have kept it simple, short, and very clear.

The genius of the Founders of this country is in our Constitution, in our Bill of Rights. But also the genius of it is that Congress, for over 200 years, has, for the most part, resisted the temptation to amend the Constitution. Now, we can, with courage, the men and women in this body and the other body, bring down deficits and balance the budget—with courage. We do not need a constitutional amendment to do it. I urge that we reject this constitutional amendment, having listened and considered the arguments made by both sides. Then we must settle down and dedicate ourselves as Members of the Senate, not as Republicans or Democrats, but as Members of the Senate, to get rid of unnecessary expenditures, to make sure that we have a tax code that is fair to all, to bring down the deficits and allow the world's largest and strongest economy to operate as it should.

Mr. President, I yield the floor.

Mr. KENNEDY. I yield back whatever time I have, Mr. President.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, is this vote set for a time certain?

The PRESIDING OFFICER. No, it is not.

Mr. HATCH. I yield the balance of my time.

I move to table the amendment, reluctantly, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Kennedy amendment.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—61

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—39

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Rockefeller
Sarbanes
Torricelli
Wellstone

So the motion to lay on the table the amendment (No. 10) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LEAHY. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent that the second and third vote in this voting sequence be reduced to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I urge our colleagues stay close to the floor because otherwise we will go into overtime. We had a couple of Senators, two or three this year, who have missed votes because they got away from the general area. We don't like that to happen. You have to stay close when we have a 10-minute count.

I yield the floor.

AMENDMENT NO. 13

The PRESIDING OFFICER. There is now 1 minute equally divided on the motion to table the Feingold amendment, numbered 13. Who yields time?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. There is 1 minute of debate on this motion. That minute cannot start until the Senate is in order.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, my amendment simply reduces from 7 to 3 the number of years the States have to ratify the balanced budget amendment.

Mr. BYRD. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate is not in order. Will the Senators to my left remove their conversations from the floor. Will the Senators in the aisle take their conversations elsewhere.

The Senator from Wisconsin will start his 30 seconds over.

Mr. FEINGOLD. Mr. President, my amendment simply reduces from 7 to 3 the number of years that States have to ratify the balanced budget amendment, thereby ensuring that it will take effect no later than the year 2002. Under the current version of the balanced budget amendment, the balancing requirement could be delayed in its effectiveness until the year 2006.

I like to call this the fish-or-cut-bait amendment. This will ensure, whether we go with a balanced budget amendment or whether we simply do our job now as we should, that we get the job done by the year 2002.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as my friend has said, I move to table this amendment. It unnecessarily reduces the time for ratification from 7 years to 3 years, even though that 7 years has been the proper form of ratification for many amendments since 1921.

However long it takes, we need the balanced budget amendment and there is no reason to reduce the time for the consideration by the States. So I hope our colleagues will table this amendment.

The PRESIDING OFFICER. All time has expired. The question is on the motion to table the Feingold amendment, amendment No. 13.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 69, nays 31, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—69

Abraham
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Breaux
Brownback
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Dorgan
Enzi
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Kyl
Landrieu
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Reid
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—31

Akaka
Bingaman
Boxer
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Durbin
Feingold
Feinstein
Ford
Glenn
Inouye
Johnson
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Rockefeller
Sarbanes
Torricelli
Wellstone

The motion to lay on the table the amendment (No. 13) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 14

The PRESIDING OFFICER. There is now 1 minute equally divided on the motion to table the Feingold amendment No. 14.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, my amendment allows Congress to establish a surplus fund, a tool used in many States, in a far more responsible way to address emergencies than simply deficit spending or scrambling for offsets.

My amendment allows Congress to build up and use the savings needed to fund the bulge in Social Security benefits that will occur when the baby boomers retire. Without this amendment, there would be a three-fifths vote required in each House in order to access the Social Security fund. This is terribly important to current and future retirees, and my amendment does not require Congress to do the right thing, but at least allows Congress to live up to its commitment to the Social Security beneficiary.

Mr. LEAHY. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator from Utah has the floor. The Senate will please come to order so he may be heard.

Mr. HATCH. I thank both my colleagues. Mr. President, I believe we should reject this amendment. Senate Joint Resolution 1 will not only help us to stop borrowing, but will help us to protect any savings we may build up. So, I do not believe it is necessary to make it easier to spend our hard-earned savings.

Senate Joint Resolution 1 gives us appropriate flexibility with the appropriate protections.

Mr. President, have we moved to table this amendment yet?

The PRESIDING OFFICER. The motion has been made.

Mr. HATCH. Mr. President, I yield back the balance of my time. Are the yeas and nays ordered?

The PRESIDING OFFICER. The question occurs on agreeing to the motion to lay on the table the Feingold amendment No. 14. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 40, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—60

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Landrieu
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—40

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bumpers
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

The motion to lay on the table the amendment (No. 14) was agreed to.

MOTION TO REFER

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion made by the Senator from Arkansas, [Mr. BUMPERS] to refer the resolution to the Senate Budget Committee with instructions. Debate on the motion is limited to 2 hours equally divided in the usual form.

Mr. BUMPERS. Mr. President, the Constitution of the United States was adopted in 1789. It will be 208 years old this coming summer. In that period of time, there have been more than 11,000 efforts to amend the Constitution. And to the eternal credit of this body and the American people, only 18 times out of the 11,000 efforts have we amended the Constitution. Of those 11,000 efforts, I consider the amendment pending before this body to be the most unworkable, unenforceable, totally political amendment ever to be foisted off on an unsuspecting public.

I have never heard as many questions answered with "I don't know." Who will enforce this amendment? "I don't know." What will be the courts' role, if any, in enforcing this amendment? "I don't know." And I am speaking for the authors of this amendment when I say, "I don't know," because they don't know. Who has standing to sue? "I don't know."

Who has standing to challenge the assumptions that we make that we have a balanced budget? "I don't know." It reminds me of Abbott and Costello and "Who's on First?" And if we have a crisis—a crisis that is not yet a military conflict, but may become one, such as previous to World War II, such as previous to Desert Storm, the constitutional amendment says you have to have 60 votes to unbalance the budget, even though you are headed, almost certainly, toward war with another nation.

There are no provisions in here to take care of a national emergency that is not yet a military conflict or a declared war. It has been said time and time again, but it bears repeating, that we have had 5 declared wars in the history of this country and about 200 military conflicts.

Can the courts raise taxes? "I don't know." Can the courts demand a cut in spending? "I don't know." If a court orders Congress to raise taxes or cut spending and we don't do it and can't get the 60 votes to do it, what happens then? "I don't know." Can the Chief Justice of the Supreme Court go to the White House and say to the President, "Mr. President, you are charged with executing and enforcing the laws of this Nation. We have ordered Congress to do a number of things in order to come into compliance with this constitutional amendment to balance the budget, and they have refused to do it. Now, do your duty, Mr. President, send the troops over that Hill and hold bayonets to the backs of the Members until they do it." Now, that is far-fetched, of course. But how many times have I heard the lamentation on this floor about the courts being intrusive and intervening where they have no right to intervene?

Yet, Mr. President, this is a popular amendment. It is popular in my State and across the country. But, it is not as popular as it was 2 years ago. It has gone from about 74 percent to 57 percent approval. If you ask about Social Security it only has a 27 percent approval rating. I don't like casting unpopular votes. I have cast my share of them.

I think one of the reasons the polls have consistently showed this to be popular is twofold. First, when you ask people whether you favor a constitutional amendment to balance the budget, all they hear is "balance the budget," and everybody is for that. Perhaps, there is another group who, like most of us, revere the majesty of the words in the Constitution and they think because of our reverence for the Constitution throughout history, if you just put it in the Constitution, it will be self-fulfilling. It would never occur to them how sloppily crafted this constitutional amendment is. It would never occur to them that it isn't even constitutional language. It would never occur to them that nobody can tell you how it's going to work.

This amendment makes a mockery of that great, revered document. Now, some people who find this to be very popular and highly desirable may take umbrage at some of the things I say. But I have voted against it every time I ever had a chance. But do you know something else? I think one of the things that has stood me in pretty good stead with the people of Arkansas is that I have always trusted them. When I voted for the Panama Canal treaties—and I can tell you, nothing even comes close to that as far as unpopular votes are concerned—I survived it, and it was a correct vote. Very few people in this body would reverse that vote.

Put your trust in the people, vote against this constitutional amendment, and don't have any fear of going home and talking sense to your people. They understand it. Not one person on that side of the aisle is going to vote against this nonsense—not one. How I miss the towering courage of Mark Hatfield in this body.

Let me tell you what the Bumpers-Feingold amendment does, Mr. President. It is simple, ingenious in its simplicity, and it does the same thing the constitutional amendment would do but it takes Social Security off budget. We commit the constitutional amendment, Senate Joint Resolution 1, to the Budget Committee, with instructions to come back here with amendments to the Budget Act almost identical to this amendment.

Did you know, Mr. President, that you can't raise taxes and you can't raise spending, and you can't appropriate money until the budget resolution has passed this body? If you want to change the Budget Act, if you amend the Budget Act, do you know what you have to do? You have to get 60 votes. We passed that with 51 votes. Strangely enough, you can pass something with 51 votes that later requires 61 votes to undo. What does our amendment do? As I say, it refers Senate Joint Resolution 1 to the Budget Committee and instructs them to amend the Budget Act with language almost identical to the constitutional amendment requiring that outlays shall not exceed receipts by 2002.

The constitutional amendment says you may or may not enforce the amendment. I just got through covering that. The Bumpers/Feingold amendment would prohibit Congress from passing a budget resolution if it isn't balanced. As I just said, there is a prohibition on the passage of appropriations bills and tax bills without 60 votes.

The constitutional amendment says there is no requirement for action until 2002 at the earliest. Do you know what that means? The drafters of this amendment put a provision in there saying 2002. So we have 5 free years. We don't have to do anything for 5 years. Those are freebies. Most people here will have left or will have been reelected in 5 years.

Our amendment says you have to do it now. Face the music now, not 5 years from now. Come up with a budget that puts us on a glidepath to a balanced budget by the year 2002. If the States have not ratified this constitutional amendment by the year 2002, you have maybe 2 more free years where you don't have to do anything.

Our amendment says start now and balance the budget by the year 2002.

Do you know what else it does? It leaves our precious Constitution intact. The best part of this is that it does not trivialize the Constitution. The mandate for a balanced budget is just as tough under this amendment as it is in the constitutional amendment.

Mr. President, in 1993 every single Republican voted against a proposal to reduce the deficit dramatically. The Omnibus Budget Reconciliation bill of 1993 required the Vice President's vote because the vote was tied 50–50. And among the 50 who opposed it, every Republican and about 6 Democrats. At the time we voted the deficit for 1996 was projected to be $290 billion. As a result of that bill, and the economic growth that came from the confidence that gave, the people of this country knew that we were serious about deficit reduction, instead of a $290 billion deficit it was $107 billion.

Mr. President, what is going on now? The President submitted a budget to us which I am not very fond of. I do not like to say that. He is a good friend and has been for 20 years. But I would not have come with a single tax cut, not one. And I would have submitted a budget that took the deficit from $107 billion in 1996 to well under $100 billion in 1997 to show the American people that we were on a glidepath to a balanced budget and we were not going to back off.

The President's tax cuts are not nearly, though, as big as the Republicans. The Republican tax proposal will cost $193 billion. Think of that, $193 billion over the next 5 years. And $508 billion over the next 10 years.

Do you know where they get $100 billion to offset that? Medicare. Do you think that I am going to go home and tell the people in my State that I voted to cut Medicare $100 billion so we could have a $193 billion tax cut the next 5 years? I would need a saliva test to do that. I am not going to do it, and I am not going to vote for these tax cuts. It is the height of irresponsibility to come in here and talk about cutting taxes $193 billion taking $100 billion out of the hides of people on Medicare. They say, "Oh. We are not going to raise the Medicare premiums." No. But if you think you can cut Medicare $100 billion and not cut services to the elderly, go talk to the HMO's and tell them how they are going to make up for the $100 billion we are going to cut. They are going to cut services. That is how they are going to do it, while we have a capital gains tax that cost $33 billion over the next 5 years and $130 billion over the next 10 years. Where does it go?—67 percent of it to the richest 1 percent of the people in this country. "Oh, yes. We are going to cut taxes and balance the budget."

Mr. President, it is so cynical to get a serious, somber look on one's face and talk about deficits and propose cutting taxes by such massive amounts. We tried that in 1981.

Mr. President, I don't know how many books there are on that stack down there. I have been looking at that for the last week ever since we started debating this constitutional amendment. Do you know what I would recommend? I wish the distinguished floor manager would take that stack of books and weigh them, put them on a scale and weigh them. And then take the national debt of $5.2 trillion, and divide those books up according to how much deficit by poundage came under Ronald Reagan and George Bush administrations. That would make an interesting thing for the film companies to film. I promise you that when you take Ronald Reagan's and George Bush's deficit over the 12-year period that they served this country and you are going to get about 1 foot for all the Democrats and about 6 feet just for that 12-year period. Do you know why? Because we had the massive tax cut in 1981. And I say once again. I was one of the 11 Senators that said, "You pass that and you are going to create deficits big enough to choke a mule." Eleven out of 100 stood up and called that 1981 bill what it was, the most irresponsible thing we have ever done in the history of the U.S. Senate. You talk about mortgaging the future of our children. That is when we went from $1 trillion in debt that we had accumulated over 200 years to $4 trillion in 12 years; a little over $4 trillion. Think of it. Talk about irresponsibility.

So I have spent an inordinate amount of my time since I have been in the Senate trying to do sensible things to balance the budget. I keep getting run over by a Mack truck called "tax cuts" and "spending increases," particularly in defense. You just do not get a somber look on your face while you are voting for the biggest spending increases of the year called tax cuts.

Just yesterday the Center for Budget Priorities came out and strongly recommended that the U.S. Congress forget tax cuts until we balance the budget. There is all the time in the world to cut taxes. Republicans say, "Well, that is a liberal organization." Warren Rudman, with whom we all served 12 years in the U.S. Senate, is no liberal. He heads up the Concord Coalition, and the Concord Coalition jumped on that study yesterday like a chicken after a June bug, and said, "We agree with every word of it." All you have to have is a little common sense to agree with it. You have to understand. You can't cut taxes and balance the budget.

I have only voted for one constitutional amendment during my tenure in the Senate. And sometimes that is unpopular back home. But do you know something else? I talk about trusting the people. Do you know what the people want more than anything else today? Like Coca-Cola says, they want "The real thing." They want to know how you really feel. Stand up for what you believe. Harry Truman told me one time, "Just tell them the truth." So that is what I did.

There is not even anything in the constitutional amendment that would allow Congress to raise spending with less than 60 votes for a depression. I am a Depression child, one of the few left in the Senate. I am telling you we did not have anything. We did not have paved streets; we did not have gas; we did not have electricity; we did not have health care. As I said, we had a two-holer out back when most people just had a one-holer. We did not have anything.

As I have said before in this Chamber, I had pneumonia twice before I was 6 years old and all my parents could do was pray. Today that hardly requires much more than a visit to the doctor's office. And people tell me how they hate Government. They do not hate antibiotics. They do not hate measles and mumps serums and vaccines.

They do not hate the fact that we live a lot longer than we used to because we pour a lot of money into NIH to do medical research for us. They do not hate being able to go on an airplane anyplace in the United States in 4 hours. They do not mind driving down a highway with six lanes on it going 60 to 80 miles an hour. They do not hate REA that gave electricity to rural America. They do not hate the Department of Agriculture for water and sewer systems for rural people. And I could stand here for another hour listing things Government has done, and not a person in this body would vote to undo a single one, although they were highly controversial at the time. Don't you remember how doctors hated Medicare? I can remember how Social Security was a socialist program and TVA was a Communist-inspired program.

Under the constitutional amendment if we face another depression—it is certainly not out of the realm of reason—you have to get 60 votes here to start putting people back to work like Franklin Roosevelt did. All of the rich people in the country said Franklin Roosevelt was the worst thing that ever happened in this country because he was borrowing money to help people. Do you know what he said? "It is an unfortunate human failing that a full pocketbook often groans more loudly than an empty stomach."

Hurricane Hugo, where we spent $5 billion in South Carolina alone; the earthquake in California, for which the cost is incalculable and will continue to be, it would take 60 votes—41 obstreperous, really fundamentally conservative people could say, no, we are not going to unbalance the budget because there are a bunch of people living and dying who should not have been living over a fault anyway.

Mr. President, this amendment has the potential for creating more mischief, more chaos in this country than anything we have ever considered. And even though it looks as though my side has the necessary 34 votes to keep this thing from going into our precious Constitution, I want to keep talking about it until the American people understand what is at stake.

Mr. FEINGOLD. Mr. President, I rise to support the amendment offered by the senior Senator from Arkansas [Mr. BUMPERS].

Over the years, Senator BUMPERS has been the Senate's most consistent voice for deficit reduction, and I am pleased to join him in this effort.

As has been described, this amendment provides a statutory alternative to the constitutional approach, and as such, it has significant advantages.

First and foremost, the Bumpers alternative would require immediate action.

As I have noted on several occasions, the lengthy and uncertain ratification process allows Congress to hide behind years and years of delay.

The only enforcement mechanism explicitly provided in the proposed constitutional amendment, the supermajority voting requirements, would not kick in for years.

If Congress acted today to pass the proposed constitutional amendment, slow ratification could delay enforcement for another 9 years—until 2006.

Even without delays in ratification—even if the States ratified the amendment tomorrow—the constitutional amendment would have no effect until 2002 at the very earliest.

By contrast, this alternative would require action this year.

We would face the supermajority thresholds as part of this year's budget resolution, every year before 2002 and thereafter.

This approach makes good sense.

It removes the excuse for inaction by implementing budget discipline right away.

It also does so without the troubling potential for unintended consequences inherent in the proposed constitutional amendment.

There have been lengthy debates over the precise powers the proposed constitutional language confers on the President and the courts.

To any disinterested observer, these issues are clearly open to different interpretation, and at the very least there is doubt as to the precise role the courts and the President will have in the brave new world of the balanced budget amendment.

The statutory approach contains none of these risks.

There is no unintended domino effect on the constitutional powers of the executive and judicial branches.

In this regard, I strongly urge my colleagues who support a constitutional approach to consider the statutory alternative as a prudent first step, and I invite them to consider the Line-Item Veto Act that we passed last session as a model.

Wisely, Congress opted to pursue a statutory approach instead of a constitutional path in that case.

Although I would have opposed changing our Constitution to provide line-item veto authority, I supported the statutory Line-Item Veto Act crafted here by my good friend the Senator from Arizona and others.

Opting for a statutory approach allows Congress to evaluate the new line-item veto authority carefully and to offer refinements when appropriate.

In fact, I am pleased to have established a line-item veto watchdog group for just this purpose, and look forward to taking an active role in watching the development of this new statutory authority.

I have also offered legislation to strengthen the Line-Item Veto Act with regard to wasteful special interest spending in the tax code.

As we know, changes to our Constitution are not so easily refined.

As the supporters of prohibition discovered, we can only react to the unintended consequences of a constitutional amendment by amending the Constitution again.

Of course, supporters of the constitutional amendment are unwilling to admit there may be unintended consequences, especially with regard to the role of the courts and the President.

They generally remain silent about those issues.

While they are unwilling to confer specific enforcement powers explicitly to the executive or judicial branches, they also refuse to acknowledge the implied presence of enforcement powers in the proposed constitutional amendment.

The amendment offered by my good friend from Arkansas adopts the same supermajority threshold approach used in the proposed constitutional amendment; it would take effect right away, not 9 years from now; and, it avoids the monumental uncertainties inherent in any constitutional change.

I congratulate my good friend Senator BUMPERS for offering this sensible alternative, and I urge my colleagues to support it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. I yield the floor and retain the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I do not intend to take much time on this amendment. My colleague deserves certainly some response.

This motion would alter the constitutional amendment and make it into a statute. I do not know if we need to say anything more because we are debating a constitutional amendment.

The distinguished Senator from Arkansas is very ingenious. He is a great friend of mine; I appreciate him, but this motion very simply says, "We do not need a constitutional amendment to balance the budget."

Now, I insist that we do when you look at these 28 years of unbalanced budgets. I hate it when people come in here and say, "Let's just do it." I have heard that throughout this debate. "Let's just do it"—the very same people who basically have never done it the whole time they have been in the Senate. That is not quite true because Senator BYRD was here, I suspect Senator KENNEDY was here and maybe some others. Frankly, many of these people, I have never heard them ask: Where is the money coming from to pay for these spending programs?

This motion says we can guarantee the fiscal discipline necessary to make balanced budgets the rule rather than the exception simply by enacting statutory changes to the Budget Act.

As I said, I do not doubt that my colleague believes this and that he is sincere in offering this motion, but I must say that the proponents of this motion are dead wrong.

The problem with this motion is that it puts us back to square one, forcing us to rely, as we have done time and time again, on statutory fixes to ensure fiscal responsibility. We have been down this road before, Mr. President, and the result is right here in front of me—28 unbalanced budgets in a row; 58 of the last 66 are unbalanced budgets. Just think about it. In the last 66 years, 58 years we have had an unbalanced budget. In every one of those years we have had people say, "Let's just do it. Let's do it statutorily."

Well, the time has come for a solution strong enough that it cannot be evaded for short-term gain. We need a constitutional requirement to balance the budget.

The sad history of legislative attempts to balance the budget shows the need for a constitutional amendment requiring a balanced budget. Since 1978, we have adopted, as I have said many times on this floor, no fewer than five major statutory balanced budget mechanisms such as the distinguished Senator is putting forth here sincerely, none of which have worked. We have 28 straight years of unbalanced budgets. We have had statutory regimes for each of those 28 years, none of which has worked. Since 1978, we have adopted those five statutory regimes which promised faithfully to bring about balanced budgets. Every one of those failed and they failed miserably. Time after time, statutory fixes have met with increased deficits. Here it is. It does not take any brains, you do not have to be a rocket scientist to realize we do not have the guts to do what is right under the status quo, without the balanced budget amendment.

Some people do not think we even have the guts to pass a balanced budget amendment. Well, in fact, nearly 85 percent of our current national debt has accumulated while Congress has operated within statutory budget frameworks designed to assure balanced budgets. The fact is we can never solve these problems through the enactment of mere statutes because statutes do not purport to correct the structural bias in favor of deficit spending. Statutes are only able to deal with temporary crises.

Let's take a look at just a few of those statutes.

In 1978, my first year here in the U.S. Senate, we passed the Revenue Act of 1978, P.L. 95-600. Section 3 of that act was straightforward. It stated: "As a matter of national policy * * * the Federal budget should be balanced in fiscal years 1982 and 1983." But, if you look carefully, Mr. President, you will find the Federal budgets for each of those years in this stack here in front of me. In 1982 we ran a budget deficit of $128 billion. In 1983, our deficit was even higher at $208 billion. This while it was our national policy—as declared in statute enacted by Congress and agreed to by the President—that our budget should be balanced in each of those years.

Now that is not to say that Congress was not serious about reaching balance. I was here and I can tell you that we were. In fact, later in that same year, 1978, we adopted an amendment offered by our former colleague Harry Byrd, Jr., from Virginia, which stated that "[b]eginning with fiscal year 1981, the total budget outlays of the Federal Government shall not exceed its receipts." Two years later, in 1980, we modified the Byrd amendment to state that "[t]he Congress reaffirms its commitment that beginning with fiscal year 1981, the total outlays of the Federal Government shall not exceed its receipts." You will notice that in reaffirming our commitment to a balanced budget we changed the language from saying that Congress "should" balance the budget to say that Congress "shall" balance the budget in 1981. And yet, Mr. President, the Federal budget for 1981 is also one of the 28 unbalanced budgets in this stack here in front of me.

This again, is not to say that Congress' commitment to balancing the budget was in any way diminished. In 1982 we revised the Byrd amendment once again to say that "Congress reaffirms its commitment that budget outlays of the United States Government for a fiscal year may be not more than the receipts of the Government for that year." And yet, Mr. President, the budget for every year since that commitment was enacted into statute is in this stack of unbalanced budgets.

Perhaps the most well-known statute designed to ensure a balanced Federal budget was the Gramm-Rudman-Hollings Act of 1985. Many of my colleagues remember this act well. It was touted as the deficit reduction package to end all deficit reduction packages. I supported that legislation, and I held out great hope that it would actually bring us into balance for what then would have been the first time in 22 years.

Much like the motion before us, the Gramm-Rudman-Hollings Act amended the Budget Act to provide for a point of order in the House or Senate against any budget resolution that exceeded certain deficit reduction targets. These declining deficit targets were to put us on the so-called glidepath to balance in fiscal year 1991. A point of order under this legislation could only be waived by a supermajority vote. The singular exception was for circumstances in which a declaration of war was in effect.

That's pretty tough language, Mr. President. And it was backed up by an automatic sequestration mechanism to ensure that the deficit reduction targets were met. That's why so many of my colleagues and I supported the Gramm-Rudman-Hollings Act. And yet that law, Mr. President—the deficit reduction package to end all deficit reduction packages—was slowly amended, circumvented, and the requirement for a balanced budget finally eliminated altogether just one year prior to the year in which we were to achieve balance under the original act. As a result, we have now amassed an additional $1.3 trillion in debt since 1991.

Mr. President, the Bumpers motion offers no better promises than the Gramm-Rudman-Hollings Act. Ultimately, as experience has shown, no Congress can bind a succeeding Congress by simple statute. Any balanced budget statute can be repealed, in whole or in part, by the simple expedient of adopting a new statute. Statutory limitations remain effective only as long as no majority coalition forms to overcome such statutory constraints.

Now I know my colleagues have argued that things are different now than they were under Gramm-Rudman-Hollings. They cite too the fact that we have experienced four consecutive years of deficit reduction and that Congress and the President agree that the budget must be balanced. But the American people have plenty of reasons to be skeptical of this argument.

Under the budget the President has proposed, we will have deficits larger than last year's budget deficit until the year 2000. Only in the last 2 years of his budget do we see the dramatic cuts necessary to bring us into balance. In other words, a full 75 percent of the deficit reduction planned in President Clinton's budget comes in the 2 years after he leaves office. Is this the sort of glide path to a balanced budget that is envisioned by section 1 of the Bumpers motion?

This to me, Mr. President, is not the sort of commitment to balancing the budget that would support the argument that we can rely on yet another statutory fix to bring about long-term fiscal restraint. The reliability of this commitment is only undercut by the Bumpers amendment, which would remove Social Security receipts and outlays from the balanced budget calculation—something the President himself has said cannot be done while still bringing the budget into balance in the year 2002, as is promised by the Bumpers amendment. The truth is that the Bumpers amendment promises only more of the same—year after year of machinations and evasion of responsibility to those of the future generations who must pay for our lack of budgetary discipline.

Now, Mr. President, I do not wish to lay blame on Democrats or Republicans for the fiscal indiscretions of the past. The simple fact is that the problems in our current budget are not the fault of any political party, they are inherent in our political system. As our late colleague Paul Tsongas once said:

> [I]f you ask yourself why are these deficits always voted, the answer is very simple; that is, there are a lot of votes in deficit spending. . . . []The balanced-budget amendment is simply a recognition of that human behavior. It is not so much an indictment of the people who are here now as it is simply a reflection this is how people act in a democracy. They act to maximize their votes, and in this particular case, the addiction to deficit spending takes them in a particular direction."

The fact is that we can never solve these problems through the enactment of mere statutes because statutes do not purport to correct this structural bias in favor of deficit spending. Statutes are only intended to deal with a temporary crisis. The deficit spending bias is not a problem that has lasted, nor will last, only a short number of years. It is a long-term problem that is deeply ingrained in our budget process. It demands a permanent constitutional solution.

Senate Joint Resolution 1 is such a solution. It is a balanced, carefully crafted measure that has been developed in a bicameral, bipartisan fashion. I hope my colleagues will join with me in opposing the maintenance of the status quo and that they will vote to table the Bumpers motion.

Having said that, I do get just a little uptight about people coming in here and blaming everything on Reagan and Bush. Yesterday, I had a debate with the distinguished Senator from West Virginia who tried to blame all of these deficits on Ronald Reagan and George Bush because during their tenure the deficits went up, and blame them on the tax cuts.

I put into the RECORD yesterday evidence that those tax cuts, those marginal tax rate reductions actually resulted in a 40-percent, approximately 40-percent, increase in revenues because they stimulated the economy for 8 years, they contributed more jobs, more opportunity; 21 million jobs were created. They stimulated opportunity. They did a lot of things to get this country going again. But let me point out that during that whole time Reagan was in the Presidency, the Democrats controlled the House of Representatives. Tip O'Neil was in charge during the first part of that. And they kept spending.

Now, I am not just blaming Democrats. There were liberal Republicans who helped them to do that as well. And there is no question that the increase in military spending did put pressures on the budget and that President Reagan was the one who did that. There is no question about that.

But, on the other hand, if you think of the trillions of dollars that were saved because the Iron Curtain now has fallen and freedom has been restored to the East bloc countries, it probably was worth it.

The blame should be on everybody. I don't think people should demagog this issue and stand up and say, "It is Reagan and Bush who did this thing to us and created this $5.3 trillion debt." No, it is a continual, 58-out-of-66-year unbalanced spending process, during which time the Congress was controlled by liberals—let me put it that way, rather than Democrats and Republicans—liberals who spent us into bankruptcy. And during all of the Reagan years, the liberals did the same thing.

Had we not continued to spend, those marginal tax cuts would have brought us out of the difficulties, except with the possible exception, at least as I view it, of the increases in the defense budget.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I will be very brief. A lot of people want to catch airplanes, and I do not want to discommode anybody. But let me close by saying the Senator from Utah has suggested that the constitutional amendment would be so much more effective than my amendment.

But I ask the Senator from Utah, what provision in the constitutional amendment, Senate Joint Resolution 1, is more effective than mine? We cannot ignore the Budget Act; 60 votes is 60 votes, whether you are trying to get 60 votes to comply with the constitutional amendment or whether you are trying to get 60 votes to comply with the Budget Act, as my amendment will provide.

Let me tell you what one of the differences is. Under my amendment, if you cannot get 60 votes, you shut the Government down and you wait for the people here to come to their senses and get the Government open, as we did the year before last. Under the constitutional amendment, if you cannot get the 60 votes, you shut the Government down and go down to the Supreme Court and wait for them to act. Not only is that time-consuming and outrageous, but you are also cutting the three branches of the Government of the United States to two.

One of the reasons we have this big deficit, which everybody laments—let me say it once more—is because we talk one way and act another. We talk about how we are going to get the budget balanced, and how terrible it is that we cannot get our spending under control, and then we turn around and cut taxes by massive amounts. It is the worst form of snake oil I have ever seen in my life, yet we keep buying into it. We bought into it in 1981, and now we are getting ready to buy into it again.

All I am saying is, under my amendment, you have everything you have under the constitutional amendment. It is just as tough to comply with—really, tougher—and we exclude Social Security.

I guess everything is said that needs to be said, so I will close and let the Senator from Utah move to table my amendment.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Utah has 47 minutes, and the Senator from Arkansas has 29 minutes.

Mr. HATCH. I am prepared to yield back my time.

Mr. BUMPERS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. HATCH. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to refer. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma [Mr. INHOFE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—65

Abraham
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Brownback
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Jeffords
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Reid
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—34

Akaka
Boxer
Breaux
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Rockefeller
Sarbanes
Torricelli
Wellstone

NOT VOTING—1

Inhofe

The motion to lay on the table the motion to refer was agreed to.

AMENDMENTS NOS. 9 AND 18 WITHDRAWN

Mr. BROWNBACK. Mr. President, I ask unanimous consent amendments No. 9 and No. 18 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent the Senator from Delaware be allowed to proceed as in morning business for as long as he may need. We are waiting for the Democratic leader. We may perhaps interrupt for some agreements when he arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

MEDICARE

Mr. ROTH. Mr. President, I rise today to draw my colleagues' attention to an opinion piece by Senator Bob Dole entitled "Medicare: Let's Fix It" that was in last Sunday's Washington Post.

It is my hope that all my Senate colleagues will read this compelling op-ed. Senator Dole has worked on and observed the Medicare Program for many years, and there is much wisdom to be gleaned from his commentary. He is right—we must address Medicare's problems with real solutions while giving seniors more choices.

On a personal note, I want to thank my friend for his praise of legislation, S. 341, recently introduced by Senator MOYNIHAN and myself, to establish a bipartisan commission on the long-term solvency problems in the Medicare Program.

As Senator Dole notes, "a bipartisan commission can recommend sound long-term solutions," as evidenced by the 1983 Social Security Commission.

Mr. President, the proposed national bipartisan commission on the Future of Medicare would be this type of commission.

Currently, the Medicare Program is not in the best of health—its short- and long-term fiscal problems make it increasingly vulnerable. In January, the Congressional Budget Office projected the Medicare trust fund is headed for the emergency room; it will go bankrupt in 2001 with a $4.5 billion shortfall. The trust fund is spending more than it is taking in from revenues; this trend will continue, creating a trust fund deficit of over one-half trillion dollars just 10 years from now. And that's still before the baby-boomers begin to retire in 2010.

The prognosis is not good. The Medicare trust fund is limping—and soon will be staggering—into the 21st century.

This national bipartisan commission is the medicine needed to restore Medicare's good health. Its recommendations will help the President and Congress build the consensus needed to enact effective policies to preserve and strengthen Medicare.

Senator Dole is correct in stating, "Creating a commission won't let—the President and Congress—off the hook to enact needed Medicare changes now to avoid bankruptcy in 2001." I believe the President and Congress must act immediately to extend the short-term solvency of the program.

I am encouraged by President Clinton's willingness in his budget package to address the growth of Medicare spending over the next 5 years. However, I'm troubled by the administration's use of gimmicks like the home health transfer and an over reliance on cutting provider payments—such policies are just plastic surgery, masking deeper problems with a pretty face. Senator Dole says he has "never seen a budget gimmick that solved a real public policy problem"—and neither have I.

In the long-term, Medicare must fight another potentially crippling problem. Retiring baby boomers will challenge our ability to maintain our promises to beneficiaries. Today, there are less than 40 million Americans who qualify to receive Medicare. By the year 2010, the number will be approaching 50 million, and by 2020, it will be over 60 million. Today, there are almost four workers supporting each retiree, but in 2030, there will be only about two per retiree.

The demographic progression of the Medicare population will not come as a surprise. We know today what is to be expected.

To be healthy, the Medicare Program is in need of structural reform. Since Medicare's enactment in 1965, there has been a great deal of change in the private health care system in the United States—but Medicare remains fundamentally unchanged. Medicare is too rigid and unable to offer the improvements in delivery of care and technological advances that have been made in the private sector. Medicare is the Model T Ford of health care programs competing in a race car world.

These are some of the problems the National Bipartisan Commission will address. I believe it will prove to be the intensive treatment needed to cure Medicare's growing symptoms. There is agreement over the diagnosis, but no consensus over the course of treatment. Meanwhile, Medicare's time runs short.

It is my hope that by working together in a bipartisan effort, we can seriously and responsibly address the Medicare issue. Again, I hope my colleagues will read Senator Dole's essay, and consider the issues he raises.

The answers to the Medicare problem are not easy and they are not politically popular. The consequences of delaying treatment are much worse, though. As chairman of the Senate Finance Committee, I intend for future generations to inherit a robust Medicare Program with a clean bill of health. The Commission proposed by Senator MOYNIHAN and myself is just what the doctor ordered.

Mr. President, I ask unanimous consent that a copy of Senator Dole's oped be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 22, 1997]

MEDICARE: LET'S FIX IT

(By Bob Dole)

Some politicians make Medicare decisions with one eye on the next election—something I learned in 1996. Enough already. It's time to focus on present beneficiaries and the next generation.

Rhetoric won't get the job done. Neither will budget gimmicks nor shell games such as the administration's proposal to move home health costs from Part A of Medicare over to Part B. Such accounting gimmicks have been around for at least as long as the budget deficit. I've seen plenty of them, even tried some, but I have never seen a budget gimmick yet that solved a real public policy problem.

The fact is, to survive, Medicare will have to look much different in 10 years from what it looks like today. The program obviously requires structural changes, not just tinkering around the edges. In his State of the Union address, President Clinton said: 'The enemy of our time is inaction." Well, it's time to do what's right for our nation's elderly before the president's words become an epitaph for the Medicare program.

Doing what's right means doing things differently in several ways. Remember, we face two major problems with Medicare: a short-term problem with bankruptcy in 2001 and an even larger long-term financing problem when the baby boomers start retiring in 2010. Any Medicare "fix" has to be mindful of both. I do not have all the answers, but I would advance a few ideas for consideration.

Affluence-test the Part B premium. Yes, I'll say it: Senior citizens who can afford to pay more should pay more for Part B of Medicare. Unlike Part A of Medicare, Part B is not financed by payroll taxes. Right now, Medicare beneficiaries pay premiums that cover only 25 percent of the cost of Part B of Medicare. General revenues pick up the tab for the remaining 75 percent. If only the well-to-do beneficiaries, those with incomes greater than $60,000 for a single individual and $90,000 for a couple, paid a higher premium (say, 50 percent instead of 25 percent—as was originally intended in the program), we could save $9 billion over five years.

It's just plain old-fashioned fairness for affluent beneficiaries to pay a little more (still way below the actual cost of the care), and our elected leaders should say so. No more of this strange, silent dance between president and Congress where each partner says to the other, "You go first!" The president should propose and a bipartisan majority in Congress should support appropriate increases in the Part B premium.

Keep the link between Medicare and Social Security. Throughout the history of the Medicare program, the age at which a senior citizen becomes eligible for Medicare has always been the same as the age at which he or she becomes eligible for Social Security. That's as it should be. It makes perfect sense for these two programs to go hand-in-hand.

In 1983 the bipartisan Social Security Commission, on which I served, recommended several fixes to save the Social Security program that were enacted into law. One fix was slowly to raise the age of eligibility for Social Security to 67. After all, people will live longer and retire later than they did earlier in the century when the program was created. So, the age of eligibility for Social Security will start to rise a couple of months each year beginning in 2003. We should keep the historical link between Medicare and Social Security, and let Medicare eligibility rise with Social Security.

Give senior citizens choice. Medicare beneficiaries should be able to choose the kind of coverage they want. Innovative ideas such as medical savings account should be available, as should managed-care plans and traditional fee-for-service plans. The critical word here is choice. No one should be forced into any particular health care model.

Let's let seniors make their own decisions. It's wrong when some people argue that seniors simply are not capable of deciding their own health care coverage and that the government always knows best. Given the right kind of information, seniors can decide what's best for themselves. The should be given the same kind of choices that federal employees have been offered for years. The federal employee health benefits program is one broad-scale model that shows choice works.

Giving seniors choice could also help hold down costs. Last year health care costs in the private sector grew only 2.9 percent while health care costs in the public sector rose. 8.7 percent—three times as fast. Why is the private sector doing a much better job holding down costs? One reason is free-market competition. And choice will spur competition, efficiency and lower costs in the public sector just as it already has in the private sector. What's more, structural changes that help lower overall costs are the only way to address Medicare's long-term problem.

Cutting providers alone is not the answer. It seems every time the president and Congress address Medicare, payments to doctors and hospitals get cut. Politically, this is a "no brainer," since there are millions more beneficiaries than doctors and hospitals. The president's FY 1998 budget proposal is more of the same: cuts for doctors and hospitals—and now cuts for HMOs, too, reducing their reimbursement rate from 95 percent to 90 percent of average per capita costs.

Some reductions in some areas are no doubt justified, but you cannot fix the program by hitting providers alone. You can buy a few months or a few years on the short-term problem, but it will not solve the long-term problem. In fact, it may exacerbate it. The reductions must be accompanied by true reimbursement reform. Let's move more of the program into a prospective payment system so the incentives for the wise use of services are in place. Let's pay managed-care plans a fair amount and be certain the care provided is of the highest quality and that funds meant for teaching and indigent care are spent correctly. The real problems faced by rural plans as well as by urban providers must be addressed as should Medicare's role in paying to train our nation's physicians.

Form a Medicare commission. It may turn out that no matter how much is done, it still will not be enough to offset the long-term challenge we face with the retirement of the huge baby-boomer generation. If the president and Congress cannot agree on how to preserve Medicare long term, as a last resort, a bipartisan commission should be authorized. Sen. William Roth and Sen. Daniel Patrick Moynihan should be applauded for recently proposing legislation to establish such a commission. As the 1983 Social Security Commission demonstrated, a bipartisan commission can recommend sound long-term solutions. But if some politicians hope they can dodge the tough choices by creating a commission, I have news for you: It won't work. Creating a commission won't let you off the hook to enact needed Medicare changes now to avoid bankruptcy in 2001, and even the commission's recommendations to address the long-term problem will require members of Congress to vote on sticky issues and the president to sign or veto the legislation.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX FREE STADIUM BOND FINANCING

Mr. SPECTER. Mr. President, I have sought recognition to discuss the pending unanimous-consent request on the tax measure. I do so because of my concern about a matter which is pressing for my State, in a number of particulars, most specifically the Wilkes-Barre arena, where financing is being held up because legislation has been introduced by Senator MOYNIHAN, which has an effective date on the date of committee action, and bond counsel have, as I understand it, given an opinion that industrial development bonds cannot be issued from the State.

After discussing the matter with Senator MOYNIHAN, it is my understanding that he is concerned about the statutory limits on other tax-exempt bonds, which would affect hospitals and universities. It is a relative rarity that a tax bill comes through the Senate. This is an occasion where I would have an opportunity to introduce an amendment to try to move this process along. I am well aware of the fact that this is an important measure which needs to be cleared through the Senate. But I wanted to take this opportunity—and I have so advised our distinguished majority leader of my intention—when the unanimous-consent request is propounded, to reserve the right to object to see if we might get some sort of a schedule for consideration of the underlying issues here.

I note the presence of the distinguished majority leader on the floor. I await his action on propounding the unanimous-consent request. I take advantage of this break in the action to state my position.

I yield the floor.

Mr. LOTT. Mr. President, with my apologies to the Senator from Pennsylvania, was there anything I needed to respond to at this juncture, or would you like to go ahead with the unanimous-consent request?

Mr. SPECTER. If I may respond to the majority leader, there is nothing for him to respond to.

UNANIMOUS-CONSENT AGREEMENT—S.J. Res. 1

Mr. LOTT. Mr. President, I just had a discussion with the Democratic leader with respect to the pending balanced budget constitutional amendment. This agreement would allow the Senate to conclude the matter on Tuesday, March 4. Having said that, I now will propound a unanimous consent for final disposition of the constitutional amendment.

I ask unanimous consent that the time between 9:30 a.m. on Tuesday and 12:30 be equally divided between the two managers for closing remarks on Senate Joint Resolution 1. I further ask that, at 2:15 on Tuesday, there be 1 hour under the control of the manager on the Democratic side of the aisle, with the first 20 minutes under the control of Senator BYRD, to be followed by the next hour under the control of Senator HATCH, to be followed by the next 30 minutes under control of Senator DASCHLE, or his designee, with the final 30 minutes under the control of the majority leader or his designee.

I further ask that following the conclusion or yielding back of time, a vote occur on the passage of S.J. Res. 1 at 5:15 p.m. on Tuesday, and that paragraph 4 of rule XII be waived and all occur without intervening action.

Mr. DASCHLE. Mr. President, the majority leader and I have had the opportunity to discuss this matter, and I concur with the unanimous-consent request, with the understanding—which we have discussed—that if there is a family emergency or an illness that would preclude a Member from having the opportunity to vote on such an important issue as this, that we would revisit the issue. I don't anticipate that. I expect 100-percent attendance. And, as I say, we have had that understanding in our discussion also. So I do not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, if I could just comment on the Democratic leader's comments of a moment ago. First of all, I think we have had a good and full debate on this issue. I said from the beginning that I hoped we would do that, and that it would be a thoughtful and provocative debate that would cause Members to think seriously about this issue. I think that has happened.

There has been some suggestion that we put it off, and I thought about that. If there were some reason to do that, I would be willing to delay it further. But I think we should be ready to vote. We have had amendments and the debate, and we would be prepared to do that, then, on Tuesday under this agreement. But, as always is the case, we need to be aware of and respectful of extenuating circumstances beyond our control. I will join the Democratic leader in moving the vote to the next morning, or whatever, if we have that need, based on a genuine illness or family problem that could not be avoided.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that in the event a motion to reconsider the final passage vote is entered, and the motion to proceed and the motion to reconsider are agreed to, then at that time Senate Joint Resolution 1 be debatable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will close the debate on the Monday or the Tuesday session of the Senate with a final passage vote occurring on the constitutional amendment at 5:15 p.m. on Tuesday, March 4.

I thank my colleagues for their cooperation and announce that no votes will occur on Friday of this week or Monday, March 3.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTIGATE CONGRESSIONAL ABUSES

Mr. KERRY. Mr. President, today on the front page of the Washington Post there is a story that I think should not simply slide by the concern and consideration of all our colleagues in the Senate. The headline is, "GOP Senators Seek To Curb Panel's Fund-Raising Probe."

The heart of the story is a basic expression, on behalf of some Senators, that they only want to focus on President Clinton. They do not want an investigation that somehow looks into the activities of the Congress itself.

I know the Congress is plenty good at taking care of itself. Through history it has proven that. But the American people will not be satisfied with such an extraordinary, brazen, overt statement of unwillingness to heed the interests of the American people and to get to the bottom of any allegations of wrongdoing in any kind of fundraising. Anyone who suggests we can just sweep this under the rug because people are nervous up here, or somehow they think that looking at congressional inquiries might become the instigator of reform, and therefore, because they don't want reform, they are not going to investigate, is one of the most extraordinary efforts of turning your back on the interests of what we are supposed to be doing here and of the American people.

I will signal for myself, and I think there are other Senators who feel this way—no one is looking for some no-holds-barred embarrassment here. No one is looking for some fishing expedition. But where there are legitimate examples and legitimate allegations with respect to congressional abuses, it would simply be inappropriate for the Congress of the United States to sweep it under the rug and walk away because we fear whatever that might tell us. It would be even more inappropriate to do so because we fear reform.

I can think of nothing that would invite a storm of protest from the American people over a period of time more than that kind of front page statement about the congressional willingness to sweep something under the rug.

I yield the floor.

REINSTATEMENT OF OREGON LAW RELATING TO PHYSICIAN-ASSISTED SUICIDE

Mr. ASHCROFT. Mr. President, there are developments in a matter that I think command our attention. I would like to bring them to the attention of the Senate.

Recently, Senator DORGAN and I, joined by 28 of our colleagues, introduced S. 304, the Assisted Suicide Funding Restriction Act. It is simply a law that says no Federal tax dollars shall be used to promote or pay for assisted suicide.

There had been a threat that we might be asked to pay for assisted suicide with Federal Medicaid funds in the State of Oregon. Oregon enacted what was called Measure 16, which allowed for physician-assisted suicide for terminally ill patients in that State. Oregon officials stated that they would be submitting Medicaid bills to the Federal Government to pay for assisted suicide under the category of "comfort care," a euphemism which is particularly troubling to me.

After Oregon passed Measure 16, its implementation was suspended by U.S. District Judge Michael Hogan, in Eugene, OR. While the law was not in effect, we would not be asked to pay Federal dollars, tax dollars of American citizens, to end the lives of individuals rather than to sustain their lives.

Throughout the history of the Medicaid and Medicare Programs, there has been the presumption that funds for those programs would be used to elevate, encourage, enrich and extend the lives of American citizens. It turns out now that with this one law in one State, we will be asked for Federal resources for medical reimbursements under the health care provided by Oregon's Medicaid program, to end the lives of individuals, to help physicians help patients commit suicide.

Senator DORGAN and I, and 28 of our colleagues, have sponsored legislation to prevent such a practice—to prohibit Federal tax dollars from being expended for assisted suicide. Our legislation had an imperative quality because the decision of an appeals court was pending. But today the Ninth Circuit Court of Appeals dismissed the action which had suspended the implementation of the Oregon law. The Ninth Circuit Court of Appeals, in so doing, potentially clears the way for the State of Oregon to begin calling upon the resources of U.S. taxpayers to assist people in their suicides.

I have to tell you, this is against the values of many of the people with whom I speak and many of those I represent in the State of Missouri. Key groups and organizations, including the U.S. Catholic Bishops, the National Right to Life, and the American Medical Association, oppose assisted suicide, and oppose the use of Federal funds for such a practice, as it is an inappropriate expenditure of tax dollars.

Mr. President, 87 percent of the American public does not want tax dollars spent on dispensing toxic drugs to end the lives of Americans instead of focusing our resources on therapeutic drugs and other therapies to extend and improve the life of American citizens. It is time for us to understand the urgency of this issue, given the fact the Ninth Circuit Court of Appeals rejected the challenge to Measure 16.

Now, the dismissal of the action is appealable by the parties there. They can appeal back to the Ninth Circuit for a hearing en banc, or to the U.S. Supreme Court. But I raise this in the consciousness of the U.S. Senate to say we do not have a significant amount of time, and I believe the vast majority of citizens in this country never anticipated that their tax resources would be consumed in poisoning fellow citizens under the guise of comfort care in the State of Oregon.

We would be derelict in our duty were we to ignore this problem and allow a few officials in one State to decide that taxpayers all across America must help subsidize a practice that has never been authorized in most of America, is considered to be morally abhorrent by many Americans, and is considered to be medically inappropriate by the American Medical Association. Because of today's decision, I implore my colleagues in the U.S. Senate to act swiftly to pass the Assisted Suicide Funding Restriction Act before our tax dollars begin to go for ending, and not saving, the lives of our fellow Americans.

I yield the floor.

MEDICAL SAVINGS ACCOUNTS

Mr. ROTH. Mr. President, as part of the Kassebaum-Kennedy health care legislation, passed in the 104th Congress, we provided for a pilot program to explore the potential of medical savings accounts.

These MSA's represent a significant step forward in our objective to promote an environment where Americans can receive quality and affordable health care in market-based programs. MSA's would allow families to participate in higher deductible, lower premium plans.

The money saved on premiums would be placed in tax-sheltered MSA accounts. Families could then use this money to pay for health care costs. They would have a greater stake in the health care delivery system. Their vigilance—as they use their own money—would encourage health care providers to keep costs competitive and quality high.

MSA's would also go a long way toward cutting the high costs associated with health care administration.

It's projected that as families play a more active role in paying for their health care, because of the high deductible nature of MSA's, that less than 10 percent of those using MSA's would send a bill to their insurance. Insurance company involvement would come only after the deductible has been met, or in the case of a catastrophic illness.

As we look for innovative and workable programs to help Americans meet the costs associated with health care, MSA's offer a viable and attractive possibility. I anxiously await the results from the pilot program we initiated, as well as response from our health care community.

Recently, I received a letter and an article from two academics associated with the allied health profession field. Amy B. Hecht, former dean of the Temple University College of Allied Health Professions and James L. Hecht, professor in the political science department at Temple, authored an impressive overview of MSA's.

I ask unanimous consent that their article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RX FOR HEALTH REFORM—MEDICAL SAVINGS ACCOUNTS GIVE CONSUMERS A STAKE IN CUTTING COSTS

(By James L. Hecht and Amy Blatchford Hecht)

Horror stories constantly are being reported by the media about how America's rapidly changing health care system has caused disastrous results for some and suffering for many. That is not surprising since tens of millions of people are being forced into managed care, where they have far less control than under the previous fee-for-service system.

Unfortunately, little has been said about an alternative: having people pay for normal health care expenses directly from tax-sheltered Medical Savings Accounts. Much of what has been said has been directed at MSAs' one disadvantage as opposed to their many advantages.

Employers are the vector for the rapid transition to managed care. The cost of medical care in the United States has been more than 30 percent more per capita than anywhere else in the world. Thus American companies are under enormous pressure to cut health costs since they have become a major expense and a disadvantage against foreign competitors. Moreover, large expenditures have not produced better health as measured by criteria such as life expectancy and infant mortality rates.

Some of the America's high costs results from its leadership in using technology to provide the best care in the world for those who are able to take advantage of it. That is desirable. But there is another reason why health costs in the United States have gotten out of control: an enormous government subsidy which encourages payment by insurance.

Providing most health care payments through insurance makes as little sense as having homeowners' insurance cover maintenance. The purpose of insurance is to protect against expensive catastrophes. Home maintenance costs are significant, but can be handled more economically and satisfactorily without a third party involved.

But in the case of health care, insurance paid by employers became the standard following World War II because employers were able to shelter part of their employee compensation from taxes by providing health insurance that covered normal expenses. Thus the U.S. government subsidized a health care system financed unlike any other in the world. As costs of new treatments increased and options for care expanded, costs skyrocketed but were not matched by improved results.

That is why tax-sheltered contributions to Medical Saving Accounts, whether made by an employer or individual, make sense. Consumers should have the option of administering their own medical bills, barring catastrophic costs, while receiving the same government subsidy given to employer-paid insurance and managed care.

People with MSAs would have insurance, but it would only cover expenses after a deductible of at least $2,000. Thus, less than 10 percent of those with MSAs would send a single bill to their insurance company in a single year. That's one huge advantage of MSAs: a big decrease in the costs of health care administration. Studies indicate that administration of third-party payments accounts for well over 20 percent of health costs. Billions of dollars spent on paperwork would be saved. And that does not include the time and aggravation consumers spend to get reimbursement.

MSAs might cause some people to skimp on preventive care. But insurance policies for catastrophic care could cover periodic physical exams, Pap tests and prenatal care because they effectively prevent expensive medical problems.

Meanwhile, people paying their own bills are more likely to compare prices when a physician orders tests. Some will question the necessity of recommended tests. Nurse practitioners and physician assistants would be used more since their fees are far lower than physicians'. Savings of tens of billions more would result from giving consumers a stake in reducing costs.

Plus, having people pay directly for much of their health care will be a powerful force for choosing healthier lifestyles.

Many of these same advantages can be achieved by managed care, which is why employers are shifting health benefits in this direction. In fact, a good HMO usually will be the best option for people who are not careful consumers. However, people who value control over their health decisions, or who do not have access to a good HMO, usually would be better off with an MSA and fee-for-service.

Competition between managed care and MSAs is another important reason to shelter MSAs from taxes. Competition solely between HMOs and other managed care plans will not necessarily result in good, cost-effective health care. There was fierce competition between General Motors, Ford and Chrysler, but until Japanese automakers captured a significant share of the market, American manufacturers produced inferior cars and did not control costs as efficiently. Today, doctors are being offered financial incentives to decrease patient care. Tax-sheltered NSAs and fee-for-service could shift incentives where they belong: bonuses for better patient outcomes.

While tax-sheltered MSAs will provide better care at greatly reduced costs for most Americans, they would not be good for those with chronic illnesses requiring costly, long-term treatments. This is why they were opposed by Senate Democrats and President Clinton. The chronically ill would lose money with MSAs (although some might still choose one in order to exercise greater control), and their alternatives would cost more than at present because health care plans would serve sicker populations with higher than average expenses.

So in fairness, legislation creating tax-sheltered MSAs should include a benefit for the chronically ill to offset their higher costs. It might be a credit for families who had out-of-pocket health expenses greater than some percentage of gross income in the previous two years. The credit might be for expenses greater than 7.5 percent of gross income, which is the current medical and dental deduction on the federal income tax. The credit also should have a cap on the amount of expenses that qualify.

And legislation should be enacted as soon as possible, instead of waiting years for the results of a small trial program established under the Kassebaum-Kennedy Bill. The trial is unlikely to yield definitive results.

No legislation will be a panacea for all health care problems. But Medical Savings Accounts are a simple way to provide better, more cost-effective care for many Americans. This in turn will contribute to a political and economic environment more conducive to keeping the promise of decent health care for all.

THE GROWING CRISIS IN PUBLIC ACCESS TO PUBLIC INFORMATION

Mr. WARNER. Mr. President, on February 11, in his capacity as chairman of the Joint Committee on Printing, the senior Senator from Virginia testified before the U.S. House of Representatives Legislative Branch Appropriations Subcommittee.

The purpose of that testimony was to provide justification for the Joint Committee's Fiscal Year 1998 appropriations request, and to outline the priorities of the Joint Committee in the current and future fiscal years.

Chief among the Joint Committee's priorities are reform of Title 44 U.S.C., and the implementation of means to assure that the American public continues to retain access to information created by the Federal Government at taxpayer expense.

Currently, the Government Printing Office is charged under title 44 with the management of the Federal Government's procurement of information products and with the maintenance of the public's access to these products—through the Federal Depository Library System, through the GPO Bookstore Program, and through GPO Access, the on-line service of the Government Printing Office.

In recent years, however, various Federal agencies have taken to ignoring title 44. Some are procuring their information products directly from the private sector without going through the GPO's private sector procurement program. Others are setting up inhouse facilities to create their own information products. In addition, a few agencies, in an effort to be entrepreneurial, have taken to making arrangements with organizations outside the Federal Government for the dissemination of taxpayer-funded information. In doing so, this information has become copyrighted, or had copyright-like restrictions imposed upon it. The net result is that the public's access to taxpayer-funded information has been greatly restricted.

Mr. President, the Government Printing Office's Superintendent of Documents, Mr. Wayne Kelley recently delivered a speech on this issue. In his remarks, Mr. Kelley provided specific details and raised a number of important questions about these activities and their detrimental effect on the American public.

I ask unanimous consent that Mr. Kelley's speech before the Government Documents Roundtable, Federal Documents Task Force, of February 15, 1997, be printed in full at the conclusion of this statement.

The PRESIDING OFFICER. Without objection, it is ordered.

(See exhibit 1.)

Mr. WARNER. Mr. President, the Senate Committee on Rules and Administration, which also is chaired by the senior Senator from Virginia, will hold 2 days of hearings later this spring on legislation to correct this situation and to reform other areas of title 44.

It is this Senator's intention that this legislation will be supported on a bicameral and bipartisan basis, and that the administration will fully support it as well.

Mr. President, the strength of America's system of government lies with an informed public. Free and open access to information created at taxpayer expense is the principle which has enabled the United States to endure and prosper for over 200 years, making this Nation the oldest, continuous, constitutional democratic republic in the world.

Members of Congress have a responsibility to our Founding Fathers, to our citizenry, and to future generations to ensure that this principle is maintained.

EXHIBIT 1

REMARKS OF WAYNE KELLEY, SUPERINTENDENT OF DOCUMENTS

I'd like to take a few minutes this morning to discuss a growing trend to transfer Federal Government information from the public domain to private ownership.

This is happening in a number of ways. One is for agencies to establish exclusive or restrictive distribution arrangements that limit public access to information. Another is to charge fees or royalties for reuse or redissemination of public information. In some recent cases government publishers have actually assisted in transferring copyright to the new owner.

Let me give you an example. For many years, the National Cancer Institute procured the printing of its Journal of the National Cancer Institute through the Government Printing Office. The Superintendent of Documents Sales Program sold subscriptions to the Journal and it was distributed to Federal Depository Libraries at GPO expense.

In 1987, NCI made the semimonthly Journal a more current, higher-quality cancer research publication. It was heavily promoted by our Office of Marketing in coordination with the NCI staff. By 1992, the Journal was selling 6,240 copies at an annual subscription of $51, and was distributed free to more than 800 selecting depository libraries throughout the nation. It had achieved recognition as "the number one journal" in its field, publishing the best original research papers in oncology from around the world.

In 1993, the National Cancer Institute notified us that they were developing a "Consolidated Services" concept making all print and electronic data information available only through an "Information Associates Program." GPO could no longer sell subscriptions at $51. The only way to get a subscription was to buy an Associates Program membership from NCI for $100. NCI agreed to supply depository copies at the agency's expense. GPO continued to sell individual copies in bookstores at $7 each. In December 1994, the International Cancer Information Center, publisher of the Journal, received a Federal "Hammer" award for its new Information Associate Program.

Then, a disturbing development. Just a few weeks ago, in a letter dated January 2, our Library Program Service was notified that the Journal had been "privatized." Ownership was transferred from the National Cancer Institute to Oxford University Press—USA, Inc. The letter said: "Under the terms of a Cooperative Research and Development Agreement signed by the two organizations, the name of the publication will be retained, and Oxford will assume all responsibility for printing the Journal and will hold copyright to the Journal's content."

The letter went on to explain that "because the Journal is no longer a publication of the U.S. Government, copies of the Journal and JNCI Monographs will not be provided to the Depository Library Program nor will sale copies be available at the GPO bookstore." The new price, from Oxford, is $120 for an individual and $150 for an institution.

The last paragraph in this brief letter said: "We appreciate the service the Depository Library Program has provided in disseminating the Journal and JNCI Monographs for many years."

Looking back, I do not regret that we at GPO invested our resources in promoting the Cancer Journal in the late 1980s. Nor do I regret assisting in the transfer of subscribers to the Information Associates Program in 1993. But I do regret the loss of this valuable resource to American citizens through the depository library program in 1997.

I have here the November 20 issue of the Journal which I purchased from the main GPO Bookstore. Maybe this last, public domain issue has some historical value.

Looking through the Journal, a number of questions come to mind. I note that the masthead lists some 26 staff members.

I wonder if the editorial and news staff is still being paid by the American taxpayer, but working for the Oxford University Press? I wonder if the Oxford Press is sharing revenues from the new, higher subscription rate with the National Cancer Institute? I wonder if copyright will prevent a librarian from sending a copy of an article to another librarian?

I have no way of knowing the answers to these questions—because the details of the Cooperative Research and Development Agreement are not public information, according to NCI legal counsel.

Unfortunately, this is not an isolated case. There are other recent examples of information gathered by government employees disappearing from the public domain—for a price. I worry that these cases will become precedents and the precedents will set an irreversible trend.

I want to make it clear that I do not question the motives or goals of the agency publishers who take this course. They are doing what they feel is right in a new environment which calls for cutting costs and generating revenues. They are seeking to preserve valuable information.

But what if this new trend drives future Federal Government Information Policy? Since the founding of our nation, the cornerstone of information policy in the United States has been the principle of universal access to Federal information. This principle is being set aside without many of the usual checks and balances in our democratic society: Without any high level policy debate, without clear rules, without thought to unintended consequences, and often without full public disclosure of the negotiations and agreements.

Is all Federal information with sufficient demand going to be sent to market? If so, we should think about what that means.

Does it mean that a Government agency may sell its name as well as its information?

Does it mean that a wide array of private sector publishers will no longer have access to the information to add value and redistribute it to many different markets in different products?

Does it mean the public consumer must pay two or three times as much, or more, for the same information?

Does it mean that agency publishers will focus their attention on more popular, marketable information and eliminate other, perhaps more significant but less marketable information?

Does it mean that programs authorized by Congress will begin to move away from public needs, to focus instead on market needs never contemplated by our elected representatives?

Does it mean Government employees working at taxpayer expense to support the information requirements of private firms? And isn't that corporate welfare?

And what if the Journal of the National Cancer Institute, now owned by the Oxford University Press, does not meet the profit goals of the new owner? Does it mean that instead of a "Hammer" award, there will be the "axe" usually awarded sub-par performers in the market place?

Who represents the public in a Bottom-line Information Era? What is to prevent our nation's bridge to the 21st Century from turning into a toll bridge for Government information?

In 1989, the late Office of Technology Assessment, may it rest in peace, declared that "congressional action is urgently needed to resolve Federal information issues and to set the direction of Federal activities for years to come." Now, eight years later, there is some talk of legislation to update Federal Information Policy to the Electronic Era.

The critical issues at stake today are preservation of official information, public access, Government accountability, and an informed electorate. Americans should not pass up this opportunity to define their own information future.

Those best positioned to know the value and power of information should take the lead. It is not an easy issue for the media because it lacks the essential elements of hot news. It is more significant than sensational.

It is not an easy issue for politicians because there is no visible crisis and framing sound policy seldom delivers votes.

So it may be up to those among us who by nature are reluctant to get out front. Remember those riveting lines of Yeats: "The best lack all conviction, While the worst are full of passionate intensity." Let's not let that happen.

Before it is too late, let the debate begin.

Journal of the
National Cancer Institute,
January 2, 1997.

Ms. Robin Haun-Mohamed,
Chief, Library Program Service,
U.S. Government Printing Office (SLLA), Washington, DC.

Dear Ms. Haun-Mohamed: As you know, the Journal of the National Cancer Institute has been privatized, and effective January 1, 1997, ownership of the Journal will be transferred from the National Cancer Institute to Oxford University Press-USA, Inc. Under the terms of a Cooperative Research and Development Agreement signed by the two organizations, the name of the publication will be retained, and Oxford will assume all responsibility for printing the Journal and will hold copyright to the Journal's content.

Because the Journal is no longer a publication of the U.S. Government, copies of the Journal and JNCI Monographs will not be provided to the Depository Library Program nor will sale copies be available at the GPO bookstore. Nonprofit organizations, however, will be able to subscribe to the Journal at reduced rates.

For more information on subscriptions to the Journal, call 1-800-852-7323 or 919-677-0977.

We appreciate the service the Depository Library Program has provided in disseminating the Journal and JNCI Monographs for many years.

Sincerely,

Julianne Chappell,
Chief, Scientific Publications Branch,
International Cancer Information Center.

A TRIBUTE TO STEVEN J.W. HEELEY

Mr. CAMPBELL. Mr. President, I come to the floor today with mixed emotions. I'm glad because a colleague is moving on to new opportunities, but I'm also saddened by the fact that the Senate, and in particular the Committee on Indian Affairs, is losing a great friend, Steven Heeley.

Steve's work on native American issues goes back many years, to when he started with Senator McCain as the deputy minority staff director and Counsel for the Senate Indian Affairs Committee in 1989. He moved across the Hill to the House of Representatives, where I first had the pleasure of working with him, when Steve served as the deputy counsel on Indian affairs for the Committee on Interior and Insular Affairs under Chairman George Miller. Later he became the counsel to the Subcommittee on Native American Affairs of the Natural Resources Committee of the House. Steve returned to the Senate Committee on Indian Affairs in 1995 to become Chairman McCain's staff director and chief counsel.

His lengthy list of accomplishments represents the kind of man Steve is: hard working and committed to Indian Country. Steve's work on environmental issues in Indian country includes the Clean Water and Clean Air Act amendments, solid waste disposal, leaking underground storage tanks and the Indian Environmental General Assistance Program Act. His broad range of knowledge was crucial in passing the Self-Determination Act amendments, as well as self-governance legislation, the Indian Gaming Regulatory Act and the Navajo-Hopi Settlement Act.

Steve's work to reauthorize the Indian Health Care Improvement Act, his work with tribal courts and the Native American Graves Protection and Repatriation Act show his concern for native Americans and most important, our mutual heritage. The work that has been important to Steve was the work that was important to Indian people across this country. Much of his work, including reorganizing the Bureau of Indian Affairs and amendments to the Indian Gaming Regulatory Act is not yet complete, but his mark will certainly be on the changes when they do occur.

Steve's work on behalf of Indian people goes back before his time here in Washington. He served as the assistant general counsel for the Gila River community in Arizona and was a staff attorney for the Four Rivers Indian Legal Services Program at Gila River. Now, Steve is going back to Arizona, where I'm sure he's been missed, as we're going to miss him here.

I would like to offer my personal thanks to Steve for the invaluable service he has provided to me as I took over as Chairman of the Indian Affairs Committee. His wise counsel to both me and my staff has made a difficult job more easy and has helped to make sure that the leadership Senator McCain brought to this committee will continue.

Steve has been an outstanding advocate, leader, and friend to Indian country. On behalf of all of us who have been lucky enough to work with him, we thank him, we wish him good luck, and we look forward to working together again.

SALUTE TO THE BIG TEN CHAMPIONS MINNESOTA GOLDEN GOPHERS

Mr. GRAMS. Mr. President, I rise today and I want to pay tribute to the University of Minnesota basketball team, who last night clinched their first Big Ten title in 15 years.

As you know, the Golden Gophers defeated the Michigan Wolverines 55 to 54, in a hard-fought, come-from-behind victory. Down by four with under a minute to play, the Gophers' confidence, determination, and faith led them to victory. This is truly an accomplishment that all Minnesotans can be proud of. Under the leadership of coach Clem Haskins, the Gophers have shot, rebounded, and passed their way into the national spotlight as a team to be taken seriously in the upcoming NCAA tournament.

With the great play of senior guard Bobby Jackson, junior guard Eric Harris, junior forward Sam Jacobson, and senior co-captain centers John Thomas and Trevor Winter, along with the rest of the Big Ten championship team, the Golden Gophers have set a school record 25 victories in a single season, with three regular season games to play. Among the notable accomplishments this team has achieved have been their two victories over Michigan, an overtime victory over Indiana, and a season sweep over our border rival Iowa Hawkeyes. This team has been on a mission all year to gain respect, not only from the Big Ten but also from the Nation, after having all its starters returning from last year from a team that was not invited to play in the NCAA tournament. As you can see, these Golden Gophers took matters into their own hands and earned the qualifying bid from the NCAA by winning the Big Ten title outright.

From the land of 10,000 frozen lakes, this Minnesota Golden Gopher basketball team has provided warmth and excitement to fans statewide in an otherwise very cold and long Minnesota winter. Again, Mr. President, I want to congratulate Clem Haskins and his Big Ten championship team from the University of Minnesota, and wish them all the best in their final regular season games and when they go for it all in the upcoming NCAA tournament.

Mr. FORD. Will the Senator yield for a question?

Mr. GRAMS. I am happy to yield.

Mr. FORD. Does the Senator know where Clem Haskins got his training? Western Kentucky University. He was also a coach at Western Kentucky University. I am tickled to death that he gave such improvement to the great State of Minnesota.

Mr. GRAMS. So are we.

Thank you, Mr. President.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 26, the Federal debt stood at $5,345,590,198,251.20.

One year ago, February 26, 1996, the Federal debt stood at $5,016,711,000,000.

Five years ago, February 26, 1992, the Federal debt stood at $3,828,590,000,000.

Fifteen years ago, February 26, 1982, the Federal debt stood at $1,048,207,000,000 which reflects a debt increase of more than $4 trillion—$4,297,383,198,251.20—during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE NOTICE OF THE CONTINUATION OF THE NATIONAL EMERGENCY RELATING TO CUBA—MESSAGE FROM THE PRESIDENT—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 1997, to the *Federal Register* for publication.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 27, 1997.*

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 2:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 36. Joint resolution approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

The message also stated that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 497. An act to repeal the Federal charter of Group Hospitalization and Medical Services, Inc., and for other purposes.

H.R. 624. An act to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

H.R. 668. An act to amend the Internal Revenue Code of 1986 to reinstate the Airport and Airway Trust Fund excise taxes, and for other purposes.

ENROLLED BILL SIGNED

At 4:45 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 499. An act to designate the facility of the United States Postal Service under construction at 7411 Barlite Boulevard in San Antonio, Texas, as the "Frank M. Tejeda Post Office Building".

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

At 6:16 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of 15 U.S.C. 1024(a), the Speaker appoints the following Members of the House to the Joint Economic Committee: Mr. MANZULLO, Mr. SANFORD, Mr. THORNBERRY, Mr. DOOLITTLE, and Mr. MCCRERY.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 624. An act to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce; to the Committee on Commerce, Science, and Transportation.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 668. An act to amend the Internal Revenue Code of 1986 to reinstate the Airport and airway trust fund excise tax, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-33. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Appropriations.

HOUSE JOINT MEMORIAL 4006

Whereas, more than three thousand eight hundred women in Washington will be diagnosed with breast cancer this year; and

Whereas, nearly one thousand women in Washington lost their lives to breast cancer in 1996; and

Whereas, women who die from breast cancer lose an average of twenty years of their life; and

Whereas, breast cancer is the second leading cause of cancer death in women; and

Whereas, the medical treatment costs of breast cancer nation-wide total over six billion dollars annually; and

Whereas, underfunded research into the causes of breast cancer have not yet determined a cause, prevention, or cure for the disease; and

Whereas, research into the cause and cure for all cancers totals only one-tenth of one percent of the federal budget; and

Whereas, the Senate and House of Representatives of the State of Washington honor and support the American Cancer Society's "Campaign 2.6" signature drive: Now, therefore, your Memorialists respectfully pray that the President of the United States and members of the United States Congress recommit to eradicating breast cancer by investing two billion six million dollars in breast cancer research between now and January 1, 2000, and mandate that cancer activists be among those who decide how that money is appropriated; be it

Resolved, That Copies of the Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States; the Honorable Patty Murray, United States Senator; the Honorable Linda Smith, United States Representative; John Seffrin of the American Cancer Society National Home Office; Sherry Bailey of the American Cancer Society National Home Office; Fran Visco of the National Breast Cancer Coalition; Willie Stewart, Chairman of the Board of Directors, Western Pacific Division of the American Cancer Society; Ann Marie Pomerinke, Chief Executive Officer, Western Pacific Division of the American Cancer Society; Theresa Miller of the Breast Cancer Task Force of the Western Pacific Division of the American Cancer Society; Deb Schiro of the division office of the Western Pacific

Division of the American Cancer Society; the President of the United States Senate; the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–34. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Armed Services.

RESOLUTION

Whereas, the Base Closure and Realignment Commission was created pursuant to the Defense Base Closure and Realignment Act of 1990 to study the viability of United States military installations and to issue reports regarding the closure and realignment of select installations; and

Whereas, the commission thoroughly reviewed data and input from all interested parties, including the Department of Defense, which recommended Tobyhanna Army Depot for increased mission responsibility; and

Whereas, in its final deliberations, the Defense Base Closure and Realignment Commission concurred with the efficiency and productivity analyses of the Tobyhanna Army Depot work force; and

Whereas, the commission issued a report to the President of the United States on July 1, 1995, which recommended the transfer of the ground communications-electronics workload from the Sacramento Air Logistics Center, California, to the Tobyhanna Army Depot; and

Whereas, in recommending that the McClellan Air Force Base, Sacramento, California, should be closed, the commission directed that its ground communications-electronics workload transfer to Tobyhanna Army Depot; and

Whereas, this recommendation and others included in the commission's 1995 report were accepted by the President, submitted to the Congress of the United States and signed as the Base Closure and Realignment Report of 1995 on July 13, 1995; and

Whereas, the commission's report indicated that the Tobyhanna Army Depot can perform the ground communications-electronics workload just as efficiently and more cost effective than the Sacramento Air Logistics Center; and

Whereas, the Tobyhanna Army Depot has proven to be one of the United States' most cost-effective installations; and

Whereas, the transfer of the ground communications-electronics workload to the Tobyhanna Army Depot would involve the movement of approximately 900 positions to the Tobyhanna Army Depot; and

Whereas, these 900 positions constitute a significant staff complement for the Tobyhanna Army Depot, although these 900 positions represent less than 10% of the total complement based at the Sacramento Air Logistics Center; and

Whereas, the Tobyhanna Army Depot is northeastern Pennsylvania's largest employer, and the transfer of these 900 positions would represent an important influx to the regional economy; and

Whereas, the Tobyhanna Army Depot has the capacity, capability and skills necessary to immediately perform a significant portion of the Sacramento Air Logistics Center's ground communications-electronics workload; and

Whereas, the Base Closure and Realignment Report of 1995 required that the President of the United States initiate workload transfers no later than July 13, 1997, and complete those transfers no later than July 13, 2001; and

Whereas, at the recommendation of the Secretary of Defense, the President of the United States of America accepted these decisions; and

Whereas, the transfer of the 900 ground communications-electronics positions to Tobyhanna Army Depot has not been initiated, even though this transfer was approved by the President of the United States and shown to be in the interests of cost-effectiveness and military efficiency; and

Whereas, it is apparent that leaders in the state of California seek to delay or prevent the movement of the ground communications-electronics workload to Tobyhanna; and

Whereas, the Commonwealth of Pennsylvania has been severely impacted by the Department of Defense base closure process in each round from 1988 to 1996 and has not sought special protection from these impacts; and

Whereas, these efforts by the elected officials of California will violate the intention of the 1995 Defense Base Closure and Realignment Commission, negate annual savings of $160 million and impact the readiness of the nation's armed forces; Therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President of the United States to effect the immediate transfer of the ground communications-electronics workload from the Sacramento Air Logistics Center to the Tobyhanna Army Depot; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–35. A resolution adopted by the Puerto Rican Bar Association Board of Directors relative to opposition to the Death Penalty; to the Committee on Energy and Natural Resources.

POM–36. A joint resolution adopted by the Legislative of the State of Washington; to the Committee on Energy and Natural Resources.

Whereas, the Fast Flux Test Facility (FFTF) is the nation's most advanced test reactor; and

Whereas, numerous independent studies have suggested that the facility could one day be used to produce cancer-curing medical isotopes; and

Whereas, the facility has also been considered by the Department of Energy (DOE) for short-term production of tritium for our nation's defense needs; and

Whereas, utilizing the FFTF for this purpose could help postpone construction of more expensive options for tritium production, thus freeing federal dollars for environmental purposes during DOE's "Ten Year Cleanup Plan"; and

Whereas, this would protect Hanford clean up from budget pressures during this time frame and ensure that the federal government fulfills its responsibilities under the Tri-Party Agreement; and

Whereas, private sector involvement in the FFTF project could further reduce federal expenditures needed for tritium production; and

Whereas, DOE and President William J. Clinton have announced their decision to keep the FFTF on standby for potential use for medical and tritium purposes; and

Whereas, this decision could lead to the development of a major cancer treatment center in Washington State; and

Whereas, sixty-nine nationally recognized cancer researchers have expressed their strong support for preserving the FFTF, and have argued that they would find it "unconscionable to shut down the FFTF without a full review of its potential for future operation, including isotope production": Now, therefore,

Your Memorialists respectfully pray that the United States Congress and executive agencies approve and endorser the plan to fully and fairly evaluate the FFTF for use in meeting critical national needs, and urge that the long-term best interests of clean-up activities at Hanford and cancer research be given top priority by DOE in arriving at its decision, be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the Secretary of Energy, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–37. A petition from the citizens of the State of California relative to violence, abuse, and the women's citizenship; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BOND (for himself and Mr. ASHCROFT):

S. 368. A bill to prohibit the use of Federal funds for human cloning research; to the Committee on Labor and Human Resources.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. CHAFEE, Ms. MIKULSKI, Ms. COLLINS, Mrs. MURRAY, Mr. DODD, Mr. HOLLINGS, Mr. GLENN, and Mr. REED):

S. 369. A bill to amend section 1128B of the Social Security Act to repeal the criminal penalty for fraudulent disposition of assets in order to obtain medicaid benefits added by section 217 of the Health Insurance Portability and Accountability Act of 1996; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. CONRAD, and Mr. HOLLINGS):

S. 370. A bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

S. 371. A bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 372. A bill to amend title XVIII of the Social Security Act to provide for a 5-year reinstatement of the medicare-dependent, small, rural hospital payment provisions, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY:

S. 373. A bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for protection of consumers in managed care plans and other health plans; to the Committee on Labor and Human Resources.

By Mr. ROBB:

S. 374. A bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCCAIN (for himself, Mr. DODD, Mr. ROBERTS, Mr. FORD, Mr. WARNER, Mr. DURBIN, Mr. GREGG, Mr. BINGAMAN, Mr. REED, Mr. DEWINE, Mr. WELLSTONE, and Mr. HAGEL):

S. 375. A bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. BURNS, Mrs. MURRAY, and Mr. WYDEN):

S. 376. A bill to affirm the rights of Americans to use and sell encryption products, to establish privacy standards for voluntary key recovery encryption systems, and for other purposes; to the Committee on the Judiciary.

By Mr. BURNS (for himself, Mr. LEAHY, Mr. LOTT, Mr. NICKLES, Mr. DORGAN, Mrs. HUTCHISON, Mr. CRAIG, Mr. WYDEN, Mr. ASHCROFT, Mr. DOMENICI, Mr. THOMAS, Mr. CAMPBELL, Mrs. BOXER, Mr. BROWNBACK, Mrs. MURRAY, Mr. KEMPTHORNE, Mr. INHOFE, Mr. FAIRCLOTH, Mr. GRAMS, and Mr. ALLARD):

S. 377. A bill to promote electronic commerce by facilitating the use of strong encryption, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THOMPSON:

S. 378. A bill to provide additional funding for the Committee on Governmental Affairs of the Senate; read the first time.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 379. A bill entitled the "Native Alaskan Subsistance Whaling Provision"; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. KENNEDY, and Mr. KOHL):

S. 380. A bill to prohibit foreign nationals admitted to the United States under a nonimmigrant visa from possessing a firearm; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Mr. MACK, Mr. FRIST, Mr. MOYNIHAN, Mr. KENNEDY, Mr. ABRAHAM, Mr. KERREY, Mr. CRAIG, Mr. WELLSTONE, Mr. COCHRAN, Ms. MIKULSKI, Mr. CAMPBELL, Mr. LEAHY, Mr. JEFFORDS, Mrs. HUTCHISON, Mr. HOLLINGS, Mr. FAIRCLOTH, and Mr. BINGAMAN):

S. 381. A bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trail program; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. SPECTER, Mr. DASCHLE, Mr. BRYAN, Mr. BIDEN, Mrs. FEINSTEIN, Mr. REED, Mr. CONRAD, Mr. DORGAN, and Mr. REID):

S.J. Res. 18. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; read twice and placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND (for himself and Mr. ASHCROFT):

S. 368. A bill to prohibit the use of Federal funds for human cloning research; to the Committee on Labor and Human Resources.

RESEARCH LEGISLATION

Mr. BOND. Mr. President, today I rise to introduce a measure on behalf of myself, Senator ASHCROFT, and Senator BYRD which would prohibit permanently the use of Federal funds for human cloning research. I am sure most Americans by now have heard about the successful cloning of Dolly, the sheep, by Scottish scientists. Many people are now asking can similar techniques be used to clone a human being? Something that was once thought to be only science fiction is now close to being a reality.

With the legislation I introduce today, I intend to make sure that human cloning stays within the realm of science fiction and does not become a reality. The bill that I am introducing with my colleagues today will place a permanent ban on Federal funding for human cloning or human cloning research. We must send a clear signal: Human cloning is something we cannot and should not tolerate. This type of research on humans is morally reprehensible. We should not be creating human beings for spare parts or as replacements. Moreover, a National Institutes of Health human embryo panel noted, "allowing society to create genetically identical persons would devalue human life by undermining the individuality of human beings."

In a September 1994 report of the Human Embryo Research Panel, the heading is, "Research Considered Unacceptable for Federal Funding." It said:

> Four ethical considerations entered into the deliberations of the panel as it determined what types of research were unacceptable for Federal funding: The potential adverse consequences of the research for children, women and men; the respect due the reimplantation embryo; concern for public sensitivities in highly controversial research proposals, and concern for the meaning of humanness, parenthood, and the successions of generations.

The President has said we should study the issue. President Clinton has asked a Federal bioethicist board to consider the implications of this research and report back to him within 90 days. I do not think we need to study this. I think we can save the board some effort because the President's own administration has concluded that human cloning was "research considered unacceptable for Federal funding." There are some aspects of life which simply ought to be off limits to science.

I think it will be helpful to go through some of the ethical considerations the board looked at. First, they asked: Is it ethical to create genetically identical individuals who can be born at different times? Is it ethical to store a frozen human embryo that is genetically identical to a born child in order to serve as a later source for organ and tissue transplantation; thus treating humans as spare parts? Is it ethical to create a genetically identical child as a replacement in case the first child dies?

Again, these are just a sample of the ethical questions the issue poses.

The board concluded the analysis by stating:

> There are broad moral concerns about the deliberate duplication of an individual genome. The notion of cloning an existing human being or of making "carbon copies" of an existing embryo appears repugnant to members of the public. Many Members of the panel share this view and see no justification for Federal funding of such research.

I also should point out an important distinction with this bill. It is narrowly drafted so that it only affects human cloning research. It does not address the issue of plant and animal cloning research, and it will also allow—and I personally strongly support—NIH to continue its human genome mapping project.

I have long been a supporter of biotechnology, genome mapping and manipulation, and even plant and animal cloning. But we can draw a clear line here. For plants and animals, it makes sense to clone your specimens to improve human health and human wellbeing. But when we are talking about creating an entire human being, identical to another, we are talking about playing God, and that is where we must draw the line.

I note, the Vatican and leading ethicists throughout the country have called for a ban on human cloning and human cloning research.

I ask unanimous consent that the names of those ethicists and scientists be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Dr. Ted Cicero, Vice Chancellor for Research at Washington University in St. Louis, Missouri.

Dr. Kevin Fitzgerald, a Jesuit priest and a geneticist at Loyola University in Illinois.

Arthur Caplan, head of the Center for Bioethics at the University of Pennsylvania.

Dr. Harmon Smith, Professor of Moral Theology at Duke University.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. CHAFEE, Ms. MIKULSKI, Ms. COLLINS, Mrs. MURRAY, Mr. DODD, Mr. HOLLINGS, Mr. GLENN and Mr. REED):

S. 369. A bill to amend section 1128B of the Social Security Act to repeal the criminal penalty for fraudulent disposition of assets in order to obtain medicaid benefits added by section 217 of the Health Insurance Portability and Accountability Act of 1996; to the Committee on Finance.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT AMENDMENTS

Mr. JEFFORDS. Mr. President, I am on the floor today to introduce legislation that will repeal section 217 of the Health Insurance Portability and Accountability Act [HIPAA]. As enacted last year, this provision for the first time creates Federal criminal penalties for elders who transfer their assets and who subsequently apply for Medicaid but are deemed ineligible for nursing home benefits.

I believe the goal to stop fraud and abuse in the Medicaid Program is laudable and must be pursued. However, there is a growing consensus that section 217 is a vague, unenforceable, criminal sanction misdirected at the elderly. It is unduly threatening to the Nation's senior citizens. We are sending the wrong message by implying there is something wrong or illegal with obtaining sound financial advice and estate planning to legitimately protect the assets that senior citizens have spent a lifetime accruing.

During a recent hearing before the Committee on Labor and Human Resources, on the implementation of HIPAA, several concerns were raised about this issue. Ms. Gail Shearer, the director of health policy analysis of the Consumers Union, testified that section 217 was "leading to considerable alarm among seniors" and that she was "deeply troubled by the prospect of HIPAA leading to the transfer of elderly nursing home residents from their nursing home to prison."

At that same hearing, Mr. Bruce Vladek, the administrator of the Health Care Financing Administration, pointed out that there is no evidence that large numbers of the elderly are impoverishing themselves to become Medicaid eligible. He expressed his belief that a few people doing something egregious can create the perception of a widespread problem. It is especially unclear how pervasive this practice is, particularly in light of actions already taken by Congress to curb these asset transfers.

Repeal of section 217 would not affect several other restrictions now on the books designed to close loopholes and stop the inappropriate transfer of assets. People found to have transferred nonexempt assets within a look-back period are determined ineligible and denied Medicaid nursing home assistance for the period over which their assets would have paid. The look-back period for asset transfers is 36 months, with a 60-month period for trusts. States are also required to establish estate recovery programs to compensate for nursing home services paid for by the Medicaid Program.

There is no systematic study that has determined or recommended that the addition of criminal sanctions to the penalties which already exist are necessary to address inappropriate asset transfers by the elderly. In the absence of a demonstrated need for criminal penalties, we believe that section 217 holds the potential to do more harm than good.

No one really wants to send Granny to jail. In fact, it has been reported that the intended targets of section 217 are those who have created a cottage industry, and made substantial sums of money, from advising the elderly on how to transfer their assets to become Medicaid eligible. Ironically, section 217 has had the opposite effect. Recent newspaper ads placed by these advisers from Portland, ME, to Phoenix, AZ, now use this very law to drum up business. The bold-print headlines of these ads read:

> Sneaky New Law Buried in the Health Insurance Bill Can Put Unsuspecting Seniors and Retirees Behind Bars!, and You Only Have Until December 31st, 1996, To Avoid Making the Mistake That Could Toss You in Jail . . . Congress' Sneaky New Law Is the Most Vicious Attack on Retirees Yet!

Mr. President, fraud and abuse in the Medicaid Program must not be tolerated, and taxpayers should not have to pay nursing home bills for persons who have the wherewithal to pay for their own care. But neither should confusing, unenforceable laws be in place that impose Federal criminal penalties on elderly individuals where there is no clear understanding of what does and what does not constitute a criminal activity.

Organizations urging repeal of the provision include: the American Association of Retired Persons, the Alzheimer's Association, the Leadership Council on Aging—a group of more than 40 national organizations in the field of aging—and the American Bar Association.

I believe that we in the Congress owe it to our senior citizens to stop their needless anxiety over this misdirected, confusing law. We need to repeal section 217. I urge my colleagues to join me in repealing this unnecessary and unworkable law.

Mr. President, I ask unanimous-consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF CRIMINAL PENALTY FOR FRAUDULENT DISPOSITION OF ASSETS IN ORDER TO OBTAIN MEDICAID BENEFITS.

(a) REPEAL.—Section 1128B(a) of the Social Security Act (42 U.S.C. 1320a–7b(a)), as amended by section 217 of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2008), is amended—

(1) by adding "or" at the end of paragraph (4);

(2) by striking "or" at the end of paragraph (5) and inserting a comma; and

(3) by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect as if included in the enactment of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 1936).

Mr. KENNEDY. Mr. President, I commend Senator JEFFORDS for his leadership on this legislation and I am honored to join him on it. Our bill repeals the criminal penalties enacted last year for disposing of assets in order to obtain Medicaid benefits.

We all agree that Medicaid must be free of fraud and abuse. No one should be able to game the system by giving away their assets just to qualify for Medicaid, a program intended to help the truly needy.

The criminal penalties enacted last year was a mistake and should never have been enacted. They are poorly drafted, and will have unintended consequences that penalize senior citizens unfairly. Indeed, this provision could frighten the most needy elderly away from seeking the care they need, while doing little to deter and punish those who defraud the system.

No serious study has defined abusive transfers of assets as a significant problem, or recommended criminalizing an action that is already prohibited and penalized in other ways. If middle and upper income families are transferring assets to qualify for Medicaid, it should be the topic of congressional hearings and investigation, so that we can evaluate the scope of the problem and develop an appropriate response. In the meantime, seniors should not be terrorized with threats of jail merely for seeking nursing home care.

The current debate over this issue reveals a much larger problem—the need for better coverage of long-term care, so that those requiring long nursing home stays don't have to sacrifice their life savings to pay for their care.

There is broad bipartisan support in Congress for repeal of this provision. The White House supports repeal. Advocacy groups for the elderly support repeal. I urge Congress to act quickly on this legislation, and provide peace of mind to senior citizens across the country who feel unfairly threatened by current law.

By Mr. GRASSLEY (for himself, Mr. CONRAD, and Mr. HOLLINGS):

S. 370. A bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

THE PRIMARY CARE HEALTH PRACTITIONER INCENTIVE ACT OF 1997

• Mr. GRASSLEY. Mr. President, today, on behalf of myself, Senator

CONRAD, Senator DORGAN, and Senator HOLLINGS, I am introducing two bills. If enacted, these bills would increase access to primary care for Medicare beneficiaries in rural and inner-city communities. The Primary Care Health Practitioner Incentive Act of 1997 would reform Medicare reimbursement to nurse practitioners [NP's] and clinical nurse specialists [CNS's]. The Physician Assistant Incentive Act of 1997 would reform Medicare reimbursement for physician assistants. We introduced these bills in the last three Congresses. We are reintroducing them today to improve access to primary care services for Medicare beneficiaries, particularly in rural and underserved areas. This legislation would reform Medicare policies which, under certain circumstances, restrict reimbursement for services delivered by these providers. Similar measures are included in the President's Medicare proposal and were part of the Balanced Budget Act of 1995.

The Medicare Program currently covers the services of these practitioners. However, payment levels vary depending on treatment settings and geographic area. In most cases, reimbursement may not be made directly to the nonphysician provider. Rather, it must be made to the employer of the provider, often a physician. The legislation authorizing these different reimbursement arrangements was passed in an incremental fashion over the years.

The Medicare law, which authorizes reimbursement of these providers, is also inconsistent with State law in many cases. For instance, in Iowa, State law requires nonphysicians to practice with either a supervising physician or a collaborating physician. However, under Iowa law, the supervising physician need not be physically present in the same facility as the nonphysician practitioner and, in many instances, can be located in a different site from that of the nonphysician practitioner he or she is supervising.

Unfortunately, Medicare policy will not recognize such relationships. Instead, the law requires that the physician be present in the same building as the nonphysician practitioner in order for the services of these nonphysician providers to be reimbursed. This is known as the incident to provision, referring to services that are provided incident to a physician's services.

This has created a problem in Iowa, Mr. President. In many parts of my State, clinics have been established using nonphysician practitioners, particularly physician assistants, to provide primary health care services in communities that are unable to recruit a physician. The presence of these practitioners insures that primary health care services will be available to the community. Iowa's Medicare carrier has strictly interpreted the incident to requirement of Medicare law as requiring the physical presence of a supervising physician in places where physician assistants practice. This has caused many of the clinics using physician assistants to close, and thus has deprived the community of primary health care services.

Mr. President, in 1995 the Iowa Hospital Association suggested a number of ways to improve access and cost effectiveness in the Medicare Program. One of their suggestions was that this incident to restriction be relaxed. They said:

> In rural Iowa, most physicians are organized in solo or small group practices. Physician assistants are used to augment these practices. With emergency room coverage requirements, absences due to vacation, continuing education or illness and office hours in satellite clinics, there are instances on a monthly basis where the physician assistant is providing care to patients without a physician in the clinic. Medicare patients in the physician clinic where the physician assistant is located have to either wait for the physician to return from the emergency room or care is provided without this provision.

If enacted, this legislation would establish a more uniform payment policy for these providers. It would authorize reimbursement of their services as long as they were practicing within State law and their professional scope of practice. It calls for reimbursement of these provider groups at 85 percent of the physician fee schedule for services they provide in all treatment settings and in all geographic areas. Where it is permitted under State law, reimbursement would be authorized even if these nonphysician providers are not under the direct, physical supervision of a physician.

Currently, the services of these nonphysician practitioners are paid at 100 percent of the physician's rate when provided "incident to" a physician's services. If enacted, this legislation would discontinue this "incident to" policy. Medicare reimbursement would now be provided directly to the nurse practitioners and clinical nurse specialists and it would be provided to the employer of the physician assistant. These bills also call for a 10-percent bonus payment when these practitioners work in health professional shortage areas [HPSA's]. Senator CONRAD and I believe these provisions will encourage nonphysician practitioners to relocate in areas in need of health care services.

Mr. President, legislation closely paralleling these bills we are introducing today is being introduced this week in the House by Representatives NANCY JOHNSON and ED TOWNS. In addition, these provisions are included in the President's Medicare proposal. Historically, this legislation has received bipartisan support in both Houses. Comparable legislation was included in the Balanced Budget Act of 1995, as well as several other health care measures in previous Congresses. Therefore, I urge my colleagues to support this legislation.●

Mr. HOLLINGS. Mr. President, I join my colleagues Senators CONRAD and GRASSLEY in introducing the Primary Care Health Practitioner Incentive Act of 1997. Today I specifically want to address the provision that would allow for direct Medicare reimbursement for services provided by nurse practitioners and clinical nurse specialists regardless of geographic location. For many years we have been trying to pass legislation that would allow these health care providers in urban settings the same direct Medicare reimbursement as those in a rural setting, and I am hopeful that this is the year it will actually be enacted.

Currently, nurse practitioners and clinical nurse specialists may treat Medicare patients without a physician present if they practice in a rural setting or in a long-term care facility. I believe that it is time for this antiquated restraint to practice to be removed so that health care choices may be improved and increased for all Medicare patients. If we are to have any hope of providing adequate care with huge reductions in both Medicare and Medicaid, it is essential that service be provided by the least costly provider of quality care. We simply cannot afford to ignore the quality care of which nurse practitioners and clinical nurse specialists have proven they are capable.

I would also like to point out that many times there is a discrepancy in the designation of rural and urban areas. In my home State of South Carolina, as in other States, a number of the areas listed as urban are, in reality, rural areas. Medicare patients in these areas are unable to receive home visits or utilize local community satellite offices staffed with nurse practitioners. Rather, they are required to travel miles to see a physician. As a result, many patients forgo preventive health care and wait to seek care until they become so ill that they must be hospitalized or they are forced to seek care in more expensive emergency rooms. Not only is access to physicians more limited, but their fees for services are usually higher as well. Recent figures published by the American Academy of Nurse Practitioners estimate a cost savings of greater than $54 million per year if nurse practitioners were utilized appropriately in the provision of Medicare services in ambulatory care settings.

The primary objective of nurse practitioners and clinical nurse specialists is to provide routine care, manage chronic conditions, promote preventive health care, and make medical care more accessible and less expensive. Nurse practitioners and clinical nurse specialists have proven that they are able to provide high-quality, cost-effective primary care in all settings in which they provide services. It is foolish to restrict their ability to provide primary care services to the elderly based on setting or geographic location, and I urge your consideration and the passage of this bill.

By Mr. GRASSLEY (for himself, Mr. CONRAD, and Mr. HOLLINGS):

S. 371. A bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

THE PHYSICIAN ASSISTANT INCENTIVE ACT OF 1997

• Mr. CONRAD. Mr. President, Senator GRASSLEY and I are again introducing legislation to improve Medicare reimbursement policy for nurse practitioners, clinical nurse specialists, and physician assistants. The Primary Care Health Practitioner Incentive Act and the Physician Assistant Incentive Act of 1997 are very similar to S. 864 and S. 863, which we introduced in the 104th Congress. This legislation passed both Houses as part of reconciliation in 1995. I am very hopeful that this bipartisan legislation will garner widespread support and be signed into law as part of a Medicare reform bill this year.

We believe our legislation will help all Americans by making the best possible use of primary care providers who play a vital role in our health care delivery infrastructure. Throughout the country, nurse practitioners, clinical nurse specialists and physician assistants have the skills to provide needed primary care services. This is particularly important in rural and underserved areas that have shortages of physicians.

In recent years, our Nation's health care system has put a renewed emphasis on the use of primary care and wellness. Nurse practitioners, physician assistants, and clinical nurse specialists are uniquely positioned to provide this care. Nurse practitioners are registered nurses with advanced education and clinical training, often in a specialty area such as geriatrics or women's health. Nearly half of the Nation's 25,000 nurse practitioners have master's degrees. Clinical nurse specialists are required to have master's degrees and usually work in teritary care settings such as cardiac care. Many, however, also work in primary care. Physician assistants receive an average of 2 years of physician-supervised clinical training and classroom instruction and work in all setting providing diagnostic, therapeutic, and preventive care services. Each of these providers work with physicians in varying degrees usually in consultation.

Within their areas of competence, these health care providers deliver care of exceptional quality. These practitioners play a vital role in communities that cannot support a physician but can afford a nurse practitioner or physician assistant; historically, these providers have been willing to move to both rural and inner-city areas that are underserved by health care providers. In fact, there are 50 communities in North Dakota that are taking advantage of the services provided by these care givers. Unfortunately, unless we make changes in our Federal reimbursement scheme, many areas of the country will not be able to benefit from these needed services.

Current Medicare reimbursement rules were developed in an ad hoc fashion; as a result, they are inconsistent, incoherent, and nearly inexplicable. Current law provides reimbursement for advanced practice nurses in rural settings. But if the same patient sees the same nurse practitioner in a satellite clinic in an equally rural community that happens to be within an MSA county, reimbursement becomes subject to the "incident to" rule that HCFA has interpreted to require the physical presence of a physician in the building.

In rural North Dakota and in rural communities throughout the country, that scenario is often inconsistent with the realities of health care delivery. Doctors in these areas often rotate between several clinics in a region that is staffed on a full-time basis by a physician assistant, nurse practitioner, or other provider. This allows physicians to cover a wider area and affords more rural residents access to basic primary care services. Current Medicare rules work against this, however. If a Medicare patient requires care when a physician is away at another clinic or out on an emergency call, the physician assistant or other provider will not be reimbursed by Medicare for the same care that would have been paid for if a physician was in the next room.

Moreover, if the nurse practitioner crosses the street from a free-standing clinic to a hospital-affiliated outpatient clinic, the reimbursement rules change once again. Physician assistants are subject to an equally bewildering set of reimbursement rules that serve to prevent their effective use by the Medicare Program.

Other complications also cause problems. State laws are often inconsistent with the Medicare requirements. In North Dakota, care provided by a physician assistant is reimbursed even if a physician is not present. Across the country, there also are a wide variety of payment mechanisms that result in reimbursement variations in different settings and among different providers. The Office of Technology Assessment, the Physician Payment Review Commission, and these providers themselves have all expressed the need for consistency and sensibility in a reimbursement system that acknowledges the reality of today's medical marketplace. Our colleagues shared those sentiments in 1995 by passing this legislation in both Houses.

The legislation Senator GRASSLEY and I are introducing today will provide each of these groups with reimbursement at 85 percent of the physician fee schedule. They will also provide a bonus payment to those providers who choose to practice in areas designated as Health Professional Shortage Areas [HPSA's]. The health care access problems faced by residents of these communities could be dramatically improved through the use of this special class of primary care providers. Finally, our legislation will ensure that a nurse practitioner who cares for a patient will get paid directly for that service.

This legislation offers an example how Medicare can and should increase access to care by promoting the use of cost-effective providers to a much higher degree without compromising the quality of care that older Americans receive. There was a clear agreement on these issues in the 104th Congress, and we urge our Democratic and Republican colleagues to continue to support this legislation in the 105th Congress.•

By Mr. GRASSLEY:

S. 372. A bill to amend title XVIII of the Social Security Act to provide for a 5-year reinstatement of the Medicare-dependent, small, rural hospital payment provisions, and for other purposes; to the Committee on Finance.

THE MEDICARE DEPENDENT HOSPITALS PROGRAM REINSTATEMENT ACT

• Mr. GRASSLEY. Mr. President, I introduce a bill which would reinstate the Medicare-Dependent Hospital Program.

This program expired in October 1994. As its title implied, the hospitals it helped were those which were very dependent on Medicare reimbursement. These were small—100 beds or less—rural hospitals with not less than 60 percent of total discharges or with 60 percent of total inpatient days attributable to Medicare beneficiaries. The program enabled the hospitals in question to choose the most favorable of three reimbursement methods.

The program was extended, and phased out down to October 1994, in the Omnibus Budget Reconciliation Act of 1993. That act retained the choice of the three original reimbursement methods. But it reduced the reimbursement available from those original computation methods by 50 percent.

My legislation would not extend the program as it was originally enacted by the Omnibus Budget Reconciliation Act of 1989. Rather, it would reinstate for 5 years the provisions contained in the Omnibus Budget Reconciliation Act of 1993. It would not have retroactive effect, however. The program would be revived for fiscal year 1998, and would terminate at the end of fiscal year 2002.

As I noted above, the hospitals which would benefit from this program are small, rural hospitals providing an essential point of access to hospital and hospital-based services in rural areas and small towns. Obviously, if we lose these hospitals, we will also have a hard time keeping physicians in those communities.

Mr. President, 44, or 36 percent, of Iowa's 122 community hospitals qualified to participate in this program in 1994, and 29, or 24 percent, chose to participate. I believe that this was the largest number of such hospitals of any State.

For these hospitals, the percentage of all inpatient days attributable to Medicare patients was 77.4 percent in 1994, and Medicare discharges represented 65.5 percent of total discharges. Across all Iowa hospitals, the Association of Iowa Hospitals and Health Systems indicates that the Medicare share of inpatient days and discharges has increased in recent years, as non-Medicare admissions have dropped. As a result, it is likely that the program will provide a lifeline for even more Iowa hospitals now than in 1994.

The expiration of the program has had a devastating effect on many of these hospitals, including a number with negative operating margins. The bottom line is that many of these hospitals have had, and will have, a very difficult time continuing to exist without the Medicare-Dependent Hospital Program.

Mr. President, I am also going to continue to work for a limited service rural hospital bill. This bill will essentially extend the EACH/RPCH Program—the Essential Access Community Hospital and Rural Primary Care Hospital Program—to all the States.

Taken together, these two pieces of legislation will allow the smaller hospitals in Iowa—and throughout America—to modify their missions in a deliberate and nondisruptive way, and to continue to provide the health care services essential to their communities.●

By Mr. KENNEDY:

S. 373. A bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for protection of consumers in managed care plans and other health plans; to the Committee on Labor and Human Resources.

THE HEALTH INSURANCE BILL OF RIGHTS ACT OF 1997

Mr. KENNEDY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Insurance Bill of Rights Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to the Public Health Service Act.

"PART C—PATIENT PROTECTION STANDARDS

"Sec. 2770. Notice; additional definitions.

"SUBPART 1—ACCESS TO CARE

"Sec. 2771. Access to emergency care.
"Sec. 2772. Access to specialty care.
"Sec. 2773. Continuity of care.
"Sec. 2774. Choice of provider.
"Sec. 2775. Coverage for individuals participating in approved clinical trials.
"Sec. 2776. Access to needed prescription drugs.

"SUBPART 2—QUALITY ASSURANCE

"Sec. 2777. Internal quality assurance program.
"Sec. 2778. Collection of standardized data.
"Sec. 2779. Process for selection of providers.
"Sec. 2780. Drug utilization program.
"Sec. 2781. Standards for utilization review activities.

"SUBPART 3—PATIENT INFORMATION

"Sec. 2782. Patient information.
"Sec. 2783. Protection of patient confidentiality.

"SUBPART 4—GRIEVANCE PROCEDURES

"Sec. 2784. Establishment of complaint and appeals process.
"Sec. 2785. Provisions relating to appeals of utilization review determinations and similar determinations.
"Sec. 2786. State health insurance ombudsmen.

"SUBPART 5—PROTECTION OF PROVIDERS AGAINST INTERFERENCE WITH MEDICAL COMMUNICATIONS AND IMPROPER INCENTIVE ARRANGEMENTS

"Sec. 2787. Prohibition of interference with certain medical communications.
"Sec. 2788. Prohibition against transfer of indemnification or improper incentive arrangements.

"SUBPART 6—PROMOTING GOOD MEDICAL PRACTICE AND PROTECTING THE DOCTOR-PATIENT RELATIONSHIP

"Sec. 2789. Promoting good medical practice.
Sec. 3. Amendments to the Employee Retirement Income Security Act of 1974.
"Sec. 713. Patient protection standards.

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) PATIENT PROTECTION STANDARDS.—Title XXVII of the Public Health Service Act is amended—

(1) by redesignating part C as part D, and

(2) by inserting after part B the following new part:

"PART C—PATIENT PROTECTION STANDARDS

"SEC. 2770. NOTICE; ADDITIONAL DEFINITIONS.

"(a) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this part as if such section applied to such issuer and such issuer were a group health plan.

"(b) ADDITIONAL DEFINITIONS.—For purposes of this part:

"(1) NONPARTICIPATING PHYSICIAN OR PROVIDER.—The term 'nonparticipating physician or provider' means, with respect to health care items and services furnished to an enrollee under health insurance coverage, a physician or provider that is not a participating physician or provider for such services.

"(2) PARTICIPATING PHYSICIAN OR PROVIDER.—The term 'participating physician or provider' means, with respect to health care items and services furnished to an enrollee under health insurance coverage, a physician or provider that furnishes such items and services under a contract or other arrangement with the health insurance issuer offering such coverage.

"SUBPART 1—ACCESS TO CARE

"SEC. 2771. ACCESS TO EMERGENCY CARE.

"(a) PROHIBITION OF CERTAIN RESTRICTIONS ON COVERAGE OF EMERGENCY SERVICES.

"(1) IN GENERAL.—If health insurance coverage provides any benefits with respect to emergency services (as defined in paragraph (2)(B)), the health insurance issuer offering such coverage shall cover emergency services furnished to an enrollee—

"(A) without the need for any prior authorization determination,

"(B) subject to paragraph (3), whether or not the physician or provider furnishing such services is a participating physician or provider with respect to such services, and

"(C) subject to paragraph (3), without regard to any other term or condition of such coverage (other than an exclusion of benefits, or an affiliation or waiting period, permitted under section 2701).

"(2) EMERGENCY SERVICES; EMERGENCY MEDICAL CONDITION.—For purposes of this section—

"(A) EMERGENCY MEDICAL CONDITION BASED ON PRUDENT LAYPERSON.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

"(i) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy,

"(ii) serious impairment to bodily functions, or

"(iii) serious dysfunction of any bodily organ or part.

"(B) EMERGENCY SERVICES.—The term 'emergency services' means—

"(i) a medical screening examination (as required under section 1867 of the Social Security Act) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department, to evaluate an emergency medical condition (as defined in subparagraph (A)), and

"(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 of the Social Security Act to stabilize the patient.

"(C) TRAUMA AND BURN CENTERS.—The provisions of clause (ii) of subparagraph (B) apply to a trauma or burn center, in a hospital, that—

"(i) is designated by the State, a regional authority of the State, or by the designee of the State, or

"(ii) is in a State that has not made such designations and meets medically recognized national standards.

"(3) Application of network restriction permitted in certain cases.—

"(A) In general.—Except as provided in subparagraph (B), if a health insurance issuer in relation to health insurance coverage denies, limits, or otherwise differentiates in coverage or payment for benefits other than emergency services on the basis that the physician or provider of such services is a nonparticipating physician or provider, the issuer may deny, limit, or differentiate in coverage or payment for emergency services on such basis.

"(B) Network restrictions not permitted in certain exceptional cases.—The denial or limitation of, or differentiation in, coverage or payment of benefits for emergency services under subparagraph (A) shall not apply in the following cases:

"(i) Circumstances beyond control of enrollee.—The enrollee is unable to go to a participating hospital for such services due to circumstances beyond the control of the enrollee (as determined consistent with guidelines and subparagraph (C)).

"(ii) Likelihood of an adverse health consequence based on layperson's judgment.—A prudent layperson possessing an average knowledge of health and medicine could reasonably believe that, under the circumstances and consistent with guidelines, the time required to go to a participating hospital for such services could result in any of the adverse health consequences described in a clause of subsection (a)(2)(A).

"(iii) Physician referral.—A participating physician or other person authorized by the plan refers the enrollee to an emergency department of a hospital and does not specify an emergency department of a hospital that is a participating hospital with respect to such services.

"(C) Application of 'beyond control' standards.—For purposes of applying subparagraph (B)(i), receipt of emergency services from a nonparticipating hospital shall be treated under the guidelines as being 'due to circumstances beyond the control of the enrollee' if any of the following conditions are met:

"(i) Unconscious.—The enrollee was unconscious or in an otherwise altered mental state at the time of initiation of the services.

"(ii) Ambulance delivery.—The enrollee was transported by an ambulance or other emergency vehicle directed by a person other than the enrollee to the nonparticipating hospital in which the services were provided.

"(iii) Natural disaster.—A natural disaster or civil disturbance prevented the enrollee from presenting to a participating hospital for the provision of such services.

"(iv) No good faith effort to inform of change in participation during a contract year.—The status of the hospital changed from a participating hospital to a nonparticipating hospital with respect to emergency services during a contract year and the plan or issuer failed to make a good faith effort to notify the enrollee involved of such change.

"(v) Other conditions.—There were other factors (such as those identified in guidelines) that prevented the enrollee from controlling selection of the hospital in which the services were provided.

"(b) Assuring Coordinated Coverage of Maintenance Care and Post-Stabilization Care.—

"(1) In general.—In the case of an enrollee who is covered under health insurance coverage issued by a health insurance issuer and who has received emergency services pursuant to a screening evaluation conducted (or supervised) by a treating physician at a hospital that is a nonparticipating provider with respect to emergency services, if—

"(A) pursuant to such evaluation, the physician identifies post-stabilization care (as defined in paragraph (3)(B)) that is required by the enrollee,

"(B) the coverage provides benefits with respect to the care so identified and the coverage requires (but for this subsection) an affirmative prior authorization determination as a condition of coverage of such care, and

"(C) the treating physician (or another individual acting on behalf of such physician) initiates, not later than 30 minutes after the time the treating physician determines that the condition of the enrollee is stabilized, a good faith effort to contact a physician or other person authorized by the issuer (by telephone or other means) to obtain an affirmative prior authorization determination with respect to the care,

then, without regard to terms and conditions specified in paragraph (2) the issuer shall cover maintenance care (as defined in paragraph (3)(A)) furnished to the enrollee during the period specified in paragraph (4) and shall cover post-stabilization care furnished to the enrollee during the period beginning under paragraph (5) and ending under paragraph (6).

"(2) Terms and conditions waived.—The terms and conditions (of coverage) described in this paragraph that are waived under paragraph (1) are as follows:

"(A) The need for any prior authorization determination.

"(B) Any limitation on coverage based on whether or not the physician or provider furnishing the care is a participating physician or provider with respect to such care.

"(C) Any other term or condition of the coverage (other than an exclusion of benefits, or an affiliation or waiting period, permitted under section 2701 and other than a requirement relating to medical necessity for coverage of benefits).

"(3) Maintenance care and post-stabilization care defined.—In this subsection:

"(A) Maintenance care.—The term 'maintenance care' means, with respect to an individual who is stabilized after provision of emergency services, medically necessary items and services (other than emergency services) that are required by the individual to ensure that the individual remains stabilized during the period described in paragraph (4).

"(B) Post-stabilization care.—The term 'post-stabilization care' means, with respect to an individual who is determined to be stable pursuant to a medical screening examination or who is stabilized after provision of emergency services, medically necessary items and services (other than emergency services and other than maintenance care) that are required by the individual.

"(4) Period of required coverage of maintenance care.—The period of required coverage of maintenance care of an individual under this subsection begins at the time of the request (or the initiation of the good faith effort to make the request) under paragraph (1)(C) and ends when—

"(A) the individual is discharged from the hospital;

"(B) a physician (designated by the issuer involved) and with privileges at the hospital involved arrives at the emergency department of the hospital and assumes responsibility with respect to the treatment of the individual; or

"(C) the treating physician and the issuer agree to another arrangement with respect to the care of the individual.

"(5) When post-stabilization care required to be covered.—

"(A) When treating physician unable to communicate request.—If the treating physician or other individual makes the good faith effort to request authorization under paragraph (1)(C) but is unable to communicate the request directly with an authorized person referred to in such paragraph within 30 minutes after the time of initiating such effort, then post-stabilization care is required to be covered under this subsection beginning at the end of such 30-minute period.

"(B) When able to communicate request, and no timely response.—

"(i) In general.—If the treating physician or other individual under paragraph (1)(C) is able to communicate the request within the 30-minute period described in subparagraph (A), the post-stabilization care requested is required to be covered under this subsection beginning 30 minutes after the time when the issuer receives the request unless a person authorized by the plan or issuer involved communicates (or makes a good faith effort to communicate) a denial of the request for the prior authorization determination within 30 minutes of the time when the issuer receives the request and the treating physician does not request under clause (ii) to communicate directly with an authorized physician concerning the denial.

"(ii) Request for direct physician-to-physician communication concerning denial.—If a denial of a request is communicated under clause (i), the treating physician may request to communicate respecting the denial directly with a physician who is authorized by the issuer to deny or affirm such a denial.

"(C) When no timely response to request for physician-to-physician communication.—If a request for physician-to-physician communication is made under subparagraph (B)(ii), the post-stabilization care requested is required to be covered under this subsection beginning 30 minutes after the time when the issuer receives the request from a treating physician unless a physician, who is authorized by the issuer to reverse or affirm the initial denial of the care, communicates (or makes a good faith effort to communicate) directly with the treating physician within such 30-minute period.

"(D) Disagreements over post-stabilization care.—If, after a direct physician-to-physician communication under subparagraph (C), the denial of the request for the post-stabilization care is not reversed and the treating physician communicates to the issuer involved a disagreement with such decision, the post-stabilization care requested is required to be covered under this subsection beginning as follows:

"(i) Delay to allow for prompt arrival of physician assuming responsibility.—If the issuer communicates that a physician (designated by the plan or issuer) with privileges at the hospital involved will arrive promptly (as determined under guidelines) at the emergency department of the hospital in order to assume responsibility with respect to the treatment of the enrollee involved, the required coverage of the post-stabilization care begins after the passage of such time period as would allow the prompt arrival of such a physician.

"(ii) OTHER CASES.—If the issuer does not so communicate, the required coverage of the post-stabilization care begins immediately.

"(6) NO REQUIREMENT OF COVERAGE OF POST-STABILIZATION CARE IF ALTERNATE PLAN OF TREATMENT.—

"(A) IN GENERAL.—Coverage of post-stabilization care is not required under this subsection with respect to an individual when—

"(i) subject to subparagraph (B), a physician (designated by the plan or issuer involved) and with privileges at the hospital involved arrives at the emergency department of the hospital and assumes responsibility with respect to the treatment of the individual; or

"(ii) the treating physician and the issuer agree to another arrangement with respect to the post-stabilization care (such as an appropriate transfer of the individual involved to another facility or an appointment for timely followup treatment for the individual).

"(B) SPECIAL RULE WHERE ONCE CARE INITIATED.—Required coverage of requested post-stabilization care shall not end by reason of subparagraph (A)(i) during an episode of care (as determined by guidelines) if the treating physician initiated such care (consistent with a previous paragraph) before the arrival of a physician described in such subparagraph.

"(7) CONSTRUCTION.—Nothing in this subsection shall be construed as—

"(A) preventing an issuer from authorizing coverage of maintenance care or post-stabilization care in advance or at any time; or

"(B) preventing a treating physician or other individual described in paragraph (1)(C) and an issuer from agreeing to modify any of the time periods specified in paragraphs (5) as it relates to cases involving such persons.

"(c) LIMITS ON COST-SHARING FOR SERVICES FURNISHED IN EMERGENCY DEPARTMENTS.—If health insurance coverage provides any benefits with respect to emergency services, the health insurance issuer offering such coverage may impose cost sharing with respect to such services only if the following conditions are met:

"(1) LIMITATIONS ON COST-SHARING DIFFERENTIAL FOR NONPARTICIPATING PROVIDERS.—

"(A) NO DIFFERENTIAL FOR CERTAIN SERVICES.—In the case of services furnished under the circumstances described in clause (i), (ii), or (iii) of subsection (a)(3)(B) (relating to circumstances beyond the control of the enrollee, the likelihood of an adverse health consequence based on layperson's judgment, and physician referral), the cost-sharing for such services provided by a nonparticipating provider or physician does not exceed the cost-sharing for such services provided by a participating provider or physician.

"(B) ONLY REASONABLE DIFFERENTIAL FOR OTHER SERVICES.—In the case of other emergency services, any differential by which the cost-sharing for such services provided by a nonparticipating provider or physician exceeds the cost-sharing for such services provided by a participating provider or physician is reasonable (as determined under guidelines).

"(2) ONLY REASONABLE DIFFERENTIAL BETWEEN EMERGENCY SERVICES AND OTHER SERVICES.—Any differential by which the cost-sharing for services furnished in an emergency department exceeds the cost-sharing for such services furnished in another setting is reasonable (as determined under guidelines).

"(3) CONSTRUCTION.—Nothing in paragraph (1)(B) or (2) shall be construed as authorizing guidelines other than guidelines that establish maximum cost-sharing differentials.

"(d) INFORMATION ON ACCESS TO EMERGENCY SERVICES.—A health insurance issuer, to the extent a health insurance issuer offers health insurance coverage, shall provide education to enrollees on—

"(1) coverage of emergency services (as defined in subsection (a)(2)(B)) by the issuer in accordance with the provisions of this section,

"(2) the appropriate use of emergency services, including use of the 911 telephone system or its local equivalent,

"(3) any cost sharing applicable to emergency services,

"(4) the process and procedures of the plan for obtaining emergency services, and

"(5) the locations of—

"(A) emergency departments, and

"(B) other settings,

in which participating physicians and hospitals provide emergency services and post-stabilization care.

"(e) GENERAL DEFINITIONS.—For purposes of this section:

"(1) COST SHARING.—The term 'cost sharing' means any deductible, coinsurance amount, copayment or other out-of-pocket payment (other than premiums or enrollment fees) that a health insurance issuer offering health insurance issuer imposes on enrollees with respect to the coverage of benefits.

"(2) GOOD FAITH EFFORT.—The term 'good faith effort' has the meaning given such term in guidelines and requires such appropriate documentation as is specified under such guidelines.

"(3) GUIDELINES.—The term 'guidelines' means guidelines established by the Secretary after consultation with an advisory panel that includes individuals representing emergency physicians, health insurance issuers, including at least one health maintenance organization, hospitals, employers, the States, and consumers.

"(4) PRIOR AUTHORIZATION DETERMINATION.—The term 'prior authorization determination' means, with respect to items and services for which coverage may be provided under health insurance coverage, a determination (before the provision of the items and services and as a condition of coverage of the items and services under the coverage) of whether or not such items and services will be covered under the coverage.

"(5) STABILIZE.—The term 'to stabilize' means, with respect to an emergency medical condition, to provide (in complying with section 1867 of the Social Security Act) such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from the facility.

"(6) STABILIZED.—The term 'stabilized' means, with respect to an emergency medical condition, that no material deterioration of the condition is likely, within reasonable medical probability, to result from or occur before an individual can be transferred from the facility, in compliance with the requirements of section 1867 of the Social Security Act.

"(7) TREATING PHYSICIAN.—The term 'treating physician' includes a treating health care professional who is licensed under State law to provide emergency services other than under the supervision of a physician.

"SEC. 2772. ACCESS TO SPECIALTY CARE.

"(a) OBSTETRICAL AND GYNECOLOGICAL CARE.—

"(1) IN GENERAL.—If a health insurance issuer, in connection with the provision of health insurance coverage, requires or provides for an enrollee to designate a participating primary care provider—

"(A) the issuer shall permit a female enrollee to designate a physician who specializes in obstetrics and gynecology as the enrollee's primary care provider; and

"(B) if such an enrollee has not designated such a provider as a primary care provider, the issuer—

"(i) may not require prior authorization by the enrollee's primary care provider or otherwise for coverage of routine gynecological care (such as preventive women's health examinations) and pregnancy-related services provided by a participating physician who specializes in obstetrics and gynecology to the extent such care is otherwise covered, and

"(ii) may treat the ordering of other gynecological care by such a participating physician as the prior authorization of the primary care provider with respect to such care under the coverage.

"(2) CONSTRUCTION.—Nothing in paragraph (1)(B)(ii) shall waive any requirements of coverage relating to medical necessity or appropriateness with respect to coverage of gynecological care so ordered.

"(b) SPECIALTY CARE.—

"(1) REFERRAL TO SPECIALTY CARE FOR ENROLLEES REQUIRING TREATMENT BY SPECIALISTS.—

"(A) IN GENERAL.—In the case of an enrollee who is covered under health insurance coverage offered by a health insurance issuer and who has a condition or disease of sufficient seriousness and complexity to require treatment by a specialist, the issuer shall make or provide for a referral to a specialist who is available and accessible to provide the treatment for such condition or disease.

"(B) SPECIALIST DEFINED.—For purposes of this subsection, the term 'specialist' means, with respect to a condition, a health care practitioner, facility, or center (such as a center of excellence) that has adequate expertise through appropriate training and experience (including, in the case of a child, appropriate pediatric expertise) to provide high quality care in treating the condition.

"(C) CARE UNDER REFERRAL.—Care provided pursuant to such referral under subparagraph (A) shall be—

"(i) pursuant to a treatment plan (if any) developed by the specialist and approved by the issuer, in consultation with the designated primary care provider or specialist and the enrollee (or the enrollee's designee), and

"(ii) in accordance with applicable quality assurance and utilization review standards of the issuer.

Nothing in this subsection shall be construed as preventing such a treatment plan for an enrollee from requiring a specialist to provide the primary care provider with regular updates on the specialty care provided, as well as all necessary medical information.

"(D) REFERRALS TO PARTICIPATING PROVIDERS.—An issuer is not required under subparagraph (A) to provide for a referral to a specialist that is not a participating provider, unless the issuer does not have an appropriate specialist that is available and accessible to treat the enrollee's condition and that is a participating provider with respect to such treatment.

“(E) TREATMENT OF NONPARTICIPATING PROVIDERS.—If an issuer refers an enrollee to a nonparticipating specialist, services provided pursuant to the approved treatment plan shall be provided at no additional cost to the enrollee beyond what the enrollee would otherwise pay for services received by such a specialist that is a participating provider.

“(2) SPECIALISTS AS PRIMARY CARE PROVIDERS.—

“(A) IN GENERAL.—A health insurance issuer, in connection with the provision of health insurance coverage, shall have a procedure by which a new enrollee upon enrollment, or an enrollee upon diagnosis, with an ongoing special condition (as defined in subparagraph (C)) may receive a referral to a specialist for such condition who shall be responsible for and capable of providing and coordinating the enrollee's primary and specialty care. If such an enrollee's care would most appropriately be coordinated by such a specialist, the issuer shall refer the enrollee to such specialist.

“(B) TREATMENT AS PRIMARY CARE PROVIDER.—Such specialist shall be permitted to treat the enrollee without a referral from the enrollee's primary care provider and may authorize such referrals, procedures, tests, and other medical services as the enrollee's primary care provider would otherwise be permitted to provide or authorize, subject to the terms of the treatment plan (referred to in paragraph (1)(C)(i)).

“(C) ONGOING SPECIAL CONDITION DEFINED.—In this paragraph, the term ‘special condition’ means a condition or disease that—

“(i) is life-threatening, degenerative, or disabling, and

“(ii) requires specialized medical care over a prolonged period of time.

“(D) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) shall apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

“(3) STANDING REFERRALS.—

“(A) IN GENERAL.—A health insurance issuer, in connection with the provision of health insurance coverage, shall have a procedure by which an enrollee who has a condition that requires ongoing care from a specialist may receive a standing referral to such specialist for treatment of such condition. If the issuer, or the primary care provider in consultation with the medical director of the issuer and the specialist (if any), determines that such a standing referral is appropriate, the issuer shall make such a referral to such a specialist.

“(C) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) shall apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

“SEC. 2773. CONTINUITY OF CARE.

“(a) IN GENERAL.—If a contract between a health insurance issuer, in connection with the provision of health insurance coverage, and a health care provider is terminated (other than by the issuer for failure to meet applicable quality standards or for fraud) and an enrollee is undergoing a course of treatment from the provider at the time of such termination, the issuer shall—

“(1) notify the enrollee of such termination, and

“(2) subject to subsection (c), permit the enrollee to continue the course of treatment with the provider during a transitional period (provided under subsection (b)).

“(b) TRANSITIONAL PERIOD.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the transitional period under this subsection shall extend for at least—

“(A) 60 days from the date of the notice to the enrollee of the provider's termination in the case of a primary care provider, or

“(B) 120 days from such date in the case of another provider.

“(2) INSTITUTIONAL CARE.—The transitional period under this subsection for institutional or inpatient care from a provider shall extend until the discharge or termination of the period of institutionalization and shall include reasonable follow-up care related to the institutionalization and shall also include institutional care scheduled prior to the date of termination of the provider status.

“(3) PREGNANCY.—If—

“(A) an enrollee has entered the second trimester of pregnancy at the time of a provider's termination of participation, and

“(B) the provider was treating the pregnancy before date of the termination,

the transitional period under this subsection with respect to provider's treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

“(4) TERMINAL ILLNESS.—

“(A) IN GENERAL.—If—

“(i) an enrollee was determined to be terminally ill (as defined in subparagraph (B)) at the time of a provider's termination of participation, and

“(ii) the provider was treating the terminal illness before the date of termination,

the transitional period under this subsection shall extend for the remainder of the enrollee's life for care directly related to the treatment of the terminal illness.

“(B) DEFINITION.—In subparagraph (A), an enrollee is considered to be ‘terminally ill’ if the enrollee has a medical prognosis that the enrollee's life expectancy is 6 months or less.

“(c) PERMISSIBLE TERMS AND CONDITIONS.—An issuer may condition coverage of continued treatment by a provider under subsection (a)(2) upon the provider agreeing to the following terms and conditions:

“(1) The provider agrees to continue to accept reimbursement from the issuer at the rates applicable prior to the start of the transitional period as payment in full.

“(2) The provider agrees to adhere to the issuer's quality assurance standards and to provide to the issuer necessary medical information related to the care provided.

“(3) The provider agrees otherwise to adhere to the issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan approved by the issuer.

“SEC. 2774. CHOICE OF PROVIDER.

“(a) PRIMARY CARE.—A health insurance issuer that offers health insurance coverage shall permit each enrollee to receive primary care from any participating primary care provider who is available to accept such enrollee.

“(b) SPECIALISTS.—

“(1) IN GENERAL.—Subject to paragraph (2), a health insurance issuer that offers health insurance coverage shall permit each enrollee to receive medically necessary specialty care, pursuant to appropriate referral procedures, from any qualified participating health care provider who is available to accept such enrollee for such care.

“(2) LIMITATION.—Paragraph (1) shall not apply to speciality care if the issuer clearly informs enrollees of the limitations on choice of participating providers with respect to such care.

“(c) LIST OF PARTICIPATING PROVIDERS.—For disclosure of information about participating primary care and specialty care providers, see section 2782(b)(3).

“SEC. 2775. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CLINICAL TRIALS.

“(a) IN GENERAL.—If a health insurance issuer offers health insurance coverage to a qualified enrollee (as defined in subsection (b)), the issuer—

“(1) may not deny the enrollee participation in the clinical trial referred to in subsection (b)(2);

“(2) subject to subsection (c), may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

“(3) may not discriminate against the enrollee on the basis of the enrollee's participation in such trial.

“(b) QUALIFIED ENROLLEE DEFINED.—For purposes of subsection (a), the term ‘qualified enrollee’ means an enrollee under health insurance coverage who meets the following conditions:

“(1) The enrollee has a life-threatening or serious illness for which no standard treatment is effective.

“(2) The enrollee is eligible to participate in an approved clinical trial with respect to treatment of such illness.

“(3) The enrollee and the referring physician conclude that the enrollee's participation in such trial would be appropriate.

“(4) The enrollee's participation in the trial offers potential for significant clinical benefit for the enrollee.

“(c) PAYMENT.—

“(1) IN GENERAL.—Under this section an issuer shall provide for payment for routine patient costs described in subsection (a)(2) but is not required to pay for costs of items and services that are reasonably expected (as determined by the Secretary) to be paid for by the sponsors of an approved clinical trial.

“(2) PAYMENT RATE.—In the case of covered items and services provided by—

“(A) a participating provider, the payment rate shall be at the agreed upon rate, or

“(B) a nonparticipating provider, the payment rate shall be at the rate the issuer would normally pay for comparable services under subparagraph (A).

“(d) APPROVED CLINICAL TRIAL DEFINED.—In this section, the term ‘approved clinical trial’ means a clinical research study or clinical investigation approved and funded by one or more of the following:

“(1) The National Institutes of Health.

“(2) A cooperative group or center of the National Institutes of Health.

“(3) The Department of Veterans Affairs.

“(4) The Department of Defense.

“SEC. 2776. ACCESS TO NEEDED PRESCRIPTION DRUGS.

“If a health insurance issuer offers health insurance coverage that provides benefits with respect to prescription drugs but the coverage limits such benefits to drugs included in a formulary, the issuer shall—

“(1) ensure participation of participating physicians in the development of the formulary;

“(2) disclose the nature of the formulary restrictions; and

“(3) provide for exceptions from the formulary limitation when medical necessity, as determined by the enrollee's physician subject to reasonable review by the issuer, dictates that a non-formulary alternative is indicated.

"SUBPART 2—QUALITY ASSURANCE

"SEC. 2777. INTERNAL QUALITY ASSURANCE PROGRAM.

"(a) REQUIREMENT.—A health insurance issuer that offers health insurance coverage shall establish and maintain an ongoing, internal quality assurance and continuous quality improvement program that meets the requirements of subsection (b).

"(b) PROGRAM REQUIREMENTS.—The requirements of this subsection for a quality improvement program of an issuer are as follows:

"(1) ADMINISTRATION.—The issuer has a separate identifiable unit with responsibility for administration of the program.

"(2) WRITTEN PLAN.—The issuer has a written plan for the program that is updated annually and that specifies at least the following:

"(A) The activities to be conducted.

"(B) The organizational structure.

"(C) The duties of the medical director.

"(D) Criteria and procedures for the assessment of quality.

"(E) Systems for ongoing and focussed evaluation activities.

"(3) SYSTEMATIC REVIEW.—The program provides for systematic review of the type of health services provided, consistency of services provided with good medical practice, and patient outcomes.

"(4) QUALITY CRITERIA.—The program—

"(A) uses criteria that are based on performance and clinical outcomes where feasible and appropriate, and

"(B) includes criteria that are directed specifically at meeting the needs of at-risk populations and enrollees with chronic or severe illnesses.

"(5) SYSTEM FOR REPORTING.—The program has procedures for reporting of possible quality concerns by providers and enrollees and for remedial actions to correct quality problems, including written procedures for responding to concerns and taking appropriate corrective action.

"(6) DATA COLLECTION.—The program provides for the collection of systematic, scientifically based data to be used in the measure of quality.

"(c) DEEMING.—For purposes of subsection (a), the requirements of subsection (b) are deemed to be met with respect to a health insurance issuer if the issuer—

"(1) is a qualified health maintenance organization (as defined in section 1310(d)), or

"(2) is accredited by a national accreditation organization that is certified by the Secretary.

"SEC. 2778. COLLECTION OF STANDARDIZED DATA.

"(a) IN GENERAL.—A health insurance issuer that offers health insurance coverage shall collect uniform quality data that include—

"(1) a minimum uniform data set described in subsection (b), and

"(2) additional data that are consistent with the requirements of a nationally recognized body identified by the Secretary.

"(b) MINIMUM UNIFORM DATA SET.—The Secretary shall specify the data required to be included in the minimum uniform data set under subsection (a)(1) and the standard format for such data. Such data shall include at least—

"(1) aggregate utilization data;

"(2) data on the demographic characteristics of enrollees;

"(3) data on disease-specific and age-specific mortality rates of enrollees;

"(4) data on enrollee satisfaction, including data on enrollee disenrollment and grievances; and

"(5) data on quality indicators.

"(c) AVAILABILITY.—A summary of the data collected under subsection (a) shall be disclosed under section 2782(b)(4).

"SEC. 2779. PROCESS FOR SELECTION OF PROVIDERS.

"(a) IN GENERAL.—A health insurance issuer that offers health insurance coverage shall have a written process for the selection of participating health care professionals, including minimum professional requirements.

"(b) VERIFICATION OF BACKGROUND.—Such process shall include verification of a health care provider's license, a history of suspension or revocation, and liability claim history.

"(c) RESTRICTION.—Such process shall not use a high-risk patient base or location of a provider in an area with residents with poorer health status as a basis for excluding providers from participation.

"SEC. 2780. DRUG UTILIZATION PROGRAM.

"A health insurance issuer that provides health insurance coverage that includes benefits for prescription drugs shall establish and maintain a drug utilization program which—

"(1) encourages appropriate use of prescription drugs by enrollees and providers,

"(2) monitors illnesses arising from improper drug use or from adverse drug reactions or interactions, and

"(3) takes appropriate action to reduce the incidence of improper drug use and adverse drug reactions and interactions.

"SEC. 2781. STANDARDS FOR UTILIZATION REVIEW ACTIVITIES.

"(a) COMPLIANCE WITH REQUIREMENTS.—

"(1) IN GENERAL.—A health insurance issuer shall conduct utilization review activities in connection with the provision of health insurance coverage only in accordance with a utilization review program that meets the requirements of this section.

"(2) USE OF OUTSIDE AGENTS.—Nothing in this section shall be construed as preventing a health insurance issuer from arranging through a contract or otherwise for persons or entities to conduct utilization review activities on behalf of the issuer, so long as such activities are conducted in accordance with a utilization review program that meets the requirements of this section.

"(3) UTILIZATION REVIEW DEFINED.—For purposes of this section, the terms 'utilization review' and 'utilization review activities' mean procedures used to monitor or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings, and includes ambulatory review, prospective review, concurrent review, second opinions, case management, discharge planning, or retrospective review.

"(b) WRITTEN POLICIES AND CRITERIA.—

"(1) WRITTEN POLICIES.—A utilization review program shall be conducted consistent with written policies and procedures that govern all aspects of the program.

"(2) USE OF WRITTEN CRITERIA.—

"(A) IN GENERAL.—Such a program shall utilize written clinical review criteria developed pursuant to the program with the input of appropriate physicians.

"(B) CONTINUING USE OF STANDARDS IN RETROSPECTIVE REVIEW.—If a health care service has been specifically pre-authorized or approved for an enrollee under such a program, the program shall not, pursuant to retrospective review, revise or modify the specific standards, criteria, or procedures used for the utilization review for procedures, treatment, and services delivered to the enrollee during the same course of treatment.

"(C) NO ADVERSE DETERMINATION BASED ON REFUSAL TO OBSERVE SERVICE.—Such a program shall not base an adverse determination on—

"(i) a refusal to consent to observing any health care service, or

"(ii) lack of reasonable access to a health care provider's medical or treatment records, unless the program has provided reasonable notice to the enrollee.

"(c) CONDUCT OF PROGRAM ACTIVITIES.—

"(1) ADMINISTRATION BY HEALTH CARE PROFESSIONALS.—A utilization review program shall be administered by qualified health care professionals who shall oversee review decisions. In this subsection, the term 'health care professional' means a physician or other health care practitioner licensed, accredited, or certified to perform specified health services consistent with State law.

"(2) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—

"(A) IN GENERAL.—A utilization review program shall provide for the conduct of utilization review activities only through personnel who are qualified and, to the extent required, who have received appropriate training in the conduct of such activities under the program.

"(B) PEER REVIEW OF ADVERSE CLINICAL DETERMINATIONS.—Such a program shall provide that clinical peers shall evaluate the clinical appropriateness of adverse clinical determinations. In this subsection, the term 'clinical peer' means, with respect to a review, a physician or other health care professional who holds a non-restricted license in a State and in the same or similar specialty as typically manages the medical condition, procedure, or treatment under review.

"(C) PROHIBITION OF CONTINGENT COMPENSATION ARRANGEMENTS.—Such a program shall not, with respect to utilization review activities, permit or provide compensation or anything of value to its employees, agents, or contractors in a manner that—

"(i) provides incentives, direct or indirect, for such persons to make inappropriate review decisions, or

"(ii) is based, directly or indirectly, on the quantity or type of adverse determinations rendered.

"(D) PROHIBITION OF CONFLICTS.—Such a program shall not permit a health care professional who provides health care services to an enrollee to perform utilization review activities in connection with the health care services being provided to the enrollee.

"(3) TOLL-FREE TELEPHONE NUMBER.—Such a program shall provide that—

"(A) appropriate personnel performing utilization review activities under the program are reasonably accessible by toll-free telephone not less than 40 hours per week during normal business hours to discuss patient care and allow response to telephone requests, and

"(B) the program has a telephone system capable of accepting, recording, or providing instruction to incoming telephone calls during other than normal business hours and to ensure response to accepted or recorded messages not less than one business day after the date on which the call was received.

"(4) LIMITS ON FREQUENCY.—Such a program shall not provide for the performance of utilization review activities with respect to a class of services furnished to an enrollee more frequently than is reasonably required to assess whether the services under review are medically necessary.

"(5) Limitation on information requests.—Under such a program, information shall be required to be provided by health care providers only to the extent it is necessary to perform the utilization review activity involved.

"(d) Deadline for Determinations.—

"(1) Prior authorization services.—Except as provided in paragraph (2), in the case of a utilization review activity involving the prior authorization of health care items and services, the utilization review program shall make a determination concerning such authorization, and provide notice of the determination to the enrollee or the enrollee's designee and the enrollee's health care provider by telephone and in writing, as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 3 business days after the date of receipt of the necessary information respecting such determination.

"(2) Continued care.—In the case of a utilization review activity involving authorization for continued or extended health care services, or additional services for an enrollee undergoing a course of continued treatment prescribed by a health care provider, the utilization review program shall make a determination concerning such authorization, and provide notice of the determination to the enrollee or the enrollee's designee and the enrollee's health care provider by telephone and in writing, within 1 business day of the date of receipt of the necessary information respecting such determination. Such notice shall include, with respect to continued or extended health care services, the number of extended services approved, the new total of approved services, the date of onset of services, and the next review date.

"(3) Previously provided services.—In the case of a utilization review activity involving retrospective review of health care services previously provided, the utilization review program shall make a the determination concerning such services, and provide notice of the determination to the enrollee or the enrollee's designee and the enrollee's health care provider by telephone and in writing, within 30 days of the date of receipt of the necessary information respecting such determination.

"(4) Reference to special rules for emergency services, maintenance care, and post-stabilization care.—For waiver of prior authorization requirements in certain cases involving emergency services and maintenance care and post-stabilization care, see sections 2771(a)(1)(A) and 2771(a)(2)(A), respectively.

"(e) Notice of Adverse Determinations.—

"(1) In general.—Notice of an adverse determination under a utilization review program (including as a result of a reconsideration under subsection (f)) shall be in writing and shall include—

"(A) the reasons for the determination (including the clinical rationale);

"(B) instructions on how to initiate an appeal under section 2785; and

"(C) notice of the availability, upon request of the enrollee (or the enrollee's designee) of the clinical review criteria relied upon to make such determination.

"(2) Specification of any additional information.—Such a notice shall also specify what (if any) additional necessary information must be provided to, or obtained by, person making the determination in order to make a decision on such an appeal.

"(f) Reconsideration.—

"(1) At request of provider.—In the event that a utilization review program provides for an adverse determination without attempting to discuss such matter with the enrollee's health care provider who specifically recommended the health care service, procedure, or treatment under review, such health care provider shall have the opportunity to request a reconsideration of the adverse determination under this subsection.

"(2) Timing and conduct.—Except in cases of retrospective reviews, such reconsideration shall occur as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 1 business day after the date of receipt of the request and shall be conducted by the enrollee's health care provider and the health care professional making the initial determination or a designated qualified health care professional if the original professional cannot be available.

"(3) Notice.—In the event that the adverse determination is upheld after reconsideration, the utilization review program shall provide notice as required under subsection (e).

"(4) Construction.—Nothing in this subsection shall preclude the enrollee from initiating an appeal from an adverse determination under section 2785.

"Subpart 3—Patient Information

"SEC. 2782. PATIENT INFORMATION.

"(a) Disclosure Requirement.—A health insurance issuer in connection with the provision of health insurance coverage shall submit to the applicable State authority, provide to enrollees (and prospective enrollees), and make available to the public, in writing the information described in subsection (b).

"(b) Information.—The information described in this subsection includes the following:

"(1) Description of coverage.—A description of coverage provisions, including health care benefits, benefit limits, coverage exclusions, coverage of emergency care, and the definition of medical necessity used in determining whether benefits will be covered.

"(2) Enrollee financial responsibility.— An explanation of an enrollee's financial responsibility for payment of premiums, coinsurance, copayments, deductibles, and any other charges, including limits on such responsibility and responsibility for health care services that are provided by nonparticipating providers or are furnished without meeting applicable utilization review requirements.

"(3) Information on providers.—A description—

"(A) of procedures for enrollees to select, access, and change participating primary and specialty providers,

"(B) of the rights and procedures for obtaining referrals (including standing referrals) to participating and nonparticipating providers, and

"(C) in the case of each participating provider, of the name, address, and telephone number of the provider, the credentials of the provider, and the provider's availability to accept new patients.

"(4) Utilization review activities.—A description of procedures used and requirements (including circumstances, time frames, and rights to reconsideration and appeal) under any utilization review program under section 2781 or any drug utilization program under section 2780, as well as a summary of the minimum uniform data collected under section 2778(a)(1).

"(5) Grievance procedures.—Information on the grievance procedures under sections 2784 and 2785, including information describing—

"(A) the grievance procedures used by the issuer to process and resolve disputes between the issuer and an enrollee (including method for filing grievances and the time frames and circumstances for acting on grievances);

"(B) written complaints and appeals, by type of complaint or appeal, received by the issuer relating to its coverage; and

"(C) the disposition of such complaints and appeals.

"(6) Payment methodology.—A description of the types of methodologies the issuer uses to reimburse different classes of providers and, as specified by the Secretary, the financial arrangements or contractual provisions with providers.

"(7) Information on issuer.—Notice of appropriate mailing addresses and telephone numbers to be used by enrollees in seeking information or authorization for treatment.

"(8) Assuring communications with enrollees.—A description of how the issuer addresses the needs of non-English-speaking enrollees and others with special communications needs, including the provision of information described in this subsection to such enrollees.

"(c) Form of Disclosure.—

"(1) Uniformity.—Information required to be disclosed under this section shall be provided in accordance with uniform, national reporting standards specified by the Secretary, after consultation with applicable State authorities, so that prospective enrollees may compare the attributes of different issuers and coverage offered within an area.

"(2) Information into handbook.—Nothing in this section shall be construed as preventing an issuer from making the information under subsection (b) available to enrollees through an enrollee handbook or similar publication.

"(3) Updating.—The information on participating providers described in subsection (a)(3)(C) shall be updated not less frequently than monthly. Nothing in this section shall prevent an issuer from changing or updating other information made available under this section.

"(4) Construction.—Nothing in subsection (a)(6) shall be construed as requiring disclosure of individual contracts or financial arrangements between an issuer and any provider. Nothing in this subsection shall be construed as preventing the information described in subsection (a)(3)(C) from being provided in a separate document.

"SEC. 2783. PROTECTION OF PATIENT CONFIDENTIALITY.

"A health insurance issuer that offers health insurance coverage shall establish appropriate policies and procedures to ensure that all applicable State and Federal laws to protect the confidentiality of individually identifiable medical information are followed.

"Subpart 4—Grievance Procedures

"SEC. 2784. ESTABLISHMENT OF COMPLAINT AND APPEALS PROCESS.

"(a) Establishment of System.—A health insurance issuer in connection with the provision of health insurance coverage shall establish and maintain a system to provide for the presentation and resolution of complaints and appeals brought by enrollees, designees of enrollees, or by health care providers acting on behalf of an enrollee and with the enrollee's consent, regarding any aspect of the issuer's health care services, including complaints regarding quality of care, choice and accessibility of providers, network adequacy, and compliance with the requirements of this part.

"(b) COMPONENTS OF SYSTEM.—Such system shall include the following components (which shall be consistent with applicable requirements of section 2785):

"(1) Written notification to all enrollees and providers of the telephone numbers and business addresses of the issuer employees responsible for resolution of complaints and appeals.

"(2) A system to record and document, over a period of at least 3 years, all complaints and appeals made and their status.

"(3) The availability of an enrollee services representative to assist enrollees, as requested, with complaint and appeal procedures.

"(4) Establishment of a specified deadline (not to exceed 30 days after the date of receipt of a complaint or appeal) for the issuer to respond to complaints or appeals.

"(5) A process describing how complaints and appeals are processed and resolved.

"(6) Procedures for follow-up action, including the methods to inform the complainant or appellant of the resolution of a complaint or appeal.

"(7) Notification to the continuous quality improvement program under section 2777(a) of all complaints and appeals relating to quality of care.

"(c) NO REPRISAL FOR EXERCISE OF RIGHTS.—A health insurance issuer shall not take any action with respect to an enrollee or a health care provider that is intended to penalize the enrollee, a designee of the enrollee, or the health care provider for discussing or exercising any rights provided under this part (including the filing of a complaint or appeal pursuant to this section).

"SEC. 2785. PROVISIONS RELATING TO APPEALS OF UTILIZATION REVIEW DETERMINATIONS AND SIMILAR DETERMINATIONS.

"(a) RIGHT OF APPEAL.—

"(1) IN GENERAL.—An enrollee in health insurance coverage offered by a health insurance issuer, and any provider acting on behalf of the enrollee with the enrollee's consent, may appeal any appealable decision (as defined in paragraph (2)) under the procedures described in this section and (to the extent applicable) section 2784. Such enrollees and providers shall be provided with a written explanation of the appeal process upon the conclusion of each stage in the appeal process and as provided in section 2782(a)(5)

"(2) APPEALABLE DECISION DEFINED.—In this section, the term 'appealable decision' means any of the following:

"(A) An adverse determination under a utilization review program under section 2781.

"(B) Denial of access to specialty and other care under section 2772.

"(C) Denial of continuation of care under section 2773.

"(D) Denial of a choice of provider under section 2774.

"(E) Denial of coverage of routine patient costs in connection with an approval clinical trial under section 2775.

"(F) Denial of access to needed drugs under section 2776(3).

"(G) The imposition of a limitation that is prohibited under section 2789.

"(H) Denial of payment for a benefit,

"(b) INFORMAL INTERNAL APPEAL PROCESS (STAGE 1).—

"(1) IN GENERAL.—Each issuer shall establish and maintain an informal internal appeal process (an appeal under such process in this section referred to as a 'stage 1 appeal') under which any enrollee or any provider acting on behalf of an enrollee with the enrollee's consent, who is dissatisfied with any appealable decision has the opportunity to discuss and appeal that decision with the medical director of the issuer or the health care professional who made the decision.

"(2) TIMING.—All appeals under this paragraph shall be concluded as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 72 hours in the case of appeals from decisions regarding urgent care and 5 days in the case of all other appeals.

"(3) FURTHER REVIEW.—If the appeal is not resolved to the satisfaction of the enrollee at this level by the deadline under paragraph (2), the issuer shall provide the enrollee and provider (if any) with a written explanation of the decision and the right to proceed to a stage 2 appeal under subsection (c).

"(c) FORMAL INTERNAL APPEAL PROCESS (STAGE 2).—

"(1) IN GENERAL.—Each issuer shall establish and maintain a formal internal appeal process (an appeal under such process in this section referred to as a 'stage 2 appeal') under which any enrollee or provider acting on behalf of an enrollee with the enrollee's consent, who is dissatisfied with the results of a stage 1 appeal has the opportunity to appeal the results before a panel that includes a physician or other health care professional (or professionals) selected by the issuer who have not been involved in the appealable decision at issue in the appeal.

"(2) AVAILABILITY OF CLINICAL PEERS.—The panel under subparagraph (A) shall have available either clinical peers (as defined in section 2781(c)(2)(B)) who have not been involved in the appealable decision at issue in the appeal or others who are mutually agreed upon by the parties. If requested by the enrollee or enrollee's provider with the enrollee's consent, such a peer shall participate in the panel's review of the case.

"(3) TIMELY ACKNOWLEDGMENT.—The issuer shall acknowledge the enrollee or provider involved of the receipt of a stage 2 appeals upon receipt of the appeal.

"(4) DEADLINE.—

"(A) IN GENERAL.—The issuer shall conclude each stage 2 appeal as soon as possible after the date of the receipt of the appeal in accordance with medical exigencies of the case involved, but in no event later than 72 hours in the case of appeals from decisions regarding urgent care and (except as provided in subparagraph (B)) 20 business days in the case of all other appeals.

"(B) EXTENSION.—An issuer may extend the deadline for an appeal that does not relate to a decision regarding urgent or emergency care up to an additional 20 business days where it can demonstrate to the applicable State authority reasonable cause for the delay beyond its control and where it provides, within the original deadline under subparagraph (A), a written progress report and explanation for the delay to such authority and to the enrollee and provider involved.

"(5) NOTICE.—If an issuer denies a stage 2 appeal, the issuer shall provide the enrollee and provider involved with written notification of the denial and the reasons therefore, together with a written notification of rights to any further appeal

"(d) DIRECT USE OF FURTHER APPEALS.—In the event that the issuer fails to comply with any of the deadlines for completion of appeals under this section or in the event that the issuer for any reason expressly waives its rights to an internal review of an appeal under subsection (b) or (c), the enrollee and provider involved shall be relieved of any obligation to complete the appeal stage involved and may, at the enrollee's or provider's option, proceed directly to seek further appeal through any applicable external appeals process.

"(e) EXTERNAL APPEAL PROCESS IN CASE OF USE OF EXPERIMENTAL TREATMENT TO SAVE LIFE OF PATIENT.—

"(1) IN GENERAL.—In the case of an enrollee described in paragraph (2), the health insurance issuer shall provide for an external independent review process respecting the issuer's decision not to cover the experimental therapy (described in paragraph (2)(B)(ii)).

"(2) ENROLLEE DESCRIBED.—An enrollee described in this paragraph is an enrollee who meets the following requirements:

"(A) The enrollee has a terminal condition that is highly likely to cause death within 2 years.

"(B) The enrollee's physician certifies that—

"(i) there is no standard, medically appropriate therapy for successfully treating such terminal condition, but

"(ii) based on medical and scientific evidence, there is a drug, device, procedure, or therapy (in this section referred to as the 'experimental therapy') that is more beneficial than any available standard therapy.

"(C) The issuer has denied coverage of the experimental therapy on the basis that it is experimental or investigational.

"(3) DESCRIPTION OF PROCESS AND DECISION.—The process under this subsection shall provide for a determination on a timely basis, by a panel of independent, impartial physicians appointed by a State authority or by an independent review organization certified by the State, of the medical appropriateness of the experimental therapy. The decision of the panel shall be in writing and shall be accompanied by an explanation of the basis for the decision. A decision of the panel that is favorable to the enrollee may not be appealed by the issuer except in the case of misrepresentation of a material fact by the enrollee or a provider. A decision of the panel that is not favorable to the enrollee may be appealed by the enrollee.

"(4) ISSUER COVERING PROCESS COSTS.—Direct costs of the process under this subsection shall be borne by the issuer, and not by the enrollee.

"(f) OTHER INDEPENDENT OR EXTERNAL REVIEW.—

"(1) IN GENERAL.—In the case of appealable decision described in paragraph (2), the health insurance issuer shall provide for—

"(A) an external review process for such decisions consistent with the requirements of paragraph (3), or

"(B) an internal independent review process for such decisions consistent with the requirements of paragraph (4).

"(2) APPEALABLE DECISION DESCRIBED.—An appealable decision described in this paragraph is decision that does not involve a decision described in subsection (e)(1) but involves—

"(A) a claim for benefits involving costs over a significant threshold, or

"(B) assuring access to care for a serious condition.

"(3) EXTERNAL REVIEW PROCESS.—The requirements of this subsection for an external review process are as follows:

"(A) The process is established under State law and provides for review of decisions on stage 2 appeals by an independent review organization certified by the State.

"(B) If the process provides that decisions in such process are not binding on issuers, the process must provide for public methods of disclosing frequency of noncompliance with such decisions and for sanctioning issuers that consistently refuse to take appropriate actions in response to such decisions.

"(C) Results of all such reviews under the process are disclosed to the public, along with at least annual disclosure of information on issuer compliance.

"(D) All decisions under the process shall be in writing and shall be accompanied by an explanation of the basis for the decision.

"(E) Direct costs of the process shall be borne by the issuer, and not by the enrollee.

"(F) The issuer shall provide for publication at least annually of information on the numbers of appeals and decisions considered under the process.

"(4) INTERNAL, INDEPENDENT REVIEW PROCESS.—The requirements of this subsection for an internal, independent review process are as follows:

"(A)(i) The process must provide for the participation of persons who are independent of the issuer in conducting reviews and (ii) the Secretary must have found (through reviews conducted no less often than biannually) the process to be fair and impartial.

"(B) If the process provides that decisions in such process are not binding on issuers, the process must provide for public methods of disclosing frequency of noncompliance with such decisions and for sanctioning issuers that consistently refuse to take appropriate actions in response to such decisions.

"(C) Results of all such reviews under the process are disclosed to the public, along with at least annual disclosure of information on issuer compliance.

"(D) All decisions under the process shall be in writing and shall be accompanied by an explanation of the basis for the decision.

"(E) Direct costs of the process shall be borne by the issuer, and not by the enrollee.

"(F) The issuer shall provide for publication at least annually of information on the numbers of appeals and decisions considered under the process.

The Secretary may delegate the authority under subparagraph (A)(ii) to applicable State authorities.

"(5) OVERSIGHT.—The Secretary (and applicable State authorities in the case of delegation of Secretarial authority under paragraph (4)) shall conduct reviews not less often than biannually of the fairness and impartiality issuers who desired to use an internal, independent review process described in paragraph (4) to satisfy the requirement of paragraph (1).

"(6) REPORT.—The Secretary shall provide for periodic reports on the effectiveness of this subsection in assuring fair and impartial reviews of stage 2 appeals. Such reports shall include information on the number of stage 2 appeals (and decisions), for each of the types of review processes described in paragraph (2), by health insurance coverage.

"(g) CONSTRUCTION.—Nothing in this part shall be construed as removing any legal rights of enrollees under State or Federal law, including the right to file judicial actions to enforce rights.

"SEC. 2786. STATE HEALTH INSURANCE OMBUDSMEN.

"(a) IN GENERAL.—Each State that obtains a grant under subsection (c) shall establish and maintain a Health Insurance Ombudsman. Such Ombudsman may be part of a independent, nonprofit entity, and shall be responsible for at least the following:

"(1) To assist consumers in the State in choosing among health insurance coverage.

"(2) To provide counseling and assistance to enrollees dissatisfied with their treatment by health insurance issuers in regard to such coverage and in the filing of complaints and appeals regarding determinations under such coverage.

"(3) To investigate instances of poor quality or improper treatment of enrollees by health insurance issuers in regard to such coverage and to bring such instances to the attention of the applicable State authority.

"(b) FEDERAL ROLE.—In the case of any State that does not establish and maintain such an Ombudsman under subsection (a), the Secretary shall provide for the establishment and maintenance of such an official as will carry out with respect to that State the functions otherwise provided under subsection (a) by a Health Insurance Ombudsman.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such amounts as may be necessary to provide for grants to States to establish and operate Health Insurance Ombudsmen under subsection (a) or for the operation of Ombudsmen under subsection (b).

"SUBPART 5—PROTECTION OF PROVIDERS AGAINST INTERFERENCE WITH MEDICAL COMMUNICATIONS AND IMPROPER INCENTIVE ARRANGEMENTS

"SEC. 2787. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

"(a) PROHIBITION.—

"(1) GENERAL RULE.—The provisions of any contract or agreement, or the operation of any contract or agreement, between a health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of health care providers) shall not prohibit or restrict the provider from engaging in medical communications with the provider's patient.

"(2) NULLIFICATION.—Any contract provision or agreement described in paragraph (1) shall be null and void.

"(3) PROHIBITION ON PROVISIONS.—A contract or agreement described in paragraph (1) shall not include a provision that violates paragraph (1).

"(b) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

"(1) to prohibit the enforcement, as part of a contract or agreement to which a health care provider is a party, of any mutually agreed upon terms and conditions, including terms and conditions requiring a health care provider to participate in, and cooperate with, all programs, policies, and procedures developed or operated by a health insurance issuer to assure, review, or improve the quality and effective utilization of health care services (if such utilization is according to guidelines or protocols that are based on clinical or scientific evidence and the professional judgment of the provider) but only if the guidelines or protocols under such utilization do not prohibit or restrict medical communications between providers and their patients; or

"(2) to permit a health care provider to misrepresent the scope of benefits covered under health insurance coverage or to otherwise require a health insurance issuer to reimburse providers for benefits not covered under the coverage.

"(c) MEDICAL COMMUNICATION DEFINED.—

"(1) IN GENERAL.—In this section, the term 'medical communication' means any communication made by a health care provider with a patient of the health care provider (or the guardian or legal representative of such patient) with respect to—

"(A) the patient's health status, medical care, or treatment options;

"(B) any utilization review requirements that may affect treatment options for the patient; or

"(C) any financial incentives that may affect the treatment of the patient.

"(2) MISREPRESENTATION.—The term 'medical communication' does not include a communication by a health care provider with a patient of the health care provider (or the guardian or legal representative of such patient) if the communication involves a knowing or willful misrepresentation by such provider.

"SEC. 2788. PROHIBITION AGAINST TRANSFER OF INDEMNIFICATION OR IMPROPER INCENTIVE ARRANGEMENTS.

"(a) PROHIBITION OF TRANSFER OF INDEMNIFICATION.—No contract or agreement between a health insurance issuer (or any agent acting on behalf of such an issuer) and a health care provider shall contain any clause purporting to transfer to the health care provider by indemnification or otherwise any liability relating to activities, actions, or omissions of the issuer or agent (as opposed to the provider).

"(b) PROHIBITION OF IMPROPER PHYSICIAN INCENTIVE PLANS.—

"(1) IN GENERAL.—A health insurance issuer offering health insurance coverage may not operate any physician incentive plan unless the following requirements are met:

"(A) No specific payment is made directly or indirectly by the issuer to a physician or physician group as an inducement to reduce or limit medically necessary services provided with respect to a specific individual enrolled with the issuer.

"(B) If the plan places a physician or physician group at substantial financial risk (as determined by the Secretary) for services not provided by the physician or physician group, the issuer—

"(i) provides stop-loss protection for the physician or group that is adequate and appropriate, based on standards developed by the Secretary that take into account the number of physicians placed at such substantial financial risk in the group or under the plan and the number of individuals enrolled with the issuer who receive services from the physician or the physician group, and

"(ii) conducts periodic surveys of both individuals enrolled and individuals previously enrolled with the issuer to determine the degree of access of such individuals to services provided by the issuer and satisfaction with the quality of such services.

"(C) The issuer provides the applicable State authority (or the Secretary if such authority is implementing this section) with descriptive information regarding the plan, sufficient to permit the authority (or the Secretary in such case) to determine whether the plan is in compliance with the requirements of this paragraph.

"(2) PHYSICIAN INCENTIVE PLAN DEFINED.—In this section, the term 'physician incentive plan' means any compensation arrangement between a health insurance issuer and a physician or physician group that may directly or indirectly have the effect of reducing or limiting services provided with respect to individuals enrolled with the issuer.

"(3) APPLICATION OF MEDICARE RULES.—The Secretary shall provide for the application of rules under this subsection that are substantially the same as the rules established to carry out section 1876(i)(8) of the Social Security Act.

"SUBPART 6—PROMOTING GOOD MEDICAL PRACTICE AND PROTECTING THE DOCTOR-PATIENT RELATIONSHIP

"SEC. 2789. PROMOTING GOOD MEDICAL PRACTICE.

"(a) PROHIBITING ARBITRARY LIMITATIONS OR CONDITIONS FOR THE PROVISION OF SERVICES.—A health insurance issuer, in connection with the provision of health insurance coverage, may not impose limits on the manner in which particular services are delivered if the services are medically necessary and appropriate for the treatment or diagnosis of an illness or injury to the extent that such treatment or diagnosis is otherwise a covered benefit.

"(b) MEDICAL NECESSITY AND APPROPRIATENESS DEFINED.—In subsection (a), the term 'medically necessary and appropriate' means, with respect to a service or benefit, a service or benefit determined by the treating physician participating in the health insurance coverage after consultation with the enrollee, to be required, accordingly to generally accepted principles of good medical practice, for the diagnosis or direct care and treatment of an illness or injury of the enrollee.

"(c) CONSTRUCTION.—Subsection (a) shall not be construed as requiring coverage of particular services the coverage of which is otherwise not covered under the terms of the coverage.".

(b) APPLICATION TO GROUP HEALTH INSURANCE COVERAGE.—

(1) Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. 2706. PATIENT PROTECTION STANDARDS.

"(a) IN GENERAL.—Each health insurance issuer shall comply with patient protection requirements under part C with respect to group health insurance coverage it offers.

"(b) ASSURING COORDINATION.—The Secretary of Health and Human Services and the Secretary of Labor shall ensure, through the execution of an interagency memorandum of understanding between such Secretaries, that—

"(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which such Secretaries have responsibility under part C (and this section) and section 713 of the Employee Retirement Income Security Act of 1974 are administered so as to have the same effect at all times; and

"(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.".".

(2) Section 2792 of such Act (42 U.S.C. 300gg–92) is amended by inserting "and section 2706(b)" after "of 1996".

(c) APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2751 the following new section:

"SEC. 2752. PATIENT PROTECTION STANDARDS.

"Each health insurance issuer shall comply with patient protection requirements under part C with respect to individual health insurance coverage it offers.".

(d) MODIFICATION OF PREEMPTION STANDARDS.—

(1) GROUP HEALTH INSURANCE COVERAGE.—Section 2723 of such Act (42 U.S.C. 300gg–23) is amended—

(A) in subsection (a)(1), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(C) by inserting after subsection (b) the following new subsection:

"(c) SPECIAL RULES IN CASE OF PATIENT PROTECTION REQUIREMENTS.—Subject to subsection (a)(2), the provisions of section 2706 and part C (other than section 2771), and part D insofar as it applies to section 2706 or part C, shall not prevent a State from establishing requirements relating to the subject matter of such provisions (other than section 2771) so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such provisions. Subsection (a) shall apply to the provisions of section 2771 (and section 2706 insofar as it relates to such section).".

(2) INDIVIDUAL HEALTH INSURANCE COVERAGE.—Section 2762 of such Act (42 U.S.C. 300gg–62), as added by section 605(b)(3)(B) of Public Law 104–204, is amended—

(A) in subsection (a), by striking "subsection (b), nothing in this part" and inserting "subsections (b) and (c)", and

(B) by adding at the end the following new subsection:

"(c) SPECIAL RULES IN CASE OF MANAGED CARE REQUIREMENTS.—Subject to subsection (b), the provisions of section 2752 and part C (other than section 2771), and part D insofar as it applies to section 2752 or part C, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such section. Subsection (a) shall apply to the provisions of section 2771 (and section 2752 insofar as it relates to such section).".

(e) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 2723(a)(1) of such Act (42 U.S.C. 300gg–23(a)(1)) is amended by striking "part C" and inserting "parts C and D".

(2) Section 2762(b)(1) of such Act (42 U.S.C. 300gg–62(b)(1)) is amended by striking "part C" and inserting "part D".

(f) EFFECTIVE DATES.—(1)(A) Subject to subparagraph (B), the amendments made by subsections (a), (b), (d)(1), and (e) shall apply with respect to group health insurance coverage for group health plan years beginning on or after July 1, 1998 (in this subsection referred to as the "general effective date") and also shall apply to portions of plan years occurring on and after January 1, 1999.

(B) In the case of group health insurance coverage provided pursuant to a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by subsections (a), (b), (d)(1), and (e) shall not apply to plan years beginning before the later of—

(i) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(ii) the general effective date.

For purposes of clause (i), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by subsection (a) or (b) shall not be treated as a termination of such collective bargaining agreement.

(2) The amendments made by subsections (a), (c), (d)(2), and (e) shall apply with respect to individual health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the general effective date.

SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new section:

"SEC. 713. PATIENT PROTECTION STANDARDS.

"(a) IN GENERAL.—Subject to subsection (b), a group health plan (and a health insurance issuer offering group health insurance coverage in connection with such a plan) shall comply with the requirements of part C (other than section 2786) of title XXVII of the Public Health Service Act.

"(b) APPLICATION.—In applying subsection (a) under this part, any reference in such subpart C—

"(1) to a health insurance issuer and health insurance coverage offered by such an issuer is deemed to include a reference to a group health plan and coverage under such plan, respectively;

"(2) to the Secretary is deemed a reference to the Secretary of Labor;

"(3) to an applicable State authority is deemed a reference to the Secretary of Labor; and

"(4) to an enrollee with respect to health insurance coverage is deemed to include a reference to a participant or beneficiary with respect to a group health plan.

"(c) GROUP HEALTH PLAN OMBUDSMAN.—With respect to group health plans that provide benefits other than through health insurance coverage, the Secretary shall provide for the establishment and maintenance of such a Federal Group Health Plan Ombudsman that will carry out with respect to such plans the functions described in section 2786(a) of the Public Health Service Act with respect to health insurance issuers that offer group health insurance coverage.

"(d) ASSURING COORDINATION.—The Secretary of Health and Human Services and the Secretary of Labor shall ensure, through the execution of an interagency memorandum of understanding between such Secretaries, that—

"(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which such Secretaries have responsibility under such part C (and section 2706 of the Public Health Service Act) and this section are administered so as to have the same effect at all times; and

"(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.".

(b) MODIFICATION OF PREEMPTION STANDARDS.—Section 731 of such Act (42 U.S.C. 1191) is amended—

(1) in subsection (a)(1), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection:

"(c) SPECIAL RULES IN CASE OF PATIENT PROTECTION REQUIREMENTS.—Subject to subsection (a)(2), the provisions of section 713 and part C of title XXVII of the Public Health Service Act (other than section 2771 of such Act), and subpart C insofar as it applies to section 713 or such part, shall not prevent a State from establishing requirements relating to the subject matter of such provisions (other than section 2771 of such Act) so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such provisions. Subsection (a) shall apply to the provisions of section 2771 of such Act (and section 713 of this Act insofar as it relates to such section).".

(c) CONFORMING AMENDMENTS.— (1) Section 732(a) of such Act (29 U.S.C. 1185(a)) is amended by striking "section 711" and inserting "sections 711 and 713".

(2) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Patient protection standards.".

(3) Section 734 of such Act (29 U.S.C. 1187) is amended by inserting "and section 713(d)" after "of 1996".

(d) EFFECTIVE DATE.—(1) Subject to paragraph (2), the amendments made by this section shall apply with respect to group health plans for plan years beginning on or after July 1, 1998 (in this subsection referred to as the "general effective date") and also shall apply to portions of plan years occurring on and after January 1, 1999.

(2) In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) the general effective date.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by subsection (a) shall not be treated as a termination of such collective bargaining agreement.

By Mr. ROBB:

S. 374. A bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes; to the Committe on Veterans' Affairs.

THE COMBAT VETERANS MEDICAL EQUITY ACT OF 1997

● Mr. ROBB. Mr. President, I introduce the Combat Veterans Medical Equity Act of 1997, legislation which will serve to codify America's obligation to provide for the medical needs of our combat-wounded veterans.

Although we have long recognized the combat-wounded vet to be among our most deserving veterans, and although we have long distinguished the sacrifices of these veterans by awarding the Purple Heart Medal, remarkably, there is nothing in current law that stipulates an entitlement to health care based upon this physical sacrifice. In fact, I believe most Americans would be surprised to learn that a combat-wounded Purple Heart recipient could be denied services for which a noncombat veteran, with a non-service-connected disability, would be eligible. This legislation would seek to remedy that situation.

Specifically, this bill establishes eligibility for VA hospital care and medical services based upon the award of the Purple Heart Medal. It also gives Purple Heart recipients an enrollment priority on par with former prisoners of war and veterans with service-connected disabilities rated between 10 and 20 percent.

Mr. President, as a Vietnam veteran who has been privileged to lead marines in combat, and as a member of the Senate Armed Services Committee, I have a keen appreciation for the sacrifices made by all of our men and women in uniform. At the same time, in the face of tighter budgets and greater competition for services, I believe strongly that Congress should ensure equity in the disbursing of medical services for our most deserving of veterans—the combat wounded. These veterans, who have shed their blood to keep our country safe and free, deserve no less.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL SERVICES BASED ON AWARD OF PURPLE HEART.

(a) ELIGIBILITY.—Section 1710(a)(2) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

"(G) who has been awarded the Purple Heart; or".

(b) ENROLLMENT PRIORITY.—Section 1705(a)(3) of such title is amended—

(1) by striking out "and veterans" and inserting in lieu thereof "veterans"; and

(2) by inserting ", and veterans whose eligibility for care and services under this chapter is based solely on the award of the Purple Heart" before the period at the end.

(c) CONFORMING AMENDMENTS.—(1) Section 1722(a) of such title is amended by striking out "section 1710(a)(2)(G)" and inserting in lieu thereof "section 1710(a)(2)(H)".

(2) Section 5317(c)(3) of such title is amended by striking out "subsection (a)(2)(G)," and inserting in lieu thereof "subsection (a)(2)(H),"●

By Mr. McCAIN (for himself, Mr. DODD, Mr. ROBERTS, Mr. FORD, Mr. WARNER, Mr. DURBIN, Mr. GREGG, Mr. BINGAMAN, Mr. REED, Mr. DEWINE, Mr. WELLSTONE and Mr. HAGEL):

S. 375. A bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test; to the Committee on Finance.

THE BLIND PERSONS EARNINGS EQUITY ACT

Mr. McCAIN. Mr. President, I rise today with my good friend, Senator DODD, to introduce an important piece of legislation which would have a tremendous impact on the lives of many blind people. Our bill restores the 20-year link between blind people and senior citizens in regard to the Social Security earnings limit which has helped many blind people become self-sufficient and productive.

Unfortunately, by passing the Senior Citizens Freedom to Work Act last year, Congress broke the longstanding linkage in the treatment of blind people and seniors under Social Security, which resulted in allowing the earnings limit to be raised for seniors only and did not give blind people the same opportunity to increase their earnings without penalizing their Social Security benefits.

My intent when I sponsored the Senior Citizens Freedom to Work Act was not to permanently break the link between blind people and the senior population. Last year, time constraints and fiscal considerations forced me to focus solely on raising the unfair and burdensome earnings limit for seniors. I am happy to say that the Senior Citizens Freedom to Work Act became law last year, and the earnings exemption for seniors is being raised in annual increments until it reaches $30,000 in the year 2002. This law is allowing millions of seniors to make their lives better and continue contributing to society as productive workers.

We now should work in the spirit of fairness to ensure that this same opportunity is given to the blind population. We should provide blind people the opportunity to be productive and make it on their own. We should not continue policies which discourage these individuals from working and contributing to society.

The bill I am introducing today, along with Senator DODD, will restore the traditional linkage between seniors and blind people and allow them the same consideration as seniors in regard to the Social Security earnings test. This bill would reunite the earnings exemption amount for blind people with the exemption amount for senior citizens. If we do not reinstate this link, blind people will be restricted to earning $14,400 in the year 2002 in order to protect their Social Security benefits, compared to the $30,000 which seniors will be permitted to earn.

There are very strong and convincing arguments in favor of reestablishing the link between these two groups and increasing the earnings limit for blind people.

First, the earnings test treatment of our blind and senior populations has historically been identical. Since 1977, blind people and senior citizens have shared the identical earnings exemption threshold under title II of the Social Security Act. Now, senior citizens will be given greater opportunity to increase their earnings without having their Social Security benefits being penalized; the blind, however, will not have the same opportunity.

The Social Security earnings test imposes as great a work disincentive for blind people as it does for senior citizens. In fact, the earnings test probably provides a greater aggregate disincentive for blind individuals since many blind beneficiaries are of working age—18–65—and are capable of productive work.

Blindness is often associated with adverse social and economic consequences. It is often tremendously difficult for blind individuals to find sustained employment or any employment at all, but they do want to work. They take great pride in being able to work and becoming productive members of society. By linking the blind with seniors in 1977, Congress provided a great deal of hope and incentive for blind people in this country to enter the work force. Now, we are taking that hope away from them by not allowing them the same opportunity to increase their earnings as senior citizens.

Blind people are likely to respond favorably to an increase in the earnings test by working more, which will increase their tax payments and their purchasing power and allow the blind to make a greater contribution to the general economy. In addition, encouraging the blind to work and allowing them to work more without being penalized would bring additional revenue into the Social Security trust funds. In short, restoring the link between blind people and senior citizens for treatment of Social Security benefits would help many blind people become self sufficient, productive members of society.

I want to stress that it was always my intent that the link between blind and senior populations would only be temporarily broken. I urge my colleagues to join me in sponsoring this important measure to restore fair and equitable treatment for our blind citizens and to give the blind community increased financial independence. Our Nation would be better served if we restore the work incentive equality provision for the blind and provide them with the same freedom, opportunities and fairness as our Nation's seniors.

I ask unanimous consent that numerous letters of support from various community groups and state organizations be included as a part of the RECORD. In addition, I would like to thank the many chapters of the National Federation of the Blind from throughout the country who have sent letters of support for this important piece of legislation including the Arizona Chapter, Idaho Western Chapter, Minnesota, Alabama, South Carolina, Shoreline Chapter of Connecticut, Iowa, Idaho, Minnesota's Metro Chapter, Virginia, Maryland, Connecticut, New York, Utah, Pennsylvania, California, Mississippi, Wisconsin, Idaho Elmore County, and the Pend Oreille Chapter of Idaho.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL INDUSTRIES FOR THE BLIND,
Alexandria, VA, February 21, 1997.
Hon. JOHN MCCAIN,
241 Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of National Industries for the Blind and our 119 associated industries in 38 states, that employ over 5,300 people who are blind, I vigorously endorse your proposed legislation to amend title II of the Social Security Act.

This legislation to re-institute the linkage, between people who are blind and senior citizens, if passed, will allow people who are blind to strive for full employment.

Please let us know how NIB can be of further assistance to you as you seek support of this important legislation.

Sincerely,
JUDITH D. MOORE.

REHABILITATION ADVISORY COUNCIL FOR THE BLIND,
St. Paul, MN, February 20, 1997.
Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Rehabilitation Advisory Council for the Blind in Minnesota, I wish to express our strong support for the restoration of the earnings limits linkage under the Social Security Act between the blind and age 65 retirees. It is my understanding that you will be introducing a bill to achieve this restoration. We commend you for your willingness to exercise leadership on behalf of blind people who want to work and participate actively and productively in society. We support your bill.

The Social Security earnings limit for the blind is presently set at $12,000 per year. As I am sure you are aware, this is a powerful disincentive for blind people to leave the Social Security rolls and become self-supporting citizens. This barrier to self-support will become even more insurmountable as the gap between the blind and senior citizens widens. It is vital, therefore, that the blind achieve parity with age 65 retirees insofar as earnings limits under the Social Security Act are concerned. Using the figures that apply to senior citizens, this means raising the earnings limit for the blind to $30,000 per year by the year 2002.

Thank you for recognizing the problem and taking forthright action to deal with it.

Yours sincerely,
CURTIS CHONG,
Chairperson, Rehabilitation Advisory Council for the Blind.

LOUISIANA CENTER FOR THE BLIND,
Ruston, LA, February 21, 1997.

DEAR SENATOR MCCAIN: Since 1985, the Louisiana Center for the Blind has provided training and job placement services for hundreds of blind adults throughout the country. One of our primary goals is to help blind persons become employed so that they can become productive, tax-paying citizens. Over the past twelve years, we have observed that one of the main disincentives for employment is the earnings limit under Social Security Disability Insurance.

As the director of the Louisiana Center for the Blind, I want to express my strong support for your bill which would restore the linkage between the blind and retirees for the earnings limit under the Social Security Act. Since the unemployment rate among the blind is a staggering 70%, I firmly believe that your bill will decrease this statistic by helping blind Americans enter the workforce.

Thank you for your efforts on behalf of the nation's blind.

Sincerely,
JOANNE WILSON,
Director.

NATIONAL COUNCIL OF STATE AGENCIES FOR THE BLIND, INC.,
Boston, MA, February 25, 1997.
Hon. JOHN MCCAIN,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR MCCAIN: Please accept this letter of support and applause from the National Council of State Agencies for the Blind as a testimony to the reality that your effort to reestablish the link for Blind SSDI recipients to the earnings limits of persons who are elderly is both timely and well grounded as a benefit to the national economy.

There is no question in the view of this organization which has a primary role of assisting blind persons to return to work, that reestablishment of the linkage would positively impact the decision of many persons to do so. Removing the disincentive of lower earnings before a total cut-off of benefits and reestablishing the linkage of a higher earnings limit would afford those persons capable of rejoining the national work force with the powerful personal reason to do so through sustained economic security.

Please be assured of the support and any assistance you may require of this organization as you take on this progressive and needed challenge to restore the earnings linkage. I may be reached at the above address or by phoning (617)–727–5550 extension 4503 in the event you wish to communicate further.

Sincerely,
CHARLES H. CRAWFORD,
President.

AMERICAN COUNCIL OF THE BLIND,
Washington, DC, February 25, 1997.
Hon. JOHN MCCAIN,
U.S. Senate, 241 Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the national membership of the American Council of the Blind, I write to applaud your efforts to restore the statutory linkage between the earnings limit for seniors and blind SSDI beneficiaries. This bill will go a long way to improving employment opportunities for blind people, who struggle to enter and remain in the work force. In the words of Jim Olsen, a member of the American Council of the Blind of Minnesota, "restoring the linkage will enable blind people to continue to work, pay taxes, and believe in the American spirit of the work ethic."

Our members are urging their Senators to support your bill to restore linkage, and we are keeping them informed of your efforts on their behalf. Please let me know how I can be of assistance in this matter.

Thank you.

Very truly yours,

JULIE H. CARROLL,
Director of Governmental Affairs.

METAIRIE, LA,
February 22, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I am writing to express our strong support for your bill to restore the linkage of earnings limits under the Social Security Act which apply to age 65 retirees and blind people of any age. The position of the National Federation of the Blind on this matter is best expressed in a resolution (copy attached) which was unanimously adopted at our 1996 National Convention.

Your leadership on behalf of beneficiaries who want to contribute to society by working has earned our utmost respect. The Social Security earnings limit, presently at $12,000 annually, is the greatest barrier to self-support for blind people. In fact, I would say that the single factor of the earnings limit is more destructive to the self-support efforts of blind people than any other social condition.

By raising the earnings exemption threshold for blind people to $30,000 beginning in 2002, your bill would substantially remove any disincentive to work for blind people. For that reason, we applaud your efforts and pledge our full support.

Although I think that restoring the linkage is all right for the present, I believe that congress should totally eliminate the earnings limit and place us in the same classification as those 70 and over, this would not only provide a significant work incentive, but would also eliminate the cumbersome process of reporting both our earnings and impairment related work related expenses now required under the law. This has caused problems because of the confusion among Social Security Administration employees some of whom are unaware of the special provisions for blind persons.

I personally have had my earnings continuously started and stopped since 1991 not because of anything I have done that disqualifies me from receiving them, but due to the confusion of S.S.A. personnel. I feel that classifying blind persons the same as those 70 and over would ultimately provide an even better work incentive than the restoration of the linkage.

Thank you for responding to the need.

Very truly yours,

HARVEY HEAGY.

CONNECTICUT COMMUNITY ADVOCATES, SPECIALIZED EDUCATIONAL SERVICES,
Westbrook, CT, February 21, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.
Attention: Sonya Sotak

DEAR SENATOR MCCAIN: As a member of the CT. C.A.S.E.S., I have counseled many blind individuals who want to work. I have compared their potential entry level salary to their Social Security benefits. Too often, these work-bound blind citizens realize that after taxes and work expenses, their new job will not replace or equal their lost disability benefits. Few blind people can afford to sacrifice income, and they must remain idle in order to receive a guaranteed monthly check. The chance to work, earn, pay taxes, and become a contributing member of our society is a valid goal for all Americans; but with the existing law under title II of the Social Security Act, it is an unobtainable goal for blind people.

However, Senator McCain, your leadership and foresight in introducing a bill to restore the linkage of earnings limits under the Social Security Act for seniors and the blind will enable both groups to work. In addition, they will be able to join the work-force without fear. Your bill will restore fairness, equity, and hope for the working age blind person. The blind want to work and with your bill they will work. The staff of CT. C.A.S.E.S. and clients would like to convey our strong support and appreciation for your bill to restore the linkage of earnings limit under the Social Security Act which applies to retirees and blind people of any age.

I know from personal experience, just how strict the earnings limit is for blind people who attempt to work. My earnings exceeded the exempt amount and the entire sum paid to the primary beneficiary, myself, and my dependents was abruptly withdrawn. After subtracting the travel expenses etcetera, from the salary I obtained from being employed, it was quite evident that my real earnings were much less than my monthly disability benefits. At present many blind people will lose financially by going to work but with the enactment of your bill, restoring the linkage, they will not lose. These blind people will become part of the working force. They will pay taxes. They will become fully integrated and truly achieve first class status as working Americans.

PAULA A. KRAUSS,
Director CT. C.A.S.E.S.

NATIONAL FEDERATION OF THE BLIND,
Baltimore, MD, February 12, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I am writing to express our strong support for your bill to restore the linkage of earnings limits under the Social Security Act which apply to age 65 retirees and blind people of any age. The position of the National Federation of the Blind on this matter is best expressed in a resolution (copy attached) which was unanimously adopted at our 1996 National Convention.

Your leadership on behalf of beneficiaries who want to contribute to society by working has earned our utmost respect. The Social Security earnings limit, presently at $12,000 annually, is the greatest barrier to self-support for blind people. In fact, I would say that the single factor of the earnings limit is more destructive to the self-support efforts of blind people than any other social condition.

By raising the earnings exemption threshold for blind people to $30,000 beginning in 2002, your bill would substantially remove any disincentive to work for blind people. For that reason, we applaud your efforts and pledge our full support.

Thank you for responding to the need.

Very truly yours,

JAMES GASHEL,
Director of Governmental Affairs,
National Federation of the Blind.

Mr. DODD. Mr. President, I rise with my dear friend and colleague, Senator MCCAIN, to introduce legislation of vital importance to Americans who happen to be blind. Its purpose is simply to restore the Social Security earnings limitation for the blind to the same level as that for America's senior citizens.

Mr. President, the English poet John Milton once said that "To be blind is not miserable; not to be able to bear blindness, that is miserable."

Over the past 20 years, blind Americans have made amazing progress in shouldering those difficult burdens. Today, millions of blind Americans have achieved more independent and rewarding lives for themselves.

The legislation that we introduce today will ensure that this progress continues by restoring an important work incentive for close to 150,000 blind Americans. This bill would reestablish the identical earnings exemption threshold for blind and senior citizen beneficiaries under the Social Security Act, which had been the law from 1977 until just last year.

Prior to 1977, blind people were overwhelmingly dependent on disability benefits. What's worse, many of them could not afford to work without risking the loss of the basic security that these benefits provided.

However, in that year, we raised the earnings exemption for the blind to the same level as retirees—from $500 to $940 a month. That modest step encouraged millions of blind Americans to work by allowing them to keep more of what they earned.

Unfortunately, last year, when the Congress raised the earnings limit for seniors, it failed to extend the same benefits to the blind.

The impact of this unfortunate step has been significant. As the law now stands, a senior citizen may earn $13,500 in 1997 and $30,000 by the year 2002 without any reduction of benefits. A blind person, on the other hand, may only earn $12,000 today, and only $14,400 in 2002. While this provides terrific encouragement for seniors to work, it reenshrines into law the disincentive for blind people that existed before 1977.

There are approximately 1.1 million people in the United States who are blind under the Social Security definition. Of those, 713,000 of the 1.1 million are 65 or older, and they are considered retirees, not blind people.

But there are roughly 387,000 people who are blind, and under retirement age, who have been adversely affected by the severed link between retirees and the blind. Of the 332,000 blind people who are 20 or older, more than 70 percent are unemployed. We must not make their efforts to find meaningful and rewarding work more difficult. Rather, we should encourage blind Americans in their noble endeavors. Our legislation would do just that by raising the earnings limit and linking it once again to the senior citizens exempt account.

In closing, Mr. President, allow me to commend Senator MCCAIN for his leadership here. He has once again demonstrated his commitment to ensuring that all Americans have a fair and equal opportunity to enjoy the fruits of their labors and the blessings of our great Nation. I urge our colleagues to join us in supporting this legislation.

By Mr. LEAHY (for himself, Mr. BURNS, Mrs. MURRAY, and Mr. WYDEN):

S. 376. A bill to affirm the rights of Americans to use and sell encryption products, to establish privacy standards for voluntary key recovery encryption systems, and for other purposes; to the Committee on the Judiciary.

THE ENCRYPTED COMMUNICATION PRIVACY ACT OF 1997

Mr. LEAHY. Mr. President, in the 104th Congress, a bipartisan group of Senators came together to overhaul our country's outdated export rules and bring some sense to our country's encryption policy. We are back at it again in this Congress. I am pleased to introduce with Senator BURNS, and others, two encryption bills, the Encrypted Communications Privacy Act [ECPA] and Promotion of Commerce On-Line in the Digital Era [PRO-CODE] Act.

This legislation bars government-mandated key recovery, or key escrow encryption, and ensures that all computer users are free to choose any encryption method to protect the privacy of their online communications and computer files. These bills also roll back current restrictions on the export of strong cryptography so that high-tech U.S. firms are free to compete in the global marketplace and meet the demands of customers—both foreign and domestic—for strong encryption.

As an avid Internet user myself, I care deeply about protecting individual privacy and encouraging the development of the Internet as a secure and trusted communications medium. As more Americans every year use the Internet and other computer networks to obtain critical medical services, to conduct business, to be entertained and communicate with their friends, maintaining the privacy and confidentiality of our computer communications both here and abroad has only grown in importance.

Strong encryption also has an important use as a crime prevention shield, to stop hackers, industrial spies and thieves from snooping into private computer files and stealing valuable proprietary information. We should be encouraging the use of strong encryption to prevent certain types of computer and online crime.

We made progress in the last Congress on encryption. The attention we gave to this issue in classified briefings and public hearings helped the administration recognize the need for reform. In fact, in the waning days of the last Congress, the administration took steps to adopt one element proposed in these bills by transferring export control authority for certain encryption products from the State Department to the Commerce Department. The administration also loosened export controls on 56-bit key length encryption—at least for 2 years. Although the administration is moving in the right direction by loosening some export controls, its unilateral regulatory reforms are not enough.

Even under the current regime, popular browser software, such as Microsoft's Internet Explorer and Netscape Navigator, may not be exported in the form generally available here, since both software packages use 128-bit encryption. Lotus Notes shareware, which uses 64-bit encryption, cannot be exported in the same version sold domestically.

We need to loosen export restrictions on encryption products so that American companies are able to export any generally available or mass market encryption products without obtaining Government approval. ECPA would allow our companies to do that.

We are mindful of the national security and law enforcement concerns that have dictated the administration's policy choices on encryption. Both bills contain important exceptions to restrict encryption exports for military end-uses, or to terrorist designated or embargoed countries, such as Cuba or North Korea. This is not enough to satisfy our national security and law enforcement agencies, who fear that the widespread use of strong encryption will undercut their ability to eavesdrop on terrorists or other criminals, or decipher computer files containing material evidence of a crime.

Administration officials have made clear that they seek nothing less than a world-wide key recovery encryption scheme in which the U.S. Government is able to obtain decryption assistance to decipher encrypted communications and stored electronic files. I have significant concerns about the administration conditioning the export of 56-bit key encryption on companies moving forward with key recovery encryption systems. In aggressively promoting a global key recovery scheme the administration is ignoring the conclusion of the National Research Council in its thorough CRISIS report issued last year. Specifically, the report warned that "Aggressive government promotion of escrowed encryption is not appropriate at this time."

The administration is putting the proverbial cart-before-the-horse by promoting key recovery without having in place privacy safeguards defining how and under what circumstances law enforcement and others may get access to decryption keys. Many users have legitimate concerns about investing in and using key recovery products without clear answers on how the law enforcement here, let alone other countries, including those with bad human rights records or a history of economic espionage, will get access to their keys.

ECPA provides those answers with clear guidelines on how and when law enforcement and foreign countries may obtain decryption assistance from key holders, who are voluntarily entrusted with decryption keys or have the capability to provide decryption assistance.

It is time for Congress to take steps to put our national encryption policy on the right course. Both the PRO-CODE bill and the Encrypted Communications Privacy Act reflect a bipartisan effort to reform our nation's cryptography policy in a constructive and positive manner.

I ask unanimous consent that the Encrypted Communications Privacy Act and a section-by-section summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Encrypted Communications Privacy Act of 1997".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to ensure that Americans have the maximum possible choice in encryption methods to protect the security, confidentiality, and privacy of their lawful wire and electronic communications and stored electronic information; and

(2) to establish privacy standards for key holders who are voluntarily entrusted with the means to decrypt such communications and information, and procedures by which investigative or law enforcement officers may obtain assistance in decrypting such communications and information.

SEC. 3. FINDINGS.

Congress finds that—

(1) the digitization of information and the explosion in the growth of computing and electronic networking offers tremendous potential benefits to the way Americans live, work, and are entertained, but also raises new threats to the privacy of American citizens and the competitiveness of American businesses;

(2) a secure, private, and trusted national and global information infrastructure is essential to promote economic growth, protect privacy, and meet the needs of American citizens and businesses;

(3) the rights of Americans to the privacy and security of their communications and in the conducting of personal and business affairs should be preserved and protected;

(4) the authority and ability of investigative and law enforcement officers to access and decipher, in a timely manner and as provided by law, wire and electronic communications and stored electronic information necessary to provide for public safety and national security should also be preserved;

(5) individuals will not entrust their sensitive personal, medical, financial, and other information to computers and computer networks unless the security and privacy of that information is assured;

(6) business will not entrust their proprietary and sensitive corporate information, including information about products, processes, customers, finances, and employees, to computers and computer networks unless the security and privacy of that information is assured;

(7) encryption technology can enhance the privacy, security, confidentiality, integrity, and authenticity of wire and electronic communications and stored electronic information;

(8) encryption techniques, technology, programs, and products are widely available worldwide;

(9) Americans should be free to use lawfully whatever particular encryption techniques, technologies, programs, or products developed in the marketplace they desire to use in order to interact electronically worldwide in a secure, private, and confidential manner;

(10) American companies should be free—

(A) to compete and to sell encryption technology, programs, and products; and

(B) to exchange encryption technology, programs, and products through the use of the Internet, as the Internet is rapidly emerging as the preferred method of distribution of computer software and related information;

(11) there is a need to develop a national encryption policy that advances the development of the national and global information infrastructure, and preserves the right to privacy of Americans and the public safety and national security of the United States;

(12) there is a need to clarify the legal rights and responsibilities of key holders who are voluntarily entrusted with the means to decrypt wire and electronic communications and stored electronic information;

(13) Congress and the American people have recognized the need to balance the right to privacy and the protection of the public safety with national security;

(14) the Constitution permits lawful electronic surveillance by investigative or law enforcement officers and the seizure of stored electronic information only upon compliance with stringent standards and procedures; and

(15) there is a need to clarify the standards and procedures by which investigative or law enforcement officers obtain assistance from key holders who—

(A) are voluntarily entrusted with the means to decrypt wire and electronic communications and stored electronic information; or

(B) have information that enables the decryption of such communications and information.

SEC. 4. DEFINITIONS.

As used in this Act, the terms "decryption key", "encryption", "key holder", and "State" have the same meanings as in section 2801 of title 18, United States Code, as added by section 6 of this Act.

SEC. 5. FREEDOM TO USE ENCRYPTION.

(a) LAWFUL USE OF ENCRYPTION.—Except as provided in this Act and the amendments made by this Act, it shall be lawful for any person within any State, and by any United States person in a foreign country, to use any encryption, regardless of encryption algorithm selected, encryption key length chosen, or implementation technique or medium used.

(b) PROHIBITION ON MANDATORY KEY RECOVERY OR KEY ESCROW ENCRYPTION.—Neither the Federal Government nor a State may require, as a condition of a sale in interstate commerce, that a decryption key be given to another person.

(c) GENERAL CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall be construed to—

(1) require the use by any person of any form of encryption;

(2) limit or affect the ability of any person to use encryption without a key recovery function; or

(3) limit or affect the ability of any person who chooses to use encryption with a key recovery function to select the key holder, if any, of the person's choice.

SEC. 6. ENCRYPTED WIRE OR ELECTRONIC COMMUNICATIONS AND STORED ELECTRONIC COMMUNICATIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 123 the following new chapter:

"CHAPTER 125—ENCRYPTED WIRE OR ELECTRONIC COMMUNICATIONS AND STORED ELECTRONIC INFORMATION

"Sec.
"2801. Definitions.
"2802. Prohibited acts by key holders.
"2803. Reporting requirements.
"2804. Unlawful use of encryption to obstruct justice.
"2805. Freedom to sell encryption products.
"2806. Requirements for release of decryption key or provision of encryption assistance to a foreign country.

"§ 2801. Definitions

"In this chapter—

"(1) the term 'decryption key' means the variable information used in or produced by a mathematical formula, code, or algorithm, or any component thereof, used to decrypt a wire communication or electronic communication or stored electronic information that has been encrypted;

"(2) the term 'decryption assistance' means assistance which provides or facilitates access to the plain text of an encrypted wire communication or electronic communication or stored electronic information;

"(3) the term 'encryption' means the scrambling of wire communications or electronic communications or stored electronic information using mathematical formulas or algorithms in order to preserve the confidentiality, integrity, or authenticity of such communications or information and prevent unauthorized recipients from accessing or altering such communications or information;

"(4) the term 'key holder' means a person (including a Federal agency) located within the United States who—

"(A) is voluntarily entrusted by another independent person with the means to decrypt that person's wire communications or electronic communications or stored electronic information for the purpose of subsequent decryption of such communications or information; or

"(B) has information that enables the decryption of such communications or information for such purpose; and

"(5) the terms 'person', 'State', 'wire communication', 'electronic communication', 'investigative or law enforcement officer', 'judge of competent jurisdiction', and 'electronic storage' have the same meanings given such terms in section 2510 of this title.

"§ 2802. Prohibited acts by key holders

"(a) UNAUTHORIZED RELEASE OF KEY.—Except as provided in subsection (b), any key holder who releases a decryption key or provides decryption assistance shall be subject to the criminal penalties provided in subsection (e) and to civil liability as provided in subsection (f).

"(b) AUTHORIZED RELEASE OF KEY.—A key holder shall only release a decryption key in the possession or control of the key holder or provide decryption assistance with respect to the key—

"(1) with the lawful consent of the person whose key is possessed or controlled by the key holder;

"(2) as may be necessarily incident to the provision of service relating to the possession or control of the key by the key holder; or

"(3) upon compliance with subsection (c)—

"(A) to investigative or law enforcement officers authorized to intercept wire communications or electronic communications under chapter 119 of this title;

"(B) to a governmental entity authorized to require access to stored wire and electronic communications and transactional records under chapter 121 of this title; or

"(C) to a governmental entity authorized to seize or compel the production of stored electronic information.

"(c) REQUIREMENTS FOR RELEASE OF DECRYPTION KEY OR PROVISION OF DECRYPTION ASSISTANCE.—

"(1) WIRE AND ELECTRONIC COMMUNICATIONS.—(A) A key holder may release a decryption key or provide decryption assistance to an investigative or law enforcement officer if—

"(i) the key holder is given—

"(I) a court order—

"(aa) signed by a judge of competent jurisdiction directing such release or assistance; and

"(bb) issued upon a finding that the decryption key or decryption assistance sought is necessary for the decryption of a communication that the investigative or law enforcement officer is authorized to intercept pursuant to chapter 119 of this title; or

"(II) a certification in writing by a person specified in section 2518(7) of this title, or the Attorney General, stating that—

"(aa) no court order is required by law;

"(bb) the conditions set forth in section 2518(7) of this title have been met; and

"(cc) the release or assistance is required;

"(ii) the order or certification under clause (i)—

"(I) specifies the decryption key or decryption assistance being sought; and

"(II) identifies the termination date of the period for which the release or assistance is authorized; and

"(iii) in compliance with the order or certification, the key holder provides only the release or decryption assistance necessary for the access specified in the order or certification.

"(B) If an investigative or law enforcement officer receives a decryption key or decryption assistance under this paragraph for purposes of decrypting wire communications or electronic communications, the judge issuing the order authorizing the interception of such communications shall, as part of the inventory required to be served pursuant to subsection (7)(b) or (8)(d) of section 2518 of this title, cause to be served on the persons named in the order, or the application for the order, and on such other parties as the judge may determine in the interests of justice, notice of the receipt of the key or decryption assistance, as the case may be, by the officer.

"(2) STORED WIRE AND ELECTRONIC COMMUNICATIONS AND STORED ELECTRONIC INFORMATION.—(A) A key holder may release a decryption key or provide decryption assistance to a governmental entity requiring disclosure of stored wire and electronic communications and transactional records under chapter 121 of this title only if the key holder is directed to release the key or give such assistance pursuant to a court order issued upon a finding that the decryption key or decryption assistance sought is necessary for the decryption of communications or records the disclosure of which the governmental entity is authorized to require under section 2703 of this title.

"(B) A key holder may release a decryption key or provide decryption assistance under this subsection to a governmental entity seizing or compelling production of stored electronic information only if the key holder is directed to release the key or give such assistance pursuant to a court order issued upon a finding that the decryption key or decryption assistance sought is necessary for the decryption of stored electronic information—

"(i) that the governmental entity is authorized to seize; or

"(ii) the production of which the governmental entity is authorized to compel.

"(C) A court order directing the release of a decryption key or the provision of decryption assistance under subparagraph (A) or (B) shall specify the decryption key or decryption assistance being sought. A key holder may provide only such release or decryption assistance as is necessary for access to the communications, records, or information covered by the court order.

"(D) If a governmental entity receives a decryption key or decryption assistance under this paragraph for purposes of obtaining access to stored wire and electronic communications or transactional records under section 2703 of this title, the notice required with respect to such access under subsection (b) of such section shall include notice of the receipt of the key or assistance, as the case may be, by the entity.

"(3) USE OF KEY.—(A) An investigative or law enforcement officer or governmental entity to which a decryption key is released under this subsection may use the key only in the manner and for the purpose and period expressly provided for in the certification or court order authorizing such release and use. Such period may not exceed the duration of the interception for which the key was released or such other period as the court, if any, may allow.

"(B) Not later than the end of the period authorized for the release of a decryption key, the investigative or law enforcement officer or governmental entity to which the key is released shall destroy and not retain the key and provide a certification that the key has been destroyed to the issuing court, if any.

"(4) NONDISCLOSURE OF RELEASE.—No key holder, officer, employee, or agent thereof may disclose the release of an encryption key or the provision of decryption assistance under subsection (b)(3), except as otherwise required by law or legal process and then only after prior notification to the Attorney General or to the principal prosecuting attorney of a State or of a political subdivision of a State, as appropriate.

"(d) RECORDS OR OTHER INFORMATION HELD BY KEY HOLDERS.—

"(1) IN GENERAL.—A key holder may not disclose a record or other information (not including the key or the contents of communications) pertaining to any person, which record or information is held by the key holder in connection with its control or possession of a decryption key, except—

"(A) with the lawful consent of the person whose key is possessed or controlled by the key holder; or

"(B) to an investigative or law enforcement officer pursuant to a warrant, subpoena, court order, or other lawful process authorized by Federal or State law.

"(2) CERTAIN NOTICE NOT REQUIRED.—An investigative or law enforcement officer receiving a record or information under paragraph (1)(B) is not required to provide notice of such receipt to the person to whom the record or information pertains.

"(3) LIABILITY FOR CIVIL DAMAGES.—Any disclosure in violation of this subsection shall render the person committing the violation liable for the civil damages provided for in subsection (f).

"(e) CRIMINAL PENALTIES.—The punishment for an offense under subsection (a) is—

"(1) if the offense is committed for a tortious, malicious, or illegal purpose, or for purposes of direct or indirect commercial advantage or private commercial gain—

"(A) a fine under this title or imprisonment for not more than 1 year, or both, in the case of a first offense; or

"(B) a fine under this title or imprisonment for not more than 2 years, or both, in the case of a second or subsequent offense; and

"(2) in any other case where the offense is committed recklessly or intentionally, a fine of not more than $5,000 or imprisonment for not more than 6 months, or both.

"(f) CIVIL DAMAGES.—

"(1) IN GENERAL.—Any person aggrieved by any act of a person in violation of subsection (a) or (d) may in a civil action recover from such person appropriate relief.

"(2) RELIEF.—In an action under this subsection, appropriate relief includes—

"(A) such preliminary and other equitable or declaratory relief as may be appropriate;

"(B) damages under paragraph (3) and punitive damages in appropriate cases; and

"(C) a reasonable attorney's fee and other litigation costs reasonably incurred.

"(3) COMPUTATION OF DAMAGES.—The court may assess as damages the greater of—

"(A) the sum of the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation; or

"(B) statutory damages in the amount of $5,000.

"(4) LIMITATION.—A civil action under this subsection shall be commenced not later than 2 years after the date on which the plaintiff first knew or should have known of the violation.

"(g) DEFENSE.—It shall be a complete defense against any civil or criminal action brought under this chapter that the defendant acted in good faith reliance upon a warrant, subpoena, or court order or other statutory authorization.

"§ 2803. Reporting requirements

"(a) IN GENERAL.—In reporting to the Administrative Office of the United States Courts as required under section 2519(2) of this title, the Attorney General, an Assistant Attorney General specially designated by the Attorney General, the principal prosecuting attorney of a State, or the principal prosecuting attorney of any political subdivision of a State shall report on the number of orders and extensions served on key holders under this chapter to obtain access to decryption keys or decryption assistance and the offenses for which the orders and extensions were obtained.

"(b) REQUIREMENTS.—The Director of the Administrative Office of the United States Courts shall include in the report transmitted to Congress under section 2519(3) of this title the number of orders and extensions served on key holders to obtain access to decryption keys or decryption assistance and the offenses for which the orders and extensions were obtained.

"§ 2804. Unlawful use of encryption to obstruct justice

"Whoever willfully endeavors by means of encryption to obstruct, impede, or prevent the communication to an investigative or law enforcement officer of information in furtherance of a felony that may be prosecuted in a court of the United States shall—

"(1) in the case of a first conviction, be sentenced to imprisonment for not more than 5 years, fined under this title, or both; or

"(2) in the case of a second or subsequent conviction, be sentenced to imprisonment for not more than 10 years, fined under this title, or both.

"§ 2805. Freedom to sell encryption products

"(a) IN GENERAL.—It shall be lawful for any person within any State to sell in interstate commerce any encryption, regardless of encryption algorithm selected, encryption key length chosen, or implementation technique or medium used.

"(b) CONTROL OF EXPORTS BY SECRETARY OF COMMERCE.—

"(1) GENERAL RULE.—Notwithstanding any other law and subject to paragraphs (2), (3), and (4), the Secretary of Commerce shall have exclusive authority to control exports of all computer hardware, computer software, and technology for information security (including encryption), except computer hardware, software, and technology that is specifically designed or modified for military use, including command, control, and intelligence applications.

"(2) ITEMS SUBJECT TO LICENSE EXCEPTION.—Except as otherwise provided under the Trading With The Enemy Act (50 U.S.C. App. 1 et seq.) or the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (but only to the extent that the authority of the International Emergency Economic Powers Act is not exercised to extend controls imposed under the Export Administration Act of 1979), a license exception shall be made available for the export or reexport of—

"(A) any computer software, including computer software with encryption capabilities, that is—

"(i) generally available, as is, and designed for installation by the user or purchaser; or

"(ii) in the public domain (including computer software available through the Internet or another interactive computer service) or publicly available because the computer software is generally accessible to the interested public in any form;

"(B) any computing device or computer hardware that otherwise would be restricted solely on the basis that it incorporates or employs in any form computer software (including computer software with encryption capabilities) that is described in subparagraph (A);

"(C) any computer software or computer hardware that is otherwise restricted solely on the basis that it incorporates or employs in any form interface mechanisms for interaction with other hardware and software, including encryption hardware and software; or

“(D) any encryption technology related or ancillary to a device, software, or hardware described in subparagraph (A), (B), or (C).

“(3) COMPUTER SOFTWARE, COMPUTER HARDWARE, AND TECHNOLOGY WITH ENCRYPTION CAPABILITIES.—(A) Except as provided in subparagraph (B), the Secretary of Commerce shall authorize the export or reexport of computer software, computer hardware, and technology with encryption capabilities under a license exception if—

“(i) a product offering comparable security is commercially available from a foreign supplier without effective restrictions;

“(ii) a product offering comparable security is generally available in a foreign country; or

“(iii) the sole basis for otherwise withholding the license exception is the employment in the software, hardware, or technology of encryption from a foreign source.

“(B) The Secretary of Commerce shall prohibit the export or reexport of computer software, computer hardware, and technology described in subparagraph (A) to a foreign country if the Secretary determines that there is substantial evidence that such software, hardware, or technology will be—

“(i) diverted to a military end-use or an end-use supporting international terrorism;

“(ii) modified for military or terrorist end-use; or

“(iii) reexported without requisite United States authorization.

“(4) DEFINITIONS.—As used in this subsection—

“(A) the term ‘as is’ means, in the case of computer software (including computer software with encryption capabilities), a computer software program that is not designed, developed, or tailored by the computer software company for specific purchasers, except that such purchasers may supply certain installation parameters needed by the computer software program to function properly with the purchaser’s system and may customize the computer software program by choosing among options contained in the computer software program;

“(B) the term ‘computing device’ means a device which incorporates one or more microprocessor-based central processing units that can accept, store, process, or provide output of data;

“(C) the term ‘computer hardware’, when used in conjunction with information security, includes computer systems, equipment, application-specific assemblies, modules, and integrated circuits;

“(D) the term ‘generally available’ means, in the case of computer software (including computer software with encryption capabilities), computer software that is widely offered for sale, license, or transfer including over-the-counter retail sales, mail order transactions, telephone order transactions, electronic distribution, and sale on approval;

“(E) the term ‘interactive computer service’ has the meaning provided that term in section 230(e)(2) of the Communications Act of 1934 (47 U.S.C. 230(e)(2));

“(F) the term ‘Internet’ has the meaning provided that term in section 230(e)(1) of the Communications Act of 1934 (47 U.S.C. 230(e)(1));

“(G) the term ‘is designed for installation by the purchaser’ means, in the case of computer software (including computer software with encryption capabilities)—

“(i) that the computer software company intends for the purchaser (including any licensee or transferee), who may not be the actual program user, to install the computer software program on a computing device and has supplied the necessary instructions to do so, except that the company may also provide telephone help-line services for software installation, electronic transmission, or basic operations; and

“(ii) that the computer software program is designed for installation by the purchaser without further substantial support by the supplier;

“(H) the term ‘license exception’ means a general authorization applicable to a type of export that does not require an exporter to, as a condition of exporting—

“(i) submit a written application to the Secretary of Commerce; or

“(ii) receive prior written authorization by the Secretary of Commerce; and

“(I) the term ‘technology’ means specific information necessary for the development, production, or use of a product.

“§ 2806. Requirements for release of decryption key or provision of decryption assistance to a foreign country

“(a) IN GENERAL.—Except as provided in subsection (b), no investigative or law enforcement officer or key holder may release a decryption key or provide decryption assistance to a foreign country.

“(b) CONDITIONS FOR COOPERATION WITH FOREIGN COUNTRY.—

“(1) IN GENERAL.—In any case in which the United States has entered into a treaty or convention with a foreign country to provide mutual assistance with respect to decryption, the Attorney General (or the designee of the Attorney General) may, upon an official request to the United States from the foreign country, apply for an order described in paragraph (2) from the district court in which a key holder resides for—

“(A) assistance in obtaining the release of a decryption key from the key holder; or

“(B) obtaining decryption assistance from the key holder.

“(2) CONTENTS OF ORDER.—An order described in this paragraph is an order that directs the key holder involved to—

“(A) release a decryption key to the Attorney General (or the designee of the Attorney General) for furnishing to the foreign country; or

“(B) provide decryption assistance to the Attorney General (or the designee of the Attorney General) for furnishing to the foreign country.

“(3) REQUIREMENTS FOR ORDER.—A judge of a court described in paragraph (1) may issue an order described in paragraph (2) if the judge finds, on the basis on an application made by the Attorney General under this subsection, that—

“(A) the decryption key or decryption assistance sought is necessary for the decryption of a communication or information that the foreign country is authorized to intercept or seize pursuant to the law of the foreign country;

“(B) the law of the foreign county provides for adequate protection against arbitrary interference with respect to privacy rights; and

“(C) the decryption key or decryption assistance is being sought in connection with a criminal investigation for conduct that would constitute a violation of a criminal law of the United States if committed within the jurisdiction of the United States.

“(c) DEFINITION.—As used in this section, the term ‘official request’ has the meaning given that term in section 3506(c) of this title.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 123 the following new item:

“125. Encrypted wire or electronic communications and stored electronic information .... 2801”.

SEC. 7. INTELLIGENCE ACTIVITIES.

(a) CONSTRUCTION.—Nothing in this Act or the amendments made by this Act constitutes authority for the conduct of any intelligence activity.

(b) CERTAIN CONDUCT.—Nothing in this Act or the amendments made by this Act shall affect the conduct, by officers or employees of the United States Government in accordance with other applicable Federal law, under procedures approved by the Attorney General, of activities intended to—

(1) intercept encrypted or other official communications of United States executive branch entities or United States Government contractors for communications security purposes;

(2) intercept radio communications transmitted between or among foreign powers or agents of a foreign power as defined by the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); or

(3) access an electronic communication system used exclusively by a foreign power or agent of a foreign power as so defined.

ENCRYPTED COMMUNICATIONS PRIVACY ACT OF 1997—SUMMARY

Sec. 1. Short Title. The Act may be cited as the “Encrypted Communications Privacy Act of 1997.”

Sec. 2. Purpose. The Act would ensure that Americans have the maximum possible choice in encryption methods to protect the security, confidentiality and privacy of their lawful wire and electronic communications and stored electronic information. Americans are free to choose an encryption method with a key recovery feature, in which another person, called a “key holder,” is voluntarily entrusted with a decryption key or with the means to decrypt, or has information that would enable the decryption of, encrypted communications or information. The Act would establish privacy standards for the key holder, and procedures for law enforcement officers and foreign countries to follow to obtain assistance from the key holder in decrypting encrypted communications and information.

Sec. 3. Findings. The Act enumerates fifteen congressional findings, including that a secure, private and trusted national and global information infrastructure is essential to promote citizens’ privacy and meet the needs of both American citizens and businesses, that encryption technology widely available worldwide can help meet those needs, that Americans should be free to use, and American businesses free to compete and sell, encryption technology, programs and products, and that there is a need to develop a national encryption policy to advance the global information infrastructure and preserve Americans’ right to privacy and the Nation’s public safety and national security.

Sec. 4. Definitions. The terms “decryption key”, “encryption”, “key holder”, and “State” as used in the Act are defined in section 6 of the Act.

Sec. 5. Freedom to Use Encryption.

(a) Lawful Use of Encryption. The Act legislatively confirms current practice in the

United States that any person in this country may lawfully use any encryption method, regardless of encryption algorithm, key length or implementation selected.

The Act further makes clear that it is lawful under U.S. law for by any United States persons in a foreign country to use any encryption method. This provision is consistent with, though broader than, the Commerce Department's license exceptions published in the Federal Register on December 30, 1996, for temporary encryption exports that effectively replace the Department of State's personal use exemption. This personal use exemption that permits the export of cryptographic products by U.S. citizens and permanent residents who have the need to temporarily export the cryptographic products when leaving the U.S. for brief periods of time. For example, under this exemption, U.S. citizens traveling abroad are able to take their laptop computers containing copies of Lotus Notes software, many versions of which contain an encryption program otherwise not exportable.

(b) Prohibition on Mandatory Key Recovery or Key Escrow Encryption. The Act expressly bars the government from mandating that encryption technology or products be sold in interstate commerce with a key recovery feature.

(c) General Construction. Nothing in the Act is to be construed to require the use of encryption, the use of encryption with or without a key recovery feature, or the use of a key holder if a person chooses to use encryption with a key recovery feature.

Sec. 6. Encrypted Wire or Electronic Communications and Stored Electronic Information. This section of the act adds a new chapter 125, entitled "Encrypted Wire or Electronic Communications and Stored Electronic Information," to title 18 of the United States Code to establish privacy standards for key holders and to set forth procedures that law enforcement officers, governmental entities and foreign countries must follow to obtain release of decryption keys or decryption assistance from key holders.

(a) In General. New chapter 125 has six sections.

§2801. Definitions. Generally, the terms used in the new chapter have the same meanings as in the federal wiretap statute, 18 U.S.C. 2510. Definitions are provided for "decryption key", "decryption assistance", "encryption" and "key holder". A "key holder" is a person located within the United States who is voluntarily entrusted by another independent person with the means to decrypt, or who has information that would enable the decryption of, that person's encrypted wire or electronic communications or stored electronic information. A key holder may, but is not required to be, a Federal agency.

This chapter applies to wire or electronic communications and communications in electronic storage, as defined in 18 U.S.C. 2510, and to stored electronic data. Thus, this chapter describes procedures for law enforcement to obtain assistance in decrypting encrypted electronic mail messages, encrypted telephone conversations, encrypted facsimile transmissions, encrypted computer transmissions and encrypted file transfers over the Internet that are lawfully intercepted pursuant to a wiretap order, under 18 U.S.C. 2518, or obtained pursuant to lawful process, under 18 U.S.C. 2703, and encrypted information stored on computers that is seized pursuant to a search warrant or other lawful process.

§2802. Prohibited acts by key holders

(a) UNAUTHORIZED RELEASE OF KEY.—Key holders will be subject to both criminal and civil liability for the unauthorized release of decryption keys or providing unauthorized decryption assistance.

(b) AUTHORIZED RELEASE OF KEY.—Key holders are authorized to release decryption keys or provide decryption assistance (1) with the consent of the key owner, (2) as may be necessarily incident to the provision of the key holder's service in possessing or controlling the key, or (3) to investigative or law enforcement officers authorized to conduct wiretaps and intercept wire or electronic communications, governmental entities authorized to access stored wire or electronic communications and transactional records, and governmental entities authorized to seize or compel production of stored electronic records, and upon compliance with the procedures set forth in subsection (c).

(c) REQUIREMENTS FOR RELEASE OF DECRYPTION KEY OR PROVISION OF DECRYPTION ASSISTANCE.—Generally decryption keys may be released and decryption assistance provided only pursuant to a court order issued upon a finding that the key or assistance is necessary to decrypt communications or stored data lawfully intercepted or seized. The standard for release of the key or provision of decryption assistance is tied directly to the problem at hand: the need to decrypt a message or information that the government is otherwise authorized to intercept or obtain. This will ensure that key holders need respond to only one type of compulsory process—a court order. Moreover, this Act will set a single standard for law enforcement, removing any extra burden on law enforcement to demonstrate, for example, probable cause for two separate orders (i.e., for the encrypted communications or information and for decryption assistance) and possibly before two different judges (i.e., the judge issuing the order for the encrypted communications or information and the judge issuing the order to the key holder).

(1) WIRE AND ELECTRONIC COMMUNICATIONS.—To obtain access to a decryption key or decryption assistance from a key holder, an investigative or law enforcement officer must present to the key holder a court order (or a certification issued under the emergency situation procedures in 18 U.S.C. 2518(7)) issued upon a finding that the decryption key or decryption assistance is necessary for the decryption of a communication that the officer is authorized to intercept. The order or certification shall specify the key or assistance being sought and identify the termination date of the period for which the release or assistance is authorized. Released keys or other decryption assistance may only be used in the manner and for the purpose and duration expressly provided by the court order.

The Act reinforces the principle of minimization. A key holder may only provide the minimal key release or decryption assistance needed to access the particular communications or information specified by court order. Under some key recovery schemes, release of a key holder's private key—rather than an individual session key—might provide the ability to decrypt every communication or stored file ever encrypted by a particular key owner, or by every user in an entire corporation, or by every user who was ever a customer of the key holder. The Act protects against such over broad releases of keys by requiring the court issuing the order to find the keys or decryption assistance being sought are necessary.

A key holder who fails to comply with the court order to provide a decryption key or decryption assistance may be penalized under current contempt or obstruction laws.

(2) STORED WIRE AND ELECTRONIC COMMUNICATIONS AND STORED ELECTRONIC INFORMATION.—

(A) A key holder is authorized to release a decryption key or provide decryption assistance to a governmental entity when directed to do so by a court order issued upon a finding that the key or assistance sought is necessary for the decryption of stored wire and electronic communications and transactional records, which a governmental entity is authorized to obtain under 18 U.S.C. §2703. The notice required to be given to subscribers or customers, under 18 U.S.C. §2703(b), shall include notice of the receipt of the key or assistance, as the case may be, by the governmental entity.

(B) A key holder is authorized to release a decryption key or provide decryption assistance to a governmental entity when directed to do so by a court order issued upon a finding that the key or assistance sought is necessary for the decryption of stored electronic information, which a governmental entity is authorized to seize or for which the governmental entity is authorized to compel production.

(C) A court order issued under either (A) or (B) must specify the decryption key or decryption assistance being sought, and the key holder may provide only such release or assistance as is necessary for access to the communications, records or information covered by the court order.

(3) USE OF KEY.—An investigative or law enforcement officer or governmental entity to which a decryption key has been released may use the key only in the manner, for the purpose and for the period expressly provided for in the court order or certification authorizing the release and use. At the end of the period for authorized release of the decryption key, the investigative or law enforcement officer or governmental entity must destroy and not retain the key and certify this has been done to the issuing court, if any.

(4) NONDISCLOSURE OF RELEASE.—A key holder may not disclose the release of a decryption key or provision of decryption assistance unless otherwise ordered to do so by law or legal process and then only after prior notification to the Attorney General or principal prosecuting attorney of a State or of a political subdivision of a State, as appropriate.

(d) RECORDS OR OTHER INFORMATION HELD BY KEY HOLDERS.—Key holders are prohibited from disclosing records or other information (not including decryption keys or the contents of communications) pertaining to key owners, except with the owner's consent or to an investigative or law enforcement officer, pursuant to a subpoena, court order or other lawful process. Investigative or law enforcement officers receiving such information are not required to notify the person to whom such information pertains. Key holders who violate this section are liable for civil damages as provided in subsection (f).

(e) CRIMINAL PENALTIES.—Key holders who violate this section for a tortuous, malicious or an illegal purpose, or for direct or indirect commercial advantage or private commercial gain, will be subject to a fine and up to 1 year imprisonment for a first offense, and fine and up to 2 years' imprisonment for a second offense. Other reckless and intentional violations would subject the key holder to a fine of not more than $5,000 and not more than 6 months' imprisonment.

(f) CIVIL DAMAGES.—Persons aggrieved by key holder violations may sue for injunctive relief, and actual damages or statutory damages of $5,000, whichever is greater. A civil action must be commenced not later than 2 years after the date on which the plaintiff first knew or should have known of the offense.

(g) DEFENSE.—A complete defense against any civil or criminal action is provided if the defendant acted in good faith reliance upon a court order, warrant, grand jury or trial subpoena or other statutory authorization.

§2803. Reporting requirements. The Attorney General is required to include in his or her report to the Administrative Office of the U.S. Courts, under 18 U.S.C. §2519(2), the number of orders and extensions served on key holders to obtain access to decryption keys or decryption assistance. The Director of the Administrative Office of the U.S. Courts is required to include this information, and the offenses for which the orders were obtained, in the report to Congress under 18 U.S.C. §2519(3).

§2804. Unlawful use of encryption to obstruct justice

Persons who willfully use encryption in an effort and for the purpose of obstructing, impeding, or prevent the communication of information in furtherance of a federal felony crime to a law enforcement officer, would be subject to a fine and up to 5 years' imprisonment for a first offense, and up to 10 years' imprisonment for a second or subsequent offense.

§2805. Freedom to sell encryption products

(a) IN GENERAL.—The Act legislatively confirms that it is lawful to sell any encryption, regardless of encryption algorithm, key length or implementation used, domestically in the United States or its territories.

(b) CONTROL OF EXPORTS BY SECRETARY OF COMMERCE.—Notwithstanding any other law, the Act vests the Secretary of Commerce with control of exports of hardware, software and technology for information security, including encryption for both communications and other stored data, except when the hardware, software or technology is specifically designed or modified for military use. Under the Act, the Secretary must grant export license exceptions to computer software, computer hardware and technology with encryption capabilities if the Secretary determines that a product with comparable security is commercially available from a foreign supplier without effective restrictions, is generally available in a foreign country, or if the product employs encryption from a foreign source that otherwise would be the sole basis for restriction.

The Secretary of Commerce would be required to grant a license exception for the export of computer software with encryption capabilities that is generally available, including mass market products (i.e., those generally available, sold "as is", and designed for installation by the purchaser) or in the public domain and generally accessible. For example, no license would be required for encryption products commercially available without restriction and sold "as is", such as Netscape's commercially available World Wide Web Browser with strong encryption, which can not be exported. Similarly, a license exception would be granted to export encryption software placed in the public domain and generally accessible, such as Phil Zimmermann's Pretty Good Privacy program, which has been distributed to the public free of charge via the Internet.

The Secretary of Commerce would also be required to grant a license exception for the export of computer hardware that would otherwise be restricted solely on the basis that it incorporates computer software with encryption capabilities described above, or so-called "crypto-ready" computer software or hardware incorporating an interface mechanism for interaction with encryption hardware or software. Finally, the Secretary of Commerce would be required to grant a license exception for the export of encryption technology related or ancillary to the items described above, to enable American companies to license their technology for production, use and sale abroad.

Significantly, the government is authorized to continue export controls on countries that pose terrorism concerns, such as Libya, Syria and Iran, or other embargoed countries, such as Cuba and North Korea, pursuant to the Trading With the Enemy Act or the International Emergency Economic Powers Act.

§2806. Requirements for release of decryption key or provision of decryption assistance to a foreign country

The Act bars investigative or law enforcement officers and key holders from releasing a decryption key or providing decryption assistance to a foreign country except when certain conditions are satisfied. First, the foreign country must have entered into a treaty or convention to provide mutual assistance with respect to decryption. Second, the foreign country must make a formal request to the United States for such assistance. Third, the Attorney General or the Attorney General's designee must obtain an order from the district court in which the key holder resides directing the key holder to release the decryption key or provide decryption assistance. Finally, the order may only be issued if the judge finds that (1) the decryption key or decryption assistance being sought is necessary for the decryption of a communication or information that the foreign country is authorized to intercept or seize pursuant to its own domestic law; (2) the law of the foreign country provides adequate protection against the arbitrary interference of privacy rights; and (3) the decryption key or decryption assistance being sought is in connection with a criminal investigation for conduct that would constitute a violation of a criminal law of the United States if committed within the jurisdiction of the United States.

The grounds for issuance of the court order ensure that a U.S. court will examine the quality of legal protections in place in the foreign country on whose behalf of request for decryption assistance is made and that the United States does not facilitate the provision of decryption assistance to legal system that do not meet minimum international human rights standards or in cases that would violate American constitutional standards.

(b) TECHNICAL AMENDMENT.—The Act adds new chapter 125 and the new title in the table of chapters in title 18 of the United States Code.

Sec. 6. Intelligence Activities.—The Act does not authorize the conduct of intelligence activities, nor affect the conduct by Federal government officers or employees in intercepting (1) encrypted or other official communications of Federal executive branch or Federal contractors for communications security purposes; (2) radio communications between or among foreign powers or agents, as defined by the Foreign Intelligence Surveillance Act (FISA); or (3) electronic communication systems used exclusively by foreign powers or agents, as defined by FISA.

By Mr. BURNS (for himself, Mr. LEAHY, Mr. LOTT, Mr. NICKLES, Mr. DORGAN, Mrs. HUTCHISON, Mr. CRAIG, Mr. WYDEN, Mr. ASHCROFT, Mr. DOMENICI, Mr. THOMAS, Mr. CAMPBELL, Mrs. BOXER, Mr. BROWNBACK, Mrs. MURRAY, Mr. KEMPTHORNE, Mr. INHOFE, Mr. FAIRCLOTH, Mr. GRAMS, and Mr. ALLARD):

S. 377. A bill to promote electronic commerce by facilitating the use of strong encryption, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE PROMOTION OF COMMERCE ON-LINE IN THE DIGITAL ERA [PRO-CODE] ACT OF 1997

Mr. BURNS. Mr. President, when I want to communicate, sometimes I send a postcard. In that case, I know not to say anything that I don't want printed on the front page of the newspaper. Somebody, anybody, can read it. When I buy an envelope and put a stamp on it, I am taking a step toward securing that information. I have a reasonable expectation that people will not open my mail.

When I talk on the telephone—at least on a landline telephone—I have a reasonable expectation that nobody is listening in. Today, we are in a world that is characterized by the fact that nearly everyone has a computer and that those computers are, for the most part, connected to one another. In light of that fact, it is becoming more and more important to ensure that our communications over these computer networks are conducted in a secure way. It is no longer possible to say that when we move into the information age, we'll secure these networks, because we are already there. We use computers in our homes and businesses in a way that couldn't have been imagined 10 years ago, and these computers are connected through networks, making it easier to communicate than ever before. This phenomenon holds the promise of transforming life in States like Montana, where health care and state-of-the-art education can be delivered over networks to people located away from population centers. These new technologies can improve the lives of real people, but only if the security of information that moves over these networks is safe and reliable.

The problem today is that our computer networks are not as secure as they could be; it is fairly easy for amateur hackers to break into our networks. They can intercept information; they can steal trade secrets and intellectual property; they can alter medical records; the list is endless. Last Congress, FBI Director Freeh stated his profound concerns about the threat of economic espionage on a global basis. One solution to this, of course, is to let individuals and businesses alike to take steps to secure that information. Encryption is one technology that accomplishes that. Domestically, Americans are free to use strong encryption to secure their information—we are determined to make sure that that guarantee prevails.

I rise today to introduce a bill, similar to one I introduced during the 104th Congress, which designed to promote electronic commerce, both domestically and globally, by facilitating the use of strong encryption. Last Congress, my bill was criticized for not acknowledging the legitimate law enforcement and national security interests raised by the widespread use of strong, or unbreakable encryption. In response to those criticisms, this Congress, working with Senator LEAHY, Senator DORGAN, and Senator LOTT, has modified this bill to address those concerns. Our approach, though, encourages Government officials to abandon the head-in-the-sand approach that they've taken for the past 7 years, hoping that strong encryption would not become available globally, and take a proactive approach to addressing this technology. Because everyone agrees that this technology will eventually be widely available globally—many of us believe that the technology is already widely available globally—now is the time to get industry working with Government officials to teach them how to execute their duties in a global communications network where strong encryption is ubiquitous.

We believe that this bill lays the most responsible course for addressing this technology, and I am pleased to announce that the following Senators have signed onto this bill as original cosponsors: Majority Leader LOTT, Assistant Majority Leader NICKLES, Senator DORGAN, Senator WYDEN, Senator KAY BAILEY HUTCHISON, Senator CRAIG, Senator ASHCROFT, Senator DOMENICI, Senator MURRAY, Senator BROWNBACK, Senator KEMPTHORNE, Senator INHOFE, Senator BOXER, Senator FAIRCLOTH, Senator THOMAS, Senator GRAMS, and Senator ALLARD. With such impressive bipartisan support, I am extremely optimistic that the bill will be reported out of the Commerce Committee quickly and will pass the Senate during this Congress.

As I mentioned earlier, this legislation was drafted to not only address the concerns raised by industry but also to encourage law enforcement and national security officials to prepare themselves to do their job in an environment where strong, unbreakable encryption is everywhere. To date, the FBI/NSA/CIA have devoted their efforts in this area to maintaining the status quo and hoping that strong encryption does not become common worldwide. The evidence from a Commerce Department study conducted over a year ago, indicates that this has already taken place—the study identified 497 foreign-made products that were capable of offering encryption at a level in excess of that which domestic companies could export under the present export restrictions in 28 foreign countries. Therefore, this legislation encourages these officials to address this technology proactively. Essentially the bill was designed to accomplish the following:

Ending the imposition of U.S. Government-designed encryption standards. This is accomplished by restricting the Department of Commerce [NIST] from imposing Government encryption standards intended for use by the private sector, and by prohibiting the Department of Commerce from setting de facto encryption standards through use of export controls.

Promoting the use of commercial encryption. This is accomplished by prohibiting the restrictions on the sale of commercial encryption programs and products in interstate commerce; by prohibiting governmental imposition, expressly or in practice, of mandatory key escrow; and by permitting the export of, first, generally available software with encryption capabilities, and second, other software and hardware with encryption capabilities if exports of products with similar security have been exported for use by foreign financial institutions.

Protecting the national security and public safety. This is accomplished by, first, imposing industry reporting requirements upon companies wishing to export products with strong encryption; second, creating an Information Security Board whose purpose is to get industry experts and law enforcement/national security officers to work together—both publicly and privately—to address the execution of law enforcement/national security functions in an environment where strong encryption has widely proliferated; and third, by prohibiting exports of particular encryption software and hardware to identified individuals or organizations in specific foreign countries if there is substantial evidence that it will be diverted to, or modified for, military or terrorist end-use.

We believe that getting law enforcement and national security officials to address this technology proactively is a more responsible and defensible position than mandating a key escrow or other key recovery system upon industry.

This legislation is vitally important to a wide range of domestic industries. The export restriction poses serious commercial threats to three distinct classes of industry: first, the industry that manufacturers and sells encryption software and hardware; second, industries that purchase encryption hardware and software and incorporate that technology into their products; and third, all industries that communicate with subsidiaries or customers over the global communications network.

THE ENCRYPTION MANUFACTURING INDUSTRY

While domestic companies presently hold a position of global leadership in the manufacture of products that provide strong encryption, this leadership is threatened by the provisions restricting the export of this technology. Because there are no import restrictions on the sale of this technology and because there are no domestic restrictions on the sale of this technology, foreign manufacturers of encryption technology have seized the opportunity provided by the continued application of these export restrictions to steal market share from domestic companies. Because we are already seeing hundreds of different foreign-made products offering strong encryption in the global marketplace, the foreign companies who manufacture these products are not only cornering the foreign market for this technology, they are beginning to compete for the U.S. market—as the global export of their product increases, their per-unit cost decreases; thus, domestic companies may soon find themselves competing for the U.S. market against a foreign product which offers comparable security but at a lower cost. In effect, these export restrictions are effectively exporting the entire encryption manufacturing industry.

INDUSTRIES THAT INCORPORATE ENCRYPTION TECHNOLOGY INTO THEIR PRODUCTS

The export restrictions apply not only to companies who are in the business of the manufacture and sale of encryption technology, but also to entire industries that purchase this technology and incorporate it into their products. The restrictions even apply to domestic industries who import encryption technology and incorporate it into their products. Furthermore, the restrictions prohibit export of products that are encryption-ready, that is, are designed to have the encryption package installed elsewhere. These industries suffer the same competition disadvantage in the global marketplace that our domestic encryption manufacturing companies face. Likewise, it will not be long before these industries find themselves (having already conceded all foreign markets to foreign competitors) competing for the U.S. market with foreign competitors offering similar products but at a lower price. Thus, continued application of the export restrictions on encryption technology could result in the export of a wide range of industries.

As information security becomes an increasingly important consideration, we are seeing a broad range of products that are incorporating encryption technology. For example, the entire telecommunications manufacturing industry—from cellular telephones to switches—has a direct stake in this debate. Likewise, virtually all manufacturing concerns are impacted. I am in the process of collecting statements from 23 separate industries who see the speedy resolution of this problem as critical to their survival in the global marketplace.

NIGHTMARE SCENARIO

During the first hearing on Pro-Code last Congress, one of the witnesses, Jim Bidzos, the founder and owner of RSA Data Security, a prominent domestic encryption manufacturing company, pointed out that the United States is presently on the verge of exporting, industry by industry, the lion's share of our country's industry base. At that hearing, he pointed out that Nippon Telephone & Telegraph [NTT], the largest company on the planet with $600 billion in annual revenues and $300 million in annual subsidies from the Japanese Government has just announced the production—and intention to export globally—of a computer chip that provided unbreakable encryption, with a key of 1,024 bit length. Thus, NTT is now in the position of cornering—quite easily, I might add—the global market on this technology and will soon be competing directly with RSA for the U.S. market with similar chips which, due to economies of scale, cost less to consumers. Once NTT has run all of its U.S. competitors out of business, it will be uniquely poised to take over every industry that incorporates the NTT chip into a product, in the exact same way as they took over the chips manufacturing industry.

COMPANIES WHO TRANSMIT PROPRIETARY INFORMATION OVER THE GLOBAL COMMUNICATIONS NETWORK

Not only do the export restrictions pose commercial problems for industries that manufacture or incorporate encryption technology into their products, they also raise serious economic threats to any industry that transmits proprietary information over the global communications network. Because the public communications network is global, the export restrictions effectively prohibit companies who wish to communicate with subsidiaries, partners, or customers outside the United States in a secure way; transmitting the hardware or software to international associates to provide communications security in excess of that allowable under the export restrictions violate those restrictions. The economic implications arising from this application of the export restrictions is staggering: petroleum companies can't send exploration data to overseas subsidiaries; automotive companies can't send design information to factories abroad; Walt Disney can't send the digital package of the movie the Lion King to its distributor in England; the list is endless. Thus, all intellectual property or other proprietary information that travels over the public network is put at risk of economic espionage as a result of this application of these export restrictions.

Finally, the controversy over this technology raises serious fourth amendment constitutional issues. In a new era where one's personal and economic information is increasingly rendered in digital form, the ability of the Government to peer into such data at will raises serious fourth amendment concerns.

Further, it raises first amendment constitutional issues as well. Last month, a California Appellate Court affirmed a favorable ruling in the first amendment challenge to the Arms Export Control Act [AECA] and the International Traffic in Arms Regulations [ITAR] in Bernstein versus U.S. Department of State. Bernstein involved a graduate student, Daniel J. Bernstein, who developed an encryption algorithm called Snuffle. He had articulated his mathematical ideas in two ways: in an academic paper and in a source code. The State Department denied Bernstein's request to export his cryptographic product for the purposes of teaching the Snuffle algorithm, to disclose it at academic conferences, or to publish it in journals or online discussion groups. Bernstein alleged that the restrictions were: an unconstitutional prior restraint on speech; an infringement on his free speech; and infringed the rights of association and equal protection. The State Department moved to dismiss the case of the grounds that these issues were nonjustifiable, and the Court denied the motion finding that source code was considered to be speech for the purposes of the first amendment analysis.

In light of the pressing commercial and constitutional impact of restricting the sale of this technology, both domestically and abroad, I believe that we must act now, before we effectively export entire industries. I encourage my colleagues to join me in supporting Pro-Code.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promotion of Commerce On-Line in the Digital Era (Pro-Code) Act of 1997".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The ability to digitize information makes carrying out tremendous amounts of commerce and personal communication electronically possible.

(2) Miniaturization, distributed computing, and reduced transmission costs make communication via electronic networks a reality.

(3) The explosive growth in the internet and other computer networks reflects the potential growth of electronic commerce and personal communication.

(4) The internet and the global information infrastructure have the potential to revolutionize the way individuals and businesses conduct business.

(5) The full potential of the internet for the conduct of business cannot be realized as long as it is an insecure medium in which confidential business information and sensitive personal information remain at risk of unauthorized viewing, alteration, and use.

(6) Encryption of information enables businesses and individuals to protect themselves against the unauthorized viewing, alteration, and use of information by employing widely understood and readily available science and technology to ensure the confidentiality, authenticity, and integrity of information.

(7) In order to promote economic growth and meet the needs of businesses and individuals in the United States, a variety of encryption products and programs should be available to promote strong, flexible, and commercially acceptable encryption capabilities.

(8) United States computer, computer software and hardware, communications, and electronics businesses are leading the world technology revolution, as those businesses have developed and are prepared to offer immediately to computer users worldwide a variety of communications and computer hardware and computer software that provide strong, robust, and easy-to-use encryption.

(9) United States businesses seek to market the products described in paragraph (8) in competition with scores of foreign businesses in many countries that offer similar, and frequently stronger, encryption products and programs.

(10) The regulatory efforts by the Secretary of Commerce, acting through the National Institute of Standards and Technology, and other entities to promulgate standards and guidelines in support of government-designed solutions to encryption problems that—

(A) were not developed in the private sector; and

(B) have not received widespread commercial support,

have had a negative impact on the development and marketing of products with encryption capabilities by United States businesses.

(11) Because of outdated Federal controls, United States businesses have been prohibited from exporting strong encryption products and programs.

(12) In response to the desire of United States businesses to sell commercial products to the United States Government and to sell a single product worldwide, the Secretary of Commerce, acting through the National Institute of Standards and Technology, has sought to require them to include features in products sold both in the United States and foreign countries that will allow the Federal Government easy access to the plain text of all electronic information and communications.

(13) The Secretary of Commerce, acting through the National Institute of Standards and Technology, has proposed that United States businesses be allowed to sell products and programs offering strong encryption to the United States Government and in foreign countries only if the products and programs include a feature guaranteeing the Federal Government access to a key that decrypts information (hereafter in this section referred to as "key escrow encryption").

(14) The key escrow encryption approach to regulating encryption is reflected in the approval in 1994 by the National Institute of Standards and Technology of a Federal information processing standard for a standard of escrowed encryption, known as the "clipper chip", that was flawed and controversial.

(15) The current policy of the Federal Government to require that keys to decrypt information be made available to the Federal Government as a condition of exporting strong encryption technology has had the effect of prohibiting the exportation of strong encryption technology.

(16) The Federal Government has legitimate law enforcement and national security objectives which necessitate the disclosure to the Federal Government of general information that is neither proprietary nor confidential by experts in information security industries, including cryptographers, engineers, and others designated in the design and development of information security products. By relaxing export controls on encryption products and programs, this Act creates an obligation on the part of representatives of companies involved in the export of information security products to share information about those products to designated representatives of the Federal Government.

(17) In order to promote electronic commerce in the twenty-first century and to realize the full potential of the Internet and other computer networks—

(A) United States businesses should be encouraged to develop and market products and programs offering encryption capabilities; and

(B) the Federal Government should be prohibited from promulgating regulations and adopting policies that discourage the use and sale of encryption.

(b) PURPOSE.—The purpose of this Act is to promote electronic commerce through the use of strong encryption by—

(1) recognizing that businesses in the United States that offer computer hardware and computer software made in the United States that incorporate encryption technology are ready and immediately able, with respect to electronic information that will be essential to conducting business in the twenty-first century to provide products that are designed to—

(A) protect the confidentiality of that information; and

(B) ensure the authenticity and integrity of that information;

(2) restricting the Department of Commerce with respect to the promulgation or enforcement of regulations, or the application of policies, that impose government-designed encryption standards; and

(3) promoting the ability of United States businesses to sell to computer users worldwide computer software and computer hardware that provide the strong encryption demanded by such users by—

(A) restricting Federal or State regulation of the sale of such products and programs in interstate commerce;

(B) prohibiting mandatory key escrow encryption systems; and

(C) establishing conditions for the sale of encryption products and programs in foreign commerce.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) AS IS.—The term "as is" means, in the case of computer software (including computer software with encryption capabilities), a computer software program that is not designed, developed, or tailored by a producer of computer software for specific users or purchasers, except that such term may include computer software that—

(A) is produced for users or purchasers that supply certain installation parameters needed by the computer software program to function properly with the computer system of the user or purchaser; or

(B) is customized by the user or purchaser by selecting from among options contained in the computer software program.

(2) COMPUTING DEVICE.—The term "computing device" means a device that incorporates one or more microprocessor-based central processing units that are capable of accepting, storing, processing, or providing output of data.

(3) COMPUTER HARDWARE.—The term "computer hardware" includes computer systems, equipment, application-specific assemblies, modules, and integrated circuits.

(4) DECRYPTION.—The term "decryption" means the unscrambling of wire or electronic communications or information using mathematical formulas, codes, or algorithms.

(5) DECRYPTION KEY.—The term "decryption key" means the variable information used in a mathematical formula, code, or algorithm, or any component thereof, used to decrypt wire or electronic communications or information that has been encrypted.

(6) DESIGNED FOR INSTALLATION BY THE USER OR PURCHASER.—The term "designed for installation by the user or purchaser" means, in the case of computer software (including computer software with encryption capabilities) computer software—

(A) with respect to which the producer of that computer software—

(i) intends for the user or purchaser (including any licensee or transferee), to install the computer software program on a computing device; and

(ii) has supplied the necessary instructions to do so, except that the producer or distributor of the computer software program (or any agent of such producer or distributor) may also provide telephone helpline or onsite services for computer software installation, electronic transmission, or basic operations; and

(B) that is designed for installation by the user or purchaser without further substantial support by the supplier.

(7) ENCRYPTION.—The term "encryption" means the scrambling of wire or electronic communications or information using mathematical formulas, codes, or algorithms in order to preserve the confidentiality, integrity, or authenticity of such communications or information and prevent unauthorized recipients from accessing or altering such communications or information.

(8) GENERAL LICENSE.—The term "general license" means a general authorization that is applicable to a type of export that does not require an exporter of that type of export to, as a condition to exporting—

(A) submit a written application to the Secretary; or

(B) receive prior written authorization by the Secretary.

(9) GENERALLY AVAILABLE.—The term "generally available" means, in the case of computer software (including software with encryption capabilities), computer software that—

(A) is distributed via the internet or that is widely offered for sale, license, or transfer (without regard to whether it is offered for consideration), including over-the-counter retail sales, mail order transactions, telephone order transactions, electronic distribution, or sale on approval; or

(B) preloaded on computer hardware that is widely available.

(10) INTERNET.—The term "internet" means the international computer network of both Federal and non-Federal interconnected packet-switched data networks.

(11) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(12) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any Territory or Possession of the United States.

SEC. 4. RESTRICTION OF DEPARTMENT OF COMMERCE ENCRYPTION ACTIVITIES IMPOSING GOVERNMENT ENCRYPTION SYSTEMS.

(a) LIMITATION ON REGULATORY AUTHORITY CONCERNING ENCRYPTION STANDARDS.—The Secretary may not (acting through the National Institute of Standards and Technology or otherwise) promulgate, or enforce regulations, or otherwise adopt standards or carry out policies that result in encryption standards intended for use by businesses or entities other than Federal computer systems.

(b) LIMITATION ON AUTHORITY CONCERNING EXPORTS OF COMPUTER HARDWARE AND COMPUTER SOFTWARE WITH ENCRYPTION CAPABILITIES.—Except as provided in section 5(c)(3)(B), the Secretary may not promulgate or enforce regulations, or adopt or carry out policies in a manner inconsistent with this act, or that have the effect of imposing government-designed encryption standards on the private sector by restricting the export of computer hardware and computer software with encryption capabilities.

SEC. 5. PROMOTION OF COMMERCIAL ENCRYPTION PRODUCTS.

(a) PROHIBITION ON RESTRICTIONS ON SALE OR DISTRIBUTION IN INTERSTATE COMMERCE.—

(1) IN GENERAL.—Except as provided in this Act, neither the Federal government nor any State may restrict or regulate the sale in interstate commerce by any person of any product or program designed to provide encryption capabilities solely because such product or program has encryption capabilities. Nothing in this paragraph may be construed to preempt any provision of Federal or State law applicable to contraband or regulated substances.

(2) APPLICABILITY.—Paragraph (1) shall apply without regard to the encryption algorithm selected, encryption key length chosen, or implementation technique or medium used for a product or program with encryption capabilities.

(b) PROHIBITION ON MANDATORY KEY ESCROW.—Neither the Federal government nor any State may require, as a condition of sale in interstate commerce, that a decryption key, or access to a decryption key, be given to any other person (including a Federal agency or an entity in the private sector that may be certified or approved by the Federal government or a State).

(c) CONTROL OF EXPORTS BY SECRETARY.—

(1) GENERAL RULE.—Notwithstanding any other provision of law and subject to paragraphs (2), (3), and (4), the Secretary shall have exclusive authority to control exports of all computer hardware, computer software, and technology with encryption capabilities, except computer hardware, computer software, and technology that is specifically designed or modified for military use, including command, control, and intelligence applications.

(2) ITEMS THAT DO NOT REQUIRE INDIVIDUAL LICENSES.—Except as provided in paragraph (3)(b) of this subsection, only a general license may be required, except as otherwise provided under the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.) or the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (but only to the extent that the authority of the International Emergency Economic Powers Act is not exercised to extend controls imposed under the Export Administration Act of 1979), for the export or reexport of—

(A) any computer software, including software with encryption capabilities, that—

(i) is generally available, as is, and designed for installation by the user or purchaser; or

(ii) is available on the date of enactment of this Act, or becomes legally available thereafter, in the public domain (including on the internet) or publicly available because it is generally accessible to the interested public in any form; or

(B) any computing device or computer hardware solely because it incorporates or employs in any form computer software (including computer software with encryption capabilities) that is described in subparagraph (A).

(3) COMPUTER SOFTWARE AND COMPUTER HARDWARE WITH ENCRYPTION CAPABILITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall authorize the export or reexport of computer software and computer hardware with encryption capabilities under a general license for nonmilitary end-uses in any foreign country to which those exports of computer software and computer hardware of similar capability are permitted for use by financial institutions that the Secretary determines not to be controlled in fact by United States persons.

(B) EXCEPTION.—The Secretary shall prohibit the export or reexport of particular computer software and computer hardware described in this subsection to an identified individual or organization in a specific foreign country if the Secretary determines that there is substantial evidence that such software and computer hardware will be—

(i) diverted to a military end-use or an end-use supporting international or domestic terrorism;

(ii) modified for military or terrorist end-use, including acts against the national security, public safety, or the integrity of the transportation, communications, or other essential systems of interstate commerce in the United States;

(iii) reexported without the authorization required under Federal law; or

(iv) intentionally used to evade enforcement of United States law or taxation by the United States or by any State or local government.

(4) REPORTING.—

(A) EXPORTS.—The publisher or manufacturer of computer software or hardware with encryption capabilities shall disclose (for reporting purposes only) within 30 days after export to the Secretary such information regarding a program's or product's encryption capabilities as would be required for an individual license to export that program or product.

(B) REPORT NOT AN EXPORT PRECONDITION.—Nothing in this paragraph shall be construed to require, or to permit the Secretary to impose any conditions or reporting requirements, including reporting under subparagraph (A), as a precondition to the exportation of any such product or program.

SEC. 6. INFORMATION SECURITY BOARD.

(a) INFORMATION SECURITY BOARD TO BE ESTABLISHED.—The Secretary shall establish an Information Security Board comprised of representatives of agencies within the Federal Government responsible for or involved in the formulation of information security policy, including export controls on products with information security features (including encryption). The Board shall meet at such times and in such places as the Secretary may prescribe, but not less frequently than quarterly. The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Board or to meetings held by the Board under subsection (d).

(b) PURPOSES.—The purposes of the Board are—

(1) to provide a forum to foster communication and coordination between industry and the Federal government; and

(2) to foster the aggregation and dissemination of general, nonproprietary, and nonconfidential developments in important information security technologies, including encryption.

(c) REQUIREMENTS.—

(1) REPORTS TO AGENCIES.—The Board shall regularly report general, nonproprietary, and nonconfidential information to appropriate Federal agencies to keep law enforcement and national security agencies abreast of emerging technologies so they are able effectively to execute their responsibilities.

(2) PUBLICATIONS.—The Board shall cause such information (other than classified, proprietary, or confidential information) as it deems appropriate, consistent with its purposes, to be published from time to time through any appropriate medium and to be made available to the public.

(d) MEETINGS.—The Secretary shall establish a process for quarterly meetings between the Board and representatives from the private sector with interest or expertise in information security, including cryptographers, engineers, and product managers. The Board may meet at anytime with one or more representatives of any person involved in the development, production, or distribution of encryption technology or of computing devices that contain encryption technology.

SEC. 7. STATUTORY CONSTRUCTION.

Nothing in this Act may be construed to affect any law intended to prevent the—

(1) distribution of descramblers or any other equipment for illegal interceptions of cable and satellite television signals;

(2) illegal or unauthorized distribution or release of classified, confidential, or proprietary information; or

(3) enforcement of Federal or State criminal law.

Mr. GRAMS. Mr. President, I rise in support of Senator BURNS' legislation, the Promotion of Commerce On-Line in the Digital Era (Pro-CODE) Act of 1997 and am pleased to be an original cosponsor of the bill.

This is important legislation which will create the proper balance between encryption technology export interests as well as national security interests. The administration's encryption policy was disappointing to me, since it tipped the balance too far in the direction of security and law enforcement concerns, risking important privacy rights of producers and users of encryption technology.

Again our Government has found itself in the position of creating unilateral export controls that will do only one thing—essentially terminate export opportunities for U.S. companies. To limit U.S. companies from exporting encyrption technology at 56 bits without a costly key recovery system will simply price us out of the market. Many of our allies are ready to sell far more sophisticated technology without a key recovery system. It's not hard to see who will pick up most of a growing encryption technology global market.

Also, key recovery is not needed for encryption technology sold domestically or imported. If U.S. companies are forced to sell only the technology including the key recovery for cost savings reasons, it's also not hard to see how quickly the domestic market will dry up in favor of imports. The solution is not import controls. The Burns bill is the solution that 18 Senators of both parties have supported today.

Senator BURNS' bill protects national security interests. It would not allow exports over what is available from our allies. It also allows Commerce to prohibit specific exports where there is substantial evidence the technology will be diverted or used by terrorists, drug dealers and other criminals. Further, it creates an Information Security Board designed to get industry and law enforcement interests together to address this important issue.

I am sensitive to law enforcement and national security concerns, but the holes in the administration's policy are enormous and smack of politics more than sound policy. Criminals and terrorists will simply not use U.S. technology, or they will find a way to circumvent the key recovery system. Also, they can use encryption technology within the U.S. without the same scrutiny.

Senator BURNS has described the many problems and questions raised by a key recovery system held by a third party, so I won't belabor them. But the privacy concerns are real. I can't imagine why users would want to buy a product that simply puts at risk unwarranted release of the encrypted material. No matter how many protections can be built into the key escrow system, there is no way to avoid some misuse or abuse of the system.

Senator BURNS should be congratulated for his effort to correct this policy. I applaud his efforts and strongly support them as chairman of the International Finance Subcommittee of the Banking Committee which has jurisdiction over many export control issues.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 379. A bill entitled the "Native Alaskan Subsistance Whaling Provision"; to the Committee on Finance.

ALASKA SUBSISTENCE WHALING LEGISLATION

Mr. MURKOWSKI. Mr. President, I rise on behalf of myself and Senator

STEVENS to introduce legislation that would resolve a dispute that has existed for several years between the IRS and native whaling captains in my State. Our legislation would amend the Internal Revenue Code to ensure that a charitable donation tax deduction would be allowed for native whaling captains who organize and support subsistence whaling activities in their communities.

Subsistence whaling is a necessity to the Alaska Native community. In many of our remote village communities, the whale hunt is a tradition that has been carried on for generations over many millennia. It is the custom that the captain of the hunt make all provisions for the meals, wages, and equipment costs associated with this important activity.

In most instances, the captain is repaid in whale meat and muktuck, which is blubber and skin. However, as part of the tradition, the captain is required to donate a substantial portion of the whale to his village in order to help the community survive.

The proposed deduction would allow the captain to deduct up to $7,500 to help defray the costs associated with providing this community service.

Mr. President, I want to point out that if the captain incurred all of these expenses and then donated the whale meat to a local charitable organization, the captain would almost certainly be able to deduct the costs he incurred in outfitting the boat for the charitable purpose. However, the cultural significance of the captain's sharing the whale with the community would be lost.

This is a very modest effort to allow the Congress to recognize the importance of this part of our Native Alaskan tradition. Last year, the Joint Committee on Taxation estimated that this provision would cost a mere $3 million over a 10-year period. I think that is a very small price for preserving this vital link with our natives' heritage.

I ask unanimous consent that the text of the legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARITABLE CONTRIBUTION DEDUCTION FOR CERTAIN EXPENSES INCURRED IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) of the following new subsection:

"(m) EXPENSES PAID BY CERTAIN WHALING CAPTAINS IN SUPPORT OF NATIVE ALASKA SUBSISTENCE WHALING.—

"(1) IN GENERAL.—In the case of an individual who is recognized by the Alaska Eskimo Whaling Commission as a whaling captain charged with the responsibility of maintaining and carrying out sanctioned whaling activities and who engages in such activities during the taxable year, the amount described in paragraph (2) (to the extent such amount does not exceed $7,500 for the taxable year) shall be treated for purposes of this section as a charitable contribution.

"(2) AMOUNT DESCRIBED.—The amount described in this paragraph is the aggregate of the reasonable and necessary whaling expenses paid by the taxpayer during the taxable year in carrying out sanctioned whaling activities. For purposes of the preceding sentence, the term 'whaling expenses' includes expenses for—

"(A) the acquisition and maintenance of whaling boats, weapons, and gear used in sanctioned whaling activities,

"(B) the supplying of food for the crew and other provisions for carrying out such activities, and

"(C) storage and distribution of the catch from such activities.

"(3) SANCTIONED WHALING ACTIVITIES.—For purposes of this subsection, the term 'sanctioned whaling activities' means subsistence bowhead whale hunting activities conducted pursuant to the management plan of the Alaska Eskimo Whaling Commission.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to all taxable years beginning before, on, or after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mr. KENNEDY, and Mr. KOHL):

S. 380. A bill to prohibit foreign nationals admitted to the United States under a nonimmigrant visa from possessing a firearm; to the Committee on the Judiciary.

EMPIRE STATE BUILDING COUNTERTERRORISM ACT

Mr. DURBIN. Mr. President, I rise today to introduce with Senators KENNEDY and KOHL the "Durbin-Kennedy Empire State Building Counter-Terrorism Act of 1997."

This legislation is spurred by the recent tragedy at the Empire State Building where a man in this country on a tourist visa shot and killed Chris Burmeister, a young Danish tourist, wounded six and then turned the gun on himself.

But this bill is about much more than that one tragedy. It is an effort to address a real problem and to pass a sensible measure to deal with it. The shooting at the Empire State Building has sadly served to reveal a glaring gap in our laws—a gap that any would-be terrorist could walk through.

The fact is that any foreign national who is coming into the United States on a tourist visa will probably pass through several airport security checks to determine whether or not he is carrying a firearm. But as we have learned in the tragedy at the Empire State Building, that foreign tourist can slip through our Nation's laws and can probably buy a gun once here in the United States more easily than you or I could.

The motivation for the killing in New York is not clearly terrorist in nature. But I do not want to wait until a terrorist exploits these loopholes in order to act. Let us close the gap now.

Let me briefly explain the problem. Currently, more than 20 million people a year come into the United States on nonimmigrant visas. Nearly 1 million of them came in via Chicago last year. And by the way, that number does not include people from Mexico and Canada. There are more than 50 types of nonimmigrant visas, including tourist visas, work visas, student visas, and diplomatic visas. These visas are issued to people who do not intend to reside permanently in the United States and they are issued without any kind of criminal background check of the applicant.

Under the Brady law, anyone who wants to buy a gun in this country has to undergo a criminal background check. In the last 28 months, this requirement has stopped more than 186,000 illegal gun purchases. Seventy percent of those denied were felons.

But what the Empire State Building shooting reveals is a gap in this law. Someone who just came to the United States on a tourist visa clearly does not have a criminal record in this country. Yet he or she may have such a record in their country of origin. The Brady bill cannot catch them since we do not search criminal records in foreign countries. So the tourist with a criminal record can easily get a gun.

It is frightening to anticipate the damage that a foreign terrorist could wreak by exploiting this gap. But closing this loophole is easy. And we should do it now. Not later.

The measure I propose is straightforward. It bars people who have come to this country on nonimmigrant visas from being able to purchase or possess a gun.

Let me emphasize that the vast majority of the people who come to this country on nonimmigrant visas do not have any kind of criminal background and do not intend to buy guns or harm anyone. And that is why the legislation has two important and sensible exceptions.

First, foreign nationals who enter this country on nonimmigrant visas and who are here for legitimate sporting purposes, law enforcement purposes or diplomatic purposes will be exempt. It only makes sense that someone who is here to take part in a shooting competition should be able to bring in their gun.

The second exception allows people here on nonimmigrant visas to buy a firearm if they have been in this country for 6 months and if they can prove that they do not have a criminal record in their country of origin.

Mr. President, this is a rational piece of legislation. We are all concerned with the growing terrorist threat in our country. No one who has followed the news in the last decade can be unaware of the fact that our Nation is a terrorist target. Well, we should not be putting guns in the hands of terrorists. This bill will stop that from happening.

I hope all of us can work quickly to pass this measure.

Mr. KENNEDY. Mr. President, the killings at the Empire State Building last Sunday were the shots heard 'round the country. The entire Nation was horrified to learn of the senseless assault on seven tourists, and hopefully we will be shocked into action to close the flagrant loophole in the gun laws that allowed the attack to happen. It's preposterous that a deranged alien could arrive in this country, set up temporary residence in a motel, buy a semiautomatic handgun, and start blasting away in a crowded tourist site. The gunman at the Empire State Building killed himself. One other person died, six were injured, and countless others on the observation deck at the time bear the psychological scars from this senseless atrocity. Most of the victims were visitors from other countries—France, Switzerland, and Argentina—and were there seeing one of the most famous symbols of America.

Imagine the nightmare for a 16-year-old French tourist who saw both her parents shot, or the 10-year-old girl from the Bronx whose father was wounded. The thoughts and prayers of all Americans are with the victims and their families.

The shock and disbelief turned to anger as we learned more about the circumstances of the shooting. The gunman, Abu Kamal, was in the United States on a tourist visa, and was easily able to purchase a Berreta semiautomatic handgun in Florida, even though there is a 90-day residency requirement under Federal law before aliens can purchase a handgun.

The current gaps in Federal law are appalling. A foreign national can come to the United States on a tourist visa, or a work visa, and then obtain a handgun legally with ease. There is virtually nothing to stop a terrorist from entering the United States on a tourist visa, and then purchasing a supply of weapons legally in the United States for use in a terrorist activity. There is no legitimate reason why someone who is in the United States temporarily should be able to purchase or carry a firearm here.

Senator DURBIN and I are introducing a bill today to close this gaping loophole. Our bill will prohibit foreign nationals who are in the United States on a nonimmigrant visa from possessing a firearm. Foreign nationals here on a tourist visa, or a temporary work visa, would be prohibited from carrying a firearm, and dealers would be prohibited from knowingly selling them a firearm. The INS already provides immigration information to law enforcement authorities conducting background checks on gun purchasers, so they are well-positioned to provide this additional information to firearms dealers.

The bill does not apply to permanent residents. In addition, a series of sensible exceptions will permit certain foreign nationals who are in the United States temporarily to carry a firearm. For example, foreign nationals performing official State functions, such as bodyguards and other Embassy personnel, would be exempted. Foreign nationals who are coming to the United States to go hunting would also be exempted. The Justice Department would have the discretion to grant additional exemptions to qualified applicants.

We intend to address in future legislation another major aspect of the gun violence problem in America—which is the widespread disparity between gun control laws in various States. It will be impossible to stop guns from coming into New York or Massachusetts, or elsewhere, if we don't solve this problem. Fifteen percent of the gun crimes committed in New York City in 1995 involved guns traced to Florida. Gunrunning will always be a profitable business, as long as some States make it as easy to buy guns as to buy groceries. We must address this larger problem, or we will continue to suffer these senseless acts of violence.

This bill cannot undo the tragedy last Sunday at the Empire State Building. But we can prevent future similar tragedies by closing the loopholes that exist in current Federal law that enable foreign nationals to obtain firearms too easily. I urge my colleagues to support this sensible and needed proposal.

Mr. President, I commend the Senator from Illinois for his forceful statement in support of this legislation which will address a gaping loophole that exists in the gun laws and which he has ably explained on the floor of the Senate this afternoon where individuals would be able to come into the United States on a temporary visa and be able to purchase not just perhaps one weapon but a whole series of weapons and be able to use them for whatever purposes they might want here in the United States or perhaps take them outside of the United States. This is a gaping loophole. With the information that is being acquired by the INS, there is no reason it cannot be made available to gun dealers around the country with a minimum amount of interference in their ability to sell guns in conformance with other provisions of the law.

I think this is a really important piece of legislation, and I welcome the opportunity to work with the Senator. Hopefully, we will have it acted on as well as the other provisions that are before the Senate dealing with the massive movement of weapons from State to State. In my own State of Massachusetts, about 80 percent of the weapons that are used in crimes of violence are imported. As good as we have, in terms of the local and State control, we are not able to control it and deal with the issues of providing security to our people in our State.

But I thank the Senator and welcome the chance to join with him and look forward to working with him on the legislation.

By Mr. ROCKEFELLER (for himself, Mr. MACK, Mr. FRIST, Mr. MOYNIHAN, Mr. KENNEDY, Mr. ABRAHAM, Mr. KERREY, Mr. CRAIG, Mr. WELLSTONE, Mr. COCHRAN, Ms. MIKULSKI, Mr. CAMPBELL, Mr. LEAHY, Mr. JEFFORDS, Mrs. HUTCHISON, Mr. HOLLINGS, Mr. FAIRCLOTH, and Mr. BINGAMAN:.

S. 381. A bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries with cancer who are enrolled in an approved clinical trail program; to the Committee on Finance.

THE MEDICARE CANCER CLINICAL TRIAL COVERAGE ACT OF 1997

Mr. ROCKEFELLER. Mr. President, I am very pleased to be reintroducing a modest but important bill that would establish a demonstration project to assure Medicare beneficiaries with cancer that Medicare will cover their routine patient costs when part of a clinical research trial. I am especially proud to have Senator MACK joining me again as my key cosponsor. It is a privilege to work with Senator MACK, who knows the anguish of fighting cancer only too well. And, we are especially glad to be joined by so many of our colleagues, including Senators FRIST, MOYNIHAN, KENNEDY, ABRAHAM, KERREY, CRAIG, WELLSTONE, COCHRAN, MIKULSKI, CAMPBELL, LEAHY, JEFFORDS, HUTCHISON, HOLLINGS, and FAIRCLOTH.

Mr. President, cancer is the second leading cause of death in the United States. Medicare beneficiaries account for more than half of all cancer diagnoses, and 60 percent of all cancer deaths. Over 12,000 new cases of cancer will be diagnosed this year in my own State of West Virginia.

Access to clinical trials is especially important in the field of cancer. With today's rapid discoveries of new cancer therapies and the lack of effective treatments for some cancers, peer-reviewed clinical trials often provide cancer patients the best available care. Given differences in biological responses according to age, research is needed on the particular effects of cancer and cancer treatments on those age 65 and older. Our legislation will promote that vital research. At the same time, it will provide the Health Care

Financing Administration with the information it needs on whether coverage for experimental therapies and treatments should be eventually extended to the entire Medicare population. In the long run, the coverage of patient care costs in clinical trials will save the health care delivery system millions of dollars by telling us at the earliest possible time which medical interventions work and which do not.

Our legislation is an effort to give Medicare beneficiaries the security and decency of knowing that if they are diagnosed with cancer, their treatment options will be determined by whatever therapy they and their doctor decide will give them the best shot of beating the disease. These life and death decisions should not be guided by what may or may not be paid for by the Medicare Program.

Currently, Medicare's payment policies are unclear and, as a result, unpredictable. There is anecdotal evidence that Medicare, in fact, usually pays for the routine patient care costs associated with clinical research trials. But when denials do happen, they tend to be arbitrary and random. This unpredictability discourages Medicare patients from enrolling in a clinical trial, even when it may medically be their best treatment option.

Three winners of the Nobel Prize in Medicine and Physiology have written me and Senator MACK in support of our legislation. They wrote, "clinical trials represent the standard of care and are often the best hope for a successful treatment outcome. Only by supporting clinical research will we be able to advance the state of medical knowledge and learn more quickly which medical interventions are effective and which are not."

Mr. President, our legislation is very targeted to give older Americans their best shot at fighting cancer. This bill does not create a new benefit. It merely ensures that patients enrolled in clinical studies receive Medicare coverage for the same type of routine patient care costs, such as hospital and physician fees, that would be covered outside of a trial setting. We are not asking Medicare to pay for the cost of research. These expenses will still be covered by trial sponsors, including pharmaceutical companies.

In establishing a demonstration project, this bill will also provide valuable information about the costs and benefits of providing coverage for clinical trials for other life threatening diseases. We started with cancer first because cancer is a major affliction of Medicare beneficiaries. In addition, there is a well-established national cancer clinical trial system to deliver this patient care.

Mr. President, this is the year to enact this bill into law. This proposal is a key Medicare reform to include in the action expected in the upcoming budget process that will deal with Medicare spending and policy.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Cancer Clinical Trial Coverage Act of 1997".

SEC. 2. MEDICARE CANCER PATIENT DEMONSTRATION PROJECT.

(A) ESTABLISHMENT.—Not later than January 1, 1998, the Secretary of Health and Human Services (in this Act referred to as the "Secretary") shall establish a demonstration project which provides for payment under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) of routine patient care costs—

(1) which are provided to an individual diagnosed with cancer and enrolled in the medicare program under such title as part of the individual's participation in an approved clinical trial program; and

(2) which are not otherwise eligible for payment under such title for individuals who are entitled to benefits under such title.

(b) APPLICATION.—The beneficiary cost sharing provisions under the medicare program, such as deductibles, coinsurance, and copayment amounts, shall apply to any individual participating in a demonstration project conducted under this Act.

(c) APPROVED CLINICAL TRIAL PROGRAM.—For purposes of this Act, the term "approved clinical trial program" means a clinical trial program which is approved by—

(1) the National Institutes of Health;

(2) a National Institutes of Health cooperative group or a National Institutes of Health center;

(3) the Food and Drug Administration (in the form of an investigational new drug or device exemption);

(4) the Department of Veterans Affairs;

(5) the Department of Defense; or

(6) a qualified nongovernmental research entity identified in the guidelines issued by the National Institutes of Health for center support grants.

(d) ROUTINE PATIENT CARE COSTS.—

(1) IN GENERAL.—for purposes of this Act, "routine patient care costs" shall include the costs associated with the provision of items and services that—

(A) would otherwise be covered under the medicare program if such items and services were not provided in connection with an approved clinical trial program; and

(B) are furnished according to the design of an approved clinical trial program.

(2) EXCLUSION.—For purposes of this Act, "routine patient care costs" shall not include the costs associated with the provision of—

(A) an investigational drug or device, unless the Secretary has authorized the manufacturer of such drug or device to charge for such drug or device; or

(B) any item or service supplied without charge by the sponsor of the approved clinical trial program.

SEC. 3. STUDY, REPORT, AND TERMINATION.

(a) STUDY.—The Secretary shall study the impact on the medicare program under title XVIII of the Social Security Act of covering routine patient care costs for individuals with a diagnosis of cancer and other diagnoses, who are entitled to benefits under such title and who are enrolled in an approved clinical trial program.

(b) REPORT TO CONGRESS.—Not later than January 1, 2002, the Secretary shall submit a report to Congress that contains a statement regarding—

(1) any incremental cost to the medicare program under title XVIII of the Social Security Act resulting from the provisions of this Act; and

(2) a projection of expenditures under the medicare program if coverage of routine patient care costs in an approved clinical trial program were extended to individuals entitled to benefits under the medicare program who have a diagnosis other than cancer.

(c) TERMINATION.—The provisions of this Act shall not apply after December 31, 2002.

MEDICARE CANCER CLINICAL TRIAL COVERAGE ACT OF 1997

CURRENT LAW

Medicare's policy regarding coverage of clinical trials is unclear. Medicare carriers occasionally deny coverage of physician services or hospital charges on the grounds that they have been provided in the context of a clinical trial. Patients or physicians may be at risk for the cost of items or services that are normally covered by Medicare if they choose to enroll in a clinical trial, even though such trials are regarded as the standard of care for treatment of cancer.

PROPOSED CHANGE

The Secretary of HHS would be required to conduct a demonstration project, beginning no later than January 1, 1998, which would study the feasibility of covering patient costs for beneficiaries diagnosed with cancer and enrolled in certain approved clinical trials. Eligibility for coverage would be dependent on approval of the trial design by one of several high quality peer-review organizations, including the National Institutes of Health, the Food and Drug Administration, the Department of Defense, and the Department of Veterans Affairs. No later than January 1, 2002, the Secretary would be required to report to Congress concerning any incremental costs of such coverage and the advisability of covering other diagnoses under the same circumstances. The demonstration project would sunset on December 31, 2002.

Supported by: National Coalition for Cancer Survivorship; Candlelighters Childhood Cancer Foundation; Cancer Care, Inc.; National Alliance of Breast Cancer Organizations (NABCO); US TOO International; Y-ME National Breast Cancer Organization; American Cancer Society; American Society of Clinical Oncology; American Society of Pediatric Hematology/Oncology; Association of American Cancer Institutes; Association of Community Cancer Centers; Cancer Research Foundation of America; North American Brain Tumor Coalition; Leukemia Society of America; National Breast Cancer Coalition; National Childhood Cancer Foundation; National Coalition for Cancer Research; Oncology Nursing Society; Prostate Cancer Support-group Network; and Society of Surgical Oncology.

Mr. MACK. Mr. President, I am pleased to join Senator ROCKEFELLER today as we introduce legislation to provide Medicare patients fighting cancer with coverage of benefits when they participate in approved clinical trials.

Under current law, Medicare will not generally pay for the costs of patient care if they are participating in clinical trials. Beneficiaries are denied access to clinical trials of promising new therapies because Medicare deems these therapies experimental, and therefore not qualified for coverage. This means cancer patients who are Medicare beneficiaries essentially have two choices when they have exhausted all traditional cancer therapies—either pay the costs of participating in a clinical trial themselves, or go without additional treatment. For all but the most wealthy beneficiaries, it is too cost-prohibitive to take part in a clinical trial.

Clinical trials are one of the most effective ways the Federal Government has of determining which treatments are most effective. Yet, researchers have told me they have difficulty accruing the required number of patients to participate in the trials they are conducting. Researchers have identified noncoverage by Medicare and private insurers as one of the primary reasons why patients do not participate in clinical trials. At a time when American researchers are making such tremendous progress in cancer genetics and cancer biology, it is essential that this knowledge be translated into new therapies through well-designed clinical trials. This legislation will help enhance our research efforts by facilitating broad patient participation in important cancer clinical trials.

Our legislation is limited to only the highest-quality clinical trials. Only those trials which have undergone the rigors of peer-review will be considered. These include trials approved by the National Institutes of Health [NIH], the Food and Drug Administration, the Department of Veterans Affairs, the Department of Defense, or organizations which are approved by the NIH, such as the American Cancer Society.

Like most of my colleagues, I am very reluctant to introduce legislation to expand Medicare at a time when the report of the Board of Trustees of Social Security and Medicare clearly shows that Medicare is going broke. My support of such legislation is conditional upon the added benefit providing a clear and needed service at no significant cost to taxpayers.

The legislation we introduce today does not add to Medicare's basic benefit package, but merely provides coverage for routine patient costs which Medicare is already obligated to reimburse when provided outside a clinical trial. Medicare will not be responsible for paying for research or new pharmaceutical products. In addition, Medicare beneficiaries will still be responsible for meeting deductibles and copayment requirements traditionally required by Medicare. Because these beneficiaries are cancer patients, they are already receiving, or will receive in the future, many of the medical services covered by this legislation.

Finally, this is a true demonstration program. In 2002, the Secretary of Health and Human Services must submit a report to Congress detailing any cost increases to the Medicare program and provide projects for future expenditures, if the program continues. Congress can then decide, based upon these data and any hearings which may take place, whether to enact legislation to make coverage of cancer clinical trials permanent.

Therefore, I am convinced this legislation meets my two criteria for expanding Medicare. First, there is an indisputable urgent need for this benefit and, second, I believe it will not add significantly to the costs of the Medicare system. In fact, the information we learn from these clinical trials may provide us with more cost-effective means of treating cancer patients.

As I have mentioned to my colleagues before, many members of my family have battled cancer. As a family, we have worked extensively with numerous cancer organizations. As a Senator, I have met with thousands of cancer patients throughout Florida and the rest of the United States. They have told me how important it is that patients themselves, not the Government, be responsible for making treatment decisions with their physicians. Patients desperately want to participate in clinical trials when traditional therapies are no longer beneficial. The legislation which Senator ROCKEFELLER and I introduce today, which has the enthusiastic support of cancer patient, physician, nurse, and research organizations, will empower cancer patients with more treatment choices in a cost-effective manner.

I want to commend Senator JOHN ROCKEFELLER for his leadership in bringing this issue to the forefront. Senator ROCKEFELLER has always been there for cancer patients, as evidenced by his landmark 1993 legislation which provided Medicare coverage of anticancer drugs. We've worked together on cancer issues on several occasions over the years, and it's always a pleasure to work with him.

Mr. President, our legislation would provide cancer patients who are Medicare participants with an additional choice at a time when a clinical trial may be their best, or only, hope for survival. I therefore urge my colleagues to cosponsor the Medicare Cancer Clinical Trial Program Coverage Act of 1997.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the names of the Senator from Utah [Mr. HATCH], the Senator from Kentucky [Mr. FORD], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the U.S. merchant marine during World War II.

S. 66

At the request of Mr. HATCH, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 66, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 202

At the request of Mr. LOTT, the names of the Senator from Alabama [Mr. SESSIONS], the Senator from Texas [Mrs. HUTCHISON], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 202, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 211

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 211, a bill to amend title 38, United States Code, to extend the period of time for the manifestation of chronic disabilities due to undiagnosed symptoms in veterans who served in the Persian Gulf war in order for those disabilities to be compensable by the Secretary of Veterans Affairs.

S. 224

At the request of Mr. WARNER, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to medicare to enroll in the Federal Employees Health Benefits program, and for other purposes.

S. 260

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 260, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 306

At the request of Mr. FORD, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 306, a bill to amend the Internal Revenue Code of 1986 to provide a decrease in the maximum rate of tax on capital gains which is based on the length of time the taxpayer held the capital asset.

S. 347

At the request of Mr. CLELAND, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 347, a bill to designate the Federal building located at 100 Alabama Street NW, in Altanta, GA, as the "Sam Nunn Federal Center."

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation.

The hearing, which will take place over 2 days, will be held on Thursday, March 13, 1997 and Thursday, March 20, 1997.Each session will begin at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to address the future of the National Park System and to identify and discuss needs, requirements, and innovative programs that will insure Park Service will continue to meet its many responsibilities well into the next century.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC. 20510-6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, February 27, 1997, at 9:30 a.m. in open session, to receive testimony concerning the Department of Defense actions pertaining to the Persian Gulf illness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on February 27, 1997, at 10 a.m. on TV Violence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BROWNBACK. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, February 27, 1997, beginning at 11 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, February 27, 1997 at 9:30 a.m. to approve the committee's letter to the Committee on the Budget concerning the committee's budget views and estimates for fiscal year 1998 for Indian programs. The meeting will be held in room 485 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Reauthorization of Higher Education Act during the session of the Senate on Thursday, February 27, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing on S. 208, the HUBZone Act of 1997 on Thursday, February 27, 1997, which will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HEALTH CARE

Mr. BROWNBACK. Mr. President, the Finance Committee Subcommittee on Health Care requests unanimous consent to conduct a hearing on Thursday, February 27, 1997, beginning at 2 p.m. in room SD–215.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL RELATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on International Relations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 27, 1997, at 11 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, February 27, 1997 to receive testimony on ballistic missile defense programs in review of the Defense authorization request for fiscal year 1998 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MACON RIDGE ENTERPRISE COMMUNITY

• Mr. BREAUX. Mr. President, on February 27, 1997, the Macon Ridge enterprise community, consisting of portions of Catahoula, Concordia, Franklin, Morehouse, and Tensas Parishes in Louisiana, is to be awarded the Community Empowerment Award by the American Association of Enterprise Zones.

I am very proud to have Louisiana's own Macon Ridge recognized as the best enterprise community in the Nation. The Macon Ridge Enterprise Community is an example to the Nation of the success that can be derived from community-based economic development.

The U.S. Department of Agriculture designated the Macon Ridge enterprise community as 1 of the 30 rural enterprise communities across the United States, from some 227 applicants, on December 21, 1994. The enterprise community is administered by the Macon Ridge Development Region, Inc., which is a multifaceted economic development organization serving 11 parishes in northeast Louisiana.

The Macon Ridge enterprise community has, in the first 12 months of operation, created or retained 523 jobs, started 3 business incubators, had over 523 residents in job training or literacy programs, and leveraged some $3.316 million in additional funding.

The executive director of the Macon Ridge enterprise community, Mr. Buddy Spillers, as well as the Macon Ridge Enterprise Community Advisory Council and the Macon Ridge Board of Directors, are to be commended for their tireless efforts to create the opportunities and partnerships in Macon Ridge which have brought about this progress.

In closing, Mr. President, I take this occasion to offer my sincere congratulations to the Macon Ridge enterprise community, not only for meriting this award, but for the vast economic development opportunities which it has created in Louisiana and for the outstanding model which it provides to the State and the Nation.●

TRIBUTE TO TERRY KOEHLER

● Mr. ABRAHAM. Mr. President, I rise today to extend my best wishes for a full and rapid recovery by Mr. Terry Koehler, a teacher at Lahser High School in Bloomfield Hills, MI. Involved in a very serious skiing accident in mid-February, Mr. Koehler is currently convalescing in Reno, NV.

In the meanwhile, the entire Bloomfield Hills community eagerly looks forward to Mr. Koehler's return. A quick glance at his extensive involvement throughout the school district and it is readily apparent why, at present, he is so sorely missed. In addition to his duties teaching math, Mr. Koehler is a coach with Lahser's championship winning boy's and girl's swim teams. He serves in the multiple roles of commissioner, coach, and player in the school's intramural basketball program. He runs the school chess club. And, as a major in the U.S. Army Reserves, Mr. Koehler's civic commitments are hardly limited to just Lahser High School.

Exceptional teachers are assets to any community, as are dedicated public servants. When someone exemplifies the finest qualities of both, their presence is all the more valued. Indeed, Terry Koehler is such an individual. I join his countless friends, colleagues, and students in wishing Terry, his wife Diane and the rest of his family strength and courage during this difficult time; and I look forward to the news of his return to good health, to the profession he so honorably serves and to the students whose lives he touches every day.●

NEW ENGLAND COMMUNITY LEADERSHIP INSTITUTE

● Mr. KERRY. Mr. President, I would like to recognize and commend the efforts of over 250 community residents from all over New England who are meeting next weekend in Boston at the First New England Community Leadership Institute. The 3-day conference of 34 classes, 16 roundtable discussions, and 4 networking group sessions is designed to educate, rejuvenate, empower, and excite the core constituents of the NeighborWorks Network of over 50 New England low- and-moderate-income communities. These new and emerging leaders are concerned about events taking place in their communities, willing to take on these challenges, and eager to become part of the solution. At this event, they will be able to share experiences and solutions, motivate and encourage each other, and lead their neighborhoods into the 21st century.

I would like to commend the tremendous leadership potential of the participants and their remarkable commitment to improving their neighborhoods. Without their support and hard work, the programs, initiatives, and collaborations being formed at the State and Federal level cannot succeed. In the neighborhoods in which these citizens work, we can already begin to see change taking place in the rising home ownership rates, decreasing crime rates, and growing community pride. These residents represent the best hope of the future in our neighborhoods and Massachusetts is proud to welcome them.●

TRIBUTE TO BRIG. GEN. CASIMIR PULASKI

● Mr. DURBIN. Mr. President, I rise today in honor of Casimir Pulaski, as we commemorate the 250th anniversary of his birth, and acknowledge his exemplary service to our country.

Casimir Pulaski was born in Warka, Poland on March 4, 1747. Before coming to America in 1777, he distinguished himself in Poland's battle for independence from Russia. Forced to flee his native country because of his activities on behalf of Polish freedom, he became an exile.

When Pulaski first arrived in America to aid the colonists in the American Revolution, he led a valiant counterattack at the Battle of Brandywine which saved the retreating American army from being cut off by the British.

At the insistence of Gen. George Washington, the Continental Congress appointed Pulaski brigadier general and the first commander of the American cavalry. His services in the field justly won him the title of "Father of the American Cavalry."

On October 9, 1779, at the Battle of Savannah, GA, Pulaski led a daring, but fatal, charge against the heavily fortified British forces occupying the city.

Today, the people of Illinois proudly remember General Pulaski's courageous sacrifice fighting for our Nation's independence, and his defense of the freedoms that we cherish in America.

The anniversary of Casimir Pulaski's birth will be celebrated on March 2, 1997, at a special dinner ceremony in Chicago. I want to take this opportunity to congratulate the Chicago Society of the Polish National Alliance for hosting this commemorative dinner, and commend its efforts to help restore the Pulaski Monument in Savannah, GA.

The Pulaski Monument, whose cornerstone was laid by the Marquis Lafayette in 1825, is currently in a state of disrepair. With the hard work and dedication of the Chicago Society and donations from the people of Savannah, this 55-foot-tall historic monument will soon stand with renewed glory as a symbol of patriotism for all future generations of Americans.

Mr. President, it is my great pleasure to pay tribute to Brig. Gen. Casimir Pulaski on behalf of my home State of Illinois. I invite my colleagues in the Senate to join me in commemorating this heroic patriot and in honoring the many accomplishments Polish-Americans have made throughout history.●

TRIBUTE TO ROBERT SANFORD, OWNER OF THE MASON VALLEY NEWS

● Mr. BRYAN. Mr. President, I rise today to pay tribute to newspaper publisher Robert Sanford, who is celebrating his 40th anniversary as owner of the Mason Valley News. Mr. Sanford's tireless stewardship has helped make the Mason Valley News one of the finest newspapers of its kind and a model for journalistic integrity.

The Mason Valley News is a weekly newspaper that serves northern Nevada. Since Mr. Sanford became owner of the newspaper in 1957, the paper has quadrupled its circulation and tripled its size—all while remaining true to its roots.

Mr. Sanford's newspaper career started as a printer's devil when he was just 14 years old. After World War II, where he proudly served his country for 3 years in the Army, Mr. Sanford returned home to northern Nevada and gained experience working in virtually every aspect of the newspaper business. He came to own the Mason Valley News at the age of 35. Mr. Sanford's two sons, David and James, also work for the paper.

It is with great pride and pleasure that I congratulate Robert Sanford and the Mason Valley News on 40 years of dependability and accomplishment and I wish them the best of luck for another successful 40 years.●

MILWAUKEE'S MORSE MIDDLE SCHOOL ENGINEERING TEAM WINS NATIONAL ENGINEER'S WEEK REGIONAL FUTURE CITIES COMPETITION

● Mr. FEINGOLD. Mr. President, today I would like to recognize the achievement of three young women from the Milwaukee Morse Middle School. Together, Kayla Tepps, Alex Yale, and Carrie Schaffner, formed the winning team in the Regional Future Cities Competition sponsored by National Engineer's Week. They created a city plan using sophisticated computer simulation software that allowed them to analyze and measure effects of their designs on a living, changing city. The students then created a 3-dimensional model of their city to present in the competition along with their data. I commend the team's members on the quality and character of their hard work.

I am impressed with the active role these students have taken in their education. This sort of initiative leads to citizens who take an active role in their communities. Whether that role be in the political, social, or economic arena, these young women are an example of the potential that our country's youth hold to come up with new ways, better ways, to solve our problems. These three Wisconsinites are a example to their peers that women can and do succeed in pursuing subjects and careers currently dominated by men. For this I also commend their teacher, Dave Mongin, for taking an active role in his student's careers, and their engineer-mentor, Eyad Mizian, for taking an active role in his community. They truly represent the kind of leadership we need more of in today's schools. I offer these students my sincere congratulations, I am proud that they represent the State of Wisconsin.•

YOUNG ISRAEL OF FLATBUSH

• Mr. MOYNIHAN. Mr. President, I rise to pay tribute to the Young Israel of Flatbush, a major modern Orthodox synagogue in Brooklyn, NY, which is celebrating its 75th anniversary on March 2, 1997.

Young Israel of Flatbush has been intensely involved, and provided extraordinary leadership, on the local, national, and international scenes. It has anchored the enormous development of the Flatbush community in which it is located, which is well noted for its commitment to communal service. The Young Israel has long stood for the classic Jewish religious values which are among the shared principles of American democracy. In particular, the Young Israel has emphasized through the years aid and assistance to the needy, both at home and abroad.

During most of its 75-year history, Young Israel has been served by two outstanding spiritual leaders, Rabbi Solomon J. Sharfman who retired in 1984 after 45 years of service, and Rabbi Kenneth Auman, who currently occupies the pulpit. Through their distinguished leadership, in collaboration with a succession of lay partners, the Young Israel of Flatbush has been a source of strength in all aspects of civic and Jewish life, and at age 75, retains the vigor and optimism of a young congregation.

I am certain the Members of the Senate join me in saluting the rabbis, members, and officers of the Young Israel of Flatbush on this auspicious occasion and wish them continued successineveryendeavor,sacredand temporal.•

RULES OF THE COMMITTEE ON COMMERCE

• Mr. McCAIN. Mr. President, in accordance with Senate Rule XXVI, I hereby submit a copy of the Rules of the Committee on Commerce, Science, and Transportation for publication in the CONGRESSIONAL RECORD.

The rules follow:

[JANUARY 17, 1997]

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matter to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets of, or financial or commercial information pertaining specifically to, a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Eleven members shall constitute a quorum for official action of the Committee when reporting a bill, resolution, or nomination. Proxies shall not be counted in making a quorum.

2. Seven members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution, or nomination. Proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he is a Member of such subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

VI. CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chairman of the Committee prescribes. This rule may be waived with the concurrence of the Chairman and the Ranking Member.•

RULES OF THE SELECT COMMITTEE ON INTELLIGENCE

• Mr. SHELBY. Mr. President, paragraph 2 of Senate Rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each committee be published in the RECORD.

In compliance with this provision, I ask that the Rules of the Select Committee on Intelligence be printed in the RECORD.

The rules follow:

SELECT COMMITTEE ON INTELLIGENCE—RULES OF PROCEDURE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon proper notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee Members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendation shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman, or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2d Session and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. OATH OR AFFIRMATION.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3. INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5 STATEMENTS BY WITNESSES.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the Committee.

8.6 OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7 INSPECTION AND CORRECTION.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8 Requests to Testify.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff may tend to affect adversely his or her reputation, may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9 CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed by majority vote of the Committee, to forward such recommendation to the Senate.

8.10. RELEASE OF NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2. Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4. Whenever the Select Committee on Intelligence makes classified material available to any other Committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such material pursuant to section 8 of S. Res. 400 of the 94th Congress. The Clerk of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.6. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or materials or other information received by the Committee except as authorized herein, or otherwise as authorized by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. For purposes of this paragraph, members and staff of the Committee may disclose classified information in the possession of the Committee only to persons with appropriate security clearances who have a need to know such information for an official governmental purpose related to the work of the Committee. Information discussed in executive sessions of the Committee and information contained in papers and materials which are not classified but which are controlled by the Committee may be disclosed only to persons outside the Committee who have a need to know such information for an official governmental purpose related to the work of the Committee and only if such disclosure has been authorized by the Chairman and Vice Chairman of the Committee, or by the Staff Director and Minority Staff Director, acting on their behalf. Failure to abide by this provision shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400.

9.7. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.8. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. Notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices, until such Committee staff has received an appropriate security clearance as described in Section 6 of Senate Resolution 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, and shall be administered under the direct supervision and control of the Staff Director. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, 2d Session, and to abide by the Committee's code of conduct.

10.7. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or in the event of the Committee's termination the Senate of any request for his or her testimony, either during his tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. In accordance with title III of the Civil Rights Act of 1991 (P.L. 102–166), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2. Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1. No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2. When the Chairman and the Vice Chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3. No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX A—94TH, CONGRESS, 2D SESSION

S. RES. 400

TO ESTABLISH A STANDING COMMITTEE OF THE SENATE ON INTELLIGENCE, AND FOR OTHER PURPOSES

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purposes, the Select Committee on Intelligence shall make ever effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on Judiciary; and

(E) seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (a) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Four of the members appointed under clause (E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(3) the majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(b) No Senator may serve on the select committee for more than eight years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent possible, one-third of the Members of the Senate appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

(c) At the beginning of each Congress, the Members of the Senate who are members of the majority party of the Senate shall elect a chairman for the select committee, and the Members of the Senate who are from the minority party of the Senate shall elect a vice chairman for such committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters related to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of State, the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within thirty days after the day on which such proposed legislation is referred to such standing committee; and any proposed legislation reported by any committee, other then the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposed legislation on the thirtieth day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise. In computing any thirty-day period under this paragraph there shall be excluded from such computation any days on which the Senate is not in session.

(c) Nothing in this resolution, shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee on committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purpose of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Standards and Conduct[1] and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally in writing, notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the information of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A),

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[1] Name changed to the Select Committee on Ethics by S. Res. 4, 95–1, Feb. 4, 1977.

(B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which the committee or which Members of the Senate received such information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct[1] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct[1] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct[1] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency ofthe United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year.

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of the United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1997, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policy-making function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (This section authorized funds for the select committee for the period May 19, 1976, through Feb. 28, 1977.)

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

APPENDIX B—94TH CONGRESS, 1ST SESSION

S. RES. 9

AMENDING THE RULES OF THE SENATE RELATING TO OPEN COMMITTEE MEETINGS

Resolved, That paragraph 7(b) of rule XXV of the Standing Rules of the Senate is amended to read as follows:

"(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meetings may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion or portions—

"(1) will disclose matters necessary to be kept secret in the interest of national defense or the confidential conduct of the foreign relations of the United States;

"(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

"(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

"(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement; or

"(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

"(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

"(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is ruired to be kept secret in order to prevent undue injury to the competitive position of such person.

Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.".

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102 (d) and (e) of the Congressional Budget Act of 1974 are repealed.●

AIRPORT AND AIRWAY TRUST FUND REINSTATEMENT ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 19, H.R. 668.

Mr. SPECTER. Mr. President, reserving the right to object, by the number, I am not certain that this is the tax bill.

Mr. LOTT. Mr. President, that is the airline ticket tax issue.

Mr. SPECTER. Mr. President, reserving the right to object, we have had this discussion with the distinguished chairman of the Finance Committee, Senator ROTH, and the distinguished ranking member, Senator MOYNIHAN. We have worked out an arrangement where Senator MOYNIHAN is prepared to have as the effective date the enactment date of this legislation—perhaps I should yield to my distinguished colleague, Senator MOYNIHAN, for him to speak for himself.

Mr. MOYNIHAN. Yes. I would like to say, first of all, that I very much appreciate the judgment of the Senator from Pennsylvania that the bill will be enacted, and that I propose to amend it such that it takes effect upon enactment as against the day it is actually passed, which is the precedent. But with that agreement, that it will be enacted.

Mr. SPECTER. Mr. President, that is satisfactory. Enactment, after it is passed by both Houses and signed by the President, is the effective date that it becomes law.

Mr. MOYNIHAN. That is correct. I also agree, hearing now that it will become law.

Mr. ROTH. Reserving the right to object.

Mr. SPECTER. Mr. President, if I may just finish the comment, I have great admiration for Senator MOYNIHAN. I don't know whether it will become law or not. If it does, so be it. I just want to be sure that enactment is not the day we pass it, but the enactment of the statute is the day which it becomes law after passage by the Congress and signed by the President.

With that understanding, I do not object.

Mr. LOTT. I thank the Senator from Pennsylvania and the leadership of the Finance Committee, the Senator from Delaware and the Senator from New York. I thank them very much for their leadership.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, reserving the right to object, I would like to make a statement for the RECORD prior to final disposition of this matter.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida that he be allowed to make a statement?

Mr. LOTT. Mr. President, reserving the right to object, I would like to inquire. Is the Senator from Florida suggesting that he would like to make a statement at this point in the RECORD?

Mr. GRAHAM. I would like to make a statement at this point in the RECORD prior to the disposition of this matter.

Mr. LOTT. Mr. President, could I inquire how long this might take?

Mr. GRAHAM. Approximately 10 minutes.

Mr. LOTT. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that after the statement of the Senator from Florida, my unanimous-consent request again recur with H.R. 668.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. Under the order, the Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, what concerns me—and why I want to make this statement before we vote it—is the irony of what we are doing at this hour of the night. We have spent the past several days, the past several weeks, debating an amendment of the U.S. Constitution to require a balanced budget. I support that amendment and look forward to voting for it on Tuesday.

In the midst of that debate, we now at this hour are going to take up legislation to extend the airline ticket tax, which has been expired for 10 of the past 14 months. I support that. We should reenact the airline ticket tax. In my opinion, we should not have allowed it to expire as we have.

But what is significant about what we are about to do is that we are extending the airline ticket tax to September 30, 1997. Why are we doing that? Is it because we do not need the resources of this revenue source beyond September 30, 1997? Clearly not.

There are extensive needs in the national aviation system. There are extensive needs in virtually every community which has an airport—a commercial airport or a general aviation airport—which benefits by the resources derived from this tax.

In light of that, why are we enacting this extension from now until September 30, 1997? We paid a heavy price because of the fact that this tax has been allowed to lapse twice in the past 14 months. This tax expired on January 1, 1996. It was nearly 8 months later, August 27, 1996, that it was reenacted. That reenactment, however, was only until the end of the calendar year 1996, December 31. It has lapsed since that date until today.

So since January 1, 1996 until today, the tax has been in effect approximately 4 months. It has been in a lapse status for 10 months. Every day that this tax is not in effect reduces the revenue to the aviation trust fund by over $15 million; approximately $500 million a month is lost to the support of safety in the air because of our failure to keep this tax consistently, stably in place.

In light of that history, I ask again, why today are we only enacting this until September 30, 1997? Why are we not making this a permanent tax today as it has been for most of its history?

Well, Mr. President, I must sadly report that we are doing this for exactly the reason that we have gotten into a $5.4 trillion national debt. Here tonight, in the middle of the debate on a balanced budget amendment to the Constitution of the United States, we are about to engage in what I consider to be one of the more hypocritical actions in terms of our real commitment to a balanced budget.

What is the significance of having this tax lapse on the 30th of September? The significance is that we are going to count in our budget for the period that will begin October 1, 1997, $6 billion of revenue for the next 10 years, or $60 billion of additional revenue based on the way in which the U.S. Senate scores its legislation. The House, which uses a 5-year rule, is going to score $30 billion of additional revenue because we are allowing this tax to lapse on the 30th of September.

Mr. President, I know you are a prominent business person and deal with complex financial matters. You say, how can this be? What has actually happened in the last 14 months is, we have lost $5 billion of real revenue. Four percent of the Federal deficit for fiscal year 1997 will be the loss of revenue by allowing this ticket tax to lapse for 10 of the past 14 months. Yet, Mr. President, we are about to set up a process where it is almost guaranteed to lapse again.

The reason we are doing it is because under our arcane budget rules, if the tax is not in place as of the beginning of the fiscal year, we can assume that it is all fresh, new revenue and therefore we have found $60 billion in order to support other spending or to finance tax reductions. It is no real additional money. In fact, every expectation is there will be less real money because there will be a hiatus in this tax after September 30.

Why do I feel relatively confident, although sadly so, that there will be a hiatus in this tax after September 30, 1997? The answer is because we have virtually ordained that it shall be. Why have we done so? Because last year we passed an aviation reform bill, and in that bill we provided that the Secretary of Transportation and the Secretary of the Treasury would report to the Congress on their collective recommendations as to what kind of permanent method of taxation we should use for commercial aviation.

There is a dispute that has broken out between various segments of the commercial aviation industry as to how the tax should be structured. The interesting thing is that we are about to pass a bill in which the tax will expire on September 30. When do you think the report that we have already requested will be submitted to Congress? The answer is in October 1997. So we are not even going to get the report upon which we are supposed to make a judgment until after this tax has expired.

I suggest we are virtually guaranteeing that we will have yet another lapse in this tax, yet another hole in the trust fund that millions of Americans look to, albeit in a distant, obscure way, but they look to it with hopes that that trust fund will help make their period in the skies above America a safer experience.

The fact is that we have removed $5 billion of that safety over the last 14 months, and we are about to pass a bill that is virtually guaranteeing that we will remove more of it. And we are doing it solely, in my judgment, in order to be able to create a fictitious $60 billion that we can then use in order to justify other spending—not spending in aviation but spending in any area that we choose to do so, or reduction of taxes. If you want to know why in the last 20 years we have added almost $4.5 trillion to the national debt, you are looking here tonight at an example of the very kind of accounting gamesmanship that has gotten us into our current posture.

It had been my original intention to offer an amendment to this bill, as I did in the Finance Committee, to extend this bill at least to the end of the calendar year so that we would have an opportunity to consider the October report, make a reasoned judgment, and enact whatever permanent reforms we want to enact without suffering another lapse in revenue.

However, I recognize at this late hour the chances of such an amendment being successfully considered are nil. I also recognize the importance of getting this tax back in place as rapidly as possible so that we can stop the loss of the $5 billion.

Now, some might say, isn't it a good idea to have this tax lapse for 10 of the last 14 months. Has that not resulted in a bonanza of savings to American commercial aviation users? The fact is there has been some of that. Some airlines have, in fact, reduced their ticket price by the amount that was represented by the 10-percent tax which is embedded in that price. Others have not done so. So in some instances the American flying consumer has paid the same amount for the ticket but has not received the benefit of investment in the safety of our airways.

It will be my intention as soon as possible to introduce legislation that will make this tax permanent and will eliminate the "Perils of Pauline" that we have experienced first in August 1996 and now again in February 1997.

One of the reasons that we are rushing to enact this now is that the train is almost at the "damsel in distress." The FAA has said that they are in a position now that within the next few weeks, if not days, they will be in a position of having to send out notices to aviation facilities across the country that they cannot meet their obligations because the trust fund will have been depleted.

For that reason, I do not believe it is prudent to add one additional absurdity on top of the pile of absurdities that are represented by our actions relative to this aviation tax over the last 14 months. I regret that we are taking this action. I am afraid that it casts a pall on our seriousness of commitment to a balanced budget amendment when we have often used the analogy with a balanced budget that it is like a serial killer who has written on the wall, "Stop me before I kill again," that we need the balanced budget amendment to say, "Stop us before we commit deficit again."

Well, this is a good example of why we will need that constitutional amendment because clearly we are not showing that kind of discipline in adopting this legislation tonight. This is not a proud day for the Senate. It is not a happy day for the U.S. taxpayers. I hope that we can indicate to them that they will do better at some future date.

I thank the Chair.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I renew my unanimous-consent request to proceed to the consideration of Calendar No. 19, H.R. 668.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 668) to amend the Internal Revenue Code of 1986 to reinstate the Airport and Airway Trust Fund excise taxes, and for other purposes.

The Senate proceeded to consider the bill.

Mr. MOYNIHAN. Mr. President, this is the first bill passed by the Committee on Finance in the 105th Congress, and characteristically, it was adopted by unanimous vote. I would point out that 6 of the 10 major pieces of legislation reported by the Senate Finance Committee during the 104th Congress also were passed unanimously. We are off to a good start in the Finance Committee this year, and I hope we maintain this fine tradition under the able leadership of Senator ROTH.

We are here today because the taxes levied to finance the airport and airway trust fund have expired. These taxes largely support the operations of our Federal Aviation Administration, including our Nation's air traffic control system. They also finance our airport improvement program, providing grant money for important airport equipment and infrastructure improvements. Collection of these taxes is critical to maintaining and improving our national air transportation system and continuing to fund airport modernization projects, aviation safety enhancements, and airport security efforts.

On February 4, the Finance Committee held a hearing on the status of the trust fund, which we found to be critical. There is an unexpected shortfall in the trust fund. The Treasury Department had transferred estimated trust fund excise tax receipts to the trust fund based upon an assumption—now known to be inaccurate—regarding the timing of tax receipts. The Treasury Department was required to reverse this transfer, and we are informed that a correcting transfer of almost $1.2 billion has been made.

The trust fund will be depleted much sooner than expected, which has consequences. FAA informs us that while the air traffic control system will be funded through the end of the fiscal year, funds for FAA capital programs will be depleted in March. If we do not act promptly, FAA will be forced to halt new airport improvement grants, and to cancel contracts that are designed to improve airports and airway systems in every part of the country. These programs could include better bomb detection equipment, improvements for better communication between pilots and controllers, and safety and security studies.

The Finance Committee under Chairman ROTH'S leadership moved quickly. One day after our hearing, we unanimously reported out a bill to extend the trust fund taxes through the end of the fiscal year, or September 30, 1997, and to allow Treasury to transfer trust fund tax receipts to the trust fund, no matter when the taxes are collected.

The House has now passed identical legislation. It therefore falls to us in the Senate to pass this bill, promptly and without amendment, and to send it to the White House for the President's signature.

Mr. HOLLINGS. Mr. President, I rise today in support of H.R. 668 which extends the aviation ticket tax through the end of fiscal year 1997. This tax is essential to the day-to-day operation of our Nation's aviation system. Money to improve, maintain, and run our airports is wholly supported by fees paid by the users of the air transportation system. It is not paid for by the taxes we all pay on April 15. Air travelers paid for our airports in the form of a 10 percent ticket tax every time they flew prior to December 31, 1996. That money has been going into the airport and airway trust fund, and the money is then disbursed through the appropriations process.

We have told people to pay this tax, and we have told them we will then spend it on airports and making improvements to the air transportation system. I know that there is a great need to refurbish our Nation's airports. In South Carolina, I visit small airports and see the condition of the runways. Small airports cannot generate the funds needed without the assistance of the Federal Aviation Administration, which provides the necessary money from the trust fund.

Our problem now is that the ticket tax expired at the end of 1996. Due to budget games, the money that we thought would be in the trust fund is not there. Originally we were advised that the trust fund would be broke in July, but it will be depleted as early as March. If this situation is not corrected, millions of dollars in airport modernization projects, aviation safety enhancements, and airport security efforts will have to be delayed or terminated. The obvious answer to this untenable situation is to reinstate the aviation ticket tax, and that is why I am supporting H.R. 668. I urge my fellow colleagues to quit playing budget games and start fulfilling one of government's primary functions—preserving the safety of the American people.

Mr. MCCAIN. Mr. President, I rise today in strong support of the legislation before us to reinstate the aviation excise taxes, which support important aviation safety and security improvements, as well as system capacity enhancements. It is our duty to take action now to restore this vital revenue stream. I commend the Finance Committee for recognizing the urgency of this situation and moving the legislation forward on a fast track.

The aviation excise taxes lapsed on December 31, 1996. Current estimates show that if we do not restore the aviation trust fund taxes immediately, the trust fund balance will be insufficient to pay for the safety and security programs we approved last year as part of the Federal Aviation Reauthorization Act of 1996. The Federal Aviation Administration predicts, and budget officials confirm, that under current circumstances capital spending on aviation will come to a halt in March. We are clearly doing the right thing by approving this legislation in these emergency circumstances.

I am disappointed, however, that we could only agree to extend the current tax structure for aviation improvements until the end of September. I fear we will face another tax lapse at that time, and risk jeopardizing the trust fund sponsored programs again. The taxes for aviation safety and security should remain in place until we are ready to offer a suitable alternative to the current structure. Congress last year established the National Civil Aviation Review Commission to study and make recommendations along these lines. The term of the tax extension should coincide with this process.

Nevertheless, I endorse this legislation because my foremost priority right now is restoring the viability of the trust fund. I realize that if the Senate successfully extended the term of the reinstatement beyond September, the House would object. We would have to take the issue up in conference, and thus delay resolution of a situation that has already reached critical mass. Realistically, we would probably end up in a position no better than the one we are in today.

That said, we should be clear about one of the main reasons we are setting ourselves up for another lapse. The dedicated aviation trust fund taxes have fallen victim to congressional budget games. The excise taxes that support our aviation system expired late last year and late the year before, following years of uninterrupted renewal. Congress figured out that if it allows the aviation taxes to lapse, it can reinstate the taxes later, and use the revenues to offset tax cuts or increased spending elsewhere in the budget.

This is budget chicanery, pure and simple. We should use the taxes paid by air travelers and shippers exclusively for aviation safety, security and capacity improvements. When we use these aviation revenues to offset spending elsewhere in the budget, the American people rightfully question how we intend to use their dedicated aviation taxes.

More important, we should not play with this dedicated aviation revenue stream, simply to take advantage of convoluted congressional budget procedures. The need for budget process reform is clear. I will continue to work with my colleagues in the Senate to impress upon them the reality that it does not matter if revenues and appropriations are accounted for on different sides of the ledger. Even if the excise tax revenues are deposited in the trust fund, deficit pressures will reduce incentives to spend these funds for their dedicated purpose—aviation safety and capacity improvements.

Budget process reform is a debate for a later date. Today, I rise in full support of this legislation to reinstate the aviation excise taxes on a short term basis to support critical aviation safety and security improvements. We must remain vigilant in seeing this legislation through to enactment. Any further lapse in the taxes that support the trust fund would jeopardize safety-related capital improvements, and shake the public confidence in the Government's ability to safeguard the Nation's air travelers.

We should all be held accountable for not letting the excise taxes that support our aviation system lapse in the future. It would be wrong and irresponsible for us to let the aviation trust fund get caught up in our budget games again.

Mr. FORD. Mr. President, I want to first thank Senator ROTH and Senator MOYNIHAN, the entire Finance Committee, and its staff, for acting quickly on reinstating, for a short term, the taxes that fund the Federal Aviation Administration [FAA]. Many of you may not be aware of how the FAA is funded, or how critical its mission is to our economy.

The FAA receives its funds from two sources—the general fund and the airport and airway trust fund. The trust fund, up until December 31, of last year, was supported by a series of excise taxes—a 10 percent ticket tax, a 6.25 percent freight waybill tax, a $6 international departure tax, and two noncommercial aviation fuel taxes. For Fiscal Year 1997, the appropriation for the FAA was $8.563 billion. A total of $3.1 billion comes from the general fund, and $5.3 billion from the trust fund.

One thing many of us fail to really comprehend is how important aviation is to our economy. We know that a safe and efficient air traffic control system, and a well functioning FAA, are key components to our economy. The President recently recognized the importance of aviation to our country by stepping in to stop a strike at American Airlines.

Let me put some numbers out to explain how critical aviation is—the total annual impact of aviation to our economy is $771 billion. That is a staggering figure, but we all know that travel for business and travel for tourism are key components of our local economies.

Failure to reinstate this tax will bring the FAA effectively to a halt. Yes, the air traffic controllers would be paid, as would the other FAA staff. But, my colleagues should understand that no money—absolutely no money, would be available to buy new air traffic control equipment and to fund airport development.

This is not a simple problem. The FAA has under contract billions of dollars for new equipment. If the FAA is not able to pay its contractors, it will have to give them adequate notice to shut down the programs. This means more than not buying a piece of equipment next week, but shutting down existing programs underway. The lawyers will be suing each other for years.

I want to also state that last year, this body worked hard to pass an authorization bill for the FAA. As those of you that were here will recall, we stayed in session an extra week to get that bill through. That bill was and is important because it set a course for doing something different for the FAA—fundamentally changing the way it does business and how we fund that agency.

The long-term funding question remains unanswered. To answer that question, this body voted to establish a 21-member Commission. The work of the Commission must move forward, and it must be done expeditiously. With reconciliation looming, any change in the current system—a new tax system or a new user fee system—must be worked out now. The entire aviation industry must agree to how much money the FAA needs, and who, and how to pay for it.

I know that many of my colleagues share this view, and look forward to working this matter out with them.

The lapse in the ticket tax and the uncertainty over funding, is something our high technology, safety organization—the FAA—cannot afford. Our constituents and families cannot afford it either.

Mr. McCAIN. Mr. President, I rise to discuss an important issue related to reinstatement of the aviation excise taxes. Financing for the Federal Aviation Administration [FAA], and for the aviation safety and security initiatives it supports, is an issue of critical importance in both the short and the long term. That is why the last Congress established a process for achieving a long-term solution.

The Federal Aviation Reauthorization Act of 1996 created the National Civil Aviation Review Commission, and tasked it with developing specific legislative proposals for long-term FAA funding. Unfortunately, the administration has failed to appoint any of the 13 members it is responsible for appointing to the Commission despite the fact that the reauthorization act was signed into law nearly 5 months ago. This Commission has very important responsibilities and it needs to begin its work soon. The exercise we are engaged in today clearly demonstrates that need.

The Commission has a limited time in which to complete its tasks and must begin its work immediately. In fact, an independent assessment of the funding needs of the FAA should be completed this week. The assessment was prepared specifically for the Commission s use. However, because the administration has failed to make any appointments, there probably will not be a Commission to receive the assessment.

The aviation leadership of the Commerce Committee wrote to the President on January 28 to request that he take action to ensure that the commissioners are appointed immediately. I have also made Transportation Secretary Slater aware on numerous occasions of the urgency of the Commission appointments.

Mr. President, I ask unanimous consent that a letter to the President on this subject from Senators GORTON, HOLLINGS, FORD, and myself be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC, January 28, 1997.

Hon. WILLIAM J. CLINTON,
The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As you know, the Federal Aviation Reauthorization Act of 1996, Public Law 104–264, established the National Civil Aviation Review Commission to address the two very important issues of aviation safety and long-term funding of the national air transportation system, particularly the Federal Aviation Administration. We worked closely with the Administration to craft this legislation, and we appreciate the Administration's support. However, the act set down a firm time line for the Commission to follow in accomplishing its many tasks, including important issues related to aviation safety. It is time now to move forward and enable the Commission to do its work.

Thirteen members of the Commission are to be appointed by the Secretary of Transportation. Given the time constraints of the act and the critical nature of the Commission's duties, we hope that you will act swiftly to ensure the appointment of these commissioners. We expect that the Congressional leadership will move forward in concert with the Administration in making its own appointments. However, the leadership has waited for the Administration to make a move before it completes its appointments so that Congressional appointees can provide any needed balance in the composition of the Commission.

We urge you to take action to ensure that these commissioners are appointed as soon as possible. The Commission has a great deal to accomplish and time is running short. In February, an independent assessment of the funding needs of the FAA should be completed and the work of the Commission must begin in earnest. Knowing of your commitment to a safe and secure aviation system, we look forward to your swift action on this matter.

Sincerely,

JOHN MCCAIN,
Chairman.
SLADE GORTON,
Chairman, Aviation Subcommittee.
ERNEST F. HOLLINGS,
Ranking Member.
WENDELL H. FORD,
Ranking Member, Aviation Subcommittee.

Mr. LOTT. Mr. President, I wonder if the distinguished chairman of the Commerce Committee will yield for a question?

Mr. McCAIN. Mr. President, I would be happy to yield to the distinguished majority leader.

Mr. LOTT. I thank the Senator. As the chairman knows, the congressional leadership also has responsibility for appointing eight of the members of the commission. I wanted to confirm my understanding of the congressional leadership's responsibility for making appointments to the commission. Am I correct in believing that the congressional appointees were designed to ensure that the commission is not composed simply of people representing just the views of the administration?

Mr. McCAIN. The majority leader is absolutely correct. As mentioned in our letter to the President, the chief sponsors of the FAA reauthorization bill wanted to be sure that the commission was a balanced group. We fully expected the administration to act very quickly to appoint commissioners, so that then the congressional leadership would have an opportunity to address any perceived biases or omissions.

Mr. LOTT. I appreciate your confirming my understanding of the intent of the reauthorization act. Also, I join you in urging the administration to make its appointments without delay. The commission must begin working on a long-term funding solution so that we can avoid such problems as we are addressing today.

Mr. McCAIN. I would like to thank the majority leader for providing me this opportunity to clarify the matter of appointments to the National Civil Aviation Review Commission. His support and leadership have been instrumental in the efforts of the Commerce Committee to address the needs of the National Aviation Transportation System.

At this point, I once again urge the administration to assume responsibility for making appointments to the National Civil Aviation Review Commission, so that the long-term funding needs of the FAA can be addressed.

Mr. FAIRCLOTH. Mr. President, on H.R. 668, had this been a rollcall vote, I would like for the RECORD to reflect that I would have voted "no."

No one is more supportive of aviation safety than myself. I have pointed out on the Senate floor that I have actually been in a plane crash.

But, I oppose this measure because I believe that the American people are taxed too much. Why is it that general revenues, collected through income taxes, are not enough to cover such basic government services as safe skies.

Further, even if we were to impose such a fee, we should find offsetting spending and tax cuts so that we do not increase the tax burden on the American people. Regrettably, this effort failed in the House of Representatives.

Finally, this tax could be restructured so that it does not punish traveling Americans, but such a report on restructuring is not due until October of this year.

For all of these reasons I oppose the ticket tax.

Mr. LOTT. Madam President, I ask unanimous consent the bill be considered read a third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

The bill (H.R. 668) was passed.

Mr. LOTT. Madam President, I thank the distinguished chairman from Delaware for his efforts in this matter. I think it is clearly the right thing to do. The alternative would have been a catastrophe with our aviation programs in this country. We did not really have any alternative, and I think we have taken the right step. The proof that it is the right thing to do is that it passed overwhelmingly in the House, I think close to 370 votes perhaps, and in the Senate, while there are some reservations about it, we are able to move it with unanimous consent.

So I thank the leadership of the committee.

Mr. MOYNIHAN. Will the majority leader yield for a comment?

Mr. LOTT. I will be delighted to yield.

Mr. MOYNIHAN. Madam President, this is the first measure to be reported from the Committee on Finance, and once again it was reported unanimously. In the last Congress, of the 10 major measures that came out under the leadership of Senator ROTH, 6 were unanimous, which speaks of his chairmanship and prudence and desire to enhance revenues.

Mr. LOTT. I am glad the Senator put it so delicately, Madam President.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Madam President, I would just like to say to the distinguished majority leader, it would not have been possible to have gotten this through unanimously without the active support of the ranking member, and I publicly thank him for his contribution.

I should also like to point out that what we did is exactly what was requested by the administration.

Mr. LOTT. Yes.

Mr. ROTH. To carry it out until September 30. And that is exactly what we did. I think this is a wise move. It protects the safety of our air passengers. I thank the leader for his help in this matter.

Mr. LOTT. Madam President, I thank the Chair.

Mr. MOYNIHAN. Madam President, may I just concur in those remarks. May I also report that the trust fund began in the administration of President Nixon, and our distinguished Senator from Utah was the person who managed the representation up on Capitol Hill, from the Department of Transportation.

MEASURE READ THE FIRST TIME—S. 378

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I understand that S. 378, introduced today by Senator THOMPSON, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (S. 378) to provide additional funding for the Committee on Governmental Affairs of the Senate.

Mr. LOTT. I now ask for its second reading, and I object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. The bill will be read a second time on the next legislative day.

Mr. LOTT. Madam President, I yield the floor.

PARTIAL-BIRTH ABORTIONS

Mr. BROWNBACK. Madam President, I would like to draw the Senate's attention to a statement that was made yesterday by an individual heavily involved in the debate on partial-birth abortions. Like most Americans, I oppose partial-birth abortions. These latest facts which have now come to light show that the defense of this indefensible procedure has been built on some outright lies.

Yesterday, Wednesday, February 26, in the New York Times, there was a story that ran on page A–11, detailing the admissions of Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers. In the course of that article, and in another published in the American Medical News dated March 3, Mr. Fitzsimmons admits to lying, "through [his] teeth," during his defense of partial-birth abortions, when he said that the procedure was used rarely and only on women whose lives were in danger or whose fetuses were damaged.

"It made me physically ill" to make these statements, he said. "I told my wife the next day, 'I can't do this again.'"

The lies he admitted to focus on three major issues about partial-birth abortion, which is a terrible procedure, a late-term child being pulled out, mostly delivered, turned over, and then the abortion performed.

The lies he admitted to focus on three major issues: No. 1, the number of these abortions performed annually in the United States; No. 2, the physical health of the mother and child involved; and, No. 3, the timing of the majority of partial-birth abortions.

In an April 10, 1992, news conference announcing his veto of a ban on this procedure, H.R. 1833, the Partial-Birth Abortion Ban Act, the President said, "This terrible problem affects a few hundred Americans every year." And that has been continued to be claimed by a number of others. Yet, Mr. Fitzsimmons' admission is different. In the New York Times he now says the "procedure is performed far more often than his colleagues have acknowledged, and on healthy women bearing healthy fetuses."

The Medical News story reports on an investigation done by the Record, a Bergen County, NJ, newspaper, and they stated this:

> The New Jersey paper reported last fall that physicians at one facility performed an estimated 3,000 abortions a year on fetuses between 20 and 24 weeks of which at least half are by intact D&E [dilation and evacuation]. One of the doctors was quoted as saying, "We have an occasional amnio abnormality, but it's a minuscule amount . . . most are for elective, not medical reasons; people who did not realize, or didn't care, how far along they were."

The Washington Post investigation turned up similar findings.

I report that and put that forward here to the Senate, as this is an issue that is one of the front 10 Senate bills to face this body. It is a bill I hope we can act on. It is a bill, passed last year by both the House and Senate and vetoed by the President, to ban this late-term-abortion procedure, a procedure that is an abhorrent procedure, opposed by virtually all American people. Now we are finding out from some of the leading people advocating on the other side that they misrepresented—indeed, he said, "outright lied" about the number and the timeframe as to when these were performed.

I hope we can move forward aggressively and quickly on banning this procedure in America. And I hope the President will reconsider, in light of these factual statements, in light of this information that is coming forward from particular people involved directly in the industry, and that he will sign the bill this year, when we pass this, to ban this horrendous procedure that has continued to be allowed in our civilized country.

I commend all Senators to read this article that appeared yesterday in the New York Times, and the article I cited that is going to be appearing in the Medical News. I think it will add new light to this situation, and, hopefully, we can move forward, united, to take away this terrible situation that continues to happen in our country.

With that I yield the floor.

PROGRAM

Mr. BROWNBACK. Mr. President, for the information of all Senators, the Senate will be in session tomorrow for a period of morning business. As announced earlier, there will be no rollcall votes during Friday's session of the Senate. The Senate will also be in session on Monday, for a period of morning business. However, no rollcall votes will occur on Monday.

Under the previous order, the Senate will resume the balanced budget amendment on Tuesday. By order, a vote will occur on passage of the constitutional balanced budget amendment on Tuesday, at 5:15 p.m. For the information of my colleagues, that will be the next rollcall vote.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 93–415, as amended by Public Law 102–586, announces the appointment of Michael W. McPhail, of Mississippi, to the Coordinating Council on Juvenile Justice and Delinquency Prevention.

MEASURE PLACED ON THE CALENDAR—S.J. RES. 18

Mr. BROWNBACK. Madam President, I ask unanimous consent that Senate Joint Resolution 18 be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, FEBRUARY 28, 1997

Mr. BROWNBACK. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Friday, February 28. I further ask, immediately following the prayer, the routine requests through the morning hour be granted and there then be a period of morning business with Senators to speak for up to 5 minutes each, except for the following: Senator THOMAS for up to 30 minutes, Senator DASCHLE or designee for up to 30 minutes, Senator HAGEL for 10 minutes, Senator LIEBERMAN for 10 minutes, Senator REID for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWNBACK. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:16 p.m, adjourned until Friday, February 28, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 27, 1997:

IN THE COAST GUARD

THE FOLLOWING REGULAR AND RESERVE OFFICERS IN THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED:

To be commander

CATHERINE M. KELLY

To be lieutenant

MONICA L. LOMBARDI
MICHAEL E. TOUSLEY
LATICIA J. ARGENTI
THOMAS F. LENNON
SLOAN A. TYLER
DONALD A. LA CHANCE II
KAREN L. LLOYD
MITCHELL L. HARVEY
MARK A. HARRISON
ROBERT A. RINELLI
ERNESTO T. ROIG
RICHARD T. TEUBNER
ALBERT W. WYLIE

To be lieutenant (junior grade)

ROBERT M. HENDRY
MARK S. YOUNG
MICHAEL K. SAMS
MARK S. GILL
CHRISTOPHER CURATILO
WILLIAM D. BELLATTY
LESLIE W. CLAYBORNE
DENNIS J. O'MARA
KEVIN G. MORGAN
JOHN K. PARK
SCOTT A. BEAUREGARD
HECTOR A. AVELLA
MICHAEL A. MACON
DAVID L. GARRISON, JR.
CHERI BENIESAU
EDWIN W. PARKINSON III
STEVEN A. MAGARO
JAMES E. NOE, III
SHANNAN D. BROWN
THOMAS W. MCDEVITT
SAMUEL J. GOSWELLEN
ROBERT S. BLANCHARD
TRISTE A. PERCIVAL
GREGORY STANCLIK
JEAN M. TIERNEY
MICHAEL E. PLATT
PATRICK W. CLARK
BRANDON D. JONES
MICHAEL D. EVANISH
MICHAEL A. ARGUELLES
CHARLES W. TENNEY
FRANCISCO S. REGO
PATRICK B. OATES
FREDERICK R. READ
ANTHONY J. ALAIRD
PATRICK J. MURPHY
RANDALL J. NAVARRO
ROBERT L. SMITH, JR.
GERALD D. SLATER
LAWRENCE C. GOERSS
SEAN P. REGAN
JEROME F. SINNAEVE
MARK G. PHIPPS
CHARLES G. SMITH
CAREY L. HIXSON
STEVEN A. LANG
VINCENT E. PATTERSON
JEFFREY F. CRANE
SCOTT X. LARSON
JERRY A. HUBBARD
JOHN A. THOMPSON
BENJAMIN A. BENSON
DANIEL J. HIGMAN
STEPHEN G. LEFAVE
WILLIAM J. DEGREE
RALPH L. BENHART, JR.
NANCY J. TRAUX
STUART M. SOCKMAN
GARY K. POLASKI
THOMAS S. WAGNER
GREGORY M. RAINEY
BRYAN L. DURR
DOUGLAS C. DIXON
JOSEPH E. DEER III
BION B. STEWART II
DAVID W. SAUNDERS
BENJAMIN L. SMITH II
JOHN A. BRENNER
RICHARD W. CONDIT
JUAN LOPEZ
RICHARD O. ELLIS
CORNELL I. PERRY, JR.
JAMES V. ROCCO
DARELL SINGLETERRY
LAMAR V. JOHNSON
MARK D. GORDON
RICHARD A. GRIMM
ROCKY L. COLE
JASON A. MERRIWEATHER
PATRICK J. ST. JOHN
JEFFREY A. JANSZEN
LLOYD A. MALONE, JR.
VERNON E. GRAIG
CLAIRMONT A. AUSTIN
JAMES B. MORAN, JR.
NICHOLAS R. KOESTER
STEVEN J. SAGER
BURT A. LAHN
JAMES A. HEALY
MICHAEL E. KASZUBA
THERESA L. TIERNEY
JESS P. LOPEZ
CHARLES E. JOHNSON
ROBERT L. SEALE III
STEPHEN D. JUTRAS
JAMES R. LANGEVIN
QUENTIN C. KENT III
MICHAEL C. LONG
BRYAN E. DAILEY
KATHRYN C. DUNBAR
DAWN M. KALLEN
PATRICK W. MC MAHON
KENNETH S. KOSTECKI
BRYAN R. BENDER
PAUL R. BISSAILLON
WARREN J. RUSSELL
ERIC J. GANDEE
FRANCIS COLANTONIO, JR.
IAN R. KIERNAN
JOHN P. SHERLOCK
MICHAEL A. SMITH
STEPHEN H. OBER
DALE C. FOLSOM
TIMOTHY E. DARLEY
JAMES F. MILLER
JOHN M. SEDWICK
LEONARD A. JONES
CAROL L. MC CARTHER
MICHAEL S. LOY
DARYL R. PELOQUIN
ANTHONY J. NYGRA
ZACHARY H. PICKETT
CHRISTOPHER R. KAPLAN
GEOFFRY D. OWEN
GREGG G. KELLY
GARY F. BALL
NICOLE S. GIRARD
RICHARD L. JUNG
ROBERT M. SCHAMBIER
STEVEN J. PRUYN
GEOFFREY J. WARREN
MATTHEW R. WALKER
KEITH A. OVERSTREET
JOHN M. MARIAN
CHRISTOPHER D. BELTRAND
EUGENE E. JOHNSON
THOMAS A. GRIFFITTS
TUNG T. LY
EDWIN DIAZ-ROSARIO
MICHAEL R. GUERIN
JAMES M. REILLY
EDWARD C. NEWMAN
ARTHUR R. SHUMAN III
RONALD W. REUSCH

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTIONS

To be colonel

JOHN L. BUSH, 5943
RICHARD W. COMLEY, 9590
JAMES M. KEAGLE, 9783
JAMES P. KIPPERT, 7895
GARRY W. MATHESON, 4747
KENT M. MCLEAN, 3203
MICHAEL J. NICHOLS, 1512

To be lieutenant colonel

JEFFERY C. BRENTON, 1191
DOUGLAS B. DYER, 7477
CLYDE M. EGGETT, 1400
SAMUEL P. FYE, 1386
CHARLES W. HORTON, 1914
DANIEL E. JOHNSON, 6080
WILLIE B. TOMONY, 2082

To be major

JERRY A. COOPER, 3809
ROSS P. GOERES, 0083
WILLIAM R. KENT III, 9844
BRADFORD LOYD, 1142
STEPHEN A. MAYS, 0003
ROBERT A. RENNICKER, 0045
RALPH T. SMART, 0765
DAVID G. TALABA, 1667

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be colonel

LARRY W. RACSTER, 8179

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

BARRY S. ABBOTT, 8516
CANDACE C. ABBOTT, 3649
DOUGLAS E. ACKLIN, 5123
ANTHONY J. ADAMICK, 4503
MICHAEL P. AEILLO, 9141
ROBERT R. ALLARDICE, 0051
CRAIG R. ALLEN, 5965
C.D. ALSTON, 3231
DAVID N. ANDERSON, 3505
HOWARD P. ANDRUS, JR., 5622
THOMAS D. ARDERN, 0496
PAMELA A. ARIAS, 3173
JOHN A. ARRIGO, 9168
ARTHUR E. BAER, JR., 8981
CAROLYN M. BALVEN, 2738
JOHN A. BARTON, 5162
BROOKS L. BASH, 3966
MICHAEL J. BASLA, 6753
CARLA D. BASS, 5342
RONALD L. BEAN, 4761
JAMES D. BEASON, 7145
FRANK E. BEATY, 0629
JOSEPH C. BEBEL, 1063
DAVID R. BEECROFT, 3152
SCOTT W. BERRY, 4533
DAVID F. BIRD, JR., 9266
STEVEN A. BITLER, 2263
GARY L. BLEDSOE, 1888
RONALD R. BLICKLEY, 4489
JANET C. BLOOM, 6381
MARK S. BORKOWSK, 5289
JEFFREY S. BOULWARE, 5742
JOHN P. BOWLER, 7038
THOMAS L. BOWLEN, 7950
PAUL D. BRADEN, 8594
WILLIAM T. BRADEN, 8582
WILLIAM W., BRADLEY, JR., 7722
CLIFTON L. BRAY, JR., 5815
TED A. BREWER, 6947
ROBERT B.BREWSTER, 8217
JEFFREY S. BROWN, 5715
THOMAS D., BROWN, JR., 4090
FRANCIS M. BRUNO, 3512
RAYMOND T. BULL, 6896
JAMES A. BUNYARD, 1193
BOYCE B., BURLEY III, 3050
JAMES R. BURLING, JR., 1765
KEVIN P. BURNS, 8022
PAUL F. CAPASSO, 8146
STEVEN R. CAPENOS, 9339
HERBERT J. CARLISLE, 9032
CHARLES G. CARPENTER, 2376
FLOYD L. CARPENTER, 2158
STEPHEN R. CARR, 0529
RICHARD M. CHAPIN, 5995
RANDALL W. CHAPMAN, 2992
EDD P. CHENOWETH, 5951
ALLAN D. CHILDERS, 9901
CRAIG T. CHRISTEN, 5619
LANCE D. CHRISTIAN, 5005
KENNETH A.CINAL, 2112
JAY L. CLARK, 3890
ROY A. CLELAND, 5114
ROBERT M. CLOWERS, 0950
DOUGLAS R. COCHRAN, 4592
ROBERT A. COE, 8914
DONALD C. COLEMAN, 9899
JOHN D. COLLIER, 5628
DONAL J. COLLINS, 2710
WILLIAM M. COLLINS, 3927
JOHN M. COPELAND, 3653
ROGER T. CORBIN, 1598
JOHN O. COWAN, 1255
MICHAEL D. CRANE, 2860
GREGORY C. CRYSTAL, 2374
JOHN R. CULCLASURE, 0692
JOHN C. CULPEPPER, 6440
PAUL W. CURTIS, 9999
CHARLES CZARNIECKI, 4959
JOHN M. DAILEY, 1125
MICHAEL C. DAMRON, 2050
THOMAS L. DARNER, 8787
JOEL D. DAVID, 4273
GERALD D. DAVIDSON, 8489
CHARLES R. DAVIS, 8766
JAMES S. DAVIS, 4495
MICHAEL K. DEACY, 7432
RICHARD P. DEAVEL, 0299
MICHAEL E. DEHART, 6507
PAUL A. DETTMER, 6272
HARRY J. DEVAULT, 7913
RICHARD T. DEVEREAUX, 8130
FRANTZ DEWILLIS, 4173
GARY W. DILK, 1630
DANIEL R. DINKINS, JR., 2842
SHARON R. DISLER, 5942
ROBERT D. DORSEY, 2507
WILLIAM K. DOTY, JR., 1129
GAIL R. DUKE, 3743
DAVID D. DYCHE, 2807
DANIEL R. EAGLE, 0734
JOHN L. EASLEY, 5757
JEFFREY W. EBERHART, 4315
STEVEN R. EDDY, 0282
JOHN R. EDINGER, 2360
JACK B. EGGINTON, 1743
DAVID W. EIDSAUNE, 1271
JAMES K. EKEN, 9191
RICHARD K. ELDARD, 9532
DANIEL E. ELDRIDGE, 7585
JACK H. ELDRIDGE, 6978
GUS G. ELLIOTT, JR, 5532
ELIZABETH A. ENAS, 8062
THOMAS D. ENTWISTLE, 4575
ROBERT D. ESKRIDGE, 2907
DAVID G. ESTEP, 7124
DANIEL L. FALVEY, 6927
STEPHEN F. FARRY, JR., 5400
GREGORY A. FEEST, 5242
THOMAS P. FINNEGAN, 1272
MICHAEL S. FITZ, 2446
DAVID L. FLEMING, 6618
LEO FLORICK, 4249
ALFRED K. FLOWERS, 6659
JAMES M. FORD, 9566
PATRICIA M. FORNES, 6511
NEAL I. FOX, 2179
WALTER FRANT, 3927
KENNETH M. FREEMAN, 4310
GREGORY B. FRICK, 9824
MARK W. FRY, 5686
MYRNA L. FULLER, 7891
RANDAL D. FULLHART, 1760
TIMOTHY D. GANN, 9152
PATRICK J. GARCIA, 5670
RAY T. GARZA, 1623
JOHN F. GAUGHAN, II, 4735
JONATHAN D. GEORGE, 4350
PETER W. GEURTZ, 9088
KRIS D. GIANAKOS, 3656
RICHARD M. GIBALDI, 0536
FREDERICK C. GILBERT, 1386
ANDREW G. GILMORE, 5927
LEE GLASER, 1062
EDWARD O. GOEHE, 5241
ADRIAN GOMEZ, 3703
JOHN C. GOODMAN, 1328
JEFFREY S. GORDON, 2174
FRANK GORENC, 1011
LOWELL E. GRAHAM, 9502
STEVEN GRAHAM, 2124
ANTIONETTE L. GREEN, 8022
SANDRA A. GREGORY, 5776
THOMAS E. GRIFFITH, 2879
REYES GUERRA, 8585
MARK A. GUNZINGER, 9705
PAUL F. GUZOWSKI, 4980
DALE R. HANNER, 5489
WILLIAM E. HANSON, 2118
RICHARD C. HARDING, 9947
DONALD L. HARGARTEN, 4590
ROBERT H. HASELOFF, 8541
CHARLES W. HASSKAMP, 5480
MICHAEL L. HAUSER, 8339
RONNIE DAVOSE HAWKINS, JR. 8875
ERNST K. HAYNES, 9824
MICHAEL W. HAZEN, 3973
MICHAEL G. HAZENFIELD, 6163
WILLIAM J. HEINEN, 9136
DONALD W. HENNEY, III, 6351
DAVID R. HENSLEY, 8946
JOHN S. HEUMANN, 8023
DARRYL H. HICKMAN, 4836
ALVIN L. HICKS, 2478
TED A. HILBUN, 5481
STANLEY L. HILL, 0053
EVAN J. HOAPILI, 9522
MICHAEL J. HOELZEL, 5631
LEE V. HOFFMAN, JR., 1530
ERIC H. HOGANSON, 5493
JAMES R. HOLADAY, 5686
EDWARD C. HOLLAND, III, 8363
MARK A. HOMRIG, 6005
DONALD L. HOOVER, 0362
BILLY J. HOPPE, 2583
ROBERT W. HUGHES, 5628
LUCY E. HURLBUT, 0692
JAMES R. HUTCHINSON, 4960
THOMAS W. HYDE, 7816
MICHAEL J. ILTIS, 9014
RICHARD J. INGENLOFF, 1571
DAN A. ISBELL, 0835
ROBERT B. IVERSON, 0853
RANDAL K. JAMES, 2426
RANDALL L. JAMES, 8415
GORDAN R. JANIEC, 1335
DAVID S. JANIK, 7739
GRAIG L. JARVIS, 6226
DAVID J. JOHNSON, 7424
ELWOOD K. JOHNSON, JR., 9248
JAMES S. JOHNSON, 6722
NORMAN E. JOHNSON, 8079
WAYNE M. JOHNSON, 8637
MARK F. JOHNSTON, 6997
DUANE A. JONES, 1765
FRASER B. JONES, JR., 2562
DANIEL W. JORDAN, III, 0375
JAN M. JOUAS, 0373
DENNIS M. KAAN, 7413
JEFFREY P. KALOOSTIAN, 8315
EDWARD L. KASL, 9997
KARL A. KASZUBA, 3359
JAMES D. KELLEY, 8827
TERRILL L. KEMP, 8614
KEVIN G. KENKEL, 9063
JAMES S. KENT, 6746
OLEN S. KEY, 4428
CAROL D. KING, 7435
RICHARD A. KNISELEY, 3525
DONALD T. KNOWLES, 0703
RAYMOND O. KNOX, 3003
THOMAS J. KOCH, 9203
PER A. KORSLUND, 0878
JOSEPH E. KUBACKI, 4667
DAVID KUHNS, 7263
JEFFREY A. KWALLEK, 4291
DAVID A. LAFAVE, 7368
HORACE L. LARRY, 4227
ELISABETH A. LEASURE, 2699
RONALD LEE, 4160
ERWIN F. LESSEL, III, 5416
DOUGLAS R. LINCOLN, JR., 3658
DAVID C. LOEWER, 0428
THOMAS C. LORIMER, 0974
DONALD LUSTIG, 4218
JEROME S. MACKEN, 4950
MICHAEL M. MAHAR, 4701
TIMOTHY J. MALLOY, 7308
LEMUEL F. MARLOW, 9136
MICHAEL C. MARRO, 7432
FRANCES C. MARTIN, 5886
MATTHEW F. MARTORANO, 2250
BOBBY GRAHAM MATHIS, 8434
DENNIS M. MATTHEWS, 5809
JOSEPH A. MAY, 8540
EDWARD D. MAYFIELD, 8531
DENNIS M. MC CARTHY, 4504
WILLIAM N. MC CASLAND, 7469
FAYNE A. MC DOWELL, 0931
WILLIAM L. MC GILL, 2587
JAMES F. MC GOVERN, JR., 0236
RICHARD A. MC INTOSH, 2197
STEPHEN J. MC NAMARA, 4804
MICHAEL J. MC PHAIL, 2543
CRAIG R. MC PHERSON, 3284
CRAIG S. MENSCHNER, 7968
RONNE G. MERCER, 1334
CARMEN M. MEZZACAPPA, 6693
CHRISTOPHER D. MILLER, 9947
DOUGLAS L. MILLER, 3733
MICHAEL M. MILLER, 6057
EDDIE R. MIMS, JR., 0676
DARPHAUS L. MITCHELL, 9992
THOMAS C. MOE, 5944
EDWARD J. MONAHAN, 5539
JOE S. MORALES, 6693
RANDY E. MORRIS, 4126
WILLIAM E. MOSELEY, 3737
HAROLD W. MOULTON II, 5917
JOSEPH F. MUDD, JR., 8962
KENT A. MUELLER, 6170
LINDA S. MURNANE, 9823
WILLIAM P. MURRAY IV, 8426
DAVID T. NAKAYAMA, 2722
CURTIS V. NEAL, 8426
JOSE A. NEGRON, JR., 6202
PAUL M. NEIHEISEL, 7784
JOHN M. NEILL, 1586
KATHLEEN J. NEVIN, 2674
MICHAEL J. NEWELL, 5077
MARK J. NICHOLS, 6839
DAVID R. NOBLE, 0758
JONATHAN C. NOETZEL, 5084
RONALD J. NORMAN, 7686
JONATHAN S. NORWOOD, 3120
ANDREW E. NOTESTINE II, 6988
GREGORY J. O BRIEN, 3195
RICK E. ODEGARD, 2986
DANNY R. OHNESORGE, 3326
GEORGE T. O NEAL, 4301
WILLIAM B. OSBORNE, 1709
MICHAEL F. O SHEA, 1028
HANS J. OTTEN, 9121
ALLAN D. OVERBEY, 1597
THOMAS C. OWSKEY, 7767
JAMES V. PAINTER, 3111
JOHN W. PASSEY, 3609
JAMES C. PATCH JR., 5770
BRUCE L. PATERSON, 7277
MICHAEL S. PETERS, 8545
STEPHEN J. PITOTTI, 1507
JAMES E. PORTER, III, 4632
JOHN M. POUTIER, 7457
RAFAEL PUBILLONES, 1239
DAVID V. PULLIAM, 2620
WILLIAM R. QUINN, 0733
DOUGLAS L. RAABERG, 5158
RAYMOND R. RANDALL, 6816
STEVEN W. RAPP, 5348
RODERICK D. REAY, 3843
MICHAEL S. REESE, 7030

ROBERT S. REESE, 8561
JOSEPH M. REHEISER, [illegible]
MICHAEL J. RENNER, 3212
WILLIAM J. REW, 8665
JOHN F.C. RHOADES JR., 1045
WALTER E. RHOADS, 7868
RONALD P. RICHARDSON, 7193
JOHN E. RICHEY, 8398
NORMAN R. RIEGSECKER JR., 9723
TOMMY M. RISENHOOVER, 8871
ANNA S. RIVERS, 6363
WILLIAM P. ROBB, 8830
RANDY D. ROBERTS, 0030
THOMAS S. ROBERTS, 8541
DEAN C. RODGERS, 8158
WILLIAM H. ROEGE, 6325
MARIANNE R. ROGERS, 4817
PAUL M. ROJKO, 4323
PATRICK M. ROSENOW, 0250
JAMES A. ROWE, 1426
DANIEL J. RUNYAN, 7343
DONALD E. RYAN JR., 7768
MICHAEL Y. RYAN, 1783
JAMES T. RYBURN, 5711
PHILLIP M. SABREE, 1792
WALTER W. SAEGER JR., 7186
DAVID A. SARVER, 9104
ROBERT K. SAXER, 3953
WALTER J. SCHELL, 0210
ROGER A. SCHILL, 0608
CHARLES E. SCHMELING, 3294
STEPHEN D. SCHMIDT, 3532
JACK C. SCHOFIELD, 5289
JOANNE S. SCHOONOVER, 6499
LARRY G. SCHULTZ, 0394
MARK D. SCHULTZ, 0015
JAMES R. SCHUMACHER, 3608
DAVID J. SCOTT, 6307
RICHARD A. SEARFOSS, 3672
CYNTHIA L. SEGERSTEN, 5881
WILLIAM W. SELAH, 9145
GARY R. SELIN, 6704
PAUL J. SELVA, 5397
THOMAS D. SHEARER, 2384
WILLIAM B. SHIELDS, 3450
WILLIAM J. SHIREY, 5913
STEVEN D. SHIRLEY, 5303
JOHN C. SIDES, 3889
STANLEY P. SIEFKE, 2479
MARTIN J. SIEROCKI, 4816
JIMMIE L. SIMMONS, JR., 5415
NICHOLAS A. SIPOS, 5049
MARK H. SKATTUM, 5078
THOMAS C. SKILLMAN, 8956
MARK T. SMITH, 2830
CHARLES E. SNAVELY, 4897
JOHN A. SNIDER, 6877
RANDALL L. SOILEAU, 9060
MARK S. SOLO, 7827
KATHLEEN M. SPATOLA, 2431
JAMES W. SPENCER, 2640
KEVIN K. SPRADLING, 5300
MARK E. STEARNS, 2739
CARL A. STEEL, 8230
JAMES A. STEVENS, 0550
RICHARD A. STEVENS, 4369
WILLIAM P. STEWART, JR., 8889
MARK D. STILL, 2989
FREDERICK R. STRAIN, 0380
JON E. STROBERG, 0756
DONNA J. STROMECKI 5134
MICHAEL P. SULLIVAN 7675
JAMES O. SUTTON III 4559
RICHARD W. TAYLOR 7988
CHARLIE A. TEMPLETON 7635
SAM C. THERRIEN 4850
PATRICK J. THOMAS 3967
DARRYL W. THOMPSON 4846
FREDERICK H. THOMPSON 2316
RICHARD W. TOBIN, II 4204
THOMAS P. TOOLE 5353
ROBERT L. TRAPP 7469
DAVID M. TRASK 9045
ROBERT K. TRAYLOR 5447
JOE E. TYNER 2169
HUGO S. VALDIVIA 4527
MICHAEL R. VANHOUSE 4324
CHARLES S. VOELKER 9739
CONRAD M. VONWALD 4319
STEVEN P. WACHOLTZ 6714
CHRISTOPHER J. WALECKA 8559
LARRY R. WALKER 7748
CLINTON G. WALLACE 8114
CARY R. WALLINGTON 8342
BRADFORD E. WARD 7464
JAMES H. WEIDNER 8177
NORMAN A. WEINBERG 1682
GARY C. WEST 8208
JOHN M. WEST 8985
JOHN M. WESTON 9914
CHARLES M. WHITEHURST 3102
KENNETH L. WHITLEY 6505
JAMES A. WHITMORE 0618
STEPHEN S. WHITSON 2181
CLARK P. WIGLEY 2358
CHARLEY L. WILLIAMS 0309
PAUL WILLIAMS 7533
PAUL S. WILLIAMS 9538
WILLIAM J. WILLIAMS 0774
DAVID WILLIAMSON 6301
DANNY S. WILMOTH 6873
WALTER W. WILSEY II, 4701
JOE D. WILSON 1879
STUART E. WILSON 8520
STEPHEN A. WOJCICKI, 3493
CRAIG WOLFENBARGER, 8376
ROBERT E. WOOD, 8931
ROBERT J. WOOD, 8505
STEPHEN K. WOODS, 6645
STEVEN L. WOOLF, 8662
STEPHEN E. WRIGHT, 5233
MICHAEL M. WYKA, 6700
TERRENCE J. YOUNG, 8030
NICHOLAS F. ZUNIC III, 8290

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

*MITTY J. ALEXANDER, 2824
*MICHAEL J. ANDERSEN, 4094
*LAWRENCE M. ANDERSON, 3999
*SARITHA R. ANJILVEL, 4631
KENNETH A. ARNOLD, 4368
*RENEE T. BENNETT, 2864
*DONNIE W. BETHEL, 9627
*SCOTT K. BRADSHAW, 9707
*KENNETH W. BULLOCK, 5774
BARBARA L. BURGESS, 6318
*JAMES R. CANTRALL, 5440
*TODI S. CARNES, 2292
*GUILLERMO R. CARRANZA, 0548
*DAVID S. CASTRO, 4475
*LOUIS J. CHERRY, 0245
KERIC B. O. CHIN, 5171
*ROBERT H. CHRISTIAN, 8448
*STEVEN E. CONEY, 3907
*DOUGLAS P. CORDOVA, 5661
*THOMAS J. COUTURE, 1187
*DOUGLAS B. COX, 5834
*JOHN A. COX, JR., 9230
*DAVID S. DALES, 2242
*EDWIN H. DANIEL, JR., 2964
*KIRK L. DAVIES, 6675
*RICHARD D. DESMOND, 1002
*STEVEN J. DUNN, 8514
DAVID J. DUSSEAU, 7911
*JULIA P. ECKART, 3627
STEVEN J. EHLENBECK, 8862
*DAVID A. EVERS, 8905
*CELESTE R. GAMACHE, 8569
*THERESA M. GERRITZEN, 4915
*RUPINDER S. GILL, 1279
*RONALD J. GOODEYON, 0105
*SARA A. GUENTHER, 3830
*AMY A. HARDMAN, 9190
*ERIN C. HOGAN, 8092
TERESA K. HOLLINGSWORTH, 0378
*DARLA W. JACKSON, 9836
*GARY M. JACKSON, 8185
JOSEPH D. JACOBSON, 8847
*TARA R. JENNER, 3388
*MICHAEL E. JONASSON, 3627
PHILLIP J. KAUFFMAN, 4259
*DAVID A.G. KENDRICK, 7457
*JOSEPH P. KINLIN, 1484
*SIGURDS M. KROLLS, 2994
*BRENT H. LANDIS, 6360
*GREGORY E. LANG, 3014
*KIMBERLY A. LUDWIG, 8074
PETE R. MARKSTEINER, 4006
*TIMOTHY D. MATHENY, 4985
*TERRY L. MCELYEA, 9281
*MICHAEL L. MCINTYRE, 4466
*PATRICK W. MOUDY, 2147
*JAY W. MOUNKES, 0902
*PHILIP G. MOWRY, 4673
*WILLIAM E. MOXLEY, 2959
*ISSAC J. NEHUS, 5584
*MARGO S. NEWTON, 2074
*MICHAEL J. OSULLIVAN, 6390
*MARGERETTA A. OVERLY, 9874
*JEFFREY S. PALMER, 6423
*REBECCA E. PEARSON, 3142
PERRY J. PELOQUIN, 1370
*PAMELA T. PERRY, 2038
JAMES B. ROAN, 3534
*JORGE H. ROMERO, 4563
*JEFFREY P. RUDE, 4720
*VERNOLA A. SCHLEGEL, 7521
*GLENN W. SEBESTA, 6421
STEPHEN M. SHREWSBURY, 5658
*JEFFREY J. SLAGLE, 7587
*MARK S. TESKEY, 7079
KENNETH M. THEURER, 6207
*BETH A. TOWNSEND, 4842
*LISA L. TURNER, 5656
*DONNA M. VERCHIO, 1437
*THOMAS R. WILLIAMS III, 6551
*LISA A. WINNECKE, 7179
*SANDRA M. WOZNIAK, 5751
THOMAS F. ZIMMERMAN, 5747

EXTENSIONS OF REMARKS

INTRODUCING THE BALANCED BUDGET ENFORCEMENT ACT OF 1997

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. VISCLOSKY. Mr. Speaker, today, I am joined by our colleague, Representative CHARLIE STENHOLM, in introducing the Balanced Budget Enforcement Act of 1997. This legislation, which was originally introduced by former chairman of the Budget Committee, Leon Panetta, would put in place tough, new measures to reform the budget process and eliminate the Federal budget deficit by the year 2002.

It would do so by using a unique combination of an annual cap on appropriations, reconciliation, and sequestration, to pressure the President and the Congress to achieve annual deficit reduction goals, resulting in a balanced budget in 2002 and each year thereafter. Unlike similar pieces of legislation designed to produce a balanced budget, the Balanced Budget Enforcement Act contains no loopholes, and is designed to reward committees which meet their deficit-reduction responsibilities. A more detailed summary of the legislation appears after these remarks.

Like many of my colleagues, I am extremely concerned that we have failed to plan for this Nation's future and that we are about to saddle our children and our grandchildren with debts that they cannot possibly hope to pay. While we have made some progress in bringing the deficit under control over the past several years, the fact remains that in fiscal year (FY) 1996, the Federal Government spent $107 billion more than it took in. What's more, the Congressional Budget Office estimates that under current law, the deficit will begin rising again this year, climbing back to $278 billion by Fiscal Year 2007. The Balanced Budget Enforcement Act of 1997 would stop this destructive trend, and set us on the path to a budget that is truly balanced by 2002.

In closing, Mr. Speaker, I urge my colleagues to cosponsor this important legislation. The sooner we begin a serious effort to balance the budget, the better off our children and grandchildren will be.

BALANCED BUDGET ENFORCEMENT ACT OF 1997

SUMMARY

(*1*) Deficit Reduction Targets (in addition to the amounts required by current law) to reach balance in 2002.

[In billions]

	1998	1999	2000	2001	2002	Total
Discretionary caps	10.6	22.1	34.8	47.9	61.3	176.8
Entitlement/revenue scorecard	19.9	40.5	55.6	69.7	85.2	271
Debt service	.9	3.6	7.7	13	20	45.4
Grand total ...	31.4	66.2	98.2	130.6	166.6	493.2

Source: Congressional Budget Office

(*2*) Setting Sound Economic Estimates: The President appoints a "Board of Estimates," consisting of the Chairman of the Federal Reserve and four private citizens nominated by House and Senate party leaders. The Board must choose either CBO's or OMB's estimates of how much deficit reduction is needed in that Session. The Board's choice would be binding on the President and Congress, so that the deficit reduction requirement for each would be identical. Finally, the Board would meet again after adjournment to pick either CBO's or OMB's estimates of how much deficit reduction was actually accomplished by Congress during the Session.

(*3*) Requirement of President to Submit Balanced Budget: The President must propose a budget that will reach balance by 2002. Further, the President's budget must use the assumptions chosen by the Board of Estimates, meet all discretionary caps and entitlement/revenue deficit reduction targets, and achieve balance in 2002 and each year thereafter, and be voted on by Congress.

(*4*) Requirement of Budget Committees to Report Balanced Budget: Likewise, the congressional budget resolution must lay out a plan to reach balance by 2002. In addition, budget resolutions must use the estimating assumptions chosen by the Board of Estimates, meet all discretionary caps and entitlement/revenue deficit reduction targets, and achieve balance by 2002 and each year thereafter.

(*5*) Enforcement: A. Discretionary savings—Appropriations. The discretionary savings will be achieved by keeping appropriations bills within an annual cap, and enforced by across-the-board sequestrations of discretionary programs.

B. Entitlement/revenue savings—Reconciliation. The entitlement/revenue deficit reduction priorities will be set through the annual budget process. The budget resolution (conference agreement) will include a reconciliation directive targeting by committee the dollar amount of deficit reduction to be achieved from entitlements and/or revenue and will generate a "spin-off bill" (to be sent to the President) putting those targets into law.

C. Sequestration—Overall reconciliation requirements will be enforced by sequestration; the type of sequestration in any year depends on whether a spin-off bill has been enacted.

(1) Targeted sequestration to enforce reconciliation: (applies if a spin-off bill has been enacted, either as a result of a budget resolution or, later, as a title in a reconciliation bill). If a committee misses its entitlement target, entitlement programs within that committee's jurisdiction will be sequestered by a uniform percentage to meet the target. If revenues do not meet the revenue target, a uniform personal and corporate surtax will be imposed to meet the target.

(2) Comprehensive sequestration: (applies if a spin-off bill has not been enacted; this would generally occur if the President first vetoes the spin-off bill, then vetoes a reconciliation bill containing the committee targets). There will be a comprehensive sequestration of entitlement spending and some revenue provisions in the amount needed to hit the overall target for entitlement/revenue deficit reduction. For revenues, a surtax would be imposed upon personal annual incomes greater than $250,000 and corporate incomes over $10 million. This formula will produce $4 in entitlement spending cuts for every $1 in revenue increases.

(*6*) Tax cuts/Investment: Tax cuts and/or investment policies can be enacted if they are paid for.

IN HONOR OF BRIDGET McGLYNN: FOR SELFLESS DEDICATION TO THE IRISH-AMERICAN COMMUNITY OF BAYONNE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an outstanding woman, Bridget McGlynn, for her dedication to the Irish-American community in Bayonne. Mrs. McGlynn, grand marshall of the 1997 Bayonne St. Patrick's Day Parade, will be honored at a brunch on March 2 at the Hi-Hat Caterers in Bayonne, NJ.

Mrs. McGlynn's wondrous journey in community involvement began in her native Ireland. Originally from County Leitrim, she completed her education at nursing school in England. Upon emigrating to the United States in 1952, Mrs. McGlynn commenced her career as a registered nurse at St. Francis Hospital in New York City. Countless patients have benefited from Mrs. McGlynn's caring expertise over her long career.

While Mrs. McGlynn has become a valuable member of her community in America, her heart is still connected to Ireland. Mrs. McGlynn has been active in Irish-American affairs since her arrival in Bayonne in 1954. In an effort to foster the Irish culture in America, she has served as a member of the County Donegal Association, Ireland's 32 and the Irish-American League. Mrs. McGlynn, a charter member of the United Irish of Bayonne, has run an annual event to benefit the Project Children group for the past decade. In 1980, she was honored as the Irishwoman of the Year by the Irish American League.

Family plays a major role in our esteemed honoree's life. During her studies at nursing school, Mrs. McGlynn met her future husband, John, to whom she has been married for 43 years. Within a year of entering this new world, Bridget and John were married at St. Henry's Church in Bayonne. This joyful union has produced seven children: Sean, Eileen Finck, Kevin, Mary Rose Van Woudensburg, Michael, Bernadette Mastowski, and Kiernan. Mrs. McGlynn is the tremendously proud grandmother of 12 grandchildren: Megan, Michael and Caitlin Finck, Lauren and Cara Van

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Woudenberg, Christopher McGlynn, Aileen, Devan and Colin Mastowski, and Alanna, Brenda, and Connor McGlynn.

It is an honor to have such a caring and dynamic woman residing in my District. Bridget McGlynn epitomizes the amiable Irish spirit at its best. I am certain my colleagues will join me in recognizing this extraordinary daughter of Ireland.

GIVE COMMUTERS A CHOICE

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. LEWIS of Georgia. Mr. Speaker, today I am introducing the Commuter Choice Act, legislation that would help the environment while giving commuters greater choices in how they get to work.

Too often, our tax code subsidizes commuting by cars at the expense of other forms of transportation. Under current law, an employer can provide its employees free parking valued at up to $170/month. The employee does not include this benefit as income, and the employer may deduct the cost of providing the parking when computing its own taxes. However, if the employer provides its employees subsidized transit passes, the employee must include the benefit as income if it exceeds $65/month. In other words, if you commute by car, you can receive the equivalent of $170/month tax free. If you commute by bus or subway, you can only receive the equivalent of $65/month tax free.

The code discriminates even more against those who walk, car pool or commute by bicycle. Suppose that, in addition to parking and mass transit, an employer wants to give its employees the choice of receiving a commuting stipend. In other words, an employee could choose between a parking space, a transit pass or $20/month to cover other commuting expenses. Current tax law dictates that the cash stipend by included as income and taxed. In addition, if the employer offers employees the OPTION of a commuting stipend, then all employees must include the value of the cash stipend as income. In other words, the employees would have to pay taxes on the value of the cash stipend, even if they chose a parking space or transit pass. This tax treatment provides a huge disincentive for employers to offer a commuting stipend in lieu of a parking space.

My legislation would level the playing field among commuting choices. First, it would increase the value of transit subsidies that an employee could receive tax free to $170/month, the same value as the parking space. In addition, it would allow employers to offer employees the choice of a commuting stipend. Finally, it would require employers to offer employees the option of a cash stipend of at least $15/month. The result is that all commuting benefits are treated more equally.

This bill can help reduce congestion and combat air pollution, and it does so without raising taxes or creating new environmental regulations. It simply gives commuters a choice.

INTRODUCTION OF THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. YOUNG of Alaska. Mr. Speaker, on behalf of myself and 66 other Members of the House, I am introducing the American Land Sovereignty Protection Act today. This legislation will require the specific approval of Congress before any area within the United States is subject to an international land use nomination, classification, or designation. International land reserves such as world heritage sites, biosphere reserves, and some other international land use designations can affect the use and market value of non-Federal lands adjacent to or intermixed with Federal lands. Legislation is needed to require the specific approval of Congress before any area within the United States is made part of an international land reserve. The rights of non-Federal landowners need to be protected if these international land designations are made.

This legislation: First, asserts the power of Congress under article IV, section 3 of the U.S. Constitution over management and use of lands belonging to the United States; second, protects State sovereignty from diminishment as a result of Federal actions creating international land reserves; third, ensures that no U.S. citizen suffers any diminishment or loss of individual rights as a result of Federal actions creating United Nations land reserves; fourth, protects private interests in real property from diminishment as a result of Federal actions designating land reserves; and fifth, provides a process under which the United States may when desirable designate lands for inclusion in reserves under certain international agreements.

I introduced this legislation in the last Congress as H.R. 3752, which simply required congressional approval of United Nations land designations in the United States. In a rollcall H.R. 3752 failed—by a 246-to-178 vote—to receive the two-thirds majority necessary to suspend the rules and pass the bill. I am amazed that a single Member of Congress would oppose legislation requiring congressional oversight of international land designations within the borders of the United States.

What is unreasonable about Congress insisting that no land be designated for inclusion in international land reserves without the clear and direct approval of Congress? What is unreasonable about having local citizens and public officials participate in decisions on designating land near their homes for inclusion in an international reserve?

Many, many Americans from all sections of our country have called my office to say that they are concerned about the lack of congressional oversight over UNESCO international land designations in the United States and to express their support for this bill. They are surprised by the expanse of our Nation's territory which is subject to various special international restrictions, most of which have evolved over the last 25 years. The most extensive international land use designations are UNESCO biosphere reserve programs and world heritage sites. These international land reserves have largely been created with minimal, if any, congressional input or oversight or public input.

The Committee on Resources held a hearing on the American Land Sovereignty Protection Act in the 104th Congress. Seven witnesses including three local elected officials and a Member of Congress testified in support of this legislation. The former Representative and now Senator from Arkansas, the Honorable TIM HUTCHINSON, a cosponsor of H.R. 3752, outlined the problems associated with a proposed "Ozark Highland Man and Biosphere Plan" which was advanced without public input and has apparently been subsequently withdrawn after strong public opposition developed following discovery of the proposal; local elected officials from New York and New Mexico confirmed that there is little or no input by the public or elected officials into United Nations land designations. A Cornell University professor of government testified that "if the bill is seen by some as symbolic, it is still a useful symbol. It is not at all inappropriate at this time to reemphasize the congressional duty to keep international commitments from floating free of traditional constitutional restraints."

In becoming a party to these international land use designations through executive branch action, the United States may be indirectly agreeing to terms of international treaties, such as the Convention of Biodiversity, to which the United States is not a party or which the U.S. Senate has refused to ratify. For example, the Seville Strategy for Biosphere Reserves, adopted in late 1995, recommends that participating countries "integrate biosphere reserves in strategies for biodiversity conservation and sustainable use, in plans for protected areas, and in the national biodiversity strategies and action plans provided for in article 6 of the Convention on Biodiversity." Furthermore, the Strategic Plan for the U.S. Biosphere Reserve Program published in 1994 by the U.S. State Department states that a goal of the U.S. Biosphere Reserve Program is to "create a national network of biosphere reserves that represents the biogeographical diversity of the United States and fulfills the internationally established roles and functions of biosphere reserves."

Also disturbing is that designation of biosphere reserves and world heritage sites rarely involve consulting the public and local governments. In fact, UNESCO policy apparently discourages an open nomination process for biosphere reserves. The Operational Guidelines for the Implementation of the World Heritage Convention state:

> In all cases, as to maintain the objectivity of the evaluation process and to avoid possible embarrassment to those concerned, State [national] parties should refrain from giving undue publicity to the fact that a property has been nominated for inscription pending the final decision of the [World Heritage] Committee on the nomination in question. Participation of the local people in the nomination process is essential to make them feel a shared responsibility with the State party in the maintenance of the site, but should not prejudice future decision-making by the Committee.

By allowing these international land use designations, the United States promises to protect designated areas and regulate surrounding lands if necessary to protect the designated reserve. Honoring these agreements could force the Federal Government to prohibit or limit some uses of private lands outside the international reserve unless our country wants to break a pledge to other nations. At a minimum, this puts U.S. land policymakers in an awkward position. These Federal regulatory actions could cause a significant adverse impact on the value of private property and on local and regional economies.

At best, world heritage site and biosphere reserve designations give the international community an open invitation to interfere in domestic land use decisions. More seriously, the underlying international land use agreements potentially have several significant adverse effects on the American system of government. The policymaking authority is farther centralized at the Federal/executive branch level, and the role that the ordinary citizen has in the making of this policy through their elected representatives is diminished. The executive branch may also invoke these agreements in an attempt to administratively achieve an action within the jurisdiction of Congress, but without consulting Congress.

The legislation introduced today will compel the Congress to consider the implications of an international land designation and protect the rights vested in non-Federal property before a designation is made.

KNOXVILLE RESOLUTION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. DUNCAN. Mr. Speaker, I would like to call to the attention of my colleagues and to the readers of the RECORD a resolution passed by the Knoxville City Council. This resolution, R–384–96, endorses a balanced budget amendment to the U.S. Constitution. R–384–96 was sponsored by City Councilman Gary Underwood and forwarded to my attention by the mayor of Knoxville, Victor Ashe.

This resolution is yet another example of the widespread support for a balanced budget amendment to the Constitution. The reasons and clearly thought out practical examples expressed in R–384–96 are held by hundreds of thousands of Americans across our Nation.

For many years our national Government was dominated by those with a very liberal mindset, and there was little serious interest in attempting to balance our budget. In fact, we have not balanced it since 1969, and huge annual deficits have resulted in a $5 trillion national debt today. If we do not put a stop to this madness, we will absolutely destroy the standard of living of our children and grandchildren.

While I wish we did not need a balanced budget amendment, I agree with the Knoxville city council that if one is not enacted, we may never balance the budget. Historically, we simply have not done a good job in limiting Federal programs and reducing waste. There are 435 Members in the House who have their own funding priorities, another 100 Senators who have their own, and of course, the President also has his funding preferences. It becomes very difficult to reach an agreement on the budget if we do not set absolute caps which place funding limitations on Federal spending.

This issue is once again being debated in the 105th Congress, and I am proud to be a cosponsor of House Joint Resolution 1, which would provide an amendment to the Constitution requiring a balanced budget.

Our Federal deficit is one of the most serious concerns facing our Nation. If we bring Government spending under control and deregulate our economy, it could boom for many years to come. Times are good now for some people, but they could and should be good for almost everyone. We could really reduce the gap between the rich and the poor if we could decrease the power and cost of our government at all levels, but especially at the Federal level.

I request that a copy of the attached resolution passed by the Knoxville city council be placed in the RECORD at this point. I hope that my colleagues will join the Knoxville city council and me in supporting House Joint Resolution 1, the balanced budget amendment.

RESOLUTION

A resolution of the Council of the City of Knoxville urging the U.S. Congress to pass a balanced budget amendment to the United States Constitution.

Whereas, the City of Knoxville, Knox County, and the State of Tennessee balance their budgets annually; and

Whereas, Knoxville families must balance their budgets; and

Whereas, a balanced federal budget would reduce interest rates, thereby helping home owners and buyers; and

Whereas, Congress should set an example for the citizens who elect them by being fiscally responsible; and

Whereas, last year the Balanced Budget Constitutional Amendment failed by only one vote in the United States Senate; and

Whereas, Congress appears incapable of balancing our national budget without a constitutional requirement; and

Whereas, this proposed constitutional amendment is supported by Congressman John Duncan, Congressman Zack Wamp, Congressman Van Hilleary, and by Senator Bill Frist and Senator Fred Thompson.

Now therefore be it resolved by the Council of the City of Knoxville:

Section 1: The City Council of the City of Knoxville urges in the strongest possible terms that Congress pass a Balanced Budget Amendment to the Constitution of the United States of America.

Section 2: The City Recorder for the City of Knoxville is hereby directed to forward a copy of this Resolution to the Tennessee members of the U.S. Congress.

Section 3: This Resolution shall take effect from and after its passage, the public welfare requiring it.

AIRPORT AND AIRWAY TRUST FUND TAX REINSTATEMENT ACT OF 1997 (H.R. 668)

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mrs. SMITH of Washington. Mr. Speaker, I want to express my support of H.R. 668, the Airport and Airway Trust Fund Tax Reinstatement Act. This legislation was approved by the House yesterday with my full support and I want to make clear my reasons for supporting this much-needed legislation.

This legislation was requested by the White House in order to resolve a funding shortfall in the airport and airway trust fund. The legislation extends a 10-percent excise tax on airline tickets. This surcharge on airline tickets and the other excise taxes on airline travel expired at the end of last December and have been critical to the airport trust fund.

Without the extension of these aviation excise taxes, the Federal Aviation Administration [FAA] will have trouble maintaining construction and safety improvements of our Nation's aviation system. In fact, the FAA has warned that if this funding shortfall is not corrected, within 5 days they would have to begin sending out notices canceling or suspending contracts which involve safety expenditures and airport improvements. Air traffic safety is not something that we can jeopardize.

H.R. 668 maintains the aviation excise taxes that have been a regular feature of airline travel since 1970 and extends them through September 30, 1997. I do not believe that extension of the 10-percent ticket tax imposes new taxes on Americans. It simply maintains the same financing structure we have had for over 20 years to take care of our air traffic facilities.

SAN FRANCISCO BAY SHIPPING AND FISHERIES ENHANCEMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. MILLER of California. Mr. Speaker, today I am introducing the San Francisco Bay Shipping and Fisheries Enhancement Act. This legislation will protect both the economy and the environment of the San Francisco Bay area by taking preventive action to reduce the chances of a catastrophic oil spill in this irreplaceable bay.

On October 28, 1996, diesel fuel was accidentally released from a maritime administration ship in dry dock in San Francisco. Only about 8,000 gallons of oil entered the water but, due to weather and other factors, even this small spill got out from under the control of the Federal and State officials charged with containing and cleaning up oil spills. As bay area residents watched, the oil spread outside the Golden Gate and north of the San Rafael Bridge.

According to the San Francisco Chronicle, the cost of cleanup has exceeded $10 million, rivaling the $14 million cleanup of the much larger spill at Shell's Martinez refinery in 1988. The October spill was only about one-tenth of 1 percent of the size of the *Exxon Valdez* spill, yet *Valdez*-sized tankers laden with millions of gallons of crude oil make dozens of trips into the bay each year. In fact, the *Valdez* was bound for San Francisco when it ran aground in 1989. If a small spill like the one that occurred in October could cause this much damage, a *Valdez*-size spill would surely devastate the bay area, both economically and environmentally, for decades.

We got lucky in October. We got a wake up call the caused only modest damage. Next time we may not be so lucky. After a spill, we can send in all the king's horses and all the king's men, but they still can't put Humpty Dumpty back together. When dealing with oil spills, we need to heed the old adage—an ounce of prevention is worth a pound of cure.

The San Francisco Bay Shipping and Fisheries Enhancement Act—Bay SAFE—will provide that ounce of prevention by authorizing the removal of underwater rocks in San Francisco Bay that pose a danger to deep draft vessels, like oil tankers. Near Alcatraz, there are number of rock reefs lying less than 40 feet below the surface. The Coast Guard considers these rocks to be hazards to navigation and recommends their removal. In 1992, the San Francisco Bay Harbor Safety Committee, in its harbor safety plan, recommended that the rocks be removed to a depth of 55 feet below the low tide line. The main hazard that these rocks present is to tankers, which increasingly have drafts in excess of 45 feet. Bay SAFE directs the Army Corps of Engineers to lower these so that even the deepest draft tankers will not be endangered.

After rock hazards are removed, Bay SAFE directs the Coast Guard to reroute vessel traffic to minimize the risk of an oil spill. At a minimum, the Bay SAFE navigation project will give the Coast Guard a much wider area through which to move deep draft vessels, thereby decreasing vessel traffic congestion and the risk of head on collisions. I am confident that the Coast Guard, working with the local community, can come up with a traffic separation scheme that expedites shipping and enhances environmental protection.

I am aware that there are environmental concerns about removing these rocks. That is why Bay SAFE directs the Army Corps to design this project to minimize the impact on the environment and fisheries. The bill also provides for mitigation of any unavoidable damage. But in weighing the merits of this project, we must measure the long-term benefits against the short-term costs.

According to the maritime exchange, which tracks shipping traffic in San Francisco Bay, over 800 tankers entered the bay last year, carrying hundreds of millions—if not billions—of gallons of oil and other hazardous substances. Nearly one-quarter of these tankers are large enough to strike the submerged rocks near Alcatraz. If one small oil spill caused $10 million in damage, how many billions of dollars in damage to fisheries and wildlife would be caused by a major spill? If this project avoids even one modest oil spill, I believe it will have been worth the minor disruption to the marine environment caused by its construction.

San Francisco Bay is an invaluable natural and economic resource to the bay area and to the entire Nation. In the coming months, I will be taking every opportunity to increase protection of the bay area from oil or hazardous substance spills. As stated in a February 25 editorial in the San Francisco Chronicle, Bay SAFE is "a prudent move forward". It is the least we can do to protect our bay. I hope my colleagues will join me in this effort.

THE SELF-EMPLOYED HEALTH FAIRNESS ACT OF 1997

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mrs. KELLY. Mr. Speaker, I rise today to introduce The Self-Employed Health Fairness Act of 1997, legislation which will raise to 100 percent the deductibility of health insurance costs for the self-employed. This common sense legislation will restore equity and fairness in the tax treatment of many of this Nation's small business entrepreneurs. I introduced identical legislation in the 104th Congress, and received the support of over 50 bipartisan cosponsors.

Our current tax code is fundamentally unfair to the smallest of our Nation's business owners: the self-employed. Larger corporations enjoy a permanent, 100 percent deduction of health insurance costs, while in 1997 a self-employed individual is only allowed to deduct 40 percent of these same costs. We must ask ourselves a very basic and fundamental question: Why should the self-employed small business person be treated differently than a large corporation?

The 104th Congress did begin to address this problem, and I do not mean to take lightly the progress that it made. Two pieces of legislation were enacted that provided relief to the self-employed. First, legislation was enacted which restored and made permanent the deductibility that had expired during the 103d Congress, and raised the level of deductibility from 25 to 30 percent. Second, legislation which incrementally raised the deductibility to 80 percent by the year 2006 was also enacted. These were important steps, and I was proud to have supported them. However, as a matter of fairness and equity, we can and should do better.

By raising the deductibility to 100 percent, we are helping to achieve two important goals. We are strengthening the most important sector of our economy by relieving a significant tax burden that self-employed small businessmen and women must now shoulder. We are also helping to ensure that more Americans have access to health care, because without full deductibility, these costs are sometimes more than a small business owner can afford.

Let's send a message to America's self-employed that they are just as important as big business. Let's restore fairness and equity to the tax code's treatment of the health care expenses of self-employed individuals. I urge my colleagues to join me in enacting this important legislation.

IN HONOR OF GRACE CHURCH VAN VORST'S 8TH ANNUAL CATHEDRAL ARTS FESTIVAL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to Grace Church Van Vorst in Jersey City for its exceptional efforts to strengthen the arts community and to promote an appreciation for Hudson County's cultural background. Grace Church Van Vorst will hold its 8th Annual Cathedral Arts Festival Gala and Preview Sale on March 1, 1997.

The annual festival has become an important vehicle for young artists to make their work known to the public. It serves not only as a tremendous opportunity for local artists to showcase their talent, but also to enrich the surrounding community by exposing Hudson County residents to the variety of artistic styles that exist in the area.

This year's celebration will have artwork from various genres, including live performances. The 8th Annual Cathedral Arts Festival will be an evening filled with artistic discussion, fine food, and lively music. Individual artists will be on hand to discuss and sell their work. All donations will go to the physical needs of the historic Grace Church Van Vorst.

Grace Church Van Vorst is also celebrating its 150th anniversary. Since its founding in 1847, Grace Church Van Vorst has diligently worked to improve the downtown area of Jersey City. In addition to providing low-income housing for the impoverished residents of Hudson County, it funds "Let's Celebrate," an organization that assists the homeless residents of Hudson County.

I ask that my colleagues rise and join me in honoring the Grace Church Van Vorst for its outstanding civic contributions. I commend its accomplishments as well as its efforts to assist the local arts community. I hope it will continue to serve the community for another 150 years.

TRIBUTE TO YOUNG KEON HOOKS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. YOUNG of Florida. Mr. Speaker, it is with heavy heart that I advise my colleagues in the House of the death of a young 7-year-old boy named Keon Hooks of Clearwater, FL. Keon died on Friday, February 21, 1997, of a plastic anemia, a form of leukemia.

Keon was in need of a bone marrow transplant, and as you know, I have championed the National Bone Marrow Registry for years. Whenever I learn of a case like Keon I cannot help but ask myself, as well as my colleagues, what more can we do to encourage people to join the National Bone Marrow Registry in an effort to be a potential match and donor.

Despite repeated drives for Keon, a match for him was not found. As a last resort his mother Stacy donated her bone marrow in October, even though it was only a partial match.

Two other transplants were needed for Keon as his body was rejecting his mother's bone marrow and succumbed to several infections.

Still, Keon fought valiantly for his life and always kept a smile on his face. He was known as a practical joker, and I recall how he would attend bone marrow drives in the African-American communities of the Tampa Bay area to thank those who were signing up for the registry and to join in trying to get others to participate.

On Saturday, 1 week short of his 8th birthday, Keon will be buried. His funeral service will be the birthday party he wanted to celebrate. Today, in Keon's memory, let us pledge ourselves to redouble our efforts in our local communities to recruit our constituents to join the National Bone Marrow Registry so that "the gift of life"—a bone marrow transplant—can be passed to those who like Keon are in need of this lifesaving procedure.

Finally, let us set a moment aside to remember Keon. The inspiration he has left in my district and in the entire Tampa Bay area is hard to describe, but I know that this young man, a fighter whose disease still could not take away his admiration of his mother and sisters and his love of life, will be cherished by all who had come to know him.

H.R. 860. THE SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT ACT OF 1997

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mrs. MORELLA. Mr. Speaker, today I am introducing the Surface Transportation Research and Development Act of 1997 with Congressman GEORGE BROWN, the ranking member of the Science Committee. The legislation authorizes appropriations to the Department of Transportation to carryout surface transportation research and development programs for the next 6 years.

During the 102nd Congress, the Science Committee worked in a bipartisan fashion to lay the ground-work for most current surface transportation research, development, and technology transfer programs by drafting the research section of the Intermodal Surface Transportation Efficiency Act of 1991, commonly referred to as ISTEA. Today, the legislation that I am introducing will serve simply as a starting point as we begin the reauthorization process for these important programs.

To accommodate our future transportation infrastructure needs and minimize congestion, we need to continue the research and development work that was authorized in 1991 by the Science Committee through ISTEA. These programs seek to develop and deploy new technologies and innovative solutions that improve our current infrastructure's performance and capacity. Research and development is our best chance to address our burgeoning transportation needs in a cost effective and environmentally responsible manner.

INTRODUCTION OF FOUR BILLS TO IMPROVE FEDERAL CONTRACTING PRACTICES

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Ms. NORTON. Mr. Speaker, in a season that will be dominated by deficit reduction, all Federal spending must be scrutinized and made accountable. Today I am introducing four bills to bring accountability for the first time to the shadow government. While the Federal agency work force is being cut each year, we are continuing to support a growing and largely unmonitored private contract service sector and work force from which the Federal Government procures services. The huge $114 billion service contracting portion of the Federal budget has avoided reductions while deficit reduction has spared few others. Members who favor contracting out and privatization and those who prefer that the work be done by Federal agencies can all agree that both must be held accountable, because both are funded by taxpayer dollars.

Service contracting constitutes the fastest growing area of Federal procurement, accounting for over $114 billion of the $200 billion spent each year on outside contracts. In only 3 years, between fiscal year 1989 and fiscal year 1992, the number of contractors doing business with the Government rose from 62,819 to 82,472.

Just a few years ago, the OMB itself indicated that contracting is out of control. Yet this large Federal expenditure has remained hidden in the shadows, unlike Federal agencies and employees. There is no way to know whether this sector has contributed a single dollar to deficit reduction. It is remarkable that despite a governmentwide effort to promote efficiency, we have not considered the inefficiency of guaranteeing contractors an invulnerable chunk of tax dollars.

The Clinton administration, to its credit, has worked hard to make service contractors more responsive—for example, by proposing new performance-based standards for existing service contracts. However, the budget that Congress is now considering proposes no cuts in funds allocated specifically to service contracts—thus leaving untouched a huge source of potential savings—while demanding continuing sacrifices from the career work force that makes up the visible government.

The time is long past due for overhauling the contracting practices of the Federal Government. With the four bills I am introducing today, I hope to help begin the process of reinventing Federal contracting just as the rest of the Federal Government is being re-invented.

FULL FEDERAL PAY RAISE

My first bill would cut $5.7 billion in Federal agency funds for service contracts and make this money available for pay raises that are due Federal employees in 1998. Federal employees are again being required to give up part of their statutory pay increases while contract employees paid from the same Federal budget again remain untouched. The intent of this bill is to eliminate the discrimination that allows the Government to extract sacrifices from civil servants without considering ways to seek some savings from contractors. The process of competitive bidding does not insure savings and efficiency, but only that the Government may get the best deal among those who are competing. The 5 percent cut would compel contractors to scrutinize themselves for efficiency in the same way as we are now requiring of Federal agencies. Especially when compared with the sizable reductions agencies have experienced, this cut is so small that it should be beyond debate.

BUYOUT REFORM

My second bill would plug a hole in the buyout legislation reauthorized last year. When enacting the initial legislation in 1994, Congress went to extraordinary lengths to ensure that civil servants who were bought out with cash, could not be replaced with new hires and that the resulting 272,900 planned reductions in the Federal work force would be permanent. However, as it stands now, the buyout law would allow untold numbers of contract employees to replace bought-out Federal employees. Congress did not intend for buyouts to result in a simple substitution of contract employees for career employees. Rather, Congress made the judgment that the Government should be smaller and that considerable saving should result. The anticipated savings will not be made if one set of FTE's—Full-time equivalent employees—are substituted for another.

COST COMPARISONS

The reason most often advanced for contracting out work is that it is cheaper. However, a 1994 GAO study contradicts this assumption, and a 1994 OMB study revealed that cost-savings comparisons often are not always done. Federal agencies routinely do not compare the cost of contracting with the cost of doing work in-house. Thus, my third bill would require agencies to make these cost comparisons and would prohibit them from entering into an outside service contract if the services could be performed at a lower cost by agency employees.

Beyond the discrimination against career employees who are denied work regardless of efficiency and costs, current contracting practices are fundamentally bad business. According to the GAO report, issuing service contracts and hiring consultants can very often actually cost Federal agencies more than using Federal employees. In several of the cases analyzed by GAO, agencies could have saved more than 50 percent by keeping the work in-house.

SIZE OF CONTRACTING WORK FORCE

The absence of basic information, beginning with the size of the contracting work force, makes it impossible to make intelligent decisions about contracting out. To its credit, Congress in 1988 passed legislation requiring agencies to significantly cut service contracts. However, a subsequent GAO report found that there was no way to know if the agencies had actually complied with the legislation. Therefore, my fourth bill requires the OMB to develop a governmentwide system for determining and reporting the number of non-Federal employees engaged in service contracts.

All four of these bills would provide more systematic ways for monitoring and constraining the expenses associated with contracting out of services—just as we have insisted for Federal agencies and employees. Efficiency and deficit reduction must not stop at the door of the Federal agency. We need to bring the shadow government into the full light of day so that the sacrifices demanded in the name of re-inventing government may be shared by all employees and by every area of Government.

REGIONAL COOPERATION ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. TRAFICANT. Mr. Speaker, today I am introducing the Regional Cooperation Act [RCA], a significant first step in the effort to discourage fractionalization and encourage cooperation among America's communities. I urge my colleagues to cosponsor this important measure.

The Federal Government has always been a powerful force in funding economic development opportunities. From the voyages of Christopher Columbus to the establishment of the New York and Virginia colonies, nations have invested in the efforts of their people in order to build stronger national economies.

Unfortunately, while Federal support is an important undertaking in general, it has in many circumstances led to infighting and fractionalization. In the quest for limited Federal resources, communities have battled their neighbors and, as a result, undercut their regional economies. Dr. Gil Peterson, an expert in urban studies at Youngstown State University, noted: "All too often, political decisions are made to reward as many political entities as possible, and the level of investment is spread too thin to be effective."

The National Association of Public Administrators [NAPA] agrees. In its publication "A Path to Smarter Economic Development: Reassessing the Federal Role", NAPA asserts that government agencies "tend to perpetuate a focus on small political and geographic units rather than regions."

The RCA is an important first step in changing the Federal Government's divisive approach to funding economic development activities. The RCA encourages regional cooperation by amending the criteria used by the U.S. Department of Housing and Urban Development [HUD] to award Economic Development Initiative [EDI] grants. The new criterion will simply read: "When applicable as determined by the Secretary, the extent of regional cooperation demonstrated by the proposed plan." Note that my measure in no way mandates regional cooperation. Rather, if such cooperation is appropriate, applicants will benefit if their proposals reflect a sense of cooperation with their neighboring communities.

EDI's potency as a tool for enhancing and expanding economic activity make it an appropriate starting point for encouraging regional cooperation. Since its inception, over $400 million in EDI grants have funded the revitalization efforts of over 100 communities. Further, EDI funds are competitively awarded, are limited to a percentage of the section 108 and must work in tandem with the loan guarantee. As such, the amount of an EDI award is controlled, yet no formula has been uprooted to implement my measure.

The Tri-County Mini-Loan Fund, Inc., a revolving loan fund for small business ventures in my congressional district, is a nationally renowned program that boasts strong regional cooperation. Since its inception in 1992, the Mini-Loan Fund has pumped nearly $2 million into the regional economy with few defaults.

In establishing the Mini-Loan Fund, we observed the impact of fractionalized efforts and took a different path. We worked with banks, local universities, and non-profit organizations from all over Ohio's Mahoning Valley to ensure the entire market would benefit from the fund, not just those within specified political boundaries. In applying for EDI and section 108 funding to enhance the program, three counties and three cities submitted six separate applications and bundled them together to form a singular, powerful application.

As a results, HUD not only awarded our Mini-Loan Fund nearly $8 million in grants and loan guarantees, but then-Assistant Secretary Andrew Cuomo declared it a "national model of regional economic development." The now-Secretary Cuomo went on to thank the commissioners and mayors of the respective counties and cities for "pooling your resources to grow jobs for the region."

Mr. Speaker, the Federal Government is and will continue to be a key in successful local community development activities. It just needs to play its role a little smarter. Instead of playing communities off one another, it needs to bring them together. As we witnessed in my district, such cooperation can be a powerful tool for revitalizing not only a community, not an entire region.

Again, I urge my colleagues to cosponsor the Regional Cooperation Act.

INTRODUCTION OF THE MARIAN ANDERSON CENTENNIAL COMMEMORATIVE COIN ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. BROWN of California. Mr. Speaker, 100 years ago, on February 27, 1897, Marian Anderson, one of the world's greatest singers, a champion for civil rights, and a leader in the advancement of global peace, was born to a poor family in Philadelphia. PA. She died at the age of 96 on April 8, 1993. To honor the centennial of the birth of this great individual during Black History Month, I am today introducing with my 13 other colleagues, the Marian Anderson Centennial Commemorative Coin Act.

This legislation is a bipartisan effort to honor Ms. Anderson's life of achievements and accomplishments. Marian Anderson, a master of repertoire across operatic, recital, and American traditional genres, played a vital role in the acceptance of African-American musicians in the classical music world. In 1939, the Daughters of the American Revolution [DAR] refused to allow Anderson to sing at Constitution Hall because of her race. As a result of the ensuing public outcry, Eleanor Roosevelt resigned from the DAR and helped arrange a concert at the Lincoln Memorial that drew an audience of 75,000—an audience far larger than Constitution Hall could ever accommodate.

Marian Anderson was awarded 24 honorary degrees by institutions of higher learning. In 1963, she was given a Presidential Medal of Freedom. Congress passed a resolution in 1974 to have a special gold medal minted in her name. Marian Anderson was also an alternate delegate to the United Nations where she received the U.N. Peace Prize in 1977. In addition, she was awarded the National Arts Medal in 1986.

The surcharges from the sale of coins will be distributed to the Smithsonian Institution and the Corporation for Public Broadcasting for the endowment of exhibits and educational programs related to African-American art, history, and culture, as well as on the life of Marian Anderson. In addition, this bill assures that minting and issuing coins will not result in any net cost to the U.S. Government.

As we celebrate the centennial of the birth of this great individual during Black History Month, I urge my colleagues in joining us to support the passage of the Marian Anderson Centennial Commemorative Coin Act.

THE LATE REVEREND RALPH DAVID ABERNATHY, JR.

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. LEWIS of Georgia. Mr. Speaker, I am once again pleased and honored to introduce legislation honoring the Reverend Ralph David Abernathy, Jr., leader of the National Poor People's Campaign of 1968. My legislation would authorize the construction of a memorial on the National Mall in honor of the Reverend Abernathy and the thousands of individuals who participated in the Poor People's Campaign.

During the 1960's, I was honored to be a part of the civil rights movement—a movement that changed the face of our Nation. People from throughout our Nation—old and young, black and white, rich and poor—joined the nonviolent revolution that made our country a better, fairer, more just Nation. During this time, I was fortunate to get to know Dr. Martin Luther King, Jr., and his partner in the movement—Dr. Abernathy.

Dr. Abernathy was an inspiring and committed leader from the earliest days of the movement. When Rosa Parks was arrested for refusing to stand in the back of the bus while there were empty seats in the white section of the bus, she inspired the Montgomery bus boycott. As ministers of the two leading black churches in Montgomery, AL, Dr. King and Dr. Abernathy worked together to organize and sustain that boycott. Thus began the strong bonds of friendship and commitment that would last as long as the two men lived.

Dr. Abernathy had a lifelong commitment to securing and protecting basic civil rights for all Americans. I marched with him many times throughout the South, including Selma and Montgomery. After the assassination of Dr. King in 1968, Dr. Abernathy assumed leadership of the Southern Christian Leadership Conference, and worked to carry on the dream of Dr. Martin Luther King, Jr. After Dr. King's death, Dr. Abernathy continued to organize and lead marches and other events, including the Poor People's Campaign, a massive demonstration to protest rising unemployment, held in Washington, DC.

The Reverend Abernathy passed away 7 years ago. Today, I am introducing a resolution authorizing the construction of a memorial to the Reverend Abernathy and the Poor People's Campaign on the National Mall. I invite my colleagues to join me in supporting this effort. The monument will celebrate the achievements of the past, commemorate those who marched alongside us many years ago, and pay special tribute to the sacrifices and the contributions of Dr. Abernathy and others who participated in the Poor People's Campaign. Thousands of people participated. Some had small roles, others large roles. The Reverend Ralph David Abernathy had many roles, often at the same time. He was a teacher, a leader, an organizer, a soldier, and a friend. Many were inspired by his spirit, his good humor, and his guidance. Today, I invite my colleagues to join me in celebrating his legacy and his life.

IN HONOR OF MORTIMER LEVITT ON HIS 90TH BIRTHDAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mrs. MALONEY of New York. Mr. Speaker, it is with great pleasure and esteemed respect that I acknowledge my constituent, Mortimer Levitt, for his many achievements. Mr. Levitt, founder of the Custom Shop Shirtmakers, started his venture in 1937. After losing his job and his savings in the height of the Great Depression, Mr. Levitt courageously launched his business, the Custom Shop Shirtmakers. He now owns 73 Custom Shop Shirtmaker stores.

Mortimer Levitt, however, is not just an archetype in the fashion industry. He is also a philanthropist, Broadway producer, and author of four books. The custom shirtmaker is the founder and biggest contributor to the Levitt Pavilion for the Performing Arts. He contributed funds to the building of the arts center and has since helped raise half of the pavilion's annual budget. He is on the board of directors for the Lincoln Center Film Society, the Manhattan-based Young Concert Artists, and founder of the Manhattan Theater Club where not only was he on the board, but also produced over 20 plays. Levitt has also made significant contributions to Lincoln Center and endowed a scholarship fund at Mercy College in Dobbs Ferry, NY.

Mortimer Levitt, for the past 60 years, has provided jobs for his community, has raised funding for the arts, and has been an inspiration to the world of fashion. It is for these reasons and many more that I would like to recognize Mr. Levitt on his 90th birthday.

TAIWANESE PEOPLE AND THEIR STRUGGLE FOR SELF-DETERMINATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. DEUTSCH. Mr. Speaker, a few years ago, a Taiwanese-American constituent gave me a book entitled "Formosa Betrayed" written in 1965 by American diplomat George Kerr. The book describes a painful episode in Taiwan's history, which is today known as the 2–28 Massacre.

Tomorrow marks the 50th anniversary of the massacre.

After Japan had lost World War II, Taiwan was put under temporary administrative control of Chiang Kai-shek's Nationalist Kuomintang. At the time, the Kuomintang was still fighting its civil war with Mao Tse-tung's Communists on mainland China. The Nationalists under Governor Chen Yi treated Taiwan as a conquered territory. Initial euphoria about the arrival of the nationalist troops in Taiwan soon changed to conflict when the new authorities turned out to be repressive and corrupt. That anger resulted in the 2–28 Massacre which claimed the lives of an estimated 18,000–28,000 Taiwanese in 1947. The event represents the beginning of 40 years of Martial Law on the island during which Chiang's mainlanders ruled the island with an iron fist.

Mr. Speaker, the date February 28 is etched in the hearts and minds of the Taiwanese people. Beginning this year, Taiwan dedicates February 28 as a national holiday.

On the 50th anniversary of the 2–28 Massacre, we recognize the sacrifice of the Taiwanese people and their struggle for self-determination and reaffirm our commitment to a free and democratic Taiwan and to the strong relationship between our two countries.

HAWAII HUMANE SOCIETY'S 100TH ANNIVERSARY

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. ABERCROMBIE. Mr. Speaker, I rise today to salute the Hawaii Humane Society [HHS] and the caring individuals who are employed by, or volunteer at this facility. I am pleased to say that today the HHS celebrates 100 years of success in their service to our community.

The Hawaii Humane Society is a private, nonprofit charitable organization that promotes the humane treatment of animals to perpetuate the bond between humans and animals. Its animal welfare activities are based on a philosophy of encouraging responsible pet ownership through education, legislation, and prevention.

I ask my colleagues to join me in applauding the 28,000 donors and volunteers who give their time for this worthwhile cause. The Hawaii Humane Society's programs are innovative and are models for animal welfare organizations across the country. With their significant contributions in encouraging respect for all living creatures the HHS continues to improve the humane treatment of all animals in our community.

I am proud to pay tribute to the Hawaii Humane Society, and I am honored to add my voice to the praises of the many friends who gather to salute this fine organization.

REGARDING PERSECUTION OF CHRISTIANS IN PAKISTAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to speak out against religious intolerance in Pakistan. Earlier this month, tens of thousands of Muslims angered by the alleged desecration of a Koran, and incited by local Muslim leaders, burned thousands of homes of Christian villagers, along with a hospital, a school, a Catholic church, and a dormitory. While this event by itself is despicable, the conduct of the local police in this affair is unforgivable. According to reports, local police actually told residents to leave their homes because they could not protect them from the mobs. Yet it took only a small army unit to halt the rampage, which destroyed shops and homes, and restore order to the village.

This is only the latest incident in what the Christian Voice of Pakistan reports is ongoing persecution of Christians by Muslims in Pakistan. The State Department's "Human Rights Report on Pakistan" points out that "Discriminatory religious legislation has encouraged an atmosphere of religious intolerance." In fact, section 295(c) of the Penal Code stipulates the death penalty for blaspheming the Prophet Mohammed. This provision has been used by Muslims to intimidate religious minorities in Pakistan.

I met yesterday with the Pakistani Chargé d'Affaires to ask the Pakistani Government to launch an immediate investigation of the incident with particular emphasis on the role of the local police, and to repeal those portions of the Penal Code which give license to Muslims to persecute Christians and other religious minorities.

Mr. Speaker, I ask my colleagues to join me in calling on Pakistani Prime Minister Nawaz Sharif to speak out against religious discrimination and to work to create a climate of tolerance and religious harmony in Pakistan.

THE PLUMBING STANDARDS IMPROVEMENT ACT OF 1997

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce The Plumbing Standards Improvement Act of 1997.

My bill would repeal the plumbing fixture flow restrictions that were enacted by the Energy Policy and Conservation Act of 1992. Specifically, they limited the capacity of all newly manufactured toilets to 1.6 gallons per flush, and showerheads to 2.5 gallons per minute.

Though originally enacted to conserve water, these restrictions have had a number of unintended consequences, which I believe make a strong case for their repeal.

First and foremost is their impact on the public safety and health of the American people. The most damning evidence comes from a recently-released study by the University of Cincinnati. It shows that the increased mist levels created by restricted flow showerheads have led to a higher incidence of respiratory illnesses. And as you all know, children and the elderly are usually the most susceptible.

In addition, I have heard from several plumbing contractors in my district. They tell me that these showerheads have resulted in more scalding episodes, by causing a delay between the adjustment of the hot water knob and the resulting temperature increase. Thus, people, especially children, are over-adjusting the hot water and sustaining minor burns.

Regarding the toilets, it is apparent that new 1.6 gallon models are not as effective as their prerestriction counterparts. Plumbers and plumbing supply stores have been overwhelmed with complaints from unsatisfied consumers, and black markets for the old 3.5 gallon models have popped up across the country since the restrictions were put in place.

But beware: if you or I buy a 3.5 gallon toilet off the black market or remove the restrictor plate from our water-saver showerhead, under current law we would be subject to Federal fines as high as $2,500. Simply put, this provision is making criminals out of normal, law abiding citizens who only want a decent shower and a toilet that needs to be flushed only once.

Finally, even if my bill is passed and the Federal restriction is repealed, there is nothing stopping governments in water-scarce areas from passing these kind of restrictions. Some governments may find it necessary to do so, but it is a decision that seems best done at the State and local level.

I urge my colleagues to take a close look at this. It is my belief that if Congress knew about the safety and health risks alone, it would not have included these restrictions in the first place. I think the bottom line is that the Federal Government should be out of the bathrooms.

NOTING THE PASSING OF LUELLA HYATT CLAY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. STOKES. Mr. Speaker, it is with sadness that we acknowledge the passing of Mrs. Luella Hyatt Clay, the mother of our friend and colleague, Congressman BILL CLAY. Mrs. Clay departed this Earth on February 21, 1997, at the age of 94. I am certain that my colleagues in this Chamber and others throughout the Nation join me in expressing our deep sorrow at the loss of BILL's mother. As we mourn her passing, we pause to reflect upon the life of Luella Hyatt Clay.

Mr. Speaker, Mrs. Clay was born in Black Jack and was the second of eight children. At the age of 5, the family moved to what is now St. Louis' Baden neighborhood because St. Louis County did not provide schools for black children. When she was 17, Mrs. Clay married Irving Charles Clay, Sr., a welder. They had seven children and were married 56 years. Mr. Clay died in 1975.

Throughout her life, Mrs. Clay was devoted to her family and church. She was affectionately known as "Sis" and loved by all who knew her. Mrs. Clay was one of the oldest members of St Nicholas Catholic Church, which she and her husband joined in the 1940's. She also was a member of the church's Ladies Sodality.

Mr. Speaker, in addition to Congressman BILL CLAY, Mrs. Clay leaves to mourn her passing a son, St. Louis Alderman Irving C. Clay, Jr. She also leaves to mourn two daughters, Mary Elizabeth Lloyd and Flora Everett. In addition to her children, Mrs. Clay leaves behind 20 grandchildren, including State Senator William Lacy Clay; 30 great-grandchildren; and 14 great-great-grandchildren.

My wife, Jay, joins me in expressing our condolences to BILL and Carol and other members of the Clay family. It is our hope that the family will find comfort in knowing that others share their sorrow. Mrs. Clay was a very special individual who touched the lives of many. She will always be remembered.

COMMEMORATING THE 50TH ANNIVERSARY FOR THE AMERICANS FOR DEMOCRATIC ACTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. RANGEL. Mr. Speaker, I rise today to pay special tribute to the Americans for Democratic Action, which is celebrating its 50th anniversary.

ADA is a prestigious organization whose achievements should be recognized. It is one of the largest and oldest liberal advocacy groups in the country, with a membership in excess of 25,000.

As one of ADA's past presidents, I am indeed honored to have this opportunity to highlight some of the accomplishments of this most important organization. Also, it is only fitting that I point out that New Yorkers have had a long and favorable association with the organization. In fact, many are founders of the ADA.

The list of New York citizens credited for founding ADA includes the following: union leader David Duminsky, historian Arthur Schlesinger, Jr., and former First Lady Eleanor Roosevelt. Also included on that list of notable New Yorkers is a Manhattan Borough President Stanley Isaacs, a Republican.

As a former president, I have first hand knowledge regarding the importance of this organization. During my tenure, 1989–1991, I was delighted to watch ADA grow in membership, stature and program. Our staff and membership doubled during that time and we waged relentless battles against the excesses of the Bush administration.

As an example, the ADA performed a thorough review of the Bush administration's foreign policy record relating to Panama and Granada, and concluded that a failing grade should be issued. Additionally, ADA evaluated the Bush administration's performance on budget issues, and once again issued a grade of F for programs which rewarded the wealthy at the expense of the Nation's neediest. ADA is also credited for telling the truth about the real rate of unemployment. The effort to provide more accurate unemployment information resulted in the release of similar such statistical information by the Bureau of Labor Statistics. ADA's leadership in this arena culminated in our being able to better gauge the number of job training programs required for those unemployed.

The ADA has been a leader on may different fronts, including civil rights and civil liberties issues, nuclear arms control, apartheid in South Africa, workers rights, women's issues, increases in the minimum wage and Federal budget and tax policies. Most recently ADA provided support for the international family planning resolution, which sought the early release of 1997 funds to international organizations.

The ADA is an invaluable organization, whose efforts need to be recognized. Its history is one of influence and effectiveness. May it continue for another 50 years.

HONORING IRISH-AMERICAN HERITAGE MONTH

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. ROGAN. Mr. Speaker, I rise today to recognize the significant contributions Irish-Americans have made to our country and draw attention to March as Irish-American Heritage Month. There are now more than 44 million Irish-Americans in the United States, or one in every six persons in our country. In California, there are presently 4 million people of Irish descent.

Irish-Americans have been helping to forge our country from the very beginning. At least eight signers of the Declaration of Independence were of Irish origin, including the President of Congress, John Hancock, who was a descendent of the Ulster family. Also noteworthy, Matthew Thornton, James Smith, and George Taylor were Irish-born.

The Irish love of freedom played an integral role in the fight for American independence. County Derry-born Charles Thompson made the first finished copy of the Declaration of Independence. John Nixon, whose father was born in County Wexford, was the first to read the document publicly. John Dunlop, born in County Tyrone, printed the first copy. Edward Fox, a Dublin native, contributed almost a million dollars—a staggering sum in those days—to help finance the Continental Army. He later died penniless because of his commitment.

Throughout our history, several prominent Americans have been Irish-Americans. Two hundred years ago, James Hoban and other Irish immigrants assisted in the construction of the U.S. Capitol building. One hundred and ninety years ago, Irish-born John Barry was the first naval hero of the American Revolution and is known as the Father of the United States Navy. Eighteen Presidents have proudly proclaimed their Irish-American heritage.

Irish immigrants have always been willing to take on the lowliest, most dangerous and backbreaking of jobs. Their accomplishments include the building of the eastern portion of the transcontinental railroad and working in our Nation's coal mines.

Because of the significant contributions of Irish-Americans, and their continued work toward the betterment of our country, the month of March has historically been recognized as Irish-American Heritage Month. I invite my colleagues to join with me in observance and recognition of the sacrifices and significant contributions of Irish-Americans by recognizing March as Irish-American Heritage Month.

WE MUST PROTECT OUR FREEDOMS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. CRANE. Mr. Speaker, continuing a tradition begun in the 98th Congress, today I once again introduce legislation which reaffirms the commitment of this body to protect the second amendment to the Constitution.

The Founding Fathers recognized the right of men to defend themselves, and guaranteed Americans that this right would be preserved by the second amendment. At the time of our Nation's founding, guaranteeing this right was an idea foreign to the monarchies that ruled most of the world. James Madison noted this when he wrote that the right to keep and bear arms was an advantage which Americans possess over the people of almost every other nation.

The 104th Congress did not bring the type of assault on the second amendment as we saw in the 103d Congress. However, unfortunately, the 104th Congress was unable to reverse or repeal some of the more egregious errors made in this area by past Congresses. Indeed, only the House succeeded in passing legislation to repeal one such law, the so-called Federal assault weapon ban.

Gun control laws have never worked to reduce crime in America. Washington, DC, has some of the most restrictive gun control laws in America, yet leads the Nation in per capita murders. My own State of Illinois has some very tough standards before its citizens can legally possess firearms, yet since those laws went into effect, the crime and murder rates have dramatically increased.

I find it necessary, therefore, to remind my colleagues that our Nation's crime problems cannot be solved by infringing upon the rights of peaceful law-abiding Americans to own arms. Instead of an attack on guns, our laws should focus on keeping behind bars the small percentage of criminals who are responsible for committing the vast majority of crimes in the United States. Law abiding gun owners are not a threat to peace in America, rather criminals threaten the peace and security of our families.

We must demonstrate to Americans that we are resolved to protecting this right by supporting this resolution to reaffirm the second amendment and the right of individuals to keep and bear arms, and I urge my colleagues to join as cosponsors of this resolution.

MARIAN ANDERSON—100TH BIRTHDAY TRIBUTE

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. FATTAH. Mr. Speaker, on the occasion of the 100th birthday of the great American opera singer, Marian Anderson, Carnegie Hall will resound with a tribute in her honor. On Thursday, February 27, 1997, Robert Shaw will conduct the orchestra of St. Luke's and the Morgan State University choir in the Marian Anderson 100th Birthday Tribute. The program will feature a range of music from operatic arias to spirituals reflecting the broad artistic reach of Ms. Anderson's repertoire. Celebrated guests, friend, and family will gather to remember this amazing woman with song, photographs, letters, and personal reminiscences. From her first performance at Carnegie Hall in 1920 until her last in 1989, Ms. Anderson performed over 50 times on the Carnegie Hall stage—more than any other venue in her career.

Born to Anna and John Anderson on February 27, 1897, in Philadelphia, PA, Marian Anderson became an internationally renowned contralto and an aspiring symbol to all who strive to achieve against tremendous odds. Ms. Anderson began her singing career like so many African-Americans, by singing in the church choir of Union Baptist Church where funds were raised to help pay for her voice lessons.

In 1925, she won first prize at a contest held by the New York Philharmonic at Lewisohn Stadium. In 1930, she toured Europe, winning from Toscanini the tribute, "the voice that comes once in a 100 years." In 1939, Ms. Anderson became the center of national attention when the Daughters of the American Revolution [DAR], barred her from singing at Constitution Hall in Washington, DC and the subsequent refusal of the Washington, DC School Board to grant her use of Central High School's auditorium. Resulting publicity and DAR's public snub of Ms. Anderson, led the First Lady, Eleanor Roosevelt to resign from DAR and Secretary of the Interior Harold L. Ickes to invite Ms. Anderson to sing at the Lincoln Memorial on Easter Sunday, April 9, 1939, which she did, to a huge crowd of supporters.

In 1955, Ms. Anderson became the first African-American artist to perform at the Metropolitan Opera and was named as a delegate to the General Assembly of the United Nations by President Eisenhower. She earned many distinctions during her lifetime which included more than 24 honorary degrees from various colleges and universities, medals from the Governments of Sweden, Finland, and Japan, America's 1986 National Medal of Arts and the first recipient of the Presidential Medal of Freedom.

It is fitting, Mr. Speaker that we pause to create an official record in the annals of Congress in honor of this great American.

RECOGNITION OF THE REPUBLICAN WOMEN OF ANNE ARUNDEL COUNTY

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. EHRLICH. Mr. Speaker, I rise today to pay tribute to an organization in my district celebrating its 60th anniversary this year. The Republican Women of Anne Arundel County was formed in 1937 as the Federation of Republican Women of Anne Arundel County. Its founder was Edna Payne of Annapolis.

It is the oldest and largest Republican organization in Anne Arundel County and the fourth largest in Maryland. Its current membership stands over 130 members and increases—both men and women—yearly.

This group of civic-minded people is much more than a partisan organization. It is a compassionate group which contributes countless hours and energy toward serving the people of Anne Arundel County. It is a prime supporter for a local domestic abuse shelter, makes contributions to the Salvation Army, the local food bank, and other important charities.

Mr. Speaker, this organization is a living example of the spirit of citizenship envisioned by the founders of this great Nation. Political and charitable participation are the duties of everyone in a true democracy. The Republican Women of Anne Arundel County regularly prove that actions speak louder than words. I want to congratulate them on reaching this 60th anniversary milestone.

RECOGNIZING THE ACCOMPLISHMENTS OF THE 1996 HAMPTON HIGH CRABBERS FOOTBALL TEAM—VIRGINIA STATE CHAMPIONS

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. SCOTT. Mr. Speaker, on behalf of Congressman HERB BATEMAN and myself, it is with honor and great pride that I rise today to recognize a group of young men from my district who have distinguished themselves, their school, their community and the Commonwealth of Virginia.

The Hampton High School Crabbers Football team had an awesome season this past year and I believe that the Crabbers deserve formal recognition for their accomplishments. They are the 1996 group AAA Virginia State Champions with a remarkable 14–0 record.

The Hampton Crabbers have now won a total of 14 State championships and 5 over the last 11 years.

And when the Crabbers win, they don't just win. This year, they set a national record by outscoring their opponents 819 to 83. This year's team won their 14th State championship game by final score of 51–0.

The Hampton Crabbers also broke the record for most touchdown passes in a season—36—breaking the old record of 30; and most touchdowns scored in a season—40—breaking the old record of 36. The team just didn't make headlines in the Tidewater area. This season the team was ranked No. 2 in the Nation by USA Today; and ranked No. 1 by the Sporting News, The Dick Butkus Football Network, The National Prep Football Poll and the National Sporting News Service and the National High School Athletic Coaches Association.

Over the last 26 seasons, the Hampton High Crabbers, led by Coach Mike Smith, have amassed a record of 271 wins, 41 losses and 2 ties. During that period the Crabbers have broken several State and national records. In recognition of this remarkable season, Coach Smith has been named coach of the year by the National Sports News Service and the National High School Athletic Coaches Association.

OHIO STATE TREASURER KEN BLACKWELL MAKES THE CASE FOR A BALANCED BUDGET AMENDMENT

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. CHABOT. Mr. Speaker, I want to insert into the RECORD today an excellent article written by my friend, Ohio State Treasurer Ken Blackwell. Ken has become one of the Nation's leading voices for tax and budgetary reform, community empowerment and economic growth—positions he articulated as a colleague of mine on the Cincinnati City Council, later as Assistant Secretary at the U.S. Department of Housing and Urban Development, and now as Ohio treasurer.

Earlier this week, I had an opportunity to participate in a Cincinnati event with Treasurer Blackwell in which he made a very strong case for immediate adoption of a balanced budget amendment to the Constitution of the United States. He elaborates on that message in his excellent op-ed piece, published recently in the Washington Times. I agree with him wholeheartedly and I commend the column to my colleagues.

[From the Washington Times, Jan. 21, 1997]

BALANCED BUDGET AMENDMENT TIMING

(By Kenneth Blackwell)

Every generation or so, an idea that requires amendment or reinterpretation of the Constitution comes along.

Just over 200 years ago, the idea was the Bill of Rights, adopted to make sure American citizens would never be subject to arbitrary federal intrusions on their liberty.

In the aftermath of the Civil War, the idea was embodied in the 13th, 14th and 15th amendments abolishing slavery, conferring citizenship and extending voting rights to a sizable and productive segment of our society.

In the first two decades of the 20th century, the idea was women's suffrage. In the middle decades, the idea was fulfilling the promise of the 13th through 15th amendments.

The idea now is the Balanced Budget Amendment.

In "My American Journey," Colin Powell says correctly the "great domestic challenge of our time is to reconcile the necessity for fiscal responsibility with the explosive growth in entitlement programs," and that we have to face up to reducing the entitlement system or raise taxes to pay for it—we cannot continue to pass on to "your children and grandchildren the crushing debt that we are currently amassing as their inheritance."

Nobody these days is expressing much disagreement with the general's point. Eliminating the deficit is the motherhood issue of the '90s. Everybody is in favor of it. The question I ask opponents of a Balanced Budget Amendment is: If they are so in favor of motherhood, what do they have against marriage? Why should we not solemnize with a constitutional contract our commitment to do what they agree must be done about our spending?

Two of William F. Buckley's current "Firing Line" series feature the Balanced Budget Amendment. I was part of the team supporting it; the other side was led by Sen. Daniel Patrick Moynihan. I think most observers would agree that nobody opposing the amendment is likely to grasp and articulate the arguments more effectively than he, so it follows for me that if his points can be addressed, the case for the amendment is made.

The senator asserts that we should not try to solve every political problem by tinkering with the Constitution. True, but if it were not for some tinkering in 1913, the senator would now occupy his office only if he were able to campaign as effectively among members of the upper house of the New York legislature as he does among the state's registered voters.

We have been trying to fix the deficit problem with legislative action for more than 20 years, but our legislative and executive branches have lacked the political will to get it done. Some political problems can be solved only by amendment. The 17th Amendment was not tinkering, and neither is the Balanced Budget Amendment.

The senator noted that states have become dependent on federal monies, and he asked what the impact of the amendment would be on Ohio. The answer is it will be a $2.4 billion hit or about 8 percent of the state's budget. Cutting spending enough to make up for this loss will not be fun, but we are already making plans to do it, and other states can do the same.

Opponents say the federal budget is too complex, that a workable amendment simply cannot be drafted. If they really believed that, we would not be having this debate. The opponents would pass it, watch it fall of its own weight, spend around the wreckage, and blame proponents for a dumb plan. Forty-eight states have a working balanced budget requirement. It is precisely because it can be made to work at the federal level that they are so against it.

Opponents say an ironclad amendment would leave us unable to come up with funds to fight wars or recessions. One sentence from the 14th Amendment will dispose of this objection: "Congress may, by a vote of two-thirds of each house, remove such a disability." And if two-thirds of each house cannot be persuaded to agree, then maybe the bills for such wars or economic problems are not ones we should leave for our grandchildren.

The historian Henry Brooks Adams wrote in 1907 in "The Education of Henry Adams" that "Practical politics consists in ignoring facts."

With the amendment, our elected representatives at the federal level will have to choose between offending taxpayers by paying for programs as we go or offending important constituencies by facing the fact that we cannot afford their programs. With no amendment, our politicians can meet the Adams test of practicality by continuing to ignore the fact that their programs are affordable only if we stick generations to come with the tab.

The only salient questions about a Balanced Budget Amendment have been asked before in the context of all the other amendments.

If not us, who? If not now, when?

The questions are unanswerable for opponents of the amendment. For proponents, the answers are clear.

The who is us. And the time is now.

STEMMING THE RISING TIDE OF ILLEGAL IMMIGRATION: THE NEXT STEPS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. BEREUTER. Mr. Speaker, the Immigration and Naturalization Service [INS] recently announced that the estimated population of illegal aliens living in the United States increased by well over 1 million people to a total of 5 million in the last 4 years. This revelation should act as a call to action for all who serve the best interests of our Nation. The integrity and well-being of the United States continues to be under siege from a rising tide of individuals who, by entering the U.S. illegally and exploiting the rights and privileges accorded to legal residents, demonstrate a fundamental lack of respect for this country's laws and the rights and commitments of American citizens who honor and abide by them.

Mr. Speaker, illegal immigration continues to have a profound negative impact on our job market and workforce, our public assistance programs, our educational institutions, and our health care system. Moreover, massive illegal immigration places a tremendous strain on the social fabric of this Nation and our society's capacity to continue to welcome generous numbers of legal immigrants to America. The negative impact of illegal immigration is being felt by not just one or a few regions of the country in particular; it is being felt throughout the Nation—from the rural communities of Nebraska and Iowa to the metropolitan areas of New York and California.

Last year, the 104th Congress took a major step toward stemming the tide of illegal immigration when it passed the most sweeping immigration reform legislation introduced in recent history, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. However, it is clear that further steps need to be taken. Mr. Speaker, this Member commends to his colleagues the following editorial written by the Norfolk Daily News in Norfolk, NE. It touches upon some of the areas in which the U.S. Government can take additional positive steps in the effort to stop illegal immigration. If we as a nation are to stop illegal immigration, we must stop illegal aliens from using fraudulent documentation to acquire jobs and other benefits accorded to legal residents, and we must improve upon recent efforts to stop aliens from gaining long-term illegal residence in the United States by overstaying their visas.

In implementing voluntary worksite enforcement and pilot programs in employment eligibility verification, reducing the number of work authorization documents, and making border crossing identification cards tamper-resistant, Congress and the administration has taken some necessary initial steps toward hindering the ability of aliens to illegally enter the U.S. for employment or other purposes. It is imperative that the establishment of tamper-resistant Social Security cards and the implementation of tested, effective, mandatory employment eligibility verification programs be among some of the next steps that this country takes in addressing the problem of illegal immigration. In this Congress, the Gentleman from the 8th Congressional District of Florida, Mr. McCollum, has introduced legislation of which this Member is proud to be an original cosponsor. This legislation would improve the integrity of the Social Security card and system and provide criminal penalties for fraud and related activity involving work authorization documents.

Mr. Speaker, more time is needed to adequately measure the beneficial effects of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. It is clear to this Member that the 105th Congress and the administration must work together and propose additional tough measures that will assist in closing the door to massive numbers of illegal aliens. A country that cannot effectively control its borders against illegal immigration is failing a basic responsibility of a sovereign nation.

[From the Daily News, Feb. 19, 1997]

MORE ILLEGALS DESPITE REFORM—NUMBERS MUCH THE SAME AS IN 1986 WHEN NEW LEGISLATION WAS ADOPTED

There are 5 million illegal immigrants in America, according to the Immigration and Naturalization Service. It is an estimate only. That means the problem is the approximate equivalent of that which prompted the Immigration Reform and Control Act of 1986. Under that act, 3 million long-termers were legalized and subsequent steps were taken to limit new illegal arrivals.

Obviously, and despite strengthening border patrols and creating additional physical barriers, the flow continues. Many (41 percent by INS estimates) of the illegals are people who entered the United States legally but have simply remained in the country after their visas expired.

A stab at immigration reform last year, which increased the enforcement manpower levels to create tighter border control, does not appear to have had much effect.

Members of Congress continue to reject the idea of a mandatory identification card for workers. But with such a system, fake documents might not be quite so easy to obtain. Employers could be expected to exercise more control in hiring.

Americans already carry driver's licenses; photo IDs are required for air travel these days. Social Security cards are needed, though there is no penalty for not having one in your billfold. Americans who want to travel abroad do have to prove citizenship and be issued passports.

So the intrusion on personal freedom of an identification card for workers seems slight under the circumstances. And if it would be a help to employers to make sure they are not hiring illegals, and to all those officials being paid to enforce immigration laws, then it would be worthwhile.

Injustice is done to all legal immigrants and to all American citizens and taxpayers by ineffective controls. Surely the requirement for ID cards is preferable to financing higher barricades or hiring more border patrol officers.

ONE OF AMERICA'S GREATEST TREASURES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. THOMPSON. Mr. Speaker, I rise today to recognize one of Mississippi's most outspoken heroes and one of America's greatest treasures. Although the contributions that Americans of African descent have made to this country are inexplicably woven into the very fiber of freedom and democracy upon which this country was founded, they are consistently overlooked and seldom find their place in history books alongside those of their white counterparts. However, because the recognition of these contributions has been relegated to 1 month out of the year—this month—instead of everyday, I would like to take a moment to share with you an article from "The Mississippi Link", a paper in the district I represent. This article commemorates the life of Mr. R. Jess Brown—Civil Rights pioneer and true supporter of democracy.

"R. JESS BROWN: A MEMORIAL TRIBUTE TO KEEP HIS MEMORY ALIVE"

(By Nettie Stowers)

SPECIAL TO THE MISSISSIPPI LINK

R. Jess Brown, a citizen of Mississippi residing in the city of Jackson, in September, 1988 was summoned by the U.S. Congressional Black Caucus and the Congressional Black Caucus Foundation, Inc. to the Nation's Capitol. Brown had been invited to attend and participate in "A Special Tribute To A Great American, The Honorable Thurgood Marshall, U.S. Supreme Court Justice" that was hosted by the Black Caucus and Foundation.

This invitation to attend and participate in the tribute was due Brown, in part, because the Jackson, Miss. attorney had been a member of the NAACP Legal Defense Fund which had also included Justice Marshall. According to the Magnolia Bar Association, in his august career, Brown "played a major role with the NAACP Legal Defense lawyers in (ending) the discrimination against Blacks in the areas of transportation and other public accommodations along with (the) Honorable Thurgood Marshall, then Associate Justice of the United States Supreme Court (now deceased); (the) Honorable Constance Baker Motley and Robert L. Carter, now (both are) residing judges in the United States District Court for the State of New York; and other NAACP Legal Defense lawyers."

At this tribute, billed as "A Special Tribute To Thurgood Marshall . . . The Lifetime Companion For Justice For All People . . .", Brown was rubbing elbows with people who held esteem for equal justice for all Americans such as Wiley Branton, Sr., Esquire, (now deceased); U.S. Representatives Louis Stokes, Michael Espy, Mervyn Dymally, Walter Fauntroy and Julian Dixon; William Coleman, Jr., former Secretary of the Department of Transportation; Ramsey Clark, former U.S. Attorney General; and AME Bishop H. H. Brookins.

Brown was accustomed to such invitations and honors: a civil rights lawyer, he had served as a member of the team lawyers who had systematically dismantled the discriminatory segregationists and "Jim Crow" laws in America, especially in the South and Mississippi. Brown's contributions to American society are a reading of U.S. History and Mississippi History.

In 1948, Brown joined Gladys Noel Bates in seeking equal salaries for black teachers in Jackson when very few, if any, blacks dared to oppose the historically white supremacy power structure in the Magnolia State. Jether Walker Brown, his widow who still lives in Jackson, said "when Jess stepped in to help Mrs. Bates, almost no one was speaking to her because of intimidation by whites. Jess stepped in and almost immediately made the Black people feel ashamed for their actions." Jether Brown went on to say that "things were not easy for him (Jess) or any of us during this time. Anyone or any group associated with helping Blacks get equal treatment "receiving death threats harassment and vindictive and cruel intimidation; this included men, women and children. This was especially true for Jess, me and our two children. Oh Lord, it wasn't easy!"

Mrs. Brown also said that her husband represented a lot of Black people in cases where Mississippi sought the death penalty; but, these Black folk were never executed because her husband would keep on appealing their cases until some judge or court would overrule Mississippi's decision to execute.

In the 1950's Brown filed the first civil rights suit in Mississippi in Jefferson Davis

County seeking the enforcement of the right of Black citizens to become registered voters. He was successful in obtaining Clyde Kennard's release after Kennard was convicted for the theft of chicken feed after attempting to register to vote at Mississippi Southern University. In the 1960's, Brown was among the team of lawyers who represented James Meredith in opening the doors of Ole Miss to Blacks.

The civil rights lawyer represented Mack Charles Parker in the Circuit Court in Pearl River County, Miss., who was lynched and thrown in the Pearl River after Brown raised the jury selection question prior to Parker's trial. And, while serving as counsel for the American Civil Liberties Union (ACLU), Brown was successful in obtaining reversals of convictions of Black defendants because discrimination against blacks in jury selection in Scott and Warren Counties.

Before Brown's untimely death in 1989, Attorney Firnst J. Alexander, Jr., assisted Brown in obtaining an acquittal for a Black defendant accused of being involved in attempted armed robbery of an alleged white victim in Neshoba County, Miss., where the alleged victim was shot.

Mrs. Brown said, "All of R. Jess' cases were important; but I'd say that lawyers in the State of Mississippi were hard to find and Mississippi had a rule that out-of-State civil rights lawyers could not come in and represent the people who were suffering and dying from discrimination—a local lawyer had to take the lead." That's how we got some of the lawyers in Mississippi whose names are a part of civil rights history like Carsie Hall, Jack Young, Sr. and others.

Brown served on the executive board of the National Bar Association, he received numerous honors and awards which includes the C. Francis Stratton Award of the National Bar Association, the NAACP Legal Defense and Educational Fund Award; and, the Illinois State University Award of Achievement. Brown's fraternal affiliations included Phi Beta Sigma Fraternity, the Elks, and L.K. Atwood Lodge. Brown was a member of Pratt United Methodist Church in Jackson, Mississippi.

When asked about her greatest contribution to R. Jess and his undaunted efforts to gain equality under the law for Americans with African heritage, Mrs. Brown said "R. Jess was a humanitarian, educator, and fighter for civil rights. I made my contribution as a friend, wife, mother to our children and someone with whom he could confide and consult with on any subject. I have given it to R. Jess, he valued and respected my opinions and my knowledge."

AT FIRST GLANCE FACT ABOUT R. JESS BROWN

September 2, 1912—December 31, 1989.

Formal Education: Public Schools of Muskogee, Oklahoma.

Undergraduate Education: Illinois State University.

Graduate Education: Indiana University.

Legal Education: Texas Southern University School of Law.

Admitted To Practice Law: All Mississippi State Courts; U.S. District Courts for the Southern/Northern Districts of MS.

Profession: High School Teacher, College Professor, Lawyer.

Married to Jether Lee Walker Brown; Jackson, MS.

Children: Jacqueline Brown Staffney; Jackson, MS and Richard Jess Brown; Jackson, MS.

MAJOR ACCOMPLISHMENTS

Filed the first civil rights suit in Mississippi seeking the enforcement of the right of Americans with African heritage to become registered voters.

Represented James Meredith in opening the doors of the University of Mississippi to Americans with African heritage with other lawyers from the NAACP Legal Defense Fund.

MEMORIAL TRIBUTE

The Magnolia Bar Association (R. Jess Brown was a co-founder) presents the R. Jess Brown Award to a deserving attorney.

R. Jess Brown Park; Capitol Street; Jackson, Mississippi.

INTRODUCING THE LAND RECYCLING ACT OF 1997

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. GREENWOOD. Mr. Speaker, today I am introducing the Land Recycling Act of 1997, legislation designed to spur economic growth in virtually every community across the country, particularly in America's urban core.

THE BROWNFIELDS EPIDEMIC

My bill is an aggressive attack on brownfields, abandoned or underutilized former industrial properties where actual or potential environmental contamination hinders redevelopment or prevents it altogether. The U.S. Environmental Protection Agency [EPA] estimates that there may be as many as 500,000 such sites nationwide. In my own congressional district, the southern portion of Bucks County is estimated to have 3 square miles of abandoned or underutilized industrial property.

This epidemic poses continuing risks to human health and the environment, erodes State and local tax bases, hinders job growth, and allows existing infrastructure to go to waste. Moreover, the reluctance to redevelop brownfields has led developers to undeveloped greenfields, which do not pose the risk of liability. Development in these areas contributes to suburban sprawl, and eliminates future recreational and agricultural uses. The Land Recycling Act will help stop urban erosion, and provide incentives to the redevelopment of our cities and towns across the country.

THE SOURCES OF THE PROBLEM

The brownfields problem has many sources. Foremost among them is Federal law itself. Under the Comprehensive Environmental Response, Compensation and Liability Act [CERCLA], more commonly known as Superfund, parties who currently own or operate a facility can be held 100 percent liable for any cleanup costs regardless of whether they contributed to the environmental contamination and regardless of whether they were in any way at fault. The imposition of this liability has led to tragic consequences, including the potential that a completely innocent purchaser of property can be held liable for catastrophic environmental damage. Because of the potential for this kind of liability, it is no wonder that potential developers recoil from any site with a history of industrial activity. It is simply not worth dealing with the environmental exposure when they have the alternative of developing in rural areas with no potential for liability.

The Resource Conservation and Recovery Act [RCRA] poses nearly identical concerns. Under section 7003 of that law, for instance, EPA has broad authority to order a current owner-operator to address environmental contamination, again, regardless of fault.

RCRA also hinders redevelopment of properties that may be subject to its corrective action program, many of which are in Pennsylvania and throughout the Great Lakes region. Enacted in 1984, RCRA's corrective action provisions comprise two relatively innocuous looking paragraphs requiring environmental cleanup of hazardous waste releases for certain regulated facilities. Unfortunately, Congress failed in these provisions to set out with any real specificity how EPA was to implement these requirements. As a result, well over a decade after enactment of the statute, EPA still has not finalized regulations governing the corrective action program. The glacial pact of EPA's rulemaking, in turn, has left many owners of facilities subject to corrective action in a regulatory void, either unwilling to begin environmental cleanups because of the uncertainty as to what will be required of them, or simply unable to because of the lack of regulatory guidance. Like other brownfields, these sites lie idle. In many instances, it simply makes no business sense to begin performing cleanups in the absence of some certainty as to what standards will be used in addressing them. This is frustrating for the business that own these properties and for the communities in which they are located.

In the past several years Congress has considered a variety of proposals to combat these problems. Unfortunately, we have not yet enacted, been able to enact, amendments to CERCLA or RCRA.

In stark contrast, 32 States have launched so-called voluntary cleanup programs. Under these initiatives property owners comply with State cleanup plans and are then released from further environmental liability at the site. The subcommittee has received testimony in the past from a variety of States and the U.S. Environmental Protection Agency [EPA] demonstrating that these State voluntary cleanup programs have been responsible for the redevelopment of hundreds of brownfields.

In the first year the Commonwealth of Pennsylvania enacted its brownfields program, it succeeded in cleaning 35 sites.

Although many of these State laws have proven successful, States, businesses, and other experts have tested that they could be far more effective if participation in a State voluntary cleanup program also included a release from Federal environmental liability. At field hearings in my district last September and in Columbus, OH, on February 14, 1997, the House Commerce Subcommittee on Finance and Hazardous Materials, chaired by Mr. OXLEY heard testimony that the possibility of continuing Federal liability despite an agreement to limit State liability—the so-called dual master problem—seriously diminishes the effectiveness of State voluntary cleanup programs. Because redevelopers face the potential for cleanup obligations above and beyond what a State has decided is appropriate to protect health and the environment, they may hesitate to enter into agreements with sellers to purchase idle properties. The testimony establishes, in my mind, that if brownfields redevelopers could be confident that the cleanup agreements entered into with States would not be second-guessed by EPA, then they would be far more likely to agree to conduct a cleanup.

THE LAND RECYCLING ACT SOLUTIONS

Based on the input of all of the stakeholders in the brownfields debate—the Federal Government, States, local governments, sellers, buyers, developers, lenders, environmentalists, community interests, and others—and in particular based on my own experiences in my district, I have drafted the Land Recycling Act to remove Federal barriers to the cleanup of brownfields across the country. The solutions I propose, I am proud to say, do not cost the American taxpayers one nickel. Instead, they will unleash the enormous capital of the private sector to get brownfields cleaned up and put back to productive use.

First, the act removes what I believe is the most significant obstacle to redevelopment: the fear of EPA intervention at a site being cleaned up pursuant to a State voluntary cleanup program. The Land Recycling Act prohibits any person—other than a State—from using any enforcement provision of CERCLA or RCRA with respect to a release of hazardous substances at any facility that is being addressed pursuant to a State voluntary cleanup program. In order to take advantage of this liability shield, a State must certify to EPA that it has enacted a voluntary cleanup program and that it has the resources necessary to carry out the program, and notify EPA of the facilities being addressed pursuant to the program.

I am very sensitive to the concern that this provision could lead to a "race to the bottom" among the States, which, some argue, may lower their cleanup standards in order to attract new jobs at the expense of health and the environment. Accordingly, my bill makes numerous exceptions to the EPA enforcement ban. Sites listed on the Superfund National Priorities List [NPL] are not eligible, for instance, nor would any site that EPA proposed for listing on the NPL; nothing in the legislation limits EPA's current authority to investigate sites pursuant to CERCLA section 104 to determine whether they are eligible for listing on the NPL. Thus, Federal enforcement authorities will not be limited at any site that is truly of national significance. Further, the limitations on enforcement will not apply to any site that is already being addressed pursuant to consent decrees or other agreements with the United States. If someone has agreed with EPA to clean up a site, they should clean it up—the Act is not an escape hatch for parties responsible for cleaning up environmental contamination.

This limitation on enforcement will allow parties tremendous certainty in their decisionmaking. Knowing that they only have to deal with a State, redevelopers can be certain that once they have reached agreement with a State on the scope and extent of any necessary cleanup, that agreement will not be second-guessed by the Federal Government.

The act has two provisions aimed directly at ensuring Superfund's sweeping liability scheme does not apply to innocent parties. The first protects prospective purchasers of property from Superfund liability if they conduct a baseline assessment of a facility's contamination, do not contribute to any contamination at a property, and otherwise comply with law. It is EPA's current policy to grant this relief, but it may only be accomplished through the cumbersome, time-consuming process of negotiating and entering into an agreement with the United States. The bona fide prospective purchaser provision is self-executing, and therefore obviates the need to conduct a time-consuming negotiation for a prospective purchaser agreement with EPA.

Another provision deals with innocent landowners. Building on language that has had a bipartisan consensus over the last several years, the Land Recycling Act shields innocent landowners from CERCLA liability if they have made all appropriate inquiry into the condition of a property prior to acquiring it. The bill requires an environmental assessment of the property to have been performed within 180 days of acquisition in order to satisfy the all appropriate inquiry standard.

I believe these three straightforward solutions will provide an aggressive antidote to the epidemic of brownfields in America. Let me say, though, that I am not, nor do I think my original cosponsor Congressman KLINK, are wedded to any particular provision contained in the bill. I know that my friends in the environmental community will have concerns with some of the approaches we have taken. Some in industry, on the other hand, have told me that legislation like this does not go nearly far enough, either in the kinds of sites it addresses nor in the certainty that it provides under Federal environmental law. I look forward to a vigorous debate because I am confident that we can resolve these issues.

THE NEED FOR COMPREHENSIVE REFORM

While I am confident that the Land Recycling Act will go a very long way toward getting the half million brownfields sites across the country cleaned up, we in Congress have a much larger task at hand. I strongly support a comprehensive overhaul of the Superfund Program to ensure that we do not perpetuate the brownfields problem across the country. The Congress needs to address liability issues, remedy selection concerns, and other matters that have prevented Superfund from accomplishing more in its 17-year existence. I am both dissatisfied with the current pace of NPL site cleanups convinced that the roots of many of the brownfields problems lie throughout the Superfund statute.

I look to the chairman of the Commerce Committee, Mr. BLILEY, and the chairman of the Finance and Hazardous Materials Subcommittee, Mr. OXLEY, for leadership on comprehensive Superfund reform. These two chairmen ably fought for Superfund reform in the last Congress, but the process unfortunately broke down in the mire of election year politics. I hope that 1997 offers more promise, and that they will consider including the Land Recycling Act as part of their Superfund reform package.

MAKING GOVERNMENT AGENCIES MORE ACCESSIBLE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. MORAN of Virginia. Mr. Speaker, today I am introducing legislation that will amend the truth in savings law to make Government agencies more accessible to the public.

In recent years State and local governments, along with the Federal Government, have made a conscientious effort to improve the quality and efficiency of their customer services.

Public expectations now focus on convenience, quickness, and completeness when receiving public services.

Given the option, many people would prefer to register their car, pay their water bill, or their real estate and personal property taxes over the telephone with a credit card.

It is quick, convenient, and spares people the time and expense of visiting the motor vehicle office or tax office and spending their time waiting in long lines.

Payment of taxes with credit cards has the added benefit of enabling taxpayers to avoid the stigma and added expense of late tax payments, since the card holder can avoid the late penalty fee and extend their payments out over several months.

This legislation is necessary because the major credit card companies insist that public agencies be treated the same as department stores and restaurants who are prohibited by the credit card companies from passing the cost of credit card transactions directly onto the customer.

Merchants must swallow this cost or pass this cost on to their cash paying customer through higher prices. Few merchants complain because they can raise their prices and encourage their customers to buy more on credit than they could pay with cash.

Public agencies are different.

The Government should not raise everyone's taxes to pay for credit card user fees.

Moreover, State and local law may prohibit or restrict public agencies from absorbing or spreading this cost.

If the Internal Revenue Service were to allow the public to pay taxes with a credit card, it could not absorb the 3-percent service charge per credit card transaction.

Under Mastercard and Visa's policy, the IRS would have to absorb the $300 million in service charges the two companies would collect on $10 billion worth of credit card tax payments. State and local government agencies face a similar obstacle.

The legislation I am introducing will remove this obstacle and provide the public a convenient option for conducting their business with public agencies at a minimum of expense.

I urge my colleagues to support this legislation.

THE INTRODUCTION OF THE UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. YOUNG of Alaska. Mr. Speaker, today, I'm pleased to introduce the United States-Puerto Rico Political Status Act (H.R. 856). This landmark legislation will end 100 years of uncertainty for the people of Puerto Rico and allow them to determine the political status for themselves and future generations.

The text of the legislation is identical to the updated version of the bill introduced as H.R. 4281 in the 104th Congress on September 28, 1996. This bill reflects the efforts of many of my colleagues during the last 2 years to formulate a fair, clear, and complete process that will once and for all, provide for the final resolution of Puerto Rico's political status. This is the starting point in the process which is long overdue and the people of Puerto Rico deserve.

The Legislature of Puerto Rico has once again asked the Congress to take action to resolve Puerto Rico's political status. Two weeks ago, a bipartisan delegation from Puerto Rico personally delivered copies of the resolution, asking the 105th Congress—and I quote:

> to respond to the Democratic aspirations of the American citizens of Puerto Rico in order to attain a process which will guarantee the prompt decolonization of Puerto Rico, through a plebiscite sponsored by the Federal Government, which shall be held no later than 1998.

This bill answers the Legislature's request by providing for a vote on Puerto Rico's political status before December 31, 1998.

As the only Representative from Alaska—a State that made the transition from territorial status to full self-government—I know first hand that the process does work. This bill provides the process by which Congress and the residents of Puerto Rico define and approve politically acceptable options through a multi-staged Democratic process. This allows for the political will of the United States and Puerto Rico to be determined freely and democratically.

The U.S. Congress and the President have a moral obligation to act so the people of Puerto Rico can finally resolve their status. We are taking action today by re-introducing the United States-Puerto Rico Political Status Act. Today marks the beginning of a historic effort by the Congress to actually solve Puerto Rico's political status.

I appreciate the strong bipartisan support for this legislation by such a large number of Members of Congress during the 104th Congress, and now in the 105th Congress. I particularly want to thank Speaker GINGRICH for his involvement and support of this measure since its inception. Puerto Rico's delegate, Resident Commissioner CARLOS ROMERO-BARCELÓ, has been working side-by-side with the sponsors of this bill, and his cooperation and leadership has been critical to this endeavor. My colleague from New York, JOSÉ SERRANO, has also been particularly supportive and helpful in this process. I also want to thank Chairman GALLEGLY, Chairman GILMAN, Chairman BURTON, Chairman POMBO, and Mr. KENNEDY from Rhode Island for their outstanding efforts to address Puerto Rico throughout the 104th Congress; Chairman SOLOMON of the Rules Committee for his excellent work on the fast track procedures, as well as all the other distinguished co-sponsors for both political parties.

Resolving Puerto Rico's political status is a top priority of the Committee on Resources Oversight Plan for the 105th Congress. The leadership of the House also recognizes this as a matter of the highest priority.

To demonstrate the commitments of this Congress to act quickly on this matter, three hearings have been scheduled on this legislation. The first will be held in Washington, DC, on Wednesday, March 19, 1997 to enable the leaders of the Government of Puerto Rico and the political parties to express their views regarding their preferred status. I will also ask the Clinton administration to present their formal position regarding the legislation at this hearing. In addition, two hearings will be conducted in Puerto Rico, the first in San Juan on April 19 and the second in Mayaguez on April 21.

Those hearings will be dedicated to allow Congress to hear directly from the widest possible spectrum of views of the people of Puerto Rico. No proposal or idea will be excluded from the process, but we intend for Congress to work its will on this question in 1997.

That is what the people of this Nation, including our fellow citizens in Puerto Rico, deserve from the 105th Congress, and in my view that is what the national interest requires us to do.

Following is the text of House Concurrent Resolution 2, enacted by the Puerto Rico Legislature of January 23, 1997, which asks the 105th Congress and the President to sponsor a vote in Puerto Rico on political status before the end of 1998:

HOUSE CONCURRENT RESOLUTION 2

To request of the One Hundred Fifth Congress and the President of the United States of America to respond to the democratic aspirations of the American citizens of Puerto Rico, in order to achieve a process that guarantees the prompt decolonization of Puerto Rico by means of a plebiscite sponsored by the Federal Government, which must be held no later than 1998.

STATEMENT OF MOTIVES

As the present century draws to a close and a new millennium full of hope is about to begin, men of good will must act affirmatively to leave any colonial vestige behind them.

The United States of America has contributed to fundamental changes towards democracy and full participation in political processes in other countries, thus asserting the universal principles of human rights.

Just as the United States has successfully promoted democratic values in the international sphere, it is now appropriate for that nation to attend to the claims for full political participation of the 3.75 million American citizens of Puerto Rico.

On November 14, 1993, the Government of Puerto Rico supported a plebiscite on Puerto Rico's status. Three different political options were submitted to the People: Statehood, represented by the New Progressive Party; Independence, represented by the Puerto Rican Independence Party; and Commonwealth, represented by the Popular Democratic Party. This last option, redefined by its advocates, is based on a bilateral pact that cannot be revoked or amended unilaterally by Congress. It had the following essential elements: first, parity of founding with the states in federal assistance programs; second, tax exemption within the scope of the former Section 936 of the United States Internal Revenue Code, since repealed; and third, the power of the Commonwealth to impose tariffs on agricultural products imported into Puerto Rico. The Commonwealth option obtained 48.2% of the votes cast in the 1993 plebiscite, while Statehood obtained 46% and Independence, 4%. In a prior plebiscite, convoked by the Government of Puerto Rico in 1967, Commonwealth had obtained 60% of the votes, while Statehood obtained 37.8%.

On December 14, 1994, the Legislative Assembly of Puerto Rico approved Concurrent Resolution No. 62. By means of this Resolution, Congress was asked to state its opinion on the redefinition of Commonwealth mentioned above. If the elements of that redefinition were deemed not to be viable, Congress was requested to inform the people of Puerto Rico about which status options it would be willing to consider in order to resolve our colonial problem, and what procedural steps should be taken to this effect.

On February 29, 1996, the leaders of the United States House of Representatives Committee on Resources of the One Hundred Fourth Congress and its Subcommittee on Insular and Native American Affairs, together with the House Committee on International Relations and its Subcommittee on the Western Hemisphere, answered the People and the Legislative Assembly of Puerto Rico by means of a Statement of Principles, indicating the unfeasibility of accepting the redefinition of Commonwealth submitted in the 1993 plebiscite. These same Congressional leaders also expressed their interest in promoting Federal legislation so that the One Hundred Fourth Congress could expedite the steps to be followed in resolving the status problem of Puerto Rico. They fulfilled their pledge by submitting H.R. 3024 and S.R. 2019 with bipartisan support, for the purpose of responding to Concurrent Resolution No. 62, approved in 1994 by the Legislative Assembly of Puerto Rico.

On June 28, 1996 four Congressmen who are members of the Minority Delegation of the House of Representatives of the United States also responded to Concurrent Resolution No. 62, through a letter in which they stated that "it is clear that Puerto Rico remains a non-incorporated territory that is subject to the authority of Congress under the Territorial Clause . . .", thus upholding the conclusions set forth in the February 29, 1996 letter, mentioned above.

Barely a month later, on July 11, 1996, eleven Congressmen belonging to the Minority Delegation of the House of Representatives of the United States sent a letter to the Minority Leader of the House, stating their total support of H.R. 3024, which had been presented to that body in response to Concurrent Resolution No. 62.

The Subcommittee on Insular and Native American Affairs of the United States House of Representatives, exercised primary jurisdiction over the matters set forth in Concurrent Resolution No. 62. While studying and approving H.R. 3024 on June 12, 1996, the Subcommittee considered proposals—rejected until then—for the adoption of the redefinition of Commonwealth, either as included in the 1993 plebiscite ballot or, as an alternative, the non binding and never-adopted definition presented in a 1990 legislative report to the United States House of Representatives on the status of Puerto Rico. Both proposals on Commonwealth were overwhelmingly defeated in votes of ten to one for the first, and eight to one, for the second.

On June 26, 1996, the House Committee on Rules adopted House Report 104-713, Part 2, which endorsed well-founded provisions for the purpose of facilitating congressional consideration of the measures that responded to the results of the self-determination process, as contemplated in H.R. 3024, which set forth a 3-stage decision-making process, with periodic referral in the event of an inconclusive result in any of the stages.

We recognize that substantial progress was achieved during the One Hundred Fourth Congress in establishing a federal policy to promote the decolonization of Puerto Rico. But today, at the commencement of the work of the One Hundred Fifth Congress, the reality of the situation is that after almost a century during which Puerto Rico has been under the sovereignty of the United States, the Federal Government has never approved or implemented specific measures geared to promoting a process in a conclusive binding manner, by which the American citizens of Puerto Rico may democratically express their wishes regarding their final political status.

We also recognize that even though important votes on the political status in Puerto Rico were carried out in 1967 and 1993 under the auspices of the Government of Puerto Rico, other voting events will be required in order to resolve the status question once and for all; and that Congress has still not defined the interests and responsibilities of the Federal Government regarding that process.

The need to resolve Puerto Rico's political status persists. It must be carried out by means of an effective and enlightened process, whose legitimacy is acceptable to Congress, acting in the exercise of the sovereignty of the United States over Puerto Rico, pursuant to the full powers granted under the Territorial Clause of the Constitution of the United States, Article IV, Section 3, Clause 2 and which enables the People of Puerto Rico to achieve a sovereign political status through realistic and decolonizing alternatives.

Following the plebiscites carried out by local initiative in 1967 and 1993 and the corresponding results, the Congress of the United States has refused to accept and implement as permanent and binding the definition of Commonwealth that was presented to the voters in 1993. As a result, we must establish a process based on options defined in such a way that both Congress and the American citizens of Puerto Rico recognize that a choice based upon perpetuating the lack of political suffrage and the subordination to the plenary powers of Congress under the Territorial Clause does not represent the best interests of the residents of Puerto Rico nor the rest of the United States.

The final, permanent status of Puerto Rico should be consistent with the democratic principles of freedom, human rights and the goals of political, economic and social development that constitute the legacy of a century in which the political status of Puerto Rico has evolved within the flexibility allowed under the American constitutional framework. Although historical forces have caused the ongoing evolution of Puerto Rico towards self-determination to be delayed at sometimes and accelerated at others, now is the time to take the final step. This historic moment requires the adoption of measures that are carefully pondered yet decisive, in order to solve the political status of Puerto Rico by the beginning of a new century and a new millennium.

In 1998 Puerto Rico must not complete one hundred years of colonialism under the American flag without at least being in an irreversible, inevitable process of decolonization.

Be it Resolved by the Legislative Assembly of Puerto Rico:

Section 1.—To request of the One Hundred Fifth Congress and the President of the United States of America to respond to the democratic aspirations of the American citizens of Puerto Rico, in order to achieve a means of guaranteeing the prompt decolonization of Puerto Rico through a plebiscite sponsored by the Federal Government, to be held no later than 1998.

Section 2.—It is hereby ordered that this Concurrent Resolution be delivered to all members of the Congress of the United States of America, to the President, the Hon. William J. Clinton, and to the Secretary General of the United States.

Section 3.—The Speaker of the House of Representatives and the President of the Senate of Puerto Rico are hereby authorized to designate a Special Joint Committee made up of legislators from the three political parties of Puerto Rico, for the sole purpose of personally delivering the text of this Concurrent Resolution to the Speaker of the House of Representatives and the President Pro-Tempore and the Majority Leader of the Senate, and to the leaders of the Minority delegations of the Congress.

Section 4.—This Concurrent Resolution shall take effect immediately after its approval.

* * *

TRIBUTE TO ROBERT C. GRAVES, A FOUNDER OF THE NATIONAL MARROW DONOR PROGRAM

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. YOUNG of Florida. Mr. Speaker, it is with great sadness that I report to my colleagues the death of Robert C. Graves, D.V.M., who was a founder and the first chairman of the board of the National Marrow Donor Program.

Dr. Graves, who died February 13, 1997, at his home in Fort Collins, CO, was one of the most unique people I have every been associated with during my service in Congress. A veterinarian and rancher, he was a colorful and persuasive individual who decided our Nation needed a national registry of potential bone marrow donors. He worked tirelessly to create such a registry that today saves lives every day.

He will be forever remembered for his work to help establish the National Marrow Donor Program. He was spurred onward in his drive to establish a national registry by his daughter Laura, who received the first unrelated marrow donor transplant in 1979. At that time, there was no centralized listing of potential marrow donors. Instead, there were a few small, community-based listings of possible donors, many developed around the plight of a patient like Laura, suffering from leukemia.

Although Laura was fortunate enough to find an unrelated matched donor, she lost the battle to leukemia. Her father, however, never gave up the fight and one day in 1986 we met here in the halls of the U.S. Capitol, both on a quest to achieve the same goal—the establishment of a national bone marrow registry.

Together with Adm. Elmo R. Zumwalt, Jr., whose family like that of Bob Graves was touched by the need for a bone marrow donor, we found an interest in this project with the U.S. Navy. By providing a small appropriation in 1986, we gave birth to a national registry, to honor all those such as Laura Graves who inspired us to find a way to save lives. Bob Graves became the first chairman of the board for the National Marrow Donor Program and during its formative months played a major role in its organization and in its activation.

Today, 10 years later, it is with great pride that I report the National Marrow Donor Program is a true success story. With more than 2.5 million volunteers in the national registry, we proved many people wrong, including a former Director of the National Institutes of Health, who told the three of us that we would never be able to find more than 50,000 people willing to sign up for such a national program.

Bob Graves was a plain spoken but focused man who devoted a good part of his life to helping others. He not only worked the Halls of Congress and the Colorado State Legislature, but traveled the world to recruit foreign nations to be partners with the national registry. In large part through his efforts, we now have agreements with 14 other countries, which allows bone marrow to cross international borders on a regular basis.

To honor Bob and Laura Graves, the board of the National Marrow Donor Program, established the Laura Graves Award, given annually to an individual who has contributed greatly to saving lives through advancing unrelated bone marrow transplantation. My wife Beverly and I are honored to have been a recipient of this award, which is displayed prominently in my office. It is a constant reminder of Dr. Robert C. Graves, who we were blessed to know as partner in our quest to save lives, and as a true friend.

Mr. Speaker, my deepest sympathy goes out to his wife Sherry and his children. They can be consoled by knowing that Bob touched the lives of more people throughout the world than he would ever know. Many of those people owe their lives today to this crusading rancher from Fort Collins, CO who had a vision and never would be deterred until he fulfilled that vision and a promise to his daughter.

* * *

INTRODUCTION OF THE DISTRICT OF COLUMBIA TAX REVENUE NONDISCRIMINATION ACT OF 1997

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Ms. NORTON. Mr. Speaker, today I introduce the District of Columbia Tax Revenue

Nondiscrimination Act of 1997, a bill which would remove congressionally established tax exemptions that prevent the District of Columbia from taxing favored special interests within its borders. The bill targets 36 organizations, without regard to political affiliation or influence, which have been given property or income tax breaks on an ad hoc special interest basis.

Congress granted each of these tax exemptions prior to home rule—many in the 19th century—when Congress governed the District and freely allowed tax breaks for Members' favorite special interests. My bill would remove these prehome rule exemptions.

Removing these congressionally mandated tax exemptions will not solve the District's financial crisis, but will correct profound discrimination and inequity at a time when the District is on its financial knees. Congress should no longer contribute to the District's financial crisis by denying it access to ordinary revenue. I urge my colleagues to pass the District of Columbia Tax Revenue Nondiscrimination Act and let Congress finally become a part of the solution to the District's financial crisis, rather than remaining a major contributor to the District's financial problems.

The following is a list of the 36 organizations covered by this bill: American Chemical Society, American Forestry Association, Brookings Institution, Medical Society of the District of Columbia, National Academy of Science, American Pharmaceutical Association, National Geographic Society, National Lutheran Home, American Association to Promote the Teaching of Speech to the Deaf, Disabled American Veterans, National Society of the Colonial Dames of America, Jewish War Veterans, Louise Home, Oak Hill Cemetery, Corcoran Gallery of Art, Luther Statue Association, Young Women's Christian Association, Young Men's Christian Association, Edes Home, General Education Board, Daughters of the American Revolution, National Society United States Daughters of 1812, National Society of the Sons of the American Revolution, American Legion, National Education Association, Society of the Cincinnati, American Veterans of WWII, Veterans of Foreign Wars, National Women's Party, American Association of University Women, National Guard Association of the United States, Woodrow Wilson House, American Institute of Architects, Federal National Mortgage Association (Fannie Mae), Federal Home Loan Mortgage Corporation (Freddie Mac), and Student Loan Marketing Association (Sallie Mae).

HOUSING COUNSELING ENHANCEMENT ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 1997

Mr. TRAFICANT. Mr. Speaker, today I am introducing the Housing Counseling Enhancement Act to help veterans stave off foreclosure and to keep their homes. I urge my colleagues to once again cosponsor and support this important legislation.

The bill, supported by such diverse groups as the Mortgage Bankers Association [MBA] and the National Federation of Housing Counselors, corrects a flaw in the Housing and Urban Development Act of 1968.

Under current law, borrowers with conventional loans and borrowers with loans backed by the Federal Housing Administration [FHA] receive notification informing them that housing counseling is available. The notification is sent out by the lender when the account is 45 days delinquent and includes a 1–800 number that directs the borrower to the nearest housing counseling agency.

Shamefully, the law exempts from notification requirements veterans who receive loans backed by the U.S. Department of Veterans Affairs [VA]. My bill, which was approved by the House during the 103d Congress, will remove this exemption.

It is common knowledge that the housing counseling program administered by the U.S. Department of Housing and Urban Development [HUD] has helped to dramatically stave off foreclosures of FHA-backed loans. By working with individuals and families to avoid foreclosure and eviction, the program has saved the Federal Government $6 for every dollar invested.

As such, I have worked to expand the reach of housing counselors. In 1989, I successfully extended the program to include those with conventional loans through enactment of the Emergency Homeownership Counseling [EHC] Program.

Although veterans can participate in the housing counseling program, they are still excluded from receiving notification. For the past two Congresses I have attempted to rectify this situation but to no avail. In 1993, my colleagues in the House approved of removing the exclusion, but the measure died in the Senate as part of an otherwise contentious Housing authorization bill.

Under my bill, the VA is still free to offer its own counseling services. In fact, my measure in no way impacts, burdens, or requires any involvement from the VA. Instead, my bill gives borrowers additional means to avoid a nightmare.

It should be pointed out, however, that HUD's notification process is more effective than the VA's because the VA does not notify the delinquent borrower until he or she is 105 days delinquent. As anybody who has faced foreclosure can attest, 90 days is already too late, let alone 105. Consequently, although the delinquency rate of HUD-backed loans is higher than VA-backed loans, the percentage of loans in foreclosure is nearly the same for both types. The notification process has also helped to work wonders for conventional loans, where the number of loans in foreclosure is less than 1 percent.

Housing counselors have urged me to help the roughly 3.5 million borrowers with VA-backed loans avoid foreclosure. I believe the Housing Counseling Enhancement Act is a step in that direction. The MBA has expressed, from a lender perspective, that the bill is economically sound because it helps to prevent costly foreclosures. In a letter of support to my office, the MBA wrote: "Counseling for veteran borrowers experiencing payment difficulties is a valuable tool in preventing foreclosures and we, respectfully, urge congressional approval of your bill."

We would be wise to heed MBA's input. With each foreclosure costing the Government an average of $28,000, Congress can ill-afford not to adopt the bill.

Mr. Speaker, at times Congress passes spending programs that appear one-way in nature. We spend the money, but never see the benefits. Housing counseling, however, is a preventive program with a proven track record of helping homeowners avoid nightmarish and costly foreclosures.

Again, I urge my colleagues to sign on as a cosponsor to the Housing Counseling Enhancement Act.

SENATE—*Friday, February 28, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, our Father, You have placed within us the desire to seek You, the patience to wait for You, the understanding to know You, and the willingness to do Your will. To turn away from You is to fall; to return to You is to rise again. To trust in You is to abide secure; to do our work with excellence is to glorify You.

Today, increase our comprehension of Your goodness and grace. Make us aware of Your presence, in all things, responsive to Your guidance, and grateful for all Your blessings. Control the thoughts of our minds, the truth and tenor of the words we speak, and the attitudes we communicate.

Bless the Senators and the work that they do this day. Bless them with productivity and progress for Your glory. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in session for a period of morning business. There will be no rollcall votes conducted during today's session, and when the Senate completes its business today, it will convene then, again, on Monday, March 4, with no rollcall votes occurring during Monday's session.

In accordance with the agreement reached last night, on Tuesday, the Senate will vote on Senate Joint Resolution 1, the constitutional amendment for a balanced budget, at 5:15 p.m. I remind my colleagues that there will be rollcall votes conducted throughout next week. We anticipate taking up a couple of nominations, including the nomination to be the U.S. Trade Representative, next week. We will give the exact times that we expect action on that to occur, and the time agreements, when we come in on Monday or Tuesday morning. But the next rollcall vote will be conducted on Tuesday at 5:15. I thank my colleagues for their attention.

I am pleased to see the distinguished Senator from Nebraska here ready to speak. I am looking forward to hearing his remarks.

I yield the floor, Mr. President.

MEASURE PLACED ON THE CALENDAR—S. 378

The PRESIDENT pro tempore. The clerk will read a bill for the second time.

The legislative clerk read as follows:

> A bill (S. 378) to provide additional funding for the Committee on Governmental Affairs of the Senate.

Mr. LOTT. Mr. President, I object to further consideration of this bill at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

MORNING BUSINESS

The PRESIDENT pro tempore. The Senate is now in morning business.

The Senator from Nebraska is recognized.

UPGRADING MILITARY HOUSING

Mr. HAGEL. Mr. President, I rise today to address a very important issue for our Nation's men and women in uniform, an issue that you and I have spoken about.

A recent article in the Omaha World Herald detailed problems that Offutt Air Force Base in Nebraska, headquarters for the Strategic Command, is having with the condition of military housing on that base. I would like to read just a few paragraphs from this story. This is a story all too familiar, Mr. President, especially to you as our distinguished leader in the Armed Services Committee. This is a quote from the Omaha World Herald story:

> Staff Sgt. Tony Suprenant and his wife, Karen, never thought that life in the United States Air Force meant they would get a palatial estate to call home. But the cramped and drafty townhouse that was offered to them when they arrived at Offutt Air Force Base last year was more of a sacrifice than they were willing to make.
>
> The two-bedroom home was so small that it would not hold the modest amount of furniture they had gathered during their 7 years together on five bases. Offutt officials eventually found a more spacious and recently refurbished three-bedroom home for the couple and their 2-year-old daughter, Emily. Not every family at that base is so lucky.
>
> Many of the 2,600 Offutt families who live in base housing must cope with cramped conditions and an array of maintenance headaches—frozen pipes, leaky basements, difficulty in heating and cooling—that have only increased with time and heavy use.

Sadly, Mr. President, this is a problem that extends across the country and throughout all branches of our military throughout the world. It is a problem that we are not addressing as a nation, as a Congress. This is shameful. Like America's strength, our military strength is its people—the men and women and their families who have committed their lives to protecting the freedoms of this country.

The Pentagon has estimated that they have problems with a majority of its 350,000 military housing units all over the world. In the Omaha World Herald article, Pete Potochney, who works in the Pentagon office overseeing military housing, is quoted as saying:

> We would consider a lot of our houses as being unsuitable.

The Pentagon is devoting $680 million in the 1998 budget proposal to fix these houses. However, at that rate of spending, it will take the Pentagon more than 30 years to fix all of the housing that need fixing.

Mr. President, the men and women who wear the uniform of the United States should not have to wait 30 years for adequate housing for their families. At the rate we are currently making progress, it is a rate that is being made on this issue far too slowly, and most, if not all, of our current military personnel will never live in decent housing at this rate.

The Clinton administration has repeatedly proposed budget cuts and more budget cuts for our Nation's defense and our military. The President's national defense budget request for fiscal year 1998 is $2.9 billion less in budget authority than the level in the congressional budget resolution and $3.6 billion less in outlays. Moreover, the President's budget proposes a decrease of 16 percent for military construction in housing for our families.

Military officials estimate they have problems with a majority of our military housing units, and yet the President has suggested reducing the funding for this program by 16 percent. He also proposes a decrease in the military personnel account.

Where is the commitment in this budget to the men and women who wear our Nation's uniform? These men and women may be asked to put their lives on the line at any time, and yet we offer them inadequate housing and pay below the poverty line.

This is wrong, Mr. President. This is very wrong. We are not taking care of our people in the military. If we do not reverse this trend, our national security will suffer.

This is a readiness issue, just as it is a quality-of-life issue. Our troops are being deployed for longer periods of time, with more time away from their families and for more missions. We are asking more and more from our service men and women and their families.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I ask my colleagues to place themselves in the position of a young enlisted person stationed halfway around the globe. How can this young man concentrate on his critically important national defense job if he is worried about his wife having to deal with broken pipes or his children living in a cold, damp home? Our service men and women are often placed in tense situations in charge of multimillion-dollar pieces of highly technical military equipment. We only help to distract them from their duties of national defense if we do not assure them that their families are being taken care of and their families are living in decent housing.

I truly fear the long-term consequences of the lack of attention and funding devoted to maintaining adequate housing for our Nation's military. I fear many bright young men and women will opt not to enter the military when they see the lack of resources devoted to meeting their basic family needs.

The military today is much different than it was when I served nearly 30 years ago. Today, most members of the military are married with families. They all volunteer to serve this country. They volunteer for many reasons. They do not expect to be treated in any special way, but they should have the right to expect decent housing for their families.

Today's military is a high-technology military, Mr. President. It needs to be capable of responding rapidly to a variety of situations throughout the world. We need our best and our brightest young men and women to serve. But we will not attract or retain them if we are unwilling to invest in them and their families.

Mr. President, I intend to be very vocal on this issue. I have already spoken to the distinguished chairman of the Senate Armed Services Committee this morning about this issue. We must begin placing a higher priority in the defense budget on taking care of our people. These are the people who protect America's freedoms. Freedom is not free.

In fact, we need to place a higher priority for total defense spending in the overall budget. In many ways we live in a world today of greater uncertainty and danger than the one we have known for the last 50 years. If we expect our military to respond to all these challenges, if we expect our service men and women to risk their lives defending America, and America's interests, then we must match those expectations with appropriate funding for an acceptable standard of living for them.

The foundation of our military is the men and women who serve. That is the very foundation of our society—our people, our families. Our military is no different. Our military is the guarantor of American foreign policy and the protector of all our freedoms. Just as a house built on sand will soon crumble, our military might cannot stand strong without committed good men and women.

If we are unwilling to invest in these men and women we will pay a heavy price, a very heavy price, a price far greater than budgetary numbers.

Mr. President, I have written to the distinguished chairman and ranking member of the Armed Services Committee today, as well as our former colleague, the distinguished Defense Secretary, Bill Cohen, on this issue. I intend to be very involved working with my colleagues on this matter.

Let us do the right thing. Let us do the right thing for our people. Let us find ways to fix this problem. We owe it to the men and women who proudly wear the uniform of the U.S. military.

Mr. President, I ask unanimous consent that those letters and the article I mentioned from the Omaha World-Herald be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 28, 1997.
Hon. WILLIAM COHEN,
Secretary of Defense, the Pentagon,
Washington, DC.

DEAR MR. SECRETARY: America's men and women in uniform need decent housing. I am asking for your firm commitment to make that happen.

In missions around the world, our armed forces protect America's freedom. But at bases across America, these same dedicated people too often must live in substandard housing that is simply unacceptable. I am deeply concerned about the long-term consequences that poor living conditions will have for our ability to maintain a strong, all-volunteer force.

This problem has hit home for me at Offutt Air Force Base in Nebraska, where at least 500 housing units built in the 1950s and 1960s need to be replaced. Far too much base housing has cracked foundations, cramped conditions, leaky basements, heating and cooling problems, and gaps around the windows. The housing problems at Offutt were described in the enclosed Omaha World-Herald article from February 19, 1997.

The administration has talked about the importance of military housing. But, frankly, I am disappointed in the follow-through. While our housing problems are growing worse, the President has proposed a decrease of 16 percent for military construction and family housing. The President's housing request is substantially less—by about $3 billion—than levels set forth in the budget resolution passed last year. At this rate, it would take 30 years to replace all the substandard housing on our military bases—and after 30 years of wear and tear on houses built today, we would need to start replacing them all over again!

It's time we get ahead of this problem and make a real commitment—in money as well as words—to providing adequate housing for our military personnel. I spoke about this matter today on the Senate floor and am enclosing a copy of my remarks.

I am ready to work with you in this effort. Please let me know what you plan to do and how I can help.

Sincerely,
CHUCK HAGEL,
U.S. Senator.

U.S. SENATE,
Washington, DC, February 28, 1997.
Hon. STROM THURMOND,
Chairman, Committee On Armed Services,
Washington, DC.

DEAR MR. CHAIRMAN: America's men and women in uniform need decent housing. I am asking you to make this a top priority for the Armed Services Committee this year.

In missions around the world, our armed forces protect America's freedom. But on bases around the world, these same dedicated people too often must live in substandard housing that is simply unacceptable. I am deeply concerned about the long-term consequences that poor living conditions will have for our ability to maintain a strong, all-volunteer force.

This problem has hit home for me at Offutt Air Force Base in Nebraska, where at least 500 housing units built in the 1950s and 1960s need to be replaced. Far too much base housing has cracked foundations, cramped conditions, leaky basements, heating and cooling problems, and gaps around the windows. The housing problems at Offutt were described in the enclosed Omaha World-Herald article from February 19, 1997.

We need much more than just talk about this subject, but the President's budget request is moving in exactly the wrong direction. While our housing problems are growing worse, the President has proposed a decrease of 16 percent for military construction and family housing. The President's housing request is substantially less—by about $3 billion—than levels set forth in the budget resolution passed last year. At this rate, it would take 30 years to replace all the substandard housing on our military bases—and after 30 years of wear and tear on houses built today, we would need to start replacing them all over again!

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I am ready to work with you in this effort. Please let me know what you plan to do and how I can help.

Sincerely,
CHUCK HAGEL,
U.S. Senator.

U.S. SENATE,
Washington, DC, February 28, 1997.
Hon. CARL LEVIN,
Ranking Minority Member, Committee On Armed Services, Washington, DC.

DEAR SENATOR LEVIN: America's men and women in uniform need decent housing. I am asking you to make this a top priority for the Armed Services Committee this year.

In missions around the world, our armed forces protect America's freedom. But on bases around the world, these same dedicated people too often must live in substandard housing that is simply unacceptable. I am deeply concerned about the long-term consequences that poor living conditions will have for our ability to maintain a strong, all-volunteer force.

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I am ready to work with you in this effort. Please let me know what you plan to do and how I can help.

Sincerely,

CHUCK HAGEL,
U.S. Senator.

[From the Omaha World-Herald, Feb. 19, 1997]

OFFUTT FAMILIES STRUGGLE WITH HOUSING

(By Jason Gertzen)

Staff Sgt. Tony Surprenant and his wife, Karen, never thought that life in the Air Force meant they would get a palatial estate to call home. But the cramped and drafty town house that was offered to them when they arrived at Offutt Air Force Base last year was more of a sacrifice than they were willing to make.

The two-bedroom home was so small that it could not hold even the modest amount of furniture they had gathered during their seven years together on five different bases.

Offutt officials eventually found a more spacious and recently refurbished three-bedroom town house for the couple and their 2-year-old daughter, Emily.

Not every family at the base is so lucky.

Many of the 2,600 Offutt families who live in base housing must cope with cramped conditions and an array of maintenance headaches—frozen pipes, leaky basements, difficulty in heating and cooling—that have only increased with time and heavy use.

Base officials say that at least 500 of the units, built in the 1950s and 1960s, should be replaced. They have proposed a $46 million construction project that would begin in a few years.

Military bases across the nation are managing family housing that offers few modern amenities and is increasingly expensive to maintain. The issue is critical to the military because comfortable and affordable housing is a key benefit in attracting the highest-quality troops to today's all-volunteer military.

Amenities or not the Offutt family housing, which is free, remains in high demand, particularly for lower-paid troops who find it hard to obtain better private housing at prices they can afford. Offutt has more than 400 families on a waiting list for base housing.

"Quite honestly, we are not taking care of our people," said Sen. Chuck Hagel, R-Neb.

Hagel, an Army veteran, former Veterans Administration official and vocal advocate for veterans and service members, decried the lack of attention and money devoted in recent years to improving housing for soldiers and their families. He said he would push for more money during this year's budget debate.

Pentagon officials know they have a problem with the bulk of the 350,000 homes for military families.

"We would consider a lot of our houses as being unsuitable," said Pete Potochney, who works in the Pentagon office that oversees military housing issues.

Replacing or refurbishing all of the houses in need of significant repair or updating would cost at least $20 billion. Potochney said. At the rate the Pentagon has been addressing the problem—the 1998 budget proposal would devote $680 million to the initiative—it would take 30 years to fix all of the military family houses in need of work.

A lack of space is a common complaint from Offutt families. The living rooms in some of the units are not big enough for a modest arrangement of a sofa, love seat, coffee table and cabinets for a stereo and television.

Many of the 2,600 town houses for military families at Offutt also have problems ranging from cracked foundations that have made them structurally unsafe to units with little or no insulation, which makes them difficult to heat and often leads to frozen water pipes.

No one is living in a unit that is considered unsafe, Offutt officials said. The handful of buildings in such condition have been razed or are closed and scheduled for demolition.

But the units that are in use lack amenities or have problems that draw a steady stream of complaints.

Residents in the oldest family housing buildings at Offutt, the Wherry area, said they must run heaters all day and night during the winter just to keep temperatures in the high 60s. Many windows are so dilapidated that they fail to block breezes strong enough to steadily blow curtains.

Water frequently seeps into basement storage areas.

The base has tried to improve conditions. At least 100 units have been remodeled and sometimes enlarged. Wooden kitchen cabinets have replaced metal ones, and bathrooms have been updated.

Base officials plan to continue renovating more homes each year.

This is in addition to the $2.4 million spent each year on an "active and aggressive" maintenance program that addresses the most serious problems said Col. John Mollison, commander of the 55th Support Group.

The units regularly receive fresh coats of paint and other attention that make them as nice as possible without investing the money needed for longer-term improvements said Mollison, who oversees the base's housing complexes.

"We fix the things that break," Mollison said. "Everything is cleaned."

The Wherry housing area was built in the 1950s. The Capehart housing area which has 2,000 single-family and multi-plex units about two miles west of the base was built in the 1960s. The units are typical of private homes and apartments built at the time, Mollison said.

"As we have seen houses change over the years, they have tended to get larger and include more creature comforts," Mollison said.

When residents complain about the housing, Offutt officials plead for patience, saying that the continuing remodeling efforts and the construction plans will improve the homes eventually.

About 40 percent of Offutt's 6,200 families live in the homes that the military provides. The base has dormitories for single military members who live on base.

The remaining military members at Offutt own or rent private housing off the base. These people receive a housing allowance that covers about 80 percent of their rent or mortgage costs and utilities.

Those who live in base housing do not receive a housing allowance, but they pay nothing for rent or utilities. This can mean an extra $2,000 to $3,000 in disposable income each year according to a recent military housing study.

The money makes a lot of people willing to cope with cramped conditions and other problems. Finding private housing at prices they can afford can be difficult for lower-paid soldiers and airmen.

Recent studies, including one done for Offutt late last year, indicated a shortage of rental housing in the area, especially for lower-income residents.

Surprenant, who joined the Air Force in 1987, said housing is an important benefit that makes a military career more attractive.

The money saved by living in military housing allows Mrs. Surprenant to stay at home with Emily. "We think parents should stay home with their kids if they can," Surprenant said.

The Surprenants said they also have found that there are more than just financial benefits to living in base housing.

"In a military community, right away you have something in common with your neighbors," Surprenant said.

Mr. HAGEL. Thank you, Mr. President. I yield my time.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A CALL TO THE AMERICAN PEOPLE

Mr. LOTT. Mr. President, I call on the American people to use this weekend and Monday to express their views to the Members of the U.S. Senate on whether or not we should have a balanced budget. The American people can influence the vote that we will take next Tuesday at 5:15 p.m. The American people overwhelmingly support a constitutional amendment for a balanced budget because they know, they understand, without this guarantee, without this leverage, it will not happen. So the decision we make next Tuesday is in the hands of the American people. They need to let their Senators know how they feel. If their Senators have said they will be for it, commend them for it. If they have said they are going to vote against it, ask them why. Ask them what is the alternative. Ask them, where is the historical proof that a balanced budget will occur without the constitutional amendment.

If a Senator has switched his vote from a year ago or 2 years ago, or if a Senator has switched his vote from what he said he would do in last year's elections, ask them why. How can you do that? How can you, in 6 months, change your mind on so fundamental an issue?

Mr. President, this is a question of honesty. It is a question of truth in Government. We wonder why people are cynical, why they wonder about us, why they question us. This is exhibit A. When you give your word to your constituency in your State during the election campaign that you are going to vote for a constitutional amendment for a balanced budget and then 6 months later you say, "Gee whiz, I have learned something new, it is hard to take." These are not new members to government and politics. These are people with experience at the State level, at the Federal level, in the House of Representatives. What is new?

No, this is a question of basic honesty. But the American people can make that difference. If they will get on the phone, if they will call, if they will write, if they will express themselves, they can make sure that this amendment passes next Tuesday.

The press, the Washington press, is saying it is over, they will not get but 66 votes. The fat lady has not sung. This "ain't" over. It is not over until we take the vote. I would hate to be a Senator who votes next Tuesday against this constitutional amendment for a balanced budget, especially if I had said earlier that I was going to do something else.

I am still working on a couple of angles, too. I have been working with the rules of the Congress for 24 years, and I tell my colleagues you are never going to be absolutely sure what I am going to do. If I can find a way to do what I think is right for the American people, I will do it, and I will be innovative. I have a couple of ideas. Believe me, there are a couple of Senators in this Chamber who are sweating right now. I bet they will not be doing any press conferences this weekend. No. That is an age-old strategy when you are in Congress. If you do not want to talk about something you are fixing to do that your constituents do not agree with, you hide. Press availability is not possible. We need to do this.

Now, the argument is made by the President, "Oh, we should just go ahead and balance the budget." I agree. We should have done it last year. The Congress passed a balanced budget. The President vetoed it, just 1 year ago. Why did we not do it the year before, the year before, or the year before? Why haven't we done it for 28 years? Who among us believes we will do it in 2 more years or 4 more years?

I am an optimist. I believe in the positive attitude of men like Ronald Reagan—there is a pony in there somewhere. We will find a way to do this job. But I have not seen any evidence of it yet. I have done my dead-level best to calm down the rhetoric and try to be positive and hold out hope and hold out an olive branch to Members of the Congress on both sides of the aisle and between the two Chambers and with the President. I have said we should work together for the American people. We should get this job done, balance the budget.

Mr. President, you have just been reelected. We have a majority in the Congress. The American people want us to do some things for our children and for the future of our country. I have said we can do that. We should do that. The President suggested early on in one of our discussions that we should set up a commission for a particular matter—which I will not talk about now—and I said, "You know, Mr. President, you just got reelected, we just got reelected. That is what we are for. We should do the job."

We don't need a commission. Why do we always have to have this deal where we punt it off to commissions where we can see no evil, hear no evil, speak no evil. They did it, not us. So let's see what we can do, and then maybe we will talk about a commission.

I said, "Mr. President, please, please, show leadership and show some courage in your budget. Show me that we can do it." And then he sent us his budget. We didn't trash it, cuss it, and throw it out into the street and say it's dead on arrival. We weren't, obviously, happy with it. I took over a day before I had much of anything to say. I actually read it and looked at the numbers, and I called him and I said, "Mr. President, this is not what I hoped for. It is political cover." I understand. We have made it clear that we weren't going to go through the exercise we went through last year. He was afraid, maybe, to take political risks in sending up a budget that really would get us where we needed to go. He felt like, well, we will negotiate a real result. But you can't have shell games and remove home health care from one part of Medicare over to the other, and say, gee, I just magically saved $50 billion. You can't have triggers and lookbacks and optimistic assumptions and shove all the tough decisions off on the next President. Two-thirds of what would be saved would occur after the year 2000. No, it wasn't adequate, and I expressed my concern about it. But I continue to say that, well, okay, I understand how that can happen.

I am prepared to do my dead-level best to work with the Congress and with the American people and the President to get a balanced budget agreement this year. But I am not going to be a part of a fraud and hold hands with the President, or anybody else, and say, this is it, we got it done, unless it is real. So I think it puts additional pressure on us to have the constitutional amendment. I have been here all these years, in the House and in the Senate, and we have tried. Good men and women have said, yes, we can do this. Jimmy Carter said it; he meant to do it. Ronald Reagan said it; he intended to do it. Congress has said we are going to do it. We had the Gramm-Rudman-Hollings act to force us to do it with a sequestration, but it was a statute. It was only a statute. Guess what happened. One by one, we removed all the hurdles, all the requirements that would have actually gotten us to a balanced budget.

First, we said, oh, gee, we can't have it apply to this or to that program. I remember the negotiations. I was there. We said maybe not this program, maybe not that program. We started off and we only exempted seven programs. Then, one day, it was 21 programs. And in spite of already exempting 21 programs from an across-the-board cut of sequestration, as it was called, we got up to the "lick log" when we were going to actually have the programs cut across the board. Guess what Congress did. Changed the date. They said, oh, gee, we will move it a year.

Congress will always find a way to avoid the tough decisions, unless it is in that revered document, the Constitution. So we have tried laws, we have had good men and women in Congress and in the Presidencies saying we are to go do it, and we have not done it. It is not easy. It takes courage, like I know the Senator from Connecticut has. He would do what we need to do to encourage growth in the economy. He would step up and cast the tough vote to control the growth in spending in some of these programs—all of these programs.

Everybody has to ante up and kick in. But I haven't seen it. I don't like the idea of amending the Constitution. I voted to do it a few times, and probably if I could take back some of those votes, I would do so. But this is not an insignificant thing. This is our children's future. I have a 29-year-old son, a young entrepreneur who is working hard. He employs 55 people. He sells pizzas. Today, I won't give the label of the pizza, but he is what the American dream is all about. He is out there working hard, making money, creating jobs, and paying a lot of taxes. He figured it out recently. He said, "Dad, I am paying over 50 percent of everything I make in taxes." You know, that is terrible. It is terrible. A young, 29-year-old man, whose work hours usually are the toughest between 5 p.m. and 2 o'clock in the morning. He is having 50 percent of it go to State, local, and Federal Governments.

That is not the American way. I have a 26-year-old daughter, a young professional woman, who works hard and promotes our State of Mississippi, promotes tourism. She does a great job. I am proud of her. But I am saddling that son and daughter with an incredible burden, because I have not been able to help find a way to stop the deficit spending, to control the debt—yes, to reduce the debt of the country, and the $340 billion in interest on the national debt. Only Social Security exceeds the cost of interest on the national debt. If we don't do something and do it now and do it tough, there will be over another trillion dollars added to the debt by the year 2002.

So I think this is something that is worth amending the Constitution for, because we are talking about the future of the country, the future of our economy, the future of our children and their children. If we don't do it now, who will do it? When will it be done? So we should amend the Constitution to require a balanced budget. And if we don't, the American people will know truly that we are not serious about it when we say we want to balance the budget.

I have gone back and looked at the arguments over the years—even this year—as to why we should not pass a constitutional amendment for a balanced budget. There is no end to the things that have been suggested. Some are absolutely hilarious, and some are purely political. Amendments have said basically that we should not do it until a Republican President submits the balanced budget, or maybe we should say we should not do it until the Democratic President submits the balanced budget. That is ridiculous. Then they said, well, it's because the escape hatch in times of recession or national emergency is too high—three-fifths. We should not have to have 60 votes. Just about everything we do around here takes 60 votes. Just about everything. And if it is easy to get out from under a balanced budget requirement, do you think Congress won't take advantage of that? We are masters. We have done it over and over and over again.

Capital budgeting has been talked about. Oh, they do it in the States. Great. Let us take everything off the budget. Let's take out all the trust funds. I have been an advocate of that on occasion. But it is just a red herring.

Social Security. Oh, that is a good one. We can always rely on Social Security to scare the bejeebers out of folks. So that is a great cover. Oh, yes, if we don't find some special way to deal with the Social Security requirement, oh, this would destroy the system. My mother, 83 years old, bless her heart, counts on Social Security. She knows I am not going to do anything to endanger that for her. I would not do that. If we don't do that, that is what will endanger Social Security.

I could go on. I will speak again next Tuesday to try to help put this thing in a proper perspective from the beginning to the end with a quote from Thomas Jefferson and some modern quotes about why we need to do this and why we should have done it. I wanted to take a few minutes this morning to say to the American people that it is up to them. If they really want this, a way will be found to get one more vote—just one more vote. Is it a Senator from Nevada or South Carolina? Maybe it is a Senator from South Dakota, or maybe even New Jersey. Somewhere, there will be a Senator who will say: This does matter, and I am going to make the difference.

Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

NOMINATION OF ANTHONY LAKE

Mr. LIEBERMAN. I thank the Chair. Mr. President, I rise this morning to discuss the status of the President's nomination of Anthony Lake—Tony Lake—to be the Director of Central Intelligence.

Mr. President, I read from the New York Times this morning, which reports in its lead story, "Leaders in the Senate demand FBI files on CIA nominee." I quote from the lead paragraph:

> Chairman of the Senate Intelligence Committee said today that unless he received all of the FBI files on Anthony Lake, he would not hold confirmation hearings for Mr. Lake.

Later, in that same story, the author says:

> It is reported that two senior Republican members of the committee, Senators Lugar and Chafee, said today they would probably vote for Mr. Lake, barring some devastating disclosure at the confirmation hearings.

Senator LUGAR, our distinguished colleague and friend from Indiana, says that he strongly disagrees with the demand for the opening of these files and the delay of the hearing. According to Senator LUGAR, "The whole confirmation process becomes more and more outrageous. People feel it is their duty to engage in character assassination or to cause the nominee's defeat, or to discourage and demoralize them. The FBI files are raw files," Mr. LUGAR said. "They may contain rumor, gossip, hearsay, or innuendo. They may be true, they may be false, they may be scandalously defamatory, but they should not be the basis of evaluating someone's character."

Mr. President, I come to the floor to appeal to the leadership of the Intelligence Committee to move forward with the hearing on March 11 and to treat this nominee fairly, because the process is becoming unfair. Every time a hurdle is erected for Mr. Lake and he jumps over it, another one seems to be erected in its place. Continuing with the sports analogy, every time Tony Lake moves the ball toward the goal line, the goal line is pushed back. And the process is beginning to look more like a fishing expedition than like a process of congressional evaluation of a Presidential nominee—one who has served his country with distinction over the course of many years—that is fair and proceeding expeditiously and with a sense of due process.

Mr. President, in speaking about Tony Lake's nomination, I think it is important that I share my belief of what our role is when we advise and consent here in this Senate to nominations of the President. I faced this question early in my time here, in 1989, on several occasions regarding the nominations of President Bush. I supported almost all of them. It seemed to me then, as it does now, that our role here is not to substitute ourselves for the President. The President is elected to make these nominations. I decided that the standard I would impose is not whether I would have nominated this individual. That is what Presidents are elected for. The Senate's role is to advise and consent. I think that means the standard we should follow is to determine whether the President's nominee is within the acceptable range for the particular job for which that person is nominated, not whether we would have nominated that person.

Mr. President, on that standard, it seems to me that Tony Lake more than meets the qualifications for being a superb Director of Central Intelligence at a very, very critical time for the intelligence community in the history of our Nation.

As I indicated a few moments ago, Mr. Lake has served our country in various capacities with great honor over many years. He has been a student of government and a teacher of government in universities, and returned to government again to serve for the last 4 years with dignity and, I think, great effect as the National Security Adviser.

What standards do we hold up for this particular nomination? I am pleased to be able to find a good source to rely on. That is an article written by Robert Gates, CIA Director under President Bush, published in the Wall Street Journal on January 29 of this year. Bob Gates held up three standards for judging a nominee for Director of Central Intelligence.

No. 1, is that person recognized as a man of integrity and principle, a man prepared to stand up for what he believes is right?

No. 2, is that person knowledgeable about foreign affairs?

No. 3, does that person have the confidence of the President and know well the rest of the President's national security team?

On all three counts, Bob Gates, a distinguished public servant with an excellent record of service to our country, found Tony Lake qualified with a lot to spare.

I quote from that article in the Wall Street Journal. First, Bob Gates says, Tony Lake is "broadly recognized as a man of integrity and principle, and as a man with courage to stand up for what he believes is right. This offers reassurance that he will be independent of the White House in which he served and will be directed by a moral grounding most Americans would find admirable."

It is hard to convey this in a few moments on the floor. But I have known Tony Lake for a number of years. And I do not agree with everything he has ever done in his career. But, believe me, this is a person who has always been animated by a desire to do the right thing for his country. And that is why Bob Gates says accurately that Tony Lake "* * * will be directed by a moral grounding most Americans would find admirable."

Second, whether or not one agrees with him on the issues, he is thoroughly knowledgeable about foreign affairs. That is self-evident based on the enormously successful record he has made over the last 4 years sitting at the center of America's foreign policy during a difficult time, and one in which I think most observers agree has seen America remain strong and recognized as not only the one superpower in the world but a superpower that has used its power effectively and ethically and morally.

Third, does he have the confidence of the President? I suppose that is self-evident since the President appointed him. He does. And, of course, he knows the rest of the people that comprise the national security team in this administration. That is important, not just for matters of friendship, but because the intelligence functions should be at the heart of our foreign policy. Because of the personal relations Tony Lake has with the President, the Vice President and others in a foreign policy apparatus of this Government, he will bring intelligence to the center of their deliberations, where it clearly belongs.

I have said that in this process of evaluating Tony Lake's nomination, at every point where a hurdle was established he jumped over it, and then more hurdles were erected. Some of these questions have been fair. The questions about how he handled stock holdings were examined by the appropriate oversight bodies and he was cleared. And I have some personal knowledge on questions about how he handled the shipment of arms from Islamic countries through Croatia to Bosnia because, along with the former majority leader, Senator Dole, and other distinguished colleagues here, I worked for a long time to lift the arms embargo against the Bosnians.

The question was, did Tony Lake do anything in response to messages from our Ambassador to Croatia indicating that the Croatians were wondering how we would react to shipments of arms across this country to Bosnia? Tony Lake responded that there were no instructions. Some critics have seemed to suggest that there was a point in these deliberations where, although Tony Lake clearly said there were no instructions, somehow his body language conveyed a different message. Now, if we are getting to the point where we are beginning to question the capacity of people to be Directors of Central Intelligence because of their body language, we are heading down a very unusual road.

I think questions about this incident have been well handled. Not only was the no-instructions policy not covert, but it was not an action within the meaning of relevant statute. And, in my personal opinion, because our European allies were taking a position against lifting the arms embargo and letting these poor Bosnians defend themselves, I think Tony Lake's decision to give no instructions successfully resolved a very difficult situation and was the absolutely moral decision to make.

OK, so he jumped those two hurdles. But now, as the process goes on, it seems that every accusation made against the White House, that every question of criticism about foreign policy, is being put on his desk. He is being held up to a standard that is impossible to meet and fundamentally unfair. One day, somebody says, we will have to ask him questions about the administration's policy on Haiti. Another says that we have to check to make sure he had no involvement in any of the political fundraising going on in the White House. He seems to have kept himself very, very far from all of that.

Now, there is the question of the FBI report. Knowing Tony Lake as I do, knowing his desire to cooperate with this Congress, I agree with Senator ROBERT KERREY, the ranking Democrat on the Senate Intelligence Committee, when he says in the newspaper today that Tony will try to work out some agreement by which the members of the Intelligence Committee can see the FBI report. In some substantial sense, I regret that. Senator KERREY has seen the report in full. I asked him for his judgment. I trust him totally. He said that there was nothing he saw in that report which would alter his decision to enthusiastically support Tony Lake's nomination.

So I appeal to the leadership of the Senate Intelligence Committee. The Senator from Alabama, the chairman, is a good friend and an honorable, standup individual.

I understand that some people may oppose this nomination, but, please, go ahead with that hearing on March 11. Let the man have his day. Ask him the tough questions. Then let the matter go to a vote in that committee. Bring it out to the floor. We can debate it out here. Let us vote on it. But let us not subject this fine man, this great public servant, this patriot to a kind of water torture where we keep dripping water on his head and do not treat him with the respect and dignity that he and the agency that he is nominated here by the President of the United States to lead both deserve.

Mr. President, Senator JOHN MCCAIN, distinguished colleague and friend from Arizona, usually a pretty good guide to what is right around here—I say usually because he has a few gaps in logic with regard to the submarine construction program, but I leave those aside for now—sent a letter to all of us on January 29 in which he said:

> I support the nomination of Tony Lake to be the next Director of Central Intelligence and will introduce him to the Senate Select Committee on Intelligence when it holds hearings on this issue. I have worked frequently with Tony Lake over the years, and I agree with Bob Gates—

Referring to the earlier article I mentioned—

> that he is a knowledgeable man of principle and integrity who can be expected to work well with other members of the President's national security team and with Congress.

End of the quote from the Senator from Arizona, the Honorable JOHN MCCAIN.

Mr. President, let me just add this one word about the intelligence community. I just do not think it is in the interest of the intelligence community or the country to permit Tony Lake's nomination to be unfairly delayed or to get mired in partisan politics. This nomination should be judged on its merits. That is all the nominee, that is all the Commander in Chief, that is all any of us who support him are asking. Delay and political warfare risks doing serious damage not only to Tony Lake's honor and good name but also to an agency that has traditionally enjoyed and still fundamentally and seriously deserves bipartisan support. The CIA and the intelligence community are at a crossroads. They need a principled and strong leader now, and that man is Tony Lake.

Mr. President, at the end of the column he wrote for the Wall Street Journal, Bob Gates summed it up very well, and I quote finally from that article. Bob Gates says:

> As the last CIA Director, nominated by a Republican President and confirmed by a Democratic controlled Senate, I strongly believe that hard questions should be asked of Mr. Lake and then he should be confirmed expeditiously with broad bipartisan support. This would be in the best interests of the country and of the intelligence community.

I thank the Chair and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, first I wish to thank the distinguished Senator, Mr. CRAIG THOMAS, for his consideration in allowing me to go ahead of him. He has been patiently waiting in the Chamber to be recognized, but he has generously acceded to my request that I be permitted to proceed in that I have an important appointment to meet. I will be very brief.

WAIVING DIPLOMATIC IMMUNITY

Mr. BYRD. Mr. President, I commend the President of the Republic of Georgia, Mr. Eduard Shevardnadze, for the unusual but very appropriate action that he has recently taken regarding the actions of one of his nation's diplomats in Washington.

As has been widely reported, President Shevardnadze broke with longstanding international precedent and waived diplomatic immunity from prosecution in the case of a Georgian diplomat who was arrested for a particularly outrageous incident of drunken driving, resulting in a high-speed crash and the death of a 16-year-old girl.

Diplomats have a special responsibility for representing their countries in all manner of civil societies and all manner of governmental regimes. To prevent their being subject to harassment, punishment or other actions which would interfere with their representational functions, immunity from prosecution has been a time-honored protection.

Now, we have to think of our own diplomats, those who represent the American Government who are abroad in countries that do not have the due process principles for which our country is noted and working under the Constitution which we have and which protects citizens.

Mr. President, somebody ought to call attention to this, and it just seems to me that more of us ought to take notice when something like this happens. And we should not only speak out against the heinous crime that was committed but also we should compliment the head of the foreign government that exercises and demonstrates high purpose and responsibility in a situation such as this.

However, diplomats also have a special responsibility for exemplary personal behavior, given their favored status. The tradition of immunity is not a license to behave in any but the most commendable manner. Immunity was not designed to protect loose living, risk taking or unlawful activities. Therefore, the action by President Shevardnadze in removing diplomatic immunity so that his diplomatic representative can stand trial for his outrageous behavior does not erode the traditional protection of diplomats but, rather, reinforces the need for diplomats to act properly and lawfully.

I hope our own diplomats abroad would act properly and lawfully. I could not condone any action that was not proper and lawful, and our government should not condone it on the part of our own diplomats.

President Shevardnadze is a highly respected leader in a very difficult part of the world. The Caucasian states of the Caspian region have been subjected to continuous, sometimes very heavy-handed pressure from the former Russian overlords who resent their independent, sovereign status as new nation-states. Georgia, Azerbaijan, and Armenia all fall into this category. The leaders of these nations have upheld their independence under great pressure. We have to commend them for demonstrating that kind of courage. They have good independent judgment, and they deserve the support of the United States. The action of waiving immunity in this flagrant, flagrant case that I have referred to is a good example of the sound independent judgment of President Shevardnadze, and I highly commend him and am proud to stand on the floor of the Senate today to recognize the wisdom he has shown and the courage he has demonstrated.

Mr. President, I thank my friend, Senator THOMAS, again, and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Wyoming is recognized to speak for up to 30 minutes.

THE MEDICARE PAYMENT EQUITY ACT

Mr. THOMAS. Mr. President, I will not, myself, use 30 minutes.

I rise today to talk about a bill we introduced this week, introduced the day before yesterday, along with several of my friends from rural areas, including the Presiding Officer and Mr. GRAMS, who joins me, the Senator from Minnesota. We will talk a little bit about the Medicare Payment Equity Act.

I come from a place called Wapiti, WY. It is actually a post office between Cody and Yellowstone Park. This is a rural area. So, the unique problems of rural medicine are near and dear to my heart.

We have in the Senate what is called a rural health caucus which, actually, 77 Senators have shown an interest in. I do recall the rural health group in the House, as well, which was very active and, as a matter of fact, the Senator from Kansas, now presiding, was cochairman of that group.

So, we have a bill that deals with rural health care. And there are unique problems in rural health care. Other sponsors include Senator BURNS from Montana, Senator GRASSLEY from Iowa, and Senator KEMPTHORNE from Idaho.

Basically, it is a question of fairness. All Americans pay the same rate into the payroll tax for Medicare, and I believe, as I think all would believe that each, then, deserves the same kind of health care and the same kind of health care choices, the same kinds of services for having paid that. But that is not the case. The payments for Medicare, managed care within Medicare, are greatly different throughout the country. They are greatly different largely because they were put into place, as a matter of history, as a matter of utilization in the fee-for-service area. So they vary a great deal.

This chart will give some idea of what they are. Remember, each of these folks who receives these benefits has paid in similarly. However, the payments for managed care in Medicare, in Arthur, NE, are $221 a month. On the other hand, in Richmond County, NY, $767 a month. You can see the changes that exist here, and they are basically the highly utilized areas, the Floridas, the New Yorks and others who, in history of payments, have had high utilization so have a history of higher payments. The costs are not necessarily the same, but they are not that much different. What has happened is these risk contracts have basically been set on history and give enough additional services to take up that additional dollar. Not only do they get more money but they get more services.

Here, in Blue Earth County, MN, the yearly payment is $600. Portland, OR, had $500; the beneficiary has to pay additional money, as is shown in the yellow. However, in Dade County, in Florida, the payment is $8,200 dollars a year. Not only do they get the additional payment, they have unlimited prescription drugs, a $700 credit for hearing aids, and have a great deal of additional benefits. Remember, all of them pay the same into the program. So what we have is a bill that would, over time, tend to equalize or at least levelize these kinds of payments.

There are cost differences. The costs in New York City for rent and other kinds of things are higher than they are in Greybull, WY. We are willing to take that into account. However, expertise, medicines, and other kinds of things are just as valuable in Kansas as they are in Florida.

So, what we propose to do and what this bill does is, rather than to continue this kind of reimbursement that is so out of place, it would gradually bring into account not only the costs that differentiate, but also a national average, intending to level these out. We do not propose to reduce the costs that are in place in the higher levels but we do propose to lift the increases, bring the increases up in the bottom levels so Wyoming providers will have an opportunity to compete, to provide these kinds of care.

The other effect, in addition to not getting the kinds of services that are available through this inequity, is that users, seniors in Medicare who would like to have the option of managed care, really do not have it in rural areas because it has not come, due to the payments. For example, where is there growth in managed care and Medicare? Only 3.6 percent in rural areas have an opportunity for this. On the other hand, it is over 70 percent where the benefits are high, in the larger areas.

So, our proposal is to equalize, at least move to equalize these payments, to move to equalize these benefits to reflect the fact that everyone pays the same and that there ought to be some equity with respect to the benefits that are provided. It is a fairness bill. It is one we have talked about before and, indeed, was part of the omnibus bill last year which was vetoed by the President.

So we come back with it singled out to show that there is a problem, there is an inequity, there is an unfairness between rural and more populated areas. This bill, the Rural Medicare Payment Equity Act, will move to remove that inequity from Medicare and managed Medicare to all seniors of this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I am also pleased to be here this morning and to join with my colleagues in introducing the Medicare Payment Equity Act, as the Senator from Wyoming has just outlined. The passage of this legislation, I believe, is critical in righting the wrongs in the Medicare system against States like Minnesota, Kansas, Wyoming, and some of the other more rural States in the country.

There are three points I would like to emphasize, just to add to what the Senator from Wyoming has already said. First, again, to reiterate, the Medicare reimbursement formula is just plain unfair. While every American pays the same payroll tax to the Medicare trust fund, Minnesotans find themselves with the second-lowest reimbursement rates in the Nation. By the way, every county in Minnesota falls below the national average in the terms of Medicare reimbursement.

Second, the Medicare reimbursement formula discourages quality health care. My State of Minnesota has been consistently recognized throughout the Nation as one of the most innovative, one of the most efficient and cost-conscious States in the terms of health care. Yet these very same qualities, the traits which should be encouraged, not discouraged, have skewed the Medicare formula against our providers and also against our beneficiaries.

Finally, the Medicare reimbursement formula discriminates against senior citizens who live in rural areas of America. These older Americans already face fewer health care options than those who live in urban centers. That is due to the lower reimbursement rates received by health plans. However, there is no incentive for them to offer managed care services. So that means fewer choices for the senior citizens who are living in rural parts of the United States.

So, Mr. President, the system needs to be changed and that is exactly what our legislation does. By making fundamental corrections to the Medicare reimbursement formula, this bill will restore equity, it will help to expand access, and will also help to ensure a greater array of health care choices to beneficiaries in States like Minnesota as well as across rural America. It will change the system, and I am very proud to join my colleagues in introducing this very important piece of legislation.

Again, I am pleased to be here to join my colleagues again in reintroducing and supporting the Medicare Payment Equity Act.

I yield the floor.

Mr. ROBERTS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise today, as was indicated by my colleagues, Senator THOMAS and Senator GRAMS, to speak to the Medicare Payment Equity Act of 1997. Like my colleagues have indicated, this legislation will hopefully end the longstanding unfairness that denies the Medicare beneficiary in rural counties the same services and benefits that their urban peers receive. As has been indicated by both of my colleagues, all Americans, whether they live in the city or whether they live in the country, pay the same 2.9 percent of payroll to the Medicare trust fund all during their working lives. All Americans who choose Medicare part B pay the same monthly premium, but that is where the similarities stop.

Based on the geographic area where seniors choose to retire, they receive vastly different choices and benefits. Seniors living in New York City or in Miami, as has been indicated by my colleagues, are offered more options to the Medicare system than almost all of Kansas' 400,000 seniors who rely on Medicare. Many of these plans have no additional premiums, and they may include extra benefits, such as prescription drug coverage or hearing aids or eyeglasses, just to name a few.

Let me demonstrate what I am talking about. When a Kansas senior citizen visits a relative in Miami or New York or Phoenix or some other metropolitan area and talks to his brother, his cousin or any relative and learns that they receive, under their managed care plan under Medicare, free eyeglasses, free prescription drugs, even exercise lessons, of course, then that senior citizen goes back to Kansas or Wyoming or Minnesota, or any other rural area, and they do not have that opportunity. Yet, they pay the same amount.

Why does this happen? The difference is really due to the payment formula used to finance the managed care plans under Medicare. I am going to quarrel a little bit with the description of managed care. I know that has a connotation in some areas, quite frankly, as rationing health care. I know that is harsh. Why don't we use the term "physician service network"? The acronym—everything has to have an acronym in Washington—is PSN. It allows the local hospitals, local doctors, local administrators and the boards to join together, which they are already doing, and offer, yes, a managed care plan, but it is a physician service network.

We have something like that in Kansas in Salina where about 13 hospitals have joined together under something called "the sunflower network." We hope and we think that if we can offer that option to our seniors, we can hold the Medicare costs down, but we can bring them better delivery. It is a voluntary plan, it is not mandatory, and certainly we think that is part of the overall Medicare reform plan.

Basically, under the current system, Medicare rewards any beneficiaries who live in an inefficient medical market and punishes those who participate in health plans that operate in efficient markets.

Medicare pays these health plans a capitation payment based on regional fee-for-service costs. This payment is known as the adjusted average per capita costs—here is another acronym—AAPCC rate. That is extremely important in regards to the health care field.

The variation in the AAPCC rate is extreme. As has been indicated by my colleagues, for example, the AAPCC rate in Richmond, NY, is $767 per Medicare beneficiary, while the AAPCC rate for my constituents in Republic County, KS—Belleville is the county seat—there it is only $265. This county is almost the lowest paid county in the United States. In fact, 93 percent of all counties in Kansas are at or below the national average of $467.

Clearly, there are cost factors that account for some of this difference, but as Senator THOMAS has pointed out, a difference of over $500 is simply unexplainable. This legislation really does address this issue by creating a new payment formula for managed care plans. Specifically, our bill establishes a minimum payment for rural counties of 80 percent of the national input price adjusted capitation rate. This will ensure all payments, even those in rural counties, will cover the comprehensive benefits.

This legislation also includes an aggressive blend of national and local rates that will raise the lower payment areas closer to the average, while taking into account actual input cost differences that exist from one region to another. This rate, which is based on an average of 3 years of past data, will smooth the payments and reduce all of the volatility price differences. It is a transition.

Finally, this legislation excludes the disproportionate share of payments and graduate medical education funds from the calculations of the formula.

Mr. President, this inequity must stop. Until we end this inequity, Medicare beneficiaries will not have the choices they deserve. We will not control the Medicare costs that in some areas are out of control. Hospitals and doctors will not have the tools they need to compete in today's physician service network markets, and Medicare will continue to overpay health plans in inefficient markets.

I want to add one other thing, lest people misunderstand. This is not an either/or choice. Senator THOMAS, Senator GRAMS, myself, and Senator BURNS are not trying to take away anything from Dade County, FL, or New York or any other urban area. Under our formula, the premiums will increase by 2 percent. That is not the idea here. We are merely trying to equalize this on a transition basis.

I urge my colleagues to join us in support of the Medicare Payment Equity Act. That is precisely what it is.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERTS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. GORTON. Mr. President, is the Senate under any time rules?

The PRESIDING OFFICER. We are in morning business, with 5 minutes per Senator.

Mr. GORTON. I ask unanimous consent I might be permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT

Mr. GORTON. Mr. President, the long and often thoughtful debate over the balanced budget amendment is now drawing to a close. It is also apparently drawing to a regrettable unsuccessful end unless a sudden flash of enlightenment takes over the minds and hearts of one or more of the opponents to this amendment.

Nevertheless, I believe it appropriate for every Member of this body to state his or her reasons for support or for opposition to the amendment. While I have done so in part, at least in the past, I should like to share with my colleagues some of my thoughts on the subject.

Mr. President, from my perspective, perhaps the single most important reason for voting in favor of this constitutional amendment, for including a requirement making it considerably more difficult to spend money that we do not have, is a moral or ethical one.

Mr. President, we living today, representing the people of our States today, simply do not have the right to spend money to undertake obligations which we collectively are unwilling to pay for, thereby consuming whatever goods or services Government provides to us today and sending the bills to our children and to our grandchildren. Mr. President, that is simply the wrong thing to do. We should not engage in that practice at all, and it is a simple disgrace that we have now engaged in it in each and every year for almost three decades.

Now, I am aware of, and I subscribe to, the positive economic impacts of balancing our budget. It is clear to me, as it is to most, that it will mean lower interest rates which, in turn, make it easier for young people—for all of our people—to purchase a home, an automobile, a college or university education. At the same time, a balanced budget provides more economic growth and, thus, greater opportunities, again, for all of us, but particularly for generations just moving into the work force. These are important arguments. These are goals that we all ought to see. But I believe that the balanced budget amendment would be imperative even if we were not able to prove in our own minds the economic benefits of the amendment. For the reasons that I have just stated, it is wrong for us to spend the debt and to send the bills to those who are not represented here, who, Mr. President, in most cases, have not yet been born.

In this long and leisurely and thoughtful debate, we have been given dozens of reasons not to pass the amendment. Dozens of scarecrows have been raised: We can't respond to a military emergency that does not involve a declaration of war. We can't respond to a physical disaster. We can't build our infrastructure. Social Security, or some other program, may be hurt by a balanced budget constitutional amendment.

Mr. President, first, as someone interested in the history of our country, I am reminded by the recitation of these objections to nothing so much as the case against adopting the Constitution in the first place in 1787 and 1788. These arguments stem, just as did those arguments more than two centuries ago, from a fear of the unknown. But, Mr. President, those fears must be weighed against the actual, tangible history of the last half century. And that actual, tangible history shows us that, regrettably, we do not, without some constitutional constraints, balance our budget. In fact, in my mind, each one of those threats is more likely to become reality if we don't balance the budget than if we do.

A balanced budget will provide a far stronger economy for the support of Social Security, a far stronger framework for the building of our infrastructure, and a far stronger structure within which we can provide for the education for our young people than does the present system, which threatens all of these things by the accumulated burden of the debt, added to each year by the amount of its annual deficit. So the very threats that are causing Members to vote against this constitutional amendment are more likely to come true if they are successful than if they are not.

Mr. President, this may well be the most important single vote that we cast during the course of this Congress. It is our duty, whether the constitutional amendment passes or not, to produce for the people of this country, for our colleagues, a budget which is balanced in fact. And it is clearly possible—though history gives very little cause for optimism—that we may do so in the absence of this amendment. At least this debate has led to lipservice on the part of the President of the United States and almost every Member of this Congress to the proposition that we should do so. But to see to it that not only we do so, but that our successors do so, that we break the mold of the history of the last decades, the passage of this amendment is absolutely essential.

I am pleased that all of my colleagues on this side of the aisle plan to vote in favor of the constitutional amendment. I hope that a sudden flash of enlightenment on the other side of the aisle will help us to get the necessary 67 votes.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 15 minutes.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. REID. Mr. President, I rise today, as I have in months gone by, to talk about some of the good things that are happening in Government. We tend to dwell—because of the negative perception that the press throws on almost everything that is done here in Washington—on things that the Government is involved in that are not good. There are things we do that are good, however, and I want to talk about some of those things. I want to do this, Mr. President, in an effort to stem the tide of negativity that has engulfed the perception many Americans have about their Government. Strident skepticism about our Government seems to rule the day. I worry about the harm it will do to our country in the long term.

A recent survey of 1,000 registered voters found that about 63 percent of them did not want their children to be President. This is in stark contrast to what it was 10 years ago, 20 years ago, 30 years ago. If this is the case, where will we find the leaders for future generations?

There are, in fact, as I have already indicated, many Government efforts and agencies that serve this country well. Last summer I spoke on this floor about the National Park Service, which began in the early part of this century as an idea of President Theodore Roosevelt. The National Park Service has worked to preserve and protect the remarkable lands that we call our national parks.

Since Congress established the National Park Service, this agency has cared for these natural wonders. Today, about 80 years after the National Park Service was formed, 270 million people will visit our National Park System.

I am very proud that the most heavily visited entity in our entire National Park System is in Nevada. The Lake Mead recreational area has over 10 million visitors every year. Because of the hard work of the Park Service, these national treasures will be available for all Americans to enjoy for generations to come.

Another worthwhile Federal agency about which I have spoken is the Consumer Product Safety Commission. This is a very small agency, but very effective agency, and it has jurisdiction over more than 15,000 different products. It maintains a constant vigil to seek out and eliminate harm to the American consumer. For example, after a baby's death resulting from a faulty playpen right here in the District of Columbia, the Consumer Product Safety Commission responded quickly by removing these playpens from stores and issued a nationwide alert to all consumers.

The Consumer Product Safety Commission most recently made news by recalling popular fleece clothing because it was found to be dangerously flammable. At one time, we had a similar problem with children's pajamas catching on fire. Because of the Consumer Product Safety Commission, we now have flame-retardant pajamas for our children.

From investigating reports about unsafe products to protecting our children from lead poisoning on playgrounds, the Consumer Product Safety Commission has proven, in my opinion, to be an indispensable and beneficial Government agency.

Every summer wildfires sweep the Western part of the United States. About 25,000 brave men and women fight those fires. These self-sacrificing and hard-working firefighters are coordinated through the National Interagency Fire Center, which is a joint project of the Forest Service and the Bureau of Land Management. These people put their lives on the line. Hundreds of these men and women parachute out of the back of airplanes with backpacks weighing almost 100 pounds. We have hundreds more who propel off helicopters into harm's way in order to save life, property, and our great natural resources.

We should be proud of this work done by the Federal Government. When wild fires race across our forests and fields, and the flames threaten our communities, these brave firefighters risk their lives to keep us safe.

Today, I want to take the time to recognize the good work of another Government Agency that takes care of us when we suffer calamities. That is the Federal Emergency Management Agency, or FEMA. Mr. President, when I was in the other body, one of the committees I served on had jurisdiction over authorizing what FEMA did. In those days, more than a decade ago, FEMA got a lot of bad publicity. They have made remarkable improvements. This organization is one of the best examples of how Government truly works for Americans.

In late December and early January, northern Nevada experienced the worst floods in the history of our State. We do not have many rivers in Nevada, but three tiny rivers in northern Nevada—the Truckee, Carson, and Walker Rivers— became raging torrents, washing away people, animals, and property. While most of America was enjoying the New Year's holiday, we in Nevada were besieged by the "Flood of 1997," as were a number of other Western States. When northern Nevadans were confronted with this devastating damage, the Federal Emergency Management Agency quickly responded to the short-term and long-term needs of residents and businesses. With FEMA's help, Nevada is not only rebuilding, but we are well on the road to recovery.

FEMA has been tremendous. They called on their reserves and utilized their experts to assist with our devastating farm losses. They were even able to bring in people that could deal with the losses we had to tourism.

FEMA is an agency that is used to handling water damage. About 80 percent of the emergencies they deal with in the United States deal with water damage and floods. They are truly experts at this.

FEMA was established as an independent agency in 1979 when its original purpose was to deal with nuclear attack. That is no longer the case. While the Agency once operated within a narrow mandate, it has since been expanded to handle disasters generally.

Mr. President, this is an agency that recognizes that people who are hit by floods, hurricanes, earthquakes, and other national disasters are Republicans, Democrats, and independents. This is an agency that must act on a bipartisan basis. And I think they have done a good job of doing that.

Due to the present Director, James Lee Witt, who visited Nevada during the flood disaster, FEMA has become an example of good government. For example, in an effort to streamline and reduce costs, FEMA has closed a number of field offices and has drafted a plan to reduce its internal regulations, which we all dislike, by more than 50 percent. It has become a cost-effective agency which has developed an innovative, customer-oriented approach to government. Most notably, from the very first sign of disaster, FEMA works in partnership with State and local governments, as well as businesses and private agencies. I can testify to this, as it is precisely what happened in Nevada. FEMA does not act like some type of monolithic big brother trying to supersede all local efforts. Everything they do is in partnership with local government. They also deal with business concerns. When the New Year's flood struck, FEMA was on the ground within hours to begin the coordination of relief efforts in Nevada. In conjunction with local officials, FEMA conducted preliminary damage assessments. They did not do it on their own. They did it with local officials. Based on FEMA's initial findings, the President declared 6 of our 17 counties disaster areas, and one major city in Nevada as a disaster area. After the declaration, FEMA began some more good work coordinating numerous assistance efforts in the State.

In a disaster, FEMA becomes the central point of contact for a wide range of emergency responses, including planning, mitigation, and recovery. Aid offered by the Agency ranges from low-interest loans, even cash grants, to advice on how to mitigate damage from future disasters.

FEMA's basic disaster recovery assistance falls into three main categories. No. 1 is human services, or individual assistance, which provides aid to individuals, family, and business owners. No. 2 is infrastructure and public assistance, which helps State and local governments pay for emergency services and repair damages to facilities such as roads, bridges, buildings, and utilities.

During the flood, when it was still raging, I went into an area outside of our capital, Carson City, to meet with county commissioners. One of the big problems we had with the Carson River, which is a wild river with no dams, was with a levy that had been washed away. This levy had been there for as long as anyone could remember, but no one claimed ownership of it. It did not belong to the county. It did not belong to the State. The farmers did not claim it, and neither did the Indians. It was essential, however, that levy be reconstructed. So the county said, "We will take responsibility." As soon as they did that, FEMA was there to begin work on how to reconstruct the levy, which is so essential to prevent damage from Nevada's spring thaws.

The third disaster assistance category is hazard mitigation assistance, which provides funding for reducing future losses in disaster areas. We have an area along the Truckee River where FEMA is considering buying all of the land. It is likely that this area will suffer another flood, so why should we continue to put those residents in harms way? The homes should not have been built there, and FEMA's efforts to buy this land is a fundamental part of hazard mitigation assistance.

Additionally, one of the first things FEMA does in an afflicted community is activate what they call the National Teleregistration Center. This sounds like a fancy name, but it is basically a telephone bank which begins taking applications for assistance within hours of the President's declaration. In Nevada, we have had over 3,000 people register for assistance by using this telephone number. Moreover, as of just a few days ago, FEMA had issued millions of dollars in housing checks to Nevadans; approved nearly a half a million dollars in individual and family grants in Nevada; obligated almost $5 million in public assistance grants to repair and restore Nevada public facilities; and issued $15,000 in disaster unemployment assistance to Nevada residents left jobless.

One reason FEMA works so well in a partnership with local governments is because, when there is a disaster, they do not come in and say we are going to take care of everything. The reason cooperation is coming from State and local governments is because they are required to come up with 25 percent of the costs of these repairs.

Amidst all the chaos of this devastating flood, FEMA was a source of hope, assistance, and relief. In time of disaster, when communities are reeling from devastation caused by nature or humans, it is vital that an emergency management infrastructure is ready to respond immediately. FEMA works in cooperation with States and nonprofits to pick up where their efforts left off. This efficient Federal Agency also works to cover what residents' insurance does not.

Since the potential for flooding in some areas is still extreme, FEMA's efforts in hazard mitigation planning are invaluable. I have already talked about an example of that. The Carson and Walker Rivers are threatening to flood again, and the problem will not be gone until the snow has melted. The flood of 1997 washed away levees, choked river channels, and saturated soils. These conditions make the area ripe for more flooding. FEMA will be there to help if this untoward situation takes place. Because of strong leadership and a willingness to make necessary reforms, FEMA has become an indispensable Government agency for millions of Americans who have suffered these terrible losses. In a 1994 survey, over 80 percent of natural disaster victims approved of the way FEMA did its work. This is clearly, Mr. President, government working for us. The Director, James Lee Witt, should be very proud of this Agency. I know I am.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from New Jersey.

Mr. TORRICELLI. I ask unanimous consent to address the Senate for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WAR AGAINST ILLEGAL DRUGS

Mr. TORRICELLI. Mr. President, before this day is ended, the administration must decide whether or not to certify Mexico as an ally in the war against illegal drugs.

Having served in the House of Representatives as chairman of the Western Hemisphere Committee for some years, and representing the State of New Jersey, which, among other centers of urban and suburban life in our country, has been plagued by narcotics, I feel a need and a responsibility to address the administration on this issue before it makes its final judgment because I believe, based on the actions of the Government of Mexico in the last year, the choice, though difficult, is very clear. The simple fact is that no country anywhere on the globe now poses a more immediate threat to our actions in curtailing the spread of narcotics than Mexico. Indeed, the administrator of the DEA has said, and I quote, "Mexicans are now the single most powerful drug trafficking operation in the world."

The State Department's 1996 World Narcotics Control Strategy Report outlines the threat that Mexico now represents. It cites Mexico as the principal transit route for cocaine entering the United States and a major source for heroin and marijuana. Indeed, Mr. President, it has been suggested that with the success of American operations in the Caribbean and the Bahamas, fully two-thirds of cocaine now entering the United States is being routed through Mexico. As we have succeeded in the Caribbean and the Bahamas pound for pound, dollar for dollar, Mexico has been available to compensate the drug cartels. The State Department's 1996 report further concludes, "Mexico is the most important money laundering center in the Western Hemisphere."

There is no escaping the fact that Mexican cartels now are bribing whomever can be bribed and killing those who resist. In recent months, eight Mexican prosecutors and law enforcement personnel have been murdered in Tijuana, all this since certifying last year that Mexico was assisting United States Government operations. In the last year, Mexico has failed to capture or extradite a single high-ranking member of any drug cartel. There are now 52 outstanding United States extradition requests for drug dealers, and Mexico has not complied with a single one of those extradition requests. Indeed, Mr. President, there is no record of any Mexican national ever being extradited to the United States on a narcotics charge.

There has been considerable hope since certification last year that the use of the Mexican Armed Forces would represent a change. If, indeed, the narcotics strategy of Mexico included not simply law enforcement personnel who might have been compromised but Mexico represented and recognized that this was a matter of their own national security and involved their armed forces, that there might be a change. But the record is now clear. There has not been a change. The announcement of only last week that General Gutierrez, a 42-year veteran of the armed forces, had accepted bribes from the Carrillo Fuentes cartel makes clear that the entry of the Mexican Armed Forces is not only insufficient but inadequate and, indeed, potentially counterproductive.

Changes in Mexican law lead us to the same conclusion. Last year the Mexican Parliament passed criminal money laundering laws, but they are both incomplete and completely not implemented. These laws at a minimum do not require banks to report large and suspicious currency transactions. Unfortunately, the Mexican Government, having not implemented its antinarcotics strategy, having now recognized that the entry of the armed forces is inadequate or counterproductive and taking no actions against laundering with the banks, it therefore, in my judgment, can be concluded that Mexico has not taken the certification process seriously. Previous certifications have brought no new cooperation, and now we must reach a different judgment.

Indeed, Mr. President, in light of the evidence of the corruption of law enforcement personnel, new evidence of corruption of the armed forces, the failure to comply with American requests for extradition, the failure to enforce their own laws on money laundering, the United States Government should be answering the following question: What else would Mexico have to do to be denied certification? Having failed on almost any level of analysis, what else could they do? Here is what we see.

The United States today will also readdress the question of whether or not Colombia should be recertified. It is an arguable question. In the last year, since we denied certification, the Colombian military genuinely seems to have at least undergone some change. They have mobilized 5,000 troops and through the use of joint military and law enforcement operations destroyed laboratories producing 1½ tons of cocaine per day. They have issued 3,000 arrest warrants on drug charges and removed 450 million dollars' worth of cocaine from the production pipeline.

The administration may or may not, on their own evidence, recertify Colombia. But the Colombian experience gives evidence that, while it is difficult to take action against a friendly government, people in Colombia or Mexico that we respect, it is successful. Our decertification of Colombia produced results. It is a question the administration must address before deciding on their actions about Mexico today.

The President is faced with three possibilities in deciding whether to certify Mexico in the drug war. He can certify that Mexico is fully cooperating with the United States Government actions. That would be false on its face. There is no evidence to support a conclusion that Mexico is being cooperative. Indeed, it would make the entire certification process lose all credibility. No nation involved in narcotrafficking within its borders would ever feel any responsibility or pressure to cooperate with the U.S. Government activities if we were to so stretch our credibility by fully certifying Mexico.

Second, the administration can decertify Mexico and bring a halt to all American foreign assistance except antidrug programs.

Or, third, the administration can decertify Mexico but grant a national security waiver. The last of these options I would understand. People could legitimately argue the relative merits of decertification with a national security waiver, based on specific promises of the Mexican Government; to deny certification but, for 1 more year, to give one last chance for them to meet the responsibility to their own people, the international community, and their previous promises. But to certify, given that this other option is available, would be inexplicable to our own people, an insult to those engaged in this country in law enforcement, and contrary to the evidence.

On occasion, in this country, we describe our efforts against narcotics as a war on drugs. But in dealing with foreign governments with whom we would like to have good relations, we seek to win a war without casualties. The sensitivities of the Mexican Government might be a casualty in this certification, but it is necessary if we are to be serious and produce real results.

Finally, I hope the administration will reach the right judgment. The stakes are high. I urge the administration to take these comments and these facts into consideration in reaching its judgment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, may I inquire, is the Senate in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

PRESIDENTIAL VIOLATION OF FEDERAL CAMPAIGN LAW

Mr. CRAIG. In speaking in morning business this morning, I want to express my concern, actually for the first time, on an issue that has been brewing publicly and not so publicly for well over 2 months now. As the Senate struggles to try to develop a mechanism under which we can effectively investigate the alleged wrongdoing at the White House as it relates to Presidential campaign fundraising, the issue gets larger and larger by the day. Yesterday, I finally believed it was time to speak out in relation to the Justice Department appointing independent counsel. I say so because it is obvious to me now that the public does not want the Congress to grind itself into gridlock and partisan fracturing in an effort to do what it should responsibly do, and that is investigate alleged wrongdoing or violations of law on the part of the executive branch.

Be that as it may, my colleagues on the other side of the aisle are also finding themselves in what I believe to now be a most embarrassing situation, having to argue that we probably ought not to do this, or to reduce the scope of what we should legitimately do, all in defense of a President who, by the hour, appears to be increasingly more involved in what is allegedly wrongdoing or violation of Federal campaign law.

So, yesterday, I asked the Attorney General in a press release to appoint independent counsel and to move ahead with what she and the Justice Department must responsibly and rightfully do. The New York Times editorialized, and they said this:

> Janet Reno's insistence that she is waiting for creditable evidence before appointing an independent counsel has now reached a point of mindlessness. By the standards that applied to the Carter, Reagan, and Bush administrations, the threshold for appointing an independent counsel has been reached and passed. If she will but look, Ms. Reno will see a pervasive pattern of reckless behavior and an array of suspicious incidents that cry out for an independent counsel.

That editorial went on to say—it speaks of the White House, and it says:

> Presidents and their White House aides are inevitably involved in campaign planning, as certainly U.S. Senators are in the planning of their campaigns. But, by openly bartering Presidential invitations for political contribution and by relentlessly mixing official and political, this administration has gone so far beyond the normal rules of political behavior and the traditional interpretation of Federal law that even so dogged a Democrat as Pat Moynihan. . . .

And so on and so forth. And it speaks again for Ms. Reno to appoint that independent counsel.

This morning in the Washington Times, again, headlines, "Reno Not Ready for Outside Probe."

My question today is to Ms. Reno. When will you be ready? When there is a massive public outcry of wrongdoing or alleged wrongdoing? When the evidence piles so high at the door of the White House that you cannot step across the threshold to go see your friend, the President, Mr. Clinton?

Ms. Reno, wake up. Listen to what is being said in public. It is time to act. It is time we develop an independent counsel, bipartisan, nonpartisan, to investigate what is now verging on a major scandal. Someone asked me while I was traveling in Idaho last week, "Why is the President out advocating campaign finance reform when it appears that he is the greatest violator?" I said, "There is an old adage that those who sin the most are the first to the altar."

We find it increasingly embarrassing to read in the newspapers everyday that somehow the White House, the very image of this country, was used for personal gain in a way that no other President has used it.

So, once again, today I call on the Attorney General to do what she must responsibly do. The allegations grow by the day. Ms. Reno, do what you should do. Appoint an independent counsel to investigate, in a nonpartisan way, what should be done, for the sake of the Presidency and the White House itself.

Mr. President, I ask unanimous consent that the Wall Street Journal article entitled "Irate Clinton Blasts Moves for Counsel" be printed in today's RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 18, 1997]

IRATE CLINTON BLASTS MOVES FOR COUNSEL

(By David Rogers)

WASHINGTON.—An angry President Clinton called Democratic senators this week complaining of demands inside the party for a special counsel to investigate foreign influence in fund raising for his presidential campaign.

Minority Leader Tom Daschle (D., S.D.) was awakened around 1 a.m. Monday by Mr. Clinton. Leaders of the Democratic Senatorial Committee were also called Sunday night by the president, who angrily reminded senators he had gone to New York to raise money for their campaigns in the prior week.

None of the senators called by Mr. Clinton would discuss these conversations, and the White House declined to comment. Members of Congress and Democratic aides, however, confirmed the timing and substance of the calls. Mr. Clinton appears to have been provoked by Sunday talk shows in which former New Jersey Sen. Bill Bradley and Sen. Russell Feingold (D., Wis.) endorsed the appointment of an independent counsel.

The picture of an agitated president making late-night calls is very different from the calm image the White House has sought to project. The incident testifies to the increased tension between Mr. Clinton and Congress amid the almost daily revelations regarding his past fund-raising practices.

Trying to seize the high ground, Democrats are demanding that Republicans make a commitment to allow campaign-finance-reform legislation to come to the floor this year. But Mr. Clinton's outbursts may only feed Republican complaints that Democrats are stalling on behalf of the embattled president—an important fund-raiser.

The fight is expected to come to a head in the Senate as early as next Wednesday. Mr. Dashcle said yesterday that Republicans must promise to bring up campaign reform this spring if Democrats are to support funding for a GOP-backed inquiry of campaign abuses by the White House.

"We will not agree to funding . . . to anything, until we get campaign-finance reform," said the South Dakota Democrat. His statement, the clearest linkage of the two issues to date, is designed to exploit GOP division on this front.

The Republicans' strongest reform advocate, Arizona Sen. John McCain, supports both an independent counsel and a campaign-finance bill, but Majority Leader Trent Lott (R., Miss.) is decidedly cool to overhauling the current system. Caught in the middle is Sen. Fred Thompson (R., Tenn.), who chairs the Senate Governmental Affairs Committee, charged with carrying out the planned inquiry. And some Republicans are openly proposing to scuttle Mr. Thompson's budget if the investigation becomes a vehicle to advance campaign reform.

Mr. Lott last night warned Democrats against filibustering the committee's funding but said he had exhausted efforts to reach a compromise and expected to meet the issue head-on next week.

As the Thompson inquiry has stalled, smaller investigations are springing up. One of the latest comes from a Senate Judiciary subcommittee overseeing the National Bankruptcy Review Commission. The commission's chairman, Brady Williamson, attended a fund-raiser for Mr. Clinton last September that drew a large set of big donors from the bankruptcy professional community.

In an interview this week, Mr. Williamson said he went as a "private citizen" and only after seeking an opinion from the White House counsel's office. But Sen. Charles Grassley (R. Iowa), chairman of the Judiciary subcommittee, said yesterday he had received written correspondence indicating those running the event had pressured members of the banking industry to attend if they wanted to be heard on bankruptcy issues.

In another development, Federal Bureau of Investigation agents who this week raided the Washington offices of the U.S.-Thai Business Council couldn't find records related to Ban Chang International, which shared offices with the council and helped finance it. Pauline Kanchanalak, a major Democratic contributor whose gifts are now under srcutiny by the FBI, worked for Ban Chang and helped organize the council.

Ban Chang is a subsidiary of Ban Chang Group, a conglomerate based in Bangkok, Thailand. Last June Ms. Kanchanalak and a relative gave $185,000 to the Democratic National Committee in conjunction with a coffee event at the White House with President Clinton, attended by top executives of another Thai conglomerate, CP Group.

People familar with the matter say the FBI wants to know if Ms. Kanchanalak knows where the records are, but she is currently thought to be in Thailand. Her Washington-based attorney, and an attorney for Ban Chang in Washington, couldn't be reached for comment.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

MEXICAN CERTIFICATION

Mr. GREGG. Mr. President, I rise to address an issue which has been raised by other Members on this floor, which I believe is of great significance and which must be resolved in the next few days. That is that the Clinton administration has a difficult matter of rendering a decision, in consultation with the Secretary of State, as to whether or not to certify Mexico as a nation that is cooperating in the area of our war on drugs.

There are many factors to consider before making such a decision, but the primary factor for me is what effect does such a decision have on our ability to fight the use of drugs here in the United States? Drug abuse continues to be one of the primary serious problems, primary and most serious problems, our Nation is facing, especially among our young people in our inner cities. Fighting drugs has to be one of the most important goals of this administration and of this Congress.

Since the so-called certification process was begun in the mid-1980's, Mexico has always been deemed to be a nation that is making a strong effort in the drug war, and many of us in Congress have had concerns, and continue to have concerns, about Mexico's progress.

So at some point, you have to evaluate the effects of bestowing certification status on Mexico. Has certification improved Mexico's ability to deal with drug cartels? Have cocaine seizures increased? Are drug dealers being arrested and convicted? Are antimoney-laundering bills being enacted into law in Mexico? And finally, and perhaps most important, are the Mexican law enforcement agencies cooperating with us and are they free of corruption?

It is this last point that I think remains the most single significant concern and impediment to certification. The arrest of the Mexican General Jesus Gutierrez Rebollo, the Mexican drug czar in charge of Mexico's counternarcotics efforts, on a charge of bribery, cocaine trafficking and for having ties to organized crime leaders in Mexico's drug cartels, was, in the words of our own United States drug czar, General McCaffrey, a "terrible blow." It really is more than that, of course. To have the chief law enforcement officer in the area of drug enforcement in Mexico turn out to be nothing more than a front man for the Mexican drug cartels undermines all credibility of the effort of Mexico in the area of fighting drugs.

Our intelligence agencies are now conducting a damage assessment to establish how many of our agents, informants and counterdrug operatives were put at risk. It is believed that a very large number have been put at risk, and, in fact, the damage to this intelligence network may exceed the damage that was created in the CIA by the Aldrich Ames case. If you remember, in the Aldrich Ames case a large number of agents and operatives for the CIA died.

When you add up the evidence about the results of certification, you have to wonder what effect it has had on stemming the flow of drugs into this country. Mexico is the source of 70 percent of the cocaine on American streets and is the growing source of the most violent types of drugs. The primary cartels which are now shipping their drugs to the United States are no longer centered in Colombia. They are two cartels centered in Mexico. The antimoney-laundering laws are incomplete and not yet implemented. In short, the battle against drugs being shipped to the United States from Mexico is being lost in Mexico.

In light of the ongoing corruption and the flow of drugs into our Nation, I believe the United States must withhold full certification. The cost of drug abuse to our society remains too high to take any other course. There is no doubt that on the domestic front, we can do a great deal more, and we must. In fact, it was unfortunate that this administration essentially ignored this problem during its first term, but the administration has now turned its attention to this issue, and, hopefully, we can make greater progress. We need strong leadership from the White House. The President does control the bully pulpit and, as we saw with Mrs. Reagan's efforts under the "Just Say

No" program in the eighties, the White House can have a dramatic effect on utilization.

But at the same time, we must pursue a more effective policy that will cut off the flow of drugs from source countries like Mexico. I believe that withholding full certification to Mexico would send the right message from the American people to the Government of Mexico, and that message is that the status quo is not acceptable. I urge the President to hear the concerns of our agents on the front lines who cannot trust their Mexican counterparts for fear of being compromised. As the DEA Administrator, Mr. Constantine, stated, "There is not one single law enforcement institution with whom DEA has a really trusting relationship."

It is time, Mr. President, to take strong action, and I strongly suggest that we not pursue certification.

SOCIAL SECURITY

Mr. GREGG. Mr. President, I want to also speak on another subject which is of equal importance. It is of importance, however, to the next generation in a different way. It is of importance in the area of fiscal policy, and that is the question of Social Security.

There is an atmosphere, of course, which has pervaded American politics, and especially politics in Washington, that discussing substantive reform to Social Security laws of our country is to commit political hari-kari; that any discussion of Social Security must be done in the most passive and benign way or else a person in public office will suffer great consequence.

But we can no longer afford to take this head-in-the-sand approach to this absolutely critical and core issue of public policy. We know that the Social Security system is fundamentally broken and that it is headed toward an enormous bankruptcy. We know that if we take no action, purely as a function of demographics, we will see a collapse of the Social Security system in the early part of the next century, and with it probably a collapse of our Nation's finances, as we will simply be unable to bear the load of paying for the system.

This is not a result of having a failed system for the last 40 years. We have had an extraordinary system for the last 40 or 50 years. It is a result simply of the fact that the Social Security system was not structured to deal with the generational demographics which we are headed toward. The post-war baby-boom generation is going to turn the tables of productivity upside down and the tables of who gets and who gives relative to the Social Security system.

Today, approximately 3.1 people pay into the system for every 1 person who takes out. By the time the post-war baby-boom generation is fully taking down its share of Social Security, we will only have two people paying into the system for every one person taking out. That means that by the year 2020, the Social Security system will be running approximately a $216 billion deficit which will be escalating in a geometric progression.

This deficit will essentially absorb all the discretionary dollars of the U.S. Government, and we simply will be unable to fund the operation of Government, beyond either paying for Social Security or choosing some other course. What will happen is, we will have to create a massive economic disruption to address the issue, probably a national inflation on the order of what happened in the German Weimar Republic after World War I.

So this issue must be addressed. It is like that television ad for an oil filter that says, "You can pay me now or pay me later." By paying now, by doing something now, we can alleviate the problem for the next generation or reduce it dramatically at a low cost, but if we wait until later, the cost to the next generation will be astronomical, and we will not have fulfilled our obligation as passers of the torch.

So I have proposed a piece of legislation which addresses this issue. I recognize that stepping into this water maybe doesn't make political good sense, but I happen to believe that if we do not step into this water, or if somebody doesn't begin to step into this water, nothing will happen. So I put on the table a proposal on Social Security, which I introduced last week, which addresses the underlying problems of the system.

It has four basic elements, and, as a practical matter, it addresses the next generation—my generation—and younger people's generations as to how they will be impacted. It has very little significant impact on the people who are presently receiving benefits from the Social Security system.

The first element of it, and probably the most magic, unique—I won't use magic, that will be too egotistical a term—the most unique is I am suggesting we take now what is presently the surplus in the system, which surplus we expect to run through the year 2010, and we refund that surplus to the wage earners.

Today, $20 billion more is paid into the system than is paid out of the system for benefits. That means the wage earners in this country are paying $29 billion more in taxes than they need to pay under Social Security to support the Social Security system.

My suggestion is that we refund that by reducing the payroll tax by that 1 percent, from 7.5 percent to 6.5 percent, which works out to about 12 percent actually, but a 1-percent reduction. And we allow the wage earner to take that 1-percent savings and put it into a savings account, into a savings vehicle like an IRA or some other personal savings vehicle and invest it for their future. This would allow us to begin to prefund the liability of a system which is now subject to contingent funding.

We now have a pay-as-you-go system. There is no account which is set up for anybody who is on Social Security. What is paid in today is paid out today. This would allow us to begin to prefund that liability and to give working Americans who are under the age of 50 an opportunity to start to save for their retirement. And it would do it without impacting at all—at all—the present benefit structure of senior citizens.

In addition, we must acknowledge that our society is living longer and being more productive. When the Social Security system was officially created, the average life of an American male was 61, and the retirement age was set at 65. Franklin Roosevelt was no fool. Today, the average life expectancy of an American male is 72 and is moving toward 78. Retirement age remains 65.

My proposal, for people who are under the age of 45, would scale up the retirement age and give them lead time to anticipate that. Again, it would affect nobody who is on the system or about to come on the system.

In addition, I do something which is called changing the bench points, which is essentially affluence testing, not for people who are on the system today but people who are under the age of 45.

These are some changes that would bring about a solvent system. They are different, but they are proposals that need to be put on the table and discussed. Mr. President, I thank the indulgence of the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Thank you, Mr. President.

THE NATIONAL DRUG CONTROL STRATEGY

Mr. GRASSLEY. Mr. President, the drug czar released the national drug control strategy recently, as he is required to do. The President held a press conference to announce the strategy and his budget for fiscal 1998 to combat drug use in this country. This strategy now includes a request for almost $16 billion. That is about a 5.4-percent increase, which is just about average for recent drug budgets. While I welcome the strategy and the increase, I am concerned that it does not live up to the requirements set out in the law. I am even more concerned that the strategy seems to walk away from the war on drugs. This strategy would seem to have us believe that we can combat the problem of rising teenage drug abuse by simply treating the wounded. It is walking away from a war on drugs to talking about fighting a cancer.

I have heard Mr. McCaffrey on this issue before. The view seems to be that a "war" is the wrong metaphor for our efforts. It seems that we must act as if our problem is more akin to therapy. We must treat the problem of illegal drugs and not combat it. In this view, it is time to trade in our old car for a sleek new model. I appreciate the drug czar's sensitivities on this issue, but quite frankly, this trade-in is going to buy us a lemon.

This walking away from years of efforts to combat drug abuse and instead substituting "phrases about treating a condition" is simply waving a white flag. It sends the signal that instead of combating illegal drugs we must accept them like we would a disease. While I agree that the problem of illegal drug use and smuggling are deeply imbedded in our society, I do not buy the idea that we need to tolerate this situation.

I do not think we gain much by blurring the language we use. I do not believe that we gain ground with our efforts to keep kids off drugs by sending weaker signals about our efforts. This is even more true at a time when kids are using more drugs.

I am concerned that the present strategy simply doesn't have the juice needed to get us moving. The real story about the present situation of drug use in this country today is that we are losing. By the only standard that matters, whether more kids are deciding to use more drugs, our efforts are failing. In every reporting mechanism that we have, it is clear that in the last 5 years, more kids are using more drugs.

It is clear that fewer kids are seeing drug use as dangerous. It is clear that drug use is increasingly glorified in our popular culture, in movies, music, and on TV. It is clear that legalization themes are gaining a wider circulation among our elite media and cultural leaders. With all of these things happening under our very noses, it is clear that we have a crisis on our hands.

Today, there are some 3 million hardcore addicts in this country. Reflect for a moment on how we got this population. Most of these individuals decided to use drugs the last time this country flirted with idea that drugs were OK. Their decision in the 1960's, 1970's, and early 1980's left us with a major abuse problem. We were making progress, however, in keeping new generations from making the same mistake. That is now changing. And it is changing rapidly. We face a problem of major dimensions. In that context, we need to have a clear idea of what we need to be doing. We need to know how we are going to make a difference.

Unfortunately, as I read the present strategy, I do not come away with a sense that we have a plan that comes to grips with the problem.

According to section 1005 of the Anti-Drug Abuse Act of 1988, the drug czar is required to submit to Congress each year a strategy that includes "long-range goals for reducing drug abuse in the United States," and short-term objectives which the Director determines may be realistically achieved in the 2-year period beginning on the date of the submission of the Strategy." It was the intent of Congress that this strategy include standards of measurement so that we could see what was being achieved. Last year, I wrote Mr. McCaffrey on this issue and made it clear that Congress expected to see clear, straightforward language on measurable standards. The House communicated a similar message.

What we find, however, is a series of goals and objectives that contain no measurable standards. What we find is the promise that at some future date we will see an effort to have such standards. What we find is a watering down of our drug control efforts by trying to present vague guidelines in a 10-year strategy that does not address our present crisis in teenage drug use.

We know from every survey on drug use done in this country that teen use of drugs is increasing dramatically. We know that increasingly kids see fewer dangers in using drugs. We know that kids at younger ages are starting to use drugs. We know that the legalization movement in this country is working overtime to get dangerous drugs accepted as part of normal life.

In my view, when we are failing in our goal to keep kids off drugs, we are failing in our job. The present strategy does not tell us how we are going to reverse this trend. Certainly, vague goals and objectives and the effort to bury the need for decisive action in a 10-year approach falls short of the mark.

This strategy is disappointing and it seeks to avoid accountability. We are in the midst of a crisis of teenage drug abuse and increasing legalization talk. Yet, the strategy avoids addressing this crisis in a clear and straightforward way. It tries to bury this crisis in tables and charts that talk about progress made in reducing drug use in the 1980's and early 1990's. This is a sandwich without the beef.

IT'S FOR KIDS

Mr. GRASSLEY. Mr. President, what responsible parent has not forgone something he or she wanted for the benefit of a child? We make sacrifices today for the tomorrows of our children. We defer doing things, we give up buying something, we go out of our way.

But it is not just in our own lives that we do things for our children's sake. We support public education. We pass safety laws. We take steps to ensure the well-being of kids. We do this out of responsibility as parents. We do this as members of a civilized community that knows the importance of investing in its future through future generations.

Those of us who are adults today benefited from the efforts and sacrifices our parents made on our behalf. And their parents before them.

It is in acknowledgment of these simple truths that I wanted to talk briefly about this Nation's drug problems. I want to talk about the serious challenge that we face to the health and well-being of our tomorrows in the lives of our children today.

While we were out on the recent recess, something happened that needs concern us. In essence that was the advancement of an effort to legalize drugs in this country. It was not a fair fight. The American public, overwhelmingly, in just about every opinion vehicle I can think of, has indicated its enduring opposition to drug legalization. The well-funded legalization lobby knows this. They know they cannot fight for legalization on the merits. They cannot tell the truth about what their real agenda is. So they resort to weasel words and fast talk. As the old saying goes, you can fool some of the people some of the time, and that's usually good enough.

What I'm talking about in this case is that those who promote legalization of drugs have resorted to appealing to the public's sense of care and concern for the sick and dying to promote drug legalization. The notion that is advanced by the legalization advocates and their money men is that smoking marijuana is a treatment for a number of physical disabilities and terminal illnesses. Relying on anecdotal evidence and the exploitation of the public's generous and caring impulses, they have slipped in legalization measures in two States and are targeting a number of others for similar treatment. They are also using this approach to go around Federal controls on illegal drugs and international treaties that commit the United States to maintaining adequate drug control policies.

Briefly, I want to review what is being claimed and the tactics that have been used. First, let's recall a little history. We are not inexperienced in this country in seeing the medicalization of dangerous substances. At one time in this country, individuals and businesses could market anything as a medicine and make any claim for its effectiveness. In this fashion, opiates and cocaine were freely marketed in nostrums sold over the counter and through the mail. The makers of these drugs claimed miracle cures for their products. They also had endless testimonials from satisfied customers on how well the products performed. Here was no evidence for the claims, however. There was an increasing number of addicts, hooked on self-administered, dangerous substances marketed as medicine. As a recent article in the New Republic noted, as a result of these freely available over-the-counter drugs, addiction in this country soared in the early years of this century. Public health officials estimated that 1 in 200 Americans, including children, were addicted.

In addition to marketing these dangerous drugs, unscrupulous businesses, and individuals also sold many concoctions made from unknown ingredients. And they made claims that these could cure anything that ailed humanity.

Again, they could call upon boxcars full of anecdotes to support their claims. We have coined a word for these so-called medicines. We call them snake oil. We also have a word for the people who pushed them—snake oil salesmen or quacks. Our grandparents, who had to deal with these practices, woke up to the fraud that was being perpetrated on the public. They realized that dangerous drugs were creating a major addiction problem. They realized that unknown ingredients were doing great harm, either directly by poisoning people, or by keeping people from seeking real treatments for real problems. They demanded better. They demanded that we control dangerous drugs sold to the public. They insisted on truth in advertising. And they required scientific support to establish the value of things offered to the public as medicine.

In addition, they also took steps to ban dangerous drugs and to determine what drugs had medical uses that also could be demonstrated to be safe and effective. Based on this experience, our predecessors in this body passed the Pure Food and Drug Act in 1906. They created the Food and Drug Administration in 1938 to ensure the availability of safe medicine. They also passed a variety of laws to deal with the use and distribution of dangerous drugs. We have continued these efforts.

Among more recent efforts, were the development of schedules for drugs that laid out categories for dangerous drugs and their proper control in the Controlled Substances Act of 1970. These schedules include a classification of drugs for their potential for abuse and their medical value. This scheduling system gives us a handle on what science and experience continue to tell us about dangerous drugs. Marijuana, along with PCP and LSD, are included in the category of drugs with a high potential for abuse and no recognized medical use in its smoked form.

But we have not stopped here. In response to public pressure in our last major drug epidemic, we created the drug czar's office to help coordinate our national efforts. We mandated better coordination of Federal efforts through high-intensity drug trafficking areas. In addition, this body continues these efforts. We have spent a good deal of legislative time insisting that our international partners also take steps to stop the production and distribution of dangerous drugs. We are signatories to various international treaties, such as the 1988 U.N. convention, that commits us to maintaining a drug-free environment.

These facts do not mean that various individuals stop trying to smuggle illegal drugs and sell them to the public. It does not mean that unscrupulous business enterprises or individuals stop trying to sell snake oil to the public. We cannot afford to abandon lightly the idea that things offered to the public as medicine must meet exacting standards and scientific validation.

We must be cautious when confronted with sophisticated advertising campaigns that seek to circumvent Federal and State laws and establish procedures for determining safe and effective medicines.

Indeed, it should give us pause if any group seeks to push a so-called medicine through the electoral process. One has to stop and ask why. If the motive is to provide a medicine, why is it that this so-called medicine requires an effort to by-pass science, to ignore experience, and to rely on methods wholly unsuited to the concern at hand. What we see is that various individuals are resorting to testimonials, anecdotes, and junk science. They do this to legitimize the notion that marijuana should be made available for just about any condition one can name. This is not a path that leads us to responsible public policy, sound medical practice, or a caring and compassionate approach to the sick.

In the case of medical marijuana, we see an effort underway that seeks to by-pass good science and responsible medicine. There is no valid science that demonstrates the medical usefulness of smoking marijuana.

Indeed, as recently as February 1994, the U.S. District Court in Washington, DC, denied a petition by marijuana legalization groups to have marijuana rescheduled. Not only did the court deny the petition of the legalizers, it specifically noted that their appeals for rescheduling were based on anecdotes and testimonials. No valid scientific studies were offered to support their claims. As the opinion notes each of the various legalization experts admitted, under oath, that he was basing his opinion on anecdotal evidence, on stories he heard from patients, and on his impressions about the drug. The science supporting the claims was not there.

In fact, there is considerable and growing evidence to the contrary. Many of the carcinogens that accompany tobacco are present in similar or greater quantities in marijuana smoke. Moreover, a growing body of evidence indicates the serious, harmful, long-term effects for health and mental development from smoking marijuana. No major medical association or research institute supports the claim for the medical uses of smoking marijuana. The claims remain anecdotal. No major industrialized country endorses its medical use. Just recently, Holland, which condones limited public use of marijuana, has noted no medical utility for marijuana.

On the contrary, the principal source of support for marijuana as a medicine comes from groups that favor legalization of drugs. Again, one ought to ask what is really going on when it is not the medical community clamoring for action but rather lobbying groups that seek to legalize certain drugs.

Major funding for campaigns to support the idea of marijuana as medicine comes for individuals and groups that favor drug legalization or liberalization. The major support for the effectiveness of marijuana as a medicine comes from anecdotes. It is not based on science because the science doesn't support the claims. The legalization groups know this and have hit upon methods to try to legalize drugs, at this point marijuana, by other means.

They make no pretense among themselves about the agenda. They do, however, resort to misdirection in their public pronouncements. Thus, they exploit the public's trust and goodwill to accomplish an agenda that the public has repeatedly opposed. This is not about medicine for sick people but about playing on people's sympathies to legalize a dangerous drug.

They have sought to turn responsible public policy on its head. It is their argument that drugs are dangerous because they are illegal, not that they are illegal because they are dangerous. They would have us believe that our real problem is only the laws that make heroin or cocaine or marijuana or methamphetamine illegal for anyone to buy and use as they see fit.

They would have us forget our own experiences. They would have us disregard the wisdom of our grandparents and others who learned a bitter lesson all those years ago. As Bill Bennett said, drugs are illegal because they are dangerous. They are not dangerous because they are illegal. We forget that simple reality at our great cost. And it will be our kids who will pay the price.

As another old saying goes, fool me once shame on you. Fool me twice, shame on me.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 125TH ANNIVERSARY OF SHEPHERD COLLEGE

Mr. BYRD. Mr. President, from a practical standpoint, education is fundamental to a society interested in securing a better future for generations to come. But, on a more personal level, I can think of few things in life that provide for the kinds of pleasure, growth, and sense of self-worth as does the acquiring of an education.

Today, I wish to pay tribute to a long-standing pillar of education in West Virginia—Shepherd College. Shepherd College, in Jefferson County, was founded 125 years ago yesterday.

This school, which is located in West Virginia's oldest town, is proof that we can preserve our heritage and traditions at the same time we are preparing ourselves for the challenges of tomorrow. With its roots firmly planted in history, Shepherd College continues to evolve and prepare for the challenges of the new millennium.

Shepherd College first opened in September 1871, as a private school in a single building that had previously served as the Jefferson County Courthouse, and today bears the name McMurran Hall, in honor of Shepherd College's first principal, Joseph McMurran. McMurran and two assistant professors were hired that year to teach the 42 students who were instructed "in languages, arts and sciences."

On February 27, 1872, the West Virginia Legislature passed an act establishing Shepherd College as a four-year school, dedicated to the training of teachers, and accredited to bestow the Bachelor of Arts degree. A liberal arts program was approved in 1943, and in 1950, the Bachelor of Science degree was added.

Today, Shepherd College, part of the State College System of West Virginia, boasts 3,700 students who are enrolled in 80 different fields of study.

In recent years, more than a dozen new buildings have been added to the campus. I am proud to have played a role in that growth by adding funds to federal appropriations bills for the school's new Science and Technology Center. The new Center is intended to help prepare students in fields such as computer science, environmental science, biology, and chemistry—areas of education which are critical to the future ability of our nation to compete in the global market place, and in which our country, sadly, is lagging behind other industrialized nations. This facility will also provide working partnerships with the many Federal facilities located in the Eastern Panhandle, helping area residents to develop careers in high-tech fields, and, in turn, helping West Virginia and the Nation to achieve a more prosperous future.

At noon yesterday, Shepherdstown echoed with the sounds of bells, pealing in honor of the school's 125-year commitment to education, a fitting tribute to its founders.

Along with my fellow West Virginians, I wish Shepherd College a happy 125th birthday.

HIGHWAY TRUST FUND AND THE GAS TAX

Mr. BYRD. Mr. President, back on June 5, 1996, I sent a letter to all Senators signaling my intention to offer an amendment to the next available tax bill to place into the Highway Trust Fund the 4.3 cent gas tax that is currently used for deficit reduction.

Senators will recall that, back in May and June of last year, there was much debate on this 4.3 cent gas tax, which was first imposed by the Omnibus Budget Reconciliation Act of 1993. During this past summer, I deferred offering this amendment on two occasions at the request of both the Majority and Minority Leaders. Unfortunately, another opportunity to offer the amendment did not arise.

My purpose in proposing that the 4.3 cent gas tax be placed into the Highway Trust Fund is to better enable the Congress to reverse the very destructive trend of Federal disinvestment in our Nation's transportation infrastructure. By increasing the revenue stream to the Highway Trust Fund, it would be my hope and expectation to leverage additional resources for our Federal-Aid Highway program in order to stem the deterioration of our Nation's highways.

Our Federal investment in infrastructure as a percentage of the total Federal budget has declined significantly since 1980. Few economists would disagree that adequate long term investment in infrastructure is critical to a nation's economic well-being. Only through investment here at home, investment to maintain and renew our own physical plant, can our economy grow and generate healthy wages for its citizens.

Even so, our Nation's investment in infrastructure as a percentage of our Gross Domestic Product has almost been cut in half since 1980. As a nation, we continue to invest an absolutely paltry percentage of our Gross Domestic Product in infrastructure—a percentage considerably less than our chief economic competitors in Europe and Asia.

Nowhere do we pay a greater price for inadequate infrastructure investment than in our Nation's highways. Our national highway system carries nearly 80 percent of U.S. interstate commerce and nearly 80 percent of intercity passenger and tourist traffic. The construction of our national interstate system represents perhaps the greatest public works achievement of the modern era. However, we have allowed segments our National Highway System to fall into serious disrepair.

The Department of Transportation has released its most recent report on the condition of the Nation's highways. Its findings are even more disturbing than earlier reports. DOT currently classifies less than half of the mileage on our interstate system as being in good condition and only 39 percent of our entire national highway system is rated in good condition. Fully 61 percent of our Nation's highways are rated in either fair or poor condition. Almost one in four of our Nation's highways' bridges are now categorized as either structurally deficient or functionally obsolete. This is not the highway infrastructure that will help our country and its citizens continue to prosper into the twenty first century. If we allow this decay to continue, it will constrict the lifelines of our Nation.

According to the DOT, our investment in our Nation's highways is a full $15 billion short each year just to maintain these current inadequate conditions. Put another way, we would have to increase our national highway investment by more than $15 billion a year to make the least bit of improvement in the status of our national highway network each year.

It is critical to point out that, while our highway infrastructure continues to deteriorate, highway use is on the rise. Indeed, it is growing at a very rapid pace. The number of vehicle miles traveled has grown by roughly 40 percent in just the last decade. As a result, we are witnessing new highs in the amount of congestion, causing delays in the movement of goods and people that are very costly to our national economy.

Mr. President, it is clear that the requirements we place on our national highway system are growing while our investment continues to decline. We are simply digging ourselves into a deeper and deeper hole. Six years ago, in 1991, it was estimated that an investment of $47.5 billion dollars would be necessary on an annual basis to ensure that highway conditions would not deteriorate any further than they existed in that year. By 1993, that figure grew to $51.6 billion. And 2 years ago, that figure grew to $54.8 billion. The longer we delay making Federal highway spending a priority, the more expensive it gets to reverse this destructive trend.

In the coming months, the Senate will take up legislation to reauthorize the Intermodal Surface Transportation Efficiency Act, or ISTEA. Many Members, including myself, have come to the Floor to introduce legislation to address specific transportation needs in their States and regions. Also, many Members have spoken to the need for formula changes to bring about what they perceive to be a more equitable distribution of funds from the highway program. Just yesterday, our new Transportation Secretary, Rodney

Slater, testified before the Environment and Public Works Committee on the broad outlines of the administration's proposed ISTEA reauthorization bill. There are many fine initiatives in the administration's bill just as there have been many fine initiatives introduced by Members from all regions of the country.

However, we must face the fact that, absent a determined effort by the Congress and the administration to substantially increase the current level of spending on our highway program, we are not going to stem the deterioration of our highway infrastructure. Similarly, it is unlikely that, as we reauthorize ISTEA, we will be able to accommodate new initiatives and address substantial formula changes.

Just last month, I was pleased to join with 55 of my colleagues in writing to the distinguished Chairman of the Budget Committee, Senator DOMENICI, asking that the upcoming budget resolution allocate sufficient budget authority to the Environment and Public Works Committee to allow for a robust ISTEA reauthorization bill. But it must be recognized that the ISTEA reauthorization bill is just that—an authorization bill. And while ISTEA does allocate some direct funding from the Highway Trust Fund outside of the appropriations process, the vast majority of funds distributed under the Federal-Aid Highway Program are controlled by annual obligation limitations set by the Appropriations Committee.

The administration's budget proposal assumes that there will be increased contract authority provided for several meritorious programs under the Federal-Aid Highway Program over the next 6 years. But the unfortunate fact is that the administration's budget simultaneously assumes that the annual obligation limitation set by the Appropriations Committee will be frozen at the current year's level for the entire life of the next authorization bill. Put another way, under the administration's proposal, States will not be allowed to obligate one additional penny in any of the next 6 years above the current year's level.

Mr. President, I appreciate that we can have a reasonable debate as to whether the solution to this problem is depositing an additional 4.3 cents into the Highway Trust Fund. The Highway Trust Fund currently has some sizable unobligated balances. Moreover, income to the Highway Trust Fund has been steadily rising as a result of increased gas consumption and the fact that an additional 2.5 cents has been deposited in the Highway Trust Fund since the beginning of fiscal year 1996. However, one thing that cannot be denied is the fact that substantially increased funds are necessary to stem the deterioration of our Federal highway system. A mechanism must be developed to ensure that, even while we strive to eliminate our annual budget deficit, we begin to stem the tide of Federal disinvestment in our transportation infrastructure.

Toward that end, I look forward to working with Chairman DOMENICI of the Budget Committee and its Ranking Member, Senator LAUTENBERG, along with the Chairmen and Ranking Members of the Environment and Public Works Committee and the Transportation Appropriations Subcommittee to seek a way to ensure substantially increased authorizations and obligational authority for our Federal highway responsibilities. We cannot be responsible stewards of Federal tax dollars and, at the same time, pass a steadily deteriorating transportation infrastructure on to our children and grandchildren.

Now Mr. President, I did not seek to hold up consideration of H.R. 668 yesterday evening by proposing amendments to address our highway infrastructure needs. I recognized the urgency of renewing the aviation ticket tax. The Airport and Airways Trust Fund is on the verge of bankruptcy and, absent the renewal of the ticket tax, our Nation's airport construction enterprise, as well as the procurement of critically needed air traffic control equipment, will be at risk. Indeed, airports are also a critical element of our transportation infrastructure. And, as in the case of highways, our airport infrastructure needs continue to grow while Federal investment continues to fall precipitously. The current funding level for the Airport Improvement Program has fallen more than 30 percent in just the last 5 years. And the president's budget for the coming fiscal year asks us to cut the program an additional 32 percent. The last thing I wanted to do yesterday evening was endanger necessary investments in our aviation infrastructure in the hopes of addressing the needs of our highway infrastructure.

However, I rise today to state my intention and commitment to work with the Senate leadership as well as the leadership of all the relevant committees to ensure that we put policies in place this year to adequately address the need for increased highway investment. I invite all members to join me in this cause.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, February 27, the federal debt stood at $5,349,402,692,025.14.

One year ago, February 27, 1996, the federal debt stood at $5,016,697,000,000.

Five years ago, February 27, 1992, the federal debt stood at $3,823,779,000,000 which reflects a debt increase of more than $1 trillion ($1,525,623,692,025.14) during the past 5 years.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 378. A bill to provide additional funding for the Committee on Governmental Affairs of the Senate.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1232. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to a change in disease status, received on February 26, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1233. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, a rule entitled "Exemption of Freight Forwarders" received on February 26, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1234. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of safeguards information for the period October 1 through December 31, 1996; to the Committee on Environment and Public Works.

EC–1235. A communication from the Chairman of the Advisory Committee On Reactor Safeguards, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the NRC's Safety Research Program; to the Committee on Environment and Public Works.

EC–1236. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on the Judiciary.

EC–1237. A communication from the Acting General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, a rule entitled "Indemnification of Department of Housing and Urban Development Employees" (FR 4143) received on February 24, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1238. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on monetary policy; to the Committee on Banking, Housing, and Urban Affairs.

EC–1239. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–1240. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–527 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC–1241. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–528 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC-1242. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-529 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC-1243. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-530 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC-1244. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-531 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC-1245. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-532 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC-1246. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the International Atomic Energy Agency; to the Committee on Foreign Relations.

EC-1247. A communication from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to Egypt; to the Committee on Foreign Relations.

EC-1248. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. AKAKA (for himself and Mr. Inouye):

S. 382. A bill to amend chapter 3 of title 28, United States Code, to provide for the appointment in each Federal judicial circuit Court of Appeals, of at least one resident of each State in such circuit, and for other purposes; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 383. A bill to require the Director of the Federal Emergency Management Agency to provide funds for compensation for expenses incurred by the State of New York, Nassau County and Suffolk County, New York, and New York City, New York, as a result of the crash of flight 800 of Trans World Airlines; to the Committee on Environment and Public Works.

By Mr. CONRAD:

S. 384. A bill to amend the Solid Waste Disposal Act to allow States to regulate the disposal of municipal solid waste generated outside the State; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself and Mr. Inouye):

S. 382. A bill to amend chapter 3 of title 28, United States Code, to provide for the appointment in each Federal judicial circuit court of appeals, of at least one resident of each State in such circuit, and for other purposes; to the Committee on the Judiciary.

THE JUDICIARY APPOINTMENTS ACT OF 1997

Mr. AKAKA. Mr. President, I am pleased to reintroduce the Fairness in Judiciary Appointments Act of 1997, with my colleague, the senior Senator from Hawaii. Our measure would require the appointment of judges on the circuit court of appeals from all States in the circuit. This legislation is identical to S. 1320, which was introduced in 1995.

This measure will require no new appropriations and no additional spending authority. It would, however, ensure fairness in the appointment of circuit court judges and remove political pressure in weighing the nomination of a person from a more populated State over an individual from a less populated State.

Our bill would require that judges on the circuit court of appeals be appointed from every State in the circuit. The impact of the measure on fairness and justice would be long-term and far-reaching. It will assure that all citizens of every State in the Nation are represented by an active circuit judge on each of the circuits.

I am disappointed that the past three administrations have failed to nominate a circuit court judge from Hawaii, which is part of the ninth circuit. Hawaii's only active judge serves as a senior judge since his retirement over 10 years ago. There are currently 8 vacancies on the court out of 28 seats. Two additional judges are expected to retire this spring, which will mean that a full one-third of the seats on the ninth circuit court will be vacant.

I will not go into the inability of the Senate to act on judicial appointments in the last Congress at this time. However, I will state for my colleagues that I am hopeful we will eliminate the existing backlog of vacancies at all levels of the Federal court system in a bipartisan manner.

It is my firm belief that legal decisions should be based on the law, not representation. But representation would add to the credibility and legitimacy of the Federal appellate courts and the decisions they render. I urge my colleagues to support the Fairness in Judiciary Appointment Act of 1997.

Mr. President, I ask consent that my bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATE RESIDENCY OF JUDGES OF FEDERAL COURTS OF APPEALS.

(a) In General.—Section 44(c) of title 28, United States Code, is amended—

(1) in inserting "(1)" after "(c)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) In each circuit (other than the Federal judicial circuit) there shall be at least one circuit judge in regular active service appointed from the residents of each State in that circuit.".

(b) Appointments.—As vacancies occur and judgeships are created for Federal circuit judges, the President shall make appointments under section 44(a) of title 28, United States Code, in a manner to meet the requirements of subsection (c)(2) of such section (as added by subsection (a) of this section) at the earliest practical date.

By Mr. D'AMATO:

S. 383. A bill to require the Director of the Federal Emergency Management Agency to provide funds for compensation for expenses incurred by the State of New York, Nassau County and Suffolk County, NY, and New York City, NY, as a result of the crash of flight 800 of Trans World Airlines; to the Committee on Environment and Public Works.

FEDERAL EMERGENCY MANAGEMENT AGENCY LEGISLATION

• Mr. D'AMATO. Mr. President, I introduce legislation which will require the Director of the Federal Emergency Management Agency [FEMA] to compensate the many State, county, and local governments throughout New York that assisted Federal officials in the rescue and salvage operations immediately following the crash of Trans World Airlines Flight 800.

As you will recall Mr. President, on July 17, 1996, TWA flight 800 crashed into Federal waters off the coast of Long Island, NY killing all 230 persons aboard. Immediately following the incident a vast army of rescuers set forth from the counties of Nassau and Suffolk, Long Island, and the city of New York to offer their assistance. Many of the rescuers were ordinary citizens. Others were from U.S. Coast Guard stations located within the area. However, the vast majority of the rescuers came from the many State, county, and local municipalities throughout the region. Braving darkness and rolling seas these heroes set forth upon the Atlantic Ocean, in many cases in small boats piloted by area residents and fishermen to help persons unknown to them.

In the hours and days immediately following the tragic crash, divers from the city of New York, and the New York State Police, working with Navy and Coast Guard officials, began their search for survivors. Braving frigid waters, darkness and the hazards created by the wreckage itself they soon realized the enormity of the loss of life. They then began the undaunted task of recovering the bodies of those who had lost their lives in the crash. These divers labored around the clock for weeks on end with only a few hours of fitful sleep performing this most sensitive of tasks. The men and women who labored under these harshest of conditions are to be commended.

While efforts continued under the water, the air above the crash site was filled with activity. National Guard helicopters stationed in New York were requested to transport Federal officials to and from the crash site and to assist in recovery operations.

On land, National Guard engineers provided cranes to lift large pieces of the aircraft. These pieces were eventually loaded upon National Guard trucks in Brooklyn, NY, and transported to a hangar at Calverton, Long Island where they were reassembled. National Guard units provided security at the Brooklyn and Calverton facilities. National Guard units also provided generators to provide desperately needed lighting to assist in the recovery process.

Additionally, the New York State Department of Transportation provided steel and lumber in support of the National Guard's recovery efforts. The New York State Department of Corrections provided mobile homes to provide temporary housing for U.S. Navy and Coast Guard officials. New York State, county, and local police officials assisted the FBI with the collection and processing of large pieces of the aircraft. These same officials also provided security at the reassembly facility at Calverton. In probably one of the most sensitive and delicate of efforts, members of the Suffolk County Medical Examiners Office worked tirelessly and expeditiously in the identification of the victims of the crash in order that they might be returned to their loved ones. These are only a few of the examples of the assistance that was provided by and continues to this date to be provided by the citizens of the State of New York to Federal authorities.

New York State, New York City, Suffolk and Nassau Counties offered their assistance in this emergency without hesitation. However, the magnitude of the rescue and recovery operation imposed tremendous financial strains on these entities. To date, nearly $13 million has been spent by State, city, and county governments and this total could very well increase as the final accountings are tallied. The legislation that I am introducing today will provide financial compensation to these entities for the costs they incurred in responding to and assisting in the efforts to retrieve the bodies and wreckage of TWA flight 800. This legislation will require that all requests for restitution be forwarded directly to the Governor of New York who will in turn submit a request to the Federal Emergency Management Agency. Total compensation would be capped at $20 million.

Mr. President, we all commend the efforts of the State of New York, the city of New York, and Nassau and Suffolk Counties and the many thousands of men and women who offered their assistance in this time of need. I believe that this is the right thing to do to provide fair compensation to those entities that responded to this extraordinary and tragic incident. I encourage my colleagues to cosponsor this measure and I urge its prompt consideration.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT TO THE STATE OF NEW YORK.

(a) IN GENERAL.—Subject to the limitation under subsection (b), the Director of the Federal Emergency Management Agency (referred to in this section as the "Director") shall pay, from funds available to the Director, to the State of New York an amount determined by the Director, in consultation with the units of government referred to in paragraphs (1) through (3), to be equal to the aggregate amount of the expenses incurred (but not reimbursed by the Federal Government under other law) as a result of the crash of flight 800 of Trans World Airlines on July 17, 1996, off the coast of Long Island, New York, by—

(1) the State of New York;

(2) Nassau County and Suffolk County, New York; and

(3) New York City, New York.

(b) LIMITATION.—The total amount paid by the Director to the State of New York under subsection (a) shall not exceed $20,000,000.

SEC. 2. DISTRIBUTION OF FUNDS.

(a) DISTRIBUTION BY STATE OF NEW YORK.—The Governor of the State of New York (in this section referred to as the "Governor") shall use the amount paid to the State of New York under section 1—

(1) as reimbursement for expenses incurred by the State as a result of the crash referred to in section 1(a); and

(2) to make payments to the units of government specified in paragraphs (2) and (3) of section 1(a).

(b) REQUESTS FOR COMPENSATION.—

(1) IN GENERAL.—

(A) SOLICITATION OF REQUESTS.—The Governor shall solicit requests for compensation for expenses referred to in section 1(a) from the units of government referred to in subsection (a)(2).

(B) REQUIREMENTS FOR REQUESTS.—Each request made under this subsection shall—

(i) be in writing;

(ii) contain appropriate documentation; and

(iii) be submitted in such form, and in such manner, as the Governor may specify.

(2) DELEGATION OF AUTHORITY.—If the Governor determines that the review of the requests by the Director of Emergency Management of the State of New York is appropriate, the Governor may delegate the review of the requests to the Director of Emergency Management.

(3) REVIEW OF REQUESTS.—The Governor or the Director of Emergency Management, as the case may be, shall review each request submitted under paragraph (1).

(4) PAYMENTS.—If, on completion of a review under paragraph (3)—

(A) the Governor determines that a request is appropriate and accurate, the Governor shall make a payment under subsection (a)(2) to the unit of government that submitted the request; or

(B) the Director of Emergency Management determines that a request is appropriate and accurate, the Director of Emergency Management shall inform the Governor of the results of the review, and the Governor shall make a payment under subsection (a)(2) to the unit of government that submitted the request.•

By Mr. CONRAD:

S. 384. A bill to amend the Solid Waste Disposal Act to allow States to regulate the disposal of municipal solid waste generated outside the State; to the Committee on Environment and Public Works.

SOLID WASTE DISPOSAL ACT AMENDMENTS

• Mr. CONRAD. Mr. President, today I introduce legislation to give States and localities the right to regulate, and if they choose, reject, interstate shipments of municipal solid waste.

Mr. President, this is not a new issue to this body; we have grappled with the subject of interstate waste for years. The Senate has passed legislation to address this problem in each of the past three Congresses. Unfortunately, similar legislation has not been passed by the House of Representatives. This problem only grows more and more serious as we delay passing this important legislation.

An estimated 16 million tons of municipal solid waste travels across State lines each and every year. And the problem will only grow in the future. Last May, New York City Mayor Rudolph Giuliani and New York Gov. George Pataki announced an agreement to close the city's last landfill, the Fresh Kills landfill. Without additional landfill space in New York, an additional 4 million tons of municipal solid waste will be on the interstate market every year after Fresh Kills closes on December 31, 2001.

Landfills across the country are filling up, and communities are searching for new places to send their garbage. They are looking at places like North Dakota, where the air, water, and soil have not been spoiled by pollution and where local communities may be willing to take tremendous amounts of money in exchange for landfill space. Whether they want this imported waste or not, States and surrounding communities are almost powerless to stop the flow of garbage across their borders. Further, residents of local communities that agree to accept out-of-State waste often do not have all the information they need to make an informed choice to open their landfill space to imported garbage.

Mr. President, out-of-State waste has already come to my State of North Dakota. We have been accepting industrial waste from General Motors plants from all across the country, although GM has recently begun sending their waste to another facility. We also import municipal solid waste incinerator ash from Minnesota. And one waste company tried for many years to open a superdump in North Dakota that would take nearly twice as much municipal solid waste as the entire State of North Dakota produces. My State is not unique in its situation; this is happening all across the country.

Mr. President, the residents of my State and citizens across the country are tired of being powerless to regulate interstate waste. In fact, just last year North Dakota's voters approved an initiated measure that was designed to deter imports of other States' waste into North Dakota. That measure was ruled unconstitutional by the U.S. district judge. In the judge's decision, he wrote, "The reality appears to be that trash is trash, and any law classifying it into home-grown versus foreign will not work."

Mr. President, unless Congress acts to give States and localities the authority to regulate and reject interstate waste, this situation will continue. The bill I am introducing today is really very simple. First, it gives States the authority to regulate interstate waste. If a State wants to reject new solid waste shipments, my bill would allow that.

Second, it requires that affected local governments formally approve of any waste import. This gives the communities the ability to veto proposed shipments of out-of-State waste.

Third, it provides an opportunity for the area surrounding the host community to be involved in a decision to accept out-of-State waste. A decision on siting a solid waste landfill, especially one that will take large amounts of imported waste, must be a collective one, and a small community alone should not be able to make a decision that will affect a much larger area.

Finally, my bill requires that waste companies publicly release all the relevant information about their proposed landfill before a community makes a decision on it. This information should include estimated environmental impacts and mitigation, economic impacts, planned expansion, financial disclosure, and records of past violations by the owner and operator of the proposed disposal site. Waste companies hold up the promise of jobs and economic incentives, but they do not want to reveal the potential risks involved in their plans. In many cases, they may not even reveal their overall plans until it is too late to stop them. One practice I have seen involves having a local developer purchase a site and get a permit to dispose of modest amounts of solid waste. The big interstate waste company then buys out the local party and aggressively expands the site's permit. The local community doesn't have a chance. This isn't fair and cannot be allowed to continue. Communities must be able to make informed choices.

Mr. President, we have been working on the interstate waste problem in the Senate for many years now. The problem has not gone away and it will not go away without congressional action. The trash is still moving, and States and communities are almost powerless to stop it. It is time to enact strong interstate waste legislation into law.

Mr. President, I ask unanimous consent that a copy of my bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR STATES TO REGULATE MUNICIPAL SOLID WASTE GENERATED IN ANOTHER STATE.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

"SEC. 4011. AUTHORITY FOR STATES TO REGULATE MUNICIPAL SOLID WASTE GENERATED IN ANOTHER STATE.

"(a) DEFINITIONS.—In this section:

"(1) AFFECTED LOCAL GOVERNMENT.—The term 'affected local government' means the elected officials of a political subdivision of a State in which a facility for the treatment, incineration, or disposal of municipal solid waste is located (as designated by the State under subsection (d)).

"(2) AFFECTED LOCAL SOLID WASTE PLANNING UNIT.—The term 'affected local solid waste planning unit' means a planning unit, established under State law, that has—

"(A) jurisdiction over the geographic area in which a facility for the treatment, incineration, or disposal of municipal waste is located; and

"(B) authority relating to solid waste management planning.

"(3) MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—The term 'municipal solid waste' means refuse, and any nonhazardous residue generated from the combustion of the refuse, generated by—

"(i) the general public;

"(ii) a residential, commercial, or industrial source (or any combination of the sources); or

"(iii) a municipal solid waste incinerator facility.

"(B) INCLUSIONS.—The term 'municipal solid waste' includes refuse that consists of paper, wood, yard waste, plastic, leather, rubber, or other combustible or noncombustible material such as metal or glass (or any combination of the materials).

"(C) EXCLUSIONS.—The term 'municipal solid waste' does not include—

"(i) hazardous waste identified under section 3001;

"(ii) waste resulting from an action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604, 9606);

"(iii) material collected for the purpose of recycling or reclamation;

"(iv) waste generated in the provision of service in interstate, intrastate, foreign, or overseas air transportation;

"(v) industrial waste (including debris from construction or demolition) that is not identical to municipal solid waste in composition and physical and chemical characteristics or that is not collected and diposed of with other municipal solid waste collection services; or

"(vi) medical waste that is segregated from municipal solid waste.

"(b) AUTHORITY TO REGULATE.—

"(1) IN GENERAL.—Each State is authorized to enact and enforce a State law that regulates the treatment, incineration, and disposal of municipal solid waste generated in another State.

"(2) AUTHORITIES.—A State law described in paragraph (1) may include provisions for—

"(A) the imposition of a ban or limit on the importation of municipal solid waste generated outside the State; and

"(B) the collection of differential fees or other charges for the treatment, incineration, or disposal of municipal solid waste generated in another State.

"(c) LOCAL GOVERNMENT APPROVAL.—

"(1) IN GENERAL.—Except as provided in paragraph (2) or as provided under State law, the owner or operator of a landfill, incinerator, or other waste disposal facility in a State may not accept for treatment, incineration, or disposal any municipal solid waste generated outside the State unless the owner or operator has obtained a written authorization to accept the waste from—

"(A) the affected local government; and

"(B) any affected local solid waste planning unit established under State law.

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply with respect to an owner or operator of a landfill, incinerator, or other waste disposal facility that—

"(i) otherwise complies with all applicable laws of the State in which the facility is located relating to the treatment, incineration, or disposal of municipal solid waste; and

"(ii) before the date of enactment of this section, accepted for treatment, incineration, or disposal municipal solid waste generated outside the State.

"(B) EXISTING AUTHORIZATIONS.—An owner or operator of a facility described in paragraph (1) that, before the date of enactment of this section, obtained a written authorization from—

"(i) the appropriate official of a political subdivision of the State (as determined by the State); and

"(ii) any affected local solid waste planning unit established pursuant to the law of the State;

to carry out the treatment, incineration, or disposal of municipal solid waste generated outside the State shall, during the period of authorization, be considered to be in compliance with the requirements of paragraph (1).

"(C) FACILITIES UNDER CONSTRUCTION.—If, before the date of enactment of this section, an appropriate political subdivision of a State (as determined by the State) and any affected local solid waste planning unit established under the law of the State issued a written authorization for a facility that is under construction, or is to be constructed, to accept for treatment, incineration, or disposal municipal solid waste generated outside the State, the owner or operator of the facility, when construction is completed, shall be considered to be in compliance with paragraph (1) during the period of authorization.

"(3) EXPANSION OF FACILITIES.—An owner or operator that expands a landfill, incinerator, or other waste disposal facility shall be required to obtain the authorizations required under paragraph (1) before accepting for treatment, incineration, or disposal municipal solid waste that is generated outside the State.

"(4) PROCEDURE.—Before taking formal action with respect to an authorization to receive municipal solid waste or incinerator ash generated outside the State, the affected local government and the affected local solid waste planning unit shall—

"(A) require from the owner or operator of the facility seeking the authorization and make readily available to the Governor, adjoining Indian tribes, and other interested persons for inspection and copying—

"(i) a brief description of the planned facility, including a description of the facility size, ultimate waste capacity, and anticipated monthly and yearly waste quantity to be handled;

"(ii) a map of the facility that discloses—

"(I) the location of the facility in relation to the local road system and topographical and hydrological features; and

"(II) any buffer zones and facility units that are to be acquired by the owner or operator of the facility;

"(iii) a description of the then-current environmental characteristics of the facility, including information regarding—

"(I) ground water resources; and

"(II) alterations that may be necessitated by or occur as a result of operation of the facility;

"(iv) a description of—

"(I) appropriate environmental controls to be used at the facility, including run-on or runoff management, air pollution control devices, source separation procedures, methane monitoring and control, landfill covers, liners, leachate collection systems, and monitoring and testing programs; and

"(II) any waste residuals generated by the facility, including leachate or ash, and the planned management of the residuals;

"(v) a description of the site access controls to be employed and roadway improvements to be made by the owner or operator and an estimate of the timing and extent of increased local truck traffic;

"(vi) a list of all required Federal, State, and local permits required to operate the landfill and receive waste generated outside the State;

"(vii) estimates of the personnel requirements of the facility, including information regarding the probable skill and education levels required for jobs at the facility that distinguishes between employment statistics for pre-operational levels and those for post-operational levels;

"(viii)(I) information with respect to any violations of law (including regulations) by the owner or operator, or subsidiaries;

"(II) the disposition of enforcement proceedings taken with respect to the violations; and

"(III) corrective action and rehabilitation measures taken as a result of the proceedings;

"(ix) information required by State law to be provided with respect to gifts, contributions, and contracts by the owner or operator to any elected or appointed public official, agency, institution, business, or charity located within the affected local area to be served by the facility;

"(x) information required by State law to be provided by the owner or operator with respect to compliance by the owner or operator with the State solid waste management plan in effect under section 4007;

"(xi) information with respect to the source and amount of capital required to construct and operate the facility in accordance with the information provided under clauses (i) through (vii); and

"(xii) information with respect to the source and amount of insurance, collateral, or bond secured by the applicant to meet all Federal and State requirements;

"(B) provide opportunity for public comment, including at least 1 public hearing; and

"(C) not less than 30 days before taking formal action—

"(i) publish notice of the action in a newspaper of general circulation; and

"(ii) notify the Governor, adjoining local governments, and adjoining Indian tribes.

"(d) DESIGNATION OF AFFECTED LOCAL GOVERNMENT.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Governor of each State shall designate the type of political subdivision of the State that shall serve as the affected local government for the purpose of authorizing a facility to accept for treatment, incineration, or disposal of municipal solid waste generated outside of the State.

"(2) FAILURE TO DESIGNATE.—If the Governor of a State fails to make a designation by the date specified in paragraph (1), the affected local government shall be the public body with primary jurisdiction over the land or use of the land on which the facility is located.".

(b) TABLE OF CONTENTS.—The table of contents for subtitle D of the Solid Waste Disposal Act is amended by adding after the item relating to section 4010 the following:>•

"Sec. 4011. Authorization for States to regulate municipal solid waste generated in another State.".

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. WELLSTONE, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 211, a bill to amend title 38, United States Code, to extend the period of time for the manifestation of chronic disabilities due to undiagnosed symptoms in veterans who served in the Persian Gulf war in order for those disabilities to be compensable by the Secretary of Veterans Affairs.

S. 363

At the request of Mr. HOLLINGS, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 363, a bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Friday, February 28, 1997, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE JALEX (JAPANESE LANGUAGE EXCHANGE) PROGRAM

• Mr. LUGAR. Mr. President, it is my pleasure to take a moment to recognize JALEX, the Japanese Language Exchange Program. Since its inception in 1992, the JALEX Program has made valuable educational contributions to students in the United States preparing to function in an increasingly global environment.

There are few Americans who would dispute the importance of providing our young people with an education that will prepare them to function effectively in the world. It is the responsibility of our educational system to prepare them to be competitive and cooperative in this global environment. You will be pleased to know that this kind of preparation is happening through JALEX, a unique program funded by the Center for Global Partnership of the Japan Foundation and administered by the Laurasian Institution.

JALEX is unlike many exchange programs because it is reciprocal, pairing novice teachers from Japan with mentor teachers of Japanese in the United States at the precollegiate level. The program is designed to mutually benefit teachers from Japan and teachers and students in the United States. JALEX began as a modest prototype serving 18 schools in 5 States and has grown to serve 76 schools and community organizations in 20 States, including 18 cities in my home State of Indiana. JALEX also operates in Washington, Oregon, Utah, Kansas, Missouri, Nevada, Tennessee, Iowa, Illinois, Texas, Wisconsin, Michigan, Minnesota, North Carolina, Virginia, Maryland, Connecticut, Maine, and Vermont.

In the process of achieving its mission—enhancing Japanese language instruction in the United States and classroom experience for native Japanese teachers of Japanese-as-a-foreign-language study—the program also provides opportunities for meaningful cultural exchange for thousands of American citizens.

Since 1985, the study of Japanese in United States schools has grown rapidly. Despite the comparative difficulty of Japanese and the longstanding appeal of Romance languages, interest in and demand for Japanese language instruction has continued to grow on a global scale.

JALEX began in 1992 when President Bush and Prime Minister Miyazawa acknowledged the essential role of enhanced Japanese language training to advance global partnership between the two nations. During the Tokyo summit in May 1996, President Clinton and Prime Minister Hashimoto vowed to further promote exchange programs between young people of Japan and the

United States as a means of strengthening this bilateral relationship.

The Center for Global Partnership of the Japan Foundation and the Freeman Foundation should be applauded for their generous support of this program. Their support provides participating schools an invaluable resource of a native Japanese teaching assistant in the classroom as well as materials, stipends, and professional development opportunities for United States teachers.

The approximate value of the annual benefits provided by the JALEX Program to each school is conservatively estimated at $30,000. The Japanese language programs would not be as strong without the support of JALEX. The program has also provided several JALEX participants—teachers, administrators, and students—the opportunity to visit Japan. These activities are provided at no cost to local school districts and without U.S. Government tax dollars.

Because of JALEX, our leaders of the next century will be able to direct our Nation on a global scale with a greater sensitivity and awareness to cultural and national differences.

I hope my colleagues will join me in congratulating the JALEX Program for the contributions it has made toward fostering cultural understanding and respect.•

THE IMPLEMENTATION OF THE TOBACCO RULE

• Mr. LAUTENBERG. Mr. President, today the President's rules against teenage smoking will go into effect. I applaud President Clinton for these new rules and for his leadership in fighting youth smoking. It's critically important.

Mr. President, it's time to stop beating around the bush about tobacco. Tobacco is a deadly addictive drug. And those who deal in this drug are dealers in death. They're responsible for snuffing out the lives of thousands each year. And they should be held accountable.

Unfortunately, Mr. President, these deadly dealers also have tremendous political power. We saw evidence of this earlier this week, when a spokesman for the attorney general of Virginia said that the State would refuse to enforce, or even respect the validity of, this Federal rule against teen tobacco use. It was an outrageous and shocking statement. And although he has since backed off of it, the incident highlights the importance of protecting our children from big tobacco, and their deadly drugs.

Mr. President, just this week, Gen. Barry McCaffrey, our Nation's drug czar, recognized that cigarettes are a gateway drug, and that we will not be able to effectively fight cocaine, marijuana, and heroin use unless we work to prevent cigarette smoking by children. Children who smoke are eight times more likely to use illicit drugs than those who do not smoke. Of adults who use cocaine, 83 percent smoked cigarettes as gateway behavior.

Mr. President, it's now clear that the front lines of the drug war are not only in Bogotá or Mexico City. They're right here in this country—in the corporate headquarters of tobacco companies and at our neighborhood convenience stores. The rule that goes into effect today will prevent kids from engaging in addictive behavior—behavior that could lead to other dangerous and illegal habits. As General McCaffrey has explained, prevention of teen tobacco addiction is key to our national drug control strategy.

Mr. President, the tobacco companies have been peddling these drugs to our kids for far too long. Although the industry denies that they target children in cigarette marketing, that's obviously not true. Consider this. How many 6-year-olds do you think can identify Joe Camel as a symbol for smoking? The answer, incredibly, is 91 percent; 91 percent of 6-year-olds link Joe Camel with smoking. That, Mr. President, is not an accident.

Mr. President, tobacco industry marketing doesn't stop with advertising. They also give away products that they know will appeal to kids. Over half of adolescents that smoke own at least one tobacco promotional item, such as a Tee-shirt, cap, sporting good, or a lighter.

Today, as the first part of the President's rules will go into effect, we will begin the process of protecting our Nation's children from an industry that kills 410,000 Americans each year. And we can't let the tobacco lobby undercut this effort.

The rule that goes into effect today would bar the sale of cigarettes to persons under the age of 18. Additionally, in order to ensure that no children slip through the cracks, stores would be required to check the identification of any individual who appears to be 26 or younger. This Federal rule is necessary because recent studies have shown that kids are able to buy cigarettes over the counter 67 percent of the time.

I have seen evidence of this problem firsthand. I went along on a sting operation in my home State in which I witnessed children purchase cigarettes with ease. It was very disturbing, but typical.

Mr. President, the rule that goes into effect today is a historic first step toward eradicating the epidemic of children's smoking plaguing our Nation. David Kessler, the outgoing Commissioner of the Food and Drug Administration has called this problem a pediatric disease and he is right. Of the 3,000 kids who start smoking every day, 1,000 will die of smoking-related illness.

So, Mr. President, I again commend the administration for their battle against teen smoking. And I pledge here and now that if anyone tries to undermine that effort, I will fight it every step of the way.

After all, we're talking about saving lives here. The lives of our children and grandchildren. And all of us have a responsibility to stand up to the tobacco lobby, and do the right thing.•

TRIBUTE TO MEGAN CHAMBERLAIN ON BEING HONORED WITH THE GIRL SCOUT GOLD AWARD

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Megan Chamberlain for receiving the Girl Scout Gold Award by the Swift Water Girl Scout Council in Manchester, NH.

Megan is a member of Girl Scout Troop No. 1487 and has diligently served her community and the people of Manchester. She started working toward the Girl Scout Gold Award in 1995. Megan had to earn four interest project patches, which are the Career Exploration Pin, the Senior Girl Scout Leadership Award, the Senior Girl Scout Challenge and design and implement a Girl Scout Gold Award Project. She completed her project in the areas of community service and environmental awareness.

Megan received outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Swift Water Girl Scout Gold Award is the highest attainable rank for a young woman between the age of 14–17. Megan has every reason to be proud of this recognition.

Megan promotes citizenship, character-building, and community service among the girls of our country. She also provides a respectable, solid role model for the youth of our Nation and teaches commitment, dedication and hard work. As a member of the Swift Water Girl Scout Troop, Megan learned valuable skills that will serve her for a lifetime.

I am proud to honor Megan for her outstanding accomplishments and congratulateheronthistrulydeserved award.•

R&D TAX CREDIT

• Mr. CONRAD. Mr. President, I believe that the Congress must make permanent the research and development [R&D] tax credit. The R&D credit has proven to be critical to the United States' economic growth and international competitiveness. The credit has led to many successes in U.S. scientific research and innovation, such as extraordinary accomplishments in pure mathematics; unprecedented growth in the power and availability of information technology; and rapid progress in finding cures for life threatening diseases such as AIDS, cancer, and multiple sclerosis.

For my State of North Dakota, the new information technologies mean that information industries are creating thousands of jobs. Despite these accomplishments, and the obvious long-term benefits, the R&D credit continuously faces challenges to its existence. Because the R&D credit has never been made permanent, it has had to be extended seven times by Congress since its inception. This transitory treatment of the R&D credit has forced R&D companies to be more hesitant in planning future research projects. Unfortunately Mr. President, this on-again off-again process also led to an unnecessary and disturbing circumstance in 1996. For the first time in the history of its consecutive extensions, last year the R&D credit was not extended retroactively, leaving a gap in the law from July 1, 1995 through July 1, 1996. The gap has, and will continue to, adversely affect our country's R&D efforts. The gap has already contributed to decreased investment in R&D and less planning for future R&D projects by many companies. Currently, the R&D credit is due to expire on May 31, 1997.

Mr. President, we must act now to permanently extend the R&D credit and send the right signal to our Nation's innovators. Failure to act will not only jeopardize our Nation's research efforts, but it will also threaten the United States' world leadership in R&D. Our Nation's growth in R&D investment over the past decade has already been slow compared to Japan, Germany, Italy, and France. Budget realities are forcing the United States to further curtail discretionary spending for basic research. In fact, United States non-defense R&D investment has been flat at 1.9 percent of GDP after peaking at 2.0 percent in 1985, while Japan's has continued to grow to 3.0 percent. Although Germany's R&D commitment has been fairly stable at 2.7 percent since 1987, it is significantly higher than in the United States. One of the main reasons the United States lags behind these countries in R&D investment is because these countries offer their innovators generous tax incentives for R&D, including both deductibility of current expenses and special tax credits. Future economic challenges to the United States are also likely to come from developing countries in Asia as they boost R&D investment to catch up to the rest of the world.

New realities are being shaped by rapidly growing international R&D capabilities. These new R&D capabilities have created both global options as well as competitive pressures whose dimension are barely understood. Unless Congress decides to adapt to these realities and to enact a permanent R&D credit, the United State's leadership in the global arena may plummet. Such a result will not only adversely impact the United States internationally, but at home as well in lost jobs, diminished economic growth, and a decreased standard of living.

As we prepare for the 21st century, we must remain committed to providing an environment that fosters technological investment, scientific exploration, and global competitiveness. Future economic growth and the prosperity of all Americans depends on continued R&D. America's well being depends on it. Let's remove the uncertainty surrounding the R&D credit's extension once and for all, and extend the credit permanently.•

STAND DOWN OF A–6E INTRUDER

• Mr. GORTON. Mr. President, I am proud today to honor the retirement of the Navy's A–6E Intruder. Attack Squadron 196 at Whidbey Naval Air Station in my home State and Attack Squadron 75 in Virginia Beach will stand down the final two Intruder squadrons in simultaneous ceremonies today.

As the backbone of carrier attack aviation for the past 36 years, the A–6E Intruder stood ready to face the enemy in any weather, day or night. The A–6 put teeth in the term "carrier forward presence." It saw combat in Vietnam, Lebanon, Libya, in the waters of the Arabian Gulf and over the shores of Kuwait and Iraq. It delivered iron bombs, laser guided bombs, and every air-to-ground missile available in the Navy inventory for the past three decades. The A–6E Intruder was the hardest working plane on the flight deck.

The pilots and bombardier/navigators who flew the Intruder had great affection and respect for the aircraft and its ability to withstand heavy enemy fire. They too should be honored for their courage and dedication to this great Nation. They will truly miss the A–6.

We also honor the thousands of Intruder maintainers, both past and present, who kept the A–6E flying day and night, at sea and ashore. The excellent record of the Intruder is a testament to the hard work of these men and women.

Finally, let us remember the Intruder crews who never returned. In service to our Nation, they paid the ultimate price flying this machine that they loved. We must never forget them. From this day on, the United States Navy must continue to carry on the spirit of Intruder attack.

On a personal basis, my son-in-law, Joe Nortz, was an A–6 bombardier/navigator during most of his 20-year Navy career. He is attending the stand down ceremony at NAS Whidbey as a great admirer of a great aircraft.•

COMMEMORATION OF THE 125TH ANNIVERSARY OF CONCORD COLLEGE

• Mr. ROCKEFELLER. Mr. President, on February 28, 1872, the West Virginia State Legislature passed a proposal to create the Concord State Normal School. Now, 125 years later, Concord College, as it is commonly referred to, educates some 2,400 students in a wide range of programs. I wanted to take this opportunity to share with my colleagues my pride in this remarkable institution that celebrates its 125th year of bringing southern West Virginia's best and brightest together.

The enabling legislation that created Concord provided no State funds for the school. So the townspeople raised $1,700 by subscription to erect the first building on land donated by Mr. William Harvey Martin. On May 10, 1875, 70 students attended classes that first session in a rough frame building. In 1885, under the leadership of principal Capt. James Harvey French, the school received $5,000 in State funds to build a new brick building to recognize the service given the State by the school. That new building was completed in 1887, and the first dormitory was built in 1891, on North State Street. In 1896, the town in which the college is located changed its name to Athens in recognition of Concord's role as a crucial and influential center of education for southern West Virginia.

In November 1910, the downtown facilities were destroyed by fire. The faculty and students were resilient, as typical West Virginians are, and they began holding classes the next day in other locations about town. The current campus site on Vermillion Street in Athens was bought by the town in early 1911. The campus endured a second and even more damaging fire in 1912, but Concord rebounded stronger than ever.

On July 1, 1919, Concord gained its independence from the State Normal School in Huntington. The title of principal of the institution was changed to president. The school awarded its first baccalaureate degree to three graduates in June 1923. Eight years later the school changed its name to the Concord State Teachers' College. Under the direction of President Joseph Franklin Marsh, Sr., the named changed again in 1943, to the current Concord College.

President Joseph F. Marsh, Jr., one of the longest serving presidents, oversaw the construction of the Alexander Fine Arts Center, Centennial Hall, three residence halls, the faculty housing units at Witherspoon Park, and the maintenance building. Years later, in the administration of President Meredith N. Freeman, enrollment grew and several new academic programs were established. And as of 1991, under the direction of current president, Jerry Beasley, Concord became one of the first institutions in the Nation to join the prestigious Bonner Scholars Program. The Bonner Program rewards students who are actively involved in public service by helping to finance their college education.

This program, in particular, is very dear to me. In 1964, I moved to West Virginia as a VISTA volunteer. To see that our young people want to be involved in community service warms my heart and gives me hope for the future.

In recognition of the legislative act founding Concord State Normal School, an anniversary convocation has been designated for today in Athens.

Mr. President, Concord College is an enormously important part of West Virginia higher education, and continues to be an institution West Virginia residents are proud of. The 125th anniversary convocation taking place today is a program commemorating the college's beginning—and its future. I have no doubt the school's future will continue to be a bright one.•

TRIBUTE TO GEORGE BALD ON BEING NAMED THE ROCHESTER BUSINESS LEADER OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to commend George Bald, the economic development director for the Pease Development Authority and a Rochester community leader, on being named the Rochester Business Leader of the Year. I congratulate him for his record of excellence in business and community development.

George Bald's record of achievement is certainly worthy of this outstanding honor. In 1978, he was elected mayor of Somersworth where he served until 1984. He had a bold plan for the Rochester area which spearheaded the development of a new municipally owned industrial park while utilizing an existing park. George's next endeavor was as head of the newly established economic development department where he became known for exceptional economic success. Through his leadership, Rochester was effectively promoted as an attractive business location. He also strengthened relations with existing industries. Thanks to George's efforts, Rochester became the corporate headquarters of Cabletron Systems and during his tenure thousands of new jobs have been created.

George also helped establish a solid foundation on which the city of Rochester will continue to grow. From 1991 to 1993, he became city manager and in 1994, George was entrusted the position of economic development director for the Pease Development Authority. He served on the Industrial Affairs Council at the Chamber of Commerce and the Governmental Affairs Committee.

His outstanding community support is demonstrated in his participation with the Heritage Trust and his service on several boards of directors such as the Frisbie Memorial Hospital, the Rochester Visiting Nurses Association, the Gafney Home and the Somersworth Housing Authority. George is a former vice president of the New Hampshire Association of Industrial Agents, a member of the American Economic Development Council and a director of the Northeast Industrial Developers Association. Equally important, his friends know him for his integrity and dedication and as a man who is willing to go the extra mile to help his community.

I wish to congratulate George for his recognition as Rochester's Business Leader of the Year, and I am proud to represent George in the U.S. Senate. He has certainly earned this praise from the business community he has sought to help over the years. Congratulations George.•

VONNIE AND DALE BROWN

• Mr. CONRAD. Mr. President, the great State of North Dakota has brought forth many sons and daughters who have made tremendous contributions to our Nation and our world. Throughout its history, our State has given rise to individuals of great character, strong perseverance, and expansive vision. Today, I ask my colleagues to join me in recognizing two such individuals of whom North Dakota is very proud: Vonnie and Dale Brown.

A native of Columbus, ND, Vonnie Ness was the daughter of Martha and Clifford Ness and the granddaughter of Norwegian homesteaders, who came to the United States in the 1800's to settle in North Dakota. Possessed with both a great love and talent for dance, Vonnie graduated with a degree from Minot State University. When she and Dale married and later moved to Baton Rouge, LA, she combined a career as an instructor at Louisiana State University with the responsibilities of full-time motherhood to their daughter, Robyn. For many years, Vonnie taught a variety of dance courses at LSU where she was a much-loved and highly popular instructor. Since leaving LSU, she has continued her internationally acclaimed research in ethnic and folk dance and maintains an extensive schedule of travel throughout eastern Europe as a preeminent scholar in this field.

Born in Minot, ND, 61 years ago, Dale grew up in the most challenging of circumstances. He was raised in a single-parent home by a mother, Agnes Brown, whose strength of character and persistence in the face of great poverty kept the family together. Dale's life is a testament to overcoming hardship through optimism and hard work. Indeed, he has never not worked, having held a job throughout his childhood and young adulthood to support his family and help pay for his college education at Minot State, of which he is also a proud alumnus. In turn, North Dakota and Minot State University are extremely proud of him. When he arrived at LSU, charged with reestablishing a once-powerful basketball program that had fallen on hard times, Dale took to the task with his usual blend of tenaciousness and God-given ability. It was not long before the Fighting Tigers were living up to their name, and LSU was once again on the map as a basketball powerhouse.

The statistics are in the record books and speak for themselves. Since he arrived at LSU in 1972, Dale's teams have gone on to secure four Southeastern Conference titles, made 13 NCAA tournament appearances, including two trips to the Final Four, and provided thousands of hours of enjoyment to spectators who appreciated seeing skill and sportsmanship in college basketball. Over 25 years he has recruited, coached, and mentored a long list of players who have had significant careers in the NBA.

But the record books don't even begin to tell the full story of what Dale Brown has done at LSU and contributed to our society. Ask any of the players he has coached what it is that they most value about their experience at LSU and they will tell you, clearly and simply, "It's been an honor playing for him." A current team member recently said in an article in the Washington Post about Dale's upcoming retirement, "He just teaches you more than basketball. He teaches you how to be successful in life. Every day it's always more than basketball. It's how to have an interview, how to hold a job. He's always bringing in motivational speakers to talk to us."

Too often in college sports, the goal of developing mature young women and men is forgotten to the all-consuming need to win, to show more skill on the playing field takes precedence overall else. To be sure, Dale Brown has compiled a record of great success on the basketball court; his players have benefited from his technical skill and coaching ability and have played very, very well. But his greatest legacy will be the players who have matured, through exposure to his character and example, into fine human beings. Our society needs more of these people and we need more teachers like Dale and like Vonnie to help our young people aim high and grow.

As Dale prepares to leave his position at LSU, coaching his last game this Saturday, we would like to recognize him and Vonnie for their contributions and wish them well as they enter this exciting new period of their lives together. Many new experiences await them, but some things will remain; undoutedbly, they will continue to leave their own special marks on the people they encounter and the lives they touch evey day.

Mr. President, North Dakota is a State of achievers, of people who overcome adversity and who embody the most noble characteristics of our pioneer ancestors and try their hardest, sometimes failing, but never quitting. Such is the example set for us by Vonnie and Dale Brown. Vonnie and Dale live in Louisiana now, but they will forever be North Dakotans, carrying forth their fellowman that make our State strong and all of us proud. I ask my fellow Senators to join me in saluting them today.•

TRIBUTE TO GILES PRIDE

• Mr. FRIST. Mr. President, I rise today to honor the work of Nashville's own Capt. Giles Pride. Giles Pride has been a cornerstone to the success and service of the Nashville Fire Department for 52 years. At age 72, he is hanging up his fireman's hat and flame retardant jacket.

Pride began his career at the young age of 19, when he said he was 21-years-old in order to meet the eligibility requirements for joining the fire department. He was given very little training, worked 12 hours a day, and was paid $150 a month. That was in 1944, and at his retirement he had served longer than any other full-time firefighter in the State of Tennessee.

Over the years, Pride has seen many advancements in firefighting, from the introduction of more innovative equipment to new strategies for fighting certain types of fires.

Mr. President, the work of a fireman is not always pleasant. Giles Pride has plenty of memories of comradery and friendship at Nashville's Fire Department. But he has also faced the hard reality of putting his life on the line every day to save the lives of others. Captain Pride has given 52 years of his life to the people of Nashville.

Too many times we hear of fire taking and destroying the lives of its victims. Not often enough do we thank the firefighters, like Captain Pride, who bring safety and security to our communities. Today, Mr. President, I tip my hat to Capt. Giles Pride for a job well done, and I wish him all the best in the years to come.•

TRIBUTE TO MELISSA BROWN ON BEING HONORED WITH THE GIRL SCOUT GOLD AWARD

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Melissa Brown for receiving the Girl Scout Gold Award by the Swift Water Girl Scout Council in Manchester, NH.

Melissa is a member of Girl Scout Troop No. 1487 and has diligently served her community and the people of Manchester. She started working toward the Girl Scout Gold Award in 1995. Melissa had to earn four interest project patches, which are the career exploration pin, the Senior Girl Scout Leadership Award, the Senior Girl Scout challenge and design and implement a Girl Scout Gold Award project. She completed her project in the areas of community service and environmental awareness.

Melissa received outstanding accomplishments in the areas of leadership, community service, career planing, and personal development. The Swift Water Girl Scout Gold Award is the highest attainable rank for a young woman between the age of 14 to 17. Melissa has every reason to be proud of this recognition.

Melissa promotes citizenship, character-building, and community service among the girls of our country. She also provides a respectable, solid role model for the youth of our Nation and teaches commitment, dedication, and hard work. As a member of the Swift Water Girl Scout Troop, Melissa learned valuable skills that will serve her for a lifetime.

I am proud to honor Melissa for her outstanding accomplishments and congratulateheronthistrulydeserved award.•

AIRPORT AND AIRWAY TRUST FUND REINVESTMENT ACT OF 1997

• Mr. GORTON. Mr. President, I am pleased to have joined my colleagues in supporting final passage of H.R. 668, an urgently needed measure to reimpose the aviation excise taxes through the end of fiscal year 1997, and give the Internal Revenue Service authority to transfer previously collected aviation excise taxes into the Airport and Airway Trust Fund.

Reinstatement of these excise taxes for fiscal year 1997 are essential to the continued operation of our Federal aviation system. The Airport and Airway Trust Fund into which these taxes are deposited, is funded by a 10-percent passenger ticket tax; a 6.25-percent cargo waybill tax; a $6.00 per person international departure tax; and certain general aviation fuel taxes. In 1997, this trust fund is expected to provide 62 percent of the Federal Aviation Administration's [FAA] fiscal year 1997 budget. More specifically, the trust fund is expected to provide $5.3 billion of the FAA's $8.6 billion total fiscal year 1997 budget. Of this $5.3 billion, $3.6 billion will provide 100 percent of the resources necessary to fund the FAA's capital programs, while $1.7 billion will provide 34 percent of the fiscal year 1997 budget for FAA operations.

When the authority to collect the aviation excise taxes lapsed on December 31, 1996, officials from both the General Accounting Office [GAO] and the FAA initially predicted that the $4.35 billion in uncommitted balances in the fund at that time would be available to fund the FAA's capital programs through June 30, 1997. If Congress did not reinstate the taxes by July 1, 1997, they predicted, the Office of Management and Budget [OMB] would have to reduce the FAA's capital accounts, which are totally funded out of the trust fund—including both the facilities and equipment [F&E] account and airport improvement program, to account for the $1 billion shortfall between the trust fund's fiscal year 1997 expected contribution of $5.3 and the actual contribution of $4.35.

According to the FAA, this reduction in the facilities and equipment account could force the FAA to issue stop work orders on all major F&E contracts, which include upgrades of the current air traffic control system throughout the country. The Airport Improvement Program would suffer an even greater impact. Under the original projections, if the aviation taxes were not reinstated, funding for the airport improvement would have to be reduced by as much as $300 million in fiscal year 1997. Existing funding agreements under the AIP would be maintained, but no new, discretionary funding would be provided for high priority safety and security projects, capacity projects, and important noise mitigation programs.

From a Washington State perspective, fiscal year 1997 funding for noise mitigation is particularly important. Seattle-Tacoma International Airport has been a national leader in noise mitigation programs and was the first to implement a local housing insulation program to reduce the impact on houses near the airport. The current program, which is partially funded through the AIP's discretionary noise mitigation grants, is scheduled to run through the year 2003.

Under the FAA and GAO's original projections, it was clear that reinstating the taxes as quickly as possible was the appropriate action for Congress to take to ensure that the U.S. aviation system continues to be the best system in the world. The need to do this became even more urgent in mid-January, however, when the Treasury Department announced that because of an accounting error, the Airport and airway trust fund could be insolvent as early as March or April.

Let me explain the events, as I understand them, which led to accounting error made at by the Treasury Department. Each airline deposits the ticket taxes it collects to the IRS every 2 weeks. Under the look-back provisions of the IRS safe harbor rule, however, an airline can base the amount of that payment on the amount of excise taxes it collected in a 2-week period from the second preceding quarter before the current quarter. In other words, in making a 2-week tax payment in the third quarter of the year, an airline can deposit the amount it collected in a 2-week period during the first quarter of that year. If the taxes it deposits are less than what the airline actually took in during the third quarter, the airline can make up that underpayment when it files its quarterly return. The quarterly return date is approximately 2 months after the close of the quarter.

The 10-percent ticket tax was in place during the fourth quarter of 1996. The airlines semimonthly tax payments for that quarter, however, were based on the second quarter of 1996, during which time no excise taxes were collected. The airlines, in essence, did not remit any excise taxes during the fourth quarter of 1996, even though they were collecting these taxes from passengers at that time. The airlines had to make up for these tax underpayments by the time they file their fourth quarter returns, which are due today. Without this legislation, however, these taxes would not be deposited into the aviation trust fund, since the general-fund-to-trust-fund transfer authority expired along with the aviation excise taxes on December 31, 1996.

It appears that the Treasury Department did not account for the complex accounting procedures, and assumed that the trust fund would be credited with $1.5 billion more than it could have been, unless Congress reinstated the authority for the IRS to transfer the fourth quarter excise taxes to the trust fund.

Last night, the Senate passed the bill that will avert the imminent insolvency of the trust fund and ensure that our aviation system remains the best and safest in the world. The temporary reinstatement of the excise taxes, however, does not necessarily mean that the taxes should be extended indefinitely. Last year, Congress created the National Civil Aviation Review Commission [NCARC] to study new mechanisms to fund the FAA after an indepedent audit of FAA needs. The report on the independent audit of the FAA's projected needs was released today, February 28, and now the NCARC can do its work and report back to Congress in early October 1997. While I would have preferred to maintain the aviation taxes through the end of the year to ensure that there was not another lapse while Congress thoroughly considers the NCARC recommendations, procedural and time contraints made it impossible to do this.•

TRIBUTE TO BRYCE PICKERING, THE 1997 U.S. SENATE YOUTH PROGRAM DELEGATE FROM NEW HAMPSHIRE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Bryce Pickering, the New Hampshire recipient of the 1997 U.S. Senate Youth Program Scholarship. Bryce was selected by school superintendents from across the country as one of two delegates from New Hampshire for a week-long study of the Federal Government in Washington, DC. I was honored to have participated in the program as a member of the advisory board. I know first hand what an enriching experience this will be for him.

Bryce is from Plymouth, NH, and in his senior year at the Plymouth High School. In addition to an excellent academic record, Bryce is president of the student council. Apart from his extracurricular activities, he is also a school board representative, editor of the yearbook and a member of the school community council. Bryce is also a member of the Leo Club.

Through his community and school work, Bryce has demonstrated great initiative and an interest in political affairs. He has been awarded a $2,000 college scholarship, and plans to study international relations.

As a former high school teacher myself, I commend Bryce for his hard work and outstanding achievements, and wish him success in his academic career. Congratulations to Bryce on this distinguished honor.•

TRIBUTE TO STEPHANIE FRANK, THE 1997 U.S. SENATE YOUTH PROGRAM DELEGATE FROM NEW HAMPSHIRE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Stephanie Frank, the New Hampshire recipient of the 1997 U.S. Senate Youth Program Scholarship. Stephanie was selected by school superintendents from across the country as one of two delegates from New Hampshire for a week-long study of the Federal Government in Washington, DC. I was honored to have participated in the program as a member of the advisory board. I know first hand what an enriching experience this will be for her.

Stephanie is from Dover, NH, and in her senior year at the Dover High School. In addition to an excellent academic record, Stephanie is the treasurer of the student council. She pursues interests in the Dover High School band and chorus, the drama club, and is a member of the math team, the Latin club, the National Honor Society, and the tennis student council.

As the student chairman of Youth for Governor Jeanne Shaheen, Stephanie has demonstrated great initiative and an interest in State political affairs. Stephanie has been awarded a $2,000 college scholarship for being named the 1997 U.S. Senate Youth Program delegate. She hopes to pursue an interest in a career with the U.S. Supreme Court.

As a former high school teacher myself, I commend Stephanie for her hard work and outstanding achievements, and I wish her success in her academic career. Congratulations to Stephanie on this distinguished honor.•

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

Mr. SPECTER. Mr. President, pursuant to paragraph 2 of rule XXVI, Standing Rules of the Senate, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Veterans' Affairs for the 105th Congress, as adopted by the committee on February 28, 1997.

The rules follow:

COMMITTEE ON VETERANS' AFFAIRS—RULES OF PROCEDURE

I. MEETINGS

(a) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as he deems necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee shall be open to the public. The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceedings of each meeting whether or not such meeting or any part thereof is closed to the public.

(c) The Chairman of the Committee or the Ranking Majority Member present in the absence of the Chairman, or such other Member as the Chairman may designate, shall preside at all meetings.

(d) No meeting of the Committee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(e) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(f) Written notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee members at least 72 hours (not counting Saturdays, Sundays, and Federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to members or appropriate staff assistants of Members and an agenda shall be furnished prior to the meeting.

(g) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).

II. QUORUMS

(a) Subject to the provisions of paragraph (b), seven members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Four members of the Committee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a Committee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(a) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question on which a rollcall vote is requested.

IV. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(c) The Committee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee not later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(d) The presiding member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(e) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and Federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.

(f) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding member deems such to be advisable.

V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

VII. PRESIDENTIAL NOMINATIONS

(a) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

(b) At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless—

(A) such individual is deceased and was—

(1) a veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) an Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) an individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

ORDERS FOR MONDAY, MARCH 3, 1997

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 noon on Monday, March 3. I further ask that immediately following the prayer, the routine requests through the morning hour be granted, and there be a period of morning business with Senators to speak for up to 5 minutes each except for the following: Senator HUTCHISON of Texas, 15 minutes, and Senator JOHNSON, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. Mr. President, for the information of all Senators, the Senate will be in session on Monday for a period of morning business. As announced earlier, there will be no rollcall votes during Monday's session of the Senate.

Under a previous order, the Senate will resume the balanced budget amendment debate on Tuesday. By a previous order, the vote will occur on passage of the constitutional balanced budget amendment on Tuesday at 5:15 p.m. For the information of my colleagues, this will be the next rollcall vote.

Again, the next rollcall vote will be Tuesday at 5:15 p.m.

ORDER FOR THE RECORD TO REMAIN OPEN

Mr. NICKLES. Mr. President, I ask unanimous consent the RECORD remain open until 3 p.m. this afternoon for bill introductions and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 12 NOON, MONDAY, MARCH 3, 1997

Mr. NICKLES. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:19 p.m., adjourned until Monday, March 3, 1997, at 12 noon.

HOUSE OF REPRESENTATIVES—*Monday, March 3, 1997*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. BARRETT of Nebraska].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 1997.

I hereby designate the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Encourage us, oh, gracious God, to be doers of Your word and not hearers only. Your word points us in the way of truth and justice, illumines our path, and we are guided by Your spirit. May the words we say with our lips be believed in our hearts, and may all that we believe in our hearts be practiced in our daily lives, this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida [Mr. SCARBOROUGH] come forward and lead the House in the Pledge of Allegiance.

Mr. SCARBOROUGH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Friday, February 28, 1997 at 9:50 a.m.: that the Senate passed without amendment H.R. 668; and that the Senate appointed to the Coordinating Council on Juvenile Justice and Delinquency.

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, February 27, 1997:

H.R. 499, to designate the facility of the U.S. Postal Service under construction at 7411 Barlite Boulevard in San Antonio, TX, as the "Frank M. Tejeda Post Office Building";

And the following enrolled bill on Friday, February 28, 1997:

H.R. 668, to amend the Internal Revenue Code of 1986 to reinstate the Airport and Airway Trust Fund excise taxes, and for other purposes.

COMMUNICATION FROM THE OFFICE OF THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 27, 1997

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
Washington, DC

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the rules of the House that I have been served with a subpoena issued by the United States District Court of the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

PATRICIA ANN SCHAPP,
Office of the Sergeant at Arms.

SECOND SUPPLEMENTARY AGREEMENT AMENDING AGREEMENT BETWEEN THE UNITED STATES AND CANADA WITH RESPECT TO SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–49)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act (the "Act"), as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Second Supplementary Agreement Amending the Agreement Between the Government of the United States of America and the Government of Canada with Respect to Social Security (the Second Supplementary Agreement). The Second Supplementary Agreement, signed at Ottawa on May 28, 1996, is intended to modify certain provisions of the original United States-Canada Social Security Agreement signed at Ottawa March 11, 1981, which was amended once before by the Supplementary Agreement of May 10, 1983.

The United States-Canada Social Security Agreement is similar in objective to the social security agreements with Austria, Belgium, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the U.S. and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

The Second Supplementary Agreement provides Canada with a specific basis to enter into a mutual assistance arrangement with the United States. This enables each Governments' Social Security agency to assist the other in enhancing the administration of their respective foreign benefits programs. The Social Security Administration has benefited from a similar mutual assistance arrangement with the United Kingdom. The Second Supplementary Agreement will also make a number of minor revisions in the Agreement to take into account other changes in U.S. and Canadian law that have occurred in recent years.

The United States-Canada Social Security Agreement, as amended, would continue to contain all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the provisions of section 233, pursuant to section 233(c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Second Supplementary Agreement, along with a paragraph-by-paragraph explanation of the effect of the amendments on the Agreement. Annexed to this report is the report required by section 233(e)(1) of the Act on the effect of the Agreement, as amended, on income and expenditures of the U.S. Social Security program and the number of individuals affected by the amended Agreement. The Department of State and the Social Security Administration have recommended the Second Supplementary Agreement and related documents to me.

I commend the United States-Canada Second Supplementary Social Security Agreement and related documents.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1997.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997 and under a previous order of the House the following Members are recognized for 5 minutes each:

PUBLIC DISPLAY OF THE TEN COMMANDMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, tomorrow this body is going to be looking at a resolution supporting the public display of the Ten Commandments. There has been a very interesting case in the State of Alabama where Judge Roy Moore, who presides over a circuit court, maintains in his courtroom a wood carved plaque containing the Ten Commandments. He has been challenged by another judge to take those down. The Governor of Alabama, Fob James, has stated that he will do whatever it takes to keep the Ten Commandments up in that courtroom, including calling in the National Guard.

It is sure to be an entertaining debate tomorrow, and very interesting, and, I believe, a very important debate. But sadly, the entertainment is going to come from those people who will come to the floor to try to twist history, try to continue the revision of history that would separate one country from its heritage.

We have a very proud heritage of faith and freedom in this country. In fact, on the issue of the Ten Commandments, we had James Madison, the father of the Constitution, say the following while drafting the Constitution. Madison said, "We have staked the entire future of the American civilization not upon the power of government but upon the capacity of the individual to govern himself, control himself, and sustain himself according to the Ten Commandments of God."

That was James Madison, the father of the Constitution. Yet 220 years later we have radical revisionists who are trying to tell us that the Constitution will not allow us to have the Ten Commandments on the wall of a court in Alabama. It is a radical notion.

Look, for instance, at the Supreme Court itself, which has two versions of the Ten Commandments up on its walls. Look at this House Chamber; right on the back wall is a picture of Moses, one of the great lawmakers in the history of this Republic. When this great building was being built, it was Moses that was put front center in this Chamber, so every speaker would see the face of Moses on the back wall.

But sadly, over the past 30 years, these radical revisionists have been doing everything that they could do to make the radical seem conventional; worse yet, to make the conventional seem radical.

It is what Charles Krauthammer calls "defining deviancy up." For the radicals, it is not important enough for them to define deviancy down and make deviant behavior seem normal; but, as Judge Bork has said, their most important goal is to make normal behavior seem radical.

For the judges that would like to step forward and talk about how Fob James has no right to decide what is on the walls of his courtrooms in the State of Alabama, I can only say that they need to read what the founders said, attorneys themselves. It was Thomas Jefferson who said, "I consider the Government of the United States as not allowed by the Constitution from intermeddling with religious institutions, their doctrines, their disciplines, or their exercises. This results not only from the provision that no law shall be made respecting the establishment of free exercise of religion, but also that which reserves to the States the powers not delegated to this Federal Government. Certainly no power to prescribe any religious exercise or assume authority in any religious discipline has been delegated to the Federal Government. It must then rest with the States."

Justice Joseph Story, in his commentaries on the Constitution, the first commentary on the Constitution written by a founder, said this: The whole power over the subject of religion is left exclusively to State governments, to be acted upon according to their own sense of justice and the State constitutions.

It is a matter well within the right of any Governor to determine whether the Ten Commandments shall be on the wall of courtrooms or not, and whether the radical revisionists of the past 30 years wish to continue to disconnect America from the beliefs of Madison and Jefferson and Washington, it is up to them.

But, Mr. Speaker, we have got to stop revising history, and stand up today and say enough is enough. If you want to build a bridge to the 21st century you do it, but you do not do it by cutting America off from its proud, faithful past.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Chair will remind all persons in the gallery that they are here as guests of the House. Any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

AMERICA'S TRANSPORTATION FUNDING NEEDS EXCEED THE PRESIDENT'S BUDGET PROPOSALS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes as the designee of the majority leader.

Mr. WOLF. Mr. Speaker, last week the House Subcommittee on Transportation of the Committee on Appropriations and Related Agencies kicked off its hearings on the fiscal year 1998 transportation appropriation legislation.

For 2 days the subcommittee received testimony from Members of Congress and public witnesses on transportation policy and funding, including issues related to public transportation. Many, many witnesses representing mass transit organizations and properties located across the country stressed the urgent mass transit needs now existing, the greater needs projected for the future, and the need for additional spending for public transportation.

Earlier last month the President presented his fiscal year 1998 budget proposals, and the budget request for public transportation falls far short of the needs articulated by the witnesses who testified last week. In fact, the Clinton budget proposes to hold the line on public transportation funding at current spending levels, calling for a reduction of 1 percent from last year's level.

Clearly the transportation community is at an important crossroads.

identified mass transit needs far outstrip the President's budget proposals. Under even the rosiest of economic projections, and 602(b) allocations, Congress will never, never be able to fund all of these transit needs.

Further complicating this situation is the upcoming expiration of ISTEA. As Members know, the Intermodal Surface Transportation Efficiency Act of 1991, known as ISTEA, expires at the end of fiscal year 1997. Already, in fact, beginning last year, States and their Governors and transportation departments, Amtrak and commuter rail users, environmentalists and bicyclists, highway folks and the transit community, are staking their positions on legislation to succeed ISTEA.

□ 1415

It seems that everyone is an interested party in this discussion and every interest is in competition with each other. Are you interested in protecting the status quo, changing formulas, seeking major program reforms or otherwise merely looking to increase your relative take of this massive $150 billion authorization bill? There is a place for you in the debate.

I understand there is a tongue in cheek expression making its way around the Capitol these days. That is that the reauthorization bill reported by the House Committee on Transportation and Infrastructure will be named "Hot-Tea" for Highway Only Transportation Efficiency Act, the implication being that the general authorization for the transit programs and many of the flexible funding provisions included within ISTEA that benefit the transit community will either be eliminated or greatly diminished while authorization for concrete and pavement will increase dramatically.

I certainly support, strongly support highway spending and providing funding for concrete and pavement to build these necessary roads. However, highway programs must continue to be only one component of a balanced transportation program, one that meets the needs of highway users as well as those who depend on public transportation.

To ensure balance in our comprehensive transportation program, we need to pull together to improve the current program structure and the delivery of services to those that use public transportation regularly. Public transportation is not just about using a sleek subway system when visiting the Nation's capital, nor is it simply about riding in San Francisco's famed street cars while vacationing on the West Coast, nor is it just about getting an earmark for a favored project back home, no matter how small the earmark may be, to ensure that one more transit project is listed in the appropriations legislation and thereby legitimized for continued funding through the lifetime of the project.

No, public transportation is also about, really it is primarily about, getting people to work, getting children to school, providing the way for people to get to the hospital, to the store, to visit friends and relatives across town and across the country. Public transportation represents a vital transportation link for many people, including millions of Americans with disabilities. And without public transportation, many people would virtually be stranded, unable to venture beyond the confines of their neighborhoods. Simply stated, we need to change the way we view providing for public transportation.

First, what are we spending on public transportation? Second, where is that money going? Third, are those funding decisions consistent and appropriate given budgetary constraints? Last, can we develop a comprehensive coherent public transportation program? This is our challenge and this is our goal.

Do you know that annually the Federal Government spends over $4 billion on transit programs alone? These funds are provided to modernize older rail systems, to purchase and rehabilitate buses and rail cars, and to build or improve existing bus facilities, rail yards, stations and heavy and light rail systems in many of our Nation's cities.

Where is that money actually going? Each year the transportation appropriations bill provides funds designated specifically for transit properties across the country. Last year Congress provided $4.4 billion for transit, of which over $800 million was provided for construction and design of some 54 transit projects, called new starts, throughout the country, and Puerto Rico.

Are these funding decisions appropriate? The Federal Transit Administration currently has entered into 13 full funding grant agreements and expects to enter into two more very soon. These full funding grant agreements represent a commitment by the Federal Government to fund these transit new start projects through to their completion. The 13 funding grant agreements now in place represent a total of $5.4 billion in Federal commitments, of which nearly $3 billion remains to be funded. The FTA will have to maintain a grant portfolio of roughly $800 million per year through the year 2001 to fund these projects; $800 million per year for these projects alone, yet the President's budget for fiscal year 1998 requests only $634 million for all new start projects, nearly $170 million below the amounts negotiated by FTA for the full funding grant agreements.

What does this mean? It means that FTA is further increasing the outyear commitments in its already limited portfolio and will increase the project costs as well. Is this our total commitment to public transportation and new starts? Not by a long shot. As I mentioned earlier, the fiscal year 1997 act provides new start funding for 54 projects. Obviously that is far more than the number of projects having full funding grant agreements. In short, we are providing funds for projects above and beyond those that have secured full funding grant agreements.

The FTA also plans to enter into two additional full funding grant agreements this fiscal year. These agreements would add significantly to outyear commitments. It does not end here either. According to the FTA, there are currently 53 major investment studies now underway throughout the country that may lead to requests for new starts funding. These studies are examining a number of transportation alternatives and corridor alignments.

Many of these studies are in their early stages but to date of the 53 major investment studies that have produced capital cost estimates, the total capital cost of these fixed guideway alternatives exceeds $30 billion.

These figures are alarming. The new start program is increasingly oversubscribed and overcommitted. The cost of completing all projects in the development process at any one time vastly exceeds the amount of Federal funds that are available now and in the foreseeable future. Another interesting fact worth noting is that since fiscal year 1992, California has received nearly a quarter of all the funds in the new start program, more than any other State. In fact, the top three recipient States, California, New Jersey and Oregon today received more than half of the funds in the program during that period.

In fiscal year 1998, the President's budget for new starts looks much the same. Of the $634 million proposed for the program, California is to receive almost one-third of the total funding. New Jersey would get 13 percent and Oregon would get 10 percent. Again, in fiscal year 1998, these three States account for more than half of the total amount requested of the new start program.

For those of you considering light and heavy rail projects in your areas any time in the near future, let me just say this, under the current system, there are no funds available.

In addition, one has to wonder whether some transit capital grants are being spent wisely today. The Congressional Budget Office looked at the cost effectiveness of various forms of public transportation assistance. Using Department of Transportation data to compute the total annualized cost per passenger-mile of these different forms of transit, CBO concluded that ordinary buses average 35 cents per passenger-mile; commuter rail averaged 65 cents per passenger-mile; heavy rail at $1.40 per passenger-mile; and light rail at $3.40 per passenger-mile, nearly a tenfold increase over buses. Yet what kind of transit have cities and other local governments been rushing to build with their Federal grants?

LIGHT RAIL

Some transit advocates claim that only light rail can attract suburban commuters and stop the declining use of transit by the middle class. But almost every city that has built either light or heavy rail in the past 25 years has a smaller share of commuting by transit in 1990 than they did 10 years earlier.

This is true in Portland, San Francisco and even here in Washington, DC. In fact, the only major city that has witnessed growth in mass transit's share over the last decade has been Houston, TX, and they are building busways in Houston, not a rail system.

This brings me to my final point, which is really a call to action. What do we need to do? What can we do to develop a comprehensive coherent public transportation program which responsibly meets critical public transportation needs in a manner consistent with the reality of constrained resources? I do not claim to have the answer. But I do know this. The Federal Government is already overcommitted on transit spending, while new requests for funding, many of which would certainly meet identified needs, pour in, when large increases in spending for public transportation are not likely and when important programmatic changes are anticipated during reauthorization of ISTEA.

Those of us who care about support of public transportation must be able to offer alternatives to the current methods of doing public transportation business. I challenge my colleagues to talk with transit managers, urban planners, as well as State and local officials to consider a number of questions, including the following:

First, does the current new starts program structure encourage metropolitan areas to build fixed-guideway systems rather than an alternative that may be more appropriate but less likely to obtain Federal funding.

Second, does the current system of providing Federal funds specifically for fixed-guideway, new start systems induce metropolitan areas to pursue more costly, less flexible systems compared to flexible route transit systems, such as buses, which can use rights-of-way that are shared by other vehicles?

Third, should the current program be changed to provide more flexibility to State and local government and transit authorities to enable them to be more responsive to the needs of their particular communities?

Fourth, does the current funding formula, 80 Federal/20 local match, have the effect of gold plating projects or providing incentive to pursue projects that transit districts and municipalities otherwise would not because of local financial limitations.

Fifth, should we continue to fund projects in the very early stages of engineering and major investment studies, the cost of which can and perhaps should be paid from State and local funds to indicate strong local support, or limit appropriations to only those projects in their final design and construction?

Sixth, should the current program be modified to provide priority funding or other preferences to projects supported by a greater local match?

Seventh, should transit capital assistance be allocated to the States and localities in a way that mirrors Federal aid highway assistance to guarantee States a minimum return on the taxes they send to Washington?

Eighth, what level of Federal funding should be made available for public transportation, and what should the source of this funding be?

One thing is certain, public transportation is an integral part of the Nation's transportation network and a vital life link for many segments of our population. As such, there must be a continuing, strong Federal role in transit. Local transit systems are the beginning and ending point for inner city transportation and are therefore very much a part of our national transportation network. And road users should help pay for transit programs in some circumstances since they benefit from them. As public transportation reduces the number of automobiles on the road, it therefore reduces congestion on roads and bridges.

Beyond this, however, our transit programs and policies must be updated. Budgetary constraints coupled with ISTEA reauthorizations demand that we develop new ways of dealing with public transportation. It is time to think differently, to be more innovative, creative and more efficient in the transit services we provide and the alternatives we present to our local boards, States, Federal Government and Congress.

CORRECTION TO THE RECORD OF FEBRUARY 26, 1997, PAGE 2605

AIRPORT AND AIRWAY TRUST FUND TAX REINSTATEMENT ACT OF 1997

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 668.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARCHER] that the House suspend the rules and pass the bill, H.R. 668, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 347, nays 73, not voting 12, as follows:

[Roll No. 27]

YEAS—347

Abercrombie
Ackerman
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chambliss
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cook
Costello
Coyne
Cramer
Crane
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Porter

Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Riggs
Rivers
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates

NAYS—73

Aderholt
Andrews
Barr
Burton
Cannon
Chabot
Chenoweth
Coburn
Condit
Cooksey
Crapo
Cubin
Deal
Dickey
Dreier
Forbes
Gibbons
Gilman
Graham
Hall (TX)
Hefley
Hill
Hilleary
Hilliard
Hoekstra
Hostettler
Hunter
Jones
Kasich
Kingston
Klug
Kucinich
Largent
Maloney (CT)
McIntosh
Mica
Myrick
Neumann
Norwood
Pappas
Parker
Paul
Pickering
Pombo
Riley
Roemer
Rogan
Rohrabacher
Royce
Ryun
Salmon
Sanchez
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Shadegg
Shimkus
Snowbarger
Souder
Stearns
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Upton
Young (AK)
Young (FL)

NOT VOTING—12

Carson
Clay
Cox
Danner
Dingell
Doolittle
Engel
Kaptur
Lantos
Reyes
Smith (MI)
Smith (OR)

□ 1251

The Clerk announced the following pair:

On this vote:

Ms. Danner and Mr. Reyes for, with Mr. Smith of Michigan against.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OMISSION FROM THE RECORD OF FEBRUARY 26, 1997, PAGE 2607

SOUTH DAKOTANS AND THE BALANCED BUDGET AMENDMENT

Mr. THUNE. Mr. Speaker, I would like to address the floor this morning by talking a little bit about my recent trip to South Dakota, and over the course of the President's recess I had the opportunity to spend 9 days in my home State, much of which was spent traveling around the State and listening to the people of our State talk about the issues that are important to them. One of the things that I attempted very much to discuss during the course of my travels was the upcoming vote on the balanced budget amendment.

Now, it is interesting to note that already the radio ads are running in my State attacking me for supporting a balanced budget amendment and, again, trying to scare South Dakota seniors against this important issue and trying to generate opposition that is based upon a divide and conquer type of strategy and approach, and it is interesting as I was traveling around the State, and I would stop in cafes across South Dakota and raise this issue, and people, as they listened to the radio ads, would have questions about how in fact this would affect important programs like Social Security. It was always amazing to me, as I explained to them that the balanced budget amendment as it is drafted can be overridden by a three-fifths vote of the Congress, and now takes 60 votes in the Senate to do anything, that 60 votes could override this amendment, and 290 votes in the House, and when I explained to them that in fact a balanced budget amendment would not in any way depart from the current budgetary agreement of Social Security; in other words, the fact that Social Security trust fund surplus is already being applied to hide the deficit, they would be surprised; and I went on further to explain that in this country each year we spend $148 billion to pay the interest on the amount of money that we borrowed.

When they heard the facts, they were like: "I didn't realize that," and, "This really is important. This is something that we should do."

Now I have not been in Washington for all that long, but it is clear to me from the time that I have been here in Washington; you know, we are falling all over ourselves these days, patting each other on the back over getting the deficit down, and frankly the deficit has been coming down as the economy has been performing well, but still, a $126 billion deficit this year is $126 billion that goes on to the $6.6 or $5.4 trillion debt, and in fact, even if the President's budget is adopted, which I question that it will be, and even if his economic assumptions are accurate, the debt at the end of the 5-year period in the year 2002 is $2.6 trillion.

Now that is $26,000 for every man, woman, and child in America, and furthermore, a kid born in America today will spend $200,000 over the course of their lifetime just to pay the interest on the money that we have borrowed. And when you put that in that context, you realize that this vote is really a vote about the future of this country and what we are doing to the next generation of Americans, and I believe profoundly that, as we debate this over the next couple of weeks, that this is the most important vote that we will make for the future of America, and I would like to think that this body, the Congress, could make those decisions, but frankly, it has proven over the years that it cannot. In fact, the President's budget, what is supposed to balance the budget by the year 2002, in fact puts 73 percent of the savings after he leaves office.

We have proven that we do not have the political courage to make the decisions to get out country on a sound fiscal track, and so I would ask the Democrats and the Republicans, people from both sides of the aisle—I know many of the Democrats who ran in this last election year, and many of my Republican colleagues, as well as freshmen, ran on support of a balanced budget amendment, and it is too important to the future of this country.

I have a strong commitment to Social Security; most of the Members of this body do; and I will not do anything in my support for a balanced budget amendment that does in any way diminish that strong support. But this is not about Social Security. It is about the future of this country. And if we do not do something, we not only will not have any money for Social Security, but for every other program that we have in America today.

And so this is a vote for our kids, this is a vote for our families, this is a vote for the future, and as the debate begins in the next few weeks, and I would certainly hope that the Senate will have the votes next week to pass a balanced budget amendment, and if they do and it comes over to the House, that we will work together as Republicans and Democrats, because this is not a Republican issue or a Democrat issue, this is an American issue, and it is critical to the future of this country that we do the right thing for our kids.

And so, Mr. Speaker, despite all the ads that may be running out there, I hope that in this vote that we will take in the next few weeks that this body will serve our country well and serve our kids well and enact a balanced budget amendment that will bring the fiscal discipline to this Congress, to this country, that we have lacked since 1969, which is the last time that we balanced our budget.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCARBOROUGH) to revise and extend their remarks and include extraneous material:)

Mr. HUTCHINSON, for 5 minutes, today.

Mr. PAUL, for 5 minutes, on March 5.

Mr. SCARBOROUGH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mr. Towns.

Mr. Payne.

Mr. Vento.

(The following Members (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mr. Gingrich in three instances.

Mr. Young of Alaska.

Mr. Coble.

Mr. Porter.

(The following Members (at the request of Mr. WOLF) and to include extraneous matter:)

Mr. Faleomavaega.

Mr. Allen.

Mr. Bentsen.

Mr. Porter.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Tuesday, March 4, 1997, at 12:30 p.m. for morning hour debates.

RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of May 22, 1996, through January 7, 1997, shall be treated as though received on March 3, 1997. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the executive communication section of the relevant CONGRESSIONAL RECORDS of the 104th Congress.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2008. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Nevada: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–5699–5] received February 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2009. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes: Ohio [OH54–2; FRL–5698–4] received February 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2010. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan for Colorado; Carbon Monoxide Attainment Demonstrations and Related SIP Elements for Denver and Longmont; Clean Air Act Reclassification; Oxygenated Gasoline Program [CO–001–0011; CO–001–0012; CO–001–0013; CO–001–0014; FRL–5692–3] received February 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2011. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulation of Fuels and Fuel Additives: Adjustments to Individual Baselines for the Reformulated Gasoline and Anti-Dumping Programs [AMS–FRL–5696–2] received February 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2012. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Lowfat and Skim Milk Products, Lowfat Cottage Cheese: Revocation of Standards of Identity [Docket Nos. 95P–0125, 95P–0261, and 95P–0293] received March 3, 1997, pursuant to 5 U.S.C 801(a)(1)(A); to the Committee on Commerce.

2013. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 1997 "International Narcotics Control Strategy Report," pursuant to 22 U.S.C. 2291(b)(2); to the Committee on International Relations.

2014. A letter from the Assistant Secretary for Legislative Affairs, the Department of State, transmitting the President's determination regarding certification of the 32 major illicit narcotics producing and transit countries, pursuant to 22 U.S.C. 2291 (H. Doc. No. 105–50); to the Committee on International Relations and ordered to be printed.

2015. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2016. A letter from the Agency Freedom of Information Officer (1105), Environmental Protection Agency, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2017. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2018. A letter from the Chairman, National Credit Union Administration, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2019. A letter from the National Endowment for Democracy, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2020. A letter from the Vice President and General Counsel, Overseas Private Investment Corporation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2021. A letter from the Chairman, Securities and Exchange Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(b); to the Committee on Government Reform and Oversight.

2022. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

2023. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 16 [Docket No. 970214031–7031–01; I.D. 011697C] received March 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2024. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component Pollock in the Aleutian Islands Subarea [Docket No. 961107312–7021–02; I.D. 022197A] received March 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2025. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 950725189-6245–04; I.D. 022697B] received March 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2026. A letter from the Secretary of the Navy, transmitting the Department's report entitled "U.S. Navy Ship Solid Waste Compliance Plan for MARPOL Annex V Special Areas," pursuant to 33 U.S.C. 1903; jointly, to the Committees on National Security and Transportation and Infrastructure.

2027. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the National Institute of Corrections' plan for Short-Term Improvements for the District of Columbia (D.C.) Department of Corrections, pursuant to Public Law 104–134; jointly, to the Committees on Appropriations, the Judiciary, and Government Reform and Oversight.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COX of California (for himself, Mr. RAHALL, Mr. ANDREWS, Mr. HALL of Texas, Mr. DELAY, Mr. LIVINGSTON, Mr. BLILEY, Mr. SOLOMON, Ms. MOLINARI, Mr. PITTS, Mr. LARGENT, Mr.

McCollum, Mr. Talent, Mr. Burton of Indiana, Mr. Bachus, Mr. Baker, Mr. Barr of Georgia, Mr. Bartlett of Maryland, Mr. Bilbray, Mr. Bonilla, Mr. Bono, Mr. Bryant, Mr. Bunning of Kentucky, Mr. Callahan, Mr. Calvert, Mr. Cannon, Mr. Canady of Florida, Mr. Chabot, Mr. Chambliss, Mrs. Chenoweth, Mr. Christensen, Mr. Coburn, Mr. Collins, Mr. Cook, Mr. Cooksey, Mr. Crane, Mr. Crapo, Mrs. Cubin, Mr. Deal of Georgia, Mr. Doolittle, Mr. Dreier, Mr. Duncan, Mr. Ehrlich, Mrs. Emerson, Mr. Foley, Mr. Forbes, Mr. Fox of Pennsylvania, Mr. Gallegly, Mr. Gibbons, Mr. Goodling, Mr. Graham, Ms. Granger, Mr. Hastings of Washington, Mr. Hayworth, Mr. Hefley, Mr. Herger, Mr. Hill, Mr. Horn, Mr. Hostettler, Mr. Hulshof, Mr. Hunter, Mr. Hutchinson, Mr. Inglis of South Carolina, Mr. Sam Johnson, Mr. Jones, Mrs. Kelly, Mr. Kim, Mr. King of New York, Mr. Kingston, Mr. Knollenberg, Mr. Kolbe, Mr. LaTourette, Mr. Lewis of Kentucky, Mr. Linder, Mr. Lucas of Oklahoma, Mr. McCrery, Mr. McIntosh, Mr. McHugh, Mr. McKeon, Mr. Manzullo, Mr. Metcalf, Mr. Moran of Kansas, Mrs. Myrick, Mr. Norwood, Mr. Packard, Mr. Pappas, Mr. Parker, Mr. Paul, Mr. Pease, Mr. Pombo, Mr. Riggs, Mr. Riley, Mr. Rogan, Mr. Rohrabacher, Mr. Royce, Mr. Ryun, Mr. Saxton, Mr. Scarborough, Mr. Bob Schaffer, Mr. Sensenbrenner, Mr. Sessions, Mr. Shadegg, Mr. Skeen, Mr. Smith of Texas, Mrs. Linda Smith of Washington, Mr. Smith of Michigan, Mr. Smith of Oregon, Mr. Snowbarger, Mr. Stearns, Mr. Stump, Mr. Taylor of North Carolina, Mr. Walsh, Mr. Watts of Oklahoma, Mr. Weldon of Pennsylvania, Mr. Weldon of Florida, and Mr. Young of Alaska):

H.R. 902. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

By Mr. COBLE (for himself and Mr. Goodlatte):

H.R. 903. A bill to amend title 28, United States Code, with respect to arbitration in U.S. district courts, and for other purposes; to the Committee on the Judiciary.

By Mr. FALEOMAVAEGA:

H.R. 904. A bill to amend the definition of State in the Federal Home Loan Bank Act to include American Samoa within the meaning of such term; to the Committee on Banking and Financial Services.

H.R. 905. A bill to amend title 10, United States Code, to provide that U.S. nationals should be eligible for advanced training in, and for financial assistance as members of, the Senior Reserve Officers' Training Corps; to the Committee on National Security.

By Mr. McINTOSH (for himself, Mr. Goodlatte, Mr. Bachus, Mr. Davis of Virginia, Mr. Frost, Mr. Boucher, Mr. Condit, Mrs. Myrick, Ms. Lofgren, and Mr. Moran of Virginia):

H.R. 906. A bill to provide for a reduced rate of postage for certain mailings that under Federal or State law, are required to be made by local governments; to the Committee on Government Reform and Oversight.

By Mr. SANFORD (for himself, Mr. Clement, Mr. Largent, Mr. Ballenger, Mr. Calvert, Mr. Campbell, Mr. Chabot, Mr. Chambliss, Mr. Coburn, Mr. Deal of Georgia, Mr. Graham, Mr. Herger, Mr. Hilleary, Mr. Hoekstra, Mr. Hostettler, Mr. Istook, Mr. Jones. Mr. Kingston, Mr. Klug, Mr. LaTourette, Mr. Lucas of Oklahoma, Mr. McIntosh, Mr. Mica, Mrs. Myrick, Mr. Ney, Mrs. Northup, Mr. Norwood, Mr. Pickering, Mr. Salmon, Mr. Scarborough, Mr. Sensenbrenner, Mr. Shadegg, Mr. Souder, Mr. Spence, Mr. Spratt, Mr. Tauzin, Mr. Taylor of North Carolina Mr. Taylor of Mississippi, Mr. Thornberry, Mr. Watkins, Mr. Watts of Oklahoma, and Mr. Whitfield):

H.R. 907. A bill to amend title 23, United States Code, to modify the minimum allocation formula under the Federal-aid highways program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SHAW (for himself, Mr. Mica, Mr. Bachus, Mr. Hunter, Mr. Watts of Oklahoma, Mr. Traficant, Mr. Foley, Mrs. Myrick, Mr. McCollum, Mr. English of Pennsylvania, and Mr. LaTourette):

H.J. Res. 58. Joint resolution disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997; to the Committee on International Relations.

By Mr. ADERHOLT (for himself, Mr. Riley, Mr. Canady of Florida, and Mr. Barr of Georgia):

H. Con. Res. 31. Concurrent resolution expressing the sense of Congress regarding the display of the Ten Commandments by Judge Roy S. Moore, a judge on the circuit court of the State of Alabama; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. Radanovich.

H.R. 108: Mr. DeFazio and Mr. Lewis of Georgia.

H.R. 166: Mr. Stupak.

H.R. 168: Mr. Stupak.

H.R. 367: Mr. Tiahrt and Mr. Watts of Oklahoma.

H.R. 400: Mr. Hinchey and Mr. Lewis of Georgia.

H.R. 630: Mr. Radanovich and Mr. Martinez.

H.R. 664: Mr. Frost and Mr. Yates.

H.R. 673: Mr. Frank of Massachusetts and Mr. Delahunt.

H.R. 674: Mr. Hilleary.

H.R. 680: Mr. Frank of Massachusetts.

H.R. 727: Mr. Bilbray.

H.R. 750: Mr. Ackerman, Mr. Matsui, and Mr. Porter.

H.R. 817: Mr. Pombo.

H.R. 882: Mr. Lantos.

H. Con. Res. 18: Mr. Burton of Indiana and Mr. Yates.

SENATE—*Monday, March 3, 1997*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, help us to see our work here in Government as our divine calling and mission. Whatever we are called to do today, we want to do our very best for Your glory. Our desire is not just to do different things, but to do the same old things differently: with freedom, joy, and excellence. Give us new delight for matters of drudgery, new patience for people who are difficult, new zest for unfinished details. Be our lifeline in the pressures of deadlines, our rejuvenation in routines, and our endurance whenever we feel enervated. May we spend more time talking to You about issues than we do talking to others about issues. So may our communion with You give us deep convictions and high courage to defend them. Spirit of the living God, fall afresh on us so we may serve with renewed dedication today.

Father, our hearts go out to those who are suffering as a result of the floods in Ohio and Kentucky and the tornadoes in Arkansas. Especially grant comfort and courage to those who are enduring grief over the loss of family and friends. In all our needs and crises, You are a very present help in trouble. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. BURNS. Mr. President, the Senate will be in session for a period of morning business, with no rollcall votes conducted during today's session.

Under a previous order, the Senate will resume consideration of Senate Joint Resolution 1, the constitutional amendment for a balanced budget, tomorrow at 9:30 a.m. Following closing statements on the balanced budget amendment, a vote will occur on the passage of Senate Joint Resolution 1 at 5:15 p.m. tomorrow. I want my colleagues to be further advised that the time has not been moved. A vote will occur tomorrow at 5:15 p.m.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Under a previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under a previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 5 minutes each. The Senator from Texas [Mrs. HUTCHISON], is recognized to speak for up to 15 minutes.

Mrs. HUTCHISON. Thank you, Mr. President, and I thank the distinguished Senator from Montana.

PRAYERS OF TEXANS WITH ARKANSAS

Mrs. HUTCHISON. Mr. President, I appreciate being able to start the Senate this morning, because we had a very important anniversary yesterday in Texas that I want to talk about. But first, I want to say to my colleagues and friends from my neighboring State of Arkansas how sad we all are at the ravage that the State of Arkansas took yesterday from the weather, the storms and the floods. Lives were lost. I want Senators BUMPERS and HUTCHINSON to know that the prayers of Texans are with them in this time of healing for their State. We know that everything that can be done for the victims of that flood will be done.

TEXAS INDEPENDENCE DAY REMEMBRANCE

Mrs. HUTCHISON. Mr. President, 161 years ago yesterday, 54 delegates of the Convention of 1836 signed the Texas declaration of independence at the village of Washington-on-the-Brazos, which is near Houston, TX. Each of the settlements of Texas were represented. Texas was, at the time, a territory of Mexico. The delegates hurriedly wrote and adopted the declaration of independence, prepared a constitution for the newly formed Republic of Texas and organized an interim government.

Mr. President, my great-great-grandfather was one of the signers of the Texas Declaration of Independence. His law partner, Thomas Jefferson Rusk, was also one of the heroes of Texas' quest for independence. Thomas Rusk also went on to serve as a Senator from Texas, and was the first Senator to hold my Senate seat.

So I have grown up knowing much about Texas history since its days as a territory of Mexico. In fact, my great-great-grandfather was the "alcalde," which was the mayor of the territory for the country of Mexico. Then, he, Thomas Rusk and Sam Houston, all hailing from Nacogdoches, TX, where my mother grew up, were leaders in the effort to wrest their independence from Mexico and for Texas to be able to set up its own government.

I am proud, Mr. President, that Texas is the only State in America that was once an independent nation and, in fact, we were a republic for 9 years before becoming a State. So we like to recall the history of our independence, just as we do our history of American independence, every year. Yesterday in Texas we celebrated our Texas Independence Day.

We commemorate the time that we became a nation, and we remember the brave and wonderful people, not only those who signed the declaration of independence that day, but those who were at the same time girding for war at the Alamo several hundred miles away. Former Texas Senator John Tower began a tradition among Texas Senators. Senator Tower would read William Barret Travis' letter from the Alamo. As I alluded to a moment ago, as they were declaring independence at Washington-on-the-Brazos in 1836, 6,000 Mexican troops were marching to the Alamo. They were marching to the Alamo to take on soldiers who had come from many States—Kentucky, Tennessee, South Carolina, North Carolina, Georgia, and so on—to help defend Texas in its stand against the Mexican Army at the Alamo.

The declaration of independence said:

> . . . We, therefore . . . do hereby resolve and declare that our political connection with the Mexican Nation has forever ended, and that the people of Texas do now constitute a free, sovereign and independent republic . . .

Several days earlier, William Barret Travis had written from the Alamo his famous letter to the people of Texas and to all Americans. He knew that the Mexican Army was coming, and he knew that they had few people to help them defend the Alamo. Here is the letter by Colonel Travis:

> Fellow citizens and compatriots: I am besieged, by a thousand or more of the Mexicans under Santa Anna—I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man—the enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken—I have answered the demands with a cannon shot, and our flag still waves proudly from the wall—I shall never surrender or retreat. Then, I call on you in the name of liberty, or patriotism and of everything dear to the American character, to come to our aid, with all dispatch—The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

> neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—Victory or Death.
>
> WILLIAM BARRET TRAVIS, LT. COL.,
> *Commander.*
>
> P.S. The Lord is on our side—when the enemy appeared in sight we had not three bushels of corn—we have since found in deserted houses 80 or 90 bushels and got into the walls 20 or 30 heads of beeves.

Despite that declaration, Mr. President, we did not win independence from Mexico at the Alamo. In the battle of the Alamo, known as the "13 Days of Glory," 184 brave men died fending off Santa Anna's huge army. But the Alamo was crucial. It gave time to Gen. Sam Houston, who was the commander in chief of our Armed Forces, to get more volunteers and to decide when to take on this vast Mexican Army again. And because those brave men at the Alamo held out for so long, Houston had time to muster his forces. Gen. Sam Houston was wounded in the battle, but was able to take the surrender of General Santa Anna. Texas won her freedom on April 21, 1836.

San Jacinto is near Houston, and home to the battle we commemorate as the "Great Battle of Freedom."

So, Mr. President, I like to recall this time because it is an important time in the history of America as well as in the history of Texas. Our independent nation lasted for 9 years; for 9 years we brought our State together to prepare it for admission into the United States of America.

In fact, the debate recorded in the CONGRESSIONAL RECORD on whether Texas would become a State was very interesting.

Texas would join the Union if several conditions were met. Those conditions were outlined in a treaty. In the treaty, Texas was able to keep certain rights when she joined the Union—rights to her tidelands, rights to her public lands, which is why much of our public land is State owned rather than federally owned. This is why we have some different issues in Texas. We were able to control the tidelands because that was part of the treaty. We also had the right to turn into five States if the State of Texas decided to break apart. Now, that causes a little concern here on Capitol Hill when they think of having the possibility of 10 Senators from Texas instead of 2. There are a few cold stares when that is brought up. But I must say that was all part of the treaty.

The treaty did not pass because supporters couldn't muster the two-thirds vote necessary to ratify it. So President John Tyler introduced a bill to annex Texas as a State. Texas became a State because of a bill, not a treaty. The interesting thing was that the bill passed by only one vote in each House of Congress. Any of those who think it might have been a mistake to annex Texas almost won a victory. We did have a long, hard-fought battle before we joined the Union. One of the annexation proposal's most vocal opponents at the time was President John Quincy Adams, who had returned to Congress by that time. He spoke every day on the floor against the annexation of Texas. The reason he was so far out on the limb against Texas is because he was afraid Texas would become another slave State. He did not want to disrupt the balance that existed in the United States of America at the time. Once we did become a State, I think we began a tradition of great contributions to the United States. And, of course, just recently we have become the second largest State in America—second to California, overtaking New York State.

So that is a little bit of Texas history, which I am always glad to recall on Texas Independence Day. I like to read the letter from William Barret Travis to remind you of the pride Texans share for their independence from Mexico and their membership today in the United States of America. We are proud that we were an independent nation for 9 years and then took our rightful place in the United States of America. I hope that people feel that we have earned the right to be proud of that, and also hope that people feel that Texas has done her part as a State.

We are proud of our heritage. We are proud of our history. And most of all, today, I want to pay tribute to the brave men who died at the Alamo and the brave men, numbering among them the first Senator to hold my Senate seat, the first Senator to hold the other Texas Senate seat, Gen. Sam Houston, and my own great-great-grandfather who signed the Declaration of Independence and later became the chief justice of Nacogdoches County.

These were brave men who forged a new nation at great cost. They went through many of the same things that our forebears in the United States of America did in wresting our independence from England. So I am proud of that. I am proud of the patriots who gave their lives for our freedom or who risked their lives for our freedom. I want to pay tribute to them today, and I will do so every year that I am able to serve as a Senator from the great State of Texas.

Mr. President, I thank you for your indulgence, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from South Dakota [Mr. JOHNSON], is recognized to speak for up to 15 minutes.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. JOHNSON. Mr. President, I rise today to express my opposition to Senate Joint Resolution 1, a version of a balanced budget amendment to the U.S. Constitution currently pending before the Senate.

Throughout the more than 10 years that I have had the honor and opportunity to represent the people of South Dakota as a Congressman and now as a U.S. Senator, I have consistently supported a policy of fiscal prudence and restraint. I have supported, among other initiatives, a line-item veto and enhanced line-item rescission, the 1990 budget agreement initiated by President Bush and the 1993 budget agreement initiated by President Clinton. The latter two budget agreements having played a very significant role in capping discretionary spending, placing our Government on a must-pay-as-you-go basis and contributing to over a 60-percent reduction in the annual Federal budget deficit. I am pleased that these and other efforts taken by the Clinton administration, though almost universally opposed by the Republican congressional caucuses have led to economic growth, prosperity, and now a deficit that is smaller relative to our economy than in any industrial nation on Earth. Even so, we have farther to go to bring our Federal expenditures and revenue into greater equilibrium. To that end, I have also voted in favor of various balanced budget amendments while serving in the other body.

I do not take the amendment of our Nation's Constitution lightly. I am mindful that this is the legislative body that served as the forum for Clay and for Webster and many other great names of American history. Unlike ordinary legislation, a constitutional amendment cannot be easily changed if it proves faulty—it must be crafted in such a manner that serves the interests of our Nation not only now, but for 200 years and more from now. We must of necessity approach such a difficult task—that of drafting a constitutional amendment for the ages—with some humility and with a full recognition of the great care that is required if future generations are to look to our deliberations with the same respect that we today hold for the Founders of our Republic.

Over the past 4 years, we, and in particular the Clinton administration, have taken an exploding deficit that had reached nearly $300 billion annually and a cumulative national debt that had quadrupled on the watch of Presidents Reagan and Bush, and cut that annual deficit by over 60 percent. Yet, despite this progress, I began my service in the Senate at the commencement of the 105th Congress with the assumption that I would cast a vote in favor of a constitutional amendment drafted in much the manner that Senate Joint Resolution 1 appears before us today. However, the findings of the nonpartisan Congressional Research Service later substantiated by an analysis of the Office of Management and Budget and the Center on Budget and

Policy Priorities have cast such grave doubts about the wisdom of Senate Joint Resolution 1 as it is currently drafted, that I cannot cast a vote for an unamended version with the confidence I need to have that it truly will achieve the goals its advocates claim.

The CRS report makes it clear that Senate Joint Resolution 1 would prohibit the Federal Government from conducting its financial affairs in the same prudent manner that every South Dakota family attempts to achieve. It would effectively prevent the Federal Government from setting aside cash reserves in good times in order to have them available in times of crisis—a policy that flies in the face of common sense and one that certainly should not be imposed on all future generations of Americans.

While the Social Security trust fund is the source of the greatest attention in this debate, and that is understandable since Senate Joint Resolution 1 would convert the Federal Government's largest effort to set aside resources for a future generation into a virtual fraud on the taxpayers, the implications of denying the Federal Government the ability to raise funds now for future needs goes far beyond damage to Social Security. Such a provision diminishes the usefulness of all our trust funds, especially those that have been designed to gain revenue during good times and to be available to fall back on during bad times. It makes any realistic effort to set aside funds now to be available for a future countercyclical economic strategy much more difficult—a criticism that has been the chief reason why Republican economic experts such as Alan Greenspan, Chairman of the Federal Reserve, 11 Nobel laureate economists, and even the conservative Wall Street Journal have condemned Senate Joint Resolution 1.

While a few Members of this body may attempt to lecture me about what pledges I have made to the people of South Dakota during the past campaign, I will refrain from attempting to impugn their motives or to engage in self-righteous assertions about their responsibilities to their constituents or to their oath of office.

I have pledged to the people of South Dakota that I would support a balanced budget and that I would vote for a balanced budget amendment—one that works—one that would help achieve the goal of balancing the Federal budget without destroying Social Security or otherwise placing our Nation's economic growth and prosperity at great risk. What arrogance for anyone to suggest on this floor that a vote for any proposed amendment other than Senate Joint Resolution 1 constitutes a breach of honor.

I have voted, and it is duly recorded in the Senate Journal, for a balanced budget amendment and for modifications to Senate Joint Resolution 1 which would promote a balanced budget without the disastrous flaws of Senate Joint Resolution 1.

I am a fourth generation South Dakotan. My family homesteaded in our State and I'm proud that my children now represent the fifth consecutive generation of our family to claim Clay County, SD as home. With that background, I have a profound appreciation for the concerns and more importantly the values of the citizens of my State. During this past campaign I pledged to them the most important pledge of all—that I would exercise my best judgment and greatest care in casting my vote in the Senate and that in doing so, I would ignore the immediate winds of political pressure and cast my votes in a manner consistent with the long-term needs of our State and Nation.

There is no doubt that the easy thing for me to do would be to capitulate to the current political pressures ginned up and funded by the special interests promoting exclusively Senate Joint Resolution 1. That would be the path of least resistance, and, clearly, the negative impact of that particular version of balanced budget amendment would not be felt until after my next election where I too choose to run for another term in this body.

It would take, frankly, several years to ratify any amendment and some years beyond that before the public would fully recognize the enormous wrong this body would have done to the Constitution. But I told my constituents that I would do the right thing, not the politically expedient thing. While I respect the integrity of everyone's professed views, as I look about this Chamber, I have to wonder if there would in fact be a close vote on Senate Joint Resolution 1 if the ballot were secret, and intellect and conscience the only driving forces in this debate.

Mr. President, when this debate concludes tomorrow, I will have the satisfaction of knowing that I have honorably lived up to my pledges to the people of South Dakota and to my sacred responsibilities to this Nation and to the U.S. Senate. To cast a vote for this specific version of a balanced budget amendment knowing what I know today, would constitute a betrayal of the people of my State, and inasmuch as I am a U.S. Senator, it would be a betrayal of my commitment and my love for our Nation—that I will not and cannot do.

I yield back the remaining time.

The PRESIDING OFFICER. The Senator from Montana.

CONSERVATION RESERVE PROGRAM

Mr. BURNS. Mr. President, last month, the Secretary of Agriculture announced the new rules and regulations on the Conservation Reserve Program in the U.S. Department of Agriculture. We find that we are starting to take a program that has been claimed as one of the great success programs, as far as soil conservation, watershed management, wildlife habitat, in our respective States. There is no doubt about it, that we have land that was taken out of production that was marginal land, should never have been in row crop or crop production, should have been grass all those years, and we have noticed an increase, a notable increase in upland bird populations, also in white tail deer and other wildlife that depend on a habitat that the CRP would afford.

There has been a rule change, however. This was brought to our attention by our good friends and neighbors who are living and working on the grain farms of Montana, and especially in eastern Montana. The announcement by U.S. Department of Agriculture to start a sign up for an extension, or increased acreage received into the program going up to 220 million acres across this country. Now, it would look like the acreage is capped around 36.4 million acres, but there have been new rules made on about half of American cropland making it now eligible for CRP. It was brought up in this new announcement and the timing is flawed.

The new rules give the worst lands the lowest rate, the best lands the highest rate. So right now we have figures coming in from the different counties and it could be on dirt farms as low as $17 an acre. What happens when you get a bid to take lands out of production at $17 an acre—I do not care what you do on that land, it will produce more than $17 an acre. So, what is happening is that the good land is going into the CRP—in other words, taken out of production—and we will farm our worst land, having the exact opposite effect that was desired in the first place.

The process is a burden to participants if you have between now and this month of March to sign up. Just think, that has to go to the local level, whenever you make those arrangements, that application for CRP. It goes from the local board to the State board to the Federal board before it is approved back to the farmer. The farmer does not know what he will be planting or harvesting this year.

It could be June or July. In fact, the president of the National Association of Wheat Growers, Philip McClain, testified before the House Forestry Resource and Conservation and Research Subcommittee and expressed his concern that the USDA will not decide which offers being made by the growers during that March CRP signup will be accepted into most areas until June. Now, if it is July in our country—in other words, the winter wheat people are really put at a disadvantage if you are in the southern climes. In the northern climes, it is too late to plant a spring crop. The delayed signup really puts a hardship on wheat growers, no matter in which part of the country you farm—whether it's Texas, Oklahoma, Kansas, Nebraska, or going on north to the Canadian border.

So the National Association of Wheat Growers, all at once over the weekend, has said, wait a minute here, we need immediate congressional action, maybe to recommend that we extend the present contracts, which expire this fall and which qualify for participation under the current eligibility criteria. I think that is a good recommendation. Even the USDA State staff feels that the problems that are associated with this program make a mockery of the intent of the program. It does not provide the original intent of why CRP was put in in the first place.

So I recommend to the Department of Agriculture—and they have time, I think, to look at this, and, if not, I think Congress should take a very serious look at it, because it is just not fair if you have a program that will work exactly the opposite from what was intended and put all the grain producers at a disadvantage. I suggest that the Secretary extend the current program for 1 year. Let's give it some time and take a look at it and try to get the desired results and rewrite the rules to reflect the intent of the program. The intent of the program was to take marginal land out of production so that we can manage watershed, we can manage soil erosion, we can manage wetlands, potholes, all of the environmental concerns that this country has. We can take a look at this, given more time to do it. Of course, these recommendations are supported by the National Association of Wheat Growers.

So with this in mind, with the good record of CRP, a program that has been highly successful in doing two things that were most desired in rural America, I think it is only right to extend those rules through the program this year. Let's look at it, and this time we might be able to get it right. Right now, we are extending some programs that would suggest exactly the opposite.

TAX RELIEF

Mr. BURNS. Mr. President, today there will be legislation that will be introduced in the Congress having to do with estate taxes. I know estate taxes and capital gains are viewed by many as tax relief for the rich. Last week, a week ago today, I was watching a television program and there was a financial organization, or a mutual fund, who had declared that they had been so successful that they have to declare a capital gain. The people who had investments in that mutual fund would be assessed a tax because of those capital gains. I didn't see one rich man in that line that came down to complain about that. So it is not just that.

If you are really concerned about keeping farmers on the land and letting young farmers get started, we have to start taking a look at capital gains, because I think we have to lower the average age of the farmers today, and also estate taxes, so that we can pass these farms and ranches and small businesses on to the next generation.

Mr. President, I see my time has expired. I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. GRAMS], is recognized.

Mr. GRAMS. Mr. President, I ask unanimous consent to be able to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AMERICAN TAXPAYERS DESERVE A BALANCED BUDGET AMENDMENT

Mr. GRAMS. Mr. President, I rise today to again express my strong support for the balanced budget amendment.

I want to thank the distinguished chairman of the Senate Judiciary Committee for providing a forum which has encouraged debate on all sides of this critically important issue. The public has been well served by these many hours of discussion.

Mr. President, let me describe the need for the balanced budget amendment by comparing it to a situation to which many Americans can relate.

By repeated abuse of a high-interest credit card, your debt is rapidly mounting until you reach the point of maxing out. You're barely paying enough to cover the minimum monthly payments—let alone make any dent in the principal—and your debts threaten to consume the entire family budget.

With every available dollar being funneled into your credit card payments, there is no money left over to meet your daily needs or invest in your family's future.

You, the overextended consumer, are left with only two viable options: Either file for bankruptcy or drastically cut your spending.

If you're so far in debt that you see nothing in your future but despair, you may seek out the help of a credit counseling service. I guarantee they'll take one look at the horrendous mess you've created and demand you come up with an immediate plan for climbing out of debt.

They'll tell you there are only three options that will return you to financial solvency: Discipline, discipline, and discipline.

Now imagine that scenario multiplied several trillion times, where the reckless consumer is not an individual but the Federal Government itself. That's very much the predicament the United States will soon face.

As Washington continues to spend dollars it does not have, each annual budget deficit is added to the balance of the overall national debt.

The national debt today stands at $5.3 trillion, or $20,000 for every American man, woman, and child.

The debt is increasing by $721 million every day, and $1 in every $7 Federal tax goes to service just the interest on a debt so massive.

If an individual acted with equal irresponsibility, the consequences would be severe.

The Federal Government, however, simply writes another IOU in the name of our children and grandchildren and keeps right on spending, demanding services today that it wants our kids to pay for tomorrow.

In recent years, the credit counselors—in this case, the American taxpayers—have been scrutinizing Federal spending and demanding that the Government be accountable for every tax dollar.

But instead of hearing "discipline, discipline, discipline," Washington somehow hears it as "spend, spend, spend." And spend it does—even when every ounce of common sense demands that it should not.

Despite all the recent talk about controlling Federal spending, there is no reason to believe Washington has fundamentally changed its ways.

Without the constitutional protections of a balanced budget amendment, the outlook for our fiscal future is grim: The national debt will continue to explode, America will eventually run out of IOU's, and a bankrupt nation will surely follow.

For an entire generation—more than three decades—Washington has talked about eliminating the deficit. "[My program] is the surest and soundest way of achieving in time a balanced budget," said President John F. Kennedy in his State of the Union Address in 1963.

That sentiment has been echoed by every President since Johnson, Nixon, Ford, Carter, Reagan, Bush, and Clinton.

The fact that we haven't balanced the budget since 1969 demonstrates that talking about balancing the budget is far easier than actually doing it.

Many budget balancing plans have been proposed over the years, yet even the most well-intentioned of them have not brought about balance, just larger deficits.

The pervasive growth of government makes it painfully obvious that in a government where politicians exhibit compassion by spending other people's money, we cannot be assured our budgets will ever balance without the moral authority of the Constitution to enforce it.

The latest budget proposal from the White House illustrates the real need for a balanced budget amendment.

Although President Clinton's plan is billed as being balanced, it really isn't—the deficit would increase next year and early reports from the Congressional Budget Office say the Clinton plan would remain about $80 billion short of balance in 2002. Seventy-five percent of the President's deficit reduction would not occur until after the year 2000, meaning the Clinton administration will never have to make the tough choices it will take to eliminate the deficit. In other words, talk about it but leave it up to somebody else to do it. And most disturbing, instead of cutting spending and asking Washington to sacrifice, the President's budget raises taxes by $76 billion and asks, once again, that the taxpayers step forward and sacrifice. I can think of no more compelling justification for enacting the balanced budget amendment.

Despite guarded optimism in Washington about reaching agreement this year to balance the budget, surveys show most Americans do not believe the deficit will be eliminated by the target date of 2002. They realize that all the laws, goals, plans, and pledges may not be strong enough to hold back the tide of rising deficits.

Even if the budget were to be balanced in 2002, there is nothing to stop a future, less-vigilant Congress from picking up where the big spenders left off. The constitutional protections guaranteed by the balanced budget amendment remain our best hope of enforcing future fiscal restraint.

Mr. President, I am greatly disappointed by the efforts of some of our colleagues who have chosen to use Social Security as a shield to disguise their opposition to the balanced budget amendment. Most of us have come to the conclusion this is nothing more than a transparent political ploy to defeat the amendment, while playing to the fears of senior citizens by demagoguing the Social Security issue.

I have absolutely no doubt that if the Social Security concerns were erased today, another problem with the amendment would crop up tomorrow, and we would once again find ourselves in the position of being a single vote short of passage. This is already evident through the lineup of amendments we have been considering the last few weeks.

I wonder if my colleagues are aware of the massive tax increase the American people would be forced to accept if we did indeed factor Social Security surpluses out of the budget process.

Between 2002 and 2007 alone, the tax hike required to bring the budget into balance would amount to $706 billion. Yes, $706 billion.—That dwarfs the record-breaking $265 billion tax increase President Clinton ushered through Congress in 1993.

As their share, taxpayers in my home State of Minnesota could face a total Federal tax hike of about $12 billion. That is an average household tax increase of $1,085 per year. And again, that is just from 2002 to 2007.

Mr. President, Social Security is facing serious problems, and reforms are needed to ensure that retirement benefits will continue to be available to all Americans. But taking Social Security off budget does nothing to help the trust fund remain solvent.

We all know that, by law, any Social Security surpluses must be invested in Treasury securities. Without serious reform, as long as the Government is allowed to grow and to continue its deficit-spending ways, it will still borrow from the trust fund, leaving nothing but IOUs to future beneficiaries.

Therefore, first and foremost, we must overhaul the way Washington spends taxpayer dollars by imposing some constitutionally mandated fiscal discipline. We must pass the balanced budget amendment and we must take appropriate actions to protect and preserve the trust fund.

While I understand the arguments of those who have supported the various Social Security amendments during this debate, a more reasonable approach would be to take Social Security off budget after the budget is balanced. Congress should begin considering legislation that ensures Social Security benefits will be payable for the current and future generations, stops the use of trust fund surpluses on other Government programs, and puts real assets in the Social Security trust fund.

For now, let us face it: we will never achieve a balanced budget if Social Security is taken off budget and omitted from our deficit calculations. President Clinton himself has come to that very conclusion.

Mr. President, a bipartisan coalition in Congress is committed to passing a balanced budget amendment in 1997 because we believe the taxpayers deserve a responsible Government that pays its bills and saves for the future.

We also support passing the balanced budget amendment in 1997.

Ending deficits and lowering the national debt will free up public and private resources for more productive and innovative uses in the global economy of the 21st century. On a more personal level, working Americans will benefit directly when a balanced budget leads to lower interest rates that could save a middle-class family about $125 a month in lower mortgage, car, and student loan payments.

The 105th Congress has a historic opportunity and obligation to leave a legacy of responsible governing for the generations to come. The path is well marked: To one side leads the road to bankruptcy and America's fiscal ruin; to the other, the path of political promises which may or not be kept; while directly ahead lies the trail of discipline, discipline, discipline we must—pursue the road to prosperity and accountable governing marked by passage of the balanced budget amendment.

Mr. President, I thank you. I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I also ask unanimous consent that Jerry Reed, a congressional fellow, be allowed to have floor privileges during the pendency of Senate Joint Resolution 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AND THE BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. REID. Mr. President, people continually talk about using Social Security. "Let's use Social Security until we balance the budget, and then after that we will not use it any more."

That argument says it all, Mr. President, because, if you use Social Security, it makes it pretty easy to balance the budget. If we want to really balance the budget let's do it the right way, the hard way, the honest way. Let's not use the surpluses—this year alone over $8 billion. That is the easy way to balance the budget. But it is not the right way.

Dorothy Ray from Reno, NV, wrote to me:

> I urge you to fight all attempts to cap, cut, tax, or otherwise cut Social Security benefits and to focus on the real causes of the Federal deficit. Social Security is an earned entitlement that does not contribute 1 cent to the Federal deficit. We workers and retirees and employers have paid and continue to pay special taxes. We fund Social Security. The Federal Government has no right to borrow our Social Security and deplete all the reserves which we contributed for this purpose. Please fight all attempts to cut or rob us of our earned benefits.
>
> Sincerely,
>
> DOROTHY RAY.

I heard also from Sparks, NV, from Bernice Murray. She wrote to me:

> DEAR MR. REID. In reference to your stand on Social Security I stand behind your views 100 percent. I have lived in Nevada since 1946, and most of that time in Sparks. I am 72 years old. My husband just passed away January 17, '97. My only income now is his Social Security. I agree with what you are trying to accomplish, and please keep up the good work. Us older Nevadans need you.

Mr. President, not only do the older Nevadans need this, but all Nevadans. All Americans need this.

The Social Security Program is for people over age 62 or 65 who are now receiving the benefit. But it is the benefit for future generations. All across America, as we speak, in certain specific regions there are huge amounts of money being spent on television, on radio, and in newspapers against people like Senator REID from Nevada. These ads say, "Why won't REID support a balanced budget amendment?" I say to those people that are spending these hundreds, thousands, and millions of dollars on these ads all over the country that I do support a balanced budget amendment. I just do not support theirs. I support mine, the one that excludes Social Security. This isn't some new-found religion for Senator REID. I have been doing this. This is the 4th year. I have offered my amendment every year, and will continue to do so until we prevail because the people about whom I speak, Bernice Murray, Dorothy Ray, and others cannot afford hundreds of thousands of dollars in the State of Nevada to run ads. All they can do is write their letters hoping that right will prevail. It has so far. I hope it will continue.

We need to balance the budget. We need to do it though, Mr. President, the right way. I have heard people say, "We will never be able to balance the budget without using Social Security." Well, we can balance the budget without using Social Security. It is going to be harder, and we may not be able to do it by the year 2002. But we can do it. And, when we accomplish that, we will have prevailed in righting one of the biggest wrongs in the history of this country; that is, depleting these trust funds for purposes other than what the money was paid in for by employers and employees.

For many people in America today, Social Security is the only money they get. Only 50 percent of America's workers have access to pensions. That does not count Social Security. Most people working in America, and especially women, have no hope of ever getting a pension. To enshrine in the Constitution any amendment that would guarantee to the American workers that these contributions are no longer going to be protected I believe is wrong.

How much of an impact does Social Security make on the lives of Americans? Nationally, in December 1995, benefits were paid to about 44 million Americans. This includes 27 million retired workers, about 5 million widows, a few widowers, 4 million disabled workers, and more.

The monthly average benefit paid to a Social Security retired worker is $720. A wife gets $354, because it usually is a wife at this stage. Most husbands have Social Security benefits. Wives have not up to this stage. It is changing in the future years.

In the State of Nevada, we have about 229,000 people who receive Social Security benefits. Said another way, that is about 15 percent of the people in Nevada depend on Social Security for support. In Nevada, 153,000 of these people are retired, 21,000 are widows, about 23,000 are disabled, and then there are, of course, some children, about 17,000 children, whose parents have been killed or died in some fashion who receive benefits.

The average benefit in the State of Nevada is $5 a month more than the national average; $725 a month is what Nevadans get on an average from Social Security. For $725 a month, they are not able to pay for ads in the larger newspapers in Nevada, full-page ads at a cost of about $5,000. They are not going to be able to do that. Ads running in radio stations today alone will cost tens of thousands of dollars, and in television, no telling how much money.

These people cannot pay for the ads, but the large corporations are helping pay for these ads or are paying for these ads. Why? Because they know, Mr. President, that if we balance the budget the right way and do not use Social Security benefits and we really want to balance the budget, they are probably going to have to chip in a few dollars or take longer or they are going to have to make more cuts. So they are willing to spend money up front to save them a few dollars.

In the State of Nevada, $2.1 billion was paid into Social Security last year. Drawing out of that was far less than $2 billion—about $1.4 billion. The rest went to surplus, the surplus the people in this body want to use to mask the deficit. I say they should not be able to do that. These moneys should be set aside for Social Security recipients.

Social Security in every State plays a vital role. It is a program that keeps people off poverty. It gives people dignity. It is not only in Nevada. This is the way it is all across the country. In fact, the amendment I offered, which was defeated by a vote of 55 to 45, had two very courageous Republicans from different parts of the country who voted in favor of it. The senior Senator from Arizona voted for it; the senior Senator from Pennsylvania voted for it.

In addition to that, we now have held up in the House the balanced budget amendment. Why? Because some very courageous sophomore Republicans are saying we will vote for a balanced budget amendment but we want to exclude Social Security benefits. My office has received some phone calls about people in this body on that side of the aisle who are now considering offering amendments of their own. I hope that there will be further thought given to that, that we will exclude Social Security from the calculations of the balanced budget amendment.

Social Security is the major source of income for 63 percent of all the beneficiaries. For 63 percent of the people who draw Social Security benefits, that is all the money they get. It is for this group that I am most concerned and speak on their behalf today. They are not going to run ads in the newspapers. They are not going to be able to pay for television or radio ads. But their thoughts are just as important, their ideas are just as important as the people who are spending hundreds of thousands of dollars trying to get out the message that they want to be able to mask the deficit.

Currently, about 90 percent of older households get Social Security benefits. Benefits keep about 15 million Americans above the poverty line and even more from near poverty. While this is nothing to be proud of, I think it is something we should reflect upon as to how much better we are doing. Today, 10.5 percent of our senior population falls below the poverty line.

It was just a few years ago that we had poorhouses where people who had no money went. Most of the counties—the States helped a little bit—had poorhouses for these people. The difference between poorhouses and no poorhouses is this program we call Social Security.

So I am concerned about approximately 44 million Americans and 229,000 Nevadans who depend on this program to maintain their dignity. This is by no means the time to turn our backs on the success of this program or the citizens who rely on this program. We must listen to the people who tell us: balance the budget but do not do it using Social Security.

The vast majority of Americans agree with my position in spite of the ads, in spite of the media blitz. The Wall Street Journal, the New York Times, NBC, CNN have all run polls showing that about 75 percent of the American people support balancing the budget but without using Social Security.

Franklin Roosevelt said upon signing the Social Security act, "We can never insure one hundred percent of the population against one hundred percent of the hazards and vicissitudes of life, but we have tried to frame a law which will give some measure of protection to the average citizen and to his family against the loss of a job and against a poverty-ridden old age."

This statement, given in August 1935, was visionary because we have done just that. We have given dignity to the old of America. They do not have to live in poverty. You can see the impact of this program, which I have said on this floor is the most successful Social Security program in the history of the world. It is my hope that Members on both sides of the aisle will think long and hard about the impact of the balanced budget amendment on Social Security and vote accordingly.

News accounts indicate that the Republican leadership is open to modifying the underlying amendment. I understand that as we speak some are shopping language they believe would address this issue. As long as they focus on Social Security, I am willing to do that. I have been very narrow in my advocacy on this floor. While I think some of the other ideas about capital budgeting, emergencies and the military are good, I am not willing to focus on those amendments. I want to focus on Social Security and the importance I think it plays in our society, and therefore I hope those who are shopping amendments will shop in a very narrow fashion and wind up supporting the amendment where we give continued dignity to the seniors of this country.

Mr. DEWINE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

VICTIMS OF NATURAL DISASTERS

Mr. DEWINE. Mr. President, I rise today, on behalf of the people of Ohio, to express our deepest sympathy to the families of all those who have suffered injury and loss of life in this weekend's tornadoes, flooding, and other natural disasters. Our hearts certainly go out to everyone who has suffered, at this time of their need.

I personally experienced the Xenia tornado of 1974, and I know how awful such devastation can be. When I saw the pictures over the weekend of the homes totally torn apart in Arkansas, I was reminded of what I saw in 1974 in Xenia, OH. I was assistant prosecuting attorney at the time. We heard the tornado was coming and got down in the basement. After the tornado had passed over, I literally crawled out of the basement of the building, what was left of it, and looked at Xenia and saw the unbelievable devastation. So I have some understanding of what the people of Arkansas and the people of other States are going through with regard to these natural disasters.

Let me talk for a moment about the terrible tragedy that took place in my home State of Ohio this weekend, and what we possibly can do to give assistance. The southern part of our State was ravaged by the worst flooding we have experienced in at least 33 years. At least four people have died so far, and 14 counties are now in a state of emergency. Bridges have been wiped out; houses and cars have been swept away. Our thoughts and prayers go to the families of those who have lost their lives, and to all those who have been evacuated from their homes and all those who face this disaster.

Along with Senator GLENN and my colleagues from Ohio in the House of Representatives, I will be working with the administration to make sure the Federal Government helps these Ohioans get back to their homes. I am encouraged by President Clinton's swift response with Federal aid for Arkansas, and I encourage him to help Ohioans as well. We will be working to make sure everyone gets home safely as soon as possible.

Let me also talk about the tremendous job the American Red Cross, the Ohio National Guard, local volunteer groups, local fire departments, and rescue squads are doing in my home State. They have been working this weekend, they are working right now, as we speak. My hat is off to them. I send my congratulations and thanks for the tremendous amount of work they are doing. They are offering a desperately needed helping hand to some families who are having a very, very difficult time.

My wife Fran and I extend our prayers to all who have been touched in any way by this tragedy. To those who have lost their lives and those who have been forced from their homes, and to their families, I stand ready to work with all Ohioans to help their communities return to normal just as soon as possible.

PARTIAL-BIRTH ABORTION

Mr. DEWINE. Mr. President, at this point let me turn to something I have talked about on this floor on many occasions in the past 2 years, the issue of the banning of partial-birth abortion.

When the President of the United States justified his veto of the partial-birth abortion bill last year, this is what he said. I will quote now from President Clinton as he vetoed our bill:

> There are a few hundred women every year who have personally agonizing situations where their children are born or about to be born with terrible deformities, which will cause them to die either just before, during or just after childbirth. And these women, among other things, cannot preserve the ability to have further children. . . ."

That was a quote from the President, when he vetoed the partial-birth abortion bill.

In light of those remarks by President Clinton, I hope all Americans heard the media reports last week about the shocking confession of a leader in the abortion rights movement. It turns out that in every material detail the President's comments that I have just quoted, the comments he made in defense of his veto, are false. And the confession of this leader in the abortion rights movement, the confession he made last week which I am going to talk about in more detail in just a moment, that confession shows the comments made by our President were simply not true because the fact is, President Clinton based his veto on information that was not true.

For the last 2 years, a number of us here in the Senate have been trying to ban this horrible practice of partial-birth abortion, a practice in which a baby is partially removed from the mother, partially delivered, and then killed. I believe the horror of this practice is so clear, so heinous, it should truly offer some common ground for those of us who oppose abortion and those who do, in fact, support abortion rights. In my view, one does not have to join the pro-life side in order to oppose this practice. In fact, if you look to some of the Members of the House, for example, who voted with us on this issue, who voted to ban the partial-birth abortion, many of them by their own definition would be classified as pro-choice.

So, this should be an area where pro-choice and pro-life come together. The sad fact is though, Mr. President, we were not, last year, able to get our bill banning partial-birth abortion past President Clinton's veto pen, in large measure because of the rationale used by the President, which was simply wrong. The American people were assured that partial-birth abortion was an extremely rare procedure—one that occurs only a few hundred times a year—and is only used to save mothers whose lives are in extreme danger or where the child has been malformed.

Thomas Jefferson had a good phrase for arguments like this. He called them, "false facts." Because these very impressive sounding arguments, as many of us suspected, turn out to be wrong.

For those of my colleagues—and there can't be very many by now—who have not heard about the startling revelations by Ron Fitzsimmons, let me talk for a moment about them.

Mr. Fitzsimmons is the national director of the National Coalition of Abortion Providers. In 1995, when the Senate was considering the partial-birth abortion bill, he was helping lead the fight against it. In fact, he went on "Nightline" to argue that the procedure ought to remain legal.

At that time, Mr. Fitzsimmons said that the procedure was rare and was primarily performed to save the lives or the fertility of the mothers.

Now, as we found out last week, because of Mr. Fitzsimmons' own comments, own revelations, own confession, his conscience started gnawing him almost immediately after he had appeared on "Nightline." He says now that he felt physically ill at the lies that he had told. He said to his wife the very next day, according to him, "I can't do this again. I can't do this again."

Meanwhile, President Clinton was using Mr. Fitzsimmons' false statements to buttress his case for vetoing the partial-birth abortion bill. And, as I said last week, Mr. Fitzsimmons at long last came in from the cold. He admitted that, to use his own words, he "lied through his teeth."

LIED THROUGH HIS TEETH

The facts, as he now publicly acknowledges them, are clear. Partial-birth abortion is not a rare procedure. It happens all the time, and it is not limited to mothers and fetuses who are in danger. It is performed on healthy women and healthy babies all the time, and that is what the facts are.

Mr. President, it is true that everyone is entitled to his or her own opinion, but people are not entitled to their own facts. On partial-birth abortion, the facts are out, the facts are clear, and I join our distinguished colleague, the senior Senator from New York, in hoping, as he was quoted this weekend, in light of these facts, that the President will reverse his decision to veto this bill.

Mr. President, it would seem fairly simple that when one makes a decision, in this case President Clinton's decision to veto this bill that was passed overwhelmingly by the House and overwhelmingly by the Senate, that when he made his decision to veto the bill and when he publicly stated why he made that decision to veto the bill, when it turns out later that the facts are proven to be false, the underlying facts, the underlying rationale by which he apparently made his decision, it would seem that it would not be too hard for the President then to change his mind, based on a new understanding of what the facts truly are.

We will be debating this issue again on the floor, we will be holding hearings again in the Judiciary Committee, and we will be back out here again talking about this very important matter. I hope that as we do that, my friends and colleagues who opposed us on this issue will remember what Mr. Fitzsimmons said, what he said when he could no longer apparently stand it anymore, that he had, in fact "lied through his teeth," that the facts he gave the public, the facts he gave Congress, the facts he gave the President were simply not true.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I thank the Presiding Officer and appreciate the opportunity to come to the floor.

COMPLIMENTING SENATOR JOHNSON ON HIS MAIDEN SPEECH IN THE SENATE

Mr. DASCHLE. Mr. President, let me begin by complimenting the junior Senator from South Dakota on his maiden speech in the U.S. Senate. As all of us recall, those are very important moments in the career of any Senator, and I appreciate very much having had the opportunity to listen to him. I applaud him for his comments and wish him well in his many years of service in the U.S. Senate.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. DASCHLE. Mr. President, I did not have the opportunity to hear our majority leader last week discuss matters of concern to him, especially as they related to the balanced budget amendment. But I was disappointed to read press reports, and then read the RECORD this morning, with regard to some of his comments relating to some of our colleagues.

He has noted on the floor that in the past, this has been a positive debate, an instructive debate and a debate that clarifies differences among us. I think that characterization is accurate. Oftentimes on the Senate floor, in heated debate, we say and espouse things we wish we could take back later. But this debate has largely been devoid of that. I think that has been productive and ought to be the way we conduct ourselves.

So it was somewhat surprising to me to hear the majority leader so personally attack some of our colleagues and express himself as he did. It was, in my view, uncharacteristic of the majority leader. I hope that we can retain the level of decorum and the level of civility on the Senate floor that will lend itself to a good debate on this and many other very controversial and extraordinarily contentious issues in the future. We, as leaders, need to set the example. We, as leaders, need to demonstrate that there is a threshold of civility and a standard which we should follow that, in my view, ought to be demonstrated first and foremost by the leadership.

I know of many cases where colleagues on the Senate floor, Republican and Democratic, have taken positions on any one of a number of issues and concluded, having been presented with more information, that the original position they took was not one they could accept now. That has happened in cases involving constitutional amendments, involving statutory law, and involving other legislation. I hope it would be the way we conduct ourselves in considering many of the issues affecting our country and its future.

Obviously, with new information, and under different circumstances, one comes to different conclusions. I, myself, faced a similar set of circumstances early on. I have always wanted to be on the side of those supporting a constitutional amendment to balance the budget.

On reflection, much of the language that we have resorted to in the past, that we have used in the past, is language that, in retrospect, is not as appropriate for the Constitution as we had originally thought it might be.

I am very concerned about the implications of any amendment to the U.S. Constitution, but especially one involving our economy, especially one involving our own fiscal responsibility, especially one involving our ability to cope with a myriad of circumstances that this country is going to confront at some point in the future.

So clearly, as my colleagues have indicated, new information has been presented to us this year. We have received new information from the Congressional Research Service, new information from the Office of Management and Budget, and new information from the Treasury Department, all reporting that the circumstances involving the Social Security trust fund are vastly different than what we were originally led to believe during the 1980's.

There is a difference in the interpretation of the Social Security trust fund than what I was originally presented as fact in years past. What we are now told, not by some partisan organization but by the nonpartisan Congressional Research Service, and by the Office of Management and Budget, is that funds used for Social Security purposes are going to have to be offset with other funds, such as tax increases or spending cuts, in order to be paid out at an appropriate time in the future.

Now, if we worked for a company and we were told that we had invested a certain amount of dollars—say $100,000—in our own retirement fund and then told that, before we could draw those funds out, the company would have to replenish those funds with other funds in order for that to be available, Mr. President, I think every single prospective retiree would feel very cheated. They would feel robbed.

Yet, that is exactly the circumstances now with the Social Security trust fund. Workers are paying into that fund with the expectation that it would be paid out in time to those who paid in. That will not be the case if we enshrine in the Constitution the utilization of the Social Security trust fund for purposes other than Social Security.

The same can be said for the capital budget. I know that we could have a good debate for days about whether or not we have a capital budget in this country. We all recognize that most States have them. We recognize that most businesses have them. There is not a family I know of, that pays off its mortgage in any one year. Families, businesses, and States currently have capital budgets or a very similar budgeting concept that allow them to differentiate between long-term investment and operating expenses. My family does that. My father's business used to do that.

The question is, Should we as a country do that at some point in the future? I think the answer is resoundingly, yes, we should. We need to differentiate between long-term investment and capital costs.

Mr. President, we are not doing that. But whether we subscribe to that concept or not, the question should be, Should we forevermore preclude this country from even considering a capital budget? We are now told by the Congressional Research Service that we will preclude the consideration of a capital budget if this amendment passes in its current form.

So, Mr. President, both on the basis of Social Security as well as the analysis of the Congressional Research Service—also confirmed by the Treasury Department—that we would be precluded from even considering a capital budget, I think these are issues that ought to weigh very heavily prior to the time our colleagues vote tomorrow afternoon.

I am also very concerned about the implications for recession. When there is an economic downturn, there is no doubt that we need to respond in ways that will allow us adequate time, adequate resources, and adequate flexibility to ensure that the downturn does not get any worse. We must ensure that we have some sort of a reflexive countercyclical approach to the economic consequences that we could be facing were we to do nothing. This legislation undermines our ability to do that.

I have heard it said many times that if it is a national emergency, clearly by the very definition of "national" you are going to have a sympathetic Senate responding to the circumstances and a sympathetic House responding to these circumstances in ways that would easily allow us to reach that threshold.

Well, I ask, what about a regional recession? During the early 1990's and late 1980's, there were seven or eight very deep regional recessions. The fact is that on many occasions were we to have presented some sort of a countercyclical, antirecessionary legislative remedy, I think it would have been very difficult, if not impossible, to reach that 60-vote threshold simply because of the circumstances that involve the regional implications of a recession.

So, I think it is very disconcerting to be locking into place forevermore the requirement that a supermajority be the threshold by which a countercyclical recession package be considered.

In addition, a poorly crafted balanced budget amendment deprives us of the automatic stabilizers that cushion the blows of a weakening economy. As an economic downturn begins, Government spending automatically increases just as tax revenues decline. Such a time would prove the worst moment to increase taxes or cut spending. Yet, a balanced budget amendment could require exactly that result, with potentially devastating consequences. A recession could be turned into a depression under those circumstances.

The risk of default and shutdowns are also very disconcerting. The fact is that a supermajority requirement under this constitutional amendment may preclude our ability to reach the threshold necessary to increase the statutory debt limit at times in the future. A minority of our colleagues could hold U.S. creditworthiness hostage were we to pass an amendment that allows the minority in this country to dictate whether or not we are going to increase the debt limit. How many times have we been on the floor and struggled to find a simple majority to do what has been required? I think it is going to be extraordinarily difficult for us with the supermajority requirement to do it at any time in the future.

National security is also a very serious matter. Section 5 of the pending amendment jeopardizes our ability to prepare for situations that we know will require intervention, such as the Persian Gulf effort. For Congress to waive the balanced budget amendment, the United States must be engaged in military conflict—must be engaged.

In Desert Shield we needed to build up before the conflict. In Desert Shield we stipulated that the conflict was imminent, and, as a result, we needed to prepare to be as aggressively engaged as that resolution provided. To say that there has to be conflict before we can issue or provide for any legislative support, in my view, is extraordinarily poorly worded and ill-founded.

Finally, Mr. President, with regard to the budget itself, I think our record over the last 5 years demonstrates that where there is a will there is a way. There has been a will. We have reduced the deficit from $295 billion to $107 billion since 1993. We have reduced the deficit by 60 percent through congressional action.

Obviously, we need to go the rest of the way. But clearly, if we are going to achieve our goals in balancing the budget, we can do so if we continue to commit as successfully and as aggressively in the next 5 or 6 years as we have in the past.

But I am troubled in that regard as well, Mr. President, because there are proposals, including the one offered by the majority leader, that would create a deficit of more than $500 billion in new tax breaks were we to pass the bill that he has proposed—$500 billion over 10 years and $750 billion, three-quarters of a trillion dollars, in the second decade that that tax bill would go into effect.

So, it is very difficult for me to understand how some of my colleagues on one hand can argue that we need to pass a constitutional amendment to balance the budget, but then offer legislation which exacerbates the problem by a substantial margin of $500 to $750 billion in additional deficits if that legislation were to pass.

I might remind my colleagues, even if we balance the budget, we have a $5.5 trillion accumulated debt that we have not yet paid down.

The difference between the deficit and the debt is that the deficit, of course, is what we accumulate in new debt every year; the debt is what we have already accumulated. And we have accumulated a lot. When are we going to start buying that debt down? And how are we going to do that if we continue to exacerbate the problem, continue to complicate our situation by offering tax measures that allow a deficit of that magnitude to be added on to the troubles that we are facing over the next couple of years? Mr. President, for all those reasons, I hope my colleagues will take great care as they make their choices tomorrow afternoon.

The leader had suggested that he has a couple of potential surprises in his pocket. Well, I guess I have to announce to my colleagues that I have a couple of surprises that I do not wish to talk about right now to ensure that the vote will be as we expect it will. But I do not think it ought to be a question or a contest of surprises or parliamentary maneuvers or amendments that may or may not be in our best interest.

The question can be and will be and should be: Can we have a good debate about any one of a number of divisive issues like we know we have to face in this Senate, on a number of very, very difficult matters that will keep coming back? Can we do it in a civil way? Can we do it in a way that does not in some way question the motives or the positions taken by some of our colleagues? Can we do it with an expectation that will resolve that matter and go on to yet another and another day?

I hope we can do that. I hope the leadership will set the example as we do that. I hope that after the vote tomorrow we can move on to other things. We are prepared to debate this longer if we need to do that. I hope that will not be the case. We should move on and get work done in the body and move on with some expectation that bipartisanship is still alive and well and flourishing here in this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I first thank my distinguished colleague who so kindly allowed me to precede him on the floor for a few minutes.

TRIBUTE TO REMMEL T. DICKINSON

Mr. WARNER. Mr. President, I pay tribute to my most senior staff member who is departing after a well-earned career to take on other pursuits. I do so with a sense of sadness, but indeed, a great sense of recognition for an individual upon whom I have relied, as have many other Senators. Rem is meritorious among his peer group of staff in the Senate and is recognized as the type of individual who is the very foundation upon which we, the 100 Senators, have to rely every day. His support and advice enables us to represent our respective constituencies and to do what we individually think is in the best interests of our Nation.

Remmel T. Dickinson's service in my office began February 12, 1979, and he is to complete his Senate career on Wednesday, March 5, an impressive 18 years, on my staff, and serving 20 years in the U.S. Senate.

He proudly hails from Little Rock, AR, but developed early on in his career in the Senate an equal if not greater loyalty to the Commonwealth of Virginia. I must hail him for that.

From the campaign on which I was first elected, in 1978, he came on to the Senate, and like so many, he did not want to start anywhere but right down at the threshold level where he could learn the system all the way up. Indeed, he started in that all-essential institution known in the Senate as the mail room, which in many respects is the heartbeat of every Senate office.

With meticulous attention to detail and congenial personality, and I want to underline that, Rem gained the admiration of his peers in the Senate wherever they may work, and his peers throughout the Commonwealth of Virginia, because he was very loyal to many, many people in Virginia. He was a true friend, and is today and always will be, to those that are disadvantaged in our society—be it with physical problems, educational problems, health problems, or whatever it is. The bigger the problem, the bigger the challenge, the harder Rem Dickinson worked to solve it.

The Federal employees are often a very beleaguered group. He was there no matter what the challenge, to step up and advise me and other Members of the Senate, and indeed, staffers throughout this institution, on what he felt was best and equitable for the Federal employee. And not just those in the greater Metropolitan Washington area, but all across the United States he was recognized for his knowledge as it related to the essential services provided to the Federal employee by our country. Equal access for quality education opportunities and equal access in our health care system were his goals, and indeed we have achieved that and will go on to try and improve on those achievements here in the Senate.

In past years, Rem worked tirelessly on the Republican Health Care Task Force striving for solutions to the dilemma confronting millions of Americans who simply did not have health insurance and the millions more attempting to cope with the ever-increasing problems associated with increasing health costs.

In the area of education, Rem has helped in supporting our States to provide educational service for students with disabilities, known as IDEA. His attention has also focused on impact aid, a program which local school districts, those local districts colocated with military bases all across our Nation, and helping to get those funds which will enable the children of military families to receive their education in the local school districts without too severely impacting the costs of others who contribute, by and large, through local real estate taxes.

Rem believes, as I do, that education is the key to a better quality of life for all Americans. He has earned a reputation for honesty and professionalism both in the Senate and, as I said, throughout Virginia. My constituents have had an open door to the Senate's work through Rem's expertise in these areas.

As the years have passed, I am impressed by his dedication to duty, his loyalty to this Senate, to those on my staff, and to those on other Senate staffs, and indeed on a one-on-one basis with many Senators. Above all, he is a gentleman of honor in the finest traditions of the South which he loves.

Indeed, Rem has earned the loyalty, respect, admiration, recognition, and gratitude of virtually everyone with whom he has come in contact during his lifetime.

And I can only presume that the manner in which he has carried himself, and the care he has exercised in the performance of his duties will continue in whatever Rem chooses to do when he departs the Senate.

We will miss Rem's daily good counsel. I commend Rem for a career well spent and well conducted, and I congratulate him on the contribution he has made to our Nation, to Virginia, and we wish him the best in his future pursuits.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. I ask unanimous consent I be allowed to speak for up to 12 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECENT REPORTS AND GROWING AGREEMENT ON THE NEED FOR HIGH ACADEMIC STANDARDS

Mr. BINGAMAN. Mr. President, first I would like to call attention to several recent reports that have come out on the issue of high academic standards and the need for high standards and national standards in our schools, and refer to those reports and perhaps put them in context.

I think it is clear from the reports that I am going to refer to here that there is a need for accelerating the progress that our country is making in developing world class academic standards. It is also clear that the States and local school districts are having great difficulties in determining for themselves what those standards ought to be, which is a large and costly task.

First, I will refer to the comprehensive Third International Math and Science Study that was recently released. It shows that math standards have not yet been implemented at the classroom level in many of our schools, and our students score at or below the average on math and science compared to students in other nations.

Mr. President, you will remember that one of the goals which the Governors and President Bush established in Charlottesville in 1989 was that the United States would be first in the world in math and science by the year 2000. In fact, the reality is very different from that lofty goal that was set 8 years ago.

This first chart here indicates the average math scores of eighth graders on international tests. We can see in the group of nations that are considered top performers that the United States is not listed. Those nations are Singapore, South Korea, Japan, Hong Kong, and Belgium-Flemish.

In the middle range, the United States is at the very bottom, far behind the Russian Federation. After us, there are the bottom performers, and the most we can say with pride is that we are not in that category.

But, Mr. President, I think most parents in this country would aspire to our doing better than we are showing we have done on this test. And I hope very much that we can.

Here is a second chart that makes somewhat the same point. This chart indicates that of students scoring among the top 10 percent of eighth graders on international tests, 45 percent of these were from Singapore, and 34 percent from South Korea. It goes on down to where, in math the United States had only 5 percent of the world's top students in math, and only 13 percent in science. So, clearly, again, we find ourselves very far down on the list of nations in this comparison.

There is also a new national report card on education that has been published by Education Week, which is a respected publication in our country. It confirms the findings of several previous reports that the standards many States have now established may not be rigorous enough compared to other nations' standards, and, also, that there are all too few States that plan to hold students or teachers accountable for measurable results.

Let me show you these two charts to make this point, Mr. President. The first of these is a chart entitled, "Who's Accountable?" What this essentially says is that only those few States that come up on the map here as colored yellow are States that have standards for their graduates from high school. Clearly, most of the country—and, unfortunately, my State included—do not have accountability standards that students have to meet in order to graduate from high school. Clearly, this is a problem that we need to address as a nation.

Another chart, "8th Grade Math Course-Taking." This indicates very clearly that most of our eighth-graders are simply taking general math and only 19 percent, according to this analysis, are, in fact, taking algebra at the time they go into the eighth grade. This is one of the reasons we do so poorly on the international comparisons of mathematics scores.

Finally, the 1996 National Assessment of Educational Progress math scores, which were just released last week, show that over 30 percent of 4th, 8th, and 12th-graders lack basic math skills, despite recent progress.

Let me show you that chart, Mr. President. When you look at this, you can see a very modest upward trend from 1990 to 1992 to 1996 at the three different grade levels, 4th, 8th, and 12th. As you can see, we are nowhere near approaching the level of improvement that is necessary if we are going to meet any of the national goals that we have set out for ourselves.

Delays in developing standards have been made worse by the fact that, despite the abundance of tests and report cards published by State and local education agencies, very little of the information is comparable from district to district, or very little of the information is set at a high enough standard for us to make reasonable comparisons to these international tests.

As Education Week recently pointed out, "If the data that we depend on to monitor the economy were as incomplete, as unreliable, and as out of date as the data we depend on to monitor education in the United States, we might as well have the economy of a Third World country."

Instead, we have a hodgepodge of different tests and standards, most of them testing basic skills rather than world-class materials, a lot of data that only describes how students in one area are doing compared to how they did in the previous year.

Differences in student "pass rates" on State and national testing indicate enormous gaps in what we are testing for. Let me show you the final chart that I have here, Mr. President, to make that point. You can see from this chart entitled "State NAEP Scores for 4th Grade Reading Compared to the State's Own Assessment" that, for example, in the State of Wisconsin, it shows here that 35 percent of the students are shown to reach the standard that NAEP sets on their National Fourth Grade Reading Test. In their State standard test, Wisconsin shows 88 percent of their students meeting the standards. So you can see there is very little comparability between what the States are testing for and the level of performance that they are expecting and what the NAEP, the national assessment, is testing for.

As a result, we still have schools that are doing superbly, and we also have schools that are doing miserably. Many times they are in the very same areas and in the same school districts. Parents and educators often do not even know which of those types of schools their own children are in.

In response to this situation, many have come to agree that we need to set our standards much higher and we need to gather more accurate information in order to improve achievement, as has been done with great success in several parts of the private sector.

The National Association of Business, the U.S. Chamber of Commerce, and the Business Round Table have now focused their joint efforts on raising standards and promoting more accountability in our schools.

The National Education Association president, Bob Chase, spoke out about the need for his 2.2-million-member union to support key changes such as these.

Frequent education critics Checker Finn and Diane Ravitch recently offered surprising enthusiasm for standards. Let me quote: "how powerful it will be for parents and teachers to compare the math prowess of 8th graders in, say, Phoenix and Minneapolis, to the performance of their peers in Korea and the Czech Republic."

In addition to national polls showing strong support for high standards, a Public Agenda poll last month showed that high school students themselves know that our expectations for them are low, and those very high school students respond accordingly.

Raising academic standards has proven to be an immense and costly job for States and for school districts, who have been left to do the job largely on their own. They have been struggling to make the necessary progress but have been unable to do so. For these reasons, we need renewed national efforts toward making standards a reality in the near future.

ALBERT SHANKER

Mr. BINGAMAN. Mr. President, I would like to say a few words about the recent death of a great education leader, Albert Shanker, who was as committed and effective in the fight for National standards as anybody in our country. For those of us who believe that the Federal Government should do more to improve the quality of education in the country, Al Shanker's death was a great loss. More than anyone else in the Nation, Al Shanker was the visionary pushing for higher standards and national standards for teachers and students alike.

In a recent piece in the Washington Post, E.D. Hirsch, Jr., said it very well:

> If a single person could be said to be responsible for the shift in sentiment that prompted the President to call, in his State of the Union Address, for national educational standards—a proposal that would have been unthinkable a few years back—it would be Al Shanker.

Albert Shanker had an abiding belief that collectively we in America could improve the lives of all of our citizens. He dedicated his life to that belief. He also believed passionately that public schools were the great strength of our country and were the means by which we could improve the lot of Americans.

A recent essay by Albert Shanker was contained in the New York Times. I would like to read two paragraphs from that. This is an essay that he wrote in a publication a few years ago. He said:

> Why do I continue when so much of what I've worked for seems threatened? To a large extent because I believe that public education is the glue that has held this country together. Critics now say that the common school never really existed, that it's time to abandon this ideal in favor of schools that are designed to appeal to groups based on ethnicity, race, religion, class, or common interests of various kinds. But schools like these would foster divisions in our society; they would be like setting a time bomb.
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> * * * * *
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> Public schools played a big role in holding our nation together. They brought together children of different races, languages, religions, and cultures and gave them a common language and sense of common purpose. He was not outgrown our need for this; far from it. Today, Americans come from more different countries and speak more different languages than ever before. Whenever the problems connected with school reform seem especially tough, I think about this. I think about what public education gave me—a kid who couldn't even speak English when I entered first grade. I think about what it has given me and can give to countless numbers of other kids like me. And I know that keeping public education together is worth whatever effort it takes.

Al Shanker believed that the National Government needed to commit itself to improving our Nation's schools. Should we have national education goals? Al Shanker believed strongly that we should. Should we have educational standards? Al Shanker believed we should so that every parent could determine whether their child was getting the education that they deserved.

Mr. President, I was privileged to work with Al Shanker on several issues but, most importantly, on the issue of improving standards for our schools. His vision and his strength of commitment were always an inspiration.

With his death, the American Federation of Teachers lost a superb president and all of us in America lost a tireless champion for public education and for a better America.

Thank you, Mr. President. I yield the floor.

A TRIBUTE TO ROY D. NEDROW

Mr. ASHCROFT. Mr. President, I rise today to honor a lifetime commitment to law and order in the United States. On March 1, 1997, Mr. Roy D. Nedrow retired as the Director of the Naval Criminal Investigative Service, ending 33 years of law enforcement service to the community at the local, State, and Federal levels.

Mr. Nedrow began his law enforcement career in 1964 with the Berkeley, CA, Police Department and served there for 6 years, first as a patrolman and later as a training sergeant and detective. In 1970, Mr. Nedrow was appointed a special agent with the U.S. Secret Service where he distinguished himself during assignments in the field and at the Service's Headquarters. As a result of his outstanding performance and talents, Mr. Nedrow earned a number of promotions culminating in his appointment to the Senior Executive Service and assignment as the Service's Deputy Assistant Director for the Office of Investigations where he oversaw the investigations and protective support activities conducted by the Service's 1,200 special agents at its more than 100 field locations.

On December 28, 1992, Mr. Nedrow retired from the Secret Service to accept the appointment as the Director of the Naval Criminal Investigative Service. His induction came a critical time in the Agency's history. His strong leadership restored stability to an agency which needed greater independence and a change of direction. Assembling a team of highly qualified professionals, Director Nedrow overhauled the Service, reorganizing it to diminish its bureaucracy, and to provide greater accountability and responsiveness to its consumers. He provided his people with a new vision, the necessary resources and support, and the inspiration to achieve positive change. Under his leadership, the Naval Criminal Investigative Service gained national recognition for its innovation in the field of homicide investigation. Its approach to the investigation of previously unresolved or cold case homicides, some as old as 28 years, was lauded in October 1996 by the International Chiefs of Police [IACP] during its prestigious Webber Seavey Award for Quality in Law Enforcement Ceremony for innovation and excellence in law enforcement programs. The NCIS cold case methodology has since been adopted by numerous law enforcement agencies throughout the United States. Director Nedrow also recognized the problems and anxieties endured by families of deceased service men and women whose deaths occurred under other than natural circumstances. He revitalized and championed a Family Liaison Program to assure responsiveness to the needs of, and issues raised by, surviving family members during the death investigation process. His legacy of additional achievements with and for the Service include a well-respected Critical Incident Debriefing Team, a proven Alternative Dispute Resolution system, and a cutting edge Computer Crimes Investigation Group.

"The final test of a leader," renowned journalist Walter Lippman wrote in 1945, "is that he leaves behind him in other men the conviction and will to carry on." The testimony to Roy Nedrow is that the Naval Criminal Investigative Service is indeed a better agency today and that he leaves it in most capable and inspired hands.

Mr. President, in closing I wish to commend Roy Nedrow for outstanding leadership and service and thank him for his dedication to the Nation as a guardian of our peace. I wish him, and his wife, Claudia, Godspeed in his retirement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. HAGEL assumed the Chair.)

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—SENATE JOINT RESOLUTION 19

Mr. COVERDELL. Madam President, I send a joint resolution to the desk on behalf of myself and Senators FEINSTEIN and HELMS, a joint resolution relative to Presidential certification of Mexico regarding drugs, and ask that the joint resolution be read for the first time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> To disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

Mr. COVERDELL. Madam President, I now ask for its second reading and object to my request on behalf of Democratic Members on the other side of the aisle.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

(The remarks of Mr. COVERDELL and Mrs. FEINSTEIN pertaining to the introduction of Senate Joint Resolution 19, Senate Joint Resolution 20, and Senate Joint Resolution 21 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Indiana.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. COATS. Mr. President, over the last 15 years, the balanced budget amendment has been debated over and over again in this Chamber. Members of one or both Chambers of Congress actually have voted on this proposal six times. The arguments, by this point, are familiar. We have heard them over the last several weeks and the last several years in these debates. So there is the disturbing process by which the vested interests of this institution are protected against the clear will of our democracy.

We are not, of course, debating about passage of a balanced budget amendment. We are debating whether or not to send that decision to the States and to the people of America. Often that gets confused. People think that the entire decision, the entire vote, rests with the 100 Members of this Senate body, when in fact the only thing that rests with us is whether or not we will make the decision to give the people of America, to give democracy, an opportunity to decide whether or not we ought to have a balanced budget directing our fiscal affairs here in Washington.

We are debating whether to prefer our interests above their wisdom, and it appears we will once again by the narrowest of margins decide to sustain this corrupt and corrupting Federal power of unlimited debt.

Once again our debate on this matter has been conducted to maximize public cynicism—not intentionally but that is certainly the result—with twisted arms, violated promises, pressure tactics, and broken commitments. We have seen it all surround this issue time and time again. And, once again, as we are debating this, people are switching their position, people pledging to their constituents during the campaign: "I will be there when the balanced budget call is taken; when the roll is called, I will be on the plus side." And, of course, now we hear the excuses as to why since the election is over that is no longer the case. Even those who have voted for the balanced budget amendment in the past now find convenient reasons not to do so in the present.

So I guess we cannot really blame the American people for being cynical, for being apathetic about what takes place here in this body, in the Congress, in Washington. All of this in a desperate attempt to prevent the American citizen from having a voice and having a vote, all to prop up, if just for a few more years, the ability of Congress to cripple the success and the prosperity of the future.

There are many divisive issues debated in this Chamber, but this issue is unique in one way. The defeat of a balanced budget amendment represents the raw exercise of political power against the desires of over 80 percent of the American public. In my experience in politics, no proposal with support so strong and so consistent has ever been frustrated for so long by the Congress.

Make no mistake. A balanced budget amendment will eventually be sent to the States for ratification. I think that is guaranteed by the breadth of public commitment which will not go away and will only grow in strength. We can delay this process, as apparently we will do once again, but not deny it. Every year of delay increases our danger and ought to add to our shame and guilt.

Rather than rehearse the detailed arguments of this debate, let me take, if I could, a long review of what I think we have learned. First, the history of the last few decades and the nature of the political process itself argues that the Congress is incapable of self-restraint. We have a system in place, a system that allows us to vote public benefits to the very people who keep us in office. We have a system that allows us to place the burden of those benefits on the future while we gain political support from the present. We have found an efficient way to betray future generations in favor of the present. And it is easy and relatively painless because our generation can vote while future generations cannot and our silence and their anger is distant. We do not feel or hear their anger at the next election because they do not have a vote at the next election. So we please those who benefit us now at the expense of those in the future.

The only thing we sacrifice in this process—Mr. President, I would say it is a great sacrifice—is our integrity and our historical reputation. In a distortion of the Constitution, we promote the general welfare for ourselves at the expense of our posterity. As it stands, there is no weight on the other side of this balance. There is no reliable check on this process of intergenerational theft. It is politically prudent, even popular, and this political calculation will not change, will never permanently change without some kind of systematic institutional counterweight, without some measure to give posterity a voice in our affairs. Nothing, in my view, will permanently change until the accumulation of popular debt is a violation of our oath to the Constitution. Perverse incentives of the current system will not be altered until the system itself is altered, until our political interests are balanced by the weighty words of a constitutional amendment.

The second lesson I believe we have learned in the last few decades is that despite all the talk we hear in Congress, despite all the posturing, despite all the rhetoric, we are simply ignoring the coming entitlement crisis. We are not facing up to the hard question. We have chosen cheerful oblivion over public responsibility. The train wreck is a precise, measurable distance away. Trustees predict that the Medicare part A will be bankrupt by the year 2002. Trustees of Social Security believe that the system will begin to run a deficit in 2013 and could collapse by 2029.

Former Commerce Secretary Pete Peterson recently wrote that if entitlements are not reformed, the cost of Social Security and Medicare by the year 2040 will take between 35 and 55 percent of every worker's paycheck. It is a crisis propelled by demographics and propelled by Federal irresponsibility. Every year we avoid real reform we make real reform more painful.

Oh, and the attitude here is, well, 2002, 2013, 2029, I will probably be out of office by then, or hopefully something will change by then, or let us not think beyond 1998. That is the next election, isn't it. Let us see what we can do to slip by one more election. But it is always one more election, one more election, one more election.

When I came here in 1980, we were charged with the responsibility of dealing with deficit spending. We were charged with the responsibility of getting a handle on the entitlements and being straightforward and real with the American people, but each time it slipped one more election, one more election, one more election. Now we are looking at 1998.

There does not appear to be any movement out of this administration to address entitlements in a serious structural way—some tinkering at the edges suggesting but not proffered, some concerns about the political implications of making the hard choices, making the difficult decisions, but nothing concrete before us as a body. And so we will pass again for 2 more years.

Opponents of the balanced budget amendment talk a great deal about Social Security, but they do not talk about solving its most fundamental problems. Instead, their efforts are designed to move it off budget, creating the illusion that this action will somehow save the system.

This is a distraction, as I think everyone in this Chamber knows. It is not a solution. It is a distraction from the fact that our current budget rules are deceptive. We are borrowing from the Social Security trust fund and replacing real money with T-bills. There is not some giant pot of money out here waiting for Social Security recipients. It is a pay-as-you-go system. Some have called it the ultimate pyramid system. We are borrowing from it and putting pieces of paper into it to pay it back someday. That payback has to come from the general revenue. Those T-bills are a promise to pay benefits in the future, yet this borrowing is not reflected in our deficit calculations each year.

As a matter of budgeting integrity, we should stop the shell game. We need an accurate accounting of the yearly deficit and the Federal debt. In fiscal 1996, we reported a budget deficit of $107 billion, but we failed to report an additional $66 billion borrowed from and owed to Social Security. Where does that money come from? It comes from the American taxpayer. It comes from taxes imposed against their paychecks. It is money that is going to have to be paid back.

To say we can solve this problem by conveniently taking it off budget is a shell game. It is a deception of the American people. What it really amounts to is keeping two sets of books. These kinds of budget tricks make the job of balancing the budget easier in the short term—and of course it is the short term here that everyone is concerned about, the next election—but they compound the problems of future generations.

I urge my colleagues to put aside this phony debate over Social Security. It is impossible to disentangle Social Security revenues and expenditures from the budget. Congress should address the national debt by passing the balanced budget amendment and then turn quickly to real solutions, real reform of Social Security.

It is unfortunate and it is undeniable that President Clinton's budget currently on the table understands none of these lessons, and actually deepens our problems. It is a symbol of the Federal Government's failure of will and nerve.

When I came to the Congress in 1981, our total Federal debt was just under $1 trillion. In the plan the President submitted recently to this Congress, his budgets will contribute another $1 trillion to the debt before those budgets are supposed to come into balance. This is hardly an act of courage. In fact, the President's plan demands that nearly all the courage be shown by others, since it postpones real spending cuts until after he leaves office. Moreover, if the President's own optimistic estimates about future deficits do not prove accurate, he relies on triggers—automatic cuts in spending and increased taxes—to bring the budget into balance. All of this occurring, again, after he has left office, after he no longer will be held to account.

Harry Truman's famous injunction, "the buck stops here," apparently now reads: The buck stops at the desk of the next person to occupy this office.

Now we will apparently learn from CBO later this week that even the President's budget numbers are not accurate. They are not even close. We will, in fact, be about $70 billion short of balance in 2002. This year's budgets alone will see a 20 percent increase in the deficit.

This budget is the embodiment of the point I am trying to make. Deferring responsibility is easy. Shifting hard choices to the future is easy. Deficit spending is easy. Everybody plays the game unless a constitutional amendment changes the ground rules, unless fiscal discipline is imposed from above, not from within. Unless the system is changed, exposing and ending all of our tricks and excuses, that is the only way we can be honest with the American people. That is the only way we can end the cynicism toward our efforts here in the Congress, which are falling, I am afraid, ever more on deaf ears.

There is a great deal at stake here. As others have argued at length, increasing debt has an economic cost in higher interest rates. For businesses, this means slowed or stalled expansion, and for families it means that buying that new house or sending that child to college becomes more difficult each year.

Another cost is measured in lost opportunities to meet justified public needs. By fiscal year 1998, interest payments on the national debt will approach $250 billion—$250 billion in interest payments. That figure is 21 times more money on interest than on the entire Federal expenditure for agriculture; 17 times more than the entire Federal expenditures for international affairs; 11 times more than on natural resources and the environment combined; and 4 times more than on education, training, and employment. We stand on this floor and argue, and we work in committee, just to try to scratch a little bit more money out for job training, for education, to deal with problems of the environment and our natural resources, to deal with international affairs and pressing problems in agriculture. We try to scratch a few million dollars here, a few hundred million dollars there. Yet $250 billion simply goes to pay interest.

What could we do with that $250 billion if we did not have to pay any interest? A big healthy return to the American people would be the first start, a big tax cut to give them back some more of their hard-earned money. And there may be priorities, there may be roads that need to be repaired or built, there may be education expenditures that are appropriate, there may be natural resource and environmental concerns that ought to be addressed, there may be agricultural items that ought to be funded, and a whole raft of other appropriate spending efforts. Yet those are squeezed ever more, as more and more of our budget goes to pay interest.

Beyond this, there is a moral cost of continued debt, a price paid in the character of our Nation. I have quoted Thomas Jefferson in this debate before, but let me quote him once more. It is an injunction that this Congress has ignored time after time:

> The question of whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts and be morally bound to pay for them by ourselves.

Those were words of a great American a long time ago. I wonder what he would say today, looking at over $5.4 trillion of national debt and continuing budget deficits year after year after year after year. "We should consider ourselves unauthorized to saddle posterity with our debts and be morally bound to pay them ourselves," said Thomas Jefferson, one of the most fundamental principles of government.

In this debate we are accustomed to thinking in terms of dollars and cents. We should also be thinking in terms of right and wrong. It is simply wrong to accumulate power in the present by placing burdens on the future. And that is exactly what we are doing. We are accumulating power in the present, the power of spending, and the way we are doing it is placing burdens on the future. It is an important part of our moral tradition, to sacrifice for posterity. It is rank selfishness to demand that posterity sacrifice for us. And there is only one way to ensure that this strong and constant temptation is defeated, by making a balanced budget a fundamental institutional commitment of our Government.

After 25 years of budget deficits, the call to voluntary restraint is hollow. Too many promises have been made and broken. Congress has spent the full measure of public trust. Meaningful budget restraint, if we find it, will come from above, not from within. This fundamental principle of government should be, and hopefully someday will be, and I predict it will be, in America's fundamental law. That day cannot come too soon. We should be ashamed if that process does not begin tomorrow.

Tomorrow we will vote once again. Two years ago I sat in my seat, one row down, listening to the final debate on the balanced budget amendment, listening to the call of the roll. As every Senator sat at his or her desk, each stood to record his or her vote, and as we went through the roll we tallied the numbers and we stopped at 66. We came one vote short. One vote short, not of adopting a constitutional amendment to balance the budget, one vote short of exercising the right in a democracy of the people to determine that matter for themselves. It appears that we will stop one vote short again. I hope that is not the case. I pray that is not the case.

We desperately need to arrest the power of the purse that has so corrupted our ability to represent the will of the people. I hope tomorrow we will demonstrate the courage to finally say: Power to the people. Let them decide the fiscal course for this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

SAY "NO" TO A BALANCED BUDGET AMENDMENT

Mr. LAUTENBERG. Mr. President, I would like to take some time to talk about the vote that is pending tomorrow and the subject of the balanced budget amendment. We are coming to the close of yet another marathon debate on this subject, and I hope that I can crystallize the perspective and detail some of the major concerns of those of us who oppose this amendment.

Mr. President, it is tempting, as the debate goes on, to accept right being on our side; the other side claims right and the moral imperative that says we should pass this balanced budget amendment, put it into the Constitution, open it up, have the courage to step forward.

The courage is to be in the minority and say, "No," though the most popular view is to amend the Constitution because the folks we represent, each of us in our States, really have not been made aware of what the penalty is if we lock ourselves into an amendment to the Constitution.

We will be saying to people that in the future, programs that you relied on to sustain your family, to take care of your health care, to take care of your child's education, to take care of your unemployment insurance, may not be available, and if this country starts to slide into a recession, we may go the whole route.

So, as we listen to the debate, it is very hard not to get to feeling rather sanctimonious about the side that we are on. I simply point out, as we talk about bipartisanship, and note that the Democrats are all of the votes in opposition, the 34 contemplated votes in opposition to the balanced budget amendment. Not the majority. The majority says, "We can't manage our own behavior; we have to be controlled by other strictures, we have to be told that we are not allowed to do these things," not that we were sent here, elected to this honorific body, one of 100 out of

260 million people, who say we have the guts to stand up and make the decisions or pay the consequences.

We talk about courage. The courage is to say, "No; we will accept the voters' decision in the future when we run for election if we insist on maintaining the posture as it is." Good news brought us to this point, to where the budget deficit has been reduced by over 60 percent in the last 4 years, where job growth is up to 11 million new jobs, as major company after major company shrinks down, closes its doors, sends its jobs overseas. The good news is inflation is under control, that our percentage of deficit to GDP is the smallest among the advanced nations of the world and the envy of all the other countries.

So, Mr. President, I would like to discuss four points that go to the heart of the debate and hope that we will stay the course as it is and say no to a balanced budget amendment and say yes to the American people, that we have the backbone to stand up to this debate and we are obliged to carry on your wishes.

First, the evidence is mounting and the public tide is turning against this amendment. Economist after economist, newspaper after newspaper, academic after academic believes this amendment is bad for the Nation, and for good reasons.

Two, we will balance the budget without a balanced budget amendment.

Third, the balanced budget amendment could wreak havoc with the economy and the economic security of millions of Americans.

And four, it would be almost impossible to undo the damage of a balanced budget amendment once the harm is done.

On the first point, the mounting opposition to the balanced budget amendment is not confined to one group of Senators or Members of the House. It is also not limited, when we consider both bodies, to a particular party or segment of the political spectrum.

Federal Reserve Chairman Alan Greenspan, former CBO Director Rudy Penner, former Solicitors General Robert Bork and Charles Freid, not to mention our former and esteemed colleague, Senator Mark Hatfield, have all weighed in against the balanced budget amendment. Even last year's Vice Presidential candidate, Jack Kemp, appearing on "Meet the Press" called the amendment "a recipe for future disaster in this country."

In the November 25, 1996, edition of Newsweek, conservative columnist George Will wrote:

> The Constitution should not be amended, unless there is a compelling reason to do so.

He goes on to say:

> Current conditions do not constitute a compelling reason.

In its November 15, 1996, lead editorial entitled "An Amendment is Poor Substitute for Backbone," USA Today said:

> Drafting a balanced budget amendment is a waste of parchment. The history of balanced-budget measures show that.

The Wall Street Journal, not exactly a bastion of liberal thought, labeled the amendment a "constitutional boondoggle," calling the amendment a "flake-out." The Journal went on to say:

> The notion of amending the Constitution to outlaw budget deficits is silly on any number of counts.

The Washington Post, too, had a scathing review of the balanced budget amendment. In its January 30, 1997, editorial, "No to a Bad Amendment," the Post concluded:

> This is a fake show of strength and abuse of the Constitution whose effect would be to harm the system of government it purports to help.

The New York Times called it "an idea that looked good in the abstract but is dangerous in the reality."

And one of my home State newspapers in New Jersey, the Bergen Record, tagged the balanced budget amendment as "a misguided measure" and a "bad idea."

On the economic policy front, Federal Reserve Chairman Dr. Alan Greenspan, who is known for choosing his words carefully, recently expressed his reservations about the balanced budget amendment. At a January 21 Budget Committee hearing, in response to a question that I asked on the balanced budget amendment, Dr. Greenspan said:

> I have not been sympathetic to the specific details of most balanced budget amendments largely because I think they are very difficult to enforce, and I am terribly much concerned about the issue of employing detailed economic policy within the Constitution itself.

Mr. President, on January 30, along with some of my colleagues, I joined with a message from over 1,000—it was printed in the paper—leading economists, including 11 Nobel Prize winners in economics, in speaking out against this amendment. At the press conference releasing this statement, one of the participants asked a very good question. He said: "Where are all of the conservative economists in favor of the balanced budget amendment?"

The answer is that most of them are keeping a safe distance from it, and with good reason. The balanced budget amendment is fatally flawed economic policy.

Mr. President, my second point is that we do not need this amendment.

During the 1980's and the early 1990's, those who supported the amendment could point to historic increases in our annual deficits and the persistent unbalanced budgets submitted by both Republican and Democratic Presidents. Their concerns were understandable. In 1979, the deficit was $41 billion. In 1979—almost 20 years ago—it was $41 billion or 1.7 percent of GDP. When President Clinton took office, the deficit was $292 billion and was expected to crest at $347 billion in 1997. The deficit as a percentage of gross domestic product stood at a whopping 4.9 percent.

This staggering rise in the deficit led many to conclude that only a constitutional amendment could force the Federal Government to be fiscally responsible. The proponents pointed to the tide of red ink flooding the Nation and argued for this stop-me-before-I-spend-any-more amendment.

But that sense of hopelessness has been now proven wrong.

Since President Clinton took office, the deficit has gone down consistently and dramatically. Last year, it fell to $107 billion and 1.4 percent of GDP. It is now the lowest deficit, as a percentage of GDP, of any major industrialized country. President Clinton has a plan to make it balance in the year 2002, and it will be a real balanced budget, not this raincheck of an amendment that may be—and it is a big "may be"—redeemed at a later date.

We have proven that the Congress and the President can be fiscally responsible. I want to state in the strongest possible terms that we do not need an outdated and dangerous constitutional gimmick to do the job. We can do the job on our own, and we will.

Mr. President, my third point is that the balanced budget amendment is a catastrophe waiting to happen. Perhaps most importantly, it would substantially aggravate economic downturn and it could turn a slowdown into a recession and a recession into a great depression. For example, during the Bush recession, real GDP fell 2 percent. If the balanced budget amendment had been in place, real GDP might have declined by 4 percent or more.

Last year, the Treasury Department issued a very interesting report on how a balanced budget amendment would have worsened the Bush recession. I want to quote from it. They said:

> A balanced budget amendment would force the government to raise taxes and cut spending in recessions—at just the moment that raising taxes and cutting spending will do the most harm to the economy and aggravate the recession.

That is what the Treasury Department said.

During a recession, we need every tool at our disposal to deal with the economic downturn. The Government must be nimble and responsive, but the balanced budget amendment autopilot could send the economy into a tailspin. One President tried to balance the budget during a recession. His name was Herbert Hoover, and the recession quickly became the Great Depression.

I am also very concerned that the balanced budget amendment could eliminate many of the automatic stabilizers, like unemployment insurance that protects people during a downturn and cushions some of the pain. Under current law, if unemployment goes up, so do unemployment insurance payments. That not only helps the workers and their families, but it moderates the impact of a recession on industry.

Secretary Rubin estimates that without our automatic fiscal stabilizers, unemployment in 1992 may have crested at 9 percent, instead of 7.7 percent, which would have meant more than a million additional jobs could have been lost.

It is possible that eventually we could have found the three-fifths supermajority needed to waive the provisions to the amendment. But Congress moved slowly even without a supermajority requirement, and most likely by the time we had reacted to the unfolding slowdown, the damage would have been done.

Another major problem with this balanced budget amendment is that it increases the likelihood that the Government will default on its debt. The amendment includes language that requires a three-fifths majority vote in both Houses in order to raise the debt limit. This little-known provision is extremely dangerous, as one can imagine, to have a small minority denying the ability to raise the debt limit when it could very well be essential.

Mr. President, the Nation was taken to the brink of default in 1995. Fortunately, cooler heads prevailed in that feverish atmosphere, and we were able to raise the debt ceiling by a simple majority vote. But what would have happened in 1995 if the supermajority rule had been in place? A minority, as I said, in Congress could have caused a default on our financial obligations.

A default would have disastrous consequences. The Treasury would be prevented, at least temporarily, from issuing checks for Social Security, Medicare, and veterans benefits. Our creditworthiness would be shot. The Nation would suffer a profound and long-lasting increase in interest rates, harming all those who borrow. Homeowners making payments on adjustable rate mortgages would be especially hard hit. And these higher interest rates would make it even harder to balance the budget thereafter as the Nation would have to devote an even larger share of the budget to interest on the national debt.

Mr. President, my fourth and last point is that there is no fail-safe, sunset or automatic review built into this amendment. Congress has passed far lesser measures that contain at the very least a sunset, a time when this automatically stops for review. A case in point is the line-item veto that was enacted into law last year and contains a 9-year sunset.

But this balanced budget amendment, that is by far one of the most sweeping and dangerous pieces of legislation ever to come before the Congress, has none. This is most troubling to this Senator, as it should be to all Americans.

What would happen if the balanced budget amendment caused the type of problems that I just outlined? Remember, this is not a simple piece of legislation. This is a constitutional amendment. Imagine our Nation, wracked by recession or, even worse, depression. Millions are out of work. Factories are shuttered. Bankruptcy and foreclosures are rampant. Because a constitutional amendment is in force, Congress could not take the quick and responsive action that may be necessary, as we did during the Bush recession. The only legal course of action left to us would be yet another constitutional amendment to repeal this bad one and undo the damage.

But hang on a minute. The last time that happened was in 1933, over 60 years ago, when the 21st amendment was ratified repealing the 18th amendment to the Constitution. The 18th amendment was prohibition. It, too, was supposed to save us from ourselves and legislate backbone. It took 14 years to repeal it.

During a depression we could not wait that long. The American people, who depend on our sound judgment and rely on our fiscal stewardship, certainly cannot wait that long. And neither should we. We should vote against this amendment.

Mr. President, let me again emphasize that I agree with the need to be fiscally responsible, and I am committed to working toward a balanced budget. The President of the United States proposed a budget that balances in the year 2002. We have a challenge. Let us examine it. As the ranking Democratic Member of the Budget Committee, I believe we can reach a balanced budget agreement this year. But we can do it without this flawed constitutional amendment.

The former majority leader of the Senate, Mike Mansfield, said that he owed the people of his State more than an echo; he owed them his judgment. It is my best judgment, Mr. President, that this amendment is bad for the people of New Jersey, as it is bad for the people all across our Nation. I urge my colleagues to do the right thing and oppose this amendment.

I yield the floor and see my colleague, who is the right stuff, from Ohio about to take the floor. We will listen with interest.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. GLENN. Mr. President, I rise today to add my comments to the many others who have voiced their opposition to Senate Joint Resolution 1, the balanced budget constitutional amendment.

Mr. President, like the others before me, let me preface my comments by stating clearly that I support balancing the Federal budget. I have for a long time. I wanted to balance the Federal budget clear back when it was only $1 trillion way back in the days when Jimmy Carter was still President. I note that the total Federal debt at that time was still under $1 trillion, totaled up for every President between George Washington and the end of the Carter years.

So I do not come lately to this idea of balancing the Federal budget. I wholeheartedly agree we need to exercise discipline to both balance the budget and eliminate the deficit. But, Mr. President, I do not believe that changing our Constitution to require a balanced budget is in this country's best interests. For reasons I will outline, I believe that a constitutional amendment requiring a balanced budget is far more likely to cause more trouble, more harm, than good.

The amendment before the Senate would dramatically change the way our political process has worked for over 200 years. While there have been times when partisan fighting may have caused what many term gridlock, I do not believe it is necessary or desirable to turn the fundamental concept of our system of Government on its head.

Moreover, this amendment would ensure that gridlock is the rule rather than the exception. By requiring supermajorities in order to conduct the routine business of the Congress, this amendment overthrows the concept of majority rule and empowers minority factions to hold the Congress and the country hostage. I submit that this type of minority control of our Government is the exact evil the framers sought to eliminate in the drafting of our Constitution. For this reason alone I oppose the balanced budget constitutional amendment.

It is not hyperbole when I say it is dangerous to our form of Government. Compounding the problem, Mr. President, is the fact that the proponents of this amendment would topple one of the basic tenets of our Government, as I see it, for no reason at all.

First, from a historical perspective, the constitutional amendment is not needed. The only time in this country's history outside of times of war, the Great Depression, or recession that we have run up a significant deficit, one viewed as unmanageable, is in the preceding two decades through our time right now on the floor. We had the experiments in supply-side economics back during the last 12 years before President Clinton came in, which ran our debt from $1 trillion up to nearly $5 trillion.

But we are no longer debating how we got into this situation we find ourselves in, pointing fingers, or placing blame for a deficit so staggering that it is beyond our comprehension or imagination. Instead, a more productive political consensus does now exist to bring the budget into balance and eliminate our deficit. So I do not think we need a constitutional requirement to balance the budget. Congress and the President, working together, have the ability, and now, I believe, the will to bring our budget into balance.

Now, everybody describes this as being a political climate that is overly divisive. I agree. Congress in both Houses, on both sides of the aisle, and the President, all profess to want a balanced budget, and I do not doubt that. I think everyone does, and they want to eliminate the huge deficit that is the legacy of the 1980s. Now we have different ways we are looking at this thing, but we have made substantial strides in at least getting unanimous consent or unanimous opinion that this is something that we do have to deal with and do have to deal with now. But there are still some very basic disagreements on how to achieve the balance and how to reduce the deficit.

The Democrats and Republicans alike have proposed balancing the budget by the year 2002, and the deficit has been reduced from 5.1 percent of our gross domestic product in fiscal year 1986 to only 1.4 percent in fiscal year 1996. Mr. President, 5.1 of GDP in 1986 down to 1.4 percent just 10 years later in 1996. Right here and right now we are working toward achieving the very goal of the balanced budget constitutional amendment without sacrificing our democratic form of Government to get there.

I might put those figures in a different term. When President Clinton came in, our national budget deficit was running at $290 billion a year. We passed on this very floor one of the toughest votes that many of us have made since being in the Senate. We passed during the Reconciliation Act in August of 1993 the President's program, without having one single Republican vote—not a one in either the Senate or the House of Representatives; not a one—and there were all sorts of predictions about what horrible things were going to happen to the economy and the millions of unemployed that would be added to the rolls. What happened? Well, that did not happen and we have gone on with a very, very, strong economy, and we have gone from a budget deficit of $290 billion down to $107 billion for the latest estimate for what 1996 will turn out to be.

We are in the middle of doing something right here. We are doing it right now with action that we have taken in this Congress. This is not something we are waiting for and hoping for some magic wand like a balanced budget amendment. This is something that we are doing right now and we are headed toward a balanced budget. I grant anyone that wants to discuss this, we, in fact, are looking forward to some times out here where it will be tougher to do that, tougher to balance the budget. We know that. But that will require some equally tough votes on this floor.

I hope when we make those tough votes on this floor we have support from the other side of the aisle that we did not have when we made that vote the summer of 1993. Now, in Treasury Secretary Rubin's words, a balanced budget constitutional amendment "could turn slowdowns into recessions, and average recessions into more severe ones," and he added, "it would seriously increase the risk of default on our national debt."

Those are quotes taken from Secretary Rubin's February 2, op-ed in the the Washington Post. I ask unanimous consent that his Washington Post op-ed piece be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. It is a thoughtful piece that makes a very powerful argument against this amendment.

Economists consider a balanced budget requirement to be what they would call procyclical. In other words, adding to the cycle instead of correcting the cycle. It makes it worse. It is an economic autopilot. When revenues are slow coming into the Federal coffers because the economy is slow, deeper spending cuts have to be made to make up for the revenue shortfall in order to keep the budget in balance.

We have AFDC, food stamps, unemployment insurance, trade adjustments assistance, all of these things cut in during the beginning of a recessionary period, and the farther we get into that approach to a depression the more these programs sort of prime the pump or level things off. There is no way that can be shown better than the chart that has been on the floor here many, many times in the past. I will hold this up to illustrate, but we have seen this real economic growth, and you can see what happened on this chart. Way back in the 1880's and 1900's on the wide cyclical swings and what happened post World War II, and we got some of the countercyclical programs in place.

Look how the economy has just leveled out in that period of time. The economy has leveled out with no great huge swings down like we had during the Great Depression when I was a boy back home in New Concord, OH. These are things that would happen again, we would get back into the wild swings, if we, indeed, had the balanced budget amendment passed, because there is no other way to get the money to take care of the requirements of a balanced budget amendment unless you either cut many of those programs back or raise taxes. That is the other source of revenue. If you did that, either one of those things would be exactly the wrong thing to do and would add to the inclination, the trend, toward a cycle that we want to stamp out, not make worse.

It is sort of a perverse, Look, Ma, no hands approach to budget, the exact wrong thing for a slow economy. That is why Secretary Rubin says the balanced budget amendment "can take an economic slowdown and turn it into a recession and then take a recession and make it even worse."

I submit that is probably exactly an analysis that most economists would show happened back during the days of Herbert Hoover when he tried to raise taxes to make sure we were not going into more of a deficit position.

I cannot believe the proponents intend to force us into this kind of an economic straitjacket. I know the people across the country want a balanced budget. So they say, "Balanced budget amendment, oh, that sounds great, that sounds magical after the last 12 or 14 years when we had budgets run sky-high and deficits running sky-high." So that sounds very attractive.

I think when the people of this country know what will be cut, they are informed about what will be cut, informed they will have difficulty within their communities with AFDC and food stamps and unemployment insurance and things like that that are administered by the States, but partly with Federal dollars, then I think they would realize this is more of a danger than anything they have come up against for some time.

Mr. President, I grew up during the Great Depression. I was about 10 or 12 years old in the depths of the Great Depression. During those 4 years we had 20 percent of the country unemployed and 1 year when almost 25 percent were unemployed. What happened? The country had hit a situation it had never been able to handle before.

We always were proud in this country of families taking care of families, of communities taking care of themselves. They didn't look for outside help. In those days of the Great Depression, in the town of New Concord, OH, my hometown, everybody planted big gardens. My dad rented an extra couple of acres, in addition to our big garden, and we grew our own food and took it down and gave it to neighbors. We shared in those days. That's how we got by.

But everybody wasn't that fortunate. In some of our cities, we had soup kitchens on the corner where people could get something to eat in order to keep them going. We used to see what we called the "bums" going by on Route 40, and that went right by our house, as a matter of fact. We called them the "bums" because they were people who were, quite often, walking or getting a ride in a railroad boxcar across country someplace. They would get off sometimes and come up to the house and knock on the back door and ask my mother if she could give them something to eat. She never turned anyone down that came to that back door, I can guarantee you that. They were good people, down on their luck. I'm sure some were deadbeats that weren't much to begin with. But they were Americans and they were hungry, and it was the Great Depression and it was tough.

The movie reels of those days show the Okies heading west out of the dust pit in Oklahoma with the mattress on top of the car, because communities had lost control. What happened? Programs were put in by Roosevelt—programs that we still argue about on the floor of the Senate to this day—and they primed the pump. That is the point I want to make. They primed the pump. They may have been very wasteful for 1 or 2 years, but they primed the pump and got our economy going again. You can make a million jokes about those time periods, but they are not a joke, as far as I am concerned, because I remember them very well.

I remember one conversation between my dad and mother that I will never forget as long as I live. We had finished dinner and I went in the other room. I heard them quietly talking at the kitchen table, and they were discussing whether the mortgage was going to be foreclosed on our home. You talk about striking terror in the heart of a 10-year-old boy—that was me. I didn't know where we were going to go. That was a bad one. Do you know what happened? FHA was put in, and it was possible to negotiate a mortgage then with that kind of a Government guarantee that helped people like my dad and mom have a shot at keeping the home. Lots of mortgages were foreclosed and people could not keep their homes. Those are the days we were living in then.

The point I'm making is that the pump-priming efforts at that time worked. They largely put our economy back to work again and got it going again. It wasn't perfect and never had been completely healed until we got through World War II, I guess. That was the ultimate primer of pumps, World War II. Anyway, the program of having countercyclical funds that cut in when a recession starts or when a downturn really gets serious is something that works. It works just as well as it did back in those days of the Great Depression. It worked, obviously, from the time, since 1946, that we started the first of these programs, and we have built on similar programs since that time that really do work.

A balanced budget amendment would force us, in a time when we are in deficit, to dig into those things and cut down on those funds, or raise taxes, either of which would be exactly the wrong thing to do at that cycle of depression or near depression.

Another truly frightening consequence of the adoption of a balanced budget requirement is the fact that it puts the creditworthiness of the United States of America at risk. Mr. President, this is a concept that I admit I find to be almost unimaginable. By requiring a supermajority to raise the debt ceiling, this constitutional amendment would allow 41 Members of this body—not a majority, but a minority of the Senate—to trade the creditworthiness of this country for the passage of legislation that otherwise would not pass the Senate. In other words, it is what has been termed in the past as the "tyranny of the minority."

Try and imagine what default by the Government of the United States of America would do to the world's financial markets. I can't. I am not saying this will happen necessarily, Mr. President, but I cannot support an amendment to our Constitution that would allow a minority to dictate legislation to a majority of the Senate or place our creditworthiness at risk.

I want to take a minute to talk about what this amendment would do to our ability to make expenditures in order to respond to emergencies, natural disasters, or even military operations, like Desert Shield, where we were not technically engaged in a military conflict. I will only take a minute. This amendment prevents us from doing anything in these situations without the agreement of a supermajority, for all intents and purposes—even for military. The practical implications of this amendment are that Congress may be able to offer assistance to tornado or hurricane victims, or victims of any other natural disaster, if that disaster happens early in a fiscal year because only a majority vote would probably be necessary while we are still on budget, while things are looking well. But if a disaster happens in the third or fourth quarter of the fiscal year, those disaster victims are on their own, unless three-fifths of the Congress agrees to provide some sort of assistance.

These same accounting practicalities will not be lost on our potential adversaries, either. I don't think it is too big a leap of logic to say that Saddam Hussein would not have to be a financial genius to figure out that if he wants to make another run at Kuwait, it is better to move the republican guard units in the third or fourth quarter of a fiscal year, because it will take the action of three-fifths of both Houses of Congress to approve funding for any military operations, which would bring the budget out of balance.

Mr. President, that is a completely unacceptable way for the United States of America to act, I feel. That is the straitjacket that this balanced budget amendment would put us into if it were passed.

So, to me, these are some very serious flaws in the constitutional requirement. There are also separation of powers concerns raised by this amendment. Let us take the situation in which it is discovered during a fiscal year that the budget will not balance and that outlays will exceed expenditures. If the Congress fails to approve additional spending by the required three-fifths majority, the President might feel compelled to impound funds in order to bring the budget into balance. Now, the President would decide what to fund and what not to fund. Mr. President, let me state that again. The President, in that situation, would decide what to fund and what not to fund, because that is what he would be required to do by law. This represents a shift in power to the President that once rested with a simple majority in the Congress.

A similar troubling situation would be where the budget goes out of balance or never gets into balance, and the President does not correct the situation. Say the President doesn't want to do anything about this. He says, OK, we are not going to correct it. What do we do? In that circumstance, do you know what would happen? The courts would step in and decide which programs would be funded and which programs would not be funded, again, taking away what has heretofore been a congressional prerogative.

Then there are equity issues that argue against passage of the balanced budget constitutional amendment. This amendment is a policy decision not just about how to keep the books, but also about who will benefit from Federal spending programs. It cannot be denied, and should not be overlooked, that the Tax Code's tax breaks to individuals and corporations are a type of Government spending. Not everyone realizes it, but when an individual's or corporation's tax burden is reduced by a tax break, that is Government spending, and we should not forget that. Eliminating these tax breaks is considered increasing revenues. Under the balanced budget amendment before us, Congress can increase revenues only by a majority vote of both Houses.

In contrast, cutting funding for programs requires only a majority vote by those present and voting or could even be passed on a voice vote. This is not an esoteric point, Mr. President, because in program terms, this amendment creates a presumption in favor of cutting funding for programs because it is easier to do. I argue that this presumption favors the more affluent in our society, because their Federal spending programs, known as the Tax Code, are more difficult to cut than the spending programs of the less affluent.

That kind of an imbalance just plain is not fair.

Finally, Mr. President, I must mention the relationship that exists between this balanced budget amendment and Social Security. As the baby boom generation reaches retirement age, Social Security expenditures will increase dramatically.

And despite the fact that some action has been taken in anticipation of this demographic shift in the population, this balanced budget amendment would have us pay for baby boom Social Security out of current year revenues and will likely break the bank.

Right now, we are paying more into Social Security so that we can generate surpluses to pay for the baby boomers when they reach retirement age. This approach is far sounder than expecting to pay this enormous expense out of a single year's revenues. I'm afraid that the only way we would get there under a balanced budget requirement is either to reduce substantially the benefit baby boomers receive or cut radically other Government programs.

This is just another example of where, in my view, a constitutional requirement to balance the budget in the manner proposed will do more harm than good.

Mr. President, we all want to eliminate the enormous deficits of the recent past. We all want to bring the budget into balance and keep it in balance when it makes sense to do so. And, it would be a lot easier to stand here and have the American taxpayer believe that supporting this legislation is a simple way to solve all of our problems.

But it's not the right thing to do, Mr. President. This legislation forces this country into a budgetary straightjacket and it limits democracy as we have known it for more than 200 years.

It's unsound from an economic perspective and it is unfair to the less wealthy. It puts this Nation's security at risk and it prevents us from responding to disasters.

And it could result in the elimination of virtually all Government programs except Social Security once the baby boom reaches retirement age.

As I said, Mr. President, it would be easy to say that I support the legislation before us because the concept of requiring a balanced budget appeals to the average American—but only on a superficial level.

Regrettably, for the reasons I've outlined, the solution isn't so simple and I cannot support this legislation.

Mr. President, let me just summarize once again.

We are on the way to a balanced budget now with the existing Federal budgeting processes. We have been since the summer of 1993. I do not think most Americans yet have gotten this fact driven home to them. They are so accustomed to deficits coming out of Washington that they can't believe that we really are heading toward a balanced budget. We can't do it all in 1 year or we would destroy the economy. But what we have done is, with the budget reconciliation bill that was passed in August 1993, we are proceeding step by step toward a balanced budget. It has gone from a budget deficit of $290 billion a year when President Clinton came into office down to an estimated $107 billion for the year 1996. That is certainly measurable progress. It was estimated earlier that would go down this year to about $40 billion. That may be revised up a little. We have to take some action to do that.

But to go the drastic step of a balanced budget amendment that would deal so unfairly with so many people I think is something that we do not want to do.

Mr. President, we have programs that are called countercyclical. Those programs cut in as the economy gets worse. They automatically cut in and dampen that slide and bring it back up again. It prevents things like the deep Depression of the early thirties and all of the wild swings that used to occur back before we had some of these countercyclical programs.

There is no way that you can get by it with a balanced budget amendment. You are going to be cutting some of these programs like AFDC, Social Security, food stamps, unemployment insurance, maybe Medicaid, and trade adjustment assistance. Those are all things that would be targets for potential cuts. The money has to come from somewhere. With the balanced budget amendment you have no choice but to cut, or, if you want to keep the balance, raise taxes, either one of which would be absolutely wrong on an economic cycle basis.

Mr. President, for all of those reasons, and others that I have not even mentioned here today but which Mr. Rubin refers to in his Outlook piece in the Washington Post that I asked to be placed in the RECORD, I think it would be unwise to go for a balanced budget amendment that puts us in an economic straitjacket. I think we need to continue our efforts here on a bipartisan basis, on both sides, here and over in the House, and do the things that we see are working right now with our budget. Continue those, and we can have a balanced budget if we all work together on this without violating the Constitution or without going back into the Constitution, which will enable us to do it.

EXHIBIT 1

[From the Washington Post, Feb. 2, 1997]

THE BALANCED BUDGET BRAWL

(By Robert E. Rubin)

I spent 26 years on Wall Street before joining the Clinton administration and came to believe deeply in the profound importance of fiscal responsibility to our national economy. I have now spent four years working in government to implement this conviction, which members of both parties share.

However, I have an equally strong conviction that a balanced budget amendment is a threat to Social Security and our economic health. it will expose our economy to unacceptable risks and should not be adopted. Like the 11 Nobel Prize-winning economists and 1,000 other economists who signed a letter on Thursday to "condemn" the amendment, I believe it is strongly against our national interest.

A balanced budget amendment would reduce our ability to cope with recessions, risk putting budgetary decisions in the hands of the courts and create risks with respect to Social Security. Should we balance the budget? Yes. Do we need a new constitutional amendment? No.

Throughout our history, with the exception of wartime and the Depression, budget deficits—when they existed at all—were generally small. In the 1970s and 1980s, they began to rise and the cumulative federal debt grew sharply. But after experiencing this period of fiscal indiscipline. I believe the atmosphere in Washington has changed.

In 1993, we took an enormous step forward with the deficit reduction program, which has cut the deficit from 4.7 percent to 1.4 percent of gross domestic product. Last year, both the administration and Congress proposed budgets that would eliminate the deficit by 2002, and both are expected to do so again this year.

There is also a new enforcement factor at work, which is the emergence of global markets attuned to fiscal responsibility. Those markets will punish a national that does not address fiscal matters by imposing high interest rates that can severely impair its economy.

Today, politically, historically and economically, the forces are in place to balance the budget. And I believe we will. However, there is a distinction between that and passing a constitutional amendment. I believe the balanced budget amendment proposal would subject the nation to unacceptable economic risks in perpetuity.

First, it could turn slowdowns into recessions and average recessions into more severe ones.

Second, it could prevent us from dealing expeditiously with emergencies such as natural disasters or military threats.

Third, it would seriously increase the risk of default on our national debt.

Fourth, the escape clauses it provides are likely to be far from fully effective. The escape clauses would also enable a minority in either the House or Senate to use its leverage to subject the nation to unacceptable economic risks.

Fifth, a balanced budget amendment poses immense enforcement problems that might well lead to the involvement of the courts in budget decisions, unprecedented impoundment powers for the president or the temporary cessation of all federal payments, including, for example, Social Security. Alternatively, the balanced budget amendment might be unenforceable and therefore have no effect at all, contributing to cynicism about the process of government.

For these and other reasons, a balanced budget amendment poses unacceptable risks. Let me elaborate.

More severe recessions. As secretary of the treasury, I am deeply concerned that a balanced budget amendment could worsen recessions or downturns, first by eliminating automatic stabilizers that protect people during a downturn and, second, by forcing tax increases or spending decreases precisely in the midst of a slowdown or recession when the economy is already suffering from lack of demand.

Since World War II, we have made substantial progress in reducing the toll of the boom-and-bust cycle through the introduction of automatic fiscal stabilizers and effective use of counter-cyclical fiscal policy. For example, if unemployment rises, unemployment insurance payments rise as well, moderating the economic impact of recessions and job losses on companies workers and their families.

A balanced budget amendment would undo this progress and put more people out of work during downturns by turning off these stabilizers and foreclosing action to soften a recession.

Even if Congress wanted to put back the stabilizers (an act that would require a three-fifths vote), slowdowns and recessions are hard to recognize or anticipate. Congressional action would almost surely come, at the very best, months later, by which time critical damage to the economy would already have been done.

Inability to cope with crises. A balanced budget amendment would also prevent us from dealing quickly and effectively with major problems, from a second savings and loan crisis to a second Hurricane Hugo to an escalating military threat.

For example, in September 1989, Hurricane Hugo struck the Carolinas, causing billions of dollars of damage. After President Bush declared a disaster, Congress immediately appropriated $2.7 billion in emergency assistance. Under the balanced budget amendment, if the budget were otherwise in balance, this could not be done until after a vote of 60 percent in both houses.

Increased risk of default. As secretary of the treasury, I am also concerned that limits on our flexibility would increase the risk of default on the federal debt. The possibility of default should never be on the table. Our credit-worthiness is an invaluable national asset that should not be subject to question.

Default on payment of our debt would undermine our credibility with respect to meeting financial commitments, and that in turn would have adverse effects for decades to come. A failure to pay interest on our debt could raise the cost of borrowing not only for government, but for private borrowers including small businesses and homeowners.

Finally, as we saw in 1995 and 1996, the history of debt limits shows that raising the statutory debt limit is never an easy process. Yet right now it is possible to raise the debt limit with a simple majority vote in both houses. By requiring a three-fifths supermajority vote, the amendment would make it far more difficult.

Potential for gridlock. Proponents argue that when necessary, Congress would waive the provision of this amendment with a three-fifths vote. But, in fact, the history of Congress shows that it can be extremely difficult to obtain such a majority, and would be even more difficult when the issue is the momentous one of waiving a provision of the Constitution.

While 60 votes are usually required in the Senate for cloture—that is, ending debate and bringing a matter to a vote—and the members have long honored the rights of a minority, the Senate also recognizes that certain matters should not be held up. It therefore permits a reconciliation bill, which can be a vehicle for passing a budget or increasing the debt limit, to be passed by a simple majority.

Under this amendment, 41 Senators or 175 House members could hold our economy hostage to a special agenda.

Enforcement difficulties. A balanced budget amendment poses immense enforcement problems. If the budget is not in balance, there is no way to compel Congress and the president to enact legislation to cut spending or raise taxes to make it so. Yet there is also no way to compel enactment of legislation to waive the provisions of the amendment. It is not hard to imagine a situation in which a two-fifths minority of Congress opposes tax increases, a different two-fifths minority opposes spending cuts, and another two-fifths minority opposes a waiver of the balanced budget amendment or a raise of the debt limit. The amendment provides no method for resolving such an impasse and it could well end up being decided by the courts.

Some proponents have suggested that under these circumstances, the president would stop issuing checks, including those for Social Security. Alternatively, judges might become deeply involved in determining budget policy, including whether Social Security or Medicare checks should be stopped. The president might also impound funds of his choosing, including Social Security. Of course, the amendment might just prove to be unenforceable, reducing respect for the Constitution. All of these potential outcomes are extremely undesirable.

A balanced budget amendment would embed economic policy inflexibility into the Constitution in the face of unknowable economic and political conditions 10, 20, 30 or 40 years from today.

I have a deep commitment to the importance of deficit reduction and fiscal discipline to our nation's economic health, and I believe that we can put in place balanced budget legislation this year. But I have an equally strong conviction that a balanced budget amendment poses real risks for our nation's economy. Congress should not adopt it.

Mr. GLENN. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEATH OF DAN MANGEOT

Mr. FORD. Mr. President, millions of people watch the Kentucky Derby because it is a spectacular moment of chance.

When the 123rd Run for the Roses takes place May 3, that's what the spectators will see—a riveting 2 minutes when anything can happen. What they won't see are the thousands of small details that go into making that moment one that goes down in sport's history.

While thousands of people work to make the Kentucky Derby and the festival events a success, Kentuckians know that for the past 17 years one man has stood out in his commitment and drive to nailing down every last derby festival detail.

That man was Dan Mangeot, the Kentucky Derby Festival's long-time president. He died in February, leaving behind a legacy and equally important, many, many devoted friends and colleagues.

Described by some as a "legend" and by others as a "father figure," Dan did the impossible. He took a legendary event and somehow made it even better.

Under his management, attendance at derby festival events doubled to 1.5 million, while the economic impact on the community grew from $17 million to $53 million.

When Dan decided to focus on something, the outcome was inevitably a huge success. Whether it was selling more derby pins—going from a few thousand a year to 600,000 a year—or instituting a derby festival poster—a regular award winner—he knew how to deliver.

But Dan was about more than ringing up financial successes. He knew how to create a sense of community ownership in an event. Every year the entire community not only had a sense of pride in the festival activities surrounding the derby, but a stake in seeing them succeed.

Dan couldn't imagine doing things differently. Community ownership translated into a board of directors truly representative of Louisville's diversity. And when it came to awarding contracts, he worked to ensure that minority-owned firms weren't shut out.

It's true the derby is about the fastest horses in the world. But for Kentuckians it's also about showing the world the Commonwealth at her finest.

And thanks to Dan that's what the world saw.

Mr. President, let me close by expressing my deepest thanks to Dan's family for sharing such a great man with us. I know I speak for all Kentuckians when I tell Dan's family how very sad we are for their loss.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, February 28, the Federal debt stood at $5,349,937,360,942.68.

One year ago, February 28, 1996, the Federal debt stood at $5,016,626,000,000.

Five years ago, February 28, 1992, the Federal debt stood at $3,829,059,000,000.

Fifteen years ago, February 28, 1972, the Federal debt stood at $426,934,000,000 which reflects a debt increase of nearly $5 trillion—$4,923,003,360,942.68—during the past 15 years.

CONGRATULATIONS TO GLADYS RAYMORE WILSON CELEBRATING HER 100th BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Gladys Raymore Wilson of Independence, MO, who will celebrate her 100th birthday on March 16, 1997. Gladys is a truly remarkable individual. She has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of Gladys' life has meant much more, however, to the many relatives and friends whose lives she has touched over the last 100 years.

Gladys' celebration of 100 years of life is a testament to me and all Missourians. Her achievements are significant and deserve to be recognized. I would like to join her many friends and relatives in wishing Gladys health and happiness in the future.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE AGREEMENT BETWEEN THE UNITED STATES AND CANADA WITH RESPECT TO SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT—PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act (the "Act"), as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 USC 433(e)(1)), I transmit herewith the Second Supplementary Agreement Amending the Agreement Between the Government of the United States of America and the Government of Canada with respect to Social Security (the Second Supplementary Agreement). The Second Supplementary Agreement, signed at Ottawa on May 28, 1996, is intended to modify certain provisions of the original United States-Canada Social Security Agreement signed at Ottawa March 11, 1981, which was amended once before by the Supplementary Agreement of May 10, 1983.

The United States-Canada Social Security Agreement is similar in objective to the social security agreements with Austria, Belgium, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the U.S. and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

The Second Supplementary Agreement provides Canada with a specific basis to enter into a mutual assistance arrangement with the United States. This enables each Governments' Social Security agency to assist the other in enhancing the administration of their respective foreign benefits programs. The Social Security Administration has benefited from a similar mutual assistance arrangement with the United Kingdom. The Second Supplementary Agreement will also make a number of minor revisions in the Agreement to take into account other changes in U.S. and Canadian law that have occurred in recent years.

The United States-Canada Social Security Agreement, as amended, would continue to contain all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the provisions of section 233, pursuant to section 233(c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Second Supplementary Agreement, along with a paragraph-by-paragraph explanation of the effect of the amendments on the Agreement. Annexed to this report is the report required by section 233(e)(1) of the Act on the effect of the agreement, as amended, on income and expenditures of the U.S. Social Security program and the number of individuals affected by the amended Agreement. The Department of State and the Social Security Administration have recommended the Second Supplementary Agreement and related documents to me.

I commend the United States-Canada Second Supplementary Social Security Agreement and related documents.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1997.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on February 28, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 668. An act to amend the Internal Revenue Code of 1986 to reinstate the Airport and Airway Trust Fund excise taxes, and for other purposes.

The enrolled bill was signed subsequently on February 28, during the adjournment of the Senate, by the President pro tempore [Mr. THURMOND].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1249. A communication from the Acting Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, a rule entitled "Ohio Regulatory Program" received on February 27, 1997; to the Committee on Energy and Natural Resources.

EC–1250. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistant Authority, transmitting, pursuant to law, a report relative to the Metropolitan Police Department; to the Committee on Governmental Affairs.

EC–1251. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Review and Analysis of the Fiscal Year 1997 Budget for the Office of Banking and Financial Institutions", to the Committee on Governmental Affairs.

EC–1252. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, a rule entitled "Automatic Data Processing Equipment Leasing Costs" received on February 27, 1997; to the Committee on Armed Services.

EC–1253. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report concerning the Foreign Comparative Testing Program for fiscal year 1996; to the Committee on Armed Services.

EC–1254. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, six rules including a rule entitled "National Primary Drinking Water Regulations" (FRL–5689–9, 5591–5, 5699–5, 5698–4, 5692–3, 5696–2); to the Committee on Environment and Public Works.

EC–1255. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to Notice 97–21 received on February 27, 1997; to the Committee on Finance.

EC–1256. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report relative to Revenue Ruling 97–10 received on February 26, 1997; to the Committee on Finance.

EC–1257. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Narcotics Trafficking Sanctions Regulations" received on February 27, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1258. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule entitled "Membership of State Banking Institutions in the Federal Reserve System" received on February 28, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1259. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of salary rates for 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1260. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to directed fishing for pollock, received on February 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1261. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to Atlantic Mackerel, (RIN0648–AJ06) received on February 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1262. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to directed fishing for pollock, received on February 26, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1263. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to directed fishing for flatfish, received on February 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1264. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to king mackerel, received on March 3, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1265. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to scallop fishery, received on February 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1266. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Western Pacific bottomfish fishery, received on February 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1267. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to other flatfish, received on February 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1268. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Northeast Multispecies Fishery Management Plan, received on February 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1269. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Northeast Multispecies Fishery Management Plan, (RIN0648–AJ34) received on February 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1270. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to Fishery Management Plans, (RIN0648–XX80) received on February 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1271. A communication from the Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Exclusive Economic Zone Off Alaska, (RIN0648–AJ05) received on February 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1272. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report sixteen rules including one rule relative to Class E Airspace, (RIN2120–AF93, AA64, AA66, ZZ04) received on February 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1273. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of a rule relative to seafarers, (RIN2115–AF26) received on March 3, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1274. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, the report relative to the Regular Trade Adjustment Assistant Program; to the Committee on Finance.

EC–1275. A committee from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List received on March 3, 1997; to the Committee on Governmental Affairs.

EC–1276. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Poultry Inspection" (RIN0583–AB91) received on March 3, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1277. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Rulemaking Procedures" (RIN2900–AI33) received on March 3, 1997; to the Committee on Veterans' Affairs.

EC–1278. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a rule entitled "Direct Grant Programs" (RIN1880–AA74) received on February 27, 1997; to the Committee on Labor and Human Resources.

EC–1279. A communication from the Director of Regulations Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, two rules including a rule entitled "Lowfat and Skim Milk Products" received on February 27, 1997; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself, Mr. Kerrey, Mr. Harkin, Mr. Wellstone, Mr. Baucus, Mr. Cochran, and Mr. Inouye):

S. 385. A bill to provide reimbursement under the medicare program for telehealth services, and for other purposes; to the Committee on Finance.

By Mr. WYDEN:

S. 386. A bill to amend title XVIII of the Social Security Act to protect and improve the medicare program, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. Baucus, Mr. Nickles, Mr. Breaux, Mr. Gorton, Mrs. Feinstein, Mrs. Murray, and Mrs. Boxer):

S. 387. A bill to amend the Internal Revenue Code of 1936 to provide equity to exports of software; to the Committee on Finance.

By Mr. LUGAR:

S. 388. A bill to amend the Food Stamp Act of 1977 to assist States in implementing a program to prevent prisoners from receiving food stamps; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ABRAHAM (for himself, Mr. Bond, Mr. Nickles, Mr. Hutchinson, Mr. Helms, and Mr. Sessions):

S. 389. A bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. COVERDELL (for himself, Mrs. Feinstein, and Mr. Helms):

S. J. Res. 19. Joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997; read the first time.

S. J. Res. 20. Joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997; to the Committee on Foreign Relations.

S. J. Res. 21. Joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding assistance for Mexico during fiscal year 1997, and to provide for the termination of the withholding of and opposition to assistance that results from the disapproval; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. KERREY, Mr. HARKIN, Mr. WELLSTONE, Mr. BAUCUS, Mr. COCHRAN and Mr. INOUYE):

S. 385. A bill to provide reimbursement under the Medicare Program for telehealth services, and for other purposes; to the Committee on Finance.

THE COMPREHENSIVE TELEHEALTH ACT OF 1997

● Mr. CONRAD. Mr. President, today, I am pleased to be joined by Senator KERREY, Senator HARKIN, Senator WELLSTONE, Senator BAUCUS, Senator COCHRAN, and Senator INOUYE to introduce legislation to help improve health care delivery in rural and underserved communities throughout America through the use of telecommunications and telehealth technology.

Telehealth encompasses a wide variety of technologies, ranging from the telephone to high-technology equipment that enables a surgeon to perform surgery from thousands of miles away. It includes interactive video equipment, fax machines and computers along with satellites and fiber optics. These technologies can be used to diagnose patients, deliver care, transfer health data, read x-rays, provide consultation, and educate health professionals. Telehealth also includes the electronic storage and transmission of personally identifiable health information, such as medical records, test results, and insurance claims.

The promise of telehealth is becoming increasingly apparent. Throughout the country, providers are experimenting with a variety of telehealth approaches in an effort to improve access to quality medical and other health-related services. Those programs are demonstrating that telecommunications technology can alleviate the constraints of time and distance, as well as the cost and inconvenience of transporting patients to medical providers. Many approaches show promising results in reducing health care costs and bringing adequate care to all Americans. For the first time, technological advances and the development of a national information infrastructure give telehealth the potential to overcome barriers to health care services for rural Americans and afford them the access that most Americans take for granted. But it is clear that our Nation must do more to integrate telehealth into our overall health care delivery infrastructure.

Because I believe telehealth holds incredible promise for rural America, I formed the Ad Hoc Steering Committee on Telemedicine and Health Care Informatics to explore telehealth and related issues in 1994. The purpose of the steering committee, which includes telehealth experts from government, private industry, and the health care professions, is to evaluate Federal policies on telehealth and how to use telecommunications technology more effectively to increase access to health care throughout America.

Throughout the last few years, as the steering committee held meetings and policy forums, it became increasingly apparent that there is enormous energy and financial effort being devoted to telehealth today, both by government and private industry.

Because so many rural and underserved communities lack the ability to attract and support a wide variety of health care professionals and services, it is important to find a way to bring the most important medical services into those communities. Telehealth provides an important part of the answer. It helps bring services to remote areas in a quick, cost-effective manner, and can enable patients to avoid traveling long distances in order to receive health care treatment.

Telehealth is already making a difference in my State. The University of North Dakota has a fiber optic two-way audio and video interactive network that has been used to train students in areas like social work and medical technology. Recently, I had the opportunity to spend some time with two of the premier telehealth systems in the State of North Dakota. I was amazed at the capabilities of these systems. They currently supply speciality care to rural North Dakota clinics, manage chronic disease, lower administrative costs, and reduce the isolation felt by rural and frontier practitioners.

Because telehealth is in many respects an emerging health care application, it is particularly important to constructively capitalize on efforts like these. My proposal attempts to facilitate this in a number of ways.

The first element of my proposal builds on current demonstration projects to require the Health Care Financing Administration to put in place a reimbursement system for telehealth activities under Medicare. Medicare reimbursement policy is an essential component of helping to integrate telehealth into the health care infrastructure, and must be explored. It is particularly important in rural areas, where many hospitals do as much as 80 percent of their business with Medicare patients. While rural areas are the most in need of telehealth services, I also realize there are other groups that would greatly benefit from an expansion of this service. That is why I am also asking the Secretary of Health and Human Services to submit a report that will examine the impact of expanding telehealth reimbursement for nonrural Medicare beneficiaries who are home-bound or nursing home-bound and for whom being transferred for health care services imposes a serious hardship.

The second element of this proposal asks the Secretary of Health and Human Services to submit a report to the Congress on the status of efforts to ease licensing burdens on practitioners who cross State lines in the course of supplying telehealth services. Currently, consultation by almost any licensed health professional in this situation requires that the practitioner be licensed in both States.

In talking with telehealth providers in my State, and with experts on the ad hoc committee, I have been told repeatedly that this is one of the most significant barriers to developing broad integrated telehealth systems. More importantly, they tell me States have actively been using licensure to close their borders to innovative telehealth practice. In the past 2½ years, 11 States have taken legislative action to ensure that out-of-State practitioners must be fully licensed in their State in order to provide telehealth services, even if they are fully licensed in their own State. During a recent discussion with a telehealth practitioner from my home State of North Dakota, I was told about a group of telehealth specialists who, among their small group practice, were licensed in more than 30 different States. That means they pay 30 different fees, are responsible for 30 different continuing education requirements, and are overseen by 30 different regulatory bodies. This is a costly and burdensome procedure for many practitioners, but the burden falls particularly heavily on rural practitioners, who face long travel times to acquire continuing education, and who frequently run on lower profit margins than urban practitioners.

While I am not prepared at this time to propose that the Federal Government get involved with professional licensure, I have asked the Secretary to study the issue and report to Congress yearly on the status of efforts by States and other interested organizations to address this issue. This will allow us to reach out to the States and work together to find solutions to cross-State licensure concerns. As part of this report, I have asked the Secretary to make recommendations to Congress, if appropriate, about possible Federal action to lower the licensure barrier.

A third element of my proposal involves coordination of the Federal telehealth effort. Vice President GORE has been making outstanding contributions in the area of the information superhighway. The Department of Health and Human Services, in large part at the urging of the Vice President, has created an informal interagency task force that is examining our Federal agency telehealth efforts. This group recently completed a report on telehealth that highlights current Federal activities and also provides a thorough examination of many of the important issues in telehealth.

My bill attempts to use that task force to inventory Federal activity on telehealth and related technology, determine what applications have been found successful, and recommend an overall Federal policy approach to telehealth. Many departments and agencies of the Federal Government are engaged in telehealth activity, including the Veterans' Administration, Department of Defense, Department of Agriculture, Office of Rural Health Policy, and many others. The more these agencies work together to coordinate the Federal effort and consolidate Federal resources, the more effective the Federal Government will be in contributing to telehealth in a positive way. I believe this is especially important in light of the recent GAO report calling for an expanded role for this group and more coordination of telehealth issues across the Federal agencies. The efforts of this group, along with the ongoing activities of the congressional ad hoc steering committee, will provide a renewed focus for telehealth across the Federal Government. Such coordination will also help protect the American taxpayer from unnecessary duplication of effort.

The fourth part of my proposal helps communities build homegrown telehealth networks. It attempts both to build a telehealth infrastructure and foster rural economic development and incorporates many of the most important lessons learned from other grant projects and studies on telehealth from across the Federal Government.

Clearly, the scarcity of resources in many rural communities requires that the coordination and use of those resources be maximized. My bill encourages cooperation by various local entities in an effort to help build sustainable telehealth programs in rural communities. It plants seed money to encourage health care providers to join with other segments of the community to jointly use telecommunications resources. Using a unique loan forgiveness program, it rewards telehealth systems that supply appropriate, high-quality care while reducing overall health care costs.

Most importantly, it does not create a system where various technological approaches are imposed upon communities. Rather it enables potential grantees to determine user-friendly approaches that work best for them. This homegrown approach to developing user-friendly telehealth systems, as well as the preference for coordinating resources within communities, will help ensure the long-term viability of such programs after the grant expires.

Mr. President, my proposal is a sound first step in our national efforts to integrate telecommunications technology into the rapidly evolving health care delivery system. This bill is very similar to legislation, S. 2171 I introduced late in the 104th Congress. I am very encouraged by the positive feedback I have received from telehealth networks across the country. Over the past few months, I have attempted to reach out to different groups and incorporate their ideas into this proposal. As a result, I have made several changes in the bill that I believe will make this a stronger proposal. But, as with any complex issue, I understand that some may prefer different approaches. By introducing this legislation early in the 105th Congress, I hope to send a message to all interested parties that now is the time to come forward with creative solutions to these important issues. It is my hope that comprehensive telehealth legislation can be attached to any Medicare reform legislation enacted in this Congress so we can improve access to needed health care services for rural and underserved populations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Telehealth Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES

Sec. 101. Medicare reimbursement for telehealth services.

TITLE II—TELEHEALTH LICENSURE

Sec. 201. Initial report to Congress.
Sec. 202. Annual report to Congress.

TITLE III—PERIODIC REPORTS TO CONGRESS FROM THE JOINT WORKING GROUP ON TELEHEALTH

Sec. 301. Joint working group on telehealth.

TITLE IV—DEVELOPMENT OF TELEHEALTH NETWORKS

Sec. 401. Development of telehealth networks.
Sec. 402. Administration.
Sec. 403. Guidelines.
Sec. 404. Authorization of appropriations.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Hospitals, clinics, and individual health care providers are critically important to the continuing health of rural populations and the economic stability of rural communities.

(2) Rural communities are underserved by specialty health care providers.

(3) Telecommunications technology has made it possible to provide a wide range of health care services, education, and administrative services between health care providers, patients, and administrators across State lines.

(4) The delivery of health services by licensed health care providers is a privilege and the licensure of health care providers and the ability to discipline such providers is necessary for the protection of citizens and for the public interest, health, welfare, and safety.

(5) The licensing of health care providers to provide telehealth services has a significant impact on interstate commerce and any unnecessary barriers to the provision of telehealth services across State lines should be eliminated.

(6) Rapid advances in the field of telehealth give Congress a need for current information and updates on recent developments in telehealth research, policy, technology, and the use of this technology to supply telehealth services to rural and underserved areas.

(7) Telehealth networks can provide hospitals, clinics, health care providers, and patients in rural and underserved communities with access to specialty care, continuing education, and can act to reduce the isolation from other professionals that these health care providers sometimes experience.

(8) In order for telehealth systems to continue to benefit rural and underserved communities, the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) must reimburse the provision of health care services from remote locations via telecommunications.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To mandate that the Health Care Financing Administration reimburse the provision of clinical health services via telecommunications.

(2) To determine if States are making progress in facilitating the provision of telehealth services across State lines.

(3) To create a coordinating entity for Federal telehealth research, policy, and program initiatives that reports to Congress annually.

(4) To encourage the development of rural telehealth networks that supply appropriate, cost-effective care, and that contribute to the economic health and development of rural communities.

(5) To encourage research into the clinical efficacy and cost-effectiveness of telehealth diagnosis, treatment, or education on individuals, health care providers, and health care networks.

SEC. 3. DEFINITIONS.

In this Act:

(1) HEALTH CARE PROVIDER.—The term "health care provider" means anyone licensed or certified under State law to provide health care services who is operating within the scope of such license.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

TITLE I—MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES

SEC. 101. MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES.

(a) IN GENERAL.—Not later than July 1, 1998, the Secretary shall make payments from the Federal Supplementary Medical Insurance Trust Fund under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) in accordance with the methodology described in subsection (b) for professional consultation via telecommunications systems with an individual or entity furnishing a service for which payment may be made under such part to a beneficiary under the medicare program residing in a rural area (as defined in section 1886(d)(2)(D) of such Act (42 U.S.C. 1395ww(d)(2)(D))) or an underserved area, notwithstanding that the individual health care provider providing the professional consultation is not at the same location as the individual furnishing the service to that beneficiary.

(b) Methodology for Determining Amount of Payments.—Taking into account the findings of the report required under section 192 of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 1988), the findings of the report required under paragraph (c), and any other findings related to the clinical efficacy and cost-effectiveness of telehealth applications, the Secretary shall establish a methodology for determining the amount of payments made under subsection (a), including the cost of the consultation service, a reasonable overhead adjustment, and a malpractice risk adjustment.

(c) Supplemental Report.—Not later than January 1, 1998, the Secretary shall submit a report to Congress which shall contain a detailed analysis of—

(1) how telemedicine and telehealth systems are expanding access to health care services;

(2) the clinical efficacy and cost-effectiveness of telemedicine and telehealth applications;

(3) the quality of telemedicine and telehealth services delivered; and

(4) the reasonable cost of telecommunications charges incurred in practicing telemedicine and telehealth in rural, frontier, and underserved areas.

(d) Expansion of Telehealth Services for Certain Medicare Beneficiaries.—

(1) In general.—Not later than January 1, 1999, the Secretary shall submit a report to Congress that examines the possibility of making payments from the Federal Supplementary Medical Insurance Trust Fund under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) for professional consultation via telecommunications systems with an individual or entity furnishing a service for which payment may be made under such part to a beneficiary described in paragraph (2), notwithstanding that the individual health care provider providing the professional consultation is not at the same location as the individual furnishing the service to that beneficiary.

(2) Beneficiary described.—A beneficiary described in this paragraph is a beneficiary under the medicare program who does not reside in a rural area (as so defined) or an underserved area, who is home-bound or nursing home-bound, and for whom being transferred for health care services imposes a serious hardship.

(3) Report.—The report described in paragraph (1) shall contain a detailed statement of the potential costs to the medicare program under title XVIII of that Act of making the payments described in that paragraph using various reimbursement schemes.

TITLE II—TELEHEALTH LICENSURE

SEC. 201. INITIAL REPORT TO CONGRESS.

Not later than January 1, 1998, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning—

(1) the number, percentage and types of health care providers licensed to provide telehealth services across State lines, including the number and types of health care providers licensed to provide such services in more than 3 States;

(2) the status of any reciprocal, mutual recognition, fast-track, or other licensure agreements between or among various States;

(3) the status of any efforts to develop uniform national sets of standards for the licensure of health care providers to provide telehealth services across State lines;

(4) a projection of future utilization of telehealth consultations across State lines;

(5) State efforts to increase or reduce licensure as a burden to interstate telehealth practice; and

(6) any State licensure requirements that appear to constitute unnecessary barriers to the provision of telehealth services across State lines.

SEC. 202. ANNUAL REPORT TO CONGRESS.

(a) In General.—Not later than January 1, 1999, and each July 1 thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress, an annual report on relevant developments concerning the matters referred to in paragraphs (1) through (6) of section 201.

(b) Recommendations.—If, with respect to a report submitted under subsection (a), the Secretary determines that States are not making progress in facilitating the provision of telehealth services across State lines by eliminating unnecessary requirements, adopting reciprocal licensing arrangements for telehealth services, implementing uniform requirements for telehealth licensure, or other means, the Secretary shall include in the report recommendations concerning the scope and nature of Federal actions required to reduce licensure as a barrier to the interstate provision of telehealth services.

TITLE III—PERIODIC REPORTS TO CONGRESS FROM THE JOINT WORKING GROUP ON TELEHEALTH

SEC. 301. JOINT WORKING GROUP ON TELEHEALTH.

(a) In General.—

(1) Redesignation.—The Joint Working Group on Telemedicine, established by the Secretary, shall hereafter be known as the "Joint Working Group on Telehealth" with the chairperson being designated by the Director of the Office of Rural Health Policy.

(2) Mission.—The mission of the Joint Working Group on Telehealth is—

(A) to identify, monitor, and coordinate Federal telehealth projects, data sets, and programs,

(B) to analyze—

(i) how telehealth systems are expanding access to health care services, education, and information,

(ii) the clinical, educational, or administrative efficacy and cost-effectiveness of telehealth applications, and

(iii) the quality of the services delivered, and

(C) to make further recommendations for coordinating Federal and State efforts to increase access to health services, education, and information in rural and underserved areas.

(3) Periodic reports.—The Joint Working Group on Telehealth shall report not later than January 1 of each year (beginning in 1998) to Congress on the status of the Group's mission and the state of the telehealth field generally.

(b) Report Specifics.—The annual report required under subsection (a)(3) shall provide—

(1) an analysis of—

(A) how telehealth systems are expanding access to health care services,

(B) the clinical efficacy and cost-effectiveness of telehealth applications,

(C) the quality of telehealth services delivered,

(D) the Federal activity regarding telehealth, and

(E) the progress of the Joint Working Group on /Telehealth's efforts to coordinate Federal telehealth programs; and

(2) recommendations for a coordinated Federal strategy to increase health care access through telehealth.

(c) Termination.—The Joint Working Group on Telehealth shall terminate immediately after the annual report filed not later than January 1, 2002.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary for the operation of the Joint Working Group on Telehealth on and after the date of the enactment of this Act.

TITLE IV—DEVELOPMENT OF TELEHEALTH NETWORKS

SEC. 401. DEVELOPMENT OF TELEHEALTH NETWORKS.

(a) In General.—The Secretary, acting through the Director of the Office of Rural Health Policy (of the Health Resources and Services Administration), shall provide financial assistance (as described in subsection (b)(1)) to recipients (as described in subsection (c)(1)) for the purpose of expanding access to health care services for individuals in rural and frontier areas through the use of telehealth.

(b) Financial Assistance.—

(1) In general.—Financial assistance shall consist of grants or cost of money loans, or both.

(2) Form.—The Secretary shall determine the portion of the financial assistance provided to a recipient that consists of grants and the portion that consists of cost of money loans so as to result in the maximum feasible repayment to the Federal Government of the financial assistance, based on the ability to repay of the recipient and full utilization of funds made available to carry out this title.

(3) Loan forgiveness program.—

(A) Establishment.—With respect to cost of money loans provided under this section, the Secretary shall establish a loan forgiveness program under which recipients of such loans may apply to have all or a portion of such loans forgiven.

(B) Requirements.—A recipient described in subparagraph (A) that desires to have a loan forgiven under the program established under such paragraph shall—

(i) within 180 days of the end of the loan cycle, submit an application to the Secretary requesting forgiveness of the loan involved;

(ii) demonstrate that the recipient has a financial need for such forgiveness;

(iii) demonstrate that the recipient has met the quality and cost-appropriateness criteria developed under subparagraph (C); and

(iv) provide any other information determined appropriate by the Secretary.

(C) Criteria.—As part of the program established under subparagraph (A), the Secretary shall establish criteria for determining the cost-effectiveness and quality of programs operated with loans provided under this section.

(c) Recipients.—

(1) Application.—To be eligible to receive a grant or loan under this section an entity described in paragraph (2) shall, in consultation with the State office of rural health or other appropriate State entity, prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

(A) a description of the anticipated need for the grant or loan;

(B) a description of the activities which the entity intends to carry out using amounts provided under the grant or loan;

(C) a plan for continuing the project after Federal support under this section is ended;

(D) a description of the manner in which the activities funded under the grant or loan will meet health care needs of underserved rural populations within the State;

(E) a description of how the local community or region to be served by the network or proposed network will be involved in the development and ongoing operations of the network;

(F) the source and amount of non-Federal funds the entity would pledge for the project; and

(G) a showing of the long-term viability of the project and evidence of health care provider commitment to the network.

The application should demonstrate the manner in which the project will promote the integration of telehealth in the community so as to avoid redundancy of technology and achieve economies of scale.

(2) Eligible entities.—An entity described in this paragraph is a hospital or other health care provider in a health care network of community-based health care providers that includes at least—

(A) two of the following:

(i) community or migrant health centers;

(ii) local health departments;

(iii) nonprofit hospitals;

(iv) private practice health professionals, including rural health clinics;

(v) other publicly funded health or social services agencies;

(vi) skilled nursing facilities;

(vii) county mental health and other publicly funded mental health facilities; and

(viii) providers of home health services; and

(B) one of the following, which must demonstrate use of the network for purposes of education and economic development (as required by the Secretary):

(i) public schools;

(ii) public library;

(iii) universities or colleges;

(iv) local government entity; or

(v) local nonhealth-related business entity.

An eligible entity may include for-profit entities so long as the network grantee is a nonprofit entity.

(d) Priority.—The Secretary shall establish procedures to prioritize financial assistance under this title considering whether or not the applicant—

(1) is a health care provider in a rural health care network or a health care provider that proposes to form such a network, and the majority of the health care providers in such a network are located in a medically underserved, health professional shortage areas, or mental health professional shortage areas;

(2) can demonstrate broad geographic coverage in the rural areas of the State, or States in which the applicant is located;

(3) proposes to use Federal funds to develop plans for, or to establish, telehealth systems that will link rural hospitals and rural health care providers to other hospitals, health care providers and patients;

(4) will use the amounts provided for a range of health care applications and to promote greater efficiency in the use of health care resources;

(5) can demonstrate the long-term viability of projects through use of local matching funds (cash or in-kind);

(6) can demonstrate financial, institutional, and community support for the long-term viability of the network; and

(7) can demonstrate a detailed plan for coordinating system use by eligible entities so that health care services are given a priority over non-clinical uses.

(e) Maximum Amount of Assistance to Individual Recipients.—The Secretary may establish the maximum amount of financial assistance to be made available to an individual recipient for each fiscal year under this title, and establish the term of the loan or grant, by publishing notice of the maximum amount in the Federal Register.

(f) Use of Amounts.—

(1) In general.—Financial assistance provided under this title shall be used—

(A) with respect to cost of money loans, to encourage the initial development of rural telehealth networks, expand existing networks, or link existing networks together; and

(B) with respect to grants, as described in paragraph (2).

(2) Grants and loans.—The recipient of a grant or loan under this title may use financial assistance received under such grant or loan for the acquisition of telehealth equipment and modifications or improvements of telecommunications facilities including—

(A) the development and acquisition through lease or purchase of computer hardware and software, audio and video equipment, computer network equipment, interactive equipment, data terminal equipment, and other facilities and equipment that would further the purposes of this section;

(B) the provision of technical assistance and instruction for the development and use of such programming equipment or facilities;

(C) the development and acquisition of instructional programming;

(D) demonstration projects for teaching or training medical students, residents, and other health professions students in rural training sites about the application of telehealth;

(E) transmission costs, maintenance of equipment, and compensation of specialists and referring health care providers;

(F) development of projects to use telehealth to facilitate collaboration between health care providers;

(G) electronic archival of patient records;

(H) collection and analysis of usage statistics and data that can be used to document the cost effectiveness of the telehealth services; or

(I) such other uses that are consistent with achieving the purposes of this section as approved by the Secretary.

(3) Expenditures in rural areas.—In awarding a grant or cost of money loan under this section, the Secretary shall ensure that not less than 50 percent of the grant or loan award is expended in a rural area or to provide services to residents of rural areas.

(g) Prohibited Uses.—Financial assistance received under this section may not be used for any of the following:

(1) To build or acquire real property.

(2) Expenditures to purchase or lease equipment to the extent the expenditures would exceed more than 40 percent of the total grant funds.

(3) To purchase or install transmission equipment (such as laying cable or telephone lines, microwave towers, satellite dishes, amplifiers, and digital switching equipment).

(4) For construction, except that such funds may be expended for minor renovations relating to the installation of equipment.

(5) Expenditures for indirect costs (as determined by the Secretary) to the extent the expenditures would exceed more than 20 percent of the total grant funds.

(h) Matching Requirement for Grants.—The Secretary may not make a grant to an entity State under this section unless that entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions (in-cash or in-kind) in an amount equal to not less than 50 percent of the Federal funds provided under the grant.

SEC. 402. ADMINISTRATION.

(a) Nonduplication.—The Secretary shall ensure that facilities constructed using financial assistance provided under this title do not duplicate adequate established telehealth networks.

(b) Loan Maturity.—The maturities of cost of money loans shall be determined by the Secretary, based on the useful life of the facility being financed, except that the loan shall not be for a period of more than 10 years.

(c) Loan Security and Feasibility.—The Secretary shall make a cost of money loan only if the Secretary determines that the security for the loan is reasonably adequate and that the loan will be repaid within the period of the loan.

(d) Coordination With Other Agencies.—The Secretary shall coordinate, to the extent practicable, with other Federal and State agencies with similar grant or loan programs to pool resources for funding meritorious proposals in rural areas.

(e) Informational Efforts.—The Secretary shall establish and implement procedures to carry out informational efforts to advise potential end users located in rural areas of each State about the program authorized by this title.

SEC. 403. GUIDELINES.

Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines to carry out this title.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, $25,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2004.•

By Mr. WYDEN:

S. 386. A bill to amend title XVIII of the Social Security Act to protect and improve the Medicare Program, and for other purposes; to the Committee on Finance.

THE MEDICARE MODERNIZATION AND PATIENT PROTECTION ACT OF 1997

• Mr. WYDEN. Mr. President, as this Congress moves forward to strengthen and secure the Medicare Program for future generations, three issues are crystal clear.

First, we must have the political will to modernize Medicare to reflect both the quality and the efficiency of private health care plans now serving most working Americans, and in particular the Federal Employees Health Benefits Program which many Members of Congress, their staff and families, and other Federal employees enjoy.

Second, we must maintain our commitment to current and future Medicare beneficiaries by preserving a basic, high-quality portfolio of health services for all enrollees, irrespective of their income, where they live, or their particular health circumstances.

Third, we must begin the transformation of Medicare financial foundations in a way that is first fair to all beneficiaries, and second insures that Medicare will be there for our children and their children, and that it will not bust the Federal budget in the bargain.

I believe that the legislation I introduce, today, The Medicare Modernization and Patient Protection Act of 1997, meets all three of these primary goals. While fully preserving traditional, fee-for-service Medicare, this legislation also will create an array of new, high-quality, cost-efficient health plans for Medicare beneficiaries, and offer those enrollees positive incentives to try them. It will provide new protections and consumer rights to Medicare beneficiaries in capitated health plans. It will mandate new penalties and enforcement mechanisms to eradicate fraud and abuse now stripping billions of dollars per year from the program. And it will create new support systems for some of Medicare's most desperately ill and poor beneficiaries, and their families.

Finally, through new cost-conscious management systems and a firm fiscal control mechanism, this plan will reduce Medicare cost growth by approximately $100 billion over the next 5 years, and with financial constraints that will continue to control runaway spending growth after fiscal year 2002.

The Medicare Modernization and Patient Protection Act will offer seniors more health plan choices by eliminating the huge variability in capitated payments to health plans in counties around the nation. At the same time, it will raise the minimum payment to 80 percent of the national average payment, leveraging higher reimbursements and I believe more plan offerings in up to 20 percent of our counties.

This proposal also establishes an outlier fund, an account fueled by withholding up to five percent of payments to Medicare health maintenance organizations. Medicare managers would have discretion to withhold those payments from plans which are being over-compensated by the HMO payment formula, and disburse those funds in the form of extra payments to plans which have avoided risk selection in their beneficiary recruitment and as a result are providing services to sicker enrollees with above-average health care costs. Compared to the meat-cleaver approach of reducing all plan payments from the current 95 percent of local average health care costs, to 90 percent, this is a surgical solution to two significant Medicare managed care plan problems: (a) plan overpayments and (b) plans which avoid enrolling older, frailer beneficiaries because they cut profit margins.

At the end of the year, any funds remaining in this account would be rolled back into the Medicare hospital insurance budget.

At the same time, this bill reforms current rules for Medicare supplemental insurance, or Medigap policies, requiring that such policies must be issued to any eligible beneficiary at any time. This change will encourage more seniors to try capitated plans, because they know the Medigap safety net always will be available to them.

Seniors would be protected from unfair denial of service decision and other health plan abuses through a strengthened and streamlined appeals process. Also, seniors would receive more informative and easily comparable information on health plans in their communities, and through the mail on a regular basis through annual enrollment fairs.

The legislation also would require the collection of customer service and satisfaction data, and performance information to be used `in qualitative analysis by Medicare to produce published report cards on plan performance, and help consumers make kitchen-table assessments of their plan options.

By Federal statute, plans also would be barred from muzzling doctors and other health care practitioners in their conversations with patients about their medical condition and all treatments appropriate to their case.

New criminal and civil penalties are created for practitioners and plans who rip off the system.

Programs for hospice care, Alzheimer's respite care, and prospective payment for both home care and skilled nursing care are added to Medicare. The legislation requires Medicare to study and make recommendations on the more extensive and appropriate use of community pharmacy, telemedicine and so-called social health maintenance organization plans for dual eligibles in its portfolio of services to beneficiaries.

The fiscal integrity portion of this bill would set overall part A and part B spending limits for each of the next 5 years. These overall spending limits would include target spending allotments for each of the several major areas of Medicare activity: doctors, hospitals, diagnostic services, nursing homes, and the like.

Typically, Medicare has sought to control costs in these areas in the past by rolling back reimbursement rates for goods and services. Providers, however, have watered down Medicare's attempts at thrift by increasing volume in the face of lower per-service payments. Too often this has led to waste and inefficiency, with providers ordering procedures and services that beneficiaries really don't need, crippling Medicare with unnecessarily high costs.

With $100 billion in cumulative savings expected in 5 years, my proposal would require that Medicare practitioners live within the budget's ceiling by mandating reduced reimbursements if cumulative billings otherwise would bust an individual service sector's annual spending plan.

Despite these restraints, Medicare fee-for-service providers will enjoy generally healthy annual increases under this proposal. Beneficiaries should see no change in the level or quality of care they receive. Expensive, unnecessary care, however, could be sharply curtailed.

Mr. President, I believe that this Congress should not as a first step relinquish Medicare restructuring to a special commission. I think most of us have an acute awareness of what is needed to fix the program for the long term. Some steps will be harder than others. But as the old Chinese proverb reminds us, a trip of a thousand miles begins with the first step.

I hope my colleagues will agree with me that the Medicare Modernization and Patient Protection Act is that good first step, and join with me in cosponsoring this legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

THE MEDICARE MODERNIZATION AND PATIENT PROTECTION ACT OF 1997—SECTION-BY-SECTION ANALYSIS

TITLE I: PROMOTING COMPETITION, QUALITY, AND BENEFICIARY CHOICE IN MEDICARE

Section 1: Short title; table of contents, definitions.

Section 2: Findings

Section 101: Establishment of Plan Inprovement and Competition Office

Subsection (a) establishes an office within Health Care Financing Administration to carry out several of the pro-quality, pro-consumer mandates of the legislation.

Subsection (b) defines duties.

Subsection 102: HMO and Competitive Pricing Demonstration Projects

Subsection (a) directs the Secretary to conduct demonstration projects for competitive bidding between HMO contractors in counties in which the AAPCC rate is 120 percent of the national average AAPCC rate, or higher.

Subsection (b) directs reports to Congress.

Subsection (c) waives certain requirements under the Social Security Act.

Subsection (d) requires that the projects be conducted within existing department funding.

Subsection 103: Medigap amendments

Subsection (a) guarantees issues of Medicare supplemental insurance regardless of preexisting health conditions.

Subsection also requires community rating of Medigap policies. Further, this subsection guarantees offer of Medigap coverage to persons who leave Medicare risk plans for any one of several reasons, including voluntary disenrollment at any time during the first 12 months of enrollment in a risk plan (and had not been in a risk plan, earlier).

Subsection (b) limits exclusion from coverage due to pre-existing health conditions.

Subsection (c) clarifies non-discrimination requirements during initial enrollment periods.

Subsection (d) extends the six-month initial enrollment period to non-elderly Medicare beneficiaries.

Subsection (e), sets effective dates.

Subsection (f) defines transition rules including a directive that the National Association of Insurance Commissioners amend its Model Regulation to reflect Medicare supplemental insurance policy changes required by the section.

TITLE II: INCREASING MEDICARE COVERAGE OPTIONS

Subtitle A: Risk Plan Improvements

Section 201: Changes in medicare managed care program

Subsection (a) HMO payments, amends the current formula for determining local HCFA annual reimbursement rate increases for persons insured by risk-sharing plans providing both Part A and Part B benefits (Medicare Risk plans). The reformulation would, beginning in 1998, set a new minimum payment "floor" requiring that HCFA pay no plan less than 80 percent of the national average for payments to all plans in 1997. For each community, payment increases in subsequent years would be determined by selecting the highest figure from three alternative formulas; (1) 102 percent of the previous year's rate, (2) in 1999, 80 percent of the 1998 national average, and in 2000 and in subsequent years increasing the rate by the previous year's national average growth rate for Medicare managed care plan reimbursements, or (3) an increase determined by a "melded" rate of local and national managed care average reimbursements, according to the following formula:

1998: area specific percentage of increase is determined by the sum of 80 percent of the local average increase in the average adjusted per capita cost (AAPCC) in previous year, and 20 percent of the national AAPCC increase.

1999: area specific percentage determined by the sum of 75 percent of the local AAPCC increase in the previous year, and 25 percent of the national AAPCC increase.

2000: area specific percentage determined by the sum of 70 percent of local AAPCC increase in previous year, and 30 percent of the national AAPCC increase.

2001: area specific percentage determined by the sum of 65 percent of the local AAPCC increase in previous year, and 35 percent of the national AAPCC increase.

2002: area specific percentage determined by the sum of 60 percent of the local AAPCC increase in previous year, and 40 percent of the national AAPCC increase.

2003, and in each subsequent year: area specific percentage determined by the sum of 60 percent of the local AAPCC increase in previous year, and 40 percent of the national AAPCC increase.

This section also contains certain budgetary protections for beneficiaries receiving treatment for end-stage renal disease, and for high-cost-growth metropolitan counties.

Subsection (b) creates additional quality standards for section 1876(c)(6) of the Act, requiring Medicare managed care plans to meet new standards established by the Secretary of HHS in consultation with private accreditation organizations, and addressing such issues as ongoing quality assurance programs stressing (1) health outcomes, and (2) providing review by physicians and other certified health professionals.

Plans meeting these additional standards may waive the requirement of at least 50 percent non-Medicare beneficiary enrollment for participation as a Medicare Risk contractor.

Subsection (c) requires coordinated enrollment and disenrollment periods for Medicare managed care plans, similar to so-called "open season" periods for Federal Employee Health Benefit Program plans.

Subsection (d) sets service area requirements for participating plans, including requirements that plans provide enrollment within all of a metropolitan statistical area if such organization provides enrollment in any part of the metropolitan area. Some limited exclusions may be allowed.

Subsection (e) provides other enhanced enrollee protections involving provision of emergency room care and services, renal dialysis, and reimbursement of services outside the plan's services area (specific to renal disease).

Subsection (f) allows the Secretary in certain instances to make additional payments to plans insuring certain individuals, for reasonable costs related to anomalies in specific service areas.

Subsection (g) provides for intermediate sanctions against plans for program violations, short of termination. These intermediate sanctions may include civil penalties of not more than $25,000 per offense, and suspension of new enrollment. The section also provides for reasonable notice to the organization and a right of appeal.

Subsection (h) requires that Medicare managed care plans must submit to standardized quality review through independent organizations to determine and demonstrate that they have maintained the new, higher quality performance levels required under this legislation. The section also requires a review of plans' quality performance by the U.S. General Accounting Office, no later than July 1998.

Subsection (i) sets an effective date for Section 101 as the contract years beginning with 1998.

Section 202: Quality report cards and comparative reports

Subsection (a) requires that beginning in calendar year 1998, the Secretary will begin distribution of quality report cards to beneficiaries on eligible managed care plans and on Medicare supplemental policies, including a comparison of benefits, costs and quality indicators developed under this section.

Subsection (b) directs the Secretary to develop quality indicators on (1) disenrollments statistics, (2) care outcomes, (3) population health status, (4) appropriateness of care, (5) consumer satisfaction, (6) access to care, including waiting time for scheduled appointments and access to emergency room care, and (7) preventative care programs.

Subsection (c) directs the Secretary to develop standardized reports comparing plans on the basis of (1) monthly premiums, (2) choice of doctors, (3) choice of hospitals, (4) service area, (5) emergency room care coverage, (6) hospital charges, (7) physician charges, (8) prescription drug coverage, (9) ambulance coverage, (10) coverage of routine eye exams and eyeglasses, (11) coverage of skilled nursing facilities and home health care, (12) coverage of hearing exams and hearing aids, (13) coverage of mental health therapy, (14) the number of beneficiaries in the plan, and several other indicators of plan coverage.

Subsection (d) requires that plans divulge to the Secretary information required to complete this comparative analysis. The Secretary also is empowered to collect, on a pro rata basis, costs from plans to carry out the requirements of this section.

Subsection (e), definitions.

Section 203: Preemption of state laws restricting managed care

Subsection (a) preempts states from establishing care mandates for health insurance coverage in Medicare.

Subsection (b) preempts state laws restricting managed care arrangements. This preemption would lift state laws which (1) prohibit or limit carriers from offering incentives to enrollees to use services of participating providers, (2) prohibit or limit carriers from limiting services to participating providers, and other state restrictions on managed care plans.

This subsection also includes a number of definitions.

Subsection (c) preempts state laws restricting utilization review programs. However, the section specifies that this preemption *exempts* laws preventing denial of lifesaving medical treatment pending transfer of enrollees to another health care provider.

Subsection (d) effective date, January 1, 1998.

Section 204: Appeals

Subsection (a) requires all Medicare Risk contractors to designate an independent ombudsman to assist enrollees in exercising rights to dispute plan decisions, and in other grievances.

This section also directs the Secretary to establish no later than January 1, 1998, an office for the collection of data on each plan pertaining to decisions on the disallowance of services to beneficiaries, in full or in part.

Subsection (b) requires that plans provide enrollees with clear and understandable description of grievance and appeal procedures.

Subsection (c) creates an expedited HCFA grievance and appeals procedure.

Section 205: Medicare HMO Enrollment Fair

Subsection (a) mandates that the Secretary require and coordinate annual enrollment fairs in each Medicare payment area to inform beneficiaries of plans offered by health care organizations.

Subtitle B: Maintaining Fee-for-Service Program

Section 211: Failsafe budget mechanism

Subsection (a) requires payment adjustments to achieve specified Medicare targets. Sets annualized, five-year spending targets for Medicare, Parts A and B, according to budget estimated under Clinton Administration plan.

Includes a "fail-safe" budget mechanism allowing the Secretary to undertake proportional reductions in provider reimbursements if spending targets otherwise would be exceeded by billing volume.

Section 212: Maintenance of part B premium at current percentage of part B program costs

Subsection (a) maintains monthly premium setting formula at the current percentage of actual Part B program costs.

Subsection (b) sets effective date, applying to premiums paid for months beginning with January 1997.

TITLE III—PROMOTION OF PROGRAMS OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE) AND OF SOCIAL HEALTH MAINTENANCE ORGANIZATIONS (SHMOS)

Section 301: Definitions

Section 302: Expanding the availability of qualified organizations for frail elderly community projects (program of all-inclusive care for the elderly (PACE))

Subsection (a) directs the Secretary to establish PACE provider status for public or nonprofit organizations to provide comprehensive health care services, on a capitated basis, to frail elderly patients who are at risk of institutionalization in skilled nursing facilities, and who would qualify for benefits under both Medicare and Medicaid. Such organizations would qualify for three-year periods, with re-qualification procedures. Requirements for assuming financial risk are specified.

The subsection, the Secretary would be required to act on applications within 90 days.

Subsection (b) provides for terms and conditions of approval, equivalent to those contained in conditions of approval for an On Lok waiver, section 603C of the Social Security Amendments of 1983, as extended by OBRA 1985. The section also defines other entry requirements, and certain responsibilities of the Secretary to assure quality and feasibility of the plan.

Subsection (c) defines eligibility for participation by PACE plans.

Subsection (d) sets reimbursement to the organization through a capitation basis.

Subsection (e) applies Section 302 statutes to plans currently operating under an On Lok waiver.

Subsection (f) applies current Social Security Act statutes relating to income and resources of institutionalized spouses to any individual receiving services from an organization operating as a PACE provider.

Subsection (g) allows participating plans to also offer services to frail populations other than the elderly, except where the Secretary finds provision of such services may impair the ability of the organization's performance as a SHMO.

Section 303: Application of spousal impoverishment rules

Applies protections against spousal impoverishment to couples receiving services through PACE organizations.

Section 304: Permitting expansion and making permanent SHMO waivers

The section lifts limitations on how many SHMOs may be approved by the Secretary, as well as limitations on how many individuals may be enrolled in any such project.

Section 305: Repeals; effective date; and application to existing waivers

Subsection (a) repeals certain federal statues which are non-conforming to the intent and purpose of this legislation.

Subsection (b) requires that the Secretary within nine months of enactment make effective interim final regulations on the provisions of this title. Until then, all existing PACE providers and OnLok waivers will remain in effect. After implementation of new regulations, SHMOs which at that point have completed three years of activity will attain PACE provider status without need for reapplication.

Demonstration sites operating less than three years will be accorded PACE provider status, but will be required to undergo annual review for three years.

TITLE IV—OTHER MEDICARE CHANGES

Section 401: Application of competitive acquisition process for part B items and services

Subsection (a) authorizes the Secretary to describe appropriate competitive acquisition procedures for awarding contracts for items or services. Selected areas of acquisition to be governed by competitive bidding will be left to the Secretary's discretion. The section applies to the acquisition of durable medical equipment, clinical lab services, prosthetic devices, diagnostic tests, surgical dressings, and other items and services which may be identified by the Secretary.

Section 401 sets a number of requirements to assure the health and safety of Medicare beneficiaries.

Subsection (b) sets limitations and requirements with respect to exclusive and non-exclusive competitions.

Subsection (c) sets an effective date of January 1, 1997.

Section 402: Simpler procedure for inherent reasonableness determinations

Subsection (a) and Subsection (b) revise, strike or extend existing status to reform Medicare acquisitions procedures for both goods and services, and improve efficiency within those activities.

Subsection (c) makes those changes effective on January 1, 1997.

Section 403: Promoting advanced directives

Subsection (a) requires that persons who have executed advanced directives are ensured that such documents are included in hospital medical charts.

Subsection (b) would require development and dissemination of standard national forms by the Secretary.

Subsection (c) encourages health plans in Medicare to encourage use of advanced directive forms through education and dissemination of promotional material.

Subsection(d) directs the Secretary to develop and implement a promotional campaign with respect to advanced directives.

Section 404: Antifraud efforts

Subsection (a) increases penalties for Medicare fraud, and includes definitions.

Subsection (b) establishes new definitions of punishable offenses.

Subsection (c) requires a study on standardization of claims administration focused on determining the feasibility and desirability of establishing a standardized Medicare claims administration process, implementing other measures to improve record keeping, and taking other appropriate steps to reduce waste, fraud and abuse in making payments in the Medicare program.

Subsection (d) directs the Commission on Reinventing Government to report to Congress on the effectiveness of current efforts to combat waste, fraud and abuse in Medicare, and whether these efforts would be enhanced by establishing a coordinated, all-payer, multijurisdiction antifraud program.

Section 405: Hospice benefits

Subsection (a) restructures the benefit period for hospice care, extending such benefits to an unlimited number of 60-day periods. This section includes a number of conforming amendments.

Subsection (b) provides new language for reimbursement of related services including ambulance, diagnostic tests, chemotherapy and radiation therapy within the hospice environment.

Subsection (c) allows for contracting with independent physicians and physician groups for hospice care services.

Subsection (d) waives certain staffing requirements.

Subsection (e) limits liability of beneficiaries and providers with regard to certain hospice coverage denials.

Subsection (f) extends the period for a physician to medically certify an individual's terminal illness.

Subsection (g) sets effective date.

Section 406: Study providing pharmacy services to medicare beneficiaries

Subsection (a), directs the Secretary to identify cost savings which may be achieved through expanding the role of pharmacy services under the program.

Subsection (b) describes services which should be analyzed in the study.

Subsection (c) and (d), require development of recommendations and a report to Congress.

Section 407: Respite Benefit

Subsection (a) describes entitlement structure for service not exceeding 32 each year.

Subsection (b) further describes conditions and limitations on payment.

Subsection (c) definitions.

Subsection (d) defines payments from supplementary insurance trust fund for individuals with only hospital insurance coverage.

Subsection (e) effective date.

TITLE V—PROSPECTIVE PAYMENT FOR HOME HEALTH SERVICES

Section 501. Payment for home health services

Subsection (a) amends the Social Security Act to mandate that home health services be reimbursed through a prospective payment system. This provision describes discrete areas of services.

(b) directs establishment of a per visit rate for home care services.

(c) sets aggregate limits for services and for patients.

(d) sets a medical review process for the system of payments described in the act, and supervision to insure that individuals receive appropriate care.

(e) provides for adjustments to payments and for the tracking of patients who may switch home health agencies. This section also provides for monitoring features that determine changes in the quality and level of health care. The provision also requires that the Secretary report annually to Congress regarding recommendations for ensuring access to appropriate home health services.

(f) provides for payment to Christian Science providers.

(g) requires an annual report to Congress during the first three years of this payment plan by the Medicare Prospective Payment Review Commission on the effectiveness of the payment methodology.

(h) mandates development of an "episodic" prospective payment system for home health care.

(i) requires the Secretary to develop a data base upon which managers may develop a fair and accurate case mix adjustor as required elsewhere in this act for the determination of prospective payment.

Subsection (b) appeals process.

Subsection (c) sunsets reasonable cost limitation.

Subsection (d) effective date.

Section 502. Review by peer review organization of home health services

Subsection (a) requires utilization and quality review of home health services by an appropriate peer review organization. These reviews would occur under conditions including a health agency's determination that a patient did not meet conditions for care, that the patient no longer requires care, that the patient's level of care is inconsistent with the prescription of the attending physician.

This provision also requires written notification to the patient by the agency and the peer review organization.

Subsection (b) describes hearing rights.

Section 503. Retroactive reinstatement of presumptive waiver of liability.

Reconciles OBRA 1986 and other statutes to allow implementation of prospective payment for home health services.

TITLE VI: PROSPECTIVE PAYMENT SYSTEM FOR NURSING FACILITIES

Section 601: Definitions for acuity payment, aggregated resident invoice, allowable costs, case mix weight and other items to be cited in the determination of prospective payment.

Section 602: Sets payment objectives, including maintaining a fair and equitable balance between cost containment and quality of care.

Section 603: Defines powers and duties of the Secretary.

Section 604: Reconciles provisions of this title with the Social Security Act.

Section 605: Establishes a resident classification system to be used to adjust payment rates to practical care requirements.

Section 606: Establishes a "cost-center" system for establishing appropriate reimbursement to facilities based on overhead expenses and general operating costs.

Section 607: Resident assessment. Requires facilities to assess needs of each resident in accordance with the reimbursement requirements of the title.

Section 608: Establishes a system for formulating per diem rates of reimbursement for enrolled residents.

Section 609: Establishes a per diem reimbursement system for compensating facility administrative and general costs.

Section 610: Establishes payment system for fee-for-service ancillary costs.

Section 611: Provides for reimbursement of selected ancillary services and other costs.

Section 612: Establishes per diem payment for property costs related to rentals required by facilities.

Section 613: Creates a procedure for mid-year rate adjustments.

Section 614: Creates payment rate exceptions for new and low-volume nursing facilities.

Section 615: Creates a process for appealing decisions by HCFA regarding payments in the amount of $10,000 or more.

Section 616: Phases in prospective payment for skilled nursing facilities over a three-year period. First year would have payments based on 25 percent of new system, 75 percent of old system. Second year goes to a 50-50 split. Third year is 75 percent new system, 25 percent old system. Fourth year fully exercises all payment requirements under the title.

TITLE VII: TELEMEDICINE

Section 701: Internet access for health care providers for rural areas.

Subsection (a) amends the Communications Act of 1934 by adding minimum requirements for Internet access for health care providers for rural areas. Requires carriers to provide access "necessary for the provision of health care services" and at rates described in the title. Sets threshold requirements for infrastructure and bandwidth, to be determined by "commission."

Subsection (b) definitions.

Subsection (c) conforming amendments.

Section 702: Establishes a congressional Commission on Telemedicine to undertake requirements of the title.

Subsection (a) defines membership, term of office, payment.

Subsection (b) describe duties, including "a thorough study and develop(ment) of recommendations on all matters relating to which Telemedicine service should be covered under Medicare."

Title also requires a report on these issues not later than one year following enactment.

Subsection (c) through (f) describe powers, personnel, termination and appropriations for the commission.●

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. NICKLES, Mr. BREAUX, Mr. GORTON, Mrs. FEINSTEIN, Mrs. MURRAY, and Mrs. BOXER):

S. 387. a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software; to the Committee on Finance.

THE SOFTWARE EXPORT EQUITY ACT

Mr. HATCH. Mr. President, I rise today to introduce the Software Export Equity Act. I am pleased to be joined in this bipartisan effort by my colleagues on the Senate Finance Committee, Senators MAX BAUCUS, DON NICKLES, JOHN BREAUX, as well as PATTY MURRAY, SLADE GORTON, DIANNE FEINSTEIN, and BARBARA BOXER. Identical legislation has been introduced in the House by Representative JENNIFER DUNN and a strong bipartisan group of her House colleagues.

This bill highlights an issue that I have mentioned many times in the Finance Committee. Currently, the section of the Internal Revenue Code outlining what qualifies for foreign sales corporation [FSC] treatment and tax benefits is unclear and has left out software that is exported overseas. Our bill would clarify the treatment of software.

What is a foreign sales corporation? It is a corporate entity established by Congress to help facilitate the export of American made goods to foreign markets. The FSC rules allow a corporation a tax benefit on a portion of its earnings generated by the sale or lease of export property. It is consistent with sound U.S. policy to promote U.S. exports.

When the foreign sales corporation statute was enacted in 1971, the computer software industry was relatively new. The original FSC statute was drafted with the intent that only U.S. job-creating property manufactured or produced in the United States and sold or leased outside the United States qualifies for export benefits. The FSC rules are designed to assist U.S. exporters in competing with products made in other countries that have more favorable rules for taxing exports.

Mr. President, it is in our best interests to encourage the export of American goods and services. The United States is currently the world leader in software development, employing approximately 2 million people in software development jobs. As this industry continues to grow, much of the expansion of the industry is due to the growth of exports. However, as the software industry has grown in response to global markets, the tax laws have not kept up.

Currently, the statute allows films, tapes, records or similar reproductions to qualify for FSC benefits. However, because of a narrow interpretation of the FSC rules, software does not generally receive this export incentive.

Let me provide an example that I have shared before with my colleagues on the Finance Committee. Suppose you have two CD-ROM's—one containing a musical recording, the other containing dictionary software with musical recordings included. The two look the same and are very similar except for the software. If the you export a master CD-ROM of the musical recording to another country for reproduction, the export qualifies for FSC benefits. However, if you export a master copy of the software CD-ROM with a license to make additional copies, you will be denied FSC benefits. This is simply wrong and unfair. In an age where many computer products are multipurpose—with music and software—this makes no sense.

Now this problem is not beyond repair. The Treasury Department does not believe that it has the authority to issue regulations to correct this problem. However, they support the legislative fix I am introducing today. The FSC statute must be clarified to allow exported software with the right to reproduce to receive fair and equitable treatment.

Mr. President, this problem hits home in my State of Utah. There are a number of software manufacturers in Utah that have developed a worldwide presence. Watching musical and other intangible items receive FSC treatment while highly sophisticated software is left out, is simply discouraging for these sometimes small software companies. This legislation corrects this inequity and reestablishes our commitment to promoting American competitiveness.

I am please to introduce the Software Export Equity Act today. I urge all of my colleagues to support this bipartisan effort and cosponsor this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Software Export Equity Act".

SEC. 2. CLARIFICATION OF APPLICATION OF FOREIGN SALES CORPORATION RULES TO SOFTWARE.

Subparagraph (B) of section 927(a)(2) of the Internal Revenue Code of 1986 (relating to property excluded from eligibility as FSC export property) is amended by inserting ", and software, whether or not patented" after "for commercial or home use".

Mr. NICKLES. Mr. President, I am pleased to join Senator HATCH, Senator BAUCUS, and Senator BREAUX in the introduction today of the Software Export Equity Act, a bill to provide that software exports receive the same tax treatment as other products made in the United States. Our bill will help ensure that the U.S. software industry, the current world leader, maintains their competitive edge.

The Software Export Equity Act simply clarifies that software produced in the United States for export fully qualifies for foreign sales corporation [FSC] export incentives the same as most other U.S. products. The bill proposes no special or unique benefit for the software industry, just equal and fair treatment under existing law.

The FSC statute and its predecessor, the domestic international sales corporation statute, were enacted by Congress to help U.S. companies compete abroad. The FSC statute provides a tax exemption of up to 5 percent of a company's income attributable to export sales of U.S.-made products. Only those products manufactured or produced in the United States for export to a foreign market qualify for FSC benefits to ensure domestic economic growth and job creation.

Unfortunately, the fledgling software industry was not specifically considered by Congress when the FSC statute was enacted, and subsequent Treasury Department rules disqualified them for FSC benefits. Indeed, Treasury's narrow interpretation allows nearly identical products, exported in an identical manner, such as movies and compact disc recordings, to fully qualify for FSC benefits, but not software.

Repeated attempts to convince the Treasury Department to modify their rules have failed, Mr. President, leaving only the alternative of amending the law. Fortunately, this issue has broad bipartisan support in the House and Senate and was recently included in President Clinton's fiscal year 1998 budget request.

Employing over 2 million people and exporting more than $26 billion in software each year, the U.S. software industry is an important and growing part of our economy. They lead the world in the development of innovative products and cutting-edge technology. In today's competitive global economy, incentives to encourage firms to develop products here for export abroad are vitally important. The enactment of this legislation will assure that we provide these incentives to all U.S. products equally.

I encourage all my colleagues to join us in supporting this legislation.

Mr. BREAUX. Mr. President, I am pleased today to join Mr. HATCH, Mr. NICKLES, and Mr. BAUCUS in introducing the Software Export Equity Act. This legislation is extremely important to maintaining the U.S. software industry's competitiveness and the growth of high-skilled, high-paying software industry jobs in the United States. The Software Export Equity Act has broad bipartisan support and was included in the fiscal year 1998 budget that the President submitted to Congress. I urge my colleagues to join with us in support of swift enactment of this legislation.

The U.S. software industry is a vital and growing part of the U.S. economy, creating many new high-paying, high technology jobs in the United States. Much of the expansion of the software industry is due to the growth of export sales. The Software Export Equity Act clarifies the application of the foreign sales corporation [FSC] rules to exports of U.S. software.

The FSC rules were enacted to address the competitive disadvantages faced by U.S. exporters vis-a-vis exports from other countries that have more favorable tax systems, particularly those that effectively exempt export sales from home country tax. The goal of the FSC provisions was to prevent manufacturing and production jobs from moving out of the United States. Unfortunately, a narrow IRS interpretation of these rules precludes exports of U.S. software from fully qualifying for the FSC incentive. I am very concerned that this problem could cause U.S. software companies to begin examining such options as moving high-skilled, high-paying software development jobs overseas where highly skilled labor is available at much lower wages. The FSC incentive will help offset higher U.S. labor costs by providing benefits on the export of products developed in the United States. Moreover, there is no justification to deny U.S. software exports the FSC incentive. Virtually every other U.S. exporter fully qualifies for these incentives. I believe it is vital to quickly enact legislation that would clarify these rules to reflect the Congress' intent with respect to software, not only to protect U.S. software development jobs, but also to preserve ownership of this technology in the United States.

Mr. BAUCUS. Mr. President, I am pleased today to join Senator HATCH in cosponsoring the Software Export Equity Act. I believe the continued vitality of the U.S. software industry is extremely important to the U.S. economy. The Software Export Equity Act will not only help us to retain high-paying U.S. software development jobs with successful U.S. software companies, but also will help smaller U.S. software companies to enter the export market by helping to offset the high costs of exporting.

The Software Export Equity Act ensures that U.S. software exports qualify for the benefits of the foreign sales corporation [FSC] rules, which are very important to maintaining a high level of U.S. exports. The foreign sales corporation rules were enacted to provide an incentive for U.S. companies to manufacture their products in the United States for export overseas, thus retaining U.S. development and manufacturing jobs. It is clearly as important to Congress to retain U.S. software development jobs, which are among the highest paying jobs in the United States, as it is to retain other manufacturing and development jobs. Nonetheless, the IRS has questioned the application of the FSC rules to software because independent software products did not exist when this incentive was originally enacted in 1971. Our tax laws must keep up with changes in technology and recognize that FSC rules should apply to software.

This legislation is about fairness, but more importantly, this legislation is about jobs and preserving the ownership of technology in the United States. The Department of Commerce estimates that every $1 billion of export trade is worth 19,000 domestic jobs. Today there are nearly 600,000 U.S. employees working directly in the software industry, with at least another 1.5 million software developers employed in related industries. These are high-paying jobs, with average compensation in 1992 of $55,000 per employee. The Software Export Equity Act will prevent U.S. software companies from moving those high-paying software development jobs overseas, where highly skilled labor is available for much lower wages. The Software Export Equity Act will also help smaller software companies to enter the export market by helping to offset the high cost of exporting, which was one of the principal purposes for creating the FSC rules. FSC treatment is as important to exports of software as it is to exports of other U.S. products that are clearly covered by these rules.

Finally, the Software Export Equity Act will protect U.S. ownership of technology. If software development jobs were moved outside the United States, ownership of the technology created would also move outside the United States. Today the software industry has revenues of $200 billion a year and a growth rate of 13 percent per year. To lose U.S. ownership of the future of this industry would mean not only a tremendous direct loss to the GDP, but also would mean a loss of the spillover benefits that U.S.-developed technology has on other U.S. industries. In summary, the loss of ownership of this technology would be devastating to the growth potential of the U.S. economy.

I appreciate the fact that the administration supports our position and has recommended FSC treatment for computer software in the budget. Enactment of this legislation will make that recommendation reality. I urge my colleagues to join Senators HATCH, BREAUX, NICKLES, and myself in support of swift action on the Software Export Equity Act.

● Mr. GORTON. Mr. President, I am pleased to join Senator HATCH today in introducing the Software Export Equality Act. In 1971, Congress created foreign service corporations [FSC] in order to encourage U.S. exports and increase U.S. competitiveness in the international marketplace. Under current law, FSC legislation gives U.S. manufacturers a tax incentive for exports of domestically produced goods.

Today, virtually every U.S. product manufactured for export abroad qualifies for FSC benefits. Yet current tax laws continue to discriminate against one of the America's fastest growing exports: software.

Due to the IRS's narrow interpretation of FSC rules, the software industry is precluded from qualifying for any FSC benefits despite the fact that approximately 85 percent of products sold by U.S. software companies are developed in the United States and it currently ranks seventh in U.S. industry exports. This bill will clarify that computer software qualifies as export property and is eligible for FSC benefits. Continuing to deny the benefits of FSC rules to the software industry is not only unfair, it poses a serious impediment to the competitiveness of U.S. manufactured software.

Software is one of the America's fastest growing industries, with revenues of more than $200 billion and a growth rate of 13 percent per year on average. As the world leader in software development, the United States is home to more than 8,000 software companies that provide, directly and indirectly, millions of high-paying, high-skilled American jobs in many States.

Software is a vital and growing part of many State economies, including my own State of Washington. In Washington State, the software industry accounted for $3.5 billion worth, and 12 percent, of Washington State exports and employed over 22,509 people in 1995. Microsoft, the State's largest software producer, alone supported 1.5 percent of the State's economy in 1995. But these impressive numbers do not even take into account the significant impact the numerous small and middle-sized software companies that make up the majority in Washington State have on the State's economy.

The worldwide market for software is exploding and global competition is quickly on the rise. In this increasingly competitive world economy, incentives to encourage firms to develop and export from the United States are more important than ever to job creation and economic stability. This bill provides a simple way to ensure the U.S. software industry remains the world leader in software manufacturing and American software jobs are protected.

I encourage my colleagues to join me in support of this very important legislation and urge its quick passage in the Senate.●

By Mr. LUGAR:

S. 388. A bill to amend the Food Stamp Act of 1977 to assist States in implementing a program to prevent prisoners from receiving food stamps; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD STAMP ACT AMENDMENTS

● Mr. LUGAR. Mr. President, I rise today to introduce a bill that will stop prisoners from getting food stamp benefits. My bill will assist States in implementing a program to ensure that prisoners are not counted as members or heads of food stamp households, thus either increasing the households' benefits or allowing an individual to illegally receive benefits in the prisoner's name.

I was disturbed to read in the newspaper about a draft General Accounting Office report showing over $3 million in food stamp benefits being overpaid to households in which a member has been incarcerated. Current law prohibits prisoners from receiving food stamp benefits and requires that households notify their local welfare office of any changes in the makeup of the household. I am concerned to see that there is a breakdown in the system, allowing millions of dollars to be paid out illegally.

Briefings by USDA's Food and Consumer Service and the General Accounting Office have confirmed that although a few States are performing computer matches of data on States' food stamp participants and verified inmates, most are not. All States should be doing these computer matches. This bill requires the Secretary of Agriculture to collect information from States already doing computer matches to prevent prisoners from receiving food stamp benefits, then evaluate, summarize, and disseminate this information to all States not later than 180 days after the bill's enactment. The Secretary must then provide the States with technical assistance to implement a computer matching system.

The problem of prisoners illegally receiving Federal benefits is not limited to the Food Stamp Program. Another recently released General Accounting Office report shows that the Social Security Administration has made erroneous payments to prisoners who were incarcerated in the jail system at the time of the study. In response to this study, the Personal Responsibility and Work Opportunity Act of 1996 included language authorizing the Commissioner of the Social Security Administration to enter into agreements with institutions to prevent these erroneous payments. We should make a similar effort to prevent these erroneous payments in the Food Stamp program.

The Food Stamp Program provides a safety net for millions of people. We cannot allow fraud and abuse to undermine the Food Stamp Program. Integrity is essential to ensure a program that can serve those in need. It is Congress' responsibility to play a role in ending fraud and abuse in all federally funded programs. This legislation is an important step in ending fraud and abuse in the Food Stamp Program.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENIAL OF FOOD STAMPS FOR PRISONERS.

Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

"(q) DENIAL OF FOOD STAMPS FOR PRISONERS.—

"(1) COLLECTION AND DISSEMINATION OF INFORMATION.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall—

"(A) collect information on policies and procedures used by States that conduct computer matches or other systems to prevent prisoners from receiving food stamp benefits; and

"(B) evaluate, summarize, and disseminate to each State the information collected under paragraph (1) that describes the best practices of the States (including information related to verifying prisoners' social security numbers with the Social Security Administration).

"(2) ASSISTANCE TO STATES.—The Secretary shall assist States, to the extent practicable, in implementing a system to conduct computer matches or other systems to prevent prisoners from receiving food stamp benefits.".●

By Mr. ABRAHAM (for himself, Mr. BOND, Mr. NICKLES, Mr. HUTCHINSON, Mr. HELMS and Mr. SESSIONS):

S. 389. A bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

THE MANDATES INFORMATION ACT OF 1997

Mr. ABRAHAM. Mr. President, I rise today to introduce the Mandates Information Act of 1997. This bill in my view furthers the cause of careful deliberation in this, the greatest deliberative body in the world. It will force Members of Congress to carefully consider all aspects of potential legislation containing mandates affecting consumers, workers, and small businesses.

I am proud to say that my colleagues and I aided the cause of careful deliberation during the last Congress. We passed the Unfunded Mandates Reform Act of 1995. That legislation required the Congressional Budget Office to make two key estimates with respect to any bill reported out of committee: First, whether the bill contains intergovernmental mandates with an annual cost of $50 million or more; and, second, whether the bill contains private sector mandates with an annual cost of $100 million or more. The 1995 act also established a point of order against bills meeting the $50 million cost threshold for intergovernmental mandates. Although the point of order can be waived by a simple majority vote, it encourages Congress to think carefully before imposing new intergovernmental mandates.

The 1995 act did not apply its point of order to private sector mandates. This was understandable, given the bill's focus on intergovernmental mandates. But States and localities are not alone in being affected by Federal mandates. Consumers, workers, and small businesses also are affected when the Federal Government passes along the costs of its policies. This is why the Mandates Information Act of 1997 will apply a point of order to bills meeting the $100 million cost threshold for private sector mandates, while also directing the CBO to prepare a "Consumer, Worker, and Small Business Impact Statement" for any bill reported out of committee.

These reforms are necessary in my view, Mr. President, because the 1995 act, while effective in its chosen sphere of intergovernmental mandates, does not contain the necessary mechanisms to force Congress to think seriously about the wisdom of proposed mandates on the private sector. This leaves our private sector faced with the same dilemma once faced by our States and localities: Congress does not give full consideration to the costs its mandates impose. Focusing almost exclusively on the benefits of unfunded mandates, Congress pays little heed to, and sometimes seems unaware of, the burden that unfunded mandates impose on the very groups they are supposed to help.

Unfunded mandate costs by definition do not show up on Congress' balance ledger. But, as President Clinton's Deputy Treasury Secretary Lawrence Summers has written, "[t]here is no sense in which benefits become 'free' just because the government mandates" them. Congress has merely passed the costs on to someone else.

And that "someone" is the American people. As economists from Princeton's Alan Krueger to John Holohan, Colin Winterbottom, and Sheila Zedlewski of the Urban Institute agree, the costs of unfunded mandates on the private sector are primarily borne by three groups: consumers, workers, and small businesses.

What forms do these costs take? For consumers, mandate costs take the form of higher prices for goods and services, as unfunded mandates drive up the cost of labor.

For workers, the costs of unfunded mandates often take the form of significantly lower wages. According to the Heritage Foundation, a range of independent studies indicates that some 88 percent of the cost of private sector mandates are shifted to workers in the form of lower wages.

And mandates can cause workers to lose their jobs altogether. Faced with uncontrollable increases in employee costs, our job creators too often find that they can no longer afford to retain their full complement of workers. The Clinton health care mandate, for example, would have resulted in a net loss of between 200,000–500,000 jobs, according to a study conducted by Professor Krueger.

Small businesses and their potential employees also suffer. Mandates typically apply only to businesses with at least a certain number of employees. As a result, small businesses have a powerful incentive not to hire enough new workers to reach the mandate threshold. As the Wall Street Journal recently noted, "The point at which a new [mandate] kicks in * * * is the point at which the [Chief Financial Officer] asks 'Why grow?'"

That question is asked by small businesses all over the country, but let me cite one example from my State. Hasselbring/Clark is an office equipment supplier in Lansing, MI. Noelle Clark is the firm's treasurer and secretary. Mindful of the raft of mandates whose threshold is 50 employees, Ms. Clark reports that lately "we have hired a few temps to stay under 49." Thus, unfunded mandates not only eliminate jobs, but also prevent jobs from being created.

Much as Members of Congress may wish it were not so, mandates have a very real cost. This does not mean that all mandates are bad. But it does mean that Congress should think very carefully about the wisdom of a proposed mandate before imposing it.

Such careful thinking, Mr. President, is the goal of the Mandates Information Act of 1997. Just as the Unfunded Mandates Reform Act of 1995 protects State and local governments from hasty decisionmaking with respect to proposed intergovernmental mandates, the Mandates Information Act would protect consumers, workers, and small businesses from hasty decisionmaking with respect to proposed private sector mandates. It would do so, in essence, by extending the reforms of the 1995 act to private sector mandates.

The bill I introduce today would build on the 1995 act's reforms in two ways. First, to give Congress more complete information about the impact of proposed mandates on the private sector, my bill directs CBO to prepare a "Consumer, Worker, and Small Business Impact Statement" for any bill reported out of Committee. This statement would include analyses of the bill's private sector mandates' effects on the following: First, consumer prices and [the] actual supply of goods and services in consumer markets; second, worker wages, worker benefits, and employment opportunities; and third, the hiring practices, expansion, and profitability of businesses with 100 or fewer employees.

But providing Congress with more complete information about the impact of proposed private sector mandates will not guarantee that it pays any attention to it. This we know from experience. In 1981, Congress enacted the State and Local Government Cost Estimate Act, sponsored by Senator Sasser. Pursuant to that act, CBO provided Congress with estimates of the cost of intergovernmental mandates in bills reported out of committee. But Congress routinely ignored this information. It did so because the 1981 act had no enforcement mechanism to force Congress to consider the CBO estimates. As Senator Sasser himself explained in introducing a follow-up bill in 1993, "[t]he problem [with the 1981 act], it has become clear, is that this yellow caution light has no red light to back it up."

To supply that "red light," Senator Sasser's Mandate Funding Act of 1993 contained a point of order. Of course, the Unfunded Mandates Reform Act of 1995 likewise contained a point of order, which is why it succeeded where Senator Sasser's 1981 act had failed.

The Mandates Information Act of 1997 will provide this red light for proposed private sector mandates. It contains a point of order against any bill whose private sector mandates exceed the $100 million threshold set by the 1995 act. Like the 1995 act's point of order against intergovernmental mandates, the 1997 bill's point of order can be waived by a simple majority of Members. Thus it will not stop Congress from passing bills it wants to pass.

But the point of order will serve a vital purpose. It will ensure that Congress does not ignore the information contained in the consumer, worker, and small business impact statement. It will do so by allowing any Member to focus the attention of the entire House or Senate on the impact statement for a particular bill.

The Mandates Information Act of 1997 will provide Congress with more complete information about proposed mandates' effects on consumers, workers, and small businesses. It will also ensure that Congress actually considers this information before reaching a judgment about whether to impose a new mandate. The result, Mr. President, will be focused, high-quality deliberation on the wisdom of private sector mandates.

Because of the success of the 1995 act, Congress is now much more careful to consider the interests of State and local governments in making decisions about unfunded mandates. But Congress must be just as careful to consider the interests of consumers, workers, and small businesses in making such decisions. This bill will ensure that care, helping produce better legislation; legislation that imposes a lighter burden on working Americans.

Mr. President, I ask unanimous consent that the following sample of letters from small business groups supporting the bill be introduced in the

RECORD, along with a list of groups that have expressed their support for it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS SUPPORTING THE MANDATES INFORMATION ACT OF 1997

NATIONAL ORGANIZATIONS

Chamber of Commerce of the United States; National Association of Wholesaler-Distributors; National Federation of Independent Businesses; National Retail Federation; Small Business Survival Committee; National Restaurant Association; National Association for the Self-Employed.

MICHIGAN ORGANIZATIONS

Associated Underground Contractors, Inc.; Grand Rapids Area Chamber of Commerce; Michigan Association of Timbermen; Michigan Chamber of Commerce; Michigan Farm Bureau Family of Companies; Michigan NFIB; Michigan Retailers Association; Michigan Soft Drink Association; Small Business Association of Michigan.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, February 11, 1997.
Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of the more than 600,000 members of the National Federation of Independent Business (NFIB), I want to express support for the Mandate Information Act of 1997

In 1995 with the passage of the Unfunded Mandates Act, Congress acknowledged the significant problem that federal government mandates have on the operation of states and localities. Government mandates create equally burdensome problems on the private sector and especially small employers. These federal mandates discourage small business start-ups, growth and job creation.

Our members have consistently ranked unreasonable government regulation as one of their top concerns. The Mandate Information Act works to address the problem of federal mandates on small businesses by applying the reforms put in place by the Unfunded Mandates Act of 1995 for state and local government to the private sector. This would require Congress to weigh more carefully the impact of proposed legislation on small businesses and their employees.

We commend you on your efforts to reduce the government mandated burdens a small business must shoulder and look forward to working with you to ensure that this positive reform becomes law.

Sincerely,

DAN DANNER,
Vice President,
Federal Governmental Relations.

CHAMBER OF COMMERCE,
Washington, DC, January 7, 1997.
Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: I am pleased to offer the support of the U.S. Chamber of Commerce Federation for your proposed legislation, the Mandates Information Act of 1997.

One of the key success stories of the 104th Congress was the adoption of bipartisan unfunded mandates reform requiring Congress to consider the cost and consequences of federal requirements on state and local government. Another important component of this law was the requirement that significant federal mandates on the private sector be measured and made public. Such mandates have an enormous impact on consumers, small businesses and workers in the form of higher prices, fewer jobs, declining goods and services and reduced workers benefits. Moreover, these mandates are likely to escalate as scarce budgetary resources will place even greater pressure on utilizing federal regulations as a means of implementing government programs and initiatives.

[The Mandates Information Act would provide the next necessary step to promote greater public and congressional accountability regarding the impact of federal mandates.] It builds upon the success of the unfunded mandates law by requiring Congress to have more information on who will be affected and ultimately pay the costs associated with these mandates. It would allow Members of Congress to vote on each mandate—considering not only its benefits but its effect on the private sector as well as the economy, jobs and consumers.

[It is good government policy for Congress to engage in the practice of legislating with the necessary information concerning the impact of their actions. Policymakers have the responsibility and obligation to make informed decisions and to be accountable for the consequences of those decisions.] Such a proposal would help ensure that when resources are diverted from jobs, wages and families into government rules, the impact are fully considered.

The U.S. Chamber of Commerce Federation, the world's largest federation of business, chambers of commerce and business organizations representing every size and sector of the nation's economy, looks forward to working with you in seeking adoption of this common sense, good government proposal.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL RETAIL FEDERATION,
Washington, DC, February 12, 1997.
Hon. SPENCER ABRAHAM,
U.S. Senator,
Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of the National Retail Federation, the world's largest retail trade association, I am writing to support your legislation, the Mandates Information Act of 1997.

Too often Congress passes new mandates on entrepreneurs without understanding the actual cost. Many times, mandates look good on paper, but can have a disastrous effect once implemented. Your legislation will correct that once and for all.

The costs associated with mandates, as you well know, are more than direct cash outlays, these costs mean less economic growth, fewer jobs created and higher costs to consumers. Congress' worthy goal of balancing the budget, combined with desires of some to "deliver more things" to voters that the government doesn't have to pay for, will put more pressure than ever on Members of Congress to burden business.

New mandates automatically won't be stopped, only automatically considered under this bill. That's right in line with Main Street. The Abraham legislation assures retailers and other entrepreneurs that Congress will consider the impact of proposed mandates set forth in the CBO Consumer, Worker and Small Business Impact Statement before they are simply enacted into law.

Again, thank you for your leadership against new mandates. We look forward to working with you to pass this legislation.

Sincerely,

JOHN J. MOTLEY,
Senior Vice President,
Government and Public Affairs.

MICHIGAN CHAMBER OF COMMERCE,
Lansing, MI, January 31, 1997.
Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SPENCE: Your proposed "Mandates Information Act of 1997" is a great idea!

As you know, the Michigan Chamber and many other taxpayer groups supported—and voters approved—the Headlee Amendment to the State Constitution in 1978 that required state mandates on local government to be funded by the State. This has caused greater legislative and executive branch evaluation of state program mandates and related costs on local units of government and resulted in funding of any mandates by the state. The Michigan Chamber also supported adoption of unfunded mandates reform during the 104th Congress.

It's important that Congress now consider protection for the private sector from new unfunded mandates. Careful consideration of the impact of federal mandates on state and local government should be extended to job providers and consumers.

The Michigan Chamber of Commerce and our 6,500 member firms are pleased to support this needed legislation.

Sincerely,

JIM BARRETT,
President.

SMALL BUSINESS
ASSOCIATION OF MICHIGAN,
Lansing, MI, January 31, 1997.
Hon. SPENCER ABRAHAM,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR ABRAHAM: The Small Business Association of Michigan (SBAM) is pleased with your decision to introduce the "Mandates Information Act." Your bill will help protect small businesses from the financial impact of Congressional mandates.

Congressional mandates imposed on the private sector are already driving down worker wages, increasing consumer costs and reducing the availability of goods and services. These mandates could multiply as a result of the effort for a balanced budget. As funding becomes increasingly scarce, advocates of increased government intrusion in the private sector will try to shift program costs to small businesses in the form of new mandates.

A key provision of your legislation is the small business impact statement—to inform Congressional members about mandates and their impact on the private sector. The bill will direct the CBO to estimate the impact of a bill's mandates on consumer cost, worker wages, the availability of goods and services and small business job creation.

SBAM is Michigan's latest state based small business association representing 8,000 businesses in all of Michigan's 83 counties.

We look forward to working with you on this important small business issue.

Sincerely,

BARRY S. CARGILL,
Vice President,
Government Relations.

Mr. BOND. Mr. President, I rise today in support of the Mandates Information Act of 1997. I am pleased to be an original cosponsor of this important legislation, and I applaud my distinguished colleague from Michigan, Mr. ABRAHAM, for his leadership in this effort.

The bill we are introducing today continues the work begun in the 104th Congress with the enactment of the "Unfunded Mandates Reform Act of 1995—the 1995 act—authored by Mr. KEMPTHORNE to ensure that Congress is well advised of the cost unfunded mandates would impose on State and local governments. I was a cosponsor of the 1995 act, and I believe the time has come for us to expand its provisions to require similar detailed information and accountability on unfunded mandates affecting the private sector—so we can protect consumers, workers, and small businesses.

As chairman of the Senate Committee on Small Business, I am all too aware of the disproportionate burden Federal regulations impose on our Nation's small businesses. A 1995 study found that an average firm with less than 20 employees spent approximately $5,500 per employee in 1992 to comply with Federal regulations—compared with $3,000 per employee by firms with 500 or more employees. The overall cost to the economy is between 6 and 9 percent of gross domestic product—between $420-670 billion—in 1995 dollars—in regulatory compliance. Before we permit the Federal Government to adopt any new mandate that would add to this burden, the Congress needs to be fully informed of the new costs to be imposed on the economy so we can make an informed judgment.

The reforms proposed in this bill are needed to ensure that the Congress gives careful and thoughtful consideration to the impact unfunded mandates impose on the private sector. The ability of small businesses to compete and create new jobs can be hindered by unfunded mandates, we need to be aware of the magnitude of any future adverse effects. The Committee on Small Business will continue its work to ensure that the Government's actions here in Washington foster the growth of small businesses located on Main Street. This bill will help to ensure that all Members of Congress are equally informed of the effects a bill would have on the customers, employees, and owners of America's small businesses, the engine of our Nation's economic growth.

The legislation Senator ABRAHAM and I are introducing today will ensure that the private sector impact of unfunded mandates is addressed during deliberations on legislation imposing those mandates. Consumers, workers, and small businesses will benefit from the reforms to enhance congressional deliberations on unfunded mandates affecting the private sector. The Mandates Information Act of 1997 establishes a new parliamentary point of order against any bill that will impose private sector mandates exceeding a $100 million cost threshold. The measure directs the Congressional Budget Office to estimate the impact of the proposed unfunded mandates on consumer costs, worker wages, and the availability of goods and services.

As with the Unfunded Mandate Reform Act of 1995, the point of order authorized by the bill would bar the House or Senate from further action on a proposed measure unless a majority agrees to move forward with the initiative. By authorizing a point of order triggered by private sector impacts, the legislation introduced today puts teeth into the law to ensure that Congress addresses the costs that would be imposed by the unfunded mandates on small businesses, consumers, and workers. This change requires Members of Congress to go on record as either supporting or opposing an unfunded mandate that would add costs to the private sector.

With the aid of a consumer, worker, and small business impact statement, Members of Congress will have the information required to make an informed decision on the merit of imposing a mandate without also providing funding for compliance. The impact statement would be prepared by the Congressional Budget Office—which the bill directs to estimate the economic impact of a proposed mandate on consumers, wages, and the availability of goods and services.

All in all, this bill is about good governance. It provides information to ensure that Congress is fully informed on the impact of an unfunded mandate on the economy and the private sector in particular. By tasking the Congressional Budget Office with preparing an impact statement, the bill also provides important information to educate Congress on the effect of pending legislation. This, in itself, is an important step toward ensuring that the needs and concerns of small businesses, and the workers and customers that depend on small businesses, are given the attention they deserve by Congress. As with the Small Business Regulatory Enforcement Fairness Act of 1996—or the Red-Tape Reduction Act as I prefer to call it—today's bill seeks to ensure that the Government treats small business fairly. The Mandates Information Act has the support of the National Federation of Independent Business, the National Restaurant Association, the U.S. Chamber of Commerce, the National Retail Association, the National Association of Wholesaler-Distributors, and the Small Business Survival Committee—I urge my colleagues to join our efforts to enact this bill and enhance our efforts to ensure good governance.

By Mr. COVERDELL (for himself, Mrs. FEINSTEIN, and Mr. HELMS):

S.J. Res. 19. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997; read the first time.

S.J. Res. 20. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997; to the Committee on Foreign Relations.

S.J. Res. 21. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding assistance for Mexico during fiscal year 1997, and to provide for the termination of the withholding of and opposition to assistance that results from the disapproval; to the Committee on Foreign Relations.

DISAPPROVAL LEGISLATION

Mr. COVERDELL. Mr. President, I have introduced today three separate joint resolutions to disapprove the President's decision to certify Mexico as fully cooperating in our war on drugs. The first joint resolution will eventually be placed on the calendar by way of rule XIV of the Standing Rules of the Senate. The second resolution is identical to the first joint resolution; however, it will be referred to the Senate Foreign Relations Committee for their consideration.

Finally, Mr. President, the third joint resolution I have just introduced would disapprove the President's certification and instead decertify Mexico but authorize a national interest waiver.

Mr. President, I have been joined today by a coauthor of these resolutions, Senator FEINSTEIN of California, who will make remarks in a moment. I will take just a few minutes to visit this subject and then yield the floor to Senator FEINSTEIN.

First, let me say, Mr. President, that this is a most difficult issue, and it has very broad ramifications. Mr. President, I stand here as a friend of Mexico and the Mexican people, but I believe the actions on the part of the administration were a resounding endorsement of the status quo. Mr. President, the status quo is unacceptable. The status quo sees the Government of Mexico under siege by perpetrators of fraud and corruption and destabilization. Mr. President, the status quo sees millions of new victims being ravaged by the assault of drugs within our community. I suspect that the actions on the part of the administration, of President Clinton, were an effort to be supportive of

President Zedillo. I can understand that, but I believe this decision to certify without condition, versus to decertify and waive as our resolution calls for, misleads both nations. It suggests that things are going along fairly well and we just need to keep doing what we have been doing.

The President of Mexico himself said the greatest single threat to the security of his republic are the drug cartels. Mr. President, we are losing this war. That is what the status quo represents. We are losing. The people of Mexico are losing through destabilization of their government at all levels, the American people are losing through the victimization of millions of American citizens, and the democracies of the hemisphere are losing because this is a pervasive cloud over our future as we enter the new century.

All the opportunity one can envision about this hemisphere, the fact that 40 percent of our trade occurs in this hemisphere, the abounding opportunities that one can easily look at when you see what commerce can produce in the uplifting of all of our peoples, the single most serious threat to all those opportunities are the drug cartels. It hangs as a cloud, Mr. President. I believe the actions on the part of the administration do a disservice to all of our people on both sides of the border. And I hope that we can come at this question more honestly and admit that we have deep problems here, and that the good will that exists between our peoples is vibrant enough and strong enough that it can face an honest problem head on. No one is served by sweeping it under the rug for yet another year. Every day that goes by, we lose a little bit more and we come closer and closer to a time when this becomes unresolvable.

Mr. President, we will hold hearings on these resolutions in the very near term. I compliment my colleague from California for her extended work in this area for a considerable period of time.

At this point, I yield the floor to my colleague from California, Senator FEINSTEIN.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair and I thank the Senator from Georgia. I am pleased to join with him in this joint resolution, disapproving the certification of Mexico.

Mr. President, my disappointment in the administration's decision to certify Mexico's antidrug efforts last week, I think, was known to all. I believe that decision was a mistake, and I said so.

The decision to certify Mexico in the face of what I consider to be an overwhelming lack of cooperation undermines the integrity of the certification process itself, as well as damaging the credibility of the United States in our dealings with other countries with whom we seek cooperation.

I rise today to join with the Senator from Georgia and a number of my colleagues in introducing this resolution. But I do so with some regret. I regret the need for the resolution for two reasons. First, Mexico is a neighbor, a friend, and an ally of our country. Second, I very much regret the need to disagree with my President on this issue. I believe he made what he believes to be the right decision, but I respectfully disagree with him.

Our intention is clear: We believe that the evidence overwhelmingly supports decertification of Mexico, and then if the President sees fit, invoking a vital national interest waiver. For that reason, Senator COVERDELL has introduced a second resolution that allows the President to waive the sanctions on grounds of vital national interest after we enact our resolution of disapproval.

Last week, a bipartisan group of 39 Senators sent a letter to the President urging that this be his decision.

I ask unanimous consent that this letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, section 490 of the Foreign Assistance Act requires the President to certify that Mexico has cooperated fully with the United States, or taken adequate steps on its own to combat drug trafficking. It's just not tenable to claim that Colombia did not meet that standard, but Mexico did. Let me read one sentence from the decertification of Colombia in 1996. It reads:

> Critical to the U.S. judgment that the Government of Colombia did not fully cooperate on counternarcotics in 1995 is the assessment that corruption remains pervasive, despite the efforts of some dedicated Colombians to root it out.

That is no different from the situation in Mexico today. There are dedicated efforts in Mexico, but the corruption is pervasive.

I think the events of last week are an example in point.

Just hours before the President's decision on certification of Mexico was to be announced, Mexican officials were touting the arrest of a reputed cartel leader, Humberto Garcia Abrego, brother of Juan Garcia Abrego, who was expelled from Mexico during last year's certification process.

Then, just a few hours after the decision to certify was announced, guess what? Garcia Abrego simply walked away from Mexican custody a free man. The Mexican Attorney General's office claimed responsibility for setting him free. His release was "inexplicable," they said.

Mr. President, this is just one example of the kind of cooperation the United States has received. It has tightened up just before certification and then, just after certification, it's business as usual.

With 70 percent of the cocaine, a quarter of the heroin, 80 percent of the marijuana, and 90 percent of the ephedrine used to make methamphetamine entering the United States from our southern border, Mexico's drug problem is America's drug problem, and the problem is getting worse, not better.

Last year at this time, Senator D'AMATO and I compiled a list of actions we considered necessary for the Mexican Government to take in order to show progress on their antidrug efforts. Regrettably, I believe the evidence shows there has been little or no progress on nearly all of the items on this list.

Some of these failures are due to inability; others are due simply to a lack of political will.

For example, some questions: Has Mexico extradited one Mexican national on outstanding drug charges? The answer is no. I was puzzled because the Secretary of State, in her statement on certification, made this statement: "Mexico has set a precedent by extraditing its own nationals." One might conclude that this includes Mexicans wanted on drug charges. Yet, to the contrary, both the Department of Justice and the DEA tell me that not a single Mexican national has been extradited to this country on drug-related charges.

If the State Department has information that Mexican nationals are being extradited on drug-related charges—and there are 52 of them on the extradition list—I ask them now to make that list public. Tell us which Mexican nationals have been extradited on drug-related charges.

Francisco Arellano-Felix of the notorious Tijuana cartel is currently in custody in a Mexican prison and wanted on narcotics charges here in the United States. I say to Mexico, why not show good faith and extradite him?

Mexican authorities tell us that there has been an agreement in principle on extraditing Mexican nationals, but there has been no change in their actions.

Question 2: Has Mexico implemented new laws aimed at curbing the rampant laundering of drug money? No.

Nearly a year ago, the Mexican Parliament passed criminal money laundering laws. But the new laws are a far cry from the stronger legislative action sought by U.S. officials. The new laws do not even require banks to report large or suspicious currency transactions. Promises to enact such regulations have, so far, gone unfulfilled.

To my knowledge, not one money exchange house in Mexico has changed its operations.

Have Mexican authorities significantly increased their seizure rate of cocaine or their arrest of drug traffickers? Let's take a look at it. The answer to that clearly is no. Cocaine seizures by Mexico, which increased slightly last year, are barely half of what was seized in 1993.

Here are seizures in 1993—46.2 tons. Here they are in 1995—22.2 tons. And they are just slightly above that in 1996. Actually, instead of 22.2 tons, in 1996 they are 23.5.

So that is the record. It has been effectively downhill, and then a straight line, and a small little jog up.

Let's take a look at drug-related arrests in Mexico. Drug-related arrests last year are less than half of what they were in 1992. Here are the figures. In 1992, 27,369; down in 1993; down in 1994; and way down in 1995, all the way to 9,700. We don't have 1996 on this chart yet, but the 1996 figures are 11,245. That is a startling drop since 1992.

So here is a country being certified as fully cooperative, and drug seizures have gone down and drug arrests have gone down in the last 3 years.

One has to ask then: What is "full cooperation"?

Mr. COVERDELL. Mr. President, will the Senator yield?

Mrs. FEINSTEIN. I certainly will.

Mr. COVERDELL. I have a comment on the statistics just demonstrated, because I was reading in the New York Times, and they begin the data in 1994. So it shows a slight increase. But the dramatic case that the Senator made is absolutely correct. You have to go back to 1992 and 1993 to see what really is happening with arrests and seizures of narcotics.

I just point out that it is good that the Senator is making the point because our adversaries like to start measuring statistics in 1994. We can't do that.

Mrs. FEINSTEIN. The Senator is correct. I thank him very much for that comment because he is absolutely right. The jog up is so small when you compare it with the drop which is so steep and pronounced. So I thank the Senator very much.

It leads me to the conclusion that the situation with Mexico has never been worse. DEA has suspended American agents going into Mexico because, just last month, Mexico forbade United States drug agents from carrying weapons on the Mexican side of the border.

I understand that there may be some agreement again to enable our agents to be armed, and then they will go in again. However, it should be pointed out that death threats against our agents are up.

I would like to ask that all Members, if they would be willing, to simply read the testimony provided by Thomas Constantine, Administrator of the Drug Enforcement Administration, before the House Government Reform and Oversight Committee, the National Security, International Affairs, and Criminal Justice Subcommittee, last week. It was played about three times on C-SPAN over the weekend. I heard it. I also read the remarks. And the remarks are really very, very profound.

In this report, Mr. Constantine points out again:

> Since 1993, 23 major drug-related assassinations have taken place in Mexico. Virtually all of these murders remain unsolved. Many of them have occurred in Tijuana, or have involved victims from Tijuana in the last year. Twelve law enforcement officers, or former officials, have been gunned down in Tijuana, and the vast majority of the 200 murders in that city are believed to have been drug related.

The Administrator also points out that of the 1,200 firings firings of Government officials for corruption made by President Zedillo, no successful prosecutions of these individuals have ever taken place. So of the 1,200 Government officials fired for corruption, there has not been a single successful prosecution.

The arrest last month of Gen. Jesus Gutierrez Rebollo brings, I think, the level of drug-influenced corruption in Mexico into some glaring relief. It is frightening. But, as I have pointed out, it is just the tip of the iceberg.

In September, a federal police commander, Ernesto Ibarra, who had vowed to take down the Tijuana cartel, was murdered, and some of the assailants were his own officers.

That should tell us a great deal about the level of corruption.

The celebrated army raid of a wedding last month of the sister of Amado Carillo-Fuentes, Mexico's most powerful cartel leader, seems to be an elaborate charade. The raid, which was organized by General Gutierrez, who we now know was on the Carillo-Fuentes payroll and the target of the raid, was tipped off in advance and either never did come to the wedding or escaped. Federal police were found to be protecting the drug traffickers at that wedding. The federal police were protecting drug traffickers. I find that just amazing.

As former DEA Administrator Robert Bonner said, "It would be hard for anyone to say with a straight face that the Mexican Government is taking effective action against the major drug traffickers at this juncture."

Yet, they were just certified as so doing.

The purpose of section 490 was not to deliver merit badges to nations whose leaders have good intentions. The world is filled with leaders who have good intentions. The act was designed to measure uniformly the actions taken by countries to assist the United States in antidrug efforts.

Colombia was decertified last year and again this year because their efforts were ineffectual.

How Mexico cannot be held to the same standards I have a hard time understanding. To certify Mexico in the face of overwhelming evidence to the contrary undercuts the certification process.

So I ask all of my colleagues to join the distinguished Senator from Georgia and myself in voting to disapprove the President's decision on certification of Mexico but to allow him, if he sees fit, to enact a national-interest waiver.

Then we should work with the President to devise conditions under which Mexico would be eligible for recertification.

EXHIBIT 1

U.S. SENATE,
Washington, DC, February 26, 1997.

The PRESIDENT,
The White House, Washington, DC

DEAR MR. PRESIDENT: We are writing to urge you to deny certification that Mexico has taken sufficient actions to combat international narcotics trafficking when you report to Congress on the anti-narcotics efforts of major drug producing and drug-transit countries. We believe a reasonable examination of the facts leads to no other decision.

Regrettably, we have concluded that there has been insufficient progress, or no progress, on a wide range of key elements of an effective counternarcotics program in Mexico. Some of these failures are due to inability; others are due to a lack of political will. But all have set back the urgent effort to end the plague of drugs on our streets.

We want to bring to your attention a number of the most significant examples of Mexico's inability and unwillingness to deal with the drug trafficking problem effectively:

Cartels: There has been little or no effective action taken against the major drug cartels. The two most powerful—the Juarez Cartel run by Amado Carillo Fuentes, and the Tijuana Cartel, run by the Arellano Felix brothers—have hardly been touched by Mexican law enforcement. Those who have been arrested, such as Hector Palma, are given light sentences and allowed to continue to conduct business from jail. As DEA Administrator Thomas Constantine says, "The Mexicans are now the single most powerful trafficking groups"—worse than the Colombian cartels.

Money Laundering: Last year, the Mexican parliament passed criminal money laundering laws for the first time, but the new laws are incomplete and have not yet been properly implemented. These laws do not require banks to report large and suspicious currency transactions, or threaten the banks with sanctions if they fail to comply. Promises to enact such regulations—which prosecutors need to identify money-launderers—have so far gone unfulfilled. Mexican officials said that such regulations would be developed by January, but they were not produced.

Law Enforcement: While there have been increases in the amounts of heroin and marijuana seized by Mexican authorities, cocaine seizures remain low. Although slightly higher than last year's figures, the 23.6 metric tons seized in 1996 is barely half of what was seized in 1993. A modest increase in drug-related arrests brought the total to 11,245 in 1996—less than half of the 1992 figure.

Cooperation with U.S. Law Enforcement: Our own drug enforcement agents report that the situation on the border has never been worse. Last month, the Mexican government forbade U.S. agents to carry weapons on the Mexican side of the border, putting their lives in grave danger. Recent news reports indicate that death threats against U.S. narcotics agents on the border have quadrupled in the past three months. Some

U.S. agents believe that all their cooperative efforts are undone almost instantly by the corrupt Mexican agents with whom they work.

Extraditions: Mexico also has made very little progress in the area of extraditions. In the past year, they have failed to capture and extradite a single high-ranking member of any of the major drug cartels. There are 52 outstanding U.S. extradition requests for drug dealers, and Mexico has failed to comply with a single one of them. No Mexican national has ever been extradited to the United States on drug charges. In the last year, Mexico has fired two directors of its National Institute to Combat Drugs, one Attorney General, and several high-ranking officials in the federal police for their corrupt involvement with the drug lords. We should expect Mexico to pursue the cartel leaders with the same level of intensity used to expose and punish corruption by government officials.

Corruption: Mexico's counternarcotics effort is plagued by corruption in the government and the national police. Among the evidence are the eight Mexican prosecutors and law enforcement officials who have been murdered in Tijuana in recent months. There has been considerable hope that the Mexican armed forces would be able to take a more active role in the counternarcotics effort without the taint of corruption. But the revelation that Gen. Jesus Gutierrez Rebollo, Mexico's top counternarcotics official and a 42-year veteran of the armed forces, had accepted bribes from the Carillo Fuentes cartel, casts grave doubts upon that hope.

Recent news reports indicate that U.S. law enforcement officials suspect judges, prosecutors, Transportation Ministry officials, Naval officers, and Governors of corruption and actively facilitating the work of drug traffickers. The National Autonomous University of Mexico estimates that the drug lords spend $500 million each year to bribe Mexican officials at all levels, and many consider that figure to be a gross under-estimation.

Mr. President, we believe that the evidence is overwhelming and can lead to no decision other than the decertification of Mexico. It would send a strong signal to Mexico and the world that the United States will not tolerate lack of cooperation in the fight against narcotics, even from our close friends and allies. Accordingly, we urge you to establish a clear set of benchmarks by which you will judge if and when to recertify Mexico for counternarcotics cooperation. These benchmarks must include, but not be limited to: effective action to dismantle the major drug cartels and arrest their leaders; full and ongoing implementation of effective money-laundering legislation; compliance with all outstanding extradition requests by the United States; increased interdiction of narcotics and other controlled substances flowing across the border by land and sea routes; improved cooperation with U.S. law enforcement officials including allowing U.S. agents to resume carrying weapons on the Mexican side of the border; and a comprehensive program to identify, weed out, and prosecute corrupt officials at all levels of the Mexican government, police, and military.

You may feel, as many of us do, that U.S. interests in Mexico, economic and otherwise, are too extensive to risk the fall-out that would result from decertification. That is why Congress included a vital national interest waiver provision in Section 490 of the Foreign Assistance Act. But other vital interests are not a valid reason to certify when certification has not been earned. If you feel that our interests warrant it, we urge you to use this waiver. But an honest assessment of Mexico's cooperation on counternarcotics must fall on the side of decertification.

Sincerely,

Wayne Allard, Jeff Bingaman, Barbara Boxer, John Breaux, Richard Bryan, Max Cleland, Susan M. Collins, Kent Conrad, Paul Coverdell, Larry Craig, Alfonse D'Amato, Pete Domenici, Byron Dorgan, Dick Durbin, Russ Feingold, Dianne Feinstein, Wendell Ford, Slade Gorton, Judd Gregg, Chuck Hagel, Jesse Helms, Kay Bailey Hutchison, Tim Hutchinson, Dirk Kempthorne, Bob Kerrey, Jon Kyl, Mary Landrieu, Frank Lautenberg, Connie Mack, Patty Murray, Frank Murkowski, Daniel Patrick Moynihan, Carol Moseley-Braun, Jack Reed, Harry Reid, Rick Santorum, Ted Stevens, Robert Torricelli, and Ron Wyden.

ADDITIONAL COSPONSORS

S. 102

At the request of Mr. BREAUX, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 102, a bill to amend title XVIII of the Social Security Act to improve Medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 146

At the request of Mr. ROCKEFELLER, the names of the Senator from Missouri [Mr. BOND], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 146, a bill to permit Medicare beneficiaries to enroll with qualified provider-sponsored organizations under title XVIII of the Social Security Act, and for other purposes.

S. 148

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 148, a bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome.

S. 211

At the request of Mr. WELLSTONE, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of S. 211, a bill to amend title 38, United States Code, to extend the period of time for the manifestation of chronic disabilities due to undiagnosed symptoms in veterans who served in the Persian Gulf war in order for those disabilities to be compensable by the Secretary of Veterans Affairs.

S. 242

At the request of Mr. MCCAIN, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 242, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 317

At the request of Mr. CRAIG, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 317, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 341

At the request of Mr. ROTH, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 341, a bill to establish a bipartisan commission to study and provide recommendations on restoring the financial integrity of the Medicare Program under title XVIII of the Social Security Act.

S. 355

At the request of Mr. GRAMM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 355, a bill to amend the Internal Revenue Code of 1986 to make the research credit permanent.

S. 381

At the request of Mr. ROCKEFELLER, the names of the Senator from New Hampshire [Mr. GREGG), and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 381, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries with cancer who are enrolled in an approved clinical trail program.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

ADDITIONAL STATEMENTS

TRIBUTE TO SHIRLEY SMITH-POINTER

• Mr. MCCONNELL. Mr. President, I rise today to recognize Shirley Smith-Pointer who is retiring from the Social Security Administration after 34 years of Federal service.

Ms. Smith-Pointer held the positions of claims development clerk, data review technician, and claims representative—the position she held upon retiring. Her duties as a claims representative involved assisting the public in filing claims for retirement, survivors, disability, and Medicare, and also determining entitlement and making final adjudication for those claims.

In addition to her good work as a Social Security employee, Ms. Smith-Pointer was very active in, and helpful to, her community. She served as secretary, usher, and Sunday school teacher for her church. She has also been a member of the National Council of Negro Women and served the Chestnut Street YMCA's Black Achievers' Program.

Mr. President, I ask you and my colleagues to join me in recognizing Shirley Smith-Pointer for 34 years of dedicated service to the Federal Government.●

CHICAGO BOARD OF TRADE AND THE CHICAGO MERCANTILE EXCHANGE

● Ms. MOSELEY-BRAUN. Mr. President, today's Chicago Sun-Times contained an editorial headlined, "Loosen reins on CBOT, Merc." The editorial, talking about the Chicago Board of Trade, and the Chicago Mercantile Exchange, made the point that:

"Congress must loosen the regulatory reins on the Chicago Board of Trade and the Chicago Mercantile Exchange. Otherwise, officials argue convincingly, Chicago will lose business and jobs to the unregulated over the counter markets or overseas exchanges."

The Sun-Times had it exactly right. As in so many other areas of financial policy, the law has not kept up with economic reality. The world has changed. There is a revolution underway in finance, and, if the United States sits back and ignores the new realities of the marketplace, the result will be to seriously damage American financial marketplaces vis-a-vis their global competition, and to increasingly warp and distort the competition between and among various American financial markets.

We must respond; we must respond vigorously; and we must respond now. Chicago's future and option exchanges are an American treasure; their innovations literally created this industry and are in no small part responsible for American leadership in finance. And the creativity of the Chicago exchanges has had a huge payoff for the Chicago area. As the Sun-Times editorial pointed out:

"The stakes are high. For example, the exchanges calculate that have created 151,000 jobs in the Chicago area."

It is imperative, therefore, that we act quickly to reform the Commodity Futures Trading Act as quickly as possible, and that we do so in a way that enhances the ability of the American futures and options industry to meet both their less regulated competition here in the United States, and their evermore formidable competition abroad. I intend to work for quick enactment of the legislation put forward by the distinguished chairman of the Senate Agriculture Committee, Senator LUGAR. I urge my colleagues to join me, and to ensure that a procompetitive, commonsense approach that allows the futures exchanges to meet and compete with all comers passes this body before the snow melts in Illinois.

Mr. President, I ask that the full text of the Sun-Times editorial be printed in the RECORD.

The editorial follows:

[From the Chicago Sun-Times]

LOOSEN REINS ON CBOT, MERC

The futures markets have made Chicago a powerful player in world finance. Now that role is threatened by a regulatory system hamstringing the ability of the Chicago exchanges to compete in the rapidly changing global financial marketplace.

Congress must loosen the regulatory reins on the Chicago Board of Trade and the Chicago Mercantile Exchange. Otherwise, officials argue convincingly, Chicago will lose business and jobs to the unregulated over-the-counter markets or to overseas exchanges. The stakes are high. For example, the exchanges calculate that they have created 151,000 jobs in the Chicago area.

Exchange officials want Congress to lift all but a few reasonable restrictions for markets that are used solely by professional traders, money managers, mutual fund operators and the like. Asking for a level playing field is a reasonable request.

For example, anyone who sells futures on the Chicago exchanges must make regular reports on all trading activity regardless of size. This costly paper trail could be replaced with an on-call system. Also, anyone who sells futures is fingerprinted, an unwelcome burden on exchange customers. Over-the-counter markets require neither.

The futures market is an arcane, volatile world, inhabited mostly by people making their living taking huge risks and big businesses seeking to hedge their risks. It is a dangerous place for amateurs.

But market professionals, without looser restrictions, will move business out of Chicago to over-the counter or overseas exchanges as the financial futures marketplace grows. Congress should act on pending legislation to update the rules for the CBOT and the Merc.

The futures markets were to a large degree developed by finance pioneers in Chicago. The city—and the nation—can ill afford to see their role in world finance diminished.●

TRIBUTE TO J.P. BLEVINS

● Mr. McCONNELL. Mr. President, I rise today to congratulate a truly outstanding young man on the realization of his dream. J.P. Blevins, son of John P. and Martha Blevins, of Edmonton, KY, has been awarded a scholarship to play basketball for the national champion University of Kentucky Wildcats.

To date, this 17-year-old junior at Metcalfe County High School has had an outstanding basketball career. It all began in kindergarten when he was selected to play with third-graders during gym class. As a seventh grader he played point guard for the varsity team in the district final. And as a high school freshman he scored his 1,000th point. When he was 5 years old he disciplined himself to dribble with both hands by wearing cutoff jean shorts and then shoving his right hand into his right pocket. The result? This season a 26 point scoring average. These achievements were the result of many hours of discipline and hard work and—most of all—an intense passion for the game. Remarkably, his zeal for basketball did not cause him to neglect his studies; he is a straight A student.

Perhaps what is most remarkable of all is that J.P. Blevins has remained modest throughout the attention and praise lavished on him. This is especially refreshing and encouraging in an age where many of our athletic stars demonstrate a profound disregard for others, an appalling arrogance, and gross self-indulgence. In a Courier-Journal article, Blevin's father was quoted as saying: "I really believe he has continued to stay humble, even though this is the greatest thing that has happened in his life."

In Metcalfe County, and indeed, throughout the State, basketball occupies a special place in the lives of Kentuckians. It is not just entertainment, but rather a source of pride and glory. The community which helped to raise Mr. Blevins is justifiably proud of their native son. Despite numerous offers from out-of-State universities, some having sent 4 or 5 letters a day, Blevins has decided there's just no place like home.

According to a recent article, each night, as J.P. is falling asleep, the last thing he sees is a blue flag emblazoned with a white "K" which hangs on his bedroom wall. On the white "K" is an autograph from the Wildcats' coach, Rick Pitino. In his scrapbook, according to the Courier-Journal, Blevins wrote "Pitino's autograph to me is more important than the President's."

You may recall the University of Kentucky's recent NCAA championship victory. I am sure that this fine young man will help them to secure many further triumphs. Mr. President, I ask that a recent article from the Courier-Journal be included in the CONGRESSIONAL RECORD.

The article follows:

[From the Courier-Journal, Jan. 25, 1997]

BIG BLUE DREAM COMES TRUE FOR TOWN AND TALENTED TEEN

(By Mark Woods)

EDMONTON, KY.—The first autograph request came two years ago.

J.P. Blevins, then a freshman at Metcalfe County High School, was sitting on the bus after a basketball game at Marion County when his coach, Tim McMurtrey, told him he had left his shoes in the locker room.

"I knew I hadn't, so I wasn't sure what was going on," Blevins said.

He went into the locker room and found a man and a young boy standing there.

The boy was crying. The father explained that his son thought Blevins had already left.

"We're big Kentucky fans," the father said. "And we hear they're going after you.

My son is dying for an autograph. Could you sign this?"

It would be one thing if Edmonton, a rural town east of Bowling Green a couple miles off the Cumberland Parkway, had produced another kind of prodigy.

For instance, suppose John Paul Blevins were a violinist who had been invited to play Carnegie Hall.

That would be noteworthy, but, let's be honest, it wouldn't create quite the same fuss as this . . . a point guard who has been asked to play Rupp Arena.

This is a boy who at age 5 devised a system for learning to dribble with both hands—wear cutoff jean shorts, shove the right hand in the back pocket, spend all summer in the backyard dribbling with only the left hand.

This is a boy who in kindergarten was put with the third-graders in gym class, who as a seventh-grader played point guard for the varsity team in the district final, who as a freshman scored his 1,000th point and who a month ago, as only a junior, heard University of Kentucky coach Rick Pitino saying seven magical words:

"We want you to be a Wildcat."

What does this mean to Edmonton that 17-year-old Blevins has said, yes, he will take a scholarship to play for UK in 1998?

Put it this way: The blue sign on Randolph Road says Edmonton's population is 1,630; the gym at the high school holds 2,000 and is usually near capacity for games.

Put it another way: They say the phone lines in Edmonton could go down during a Kentucky basketball game and nobody would know.

"The phone never rings during UK games," said John P. Blevins, Metcalfe County attorney and father of the future Wildcat player. "Everybody is either watching or listening. The game is on in all the restaurants. It's on in the nursing homes. It's on in all the households."

Put it one more way: No Metcalfe County player has ever been offered a scholarship to play for UK.

In the early '60s, Doug Clemmons did get a basketball scholarship. But that was at Eastern Kentucky University. Heidi Coleman playing for Wake Forest.

And then there are the local boys who formed the country band "The Kentucky Headhunters" and made it in Nashville.

But this is different.

This about making it at UK.

It isn't the Commonwealth's version of the Damon Bailey story. It's even more wonderfully far-fetched.

Bailey, who during his junior years of high school made a verbal commitment to play for Indiana University, came from a small town, but he had plenty of help catching the eyes of college coaches. He went to a larger high school. He had media attention.

Blevins' school graduates about 11 students each year. Trips to the state tournament are once in a lifetime (1985 is the only one) and media coverage is nearly as rare.

As you enter the place, you see a banner that seems fitting these days. "Our school . . . a place where HOPE begins and DREAMS come true."

Although Metcalfe County High has made plenty of other dreams come true—for instance, one of J.P.'s two older brothers, John, is a sophomore at Yale University right now—it will be tough to top what his story means to this town.

"We're all very proud," said Harold Chambers, the assistant principal and athletic director. "I'm sure it won't be repeated in my lifetime."

It wouldn't be right to call this a one stoplight town. There are two of them—both flashing red hanging over one intersection on the corner of a town square that brings to mind make-believe places like Mayberry and Bedford Falls.

In the middle of the square sits the courthouse, a two-story white building. One the four streets that surround it are the library, the bank, the funeral home, the post office, an office for the county attorney, one for the judge, Nunn's Drugs, Rexall's Drugs, Red Wing Shoes, Cliff and Judy's Coffee Shop.

If it's not a sleepy little town, it certainly was nodding off.

"About the only excitement we had around here in a while is when someone shot my jukebox with a 9mm," says Cliff Shew, owner of the coffee shop.

There are equal numbers of parking meters and liquor stores in sight Zero. This is a dry county. But if you're looking for a church, Metcalfe County can offer 39 options.

The county's 8,963 residents are spread out over rolling land, 200 square miles of it. Most vote Republican. Most farm. Most have never been in Rupp Arena for a Wildcat game.

But, if there's any doubt about whether this is UK country, it disappears with a walk around the square.

UK DREAM COMES TRUE FOR SMALL TOWN AND TALENTED TEEN

Three doors down from Blevins' office is Murrell's clothing store. A sign in the corner of one window says "Tuxedo Rental." The rest of the window is filled with Wildcat and Metcalfe County Hornets souvenirs.

The store has plenty of everyday clothing. Jeans. Dress pants. Sweaters. But the woman at the counter is purchasing the tiny sweatshirt and sweatpants that say. "I'm a Little Wildcat."

Lourene Hurt, 65, has barely finished ringing up the sale when the phone rings.

"Someone else placing an order (for the sweats)," she says afterward.

Maybe Blevins' commitment has nothing to do with this. but it certainly makes it easier to believe it's possible to go from being a little Wildcat in Edmonton to a real one in Lexington.

"We had a cheerleader up there a few years ago," Hurt says. "But I believe this is a first. . . . We're all real proud."

A couple doors down is the coffee shop. It has pool tables in back. And in front, behind the counter, the shelves are stocked with candy bars, Skoal and shotgun shells.

Ask a few of the regulars if they know J.P. Blevins and they look at you like it's a silly question.

"I knew his granddaddy," says Bill Cooksey, 77. "I used to drive him in my cab."

In one corner of the square sits a memorial erected by Edmonton Post No. 154 of the American Legion. It lists the names of the soldiers who lost their lives in our wars: eight in World War I, 17 in World War II, two in Vietnam.

The people here say they share in each other's losses.

They also say they share in each other's victories.

When the big announcement came, said Carol Perkins, one of Blevins' teachers, "We were all teary-eyed, hugging the coach, hugging J.P. When something good happens to one of us, it happens to all of us."

Straight A's. A face and haircut that look kind of like Ron Howard in the Richie Cunningham days. And a head that everyone insists hasn't swollen one centimeter with the news that he will be going to Kentucky on a basketball scholarship.

"He's not flamboyant about his talents, athletically or academically," said Perkins, who had Blevins in her English honors class last semester. "You might think he would saunter in and say, 'Look at me.' But he's not like that at all. He makes a point to blend."

Not always, though. Take that time in seventh grade when after dinner he asked a couple of the older varsity teammates if they could give him a lift home.

Sure, they said, get in the back of the truck.

They ended up driving around town for 45 minutes, honking the horn and yelling, "J.P. Blevins, homecoming candidate."

An embarrassed Blevins eventually just lay down in the flatbed.

That incident seems to epitomize Blevins' demeanor. He wouldn't mind being the homecoming king, the basketball star, the valedictorian. But he's not going to be the one looking to call too much attention to it.

Blevins never went around bragging that he had been invited to three of UI's Midnight Madnesses. He didn't bother telling classmates that he was getting letters from basically every big-time college in the country. Even on the day after he made the verbal commitment to UK he seemed like the same old J.P.

"I have to say that's one of his most admirable traits," his father said. "I really believe he has continued to stay humble . . . even though this is the greatest thing that has happened in his life.

"It was his dream since he was a little boy. And you figure it's OK to let him dream, OK to let him aim high. But no one knew it would become reality."

How did it become a reality?

McMurtrey tried to answer that question as he watched over an elementary school gym class patiently handling interruptions such as one group of young girls running over and yelling, "Mr. Mac, Mr. Mac, those boys are making faces at us."

Later in the afternoon, before practice, Mr. Mac would be driving a city bus.

This is life in the small city.

Yet, somehow McMurtrey and Edmonton managed to produce this 6-foot-2 guard with the 26-point scoring average and the amazing ease with a basketball in his hands.

Although McMurtrey has worked with Blevins since kindergarten, he doesn't try to take credit. Nor do Blevin's parents. Nor his two older brothers. All of them point back to the determination of the little boy in the cut-off shorts.

That was the start.

He wasn't even in kindergarten when his oldest sibling, half-brother David Garmon, came home from college and told him he should work on his left hand.

He might be giving a lecture, thinking all the balls were put away, when he would see Blevins playing with one.

"He'd always wind up with a ball in his hands," McMurtrey said. "And even though you weren't happy he had the ball, you couldn't get too mad."

To understand what happened from there, perhaps it is best to take a tour of the Blevins' two-story brick house.

His mother pulls out a scapbook-like "autobiography" that J.P. had to put together as a class project in eighth grade.

On one of the first pages, there is a picture of J.P. taking a jump shot in his "favorite basketball shoes." His first ones. A pair of red and black Air Jordans.

There's a team photo from second grade—the year he made the two game-winning free throws.

"We couldn't get his uniform off him afterward," she said. "He slept on it."

There aren't any shots of Blevins wearing an "I'm a Little Wildcat" sweatshirt. But in the basement, surrounded by all the basketballs he has won through the years at UK basketball camps, is a photo of him climbing in a tree, wearing a somewhat prophetic T-shirt.

"Hang on Joe, I'm on my way," it says.

Joe B. Hall, of course, didn't hang on, and Eddie Sutton came and went.

But then Pitino arrived in time for young J.P.'s first UK basketball camp. It was there in the summer of 1989 that The Picture was taken.

It is on the shelf in the basement. It is in his bedroom. It is in the autobiography. Under the photo, of J.P. at age 9 and a certain basketball coach at age 37, Blevins wrote: "Pitino's autograph to me more important than president's."

On the last page of that project, it reads: "Big Blue Dream. I can."

By this time, he already was a starter on the varsity team. He had begun his seventh-grade season on the freshman team, but quickly began seeing more time with the junior varsity team and eventually the varsity.

"We found out that he was one of our best seven, eight players," McMurtrey said. "In the district final, our point guard, a senior, got three fouls. J.P. ended up playing 22 minutes, scoring eight points. He played very, very well. Even at that age, people couldn't take the ball away from him."

"He'd go out to the court behind our house, stick his right hand in the back pocket and dribble for 30 to 40 minutes, take a break to get a drink of water and then do it all over," his father said.

When he got to kindergarten, he already was a better ballhandler than children years older. So he was put in a group of third-graders.

It was about this time that McMurtrey began to notice the ever-present ball.

"We would have had to do some redecorating if he had gone somewhere else," his mother says on the way to the room.

On one side of the bed, there is a poster of Rupp Arena and a license plate that says, "I'm 4 UK." Above the headboard is a print of "the Unforgettables." On the wall opposite the foot of the bed is a poster autographed by his favorite player—former UK star Rex Chapman.

A UK bean bag chair sits on the floor, not far from a UK championship floor mat. And hanging on the wall next to the bedside reading lamp is the most prized possession: a blue flag with a white K.

Inside the K is a fading Rick Pitino signature from the camp he attended at age 9. Blevins points at it and says, "The last thing I see before going to bed is this flag."

It's not hard to figure out why Blevins bleeds blue. It's a matter of heredity. Dad can recall listening to UK games B.C. (before Cawood). Mom—Martha, a fifth-grade teacher—can debate which UK player had the sweetest jump shot ever (Jack Givens is her pick).

Shortly after Christmas, he got the offer from UK.

"He had to wait a couple days to make his decision," McMurtrey said. "But I think his mind was made up before the phone was hung up."

Blevins could have waited until his senior season. He could have weighed the options a little more. But why bother? All that practicing—sometimes sneaking into the gym with borrowed keys, once even climbing through a window—was done with one thing in mind:

"To play for Kentucky . . .," he said. "When I put on that blue jersey, I'll know what that means."•

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–3

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty submitted to the Senate on March 3, 1997, by the President of the United States: Agreement with Hong Kong for the Surrender of Fugitive Offenders (Treaty Document No. 105–3). I further ask that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification as a treaty, I transmit herewith the Agreement Between the Government of the United States of America and the Government of Hong Kong for the Surrender of Fugitive Offenders signed at Hong Kong on December 20, 1996 (hereinafter referred to as "the Agreement"). In addition, I transmit for the information of the Senate, the report of the Department of State with respect to the Agreement. As a treaty, this Agreement will not require implementing legislation.

This Agreement will, upon entry into force, enhance cooperation between the law enforcement communities of the United States and Hong Kong, and will provide a framework and basic protections for extraditions after the reversion of Hong Kong to the sovereignty of the People's Republic of China on July 1, 1997. Given the absence of an extradition treaty with the People's Republic of China, this Treaty would provide the means to continue an extradition relationship with Hong Kong after reversion and avoid a gap in law enforcement. It will thereby make a significant contribution to international law enforcement efforts.

The provisions in this Agreement follow generally the form and content of extradition treaties recently concluded by the United States. In addition, the Agreement contains several provisions specially designed in light of the particular status of Hong Kong. The Agreement's basic protections for fugitives are also made expressly applicable to fugitives surrendered by the two parties before the new treaty enters into force.

I recommend that the Senate give early and favorable consideration to the Agreement and give its advice and consent to its ratification as a treaty.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1997.*

ORDER FOR RECORD TO REMAIN OPEN

Mr. LOTT. Mr. President, I ask unanimous consent that the RECORD remain open until 5 p.m. for the introduction of legislation and submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MARCH 4, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Tuesday, March 4. I further ask that immediately following the prayer, the routine requests through the morning hour be granted and the Senate then resume consideration of Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 p.m. tomorrow in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, tomorrow the Senate will, under previous order, as I just stated, resume consideration of Senate Joint Resolution 1. From 9:30 a.m. to 12:30 p.m., time will be equally divided between the two managers for closing remarks on Senate Joint Resolution 1.

Mr. President, following the weekly recess for the lunches, the Senate will resume consideration of the constitutional amendment at 2:15 p.m., with the manager on the Democratic side controlling the first hour of debate, with Senator BYRD being recognized for 20 of those minutes. The following hour will be under the control of Senator HATCH. The Democratic leader or his designee will control the next 30 minutes. Debate on Senate Joint Resolution 1 will conclude with 30 minutes under the control of the majority leader or his designee, and at 5:15 p.m. the Senate will vote on the passage of Senate Joint Resolution 1.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:31 p.m., adjourned until Tuesday, March 4, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, March 3, 1997:

DEPARTMENT OF COMMERCE

ROBERT S. LARUSSA, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE SUSAN G. ESSERMAN.

DEPARTMENT OF JUSTICE

JOEL I. KLEIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL, ANNE BINGAMAN, RESIGNED.

EXTENSIONS OF REMARKS

EARLY RESULTS OF WELFARE REFORM

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. GINGRICH. Mr. Speaker, even though it has been in effect for less than a month, the historic welfare reform bill passed by Congress and signed into law last year by the President has already yielded dramatic results. The February 11, 1997, Wall Street Journal details how one county in Oklahoma has seen its welfare caseload drop 30 percent in the last year. According to the Journal "The story is much the same in the rest of the United States."

The Journal details that just the news of changes in welfare have spurred recipients to changing behavior in numerous ways, including finishing education, reporting for training, and finding jobs. This story confirms what proponents of welfare reform long believed: The old system left people trapped and gave them no incentive to improve their lives. Reform has already given individuals a spark for real change.

I submit the full article into the CONGRESSIONAL RECORD.

[From the Wall Street Journal, Feb. 11, 1997]

OKLAHOMA'S POOR GET THE MESSAGE, OPT OUT OF THE WELFARE SYSTEM

(By Dana Milbank)

SAPULPA, OKLA.—In the Oklahoma land grabs of a century ago, a few sneaky settlers grabbed old Indian territory for themselves before the law allowed, thus earning the nickname "Sooners." These days, thousands of Sooners are again jumping the gun, this time by denying themselves welfare benefits far ahead of the government cutoff.

Oklahoma's welfare rolls have declined by more than 30% since March of 1994. In Creek County, of which Sapulpa is the seat, the caseload fell 30% last year. The healthy economy accounts for much of the drop. But in Oklahoma and throughout much of the country, something else is happening: Poor people are "absolutely petrified," says Raydene Walker, who trains welfare recipients at her vocational school in Sapulpa. Talk of cutbacks, she says, "has put some fire behind them. Some who were absolutely resistant have come in and said, 'What am I going to do?' "

A NATIONWIDE REDUCTION

The story is much the same in the rest of the U.S. Nationally, the number of people on the core welfare program, Aid to Families with Dependent Children, declined 18% from a peak of 14.4 million in March 1994 to 11.8 million in October 1996.

What makes these figures surprising is that the tough new federal welfare law—which mandates lifetime limits of five years for those on public assistance and a cutoff after two years for most of those who don't work—won't begin to jettison welfare recipients until late 1998. Oklahoma hasn't even passed a welfare law to comply with the new federal legislation. Creek County started a publicity campaign months ago to warn people about possible changes. But it hadn't kicked any legitimate recipients off the rolls until last week, and that sanction was limited to one person, who had failed to seek job-training or contact prospective employers.

The growing economy can't explain the whole drop-off. The national caseload decline is the largest, in absolute numbers and on a percentage basis, since AFDC began six decades ago. More-powerful expansions than the current one have failed to produce the same level of caseload reductions.

"THE BIG MISCONCEPTION"

Because only a handful of states have been expelling welfare recipients, officials in many states point to another explanation: a fundamental change in the attitude of their clientele. Spurred by the welfare-reform debate, some recipients are finding work long before the law requires. Many prospective recipients aren't bothering to secure benefits in the first place, even when they qualify.

"The big misconception about welfare reform is that they are shutting down the welfare system, cutting everyone off," says Tanya Warner, a senior caseworker in Wilmington, Del. "People come in afraid this is the last public assistance check they will get." Peggy Torno, who runs the welfare program in Kansas City, Mo., says the message has sunk in: "Last week I went to our jobs center to find someone who did not know about the tougher laws. I couldn't find anyone who didn't know the law had changed."

Advocates for the poor worry that some people eligible for public assistance are being driven away by scare stories and false rumors. They also note that some recipients are forgoing promising training to look for work immediately—a step that may land them in dead-end jobs and short-circuit a long-term escape from poverty. But others in Oklahoma and elsewhere hail the change as evidence of social progress.

The changes came quickly to Creek County, a slice of the Bible Belt stretching southwest from Tulsa over 930 square miles. The county of 60,000 is mostly rural and, despite a relatively low unemployment rate of 4.2%, bears few outward signs of prosperity. According to 1994 estimates, the county's per capita income was $15,075, compared with Oklahoma's $17,610.

ONE-ON-ONE MEETINGS

When it comes to welfare overhaul, Creek County has relied largely on the bully pulpit. In October 1995, caseworkers began telling all recipients to apply for jobs—usually eight to 10 a week—before they could apply for benefits. Recipients also were warned that time limits were on the way, but that was a bluff, because the limits didn't even become law for an additional 10 months. After the federal law passed, the state mailed letters to recipients warning that "if you refuse to participate in work activities. . . your case will be closed."

County officials summoned every welfare recipient for a one-on-one meeting about the new get-tough policy, including the likelihood of time limits. A large, handwritten sign was installed at the agency's reception desk. "Notice," it says, "AFDC applicants will be required to participate in job search Immediately."

Local media joined the chorus. "The timer starts running Oct. 1 for welfare recipients," the Tulsa World warned last fall in a front-page story, referring to federal time limits on eligibility. "For welfare recipients in Oklahoma, the clock is ticking," echoed the Sapulpa Herald.

In the first two months after Creek County started its tough talk, the number of new applicants for AFDC dropped by about half. During the past 15 months, 45% of first-time AFDC applicants didn't return to the office after hearing about the new time limits and the local requirement for recipients to contact prospective employers while getting benefits.

Melinda Jones heard about the new federal law from her mother, who regularly watches the evening news. Since last year, the 39-year-old Ms. Jones, who cares for her two grandchildren, had discussed welfare reform with friends. She is scared.

"If I don't find a job, they cut you off," she says, snapping her finger. She thinks other benefits are doomed, too. "I heard by word of mouth they're just cutting out food stamps totally," she says. Even subsidies for day care, she hears, will be terminated.

Her fears, particularly those about child care and food stamps, are exaggerated. The children wouldn't lose food stamps even if Ms. Jones does, and the new law calls for increased spending on day care. But the talk had its effect: Ms. Jones, who has a fourth-grade education and failed twice to get a high school general equivalency diploma, or GED, has returned to training with new vigor.

The new attitudes quickly became evident in welfare offices. Rolls began shrinking so fast, "we wondered if we'd have a job," recalls Connie Turner, who interviews applicants. Wanda Watson, another interviewer, recalls handing an applicant a list of 10 employers he would have to apply to before receiving his check. "He stood up," uttered some epithets "and walked right out," she says.

THE RUMOR MILL

Welfare rumors, often unfounded, spread quickly among those in public housing in Creek County. "A lot of people I know have been cut off," government-housing resident Cheryl Bowman says. That statement wasn't accurate, for it was made before Feb. 1, when the county began culling its rolls of those who refused to apply for jobs. But Ms. Bowman stepped up her job training anyway and found work as a physical-therapy assistant. "I don't want to be stuck at McDonald's,"she explains. She is due to leave the welfare roll in a month.

In a recent application session, welfare prospect Kim Nance seemed surprised as a county interviewer rattled off the new restrictions: the time limits mandated by Congress, and the county's requirement to apply for 10 jobs a week. "You begin tomorrow" looking for work, the caseworker orders. Ms.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Nance responds repeatedly with "OK." But when the interviewer leaves, she is deflated. "It will be hard to get used to," Ms. Nance says. On the list of employers in her hand, she sees only two in her hometown. "Hopefully, I can get hired right there."

Ms. Nance did get a job with a nursing home in her town, one of the employers on the list. She called the welfare office to tell them about her job, and her case was never put on the roll.

Some advocates for the poor say that confusion over the new regulations has scared off some who are eligible—and needy. But in Creek County, officials say, many of those, like Ms. Nance, disqualified themselves after finding jobs. Others already had "underground" jobs—baby-sitting, housecleaning, working a booth at the flea market—and may not have deserved benefits in the first place. Officials here figure as many as half of all recipients have such off-the-books jobs; the $307 monthly payment for a parent of two children, after all, isn't much to live on. "We're discouraging the marginal, extra-money folks, a lot of those who didn't need it," says Wayne Thiltgen, a creek County caseworker.

As recipients' attitudes are changing, so is the administrators' thinking. Dee Anne Ruggs, who oversees the former AFDC program (now called Temporary Assistance for Needy Families) for Creek County, even set up a "Super Bowl" competition to see which caseworker could get the most people into school, job-training programs or work. The winner, Mr. Thiltgen, got an ice-cream sundae.

"WHY WOULDN'T THEY BE SCARED?"

Though he says he doesn't try to scare his clients, Mr. Thiltgen is aware of the underlying fear. "I'm using that to my advantage," he says. "The idea in the community is that we're going to kick everybody off." Ironically, he says, some of those responsible for the panic are welfare activists who direly predict a wave of misery following reform. "Listening to these sound bites on the news, my God, why wouldn't they be scared?" Mr. Thiltgen says of his clients.

Despite the declining rolls, Creek County still faces the challenge of hardcore cases, including those with multigenerational dependency, without education or addicted to drugs or alcohol. The new federal law allows 20% of the caseload to be exempt from time limits because of such problems, but that may not cover all the hard-luck cases.

Tarlina Turner, 31, knows about the new law. She was reared in a family on welfare, has received AFDC in her own right for the past 10 years, and lives with her diabetic mother and three children in a home that is little more than a shack beside a dirt road outside Bristow, Okla.

"Don't mind the chicken poop," she says, leading a visitor past the chickens, dog and cat on the porch and into her home, where tape plugs ceiling leaks. Her ailing mother needs to have her nearby, and Ms. Turner doesn't have a car. Meanwhile, county officials support her claim that there is neither work nor public transportation nearby.

Ms. Turner has already come within days of being cut off, agreeing at the last minute to join a job-training program. "I better get up and get work; I don't have a choice," she says. But she has little confidence in her prospects.

Another unanswered question about the rapid caseload reduction is how many of those who have moved off welfare are working in secure jobs. If some of these former recipients can't hold their jobs, the case reductions could prove temporary.

Even those working aren't always confident. Karen Michael, on AFDC for two years, says she was "extremely worried" about the time limits and used the deadline to motivate herself to finish training as a licensed practical nurse. She now makes $9.75 an hour as a nurse. Yet, faced with the loss of Medicaid, food stamps and child-care benefits because of her earned income, she finds herself only marginally better off than when she was on welfare.

Ms. Michael had to forgo plans to get her registered-nurse degree, which would allow her to earn more than $20 an hour and perhaps leave poverty for good. If not for the pressure of time limits, she says, she probably would still be in school. She would still be on welfare, but she might also have a better chance of staying off permanently. "The option," she says, "was not there."

SALUTING MONIQUE ALITA GREENWOOD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. TOWNS. Mr. Speaker, I am happy to introduce my House colleague to Monique Alita Greenwood, a superb editor and entrepreneur in my congressional district.

Monique was the first editor-in-chief and publisher of color at Fairchild Publications, where she conceived Children's Business, a monthly trade magazine. Her direct efforts greatly helped to open the doors of the modeling industry to children of color.

Since February 1996, she has served as the editorial style director of Essence magazine. During her tenure she has revamped the fashion pages, giving them more impact and making them more serviceable to Essence readers.

Monique is the owner of Akwaaba, a bed and breakfast mansion in Bedford-Stuyvesant. Her Afrocentric business opened in 1995, and it has been the subject of considerable press coverage.

A devoted mother and wife, Monique is a pillar of the community. She is married to Glen Pogue and they have a 5-year-old son, Glynn. Despite her hectic schedule, Monique is active in local organizations and is the cofounder and national president of a literary society of African-American women. She is a magna cum laude graduate of Howard University, and is a former recipient of a Points of Light Award from former President Bush.

RESERVE OFFICERS' TRAINING CORPS FOR AMERICAN SAMOANS

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation which will afford U.S. nationals the opportunity to participate in Reserve Officers' Training Corps scholarship programs.

Under current law, American Samoans born in American Samoa are considered U.S. nationals. These are persons who owe their allegiance to the United States, but are not U.S. citizens. Persons born in American Samoa are the only persons in the world who are given this status, as persons born on all other United States soil may become United States citizens by right of birth.

Also under current law, only U.S. citizens are authorized to enlist in the Reserve Officers' Training Corps, or ROTC for short, scholarship programs, and only U.S. citizens are eligible to become military and naval officers.

The legislation I am introducing today would require U.S. national residents residing in a State of the United States and desiring to apply for a ROTC scholarship program, to file an application to become a naturalized citizen within 60 days of being accepted into the program. The legislation would also require U.S. nationals who are not residents of a State of the United States, to become a resident of a State, and to file an application to become a naturalized citizen within 60 days of becoming a resident as defined in our immigration laws.

Mr. Speaker, I believe this legislation strikes a fair balance between two competing interests. On the one hand, it gives the residents of American Samoa the same opportunities to become military and naval officers as the residents of the States and the other territories. On the other hand, while keeping the requirement that all military and naval officers be U.S. citizens, it requires U.S. nationals to prove their willingness to serve our country in a timely manner, thereby ensuring that taxpayer dollars are not spent on someone who will later prove ineligible for service.

Mr. Speaker, I am submitting a copy of the legislation with my statement.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY OF UNITED STATES NATIONALS FOR ADVANCED TRAINING IN THE SENIOR RESERVE OFFICERS' TRAINING CORPS.

Section 2104(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "or national" after "citizen";

(2) at the end of paragraph (6), by striking "and";

(3) in paragraph (7), by striking the period and inserting "; and"; and

"(8) if he is a national but not a citizen of the United States, agree in writing that he will—

"(A) if he is not a resident of a State (within the meaning of chapter 2 of title III of the Immigration and Nationality Act; 8 U.S.C. 1421–1459), become a resident of a State (within such meaning) before commencing the program for advanced training; and

"(B) file an application for naturalization within 60 days after the later of—

"(i) the date that he meets the requirements for naturalization in section 316(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1436); or

"(ii) the date that he is accepted into the program for advanced training.".

SEC. 2. ELIGIBILITY OF UNITED STATES NATIONALS FOR FINANCIAL ASSISTANCE AS MEMBERS OF THE SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) GENERAL FINANCIAL ASSISTANCE PROGRAM.—Section 2107(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "or national" after "citizen;"

(2) at the end of paragraph (4), by striking "and";

(3) in paragraph (5), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(6) if he is a national but not a citizen of the United States, agree in writing that he will—

"(A) if he is not a resident of a State (within the meaning of chapter 2 of title III of the Immigration and Nationality Act; 8 U.S.C. 1421–1459) become a resident of a State (within such meaning) before commencing the financial assistance program; and

"(B) file an application for naturalization within 60 days after the later of—

"(i) the date that he meets the requirements for naturalization in section 316(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1436); or

"(ii) the date that he is accepted into the financial assistance program.".

(b) ARMY RESERVE AND ARMY NATIONAL GUARD FINANCIAL ASSISTANCE PROGRAM.—Section 2107a(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "or national" after "citizen";

(2) at the end of paragraph (5), by striking "and";

(3) in paragraph (6), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(7) if he is a national but not a citizen of the United States, agree in writing that he will—

"(A) if he is not a resident of a State (within the meaning of chapter 2 of title III of the Immigration and Nationality Act; 8 U.S.C. 1421–1459), become a resident of a State (within such meaning) before commencing the financial assistance program; and

"(B) file an application for naturalization within 60 days after the later of—

"(i) the date that he meets the requirements for naturalization in section 316(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1436); or

("(ii) the date that he is accepted into the financial assistance program.".

SEC. 3. CONFORMING AMENDMENT.

Section 12102(b)(1) of title 10, United States Code, is amended—

(1) by striking "or" the first place such term appears;

(2) by inserting a comma after "United States" the first place such term appears; and

(3) by inserting ", or is a national of the United States eligible (as provided in sections 2104(b), 2107(b), or 2107a(b) of this title) for advanced training in, or financial assistance as a member of, the Senior Reserve Officers' Training Corps" after the close parenthesis.

CHILDREN'S HEALTH CARE

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. ALLEN. Mr. Speaker, I rise to support the Democratic leadership's proposal to add children's health care to the priorities we address this session.

Today more than 10 million American children have no health insurance coverage.

On Tuesday, the New York Times reported that over the past 5 years the number of children without insurance has risen twice as fast as the number of adults.

Most of these are the children of working families earning between $15,000 and $45,000 per year.

In my State, the Maine Health Care Commission estimated that in 1996, 36,000 Maine children had no health insurance coverage.

Ninety-one percent of Maine's uninsured children live in families with at least one working parent.

Ten million American children relying on emergency room treatment instead of a family doctor is wrong—and expensive.

We can and must do better.

This Congress should encourage kids only insurance policies and expand basic Medicaid coverage to uninsured children.

PRESS FREEDOM IN HONG KONG

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. PORTER. Mr. Speaker, last week I reintroduced a bill that is intended to provide a special immigration status for journalists working in Hong Kong, in the event that there is a crackdown on the press after this British colony reverts to Chinese sovereignty on midnight, June 30, 1997.

The human rights community and the business community may have different views about the future of Hong Kong, but everyone agrees that maintaining freedom of the press and the free flow of information in Hong Kong is essential to protecting its way of life. The economic miracle of Hong Kong is fed by the free flow of information, not only about market activities and economic trends, but about what is going on in the world. As we all know, in mainland China, the press is not free to report on whatever it sees fit. The state tightly controls the media and does not hesitate to imprison or otherwise censure legitimate journalists who are attempting to report on important events within and outside China. This rough treatment is not limited to the domestic Chinese media, but extends to foreign media as well. But while foreign journalists have the protection of their own governments, the domestic press corps does not have this luxury.

Today in Hong Kong, the press is one of the freest in the world. Hong Kong proudly boasts that they have more newspapers per capita than anywhere on Earth. Yet this free-wheeling, open society will soon become part of an authoritarian regime which views the media with distrust, if not outright animosity. When these two views of the press collide, unfortunately, problems may arise. While it is my strongest hope that China will realize the important role that the media plays in Hong Kong and live up to its obligations under the Sino-British Joint Declaration, I am not so optimistic to believe that Beijing will graciously tolerate critical media coverage.

There have already been disturbing statements by high-ranking Chinese officials concerning limits on the press. Blacklisting of journalists, restrictions on what can be reported, and the arrest of Hong Kong journalists in China have sent shockwaves through the journalistic community in Hong Kong. My discussions with journalists during previous trips to Hong Kong in 1989 and 1992 prompted me to first introduce this legislation in the 103d Congress. While I was there this January, I again met with a group of journalists and they expressed their concerns about the type of pressure they already see coming from Beijing. Economic blackmail and loss of access are real problems for these persons whose livelihood depends on getting a story.

Freedom of the press is something that we take for granted here in the United States. We know how important a free press is to preserving our democratic institutions and fueling the engine of economic growth. This legislation will send a strong message that the Congress and the people of the United States are watching what happens to journalists in Hong Kong and that what happens to them is important to us, not only because of the impact it has on United States economic interests there, but because freedom of the press is something that we deeply believe in. It will also send the journalists of Hong Kong a message that they have a safety valve, that they can continue to do their jobs with a measure of protection, and contribute to the unique and remarkable way of life that Hong Kong has enjoyed for so many years.

I commend this important legislation to my colleagues and ask for their support.

OFF WELFARE: THE MENTAL MIGRATION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. GINGRICH. Mr. Speaker, to all colleagues concerned about welfare, I commend to you the February 14, 1997, article by Washington Post writer William Raspberry. He points out that welfare will not change, in fact, cannot change unless there is a spiritual and mental dimension to any assistance provided to the recipient.

Raspberry quotes Robert Woodson, Sr., head of the National Center for Neighborhood Enterprise,

> What we need is to establish a new migratory pattern . . . The people who went from rural Mississippi to Detroit did so because they kept getting positive feedback from those who'd already made the trip. The photographs, the sophistication, the Cadillacs rented for trips back home—all these produced a culture of expectation. People looked and said, "Hey, he's no smarter than I am. I could do it, too."

Woodson and Raspberry are not talking about a geographic migration for those on welfare, but a mental one—from one attitude to another. This article demonstrates that the responsibility lies not merely with the welfare recipients, but with all of us. We must all be prepared to spread the news when welfare reform works; we must share the success stories, to encourage those who are still hesitant and unsure of themselves.

I enter Mr. Raspberry's column into the CONGRESSIONAL RECORD.

[From the Washington Post, Feb. 14, 1997]

OFF WELFARE: THE MENTAL MIGRATION

(By William Raspberry)

Years ago, somebody figured it out. Trying to make it on a tiny family farm is desperate work; share-cropping is worse, and there's not much employment to be had in the nearby towns. But I've heard (from relatives, friends or news reports) that there are good union jobs to be had in the steel industry. I think I'll save up bus fare, ask my cousin to put me up for a while, and head to Pittsburgh.

That calculus, multiplied thousands of times, produced a South-to-North, farm-to-city migration that continued even after the decline both of unions and of the steel industry took away much of the logic.

It frequently happens that way. Decisions reached with some deliberation by a few become cultural patterns for the many, building habits that survive even after the reasons for them have been forgotten.

It will almost certainly happen that way with welfare reform. It may be inappropriate to compare long-term welfare recipients with refugees from the tenant farms. But they do have in common that they availed themselves of the best options they were able to perceive—and that the choices of some became habits for others.

The logic of welfare reform—welfare repeal, some call it—is that the best way to force better choices is to reduce the number of bad options. If it becomes a matter of work or starve, the reasoning goes, everybody will work.

But for many long-term recipients, nonwork has been more the product of habit than of calculation. Thousands of people, I'm convinced, are afraid of work, in the sense that they doubt their ability to survive in a world that demands skills and attitudes they may not possess. They may talk of being unwilling to work for the "chump change" of entry-level work, but it may be the demands of the workplace and not the low pay that frightens them.

What can be done?

"What we need is to establish a new migratory pattern," Robert L. Woodson Sr. said when I put the question to him. "The people who went from rural Mississippi to Detroit did so because they keep getting positive feedback from those who'd already made the trip. The photographs, the sophistication, the Cadillacs rented for trips back home—all these produced a culture of expectation. People looked and said, 'Hey, he's no smarter than I am. I could do it, too.'"

Actually, says Woodson, president of the National Center for Neighborhood Enterprise, the necessary migration has been underway for sometime—not from one place to another but from one attitude to another. "Five women who might have grown fat and indolent in public housing started a tentative migration toward tenant management, responsible behavior and college for their children, sparking an important national movement. Thousands of others have quietly decided to leave the life of dependency and take a tentative step into the world of work."

Unfortunately, the media and the policy establishment tend to focus on those who don't join the migration rather than on those who do. As a result, the feedback isn't there. Many poor people don't know that they could start at the bottom and gradually work their way up, and the rest of us see only laziness, not doubt or fear.

Woodson thinks we should take advantage of the two-years-and-out provision of welfare reform to help present welfare recipients overcome their fears. How? By using as a resource those friends and neighbors who've already begun the migration away from dependency. "We need to look to people in those same neighborhoods who've made the move, whose children are not dropping out of school or dealing dope or getting in trouble, to show the others what is possible. We need to tell them maybe they could quit their job at the phone company or as a hotel maid and work full-time helping their peers find their way out. It would be well worth whatever we had to pay them."

Gradually, the reasoned behavior of the few could become patterns for the many, and most would be far better off than before.

But not all. It is altogether predictable that some will go on making behavioral choices as though the welfare safety net is still in place long after it has been taken down and quietly packed away. They and their children will suffer, at least until the new habits take hold. What should we do about them in the meantime?

Woodson doesn't know. He only knows that it makes more sense to build public policy on the vast majority than on the intractable few.

TRIBUTE TO JULIA L. JAMES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. TOWNS. Mr. Speaker, I want to highlight the contributions of Julia James, the sixth of nine children born to Reverend and Mrs. Henry R. James, who encouraged her to be independent and courageous.

In her life, Julia has chosen a professional path in the field of accounting, and is a Certified Public Accountant [CPA] in the State of New York. She earned an M.B.A. from New York University and is a member of the American Institute of Certified Public Accountants and the Institute of Management Accountants. Mrs. James has established an accounting practice that provides accounting expertise to local businesses and community organizations.

A dedicated community worker, Julia serves as a member of Community School Board District No. 18, which represents the East Flatbush and Canarsie areas of Brooklyn. She is also the chairperson of the East Brooklyn Community Organization which is a community based organization dedicated to improving the quality of life of residents in East Flatbush. I am pleased to recognize her personal achievements and community involvement.

ALTERNATIVE DISPUTE RESOLUTION AND SETTLEMENT ENCOURAGEMENT ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. COBLE. Mr. Speaker, today, I am pleased to introduce a bill which will provide concrete steps to restore accountability, efficiency, and fairness to our Federal civil justice system, the Alternative Dispute Resolution and Settlement Encouragement Act. This legislation will implement a more complete, fair, and effective policy than exists at present to favor alternative means of resolving disputes and to encourage compromise by parties to Federal litigation. The effect of these changes will be to: First, provide for a quicker, more efficient way to resolve some Federal cases when the parties so choose; second, lessen the incentive to litigate and consequently the caseload burdens faced by the Federal judiciary; and third, assure that only meritorious and justiciable cases supported by scientific facts be adjudicated in Federal courts.

This legislation would require all Federal district courts to establish an arbitration program, which in the discretion of the court could be either voluntary or mandatory. In 1988 Congress enacted chapter 44 of title 28 U.S.C. in order to authorize 10 pilot programs of mandatory court annexed arbitration that were in operation in the Federal courts, as well as to authorize 10 additional districts, which were to be selected later by the U.S. Judicial Conference, for voluntary programs. The legislation further required that the Federal Judicial Center [FJC] submit a report on the implementation of the act, which it transmitted to Congress on October 4, 1991. Based upon this study, the Federal Judicial Center recommended to Congress that it enact a provision authorizing all Federal courts to adopt, in their discretion, local rules for arbitration to be mandatory or voluntary in the discretion of various courts. This bill does just that.

The goal of court-annexed arbitration is to provide more options for litigants, while reducing cost, delay, and court burden. In addition, it is the only option that provides to litigants in cases where smaller amounts are in controversy the opportunity for an early advisory adjudication on the merits of the case.

In addition to creating more opportunities for alternative dispute resolution, this bill will also encourage parties to settle their cases by offering an incentive to accept good offers of settlement. This section of the legislation, developed in the last Congress by Representative BOB GOODLATTE of Virginia, a senior member of the Judiciary Subcommittee on Courts and Intellectual Property, would amend 28 U.S.C. section 1332, the provision granting diversity jurisdiction in U.S. district courts, by creating an incentive triggered by an offer of settlement. The intent of this procedure is to encourage and facilitate the early settlement of lawsuits and reduce protracted litigation. The offer of settlement procedure would allow a party to make, by filing with the court in writing and serving on an adverse party, at any time up to 10 days before trial, a formal offer to settle any or all claims in a suit for a specified amount. If the offer of settlement is accepted, the claim or claims are resolved pursuant to the terms of the agreement. If the offer is rejected, however, and the offeree does not obtain a judgment, order, or verdict more favorable than that offered on the applicable claims, the offeree is liable for the costs and attorney's fees of the offeror for those claims from the date the last offer was made by the adverse party. Usually this will be for an amount including costs of up to 10 days before trial.

There are two exceptions to the requirement that a court award costs and attorneys fees. The first exception would allow the court to exempt certain individual cases based upon express findings that the case presents novel and important questions of law or fact and that it substantially affects nonparties. The second instance where a court would not be required to award costs and attorney's fees or may reduce such costs or fees would be when it finds that it would be manifestly unjust to do so.

This bill would not necessarily require an offeree to pay the entire amount of the offerer's attorney's fees. Rather, it would limit the offeree's liability for the offeror's attorney's fees to an amount not exceeding the amount the offeree paid its own attorney. If the offeree hired its attorney on a contingency basis—an agreement in which a plaintiff does not pay unless it prevails—and, because it lost, paid its attorney nothing, then it would be liable for the offeror's attorney's fees up to the amount that would have been incurred by the offeree for an attorney's noncontingency fee. This will encourage accurate reporting and maintenance of hourly work and costs by attorneys hired under a contingency agreement, since a fee petition containing hours worked must be presented to the court within 10 days of entry of a final judgment, order, or verdict on a claim in order to collect such costs and attorney's fees.

The House passed this settlement encouragement legislation last Congress, and I am convinced it will prove to be a valuable resource to both parties to Federal litigation and to the courts in promoting quick and fair settlement.

This legislation would also amend rule 702 of the Federal Rules of Evidence, which allows expert witnesses to testify as to their expert opinions with respect to scientific, technical, or other specialized knowledge. Such evidence may have an enormous impact on a jury's decision because of its nature. Accordingly, assuring that such evidence is valid and reliable is of utmost importance. With that in mind, the amendment would make a scientific opinion inadmissible unless it is:

First, scientifically valid and reliable; second, has a valid scientific connection to the fact it is offered to prove; and third, sufficiently reliable so that the probative value of such evidence outweighs the dangers specified in Federal rule of Evidence 403.

The standard for admissibility of scientific expert testimony was most recently addressed by the Supreme Court in *Daubert* v. *Merrell Dow Pharmaceuticals, Inc.*, 113 S.Ct. 2786 (1993), on remand, No. 90–55397 (9th Cir., Jan. 4, 1995, Kozinski, J.). In that case, the Supreme Court held that rule 702 does not require that scientific evidence have general acceptance in the relevant scientific community to be admissible. Rather, the Court held that the rule requires that expert testimony rest on a reliable foundation; that is, the methodology from which the evidence is derived must be based on scientific knowledge and be relevant to the task at hand; that is, it must assist the trier of fact and have a logical scientific nexus to the subject matter of the suit or other admitted evidence.

This legislation would serve to codify and is meant to complement the standards established in Daubert by the Supreme Court. It requires that the methodology from which scientific evidence is derived be based on scientific knowledge and that it have a logical, scientific nexus to the subject matter of the suit or other admitted evidence.

Finally, this bill would make expert testimony inadmissible if the witness is entitled to receive any compensation contingent on the legal disposition of any claim with respect to which such testimony is offered. The reason for this provision is that an expert witness who receives a contingency fee is less likely to furnish reliable testimony than one who receives a flat or hourly fee since he or she has a vested interest in the outcome of the litigation. The provision would exclude evidence if the witness receives any contingency fee, even if such fee is not a percentage of the judgment or settlement, but rather is a flat fee or hourly fee the payment of which is contingent upon the legal disposition of the claim.

This bill will prevent trial lawyers from taking advantage of the court system. If there is a consensus in the scientific community that a hazard or risk—usually of a product—is real or substantial, the trial lawyers will implore that consensus to support complaints for compensatory and punitive damages. If the consensus in the scientific community is that a hazard or risk is trivial or imaginary, however, the same lawyers should not be able to brush that fact aside and find fringe experts to testify otherwise. Even in cases where real hazards exist, trial lawyers will attempt to stretch claims beyond validity in order to collect punitive damages. By creating a presumption of inadmissibility, rebutted by the standards created by the Supreme Court in Daubert, along with a lower standard of prejudice, an amended rule 702 will be effective in weeding out junk science as evidence in our Federal courtrooms.

These amendments to rule 702 would apply only to civil and not criminal cases. They would most frequently be used in product liability cases. This will prevent frustration in the important use of scientific evidence such as blood-type analysis and DNA testing in criminal proceedings.

Mr. Speaker, the importance of this legislation to our Federal courts cannot be underestimated. Congress must play a key role in affording Federal litigants efficient, quick, and fair adjudication of their claims. This bill will move us firmly in the right direction.

TRIBUTE TO THE BLACK BEAUTICIANS HEALTH PROMOTION PROGRAM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the U.S. House of Representatives to join me in applauding a new preventive health program. The University of California at San Diego's [UCSD] Cancer Center has been awarded a $300,000 grant for the Black Beauticians Health Promotion Program. The program, sponsored by the Bristol-Myers Squibb Foundation, recruits and trains beauticians working in neighborhood beauty salons to educate their clients on the importance of breast cancer screening and other health lifestyles.

In the pilot study conducted by the UCSD Cancer Center, eight African-American beauticians attempted to determine whether beauticians can serve as educators for health information of special concern to their black clients. The study also questioned whether these beauticians would be able to motivate their clients to adopt health promotion behaviors, such as weight control and smoking cessation. The study was a great success.

Many may ask why beauticians were selected as the messenger in an effort to reach this high-risk population. In many cases, beauticians are well integrated members of the community, and a personal relationship has already been established with each client. Furthermore, the beauty salon is an establishment which many women frequent, and is an environment where personal discussions are quite common. In short, many women and men of all races visit their barber or beautician more frequently than they do their own doctor.

Mr. Speaker, as it now stands, African-American women are at high risk for breast cancer and other serious illnesses. In addition, their mortality rates are disproportionately high as compared to other races. The Bristol-Myers Squibb Foundation grant will be used to permit a statistical evaluation of this educational intervention program's potential impact over a longer period of time.

Mr. Speaker, I am happy to bring this grant to the attention to the House, and I am sure that my colleagues join me in honoring the accomplishments of the University of California at San Diego's Cancer Center, in conjunction with the Bristol-Myers Squibb Foundation.

LEGISLATION INCLUDING SAMOA IN THE FEDERAL HOME LOAN BANK ACT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation to include American Samoa in the Federal Home Loan Bank Act.

For decades there has been inadequate capital available to provide home loans to the qualified residents of American Samoa wishing to make loans to build homes or additions. As Samoa moved toward a credit economy, the mainland financial community had many questions which needed to be answered before they were willing to lend money in Samoa: Would the Samoans pay back their loans? Would the local courts enter judgments against locals in favor of banks? would the chiefs of communal lands permit purchasers of leasehold interests to reside on communal properties?

Each question seemed insurmountable, but over the years we have overcome these hurdles, and today there is only one impediment left—a lack of funding at reasonable rates for home loans. Other rural areas have solved this problem by membership in a Federal home loan bank. In fact, the Federal Home Loan Bank Act makes membership available to banks in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam. In enacting the original legislation, remote American Samoa, one of the areas most in need, was again left in the woods.

The legislation I am introducing today makes a technical change to the definitions section to include American Samoa within the definition of a State. This small change will enable the FDIC-insured local banks to join a Federal home loan bank and gain access to a new source of funding to make loans to the residents in American Samoa. I hope my colleagues will join me in making this small change in the law which will have a significant, beneficial impact on American Samoa.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO DEFINITION OF "STATE".

Section 2(3) of the Federal Home Loan Bank Act (12 U.S.C. 1422(3)) is amended by inserting "American Samoa," after "Puerto Rico,".

CONGRATULATIONS TO SHANNON BYRDSONG, MISS BLACK ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I would like to congratulate Miss Black Alaska for her success at the national Miss Black USA Pageant. Shannon Byrdsong represented Alaska well last Sunday February 23, 1997. Shannon is from Fairbanks, AK and is currently a student at the University of Oklahoma. Her parents, George and Vallie Byrdsong, made the trip from Alaska to proudly watch as their daughter advanced through the pageant held here locally at Howard University. After two nights of competition, Shannon ended as one of the top 15 finalists.

While in the finals, Shannon was awarded both the Presidential Award and the Fundraiser Award. The Presidential Award was to honor Shannon for her strong leadership abilities. It was to award her for contributions to the community, while maintaining strong academic achievement. The Fundraiser Award was for accomplishing the most community support. It is significant to acknowledge this award, as young women competed from large States like California, Florida, and Texas. This support speaks a great deal about Shannon Byrdsong, as well as, the community she calls home.

WARD CONNERLY'S CAUSE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. GINGRICH. Mr. Speaker, I would like to commend to my colleagues the following article by syndicated columnist Ben Wattenberg. Wattenberg is a life-long Democrat, but recognizes that our Nation cannot thrive in the 21st century if we continue to count ourselves by race and gender. Wattenberg identifies the heroic work of California's Ward Connerly in spreading this message across the Nation. I submit Ben Wattenberg's column into the CONGRESSIONAL RECORD and urge my colleagues to read it.

[From the Washington Times, Feb. 20, 1997]

WARD CONNERLY'S CAUSE

(By Ben Wattenberg)

In California during the election season last year, Ward Connerly led the California Civil Rights Initiative (Proposition 209) to victory. The attacks on Mr. Connerly were ferocious and personal.

Watching Mr. Connerly elicit war whoops from a mostly conservative audience in Washington, it is apparent why the attacks on him during the election were so nasty. Mr. Connerly is a black man who is a serious threat to establishment civil-rights activists. He fights back. He reminds us there is more than one high-minded side to the race question in America.

He is a strong speaker with conservative Reaganite views on more issues than affirmative action, or if you prefer, preference. He has a biting sense of humor and speaks to a theme supported by a large majority of Americans. By the time he ended his remarks, the testimonial dinner audience organized by the Independent Women's Forum (IWF) buzzed with the question that counts in Washington: "What will he run for?"

Mr. Connerly is not happy with Jesse Jackson, the leading sound bite on the pro-preference side—for both substantive and personal reasons. Mr. Connerly is a member of the California Board of Regents. He recalled that when he was pushing to do away with preference in college admissions, Mr. Jackson had come to a board meeting, asked for a prayer to begin the session, and then called Mr. Connerly a "house slave" and "a puppet of the white man."

Newt Gingrich was in the audience at the IWF event, along with Rep. Henry Hyde, Sen Phil Gramm and other GOP political figures. Mr. Connerly said he approved of Mr. Gingrich's invitation to Mr. Jackson to sit with Mrs. Gingrich during the State of the Union address—long pause—if Mrs. Gingrich could endure being with Mr. Jackson for the duration of a Clinton speech. He thought that if Mr. Gingrich had invited Mr. Jackson in the spirit of bipartisanship, then President Clinton should invite Mr. Connerly to spend the night in the Lincoln Bedroom—pause—and waive the $100,000 fee.

He took note of the firestorm caused by the remark of Rep. J.C. Watts, Jr., a fellow black conservative. who had characterized some putatively unnamed black leaders as "race-hustling poverty pimps." He observed that Mr. Watts prays with Mr. Jackson, and offered some advice: "J.C., when you pray with Jesse, don't close your eyes."

Political Washington loves this raw meat, particularly after a few drinks. But Mr. Connerly spoke substance as well. He recalled his childhood in segregated, Louisiana and the signs in roadside restaurants: "We do not serve colored." But Mr. Connerly also remembers the people who helped him get ahead as a teen-ager in Bremerton, Wash., working downtown in a fabric store after school. He blesses the country that let him rise to affluence as a California businessman.

He says there are times to look forward, not backward to go beyond the poison of racism, slavery and segregation, and to get on with life. He rejects membership in the "victims club of America" and says a better America cannot be built when "our government allocates opportunities on the basis of skin color, genitalia and the spelling of last names."

This is the race-neutral side of the civil-rights argument. As, and if it gains further currency, it can shatter the monopoly of the racial political now seen in the Democratic Party.

Although invited, no Democratic members of Congress showed up at the IWF dinner. Not coincidentally, the flexible Mr. Clinton has shown no flexibility on affirmative action (neither ending, nor mending). Mr. Clinton has even taken the bizarre stance that Proposition 209 is unconstitutional, putting the government in the incredible position of saying that antidiscrimination is against the law.

Mr. Connerly was scalded by opponents during the epic fight to overturn preferences. He also has sharp comments for some expected allies who jumped ship when the seas got rough, saying, well, 209 wasn't really nuanced enough (this, of language that essentially replicates the words of the Civil Rights Act of 1964). Mr. Connerly says, "Our political system has more cowards per capita than at any time in our history." Maybe. But Mr. Connerly is a refutation of his own analysis.

Let it be granted that it is a complicated and exasperating issue. The tough language will probably continue on both sides. Mr. Gingrich spoke, enthusiastically endorsing the language of a previous speaker who described the current situation as "affirmative racism." Mr. Gingrich pledged to pursue an end to it.

Until now the colorblind point of view did not have a credible high-profile national spokesman. That hurt their cause and the national dialogue. Mr. Connerly, uniquely, has the talent, passion, history and guts to become the champion of the second side.

TRIBUTE TO REV. ROBERT L.A. REAVES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. TOWNS. Mr. Speaker, I rise today to salute Pastor Robert Lee Adams Reaves, born on December 29, 1964, in Bennettsville, SC. He received his calling to the ministry at the age of 14. For 18 years, he has been preaching and teaching the word of God.

Prior to God's assigning Pastor Reaves to the Cedar Church, he served as pastor of the Pleasant Hill Baptist Church, Bennettsville, SC. In 1993, the Holy Spirit directed him to the Elim International Fellowship where he submitted to the leadership and tutelage of

Archbishop Wilbert S. McKinley, and served as associate pastor.

Pastor Reaves is a graduate of Morris College, with a degree in sociology, which he received in 1987. He also received pastoral counseling training. While at Elim, he attended the Elim Institute.

Reverend Reaves is the father of one son, Robert, Jr. He is also blessed with a lovely wife, Lady Sheryl Reaves.

The Reverend is a visionary who is continuously developing; he is not a traditional leader. His message through preaching and teaching the word of God, challenges the old traditions, and ushers the church into both the presence of, and the order of God. As a man of faith, Reverend Reaves is giving birth to a vision whose time has come. I am pleased to introduce my House colleagues to a truly inspirational spiritual leader.

THE LONG-TERM CAPITAL GAINS SAVINGS ACT

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1997

Mr. BENTSEN. Mr. Speaker, I rise to introduce legislation, the Long-term Capital Gains Savings Act, that takes an innovative and I believe economically correct approach to capital gains tax policy. This legislation seeks to reward long-term, economically productive investments and encourage Americans to save for the future.

This legislation is identical to S. 306, introduced by Senator WENDELL FORD, and would provide for the maximum capital gains tax rate to be adjusted downward the longer an investment is held by the taxpayer. For every year an asset has been held, the tax rate would be reduced by 2 percentage points down to a rate of 14 percent after 8 years or more. The top rate would remain at 28 percent for investments held less than 2 years.

I also want to point out that this legislation as drafted would apply only to individual taxpayers, and not to corporate taxpayers. I believe this is good fiscal and tax policy because it limits the cost of this legislation and targets tax relief to help middle-income families most in need of this assistance.

For many years we have heard many in business, agriculture, economics, and politics argue that a high capital gain tax rate locks-in capital and discourages investment that might otherwise be put to work in more productive investments and thus spur greater economic activity.

While I have questioned whether capital has remained on the sidelines, I do believe that the low differential between marginal income tax rates and the 28 percent capital gains rate along with the effective tax of inflation does lock-up capital and discourage some investment, particularly in long-term instruments that might otherwise occur. This legislation is aimed to address such inefficiencies in the current code while not providing a windfall for short-term speculation and adding to the deficit.

First, it will reward individual investors who make economically productive long-term investments rather than short-term speculative ones. I believe someone who holds an investment for a long period of time should receive more favorable tax treatment on their gains than someone who turns over assets on a short-term basis. The investment in a fledgling company which takes many years to develop, but could become the next Microsoft, should receive a more favorable benefit than a gain earned over a 6-month period due to a run-up in the capital or credit markets. Further, by ratcheting the rate downward the longer the holding period, we help offset the inflation penalty which results with a fixed rate. And we avoid the difficultly of indexing against the original basis. This legislation will reward investments in small businesses and agriculture, which require long-term commitment and are our Nation's primary engines of economic growth and job creation. It may also effect long-term interest rates in a positive manner. It will encourage Americans to make the investments necessary to start and expand such businesses.

Second, this legislation will provide incentives for Americans to save for the future and prepare for their retirement. There is widespread agreement among economists that our savings rate is too low, slowing our economy and putting at risk the comfortable retirement Americans desire. This legislation will help address this need for increased savings and provide a more secure retirement for Americans in the future.

Most importantly, this legislation will achieve these benefits without putting the goal of a balanced budget out of reach. Broader capital gains tax relief would be simply too costly, requiring offsetting revenue increases or budget cuts that are unrealistic and imprudent. If we try to do too much, we will put a realistic balanced budget out of reach, encouraging the use of gimmicks and rosy scenarios. This legislation represents the kind of capital gains tax relief we can afford in the context of balancing the budget.

This legislation takes a responsible, balanced approach that will encourage prudent investment and savings and reward those who invest for the long-term, while still allowing us to balance the Federal budget. I still believe that our first priority must be to balance the Federal budget. However, I am also of the belief that inclusion of a modest, common-sense capital gains tax relief legislation which is fully paid for can and should be part of this balanced budget.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 4, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 5

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the Department of Agriculture's business plan and reorganization management proposals.

SR–332

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD–430

9:30 a.m.

Environment and Public Works

Superfund, Waste Control, and Risk Assessment Subcommittee

To hold hearings on S. 8, to authorize funds for and reform the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (Superfund).

SD–406

Rules and Administration

To hold oversight hearings on the operation of the offices of the Secretary of the Senate, the Sergeant at Arms, the Architect of the Capitol, and the National Gallery of Art.

SR–301

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings to examine global assessment issues.

SD–124

Armed Services

Airland Forces Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on tactical aviation modernization issues.

SR–222

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine aviation safety, focusing on the work of the Gore Commission.

SR–253

Finance

To hold hearings on the President's proposed budget request for fiscal year 1998 for the Medicare program.

SD–215

Governmental Affairs

To hold hearings to examine issues relating to the General Accounting Office high-risk series.

SD–342

10:30 a.m.

Budget

To hold hearings to examine the Congressional Budget Office's analysis of the President's budget for fiscal year 1998.

SD–608

2:00 p.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on defense programs to combat the proliferation of weapons of mass destruction.

SR–222

Armed Services
Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on recruiting and retention policies within the Department of Defense and the military services.

SR–232A

2:30 p.m.

Energy and Natural Resources
Forests and Public Land Management Subcommittee

To resume hearings on the proposed Public Land Management Responsibility and Accountability Restoration Act.

SD–366

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

3:30 p.m.

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings to examine legal immigration issues prior to the 1996 Presidential election.

S–146, Capitol

MARCH 6

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine issues with regard to competitive change in the electric power industry.

SH–216

Environment and Public Works
Transportation and Infrastructure Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act and innovative transportation financing, technology, construction and design practices.

SD–406

Governmental Affairs
Oversight of Government Management and The District of Columbia Subcommittee

To hold hearings to examine Federal tax policy for the District of Columbia.

SD–342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the Retired Officers Association, the Association of the U.S. Army, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, and the Blinded Veterans Association.

345 Cannon Building

Special on Aging

To hold hearings to examine the challenges facing retiring babyboomers.

SD–628

10:00 a.m.

Armed Services

To hold hearings on the nomination of Keith R. Hall, of Maryland, to be Assistant Secretary of the Air Force for Space.

SR–222

Banking, Housing, and Urban Affairs

To hold hearings on the nominations of Yolanda T. Wheat, of Missouri, to be a Member of the National Credit Union Administration Board, Charles A. Gueli, of Maryland, and Niranjan S. Shah, of Illinois, each to be a Member of the National Institute of Building Sciences, and Jeffrey A. Frankel, of California, to be a Member of the Council of Economic Advisers.

SD–538

Commerce, Science, and Transportation
Oceans and Fisheries Subcommittee
Science, Technology, and Space Subcommittee

To hold joint hearings to examine the President's proposed budget request for fiscal year 1998 for the National Oceanic and Atmospheric Administration.

SR–253

Finance

To hold hearings on proposals to expand Individual Retirement Accounts, including S. 197, proposed Savings and Investment Incentive Act of 1997.

SD–215

Foreign Relations
International Operations Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 1998 for the United States Information Agency (USIA) and international broadcasting.

SD–419

Judiciary

Business meeting, to consider pending calendar business.

SD–226

Labor and Human Resources

To hold hearings to examine health care quality and consumer protection.

SD–106

2:00 p.m.

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of State.

S–146A, Capitol

Foreign Relations

To hold hearings on the nomination of Karen Shepherd, of Utah, to be United States Director of the European Bank for Reconstruction and Development.

SD–419

Select on Intelligence

Closed business meeting, on intelligence matters.

SH–219

2:30 p.m.

Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee

To hold hearings to examine product liability reform, focusing on the implementation of the General Aviation Revitilization Act.

SR–253

Energy and Natural Resources
Forests and Public Land Management Subcommittee

To continue hearings on the proposed Public Land Management Responsibility and Accountability Restoration Act.

SD–366

MARCH 7

9:30 a.m.

Joint Economic

To hold hearings to examine the employment-unemployment situation for February.

1334 Longworth Building

MARCH 11

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation authorizing funds for agricultural research.

SR–332

9:30 a.m.

Appropriations
VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.

SD–138

10:00 a.m.

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for Food and Consumer Service, Department of Agriculture.

SD–124

Energy and Natural Resources

To hold hearings on the President's proposed budget request for fiscal year 1998 for the Department of Energy and the Federal Energy Regulatory Commission.

SD–366

Governmental Affairs

To hold hearings to examine issues relating to the census in the year 2000.

SD–342

10:30 a.m.

Finance

To hold hearings on the President's proposed budget request for fiscal year 1998 for the Medicaid program.

SD–215

2:00 p.m.

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Small Business Administration.

S–146, Capitol

MARCH 12

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine universal telephone service.

SR–253

10:00 a.m.

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Justice.

S–146, Capitol

MARCH 13

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR–332

9:30 a.m.
Energy and Natural Resources
To resume hearings to examine issues with regard to competitive change in the electric power industry.
SD–G50

Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act, focusing on program eligibility.
SD–406

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Commerce.
S–146, Capitol

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings to examine the future of the National Park System and to identify and discuss the needs, requirements, and innovative programs that will insure the Park Service will continue to meet its responsibilities well into the next century.
SD–366

MARCH 14

9:30 a.m.
Environment and Public Works
To hold hearings on the nominations of Johnny H. Hayes, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority, Brig. Gen. Robert Bernard Flowers, USA, to be a Member of the Mississippi River Commission, and Judith M. Espinosa, of New Mexico, and Michael Rappoport, of Arizona, each to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.
SD–406

Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD–430

MARCH 18

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR–332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Emergency Management Agency.
Room to be announced

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for energy research programs of the Department of Energy.
SD–124

Environment and Public Works
To hold hearings on proposals to authorize State and local governments to enact flow control laws and to regulate the interstate transportation of solid waste.
SD–406

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Natural Resources Conservation Service, Department of Agriculture.
SD–138

Labor and Human Resources
To hold hearings to examine proposals to reform the operation of the Food and Drug Administration.
SD–430

MARCH 19

9:30 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act, focusing on environmental programs and statewide and metropolitan planning.
SD–406

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Securities and Exchange Commission.
S–146, Capitol

MARCH 20

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR–332

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for atomic energy defense activities of the Department of Energy.
SD–124

Energy and Natural Resources
To resume hearings to examine issues with regard to competitive change in the electric power industry.
SH–216

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Veterans of World War I, and the Vietnam Veterans of America.
345 Cannon Building

10:00 a.m.
Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To resume hearings to examine the future of the National Park System and to identify and discuss the needs, requirements, and innovative programs that will insure the Park Service will continue to meet its responsibilities well into the next century.
SD–366

APRIL 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Protection Agency.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Farm Service Agency, the Foreign Agricultural Service, and the Risk Management Agency, Department of Agriculture.
SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine child pornography issues.
S–146, Capitol

APRIL 10

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Immigration and Naturalization Service, Federal Bureau of Investigation, and the Drug Enforcement Administration.
S–146, Capitol

APRIL 15

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Housing and Urban Development.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Rural Utilities Service, the Rural Housing Service, the Rural Business-Cooperative Service, and the Alternative Agricultural Research and Commercialization Center, all of the Department of Agriculture.
SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on counter-terrorism issues.
S–146, Capitol

APRIL 16

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Communications Commission.
S–146, Capitol

APRIL 17

1:30 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Supreme Court of the United States and the Judiciary.
S–146, Capitol

APRIL 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Science Foundation and the Office of Science and Technology Policy.
SD–192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Management Program of the Department of Energy.
SD–124

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Agricultural Research Service, the Cooperative State Research, Education, and Extension Service, the Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

APRIL 24

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Corps of Engineers and the Bureau of Reclamation, Department of the Interior.
SD–124

APRIL 29

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Commodity Futures Trading Commission, and the Food and Drug Administration, Department of Health and Human Resources.
SD–124

MAY 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.
SD–138

CANCELLATIONS

MARCH 13

10:00 a.m.
Labor and Human Resources
To hold hearings to examine proposals to improve the health status of children.
SD–430

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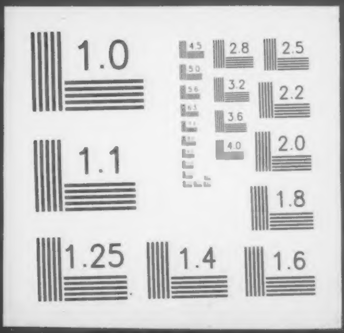
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1.25
1.4
1.6